



County of Sonoma  
Permit & Resource Management Department

**Sonoma County Board of Zoning Adjustments & Planning  
Commission Meeting  
Draft Minutes**

Permit Sonoma  
2550 Ventura Avenue, Santa Rosa, CA 95403  
(707) 565-1900 FAX (707) 565-1103

June 2, 2022  
Meeting No.: 22-08

**Roll Call**

Commissioner Carr, District 1  
Commissioner Reed, District 2  
Commissioner Deas, District 4  
Absent, District 5  
Commissioner Ocaña, District 3, Chair

**Staff Members**

Scott Orr  
Blake Hillegas  
Liz Goebel, Secretary  
Christa Shaw, Deputy County Counsel

**1:00 PM** Call to order, Roll Call and Pledge of Allegiance

**Correspondence** None

**Planning Commission/Board of Supervisors Actions** None

**Commissioner Announcements** None

**Public Comments on matters not on the Agenda:** 0h2m

No comments

**Public Comments on matters not on the Agenda will resume at the end of the hearing.**

**Items scheduled on the agenda:**

**Board of Zoning Adjustments Regular Calendar**

Item No.: 1  
Time: 1:05 PM  
File: PLP05-0009  
Applicant: Henry Belmonte  
Owner: Henry and Vittorio Belmonte  
Cont. from: 5/26/2022  
Staff: Blake Hillegas  
Env. Doc: Subsequent Mitigated Negative Declaration

**Proposal:** Request by VJB Vineyard and Cellars to modify an existing use permit and conditions of approval/mitigation measures for the existing market, food service and wine tasting room to permit a commercial kitchen, expanded patio food service, new septic system, and 53 space off-site parking lot; delete an option to host special events and expand hours of operation; change the requirement to install a left turn lane on Highway 12 from a mitigation measure/condition of approval to a condition of approval; add mitigation to remove parking on Shaw Avenue; and modify a mitigation measure to accommodate a right turn lane on Shaw Avenue within the existing right of way.

**Location:** 9125 Hwy. 12, Kenwood  
**APN:** 050-275-028  
**District:** One  
**Zoning:** LC (Limited Commercial District)

**Commissioner Disclosures:** Commissioners Reed & Carr visited on site this week, Commissioner Carr has visited numerous times in the past and has had many conversations with the community, Commissioner Deas met with applicant over Zoom, Commissioner Ocaña visited the site. 0h3m

Commissioner Carr asked County Counsel Christa Shaw about applicant request to expand hours. Counsel Shaw said applicant would like to revise project description to extend operating hours to close at 5 p.m., and advised to not commit to supporting this option due to lack of CEQA documentation at this time. 0h5m

Commissioner Carr asked what about the time frame if they were to discuss expanding the hours at a future date uncertain. Staff Scott Orr responded no shorter than 6 months, likely 8 or greater. 0h7m

Commissioner Carr asked if staff has received further comments from the applicant other than the expanded hours request. Staff Blake Hillegas responded. 0h8m

Commissioner Ocaña asked if commission wants to decide now about change in hours, and hesitates to expend staff resources today if they are going to allow a revised report 6+ months down the road. Commissioners Deas & Reed agreed. 0h9m

County Counsel Shaw explained importance of not discussing merits of proposal of extending hours, but rather indicate whether commission would be willing to consider revising description and recirculating Mitigated Negative Declaration. 0h10m

Staff Scott Orr suggested starting out with a straw vote - if BZA wants to allow hours extension, recommends either continuing and allowing change with no discussion, presentation, or public comment, or do not allow change and proceed with presentation of project. 0h11m

Commissioner Ocaña asked if the applicant wants to extend hours to 5 p.m., would this be an entirely new project, or considered a continuance. Staff Orr responded. 0h12m

Commissioner Ocaña requested a short discussion among committee, with a preference to move forward with established 4 p.m. close time, and applicant can return with modified extended hours at a later date. Commissioner Carr agreed. 0h13m

Staff Scott Orr initiated a straw vote to proceed with project as outlined in staff report with no changes. 0h14m

**Straw Vote:**

Commissioner Carr	Aye
Commissioner Reed	Aye
Commissioner Deas	Aye
Commissioner Koenigshofer	Absent
Commissioner Ocaña	Aye

