

Resolution Number

County of Sonoma  
Santa Rosa, CA

January 26, 2023  
UPE21-0001 Georgia McDaniel

RESOLUTION OF THE BOARD OF ZONING ADJUSTMENTS,  
COUNTY OF SONOMA, STATE OF CALIFORNIA, FINDING THE  
UPE21-0001 PROJECT EXEMPT FROM CEQA AND  
APPROVING A USE PERMIT MODIFICATION TO UPE17-0053  
ALLOWING 25 ANNUAL AGRICULTURAL PROMOTIONAL  
EVENT DAYS AND AN INCREASED CAPACITY FOR WINE  
TASTING AND FOOD AND WINE PAIRING FOR PROPERTY  
LOCATED AT 7390 STARR ROAD, WINDSOR; APN 066-220-  
019

WHEREAS, the applicant, Starr Holdings, LLC, filed a Use Permit Modification application with the Sonoma County Permit and Resource Management Department to: increase the number of permitted annual event days at an existing winery from 16 to 25; increase the size of events to a maximum of 250 guests for indoor events and a maximum of 200 guests for outdoor events; expand the food and wine pairing capacity from 15 people at limited times to service of 15 people indoors and 30 people outdoors any one time for a maximum of 45 people at any one time; and expand the tasting room hours of operation from 5 days a week to 7 days a week between the hours of 10am-5pm, on an 18.93-acre property that contains an 8 acre vineyard, a 210-tree olive orchard, and vegetable gardens located at 7390 Starr Road, Windsor, APN 066-220-019; Zoned Diverse Agriculture (DA) B6 40; Floodway Combining District (F1); Floodplain Combining District (F2); Riparian Corridor Combining District (RC) 50/50; Riparian Corridor Combining District (RC) 100/50; Valley Oak Habitat (VOH); Supervisorial District No 4; and

WHEREAS, a Mitigated Negative Declaration (MND) was prepared for the original UPE17-0053 project, and on January 15, 2019, the MND was posted and made available for agency and public review in accordance with the California Environmental Quality Act ("CEQA"), 14 California Code of Regulations, §§15000 et seq. ("CEQA Guidelines"), and County CEQA guidelines. The Board of Zoning Adjustments held a public hearing on April 11, 2019 and adopted the MND and approved the original project subject to conditions of approval set forth in Board of Zoning Adjustments Resolution No. 19-008. The Notice of Determination was filed on April 16, 2019; and

WHEREAS, all applicable ongoing mitigation measures contained in the 2019 adopted MND have been incorporated into the project Conditions of Approval for UPE21-0001. These include ongoing mitigation measures for potential environmental impacts to the following topic areas: Noise, Hydrology and Water Quality, and Air Quality. All potential impacts resulting from the original UPE17-0053 project and the UPE21-0001 use permit modification project will continue to be mitigated to a less-than-significant level; and

WHEREAS, this project has been found to be categorically exempt from CEQA Guidelines; and

WHEREAS, in accordance with the provisions of law, the Board of Zoning Adjustments held a public hearing on January 26, 2023, at which time all interested persons were given an opportunity to be heard.

NOW THEREFORE BE IT RESOLVED that the Board of Zoning Adjustments makes the following findings:

