

In the matter of the application of
Thomas G. Russell, TR (PLN060616)

FINDINGS & DECISION

for a **Use Permit** in accordance with Title 21 (Zoning) Chapter 21.74 (Use Permits) of the Monterey County Code, to extend a cottage industry micro winery for another five years (original Use Permit PLN010124). The cottage industry is located in an existing 1,240 square foot agricultural building. The property is located at 505 Corral De Tierra Road, Toro area, and came on regularly for hearing before the Zoning Administrator on May 31, 2007.

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

FINDINGS OF FACT

1. FINDING: CONSISTENCY – The project, as described in Condition No. 1 and as conditioned, conforms to the policies, requirements, and standards of the Monterey County General Plan, Toro Area Plan, Toro Area Plan Inventory and Analysis, and the Monterey County Zoning Ordinance (Title 21), which designates this area as appropriate for development.

EVIDENCE: (a) The text, policies, and regulations in the above referenced documents have been evaluated during the course of review of applications. No conflicts were found to exist. No communications were received during the course of review of the project indicating any inconsistencies with the text, policies, and regulations in these documents.

(b) The property is located at 505 Corral De Tierra (Assessor's Parcel Number 416-452-040-000), Toro Area Plan. The parcel is zoned "RC/10-VS & RC/10-D" (Resource Conservation, 10 acres per unit with a Visual Sensitivity District Overlay and Resource Conservation, 10 acres per unit with a Design Approval District Overlay). The subject property complies with all the rules and regulations pertaining to zoning uses and any other applicable provisions of Title 21, and is therefore suitable for the proposed development.

(c) The project planner conducted a site inspection on January 19, 2007 to verify that the project on the subject parcel conforms to the plans listed above.

(d) The micro-winery cottage industry has been a permitted use since December 13, 2001 via approval of planning file PLN010124. A subsequent Use Permit (PLN020602) was approved on October 10, 2003 permitting the use for an additional three years.

(e) The project was not referred to the Toro Land Use Advisory Committee (LUAC) for review. Based on the current review guidelines adopted by the Monterey County Board of Supervisors per Resolution No. 04-236, this application did not warrant referral to the LUAC the project does not involve slope restrictions, involve ridgeline/viewshed development, and the project is exempt from CEQA per Section 15301.

(f) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Project File PLN060616.

2. FINDING: SITE SUITABILITY – The site is physically suitable for the use proposed.

EVIDENCE: (a) The project has been reviewed for site suitability by the following departments and agencies: RMA - Planning Department, Salinas Rural Fire Protection District, Public

Works, Environmental Health Division, and Water Resources Agency. There has been no indication from these departments/agencies that the site is not suitable for the proposed development. Conditions recommended have been incorporated.

- (b) Staff conducted a site inspection on January 19, 2007 to verify that the site is suitable for this use.
- (c) Materials in Project File PLN060616.

3. FINDING: CEQA (Exempt): - The project is categorically exempt from environmental review.

- EVIDENCE:**
- (a) California Environmental Quality Act (CEQA) Guidelines Section 15301 (class 1), categorically exempts the operation of existing private facilities.
 - (b) No adverse environmental effects were identified during staff review of the development application during a site visit on January 19, 2007.
 - (c) The micro winery will operate in an existing building with grapes from the same property. 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.
 - (d) See preceding and following findings and supporting evidence.

4. 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 costs, if any, have been paid.

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

5. FINDING: HEALTH AND SAFETY - The establishment, maintenance, or operation of the project applied for will not under the circumstances of this particular case 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.

6. FINDING: COTTAGE INDUSTRY - The micro-winery cottage industry conforms to the requirements of Section 21.64.095(C) of the Monterey County Zoning Ordinance (Title 21). The site is physically suitable for the project, adequate road and transportation facilities exist for the use and the use proposed is compatible with the area. The subject property complies with all zoning standards, such as height, setbacks and lot coverage, subdivision standards and that no zoning violations exist on the property and that impacts considered potentially significant are mitigated.

- EVIDENCE:**
- (a) See finding No. 1 and condition No.5.
 - (b) The micro-winery cottage industry will continue its use in an existing 1,240 square foot agricultural building on the property, which is also an allowed use pursuant to Section 21.36.030.E of Title 21. The location of the existing agricultural building complies with

the site development standards listed in Section 21.36.060.C of Title 21. See finding No. 2.

(c) See finding No. 4.

(d) The project will not create any impacts that can be considered potentially significant. See finding No. 3.

