

In the matter of the application of
Kathleen Baker & Salvatore Rombi (PLN050458)

FINDINGS & DECISION

for a Use Permit in accordance with Title 21 (Zoning) Chapter 21.74 (Use Permits) of the Monterey County Code, to allow a winery to produce up to 5,000 gallons of wine per year in an existing 640 sq. ft. garage (with an existing 945 sq. ft. second story Caretaker's Unit above) and the addition of a 588 sq. ft. carport, on a 15.7 acre parcel. The property is located at 26 Trampa Canyon Road, Carmel Valley, Cachagua Area Plan, and came on regularly for hearing before the Zoning Administrator on July 27, 2006.

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

FINDINGS OF FACT

1. FINDING: CONSISTENCY - The subject Use Permit, (PLN050458), as described in condition #1 and as conditioned, is consistent with the plans, policies, requirements and standards of the Monterey County General Plan, Cachagua Area Plan and the Monterey County Zoning Ordinance (Title 21). Specifically, it is consistent with all of the applicable requirements of Section 21.36 "RC" Resource Conservation, 140 acre minimum, and Section 21.36 pursuant to 21.36.050(V) other uses of a similar character, density and intensity to those uses listed in the Section. On parcels ten acres or more, vineyards are allowed by right pursuant to Section 21.36.030(L).

- EVIDENCE:**
- a) Staff has reviewed the project as contained in the application and accompanying materials for consistency and conformity with the General Plan, Cachagua Area Plan and the Monterey County Zoning Ordinance (Title 21) and has determined that the project is consistent, and conforms with said Plans and Ordinance. Staff notes are provided in Project File PLN050458.
 - b) The project is located in a rural setting adjacent to similar residential and agricultural uses (vineyards). The use allows limited development while protecting the natural resources consistent with the RC zoning district. Development on the parcel is constricted by the topography as a large portion (40%) of the lot to the west and east side is in a designated scenic easement due to 30% slopes.
 - c) The project is consistent with the Cachagua Area Plan policy 30.0.09(C) which allows wineries subject to a Use Permit and allows agricultural uses.
 - d) On parcels ten acres or more, vineyards are allowed by right pursuant to Section 21.36.030(L).
 - e) The project planner conducted an on-site inspection on 8/24/05 to verify that the project on the subject parcel conforms to the plans listed above.
 - f) 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 PLN050458.

2. FINDING: SITE SUITABILITY - The site is suitable for the use proposed. The proposed development has been reviewed by the Monterey County Planning and Building Inspection Department, Water Resources Agency, Public Works Department, Cachagua Fire Department and Environmental Health Department and Regional Water Quality Control Board. There has been no indication from these agencies that the site is not suitable for the proposed use. Necessary public facilities are available to the project site. Each agency has reviewed the application and some have recommended conditions of approval. Recommended conditions have been incorporated into the project.

EVIDENCE: a) Adequate sewer and water service exists or can be provided, and adequate road and transportation facilities exist for the use.
b) The proposed winery is compatible with the area as described on the July 27, 2006 staff report to the Zoning Administrator.
c) Project planner conducted an on-site inspection on 8/24/05 to verify that the project on the subject parcel conforms to the plans listed above.

3. FINDING: CEQA - The proposed project is categorically exempt from the California Environmental Quality Act.

EVIDENCE: a) Section 15303 Class 3(c) of the Monterey County CEQA Guidelines categorically exempts the proposed winery from environmental review as no potential significant environmental impacts will result from the project. Section 15303 Class 3(c) exempts small facilities or structures; installation of equipment or facilities in small structures less than 2,500 sq. ft. The winery will operate within an existing 640 square foot garage with the addition of a new attached 588 square foot carport. The four-acre vineyard and winery facilities for non-commercial use exist on the 15.7 acre site.
b) There are no physical or environmental constraints, such as geologic or seismic hazard areas, environmentally sensitive habitats, or similar conditions, that would indicate the site is not suitable for the proposed use, nor is there other evidence in the record to indicate the site is not suitable for the project.
c) An archaeological waiver was obtained for the project, which is in a designated high archaeological zone. There is no grading and the only construction is for footings for the carport roof. The standard condition requiring work to stop is recommended.
d) The project planner conducted an on-site inspection on 8/24/05 to verify that the project on the subject parcel conforms to the plans listed above.
e) Materials in file PLN050458.

