

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

In the matter of the application of:

HARUTA, TOKIO AND KAREN (PLN100353)

RESOLUTION NO. 10-053

Resolution by the Monterey County Zoning
Administrator:

- 1) Categorically exempt the project per Section 15303(c) of the CEQA Guidelines; and
- 2) Approving Use Permit to allow the construction and operation of an agricultural processing plant (distillery) which will produce up to 500 gallons of whiskey per month. Site improvements will include: installation of a 625 square foot concrete slab for the distillery equipment, construction of one 120 square foot storage shed, demolition of 704 square feet of deck over 30" high, construction of 680 square feet of decks 18" high, construction of 24 square feet of landings, relocation of entry gate to 30 feet from property line, driveway improvements and landscaping.

(PLN100353, Tokio and Karen Haruta, 92 Espinosa Road, Salinas, Greater Salinas Area Plan; APN: 113-021-018-000)

The Haruta application (PLN100353) 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 General Plan (1982 and 2010),
 - Greater Salinas Area Plan,
 - Greater Salinas Area Plan, Inventory and Analysis,
 - Monterey County Zoning Ordinance (Title 21)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 92 Espinosa Road, Salinas (Assessor's Parcel Number 113-021-018-000), Greater Salinas Area Plan. The parcel is zoned "F/40" (Farmlands, 40 acres per unit), which allows agricultural processing plants subject to a Use Permit in each case. Therefore, the project is an allowed land use for this site.

- c) The project planner conducted a site inspection on August 3, 2010 to verify that the project on the subject parcel conforms to the plans listed above.
- d) The proposed new storage shed and existing structures on the property meet the Site Development Standards of the Farmlands Zoning District, Section 21.30.060. The maximum site coverage for this property is 5% and project proposes 4.94% site coverage. The proposed storage shed meets the minimum required setbacks of 50-foot front, 6-foot side and rear and the height limit maximum of 35 feet as its setbacks are 80 foot front setback and side and rear setbacks of greater than 100 feet. The height of the proposed storage shed is 12 feet, which is less than the maximum allowed of 35 feet.
- e) The project is consistent with Monterey County (2010) General Plan Policy AG-1.1 which prohibits land uses that would interfere with routine and ongoing agricultural operations on viable farmlands designated as Prime, of Statewide Importance, Unique or of Local Importance. The project site is designated as Prime Farmlands by the U.S. Department of Agriculture Soil Conservation Service. The subject property is a one acre parcel which was created for a residential use in 1971 by Minor Subdivision #792. The property is developed with one residential unit and residential accessory structures and is not used for agricultural purposes. All of the surrounding properties are currently being farmed. The addition of this agricultural processing facility (micro-distillery) on will have no impact on the surrounding agricultural uses.
- f) The project is consistent with Monterey County (2010) General Plan Policy AG-2.3 which designates agricultural processing facilities for products grown in and out of the County as being compatible and appropriate land uses in the Farmlands land use designations.
- g) The site is located within an area identified as having "high" archaeological sensitivity. An archaeological reconnaissance report was required in accordance with Section 21.66.050.C.1.a of the Monterey County Zoning Ordinance, Title 21. The archaeological report prepared by Susan Morley dated August 2010 (LIB100243) concluded that there was no evidence of historic or prehistoric cultural activity found on the site and that the project should not be delayed due to archaeological concerns but that in the event cultural resources are found during construction a qualified archaeologist should be retained for appropriate archaeological mitigation. The standard archaeological condition requiring these measures has been included as Condition No. 4.
- h) The project was not referred to a Land Use Advisory Committee (LUAC) for review. Based on the LUAC Procedure guidelines adopted by the Monterey County Board of Supervisors per Resolution No. 08-338, this application did not warrant referral to the LUAC because there is no LUAC in this area.
- i) 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 PLN100353.

