



DEPARTMENT OF PLANNING AND BUILDING

Date: May 26, 2016
To: Planning Commission
From: Holly Phipps / Planning Staff
Subject: Continued Hearing for Bone Conditional Use Permit (DRC2013-00096)

This project was first heard before your Commission on February 11, 2016 and continued to March 24, 2016. At the conclusion of your Commission's March 24th hearing, you asked staff to respond to the following issues and concerns. Responses to these issues are provided by County Planning staff as well as the attached memos from County Code Enforcement, County Building Division and CAL FIRE.

Concerns and Issues

1. What is the code violation history of site?
Please refer to the Attached Memo from Jill Coomer, County Code Enforcement
2. Clarify CAL Fire referral response letters.
Please refer to the Attached Memo from Mike Salas, CAL FIRE
3. What is the proposed width of the access road?
The width of access road (as measured from edge to edge) after proposed improvements will vary from 16 feet 3 inches up to 23 feet.
4. Will compaction of the access road need to be verified?
Compaction of the access road is required per CAL FIRE's letter dated January 16, 2015. Staff is suggesting the following condition change:
 19. ***Prior to occupancy or final inspection, whichever occurs first, the applicant shall obtain final inspection and approval from CAL FIRE of all required fire/life safety measures. This includes but not limited to the access road widening and compaction deficiencies (Keith V. Crowe, PE, PLS, letter dated July 29, 2015). The applicant shall submit to the Department of Planning and Building and CAL FIRE verification of the compaction report from a licensed civil engineer for the access road for review and approval.***
5. How will the gate entrance be controlled?
The access gate will be controlled by a KNOX switch for County Fire access.
6. What is the current occupancy classification of the olive processing building?
The current occupancy classification for the building is a F-1, S-1, and B. A licensed professional will need to verify that occupant load for the existing space does not change the occupancy classification. Please refer to the Attached Memo from Mike Stoker, County Building Division.

7. Will a new building permit be required for the proposed project?
A building permit for tenant improvements will be required based on new uses proposed. Please refer to the Attached Memo from Mike Stoker, County Building Division
8. What triggers fire sprinklers for the building?
Fire sprinklers will be required for the building if occupant load is greater than 50 people. Please refer to the Attached Memos from Mike Stoker, County Building Division and Mike Salas, CAL FIRE.
9. What is an event?
The Olive Ordinance does not allow events, olive industry events, or pick up parties. Nor does the Olive Ordinance define an event. If the applicant would like to host events on site, the applicable ordinance to use is the "Temporary Events" ordinance.

The Temporary Events Ordinance does not define how many people make up an event. The ordinance does state that events may not occur more than 12 consecutive days; or more than 4 consecutive weekends. Access shall provide a minimum of (2)-18 feet wide access points and fire protection shall be provided as required by County Fire Department.

The applicant has stated that the proposed occupancy of the building will remain at 49 or less so that the installation of an automatic fire sprinkler system would not be required. CAL FIRE has stated in their Fire Safety letter (dated January 16, 2015) that occupancy of the building shall not exceed 49. As result, any additions to the structure including enclosing the covered porch area for dining, and/or removing furnishings allowing an increased occupancy load at this location shall require the installation of commercial NFPA compliant automatic fire sprinkler system.

The Planning Department reviews each project on a case-by-case basis. The proposed project has site specific issues that include:

- *Access road will not meet CAL FIRE's 24-foot commercial access road width*
- *The site has no secondary access (emergency access)*
- *The building has an maximum occupancy load 49 occupants without sprinklers*

Therefore, the Planning Department will use a threshold of 49 occupants and recommends that public access to the site for educational tours, workshops, and olive oil club functions etc. shall be restricted to 49 people or less.

Planning would like to modify Condition of Approval 1.g., in Exhibit B to read as follows:

- g. *No temporary events are authorized including events with fewer than under 50 attendees and non-profit events (e.g. weddings, reunions, parties, concerts). Public access to the site for educational olive oil tours, olive oil workshops, olive oil club functions, and olive oil related incidental uses shall be restricted to fewer than 50 people to 3 days per week from 11:00 am to 5:00 pm.*

Policy Determination for Events – Board of Supervisors Review of Pasolivo Olive

At a Board of Supervisors appeal hearing on July 7, 2015, the Board did not make a "policy determination" of any kind at the Pasolivo hearing, nor did the Board make a determination that the 50 or less gatherings of people allowed under the winery ordinance should be read into the Olive Oil Ordinance. Pasolivo olive processing facility had a previously authorized land use permit for a winery, so the Board did address and conditioned events of more than 50 people. If the Board did discuss allowing events with

less than 50 people at olive oil sites, the County cannot legally take discussions during deliberations at the Board and apply them to future projects as if they were written into the ordinance.

Attachments

1. Memo from Department of Planning and Building, Code Enforcement Division
2. Memo from CAL FIRE, San Luis Obispo County Fire Department
3. Letter from Department of Planning and Building, Building Division