

MONTEREY COUNTY ZONING ADMINISTRATOR

Meeting: April 26, 2007	Time: 1:45 pm	Agenda Item No.: 4
Project Description: Use Permit to allow for the construction and operation of an agricultural processing plant (winery) with an annual production of 10,000 cases; two (2) 4,000 square foot fermentation buildings; the conversion of an existing one-story, 2,002 square foot single family dwelling to tasting room; assemblages of people (events) consisting of four events per year with a maximum of 100 persons per event; and grading (8,051 cubic yards of cut and fill). The property is located at 33510 and 33520 Fairview Road, Gonzales (Assessor's Parcel Numbers 417-141-034-000 and 417-141-036-000), Central Salinas Valley Area.		
Project Location: 33510 and 33520 Fairview Road, Gonzales		APN: 417-141-034-000 and 417-141-036-000
Planning File Number: PLN060423		Name: Boekenooogen Partners, Property Owners
Plan Area: Central Salinas Valley Area Plan		Flagged and staked: No
Zoning Designation: "F/40" [Farmlands with a minimum building site of forty acres] and "PG/40" [Permanent Grazing with a minimum building site of forty acres]		
CEQA Action: Negative Declaration		
Department: RMA - Planning Department		

RECOMMENDATION:

Staff recommends that the Zoning Administrator:

- 1) Adopt the Negative Declaration (**Exhibit E**).
- 2) Approve the Combined Development Permit based on the Findings and Evidence (**Exhibit C**) and subject to recommended conditions of approval (**Exhibit D**); and

PROJECT OVERVIEW:

See **Exhibit B**.

OTHER AGENCY INVOLVEMENT:

- ✓ Gonzales Rural Fire Protection District
- ✓ Public Works Department
- ✓ Water Resources Agency
- ✓ Sheriff's Department
- ✓ California Regional Water Quality Control Board
- ✓ Department of Transportation
- ✓ Monterey Bay Unified Air Pollution Control District

The above checked agencies and departments have reviewed this project. Conditions recommended by the RMA – Planning Department, Gonzales Rural Fire Protection District, Public Works Department, Environmental Health Division, and the Water Resources Agency, have been incorporated into the condition compliance reporting plan (**Exhibit D**).

The project was not referred to a Land Use Advisory Committee (LUAC) for review, as no LUAC exists for this area of the county.

Note: The decision on this project is appealable to the Planning Commission.

Elisa Manuguerra, Assistant Planner
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April 12, 2007

cc: Zoning Administrator; Gonzales Rural Fire Protection District; Public Works Department; Parks Department; Environmental Health Division; Water Resources Agency; Laura Lawrence, Planning & Building Services Manager; Elisa Manuguerra, Project Planner; Carol Allen, Zoning Administrator Hearing Secretary, Boekenooogen Partners, Applicants; Lynne Mounday, Agent; Aengus Jeffers, Attorney; Planning File PLN060423.

Attachments:	Exhibit A	Project Data Sheet
	Exhibit B	Project Overview
	Exhibit C	Recommended Findings and Evidence
	Exhibit D	Recommended Conditions of Approval
	Exhibit E	Initial Study / Negative Declaration
	Exhibit F	Initial Study Comment Letters
	Exhibit G	Site Plan, Elevations, Floor Plans

This report was reviewed by Laura Lawrence, Acting Planning and Building Services Manager.

EXHIBIT B DISCUSSION

Environmental Setting and Surrounding Land Uses

The project site is located within the Central Salinas Valley Area Plan, on the west side of River Road off of Fairview Road, approximately 20 miles south of Gonzales and Highway 101. The project site consists of two parcels: 0.36 and 39.88 acres respectively. The project site is designated as Farmlands and Permanent Grazing and is currently in use for cultivation of wine grapes and cattle grazing. Cumulatively, the total site coverage is 13,941 square feet on 40.24 acres. Access to the site would be provided via two driveways on Fairview Road. The area to the north and east of the site consists of vineyards and orchards. There is a residential unit to the north of the parcel. Fields and foothills are located to the west of the site. Foothill ravines and other agricultural operation are located to the south of the site.

Project Description

The proposed project consists of the development of a winery with an annual production of 10,000 cases, a 2,002 square foot tasting room, two 4,000 square foot fermentation buildings. The two 4,000 square foot fermentation buildings will be built in the first five years of operation. The construction of the two fermentation buildings will require a total of 8,051 cubic yards of cut and fill, which will be balanced on-site. The two fermentation buildings will be located on the on the 39.88 acre parcel, on the southwest side of the project site, adjacent to one another. The larger parcel is currently under a Williamson Act contract. The smaller parcel is not.

Tasting Room:

The existing residence will be converted to a tasting room, which will be located on the 0.36 acre parcel on the northwest side of the project site next to Fairview Road. The tasting room is proposed to be open from 11:00 AM to 5:00 PM on Friday, Saturday, and Sunday. In addition, the winery will be used for events (up to four per year) with a maximum attendance of 100. Proposed parking consists of 29 parking spaces with an overflow lot for events.

The tasting room will be served by an existing septic system while a new septic system will be installed for the winery operations. In the case of events at the winery, portable restrooms will be used on-site. Water will be supplied by an existing on-site well.

