



Sonoma County Board of Zoning Adjustments STAFF REPORT

FILE: UPE17-0062
DATE: October 10, 2019
TIME: 1:20 PM
STAFF: Alberto Santos-Davidson, Project Planner

Appeal Period: 10 calendar days

SUMMARY

Applicant: Alex Kanzler, Kanzler Vineyards, LLC

Owner: Alex Kanzler, Kanzler Vineyards, LLC

Location: 2109 Sanders Road, Sebastopol

APN(s): 076-110-064 **Supervisorial District No.:** 5

Subject: Use Permit

PROPOSAL: Kanzler Vineyards, LLC proposes to construct a new 2,910 square foot winery on a previously developed site to produce a maximum of 5,000 cases of wine a year. The project would also construct a hospitality/administration building 1,780 square feet in size with a kitchen, offices, wine tasting rooms/areas, restrooms, a porch and a patio. Wine tasting would be by appointment only with a maximum of 10 guests per day. The project also requests 17 agricultural promotional events per year, including 6 winemaker meals with 25 guests, 4 events with 50 guests and 7 events with 150 guests. Two of the proposed 150-guest events would be third party private events. Participation in industry-wide events is not requested. The 20.57 acre property contains an existing 14.5 acre vineyard, which would provide most of the grapes for the winery, and a two-story residence that also functions as a farmstay rental for up to eight residential guests.



Environmental

Determination: Mitigated Negative Declaration

General Plan

Land Use: Diverse Agriculture, with a maximum residential density of 10 acres per dwelling unit (DA 10).

Specific/Area Plan

Land Use: Not Applicable

Zoning:

DA, B6 10, Z, VOH.

Diverse Agriculture (DA), B6 Combining District, with a maximum density of ten acres per dwelling unit (B6 10), Accessory Dwelling Unit Exclusion Combining District (Z), Valley Oak Habitat Combining District (VOH)

Ord. Reference:

Article 26-08, Article 26-78, Article 26-76, Article 26-67

Land Conservation

Contract: Not Applicable

Application

Complete

for Processing: November 26, 2018

RECOMMENDATION: Recommend that the Board of Zoning Adjustments approve the request, with conditions, for a Use Permit to allow a 2,910-square-foot winery building with an on-site production capacity of 5,000 cases of wine, a 1,780-square-foot tasting/administration building, with associated surface parking, a new 20-foot wide on-site driveway, and up to 17 annual agricultural promotional events with a range of guests on a 20.57 acre property with an existing vineyard and single-family residence. Participation in industry-wide events is not requested.

EXECUTIVE SUMMARY:

Staff is recommending approval of a Mitigated Negative Declaration and Use Permit for: (1) a new 2,910-square foot winery facility with an annual production of up to 5,000 cases; (2) a new 1,780-square foot hospitality/administration building with tastings by appointment only and a maximum of 10 tasting guests per day; (3) 17 total annual agricultural promotional events per year, including 6 events with up to 25 guests, 4 events with up to 50 guests and 7 events with up to 150 guests (including two proposed as private third-party events); (4) associated surface parking for up to 41 vehicles; and (5) a new 20-foot wide access drive. Provisions for off-site parking have been made for the 150-person events. The property is not subject to a Williamson Act contract, and no existing agricultural use will be converted as a result of the

project. The winery and support services are considered a compatible use and are in compliance with Sonoma County General Plan Land Use and Agricultural Resource Element policies and County zoning regulations. An Initial Study/Mitigated Negative Declaration was prepared to evaluate potential environmental impacts of the proposed project, and mitigation measures have been identified which reduce all impacts to less than significant levels. The Mitigated Negative Declaration was circulated through the State Clearinghouse and noticed for public review and comment.

ANALYSIS

Background: Kanzler Vineyards is located on a 20.57-acre property at 2109 Sanders Road to the south and west of the City of Sebastopol and within the Russian River Valley Appellation. The site is currently developed with a 4,855 square-foot single-family residence, a 350 square-foot pool house and shed, and a pool that is approximately 40 feet long by 19 feet wide. In addition, there is an existing paved driveway that extends approximately 300 feet into the property from Sanders Road. The existing structures are blocked from view from Sanders Road by several large trees in the immediate vicinity of the house. This developed portion of the lot is approximately 17,232 square feet or approximately 0.4 acres in area. The remainder of the lot is planted with approximately 14.5 acres of pinot noir grape vines as part of the Kanzler Vineyards operations.

