



DEPARTMENT OF PLANNING AND BUILDING

Date: July 14, 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, and May 26, 2016. At the conclusion of your Commission's May 26th hearing, you asked Planning Staff to bring forth revised conditions for your purview. The following conditions and findings and responses to other issues raised are provided by County Planning Staff.

Revised Findings and Conditions of Approval

Staff has attached revised Findings and Conditions to reflect your Commission's input from the last meeting. Some of those changes include:

- Allowing a 997 sf restaurant (limited food service facility)
- Increasing retail space to 100 sf instead of 30 sf
- Clarification of the days and hours of operation
- Clarification of activities that may occur on-site
- Condition for a cut off time for lighting

Access Road

Your Commission had some questions regarding the effectiveness of dust suppressants applied to the unpaved access road and asked Staff to invite a representative from the Air Pollution Control District (APCD) to attend the hearing. APCD has agreed to attend and be available to speak to your Commission on the need for dust control and regulatory requirements.

Your Commission asked Staff to provide a condition option to require the applicant to pave the access road or a condition to allow dust suppressants. Condition 27 is shown below. Should your Commission decide that the road needs to be paved then Planning would suggest deleting "b". If it is determined that dust suppressant will be allowed, then the condition would not need to be revised.

27. (AQ-1) For the life of the project and prior to final inspection, for the unpaved access road/driveway, the applicant shall implement one of the following:
 - a. Pave and maintain the driveway; or,
 - b. During peak season and for the life of the project, maintain the unpaved driveway with dust suppressant such that fugitive dust emissions do not exceed the APCD 20% opacity limit for greater than 3 minutes in any 60 minute period or prompt nuisance violations. Also, to improve the dust suppressant's long-term efficiency, the applicant shall also implement and maintain design standards to ensure vehicles that use the on-site unpaved road are physically limited (e.g., speed bumps) to a posted

speed limit of 15 mph or less. Peak season for this project is defined as follows: October to January.

Currently Allowed Activities On-Site

Staff would like to clarify the current activities that are allowed to continue on the site. The applicant was allowed to continue to process olives grown off-site while this CUP is in process. All food service was prohibited and any public tasting of olive oil is restricted to the outside patio until the CUP is approved, the proposed uses are authorized and required conditions of approval are met.

The allowed activities was memorialize in a letter to the applicants, Greg Bone and Audrey Burnam, dated September 21, 2015 from Bill Robeson, Deputy Director of Permitting, (see Attachment 5). The letter includes the following list of allowed activities on site until all land use approval, public hearings, and required permitting processes have been completed.

1. No more than thirty (30) truck deliveries in a day (a daily processing capacity is nine tons).
2. Trucks will be limited to a single trailer.
3. The agricultural processing facility can accept deliveries from 7 a.m. to 9 p.m. daily.
4. All conditions listed in the October 17, 2014 Cal Fire
5. The site and the existing structure cannot be used as a tasting room or as food pairing/restaurant.
6. No events or public tours can occur until all land use approvals, public hearings and required permitting processes have been completed.
7. Public use of the site and will require additional conditions and requirements including but not limited to fire protection systems, and roadway improvements including an increased width, and a licensed civil engineer to verify compaction of roadway and shoulders.

Building Occupancy

Staff would also like to clarify the building occupancy issue. A building permit will be required for the tenant improvement for the change of use. This permit will need to address accessibility, occupant load, egress/ exiting, electrical, mechanical, etc. A building permit (PMT2015-04279) was submitted on May 26, 2016 and is still under review by the Building Department.

Condition Compliance Monitor

Additionally, your Commission asked that Staff provide a condition for post approval monitoring of the approved project. Planning Staff has provided the following condition should your Commission decide to add a monitoring condition.

Prior to issuance of construction permits the Applicant shall provide the funding for a County Condition Compliance Monitor to oversee and monitor compliance with County Conditions of Approval. The Condition Compliance Monitor shall assist the County in condition compliance for operational stages of the project, as specified in a project description, and as approved by the County Department of Planning and Building.

The Condition Compliance Monitor will prepare a working monitoring plan that reflects the County-approved Conditions of Approval. This plan will include (1) responsibilities and procedures for verifying compliance with County Conditions of Approval; (2) methods and reporting time frames; (3) authority to stop work; and (4) action to be taken in the event of non-compliance. The Condition Compliance Monitor shall be under contract to the County of San Luis Obispo,

and, the entire expense of retaining and supervising the Condition Compliance Monitor, including the County's administrative and overhead fees, shall be paid by the Applicant.

Attachments

1. Revised Findings with Strikeouts
2. Revised Conditions of Approval with Strikeouts
3. Revised Findings (Clean Version)
4. Revised Conditions of Approval (Clean Version)
5. Letter from Bill Robeson, Deputy Director-Permitting dated September 21, 2015