

## MONTEREY COUNTY ZONING ADMINISTRATOR

<b>Meeting:</b> December 12, 2013 Time: 1:50 p.m.	<b>Agenda Item No.:</b> 3
<b>Project Description:</b> Consider a Three-year extension of a previously approved Combined Development Permit (PLN080089) to allow the expansion of an existing winery, consisting of: 1) a Use Permit for a new 87,200 square foot wine processing plant and barrel storage room and a 5,100 square foot administrative office; and 2) a Use Permit to allow a reduction in parking spaces to 47 from 169 spaces and 3) a Variance to exceed the building height limitation of the addition from 45 feet to 46 feet.	
<b>Project Location:</b> 37300 Doud Road, Soledad	<b>APN:</b> 183-021-015-000
<b>Planning File Number:</b> PLN130668	<b>Owner:</b> Jackson Family Estates II LLC
<b>Planning Area:</b> Central Salinas Area Plan	<b>Flagged and staked:</b> No
<b>Zoning Designation:</b> F/40 "Farmlands, 40 acre minimum"	
<b>CEQA Action:</b> Consider the Adopted Mitigated Negative Declaration	
<b>Department:</b> RMA - Planning Department	

### RECOMMENDATION:

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

- 1) Consider the previously adopted Mitigated Negative Declaration; and
- 2) Approve PLN130668, based on the findings and evidence and subject to the conditions of approval (**Exhibit B**)

### PROJECT OVERVIEW:

The applicant requests an extension of a previously approved Combined Development Permit to allow a winery expansion that was originally approved by the Zoning Administrator on December 9, 2010 (**Exhibit C**). The subject Combined Development Permit was approved for a three year term, set to expire on December 9, 2013. The subject request was made on September 16, 2013, 30 days prior to the expiration date of the Combined Development Permit. The extension request is for an additional three years, extending the term of the Combined Development Permit to December 9, 2016.

**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

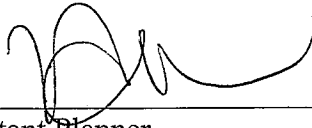
Agencies that submitted comments are noted with a check mark ("✓"). Conditions recommended by RMA - Public Works Department, Environmental Health Bureau, Water Resources Agency, Mission Soledad Fire Protection District and RMA – Planning Department have been incorporated into the Condition Compliance/Mitigation Monitoring and Reporting Plan attached to the draft resolution (**Exhibit C**).

The property was not referred to a LUAC because no LUAC exists for the Central Salinas Area Plan.

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

Jackson Family Investments LLC  
(PLN130668)

/S/ Valerie Negrete

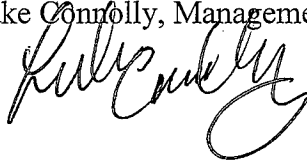


Valerie Negrete, Assistant Planner  
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(November 11, 2013)

cc: Front Counter Copy; Zoning Administrator; Soledad Mission Fire Protection District;  
RMA-Public Works Department; Environmental Health Bureau; Water Resources  
Agency; Laura Lawrence, Planning Services Manager; Luke Connolly, Management  
Specialist; Valerie Negrete, Project Planner; Jackson Family Estates II LLC., Owner;  
The Open Monterey Project; LandWatch; Planning File PLN130668

Attachments:	Exhibit A	Project Data Sheet
	Exhibit B	Draft Resolution, including:
		• Conditions of Approval and Mitigation Monitoring and Reporting Program
		• Site Plan, Floor Plan and Elevations
	Exhibit C	Original Approval of PLN080089 (Resolution No. 10-054)
	Exhibit D	Adopted Mitigated Declaration
	Exhibit E	Extension Request
	Exhibit F	Vicinity Map

This report was reviewed by Luke Connolly, Management Specialist



## EXHIBIT A

### Project Information for PLN130668

<b>Application Name:</b> Jackson Family Estates II LLC	
<b>Location:</b> 37300 Doud Rd, Soledad	
<b>Applicable Plan:</b> Central Salinas Valley	<b>Primary APN:</b> 183-021-015-000
<b>Advisory Committee:</b> None	<b>Coastal Zone:</b> No
<b>Permit Type:</b> Permit Extension	<b>Final Action Deadline (884):</b> 4/12/2014
<b>Environmental Status:</b> Mitigated Negative Declaration	
<b>Zoning:</b> F/40	<b>Land Use Designation:</b> Farmlands 40 - 160 Ac Min Rivers and Water Bodies

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#### Project Site Data:

<b>Lot Size:</b> 421 <i>acres</i>	<b>Coverage Allowed:</b> 5%
<b>Existing Structures (sf):</b> 180700	<b>Coverage Proposed:</b> .014%
<b>Proposed Structures (sf):</b> 267700	<b>Height Allowed:</b> 45'
<b>Total Sq. Ft.:</b> 267700	<b>Height Proposed:</b> 45'
<b>Special Setbacks on Parcel:</b>	<b>FAR Allowed:</b> NA
	<b>FAR Proposed:</b> NA

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#### Resource Zones and Reports:

<b>Seismic Hazard Zone:</b> UNDETERMINED TERRACE DEPOSITS RECEN	<b>Soils Report #:</b> LIB080287
<b>Erosion Hazard Zone:</b> Variable Moderate Low	<b>Biological Report #:</b> NA
<b>Fire Hazard Zone:</b> None	<b>Forest Management Rpt. #:</b> NA
<b>Flood Hazard Zone:</b> A X (unshaded)	<b>Geologic Report #:</b> LIB080287
<b>Archaeological Sensitivity:</b> low	<b>Archaeological Report #:</b> NA
<b>Visual Sensitivity:</b> None	<b>Traffic Report #:</b> LIB080289

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#### Other Information:

<b>Water Source:</b> Well	<b>Grading (cubic yds.):</b> 10800
<b>Water Purveyor:</b> Private	<b>Sewage Disposal (method):</b> Septic
<b>Fire District:</b> Mission Soledad Rural FPD	<b>Sewer District Name:</b> Private
<b>Tree Removal:</b> 0	

**EXHIBIT B**  
**DRAFT RESOLUTION**

**Before the Zoning Administrator in and for the  
County of Monterey, State of California**

In the matter of the application of:

**Jackson Family Estates II LLC. (PLN130668)**

Resolution by the Monterey County Zoning  
Administrator:

- 1) Approving a Three-year extension of a previously approved Combined Development Permit (PLN080089) to allow the expansion of an existing winery, consisting of: 1) a Use Permit for a new 87,200 square foot wine processing plant and barrel storage room and a 5,100 square foot administrative office; and 2) a Use Permit to allow a reduction in parking spaces to 47 from 169 spaces and 3) a Variance to exceed the building height limitation of the addition from 45 feet to 46 feet.

The property is located at 37300 Doud Road,  
Soledad, Central Salinas Valley (APN: 183-021-015-000)

**RESOLUTION NO. PLN130668**

The Zoning Administrator, having considered the application and all the written and documentary evidence presented relating thereto, finds and decides as follows:

**FINDINGS AND EVIDENCE**

1. **FINDING:** The County has received and processed a Permit Extension to Combined Development Permit PLN080089.  
**EVIDENCE:** (a) An application for a Permit Extension was submitted on September 16, 2013. The current permit is set to expire on December 9, 2013.  
(b) The property is located at 37300 Doud Road, Soledad (Assessor's Parcel Number 183-021-015-000, Central Salinas Area Plan. The parcel is zoned F/40 "Farmlands, 40 acre minimum", which allows an agricultural processing plant (winery). Therefore, the project is an allowed land use for this site.  
(c) On December 9, 2010, the Zoning Administrator approved PLN080089 under Resolution 10-054.  
(d) The original permit, PLN080089, had 19 conditions of approval and 2 mitigation measures. The following documents were recorded or paid for to comply with conditions of approval from



Resolution No. 10-054:

Condition No. 2: Permit Approval Notice

Condition No. 4: Indemnification Agreement

Condition No. 5: Fish & Game filing fee

Condition No.6: Mitigation Monitoring Agreement

- (e) All of the previous conditions of approval from PLN080089 were transferred to this subject permit extension, PLN130668. The applicant will be required to record a new Permit Approval Notice for PLN130668 and Indemnification Agreement.
- (f) The application, project plans, and related support materials submitted by the project applicant to the Monterey County Resource Management Agency - Planning Department for the proposed amendment found in Project Files PLN080089 and PLN130668.

**2. FINDING:** The Permit Extension includes no changed circumstances from the previously approved permit(s). As approved and amended, permit number PLN130668 will become and be referred to as the approved permit.

- EVIDENCE:**
- (a) The subject extension request, pursuant to Title 21.76.110 of the Monterey County Zoning Ordinance, does not propose a change in circumstances.
  - (b) On July 30, 1997, the winery was approved for a 194,800 square foot wine production and storage facility under Planning File No. PLN970170. To date, the winery has built 180,700 square feet of winery storage and administrative offices.
  - (c) In 2008, an expansion was planned which would include an expansion to an existing winery, which includes the construction of an approximately 87,200 square foot agricultural processing plant (winery addition) with an office and barrel storage room, 5,100 square foot administrative office, and 47 new parking spaces. In order to provide architectural consistency with the adjacent attached winery buildings, the applicant is also requesting a variance for an increase in height for the structure from 45 feet to 46 feet. The expansion will be directly to the north of the existing facility and will use an additional four to five acres of vineyards (2%) of the existing 300 acres of vineyards on the site. The facility will be capable of producing an estimated 2,300,000 cases of wine per year.
  - (d) On December 9, 2010, the Zoning Administrator approved PLN080089 under Resolution 10-054 for the winery expansion. The subject permit was set to expire on December 9, 2013; however, a timely extension request was received on September 16, 2013, prior to the permit expiration date.
  - (e) An extension request letter was received on September 19, 2013. Due to economic changes and market projections, the winery is requesting additional time to develop the project in the near future.
  - (f) 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 by these departments and agencies have been incorporated into the permit extension.

- (g) The extension requests an additional three years to develop the project. Upon review of the project and property, staff has determined that a three year extension can be supported. No changes in circumstances have occurred since the project was approved in 2010.
- (h) The application, project plans, and related support materials submitted by the project applicant to the Monterey County Resource Management Agency - Planning Department for the proposed amendment found in Project Files PLN080089 and PLN130668.

3. **FINDING:** The Permit Extension request does not require subsequent environmental review pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15162. A Mitigated Negative Declaration was prepared for the original Combined Development Permit on the property in accordance with Public resources Section 21080(d) and CEQA Guidelines Section 15064 (a) (1), which require environmental review if there is substantial evidence that the proposed project may have a significant effect on the environment.

**EVIDENCE:** (a) A Mitigated Negative Declaration (MND) was prepared for a Combined Development Permit, PLN080089, analyzing the environmental effects of the winery addition. The Draft MND was circulated from June 23, 2010 to July 23, 2010. The issues analyzed in the MND included, Air Quality and Traffic and Transportation. The project includes an addition of approximately 87,200 square feet of building area for an agricultural processing plant, barrel storage room and office to an existing winery. Construction-related air quality impacts associated with grading and building were mitigated with Best Management Practices which includes covering stockpiles and dust control measures. Total cut and fill for the addition is approximately 10,800 cubic yards of earth movement. Grading activities will occur over a period of several weeks and will not exceed the threshold of 2 .2 acres per day. Although the threshold will not be exceeded, A Mitigation Measure has been incorporated to require a Best Available Construction Management Plan (BACMP) per MBUAPCD standards. Access to the site is available through Highway 101 and Arroyo Seco Road, Doud Road and Highway 101. The winery does not use the Doud Road exit for deliveries and employees are directed to use the Arroyo Seco exit from Highway 101. As a safety measure, mitigation was included to prohibit employees and winery trucks from using Doud Road and

Highway 101.

- (b) The original permit, PLN080089, had 19 conditions of approval and 2 mitigation measures. The same conditions have been included in the subject extension. Four (4) of the original conditions have been complied with to date, however, no construction permits have been issued for the winery expansion. The remaining 15 conditions are part of this extension.
- (c) The application, project plans, and related support materials submitted by the project applicant to the Monterey County Resource Management Agency - Planning Department for the proposed amendment are located in Project Files PLN080089 and PLN130668.

4. **FINDING:** Consideration of the request for the amendment has been carried out pursuant to Monterey County Code Section 21.78.040.A (Use Permits/Combined Development Permits) of Monterey County Code Title 21.

- EVIDENCE:**
- (a) On, (*Specify the dates when notices were mailed and posted*) notices were mailed to residents within 300 feet of the project site and posted in at least 3 different public places on and near the subject property.
  - (b) No objections were received during the December 12, 2013 public hearing.
  - (c) The application, project plans, and related support materials submitted by the project applicant to the Monterey County Resource Management Agency - Planning Department for the proposed amendment are located in Project Files PLN080089 and PLN130668.

## DECISION

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

1. Consider the previously adopted Mitigated Negative Declaration; and
2. Approve a Permit Extension (new PLN13068) which allows a three-year extension of a previously approved Combined Development Permit (PLN080089) to allow the expansion of an existing winery, consisting of: 1) a Use Permit for a new 87,200 square foot wine processing plant and barrel storage room and a 5,100 square foot administrative office; and 2) a Use Permit to allow a reduction in parking spaces to 47 from 169 spaces and 3) a Variance to exceed the building height limitation of the addition from 45 feet to 46 feet, in general conformance with the attached and subject to the attached conditions, all being attached hereto and incorporated herein by reference.

PASSED AND ADOPTED this 12th day of December, 2013.

COPY OF THIS DECISION WAS MAILED TO THE APPLICANT ON .

NOTE:

1. You may need a building and/or grading permit and must comply with the Monterey County Resource Management Agency-Building Services Department 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 working days after the mailing of the notice of the granting of the permit by the appropriate authority, or after granting of the permit by the Zoning Administrator in the event of an appeal.

Do not start any construction or occupy any building until you have obtained the necessary permits and use clearances from the Monterey County Resource Management Agency - Planning Department.

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

# Monterey County Planning Department

## DRAFT Condition of Approval Implementation Plan/Mitigation Monitoring Reporting Plan

PLN130668

### 1. PD001 - SPECIFIC USES ONLY

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** This Permit Extension (PLN130668) allows a three-year extension of a previously approved Combined Development Permit (PLN080089) to allow the expansion of an existing winery consisting of: 1) a Use Permit for a new 87,200 square foot wine processing plant and barrel storage room and a 5,100 square foot administrative office; and 2) a Use Permit to allow a reduction in parking spaces to 47 from 169 spaces; and 3) a Variance to exceed the building height limitation of the addition from 45 feet to 46 feet. The property is located at 37300 Doud Road, Soledad (Assessor's Parcel Number 183-021-015-000), Central Salinas Valley Area Plan/Land Use Plan. This permit 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 RMA - Planning. 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)

**Compliance or Monitoring Action to be Performed:** The Owner/Applicant shall adhere to conditions and uses specified in the permit on an ongoing basis unless otherwise stated.

### 2. PD002 - NOTICE PERMIT APPROVAL

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** The applicant shall record a Permit Approval Notice. This notice shall state:  
"A Permit Extension (Resolution Number \*\*\* ) was approved by the Zoning Administrator for Assessor's Parcel Number \*\*\* on December 12, 2013. The permit was granted subject to 19 conditions of approval and 2 mitigations which run with the land. A copy of the permit is on file with Monterey County RMA - Planning."

Proof of recordation of this notice shall be furnished to the Director of RMA - Planning prior to issuance of building permits or commencement of the use. (RMA - Planning)

**Compliance or Monitoring Action to be Performed:** 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.

### 3. PD003(A) - CULTURAL RESOURCES NEGATIVE ARCHAEOLOGICAL REPORT

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** 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. Monterey County RMA - Planning and a qualified archaeologist (i.e., an archaeologist registered with the Register 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)

**Compliance or Monitoring Action to be Performed:** The Owner/Applicant shall adhere to this condition on an on-going basis.

Prior to the issuance of grading or building permits and/or prior to the recordation of the final/parcel map, whichever occurs first, the Owner/Applicant shall include requirements of this condition as a note on all grading and building plans. The note shall state "Stop work within 50 meters (165 feet) of uncovered resource and contact Monterey County RMA - Planning 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. PD010 - EROSION CONTROL PLAN & SCHEDULE

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** 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 Director of RMA - Building Services. The improvement and grading plans shall include an implementation schedule of measures for the prevention and control of erosion, siltation and dust during and immediately following construction and until erosion control planting becomes established. This program shall be approved by the Director of RMA - Planning and Director of RMA - Building Services. (RMA - Planning and RMA - Building Services Department)

(Condition #7 under PLN080089)

**Compliance or Monitoring Action to be Performed:** Prior to the issuance of grading and building permits.  
Ongoing

An Erosion Control Plan shall be submitted to the RMA - Planning and the RMA - Building Services Department prior to issuance of building and grading permits.

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.

## 5. PD014(B) - LIGHTING - EXTERIOR LIGHTING PLAN (VISUAL SENSITIVITY DISTRICT/RIDGELINE DEVELOPMENT)

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** All exterior lighting shall be unobtrusive, down-lit, harmonious with the local area, and constructed or located so that only the intended area is illuminated and off-site glare is fully controlled. Exterior lights shall have recessed lighting elements. Exterior light sources that would be directly visible from when viewed from a common public viewing area, as defined in Section .21.06.195, are prohibited. The applicant shall submit 3 copies of an exterior lighting plan which shall indicate the location, type, and wattage of all light fixtures and include catalog sheets for each fixture. The lighting shall comply with the requirements of the California Energy Code set forth in California Code of Regulations, Title 24, Part 6. The exterior lighting plan shall be subject to approval by the Director of the RMA – Planning, prior to the issuance of building permits. (RMA - Planning)

(Condition #8 under PLN080089)

**Compliance or Monitoring Action to be Performed:** Prior to the issuance of building permits:  
Submit three copies of the lighting plans to the RMA - Planning Department for review and approval. Approved lighting plans shall be incorporated into final building plans.

Prior to Occupancy/Ongoing:

The lighting shall be installed and maintained in accordance with the approved plan.

## 6. PD041 - HEIGHT VERIFICATION

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** The applicant shall have a benchmark placed upon the property and identify the benchmark on the building plans. The benchmark shall remain visible onsite until final building inspection. The applicant shall provide evidence from a licensed civil engineer or surveyor, to the Director of the RMA - Building Services Department for review and approval, that the height of the structure(s) from the benchmark is consistent with what was approved on the building permit associated with this project. (RMA - Planning and Building Services Department)

(Condition #9 under PLN080089)

**Compliance or Monitoring Action to be Performed:** Prior to the issuance of grading or building permits, the applicant shall have a benchmark placed upon the property and identify the benchmark on the building plans. The benchmark shall remain visible onsite until final building inspection

Prior to the foundation pre-pour inspection, the applicant shall provide evidence from a licensed civil engineer or surveyor, to the Director of the RMA Building Services Department for review and approval, that the height of first finished floor from the benchmark is consistent with what was approved on the building permit.

## 7. PD008 - GEOLOGIC CERTIFICATION

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** Prior to final inspection, the geologic consultant shall provide certification that all development has been constructed in accordance with the geologic report. (RMA - Planning)

(Condition #10 under PLN080089)

**Compliance or Monitoring Action to be Performed:** Prior to final inspection, the owner/applicant/geotechnical consultant shall submit certification by the geotechnical consultant to RMA - Planning showing project's compliance with the geotechnical report.

## 8. PD004 - INDEMNIFICATION AGREEMENT

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** 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 or employees to attack, set aside, void or annul this approval, which action is brought within the time period provided for under law, including but not limited to, Government Code Section 66499.37, as applicable. The property owner will reimburse the County for any court costs and attorney's fees which the 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/her/its 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, recordation of the certificates of compliance 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)

**Compliance or Monitoring Action to be Performed:** 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 for review and signature by the County.

Proof of recordation of the Indemnification Agreement, as outlined, shall be submitted to RMA-Planning.

## 9. PD032(A) - PERMIT EXPIRATION

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** The permit shall be granted for a time period of 3 years, to expire on December 12, 2016 unless use of the property or actual construction has begun within this period. (RMA-Planning)

**Compliance or Monitoring Action to be Performed:** Prior to the expiration date stated in the condition, the Owner/Applicant shall obtain a valid grading or building permit and/or commence the authorized use to the satisfaction of the RMA-Director of Planning. Any request for extension must be received by RMA-Planning at least 30 days prior to the expiration date.

## 10. EHSP01- ONSITE WASTEWATER TREATMENT SYSTEM (NON-STANDARD)

**Responsible Department:** Health Department

**Condition/Mitigation Monitoring Measure:** Environmental Health has determined that adequate area exists to accommodate the necessary onsite wastewater treatment system expansion for the proposed development. Submit onsite wastewater treatment system plans for review and approval that will accommodate the estimated 135 winery employees during harvest time. Indicate the location, design layout and size specifications that meet standards found in Monterey County Code Chapter 15.20, Sewage Disposal Ordinance, and the Central Coast Basin Plan, RWQCB. (Environmental Health)

(Condition #11 under PLN080089)

**Compliance or Monitoring Action to be Performed:** Prior to construction permits, the owner/applicant shall submit onsite wastewater treatment system plans for review and approval that will accommodate the estimated 135 winery employees during harvest time. Owner/applicant shall obtain a permit to install the onsite wastewater treatment system from Environmental Health prior to issuance of grading and building permits.



## 12. WR8 - COMPLETION CERTIFICATION

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** The applicant shall provide the Water Resources Agency certification from a registered civil engineer or licensed contractor that stormwater detention/retention facilities have been constructed in accordance with approved plans. (Water Resources Agency)

(Condition #12 under PLN080089)

**Compliance or Monitoring Action to be Performed:** Prior to final inspection, the owner/applicant/engineer/contractor shall submit a letter to the Water Resources Agency, prepared by a registered civil engineer or licensed contractor, certifying compliance with approved drainage plan.

## 13. STORMWATER DETENTION (NON-STANDARD WORDING)

**Responsible Department:** Water Resources Agency

**Condition/Mitigation Monitoring Measure:** A drainage plan shall be prepared by a registered civil engineer addressing on-site and off-site impacts, which includes routing stormwater runoff from the paved parking areas to an oil-grease/water separator and construction of stormwater detention/retention facilities to mitigate the impact of impervious surface runoff. Drainage improvements shall be constructed in accordance with plans approved by the Water Resources Agency. (Water Resources Agency)

(Condition #13 under PLN080089)

**Compliance or Monitoring Action to be Performed:** Prior to issuance of Grading and/or Building permit, the owner/applicant shall submit 3 copies of the drainage plan to the Water Resources Agency for review and approval.

## 14. FIRE021 - FIRE PROTECTION EQUIPMENT & SYSTEMS - FIRE SPRINKLER SYSTEM (STANDARD)

**Responsible Department:** Fire

**Condition/Mitigation Monitoring Measure:** 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 and completed prior to requesting a framing inspection. (Mission Soledad Rural Fire Department)

(Condition #14 under PLN080089)

**Compliance or Monitoring Action to be Performed:** Prior to issuance of building permits, the owner/applicant shall enumerate as "Fire Dept. Notes" on plans.

Prior to framing inspection, the owner/applicant shall schedule fire dept. rough sprinkler inspection.

Prior to final building inspection, the owner/applicant shall schedule fire dept. final sprinkler inspection.

## 15. FIRE015 - FIRE HYDRANTS/FIRE VALVES

**Responsible Department:** Fire

**Condition/Mitigation Monitoring Measure:** 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)

(Condition #15 under PLN080089)

**Compliance or Monitoring Action to be Performed:** Prior to issuance of grading and/or building permit, the owner/applicant shall incorporate & schedule a Site Inspection to determine the location of hydrant with specification into design and enumerate as "Fire Dept. Notes" on plans.

Prior to final building inspection, the owner/applicant shall schedule fire dept. clearance inspection.

## 16. FIRE023 - FIRE ALARM SYSTEM - (COMMERCIAL)

**Responsible Department:** Fire

**Condition/Mitigation Monitoring Measure:** 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. (Mission Soledad Rural Fire)

(Condition #16 under PLN080089)

**Compliance or Monitoring Action to be Performed:** Prior to issuance of building permits, the owner/applicant shall enumerate as "Fire Dept. Notes" on plans.

Prior to rough sprinkler or framing inspection, the owner/applicant shall submit fire alarm plans and obtain approval.

Prior to final building inspection, the owner/applicant shall schedule fire alarm system acceptance test.

#### 17. PW0007 - PARKING STD

**Responsible Department:** Public Works Department

**Condition/Mitigation Monitoring Measure:** 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.

(Condition #17 under PLN080089)

**Compliance or Monitoring Action to be Performed:** 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.

#### 18. PW0043 - REGIONAL DEVELOPMENT IMPACT FEE

**Responsible Department:** Public Works Department

**Condition/Mitigation Monitoring Measure:** 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.

(Condition #15 under PLN080089)

**Compliance or Monitoring Action to be Performed:** Prior to issuance of Building Permits Owner/Applicant shall pay Monterey County Building Services Department the traffic mitigation fee. Owner/Applicant shall submit proof of payment to the DPW.

#### 19. PWSP01 - NON STANDARD - ENCROACHMENT PERMIT

**Responsible Department:** Public Works Department

**Condition/Mitigation Monitoring Measure:** Obtain an encroachment permit from the Department of Public Works and Cal Trans for both signage and pavement markings for the Southbound On-Ramp at the Arroyo Seco interchange prior to Doud Road and for the Doud Road portion of the road which is governed by the RMA Department of Public Works. Siting and design of signage and pavement markings/two-way traffic signage will be in accordance with the Department of Public Works and Cal Trans standards. The design and construction is subject to the approval of the Public Works Director.

(Condition #19 under PLN080089)

**Compliance or Monitoring Action to be Performed:** Prior to Building/Grading Permits Issuance. Applicant shall obtain an encroachment permit from DPW and Cal Trans prior to issuance of building permits and complete improvement prior to occupying or commencement of use. Applicant is responsible to obtain all permits and environmental clearances.

