



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

Tentative Notice of Action

*Promoting the wise use of land
Helping build great communities*

MEETING DATE September 19, 2014	CONTACT/PHONE Holly Phipps 781-1162	APPLICANT David Hardee	FILE NO. DRC2013-00114
EFFECTIVE DATE October 4, 2014			
SUBJECT: A request by David Hardee for a Minor Use Permit to allow additional time to complete construction on the final phases of a winery. The previously approved project approved the phased construction of a 4,800 square foot (sf) wine processing facility with a small tasting area (Phase I-completed), construction of an approximately 3,000 sf wine tasting building (Phase II), a 5,000 sf for a barrel storage cave (Phase III), and 6 special events per year with up to 80 people. The proposed project is within the Agriculture land use category and is located on the southwest side of Adelaida Road (at 3525 Adelaida Road), approximately two miles west of Nacimiento Lake Drive, west of the City of Paso Robles. The site is in the North County Planning Area, Adelaida Sub Area.			
RECOMMENDED ACTION 1. Approve Minor Use Permit DRC2013-00114 based on the findings listed in Exhibit A and the conditions listed in Exhibit B.			
ENVIRONMENTAL DETERMINATION: The Environmental Coordinator finds that the previously adopted Negative Declaration is adequate for the purposes of compliance with CEQA. Per State CEQA Guidelines (Sec. 15164(a), Sec. 15162) an Addendum to the adopted Negative Declaration was prepared as the following conditions apply: 1) only minor technical changes or additions are necessary; 2) no substantial changes have been made or occurred that would require major revisions to the Negative Declaration due to either new significant effects or substantial increases in the severity of previously identified significant effects; 3) substantial changes have not occurred with respect to the circumstances under which the project is undertaken; 4) no new information of substantial importance which was not known or could not have been known at the time of the adopted Negative Declaration has been identified. The purpose of the modifications is to allow additional time to complete the final phases of the originally approved project.			
LAND USE CATEGORY Agriculture	COMBINING DESIGNATION None	ASSESSOR PARCEL NUMBER 026-233-017	SUPERVISOR DISTRICT(S) 1
PLANNING AREA STANDARDS: None applicable to this project.			
LAND USE ORDINANCE STANDARDS: Section 22.30.070 Agricultural Processing Uses and Special Events, Section 22.62.050 Minor Use Permit Approval, Section 22.10.140 Setbacks, Section 22.10.090 Heights, Chapter 22.18 Parking and loading, Section 22.30.070 Fencing and Screening, Section 22.10.180 Water quality, Section 22.10.120 Noise Standards, Section 22.30.610 Temporary Events. Does the project conform to the Land Use Ordinance standards? : Yes - see discussion			
FINAL ACTION This tentative decision will become final action on the project, effective on the 15 th day following the administrative hearing, or on October 4, 2014, if no hearing was requested unless this decision is changed as a result of information obtained at the hearing or is appealed.			
ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER γ SAN LUIS OBISPO γ CALIFORNIA 93408 γ (805) 781-5600 γ FAX: (805) 781-1242			

EXISTING USES: Wine processing facility with a tasting room, single-family residence and agricultural building	
SURROUNDING LAND USE CATEGORIES AND USES: <i>North:</i> Agriculture / agricultural uses <i>East:</i> Agriculture / agricultural uses <i>South:</i> Agriculture / agricultural uses <i>West:</i> Agriculture / agricultural uses , single-family residence	
OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: Public Works, Environmental Health and CAL FIRE,	
TOPOGRAPHY: Gently sloping to steeply sloping	VEGETATION: Grasses, scattered oaks, vineyards
PROPOSED SERVICES: Water supply: On-site well Sewage Disposal: Individual septic system Fire Protection: CAL FIRE	ACCEPTANCE DATE: July 17, 2014

HISTORY:

The applicant has an approved Minor Use Permit (DRC2006-00192 approved on December 7, 2007) that allowed the phased construction of an approximate 12,800 sf winery that included: a wine processing facility, barrel storage room, tasting room/office, and a barrel storage cave.

Phase I - the wine processing facility and small tasting area has been completed and is operating. The applicant was granted a time-extension on Phase II that extended the project to December 21, 2012. Phase II and III have expired.

PROJECT DESCRIPTION:

The applicant is requesting additional time to complete the final phases of a previously approved Minor Use Permit to allow the following time extensions:

- Phase II to be vested by 2020 and Phase III to be vested by 2025.

PROJECT DESCRIPTION FOR THE PREVIOUSLY APPROVED MINOR USE PERMIT / DRC2006-00192:

- A three phase project consisting of:
 - Phase I to be vested by **2009** plus time extensions pursuant to Land Use Ordinance Section 22.64.070: construction of a 4,800 square foot wine processing facility to include a small tasting area;
 - Phase II to be vested by **2011** plus time extensions pursuant to Land Use Ordinance Section 22.64.070: includes the conversion of the tasting room to a barrel storage, the construction of a 3,000 square foot tasting facility/office and landscaping;
 - Phase III to be vested by **2013** plus time extensions pursuant to Land Use Ordinance Section 22.64.070: the construction of a 5,000 square foot barrel storage cave.
- Special Events consisting of six annual events with up to 80 guests;
- Industry wide events allowed by ordinance;
- Wine production for initially 5,000 cases per year with ultimate production for 10,000 cases;
- Grading and related site improvements;
- Future proposed signage shall comply with applicable sections of the sign ordinance;
- The project will result in approximately 63,000 square feet of an 83 acre parcel.

