

## MONTEREY COUNTY ZONING ADMINISTRATOR

<b>Meeting:</b> September 8, 2011 Time: 1:30 p.m.	<b>Agenda Item No.:</b> 2
<b>Project Description:</b> Continued from August 25, 2011. Administrative Permit to allow a 2,500 square foot food service facility at the Hahn Family Winery (a.k.a Smith and Hook). The new structure will include a new 382 square foot kitchen plus walk-in refrigerator and service/storage and mechanical area, as well as a 1,071 square foot room for dining, tasting, meetings, with a wine tasting bar, and restrooms. Use of the facility is intended to allow culinary demonstrations, presentations, wine tasting and dining.	
<b>Project Location:</b> 37700 Foothill Road, Soledad	<b>APN's:</b> 418-341-050-000 and 418-341-045-000
<b>Planning File Number:</b> PLN100642	<b>Owner:</b> Smith and Hook (a.k.a Hahn Family Winery) <b>Agent:</b> Brian Foucht, BGF Planning Consultants
<b>Planning Area:</b> Central Salinas Valley Area Plan	<b>Flagged and staked:</b> No
<b>ZONING Designation:</b> : "F/40" [Farmland 40 acre minimum parcel size]	
<b>CEQA Action:</b> Categorically exempt pursuant to CEQA Guidelines Section 15303(c)	
<b>Department:</b> RMA - Planning Department	

### RECOMMENDATION:

Staff recommends that the Zoning Administrator adopt a resolution (**Exhibit C**) to:

- 1) Categorically exempt the project from environmental review pursuant to CEQA Guidelines Section 15303(c); and
- 2) Approve PLN100642, based on the findings and evidence and subject to the conditions of approval.

### PROJECT OVERVIEW:

The proposed 2,500 square foot demonstration culinary center building is intended to allow culinary demonstrations, presentations, food pairings, wine tasting and dining for industry and sales representatives. This project is located in the River Road segment of the Agricultural and Winery Corridor Plan (AWCP) of Monterey County's 2010 General Plan (GP). The project is considered an agriculturally related use within Zone 2C; and therefore, is not subject to providing findings and evidence that there is a Long Term Sustainable Water Supply (GP Policy PS-3.1.c).

The AWCP permits "food service facilities" in conjunction with a winery-related facility. The proposed culinary and wine tasting center is part of the direct marketing, sales and promotion of Hahn Family Winery (Smith and Hook), and the surrounding wine and food-growing region of Monterey County, and will contribute to the long-term viability of the existing agricultural use. Wineries are considered compatible with Williamson Act contract land where agricultural production (e.g. growing grapes) continues within the contracted properties. This facility would be incidental and related to the existing agricultural use and would be used to exhibit wines from the subject vintner.

The project was referred to the Agricultural Advisory Committee (AAC) on June 23, 2011 to consider if the proposed use was compatible with the Agricultural Preserve as the lands are under an Williamson Act, Farmlands Security Zone contract. The Committee unanimously recommended approval (9-0-4) and that the use is compatible.

This project was continued from August 25, 2011 to allow staff time to respond to comments letters (**Exhibit H**). A more detailed Discussion is provided in **Exhibit B**.

**OTHER AGENCY INVOLVEMENT:** The following agencies and departments reviewed this project:

- √ RMA - Public Works Department
- √ Environmental Health Bureau
- √ Water Resources Agency
- √ Mission Soledad Fire Protection District

Agencies that submitted comments are noted with a check mark ("√"). The RMA - Public Works Department Environmental Health Bureau, and Mission Soledad Fire Protection District have been incorporated into the Condition Compliance/Mitigation Monitoring and Reporting Plan attached as *Exhibit 1* to the draft resolution (**Exhibit C**).

The project was not referred to a Land Use Advisory Committee (LUAC) as there is no LUAC for the Central Salinas area.

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

*Wanda A. Hickman for*

Paula Bradley, MCP, AICP, Associate Planner  
(831) 755-5158, bradley@co.monterey.ca.us  
August 31, 2011

cc: Front Counter Copy; Zoning Administrator; Mission Soledad Fire Protection District; Public Works Department; Environmental Health Bureau; Water Resources Agency; Luis Osorio, Senior Planner; Paula Bradley, MCP, AICP, Associate Planner, Project Planner; Carol Allen, Senior Secretary; Smith and Hook/c/o KVL Holdings, Inc., Owner; Brian Foucht, BGF Planning Consultants, Agent; Molly Erickson, Law Offices of Michael L. Stamp; Planning File PLN100642

Attachments:	Exhibit A	Project Data Sheet
	Exhibit B	Project Discussion
	Exhibit C	Draft Resolution, including: 1. Conditions of Approval 2. Site Plan, Floor Plan and Elevations, Preliminary Grading Plan, and Slope Map
	Exhibit D	Vicinity Map, Parcel Map
	Exhibit E	Agricultural Advisory Committee Minutes, dated June 17, 2011
	Exhibit F	Applicant's Project Description, dated June 9, 2011
	Exhibit G	Correspondence
	Exhibit H	Staff memo to ZA, dated 8/29/2011

This report was reviewed by Luis Osorio, Senior Planner

**Exhibit A**  
**Project Information for SMITH & HOOK WINERY (File PLN100642)**

<b>Project Title:</b> SMITH & HOOK WINERY	<b>Primary APN:</b> 418-341-050-000 & 418-341-045-000
<b>Location:</b> 37700 Foothill Rd, Greenfield	<b>Coastal Zone:</b> No
<b>Applicable Plan:</b>	<b>Zoning:</b> F/40
<b>Permit Type:</b> Administrative Permit	<b>Plan Designation:</b> F/40
<b>Environmental Status:</b> Exempt 15303(c)	<b>Final Action Deadline:</b> 9/06/2011
<b>Advisory Committee:</b> Agricultural Advisory Committee	

**Project Site Data:**

<b>Lot Size:</b> 246 acres	<b>Coverage Allowed:</b> 5%
<b>Homeland Envelope:</b> NA	<b>Coverage Proposed:</b> <1%
<b>Existing Structures (sf):</b> 55,495	<b>Height Allowed:</b> 35'
<b>Proposed Structures (sf):</b> 2,500 sf	<b>Height Proposed:</b> 20 ft
<b>Total Square Feet:</b> 57,995 sf	<b>FAR Allowed:</b> NA
	<b>FAR Proposed:</b> NA

**Resource Zones and Reports**

<b>Environmentally Sensitive Habitat:</b> No	<b>Erosion Hazard Zone:</b>
<b>Botanical Report #:</b> LIB110191	<b>Soils/Geo. Report #:</b> NA
<b>Forest Mgt. Report #:</b> NA	<b>Geologic Hazard Zone:</b> Terrace Deposits
	<b>Geologic Report #:</b> NA
<b>Archaeological Sensitivity Zone:</b> MODERATE	<b>Traffic Report #:</b> LIB100642
<b>Archaeological Report #:</b> NA	
<b>Fire Hazard Zone:</b> VERY HIGH	

**Other Information:**

<b>Water Source:</b> Private well	<b>Sewage Disposal (method):</b> septic
<b>Water District/Company:</b> NA	<b>Sewer District Name:</b> NA
<b>Fire District:</b> Mission Soledad Fire Prev. District	<b>Grading (cubic yds):</b> 100 (50 cy cut, 50 cy fill) balanced on site
<b>Tree Removal (Count/Type):</b> NA	

## **EXHIBIT B DISCUSSION**

Proposed is a one-story 2,500 square foot demonstration culinary center building with wine tasting. The new structure will include a new 382 square foot chef's kitchen plus walk-in refrigerator and service/storage and mechanical area, as well as a 1,071 square foot room for dining, tasting, meetings, with a wine tasting bar, and restrooms. Use of the facility is intended to allow culinary demonstrations, presentations, wine tasting and dining for industry and sales representatives, and it is not a commercial restaurant open to the public. Grading is approximately 100 cubic yards cut and fill balanced on site. The location is off Foothill Road approximately 6 west miles of Soledad and State Highway 101. The site is accessed by a 1.3 mile private driveway from Foothill Boulevard. The two properties total 246 acres and the Hahn Family Wines vineyards include 900 acres and approximately 835,000 vines. This estate vineyard has 253 acres, with approximately 235,000 vines. Existing on the site is a complex of buildings totaling approximately 55,495 square feet, including a winery (agricultural processing plant), associated storage buildings and tanks, workshops, a tasting room, manager's residence, and other associated structures.

Operation and Traffic: The operation currently includes a total of 22 existing employees and the new facility will add two employees. Hours will be 10 a.m. to 2 p.m., four times per week, during non-peak traffic hours. The facility will not be open to the public. Events will typically be chef's dinners for food and wine pairings and tasting for up to ten wine distribution and industry sales representatives. Attendees will be encouraged to carpool and it is estimated there will be three vehicles per event. There will be infrequent larger events including up to 20 people. For larger events participants will arrive by van or small buses (8 to 15 person capacity), the same number of vehicle trips as for smaller events. The use is further described in the applicant's project description, attached as Exhibit F, which will serve as a Development Agreement.

Traffic Study Circulation Policy C-1.8, of the 2010 General Plan requires the County to develop a County Traffic Impact fee. The County has not yet established the traffic impact fee and until the adoption of the fees, a traffic study is required to determine the project's fair share of traffic impact fees. A traffic study was required for the project to comply with the policy until the adoption of the fees, to determine the fair share of traffic impact fees. The study was reviewed by the Public Works Department which determined that the recommended fees are required as a condition of approval. The traffic study includes project trip generation, traffic operations on Foothill Road and site access and fulfills the policy requirements. According to the study, the project will generate approximately ten trips per event and its implementation will not cause Foothill Road to degrade to lower levels of service (currently Level Of Service A) nor would it cause a significant addition to the daily traffic volumes.

Parking:

A total of 46 spaces are currently provided in close proximity to the new facility and additional unmarked parking spaces are located on the site. The area with unmarked spaces will be improved with paving and striping and has an existing storm drainage system for water runoff. Two new parking spaces will be provided including one additional handicapped – accessible space in compliance with ADA, and one parking space adjacent to the new building. A new one-way driveway off the main access road will provide access the new facility and will be surfaced with decomposed granite. The project complies with the applicable parking requirements.



*Aerial picture showing winery buildings complex, driveway from Foothill Road from the northeast, and location of the proposed culinary center*

#### General Plan Consistency:

Water Use: The proposed development is related to existing vineyard and wine-tasting uses and is within Zone 2C of the Salinas Valley groundwater basin. General Plan Policy PS 3.1 requires proof of long term water supply for certain projects. It exempts development related to agricultural land uses within Zone 2C of the Salinas Valley groundwater basin. The project has an adequate long-term water supply by a private well, and is an agricultural use in Zone 2C.

The existing agricultural uses on the property use an average of approximately 289 acre feet per year according to records for the last three reporting years. The estimated water use for the kitchen, dining and wine tasting facility was calculated using a Monterey Peninsula Water Management District (MPWMD) water demand figure of 0.00053 acre feet per square foot per year (Rule 24, Table 2 - Meeting Room). This calculation assumes regular use at maximum occupancy with an associated kitchen. The kitchen and banquet room combined are 1,453 square feet. Using the MPWMD Rule, this space would utilize 0.77 acre feet of water per year. At that rate, the total property water use would increase by 0.27%. The project will provide dining facilities four times per week for up to ten people and water use would be less than one half of a percent increase (worst case scenario). The present water system serving the uses on the property is regulated by Monterey County Drinking Water Services and is registered as a nontransient noncommunity water system (Foothill Water System #1). This project does not change the designation of this water system.

#### Agricultural Element

The project is consistent with 2010 General Plan Goal AG-4 which addresses the County's support and policies to promote the continuation and economic viability of the agricultural industry. The proposed use is the construction of a dining/wine tasting facility to market estate produced-wine and locally produced agricultural products which will enhance the long-term agricultural use of the land.

### Agricultural and Winery Corridor Plan

The project is within the Agricultural and Winery Corridor Plan (AWCP) River Road segment off Foothill Road. Agricultural Winery Corridor Plan, Sections 3.3 & 3.4, allow the proposed use: wine tasting facilities, and food service facilities, with a ministerial permit (AWCP Sections 3.3 A and B). However, an Administrative Permit was required as the use is not located within the same structure as the existing wine tasting facility. It is a second wine tasting facility with no more than 1,500 square feet of kitchen and dining area, separate from other winery structures on the site. AWCP Sections 3.5 and 3.7 address Development Standards and Design Criteria. The project is consistent with the Development Standards. The architecture is different from the structures on the site, but it is a small scale structure and it will blend in with the natural topography and structures. Colors are neutral tones natural wood and non reflective roofing and glazing materials.

### Visual Sensitivity

The property is not designated by the Zoning Ordinance as Visually Sensitive; however, it is designated as "Visually Sensitive" according to the 2010 General Plan (Monterey County Scenic Highway Corridors and Visual Sensitivity, Figure 13). After the site-inspection, staff determined that flagging was not required as the structure will not be visible from a common public viewing area such as Foothill Road. The structure is sited into the sloped topography (below an existing ranch road cut) to minimize its visibility. The height is only 21 feet where 35 feet are allowed, and the structure is substantially smaller than other structures on the site. Colors are a neutral beige color exterior plaster, natural wood decks, and the roof will be a non-reflective galvanized standing seam type metal, that will age to a dark color patina. A condition of approval requires a low-reflective glazing. The new building will not create a substantially adverse visual impact when viewed from a public common viewing area.

