



## Sonoma County Board of Zoning Adjustments STAFF REPORT

**FILE:** UPE19-0072  
**DATE:** March 28, 2024  
**TIME:** At or after 1:05 p.m.  
**STAFF:** Adam Sharron, Project Planner

### SUMMARY

**Property Owner:** Kamal Azari

**Applicant:** William Billeter, BC Engineering Group

**Address:** 1321 Spring Hill Road, Petaluma

**Supervisory District(s):** District 2

**APN:** 020-050-026

**Description:** Request for a Use Permit to construct a new 2,809-square foot tasting room building on a 16.6-acre parcel. Restrooms are proposed in a separate 302-square foot building located approximately 8-feet from the proposed tasting room building. An approximate total of 4,973-square feet of patio/walkways are proposed and an approximately 2,000-square foot terrace for viewing. No more than 20 Wine tasting guests are allowed per day. Ten winery events (8 Agricultural Promotional Events and 2 Industry-Wide Events) per year are proposed at the tasting room with 200 guests per event and 3 employees, which include the 2 tasting room employees. A new parking lot is proposed adjacent to the new tasting room building and an overflow parking area is proposed to the east. Two new driveways are proposed to allow access to the proposed parking lot from Spring Hill Road.

**CEQA Review:** Initial Study / Mitigated Negative Declaration

**General Plan Land Use:** Land Extensive Agriculture, 100 acres density

**Specific/Area Plan Land Use:** Petaluma Dairy Belt Area Plan

**Ordinance Reference:** 26-06-030 – Allowed Uses in Agricultural and Resources Zones  
26-18-210 – Tasting Rooms  
26-65-030 – Riparian Corridor

**Zoning:** LEA (Land Extensive Agriculture) B6 100, RC50/50 (Riparian Corridor Combining District)



## **RECOMMENDATION**

Permit Sonoma recommends that the Board of Zoning Adjustments adopt the Initial Study/Mitigated Negative Declaration and approve Azari Winery Use Permit UPE19-0072 as proposed and subject to Conditions of Approval.

## **EXECUTIVE SUMMARY**

This Use Permit application is a request to construct of a new 2,809 square foot tasting room building on a 16.6-acre parcel. No structures currently exist on-site, and with approximately two-thirds of the site planted in productive vineyards (6-acres); the remaining third is open grassland, and the site is divided from northwest to southeast by an ephemeral drainage. Restrooms are proposed in a separate 302 square foot building located approximately 8 feet from the proposed tasting room building. An approximate total of 4,973 square feet of patio/walkways are proposed and an approximately 2,000 square foot terrace for viewing. Twenty wine tasters a day are expected. Ten winery events (8 Agricultural Promotional Events and 2 Industry-Wide Events) per year are proposed at the tasting room with 200 guests per event and 3 employees, which include the 2 tasting room employees. A new parking lot is proposed adjacent to the new tasting room building and an overflow parking area is proposed to the east. Two new driveways are proposed to allow access to the proposed parking lot from Spring Hill Road.

## **PROJECT SITE AND CONTEXT**

### ***Background***

The subject 16.6-acre parcel, located on the south side of Spring Hill Road, is predominantly undeveloped and composed of ruderal and non-native annual grassland. There are two 5,000-gallon water storage tanks located within the northwest portion of the existing parcel. One water supply well currently exists in the northern portion of the site and will supply water for the project. The project site is located at the top of a grassy slope that falls eastward to a drainage way that drains to San Antonio Creek to the south. The unnamed intermittent drainage runs through the project site from the west to east and has a small streamside conservation area, per the Sonoma County Riparian Corridor Combining Zone, along the eastern property line. The on-site drainage/watercourse exists south of the project site development area. The proposed development area is located outside of the Riparian Corridor zone.

