

Application: 151101
APN: 107-111-32, -76, -77, -79, -80
Owner: Lester Properties

REVISED CONDITIONS OF APPROVAL (ZA 4/21/2017)

Exhibit D: Project Plans

- I. This permit authorizes the conversion of approximately 1,920 square feet of an existing 4,800 square foot agricultural barn into a winery and a tasting room with capacity for 20,000 gallons and production of less than 5000 gallons. The project includes public wine tasting, winery and club events at the tasting room, and outdoor special events. This approval does not confer legal status on any existing structure(s) or existing use(s) on the subject property that are not specifically authorized by this permit. Prior to exercising any rights granted by this permit including, without limitation, any construction or site disturbance, the applicant/owner shall:
 - A. Sign, date, and return to the Planning Department one copy of the approval to indicate acceptance and agreement with the conditions thereof.
 - B. Obtain a Building Permit from the Santa Cruz County Building Official.
 1. Any outstanding balance due to the Planning Department must be paid prior to making a Building Permit application. Applications for Building Permits will not be accepted or processed while there is an outstanding balance due.
 - C. Obtain a Grading Permit from the Santa Cruz County Building Official for road widening, as required.
 - D. Obtain an Encroachment Permit from the Department of Public Works for any off-site work performed in the County road right-of-way, as required.
 - E. Submit proof that these conditions have been recorded in the official records of the County of Santa Cruz (Office of the County Recorder) within 30 days from the effective date of this permit.
 - F. Record a map correction to revise the building envelope associated with the project per project plans.
- II. Prior to issuance of a Building Permit the applicant/owner shall:

Submit final architectural plans for review and approval by the Planning Department. The final plans shall be in substantial compliance with the plans marked Exhibit "D" on file with the Planning Department. Any changes from the approved Exhibit "D" for this development permit on the plans submitted for the Building Permit must be clearly called out and labeled by standard architectural

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methods to indicate such changes. Any changes that are not properly called out and labeled will not be authorized by any Building Permit that is issued for the proposed development. The final plans shall include the following additional information:

1. A copy of the text of these conditions of approval incorporated into the full size sheets of the architectural plan set.
2. One elevation shall indicate materials and colors as they were approved by this Discretionary Application. If specific materials and colors have not been approved with this Discretionary Application, in addition to showing the materials and colors on the elevation, the applicant shall supply a color and material sheet in 8 1/2" x 11" format for Planning Department review and approval.
3. Sign dimensions, materials, and colors. Signage shall be limited to one-non-illuminated sign not to exceed 12 square feet.
4. Grading, drainage, and erosion control plans.
5. Details showing compliance with fire department requirements. If the proposed structure(s) are located within the State Responsibility Area (SRA) the requirements of the Wildland-Urban Interface code (WUI), California Building Code Chapter 7A, shall apply.
6. Water Efficient Landscape Plan (including a signed Water Efficient Landscape Checklist and Certificate) prepared in accordance with the requirements of the Water Efficient Landscape Ordinance (County Code Chapter 13.13) by a certified/licensed landscape architect, landscape contractor, civil engineer, landscape irrigation designer, landscape irrigation auditor, or water manager.
7. Plans shall include the Noise Mitigation Measures NOI-1, NOI-2, NOI-3, and NOI-4 in project construction plans.
8. Plans shall comply with the recommendations of the Combined Geology and Geotechnical Engineering Investigation, dated June 3, 2015.
9. Plans shall comply with accessibility comments dated October 24, 2015 including:
 - A. A seismic evaluation of the building is required, as the building use will be in a higher risk category. This evaluation shall be performed by a CA licensed engineer to verify compliance with current seismic codes. Plans shall be prepared to include all requirements developed in the calculations. [CBC 3408.4]

