# Negative Declaration & Notice Of Determination

SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING
976 OSOS STREET • ROOM 200 • SAN LUIS OBISPO • CALIFORNIA 93408 • (805) 781-5600

**ENVIRONMENTAL DETERMINATION NO.** ED13-259 **DATE:** February 11, 2015

**PROJECT/ENTITLEMENT:** Villa San Juliette Conditional Use Permit; DRC2013-00097

**APPLICANT NAME:** Villa San Juliette Holdings LLC
**ADDRESS:** 6385 Cross Canyon Road, San Miguel, CA 93451
**CONTACT PERSON:** Mandi Pickens (Kirk Consulting) **Telephone:** (805) 461-5765

**PROPOSED USES/INTENT:** Request by **VILLA SAN JULIETTE HOLDINGS, LLC** for a Conditional Use Permit to allow the phased expansion of a previously approved winery and tasting room. At build out the winery facility would total approximately 23,000 square feet (sf). Wine production is estimated at 80,000 cases per year. The project will result in the disturbance of approximately 0.68 acres on a 169-acre parcel. The applicant is requesting modifications: to ordinance standards to allow adjustments to the required setbacks, to allow outdoor amplified music to play beyond 5p.m. during special events, and to increase the allowable square footage of a proposed restaurant from 800 sf to 1,200 sf. The applicant is also requesting to expand the existing events program to allow 20 special events with up to 200 guests and 3 special events with up to 500 guests. The proposed project is within the Agriculture land use category and is located at 6385 Cross Canyons Road, approximately 3.14 miles east of the community of San Miguel. The site is in the El Pomar/Estrella Sub Area of the North County Planning Area.

**LOCATION:** 6385 Cross Canyon Road, San Miguel, CA 93451

**LEAD AGENCY:** **County of San Luis Obispo**
**Dept of Planning & Building**
**976 Osos Street, Rm. 200**
**San Luis Obispo, CA 93408-2040**
**Website: http://www.sloplanning.org**

**STATE CLEARINGHOUSE REVIEW: YES** ☒ **NO** ☐

**OTHER POTENTIAL PERMITTING AGENCIES:** Air Pollution Control District

**ADDITIONAL INFORMATION:** Additional information pertaining to this Environmental Determination may be obtained by contacting the above Lead Agency address or (805)781-5600.
**COUNTY "REQUEST FOR REVIEW" PERIOD ENDS AT ..... 4:30 p.m. (2 wks from above DATE)**

**30-DAY PUBLIC REVIEW PERIOD begins at the time of public notification**

## Notice of Determination

**State Clearinghouse No.** _____

This is to advise that the San Luis Obispo County_____ as ☐ *Lead Agency* ☐ *Responsible Agency* approved/denied the above described project on _____, and has made the following determinations regarding the above described project:

The project will not have a significant effect on the environment. A Negative Declaration was prepared for this project pursuant to the provisions of CEQA. Mitigation measures and monitoring were made a condition of approval of the project. A Statement of Overriding Considerations was not adopted for this project. Findings were made pursuant to the provisions of CEQA.

This is to certify that the Negative Declaration with comments and responses and record of project approval is available to the General Public at the 'Lead Agency' address above.

| | Megan Martin | | County of San Luis Obispo |
|---|---|---|---|
| **Signature** | **Project Manager Name** | **Date** | **Public Agency** |

# Initial Study Summary – Environmental Checklist

SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING
976 OSOS STREET • ROOM 200 • SAN LUIS OBISPO • CALIFORNIA 93408 • (805) 781-5600

(ver 5.4) Using Form

**Project Title & No.** **Villa San Juliette Conditional Use Permit ED13-259 (DRC2013-00097)**

**ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:** The proposed project could have a "Potentially Significant Impact" for at least one of the environmental factors checked below. Please refer to the attached pages for discussion on mitigation measures or project revisions to either reduce these impacts to less than significant levels or require further study.

| | | |
|---|---|---|
| ☐ Aesthetics | ☒ Geology and Soils | ☐ Recreation |
| ☐ Agricultural Resources | ☒ Hazards/Hazardous Materials | ☒ Transportation/Circulation |
| ☒ Air Quality | ☒ Noise | ☐ Wastewater |
| ☒ Biological Resources | ☐ Population/Housing | ☒ Water /Hydrology |
| ☐ Cultural Resources | ☒ Public Services/Utilities | ☒ Land Use |

**DETERMINATION:** (To be completed by the Lead Agency)

On the basis of this initial evaluation, the Environmental Coordinator finds that:

☐ The proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

☒ Although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

☐ The proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

☐ The proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

☐ Although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Megan Martin — Megan Martin — 2/3/15
Prepared by (Print) — Signature — Date

Steven McMasters — Ellen Carroll, Environmental Coordinator (for) — 2/3/15
Reviewed by (Print) — Signature — Date

**Project Environmental Analysis**

The County's environmental review process incorporates all of the requirements for completing the Initial Study as required by the California Environmental Quality Act (CEQA) and the CEQA Guidelines. The Initial Study includes staff's on-site inspection of the project site and surroundings and a detailed review of the information in the file for the project. In addition, available background information is reviewed for each project. Relevant information regarding soil types and characteristics, geologic information, significant vegetation and/or wildlife resources, water availability, wastewater disposal services, existing land uses and surrounding land use categories and other information relevant to the environmental review process are evaluated for each project. Exhibit A includes the references used, as well as the agencies or groups that were contacted as a part of the Initial Study. The County Planning Department uses the checklist to summarize the results of the research accomplished during the initial environmental review of the project.

Persons, agencies or organizations interested in obtaining more information regarding the environmental review process for a project should contact the County of San Luis Obispo Planning Department, 976 Osos Street, Rm. 200, San Luis Obispo, CA, 93408-2040 or call (805) 781-5600.

## A. PROJECT

**DESCRIPTION:** Request by Villa San Juliette Holdings LLC for a Conditional Use Permit to allow for a phased expansion of an existing winery. The expansion will include the following:

- Phase One:
  - Conversion of an existing residence (lower level) to a bed and breakfast inn which will include 6 bedrooms and 4 bathrooms. The upper level will remain for private residential use only.
  - Expansion of the existing 380 square foot kitchen to 437 square feet.
  - Expansion of the existing 308 square foot service area supporting the tasting room and kitchen to 948 square feet.
  - Allow 1,200 square feet of limited food facility (restaurant) within the existing tasting room (400 square feet), kitchen (437 square feet), and outdoor covered veranda area (360 square feet.)
- Phase Two: Addition of 13,930 square feet indoor winery space to include:
  - 4,650 square foot barrel storage room;
  - 6,580 square foot fermentation room;
  - 2,700 square feet of administration offices

  Addition of 5,090 square feet outdoor winery space to include:
  - 4,060 square foot outdoor crush pad
  - 1,030 square foot porch

- Phase Three. Relocate and convert a 3,000 square foot agriculture equipment building (Building D) to case goods storage.

The applicant is requesting to expand the existing events program to allow for 20 special events for up to 200 attendees and three (3) events for up to 500 attendees.

This project also includes a request for a modification of the limitation on use standard (Section 22.30.070(D)(3)) to allow for outdoor amplified music associated with special events beyond 5 p.m. and a request for a modification of the ordinance standard limiting a restaurant to 800 square feet to allow 1,200 square feet.

The proposed winery processing expansion structures would be 100 feet from the easterly property boundary; as such, the applicant is requesting a modification from the side setback requirement.

The project (all phases) will result in the disturbance of approximately 30,000 square feet on a 169-acre parcel. The proposed project is within the Agriculture land use category and is located at 6385

Cross Canyons Road, approximately 3.14 miles east of the community of San Miguel. The site is in the El Pomar/Estrella Sub Area of the North County Planning Area.

PROJECT HISTORY

The Villa San Juliette Winery is currently operating under a Minor Use Permit entitlement (DRC2007-00076) which approved the conversion of two agricultural accessory buildings of 2,933 and 2,939 square feet each into a wine processing building and wine processing/storage building for the production of up to 25,000 cases of wine annually. It also included the conversion of 934 square feet within an existing 11,246-square foot residence into a tasting room, a 4,000 square foot paved parking area, special event overflow parking area, six water tanks, wastewater treatment and disposal facilities, secondary access road, and landscaping. The Minor Use Permit also approved six (6) special events with up to 80 persons per event, in addition to periodic industry-wide events.

**ASSESSOR PARCEL NUMBER(S):** 019-051-041

Latitude: 35 degrees 44' 58" N Longitude: -120 degrees 36' 57" W **SUPERVISORIAL DISTRICT #** 1

## B. EXISTING SETTING

**PLAN AREA**: North County **SUB**: El Pomar/Estrella ; **COMB. DESIGNATION**: Flood Hazard

**LAND USE CATEGORY**: Agriculture **VEGETATION**: Vineyards

**TOPOGRAPHY**: Gently sloping to moderately sloping **PARCEL SIZE**: 169 acres

**EXISTING USES**: Agricultural uses; vineyards

**SURROUNDING LAND USE CATEGORIES AND USES:**

| | |
|---|---|
| *North:* Agriculture; agricultural uses single-family residence(s) | *East:* Agriculture; undeveloped single-family residence(s) |
| *South:* Agriculture; agricultural uses single-family residence(s) | *West:* Agriculture; undeveloped single-family residence(s) |

## C. ENVIRONMENTAL ANALYSIS

During the Initial Study process, at least one issue was identified as having a potentially significant environmental effects (see following Initial Study). Those potentially significant items associated with the proposed uses can be minimized to less than significant levels.

# COUNTY OF SAN LUIS OBISPO
# INITIAL STUDY CHECKLIST

| 1. AESTHETICS<br>*Will the project:* | Potentially Significant | Impact can & will be mitigated | Insignificant Impact | Not Applicable |
|---|---|---|---|---|
| *a) Create an aesthetically incompatible site open to public view?* | ☐ | ☐ | ☒ | ☐ |
| *b) Introduce a use within a scenic view open to public view?* | ☐ | ☐ | ☒ | ☐ |
| *c) Change the visual character of an area?* | ☐ | ☐ | ☒ | ☐ |
| *d) Create glare or night lighting, which may affect surrounding areas?* | ☐ | ☐ | ☒ | ☐ |
| *e) Impact unique geological or physical features?* | ☐ | ☐ | ☒ | ☐ |
| *f) Other: _____* | ☐ | ☐ | ☐ | ☐ |

**Setting.** The project parcel is located on the northern side of Cross Canyons Road, and the topography of the site slopes upwards from the road. The surrounding area is dominated by agricultural fields, vineyards, and single family residences. The topography of the area consists of gently rolling hills. The visual character of the site and the surrounding area is predominantly vineyards and rural agriculture. The project site is currently developed and supports vineyards, access roads (paved), two attached, single family residences, two large agricultural buildings, and various storage buildings. The existing structures are visible from Cross Canyons Road and Ranchita Canyon Road, and visibly silhouette as seen from these roads. The tasting room is setback approximately 862 feet north from Cross Canyons Road, and the proposed processing/storage buildings are setback approximately 929 feet north of Cross Canyons Road.

**Impact.** The applicant proposes a phased winery expansion, partial conversion of the existing residences to a Bed and Breakfast Inn, limited food serving facility within the existing tasting room and an increased limited special event program.

- Phase One – Bed and Breakfast: Convert the lower level of the existing residence to a Bed and Breakfast Inn to include 2 additional bedrooms and 2 additional bathrooms for a total of 6 bedrooms and 4 bathrooms. Approximately 1,200 square feet of the existing tasting room, kitchen, and outdoor covered veranda area will be used to support the proposed limited food facility.
- Phase Two – New Indoor and Outdoor Winery Processing Facilities: Buildings A and B will be expanded and are shown as a new "Building C" on the project plans which will include an additional 13,930 square feet. An additional 5,090 square feet of outdoor winery area will be developed and will include an outdoor crush pad and porch.
- Phase Three – Relocate and Convert Building D: Building D will be demolished, relocated and converted to include 3,000 square feet of indoor winery case goods storage.

An Aesthetics/Visual Resources Impact Assessment (Larry Headley, July 2008) was prepared for the previously approved Minor Use Permit DRC2007-00076. A landscape plan was implemented to achieve screening standards that would shield public view of parked cars onsite as well as planting

native oaks along the secondary access road, 104.75 feet east of the proposed project, and olive trees approximately 140 feet south of Building A and B. These would remain in place with the proposed development.

The exterior of the proposed winery processing buildings are compatible with the existing residential, Tuscan architecture currently onsite. The new addition will be located behind the existing winery buildings. Standard county regulations require shielding of lighting to minimize glare.

**Mitigation/Conclusion.** The proposed development will occur within or behind the existing structures on site. Buildings A and B will be expanded creating a larger footprint (now considered "Building C"). The mass of the proposed expansion will be lessened through the use of colors, and the architecture will be consistent with the surrounding landscape and existing buildings. The applicant will comply with existing county regulations regarding shielding of exterior lighting. Based on implementation of these measures, potential visual impacts would be less than significant and no mitigation is necessary.

| **2. AGRICULTURAL RESOURCES** ***Will the project:*** | **Potentially Significant** | **Impact can & will be mitigated** | **Insignificant Impact** | **Not Applicable** |
|---|---|---|---|---|
| ***a) Convert prime agricultural land, per NRCS soil classification, to non-agricultural use?*** | ☐ | ☐ | ☒ | ☐ |
| ***b) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural use?*** | ☐ | ☐ | ☒ | ☐ |
| ***c) Impair agricultural use of other property or result in conversion to other uses?*** | ☐ | ☐ | ☒ | ☐ |
| ***d) Conflict with existing zoning for agricultural use, or Williamson Act program?*** | ☐ | ☐ | ☒ | ☐ |
| ***e) Other:*** _____ | ☐ | ☐ | ☐ | ☐ |

**Setting**. Project Elements. The following area-specific elements relate to the property's importance for agricultural production:

Land Use Category: Agriculture

State Classification: Not prime farmland, Farmland of Statewide Importance, Prime Farmland if irrigated

Historic/Existing Commercial Crops: Yes, Grape Varietal

In Agricultural Preserve? Yes, Estrella

Under Williamson Act contract? Yes

The soil type(s) and characteristics on the subject property include:

Arbuckle-San Ysidro complex (2 - 9% slope).

Arbuckle. This gently sloping coarse loamy soil is considered moderately drained. The soil has moderate erodibility and low shrink-swell characteristics, as well as having potential septic system constraints due to: slow percolation. The soil is considered Class IV without irrigation and Class II when irrigated.

San Ysidro. This gently sloping coarse loamy soil is considered moderately to well drained. The soil has high erodibility and low shrink-swell characteristics, as well as having potential septic system constraints due to: slow percolation. The soil is considered Class IV without irrigation and Class II when irrigated.

Balcom-Calleguas complex (50 - 75 % slope).

Balcom. This very steeply sloping loamy soil is considered moderately drained. The soil has high erodibility and moderate shrink-swell characteristics, as well as having potential septic system constraints due to: steep slopes, shallow depth to bedrock. The soil is considered Class VII without irrigation and Class is not rated when irrigated.

Callguas. This very steeply sloping loamy soil is considered very poorly drained. The soil has moderate erodibility and moderate shrink-swell characteristics, as well as having potential septic system constraints due to: steep slopes, shallow depth to bedrock. The soil is considered Class VII without irrigation and Class is not rated when irrigated.

Balcom-Nacimiento association (30 - 50% slope).

Balcom- This steeply sloping loamy soil is considered moderately drained. The soil has high erodibility and moderate shrink-swell characteristics, as well as having potential septic system constraints due to: steep slopes, shallow depth to bedrock. The soil is considered Class VI without irrigation and Class is not rated when irrigated.

Nacimiento- This steeply sloping loamy soil is considered not well drained. The soil has moderate erodibility and moderate shrink-swell characteristics, as well as having potential septic system constraints due to: steep slopes, shallow depth to bedrock, slow percolation. The soil is considered Class VI without irrigation and Class is not rated when irrigated.

Nacimiento-Los Osos complex (9 - 30 % slope).

Nacimiento. This moderately sloping, fine loamy soil is considered not well drained. The soil has moderate erodibility and moderate shrink-swell characteristics, as well as having potential septic system constraints due to: steep slopes, shallow depth to bedrock, slow percolation. The soil is considered Class IV without irrigation and Class IV when irrigated.

Los Osos. This moderately sloping, fine loamy soil is considered not well drained. The soil has moderate erodibility and moderate shrink-swell characteristics, as well as having potential septic system constraints due to: steep slopes, shallow depth to bedrock, slow percolation. The soil is considered Class IV without irrigation and Class IV when irrigated.

Rincon clay loam (2 - 9% slope). This gently sloping, fine loamy bottom soil is considered not well drained. The soil has moderate erodibility and moderate shrink-swell characteristics, as well as having potential septic system constraints due to: slow percolation. The soil is considered Class IV without irrigation and Class II when irrigated.

Rincon clay loam (9 - 15 % slope). This moderately sloping, fine loamy bottom soil is considered not well drained. The soil has moderate erodibility and moderate shrink-swell characteristics, as well as having potential septic system constraints due to: slow percolation. The soil is considered Class IV without irrigation and Class IV when irrigated.

Still clay loam (0 - 2% slope). This nearly level soil is considered moderately drained. The soil has moderate erodibility and moderate shrink-swell characteristics, as well as having potential septic system constraints due to: slow percolation. The soil is considered Class IV without irrigation and Class I when irrigated.

The parcel is located in the Agriculture land use category and is enrolled in a Land Conservation (Williamson Act) contract. The parcel supports approximately 120 acres of vineyards, wine processing and storage facilities. A paved access road extends through the southern boundary

providing access to the site. Surrounding land uses include vineyards and other agricultural uses.

The project is located over the Paso Robles groundwater basin and is required to meet specific offset requirements subject to the San Luis Obispo County Urgency Water Ordinance. The requirement includes proposed water demands to offset water at a 1:1 ratio. Section 22.104.020 of the Salinas River areawide standards for discretionary permits requires new net water demand be offset at a 2:1 ratio. The applicant is proposing to meet the 2:1 water use offset requirements by removing nonagricultural water uses (i.e. turf and landscaping) prior to removing existing vineyards. Also see water discussion below for more information.

**Impact.** The proposal consists of expanding the existing wine production facility by 1) modifying and adding 22,020 square feet of production and storage area, 2) converting a portion of each of the existing residences to a bed and breakfast inn, 3) converting a portion of the tasting room to a limited food service facility to support the bed and breakfast inn, and 4) expanding the existing events program to allow 20 special events for up to 200 attendees and 3 events for up to 500 attendees. The proposed visitor facilities (tasting room and bed and breakfast inn) will be restricted to the identified tasting room and veranda area consistent with the original Minor Use Permit (DRC2007-00076).

The total area for public use will be completely within the existing tasting room and residence. The existing primary use on site is wine processing with 30,784 square feet of wine processing facilities producing 25,000 cases per year with a request to increase to 80,000 cases per year. It appears the visitor serving uses (bed and breakfast facility and tasting room) are incidental to the primary use which is wine production; therefore, the proposed project is consistent with county policies.

Wineries are included in Table 2, Agricultural and Compatible Uses for Lands Subject to Land Conservation Contracts and Farmland and Security Zone Contracts, under "Ag processing" in the *Rules of Procedure to Implement the California Land Conservation Act of 1965*, [the] local Williamson Act document. Tasting rooms are considered part of the promotion and sales of agricultural products. The County encourages landowners of projects to avoid removing vineyards to the extent possible. The subject site has extensive vineyard plantings, more than the minimum necessary to qualify for the current contract. It appears the proposed project is compatible with the Williamson Act and consistent with the land conservation contract.

The property is located within the Paso Robles Groundwater basin and is subject to the SLO County Urgency Water Ordinance (3246). The ordinance includes requirements for new proposed water demands to offset water at a 1:1 ratio. In addition, Section 22.104.020 of the Salinas River sub-area of the North County Planning Area requires new net water demand to be offset at a 2:1 ratio. The applicant proposed to offset the new net water demand by using offset credits from previously removing 0.9 acres of irrigated vineyards (1.13 acre-feet per year) to facilitate improved water management as part of the recent implementation the onsite water recycling system. The estimated water savings from the removal of irrigated vineyards would exceed the minimum required offset of 2:1 (0.56 acre-ft/year) to accommodate for the proposed project (all phases) which is anticipated to use 0.09 acre-feet per year. The project was referred to the Lynda Auchinachie in the Agriculture Department for review, who in a referral dated June 6, 2014 found the proposed project would have a less than significant impact to agricultural resources and operations; however, requested the applicant support meeting development offset requirements through removal of non-agricultural water uses (i.e. turf and landscaping) and not allow the removal of irrigated vineyards.

**Mitigation/Conclusion.** Per the Agriculture Department comments, the applicant has agreed to remove non-agricultural water uses (i.e. turf and landscaping) which will reduce potential impacts to existing agricultural resources. Wallace Group, in a memorandum dated June 13, 2014, estimated the average applied water for turf grass in Paso Robles is 2.5 feet per year. The amount of water use being increased by the proposed project (all phases) is 0.56 acre-feet per year. Therefore, the amount of turf, or equivalent (other nonagricultural water uses) that would need to be removed is 0.22 acres. Based on the change in project scope to meet water offset requirements, no significant

impacts to agricultural resources were identified.

| 3. AIR QUALITY<br>*Will the project:* | Potentially Significant | Impact can & will be mitigated | Insignificant Impact | Not Applicable |
|---|---|---|---|---|
| *a) Violate any state or federal ambient air quality standard, or exceed air quality emission thresholds as established by County Air Pollution Control District?* | ☐ | ☒ | ☐ | ☐ |
| *b) Expose any sensitive receptor to substantial air pollutant concentrations?* | ☐ | ☒ | ☐ | ☐ |
| *c) Create or subject individuals to objectionable odors?* | ☐ | ☒ | ☐ | ☐ |
| *d) Be inconsistent with the District's Clean Air Plan?* | ☐ | ☒ | ☐ | ☐ |
| *e) Result in a cumulatively considerable net increase of any criteria pollutant either considered in non-attainment under applicable state or federal ambient air quality standards that are due to increased energy use or traffic generation, or intensified land use change?* | ☐ | ☒ | ☐ | ☐ |
| *GREENHOUSE GASES* | | | | |
| *f) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?* | ☐ | ☐ | ☒ | ☐ |
| *g) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?* | ☐ | ☐ | ☒ | ☐ |
| *h) Other:* _____ | ☐ | ☐ | ☐ | ☐ |

**Setting.** The Air Pollution Control District (APCD) has developed and updated their CEQA Air Quality Handbook (2012) to evaluate project specific impacts and help determine if air quality mitigation measures are needed, or if potentially significant impacts could result. To evaluate long-term emissions, cumulative effects, and establish countywide programs to reach acceptable air quality levels, a Clean Air Plan has been adopted (prepared by APCD).

The project proposes to disturb soils that have been given a wind erodibility rating of 5 - 6, which is considered moderate to moderately high.

**Greenhouse Gas (GHG) Emissions** are said to result in an increase in the earth's average surface temperature. This is commonly referred to as global warming. The rise in global temperature is associated with long-term changes in precipitation, temperature, wind patterns, and other elements of the earth's climate system. This is also known as climate change. These changes are now thought to be broadly attributed to GHG emissions, particularly those emissions that result from the human

production and use of fossil fuels.

The passage of AB32, the California Global Warming Solutions Act (2006), recognized the need to reduce GHG emissions and set the greenhouse gas emissions reduction goal for the State of California into law. The law required that by 2020, State emissions must be reduced to 1990 levels. This is to be accomplished by reducing greenhouse gas emissions from significant sources via regulation, market mechanisms, and other actions. Subsequent legislation (e.g., SB97-Greenhouse Gas Emissions bill) directed the California Air Resources Board (CARB) to develop statewide thresholds.

In March 2012, the San Luis Obispo County Air Pollution Control District (APCD) approved thresholds for GHG emission impacts, and these thresholds have been incorporated the APCD's CEQA Air Quality Handbook. APCD determined that a tiered process for residential / commercial land use projects was the most appropriate and effective approach for assessing the GHG emission impacts. The tiered approach includes three methods, any of which can be used for any given project:

1. Qualitative GHG Reduction Strategies (e.g. Climate Action Plans): A qualitative threshold that is consistent with AB 32 Scoping Plan measures and goals; or,
2. Bright-Line Threshold: Numerical value to determine the significance of a project's annual GHG emissions; or,
3. Efficiency-Based Threshold: Assesses the GHG impacts of a project on an emissions per capita basis.

For most projects the Bright-Line Threshold of 1,150 Metric Tons CO2/year (MT CO2e/yr) will be the most applicable threshold. In addition to the residential/commercial threshold options proposed above, a bright-line numerical value threshold of 10,000 MT CO2e/yr was adopted for stationary source (industrial) projects.

It should be noted that projects that generate less than the above mentioned thresholds will also participate in emission reductions because air emissions, including GHGs, are under the purview of the California Air Resources Board (or other regulatory agencies) and will be "regulated" either by CARB, the Federal Government, or other entities. For example, new vehicles will be subject to increased fuel economy standards and emission reductions, large and small appliances will be subject to more strict emissions standards, and energy delivered to consumers will increasingly come from renewable sources. Other programs that are intended to reduce the overall GHG emissions include Low Carbon Fuel Standards, Renewable Portfolio standards and the Clean Car standards. As a result, even the emissions that result from projects that produce fewer emissions than the threshold will be subject to emission reductions.

Under CEQA, an individual project's GHG emissions will generally not result in direct significant impacts. This is because the climate change issue is global in nature. However, an individual project could be found to contribute to a potentially significant cumulative impact. Projects that have GHG emissions above the noted thresholds may be considered cumulatively considerable and require mitigation.

**Impact.** This project is a phased winery expansion, to include increased production, and new visitor serving facilities (limited food facility and bed and breakfast inn). The project will result in the disturbance of approximately 30,000 square feet resulting in the creation of construction dust, as well as short- and long-term vehicle emissions. The project will be moving less than 1,200 cubic yards/day of material and will disturb less than four acres, and therefore will be below the general thresholds triggering construction-related mitigation.

Using the GHG threshold information described in the Setting section, the project is expected to generate less than the Bright-Line Threshold of 1,150 metric tons of GHG emissions. Therefore, the project's potential direct and cumulative GHG emissions are found to be less significant and less than

a cumulatively considerable contribution to GHG emissions. Section 15064(h)(2) of the CEQA Guidelines provide guidance on how to evaluate cumulative impacts. If it is shown that an incremental contribution to a cumulative impact, such as global climate change, is not 'cumulatively considerable', no mitigation is required. Because this project's emissions fall under the threshold, no mitigation is required.

The proposed project was referred to the APCD for review (Andy Mutziger, 2014). The APCD identified the following issues below:

Naturally-occurring asbestos. The project referral indicated there are existing structures on the proposed site that will be demolished/renovated. Demolition and renovation activities can have potential negative air quality impacts, including issues surrounding proper handling, demolition, and disposal of asbestos containing material (ACM). Asbestos containing materials could be encountered during demolition or remodeling of existing buildings. Asbestos can also be found in utility pipes/pipelines (transite pipes or insulation on pipes). If building(s) are removed or renovated; or utility pipelines are scheduled for removal or relocation, this project may be subject to various regulatory jurisdictions, including the requirements stipulated in the National Emission Standard for Hazardous Air Pollutants.

Fugitive Dust ($PM_{10}$). The operational impact of this development was compared against Table 1-1 in the APCD's 2012 CEQA Handbook. This indicated that operational phase impacts would likely be less than the ozone precursor and greenhouse gas thresholds in Table 3-2 in the CEQA Handbook. The APCD considered the project's fugitive dust impacts from the special event guest driving on unmitigated, unpaved driveways and parking areas on site using the specific relationship behind the APCD screening table and proposed guest levels. At the 200 guest level, there would be approximately 100 round trips and 250 round trips for the 500 guest level. At 350 feet of unmitigated, unpaved one-way driving length, the number of round trips needed to exceed the particulate matter (PM10) threshold in Table 3-2 in the CEQA Handbook is 85 pounds per day. *The project's operational phase impacts are anticipated to exceed the PM10 threshold of significance.*

Implementation of the proposed project would result in the generation of dust, potentially affecting local residents and businesses in proximity to the project site. Dust complaints could result in violation of the APCD's nuisance rules, a potentially significant air quality impact.

Operational Permit Requirements. Current and proposed increases in wine production rates require an APCD Permit to Operate. The permit requirement applies to wine production over 10,000 cases.

Nuisance Odors from Wineries. Wine production facilities can generate nuisance odors during various steps of the process. Proven methods for handling wastewater discharge and grape skin waste were incorporated into the winery practices with the previous permit and reduced off-site odor. These same practices will continue to be implemented.

Agricultural Burning. Agricultural operations must obtain an APCD Agricultural Burn Permit to burn agricultural vegetation on Permissive Burn Days.

**Mitigation/Conclusion.** To mitigate for potential air quality impacts, the following measures will be implemented:

Fugitive Dust ($PM_{10}$). Since the proposed increase in special event activity would result in unmitigated PM10 emissions in excess of the 25 pound per day significance threshold, the following mitigation is required on the day(s) of the special event:

- Designated parking locations shall be paved when possible; plant fast germinating non-invasive grass or low cut dense vegetation; or, treated with a 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 (APCD Rule 401) or prompt nuisance violations (APCD Rule 402).

- Any unpaved roads/driveways that will be used for the special event shall be maintained with

an APCD-approved dust suppressant such that fugitive dust emissions do not exceed the APCD 20% opacity limit or create nuisance.

