



**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*

|   |  |  |   |
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| <b>MEETING DATE</b><br>November 1 <sup>st</sup> , 2019<br><b>EFFECTIVE DATE</b><br>November 15, 2019  | <b>CONTACT/PHONE</b><br>Melina Smith<br>mmsmith@co.slo.ca.us<br>(805) 781-1006 | <b>APPLICANT</b><br>Gary Zipperer            | <b>FILE NO.</b><br>DRC2019-00085            |
| <b>SUBJECT</b><br>A request by <b>Gary and Un Zipperer</b> for a Minor Use Permit (DRC2019-00085) to allow temporary events within existing 2,500-square-foot barn and a 16,000-square foot outdoor area north of the barn. The event program would include 20 temporary events (including non-profits) with 3 events up to 200 guests, and 17 events up to 150 guests. The project also includes a request for amplified music between the hours of 10 a.m. and 10 p.m. The project will result in minor site disturbance for driveway approach improvements on an approximate 5-acre parcel. The parcel is within the Residential Rural land use category and is located at 4015 Almond Drive, approximately 5.5 miles east of Templeton. The project site located within the El Pomar-Estrella Sub Area of the North County Planning Area. |  |  |   |
| <b>RECOMMENDED ACTION</b><br>Approve Minor Use Permit DRC2019-00085 based on the findings listed in Exhibit A and the conditions listed in Exhibit B  |  |  |   |
| <b>ENVIRONMENTAL DETERMINATION</b><br>A Class 1 Categorical Exemption (ED19-212) was issued on August 28 <sup>th</sup> , 2019.  |  |  |   |
| <b>LAND USE CATEGORY</b><br>Residential Rural   | <b>COMBINING DESIGNATION</b><br>N/A  | <b>ASSESSOR PARCEL NUMBER</b><br>033-281-030 | <b>SUPERVISOR DISTRICT(S)</b><br>District 5 |
| <b>PLANNING AREA STANDARDS:</b><br>El Pomar – Estrella Sub-area<br><i>Does the project meet applicable Planning Area Standards: Yes - see discussion</i>  |  |  |   |
| <b>LAND USE ORDINANCE STANDARDS:</b><br>Section 22.62.050 Minor Use Permit Approval<br>Section 22.10.120 Noise Standards<br>Section 22.30.610 Temporary Events<br><i>Does the project conform to the Land Use Ordinance Standards: Yes - see discussion</i>   |  |  |   |
| <b>FINAL ACTION</b><br>This tentative decision will become final action on the project, effective on the 15 <sup>th</sup> day following the administrative hearing, or on November 1, 2019, if no hearing was requested unless this decision is changed as a result of information obtained at the hearing or is appealed.  |  |  |   |
| <b>EXISTING USES:</b><br>Residence, Vacation Rental   |  |  |   |
| <b>SURROUNDING LAND USE CATEGORIES AND USES:</b><br><i>North: Residential Rural/Residence      East: Residential Rural/Residence</i><br><i>South: Residential Rural/Residence      West: Residential Rural/Residence</i>  |  |  |   |
| ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT:<br>COUNTY GOVERNMENT CENTER γ SAN LUIS OBISPO γ CALIFORNIA 93408 γ (805) 781-5600 γ FAX: (805) 781-1242  |  |  |   |

|   |  |
|---|--|
| OTHER AGENCY / ADVISORY GROUP INVOLVEMENT:<br>The project was referred to: Templeton Area Advisory Group, Building Division, Cal Fire, Environmental Health, Public Works |  |
| TOPOGRAPHY:<br>Relatively flat to gently rolling  | VEGETATION:<br>Ornamental landscaping, scattered oak trees |
| PROPOSED SERVICES:<br>Water supply: Individual Well<br>Sewage Disposal: Individual septic system<br>Fire Protection: County Fire Department/Cal Fire                      | ACCEPTANCE DATE:<br>June 20, 2019                          |

**DISCUSSION**

**Proposed Project**

The applicants, Gary and Un Zipperer, are requesting a Minor Use Permit to allow for up to 20 temporary events per year (including non-profits) to include the following:

- 17 events with up to 150 guests;
- 3 events with up to 200 guests;
- Outdoor amplified music.