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- B. Exterior route details shall be provided to include slopes, widths, surface materials, and detectable warnings.
- B. Meet all requirements of and pay drainage fees to the County Department of Public Works, Stormwater Management. Drainage fees will be assessed on the net increase in impervious area.
- C. Obtain an updated will serve letter from the Central Water District for service connection and comply with all requirements of the District.
- D. Obtain an Environmental Health Clearance for this project from the County Department of Environmental Health Services. This shall include all requirements in project comments dated April 27, 2015 and provide the number of porta potties associated with large special events, as determined by Environmental Health.
- E. Meet all requirements and pay any applicable plan check fee of the Pajaro Valley Fire Protection District project comments dated July 28, 2015.
- F. Provide required off-street parking for 28 cars adjacent to the winery barn, including 2 accessible spaces as shown on the plans. Standard parking spaces must be 8.5 feet wide by 18 feet long and must be located entirely outside vehicular rights-of way. Parking must be clearly designated on the plot plan. Plans shall provide 72 overflow event spaces and 3 paved accessible spaces, as shown on the plans.
- G. Submit a written statement signed by an authorized representative of the school district in which the project is located confirming payment in full of all applicable developer fees and other requirements lawfully imposed by the school district.
- H. Comply with the requirements of the Agricultural Buffer Reduction Determination, including:
 - 1. Plans shall provide a development setback of a minimum of 122 feet from proposed barn, outdoor deck area, and parking lot to the adjacent Commercial Agriculture zoned parcel, APN 107-111-32.
 - 2. Final plans shall show the location of the existing vegetative buffering barrier (and any fences/walls used for the purpose of buffering adjacent agricultural land) which shall be composed of drought tolerant shrubbery. The shrubs utilized shall maintain a minimum height of six feet.
 - 3. The owner shall record a Statement of Agricultural Acknowledgement, as prepared by the Planning Department, and submit proof of recordation to the Planning Department. The statement of Acknowledgement

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acknowledges the adjacent agricultural land use and the agricultural buffer setbacks.

III. All construction shall be performed according to the approved plans for the Building Permit. Prior to final building inspection, the applicant/owner must meet the following conditions:

- A. All site improvements shown on the final approved Building Permit plans shall be installed.
- B. The agricultural buffer setbacks shall be met as verified by the County Building Inspector.
- C. All inspections required by the building permit shall be completed to the satisfaction of the County Building Official.
- D. The project must comply with all recommendations of the approved soils reports.
- E. Pursuant to Sections 16.40.040 and 16.42.080 of the County Code, if at any time during site preparation, excavation, or other ground disturbance associated with this development, any artifact or other evidence of an historic archaeological resource or a Native American cultural site is discovered, the responsible persons shall immediately cease and desist from all further site excavation and notify the Sheriff-Coroner if the discovery contains human remains, or the Planning Director if the discovery contains no human remains. The procedures established in Sections 16.40.040 and 16.42.080, shall be observed.
- F. All noise mitigation measures NOI-1, NOI-2, NOI-3, and NOI-4 shall be implemented during project construction.

IV. Operational Conditions

A. Wine Production

- 1. Storage of wine shall be limited to wine produced *from grapes grown on site. Wine using grapes grown on site may be produced on-site or off-site.*
- 2. Wine production shall be limited to a maximum of *5,000* ~~20,000~~ gallons.
- 3. Hours of operation shall be between 7 a.m. and 7 p.m., except during harvest season.

B. Wine Tasting (Including Passport Days):

- 1. Public wine tasting shall be permitted on Saturday and Sunday between 12

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p.m. and 5 p.m.

2. Private wine tasting shall be permitted on Friday and Passport Days by appointment only between 12 p.m. and 5 p.m.
3. Wine tasting shall be permitted to occur within the wine tasting room and outdoor wine tasting deck adjacent to the tasting room exclusively.
4. Only wine produced *using grapes grown on-site* ~~on the premises~~ shall be served. Service of wine produced *using grapes grown off-site* is expressly prohibited.
5. All wine tasting guests/vehicles must be off the premises by 6:00 p.m.
6. Wine tasting shall ~~shall not be open to the public~~ ~~be prohibited~~ during ~~small or large events~~ ~~wine tasting room small special events and large special events~~. Wine tasting during small or large events shall be limited to the participants in these events.
7. *Acoustic music* ~~No music, amplified or otherwise,~~ shall be permitted at the tasting room/winery building. *Acoustic music shall not be heard at the property line.*
8. Sales: Only wine made *using grapes grown on-site* shall be sold from the winery. Direct sales are allowed only as part of a wine tasting. *Other merchandise sold is limited to that which is directly related to the winery or wine tasting, such as totes, commemorative glasses, bags, corks, bottle openers, Lester Vineyard labeled hats, shirts, bottle water, etc.* No other merchandise shall be sold on the premises.