On December 6, 2016 a zoning permit was approved for an agricultural farmstay for four bedrooms in the five-bedroom home on the subject site, which allows up to eight guests.

Project Description: The applicant is requesting a use permit to expand the current operating vineyard and add on-site wine production at this location. The proposal includes (1) a new 2,840 square-foot winery building with an annual production of up to 5,000 cases; (2) a 1,780 square-foot hospitality/administration building with tastings by-appointment only and a maximum of 10 guests per day; (3) surface parking for up to 41 vehicles; (4) a new on-site driveway; and (5) 17 agricultural promotional events per year on the 20.57-acre site zoned Diverse Agriculture (DA). Currently, 14.5 acres of Pinot Noir grapes are grown and harvested on-site, which is equivalent to 58 tons of grapes and produces approximately 9,570 gallons of wine or 3,987 cases of wine annually. Up to an additional 15 tons of grapes from off-site sources will be imported to meet the annual production capacity of 5,000 cases.

The winery operating hours are proposed to be from 7:00 am to 6:00 pm Monday through Friday during the off-season and from 6:00 am to 10:00 pm Monday through Sunday during the harvest season. The proposed tasting room will operate by appointment only with hours from 10:30 am to 5:00 pm Monday through Sunday year-round.

Based on the winery database maintained by Permit Sonoma and permit records, there are not existing wineries and/or tasting rooms within one-mile radius of the project site. Therefore, the

new approval would not create or contribute to an area of detrimental concentration of visitor serving or uses in an agricultural zone.

The applicant is proposing to have a total of three employees during non-harvest season and increase to a total of four employees during the harvest season. The tasting room will be by-appointment only with eight visitors on an average day and a maximum of 10 visitors on a peak day. The daily total of residents, employees and visitors on the property will be less than 25 per day, per year except during the 17 agricultural promotional events. The proposal includes a full commercial kitchen located in the administration/hospitality building.

Food: The applicant proposes to serve food and wine pairing of samples or tastes of small appetizer-like portions in the tasting room for visitors by appointment at specified times, avoiding the lunch hour.

- Initially, the winery will launch under a Wine Tasting Exemption, in which case only pre-packaged, non-perishable food items would be offered to guests.
- Later, the ultimate plan is to obtain an approved Food Facility Permit for the commercial kitchen located within the Tasting / Hospitality Building, at which point the appetizer-like portions can be prepared on site. This would be accomplished through a separate permit.

For events, the applicant proposes the following:

- Prepared meals or appetizers featuring local foods and food products, offered in conjunction with agricultural promotional events, such as wine club parties, and winemaker dinners, are planned. These meals/appetizers will be prepared in an approved food preparation area prior to serving.
- Initially, when the Winery is still operating under a Wine Tasting Exemption, all of the food preparation would be conducted off site by a licensed caterer.
- After obtaining an approved Food Facility Permit, the food preparation would occur in the commercial kitchen proposed to be located within the Tasting / Hospitality Building.

Events: All proposed agricultural promotional events will be hosted by Kanzler Vineyards, although two of the 150-person events will be private parties. No outdoor amplified sound would occur with the promotional events. No participation in industry-wide events is requested or allowed. The noise study by Illingworth and Rodkin labeled, dated April 27, 2018 and updated November 21, 2108, concludes that amplified music indoors will not present significant impacts at the property line.