Parking:

A portion of the proposed parking for the tasting room does lie over the larger parcel. The proposed parking does not displace potential agricultural lands because this area is already disturbed (i.e. graded) and the tasting room use is secondary and compatible use to the agricultural production of the larger parcel. The site plan shows 19 parking spaces proposed at the entrance of the tasting room and an additional 2 spaces are located southeast of the proposed winery building. The 21 spaces include 2 A.D.A. accessible stalls. There is also space to the west side of the tasting room that will accommodate the addition needs for any events. A future parking area with eight (8) spaces is located southeast of the proposed winery building. The County Public Works Department has reviewed the proposed project and has conditioned that an event-parking plan be approved by the Department. With the approval from the Public Works Department, impacts will be less than significant. Condition No. 15 has been incorporated requiring that the applicant execute a parking easement on Assessor's Parcel Number 417-171-

036 (the larger parcel) to provide parking for the wine tasting facility located on Assessor's Parcel Number 417-171-034. This parking easement shall remain in effect until the wine tasting facility is abandoned as a commercial use or until this use permit is amended.

Williamson Act:

The larger parcel is currently under a Williamson Act contract and the smaller parcel is not. The proposed parking does not displace potential agricultural lands because this area is already disturbed (i.e. graded) and the tasting room use is secondary and compatible use to the agricultural production of the larger parcel. Therefore, the proposed project is consistent with Williamson Act contract policies to preserve and enhance designated agricultural lands posing a less than significant impact to agriculture resources.

Environmental Review

An Initial Study / Negative Declaration, filed on March 5, 2007, was circulated for public review until April 4, 2007. Three comment letters were received from the California Regional Water Quality Control Board, Department of Transportation, and the Monterey Bay Unified Air Pollution Control District (MBUAPCD) prior to the close of the comment period.

- *California Regional Water Quality Control Board* – The Board recommends that Low Impact Development (LID) design techniques be required. Staff has incorporated that applicants submit and adhere to an erosion control plan and schedule as Condition No. 8.
- *Department of Transportation* – The Department commented that project should contribute to the Transportation Agency for Monterey County (TAMC) program a “fair share” contribution as of the TAMC Regional Traffic Impact Fee for its cumulative impacts to the regional transportation system. See Condition No. 28.
- *Monterey Bay Unified Air Pollution Control District (MBUAPCD)* – The District commented on requirements for the demolition or renovation of structures. They note that the Air Quality Management Plan (AQMP) does not incorporate the Monterey County General Plan and the wine production of 2.3 gallons per case would yield 23,800 gallons of production and not 4,208 gallons as stated on page 13-14 of the Initial Study.

Conclusions

No unusual circumstances, unresolved issues, or adverse environmental impacts were identified during project review. The project as described and condition is a less than significant impact to agriculture resources. The proposed project, as described and conditioned, is consistent with General Plan, Central Salinas Valley Area Plan, and Williamson Act contract policies to preserve and enhance designated agricultural lands.

EXHIBIT C

RECOMMENDED FINDINGS AND EVIDENCE

- 1. FINDING: CONSISTENCY** – The project, as described in Condition No. 1 and as conditioned, conforms to the policies, requirements, and standards of the Monterey County General Plan, Central Salinas Valley Area Plan, Central Salinas Valley Area Plan Inventory and Analysis, and the Monterey County Zoning Ordinance (Title 21), which designates this area as appropriate for development.

EVIDENCE: (a) The text, policies, and regulations in the above referenced documents have been evaluated during the course of review of applications. No conflicts were found to exist. No communications were received during the course of review of the project indicating any inconsistencies with the text, policies, and regulations in these documents.

(b) The property is located at 33510 and 33520 Fairview Road, Gonzales (Assessor's Parcel Numbers 417-141-034-000 and 417-141-036-000), Central Salinas Valley Area. The parcel is zoned Farmlands with a minimum building site of forty acres or "F/40" and Permanent Grazing with a minimum building site of forty acres or "PG/40". The subject property complies with all the rules and regulations pertaining to zoning uses and any other applicable provisions of Title 21, and is therefore suitable for the proposed development.

(c) The project for construction and operation of an agricultural processing plant (winery) is a use allowed in the Farmland zoning designation in accordance with Sections 21.30.050.N and the Permanent Grazing zoning designation in accordance with Sections 21.32.050.M. The project is consistent with the respective development standards as provided at Section 21.30.060 and 21.32.060 of the Monterey County Zoning Ordinance (Title 21).

(d) The larger parcel is currently under a Williamson Act contract and the smaller parcel is not. The proposed parking does not displace potential agricultural lands because this area is already disturbed (i.e. graded) and the tasting room use is secondary and compatible use to the agricultural production of the larger parcel. Therefore, the proposed project is consistent with Williamson Act contract policies to preserve and enhance designated agricultural lands posing a less than significant impact to agriculture resources.

(e) The project was not referred to a Land Use Advisory Committee (LUAC) for review, as no LUAC exists for this area of the county.

(f) The planning staff conducted a site inspection on January 24, 2007 to verify that the project on the subject parcel conforms to the plans listed above.

(g) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Project File PLN060423.

- 2. FINDING: SITE SUITABILITY** – The site is physically suitable for the use proposed.

EVIDENCE: (a) The project has been reviewed for site suitability by the following departments and agencies: RMA - Planning Department, Gonzales Rural Fire Protection District, Public Works, Environmental Health Division, Water Resources Agency, and Sheriff's Department. There has been no

indication from these departments/agencies that the site is not suitable for the proposed development. Conditions recommended have been incorporated.