### Williamson Act

The property is under Williamson Act contract (Farmland Security Zone FSZ No. 2004-006). Under the Williamson Act, the property is restricted to commercial agricultural production of food or fiber and compatible uses. The applicant intends to use the proposed culinary and wine tasting facility as a component of the wine making operation, specifically for on-site marketing and promotional activities. The proposed building would be part of the winery complex of buildings and is designed to support the agricultural (vineyards and wine-making) use of the property.

Monterey County Board of Supervisors has adopted a list of Land Conservation Contract Compatible Uses which includes "Structures necessary and incidental to the agricultural uses of the land." While, wineries, wine tasting rooms, and related uses are not specifically included in the Monterey County list of Land Conservation Contract Compatible Uses, the proposed culinary and wine tasting center is part of an existing wine-making facility, and the surrounding wine and food-growing region of Monterey County. No vineyard removal or decrease in productive land is proposed as part of the project. The use is not open to the public and is limited to the marketing of agricultural products grown on the estate and of local agricultural products by providing food pairing and wine tasting to industry and sales representatives to promote the agricultural use of the land under the Williamson Act contract. The Agricultural Advisory Committee unanimously recommended approval of the project without any specific conditions and that the use is compatible with the Williamson Act.

### Conclusion

The project is consistent with the General Plan, Area plan, Agricultural and Winery Corridor Plan goals and the Zoning Code. The proposed structure is incidental and related to the agricultural use of the land and is considered compatible with Williamson Act contract. The proposed culinary and wine tasting center is part of the direct marketing, sales and promotion of Hahn Family Wines, and the surrounding wine and food-growing region of Monterey County, and will contribute to the long-term viability of the agricultural use.

**EXHIBIT C  
DRAFT RESOLUTION**

**Before the ZONING ADMINISTRATOR in and for the  
County of Monterey, State of California**

In the matter of the application of:  
Smith and Hook Winery (PLN100642)

**RESOLUTION NO. ----**

Resolution by the Monterey County Zoning  
Administrator:

- 1) Categorically exempting the project from environmental review pursuant to CEQA Guidelines Section 15303(c); and
- 2) Approving an Administrative Permit to allow a 2,500 square foot "food service facility." The new structure will include a new 382 square foot kitchen plus walk-in refrigerator and service/storage and mechanical area, as well as a 1,071 square foot room for dining, tasting, meetings, with a wine tasting bar, and restrooms. Use of the facility is intended to allow culinary demonstrations, presentations, wine tasting and dining.

[PLN100642, Smith and Hook c/o KVL Holdings, Inc., 37700 Foothill Road, Soledad Central Salinas Valley Area Plan (APN: APN'S 418-341-050-000 and 418-341-045-000)]

**The Administrative Permit application (PLN100642) came on for public hearing before the Monterey County Zoning Administrator on August 25 and September 8, 2011. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Zoning Administrator finds and decides as follows:**

**FINDINGS**

1. **FINDING:** **CONSISTENCY** – The Project, as conditioned, is consistent with the applicable plans and policies which designate this area as appropriate for development.

**EVIDENCE:** a) During the course of review of this application, the project has been reviewed for consistency with the text, policies, and regulations in:

- 2010 Monterey County General Plan;
- Central Salinas Valley Area Plan;
- Agricultural and Winery Corridor Plan;
- Monterey County Zoning Ordinance (Title 21).

No conflicts were found to exist. Communications received during the course of review of the project indicating any inconsistencies with the text, policies, and regulations in these documents have been addressed.

- b) The parcel is zoned "F/40", which is a district designated to preserve



and enhance the use of prime productive and unique farmlands and associated agricultural support facilities including wineries, while also providing opportunity to establish necessary and support facilities. The definition of "Winery" (Section 21.06.1400 of the Zoning Ordinance includes retail sales and tasting facilities of wine and related promotional items as part of winery operations.

Section 3.3.E of the Agricultural and Winery Corridor Plan allows "Food Service Facilities" subject to a ministerial permit. The applicant was informed by the County of the pending litigation concerning the General Plan, which specifically contests portions of the Agricultural and Winery Corridor Plan (AWCP) where the proposed project is located. The applicant expressed their desire to proceed with their application to a hearing, and have the right to request that the County process their application pursuant to the Permit Streamlining Act. Pursuant to Section 3.3 of the AWCP, Monterey County required an Administrative Permit and referred this matter to a public hearing with the Zoning Administrator because of known controversy with the pending General Plan litigation.

The site contains existing development of a wine processing facility, tasting room, and vineyard. This 2,500 square foot demonstration culinary center building would include wine tasting which would be a second wine tasting facility part of the winery complex, which is incidental, related and subordinate to the primary operation. The site may not contain more than 1,500 square feet of kitchen and dining area, cumulative, including any outdoor dining area.

The project is an allowed land use for this site.

- c) 2010 Monterey County General Plan: The project is consistent with the 2010 General Plan:

Policy No. LU-1.13 All exterior lighting shall be unobtrusive and constructed or located so that only the intended area is illuminated, long range visibility is reduced of the lighting source, and off-site glare is fully controlled.

A standard condition requires the approval of an exterior lighting plan. Exterior lighting is required to be downlit and shielded with no off-site glare, and only light the area intended. The proposed exterior lighting will be minimal including low-height pedestrian oriented for walkways and no free standing light poles. Activities are limited to daylight hours from 10 a.m. to 4 p.m. which will not require night-time lighting. A non-standard condition of approval requires that glazing shall be a low-e II or low-e III product to minimize reflectivity.

Policy No. AG-1.8. See *Finding 1f*.

Policy No. AG-4.1. The property is located within the area of the Agricultural and Winery Corridor Plan which allows uses associated with winery such as tasting and include marketing winery and local agricultural products. The culinary center and chef's dinners with wine tasting are for marketing wine from the subject vineyard as well as local agricultural products (e.g. beef, lettuce, broccoli, etc). As such, the project would contribute to the long-term viability of the existing

agricultural use.

Policy No. C-1.8. Neither the County Traffic Impact fee nor the AWCP traffic impact fee (Policy C-1.12) have been adopted. Therefore, a Traffic Impact Analysis (traffic study) was required to determine the fair share of traffic impact fees. The study was reviewed by the Public Works Department which determined that the recommended fees are appropriate. The applicant is required to pay their fair share fees as a condition of approval.

Policy No. C-1.11. A Regional Traffic Impact (TAMC) fee is required for the project as a standard condition of approval.

Policy No. C-3.6. Proof of access is required as part of any new development application. The 1.3-mile private driveway access to the Smith & Hook (Hahn) property includes access via a separate property to Foothill Road. Proof of access was required for the development permit and has been provided and is part of the project file.

Policy No. OS-1.2. The project will not create potential impacts to visual resources in the Salinas Valley. Design of the food service facility is subordinate to the natural features of the area.

Policy No. OS-3.1. An erosion control and drainage plan is required for the project as a standard condition of approval incorporating Best Management Practices (BMPs) to prevent erosion.

Policy No. PS-3.1. The proposed development is related to existing vineyard/winery use and is within Zone 2C of the Salinas Valley groundwater basin. Development for which a discretionary permit is required, and that will use or require the use of water, require specific findings and evidence, that there is a long-term, sustainable water supply, both in quality and quantity to serve the development. Policy PS-3.1 does not apply to development related to agricultural land uses within Zone 2C of the Salinas Valley groundwater basin (PS-3.1.c).

- d) Agricultural and Winery Corridor Plan (AWCP). The AWCP allows wine tasting facilities and food service facilities with a ministerial permit (AWCP Sections 3.3 A and B). However, an Administrative Permit was required because: 1) the use is located in a separate structure as the existing wine tasting facility, and 2) the facility would create a second wine tasting facility (more intensive than anticipated in the AWCP). There would be no more than 1,500 square feet of kitchen and dining area, separate from other winery structures on the site.

A biological study, according to the provisions of Section 3.3 of the AWCP, was completed. This study concluded that the facility would be located in a disturbed area that is not in a natural condition. The site is adjacent to the vineyards and landscaped areas and routinely kept free of weeds and brush. There are no sensitive species or other sensitive habitat on or close to the proposed project area.

The project is consistent with the Development Standards and Design Criteria (AWCP Sections 3.5 and 3.7). Architecture is different from other structures on the site, but it is small scale and it will blend in with the natural topography. Colors are neutral tones natural wood and non-reflective roofing and glazing materials. Lighting is minimal (walkway

lights) down lit and shielded, will only light the area intended to avoid off-site glare. No pole lighting is proposed. Parking exists on the site that is sufficient for existing and proposed facilities. Twenty-one parking spaces located in close proximity of the new facility will be surfaced with decomposed granite and striped. An ADA accessible parking space and one additional parking space will be added adjacent to the structure accessed by a new one-lane driveway.

- e) The property is designated as "Visually Sensitive" according to the 2010 General Plan (Monterey County Scenic Highway Corridors and Visual Sensitivity, Figure 13). Staff required staking of the proposed location and determined that it would not be visible from the nearest public road or adjacent properties. The 1-story (21 feet) structure would be built into the sloped topography (below an existing ranch road cut), to minimize visibility of the structure. Colors are a neutral beige color exterior plaster, natural wood decks, and the roof will be a non-reflective galvanized standing seam type metal, that will age to a dark color patina. A condition of approval requires a low-reflective glazing. The development will not create a substantially adverse visual impact when viewed from a public common viewing area.
- f) The parcel is located in a Williamson Act contract (Farmland Security Zone FSZ No. 2004-006). The applicant intends to use the proposed facility as a component of the agricultural wine making operation, specifically for on-site marketing and promotional activities. The proposed building would be part of the winery complex of buildings and is designed to support the agricultural (vineyards and wine-making) use of the property. This culinary and wine tasting center would be part of the direct marketing, sales and promotion of Hahn Family Wines and the surrounding wine and food-growing region of Monterey County and is considered incidental and related to the existing agricultural use of the land.

Properties under Williamson Act contract are restricted to commercial agricultural production of food or fiber and compatible uses pursuant to the Land Conservation Act (Williamson Act). Government Code Section 51238.1 "Principles of Compatibility" states that uses approved on contracted lands shall be consistent with all of the principles of compatibility listed below:

- (1) The use will not significantly compromise the long-term productive agricultural capability of the subject contracted parcel or parcels or on other contracted lands in agricultural preserves.
- (2) The use will not significantly displace or impair current or reasonably foreseeable agricultural operations on the subject contracted parcel or parcels or on other contracted lands in agricultural preserves.
- (3) The use will not result in the significant removal of adjacent contracted land from agricultural or open-space use.

The project will contribute to the continued utilization of the land by the property owners for commercial agricultural production through the marketing and promotion of agricultural products on the parcel and the local area. It will not result in a change in configuration of the land or

contract boundaries; remove or decrease productive land from agricultural use or a net loss of acreage currently under the contract (FSZ No. 2004-006) containing a total of 592.21 acres. The proposed project is consistent with the "Principles of Compatibility."

Board of Supervisor Resolutions 01-486, "Amending Procedure for the Creation of Farmland Security Zones and Contracts" sets forth, "The list of compatible uses approved by the Board within Farmland Security Zones...". Per Board Resolution No. 01-486, the County's list of approved compatible uses within Farmland Security Zones includes, at item 2. "Structures necessary and incidental to the agricultural uses of the land". While wineries, wine tasting rooms, and related uses are not specifically included in the Monterey County list of Land Conservation Contract Compatible Uses, consultation with the State Department of Conservation (DOC) has determined wineries and related uses to be compatible uses provided the use will not significantly compromise the long-term productive agricultural capability of the subject contracted parcel or parcels or on other contracted lands in agricultural preserves. The proposed use is considered necessary and incidental and related to the agricultural use of the land.

Resolution 09-357 sets for the Agricultural Advisory Committee's (AAC) Bylaws, including the Purpose of the AAC. Specific objectives of the AAC include, but not limited to, the following at Section 1. Creation and Purpose of the Committee:

- "E) Review the following types of development projects and make recommendations to the decision-making body
- 1) Projects on lands designated for agricultural use that require a discretionary permit;
  - 4) Projects affecting lands under Williamson Act contract, and
  - 5) Other projects that may support, enhance or otherwise affect the agricultural industry."

The project was referred to the Agricultural Advisory Committee (AAC) on June 23, 2011 to consider if the proposed use is compatible with the agricultural uses of the property as required by the Williamson Act (Agricultural Preserve Contract, FSZ No. 2004-006). Wineries are considered compatible with Williamson Act contract land where agricultural production (e.g. growing grapes) continues within the contracted properties. This facility would be incidental and related to the existing agricultural use and would be used to exhibit wines from the subject vintner. AAC unanimously (9-0-4) found that the proposed use is compatible with the list of compatible uses adopted by the Board of Supervisors (Resolution 01-486). No further action is required regarding a Williamson Act compatibility determination.

- g) The project was not referred to a LUAC as there is no LUAC for the area.
- h) 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 PLN100642.