To minimize nuisance dust impacts during construction, the applicant is required to implement APCD fugitive dust mitigation measures including reducing the amount of disturbed area where possible, the use of water trucks or sprinkler systems to water down airborne dust, daily spraying of dirt stock-pile areas, paving of applicable surfaces as soon as possible after grading, laying of building pads as soon as possible.

Operational Permit Requirements. The applicant will be required to complete and submit to the APCD a Permit to Operate for the increase in case production.

Nuisance Odors. The previous Minor Use Permit entitlement (DRC2007-00076) incorporated methods for handling wastewater discharge and management of skins to minimize the potential for anaerobic processes that mix with ambient air which are brought into this permit. In addition, the expansion of the winery operation will see majority of activities relocated indoors, minimizing the potential for odor generation to reach sensitive receptors.

Agricultural Burning. To minimize the effects of vegetative burning on regional air quality, the applicant is required by regulation to avoid burning, or if no alternative is available, obtain a burn permit from the APCD and County Fire/California Department of Forestry, and comply with all conditions required by these agencies.

| **4. BIOLOGICAL RESOURCES** *Will the project:* | **Potentially Significant** | **Impact can & will be mitigated** | **Insignificant Impact** | **Not Applicable** |
|---|---|---|---|---|
| ***a) Result in a loss of unique or special status species* or their habitats?*** | ☐ | ☒ | ☐ | ☐ |
| ***b) Reduce the extent, diversity or quality of native or other important vegetation?*** | ☐ | ☐ | ☒ | ☐ |
| ***c) Impact wetland or riparian habitat?*** | ☐ | ☐ | ☒ | ☐ |
| ***d) Interfere with the movement of resident or migratory fish or wildlife species, or factors, which could hinder the normal activities of wildlife?*** | ☐ | ☒ | ☐ | ☐ |
| ***e) Conflict with any regional plans or policies to protect sensitive species, or regulations of the California Department of Fish & Wildlife or U.S. Fish & Wildlife Service?*** | ☐ | ☐ | ☒ | ☐ |
| ***f) Other:*** _____ | ☐ | ☐ | ☐ | ☐ |

*** Species – as defined in Section15380 of the CEQA Guidelines, which includes all plant and wildlife species that fall under the category of rare, threatened or endangered, as described in this section.**

**Setting**. The following are existing elements on or near the proposed project relating to potential biological concerns:

On-site Vegetation: Agriculture

Name and distance from blue line creek(s): An unnamed Creek is located within the parcel boundary

Habitat: Grasses, ornamental landscaping, oak woodland

Based on the latest California Natural Diversity Data Base (CNDDB), and other biological references, the following is a list of sensitive vegetation, wildlife, and/or habitat that have been identified as potentially being within the vicinity of the proposed project:

Vegetation: No sensitive species were identified within a 1 mile survey of the parcel boundary

Wildlife: No sensitive species were identified within a 1 mile survey of the parcel boundary

Habitat: California red-legged frog (*Rana aurora draytonii*) habitat has been found on-site. California red-legged frog is considered federally threatened. This species typically inhabits shorelines with extensive vegetation. The frog requires 11 to 20 weeks of permanent water for larval development.

San Joaquin kit fox *(Vulpes macrotis mutica)* The CNDDB identified this area as important habitat for the San Joaquin Kit Fox, a federally listed endangered species and a state listed threatened species. The kit fox is uncommon to rare. They reside in arid regions of the southern half of the state (Grinnell et al. 1937, Wilson and Ruff 1999:150). This usually nocturnal mammal lives in annual grasslands or grassy open stages of vegetation dominated by scattered brush, shrubs, and scrub. The project site is located in the County's San Joaquin Kit Fox Mitigation Area, in the area that requires mitigation on a 4:1 basis. Mitigation was required for the establishment of the current winery facility as a result of the Minor Use Permit (DRC2007-00076) for the project.

Blue oak woodlands (scattered <10% density) total approximately 68,500 acres in San Luis Obispo County. They are typically found in the foothills bordering hot interior valleys of the county below the 3,500-foot elevation. Common bordering habitats are grassland and chaparral communities. The deciduous blue oak (*Quercus douglasii*) is the dominant species. Other tree species commonly found in this habitat include: gray pine, coast live oak, valley oak, and interior live oak. Historic threats to this woodland include: rangeland clearing, urban conversion, firewood, and poor regeneration due to grazing and competition with non-native vegetation.

The area proposed for development is currently developed by existing vineyards, residence, agricultural processing buildings and access roads. Four ephemeral creeks traverse the project site. The nearest is approximately 120 feet west of the existing residence, and approximately 360 feet west of the parking area. One offsite creek parallels Ranchita Canyon Road, and is located approximately 400 feet east of an existing agricultural road located along the east property boundary.

It is not likely based on the existing site conditions and previously disturbed building envelope, that the area proposed for development would support suitable habitat for any special-status species.

**Impact.** The project site is currently developed by an existing winery facility, two single family residences, tasting room, agricultural processing structures and access roads both paved and unpaved. Proposed construction activities would occur within previously disturbed areas. Site disturbance would include grading activities for expansion of Buildings A and B into Building C and the relocation and conversion of Building D. No natural habitats or oak trees would be directly affected by the proposed construction activities. No on or offsite creeks would be directly affected by proposed grading and construction activities. Grading activities may result in erosion and down-gradient sedimentation. In addition, inadvertent use or storage of materials outside of construction areas may impact identified creeks.

Implementation of standard erosion and sedimentation control plans required by ordinance would mitigate the potential for erosion and down-gradient sedimentation. Grading plans will be required to

show grading limits to avoid inadvertent impacts to the creek.

With regards to the San Joaquin Kit Fox, the applicant previously mitigated the loss of 0.3 acres of kit fox habitat at the 4:1 mitigation ratio (Rincon Consultants, August 27, 2008). Total compensatory mitigation required for the project is 1.2 acres, based on four times 0.3 acres impacted. The applicant submitted evidence that the fees were paid for the 0.3 acres impacted (PMT2008-01219). The proposed development is within the 0.3 acres determined no longer available for use by San Joaquin Kit Fox, therefore, further compensatory mitigation is not required. To prevent any inadvertent harm to kit fox during development, the applicant will be required to meet avoidance and minimization measures described below.

**Mitigation/Conclusion.** No significant biological impacts are expected to occur; however, to prevent any inadvertent harm to kit fox, the applicant will be required to retain a biologist for a pre-construction survey, a pre-construction briefing for contractors, and monitoring activities in addition to implementing cautionary construction measures.

The applicant shall also prepare an implement a hazardous materials clean-up and contingency plan to ensure containment and clean-up of incidental spills and leaks during construction activities.

These mitigation measures are listed in detail in Exhibit B Mitigation Summary Table. The implementation of the above measures will mitigate biological impacts to a level of insignificance.

| **5. CULTURAL RESOURCES** *Will the project:* | **Potentially Significant** | **Impact can & will be mitigated** | **Insignificant Impact** | **Not Applicable** |
|---|---|---|---|---|
| ***a) Disturb archaeological resources?*** | ☐ | ☐ | ☒ | ☐ |
| ***b) Disturb historical resources?*** | ☐ | ☐ | ☒ | ☐ |
| ***c) Disturb paleontological resources?*** | ☐ | ☐ | ☒ | ☐ |
| ***d) Other:*** _____ | ☐ | ☐ | ☐ | ☐ |

**Setting.** The project is located in an area historically occupied by the Southern Salinan and is within 300 feet of a blue line creek. The potential for the presence of cultural resources increases in proximity to water sources. No previous cultural surveys were found for the subject property, no historic structures are present on the site and no paleontological resources are known to exist in the area.

**Impact.** The project is not located in an area that would be considered culturally sensitive due to lack of physical features associated with prehistoric occupation. Proposed site disturbance would occur a minimum of 360 feet east and upslope from the closest onsite creek, and a minimum of 400 feet west of an offsite creek. No evidence of cultural material was noted on the property. Impacts to historical or paleontological resources are not expected.

**Mitigation/Conclusion.** No significant cultural resource impacts are expected to occur, and no mitigation measures are necessary.

## 6. GEOLOGY AND SOILS

| *Will the project:* | Potentially Significant | Impact can & will be mitigated | Insignificant Impact | Not Applicable |
|---|---|---|---|---|
| ***a) Result in exposure to or production of unstable earth conditions, such as landslides, earthquakes, liquefaction, ground failure, land subsidence or other similar hazards?*** | ☐ | ☐ | ☒ | ☐ |
| ***b) Be within a California Geological Survey "Alquist-Priolo" Earthquake Fault Zone", or other known fault zones*?*** | ☐ | ☐ | ☒ | ☐ |
| ***c) Result in soil erosion, topographic changes, loss of topsoil or unstable soil conditions from project-related improvements, such as vegetation removal, grading, excavation, or fill?*** | ☐ | ☒ | ☐ | ☐ |
| ***d) Include structures located on expansive soils?*** | ☐ | ☐ | ☒ | ☐ |
| ***e) Be inconsistent with the goals and policies of the County's Safety Element relating to Geologic and Seismic Hazards?*** | ☐ | ☐ | ☒ | ☐ |
| ***f) Preclude the future extraction of valuable mineral resources?*** | ☐ | ☐ | ☒ | ☐ |
| ***g) Other:*** _____ | ☐ | ☐ | ☐ | ☐ |

*** Per Division of Mines and Geology Special Publication #42**

**Setting.** The following relates to the project's geologic aspects or conditions:

Topography: Nearly level to gently sloping

Within County's Geologic Study Area?: No

Landslide Risk Potential: Low to moderate

Liquefaction Potential: Low to moderate

Nearby potentially active faults?: No

Area known to contain serpentine or ultramafic rock or soils?: No

Shrink/Swell potential of soil: Low to Moderate

Other notable geologic features? None

Drainage. The 100-year Flood Hazard designation associated with the creek parallel to Ranchita Canyon Road borders the southeast corner of the property. The area proposed for development is outside of the 100-year Flood Hazard Designation. As described in the Natural Resource Conservation Service Soil Survey, the soil is considered not well to well drained. For areas where drainage is identified as a potential issue, a drainage plan may be required to minimize potential drainage impacts. When required, this plan would need to address measures such as: construction on-site retention or detention basins, or installing surface water flow dissipaters. This plan would also

need to show that the increased surface runoff would have no more impacts than that caused by historic flows.

Sedimentation and Erosion. The soil types and descriptions are listed in the previous Agriculture section under "Setting". As described in the NRCS Soil Survey, the soil surface is considered to have moderate to high erodibility and low to moderate shrink-swell characteristics.

When highly erosive conditions exist, a sedimentation and erosion control plan is required (LUO Sec. 22.52.090, CZLUO Sec. 23.05.036) to minimize these impacts. When required, the plan is prepared by a civil engineer to address both temporary and long-term sedimentation and erosion impacts. Projects involving more than one acre of disturbance are subject to the preparation of a Storm Water Pollution Prevention Plan (SWPPP), which focuses on controlling storm water runoff. The Regional Water Quality Control Board is the local extension who monitors this program.

**Impact.** The project will result in the disturbance of approximately 30,000 square feet. Majority of the proposed development will occur in previously disturbed areas. Based on soil conditions, erosion and down-gradient sedimentation may occur.

**Mitigation/Conclusion.** To mitigate project impacts related to erosion and down-gradient sedimentation, the applicant shall limit construction and improvement activities to the dry season (April 15 through October 15). If these activities cannot take place only during the dry season, implementations of Best Management Practices (BMPs) are required prior to the start of the rainy season. An erosion and sedimentation control plan will be required and will identify how disturbed soils will be stabilized to prevent wind and water erosion during and immediately following construction. The applicant shall also illustrate on the plans the placement of fill or short-term stockpiling if necessary. In addition to an erosion and sedimentation control plan, the applicant shall submit complete drainage plans to the County [Public Works]. The project will be required to comply with the requirements of the National Pollutant Discharge Elimination System Phase I and/ or Phase II storm water program and the County's Storm Water Pollution Control and Discharge Ordinance. Implementation of these measures reduces potential soil erosion impacts to less than significant levels.

| **7. HAZARDS & HAZARDOUS MATERIALS** - ***Will the project:*** | **Potentially Significant** | **Impact can & will be mitigated** | **Insignificant Impact** | **Not Applicable** |
|---|---|---|---|---|
| ***a) Create a hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?*** | ☐ | ☐ | ☒ | ☐ |
| ***b) Create a hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?*** | ☐ | ☐ | ☒ | ☐ |
| ***c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within ¼-mile of an existing or proposed school?*** | ☐ | ☐ | ☒ | ☐ |

| 7. HAZARDS & HAZARDOUS MATERIALS - *Will the project:* | Potentially Significant | Impact can & will be mitigated | Insignificant Impact | Not Applicable |
|---|---|---|---|---|
| ***d) Be located on, or adjacent to, a site which is included on a list of hazardous material/waste sites compiled pursuant to Gov't Code 65962.5 ("Cortese List"), and result in an adverse public health condition?*** | ☐ | ☐ | ☒ | ☐ |
| ***e) Impair implementation or physically interfere with an adopted emergency response or evacuation plan?*** | ☐ | ☐ | ☒ | ☐ |
| ***f) If within the Airport Review designation, or near a private airstrip, result in a safety hazard for people residing or working in the project area?*** | ☐ | ☐ | ☒ | ☐ |
| ***g) Increase fire hazard risk or expose people or structures to high wildland fire hazard conditions?*** | ☐ | ☐ | ☒ | ☐ |
| ***h) Be within a 'very high' fire hazard severity zone?*** | ☐ | ☒ | ☐ | ☐ |
| ***i) Be within an area classified as a 'state responsibility' area as defined by CalFire?*** | ☐ | ☐ | ☒ | ☐ |
| ***j) Other:*** _____ | ☐ | ☐ | ☐ | ☐ |

**Setting.** The project is not located in an area of known hazardous material contamination. The project is within a high severity risk area for fire (15+ minute response time). The project is not within the Airport Review area.

**Impact**. The project does not propose the use of hazardous materials, nor the generation of hazardous wastes. The proposed project is not found on the 'Cortese List' (which is a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5). The project is not expected to conflict with any regional emergency response or evacuation plan.

The proposed project was referred to Cal Fire for review and does not present a significant fire safety risk (October 20, 2014). The applicant is required to comply with the California Fire Code, California Building Code, the Public Resources Code and any other applicable fire laws. Compliance with standard fire regulations would be required including, but not limited to, fire resistant roofing and roof access, water supply for fire suppression, through access for fire trucks, fuel load (vegetation) clearance.

The project includes expanding the special events to allow for 23 events with 3 events allowing 500 attendees and 20 events with 200 attendees. The cumulative effects of large scale special events and increased commercial operations within areas such as this continue to place challenges upon Cal Fire's ability to provide emergency services within rural areas.

**Mitigation/Conclusion.** Based on compliance with existing regulations regarding fire safety, no significant impacts as a result of hazards or hazardous materials are anticipated. Cal Fire will be

requiring the following mitigations to reduce fire life safety concerns relative to increasing the special events program:

- Provide a dedicated individual to function as a fire watch throughout all special events at the site regardless of the total amount of attendees.
- Provide an individual trained/certified within San Luis Obispo County as an Emergency Medical Technician for all events exceeding 200 attendees.
- All events are required to take place on approved sites and only within properly permitted and inspected structures.

| **8. NOISE** *Will the project:* | **Potentially Significant** | **Impact can & will be mitigated** | **Insignificant Impact** | **Not Applicable** |
|---|---|---|---|---|
| ***a) Expose people to noise levels that exceed the County Noise Element thresholds?*** | ☐ | ☒ | ☐ | ☐ |
| ***b) Generate permanent increases in the ambient noise levels in the project vicinity?*** | ☐ | ☐ | ☒ | ☐ |
| ***c) Cause a temporary or periodic increase in ambient noise in the project vicinity?*** | ☐ | ☒ | ☐ | ☐ |
| ***d) Expose people to severe noise or vibration?*** | ☐ | ☐ | ☒ | ☐ |
| ***e) If located within the Airport Review designation or adjacent to a private airstrip, expose people residing or working in the project area to severe noise levels?*** | ☐ | ☐ | ☒ | ☐ |
| ***f) Other:*** _____ | ☐ | ☐ | ☐ | ☐ |

**Setting.** The winery is located four miles east of San Miguel set back from Cross Canyon Road up a winding access road. Traffic on Cross Canyon Road is light; with a mix of agriculture service traffic, local residents and wine tourists. The Paso Robles Airport is approximately 4.5 miles away; the winery is not in alignment with the runway and few planes pass over the site.

This is a rural and quiet setting. From the plateau where the winery is located the major noise sources are birds, distant agricultural activities and an occasional vehicle pass by. However, the site that provides the expansive vistas also expands the territory that could be impacted by sound from events.

The project is not within close proximity of loud noise sources, but the addition of special events may conflict with sensitive noise receptors (e.g., residences). The nearest off-site residences are 1,161 feet upslope to the east and 1,953 feet to the north. Based on the Noise Element's projected future noise generation from known stationary and vehicle-generated noise sources, the project is within an acceptable threshold area.

Currently, the winery is allowed six special events per year with no more than 80 guests at each event, as well as periodic industry-wide events. Amplified music is allowed at these events only,

between the hours of 10:00 a.m. and 5:00 p.m. These hours are consistent with the county ordinance.

Special Events. Special events are defined as any of the following events when there is the possibility that 50 people or more individuals will attend: concerts (with or without amplified sound), weddings, advertised events (including fund raising, but not including industry-wide events), and advertised winemaker dinners open to the general public. Does not include normal patronage of the tasting room or non-advertised events.

Industry-wide Events. In addition to the winery special events, the Paso Robles Wine Country Alliance hosts regional trade and consumer events around North County throughout the year. Currently three annual events are held. These are open house weekends where visitors can participate in the different industry-wide events where they might otherwise not have access to participating wineries.

*Regulatory Setting*

*Section 22.10.120 - Noise.* The proposed project is potentially inconsistent with the special events standards related to noise because the applicant is requesting to allow for outdoor amplified music after 5 p.m. This standard may only be waived or modified where a finding can be made by the Review Authority that the noise at the property line will not exceed 65dB. Based on information received from an Acoustical analysis performed by David Dubbink Associates (April 20, 2014); test tones used in the analysis show that events at the winery will not exceed the limits established in the ordinance at the closest property line.

**Impact**. The applicant is proposing to increase the number of special events to 3 special events at no more than 500 guests and 20 special events at no more than 200 guests, as well as periodic industry-wide events including open houses and/or winemaker dinners during event weekends. The applicant is also requesting a modification to the winery noise ordinance for outdoor amplified music after 5 p.m. This time limit can be waived if it is demonstrated that noise at the property line will not exceed 65 decibels (dB; Title 22 of the County's Land Use Ordinance noise threshold for wineries and special events.)

An acoustical analysis was performed by David Dubbink Associates. Sound level readings were taken at the project site on April 18, 2014, starting at 9 a.m. to determine if amplified sound at the venue sites would meet County standards, tests were conducted at the proposed venue locations (pool area behind the main building, circular lawn that includes an outdoor patio, and second lawn area at a lower elevation than the central lawn) and concluded:

- Test tones used in the analysis comparable to those heard at a special event, and the actual event numbers presented, show that events at the winery will not exceed permitted limits at the closest property line.
- There could be a problem if an event sponsor placed speakers on tall towers and turned the volumes to levels in excess of the typical events measured by David Dubbink Associates. This situation can be mitigated by adding conditions such as placing acoustic limits on permitted events and linking this with requirements for site monitoring.

The acoustical analysis demonstrates special events will not exceed the county required threshold of 65 dB at adjacent property lines.

In a letter received March 18, 2014, it was brought to staff's attention that the events held at Villa San Juliette "have not been controlled" and "have gone on late into the night, been loud, and disruptive." Other complaints have been received related to noise and have been forwarded to Planning and Building Staff as well as code enforcement. In a quiet and rural setting, allowing the modification to the winery noise ordinance to allow outdoor amplified music after 5 p.m. may be incompatible with the surrounding environment and uses. Further investigation (COD2014-00190) indicated the activities in question may not have been an industry-wide or special event; in other words, they were not a part of

the special events program approved with the minor use permit DRC2007-00076. The County regulates noise levels only for industry-wide and special events. Private events and activities may be allowed but outdoor amplified music not associated with an industry or special event falls under the Sheriffs jurisdiction. At this time, there are no open code enforcement cases related to industry or special events at Villa San Juliette.

As indicated in the analysis as well as observed during staff's site visit, this is a quiet and rural setting. Increasing the number of special events and allowed number of guests has been demonstrated to not exceed the county threshold.

**Mitigation/Conclusion.** Increasing the number of special events and number of attendees at the events will cause periodic increases in outdoor noise and increase the potential to conflict with sensitive noise receptors (e.g. residences). The proposed project demonstrated through an acoustical analysis performed by David Dubbink Associates that outdoor amplified music at the special events will not exceed the county required threshold of 65 dB at adjacent property lines if recommended conditions are followed:

- Outdoor amplified music will not exceed Lmax levels of 95 decibels, measured fifty feet from the source. This condition should be made part of any rental agreement for groups making use of the event site. An on-site manager shall be present during events and have a basic sound level meter to verify conformance with standards and to correct problem situations.
- When events are held at the barrel room the events should take place within the structure and doors and other openings facing in the direction of the eastern property line should remain closed.
- The projects neighbors shall be provided with a phone number for reporting problems to winery management and there shall be a reporting procedure to record complaints and actions taken to correct them.

Including measures recommended by David Dubbink Associates and requirements of existing county regulations, the proposed project will meet the noise levels for allowable outdoor amplified music. There could be a problem if an event sponsor placed speakers on tall towers and turned the volumes to levels in excess of the typical events measured by David Dubbink Associates. This situation can be mitigated by adding conditions such as placing acoustic limits on permitted events and linking this with requirements for site monitoring.

There appears to be sufficient information for the decision makers to make the required findings to allow for modification to the limited hours of outdoor amplified music. The additional measures above what are required by ordinance adequately address impacts related to noise and as conditioned, will reduce the impacts to less than significant levels.

| **9. POPULATION/HOUSING** *Will the project:* | **Potentially Significant** | **Impact can & will be mitigated** | **Insignificant Impact** | **Not Applicable** |
|---|---|---|---|---|
| ***a) Induce substantial growth in an area either directly (e.g., construct new homes or businesses) or indirectly (e.g., extension of major infrastructure)?*** | ☐ | ☐ | ☒ | ☐ |
| ***b) Displace existing housing or people, requiring construction of replacement housing elsewhere?*** | ☐ | ☐ | ☒ | ☐ |
| ***c) Create the need for substantial new housing in the area?*** | ☐ | ☐ | ☒ | ☐ |

## 9. POPULATION/HOUSING

***Will the project:***

| | Potentially Significant | Impact can & will be mitigated | Insignificant Impact | Not Applicable |
|---|---|---|---|---|
| ***d) Other:*** _____ | ☐ | ☐ | ☐ | ☐ |

**Setting** In its efforts to provide for affordable housing, the county currently administers the Home Investment Partnerships (HOME) Program and the Community Development Block Grant (CDBG) program, which provides limited financing to projects relating to affordable housing throughout the county.

**Impact**. The project will not result in a need for a significant amount of new housing, and will not displace existing housing.

**Mitigation/Conclusion.** No significant population and housing impacts are anticipated, and no mitigation measures are necessary.

## 10. PUBLIC SERVICES/UTILITIES

***Will the project have an effect upon, or result in the need for new or altered public services in any of the following areas:***

| | Potentially Significant | Impact can & will be mitigated | Insignificant Impact | Not Applicable |
|---|---|---|---|---|
| ***a) Fire protection?*** | ☐ | ☒ | ☐ | ☐ |
| ***b) Police protection (e.g., Sheriff, CHP)?*** | ☐ | ☐ | ☒ | ☐ |
| ***c) Schools?*** | ☐ | ☐ | ☒ | ☐ |
| ***d) Roads?*** | ☐ | ☐ | ☒ | ☐ |
| ***e) Solid Wastes?*** | ☐ | ☐ | ☒ | ☐ |
| ***f) Other public facilities?*** | ☐ | ☐ | ☒ | ☐ |
| ***g) Other:*** _____ | ☐ | ☐ | ☐ | ☐ |

**Setting.** The project area is served by the following public services/facilities:

Police: County Sheriff Location: Templeton (Approximately 9 miles to the South)

Fire: Cal Fire (formerly CDF) Hazard Severity: High Response Time: 15-20 minutes

Location: Approximately 6 miles to the South

School District: Paso Robles Joint Unified School District.

For additional information regarding fire hazard impacts, go to the 'Hazards and Hazardous Materials' section

**Impact**. The project includes expanding the special events to allow for 23 events with 3 events allowing a maximum of 500 attendees and 20 events with a maximum of 200 attendees. The cumulative effects of large scale special events and increased commercial operations within areas such as this continue to place challenges upon Cal Fire's ability to provide emergency services within rural areas.

The proposed project was referred to Cal Fire for review and does not present a significant fire safety risk (Cal Fire Letter, October 20, 2014 attached). The applicant is required to comply with the

California Fire Code, California Building Code, the Public Resources Code and any other applicable fire laws. Compliance with standard fire regulations would be required including, but not limited to, fire resistant roofing and roof access, water supply for fire suppression, through access for fire trucks, fuel load (vegetation) clearance.

No other significant project-specific impacts to utilities or public services were identified. This project, along with others in the area, will have a cumulative effect on police/sheriff and fire protection, and schools. The project's direct and cumulative impacts are within the general assumptions of allowed use for the subject property that was used to estimate the fees in place.

**Mitigation/Conclusion.** Based on compliance with existing regulations regarding fire safety, no significant impacts are anticipated. Cal Fire will be requiring the following mitigations to reduce fire life safety concerns relative to the request to increase the number and attendees of the special events program:

- Provide a dedicated individual to function as a fire watch throughout all special events at the site regardless of the total amount of attendees.
- Provide an individual trained/certified within San Luis Obispo County as an Emergency Medical Technician for all events exceeding 200 attendees.
- All events are required to take place on approved sites and only within properly permitted and inspected structures.

These measures and standard fire regulations, California Fire Code, and California Building Code will mitigate fire life safety impacts to less than significant levels.

Regarding cumulative effects, public facility (County) and school (State Government Code 65995 et seq.) fee programs have been adopted to address this impact, and will reduce the cumulative impacts to less than significant levels.

| **11. RECREATION** *Will the project:* | **Potentially Significant** | **Impact can & will be mitigated** | **Insignificant Impact** | **Not Applicable** |
|---|---|---|---|---|
| ***a) Increase the use or demand for parks or other recreation opportunities?*** | ☐ | ☐ | ☒ | ☐ |
| ***b) Affect the access to trails, parks or other recreation opportunities?*** | ☐ | ☐ | ☒ | ☐ |
| ***c) Other*** _____ | ☐ | ☐ | ☐ | ☐ |

**Setting.** The County's Parks and Recreation Element does not show that a potential trail goes through the proposed project. The project is not proposed in a location that will affect any trail, park, recreational resource, coastal access, and/or Natural Area.

**Impact.** The proposed project will not create a significant need for additional park, Natural Area, and/or recreational resources.

**Mitigation/Conclusion.** No significant recreation impacts are anticipated, and no mitigation measures are necessary.

| 12. TRANSPORTATION/CIRCULATION<br>*Will the project:* | Potentially Significant | Impact can & will be mitigated | Insignificant Impact | Not Applicable |
|---|---|---|---|---|
| a) *Increase vehicle trips to local or areawide circulation system?* | ☐ | ☐ | ☒ | ☐ |
| b) *Reduce existing "Level of Service" on public roadway(s)?* | ☐ | ☐ | ☒ | ☐ |
| c) *Create unsafe conditions on public roadways (e.g., limited access, design features, sight distance, slow vehicles)?* | ☐ | ☒ | ☐ | ☐ |
| d) *Provide for adequate emergency access?* | ☐ | ☐ | ☒ | ☐ |
| e) *Conflict with an established measure of effectiveness for the performance of the circulation system considering all modes of transportation (e.g. LOS, mass transit, etc.)?* | ☐ | ☐ | ☒ | ☐ |
| f) *Conflict with an applicable congestion management program?* | ☐ | ☐ | ☒ | ☐ |
| g) *Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?* | ☐ | ☐ | ☒ | ☐ |
| h) *Result in a change in air traffic patterns that may result in substantial safety risks?* | ☐ | ☐ | ☒ | ☐ |
| i) *Other:* _____ | ☐ | ☐ | ☐ | ☐ |

**Setting.** The proposed project involves modifications to an existing permitted winery. The property is located on Cross Canyons Road, a collector road about 3.5 miles east of San Miguel. The County has established the acceptable Level of Service (LOS) on roads for this rural area as "C" or better. The existing road network in the area including the project's access street Cross Canyon Road) is operating at acceptable levels. Based on existing road speeds and configuration (vertical and horizontal road curves), sight distance is considered acceptable.

The Villa San Juliette winery is currently operating under a Minor Use Permit which approved two winery buildings, a tasting room and a small events program (6 events of up to 80 people). There are approximately 45 existing parking spaces to accommodate visitors to Villa San Juliette. There are two existing residences on-site. The proposed project includes a Conditional Use Permit for a winery expansion which includes conversion of the lower floors of the existing two permitted residences to a Bed and Breakfast facility, a limited food serving facility within the existing tasting room and an increased special events program.

Referrals were sent to County Public Works. The project appears to trigger road improvements per Resolution 2008-152 (Public Works, May 20, 2014, attached). These improvements will be required as conditions of approval.

