

# Attachment J

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Château Julien Wine Estate  
Carmel Valley, California

Presentation  
to  
The Monterey County Board of Supervisors

Hearing: August 31, 1999, 10:00 a.m.



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## **BACKGROUND**

### **HISTORY**

The Château Julien Wine Estate was established by Bob and Patty Brower in 1982 at the former Carmel Valley site of Hacienda Hay and Feed. It has since progressed into one of the finest and most successful wineries in Monterey County as well as a major purchaser of locally grown grapes. Château Julien is now one of California's premier wineries whose fine wines are sold in 46 states and throughout Europe substantially enhancing the association of Carmel Valley and Monterey County with quality grape and wine production. Château Julien hosts wine tasting and private events at its beautiful Carmel Valley facilities, a common practice in the winery industry proven to be an effective means of exposing and promoting its wines and the local wine industry and ensuring the continued growth of both.

In 1996, Château Julien had the opportunity to purchase six adjacent acres enabling it to expand and complete its wine estate facilities. Upon application, in April of 1997, the Château Julien Wine Estate was granted a Use Permit to construct a wine barrel storage building and improved parking facilities on its new property. The Chai building now allows the Winery to age its wine on site thereby expanding and integrating its operations into one overall location. The new facilities were carefully designed to enhance the Winery's visual impact and substantially lessen the noise level from all winery activities even though the previous noise level was well within County limits. Château Julien has also planted approximately six acres of grape vines on site for future production which will further reduce truck traffic.

### **CONCERN FOR NEIGHBORHOOD**

All of Château Julien's neighbors to the east and south have no complaints with and fully support the Winery, including the residents of the former hospice which is located in the middle of the Winery property. (See Exhibit "B1.") A few neighbors to the west, however, have complained about the Winery since its inception not wishing to have a commercial agricultural facility near their homes regardless of the area's zoning and the lack of any adverse impacts. Out

of concern for these neighbors, however, as part of the Chai permit, Château Julien planted approximately 65 twenty foot pine trees and built an 8 foot high berm along its west and north boundaries. The parking lot was cut below grade and paved. The Chai building has no openings to the west and a 7-10 foot high retaining wall built on the west side of the Chai on top of the berm extending 300 feet on either side. (See Photographs, Exhibit "A.") The overall noise level has thus been reduced and noise emanating from the Chai building during the conduct of private events, including music, is virtually undetectable. The foregoing was confirmed by the studies performed by Charles M. Salter, PE, president of Charles M. Salter Associates, Inc., a well qualified and respected acoustics consulting firm. Mr. Salter conducted sensitive acoustical measurements at various locations on the west side of the Chai building during a private function, including live music, that took place on February 6, 1999. A copy of that study is attached as Exhibit "C." In fact, one western neighbor has come forward to confirm that noise from the Winery has "little, if any, impact." (See Exhibit "B2.")

## **THE HISTORY BEHIND THE APPEAL**

### **THE ISSUE**

This appeal arises out of the use of the Chai building for wine tasting and private events. Château Julien has held functions at the Chai because they are accessory to the Chai's Use Permit and therefore clearly contemplated and allowed by Monterey County's Accessory Use Ordinance, No. 21.06.1330. They are, by virtue of this Ordinance, part of the Chai Use Permit and have not resulted in any negative traffic, noise or other impacts.

Château Julien was informed, however, that the Chai building had not been approved for public assemblage use by the County Building Department or the Mid-Valley Fire District. Château Julien immediately applied for an Occupancy Permit and complied with all requirements. The Occupancy Permit was approved by the County Building Department, County Planning Department and Mid-Valley Fire District effective March 5, 1999.

Notwithstanding the foregoing, certain Planning Department Staff expressed concern because they had not considered the prospect of accessory uses when the Use Permit was approved. Château Julien therefore voluntarily submitted an Application for Administrative Interpretation to the Planning Director in the spirit of cooperation and to dispel any concerns and/or adverse notions arising out of the propriety of the accessory use activities being conducted at the Chai building.

## **THE ADMINISTRATIVE PROCEEDINGS**

In its Application for Administrative Interpretation, Château Julien pointed out that wine tasting and private events are well established accessory uses of winery building use permits and, under the County's own ordinance, such uses were included as part of Château Julien's Application for the Winery Chai building, as has previously been confirmed, unequivocally, by Court Decision in 1985 regarding the original Winery Use Permit. The Planning Director did not focus on the accessory nature of private Chai events or the lack of any adverse impacts. He merely concluded that, in his opinion, the conduct of public assemblage events at the Chai building should be the subject of a new use permit thereby, in effect, deferring to the Planning Commission on appeal.

## **THE PLANNING COMMISSION APPEAL**

Château Julien timely filed its Notice of Appeal, and the matter was heard by the Planning Commission on May 12, 1999. Château Julien presented the Planning Commission with approximately 115 letters of support confirming the accessory nature and character of public assemblage events, four of these letters, representative of those submitted, are included herein as Exhibit "D." In addition, Château Julien presented the Report and hearing testimony of Charles M. Salter confirming the lack of any adverse noise impact emanating from events at the Chai (including those with live music) and the Report of Higgins Associates confirming the lack of any adverse traffic impact (which is consistent with the position of Public Works). A copy of the Report of Higgins Associates is attached hereto as Exhibit "E." No contrary reports, studies

or other evidence was presented in opposition with the exception of comments made by representatives of only two households.

**THE PLANNING COMMISSION CONFIRMED  
THAT THE CHAI USE PERMIT ALLOWS  
FOR PUBLIC ASSEMBLAGE EVENTS AND  
GRANTED CHÂTEAU JULIEN'S APPEAL**

The Planning Commission granted Château Julien's appeal on May 12, 1999. A copy of the Commission's Findings are attached as Exhibit "F." By granting Château Julien's appeal, the Planning Commission confirmed Château Julien's contentions that:

1. **WINE TASTING AND PRIVATE EVENTS ARE ACCESSORY USES OF A WINERY'S FACILITIES.**

As pointed out by Château Julien, whether under the original or the new Use Permit, wine tours and private events are accessory uses of a winery's facilities and known by the County to be so by virtue of the County's accessory use ordinance at the time the Chai building permit was issued. They are activities traditionally associated with wineries throughout the State of California. They are, by well established custom and practice, a standard marketing medium for exposing the wines, creating name recognition and generating consumer loyalty. They fall well within the County's definition of accessory uses as was conclusively determined by the 1985 Court Decision between the County and Château Julien involving this very issue. As stated by the Court:

Such activities were never in question. An applicant for a use permit has the right to rely upon statutory provisions governing the exercise of rights under a permit. Here, the winery was an allowable use together with accessory uses as defined in Monterey County's Zoning Ordinance 20.04.730.

[1985 Decision, Monterey Co. Superior Court Case No. 82533, 4:10-14.]



For these reasons, Château Julien was entitled to and did rely on the fact that the Use Permit for the Chai winery building included the right to conduct wine tasting and private events therein. Moreover, the overall Chai project integrated the Chai building with the other winery facilities creating one winery site with one common entrance and one central parking lot. The County has acknowledged for the past 14 years that the Winery's initial Use Permit, issued in 1983, allows for the conduct of wine tasting and private events at all of the facilities that existed prior to the Chai building. Now that there exists one, integrated and contiguous site where all winery operations are conducted, the conduct of accessory uses at the Chai building may legally and should logically be included as part of the original 1983 Winery Use Permit as well as the new permit for which it has also been issued an Occupancy Permit to conduct private functions in the Chai building.

**2. THERE ARE NO NEGATIVE IMPACTS ARISING OUT OF THE USE OF THE CHAI BUILDING FOR WINE TASTING AND PRIVATE EVENTS:**

Neither the Planning Director nor the Planning Commission found that there were any negative impacts attributable to the use of the Chai building for wine tasting tours or the conduct of private evening events. No evidence of any adverse impact was presented. To the contrary, the undisputed evidence established, unequivocally, that the use of the Chai building for such activities in fact does not generate any negative impact whatsoever. Specifically:

- (a) **NO INCREASE IN CARMEL VALLEY ROAD TRAFFIC:** The primary use of the Chai building has eliminated approximately 24 truck trips per year since Château Julien's wine is now aged on premises. It has also eliminated 52 employee trips per year otherwise needed to monitor the offsite aging of the wine. The conduct of private events at the Chai building has not resulted in any increase in Carmel Valley traffic since that same activities would otherwise be conducted at another of the

Winery's facilities located on the same site, which traffic occurs during non-peak hours. This has been confirmed by Higgins Associates as set forth in its letter report attached hereto as Exhibit "E."

Moreover, Château Julien has entered into an agreement with the County's Department of Public Works to build, at the Winery's expense, a left turn lane or other mitigating measures if and when determined necessary by the Department. The Department of Public Works has been monitoring traffic to and from the Winery including during the period the Chai has been used for private events. As of this date, it has found there to be no significant impact justifying any mitigation measures confirming that the situation is no different than prior to the Chai.

