



# COUNTY OF SANTA CRUZ

## PLANNING DEPARTMENT

701 OCEAN STREET, 4<sup>TH</sup> FLOOR, SANTA CRUZ, CA 95060  
(831)454-2580 FAX (831)454-2131 TDD (831)454-2123

TOM BURNS, PLANNING DIRECTOR

March 22, 2006 Agenda

Planning Commission  
701 Ocean Street  
Santa Cruz, CA  
95060

March 14, 2006

SUBJECT: Permit # **76-1294-U** as amended  
Hallcrest Winery, 379 Felton Empire Road, Felton, CA  
Schumacher Land and Vineyard  
APN: 065-051-05, ~~21~~ and 26

Members of the Commission:

On September 22, 2004, after years of discussions and hearings, your Commission conducted a public hearing regarding the Hallcrest Winery and approved amended Conditions of Approval. Those conditions established operational parameters and identified a variety of issues to be addressed by the owner. While the owner did not immediately engage in implementing those conditions, over the last six months a significant effort has been made by the owner to address many of the conditions. Those efforts include the following:


- Submittal of an application for building permits
- Relocation of winery related items from the rear of 345 and 365 Felton Empire Road
- Submittal of an Acoustic Study for review
- Submittal of a Parking Plan for review
- Submittal of a Traffic and Circulation Plan for review
- Submittal of a Landscape Plan for review
- Submittal of a Lighting and Sign Plan
- Submittal of a waiver request to RWQCB
- Submittal of information indicating compliance with the annual production limits established in the conditions
- Submittal of a semi truck log for 01/05 – 11/05

The conditions also contained a rather ambitious time schedule for implementation of several of the conditions, and several of those time sensitive items have not as of yet been completed. This is due to unforeseen circumstances and misunderstandings by the owner. Because of this, the applicant has submitted application No. 05-0811 to extend the timeframe deadlines on some of the items from December 31, 2005 to December 31, 2006. This request for additional time has the support of the neighbors, including the Jansen's. Attached you will find a the staff report and conditions of approval for Minor Variation 05-0811 (Attachment 1) and correspondence received regarding this minor variation

request (Attachment 2).

Staff **RECOMMENDS** that your Commission Approve Minor Variation 05-0811 and accept and file this status report.

Sincerely,

  
Don Bussey  
Project Planner

  
Cathy Graves  
Principal Planner

Attachment    1.    Staff report for 05-0811 with Recommended Conditions  
                  2.    Correspondence

cc:            John McKelvey  
                 536 Soquel Ave  
                 Santa Cruz, CA  
                 95962



## Staff Report & Development Permit Level 3 – Minor Variation

Application Number: 05-0811

APN: 065-051- 05, 21, and 26

Applicant: John McKelvey

Owner: Schumacher Land and Vineyard

Site Address: 379 Felton Empire Road, Felton, CA

### Exhibits

- A. Project plans noted as Exhibit A associated with Permit 76-1294 as amended

### Project Summary

Proposal to change the scope of approved development permit 76-1294-U as amended ("To operate a bonded winery, producing and bottling and selling in an existing building") by modifying various time sensitive deadlines. Requires a Minor Variation to approved development permit 76-1294-U as amended.

Property located on the South side of Felton Empire Road (379 Felton Empire Road) about 1400 feet north of the intersection of Felton Empire and Highway 9; San Lorenzo Valley Planning Area.

### History

On September 22, 2004, after years of discussions and many public hearings, the Planning Commission approved amendments to permit 76-1294-U; establishing operational parameters to an existing small scale winery operation. To implement these, certain time sensitive deadlines were established within the permit.

The applicant seeks to obtain a Minor Variation to Development Permit 76-1294-U as amended to reflect proposed changes to the performance timeframes.