## 20. PD01- AIR QUALITY

**Responsible Department:** Planning Department

**Condition/Mitigation** (MM01) The BACMP shall be submitted to the Director of Planning for approval. The plan shall include and incorporate the following:

**Monitoring Measure:**

The contractor shall employ all labor, equipment and methods required to prevent the operations from producing dust in amounts damaging to adjacent property, cultivated vegetation and domestic animals or causing a nuisance to persons occupying buildings in the vicinity of the job site. The contractor shall be responsible for damage caused by dust from his grading operation. The following mitigation measures shall be employed to mitigate potential adverse impact to air quality:

1. All unpaved construction areas shall be sprinkled with water (at least twice per day in dry weather during grading activities)
2. Apply non-toxic tackifier, or other suitable cover (such as jute netting, erosion control fabric, mulch, etc.), to exposed areas immediately after cut-and-fill operations are complete.
3. Trucks hauling dirt and debris must be covered.
4. Post the project at two locations with a publicly visible sign during construction operations that specifies the telephone number and person to contact for complaints and/or injuries from dust generation and other air quality problems resulting from project construction.
5. Immediately sweep up spilled dirt or debris onto paved surfaces.
6. Cover on-site stockpiles of excavated materials.
7. Vacuum (e.g. road sweeper/vacuum) construction-related soils on public road whenever soils are visible. Prior to final of grading and building permits, the owner, qualified construction manager or contractor shall provide written certification that the construction management techniques have been carried out in accordance with the BACMP. (RMA - Planning)

(Condition #20 - MM01 - under PLN080089)

**Compliance or  
Monitoring  
Action to be Performed:**

Prior to Issuance of grading or building permits and prior to final of grading and building permits, the applicant shall submit a plan to implement BACMP prepared by a qualified construction manager or contractor utilizing MBUAPCD standards.

## 21. PD02- TRAFFIC

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** (MM02) The applicant shall submit a Traffic Management Program which shall include but not be limited to the following:

- a. A policy prohibiting truck traffic and employee circulation to and from the facility through the Doud Road/Highway 101 exit;
- b. Placement of signs in the trucker's lounge, employee lounge and other conspicuous locations throughout the facility, specifically prohibiting truck and employee circulation through the Doud Road/Highway 101 exit;
- c. Placement of increased size signage along Doud Road and Highway 101 at locations approved by Public Works and Caltrans, specifying usage of Arroyo Seco Road and Highway 101 exit for Kendall Jackson traffic. A sign must also be placed at the driveway entrance of the winery and Doud Road;
- d. Thresholds of success of this program and how it will be measured for the next five years, which can include specific trip reduction measures for the Doud Road/Highway 101 exit and internal monitoring of compliance.

Prior to final inspection the applicant, shall provide the Director of Public Works and Director of Planning written verification/certification of the Traffic Management Program implementation.

The applicant must submit a report to the Director of Public Works and Director of Planning annually for the first five years. The report shall include a statement that the Traffic Management Program has been taught each year with documentation of implementation. In addition, the applicant will implement this program for five successive years with consultation with the Director of Public Works and Director of Planning. (RMA - Planning and Public Works)

(Condition #21 - MM02 under PLN080089)

**Compliance or Monitoring Action to be Performed:**

Prior to issuance of certificate of occupancy, the applicant/owner shall submit a Traffic Management Plan in consultation with their traffic consultant, the Department of Public Works and Director of Planning. Once success criteria is agreed upon, the applicant shall provide, each year, documentation of implementation of said Traffic Management Plan until such time as success criteria has been achieved.

# Monterey County Planning Department

## DRAFT Condition of Approval Implementation Plan/Mitigation Monitoring Reporting Plan

PLN130668

### 1. PD001 - SPECIFIC USES ONLY

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** This Permit Extension (PLN130668) allows a three-year extension of a previously approved Combined Development Permit (PLN080089) to allow the expansion of an existing winery consisting of: 1) a Use Permit for a new 87,200 square foot wine processing plant and barrel storage room and a 5,100 square foot administrative office; and 2) a Use Permit to allow a reduction in parking spaces to 47 from 169 spaces; and 3) a Variance to exceed the building height limitation of the addition from 45 feet to 46 feet. The property is located at 37300 Doud Road, Soledad (Assessor's Parcel Number 183-021-015-000), Central Salinas Valley Area Plan/Land Use Plan. This permit 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 RMA - Planning. 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)

**Compliance or Monitoring Action to be Performed:** The Owner/Applicant shall adhere to conditions and uses specified in the permit on an ongoing basis unless otherwise stated.

### 2. PD002 - NOTICE PERMIT APPROVAL

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** The applicant shall record a Permit Approval Notice. This notice shall state:  
"A Permit Extension (Resolution Number \*\*\*) was approved by the Zoning Administrator for Assessor's Parcel Number \*\*\* on December 12, 2013. The permit was granted subject to 19 conditions of approval and 2 mitigations which run with the land. A copy of the permit is on file with Monterey County RMA - Planning."

Proof of recordation of this notice shall be furnished to the Director of RMA - Planning prior to issuance of building permits or commencement of the use. (RMA - Planning)

**Compliance or Monitoring Action to be Performed:** 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.

### 3. PD003(A) - CULTURAL RESOURCES NEGATIVE ARCHAEOLOGICAL REPORT

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** 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. Monterey County RMA - Planning and a qualified archaeologist (i.e., an archaeologist registered with the Register 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)

**Compliance or Monitoring:** The Owner/Applicant shall adhere to this condition on an on-going basis.

**Action to be Performed:** Prior to the issuance of grading or building permits and/or prior to the recordation of the final/parcel map, whichever occurs first, the Owner/Applicant shall include requirements of this condition as a note on all grading and building plans. The note shall state "Stop work within 50 meters (165 feet) of uncovered resource and contact Monterey County RMA - Planning 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. PD010 - EROSION CONTROL PLAN & SCHEDULE

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** 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 Director of RMA - Building Services. The improvement and grading plans shall include an implementation schedule of measures for the prevention and control of erosion, siltation and dust during and immediately following construction and until erosion control planting becomes established. This program shall be approved by the Director of RMA - Planning and Director of RMA - Building Services. (RMA - Planning and RMA - Building Services Department)

(Condition #7 under PLN080089)

**Compliance or Monitoring:** Prior to the issuance of grading and building permits.

**Action to be Performed:** Ongoing

An Erosion Control Plan shall be submitted to the RMA - Planning and the RMA - Building Services Department prior to issuance of building and grading permits.

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.

## 5. PD014(B) - LIGHTING - EXTERIOR LIGHTING PLAN (VISUAL SENSITIVITY DISTRICT/RIDGELINE DEVELOPMENT)

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** All exterior lighting shall be unobtrusive, down-lit, harmonious with the local area, and constructed or located so that only the intended area is illuminated and off-site glare is fully controlled. Exterior lights shall have recessed lighting elements. Exterior light sources that would be directly visible from when viewed from a common public viewing area, as defined in Section 21.06.195, are prohibited. The applicant shall submit 3 copies of an exterior lighting plan which shall indicate the location, type, and wattage of all light fixtures and include catalog sheets for each fixture. The lighting shall comply with the requirements of the California Energy Code set forth in California Code of Regulations, Title 24, Part 6. The exterior lighting plan shall be subject to approval by the Director of the RMA – Planning, prior to the issuance of building permits. (RMA - Planning)

(Condition #8 under PLN080089)

**Compliance or Monitoring Action to be Performed:** Prior to the issuance of building permits:  
Submit three copies of the lighting plans to the RMA - Planning Department for review and approval. Approved lighting plans shall be incorporated into final building plans.

Prior to Occupancy/Ongoing:

The lighting shall be installed and maintained in accordance with the approved plan.

## 6. PD041 - HEIGHT VERIFICATION

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** The applicant shall have a benchmark placed upon the property and identify the benchmark on the building plans. The benchmark shall remain visible onsite until final building inspection. The applicant shall provide evidence from a licensed civil engineer or surveyor, to the Director of the RMA - Building Services Department for review and approval, that the height of the structure(s) from the benchmark is consistent with what was approved on the building permit associated with this project. (RMA - Planning and Building Services Department)

(Condition #9 under PLN080089)

**Compliance or Monitoring Action to be Performed:** Prior to the issuance of grading or building permits, the applicant shall have a benchmark placed upon the property and identify the benchmark on the building plans. The benchmark shall remain visible onsite until final building inspection

Prior to the foundation pre-pour inspection, the applicant shall provide evidence from a licensed civil engineer or surveyor, to the Director of the RMA Building Services Department for review and approval, that the height of first finished floor from the benchmark is consistent with what was approved on the building permit.

## 7. PD008 - GEOLOGIC CERTIFICATION

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** Prior to final inspection, the geologic consultant shall provide certification that all development has been constructed in accordance with the geologic report. (RMA - Planning)

(Condition #10 under PLN080089)

**Compliance or Monitoring Action to be Performed:** Prior to final inspection, the owner/applicant/geotechnical consultant shall submit certification by the geotechnical consultant to RMA - Planning showing project's compliance with the geotechnical report.



## 8. PD004 - INDEMNIFICATION AGREEMENT

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** 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 or employees to attack, set aside, void or annul this approval, which action is brought within the time period provided for under law, including but not limited to, Government Code Section 66499.37, as applicable. The property owner will reimburse the County for any court costs and attorney's fees which the 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/her/its 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, recordation of the certificates of compliance 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)

**Compliance or Monitoring Action to be Performed:** 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 for review and signature by the County.

Proof of recordation of the Indemnification Agreement, as outlined, shall be submitted to RMA-Planning .

## 9. PD032(A) - PERMIT EXPIRATION

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** The permit shall be granted for a time period of 3 years, to expire on December 12, 2016 unless use of the property or actual construction has begun within this period. (RMA-Planning)

**Compliance or Monitoring Action to be Performed:** Prior to the expiration date stated in the condition, the Owner/Applicant shall obtain a valid grading or building permit and/or commence the authorized use to the satisfaction of the RMA-Director of Planning. Any request for extension must be received by RMA-Planning at least 30 days prior to the expiration date.

## 10. EHSP01- ONSITE WASTEWATER TREATMENT SYSTEM (NON-STANDARD)

**Responsible Department:** Health Department

**Condition/Mitigation Monitoring Measure:** Environmental Health has determined that adequate area exists to accommodate the necessary onsite wastewater treatment system expansion for the proposed development. Submit onsite wastewater treatment system plans for review and approval that will accommodate the estimated 135 winery employees during harvest time. Indicate the location, design layout and size specifications that meet standards found in Monterey County Code Chapter 15.20, Sewage Disposal Ordinance, and the Central Coast Basin Plan, RWQCB. (Environmental Health)

(Condition #11 under PLN080089)

**Compliance or Monitoring Action to be Performed:** Prior to construction permits, the owner/applicant shall submit onsite wastewater treatment system plans for review and approval that will accommodate the estimated 135 winery employees during harvest time. Owner/applicant shall obtain a permit to install the onsite wastewater treatment system from Environmental Health prior to issuance of grading and building permits.

## 12. WR8 - COMPLETION CERTIFICATION

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** The applicant shall provide the Water Resources Agency certification from a registered civil engineer or licensed contractor that stormwater detention/retention facilities have been constructed in accordance with approved plans. (Water Resources Agency)

(Condition #12 under PLN080089)

**Compliance or Monitoring Action to be Performed:** Prior to final inspection, the owner/applicant/engineer/contractor shall submit a letter to the Water Resources Agency, prepared by a registered civil engineer or licensed contractor, certifying compliance with approved drainage plan.

## 13. STORMWATER DETENTION (NON-STANDARD WORDING)

**Responsible Department:** Water Resources Agency

**Condition/Mitigation Monitoring Measure:** A drainage plan shall be prepared by a registered civil engineer addressing on-site and off-site impacts, which includes routing stormwater runoff from the paved parking areas to an oil-grease/water separator and construction of stormwater detention/retention facilities to mitigate the impact of impervious surface runoff. Drainage improvements shall be constructed in accordance with plans approved by the Water Resources Agency. (Water Resources Agency)

(Condition #13 under PLN080089)

**Compliance or Monitoring Action to be Performed:** Prior to issuance of Grading and/or Building permit, the owner/applicant shall submit 3 copies of the drainage plan to the Water Resources Agency for review and approval.

## 14. FIRE021 - FIRE PROTECTION EQUIPMENT & SYSTEMS - FIRE SPRINKLER SYSTEM (STANDARD)

**Responsible Department:** Fire

**Condition/Mitigation Monitoring Measure:** 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 and completed prior to requesting a framing inspection. (Mission Soledad Rural Fire Department)

(Condition #14 under PLN080089)

**Compliance or Monitoring Action to be Performed:** Prior to issuance of building permits, the owner/applicant shall enumerate as "Fire Dept. Notes" on plans.

Prior to framing inspection, the owner/applicant shall schedule fire dept. rough sprinkler inspection.

Prior to final building inspection, the owner/applicant shall schedule fire dept. final sprinkler inspection.

## 15. FIRE015 - FIRE HYDRANTS/FIRE VALVES

**Responsible Department:** Fire

**Condition/Mitigation Monitoring Measure:** 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)

(Condition #15 under PLN080089)

**Compliance or Monitoring Action to be Performed:** Prior to issuance of grading and/or building permit, the owner/applicant shall incorporate & schedule a Site Inspection to determine the location of hydrant with specification into design and enumerate as "Fire Dept. Notes" on plans.

Prior to final building inspection, the owner/applicant shall schedule fire dept. clearance inspection.

## 16. FIRE023 - FIRE ALARM SYSTEM - (COMMERCIAL)

**Responsible Department:** Fire

**Condition/Mitigation Monitoring Measure:** 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. (Mission Soledad Rural Fire)

(Condition #16 under PLN080089)

**Compliance or Monitoring Action to be Performed:** Prior to issuance of building permits, the owner/applicant shall enumerate as "Fire Dept. Notes" on plans.

Prior to rough sprinkler or framing inspection, the owner/applicant shall submit fire alarm plans and obtain approval.

Prior to final building inspection, the owner/applicant shall schedule fire alarm system acceptance test.

#### 17. PW0007 - PARKING STD

**Responsible Department:** Public Works Department

**Condition/Mitigation Monitoring Measure:** 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.

(Condition #17 under PLN080089)

**Compliance or Monitoring Action to be Performed:** 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.

#### 18. PW0043 - REGIONAL DEVELOPMENT IMPACT FEE

**Responsible Department:** Public Works Department

**Condition/Mitigation Monitoring Measure:** 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.

(Condition #15 under PLN080089)

**Compliance or Monitoring Action to be Performed:** Prior to issuance of Building Permits Owner/Applicant shall pay Monterey County Building Services Department the traffic mitigation fee. Owner/Applicant shall submit proof of payment to the DPW.

#### 19. PWSP01 - NON STANDARD - ENCROACHMENT PERMIT

**Responsible Department:** Public Works Department

**Condition/Mitigation Monitoring Measure:** Obtain an encroachment permit from the Department of Public Works and Cal Trans for both signage and pavement markings for the Southbound On-Ramp at the Arroyo Seco interchange prior to Doud Road and for the Doud Road portion of the road which is governed by the RMA Department of Public Works. Siting and design of signage and pavement markings/two-way traffic signage will be in accordance with the Department of Public Works and Cal Trans standards. The design and construction is subject to the approval of the Public Works Director.

(Condition #19 under PLN080089)

**Compliance or Monitoring Action to be Performed:** Prior to Building/Grading Permits Issuance. Applicant shall obtain an encroachment permit from DPW and Cal Trans prior to issuance of building permits and complete improvement prior to occupying or commencement of use. Applicant is responsible to obtain all permits and environmental clearances.

## 20. PD01- AIR QUALITY

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** (MM01) The BACMP shall be submitted to the Director of Planning for approval. The plan shall include and incorporate the following:

The contractor shall employ all labor, equipment and methods required to prevent the operations from producing dust in amounts damaging to adjacent property, cultivated vegetation and domestic animals or causing a nuisance to persons occupying buildings in the vicinity of the job site. The contractor shall be responsible for damage caused by dust from his grading operation. The following mitigation measures shall be employed to mitigate potential adverse impact to air quality:

1. All unpaved construction areas shall be sprinkled with water (at least twice per day in dry weather during grading activities)
2. Apply non-toxic tackifier, or other suitable cover (such as jute netting, erosion control fabric, mulch, etc.), to exposed areas immediately after cut-and-fill operations are complete.
3. Trucks hauling dirt and debris must be covered.
4. Post the project at two locations with a publicly visible sign during construction operations that specifies the telephone number and person to contact for complaints and/or injuries from dust generation and other air quality problems resulting from project construction.
5. Immediately sweep up spilled dirt or debris onto paved surfaces.
6. Cover on-site stockpiles of excavated materials.
7. Vacuum (e.g. road sweeper/vacuum) construction-related soils on public road whenever soils are visible. Prior to final of grading and building permits, the owner, qualified construction manager or contractor shall provide written certification that the construction management techniques have been carried out in accordance with the BACMP. (RMA - Planning)

(Condition #20 - MM01 - under PLN080089)

**Compliance or Monitoring Action to be Performed:** Prior to Issuance of grading or building permits and prior to final of grading and building permits, the applicant shall submit a plan to implement BACMP prepared by a qualified construction manager or contractor utilizing MBUAPCD standards.

## 21. PD02- TRAFFIC

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** (MM02) The applicant shall submit a Traffic Management Program which shall include but not be limited to the following:

- a. A policy prohibiting truck traffic and employee circulation to and from the facility through the Doud Road/Highway 101 exit;
- b. Placement of signs in the trucker's lounge, employee lounge and other conspicuous locations throughout the facility, specifically prohibiting truck and employee circulation through the Doud Road/Highway 101 exit;
- c. Placement of increased size signage along Doud Road and Highway 101 at locations approved by Public Works and Caltrans, specifying usage of Arroyo Seco Road and Highway 101 exit for Kendall Jackson traffic. A sign must also be placed at the driveway entrance of the winery and Doud Road;
- d. Thresholds of success of this program and how it will be measured for the next five years, which can include specific trip reduction measures for the Doud Road/Highway 101 exit and internal monitoring of compliance.

Prior to final inspection the applicant, shall provide the Director of Public Works and Director of Planning written verification/certification of the Traffic Management Program implementation.

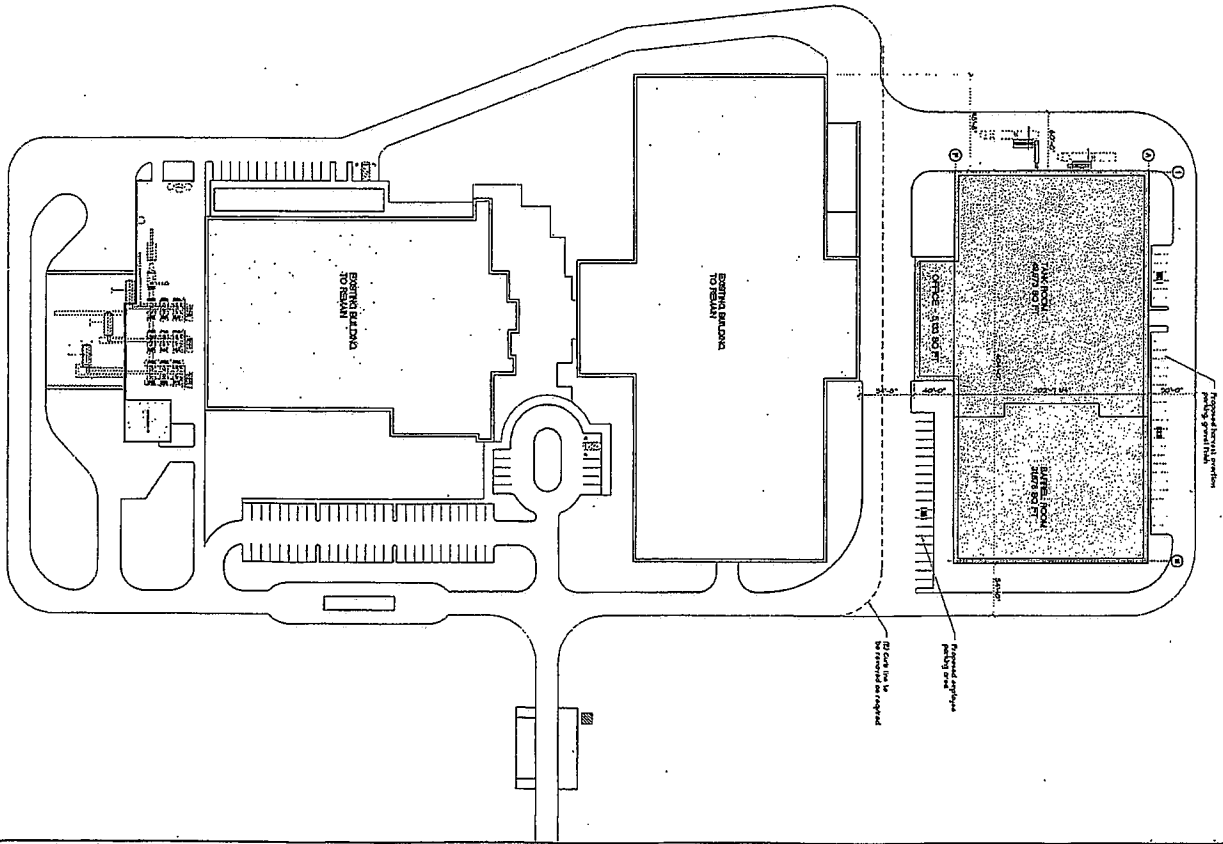
The applicant must submit a report to the Director of Public Works and Director of Planning annually for the first five years. The report shall include a statement that the Traffic Management Program has been taught each year with documentation of implementation. In addition, the applicant will implement this program for five successive years with consultation with the Director of Public Works and Director of Planning. (RMA - Planning and Public Works)

(Condition #21 - MM02 under PLN080089)

**Compliance or Monitoring Action to be Performed:**

Prior to issuance of certificate of occupancy, the applicant/owner shall submit a Traffic Management Plan in consultation with their traffic consultant, the Department of Public Works and Director of Planning. Once success criteria is agreed upon, the applicant shall provide, each year, documentation of implementation of said Traffic Management Plan until such time as success criteria has been achieved.


  
 SITE PLAN



SHEET NO. 1  
 OF 2  
 A2



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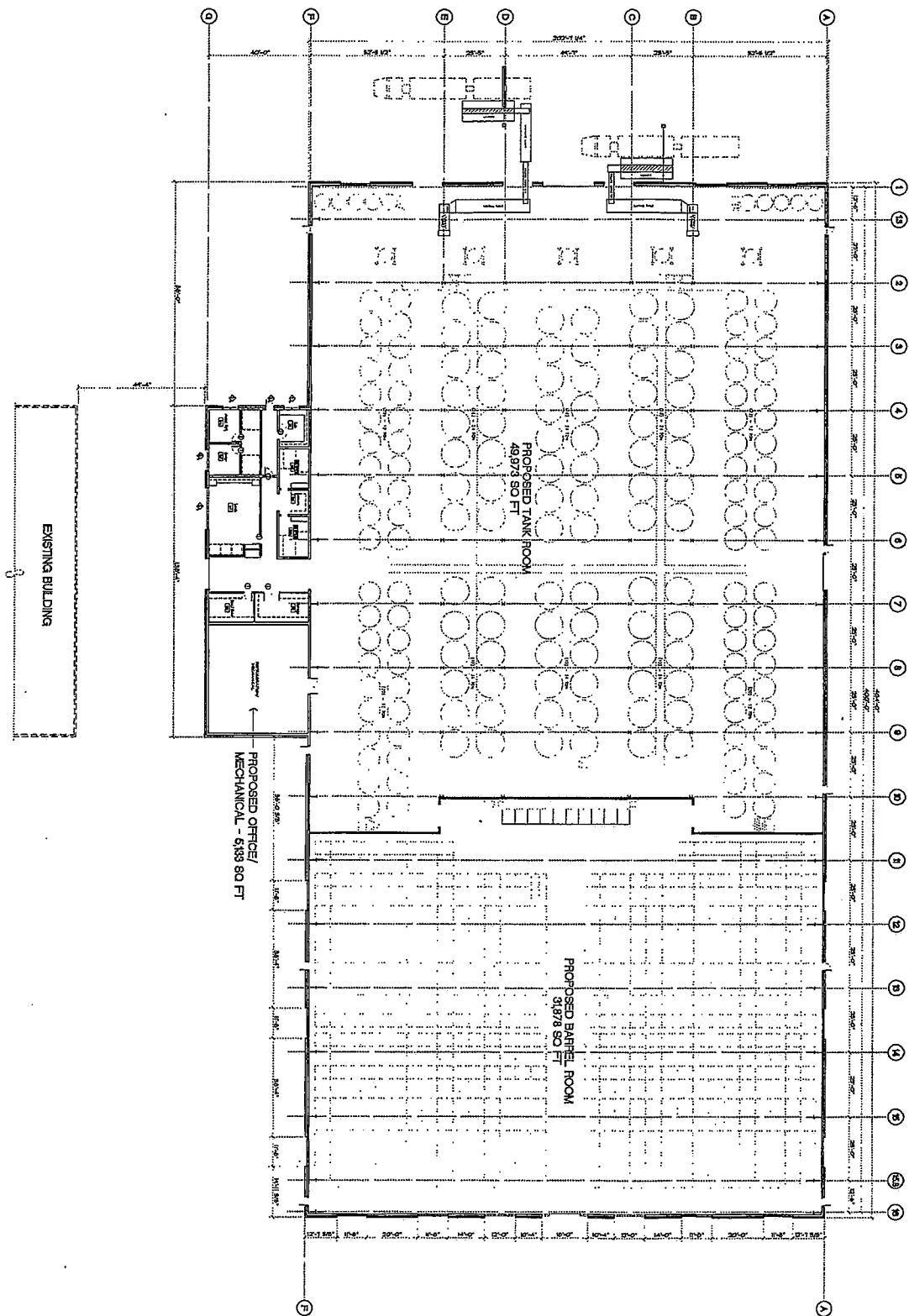
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 (USE PERMIT SUBMITTAL)  
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# FLOOR PLAN





Architectural drawing of the rear elevation of the building. The drawing shows a gabled roof structure with a central dormer window. The elevation includes several windows of varying sizes, some with shutters, and a rear porch area. A scale bar at the bottom indicates a distance of 0 to 10 feet. A north arrow is located in the upper right corner, pointing towards the top right of the page.

