



COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING & BUILDING
Trevor Keith - Director

Date: October 30, 2019 (Hearing Date: November 1, 2019)
To: Planning Department Hearing Officer- Matt Jansen
From: Melina Smith
Subject: Modifications to Staff Report / Zipperer/ DRC2019-00085

Staff would like to amend the above mentioned Staff Reports, Exhibit B - Conditions of Approval as follows:

- Condition #17 and #19 are duplicate conditions.
Proposed Changes: Staff would like to delete Condition #17.
- Condition #18 and #23 are duplicate conditions.
Proposed Changes: Staff would like to delete Condition #18.
- Spacing edits for continuity.

**EXHIBIT B – CONDITIONS OF APPROVAL
DRC2019-00085 ZIPPERER TEMPORARY EVENTS**

Approved Development

1. This approval authorizes the use of the project site for up to 20 temporary events annually that may be held within an existing 2,500-square-foot barn and a 16,000-square foot outdoor area north of the barn and minor site improvements:
 - a. The event program would include 20 temporary events (including non-profits) annually with 3 events up to 200 guests and 17 events up to 150 guests.
 - b. Temporary events shall not commence sooner than 10:00 a.m. and shall conclude by 10:00 p.m. Facility set up and clean up shall be allowed between the hours of 8:00 a.m. and 11 p.m. All guests of the event shall be off the property by 10:30 p.m.;
 - c. Temporary events are limited to Saturday's and Sunday's, with no more than 4 consecutive weekends.
2. This approval does not authorize additional events (private parties) associated with other uses including, but not limited to bed and breakfasts or vacation rentals.

Conditions required to be completed at the time of application for construction permits

Site Development

3. **At the time of application for construction permits**, the applicant shall provide details on any proposed exterior lighting, if applicable. The details shall include the height, location, and intensity of all exterior lighting. All lighting fixtures shall be shielded so that neither the lamp or the related reflector interior surface is visible from adjacent properties. Light hoods shall be dark colored.
4. **At the time of application for construction permits**, the applicant shall submit a floor plan for the barn to the Department of Planning and Building for review and approval. The revised plan shall indicate the following and development shall be consistent with the approved site plan:
 - a. Ingress and Egress
 - b. Public assemble areas;
 - c. Restrooms if required by building codes.

Fire Safety

5. **At the time of application for construction permits**, all plans submitted to the Department of Planning and Building shall meet the fire and life safety requirements of the California Fire Code. Requirements shall include, but not be limited to those outlined in the Fire Safety Plan, prepared by Cal Fire/County Fire Department dated August 24, 2019.
6. **At the time of application for construction permits**, the applicant shall submit evidence that a septic system, adequate to serve the proposal, can be installed on the site.

Access

7. **At the time of application for construction permits**, the applicant shall submit to the Department of Public Works an encroachment permit application, plans, fees, and post a cash damage bond to install improvements within the public right-of-way in accordance with County Public Improvement Standards. The plans are to include, ass applicable:
 - a. The existing Almond Drive site access shall be reconstructed to repair deteriorated improvements and/or upgraded as required to conform to current

- Public Improvement Standards per B-1a rural road driveway and A-5 sight distance standards.
- b. Any new Almond Drive site access shall be constructed in accordance with B-1a rural driveway approach and A-5 sight distance standards. The proposed secondary site access on Almond Drive shall only be used for emergency purposed and shall be right-in/right-out only.
 - c. Remove or relocate all existing non-permitted obstructions from within the public right-of-way of the project frontage. Known obstruction include, but are not limited to, rocks and boulders.
8. **At the time of application for construction permits**, the applicant shall provide evidence to the Department of Planning and Building that onsite circulation and pavement structural sections have been designed and shall be constructed in conformance with San Luis Obispo County Fire Department, or the regulating fire agency standards and specifications back to nearest public maintained roadway.
9. **At the time of application for construction permits**, the applicant shall enter into an agreement and post a deposit with the county for the cost of checking the improvement plans and the cost of an inspection of any such improvements by the County or its designated representative. The applicant shall also provide the county with an Engineer of Work Agreement retaining a registered Civil Engineer to furnish construction phase services, Record Drawings and to certify the final product to the Department of Public Works.

Transportation Management Plan

10. **At the time of application for construction permits**, the applicant shall submit Transportation Management Plan (TMP) for review and approval.

Drainage & Flood Hazard

11. **At the time of application for construction permits**, the applicant may be required to submit complete drainage plans for review and approval in accordance with Section 22.52.110 of the Land Use Ordinance.
12. **At the time of application for construction permits**, the applicant shall submit complete erosion and sedimentation control plan for review and approval in accordance with Section 22.52.120 of the Land Use Ordinance.
13. **At the time of application for construction permits**, the applicant shall demonstrate that the project construction plans are in conformance with their Stormwater Control Plan.

Stormwater Pollution Prevention Plan

14. **At the time of application for construction permits**, If the project disturbs more than 1.0 acre or is part of a common plan of development, the application must enroll for coverage under California's Construction General Permit. Sites that disturb less than 1.0 acre must implement all required elements within the site's erosion and sediment control plan as required by San Luis Obispo County Codes.