### Analysis and Discussion

While the owner did not initially engage in implementing the conditions, over the last six months, a significant effort has been made by the applicant in an attempt to comply with the Conditions of Approval. These efforts include:

- Submittal of an application for a Building Permit
- Relocation of winery related items from the rear of 345 and 365 Felton Empire Road
- Submittal of a Draft Acoustic Study for review
- Submittal of a Parking and Traffic Plan for review
- Submittal of a Landscape Plan for review
- Submittal of a lighting and Sign Plan
- Submittal of a waiver request to the RWQCB
- Submittal of documentation related to the 2005 production
- Submittal of a semi truck log

The permit also established some very ambitious timeframes for performance. Some of the conditions, particularly those related to moving the winery related items from the rear of the Jansen's property and attempts at reducing the noise from the operation, have been implemented, however, due to unforeseen circumstances and some misunderstandings by the owner, several of the time sensitive items have not been implemented within the time frame allowed.. This application is a request to extend those timeframes. No opposition to this request has been received. In fact, a letter of support for this permit request has been received from the Jansen's.

Based on the findings for permit number 76-1294-U as amended, which are hereby incorporated by reference, Planning Department staff recommends approval of the requested Minor Variation including the conditions contained in this permit.

If you have any questions about this project, please contact Don Bussey at:  
(831) 454-3182.

Minor Variation Prepared By:

  
Don Bussey  
Santa Cruz County Planning Department

Minor Variation Approved By:

Date: 03/22/06

Santa Cruz County Planning Commission  
Cathy Graves  
Principal Planner  
Secretary to the Planning Commission

Mail to:

J. McKelvey  
536 Soquel Ave.  
Santa Cruz, CA  
95062

---

**Note: This decision is final unless it is appealed.**

See permit conditions for information regarding appeals. You may exercise your permit after signing below and meeting any conditions which are required to be met prior to exercising the permit. If you file an appeal of this decision, permit issuance will be stayed and the permit cannot be exercised until the appeal is decided.

**This permit will expire December 31, 2006 if not exercised.**

**CONDITIONS OF APPROVAL,**  
**76-1294-U**  
*As modified by # 05-0811*  
Hallcrest Winery  
Schumacher Land and Vineyard  
**APN: 065-051-05, 21 and 26**

EXHIBIT: A. Survey of Site prepared by Dunbar and Craig dated September 17, 2003

- A.** This permit amends Use Permit 76-1294-U, and shall be the sole operational permit for the commercial winery use on the property. The permit recognizes a limited production winery/ vineyard operation, associated events and various construction activities previously done without permits on the property. In order for this permit to be valid, the following shall be completed within 30 days of permit approval. Failure to meet this deadline shall void this permit.
1. Sign the Permit accepting and agreeing to the Conditions of Approval and return the signed permit to the County Planning Department.
  2. Record an Affidavit to Retain as One Parcel with the County Recorders Office for APN's 065-051-14, 065-051-15 and 065-051-23. Record an Affidavit to Retain as One Parcel with the County Recorders Office for APN's 065-051-05 and 065-051-21. These will implement the requirements of Lot Line Adjustment 80-624-MLD approved on October 3, 1980 and exercised by the landowner. A copy of ~~the~~ recorded document shall be submitted to staff.
  3. Record a copy of these Conditions of Approval with the County of Santa Cruz Recorder. A copy of the recorded document shall be submitted to staff.
- B.** General Operating Conditions
1. This permit allows only for production, bottling, tasting and sales of wine on-site and limited on-site events. The total on-site production for all wine processed/ bottled on site shall not exceed 50,000 gallons (about 325+- tons of grapes), to be phased in as described in Section C of this permit. A limited amount of the wine production may involve grape processing or custom crushing for other off site labels. Any increase in the maximum allowed processing volume requires an amendment to this permit. Other uses, including weddings, dinners, fundraisers, meetings, and special events are only allowed **as** outlined in Section D of this permit. An amendment to this permit is required if events are to be considered that are beyond those allowed by this permit.
  2. All music associated with the events listed in Section D (acoustic or amplified) is limited to a maximum decibel level of 60 decibels (dBL) measured at the perimeter property lines of the project site that front on a residential zone district. The project site is defined **as** APN 065-051-14, 15 and 23.
  3. All noise generated by the wine production operation, the tasting room and the events shall be contained on site to the maximum extent possible. The noise level from the winery operation and any associated activity shall not exceed 60 dB(Ldn) (day/night

average decibel level: exterior reading (day/night average decibel level) and 45 dB(Ldn) (day/night average decibel level) interior reading at any residence with the following exceptions:

1. A maximum noise standard of 85 dba for a cumulative period of 10 minutes in any hour
2. A maximum noise standard of 90 dba for a cumulative period of 5 minutes in any hour at the site property line.

