



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

Tentative Notice of Action

Promoting the wise use of land
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MEETING DATE May 6, 2015 EFFECTIVE DATE May 20, 2015	CONTACT/PHONE Brandi Cummings 805-781-1006 bcummings@co.slo.ca.us	APPLICANT Joseph & Chris Ferrara	FILE NO. DRC2015-00069
SUBJECT <p>A request by JOSEPH & CHRIS FERRARA for a Minor Use Permit (DRC015-00069) to allow the phased construction of a winery facility with a public tasting room. At build-out the winery facility would total 10,331 square-feet (sf). Wine production is estimated at a maximum of 15,000 cases per year. The applicant also requests a setback modification (LUO Section 22.30.070.D.2.d.1) to allow a setback of less than 200 feet for the tasting room during Phase I and Phase II. The project will result in the disturbance of approximately 1.47 acres on a 30 acre parcel. The proposed project is within the Agriculture land use category and is located on the west side of Templeton Road (at 1875 Templeton Road), adjacent to the City of Atascadero and approximately 0.5 miles southeast of the community of Templeton. The site is in the El Pomar-Estrella sub area of the North County planning area.</p>			
RECOMMENDED ACTION <ol style="list-style-type: none"> 1. Adopt the 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 DRC2015-00069 based on the findings listed in Exhibit A and the conditions listed in Exhibit B 			
ENVIRONMENTAL DETERMINATION <p>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 Negative Declaration (pursuant to Public Resources Code Section 21000 et seq. and CA Code of Regulations Section 15000 et seq.) has been issued on March 24, 2016 for this project. Mitigation measures are proposed to address Biological Resources, Geology and Soils, and Transportation and are included as conditions of approval. Anyone interested in commenting or receiving a copy of the proposed Environmental Determination should submit a written statement. Comments will be accepted up until completion of the public hearing(s).</p>			
LAND USE CATEGORY Agriculture	COMBINING DESIGNATION Extractive Resource Area, Flood Hazard	ASSESSOR PARCEL NUMBER 034-131-038	SUPERVISOR DISTRICT(S) 5
PLANNING AREA STANDARDS: Archaeological Resources, Riparian and Wildlife Corridors, Light and Glare, Planning Impact Areas, Protection of Productive Agricultural Land <i>Does the project meet applicable Planning Area Standards: Yes - see discussion</i>			
LAND USE ORDINANCE STANDARDS: Agricultural Processing Uses, Minor Use Permit Approval, Setbacks, Heights, Parking and loading, Fencing and Screening, Sign Ordinance, Water quality <i>Does the project conform to the Land Use Ordinance Standards: Yes - see discussion</i>			
FINAL ACTION <p>This tentative decision will become final action on the project, effective on the 15th day following the administrative hearing, or on May 20, 2016, if no hearing was requested unless this decision is changed as a result of information obtained at the hearing or is appealed.</p>			

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: Two residences, accessory structures, agriculture	
SURROUNDING LAND USE CATEGORIES AND USES: North: Agricultural & Residential Rural/residences & agriculture East: Agricultural/residences & row crops South: City of Atascadero/residences & Salinas River West: Agricultural/residences & agriculture	
OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: Templeton Area Advisory Group, Public Works, Environmental Health, Ag Commissioner, Cal Fire, Building Division, City of Atascadero, APCD, Regional Water Quality Control Board,	
TOPOGRAPHY: Gently sloping	VEGETATION: Irrigated pastures, grasses
PROPOSED SERVICES: Water supply: On-site well Sewage Disposal: Individual septic system Fire Protection: Cal Fire	ACCEPTANCE DATE: January 15, 2016

DISCUSSION

The proposed project is a phased production winery operation in which every aspect of wine making is conducted on-site including harvest, crushing, fermentation, barrel aging, blending, bottling, case storage and retail sales. The project phasing is proposed as follows:

Phase I

- The construction of a new 4,532 sf two story wine production building (Building #1) to include the following:
 - 688 sf tasting room
 - 704 sf administrative/offices
 - 1,449 sf indoor processing
 - 1,250 sf outdoor processing (crush pad)
 - 1,250 sf case storage
 - 254 sf restrooms/storage
- Access improvements including expansion of the existing driveway, expansion of an existing 60" culvert, installation of a new 18" culvert, and widening of the access road
- Installation of a new domestic water and septic system, new fire protection suppression system, and a new winery wastewater process system