1. What is the difference between a primary and a secondary source?  
 A primary source is a source that provides first-hand information or direct experience with the topic being studied. It is an original source of information that has not been filtered through interpretation or analysis by others. Examples of primary sources include diaries, letters, photographs, and original research reports.  
 A secondary source is a source that provides information that has been interpreted, analyzed, or synthesized by someone other than the original creator. It is a source that builds upon or interprets primary sources. Examples of secondary sources include textbooks, review articles, and meta-analyses.
2. What are the characteristics of a good research question?  
 A good research question should be clear, specific, and focused. It should identify a gap in knowledge or a problem that needs to be solved. It should also be researchable, meaning that it can be answered through the collection and analysis of data. A good research question should also be significant, meaning that it has the potential to contribute to the understanding of a topic or to solve a problem.
3. What are the steps in the research process?  
 The research process typically involves several steps: identifying a research topic, formulating a research question, conducting a literature review, developing a research design, collecting data, analyzing data, and drawing conclusions. Each step is important and requires careful planning and execution.
4. What are the different types of research methods?  
 Research methods can be categorized into qualitative and quantitative methods. Qualitative methods involve the collection and analysis of non-numerical data, such as interviews, focus groups, and content analysis. Quantitative methods involve the collection and analysis of numerical data, such as surveys, experiments, and statistical analysis.
5. What are the ethical considerations in research?  
 Research involves the collection and use of data, which can raise ethical concerns. Researchers must ensure that their research is conducted in a way that respects the rights and dignity of the participants. This includes obtaining informed consent, protecting the confidentiality of the data, and minimizing the potential for harm to the participants.

1. Shallow water multi-post
2. Agricultural canal built with mud-brick walls exposed
3. Art installed greenhouse and panel
4. Aluminum slatted window
5. 40' x 30' Lowwood verda
6. Pooling door
7. Iron door
8. Exhaust fan
9. Poly-Organized multi energy
10. Art installed greenhouse multi panel
11. Panel reversed

**EXHIBIT C**

**Before the Zoning Administrator in and for the  
County of Monterey, State of California**

In the matter of the application of:

**Jackson Family Investments II LLC (PLN080089)**

**RESOLUTION NO. 10-054**

Resolution by the Monterey County Zoning

Administrator:

- 1) Adopt Mitigated Negative Declaration per (CEQA) Guidelines Section 15070;
- 2) Approve a Combined Development Permit to allow the expansion of an existing winery (PLN970170). The expansion will consist of; 1) a Use Permit for a new 87,200 square foot agricultural processing plant and barrel storage room and a 5,100 square foot administrative office; 3) a Use Permit to allow a reduction in parking spaces to 47 whereas Monterey County Code requires 169 spaces and; 4) a Variance to allow an increase in height to 46 feet.

(PLN080089, Jackson Family Investments II LLC, 37300 Doud Road, Soledad, Central Salinas Area Plan (APN: 183-021-015-000))

**The Jackson Family Investments II LLC (Kendall Jackson) application (PLN080089) came on for public hearing before the Monterey County Zoning Administrator on December 9, 2010. 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:

- the Monterey County 2010 General Plan and 1982 General Plan;
- Central Salinas Valley Area Plan;
- Monterey County Zoning Ordinance Title 21

No conflicts were found to exist.

- b)     The property is located at 37300 Doud Road, Soledad (Assessor's Parcel Number 183-021-015-000, Central Salinas Valley Area Plan. The parcel is zoned F/40 "Farmlands, 40 acre minimum", which allows an agricultural processing plant (winery). Therefore, the project is an allowed land use for this site.

- c)     The project is an expansion to an existing winery which includes the construction of an approximate 87,000 square foot agricultural processing plant with office and barrel storage room, with a 5,100 square foot administrative office and the addition of 47 new

Exhibit C

parking spaces. To provide architectural consistency with the adjacent attached winery buildings, the applicant is also requesting a variance for an increase in height for the structure from 45 feet to 46 feet. The expansion will sit directly to the north of the existing 194,800 square foot facility and will use an additional four to five acres of vineyards (2%) of the existing 300 acres of vineyards on the site. The facility will be capable of producing an estimated 2,300,000 cases of wine per year from 32,000 tons of grapes.

- d) The applicants were approved for a 194,800 square foot wine production and storage facility under Use Permit PLN970170. A Negative Declaration was prepared and adopted on July 30, 1997. To date, the winery has built 180,700 square feet of winery, storage and administrative facilities.
- e) A Mitigated Negative Declaration ("MND") was prepared to analyze the environmental effects of the winery addition. The Draft MND was circulated from June 23, 2010 to July 23, 2010. Three comments were received during the review period; however the recommendations in the MND did not change as a result.
- f) The project planner conducted a site inspection on April 4, 2009 to verify that the project on the subject parcel conforms to the plans listed above.
- g) Parking Standards. According to Monterey County Code the proposed project requires 169 parking spaces for the establishment of an approximate 87,000 square foot processing plant with office and barrel storage room with a 5,100 square foot administrative office. Monterey County Code Section 21.58.050.E C. allows a deviation from the Parking Standards by a Use Permit where in cases certain which, due to the unusual characteristics of a use or its immediate vicinity, do not necessitate the number of parking spaces, type of design, or improvements required by this Chapter. In this case, reduced parking will be adequate to accommodate all parking needs generated by the use and additional parking is not necessary because of specific features of the use, site, or site vicinity. The applicant is requesting a Use Permit to construct a total of 47 spaces instead of 169 spaces in order to reduce the amount of agricultural land (vineyards) being converted. In addition, the seasonal nature of the winery does not necessitate the need to provide parking for staff on site during the year.
- h) Variance for height. General Plan 2010 policy 3.5 A.C. C. states "The maximum height of structures associated with a winery facility shall be 35 feet. Structural height may be increased to 45 feet without a variance to accommodate processing facilities." The structural height of the building is 44 feet and the façade will sit at 46 feet. In 1997, the winery received approval for a variance (PLN970559) in order to deviate from the F/40 zoning district's height limitation of 35 feet for a tower feature that sits directly in front of the administrative office and tank building. The addition will match the existing structures in design, bulk and height, therefore a height variance is requested in order to ensure a consistent project design and further protect viable agricultural land from being covered by structures. By allowing a taller

building, less viable agricultural land would be covered in structure and limit the amount of vineyards removed from operation. A variance in height will eliminate the need to remove approximately 31,600 square feet of structure out of productive farmlands on the site. To extend the architectural consistency that the winery already has, a variance is requested to continue to allow a taller façade. Overall, with the reduction of parking to accommodate the seasonal use of the property and the design of a taller building, the project has been designed to further preserve the need for the removal of additional acres of farmland.

- i) The project was not referred to a Land Use Advisory Committee (LUAC) for review because no LUAC existed for this area.
- j) 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 PLN080089.

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 Department, Public Works, Parks Department, Environmental Health, and California Regional Water Quality Control Board.

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) Staff identified potential impacts to Traffic, Geology, and Agricultural Resources. 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:
  - a. "Traffic Impact Analysis. Monterey Winery Doud Road Site", Higgins Associates Civil and Traffic Engineers, Inc. dated May 21, 1997.
  - b. "Supplementary Traffic Analysis Report" (LIB080289) Higgins Associates Civil Traffic Engineers, dated March 28, 2008.
  - c. Letter. "Supplement to Traffic Analysis Report dated March 28, 2008" Hatch Mott and McDonald (formerly Higgins Associates Civil Traffic Engineers), dated June 24, 2009
  - d. "Soils Engineer Report Kendall Jackson Winery" Earth Systems Consultants, dated July 2, 1997.
  - e. "Geotechnical Soils-Foundation & Geoseismic Report" (LIB080287) Grice Engineering and Geology Inc, dated February 2008.
  - f. "Interim Report of Soils Engineering Investigation" Earth Systems Consultants, dated May 21, 1997.

- g. "Notice of Intent to Comply with General" (LIB080290) Kennedy/Jenks Consultants, dated April 4, 2008.
- h. "Wastewater Management System Description" Summit Engineering Inc, dated May 21, 1997
- c) Staff conducted a site inspection on April 2, 2009 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 PLN080089.

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 RMA - Planning Department, Mission Soledad Fire Department, Public Works, Parks Department, Environmental Health, and California Regional Water Quality Control Board;  
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 exist. Water is provided by an existing well on site and sewage disposal is provided by an on-site treatment system with individual septic tanks for employee facilities. The proposed construction will not cause a substantial increase nor exceed the capacity of these utilities and services.
  - c) Preceding findings and supporting evidence for PLN080089. See also proceeding Evidence #1 and #2.

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 April 4, 2009 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 PLN080089.

5. **FINDING: CEQA (Mitigated Neg Dec)** - On the basis of the whole record before the Monterey County Zoning Administrator, there is no substantial evidence

that the proposed project as designed, conditioned and mitigated, will have a significant effect on the environment. The Mitigated Negative Declaration reflects the independent judgment and analysis of the County.

- EVIDENCE:**
- a) Public Resources Code Section 21080.d and California Environmental Quality Act (CEQA) Guidelines Section 15064.a.1 require environmental review if there is substantial evidence that the project may have a significant effect on the environment.
  - b) The Monterey County Planning Department prepared an Initial Study pursuant to CEQA. The Initial Study is on file in the offices of the Planning Department and is hereby incorporated by reference (PLN080089).
  - c) The Initial Study identified several potentially significant effects, but the applicant has agreed to proposed mitigation measures that avoid the effects or mitigate the effects to a point where clearly no significant effects would occur. The Initial Study is on file in the RMA-Planning Department and is hereby incorporated by reference (PLN080089).
  - d) Issues that were analyzed and required mitigation in the Mitigated Negative Declaration include: air quality and traffic and transportation.
  - e) Air Quality - The project includes an expansion of approximately 87,000 square feet for a agricultural processing plant, barrel storage room and office to an existing winery. There is a potential for the construction related air quality impacts associated with grading and building to be released in the environment. Total cut and fill for the addition is approximately 10,800 cubic yards of earth movement. Grading activities will occur over a period of weeks and will not exceed the threshold of 2.2 acres per day. Although the threshold will not be exceeded, grading activities have the potential to create short-term construction related impacts. A Mitigation Measure has been incorporated to reduce the potential impacts caused by construction to a less-than-significant level. The applicant, in consultation with a construction manager, shall establish a Best Available Construction Management Plan (BACMP) per MBUAPCD standards and shall implement the following special conditions prior to grading and shall also be included in the General Notes on the Proposed Grading Plans and the Building Plans for the Kendall Jackson expansion project grading and building permits respectively.
  - f) Traffic/Transportation - The property is located off of Highway 101 and Doud Road in Soledad. Access to the site through both Highway 101 and Arroyo Seco Road and Doud Road and Highway 101. In 1997 a traffic report was prepared by Higgins and Associates analyzing traffic conditions at that time and no improvements were required at the time. Caltrans has jurisdiction over the exit off of Arroyo Seco Road and Hwy 101 and as a condition of approval of PLN970170, Caltrans reserved the right to review any increase in usage to this intersection. During staff's site inspection on April 2009 an additional route to the site was identified, Doud Road and Highway 101. Following concerns from the applicants' agent regarding the safety of this access point,

Caltrans conducted a safety study for the Doud Road/Highway 101 exit and concluded brush removal was warranted at the Doud Road/Highway 101 exit to increase driver visibility. The winery does not use the Doud Road exit for deliveries and employees are directed to use the Arroyo Seco exit from Highway 101. As a safety measure a mitigation was included to prohibit employees and winery trucks from using the Doud Road and Highway 101. The applicant shall submit a Traffic Management Program which will include employee training and a policy against using the Doud Road and Highway 101 exit. The Traffic Management Program will be submitted to the Department of Public Works and RMA-Planning prior to issuance of building permits. Annually, the applicant will submit evidence of said program until successful implementation is achieved.

- g) All project changes required to avoid significant effects on the environment have been incorporated into the project and/or are made conditions of approval. A Condition Compliance and Mitigation Monitoring and/or Reporting Plan has been prepared in accordance with Monterey County regulations and is designed to ensure compliance during project implementation and is hereby incorporated herein by reference as Exhibit 1. The applicant must enter into an "Agreement to Implement a Mitigation Monitoring and/or Reporting Plan" as a condition of project approval.
- h) The Draft Mitigated Negative Declaration ("MND") for PLN080089 was prepared in accordance with CEQA and circulated for public review from June 23, 2010 through July 23, 2010 (SCH#: 2010061071). Issues that were analyzed in the Draft Mitigated Negative Declaration ("MND") include aesthetic resources, agricultural resources, air quality, biological resources, geology and soils, hydrology and water quality, land use and planning, population and housing, public services, traffic and transportation and utilities and service systems.
- i) Evidence that has been received and considered includes: the application, technical studies/reports (*see Finding 2/Site Suitability*), staff reports that reflect the County's independent judgment, and information and testimony presented during public hearings (as applicable). These documents are on file in the RMA-Planning Department (PLN080089) and are hereby incorporated herein by reference.
- j) Staff analysis contained in the Initial Study and the record as a whole indicate the project could result in changes to the resources listed in Section 753.5(d) of the Department of Fish and Game (DFG) regulations. All land development projects that are subject to environmental review are subject to a State filing fee plus a County recording fee, unless the Department of Fish and Game determines that the project will have no effect on fish and wildlife resources.
- k) Staff received four comments during the review period. These comments did not change the recommendations set forth in the Initial Study. The County has considered the comments received during the public review period, and they do not alter the

conclusions in the Initial Study and Mitigated Negative Declaration.

- l) The Monterey County Planning Department, located at 168 W. Alisal, Second Floor, Salinas, California, 93901, is the custodian of documents and other materials that constitute the record of proceedings upon which the decision to adopt the negative declaration is based.

6. **FINDING: VARIANCE (Authorized Use)** – The Variance shall not be granted for a use or activity which is not otherwise expressly authorized by the zone regulation governing the parcel of property.

- EVIDENCE:**
- a) The property has a zoning designation of F/40, Farmlands, 40 acre minimum. An agricultural processing facility is an allowed use subject to a Use Permit.
  - b) The expansion will comply with the intent and allowed uses of the property. The project site is designated as Prime Farmland and the expansion will continue to use the property as a viable agricultural operation (agricultural processing plant). The project, as proposed, would not have an impact on land use in the area or significantly reduce the acreage available for various agricultural crops. The proposed project does not require rezoning and would not conflict with adjacent Williamson Act contracts.
  - c) 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 PLN080089.

7. **FINDING: VARIANCE (Special Circumstances)** - Because of special circumstances applicable to the subject property, including the size, shape, topography, location of the lot, or the surrounding area, the strict application of development standards in the Monterey County Codes is found to deprive the subject property of privileges enjoyed by other property owners in the vicinity under identical zoning classification.

- EVIDENCE:**
- a) In 1997, the winery received approval for a variance (PLN970559) in order to deviate from the F/40 zoning district's height limitation of 35 feet for the architectural tower connected to the existing tank room and administrative building. By allowing a taller building, less viable agricultural land would be covered in structure. In order to provide the architectural character of the existing building and further reduce the amount of agricultural land taken out of farmlands, the applicant is requesting an addition in height for the expansion. A strict implementation of the 35 foot height limitation would remove an additional 31,600 square feet to the expansion, for a building totaling 113,450 square feet. The new General Plan policy 3.5 A.C. C. states "The maximum height of structures associated with a winery facility shall be 35 feet. Structural height may be increased to 45 feet without a variance to accommodate processing facilities." In this case, the structural height of the building is 44 feet and the façade to match the adjacent building will sit at 46 feet. One of the intents of the height limitations is to ensure structures are viewed from a similar viewing plane. In this case, given the height of the existing structures, any additions



would not blend in with the visual plane of the winery unless the height is the same height.

- b) General Plan policy AG-2.4 specifies "Agriculture-related enterprises and agricultural support uses shall be sited and designed to minimize the loss of productive agricultural lands and to minimize impacts on surrounding land uses". The designer has worked carefully to design the addition in order to protect viable vineyards. An increased height will lessen encroachment onto prime farmlands and further the purposes and goals of the General Plan.
- c) The site is surrounded by vineyards and the winery would like to protect this resource. The site is visible from Highway 101 and any architectural differences in the winery appurtenances will not blend with the existing structure.
- 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 PLN080089.
- e) The project planner conducted a site inspection on April 8, 2010 to verify the circumstances related to the property.

8. **FINDING: VARIANCE (Special Privileges)** - The variance shall not constitute a grant of privileges inconsistent with the limitations upon other property owners in the vicinity and zone in which such property is situated.

- EVIDENCE:**
- a) The property is zoned Farmlands and an agriculture processing plant is an allowed use. To date, the winery has built 180,700 square feet of winery, storage and administrative facilities. The existing buildings were granted a variance, PLN970559, in order to allow a taller height to hide the mechanical appurtenances on the roof given the visibility of the winery from Highway 101.
  - b) General Plan policies further encourage the development of Monterey County's wine industry. General Plan policy AG-4.1 states "In order to promote the continuation and economic viability of the agricultural industry, development of a fully integrated wine industry incorporating cultivation, processing, marketing, sales, and tourism to fully utilize the wine grape production of the County shall be supported". The expansion is not a use not otherwise expressly encouraged by the county.
  - c) 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 PLN080089.
  - d) The project planner conducted a site inspection on April 9, 2009 to identify circumstances related to other property in the vicinity and in the same zoning district.
  - e) See preceding Evidence 5 and 6.

9. **FINDING: REDUCTION IN PARKING (Use Permit)** - The subject project will contain less parking spaces than is required by Monterey County Code Section 21.58.10 which establishes parking standards to ensure that there is a sufficient number to accommodate all vehicles which will be congregated at a given location at a given point in time by drivers and

passengers who use or occupy the facility or area for which the parking space and loading space is provided.

- EVIDENCE:**
- a) Monterey County Code Section 21.58.010 requires the project to provide 169 spaces for the proposed 87,200 square foot agricultural processing plant, barrel storage room and 5,100 square foot administrative office.
  - b) Harvest season occurs between September 1 to November 1 every year and the number of employees will vary depending on the harvest. Currently there are 80 employees both seasonal and non seasonal. The addition will bring a total of 135 seasonal and non seasonal employees each year. Of the approximately 135 employees, at least 70 of these employees are at the site seasonally.
  - c) Due to the seasonal nature of the operation of workers and in order to protect the otherwise productive agricultural use of the property the applicant is proposing a reduction in parking to 47 spaces. The applicant is requesting a Use Permit pursuant to Monterey County Zoning Code section 21.58.050 given that the winery operation does not necessitate the number of parking spaces required. Although there is ample space for parking on the site, in this situation, due to the seasonal nature of parking needed, additional parking spaces are not warranted. Typically, agricultural workers park alongside the vineyards closest to their work area therefore ample parking already exists.
  - d) The property is identified as Prime Agricultural lands. The expansion will involve the removal of approximately 1.25 acres of existing vineyards in order to establish parking for future employees and only culminates in less than .009% of the total site. This project proposes a reduction in the number of required off street parking which will reduce conversion of additional prime farmlands. General Plan policy AG-1.4 states "Viable agricultural land uses, including ancillary and support uses and facilities on farmland designated as Prime, of Statewide Importance, Unique, or of Local Importance shall be conserved, enhanced and expanded through agricultural land use designations and encouragement of large lot agricultural zoning, except as provided in a Community Plan". Further, General Plan policy AG-2.4 specifies "Agriculture-related enterprises and agricultural support uses shall be sited and designed to minimize the loss of productive agricultural lands and to minimize impacts on surrounding land uses". The reduction in parking will further the goals of preservation of prime farmlands contained in the General Plan.
  - e) The expansion of barrel room and tank storage will bring in an additional 108 temporary seasonal agricultural workers who will work for 4-6 weeks out of the year. Typically, agricultural workers park alongside the vineyards closest to their work area therefore ample parking already exist.
  - f) The proposed barrel and tank room are primarily storage type uses and will not increase the number of overall full time employees on site. To accommodate the nature of the agricultural operation the applicant is proposing a reduction in the number of required

parking spaces for this addition to 47 spaces, requiring the removal of 1.25 acres of vineyards or 13 rows of vineyards (length of 650').

- g) 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 PLN080089.
- h) The project planner conducted a site inspection on April 8, 2010 to verify that the project minimizes development within the viewshed or to identify methods to minimize the development.

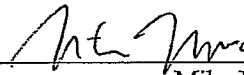
- 10 **FINDING: APPEALABILITY** - The decision on this project may be appealed to the Planning Commission.
- EVIDENCE:** Section 21.080.040.B Monterey County Zoning Ordinance (Planning Commission).

### DECISION

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

- A. Adopt Mitigated Negative Declaration per (CEQA) Guidelines Section 15070;
- B. Approve a Combined Development Permit to allow the expansion of an existing winery (PLN970170). The expansion will consist of; 1) a Use Permit for a new 87,200 square foot processing plant and barrel storage room and a 5,100 square foot administrative office; 3) a Use Permit to allow a reduction in parking spaces to 47 whereas Monterey County Code requires 169 spaces and; 4) a Variance to allow an increase in height to 46 feet in general conformance with the attached sketch and subject to the conditions (**Exhibit 1**), both exhibits being attached hereto and incorporated herein by reference.
- C. Adopt the Mitigation Monitoring and Reporting Program (**Exhibit 1**)

**PASSED AND ADOPTED** this 9th day of December, 2010.

  
Mike Novo, Zoning Administrator

COPY OF THIS DECISION MAILED TO APPLICANT ON **DEC 28, 2010**

THIS APPLICATION IS APPEALABLE TO THE PLANNING COMMISSION.

IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE SECRETARY OF THE PLANNING COMMISSION ON THE APPROPRIATE FILING FEE ON OR BEFORE **JAN 07 2011**

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.

**RESOLUTION 10-054 - EXHIBIT 1**  
**Monterey County Resource Management Agency**  
**Planning Department**  
**Condition Compliance and/or Mitigation Monitoring**  
**Reporting Plan**

Project Name: Jackson Family Investments II LLC  
 File No: PLN080089 APNs: 183-021-015-000  
 Approved by: Zoning Administrator Date: December 9, 2010

*\*Monitoring or Reporting refers to projects with an EIR or adopted Mitigated Negative Declaration per Section 21081.6 of the Public Resources Code.*

Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed Where applicable, a certified professional is required for action to be accepted	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
<b>RMA - Planning Department</b>						
1.		<p><b>PD001 - SPECIFIC USES ONLY</b></p> <p>This Combined Development permit (PLN080089) allows the expansion of an existing winery (PLN970170). The expansion will consist of: 1) a Use Permit for a new 87,200 square processing plant and barrel storage room and a 5,100 square foot administrative office; 3) a Use Permit to allow a reduction in parking spaces to 47 whereas Monterey County Code requires 169 spaces and; 4) a Variance to allow an increase in height to 46 feet whereas the district regulations allow 45 feet. The property is located at 37300 Doud Road, Soledad (Assessor's Parcel Number 183-021-015-000), Central Salinas Valley Area Plan/Land Use Plan. This permit was approved in accordance with County ordinances and land use regulations subject to the following terms and conditions. Neither the uses nor the construction allowed by this permit shall commence unless and until all of the conditions of this permit are met to the satisfaction of the Director of the RMA - Planning Department. Any use or construction not in substantial conformance with the terms and conditions of this permit is a violation of County regulations and may result in modification or revocation of this permit and subsequent legal action. No use or construction other than that specified by this permit is</p>	<p>Adhere to conditions and uses specified in the permit.</p> <p>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.</p>	<p>Owner/ Applicant</p> <p>RMA - Planning</p> <p>WRA RMA - Planning</p>	<p>Ongoing unless otherwise stated</p>	

Exhibit C

Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Fund Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
		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)				
2.		<b>PD002 - NOTICE-PERMIT APPROVAL</b> The applicant shall record a notice which states: "A permit (Resolution 10-054) was approved by the Zoning Administrator for Assessor's Parcel Number 183-021-015-000 on December 9, 2010. The permit was granted subject to 21 conditions of approval which run with the land. A copy of the permit is on file with the Monterey County RMA - Planning Department." (RMA-Planning Department)	Obtain appropriate form from the RMA-Planning Department.  The applicant shall complete the form and furnish proof of recordation of this notice to the RMA - Planning Department.	Owner/ Applicant  RMA- Planning	Prior to the issuance of grading and building permits or commencement of use.	
3.		<b>PD003(A) - CULTURAL RESOURCES - NEGATIVE ARCHAEOLOGICAL REPORT</b> 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 the discovery. (RMA - Planning Department)	Stop work within 50 meters (165 feet) of uncovered resource and contact the Monterey County RMA - Planning Department and a qualified archaeologist immediately if cultural, archaeological, historical or paleontological resources are uncovered. When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for the discovery.	Owner/ Applicant/ Archaeologist	Ongoing	

Exhibit C

Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
4.		<p><b>PD004 - INDEMNIFICATION AGREEMENT</b></p> <p>The property owner agrees as a condition and in consideration of the approval of this discretionary development permit that it will, pursuant to agreement and/or statutory provisions as applicable, including but not limited to Government Code Section 66474.9, defend, indemnify and hold harmless the County of Monterey or its agents, officers and employees from any claim, action or proceeding against the County or its agents, officers or employees to attack, set aside, void or annul this approval, which action is brought within the time period provided for under law, including but not limited to, Government Code Section 66499.37, as applicable. The property owner will reimburse the county for any court costs and attorney's fees which the County may be required by a court to pay as a result of such action. County may, at its sole discretion, participate in the defense of such action; but such participation shall not relieve applicant of his obligations under this condition. An agreement to this effect shall be recorded upon demand of County Counsel or concurrent with the issuance of building permits, use of the property, filing of the final map, whichever occurs first and as applicable. The County shall promptly notify the property owner of any such claim, action or proceeding and the County shall cooperate fully in the defense thereof. If the County fails to promptly notify the property owner of any such claim, action or proceeding or fails to cooperate fully in the defense thereof, the property owner shall not thereafter be responsible to defend, indemnify or hold the county harmless. <b>(RMA - Planning Department)</b></p>	<p>Submit signed and notarized Indemnification Agreement to the Director of RMA - Planning Department for review and signature by the County.</p> <p>Proof of recordation of the Indemnification Agreement, as outlined, shall be submitted to the RMA - Planning Department.</p>	Owner/ Applicant	Upon demand of County Counsel or concurrent with the issuance of building permits, or use of the property, whichever occurs first and as applicable	