4. FINDING: HEALTH AND SAFETY - The establishment, maintenance or operation of the project applied for will, under the circumstances of this particular case, will not be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County.

EVIDENCE: Preceding findings and supporting evidence.

5. FINDING: NO VIOLATIONS - The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivision and any other applicable provisions of the County's zoning ordinance. No violations exist on the property. Zoning violation abatement cost, if any, have been paid.

EVIDENCE: Staff reviewed Monterey County Planning and Building Inspection Department records and is not aware of any violations existing on subject property.

6. FINDING: APPEALABILITY - The decision on this 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 the Zoning Administrator that said application for a Use Permit be granted as shown on the attached sketch, and subject to the attached conditions.

PASSED AND ADOPTED this 27th day of July, 2006.



JEFF MAIN, ZONING ADMINISTRATOR

COPY OF THIS DECISION WAS MAILED TO THE APPLICANT ON AUG - 1 2006

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 AUG 1 1 2006

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.

**Monterey County Planning and Building Inspection
Condition Compliance and/or Mitigation Monitoring
Reporting Plan**

Project Name: BAKER/ROMBI

File No: PLN050458

Approval by: Zoning Administrator

APN: 418-213-023-000

Date: July 27, 2006

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

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
1.		<p>PBD029 - SPECIFIC USES ONLY This Use Permit (PLN050458 ROMBI) allows a winery to produce up to 2,000 cases of wine per year in an existing 640 sq. ft. garage (with an existing 945 sq. ft. second story Caretaker's Unit above) and the addition of a 588 sq. ft. covered porch, on a 15.7 acre parcel. There shall be no wine tasting, public wine events or retail sales on the site. No more than 6,500 gallons of juice (or its equivalent) may be brought to the site from other areas in any year. This permit was approved in accordance with County ordinances and land use regulations subject to the following terms and conditions. Neither the uses nor the construction allowed by this permit shall commence unless and until all of the conditions of this permit are met to the satisfaction of the Zoning Administrator 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)</p>	Adhere to the conditions and uses specified in the permit.	Owner/ Applicant	Ongoing	

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
2.		<p>PBD025 - NOTICE-PERMIT APPROVAL The applicant shall record a notice which states: "A Use Permit (Resolution 050458) was approved by the Zoning Administrator for Assessor's Parcel Number 418-213-023-000 on July 27, 2006. The permit was granted subject to 7 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)</p>	Proof of recordation of this notice shall be furnished to PBI.	Owner/ Applicant	Prior to Issuance of grading and building permits or start of use	
3.		<p>PBD NON-STANDARD CONDITION Provide evidence in the form of copies of the bonded winery license from the Federal Bureau of Alcohol, Tobacco and Firearms (BATF) and provide evidence of licensing as appropriate from the California State Department of Alcoholic Beverage Control. (Planning and Building Inspection)</p>	Provide a copy of the licenses and any amendments thereto as they occur, upon receipt of said license(s) from the respective regulatory agencies: Federal = BATF bonded winery license State = Department of Alcoholic Beverage Control	Owner/ Applicant	Maintain such licenses as required by the BATF and present copies to County of Monterey.	
4.		<p>PBD NON-STANDARD CONDITION Provide evidence in the form of copies of the annual production report to the Federal Bureau of Alcohol, Tobacco and Firearms and a copy of the annual tax report on the winery and a copy of the ABC permit. (Planning and Building Inspection)</p>	Provide e-mail, fax or photocopies of production documentation submitted to the Federal BATF. Once annually at the time of submittal to the federal agency	Owner/ Applicant	Maintain such licenses as required by the BATF and present copies to County of Monterey.	

