

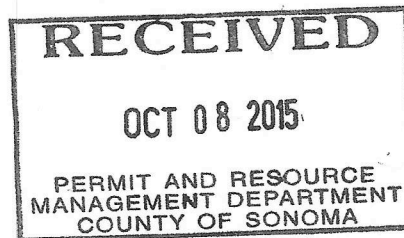
Westside Community Association



Formed for the purpose of furthering the welfare of the Mill Creek and Westside Communities

October 6, 2015

Misti Harris
PRMD
2550 Ventura Avenue
Santa Rosa CA 95403



RE: PLP 14-0031 4603 Westside Road

Dear Misti,

Thank you and Ken for taking the time to meet with the adjacent landowners and members of the Westside Community Association Advisory Committee regarding the application for a winery, tasting room, commercial kitchen and events at 4603 Westside Road.

This letter is a follow-up on the items discussed at the September 29th meeting.

I. Groundwater Availability for Two Winery Sites and Impacts to Adjacent Wells

Based on the concerns outlined below, the applicant's revised application should be denied for the following reasons with respect to the water availability and impacts on adjacent wells:

- 1. Hydrologic studies provided by the applicant do not appear to assess the full water requirements of all facilities and uses proposed on the site, including but not limited to changes to the applicant's proposal to add a commercial kitchen and food service and additional on-site agricultural production.***
- 2. Absent the recommended 8-hour or longer dry weather pump test, the County cannot make a finding that there is adequate water availability during the dry season for all uses sharing the wells and that such uses in a dry season would not detrimentally impact neighboring properties' wells.***

- 3. A water system that requires multiple wells and storage tanks shared between two parcels developed with two separate wineries/event centers raises serious policy questions regarding water availability that must be addressed.**

Discussion

Adjacent property owners retained EBA Engineering to perform an assessment of the impacts of the proposed project on adjacent wells. This study, dated August 15, 2015, indicates that there could be an impact from the proposed project on adjacent wells, and recommends a dry weather pump test, at least 8 hours in duration and preferably 72 hours, be performed on the applicant's wells to help determine if there may be an impact on adjacent wells, and to assess the applicant's OEI Engineering report, dated June 9, 2015, regarding the availability of water for all proposed uses.

The applicant's report suggests that a longer pump test than the one initially performed on the wells in the spring 2007 may be appropriate. Page 7 states: "Pump test data are from a shorter duration pump test (7-8 hours) than recommended for this procedure, consequently, the estimates are likely to be somewhat higher than would result from a longer duration pump test".

In addition, the pump test referred to in the applicant's study was done during the spring conditions when wells in the area produce more. Since the current time frame (October 2015) would give a more accurate picture of the impact of this proposed project on the adjacent wells, a pump test should be conducted immediately. If no well test is done in the next few weeks, this application should not be considered until another dry weather pump test can be completed next fall.

II. Traffic Impacts Analysis

Based on the measurements and observations discussed below, the W-trans traffic study is inadequate and cannot be relied on for the following reasons:

- 1. The measured sight line for the sharp curve to the north of the driveway is inadequate and will create a significant road safety hazard.***
- 2. Does not include the recommendation from the County Public Works representative Mitch Simpson requesting a prevailing speed study, and his analysis that "North of the driveway, sight distance is substandard and can't be improved due to road geometry."(memo of June 19, 2014, Attachment 1).***

- 3. Does not look at the cumulative impacts of other winery development along Westside Road.**
- 4. Does not include an assessment of bicycle traffic on Westside Road that will increase the congestion and create greater safety issues as drivers maybe distracted with such obstacles in addition to the short sight distances in this area.**

Discussion

On September 28, Marc Bommersbach rented a measuring wheel (Attachment 2). The measurement of the sight distance on Westside Road to the applicant's access driveway approaching from the North began at a point that a person in a car poised to exit the applicants driveway and Marc could see each other. Traveling from the North the sight line was measured at 250 feet.

Based on the measurements and observations made on September 28, several of the statements in the W-trans report do not appear to be accurate. The W-Trans traffic study dated October 21, 2014 states that because of vegetation and hillside on the west side of the road, the sight distance is only 290 feet traveling from the North (Attachment 3). The Study verifies that the posted speed on Westside Road is 45 mph, the recommended speed for the turn approaching from the North is 30 mph and that the likely speed of cars negotiating this turn is between 30 and 35 mph.