LAND USE ORDINANCE STANDARDS:

Ordinance Compliance:

The project is subject to Land Use Ordinance section 22.30.070D(2), wineries. Section 22.30.070 sets forth standards for winery development including but not limited to access, setbacks, parking, design, screening, height, lighting and tasting rooms.

Standard	Allowed/Required	Proposed	In Compliance
Minimum Site Area	20 acres	83 acres	Yes
Access location	Wineries with tasting shall be with 1 mile of arterial or collector	Project located on Adelaida, a collector rd.	Yes
Setbacks from property lines: (Section 22.30.070)	100 feet required for wine processing buildings 200 feet for tasting room	Existing temporary tasting room is located in the processing building which is 117 feet from east side property line; proposed new building for the permanent tasting facility will meet required setbacks.	Yes, project is located on a collector rd. / Adelaida
Setbacks from residences outside of the ownership of the applicant: (Section 22.30.070)	200 feet for wine processing buildings 400 feet for tasting room	600+ feet	Yes
Height	35 feet	24 feet	Yes
Parking 1 per 2,000 sf active 1 per 5,000 sf of storage 1 per 200 sf of tasting room (Section 22.18)	6,288 / 2,000 = 3.1 5000 / 5,000 = 1 1,488 / 200 = 8.25 Total required: 13	Total Proposed = 11	Yes

As conditioned the project complies with the requirements of the Land Use Ordinance.

Setback Modification

The applicant is requesting a setback modification from the requirement that a tasting room be located no closer than 200 feet to the property line. The setback modification is necessary for Phase I because the temporary tasting room/area is located in the wine processing building that is located 117 feet from the property line. Phase II includes the construction of a new tasting facility/office building that will meet all setback requirements. When Phase II is completed, the temporary tasting room/area will be converted into barrel storage and a setback modification is no longer necessary.

Setbacks can be modified through Minor Use Permit approval when a Conditional Use Permit is not otherwise required. Approval may be granted only after the Review Authority first determines that the request satisfies any of the following findings:

- (1) There is no feasible way to meet the required setbacks without creating environmental impacts or impacting prime agricultural land (SCS Class I, II and III);
- (2) The property fronts an arterial or collector street;
- (3) The setbacks are not practical or feasible due to existing topographic conditions or existing on-site vegetation or
- (4) Is a legally constructed existing structure that was built prior to 1980 and it can be clearly demonstrated that the structure was intended for a legitimate agricultural or residential use.

The proposed project meets finding (2). The property takes access off a collector road, Adelaida Road and has a 250 foot frontage/property line that is directly adjacent to Adelaida Road.

ENVIRONMENTAL DETERMINATION – NEGATIVE DECLARATION ADDENDUM:

The Environmental Coordinator finds that the previously adopted Negative Declaration is adequate for the purposes of compliance with CEQA. Per State CEQA Guidelines (Sec. 15164(a), Sec. 15162) an Addendum to the adopted Negative Declaration was prepared as the following conditions apply: 1) only minor technical changes or additions are necessary; 2) no substantial changes have been made or occurred that would require major revisions to the Negative Declaration due to either new significant effects or substantial increases in the severity of previously identified significant effects; 3) substantial changes have not occurred with respect to the circumstances under which the project is undertaken; 4) no new information of substantial importance which was not known or could not have been known at the time of the adopted Negative Declaration has been identified.

Based on staff's determination that all of the above conditions apply, an addendum to the adopted Negative Declaration is appropriate.

Basis for Addendum: The following describes why the proposed changes will not result in any significant additional impact. Only minor technical changes are necessary to complete the project. The purpose of the modifications is to allow additional time to complete the final phases on a previously approved project. The applicant had filed a second time extension that was valid through 2013 but due to an oversight the applicant failed to request a third-time extension as allowed per ordinance. The project site is not located within the Paso Robles Groundwater Basin. No significant water impacts were identified. The site has frontage on a collector road (Adelaida Road). Implementation of the project will not result in an impact to biological resources on the site. The project will not require the removal of any oak trees. No significant traffic impacts were identified, and no measures beyond what is required by ordinance are necessary.

COMMUNITY ADVISORY GROUP COMMENTS:

None applicable.

AGENCY REVIEW:

Public Works – No Comments

Environmental Health – No Comment as this time

CAL FIRE – No significant fire/life safety concerns regarding time extensions

LEGAL LOT STATUS:

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

Staff report prepared by Holly Phipps and reviewed by Bill Robeson.