Event type	Events per year	Guests per event	Proposed Hours	Amplified Music/Sound	Proposed Months
Winemaker Luncheons/Dinners	6	25 guests	10:30 a.m. to 10:00 p.m.	No amplified music will be allowed outdoors.	Jan-Dec
Wine Club Member Events	6	4 w/50 guests (Barrel Tasting Day); 2 w/150 guests (Pick-up Weekend)	10:30 a.m. to 5:00 p.m.	No amplified music will be allowed outdoors.	Jan-Dec (Barrel Tasting); March-April & Sept-Oct (Pickup Events)
Agricultural Promotional Events	3	150 guests	10:30 a.m. to 5:00 p.m.	No amplified music will be allowed outdoors.	Jan-Dec & Aug-Nov
Winery-Hosted Private Third-Party Events for Wine Club Members	2	150 guests	1:00 p.m. to 10:00 p.m.	No amplified music will be allowed outdoors.	April-Oct

Of the total 20.57 acres, 14.5 acres are currently dedicated to the cultivation and harvesting of Pinot Noir grapes. There would be no interior tenant improvements to the existing structures on the property. The proposed winery facility and hospitality/administration building would be sited in previously disturbed areas on-site, with a total of 11,849 square feet of new impervious area. The total project impervious area, including the existing home, existing driveway, and accessory structures would equal 29,081 square feet, or roughly 0.7 acres. The proposed driveway would be constructed of permeable pavement and will not add to the total impervious area on site.

Proposed exterior improvements include 25 permanent parking spaces (including two accessible spaces), 16 temporary parking spaces bordering the access drive from Sanders Road, and the addition of concrete walkways and a crush pad and receiving area. The existing driveway leading to the roundabout in front of the residence will remain, with an extension of the drive around the exterior of both the existing and proposed buildings. The new driveway would be 20 feet wide, except at its terminus to the south where there is a 14-foot wide gate leading to the winery building near the end of the driveway (Exhibit B- Project Plans). After the gate the road narrows further to 12 feet and is a one-way road. The purpose of the new driveway is to facilitate access to the new Crush/Receiving area and provide additional parking spaces. Vehicles can drive through the crush/receiving area so a one way road is adequate. The southern portion of the driveway will have limited traffic and the parking lot at the terminus of the driveway is not generally open to visitors. The new driveway would be composed of permeable pavement. The new driveway area would total 21,935 square feet as shown in a gray on the site plan (Exhibit B- Project Plans).

Parking: To accommodate the daily parking demand for the tasting room, there should be at least one space provided for every employee and resident on site, as well as daily tasting room visitors. During harvest there would be four employees, in addition to the existing caretaker/tenant farmer. Four bedrooms of the existing dwelling would be available for rent with a maximum occupancy of two persons per bedroom. There would be a maximum of ten visitors to the tasting room so assuming 2.5 guests per vehicles, there would be about four vehicles associated with the 10 tasting room guests per day. Therefore, the proposed project would need at least 17 parking spaces, five for employees including the caretaker, eight for farmstay guests assuming one vehicle per guest, and four for wine tasting guests. The proposed 25 permanent spaces would accommodate the approximate day-to-day peak demand of 17 spaces for the site. This is a conservative “worst case” calculation as it is unlikely that all eight farmstay guests would arrive in separate vehicles and it is unlikely that all tasting room visitors would be on-site at the same time.

The maximum number of parking spaces needed on-site would be during a 150-person event. For a 150-person event, there would typically be about eight staff which can include the caterers, servers, event rental crew, etc. Winery staff would be part of the employee count, so including the eight employees (which include the tenant farmer/caretaker) and spaces for the potential guests in the dwelling, a total of 16 spaces are needed for staff and residents. Assuming 2.5 visitors per vehicle, there would be 60 vehicles for the largest event, resulting in an estimated parking demand of 76 spaces. This event would therefore require the use of the small shuttle where guests would park off-site and an agreement would need to be in place for use of the off-site location. Utilizing a shuttle will reduce the trips to the subject site and the intersection nearest the subject site. Further discussion of off-site parking can be found below.

The second largest event would be a 50-person event which would require a staff of four. The parking required for the event staff, the caretaker and the farmstay guests, would be 13 spaces, because there would be no tasting room traffic on event days. The parking demand for the 50 guests is estimated at 20 spaces, resulting in a demand of 33 spaces which can be accommodated within the 25 permanent parking spaces as well as the 16 temporary spaces along the driveway to the site.

