



# Sonoma County Board of Zoning Adjustments STAFF REPORT

Sonoma County Permit and Resource Management Department  
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**FILE:** PLP08-0073  
**DATE:** January 28, 2010  
**TIME:** 1:45 p.m.  
**STAFF:** Melinda Grosch

Appeal Period: 10 calendar days

## SUMMARY

**Applicant:** Crossbarn Winery c/o Paul Hobbs

**Owner:** Paul Hobbs Winery

**Location:** 4930 Highway 116 North, Sebastopol  
APN 084-130-009 Supervisorial District No. 5

**Subject:** Use Permit and Design Review

**PROPOSAL:** Request for a Use Permit and Design Review for a new winery to be comprised of three 2,040 square foot winery buildings totaling 6,120 square feet with a maximum annual production capacity of 20,000 cases, and a tasting room/offices in an existing historic single family residence of 2,814 square feet of conditioned space and 592 square feet of storage/garage. Uses include public tasting and participation in industry-wide wine tasting events.

**Environmental Determination:** Mitigated Negative Declaration

**General Plan:** Diverse Agriculture (DA) 10 acre density

**Specific/Area Plan:** Highway 116 Scenic Corridor

**Land Use:**

**Ord. Reference:** Section 26-08-020 (g) and (j)

**Zoning:** DA (Diverse Agriculture), B6-10 acre density, SR (Scenic Resource)

**Application Complete for Processing:** March 30, 2009

**RECOMMENDATION:** Approve the request for the Use Permit and Design Review subject to Conditions of Approval.

## ANALYSIS

### **Project Description:**

The applicant has requested a Use Permit for a new winery to be housed in three 2,040 square foot winery buildings totaling 6,120 square feet with a maximum annual production capacity of 20,000 cases, and tasting room/offices in an existing historic single family residence of 2,814 square feet of conditioned

space and 592 square feet of storage/garage. The winery complex will include an exterior covered grape receiving/crushing area. The buildings will house the fermentation, barrel storage, case goods/bottling, equipment storage, production offices, restrooms, shop and lab. The buildings will be constructed one at a time as demand for space increases. The winery and tasting room buildings are located in a new vineyard and partially screened from view of Highway 116 North. It will be located approximately 600 +/- feet from the closest neighbor and 230 +/- feet from Highway 116 North. The existing Victorian era house will be used as the tasting room.

The renovation and remodel of the existing farmhouse has already been started as the building was in an advanced state of disrepair. As much of the historic material as possible will be preserved including the exterior siding, windows, doors, and trim. Any other historic material to be removed for the remodel will be re-used in other parts of the building. All of the residence's existing facilities will be renovated including the heating, plumbing, electrical, and new accessible toilet rooms will be built. It is located 250 +/- feet from the road and 360 +/- feet from the closest neighbor.

Three new buildings will also be constructed for the winery operations. Each is 2,040 +/- square feet in size and they will be used for fermentation, barrel storage, case goods/bottling, equipment storage, production offices, restrooms, shop and lab. It is proposed that they will be constructed over time as increased production drives the demand for additional space. An exterior, covered crush pad will be built with the initial building. It will be located 600 +/- feet from the closest neighbor and 230 +/- feet from the road.

The winery will be open for public tours, tasting, and retail sales. The facility will promote the ultra-premium wines that will be produced on-site and generally promote the Russian River appellation. Special events such as weddings, concerts and festivals are not planned nor requested with this application. However, participation in industry-wide wine related events such as Russian River Grower's Winter Wine Escape, Barrel Tasting, and Grape-to-Glass weekend events are planned.

#### **Site Characteristics:**

The 7.56 +/- acre site slopes to both the east and south and has recently been planted in vineyard. A historic Victorian house is located roughly in the middle of the parcel which the applicant proposes to use as the tasting room and offices. The site is served by private well and septic system. The driveway will enter directly off of Highway 116 North.

#### **Surrounding Land Use and Zoning:**

North - Lands are zoned DA, B6-10 acres/dwelling unit, SR and the parcel immediately to the north is also planted in vineyard.

East - Across Highway 116 North is a small strip of businesses (Veterinary Clinic, Well Driller, etc.) all in the AS (Agricultural Services) district. These parcels have split zoning and are AR (Agriculture and Residential), B6-6 acres/dwelling unit, SR. The surrounding area to the northeast is zoned AR, B6-6, and to the southeast is zoned DA, B6-10, with some large lot rural residential uses. The Pitkin Marsh is located approximately 1,300 feet to the east, across Highway 116 North from the project. This area includes the BR (Biotic Resources) combining district.