**Impact**. The new winery related facilities could result in additional peak hour trips. The project

elements were delineated by proposed storage uses, office uses and bed and breakfast uses. County approved trip generation rates were utilized for the winery storage and office uses. The following was interpreted by Orosz Engineering Group, Inc., (July 11, 2014) for trip generation, road safety analysis and project related impacts to traffic in the area:

*Bed and Breakfast Facility*. The Institute of Transportation Engineers (ITE) does not publish a vehicle trip generation rate for Bed and Breakfast facility uses. For the future use, a reasonable daily vehicle trip generation rate for a 6-room Bed and Breakfast can be estimated by making a few assumptions. If each nightly guest group arrived via car, dined out and returned, then left the next morning; traffic volumes would be 4 vehicle trips per unit or 24 daily vehicle trips for the entire Bed and Breakfast facility. If each of the two potential outside employees arrived and departed once daily, that would account for 4 vehicle trips. The maximum total trip generation using these assumptions would be 28 vehicle trips per day; compared to approximately 13 for a typical single family home occupied by one family. These trips would likely occur in typical daytime and evening hours, with roughly half occurring in the late afternoon and early evening hours; and about 6 trips, occurring during the PM peak hour. Due to the remote nature of the site and the dining facilities on-site, the trips that may be associated with leaving the Bed and Breakfast for dining may be overstated.

*Special Events Program*. The special events will occur during non-peak hours. The large 500 person events are proposed to be limited to occur 3 times a year and are scheduled for weekends, estimated to generate 143 total peak trips at 3.5 persons per vehicle or 181 total peak trips at 2.75 persons per vehicle. The majority of the other special events, common to most wineries in the region, will generate up to 80 peak trips. Due to location of the project, it is most likely that more people will carpool or have some sort of shuttle from hotels or airport. Based on the location of potential airport and lodging opportunities, the majority of guests will be coming from the Paso Robles area, via Pleasant Road and will not likely be travelling through San Miguel.

To accommodate the increase in visitors to the winery, the applicant is proposing to utilize an unimproved parking area that will provide parking for the tasting room, winery and event overflow parking. Additional overflow parking will be provided behind the processing buildings. These areas are both screened from Cross Canyons Road. The applicant will include shuttle service for attendees as an alternative transportation option to decrease the number of vehicles on the roadways during special events.

*Winery Facilities*. The proposed winery operations are estimated to generate about 13 regular PM peak hour trips with up to 143 peak direction trips during the 500-person special events, which would occur up to 3 times per year. Based on these traffic volume estimates and the capacity of the existing roadways, no significant traffic operational issues are anticipated. The project does not conflict with adopted policies, plans and programs on transportation.

Based on trip generation estimates, a Roadway Safety Analysis was conducted. The analysis found that there was no significant collision history for the area near the project site. Some minor additional warning signage has been proposed to be installed on Cross Canyons Road at Pleasant Road to reduce the potential for future collisions.

**Mitigation/Conclusion**. Based on the traffic volume estimates (Orosz Engineering Group, Inc., July 11, 2014) and the capacity of the existing roadway; no significant traffic operational issues are anticipated. Both the traffic report and road safety analysis were reviewed by County Public Works (Michelle Matson, August 14, 2014) and no improvements were found to be needed. Public Works will not be installing additional speed advisory signs on the 'intersection ahead' sign for Pleasant Road as noted in the study since no justification for speeds used is provided. The project is required to obtain an Encroachment Permit for minor improvements at the secondary driveway to comply with County Standard B-1e.

No other measures above what is proposed and what is already required by ordinance are necessary.

## 13. WASTEWATER

| *Will the project:* | Potentially Significant | Impact can & will be mitigated | Insignificant Impact | Not Applicable |
|---|---|---|---|---|
| *a) Violate waste discharge requirements or Central Coast Basin Plan criteria for wastewater systems?* | ☐ | ☐ | ☒ | ☐ |
| *b) Change the quality of surface or ground water (e.g., nitrogen-loading, day-lighting)?* | ☐ | ☐ | ☒ | ☐ |
| *c) Adversely affect community wastewater service provider?* | ☐ | ☐ | ☒ | ☐ |
| *d) Other: _____* | ☐ | ☐ | ☐ | ☐ |

**Setting.** Regulations and guidelines on proper wastewater system design and criteria are found within the County's Plumbing Code (hereafter CPC; see Chapter 7 of the Building and Construction Ordinance [Title 19]), the "Water Quality Control Plan, Central Coast Basin" (Regional Water Quality Control Board [RWQCB] hereafter referred to as the "Basin Plan"), and the California Plumbing Code. These regulations include specific requirements for both on-site and community wastewater systems. These regulations are applied to all new wastewater systems.

For on-site septic systems, there are several key factors to consider for a system to operate successfully, including the following:

- ✓ Sufficient land area (refer to County's Land Use Ordinance or Plumbing Code) – depending on water source, parcel size minimums will range from one acre to 2.5 acres;
- ✓ The soil's ability to percolate or "filter" effluent before reaching groundwater supplies (30 to 120 minutes per inch is ideal);
- ✓ The soil's depth (there needs to be adequate separation from bottom of leach line to bedrock [at least 10 feet] or high groundwater [5 feet to 50 feet depending on percolation rates]);
- ✓ The soil's slope on which the system is placed (surface areas too steep creates potential for daylighting of effluent);
- ✓ Potential for surface flooding (e.g., within 100-year flood hazard area);
- ✓ Distance from existing or proposed wells (between 100 and 250 feet depending on circumstances); and
- ✓ Distance from creeks and water bodies (100-foot minimum).

To assure a successful system can meet existing regulation criteria, proper conditions are critical. Above-ground conditions are typically straight-forward and most easily addressed. Below ground criteria may require additional analysis or engineering when one or more factors exist:

- ✓ The ability of the soil to "filter" effluent is either too fast (percolation rate is faster or less than 30 minutes per inch and has "poor filtering" characteristics) or is too slow (slower or more than 120 minutes per inch);
- ✓ The topography on which a system is placed is steep enough to potentially allow "daylighting" of effluent downslope; or

- ✓ The separation between the bottom of the leach line to bedrock or high groundwater is inadequate.

The existing winery currently supports an existing single family residence, tasting room, and kitchen. The proposed project includes a conversion of the lower floor of the existing residence into a bed and breakfast facility with a total of 6 rooms and 4 bathrooms. An onsite system is currently used on the site as a means to dispose of domestic wastewater.

Villa San Juliette is currently enrolled in the Regional Water Quality Control Board (RWQCB) Winery Waste Discharge Requirements Order No. R3-2008-0018 (General Winery Order). The existing winery wastewater facility involves the capturing of process wastewater from floor drains/trenches and is collected and directed to a life station where it is pumped then gravity fed to an aerated pond. The wastewater is treated at the pond and then sent to the percolation pond.

As described in the NRCS Soil Survey (see Agriculture section for soil types and descriptions), the main limitations for on-site wastewater systems relates to: slow percolation, steep slopes, shallow depth to bedrock. These limitations are summarized as follows:

Shallow Depth to Bedrock – Indicates there may not be sufficient soil depth to provide adequate soil filtering of effluent before reaching bedrock. Once effluent reaches bedrock, chances increase for the effluent to infiltrate cracks that could lead directly to groundwater sources or near wells without adequate filtering, or allow effluent to daylight where bedrock is exposed to the earth's surface.

Steep Slopes – Where portions of the soil unit contain slopes steep enough to result in potential daylighting of wastewater effluent (no system is allowed on greater than 30% slopes).

Slow Percolation – Where fluid percolates too slowly through the soil for the natural processes to effectively break down the effluent into harmless components. The Central Coast Basin Plan identifies percolation rate should be less than 120 minutes per inch.

**Impacts/Mitigation**. At ultimate production, the winery will generate approximately 8,056 gallons per day. Wallace Group prepared the design of the onsite waste water treatment facility from the previous approved use permit and has since considered the proposed increase in production. A copy of their wastewater report has been submitted as well as correspondence from the RWQCB recognizing the expansion. The applicant shall give notice to the RWQCB of any planned alterations to the permitted facility that may change the nature or concentration of pollutants in the discharge.

Based on the following project conditions or design features, wastewater impacts are considered less than significant:

- ✓ The project has sufficient land area per the County's Land Use Ordinance to support an on-site system;
- ✓ The soil's percolation rate is between 30 to 120 minutes per inch;
- ✓ There is adequate soil separation between the bottom of the leach line to bedrock or high groundwater;
- ✓ The soil's slope is less than 20%;
- ✓ The leach lines are outside of the 100-year flood hazard area;
- ✓ There is adequate distance between proposed leach lines and existing or proposed wells;
- ✓ The leach lines are at least 100 feet from creeks and water bodies.

Based on the above discussion and information provided, the site and existing design of the on-site system appear to be able to meet CPC/Basin Plan requirements. Prior to building permit issuance and/or final inspection of the wastewater system, the applicant will need to show to the county compliance with the County Plumbing Code/ Central Coast Basin Plan, including any above-

discussed information relating to potential constraints. Therefore, based on the project being able to comply with these regulations, potential groundwater quality impacts are considered less than significant.

## 14. WATER & HYDROLOGY

| *Will the project:* | Potentially Significant | Impact can & will be mitigated | Insignificant Impact | Not Applicable |
|---|---|---|---|---|
| ***QUALITY*** | | | | |
| ***a) Violate any water quality standards?*** | ☐ | ☒ | ☐ | ☐ |
| ***b) Discharge into surface waters or otherwise alter surface water quality (e.g., turbidity, sediment, temperature, dissolved oxygen, etc.)?*** | ☐ | ☒ | ☐ | ☐ |
| ***c) Change the quality of groundwater (e.g., saltwater intrusion, nitrogen-loading, etc.)?*** | ☐ | ☐ | ☒ | ☐ |
| ***d) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide additional sources of polluted runoff?*** | ☐ | ☐ | ☒ | ☐ |
| ***e) Change rates of soil absorption, or amount or direction of surface runoff?*** | ☐ | ☐ | ☒ | ☐ |
| ***f) Change the drainage patterns where substantial on- or off-site sedimentation/ erosion or flooding may occur?*** | ☐ | ☐ | ☒ | ☐ |
| ***g) Involve activities within the 100-year flood zone?*** | ☐ | ☐ | ☒ | ☐ |
| ***QUANTITY*** | | | | |
| ***h) Change the quantity or movement of available surface or ground water?*** | ☐ | ☒ | ☐ | ☐ |
| ***i) Adversely affect community water service provider?*** | ☐ | ☐ | ☒ | ☐ |
| ***j) Expose people to a risk of loss, injury or death involving flooding (e.g., dam failure,etc.), or inundation by seiche, tsunami or mudflow?*** | ☐ | ☐ | ☒ | ☐ |
| ***k) Other:*** _____ | ☐ | ☐ | ☐ | ☐ |

**Setting.** The project proposes to use an on-site well as its water source. The topography of the project is nearly level, and the proposed work will occur in areas previously disturbed by development and anthropogenic uses. The closest creek from the proposed development is approximately 100 feet to the west of the project vicinity. As described in the NRCS Soil Survey, the soil surface is considered to have low to moderate erodibility.

*Regulatory Setting*

The project site is located in the Paso Robles Ground Water Basin Urgency Ordinance Area. The County has established the basin at Level of Severity III, which is the highest level and represents the most serious resource problem. The 2011 Resource Capacity Study concluded the basin was at or approaching its safe yield, meaning that more water is pumped out than is going back in resulting in continual and widespread lowering of groundwater levels.

On August 27, 2013, the Board of Supervisors adopted Urgency Ordinance 3246, which required that all new water demand created from new or expanded crop production or new development dependent on a well within the basin be offset at a minimum ratio of 1:1. The project is therefore required to meet those specific offset requirements subject to the Urgency Ordinance.

The project site is also within the Salinas River Sub Area of the North County Planning Area. Section 22.104.020 of the Salinas River Sub Area standards requires for discretionary permits new net water demand be offset at a 2:1 ratio. The project is required to meet the more restrictive offset requirements.

*Storm Water Pollution Prevention Plan.* Projects involving more than one acre of disturbance are subject to preparing a Storm Water Pollution Prevention Plan (SWPPP) to minimize on-site sedimentation and erosion. When work is done in the rainy season, the County's Land Use Ordinance requires that temporary erosion and sedimentation measures to be installed.

*Drainage.* The following relates to the project's drainage aspects:

Within the 100-year Flood Hazard designation? Yes

Closest creek? Unnamed Creek Distance? Approximately 100 feet

Soil drainage characteristics: Moderately drained to not well drained

For areas where drainage is identified as a potential issue, the Land Use Ordinance (LUO Sec. 22.52.110 or CZLUO Sec. 23.05.042) includes a provision to prepare a drainage plan to minimize potential drainage impacts. When required, this plan would need to address measures such as: constructing on-site retention or detention basins, or installing surface water flow dissipaters. This plan would also need to show that the increased surface runoff would have no more impacts than that caused by historic flows.

*Sedimentation and Erosion.* Soil type, area of disturbance, and slopes are key aspects to analyzing potential sedimentation and erosion issues. The project's soil types and descriptions are listed in the previous Agriculture section under "Setting". As described in the NRCS Soil Survey, the project's soil erodibility is as follows:

Soil erodibility: Low to Moderate

A sedimentation and erosion control plan is required for all construction and grading projects (LUO Sec. 22.52.120, CZLUO Sec. 23.05.036) to minimize these impacts. When required, the plan is prepared by a civil engineer to address both temporary and long-term sedimentation and erosion impacts. Projects involving more than one acre of disturbance are subject to the preparation of a Storm Water Pollution Prevention Plan (SWPPP), which focuses on controlling storm water runoff. The Regional Water Quality Control Board is the local extension who monitors this program.

The Environmental Health Division has reviewed the project for water availability and has determined that there is preliminary evidence that there will be sufficient water available to serve the proposed project. Based on available information, the proposed water source is not known to have any significant availability or quality problems.

**Impact – Water Quality/Hydrology**

Villa San Juliette currently operates a process wastewater reclamation facility, designed to treat all process wastewater to a level suitable for groundwater percolation. The system is currently in

operation. It is estimated that 80% of the increased wine production water (described below) use from the proposed project will be treated and returned to the groundwater basin. The net increased water demand is therefore calculated as 20% of the gross production water use.

Indoor water use including the Bed and Breakfast units, tasting room, and restaurant will be subsequently percolated back into the groundwater basin via an on-site leach field.

With regards to project impacts on water quality the following conditions apply:

- ✓ Approximately 30,000 square feet of site disturbance;
- ✓ The project will be subject to standard County requirements for drainage, sedimentation and erosion control for construction and permanent use;
- ✓ The project is not on highly erodible soils, nor on moderate to steep slopes;
- ✓ The project is not within a 100-year Flood Hazard designation;
- ✓ The project is more than 100 feet from the closest creek or surface water body;
- ✓ Stockpiles will be properly managed during construction to avoid material loss due to erosion;
- ✓ The project is subject to the County's Plumbing Code (Chapter 7 of the Building and Construction Ordinance [Title 19]), and/or the "Water Quality Control Plan, Central Coast Basin" for its wastewater requirements, where wastewater impacts to the groundwater basin will be less than significant;
- ✓ All hazardous materials and/or wastes will be properly stored on-site, which include secondary containment should spills or leaks occur

**Water Quantity**

A water demand analysis was prepared by Wallace Group (May 6, 2014). Based on the project description, the winery expansion will increase annual wine production by 55,000 cases, replace an existing 4 bedroom residence with 6 Bed and Breakfast units, and add an 1,200 square foot restaurant within the existing tasting room. The proposed project would require the following water usage:

*Winery.* Gross annual water use per finished case of wine varies with a relatively wide range of 6 gallons per case up to 20 gallons per case. A value of 10 gallons per case has been utilized for the proposed project (Wallace Group, May 6, 2014).

*Tasting Room.* The tasting room modification, a typical water demand value of 9 gallons per meal was calculated (Wallace Group, May 6, 2014).

*Limited Food Service Facility.* Water demand from the new restaurant would come from persons already visiting the tasting room and bed and breakfast and would therefore not be considered a new demand. Because average tasting room water demands are typically between 5 to 7 gallons per visitor, a 25% reduction value was put on the proposed 10 meals per day for the restaurant, to account for existing tasting room patrons (Wallace Group, May 6, 2014).

*Special Events.* Villa San Juliette is proposing to increase the number of events provided at the winery facility to serve approximately 5,500 people per year. The existing annual event population is approximately 480 patrons. It is anticipated that temporary sanitation facilities will serve the larger events, with an estimated annual population of 1,000 people. Temporary sanitation facilities will not require groundwater and the use is subtracted from the offset value provided by the permanent facility. It is assumed that event patrons will use 5 gallons of water per attendee (Wallace Group, May 6, 2014)

| Estimated Increased Water Use | | |
|---|---|---|
| **Development Component** | **Basis of Demand Estimate** | **Estimated Increased Annual Water Use** |
| Increased Wine Production | 55,000 cases x 10 gal/case x 20% | 110,000 gallons (0.34 acre-ft) |
| 1,200 SF Restaurant | (9 gal/day/cust x 10 customers x 365 days/year x 20%) x 75% | 19,710 gallons (0.06 acre-ft) |
| Increased Events | 4,500 people x 5 gal/person | 22,500 gallons (0.07 acre-ft) |
| Bed and Breakfast (w/in existing house) | (150 gal/day/unit x 70% occupancy x 6 units x 365 days/year x 20%) – (3 people x 70 gal/cap.day x 365 days/year x 20%) | 30,660 gallons (0.09 acre-ft) |
| **Total Increased Demand** | | 160,370 gallons (0.56 acre-ft) |

As a result of the proposed activities, the proposed project would be required to offset 0.56 acre feet (shown in the table above) to ensure impacts to water supply remain less than significant.

**Mitigation/Conclusion.** Villa San Juliette currently owns and irrigates an on-site vineyard, with an estimated annual application rate of 1.25 feet of applied water per planted acre. The winery also maintains turf and landscaping (nonagricultural water uses) on the site to support outdoor special events. As part of the recent implementation of a water recycling system, Villa San Juliette removed 0.9 acres of irrigated vineyard to facilitate improved water management and provide for offset credits. The estimated water savings was 1.13 acre-feet per year which exceeds the minimum required offset of 0.56 acre-feet per year needed to offset the proposed project (all phases). However, the county General Plan encourages maintaining water resources for production agriculture to prevent the loss of agriculture (Agriculture Element Policy 11; AGP11) and therefore does not recognize the removal of agriculture for use of future offset credits. As such, the proposed project will be required to offset water demands by removing turf and other nonagricultural water uses prior to the removal of irrigated vineyards to be consistent with AGP11 and ordinance requirements to mitigate for the increased water demand of the proposed project.

Wallace Group, in a memorandum dated June 13, 2014, estimated the volume of water needed to be offset for the proposed project (all phases) is 0.56 acre-feet per year. The applicant would be required to mitigate this new water demand by offsetting and removing turf grass and other nonagricultural water uses. Generic water application rates for turf grass irrigation are given in units of feet per year. When multiplied by an area (in acres) it yields the proposed volume covered in acre-feet per year. The average applied water usage for turf grass in Paso Robles is 2.5 feet per year (Todd Engineers "Approach and Methodology for Water Balance Estimation Paso Robles Groundwater Basin Model Update). To determine the area of turf grass needed to be removed for the proposed project, divide the increased demand of water by the 2.5 feet per year (0.56 acre-feet per year/2.5 feet = 0.22 acres).

| Water Offset Calculation – Turf Removal | | |
|---|---|---|
| **Development Component** | **Basis of Demand Estimate** | **Turf to be removed (acres)** |
| Increased Wine Production | (0.34 acre-ft/year) / 2.5 ft | 0.14 |
| 1,200 SF Restaurant | (0.06 acre-ft) / 2.5 ft | 0.024 |
| Increased Events | (0.07 acre-ft) / 2.5 ft | 0.028 |
| Bed and Breakfast | (0.09 acre-ft) / 2.5 ft | 0.036 |
| **Total Turf Offset Required (acres)** | | 0.22 |

Based on the proposed amount of water to be used (0.56 AFY), to the applicant is required to offset the increased water demand through removal of 0.22 acres of turf or equivalent (nonagricultural water uses). The applicant will provide at the building permit stage, calculations and site map to show the 2:1 offset ratio has been achieved; this will reduce impacts from water use to a less than significant level.

Standard drainage and erosion control measures will be required and will provide measures to adequately protect surface water quality (refer to Section 6, Geology and Soils). The applicant shall clearly delineate the project grading limits on all plans and in the field to avoid inadvertent impacts (refer to Section 4, Biological Resources). The applicant is required to comply with the Basin Plan regarding wastewater treatment and discharge (refer to Section 13, Wastewater). Implementation of these measures would mitigate potential impacts to less than significant, and no additional measures are necessary.

## 15. LAND USE

| ***Will the project:*** | **Inconsistent** | **Potentially Inconsistent** | **Consistent** | **Not Applicable** |
|---|---|---|---|---|
| ***a) Be potentially inconsistent with land use, policy/regulation (e.g., general plan [County Land Use Element and Ordinance], local coastal plan, specific plan, Clean Air Plan, etc.) adopted to avoid or mitigate for environmental effects?*** | ☐ | ☒ | ☐ | ☐ |
| ***b) Be potentially inconsistent with any habitat or community conservation plan?*** | ☐ | ☐ | ☒ | ☐ |
| ***c) Be potentially inconsistent with adopted agency environmental plans or policies with jurisdiction over the project?*** | ☐ | ☐ | ☒ | ☐ |
| ***d) Be potentially incompatible with surrounding land uses?*** | ☐ | ☒ | ☐ | ☐ |
| ***e) Other:*** _____ | ☐ | ☐ | ☐ | ☐ |

**Setting/Impact.** Surrounding uses are identified on Page 2 of the Initial Study. The proposed project was reviewed for consistency with policy and/or regulatory documents relating to the environment and appropriate land use (e.g., County Land Use Ordinance, Local Coastal Plan, etc.). Referrals were sent to outside agencies to review for policy consistencies (e.g., CAL FIRE for Fire Code, APCD for

Clean Air Plan, etc.)

*Special Events Program.* The proposed project is potentially inconsistent with surrounding land uses and regulations because the proposed project is requesting to expand the previously approved special events program to include up to 3 events per year with a maximum of 500 guests and up to 20 events per year with a maximum of 200 guests. A previously approved minor use permit allowed for 6 events per year with no more than 80 persons. A conditional use permit is required for six or more special events per year or where there is the possibility that more than 80 individuals may attend. Special events are then limited to no more than 40 days a year (Section 22.30.070(D)(2)(i)). The County has received several complaints regarding noise violations associated with the current special events program where amplified music can be heard after approved hours.

*Limited Food Facility.* The proposed project is potentially inconsistent with the Limited Food Facility standards of the County Land Use Ordinance. Section 22.30.570 of the County Land Use Ordinance allows a "limited food service facility" within the Agriculture land use category provided there is an existing conforming visitor-serving use (e.g. winery) and the food facility is incidental to the primary visitor-serving operation. The limited food facility may not exceed 800 square feet including the kitchen, dining area and any outside dining area. The hours of operation of the restaurant shall be restricted to the hours the wine tasting facility is open to the public. In addition, a Conditional Use Permit approval is required for a limited food service facility when the subject property is located within the Agriculture land use category.

The applicant is requesting modification of the ordinance standard limiting a restaurant to 800 square feet to allow a 1,200 square foot limited food facility:

- 437 square feet kitchen.
- 400 square feet of the tasting room.
- 360 square feet existing outdoor covered veranda area as outdoor dining.

The kitchen, tasting room, and outdoor covered veranda area are currently existing and in use on site. It is anticipated that the restaurant patrons will also visit the tasting room during regular business hours. The two uses will be complimentary to one another and the restaurant incidental to the winery and tasting room. It appears there is sufficient information for the review authority to approve the request to modify the ordinance standard limiting the food facility to 800 square feet to allow a 1,200 square foot limited food facility.

*Williamson Act.* Land Use permits for eating and drinking places must be found by the review authority to not significantly displace or impair agricultural operations on the site or in the area. The proposed limited food facility will use the existing residential building (kitchen, tasting room, outdoor covered veranda area) only. The primary use on on-site is the processing of grapes grown on- and off-site (120 acres on-site planted grapes) into wine within the processing facility. Therefore, the proposed restaurant will not displace or impair the existing agricultural operations on the site or in the area.

*Noise.* The proposed project is potentially inconsistent with the special events standards related to noise because the applicant is requesting to allow for outdoor amplified music after 5 p.m. This standard may only be waived or modified where a finding can be made by the Review Authority that the noise at the property line will not exceed 65dB. Based on information received from an Acoustical analysis performed by David Dubbink Associates (April 20, 2014); test tones used in the analysis show that events at the winery will not exceed permitted limits at the closest property line. It appears the finding can be made by the Review Authority to allow for outdoor amplified music after 5 p.m. For more detailed discussion on noise, refer to the Noise section, above.

*Setbacks.* The proposed project is potentially inconsistent with the side setback requirements for wineries with public tastings. Where a winery has public tours, tasting, retail sales, or special events, the setback shall be increased from 100 to 200 feet from each property line and no closer than 400

feet to any existing residence outside the ownership of the applicant. The proposed winery processing expansion structures would be 100 feet from the easterly property boundary (but is 1,161 feet upslope to the east from the closest residence); as such, the applicant is requesting a modification from the side setback requirement. Approval may be granted after the Review Authority first determines that the request satisfies any of the following findings:

- 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);
- The property fronts an arterial or collector street;
- The setbacks are not practical or feasible due to existing topographic conditions or existing on-site vegetation; or,
- 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 existing winery processing structures and areas are currently located on the eastern portion of the parcel. The applicant is requesting to expand its winery processing facility in this location because it is located adjacent to the existing winery development where improvements (e.g. access and utilities) currently exist and because if an alternative location was chosen it could potentially cause environmental impacts including the loss of agricultural resources. Furthermore, the property fronts Cross Canyons Road (a collector). There is sufficient information for the decision makers to make the required findings to allow for the modification to the setback requirement. All other structures on the property are consistent with county ordinance requirements.

The project is not within or adjacent to a Habitat Conservation Plan area. The project is consistent or compatible with the surrounding uses as summarized on page 2 of this Initial Study.

**Mitigation/Conclusion.** The proposed project is consistent with the Land Use Ordinance as conditioned. The winery is a principally permitted use within the land use category and the applicant has made the proper requests to allow for modifications to the required setbacks as well as demonstrated outdoor amplified noise standards will not be exceeded at the property line. There appears to be sufficient information for the decision makers to make the required findings to allow for these modifications. However, the decision makers will weigh all information presented including public testimony at the public hearing and base their decision on the entire record. No inconsistencies were identified and therefore no additional measures above what will already be required were determined necessary.

| **16. MANDATORY FINDINGS OF SIGNIFICANCE** *Will the project:* | **Potentially Significant** | **Impact can & will be mitigated** | **Insignificant Impact** | **Not Applicable** |
|---|---|---|---|---|
| ***a) Have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or pre-history?*** | ☐ | ☐ | ☒ | ☐ |
| ***b) Have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)*** | ☐ | ☒ | ☐ | ☐ |

| | | | | |
|---|---|---|---|---|
| c) | ***Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?*** | ☐ | ☐ | ☒ | ☐ |

For further information on CEQA or the County's environmental review process, please visit the County's web site at "www.sloplanning.org" under "Environmental Information", or the California Environmental Resources Evaluation System at: http://www.ceres.ca.gov/topic/env_law/ceqa/guidelines for information about the California Environmental Quality Act.

## Exhibit A - Initial Study References and Agency Contacts

The County Planning Department has contacted various agencies for their comments on the proposed project. With respect to the subject application, the following have been contacted (marked with an ☒) and when a response was made, it is either attached or in the application file:

| Contacted | Agency | Response |
|---|---|---|
| ☒ | County Public Works Department | **Attached** |
| ☒ | County Environmental Health Services | **Attached** |
| ☒ | County Agricultural Commissioner's Office | **Attached** |
| ☐ | County Airport Manager | **Not Applicable** |
| ☐ | Airport Land Use Commission | **Not Applicable** |
| ☒ | Air Pollution Control District | **Attached** |
| ☐ | County Sheriff's Department | **Not Applicable** |
| ☒ | Regional Water Quality Control Board | **In File**** |
| ☐ | CA Coastal Commission | **Not Applicable** |
| ☒ | CA Department of Fish and Wildlife | **None** |
| ☒ | CA Department of Forestry (Cal Fire) | **Attached** |
| ☐ | CA Department of Transportation | **Not Applicable** |
| ☒ | San Miguel Community Services District | **None** |
| ☒ | Other County Building Department | **Attached** |
| ☒ | Other San Miguel Advisory Council | **None** |

*** "No comment" or "No concerns"-type responses are usually not attached*

The following checked ("☒") reference materials have been used in the environmental review for the proposed project and are hereby incorporated by reference into the Initial Study. The following information is available at the County Planning and Building Department.

