



## Staff Report to the Zoning Administrator

Application Number: **10-0059**

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**Applicant:** Northstar Properties, LLC  
**Owner:** Northstar Properties, LLC  
**APN:** 096-451-02

**Agenda Date:** August 6, 2010  
**Agenda Item #:** 4  
**Time:** After 10:00 a.m.

**Project Description:** Proposal to amend Commercial Development Permit 05-0796 (as amended by 07-0045 & 07-0645) which permitted the construction of a mixed use winery, to allow public wine tasting to occur on Saturdays and Sundays, to recognize additional parking spaces, to increase the maximum number of attendees at private appointment-only tastings from 12 guests to 32 vehicles or 64 guests, and to allow one non-illuminated, 12 square foot entry sign.

**Location:** Property located on the south side of Summit Road about 1700 feet north of the Summit Store (24040 Summit Road).

**Supervisory District:** 1<sup>st</sup> District (District Supervisor: Leopold)

**Permits Required:** Amendment to Commercial Development Permit 05-0796

### Staff Recommendation:

- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- Approval of Application 10-0059, based on the attached findings and conditions.

### Exhibits

- |   |                                     |
|---|-------------------------------------|
| A. Project plans                              | E. Assessor's, Location, Zoning and |
| B. Findings                                   | General Plan Maps                   |
| C. Conditions                                 | F. Comments & Correspondence        |
| D. Categorical Exemption (CEQA determination) |                                     |

### Parcel Information

Parcel Size:	10.29 acres (448,623 square feet)
Existing Land Use - Parcel:	Mixed Use Winery & Vineyard
Existing Land Use - Surrounding:	Winery & Vineyard to the south, & SFD's to the east and west.

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Project Access: Via Summit Road  
Planning Area: Summit  
Land Use Designation: R-M (Mountain Residential)  
Zone District: A (Agriculture)  
Coastal Zone: ☐ Inside ☒ Outside  
Appealable to Calif. Coastal Comm. ☐ Yes ☒ No

### Environmental Information

Geologic Hazards: Parcel mapped entirely within fault zone; Mapped landslide area at rear portion of property. Feasible building location approved by permit 00-0614 and construction of building and site improvements reviewed and approved by permit 05-0796. No new is development proposed.

Soils: Portions of the parcel mapped as slopes over 50%; developed portion of property is primarily flat. No new is development proposed.

Fire Hazard: Not within a mapped fire hazard area. Parcel is within the State Responsibility Area.

Slopes: Slopes on portions of the parcel exceed 50%; however, the existing building location was reviewed and approved by permits 00-0614 and 05-0796. No new development is proposed.

Env. Sen. Habitat: The rear portion of the parcel is mapped for Timber Resources; however, no new development is proposed and the existing development was reviewed and approved under permit 05-0796.

Grading: No grading proposed

Tree Removal: No trees proposed to be removed

Scenic: Property is located on and visible from Summit Road, a designated Scenic Road in the County General Plan. Existing buildings, site improvements and fencing/gates/retaining walls were reviewed and approved by permits 05-0796, 07-0045, and 07-0645, respectively.

Drainage: Existing drainage adequate; no new development is proposed.

Archeology: Front portion of parcel mapped for Archaeological Resources. Reconnaissance conducted as part of review for permit 05-0796 and found that cultural resources were not evident at the site.

### Services Information

Urban/Rural Services Line: ☐ Inside ☒ Outside  
Water Supply: Private well  
Sewage Disposal: Septic  
Fire District: Cal Fire  
Drainage District: None

### History

In 2000, the County conducted a 'Special Environmental Analysis' on the subject property, at the property owners request, in order to determine buildability and to designate a feasible building

envelope (00-0614).

In 2005, the property owner obtained approval from the County Zoning Administrator to construct a mixed use winery and residence on the subject property (05-0796). Two Amendments to Commercial Development Permit 05-0796 were granted prior to the property owner obtaining a final on their building permit: 07-0045 to construct a two car garage with storage, to redesign the exterior staircase, and to include an elevator; and 07-0645 to construct retaining walls, an entry gate and perimeter fencing. All building permits for the existing structures and associated site improvements were finalized by 2009.

### **Project Setting**

The subject parcel, which is over 10 acres in size, is located on the south side of Summit Road. The Burrell School Winery and associated vineyard is located on the south adjacent parcel and a single family dwelling is located on the west adjacent parcel. The single family dwelling is located about 150 feet from the west property line of the subject parcel and about 450 feet from the wine tasting patio. There is a single family dwelling also located on the north adjacent residence, across Summit Road within Santa Clara County, however, the portion of the parcel that is directly across from the subject parcel is not developed and the residence itself is about 450 feet southeast of the subject parcel's south property line.

The subject parcel is zoned A (Agriculture) and is bounded by the RA (Residential Agriculture) zone district to the west and SU (Special Use) zone district to the south.

Approximately 4.5 acres at the rear of the parcel are planted vineyards. The front 2.5 acres are developed with a winery/residence, a detached garage with storage, and site improvements.

Permit 05-0796 permitted 12 parking spaces on the property with a designated loading/pick-up/bottling truck space at the front of the structure. The existing structure is approximately 5,000 square feet with a winery on the first floor and a one bedroom dwelling unit on the second floor. The winery includes an outdoor tasting patio, an interior tasting bar, a wine production room for winemaking and storage, restrooms, and barrel storage.

### **Compliance History**

A compliant was recently filed by a member of the public which accuses the facility of operating out of compliance with existing operational limitations as per permit 05-0796. Specifically, the conditions of permit 05-0796 limits the winery to private, appointment-only wine tastings with a maximum of 12 guests on site at any one time and limits winery-related events at the site to Passport Events only, which take place 4 days per year. The compliant includes photographs of vehicles, including catering vans, parked along Summit Road and visitors walking on to the winery site.

The existing approved structure is a mixed use structure and the current operational conditions only regulate/restrict commercial events associated with the winery. The property owner indicated that the event was a private event and that during the event the winery was closed. The attached recommended conditions of approval are more specific in describing the operational

limitations of the facility including maximum numbers of guests and vehicles on site during winery related events and public and private wine tastings, and that all vehicles associated with the winery must be parked onsite within an approved parking space as per the approved Exhibit A; therefore, it is recommended that the attached conditions of approval supersede all previous permit conditions which will provide clarity to the property owner, the public, and the County.