The largest proposed event with 150 persons would require a total of 76 parking spaces, which is 35 more than proposed for the site. The parking for the second largest event of 50 guests could be accommodated on site with a surplus of nine spaces. The day-to-day parking demand for winery operations, the residence and farmstay and tasting room guests would be accommodated with the proposed on-site parking.

Off-Site Parking: In addition to the on-site parking, Kanzler Vineyards will utilize parking at the nearby Pleasant Hills Memorial Park, Mortuary & Crematory (located at 1700 Pleasant Hill Road) during its largest events (i.e., with 150 people). Pleasant Hills is an approximately 0.8 mile-drive from Kanzler Vineyards. Kanzler and Pleasant Hills have signed a parking agreement

to accommodate the 35 surplus vehicles required for the 150-person events at Pleasant Hills. Pleasant Hills has over 65 spaces which is more than sufficient. Parking conflicts are not expected as most of Pleasant Hills' services are in the morning and most of Kanzler's events would be in the afternoon. While Kanzler's events are scheduled to begin in the morning, this is the time at which staff will arrive to prepare for events. Guests will not arrive until the afternoon. In addition, Kanzler will schedule the events in advance to avoid conflicts with Pleasant Hills Memorial Park, Mortuary & Crematory events. Kanzler event attendees would then be shuttled from Pleasant Hills to Kanzler using a professional driver service.

Water Supply: The site receives its water supply from an on-site well. Because of the limited number of persons anticipated to be on-site per day, the project is not required to have a Transient Non-Community Water System. A separate water supply tank is proposed for fire protection purposes. To meet the increase in use from the public, the applicant is proposing to install an on-site standard or pressure distribution system.

Septic: The property has an existing system with designated reserve area. Plans and calculations for this existing system are on file at Permit Sonoma (SEP93-0564). As indicated in the Preliminary Engineering & Planning Data prepared by SMA and submitted with the original application, new standard wastewater systems are proposed for the new uses. The location of the new systems is not yet determined but based on the suitable soil found on site previously, and the size of the parcel, the project engineer (SMA) does not expect any issues locating the new system(s) on the site. In addition, Conditions of Approval for the project would require code compliant wastewater systems. If the project is approved for agricultural promotional events, the septic system must comply with PRMD Policy 9-2-31.

Compliance with the standard waste discharge requirements through the Regional Water Quality Control Board would also be necessary. Compliance with water well and septic requirements will be confirmed prior to issuance of building permits.

Site Characteristics: The 20.57-acre parcel is located in the northeast corner of the intersection of Sanders Lane and Sanders Road, approximately two miles southwest of the City of Sebastopol and Highway 12 and 1.5 miles west of Highway 116 (see Exhibit C-Vicinity Map). Access to the site is from Sanders Road. Kanzler Vineyards has been located at this site for approximately 20 years, with 14.5 acres planted with Pinot Noir grapes and wine production occurring off-site. The proposal would bring the wine production on-site. In order to maintain the scale of the current operations, annual production would be limited to a maximum of 5,000 cases. The project is designed to preserve the existing vineyards and have minimal impact on the area, by keeping the new development in proximity to the existing residence and the surrounding previously disturbed area.

Surrounding Land Use and Zoning: Land uses immediately surrounding the subject site are primarily rural in character with both agricultural and rural residential uses. Surrounding General Plan Land Use designations consist of Diverse Agriculture 10 Acre minimum (DA 10). Surrounding zoning classifications consist of Diverse Agriculture Combining District (DA B6), with a maximum density of ten acres per dwelling unit.

DISCUSSION OF ISSUES

Issue #1: General Plan Consistency

Land Use Policies

The project site is designated DA-10 (Diverse Agriculture – Ten Acres per Residential Unit) on the General Plan's Land Use Map. This category shall enhance and protect those land areas where soil, climate, and water conditions support farming, but where small acreage intensive farming and part time farming activities are predominant. In these areas, farming may not be the principal occupation of the farmer. The primary purpose of this category is to protect a full range of agricultural uses and to limit further residential intrusion consistent with the policies of the Agricultural Resources Element. Permitted uses include agricultural production, agricultural support uses, and visitor-serving uses, as provided in the Agricultural Resources Element.

