



Sonoma County Board of Zoning Adjustments

STAFF REPORT

FILE: UPE21-0001

DATE: January 26, 2023

TIME: At or after 1:20 PM

STAFF: Georgia McDaniel, Project Planner

SUMMARY

Property Owner: Starr Holding LLC

Applicant: Demae Rubins, Summit Engineering, Inc.

Address: 7493 Starr Road, Windsor, CA

Supervisory District(s): 4

APN: 066-220-019

Description: Use Permit modification to previously approved winery use permit (File No. UPE17-0053) to increase the total number of permitted annual event days from 16 to 25, and to expand the food and wine pairing capacity from 15 to 45 people and expand the tasting room hours of operation from 5 days a week 10am-5pm to 7 days a week 10am-5pm, on an 18.93-acre parcel. No new structures or changes to the number of employees are proposed.

CEQA Review: 2019 Adopted Mitigated Negative Declaration under original UPE17-0053; Categorical Exemption Section 15061

General Plan Land Use: Diverse Agriculture 40

Specific/Area Plan Land Use: None

Ordinance Reference: 26-06-030, 26-56-030, 26-58-30, 26-64-020, 26-65-030, 26-67

Zoning: Diverse Agriculture (allowed density 40 acres per dwelling) and combining zones for Floodway, Floodplain, Riparian Corridor 50/25, Riparian Corridor 100/50, Scenic Resources, Valley Oak Habitat

RECOMMENDATION

The Permit Resource and Management Department (Permit Sonoma) recommends that the Board of Zoning Adjustments find the project exempt from the California Environmental Quality Act and approve the request to modify Use Permit UPE17-0053 subject to the Conditions of Approval.



EXECUTIVE SUMMARY

The purpose of this Use Permit application is to modify Use Permit File No. UPE17-0053 to increase the number of annual agricultural promotional event days, increase indoor event sizing, and increase the capacity for food and wine pairing in an existing winery/tasting room facility (Bricoleur Vineyards). Currently, the use permit allows 16 event days during the year between the hours of 10:00am and 9:00pm, with all event clean up completing by 10:00 pm. Private food and wine pairing are approved to occur in the existing private tasting rooms for up to 15 people per tasting, no more than twice a day at specified times (11:00 am and 2:00 pm) and limited to no more than four days per week.

Bricoleur Vineyards requests a use permit modification (UPE21-0001) to add 10 event days for agricultural promotional events and reduce the number of previously approved industry-wide events by one, for a new total of 25 annual event days. Below is a table comparing the proposed event changes to the currently approved use permit:

Event Type	Proposed No. of Event Days UPE21-0001	Proposed No. of Event Guests UPE21-0001	Currently Approved UPE17-0053
Agricultural Promotional <i>Note: UPE17-0053 BZA Resolution states ag promotional events may include private events.</i>	10	150	4 events / 150 people per event
Agricultural Promotional	4	200 persons and up to 250 for Indoor events	4 events / 200 people per event
Industry Wide	7	100 people at any one time	8 events / 100 people at any one time
Private Events	4	150	Number of approved 'Private Events' not specified. UPE17-0053 BZA Resolution states ag promotional events may include other private events.
Total Event Days	25	---	16

Due to the popularity of the food and wine pairings that have been conducted outdoors in response to the Pandemic restrictions, the use permit modification request includes an increase in food and wine pairings, allowing up to 30 people outdoors and up to 15 people indoors in the private tasting room for a total of 45 people at any one time. Hours of operation for the tasting room will expand to 7 days a week, 10:00 a.m. – 5:00 p.m. (currently 5 days a week, Thursday – Monday). There are no proposed changes to any structures or the number of employees. The overall acreage and existing outdoor facilities are adequate for the requested increase in events without impacts or requiring any physical modifications to the site.