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 Bureau, 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) Technical reports by outside consultants indicated that there are no physical or environmental constraints that would indicate that the site is not suitable for the use proposed. County staff independently reviewed these reports and concurs with their conclusions. The following reports have been prepared:
    - “Biological Assessment for the Hahn Family Wines Culinary Center” (LIB#110191), prepared by Ed Mercurio, Biological Consultant, Salinas CA, February 11, 2011. A biological study was completed and it was concluded that the area is a disturbed area not in a natural condition. The site is located adjacent to the vineyards and landscaped areas that are routinely kept free of weeds and brush and is used for agricultural equipment. There are no sensitive species or other sensitive habitat on or close to the proposed project area.
    - “Traffic Study for the Hahn Family Wines Culinary Center” (LIB#100642), prepared by Hexagon Transportation Consultants, Inc., Gilroy CA, July 01, 2011. A traffic study was completed for the project that includes project trip generation, traffic operations on Foothill Road and site access fulfills the General Plan goals and policy requirements. The traffic report prepared for the project indicates that Foothill Road would continue to operate in a LOS A. Implementation of the project will not cause Foothill Road to degrade to lower levels of service (currently Level of Service A) nor would it cause a significant addition to the daily traffic volumes. The project has sufficient parking and will have a less than significant impact on the roads.
  - c) Staff conducted a site inspection on January 19, 2011 to verify that the site is suitable for this use.
  - d) 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 PLN100642.

3. **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 was reviewed by Mission Soledad Fire Protection District, Public Works, Environmental Health Bureau, and Water Resources

Agency. The respective departments/agencies have recommended conditions, where appropriate, to ensure that the project will not have an adverse effect on the health, safety, and welfare of persons either residing or working in the neighborhood.

- b) Necessary public facilities are available. Water is provided by two private wells and wastewater is provided by a septic system on the site. The Environmental Health Bureau determined that adequate area exists require the site current waste water system is adequate for the new use and will require review of the waste water system design as a standard condition of approval. The project will utilize the existing utility connections for power, gas, phone, and cable.
- c) Preceding findings and supporting evidence for PLN100642.

4. **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.

- EVIDENCE:**
- a) Staff reviewed Monterey County RMA - Planning Department and Building Services Department records and is not aware of any violations existing on subject property.
  - b) Staff conducted a site inspection on January 19, 2011 and researched County records to assess if any violation exists on the subject property.
  - c) There are no known violations on the subject parcel.
  - d) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN100642.

5. **FINDING:** **CEQA (Exempt):** - The project is categorically exempt from environmental review and no unusual circumstances were identified to exist for the proposed project.

- EVIDENCE:**
- a) California Environmental Quality Act (CEQA) Guidelines Section 15303(c) categorically exempts new construction or conversion of small structures not involving the use of significant amounts of hazardous substances and not exceeding 2,500 square feet in floor area.
  - b) CEQA Guidelines Section 15300.2 lists exceptions to categorical exemptions. None of the exceptions can be made because the project will not impact an environmental resource of hazardous or critical concern; the grading and construction of a 2,500 square foot structure, access driveway and associated drainage systems will not create a cumulative impact; the project does not have any unusual circumstance; the project will not result in the damage of a scenic resource; the subject property is not a hazardous waste site; nor is there a structure to be removed designated as a historical resource. The project is an agriculturally related use, which is an allowed land use for this site, it is compatible with the uses and density of the surrounding area, and is consistent with the land use plans and policies.
  - c) The proposed project is a 2,500 square foot structure located within a complex of other agricultural processing plant/winery structures. A biological study was completed as required by the General Plan AWCP Section 3.3 and it was concluded that the area is a disturbed area not in a natural condition and adjacent to the vineyards and landscaped areas

and routinely kept free of weeds and brush and is the site utilized for agricultural equipment for the vineyards. No biological issues or protected plant vegetation were identified on the subject property. There are no sensitive species or other sensitive habitat on or close to the proposed project area.

- d) A traffic study was completed for the project that includes project trip generation, traffic operations on Foothill Road and site access. The project has sufficient parking and will have a less than significant impact on the roads. Implementation of the project will not cause Foothill Road to degrade to lower Levels of Service (currently LOS A) nor would it cause a significant addition to the daily traffic volumes. Therefore, traffic impacts generated by this project, approximately ten annual average daily trips will have a less than significant impact on the roads.
- e) The proposed development is related to existing vineyard/winery use and is within Zone 2C of the Salinas Valley groundwater basin. The agricultural property uses approximately 289 acre feet per year average over the last three reporting years. The estimated water use for the kitchen, dining and wine tasting facility was calculated using a Monterey Peninsula Water Management District (MPWMD) water demand figure of 0.00053 acre feet per square foot per year (Rule 24, Table 2 - Meeting Room) which assumes regular use at maximum occupancy with an associated kitchen. The kitchen and banquet room combined are 1,453 square feet. Using the MPWMD figure, this space would utilize 0.77 acre feet of water per year. At that rate, the total property water use would increase by 0.27%. However, the proposed use of the facility will only be six to 10 people three to four times per week. Water supply is provided by a private wells located in Zone 2C. The present water system serving the uses on the property is regulated by Monterey County Drinking Water Services and is registered as a non-transient non-community water system (Foothill Water System #1).
- f) No adverse environmental effects were identified during staff review of the development application and during a site visit on January 19, 2011. The proposed project is Categorical Exempt from environmental review pursuant to Section 15303 of CEQA (Class 3).
- g) See preceding and following findings and supporting evidence.

6. **FINDING:** **APPEALABILITY** - The decision on this project may be appealed to the Planning Commission.

**EVIDENCE:** a) Section 21.80.040.B Monterey County Zoning Ordinance.

### DECISION

**NOW, THEREFORE**, based on the above findings and evidence, the Zoning Administrator does hereby:

- A. Categorical exempt the project from environmental review pursuant to CEQA Guidelines Section 15303, and
- B. Approve an Administrative Permit to allow a 2,500 square foot "food service facility". The new structure will include a new 382 square foot kitchen plus walk-in refrigerator and service/storage and mechanical area, as well as a 1,071 square foot room for dining, tasting, meetings, with a wine tasting bar, and restrooms. Use of the

facility is intended to allow culinary demonstrations, presentations, wine tasting and dining, in general conformance with the attached sketch (**Exhibit 2**) and subject to the conditions (**Exhibit 1**), both exhibits being attached hereto and incorporated herein by reference.

\_\_\_\_\_  
Jacqueline Onciano, Zoning Administrator

COPY OF THIS DECISION MAILED TO APPLICANT ON \_\_\_\_\_.

THIS APPLICATION IS APPEALABLE TO THE BOARD OF SUPERVISORS.

IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE CLERK OF THE BOARD ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE \_\_\_\_\_.

This decision, if this is the final administrative decision, is subject to judicial review pursuant to California Code of Civil Procedure Sections 1094.5 and 1094.6. Any Petition for Writ of Mandate must be filed with the Court no later than the 90th day following the date on which this decision becomes final.

#### NOTES

1. You will need a building permit and must comply with the Monterey County Building Ordinance in every respect.

Additionally, the Zoning Ordinance provides that no building permit shall be issued, nor any use conducted, otherwise than in accordance with the conditions and terms of the permit granted or until ten days after the mailing of notice of the granting of the permit by the appropriate authority, or after granting of the permit by the Board of Supervisors in the event of appeal.

Do not start any construction or occupy any building until you have obtained the necessary permits and use clearances from the Monterey County Planning Department and Building Services Department office in Salinas.

2. This permit expires 3 years after the above date of granting thereof unless construction or use is started within this period.

Form Rev. 03-28-2011



# Monterey County Planning Department

## DRAFT Conditions of Approval/Mitigation Monitoring Reporting Plan

PLN100642

Conditions of Approval and/or Mitigation Monitoring Measures	Responsible Department	Compliance or Monitoring Actions to be Performed
<p><b>1. PD001 - SPECIFIC USES ONLY</b></p> <p>This Administrative Permit to allow a 2,500 square foot demonstration culinary center building with wine tasting. The new structure will include a new 382 square foot kitchen plus walk-in refrigerator and service/storage and mechanical area, as well as a 1,071 square foot room for dining, tasting, meetings, with a wine tasting bar, and restrooms. Use of the facility is intended to allow culinary demonstrations, presentations, wine tasting and dining. The property (Hahn Family Winery) is located at 37700 Foothill Road, Soledad (Assessor's Parcel Numbers 418-341-045-000 &amp; 418-341-050-000), Central Salinas Valley Area Plan, was approved in accordance with County ordinances and land use regulations subject to the terms and conditions described in the project file. 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 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)</p>	Planning	The Owner/Applicant shall adhere to conditions and uses specified in the permit on an ongoing basis unless otherwise stated.
<p><b>2. PD002 - NOTICE PERMIT APPROVAL</b></p> <p>The applicant shall record a notice which states: "A permit (Resolution _____) was approved by the Zoning Administrator for Assessor's Parcel Numbers 418-341-050-000 and 418-341-045-000 on August 25, 2011. The permit was granted subject to 20 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)</p>	Planning	Prior to the issuance of grading and building permits or commencement of use, the Owner/Applicant shall provide proof of recordation of this notice to the RMA - Planning Department.
<p><b>3. PD003(A) - CULTURAL RESOURCES NEGATIVE ARCHAEOLOGICAL REPORT</b></p>		

**Conditions of Approval and/or Mitigation Monitoring Measures**

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 and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for recovery. (RMA - Planning Department)

The Owner/Applicant shall adhere to this condition on an on-going basis. 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.

**4. PD004 - INDEMNIFICATION AGREEMENT**

The property owner agrees as a condition and in consideration of 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 and 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 County may be required by a court to pay as a result of such action. The 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 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)

Upon demand of County Counsel or concurrent with the issuance of building permits, use of the property, recording of the final/parcel map, whichever occurs first and as applicable, the Owner/Applicant shall submit a 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.

**5. 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)

The Owner/Applicant, on an on-going basis, shall obtain authorization from the Director of RMA - Building Services Department to conduct land clearing or grading between October 15 and April 15.

**6. PD010 - EROSION CONTROL PLAN**

Conditions of Approval and/or Mitigation Monitoring Measures	Responsible Department	Compliance or Monitoring Actions to be Performed
<p>The approved development shall incorporate the recommendations of the Erosion Control Plan as reviewed by the Director of RMA - Planning and 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 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)</p>	<p>Planning</p>	<p>Prior to the issuance of grading and building permits, the Owner/Applicant shall submit an Erosion Control Plan to the RMA - Planning Department and the RMA - Building Services Department for review and approval.</p> <p>The Owner/Applicant, on an on-going basis, shall 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.</p>
<p><b>7. PD012(G) - LANDSCAPE PLAN &amp; MAINTENANCE (OTHER)</b></p> <p>The site shall be landscaped. Prior to the issuance of building permits, 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)</p>	<p>Planning</p>	<p>Prior to issuance of building permits, the Owner/Applicant/Licensed Landscape Contractor/Licensed Landscape Architect shall submit landscape plans and contractor's estimate to the RMA - Planning Department for review and approval. Landscaping plans shall include the recommendations from the Forest Management Plan or Biological Survey as applicable. All landscape plans shall be signed and stamped by licensed professional under the following statement, "I certify that this landscaping and irrigation plan complies with all Monterey County landscaping requirements including use of native, drought-tolerant, non-invasive species; limited turf; and low-flow, water conserving irrigation fixtures."</p> <p>Prior to occupancy, the Owner/Applicant/Licensed Landscape Contractor/Licensed Landscape Architect shall ensure that the landscaping shall be installed and inspected.</p> <p>On an on-going basis, all landscaped areas and fences shall be continuously maintained by the Owner/Applicant; all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition.</p>
<p><b>8. PDSP001 GLAZING TO MINIMIZE REFLECTIVITY NON-STANDARD</b></p>		

Conditions of Approval and/or Mitigation Monitoring Measures	Responsible Department	Compliance or Monitoring Actions to be Performed
<p>Glazing shall be a low-e II or low-e III product to minimize reflectivity. The applicant or owner shall submit specifications of glazing type to the RMA - Planning Department for review and approval, prior to the issuance of building permits. (RMA - Planning Department)</p>	<p>Planning</p>	<p>The applicant or owner shall submit specifications of glazing type to the RMA - Planning Department for review and approval, prior to the issuance of building permits.</p>
<p><b>9. PDSP002 GENERAL DEVELOPMENT PLAN NON-STANDARD</b>  The use shall be in conformance with the applicant's project description dated June 9, 2011, as incorporated as the Development Agreement, and attached as an Exhibit. RMA - Planning Department</p>	<p>Planning</p>	<p>The use shall be in conformance with the applicant's project description dated June 9, 2011 incorporated as the Development Agreement.</p>
<p><b>10. FIRE001 - ROAD ACCESS</b>  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. (Mission Soledad Rural Fire District)</p>	<p>Fire</p>	<p>1. Prior to issuance of grading and/or building permit, the applicant or owner shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.  2. Prior to final building inspection, the applicant or owner shall schedule fire department clearance inspection for each phase of development</p>
<p><b>11. FIRE008 - GATES</b>  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 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. (Mission Soledad Rural Fire District)</p>	<p>Fire</p>	<p>1. Prior to issuance of grading and/or building permit, the applicant or owner shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.  2. Prior to final building inspection, the applicant or owner shall schedule fire dept. clearance inspection.</p>
<p><b>12. FIRE011 - ADDRESSES FOR BUILDINGS</b></p>		

**Conditions of Approval and/or Mitigation Monitoring Measures**

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 visible and legible 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. (Mission Soledad Rural Fire District)

**13. FIRE012 - EMERGENCY WATER STANDARDS - WATER SYSTEMS**

The provisions of this condition shall apply when new parcels are approved by a local jurisdiction. The emergency water system shall be available on-site prior to the completion of road construction, where a community water system is approved, or prior to the completion of building construction, where an individual system is approved. Approved water systems shall be installed and made serviceable prior to the time of construction. Water systems constructed, extended or modified to serve a new development, a change of use, or an intensification of use, shall be designed to meet, in addition to average daily demand, the standards shown in Table 2 of the Monterey County General Plan, NFPA Standard 1142, or other adopted standards. The quantity of water required pursuant to this chapter shall be in addition to the domestic demand and shall be permanently and immediately available. (Mission Soledad Rural Fire District)

**14. FIRE015 - FIRE HYDRANTS/FIRE VALVES**

**Responsible Department**

Fire

**Compliance or Monitoring Actions to be Performed**

1. Prior to issuance of building permit, the applicant or owner shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.
2. Prior to final building inspection, the applicant or owner shall schedule fire dept. clearance inspection.

