

MIKE NOVO
CALIFORNIA
ZONING ADMINISTRATOR

STATE OF
COUNTY OF MONTEREY
RESOLUTION NO. 020311

A.P. # 197-051-042-000

In the matter of the application of
Alan & Sandra Silvestri (PLN020311)

FINDINGS & DECISION

for a Use Permit in accordance with Title 21 (Zoning) Chapter 21.74 (Use Permits) of the Monterey County Code, for an agricultural processing plant (winery) consisting of a 2,125 sq. ft. fermentation building and a 5,634 sq. ft. barrel and bottle storage building with a covered crushing courtyard connecting the two; and a 2,160 sq. ft. pole barn. The project includes a 723 sq. ft. tasting and reception area suitable for 30 private guests (not open to the public), and 2,800 cubic yards of grading. The facility would produce no more than 5000 cases of wine annually from approximately 14.6 acres of on-site vineyard. The project is located at 33757 Carmel Valley Road, Carmel Valley, immediately northeast of the intersection of Cachagua and Carmel Valley Roads, Cachagua area, came on regularly for hearing before the Zoning Administrator on February 12, 2004.

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

FINDINGS OF FACT

- 1. FINDING:** The subject Use Permit (Rancho Sin Frenos, LLP) for an agricultural processing plant (winery), as described in condition #1, and as conditioned, conforms to the plans, policies, requirements and standards of the General Plan, the Cachagua Area Plan, and the Monterey County Zoning Ordinance (Title 21). The property is located at 33757 Carmel Valley Road, Carmel Valley, northeast of the intersection of Cachagua and Carmel Valley Roads in the Cachagua area (Assessor's Parcel Number 197-051-042-000). The parcel is zoned "RDR/20" or Rural Density Residential 1unit/20 acres & "RG/20" or Rural Grazing 1unit/20 acres (outside the project area). The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivision 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, the Cachagua Area Plan, and the Zoning Ordinance.

EVIDENCE: The proposed use is consistent with the development standards for the Rural Density Residential District in Section 21.16.060, and the definition for agricultural processing plant (Section 21.06.020 of the Monterey County Zoning Ordinance).

EVIDENCE: The administrative file PLN020311 & written and oral testimony submitted at public hearing before the Zoning Administrator.

EVIDENCE: The subject parcel, Assessor's Parcel Number 197-051-042-000, is found to be a legal lot of record.

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. PLN020311.

EVIDENCE: Section 21.16.050W 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 “RDR/20” (Rural Density Residential) zoning of the property.

EVIDENCE: Agricultural process plants (wineries) are allowed with a Use Permit pursuant to Section 21.16.050W of Title 21 (Zoning) of the Monterey County Code.

EVIDENCE: Administrative file PLN020311.

3. **FINDING:** The project site is physically suitable for the proposed winery as described in the project file.

EVIDENCE: 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, Parks and Recreation Department, and the Cachagua Fire Protection District. There has been no indication from these agencies that the site is not suitable for the proposed development. The Fire District, Public Works Department, Planning and Building Inspection Department and Water Resources Agency have recommended conditions for project approval.

EVIDENCE: The Cachagua Land Use Advisory Committee voted to recommend approval of the project 4-1 on July 23, 2003.

4. **FINDING:** The proposed winery conforms to the requirements for wineries set forth in section 21.06.1400 and 21.16.060(Site Development Standards), of Title 21 (Zoning) of the Monterey County Code.

EVIDENCE: Conditions have been placed on the project to ensure compliance with Title 21.

EVIDENCE: Application and materials in file no. PLN020311. 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 have been placed on the project.

EVIDENCE: Administrative file PLN020311; Waiver of Waste Discharge Requirements, Rancho SinSin Frenos Winery.

6. **FINDING:** The proposed project is exempt from CEQA pursuant to Section 15061 (b) 3 because the project will not have a significant environmental impact.

EVIDENCE: Section 15061(b) 3 exempts projects from the California Environmental Quality Act when no environmental impacts will result from the project. No significant environmental impacts will result from this project.

EVIDENCE: Geotechnical Investigation Report for Rancho Sin Frenos Winery prepared by Haro, Kasunich and Associates, Inc. dated June 2003; A Biological Report for Proposed Winery at Rancho Sin Frenos prepared by Vern L. Yadon dated May 6, 2003; Rancho Sin Frenos Winery Trip Generation Study prepared by Higgins Associates (and addenda) dated June 1, 2003, July 15, 2003 and August 4, 2003, respectively; Landslide Investigation Proposed Improvement

Rancho Sin Frenos Winery prepared by Nolan, Zinn and Associates dated June 1, 2003.