On page 3 the study further states that "For speeds of 35 mph, 335 feet of clear sight lines are recommended for a driver to complete a right-turn movement. Currently, because of the vegetation and hillside on the west side of Westside Road combined with the curve, sight lines are approximately 290 feet to the north, which is considered to be adequate for speed up to only 30 mph."

The reality is that the sight line is blocked by a hillside, not merely riparian vegetation. The vegetation referred to in the W-trans study that was blocking sight around the curve has been removed. The brush appears to have been recently cut back to approximately 10 feet beyond the guardrail along the road in the curve. The measurement taken on September 28 of 250 feet takes into account for the removal of this vegetation. Further removal of brush would not mitigate the short sight line because of the hillside.

In addition, while making the sight distance measurement, several cars passing through this curve were traveling at what appeared to be speeds well in excess of 30-35 miles per hour. Discussions with neighbors suggest that the typical speed around this curve is more likely to be 35-40 miles per hour or more.

III. Cumulative Project Impacts

A cumulative impact analysis for the proposed project must be conducted that takes into consideration the facilities and events currently approved for Westside Road and approvals of events that are a likely foreseeable possibility when assessing the cumulative impacts on road safety, noise, water use, and impacts to rural character.

Discussion

The proposed location of this application is in an area that is one of the most concentrated areas of the County for event centers, tasting rooms and wineries. According to the County's database, there are currently 29 approved facilities sharing access along Westside Road. In addition to the existing facilities, there are seven applications pending (including PLP 14-0031) – five for new projects and two for modifications of existing use permits. All of these new applications include requests for more events and visitor serving activities. As shown in Attachment 4, of the existing 29 facilities, 12 do not currently have use permits that address events. Recent applications for Westside Road indicate that it is a likely foreseeable possibility that these existing permit holders will request approvals for events.

Attachment 4 illustrates the cumulative increase in the number of events along Westside Road under several scenarios of the County's event approvals. This table demonstrates that even granting four agricultural promotional events per year to the current applicants and the 12 existing facilities that do not have approvals for events, there would be over 250 events permitted on Westside Road. This is equivalent to the number of events approved along Hwy 12 in the town of Kenwood in Sonoma Valley, a major state highway. If this applicant and others are granted 12 agricultural promotional events, there would be over 350 events on Westside Road. This analysis does not include the impacts of industry events. There are currently 13 event-days for industry events. Most all of the wineries along Westside Road participate in these events. They have significant impacts on traffic, noise, and rural character.

Finally, Westside Road is one of the most popular cycling roads in Sonoma County. It is a designated bikeway under the County's transportation element and is heavily used by both visiting and local cyclists. It is host to numerous organized bicycle events such as the Wine Country Century, the Vineman Triathlon, the Giro Bello, the Harvest Century and many more. In addition, there are also over a dozen bicycle tour company operators that use Westside Road for their tours. This bicycle traffic must be considered in any cumulative impact analysis.

IV. Impacts to Rural Character

The PRMD staff report should include a reference that the County officials have recognized there is currently an impact to rural character from the cumulative approvals of projects on Westside Road. This application, due to its location in very close proximity to other facilities, and its out of scale hospitality component, contribute greatly to this impact.

Discussion

Since 2011, the BZA /Planning Commission has recognized Westside Road as an area with a high concentration of events, event facilities, wineries and tasting rooms. It has suggested that in order to protect the rural character of the area, more restrictive criteria be applied to any project being considered for approval.

In October 2014 the Board of Supervisors voted unanimously to direct the PRMD to develop ordinances for regulating events and protective guidelines for areas of concentration such as Westside Road, and those regulations and guidelines are currently being developed.

The BZA is beginning to consider the concentration issue in its approvals of applications for events. In the recent hearing on Hop Kiln, the BZA limited promotional events to four with participation in eight industry event-days.

In addition to the impacts from 29 existing use permits and five new projects, this project is proposed for a stretch of Westside Road that already has two other wineries within ½ mile – There is an existing tasting room at 4353 Westside Road and a winery right next door (4605 Westside Road is owned by the same applicant). Such a tight cluster of facilities creates impacts on rural character in addition to the traffic and water issues cited above. The County's general plan is clear that a concentration of such facilities may have an impact on rural character and is a basis for denial of a project.