Fire

1. Prior to issuance of permit, the applicant or owner shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.
2. Prior to final building inspection, the applicant or owner shall schedule fire dept. clearance inspection for each phase of development.

**Compliance or Monitoring  
Actions to be Performed**

**Responsible  
Department**

**Conditions of Approval and/or Mitigation Monitoring Measures**

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-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. (Mission Soledad Rural Fire District)

1. Prior to issuance of grading and/or building permit, the applicant or owner shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.
2. Prior to final building inspection, the applicant or owner shall schedule fire dept. clearance inspection.

Fire

**15. FIRE020 - DEFENSIBLE SPACE REQUIREMENTS (HAZARDOUS CONDITIONS)**

Remove combustible vegetation from within a minimum of 100 feet of structures. Limb trees 6 feet up from ground. Remove limbs within 10 feet of chimneys. Additional fire protection or firebreaks approved by the Reviewing 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. (Mission Soledad Rural Fire District)

Fire

1. Prior to issuance of grading and/or building permit, the applicant or owner shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.
2. Prior to final building inspection, the applicant or owner shall schedule fire dept. clearance inspection.

**16. EHSP01 - CALIFORNIA RETAIL FOOD CODE**

All improvements shall comply with the California Health and Safety Code, Division 104, Part 7, California Retail Food Code. (Environmental Health)

Env Health

Prior to issuance of building permits submit plans and necessary review fees to Consumer Health Protection Services of the Environmental Health Bureau for review and approval.

**17. FIRE022 - FIRE PROTECTION EQUIPMENT & SYSTEMS - FIRE SPRINKLER SYSTEM - (HAZ)**  
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 issuance of a building permit. A rough sprinkler inspection must be scheduled by the installing contractor completed prior to requesting a framing inspection. Due to substandard access, or other mitigating factors, small bathroom(s) and open attached porches, carports, and similar structures shall be protected with fire sprinklers. The cooking hood(s) shall have an automatic fire extinguishing system installed to U.L. 300 standards prior to putting the cooking appliances in service. (Mission Soledad Rural Fire District)

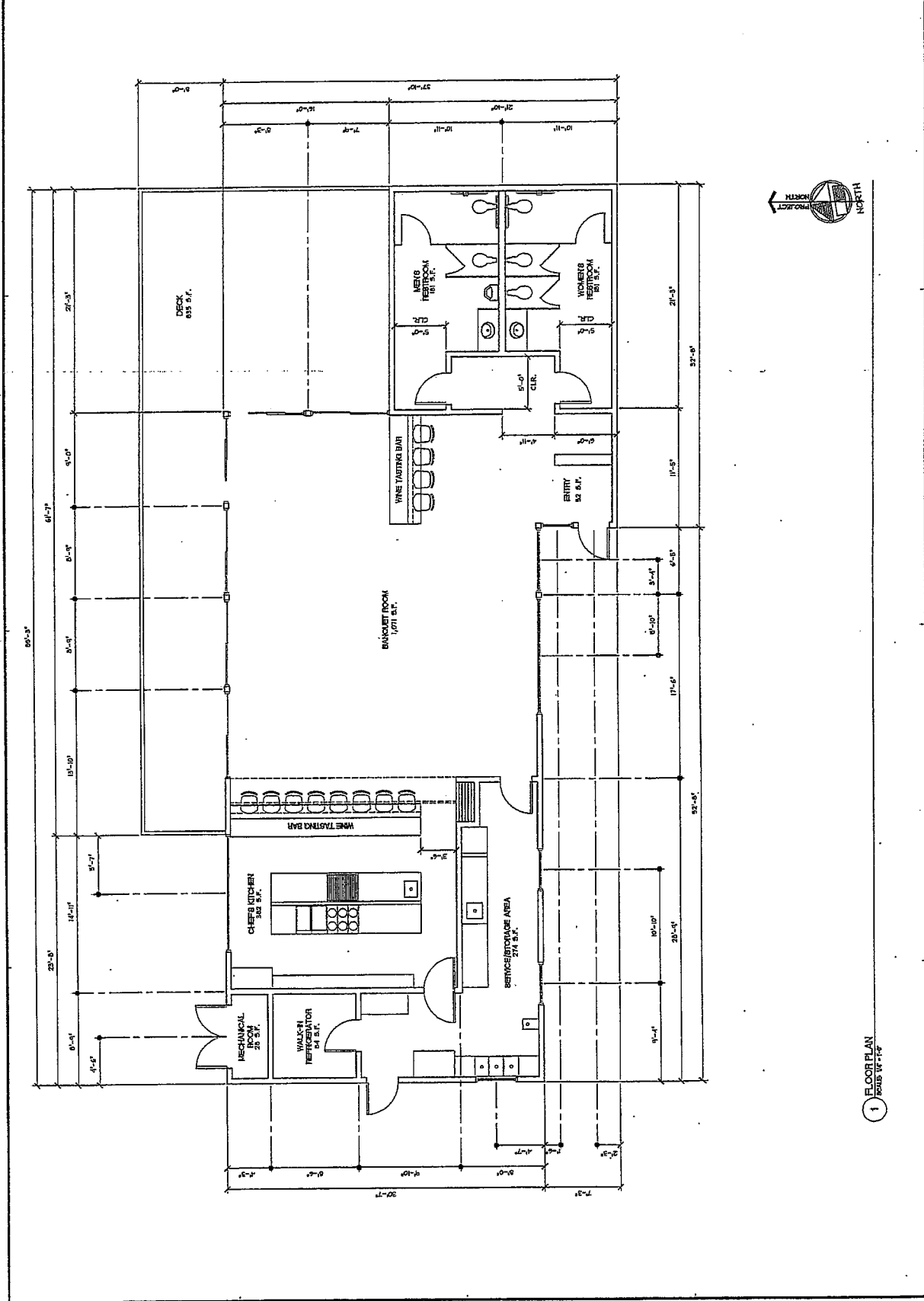
Fire

1. Prior to issuance of building permit, the applicant or owner shall enumerate as "Fire Dept. Notes" on plans.
2. Prior to framing inspection, the applicant or owner shall schedule fire dept. rough sprinkler inspection.
3. Prior to final building inspection, the applicant or owner shall schedule fire dept. final sprinkler inspection.

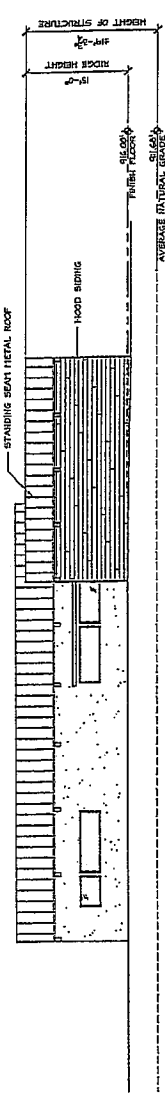
Conditions of Approval and/or Mitigation Monitoring Measures	Responsible Department	Compliance or Monitoring Actions to be Performed
<p><b>18. FIRE023 - FIRE ALARM SYSTEM - (COMMERCIAL)</b>  The building(s) shall be fully protected with an approved central station, proprietary station, or remote station 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. The hood and duct extinguishing system(s) is to be connected to the fire alarm system. (Mission Soledad Rural Fire District)</p>	Fire	<ol style="list-style-type: none"> <li>1. Prior to issuance of building permit, the applicant or owner shall enumerate as "Fire Dept. Notes" on plans.</li> <li>2. Prior to rough sprinkler or framing inspection, the applicant or owner shall submit fire alarm plans and obtain approval.</li> <li>3. Prior to final building inspection, the applicant or owner shall schedule fire alarm system acceptance test.</li> </ol>
<p><b>19. EHSP02 - ONSITE WASTEWATER TREATMENT SYSTEM DESIGN</b>  Environmental Health has determined that adequate area exists for onsite wastewater disposal for the proposed development. Submit onsite wastewater treatment system plans for review and approval indicating the location, design layout and size specifications that meets standards found in Monterey County Code Chapter 15.20, Sewage Disposal Ordinance, and the Central Coast Basin Plan, Regional Water Quality Control Board. (Environmental Health)</p>	Env Health	<p>Prior to issuance of building permits submit onsite wastewater treatment system design plans for review and approval by the Environmental Health Bureau. Applicant shall obtain a permit to install the onsite wastewater treatment system from Environmental Health.</p>
<p><b>20. PW0043 - REGIONAL DEVELOPMENT IMPACT FEE</b>  Prior to issuance of building permits, applicant shall pay the Regional Development Impact Fee (RDIF) pursuant to Monterey Code Chapter 12.90. The fee amount shall be determined based on the parameters adopted in the current fee schedule. (Public Works)</p>	Pub Works	<p>Prior to issuance of Building Permits Owner/Applicant shall pay Monterey County Building Services Department the traffic mitigation fee.</p>



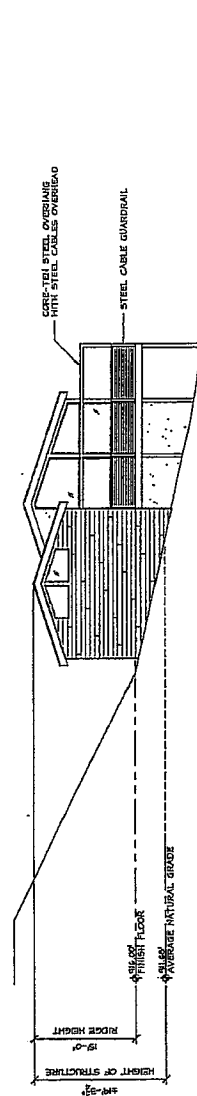




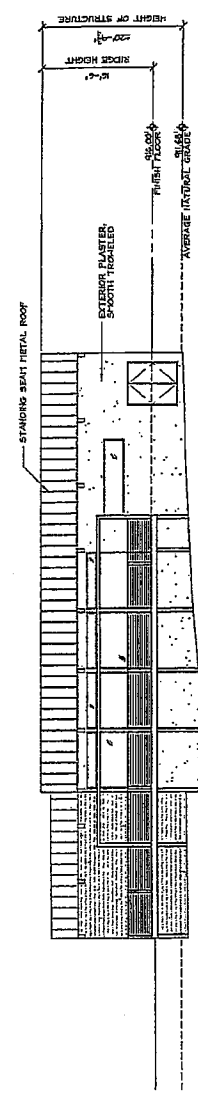
**1 FLOOR PLAN**  
 10048 10-14-07



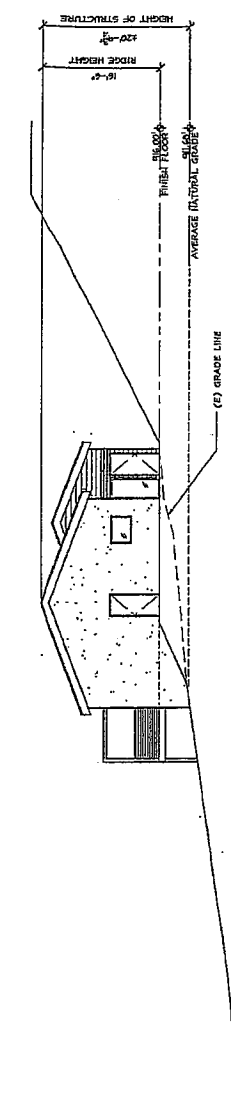
1 SOUTH ELEVATION  
SCALE 1/4" = 1'-0"