Exhibit C

Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
5.		<b>PD005 - FISH AND GAME FEE-NEG DEC/EIR</b> Pursuant to the State Public Resources Code § 753.5, State Fish and Game Code, and California Code of Regulations, the applicant shall pay a fee, to be collected by the County, within five (5) working days of project approval. This fee shall be paid before the Notice of Determination is filed. If the fee is not paid within five (5) working days, the project shall not be operative, vested or final until the filing fees are paid. (RMA - Planning Department)	The applicant shall submit a check, payable to the <i>County of Monterey</i> , to the Director of the RMA - Planning Department.  If the fee is not paid within five (5) working days, the applicant shall submit a check, payable to the <i>County of Monterey</i> , to the Director of the RMA - Planning Department.	Owner/ Applicant	Within 5 working days of project approval.  Prior to start of use or the issuance of building or grading permits	
6.		<b>PD006 - MITIGATION MONITORING PROGRAM</b> The applicant shall enter into an agreement with the County to implement a Mitigation Monitoring and/or Reporting Plan in accordance with Section 21081.6 of the California Public Resources Code and Section 15097 of Title 14, Chapter 3 of the California Code of Regulations. Compliance with the fee schedule adopted by the Board of Supervisors for mitigation monitoring shall be required and payment made to the County of Monterey at the time the property owner submits the signed mitigation monitoring agreement. (RMA - Planning Department)	1) Enter into agreement with the County to implement a Mitigation Monitoring Program.  2) Fees shall be submitted at the time the property owner submits the signed mitigation monitoring agreement.	Owner/ Applicant	Within 60 days after project approval or prior to the issuance of grading and building permits, whichever occurs first.	
7.	#	<b>PD010 - EROSION CONTROL PLAN AND SCHEDULE</b> 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	An Erosion Control Plan shall be submitted to the RMA - Planning Department and the RMA - Building Services Department prior to issuance of building and grading permits.  Comply with the recommendations of	Owner/ Applicant	Prior to the issuance of grading and building permits  Ongoing	

Exhibit C



Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
		RMA - Planning and Director of RMA - Building Services. The improvement and grading plans shall include an implementation schedule of measures for the prevention and control of erosion, siltation and dust during and immediately following construction and until erosion control planting becomes established. This program shall be approved by the Director of RMA - Planning and Director of RMA - Building Services. (RMA - Planning Department and RMA - Building Services Department)	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.			
8.	#15	PD014(B) - LIGHTING - EXTERIOR LIGHTING PLAN (VISUAL SENSITIVITY DISTRICT/ RIDGELINE DEVELOPMENT) All exterior lighting shall be unobtrusive, down-lit, harmonious with the local area, and constructed or located so that only the intended area is illuminated and off-site glare is fully controlled. Exterior lights shall have recessed lighting elements. Exterior light sources that would be directly visible from when viewed from a common public viewing area, as defined in Section 21.06.195, are prohibited. The applicant shall submit 3 copies of an exterior lighting plan which shall indicate the location, type, and wattage of all light fixtures and include catalog sheets for each fixture. The lighting shall comply with the requirements of the California Energy Code set forth in California Code of Regulations, Title 24, Part 6. The exterior lighting plan shall be subject to approval by the Director of the RMA - Planning Department, prior to the issuance of building permits. (RMA - Planning Department)	Submit three copies of the lighting plans to the RMA - Planning Department for review and approval. Approved lighting plans shall be incorporated into final building plans.  The lighting shall be installed and maintained in accordance with the approved plan.	Owner/ Applicant	Prior to the issuance of building permits.  Prior to Occupancy /Ongoing	
9.	#10	PD041 - HEIGHT VERIFICATION The applicant shall have a benchmark placed upon the property and identify the benchmark on the building plans. The benchmark shall remain visible onsite until final building inspection. The applicant shall provide evidence from a licensed civil engineer or surveyor, to	The applicant shall have a benchmark placed upon the property and identify the benchmark on the building plans. The benchmark shall remain visible onsite until final building inspection	Owner/ Applicant	Prior to the issuance of grading or building permits	

Exhibit C




Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
		the Director of the RMA- Building Services Department for review and approval, that the height of the structure(s) from the benchmark is consistent with what was approved on the building permit associated with this project. (RMA - Planning Department and Building Services Department)	The applicant shall provide evidence from a licensed civil engineer or surveyor, to the Director of the RMA- Building Services Department for review and approval, that the height of first finished floor from the benchmark is consistent with what was approved on the building permit.		Prior to the foundation pour inspection	
10.		PD008 - GEOLOGIC CERTIFICATION Prior to final inspection, the geologic consultant shall provide certification that all development has been constructed in accordance with the geologic report. (RMA - Planning Department)	Submit certification by the geotechnical consultant to the RMA - Planning Department showing project's compliance with the geotechnical report.	Owner/ Applicant/ Geotechnical Consultant	Prior to final inspection	
<b>Health Department - Environmental Health Bureau</b>						
11.		EHSP01 - ONSITE WASTEWATER TREATMENT SYSTEM DESIGN Environmental Health has determined that adequate area exists to accommodate the necessary onsite wastewater treatment system expansion for the proposed development. Submit onsite wastewater treatment system plans for review and approval that will accommodate the estimated 135 winery employees during harvest time. Indicate the location, design layout and size specifications that meet standards found in Monterey County Code Chapter 15.20, Sewage Disposal Ordinance, and the Central Coast Basin Plan, RWQCB. (Environmental Health)	Submit onsite wastewater treatment system design plans for review and approval by Environmental Health Division. Applicant shall obtain a permit to install the onsite wastewater treatment system from Environmental Health.	Owner / Applicant	Prior to issuance of building permit.	
<b>Monterey County Water Resources Agency</b>						
12.		WR8 - COMPLETION CERTIFICATION The applicant shall provide the Water Resources Agency certification from a registered civil engineer or licensed contractor that stormwater detention/retention facilities have been constructed in accordance with approved plans. (Water Resources Agency)	Submit a letter to the Water Resources Agency, prepared by a registered civil engineer or licensed contractor, certifying compliance with approved drainage plan.	Owner/ Applicant/ Engineer/ Contractor	Prior to final inspection	

Exhibit C

Permit Cond. Number	Ming Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable a certified professional is required for action to be accepted	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
13.	# 10	<b>STORMWATER DETENTION (NON-STANDARD WORDING)</b> A drainage plan shall be prepared by a registered civil engineer addressing on-site and off-site impacts, which includes routing stormwater runoff from the paved parking areas to an oil-grease/water separator and construction of stormwater detention/retention facilities to mitigate the impact of impervious surface runoff. Drainage improvements shall be constructed in accordance with plans approved by the Water Resources Agency. (Water Resources Agency)	Submit 3 copies of the drainage plan to the Water Resources Agency for review and approval.	Owner/ Applicant	Prior to issuance of Grading and/or Building Permits	
<b>Fire Agency - Monterey County Fire District &amp; City of Soledad Fire Department</b>						
14.	# 11	<b>FIRE021 - FIRE PROTECTION EQUIPMENT &amp; SYSTEMS - FIRE SPRINKLER SYSTEM (STANDARD)</b> 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 and completed prior to requesting a framing inspection.	Applicant shall enumerate as "Fire Dept. Notes" on plans.  Applicant shall schedule fire dept. rough sprinkler inspection  Applicant shall schedule fire dept. final sprinkler inspection	Owner/ Applicant	Prior to issuance of building permit.  Prior to framing inspection  Prior to final building inspection	
15.	# 12	<b>FIRE015 - FIRE HYDRANTS/FIRE VALVES</b> 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	Applicant shall incorporate & Schedule a Site Inspection to determine the location of hydrant with specification into design and enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to issuance of grading and/or building permit, applicant must schedule a	

Exhibit C


Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
		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. <b>Responsible Land Use Department: Monterey County Fire District &amp; City of Soledad Fire Department</b>	Applicant shall schedule fire dept. clearance inspection		Site Inspection  Prior to final building inspection	
16.		<b>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. <b>Responsible Land Use Department: Monterey County Fire District &amp; City of Soledad Fire Department.</b>	Applicant shall enumerate as "Fire Dept. Notes" on plans.  Applicant shall submit fire alarm plans and obtain approval.  Applicant shall schedule fire alarm system acceptance test	Applicant or owner	Prior to issuance of building permit.  Prior to rough sprinkler or framing inspection  Prior to final building inspection	

Exhibit C

Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
<b>RMA - Public Works Department</b>						
17.	# 14	<b>PW0007 - PARKING STD</b> 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)	Applicant's engineer or architect shall prepare a parking plan for review and approval.	Owner/ Applicant/ Engineer	Prior to Building/ Grading Permits Issuance	
18.	# 15	<b>PW0043 - REGIONAL DEVELOPMENT IMPACT FEE</b> Prior to issuance of building permits, applicant shall pay the Regional Development Impact Fee (RDIF) pursuant to the Monterey Code Chapter 12.90. The fee amount shall be determined based on the parameters adopted in the current fee schedule. (Public Works)	Applicant shall pay Monterey County Building Services Department the traffic mitigation fee.	Owner/ Applicant	Prior to issuance of Building Permits	
19.	# 16	<b>PW0002 - NON STANDARD - ENCROACHMENT PERMIT</b> Obtain an encroachment permit from the Department of Public Works and Cal Trans for both signage and pavement markings for the Southbound On-Ramp at the Arroyo Seco interchange prior to Doud Road and for the Doud Road portion of the road which is governed by the RMA Department of Public Works. Siting and design of signage and pavement markings/two-way traffic signage will be in accordance with the Department of Public Works and Cal Trans standards. The design and construction is subject to the approval of the Public Works Director. (Public Works)	Applicant shall obtain an encroachment permit from DPW and Cal Trans prior to issuance of building permits and complete improvement prior to occupying or commencement of use. Applicant is responsible to obtain all permits and environmental clearances.	Owner/ Applicant	Prior to Building/ Grading Permit Issuance.	
<b>Mitigation Measures</b>						
20.	MM01 # 17	<b>PD01- Air Quality</b> - The BACMP shall be submitted to the Director of Planning for approval. The plan shall include and incorporate the following: The contractor shall employ all labor, equipment and methods required to prevent the operations from producing dust in amounts damaging to adjacent property, cultivated vegetation and domestic	The applicant shall submit a plan to implement BACMP prepared by a qualified construction manager or contractor utilizing MBUAPCD standards.	The qualified construction manager or contractor utilizing MBUAPCD standards.	Prior to Issuance of Grading or Building Permits	

Exhibit C

Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
		<p>animals or causing a nuisance to persons occupying buildings in the vicinity of the job site. The contractor shall be responsible for damage caused by dust from his grading operation. The following mitigation measures shall be employed to mitigate potential adverse impact to air quality:</p> <ol style="list-style-type: none"> <li>1. All unpaved construction areas shall be sprinkled with water (at least twice per day in dry weather during grading activities.)</li> <li>2. Apply non-toxic tackifier, or other suitable cover (such as jute netting, erosion control fabric, mulch, etc.), to exposed areas immediately after cut-and-fill operations are complete.</li> <li>3. Trucks hauling dirt and debris must be covered.</li> <li>4. Post the project at two locations with a publicly visible sign during construction operations that specifies the telephone number and person to contact for complaints and/or injuries from dust generation and other air quality problems resulting from project construction.</li> <li>5. Immediately sweep up spilled dirt or debris onto paved surfaces.</li> <li>6. Cover on-site stockpiles of excavated materials.</li> <li>7. Vacuum (e.g. road sweeper/vacuum) construction-related soils on public roads whenever soils are visible.</li> </ol> <p>Prior to final of grading and building permits, the owner, qualified construction manager or contractor shall provide written certification that the construction management techniques have been carried out in accordance with the BACMP. (RMA- Planning Department)</p>			Prior to final of grading and building permits	

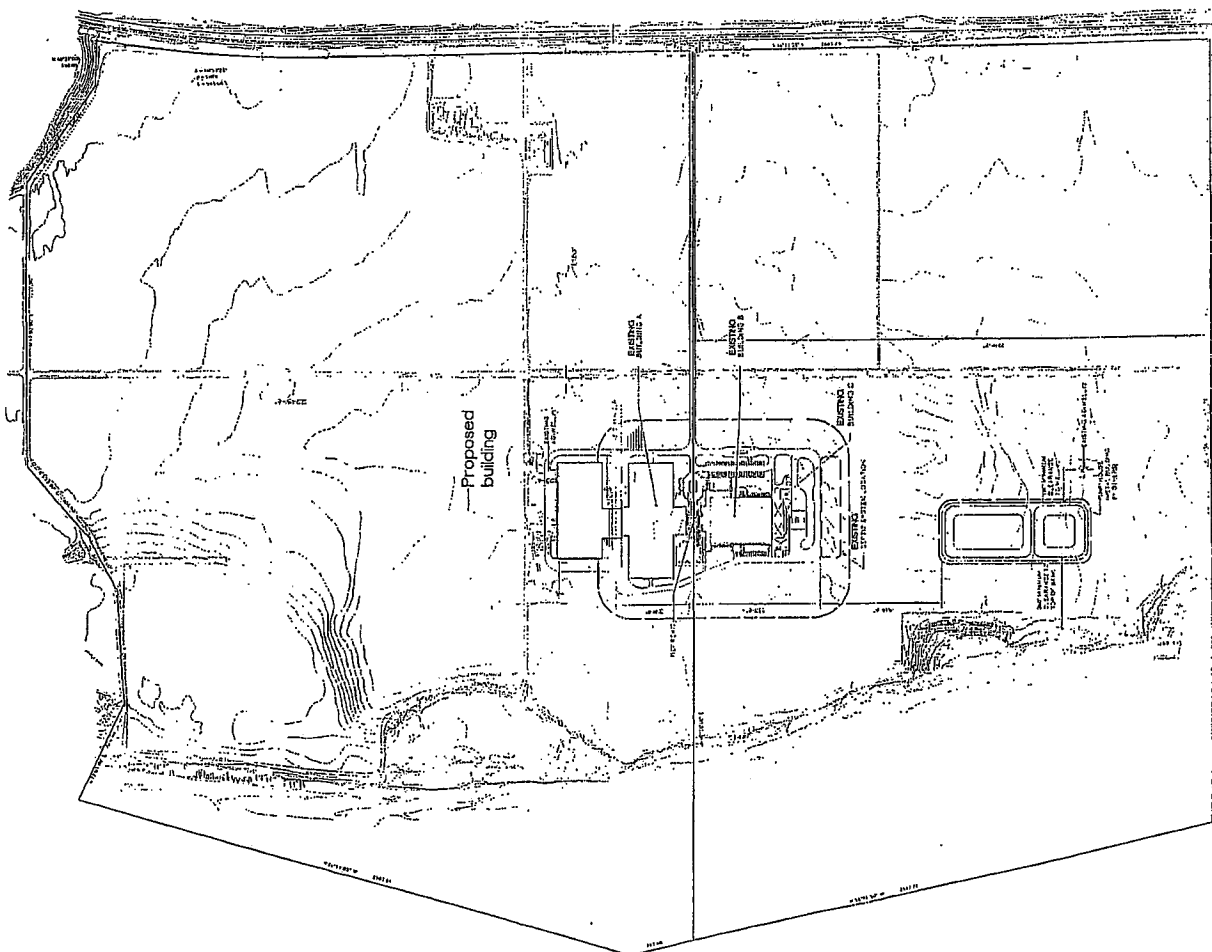
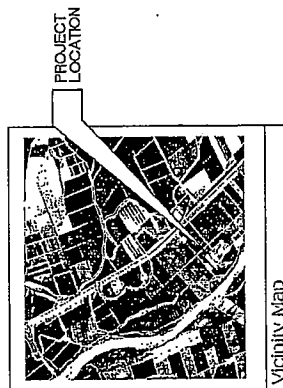
Exhibit C

Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
21.	MM02 <i>#18</i>	<p><b>PD02 – Traffic</b> - The applicant shall submit a <b>Traffic Management Program</b> which shall include but not be limited to the following:</p> <ul style="list-style-type: none"> <li>a. A policy prohibiting truck traffic and employee circulation to and from the facility through the Doud Road/Highway 101 exit;</li> <li>b. Placement of signs in the trucker's lounge, employee lounge and other conspicuous locations throughout the facility, specifically prohibiting truck and employee circulation through the Doud Road/Highway 101 exit;</li> <li>c. Placement of increased size signage along Doud Road and Highway 101 at locations approved by Public Works and Caltrans, specifying usage of Arroyo Seco Road and Highway 101 exit for Kendall Jackson traffic. <b>A sign must also be placed at the driveway entrance of the winery and Doud Road;</b></li> <li>d. Thresholds of success of this program and how it will be measured for the next five years, which can include specific trip reduction measures for the Doud Road/Highway 101 exit and internal monitoring of compliance.</li> </ul> <p><b>Prior to final inspection</b> the applicant, shall provide the Director of Public Works and Director of Planning written verification/certification of the Traffic Management Program implementation.</p> <p><b>The applicant must submit a report to the Director of Public Works and Director of Planning annually for the first five years.</b> The report shall include a statement that the Traffic Management Program has been taught each year with documentation of implementation. In addition, the applicant will implement this program for five successive years with consultation with the Director of Public Works and Director of Planning. <b>(RMA-Planning Department and Public Works)</b></p>	<p>The applicant shall submit a Traffic Management Plan in consultation with their traffic consultant, the Department of Public Works and Director of Planning. Once success criteria is agreed upon, the applicant shall provide, each year, documentation of implementation of said Traffic Management Plan until such time as success criteria has been achieved.</p>	Applicant/ Owner	Prior to issuance of certificate of occupancy	

Exhibit C

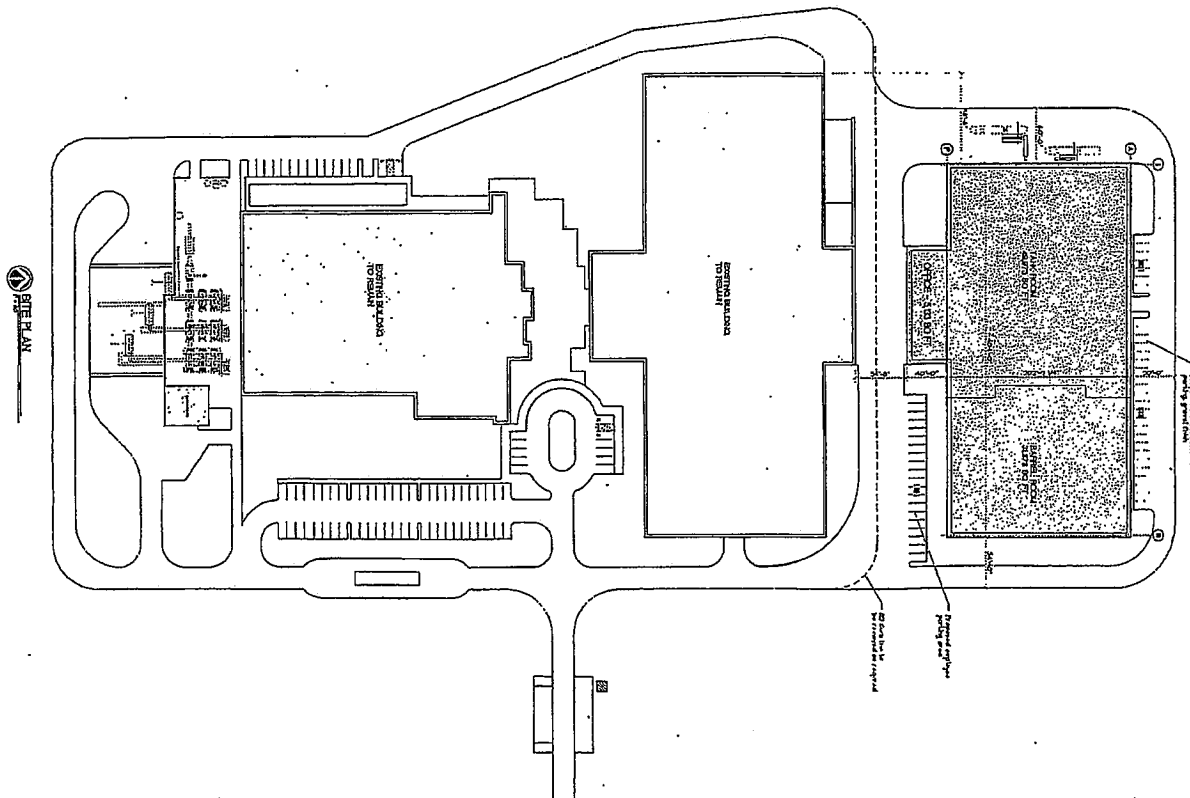
END OF CONDITIONS



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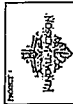
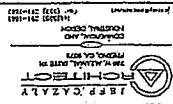
**OVERALL SITE PLAN**



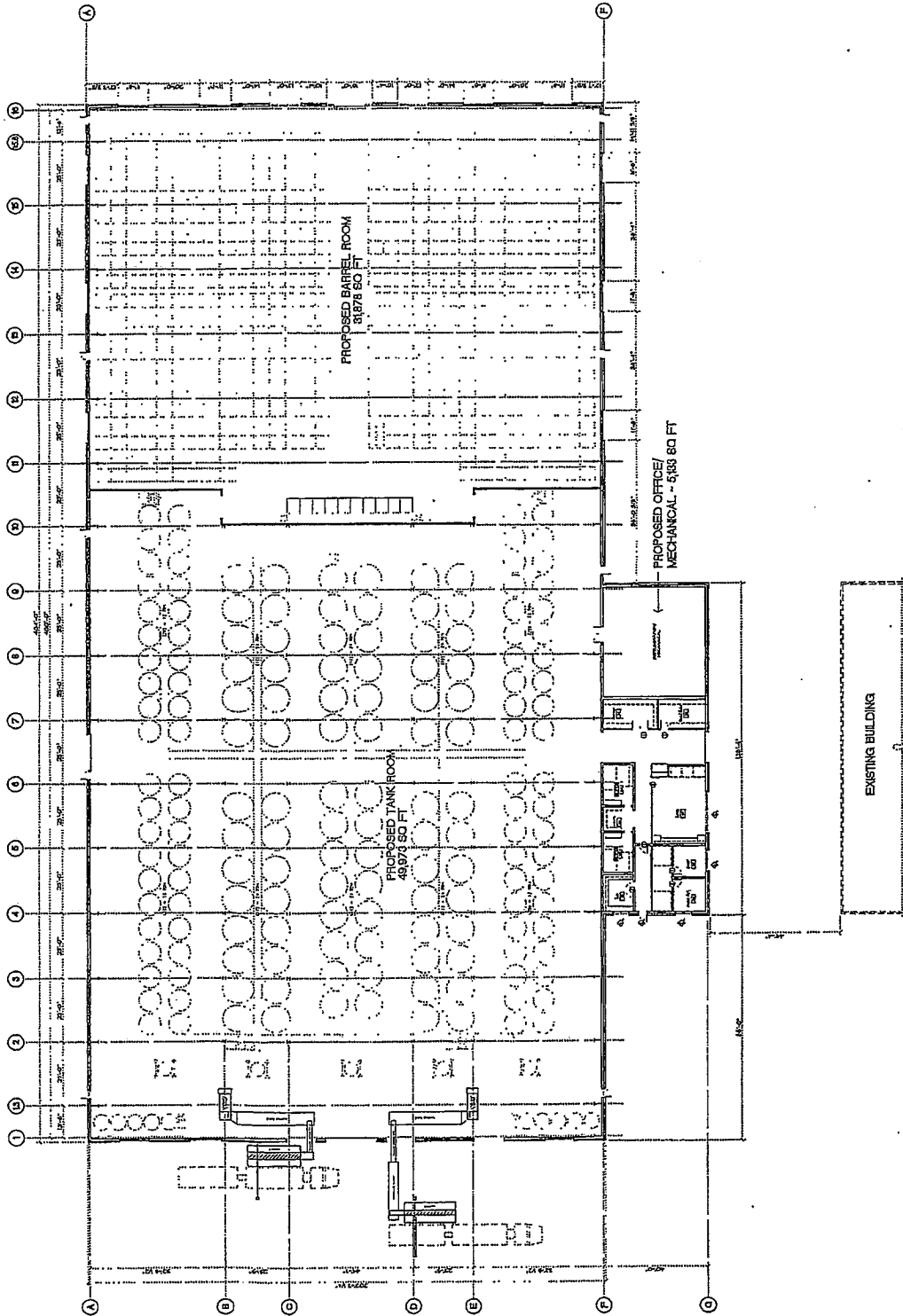
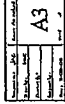


<p>PROJECT: 2008-070</p> <p>DATE: 08/08/08</p> <p>SCALE: A2</p>	<p>JEFF CAZALY ARCHITECT</p> <p>729 N. ALVARADO, SUITE 100</p> <p>PUEBLO, CO 81009</p> <p>CO-ARCHITECTS</p> <p>1415507 231-1859</p> <p>1415507 231-1859</p>	<p>KENDALL-JACKSON</p> <p>(MONTEREY FACILITY)</p> <p>NEW BARREL STORAGE BUILDING</p> <p>(USE PERMIT SUBMITTAL)</p> <p>SOLEDAD, CA</p>	<p>CONTRACTOR:</p> <p>MANAGED SITE PLAN</p>
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Exhibit C



KENDALL-JACKSON  
(MONTEREY FACILITY)  
NEW BARREL STORAGE BUILDING  
(USE PERMIT SUBMITTAL)  
SOLICITAD, CA



FLOOR PLAN

Exhibit C

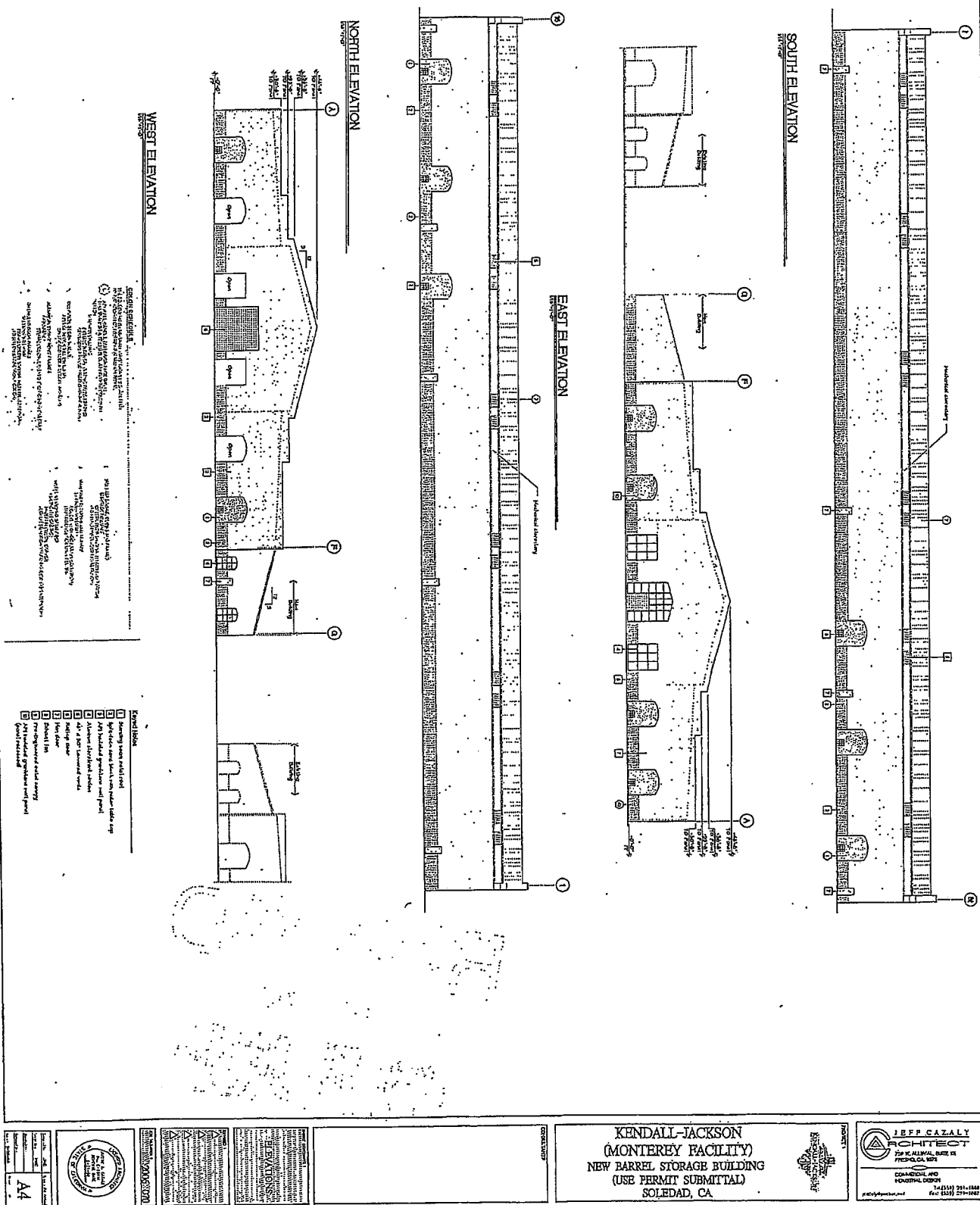


Exhibit C

County of Monterey, State of California  
**MITIGATED NEGATIVE  
DECLARATION**

**FILED**

JUN 22 2010

STEPHEN L. VAGNINI  
MONTEREY COUNTY CLERK  
DEPUTY

Project Title: JACKSON FAMILY ESTATES II LLC  
File Number: PLN080089  
Owner: JACKSON FAMILY ESTATES II LLC  
DBA RANCHO TIERRA/MONTEREY WINER  
425 AVIATION BLVD

Project Location: 37300 DOUD RD SOLEDAD

Primary APN: 183-021-015-000

Project Planner: NEGRETE

Permit Type: Use Permit

Project Description: USE PERMIT TO ALLOW THE EXPANSION OF AN EXISTING WINERY (PLN970170). THE EXPANSION CONSISTS OF (1) A NEW 87,200 SQUARE FOOT PINOT NOIR PROCESSING PLANT AND BARREL STORAGE ROOM; (2) 5,100 SQUARE FOOT OFFICE; AND (3) A REDUCTION IN PARKING SPACES TO A TOTAL OF 47. THE PROPERTY IS LOCATED AT 37300 DOUD ROAD, SOLEDAD (ASSESSOR'S PARCEL NUMBER 183-021-015-000) CENTRAL SALINAS VALLEY AREA PLAN.

