

MIKE NOVO
CALIFORNIA
ZONING ADMINISTRATOR

STATE OF
COUNTY OF MONTEREY

RESOLUTION NO. 020492

A.P.# 418-441-012-000

In the matter of the application of
Richard & Patricia Alhona (PLN020492)

FINDINGS & DECISION

for a Use Permit in accordance with Title 21 (Zoning) Chapter 21.74 (Use Permits) of the Monterey County Code, to operate an agricultural processing plant in an existing building of approximately 3,000 sq. ft. for a winery whose production will not exceed 1,400 cases per year, located at 19356 Cachagua Road, Carmel Valley, northwest of Asoleado Place, Cachagua area, came on regularly for hearing before the Zoning Administrator on August 28, 2003.

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

- 1. FINDING:** The project, as conditioned, conforms with the plans, policies, requirements and standards of the Monterey County Zoning Ordinance (Title 21), the General Plan, and the Cachagua General Plan Area. The subject site is in compliance with all rules and regulations pertaining to zoning uses, subdivision, and other applicable provisions of Title 21 and any zoning violation abatement costs have been paid

EVIDENCE: The Planning and Building Inspection staff reviewed the project, as contained in the application and accompanying materials, for conformity with the General Plan and the Cachagua Area Plan.

EVIDENCE: The proposed use is consistent with the development standards for the Farmland designation, and specifically for an Agricultural Processing Plant pursuant to Title 21.32.050M, Monterey County Zoning Ordinance.

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 project file no. PLN020492.

EVIDENCE: Chapter 21.32.050M of the Monterey County Zoning Ordinance (Title 21). Staff verification of the Monterey County Planning and Building Inspection Department records indicated that no violations exist on subject property.
- 2. FINDING:** The proposed winery is consistent with the "F/40" (Farmland) zoning of the project site.

EVIDENCE: Wineries are allowed with a Use Permit pursuant to Section 21.32.050M of Title 21 (Zoning) of the Monterey County Code.
- 3. FINDING:** The project site is physically suitable for the proposed winery as described in the project file.

EVIDENCE: The winery itself would operate on the lower level (2,952 sq. ft.) of a 4,450 structure. The second level will remain single family habitable living space. The winery will process grapes grown on site on approximately 8 acres of a 60 acre parcel zoned Farmland/40 and Resource Conservation/40. There are no physical or environmental constraints, such as geologic or seismic hazard areas, environmentally sensitive habitats, or similar conditions, that would indicate that the site is not suitable for the proposed use, nor is there other evidence in the record to indicate that the site is not suitable for the project.

EVIDENCE: The proposed development has been reviewed by the Monterey County Planning and Building Inspection Department, Water Resources Agency, Public Works Department, Environmental Health Division, and the Cachagua Fire Protection District. There has been no indication from these agencies that the site is not suitable for the proposed development. Only the Environmental Health Department has recommended conditions for project approval in addition to Planning and Building Inspection Department.

EVIDENCE: The Cachagua Land Use Advisory Committee voted 4-0 to recommend approval of the project, subject to conditions of approval incorporated herein.

4. **FINDING:** The proposed winery conforms to the requirements for wineries set forth in section 21.06.1400 and 21.32.060(Site Development Standards), of Title 21 (Zoning) of the Monterey County Code.

EVIDENCE: Conditions have been placed on the project to insure compliance with said Section 21.

EVIDENCE: Application and materials in file no. PLN020492. Staff Report and Resolution of approval.

5. **FINDING:** Adequate sewer and water service exists or can be provided, and adequate road and transportation facilities exist for the use.

EVIDENCE: The project was reviewed by Environmental Health Division, the Cachagua Fire Protection District, and the Public Works Department and appropriate conditions, including the requirement for adequate parking, have been placed on the project.

6. **FINDING:** The proposed project will not have a significant environmental impact.

EVIDENCE: Section 15303, Class 3 (d) and (3) of the California Environmental Quality Act Guidelines categorically exempts the proposed development from environmental review based on conversion of small structures from one use to another. No adverse environmental impacts were identified during staff review of the development application.

7. **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 Department of Planning and Building Inspection, Environmental Health Division, Public Works Department, Cachagua Fire Protection District, and Water Resources Agency. The respective departments 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 contained in the project file no. PLN020492.