- (b) Technical reports by outside consultants indicate that there are no physical or environmental constraints that would indicate that the site is not suitable for the use proposed. County staff concurs. The following reports have been prepared:
 - a. "Geotechnical Investigation" (LIB060495) prepared by Kleinfelder, Salinas, CA, June 15, 2006.
 - b. "Boekenooen Winery Trip Generation Study" (LIB070102) prepared by Higgins Associates, Civil & Traffic Engineers, Gilroy, CA, January 19, 2007.
 - c. "Initial Water Use/Nitrate Impact Questionnaire and Supporting Documents for the Boekenooen Winery" (LIB060498) prepared by Axiom Engineers, Monterey, CA, August 2006.
- (c) The site is located within an area identified as having "moderate" archeological sensitivity. An archeological reconnaissance report was not required due to the high level of previous disturbance from previous agricultural activities.
- (d) A portion of the proposed parking for the tasting room does lie over the larger parcel. The site plan shows 19 parking spaces proposed at the entrance of the tasting room and an additional 2 spaces are located southeast of the proposed winery building. The 21 spaces include 2 A.D.A. accessible stalls. There is also space to the west side of the tasting room that will accommodate the addition needs for any events. A future parking area with eight (8) spaces is located southeast of the proposed winery building. The County Public Works Department has reviewed the proposed project and has conditioned that an event-parking plan be approved by the Department. Condition No. 15 has been incorporated requiring that the applicant execute a parking easement on Assessor's Parcel Number 417-171-036-000 (the 39.88-acre parcel) to provide parking for the wine tasting facility located on Assessor's Parcel Number 417-171-034-000 (the 0.36-acre parcel). This parking easement shall remain in effect until the wine tasting facility is abandoned as a commercial use or until this use permit is amended.
- (e) Staff conducted a site inspection on January 24, 2007 to verify that the site is suitable for this use.
- (f) Materials in Project File PLN060423.

3. FINDING: CEQA (Negative Declaration): - On the basis of the whole record before the Monterey County Zoning Administrator, there is no substantial evidence that the proposed project as designed, conditioned, and mitigated, will have a significant effect on the environment. The Initial Study / Negative Declaration reflects the independent judgment and analysis of the County.

EVIDENCE: (a) The proposed project is subject to environmental review due to the potential for significant environmental effects pursuant to CEQA Guidelines Section 15070 (Decision to Prepare a Negative or Mitigated Negative Declaration).

- (b) Potentially adverse environmental effects were identified during staff review of the development application.
- (c) Monterey County prepared an Initial Study pursuant to CEQA. The Initial Study is on file in the office of the RMA - Planning Department and is

hereby incorporated by reference (File No. PLN060423). All project changes required to avoid significant effects on the environment have been incorporated into the project and/or are made conditions of approval. The Initial Study identified potentially significant effects relative to Agricultural Resources, Air Quality, Geology & Soils, Hydrology & Water Quality, Public Services, Transportation & Traffic, and Utilities & Service Systems. Substantial evidence supports the conclusion that impacts could not have a significant effect on the environment.

- (d) The Negative Declaration was circulated for public review from March 5, 2007 to April 4, 2007.
- (e) The Monterey County RMA - Department of Planning, (located at 168 W. Alisal Street, 2nd Floor, Salinas, CA, 93901) is the custodian of documents and other materials that constitute the record of proceedings upon which the decision to adopt the Negative Declaration is based.
- (f) Evidence that has been received and considered includes the application, plans, materials, and technical reports, which are listed under Section IX (References) of the Initial Study and contained in project file PLN060423.
- (g) For purposes of implementing Section 735.5 of Title 14, California Code of Regulations, the project may cause changes to the resources listed under Section 735.5. Therefore, payment of the Fish and Game fee is required.

4. FINDING: CEQA (Comments): Comments received on the project did not present substantial evidence of any unmitigated significant environmental effects.

- EVIDENCE:**
- (a) The California Regional Water Quality Control Board recommended that Low Impact Development (LID) design techniques be required. Staff has incorporated that applicants submit and adhere to an erosion control plan and schedule as Condition No. 8.
 - (b) The Department of Transportation commented that project should contribute to the Transportation Agency for Monterey County (TAMC) program a “fair share” contribution as of the TAMC Regional Traffic Impact Fee for its cumulative impacts to the regional transportation system. See Condition No. 28.
 - (c) The Monterey Bay Unified Air Pollution Control District (MBUAPCD) commented on requirements for the demolition or renovation of structures. They note that the Air Quality Management Plan (AQMP) does not incorporate the Monterey County General Plan and the wine production of 2.3 gallons per case would yield 23,800 gallons of production and not 4,208 gallons as stated on page 13-14 of the Initial Study.

5. FINDING: NO VIOLATIONS - The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivision, and any other applicable provisions of the County’s zoning ordinance. No violations exist on the property. Zoning violation abatement costs, if any, have been paid.

EVIDENCE: Staff reviewed the Monterey County RMA - Planning Department and Building Services Department records and is not aware of any violations existing on subject property.

6. FINDING: HEALTH AND SAFETY - The establishment, maintenance, or operation of the project applied for will not under the circumstances of this particular case be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of such proposed

use, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County.

EVIDENCE: Preceding findings and supporting evidence.

- 7. FINDING: APPEALABILITY** - The decision on this project is appealable to the Planning Commission.

EVIDENCE: Section 21.80.040.B Monterey County Zoning Ordinance (Title 21).