The compliant also indicates that the winery is using the designated residential area on the second floor for commercial cooking classes and wine tastings. The proposed attached conditions of approval further specify that the facility must comply with the limitations of their permits which require that the Single Family Dwelling portion of the structure remain separate from the commercial winery, that the Single Family Dwelling portion of the structure may not be used for commercial purposes, and that all advertising and marketing materials must reflect those limitations.

Future code violation notifications will be handled by the County Code Compliance Division.

### **Detailed Project Description**

The winery is currently restricted to an annual production of less than 20,000 gallons; however the facility produces only about 4,000 gallons annually. Unlimited, private, appointment-only wine tastings are permitted under the Commercial Development Permit 05-0796 with a maximum of 12 guests per appointment. The winery is also permitted to participate in no more than four Passport weekend days per year, although the winery does not currently participate in the Santa Cruz Winegrowers Association events.

There are two primary changes associated with the application: 1) to allow public wine tasting to occur on Saturdays and Sundays between the hours of 11:00 a.m. and 8:30 p.m.; and 2) to increase the maximum number of guests at private wine tastings from 12 guests to 64 guests or 32 vehicles, whichever is achieved first and to have public wine tastings subject to the same limitation. The other proposed minor operation changes are further described in the table below.

Operational conditions of the 2005 permit to construct the winery/residence required the property owner to maintain a minimum of 12 parking spaces. Since building permit final in 2009, the area of the parking lot has expanded to create 13 parking spaces where 12 were previously shown and the addition of 14 new parking spaces. The current plans also show five standard parking spaces in place of a previously approved loading/bottling truck zone and five new "employee-only" parking spaces at the northwest corner of the site behind a gate. In total, the site now has 32 "public" parking spaces (includes 3 accessible spaces) and five "employee-only" parking spaces. This proposed parking plan meets the requirements of County Code Section 13.10.554 (Parking) for the uses within the structure. The site configuration provides 25 feet of back out space which is adequate room for maneuvering of vehicles.

The primary concern of an expanded use at the site is a lack of parking; specifically, that vehicles will park along the Summit Road right of way, within the on-site fire truck turnaround, or within the driveway. This proposal is to allow, at both public and private wine tastings, a maximum of

32 vehicles<sup>1</sup> (one vehicle per space) or 64 persons (two persons per vehicle), whichever is reached first. The parking capacity would limit the number of guests as vehicles will not be permitted to park outside of the approved parking spaces shown on the site plan (Exhibit A). The proposal also includes a limit to the number of people onsite to account for vans, limos, or buses that carry several guests with one vehicle. Therefore, it would also be possible for the winery to reach its maximum capacity of 64 guests without achieving a full parking lot. The parking limitation is easy for winery staff to monitor and an electronically operated entry gate will be utilized to close the winery to additional guests once capacity is reached.

The property owner is also requesting public wine tasting on Saturdays and Sundays between the hours of 11:00 a.m. to 8:30 p.m. Access to the site is via Summit Road which is an approximately 25' wide road with an 80' right of way. Summit Road is not currently congested and the winery would be limited to a maximum of 32 vehicles on site at any one time; therefore, the addition of vehicles on Summit Road as a result of the expanded use is insignificant and is not expected to create congestion along Summit Road.

Amplified music is not permitted at the site and additional guests at the site for limited wine tasting is not expected to generate noise levels over the required maximum noise standards in the County Code (Section 13.10.637) or at a level which would create a nuisance for neighboring residences. A condition of approval requires the property owner to submit a noise study prepared by a licensed acoustic engineer to support compliance with the County Wineries Ordinance.

The following table summarizes the proposed operational changes:

<b>CURRENT APPROVALS (05-0796)</b>	<b>PROPOSED CHANGES</b>
12 parking spaces	32 public parking spaces and 5 employee-only parking spaces.
No public wine tasting.	Public wine tasting on Saturdays and Sundays with a maximum of 32 vehicles or 64 guests, whichever is achieved first.
Unlimited, private, appointment-only wine tasting with a maximum of 12 guests per tasting.	Unlimited, private, appointment-only wine tasting with a maximum of 32 vehicles or 64 guests, whichever is achieved first.
Tastings are limited to the hours of 11:00 a.m. to 7:00 p.m.	Public and private tastings would be limited to the hours of 11:00 a.m. and 8:30 p.m.
Signage: 1 non-illuminated nameplate not larger than one square foot is allowed.	One non-illuminated sign not larger than 12 square feet to be installed on the existing gate at the parcel frontage.

### **Zoning & General Plan Consistency**

The subject property is a parcel of approximately 10 acres and is located in the A (Agriculture) zone district, a designation which allows for limited commercial agricultural activities. The

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1. The 32 vehicle limitation does not include the 5 restricted "employee-only" parking spaces.

proposed winery is a permitted use within the zone district and the zoning is consistent with the site's (R-M) Mountain Residential General Plan designation.

### **Conclusion**

As proposed and conditioned, the project is consistent with all applicable codes and policies of the Zoning Ordinance and General Plan/LCP. Please see Exhibit "B" ("Findings") for a complete listing of findings and evidence related to the above discussion.

### **Staff Recommendation**

- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- **APPROVAL** of Application Number **10-0059**, based on the attached findings and conditions.

**Supplementary reports and information referred to in this report are on file and available for viewing at the Santa Cruz County Planning Department, and are hereby made a part of the administrative record for the proposed project.**

**The County Code and General Plan, as well as hearing agendas and additional information are available online at: [www.co.santa-cruz.ca.us](http://www.co.santa-cruz.ca.us)**

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## Development Permit Findings

1. That the proposed location of the project and the conditions under which it would be operated or maintained will not be detrimental to the health, safety, or welfare of persons residing or working in the neighborhood or the general public, and will not result in inefficient or wasteful use of energy, and will not be materially injurious to properties or improvements in the vicinity.