C. Tasting Room Special Events (Small Events)

1. Tasting room special events shall be limited to a maximum of ~~12~~ 16 times a year and only held once a month on either a Friday, Saturday or a Sunday.
2. A maximum of 50 people shall be permitted on site between 12 p.m. and 5 p.m.
3. Tasting room events shall be held exclusively at the tasting room barn and outdoor deck.
4. Cooking facilities are prohibited. No commercial food preparation shall be allowed on site. Tasting room events shall be catered exclusively.
5. *Acoustic music* ~~No music, amplified or otherwise,~~ shall be permitted at the

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tasting room/winery building. *Acoustic music shall not be heard at the property line.*

6. Tasting room events are prohibited during large special events.

D. Large Special Events

1. Large special events shall be limited to a maximum of 6 times per year between May through October, and held only once per month on either a Friday, a Saturday, or a Sunday.
2. A maximum of 200 people between 12 p.m. and 9 p.m. (with equipment breakdown between 9 p.m. and 10 p.m.) shall be permitted.
3. Large special events shall be prohibited during Passport Days.
4. Large special events shall be held in the upper event areas exclusively.
5. All lighting associated with large events shall be temporary light fixtures and have the illumination directed downward or be shielded so that glare is not produced onto adjacent properties.
6. Cooking facilities are prohibited. No commercial food preparation shall be allowed on site. Large events shall be catered exclusively.
7. Amplified music shall only be permitted between 4 p.m. and 9 p.m. at the upper event areas exclusively. *No music, amplified or otherwise, shall be permitted at the tasting room/winery building.* Speakers associated with large events shall be direct south.
8. Rented portable restrooms are required for large events, as required by Environmental Health.

- E. Maintain required off-street parking for off-street parking for 28 cars adjacent to the winery barn, including 2 accessible spaces. Standard parking spaces must be 8.5 feet wide by 18 feet long and must be located entirely outside vehicular rights-of way. Parking must be clearly designated on the plot plan. Plans shall provide 72 overflow event spaces and 3 paved accessible spaces. No additional paving shall occur on site to create additional parking spaces. Prior to any large special event requiring use of the 72 space overflow area, the overflow parking area shall be cleared of all ground cover and shall be coordinated with the fire protection district to ensure fire safety.

- F. Comply with the operational conditions of approval from the Agricultural Buffer Reduction Determination, including:

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1. The agricultural vegetative and physical barrier shall be permanently maintained.
 2. All required Agricultural Buffer Setbacks shall be maintained.
 3. If the parcel 107-111-32 is ever held under separate ownership from the remainder of the use, a six foot solid board fence shall be constructed along - approximately 500 to 600 feet the south eastern property line per the agricultural buffer reduction determination plan exhibit.
- G. In the event that *vineyards are removed and wine ceases to be produced from these vineyards*, ~~the winery should cease production of wine~~, then all wine tasting, wine related tasting room special events, and large special events shall immediately cease.
- H. In the event that any parcel (s) associated with this permit, APN 107-111-32, 107-111-76, -77, -79, -80, is/are ever held under separate ownership this permit shall become null and void unless:
1. *The prospective property owner signs an acknowledgement and acceptance (at their cost for preparation by the County of Santa Cruz Planning Department) of the fact that the parcel(s) they are buying is/are subject to all of the operational terms and conditions of this permit and are fully aware of the allowed number of events, guests and possible impacts associated therewith and that the noise from the winery events may exceed the General Plan Noise Standards at the internal boundary lines between the five parcels covered by this Permit; or*
 2. *In the event that one of the parcels associated with this permit is proposed to be sold and separated/excluded from this permit, a permit amendment is sought prior to sale of the property (ies) to address compliance with the General Plan Noise Standards associated with live music at the new property line (s). This may include a prohibition on amplified music if the General Plan noise standard cannot be met at the new property line.*
- I. All requirements of the County Health Department and the Regional Water Quality Control Board (RWQCB) for liquid waste disposal shall be met and maintained.
- J. The applicant shall obtain an Alcohol License from Alcohol Beverage Control for on-site wine tasting and sales and on-site event consumption, consistent with the use approval. Hard alcohol shall be prohibited.
- K. Marketing/Promotional Materials: All advertising (including winery internet site) and promotional materials and activities shall accurately reflect the limitations of this permit. Advertising and announcement of activities, uses, or hours that

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conflict with the conditions of this permit or that are outside of the scope of this permit are subject to County Code Compliance procedures. Marketing and promotional materials and announcements (including the winery website) shall provide clear statements that indicate the winding, narrow condition of Pleasant Valley Road and Hames Road and that encourage guests to carpool to the winery. Large party buses and bridal parties shall be discouraged.