<p align="center">EXHIBIT D</p> <p align="center">Monterey County Resource Management Agency</p> <p align="center">Planning Department</p> <p align="center">Condition Compliance and/or Mitigation Monitoring Reporting Plan</p>	<p>Project Name: Boekenooogen Partners</p> <p>File No: PLN060423 APNs: 417-141-034-000 & 417-141-036-000</p> <p>Approved by: Zoning Administrator Date: April 26, 2007</p>
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**Monitoring or Reporting refers to projects with an EIR or adopted Mitigated Negative Declaration per Section 21081.6 of the Public Resources Code.*

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
1.		<p>PD001 - SPECIFIC USES ONLY</p> <p>This Use Permit (PLN060423) allows for the construction and operation of an agricultural processing plant (winery) with an annual production of 10,000 cases; two (2) 4,000 square foot fermentation buildings; the conversion of an existing one-story, 2,002 square foot single family dwelling to tasting room; assemblages of people (events) consisting of four events per year with a maximum of 100 persons per event; and grading (8,051 cubic yards of cut and fill). The property is located at 33510 and 33520 Fairview Road, Gonzales (Assessor's Parcel Numbers 417-141-034-000 and 417-141-036-000), Central Salinas Valley Area. This permit was approved in accordance with County ordinances and land use regulations subject to the following terms and conditions. Neither the uses nor the construction allowed by this permit shall commence unless and until all of the conditions of this permit are met to the satisfaction of the Director of the RMA - Planning Department. Any use or construction not in substantial conformance with the terms and conditions of this permit is a violation of County regulations and may result in modification or revocation of this permit and subsequent legal action. No use or construction other than that specified by this permit is allowed unless</p>	Adhere to conditions and uses specified in the permit.	Owner/ Applicant	Ongoing unless otherwise stated	

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		additional permits are approved by the appropriate authorities. To the extent that the County has delegated any condition compliance or mitigation monitoring to the Monterey County Water Resources Agency, the Water Resources Agency shall provide all information requested by the County and the County shall bear ultimate responsibility to ensure that conditions and mitigation measures are properly fulfilled. (RMA - Planning Department)				
2.		PD002 - NOTICE-PERMIT APPROVAL The applicant shall record a notice, which states: "A permit (Resolution _____) was approved by the Zoning Administrator for Assessor's Parcel Numbers 417-141-034-000 and 417-141-036-000 on April 26, 2007. The permit was granted subject to 36 conditions of approval which run with the land. A copy of the permit is on file with the Monterey County RMA - Planning Department." Proof of recordation of this notice shall be furnished to the Director of the RMA - Planning Department prior to issuance of building permits or commencement of the use. (RMA - Planning Department)	Proof of recordation of this notice shall be furnished to the RMA - Planning Department.	Owner/ Applicant	Prior to the issuance of grading and building permits or commencement of use.	
3.		PD003(A) – CULTURAL RESOURCES – NEGATIVE ARCHAEOLOGICAL REPORT If, during the course of construction, cultural, archaeological, historical or paleontological resources are uncovered at the site (surface or subsurface resources) work shall be halted immediately within 50 meters (165 feet) of the find until a qualified professional archaeologist can evaluate it. The Monterey County RMA - Planning Department and a qualified archaeologist (i.e., an archaeologist registered with the Society of Professional Archaeologists) shall be immediately contacted by the responsible individual present on-site. When contacted, the project planner	Stop work within 50 meters (165 feet) of uncovered resource and contact the Monterey County RMA - Planning Department and a qualified archaeologist immediately if cultural, archaeological, historical or paleontological resources are uncovered. When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for the discovery.	Owner/ Applicant/ Archaeo- logist	Ongoing	

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		and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for the discovery. (RMA - Planning Department)				
4.		PD005 - FISH AND GAME FEE-NEG DEC/EIR Pursuant to the State Public Resources Code § 735.5, State Fish and Game Code, and California Code of Regulations, the applicant shall pay a fee, to be collected by the County, within five (5) working days of project approval. This fee shall be paid before the Notice of Determination is filed. If the fee is not paid within five (5) working days, the project shall not be operative, vested or final until the filing fees are paid. (RMA - Planning Department)	The applicant shall submit a check, payable to the <i>County of Monterey</i> , to the Director of the RMA - Planning Department.	Owner/ Applicant	Within 5 working days of project approval.	
			If the fee is not paid within five (5) working days, the applicant shall submit a check, payable to the <i>County of Monterey</i> , to the Director of the RMA - Planning Department.	Owner/ Applicant	Prior to the recordation of the final map, the start of use or the issuance of building or grading permits	
5.		PD004 - INDEMNIFICATION AGREEMENT The property owner agrees as a condition and in consideration of the approval of this discretionary development permit that it will, pursuant to agreement and/or statutory provisions as applicable, including but not limited to Government Code Section 66474.9, defend, indemnify and hold harmless the County of Monterey or its agents, officers and employees from any claim, action or proceeding against the County or its agents, officers or employees to attack, set aside, void or annul this approval, which action is brought within the time period provided for under law, including but not limited to, Government Code Section 66499.37, as applicable. The property owner will reimburse the county for any court costs and attorney's fees which the	Submit signed and notarized Indemnification Agreement to the Director of RMA – Planning Department for review and signature by the County. Proof of recordation of the Indemnification Agreement, as outlined, shall be submitted to the RMA – Planning Department.	Owner/ Applicant	Upon demand of County Counsel or concurrent with the issuance of building permits, use of the property, filing of the final map, whichever occurs first	