This applicant proposes a winery and a customer hospitality building with administrative offices, which are considered to be agricultural processing, support and visitor-serving uses. The winery will process the existing grapes on-site into a finished product. The hospitality building will market that product through wine sales, appointment tastings and agricultural promotional events. Two proposed winery-hosted private events will also market wine produced on-site.

Agricultural Resources Policies

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.

This policy protects agricultural operations from nuisance complaints because of effects if agriculture on residential uses. Operation of this project will be protected by existing right-to-farm declarations for nearby residential properties constructed after adoption of this General Plan policy. No new residential development is proposed.

Policy AR-4f: Anticipated conflicts between a proposed new agricultural use and existing agricultural activities shall be mitigated by the newer use or application.

This policy protects existing agricultural activities from proposed new uses. The current proposal's impacts on surrounding uses have been studied in the Mitigated Negative Declaration and it has been determined that there will be a less than significant impact on the existing agricultural resources. Additionally, the proposed use will expand operations, but not alter the existing vineyard use.

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.

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.*
- (7) Special events on agricultural lands or agriculture related events on other lands in the Sonoma Valley Planning Area will be subject to a pilot event coordination program which includes tracking and monitoring of visitor serving activities and schedule management, as necessary, to reduce cumulative impacts.*

These policies limit certain types of storage, bottling or packaging and visitor serving uses on agricultural lands to those that promote products grown or processed in the County and that

are “incidental” to local agricultural production. “Incidental” is not defined in the General Plan or County code, but generally requires that the other uses be proportional in size and frequency to the project’s agricultural production so that the primary use of a property remains in agricultural production. Approximately 79% of the grapes processed at the new facility will be grown on-site, as described below. The size and types of agricultural promotional events for similar sized wineries approved by the County in the past 5 years is discussed under Issue 6 below. The winery bottling will be proportional to the winery’s 5,000 case limit. No case goods storage is proposed, other than that needed for the tasting room and events. The hospitality/administration building is 1,780 square feet and the winery is proposed to be 2,910 square feet, on a 20.5 acre parcel with 14.5 acres of grapes. Total disturbed area for all of the project improvements is estimated at 34,000 square feet or less than one acre.

Regarding Policy AR-6d:

- (1) The tasting room/event space is intended to market the wine produced on-site from the grapes grown on-site, and only that wine will be promoted or sold on the property. Currently, 14.5 acres of Pinot Noir grapes are grown and harvested on-site, which is equivalent to 58 tons of grapes and produces approximately 9,570 gallons of wine or 3,987 cases of wine annually. Some grapes imported from other vineyards will also be processed on-site, but the processing would occur on-site. The applicant expects up to an additional 15 tons of grapes will be brought on-site to bring the annual total production up to 5,000 cases. Therefore, approximately 79% of the production will be from the on-site vineyard.
- (2) The use is compatible with viticulture on the site and the agriculture in the area in that the viticulture and agriculture are the processes being used to market the wine.
- (3) The use will be served by an on-site well and septic field.
- (4) The project is physically compatible with its surroundings in that it is in an area developed with a mix of small farms and rural residences.
- (5) The proposal does not propose hotel, motel or other lodging except for continuing the current farmstay lodging, which is allowed in agricultural zones.
- (6) The tasting room and proposed agricultural marketing events will promote sales of agricultural products grown and/or processed in Sonoma County.
- (7) Although this project is not located in the Sonoma Valley Planning Area, standard conditions of approval will require the project to participate in an events coordination plan at such time as one is available countywide and/or for the project area.

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. clos

(2) Whether the above uses would draw water from the same aquifer and be located within the zone of influence of area wells. Top c

(3) Whether the above uses would be detrimental to the rural character of the area.

- Regarding AR-6f, there are three wineries located approximately three miles to the northeast, northwest and southwest of the site, respectively. There are no other wineries within one mile of the project, and the new approval would not create or contribute to an area of detrimental concentration of visitor serving or uses in an agricultural zone. Therefore, Policy AR-6f does not apply to the project.