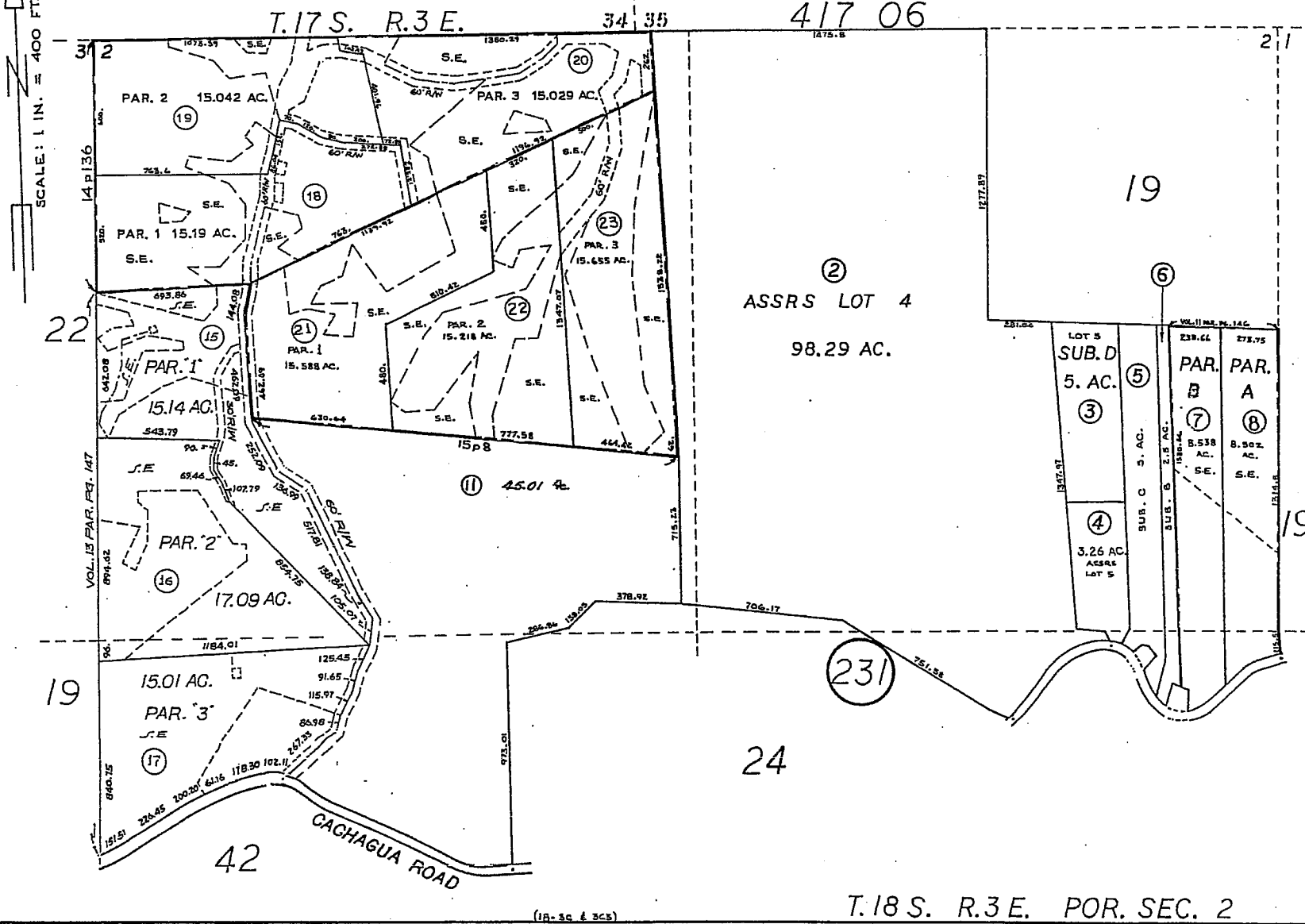
<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
5.		PBD NON-STANDARD CONDITION This Use Permit for a winery shall be restricted to a maximum production of 2,000 cases per year. The 588 sq ft. covered porch shall be used for staging activities including a crush pad. There shall be no wine tasting, public wine events or retail sales on the site. (Planning and Building Inspection Department)		Owner/ Applicant	Ongoing	
6.		EH19 - WINERY WASTEWATER Winery wastewater discharge shall comply with the Prohibitions, Recommendations and Specifications of the General Waste Discharge Requirements (WDRs) for Discharges of Winery Wastes set forth by the Regional Water Quality Control (CRWQCB). Apply for Waste Discharge Requirements from the Regional Water Quality Control Board. (Environmental Health)	Submit application to CRWQCB for review and issuance of Waste Discharge Requirements or a waiver of Waste Discharge Requirements. Submit verification of complete application from RWQCB to EH.	Owner/ Applicant	Prior to the issuance of building permits and operations	
7.		PW0006 – CARMEL VALLEY The Applicant shall pay the Carmel Valley Master Plan Area Traffic Mitigation fee pursuant to the Board of Supervisors Resolution No. 95-140, adopted September 12, 1995 (Fees are updated annually based on CCI). (Public Works)	Applicant shall pay to PBI the required traffic mitigation fee.	Owner/ Applicant	Prior issuance of Building Permits or operations, whichever occurs first.	
8.		Non-Standard. Construct the Carport in accordance with plans submitted.	Obtain Building permits and inspections for the new structure, per County processes.	Owner/ Applicant	Prior to operation of the winery in the garage.	
Note:		The Cachagua Fire District recommended no conditions of approval.				