2 EAST ELEVATION  
SCALE 1/4" = 1'-0"



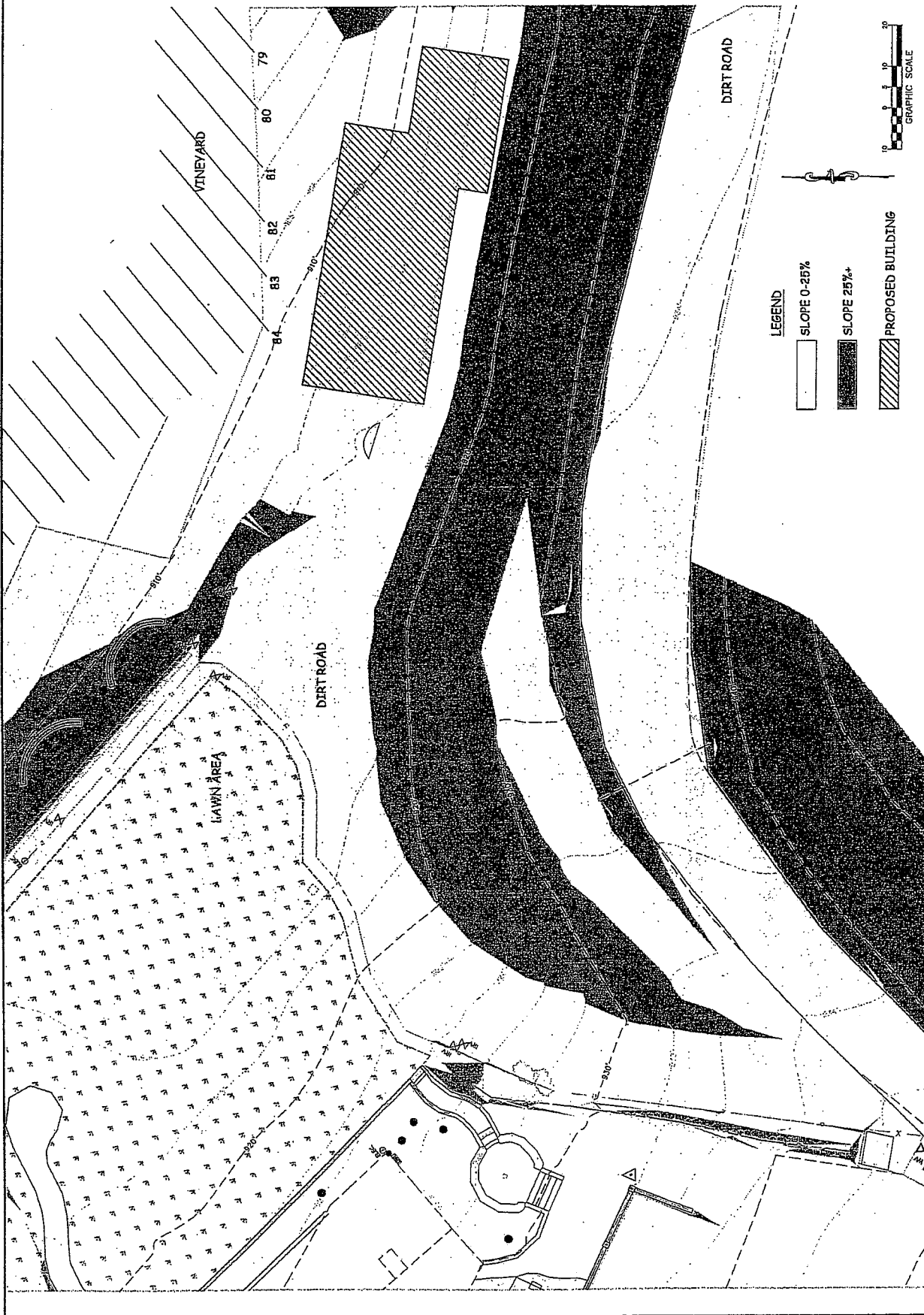
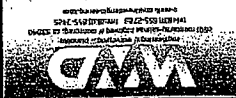
3 SOUTH ELEVATION  
SCALE 1/4" = 1'-0"






4 WEST ELEVATION  
SCALE 1/4" = 1'-0"



DESIGNED BY: JER  
CHECKED BY: JER  
DATE: 4-25-11  
SCALE: AS NOTED  
JOB NUMBER: 11-011  
LAST REVISION: XXX  
REVISED BY: JOC

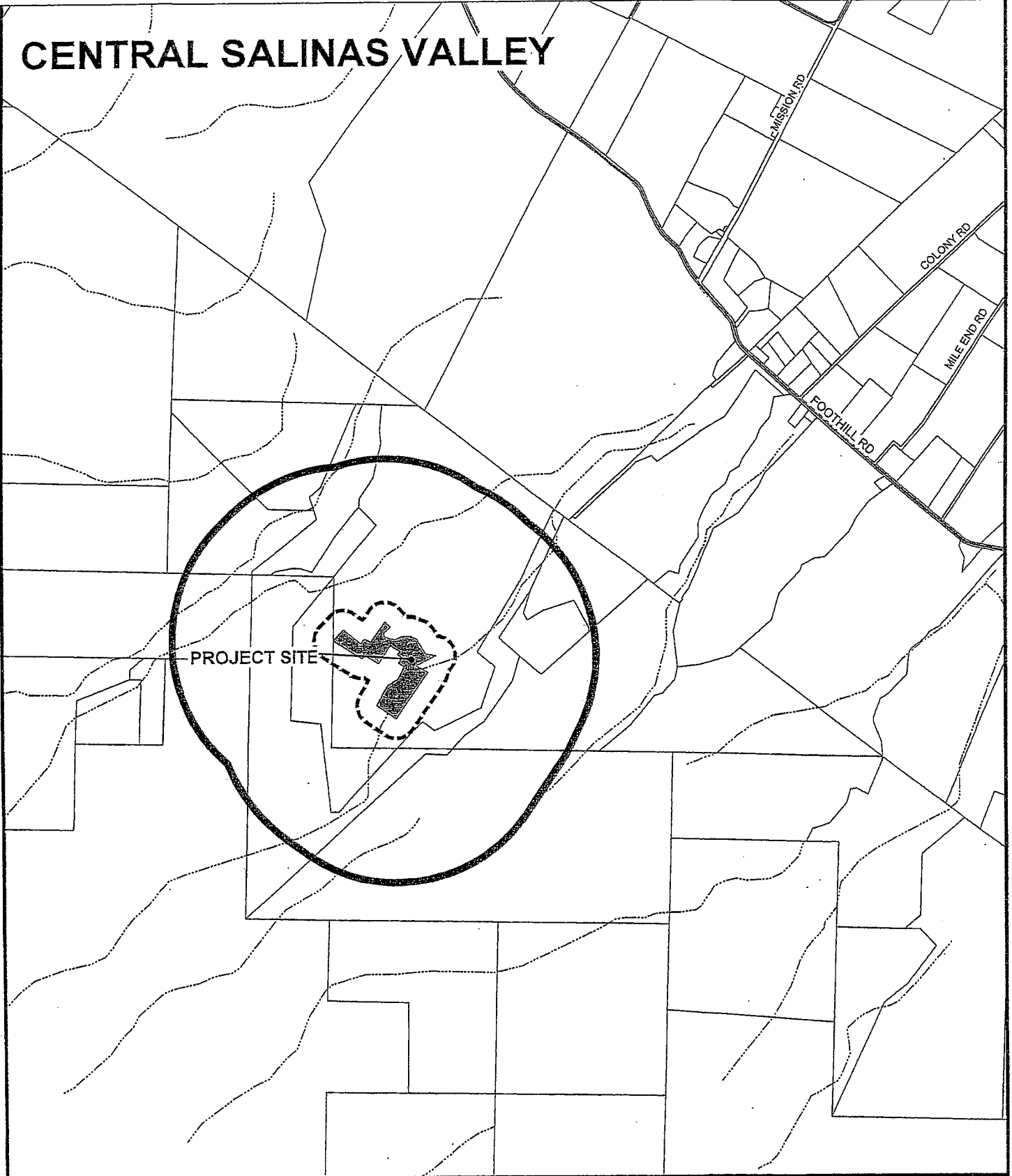


LEGEND

-  SLOPE 0-25%
-  SLOPE 25%+
-  PROPOSED BUILDING

# **EXHIBIT D**

# CENTRAL SALINAS VALLEY

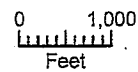


APPLICANT: SMITH & HOOK

APN: 418-341-050-000

FILE # PLN100642

Water    2500' Limit    300' Limit    City Limits



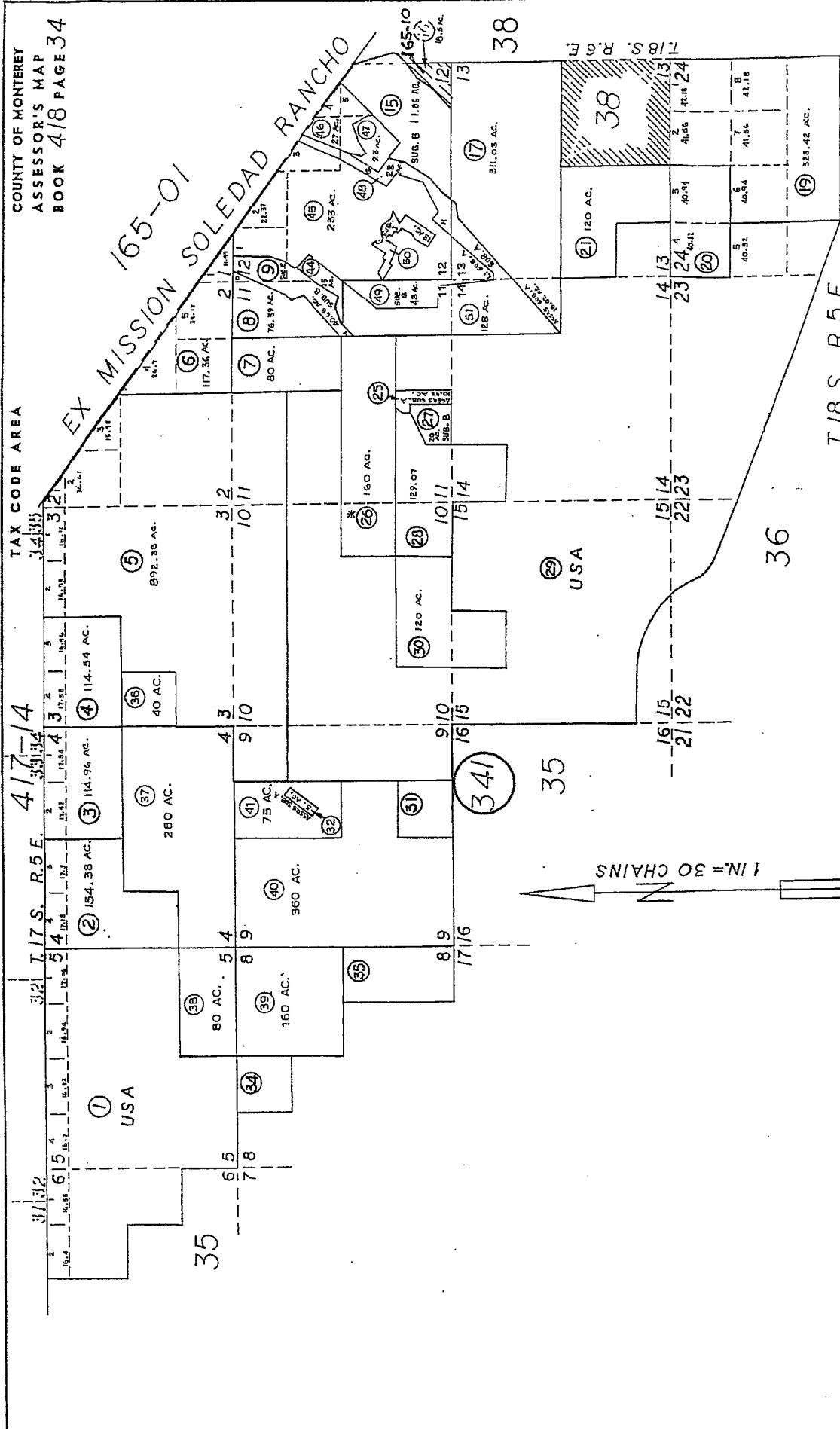
PLANNER: BRADLEY

TAX CODE AREA

4/7-14

T.17 S. R.5 E.

3/1/32 6/5 3/2 5 4 3 2 1



T.18 S. R.5 E.  
 SEC. 3-4-5-9-10-11-13-14 &  
 POR. SEC. 1-2-6-8-12-15-22-23-24

# **EXHIBIT E**



**MONTEREY COUNTY  
AGRICULTURAL ADVISORY COMMITTEE (AAC)**

Agricultural Center Conference Room  
1428 Abbott Street, Salinas, CA 93901

**June 23, 2011; 1:30 p.m.**

**MINUTES**

<b>Members</b>	<b>Present</b>	<b>Guests &amp; Staff</b>	<b>Affiliation</b>
Tom Am Rhein	✓	Mary Perry	County Counsel
John Baillie	✓	Gregg MacFarlane	Assessor's Office
Chris Bunn	✓	Carl Holm	RMA
Steve de Lorimier	✓	Steve Mason	Planning Department
Alexandra Eastman	-	Paula Bradley	Planning Department
Kurt Gollnick	-	Bob Roach	Agricultural Commissioner's Office
Bill Hammond	✓	Dawn Mathes	Agricultural Commissioner's Office
Mike Manfre	-	Kathy Nielsen	Agricultural Commissioner's Office
Steve McIntyre	✓		
Mike Miller	-		
Manuel Morales	✓		
Scott Violini	✓		
Ridge Watson	✓		

**I. Call to Order**

The meeting was called to order at 1:35 p.m.

**II. Approval of Minutes from April 28, 2011, Meeting**

The meeting minutes were unanimously approved without correction.

**III. Public Comments (items not on the agenda)**

There were no public comments.

**IV. Agricultural Commissioner's Update**

*Bob Roach, Assistant Agricultural Commissioner*

- The 2010 Crop Report was released on June 14, 2011. More copies will be printed, however, it is available currently available on our website.
- I attended the Ag Water Advisory Committee of the MCWRA and gave an overview of the AAC and what water related issues the Committee has taken up.
- I gave a verbal report on the Williamson Act to the Grower-Shipper Association Land Use Committee meeting.
- A delimitation in King City last year as a single Light Brown Apple Moth (LBAM) was found. The State's policy at that time was not to delimit finds within three miles of the quarantine boundary but to automatically extend the boundary. The Agricultural

- European Grape Vine Moth (EGVM) – Since last year, there has been a delimitation in Soledad, however, no additional moths have been found. There is no quarantine although we will keep the traps out through the end of the season. Additional quarantines have been established in Nevada County, Sonoma County (extended in Sebastopol area) and Santa Cruz County. Eradication in other parts of the states is underway and making progress.

