

## **ATTACHMENT 3**

EIR Revision Letter (RV01)

## ATTACHMENT 3



### COUNTY OF SANTA BARBARA PLANNING AND DEVELOPMENT

#### MEMORANDUM

TO: Board of Supervisors

FROM: Daniel Klemann, Deputy Director, Long Range Planning  
Staff Contact: David Lackie, Supervising Planner

DATE: November 1, 2016

RE: **Revisions (RV01) to the Final Environmental Impact Report (15EIR-00000-00002) – Finding that State CEQA Guidelines Section 15088.5(b) applies to the Winery Ordinance Update: Planning and Development Case Numbers 14ORD-00000-00006**

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#### INTRODUCTION

The County of Santa Barbara prepared a Final Environmental Impact Report (Final EIR) for the Winery Ordinance Update. There have been subsequent changes to the Winery Ordinance Update as a result of public review and comments and Planning Commission recommendations, including revisions to the proposed Land Use and Development Code Ordinance Amendment. This EIR revision letter evaluates the minor plan modifications recommended by the Planning Commission subsequent to preparation of and circulation of the EIR.

The California Environmental Quality Act (CEQA) Guidelines Section 15088.5 describes the circumstances under which a lead agency is required to recirculate an EIR when new information is added to the EIR after public notice is given of the availability of the Draft EIR for public review, but before EIR certification. Significant new information that would require recirculation would include a new significant impact or an unmitigated substantial increase in the severity of an impact. According to Guidelines Section 15088.5, “information” can include changes in the project or environmental setting as well as additional data or other information. New information added to an EIR is not “significant” unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a new substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect. Section 15088.5(b) states, “recirculation is not required where the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR.”

The Board of Supervisors finds that the Final EIR (15EIR-00000-00002), as herein amended by the attached EIR Revision Letter analysis, may be used to fulfill the environmental review

requirements for the Winery Ordinance Update (Board Letter dated October 18, 2016, Attachment 4). None of the changes would result in any new significant, environmental effects or a substantial increase in the severity of previously identified significant effects nor would they cause changes to the conclusions in the impacts analysis in the Final EIR, or deprive the public of a meaningful opportunity to comment. Hence, pursuant to CEQA Guidelines Section 15088.5(b), the proposed revisions described in this document have not been recirculated. The Final EIR for the Winery Ordinance Update is hereby amended by this revision document, together identified as (15EIR-00000-00002 RV01).

Enclosure: Winery Ordinance Update FEIR 15EIR-00000-00002 Revision Letter (RV 01)

**Winery Ordinance Update**

**Final Environmental Impact Report**

**15EIR-00000-00002**

**SCH #2014061083**

**Revision Letter (RV 01)**

**November 1, 2016**

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**REVISIONS TO THE FINAL ENVIRONMENTAL IMPACT REPORT  
(15EIR-00000-00002, SCH#2014061083)**

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## **I. BACKGROUND**

Pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15168, a Program Environmental Impact Report (EIR) (15EIR-00000-00002) (SCH#2014061083) was prepared for the Winery Ordinance Update. The Draft EIR for the Winery Ordinance Update was released for public comment on May 29, 2015. A publically noticed Draft EIR comment hearing was held on June 25, 2015. Public and agency comments were received until the end of the comment period on July 13, 2015. The County responded in writing to comments received on the Draft EIR in accordance with CEQA Guidelines Section 15088. Responses to the comments describe the disposition of significant environmental issues raised and changes to the EIR made in response to the comments, including text changes. The EIR evaluated three project alternatives in addition to the proposed project, as follows: No Project Alternative; Alternative 1 - Local Production Emphasis; and Alternative 2 - Expanded Winery Activities.

The Final EIR concluded that the Winery Ordinance Update would result in significant unmitigable (Class I) impacts to: Air Quality and Greenhouse Gas Emissions and Transportation and Traffic. The Winery Ordinance Update would also result in significant but mitigable (Class II) impacts to Land Use and Planning, Noise, and Transportation and Traffic.

The Planning Commission considered the Winery Ordinance Update during public hearings on May 3, 2016, June 22, 2016, August 3, 2016, and September 19, 2016. The Planning Commission directed staff to make changes to various sections of the proposed Winery Ordinance which are included in the Board Letter dated November 1, 2016 (Attachment 4).

## **II. REVISIONS TO THE EIR ANALYSIS**

At the September 19, 2016 hearing, the Planning Commission's recommendation to approve the Winery Ordinance Update included the following minor amendments to the project description which are analyzed below.

These proposed Land Use and Development Code (LUDC) ordinance amendment changes recommended by the decision makers subsequent to preparation of and circulation of the EIR include: EIR Alternative components previously analyzed in the Final EIR becoming part of the proposed project, and minor changes to allowed uses, permit requirements, and development standards.