South - This area is zoned DA, B6-10, BR, F2 (Flood Plain), SR. To the south is a fallow agriculturally zoned parcel that is crossed by a creek known locally as Pitkin Creek. On the south side of the creek the zoning changes to AR, B6-10, SR.

West - Additional DA zoned lands currently used for large lot residential purposes.

## DISCUSSION OF ISSUES

### Issue #1: General Plan and Zoning

#### General Plan Consistency:

The site has a Diverse Agriculture (DA), 10 acre density General Plan designation and the same Zoning designation with SR (Scenic Resources) combining designation. The following policies from the General Plan are applicable to this project:

*"Policy AR-1a: Permit a wide variety of promotional and marketing activities of County grown and processed products.*

*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 parcel is planted in vines and the only area that will not be devoted to vineyards is the area that will be developed with the winery and tasting room.

*GOAL AR-5: Facilitate agricultural production by allowing agriculture-related support uses, such as processing, storage, bottling, canning and packaging, and agricultural support services, to be conveniently and accessibly located in agricultural production areas when related to the primary agricultural production in the area.*

*Policy AR-5a: Provide for facilities that process agricultural products in all three agricultural land use categories only where processing supports and is proportional to agricultural production on site or in the local area.*

*Policy AR-5c: Permit storage, bottling, canning, and packaging facilities for agricultural products either grown or processed on site provided that these facilities are sized to accommodate, but not exceed, the needs of the growing or processing operation. Establish additional standards in the Development Code that differentiate between storage facilities directly necessary for processing, and facilities to be utilized for the storage of finished product such as case storage of bottled wine. Such standards should require an applicant to demonstrate the need for such on-site storage.*

The project includes processing and some storage related to processing - barrel storage, equipment storage, temporary storage of case goods, etc. Finished wines will be bottled on site. The wines which will be produced at this site will be produced from grapes grown on site or from local vineyards.

*Policy AR-5g: Local concentrations of any separate agricultural support uses, including processing, storage, bottling, canning and packaging, agricultural support services, and visitor-serving and recreational uses as provided in Policy AR-6f, 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 shall be avoided. 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.*

*In cases where the proposed processing use would process only products grown on site, such*

*use would not be subject to this concentration policy.*

There are currently no wineries in the immediate area. There are several wineries and the Kozlowski Farms to the north of the site. Kozlowski Farms grows berries and other fruits and produce many fruit products such as jams and jellies, flavored vinegars, pastries, sauces, etc. These products are sold wholesale and are also sold retail at the site. There are several wineries to the south near the Vine Hill Road intersection and a number of Christmas Tree farms along the stretch of Highway 116 North from Sebastopol to Forestville.

*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. Limit recreational uses to the "Land Extensive Agriculture" and "Diverse Agriculture" categories, specifically to bed and breakfast inns and campgrounds of 30 or fewer sites.*

*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.*

The tasting room will promote and market wines made from grapes grown on-site and in Sonoma County. In addition the winery portion of the use will process grapes grown on-site and in Sonoma County.

The winery and tasting room are on a property which is entirely planted in vineyards. The use is secondary to the growing use and there are many other vineyards and pasture lands in the area with no processing or marketing associated with them. Therefore, the proposed use is considered secondary to the agricultural production activities. Additionally, the use is compatible with the industrial/commercial strip of land across Highway 116 North and is well removed from residential uses in the area.

The use will be served by a private, on-site well and septic system and the request does not involve any type of lodging.

*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.*

There will be no change in the level of service on Highway 116 North as a result of this project. See discussion of traffic impacts in Issue #3 below.

The site is located in a major groundwater recharge area. Although it will most likely draw water from the same aquifer as other wells in the area this is a large aquifer with substantial inputs from the surrounding watershed. The project will be subject to the Water Efficient Landscape Ordinance and groundwater monitoring conditions.

With careful selection of architectural details and landscaping the site will continue to look like a rural agricultural area. The Design Review Committee has reviewed the proposal and recommended changes to the style of the proposed new winery buildings to make them more compatible with the historic dwelling. The proposal will be reviewed again by the Design Review Committee and Landmarks Commission if approved by the Board of Zoning Adjustments.

