Before the Zoning Administrator in and for the County of Monterey, State of California

In the matter of the application of:

Jackson Family Investments II LLC (PLN080089) RESOLUTION NO. 10-054

Resolution by the Monterey County Zoning Administrator:

- 1) Adopt Mitigated Negative Declaration per (CEQA) Guidelines Section 15070;
- 2) Approve a Combined Development Permit to allow the expansion of an existing winery (PLN970170). The expansion will consist of; 1) a Use Permit for a new 87,200 square foot agricultural processing plant and barrel storage room and a 5,100 square foot administrative office; 3) a Use Permit to allow a reduction in parking spaces to 47 whereas Monterey County Code requires 169 spaces and; 4) a Variance to allow an increase in height to 46 feet.

(PLN080089, Jackson Family Investments II LLC, 37300 Doud Road, Soledad, Central Salinas Area Plan (APN: 183-021-015-000)

The Jackson Family Investments II LLC (Kendall Jackson) application (PLN080089) came on for public hearing before the Monterey County Zoning Administrator on December 9, 2010. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Zoning Administrator finds and decides as follows:

FINDINGS

- 1 **FINDING: CONSISTENCY** The Project, as conditioned, is consistent with the applicable plans and policies which designate this area as appropriate for development.
 - **EVIDENCE:** a) During the course of review of this application, the project has been reviewed for consistency with the text, policies, and regulations in:
 - the Monterey County 2010 General Plan and 1982 General Plan;
 - Central Salinas Valley Area Plan;
 - Monterey County Zoning Ordinance Title 21 No conflicts were found to exist.
 - b) The property is located at 37300 Doud Road, Soledad (Assessor's Parcel Number 183-021-015-000, Central Salinas Valley Area Plan. The parcel is zoned F/40 "Farmlands, 40 acre minimum", which allows an agricultural processing plant (winery). Therefore, the project is an allowed land use for this site.
 - c) The project is an expansion to an existing winery which includes the construction of an approximate 87,000 square foot agricultural processing plant with office and barrel storage room, with a 5,100 square foot administrative office and the addition of 47 new

- parking spaces. To provide architectural consistency with the adjacent attached winery buildings, the applicant is also requesting a variance for an increase in height for the structure from 45 feet to 46 feet. The expansion will sit directly to the north of the existing 194,800 square foot facility and will use an additional four to five acres of vineyards (2%) of the existing 300 acres of vineyards on the site. The facility will be capable of producing an estimated 2,300,000 cases of wine per year from 32,000 tons of grapes.
- d) The applicants were approved for a 194,800 square foot wine production and storage facility under Use Permit PLN970170. A Negative Declaration was prepared and adopted on July 30, 1997. To date, the winery has built 180,700 square feet of winery, storage and administrative facilities.
- e) A Mitigated Negative Declaration ("MND") was prepared to analyze the environmental effects of the winery addition. The Draft MND was circulated from June 23, 2010 to July 23, 2010. Three comments were received during the review period; however the recommendations in the MND did not change as a result.
- f) The project planner conducted a site inspection on April 4, 2009 to verify that the project on the subject parcel conforms to the plans listed above.
- Parking Standards. According to Monterey County Code the g) proposed project requires 169 parking spaces for the establishment of an approximate 87,000 square foot processing plant with office and barrel storage room with a 5,100 square foot administrative office. Monterey County Code Section 21.58.050.E C. allows a deviation from the Parking Standards by a Use Permit where in cases certain which, due to the unusual characteristics of a use or its immediate vicinity, do not necessitate the number of parking spaces, type of design, or improvements required by this Chapter. In this case, reduced parking will be adequate to accommodate all parking needs generated by the use and additional parking is not necessary because of specific features of the use, site, or site vicinity. The applicant is requesting a Use Permit to construct a total of 47 spaces instead of 169 spaces in order to reduce the amount of agricultural land (vineyards) being converted. In addition, the seasonal nature of the winery does not necessitate the need to provide parking for staff on site during the year.
- h) Variance for height. General Plan 2010 policy 3.5 A.C. C. states "The maximum height of structures associated with a winery facility shall be 35 feet. Structural height may be increased to 45 feet without a variance to accommodate processing facilities." The structural height of the building is 44 feet and the façade will sit at 46 feet. In 1997, the winery received approval for a variance (PLN970559) in order to deviate from the F/40 zoning district's height limitation of 35 feet for a tower feature that sits directly in front of the administrative office and tank building. The addition will match the existing structures in design, bulk and height, therefore a height variance is requested in order to ensure a consistent project design and further protect viable agricultural land from being covered by structures. By allowing a taller

building, less viable agricultural land would be covered in structure and limit the amount of vineyards removed from operation. A variance in height will eliminate the need to remove approximately 31,600 square feet of structure out of productive farmlands on the site. To extend the architectural consistency that the winery already has, a variance is requested to continue to allow a taller façade. Overall, with the reduction of parking to accommodate the seasonal use of the property and the design of a taller building, the project has been designed to further preserve the need for the removal of additional acres of farmland.

- i) The project was not referred to a Land Use Advisory Committee (LUAC) for review because no LUAC existed for this area.
- j) 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 PLN080089.
- 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, Mission Soledad Fire Department, Public Works, Parks Department, Environmental Health, and California Regional Water Quality Control Board.

