

MONTEREY COUNTY ZONING ADMINISTRATOR

Meeting: January 29, 2009 Time:	Agenda Item No.:
Project Description:	
a. Consider the Mitigated Negative Declaration previously adopted for the Numira Vineyards (Mission Ranch Winery) Use Permit (PLN060071); and b. Consider a two-year extension request of the previously approved Use Permit and consider a modification of Condition of Approval Number 11 of the referenced permit.	
Project Location: 38150 Arroyo Seco Road, Soledad	APN: 183-021-003-000
Planning File Number: PLN080497	Name: Numira Vineyard LLC, Property Owner
Plan Area: Central Salinas Valley Area Plan	Flagged and staked: No
Zoning Designation: : "F/40" or Farmlands/40 acres per unit	
CEQA Action: Covered under previously adopted Mitigated Negative Declaration	
Department: RMA - Planning Department	

RECOMMENDATION:

Staff recommends that the Zoning Administrator a) Consider the Mitigated Negative Declaration previously adopted for the Numira Vineyards (Mission Ranch Winery) Use Permit (PLN060071); and b) Approve a two-year extension request of the previously approved Use Permit and consider a modification of Condition of Approval Number 11 of the referenced permit. **(Exhibit A)** and subject to the recommended Conditions **(Exhibit B)**.

PROJECT OVERVIEW:

The 267 acre project site (Assessor's Parcel Number 183-021-003-000) is located at 38150 Arroyo Seco Road, Soledad within the Central Salinas Valley Area Plan. The property is zoned Farmlands, 40 acres per unit or "F/40" and is positioned inside of one of the components of the proposed General Plan known as the "Monterey County Wine Corridor Plan". The Use Permit – PLN060071 consists of an agricultural processing plant consisting of a 2,801 square-foot winery with a 1,323 square-foot tasting room and 1,538 square feet of retail and deli activities which was approved by the Zoning Administrator on January 25, 2007 accompanied by a Mitigated Negative Declaration which was adopted the same day.

The project consists of a two-year extension to a previously approved Use Permit and the modification of condition of approval No. 11 of the referenced permit. The two-year extension will extend the Use Permit from January 25, 2009 to January 25, 2011. Numira Vineyards LLC is planning on phasing the construction components of the project as follows: The tasting room and deli are to be constructed in the first phase and the winery constructed in the second phase. Condition 11 of the Use Permit requires the obtainment of a Waste Discharge Permit or waiver from the Regional Water Quality Control Board (RWQCB) for winery waste prior to the issuance of building permits. The applicant has requested to modify the language to require condition satisfaction prior to the issuance of building permits for the winery; this would allow the construction of the tasting room and deli while the applicant works on obtainment of the RWQCB permit. The modification request was reviewed by the Environmental Health Division who responded on December 09, 2009 with no objections.

In conclusion, the extension of the project and modification of condition of approval No. 11 of the Use Permit will not result in any additional impacts not previously identified and addressed under the review and approval of the Use Permit. The current project complies with the Monterey

County Zoning Ordinance (Title 21), The Central Salinas Area Plan and the Monterey County General Plan.

OTHER AGENCY INVOLVEMENT:

- ✓ Mission Soledad Fire Protection District
- ✓ Public Works Department
- ✓ Environmental Health Division
- ✓ Water Resources Agency

The above checked agencies and departments have reviewed this project. Conditions recommended have been incorporated into the condition compliance reporting plan (**Exhibit B**).

The project was not referred to a Land Use Advisory Committee (LUAC) for review because the property is not within a LUAC boundary.

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

Brittanyann C. Nicholson
(831) 755-5854, nicholsonb@co.monterey.ca.us
(December 22, 2008)

cc: Front Counter Copy; California Coastal Commission; Zoning Administrator; Mission Soledad Fire Protection District; Public Works Department; Environmental Health Division; Water Resources Agency; Luis Osorio, Planning Services Manager; Brittany Nicholson, Planner; Carol Allen, Numira Vineyard LLC, Applicants; Nancy Issacson, Agent; Planning File PLN080497.

Attachments: Exhibit A Recommended Findings and Evidence
Exhibit B Recommended Conditions of Approval
Exhibit C Resolution for PLN060071
Exhibit D Adopted Mitigated Negative Declaration and Initial Study –
Provided to the Zoning Administrator Only. Available for public
review at the RMA- Planning Department.
Exhibit E Vicinity Map