Ground elevations across the project site range from approximately 320 to 440 feet above mean sea level (MSL). Per the Biological Assessment Report (Daniel Edelstein, Oct. 28, 2021), the project site slopes at approximately 10% from the northwest to the southeast. The soil profile consists of Steinbeck Loam (SnC) and Los Osos Clay Loam (LoD) per the USDA NRCS Custom Soil Resource Report.



The project site contains, upland, ruderal, highly-disturbed habitat dominated by two different vegetation habitats: ruderal, frequently disturbed, upland, exotic grassland and sporadic Blue Gum Eucalyptus woodland consisting of four planted, exotic, even-aged 110-foot-tall Blue Gum Eucalyptus (*Eucalyptus globulus*) trees that grow on the extreme north side of the Site adjacent to Spring Hill Road.

The Azari Winery site is located on the adjacent westerly parcel at 1399 Spring Hill Road. The winery was approved with UPE06-0055 with a maximum annual production capacity of 8,000 cases with no tasting or special events. Approximately six acres of productive vineyards exist on the winery site parcel.

**Area Context and Surrounding Land Uses**

Direction	Land Uses
North	Agricultural (LEA) and rural residential use; currently grazing land and residential.
South	Agricultural (LEA) and rural residential use; currently grazing land and residential.
East	Agricultural (LEA) and rural residential use; currently grazing land and residential.
West	Agricultural (LEA) and rural residential use; currently applicant’s winery, productive vineyards, and residence.

**Significant Applications Nearby**

There are no significant applications nearby.

**Access**

The project as proposed would have two driveways on Spring Hill Road. The parking lot has a one-way circulation scheme that would include traffic entering at the westerly driveway and exiting at the easterly driveway.

The parking supply proposed for the site is adequate to accommodate both the anticipated daily parking demand and the demand during events. The proposed project would supply 83 parking spaces on-site, including 30 spaces for the tasting room and 53 overflow parking spaces. Per the 2022 CALGreen Building Standards Code, Title 24, Part 11, Section 5.106.5.3.1 – *EV capable spaces*, for projects with 76-100 actual parking spaces, 17 EV capable spaces are required; the applicant is proposing to provide 17 EV-capable parking spaces.

To accommodate the daily parking demand during typical tasting room operations, there would be at least one space provided for every employee on-site as well as one space per 2.5 tasting room guests. Two tasting room employees and a maximum of 20 tasting room visitors translate to ten parking spaces, including two for employees and eight for tasting room visitors. The proposed 30 permanent parking spaces near the tasting room would be more than adequate to accommodate the parking demand during a typical operation with a surplus of 20 parking spaces.



The maximum number of parking spaces needed on-site during a 200-person event, for which there would be three staff, including the two tasting room employees, would be 83 spaces. This assumes one vehicle per employee and 2.5 guests per vehicle. The maximum of 83 parking spaces needed during an event is equal to the total parking supply including the permanent (30 tasting room spaces) and overflow parking (53 spaces). The proposed parking supply would be adequate to accommodate the anticipated parking demand.

There are no existing bicycle lanes along the project frontage on Spring Hill Road. However, per the Focused Traffic Study (W-Trans, July 22, 2021), in the updated project list 2019 of *Countywide Bicycle & Pedestrian Master Plan, Sonoma County Transportation Authority (SCTA)*, a Class III bicycle route is planned on Spring Hill Road to be connected to the existing Class II bicycle lanes on Western Avenue on the east, and planned Class II bicycle lanes along Valley Ford Road-Bodega Avenue on the west. Since a Class III route consists of signing only, the existing physical facilities provide adequate bicycle access to the site and access for bicyclists would be enhanced with the completion of planned bike facilities. However, per Article 86 – Parking Regulations, one (1) bicycle parking space must be provided for every five (5) required vehicle parking spaces; therefore, the project is proposing to install at least eighteen (18) bicycle parking spaces, location to be determined.