The expansion of winery operations will not be detrimental to the health, safety, or welfare of persons residing or working in the neighborhood or the general public in that the winery is operated within an existing permitted structure that meets the California Building Code and is located on a parcel that is designated for this type of limited commercial agricultural use. The parcel is accessed via Summit Road, which is a 25 foot wide road with an 80 foot right of way, and the vegetation at the site frontage is maintained by the property owner to ensure adequate vehicular site distance at the driveway. Conditions of approval limit parking associated with the winery to the on-site spaces shown on the approved site plan (Exhibit A) and limit wine tastings to 32 vehicles or 64 guests maximum, whichever is achieved first; therefore: event attendance will not exceed the parking capacity of the site, the driveway and drive aisles on site will remain open and clear of obstructions to allow for emergency access, and no winery associated vehicles are permitted to be parked along Summit Road or within the Summit Road right of way. Therefore, the finding can be that the proposed operational expansion will not be materially *injurious to properties or improvements in the vicinity.*

2. That the proposed location of the project and the conditions under which it would be operated or maintained will be consistent with all pertinent County ordinances and the purpose of the zone district in which the site is located.

The project is an expansion of an existing winery operation which is located on an approximately 10.2 acre parcel within the A (Agriculture) zone district. The site is currently developed with a permitted mixed use building, a garage and a vineyard and is consistent with the purpose of the A (Agriculture) zone district in that the primary use of the property is a limited commercial-agricultural facility that is compatible with the surrounding winery and rural residential land uses. The surrounding environmental constraints of the property were evaluated and addressed with the construction of the building and site improvements and the proposed expansion of winery service does not include additional development. The existing rural character of the community will not be altered as a result of the proposed operational expansion in that public wine tasting will be limited to Saturdays and Sundays and guests will be limited to either 32 vehicles or 64 people (2 guests per vehicle), whichever is achieved first. The proposal is consistent with the Wineries Ordinance (County Code Section 13.10.637) in that 5 employee-only parking spaces will be provided on site, the proposed winery sign will be a non-illuminated sign not greater than 12 square feet and will be mounted on the existing front fence, and a loading/pick-up/bottling truck zone has been designated on the approved site plan (Exhibit A). The proposal does not include an increase in production; therefore, the operational noise of the winery is not expected to increase. Based on the above analysis, the finding can be made that the proposed project will be operated and maintained consistent with all pertinent County ordinances and the purpose of the zone district in which the site is located.



3. That the proposed use is consistent with all elements of the County General Plan and with any specific plan which has been adopted for the area.

The proposed expansion of winery operations is consistent with all applicable elements of the County General Plan in that the Agriculture (A) zone district is consistent with the Mountain Residential (R-M) General Plan designation and condition of approval II.M requires the property owner to submit a noise study, prepared by a licensed acoustic engineer, within the first three months of operation which documents the noise output at the north property line to ensure that the increase in event attendees will not increase the noise environment above the standards provided by the Noise Element in the County General Plan. A finding of non-compliance with the Noise Element of the County General Plan will subject the use to further evaluation by the County Zoning Administrator; therefore, this finding can be made.

No additional development is proposed and a specific plan has not been adopted for this portion of the County.

4. That the proposed use will not overload utilities and will not generate more than the acceptable level of traffic on the streets in the vicinity.

This finding can be made in that the expected level of traffic generated by the proposed increase in event attendees is not expected to adversely impact existing roads and intersections in the surrounding area which are not currently congested. The proposed increase would allow for a maximum of 37 vehicles (32 parking spaces and 5 employee-only spaces) to be on site at any one time, which is an insignificant number of additional vehicles that would be added to the surrounding road network.

5. That the proposed project will complement and harmonize with the existing and proposed land uses in the vicinity and will be compatible with the physical design aspects, land use intensities, and dwelling unit densities of the neighborhood.

This finding can be made in that the site is already developed with a permitted winery, tasting room and residence structure, a garage/storage building, and associated site improvements; no additional development is proposed. The proposed use will harmonize with existing land uses in the vicinity in that there are other wineries located in the vicinity, and the wine tasting patio is located about 450 feet from the existing single family dwelling on the west adjacent parcel and from the single family dwelling located on the north adjacent parcel across Summit Road, which is an adequate distance to buffer the commercial agriculture use.

6. The proposed development project is consistent with the Design Standards and Guidelines (sections 13.11.070 through 13.11.076), and any other applicable requirements of this chapter.

This finding can be made in that the site is already developed with a permitted winery, tasting room and residence structure, a garage/storage building, and associated site improvements; no additional development is proposed.

## Conditions of Approval

Exhibit A: Project Plans, 1 sheet, prepared by Summers & Novick, dated 4-14-10.

- I. This permit authorizes public wine tasting at the existing winery, a winery sign, and an increase in the number of guests at private wine tastings, subject to the following conditions of approval which supersede Permit 05-0796. 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. 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.
- II. Operational Conditions
  - A. Annual Production Maximum: No more than 20,000 gallons of wine shall be produced per year.
  - B. Wine Storage Limit: Only wine made on-site shall be stored on-site. All storage must occur indoors and wine storage may not exceed 35,000 gallons.
  - C. Wine Sales: Only wine made on-site shall be sold from the winery. Direct sales are allowed only as a part of wine tastings.
  - D. Single Family Residence: No portion of the single family residence shall be used for commercial purposes, including the kitchen. The single family dwelling shall be closed to the public during all public and private wine tastings.
  - E. Marketing/Promotional Materials: All advertising and promotional materials and activities shall accurately reflect the limitations of this permit. Advertising and announcement of activities, uses, or hours that conflict with the conditions of this permit or that are outside of the scope of this permit are subject to County Code Compliance Section procedures.
  - F. Tastings:
    1. The winery may be open for public wine tasting only on Saturdays and Sundays between the hours of 11:00 a.m. and 8:30 p.m.
    2. An unlimited number of private, appointment-only tastings are permitted between the hours of 11:00 a.m. and 8:30 p.m.

