



**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 <b>August 7, 2015</b>	CONTACT/PHONE Holly Phipps / 781-1162 / hhipps@co.slo.ca.us	APPLICANT Kunal and Neeta Mittal	FILE NO. DRC2013-00086
EFFECTIVE DATE <b>August 22, 2015</b>			

**SUBJECT:**  
Hearing to consider a request by **KUNAL AND NEETA MITTAL** for a Minor Use Permit (DRC2013-00086) to allow the phased construction of a winery facility with a public tasting room. At completion the winery facility will include two structures with a total 3,600 square feet (sf). Wine production is estimated at 5,000 cases per year. The applicant requests setback modifications for the proposed tasting room and wine processing building. The applicant is requesting to participate in industry-wide events as allowed per land use ordinance. The project will result in the disturbance of approximately 0.96 acres on a 13.6 acre parcel. The project is located within the Agriculture land use category and is located on the east side of Willow Creek Road (at 3690 Willow Creek Road), approximately 3 miles west of the community of Templeton, in the North County planning area, Adelaida Sub Area.

- RECOMMENDED ACTION**
1. Adopt the Mitigated Negative Declaration in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq.
  2. Approve Minor Use Permit DRC2013-00086 based on the findings listed in Exhibit A and the conditions listed in Exhibit B.

**ENVIRONMENTAL DETERMINATION:**  
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 June 25, 2015 issuance for this project. Mitigation measures are proposed to address aesthetics, biological resources, geology and soils, public services/ utilities, transportation, and wastewater and are included as conditions of approval.

LAND USE CATEGORY Agriculture	COMBINING DESIGNATION Flood Hazard (FH) - proposed development outside of FH designation	ASSESSOR PARCEL NUMBER 040-161-005	SUPERVISOR DISTRICT(S) 1
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**PLANNING AREA STANDARDS:**  
None Applicable

**LAND USE ORDINANCE STANDARDS:**  
Section 22.30.070 Agricultural Processing Uses, Section 22.62.050 Minor Use Permit Approval, Section 22.18 Parking, Section 22.10.180 Water quality  
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<sup>th</sup> day following the administrative hearing, or on August 22, 2015 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: Single family residence	
SURROUNDING LAND USE CATEGORIES AND USES: <i>North:</i> Agriculture; agricultural uses, single-family residence <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, Agricultural Commissioner, CAL FIRE, Regional Water Quality Control Board, and Templeton Area Advisory Group	
TOPOGRAPHY: Nearly level to moderately sloping	VEGETATION: Oak Trees and non-native grasses
PROPOSED SERVICES: Water supply: On-site well Sewage Disposal: Individual septic system Fire Protection: CAL FIRE	ACCEPTANCE DATE: September 19, 2014

**PROJECT DESCRIPTION:**

The project includes the phased construction of a winery facility with a public tasting room. At build-out the winery facility will include two structures with a total of 3,600 square feet (sf). Wine production is estimated at 5,000 cases per year. No special events are proposed. Wine industry wide events are allowed by ordinance.

The applicant requests a setback modification for the tasting room (Section 22.30.070.D.2.d.1) of the minimum 200 foot setback to the property line requirement to allow setbacks of 143 feet for the front (west) and 179 feet for the south side. In addition, the applicant requests a setback modification for the wine processing building of the minimum 100 foot setback to property line to allow 69 feet to the front setback).

The project Phasing includes:

Phase I

- The construction of a 1,600 sf winery and tasting room to include the following:
  - 800 sf fermentation / processing area;
  - 400 sf barrel/case good storage area;
  - 400 sf tasting room;
  - 1,000 sf outside crush pad area;

Phase II

- The construction of a 2,000 sf building to include the following;
  - 2,000 sf processing area'

The proposed project is a production winery operation that will produce approximately 5,000 cases per year. The operation is proposed to include on-site crushing, fermentation, barrel aging, blending, bottling, and case good storage. At this time, the proposed winery will process grapes solely from off-site, however, in the future onsite grape production may occur and those grapes could also be processed at this facility.

**LAND USE ORDINANCE STANDARDS:**

Ordinance Compliance:

The project is subject to Land Use Ordinance section 22.30.070.D.(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.

