

**PLANNING COMMISSION
COUNTY OF MONTEREY, STATE OF CALIFORNIA**

RESOLUTION NO. 03021

A. P. # 197-081-023-000

FINDINGS AND DECISION

In the matter of the application of
Godfrey & Susan Sullivan (PLN020389)

WHEREAS: The Planning Commission, pursuant to regulations established by local ordinance and state law, has considered, at public hearing, a Combined Development Permit, located at 32829 Carmel Valley Road, Carmel Valley, north of Carmel Valley Road, came on regularly for hearing before the Planning Commission on April 9, 2003.

WHEREAS: Said proposal includes:

- 1) a two-year extension to a Use Permit (PLN990316) for a cottage industry micro winery use;
- 2) an amendment to (PLN990316) to reduce the size of the winery-barn from 10,500 sq. ft. to 2,373 sq. ft.; and remove the vineyards from 25 percent slopes or more; and eliminate the 1,500 sq. ft. underground storage area,
- 3) Administrative Permit to construct a 7,088 sq. ft. three-story single family dwelling with attached garage, a 5,804 sq. ft. horse barn, a 14,269 gallon water tank and grading of approximately 1,500 cubic yards of cut; and
- 4) Design Approval

WHEREAS: Said Planning Commission, having considered the application and the evidence presented relating thereto,

FINDINGS OF FACT

- 1. FINDING:** The Sullivan Combined Development Permit (PLN020389), as conditioned, conforms to the plans, policies, requirements and standards of the Monterey County General Plan, Greater Monterey Peninsula Area Plan and the Monterey County Zoning Ordinance (Title 21). The property is 49.1 acres in size and is located at 32829 Carmel Valley Road (Assessor's Parcel Number 197-081-023-000). The Greater Monterey Peninsula Area Plan land use designation for this site is Low Density Residential. The parcel is zoned "LDR/10- D-S" or Low Density Residential, 10 acres per unit, with Design and Site Plan Review requirements. The site is physically suitable for the use proposed.

EVIDENCE: The Planning and Building Inspection staff reviewed the project, as indicated in the application and accompanying materials, for conformity with the:

- a) Monterey County General Plan;
- b) Greater Monterey Peninsula Area Plan;
- c) Title 21 of the Monterey County Code (Zoning Ordinance) including the following Chapters:
 - d) Chapter 21.14, Regulations for Low Density Residential Districts;
 - e) Chapter 21.44, Regulations for Design Review;
 - f) Chapter 21.64.095, Regulations for a Cottage Industry; and
 - g) Chapter 21.45, Regulations for Site Plan Review

EVIDENCE: The Monterey County Planning and Building Inspection Department, Water Resources Agency, Public Works Department, Environmental Health Division, Parks Department, and the Carmel Valley Fire Protection District reviewed the proposed project. There has been no indication from these agencies that the site is not suitable for the proposed development. Each agency has recommended conditions where appropriate.

EVIDENCE: The on-site inspection by the current and previous project planners verifies that the proposed

development will not have a significant adverse visual impact when viewed from Carmel Valley Road.

EVIDENCE: The application, plans, and support materials submitted by the project applicant to the Monterey County Planning and Building Inspection Department for the proposed development located in the project file.

2. **FINDING:** The micro winery will not adversely impact existing traffic conditions.

EVIDENCE: A trip reduction study dated January 4, 2000, was prepared by Higgins and Associates, Civil Traffic Engineers (Library No.02-03-003). The study concludes that the micro winery is estimated to generate less than 10 vehicle trips per day. The stable and boarding facility approved for this site would have generated 60 trips per day.

EVIDENCE: Public Works Department reviewed PLN990316, the previously approved project for the Cottage Industry Micro Winery, and determined that a traffic study is not necessary since the traffic impact for the current proposal would be less than significant.

3. **FINDING:** A Combined Development Permit (PC7175) was approved for the subject property in 1990. The approved development will not occur.