Ayes: 4  
Noes: 0  
Absent: 1

Abstain: 0

**Staff Blake Hillegas** summarized the staff report, which is incorporated herein by reference. **0h15m**

**Commissioner Questions:**

**Commissioner Reed** asked about issue regarding the commercial kitchen, which was formerly an outdoor cooking area. **Staff Blake Hillegas** responded. **0h31m**

**Commissioner Reed** mentioned the courtyard/patio seems to have evolved from an event space to being used more widely, and asked when patio expansion request occurred. **Staff Hillegas** responded. **0h34m**

**Commissioner Carr** asked about differences between plans and staff recommendations. Mentions the second floor is designated as "overflow," and market deli area says "residence." Asks if any residents live on the property, and whether plans will be modified with proper designations. **Staff Blake Hillegas** responded. **0h35m**

**Commissioner Carr** asked if a decision has been made about the location of the right of way for the bike path. **Staff Blake Hillegas** responded. **0h37m**

**Commissioner Carr** asked for insight regarding why Maple Avenue was limited to egress. **Staff Blake Hillegas** responded. **0h38m**

**Commissioner Carr** asked if there will need to be a parking restriction on Maple Avenue along property frontage. **Staff Blake Hillegas** responded that it is included in the conditions. **0h39m**

**Commissioner Carr** asked about the type of proposed surfacing for Shaw Avenue. **Staff Blake Hillegas** responded. **0h40m**

**Commissioner Carr** asked if the new septic system is feasible. **Staff Blake Hillegas** responded. **0h40m**

**Commissioner Carr** mentioned the warrant for a left turn lane on Hwy. 12 from Shaw Avenue that must be implemented whether VJB expands or not. Since the neighboring businesses will be using it as well, it seems unfair to ask VJB to provide full expenses. Inquires about possibility of businesses sharing the expense. **Staff Blake Hillegas** responded. **0h42m**

**Ms. Jean Kapolchok, Land Use Consultant,** gave an overview of the project. **0h45m**

**Public Hearing Opened: 1:57 PM**

Chris K  
Eric Wade  
Kathy Pons  
Roger Peters

**Public Hearing Closed, and Commission Discussion Opened: 2:05 PM**

**Commissioner Carr** mentioned he wanted to give credit to **Applicant Mr. Belmonte** for listening to concerns of the neighborhood, emphasizes finding the best way to limit impact on the neighborhood and creating compatibility. **1h5m**

**Commissioner Carr** commented about importance of onsite manageability. Suggested hiring permanent monitors for both entrances during open hours to direct visitors, tour vehicles, and surveil parking area. **1h7m**

**Commissioner Carr** commented that BZA should not allow expansion until required conditions have been met: septic expansion, left turn pocket, Shaw Avenue improvements, noise fence, commercial kitchen. Food service needs to be conditional upon prior completion of requested conditions, or determine that they are not feasible. **1h9m**

**Commissioner Carr** mentioned that they need to determine the definition of an "event" at the winery. **1h11m**

**Commissioner Carr** commented on importance of parking lot surface permeability. **1h11m**

**Commissioner Carr** requested clarification on conditions 56 and 21 regarding developer responsibility of maintenance and workforce housing fees, respectively. **Staff Blake Hillegas** clarified. **1h12m**

**Commissioner Carr** commented that he wants this approved, but there needs to be serious onsite compliance management to ensure all conditions are met. **1h14m**

**Commissioner Reed** suggested applicant can respond to what would be a reasonable daily use to put them in compliance with parking and septic. Agreed with **Commissioner Carr** that the definition of events is “pretty loose,” but applicant has indicated that they are willing to give up on events. Would like to allow applicant to continue, but with restrictions. **1h15m**

**Commissioner Ocaña** brought up answering some of the questions of the public - what happens if turn lane isn't built, what happens between now and new septic installation, and what is happening with Café Citti and parking situation. **Staff Blake Hillegas** responded. **1h16m**

**Commissioner Carr** mentioned now is the time to put limitations on use to be imposed immediately, which can be lifted if improvements are added, and reasonably be applied until improvements are either completed or proven to be infeasible. BZA needs to avoid uncertainty and decide today. Suggests changes such as implementing a lower visitor per day limitation, disallowing use of pizza oven/self-service food/BBQ, etc. to encourage diligence in the meantime until applicant has met conditions of compliance. **1h19m**