**An** acoustic evaluation of the site shall be prepared by an Acoustical Engineer as part of Phase I and shall be submitted to the County for review and approval. This study shall evaluate all of the anticipated noise generation through Phase 2 (worst case), and shall include recommendations to insure compliance with the noted standard at the property line and at the residences. "Quiet Zone" signs no larger than two square feet shall be placed along the northern perimeter property line and on the east and west side of the comdor access at 50 to 100 foot intervals. The design and wording of the sign shall be submitted to staff for review and approval **as** part of Phase 1.

4. All activities related to the production of wine shall be contained indoors whenever feasible. This shall include any cooling or refrigeration units. If this is not feasible, such units shall be relocated to the southeast side of the existing winery buildings and surrounded by sound damping fencing. The timing of this relocation is defined in Section C of this permit.
5. No outdoor areas used for storage bins, truck parking and storage areas, vehicle storage, or processing shall be sited within 50 feet from the southern property line of APN's 065-051-03 and 04. All structures/ buildings shall be sited a minimum of 20 feet from all property lines. These standards are not applicable to any legal non-conforming structure or for the comdor access as shown on Exhibit A. Access to the winery operation, a vineyard, an accessible parking space and the garbage/ recycling area may be located within 35 feet from APN's 065-051-03 and 04.
6. All outdoor illumination shall be aimed downward or be shielded so that glare is not projected onto adjoining properties to the maximum extent feasible. A plan reflecting these standards shall be part of the initial building permit submittals (as required by Section C.1).
7. Bulk fertilizers to be used for the vineyard aspect of the operation that are stockpiled must be located a minimum of 200 feet from any residentially zoned parcel. On-site composting is permitted on the property only if a disposal and vector control plan for the grape residue is approved by the Environmental Health Services and implemented.
8. One on-site sign of an earthen color and a maximum twelve square feet in size located no higher than 12 feet above the existing grade at the edge of the road to the highest point as a monument sign is permitted. It shall be non-illuminated. No other signs including sandwich boards are allowed. The sign design, color and location shall be submitted to staff for review and approval **as** part of Phase 1, and shall not be installed until approval is obtained.

9. No double trailer semi trucks are allowed at any time.
10. All areas for permanent parking shall meet the following standards:
  - a. The parking area, roads and turnarounds shall be surfaced with an all weather surface acceptable to the county (i.e.; 9 inches of compacted base rock with a 3-inch overlay of asphalt concrete or an oil and screen sealcoat for all areas used by the delivery trucks and the forklifts and 6 inches of compacted base rock with a 2-inch overlay of asphalt concrete or oil and screen sealcoat for the small vehicle parking area.)
  - b. The access road from Felton Empire Road shall be improved to a minimum width of 18 feet with an all weather surface acceptable to the County.
11. Onsite parking shall be provided as follows:
  - a. A minimum of 15 permanent parking spaces (8.5 feet by 18 feet), including a minimum of one handicap space and an acceptable turnaround area, shall be provided on site for the tasting room.
  - b. No event/ winery related parking is allowed on Felton Empire Road.
  - c. Temporary event parking shall not create a fire hazard and may have a dirt or natural surface. An area of sufficient size to provide one (1) parking space of 8-1/2 feet by 18 feet for each of two (2) participants along with the associated access/ circulation and turnaround(s) shall be provided. Dust control efforts shall be undertaken to the maximum extent possible. All handicap access for events shall be an all weather surface.
  - d. The owner shall monitor the parking to ensure compliance and shall close off access to the site and the facility when the parking lot is full. All parking for the events shall be a minimum of 10 feet from any property line. This standard is not applicable to the comdor access parking.
12. Comply with all requirements of the Fire Agency.
13. Comply with all requirements of the Americans with Disabilities Act.
14. Comply with all requirements of the Environmental Health Services with respect to the disposal of all grape residues and on site septic use. All grape residue/ waste shall be disposed of either at a County approved off site location or in an approved manner on the property.
15. Comply with all requirements of the water purveyor serving the site.
16. Obtain a Discharge Permit from the Regional Water Quality Control Board, if one is required. Submit a copy of the permit or the waiver letter to the County.