EVIDENCE: The Combined Development Permit allowed for development of a public horse stable, removal of 29 oak trees, construction of a single-family residence, a waiver of the policy prohibiting development on slopes greater than 30 percent and grading. The tree removal and grading have been completed; as a result, the proposed use is “vested.” A Forest Management Plan was prepared for the oak tree removal. The Forester recommended replacement of those trees removed at a ratio of 2:1. The requirement for tree replacement is included as a permit condition for this project. The applicant is also required, pursuant to permit conditions, to withdraw the previous uses allowed pursuant to PC7175 which include development of a public horse stable and construction of a single family dwelling.

4. **FINDING:** The proposed project, including all permits and approvals, will not have significant adverse impacts on the environment. The Planning Commission has considered the previously adopted Mitigated Negative Declaration that was prepared and approved pursuant to Public Resources Code Section 21081.6 and has also considered the Addendum to the Mitigated Negative Declaration. All mitigation measures identified in the Initial Study and Mitigated Negative Declaration required to reduce any impact to the environment to an insignificant level are incorporated as conditions of approval for this project and are agreed to by the applicant. The mitigations included as conditions of permit approval are hereby adopted as a mitigation monitoring and reporting program.

On January 10, 2001, the Planning Commission adopted a Mitigated Negative Declaration for PLN990316. The project has been modified, but none of the modifications involve significant environmental impacts not previously addressed in the Mitigated Negative Declaration. The modifications will reduce overall impacts. Therefore, an Addendum has been prepared to address minor technical changes.

Potential environmental effects have been studied and there is no substantial evidence in the record, as a whole, that supports a fair argument that the project, as redesigned, may cause a significant effect on the environment. The Mitigated Negative Declaration and Addendum reflect the independent judgment and analysis of the County based upon the findings and conclusions drawn in the Initial Study and the Addendum and in consideration of testimony and information received, and scientific and factual data presented as evidence during the public review process.

Studies, data and reports prepared by staff from various County departments including Planning and Building Inspection, Public Works, Environmental Health and Water Resources Agency support the Planning Commission's decision that the project does not have a significant environmental impact.

The custodian of the documents and materials that constitute the record of proceedings upon which the adoption of the Mitigated Negative Declaration is based is the Monterey County Planning and Building Inspection Department located at 2620 1st Avenue, Marina. No facts, reasonable assumptions predicated on facts, testimony supported by adequate factual foundation, or expert opinion supported by facts, have been submitted that refute the conclusions reached by these studies, data and reports. Nothing in the record alters the environmental determination, as presented by staff, based on investigation and the independent assessment of those studies, data and reports.

EVIDENCE: County staff prepared an Initial Study for the Levett micro winery project (PLN990316) project in compliance with the California Environmental Quality Act (CEQA.) and its Guidelines. The Initial Study provided substantial evidence that the project, with the addition of mitigation measures, would not have significant environmental impacts. A Mitigated Negative Declaration was filed with the County Clerk on April 20, 2000. The project, as currently proposed, has been modified, but none of the modifications involve significant environmental impacts not previously addressed in the Mitigated Negative Declaration. The modifications will reduce overall impacts. As a result, an Addendum has been prepared to address minor technical changes to the project. All comments on the environmental documents have been received and considered as well as evidence in the record that includes studies, data and reports supporting the Initial Study; additional documentation requested by staff in support of the initial Study findings; information presented during public hearings; staff reports that reflect the County's independent judgment and analysis regarding the above referenced studies, data and reports; application materials, and expert testimony. Among the studies, data and reports analyzed as part of the environmental determination are the following:

1. Steven G. Smith, Forest Management Plan, October 1989.
2. Archaeological Consulting, Archaeological Report, August 29, 1989.
3. Steven Raas & Associates, Inc., Geotechnical Investigation, May 20, 1999; the August 3, 1999, Addendum.
4. Higgins Associates, Trip Generation Analysis, January 4, 2000

EVIDENCE: Initial Study, Mitigated Negative Declaration, Addendum, mitigation measures and conditions and Mitigation Monitoring Program.

EVIDENCE: The application, plans, and support materials submitted by the project applicant to the Monterey County Planning and Building Inspection Department for the proposed development, located in the project file.