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
		County may be required by a court to pay as a result of such action. County may, at its sole discretion, participate in the defense of such action; but such participation shall not relieve applicant of his obligations under this condition. An agreement to this effect shall be recorded upon demand of County Counsel or concurrent with the issuance of building permits, use of the property, filing of the final map, whichever occurs first and as applicable. The County shall promptly notify the property owner of any such claim, action or proceeding and the County shall cooperate fully in the defense thereof. If the County fails to promptly notify the property owner of any such claim, action or proceeding or fails to cooperate fully in the defense thereof, the property owner shall not thereafter be responsible to defend, indemnify or hold the county harmless. (RMA - Planning Department)			and as applicable	
6.		PD007 - GRADING-WINTER RESTRICTION No land clearing or grading shall occur on the subject parcel between October 15 and April 15 unless authorized by the Director of RMA - Building Services Department. (RMA – Planning Department and Building Services Department)	Obtain authorization from the Director of RMA - Building Services Department to conduct land clearing or grading between October 15 and April 15.	Owner/ Applicant	Ongoing	
7.		PD009 - GEOTECHNICAL CERTIFICATION Prior to final inspection, the geotechnical consultant shall provide certification that all development has been constructed in accordance with the geotechnical report. (RMA – Planning Department and Building Services Department)	Submit certification by the geotechnical consultant to the RMA – Building Services Department showing project's compliance with the geotechnical report.	Owner/ Applicant/ Geotechnical Consultant	Prior to final inspection	
8.		PD010 - EROSION CONTROL PLAN AND SCHEDULE The approved development shall incorporate the recommendations of the Erosion Control Plan as reviewed by the Director of RMA – Planning and	An Erosion Control Plan shall be submitted to the RMA - Planning Department and the RMA - Building Services Department prior to issuance of building and grading permits.	Owner/ Applicant	Prior to the issuance of grading and building permits	

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		Director of Building Services. All cut and/or fill slopes exposed during the course of construction be covered, seeded, or otherwise treated to control erosion during the course of construction, subject to the approval of the Director of RMA - Planning and Director of RMA - Building Services. The improvement and grading plans shall include an implementation schedule of measures for the prevention and control of erosion, siltation and dust during and immediately following construction and until erosion control planting becomes established. This program shall be approved by the Director of RMA - Planning and Director of RMA - Building Services. (RMA - Planning Department and RMA - Building Services Department)	Comply with the recommendations of the Erosion Control Plan during the course of construction until project completion as approved by the Director of RMA - Planning and Director of RMA - Building Services.	Owner/ Applicant	Ongoing	
			Evidence of compliance with the Implementation Schedule shall be submitted to the RMA - Planning Department and the RMA - Building Services Department	Owner/ Applicant	Prior to final inspection	
9.		PD012(B) - LANDSCAPE PLAN AND MAINTENANCE (OTHER THAN SINGLE FAMILY DWELLING) The site shall be landscaped. At least three (3) weeks prior to occupancy, three (3) copies of a landscaping plan shall be submitted to the Director of the RMA - Planning Department. A landscape plan review fee is required for this project. Fees shall be paid at the time of landscape plan submittal. The landscaping plan shall be in sufficient detail to identify the location, species, and size of the proposed landscaping and shall include an irrigation plan. The landscaping shall be installed and inspected prior to occupancy. All landscaped areas and/or fences shall be continuously maintained by the applicant and all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition. (RMA – Planning Department)	Submit landscape plans and contractor's estimate to the RMA - Planning Department for review and approval.	Owner/ Applicant/ Licensed Landscape Contractor/ Licensed Landscape Architect	At least three (3) weeks prior to final inspection or occupancy	
			All landscaped areas and fences shall be continuously maintained by the applicant; all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition.	Owner/ Applicant	Ongoing	
10.		PD014(A) – LIGHTING – EXTERIOR LIGHTING PLAN All exterior lighting shall be unobtrusive, down-lit, harmonious with the local area, and constructed or	Submit three copies of the lighting plans to the RMA - Planning Department for review and approval. Approved lighting plans shall be incorporated into final	Owner/ Applicant	Prior to the issuance of building permits.	

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		located so that only the intended area is illuminated and off-site glare is fully controlled. The applicant shall submit 3 copies of an exterior lighting plan which shall indicate the location, type, and wattage of all light fixtures and include catalog sheets for each fixture. The lighting shall comply with the requirements of the California Energy Code set forth in California Code of Regulations, Title 24, Part 6. The exterior lighting plan shall be subject to approval by the Director of the RMA - Planning Department, prior to the issuance of building permits. (RMA – Planning Department)	building plans.			
			The lighting shall be installed and maintained in accordance with the approved plan.	Owner/ Applicant	Ongoing	
11.		PD016 – NOTICE OF REPORT Prior to issuance of building or grading permits, a notice shall be recorded with the Monterey County Recorder which states: "A Geotechnical Investigation report has been prepared for this parcel by Kleinfelder, Salinas, CA, dated June 15, 2006 and is on record in the Monterey County RMA - Planning Department, Library No. LIB060495. All development shall be in accordance with this report." (RMA – Planning Department)	Proof of recordation of this notice shall be furnished to the RMA - Planning Department.	Owner/ Applicant	Prior to the issuance of grading and building permits.	
12.		PD016 – NOTICE OF REPORT Prior to issuance of building or grading permits, a notice shall be recorded with the Monterey County Recorder which states: "A Boekennoogen Winery Trip Generation Study report has been prepared for this parcel by Higgins Associates, Civil & Traffic Engineers, Gilroy, CA, dated January 19, 2007 and is on record in the Monterey County RMA - Planning Department, Library No. LIB070102. All development shall be in accordance with this report." (RMA – Planning Department)	Proof of recordation of this notice shall be furnished to the RMA - Planning Department.	Owner/ Applicant	Prior to the issuance of grading and building permits.	