3. Reservations for private tastings must be made at least 12 hours in advance.
  4. All public and private wine tasting guests must be off the premises by 8:30 p.m.
  5. Private tastings and public tastings shall not occur on the same day.
  6. Private tastings and public tastings are restricted to a maximum of 32 vehicles or 64 guests on site at any one time, whichever is achieved first. When capacity is reached, the front gate shall be closed and additional visitors shall be turned away. Five (5) employees may park within the "employee only" parking spaces; however, any additional employees or employee vehicles over the five permitted shall count towards the maximum limit.
- G. Food: The residential kitchen shall not be used to cook, prepare, or serve food to winery guests. Caterers are not permitted on-site in association with the winery, Passport Days, or private or public wine tastings.
- H. Passport Weekend: The winery may participate in no more than four (4) Passport weekend days per year.
1. Passport Day guests are limited to 32 vehicles or 64 guests, whichever is achieved first. When capacity is reached, the front gate shall be closed and additional visitors shall be turned away.
  2. Passport Days shall not occur on the same days as private tastings.
- I. All vehicles associated with the winery and residence shall be parked entirely on site within the 32 approved parking areas as shown on the approved Exhibit A, with the exception of employees who may park in the five (5) "employee only" parking spaces. Additional employee vehicles beyond five (5) which are accommodated in the "employee only" parking area, shall count as guest vehicles towards the maximum allowed. The parking area and number of parking stalls shall not be expanded without prior approval of the Planning Department.
- J. Loading Zone: The loading zone, designated on Exhibit A, shall be utilized for loading, pick-ups, scheduled deliveries, and the bottling truck. Five (5) parking spaces are eliminated when the loading zone is in use, therefore, during crush, bottling, pick-ups and loading or whenever the loading zone is in use, the maximum number of guests on site at any one time shall be 27 vehicles or 54 guests. Additional employees beyond five (5) which are accommodated in the "employee-only" parking area, shall count as guest vehicles or guests towards the maximum allowed.
- K. Hours of Operation for Wine Production: Activities related to wine production

such as crush, bottling, harvesting, deliveries, pick-ups, etc. are limited to the hours between 7:00 a.m. and 5:00 p.m. except during Crush (September, October, and November) when activities may continue until 9:00 p.m. (the hours before 8:00 a.m. and after 7:00 p.m. shall to be used for set-up and clean-up only and are confined to activities that generate a minimal amount of noise).

- L. Noise: Amplified music is not permitted. All noise generated by the wine production operation, wine tastings, and Passport 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 reading) at the property lines with the following exceptions:
1. A maximum noise standard of 85 dba as measured at the property line for a cumulative period of 15 minutes in any hour.
  2. A maximum noise standard of 90 dba as measured at the property line for a cumulative period of 5 minutes in any hour.
  3. A maximum noise level of 100 dba as measured at the property line.
- M. Noise Study: Within the three months of the effective date of this permit, the property owner shall submit to the Planning Department, a noise study prepared by a licensed acoustic engineer which reports measured noise levels at the north west property line (adjacent to the single family dwelling) during a private tasting and a public tasting. If the study finds that the tastings are not in compliance with the noise limitations in this permit, the permit may be amended by the Zoning Administrator.
- N. Signage: One non-illuminated entry sign not larger than twelve (12) square feet is permitted. No additional signage shall be installed without prior Planning Department approval.
- O. Fruit Deliveries: Fruit for wine production may be delivered on a flatbed pick-up truck a maximum of seven (7) days per year. No double trailer semi-trucks are permitted at any time. All deliveries, except during Crush, must occur on weekdays between the hours of 8:30 a.m. and 3:00 p.m. See condition II.J. for parking requirements during deliveries.
- P. Pick-Up: Pick-ups of wine for off-site storage may occur up to five (5) times per year. No double trailer semi-trucks are permitted at any time. All pick-ups except during Crush, must occur on weekdays between the hours of 8:30 a.m. and 3:00 p.m. See condition II.J. for parking requirements during pick-ups.
- Q. Access: All winery-related traffic must enter and exit via the eastern-most driveway. Access is not allowed via the right of way along the western property boundary.
- R. Wine Production: All activities associated with wine production (except for harvesting of grapes onsite, the bottling of wine within a bottling truck, grape

crush, and deliveries and pick-ups) must occur indoors.

- S. Crush: Grape crush may occur seven (7) days per year.
  - T. Bottling: Bottling shall occur either inside the winery structure or in a mobile bottling truck. Bottling may occur in a bottling truck up to five (5) days per year. See condition II.J. for parking requirements during bottling.
  - U. Liquid Waste Disposal: All requirements of the County Health Department shall be met.
  - V. Grape Residue Disposal: Grape residue shall be disposed in a manner consistent with the fly and vector control requirements of Environmental Health Services.
  - W. Fertilization and Composting: 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 Environmental Health Services and implemented.
  - X. Lighting: All outdoor lighting shall have the illumination directed downward or be shielded so that glare is not produced onto adjacent properties.
  - Y. Outdoor Storage: All storage must be in compliance with 13.10.556 (Outdoor storage of personal property and materials).
  - Z. 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.
- III. 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:
1. COUNTY bears its own attorney's fees and costs; and
  2. 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 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 the conditions of approval are complied with and the use commences before the expiration date.**

Approval Date: \_\_\_\_\_

Effective Date: \_\_\_\_\_

Expiration Date: \_\_\_\_\_

\_\_\_\_\_  
Steven Guiney  
Deputy Zoning Administrator

\_\_\_\_\_  
Samantha Haschert  
Project Planner

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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.

# CALIFORNIA ENVIRONMENTAL QUALITY ACT

## NOTICE OF EXEMPTION

The Santa Cruz County Planning Department has reviewed the project described below and has determined that it is exempt from the provisions of CEQA as specified in Sections 15061 - 15332 of CEQA for the reason(s) which have been specified in this document.