5. **FINDING:** No new information has been presented to indicate that circumstances have changed subsequent to adoption of the environmental document. A subsequent analysis of the current proposal determined that the revised project would further reduce previously identified impacts due to the redesign and reduction in size as analyzed under Article 10 section 15162 of the California Environmental Quality Act. Therefore an Addendum to the adopted Mitigated Negative Declaration, describing the minor technical changes as provided under CEQA, has been prepared for this action.

EVIDENCE: The application, plans, support materials, Addendum, and Mitigated Negative Declaration for the proposed development in the project file.

6. **FINDING:** Mitigation and monitoring measures included as permit conditions for this project are equivalent and are more effective in mitigating and monitoring permit conditions in order to avoid potential significant effects and that the permit itself will not cause any potentially significant effect on the environment per CEQA Guideline 15074.1.
- EVIDENCE:** Public testimony during the public hearing before the Planning Commission on February 26 and April 9, 2003; Initial Study; Mitigated Negative Declaration; and Addendum; Mitigation Monitoring Plan; conditions of approval attached to the final adopted resolution; and administrative record.
7. **FINDING:** For purposes of the Fish and Game Code, the project may have some minor and insignificant change to fish and wildlife resources upon which the wildlife depends. Therefore, payment of the Fish and Game fee is required.
- EVIDENCE:** Staff analysis contained in the Initial Study and the record as a whole indicate the project may cause some minor and insignificant changes to the resources listed in Section 753.5(d) of the Department of Fish and Game regulations.
- EVIDENCE:** The Initial Study, Mitigated Negative Declaration and Addendum in the project file.
- EVIDENCE:** The application, plans, and support materials submitted by the project applicant to the Monterey County Planning and Building Inspection Department for the proposed development, in the project file.
8. **FINDING:** The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivision, and other applicable provisions of Title 21. Zoning violation abatement costs, if any, have been paid.
- EVIDENCE:** Staff verification of the Monterey County Planning and Building Inspection Department records indicates that no violations exist on subject property.
10. **FINDING:** The establishment, maintenance, or operation of the use or structure applied for will not, under the circumstances of the particular case, be detrimental to 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 improvement in the neighborhood, or to the general welfare of the County.
- EVIDENCE:** Preceding findings and supporting evidence.
11. **FINDING:** The Planning Commission's decision on this project is appealable to the Board of Supervisors.
- EVIDENCE:** Sections 21.80.040.B and 21.80.090, Monterey County Zoning Ordinance (Title 21).

DECISION

THEREFORE, it is the decision of the Planning Commission of the County of Monterey that the Mitigated Negative Declaration and the Addendum has been considered and said application for a Combined Development Permit and the Mitigation Monitoring Program are granted as shown on the attached sketch and subject to the following conditions:

1. The Sullivan Combined Development Permit (PLN020389) consists of: 1) a 2- year Extension to a Use Permit (PLN990316) to initiate a Cottage Industry Micro Winery Use; 2) an Amendment to PLN990316 to reduce the size of the Winery-Barn from 10,500 sq. ft. to 2,373 sq. ft., prohibit vineyards on slopes 25 percent or

more, and eliminate the 1,500 sq. ft. underground storage area; 3) Administrative Permit to construct a 7,088 three-story single family dwelling with an attached garage, a 5,804 square foot horse barn, a 14,269 gallon water tank and grading of approximately 1,500 cubic yards of cut; septic system; and Design Approval. The project is located on a 49-acre parcel. The property is located north of Carmel Valley Road at 32829 Carmel Valley Road, (Assessor's Parcel Number 197-081-023-000) Carmel Valley area. 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 Planning and Building Inspection. 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 the appropriate authorities approve additional permits. **(Planning and Building Inspection)**

Prior to the Issuance of Grading and Building Permits:

2. 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. **(Planning and Building Inspection Department)**
3. The applicant shall record a notice, which states: "A permit (Resolution No. 020389) was approved by the Planning Commission for Assessor's Parcel Number 197-081-023-000 on April 9, 2003. The permit was granted subject to 68 conditions of approval, which run with the land. A copy of the permit is on file with the Monterey County Planning and Building Inspection Department." Proof of recordation of this notice shall be furnished to the Director of Planning and Building Inspection prior to issuance of building permits or commencement of the use. **(Planning and Building Inspection)**
4. A notice shall be recorded with the Monterey County Recorder, which states: "A Forest Management Plan has been prepared for this parcel by Stephen G. Smith dated October 1989 and is on record in the Monterey County Planning and Building Inspection Department Library, No. 33.04.36. All tree replacement as outlined in Appendix A. and Map A in the Forest Management Plan shall be in accordance with the Forest Management Plan, as approved by the Director of Planning and Building Inspection." This notice shall be recorded prior to issuance of building or grading permits. **(Planning and Building Inspection)**
5. The applicant agrees that all specified entitlements for this parcel are declared null and void subject to the following actions:
 - a. Applicant shall submit a letter within 30 days subsequent to the approval of this Combined Development Permit (PLN020389) withdrawing the Levett Administrative Permit (PLN980390) for construction of a Single Family Dwelling. This permit was previously tabled.

- b. Applicant shall submit a letter within 30 days subsequent to the approval of this Combined Development Permit (PLN020389) withdrawing the Turner Use Permit (PC-7175) for a public horse stable and boarding facility and a single family residence. **(Planning and Building Inspection)**
6. All exterior lighting shall be unobtrusive, harmonious with the local area, and constructed or located so that only the intended area is illuminated and off-site glare is fully controlled. The applicant shall submit three 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 exterior lighting plan shall be subject to approval by the Director of Planning and Building Inspection, prior to the issuance of building permits. **(Planning and Building Inspection)**
7. The single family dwelling shall be constructed and occupied prior to the establishment of any part of the micro winery operation. **(Planning and Building Inspection)**
8. The applicant shall record a deed restriction indicating that all exterior design changes, including color changes associated with repainting and re-roofing and exterior lighting, shall be approved by the Director of Planning and Building Inspection. The deed restriction shall be subject to the approval of the Director of Planning and Building Inspection prior to recordation. **(Planning and Building Inspection)**
9. The property owner shall enter into an agreement with the County to implement the mitigation-monitoring program adopted for this project. A fee established by the Board of Supervisors for mitigation monitoring shall be paid to the County of Monterey at the time the applicant submits the signed mitigation monitoring agreement. **(Planning and Building Inspection)**
10. An erosion control plan shall be prepared by a registered soil engineer addressing the on-site and off-site impacts related to land clearing for the vineyards. The plan must implement erosion control measures to prevent off-site impact. In addition to the improvement and grading plans which 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 Planning and Building Inspection. **(Planning and Building Inspection Department)**
11. Adequate access and parking must be provided on-site. Parking shall include two spaces for the single-family residence, one of which must be covered, and two spaces for employee parking. The applicant shall submit a parking plan consistent with these parking requirements to the Director of Planning and Building Inspection and the Public Works Department. **(Planning and Building Inspection/Public Works)**
12. Prior to issuance of grading or building permits, a drainage plan shall be prepared by a registered civil engineer or architect addressing on-site and off-site impacts, to include retention/percolation facilities to mitigate the impact of impervious surface storm water runoff. Necessary improvements shall be constructed in accordance with approved plans. **(Water Resources Agency)**
13. Prior to the issuance of a building permit, the applicant shall obtain from the Monterey County Water Resources Agency (MCWRA), proof of water availability on the property, in the form of an approved Water Release Form. **(Water Resources Agency)**
14. The applicant shall provide to the Water Resources Agency information on the water system to serve the project, including the location of all water wells on the property, any well logs available, and the number of current hookups. **(Water Resources Agency)**
15. Approved fire protection water supply systems must be installed and made serviceable prior to the time of construction. **(Carmel Valley Fire Protection District)**