Finally, the applicant's proposal for 12 promotional and 13 industry event-days, a commercial kitchen with food service and large tasting room are out of scale with the agricultural processing and production. The project is to be phased so it is essentially a 5,000 case micro-winery, as there is no obligation to build the 2nd phase of the winery that supports the non-ag uses.

Summary

The Westside Community Association has submitted three letters reiterating its request that this project be recommended for denial by the PRMD. As stated above and in previous letters, this project has the following significant impacts that either do not comply with the General Plan policies and objectives, or has cumulative and specific impacts that cannot be mitigated:

- Insufficient sight distance for access to the Project off Westside Road
- Unstudied cumulative traffic impacts and potential joint road use conflicts
- Potential for impacts to adjacent water wells and insufficient water supply
- Cumulative impacts to rural character from proposed visitor serving uses
- Impacts to rural character from tight cluster of projects

For the above stated reasons, and those expressed in our August 2015 and June 2014 letters, the Westside Community Association Advisory Committee requests that the PRMD recommend denial of this project.

Thank You

Westside Community Association Advisory Committee

Cc with Attachments
Ken Ellison,
Jennifer Barrett,
Tennis Wick

Sigrid Swedenborg

From: Mitch Simson
Sent: Monday, June 23, 2014 1:29 PM
To: Sigrid Swedenborg
Subject: FW: PLP14-0031 (Broken Hill LLC)
Attachments: plp14031.pdf

Referral
Responses

Sigrid,

Here are Jason's comments:

- They could remove much of the undergrowth to the south and significantly open up the sight distance on that curve. This may also involve some canopy lifting.
- Using the advisory speed is a good back of the envelope tool; however, where we are really close to the thresholds, I would prefer to use measured prevailing speeds.
- The sight distance to the north is a bit tight, especially if the prevailing speed is higher than 30mph. I would ask them to conduct a speed survey.
- Depending on the results of the survey, it may be important for them to shift the driveway south as you suggested may be possible.

Sight distance will have to be addressed with a focused analysis by a traffic engineer. Adequate event parking and the location of the stone wall can be addressed by the applicant and the project architect. I've attached photos for reference.

Mitch

From: Mitch Simson
Sent: Thursday, June 19, 2014 2:46 PM
To: Sigrid Swedenborg
Subject: RE: PLP14-0031 (Broken Hill LLC)

I will try to confirm with Jason tomorrow. He does tend to believe that real-world data is better than estimates made from advisory signs.

From: Sigrid Swedenborg
Sent: Thursday, June 19, 2014 2:42 PM
To: Mitch Simson
Subject: RE: PLP14-0031 (Broken Hill LLC)

Thanks, Mitch. Will you be getting back to me? Should I begin communication with the applicant about the variance?

From: Mitch Simson
Sent: Thursday, June 19, 2014 2:39 PM
To: Sigrid Swedenborg
Subject: RE: PLP14-0031 (Broken Hill LLC)

Two concerns:

- With Phase 2 events, there are 16 parking spaces. That allows for about 40 guests and staff. Not an issue if the applicant understands the limitation. Phase 3 will accommodate the stated 50 guests and staff. However, for industry events, the applicant will need sophisticated parking control with communications and the ability to

close the lot to inbound vehicles when the lot is full. Due to the nature of Westside Road, vehicles can't stop in the road or driveway. An attendant should be posted at the entry to turn overflow away. An industry-wide event parking plan should be required.

- Sight distance south of the driveway is adequate, but could be improved with the removal of a couple of oak trees located near the fence line. North of the driveway, sight distance is substandard and can't be improved due to road geometry. If the applicant seeks a variance from the standard, he should provide a speed study done by a traffic engineer to show the critical speed is less than the posted speed. I will verify this with Jason. The alternative is to move the driveway south about 60 feet in order to attain the minimum requirement. That will definitely require the removal of the roadside oak trees located south of the entry.

Additionally, the proposed dry-stack stone wall should be located no nearer to the edge of the road than the existing post and wire fence. That is approximately 11 feet from edge of pavement.