Circulation and Transit Element

Policy CT-4i: Designate and design Urban and Rural Major and Minor Collector Roads as routes that are intended to carry the internal traffic of a local area from the local road system to Arterial Roads and provide access to property. Collector Roads that are designated for traffic calming improvements are primarily intended to serve the local community. The following policies apply to Urban and Rural Collectors:

(1) Allow access from abutting parcels and on-street parking.

(2) Design traffic calming improvements to accommodate local circulation, to accommodate emergency vehicles, to reduce speeds, to promote the safety of pedestrian and bicycle traffic, and to discourage truck traffic and through traffic, particularly during peak periods.

(3) In agricultural areas, include measures such as road signs, wider shoulders, turnouts or over/under passes to provide safer roads for the agricultural industry, residents, and visitors where compatible with the character of the area.

Sanders Road is designated by the Circulation Element as a Rural Minor Collector Road. This project will use the existing improved driveway extending from Sanders Road and will construct an additional vehicular circulation route (driveway) along the perimeter of the proposed development site. With the exception of the largest events, all parking will be provided on-site so as not to create a conflict with the residents in the surrounding area. For large events over 50 guests, the applicant will submit an Event Traffic Control and Parking Management Plan for County review and approval. An agreement with the nearby Pleasant Hills Memorial Park to accommodate off-site parking for the largest events has been negotiated in anticipation of the use permit. Parking will not be allowed on Sanders Road for any project activity.

Greenhouse Gas Reduction

General Plan Land Use Policy-11a encourages “reduction in greenhouse gas emissions, including alternatives to use of gas-powered vehicles. Such alternatives include public transit, alternatively fueled vehicles, bicycle and pedestrian routes, and bicycle and pedestrian friendly development design.” Furthermore, General Plan Land Use Policy-11b encourages “all types of development and land uses to use alternative renewable energy sources and meaningful energy conservation measures.” The applicant has indicated that they will install solar panels on new buildings and will provide bicycle parking and Electric Vehicle (EV) charging stations on site in order to reduce Greenhouse Gas emissions. The pomace from wine production will also be disked into the vineyards for composting.

In addition, Condition of Approval 10 requires the applicant submit a more detailed Greenhouse Gas Reduction Plan prior to issuance of the Use Permit Certificate or operation of the use.

Issue #2: Zoning Consistency

The site’s base zoning designation is Diverse Agriculture (DA), with a maximum density of 10 acres per dwelling unit (B6 10). Combining districts include the Accessory Dwelling Unit Exclusion (Z) and the Valley Oak Habitat (VOH) zones. Sections 26-08-0101 and 26-08-020 of the Zoning Ordinance allow the agricultural use, cultural events, agricultural support services, tasting rooms, and promotional or marketing accommodations for private guests in the DA Zone.

The DA Zone requires the following development criteria to be met:

- Maximum Building Height: 35 feet, with the exception of agricultural buildings and structures that may reach up to 50 feet
- Maximum Lot Coverage: 85,000 square feet or 5%, whichever is greater
- Front Yard Setback: 30 feet to 55 feet from the centerline of all roads and streets
- Side Yard Setback: minimum of 10 feet
- Rear Yard Setback: minimum of 20 feet

In B Combining Districts, yard setback requirements shall conform to the base district. The new buildings are not subject to Design Review.

The developed area of the parcel is located approximately 230 feet east of Sanders Road and is in compliance with all yard setback requirements. The proposed winery building would be approximately 25 feet tall and the proposed hospitality/administration building would be approximately 21 feet tall, as shown on Plan Sheets UP2 and UP3 (Exhibit B). Both buildings would be in compliance of the maximum building height standards for the zone. The total expected disturbed area during construction would be approximately 34,000 square feet. Final

lot coverage will be approximately 21,935 square feet of new permeable area, 11,849 square feet of new impervious area, and 17,232 square feet of existing development area, for a total disturbed area on-site of approximately 51,000 square feet, which is less than the maximum of 85,000 square feet allowed in the zone.