1. Environmental Determination: The Board of Zoning Adjustments has reviewed and considered the 2019 adopted MND prepared for the original UPE17-0053 project that was prepared to address potential environmental impacts of the project and included an analysis on 26 annual event days, together with all comments received during the public review process. Based upon the full record of proceedings (including the 2019 adopted MND and all comments received), it has been determined that there is no substantial evidence that the original project with 26 annual event days will have a significant environmental effect. Furthermore, it has been determined that the use permit modification project is exempt from the provisions of the California Environmental Quality Act pursuant to the Provisions of Title 14 of the California Administrative Code, Section 15061, Common Sense Exemption because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. Specifically, the project does not incur new construction; the proposed agricultural promotional events will utilize an existing facility and will be accommodated by the existing parking lot, septic system and well; the noise generated by the proposed use will comply with General Plan Noise Standards; and the expected increase in traffic and vehicle miles travelled will not result in any new potential impacts.
  - a. The site is accessed via an existing driveway off Starr Road and existing on-site access roads provide access to the parking areas. Per the Focused Traffic Study prepared for UPE21-0001, the addition of the proposed agricultural promotional and direct sales events plus the industry-wide events will not have a significant impact on traffic and VMT and no mitigation measures are recommended. On January 20, 2021, W-trans prepared a Focused Traffic Analysis for the UPE21-0001 use permit modification request. The analysis found that the proposed increase in number of events from 16 to 25 would result in generation of an average of 14 daily trips per year, compared to 8 with the currently permitted schedule. Sonoma Public Infrastructure accepted the traffic analysis and issued standard conditions of approval for the use permit modification project. The total existing parking supply of 124 spaces will accommodate the increase in visitor serving uses.
  - b. Based on the findings determined by the noise assessment prepared for the original UPE17-0053 project which analyzed 26 annual event days, the noise associated with indoor or outdoor events (provided that outdoor events are limited to a maximum of 200 guests) and tasting room activities would not result in noise levels which exceed the daytime or nighttime NE-2 noise standard at the property line of the adjacent residences. Project Conditions of Approval limit the use of amplified music to indoors and all outdoor events are limited to a maximum of 200 guests.
  - c. The project is served by a private onsite well that is located within a Class 1 groundwater area and within the medium priority Santa Rosa Basin. Per requirements of the General Plan Policy WR-2E and Sonoma County Code Chapter 26-88-250 a hydrogeologic report was prepared for the original UPE17-0053 Use Permit project. The hydrogeologic study found given the projected water demand for the planned project, the location of the project water supply well in a major groundwater basin, and proximity to recycled water disposal areas, it was unlikely that the additional cumulative impact associated with the

UPE17-0053 project would lead to overdraft of the aquifer. Therefore, the approved UPE17-0053 project was not expected to result in a net deficit in aquifer volume or a lowering of the local groundwater table. Permit Sonoma Geologist Robert Pennington reviewed the UPE21-0001 use permit modification request and required that all groundwater related conditions of approval required for UPE17-0053 be applied to UPE21-0001. Groundwater related conditions include requirements for well monitoring easement access, quarterly measuring of groundwater levels and quantities of use with installation of water meters. If net groundwater use exceeds 1.0 acre feet per year, a condition of approval allows Permit Sonoma to bring the project to the Board of Zoning Adjustments for review.

- d. GHG emissions reduction and energy efficiency measures that have been incorporated into the project include the following (1) solar, (2) electric charging stations, (3) bicycle racks, (4) energy efficient buildings, (5) plantings of trees and other plants, and (6) a commitment to remain a California Certified Sustainable vineyard.
2. General Plan Consistency: The project is consistent with the General Plan land use designation of Diverse Agriculture (DA) and the goals, objectives, policies, and programs of the General Plan. The particular circumstances in this case are:
    - a. The project is consistent with Policy AR-4a and Policy AR-6a as tasting rooms, tours and agricultural promotional events and industry-wide events have been found to promote the region's wine industry as well as the grapes grown on-site, educate visitors to the region's wines, on the making of wines, and help to increase wine club membership, thereby increasing direct marketing and sales of the wine produced on site. The agricultural promotional events and food and wine pairing will serve locally produced wines made by Bricoleur Vineyards which utilizes Sonoma County grown grapes, including grapes grown on 8 acres onsite (yielding 10 percent of the full annual case production) and in the 13-acre vineyard on the adjoining applicant-owned property. In addition, approximately 50 percent of Bricoleur's grapes for wine production are from the applicant-owned vineyard by Santa Rosa and 25 percent of its grapes from local third-party vineyards in the local area in Sonoma County. The existing olive orchard with 200 producing trees and the olive oil it produces, the garden and the locally-grown and produced fruit, vegetables and cheeses will be incorporated in agricultural promotional and industry wide event meals plus food and wine pairings. The 25 agricultural promotional event days per year and daily food and wine pairing furthers the goals and policies of the Agricultural Resources Element as the project site will remain in agricultural production and the size and scale of these visitor serving uses will ensure that that the use remains secondary and incidental to agricultural production onsite. These findings are based on 1) completion of Phase II which increases onsite agricultural production activities by developing a 40,000-case winery approved under UPE17-0053, 2) an increase in visitor serving uses onsite will not result in detrimental impacts as discussed below, and 3) the project site is in an area devoted to vineyard production within the Russian River Valley American Viticultural Area. The applicant anticipates construction for Phase II of the winery will occur in 2023, once final development and landscaping plans are reviewed and approved by the Design Review Committee and Permit Sonoma.