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 identified potential impacts to Traffic, Geology, and Agricultural Resources. Technical reports by outside consultants indicated that there are no physical or environmental constraints that would indicate that the site is not suitable for the use proposed. County staff independently reviewed these reports and concurs with their conclusions. The following reports have been prepared:
 - a. "Traffic Impact Analysis. Monterey Winery Doud Road Site", Higgins Associates Civil and Traffic Engineers, Inc. dated May 21, 1997.
 - b. "Supplementary Traffic Analysis Report" (LIB080289) Higgins Associates Civil Traffic Engineers, dated March 28, 2008.
 - c. Letter. "Supplement to Traffic Analysis Report dated March 28, 2008" Hatch Mott and McDonald (formerly Higgins Associates Civil Traffic Engineers), dated June 24, 2009
 - d. "Soils Engineer Report Kendall Jackson Winery" Earth Systems Consultants, dated July 2, 1997.
 - e. "Geotechnical Soils-Foundation & Geoseismic Report" (LIB080287) Grice Engineering and Geology Inc, dated February 2008.
 - f. "Interim Report of Soils Engineering Investigation" Earth Systems Consultants, dated May 21, 1997.

- g. "Notice of Intent to Comply with General" (LIB080290) Kennedy/Jenks Consultants, dated April 4, 2008.
- h. "Wastewater Management System Description" Summit Engineering Inc, dated May 21, 1997
- c) Staff conducted a site inspection on April 2, 2009 to verify that the site is suitable for this use.
- d) 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 PLN080089.
- 3. **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: a) The project was reviewed by RMA Planning Department,
 Mission Soledad Fire Department, Public Works, Parks
 Department, Environmental Health, and California Regional Water
 Quality Control Board;
 The respective departments/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.
 - b) Necessary public facilities exist. Water is provided by an existing well on site and sewage disposal is provided by an on-site treatment system with individual septic tanks for employee facilities. The proposed construction will not cause a substantial increase nor exceed the capacity of these utilities and services.
 - c) Preceding findings and supporting evidence for PLN080089. See also proceeding Evidence #1 and #2.
- 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.
 - **EVIDENCE:** a) Staff reviewed Monterey County RMA Planning Department and Building Services Department records and is not aware of any violations existing on subject property.
 - b) Staff conducted a site inspection on April 4, 2009 and researched County records to assess if any violation exists on the subject property.
 - c) There are no known violations on the subject parcel.
 - d) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN080089.
- 5. **FINDING: CEQA** (Mitigated Neg Dec) On the basis of the whole record before the Monterey County Zoning Administrator, there is no substantial evidence

that the proposed project as designed, conditioned and mitigated, will have a significant effect on the environment. The Mitigated Negative Declaration reflects the independent judgment and analysis of the County.

- EVIDENCE: a) Public Resources Code Section 21080.d and California
 Environmental Quality Act (CEQA) Guidelines Section 15064.a.1
 require environmental review if there is substantial evidence that
 the project may have a significant effect on the environment.
 - b) The Monterey County Planning Department prepared an Initial Study pursuant to CEQA. The Initial Study is on file in the offices of the Planning Department and is hereby incorporated by reference (PLN080089).
 - c) The Initial Study identified several potentially significant effects, but the applicant has agreed to proposed mitigation measures that avoid the effects or mitigate the effects to a point where clearly no significant effects would occur. The Initial Study is on file in the RMA-Planning Department and is hereby incorporated by reference (PLN080089).
 - d) Issues that were analyzed and required mitigation in the Mitigated Negative Declaration include: air quality and traffic and transportation.
 - Air Quality The project includes an expansion of approximately e) 87,000 square feet for a agricultural processing plant, barrel storage room and office to an existing winery. There is a potential for the construction related air quality impacts associated with grading and building to be released in the environment. Total cut and fill for the addition is approximately 10,800 cubic yards of earth movement. Grading activities will occur over a period of weeks and will not exceed the threshold of 2.2 acres per day. Although the threshold will not be exceeded, grading activities have the potential to create short-term construction related impacts. A Mitigation Measure has been incorporated to reduce the potential impacts caused by construction to a less-than-significant level. The applicant, in consultation with a construction manager. shall establish a Best Available Construction Management Plan (BACMP) per MBUAPCD standards and shall implement the following special conditions prior to grading and shall also be included in the General Notes on the Proposed Grading Plans and the Building Plans for the Kendall Jackson expansion project grading and building permits respectively.
 - f) Traffic/Transportation The property is located off of Highway 101 and Doud Road in Soledad. Access to the site through both Highway 101 and Arroyo Seco Road and Doud Road and Highway 101. In 1997 a traffic report was prepared by Higgins and Associates analyzing traffic conditions at that time and no improvements were required at the time. Caltrans has jurisdiction over the exit off of Arroyo Seco Road and Hwy 101 and as a condition of approval of PLN970170, Caltrans reserved the right to review any increase in usage to this intersection. During staff's site inspection on April 2009 an additional route to the site was identified, Doud Road and Highway 101. Following concerns from the applicants' agent regarding the safety of this access point,

Caltrans conducted a safety study for the Doud Road/Highway 101 exit and concluded brush removal was warranted at the Doud Road/Highway 101 exit to increase driver visibility. The winery does not use the Doud Road exit for deliveries and employees are directed to use the Arroyo Seco exit from Highway 101. As a safety measure a mitigation was included to prohibit employees and winery trucks from using the Doud Road and Highway 101. The applicant shall submit a Traffic Management Program which will include employee training and a policy against using the Doud Road and Highway 101 exit. The Traffic Management Program will be submitted to the Department of Public Works and RMA-Planning prior to issuance of building permits. Annually, the applicant will submit evidence of said program until successful implementation is achieved.