#### Zoning Consistency:

The DA (Diverse Agriculture) Zoning District allows processing of agricultural products (such as grapes) grown on site or in the vicinity subject to prior approval of a Use Permit. Additionally, tasting rooms and sales and promotion of agricultural products grown or processed in the county, such as industry wide events, are also permitted subject to Use Permit approval.

#### Issue #2: Highway 116 Scenic Corridor/County Scenic Corridor

The site is located on Highway 116 North, designated as a Scenic Highway by CalTrans and as a Scenic Corridor by Sonoma County. Preliminary review by the Sonoma County Design Review Committee (DRC) was held on May 6, 2009. The DRC had comments regarding the style of buildings, landscaping, and parking. These are noted in the following discussion. Final Design Review occurs after the Board of Zoning Adjustments reviews and makes their decision on the project. The Design Review process is reiterative and the project may go back to the DRC more than one time to achieve agreement on various aspects of the design including architecture, site design, landscaping, and lighting.

Standards, goals, and policies were adopted by the County to ensure that development along the designated portion of the highway is compatible with the State's scenic highways goals and standards. Four primary components were identified as making up the character of the Highway 116 scenic area: trees, Russian River, terrain, and man-made structures. The most relevant component to this site is man-made structures in the vicinity. Structures considered characteristic of the scenic corridor were mostly constructed in the early 1900's up to the 1930's, are made of wood, of diverse design, and reflect a style of building that had very low impact on their respective sites (i.e., no extensive cuts or fill, limited paving/grading, etc.).

The historic on-site home is to be converted to a tasting room. The house is quite obviously Victorian in style with ornate trim and other features from that era. Out-buildings that were associated with the site have been removed. The proposed winery buildings will be constructed of metal in a industrial style. There are other metal buildings in the area and many are a modern (i.e., 1960's) architectural style. However, at this site the DRC considered the proposed architecture to be too modern in juxtaposition to the Victorian house. The DRC requested that the architect modify the buildings to be more in keeping with the era of the existing dwelling. In addition, the project will need to go to the Landmarks Commission for their review and approval. A joint meeting of the DRC and Landmarks Commission is proposed.

The amount of paving is minimal and very little of it will be visible from Highway 116 North due to fact that the project is sited up the hill from the roadway. The vineyard and proposed landscaping will help to screen much of the paved area. The DRC did note that parking appears to be limited for the proposed number of employees and visitors and requested that the applicant revise their parking plan. This will be reviewed when the DRC looks at the project again, typically after the Board of Zoning Adjustments has

commented on the project.

The buildings must be setback 30% the depth of the lot from the center line of the highway up to a maximum of 200 feet in accordance with the Scenic Corridor designation under the County's regulations. The site plan indicates that the building closest to the roadway is at least 200 feet from the centerline of Highway 116 North.

The DRC felt that adding taller landscaping like redwoods or other evergreen trees along the southern side of the buildings would soften the view for northbound travelers on Highway 116 North. The DRC also recommended similar landscaping between the new buildings and the existing dwelling (tasting room) so that visitors on the tasting room porch aren't looking out over the roofs of the new winery buildings.

With the modifications recommended by the DRC the project complies with the Highway 116 Scenic Highway guidelines, and Zoning Ordinance Standards for Scenic Resource designated properties.

**Issue #3:** Traffic

The site is located on Highway 116 North, north of the intersection of Guerneville Road and Highway 116 North. The proposed project involves construction and operation of a new winery and tasting facility. The ultimate annual production capacity is projected to be 20,000 cases per year. No special events are requested, however, they do wish to participate in industry-wide/appellation wide wine related events.

The applicant provided a Focused Traffic Impact Study for the winery, prepared by W-Trans, January 2, 2008. The study gives the following trip generation numbers:

Winery Employees: 22 employees generating 66 daily trips  
Truck Traffic: 2 daily trips  
Tasting Visitors: 15 visitors generating 12 daily trips  
Tasting Room Employees: 2 employees generating 6 daily trips  
For a total of 86 daily trips on average.

Using the screening criteria established by the County of Sonoma Guidelines for traffic studies, the project would not cause a significant traffic impact based on traffic contributed to the street system by the project. However, Caltrans has requested that left turn pocket and shoulder widening be constructed on Highway 116 to serve the project, which has been included in the Conditions of Approval.