#### **V. Hahn Family Wines Culinary Demonstration and Wine Tasting Center**

*Paula Bradley, Planning Department*

The Planning Department is seeking a recommendation from the Agricultural Advisory Committee on whether the proposed project is compatible with the agricultural uses of the property, as required by the Williamson Act.

An overview of the project was provided to the Committee by Ms. Bradley. Tony Baldini, General Manager at Hahn Family Wines, gave a PowerPoint presentation showing aerial photographs of the proposed center and provided a description of the proposed project.

The proposed Culinary Demonstration and Wine Tasting Center is intended to be an integral component of the Hahn Family Wines marketing and promotion program. The facility would be located on the same property as the winery and existing tasting room, but would provide an additional space to host vendors, distributors, sales staff, and customers separate from the existing tasting room that is open to the public. The Center would allow Hahn to pair wines with regional food (with an emphasis on local Salinas Valley agricultural products).

The Committee raised question about the potential traffic impacts. The applicant noted that a traffic study is complete and under review by Public Works. The applicant and committee members with wine industry expertise noted that the wine industry in Monterey County wants to maintain its unique rural character, distinct from other wine regions of the state.

Committee members noted that wine and food go together and nearly every major winery has some sort of kitchen and many wineries offer wine and food pairings as a way to showcase and sell their wine.

The Planning Department is currently researching policies of other counties related to winery kitchens and the Williamson Act.

Carl Holm provided a brief discussion of the Agricultural and Winery Corridor Plan (AWCP) and noted that winery kitchens are consistent with the County's AWCP and the adopted General Plan.

#### Public Comment

One member of the public testified and asked the Committee to find the proposed center as being compatible with the agricultural uses of the property.

**MOTION:** A motion was made by Chris Bunn that the Committee recommend the center as being a fully compatible use. The motion was seconded by Steve McIntyre.

AYES: 9  
NOES: 0  
ABSENT: 4

#### **VI. Status Report on 2010 General Plan Implementation**

*Carl Holm, Acting Deputy Director, Resources Management Agency*

- The General Plan was adopted by the Board of Supervisors in October 2010. Mr. Holm noted that as a result of unsettled lawsuits, the Planning Department is currently considering applications that fall within the Agricultural and Winery Corridor for administrative review, even those project applications that may have been considered for ministerial review as part of the AWCP. The result is that project applications within the AWC may be taking more time for processing than applicants anticipate.
- The Committee members noted that it will be important for the AAC to provide input on agriculturally-relevant General Plan implementation ordinances and program. By consensus, the Committee decided to form a subcommittee to develop a list of ordinances and plans scheduled to be developed as part of the General Plan Implementation that (may) affect agriculture and should have Agricultural Advisory Committee involvement and/or review. Christopher Bunn and Bill Hammond volunteered for this task and will report back to the Committee at the July 28, 2011, meeting. Carl Holm was asked to attend the July meeting.

#### **VII. Meteorological (MET) Data Collection Towers**

*Dawn Mathes, Ag Program Manager & Bob Roach, Assistant Agricultural Commissioner*

The Planning Department has brought several of these projects to the AAC for recommendation. The Agricultural Commissioner's office provided a recommendation that the Planning Department create standard conditions for MET towers in agricultural areas. The MET tower markings are those recommended by the California Agricultural Aircraft Association. Assembly Bill 511, which would require specific safety and marking measures for meteorological towers, is consistent with these recommendations and expected to be made into law

#### **VIII. Administrative Matters**

Committee members' terms expiring 6/30/2011

- *Manuel Morales* (at large) would like to continue his involvement with the Committee;
- *Mike Manfre* (at large) has expressed interest in continuing on the Committee, however, this will need to be confirmed;
- *Kurt Gollnick* (District 1, Supervisor Armenta) would like to continue on the Committee; appointment is in process;
- *Ridge Watson* (District 5, Supervisor Potter) would like to continue on the Committee; appointment is in process;
- *John Baillie* (Grower-Shipper Association) will be leaving the Committee at the end of this fiscal year. Dave Costa has been chosen by the association to join the Committee; his appointment is on the Board of Supervisors' calendar for June 28, 2011.

**IX. Committee Comments**

- TAMC is proposing implementation of a bicycle/pedestrian trail along roads that are adjacent to farmland and have the potential for exposure to pesticides, etc. Dawn Mathes was asked to research this issue and report back to the Committee on July 28, 2011.
- US Fish and Wildlife Service has held scoping meetings with regard to obtaining conservation easements. There is approximately \$900 million available. Further information will be provided at the 7/28/2011 meeting.
- At the next meeting the Committee needs to elect a Chair and Vice Chair.

**X. Adjournment**

There being no further business, the meeting was adjourned at 3:15 p.m.

The next scheduled meeting is July 28, 2011.

Respectfully submitted,

*Kathy Nielsen*

Kathy Nielsen  
Monterey County Agricultural Commissioner's Office

# EXHIBIT F

PROJECT DESCRIPTION  
PLN100642  
Hahn Family Wines Culinary Center  
6.9.11

**Development Summary**

Hahn Family Wines proposes to construct a detached, one story 2,500 square foot, single story building to accommodate a culinary center and dining room within the existing winery complex at the site of its existing winery located at 37700 Foothill Rd. (APN 418-341-050). The new building will be located within the 55,495 sq. ft. complex of existing winery-related buildings on the site that are used for winery administrative offices, wine production and storage facilities, a detached wine tasting room, shop, and interior and exterior equipment storage.

The proposed 2,500 sq. ft. building will include a 382 sq. ft. demonstration kitchen, a 1,071 sq. ft. multi-purpose room to be used for wine tasting, dining, and presentations (non-fixed seating), with the balance of the space allocated for ancillary restrooms, service and storage, and mechanical room. This space will be designed to complement and provide a location for meetings that currently occur on the site between Hahn Family Wines and wine industry marketing and distribution representatives. The culinary center will be equipped as a demonstration kitchen for both on-site functions and for webcast or telecast to groups located off-site. Any of these activities currently occur at the Soledad winery during weekdays from 10 am to 4pm, three or four times per week. Typical activities will include Chef-prepared food and wine events involving from 6 - 10 wine distribution and sales representatives.

The new use will utilize existing parking, water supply and storm drainage facility connections. An independent septic system will be constructed within an existing, level landscape area of the site (see site plan).

Access to the site will be provided via the existing paved private road that extends approximately 1.3 miles from Foothill Rd. to the winery. An unpaved parking area currently exists on the site for use by employees and visitors. This area and adjacent unpaved areas will be paved to provide 46 parking spaces as follows:

- 22 employees (1 space/employee: 20 existing, 2 new);
- 22 spaces for the dining room (1/50 sq.ft. dining area -non fixed seating); and
- 2 handicapped accessible spaces

These spaces are in addition to unmarked spaces that have already been provided for existing wine tasting room, administrative offices and wine production and storage facilities. Hahn encourages wine trade representatives to ride - share to the site. Typically this results in a ride-share of at least 3 persons per vehicle, resulting in not more than 3 vehicles per meeting event, regardless of the size of the trade group in attendance. Hahn does occasionally schedule larger trade groups of 20 or so individuals; however in these cases attendees ride - share in multiple passenger vehicles such as 6 - 15 person SUVs or vans or small 16 - 26 person buses, again typically resulting in not more than three vehicles per meeting event.

Grading will be approximately 100 cu. yds. of balanced grading (20 cu/yds for planters, 40 cu/yds cut and 40 cu/yds fill) on the site to construct the finished building pad, access driveway, and landscape

(pathways, walkways, planters) and does not include excavation to construct the septic system, storm drainage, water lines, etc. Excavation spoils from these activities will be backfilled or otherwise used on site. All grading will occur on slopes that are less than 25% (see attached slope map).

Landscaping will consist of drought tolerant native plant materials, and irrigation will incorporate appropriate water conservation features. A conceptual landscape and irrigation plan has been prepared.

### Construction Management

Equipment used for site grading, including excavation for foundations and wet and dry utilities, will include an excavator, compactor, blade, skip loader, and a 10 yard dump truck. A pavement machine will be brought on-site to pave the parking area and driveways. One cement truck will pour concrete for foundations over a two-day period. Construction staging will be located within a developed area of the site north of existing wine production and administration buildings. (see attached plot plan)

One dump truck trip per day to and from the site is anticipated. For most construction activities there will be 2 or 3 pick-up type job trucks on the site throughout the construction period. The following table summarizes the estimated number of employees and the anticipated duration of construction of the overall project by phase.

Activity	# Employees	# Days
Site Grading	4	4
Utilities Grading	3	10
Foundations	6	15
Framing, Roof, Interiors	6	62
Paving, Driveways, Walkways,	4	15
Landscaping	3	15
	Avg. # on site: 4	Total time: 4 mths

### Agricultural Related Use

The Hahn Santa Lucia Highlands (SLH) Estate Winery is proposing to construct a small, culinary demonstration center at their Santa Lucia Highlands Estate. The purpose of this new facility is two-fold:

- Secure Hahn's competitive position in the marketplace; and
- Showcase Monterey County, and the Santa Lucia Highlands in particular, as a premier wine-producing region in the State of California.

The Hahn SLH Winery produces 400,000 cases annually, and our wines are distributed throughout the US in all 50 states and in 15 countries. Globally and in the United States, the wine industry is extremely fragmented with thousands of different producers competing for the attention of a myriad of distributors in every state and country. The task of marketing wine is further complicated by the dominance of large

players in the market, each with purchaser-bias toward specific appellations based upon advertising and a long-standing presence in the market. Most distributors and their sales representatives continually advocate the same brands, and daily carry a limited sample of wines from these brands. To increase their share of the wine market, a winery must convince distributors that, among all other producers, its brand should displace an already proven seller.

To demonstrate Hahn's superior product offering and the virtues of Monterey County wine, Hahn regularly invites top sales people and managers to the Hahn SLH Estate. During these visits, expert staff members lead vineyard and winery tours, explain soils, weather patterns, vineyard techniques and winemaking protocols to distinguish Hahn and Monterey County from other vintners and wine producing regions. From this experience, Hahn has learned that to successfully compete in the marketplace there must be interaction between the wine grower, the wine maker, and industry representatives on the site where wine grapes are grown and wine is produced.

Hahn intends to ensure that when wine industry distribution and sales representatives visit the winery, see the soil and the vines, experience the climate and the location, and watch wines being made, they will be able to complete that experience with local, sustainably grown, expertly prepared food paired with Hahn wines. *This type of integrated marketing experience, similar to that provided for retail customers via wine tasting rooms, can only be provided on the site where grapes are grown and wine is created. The culinary center is, therefore, an essential, final component of the agricultural wine making operation and marketing activities that are currently conducted on the site.*

Hahn Family Wines firmly believes that a rising tide lifts all ships. For this reason, Hahn has developed a culinary program for this facility to rival similar programs that are typical in other wine producing regions of the State; e.g. Napa, Sonoma and Santa Barbara Counties. The culinary center will serve our current wine industry guests chef - prepared meals made from local, sustainably grown produce, fish, poultry and meat products. Here, our goal is to highlight Monterey County as a source of fine wine and food. Hahn is working closely with Royal Rose Radicchio, River Ranch Farm, D'arigo Bros. and others to help promote their products in both print and web along with our products. This synergy, which only the wine industry can create, benefits all sectors of our County's agricultural industry and represents an overall enhancement of Monterey County's profile across related segments of the agricultural industry.

Finally and most important, consistent with the rural, agricultural nature of the site and Agricultural Wine Corridor, the culinary center is not designed and will not be operated to accommodate large events or the general public. Therefore, the size and purpose of this project has been carefully limited with only modest square footage and minimalist design needed to complement our current industry-related marketing events.

While Hahn has kept the scale and scope of this project small, it is intended that this winery-related culinary facility will represent the best that Monterey County's wine growing region has to offer. This facility will demonstrate to our trade customers that the Santa Lucia Highlands, the Salinas Valley and Monterey County constitute a premier wine and produce growing region. Upon visiting the Hahn SLH Estate (and others in the region) distributors will consider Monterey County wines as the best in class products for its customers' wine portfolios.



# EXHIBIT G

*Monterey Wine Country*  
WHERE GREAT TASTE BEGINS™

June 22, 2011

To Whom it May Concern:

The Monterey County Vintners and Growers Association, MCVGA, is a non-profit trade marketing association that represents 175 unique vineyards in Monterey, over 100 brands, and 80 independent grower-vintner operations. Our members cultivate over 40,000 acres of vineyards within our nine American Viticultural Areas (AVAs) and we are the largest Chardonnay producing region in the US.

The Monterey County Vintners and Growers Association endorses the establishment of the Hahn Family Wines Culinary Demonstration and Wine Tasting Center. This Center is an essential component of wine making on this site, will support the economic vitality of the region, and will help to bring broader awareness about the viticulture industry and our agriculture and tourism partners.