As discussed below in more detail, the minor revisions documented in this EIR Revision Letter do not require recirculation of the EIR pursuant to CEQA Guidelines Section 15088.5(b), as they do not involve new significant, environmental effects or a substantial increase in the severity of previously identified significant effects, and do not deprive the public of a meaningful opportunity to comment.



**A. Analysis of Revisions to Planted Vineyard Acreage Requirements**

The Ordinance amendment incorporates the EIR Alternative 1 Planted Vineyard Acreage Requirements as shown in underline text in Table 1 below. Alternative 1, as a whole, would result in incrementally more adverse impacts in a number of issue areas. However, incorporation of the planted vineyard requirement would not increase the intensity of use or allow additional uses at proposed wineries when compared to the project description. Potential impacts were analyzed as part of the Alternative 1 impact analysis and incorporation of the requirements in the Board of Supervisors recommended project description would not result in any new impacts or increase the severity of impacts analyzed in the Final EIR. Therefore, no change to the Final EIR analysis is necessary to make this portion of the Alternative part of the project.

Table 1

ALTERNATIVE 1			
	Tier A	Tier B	Tier C
<b>Planted Vineyard Acreage Requirements</b>	A minimum of 2 acres for every 1,000 cases produced; however, in no case shall the planted vineyard acreage be less than 2 acres. There is no maximum on the number of acres planted.  <u>At least 51 percent of the winery case production shall be from grapes grown on the premises and/or from Santa Barbara County.</u>	A minimum of 2 acres for every 1,000 cases produced; however, in no case shall the planted vineyard acreage be less than 10 acres. There is no maximum on the number of acres planted.  <u>At least 51 percent of the winery case production shall be from grapes grown on the premises and/or from Santa Barbara County.</u>	A minimum of 1 acre for every 1,000 cases produced; however, in no case shall the planted vineyard acreage be less than 20 acres. There is no maximum on the number of acres planted.  <u>At least 51 percent of the winery case production shall be from grapes grown on the premises and/or from Santa Barbara County.</u>

**B. Analysis of Revisions to Winery Special Events**

The Ordinance amendment incorporates the EIR Alternative 2 Winery Special Events provision for Tier C wineries which allows the Planning Commission to approve winery special events in excess of 12 per calendar year as shown in underline text in Table 2 below. Incorporation of this provision from Alternative 2 would result in incrementally more adverse impacts in a number of issue areas; however, it would not change the impact classifications identified in the Final EIR. Winery events in excess of 12 per calendar year may be allowed by the Planning Commission in compliance with a Conditional Use Permit based on site-specific considerations that address neighborhood compatibility and compliance with all winery special event development standards in LUDC Section 35.42.280.C.11 to address potential adverse impacts. Potential impacts were analyzed as part of the Alternative 2 impact analysis and incorporation of the requirements in the Board of Supervisors recommended project description would not result in any new impacts or increase the severity of impacts analyzed in the Final EIR. Therefore, no change to the Final EIR analysis is necessary to make this portion of the Alternative part of the project.

Table 2

ALTERNATIVE 2			
	Tier A	Tier B	Tier C
<b>Winery Special Events</b>	Winery special events are not allowed with the exception of four approved Santa Barbara County industry weekend open houses.	Winery special events are not allowed with the exception of four approved Santa Barbara County industry weekend open houses.	Winery special events may be allowed in compliance with a Conditional Use Permit approved by the Planning Commission and in compliance with the following development and operational standards. A maximum of 200 winery visitors are allowed at any one event; however, additional winery visitors may be approved by the Planning Commission.  *Winery Premises less than 40 acres: A maximum of 6 events allowed per calendar year.  Winery premises 40 acres or larger: <u>A maximum of 12 events allowed per calendar year; however, additional events may be approved by the Planning Commission.</u>

**C. Analysis of Revisions to Cooking Classes and Winemaker Meals**

The Ordinance amendment removes the proposed Conditional Use Permit requirement for cooking classes at Tier C wineries and would allow a limited number of cooking classes and/or winemaker meals at Tier B and Tier C wineries as summarized below:

- Cooking classes are allowed at Tier B and Tier C wineries.
  - Tier B winery: A maximum of six cooking classes and/or winemaker meals may be allowed at a Tier B winery within a calendar year provided that the cumulative total of cooking classes and winemaker meals does not exceed six.
  - Tier C winery: A maximum of eight cooking classes and/or winemaker meals may be allowed at a Tier C winery within a calendar year provided that the cumulative total of cooking classes and winemaker meals does not exceed eight.

The frequency of cooking classes would be significantly reduced from potentially on a daily basis to a limit of six or eight times per year for Tier B and Tier C wineries respectively. Incorporation of these requirements in the Board of Supervisors recommended project description would not result in any new impacts or increase the severity of impacts analyzed in the Final EIR. Therefore, no change to the Final EIR analysis is warranted.