- g) All project changes required to avoid significant effects on the environment have been incorporated into the project and/or are made conditions of approval. A Condition Compliance and Mitigation Monitoring and/or Reporting Plan has been prepared in accordance with Monterey County regulations and is designed to ensure compliance during project implementation and is hereby incorporated herein by reference as Exhibit 1. The applicant must enter into an "Agreement to Implement a Mitigation Monitoring and/or Reporting Plan" as a condition of project approval.
- h) The Draft Mitigated Negative Declaration ("MND") for PLN080089 was prepared in accordance with CEQA and circulated for public review from June 23, 2010 through July 23, 2010 (SCH#: 2010061071). Issues that were analyzed in the Draft Mitigated Negative Declaration ("MND") include aesthetic resources, agricultural resources, air quality, biological resources, geology and soils, hydrology and water quality, land use and planning, population and housing, public services, traffic and transportation and utilities and service systems.
- i) Evidence that has been received and considered includes: the application, technical studies/reports (see Finding 2/Site Suitability), staff reports that reflect the County's independent judgment, and information and testimony presented during public hearings (as applicable). These documents are on file in the RMA-Planning Department (PLN080089) and are hereby incorporated herein by reference.
- j) Staff analysis contained in the Initial Study and the record as a whole indicate the project could result in changes to the resources listed in Section 753.5(d) of the Department of Fish and Game (DFG) regulations. All land development projects that are subject to environmental review are subject to a State filing fee plus a County recording fee, unless the Department of Fish and Game determines that the project will have no effect on fish and wildlife resources.
- k) Staff received four comments during the review period. These comments did not change the recommendations set forth in the Initial Study. The County has considered the comments received during the public review period, and they do not alter the

- conclusions in the Initial Study and Mitigated Negative Declaration.
- 1) The Monterey County Planning Department, located at 168 W. Alisal, Second Floor, Salinas, California, 93901, is the custodian of documents and other materials that constitute the record of proceedings upon which the decision to adopt the negative declaration is based.
- 6. **FINDING:** VARIANCE (Authorized Use) The Variance shall not be granted for a use or activity which is not otherwise expressly authorized by the zone regulation governing the parcel of property.
 - **EVIDENCE:** a) The property has a zoning designation of F/40, Farmlands, 40 acre minimum. An agricultural processing facility is an allowed use subject to a Use Permit.
 - b) The expansion will comply with the intent and allowed uses of the property. The project site is designated as Prime Farmland and the expansion will continue to use the property as a viable agricultural operation (agricultural processing plant). The project, as proposed, would not have an impact on land use in the area or significantly reduce the acreage available for various agricultural crops. The proposed project does not require rezoning and would not conflict with adjacent Williamson Act contracts.
 - c) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN080089.
- 7. **FINDING:** VARIANCE (Special Circumstances) Because of special circumstances applicable to the subject property, including the size, shape, topography, location of the lot, or the surrounding area, the strict application of development standards in the Monterey County Codes is found to deprive the subject property of privileges enjoyed by other property owners in the vicinity under identical zoning classification.
 - In 1997, the winery received approval for a variance (PLN970559) EVIDENCE: a) in order to deviate from the F/40 zoning district's height limitation of 35 feet for the architectural tower connected to the existing tank room and administrative building. By allowing a taller building, less viable agricultural land would be covered in structure. In order to provide the architectural character of the existing building and further reduce the amount of agricultural land taken out of farmlands, the applicant is requesting an addition in height for the expansion. A strict implementation of the 35 foot height limitation would remove an additional 31,600 square feet to the expansion, for a building totaling 113,450 square feet. The new General Plan policy 3.5 A.C. C. states "The maximum height of structures associated with a winery facility shall be 35 feet. Structural height may be increased to 45 feet without a variance to accommodate processing facilities." In this case, the structural height of the building is 44 feet and the façade to match the adjacent building will sit at 46 feet. One of the intents of the height limitations is to ensure structures are viewed from a similar viewing plane. In this case, given the height of the existing structures, any additions

- would not blend in with the visual plane of the winery unless the height is the same height.
- b) General Plan policy AG-2.4 specifies "Agriculture-related enterprises and agricultural support uses shall be sited and designed to minimize the loss of productive agricultural lands and to minimize impacts on surrounding land uses". The designer has worked carefully to design the addition in order to protect viable vineyards. An increased height will lessen encroachment onto prime farmlands and further the purposes and goals of the General Plan.
- c) The site is surrounded by vineyards and the winery would like to protect this resource. The site is visible from Highway 101 and any architectural differences in the winery appurtenances will not blend with the existing structure.
- d) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN080089.
- e) The project planner conducted a site inspection on April 8, 2010 to verify the circumstances related to the property.
- 8. **FINDING: VARIANCE (Special Privileges)** The variance shall not constitute a grant of privileges inconsistent with the limitations upon other property owners in the vicinity and zone in which such property is situated.
 - EVIDENCE: a) The property is zoned Farmlands and an agriculture processing plant is an allowed use. To date, the winery has built 180,700 square feet of winery, storage and administrative facilities. The existing buildings were granted a variance, PLN970559, in order to allow a taller height to hide the mechanical appartences on the roof given the visibility of the winery from Highway 101.
 - b) General Plan policies further encourage the development of Monterey County's wine industry. General Plan policy AG-4.1 states "In order to promote the continuation and economic viability of the agricultural industry, development of a fully integrated wine industry incorporating cultivation, processing, marketing, sales, and tourism to fully utilize the wine grape production of the County shall be supported". The expansion is not a use not otherwise expressly encouraged by the county.
 - c) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN080089.
 - d) The project planner conducted a site inspection on April 9, 2009 to identify circumstances related to other property in the vicinity and in the same zoning district.
 - e) See preceding Evidence 5 and 6.
- 9. **FINDING: REDUCTION IN PARKING (Use Permit)** The subject project will contain less parking spaces than is required by Monterey County Code Section 21.58.10 which establishes parking standards to ensure that there is a sufficient number to accommodate all vehicles which will be congregated at a given location at a given point in time by drivers and

