

RESOLUTION NO. 010226

A.P.# 197-011-004-000

In the matter of the application of  
**William John and Jana Saunders (PLN010226)**

**FINDINGS & DECISION**

for a Use Permit in accordance with Title 21 (Zoning) Chapter 21.74 (Use Permits) of the Monterey County Code, for establishment of a 1,000 case per year cottage industry/winery which will be sited in an existing 510 sq. ft. basement within an existing single family dwelling and periodically on approximately 350 sq. ft. of an existing 1,800 sq. ft. outside concrete slab adjacent to the single family dwelling; located at 67 East Carmel Valley Road, Carmel Valley, one half mile east of Carmel Valley Village, Carmel Valley area, came on regularly for hearing before the Zoning Administrator on October 25, 2001.

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

**FINDINGS OF FACT**

1. **FINDING:** The subject Use Permit (PLN010226), as described in Condition 1, and as conditioned, conforms to the plans, policies, requirements and standards of the Carmel Valley Master Plan, and the Monterey County Zoning Ordinance (Title 21). The property is located at 67 E Carmel Valley Road (Assessor's Parcel Number 197-011-004-000) one half mile east of Carmel Valley Village. The parcel is zoned Low Density Residential with 2.5 acres per dwelling unit, Design Control, and Site Plan Review District (LDR/2.5-D-S). The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivisions, and any other applicable provisions of Title 21. Zoning violation abatement costs, if any, have been paid.

**EVIDENCE:** The Planning and Building Inspection staff reviewed the project, as contained in the application and accompanying materials, for conformity with:

- a) The certified Carmel Valley Master Plan;
- b) Chapter 21.14 of the certified Monterey County Zoning Ordinance (Title 21) regulations for the "LDR" Zoning District; and
- c) Section 21.64.095, Regulations for Cottage Industries.

**EVIDENCE:** The project site is physically suitable for the proposed use as described in the project file. The Monterey County Planning and Building Inspection Department, the Water Resources Agency, the Public Works Department, the Environmental Health Division, the Parks Department, and the Carmel Valley Fire Protection District have reviewed the proposed development. There has been no indication from these agencies that the site is not suitable for the proposed development. Staff verification of the Monterey County Planning and Building Inspection Department records indicates that no violations exist on the subject property. Each agency has recommended conditions for project approval where appropriate.

**EVIDENCE:** Project referral form, with recommendation for approval of the project by the Carmel Valley Land Use Advisory Committee on August 6, 2001, by a vote of 7-0. Conditions of approval recommended by the Advisory Committee have been incorporated.

**EVIDENCE:** The application, plans, and support materials submitted by the project applicant to the

Monterey County Planning and Building Inspection Department for the proposed development, found in the project file.

**EVIDENCE:** Chapter 21.14 of Title 21 permits cottage industries in the "LDR" zoning district with a Use Permit. A micro winery is a cottage industry and is thereby, consistent with Section 21.64.095 of Title 21 (Zoning) of the Monterey County Code which establishes special regulations for cottage industries.

**EVIDENCE:** The Board of Supervisors interpreted that a micro winery qualifies as a Cottage Industry. The proposed micro winery is consistent with the requirements contained in the Zoning Ordinance and with the Board's interpretation. A commercial micro winery for Joyce (PLN980440) has been approved in the area. Similar to the Joyce project, the proposed project is a small-scale micro winery that will be operated inside an existing 2,189 square foot garage, which is attached to the single-family dwelling. No additional structures will be built to accommodate the micro winery.

2. **FINDING:** The proposed project will not have a significant adverse impact on the environment.

**EVIDENCE:** Section 15301 (Class 1) of CEQA categorically exempts the proposed development from environmental review. No adverse environmental impacts were identified during staff review of the development application.

**EVIDENCE:** The micro winery will operate in the basement of an existing building and periodically on an outside concrete slab. 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.

3. **FINDING:** Adequate sewer and water service exist or can be provided.

**EVIDENCE:** The Water Resources Agency and the Environmental Health Division reviewed the proposed project. The Water Resources Agency recommended conditions to address water availability. The Environmental Health Division determined the project to be complete and did not recommend any special condition.

**EVIDENCE:** Materials contained in the project file PLN010226.

4. **FINDING:** Adequate road and transportation facilities exist for the use.

**EVIDENCE:** The Monterey County Department of Public Works reviewed the proposed project and determined that the project did not require any condition to address traffic impacts.

**EVIDENCE:** Materials contained in the project file PLN010226.

5. **FINDING:** The proposed micro winery is compatible with the area.

**EVIDENCE:** The project is located in a rural setting adjacent to similar residential and agricultural uses (vineyards). The project has been conditioned to insure compliance with the regulations for Cottage Industries as defined in Title 21, and with the regulations for the Low Density Residential Zoning District set forth in Chapter 21.14 in Title 21.