Conditions to be completed prior to issuance of a construction permit

Fees

15. **Prior to issuance of a construction permit**, the applicant shall pay all applicable fees, including but not limited to school fees, inclusionary housing fees, and public facilities fees.
16. **Prior to issuance of a construction permit**, the applicant shall pay required Road Improvement Fess in the Templeton Area B Road Fee Area.

Conditions to be completed prior to holding temporary events

Health Department

17. **Prior to holding any Temporary Events**, the applicant shall submit evidence to the Planning Department that they have obtained all the appropriate Health Department permits, if required. The Health department, at a minimum will require the following information:
- a. Solid waste shall be removed from the site by an authorized collection service and disposed of in an approved Solid Waste Facility;
 - b. Verify well and septic locations meet the minimum separation requirements;
 - c. Verify water supply adequacy and potability for the proposed project;
 - d. Use only licensed caterers or mobile food facilities for public events where food may be served;
 - e. If portable restroom facilities are proposed the applicant shall have all necessary approvals from the County Environmental Health Department;
 - f. Obtain necessary permits for indoor restroom facilities for prior to hosting events in the barn.
 - g. Comply with all County Environmental Health Department approved pest and solid waste control plans. The applicant shall provide evidence from Environmental Health that they satisfy the recommended Mosquito Dunk Abatement Program.

Fire

18. **Prior to holding any Temporary Events**, Cal Fire/County Fire Department at a minimum will require the following:
- a. San Luis Obispo County Fire Department shall support the secondary access road, only if it provides a minimum 18-foot wide edge to edge all-weather driving surface.
 - b. Proper signage must be maintained onsite to identify parking areas, event location(s), secondary access route and direction of traffic flow. The design and exact location of required signage shall be approved by San Luis Obispo County Fire Department.
 - c. The existing barn structure **shall not be allowed** to be utilized for events or other commercial occupancy type purposes unless a commercial fire sprinkler system is installed.

Transportation

19. **Prior to holding any Temporary Events**, all work in the public right-of-way must be constructed or reconstructed to the satisfaction of the Public Works Inspector and in accordance with the County Public Improvement Standards; the Project conditions of approval, including any related land use permit conditions; and the approved improvement plans.

Condition Compliance Monitor

20. **Prior to holding any Temporary Events**, The applicant shall submit for review and approval to the County Planning Department a Condition Compliance Monitoring Plan (CCMP). The Condition Compliance Monitor shall oversee and monitor compliance with the County Conditions of Approval. The Condition Compliance Monitor shall assist the County in condition compliance and mitigation monitoring for all applicable construction and operational aspects of the project. The CCMP may be modified with review and approval based on compliance. The CCMP shall include the following as a minimum.
- a. List of personnel that will need to be involved in monitoring activities;
 - b. Description of how the monitoring shall occur;
 - c. Description of frequency of monitoring;

- d. Description of monitoring reporting procedures;
- e. Description of actions to be implemented to assure compliance.

Permits

21. **Prior to holding any Temporary Events**, the applicant shall apply for and obtain issuance of construction permits, and obtain Certificates of Occupancy to **convert the barn to “A” (public assembly) occupancy class**. Measures required to ensure compliance with building code requirements may include, but are not limited to, the following:
- a. Structural modifications, as needed, to comply with the “A” occupancy class requirements for the barn.
 - b. Fire safety measures, as required by the Chief Building Official and/or Fire Marshal.
 - c. Construction of restroom facilities to provide water closets, lavatories, and drinking fountains at the ratio specified in the Uniform Plumbing Code.
 - d. Installation of a new septic system, or modification to the existing septic system, to handle the flow from the restroom buildings, in compliance with the Central Coast Basin Plan.

Conditions to be completed prior to occupancy or final building inspection /establishment of the use

San Luis Obispo County Fire Department

22. **Prior to occupancy or final inspection**, whichever occurs first, the applicant shall obtain final inspection and approval from San Luis Obispo County Fire Department of all require fire/life safety measures.

Planning and Building

23. **Prior to occupancy or final inspection**, the applicant shall contact the Department of Planning and Building to have the site inspected for compliance with the conditions of this approval

Public Works

24. **Prior to occupancy or final inspection**; the Transportation Management Plan must be approved by the County.

Temporary Event Rental Agreements

25. **Prior to occupancy or final inspection**; the applicant shall submit to the County a copy of a formal rental agreement for groups making use of the event site. The rental agreement shall include the disclaimer that outdoor amplified music will not exceed the following prescribed noise standards: Noise levels at the project property line 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. The rental agreement shall identify an on-site manager to be present during all events who will have a basic sound level meter to verify conformance with standards and to correct problem situations.

Ongoing Conditions of approval (valid for the life of the project)

Access

26. No events shall be permitted on a weekday.
27. In accordance with County Code Section 13.08, no activities associated with this permit shall be allowed to occur within the public right-of-way including, but not limited to, project signage; tree planting; fences; etc. without a valid encroachment permit issued by the Department of Public Works.