The types of events would include, but are not limited to, weddings, family reunions, celebrations of life, non-profit fundraisers, and corporate retreats. The applicants are requesting no more than one event per week.

Proposed temporary event use areas are as follows:

- 16,000 square foot area for outdoor events
- Existing 2,500 square foot barn for indoor events
- 35,000 square feet for parking;
- Total outside use areas: approximately 1.17 acres

Prior to use of proposed Barn space, existing restrooms will be checked and modified (if required) for ADA compatibility, a commercial sprinkler system approved by the San Luis Obispo County Fire Department will be implemented, and barn will be upgraded to assembly occupancy.

**Project History**

- Current property owners purchased property in March 2017;
- Previous landowner conducted temporary events on-site for approximately 17 years;
- No previous code enforcement cases;
- Barn constructed in 2006 (PMT2006-00760);
- Electric, bath, and septic permitted and added to Barn in 2007 (PMT2007-02699);
- Zoning clearance received for vacation rental for guest home in 2016 (ZON2016-00565).

**PLANNING AREA STANDARDS**

As described below the project lies within the El Pomar-Estrella-Sub-Area Planning Area Standards and complies with applicable standards.

El Pomar-Estrella Sub-Area Standards: All development and new land uses in the El Pomar-Estrella-Sub-Area shall comply with the applicable standards.

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 Response: The proposed temporary events program plans to use temporary string and/or accent lighting above the lawn nearest the house, with trees in between the lit area and the road. Additionally, to minimize brightness, the string lighting used is a warm amber color.*

## **LAND USE ORDINANCE STANDARDS**

Allowable Land Uses, Permit Requirement: "Temporary Events" is an allowed use in the Residential Rural land use category, subject to special use standards. A Minor Use Permit is required in order to establish temporary events.

### *General Property Development Standards*

Minimum Site Area: No minimum site area is required for temporary events.

*Staff Response: The parcel is 5.26 acres, with 31,000 square feet of outside space and 2,500 square feet of barn space being proposed for event use.*

Height: Uninhabited accessory structures (e.g. barns) are not subject to height restrictions. However, because the barn will be changing occupancy to a public assembly use, it will now be subject to a height limitation of 35 feet.

*Staff Response: The barn is 30 feet in height and is therefore in compliance with this requirement.*

Exterior Lighting: Light sources shall be designed and adjusted to direct light away from any road or street, and away from any dwelling outside the ownership of the applicant.

*Staff Response: Temporary string and/or accent lighting will be used above the lawn nearest the house, with trees in between the lit area and the road. Additionally, to minimize brightness, the string lighting used is a warm amber color.*

Noise: Noise levels at the proposed project property shall not exceed an hourly average of 50 dB, with a maximum level of 70 dB, and a maximum impulsive noise level of 65 dB, as required by the San Luis Obispo County's noise ordinance. Additionally, there will be no amplified music after 10 pm.

*Staff Response: All events with amplified music will have a mandatory on-site meeting prior to the event to review speaker location and noise levels. As stated in a noise study conducted for the site, the exterior noise levels are predicted to be in compliance with the established County thresholds. A designated noise monitor will be responsible to monitor noise levels, on an hourly basis, with a sound level meter at the property lines to ensure that the noise levels do not exceed the noise standards specified in the County Land Use Ordinance.*

Signage: No signage is presently proposed. Should applicants wish to install signage, a sign permit (subject to Zoning Clearance) will be required. The proposed signs will then be reviewed for compliance with Chapter 22.20 of the Land Use Ordinance.