### **Wildfire Risk**

According to the Wildland Fire Hazard Areas map PS-1g of the Sonoma County General Plan 2020, the project is located in a moderate fire hazard zone. The subject parcel is served by the Gold Ridge Fire Protection District and the Wilmar Volunteer Fire Company station located approximately 1.8-miles to the north at 3825 Bodega Avenue, Petaluma. Proposed construction and site development will be required 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.

### **Water/Wastewater/Utilities**

The property's location in a Class 4 Groundwater Availability Zone. All water supply is from groundwater. There are two 5,000-gallon water storage tanks located within the northwest portion of the existing parcel. Their locations are shown on the Site Plan. One water supply well currently exists in the northern portion of the project site and will supply water for the project.

Per the Hydrogeologic Report (EBA Engineering, February 22, 2022), the total water use for the project site (0.21 AF/yr) equates to approximately one percent of the annual groundwater recharge during drought conditions. While the assumed drought scenario calculations do provide some context to evaluate recharge under periods of extremely limited rainfall, years exhibiting above average rainfall would provide an excess of water being available for recharge.

A septic system (SEP19-0690) is proposed for the tasting room and bathrooms in the location shown on the Site Plan. The septic system will be adequate to treat and dispose of all of the sanitary wastewater generated by the Azari tasting room. Since the winery on the adjacent parcel is already developed, the solid waste disposal company that is currently servicing the winery will service the tasting room site.



No expansion of utilities is required.

### ***Agricultural Conditions/Land Encumbrances/Contracts***

The project site is currently planted with 6-acres of productive vineyard. The subject parcel is designated as *Farmland of Local Importance, Grazing Land, Other Land*. No agricultural contracts or land encumbrances apply.

### **PROJECT DESCRIPTION**

The project is a request for a Use Permit to construct a new 2,809 square foot tasting room building on a 16.6-acre parcel. The building will contain an approximately 2,409 square foot tasting area and an approximately 400 square foot food preparation area. The food preparation area is proposed to be utilized to warm prepared food catered for the proposed special events. The proposed building has a maximum height of 34 feet. Restrooms are proposed in a separate 302 square foot building located approximately 8 feet from the proposed tasting room building. An approximate total of 4,973 square feet of patio/walkways are proposed and an approximately 2,000 square foot terrace for viewing is proposed to the west of the proposed tasting room. Hours of operation are proposed to be Thursday – Sunday, 11am-5pm for the tasting room, and the 10 (ten) proposed special events will be limited to the hours of 11am – 5pm.

A new parking lot is proposed adjacent to the new tasting room building and will contain 30 total spaces, including 28 regular parking spaces and 2 handicap parking spaces. An overflow parking area is proposed to the east which consists of 53 regular parking spaces. The proposed overflow parking area is currently undeveloped and open non-native grassland. There is a total of 83 parking spaces proposed. Two new driveways are proposed to allow access to the proposed parking lot from Spring Hill Road.

The tasting room is proposed to accommodate 2 employees and 20 wine tasters a day. Ten winery events (8 Agricultural Promotional Events and 2 Industry-Wide Events) per year are proposed at the tasting room between the hours of 11 am and 5 pm with 200 guests per event and 3 employees, which include the 2 tasting room employees. Portable toilets will be utilized for the winery events and the events will utilize outdoor areas adjacent to the proposed tasting room. Winery events will utilize music and amplified sound.

Water will be provided by an existing on-site well. Tasting room wastewater will be handled by a non-standard type septic system to the west and southwest of the proposed tasting room, in the areas where site inspection and percolation testing were performed as part of SEV07-0960 and SEV07-1062, respectively. The system shall be designed in accordance with the current OWTS Manual and be sized to accommodate the domestic wastewater generated by the proposed use.



**Proposed Hours of Operation:**

- Tasting room hours – 11:00 am to 5:00 pm, Thursday-Sunday
- Winery event hours – 11:00 am to 5:00 pm
- Tours of the vineyards for the general public are to be held during normal tasting room hours only.