☒ Project File for the Subject Application

County documents

- ☐ Coastal Plan Policies
- ☒ Framework for Planning (Coastal/Inland)
- ☒ General Plan (Inland/Coastal), includes all maps/elements; more pertinent elements:
  - ☒ Agriculture Element
  - ☒ Conservation & Open Space Element
  - ☐ Economic Element
  - ☒ Housing Element
  - ☒ Noise Element
  - ☐ Parks & Recreation Element/Project List
  - ☒ Safety Element
- ☒ Land Use Ordinance (Inland/Coastal)
- ☐ Building and Construction Ordinance
- ☒ Public Facilities Fee Ordinance
- ☐ Real Property Division Ordinance
- ☒ Affordable Housing Fund
- ☐ Airport Land Use Plan
- ☐ Energy Wise Plan
- ☒ Salinas River sub area of the North County Area Plan and Update EIR
- ☐ Design Plan
- ☐ Specific Plan
- ☒ Annual Resource Summary Report
- ☐ Circulation Study

Other documents

- ☒ Clean Air Plan/APCD Handbook
- ☒ Regional Transportation Plan
- ☒ Uniform Fire Code
- ☒ Water Quality Control Plan (Central Coast Basin – Region 3)
- ☒ Archaeological Resources Map
- ☒ Area of Critical Concerns Map
- ☒ Special Biological Importance Map
- ☒ CA Natural Species Diversity Database
- ☒ Fire Hazard Severity Map
- ☒ Flood Hazard Maps
- ☒ Natural Resources Conservation Service Soil Survey for SLO County
- ☒ GIS mapping layers (e.g., habitat, streams, contours, etc.)
- ☐ Other

In addition, the following project specific information and/or reference materials have been considered as a part of the Initial Study:

1. Acoustical Analysis for Villa San Juliette, David Dubbink Associates, April 20, 2014
2. Approach and Methodology for Water Balance Estimation Paso Robles Groundwater Basin Model Update, Todd Engineers, April 4, 2013.
3. Traffic Report, Orosz Engineering Group, Inc., July 11, 2014
4. Road Safety Analysis, Orosz Engineering Group, Inc., July 11, 2014
5. Report of Waste Discharge for Villa San Juliette, Wallace Group, April 2013
6. San Joaquin Kit Fox Evaluation, Rincon Consultants, August 27, 2008
7. Villa San Juliette Winery Project Description, Kirk Consulting, May 2014
8. Water Offset Calculation Update for Phase 2 Expansion, Wallace Group, May 6, 2014
9. Water Offset Calculation Response, Wallace Group, June 13, 2014

## Exhibit B - Mitigation Summary Table

Per Public Resources Code Section 21081.6, the following measures also constitute the mitigation monitoring and/or reporting program that will reduce potentially significant impacts to less than significant levels. These measures will become conditions of approval (COAs) should the project be approved. The Lead Agency (County) or other Responsible Agencies, as specified in the following measures, are responsible to verify compliance with these COAs.

### Agricultural Resources

AG-1 At the time of application for construction permits, the applicant shall submit plans showing the following:

- The applicant shall show on the plans the removal of 0.22 acres of turf grass, or equivalent (nonagricultural water uses) in lieu of removing irrigated vineyards which will reduce potential impacts to existing agricultural resources.

AG-2 During operation of the proposed facility, visitor use areas shall be limited to the proposed tasting room and veranda areas.

### Air Quality

AQ-1 The applicant shall complete and submit to the APCD a Permit to Operate for the increase in case production.

AQ-2 On day(s) of special events, the applicant shall implement the following PM10 measures for unpaved roads, driveways, and parking areas:

a. Designated parking locations shall be shown on the plans and shall include at a minimum the following:
   1. Paved when possible;
   2. Plant fast germinating non-invasive grass or low cut dense vegetation; or
   3. Treated with a dust suppressant (see Technical Appendix 4.3 of the APCD's CEQA Handbook) such that fugitive dust emissions do not exceed the APCD 20% opacity limit for greater than 3 minutes in any 60 minute period (APCD Rule 401) or prompt nuisance violations (APCD Rule 402).

b. Any unpaved roads/driveways that will be used for special events shall be maintained with an APCD-approved dust suppressant such that fugitive dust emissions do not exceed the APCD 20% opacity limit or create nuisance.

AQ-3 To minimize nuisance dust impacts during construction, the applicant is required to implement APCD fugitive dust mitigation measures including reducing the amount of disturbed area where possible, the use of water trucks or sprinkler systems to water down airborne dust, daily spraying of dirt stock-pile areas, paving of applicable surfaces as soon as possible after grading, laying of building pads as soon as possible.

AQ-3 All required PM10 measures shall be shown on applicable grading or construction plans. In addition, the developer shall designate personnel to insure compliance and monitor the effectiveness of the required dust control measures (as conditions dictate, monitor duties may be necessary on weekends and holidays to insure compliance); the name and telephone number of the designated monitor(s) shall be provided to the APCD prior to construction/ grading permit issuance.

a. Reduce the amount of the disturbed area where possible;

b. Use water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (nonpotable) water should be used whenever possible;

c. All dirt stock-pile areas should be sprayed daily as needed; and,

d. All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used.

AQ-4 If building(s) are removed or renovated; or utility pipelines are scheduled for removal or relocation, this applicant may be required to meet those stipulated in the National Emission Standard for Hazardous Air Pollutants (40CFR61, Subpart M – asbestos NESHAP). These requirements include but are not limited to:

a. Written notification, within at least 10 business days of activities commencing to the APCD.
b. Asbestos survey conducted by a Certified Asbestos Inspector; and,
c. Applicable removal and disposal requirements of identified ACM.

AG-5 As of February 25, 2000, the APCD prohibits developmental burning of vegetative material within San Luis Obispo County. However, under certain circumstances where no technically feasible alternatives are available, limited developmental burning under restrictions may be allowed. Any such exception must complete the following prior to any burning: APCD approval; payment of fee to APCD based on the size of the project; and issuance of a burn permit by the APCD and the local fire department authority. As a part of APCD approval, the applicant shall furnish them with the study of technical feasibility (which includes costs and other constraints) at the time of application. For any questions regarding these requirements, Karen Brooks of APCD's Enforcement Division may be contacted (805/781-5912).

AQ-6 Prior to construction permit issuance, the applicant shall provide evidence they have contacted APCD on any proposed portable equipment requiring APCD or CARB registration, such as: 50-hp portable generators, IC engines, unconfined abrasive blasting operations, concrete batch plants, rock and pavement crushing, tub grinders, trammel screens, etc. Should any of these types of equipment be used during construction activities California statewide portable equipment registration (issued by the California Air Resources Board) or an APCD permit may be required.

AQ-7 Upon application for construction permit, subject to Title 24 requirements, the applicant shall submit plans demonstrating that the building energy efficiency rating shall be increased by 10% above what is required by Title 24 requirements. This can be accomplished in a number of ways, including but not limited to:

a. Increase attic, wall, or floor insulation;
b. Install high efficiency windows;
c. Use efficient interior lighting and energy star roofs and appliances;
d. Plant native shade tree planting along southern exposures of buildings to reduce summer cooling needs;
e. Plant native, drought resistant landscaping;
f. Use locally or nearby produced building materials;
g. Use renewable or reclaimed building materials; and,
h. Install outdoor electrical outlets to encourage the use of electric appliances and tools.

AQ-8 Upon application for construction permits, the applicant shall submit plans showing the use of best available technology for odor control.

**Biological Resources**

A Kit Fox Evaluation was completed for project Villa San Juliette Minor Use Permit DRC2007-00076 on August 27, 2008 by Rincon Consultants. Based on that evaluation, the project would impact 0.3 acres of San Joaquin kit fox habitat. Total compensatory mitigation required for the project is 1.2 acres, based on four times 0.3 acres impacted. The applicant submitted evidence that the fees were paid for the 0.3 acres impacted (PMT2008-01219). The proposed project is within the 0.3 acres already accounted for and additional fees are not required.

BR-1 **Prior to issuance of grading and/or construction permits**, the applicant shall provide evidence that they have retained a qualified biologist acceptable to the County Division of Environmental and Resource Management. The retained biologist shall perform the following monitoring activities:

a. **Prior to issuance of grading and/or construction permits and within 30 days prior to initiation of site disturbance and/or construction,** the biologist shall conduct a pre-activity (i.e. pre-construction) survey for known or potential kit fox dens and submit a letter to the County reporting the date the survey was conducted, the survey protocol, survey results, and what measures were necessary (and completed), as applicable, to address any kit fox activity within the project limits.

b. The qualified biologist shall conduct weekly site visits during site-disturbance activities (i.e. grading, disking, excavation, stock piling of dirt or gravel, etc.) that proceed longer than 14 days, for the purpose of monitoring compliance with required Mitigation Measures BR-3 through BR11. Site- disturbance activities lasting up to 14 days do not require weekly monitoring by the biologist unless observations of kit fox or their dens are made on-site or the qualified biologist recommends monitoring for some other reason (see BR-2-c3). When weekly monitoring is required, the biologist shall submit weekly monitoring reports to the County.

c. **Prior to or during project activities,** if any observations are made of San Joaquin Kit fox, or any known or potential San Joaquin kit fox dens are discovered within the project limits, the qualified biologist shall re-assess the probability of incidental take (e.g. harm or death) to kit fox. At the time a den is discovered, the qualified biologist shall contact the U.S. Fish and Wildlife Service and the Department for guidance on possible additional kit fox protection measures to implement and whether or not a Federal and/or State incidental take permit is needed. If a potential den is encountered during construction, work shall stop until such time the U.S. Fish and Wildlife Service/Department determine it is appropriate to resume work.

   If incidental take of kit fox during project activities is possible, **before project activities commence,** the applicant must consult with the U.S. Fish and Wildlife Service and the California Department of Fish and Game(see contact information below). The results of this consultation may require the applicant to obtain a Federal and/or State permit for incidental take during project activities. The applicant should be aware that the presence of kit foxes or known or potential kit fox dens at the project site could result in further delays of project activities.

   In addition, the qualified biologist shall implement the following measures:

   1. **Within 30 days prior to initiation of site disturbance and/or construction**, fenced exclusion zones shall be established around all known and potential kit fox dens. Exclusion zone fencing shall consist of either large flagged stakes connected by rope or cord, or survey laths or wooden stakes prominently flagged with survey ribbon. Each exclusion zone shall be roughly circular in configuration with a radius of the following distance measured outward from the den or burrow entrances:

      a) Potential kit fox den: 50 feet.

b) Known or active kit fox den: 100 feet.

c) Kit fox pupping den: 150 feet.

2. All foot and vehicle traffic, as well as all construction activities, including storage of supplies and equipment, shall remain outside of exclusion zones. Exclusion zones shall be maintained until all project-related disturbances have been terminated, and then shall be removed.

3. If kit foxes or known or potential kit fox dens are found on site, daily monitoring during ground disturbing activities shall be required by a qualified biologist.

BR-2 **Prior to issuance of grading and/or construction permits,** the applicant shall clearly delineate as a note on the project plans, that: "*Speed signs of 25 mph (or lower) shall be posted for all construction traffic to minimize the probability of road mortality of the San Joaquin kit fox.*" Speed limit signs shall be installed on the project site **within 30 days prior to initiation of site disturbance and/or construction**,

In addition, **prior to permit issuance and initiation of any ground disturbing activities**, measures BR-1 through BR-11 of the Developer's Statement/Conditions of Approval shall be clearly delineated on project plans.

BR-3 **During the site disturbance and/or construction phase**, grading and construction activities after dusk shall be prohibited unless coordinated through the County, during which additional kit fox mitigation measures may be required.

BR-4 **Prior to issuance of grading and/or construction permit and within 30 days prior to initiation of site disturbance and/or construction,** all personnel associated with the project shall attend a worker education training program, conducted by a qualified biologist, to avoid or reduce impacts on sensitive biological resources (i.e. San Joaquin kit fox). At a minimum, as the program relates to the kit fox, the training shall include the kit fox's life history, all mitigation measures specified by the county, as well as any related biological report(s) prepared for the project. The applicant shall notify the County shortly prior to this meeting. A kit fox fact sheet shall also be developed prior to the training program, and distributed at the training program to all contractors, employers and other personnel involved with the construction of the project.

BR-5 **During the site-disturbance and/or construction phase,** to prevent entrapment of the San Joaquin kit fox, all excavation, steep-walled holes or trenches in excess of two feet in depth shall be covered at the close of each working day by plywood or similar materials, or provided with one or more escape ramps constructed of earth fill or wooden planks. Trenches shall also be inspected for entrapped kit fox each morning prior to onset of field activities and immediately prior to covering with plywood at the end of each working day. Before such holes or trenches are filled, they shall be thoroughly inspected for entrapped kit fox. Any kit fox so discovered shall be allowed to escape before field activities resume, or removed from the trench or hole by a qualified biologist and allowed to escape unimpeded.

BR-6 **During the site-disturbance and/or construction phase**, any pipes, culverts, or similar structures with a diameter of four inches or greater, stored overnight at the project site shall be thoroughly inspected for trapped San Joaquin kit foxes before the subject pipe is subsequently buried, capped, or otherwise used or moved in any way. If during the construction phase a kit fox is discovered inside a pipe, that section of pipe will not be moved, or if necessary, be moved only once to remove it from the path of activity, until the kit fox has escaped.

BR-7 **During the site-disturbance and/or construction phase,** all food-related trash items such as wrappers, cans, bottles, and food scraps generated shall be disposed of in closed containers only and regularly removed from the site. Food items may attract San Joaquin kit

foxes onto the project site, consequently exposing such animals to increased risk of injury or mortality. No deliberate feeding of wildlife shall be allowed.

BR-8 **Prior to, during and after the site-disturbance and/or construction phase,** use of pesticides or herbicides shall be in compliance with all local, state and federal regulations. This is necessary to minimize the probability of primary or secondary poisoning of endangered species utilizing adjacent habitats, and the depletion of prey upon which San Joaquin kit foxes depend.

BR-9 **During the site-disturbance and/or construction phase,** any contractor or employee that inadvertently kills or injures a San Joaquin kit fox or who finds any such animal either dead, injured, or entrapped shall be required to report the incident immediately to the applicant and County. In the event that any observations are made of injured or dead kit fox, the applicant shall immediately notify the U.S. Fish and Wildlife Service and the Department by telephone (see contact information below). In addition, formal notification shall be provided in writing within three working days of the finding of any such animal(s). Notification shall include the date, time, location and circumstances of the incident. Any threatened or endangered species found dead or injured shall be turned over immediately to the Department for care, analysis, or disposition.

BR-10 **Prior to final inspection, or occupancy, whichever comes first,** should any long internal or perimeter fencing be proposed or installed, the applicant shall do the following to provide for kit fox passage:

a. If a wire strand/pole design is used, the lowest strand shall be no closer to the ground than 12".

b. If a more solid wire mesh fence is used, 8" x 12" openings near the ground shall be provided every 100 yards.

Upon fence installation, the applicant shall notify the County to verify proper installation. Any fencing constructed after issuance of a final permit shall follow the above guidelines.

**Contact Information**

County of San Luis Obispo
Department of Planning and Building
Division of Environmental & Resource Mgmt
County Government Center, Room 300
San Luis Obispo, CA 93408
ATTN: Mrs. Holly Phipps
(805) 781-1162
E-mail: hphipps@co.slo.ca.us

California Department of Fish and Game
Central Region
1234 East Shaw Avenue
Fresno, CA 93710
(559) 243-4005
FAX (559) 243-4022
(805) 772-4318

The Nature Conservancy
ATTN: Tonja Glenn
201 Mission Street, 4th Floor
San Francisco, CA 94105
(415) 777-0487

Palo Prieto Conservation Bank
c/o Dan Meade
Althouse & Meade, Inc.
1875 Wellsona Road
Paso Robles, CA 93446
(805) 467-1041
FAX (805) 467-1021
E-mail: dan@alt-me.com

U.S. Fish and Wildlife Service
Ventura Field Office
P.O. Box 47
Ventura, CA 93003
(805) 644-1766

BR-11 **Upon application for construction permits,** the "Project Limits" shall be clearly delineated on all construction plans. Prior to any construction work beginning, sturdy high-visibility fencing shall be installed at the "Project Limits" and no closer than 100 feet from identified ephemeral drainages. No construction work (including storage of materials) shall occur outside of the "Project Limits". Any required fencing shall remain in place during the entire construction period and checked and repaired as needed by resident engineer. Prior to final inspection or occupancy, whichever occurs first, the applicant shall provide verification to the satisfaction of the county that no disturbance occurred outside of the approved "Project Limits" line.

BR-12 **At the time of application for construction permits,**the applicant shall prepare and submit a hazardous materials clean-up and contingency plan to ensure containment and clean-up of incidental spills and leaks during construction activities to the Planning and Building Department.

**Erosion and Sedimentation**

ER-1 Erosion and Sedimentation Control – Avoid Rainy Season. Construction activities shall be limited to the dry season (April 15 through October 15). If construction activities cannot take place only during the dry season, implementation of Best Management Practices (BMPs) [per the approved Erosion and Sedimentation Control Plan] is required prior to the start of the rainy season or ground clearing activities.

ER-2 Erosion and Sedimentation Control Plan – Soil Protection During Construction. Prior to issuance of construction and/or grading permits, the Applicant shall submit to the County [Public Works] for review and approval of a sedimentation and erosion control plan (LUO Sec. 22.52.120, CZLUO Sec. 23.05.036) which identifies how disturbed soils will be stabilized to prevent wind and water erosion during construction and immediately after construction. The plan shall include temporary best management practices (BMPs) to be installed during the rainy season that may include, but are not limited to, use of mulch, soil stabilizers, or other recognized surface stabilization measures [all compatible with project area sensitive species]. The plan shall include standard provisions for dust control by water truck (LUO Sec. 22.52.160 - Construction Procedures) or periodic application of soil stabilizers during construction.

ER-3 Stockpiling/Placement of Fill. Short-term stockpiling or long-term placement of fill shall comply with the following wherever possible or applicable during and after all earthmoving activities. Prior to permit issuance the following measures shall be shown on all applicable drawings:

a. Be located outside of any drainage ways;

b. Be located outside of any habitat containing rare or endangered plant or wildlife species;

c. Be located as far as practical from any blue line stream (as shown on USGS maps) or streams supporting riparian habitat, and no closer than 100 feet, if located on slopes less than 10%. If located on steeper slopes (10% to 20%), setback distance shall be increased to 500 feet. No material shall be placed on slopes greater than 20%;

d. Be located outside of any area identified by the County as visually or biologically sensitive (e.g. County's "Sensitive Resource Areas" designation or a site specific evaluation);

e. Be located outside of the 100-year floodplain;

f. If fill is to be left permanently, soil shall be compacted to comply with the fill standards of the County Grading Ordinance and/or Uniform Building Code;

g. Fill slopes shall not exceed a ratio of 2-feet horizontal to 1-foot vertical;

h. Have a sediment and erosion control plan prepared prior to work beginning, if any fill or stockpiles are being worked, are in a disturbed state or will remain exposed during the rainy season. Temporary measures, such as covering the area or containing the area (e.g. use of straw bales and silt fencing around stockpile), shall be applied before the rainy season begins (October 15th) and be maintained to remain in good working order during the entire rainy season (until April 15th);

i. Adequate measures shall be applied to all disturbed portions of the project site to control dust, such as daily watering or hydromulching until vegetation cover is well established;

j. Any fill or stockpiling that is to be left more than 30 days shall be hydroseeded or covered immediately upon completion of the fill or stockpiling work; and

k. All fill material must be "clean" and free of any potentially hazardous materials or hazardous waste.

All permanent measures shall be verified prior to final inspection.

ER-4 Drainage Plan Required. At the time of application for construction and / or grading permits, the Applicant shall submit a drainage plan for review and approval by the County Public Works Department. The plan shall contain, at a minimum:

a. Flow lines of surface waters onto and off the site.

b. Existing and finished contours at two-foot intervals or other topographic information required by the Public Works Director.

c. Building pad, finished floor and street elevations, existing and proposed.

d. Location and graphic representation of all existing and proposed natural and manmade drainage facilities for storage or conveyance of runoff, including drainage swales, ditches, culverts and berms, sumps, sediment basins, channels, ponds, storm drains and drop inlets. In addition, private water wells and sewage disposal systems must be shown. Include detailed plans of all surface and subsurface drainage devices, walls, cribbing, dams and other protective devices to be constructed with or as a part of the proposed work.

e. Proposed flood-proofing measures where determined to be necessary by the Public Works Director and in accordance with Federal Emergency Management Agency (FEMA) requirements.

f. For projects where the Director or Public Works Director determines that increased discharge rates and durations could result in off-site erosion or other impacts to beneficial uses, the project shall incorporate appropriate hydromodification measures as identified in the Low Impact Development (LID) Handbook. Such measures shall be clearly depicted on the drainage plan.

g. An evaluation of the effects of projected runoff on adjacent properties and existing drainage facilities and systems.

h. A map showing the drainage area and hydraulic calculations showing the facilities flow carrying capacities for the design storm event and justifying the estimated runoff of the area served by any drain. Include design discharges and velocities for conveyance devices, and storage volumes of sumps, ponds, and sediment basins based on the design storm.

i. Estimates of existing and increased runoff resulting from the proposed improvements and methods for reducing velocity of any increased runoff.

j. Methods for enhancing groundwater recharge that have been incorporated into the project design or an explanation of non-necessity of groundwater recharge for the project site.

All approved measures shall be implemented during construction and long-term elements verified prior to final inspection.

**Fire Hazards**

FH-1 The applicant shall provide a dedicated individual to function as a fire watch throughout all special events and the site regardless of the total amount of attendees.

FH-2 The applicant shall provide an individual trained/certified within San Luis Obispo County as an Emergency Medical Technician for all events exceeding 200 attendees.

FH-3 All events are required to take place on approved sites and only within properly permitted and inspected structures.

**Noise**

N-1 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 Lmax levels of 95 decibels, measured fifty feet from the source. 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.

N-2 Events held at the barrel room shall take place within the structure and doors and other openings facing in the direction of the eastern property line shall remain closed during events.

N-3 The projects neighbors shall be provided with a phone number for reporting problems to winery management and there shall be a reporting procedure to record complaints and actions taken to correct them.

**Public Services/Utilities**

PU-1 Villa San Juliette shall provide a dedicated individual to function as a fire watch throughout ALL special events at the site regardless of the total amount of attendees. This individual may be able to perform the duties of "fire watch" together with additional duties associated with the event(s).

PU-2 For ALL events exceeding 200 total attendees, Villa San Juliette must provide an individual trained/certified within San Luis Obispo County as an Emergency Medical Technician. With the exception of acting as an additional fire watch, this individual shall not be tasked with additional duties beyond that of Emergency Medical Technician and they are to remain on site throughout the entire event. This individual is hired to work at the event and is not just an attendee that is trained as an Emergency Medical Technician.

PU-3 All events must take place on approved sites and only within properly permitted and inspected structures.

DATE: January 23, 2015

# DEVELOPER'S STATEMENT & MITIGATION MONITORING/REPORTING PROGRAM FOR VILLA SAN JULIETTE DRC2013-00097 ED13-259

The applicant agrees to incorporate the following measures into the project. These measures become a part of the project description and therefore become a part of the record of action upon which the environmental determination is based. All development activity must occur in strict compliance with the following mitigation measures. These measures shall be perpetual and run with the land. These measures are binding on all successors in interest of the subject property.

Per Public Resources Code Section 21081.6 the following measures also constitute the mitigation monitoring and/or reporting program that will reduce potentially significant impacts to less than significant levels. These measures will become conditions of approval (COAs) should the project be approved. The Lead Agency (County) or other Responsible Agencies, as specified in the following measures, is responsible to verify compliance with these COAs.

**Project Description**: Request by Villa San Juliette Holdings, LLC for a Conditional Use Permit to allow for a phased expansion of an existing winery. The expansion will include the following: Phase One: Tenant improvements to the existing residence and tasting room to accommodate conversion of an existing residence (lower level) to a bed and breakfast inn which will include six (6) bedrooms and four (4) bathrooms. The upper level will remain for private residential use only. Expansion of the existing tasting room to include 800 square feet of limited food service facility (restaurant). Phase two includes: Addition of 13,930 square feet indoor winery space to include 4,650 square foot barrel storage room; 6,580 square foot fermentation room; 2,700 square feet of administration offices; addition of 5,090 square feet outdoor winery space to include: 4,060 square foot outdoor crush pad and 1,030 square foot porch. Phase three includes the relocation and conversion of a 3,000 square foot agriculture equipment building (Building D) to case goods storage. The applicant is also requesting to expand the existing special events program to allow 20 special events for up to 200 attendees and three (3) events for up to 500 attendees. The applicant is requesting a modification of the limitation on use standard (Section 22.30.070(D)(3)) to allow for outdoor amplified music associated with special events beyond 5 p.m.

| | |
|---|---|
| **Note:** | The items contained in the boxes labeled "Monitoring" describe the County procedures to be used to ensure compliance with the mitigation measures. |

## Agricultural Resources

AG-1 At the time of application for construction permits, the applicant shall submit plans showing the following:

a. Removal of 0.22 acres of turf grass, or equivalent (nonagricultural water uses) in lieu of removing irrigated vineyards to reduce potential impacts to existing agricultural resources.

**Monitoring:** Department of Planning and Building shall verify compliance in consultation with the Environmental Coordinator.

**Air Quality**

AQ-1 The applicant shall complete and submit to the APCD a Permit to Operate for the increase in case production.

**Monitoring:** Department of Planning and Building shall verify compliance in consultation with the Environmental Coordinator.

AQ-2 On day(s) of special events, the applicant shall implement the following PM10 measures for unpaved roads, driveways, and parking areas:

a. Designated parking locations shall be shown on the plans and shall include at a minimum the following:
   1. Paved when possible;
   2. Plant fast germinating non-invasive grass or low cut dense vegetation; or
   3. Treated with a dust suppressant (see Technical Appendix 4.3 of the APCD's CEQA Handbook) such that fugitive dust emissions do not exceed the APCD 20% opacity limit for greater than 3 minutes in any 60 minute period (APCD Rule 401) or prompt nuisance violations (APCD Rule 402).

b. Any unpaved roads/driveways that will be used for special events shall be maintained with an APCD-approved dust suppressant such that fugitive dust emissions do not exceed the APCD 20% opacity limit or create nuisance.

**Monitoring:** Department of Planning and Building shall verify compliance in consultation with the Environmental Coordinator.

AQ-3 To minimize nuisance dust impacts during construction, the applicant is required to implement APCD fugitive dust mitigation measures including reducing the amount of disturbed area where possible, the use of water trucks or sprinkler systems to water down airborne dust, daily spraying of dirt stock-pile areas, paving of applicable surfaces as soon as possible after grading, laying of building pads as soon as possible.

**Monitoring:** Department of Planning and Building shall verify compliance in consultation with the Environmental Coordinator.

AQ-3 All required PM10 measures shall be shown on applicable grading or construction plans. In addition, the developer shall designate personnel to insure compliance and monitor the effectiveness of the required dust control measures (as conditions dictate, monitor duties may be necessary on weekends and holidays to insure compliance); the name and telephone number of the designated monitor(s) shall be provided to the APCD prior to construction/ grading permit issuance.

a. Reduce the amount of the disturbed area where possible;

b. Use water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (nonpotable) water should be used whenever possible;

c. All dirt stock-pile areas should be sprayed daily as needed; and,

d. All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible. In addition, building pads should be laid as soon as possible after grading unless

seeding or soil binders are used.

**Monitoring:** Department of Planning and Building shall verify compliance in consultation with the Environmental Coordinator.

AQ-4 If building(s) are removed or renovated; or utility pipelines are scheduled for removal or relocation, this applicant may be required to meet those stipulated in the National Emission Standard for Hazardous Air Pollutants (40CFR61, Subpart M – asbestos NESHAP). These requirements include but are not limited to:

a. Written notification, within at least 10 business days of activities commencing to the APCD.
b. Asbestos survey conducted by a Certified Asbestos Inspector; and,
c. Applicable removal and disposal requirements of identified ACM.

**Monitoring:** Department of Planning and Building shall verify compliance in consultation with the Environmental Coordinator.

AG-5 As of February 25, 2000, the APCD prohibits developmental burning of vegetative material within San Luis Obispo County. However, under certain circumstances where no technically feasible alternatives are available, limited developmental burning under restrictions may be allowed. Any such exception must complete the following prior to any burning: APCD approval; payment of fee to APCD based on the size of the project; and issuance of a burn permit by the APCD and the local fire department authority. As a part of APCD approval, the applicant shall furnish them with the study of technical feasibility (which includes costs and other constraints) at the time of application. For any questions regarding these requirements, Karen Brooks of APCD's Enforcement Division may be contacted (805/781-5912).

**Monitoring:** Department of Planning and Building shall verify compliance in consultation with the Environmental Coordinator.

AQ-6 Prior to construction permit issuance, the applicant shall provide evidence they have contacted APCD on any proposed portable equipment requiring APCD or CARB registration, such as: 50-hp portable generators, IC engines, unconfined abrasive blasting operations, concrete batch plants, rock and pavement crushing, tub grinders, trammel screens, etc. Should any of these types of equipment be used during construction activities California statewide portable equipment registration (issued by the California Air Resources Board) or an APCD permit may be required.

**Monitoring:** Department of Planning and Building shall verify compliance in consultation with the Environmental Coordinator.

AQ-7 Upon application for construction permit, subject to Title 24 requirements, the applicant shall submit plans demonstrating that the building energy efficiency rating shall be increased by 10% above what is required by Title 24 requirements. This can be accomplished in a number of ways, including but not limited to:

a. Increase attic, wall, or floor insulation;
b. Install high efficiency windows;
c. Use efficient interior lighting and energy star roofs and appliances;

d. Plant native shade tree planting along southern exposures of buildings to reduce summer cooling needs;
e. Plant native, drought resistant landscaping;
f. Use locally or nearby produced building materials;
g. Use renewable or reclaimed building materials; and,
h. Install outdoor electrical outlets to encourage the use of electric appliances and tools.

**Monitoring:** Department of Planning and Building shall verify compliance in consultation with the Environmental Coordinator.

AQ-8 Upon application for construction permits, the applicant shall submit plans showing the use of best available technology for odor control.

**Monitoring:** Department of Planning and Building shall verify compliance in consultation with the Environmental Coordinator.