From: Sigrid Swedenborg
Sent: Tuesday, June 17, 2014 2:24 PM
To: Mitch Simson
Subject: RE: PLP14-0031 (Broken Hill LLC)

They sent a new project description when I asked for a better explanation of events. Looks like it will be in Phase 2, see attached.

From: Mitch Simson
Sent: Tuesday, June 17, 2014 2:12 PM
To: Sigrid Swedenborg
Subject: PLP14-0031 (Broken Hill LLC)

Sigrid,

Thanks for the full-size plans. Do you know with which phase the applicant will begin hosting events? Thanks,

Mitch



www.aactionrents.com

Attachment 2

1427 Grove St.
Healdsburg, CA 95448
www.aactionrents.com
707-431-3544 Phone
707-431-1675 Fax

Status: Completed

Invoice #: 188302-3
Invoice Date: Wed 9/30/2015
Date Out: Mon 9/28/2015 4:00PM

Operator: Shamus Gradek

BOMMERSBACH, MARC JAMES
3300 WESTSIDE RD
HEALDSBURG, CA 95448

Customer #: 22601

415-860-2116 Phone

Job Descr: 1

Qty	Key	Items	Items Rented	Status	Returned Date	Price
1	260055-3	MEASURING WHEEL	MEASURING WHEEL	Returned	Wed 9/30/2015 12:03:00P	\$28.00
		1day \$14.00 1week \$44.00 4weeks \$143.00				

Thank you for your Business

Payments made on this contract:

Deposit Paid	\$14.00	9/28/2015 4:01PM Credit Card Amex xxxx-xxxx-01002 Auth:168139
Rental/Sale Paid	\$28.00	9/30/2015 12:04PM Credit Card Amex xxxx-xxxx-01002 Auth:184279
Deposit Refund	(\$14.00)	9/30/2015 12:04PM Credit Card Amex xxxx-xxxx-01002 Auth:184279
Subtotal	\$14.00	9/30/2015 12:04PM
Total	\$28.00	

I agree to pay the above amount according to the card issuer agreement.X

Signature for Deposit Returned: x

Deposit Returned \$14.00

Rental Contract

Customer acknowledges receipt of written copy of applicable requirements of Statewide Portable Equipment Registration Program including record keeping and notification requirements. Customer acknowledges that the registration certificate is with the rental equipment and that the placard/registration sticker is fastened to the rental equipment.

EQUIPMENT PROTECTION PLAN (E.P.P.): For an additional fee of 12% of the total rental, Aaction Rents agrees to waive claims for damage to equipment as specified on the back of the rental agreement. EQUIPMENT PROTECTION PLAN IS NOT INSURANCE.

IF I DO NOT UNDERSTAND OR FORGET THE INSTRUCTIONS I HAVE BEEN GIVEN, OR IF THE EQUIPMENT FAILS, I WILL NOT ATTEMPT TO OPERATE OR REPAIR IT. I WILL DISCONTINUE USE AND NOTIFY AACTION RENTS IMMEDIATELY. I ACKNOWLEDGE THAT A LARGER FONT COPY OF THE TERMS AND CONDITIONS HAS BEEN OFFERED AND IS AVAILABLE UPON REQUEST.

Customer acknowledges it is responsible for providing all personnel with protective and safety equipment. Customer acknowledges that Aaction Rents will charge/credit/debit Customer's charge/credit/debit card upon commencement of rental and return any balance to Customer at rental termination subject to customers' bank policies and procedures.

I have had the opportunity to read, and have read, discussed and understand the terms and conditions of the Agreement and agree to be bound thereto.

Aaction Rents agrees to be bound to the terms and conditions of this Agreement.

