

Resolution Number
County of Sonoma
Santa Rosa, California

July 6, 2017
PLP14-0031 Gary Broad

RESOLUTION OF THE BOARD OF ZONING ADJUSTMENTS,
COUNTY OF SONOMA, STATE OF CALIFORNIA, EXEMPTING
THE PROJECT FROM THE CALIFORNIA ENVIRONMENTAL
QUALITY ACT FOR PURPOSES OF DENIAL AND DENYING A
USE PERMIT AND DESIGN REVIEW FOR A NEW WINERY
WITH ANNUAL PRODUCTION OF 10,000 CASES, A NEW
PRODUCTION BUILDING AND TASTING ROOM, AND 12
PROMOTIONAL EVENTS, 13 INDUSTRY-WIDE EVENTS AND
12 WINEMAKER MEALS ON PROPERTY LOCATED AT 4603
WESTSIDE ROAD, HEALDSBURG; APN 110-110-026

WHEREAS, the applicant, Backen, Gillam and Kroger Architects, filed a Use Permit and Design Review application with the Sonoma County Permit and Resource Management Department for a new winery with annual production of 10,000 cases, a new 8,145 square foot production building, a new 2,171 square foot detached tasting room open to the public, and 12 promotional event days, 13 industry-wide event days and 12 winemaker meals annually (the "Project") on property located at 4603 Westside Road, Healdsburg (the "Project Site"); APN 110-110-026; Zoned LIA (Land Intensive Agriculture) B6-40 acre density, Z (Second Unit Exclusion) F2 (Floodplain), RC50/50 (Riparian Corridor), SR (Scenic Resources), VOH (Valley Oak Habitat); Supervisorial District No 4; and

WHEREAS, in accordance with the provisions of law, the Board of Zoning Adjustments (the "Board") held a duly noticed public hearing on June 1, 2017, at which time all interested persons were given an opportunity to be heard; and

WHEREAS, at the conclusion of the public hearing, having considered the record of the proceedings before it, the written evidence submitted for the public hearings, and the testimony and other evidence submitted at the hearing, and having deliberated on the matter, the Board took straw vote and unanimously directed staff to prepare a resolution denying the Use Permit and Design Review requested for the Project.

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

1. Traffic/Public Safety. Westside Road is a rural major collector, two-lane road with a posted speed limit of 45-miles per hour near the Project Site and an average daily volume of approximately 3,070 vehicles on weekdays. The winery is proposed along a section of Westside Road in between two roadway curves north and south of the Project access driveway. The sharp curve to the north has a posted speed of 30 mph. The curve to the south has a posted speed of 25 mph.

The W-Trans May 11, 2016 Revised Traffic Study (the "W-Trans Study") observed that the 85th percentile southbound speed existing the north curve was 35 mph and the 85th percentile northbound speed exiting the south curve was 36 mph. The W-Trans Study reported that the 85th percentile of speeds measured at the Project driveway was 44 mph.

The W-Trans Study reported that the Highway Patrol's Statewide Integrated Traffic Records System data showed that two collisions occurred between 2010 and 2015 just north and south of the project driveway. Healdsburg Fire Department records confirm one fatality at 4600 Westside Road, a single motorcycle that went off the road due to unsafe speed in May 2014. The Sonoma County GIS accident database indicates five accidents near the guardrail along

part of the north curve between 1994 and 2010. Two were head-on collisions with injuries, in 1998 and 1999.

2. The W-Trans Study further concluded that the proposed project driveway met minimum stopping distance requirements, ~~but could not meet sight distance requirements at the northern curve.~~ Topographic issues limit sight distance around the curve, and possible backup at the driveway entrance would shorten sight distance and reaction time for vehicles rounding the curve, raising the potential for accidents. Vehicles which take the curve at speeds higher than 35 mph could face a critical situation of not having enough sight distance/reaction time.

Bicyclists, scenic views and other winery traffic on this area of Westside Road potentially interfere with a driver's ability to immediately see a turning or stopped vehicle at the driveway entrance. The two curves exacerbate the hazard to the many bicyclists that travel on Westside Road and the risk of accidents involving cars and bicyclists.

The Project, including special events for up to 150 guests, presents the potential for traffic queuing on Westside Road with vehicles waiting to turn into the Project Site between the two curves along Westside Road. Queued traffic on Westside Road would reduce the amount of sight distance and stopping distance available to vehicle drivers.