On April 11, 2019, the Board of Zoning Adjustments (BZA) adopted a Mitigated Negative Declaration and approved the original winery project (File No. UPE17-0053) on the 18-acre parcel. The project was approved for a 40,000-maximum production case winery that processes grapes grown onsite and in the local area, three tasting rooms at final development, public tours, and 16 event days consisting of the following: 8 industry-wide events with a maximum of 100 people attending at any one time; 4 agricultural promotional events with a



maximum of 150 people (may include other private events such as charitable events); and 4 agricultural promotional events with a maximum of 200 people. Phase I construction completed in August 2020 and the use permit vested in October 2020. Phase I included conversion of an existing 10,836 square foot barn to a barrel storage building with two tasting rooms (one containing a 640 square foot reserve tasting room, and an 1,140 square foot public tasting room. The latter wine tasting room will close and be used for barrel storage once the new winery building in Phase II is completed. Phase II, which has not been completed, includes demolition of an existing riding arena to allow the construction of a new 22,880 square foot two-story winery production building containing two tasting rooms (a 715 square foot public tasting room and a 378 square foot private tasting room for wine club members.

On January 15, 2021, the applicant submitted application File No. UPE21-0001 to modify the original use permit by increasing the overall number and size of agricultural promotional events, allow private events, and expand food and wine pairing. Permit Sonoma has determined that the use permit modification request is Categorically Exempt under 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.

PROJECT SITE AND CONTEXT

Background

On April 11, 2019, the BZA adopted a Mitigated Negative Declaration (MND) and approved a Use Permit for the original winery project (File No. UPE17-0053) on the 18-acre parcel. The phased Use Permit allows a new winery with a maximum annual production of 40,000 cases, public tours and three tasting rooms, and total of 16 event days. Phase I was completed in August 2020 and included conversion of an existing 10,836 square foot barn to a barrel storage building with two tasting rooms (one containing a 640 square foot reserve tasting room, and an 1,140 square foot public tasting room located in the barrel storage area; the latter wine tasting room is required to close and be used for barrel storage once the new winery building at Phase II is completed), barrel storage room, offices, conference room, kitchen and related areas, along with construction of a 2,500 square foot agricultural storage building. The facility currently operates the two tasting rooms and holds agricultural promotional and industry-wide events as described below. Wine processing activities (crush, fermentation, bottling) occur at an off-site location and will be moved onsite at completion of phase II.

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. Phase II includes demolition of an existing riding arena to allow the construction of a new 22,880 square foot two-story winery production building containing two tasting rooms (a 715 square foot public tasting room and a 378 square foot private tasting room for wine club members), offices, restrooms, wine production areas and storage, wine education and tour area (related to proposed tours of the production facilities, vineyards and olive orchards to project site visitors). Mobile bottling will occur on the crush pad. The winery operation will include use of 8 acres of on-site grapes, and importation of 13 acres of grapes from the adjoining property owned by the applicant, approximately 50 percent of its grapes for wine production from an applicant-owned vineyard near Santa Rosa and 25 percent of its grapes from local third-party vineyards in the local area in Sonoma County.



Current Permitted Hours of Operation:

- Winery: 7:00 a.m. to 6:00 p.m., 5 days a week (non-harvest season) and 6:00 a.m. to 10:00 p.m. or hours as needed 7 days a week (harvest/crush season)
- Tasting Room: 10:00 a.m. to 5:00 p.m. 5 days a week
- Agricultural promotional events: 10:00 a.m. to 9:00 p.m. (guests exiting site) and event clean up completed by 10:00 p.m.
- Industry-wide Events: 10:00 a.m. to 5:00 p.m.
- Truck deliveries: Permitted between the hours of 7:00 a.m. and 10:00 p.m.

Current Permitted Number of Employees:

- Full-time: 10, including owner/operators
- Part-time: 5, additional employees as needed (harvest and bottling season)

Current Permitted Annual Events:

- 4 agricultural promotional events with a maximum of 150 guests (these events may include other private events such as charitable events and private ceremonies);
- 4 agricultural promotional events with a maximum of 200 guests; and
- 8 industry wide events with a maximum of 100 guests on the site at any one time.

The applicant originally requested 26 event days per year as a part of the UPE17-0053 use permit application. On January 10, 2019, Permit Sonoma circulated the MND prepared for the original project, which assessed the original request for a 40,000 case winery with tasting and 26 annual event days. The MND identified traffic, noise, groundwater use, and aesthetics as the primary potential land use conflicts associated with the project. All required mitigation measures were incorporated into the project conditions of approval. After circulation of the MND, the applicant voluntarily revised the request by reducing the number of event days from 26 to 20. After holding a public hearing on the item, the BZA approved only 16 of the 20 requested annual events and found that the size of the winery buildings were appropriate for the proposed 40,000 case per year production, and in supporting agricultural promotional, industry wide and private events, including the proposed four private events per year. The project was also found to be consistent with similar previous County actions. Current use permit conditions of approval for UPE17-0053 limit amplified music to indoors only and prohibit the winery facility from being rented out to any third-parties and for concerts. Food and wine pairing is currently required to occur in the private tasting rooms, limited to 15 seats and 15 persons with restrictions on lunch hours to ensure the that the food pairing remains accessory to the wine tasting. Additionally, the existing onsite vacation rental is not allowed to be used in conjunction with winery events.