THIS PROPOSED PROJECT WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT AS IT HAS BEEN FOUND:

- a) That said project will not have the potential to significantly degrade the quality of the environment.
- b) That said project will have no significant impact on long-term environmental goals.
- c) That said project will have no significant cumulative effect upon the environment.
- d) That said project will not cause substantial adverse effects on human beings, either directly or indirectly.

Decision Making Body (check one):

- ☐ Planning Commission ☒ Minor Subdivision Committee  
☐ Zoning Administrator ☐ Chief of Planning Services  
☐ Board of Supervisors ☐ Other: \_\_\_\_\_

Responsible Agency: County of Monterey

Review Period Begins: June 23, 2010

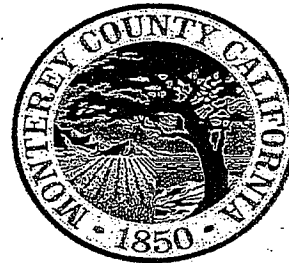
Review Period Ends: July 23, 2010

Further information, including a copy of the application and Initial Study are available at the Monterey County Planning & Building Inspection Department, 168 West Alisal St, 2nd Floor, Salinas, CA (831) 755-5025

Date Printed: 06/22/2010

# MONTEREY COUNTY

RESOURCES MANAGEMENT AGENCY – PLANNING DEPARTMENT  
168 W. ALISAL STREET 2<sup>ND</sup> FLOOR, SALINAS, 93901  
(831) 755-7505 FAX: (831) 757-9516



## NOTICE OF INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION MONTEREY COUNTY MINOR SUBDIVISION COMMITTEE

NOTICE IS HEREBY GIVEN that the Monterey County RMA- Planning Department has prepared a draft Mitigated Negative Declaration, pursuant to the requirements of CEQA, for a Use Permit (**Kendall Jackson PLN080089**) at **37300 Doud Road, Soledad** (See Project Description below).

The proposed Mitigated Negative Declaration and Initial Study, as well as referenced documents, are available for review at the Monterey County RMA- Planning Department, 168 W. Alisal Street 2<sup>nd</sup> Floor. The project will be heard before the Minor Subdivision Committee on August 12, 2010. The hearing will meet in the Board of Supervisor's Chamber at 168 W. Alisal Street, Salinas. **Written comments on this proposed Mitigated Negative Declaration will be accepted from June 23, 2010 to July 23, 2010.** Comments can also be made during the public hearings.

### Project Description:

Use Permit to allow the expansion of an existing winery (PLN970170). The expansion will include 1) A new 87,200 square foot pinot noir processing plant; 2) 5,100 square foot office and a reduction in parking to 47 parking spaces.

Access to the site is attained through Highway 101 and Arroyo Secco Road in Soledad

### FOR ADDITIONAL INFORMATION CONTACT:

Valerie Negrete, Project Planner  
Monterey County RMA- Planning Department  
168 W. Alisal Street 2<sup>nd</sup> Floor, Salinas, Ca 93901  
(831) 755-5227

**For reviewing agencies:** The RMA - Planning Department requests that you review the enclosed materials and provide any appropriate comments related to your agency's area of responsibility. The space below may be used to indicate that your agency has no comments or to state brief comments. In compliance with Section 15097 of the CEQA Guidelines, please provide a draft mitigation monitoring or reporting program for mitigation measures proposed by your agency. This program should include specific performance objectives for mitigation measures identified (CEQA Section 21081.6(c)). Also inform this Department if a fee needs to be collected in order to fund the mitigation monitoring or reporting by your agency and how that language should be incorporated into the mitigation measure.

Distribution: (see below)

☐ No Comments provided  
☐ Comments noted below

Exhibit B

\_\_\_\_ Comments provided in separate letter

COMMENTS: \_\_\_\_\_  
\_\_\_\_\_

Return to: Valerie Negrete, Project Planner  
Monterey County RMA- Planning Department  
168 W. Alisal Street, 2<sup>nd</sup> Floor  
Salinas, Ca 93901

From: Agency Name: \_\_\_\_\_  
Contact Person: \_\_\_\_\_  
Phone Number: \_\_\_\_\_

**DISTRIBUTION**

1. State Clearinghouse (15 copies)—include Notice of Completion
2. California Department of Fish and Game, Linda Connelly
3. Monterey Bay Unified Air Pollution Control District
4. AMBAG
5. County Clerk's Office
6. David M. and Madeleine Clark, Owners
7. Property Owners within 300 feet of the project
8. Monterey County Environmental Health Division
9. Monterey County RMA - Public Works
10. Monterey County Water Resources Agency
11. North County Fire Prevention District

Exhibit D

# MONTEREY COUNTY

## RESOURCE MANAGEMENT AGENCY

PLANNING DEPARTMENT

168 WEST ALISAL ST., 2<sup>nd</sup> FLOOR, SALINAS, CA 93901

PHONE: (831) 755-5025 FAX: (831) 757-9516



## INITIAL STUDY

### I. BACKGROUND INFORMATION

Project Title: Kendall – Jackson Winery

File No.: PLN080089

Project Location: 37300 Doud Road, Soledad

Name of Property Owner: JACKSON FAMILY INVESTMENTS II LLC.

Name of Applicant: JACKSON FAMILY WINES, INC.

Assessor's Parcel Number(s): 183-021-015-000

Acreage of Property: 421 acres

General Plan Designation: Farmlands 40 acre minimum

Zoning District: F/40 "Farmlands, 40 acre minimum"

Lead Agency: Monterey County Planning Department

Prepared By: Valerie Negrete

Date Prepared: May 7, 2010

Contact Person: Valerie Negrete

Phone Number: (831) 755-5227

Initial Study

PLN080089 – Jackson Family Wines, Inc.

Planner: Negrete, V.

Exhibit D

Page 4 of 52 Pages

Page 1

## II. DESCRIPTION OF PROJECT AND ENVIRONMENTAL SETTING

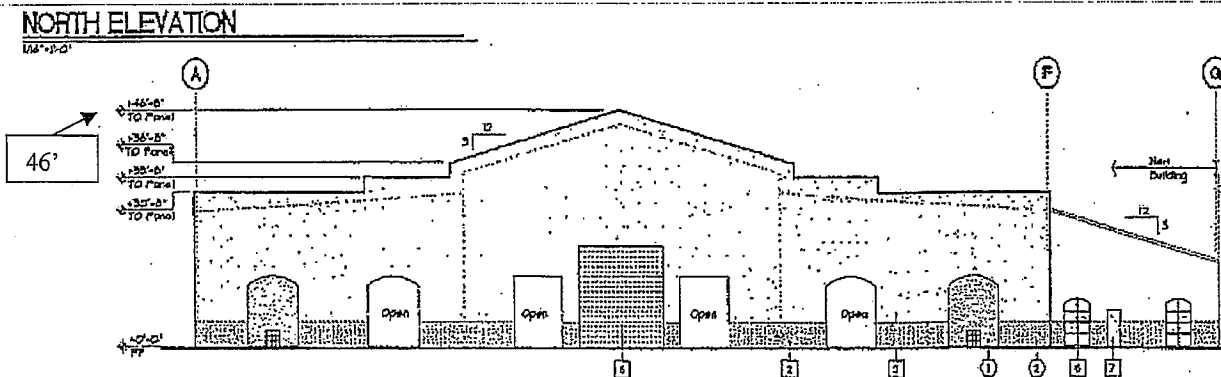
### A. Project Description:

The project is an expansion to an existing winery which includes the construction of an approximate 87,000 square foot pinot noir processing plant with office and barrel storage room, with a 5,100 square foot administrative office and the addition of 47 new parking spaces. The expansion will sit directly to the north of the existing 194,800 square foot facility and will use an additional four to five acres of vineyards (2%) of the existing 300 acres of vineyards on the site. The applicants were approved for a 194,800 square foot wine production and storage facility, under Use Permit PLN020316 and a Negative Declaration was prepared and adopted on July 30, 1997 which analyzed the initial construction of the facility including a future office expansion and visitor serving uses however, it did not analyze the proposed addition or changes in traffic patterns that have occurred since then (see Section VI.15). The existing winery improvements are in accordance with the previously approved Use Permit, PLN020316, which allowed wine production and storage facilities of 194,800 square feet. To date, the winery has built 180,700 square feet of winery, storage and administrative facilities shown in **Table 1** below. The winery has experienced success and growth over the last 14 years and the Monterey County winery accounts for at least 35% of Kendall Jackson's overall production. The subject of this analysis is the winery's proposed addition. The winery addition is needed in order to increase the winery's capacity and expand their existing operations.

### Siting and Design

The new wing to the winery will be used for receiving, crushing, pressing, tank fermenting, and barrel fermenting. No bottling or associated warehousing functions are proposed in the expansion. (Source IX.1) The new building will be 46 feet high to match the adjacent building height. The zoning district regulations only allow 35 feet however by increasing the height the project will limit the amount of vineyards removed from operation (see Section VI.9). **Figure 1** (Source: IX.1) below depicts the height of the structure. The proposed expansion building will sit approximately 1,750 feet from the front of the property, facing Doud Road and will be approximately 49 feet from the existing storage and production building. Materials and treatment will be comprised of concrete walls and metal roofing with missionary style architecture to match the existing winery façade, shown in **Figure 2** below. Colors consist of clay brownish beige and weathered brick red and there will be no new signage proposed for the addition.

**Figure 1 Elevation of Proposed Addition**



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**Figure 2 Missionary Architecture of Existing Winery**



**Anticipated Production**

Currently, the facility produces approximately 1,577,000 cases of wine per year from 22,000 tons of grapes. The expansion will increase the winery's capacity to produce red wines totaling approximately 2,300,000 total cases a year. The proposed addition will increase efficiency, management of products and treatment of process water and solids generated at the site. **Table 1** (Source: IX.1) below quantifies the existing structures and the addition.

**Table 1 Existing and Proposed Square Footage**

Kendall Jackson Expansion		
	Existing (PLN020316)	Proposed (PLN080089)
Office/Admin/Lab/Locker/ Restrooms	11,200	2,600
Office Mezzanine	4,800	
Shop, Mechanical Rooms & Docks	6,300	
Tank Room	51,200	49,973
Barell Room	95,200	31,878
Office	12,000	5,133
Total:	180,700	86,984
Total Square Footage:		267,684
Coverage:	0.009%	.014%
Kendall Jackson Agricultural Production		
	Existing	Proposed
Vineyards in Production	300	-1.5
Total Acres left in vineyards:		298

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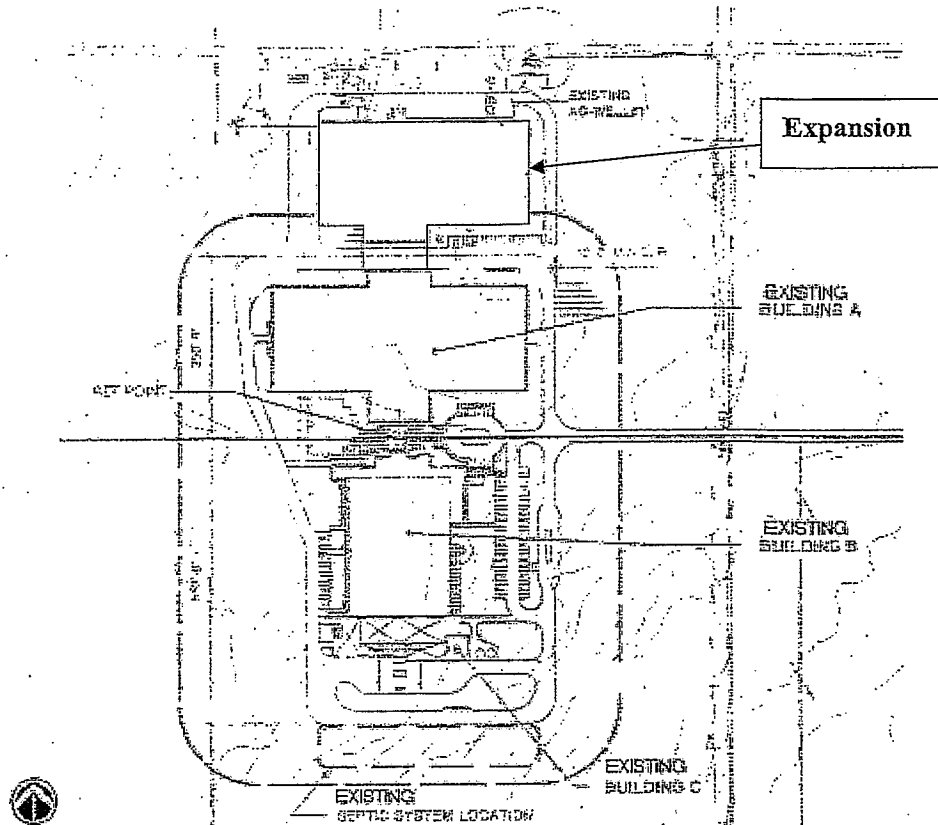
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**Figure 3: Kendall Jackson proposed addition**



**Site Plan of structures**

#### Employees

The hours of operation will vary between 6am to 6pm Monday through Friday. Harvest season occurs between September 1 to November 1 every year and the number of employees will vary depending on the harvest. Currently there are 80 employees both seasonal and non seasonal. The addition will bring a total of 168 seasonal and non seasonal employees each year (Source: IX.1). The hours of operation will remain 6am to 6pm Monday through Friday and are anticipated to increase to seven days a week during crush seasons.

#### Traffic/Access to Winery

The site is accessed through Highway 101 and Arroyo Secco and Highway 101 and Doud Road. In 1997, a traffic report was prepared by Higgins and Associates analyzing traffic conditions from Highway 101 and Arroyo Secco. However, since the original approval, an additional route has been identified, Highway 101 and Doud Road, and a traffic report update and review was completed. The winery addition will not impact levels of service at any of the winery access segments (Arroyo Secco Road/Hwy 101 and Doud Road/Hwy 101). To ensure driver safety, conditions of approval will be implemented and include maintenance of winery intersections and a mitigation to ensure winery traffic utilizes Arroyo Secco Road and Highway 101 for ingress and egress to the site.

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### Deliveries

Truck delivery will not change and overall truck trips will not substantially increase. The delivery schedule is not proposed to change as a result of the expansion. Trucks will still enter the site through the Highway 101/Arroyo Secco exit to Doud Road and during normal operating hours of 6am-6pm. Grape transport trucks carrying either grapes or juice can hold up to 35 tons and deliver an average of 12-16 trucks trips per day during the six to eight week harvest. Shipping and receiving trucks bringing in parts, winery supplies and administrative supplies deliver from zero to three times a day and delivery trucks bringing in barrels during the first year will make approximately 130 deliveries during the first few months of opening and thereafter barrel replacement trucks will deliver approximately 20 times throughout the year. During non-harvest season the expansion will generate 66 daily car trips and during harvest season 420 daily trips in total. Truck trips and passenger vehicle trips were analyzed in an updated Traffic Report prepared by Higgins and Associates (Sources IX.11) and recommendations have been incorporated to lessen any potential impacts to traffic. As a condition of approval, the applicant will install a warning sign for oncoming vehicles on the Highway 101 southbound ramp exiting Arroyo Secco to alert drivers of cross traffic ahead. In addition, to ensure employees do not enter the site from the Doud Road and Highway 101, the applicant will provide ongoing training to employees to encourage usage of the Arroyo Secco Road/Highway 101 exit.

### Parking

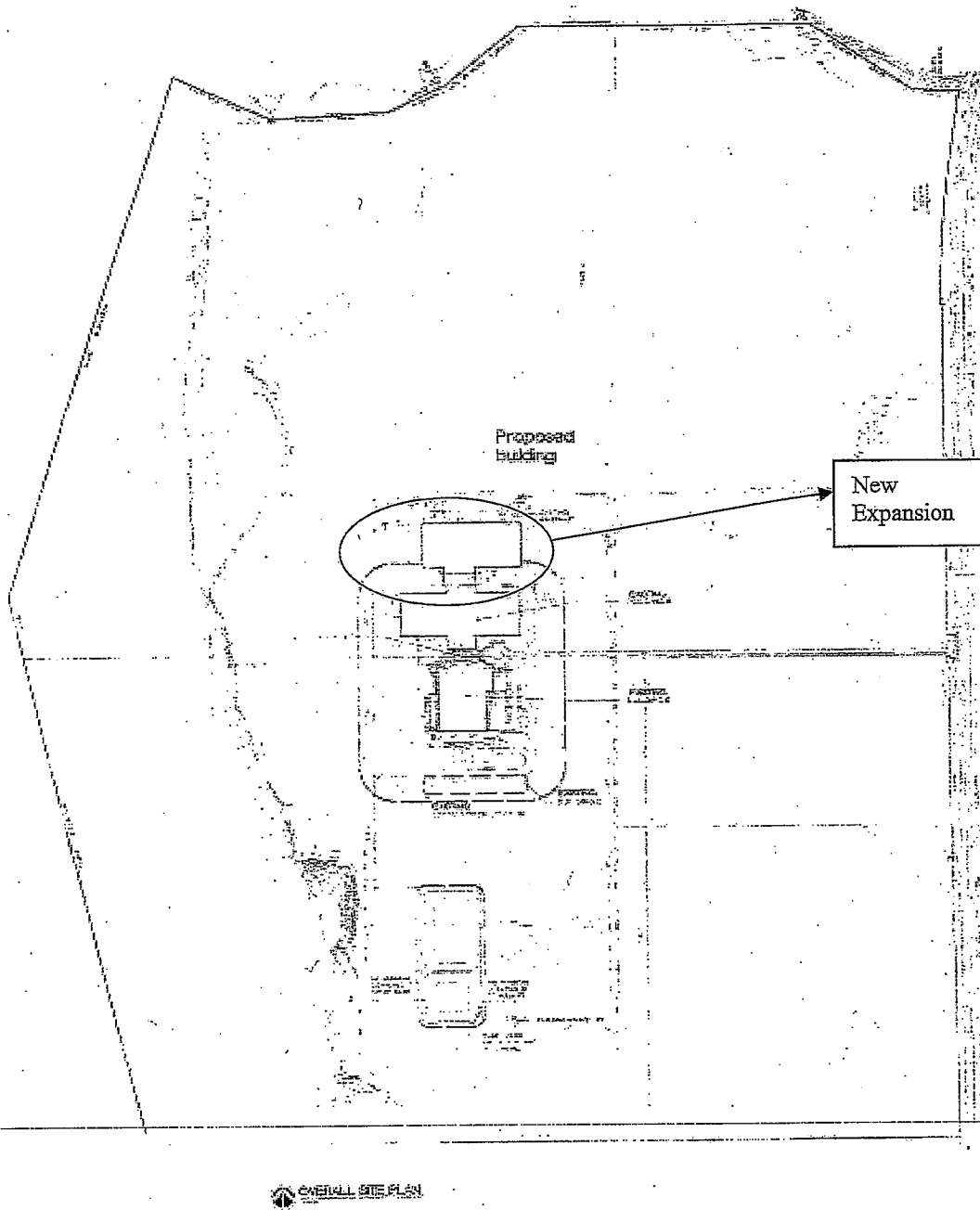
Monterey County code requires 169 spaces for the expansion of a barrel room and tank storage area. The additional will bring in 108 temporary seasonal agricultural workers. The seasonal nature of the agricultural work would mean employees will be working 4-6 weeks out of the year. The applicant is proposing a reduction in parking to 47 spaces. In order to facilitate the reduction in parking the applicant will be requesting a Use Permit pursuant to Monterey County Zoning Code section 21.58.050 whereas the operation does not necessitate the number of parking spaces, type of design, or improvements required. Due to the seasonal nature of parking needed, additional parking spaces are not warranted.

### **B. Environmental Setting and Surrounding Land Uses:**

The site is approximately 421 acres, 300 acres of which are planted vineyards, located at 37300 Doud Road in Soledad and is zoned Farmlands 40 acre minimum. The property is relatively flat and slopes approximately 1-2% on the western portion of the property. Two older residences exist on site towards the north side facing Doud Road with an old barn. Surrounding land uses are agricultural and vineyards with some single family residences.

The site is predominantly vineyards and comprised of 12 acres of support facilities. **Figure 4** is a site plan which depicts the property boundaries and structures on site.

Figure 4: Site Plan of the property boundaries



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### **III. PROJECT CONSISTENCY WITH OTHER APPLICABLE LOCAL AND STATE PLANS AND MANDATED LAWS**

Use the list below to indicate plans applicable to the project and verify their consistency or non-consistency with project implementation.

General Plan/Area Plan	<input checked="" type="checkbox"/>	Air Quality Mgmt. Plan	<input checked="" type="checkbox"/>
Specific Plan	<input type="checkbox"/>	Airport Land Use Plans	<input type="checkbox"/>
Water Quality Control Plan	<input type="checkbox"/>	Local Coastal Program-LUP	<input type="checkbox"/>

#### **General Plan / Area Plan**

The proposed expansion was reviewed for consistency with the Central Salinas Area Plan and Central Salinas Inventory and Analysis. The property is located within the Farmland 40 acre minimum land use designation, which allows for the proposed use. Potential impacts were identified and include the potential reduction in prime and unique farmland due to the new 86,984 square foot structure that would be built in an area that is currently row crops (Source IX.2), air quality due to minor construction related emissions (Source IX.10), and traffic impacts from a potential increase in traffic to and from the winery and new analysis of Doud Road and Highway 101 being used for ingress and egress to the winery (Source IX.12). The project was found to be consistent with standards provided in the Central Salinas Inventory and Analysis. The Central Salinas Area Plan encourages industries related to agriculture (Source IX.3). The project would not conflict with any habitat conservation plan or natural community conservation plan, as none are applicable to the project site (Source: IX. 3, 4).CONSISTENT.

#### **Air Quality Management Plan**

Consistency with the Air Quality Management Plan is an indication of a project's cumulative adverse impact on regional air quality (ozone levels). It is not an indication of project-specific impacts, which are evaluated according to the Air District's adopted thresholds of significance. Inconsistency with the AQMP is considered a significant cumulative air quality impact. Consistency of a commercial project is determined by comparing the project population at the year of project completion with the population forecast for the appropriate five year increment that is listed in the AQMP. If the population increase resulting from the project would not cause the estimated cumulative population to exceed the relevant forecast, the project would be consistent with the population forecasts in the AQMP (Source: IX. 5).

The Association of Monterey Bay Area Governments (AMBAG), the *2008 Population, Housing Unit, and Employment Forecasts* adopted by the AMBAG Board of Directors, are the forecasts used for this consistency determination. The proposed project includes construction of a new commercial 86,984 square foot barrel and tank storage facility. The addition will not contribute to an increase in the population forecasts of the 2008 AQMP and would not result in substantial population changes. Therefore, the project is consistent with the 2008 regional forecasts and the Air Quality Management Plan (Source: IX. 5). **CONSISTENT**

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#### **IV. ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED AND DETERMINATION**

##### **A. FACTORS**

The environmental factors checked below would be potentially affected by this project, as discussed within the checklist on the following pages.