16. The hydrant or fire valve shall be 18 inches above grade, 8 feet from flammable vegetation, no closer than 4 feet or further than 12 feet from a roadway, and in a location where fire apparatus using it will not block the roadway. **(Carmel Valley Fire Protection District)**
17. The hydrant serving any building shall be not less than 50 feet or more than 1000 feet by road from the building it is to serve. **(Carmel Valley Fire Protection District)**
18. 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. The Reviewing Authority may apply more restrictive hydrant requirements. **(Carmel Valley Fire Protection District)**
19. Additional fire protection or firebreaks approved by the Reviewing Authority may be required to provide reasonable fire safety. **(Carmel Valley Fire Protection District)**
20. Before construction begins, temporary or permanent address numbers shall be posted. Permanent address numbers shall be posted prior to requesting final clearance. All address numbers (permanent and temporary) shall be posted on the property so as to be clearly visible from the road. Where visibility cannot be provided, a post or sign bearing the address numbers shall be set adjacent to the driveway or access road to the property. Address numbers posted shall be Arabic, not Roman or written out in words. Address numbers posted shall be a minimum number height of 3 inches with a 3/8-inch stroke, and contrasting with the background colors of the sign. **(Carmel Valley Fire Protection District)**
21. Prior to issuance of building or grading permits the applicant is required to submit the following:
 - a. A detailed wastewater disposal system design to the Director of Environmental Health for review and approval meeting the regulations found in Chapter 15.20 of the Monterey County Code, and Prohibitions of the Basin Plan, RWQCB. The design shall also include notes for the requirement of the installation of both the primary and secondary drain field systems at the time of initial construction.
 - b. Prior to issuance of building permits, obtain a new water system permit from the Division of Environmental Health.
 - c. Prior to the issuance of permits for the winery, submit evidence to the Division of Environmental Health that the Regional Water Quality Control Board has either issued waste discharge requirements or a waiver for a small winery. **(Environmental Health)**

Prior to Final Building Inspection/Occupancy:

22. The site shall be landscaped. At least three weeks prior final building inspection, three copies of a landscaping plan shall be submitted to the Director of Planning and Building Inspection for approval. The landscape plan shall include all tree replacements (2:1 ratio) as recommended by the Forest Management Plan. The landscaping plan shall be in sufficient detail to identify the location, specie, and size of the proposed landscaping materials and shall be accompanied by a nursery or contractor's estimate of the cost of installation of the plan. Re-vegetation of disturbed surfaces to prevent bedrock and soil erosion shall be required. Landscaping shall be either installed or a certificate of deposit or other form of surety made payable to Monterey County for that cost estimate shall be submitted to the Monterey County Planning and Building Inspection Department. **(Initial Study Section VI, MM # 6a) (Planning and Building Inspection)**
23. Measures shall be taken to eradicate and avoid the introduction of following pest species: Pampas grass; Genista (Scotch Broom, French Broom); eucalyptus, Russian Star thistle, etc. Eradication shall be performed as recommended in the Monterey County "Invasive Exotic Plants in Monterey County" brochure. **(Planning and Building Inspection)**