If you have any questions about this letter, or the MCVGA's support of the Hahn Family Wines Culinary Demonstration and Wine Tasting Center, please contact me at 831.375.9400 or

Sincerely,

*Rhonda Motil*

Rhonda Motil  
Executive Director  
Monterey County Vintners and Growers Association

*The Monterey County Vintners & Growers Association (MCVGA) brings together the talents and resources of members, partners and our community in order to promote and support our leadership in the art, the science and the business of wine.*

MONTEREY COUNTY VINTNERS & GROWERS ASSOCIATION

P.O. Box 1793, Monterey, CA 93942-1793  
831.375.9400 • Fax 831.375.1116 • info@montereywines.org  
www.montereywines.org



August 9, 2011

To Whom It May Concern:

I am writing this letter in support of the Hahn SLH Estate Winery's Culinary Center. The culinary center will be a showcase for the Salinas Valley salad bowl and farming appellations, with its gorgeous view of Monterey County Agriculture. Furthermore, it will be a facility where local 'Ag' products will be visible to restaurateurs and food service representatives. The increased understanding of our local agricultural community can help small, independent growers like us sell vegetables, while Hahn Estates sells their Santa Lucia Highland wines.

The Hahn Culinary Center will serve as a location for educating the food community on the natural bounty of the central coast. Royal Rose LLC is a small grower-shipper of specialty produce like radicchio, treviso, and frisee. We benefit from the success of larger local players when they help us showcase our distinctive fresh product line to procurement buyers that we could not reach on our own.

Emily Lyons  
Marketing Manager  
Royal Rose LLC  
831-758-1957  
www.radicchio.com

# D'ARRIGO BROS. CO.

OF CALIFORNIA ESTABLISHED 1923

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P.O. Box 850 • Salinas, CA 93902-0850  
(831) 455-4500 Office (831) 455-4445 FAX  
(831) 455-4300 Sales (831) 455-4301 FAX

August 10, 2011

To Whom it May Concern,

This letter is to show our company's support for the new Hahn Culinary Center located at Hahn Winery in Soledad. The location, nestled in the hillside and surrounded by beautiful grape vines and the perfect micro-climate, is ideal for the only culinary center of its kind in the wine region of the Salinas Valley. Chef Brian Overhauser has a great vision, the creativity and the culinary skills to make an institution like this a fabulous success. Paired with the world class wines of Hahn winery, the culinary creations which will come from this facility will be enjoyed by all who visit this amazing location.

Our company has spent the last few years focusing on bringing fresh vegetables grown in the fields of the Salinas Valley together with the rich wines and culinary expert chefs. We are very fortunate to have this incredible culinary talent, right in our own backyard. By participating in events like Pebble Beach Food & Wine and Harvest Festival, we've worked closely with local chefs to create new recipes using our specialty vegetables, like Broccoli Rabe, Fennel, Cactus Pears and Nopalitos. We've been fortunate to meet Chef Brian, to work with him on a special event at his facility, and are now developing a working relationship with Hahn's culinary team for future events.

Our company is also very committed to improving the lives of children in our community, and education and education is a key component. We support many organizations, like the YMCA, Kinship Center, Hartnell Ag & Technology Center, National Steinbeck Center, and Natividad Medical Center. At Rancho Cielo, we donated funds to purchase uniforms and shoes for the culinary students at their new facility. At our corporate office, we host three "Kids Cooking in the Kitchen" events, where local chefs develop recipes with our vegetables and teach young children, and their parents, how to work with our vegetables to create a fun, educational experience. They work, side by side, with the chef and his/her team, to prepare each of the recipes and enjoy them, often for the first time. The parents can enjoy a glass of local wine while they watch their children engage in the process and eat their vegetables in new and exciting ways. The feedback we receive from the attendees is so positive. It's a great way for us to give back to our community, provide valuable education about fresh vegetables and the importance of them in a healthy diet. Each child/parent takes home a bag full of Andy Boy fresh vegetables, recipes, and an Andy Boy gift. The learning experience continues at home.

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(831) 455-4300 Sales (831) 455-4301 FAX

There is nothing more important than education when it comes to food, wine and health. The Hahn Culinary Center is the perfect way to marry all three of these important concepts and teach valuable skills to those who visit the center. We proudly support this project with enthusiasm. Our valley has been in need of this type of institution for many years. We are grateful for the Hahn family's commitment to excellence and their investment in this important endeavor.

Sincerely,



Margaret D'Arrigo-Martin

Executive Vice President of Sales & Marketing

Branch Offices • Brawley, California • Yuma, Arizona  
Affiliate Offices in New York and Boston





David Costa  
Costa Farms, Inc.  
36817 Foothill Rd.  
Soledad, CA 93960  
(831) 678-0799 (office)  
(831) 809-5895 (cell)  
(831) 678-3551 (fax)  
david@costafarmsinc.com

Smith & Hook  
PLN 100142

August 17, 2011

Monterey County Planning Dept.  
Salinas Permit Center  
168 W. Alisal St.  
Salinas, CA 93901

To whom it may concern:

I represent the ownership interest in the property (APN 165-033-001) through which access to the Smith and Hook Winery is obtained via an access easement from Foothill Road.

It has come to our attention that Hahn Family Wines would like to develop a 2,500 sq. ft. Culinary Center on the site of the winery. We have reviewed the project description as submitted to the County and support its construction, and we expect that the project will have minimal impact on us as the adjacent landowners. Smith and Hook Winery has always been a good neighbor to us and continued use of this access easement for this purpose is acceptable to us.

Sincerely,

David Costa  
Costa Farms, Inc.

**Bradley, Paula x5158**

**From:** Amy White [awhite@mclw.org]  
**Sent:** Thursday, August 25, 2011 11:13 AM  
**To:** Bradley, Paula x5158; Holm, Carl P. x5103; Novo, Mike x5192; Onciano, Jacqueline x5193  
**Cc:** Girard, Leslie J.  
**Subject:** Smith and Hook

Dear Ms. Bradley, Mr. Holm, Ms. Onciano and Mr. Novo:

LandWatch objects to the proposed approval of the Smith & Hook Winery expansion by the Zoning Administrator tomorrow. Consideration of this application should be continued until questions about the legality of the policies which support it have been resolved.

Every policy referenced in support of approval is currently being challenged by LandWatch Monterey County in its litigation against the 2010 Monterey County General Plan. We have challenged the adequacy of the Agriculture Winery Corridor Plan; we have challenged policies PS-3.1 and PS-3.2; we have challenged the notion that, in the severely over-drafted Salinas Basin, the industry which consumes almost 90% of the water -- agriculture -- should be exempted from the requirement of a long-term, sustainable water supply; we have also challenged the General Plan's definition of agricultural land uses.

In addition to our objection that the county is processing and approving this project under a currently litigated general plan, LandWatch also objects to the interpretation and application of those very general plan policies. For example, the 2010 Monterey County General Plan requires that all winery approvals include a biological study. These studies were to be conducted in place of the county developing and implementing a habitat management plan for endangered kit fox. Although on page 11 the staff report states that a biological study was completed, on page 3 of the staff report calls the report a "botanical report" (LIB110191). It is unclear which was completed. Neither this report nor the traffic report (LIB100642) is available for the public to review. According to the staff report the "botanical report" concluded that the site is disturbed and therefore the winery expansion will create no impacts to wildlife. However, there is no evidence that the "biological study" or "botanical report" considered cumulative impacts of other likely winery expansions, cumulative traffic impacts or cumulative water impacts on the very wildlife corridors the requirement for a biological study was supposed to protect.

Furthermore, Appendix C, condition 15. states, "Remove combustible vegetation from within a minimum of 100 feet of structures. Limb trees 6 feet up from ground. Remove limbs within 10 feet of chimneys. Additional fire protection or firebreaks approved by the Reviewing 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. (Mission Soledad Rural Fire District) There is no evidence the "biological study" or "botanical report" considered additional fire protection beyond the immediate footprint of the expansion. The staff report categorizes this winery as being located in a "high fire hazard area." Again, by not considering the cumulative impact of "additional fire protection" of this and other

likely developments, the "biological study" or "botanical study" fails the intent of the policy which requires the study.

LandWatch also objects to the fact that the staff report underestimates potential traffic, water and biological resource impacts. It does so by accepting the applicant's estimated use of the facility and ignoring the facility's actual capacity. For example, it accepts use by 40 people per week ("four times a week for up to ten people"). However, the proposed septic tank sizing is based on 64 seats. More than 1,000 feet of "banquet room" space is planned. If banquets and special events are not anticipated, then why is the project sized to accommodate them?

Thank you for your serious consideration of our concerns. Once again, this project should be continued until all the above issues are resolved.

Sincerely,

**Amy L. White, Executive Director**  
**LandWatch Monterey County**  
**150 Cayuga Street, Suite 9**  
**Salinas, CA 93901**  
**831-75-WATCH (92824)**  
**[www.landwatch.org](http://www.landwatch.org)**



LAW OFFICES OF  
MICHAEL W. STAMP

Facsimile  
(831) 373-0242

479 Pacific Street, Suite 1  
Monterey, California 93940

Telephone  
(831) 373-1214

August 25, 2011

Via Email and Facsimile

Jacqueline Onciano  
Zoning Administrator  
County of Monterey  
168 West Alisal St.  
Salinas, CA 93901

Re: Smith and Hook (PLN100642) – August 25, 2011 Agenda Item No. 2

Dear Ms. Onciano:

~~This morning Assistant County Counsel Les Girard stated in an email to our~~  
Office that staff will be recommending that the Smith and Hook matter be continued, probably to September 8. Based on this information, The Open Monterey Project will not be appearing at the Zoning Administrator hearing for the matter today.

We respectfully urge you to continue the matter. We object due to inadequate public notice to our Office. We requested notice, but we did not receive notice. Our Office procedures are set up to ensure that such notice, when received, is handled appropriately. The first notice we received of this hearing was in an email sent 4:27 PM Monday, to which I responded the following morning. If the hearing is not continued at least two weeks, we suggest that the County inform the applicant of this request and explain to the applicant that the County has exposed the project to a legal challenge based upon the lack of due process.

The Open Monterey Project has a deep and ongoing interest in the County's application of the 2010 General Plan. Of particular concern to TOMP are the Ag Wine Corridor Plan, the policies PS-3.1 and 3-2, and the definition of "agricultural land uses." TOMP has sued the County over the 2010 General Plan, and discussions are ongoing. Early on in the discussions, we requested and the County agreed to provide our Office with notice of all public hearings on applications that the County was processing under the Ag Wine Corridor Plan. TOMP relied on that agreement. The Smith & Hook application is an application involving the 2010 General Plan's Ag Wine Corridor Plan, the policies PS-3.1 and 3-2, and the definition of "agricultural land uses. Our Office expressly requested notice with regard to the Smith & Hook application.

As a further reason for continuance, I have not received any answers to the questions I sent on Tuesday morning to the County planner. The factual questions go to the fundamental evaluation of the project and to the asserted CEQA exemption. This information should have been in the staff report, but was not.

Jacqueline Onciano, Zoning Administrator  
August 24, 2011  
Page 2

Further, the Open Monterey Project objects to the claimed CEQA exemption because the exemption does not apply based on the facts presented in the staff report. The County's claimed CEQA exemption (§ 15303(c)) only applies where there is a single structure not exceeding 2500 square feet on the parcel. Here, the site plans shows existing buildings on the parcel that is the site of the proposed 2500-square-foot project. If the County staff asserts any new claims with regard to CEQA compliance, including any new information or different CEQA claims, we request a reasonable period of time to review that information prior to any public hearing.

Thank you for your consideration.

Very truly yours,

---

LAW OFFICES OF MICHAEL W. STAMP

  
Molly Erickson

cc: Mike Novo, Planning Director

**Bradley, Paula x5158**

**From:** Molly Erickson [erickson@stamplaw.us]  
**Sent:** Tuesday, August 23, 2011 10:32 AM  
**To:** Bradley, Paula x5158; Holm, Carl P. x5103; Novo, Mike x5192  
**Cc:** Girard, Leslie J.  
**Subject:** Re: FW: re: Zoning Administrator Staff Report for PLN100642 Smith & Hook\_Bradley\_082511  
Mr. Novo, Mr. Holm, Ms. Bradley:

The County is intending to approve this application under the AWCP and under General Plan policies 3.2 and 3.2, and the definition of "agricultural land uses." All of those 2010 General Plan policies have been challenged under the pending litigation of TOMP v. Monterey County and LandWatch v. Monterey County. The County is processing and approving projects under a plan that is being litigated.

The Open Monterey Project strongly objects to the processing of development applications under these heavily disputed General Plan policies which are subject of pending litigation. The Open Monterey Project also strongly objects to the inadequate notice -- of less than 72 hours -- of the upcoming hearing.

We ask that the hearing be continued to a future date so that adequate information can be provided and that we be given adequate advance notice of the new hearing date.

The staff report and the documentation provided for Thursday are inadequate.

The Salinas Valley Basin is in overdraft by tens of thousands of acre feet. On what basis was the determination made that General Plan policy PS-3.2 would not apply here? There is no provision in the General Plan for such exemptions, and no analysis of the cumulative impact of the determination here. The staff report claims that "a small increase" in water use "would not fall under" PS-3.2. That claim is inconsistent with CEQA.

What is the status of the development of the ordinance required by PS-3.2? In the interim, what guidelines is the County using to determine compliance with PS-3.2?