6. **FINDING:** The establishment, maintenance, or operation of the use or structure applied for will not, under the circumstances of the particular case, be detrimental to health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use, or be detrimental or injurious to property and improvement in the neighborhood, or to the general welfare of the County.
- EVIDENCE:** Preceding findings and supporting evidence.
7. **FINDING:** The decision on the proposed project, as approved by the Zoning Administrator, is appealable to the Planning Commission.
- EVIDENCE:** Section 21.80.040.B of the Monterey County Zoning Ordinance (Title 21).

### DECISION

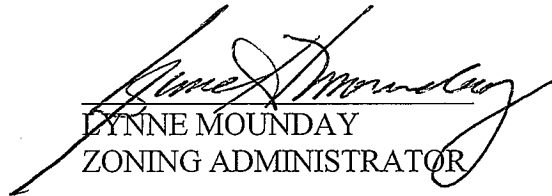
THEREFORE, it is the decision of said Zoning Administrator that said application for a Use Permit be granted as shown on the attached sketch, and subject to the following conditions:

1. The subject Use Permit (PLN010226) for William John and Jana Saunders consists of a 1,000 case micro winery/cottage industry to be located in the 510 sq. ft. basement of an existing single family dwelling and periodically on an outside concrete slab. The project is located at 67 E Carmel Valley Rd, (Assessor's Parcel Number 197-011-004-000), one half mile east of the Carmel Valley Village. The parcel is zoned Low Density Residential, 2.5 acres per unit, Design Control and Site Plan Review District (LDR/2.5-D-S). The proposed project is in accordance with County ordinances and land use regulations, subject to the following terms and conditions. Neither the use nor the construction allowed by this permit shall commence unless and until all of the conditions of this permit are met to the satisfaction of the Director of Planning and Building Inspection. Any use or construction not in substantial conformance with the terms and conditions of this permit is a violation of County regulations and may result in modification or revocation of this permit and subsequent legal action. No use or construction other than that specified by this permit is allowed unless additional permits are approved by the appropriate authorities. **(Planning and Building Inspection)**

#### Prior to Commencement of Use:

2. The applicant shall record a notice stating: "A permit (Resolution 010226) was approved by the Zoning Administrator for Assessor's Parcel Number 197-011-004-000 on October 25, 2001. The permit was granted subject to 10 conditions of approval, which run with the land. A copy of the permit is on file with the Monterey County Planning and Building Inspection Department." Proof of recordation of this notice shall be furnished to the Director of Planning and Building Inspection prior to issuance of building permits or commencement of the use. **(Planning and Building Inspection)**
3. 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:
  - 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, except for such advertising as may be incorporated within the four square foot nameplate allowed for the residence. The location and design of such nameplate shall be subject to the approval of the Zoning Administrator.

**PASSED AND ADOPTED** this 25th day of October, 2001.

  
LYNNE MOUNDAY  
ZONING ADMINISTRATOR

COPY OF THIS DECISION WAS MAILED TO THE APPLICANT ON **OCT 30 2001**

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 **NOV - 9 2001**

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 90<sup>th</sup> day following the date on which this decision becomes final.