24. All unpaved construction areas shall be watered at least twice per day in dry weather during grading activities. **(Initial Study Section VI. MM # 3d.1.) (Planning and Building Inspection)**
25. A non-toxic tactifier or other suitable cover (i.e. jute netting, erosion control fabric, mulch, etc.) shall be placed on the exposed areas immediately after cut and fill operations are completed. **(Initial Study Section VI. MM # 3d.2.) (Planning and Building Inspection)**
26. Trucks hauling dirt and debris shall be covered with tarpaulins or other adequate covering at all times. All hauling shall occur at non-peak traffic periods. **(Initial Study Section VI. MM # 3d.3.) (Planning and Building Inspection)**
27. The applicant shall post a sign at two locations visible to the public along Carmel Valley Road during construction activities. Each sign shall have a telephone number and the name of the contact person for potential complaints and/or injuries related to the dust generated or air quality questions resulting from construction activities. The applicant shall provide evidence of reasonable effort to post the sign. If the applicant is unable to adequately post the sign and has provided satisfactory evidence, the Director of Planning and Building Inspection may wave this condition. **(Initial Study Section VI. MM # 3d.4) (Planning and Building Inspection)**
28. Dirt and debris spilled onto paved areas shall be cleaned up immediately. **(Initial Study Section VI. MM # 3d.5.) (Planning and Building Inspection)**
29. Excavated materials that are stockpiled on-site shall be covered up with tarpaulins or other adequate covering at all times. **(Initial Study Section VI. MM # 3d.6.) (Planning and Building Inspection)**
30. Construction-related soils on public roads shall be cleaned up immediately. **(Initial Study Section VI. MM # 3d.7.) (Planning and Building Inspection)**
31. No more than 2.2 acres of grading activities will be allowed per day for the vineyard. **(Initial Study Section VI. MM # 3d.8.) (Planning and Building Inspection)**
32. The project recommendations and mitigation measures contained within the Geotechnical Investigation for the residence (PLN980390) prepared by Steven Raas & Associates dated May 20, 1999, and Amended Geotechnical Investigation dated August 3, 1999, shall be incorporated into the project conditions of approval and an addendum for the micro winery structures shall be prepared, which includes preparation of detailed geotechnical and geological reports. Final grading plans shall be reviewed and the excavation of cut slopes shall be observed by a certified engineer. Site-specific recommendations for the design of the micro winery will be addressed in an addendum to the report. **(Initial Study Section VI. MM # 6a, c, d.) (Planning and Building Inspection)**
33. The applicant shall comply with Ordinance No. 3932, or as subsequently amended, of the Monterey County Water Resources Agency pertaining to mandatory water conservation regulations. The regulations for new construction require, but are not limited to:
 - a. All toilets shall be ultra-low flush toilets with a maximum tank size or flush capacity of 1.6 gallons, all shower heads shall have a maximum flow capacity of 2.5 gallons per minute, and all hot water faucets that have more than ten feet of pipe between the faucet and the hot water heater serving such faucet shall be equipped with a hot water reticulating system.
 - b. Landscape plans shall apply xeriscape principles, including such techniques and materials as native or low water use plants and low precipitation sprinkler heads, bubblers, drip irrigation systems and

timing devices. **(Water Resources Agency)**

34. Access roads shall be required for every building when any portion of the exterior wall of the first story is located more than 150 feet from fire department access. **(Carmel Valley Fire Protection District)**
35. All roads shall be constructed to provide a minimum of two nine-foot traffic lanes providing two-way traffic flow, unless other standards or additional requirements are mandated by local jurisdictions or local subdivision requirements. **(Carmel Valley Fire Protection District)**
36. The grade for all roads, streets, private lanes and driveways shall not exceed 15 percent. **(Carmel Valley Fire Protection District)**
37. For residential driveways with turns 90 degrees and less, the minimum horizontal inside radius of curvature shall be 25 feet. For driveways with turns greater than 90 degrees, the minimum horizontal inside radius of curvature shall be 28 feet. For all driveway turns, an additional surface of 4 feet shall be added. **(Carmel Valley Fire Protection District)**
38. Roadway turnarounds shall be required on driveways and dead-end roads in excess of 150 feet of surface length. Required turnarounds on access roadways shall be located within 50 feet of the primary building. The minimum turning radius for a turnaround shall be 40 feet from the centerline of the road. If a hammerhead/T is used, the top of the "T" shall be minimum of 60 feet in length. **(Carmel Valley Fire Protection District)**
39. Roadway turnouts shall be a minimum of 12 feet wide and 30 feet long with a minimum 25-foot taper on each end. **(Carmel Valley Fire Protection District)**
40. Driveways shall not be less than 12 feet wide unobstructed. All driveways exceeding 150 feet in length, but less than 800 feet in length, shall provide a turnout near the midpoint of the driveway. Where the driveway exceeds 800 feet, turnouts shall be provided at no greater than 400 foot intervals. **(Carmel Valley Fire Protection District)**
41. Gate entrances shall be at least the width of the traffic lane but in no case less than 12 feet wide. **(Carmel Valley Fire Protection District)**
42. All gates providing access from a road to a driveway shall be located at least 30 feet from the roadway and shall open to allow a vehicle to stop without obstructing traffic on that road. **(Carmel Valley Fire Protection District)**
43. Where gates are to be locked, the Reviewing Authority having jurisdiction may require installation of a key box or other acceptable means to immediate access for emergency equipment. **(Carmel Valley Fire Protection District)**
44. Unobstructed vertical clearance shall not be less than 15 feet for all access roads. **(Carmel Valley Fire Protection District)**
45. Size of letters, numbers and symbols for addresses shall be a minimum of 3-inch letter height, 3/8-inch stroke, contrasting with the background color of the sign. **(Carmel Valley Fire Protection District)**
46. All buildings shall have a permanently posted address, which shall be placed at each driveway entrance and visible from both directions of travel along the road. In all cases, the address shall be posted at the beginning of construction and shall be maintained thereafter, and the address shall be visible and legible from the road on