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13.		PD016 – NOTICE OF REPORT Prior to issuance of building or grading permits, a notice shall be recorded with the Monterey County Recorder which states: "An Initial Water Use/Nitrate Impact Questionnaire and Supporting Documents for the Boekennoogen Winery report has been prepared for this parcel by Axiom Engineers, Monterey, CA, dated August 2006 and is on record in the Monterey County RMA - Planning Department, Library No. LIB060498. All development shall be in accordance with this report." (RMA – Planning Department)	Proof of recordation of this notice shall be furnished to the RMA - Planning Department.	Owner/ Applicant	Prior to the issuance of grading and building permits.	
14.		PD035 - UTILITIES - UNDERGROUND All new utility and distribution lines shall be placed underground. (RMA - Planning Department; Public Works)	Install and maintain utility and distribution lines underground.	Owner/ Applicant	Ongoing	
15.		PDSP001 – PARKING EASEMENT (NON-STANDARD) The applicant shall record an easement over APN 417-171-036-000 to provide parking for the wine tasting facility located on APN 417-171-034-000. The parking easement shall only burden the portion of APN 417-171-036-000 designated for parking on the site plan attached as Exhibit G of the April 26, 2007 Staff Report. This parking easement shall remain in effect until the wine tasting facility is abandoned as a commercial use or until this use permit is amended. (RMA – Planning Department)	Proof of recordation of the easement document(s) shall be submitted to the RMA – Planning Department.	Owner/ Applicant	Prior to the issuance of grading or building permits	
16.		PD038 - WATER TANK APPROVAL The water tank shall be painted a warm earth tone color to blend into the area and landscaped (including land sculpturing and fencing, where appropriate), subject to the approval of the Director of the RMA - Planning Department, prior to the issuance of building permits. (RMA – Planning Department)	If a water tank is required (to be determined by the Gonzales Rural Fire Protection District), the applicant shall submit the proposed siting and color of water tank and landscaping plans to the RMA - Planning Department for review and approval.	Owner/ Applicant	Prior to the issuance of grading or building permits	

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			Provide evidence to the Director of the RMA - Planning Department that the water tank has been painted and the landscaping has been installed according to the plans approved by the RMA - Planning Department.	Owner/ Applicant	Prior to the final inspection or occupancy.	
			All landscaped areas and fences shall be continuously maintained; all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition.	Owner/ Applicant	On-going	
17.		FIRE001 - ROAD ACCESS Access roads shall be required for every building when any portion of the exterior wall of the first story is located more than 150 feet from fire department access. All roads shall be constructed to provide a minimum of two nine-foot traffic lanes with an unobstructed vertical clearance of not less than 15 feet. The roadway surface shall provide unobstructed access to conventional drive vehicles including sedans and fire apparatus and shall be an all-weather surface designed to support the imposed load of fire apparatus (22 tons). Each road shall have an approved name. (Gonzales Rural Fire Protection District)	Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to issuance of grading and/or building permit.	
			Applicant shall schedule fire dept. clearance inspection for each phase of development.	Applicant or owner	Prior to final building inspection	
18.		FIRE007 - DRIVEWAYS Driveways shall not be less than 12 feet wide unobstructed, with an unobstructed vertical clearance of not less than 15 feet. The grade for all driveways shall not exceed 15 percent. Where the grade exceeds 8	Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to issuance of grading and/or building permit.	

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		percent, a minimum structural roadway surface of 0.17 feet of asphaltic concrete on 0.34 feet of aggregate base shall be required. The driveway surface shall be capable of supporting the imposed load of fire apparatus (22 tons), and be accessible by conventional-drive vehicles, including sedans. For driveways with turns 90 degrees and less, the minimum horizontal inside radius of curvature shall be 25 feet. For driveways with turns greater than 90 degrees, the minimum horizontal inside radius curvature shall be 28 feet. For all driveway turns, an additional surface of 4 feet shall be added. All driveways exceeding 150 feet in length, but less than 800 feet in length, shall provide a turnout near the midpoint of the driveway. Where the driveway exceeds 800 feet, turnouts shall be provided at no greater than 400-foot intervals. Turnouts shall be a minimum of 12 feet wide and 30 feet long with a minimum of 25-foot taper at both ends. Turnarounds shall be required on driveways in excess of 150 feet of surface length and shall long with a minimum 25-foot taper at both ends. Turnarounds shall be required on driveways in excess of 150 feet of surface length and shall be located within 50 feet of the primary building. The minimum turning radius for a turnaround shall be 40 feet from the center line of the driveway. If a hammerhead/T is used, the top of the "T" shall be a minimum of 60 feet in length. (Gonzales Rural Fire Protection District)	Applicant shall schedule fire dept. clearance inspection	Applicant or owner	Prior to final building inspection.	
19.		FIRE008 - GATES All gates providing access from a road to a driveway shall be located at least 30 feet from the roadway and shall open to allow a vehicle to stop without obstructing traffic on the road. Gate entrances shall be at least the	Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to issuance of grading and/or building permit.	