**Biological Resources**

A Kit Fox Evaluation was completed for project Villa San Juliette Minor Use Permit DRC2007-00076 on August 27, 2008 by Rincon Consultants. Based on that evaluation, the project would impact 0.3 acres of San Joaquin kit fox habitat. Total compensatory mitigation required for the project is 1.2 acres, based on four times 0.3 acres impacted. The applicant submitted evidence that the fees were paid for the 0.3 acres impacted (PMT2008-01219). The proposed project is within the 0.3 acres already accounted for and additional fees are not required.

BR-1 **Prior to issuance of grading and/or construction permits**, the applicant shall provide evidence that they have retained a qualified biologist acceptable to the County Division of Environmental and Resource Management. The retained biologist shall perform the following monitoring activities:

a. **Prior to issuance of grading and/or construction permits and within 30 days prior to initiation of site disturbance and/or construction,** the biologist shall conduct a pre-activity (i.e. pre-construction) survey for known or potential kit fox dens and submit a letter to the County reporting the date the survey was conducted, the survey protocol, survey results, and what measures were necessary (and completed), as applicable, to address any kit fox activity within the project limits.

b. The qualified biologist shall conduct weekly site visits during site-disturbance activities (i.e. grading, disking, excavation, stock piling of dirt or gravel, etc.) that proceed longer than 14 days, for the purpose of monitoring compliance with required Mitigation Measures BR-3 through BR11. Site- disturbance activities lasting up to 14 days do not require weekly monitoring by the biologist unless observations of kit fox or their dens are made on-site or the qualified biologist recommends monitoring for some other reason (see BR-2-c3). When weekly monitoring is required, the biologist shall submit weekly monitoring reports to the County.

c. **Prior to or during project activities,** if any observations are made of San Joaquin Kit fox, or any known or potential San Joaquin kit fox dens are discovered within the project limits, the qualified biologist shall re-assess the probability of incidental take (e.g. harm or death) to kit fox. At the time a den is discovered, the qualified biologist shall contact the U.S. Fish and Wildlife Service and the Department for guidance on possible additional kit fox protection measures to implement and whether or not a Federal and/or State incidental take permit is needed. If a potential den is encountered during construction, work shall

stop until such time the U.S. Fish and Wildlife Service/Department determine it is appropriate to resume work.

If incidental take of kit fox during project activities is possible, **before project activities commence,** the applicant must consult with the U.S. Fish and Wildlife Service and the California Department of Fish and Game(see contact information below). The results of this consultation may require the applicant to obtain a Federal and/or State permit for incidental take during project activities. The applicant should be aware that the presence of kit foxes or known or potential kit fox dens at the project site could result in further delays of project activities.

In addition, the qualified biologist shall implement the following measures:

1. **Within 30 days prior to initiation of site disturbance and/or construction**, fenced exclusion zones shall be established around all known and potential kit fox dens. Exclusion zone fencing shall consist of either large flagged stakes connected by rope or cord, or survey laths or wooden stakes prominently flagged with survey ribbon. Each exclusion zone shall be roughly circular in configuration with a radius of the following distance measured outward from the den or burrow entrances:
   a) Potential kit fox den: 50 feet.
   b) Known or active kit fox den: 100 feet.
   c) Kit fox pupping den: 150 feet.
2. All foot and vehicle traffic, as well as all construction activities, including storage of supplies and equipment, shall remain outside of exclusion zones. Exclusion zones shall be maintained until all project-related disturbances have been terminated, and then shall be removed.
3. If kit foxes or known or potential kit fox dens are found on site, daily monitoring during ground disturbing activities shall be required by a qualified biologist.

**Monitoring:** Department of Planning and Building shall verify compliance in consultation with the Environmental Coordinator.

BR-2 **Prior to issuance of grading and/or construction permits,** the applicant shall clearly delineate as a note on the project plans, that: "*Speed signs of 25 mph (or lower) shall be posted for all construction traffic to minimize the probability of road mortality of the San Joaquin kit fox.*" Speed limit signs shall be installed on the project site **within 30 days prior to initiation of site disturbance and/or construction**,

In addition, **prior to permit issuance and initiation of any ground disturbing activities**, measures BR-1 through BR-11 of the Developer's Statement/Conditions of Approval shall be clearly delineated on project plans.

**Monitoring:** Department of Planning and Building shall verify compliance in consultation with the Environmental Coordinator.

BR-3 **During the site disturbance and/or construction phase**, grading and construction activities after dusk shall be prohibited unless coordinated through the County, during which additional kit fox mitigation measures may be required.

**Monitoring:** Department of Planning and Building shall verify compliance in consultation with the Environmental Coordinator.

BR-4 **Prior to issuance of grading and/or construction permit and within 30 days prior to initiation of site disturbance and/or construction,** all personnel associated with the project shall attend a worker education training program, conducted by a qualified biologist, to avoid or reduce impacts on sensitive biological resources (i.e. San Joaquin kit fox). At a minimum, as the program relates to the kit fox, the training shall include the kit fox's life history, all mitigation measures specified by the county, as well as any related biological report(s) prepared for the project. The applicant shall notify the County shortly prior to this meeting. A kit fox fact sheet shall also be developed prior to the training program, and distributed at the training program to all contractors, employers and other personnel involved with the construction of the project.

**Monitoring:** Department of Planning and Building shall verify compliance in consultation with the Environmental Coordinator.

BR-5 **During the site-disturbance and/or construction phase,** to prevent entrapment of the San Joaquin kit fox, all excavation, steep-walled holes or trenches in excess of two feet in depth shall be covered at the close of each working day by plywood or similar materials, or provided with one or more escape ramps constructed of earth fill or wooden planks. Trenches shall also be inspected for entrapped kit fox each morning prior to onset of field activities and immediately prior to covering with plywood at the end of each working day. Before such holes or trenches are filled, they shall be thoroughly inspected for entrapped kit fox. Any kit fox so discovered shall be allowed to escape before field activities resume, or removed from the trench or hole by a qualified biologist and allowed to escape unimpeded.

**Monitoring:** Department of Planning and Building shall verify compliance in consultation with the Environmental Coordinator.

BR-6 **During the site-disturbance and/or construction phase**, any pipes, culverts, or similar structures with a diameter of four inches or greater, stored overnight at the project site shall be thoroughly inspected for trapped San Joaquin kit foxes before the subject pipe is subsequently buried, capped, or otherwise used or moved in any way. If during the construction phase a kit fox is discovered inside a pipe, that section of pipe will not be moved, or if necessary, be moved only once to remove it from the path of activity, until the kit fox has escaped.

**Monitoring:** Department of Planning and Building shall verify compliance in consultation with the Environmental Coordinator.

BR-7 **During the site-disturbance and/or construction phase,** all food-related trash items such as wrappers, cans, bottles, and food scraps generated shall be disposed of in closed containers only and regularly removed from the site. Food items may attract San Joaquin kit foxes onto the project site, consequently exposing such animals to increased risk of injury or mortality. No deliberate feeding of wildlife shall be allowed.

**Monitoring:** Department of Planning and Building shall verify compliance in consultation with the Environmental Coordinator.

BR-8 **Prior to, during and after the site-disturbance and/or construction phase,** use of pesticides or herbicides shall be in compliance with all local, state and federal regulations. This is necessary to minimize the probability of primary or secondary poisoning of endangered species utilizing adjacent habitats, and the depletion of prey upon which San Joaquin kit foxes depend.

**Monitoring:** Department of Planning and Building shall verify compliance in consultation with the Environmental Coordinator.

BR-9 **During the site-disturbance and/or construction phase,** any contractor or employee that inadvertently kills or injures a San Joaquin kit fox or who finds any such animal either dead, injured, or entrapped shall be required to report the incident immediately to the applicant and County. In the event that any observations are made of injured or dead kit fox, the applicant shall immediately notify the U.S. Fish and Wildlife Service and the Department by telephone (see contact information below). In addition, formal notification shall be provided in writing within three working days of the finding of any such animal(s). Notification shall include the date, time, location and circumstances of the incident. Any threatened or endangered species found dead or injured shall be turned over immediately to the Department for care, analysis, or disposition.

**Monitoring:** Department of Planning and Building shall verify compliance in consultation with the Environmental Coordinator.

BR-10 **Prior to final inspection, or occupancy, whichever comes first,** should any long internal or perimeter fencing be proposed or installed, the applicant shall do the following to provide for kit fox passage:

a. If a wire strand/pole design is used, the lowest strand shall be no closer to the ground than 12".

b. If a more solid wire mesh fence is used, 8" x 12" openings near the ground shall be provided every 100 yards.

Upon fence installation, the applicant shall notify the County to verify proper installation. Any fencing constructed after issuance of a final permit shall follow the above guidelines.

**Contact Information**

County of San Luis Obispo
Department of Planning and Building
Division of Environmental & Resource Mgmt
County Government Center, Room 300
San Luis Obispo, CA 93408
ATTN: Mrs. Holly Phipps
(805) 781-1162
E-mail: hphipps@co.slo.ca.us

California Department of Fish and Game
Central Region
1234 East Shaw Avenue
Fresno, CA 93710
(559) 243-4005
FAX (559) 243-4022
(805) 772-4318

The Nature Conservancy
ATTN: Tonja Glenn
201 Mission Street, 4th Floor
San Francisco, CA 94105
(415) 777-0487

Palo Prieto Conservation Bank
c/o Dan Meade
Althouse & Meade, Inc.
1875 Wellsona Road
Paso Robles, CA 93446
(805) 467-1041
FAX (805) 467-1021
E-mail: dan@alt-me.com

U.S. Fish and Wildlife Service
Ventura Field Office
P.O. Box 47
Ventura, CA 93003
(805) 644-1766

**Monitoring:** Department of Planning and Building shall verify compliance in consultation with the Environmental Coordinator.

BR-11 **Upon application for construction permits,** the "Project Limits" shall be clearly delineated on all construction plans. Prior to any construction work beginning, sturdy high-visibility fencing shall be installed at the "Project Limits" and no closer than 100 feet from identified ephemeral drainages. No construction work (including storage of materials) shall occur outside of the "Project Limits". Any required fencing shall remain in place during the entire construction period and checked and repaired as needed by resident engineer. Prior to final inspection or occupancy, whichever occurs first, the applicant shall provide verification to the satisfaction of the county that no disturbance occurred outside of the approved "Project Limits" line.

**Monitoring:** Department of Planning and Building shall verify compliance in consultation with the Environmental Coordinator.

BR-12 **At the time of application for construction permits,**the applicant shall prepare and submit a hazardous materials clean-up and contingency plan to ensure containment and clean-up of incidental spills and leaks during construction activities to the Planning and Building Department.

**Monitoring:** Department of Planning and Building shall verify compliance in consultation with the Environmental Coordinator.

**Erosion and Sedimentation**

ER-1 Erosion and Sedimentation Control – Avoid Rainy Season. Construction activities shall be limited to the dry season (April 15 through October 15). If construction activities cannot take place only during the dry season, implementation of Best Management Practices (BMPs) [per the approved Erosion and Sedimentation Control Plan] is required prior to the start of the rainy season or ground clearing activities.

**Monitoring:** Department of Planning and Building shall verify compliance in consultation with the Environmental Coordinator.

ER-2 Erosion and Sedimentation Control Plan – Soil Protection During Construction. Prior to issuance of construction and/or grading permits, the Applicant shall submit to the County [Public Works] for review and approval of a sedimentation and erosion control plan (LUO Sec. 22.52.120, CZLUO Sec. 23.05.036) which identifies how disturbed soils will be stabilized to prevent wind and water erosion during construction and immediately after construction. The plan shall include temporary best management practices (BMPs) to be installed during the rainy season that may include, but are not limited to, use of mulch, soil stabilizers, or other recognized surface stabilization measures [all compatible with project area sensitive species]. The plan shall include standard provisions for dust control by water truck (LUO Sec. 22.52.160 - Construction Procedures) or periodic application of soil stabilizers during construction.

**Monitoring:** Department of Planning and Building shall verify compliance in consultation with the Environmental Coordinator.

ER-3 Stockpiling/Placement of Fill. Short-term stockpiling or long-term placement of fill shall comply with the following wherever possible or applicable during and after all earthmoving activities. Prior to permit issuance the following measures shall be shown on all applicable drawings:

a. Be located outside of any drainage ways;

b. Be located outside of any habitat containing rare or endangered plant or wildlife species;

c. Be located as far as practical from any blue line stream (as shown on USGS maps) or streams supporting riparian habitat, and no closer than 100 feet, if located on slopes less than 10%. If located on steeper slopes (10% to 20%), setback distance shall be increased to 500 feet. No material shall be placed on slopes greater than 20%;

d. Be located outside of any area identified by the County as visually or biologically sensitive (e.g. County's "Sensitive Resource Areas" designation or a site specific evaluation);

e. Be located outside of the 100-year floodplain;

f. If fill is to be left permanently, soil shall be compacted to comply with the fill standards of the County Grading Ordinance and/or Uniform Building Code;

g. Fill slopes shall not exceed a ratio of 2-feet horizontal to 1-foot vertical;

h. Have a sediment and erosion control plan prepared prior to work beginning, if any fill or stockpiles are being worked, are in a disturbed state or will remain exposed during the rainy season. Temporary measures, such as covering the area or containing the area (e.g. use of straw bales and silt fencing around stockpile), shall be applied before the rainy season begins (October 15th) and be maintained to remain in good working order during the entire rainy season (until April 15th);

i. Adequate measures shall be applied to all disturbed portions of the project site to control dust, such as daily watering or hydromulching until vegetation cover is well established;

j. Any fill or stockpiling that is to be left more than 30 days shall be hydroseeded or covered immediately upon completion of the fill or stockpiling work; and

k. All fill material must be "clean" and free of any potentially hazardous materials or hazardous waste.

All permanent measures shall be verified prior to final inspection.

**Monitoring:** Department of Planning and Building shall verify compliance in consultation with the Environmental Coordinator.

ER-4 Drainage Plan Required. At the time of application for construction and / or grading permits, the Applicant shall submit a drainage plan for review and approval by the County Public Works Department. The plan shall contain, at a minimum:

a. Flow lines of surface waters onto and off the site.

b. Existing and finished contours at two-foot intervals or other topographic information required by the Public Works Director.

c. Building pad, finished floor and street elevations, existing and proposed.

d. Location and graphic representation of all existing and proposed natural and manmade drainage facilities for storage or conveyance of runoff, including drainage swales, ditches, culverts and berms, sumps, sediment basins, channels, ponds, storm drains and drop inlets. In addition, private water wells and sewage disposal systems must be shown. Include detailed plans of all surface and subsurface drainage devices, walls, cribbing, dams and other protective devices to be constructed with or as a part of the proposed work.

e. Proposed flood-proofing measures where determined to be necessary by the Public Works Director and in accordance with Federal Emergency Management Agency (FEMA) requirements.

f. For projects where the Director or Public Works Director determines that increased discharge rates and durations could result in off-site erosion or other impacts to beneficial uses, the project shall incorporate appropriate hydromodification measures as identified in the Low Impact Development (LID) Handbook. Such measures shall be clearly depicted on the drainage plan.

g. An evaluation of the effects of projected runoff on adjacent properties and existing drainage facilities and systems.

h. A map showing the drainage area and hydraulic calculations showing the facilities flow carrying capacities for the design storm event and justifying the estimated runoff of the area served by any drain. Include design discharges and velocities for conveyance devices, and storage volumes of sumps, ponds, and sediment basins based on the design storm.

i. Estimates of existing and increased runoff resulting from the proposed improvements and methods for reducing velocity of any increased runoff.

j. Methods for enhancing groundwater recharge that have been incorporated into the project design or an explanation of non-necessity of groundwater recharge for the project site.

All approved measures shall be implemented during construction and long-term elements verified prior to final inspection.

**Monitoring:** Department of Planning and Building shall verify compliance in consultation with the Environmental Coordinator.

**Noise**

N-1 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 Lmax levels of 95 decibels, measured fifty feet from the source. 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.

**Monitoring:** Department of Planning and Building shall verify compliance in consultation with the Environmental Coordinator.

N-2 Events held at the barrel room shall take place within the structure and doors and other openings facing in the direction of the eastern property line shall remain closed during events.

**Monitoring:** Department of Planning and Building shall verify compliance in consultation with the Environmental Coordinator.

N-3 The projects neighbors shall be provided with a phone number for reporting problems to winery management and there shall be a reporting procedure to record complaints and actions taken to correct them.

**Monitoring:** Department of Planning and Building shall verify compliance in consultation with the Environmental Coordinator.

**Public Services/Utilities**

PU-1 Villa San Juliette shall provide a dedicated individual to function as a fire watch throughout ALL special events at the site regardless of the total amount of attendees. This individual may be able to perform the duties of "fire watch" together with additional duties associated with the event(s).

**Monitoring:** Department of Planning and Building shall verify compliance in consultation with the Environmental Coordinator.

PU-2 For ALL events exceeding 200 total attendees, Villa San Juliette must provide an individual trained/certified within San Luis Obispo County as an Emergency Medical Technician. With the exception of acting as an additional fire watch, this individual shall not be tasked with additional duties beyond that of Emergency Medical Technician and they are to remain on site throughout the entire event. This individual is hired to work at the event and is not just an attendee that is trained as an Emergency Medical Technician.

**Monitoring:** Department of Planning and Building shall verify compliance in consultation with the Environmental Coordinator.

PU-3 All events must take place on approved sites and only within properly permitted and inspected structures.

| |
|---|
| **Monitoring:** Department of Planning and Building shall verify compliance in consultation with the Environmental Coordinator. |

The applicant understands that any changes made to the project description subsequent to this environmental determination must be reviewed by the Environmental Coordinator and may require a new environmental determination for the project. By signing this agreement, the owner(s) agrees to and accepts the incorporation of the above measures into the proposed project description.

| Signature of Owner(s) | Name (Print) | Date |
|---|---|---|
| | NIGEL LYTHGOE | 1/24/15 |
| | | |

| Signature of Owner(s) | Name (Print) | Date |
|---|---|---|
| | | |

FH

SAN LUIS OBISPO COUNTY

# DEPARTMENT OF PLANNING AND BUILDING

RECEIVED

MAY 14 2014

COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PUBLIC WORKS

**THIS IS A NEW PROJECT REFERRAL**

**DATE:** 5/12/2014

**TO:** PW

**FROM:** Megan Martin (805-781-4163 or mamartin@co.slo.ca.us)
North County Team / Development Review

**PROJECT DESCRIPTION:** DRC2013-00097 VILLA SAN JULIETTE – Proposed conditional use permit for a phased winery expansion. Phase 1: 22,020 sf winery expansion. Phase 2: Conversion of existing lower level residence to a six-room bed & breakfast with limited food facility inside tasting room. Increased special events program. Site location is 6385 Cross Canyon Rd, San Miguel. APN: 019-051-041

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*Return this letter with your comments attached no later than: 14 days from receipt of this referral. CACs please respond within 60 days. Thank you.*

PART 1 - IS THE ATTACHED INFORMATION ADEQUATE TO COMPLETE YOUR REVIEW?

- ☐ YES (Please go on to PART II.)
- ☑ NO (Call me ASAP to discuss what else you need. We have only 10 days in which we must obtain comments from outside agencies.)

PART II - ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?

- ☑ YES (Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter)
- ☐ NO (Please go on to PART III)

PART III - INDICATE YOUR RECOMMENDATION FOR FINAL ACTION.

Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial.

IF YOU HAVE "NO COMMENT," PLEASE SO INDICATE, OR CALL.

See attached

5.21.14 — Date

[signature] — Name

5271 — Phone

**Villa San Juliette Winery**
Michelle Matson to: Tim Tomlinson

08/14/2014 04:48 PM

From: Michelle Matson/PubWorks/COSLO
To: Tim Tomlinson/PubWorks/COSLO@Wings

Tim,

I reviewed the traffic study. Although CHP did not provide the consultant the correct collisions, I agree that no improvements are needed. It should be noted that County Standard A-1c and A-1d require 26' and 28' of pavement when dike is present.. In addition, Public Works will not be installing additional speed advisory signs on the intersection ahead sign for Pleasant Road as noted in the study since no justification for speeds used is provided.

The project is required to obtain an Encroachment Permit for minor improvements at the secondary driveway to comply with County Standard B-1e.

Sincerely,

Michelle Matson, PE
Department of Public Works
County of San Luis Obispo
Phone: (805) 788-2830
Fax: (805) 781-1229

SAN LUIS OBISPO COUNTY
# DEPARTMENT OF PUBLIC WORKS

Paavo Ogren, Director

County Government Center, Room 207 • San Luis Obispo CA 93408 • (805) 781-5252
Fax (805) 781-1229 email address: pwd@co.slo.ca.us

**MEMORANDUM**

Date: May 20, 2014

To: Megan Martin, Project Planner

From: Tim Tomlinson, Development Services

**Subject: Public Works Comments on DRC2013-00097, Villa San Juliette, Cross Canyon Rd, APN 019-051-041**

Thank you for the opportunity to provide information on the proposed subject project. It has been reviewed by several divisions of Public Works, and this represents our consolidated response.

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**PUBLIC WORKS REQUESTS THAT AN INFORMATION HOLD BE PLACED ON THIS PROJECT UNTIL THE APPLICANT PROVIDES THE FOLLOWING DOCUMENTS FOR PUBLIC WORKS REVIEW AND COMMENT:**

1. Please have the applicant provide a Traffic Engineers Report addressing, at a minimum:
   a. Evaluation of event traffic impacts, circulation and recommended mitigations assuming maximum attendance.
   b. Sight distance evaluation for the driveway connecting to Cross Canyon Road in accordance with County A-5 series standards.

2. Please have the applicant provide a Roadway Safety Analysis addressing the need for offsite roadway improvements (see Reso 2008-152, attached).

---

**Public Works Comments:**

A. The proposed project appears to trigger road improvements per Resolution 2008-152.

B. The proposed public serving project site is not located further that 1-mile from a collector or arterial (22.30.070D2a). Cross Canyon Road is designated a collector.

**Recommended Project Conditions of Approval:**

Access

1. **At the time of application for construction permits,** If required by the RSA, the applicant shall submit plans prepared by a Registered Civil Engineer to the Department of Public Works to secure an Encroachment Permit and post a cash damage bond to install improvements within the public right-of-way in accordance with County Public Improvement Standards.

2. **Prior to occupancy or final inspection,** the **Cross Canyon** primary driveway approach shall be reconstructed in accordance with County Public Improvement Standard B-1e. All driveway approaches constructed on County roads shall require an encroachment permit.

3. **Prior to occupancy or final inspection,** all public improvements have been constructed or reconstructed in accordance with County Public Improvement Standards and to the satisfaction of the County Public Works Inspector.

4. **On-going condition of approval (valid for the life of the project),** and 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.

5. **On-going condition of approval (valid for the life of the project):** Any gate constructed on a driveway where off-site grapes are delivered and/or product is exported from the site shall be a minimum of 75-feet from the traveled way of any road open to public traffic.

Drainage

6. **At the time of application for construction permits,** the applicant shall submit complete drainage plans for review and approval in accordance with Section 22.52.110 (Drainage of the Land Use Ordinance.

7. **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 22.52.120.

**On-going condition of approval (valid for the life of the project),** the project shall comply with the requirements of the National Pollutant Discharge Elimination System Phase I and / or Phase II storm water program and the County's Storm Water Pollution Control and Discharge Ordinance, Title 8, Section 8.68 et sec.

Recycling

8. **On-going condition of approval (valid for the life of the project),** 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).

SAN LUIS OBISPO COUNTY

# DEPARTMENT OF PLANNING AND BUILDING

**THIS IS A NEW PROJECT REFERRAL**

RECEIVED

MAY 14 2014

Environmental Health

**DATE:** 5/12/2014

**TO:** ENV HEALTH

**FROM:** Megan Martin (805-781-4163 or mamartin@co.slo.ca.us)
North County Team / Development Review

**PROJECT DESCRIPTION:** DRC2013-00097 VILLA SAN JULIETTE. Proposed conditional use permit for a phased winery expansion. Phase 1: 22,020 sf winery expansion. Phase 2: Conversion of existing lower level residence to a six-room bed & breakfast with limited food facility inside tasting room. Increased special events program. Site location is 6385 Cross Canyon Rd, San Miguel. APN: 019-051-041

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- ☐ NO (Call me ASAP to discuss what else you need. We have only 10 days in which we must obtain comments from outside agencies.)

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- ☐ YES (Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter)
- ☐ NO (Please go on to PART III)

PART III - INDICATE YOUR RECOMMENDATION FOR FINAL ACTION.

Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial.

IF YOU HAVE "NO COMMENT," PLEASE SO INDICATE, OR CALL.

Please see attached - thank you.

| 5/27/14 | | X 5551 |
|---|---|---|
| Date | Name | Phone |

COUNTY OF SAN LUIS OBISPO HEALTH AGENCY

**Public Health Department**

Jeff Hamm
Health Agency Director

Penny Borenstein, M.D., M.P.H.
Health Officer

Public Health
Prevent. Promote. Protect.

May 27, 2014

To: Megan Martin
North County Team / Development Review

From: Environmental Health
Leslie Terry

Project Description: DRC2013-00097, Villa San Juliette CUP
APN 019-051-041

Any modifications to existing food facility and construction of any new food facility (the Bed & Breakfast) will require a plan check with this office. Applicant to contact Jeremiah Damery at (805) 781-5548 with any questions regarding the food facility plan check process or for guidance on the B&B.

See attached guidance document for information on Food Facilities with Private Water Wells. In the event this facility will not have more than 25 persons per day on site for 60 days out of the year, then the water will be regulated as part of their food facility permit.

In the event the facility has more than 25 persons per day on site for 60 days out of the year (guests, staff etc.), an annual permit will be required for the water supply at this facility. See attached flow chart for information on types of water systems. Contact Leslie Terry at (805) 781-5551 with any questions regarding the water supply at this facility.

If plan review for cross connection determines a device is necessary, then an annual device test requirement shall be added as a condition of this CUP.

Applicant to return attached Hazardous Materials Declaration Flowchart to this office. Be advised that threshold levels are 55 gallons, 500 pounds or 200 cubic feet and common materials include (but are not limited to): fuel, paint, lubricants, pesticides, pool chemicals and compressed gases. Contact Linnea Faulkner at (805) 781-4917 with any questions regarding this form.

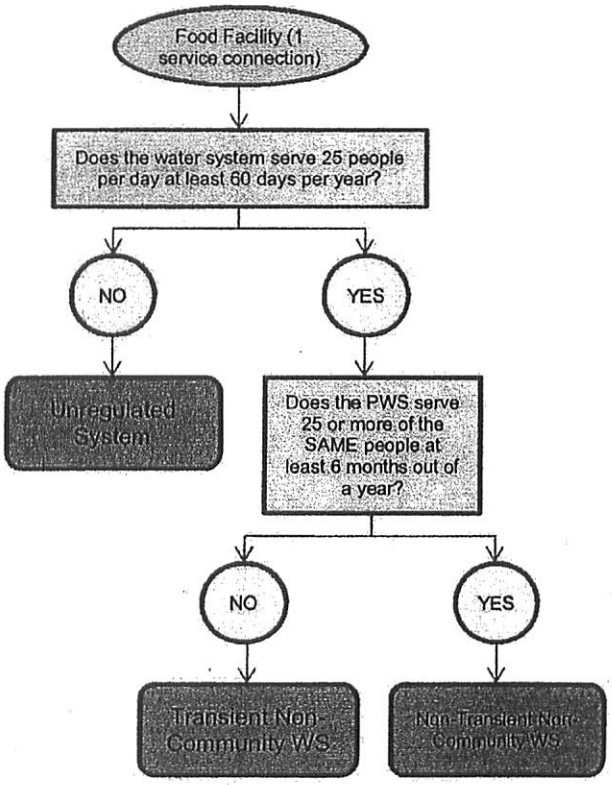
2191 Johnson Avenue, San Luis Obispo, California 93401
(805) 781-5500 FAX (805) 781-5543 www.SLOpublichealth.org

SAN LUIS OBISPO COUNTY
PUBLIC HEALTH DEPARTMENT
ENVIRONMENTAL HEALTH SERVICES

# Food Facilities with Private Water Wells

Food facilities not served by a public water system have a responsibility to ensure a safe water supply. The California Retail Food Code (CalCode), Section 114192, states that "an adequate, protected, pressurized, potable supply of hot water and cold water shall be provided," while Section 113869 defines "Potable water" as " water that complies with the standards for transient noncommunity water systems pursuant to the California Safe Drinking Water Act, Chapter 4 (commencing with Section 116270) of Part 12, to the extent permitted by federal law."

The California Safe Drinking Water Act provides the following definitions:
"116275. As used in this chapter:
(h) "Public water system" means a system for the provision of water for human consumption through pipes or other constructed conveyances that has 15 or more service connections or regularly serves at least 25 individuals daily at least 60 days out of the year.
A public water system includes the following:
(o) "Transient noncommunity water system" means a noncommunity water system that does not regularly serve at least 25 of the same persons over six months per year."




To achieve compliance with the regulations above, San Luis Obispo County will have facilities with private water wells which either utilize an un-regulated water supply (with obligations to comply with "standards") or are served by a regulated transient non-community water system. This chart provides a decision tree for the proper classification of a food facility's water supply. All Public Water Systems (PWS) with less than 200 connections will be issued a **water system permit** and will be regulated by this office. Unregulated water systems serving a regulated food facility will be regulated as part of their **food facility permit.**

Unregulated water systems serving a food facility are required to comply with the following testing requirements:

| Constituent | Frequency |
|---|---|
| Bacteriological | Monthly |
| Nitrate (NO3) | Annually |
| Nitrite (NO2) | Triennially (every 3 years) |
| Inorganic Chemicals (& Arsenic) | Once |
| Secondary Standards | Once |

In addition to testing requirements, food facilities (including cottage food operations) are required to maintain their water system to ensure safety of their water supply. This includes but is not limited to ensuring that the source, distribution system and storage facilities are maintained to protect against contamination or pollution. Failure to comply with either testing or system structural requirements will result in a violation No. 21. *Water* on the food facility's inspection report.