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, North Monterey County Fire Protection District, Public Works, Environmental Health Bureau, Sheriff's Office 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 identified potential impacts to Archaeological Resources and Traffic. 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:
 - *“Preliminary Cultural Resources Reconnaissance of Portions of Assessor’s Parcel 113-021-018” (LIB100243) prepared by Susan Morley, M.A., August 2010, Marina, CA.*
 - *“Project Trip Generation Estimates and Qualitative Evaluation of Potential Impacts” (LIB100422) prepared by Pinnacle Traffic Engineering, November 9, 2010, Hollister, CA.*
 - c) Staff conducted a site inspection on August 3, 2010 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 PLN100353.

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, North Monterey County Fire Protection District, Public Works, Environmental Health Bureau, Water Resources Agency and Sheriff's Office. 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 are available. The project will be served by a private well for domestic water and an onsite septic disposal system for sewage disposal. According to the Environmental Health Bureau adequate repair area exists for each system in case future repairs are necessary. Approximately 575 gallons of water per week will be used by the distillery for mashing grain, diluting finished spirits and cleaning. 500 gallons of water per week will be used for mashing grain, 50 gallons will be used for diluting finished spirits and 25 gallons of

water will be used for cleaning. All of the water used for cleaning the stills will be added to the stillage which will be transported offsite weekly to a cattle farm. The approximately 5 gallons of water per week used for power-washing the concrete pad will be allowed to run off onto the ground. None of the water used by the distillery will be disposed of in the septic system.

- c) Stillage (spent grain) produced by the distillery will be transported to a local dairy by truck once per week.

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 August 3, 2010 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) Zoning violation abatement costs, if any, have been paid. A condition is included to assure that all zoning abatement costs, if any, have been paid.
 - e) 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 PLN100353.

5. **FINDING:** **CEQA (Exempt)** - The project is categorically exempt from environmental review and no unusual circumstances were identified to exist for the proposed project.

- EVIDENCE:**
- a) The project meets exemptions pursuant to the California Environmental Quality Act Guidelines: Section 15303(c).
 - b) California Environmental Quality Act (CEQA) Guidelines Section 15303(c) categorically exempts a store, motel, office, restaurant or similar structure not involving the use of significant amounts of hazardous substances, and not exceeding 2,500 square feet in floor area. The proposed project proposes the installation of a 625 square foot concrete slab for the distillery equipment and the construction of one 120 square foot storage shed, not involving the use of significant amounts of hazardous substances. Therefore, Section 15303(c) applies as an exemption from CEQA for the proposed project.
 - c) No adverse environmental effects were identified during staff review of the development application during a site visit on August 3, 2010.
 - d) No special circumstances exist and none of the exceptions described in Section 15300.2 applies.
 - e) See preceding and following findings and supporting evidence.

6. **FINDING:** **APPEALABILITY** - The decision on this project may be appealed to the Monterey County Planning Commission.

- EVIDENCE:**
- a) Section 21.80.040.B of the Monterey County Zoning Ordinance designates the Planning Commission as the Appeal Authority to

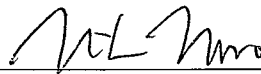
consider appeals from the discretionary decisions of the Zoning Administrator made pursuant to the Monterey County Zoning Ordinance.

DECISION

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

- A. Categorically exempt the project per Section 15303(c) of the CEQA Guidelines; and ;
- B. Approve Use Permit to allow the construction and operation of an agricultural processing plant (distillery) which will produce up to 500 gallons of whiskey per month. Site improvements will include: installation of a 625 square foot concrete slab for the distillery equipment, construction of one 120 square foot storage shed, demolition of 704 square feet of deck over 30" high, construction of 680 square feet of decks 18" high, construction of 24 square feet of landings, relocation of entry gate to 30 feet from property line, driveway improvements and landscaping in general conformance with the attached sketch and subject to the conditions (**Exhibit 1**), both exhibits being attached hereto and incorporated herein by reference.

PASSED AND ADOPTED this 9th day of December 2010.