which the address is located. **(Initial Study Section VI, MM # 15b.) (Carmel Valley Fire Protection District)**

- 47.** Where multiple address are required at a single driveway, they shall be mounted on a single post, or in any fashion approved by the Reviewing Authority that provides for the same practical effect. **(Carmel Valley Fire Protection District)**
- 48.** For development of only one single family dwelling on a single parcel with no further land division possible, the minimum on-site fire protection water supply shall be based on specifications contained in the following table:
Cumulative Square Footage of all Buildings to be Protected by On-Site Storage
- | | |
|---------------|----------------|
| 0 - 999 | 3,000 gallons |
| 1,000 - 1,999 | 5,000 gallons |
| 2,000 - 2,999 | 7,500 gallons |
| 3,000 - above | 10,000 gallons |
- (Carmel Valley Fire Protection District) (Carmel Valley Fire Protection District)**
- 49.** All parcels 1 acre and larger shall provide a minimum 30-foot setback for buildings and accessory buildings from all property lines and/or the center of the road. For parcels less than 1 acre, or when a 30-foot minimum setback cannot be reached, alternate fuel modification standards may be imposed by the local fire jurisdiction to provide the same practical effect. **(Carmel Valley Fire Protection District)**
- 50.** Disposal, including chipping, burying, burning or removal to a landfill site approved by the local jurisdiction, of flammable vegetation and fuels caused by site development and construction, road and driveway construction, and fuel modification shall be completed prior to completion of road construction or final inspection of the building permit **(Carmel Valley Fire Protection District)**
- 51.** Remove flammable vegetation from within 30 feet of structures. Limb trees 6 feet up from ground. Remove limbs within 10 feet of chimneys. **(Carmel Valley Fire Protection District)**
- 52.** The building(s) shall be fully protected with automatic fire sprinkler system(s). The following notation is required on the plans when a building permit is applied for:
- "The building shall be fully protected with an automatic fire sprinkler system. Installation, approval and maintenance shall be in compliance with applicable National Fire Protection Association and/or Uniform Building Code Standards, the editions of which shall be determined by the enforcing jurisdiction. Four (4) sets of plans for fire sprinkler systems must be submitted and approved prior to installation. Rough-in inspections must be completed prior to requesting a framing inspection."*** **(Carmel Valley Fire Protection District)**
- 53.** Where road grades exceed 8 percent, a minimum structural roadway surface thickness of 0.17 feet of asphaltic concrete on 0.34 feet of aggregate base shall be required. **(Carmel Valley Fire Protection District)**
- 54.** All new structures, and all existing structures receiving new roofing over 25 percent or more of the existing roof surface, shall require Class A roof construction. **(Carmel Valley Fire Protection District)**

Continuous Permit Conditions:

- 55.** 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 it can be evaluated by a qualified professional archaeologist. The Monterey County

Planning and Building Inspection 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. **(Initial Study Section VI. MM # 5A) (Planning and Building Inspection)**