END OF CONDITIONS

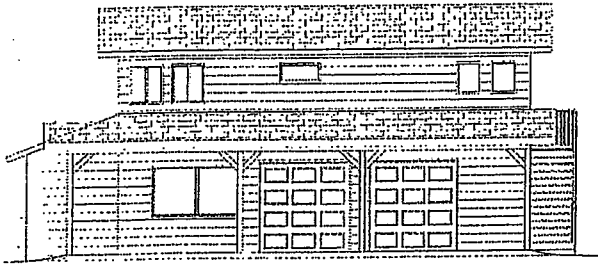
TAX CODE AREA

COUNTY OF MONTEREY
ASSESSOR'S MAP
BOOK 418 PAGE 23

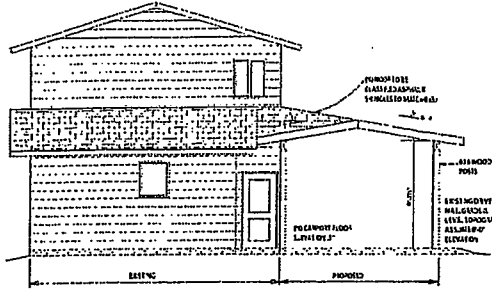
SCALE: 1 IN. = 400 FT.



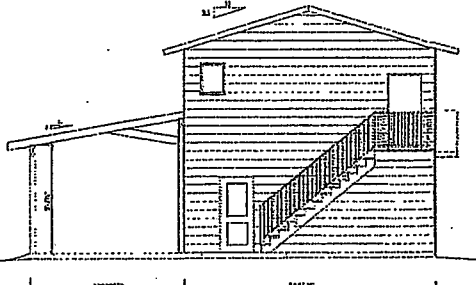
(18-3c & 3cs)



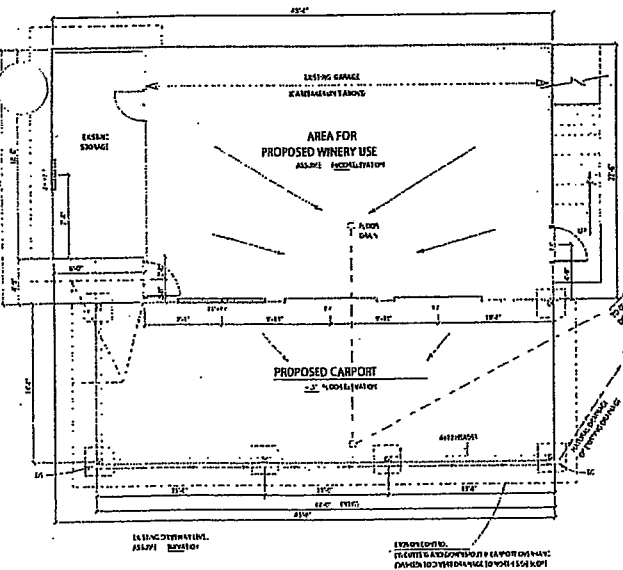
EAST ELEVATION
SCALE: 1/4" = 1'-0"



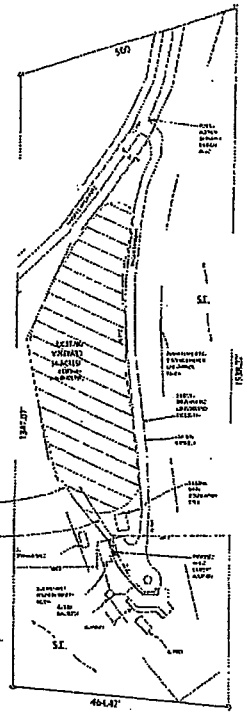
SOUTH ELEVATION
SCALE: 1/4" = 1'-0"



NORTH ELEVATION
SCALE: 1/4" = 1'-0"

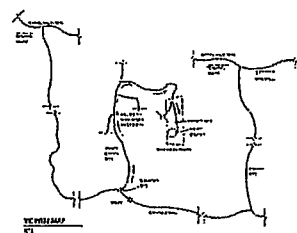


GARAGE FLOORPLAN
SCALE: 1/4" = 1'-0"



PLOT PLAN
SCALE: 1" = 100'

NOTE:
 1. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.
 2. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA BUILDING CODE AND ALL APPLICABLE ORDINANCES.
 3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL JURISDICTION.
 4. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.