17. Submit a drainage plan for review and approval by the Planning Department. The drainage plan shall be submitted with the building permit submittal.
18. Any site preparation or activities related to the vineyard component of the operation shall be conducted in such a manner as to minimize the generation of dust.

C. Production Phasing

On-site production/ grape processing shall not exceed 50,000 gallons at any time (about 325 +/- tons of grapes). This maximum production may only be achieved through a gradual phasing plan as outlined below.

1. Phase 1: Until the following conditions have been met, a maximum of **20,000** gallons of production/ grape processing per year shall be allowed. Once the following conditions are met to the satisfaction of the Planning Department, maximum annual production shall be increased to **35,000** gallons.
  - a. Within 90 days of the approval date of this permit, the following shall be implemented/ completed:
    - i) Modifications shall be completed to the refrigeration unit to reduce the noise generated by the unit. This may involve enclosing the unit or placing the unit in a structure. If this is not feasible, the unit shall be relocated to the southeast side of the existing winery buildings. Evidence of compliance with the stipulated noise standard (Condition B.3.), prepared by a qualified professional, shall be submitted to staff for review and approval.
    - ii) Removal of all winery related materials and equipment from within 20 feet of the southern property lines of APN 065-051-04. A landscape plan utilizing native species to the maximum extent feasible shall be prepared for this area and submitted to staff for review and approval. The intent of this plan is to buffer and screen to the maximum extent possible the winery operation, including the outdoor parking and storage areas, from the adjoining properties. The landscape plan must be reviewed and approved by the Planning Department staff, with the intent that plant choices would result in plantings that will grow to a minimum height of 6 feet and a maximum height of about 10 feet within 3 years of installation.
    - iii) Relocate all loading/ unloading and associated winery operations to the area southeast of APN's 065-051-05 and 21 (only one legal lot) as noted on Exhibit A.
  - b. All building violations on the site have been resolved. This shall include payment of any Code Compliance fees and acquisition of the required building permits and final inspection for the following:



- i) Conversion of the garage structure to habitable space (office)
- ii) Conversion of a storage room to the tasting room and other additions to the Concrete Block Building (i.e.; Bldg. 1B shown on the exhibit) including decks. An exemption exists for decks less than 30 inches in height.
- iii) Installation of processing tanks.
- iv) Installation of temporary storage containers and small out buildings or removal from the property.
- v) Conversion of warehouse/ storage space into an office
- vi) Any improvements related with the outdoor event area including retaining walls and decks. An exemption exists for decks less than 30 inches in height.
- vii) Removal or relocation of the 10 foot by 10 foot shed to comply with the required setbacks (i.e.; 20 feet side, front and rear).

- c. A parking plan shall be prepared for the site and shall take into account all of the events allowed through the completion of Phase 2. Permanent and temporary spaces shall comply with all standards outlined in this permit. That plan shall be submitted to staff for review and approval. With the exception of the parking within the corridor access area off of Felton Empire Road as shown on Exhibit A, all permanent and temporary parking shall be sited a minimum of 10 feet from any property line.
- d. A traffic and circulation plan (including vehicle turnarounds) shall be prepared for the site and shall take into account all of the events allowed through the completion of Phase 2. The plan shall be submitted to staff for review and approval.
- e. Payment of any and all Code Compliance fee's and outstanding At Cost Fee's associated with Application No. 03-0416 shall be made prior to the issuance of any building permits/ exercising of this permit.

**2. Phase 2:** An increase in annual production to a maximum of 50,000 gallons of production/ grape processing shall be allowed at such time that all of the following conditions are met to the satisfaction of the Planning Department:

- a. Installation of the approved landscape plan along the southern property lines of APN 065-051-03 and 04 per the approved plan is completed.
- b. Forklifts utilized on site are primarily electric and include "smart alarm" warning devices. A gas or propane forklift with "smart alarms" may be retained for the transporting of materials to the area south of the tasting room building (up and down the hill).
- c. Relocate the grape crusher and associated activities (i.e.; bin cleaning, etc.) to the production area to the northeast of the tasting room building.
- d. Removal of all concrete/ hardscape surfaces within 10 feet of the southern property lines of AFN: 065-051-04 and installation of a new all weather

surface access road and turnaround(s) per the approved road plans has been completed.