The constraints related to the restricted sight and stopping distance on Westside Road are traffic safety issues which cause the Project at this location to be detrimental to the health and safety of persons residing or working in the neighborhood and detrimental to the general welfare of the area.

2. Event and Tasting Room Traffic. The application requests approval for 12 promotional event days, 13 industry-wide event days and 12 winemaker meals annually. Westside Road has 29 permitted wineries along the roadway, and traffic on Westside Road includes operational traffic from wineries, travel to/from tasting rooms and winery event traffic. The Project would result in four wineries with tasting rooms and events within 0.6 miles. The proposed winery is adjacent to MacRostie Winery at 4603 Westside Road to the south and near three tasting rooms to the north: VML Winery and Alysian Wines at 4035 Westside Road and Bacigalupi Winery at 4353 Westside Road.

The May 17, 2017 W-Trans Response to Public Comments on the "Revised Traffic Study for Rudd Wines Winery & Tasting Room" determined that the non-harvest daily trip generation for the project would be an average of 153 trips and the harvest daily trip generation would be 247 trips. It calculates that a 150-person event would be expected to generate 136 trip ends at the facility, which would include 68 inbound trips prior to the event and 68 outbound trips at the conclusion.

This Project's establishment of a 30th permitted winery with operational traffic, tasting room traffic and event traffic, on a portion of Westside Road with existing traffic constraints, in concert with existing and proposed Westside Road winery traffic, will result in a traffic and public safety hazard.

3. Neighborhood Compatibility. The establishment, maintenance or operation of the winery at this location will, under the circumstances of this particular case, be detrimental to the health, safety, peace, comfort and general welfare of persons residing or working in the neighborhood of the Project, and will be detrimental to the general welfare of the area.

Substantial written and oral evidence was introduced at the public hearing demonstrating that the intensity of development on the Project Site is out of character with existing development in the neighborhood and immediate area. The proposed 37 event days, in concert with events held at nearby and other Westside Road wineries, would lead to a proliferation of traffic and activity incompatible with the neighborhood. The proposed addition of another winery and tasting room in close proximity to the existing tasting rooms would contribute to a concentration of uses that would be incompatible with the neighborhood character and deleterious to the rural character of the immediate area.

4. Zoning and General Plan Inconsistency. The Zoning Code requires a tasting room to be consistent with General Plan Policy AR-6f as follows:

"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."*

Based on the foregoing analysis and findings and the proposed Project's location, its traffic generation, the existing curves on Westside Road, traffic conflicts, constrained sight distances, public safety and neighborhood character, the Project would be inconsistent with General Plan Policy AR-6f.

5. Wineries and tasting rooms are permitted within the Land Intensive Agriculture (LIA) Zone subject to approval of a use permit provided the Board of Zoning Adjustments finds that the establishment, maintenance or operation of the use or building applied for will under the circumstances of the particular case, be detrimental to the health, safety, peace, comfort, or general welfare of persons residing or working in the neighborhood or to the general welfare of the area. Based upon the above discussion, the Board of Zoning Adjustments finds that the proposed Project would result in significant traffic/public safety impacts on Westside Road and at the Project Site and is incompatible with the neighborhood and will therefore adversely impact the health, safety, peace, comfort, and general welfare of adjacent land uses and persons residing and working in the neighborhood.

BE IT RESOLVED that the Board of Zoning Adjustments hereby finds that the Project is exempt from the California Environmental Quality Act ("CEQA") pursuant to Section 15270(a) of the CEQA Guidelines, which exempts projects that will be denied from the requirements of CEQA.

BE IT FURTHER RESOLVED that the Board of Zoning Adjustments hereby denies the requested Use Permit and Design Review application.

BE IT FURTHER RESOLVED that the Board of Zoning Adjustments designates the Secretary as the custodian of the documents and other material which constitute the record of proceedings

upon which the Board's decision herein is based. These documents may be found at the office of the Sonoma County Permit and Resource Management Department, 2550 Ventura Avenue, Santa Rosa, CA 95403.

BE IT FURTHER RESOLVED that the Board of Zoning Adjustments' action shall be final on the 10th day after the date of the Resolution unless an appeal is taken.

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

Commissioner
Commissioner
Commissioner
Commissioner
Commissioner

Ayes: Noes: Absent: Abstain:

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

SO ORDERED.