**Standards for Specific Land Uses – TEMPORARY EVENTS – Section 22.30.610**

| <b>Temporary Events – Section 22.30.610</b> |   |   |   |
|---|---|---|---|
| <b>Standard</b>                             | <b>Required</b>   | <b>Proposed</b>   | <b>In Compliance with MUP Approval</b>                                |
| <b>Time Limit</b>                           | <ul style="list-style-type: none"> <li>Temporary events limited to 12 days maximum, or four successive weekends.</li> </ul>   | <ul style="list-style-type: none"> <li>Once a week maximum;</li> <li>Saturdays and Sundays only;</li> <li>20 events per year.</li> </ul>  | <ul style="list-style-type: none"> <li>Yes, as conditioned</li> </ul> |
| <b>Location</b>                             | <ul style="list-style-type: none"> <li>Temporary events shall not be located closer than 1,000 feet to any Residential Single-Family property.</li> </ul>   | <ul style="list-style-type: none"> <li>Proposed temporary events site surrounded by parcels zoned Residential Rural.</li> </ul>   | <ul style="list-style-type: none"> <li>Yes</li> </ul>                 |
| <b>Access</b>                               | <ul style="list-style-type: none"> <li>Outdoor temporary events provided with two 18 ft wide access points.</li> </ul>  | <ul style="list-style-type: none"> <li>One primary access point.</li> <li>One secondary access proposed and conditioned to meet San Luis Obispo County Fire Department requirements.</li> </ul> | <ul style="list-style-type: none"> <li>Yes, as conditioned</li> </ul> |
| <b>Parking</b>                              | <ul style="list-style-type: none"> <li>Off-street parking required;</li> <li>Open area with slope 10% or less;</li> <li>1 car: 400 square feet;</li> <li>200 persons: 32,000 square feet of parking</li> <li>Lot free of combustible material.</li> </ul> | <ul style="list-style-type: none"> <li>35,000 square feet of non-combustible open area;</li> <li>Slope of 5 percent or less.</li> </ul>   | <ul style="list-style-type: none"> <li>Yes</li> </ul>                 |
| <b>Fire Protection</b>                      | <ul style="list-style-type: none"> <li>Facilities to be provided as required by County Fire Department</li> </ul>   | <ul style="list-style-type: none"> <li>Proposed temporary events program shall meet Fire Safety requirements.</li> </ul>  | <ul style="list-style-type: none"> <li>Yes, as conditioned</li> </ul> |
| <b>Water and Wastewater</b>                 | <ul style="list-style-type: none"> <li>Facilities to be provided as required by Health Department.</li> </ul>   | <ul style="list-style-type: none"> <li>Proposed temporary events program conditioned to meet Health Department requirements.</li> </ul>   | <ul style="list-style-type: none"> <li>Yes, as conditioned</li> </ul> |

**NOISE STANDARDS – Section 22.10.120**

A noise study conducted on April 5, 2019 determined that the proposed temporary events program is predicted to be in compliance with established County thresholds as outlined in the Noise Element, no additional noise minimizing measures would be required. The proposed temporary events program has proposed the following measures will be taken for each event to ensure compliance with County thresholds:

- a. A designated noise monitor will be at each event and will be responsible to monitor noise levels on an hourly basis, with a sound level meter at the property lines to ensure that noise levels do not exceed the noise standards specified in the County Land Use Ordinance.
- b. All events with amplified music will have a mandatory on-site meeting prior to the vent to review speaker location and noise levels.

| <b>Noise Level Standards – Section 22.10.120</b> |                                      |                                       |                      |
|--|--------------------------------------|---------------------------------------|----------------------|
|  | <b>Maximum Allowed</b>               | <b>Proposed</b>                       | <b>In Compliance</b> |
| <b>Sound Levels</b>                              | <b>Daytime<br/>7 a.m. to 10 p.m.</b> | <b>Daytime<br/>10 a.m. to 10 p.m.</b> | <b>Daytime</b>       |
| <b>Hourly Equivalent Sound Level (Leq,dB)</b>    | 50                                   | 50                                    | Yes, as conditioned  |
| <b>Maximum level, dB</b>                         | 70                                   | 70                                    | Yes, as conditioned  |

**COMMUNITY ADVISORY GROUP COMMENTS**

A letter was sent to Templeton Area Advisory group on May 14<sup>th</sup>, 2019, no comments were received.

**AGENCY REVIEW**

Public Works: Standard conditions have been applied to the project (Diodati, May 20, 2019).

Environmental Health: Mosquito abatement program recommended (Ghiglia, May 23, 2019).

San Luis Obispo County Fire Department: Cal Fire Safety Plan provided on August 27, 2019.

**LEGAL LOT STATUS:**

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

Staff report prepared by Melina Smith and reviewed by Holly Phipps and Lacey Minnick.