**Jean Kapolchok** confirmed that Café Citti 53-spot parking lot can only be used during VJB business hours. Regarding Commissioner Carr's comments; they have been ready to implement improvements, but told by staff they could not move forward without BZA approval. Reducing business puts them hostage to CalTrans, which has strict turnaround times. To partially shut down business while waiting for response is unfair. Mentions that there is already a monitor on site directing visitors and parking. **1h25m**

**Commissioner Reed** mentioned that the biggest constraint is left turn on Highway 12; asked **Jean Kapolchok** if, given some approval of permit today, how quickly would applicant intend to proceed with parking lot and septic improvements. **Jean Kapolchok** responded as soon as review is completed. **Commissioner Reed** requested clarification of a condition that the applicant may proceed upon approval. **Staff Blake Hillegas** confirmed. **1h28m**

**Commissioner Reed** asked what it looks like for applicant to comply with giving up events and capping use. **Staff Blake Hillegas** responded, mentioned possibly requesting applicant provides daily visitor reports on a monthly basis to monitor use. **1h30m**

**Commissioner Deas** commented in regards to applicant trying to meet compliance, it is less their fault and more on the county for having poorly-defined uses or not catching things. Likes the project, but they need to make sure to prevent overuse for neighborhood's sake. Sympathizes with applicant in regards to difficulty of working with CalTrans, and doesn't wish to throttle applicant's business. **1h33m**

**Commissioner Carr** agreed with difficulty of dealing with CalTrans. Most important thing is parking restrictions and right turn lane on Shaw Avenue. Taking parking restriction to BOS, septic improvement, noise fence, and parking lot issue should all be ready to go and happen fairly quickly upon approval. Willing to go with a reduced visitor level. Mentions he visited site the other day and did not see a gate monitor. Feels that ideally, if any neighbor visits business, a monitor should be visible on site. A condition to that effect should be added. Still wants to define exactly what constitutes an “event.” **1h35m**

**Commissioner Ocaña** commented that with a maximum of 16 employees, it would be a burden to re-route staffing for gate monitoring. Otherwise it would require hiring out to a security firm – something BZA needs to consider if that's what they are requesting. **Commissioner Carr** agreed, suggested going up to 18 employees. **Commissioner Deas** suggested including verbiage in employee conditions that would exclude parking attendants so it did not count against maximum employee number. **1h39m**

**Commissioner Ocaña** expressed concern about creating precedence with VJB regarding a set amount of people constituting an “event,” but wonders where the line would be between an event or just a reservation / bus tour. If BZA wanted to clarify “bring down visitor count until all mitigation efforts are achieved,” she is on board, but is concerned about defining an event when it has not been decided on a county level. **1h41m**

**Commissioner Deas** commented that defining an “event” is not in purview of this conversation. BZA has to use the term “events,” but it’s ultimately up to the Planning Commission to decide the definition. **1h43m**

**Staff Scott Orr** commented on the complication of picking out a specific number for an “event,” and they will have to get more specific with that criteria. **1h44m**

**Commissioner Ocaña** mentioned that 144 daily visitors is what VJB has been doing already to stay in compliance. Reducing number of allowable guests on premises until compliance is met with new modified use permit is an incentive. **1h45m**

**Commissioner Carr** commented that in order to allow visitor levels to increase, he wants to put fire under the applicant to improve Shaw Avenue and put restrictions in place. He is willing to go with all improvements, but will back off on CalTrans. **1h46m**

**Commissioner Reed** said they were backed into visitor level of 144 by counting tables, as opposed to counting people using the space. Putting a cap on use below 144 may achieve accountability to ensure improvements/mitigations are in place before full use allowed. Support letters show neighbors like the project. Fewer visitors and compliance monitoring could happen in-house during peak hours, determined by applicant. **1h48m**

**Commissioner Ocaña** said the goal is to approve or modify staff recommendation. Options appear to be lowering capacity and/or requiring on-site compliance. **1h50m**

**Commissioner Carr** wanted to ensure site plan and seating plan conform with proposed approval, and the terms “overflow” on deli and “residence” in plans are covered; recommended permeability on parking lot for groundwater purposes. **1h51m**

**Commissioner Ocaña** proposed a straw vote on permeability issue. **Staff Scott Orr** clarified that a “yes” means supporting permeable pavers. **1h53m**