passengers who use or occupy the facility or area for which the parking space and loading space is provided.

- EVIDENCE: a) Monterey County Code Section 21.58.010 requires the project to provide 169 spaces for the proposed 87,200 square foot agricultural processing plant, barrel storage room and 5,100 square foot administrative office.
 - b) Harvest season occurs between September 1 to November 1 every year and the number of employees will vary depending on the harvest. Currently there are 80 employees both seasonal and non seasonal. The addition will bring a total of 135 seasonal and non seasonal employees each year. Of the approximately 135 employees, at least 70 of these employees are at the site seasonally.
 - c) Due to the seasonal nature of the operation of workers and in order to protect the otherwise productive agricultural use of the property the applicant is proposing a reduction in parking to 47 spaces. The applicant is requesting a Use Permit pursuant to Monterey County Zoning Code section 21.58.050 given that the winery operation does not necessitate the number of parking spaces required. Although there is ample space for parking on the site, in this situation, due to the seasonal nature of parking needed, additional parking spaces are not warranted. Typically, agricultural workers park alongside the vineyards closest to their work area therefore ample parking already exists.
 - The property is identified as Prime Agricultural lands. The d) expansion will involve the removal of approximately 1.25 acres of existing vineyards in order to establish parking for future employees and only culminates in less than .009% of the total site. This project proposes a reduction in the number of required off street parking which will reduce conversion of additional prime farmlands. General Plan policy AG-1.4 states "Viable agricultural land uses, including ancillary and support uses and facilities on farmland designated as Prime, of Statewide Importance, Unique, or of Local Importance shall be conserved, enhanced and expanded through agricultural land use designations and encouragement of large lot agricultural zoning, except as provided in a Community Plan". Further, General Plan policy AG-2.4 specifies "Agriculturerelated enterprises and agricultural support uses shall be sited and designed to minimize the loss of productive agricultural lands and to minimize impacts on surrounding land uses". The reduction in parking will further the goals of preservation of prime farmlands contained in the General Plan.
 - e) The expansion of barrel room and tank storage will bring in an additional 108 temporary seasonal agricultural workers who will work for 4-6 weeks out of the year. Typically, agricultural workers park alongside the vineyards closest to their work area therefore ample parking already exist.
 - f) The proposed barrel and tank room are primarily storage type uses and will not increase the number of overall full time employees on site. To accommodate the nature of the agricultural operation the applicant is proposing a reduction in the number of required

- parking spaces for this addition to 47 spaces, requiring the removal of 1.25 acres of vineyards or 13 rows of vineyards (length of 650').
- g) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN080089.
- h) The project planner conducted a site inspection on April 8, 2010 to verify that the project minimizes development within the viewshed or to identify methods to minimize the development.

10 **FINDING:** APPEALABILITY - The decision on this project may be appealed to the

Planning Commission.

EVIDENCE: Section 21.080.040.B Monterey County Zoning Ordinance (Planning

Commission).

DECISION

NOW, THEREFORE, based on the above findings and evidence, the Zoning Administrator does hereby:

- A. Adopt Mitigated Negative Declaration per (CEQA) Guidelines Section 15070;
- B. Approve a Combined Development Permit to allow the expansion of an existing winery (PLN970170). The expansion will consist of; 1) a Use Permit for a new 87,200 square foot processing plant and barrel storage room and a 5,100 square foot administrative office; 3) a Use Permit to allow a reduction in parking spaces to 47 whereas Monterey County Code requires 169 spaces and; 4) a Variance to allow an increase in height to 46 feet in general conformance with the attached sketch and subject to the conditions (Exhibit 1), both exhibits being attached hereto and incorporated herein by reference.
- C. Adopt the Mitigation Monitoring and Reporting Program (Exhibit 1)

PASSED AND ADOPTED this 9th day of December, 2010.

Mike Novo, Zoning Administrator

COPY OF THIS DECISION MAILED TO APPLICANT ON DEC 2,8 2010

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 ON THE APPROPRIATE FILING FEE ON OR BEFORE JAN 0.7 2011

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 Department and Building Services Department office in Salinas.

2. This permit expires 3 years after the above date of granting thereof unless construction or use is started within this period.