On October 30, 2020, Permit Sonoma determined the applicant had made a good faith effort to complete the conditions of approval for the original use permit and determined that vesting has been secured for the project. Since the facility opened in 2020, Bricoleur Vineyards has been producing up to 8,000 annual cases of wine offsite, operated two tasting rooms 5-days a week between Thursday - Monday, and held annual agricultural promotional events with no complaints received by Code Enforcement. Due to Covid-19 pandemic restrictions, the facility did not operate at full capacity for approximately 18 months. In 2022, Bricoleur Vineyards was able to start operating under more normal business conditions indoors and outdoors.

On January 15, 2021, the applicant submitted application File No. UPE21-0001 to modify the original use permit by increasing the overall number and size of agricultural promotional events, allow private events, and expand food and wine pairing.



Area Context and Surrounding Land Uses

Direction	Land Uses
North	Agricultural (rangeland) and rural residential use
South	Open space/utility use
East	Open space/utility use. with the Town of Windsor wastewater use of the parcel to the east as a release area
West	Agriculture and rural residential use, with one business, the Starr Pet Resort

Significant Applications Nearby

There are no significant applications nearby.

Access

The site is accessed via an existing driveway off Starr Road. Existing on-site access roads provide access to the parking areas. The UPE17-0053 Traffic Study stated the maximum number of parking spaces that would be needed on-site to accommodate employees and visitors during a 200-person agriculture promotional event was estimated based on the County’s standard vehicle occupancies of 1 employee or 2.5 visitors per vehicle. Based on these operational parameters, during a 200-person event, it was determined that a total of 104 parking spaces would be needed, including 80 for guests, ten for event staff, and 14 for winery employees. A proposed 250-event would require 20 additional parking spaces or 124 parking spaces. The total parking supply of 124 spaces at the winery as shown on the Overall Site Plan under Attachment 9.

The Traffic Study prepared for the original UPE17-0053 project found that the study area lacks pedestrian facilities or transit service. Given the rural nature of the area it was reasonable to assume there would not be any pedestrian travel or demand for transit service. Therefore, the study did not recommend installing new transit facilities. The study further determined that existing and planned on-site bicycle facilities, along with the then proposed 25 bicycle parking spaces, would provide adequate access for bicyclists.

A left-turn lane entering or exiting the site was not warranted based on the results of the Traffic Study and was not recommended for the project driveway on Starr Road. 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.

Wildfire Risk

The project site is in a Local Responsibility Area and according to the Wildland Fire Hazard Areas map PS-1g of the Sonoma County General Plan 2020, the project is located in a moderate to low fire hazard zone. Construction on the project site had to conform to Fire Safe Standards related to fire sprinklers, emergency vehicle access, and water supply making the impact from risk of wildland fire less than significant. No new construction would result from the UPE21-0001 use permit modification request. Permit Sonoma Fire Prevention Division reviewed the request and issued standard conditions of approval for the project, which include requirements for Fire Safety and Evacuation Planning, demonstrating there is adequate emergency access during all project activities, and general Fire Code compliance.



Water/Wastewater/Utilities

The winery facility is developed with a public water supply system that is regulated by the State Division of Drinking Water. There will be no changes to the existing water system. 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.