Mike Novo, Zoning Administrator

COPY OF THIS DECISION MAILED TO APPLICANT ON **DEC 2 1 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 ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE **DEC 3 1 2010**

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 10-053 - EXHIBIT 1
Monterey County Resource Management Agency
Planning Department
Condition Compliance and/or Mitigation Monitoring
Reporting Plan

Project Name: Haruta, Karen & Tokio
 File No: PLN100353 APNs: 113-021-018-000
 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	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 Department						
1.		<p>PD001 - SPECIFIC USES ONLY This Use Permit allows the construction and operation of an agricultural processing plant (distillery) which will produce up to 500 gallons of whiskey per month. Site improvements will include: installation of a 625 square foot concrete slab for the distillery equipment, construction of one 120 square foot storage shed, demolition of 704 square feet of deck over 30" high, construction of 680 square feet of decks 18" high, construction of 24 square feet of landings, relocation of entry gate to 30 feet from property line, driveway improvements and landscaping. The property is located at 92 Espinosa Road, Salinas (Assessor's Parcel Number 113-021-018-000), Greater Salinas Area Plan. This permit was approved in accordance with County ordinances and land use regulations subject to the following terms and conditions. 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. (RMA-Planning Department)</p>	<p>Adhere to conditions and uses specified in the permit.</p> <p>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.</p> <p>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.</p>	<p>Owner/ Applicant</p> <p>RMA - Planning</p> <p>WRA RMA - Planning</p>	<p>Ongoing unless otherwise stated</p>	

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2.		PD002 - NOTICE-PERMIT APPROVAL The applicant shall record a notice which states: "A permit (Resolution 10-053) was approved by the Zoning Administrator for Assessor's Parcel Number 113-021-018-000 on December 9, 2010 . The permit was granted subject to 13 conditions of approval which run with the land. A copy of the permit is on file with the Monterey County 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.		PD032(A) - PERMIT EXPIRATION The permit shall be granted for a time period of 3 years, to expire on December 9, 2013 unless use of the property or actual construction has begun within this period. (RMA - Planning Department)	The applicant shall obtain a valid grading or building permit and/or commence the authorized use to the satisfaction of the Director of Planning. Any request for extension must be received by the Planning Department at least 30 days prior to the expiration date.	Owner/ Applicant	As stated in the conditions of approval	
4.		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	

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RMA – Public Works Department						
5.		PW0001 – ENCROACHMENT (COM) (NON-STANDARD CONDITION) Obtain an encroachment permit from the Department of Public Works and construct a commercial driveway connection to Espinosa Road including acceleration and deceleration tapers as determined to be appropriate by the Public Works Department. The design and construction is subject to the approval of the Public Works Director. (Public Works)	Applicant shall obtain an encroachment permit from DPW 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.	
6.		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	
Health Department Environmental Health Bureau						
7.		EHSP001 - HAZARDOUS MATERIALS BUSINESS RESPONSE PLAN (NON-STANDARD) The applicant shall maintain an up-to-date Business Response Plan that meets the standards found in the California Code of Regulations, Title 19, Division 2, Chapter 4 (Hazardous Material Release Reporting, Inventory, and Response Plans) and the California Health and Safety Code, Division 20, Chapter 6.95 (Hazardous Material Release Response Plans and Inventory). (Environmental Health)	Submit the signed Business Response Plan – Memorandum of Understanding (form available from EHB) that specifies an approved Business Response Plan must be on file with Hazardous Materials Management Services prior to bringing hazardous materials on site and/or commencement of operation. Once approved, the applicant shall maintain an up-to-date Business Response Plan.	Owner	Prior to issuance of grading / building permits.	