RESOLUTION 10-054 - EXHIBIT 1

Monterey County Resource Management Agency Planning Department

Condition Compliance and/or Mitigation Monitoring Reporting Plan

Project Name: Jackson Family Investments II LLC							
File No: PLN080089	APNs: <u>183-021-015-000</u>						
Approved by: Zoning Administrator	Date: December 9, 2010						

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

Permit Cond. Number		Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
	RMA – Plan	ning Department			
1.	PD001 - SPECIFIC USES ONLY This Combined Development permit (PLN080089) allows the expansion of an existing winery (PLN970170). The expansion will consist of; 1) a Use Permit for a new 87,200 square processing plant and barrel storage room and a 5,100 square foot administrative office; 3) a Use Permit to allow a reduction in parking spaces to 47 whereas Monterey County Code requires 169 spaces and; 4) a Variance to allow an increase in height to 46 feet whereas the district regulations allow 45 feet. The property is located at 37300 Doud Road, Soledad (Assessor's Parcel Number 183-021-015-000), Central Salinas Valley Area Plan/Land Use 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 the 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	Adhere to conditions and uses specified in the permit. 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 the RMA - Planning Department.	Owner/ Applicant RMA - Planning WRA RMA - Planning	Ongoing unless otherwise stated	

Permit Cond. Number	Mitig. Conditions of Approval and/or Mitigation Measures and Number Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
	allowed unless additional permits are approved by the appropriate authorities. To the extent that the County has delegated any condition compliance or mitigation monitoring to the Monterey County Water Resources Agency, the Water Resources Agency shall provide all information requested by the County and the County shall bear ultimate responsibility to ensure that conditions and mitigation measures are properly fulfilled. (RMA - Planning Department)				
2.	PD002 - NOTICE-PERMIT APPROVAL The applicant shall record a notice which states: "A permit (Resolution 10-054) was approved by the Zoning Administrator for Assessor's Parcel Number 183-021-015- 000 on December 9, 2010. The permit was granted subject to 21 conditions of approval which run with the land. A copy of the permit is on file with the Monterey County RMA - Planning Department." (RMA-Planning Department)	Obtain appropriate form from the RMA-Planning Department. The applicant shall complete the form and furnish proof of recordation of this notice to the RMA - Planning Department.	Owner/ Applicant RMA- Planning	Prior to the issuance of grading and building permits or commencement of use.	
3.	PD003(A) – CULTURAL RESOURCES – NEGATIVE ARCHAEOLOGICAL REPORT 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	

Permit Cond. Number Mitig.	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
4.	PD004 - INDEMNIFICATION AGREEMENT The property owner agrees as a condition and in consideration of the approval of this discretionary development permit that it will, pursuant to agreement and/or statutory provisions as applicable, including but not limited to Government Code Section 66474.9, defend, indemnify and hold harmless the County of Monterey or its agents, officers and employees from any claim, action or proceeding against the County or its agents, officers or employees to attack, set aside, void or annul this approval, which action is brought within the time period provided for under law, including but not limited to, Government Code Section 66499.37, as applicable. The property owner will reimburse the county for any court costs and attorney's fees which the County may be required by a court to pay as a result of such action. County may, at its sole discretion, participate in the defense of such action; but such participation shall not relieve applicant of his obligations under this condition. An agreement to this effect shall be recorded upon demand of County Counsel or concurrent with the issuance of building permits, use of the property, filing of the final map, whichever occurs first and as applicable. The County shall promptly notify the property owner of any such claim, action or proceeding and the County shall cooperate fully in the defense thereof. If the County fails to promptly notify the property owner of any such claim, action or proceeding or fails to cooperate fully in the defense thereof, the property owner shall not thereafter be responsible to defend, indemnify or hold the county harmless. (RMA - Planning Department)	Submit signed and notarized Indemnification Agreement to the Director of RMA – Planning Department for review and signature by the County. Proof of recordation of the Indemnification Agreement, as outlined, shall be submitted to the RMA – Planning Department.	Owner/ Applicant	Upon demand of County Counsel or concurrent with the issuance of building permits, or use of the property, whichever occurs first and as applicable	

Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
5.		PD005 - FISH AND GAME FEE-NEG DEC/EIR Pursuant to the State Public Resources Code § 753.5, State Fish and Game Code, and California Code of Regulations, the applicant shall pay a fee, to be collected by the County, within five (5) working days of project approval. This fee shall be paid before the Notice of Determination is filed. If the fee is not paid within five (5) working days, the project shall not be operative, vested or final until the filing fees are paid. (RMA - Planning Department)	The applicant shall submit a check, payable to the <i>County of Monterey</i> , to the Director of the RMA - Planning Department. If the fee is not paid within five (5) working days, the applicant shall submit a check, payable to the <i>County of Monterey</i> , to the Director of the RMA - Planning Department.	Owner/ Applicant	Within 5 working days of project approval. Prior to start of use or the issuance of building or grading permits	
6.		PD006 - MITIGATION MONITORING PROGRAM The applicant shall enter into an agreement with the County to implement a Mitigation Monitoring and/or Reporting Plan in accordance with Section 21081.6 of the California Public Resources Code and Section 15097 of Title 14, Chapter 3 of the California Code of Regulations. Compliance with the fee schedule adopted by the Board of Supervisors for mitigation monitoring shall be required and payment made to the County of Monterey at the time the property owner submits the signed mitigation monitoring agreement. (RMA - Planning Department)	Enter into agreement with the County to implement a Mitigation Monitoring Program. Fees shall be submitted at the time the property owner submits the signed mitigation monitoring agreement.	Owner/ Applicant	Within 60 days after project approval or prior to the issuance of grading and building permits, whichever occurs first.	
7.		PD010 - EROSION CONTROL PLAN AND SCHEDULE The approved development shall incorporate the recommendations of the Erosion Control Plan as reviewed by the Director of RMA – Planning and Director of Building Services. All cut and/or fill slopes exposed during the course of construction be covered, seeded, or otherwise treated to control erosion during the course of construction, subject to the approval of the Director of	An Erosion Control Plan shall be submitted to the RMA - Planning Department and the RMA - Building Services Department prior to issuance of building and grading permits. Comply with the recommendations of	Owner/ Applicant	Prior to the issuance of grading and building permits Ongoing	