<u>Standard</u>	<u>Required</u>	<u>Proposed</u>	<u>In Compliance</u>
Minimum Site Area (Section 22.30.070)	20 acres for wineries with special events	No special events proposed. The subject property is approximately 13.6 acres	Yes
Access location (Section 22.30.070)	Wineries with tasting room, retail sales, special events located on or within 1 mile of arterial or collector	Winery is located on Willow Creek Road, a county maintained road, less than 1 mile from Vineyard Drive, a collector road.	Yes
Setbacks from property lines: (Section 22.30.070)	100 feet required for wine processing buildings 200 feet for Tasting Room	69 feet to west front  143 feet west front 179 feet south side	Yes, modification requested
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	> 200 feet  400 feet	Yes
Height (Section 22.30.070)	35 feet	35 feet	Yes
Screening (Section 22.30.070)	If visible from the public road wineries shall be screened.	Required by ordinance, applicant has submitted a landscape plan.	Yes
Lighting (Section 22.30.070)	Lighting fixtures are required to be shielded	Project conditioned to meet this requirement	Yes
Solid waste disposal (Section 22.30.070)	Pomace may be used as fertilizer or soil amendment	Pomace will be used and composted on site; project conditioned to meet this requirement	Yes
Design Exterior (Section 22.30.070)	Wineries shall have an exterior design styles that is agricultural or residential in nature.	The proposed building has an agricultural design style.	Yes
Signs (Section 22.60.060)	Maximum of 100 sq ft of signage; one free standing or monument	Applicant is not proposing to go beyond what is allowed per LUO	Yes

<u>Standard</u>	<u>Required</u>	<u>Proposed</u>	<u>In Compliance</u>
Parking (Section 22.18)	1 per 2,000 sf of active use 1 per 5,000 sf of passive use 1 per 200 sf of tasting room <ul style="list-style-type: none"> <li>Total Spaces Required: 4.2 (5) plus 1 ADA</li> </ul>	$2,800 / 2,000 = 1.4$ $400 / 5,000 = 0.8$ $400 / 200 = 2$ Total Spaces Provided: 6	Yes
Tasting room (Section 22.30.070)	One tasting room allowed for each winery	Project includes construction of a new 400 sf tasting room	Yes
Design and Operation Standards / Access (Section 22.30.610.D.1-4 and E)	Temporary Events shall be provided 2 access points;	No special events proposed	N/A
Design and Operation Standards / Special Event Parking (Section 22.30.610.D.1-4 and E)	400 sf per vehicle; Located on open areas with slopes of 10 % or less, free of combustible material;	No special events proposed	N/A
Liquid waste disposal (Section 22.30.070)	<ul style="list-style-type: none"> <li>Winery wastewater - standards set through RWQCB</li> <li>Domestic wastewater - leach lines shall be located at least 100 feet from any private well</li> </ul>	<ul style="list-style-type: none"> <li>Discharge permit from RWQCB will be required</li> <li>Complies</li> </ul>	Yes, as conditioned
Limitation on Use / Noise (Section 22.30.070)	<ul style="list-style-type: none"> <li>Special events limited to 40 days per year;</li> <li>Outdoor amplified music shall not occur before 10 a.m. and after 5 p.m.;</li> <li>Standard may be waived where finding can be made that the noise will not exceed 65dB at property lines</li> </ul>	<ul style="list-style-type: none"> <li>No special events proposed;</li> <li>No amplified music requested</li> <li>Applicant not requesting standard to be waived</li> </ul>	N/A

**ORDINANCE MODIFICATIONS:**

Setbacks.

Per Section 22.30.070, setbacks may be modified through a Minor Use Permit. 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 Land Use Ordinance states that all winery structures shall be setback 100 feet from each property line and where a winery has public tours and tasting, the setback shall be increased to 200 feet. The applicant requests a setback modification for the 200 foot tasting room setback to allow a setback of 143 feet to the front (west) and 179 feet to the south side. In addition, the applicant requests a setback modification for the 100 foot wine processing building to allow 69 feet for the front setback.

The proposed project meets number (3); the proposed project site is constrained due to existing topographic conditions.

A large portion of the project site is constrained because of a known landslide area; the project was designed to locate the winery facility outside this landslide area.

**COMMUNITY ADVISORY GROUP COMMENTS:** Templeton Area Advisory Group voted – 7 members in favor, 0 opposed.

**AGENCY REVIEW:**

Public Works - No concerns, stock apply;

Ag Commissioner- No impacts to agriculture identified; promote groundwater recharge;

CAL FIRE –See attached Fire Safety Plan, installation of fire sprinklers in all buildings (phases) associated with proposal;

Regional Water Quality Control Board- No comments received.

**LEGAL LOT STATUS:**

The 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 Karen Nall.