There are two existing septic systems onsite (a 2003 standard system approved by File No. SEP03-0981 and a non-standard system approved by File No. SEP18-0330). An existing onsite residence and agricultural employee residence are served by the 2003 septic system (SEP03-0981). On August 31, 2022, Summit Engineering prepared a Wastewater Feasibility Study for the use permit modification request. The Wastewater Feasibility Study focuses on the 2003 septic system and proposes modifications to accommodate the increased daily visitation and events. The modified septic system will be sized for a peak daily flow of up to 1,375 GPD of new commercial wastewater flow in addition to the 600 GPD of existing residential wastewater flow. The proposed modifications include installation of a larger septic tank, installation of new primary leachline, and identification of additional reserve area based on existing soils evaluations on file with Sonoma County. Standard project Conditions of Approval require the applicant obtain permits for the necessary domestic sewage waste water disposal systems and reserve areas. The project is required to provide septic system capacity in accordance with Permit Sonoma Policy 9-2-31 “Sizing of Onsite Wastewater Disposal Systems for Special Events Authorized by Use Permits and the Use of Portable Toilets”.

Agricultural Conditions/Land Encumbrances/Contracts

The project parcel contains 8 acres of vineyard and an olive tree orchard with 210 olive trees. There are no other onsite agricultural conditions nor a Williamson Act contract encumbering the property. The following have been recorded and are part of the Official Records:

- Easements granted to Windsor Water District for waterlines and sewer lines on westerly and northerly portions of the property.
- Agricultural Agreement and Covenant (Full-Time Agricultural Employee Housing) executed by Tri-Pacific Incorporated, a California corporation and the County of Sonoma.
- Easement Grant Deed executed by Rancho Delsol, LLC, a California limited liability company
- Notice of Manufactured Housing Unit or Commercial Coach, installed on a permanent foundation system
- Notice of Accessory Dwelling Unit Restrictions executed by County of Sonoma Permit & Resource Management Department



- Declaration Acknowledging Right to Farm executed by County of Sonoma Permit & Resource Management Department
- Deed and Agreement by and Between Grantor and The County of Sonoma Conveying Well Monitoring Easement executed by: Starr Holdings, LLC and County of Sonoma, a political subdivision of the State of California
- Agricultural Agreement and Covenant executed by County of Sonoma, a political subdivision of the State of California
- Road and a public utility easement granted to County of Sonoma

Other Environmental Conditions

Pool Creek, an intermittent stream with 100-foot Riparian Corridor Setbacks, is located along the back property line outside of the project area.

PROJECT DESCRIPTION

The purpose of this Use Permit application is to modify Use Permit File No. UPE17-0053 to increase the number of annual agricultural promotional event days, increase event sizing, and increase the capacity for food and wine pairing in an existing winery/tasting room facility (Bricoleur Vineyards). Currently, the use permit allows 16 event days during the year between the hours of 10:00am and 9:00pm, with all event clean up completing by 10:00 pm. Private food and wine pairing are approved to occur in the existing private tasting rooms for up to 15 people per tasting, no more than twice a day at specified times (11:00 am and 2:00 pm) and limited to no more than four days per week.

Bricoleur Vineyards requests a use permit modification (UPE21-0001) to add 10 event days and reduce previously approved industry-wide events by one, for a total of 25 annual event days. Below is a table comparing the proposed event changes to the currently approved use permit:

Event Type	Proposed No. of Event Days UPE21-0001	Proposed No. of Event Guests UPE21-0001	Currently Approved UPE17-0053
Agricultural Promotional <i>Note: UPE17-0053 BZA Resolution states ag promotional events may include other private events.</i>	10	150	4 events / 150 people per event
Agricultural Promotional	4	200, up to 250 persons for indoor events	4 events / 200 people per event
Industry Wide	7	100 people at any one time	8 events / 100 people at any one time
Private Events	4	150	Number of approved 'Private Events' not specified. UPE17-0053 BZA Resolution states ag promotional events may include other private events.
Total Event Days	25	---	16



The use permit modification request describes agricultural promotional events as: Wine Club Pick-up Weekends, Wine Pairing farm to table dinners, Barrel Tasting, harvest parties, Holiday, and other marketing activities to support and build the Bricoleur Wine Club; and by-invitation events such as winemaker lunches or dinners, wine pick up parties, or release parties. Industry Wide Events include events such as the Sonoma County Vintners, Russian River Valley AVA, Fountaingrove District AVA, Wine Road, or similar hospitality event for the promotion of Sonoma County Agriculture and the Wine Industry. Events are currently allowed both indoors and outdoors, events exceeding 200 guests must be held entirely indoors and are limited to 250 guests. The events will continue to occur on the property either within the proposed winery buildings or in established outdoor garden areas in the southern portion of the site near the winery buildings and adjacent vineyards. All amplified music will continue to be limited to indoors only.