**Proposed Winery Events and Activities:**

- Agricultural Promotional Events will include up to eight (8) events from 11:00 am to 5:00 pm with a maximum of 200 guests. Food and wine pairings may be provided. Events will utilize music and amplified sound which will meet the noise standards of the General Plan (ref. *Environmental Noise Analysis - Azari Vineyards Tasting Room*; Illingworth & Rodkin; June 29, 2021). All the proposed events would be held at the tasting room on the second Saturday of the month from March to December.
- Industry-Wide Event Days up to a total of two (2) per year with a total of 200 people over the course of the entire day, with no more than 100 people at any one time during the day. Industry-wide events shall be between 11:00am and 5:00pm, unless the event sponsors require otherwise. Events will utilize music and amplified sound which will meet the noise standards of the General Plan.

**Proposed Food Service:**

- Food and Wine Pairings (no meals) may be provided during permitted tasting hours as part of normal business activities. Food and wine pairing will be pre-prepared samples or tastes produced from food products from the local area. Food will be from a pre-fixed pairing menu and only during tasting room hours. There is no restaurant or deli service provided.
- Food on-site will be prepared in the food preparation area within the tasting room building. Food can be provided for occasional employee lunches and employee harvest party. Appetizers or meals featuring local foods and food products may be prepared for occasional marketing or promotional activities that are not open to drop-in guests. Food must be consumed on-site.

**Proposed Employees:**

- Tasting room during normal business hours - 2 full-time;
- Winery events – 3 employees, including the 2 tasting room employees.



### Project History

The table below summarizes key project milestones and events.

Date	Project Event/Milestone
09/25/2020	Application Accepted and Project Initialized
01/14/2021	Referral to stakeholder agencies
01/22/2021	Early Neighborhood Notice sent to 300' radius
09/07/2022	Application deemed complete
04/24/2023	Planner reassignment from McDaniel to Sharron
12/20/2023	Initial Study / Mitigated Negative Declaration released for 20-day CEQA review; no comments received
03/28/2024	Board of Zoning Adjustments Hearing

### Prior Review

There have been no prior reviews of this application.

### 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.”*

***Petaluma Dairy Belt Area Plan***

The project is consistent with the Land Extensive Agriculture Category of the Petaluma Dairy Belt Area Plan in that it promotes an appropriate agricultural land use, and complies with applicable site development design guidelines (minimum lot sizes, setbacks, building envelopes, etc.) that insure the long-term protection and preservation of agricultural lands.

***Zoning***

The table below summarizes the development standards that apply to the site as outlined in the Sonoma County Zoning Ordinance, the existing and proposed development, and whether the project is consistent with the Zoning Ordinance.

Standard	Ordinance	Proposed Project
Front Property Line Setback	30’-0”	Meets Standard
Interior Side Property Line Setback	10’-0”	Meets Standard
Rear Property Line Setback	20’-0”	Meets Standard
Height	35’-0”	34’-0”

***Other Development Regulations or Guidelines***

The proposed project complies with the Riparian Corridor Combining Zone (Sec. 26-65-040) development standards for the parcel in that the areas of development will occur outside of the 50-foot top-of-bank and stream channel setbacks. Per the findings of the Biological Assessment Report, no jurisdictional wetland habitat or waters of California habitat exists on the project site, plus no nexus or connectivity exists from the project site to the off-site watercourse. The project does not involve the direct removal, filling, or hydrological interruption of any protected wetlands.

Sonoma County Zoning Code requires that wineries and tasting rooms are consistent with the Winery Definitions and Standards Ordinance approved by the Board of Supervisors in 2023. Section 26-18-260 of the Zoning Code (Winery Definitions and Standards) provides definitions for winery and related promotional activities and events, as well as operating standards for wine tasting rooms, sales and wine trade activities, agricultural promotional events, and industry-wide events.