Application Number: 10-0059

Assessor Parcel Number: 096-451-02

Project Location: 24040 Summit Road

**Project Description: Proposal to amend Commercial Development Permit 05-0796 (which permitted a mixed use winery) to allow public wine tasting, an increase in the maximum number of guests at private wine tastings, a new sign, and to recognize an expanded parking area.**

**Person or Agency Proposing Project: Northstar Properties, LLC**

**Contact Phone Number: (408) 315-8452**

- A. ☐ The proposed activity is not a project under CEQA Guidelines Section 15378.  
B. ☐ The proposed activity is not subject to CEQA as specified under CEQA Guidelines Section 15060 (c).  
C. ☐ **Ministerial Project** involving only the use of fixed standards or objective measurements without personal judgment.  
D. ☐ **Statutory Exemption** other than a Ministerial Project (CEQA Guidelines Section 15260 to 15285).

Specify type:

E. ☒ **Categorical Exemption**

Specify type: Class 1 - Existing Facilities (Section 15301)

**F. Reasons why the project is exempt:**

Proposal to expand the uses allowed within an existing winery which was previously permitted and is not located in an environmentally sensitive area.

In addition, none of the conditions described in Section 15300.2 apply to this project.

\_\_\_\_\_  
Samantha Haschert, Project Planner

Date: \_\_\_\_\_

**EXHIBIT D**

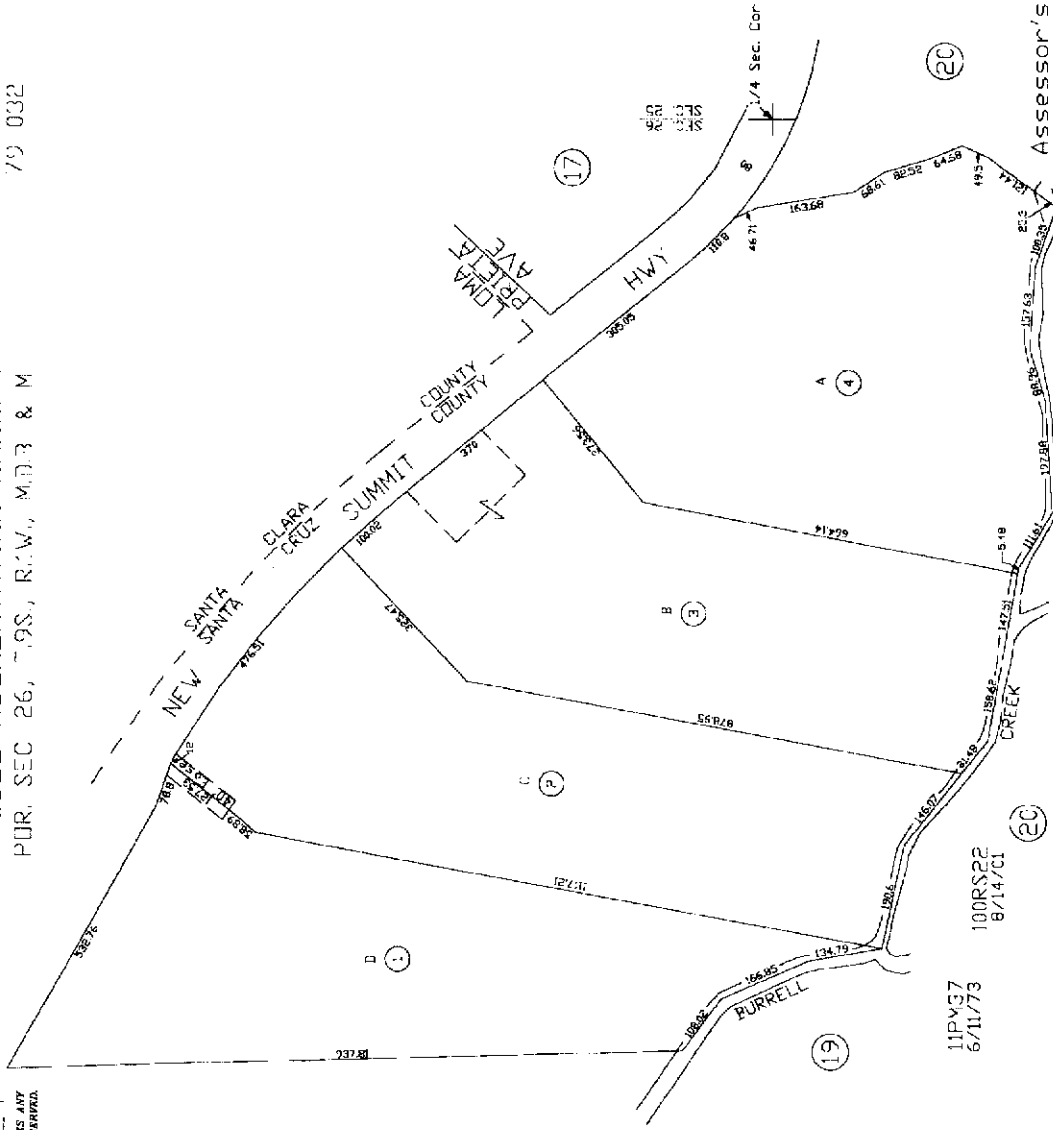
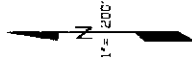
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Tax Area Code  
79 032