Due to the popularity of the food and wine pairings that have been conducted outdoors (response to the Pandemic restrictions), the use permit modification request includes an increase in food and wine pairings, allowing up to 30 people outdoors and up to 15 people indoors in the private tasting room for a total of 45 people at any one time. Hours of operation for the tasting room will expand to 7 days a week, 10:00 a.m. – 5:00 p.m. (currently 5 days a week). There are no proposed changes to any structures or the number of employees. The overall acreage and existing outdoor facilities are adequate for the requested increase in events without impacts or requiring any physical modifications to the site.

See the table below that shows the currently approved food and wine pairing per UPE17-0053 and the proposed food and wine pairing requested under UPE21-0001.

Food and Wine Pairing	Proposed UPE21-0001	Currently Approved UPE17-0053
Maximum number of guests	15 indoors (Private Tasting Rooms) 30 outdoors	15 indoors (Private Tasting Rooms)
Public Tasting Room	No change	Limited to small tastes of pre-packaged food, such as crackers, nuts or other palette cleansers, featuring local foods and food products
Private Tasting Rooms	Small appetizer-like portions featuring local foods and food products	Small appetizer-like portions
Outdoor Garden Event Areas	Small appetizer-like portions featuring local foods and food products	none
Number of days/week	7	4
Number of times/day	At any time between 10am – 5pm	2 times per day (11am & 2 pm)

The winery hours of operation would primarily remain unchanged with the exception of expanding the tasting room hours to 7 days per week and starting agricultural promotional events no earlier than 11:00 am.

Proposed Hours of Operation:

- Winery: 7:00 a.m. to 6:00 p.m., 5 days a week (non-harvest season) and 6:00 a.m. to 10:00 p.m. or hours as needed 7 days a week (harvest/crush season)



- Tasting Room: 10:00 a.m. to 5:00 p.m. **7** days a week
- Agricultural promotional events: **11:00 a.m.** to 9:00 p.m. (guests exiting site) and event clean up completed by 10:00 p.m.
- Industry-wide Events: 10:00 a.m. to 5:00 p.m.
- Truck deliveries: Permitted between the hours of 7:00 a.m. and 10:00 p.m

There are no proposed changes to any structures, the number of employees 10 full-time and 5 part-time as needed), or parking spaces. The overall acreage, existing indoor and outdoor facilities, and the existing 124 onsite parking spaces will accommodate the requested increase in events without impacts or requiring any physical modifications to the site.

Project History

The table below summarizes key project milestones and events.

Date	Project Event/Milestone
01/15/2021	Application filed
01/25/2021	Referral to prominent agencies
01/27/2021	Early Neighborhood Notice
08/27/2021	Application deemed complete for processing
01/13/2023	Board of Zoning Adjustments Public Hearing Notice

Prior Review

The Table below summarizes prior actions undertaken for the Project.

Date	Authority	Action Taken
04/11/2019	BZA	Adopted MND and Approved Use Permit UPE17-0053

General Plan and Area Plans

The following General Plan and Area Plan policies are applicable to the project:

“Policy AR-4a: *The primary use of any parcel within the three agricultural land use categories shall be agricultural production and related processing, support services, and visitor serving uses. Residential uses in these areas shall recognize that the primary use of the land may create traffic and agricultural nuisance situations, such as flies, noise, odors, and spraying of chemicals.”*

“Policy AR-6a: *Permit visitor serving uses in agricultural categories that promote agricultural production in the County, such as tasting rooms, sales and promotion of products grown or processed in the County, educational activities and tours, incidental sales of items related to local area agricultural products, and promotional events that support and are secondary and incidental to local agricultural production.”*

- “Policy AR-6d:** *Follow these guidelines for approval of visitor serving uses in agricultural areas:*
- (1) *The use promotes and markets only agricultural products grown or processed in the local area.*
 - (2) *The use is compatible with and secondary and incidental to agricultural production activities in the area.*
 - (3) *The use will not require the extension of sewer and water.*
 - (4) *The use is compatible with existing uses in the area.*
 - (5) *Hotels, motels, resorts, and similar lodging are not allowed.*



(6) Activities that promote and market agricultural products such as tasting rooms, sales and promotion of products grown or processed in the County, educational activities and tours, incidental sales of items related to local area agricultural products are allowed.