- e. Installation of an on site indoor bottling line shall be completed. Once in place, all bottling shall be done indoors and no mobile bottling unit is permitted on the site.
- f. The approved traffic and circulation plan (including vehicle turnarounds) shall be installed /implemented.
- g. The approved parking plan shall be installed; implemented.

D. Special Events (Not including Passport Wine Events and Vintners Festivals Events)

Prior to the implementation/ completion of all of Phase 1 Conditions to the satisfaction of the County

- 1. No on site events of any kind are allowed.

At the Completion of Phase 2 Conditions or sooner for Conditions D.2 and D.3 if Conditions C.2 f and C.2 g are installed/ implemented to the satisfaction of the County

- 2. Weddings, meetings, and small parties of up to 125 people are allowed. All special events are limited to the hours of 10:00 a.m. to 5:00 p.m. on Saturdays. A maximum of ten Saturday events are allowed between April 1<sup>st</sup> to October 31<sup>st</sup>. No events are allowed from November 1<sup>st</sup> to March 31<sup>st</sup> of any year.
- 3. A maximum of 4 (four) evening catered dinner events are allowed between April 1<sup>st</sup> to October 31<sup>st</sup>. These events must end by 9:00 p.m., with all participants and associated vehicles off the site by 10:00 p.m. A maximum of 85 participants are allowed.
- 4. One large event with up to a maximum of 200 people is allowed per year. This event is limited to a weekend with no other events and limited to the hours of 10:00 a.m. and 8:00 p.m. All participants must be off the site by 10:00 p.m.

E. Hours of Operation for the Winery and the Tasting Room:

- 1. Winery
  - a. The wine production facility including the use of forklifts and any and all other outdoor operations and equipment shall be limited to the hours of 8:00 a.m. to 4:30 p.m. weekdays. During the months of September, October and November (known as the crush period) the operation may include weekdays and weekends from 7:00 a.m. to 9:00 p.m. (the hours before 8:00 a.m. and after 7:00 p.m. are to be used for the setup and clean up only, and are confined to activities that are minimal noise generating activities). This may include outdoor operations. These limitations do not apply to any onsite refrigeration unit.

Any on site operations (i.e.; bottling) that are conducted completely in doors may begin at 7:00 a.m. and end at 6:00 p.m. The hours before 8:00 a.m. and after 4:30 p.m. are to be used for the setup and clean up only and confined to indoor activities that are minimal noise generating activities.

- b. With the exception of the grape crush period, any and all truck operations and deliveries related to the wine production facility and wine sales, including but not limited to the delivery and pick up of grape bins, grapes, glass bottles, cases of bottled wine and bulk wine, shall be limited to the hours of 8:30 a.m. to 3:00 p.m. weekdays only. During the crush period, truck operations and deliveries are allowed seven days a week. No overnight truck (with refrigeration units) storage is permitted. No more than one semi truck is allowed on the site at any time and no more than ten (10) semi truck trip ends are permitted in any 14 calendar day period during the crush period and no more than four (4) semi-trucks are permitted in any average 30 calendar day period in the non crush period.
- c. The maximum number of tanker truck trip ends for the purpose of hauling bulk wine product is three (3) in any calendar year unless an extraordinary situation exists. If an extraordinary situation does arise, a written request outlining the reason for the request shall be made to the Planning Director for review and approval prior to the truck coming to the site. The request shall be submitted a minimum of two business days prior to the truck coming to the site. If the extra truck is approved, written notification to the neighbors of the property shall be given at least 24 hours prior to the truck coming on the site.

## 2. Tasting Room

- a. After Phase 1 (Condition C.1) has been completed
  - i) The tasting room/ sales room may be open between 12:00 p.m. and 5:00 p.m. daily.
  - ii) A maximum of 30 persons at any time shall be allowed at the facility (not including employees).
  - iii) Winery tours are only allowed on non-event days and during the regular tasting room hours. These tours shall be limited to a maximum of two (2) per month and shall be limited to Saturdays only. No large tour buses (more than 24 seats) or large groups (more than 20 persons) are allowed and the winery shall not be registered on any bus tour routes.
- b. During Passport Wine Events (four times a year) or Vintners Festivals (neither considered events as outlined in Condition D. Special Events), the tasting room may be opened on Saturday and Sunday from 11:00 a.m. to 5:00 p.m. No other on site event is allowed during these industry events.

