

Westside Community Association



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

December 2, 2014

Sonoma County Joint Design Review/Landmarks Commission
2550 Ventura Ave.
Santa Rosa, CA 95403

RE: 7097 Westside Road, UPE14-0008

Dear Commissioners

This letter is on behalf of the Westside Community Association (WCA) regarding the proposed use of the existing hop kiln structures for entertainment and visitor serving uses, which is included the Ramey Use Permit application.

The WCA does not believe that constructing a tasting room and other visitor serving facilities in the location of the current hop kiln structures complies with either Sonoma County zoning ordinances, the General Plan Scenic Resource Element or Section 65567 of the State Planning and Zoning law.

Section 65567 of the State Planning and Zoning law prohibits issuance of a building permit in contravention of the General Plan's Open Space Element. The proposed new tasting room, entertainment and parking facilities intrude into the 200 foot setback and may not be built consistent with either State law or the General Plan requirements.

The existing hop kiln structures are non-conforming structures because they are located within the 200 ft. scenic corridor setback. The provision of Section 26-64-030 Scenic Resource Combining District apply to properties along scenic corridor, and delineates the conditions whereby construction may be permitted on the properties covered by this provision. The proposed project is located in a scenic corridor and thus subject to the provision of this section. Since the proposed project is a not a maintenance, restoration or reconstruction of the existing hop kiln, but rather a new use, requiring virtually all new construction, there is no provision that would permit such new construction and new use within the 200 foot setback.

The provision of Section 26-64-030 allowing construction new barns and similar agricultural support services would also not apply as agricultural support services are spelled out in Policy AR-5f as processing, storage, bottling, canning, and packaging. The proposed use is clearly visitor serving.

Similarly Article 94 – Nonconforming Uses of the Sonoma County Zoning Code delineates the circumstances under which a non-conforming use may be continued or reconstruction may be permitted. Again, the proposed new use and construction does not comply with County codes. Under section 26-94-010 the non-conforming use may be replaced by a use of the same or less intensity upon obtaining a use permit. The proposed project does not qualify under this provision for two reasons. First, the use of the hop kiln structure has been abandoned for a sufficiently long time that any new use would not be replacing a current use. Second, the proposed use is not “the same or less intensity”. A tasting room, VIP lounge, marketing accommodations, and two kitchens and dining areas is certainly not a less intensive use.

Section 26-94-020 delineates how a non-conforming use can be reconstructed. Under this provision, the need for reconstruction would have to be as the result of several enumerated circumstances – explosions, acts of god and the like, and presumably be replacement of an existing, non-commercial use. The proposed project does not meet these standard for a reconstruction.

Finally, even if the proposed new construction and use were a continuation of an existing non-conforming use, which is not the case, the proposed modifications, in addition to being a more intense use, would increase the foot print of the structures by more than 10% limitation contained in Section 26-94-010. Based on drawing A1.10 of the application the existing hop kiln structures would be increased by approximately 19%.

Therefore, for the above stated reasons, the WCA requests that the Landmarks Commission not recommend approval of this new construction because is does not comply with the County’s General Open Space Element and the County’s Zoning Ordinances.

Thank you for your consideration of the important matter.

Sincerely,

Westside Community Association Advisory Board

cc Tracy Tesconi

Calculations of Square Footages from Hop Kiln Application Drawings

Drawing A1.10

1. Existing Hop Kiln buildings 2 buildings at 35.5' X 35.5' X2 = 2,520 sq. ft.

Added footprint area from rebuilding Hop Kilns

1 - 16'X10' = 160 sf. Electrical/HVAC space

1- 16'X10' = 160 sf. Mechanical/Plumbing

1- 10'X10' = 100 sf. Stair well

1 - 6'X10' = 60 sf. Elevator

Total increase = 480 sf.

Ratio of new to existing square footage to new = $480/2,520 = 19\%$ increase.

Currently there is no use of the non-conforming hop kiln structures. Even if there was a legal non-conforming use such as a tasting room, or other such use, the proposed modifications exceed 10% of the existing footprint of the building.

Calculation of Square footage of visitor serving and entertaining facilities

Hop Kilns tasting rooms	2,520 sf.
Winery tasting rooms	4,200 sf.
<u>Bale Barn</u>	<u>3,600 sf.</u>
<u>Bridge</u>	<u>1200 sf.</u>
Total	11,700 sf.

Winery size approximately 26,000 sf. plus cave storage.

Winery sf. calculations

Main Building 1 st fl.	75X230=17,250
Main Building 2 nd fl.	=12,500
Truck area	= 6,000
Mechanical	= 1,500
Hop Kiln	=5,000
<u>Bale Barn</u>	<u>=4,000</u>
Total	=46,250 buildings