(7) Special events on agricultural lands or agriculture related events on other lands in the Sonoma Valley Planning Area will be subject to a pilot event coordination program which includes tracking and monitoring of visitor serving activities and schedule management, as necessary, to reduce cumulative impacts.”

Policy AR-6f: *Local concentrations of visitor serving and recreational uses, and agricultural support uses as defined in Goal AR-5, even if related to surrounding agricultural activities, are detrimental to the primary use of the land for the production of food, fiber and plant materials and may constitute grounds for denial of such uses. In determining whether or not the approval of such uses would constitute a detrimental concentration of such uses, consider all the following factors:*

- (1) Whether the above uses would result in joint road access conflicts, or in traffic levels that exceed the Circulation and Transit Element’s objectives for level of service on a site specific and cumulative basis.*
- (2) Whether the above uses would draw water from the same aquifer and be located within the zone of influence of area wells.*
- (3) Whether the above uses would be detrimental to the rural character of the area.*

Zoning

The table below summarizes the development standards that apply to the site as outlined in the Sonoma County Zoning Ordinance.

Standard	Ordinance	Existing Condition	Proposed Project
Lot Area	Minimum 10 acres	18.9 acres	No change
Land Use	Diverse Agriculture	Diverse Agriculture	No change
Residential Density	1 primary dwelling unit per 40 acres	1 primary unit permitted as a vacation rental; 1 ag employee unit	No change
Front Setback	30’-0”	The Milk Barn is setback 35’-0”	No change
Side Setback	10’-0”	The primary residence is setback 27’-0”	No change
Corner Setback	10’-0”	N/A	No change
Rear Setback	20’-0”	The Ag employee unit is setback 440’-0”	No change
Maximum Building Height	35 ft. maximum	Existing Winery building is 34’6” ft.	No change
Lot Coverage %	30,000 sq. ft. or 10%, whichever is greater	Existing lot coverage is 44,400 sq. ft., or 5%	No change
Parking Spaces	1 space per dwelling unit; 1 space per employee. Zoning code does not have a min requirement for events; UPE17-0053 requires 1 space per 2.5 guests	1 space per dwelling unit; 124 spaces for winery/event uses	No change



Other Development Regulations or Guidelines

The property is zoned DA (Diverse Agriculture). The purpose of the DA as stated in Zoning Code Sec. 26-06-020.B.3 is as follows: *“to enhance and protect those land areas where soil, climate and water conditions support farming but where small acreage intensive farming and part-time farming activities are predominant, but where farming may not be the principal occupation of the farmer; and to implement the provisions of the diverse agriculture land use category of the General Plan and the policies of the Agricultural Resource Element.”*

DA Zoning allows Tasting Rooms with use permit approval. Tasting Rooms are defined as a retail food facility where one or more agricultural products grown or processed in the county are tasted and sold. Agricultural products may include alcoholic beverages. Section 26-18-210 of the Zoning Code requires tasting rooms to be consistent with General Plan Policies AR-6d and AR-6f. The existing tasting rooms on the project site are approved under use permit UPE17-0053 which currently allows limited food and wine pairing in the private tasting room.

The property zoning includes the following combining zones: Floodway, Floodplain, Riparian Corridor 50/25, Riparian Corridor 100/50, Scenic Resources, Valley Oak Habitat. The development standards for each of these combining zones apply to the property and are summarized below.

Floodway and Floodplain Combining Districts:

The southeastern portion of the property along Pool Creek is classified as being within a 100-year flood hazard on the General Plan’s Public Safety Element. The 100-year flood zone or Special Flood Hazard Area (SFHA) is defined as the area that will be inundated by the flood event having a 1-percent chance of being equaled or exceeded in any given year. The existing winery and associated uses are 300+ feet away from the flood zones and therefore are not subject to the development standards for floodway and floodplain combining districts.

Riparian Corridor Combining District:

The project site is subject to 100-foot and 50-foot setbacks from the top of bank of Pool Creek – an intermittent stream that flows through the property near the southeastern property line. Section 26-65-005 of the Zoning Code prohibits new development within the Riparian Corridor setback unless a use permit for a Streamside Conservation Plan is adopted that provides for the appropriate protection of the biotic resources, water quality, floodplain management, bank stability, groundwater recharge, and other applicable riparian functions. No new construction is proposed as a part of the use permit modification request. The winery and associated uses are more than 300 feet away from the riparian corridor. All event parking is located in existing developed areas and along vineyard roads that are outside of the riparian corridor.