- |  |   |   |
|--|---|---|
| <input checked="" type="checkbox"/> Aesthetics               | <input checked="" type="checkbox"/> Agricultural and Forest     | <input checked="" type="checkbox"/> Air Quality             |
| <input type="checkbox"/> Biological Resources                | <input type="checkbox"/> Cultural Resources                     | <input checked="" type="checkbox"/> Geology/Soils           |
| <input checked="" type="checkbox"/> Greenhouse Gas Emissions | <input checked="" type="checkbox"/> Hazards/Hazardous Materials | <input checked="" type="checkbox"/> Hydrology/Water Quality |
| <input checked="" type="checkbox"/> Land Use/Planning        | <input type="checkbox"/> Mineral Resources                      | <input type="checkbox"/> Noise                              |
| <input type="checkbox"/> Population/Housing                  | <input type="checkbox"/> Public Services                        | <input type="checkbox"/> Recreation                         |
| <input checked="" type="checkbox"/> Transportation/Traffic   | <input type="checkbox"/> Utilities/Service Systems              |   |

Some proposed applications that are not exempt from CEQA review may have little or no potential for adverse environmental impact related to most of the topics in the Environmental Checklist; and/or potential impacts may involve only a few limited subject areas. These types of projects are generally minor in scope, located in a non-sensitive environment, and are easily identifiable and without public controversy. For the environmental issue areas where there is no potential for significant environmental impact (and not checked above), the following finding can be made using the project description, environmental setting, or other information as supporting evidence.

- ☒ Check here if this finding is not applicable

**FINDING:** For the above referenced topics that are not checked off, there is no potential for significant environmental impact to occur from either construction, operation or maintenance of the proposed project and no further discussion in the Environmental Checklist is necessary.

**EVIDENCE:** See discussion in Section VI for further analysis.

1. Biological Resources - The site has been planted in grapes for several decades. According to the California Department of Fish and Game's established California Natural Diversity Database (CNDDB) classification system the site is listed as agricultural with no natural communities surveyed to be on the site. The site has been disturbed by vineyards and associated winery activities. No known sensitive resource or wildlife habitat exist on the property that would be affected by the cut and fill operation or the placement of the new structures and aeration ponds. The site has historically been used for farming, as is typical

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of the surrounding area. The project site is not near any potential wetland and is separated from the Salinas River riparian areas by Highway 101 (Source: 1, 2, 3, & 15) *Therefore, the proposed project would not result in impacts to biological resources.*

2. Cultural Resources - According to the Monterey County Geographic Information System, archeological sensitivity is marked low for the site; no cultural resources are likely to occur on the parcel. No resources have been identified at or near the project site. Therefore, the project will not cause a substantial adverse change in the significance of a historical structure or archeological resource. In the event resources are found Monterey County standard conditions of approval provide appropriate protection to the found resource. (Source: 1, 2, 3, 4, 7 & 15) *Therefore, the proposed project would not result in impacts to cultural resources.*
3. Mineral Resources: The construction of a new storage, barrel room and administrative office will not impact mineral resources. No mineral resources or resource recovery sites have been identified on the site or in the area (Source: IX. 1, 3, 6, 7 & 8). *Therefore, the proposed project would not result in impacts to mineral resources.*
4. Noise: Construction and operation of the project will not violate any County noise standards. There are no adjacent sensitive receptors. The winery faces Highway 101 (to the east), and is surrounded by vineyards. (Source IX. 1, 2, 3, 6) *Therefore, temporary construction activities and ongoing operational noise will have no impact on sensitive receptors.*
5. Population/Housing: The project as proposed would not alter the location, distribution or density of human population in the area, or create a demand for additional housing. In addition, the project was reviewed by the Association of Bay Area Governments (AMBAG) and was found to be de minimus and not population generating. (Source: IX. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10) *Therefore, the proposed winery expansion will not result in impacts to population and housing.*
6. Public Services: The proposed project consists of the construction of a winery addition to an existing winery which is currently served by public services and utilities. The project would have no measurable effect on existing public services. The Monterey County Water Resources Agency, Monterey County Public Works Department, and the Environmental Health Division have reviewed the project. These agencies provided comments on the project, which are incorporated into the project as recommended conditions of approval. None of the County departments/ service providers indicated that this project would result in potentially significant impacts. No new government facilities will be needed to support the proposed winery expansion. There will be no impact to response times or acceptable service ratios for emergency responders. (Source: IX. 1, 2, 3, 4, 6, 7) *Therefore, the proposed project will not result in impacts to public services.*
7. Recreation: The project would not result in a substantial increase in use of existing recreational facilities. No parks, trail easements, or other recreational opportunities would be adversely impacted by the proposed project. The subject property is not indicated as part of any designated trails or natural reserve as shown in Figure 14 of the Central Salinas

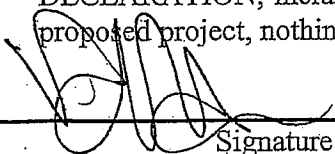
Valley Planning Area Map of the Central Salinas Valley Del Monte Forest Area Land Use Plan (Source: IX. 1, 2, 3, 4, 6, 7). *Therefore, the proposed project will not result in impacts to recreation.*

8. Utilities/Service Systems: No new utilities are proposed as part of the project and no utility relocation will be required as a result of the proposed winery expansion. Water is provided by an existing well on site and sewage disposal is provided by an on-site treatment system with individual septic tanks for employee facilities. The proposed construction will not cause a substantial increase nor exceed the capacity of these utilities and services. The Monterey County Water Resources Agency has recommended a condition of approval that will require on-site retention of storm water which will avoid any potential impacts on storm water drainage facilities (Source: IX. 1, 2, 3, 4, 6, 7) *Therefore, the proposed project will not result in impacts to public utilities and public service systems.*

## B. DETERMINATION

On the basis of this initial evaluation:

- ☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☒ I find that although the proposed project could have a significant effect on the environment there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- ☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- ☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- ☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

  
Signature

Valerie Negrete, Assistant Planner

  
Date

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## V. *EVALUATION OF ENVIRONMENTAL IMPACTS*

- 1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on project-specific screening analysis).
- 2) All answers must take into account the whole action involved, including offsite as well as onsite, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
- 4) "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level mitigation measures from Section XVII, "Earlier Analyses," may be cross-referenced).
- 5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
  - a) ~~Earlier Analysis Used. Identify and state where they are available for review.~~
  - b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
  - c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a

previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.

- 7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
- 8) The explanation of each issue should identify:
  - a) The significance criteria or threshold, if any, used to evaluate each question; and
  - b) The mitigation measure identified, if any, to reduce the impact to less than significance.

## VI. ENVIRONMENTAL CHECKLIST

1. AESTHETICS		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
a)	Have a substantial adverse effect on a scenic vista? (Source: 1, 2, 2, 3, 4 & 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b)	Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? (Source: Source: 1, 2, 2, 3, 4 & 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c)	Substantially degrade the existing visual character or quality of the site and its surroundings? (Source: 1, 2, 2, 3, 4 & 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d)	Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? (Source: 1, 2, 2, 3, 4 & 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

### Discussion/Conclusion/Mitigation:

#### Aesthetics 1(a) – Less Than Significant Impact

According to the Central Salinas Valley Area Plan the property is not located in a scenic vista. Scenic corridors in the Central Salinas Valley Area Plan run along the foothills of Gabilan and Sierra de Salinas Mountains, Pine Canyon, Chular Canyon, Arroyo Secco watershed and the Salinas Valley floor. The site is visible from Highway 101 and sits in front of the Junipero Serra Peak. New construction will match the existing architecture in size and bulk. Tucked behind the existing vineyards this building will not be more visible than what currently exists. The closest scenic highway is Arroyo Secco Road. *Therefore, the potential impacts to scenic vistas is less than significant.*

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Figure 5: View from Highway 101



Aesthetics 1(b) – Less Than Significant Impact

The site is not located in a scenic vista or designated scenic resource and will not damage a scenic resource. Although the property is visible from Highway 101 it will not create a potentially adverse visual impact. The subject property is not visible from Highway 1 or any other state scenic highway. In addition there are no known rock outcroppings or historic structures on or near the site (Source IX. 1, 6 & 7). *Therefore, impacts would be substantially less than significant and not degrade scenic resources within a state scenic highway.*

Aesthetics 1(c) – Less Than Significant Impact

The existing 180,700 square foot winery has missionary style architectural elements. The addition has been carefully designed to match the existing architecture. *Therefore, the proposed project will have a less than significant impact on the existing visual character and quality of the site and its surroundings.*

Aesthetics 1(d) - Less Than Significant Impact

To protect against substantial light related nuisances, a standard Monterey County condition of approval will be applied to require submittal of exterior lighting plans showing proposed wattage, location, and fixtures to be used. The lights are required to be down-lit to illuminate only the area intended and to fully control off site glare (Sources IX. 1 & 3). The project will not create a new source of substantial light or glare which would adversely affect day or nighttime views in the area. *Therefore, the proposed project will have a less than significant impact on day or nighttime views in the area.*

## 2. AGRICULTURAL AND FOREST

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board.

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? (Source: 1,2,3, 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract? (Source: 1,2,3, 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))? (Source:1,2,3,7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in the loss of forest land or conversion of forest land to non-forest use? (Source:1,2,3,7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use? (Source: 1,2,3, 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

### **Agricultural and Forest Resources 2(a) – Less Than Significant Impact**

A winery is an allowable use within this designation and is considered by Monterey County Zoning Code an Agricultural Processing Plant pursuant to 21.06.020 (Source IX.4). The Central Salinas Area Plan identifies the property as Prime Agricultural lands. The proposed project is an expansion of an agricultural operation but will not convert prime agricultural lands. The expansion will involve the removal of approximately 1.25 acres of existing vineyards in order to establish parking for future employees and only culminates less than .009% of the total site. **Figure 6** is the area of proposed parking and removal of 13 rows of vineyards. **Figure 5** shows this area is largely undisturbed. **Figure 7** depicts the overall site which is largely planted in vineyards.

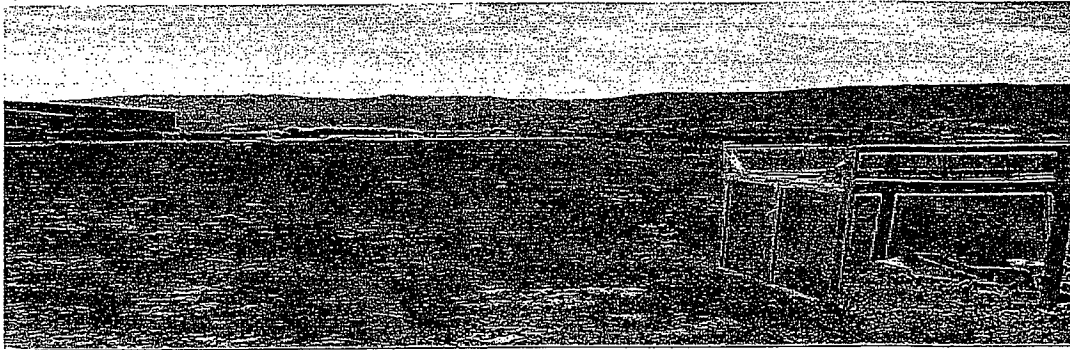
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**Figure 6: Area of proposed parking**



**Figure 7: Vineyards on Site**



This project proposes a reduction in the number of required off street parking which will reduce impacts to additional prime farmland. The nature of the winery operation does not warrant the large number of parking spaces required. The expansion of a barrel room and tank storage will bring in an additional 108 temporary seasonal agricultural workers who will work for 4-6 weeks out of the year. Typically, agricultural workers park alongside the vineyards closest to their work area therefore ample parking already exist. The proposed barrel and tank room are primarily storage type uses and will not increase the number of overall full time employees on site. To accommodate the nature of the agricultural operation the applicant is proposing a reduction in the number of required parking spaces for this addition to 47 spaces, requiring the removal of 1.25 acres of vineyards or 13 rows of vineyards (length of 650'). Monterey County code requires 169 spaces. By reducing the amount of pavement for parking the project will protect prime farmlands from further conversion and other ancillary effects such as run-off and site disturbance. Monterey County Parking regulations allow for deviations from general parking regulations in situations where the use of the property does not necessitate the number of parking spaces required. In this case, parking proposed will still accommodate full time administrative staff, seasonal staff will still have ample overflow parking throughout the property.

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In addition to a reduction in parking, the applicant is requesting an increase in height from 35 feet to 46 feet in order to further reduce the amount of vineyards removed from operation (see Section VI.9). The variance in height will eliminate approximately 31,600 square feet of structure out of productive farmlands on the site. Overall, the reduction in parking and design of a taller building will eliminate or preserve the need for the removal of additional acres of farmland. As the winery is an allowable use within the Monterey County Zoning designation of Farmland/40 and for the reasons stated above, the project will have a less than significant impact to Farmland Resources and will not convert the property or uses to be non-agricultural.

**Agricultural and Forest Resources 2(b) – No Impact**

The project site is not under a Williamson Act contract although the project is located on Prime Farmlands. The project will not convert farmland to a non-agricultural use, as the processing of grapes at such a winery facility in a wine growing region is consistent with the agricultural use of the property. *Therefore, the proposed project will not conflict with existing zoning for agricultural use, or impact a Williamson Act contract.*

**Agricultural and Forest Resources 2(c) – No Impact**

The subject property is located in an "F/40" Farmlands zoning district. The project site is currently used as a vineyard and wine production operation. A winery is a compatible use within the farmland designation. The proposed addition does not involve any tree removal and does not involve timberland related operations. The winery addition will not conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g)). *Therefore, the proposed addition will not conflict with existing zoning, forest land, or timberland zoning.*

**Agricultural and Forest Resources 2(d)**

Located within an existing winery the addition is situated adjacent to a contiguous vineyard. The property is not within any forested areas or in a forest land. *Therefore, the addition will not result in the loss of forest land or conversion of forest land to non-forest use.*

**Agricultural and Forest Resources 2(e) – Less Than Significant Impact**

A winery is a use allowed within this designation and is considered by the Monterey County Zoning Code an agricultural processing plant (Section 21.06.020). The proposed use will not involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use. *Therefore, the proposed project will have a less than significant impact on the existing environment which, due to its location and nature, will not result in conversion of Farmland to non-agricultural use.*

### 3. AIR QUALITY

Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations.

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan? (Source: IX.1,2,5,6,8)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation? (Source: IX.1,2,5,6,8)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)? (Source: IX.1,2,5,6,8)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Result in significant construction-related air quality impacts? (Source: IX.1,2,5,6,8)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Expose sensitive receptors to substantial pollutant concentrations? (Source: IX.1,2,5,6,8)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Create objectionable odors affecting a substantial number of people? (Source: IX.1,2,5,6,8)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

#### Discussion/Conclusion/Mitigation:

The Monterey Bay Unified Air Pollution Control District (MBUAPCD) prepared the Air Quality Management Plan (AQMP) for the Monterey Bay Region. The AQMP addresses the attainment and maintenance of State and federal ambient air quality standards within the North Central Coast Air Basin (NCCAB). As of January 2009, Monterey County is in attainment for all federal air quality standards and state standards for Carbon Monoxide (CO), Nitrogen Dioxide (NO<sub>2</sub>), and fine particulate matter (PM<sub>2.5</sub>). Monterey County is in non-attainment for PM<sub>10</sub> and is designated as non-attainment-transitional for the state 1-hour ozone standard. Data is not available concerning the state 8-hour ozone standard. Table 2 below depicts the attainment status for the NCCAB region. If a region is in non-attainment, the air quality in the area fails to meet standard and if there is attainment then the area meets standard.

**Table 2: Air Resources Board Attainment Status**

**Current Attainment Status of the North Central Coast Air Basin**

Pollutant	Federal	State
Ozone (O <sub>3</sub> )	Attainment*	Non-attainment **
Carbon Monoxide (CO)	Attainment	Monterey County - Attainment
Nitrogen Dioxide (NO <sub>2</sub> )	Attainment	Attainment

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Inhalable Particulates (PM <sub>10</sub> )	Attainment	Non-attainment
Fine Particulates (PM <sub>2.5</sub> )	Unclassified/Attainment***	Attainment
Nitrogen Dioxide (NO <sub>2</sub> )	Attainment	Attainment
Sulfur Dioxide (SO <sub>2</sub> )	Attainment	Attainment
Lead	Attainment	Attainment

\* The Federal 1 hour standard was revoked in the NCCAB on June 15, 2005. The standard provided is for an 8-hour period.

\*\* Effective July 26, 2007, the ARB designated the NCCAB a non-attainment area for the State ozone standard.

\*\*\* In 2006, the Federal 24-hour standard for PM<sub>2.5</sub> was revised from 65 to 35 µg/m<sup>3</sup>. Although new designations have not been made as of August 2008, at the date of MBAQMP 2008 publication, it is expected that the NCCAB will be designated attainment.

Source: MBUAPCD Website (MBUAPCD 2008)

Consistency with the AQMP is an indication of a project's cumulative adverse impact on regional air quality (ozone levels). A projects' consistency with AQMP district population is an indication of a projects' cumulative impact on air quality. It is not an indication of project-specific impacts, which are evaluated according to the Air District's adopted thresholds of significance. Generally, in the long-term, the primary source of air emissions is vehicular traffic.

**Air Quality 3(a) – No Impact** – According to the MBUAPCD's *CEQA Air Quality Guidelines*, commercial, industrial or institutional projects are intended to meet the needs of a population. This winery addition is commercial in nature and is not population generating. Therefore the construction of the 86,984 tank and barrel storage addition is in accordance with the AMBAG population projections, which is accommodated in the AQMP.

#### **Air Quality 3(b), (d) – Less than Significant with Mitigation**

The Monterey Bay Unified Air Pollution Control District has established a threshold of significance for earthmoving activities of 2.2 acres per day. Total cut and fill for the addition is 10,800 cubic yards of earth movement. If the entire area were to be disturbed in one day (cut and fill combined), this threshold would not be exceeded. Grading activities will occur over a period of weeks and will not exceed the threshold of 2.2 acres per day. Although the threshold will not be exceeded, grading activities have the potential to create short-term construction related impacts.

The following mitigation shall be employed to reduce short term construction related impacts to air quality, to less than significant.

**Air Quality Impacts (MM# 3-1):** To address the short-term construction related air quality impacts associated with grading and building activities, the applicant, in consultation with a construction manager, shall establish a Best Available Construction Management Plan (BACMP) per MBUAPCD standards and shall implement the following special conditions prior to grading and shall also be included in the General Notes on the Proposed Grading Plans and the Building Plans for the Kendall Jackson expansion project grading and building permits respectively.

#### **Monitoring Actions:**

**Prior to issuance of building or grading permits**, the applicant shall submit a plan to implement BACMP prepared by a qualified construction manager or contractor utilizing MBUAPCD standards. The BACMP shall be submitted to the Director of Planning for approval. The plan shall include and incorporate the following:

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The contractor shall employ all labor, equipment and methods required to prevent the operations from producing dust in amounts damaging to adjacent property, cultivated vegetation and domestic animals or causing a nuisance to persons occupying buildings in the vicinity of the job site. The contractor shall be responsible for damage caused by dust from his grading operation. The following mitigation measures shall be employed to mitigate potential adverse impact to air quality:

1. All unpaved construction areas shall be sprinkled with water (at least twice per day in dry weather during grading activities.)
2. Apply non-toxic tackifier, or other suitable cover (such as jute netting, erosion control fabric, mulch, etc.), to exposed areas immediately after cut-and-fill operations are complete.
3. Trucks hauling dirt and debris must be covered.
4. Post the project at two locations with a publicly visible sign during construction operations that specifies the telephone number and person to contact for complaints and/or injuries from dust generation and other air quality problems resulting from project construction.
5. Immediately sweep up spilled dirt or debris onto paved surfaces.
6. Cover on-site stockpiles of excavated materials.
7. Vacuum (e.g. road sweeper/vacuum) construction-related soils on public roads whenever soils are visible.

**Prior to final inspection**, the owner, qualified construction manager or contractor shall provide written certification that the construction management techniques have been carried out in accordance with the BACMP.

With the implementation of a management plan utilizing the Best Available Control Practices per MBUAPCD district standards there should be a less than significant impact with respect to potential construction-related air quality impacts. *Therefore, the project will not violate any air quality standard or contribute substantially to an existing or projected air quality violation nor result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors or expose sensitive receptors to substantial pollutant concentrations).*

**Air Quality 3(c) – Less Than Significant Ozone** is a secondary pollutant that is not produced directly by a source, but rather it is formed by a reaction between NO<sub>x</sub> and reactive organic gases (ROG) in the presence of sunlight. Reductions in ozone concentrations are dependent on reducing the amount of these precursors. As stated above, Monterey County is in attainment, regarding the state standard for particulate matter (PM<sub>10</sub>) and, because the standards for PM<sub>2.5</sub> were revised in 2006, and new designations have not been made since then; the MBUAQMP identifies PM<sub>2.5</sub> levels as "Unclassified/Attainment," on the expectation that the North Central Coast Air Basin will achieve attainment once standards are set. The major sources for this pollutant are mineral quarries, grading, demolition, agricultural tilling, road dust, and vehicle exhaust. PM<sub>10</sub> levels in the area are primarily due to grading and motor vehicle emissions. As noted above, the North Central Air Basin is at attainment levels for Nitrogen Dioxide, Sulfur Dioxide, and Lead. *Therefore, the project will not result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an*

applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors).

**Air Quality 3(e) – Less Than Significant** The site is surrounded by farmlands/agricultural properties, the closest sensitive receptor is .26 miles from the addition. Due to the distance and surrounding land use any sensitive receptors would not be substantially affected by project emissions. The project would require the implementation of a management plan utilizing the Best Available Control Practices per MBUAPCD district standards for construction related air contaminants and only minor releases of air contaminants are projected during construction and operation of the winery [refer to Sections 3(b, c) and 3(d)]. Truck delivery will not change and overall truck trips will not substantially increase. The delivery schedule is not proposed to change as a result of the expansion. Construction related impacts and vehicle trips generated by the proposed project would not increase air contaminant emissions along local roadways. *Therefore, exposure of sensitive receptors to substantial pollutant concentrations would be less than significant.*

**Air Quality 3(f) – No Impact** The proposed development would not increase population that would otherwise exceed the forecast in the AQMP. The majority of the new building is used for tank and barrel storage with no residential component. The most potentially significant air quality issues will be related to the construction of an accessory structure. The addition will not create or produce objectionable odors or the use of odor causing products or by-products. Air quality to sensitive receptors will not be affected due to any objectionable odors [refer to Section 3(e)]. *Therefore, the project will have no impact on any applicable air quality plan or create objectionable odors affecting a substantial number of people.*

#### 4. BIOLOGICAL RESOURCES

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**4. BIOLOGICAL RESOURCES**

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion/Conclusion/Mitigation:** See Section IV.A.1.

**5. CULTURAL RESOURCES**

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource as defined in 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion/Conclusion/Mitigation:** See Section IV.A.2

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## 6. GEOLOGY AND SOILS

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Source: IX. 1,2,6,7,12,15) Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii) Strong seismic ground shaking? (Source: IX. 1,2,6,7,12,15)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction? (Source: IX. 1,2,6,7,12,15)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv) Landslides? (Source: IX. 1,2,6,7,12,15)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil? (Source: IX. 1,2,6,7,12,15)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? (Source: IX. 1,2,6,7,12, 15)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property? (Source: IX. 1,2,6,7,12,15)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater? (Source: IX. 1,2,6,7,12,15)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

### Discussion/Conclusion/Mitigation:

The site runs parallels to Highway 101 and is approximately 2 miles south of the City of Soledad. Currently, winery buildings are centrally located on the site surrounded by planted vineyards, shown in **Figure 8** below. The northwestern portion of the property straddles the Arroyo Secco River and is in the 100 year floodplain, Zone A. The Arroyo Secco River is over 250 feet away from site structures. No structures exist or are proposed in or near the northeastern portion of the property. The site is relatively flat.

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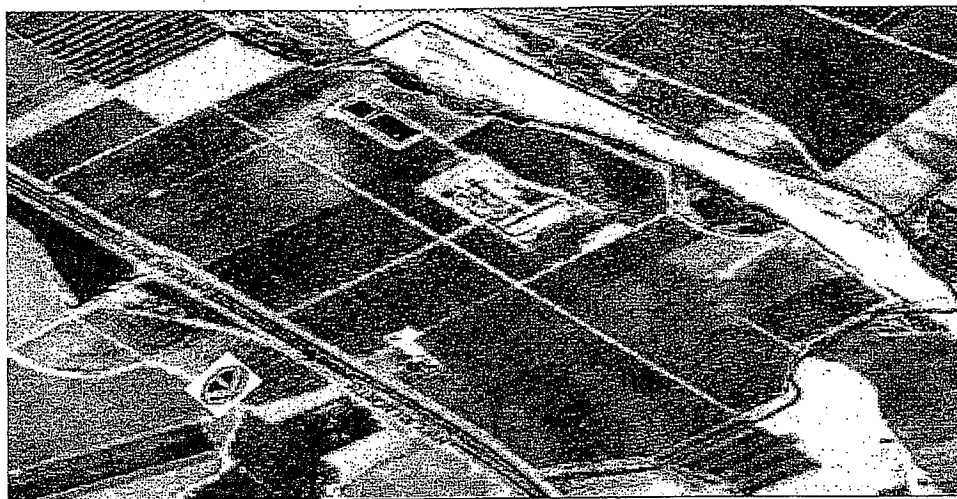
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Figure 8: Aerial of Site



No fault traces are thought to be directly across from the proposed addition however Monterey County, like most of California, contain several active and potentially active faults. The closest Regional active fault to the project site is the San Andreas Rift System and the Rinconada-Reliz-King Fault zones, located approximately 14.3 miles and 4.2 miles to the northeast of the project; these two regional faults have the greatest potential for seismic activity with estimated intensities of VII-VIII Mercalli at this location. A Geotechnical Soils-Foundation and Geoseismic Report was prepared by Grice Engineering assessed project specific geological considerations and determined the site to be suitable for the proposed expansion.

