

RESOLUTION NO. 010209

A.P.# 417-181-030-000

In the matter of the application of  
**Chalone Wine Group (PLN010209)**

**FINDINGS & DECISION**

for a Use Permit in accordance with Title 21 (Zoning) Chapter 21.74 (Use Permits) of the Monterey County Code, for a 9,060 square foot addition to an existing 24,450 square foot winery, a doubling of the treatment pond, and a modification of the parking standards provided in Title 21 of the Monterey County Code; the expansion will accommodate a 50 percent increase in production to 75,000 cases per year; the property is located on Stonewall Canyon Road at Highway 146, Soledad area, came on regularly for hearing before the Zoning Administrator on September 26, 2002.

Said Zoning Administrator, having considered the application and the evidence presented relating thereto,

**FINDINGS OF FACT**

1. **FINDING:** The subject Use Permit, File No. PLN010209, Chalone Wine Group, as described in Condition No. 1, and as conditioned, conforms to the plans, policies, requirements and standards of the Monterey County General Plan, the Central Salinas Valley Area Plan, and the Monterey County Zoning Ordinance (Title 21). The property is located on Stonewall Canyon Road, at State Highway 146, in the Soledad area. The parcel is zoned "PG/40" (Permanent Grazing). The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivision, and any other applicable provisions of Title 21 and any zoning violation abatement costs have been paid.  
**EVIDENCE:** 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 Project File No. PLN010209.  
**EVIDENCE:** The Planning and Building Inspection staff reviewed the project, as set forth in the application and accompanying materials, for conformity with the General Plan, the Central Salinas Valley Area Plan, and Chapter 21.34 of the Monterey County Zoning Ordinance (Title 21).  
**EVIDENCE:** The project site is physically suitable for the proposed use as described in the project file. The proposed development was reviewed by the Monterey County Planning and Building Inspection Department, Water Resources Agency, Public Works Department, Environmental Health Division, Parks and Recreation Department, California Department of Forestry and Fire Protection, and Regional Water Quality Control Board, Central Coast Region. There was no indication from these agencies that the site is not suitable for the proposed development. Each agency has recommended conditions for project approval.  
**EVIDENCE:** The Zoning Administrator considered any written and verbal public testimony submitted at the public hearing on the subject Use Permit.  
**EVIDENCE:** Staff verification of the Monterey County Planning and Building Inspection Department records indicated that no violations exist on subject property.

2. **FINDING:** The proposed project, including all permits and approvals, will not have significant adverse impacts on the environment. A Mitigated Negative Declaration has been prepared and is on file (File No. PLN010209) in the Department of Planning and Building Inspection. All mitigation measures identified in the Initial Study and Mitigated Negative Declaration and all project changes required to avoid significant effects on the environment have been incorporated into the approved project or are made conditions of approval. A Program for Monitoring and/or Reporting on Conditions of Approval (hereafter “the Program”) has been prepared pursuant to Public Resources Code 21081.6 and is made a condition of approval. The Program is attached hereto as Exhibit “A” and is incorporated herein by reference. 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 designed, may have a significant effect on the environment. The Mitigated Negative Declaration reflects the independent judgment and analysis of the County based upon the findings and conclusions drawn in the Initial Study and the testimony and information received, and scientific and factual data presented as evidence during the public review process. The Monterey County Planning and Building Inspection Department, located at 2620 First Avenue, Marina, California, Salinas is the custodian of the documents and the materials that constitute the record of proceedings upon which the adoption of the Mitigated Negative Declaration is based.

**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, found in the project file (File No. PLN010209).

**EVIDENCE:** County staff prepared an Initial Study for the project in compliance with the California Environmental Quality Act (CEQA) and its Guidelines. The Initial Study provided substantial evidence that the project would not have significant environmental impacts. A Mitigated Negative Declaration was filed with the County Clerk on August 21, 2002. The following evidence has been received and considered: All comments on the Initial Study; 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. Project Application and Plans located in Monterey County Planning and Building Inspection Department File No. PLN010209.
3. “Monterey County General Plan,” Monterey County, 1982.
4. “Central Salinas Valley Area Plan,” Monterey County, November, 1987.
5. Traffic letter, dated February 4, 2002, for amendment to Brosseau bed and breakfast Use Permit (PLN020033), Higgins Associates, Gilroy, California.
6. Joe Pitta, County Assessor, County of Monterey. Personal communication, July 23, 2002.
7. Jill Henry, Steven D. Pults and Associates. Personal communication, July 31, 2002.