7. FINDING: APPEALABILITY - The decision on this project is appealable to the Planning Commission.

EVIDENCE: Section 21.80.040.B 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 31st day of May, 2007.



JEFF MAIN, ZONING ADMINISTRATOR

COPY OF THIS DECISION WAS MAILED TO THE APPLICANT ON JUN - 7 2007

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 JUN 17 2007

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 Resource Management Agency Planning Department Condition Compliance and/or Mitigation Monitoring Reporting Plan	Project Name: Russell File No: PLN060616 Approved by: Zoning Administrator	APN: 416-452-040-000 Date: May 31, 2007
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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.		PBD029 - SPECIFIC USES ONLY This Use Permit (PLN060616) extends a cottage industry micro winery for another five years (original Use Permit PLN010124). The cottage industry is located in an existing 1,240 square foot agricultural building. The property is located at 505 Corral de Tierra Road, Salinas (Assessor's Parcel Number 416-452-040-000), Toro Area Plan. 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 Director of RMA - Planning Department. 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. [Resource Management Agency (RMA) - Planning Department]	Adhere to conditions and uses specified in the permit.	Owner/ Applicant	Ongoing unless other-wise stated	

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2.		PBD025 - NOTICE-PERMIT APPROVAL The applicant shall record a notice which states: "A permit (Resolution No. 060616) was approved by the Planning Commission for Assessor's Parcel Number 416-452-040-000 on May 31, 2007. The permit was granted subject to 17 conditions of approval, which run with the land. A copy of the permit is on file with the Monterey County RMA - Planning Department." Proof of recordation of this notice shall be furnished to the Director of RMA - Planning Department prior to issuance of building permits or commencement of the use. (RMA - Planning Department)	Proof of recordation of this notice shall be furnished to RMA - PD	Owner/ Applicant	Prior to Issuance of grading and building permits or start of use.	
3.		PBD030 - STOP WORK - RESOURCES FOUND 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 a qualified professional archaeologist can evaluate it. The Monterey County RMA - Planning 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. (RMA - Planning Department)	Stop work within 50 meters (165 feet) of uncovered resource and contact the Monterey County RMA - Planning Department and a qualified archaeologist immediately if cultural, archaeological, historical or paleontological resources are uncovered. 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.	Owner/ Applicant/ Archaeo- logist	Ongoing	

4.		<p>PD – USE PERMIT TIME LIMIT (NON-STANDARD)</p> <p>This Use Permit for the micro winery is subject to the flowing time limits: Any subsequent Use Permit shall not be issued for more than five years. Consequently, this third Use Permit shall expire on May 31, 2012 of continued use of the micro-winery and is subject to subsequent review prior to granting of additional permits for the micro-winery. (RMA – Planning Department)</p>	None	Owner/ Applicant	As stated in the conditions of approval	
5.		<p>PD – DEED RESTRICTION (NON-STANDARD)</p> <p>The applicant shall record a deed restriction stating the regulations applicable to the micro-winery cottage industry on this site. These regulations are as follows:</p> <ul style="list-style-type: none"> a. A total of two persons, other than the resident and immediate family residing on-site, may be employed in the cottage industry. b. There shall be no advertising for the cottage industry on the property. c. There shall be no advertising for visitation to the micro-winery in any brochures, publications, or advertisements that feature or identify wineries of Monterey County. d. Adequate access and parking must be provided on-site to accommodate the residential use and employees of the cottage industry. e. Wine processing shall be limited to grapes grown on the property. Wine production shall not exceed 2,000 cases per year. f. No on-site retail sales are permitted at any time. 	Proof of recordation of this notice shall be furnished to RMA - PD	Owner/ Applicant	Prior to commencement of use	

		g. No public wine tasting is permitted on the property. (RMA – Planning Department)				
6.		EH – WATER AND SEPTIC EVALUATION (NON-STANDARD) Wine tasting, public assemblages and similar accessory uses were not presented as part of this application. Therefore, the water and septic systems have not been evaluated or designed to support such activities, which must be prohibited without further review and approval by the Director of Environmental Health. (Environmental Health)	Adhere to condition and uses specified in the permit.	Owner/ Applicant	Ongoing	
7.		FIRE007 - DRIVEWAYS Driveways shall not be less than 12 feet wide unobstructed, with an unobstructed vertical clearance of not less than 15 feet. The grade for all driveways shall not exceed 15 percent. Where the grade exceeds 8 percent, a minimum structural roadway surface of 0.17 feet of asphaltic concrete on 0.34 feet of aggregate base shall be required. The driveway surface shall be capable of supporting the imposed load of fire apparatus (22 tons), and be accessible by conventional-drive vehicles, including sedans. For 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 curvature shall be 28 feet. For all driveway turns, an additional surface of 4 feet shall be added. All driveways exceeding 150 feet in length, but less than 800 feet in length, shall provide a turnout near the	Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Ongoing	