Permit Cond. Number	Mitig: Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
		RMA - Planning and Director of RMA - Building Services. The improvement and grading plans shall include an implementation schedule of measures for the prevention and control of erosion, siltation and dust during and immediately following construction and until erosion control planting becomes established. This program shall be approved by the Director of RMA - Planning and Director of RMA - Building Services. (RMA - Planning Department and RMA - Building Services Department)	the Erosion Control Plan during the course of construction until project completion as approved by the Director of RMA - Planning and Director of RMA - Building Services.			
8.		PD014(B) – LIGHTING – EXTERIOR LIGHTING PLAN (VISUAL SENSITIVITY DISTRICT/ RIDGELINE DEVELOPMENT) All exterior lighting shall be unobtrusive, down-lit, harmonious with the local area, and constructed or located so that only the intended area is illuminated and off-site glare is fully controlled. Exterior lights shall have recessed lighting elements. Exterior light sources that would be directly visible from when viewed from a common public viewing area, as defined in Section 21.06.195, are prohibited. 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 lighting shall comply with the requirements of the California Energy Code set forth in California Code of Regulations, Title 24, Part 6. The exterior lighting plan shall be subject to approval by the Director of the RMA - Planning Department, prior to the issuance of building permits. (RMA - Planning Department)	Submit three copies of the lighting plans to the RMA - Planning Department for review and approval. Approved lighting plans shall be incorporated into final building plans. The lighting shall be installed and maintained in accordance with the approved plan.	Owner/ Applicant	Prior to the issuance of building permits. Prior to Occupancy /Ongoing	
9.		PD041 – HEIGHT VERIFICATION The applicant shall have a benchmark placed upon the property and identify the benchmark on the building plans. The benchmark shall remain visible onsite until final building inspection. The applicant shall provide evidence from a licensed civil engineer or surveyor, to	The applicant shall have a benchmark placed upon the property and identify the benchmark on the building plans. The benchmark shall remain visible onsite until final building inspection	Owner/ Applicant	Prior to the issuance of grading or building permits	

Permit Cond, Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
		the Director of the RMA-Building Services Department for review and approval, that the height of the structure(s) from the benchmark is consistent with what was approved on the building permit associated with this project. (RMA-Planning Department and Building Services Department)	The applicant shall provide evidence from a licensed civil engineer or surveyor, to the Director of the RMA-Building Services Department for review and approval, that the height of first finished floor from the benchmark is consistent with what was approved on the building permit.		Prior to the founda- tion pre- pour inspection	
10.		PD008 - GEOLOGIC CERTIFICATION Prior to final inspection, the geologic consultant shall provide certification that all development has been constructed in accordance with the geologic report. (RMA - Planning Department)	Submit certification by the geotechnical consultant to the RMA - Planning Department showing project's compliance with the geotechnical report.	Owner/ Applicant/ Geotech- nical Consultant	Prior to final inspection	
		Health Department -	Environmental Health Bureau			
11.		EHSP01 - ONSITE WASTEWATER TREATMENT SYSTEM DESIGN Environmental Health has determined that adequate area exists to accommodate the necessary onsite wastewater treatment system expansion for the proposed development. Submit onsite wastewater treatment system plans for review and approval that will accommodate the estimated 135 winery employees during harvest time. Indicate the location, design layout and size specifications that meet standards found in Monterey County Code Chapter 15.20, Sewage Disposal Ordinance, and the Central Coast Basin Plan, RWQCB. (Environmental Health)	approval by Environmental Health Division. Applicant shall obtain a permit to install the onsite wastewater treatment system from Environmental Health.	Owner / Applicant	Prior to issuance of building permit.	
al State (1985)			Water Resources Agency			
12.		WR8 - COMPLETION CERTIFICATION 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)	Submit a letter to the Water Resources Agency, prepared by a registered civil engineer or licensed contractor, certifying compliance with approved drainage plan.	Engineer/	Prior to final inspect- ion	