- (b) LACK OF ANY ADVERSE NOISE IMPACT: As was also presented to the Planning Commission, the noise emanating from the Winery and private activities was well below the maximum allowed by County Ordinance prior to the construction of the Chai building and related improvements. After construction, that noise level was substantially reduced. In addition, as confirmed by the acoustics expert, noise coming from within the Chai building during a public function (including live music) cannot be heard 50 feet to the west of the Chai building.

Only one person appealed the Decision of the Planning Commission.

## **CONCLUSION**

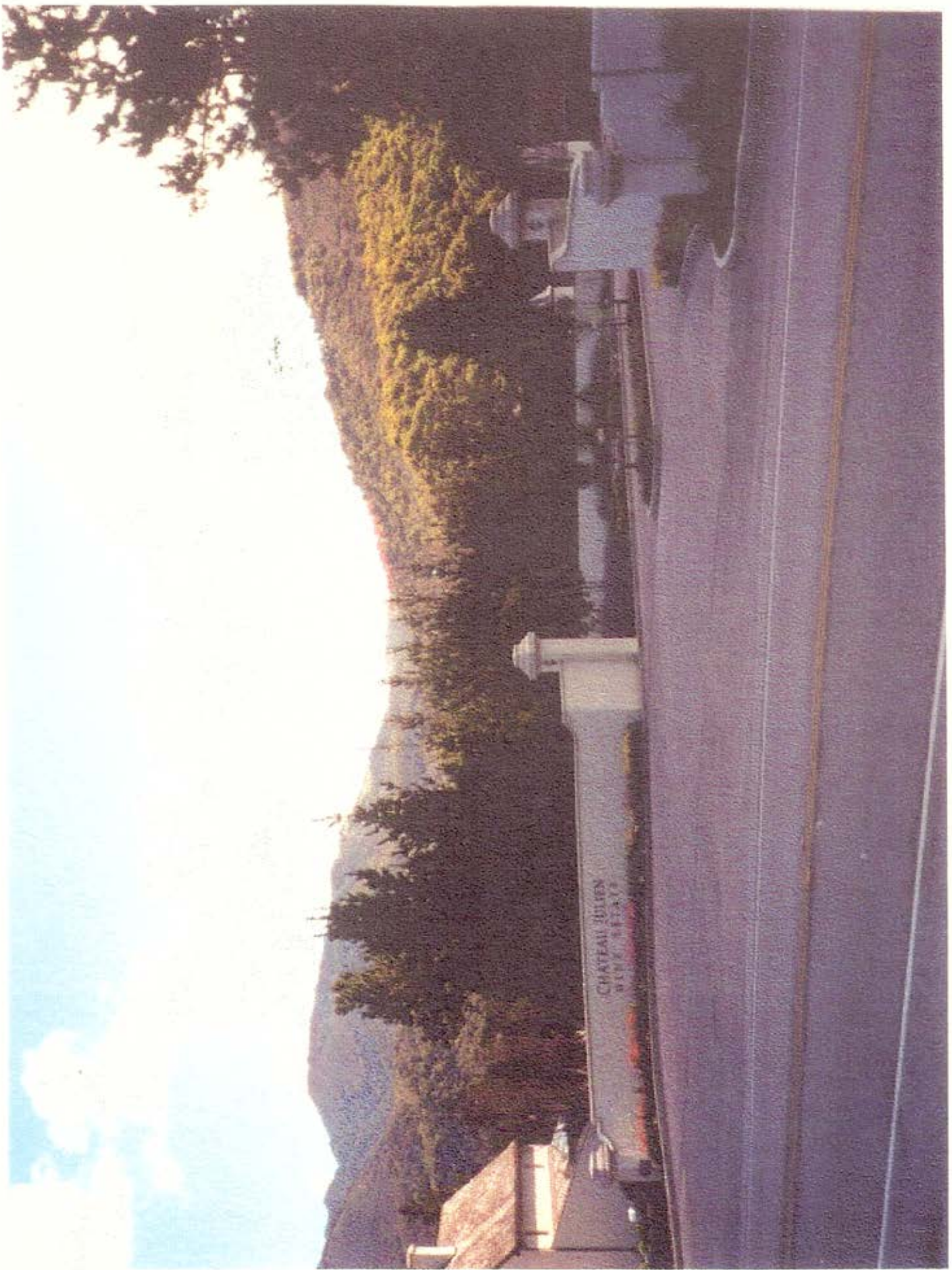
Château Julien has played a major role in the development of the wine industry in Monterey County. It has acted reasonably and responsibly, within the clearly defined limits of its Use Permits, in the conduct of its operations including the accessory activities of onsite wine tasting tours and private events. It has designed and constructed the Chai building and

related improvements integrating all wine operations into one site and, in so doing, meaningfully decreased the noise level arising out of all activities.

The County of Monterey acknowledges that Château Julien may conduct wine tasting tours and private events at all of its other facilities at the Winery. The Planning Commission properly granted Château Julien's appeal affirming that it may also conduct such events at the Chai building under the Chai building Use Permit because such activities are clearly accessory and may be conducted in any of the Winery's other facilities on the premises.

Château Julien respectfully requests that the Board of Supervisors affirm the Planning Commission's Decision and deny the pending appeal.

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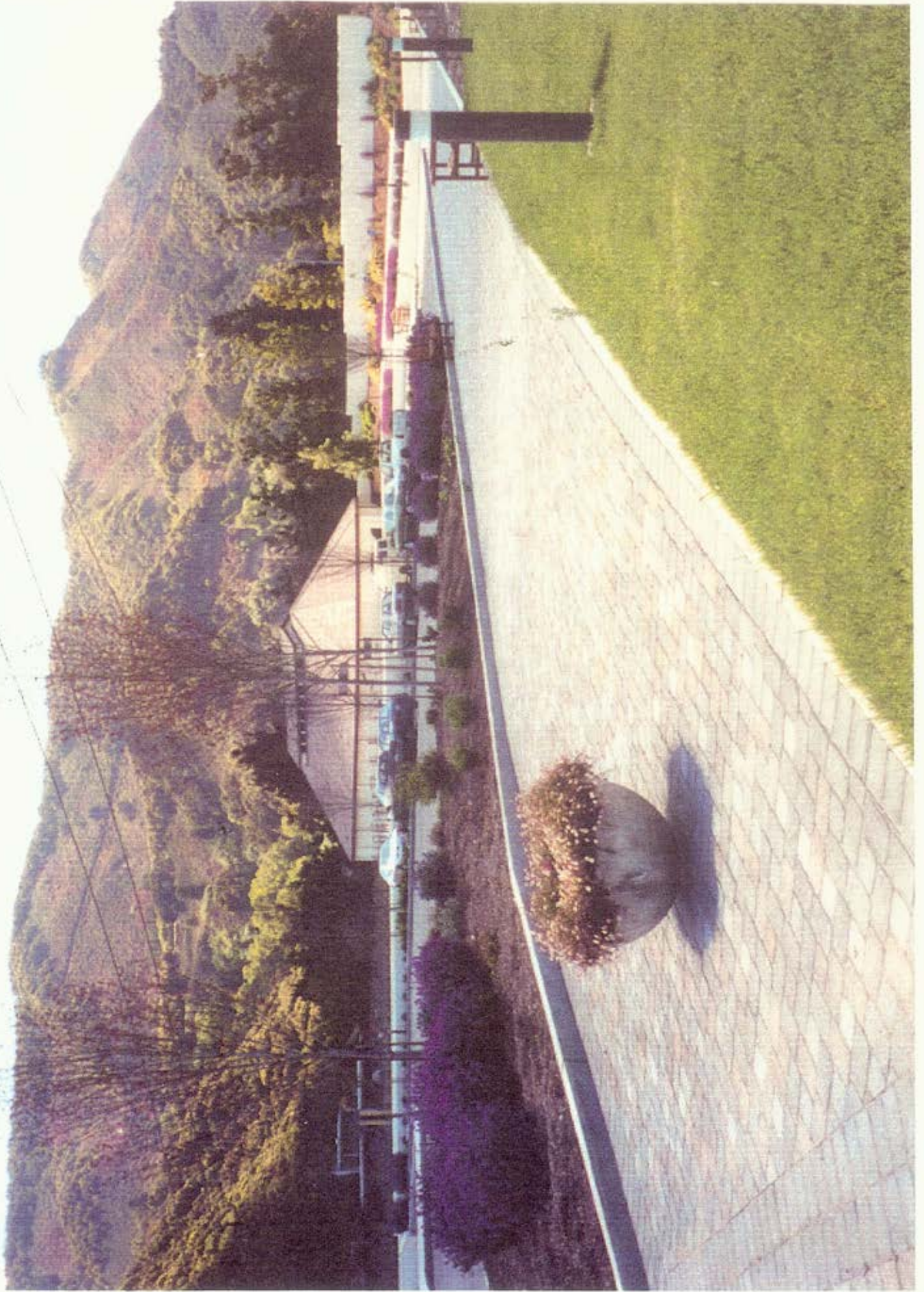