		standards or other requirements may be imposed by the local fire jurisdiction to provide the same practical effect. (Salinas Rural Fire Protection District)	Applicant shall schedule fire dept. clearance inspection	Applicant or owner	Prior to final building inspection	
10.		FIRE017 - DISPOSAL OF VEGETATION AND FUELS Disposal, including chipping, burying, or removal to a landfill site approved by the local jurisdiction, of vegetation and debris caused by site development and construction, road and driveway construction, and fuel modification shall be completed prior to final clearance of the related permit. (Salinas Rural Fire Protection District)	Applicant shall schedule fire dept. clearance inspection	Applicant or owner	Prior to final building inspection	
11.		FIRE019 - DEFENSIBLE SPACE REQUIREMENTS - (STANDARD) Remove combustible vegetation from within a minimum of 30 feet of structures. Limb trees 6 feet up from ground. Remove limbs within 10 feet of chimneys. Additional and/or alternate fire protection or firebreaks approved by the fire authority may be required to provide reasonable fire safety. Environmentally sensitive areas may require alternative fire protection, to be determined by Reviewing Authority and the Director of Planning and Building Inspection. (Salinas Rural Fire Protection District)	Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to issuance of grading and/or building permit.	
			Applicant shall schedule fire dept. clearance inspection	Applicant or owner	Prior to final building inspection	
12.		FIRE – FIRE SPRINKLER SYSTEM MAINTENANCE (NON-STANDARD) The existing fire sprinkler system shall be maintained in a normal operating condition in accordance with Section A-1-4, Appendix A, NFPA 13D. Every 5 years, a fire sprinkler contractor shall conduct a fire sprinkler inspection certifying that the requirements of NFPA 13D have been met. (Salinas Rural Fire Protection District)	The property owner or manager shall conduct the visual inspection and maintenance measures on a monthly basis in accordance with NFPA 13D.	Applicant or owner	Continuous	
			Applicant shall have a fire sprinkler contractor conduct the 5-year inspection in accordance with NFPA 13D and provide a copy of the inspection report to the Fire District.	Applicant or owner	Ongoing	

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			Applicant shall have a fire sprinkler contractor conduct the 5-year inspection in accordance with NFPA 13D and provide a copy of the inspection report to the Fire District.	Applicant or owner	Ongoing	

13.		FIRE – STORAGE PLAN (NON-STANDARD) Amendments to the storage layout shall be submitted to the Salinas Rural Fire District for approval prior to making the storage changes at the site. (Salinas Rural Fire Protection District)	Applicant shall submit storage plans and obtain approval prior to changes being made.	Applicant or owner	Continuous	
14.		FIRE – HYDRANTS AND WATER SUPPLY (NON-STANDARD) The existing water system for fire protection shall be maintained as follows: <ol style="list-style-type: none"> 1. WATER STORAGE – Existing water storage tanks and water pumps shall be maintained in a normal operating condition so as to provide water supply for the fire sprinkler system and on-site hydrant. 2. HYDRANT/FIRE VALVE (LOCATION)(FIRE) – They hydrant or fire valve shall be 18 feet from a roadway, and in a location where fire apparatus using it will not block the roadway. 3. HYDRANT/FIRE VALVE (SPACING)(FIRE) – The hydrant serving any building shall not be less than 50 feet or more than 1000 feet by the road from the building it is to serve. (Salinas Rural Fire Protection District)	Applicant shall maintain hydrant and water system	Applicant or owner	Continuous	
15.		FIRE – EMERGENCY ACCESS KEYBOX (NON-STANDARD) Emergency access keybox shall be installed and maintained. The type and location shall be approved by the fire department. The fire department shall be notified when locks are changed so that the emergency access keybox can be maintained with current keys. (Salinas Rural Fire Protection District)	Applicant shall obtain an emergency access keybox through the Salinas Rural Fire District, install it at the project site near the entry door, and schedule an appointment to place the keybox into service.	Applicant or owner	Prior to clearance of condition	