The site already contains one existing wine-tasting facility. For this new proposal, the staff report merely analyzed a use "four times a week for up to ten people." However, according to the site plan, the proposed septic tank sizing is based on 64 seats. There are five toilets and one urinal proposed. There are twelve bar seats shown, plus over 1,000 feet of "banquet room" space. That sizing anticipates and enables special event/banquet use of the space. That use has not been analyzed. Please respond.

The staff report Exhibit A states there will be 100 cubic yards of grading. The site plan states there will be 277 cubic yards of grading. Please explain.

Please provide a map showing the APN boundaries on the site plan.

Please provide a map showing the access from the nearest public road.

Of the 55,495 s.f. of existing structures on the two parcels, please state how many square feet are on APN 418-341-050 and how many are on APN 418-341-045.

Until a formal Williamson Act compatibility determination is made by the Board of Supervisors, the County should not approve such projects on Williamson Act land, and the staff should not claim that the proposed use "is considered compatible with Williamson Act contract" [sic], as claimed in this staff report (p. 7).

Thank you.

Molly Erickson  
Law Offices of Michael W. Stamp  
479 Pacific Street, Suite One  
Monterey, CA 93940  
tel: 831-373-1214  
fax: 831-373-0242

----- On Mon, 8/22/11, Bradley, Paula x5158 <BradleyP@co.monterey.ca.us> wrote: -----

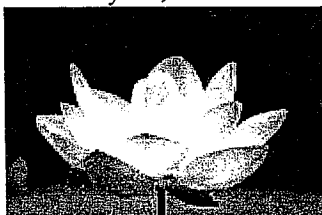
From: Bradley, Paula x5158 <BradleyP@co.monterey.ca.us>  
Subject: FW: re: Zoning Administrator Staff Report for PLN100642 Smith & Hook\_Bradley\_082511  
To: "Molly Erickson" <erickson@stampaw.us>  
Cc: "Calderon, Vanessa A. x5186" <CalderonVA@co.monterey.ca.us>, "Allen, Carol x5178" <AllenC@co.monterey.ca.us>, "Brown, Jennifer J. x6611" <BrownJJ@co.monterey.ca.us>  
Date: Monday, August 22, 2011, 4:27 PM

You requested to be notified of this project. Attached is a pdf of the staff report. It should be linked to the ZA agenda link for 8/25 by Tues.

-----Original Message-----

**From:** Calderon, Vanessa A. x5186  
**Sent:** Monday, August 22, 2011 3:02 PM  
**To:** Bradley, Paula x5158  
**Subject:** re: Zoning Administrator Staff Report for PLN100642 Smith & Hook\_Bradley\_082511

Thank you,



*Vanessa A. Calderon - OAI*  
Administrative Permits Clerk  
Planning Department  
168 W. Alisal Street 2nd Floor

Salinas, CA 93901

831-755-5186

[CalderonVA@co.monterey.ca.us](mailto:CalderonVA@co.monterey.ca.us)

**Hickman, Wanda x5285**

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**From:** Molly Erickson [erickson@stampaw.us]  
**Sent:** Friday, September 02, 2011 5:42 PM  
**To:** Hickman, Wanda x5285; Novo, Mike x5192; Holm, Carl P. x5103  
**Subject:** Smith & Hook project

Ms. Hickman and Mr. Novo:

As to the proposed Smith and Hook project, would you please address -- and show a map -- with regard to the setbacks from the parcel boundaries? There are two parcels at issue, and the map should clearly show all boundaries and measure the setbacks to the proposed development.

Also, would you please identify -- and show a map of -- the access from the nearest public road? There are references to a 1.3 mile private access, but I have not seen any map that shows where that road is located.

Thank you.

Molly Erickson  
Law Offices of Michael W. Stamp  
479 Pacific Street, Suite One  
Monterey, CA 93940  
tel: 831-373-1214  
fax: 831-373-0242

# MONTEREY COUNTY

## RESOURCE MANAGEMENT AGENCY

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**DEPARTMENT OF PUBLIC WORKS**  
Yazdan T. Emrani, M.S., P.E., Director

168 West Alisal Street, 2<sup>nd</sup> Floor  
Salinas, CA 93901  
(831) 755-4800  
Fax: (831) 755-4958  
[www.co.monterey.ca.us](http://www.co.monterey.ca.us)

### MEMORANDUM

**DATE:** September 2, 2011

**TO:** Wanda Hickman  
Planning Services Manger

**FROM:** Raul Martinez.  
Assistant Engineer

**SUBJECT: SMITH AND HOOK – HAHN FAMILY WINES PLN100642**

Public Works requests that the building permit for this project be conditioned with the following:

**PW0007 – PARKING STD**

**Condition Text**

The parking shall meet the standards of the Zoning Ordinance and be approved by the Director of Public Works and the Director of Planning and Building Inspection. **(Public Works)**

**Action(s) Needed for Resolution**

Prior to Building/Grading Permits Issuance the Applicant's engineer or architect shall prepare a parking plan, Owner/Applicant/Engineer to submit plans for review and approval.

Public Works also had a concern related to project's site plan dated 5-2-11 that indicates a one way 12 ft lane private access drive and the Fire Department has a condition that access roads require a minimum of two nine-foot traffic lanes. Apparently this has been resolved (see attached e-mail dated August 30, 2011).

RM/ rm

EXHIBIT "H"



EXHIBIT "H"

MONTEREY COUNTY

RESOURCE MANAGEMENT AGENCY – PLANNING DEPARTMENT



MEMORANDUM

**Date:** August 29, 2011

**To:** Zoning Administrator

**CC:** Carl Holm, Acting RMA Deputy Director, Wanda Hickman, Planning Manager, Les Girard, Assistant County Counsel; Mike Novo RMA – Planning Director; Mission Soledad Fire Protection District; RMA- Public Works Department; Environmental Health Bureau; Monterey County Water Resources Agency; Luis Osorio, Senior Planner; Paula Bradley, Project Planner; Carol Allen, Senior Secretary; Smith and Hook/c/o KVL Holdings, Inc., Owner; Brian Foucht, BGF Planning Consultants, Agent; Molly Erickson, Law Offices of Michael L. Stamp; Planning File PLN100642

**From:** Paula Bradley, M.C.P.,AICP, Associate Planner

**Subject:** **Smith & Hook (Hahn Family Winery) (PLN100642)**

This memo is in response to a comment letter received concerning the Smith and Hook/Hahn Family Wines project, dated August 23, 2011, from Molly Erickson, Law Offices of Michael L. Stamp. A second letter was received from Molly Erickson, dated August 25, 2011. Ms Erickson added one more comment that was not in her August 23, 2011 email comment letter, included at the last item below.

**General Plan Pending Litigation**

The applicant was informed by the County of the pending litigation concerning the General Plan, which specifically contests portions of the Agricultural and Winery Corridor Plan (AWCP) where the proposed project is located. The applicant expressed their desire to proceed with their application to a hearing, and have the right to request that the County process their application pursuant to the Permit Streamlining Act. Food service facilities are allowed with a ministerial permit under the AWCP; however, an Administrative Permit was required and referred to a public hearing with the Zoning Administrator because of known controversy with the pending General Plan litigation.

**Request to Continue the Pubic Hearing**

Ms. Erickson requested to be notified of the project status. On August 12, 2011, Ms. Erickson was notified of the August 25, 2011 public hearing before the Zoning Administrator, at the same time that the public hearing notices were mailed. The staff report was emailed to Ms. Erickson and the applicant on Monday August 22, 2011 at 4:35 p.m., immediately following distribution to the Zoning Administrator. Enclosed concerning notices sent 1) checklist of notices and dates task completed for the ZA hearing 8/25/2011; 2) Notice of Public Hearing and list noticed; 3) Affidavit of Posting

## **Salinas Valley Groundwater Basin and General Plan Policies PS-3.1 and PS-3.2**

General Plan Policies PS-3.1 and PS-3.2 were discussed in the staff report (Finding 1, Evidence a). The project is considered an agriculturally related use within Zone 2C; and therefore, is exempt from being required to prove a Long Term Sustainable Water Supply (Policy PS-3.2) pursuant to subsection PS-3.1(c). The following General Plan consistency Finding is an excerpt from the staff report:

“Policy No. PS-3.1 This policy requires that new development for which a discretionary permit is required, and that will use or require the use of water, shall be prohibited without proof, based on specific findings and supported by evidence, that there is a long-term, sustainable water supply, both in quality and quantity to serve the development. The policy does not apply to development related to agricultural land uses within Zone 2C of the Salinas Valley groundwater basin. The proposed development is related to existing vineyard and wine-tasting uses and is within Zone 2C of the Salinas Valley groundwater basin.”

Policy PS-3.1 also requires that the County prepare a report to the Board of Supervisor every five years for Zone 2C. Staff’s interpretation is that projects may proceed for the first five years following adoption of the General Plan, and then continuing the exemption in PS-3.1.c depends on the findings of said report. The status of the criteria and ordinance concerning Long Term Sustainable Water Supply referenced in Policy PS-3.2 is beyond the scope of the subject project.

### **Project and Waste Water System**

The Environmental Health Bureau reviewed the project and required a condition of approval for a waste water system sized appropriately for the proposed use. The project is also described in the applicant’s project description, dated June 9, 2011, and will be incorporated into the General Development Plan by a condition of approval. The septic system standard sizing may have capacity that could accommodate additional seats beyond the proposed project.

### **Grading**

The site plan (sheet A1.1) shows 277 cubic yards of grading. The project was subsequently revised and the grading was reduced to 100 cubic yards, which is shown on the preliminary grading plan (Sheet C1). This sheet was inadvertently not included as an attachment to the staff report, however it is part of the project file and 100 cubic yards of grading is included in the project description.

### **Site Plan boundaries**

The parcel boundaries are shown on the Plot Plan (sheet A.1) and the Assessor’s Parcel Map is attached as part of the staff report (Exhibit D).

### **Access from the nearest public road**

A map showing the existing access to Foothill Road via a separately owned parcel is not shown on the Assessor’s Parcel Map. The driveway access is addressed in the staff report (Finding 1, Evidence a). Proof of access was required for the project and a letter from the owner of the property acknowledging the driveway access has been provided. This letter was considered adequate proof of access, and is attached to the staff report (Exhibit F).

### **Location of Structures**

Assessor's Parcel Number 418-341-050-000 includes the vineyard house and the winery offices and production buildings (total 48,470 square feet). The proposed 2,500 square foot culinary center is located on this parcel. Assessor's Parcel Number 418-341-045-000 includes the wine tasting facility, the vineyard residence and the implement/vehicle maintenance building (total 7,025 square feet).

### **Williamson Act Compatibility**

Compatibility is addressed in Finding 1, Evidence c). The Williamson Act requires that property is restricted to commercial agricultural production of food or fiber and compatible uses pursuant to the Land Conservation Act (Williamson Act). Board of Supervisor Resolutions 01-486, "Amending Procedure for the Creation of Farmland Security Zones and Contracts" sets forth, "The list of compatible uses approved by the Board within Farmland Security Zones...". Per Board Resolution No. 01-486, the County's list of approved compatible uses within Farmland Security Zones includes, at item 2. "Structures necessary and incidental to the agricultural uses of the land". The proposed use is considered necessary and incidental and related to the agricultural use of the land.

Resolution 09-357 sets for the Agricultural Advisory Committee's (AAC) Bylaws, including the Purpose of the AAC. Specific objectives of the AAC include, but not limited to, the following at Section 1. Creation and Purpose of the Committee:

- "E) Review the following types of development projects and make recommendations to the decision-making body
- 1) Projects on lands designated for agricultural use that require a discretionary permit;
  - 4) Projects affecting lands under Williamson Act contract, and
  - 5) Other projects that may support, enhance or otherwise affect the agricultural industry."

On June 23, 2011, the Agricultural Advisory Committee unanimously adopted a motion indicating "...that the Committee recommend the (proposed demonstration Culinary and Wine Tasting Center) center as being a fully compatible use." Staff considers the proposed use compatible with the Williamson Act according to the County's list of approved compatible uses, per Board Resolution No. 01-486, and no further action is required regarding a Williamson Act compatibility determination.

### **CEQA Categorical Exemption**

Ms. Erickson expressed her objection to staff determination that the project is exempt according to CEQA Guidelines Section 15303(c).

### **Response:**

California Environmental Quality Act (CEQA) Guidelines Section 15303(c) categorically exempts small structure not involving the use of significant amounts of hazardous substances, and not exceeding 2,500 square feet in floor area. The proposed project is a 2,500 square foot structure part of a complex of other agricultural processing plant/winery structures. No biological issues were identified or protected plant vegetation due to the existing site disturbance on the subject property. A biological study was completed as required by the General Plan AWCP Section 3.3 and it was concluded that the area is a disturbed area not in a natural condition and adjacent to the vineyards and landscaped areas and routinely kept free of weeds and brush and is the site utilized for agricultural equipment for the vineyards. There are no sensitive species or other sensitive habitat on or close to the proposed project area.

CEQA Guidelines Section 15300.2 lists exceptions to categorical exemptions. None of the exceptions can be made because the project will not impact an environmental resource of hazardous or critical concern; the grading and construction of a 2,500 square foot structure, access driveway and associated drainage systems will not create a cumulative impact; the project does not have any unusual circumstance; the project will not result in the damage of a scenic resource; the subject property is not a hazardous waste site; nor is there a structure to be removed designated as a historical resource. The project is a agricultural related use, which is an allowed land use for this site, it is compatible with the uses and density of the surrounding area, and is consistent with the land use plans and policies. Staff determined that the proposed project is exempt from environmental review