EVIDENCE: Conditions of Approval ensure the project will not have an adverse effect on the health, safety, and welfare of persons residing or working in the neighborhood; or the County in general.

8. **FINDING:** The project is appealable to the Planning Commission.

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

DECISION

THEREFORE, it is the decision of said Zoning Administrator that said application for a Use Permit be granted as shown on the attached sketch, and subject to the following conditions:

1. The Use Permit allows the applicant to operate an Agricultural Processing Plant (micro-winery) on the ground floor (2,952 sq. ft.) of an existing two-story residential dwelling. The second floor (1,498 sq. ft.) will remain habitable living space. Production for the micro-winery will not exceed 1,400 cases annually. The property is located at 19356 Cachagua Road, Carmel Valley (Assessor's Parcel Number 418-441-012-000), northwest of Asoleado Place, Cachagua Area. The winery shall be operated in accordance with County ordinances [Title 21.32.050M] and land use regulations, subject to the following terms and conditions. Neither the use 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 Commencement of Use:

2. Pursuant to Chapters 1 and 34 of the California Building Code, the applicant shall obtain a building permit for the change in use of the existing structure. The applicant shall apply for a building permit within 60 days of issuance of this Use Permit. Use of any part of the subject facility as an Agricultural Processing Plant shall not commence until the applicant has obtained said Building Permit. Evidence of issuance shall be provided to the Planning and Building Inspection Department. **(Planning and Building Inspection Department)**
3. The applicant shall record a notice which states: "A permit (Resolution 020492) was approved by the Zoning Administrator for Assessor's Parcel Number 418-441-012 on August 28th, 2003. The permit was granted subject to 13 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. There shall be no advertising for the winery on the property, except for such advertising as may be incorporated within the 4 square-foot nameplate allowed for the residence. The location and design of the nameplate shall be subject to the approval of the Zoning Administrator. **(Planning and Building Inspection)**
5. Adequate access and parking shall be provided on-site. A total of at least 6 parking spaces shall be provided in accordance with Section 21.58.040 of the zoning code which requires 1 space per 500 sq. ft. of area used as an Agricultural Processing Plant. **(Planning and Building Inspection)**
6. Wine processing shall be limited to grapes grown on site; wine production shall not exceed 1,400 cases of wine per year. Grapes shall not be imported from outside the Carmel Valley appalachian. **(Planning and Building Inspection)**
7. No on-site sales shall be permitted on the premises, including public wine-tasting and retail sales. **(Planning and Building Inspection)**

8. The applicant shall be required to apply for a Use Permit if the winery is proposed to be open to the public in the future. **(Planning and Building Inspection)**
9. 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. If exterior lighting is proposed, 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 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)**
10. Any expansion of the winery to a structure larger than 2,952 sq. ft., the production of more than 1,400 cases per year, or the addition of public wine-tasting, special events, or processing of commodities from other properties, shall require an additional Use Permit. **(Planning and Building Inspection)**

Continuous Conditions

11. Winery wastewater discharge shall comply with the Prohibitions, Recommendations and Specifications of the General Waste Discharge Requirements for Discharges of Winery Wastes set forth by the Regional Water Quality Control Board (General WDRs). **(Environmental Health)**
12. The maximum number of employees permitted on site at any one time shall be 16. **(Planning and Building Inspection)**
13. No advertised events shall be permitted, including but not limited to music festivals, weddings, promotional special events. **(Planning and Building Inspection)**

PASSED AND ADOPTED this 28th day of August, 2003.

Original Signed By:

MIKE NOVO
ZONING ADMINISTRATOR

COPY OF THIS DECISION WAS MAILED TO THE APPLICANT ON

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 ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE

THIS APPLICATION IS ALSO APPEALABLE TO THE COASTAL COMMISSION. UPON RECEIPT OF NOTIFICATION OF THE DECISION BY THE BOARD OF SUPERVISORS, THE COMMISSION ESTABLISHES A 10 WORKING DAY APPEAL PERIOD. AN APPEAL FORM MUST BE FILED WITH THE COASTAL COMMISSION. FOR FURTHER INFORMATION, CONTACT THE COASTAL COMMISSION AT (831) 427-4863 OR AT 725 FRONT STREET, SUITE 300, SANTA CRUZ, CA

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 Salinas.

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