**Geology and Soils 6 (a-i) No Impact** The closest local faults to the site are the Reliz Fault, Rinconada-Reliz-King City Fault Zone, Sierra de Salinas Section 296b located from 2.1-2.9 miles from the site. These local faults are short, localized and energy release is considerably less than regional faults. The most active fault is the San Andreas Rift System (Creeping Segment), located approximately 14.3 miles to the northeast. The site is not located within any Earthquake Fault Zones in accordance with the Alquist-Priolo Earthquake Fault Zoning Act therefore having a low potential for surface rupture. *Therefore, the addition will not expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault.*

**Geology and Soils 6 (a-ii) Less Than Significant**

No fault traces are thought to be directly across from the proposed addition however Monterey County, like most of California, contain several active and potentially active faults. The closest Regional active fault to the project site is the San Andreas Rift System and the Rinconada-Reliz-King Fault zones, located approximately 14.3 miles and 4.2 miles to the northeast of the project; these two regional faults have the greatest potential for seismic activity with estimated intensities of VII-VIII Mercalli at this location. VII to VIII Mercalli levels indicate ground shaking that would cause difficulty standing, damage to poorly built or badly designed structures and movement of heavy furniture. *Due to the proximity of faults to the this site and anticipated*

*seismic activity impacts resulting from strong seismic-related ground shaking is considered less than significant.*

#### **Geology and Soils 6 (a-iii) Less than Significant**

The liquefaction potential of the site is considered low as the depth to free water is greater than 30 feet. No fault traces are thought to be directly located in or around the addition. Although the likelihood of seismic activity is relatively low, the geotechnical report recommends that all structures be designed and built in accordance with the requirements of the California Building Code and that the addition be founded on undisturbed native soils and /or tested and accepted engineered fill to prevent resonance amplification between soils and the structure. Monterey County RMA-Building Department reviews all building permit applications for consistency with engineer specifications and compliance with the current building codes prior to issuance. Actual construction is then inspected for compliance with plans and building code during construction by Monterey County building inspectors and special contract inspectors where required. As a standard condition, the applicant will submit a final inspection report by the geologic engineer providing certification that all development has been constructed in accordance with the geologic report. *Therefore, potential adverse impacts as a result of seismic-related ground failure and liquefaction are considered less than significant.*

#### **Geology and Soils 6 (a-iv) No Impact**

The site is not located within an on-site or off-site landslide hazard. The project site is relatively flat and not in close proximity to significant slopes, *therefore, there is no potential for adverse impacts from landslides.*

#### **Geology and Soils 6 (b) No Impact**

Removal of native vegetation, including trees and the proposed cut and fill for the building pads, will leave exposed loose soils at the site. Loose, exposed top soils can erode rapidly when mixed with water. The site drainage and erosion control plans are essential to reducing the impact of erosion on the site. Recommendations in the soils report echo Monterey County standard practices for drainage control. Permanent storm water runoff will be controlled in accordance with the conditions of approval recommended by the Monterey County Water Resources Agency which requires submittal and approval of a drainage plan. Monterey County Building Services Department requires erosion control plans and measures to be in place during the grading process when a grading permit is required. Standard erosion control practices include the use of covering or vegetating exposed soils, using silt fences or straw bales to contain surface runoff, and, where possible, to complete soil-disturbing activities out side of the rainy season from October 15 through April 15. The Monterey County RMA-Building Department, Grading Division reviews all request for winter grading and must make an exception to allow grading during this time. *Incorporating the soils report recommendations, conditions of approval from Water Resources, and general policies of the RMA-Building Department throughout the project will have no impact on soil erosion.*

#### **Geology and Soils 6 (c) No Impact**

Liquefaction and lateral spreading were determined to have a very low potential of occurrence, due to the soils on the site not having properties normally associated with these situations. Since the site is relatively flat and not in close proximity to significant slopes, there is no potential for adverse impacts from landslides. *Therefore, the addition will not be located on a geologic unit or*

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*soil that is unstable, or would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse.*

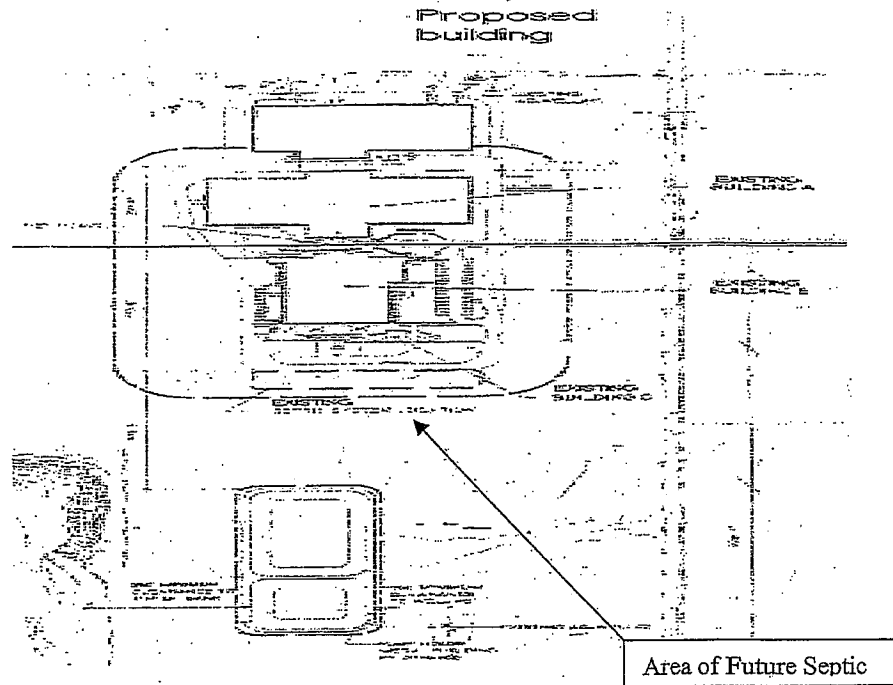
#### **Geology and Soils 6 (d) No Impact**

In general the soils at the site were found to be acceptable for foundation purposes provided the geotechnical report recommendations are followed. Compliance with the Uniform Building Code's current edition for the additions foundation design and construction was recommended in the report. The property soil type was found to be **D**. The undisturbed, in-situ, native soils and accepted certified engineered fill are suitable for foundation purposes and display engineering properties adequate for the anticipated soil pressures. Monterey County RMA-Building Department reviews all building permit applications for consistency with engineer specifications and compliance with the current building codes prior to issuance. Actual construction is then regularly inspected for compliance with plans and building code specifications during construction by Monterey County building inspectors and special contract inspectors where required. Therefore, the project will not be *located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994); creating substantial risks to life or property.*

#### **Geology and Soils 6 (e) – Less than Significant Impact**

Domestic wastewater at the facility is generated from restrooms, laboratory, and lunch room facilities and with the expansion it is expected that domestic wastewater flows will increase. The current leachfield system consists of five 100 linear foot disposal lines (500 linear feet total), each equipped with distribution boxes and observation risers. Leachfield soil is predominantly silty sand, interbedded with well graded sand. The depth of leachfield trenches are six feet with two feet of cover and eight square feet of side wall area per foot. The distance between leachfield lines are twelve feet on-center and follow the contour of the natural grade. There is no indication from the Soils Report prepared by Earth Systems dated July 2, 1997 and the Geotechnical Soils Foundation report prepared by Grice Engineering dated February 2008 that the soils on site would not support an additional septic system. There is a 100% identified expansion area, 500 linear feet reserve, next to the existing leachfield for a future septic system. **Figure 9** below depicts the area of the septic system and future expansion areas. (Source IX.12,13) The project has been reviewed by the Environmental Health Department and adequate area exists on site for additional wastewater treatment. The winery has applied for and was approved by California Regional Water Quality Control Board (CRWQCD) for additional wastewater disposal in accordance with their current Wastewater Permit issued by the CRWQCB. *Therefore, the project will have a less than significant impact on soils supporting the additional septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater.*

**Figure 9: Location of Septic System**



**7. GREENHOUSE GAS EMISSIONS**

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment? (Source: IX.1,2,8,17)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases? (Source: IX.1,2, 8,17)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Discussion/Conclusion/Mitigation:**

In order to reduce the statewide level of GHG emissions, the State Legislature adopted California Assembly Bill 32 (AB 32) California Global Warming Solutions Act of 2006. AB 32 established a comprehensive statewide program of regulatory and market mechanisms to achieve reductions in GHG emissions, thereby reducing the State's vulnerability to global climate change (GCC).

The California Office of Planning and Research (OPR) has requested the California Air Resources Board (CARB), the state agency charged with regulating statewide air quality, assist with the development of a method for setting statewide thresholds of significance that can be used by local agencies as a basis for developing/adopting their own thresholds of significance. CARB, in October 2008, issued the first draft of a recommended approach entitled *Recommended Approaches for Setting Interim Significance Thresholds for Greenhouse Gases under the California Environmental Quality Act*. In the absence of specific guidance from the

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state, some agencies have adopted their own thresholds of significance, while others have determined that for the time being, a determination of the significance of climate change impacts is too speculative.

#### **Greenhouse Gas Emissions 7 (a) – Less than Significant**

Acceleration in the rate of warming is largely the result of emissions of carbon dioxide and other greenhouse gases (GHG) from human activities which include industrial processes, fossil fuel combustion, and changes in land use, such as deforestation. The cumulative scenario for climate change is based on whether or not the proposed project would result in emissions of greenhouse gases that could cumulatively contribute to global warming or climate change. Currently neither the California Air Resources Board, the MBUAPCD, nor Monterey County have established regulations, guidance, methodologies, or other means that would require the implementation of measures to reduce GHG emissions from projects. In lieu of State guidance or locally adopted thresholds, a primarily qualitative approach will be used to evaluate possible impacts for the proposed project. Construction of the winery addition will be short term and traffic to and from the winery as a result of the addition will not increase significantly (Source V.16). The project will create a temporary impact to air quality caused by construction activities, the result of the project will not increase the baseline amount of GHGs emitted prior to the project. The winery addition will not permanently create a greater amount of vehicle trips nor will it cause an increase in the emission of carbon dioxide (CO<sub>2</sub>) by fuel combustion. *Therefore, the proposed project would not generate greenhouse gas emissions, either directly or indirectly, that may have a significant have a significant impact on climate change.*

#### **Greenhouse Gas Emissions 7 (b) – Less than Significant**

Neither the California Air Resources Board, the MBUAPCD, nor Monterey County have established regulations, guidance, methodologies, or other means that would require the implementation of measures to reduce GHG emissions from projects. However, Title 24, Part 6 of California Building Code (Energy Efficiency Standards or Residential Buildings) would require new construction to meet the minimum requirements for energy efficient windows, insulation, lighting, plumbing, and mechanical equipment. Prior to the issuance of the building permit (a ministerial permit) the owner/applicant shall submit a Certificate of Compliance (CR-1R) demonstrating how the project meets the minimum requirements for energy efficiency. The contractor and/or sub-contractors responsible for the installation of windows, insulation, lighting, plumbing, and mechanical equipment are subject to an Installation Certificate (CF-6R) certifying that the installed features, materials, components or manufactured devices conform to the construction plans and the Certificate of Compliance documents which were approved. The winery addition will be energy efficient and by design will utilize the best available energy efficient materials as required by the California Building Code. *Therefore, conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases.*

# 8. HAZARDS AND HAZARDOUS MATERIALS

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? (Source: IX.1,2,5,6,7,10,13)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? (Source: IX.1,2,5,6,7,10,13)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? (Source: IX.1,2,5,6,7,10,13)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? (Source: IX.1,2,5,6,7,10,13)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area? (Source: IX.1,2,5,6,7,10,13)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area? (Source: IX.1,2,5,6,7,10,13)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? (Source: IX.1,2,5,6,7,10,13)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands? (Source: IX.1,2,5,6,7,10,13)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

## Discussion/Conclusion/Mitigation:

### Hazards and Hazardous Materials 7 (a), (b) – Less Than Significant Impact

The project site is currently used for agriculture and agricultural uses. Pesticides and other gas materials such as sulfur dioxide is stored and used on the property. These materials are not

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considered hazardous if used according to the directions and are typical of products found at any winery. Other solvents such as disinfectants and commercial cleaners may also be used on site and are commonly used in a household. The Monterey County Department of Environmental Health has reviewed the winery expansion and found all site chemical usage to be in compliance with the CRWQCB and no hazardous materials will be handled. **Table 3** below lists the various types of chemicals used on site for the processing of wine, cleaning processing areas and equipment in 2006. None of these chemicals are considered hazardous and are chemicals normally found in any household.

**Table 3: Chemical Usage at the Site**

Chemical Used	Empirical Formula	Specific Density	Estimated Quantity Used in Year 2006 (pounds)	Typical Usage
Citric Acid	H <sub>3</sub> C <sub>6</sub> H <sub>5</sub> O <sub>7</sub>	1.54	6,000	Cleaning, Disinfection, Neutralization
440K	KOH	NA	3,600	Sanitation
Chlorox 2-3-1	Sodium Hydroxide Solution	NA	7,200	Sanitation
Tartaric Acid	C <sub>4</sub> H <sub>6</sub> O <sub>6</sub>	1.76	6000	pH and Acidity Adjustments
Bentonite	NA	2.5	1000	Clarification/ Fining of Juice and Wine
Sodium Percarbonate	Peroxide Solution	NA	4000	Press Cleaner

The Hazardous Materials Division of the Monterey County Environmental Health Department annually inspects registered sites with hazardous materials permits and has found the site to be in compliance with state and local regulations. *Therefore, the proposed addition will not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials or create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.*

#### **Hazards and Hazardous Materials 7 (c), (d), (e), (f), (g), (h) – No Impact**

The proposal involves an agricultural development where there would be no use of hazardous materials that would constitute a threat of explosion or other significant release that would pose a threat to neighboring properties. The proposed winery addition would not involve stationary operations, create substantial hazardous emissions or handle hazardous materials. The site location and scale have no impact on emergency response or emergency evacuation and is not included on any list of hazardous materials sites. The closest school, Mission Elementary School, is over a quarter mile away from the site at nearly 3.25 miles away on Foothill Road in Salinas. The property is not located near an airport or airstrip. South County Fire Protection District has reviewed the project application and recommended conditions of approval regarding fire safety, including fire sprinklers and posting of the address for emergency services. *Therefore, the proposed project would not result in impacts related to hazards/hazardous materials.*

## 9. HYDROLOGY AND WATER QUALITY

### Would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements? (Source: IX. 1,6, 7,8,13)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)? (Source: : IX. 1,6, 7,8,13)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site? (Source: IX. 1,6, 7,8,13)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site? (Source: IX. 1,6, 7,8,13)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff? (Source: IX. 1,6, 7,8,13)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Otherwise substantially degrade water quality? (Source: IX. 1,6, 7,8,13)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map? (Source: IX. 1,6, 7,8,13)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows? (Source: IX. 1,6, 7,8,13)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam? (Source: IX. 1,6, 7,8,13)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j) Inundation by seiche, tsunami, or mudflow? (Source: IX. 1,6, 7,8,13)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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**Discussion/Conclusion/Mitigation:**

The facility does not discharge any wastes to any surface waters and captures sediments, nutrients, herbicides, pesticides and other constituents from entering state waters on site. An existing well on the site will provide for domestic water and water for processing.

Currently, the facility produces approximately 1,577,000 cases of wine per year that is collected from crushing approximately 22,000 tons of grapes. The winery produces mostly white wines. The expansion will increase the winery's capacity to produce red wines to 32,000 tons of grapes per year consisting of approximately 20% red grapes and 80% white grapes for a total increase of 10,000 tons (Source IX.13). The addition will also increase operational improvements, management of products and treatment of process water and solids generated at the site. Grapes will be delivered to the site and crushed during the months of September and October and grape products are further crushed during the months of November through June.

**Hydrology and Water Quality 8(a) - Less Than Significant Impact**

Wash water, crushing waste and processing wastes will comprise the bulk of discharge wastewater. The peak of water use is also seasonal with the Crush season lasting approximately 60-75 days and the "non-crush" season being the remainder of the year. The non-crush water used for process flows could be as much as 63,000 gallons per day, crush season average flows to approximately 125,000 gallons per day and during peak crush winery process water flow should not be more than 350,000 gallons during a 24 hour period during crush season. The existing irrigation well will continue to provide vineyard irrigation and will provide on-site fire protection. The process wastewater will be treated then used in combination with well water to irrigate the vineyard which is approximately 300 acres of vineyards. The discharge and treatment of winery process waste is currently regulated under the CRWQCB under the General WDR (Waste Discharge Requirements), Kendall Jackson has a permit to comply with these regulations (General WDR Permit R3-2002-0084) and is in compliance with their current permit (IX. 6) In addition to compliance to the facility's ongoing General WDR Permit from the CRWQCB, the Environmental Health Department has reviewed the expansion and is requiring a standard condition of approval to comply with adopted codes and ordinances pertaining to water quality as follows:

- ✓ Submit onsite wastewater treatment system plans for review and approval that will accommodate the estimated 135 winery employees during harvest time. Indicate the location, design layout and size specifications that meet standards found in Monterey County Code Chapter 15.20, Sewage Disposal Ordinance, and the Central Coast Basin Plan, RWQCB.

A Notice of Intent to Comply with General WDR was prepared by Kennedy/Jenks consultant, on April 4, 2008 (Source IX.13) for the California Regional Water Quality Control Board to increase production and continue to treat and discharge water and solids at the Kendall Jackson facility. The applicant has already submitted an application to the California Regional Water Quality Control Board for evaluation and to obtain a wastewater discharge permit. The permit must be granted by this agency prior to operation of the basins.

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The applicants are following the appropriate design and permitting steps to ensure that the project does not violate any water quality standards or waste discharge requirements. *Therefore, there is a less than significant impact on any potential violations of any water quality standards or waste discharge requirements. Existing wells on the property will be used to provide water for the new systems and processing.*

#### **Hydrology and Water Quality 8(e) (f) - Less Than Significant Impact**

Stormwater related to industry activity is managed and discharged per requirements prescribed under CRWQCB General National Pollution Discharge Elimination System (NPDES), of which the facility has a permit for (NPDES Permit No. 97-03-DWQ) Stormwater that is not commingled with winery process water is discharged to the existing storm drainage system. Stormwater that comes in contact with winery process water is not discharged to the existing storm drainage system or any surface waters. (Source IX. 13) The proposed expansion is designed with sufficient drainage facilities to divert local runoff and is being constructed in accordance with the facilities current permit. *Therefore, the expansion will have a less than significant impact on runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff.*

#### **Hydrology and Water Quality 8 (b), (c), (d), (g), (h), (i), (j) – No Impact**

Water supply used for the facility operations is supplied from a groundwater production well located on the southeast corner of the facility. The facility's supply water is greater than 200 feet from the nearest process water application area and is greater than 200 feet from the domestic waste water leachfield. Bottled water is delivered to the site for drinking use. Groundwater in the process water treatment pond area is protected by the synthetic liner to protect from infiltration of pond water into underlying soils. No changes in the existing drainage patterns on the site are proposed. Existing drainage on site will not be impacted as a result of the addition. Although the rear of the property is located in the 100 year flood plain, no structures or housing will be placed in this area. *Therefore, the addition will have no impact on groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level. The project would not substantially alter the existing drainage pattern of the site or area would, not place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam or have an impact on seiche, tsunami, or mudflow.*

# 10. LAND USE AND PLANNING

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Physically divide an established community? (Source: 1, 2, 3, 4, 7 & 15)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? (Source: 1, 2, 3, 4, 7 & 15)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Conflict with any applicable habitat conservation plan or natural community conservation plan? (Source: 1, 2, 3, 4, 7 & 15)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

## Discussion/Conclusion/Mitigation:

### Land Use and Planning (a) – No Impact

The project will not divide an established community. The site is an established vineyard and winery with surrounding land uses of agricultural operations. *Therefore, the project will not physically divide an established community.*

### Land Use and Planning (b) – Less Than Significant Impact

The property site is located in an area designated by the Monterey County General Plan and Zoning Code for agricultural use. The expansion will comply with the intent and allowed uses of the property. The project site is designated as Prime Farmland and the expansion will continue to use the property as a viable agricultural operation (agricultural processing plant). The project, as proposed, would not have an impact on land use in the area or significantly reduce the acreage available for various agricultural crops. The proposed project does not require rezoning and would not conflict with adjacent Williamson Act contracts. In 1997, the winery received approval for a variance (PLN970559) in order to deviate from the F/40 zoning districts height limitation of 35 feet. By allowing a taller building, less viable agricultural land would be covered in structure. At the district height the project would be 113,450 square feet, an additional 31,600 square feet. The addition will match the existing structures in design, bulk and height, therefore a height variance is requested in order to ensure a consistent project design and further protect viable agricultural land from being covered by structures. **Figure 10** shows the existing architecture of the winery. *Therefore, the project will not conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect.*

**Figure 10: View of Existing Buildings**



**Land Use Planning (c) – No Impact**

No habitat conservation plans or natural community conservation plans are in place in the project area, *therefore the project will not have an impact on any habitat or natural community conservation plan.*

**11. MINERAL RESOURCES**

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion/Conclusion/Mitigation:** See Section IV.A.3

**12. NOISE**

Would the project result in:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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12. NOISE	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>Would the project result in:</b>				
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion/Conclusion/Mitigation:** See Section IV.A.4.

13. POPULATION AND HOUSING	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>Would the project:</b>				
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion/Conclusion/Mitigation:** See Section IV.A.5.

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#### 14. PUBLIC SERVICES

Would the project result in:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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Substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

a) Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion/Conclusion/Mitigation:** See Section IV.A.6.

#### 15. RECREATION

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion/Conclusion/Mitigation:** See Section IV.A.7.

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16. TRANSPORTATION/TRAFFIC

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit? (Source: 1,6,7,10,11,15, 21)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways? (Source: 1,6,7,10,11,15)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks? (Source: 1,6,7,10,11,15)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? (Source: 1,6,7,10,11,15)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Result in inadequate emergency access? (Source: 1,6,7,10,11,15)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities? (Source: 1,6,7,10,11,15)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Discussion/Conclusion/Mitigation:**

The Kendall Jackson facility is located off of Highway 101 and Doud Road in Soledad. Access to the site is through Highway 101 and Arroyo Secco Road. In 1997 a traffic report was prepared by Higgins and Associates analyzing traffic conditions at that time. **Figure 11** shows the intersection that was analyzed in the first traffic report prepared in 1997. No improvements were required at the time however, Caltrans has jurisdiction over the exit off of Arroyo Secco Road and Hwy 101 and as a condition of approval Caltrans reserved the right to review any increase in usage to this intersection. During the project review Caltrans looked at the proposed expansion and had no comment.

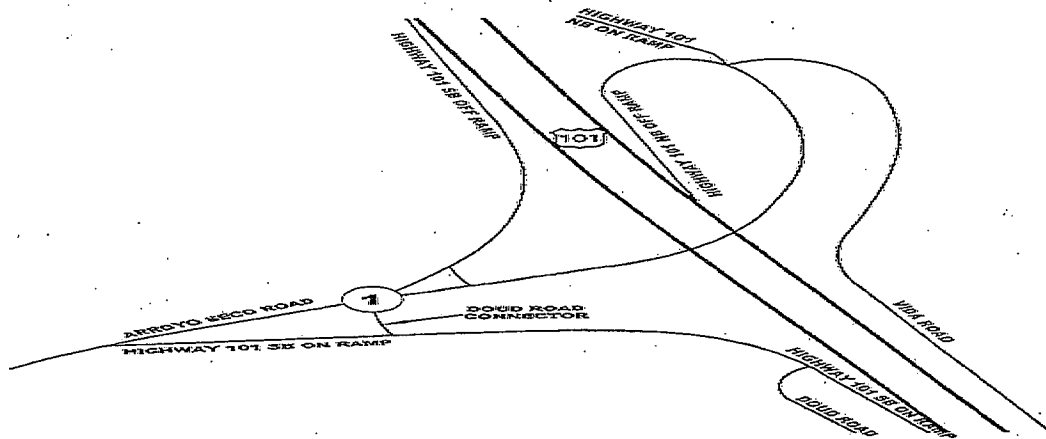
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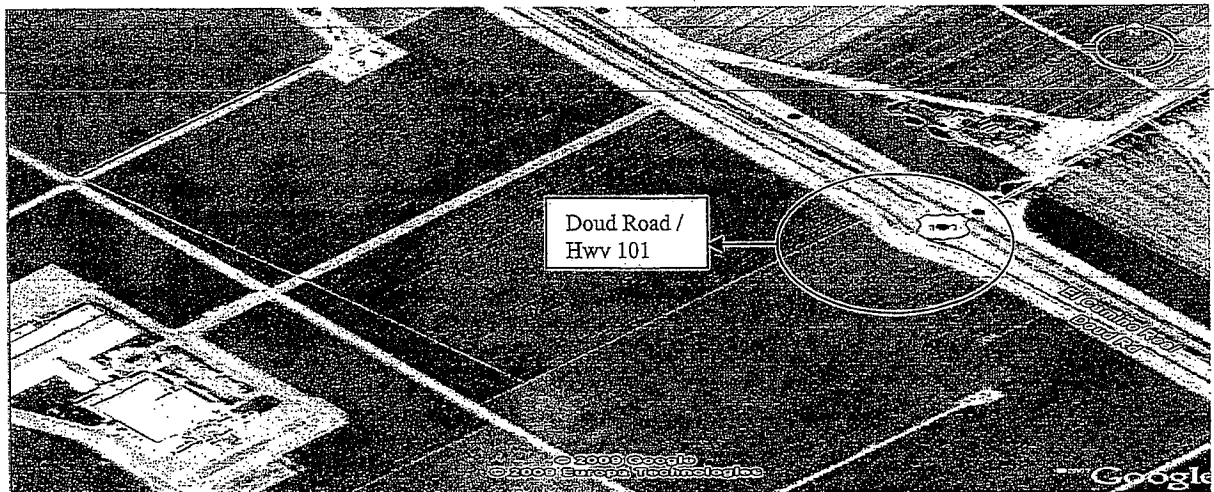
**Figure 11: Intersections of Arroyo Secco and Highway 101**



Over the past five years an additional route, Doud Road and Highway 101, has been opened. Doud Road can be accessed off of Highway 101 as an alternative to exiting Arroyo Secco Road southbound towards Doud Road. The Doud Road exit is approximately 740 feet from the entrance of the winery shown in **Figure 12**. The Arroyo Secco Road and Highway 101 exit is approximately 1.3 miles from the entrance of the winery. During the review of the expansion, CalTrans began a safety study of the Doud Road exit and concluded that no significant issues were found with a recommendation of trimming of the brush to the northwest point of the exit.

A traffic report for the expansion of the winery was prepared by Hatch Mott MacDonald in 2008 to determine the trip generation for the new expansion and any potential impacts to traffic as a result of the expansion. The updated traffic report did not analyze the Doud Road exit as it is not used by winery personal and trucks servicing the site. There is no wine tasting on the property, therefore there will be no additional trips from visitors.