F. Timing for Plans and Permits

1. Building Permits shall be applied for within one hundred eighty (180) days of the effective date of this permit for all structures, additions and conversions constructed without permits. The Building Permit shall be obtained and all required inspections obtained including the final inspection clearance within a timely manner.
2. The maximum production levels and special event activity levels as described in this permit must be accomplished within five (5) years of the approval date of this permit (by September 22, 2009). Whatever level of production and activity that has been achieved by that five-year date shall become the maximum allowed under this permit. If at any point in time, the operation is determined by the County to not be in compliance with the conditions of this permit, the level of wine production and events allowed shall revert to the previous phase amount/ levels.

G. Compliance

1. Annual Reviews

- a. An annual review of the entire operation to review compliance with these Conditions of Approval shall be conducted by the Planning Department and a report submitted to the Zoning Administrator. A public hearing may be required. The first report will be provided to the Planning Commission on its consent agenda. At that time, modification to these permit conditions may be considered. These mandatory reviews will cease after the operation is found in compliance for three consecutive years.
- b. A copy of the State of California Alcohol Beverage Control Permit, the State of California Regional Water Quality Waste Discharge Permit (if required), the State of California Department of Agricultural Grape Crush Report, the Federal Bureau of Alcohol, Tobacco and Firearms annual report and the State of California Board of Equalization Annual Report, and any other permit or license along with supporting documentation regarding the annual wine production (gallons and tonnage) on site and the associated production limits shall be submitted to the Planning Department on an annual basis, in January of each year, to verify compliance with the production limit of this permit.

2. Quarterly Reviews

- a. A report shall be prepared by the operator that provides detailed information addressing the following:
  1. The number of persons visiting the tasting room daily. This shall include the Passport events.
  2. The number of persons in attendance per event.
  3. The date of the event.
- b. A semi truck log shall be kept on a weekly basis and shall note the date, time, purpose and company for each trip end. A trip end shall include semi trucks delivering grapes, delivering bottles/ glass, the pick up of bottled wine/

product, bulk wine pick up and delivery, and the pick up of the grape bins.  
The log shall be submitted to the County for compliance review.

3. In the event that future County inspections of the subject property disclose noncompliance with any Conditions of this approval or any violation of the County Code, the owner shall pay to the County the full cost of such County inspections, including any follow-up inspections and/or necessary enforcement actions, up to and including permit revocation.

**NOTE:**

**This permit expires on December 31, 2006 unless all building permits are obtained and final clearances issued for all phase one items.**

<b>Approval Date:</b>	<b>March 14, 2006</b>
<b>Effective Date:</b>	<b>March 28, 2006</b>
<b>Expiration Date:</b>	<b>December 31, 2006</b>

---

Planning Dept.  
701 Ocean St.  
Santa Cruz, CA 95060

Greg and Nora Jansen  
345 Felton Empire Rd  
Felton, CA 95018  
(831) 335-3834

**Re:** Hallcrest permit extension

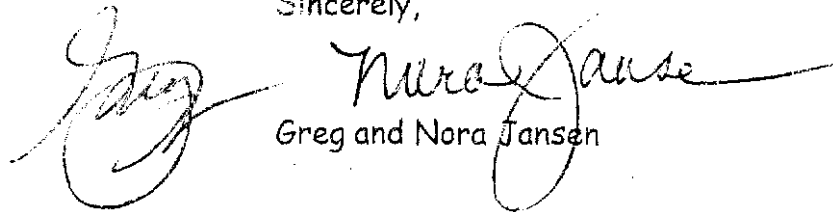
December 16, 2005

Dear Don Bussey and other concerned individuals:

It is our understanding that Hallcrest Vineyards is applying for an extension to their provisional use permit. John Schumacher and his architect have kindly consulted with us about several important concerns that will be addressed in the revised plans.

We have no objection the Planning Dept. granting an extension to Hallcrest Vineyards and the Schumachers.

Sincerely,

Handwritten signatures of Greg and Nora Jansen. The signature for Greg is on the left, and the signature for Nora is on the right, written in a cursive style. Below the signatures, the text "Greg and Nora Jansen" is printed.

Greg and Nora Jansen