The proposal includes the removal of 49 trees for circulation and parking purposes. This includes 14 ornamental cypress trees previously planted along the main driveway from Sanders Road and 35 trees along the perimeter and internal to the site for the vehicular circulation and parking areas, as shown in Tree Removal Plan, Exhibit H. Trees to be removed include, juniper, birch, fruit trees, various deciduous trees, pine and a redwood. No valley oaks are proposed for removal with the application.

Issue #3: Environmental Determination

Pursuant to Section 15071 of the State CEQA Guidelines, an Initial Study and Mitigated Negative Declaration was prepared for the proposal. Staff determined that the proposed use would not have an adverse impact on the environment with the incorporation of mitigation measures for the following areas:

Aesthetics

Due to the new sources of exterior light and glare from the proposed structures, a lighting plan is required.

Air Quality

The subject site is located in the Bay Area Air Quality Management District (BAAQMD). The study determined that the proposed project will not cause significant long-term emissions of the criteria pollutants or those leading to odors. However, emissions from construction activities, including dust and exhaust from equipment used, is expected. Therefore, dust control measures are to be included in the project specifications on the grading and building plans and a Pomace Disposal/Management Plan is to be submitted and approved by the County Department of Health Services.

Biological Resources

Staff determined that project construction activities could result in the disturbance or destruction of special-status bat species, roosting and songbird and/or raptor nesting sites. As a mitigation measure, construction-related activities should be outside of the avian nesting season, which is between August 31 – February 1. If this is not possible, a habitat assessment by a qualified biologist should be conducted. For construction activities that have the potential to disturb or remove bat habitat, a California Department of Fish and Wildlife (CDFW)-approved biologist shall conduct a pre-construction survey for bat species within and adjacent to the project site where culverts, structures, and/or trees would be removed or otherwise disturbed for a period of more than two hours. An appropriate off-site disposal location is required for surplus soils.

Cultural Resources

Although cultural resources have not been identified as being present on the site, a Condition of Approval requires stop-work procedures if cultural resources are found.

Geology and Soils

Because the County is subject to seismic shaking from earthquakes along the San Andreas, Healdsburg-Rodgers Creek and other faults, all construction-related activities should be in accordance with the Sonoma County Code Chapter 7 (Building Regulations) and Chapter 11 (Construction Grading and Drainage), and the California Building Code. A geotechnical report is required to lower the risk to life or property from expansive soils. A paleontological resources education program is to be implemented to ensure accurate identification, reporting, and treatment in the event of the discovery of paleontological resources.

Hazards and Hazardous Materials

To protect surface waters, all flammable liquids shall be stored in compliance with Sonoma County Fire Code and Section 7-1.01G of Caltrans Standard Specification (2006) (or the functional equivalent). To ensure consistency between the County's adopted emergency operations plan, a Fire Safety and Evacuation Plan is required.

Hydrology and Water Quality

The project site is subject to the North Coast Regional Water Quality Control Board general waste discharge requirements for wineries to protect surface waters and groundwater. The mitigation measure directs the project to show compliance with these requirements or obtain a Conditional Waiver of Waste Discharge Requirements. Additionally, the project shall provide evidence of compliance with the water quality board's post-construction best management practices. A Grading and Drainage Plan is also required to demonstrate adequate management of stormwater run-off.

Noise

The proposed project is not anticipated to generate long-term noise pollution or cause a permanent increase to ambient noise levels. However, noise associated with construction is expected to generate temporary and short-term impacts. To minimize these impacts, construction plans are to note limitations in the hours and days in which construction can occur, avoid proximity to residential areas, and designate a "noise disturbance coordinator".

Transportation

To address a possible visibility hazard with the sight-line from the existing driveway off of Sanders Road, the Mitigated Negative Declaration requires a driveway sight-line drawing to be submitted to the County's Department of Transportation and Public Works, and a Construction Period Traffic Control Plan to include traffic safety guidelines to be followed during construction. In evaluating the parking availability for special events, the traffic study submitted with the application package determined that 33 parking spaces would be required for a 50-person event. However, there would be up to seven annual special events with a maximum of 150 guests, with a parking demand of 80 spaces. This would result in a deficit of 38 in the provided parking spaces during those times. To mitigate the inadequate parking capacity, the

applicant is to submit an Event Traffic Control and Parking Management Plan for County review and approval. In addition, the applicant proposes to utilize the parking lot at the nearby Pleasant Hills Mortuary as described above through a formal lease arrangement with the mortuary.