<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>
8.		EHSP002 - DISTILLERY WASTE DISCHARGE REQUIREMENTS (MPM-STANDARD) Distillery wastewater discharges shall comply with the Prohibitions, Recommendations and Specifications of the General Waste Discharge Requirements for Discharges of Distillery Waste set forth by the Regional Water Quality Control Board (RWQCB). (Environmental Health)	Submit a completed Notice of Intent to Comply with the Terms of General Waste Discharge Requirements for Discharges of Distillery Waste form to the RWQCB for review and approval. Submit documentation to the Environmental Health Bureau indicating RWQCB has issued WDRs or a waiver.	Owner	Prior to issuance of grading / building permits.	
North Monterey County Fire Protection District						
9.		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 midpoint of the driveway. Where the driveway exceeds 800 feet, turnouts shall be provided at no greater than 400-foot intervals. Turnouts shall be a minimum of 12 feet wide and 30 feet long with a minimum of 25-foot taper at both ends. Turnarounds shall be required on driveways in excess of 150 feet of surface length and shall long with a minimum 25-foot taper at both ends.	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.	

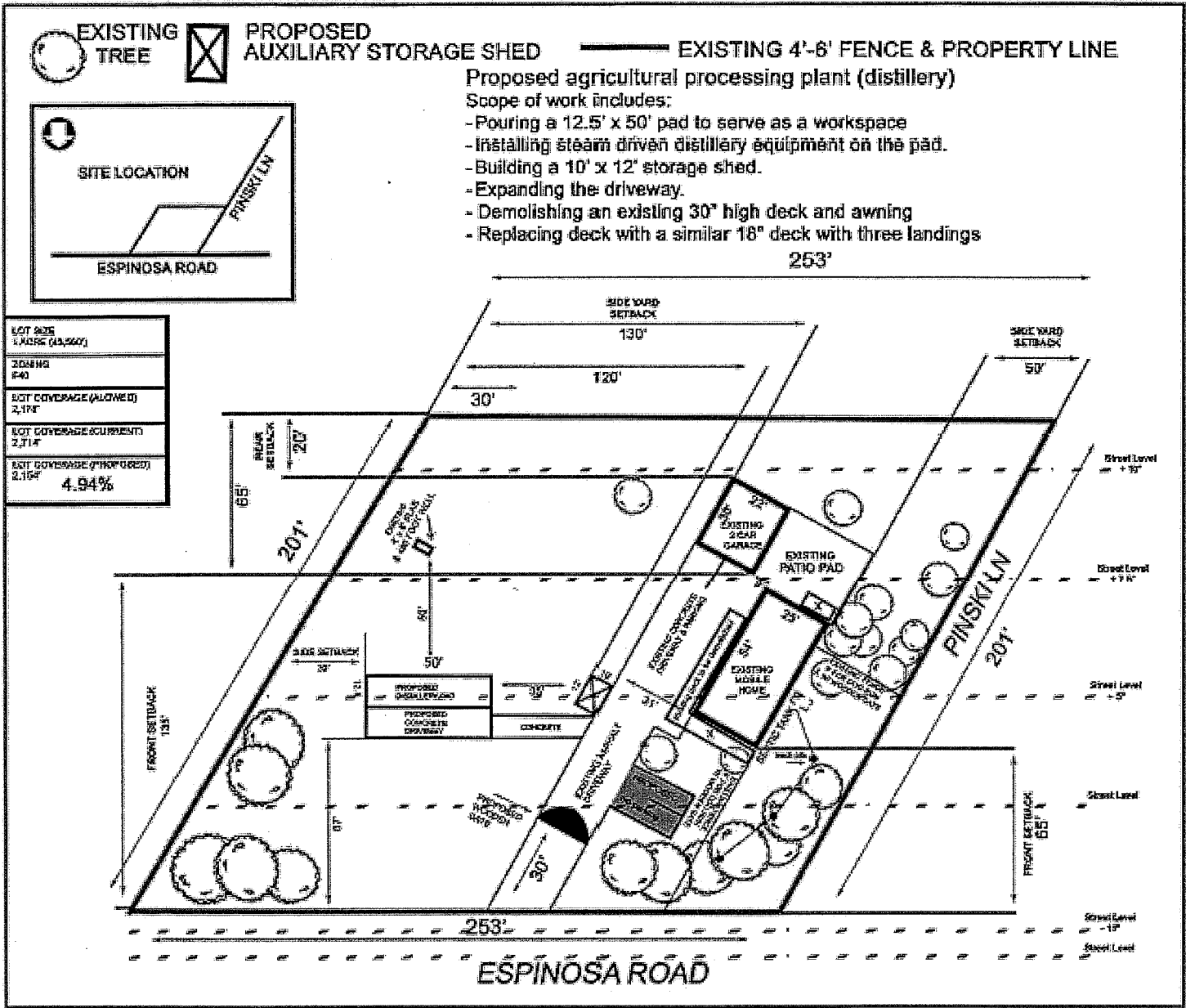
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		Turnarounds shall be required on driveways in excess of 150 feet of surface length and shall be located within 50 feet of the primary building. The minimum turning radius for a turnaround shall be 40 feet from the center line of the driveway. If a hammerhead/T is used, the top of the "T" shall be a minimum of 60 feet in length. (North County Fire Protection District)				