The winery operating standards consider winery visitor serving activities (sales and wine trade activities) as part of normal winery and tasting room business operations. The size and number of winery events are based upon a





variety of factors specific to the site and surrounding uses, including, but not limited to, septic capacity, available water supply, emergency access, availability of on-site parking, noise attenuation, increased risk of harm to people or property as a result of hazards, and the potential for negative cumulative effects related to noise, traffic, and water supplies.

Use permits for tasting rooms and winery events may be approved with the following maximum hours of operation: 10:00 a.m. – 5:00 p.m. for tasting rooms, sales activities, and industry-wide events; 8:00 a.m. – 10:00 p.m. for wine trade activities; and 10:00 a.m. – 10:00 p.m. for agricultural promotional events with all cleanup occurring no later than between 9:30 p.m. – 10:00 p.m. On-site parking must be provided at a ratio of one space per employee and one space per 2.5 guests. Use of unimproved overflow parking may be used to accommodate winery events. To avoid local traffic delays, provisions for event coordination and parking attendants are required for events with 100 or more attendees.

The operating standards set forth requirements for food service at wineries and tasting rooms. All food service must be designed to promote and enhance marketing of wine, be secondary and incidental to agricultural production, wine sales and education. Food and wine pairings featuring local foods is allowed in conjunction with tasting room activities and events. Winery events and wine trade activities may also serve prepared meals featuring local foods.

## **ANALYSIS**

### ***General Plan Consistency***

The property is designated Land Extensive Agriculture by the Sonoma County General Plan. The General Plan policy for Land Extensive Agricultural states that agricultural production, agricultural support uses, and visitor serving uses, as provided in the Agricultural Resources Element of the General Plan, are allowed uses, provided a Use Permit is approved.

The proposed project must be found consistent with the General Plan's Agricultural Element Goals, Objectives and Policies, which include the following:

*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."*

The project site is within the Land Extensive Agriculture General Plan land use designation and the existing winery (agricultural production and processing) is located adjacent to the project site. There are currently approximately 6 acres of productive vineyard on-site, and the applicant has approximately 8.8-acres of productive vineyards on the adjacent parcel to the west. The requested Use Permit to construct a new 2,809



square foot tasting room building and associated site improvements complies with the LEA designation through the following:

1. The building will contain an approximately 2,409 square foot tasting area for wine produced on-site and an approximately 400 square foot food preparation area. The food preparation area is proposed to be utilized to warm prepared food catered for the proposed special events.
2. The tasting room is proposed to accommodate 2 employees and 20 wine tasters a day. Agricultural Promotional Events will include up to eight (8) events from 11:00am to 5:00pm with a maximum of 200 guests. Food and wine pairings may be provided. Events will utilize music and amplified sound which will meet the noise standards of the General Plan. All the proposed events would be held at the tasting room on the second Saturday of the month from March to December.
3. Industry-Wide Event Days up to a total of two (2) per year with a total of 200 people over the course of the entire day, with no more than 100 people at any one time during the day. Industry-Wide events shall be between 11:00am and 5:00pm, unless the event sponsors require otherwise. Events will utilize music and amplified sound which will meet the noise standards of the General Plan.

### **Zoning Consistency**

The LEA (Land Extensive Agriculture) zoning district of the Zoning Ordinance allows for tasting rooms per Sec. 26-18-210. Tasting rooms must be consistent with general plan policies AR-6d and AR-6f:

*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.*

Winery events have been found consistent with the agricultural zoning districts, including the LEA zoning district, if the events can be found to promote agricultural products processed on the site. In addition, such events can



be found compatible with surrounding agricultural activities if hours and the frequency of the events are limited and there are no substantial noise or traffic impacts as a result of the activities.