56. The location, type and size of all antennas, satellite dishes, tower, and similar appurtenances may require a new permit subject to the approval by the Director of Planning and Building Inspection. **(Planning and Building Inspection)**
57. Excavated material shall be deposited on-site where practical and feasible. **(Planning and Building Inspection)**
58. A total of two persons, other than the resident and immediate family residing on site, may be employed in the cottage industry. **(Planning and Building Inspection)**
59. Advertising is not permitted for the micro winery on the property, except for such advertising as may be incorporated within the four square foot nameplate allowed for the residence. The location and design of the nameplate is subject to approval by the Director of Planning and Building Inspection. **(Planning and Building Inspection)**
60. Wine processing shall be limited to grapes grown on the property. Wine production shall not exceed 3,000 cases per year. Limit the amount of area planted for vineyards to that production rate of 3,000 cases per year or to a maximum 17.29 acres. **(Planning and Building Inspection)**
61. No on-site retail sales are permitted at any time. **(Planning and Building Inspection)**
62. No public wine tasting or public assemblage is permitted under this permit on this property. No public gatherings shall be conducted in the micro winery. The following uses are specifically prohibited: commercial rentals including rental to any artificial entity; use as a preparation area for public or private functions held elsewhere on the parcel; weddings or wedding preparations (other than immediate members of the family in the residence); meetings; classes; outdoor functions with more than 16 persons in attendance; on-site parking for over three vehicles; commercial vehicle parking (except one commercial vehicle under 10,000 pounds GVW or temporary parking during times of deliveries, utility services or construction; repair or maintenance activity on the micro winery; wine tasting; food tasting; or music performances for anyone other than the immediate members of the family in the residence and their private, personal guests; short term rentals; subleases or sub-rentals; and outdoor activities that produce sound in excess of existing residential sound laws or ordinances restrictions. **(Planning and Building Inspection)**
63. The Use Permit for the micro winery shall be subject to the following time limits:
 - a. The initial Use Permit shall not be issued for more than one year from the date from which the applicant receives a final inspection from the Monterey County Building Inspector for the micro winery.
 - b. The second Use Permit shall not be issued for more than three years; and
 - c. The third and subsequent Use Permits shall not be issued for more than five years.
 - d. This initial Use Permit shall expire one year from the date of final inspection of the micro winery and is subject to subsequent review prior to granting additional permits for the micro winery. **(Planning and Building Inspection)**
64. In the event the grapes are no longer grown on site the property owner shall be required to restore the disturbed areas to a condition that corresponds to the adjoining area, using only native species consistent with and found

in the immediate area. Plans for such restoration shall be submitted to and approved by the Director of Planning and Building Inspection. **(Planning and Building Inspection)**

65. This permit, as described in condition #1, allows a cottage industry micro winery use to be established in accordance with County ordinances and land use regulations subject to the following terms and conditions:
- a. Neither the uses nor the construction allowed by this permit shall commence seasonally; unless and until the property owner has submitted an annual operation plan report, which specifically describes the following functions:
 - b. Disclose proposed production rate for each harvest year.
 - c. Disclose the number of season workers required at harvest for each calendar year based on production rates.
 - d. State hours of operation during the non harvest season and what hours the winery facility will be in operation during harvest season.
 - e. Provide copies of reports required by state and local agencies regulating pesticide uses controlled via permits.
 - f. The property owner will provide said annual report (s) to the Director of Planning and Building Inspection for a term not to exceed the time limits as prescribed in Title 21 Section 21.64.095.D for a Cottage Industry Use Permit.
 - g. Any use or substantial environmental impact not in 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. **(Planning and Building Inspection Department)**
66. Vineyards are prohibited on slopes 25 percent or more. **(Planning and Building Inspection Department)**
67. Excavated grading material shall remain on-site. **(Planning and Building Inspection Department)**
68. a. The property owner shall pay the Carmel Valley Road Traffic Mitigation Fee as determined by the Department of Public Works pursuant to the Monterey County Board of Supervisor's Resolution #95-410 adopted on September 12, 1995. **(Initial Study Section VI, MM # 15a.)**
- b. The intersection of the access road and Carmel Valley Road shall be improved as a standard driveway connection per Monterey County standards as approved by the Public Works Department **(Initial Study Section VI, MM # 15b.) (Planning and Building Inspection Department)**

PASSED AND ADOPTED this 9th day of April, 2003 by the following vote:

AYES:	Errea, Sanchez, Hawkins, Padilla, Brennan, Parsons, Gonzalves, Rochester, Wilmot
NOES:	Diehl
ABSENT:	None

Original Signed By:

 SCOTT HENNESSY, SECRETARY

Copy of this decision mailed to applicant on

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

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

NOTES

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

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

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

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