**EVIDENCE:** The Program for Monitoring and/or Reporting on Conditions of Approval, prepared and required pursuant to Section 21081.6 of the Public Resources Code, is made a condition of approval and is designed to ensure compliance during project implementation.

**EVIDENCE:** 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:** Studies, data and reports prepared by staff from various County departments including Planning and Building Inspection, Public Works, Environmental Health and the Monterey County Water Resources Agency support the adoption of the Mitigation Negative Declaration for the project.

3. **FINDING:** The proposed project is consistent with Chapter 21.58 which provides regulations for parking.
- EVIDENCE:** Section 21.58.050, subsection C, of Chapter 21.58 provides that the standards indicated in Chapter 21.58 may be modified by a Use Permit from the Zoning Administrator, where appropriate, in cases which, due to the unusual characteristics of the use or its immediate vicinity, do not necessitate the number of parking spaces, type of design, or improvements required by said Chapter. The plans submitted by the applicant show a total of 12 additional on-site parking spaces, including one handicapped space. The applicant's calculations for parking are based on winery parking standards for San Luis Obispo County. Monterey County does not have parking standards specific to wineries. The parking requirements for "agricultural processing plants" and "warehouses," both of which require one space per 500 square feet, would be excessive for the purposes of the subject winery. To determine the appropriate amount of parking for the subject winery, parking standards for wineries in other jurisdictions were reviewed, including those of San Luis Obispo County and Yolo County. Yolo County bases its parking requirements for wineries on the number of employees, and such an approach would be appropriate for this project. Using the per-employee standard for winery parking, 16 spaces would be required for the year-round full-time employees at the subject winery. In addition, using the Ordinance standard of one space per 250 square-feet for the wine-tasting room, three additional spaces would be required. This would provide a total of 19 spaces for the full-time year-round employees and the visitors to the winery. During the harvest season of September 1st to November 1st, approximately 34 additional employees are added to the Chalone payroll. However, these additional employees work in the fields surrounding the winery on the winery parcel itself and on six contiguous parcels owned by the applicant. Many arrive in vans or busses. Parking for field workers is scattered, informal and involves parcels and areas that are not the subject of the present Use Permit.

**EVIDENCE:** Condition 4 requires that the applicant submit to the Director of Planning and Building Inspection, for review and approval, a parking plan for the winery and the parcel on which the winery is located. Such a plan would provide 19 spaces adjacent to the winery and wine-tasting room, as well as additional spaces on-site or off-site on vegetation-free ground, to reasonably accommodate the parking needs of the annual harvest workers and to allow for sufficient parking at the winery.

4. **FINDING:** For purposes of the Fish and Game Code, the project will have a potential for changes to fish and wildlife resources upon which the wildlife depends.

**EVIDENCE:** Staff analysis contained in the Initial Study and the record as a whole indicate the project may or will result in changes to the resources listed in Section 753.5(d) of the Department of Fish and Game regulations. The proposed winery is surrounded by agricultural land and undeveloped land, and there is potential for adverse impact, individually or cumulatively, on plant life or wildlife resources as defined in Section 711.2 of the California Fish and Game Code.

5. **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:** The project as described in the application and accompanying materials was reviewed by the Planning and Building Inspection Department, Environmental Health Division, Public Works Department, Water Resources Agency, California Department of Forestry and Fire Protection, and the California Regional Water Quality Control Board, Central Coast Region. The respective departments and 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, or the County in general.

**EVIDENCE:** File and application materials located in Project File No. PLN010209.

6. **FINDING:** This project is appealable to the Planning Commission.