96-45



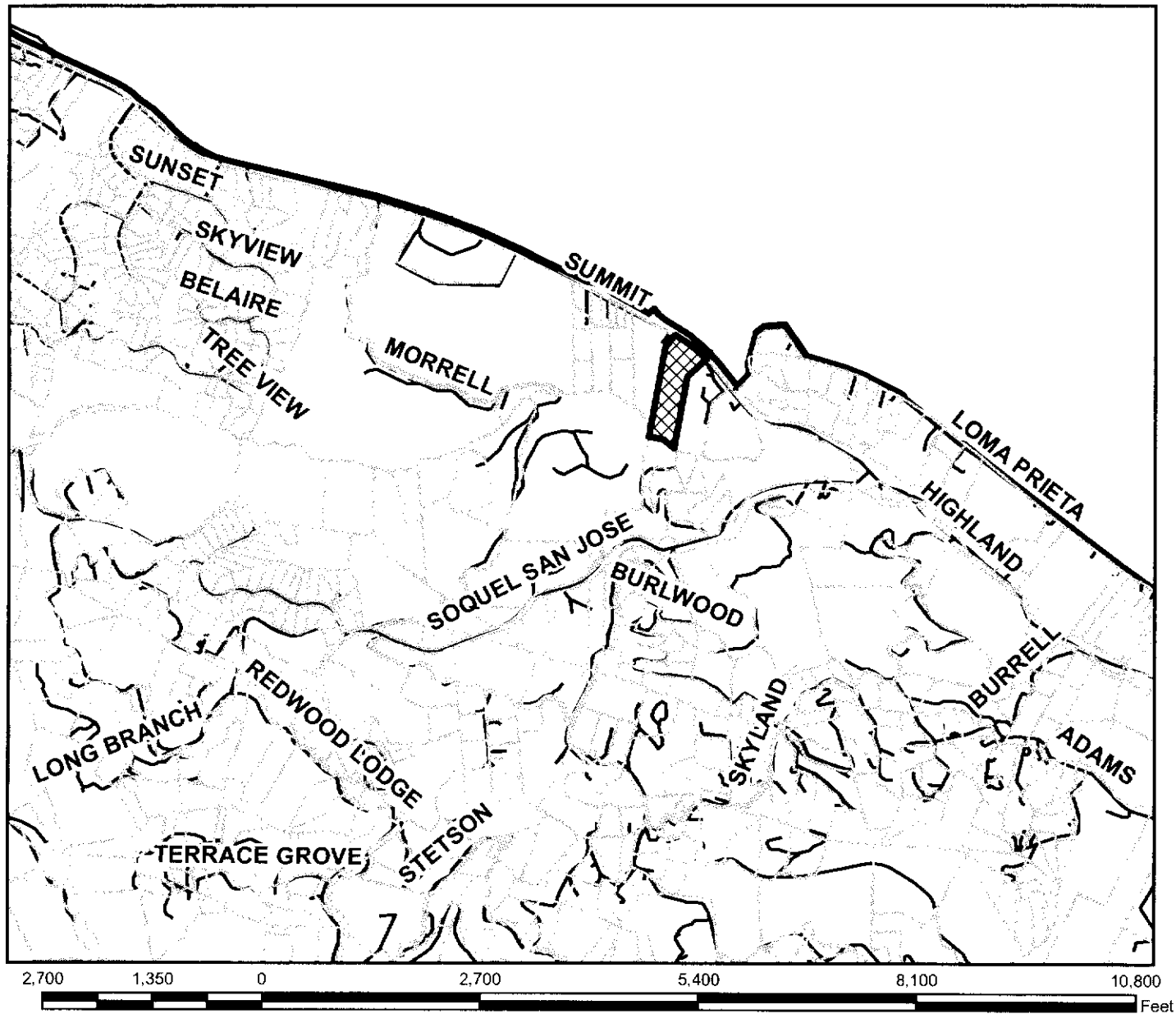
Assessor's Map No. 96-45  
County of Santa Cruz, Calif.  
Feb. 1999

Note: Assessor's Parcel & Block  
Numbers Shown in Circles.







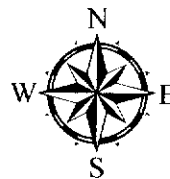


# Location Map



## LEGEND

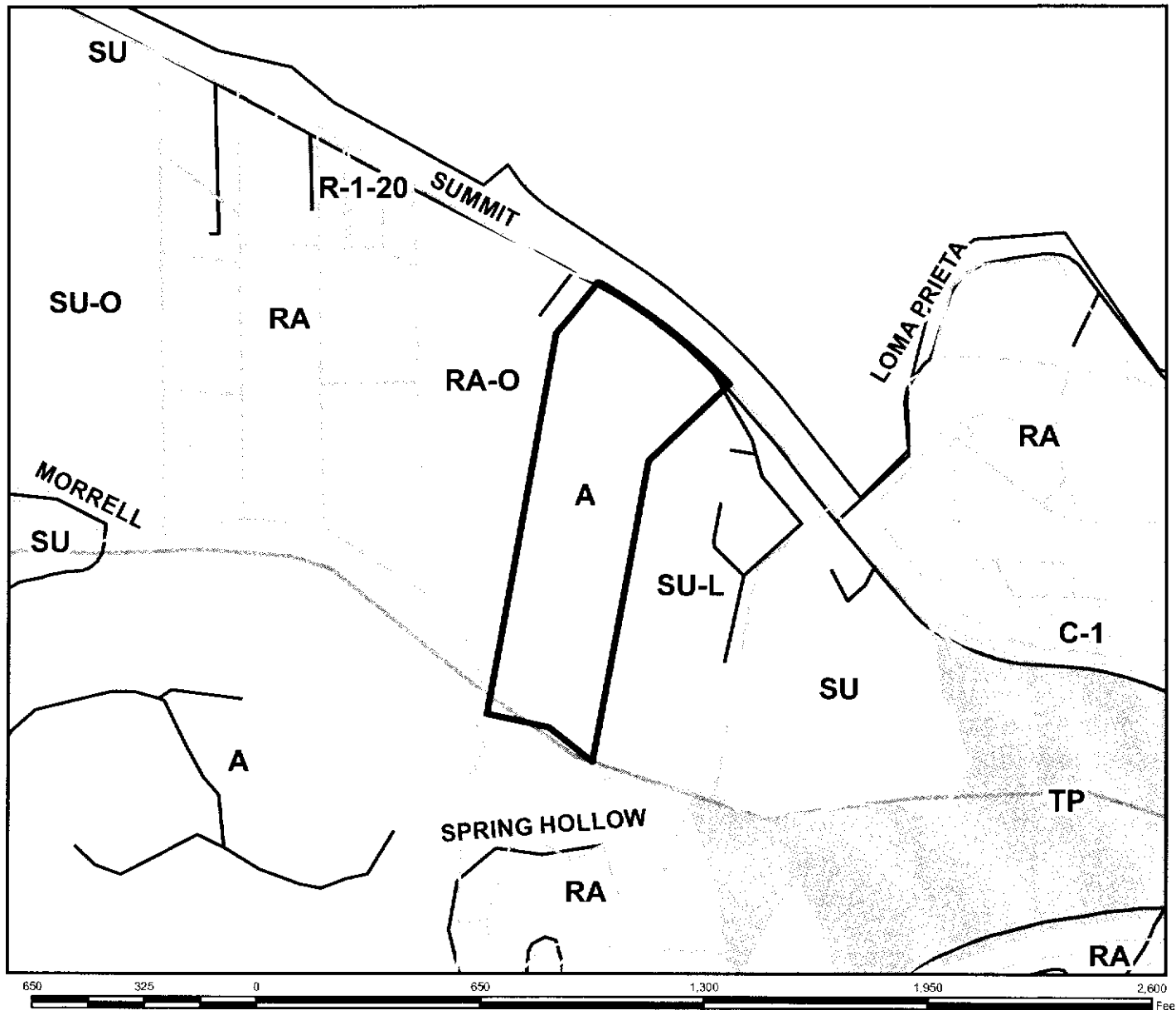
-  APN: 096-451-02
-  Assessors Parcels
-  Streets
-  County Boundary