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		width of the traffic lane but in no case less than 12 feet wide. Where a one-way road with a single traffic lane provides access to a gated entrance, a 40-foot turning radius shall be used. Where gates are to be locked, the installation of a key box or other acceptable means for immediate access by emergency equipment may be required. (Gonzales Rural Fire Protection District)	Applicant shall schedule fire dept. clearance inspection	Applicant or owner	Prior to final building inspection.	
20.		FIRE011 - ADDRESSES FOR BUILDINGS All buildings shall be issued an address in accordance with Monterey County Ordinance No. 1241. Each occupancy, except accessory buildings, shall have its own permanently posted address. When multiple occupancies exist within a single building, each individual occupancy shall be separately identified by its own address. Letters, numbers and symbols for addresses shall be a minimum of 4-inch height, 1/2-inch stroke, contrasting with the background color of the sign, and shall be Arabic. The sign and numbers shall be reflective and made of a noncombustible material. Address signs shall be placed at each driveway entrance and at each driveway split. Address signs shall be and visible from both directions of travel along the road. In all cases, the address shall be posted at the beginning of construction and shall be maintained thereafter. Address signs along one-way roads shall be visible from both directions of travel. Where multiple addresses are required at a single driveway, they shall be mounted on a single sign. Where a roadway provides access solely to a single commercial occupancy, the address sign shall be placed at the nearest road intersection providing access to that site. Permanent address numbers shall be posted prior to requesting final clearance. (Gonzales Rural Fire Protection District)	Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to issuance of building permit.	
			Applicant shall schedule fire dept. clearance inspection	Applicant or owner	Prior to final building inspection	

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21.		FIRE014 - EMERGENCY WATER STANDARDS - FIRE PROTECTION WATER SUPPLY - (SINGLE PARCEL) For development of structures totaling less than 3,000 square feet on a single parcel, the minimum fire protection water supply shall be 4,900 gallons. For development of structures totaling 3,000 square feet or more on a single parcel, the minimum fire protection water supply shall be 9,800 gallons. For development of structures totaling more than 10,000 square feet on a single parcel, the reviewing authority may require additional fire protection water supply. Other water supply alternatives, including ISO Rural Class 8 mobile water systems, may be permitted by the fire authority to provide for the same practical effect. The quantity of water required by this condition shall be in addition to the domestic demand and shall be permanently and immediately available. (Gonzales Rural Fire Protection District)	Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to issuance of grading and/or building permit.	
			Applicant shall schedule fire dept. clearance inspection	Applicant or owner	Prior to final building inspection	
22.		FIRE015 - FIRE HYDRANTS/FIRE VALVES A fire hydrant or fire valve is required. The hydrant or fire valve shall be 18 inches above grade, 8 feet from flammable vegetation, no closer than 4 feet nor further than 12 feet from a roadway, and in a location where fire apparatus using it will not block the roadway. The hydrant serving any building shall be not less than 50 feet and not more than 1000 feet by road from the building it is to serve. Minimum hydrant standards shall include a brass head and valve with at least one 2 1/2 inch National Hose outlet supplied by a minimum 4 inch main and riser. More restrictive hydrant requirements may be applied by the Reviewing Authority. Each hydrant/valve shall be identified with a reflectorized blue marker, with minimum dimensions of 3 inches, located on the driveway address sign, non-	Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to issuance of grading and/or building permit.	
			Applicant shall schedule fire dept. clearance inspection	Applicant or owner	Prior to final building inspection	

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		combustible post or fire hydrant riser. If used, the post shall be within 3 feet of the hydrant/valve, with the blue marker not less than 3 feet or greater than 5 feet above the ground, visible from the driveway. On paved roads or driveways, reflectorized blue markers shall be permitted to be installed in accordance with the State Fire Marshal's Guidelines for Fire Hydrant Markings along State Highways and Freeways, May 1988. (Gonzales Rural Fire Protection District)				
23.		FIRE019 - DEFENSIBLE SPACE REQUIREMENTS - (STANDARD) Remove combustible vegetation from within a minimum of 30 feet of structures. Limb trees 6 feet up from ground. Remove limbs within 10 feet of chimneys. Additional and/or alternate fire protection or firebreaks approved by the fire authority may be required to provide reasonable fire safety. Environmentally sensitive areas may require alternative fire protection, to be determined by Reviewing Authority and the Director of Planning and Building Inspection. (Gonzales Rural Fire Protection District)	Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to issuance of grading and/or building permit.	
			Applicant shall schedule fire dept. clearance inspection	Applicant or owner	Prior to final building inspection	
24.		FIRE021 - FIRE PROTECTION EQUIPMENT & SYSTEMS - FIRE SPRINKLER SYSTEM (STANDARD) The building(s) and attached garage(s) shall be fully protected with automatic fire sprinkler system(s). Installation shall be in accordance with the applicable NFPA standard. A minimum of four (4) sets of plans for fire sprinkler systems must be submitted by a California licensed C-16 contractor and approved prior to installation. This requirement is not intended to delay	Applicant shall enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to issuance of building permit.	
			Applicant shall schedule fire dept. rough sprinkler inspection	Applicant or owner	Prior to framing inspection	