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:** Administrative File PLN020311.
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. **PERMIT** - The subject Use Permit (Rancho Sin Frenos, LLP) would allow construction of an agricultural processing plant (winery) consisting of a 2,125 sq. ft. fermentation building and a 5,634 sq. ft. barrel and bottle storage building with a covered crushing courtyard connecting the two; and a 2,160 sq. ft. pole barn. The project includes a 723 sq. ft. tasting and reception area suitable for 30 private guests (not open to the public) and 2,800 cubic yards of grading. The facility would produce no more than 5,000 cases of wine annually from approximately 11 acres of on-site vineyards. The project is located at 33757 Carmel Valley Road, Carmel Valley (Assessor's Parcel Number 197-051-042-000), northeast of the intersection of Cachagua and Carmel Valley Roads in the Cachagua area. The northernmost portion of the parcel is zoned RDR/B-6 and the remainder of the parcel including the project location is zoned "RDR/20" or Rural Density Residential 1unit/20 acres. The permit allows a winery in accordance with County ordinances [Title 21.16.050W], 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. This permit shall be in perpetuity once vested by construction of buildings and commencement of winery operations unless or until revoked by action of the County of Monterey. (Planning and Building Inspection)

Prior to the Issuance of Grading and Building Permits:

2. **RECORDED NOTICE** - The applicant shall record a notice that states: "A permit (Resolution 020311) was approved by the Zoning Administrator for Assessor's Parcel Number 197-051-042-000 on February 12,

2004. The permit was granted subject to 18 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)

3. **WATER NITRATE QUESTIONNAIRE** - The applicant shall provide the Water Resources Agency a copy of the Water Use & Nitrate Impact Questionnaire describing the pre-development and post-development water use on the property. (Water Resources Agency)
4. **TRAFFIC FEES** - The applicant is subject to the Carmel Valley Traffic Mitigation Fee program. The fees are based on the square footage of new construction, are adjusted annually, and shall be paid prior to issuance of a building permit. For more information regarding fee amounts, contact the Public Works Department. (Public Works Department).
5. **DRAINAGE PLAN - RETENTION** - Prior to issuance of grading or building permits, the applicant shall provide the Water Resources Agency a drainage plan prepared by a registered civil engineer or architect addressing on-site and off-site impacts. The plan shall include retention/percolation facilities to mitigate the impact of impervious surface stormwater runoff. Drainage improvements shall be constructed in accordance with plans approved by the Water Resources Agency. (Water Resources Agency)
6. **WELL INFORMATION** - Prior to issuance of any grading or building permits, the applicant shall provide the Water Resources Agency information on the well to serve the project including a map showing the well location and any available well logs/e-logs. (Water Resources Agency)
7. **NO EXPANSION OF USE** - This permit allows the construction of a winery as described in Condition No. 1. The winery meets the definition of a winery in Title 21.06.1400. This definition is specifically modified by the conditions herein that are specific to this Use Permit request. Any expansion of the winery facilities beyond that authorized in this permit, or the production of more than 5,000 cases of wine annually, or any on-site retail sales or public wine-tasting or other public special events, or the processing of commodities from other properties is not allowed and may result in the revocation of this permit before the appropriate decision making body. Any expansion of the use would require an additional use permit. (Planning and Building Inspection)
8. **ADVERTISING** - 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. (Planning and Building Inspection)
9. **PARKING** - Adequate access and parking shall be provided on-site. A total of at least 1 parking space per employee shall be provided. Additionally, a designated parking area shall be provided during the crush season. (Planning and Building Inspection)
10. **ACCESS** – Fire department access shall be in accordance with Section 902, 2000 edition, Uniform Fire Code (2000 UFC)
 - i. Access road to winery complex shall have an unobstructed width of not less than 20 feet and an unobstructed vertical clearance of not less than 13.5 feet.
 - ii. Surface shall be designed to support the imposed load of fire apparatus.
 - iii. All other provisions of Section 902 are herewith included.
11. **FIRE WATER SUPPLY** – Fire protection water supply shall be in accordance with Section 903, 2000 UFC.

- a. Fire flow has been calculated for winery buildings as 180,000 gallons (1500 GPM (minimum) for two hours. Provide details of water storage.
 - b. On-site fire hydrants required; number and location to be determined.
12. **FIRE PROTECTION SYSTEMS** – Automatic fire sprinkler and fire alarm systems required in this occupancy.
- a. A. An automatic fire sprinkler system is required in the winery complex, to include the covered crushing courtyard. Fire sprinkler system to conform to NFPA 13 (Ordinary Hazard Group I).
 - b. A fire alarm system conforming to NFPA 72 requirements for remote station or Central Station Service shall be installed in accordance with Section 1003.3.1, 2000 UFC.
13. **LIGHTING** - 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)
14. **STOP WORK - RESOURCES FOUND** – The following note shall be included on grading and building permit plans, “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.” (Planning and Building Inspection Department)

Prior to Final Building Inspection/Occupancy:

15. **COMPLETION CERTIFICATION** - Prior to final inspection, 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)
16. **WATER CONSERVATION MEASURES** - 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 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 Agency)

Continuous Conditions

17. **NO PUBLIC EVENTS/WINE TASTING RECEPTIONS** – No public tasting room, special events open to the public or on site retail sales shall be allowed at any time. No more than 30 persons may attend a private

function as it relates to the winery. (Planning and Building Inspection Department)

18. **PRODUCTION CAPACITY** - No more than 5,000 cases of wine shall be produced on the property. There shall be no importation of grapes from off-site sources. (Planning and Building Inspection Department)

PASSED AND ADOPTED this 12th day of February, 2004.

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 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.