Scenic Resources (SR) Combining District:

The project site is located within a Scenic Landscape Unit as outlined in the Open Space and Resource Conservation Element of the General Plan. Article 64 of the Zoning Code sets forth development criteria for new development located within Scenic Landscape Units for the purpose of preserving the visual character and scenic resources of lands in the county. No new construction is proposed as a part of the use permit modification request.

Valley Oak Habitat (VOH) Combining District:

The purpose of the Valley Oak Habitat (VOH) zoning overlay is *“To protect and enhance valley oaks and valley oak woodlands and to implement the provisions of Section 5.1 of the general plan resource conservation element.”* The project does not result in removal of any valley oak trees.



ANALYSIS

General Plan Consistency

The project site is designated Diverse Agriculture (DA) 40 acres per dwelling unit by the General Plan. The primary purpose of this category is to protect a full range of agricultural uses and to limit further residential intrusion consistent with the policies of the Agricultural Resources Element. The DA designation allows agricultural production, wineries, tasting rooms, and agricultural promotional events with a use permit approval. The proposed project is consistent with General Plan Agricultural Resource Element 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 onsite and in the 13-acre vineyard adjacent to the property. The existing olive orchard 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.

The use permit modification request is conditioned to meet the guidelines stated in Policy AR-6d. The project is required 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. Additionally, there is no lodging proposed as a part of the request; the UPE17-0053 condition prohibiting use of the vacation rental in conjunction with events will remain unchanged.

Policy AR-6f states that local concentrations of visitor serving uses is detrimental to the primary use of the land for the production of food, fiber and plant materials and may constitute grounds for denial of such uses. Staff determined 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.

Zoning Consistency

No new development is proposed as a part of the use permit modification request. The project does not conflict with the maximum building height, setbacks, lot coverage, parking requirements applicable to properties zoned Diverse Agriculture, nor does the project conflict with any of the combining zones designated for the property.



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Sonoma County has a long history of permitting food and wine pairing and agriculture promotional events at wineries which are a marketing tool that promote the wine as allowed by the General Plan Agriculture Resource Element and Zoning Code. The use permit modification proposes an overall increase in the currently permitted agricultural promotional events, event size, and capacity for food and wine pairing at the existing winery site. In the tasting rooms and during events, the applicant serves wine from the grapes produced or grown on site, the adjoining vineyard owned by the applicant, and other Sonoma County vineyards owned by the applicant or third parties. The existing olive orchard and the olive oil it produces, the garden and the locally-grown and produced fruit, vegetables and cheeses are incorporated in agricultural promotional and industry wide event meals as well as in food and wine pairings. The project is conditioned to serve and promote local agricultural products in the tasting room and during events, consistent with the Zoning Code requirements for Tasting Rooms and General Plan Agriculture Resource Element Policies for visitor serving uses in agricultural zoning districts.

Environmental Analysis

On April 11, 2019, the BZA adopted a Mitigated Negative Declaration and approved a Use Permit for the original winery project (File No. UPE17-0053) on the 18-acre parcel. The applicant originally requested 26 event days per year as a part of the UPE17-0053 use permit application. On January 10, 2019, Permit Sonoma circulated the MND prepared for the original project, which analyzed the original request for a 40,000 case winery with tasting and 26 annual event days. The MND identified traffic, noise, groundwater use, and aesthetics as the primary potential land use conflicts associated with the project. All required mitigation measures were incorporated into the UPE17-0053 project conditions of approval.