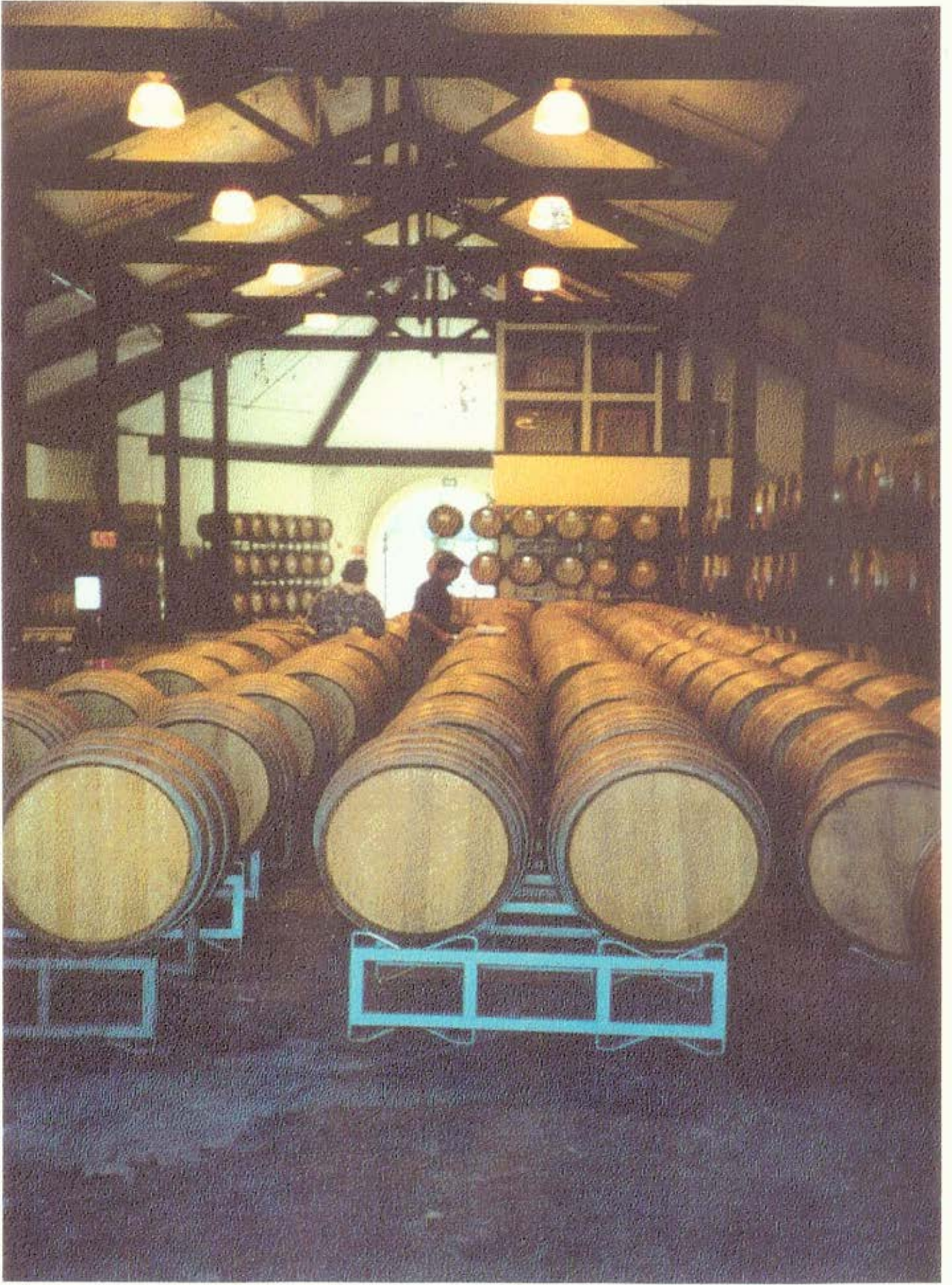




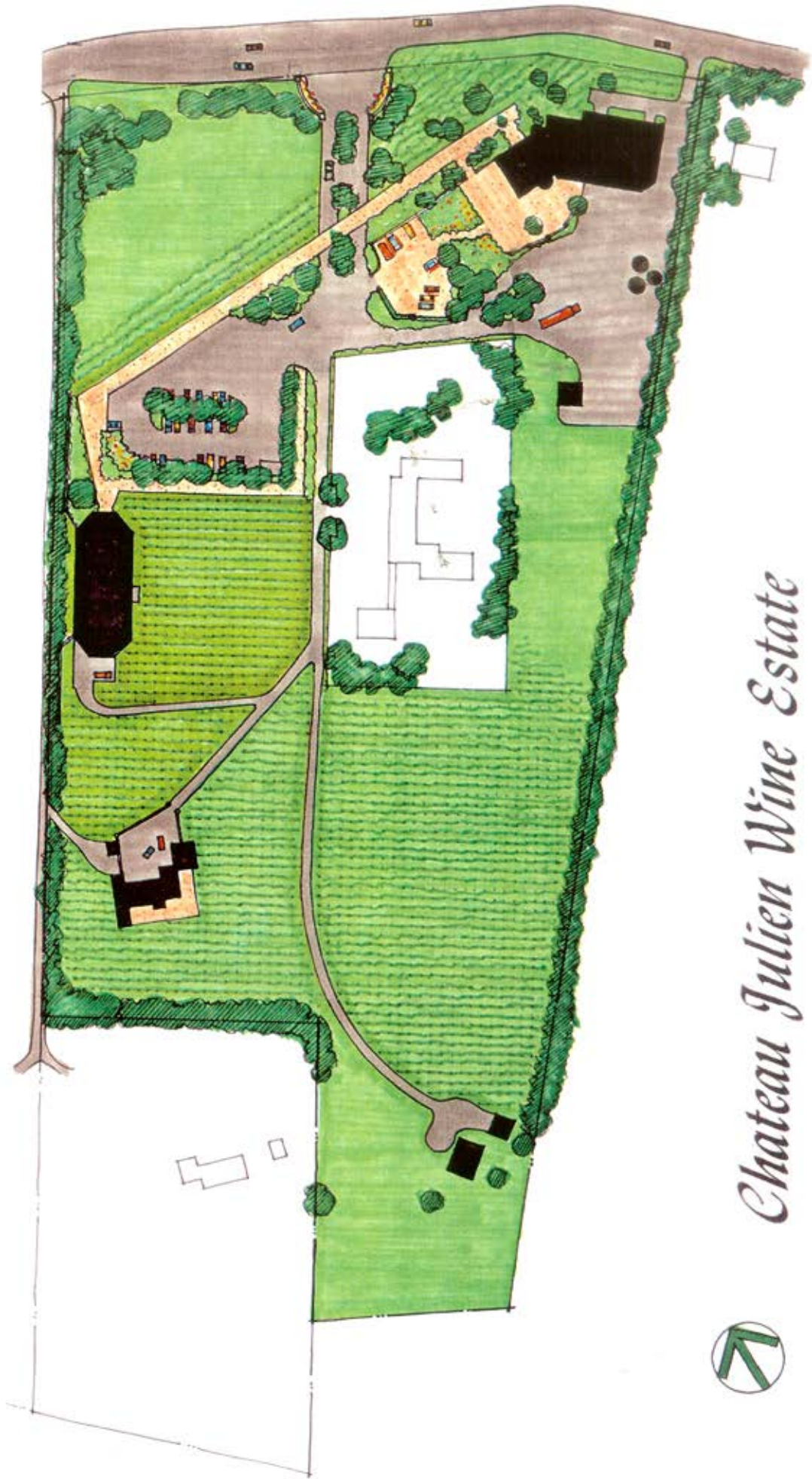
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*Chateau Julien Wine Estate*



Clive and Sylvia Nail  
8900 Carmel Valley Road  
Carmel, CA 93923  
831-626-3960

April 9, 1999

Nick Chiulas  
Chief of Planning Services  
Monterey County Planning Commission  
P.O. Box 1208  
Salinas, CA 93902

Dear Mr. Chiulas,

We own and live on property, which is located in the middle of the Chateau Julien wine estate. We have lived at the above address for a little under three years.

We are aware that the winery holds a number of functions throughout the year. They have in no way disturbed us or our quality of life. Occasionally in the past we heard a little music but the events have always ended at a reasonable time.

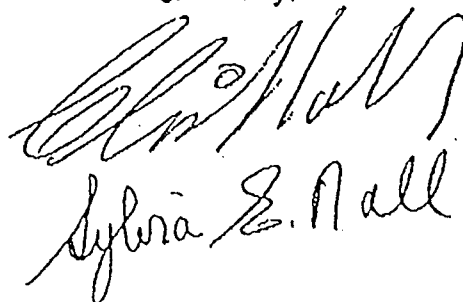
Since the new building has been operational, we are rarely aware that a function is being held and then only because we are leaving or returning home and see cars in the parking lot.