- b. The project the is consistent with Policy AR-6d as conditions of approval require the project to serve only products grown or processed in Sonoma County (the “local area”); the proposed 10 additional public agricultural promotional and direct sales events can be accommodated on the project site with no cumulative significant impacts to traffic or noise; conditions of approval related to traffic safety and noise impacts required for the original UPE17-0053 use permit have been incorporated into the UPE21-0001 conditions of approval; and, there is no lodging proposed as a part of the request as the existing onsite vacation rental is not permitted to operate in conjunction with events.
    - c. The project is consistent with Policy AR-6f as the request for an overall increase in agricultural promotional events, event size, and increased capacity for food and wine pairing would not constitute a detrimental concentration of agricultural support uses. Specifically, the expected increase in traffic and vehicle miles travelled is negligible; the use is not expected to impact neighboring wells or result in cumulative impacts to the aquifer; the use will be accommodated by an existing facility, parking lot, septic system and well; amplified music is limited to indoors only and all noise generated by the proposed use will comply with General Plan Noise Standards. The increase in events and capacity will allow greater direct sales to the consumer which addresses the wine industry’s need for more direct to consumer sales.
3. Zoning Consistency: The proposal is consistent with the Diverse Agriculture (DA) zoning designation, which allows tasting rooms and promotion of agricultural products grown or processed in the county provided a use permit is obtained. Sonoma County has a long history of permitting agriculture promotional events at wineries which are a marketing tool that promote the wine, and for this project, wine from the grapes produced or grown on site. The existing olive orchard and the olive oil it produces as well as related garden plantings and locally-grown and produced fruit, vegetables and cheeses will be incorporated in agricultural promotional and industry wide events, in food and wine pairings, and at other private events, such as charitable events. Project conditions of approval prohibit the winery facility from being rented out to any third-parties and for concerts.
4. The establishment, maintenance or operation of the use for which application is made will not, under the circumstances of this particular case, be detrimental to the health, safety, peace, comfort and general welfare of persons residing or working in the neighborhood of such use, nor be detrimental or injurious to property and improvements in the neighborhood or the general welfare of the area. The particular circumstances in this case are: the use permit modification project has been found to have insignificant environmental impacts in the Noise, Hydrology and Water Quality, and Air Quality topic areas based on the project design with ongoing mitigation measures, conditions of approval and project operational characteristics; the proposed use is consistent with General Plan policies and the underlying Diverse Agriculture zoning designation, which allows the proposed uses subject to approval of a Use Permit; the project does not incur new construction; the proposed agricultural promotional events will utilize an existing facility and will be accommodated by the existing parking lot, septic system and well; the noise generated by the proposed use will comply with General Plan Noise Standards and all amplified music is limited to indoors; and the expected increase in traffic and vehicle miles travelled will not result in any new potential impacts.

BE IT FURTHER RESOLVED that the Board of Zoning Adjustments hereby grants the requested Use Permit Modification, subject to the Conditions of Approval in Exhibit "A", attached hereto.

BE IT FURTHER RESOLVED that the Board of Zoning Adjustments designates the Secretary as the custodian of the documents and other material which constitute the record of proceedings upon which the Board's decision herein is based. These documents may be found at the office of the Sonoma County Permit and Resource Management Department, 2550 Ventura Avenue, Santa Rosa, CA 95403.

BE IT FURTHER RESOLVED that the Board of Zoning Adjustments' action shall be final on the 11<sup>th</sup> day after the date of the Resolution unless an appeal is taken.

THE FOREGOING RESOLUTION was introduced by \_\_\_\_\_, who moved its adoption, seconded by \_\_\_\_\_, and adopted on roll call by the following vote:

Commissioner McCaffery  
Commissioner Cornwall  
Commissioner Gilardi  
Commissioner Wiig  
Commissioner Koenighsofer

Ayes:      Noes:      Absent:      Abstain:

WHEREUPON, the Chair declared the above and foregoing Resolution duly adopted; and

SO ORDERED.