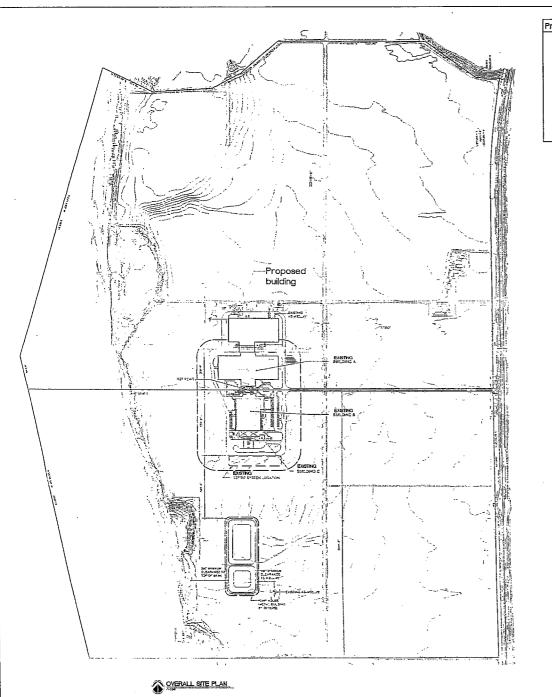
Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted,	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
13.		STORMWATER DETENTION (NON-STANDARD WORDING) A drainage plan shall be prepared by a registered civil engineer addressing on-site and off-site impacts, which includes routing stormwater runoff from the paved parking areas to an oil-grease/water separator and construction of stormwater detention/retention facilities to mitigate the impact of impervious surface runoff. Drainage improvements shall be constructed in accordance with plans approved by the Water Resources Agency. (Water Resources Agency)	Submit 3 copies of the drainage plan to the Water Resources Agency for review and approval.	Owner/ Applicant	Prior to issuance of Grading and/or Building Permits	
18.00 18.00		Fire Agency - Monterey County Fir	e District & City of Soledad Fire Depart	ment.		
14.		FIRE021 - FIRE PROTECTION EQUIPMENT & SYSTEMS - FIRE SPRINKLER SYSTEM (STANDARD) The building(s) and attached garage(s) shall be fully protected with automatic fire sprinkler system(s). Installation shall be in accordance with the applicable NFPA standard. A minimum of four (4) sets of plans for fire sprinkler systems must be submitted by a California licensed C-16 contractor and approved prior to installation. This requirement is not intended to delay issuance of a building permit. A rough sprinkler inspection must be scheduled by the installing contractor and completed prior to requesting a framing inspection. Responsible Land Use Department: Monterey County Fire District & the City of Soledad Fire Department	Applicant shall enumerate as "Fire Dept. Notes" on plans. Applicant shall schedule fire dept. rough sprinkler inspection Applicant shall schedule fire dept. final sprinkler inspection	Owner/ Applicant	Prior to issuance of building permit. Prior to framing inspection Prior to final building inspection	
15.		FIRE015 - FIRE HYDRANTS/FIRE VALVES A fire hydrant or fire valve is required. The hydrant or fire valve shall be 18 inches above grade, 8 feet from flammable vegetation, no closer than 4 feet nor further than 12 feet from a roadway, and in a location where fire apparatus using it will not block the roadway. The hydrant serving any building shall be not less than 50 feet and not more than 1000 feet by road from the building it is to serve. Minimum hydrant standards shall	Applicant shall incorporate & Schedule a Site Inspection to determine the location of hydrant with specification into design and enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to issuance of grading and/or building permit, applicant must schedule a	

Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
		include a brass head and valve with at least one 2 1/2 inch National Hose outlet supplied by a minimum 4 inch main and riser. More restrictive hydrant requirements may be applied by the Reviewing Authority. Each hydrant/valve shall be identified with a reflectorized blue marker, with minimum dimensions of 3 inches, located on the driveway address sign, non-combustible post or fire hydrant riser. If used, the post shall be within 3 feet of the hydrant/valve, with the blue marker not less than 3 feet or greater than 5 feet above the ground, visible from the driveway. On paved roads or driveways, reflectorized blue markers shall be permitted to be installed in accordance with the State Fire Marshal's Guidelines for Fire Hydrant Markings Along State Highways and Freeways, May 1988. Responsible Land Use Department: Monterey County Fire District & City of Soledad Fire Department	Applicant shall schedule fire dept. clearance inspection		Site Inspection Prior to final building inspection	
16.		FIRE023 - FIRE ALARM SYSTEM - (COMMERCIAL) The building(s) shall be fully protected with an approved central station, proprietary station, or remote station automatic fire alarm system as defined by NFPA Standard 72. Plans and specifications for the fire alarm system shall be submitted by a California licensed C-10 contractor and approved prior to requesting a rough sprinkler or framing inspection. Responsible Land Use Department: Monterey County Fire District & City of Soledad Fire Department.	Applicant shall enumerate as "Fire Dept. Notes" on plans. Applicant shall submit fire alarm plans and obtain approval. Applicant shall schedule fire alarm system acceptance test	Applicant or owner	Prior to issuance of building permit. Prior to rough sprinkler or framing inspection Prior to final building inspection	

Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
	E. Salvavis in	RMA – Publi	c Works Department			
17.		PW0007 – PARKING STD The parking shall meet the standards of the Zoning Ordinance and be approved by the Director of Public Works and the Director of Planning and Building Inspection. (Public Works)	Applicant's engineer or architect shall prepare a parking plan for review and approval.	Owner/ Applicant/ Engineer	Prior to Building/ Grading Permits Issuance	
18.		PW0043 – REGIONAL DEVELOPMENT IMPACT FEE Prior to issuance of building permits, applicant shall pay the Regional Development Impact Fee (RDIF) pursuant to Monterey Code Chapter 12.90. The fee amount shall be determined based on the parameters adopted in the current fee schedule. (Public Works)	Applicant shall pay Monterey County Building Services Department the traffic mitigation fee.	Owner/ Applicant	Prior to issuance of Building Permits	
19.		PW0002 – NON STANDARD - ENCROACHMENT PERMIT Obtain an encroachment permit from the Department of Public Works and Cal Trans for both signage and pavement markings for the Southbound On-Ramp at the Arroyo Seco interchange prior to Doud Road and for the Doud Road portion of the road which is governed by the RMA Department of Public Works. Siting and design of signage and pavement markings/two-way traffic signage will be in accordance with the Department of Public Works and Cal Trans standards. The design and construction is subject to the approval of the Public Works Director. (Public Works)	Applicant shall obtain an encroachment permit from DPW and Cal Trans prior to issuance of building permits and complete improvement prior to occupying or commencement of use. Applicant is responsible to obtain all permits and environmental clearances.	Owner/ Applicant	Prior to Building/ Grading Permit Issuance.	
		- 1770 1770 1770 1770 1770 1770 1770 177	tion Measures	All the second s		
20.	MM01	PD01- Air Quality - The BACMP shall be submitted to the Director of Planning for approval. The plan shall include and incorporate the following: The contractor shall employ all labor, equipment and methods required to prevent the operations from producing dust in amounts damaging to adjacent property, cultivated vegetation and domestic	The applicant shall submit a plan to implement BACMP prepared by a qualified construction manager or contractor utilizing MBUAPCD standards.	The qualified construction manager or contractor utilizing MBUAPCD standards.	Prior to Issuance of Grading or Building Permits	

Permit Cond. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
	animals or causing a nuisance to persons occupying buildings in the vicinity of the job site. The contractor shall be responsible for damage caused by dust from his grading operation. The following mitigation measures shall be employed to mitigate potential adverse impact to air quality: 1. All unpaved construction areas shall be sprinkled with water (at least twice per day in dry weather during grading activities.) 2. Apply non-toxic tackifier, or other suitable cover (such as jute netting, erosion control fabric, mulch, etc.), to exposed areas immediately after cut-and-fill operations are complete. 3. Trucks hauling dirt and debris must be covered. 4. Post the project at two locations with a publicly visible sign during construction operations that specifies the telephone number and person to contact for complaints and/or injuries from dust generation and other air quality problems resulting from project construction. 5. Immediately sweep up spilled dirt or debris onto paved surfaces. 6. Cover on-site stockpiles of excavated materials. 7. Vacuum (e.g. road sweeper/vacuum) construction-related soils on public roads whenever soils are visible. Prior to final of grading and building permits, the owner, qualified construction manager or contractor shall provide written certification that the construction management techniques have been carried out in accordance with the BACMP. (RMA- Planning Department)			Prior to final of grading and building permits	

Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
21.	MM02	PD02 – Traffic - The applicant shall submit a Traffic Management Program which shall include but not be limited to the following: a. A policy prohibiting truck traffic and employee circulation to and from the facility through the Doud Road/Highway 101 exit; b. Placement of signs in the trucker's lounge, employee lounge and other conspicuous locations throughout the facility, specifically prohibiting truck and employee circulation through the Doud Road/Highway 101 exit; c. Placement of increased size signage along Doud Road and Highway 101 at locations approved by Public Works and Caltrans, specifying usage of Arroyo Seco Road and Highway 101 exit for Kendall Jackson traffic. A sign must also be placed at the driveway entrance of the winery and Doud Road; d. Thresholds of success of this program and how it will be measured for the next five years, which can include specific trip reduction measures for the Doud Road/Highway 101 exit and internal monitoring of compliance. Prior to final inspection the applicant, shall provide the Director of Public Works and Director of Planning written verification/certification of the Traffic Management Program implementation. The applicant must submit a report to the Director of Public Works and Director of Planning annually for the first five years. The report shall include a statement that the Traffic Management Program has been taught each year with documentation of implementation. In addition, the applicant will implement this program for five successive years with consultation with the Director of Public Works and Director of Planning. (RMA-Planning Department and Public Works)	The applicant shall submit a Traffic Management Plan in consultation with their traffic consultant, the Department of Public Works and Director of Planning. Once success criteria is agreed upon, the applicant shall provide, each year, documentation of implementation of said Traffic Management Plan until such time as success criteria has been achieved.	Applicant/ Owner	Prior to issuance of certificate of occupancy	

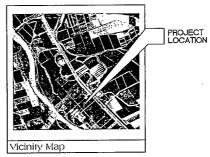


Projec	t Information	

185,200 sq.h. <u>287,700 sq.h</u> 272,400 sq.h. / 18,205,902 sq.n. <u>= 11/4%</u>

Balanced, cut 3,800 earlyd fit e 7,000 culyd. +20 paved spaces and =27 gravel (seasonal)

	l	SHE	ET INDEX				
_	1	Sheet	Description	REV.	REV	REV.	A
	ı	_	Architectural				
	1	Äï	Cover Sheet and General Notes				1_
	1	A2	Enlarged Sile Plan				
	1		Floor Plan	L			L
	1	A4	Exterior Elevations	-			L
	ı						L
	Ł			L			L
	ı						L
	ı				l	l	L
	ı						L
	ı				L		L
	ı	·			! -	<u></u>	1_
	ı					<u> </u>	ļ.
	ı			<u>L</u>	I.—	<u> </u>	١
	1						ļ.
	l			I	<u> </u>	<u> </u>	1-
	i			l	!—	<u> </u>	Į_







KENDALL-JACKSON
(MONTEREY FACILITY)
NEW BARREL STORAGE BUILDING
(USE PERMIT SUBMITTAL)
SOLEDAD, CA

ENLARGED SITE PLAN

4000

2006_070