Phase II

- The construction of a new 3,600 sf wine storage building (Building #2), including a 1,250 sf covered crush pad
- The conversion of an existing barn (Building #3) for additional wine storage
- The redistribution of uses from Building #1 to expand the tasting room and wine processing area
- Area of uses at completion of Phase II include:
 - 1,255 sf tasting room
 - 704 sf administrative/offices
 - 2,120 sf indoor processing
 - 2,500 sf outdoor processing (crush pads)
 - 6,250 sf case storage
 - 254 sf restrooms/storage

Phase III

- Redistribution of uses among Buildings #1 - #3 to be as follows:
 - Building #1
 - 704 sf administrative/offices
 - 3,399 sf indoor processing
 - 1,250 sf outdoor processing (crush pad)
 - 254 sf restrooms/storage
 - Building #2
 - 1,250 sf outdoor processing (crush pad)
 - 3,600 sf case storage
 - Building #3
 - 1,578 sf tasting room
 - 128 sf restrooms/storage
 - 668 sf commercial kitchen

Ordinance Modification: The project includes the modifications to the site design standards that include:

Winery Setbacks: 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 a setback of 120 feet to the southern property line during Phase I and Phase II of the project. The tasting room will be relocated during Phase III to Building #3, which is located more than 200 feet from all property lines.

No special events are proposed with this project. The applicant will participate in wine industry-wide events and other related events as currently allowed by Ordinance.

The commercial kitchen is established as a secondary use to support the winery and for allowed activities such as food preparation for winemaker dinners and other permitted events, and shall not function as a stand-alone restaurant where made-to-order meals are served. The kitchen may also be used to prepare finger foods for paired tastings with selected wines for consumption in the tasting room.

PLANNING AREA STANDARDS:

El Pomar-Estrella Sub-area Standards

Archaeological Resources. All land use permit applications that propose development within 100 feet of the bank of a creek, and within 300 feet of a creek where the slope of the site is less than 10 percent, shall submit a preliminary site survey.

Staff comments: The applicant submitted a preliminary site survey (LSA Associates, Inc., September 10, 2015) with this land use application. The survey did not find any archaeological resources.

Riparian and Wildlife Corridors. New development subject to discretionary review shall be set back a minimum of 50 feet from the top of the bank of any watercourse, or outside the dripline of riparian vegetation, whichever distance is greater.

Staff comments: The proposed project complies with this standard as all development is greater than 50 feet from banks of watercourses or driplines of riparian vegetation.

Light and Glare. At the time of application for any land use permit or land division, the applicant shall provide details on any proposed exterior lighting, if applicable. All lighting fixtures shall be shielded so that neither the lamp nor the related reflector interior surface is visible from adjacent properties. Light hoods shall be dark-colored.

Staff comments: The project is conditioned to comply with this requirement.

Planning Impact Areas. Discretionary permits shall be referred to the city of Atascadero for review and comment. Improvements and/or offers of dedication consistent with city plans shall be considered and may be required for projects depending on the location and scale of the proposed development, and an appropriate and feasible connection between the proposed development and the improvement.

Staff comments: This project was referred to the City of Atascadero. No response from the City was received.

Protection of Productive Agricultural Land. For projects requiring discretionary approval on irrigated lands or dry farm lands (as defined in the Agriculture Element), new buildings, structures and roads shall be located on the least productive area of the property or closest to access roads, so that development does not diminish the utility of farm fields, unless the discretionary review shows there is no practical alternative for siting the proposed improvements.

Staff comments: One of the proposed buildings is located within an existing barn. The other two structures are located in a previously disturbed equestrian area of the site, where no farming activities have occurred.

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.

<u>Standard</u>	<u>Required</u>	<u>Proposed</u>	<u>In Compliance</u>
Access location (Section 22.30.070)	Wineries with tasting rooms, retail sales located within 1 mile of arterial or collector	The project is located off of Templeton Road, collector road	Yes
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	400 feet	Yes