28. The property owner(s) shall adhere to and enforce the Transportation Management Plan (TMP). Amendments to the TMP may be allowed but must be submitted by a registered civil or transportation engineer for prior approval by the County Planning and Building Department, in consultation with the Department of Public Works.
29. The property owner shall be responsible for maintaining County driveway sight distance standards on a continuing basis into perpetuity.

Recycling

30. The applicants shall provide recycling opportunities to all facility users at all events in accordance with Ordinance 2008-3 of the San Luis Obispo County Integrated Waste Management Authority (mandatory recycling for residential, commercial and special events.)

Time Lines

31. This land use permit is valid for a period of 24 months from its effective date unless time extensions are granted pursuant to Land Use Ordinance Section 22.64.070 or the land use permit is considered vested. This land use permit is considered to be vested once a construction permit has been issued and substantial site work has been completed. Substantial site work is defined by Land Use Ordinance Section 22.64.080 as site work progressed beyond grading and completion of structural foundations; and construction occurring above grade.
32. All conditions of this approval shall be strictly adhered to, within the time frames specified, and in an on-going manner for the life of the project. Failure to comply with these conditions of approval may result in an immediate enforcement action by the Department of Planning and Building. If it is determined that violations of these conditions of approval have occurred, or are occurring, this approval may be revoked pursuant to Section 22.74.160 of the Land Use Ordinance.

Noise Monitor

33. The applicant shall designate an employee to serve as a noise monitor. For events that include outdoor amplified music, the noise monitor shall 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 following prescribed in the County Land Use Ordinance: Noise levels at the project property line 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. From 10 p.m. to 7 a.m. (nighttime), noise levels at the property line shall not exceed an hourly average of 45 dB, with a maximum level of 65 dB, and an impulsive noise level of 60 dB. The noise monitor shall be available by telephone to respond to any noise complaints and take corrective measures to ensure compliance with the County Land Use Ordinance. The applicant and successors in interest shall provide a telephone number to reach the designated noise monitor to the County and any neighbor who requests it. The telephone number provided shall allow the County and/or neighbor to reach the noise monitor during all events.

Notification

34. The applicant shall provide notification to owners of properties within a minimum of 1,000 feet of the exterior boundaries of the proposed site, through an e-mail or letter. If a letter is used, it shall be delivered within 30 days prior but no less than 3 days before each event occurrence. The following information shall be provided:
 - a. A complete listing of all scheduled events including dates, times and number of attendees;

- b. 24- hour contact information for the on-site operator, including e-mail and phone number (cell phone), to be used to notify the operator of issues with the operation;
- c. Contact information for County Code Enforcement to be used if members of the public have complaints about the operation;
- d. Any identified problems shall be responded to and addressed as soon as possible
- e. As an alternative to providing the annual listing of the events in a letter, a website may be used. If a web-site is used, notification shall first be provided by mail and contain the website address, the 24-hour local contact information and the approved number of events and attendee numbers. The website shall be maintained and kept current at all times.

Days and Hours

- 35. Temporary Events are limited to Saturdays and Sundays only.
- 36. Temporary events may not occur more than 4 consecutive weekends.
- 37. Temporary events shall start no sooner than 10:00 a.m. and end by 10:00 p.m. each event day. Facility set up and clean up shall be allowed between the hours of 8 a.m. and 11:00 p.m. All guests of an event shall be off the property by 10:30 p.m.

Lighting

- 38. The use of exterior lighting in association with an event shall not extend beyond 10:30 p.m. Use of lighting beyond these hours is acceptable where necessitated for emergency purposes, provided that the use of lighting is minimized only to what is necessary to address the urgent conditions.
- 39. Any lighting used during events shall comply with Section 22.10.060 (Exterior Lighting). All lighting shall have minimized intensity. Sources shall be directed away from any road, highway, or adjacent residences.

Noise

- 40. The project shall comply with the noise limits in the County Noise Element. From 7:00 a.m. to 10:00 p.m. (daytime), noise levels at the project property line 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.
- 41. Temporary Events which include the use outdoor amplified music may be conducted between the hours of 10:00 a.m. and 10:00 p.m.
- 42. During Temporary events that include amplified music, the owners shall 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 those prescribed in the County Land Use Ordinance.
 - a. Barn (doors open) shall meet the County noise standards for day and nighttime events with no mitigation.
 - b. Outside (barn and platform areas) meets the County Noise standards for day and nighttime events with the following mitigation;
 - i. Sound system – shall be directed toward the north west,
 - ii. No more than two speakers allowed.

Toilet Facilities

Portable restrooms may only be used for outdoor event space area, provided they meet all state and local specifications and are sufficient to serve the maximum number of persons allowed at an event.

43. The barn space shall be equipped with permanent restrooms that meet all state and local specifications and are sufficient to serve the maximum number of persons allowed at an event.

Trash

44. The site shall be kept clean and free of trash and debris during each event and such materials shall be prevented from passing onto neighboring properties.

Recycling

45. The applicants shall provide recycling opportunities all facility users at all events in accordance with Ordinance 2008-3 of the San Luis Obispo County Integrated Waste Management Authority (mandatory recycling for residential, commercial and special events).