# HAZARDOUS MATERIALS BUSINESS PLAN PROGRAM ELIGABILITY FLOWCHART

Under penalty of law, I declare that I have followed the flowchart and checked the boxes that are appropriate for this business's operations. I also understand that the SLO County CUPA must be notified if our operations or procedures change and make the above statement inaccurate.

Name (print)

Signature

Business Name

Address

Date

START HERE

Do you generate hazardous waste in ANY quantity?

YES → Sign and submit this document – you need not submit a business plan or pay a fee ☐

NO ↓

Do you store, use, or handle hazardous material at any one time during a calendar year in quantities equal to or greater than 55 gallons of a liquid, 500 pounds of a solid, or 200 cubic feet of a compressed gas at standard temperature and pressure?

NO → Sign and submit this document – you need not submit a business plan or pay a fee ☐

YES ↓

Are you a physician, veterinarian, pharmacist, dentist, or podiatrist who stores ONLY oxygen, nitrogen or nitrous oxide and the total quantity of each gas on-site is 1,000 cubic feet or less?

YES → Sign and submit this document – you need not submit a business plan or pay a fee ☐

NO ↓

Is your facility either a :

## Agricultural Business ☐

Do you store ONLY motor vehicle fuel in above or underground tanks at 1,100 gallons or less capacity and the TOTAL volume of fuel is less than 20,000 gallons?

YES → Submit Form S, Form I, and Form M one time only and pay a one time fee. ☐

NO ↓

Do you store ONLY motor or lubricating oil and is the total volume less than 275 gallons? (Does not include waste oil)

YES → Sign this document – you need not submit a business plan or pay a fee ☐

NO ↓

Do you store ONLY N-P-K fertilizers (excluding ammonium nitrates) less than 10,000 pounds total?

YES → Sign this document – you need not submit a business plan or pay a fee ☐

NO ↓

Do you apply liquid fertilizer no more than four times a year, apply and store it over period of less than seven days, and is the quantity less than 1,100 gallons and you do not store any other hazardous materials in reportable quantities?

YES → Sign this document – you need not submit a business plan or pay a fee ☐

NO → Submit a one time business plan, complete exemption form R and pay a one time fee. ☐

## Other Business ☐

Do you store ONLY motor or lubricating oil and is the total volume less than 275 gallons? (Does not include waste oil)

YES → Sign this document – you need not submit a business plan or pay a fee ☐

NO ↓

Is your facility:
A): a remote site (a remote site is defined as an unstaffed facility located in an isolated, sparsely populated area. The facility is secured and not accessible to the general public) and
B): is the inventory less than: 500 cubic feet compressed inert gas, 500 gallons combustible liquid fuel, 200 gallons electrolytes in closed containers, 500 gallons lubricating and hydraulic fluids, and 1,200 gallons of flammable gas used as fuel (propane)?

YES → Submit a one time business plan, complete exemption form R and pay a one time fee. ☐

NO → Submit a business plan and pay an annual fee to:

San Luis Obispo County CUPA, PO Box 1489
2156 Sierra Way
San Luis Obispo, CA 93406
Ph: (805) 781-5544 ☐

*Within San Luis Obispo city limits:*
SLO City Fire Dept, 2160 Santa Barbara Ave
San Luis Obispo, CA 93401-5240
Ph: (805) 781-7380 ☐

## COMMON HAZARDOUS MATERIALS

- Lubricants
- Solvents
- Compressed Gases
- Fuel
- Pesticides
- Paint

## COMMON HAZARDOUS WASTES

- Crank Case Oil
- Used Anti-Freeze
- Paint
- Used automotive batteries
- Spent solvents

## Not sure?

Please contact The County of San Luis Obispo
Public Health Department
Division of Environmental Health
at
(805) 781-5544

## {In Archive} Re: DRC2013-00097 VILLA SAN JULIETTE, North County E-Referral, CUP, San Miguel

Charles Riha to: Megan A Martin 05/16/2014 03:20 PM
Cc: Cheryl Journey, Stephen Hicks

Archive: This message is being viewed in an archive.

Megan,

These are the Building Division Comments to be incorporated into the Conditions. Please call me if you have any questions.

Comments from Building Division:

1. All plans and engineering shall be prepared by a California Licensed Architect of Record unless exempted by the Business and Professions Code.

2. The project (each phase) is subject to a construction permit as well as the newly adopted 2013 California Codes.

3. The project will require a full soils report for the design of all building foundations at the time of construction permit application submittal.

4. The project is subject to the California State Title 24 accessibility / energy laws.

5. Whether or not a grading permit is required, the project shall conform to the "National Pollutant Discharge Elimination System" storm water management program regulations.

6. Any required upgrade to the wine discharge system and/or septic system shall be designed by a California registered civil engineer.

7. A fire sprinkler system will be required. The sprinkler plans shall be submitted with a separate application for a separate fire sprinkler permit with the application for the structure(s). The application for the sprinkler system and any water tank storage required for the system shall be approved prior to issuance of the structure(s). Cal Fire requires that all commercial sprinkler systems be reviewed by a licensed fire protection engineer.

Charles Riha, Plans Examiner III

PLANNING & BUILDING
COUNTY OF SAN LUIS OBISPO
976 Osos Street, Room 200
San Luis Obispo, Ca 93408
805-781-5630
http://www.sloplanning.org
http://www.facebook.com/SLOPlanning
http://twitter.com/SLOCoPlanning

COUNTY OF SAN LUIS OBISPO

**Department of Agriculture/Weights and Measures**

2156 SIERRA WAY, SUITE A • SAN LUIS OBISPO, CALIFORNIA 93401-4556

(805) 781-5910 • FAX (805) 781-1035

Martin Settevendemie

Agricultural Commissioner/Sealer

www.slocounty.ca.gov/agcomm

AgCommSLO@co.slo.ca.us

**DATE:** **June 6, 2014**

**TO:** **Megan Martin, Project Manager**

**FROM:** **Lynda L. Auchinachie, Agriculture Department**

**SUBJECT:** **Villa San Juliette Conditional Use Permit DRC2013-00097 (1760)**

## Summary

The Agriculture Department's review finds that the proposed Villa San Juliette Conditional Use Permit for the phased expansion of winery production facilities, conversion of a portion of the existing residences to a bed and breakfast inn with a limited food service facility, and an increased special events program will have less than significant impacts to agricultural resources.

The project is located over the Paso Robles groundwater basin and the applicant is proposing to meet the water use offset requirements by removing .9 acres of irrigated vineyards. The Planning Department has clarified that offset requirements would need to be met by the removal of turf and other nonagricultural water. The Agriculture Department supports meeting development offset requirements through removal of nonagricultural water uses as identified by the Planning Department.

Comments and recommendations are based on policies in the San Luis Obispo County Agriculture Element, Conservation and Open Space Element, the Land Use Ordinance, the California Environmental Quality Act (CEQA), and on current departmental policy to conserve agricultural resources and to provide for public health, safety and welfare while mitigating to the extent feasible the negative impacts of development to agriculture.

## Project Description and Agriculture Element Consistency

The project site is located at 6385 Cross Canyon Road, east of San Miguel and over the Paso Robles groundwater basin. The 169-acre site is located within the Agriculture land use category and is developed with a wine production facility, two residences with an attached tasting room and extensive turf/landscaped area, and wine grape vineyards. Agricultural uses in the area consist of wine grape vineyards and livestock production. The property is currently under a Williamson Act contract.

The proposal consists of expanding the existing wine production facility by 1) modifying and adding 22,020 square feet of production and storage area, 2) converting a portion of each of the existing residences to a bed and breakfast inn, 3) converting a portion of the existing tasting room to a limited food service facility, and 4) expanding the existing events

program to allow 20 special events for up to 200 attendees and 3 events for up to 500 attendees. To meet the Paso Robles groundwater basin water offset requirements the applicant is proposing the removal of .9 acres of irrigated vineyards.

The proposed uses appear consistent with portions of Agriculture Element AGP 6 as the proposed uses are located within existing structures and are compatible with future agricultural activities. However, as was noted in the original project referral comments dated June 19, 2008, with the incorporation of the extensive turf and landscape areas into visitor serving uses the proposal may not be clearly secondary to the winery production facility.

The project is located over the Paso Robles groundwater basin and the applicant is proposing to meet the water use offset requirements by removing .9 acres of irrigated vineyards. The Planning Department has clarified that offset requirements would need to be met by the removal of turf and other nonagricultural water uses. The Agriculture Department supports meeting development offset requirements through removal of nonagricultural water uses as identified by the Planning Department and considers this approach consistent with Agriculture Element AGP 11..

**Impacts to Agricultural Resources**

The proposed uses would be located within existing structures, areas of outdoor winery use, and parking areas resulting in less than significant impacts to agricultural resources.

If you have questions, please call 781-5914.

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SLO COUNTY apcd | Air Pollution Control District
San Luis Obispo County

June 17, 2014

Megan Martin
SLO County Planning & Building
County Government Center
San Luis Obispo, CA 93408

SUBJECT: APCD Comments Regarding the Proposed Villa San Juliette Winery Conditional Use Permit (DRC2013-00097)

Dear Ms. Martin,

Thank you for including the San Luis Obispo County Air Pollution Control District (APCD) in the environmental review process. We have completed our review of the proposed project located on a 169-acre parcel at 6385 Cross Canyons Road approximately 4 miles east of San Miguel. The property is zoned Agriculture and is under an Ag Preserve Contract. The Villa San Juliette Winery is currently operating under a Minor Use Permit entitlement (DRC2007-00076) which approved two winery buildings, a tasting room within an existing single family residence and a small (6) event per year program, each with no more than 80 guests. The proposed conditional use permit is for a phased winery expansion (Phase 1) and bed and breakfast conversion (Phase 2). In addition, the project also proposes to increase the special event program to allow 23 annual events, 3 with no more than 500 guest and 20 with no more than 200 guests. Much of the roads that would be used by the guests are paved, but the driveway to the parking area for the guests is not paved and the distance from the start of the dirt driveway to the middle of the unpaved parking area is approximately 350 feet.

The existing winery has 7,393 square feet (sf) of indoor and 4,371 sf of outdoor winery use areas. After the expansion, the winery would have 22,802 sf of indoor and 5,090 sf of outdoor winery use areas. Phase 2 of the project would convert the existing lower level residence into a six-room bed and breakfast with a limited food facility inside the tasting room. The project proposes to employ 10 to 15 people. The winery operation increase is anticipated to result in 21 new peak hour trips but the referral indicates that the bed and breakfast conversion from the current residential use would not increase public traffic. The current tasting room activities are also not proposed to increase due to this project. The special events would increase peak hourly trips, however, the event timing would occur outside of peak commute times.

On August 19, 2008 the APCD commented on the Minor Use Permit under which the winery is currently operating. At that time, the initial production was estimated to be 5,000 cases per year with a peak projection level at 10,000 cases. The project referral states that

T 805.781.5912 F 805.781.1002 W slocleanair.org 3433 Roberto Court, San Luis Obispo, CA 93401

the existing facility produces up to 25,000 cases per year. The proposal includes an increased production of 55,000 cases annually to bring the total annual case production to 80,000 cases. Production would be sourced from onsite and offsite vineyards. The APCD has a permit to operate requirement for wine production over 10,000 cases. This winery does not currently have an APCD permit to operate. *The following are APCD comments that are pertinent to this project.*

GENERAL COMMENTS

As a commenting agency in the California Environmental Quality Act (CEQA) review process for a project, the APCD assesses air pollution impacts from both the construction and operational phases of a project, with separate significant thresholds for each. **Please address the action items contained in this letter that are highlighted by bold and underlined text**.

**CONSTRUCTION PHASE IMPACTS-Below Threshold**

The APCD considered the construction impacts of this small project and recognizes that the construction phase impacts would likely be less than the APCD's significance threshold values as identified in Table 2-1 of the CEQA Air Quality Handbook. **Therefore, with the exception of the requirements below, the APCD is not requiring other construction phase mitigation measures for this project**.

Demolition of Asbestos Containing Materials

The project referral indicated that there are existing structures on the proposed site that will be demolished/renovated. Demolition and renovation activities can have potential negative air quality impacts, including issues surrounding proper handling, demolition, and disposal of asbestos containing material (ACM). Asbestos containing materials could be encountered during demolition or remodeling of existing buildings. Asbestos can also be found in utility pipes/pipelines (transite pipes or insulation on pipes). **If building(s) are removed or renovated: or utility pipelines are scheduled for removal or relocation, this project may be subject to various regulatory jurisdictions, including the requirements stipulated in the National Emission Standard for Hazardous Air Pollutants (40CFR61, Subpart M - asbestos NESHAP).** These requirements include, but are not limited to: 1) written notification, within at least 10 business days of activities commencing, to the APCD, 2) asbestos survey conducted by a Certified Asbestos Inspector, and, 3) applicable removal and disposal requirements of identified ACM. Please contact the APCD Enforcement Division at (805) 781-5912 for further information.

**OPERATIONAL PHASE IMPACTS - Exceeds Threshold**

The APCD staff considered the operational impact of this development by comparing it against Table 1-1 in the APCD's 2012 CEQA Handbook. This indicated that **operational phase impacts would likely be less than the ozone precursor and greenhouse gas thresholds in Table 3-2 in the CEQA Handbook.** In addition, the APCD considered the project's fugitive dust impacts from the special event guest driving on unmitigated, unpaved driveways and parking areas on site using the specific relationship behind the APCD screening table[1] and proposed guest levels. At the 200 guest level, there would be approximately 100 round trips and 250 round trips for the 500 guest level. At

[1] http://slocleanair.org/images/cms/upload/files/business/pdf/2011/ceqatools/UnpavedDistance-OneWayTripRelationshipWeb.pdf

350 feet of unmitigated, unpaved one-way driving length, the number of round trips needed to exceed the particulate matter (PM10) threshold in Table 3-2 in the CEQA Handbook is 85. Therefore, the **project's operational phase impacts are anticipated to exceed the PM10 threshold of significance.**

Unpaved Roads, Driveways, and Parking Areas

Since the proposed increase in special event activity would result in unmitigated PM10 emissions in excess of the 25 pound per day significance threshold, the following mitigation is required on the day(s) of the special event:

a. Designated parking locations shall be:
   1. Paved when possible;
   2. Plant fast germinating non-invasive grass or low cut dense vegetation; or,
   3. Treated with a dust suppressant (see Technical Appendix 4.3 of the APCD's CEQA Handbook) such that fugitive dust emissions do not exceed the APCD 20% opacity limit for greater than 3 minutes in any 60 minute period (APCD Rule 401) or prompt nuisance violations (APCD Rule 402).

b. Any unpaved roads/driveways that will be used for the special event shall be maintained with an APCD-approved dust suppressant such that fugitive dust emissions do not exceed the APCD 20% opacity limit or create nuisance.

The applicant may propose alternative measures of equal effectiveness by contacting the APCD's Planning Division at 781-5912.

Operational Permit Requirements

**With this letter, the APCD is noticing the project proponent applicant that their current and proposed increase in wine production rates both require an APCD Permit to Operate. The APCD's permit to operate requirement applies to wine production over 10,000 cases. The project proponent needs to promptly apply by completing and submitting to the APCD a permit application which can be accessed at**: www.slocleanair.org/business/permits.php

In addition to the wine fermentation and storage permit identified above, the following list is provided as a guide to other equipment and operations that may also have permitting requirements, but should not be viewed as exclusive. For a more detailed listing, refer to the Technical Appendix, page 4-4, in the APCD's 2012 CEQA Handbook.

- Portable generators and equipment with engines that are 50 hp or greater;
- Electrical generation plants or the use of standby generator;
- Small scale manufacturing;
- Public utility facilities;
- Boilers;
- Internal combustion engines; and
- Cogeneration facilities.

Most facilities applying for an Authority to Construct or Permit to Operate with stationary diesel engines greater than 50 hp, should be prioritized or screened for facility wide health risk impacts. A diesel engine-only facility limited to 20 non-emergency operating hours per year or that has demonstrated to have overall diesel particulate emissions less than or equal to 2 lb/yr does not need to do additional health risk assessment. **To minimize potential project delays, please**

**promptly apply for the wine production permit to operate as identified above and contact the APCD Engineering Division at (805) 781-5912 for specific information regarding other permitting requirements.**

Nuisance Odors from Wineries
Wine production facilities can generate nuisance odors during various steps of the process. Proven methods for handling wastewater discharge and grape skin waste need to be incorporated into the winery practices to reduce off-site odor. Odor complaints could result in a violation of the SLO County APCD Rule 402 *Nuisance*.

Agricultural Burning
**Agricultural operations must obtain an APCD Agricultural Burn Permit to burn agricultural vegetation on Permissive Burn Days. The ARB provides educational handbooks on agricultural burning (English and Spanish) to growers which are available at the following websites:** www.arb.ca.gov/smp/progdev/pubeduc/agburnhandbook.pdf

Again, thank you for the opportunity to comment on this proposal. If you have any questions or comments, feel free to contact me at 781-5912.

Sincerely,

Andy Mutziger
Air Quality Specialist

AJM/arr

cc: Matt Ortman, Villa San Juliette Holdings LLC, matt@villasanjuliette.com
Gary Willey, Engineering Division, APCD
Karen Brooks, Compliance Division, APCD

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**CAL FIRE**
**San Luis Obispo**
**County Fire Department**

635 N. Santa Rosa • San Luis Obispo, CA 93405
Phone: 805-543-4244 • Fax: 805-543-4248
www.calfireslo.org

*Robert Lewin, Fire Chief*

10/20/14

County of San Luis Obispo
Department of Planning & Building
County Government Center
San Luis Obispo, CA. 93408

Subject: Proposed Conditional Use Permit for a phased expansion to an existing winery facility and a requested significant increase to the previously approved special event(s) program.

The project is located within a ***"High"*** Fire Hazard Severity Zone with an approximate ***15+*** minute response time from the nearest CAL FIRE/County Fire Station (#52-Meridian). This fire station has an approximate 9 mile vehicular travel distance upon county maintained roadways. The project and applicant shall comply with the 2013 California Fire Code (CFC), the 2013 California Building Code (CBC), the Public Resources Code (PRC) and any other applicable fire laws.

**Special Concerns:**

***This project site has an extended fire engine response time of over 15 minutes where emergency services are not readily available. The cumulative effects of large scale special events and increased commercial operations within areas such as this continue to place challenges upon CAL FIRE/County Fire's ability to provide emergency services within rural areas.***

***Of specific concern to CAL FIRE/County Fire, is the request to significantly increase both the amount of events and the total amount of guests allowed to attend each event.***

The following are requirements intended to assist in mitigating fire life safety concerns relative to increasing the previously approved special events program at this specific location:

- *Villa San Juliette must provide a dedicated individual to function as a fire watch throughout ALL special events at this site regardless of the total amount of attendees. This individual may be able to perform the duties of "fire watch" together with additional duties associated with the event(s). The minimum level of training for this individual shall be determined by CAL FIRE/County Fire.*
- *For ALL events exceeding 200 total attendees, Villa San Juliette must provide an individual trained/certified within San Luis Obispo County as an Emergency Medical Technician. With the exception of acting as an additional fire watch, this individual shall not be tasked with additional duties beyond that of Emergency Medical Technician and they are to remain on site throughout the entire event. This individual is hired to work at the event and is not just an attendee that is trained as an Emergency Medical Technician.*
- *All events must take place on approved sites and only within properly permitted and inspected structures.*

**Public Assemblage and Events**
Prior to Fire Department Review, proposed event areas must first complete all requirements pursuant to Title 22, the San Luis Obispo County Land Use Ordinance. This includes receiving any necessary land use permit approval and issuance of construction and Conditional Use Permit requirements.

A fire safety review is required to ensure public safety in a place of assembly, or any other place where people congregate, including but not limited to; amusement buildings, carnivals and fairs, exhibits and trade shows, open burning, flames and torches, candles, places of assembly, temporary membranes structures and tents, pyrotechnics and special effects, live audiences and any event with public attendance over 250. The fire code official shall have the authority to order the development of, or prescribe a plan for, the provision of an approved level of public safety.

A written plan must be submitted to the fire code official 30 days prior to the event. Written submittal requirements will be in accordance with Section 404 Fire Safety and evacuation plans. **A field inspection verifying compliance of fire and life safety conditions must be conducted prior to public occupancy of the event.** If modifications or additions to the event areas are made, an updated permit & inspection must be completed. Local Ordinance and California Fire Code (CFC) section 105.

Any time a tent, canopy or membrane structure in excess of 400 square feet is erected; it must be placed and utilized in accordance with California Fire Code – Chapter 24. The applicant shall be required to notify County Fire a minimum of 48-hours in advance of any tent or membrane structure being placed on site. Submittal requirements can be found on line at www.calfireslo.org

**Fire Safety and Evacuation Plans**
Applicant shall provide a written Fire Safety plan whose contents shall be in accordance with sections California Fire Code Chapter 4 Emergency Planning and Preparedness. Employee training, record keeping, hazard communication and drills will also comply with this chapter. The written plan will include at a minimum the detail outlined in sections 404.3.1 (Evacuations Plans) and 404.3.2 (Fire Safety Plans).

**Fire evacuation plans.** Fire evacuation plans shall include the following:

1. Emergency egress or escape routes and whether evacuation of the building is to be complete or, where *approved*, by selected floors or areas only.
2. Procedures for employees who must remain to operate critical equipment before evacuating.
3. Procedures for assisted rescue for *persons* unable to use the general *means of egress* unassisted.
4. Procedures for accounting for employees and occupants after evacuation has been completed.
5. Identification and assignment of personnel responsible for rescue or emergency medical aid.
6. The preferred and any alternative means of notifying occupants of a fire or emergency.
7. The preferred and any alternative means of reporting fires and other emergencies to the fire department or designated emergency response organization.
8. Identification and assignment of personnel who can be contacted for further information or explanation of duties under the plan.
9. A description of the emergency voice/alarm communication system alert tone and preprogrammed voice messages, where provided.

**Fire safety plans.** Fire safety plans shall include the following:

1. The procedure for reporting a fire or other emergency.
2. The life safety strategy and procedures for notifying, relocating or evacuating occupants/event atendees, including occupants who need assistance.
3. Site plans indicating the following:
3.1. The occupancy assembly point.
3.2. The locations of fire hydrants.
3.3. The normal routes of fire department vehicle access.
4. Floor plans identifying the locations of the following:
4.1. Exits.

4.2. Primary evacuation routes.
4.3. Secondary evacuation routes.
4.4. Accessible egress routes.
4.5. Areas of refuge.
4.6. Exterior areas for assisted rescue.
4.7. Manual fire alarm boxes.
4.8. Portable fire extinguishers.
4.9. Occupant-use hose stations.
4.10. Fire alarm annunciators and controls.
5. A list of major fire hazards associated with the normal use and occupancy of the premises, including maintenance and housekeeping procedures.
6. Identification and assignment of personnel responsible for maintenance of systems and equipment installed to prevent or control fires.
7. Identification and assignment of personnel responsible for maintenance, housekeeping and controlling fuel hazard sources.

**Vegetation Management**
A written Wildland Fire/Vegetation Management Plan must be developed and approved by CAL FIRE.

**Screening and Environmental Considerations**
Landscaping and vegetation shall be in accordance with San Luis Obispo County Planning and building "screening requirements". CAL FIRE requires that landscaping selections do not readily transmit fire.

Fire resistant landscaping located within 100 feet of site improvements (structures or fire water tanks) shall be in accordance with CFC, Pubic resources code 4291 and Title 19 Division 1 described as "vegetation that are well-pruned and maintained so as to effectively manage fuels and not form a means of rapidly transmitting fire from other nearby vegetation to a structure or from a structure to other nearby vegetation. The intensity of fuels management may vary within the 100-foot perimeter of the structure, the most intense being within the first 30 feet around the structure. Consistent with fuels management objectives, steps should be taken to minimize erosion. For the purposes of this paragraph, "fuel" means any combustible material, including petroleum-based products and wildland fuels. www.calfireslo.org website has several links with recommended planning tools for landscape and fuels management plans.

**Ignition Resistant Construction**
The project is located within a ***"High"*** Fre Hazard Severity Zone and must comply with California Fire and Building Code Chapter 7A - Ignition Resistant Construction in Wildland Urban Interface Areas. The construction type shall be designed to withstand a wildfire. The roof type will have to be consistent with the requirements of Chapter 15 - Section 1505. The required roof covering(s) for new buildings shall be no less than a fire retardant **Class B.**

**Stairway Access to Roof**
New buildings two or more stories above grade plane, except those with a roof slope greater than four units vertical in 12 units horizontal (33.3-percent slope), shall be provided with a stairway to the roof or other access to the roof for emergency personnel approved by the fire code official. Stairway access to the roof shall be in accordance with Section 1009. Such stairway or other approved access shall be marked at street and floor levels with a sign indicating that the stairway or access continues to the roof. Where roofs are used for roof gardens or for other purposes, stairways shall be provided as required for such occupancy classification.

**Building Height and Area**
Class III standpipe systems shall be installed throughout buildings where the floor level of the highest story is located more than 30 feet (9144 mm) above the lowest level of the fire department vehicle access, or where the floor level of the lowest story is located more than 30 feet (9144 mm) below the highest level of fire department vehicle access and in any parking structure. A building that is greater than 20,000 square feet (1.858 m2) of floor area and greater than18 feet (5.49 m) in height shall have a dry or wet standpipe system with a 2 ½ inch (64 mm) outlet at the roof near the roof access. Location of the outlet and the fire department connection to the standpipe shall be labeled and approved by the fire code official.

**Address Requirements**
New and existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Where required by the fire code official, address numbers shall be placed in additional approved locations to facilitate emergency response. Address numbers shall be Arabic numerals or alphabet letters. *Numbers shall be a minimum of 8 inches high with a minimum stroke width of 0.5 inch (12.7mm). The existing address numbers must meet this standard.*

**Solar Photovoltaic systems**
Solar systems shall be installed in accordance with sections 605.11.1-605.11.4. Marking is required on interior and exterior Direct Current (DC) conduit, enclosures, raceways, cable assemblies, junction boxes, combiner boxes and disconnects.

Solar components shall be located as close to the hip, ridge, or valley or directly possible to an outside wall to reduce trip hazards and maximize ventilation opportunities.

Roof access points shall be located in areas that do not require the placement of ground ladders over openings such as windows, doors and must be located over strong points where access point does not conflict with overhead obstacles such as trees wires or signs.

There shall be a six (6) foot wide clear perimeter around the edges of the roof unless either axis of the building is 250 feet then 4 (4) foot clear perimeter is permitted. Smoke ventilation operations requires distance between arrays shall be eight foot or greater in width OR a four foot or greater pathway and bordering roof skylights, or smoke and heat vents OR a four (4) foot or greater and a bordering four foot by eight (8) foot "venting cutouts" every 20 feet on alternating sides of the pathway.

**Secondary Egress/Access**
In accordance with CA. Fire Code Section 503.1.2 and San Luis Obispo County Land Use Ordinance Title 22, CAL FIRE/County Fire is requiring the applicant to provide an additional (secondary) access point.

*The existing secondary access/egress road either meets or exceeds all relative minimum standards. All gates are to remain open during events. Vehicle parking shall not obstruct or hinder emergency access to the site or area where the events are to be held.*

**Commercial Access Road(s)**
**Grade and Design**
The grade for all roads, streets, private lands and driveways shall not exceed 16 percent unless approved by fire code official. Design criteria shall be in accordance with San Luis Obispo County Public Works public improvement standards. Roads 12%-16% shall be a nonskid asphalt or concrete surface as specified in San Luis Obispo County public improvement Standards, specifications and drawings.

**Road Width and Signage**
- A commercial access road must be 24 feet wide.
- Parking is only allowed where an additional 8 feet of width is added for each side of the road that has parking.
- "No Parking - Fire Lane" signs will be required.
- Fire lanes shall be provided as set forth in the California Fire Code Section 503.
- Fire access shall be provided within 150 feet of the outside building(s) perimeter.
- Must be an all-weather non-skid paved surface.
- All roads must be able to support fire apparatus.
- Vertical clearance of 13'6" is required.
- Fuel modification of 10 feet on either side of roadway must be maintained.
- An approved traffic plan shall be provided to the fire code official.
- Interior commercial roads shall be named and provided with approved street signs.
- One way interior roads shall be labeled indicating direction of travel.

**Emergency Access Knox Keys and/or Gate Switches**

**Structural Access Requirements**

All commercial buildings shall install a Knox key box for fire department emergency access – CFC Section 506.1. The box shall be installed prior to final inspection of the building. An order form is available from the Prevention Bureau, call for more information at (805) 543-4244.

**Gate Access Requirements**

- Must be setback a minimum of 30 feet from the SLO County maintained road
- Must automatically open with no special knowledge.
- Must have a KNOX key box or switch for fire department access. Call the Prevention Bureau for an order form at (805) 543-4244.
- Gate shall have an approved means of emergency operation at all times. CFC 503.6
- Gate must be 2 feet wider than the road on each side.
- Gates must have a turnaround located at each gate.

**Exiting:**

All egress and exiting components shall comply with Chapter 10 of the 2013 California Fire Code.

**Setbacks**

A 30-foot building setback from property line required for parcels 1 acre in size or larger. All setbacks are subject to San Luis Obispo County Department of Planning and Building approval.

**Fire Sprinklers in Structures**

*This project will require installing a commercial fire sprinkler system within all buildings and/or phases of the proposed project(s).* The type of sprinklers required will depend upon the occupancy classification type of the structures and must comply with NFPA 13. The automatic fire extinguishing system shall comply with the National Fire Protection Association (NFPA) 13. The applicant will have to identify what Hazard Class the project is for review by the fire department (exp. Ordinary Hazard Class II), for each of the buildings in the project. Three sets of plans and calculations shall be submitted for functional review and approval to the County Fire Department. The contractor shall be licensed by the State of California, CFC. A licensed alarm company shall monitor the fire sprinkler and alarm system.