- L. 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.
- M. This permit shall be subject to public review by the Zoning Administrator one year following final of the building permit subject to the following:
1. Review cost shall be borne by the applicant.
 2. Neighbors are recommended to file any identified noise complaints associated with the large special events to the sheriff's office and all other complaints in writing to Planning Staff for tracking purposes (sheila.mcdaniel@santacruzcounty.us).
 3. The applicant shall provide a wine tasting log, noting the wine tasting dates and number of attendees per day, and a special event log detailing the number of events, date of events, live music provided, number of attendees, catering provided, etc. associated with all small and large special events, as well as any other information necessary to demonstrate compliance with the limitations of the use approval.
 4. Further limitations may be placed on the use based on substantiated issues by the public. ~~Request by the applicant to increase the number of events, per the originally requested event numbers, may be considered at that time with project noticing, but without environmental review unless the project revisions go beyond the scope of the original environmental review.~~
- N. This permit prohibits the construction of a future event pavilion and permanent bathrooms, unless a permit amendment is sought.
- O. Large events and small events are prohibited to occur concurrently.*
- P. 6 months following the commencement of operations the applicant may apply for an administrative permit to increase the number of large events from 6 to 10, increase the number of large events per month, provided they do not exceed 10 events maximum, and increase from 5,000 to 20,000 gallons wine production.*

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Q. The applicant shall generate an email list to notify surrounding neighbors of large events 30 to 60 days prior to large events within 300 feet of the property line and per the neighborhood notification list prepared by the applicant.

V. Mitigation Monitoring:

A. The mitigation measures listed under Exhibit A (CEQA Determination/Mitigated Negative Declaration, Mitigation Monitoring Program) have been incorporated in the conditions of approval for this project in order to mitigate or avoid significant effects on the environment. As required by Section 21081.6 of the California Public Resources Code, a monitoring and reporting program (Exhibit A) for the above mitigation is hereby adopted as a condition of approval for this project. This program is specifically described following each mitigation measure listed. The purpose of this monitoring is to ensure compliance with the environmental mitigations during project implementation and operation. Failure to comply with the conditions of approval, including the terms of the adopted monitoring program, may result in permit revocation pursuant to section 18.10.462 of the Santa Cruz County Code.

VI. As a condition of this development approval, the holder of this development approval ("Development Approval Holder"), is required to defend, indemnify, and hold harmless the COUNTY, its officers, employees, and agents, from and against any claim (including attorneys' fees), against the COUNTY, its officers, employees, and agents to attack, set aside, void, or annul this development approval of the COUNTY or any subsequent amendment of this development approval which is requested by the Development Approval Holder.

A. COUNTY shall promptly notify the Development Approval Holder of any claim, action, or proceeding against which the COUNTY seeks to be defended, indemnified, or held harmless. COUNTY shall cooperate fully in such defense. If COUNTY fails to notify the Development Approval Holder within sixty (60) days of any such claim, action, or proceeding, or fails to cooperate fully in the defense thereof, the Development Approval Holder shall not thereafter be responsible to defend, indemnify, or hold harmless the COUNTY if such failure to notify or cooperate was significantly prejudicial to the Development Approval Holder.

B. Nothing contained herein shall prohibit the COUNTY from participating in the defense of any claim, action, or proceeding if both of the following occur:

I. COUNTY bears its own attorney's fees and costs; and

II. COUNTY defends the action in good faith.

C. Settlement. The Development Approval Holder shall not be required to pay or perform any settlement unless such Development Approval Holder has approved

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the settlement. When representing the County, the Development Approval Holder shall not enter into any stipulation or settlement modifying or affecting the interpretation or validity of any of the terms or conditions of the development approval without the prior written consent of the County.

- D. Successors Bound. "Development Approval Holder" shall include the applicant and the successor'(s) in interest, transferee(s), and assign(s) of the applicant.
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Minor variations to this permit which do not affect the overall concept or density may be approved by the Planning Director at the request of the applicant or staff in accordance with Chapter 18.10 of the County Code.

Please note: This permit expires three years from the effective date listed below unless a building permit (or permits) is obtained for the primary structure described in the development permit (does not include demolition, temporary power pole or other site preparation permits, or accessory structures unless these are the primary subject of the development permit). Failure to exercise the building permit and to complete all of the construction under the building permit, resulting in the expiration of the building permit, will void the development permit, unless there are special circumstances as determined by the Planning Director.

Approval Date: _____

Effective Date: _____

Expiration Date: _____

Wanda Williams
Deputy Zoning Administrator

Sheila McDaniel
Project Planner

Appeals: Any property owner, or other person aggrieved, or any other person whose interests are adversely affected by any act or determination of the Zoning Administrator, may appeal the act or determination to the Planning Commission in accordance with chapter 18.10 of the Santa Cruz County Code.