We have watched the estate grow and become beautified by its gardens and approach. We feel privileged to have found such a place to live.

Before we close, we would be remiss if we failed to include the following thought. The Chateau Julien wine estate contributes to the economic development of our area. As such, we recognize its impact on the prosperity of Monterey County - thereby contributing to the quality of life in our community.

In closing, the Browers are caring, courteous people who are considerate of their neighbors. If we had been able to select our neighbors, we could not have made a better choice.

Sincerely,



Sylvia E. Nail

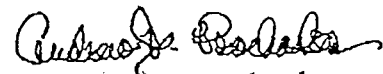
✓ bc: Browers

8730 Carmel Valley Rd.  
Carmel, CA 93923

I love people. I care tremendously about my family, friends and neighbors and stress the fact again that I have no interest in becoming involved in a tug-of-war with my family in the middle. I would be most grateful if this letter were to remain confidential to the Brower Family and to the Planning Commission. If this letter is not to be held in confidence, then I would appreciate written confirmation of such action well in advance. I appreciate your support and understanding. I live on a private road close to Chateau Julien and care about the relationships which I have with my street neighbors as well as the relationship that I have had with the Brower Family since arriving at this location in September, 1995.

To date, I have found Mr. Bob Brower, his wife, Patricia, and their son, Bobby, to be truly delightful people. I enjoy their company and I value their friendship. Speaking strictly from where I live, I have not found the winery to be of any concern and have found Mr. Brower very open at all times to discuss any concerns. At present, the noise has very little, if any, impact on us--the additions to the grounds are visually attractive to say the least--and the low level lighting takes little if anything at all from our gorgeous night-time views. I must stress that I am speaking from my personal experience and cannot make any comment on what others in the neighborhood might feel simply because I don't really know. Their homes are in different locations and I just don't know what impact they may be experiencing or have experienced in the past. I can and will only speak for myself and let others speak for themselves.

With respect and again, thank you for your understanding.

  
Andrew D. Prochaska

April 27, 1999

Chateau Julien Wine Estate  
Bob and Patty Brower  
P.O. Box 221775  
Carmel, California 93922

Dear Bob and Patty,

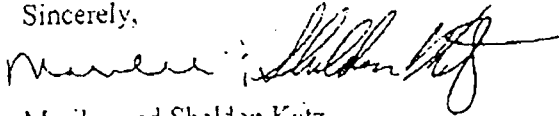
In response to your appointment May 12, 1999 with the Monterey County Planning Commission regarding the use of the Chai, Sheldon and I would like to write this letter stating that since the use of the Chai we have not had any problems with noise.

As you know our property is located directly behind the Chai and we have never had a problem with noise (i.e. music, voices or traffic).

Many changes have occurred in our neighborhood in the past two years, not withstanding the development across the Carmel Valley River from our property. And we feel that the events at the Chai are no more intrusive than the before mentioned development across the river.

We have always appreciated your sharing of ideas and plans for the development of the Winery as our neighbor.

Sincerely,



Marilee and Sheldon Katz

April 16, 1999

Nick Chiulos, Chief of Planning Services  
Monterey County Planning Commission  
P.O. Box 1208  
Salinas, CA 93902

RE: Chateau Julien Wine Estate and the Chai

To Whom it May Concern:

My name is Ralph Santiago. I reside on the same property in which the Chateau sits and have done so for the past five years. During this time I have become aquatinted with many of my neighbors. I, as well as my neighbors, have expressed numerous times that the presence of the Chateau and the Chai have been a blessing for the neighborhood. The owners, Bob and Patty, have allowed the neighborhood to use the Chai to display their wares, including but not limited to arts and crafts. The Chai has also been used for special events, winemaker dinners and other programs, all of which brings the winery and the community together.

Due to my close proximity, I am aware of most of the happenings that occur at the Chateau. Not once has the noise level disturbed my peace. The Bowers have taken extreme measures to make sure that any noise from these events are kept at a minimum. The winery is not obtrusive, and the Chai is an ideal setting for special events. I would like to take my hat off in support of Bob & Patty Bowers' endeavors in bringing the Chai to the neighborhood. I can be counted as one who supports the presence of the Chateau and the Chai.

Sincerely yours,



Ralph Santiago  
P.O. Box 223503  
Carmel, CA 93922  
(831) 626-4548

May 9, 1999

Dear Patty & Bob

Please use our names in support of Chateau Julien at the hearing on May 12th.

Let it be known that we reside less than 100 ft from the winery. We have never been affended by any noise from events during the day or evening. On the contrary we've enjoyed the happy sounds and music from weddings, etc. that has drifted our way on occasion. We have not heard music later than 10 P.M. ever.

We also wish to thank you for being good neighbors. After we complained of late hour noise during the "Crush" some ten years ago, you stopped all deliveries and crushing at night. You also planted many shrubs and trees to protect our view from the tall equipment we could see.

Best wishes, your next door neighbors  
Carl & Susana Gamble

22 February 1999

Bob Brower  
Chateau Julien  
P.O. Box 221775  
Carmel, CA 93922

(fax: 831/624-6138)

Subject: **Music and Parking Lot Noise Impact Study**  
CSA Project No: 99-005

Dear Mr. Brower:

As you know, I conducted acoustical measurements at Chateau Julien on Saturday night, 6 February 1999. This letter summarizes our findings.

1) Acoustical Measurements

a) Music

Inside Barrel House (Chai): 7:00 pm, 15 feet away from four-piece musical group: 78 dBA.

Outdoors: At air intake right next to the building in the northwest corner near Carmel Valley Road: 52 dBA.

50 feet from west side of building, approximately 120 feet from residential property line; music noise inaudible; traffic on Carmel Valley Road generated 45 to 50 dBA (at Location A on site map).

400 feet from building, approximately 850 feet from Carmel Valley Road to the south southwest: 40 dBA due to traffic on Carmel Valley Road (at Location B on site map).

b) Parking Lot Noise

7:20 pm, 50 feet from the parking lot and about 150 feet from the residential property line (at Location C on site map): 40 dBA due to individual cars in the parking lot. The vehicles on Carmel Valley Road were substantially louder than cars in the parking lot at this location because of their speed. There is also acoustic shielding in the form of a wall and berm which eliminate line-of-sight between the residential neighbors and the cars in the parking lot.

Consultants  
in Acoustics  
& Audio/Visual  
System Design

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Alan T Rosen  
Thomas A Schindler, PE  
Harold S Goldberg, PE  
Kenneth W Graven, PE  
Timothy M Der  
Robert B Skye  
Eric L Broadhurst, PE  
Durand R Begault, Ph D  
Thomas J Corbett  
Michael D Toy, PE  
Cristina L Miyar  
Ross A Jerozal  
Julie A Malork  
Jason R Duly  
Robert P Alvarado  
Brenda R Yee  
Joey R D'Angelo  
Eric A Yee  
Claudia Kraehe  
Loree D Curtis  
James S Chung  
Anne H Suh  
Alberto A Rivas  
Marion G Miles  
Marva D Newtze

2) Acoustic Criteria

The County of Monterey Noise Control Ordinance, Chapter 10.60 dated 04/88 identifies excessive noise as being detrimental to humans. Section 10.60.030 limits noise to 85 dBA at a distance of 50 feet. Table 6 in these standards has acceptable acoustic environment levels for residential and other acoustically sensitive land uses in terms of  $L_{dn}$  which is a 24-hour average sound level.

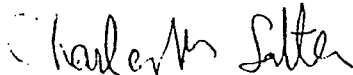
3) Findings

Our acoustical measurements indicate that music noise in the Barrel Building is unlikely to ever be audible at the adjacent residential property lines. We thus find that music activities in the Barrel Building will in no way degrade the acoustic environment for the residential neighbors and is in keeping with the County's noise standards and objectives.

The noise of cars in the parking lot should not cause a noise impact because of the wall, berm, distance to residences, and the masking effect of traffic on Carmel Valley Road.