Map Created by  
County of Santa Cruz  
Planning Department  
March 2010



# Zoning Map



## LEGEND



APN: 096-451-02

Assessors Parcels

Streets

### STREAMTYPE

PERENNIAL



County Boundary

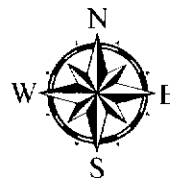
AGRICULTURE

AGRICULTURE RESIDENTIAL

SPECIAL USE

RESIDENTIAL-SINGLE FAMILY

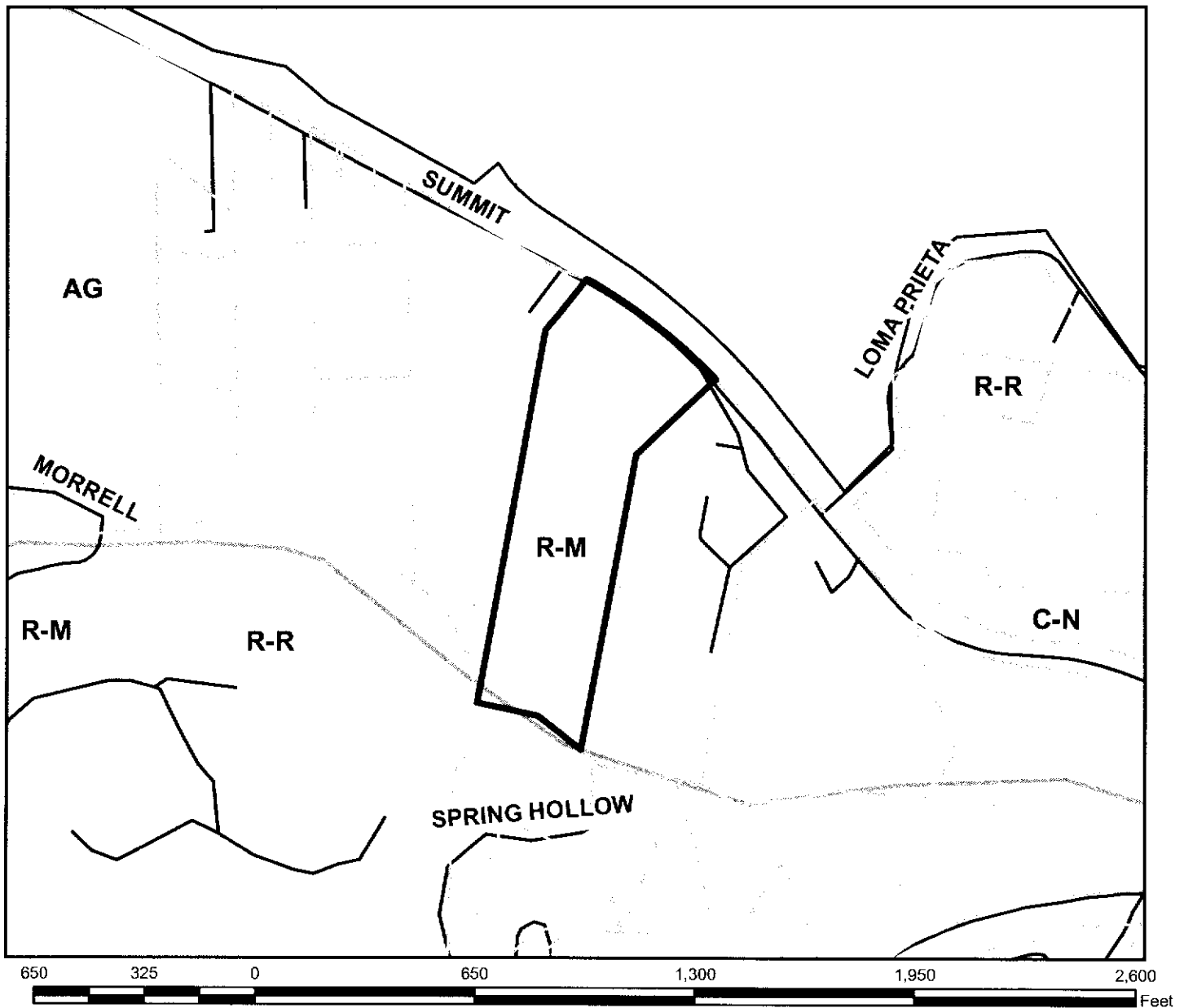
TIMBER PRODUCTION



Map Created by  
County of Santa Cruz  
Planning Department  
March 2010



# General Plan Designation Map



## LEGEND



APN: 096-451-02



County Boundary



Assessors Parcels



Streets

### STREAMTYPE



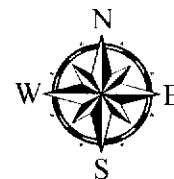
PERENNIAL

Residential-Mountain

Residential-Rural

Agriculture

Commercial-Neighborhood



Map Created by  
County of Santa Cruz  
Planning Department  
March 2010

**C O U N T Y   O F   S A N T A   C R U Z**  
**DISCRETIONARY APPLICATION COMMENTS**

**Project Planner:** Samantha Haschert  
**Application No.:** 10-0059  
**APN:** 096-451-02

**Date:** July 8, 2010  
**Time:** 16:25:38  
**Page:** 1

**Dpw Road Engineering Completeness Comments**

LATEST COMMENTS HAVE **NOT YET** BEEN SENT TO PLANNER FOR THIS AGENCY

===== REVIEW ON MARCH 24, 2010 BY RODOLFO N RIVAS =====

The sight distances shown on the architectural plan (275' and 285') for the main driveway serving the proposed project do not meet the minimum sight distance requirement for the existing 40 MPH speed limit on Summit Road. Please indicate whether or not required sight distances are currently met (in case of a clerical error), or if mitigation measures are necessary to achieve required sight distance.