This report was reviewed by Luis Osorio, Planning Services Manager

EXHIBIT A
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 Area Plan, Central Salinas 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 38150 Arroyo Seco Road, Soledad (Assessor's Parcel Number 183-021-003-000), Central Salinas Area Plan. The parcel is zoned Farmlands, 40 acres per unit or ("F/40") which allows the project proposed. Therefore, the property is suitable for the proposed development.
 - (c) Numira Vineyards LLC plans on phasing the construction components of the project. The tasting room and deli are to be constructed in the first phase and the winery constructed in the second phase. The original Condition No. 11 (Zoning Administrator Resolution No.060071) requires that the Winery wastewater discharge 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 Board; the applicant must apply for a Waste Discharge Requirements or a waiver from the Waste Discharge Requirements from the Regional Water Quality Control Board (RWQCB) prior to the issuance of building permits. The proposed modification merely changes the timing for the submittal of the General Waste Discharge Requirements prior to the issuance of building permits for the winery which would allow the construction of the tasting room and deli while the applicant works on obtainment of the RWQCB permit. The modification request was forwarded to the Environmental Health Division who responded on December 09, 2009 with no objections to the request. Modification of the timing of Condition 11 is consistent with the approval of the original permit (Resolution No. 060071).
 - (d) The project planner conducted a site inspection on December 26, 2008 to verify that the project on the subject parcel conforms to the plans listed above.
 - (e) All findings, evidence and conditions of approval found in the Zoning Administrator's original resolution of approval of the project (Resolution No. 060071) shall apply to this extension.
 - (f) The project was not referred to a Land Use Advisory Committee (LUAC) for review because the property is not within a LUAC boundary.
 - (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 PLN080497 and PLN060071.

- 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, Mission Soledad Fire Protection District, Public Works, Environmental Health Division, and Water Resources Agency. 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) All findings, evidence and conditions of approval found in the Zoning Administrator’s original resolution of approval of the project (Resolution No. 060071).
- (c) Staff conducted a site inspection on December 26, 2008 to verify that the site is suitable for this use.
- (d) Materials in Project File PLN080497 and PLN060071.
- 3. FINDING: CEQA (Not Exempt):** - The proposed extension request and condition modification to Condition of Approval No. 11 of Use Permit No. PLN060071 is consistent with the Mitigated Negative Declaration adopted for the project and is consistent with the provisions of Section 15162 of the CEQA guidelines.
- EVIDENCE:** (a) The project requests the extension of a Use Permit (PLN060071) and the modification to condition of approval number 11. It was determined that the Use Permit was subject to CEQA but would not result in a negative adverse environmental impact with mitigations incorporated; therefore a Mitigated Negative Declaration was prepared and subsequently adopted by the Zoning Administrator on January 25, 2007.
- (b) There have been no substantial changes in the project or in the circumstances of the project which would result in a significant adverse environmental impact. No new information has been discovered related to the project which was not known at the time the previous project was approved and Mitigated Negative Declaration Adopted.
- (c) No adverse environmental effects were identified during staff review of the development application during a site visit on December 26, 2008.
- (d) See preceding and following findings and supporting evidence.
- 4. FINDING: USE PERMIT EXTENSION** – The project includes the first extension to Use Permit – PLN060071 in accordance with the Monterey County Zoning Ordinance (Title 21) specifically 21.74.110.A and 21.74.110.B. The Appropriate Authority may extend a Use Permit upon receipt of a written request from the permittee, provided the request is made at least thirty days prior to the expiration of the Use Permit.
- (a) The applicant submitted a written request for an extension on November 3, 2008, over thirty days prior to the January 25, 2009 expiration date of Use Permit PLN060071.
- 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:** (a) Staff reviewed Monterey County RMA - Planning Department and Building Services Department Monterey County 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: (a) The project has been reviewed for Health and Safety compliance by the following departments/agencies: RMA – Planning Department, Mission Soledad Fire Protection District, Public Works, Environmental Health Division and the Water Resources Agency. There has been no indication from these departments/agencies that the site is not suitable for the proposed development. Conditions recommended have been incorporated.

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

EVIDENCE: Section 21.80.040.B of Monterey County Zoning Ordinance (Title 21) states, “The Planning Commission is the Appeal Authority to consider appeals from the discretionary decisions of the Zoning Administrator made pursuant to this Title. The decision of the Planning Commission shall be final and may not be appealed, except as provided for in Section 21.80.040 C.”

EXHIBIT B Monterey County Resource Management Agency Planning Department Condition Compliance and/or Mitigation Monitoring Reporting Plan	Project Name: Numira Vineyard LLC File No: PLN080497 Approved by: The Zoning Administrator	APNs: 183-021-003-000 Date: January 29, 2009
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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.		PD001 - SPECIFIC USES ONLY This permit (PLN080497) allows a two-year extension to Use Permit – PLN060071 to expire on January 25, 2011 and modification to the timing condition 11 of the referenced permit to require compliance with the condition prior to issuance of building permits for the winery buildings. The property is located at 38150 Arroyo Seco Road, Soledad (Assessor’s Parcel Number 183-021-003-000), Central Salinas Area Plan. 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 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	Adhere to conditions and uses specified in the permit.	Owner/ Applicant	Ongoing unless otherwise stated	

<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>
		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 two-year extension of Use Permit – PLN060071 to expire on January 25, 2011 (Resolution _____) was approved by the Zoning Administrator for Assessor's Parcel Number 183-021-003-000 on January 29, 2009. The extension was granted subject to 3 additional conditions of approval which run with the land and subject to all the original conditions and mitigation measures contained in Resolution of Approval of the project (Resolution No. 060071). 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.		PD000 – NON STANDARD – ONGOING COMPLIANCE The owner must comply with the 23 conditions of approval and 2 mitigation measures of Use Permit – PLN060071 (Resolution Number 060071) approved January 25, 2007 with modification to the timing of condition 11 to require compliance prior to the issuance of building permits for the winery and not prior to issuance of all building permits. (RMA – Planning Department)	Adhere to the conditions as stated under PLN060071 and PLN080497.	Owner/ Applicant	Ongoing	