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		issuance of a building permit. A rough sprinkler inspection must be scheduled by the installing contractor and completed prior to requesting a framing inspection. (Gonzales Rural Fire Protection District)	Applicant shall schedule fire dept. final sprinkler inspection	Applicant or owner	Prior to final building inspection	
25.		FIRE023 - FIRE ALARM SYSTEM - (COMMERCIAL) The building(s) shall be fully protected with an approved central station, proprietary station, or remote station automatic fire alarm system as defined by NFPA Standard 72. Plans and specifications for the fire alarm system shall be submitted by a California licensed C-10 contractor and approved prior to requesting a rough sprinkler or framing inspection. (Gonzales Rural Fire Protection District)	Applicant shall enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to issuance of building permit.	
			Applicant shall submit fire alarm plans and obtain approval.	Applicant or owner	Prior to rough sprinkler or framing inspection	
			Applicant shall schedule fire alarm system acceptance test.	Applicant or owner	Prior to final building inspection	
26.		FIRE027 - ROOF CONSTRUCTION - (VERY HIGH HAZARD SEVERITY ZONE) All new structures, and all existing structures receiving new roofing over 50 percent or more of the existing roof surface within a one-year period, shall require a minimum of ICBO Class A roof construction. (Gonzales Rural Fire Protection District)	Applicant shall enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to issuance of building permit.	
27.		PWSP001 – PARKING PLAN (NON-STANDARD) That a parking plan for the 200 person events be approved by the Department of Public Works. (Public Works)	Applicant shall submit parking plan to the Director of Public Works for review and approval.	Applicant or owner	Prior to issuance of building permit, grading permit or commencement of use.	

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28.		PWSP002 – TAMC MITIGATION FEE (NON-STANDARD) Applicant shall pay the Transportation Agency for Monterey County (TAMC) regional traffic mitigation fee identified in the TAMC nexus study. (Public Works)	Applicant shall pay the Transportation Agency for Monterey County (TAMC) regional traffic mitigation.	Applicant or owner	Prior to issuance of building permit, grading permit or commencement of use.	
29.		EH1 - WATER SYSTEM PERMIT Obtain a new or amended water system permit from the Division of Environmental Health. (Environmental Health)	Submit necessary application, reports and testing results to EH for review and approval.	CA Licensed Engineer /Owner/ Applicant	Prior to issuance of grading/ building permits or prior to filing final map	
30.		EH11 - SEPTIC SYSTEM DESIGN Submit plans for review and approval showing the location and design of the proposed septic system meeting the standards found in Chapter 15.20 of the Monterey County Code (Septic Ordinance) and "Prohibitions", Central Coast Basin Plan, RWQCB. (Environmental Health)	Division of Environmental Health must approve plans. Applicant shall obtain a permit to install the septic system.	CA Licensed Engineer /Owner/ Applicant	Prior to filing the final parcel map or issuance of building	
31.		EH19 - WINERY WASTEWATER Winery wastewater discharge shall comply with the Prohibitions, Recommendations and Specifications of the General Waste Discharge Requirements (WDRs) for Discharges of Winery Wastes set forth by the Regional Water Quality Control (CRWQCB). Apply for Waste Discharge Requirements from the Regional Water Quality Control Board. (Environmental Health)	Submit application to CRWQCB for review and issuance of Waste Discharge Requirements or a waiver of Waste Discharge Requirements. Submit verification of complete application from RWQCB to EH.	Owner/ Applicant	Prior to the issuance of building permits	
32.		EH35 - CURFFL All improvements shall comply with the California	Submit plans and necessary review fees to the Division of Environmental Health for	Owner/ Applicant	Prior to issuance of	

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		Uniform Food Facilities Law as approved by the Director of Environmental Health. If necessary, submit plans and necessary review fees for review and approval prior to obtaining a building permit/final inspection. (Environmental Health)	review and approval.		building permits.	
33.		WR40 - WATER CONSERVATION MEASURES The applicant shall comply with Ordinance No. 3932, or as subsequently amended, of the Monterey County Water Resources Agency pertaining to mandatory water conservation regulations. The regulations for new construction require, but are not limited to: a. All toilets shall be ultra-low flush toilets with a maximum tank size or flush capacity of 1.6 gallons, all shower heads shall have a maximum flow capacity of 2.5 gallons per minute, and all hot water faucets that have more than ten feet of pipe between the faucet and the hot water heater serving such faucet shall be equipped with a hot water recirculating system. b. Landscape plans shall apply xeriscape principles, including such techniques and materials as native or low water use plants and low precipitation sprinkler heads, bubblers, drip irrigation systems and timing devices. (Water Resources Agency)	Compliance to be verified by building inspector at final inspection.	Owner/ Applicant	Prior to final building inspection/ occupancy	
34.		WR45 - WELL INFORMATION The applicant shall provide the Water Resources Agency information on the well to serve the project including a map showing the well location and any available well logs/e-logs. (Water Resources Agency)	Submit all applicable well information to the Water Resources Agency for review and approval.	Owner/ Applicant	Prior to issuance of any grading or building permits	
35.		WRSP001 - STORMWATER (NON-STANDARD) Prior to issuance of any grading and/or building permits the applicant shall provide the Water Resources Agency a drainage plan prepared by a registered civil engineer addressing on-site and off-site impacts that includes oil-grease water separators for the paved parking areas. Drainage improvements shall be constructed in accordance with plans approved by the Water Resources Agency.	Submit 3 copies of the drainage plan to the Water Resources Agency for review and approval.	Owner/ Applicant	Prior to issuance of grading or building permits	

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		(Water Resources Agency)				
36.		SOSP001 – PUBLIC SAFETY AND SECURITY (NON-STANDARD) Prior to occupancy, the applicant shall comply with the Monterey County Public Safety and Security Guidelines to the satisfaction of the Monterey County Sheriff's Department. The project site shall meet the required conditions regarding security measures, addressing, doors, windows, locks, lighting, rooftops, and landscaping. (Sheriff-Marshal-Coroner-Public Administrator Department)	Applicant shall incorporate specifications into the design of the project. Applicant shall prepare a security plan for the review and approval of the Monterey County Sheriff.	Owner/ Applicant	Prior to occupancy/ commen- cement of operations	