The use permit modification request was analyzed under 1) the original project 2019 adopted MND which contains technical studies including a Groundwater Report and Noise Study, and 2) a new Focused Traffic Analysis prepared by Wtrans in 2021 and a Wastewater Feasibility Study prepared by Summit Engineering in 2022. Staff finds there are no new mitigation measures or changes to existing mitigation measures as a result of the use permit modification request. Applicable ongoing mitigation measures from the 2019 adopted MND remain effective for the project and have been incorporated into the UPE21-0001 Conditions of Approval. The particular circumstances in this case are:

- The noise assessment completed for the original Use Permit UPE17-0053 (Illingworth & Rodkin, March 16, 2018) analyzed tasting, public tours, 26 annual event days with up to a maximum of 200 attendees, visitor traffic and parking lot noise, and winery production operations (truck traffic and parking, crush, bottling, forklift and mechanical equipment). Based on the findings determined by the noise assessment, the noise associated with daytime indoor or outdoor events ranging in size from 100-200 attendees, tasting room, wine production, and bottling would not result in noise levels which exceed the daytime or nighttime NE-2 noise standard at the property line of the adjacent residences. Table 12a of the noise assessment finds that the facility can accommodate outdoor events with a maximum of 200 guests and comply with General Plan Noise Standards. Therefore, project conditions of approval limit the size of outdoor events to 200 guests. The noise level increase information from Table 12b of the 2017 noise assessment models an increase of 4 decibels for every additional 50 people above 100 people indoors. Consistent with the methodology of Table 12b, a 250-person indoor event could potentially generate up to 43 decibels at the property line of the nearest residence (Residence 1), which is below the General Plan Adjusted Table NE-2 Daytime limit of 45 decibels.
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Additionally, the mitigation measures required for UPE17-0053 and standard conditions of approval have been incorporated into the project. These include continued compliance with the mitigation measures identified in the noise assessment, compliance with General Plan Noise Standards, and limiting amplified music to indoors only. The noise assessment determined noise resulting from events will comply with General Plan Noise Standards and therefore no specific mitigation measures were required for events. A standard condition of approval for the project states that if noise complaints are received from nearby residents, and they appear to be valid complaints in PRMD’s opinion, then the applicant shall conduct a Noise Study to determine if the current operations meet noise standards and identify any additional noise Mitigation Measures if necessary.

- Per the Focused Traffic Study prepared for UPE21-0001, the addition of the proposed agricultural promotional 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 following greenhouse gas emissions reduction measures were implemented for UPE17-0053: (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. These GHG emissions reduction measures required for UPE17-0053 have been incorporated into the UPE21-0001 project and ensure greenhouse gas emissions continue to remain a less-than-significant impact.
- The UPE17-0053 Operational Conditions of Approval for groundwater have been incorporated into the project and will address any potential future impacts that may be caused by additional agricultural promotional and direct sales events plus additional industry-wide events. 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. Therefore, water impacts would still remain less than significant.

Furthermore, staff finds that the use permit modification request 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 provided that outdoor events are limited to 200 people; and the expected increase in traffic and vehicle miles travelled will not result in any new potential impacts.

NEIGHBORHOOD/PUBLIC COMMENTS

Early Neighborhood Notices were sent out on January 27, 2021. No neighborhood or public comments have been received.



Leading up to the April 2019 BZA public hearing on the original UPE17-0053, four public comments were submitted by four neighbors. All four public comments were concerned about traffic (automobile and truck) on a narrow country road related to the winery case production and the size of winery events. No additional conditions of approval related to traffic were added to the UPE17-0053 Conditions of Approval.

RECOMMENDATIONS

Preceding Review Authority Recommendation

None

Staff Recommendation

The Permit Resource and Management Department (Permit Sonoma) recommends that the Board of Zoning Adjustments find the project exempt from the California Environmental Quality Act and approve the request to modify Use Permit UPE17-0053 subject to the Conditions of Approval.

ATTACHMENTS

1. Draft Conditions of Approval
2. Use Permit Application
3. Revised Project Description, dated August 24, 2022
4. Vicinity Map
5. General Plan Map
6. Zoning Map
7. Assessor's Parcel Map
8. Aerial Map
9. Overall Site Plan
10. *Bricoleur Wastewater Feasibility Study*, Summit, August 31, 202211.
11. *Focused Traffic Analysis for the Bricoleur Vineyards Project*, W-Trans, January 20, 2021
12. UPE17-0053 BZA Resolution with Conditions of Approval, April 19, 2019
13. UPE17-0053 BZA Staff Report, April 19, 2019
14. UPE17-0053 Approved Site Plan and Floor Plans
15. UPE17-0053 Adopted MND, January 15, 2019
16. Site Development Plan-Outdoor Garden Event Areas
17. Draft Resolution