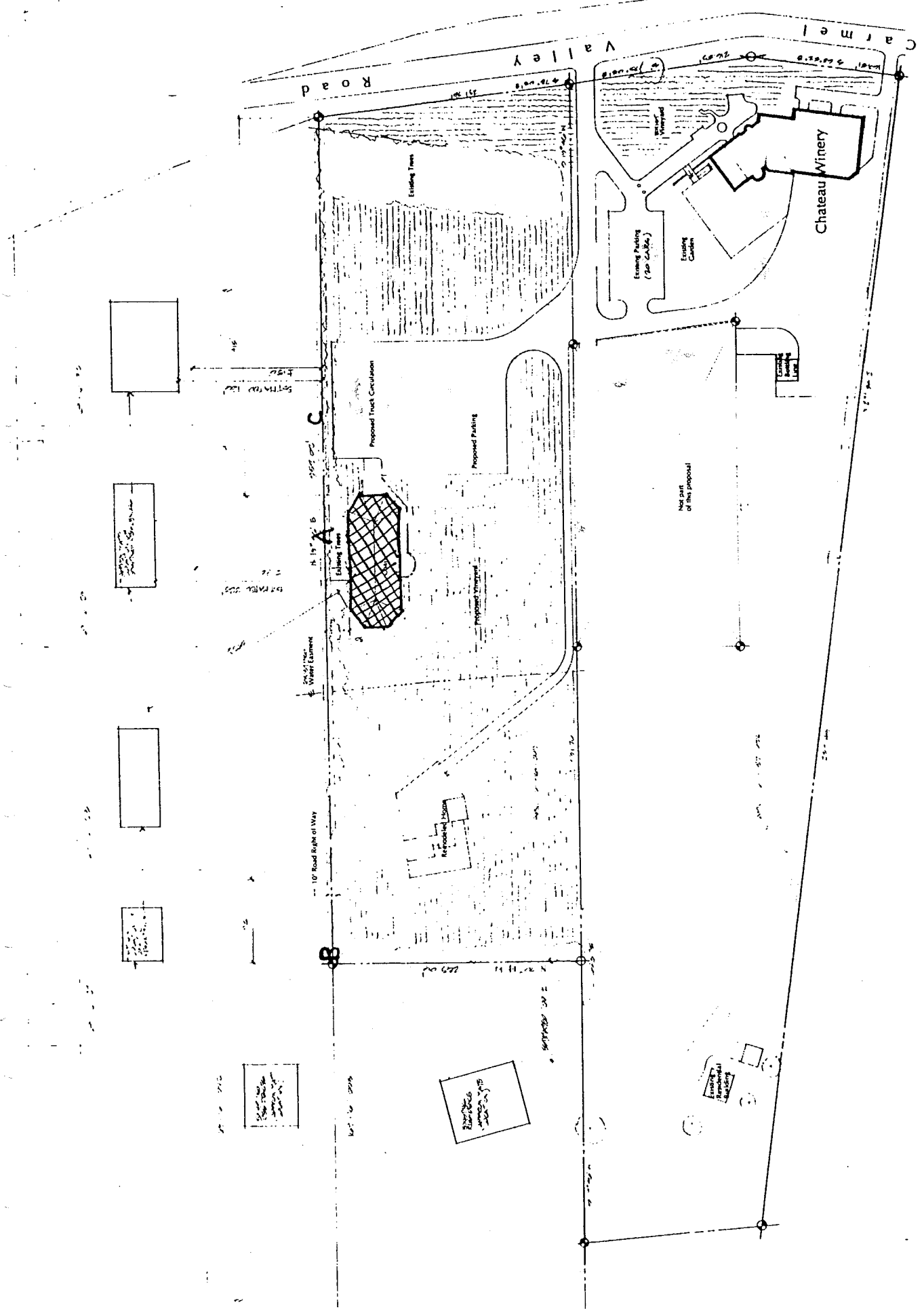
Sincerely yours,

**CHARLES M. SALTER ASSOCIATES, INC.**



Charles M. Salter, P.E.  
President

encl. - as noted  
CMS/esd  
FE22CMS



SITE MAP





ROBERT MONDAVI

May 7, 1999

Nick Chiulos, Chief of Planning Services  
Monterey County Planning Commission  
P.O. Box 1208  
Salinas, CA 93901

Dear Mr. Chiulos,

I am writing to express our support for Chateau Julien Winery in their project to accommodate food and wine events at their winery.

The marketing of wine through food is a traditional and needed practice to promote not only a particular winery but also a region. Our family has been doing it for years at our winery in Napa. We feel these types of programs have been essential to identifying Napa as a world class wine region.

Wine is meant to be enjoyed with food. Wineries who are not allowed to do so are at a competitive disadvantage. Winegrowing regions that do not allow it run the risk of falling behind to other viticultural areas in the state and around the world. As you know, we feel Monterey County has conditions that can provide world class wines.

The best way to promote wines is through word of mouth. The personal experience of some one visiting a winery, enjoying a beautiful setting, tasting the wines with food provides that opportunity. Monterey County should embrace this activity.

Wine is a very competitive business. High quality wines are arriving on our shores from all over the world. To appreciate the distinctive nature of Monterey, people need to be allowed to access those wines in the proper atmosphere. Wine and food events at wineries are essential to provide that ambiance.

Thank you for your consideration. Please call us if we can be of further assistance.

Sincerely,

R. Michael Mondavi  
President and CEO

RMM:bjm

Cc: Bob and Patty Brower  
Ken Shyvers

America's Oldest Winemaking Family Since 1854

10 May 1999

Nick Chiulos, Chief of Planning Services  
Monterey County Planning Commission  
P.O. Box 1208  
Salinas, CA 93902

Dear Mr. Chiulos,

I am writing to add my input to the discussion currently underway regarding public events at Chateau Julien Winery in Carmel Valley.

My family owns and operates our vineyard operations in Monterey County as well the Mirassou Winery in San Jose and the Mirassou Champagne Cellars in Los Gatos. Both the San Jose and Los Gatos facilities have extensive, in-house Hospitality Departments that oversee our Visitor Relations and Tasting Rooms. The Hospitality Department also carries out an ambitious agenda of public and private events at the two locations. Last year alone, the Winery on Aborn Road in Southeast San Jose, in partnership with our full-time chef, hosted close to 150 private and corporate groups, ranging in size from 15 to 160 guests – this in addition to our three annual public festivals where we average approximately 850 attendees. All of this at a facility that is now completely surrounded by expensive, new homes. We work very hard at being considerate, good neighbors; last year we received zero complaints regarding events here – indeed, one of the reasons for the high values of the homes in our area is their close proximity to our historic winery.

While very few vintners have as extensive a Hospitality program as Mirassou, this type of public assemblage is an important part of the community relations and financial health of a winery. These type of events are not our primary business but they are important to promoting our product, drawing visitor dollars to the area, and raising awareness of the importance of Monterey as a world-class winegrowing region.

Wine is a historic, moderate, civilized part of gracious living – exactly the image Monterey County wishes to project to the outside world. Public events that focus on the pairing of wine with food, wine education, and the centuries-long role of wine in the arts are integral, assumed parts of any winery's message. These events foster both the health of the business and the health of the region, as a whole.

Respectfully,

Peter Mirassou  
Fifth Generation, Partner,  
Mirassou Vineyards

cc: Brower, Robinson

Mirassou Sales Company



May 4, 1999

Robert Hernandez, Chairman  
Monterey County Planning Commission  
PO Box 1208  
Salinas, CA 93902

Dear Robert:

On behalf of the Monterey County Vintners and Growers Association's Board of Directors, it has come to our attention that one of our members, Chateau Julien Wine Estate, has a matter coming before the Planning Commission on May 12<sup>th</sup> that is of great importance to us.

Wineries throughout California have historically conducted public assembly events at their winery premises. It is a common practice customarily associated by wineries as part of its marketing program.

From the day when the first wine grapes were discovered and fermented, wine has been enjoyed by people all over the world. Wineries have been the gathering place for education, social and community gatherings. In Monterey County, wine and winery activities enhance the quality of life in our community. In the competitive marketplace that we find ourselves, each winery must conduct public assemblages to effectively market its product. The Monterey County wine region has been slow to getting itself established in the wine community. Efforts from wineries, like Chateau Julien, have helped our wine region grow by pairing wine and food at their facility.

Monterey County's wine industry is just beginning and we need the support of the Planning Commission and the Board of Supervisors to encourage more investment in our wine region. Our county has only a handful of wineries, and is geographically diverse. The wine industry does not use vast amounts of Monterey County resources, and utilizes our highways on "off-peak" hours to conduct tastings, events, and educational seminars.

We ask that you support, unrestricted, the permit for Chateau Julien to continue events at its new barrel building.

Sincerely,

LuAnn Meador, MCVGA President  
Ventana Vineyards

Kurt Gollnick, MCVGA Vice President  
Scheid Vineyards

John Handel, MCVGA Treasurer  
Lockwood Vineyards

Lorraine Worthy, MCVGA Secretary  
Worthy Enterprises

*Monterey County Vintners and Growers Association is a non-profit association representing over 40 Monterey County vineyards and wineries.*

MONTEREY COUNTY VINTNERS & GROWERS ASSOCIATION  
P.O. Box 1793, Monterey, CA 93942-1793  
831/375-9400 • Fax 831/375-1116 • [mwca@redshift.com](mailto:mwca@redshift.com)  
[www.wines.com/monterey](http://www.wines.com/monterey)



RECD JUN 25 1999

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**The Economic Development Corporation of Monterey County, Inc.**

June 23, 1999

Bob & Patty Brower  
Château Julien Wine Estate  
P.O. Box 221775  
Carmel, CA 93923

Dear Mr. & Mrs. Brower,

At a recent meeting the Board of Directors of the Economic Development Corporation of Monterey County Inc., we reviewed your plans for holding special events at the Château and newly constructed Chai. The Board of Directors voted to support your efforts to hold special events in these facilities. In doing so the Board noted the importance these events are in marketing your wines, the favorable impact on the community, the buildings low profile design, soundproofing and the careful design of the parking area to reduce the impacts of automobiles.