Winery events relate to promoting and selling an agricultural product that is produced on the site, such as wine and creating label recognition. The wine is produced on the parcel adjacent to where the winery is located. Winery events are a compatible use for agricultural land because they are a marketing tool to ensure the long-term viability of wine sales and they promote the long-term viability of agriculture within the County. The addition of events at this site will not exceed in the level of service capacity for roads in the project vicinity. The project would not require the extension of sewer or water.

*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.*

The project site is not located within a local area of concentration of wineries. Pursuant to Sonoma County Code Section 26-06-030 – Agriculture & Resource Zones Allowed Land Uses, the winery, tasting rooms and related agricultural promotional events and industry wide events are allowed in the LEA zone, subject to obtaining a use permit.

The proposal is consistent with Winery Events ordinance definitions and operating standards, Zoning Code Section 26-18-260. Section 26-18-260(E)(3) of the Zoning Code allows for events that have been evaluated for a variety of factors specific to the site and surrounding uses, including, but not limited to, septic capacity, available water supply, emergency access, availability of on-site parking, noise attenuation, increased risk of harm to people or property as a result of hazards, and the potential for negative cumulative effects related to noise, traffic, and water supplies. The proposed events related to the UPE19-0072 were evaluated as a part of the CEQA analysis and found to not result in cumulative negative effects with the implementation of Mitigation Measures as required.

Section 26-18-260(E)(4) restricts hours of operations related to Tasting Rooms and Events. The proposed hours of operations for the proposed tasting room and events meet these standards. Section 26-18-260(E)(6) of the Zoning Code outline parking requirements for wineries and tasting rooms.

The parking supply proposed for the site is adequate to accommodate both the anticipated daily parking demand and the demand during events. The proposed project would supply 83 parking spaces on-site, including 30 spaces for the tasting room and 53 overflow parking spaces. Per the 2022 CALGreen Building Standards Code, Title 24, Part 11, Section 5.106.5.3.1 – *EV capable spaces*, for projects with 76-100 actual parking spaces, 17 EV capable spaces are required; the applicant is proposing to provide 17 EV-capable parking spaces.



To accommodate the daily parking demand during typical tasting room operations, there would be at least one space provided for every employee on-site as well as one space per 2.5 tasting room guests. Two tasting room employees and a maximum of 20 tasting room visitors translate to ten parking spaces, including two for employees and eight for tasting room visitors. The proposed 30 permanent parking spaces near the tasting room would be more than adequate to accommodate the parking demand during a typical operation with a surplus of 20 parking spaces.

The maximum number of parking spaces needed on-site during a 200-person event, for which there would be three staff, including the two tasting room employees, would be 83 spaces. This assumes one vehicle per employee and 2.5 guests per vehicle. The maximum of 83 parking spaces needed during an event is equal to the total parking supply including the permanent (30 tasting room spaces) and overflow parking (53 spaces). The proposed parking supply would be adequate to accommodate the anticipated parking demand.

## ***Environmental Analysis***

### **Biological.**

According to the *Biological Assessment Report* (Daniel Edelstein Consulting Biologist and Certified Wildlife Biologist Asc., October 28, 2021), the proposed project will not have a substantial adverse effect. Surveys did not yield the presence of any rare, special-status animal and floristic species on the site. All of the botanical special-status species were assessed based on the results of a query at the California Natural Diversity Database (CNDDDB) and the CNPS web site for the Petaluma 7.5-minute United States Geological Service (USGS) quadrangle. There are no known special status species on the project site, and none listed on the State's Diversity Database. No significant impact to special-status animals or plants or critical habitat is expected by the project. However, the Biological Assessment Report recommends avoidance and minimization measures prior to the beginning of groundbreaking and construction.

Per the *Biological Assessment Report*, no jurisdictional wetland habitat or waters of California habitat exists on the project site, plus no nexus or connectivity exists from the project site to the off-site watercourse. The project does not involve any direct removal, filling, or hydrological interruption of any federally protected wetlands.