**D. Analysis of Additional Ordinance Revisions**

The Ordinance amendment includes various ordinance revisions throughout Land Use and Development Code (LUDC) Section 35.42.280 including new and revised development standards, permit revocation and zoning requirements, and clarifying ordinance text revisions. A summary of the revisions are listed below along with the section of the ordinance where changes occur. All changes are included in Attachment 4 of the Board Letter dated November 1, 2016.

**1) Agriculture is Primary Use**

*Subsection A: Purpose and intent.* Revised purpose and intent language to ensure that the scale of the winery operation is clearly secondary, subordinate, and incidental to the primary agricultural uses of the property on which the winery is located.

The proposed revision clarifies text revisions to the purpose and intent section of the ordinance which do not increase allowed uses or the intensity of uses analyzed in the EIR project description, nor do the changes result in any new impacts or increase the severity of impacts analyzed. The revision strengthens and supports the primary agricultural uses of the property and would result in incrementally less adverse impacts to agriculture and neighborhood compatibility.

**2) Permitting Winery-Related Activities**

*Subsection B.4: Permit requirements and development criteria.* Added permit requirement that any approved winery permit shall specify the number and type of winery related activities that are allowed to occur on the winery premise and that activities that bear no relation to the making and marketing of wine (e.g. fitness classes) are not allowed.

The proposed revision clarifies text revisions to the permitting section of the ordinance which do not change allowed uses or the intensity of uses analyzed in the EIR project description, nor do the changes result in any new impacts or increase the severity of impacts analyzed. The revision strengthens and supports the primary agricultural uses of the property and would result in incrementally less adverse impacts to agriculture and neighborhood compatibility.

**3) Subsequent Change of Winery Premises Area**

*Subsection B.5: Reduction in winery premises area.*

- Added requirement to address a potential situation where the winery premises area is reduced following approval and/or issuance of the required planning permit(s) for a winery.
- Added revocation and zoning enforcement requirements that would apply if owner fails to file an application to modify the winery operation in compliance with Subsection B.5.a. (Reduction in Winery Premises Area), or following approval of an application to modify the winery operation the owner fails to modify the winery operation so that it complies with Section 35.42.280 (Wineries).

The proposed revision clarifies text revisions to the permitting section of the ordinance which do not change allowed uses or the intensity of uses analyzed in the EIR project description, nor do the changes result in any new impacts or increase the severity of impacts analyzed.

#### **4) Planted Acreage: Hardship Exception and Timing of Vineyard Planting**

*Table 4-16: Planted vineyard acreage requirements.*

- Added language to accommodate for potential vineyard loss due to disease or weather, and/or to accommodate time for newly planted vineyard fruit to mature.
- Added language that the minimum required planted vineyard acreage shall be planted on the winery premises prior to issuance of the Land Use Permit and/or Zoning Clearance required to commence construction of the winery.

The proposed revision clarifies text revisions to the permitting section of the ordinance which do not change allowed uses or the intensity of uses analyzed in the EIR project description, nor do the changes result in any new impacts or increase the severity of impacts analyzed.

#### **5) Tier A Winery with Tasting Room**

*Table 4-16 and Subsection C.9.b. Tasting rooms.*

- A Conditional Use Permit approved by the Planning Commission is required if a tasting room is proposed as part of a Tier A winery operation. Additional requirements include:
  - Minimum winery premises area of 10 acres.
  - Allowable floor area of the tasting room shall not exceed 300 sq. ft.
  - Tier A winery with tasting room shall be located in the Rural Area as designated on the Comprehensive Plan on property zoned AG-II.
  - Tasting shall be by appointment only and limited to 20 winery visitors (who do not qualify as a member of the trade) at any one time.

The Ordinance amendment would allow a small scale, low-intensity tasting room at a Tier A winery in the Rural area on property zoned Agricultural II (AG-II). Overall impacts for the Rural Area would be similar to Tier A winery uses (without a tasting room) analyzed as part of the project description in the Final EIR. The Tier A winery with tasting room establishes a limit of 20 winery visitors at any one time which is equivalent to the maximum 20 members of the trade limit at any one time for Tier A wineries without a tasting room, which was analyzed in the EIR. The maximum of 20 winery visitor includes any members of the trade who are visiting at the same time. Vehicle trip generation and associated project and cumulative traffic impacts of a Tier A winery with tasting room would be similar to impact levels for the Rural area analyzed in the Final EIR for Tier A wineries without a tasting room. Similarly, a Tier A winery with tasting room in the Rural area would not increase potential noise and land use compatibility impacts previously analyzed in the Final EIR. Winery Ordinance development standards addressing noise and land use would also apply to Tier A wineries with a tasting room. Incorporation of the Board of Supervisors recommendation to allow a Tier A winery with tasting room in the Rural area would not result in any new impacts or increase the severity of impacts analyzed in the Final EIR. Therefore, no change to the Final EIR analysis is warranted.