Signature:

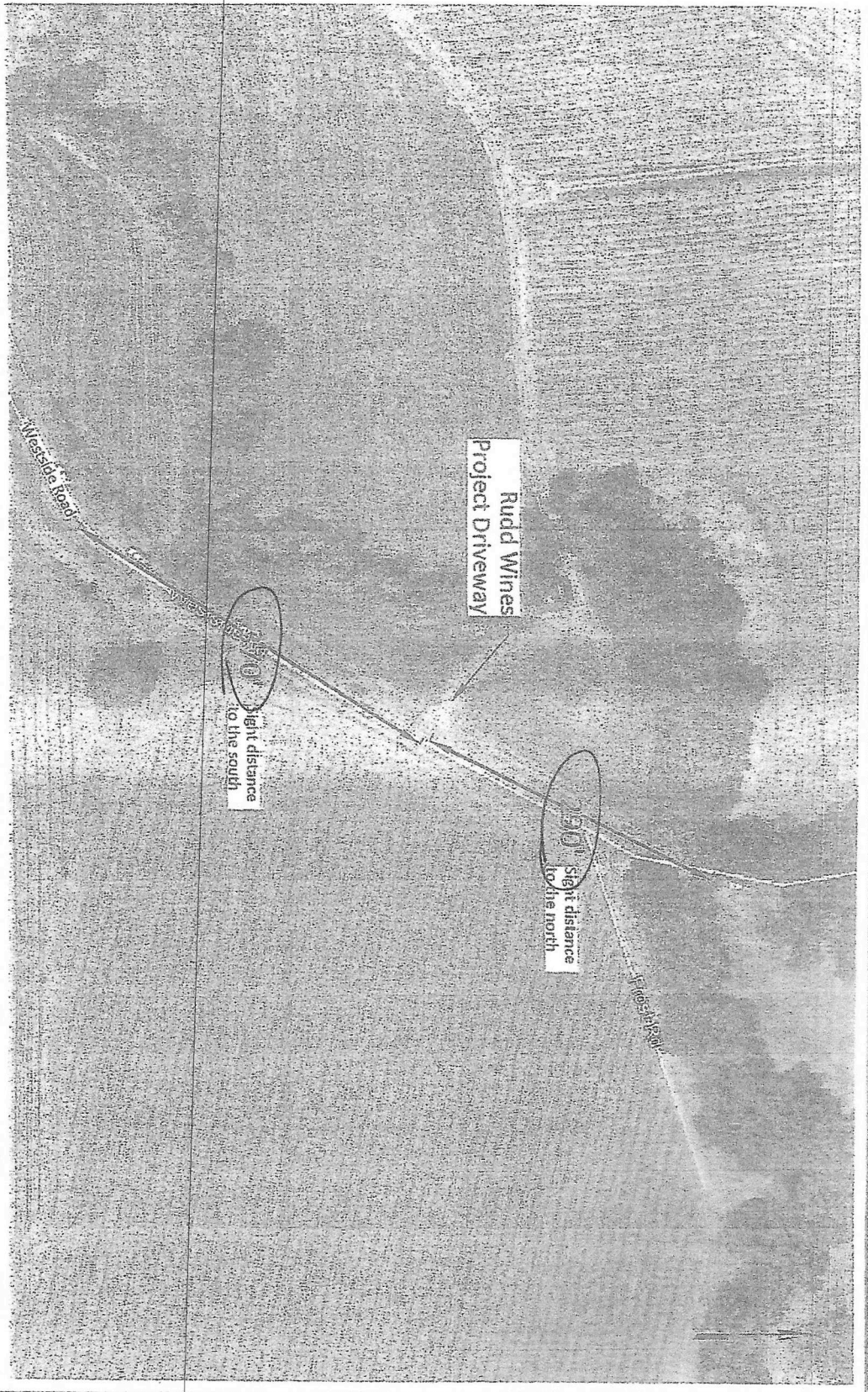
BOMMERSBACH, MARC JAMES

Rental:	\$28.00
Subtotal:	\$28.00
Tax - Sonoma County:	\$0.00
Total:	\$28.00
Paid:	\$28.00
Amount Due:	\$0.00

Mon-Fri 7:00-5:00 Sat 8:00-4:00 Sun 9:00-4:00
Printed On Wed 9/30/2015 12:04:43PM

Software by Point-of-Rental Systems www.point-of-rental.com

Modification # 3
Contract-Params.rpt (1)



Whitlock & Weinberger
Transportation, Inc
 4991 Piedmont Ave. Suite 201
 Santa Rosa, CA
 (707) 542-9500 Fax: (707) 542-9590

Sight Distance at Rudd Wines Driveway

4603 Westside Road

DRAWN: LD	SCALE: N.T.S.
DESIGN:	DATE: 9/29/14
SHEET 1 of 1	JOB NO. SOX508