### **Greenhouse Gas Emissions.**

Illingworth & Rodkin (Greenhouse Gas Emissions Analysis) found the proposed project would have direct and indirect emissions that are below the former GHG operational threshold (1,100 metric tons of CO<sub>2</sub>e per year) recommended by BAAQMD for new project. This analysis considers updated GHG thresholds adopted by the BAAQMD in 2022, which relies on prescriptive standards related to Building Operations and Transportation and more of a qualitative analysis requiring that each project due its fair share to reduce climate change. The project would meet the current BAAQMD thresholds; therefore, the project's GHG emissions would not significantly contribute to a cumulative impact on global climate change.



The project will not result in significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources during project construction or operation. Short-term energy demand would result from construction activities including energy needed to power worker and vendor vehicle trips as well as construction equipment. Long-term energy demand would result from operation of the project, which would include activities such as lighting, heating, and cooling of structures. Consistent with BAAQMD, the facility would operate on electricity and no gas-powered appliances are permitted. In addition, the proposal includes use of solar panels to the maximum extent feasible to reduce demand on non-renewable energy resources.

Although implementation of the project would result in an increase in energy usage compared to current conditions due to the new structures on the project site, the increase in energy use would not be wasteful nor inefficient because of measures incorporated into project design, including energy-efficient building design meeting CALGreen requirements.

The project would be required to comply with Title 24, Part 6 of the California Code of Regulations, Building Energy Efficiency Standards. Additionally, the project is not located in an identified area designated for renewable energy productions nor would the project interfere with the installation of any renewable energy systems. Therefore, the project would not conflict with or obstruct with applicable State and local plans for promoting use of renewable energy and energy efficiency. The project owner has committed to utilizing rooftop solar on all south-facing roofs, has designed the project to be all-electric (no natural gas) and utilize LED lighting fixtures throughout the project, and is proposing to provide EV-capable parking spaces. Current CALGreen Tier II requirements for EVs (Sec. 5.106.5) would require 17 EV capable spaces; the project is proposing 17 EV-capable parking spots in compliance with requirements.

### Noise.

The Noise Element of the Sonoma County General Plan establishes goals, objectives and policies including performance standards to regulate noise affecting residential and other sensitive receptors. The general plan sets separate standards for transportation noise and for noise from non-transportation land uses.

The proposed tasting room structure and associated improvements are located on the portion of the property fronting on Spring Hill Road. Per the *Environmental Noise Assessment* (Illingworth & Rodkin, June 29, 2021), noise levels measured at this site primarily resulted from afternoon and evening wind on the leaves of area Eucalyptus trees, distant sound from passing vehicles on the Spring Hill Road, with sounds from the use of the adjacent residence and the existing vineyard activities also contributing to background sound levels during low winds or periods without vehicles passing on the roadway.

Per the noise assessment, there are several operations associated with tasting room use and events at the proposed tasting room building that will produce noise. These include:

1. Parking and On-site Visitor Traffic
  - a. The noise assessment concludes that noise levels associated with automobiles and light vehicles in the tasting room parking areas would not exceed the daytime NE-2 noise standards at the property lines of the closest adjacent residences.



## 2. Tasting room activities

- a. The noise assessment concludes that noise levels associated with wine tasting activities would not result in noise levels which exceed the daytime NE-2 noise standards at the property lines of the closest adjacent residences.

## 3. Promotional Event and Activity Noise

- a. The noise assessment concludes that noise associated with music performances or amplified speech at outdoor events would exceed the County NE-2 standards at the property lines of all adjacent residences. Additionally, outdoor gatherings of more than 20 guests during events have the potential to exceed the County NE-2 standards at the property lines of the adjacent residences.

Based on the above, the noise assessment recommends that winery events should not include outdoor music performances or amplified speech, that events be planned so as to take place largely within the proposed tasting room building, and that outdoor gatherings during events be limited to 20 guests or less to meet County NE-2 standards and limit the potential for noise disturbances at the property lines of adjacent residential uses.