**6) Exceedance of Winery Visitor Limits – Enforcement Actions**

*Table 4-16 and Subsection C.10: Winery visitors.*

- Added revocation and zoning provisions for when the number of visitors exceeds the allotted amount (thereby being considered as a special event and not standard winery visitors), yet the winery permit does not allow special events.

The proposed revision clarifies text revisions to the permitting section of the ordinance which do not change allowed uses or the intensity of uses analyzed in the EIR project description, nor do the changes result in any new impacts or increase the severity of impacts analyzed.

**7) Findings for Special Events**

*Table 4-16 and Subsection C.11: Winery special events.* Added new developments standards for approval of winery special events that ensure winery special events are:

1. Beneficial to and inherently related to the agricultural use of the land;
2. Do not hinder or impair the short-term or the long-term agricultural activities on the winery premises or on other properties in the vicinity; and
3. The scale and frequency of permitted events are clearly secondary, subordinate, and incidental to the primary agricultural uses of the property on which the winery is located.

The proposed revision adds winery special event findings which do not change allowed uses or the intensity of uses analyzed in the EIR project description, nor do the changes result in any new impacts or increase the severity of impacts analyzed.

**8) Number of Winemaker Meals per Year**

*Table 4-16 and Subsection C.16: Winemaker meals.*

- Increased the maximum number of winemaker meals from four to six for Tier B wineries, and from six to eight for Tier C wineries. The increase is consistent with staff's recommended approach to consider cooking classes as a permitted use with limited frequency combined with winemaker meals.

The frequency of cooking classes would be significantly reduced from potentially on a daily basis to a limit of six or eight times per year for Tier B and Tier C wineries respectively. Incorporation of these requirements in the Board of Supervisors recommended project description would not result in any new impacts or increase the severity of impacts analyzed in the Final EIR. Therefore, no change to the Final EIR analysis is warranted.

**9) Food Service and Preparation – Clarifications**

*Subsection C.16: Food service and food preparation.*

- Restructured food service and food preparation (Subsection C.16.a) and additional standards that apply to cooking classes and/or winemaker meals (Subsection C.16.b).
- Added requirement that all food service and food preparation shall be clearly secondary, subordinate and incidental to the primary agricultural uses of the property on which the food service and food preparation occur.

- Added maximum number of allowed cooking classes and/or winemaker meals as discussed above.
- Added revocation and zoning enforcement provision if special events are not allowed on the winery premises. This provision would apply if cooking class and winemaker meal attendees exceed the maximum number of winery visitors allowed on the winery premises at any one time.
- Added requirement that food service and food preparation associated with cooking classes shall not include menu options or meal service, including food directly prepared at customer request, such that the winery premises functions as a restaurant, cafe, or coffee shop.

The proposed revision clarifies text revisions to the permitting section of the ordinance for food service and preparations which do not change allowed uses or the intensity of uses analyzed in the EIR project description, nor do the changes result in any new impacts or increase the severity of impacts analyzed.

#### **10) Vineyard and Winery Tours – Clarifications and Enforcement Options**

*Subsection C.17: Vineyard and winery tours.*

- Removed references to cooking classes.
- Added revocation and zoning enforcement process for when special events are not allowed on the winery premises. This provision would apply if vineyard and winery tour attendees exceed the maximum number of winery visitors allowed on the winery premises at any one time.

The proposed revision clarifies text revisions to the permitting section of the ordinance which do not change allowed uses or the intensity of uses analyzed in the EIR project description, nor do the changes result in any new impacts or increase the severity of impacts analyzed.

#### **11) Definitions for Cooking Class, Tasting Rooms, and Winery Special Event**

*Definitions Section.*

- Revised the definitions for “cooking class” and “winery special event”.
- Revised Tasting Room definition to include: “A room or rooms, or an area within a structure, used by a winery visitor primarily for the tasting of wine and the marketing of winery products.

The revised ordinance definitions do not change allowed uses or the intensity of uses analyzed in the EIR project description, nor do the changes result in any new impacts or increase the severity of impacts analyzed.

### **III. CONCLUSION**

The Board of Supervisors adoption of the Ordinance amendment results in minor revisions to the proposed County Land Use and Development Code (LUDC) Ordinance Amendment. None of the changes would result in any new significant, environmental effects or a substantial increase in the

severity of previously identified significant effects nor would they cause changes to the conclusions in the impacts analysis in the Final EIR, or deprive the public of a meaningful opportunity to comment.