**Sprinkler System Supervision and Alarms**

All valves controlling the water supply for automatic sprinkler systems, pumps, tanks, water levels, and temperatures, critical air pressures and water-flow switches on all sprinkler systems shall be electrically monitored for integrity and to ensure valves are locked in the open position, by a central station listed by Underwriters Laboratories for receiving fire alarms.

**Fire Protection Engineer required**

A Fire Protection Engineer shall review the proposed Fire Protection Systems for this project. Multiple fire protection and hazardous conditions systems are required for this project. A list of Fire Protection Engineers is available on our website at http://www.calfireslo.org.

Three sets of plans and calculations shall be submitted for functional review and approval to the County Fire Department. A licensed Fire Protection Engineer must design and submit all required drawings for CAL FIRE review. The contractor shall be licensed by the State of California, California Fire Code. A licensed alarm company shall monitor all fire protection and hazardous conditions systems.

**Private Water System Requirements**

***Commercial fire suppression system water storage tanks must be steel and located a minimum of 20 feet from structures.*** NFPA Standard 22 Water tanks for private Fire Protection, NFPA Standard 24 Installation of Private Fire Service mains and their Appurtenances, NFPA Standard 25 Inspection, Testing and Maintenance of Water-Based Fire Protection Systems shall be utilized for this project.

*The existing plastic or "poly" style water storage tanks must be replaced with a single steel water storage tank. This requirement was discussed with Collings & Associates during an onsite review of existing conditions relative to the current phased proposal (5/17/13).*

*A Registered Fire Protection Engineer must provide a written technical analysis of the existing water storage tanks, fire pump and fire sprinkler systems relative to the proposed phased expansion. The Bed & Breakfast conversion shall be included. The Registered Fire Protection Engineer shall determine the amount of water required to be held in storage dedicated to fire suppression purposes based upon existing and proposed structures.*

*As recent as May 2012, CAL FIRE/County Fire was asked to attempt to mitigate the concerns regarding numerous "poly" style tanks being utilized to supply water for fire suppression purposes. The existing "poly" style water storage tanks present a concern relative to the phased expansion of existing facilities.*

**PRESSURIZED System and Hydrant Specifications**

Plans shall be submitted to the County Fire Department for approval of the distribution system and hydrant locations. Fire hydrants shall have two, 2 ½ inch outlets with National Standard Fire threads and one 4 inch suction outlet with National Standard Fire threads and comply with County Standard W-1. Each hydrant shall be identified by a blue reflective dot located on a non-skid surface located just off of center on the fire hydrant side. Hydrants must be protected from vehicle impact with the use of curbing or bollards.

The fire department connections (FDC) supporting the required fire protection systems shall be located within 20 feet of a San Luis Obispo County Dept. of Public Works/County Fire standard fire hydrant and visible on fire engine approach to the building.

**NFPA 72 Alarm systems**

***A centralized interlinked Fire Alarm System is required for this project.*** The alarm system shall terminate at a 24-hour monitoring point. Two sets of plans shall be submitted to CAL FIRE/San Luis Obispo County Fire for review and approval. California Fire Code Chapter 15 section 907. Fire alarm systems required by this chapter or by the California Building Code shall be monitored by an approved supervising station listed by Underwriters Laboratory for receiving fire alarms in accordance with NFPA 72. The supervising station shall contact and notify the Fire Chief or their call receiving location immediately on notification of an alarm and prior to making contact with the protected premises.

Alarm system must be centralized and interlinked for the entire facility and include monitoring for all site alarm systems including; all on site Fire Protection Systems, and any and all hazardous materials, monitoring of hazardous materials, compressed gases, flammable and combustible liquids, liquefied petroleum gases, storage, delivery and processing areas.

A Fire Alarm System is required throughout the site for the various fire suppression systems and required hazardous conditions monitoring. The alarm system shall terminate at a 24-hour monitoring point. Two sets of plans shall be submitted to the County Fire Department for review and approval. California Fire Code Chapter 15 section 907.

**Proprietary Alarm systems (24 hour staffed Industrial Facilities)**

The existing and new alarm systems must be in compliance with NFPA 72 and monitoring must meet all requirements outlined in Chapter 26 section 26.4 Proprietary Supervising Station Systems.

**Hazardous Materials Alarm(s)**

Approved monitoring method shall be provided to detect hazardous materials. An emergency alarm shall be provided if hazardous materials have a hazard ranking of 3 or 4 in accordance with NFPA 704 and exceed the maximum allowable quantity per control area. California Fire Code Chapter 27

**Commercial Cooking Operations**

California Fire Code Section 904.11 states Commercial cooking equipment that produces grease laden vapors shall be provided with a Type I Hood, in accordance with the California Mechanical Code, and an automatic fire extinguishing system that is listed and labeled for its intended use as follows:

1) All existing wet/dry extinguishing systems must comply with UL 300 standards.
2) Carbon Dioxide extinguishing systems
3) Automatic Fire Sprinkler Systems

*The proposal to include a limited food serving facility within the existing tasting room does not present a concern relative to fire/life safety. All requirements listed above must be satisfied prior to the fire department providing final clearance/occupancy. Plans for any required additions/alterations to the existing kitchen hood system(s) must be reviewed and approved by CAL FIRE/County Fire.*

## Hazardous Materials

Prior to final, a Hazardous Materials Management Plan (HMMP) must be provided. Chemical storage/treatment and hazardous gases will require a Hazardous Materials Management Plan HMMP. In accordance with California Fire Code section 2701.5.1/Title 19 Division 2, Chapter 4/Health and Safety Code Chapter 6.95.

CAL FIRE requires a written plan addressing safeguards to minimize the risk of unwanted releases, fires or explosions involving hazardous materials. Additionally, the written plan shall include safeguards to minimize the consequences of an unsafe condition involving hazardous materials during normal operations and in the event of an abnormal condition.

Precautions for the safe storage, handling, or care of hazardous materials shall be in accordance with California Fire Code section 2703.9 and shall include a Fire Department liaison to aid the Fire Department in pre-planning for all aspects of emergency responses.

Rooms, buildings or areas used for the storage of liquid or solid hazardous materials shall be provided with spill control and secondary containment. California Fire Code Chapter 27.

### California Fire Code Chapter 30 Compressed Gasses

Containers, cylinders and tanks shall be secured and separated from hazardous conditions. Monitoring and detection shall be in accordance with section 3003.16.10.

### California Fire Code Chapter 34 Flammable and Combustible Liquids

Signage for identification and warning inherent hazard of flammable or combustible liquid shall be provided. Signs will be of durable material white lettering on a red background. Letters shall not be less than 3 inches in height and ½ inch in stroke. Permanently installed or mounted tanks more than 100 gallons in capacity storing class I, II or III liquids shall bear a label and placard identifying the materials. Placards shall be in accordance with NFPA 704.

### California Fire Code Chapter 38 Liquefied Petroleum Gases

Minimum separation between LP-containers and buildings and public ways must comply with CFC table 3804.3. No Smoking signs must be posted within 25 feet of containers or point of transfer. Weeds, grass and brush, trash and other combustible material shall be kept a minimum of 10 feet from containers. Protection from vehicular damage shall be provided in accordance with section 312.

### Portable Fire Extinguishers

Portable fire extinguishers shall be installed in all the occupancies in compliance with the California Fire Code section 906 and Title 19. The contractor shall be licensed by the CA. State Fire Marshal.

### Combustible Waste Material

Every building or portion of a building shall be maintained in a neat orderly manner, free from any condition that would create a fire or life hazard or a condition which would add to or contribute to the rapid spread of fire. C.C.R Title 19 Division 1.

Refuse containers must not be stored within 5 feet of combustible walls, openings, or combustible roof eaves, unless the refuse container is protected by an automatic sprinkler system installed in accordance with California Fire Code section 903.

**Petroleum Tanks**
Fire Protection systems and safety precautions requirements shall be required in accordance with California Fire Code Chapter 34 Flammable and Combustible Liquids. Foam protection system shall be provided for above ground tanks California Fire Code section 34.04.2.9.1 in accordance with NFPA Standard 11 Low expansion foam and combined agent systems, and NFPA Standard 15 Water Spray Fixed Systems NFPA Standard 30 Flammable and Combustible Liquids Code.

**Storage, Stockpiles and Enclosures**
Areas must meet all applicable California Fire Code requirements and be labeled with NFPA 704 required placarding.

**Electrical**
Electrical wiring and equipment shall be installed and maintained in accordance with California Fire Code section 605 and the California Electrical Code. Hazards and fire prevention concerns relational to Electrical equipment, wiring shall be abated as specified in the aforementioned Fire Code.

**Fire Safety during Construction:**
During construction all applicable Public Resources Codes must be complied with to prevent a wildfire. These will include the use of spark arresters, adequate clearance around welding operations, smoking restrictions and having extinguishers on site. The Industrial Operations Fire Prevention Field Guide will assist the applicant.

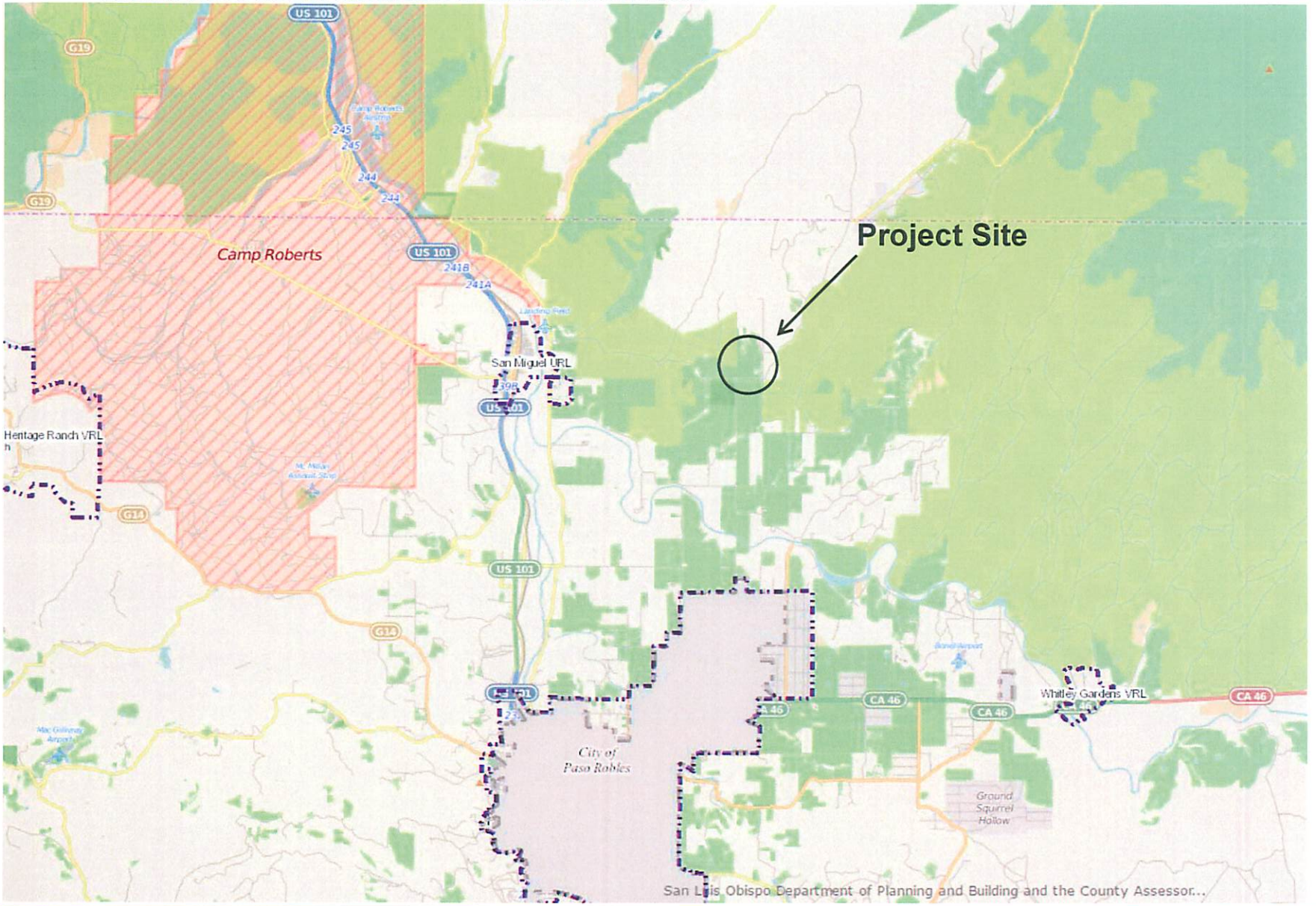
If I can provide additional information or assistance on this matter, please do not hesitate to contact me at (805)543-4244, extension 3425.

Sincerely,

Clinton J. Bullard
Fire Inspector

C: Kirk Consulting, Agent

SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING



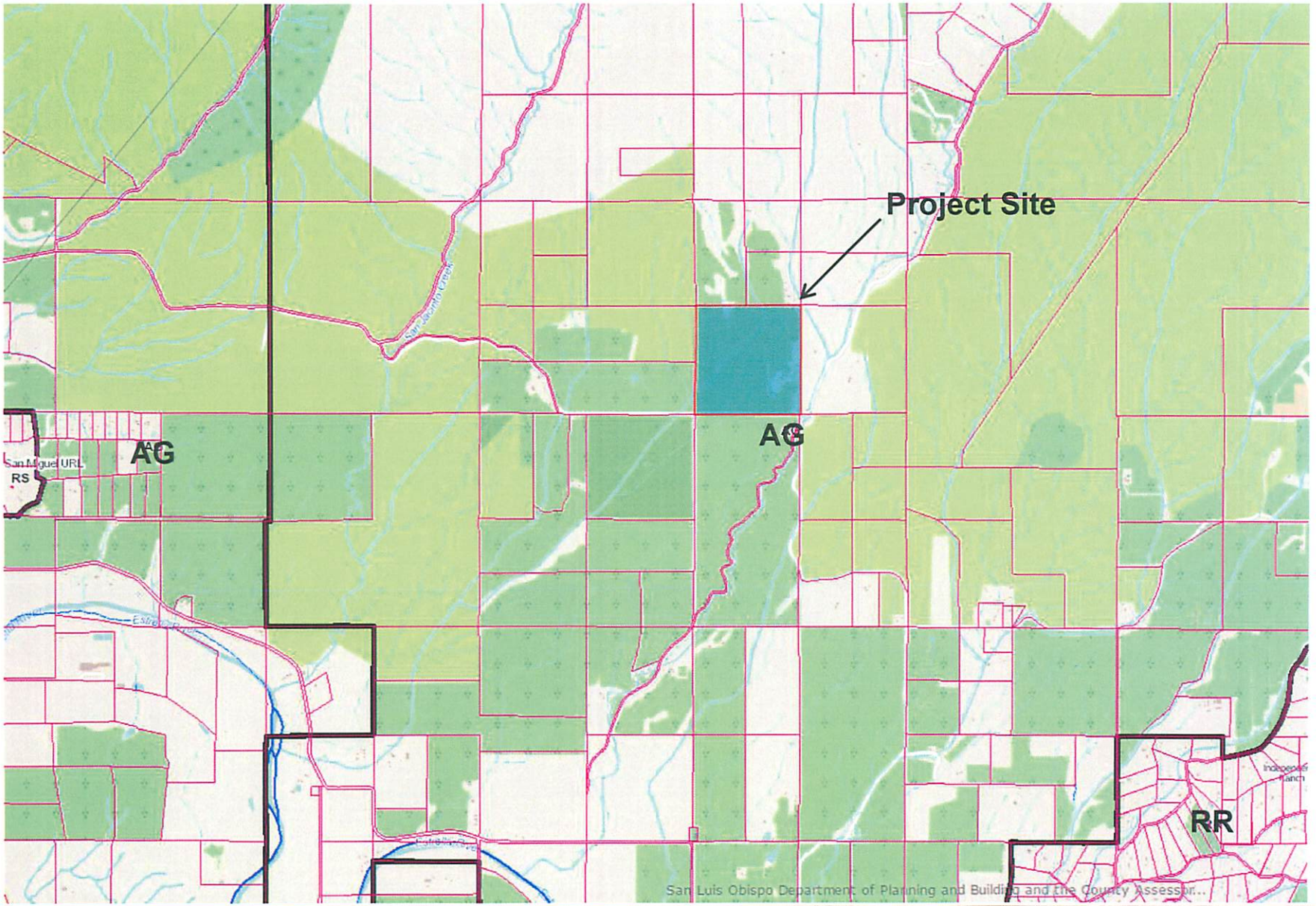

**PROJECT**

**Villa San Juliette Conditional Use Permit**
**DRC2013-00097**

**EXHIBIT**

**Vicinity Map**

SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING



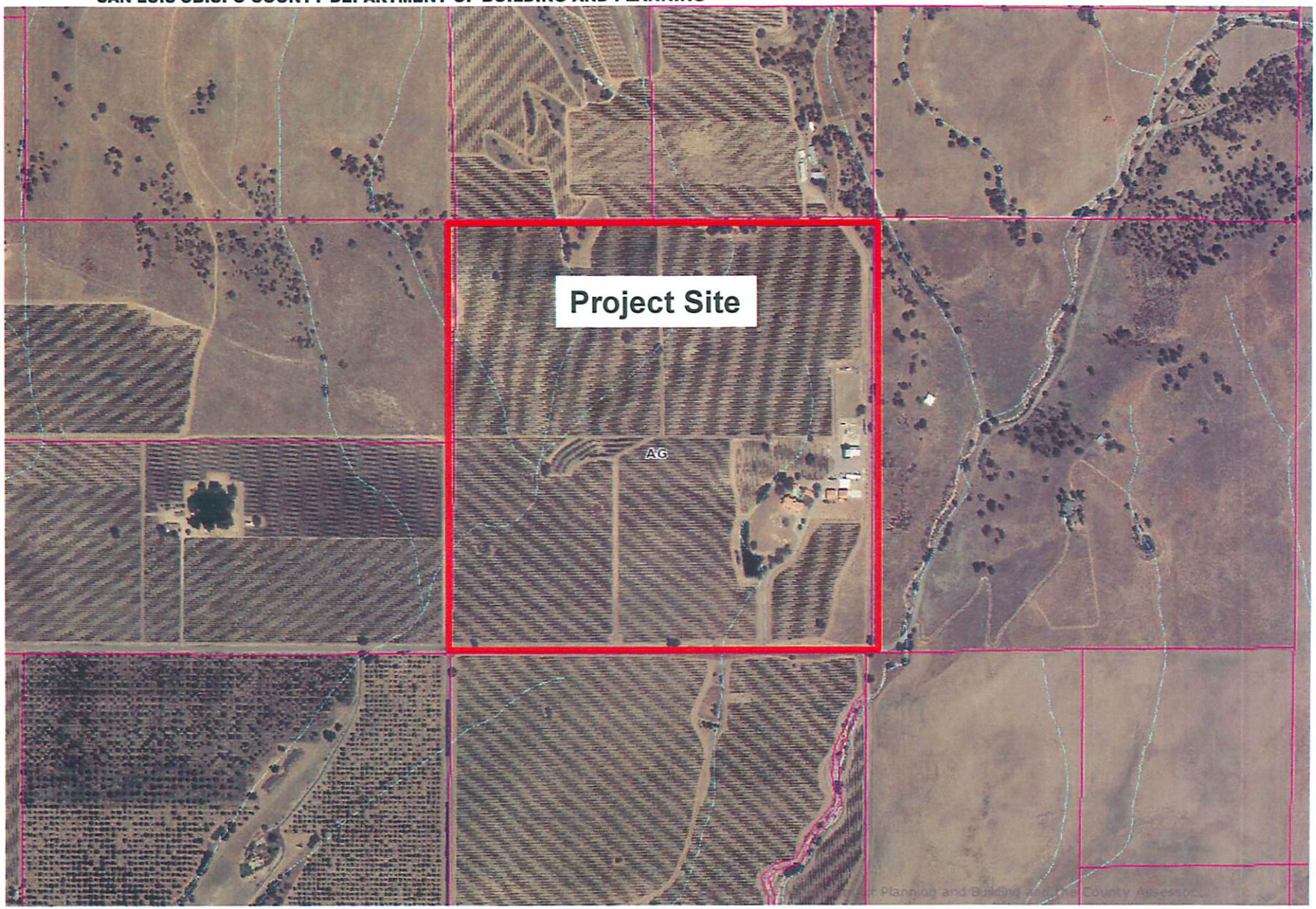

**PROJECT**

Villa San Juliette Conditional Use Permit
DRC2013-00097

**EXHIBIT**

Land Use Category Map

SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING



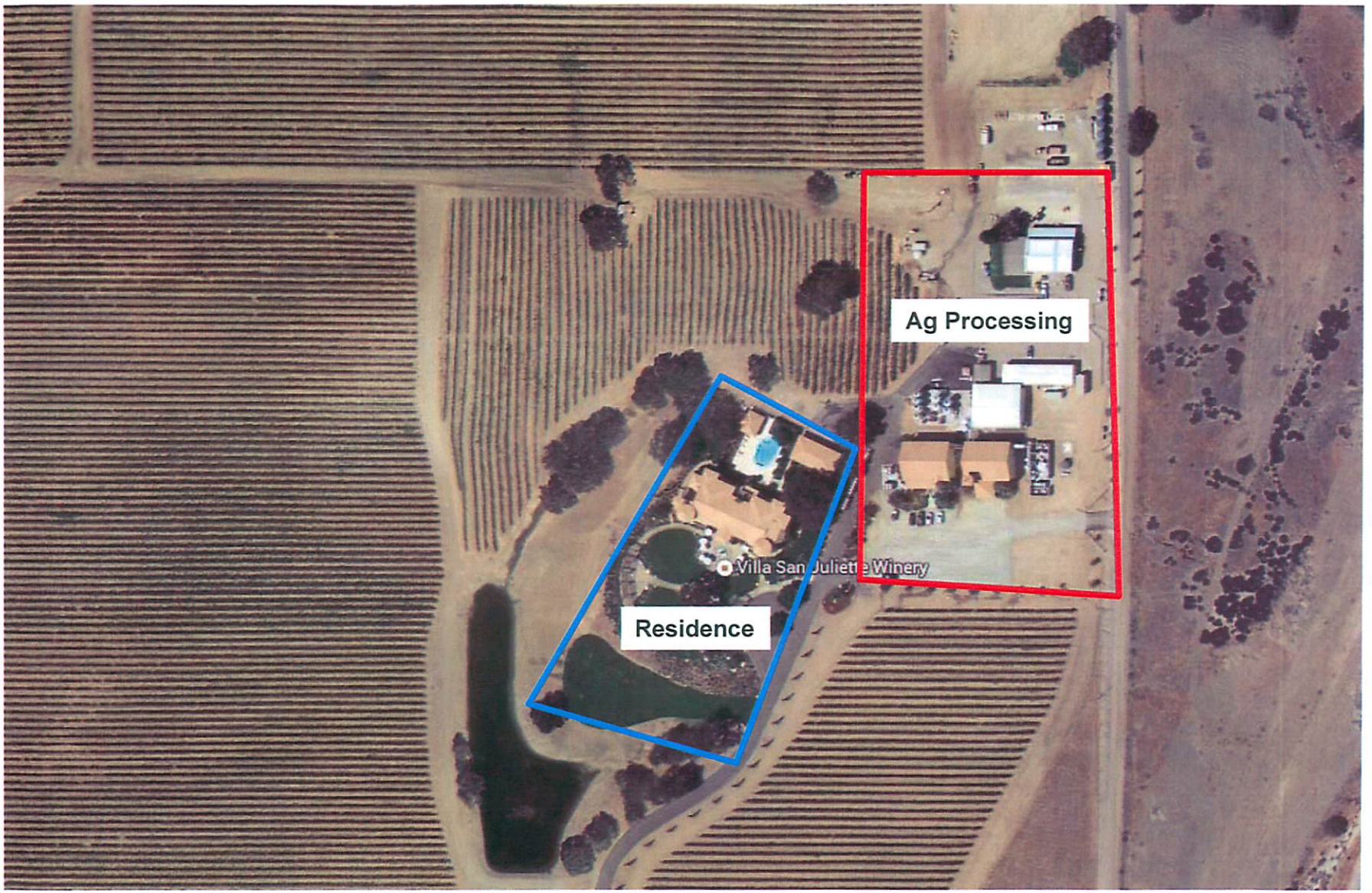

PROJECT

Villa San Juliette Conditional Use Permit
DRC2013-00097

EXHIBIT

Aerial Map

SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING

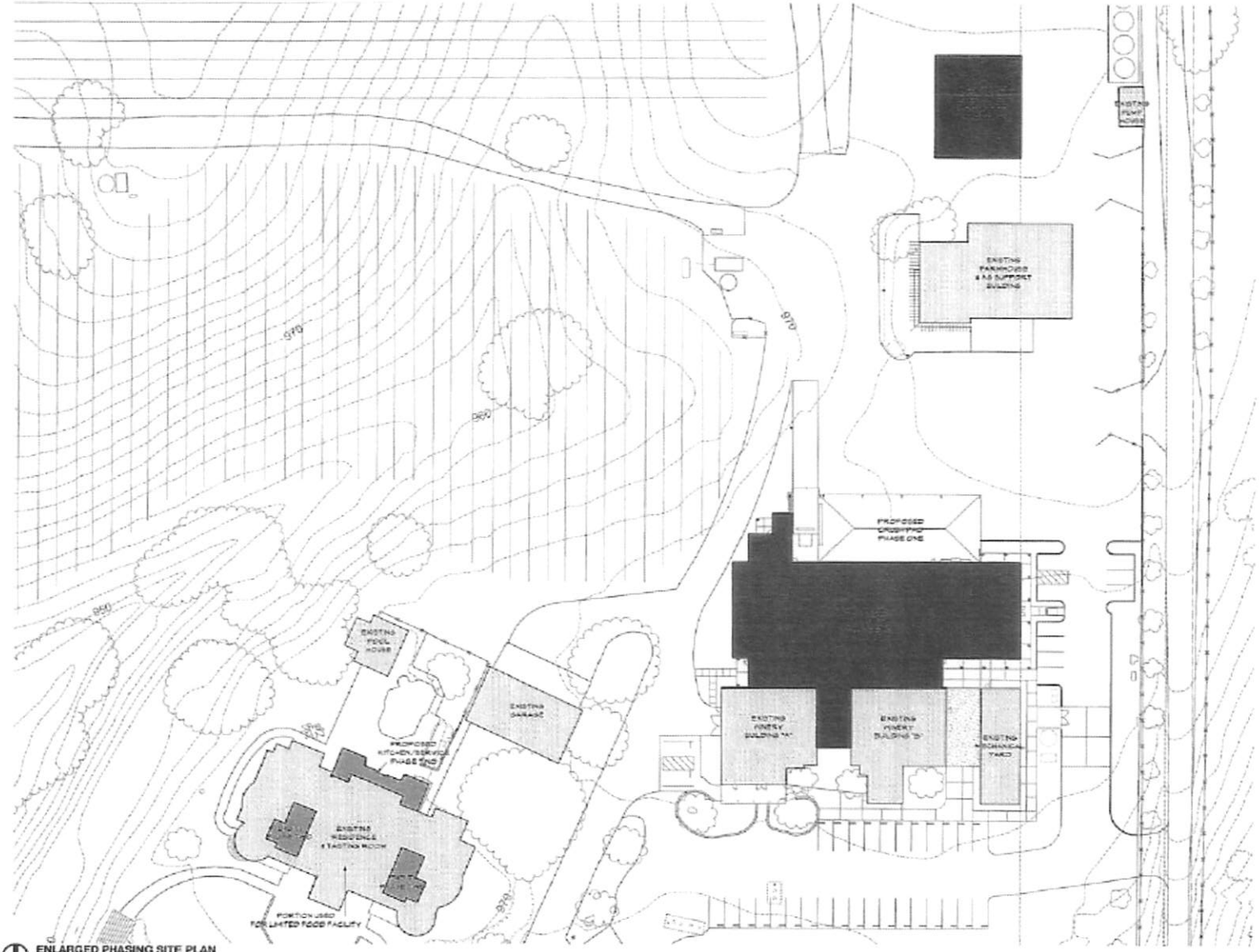



PROJECT

Villa San Juliette Conditional Use Permit
DRC2013-00097

EXHIBIT

Aerial Map




ENLARGED PHASING SITE PLAN

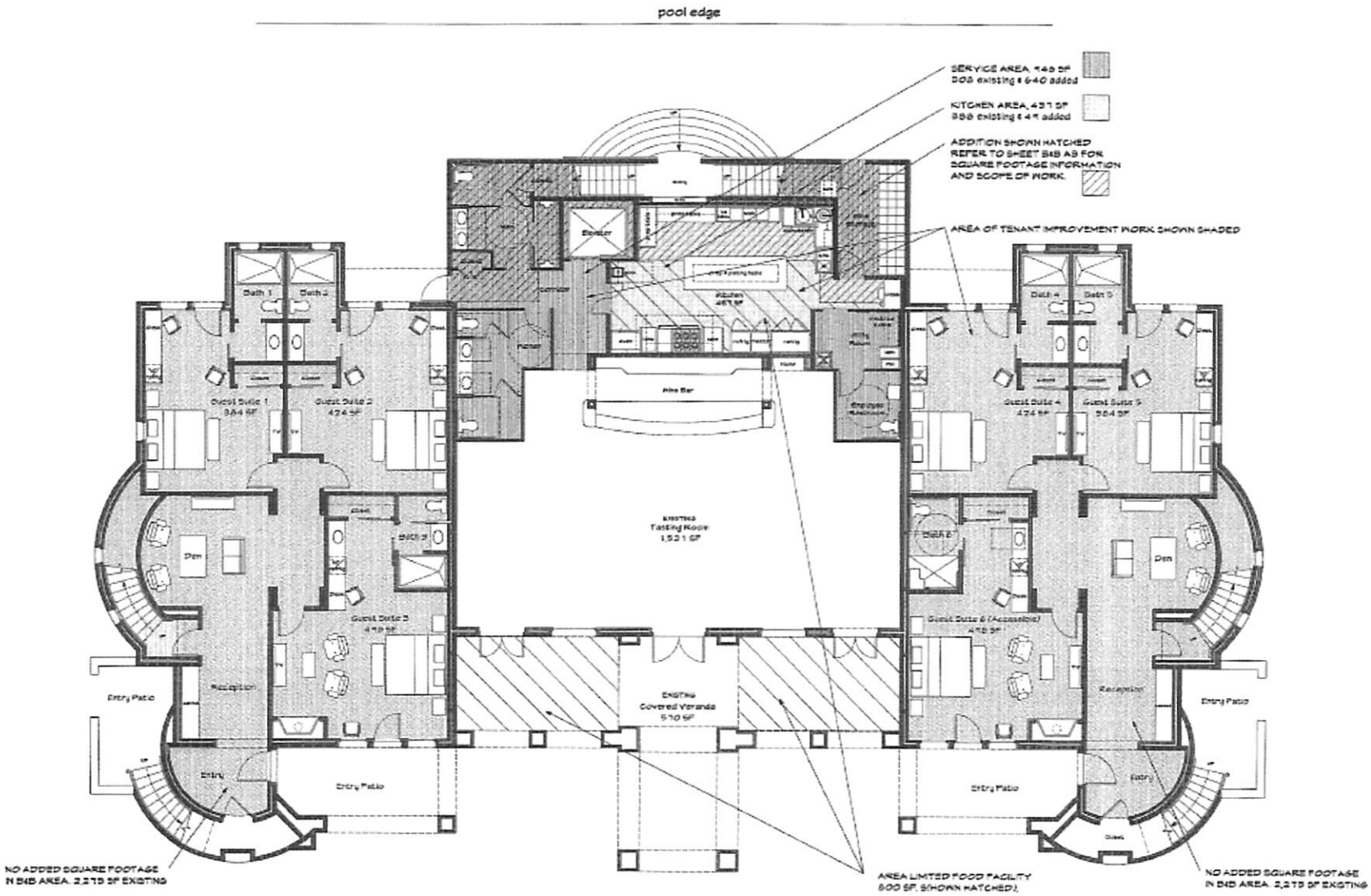
**PROJECT**

**Villa San Juliette Conditional Use Permit**
**DRC2013-00097**

**EXHIBIT**

**Site Plan**

SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING




**PROJECT**

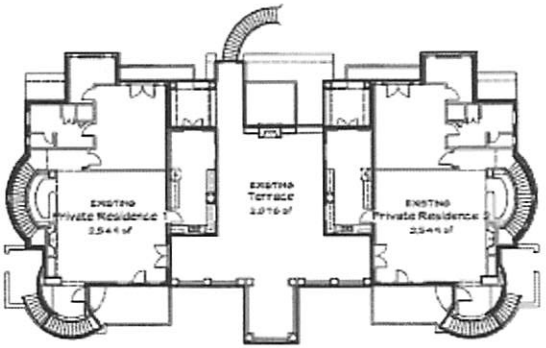
**Villa San Juliette Conditional Use Permit**