We commend your efforts and see them as an important part of an overall plan to grow and promote fine wines in Monterey County. The winery and the Chai are an ideal setting for winemaker dinners, programs and special events. Good luck for many successful endeavors.

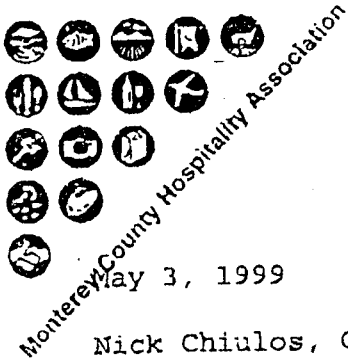
Sincerely,

A handwritten signature in cursive script that reads 'Jeff Davi'.

Jeff Davi  
EDC President

cc: Monterey County Board of Supervisors  
Planning Commission  
Monterey County Vintners & Growers Association

At The Opportunity Center  
100 12th Street, Bldg. 2900 • Marina, CA 93933  
Tel: (831) 384-0295 • FAX: (831) 384-0386



May 3, 1999

Nick Chiulos, Chief of Planning Services  
Monterey County Planning Commission  
P.O. Box 1208  
Salinas, CA 93902

Re: Chateau Julien Wine Estate hearing on winery events - May 12, 1999

Dear Mr. Chiulos and Members of the Planning Commission:

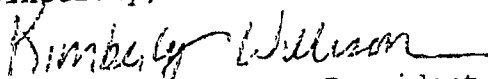
The Monterey County Hospitality Association supports the ability of Chateau Julien Wine Estate to continue scheduling and holding "winery events" at its beautiful facility in Carmel Valley. We especially urge any action needed to assure that such events can be conducted in the new Chai building as well as elsewhere at the facility.

Many of us in the hospitality industry are familiar with Chateau Julien and its facilities. It is a marvelous venue for both local events and wine and winery-related visitor events. The Chateau Julien facility, importantly including the new Chai, is an important component in adding to visitor experiences in Monterey County. It is also an important component in expanding awareness of the fine wines crafted in Monterey County.

As you might know, wine and winery-related experiences are increasingly important to the tourism industry and to the agriculture industry. In the last few years, more and more agriculture-related experiences have been added to the traditional mix of attractions and experiences for visitors; even as wine grapes and wineries add value and diversity to the agricultural community, they add a popular new facet to the tourism industry. It is indeed rewarding to see the development of this important interface between Monterey County's two primary economic drivers.

Please take the action necessary to assure the continuing service of Chateau Julien to our two most important industries.

Sincerely,

  
Kimberly Willison, President  
Monterey County Hospitality Association

cc: Bob and Patty Brower  
Chateau Julien Wine Estate  
P.O. Box 221775  
Carmel, CA 93922



**HIGGINS ASSOCIATES**  
**CIVIL & TRAFFIC ENGINEERS**

1335 First Street, Suite A, Gilroy, CA 95020 • 408 848-3122 • fax 408 848-2202 • e-mail info@kbhiggins.com

April 27, 1999

Mr. Dennis Law, Attorney at Law  
Horan, Lloyd, Karachale, Dyer, Schwartz, Law & Cook, Inc.  
P.O. Box 3350  
Monterey, CA 93942-3350

RE: Chateau Julien Winery, Monterey County, California

Dear Mr. Law:

This letter documents an analysis of trip generation characteristics associated with the use of the Chai Building on the grounds of the Chateau Julien Winery located on Carmel Valley Road in Monterey County, California. The location of the project site is shown on Exhibit 1.

The Chai Building was approved for construction in 1996 for barrel storage. It is also being utilized for special visitor related events such as luncheons and dinners. The analysis of the trip generation characteristics of the winery operation was undertaken to assess the potential for the traffic generated by the special events to impact traffic operations on the local road network.

Use of the Chai Building for barrel storage reduced the volume of trips generated by the winery. Previous to the construction of the Chai Building, barrel storage was provided at off-site facilities. Providing barrel storage on-site reduced the volume of vehicle trips generated by the winery associated with the transport of materials between the off-site storage facility and the winery as well as employee trips to the off-site facility.

In conjunction with construction of the Chai Building, site improvements were constructed that include a parking area and an improved access driveway. Improvements to the access driveway include right turn deceleration and acceleration tapers on Carmel Valley Road. A project site plan depicting existing conditions is shown on Exhibit 2. As a condition of the site plan approval for the Chai Building and associated on-site improvements, the project applicant was conditioned to construct a left turn lane on westbound Carmel Valley Road at the project entrance. The left turn lane will be constructed when requested by Monterey County Public Works staff. The constructed improvements and the future left turn lane will provide safe ingress and egress at the Carmel Valley Drive/winery access driveway intersection, if and when needed.

Special events conducted in the Chai Building have otherwise been conducted at other of the Chateau Julien Winery facilities which are located immediately east of the project access driveway. Guests attending a majority of the events are transported to the site via shuttle buses from resorts and hotels in the area. Utilization of the shuttle bus system significantly reduces the volume of trips generated

Mr. Law  
April 27, 1999  
Page 2

by special events and reduces the potential for the project to impact traffic operations on the local road network. Also, the weekday evening events are usually scheduled to begin after 6:00 PM to avoid the PM peak commute period.

It should also be noted that the winery operation, including special events, generate significantly less trips annually and daily than the previous use on the site, a hay and feed retail store that ceased operations in 1982. Based upon information provided at the 1985 public hearing for the winery, it is estimated that the hay and feed retail store generated at least 200 vehicle trips per day. I reviewed proprietary information that I requested be provided by the winery regarding the existing winery operation including employees, production activities and visitor activities. This information was analyzed to establish average daily vehicle trip generation values for the winery. A comparison of the trips generated by the winery versus the previous use indicates that the winery could at least double the number of special events per year before the 1982 levels of annual trip generation for the site would be reached.

In conclusion, use of the Chai Building for visitor related special events will not negatively impact traffic operations on the local road network. On a daily basis, the winery generates significantly less trips than the previous use on the site. The majority of special events conducted on the winery grounds involve bus transportation that occurs during non-peak commute hours. Development of the Chai building has reduced the volume of trips generated by the winery since truck and employee trips linked to the off-site wine storage facility have been eliminated. The reduction in vehicle trips generated by the winery use versus the previous retail use is such that the winery could at least double the number of special events per year before the 1982 levels of annual trip generation for the site would be reached.

Please call me if you have any questions regarding this analysis.