16.		FIRE – PORTABLE FIRE EXTINGUISHERS (NON-STANDARD) Portable fire extinguishers shall be installed and maintained in accordance with Uniform Fire Code Standard 10-1. At least one portable fire extinguisher shall be installed and shall have a rating of 2A:10B:C. (Salinas Rural Fire Protection District)	Applicant shall install and maintain at least on (1) portable fire extinguisher.	Applicant or owner	Prior to clearance of condition	
17.		FIRE – FIRE SAFETY INSPECTION (NON-STANDARD) A fire safety inspection shall be conducted prior to clearance of Use Permit Conditions. (Salinas Rural Fire Protection District)	Applicant shall schedule a fire department inspection.	Applicant or owner	Prior to clearance of condition	

END OF CONDITIONS

[illegible]

1. Owner: Mr. and Mrs. Tom Russell
P. Box 3727
Sausalito, California 94065
831 Area 6153

2. A.P.N.: 118-452-020

3. Lot Size: 20 acres

4. Zoning: CC

5. Garage and Driveway:
Garage: 1,800 S.F.
Asphalt Driveway: 1,200 S.F.
Total: 3,000 S.F.

6. Grading:
Clear Yards Cut: 303
Clear Yards Fill: 303

7. Highways are to be removed from this site

8. Building Occupancy: Garage / Storage: \$1/UL
Ag. Building (B10): \$1.

9. Type of Construction: V-N

10. Stories: 2 (w/0)

11. Fire sprinklers: Yes

12. Fire 1987 Underlying Code, UBC, LFC and 1990 IBC as amended by the State of California and local jurisdictions are applicable to this project

13. Ground Surface Ventilation:
Under Floor Spaces: 2018 Sq. Ft.
2018 Under Floor Spaces: 2018 Under Floor Spaces
6" x 12" Foundation Vents @ 80% = 0.40 Sq. Ft. each
1475 sq. ft. = 216 Vents @ 6" x 12" Foundation Vents

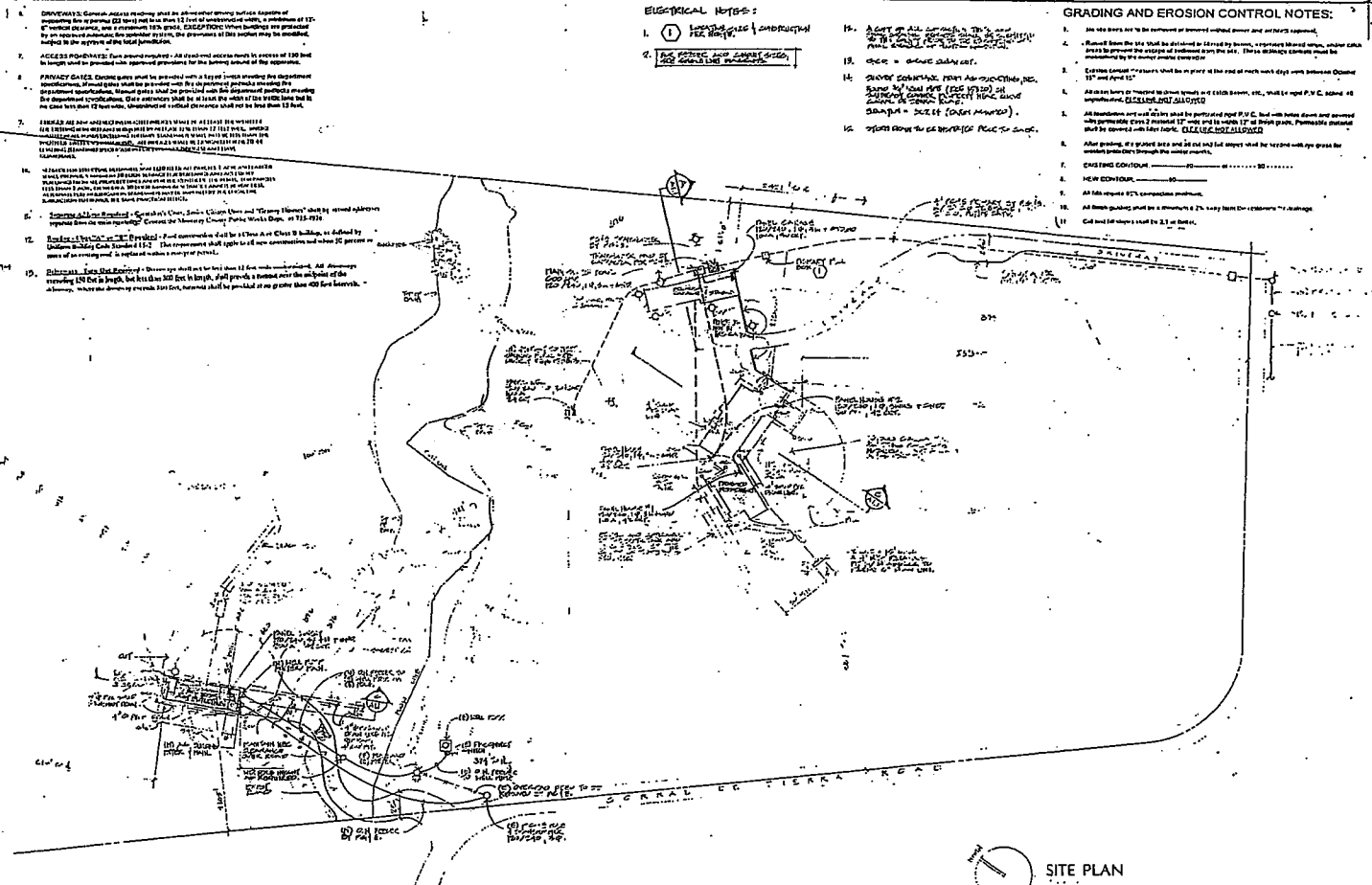
14. Attic Ventilation Calculation:
Attic Area: 5175 Sq. Ft.
2018 Under Floor Spaces: 2018 Under Floor Spaces
6" x 12" Vents @ 80% = 0.40 Sq. Ft. Vents
1475 sq. ft. = 216 Vents @ 6" x 12" Vents
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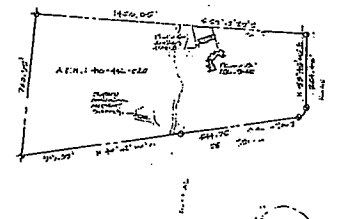
16. Non-Removable backflow-prevention devices to be installed at all exterior hose bibbs