**Commissioner Reed** mentioned he doesn’t necessarily want to vote for permeability for entire property. **Commissioner Ocaña** asked if it would be more appropriate to have a percentage of permeability. **Staff Scott Orr** suggested the straw vote being to entertain the idea of a condition relating to permeable pavement, and discussing details at a later date. **Commissioner Reed** agreed. **1h53m**

**Staff Scott Orr** initiated a straw vote to further discuss adding a condition relating to permeable pavement at a later date. **1h54m**

**Vote:**

Commissioner Carr	Aye
Commissioner Reed	Aye
Commissioner Deas	Aye
Commissioner Koenigshofer	Absent
Commissioner Ocaña	Aye

Ayes: 4  
Noes: 0  
Absent: 1  
Abstain: 0

**Commissioner Ocaña** asked if they would like to begin discussing permeable pavement. **Staff Scott Orr** responded that using **Commissioner Reed’s** suggestion about just doing parking spaces would be a good starting point. **1h55m**

**Commissioner Reed** said he would defer to the applicant's engineers to offer best solution. If feasible, to add more permeability, they should make recommendation on how they would apply or not. **Commissioner Deas** would also like input from applicant's engineers. **1h56m**

**Commissioner Carr** would be happy with a condition to maximize permeability from a ground water perspective on the parking lot; the ability of soils to accommodate water flow is more important than aesthetics. Ultimately up to engineers to maximize. Fellow commissioners agree. **1h58m**

**Commissioner Carr** motioned to suggest a condition is added that would provide for an onsite greeter/ombudsman at each gate of facility, responsible for complying with permit conditions and behavior of guests, a monthly report on number of visitors attending each day, and visitor levels reduced to 252 per day until several improvements are completed or determined to be infeasible. Improvements include: Shaw Avenue parking restrictions, right turn lane, noise fence, septic system expansion (not including left turn pocket in this provision), and is accepting of event condition as-is. **1h59m**

**Staff Scott Orr** requested to go over the straw vote conditions again for clarity. **2h1m**

**Commissioner Carr** motioned to straw vote on permeability that is maximized based on groundwater movement, monthly report provided to staff reporting on daily visitor levels, monitor hired by applicant for both entry gates at all times during business hours with responsibility of assuring compliance with conditions/limitations of use, and see site plan and seating plan modified to reflect this motion's action. Also, see allowed visitors reduced to 252 per day until the following improvements are completed or determined by staff to be infeasible: septic system, Shaw Avenue parking restrictions, Shaw Avenue turn lane changes, noise fence, and parking lot. **2h2m**

**Commissioner Reed** commented on **Commissioner Carr's** motion, mentioned that adding in "adjusting site plan and seating plan" wouldn't make sense, as seats are fixed; applicant wouldn't take seats out, but monitor to ensure occupancy is not exceeding 252. **2h4m**

**Commissioner Carr** clarified he is not suggesting the 144 be changed, but is bothered by upper floor being called "overflow" and deli being called "residence", and asked for consistency in plans that are ultimately approved. **2h4m**

**Commissioner Ocaña** clarified that it sounded like staff preferred to return to a future BZA date with a modified resolution. **Staff Scott Orr** agreed. **2h5m**

**Staff Scott Orr** asked to do a straw vote based on **Commissioner Carr's** motion. **2h6m**

**Action:** **Commissioner Carr** motioned to take a straw vote to approve the project as recommended by staff with several modifications to the conditions of approval, directing staff to return to the following BZA hearing with a modified resolution. Seconded by **Commissioner Reed** and approved with a 4-0-1 vote. **2h6m**

**Appeal Deadline:** Not Applicable

**Resolution No.:** Not Applicable

**Vote:**

Commissioner Carr	Aye
Commissioner Reed	Aye
Commissioner Deas	Aye
Commissioner Koenigshofer	Absent
Commissioner Ocaña	Aye

Ayes: 4

Noes: 0

Absent: 1

Abstain: 0

**Staff Scott Orr** commented that public hearing is now closed, reminded no ex parte communications related to item, and looks to bring project back to BZA as soon as possible to keep it fresh. **2h7m**

**County Counsel** confirmed no ex parte communications, meaning no communications either with applicant or with the public, and no further opportunities for public comment. Staff will prepare a resolution and bring it back to BZA for final approval. **2h7m**

**Hearing Closed: 3:09 PM**