**EVIDENCE:** Section 21.80.040.B of Title 21 (Zoning) of the Monterey County Code.

### **DECISION**

It is the decision of the Zoning Administrator of the County of Monterey that the Mitigated Negative Declaration and Program for Monitoring and/or Reporting on Conditions of Approval be adopted and said application for a Use Permit be granted as shown on the attached sketch and subject to the following conditions:

1. This Use Permit allows a 9,060 square-foot addition to an existing 24,450 square-foot winery, a doubling of the treatment pond, and a modification of the parking standards provided in Title 21 of the Monterey County. The expansion will accommodate a 50 percent increase in production to 75,000 cases per year. This Permit is 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 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 additional permits are approved by the appropriate authorities. (Planning and Building Inspection)

#### **Prior to Issuance of Building and Grading Permits:**

2. Prior to issuance of a building permit, the applicant shall provide evidence to the Division of Environmental Health that the Regional Water Quality Control Board has issued revised waste discharge requirements for the proposed expansion. [Mitigation Measure 1] (Environmental Health)
3. 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 that includes routing stormwater runoff from the paved parking areas to an oil-grease/water separator to mitigate the impact of impervious surface stormwater runoff. The drainage plan shall also include detention/retention facilities to mitigate the increase in stormwater runoff from the extensive new impervious surfaces that are proposed. Necessary improvements shall be constructed in accordance with approved plans. [Mitigation Measure 2] (Water Resources)

4. The applicant shall provide to the Water Resources Agency a water balance analysis describing the pre-development and post-development water use on the property. Any proposed increase in water use shall require the identification of mitigation measures, if feasible, by the applicant. (Water Resources)
5. The applicant shall submit to the Director of Planning and Building Inspection, for review and approval, a parking plan for the winery and the parcel on which the winery is located. This plan shall provide 19 spaces adjacent to the winery and wine tasting room, as well as additional spaces, on-site or off-site on vegetation-free ground (for fire purposes), to accommodate reasonably the parking needs of annual harvest workers and to provide sufficient parking for the winery. [Mitigation Measure 4] (Planning and Building Inspection)
6. Pursuant to the State Public Resources Code, State Fish and Game Code, and California Code of Regulations, the applicant shall pay a fee to be collected by the County of Monterey in the amount of \$1,275. This fee shall be paid on or before the filing of the Notice of Determination within five days of project approval. Proof of payment shall be furnished by the applicant to the Director of Planning and Building Inspection prior to the recordation of the Parcel Map, the commencement of the use, or the issuance of building and/or grading permits, whichever occurs first. The project shall not be operative, vested or final until the fee is paid. (Planning and Building Inspection)
7. The applicant shall enter into a Mitigation Monitoring Agreement with the Director of Planning and Building Inspection. (Planning and Building Inspection)
8. The applicant shall record a notice which states: "A Permit (Resolution # 010209) was approved by the Monterey County Zoning Administrator for Assessor's Parcel Number 417-181-030 on September 26, 2002. The permit was granted subject to 25 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)