**DRC2013-00097**

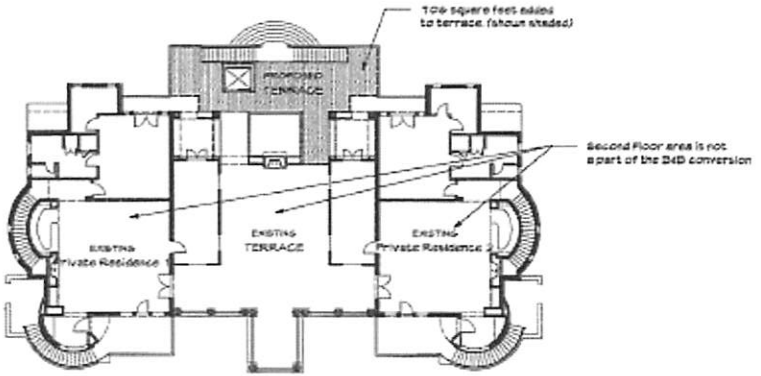
**EXHIBIT**

**Site Plan**

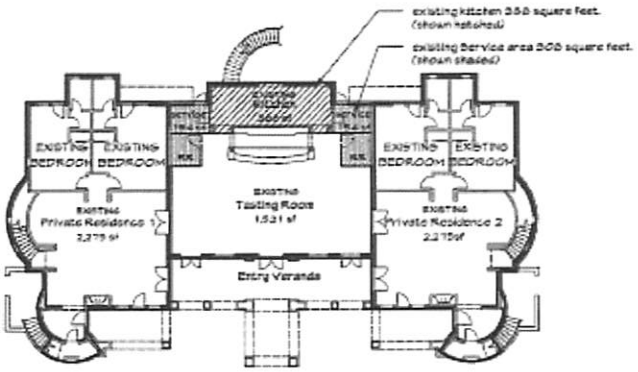
SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING



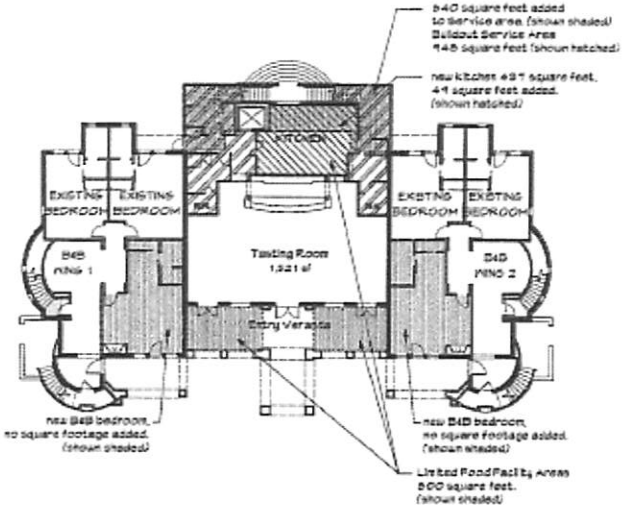

EXISTING SECOND FLOOR PLAN
5,097 SF LIVING
2,076 SF TERRACE




PROPOSED SECOND FLOOR PLAN
5,097 SF LIVING
2,782 SF TERRACE




EXISTING FIRST FLOOR PLAN
4,549 SF LIVING
2,217 SF TASTING




PROPOSED FIRST FLOOR PLAN
4,549 SF LIVING
2,857 SF TASTING

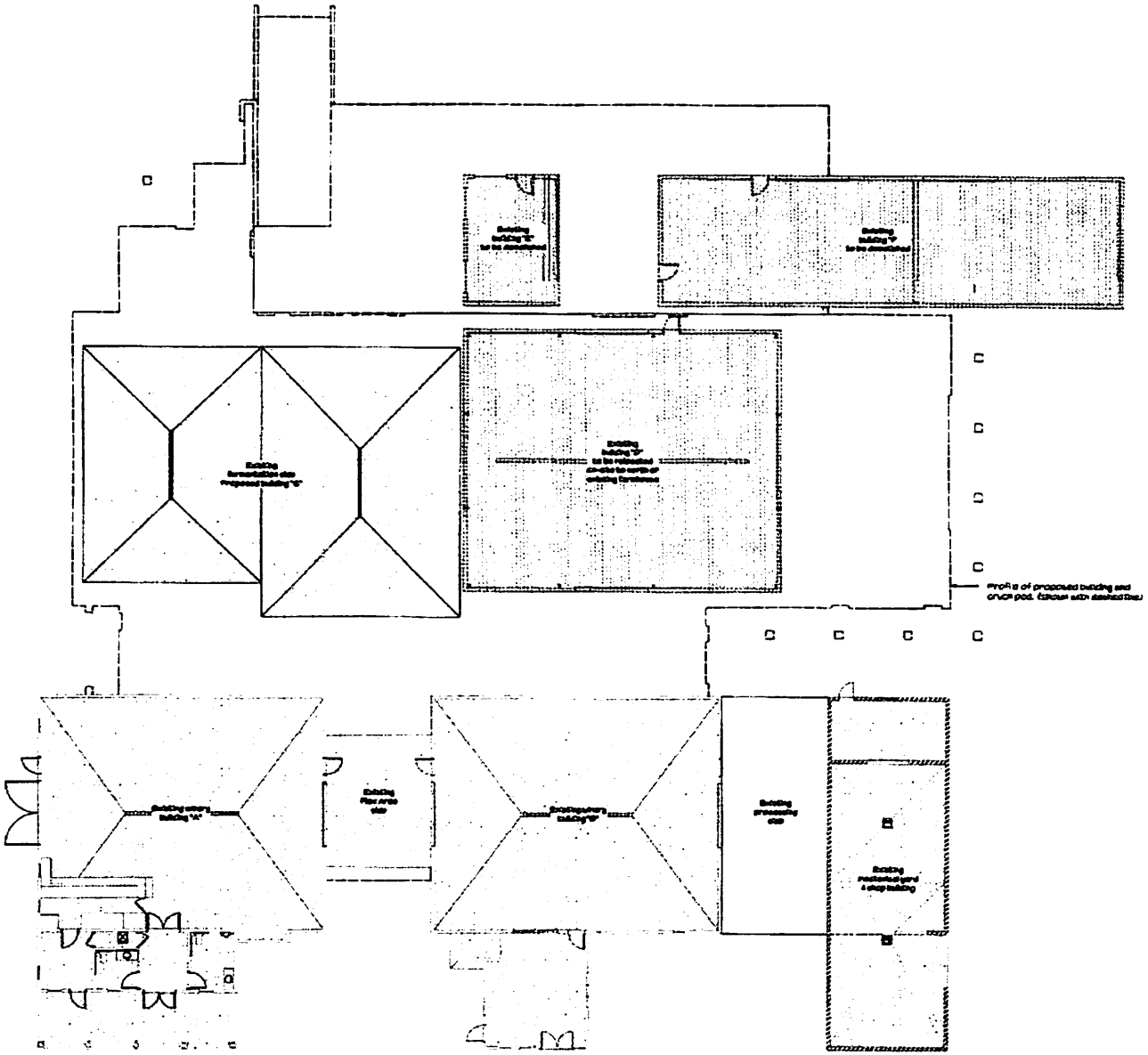
**PROJECT**

Villa San Juliette Conditional Use Permit
DRC2013-00097

**EXHIBIT**

Bed & Breakfast Floor Plan

SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING



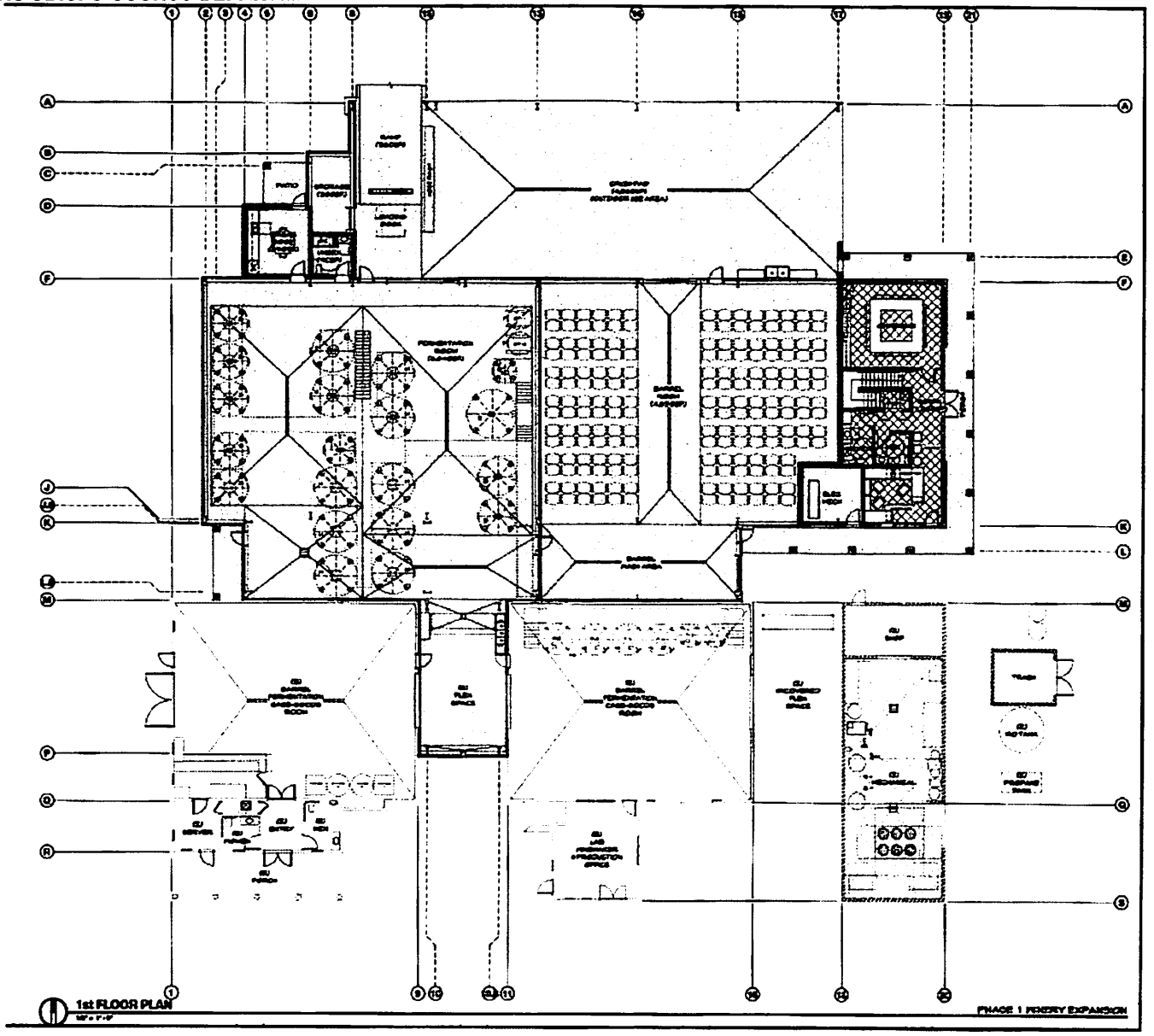
PROJECT

**Villa San Juliette Conditional Use Permit**
**DRC2013-00097**

EXHIBIT

**Buildings A, B and D Demolition Plan**

SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING



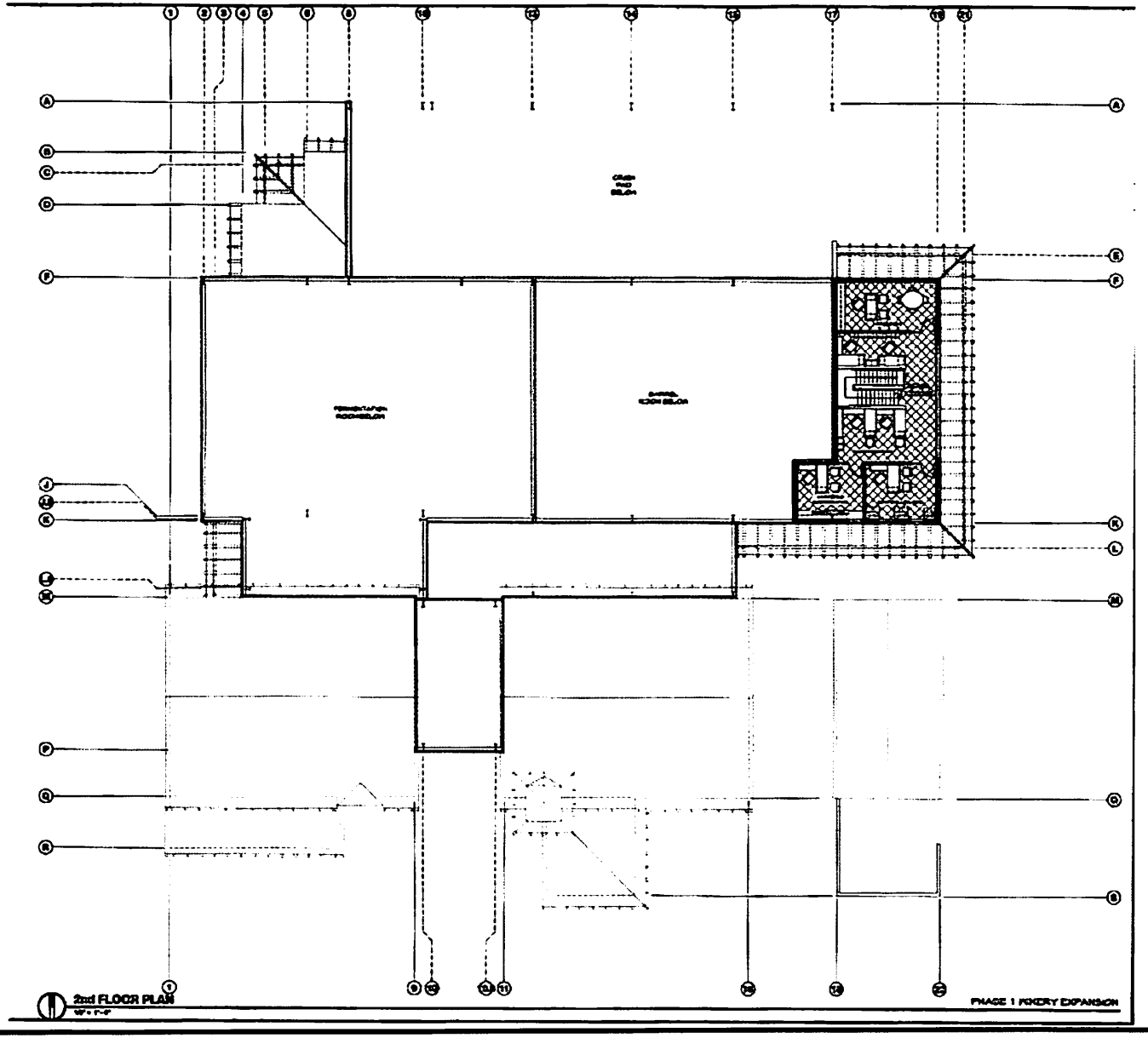

**PROJECT**

**Villa San Juliette Conditional Use Permit**
**DRC2013-00097**

**EXHIBIT**

**1st Floor Plan Buildings A, B Expansion**

SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING

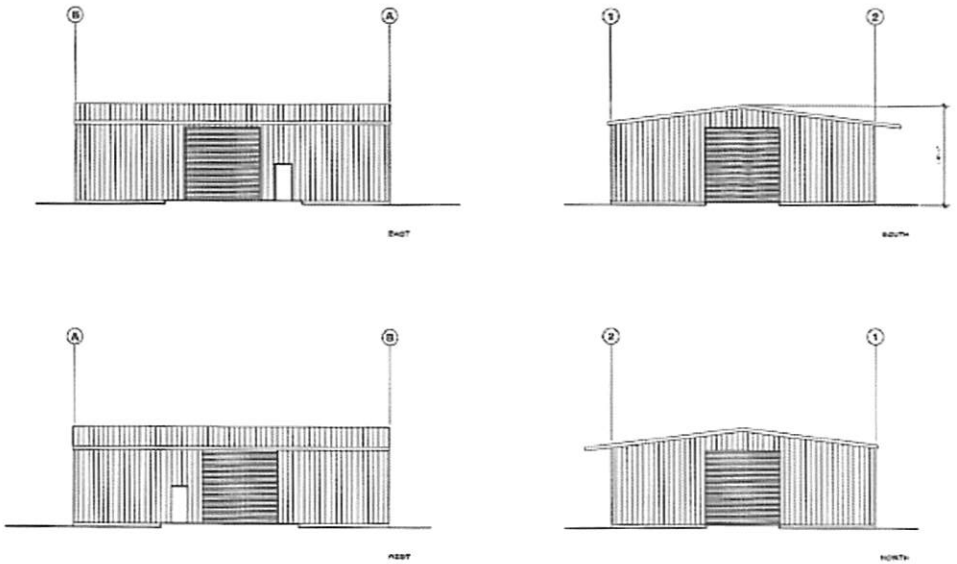



**PROJECT**

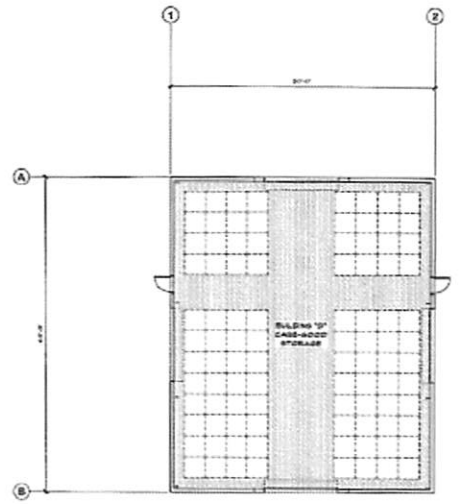
**Villa San Juliette Conditional Use Permit**
**DRC2013-00097**

**EXHIBIT**

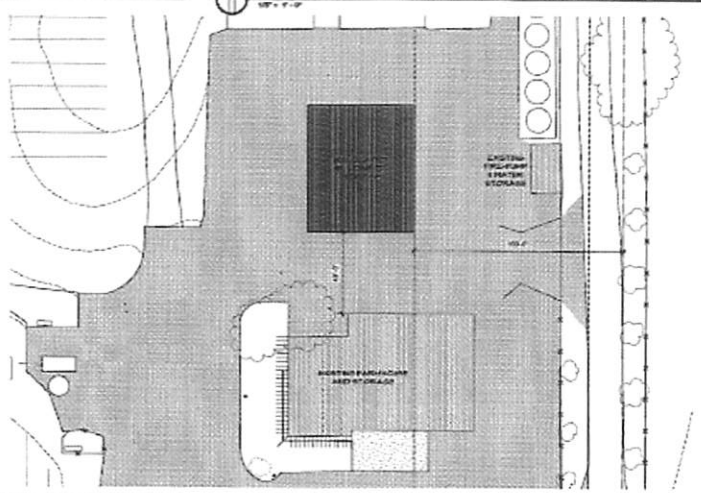
**2nd Floor Plan Buildings A, B Expansion**




ELEVATIONS - EXISTING BUILDING "D" casegood storage



FLOOR PLAN - EXISTING BUILDING "D" casegood storage



ENLARGED SITE PLAN

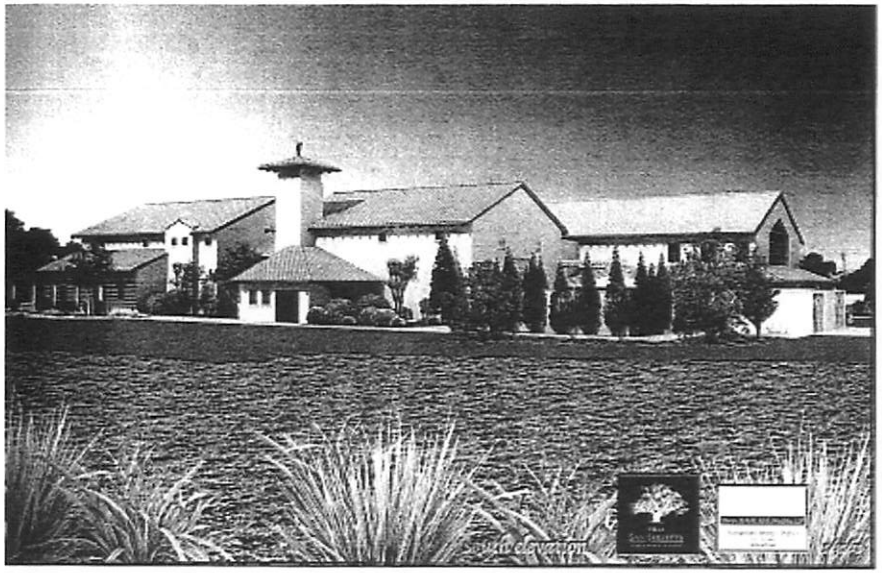
**PROJECT**

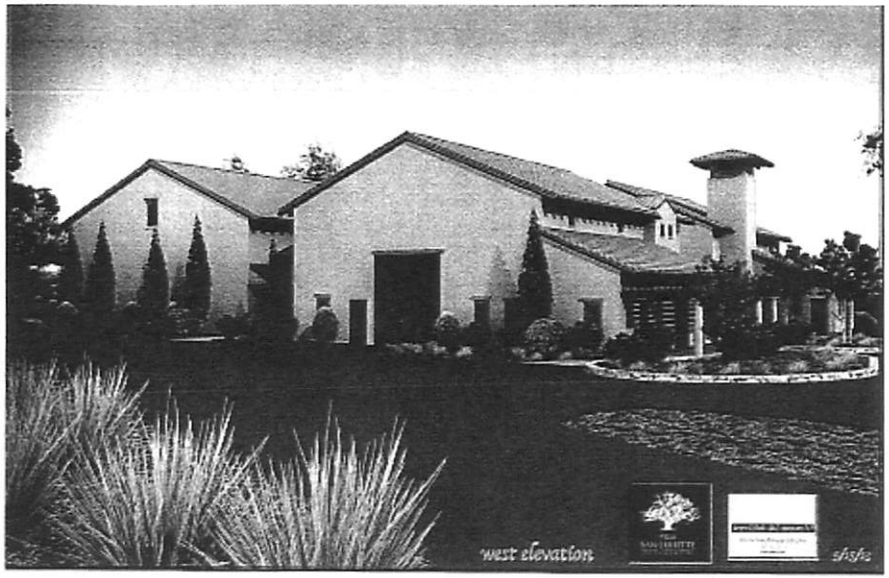
Villa San Juliette Conditional Use Permit
DRC2013-00097

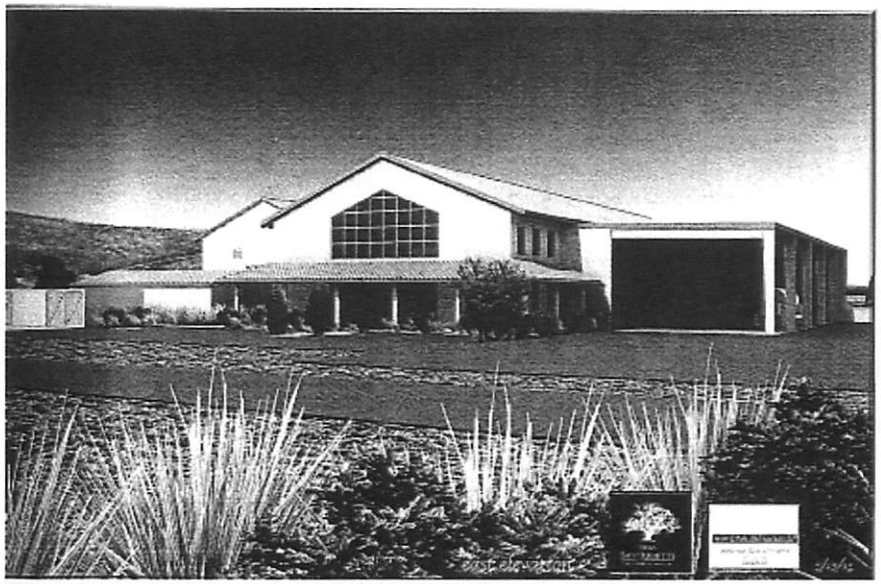
**EXHIBIT**

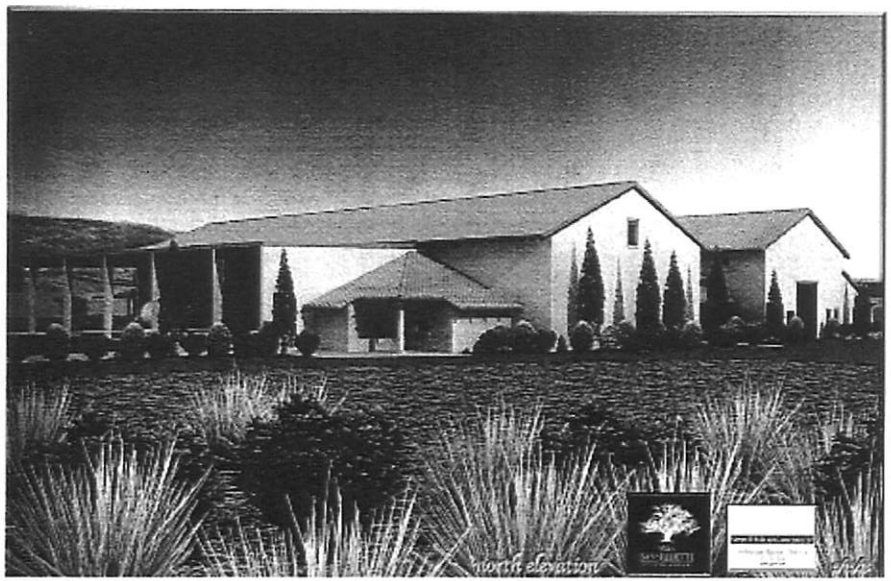
Building D Floor Plan & Relocation

SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING




**PROJECT**

**Villa San Juliette Conditional Use Permit**
**DRC2013-00097**

**EXHIBIT**

**Exterior Perspectives**