10.		FIRE008 - GATES All gates providing access from a road to a driveway shall be located at least 30 feet from the roadway and shall open to allow a vehicle to stop without obstructing traffic on the road. Gate entrances shall be at least the width of the traffic lane but in no case less than 12 feet wide. Where a one-way road with a single traffic lane provides access to a gated entrance, a 40-foot turning radius shall be used. Where gates are to be locked, the installation of a key box or other acceptable means for immediate access by emergency equipment may be required. (North County 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.	
11.		FIRE011 - ADDRESSES FOR BUILDINGS All buildings shall be issued an address in accordance with Monterey County Ordinance No. 1241. Each occupancy, except accessory buildings, shall have its own permanently posted address. When multiple occupancies exist within a single building, each individual occupancy shall be separately identified by its own address. Letters, numbers and symbols for addresses shall be a minimum of 4-inch height, 1/2-inch stroke, contrasting with the background color of the sign, and shall be Arabic. The sign and numbers shall be reflective and made of a noncombustible material. Address signs shall be placed at each driveway entrance and at each driveway split. Address signs shall be and visible from both directions of travel along the road. In all cases, the address shall be posted at the beginning of construction and shall be maintained thereafter. Address	Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to issuance of building permit.	
			Applicant shall schedule fire dept. clearance inspection	Applicant or owner	Prior to final building inspection	