===== UPDATED ON MAY 14, 2010 BY RODOLFO N RIVAS =====

Existing driveway meets sight distance requirements. No additional comments.

**Dpw Road Engineering Miscellaneous Comments**

LATEST COMMENTS HAVE **NOT YET** BEEN SENT TO PLANNER FOR THIS AGENCY

===== REVIEW ON MARCH 24, 2010 BY RODOLFO N RIVAS =====

NO COMMENT

===== UPDATED ON MAY 14, 2010 BY RODOLFO N RIVAS =====

NO COMMENT

**Cal Dept of Forestry/County Fire Completeness Comm**

===== REVIEW ON MARCH 18, 2010 BY COLLEEN L BAXTER =====

DEPARTMENT NAME: SANTA CRUZ CO. FIRE S PC 0 Add the appropriate NOTES and DETAILS showing this information on your plans and RESUBMIT, with an annotated copy of this letter:

Note on the plans that these plans are in compliance with California Building and Fire Codes (2007) as amended by the authority having jurisdiction.

Each APN (lot) shall have separate submittals for building and sprinkler system plans.

The job copies of the building and fire systems plans and permits must be onsite during inspections.

The access road shall be 20 \_\_\_\_ feet minimum width and maximum twenty percent slope. All access roads inside winery to be 20 feet of unobstructed fire lanes. All Fire Department building requirements and fees will be addressed in the Building Permit phase.

Plan check is based upon plans submitted to this office. Any changes or alterations shall be re-submitted for review prior to construction.

72\_\_ hour minimum notice is required prior to any inspection and/or test.

**Cal Dept of Forestry/County Fire Miscellaneous Com**

===== REVIEW ON MARCH 18, 2010 BY COLLEEN L BAXTER =====



WESTFALL ENGINEERS, INC.  
Consulting Engineers

14583 BIG BASIN WAY  
SARATOGA, CA 95070  
TEL: (408) 867-0244  
FAX: (408) 867-6261

June 12, 2006

County of Santa Cruz  
Department of Public Works  
Road Engineering  
701 Ocean Street  
Santa Cruz, California

Regarding Project:  
24040 Summit Road  
Los Gatos, California

On Friday, June 9, 2006 a Sight Distance Evaluation analysis was performed at 24040 Summit Road to determine the line of sight distance from the driveway of the proposed winery on Summit Road looking both east and west along Summit Road.

In order to improve the line of sight distance in both directions, the embankment at the end of the driveway should be slightly shaved down from the exit of the driveway on both sides to 42" high on both sides, 6 feet back from the roadway pavement. This will only involve reducing the current slope height by about 12" but will improve the line of sight in both directions.

Once the slope height of the embankment is reduced to 42", the line of sight exiting the site looking west will be in excess of 335 feet and looking east will be in excess of 320 feet.

*Karel Cymbal*  
Karel Cymbal  
R.C.E. 34534



\* WORK COMPLETED  
IN 2006

**Accessibility: Project Comments for Development Review**  
**County of Santa Cruz Planning Department**

Date: May 5, 2010  
Planner: Annette Olson  
Project: Public hours at Schaad Family Winery

Application Number: 10-0059  
APN: 096-451-02

Dear Northstar Properties LLC,

A preliminary review of the above project plans was conducted to determine accessibility issues. The following comments are to be applied to the project design.

Please refer to the attached brochure entitled Accessibility Requirements - Building Plan Check which can also be found at the County of Santa Cruz Planning Department website:

[http://www.sccoplanning.com/brochures/access\\_plancheck.htm](http://www.sccoplanning.com/brochures/access_plancheck.htm)

This document is an information source for the designer when preparing drawings for building plan check.

**Completeness Items:**

Plans complete for this stage of review

**Compliance Issues:**

- Occupancy classification of a winery is F-1, retail is M, assembly areas with more than 50 occupants is A-2, assembly areas with less than 50 occupants is B, and storage is S-2. Project data will need to be corrected to comply with the 2007 CBC.
- Plans need to clarify if the occupant load will increase and show where the retail space, the wine tasting area and any other areas in the interior room marked M occupancy will be. Use occupant load factor of 30 for the retail areas and 15 for the wine tasting area (unconcentrated assembly areas with tables and chairs). Determine if the occupant load will increase due to the proposed use. If the occupant load will increase beyond 50 for the interior wine tasting and retail area, the exit doors shall be revised to swing in the direction of exiting from this space. Please provide occupant load calculations for the tasting area to confirm correct exiting. The restroom areas are accessory areas and need not be included in the occupancy totals. See CBC 1004 for occupant load and CBC 1008.1.2 for door swing.
- The van accessible space shall have a loading zone a minimum of 8 feet wide on the passenger side of the van space.

**Permit Conditions/Additional Information:**

- Parking space details, with striping, signage, slope conditions, and path of travel to the entrance will need to be included in the plans submitted for a building permit.
- An accessible parking and path of travel verification agreement form will need to be submitted for building permit application approval. The form is available at <http://www.sccoplanning.com/pdf/bldg/accessverification.pdf>.

Please contact me with any questions regarding these comments.

Laura Brinson  
Senior Building Plans Checker  
County of Santa Cruz Planning Department  
(831) 454-3151  
[laura.brinson@co.santa-cruz.ca.us](mailto:laura.brinson@co.santa-cruz.ca.us)