**Prior to Final Inspection/Occupancy:**

9. Certification that the stormwater retention facility has been constructed in accordance with approved plans shall be provided to the Water Resources Agency by a registered civil engineer or licensed contractor who constructed the facility. [Mitigation Measure 3] (Water Resources)
10. The Applicant shall comply with Ordinance No. 3539, or as subsequently amended, of the Monterey County Water Resources Agency pertaining to mandatory water conservation regulations. The regulations for new construction require, but are not limited to:
  - a. All toilets shall be ultra-low flush toilets with a maximum tank size or flush capacity of 1.6 gallons, all shower heads shall have a maximum flow capacity of 2.5 gallons per minute, and all hot water faucets that have more than ten feet of pipe between the faucet and the hot water heater serving such faucet shall be equipped with a hot water recirculating system.
  - b. Landscape plans shall apply xeriscape principles, including such techniques and materials as native or low water use plants and low precipitation sprinkler heads, bubblers, drip irrigation systems and timing devices. (Water Resources)
11. The roadway surface shall provide unobstructed access to conventional drive vehicles, including sedans and fire engines. Surfaces should be established in conformance with local ordinances, and be capable of supporting the imposed load of fire apparatus. (80,000 lbs.) (California Department of Forestry and Fire Protection)
12. The grade for all roads, streets, private lanes and driveways shall not exceed 15 percent. (California Department of Forestry and Fire Protection)
13. No roadway turn shall have a horizontal inside radius of less than 50 feet. A roadway turn radius of 50 to 100 feet is required to have an additional 4 feet of roadway surface. A roadway turn radius of 100 to 200 feet is required to have an additional 2 feet of roadway surface. (California Department of Forestry and Fire Protection)
14. The length of vertical curves in roadways, exclusive of gutters, ditches, and drainage structures designed to hold or divert water, shall not be less than 100 feet. (California Department of Forestry and Fire Protection)
15. 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 center line of the road. If a hammerhead/T is used, the top of the "T" shall be a minimum of 60 feet in length. (California Department of Forestry and Fire Protection)
16. Roadway turnouts shall be a minimum of 12 feet wide and 30 feet long with a minimum 25 foot taper on each end. (California Department of Forestry and Fire Protection)
17. Unobstructed vertical clearance shall not be less than 15 feet for all access roads. (California Department of Forestry and Fire Protection)
18. Water systems constructed, extended or modified to serve a new development, a change of use, or an

intensification of use, shall be designed to meet, in addition to average daily demand, the standards shown in Table 2 of the Monterey County General Plan. For heavy commercial and heavy industrial uses, three stories or higher, the minimum flow requirement is 2,500 GPM; the duration of flow is 2 hours; the maximum hydrant spacing is 300 feet; and the minimum pipe size is 8-inch mains and valves, 6-inch hydrant feeders, 6-inch risers with two 2-1/2-inch and one 4-inch/4- 1/2-inch outlets MST (4). An additional 25,000 gallons of water storage is required for the project. The total water storage requirement for the vineyard is 79,200 gallons for fire protection. (California Department of Forestry and Fire Protection)

19. Each hydrant/fire valve or access to water shall be identified as follows:
  - a. If located along a driveway, a reflectorized blue marker, with a minimum dimension of 3 inches, shall be located on the driveway address sign and mounted on a fire retardant post, or
  - b. If located along a street or road, a reflectorized blue marker, with a minimum dimension of 3 inches, shall be mounted on a fire retardant post. The sign post shall be within 3 feet of said hydrant/fire valve, with a sign no less than 3 feet or greater than 5 feet above ground, in a horizontal position and visible from the driveway. (California Department of Forestry and Fire Protection)
20. 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. (California Department of Forestry and Fire Protection)
21. In high and very high fire hazard areas, as defined by the California Department of Forestry and Fire Protection (CDF), roof construction shall be a Class A, with fire resistive materials, or as approved by the Reviewing Authority. This requirement shall apply to all new construction and existing roofs that are repaired or modified so as to affect 50 percent or more of the roof. Vegetation removal will not be allowed as a means of removing high or very high fire hazard area designation from an entire parcel. (California Department of Forestry and Fire Protection)
22. If required, 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. (California Department of Forestry and Fire Protection)
23. If required, the building(s) shall be fully protected with an approved central station, proprietary station, or remote station automatic fire alarm system as defined by National Fire Protection Association Standard 72 - 1993 Edition. Plans and specifications for the fire alarm system must be submitted and approved by the enforcing jurisdiction prior to requesting a framing inspection. All fire alarm system inspections and acceptance testing shall be in accordance with Chapter 7 of NFPA 72 - 1993. (California Department of Forestry and Fire Protection)

**Continuous Permit Conditions:**

- 24. The property and all improvements shall be continuously maintained by the applicant, and all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition. (Planning and Building Inspection)
- 25. 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. (Planning and Building Inspection)

**PASSED AND ADOPTED** this 26th day of September, 2002.

Original Signed By: \_\_\_\_\_

LYNNE MOUNDAY  
ZONING ADMINISTRATOR

COPY OF THIS DECISION WAS MAILED TO THE APPLICANT ON

IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE SECRETARY TO THE PLANNING COMMISSION 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 90<sup>th</sup> 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 Salinas.

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