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		signs along one-way roads shall be visible from both directions of travel. Where multiple addresses are required at a single driveway, they shall be mounted on a single sign. Where a roadway provides access solely to a single commercial occupancy, the address sign shall be placed at the nearest road intersection providing access to that site. Permanent address numbers shall be posted prior to requesting final clearance. (North County Fire Protection District)				
12.		FIRES001 – KNOX BOX REQUIRED (NON-STANDARD) A Knox Box is required to be on the entry gate. (North County Fire Protection District)	Applicant or owner shall install a Knox Box on the entry gate.	Applicant or owner	Prior to final building inspection	
Sheriff's Office						
13.		SOSP001 – PUBLIC SAFETY AND SECURITY GUIDELINES (NON-STANDARD) Prior to occupancy or the commencement of the use the applicant shall comply with the Monterey County <u>Public Safety and Security Guidelines</u> to the satisfaction of the Monterey County Sheriff's Office. (Sheriff's Office)	Applicant/owner shall incorporate all required measures into plans.	Applicant or owner	Prior to final building inspection or commencement of use	

END OF CONDITIONS

Rev. 08/25/2010

Site Plan

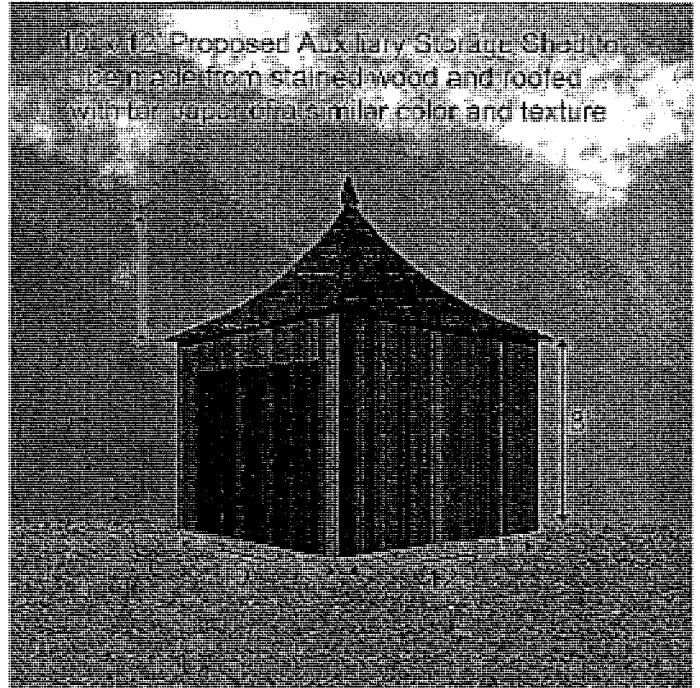
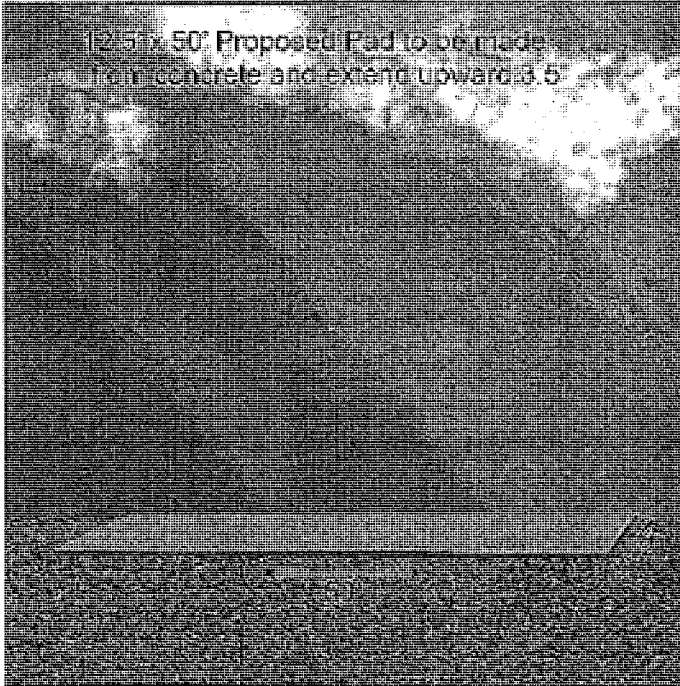


LOT SIZE 1.4285 (61,560')
ZONING F40
LOT COVERAGE (ZONE D) 2.17%
LOT COVERAGE (CURRENT) 2.17%
LOT COVERAGE (PROPOSED) 4.94%

SCALE 1" = 20'

DRAWN BY BRYAN DAVIS	Parcel 113021018000
6/23/2010	PROPOSED DISTILLERY SITE
537 MANOR DRIVE, SALINAS CA 93901	92 ESPINOSA ROAD, SALINAS, CA 93907
PH 415-606-0695	PH 415-606-0695

ELEVATION DRAWINGS



CASTROVILLE

BLACKIE RD

COMMERCIAL PKWAY

GREATER SALINAS

183

ESPINOSA RD

Tembladero Slough

PROJECT SITE

Espinosa Lake

APPLICANT: HARUTA

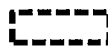
APN: 113-021-018-000

FILE # PLN100353

Water



2500' Limit



300' Limit



City Limits