Sincerely,



J. Daniel Takacs, TE  
Principal Associate

cc: Robert Brower

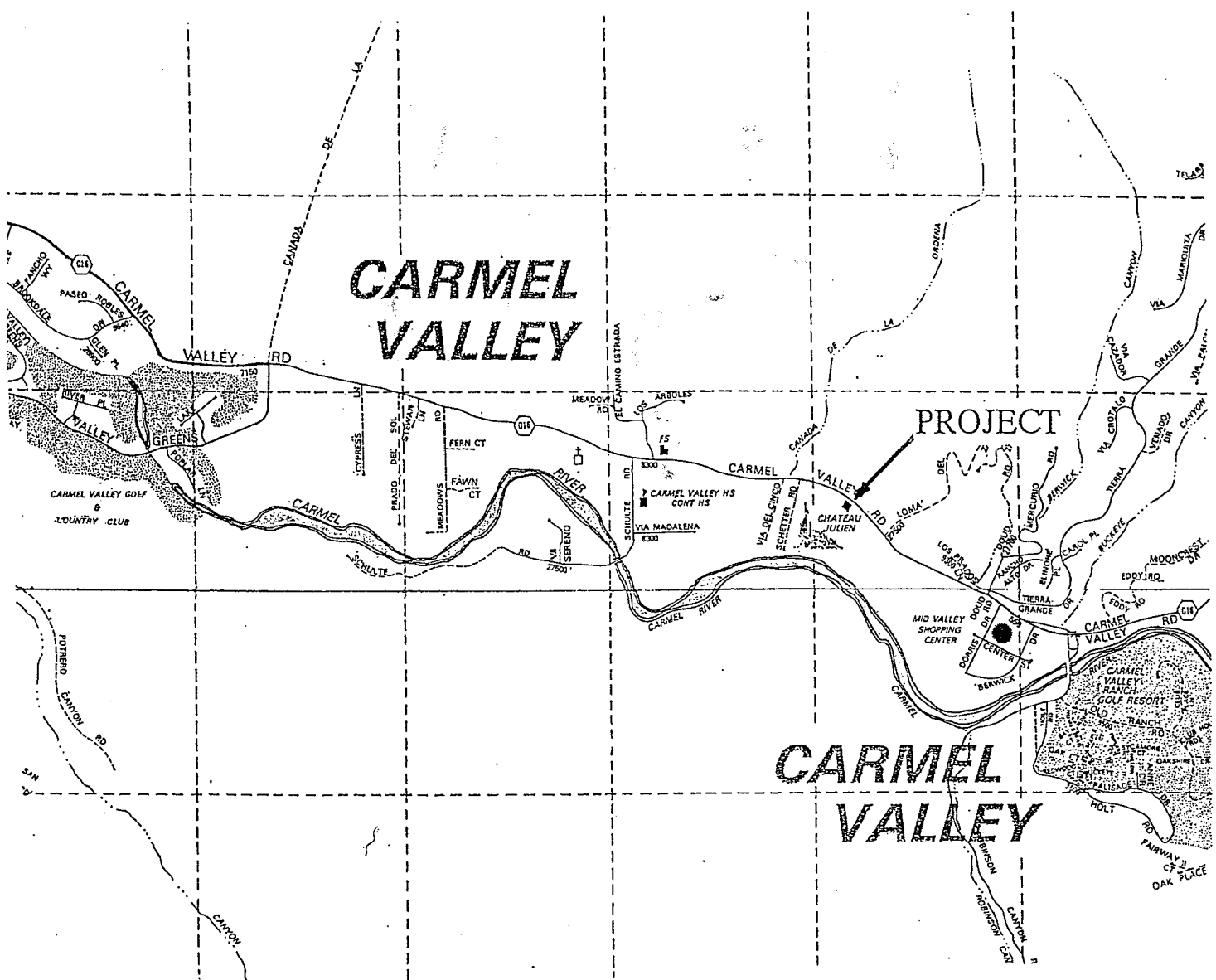


EXHIBIT 1-  
PROJECT  
LOCATION



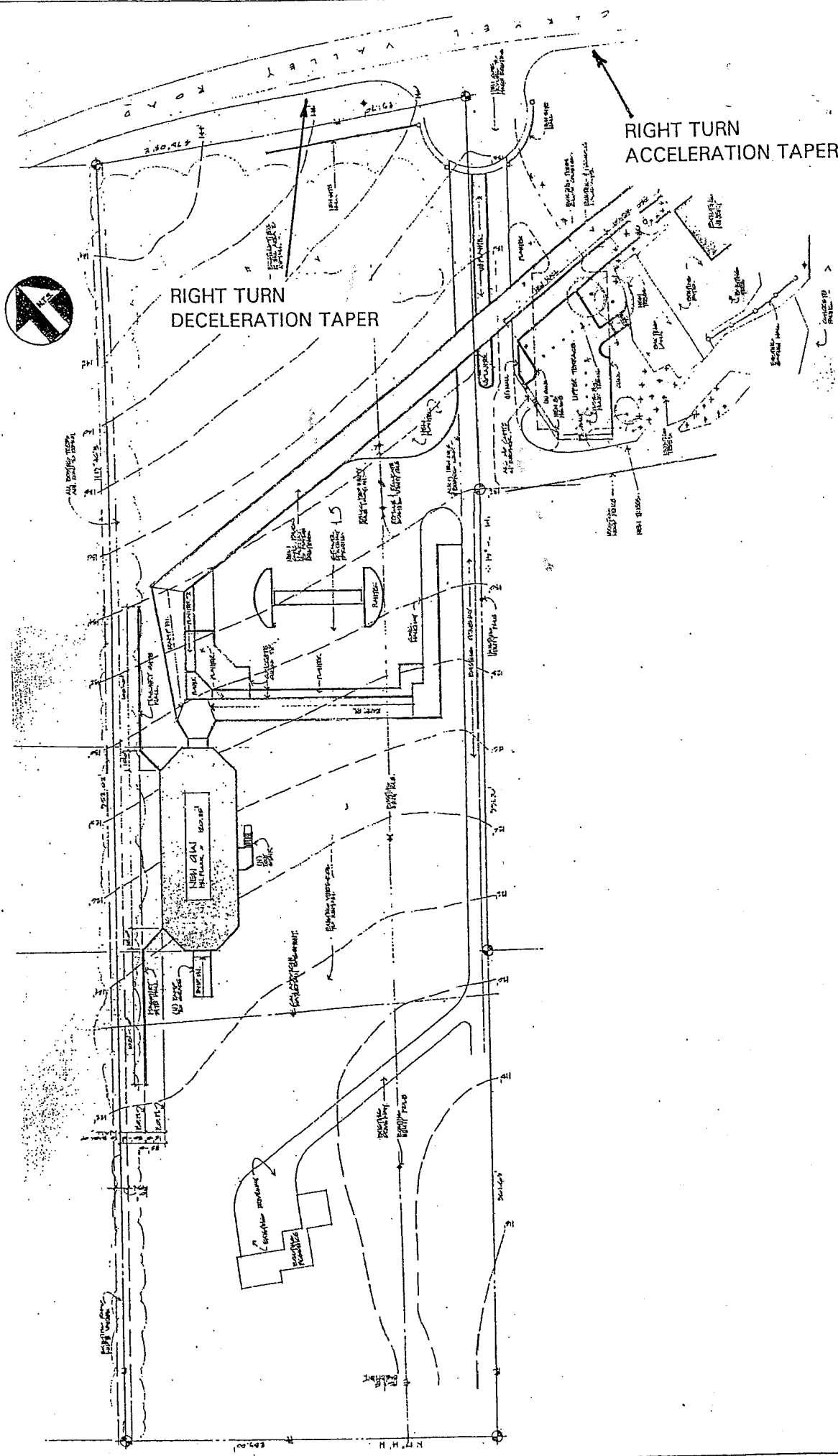


EXHIBIT 2-  
PROJECT  
SITE PLAN

**PLANNING COMMISSION  
COUNTY OF MONTEREY, STATE OF CALIFORNIA**

**REVISED**  
6/21/99

RESOLUTION NO. 99035

A.P. # 169-161-001-000,  
169-151-022-000

**FINDINGS AND DECISION**

In the matter of the Appeal of Administrative Interpretation of  
**COASTAL CYPRESS CORPORATION (PLN990138)**

WHEREAS: The Planning Commission, pursuant to regulations established by local ordinance and state law, has considered, at public hearing, an appeal of Director of Planning and Building Inspection Department's administrative interpretation that the Use Permit for a wine storage building approved by the Planning Commission on April 30, 1997 (File #965157) does not include the use of the building for public assemblage. The property is located on a portion of Lot C 10, James Meadow Tract, fronting on and southerly of Carmel Valley Road, 8940 Carmel Valley Road, Carmel Valley, came on regularly for hearing before the Planning Commission on June 9, 1999.

**DECISION**

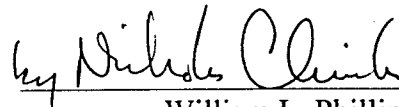
THEREFORE, it is the decision of said Planning Commission that said appeal be granted as shown on the attached sketch, subject to the following findings and evidence:

1. Finding: On April 30, 1997 the Monterey County Planning Commission approved a Use Permit for Coastal Cypress Corporation (File # 965157ZA) for the development of an 8,350 square foot wine storage building, truck circulation area, and a 14-space parking area, on a parcel (APN 169-161-001-000) adjacent to the Chateau Julien Winery located at 8940 Carmel Valley Road.  
Evidence: Administrative Record contained in File # 965157ZA.
2. Finding: On February 4, 1999 Coastal Cypress Corporation submitted a request for an Administrative Interpretation by the Director of Planning and Building Inspection that the approved Use Permit for the wine storage building (File # 965157ZA) includes the use of the building for public assemblages.  
Evidence: Administrative Record contained in File # PLN990138.
3. Finding: On March 9, 1999, the Director of Planning and Building Inspection rendered and Administrative Interpretation stating that the approved Use Permit for the wine storage building (File # 965157ZA), did not include the use of the building for public assemblage and that this use was not in conformance with the approved Use Permit (File # 965157ZA).

- Evidence: Administrative Record contained in File # PLN990138.
4. Finding: On March 19, 1999, Coastal Cypress Corporation appealed the Administrative Interpretation by the Director of Planning and Building Inspection pursuant to the provisions of Chapter 21.82.050 (D) of the Monterey County Code.
- Evidence: Administrative Record contained in File # PLN990138.
5. Finding: The Monterey County Planning Commission held a public hearing on the appeal by Coastal Cypress Corporation on May 12, 1999. The Commission heard presentations by staff and the owner as well as testimony from the public. The Commission found that the use of the building for public assemblage is an included accessory and incidental use to the Use Permit approved by the Planning Commission on April 30, 1997, for a wine storage building; and that the accessory use of the wine storage building for public assemblage is consistent with the approved Use Permit (File # 965157ZA).
- Evidence: Administrative Record contained in File # PLN990138.