<u>Standard</u>	<u>Required</u>	<u>Proposed</u>	<u>In Compliance</u>
Setbacks from property lines: (Section 22.30.070)	100 feet required for wine processing buildings 200 feet for Tasting Room (located on one parcel: 014-221-027)	Front: 290 feet Right: 375 feet Left: 120 feet Rear: 1,800 feet Front: 343 feet Right: 264 feet Left: 225 feet Rear: 1,900 feet	Yes Yes at completion of Phase 3; modification requested for Phase 1 and Phase 2 (120 feet from left property line)
Setbacks of Tasting room to Processing Facility (Section 22.30.070)	Tasting Room must be within 200 feet of the wine processing facility	54 feet	Yes
Height (Section 22.30.070)	35 feet	29 feet 8 inches	Yes
Signs (Section 22.20)	<ul style="list-style-type: none"> • One monument sign • Maximum of aggregate area of 100 sf of signing per site • Maximum area of 40 sf • Maximum height of 5 ft. 	None proposed	N/A
Design Standards (Section 22.30.070)	Agricultural or residential in nature	Agrarian	Yes
Tasting room (Section 22.30.070)	One tasting room allowed for each winery	One	Yes
Liquid waste disposal (Section 22.30.070)	<ul style="list-style-type: none"> • Winery wastewater - standards set through RWQCB • Domestic wastewater - leach lines shall be located at least 100 feet from any private well 	<ul style="list-style-type: none"> • Conditioned for waste discharge permit from RWQCB • Conditioned to provide information to Environmental Health Department to comply 	Yes, as conditioned

<u>Standard</u>	<u>Required</u>	<u>Proposed</u>	<u>In Compliance</u>
Solid waste disposal (Section 22.30.070)	Pomace may be used as fertilizer or soil amendment	Pomace will be composted on site	Yes, as conditioned
Lighting (Section 22.30.070)	Lighting fixtures are required to be shielded	Future lighting is conditioned to follow ordinance requirements	Yes, as conditioned
Screening/ Landscaping (Section 22.30.070)	Screening if visible from public road	Existing oak trees and new landscaping	Yes, as conditioned
Parking 1 per 2,000 sf active 1 per 5,000 sf of storage 1 per 200 sf of tasting room (Section 22.18)	7,271 / 2,000 = 3.64 3,982 / 5,000 = 0.80 1,578 / 200 = 7.89 Total required: 12.33 = 13	9 spaces and 3 handicapped spaces	Yes, as conditioned
Design and Operation Standards / Fire Protection (Section 22.30.610.D.1-4 and E)	Facilities to be provided as required by CAL FIRE	Project designed to meet CAL FIRE standards	Yes, as conditioned
Design and Operation Standards / Water Supply and sanitation (Section 22.30.610.D.1-4 and E)	Facilities to be provided as required by the Health Department	Project designed to meet Health Department Standards	Yes, as conditioned

SETBACK MODIFICATION REQUEST - SECTION 22.30.070.D.2.d.(1).

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 a setback of 120 feet to the southern property line during Phase I and Phase II of the project. The tasting room will be relocated during Phase III to Building #3, which is located more than 200 feet from all property lines. These 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 number 2 as Templeton Road is a collector street. Additionally, upon completion of Phase 3, all structures will meet the required setbacks from property lines and off-site residences.

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

BIOLOGICAL RESOURCES

The project proposes to remove five (5) oak trees near the entrance to the site to facilitate access road, driveway, and culvert improvements. Access road improvements have the potential to impact the rootzone of two (2) additional oak trees and may impact the intermittent blue line stream at the entrance of the property when the access road is widened. Mitigation is proposed to address oak trees that will be removed and/or impacted by this project and any potential impacts to the intermittent blue line stream from future road widening work. The project is conditioned to replace in kind at a 4:1 ratio to mitigate for the trees removed, and at a 2:1 ratio to mitigate for trees that are impacted but not removed.

COMMUNITY ADVISORY GROUP COMMENTS

This project was referred to the Templeton Area Advisory Group (TAAG). TAAG considered the item at their February 18, 2016 meeting and voted to support the project and requested the road be paved a minimum of 45 feet.

AGENCY REVIEW

Public Works – Per referral Response (Tomlinson, January 7, 2016), the proposed project triggers road improvements and road improvement fees, a drainage plan will be required and reviewed at time of construction permit application.

Environmental Health – Per referral response (Terry, March 4, 2016), Environmental Health permit and review required during construction permit plan check.

Ag Commissioner – Per referral response (Auchinachie, January 7, 2016), recommends best management practices for water conservations, and use of pervious areas to promote groundwater recharge.

APCD – Per referral response (Kirkhuff, January 8, 2016), project conditions recommended

Building – Per referral response (Stoker, December 30, 2015), project shall comply with all applicable building codes and requirements.

Cal Fire – Per referral response (Bullard, March 8, 2016), see attached Fire Safety Plan.

RWQCB – No response

City of Atascadero – No response

LEGAL LOT STATUS

The one existing lot is Lot B of CO76-505 and was legally created by a recorded map at a time when that was a legal method of creating lots.

Staff report prepared by Brandi Cummings and reviewed by Karen Nall.