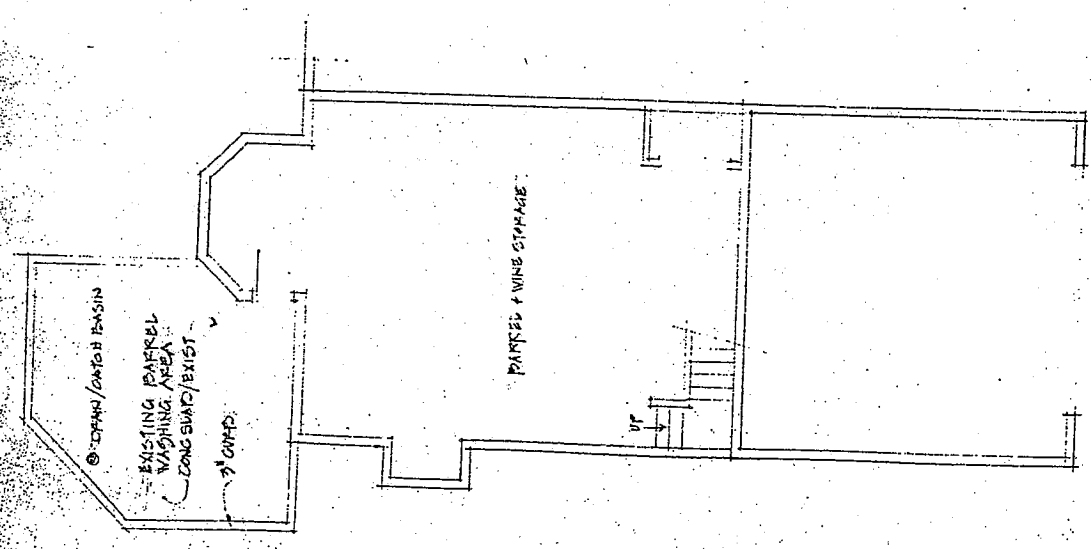
NOTES

1. You will need a building permit and must comply with the Monterey County Building Ordinance in every respect.

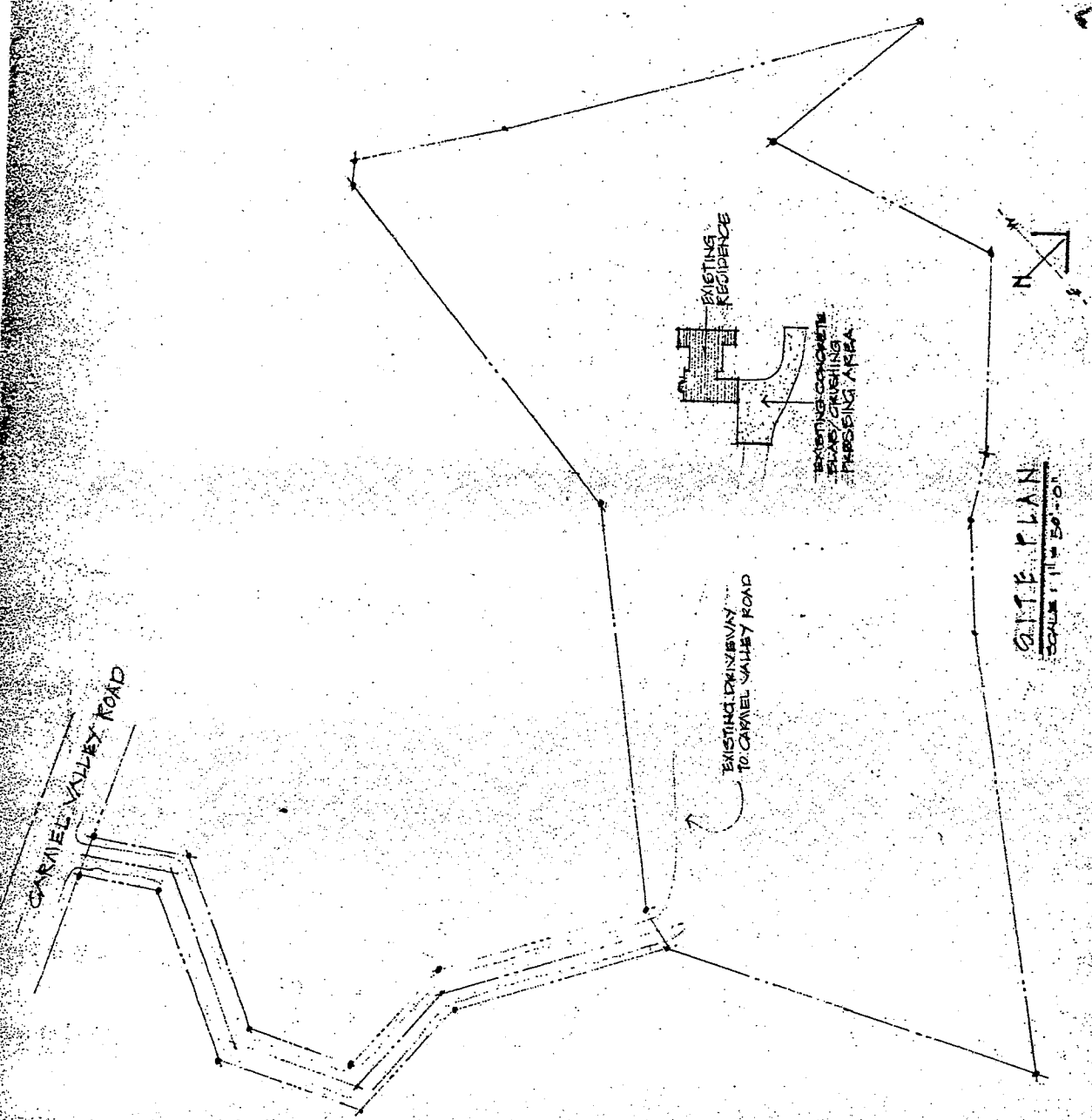
Additionally, the Zoning Ordinance provides that no building permit shall be issued, nor any use conducted, otherwise than in accordance with the conditions and terms of the permit granted or until ten days after the mailing of notice of the granting of the permit by the appropriate authority, or after 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 Marina.

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



FLOOR PLANS 1/4" = 1'-0"



RESIDENCE / MR. & MRS. JOHN SAUNDERS  
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