PASSED AND ADOPTED this 9th day of June, 1999 by the following vote:

AYES: Errea, Hawkins, Pitt-Derdivanis, Sanchez, Wilmot  
 NOES: Crane-Franks, Hernandez, Parsons  
 ABSENT: Hennessy, Lacy



William L. Phillips, SECRETARY

Copy of this decision mailed to applicant on JUN 21 1999

IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE CLERK OF THE BOARD OF SUPERVISORS ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE JUL - 1 1999

IF YOU CHALLENGE THIS MATTER IN COURT, YOU MAY BE LIMITED TO RAISING ONLY THOSE ISSUES YOU OR SOMEONE ELSE RAISED AT THE PUBLIC HEARING DESCRIBED IN THIS PUBLIC NOTICE OR IN WRITTEN CORRESPONDENCE DELIVERED TO THE APPROPRIATE AUTHORITY AT OR BEFORE THE PUBLIC HEARING.

Dec 16 8 04 AM 1985

*Shirley A. [Signature]*

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SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF MONTEREY

GREAT AMERICAN WINERIES, INC., )  
a California corporation, dba )  
CHATEAU JULIEN, )

Petitioner, )

No. 82533

vs. )

MEMORANDUM OPINION

DALE ELLIS, Monterey County )  
Zoning Administrator, the )  
BOARD OF SUPERVISORS OF THE )  
COUNTY OF MONTEREY and the )  
COUNTY OF MONTEREY, )

Respondents. )

The above entitled case was heard by the Court on December 5, 1985. DENNIS M. LAW, Esquire, of the law firm of LAW and COOK appearing on behalf of Petitioner; JOSE RAFAEL RAMOS, Senior Deputy County Counsel, appeared on behalf of Respondents.

All declarations and transcripts of hearings filed with the Court by stipulation were received in evidence. The case was argued and submitted for decision.

Petitioner files for a Writ of Mandate to set aside and invalidate Respondents' administrative decision modifying

||

1 Petitioner's use permit.

2 On August 19, 1982, Respondent, County, issued a use  
3 permit to Petitioner, which contained fifteen (15) specific con-  
4 ditions (Exhibit A, Petitioner's Br). All allegations of viola-  
5 tions of the conditions have been resolved or withdrawn except  
6 for condition 13. Condition 13 reads as follows: "That the  
7 wine tasting operation be limited to 'by invitation only'".

8 Respondent also addressed in its modification hearing  
9 activities not specifically limited in its original use permit  
10 nor discussed at its hearing in connection with issuance of the  
11 permit, namely: Charity events held at the winery, wedding recep-  
12 tions, wine cooking classes, wine tasting classes and operation  
13 of a gift shop.

14 From the briefs filed and arguments of counsel, the Court  
15 perceives that Respondent is taking the position that those  
16 activities are not specifically allowed in the permit and are  
17 therefore prohibited or constitute a violation of Condition 13,  
18 and therefore are not permitted activities.

19 The parties agree that the land use by Petitioner is an  
20 allowable use pursuant to Title 20 Monterey County Code. At the  
21 time the permit was issued, there existed a court order which  
22 prevented the issuance of any permit otherwise allowable if such  
23 use would increase the building intensity (ground cover) or  
24 population density over the use then existing on the property.

25 A reading of the transcript of the hearing of August 19,  
26 1982 (Exhibit C, Petitioner's BR), clearly sets forth the concern  
27 of the zoning administrator and others present, namely traffic  
28 on Carmel Valley Road.

1 After reciting the various concerns of local regulatory  
2 agencies, the administrator heard testimony from members of the  
3 general public. Mr. Greenwood stated most succinctly the position  
4 of the community as:

5 1. disposal of local waste and "... the second "...  
6 concern is with traffic." He also talked about the infinite  
7 variety of "invitations" that might be issued by Petitioner. He  
8 spoke of "public" and "private" wine tasting needs, as well as  
9 a recommendation to define those needs.

10 He, Mr. Greenwood, then concluded "So we have those two  
11 concerns". That is to say, liquid waste disposal, and future  
12 increases of traffic. (Exhibit C, pages 7, 8, Petitioner's Br).  
13 There appeared to be some surprise by those testifying at the  
14 modification hearings by use of buses to transport tours. This  
15 should not have been a surprise. Mr. Greenwood (Exhibit C page  
16 8) observed that the proposed amenities such as a Great Hall, a  
17 concourse with a fountain, etc., would attract tourists. Also at  
18 page 9 of the same transcript, Mr. Brower talked of handling  
19 "... tours". At no time did Mr. Brower speak of limiting his  
20 wine marketing to restaurateurs and wholesalers.

21 Little if any of the testimony at the modification hear-  
22 ings actually addressed itself to the issue of whether Petitioner  
23 had increased the intensity of use, over what it represented to  
24 Mr. Slimmon at the hearing on August 19, 1982 or as to what the  
25 use had been before the winery.

26 In order to decide this case, one must first discover  
27 what Petitioner had a right to do. Inferentially Respondents  
28 argue that even though Petitioner had a right to engage in

1 activities that were accessory to its main business, the complain-  
2 ed of activities were not accessory uses.

3 The zoning administrator apparently had in his mind some un-  
4 communicated limitations to the use permit. (Exhibit 1,  
5 Respondents' Br).

6 Respondent has endeavored to cast Petitioner in the role  
7 of one who hid intended uses; almost attributed fraud. This is  
8 on the theory that Petitioner did not detail all possible  
9 activities of a winery at the August 19, 1992 hearing.

10 Such activities were never in question. An applicant for  
11 a use permit has a right to rely upon statutory provisions govern-  
12 ing the exercise of rights under a permit. Here the winery was  
13 an allowable use together with accessory uses as defined in  
14 Monterey County's Zoning Ordinance 20.04.730. An administrative  
15 officer cannot modify such rules except by specific articulated  
16 limitations for valid reasons. Certainly Mr. Slimmon could not  
17 build into the permit his uncommunicated-unwritten interpretations.

18 If this approach is permitted, then a holder of a use  
19 permit has no rights whatsoever under the permit.

20 Ironically, it appears that in one breath, Respondent  
21 condemns Petitioner for not revealing all possible activities to  
22 be anticipated even though not in issue, but believes that the  
23 undisclosed intent of Mr. Slimmon should have the effect of  
24 limiting the accessory uses under Title 20, Monterey County Code.

25 Petitioner produced evidence that all of its activities  
26 are "accessory uses" within the meaning of Monterey County Zoning  
27 Ordinance 20.04.730. Respondent could have produced evidence  
28 to the contrary and then perhaps the fact finder could have

1 believed one side or the other or weighed the evidence. Respond-  
2 ent chose not to produce such evidence. Therefore the evidence  
3 that all the activities complained of are accessory uses stands  
4 uncontroverted.

5 The evidence that the "intensity of use" stands at an  
6 average of 50 trips per day, exactly as estimated at the August  
7 19, 1982 hearing, was also uncontroverted. The County's own  
8 study shows Petitioner's use of the property has halved the  
9 traffic of its predecessor (Exhibit B: Exhibit D Pg. 25, 27  
10 Petitioner's Br.).

11 That is to say, Mr. Zobel testified at the May 9th hearing  
12 that when he operated the property they had 100 cars per day as  
13 well as two truck and trailers to and from the feed store.  
14 (Exhibit D, Pg. 27). The 18 wheelers surely are as noxious as  
15 buses.

16 The parties have ably briefed and argued the two  
17 standards of judicial review. The first is well defined as a  
18 determination by the Court that there is or is not substantial  
19 evidence to support the administrative decision or finding. The  
20 other is that the Court may independently weigh the evidence and  
21 come to its own conclusion where fundamental vested rights are  
22 at issue.

23 The Court observes, but does not decide, that the rights  
24 involved could rise to a fundamental vested right. Petitioner  
25 in reliance upon the terms the use permit made substantial  
26 investments as well as personally working at the business, etc.

27 The Court need not reach that point because under either  
28 standard of review, the Petitioner should prevail. There was no



1 evidence at all that the activities of Petitioner were not  
2 accessory uses nor that the intensity of use had been increased  
3 over the use of its predecessor or as estimated on August 19,  
4 1982.

5 The writ shall issue. Counsel for Petitioner is directed  
6 to prepare the necessary order and writ.

7 DATED: December 10, 1985.

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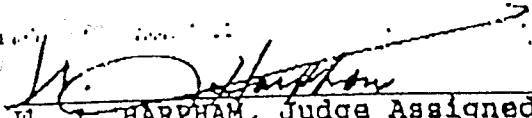
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W. J. HARPHAM, Judge Assigned.

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