The noise assessment also evaluated potential noise from project construction activities and states the nearest residential property line would be located over 60 feet and the nearest residential structure would be located over 200 feet from areas of the site that would undergo major construction activities. Construction noise levels may exceed 87 dBA Leq at 60 feet and 77 dBA at 200 feet during busy construction periods and would drop off at a rate of about 6 dBA per doubling of distance between the noise source and the receptor. Construction noise levels would range from 63 to 74 dBA Leq at 100 feet.

The noise assessment states standard best management practices would be implemented to limit construction hours to daytime periods only, reduce construction noise levels emanating from the site, and minimize disruption and annoyance at adjacent noise sensitive uses.

## Water Use.

A *Hydrogeologic Report for General Plan Policy WR-2E* (EBA Engineering, February 22, 2022) was prepared as required by Permit Sonoma for the project due to the property's location in a Class 4 Groundwater Availability Zone to comply with requirements set forth in Policy WR-2e of the Sonoma County General Plan. The purpose of Policy WR-2e is to determine whether there are adequate existing and future groundwater supplies to accommodate the proposed development demands and to estimate the effects of drawdown, if any, within the designated cumulative impact area (CIA). Existing and future site development characteristics and zoning designations for surrounding properties were considered, coupled with the site hydrogeology and the nature of the proposed development, to estimate the CIA for the project. The overall size of the CIA is approximately 60 AC and encompasses 10 properties (including the project site).

Currently, there is no water usage from the on-site well (WELL-1321) at the project site. As an update to the September 28, 2021, hydrogeologic report, EBA reevaluated the projected annual groundwater use (domestic



and irrigation) for the proposed project. BC Engineering Group’s projected annual irrigation water use estimate of 238,336 gallons per year (GPY) was reduced to 9,360 GPY by water conservation measures estimated by Louise Leff (landscape architect). An 80-percent septic return flow offset was applied to BC Engineering Group’s projected annual domestic water use estimate (294,640 GPY), creating a reduction in overall projected groundwater balance to .21-acre feet or 68,428 GPY.

A water budget analysis was performed by comparing groundwater recharge characteristics to the projected on-site groundwater use over a given calendar year. The water budget calculations were also performed simulating drought conditions. In addition, Policy WR-2e requires that the scope of the groundwater assessment encompass potential impacts to surface waters and aquatic habitats. The Hydrologic Report concludes that based on the proposed water use and the estimates presented in the report, it appears that the proposed project will not have a significant impact on current and future groundwater availability at the project site, nor within the CIA under existing or foreseeable future use conditions. Therefore, the proposed project will not substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin.

## **NEIGHBORHOOD/PUBLIC COMMENTS**

Early Neighborhood Notices were sent out to a 300-foot from the subject parcel on January 22, 2021. No neighborhood or public comments have been received.

## **RECOMMENDATION**

### ***Staff Recommendation***

Permit Sonoma recommends that the Board of Zoning Adjustments adopt the Initial Study/Mitigated Negative Declaration and approve Azari Winery Use Permit UPE19-0072 as proposed and subject to Conditions of Approval.

## **ATTACHMENTS**

- ATT 1. UPE19-0072 Application Materials
- ATT 2. UPE19-0072 Draft Resolution
- ATT 3. UPE19-0072 Approval Letter & Conditions of Approval
- ATT 4. UPE19-0072 Initial Study / Mitigated Negative Declaration
- ATT 5. UPE19-0072 Biological Assessment Report\_2021-10-28\_amended 2023-12
- ATT 6. UPE19-0072 Environmental Noise Analysis\_2021-06-29
- ATT 7. UPE19-0072 Focused Traffic Study\_2021-11-29
- ATT 8. UPE19-0072 Greenhouse Gas Emissions Analysis\_2021-07-07
- ATT 9. UPE19-0072 Hydrogeological Report\_2022-02-22