Thirty-three parking spaces are shown on the site plan for the project. The Proposal Statement indicates that there will be 12 to 24 employees and a maximum of 15 visitors on a peak weekend. Parking is inadequate to serve the number of employees and visitors. Assuming that all 24 employees drive their own cars, only nine spaces will be available for visitors and there were no areas designated for parking for special events in which they plan to participate. Additional parking will be required to be provided to accommodate the maximum number of employees on-site at one time (if shift workers). Permanent parking to meet the average maximum number of visitors or at least one parking space per 60 square feet of tasting room area must also be provided. During the preliminary DRC review this was discussed and the applicant agreed to revise their parking plan to include additional parking. A Mitigation Measure has also been established to address this issue. Overflow parking for special events is often accommodated in the vineyard rows. This will work as long as the vineyards are relatively dry and parking cars will not cause too much disruption of soils so that there would be increased erosion and sedimentation.

**Issue #4:** Odors

The project includes crushing grapes, which can cause odors. The Air Quality Control Board has no record of odor complaints generated regarding grape pomace, except when burned. The applicant has agreed to spread the pomace on vineyards as a soil conditioner and supplemental nutrient source which is then disced under on a routine basis. This will be done within two days of crushing.

**Issue #5:** Noise

The Sonoma County General Plan Noise Element establishes objectives, policies and performance

standards for noise producing land uses which may affect noise sensitive land uses and vice versa. Wineries are recognized as a source of community noise because they are typically located in quiet rural areas. Exterior noise primarily occurs during the crush season and is usually less than 60 dBA at distances greater than 300 feet. The closest neighboring residence is over 500 feet from the proposed winery location. Potential noise impacts related to winery operations were determined to be less than significant.

**Issue #6:** Biotic Resources

The project is adjacent to Pitkin Creek which crosses the parcel to the south. The site was recently planted in vineyards. As a part of that process the applicant worked with the Sonoma County Agricultural Commissioner's office on a "Vineyard Grading Plan" in accordance with the County's Hillside Vineyard Ordinance.

Site disturbance related to the construction of the new winery and driveway/parking lot area could result in sediments and debris which could wash into the creek unless erosion control measures and best management practices are used. After project construction there is the potential for runoff from driveways to create erosion, therefore, permanent erosion control measures will be installed with the landscaping. Impacts to the adjacent creek should be non-existent with careful installation and maintenance of erosion control measures, both during and after construction.

**STAFF RECOMMENDATION**

Recommend that the Board of Zoning Adjustments approve the request for a winery and tasting facility subject to Conditions of Approval.

**FINDINGS FOR RECOMMENDED ACTION**

1. The proposal is consistent with the zoning and General Plan designations of (DA) Diverse Agriculture and policies in the General Plan regarding uses of agricultural lands. The project as conditioned, is consistent with the Highway 116 Scenic Highway guidelines and the SR (Scenic Resources) zoning designation.
2. The existing Victorian era house is to be preserved, retaining the historic appearance of the structure and integrating elements of the historic period into the design of the new winery buildings will maintain the historic resource.
3. Based upon the information contained in the Initial Study included in the project file, it has been determined that there will be no significant environmental effect resulting from this project, because Mitigation Measures have been incorporated into the project as Conditions of Approval. The Mitigated Negative Declaration has been completed in compliance with CEQA State and County guidelines, and the information contained therein has been reviewed and considered.
4. The establishment, maintenance or operation of the use for which application is made will not, 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 such use, nor be detrimental or injurious to property and improvements in the neighborhood or the general welfare of the area. The particular circumstances in this case are:
  - a. There are no traffic impacts resulting from this application as it does not cause an increase in congestion resulting in a drop in level of service and the driveway intersection meets Caltrans' criteria for entry onto a state highway.
  - b. Odors and noise generated by the project will not create an adverse impact on adjoining properties. The nearest residential uses are more than 500 feet from the winery and noise will dissipate to less than a significant level.
  - c. Biotic resources will be protected through implementation of erosion and sediment control measures.

**LIST OF ATTACHMENTS**

- EXHIBIT A: Draft Conditions of Approval
- EXHIBIT B: Proposal Statement
- EXHIBIT C: Vicinity Map
- EXHIBIT D: General Plan Land Use Map
- EXHIBIT E: Zoning Map
- EXHIBIT F: Site Plan
- EXHIBIT G: Preliminary Grading and Drainage Plan
- EXHIBIT H: Draft Resolution

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Separate Attachment for Commissioners: Mitigated Negative Declaration