17. Note that under existing plan UDC 1701 is required but the following:
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(95) Installation of any installed exterior hose bibbs. UDC 1701 5.13
(96) Installation of any installed exterior hose bibbs. UDC 1701 5.13
(97) Installation of any installed exterior hose bibbs. UDC 1701 5.13
(98) Installation of any installed exterior hose bibbs. UDC 1701 5.13
(99) Installation of any installed exterior hose bibbs. UDC 1701 5.13
(100) Installation of any installed exterior hose bibbs. UDC 1701 5.13

1. 1. Lysogenic cycle & transformation
Rec. Rec.
2. 2. The difference between lysogenic and virulent phages
3. 3. The difference between prophage and phage
4. 4. The difference between prophage and phage
5. 5. The difference between prophage and phage
6. 6. The difference between prophage and phage
7. 7. The difference between prophage and phage
8. 8. The difference between prophage and phage
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14. 14. The difference between prophage and phage
15. 15. The difference between prophage and phage
16. 16. The difference between prophage and phage

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- A1 Site Plan / Parcel Site Plan / General Notes
- Vacancy Maps & Easement Notes / Property Data
- Foundation Plans / Floor Framing Plans
- A3 Residence First Floor Plan
- A4 Residence Second Floor Plan
- Door Schedules & Types / Window Schedules & Types / Room Finish Schedule
- Exterior Elevations
- A7 Exterior Details
- A8 Exterior Elevations
- A9 Section
- A10 Roof Framing Plan
- A11 Section Framing Plan / Roof Plan
- Fireplace Details
- A12 Interior Elevations
- A13 Interior Elevations
- A14 Landscape Details
- A15 Details
- E1 General Notes / Concrete Notes / Details
- E2 Details
- E3 Scheduling Schedule / Uses / Installation Schedule
- E4 Mechanical Lower Floor Plan
- E5 Heating Upper Floor Plans
- E6 Heating Lower Floor / Upper Floor Heating Plan
- E7 Energy Consumption Analysis / Calculation Notes / Mechanical System Summary of Details
- E8 Lower Floor Electrical Plan
- E9 Upper Floor Electrical Plan



SITE PLAN 24



VICINITY MAP

issued: 100 10/10/10
revised: 7/1/10
drawn by:
approved:

SITE PLAN

Post Office Box 1651

sheet
A1
sheets

4081 174 0055

Salinas, CA 93902

Post Office Box 1651

Richard K. Rhodes, AIA, Architects and Planners

RECEIVED

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FOOTING DETAILS