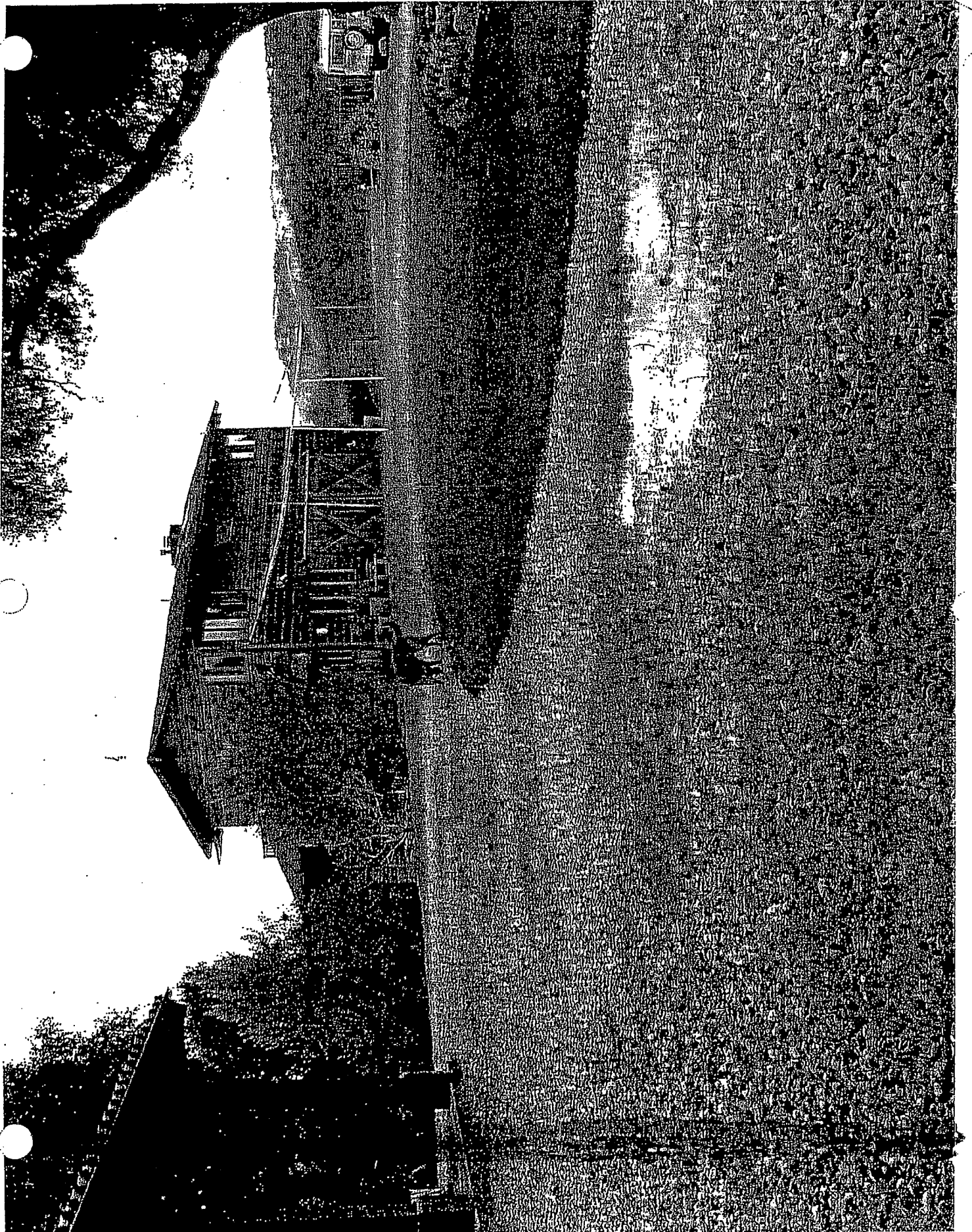


MARGARET HIGGINS & ASSOCIATES
 ARCHITECTS
 501-475-1234 FAX: 501-475-1234

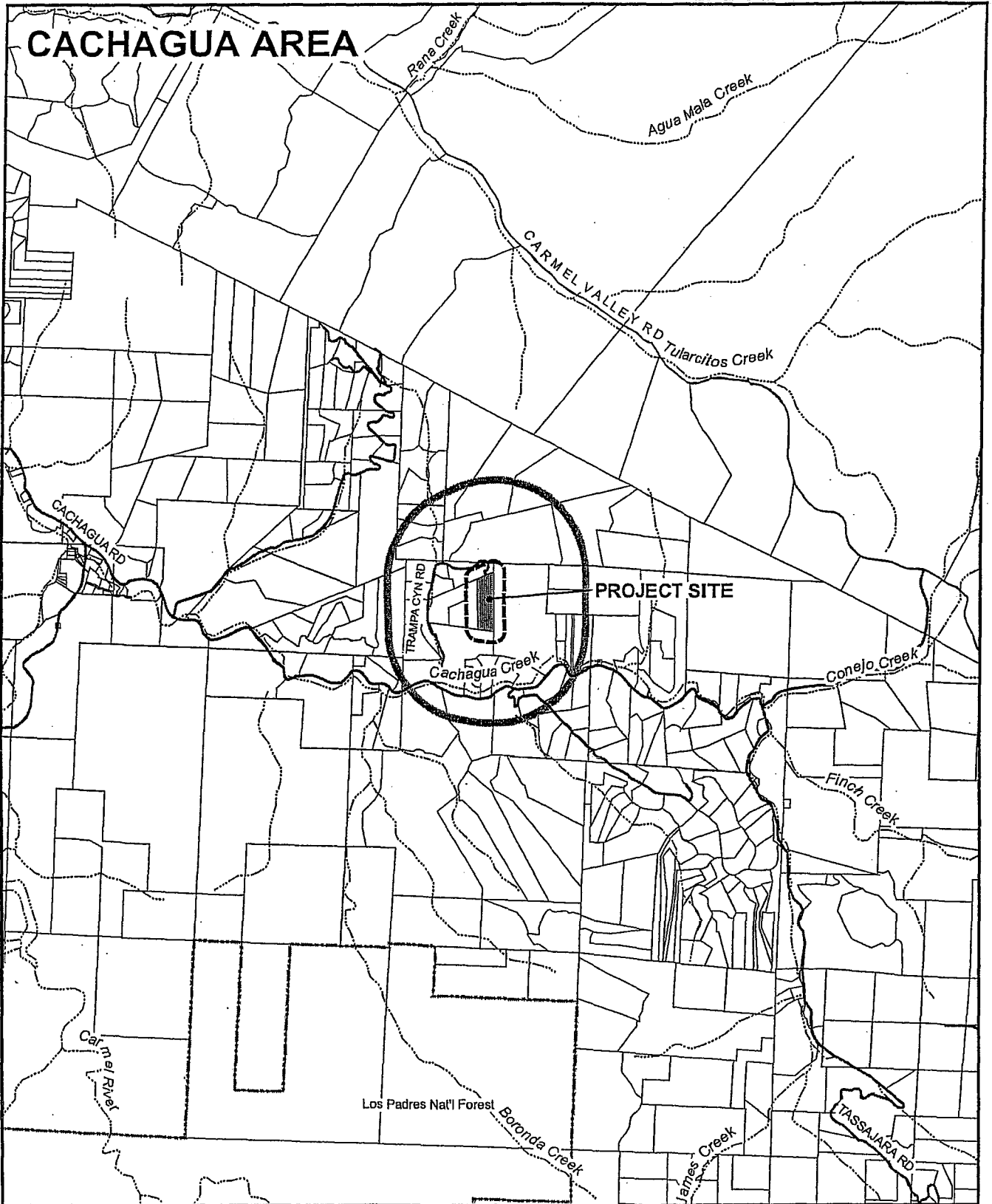
ROMBI
 24 TRAZON CANYON ROAD
 CARROLL VALLEY, CA 95721
 925-425-3650

PROPERTY IDENTIFIER: CARPORT-ADDITION-10K

1
 1






CACHAGUA AREA



APPLICANT: BAKER

APN: 418-231-023-000

FILE # PLN050458

 300' Limit  2500' Limit  City Limits



PLANNER: BRADLEY