**Figure 12: Intersection of Highway 101 and Doud Road**



**Table 4: Estimated Trip Generation from expansion**

ACTIVITY	Existing	Expansion	Total	Vehicle Type
<b>A. RECEIVING</b>				
1. RED				
a. Red Deliveries per season	48	51	99	Truck (5 axle)
b. Total Red Deliveries per day (Avg.)	0	0	0	Truck (5 axle)
c. Total Red Deliveries per day (Harvest)	1	1	2	Truck (5 axle)
2. WHITE				
a. White Deliveries per Season	282	129	421	Truck (5 axle)
b. Total White Deliveries per day (Avg.)	0	0	0	Truck (5 axle)
c. Total White Deliveries per day (Harvest)	6	3	9	Truck (5 axle)
3. JUICE SHIPPING				
a. Loads per day	7	4	11	Truck (5 axle)
b. Shipping days	48	0	48	Truck (5 axle)
4. POMACE OUT				
a. Loads per day (Avg.)	4	2	6	Truck (4 axle)
b. Shipping days	48	0	48	Truck (4 axle)
c. Loads external to project site	4	2	6	Truck (4 axle)
<b>B. WINE SHIPPING</b>				
1. Loads per day (Avg.)	3	1	4	Truck (5 axle)
2. Loads per day (Harvest)	0	0	0	Truck (5 axle)
3. Shipping days	200	0	200	Truck (5 axle)
<b>C. EMPLOYEE TRAFFIC</b>				
1. Employees per shift during harvest				
a. Day Shift (Average)	25	100	135	Auto
b. Swing Shift (Average)	0	0	0	Auto
c. Night Shift (Average)	10	100	110	Auto
2. Employees per shift during non-harvest				
a. Day Shift (Average)	35	30	65	Auto
b. Swing Shift (Average)	0	0	0	Auto
c. Night Shift (Average)	0	0	0	Auto
<b>D. VISITORS (INCLUDING WINE TASTING TRAFFIC)</b>				
1. Visitors per shift during harvest				
a. Day Shift (Average)	1	0	1	Auto
b. Swing Shift (Average)	0	0	0	Auto
c. Night Shift (Average)	0	0	0	Auto
2. Visitors per shift during non-harvest				
a. Day Shift (Average)	1	0	1	Auto
b. Swing Shift (Average)	0	0	0	Auto
c. Night Shift (Average)	0	0	0	Auto

Source: Higgins and Associates, Traffic Report dated March 28, 2008.

There are no published trip generation rates for winery facilities, hence Higgins and Associates assessed the proposed expansion based on existing operation and anticipated operations. Table 4 above, depicts the estimated trip generation.

It is estimated that during the harvest season 100 additional employees trips will be generated and during non harvest season an additional 30 daily trips will be generated by employees. The large majority of employee trips are not traveling during peak hours. The day shift at the winery occurs between 6AM to 6PM. For traffic analysis peak AM hours are 7AM- 9AM and peak PM hours between 4PM to 6PM. Winery employees are at the site before and after the peak traffic times.

With the expansion truck deliveries of wine will increase. In total, during harvest season an additional 180 daily truck trips will be generated for both white and red wine deliveries.

**Transportation/Traffic (a) No Impact**

According to the Traffic Report prepared by Higgins and Associates, additional trips will occur during non peak times and will not generate a significant impact to Highway 101 and Arroyo Secco. Highway 101 and Arroyo Secco are at acceptable operation. The project does not have a significant impact on pavement loading at the Arroyo Secco Road and Doud Road segments. Traffic to and from the winery are made during off peak AM and PM hours therefore not adding additional congestion or additional significant capacity to these segments. According to the "Monterey County General Bikeways Path" the winery is not located in an area designated for bicycle paths or future bicycle facilities. *Therefore, the project will have no impact on any applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit.*

**Transportation/Traffic (b) No Impact**

The Arroyo Secco Road and Highway 101 exit is functioning as a Level of Service "B" and will continue to operate under this level with the winery expansion. Caltrans endeavors to maintain a target LOS at the transition between LOS "C" and LOS "D". (Source IX.11) Monterey County's established LOS goal for county roads is "C". The winery segments analyzed were both above service levels for Caltrans and Monterey County LOS road networks. The nature of the winery requires employees to travel from 6AM to 6PM, and for the purposes of traffic impacts these shifts and trips are during off peak hours. *Therefore, the addition will not conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways.*

**Transportation/Traffic (c) No Impact**

The project site is not located in the vicinity of an airport and would not result in a change in air traffic patterns. (See 15a.b for further discussion). *Therefore the project would not result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks.*

**Transportation/Traffic (d) Less Than Significant Impact with Mitigation**

There are two ways to enter the winery. From Highway 101 and Arroyo Secco Road or as shown below in **Figure 13**, the Doud Road exit from Highway 101. The initial traffic report prepared in 1997 by Higgins and Associates did not analyze the Doud Road/Highway 101 exit as this exit is believed to have been closed off by a private gate which is now open.

**Figure 13: Doud Road and Highway exit**



**Doud Road and Highway 101**

Caltrans conducted a safety study for the Doud Road/Highway 101 exit and concluded brush removal was warranted at the Doud Road/Highway 101 exit to increase driver visibility. **Figure 14** below shows the area of Doud Road and Highway 101 where brush removal was conducted by Caltrans. The winery does not use the Doud Road exit for deliveries and employees are directed to use the Arroyo Secco exit from Highway 101 (shown in Figure 5).

**Figure 14: View of Doud Road exit from Highway 101**



The traffic report concluded that the winery and winery addition corridors are operating at acceptable levels. Further the proposed project will not create a significant impact on the operations at the Doud Road/Arroyo Secco Road intersection, nor the segment of Arroyo Secco

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Road between Doud Road and Highway 101 and Doud Road and Highway 101 (shown in Figure 13). As safety measure the following mitigation will ensure the Doud Road and Highway 101 are not used by winery traffic.

**Transportation/Traffic Impact MM #15-1 – Traffic Management Program for Employees and Truck Delivery Drivers prohibiting usage of Doud Road and Highway 101**

The Doud Road/ Highway 101 exit is under the jurisdiction of Caltrans and Caltrans will be responsible for maintaining the brush along this exit for increased safety and visablity of drivers. In order to ensure employees are not using the Doud Road/Highway 101 exit in the future, Kendall Jackson will incorporate a policy and employee training prohibiting the usage of this exit with their ongoing training schedule. Trainings will be conducted annually advising employees not to use this exit. The applicant will provide verification of the training and policy implementation and measures for the approval of the Director of Public Works and Director of Planning.

**Monitoring Actions (MM#15-1):**

**Prior to issuance of certificate of occupancy** the applicant shall submit a Traffic Management Program which shall include but not be limited to the following:

- a. A policy prohibiting truck traffic and employee circulation to and from the facility through the Doud Road/Highway 101 exit;
- b. Placement of signs in the trucker's lounge, employee lounge and other conspicuios locations throughout the facility, specifically prohibiting truck and employee circulation through the Doud Road/Highway 101 exit;
- c. Placement of increased size signage along Doud Road and Highway 101 at locations approved by Public Works and Caltrans, specifying usage of Arroyo Secco Road and Highway 101 exit for Kendall Jackson traffic;
- d. Thresholds of success of this program and how it will be measured for the next five years, which can include specific trip reduction measures for the Doud Road/Highway 101 exit and internal monitoring of compliance.

**Prior to final inspection** the applicant, shall provide the Director of Public Works and Director of Planning written verification/certification of the Traffic Management Program implementation.

**The applicant must submit a report to the Director of Public Works and Director of Planning annually for the first five years.** The report shall include a statement that the Traffic Management Program has been taught each year with documentation of implementation. In addition, the applicant will implement this program beyond the five years until such time as the required success of the program has been achieved with ongoing consultation with the Director of Public Works and Director of Planning.

**Arroyo Secco Road and Highway 101**

The Arroyo Secco Road and Highway 101 exit is functioning at a Level of Service B and will continue to operate under this level with the winery expansion. As drivers exit Arroyo Seco Road to turn onto Doud Road there is no warning of the short acceleration distance and immediate turn to Doud Road. The traffic report made safety recommendations for increased driver safety at this intersection including *signage* warning drivers of the quick turn onto westbound Doud Road immediately exiting Highway 101 and *pavement markings and/or a warning sign* designating two-way traffic. Markings will be implemented on the Highway 101 Southbound On-Ramp, prior to its intersection with Doud Road. Said markings will alert drivers

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that there is opposing traffic north of Doud Road. The deficiency is not considered significant but additional signage will provide for enhanced driver safety.

Both signage and pavement markings are considered maintenance and as a general condition of approval, the applicant will need to apply for and obtain an encroachment permit from CalTrans for the Highway 101 Southbound On-Ramp prior to Doud Road and for Doud Road portion of the road, RMA Department of Public Works. Signing and design of signage and pavement markings/two-way traffic signage will be in accordance with the California Streets and Highways Code and the Department of Public Works.

With the implementation of the Traffic Management Program for Employees and Truck Delivery Drivers prohibiting usage of Doud Road and Highway 101 and the standard conditions requiring maintenance of the Highway 101 and Arroyo Secco Road exit impacts resulting from hazards due to a design feature will be less than significant with mitigation.

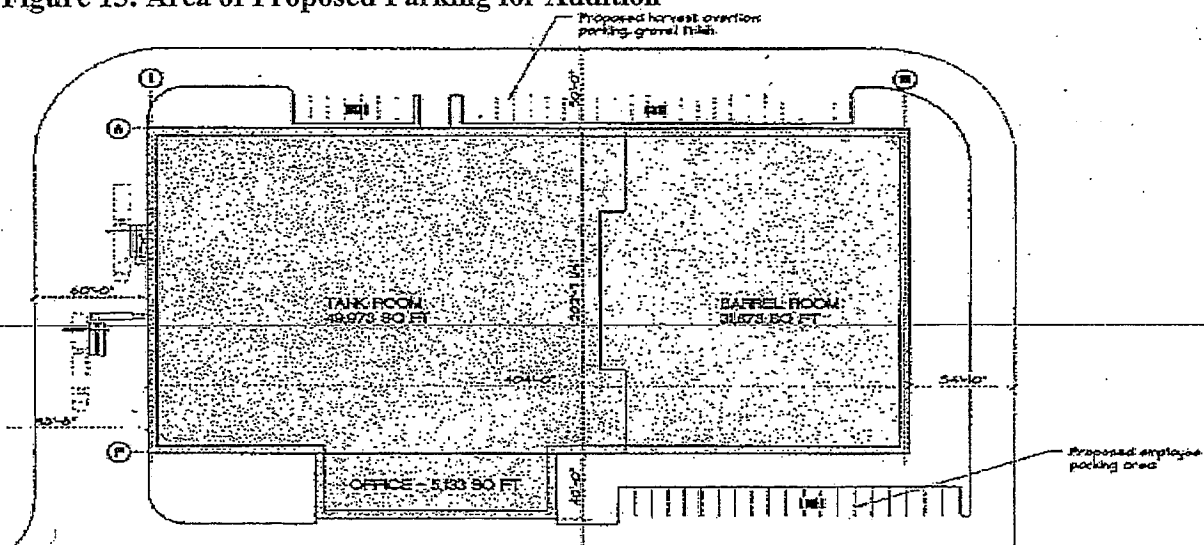
#### **Transportation/Traffic (e) No Impact**

The Mission Soledad Fire Department (South County) and the Monterey County Public Works Department have reviewed the winery expansion and found all site improvements acceptable. The expansion is accessible in the event of an emergency and no conflicts with adopted policies, plans or programs promoting alternative transportation were found to exist. *Therefore, there will be no impact on emergency access.*

#### **Transportation/Traffic (f) Less Than Significant Impact**

The code would require the applicants to provide 169 spaces for the proposed addition. Below Figure 15 shows the area of planned parking.

**Figure 15: Area of Proposed Parking for Addition**



Due to the seasonal nature of the operation of workers and in order to protect the otherwise productive agricultural use of the property the applicant is proposing a reduction in parking to 47 spaces. The applicant is requesting a Use Permit pursuant to Monterey County Zoning Code section 21.58.050 given that the winery operation does not necessitate the number of parking

spaces required. Although there is ample space for parking on the site, in this situation, due to the seasonal nature of parking needed, additional parking spaces are not warranted. The project site and proposed addition is not located in an area with an adopted policy or plan for alternative transportation programs. *Therefore, the addition will not conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities less than significant.*

# 17. UTILITIES AND SERVICE SYSTEMS

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion/Conclusion/Mitigation:** See Section IV.A.8.

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## VII. MANDATORY FINDINGS OF SIGNIFICANCE

NOTE: If there are significant environmental impacts which cannot be mitigated and no feasible project alternatives are available, then complete the mandatory findings of significance and attach to this initial study as an appendix. This is the first step for starting the environmental impact report (EIR) process.

Does the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Have impacts that are individually limited, but cumulatively considerable? "Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

### Discussion/Conclusion/Mitigation:

#### (a) Less Than Significant

The project as proposed and conditioned will not have the potential to degrade the environment. Potential impacts to aesthetics, agricultural, air quality, geology/soils, hazards/hazardous materials, hydrology/water quality, and transportation/traffic will result from construction of the proposed project, however conditions of approval are recommended to reduce potential impacts to these resources to a less-than-significant level. (See Sections VI above).

#### (b) Less Than Significant

Construction of the proposed project will not significantly increase population in the area, demand on utilities and services, increase in traffic and other cumulative subjects. The project does not include any residential component which will not be population generating. The proposed project has been reviewed and found to be consistent with the Local Area Plan.

The project would involve the addition of an 86,984 square foot barrel and tank storage building with office in an agricultural zoning which will not result in increased in air quality emissions in the project vicinity, nor increases in traffic congestion as the project site. The winery is not open

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to the public for wine tasting and employee shifts are during off peak AM and PM hours, not adding to traffic congestion. A winery is an allowed use and does not conflict with any area or local plan. The level of emissions resulting due to project-generated traffic would not be expected to exceed air quality standards. Further, as identified in Section VI.3 - Air Quality, the development of the proposed project would not exceed applicable air quality standards as established by the air pollution district. Given the use of energy efficient appliances and other modern amenities the proposed project is not likely to substantially impact existing levels of greenhouses gases on a local, regional, or global scale.

#### **Global Greenhouse Gases/Climate Change**

When analyzing a project's potential to affect climate change, it is important to note that neither CEQA nor current case law identifies thresholds or other direction in measuring or evaluating the effect of individual projects on global warming. Accordingly, in the absence of applicable methodology and thresholds, the significance of this project's effect on global warming cannot be quantified. Overall, impacts related to global warming are considered less than significant while there are no adopted or set standards for evaluating the indirect effects of projects on the overall environment.

Increased emissions of greenhouse gases due to developmental pressures have resulted in multiple adverse environmental effects, including, sea level rise, increased incidence and intensity of severe weather events (e.g., heavy rainfall, droughts), and extirpation or extinction of plant and wildlife species. Further, emissions contributing to climate change are attributable in large part to human activities associated with the industrial/manufacturing, utility, transportation, residential, and agricultural sectors. Given the significant adverse environmental effects associated with anthropogenic climate change, increased emissions have the potential to result in cumulatively considerable air quality impacts and indirect biological and hydrological impacts. The subject project is an addition to an existing winery and is designed to increase efficiency and production in an area zoned for agricultural uses.

#### **(c) Less Than Significant with Mitigation**

There is no evidence in the record that the project will cause substantial effects to the environment that either directly or indirectly affect human beings (Source: Sections IV and VI above). Nevertheless, mitigations have been incorporated to lessen any potential impacts as a result of the addition to a less than significant level.

~~Traffic/Transportation Impacts (MM #15-1):~~ Although the traffic report prepared by Higgins and Associates found that levels of service now and with the addition will not exceed thresholds of service for regional and local segments, safety measures will be required. Additional traffic impacts were incorporated for enhanced safety and include maintenance of the Arroyo Secco Road and Highway 101 exit to Doud Road and a mitigation requiring a Traffic Management Program to ensure the continued practice of winery employees and trucks not using the Doud Road and Highway 101 exit. As a mitigation, Kendall Jackson will incorporate a policy and employee training prohibiting the usage of this exit for winery traffic. The Traffic Management Program trainings will be conducted annually advising employees not to use this exit and monitoring will continue until the program is successfully implemented.

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**Air Quality Impacts (MM #3-1):** To address the short-term construction related impacts air quality associated with grading and building activities, the applicant, in consultation with a construction manager, establish a Best Available Construction Management Plan per MBUAPCD standards and shall implement the following special conditions prior to grading and shall also be included in the General Notes on the Proposed Grading Plans and the Building Plans for the Kendall Jackson expansion project grading and building permits respectively.

With the implementation of general conditions of project approval and the satisfactory completion of the two required mitigations in traffic and air quality, the addition will not have a negative environmental effect on human beings, either directly or indirectly.

## ***VIII. FISH AND GAME ENVIRONMENTAL DOCUMENT FEES***

### **Assessment of Fee:**

The State Legislature, through the enactment of Senate Bill (SB) 1535, revoked the authority of lead agencies to determine that a project subject to CEQA review had a "de minimis" (minimal) effect on fish and wildlife resources under the jurisdiction of the Department of Fish and Game. Projects that were determined to have a "de minimis" effect were exempt from payment of the filing fees.

SB 1535 has eliminated the provision for a determination of "de minimis" effect by the lead agency; consequently, all land development projects that are subject to environmental review are now subject to the filing fees, unless the Department of Fish and Game determines that the project will have no effect on fish and wildlife resources.

To be considered for determination of "no effect" on fish and wildlife resources, development applicants must submit a form requesting such determination to the Department of Fish and Game. Forms may be obtained by contacting the Department by telephone at (916) 631-0606 or through the Department's website at [www.dfg.ca.gov](http://www.dfg.ca.gov).

**Conclusion:** The project will be required to pay the fee.

**Evidence:** Based on the record as a whole as embodied in the Planning Department files pertaining to PLN080089 and the attached Initial Study / Proposed (Mitigated) Negative Declaration.

## ***IX. REFERENCES***

1. Project Application, Plans and Materials in File No. PLN080089;
2. Monterey County General Plan (1982);
3. Central Salinas Area Plan;
4. Title 21 of the Monterey County Code (Zoning Ordinance);

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5. CEQA Air Quality Guidelines, Monterey Bay Unified Air Pollution Control District, Revised June 2004;
6. Interdepartmental Review (Mission Soledad Fire Department, Public Works, Parks Department, Environmental Health, and California Regional Water Quality Control Board);
7. Site Visit conducted by the project planner on February 27, 2009 and March 6, 2009.
8. Monterey Bay Air Quality District:
  - a. *CEQA Air Quality Guidelines, 2008*
  - b. *2004 Air Quality Management Plan for the Monterey Bay Region, 2008*
  - c. *State and National designation for the North Central Coast Air Basin Ambient Air Quality released January 2009*
9. Association of Monterey Bay Governments (AMBAG). 2008. Population Housing Unit, and Employment Forecast, Adopted February, 2008.
10. Negative Declaration Passed and Adopted on August 28, 1997 and filed July 30, 1997 for PLN970170.
11. Traffic Analysis.
  - a. "Traffic Impact Analysis. Monterey Winery Doud Road Site", Higgins Associates Civil and Traffic Engineers, Inc. dated May 21, 1997.
  - b. "Supplementary Traffic Analysis Report" (LIB080289) Higgins Associates Civil Traffic Engineers, dated March 28, 2008.
  - c. Letter: "Supplement to Traffic Analysis Report dated March 28, 2008" Hatch Mott and McDonald (formerly Higgins Associates Civil Traffic Engineers), dated June 24, 2009.
  - d. "Guide for Preparation of Traffic Impact Studies" Caltrans, dated December 2002. [http://www.dot.ca.gov/hq/tpp/offices/ocp/igr\\_ceqa\\_files/tisguide.pdf](http://www.dot.ca.gov/hq/tpp/offices/ocp/igr_ceqa_files/tisguide.pdf)
12. Geological Analysis.
  - a. "Soils Engineer Report Kendall Jackson Winery" Earth Systems Consultants, dated July 2, 1997.
  - b. "Geotechnical Soils-Foundation & Geoseismic Report" (LIB080287) Grice Engineering and Geology Inc, dated February 2008.
  - c. "Interim Report of Soils Engineering Investigation" Earth Systems Consultants, dated May 21, 1997.
13. Water and Waste Water Analysis.
  - a. "Notice of Intent to Comply with General" (LIB080290) Kennedy/Jenks Consultants, dated April 4, 2008.
  - b. "Wastewater Management System Description" Summit Engineering Inc, dated May 21, 1997.

14. Monterey County Assessor's Database.
15. Monterey County Geographic Information System (GIS) database.
16. Bob Roach, Agricultural Commissioners Office phone call re: pesticide usage
17. MST Whispering Oaks Administrative Draft EIR, March 5, 2010.
18. Villas de Carmelo, PLN070497, Administrative Draft EIR, April 2009.
19. CARB (California Air Resources Board). 2005. *Air Quality and Land Use Handbook: A Community Health Perspective*. [www.arb.ca.gov/ch/handbook.pdf](http://www.arb.ca.gov/ch/handbook.pdf)
20. Butte County Association of Governments (BCAG). 2008 Regional Transportation Plan Chapter 8. [http://www.bcag.org/documents/planning/2008\\_RTP/Document/4%20-%202008%20RTP%20ACTION%20-%20GHG%20Global.pdf](http://www.bcag.org/documents/planning/2008_RTP/Document/4%20-%202008%20RTP%20ACTION%20-%20GHG%20Global.pdf)
21. Monterey County General Bikeways Plan. 2008. <http://www.co.monterey.ca.us/publicworks/pdfs/Cover%20Page%20Rev4.pdf>

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6 September 2013

Ms. Valerie Negrete  
Monterey County  
Resource Management Agency – Planning  
168 W. Alisal St., 2nd Floor  
Salinas, CA 93901

Re: Kendall Jackson Use Permit PLN080089  
Permit Extension

Dear Ms. Negrete,

At this time Jackson Family Investments requests a three year extension of our approved permit PLN 080089 for our Soledad winery at 37300 Doud Road. Due to economic and business circumstances, we believe implementing this project on or before the current expiration date could have adverse business repercussions. Our business has not grown volume to the degree that we anticipated. In fact, over the last 3 years, 2010, 2011, 2012 we have seen a volume increase of only 8%. This seems like a good growth number however during the 3 year period 2007, 2008, 2009 we saw volume increase 55% in our red production. Total production at the facility comparing 2007, 2008, 2009 vs. 2010, 2011, 2012 saw an average increase of just 1.7%. We therefore request an extension on PLN 080089 allowing us to vest the use-permit in accordance with the original conditions on or before December 9, 2016.

Please do not hesitate to contact Mike Ward or Sam Jamison with any questions or comments.

Sincerely,

//ss

Mike Ward  
VP South Coast Production  
[Mike.ward@jfwmail.com](mailto:Mike.ward@jfwmail.com)  
831-678-5701

Sam Jamison

425 AVIATION BLVD SANTA ROSA CALIFORNIA 95403 USA  
(707) 544-4800 TEL

Exhibit E

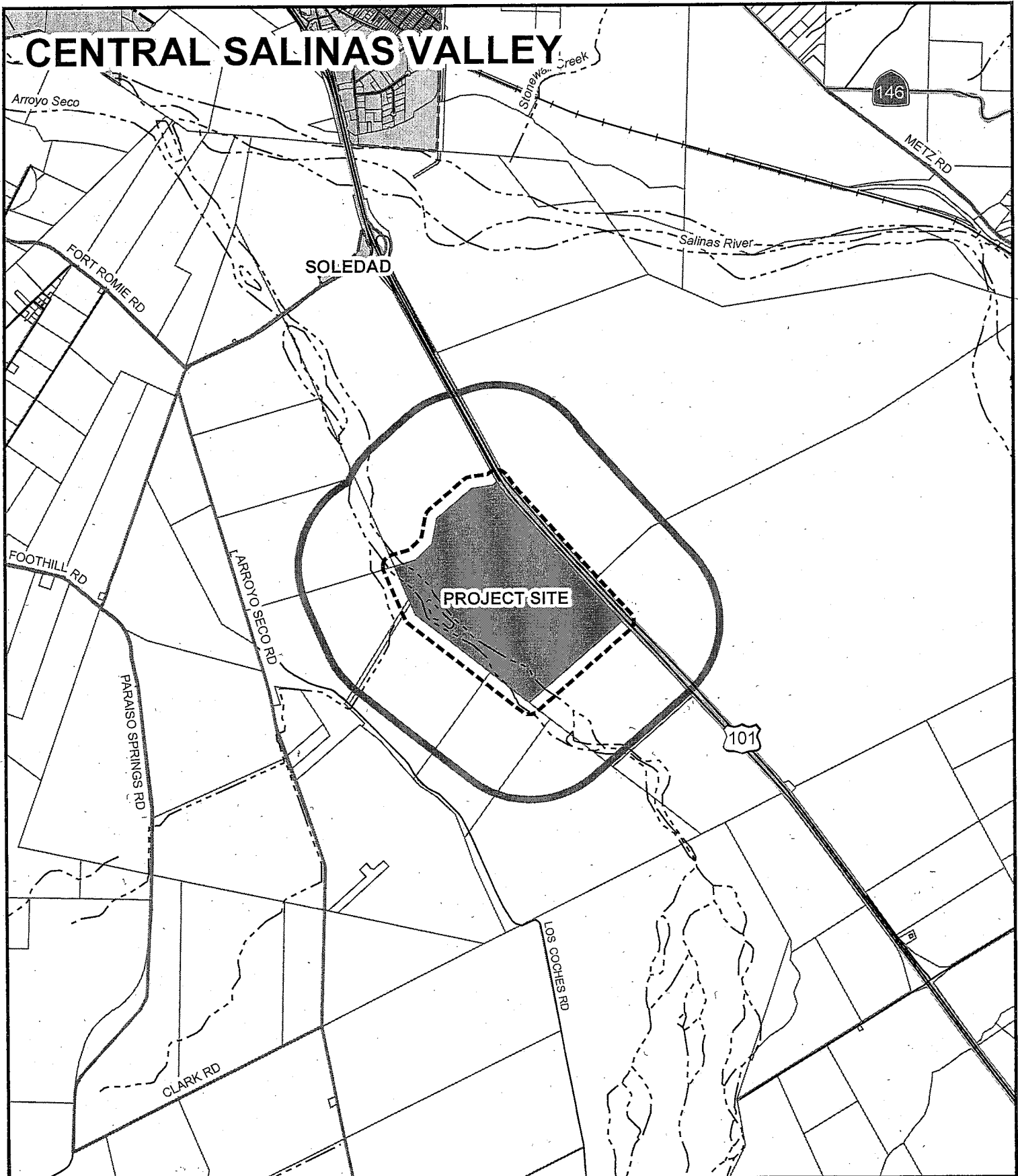


Mr. Allen Martin  
1 May 2012

Director of Engineering  
Sam.Jamison@jfwmail.com  
707-836-2046

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**APPLICANT: JACKSON FAMILY ESTATES II LLC**

**APN: 183-021-015-000**

**FILE # PLN130668**



2500' Limit



300' Limit

--- Water



City Limits



0 2,000  
Feet



**EXHIBIT F**

**PLANNER: NEGRETE**