Tribal Cultural Resources

These issues can be mitigated with the measures presented above for Cultural Resources. No known tribal or cultural resources exist on the property, and no requests for consultation were received from any tribe through the AB 52 notification and consultation process.

Utility and Service Systems

The subject site is currently served with a private water well and septic system. Staff has determined that the applicant shall seek and obtain County approval for an engineered design of the water supply system, including a water supply permit from the State Division of Drinking Water, as well as septic design calculations for new septic permits. The project is in a Groundwater Availability Class 2 Major Recharge Area. Project water demand is calculated at approximately 0.148 acre-feet per year. The existing onsite well has sufficient capacity to provide water at 75 gallons per minute or approximately 121 acre-feet per year as estimated by Steve Martin and Associates, December 11, 2017.

Issue #4: Neighborhood Compatibility

In order to grant any use permit, the Board of Zoning Adjustments must find that the establishment, maintenance or operation of the proposed use or building will not, 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.

The subject site is located in an agriculturally-designated area, in a rural setting with similar uses surrounding it. The existing and proposed development area on-site is located approximately 290 feet from the public right-of-way, at the end of the existing improved driveway and entrance. There are four wineries in the general area of the Kanzler winery. Three are located approximately three miles to the northeast, northwest and southwest of the site, respectively. One is located within a mile south of the subject site. The closest residence is located approximately 450 feet to the southwest of the subject site.

Due to the rural setting of the surrounding area, and the distance of the proposed development from the public right-of-way and sensitive uses, and with the Mitigation Measure that will be imposed through conditions of approval, the project is not anticipated to have adverse impacts on the surrounding area or residents.

Issue #5: Public Comment

On December 22, 2017, an early public notification letter was sent to inform nearby residents of the proposed project. On January 15, 2018, resident Dale Miller expressed concern regarding a new winery facility instead of promoting existing venues, ADA compliance, the anticipated generated traffic trips, the parking requirements, and the need to ensure that trucks and traffic for the proposed special events are in compliance with County standards and conditions of approval.

On January 25, 2018, Wine Water Watch submitted a letter opposing the expansion. The letter stated concern regarding the availability of water, the use of chemical sprays and the impacts of the expansion on the rural characteristics and traffic of the community.

On January 12, 2018, a letter of support was received from Thane Kreiner and Steven M. Lovejoy, citing the small, low-impact and positive use of space while preserving the existing vineyard.

On May 29, 2019 a letter of support was received from Perry Kozlowski, the neighbor immediately to the south of the subject site. He supported the processing of the grapes on site and believed the project would enhance the local community.

On July 1, 2019 a letter of support was received from neighbors Robbin and Dan Davis. They stated that they believe the project would enhance the property and community.

Issue #6: Agricultural Promotional Events

As described earlier, the applicant is requesting 17 events per year. The below analysis is to provide context for how the proposed project compares to other comparable wineries within Sonoma County.

Since 2014, there have been 52 winery Use Permits that have either been issued or revised within Sonoma County. Of those, 31 included events. On average, the 31 wineries that included events are allowed to produce 60,776 cases of wine per year, so comparing across the whole data set will not provide a meaningful comparison to Kanzler, which only proposes to produce 5,000 cases per year maximum. The following chart shows the 8 wineries approved or revised since 2014 that include events and a production of between 2,500 and 10,000 cases. This size range was chosen as it ranges from half to double the size of what Kanzler proposes. This sample provides a closer comparison to the size of the requested project.

The average production of this sample is 7,062.5 cases per year which is more than the 5,000-case maximum proposed as part of this project. The sample averages 13 non-industry events and 4.3 industry-wide events per year, with an average total of 16.75 events. Kanzler proposes to host 17 site-specific events. No industry-wide event days are requested.

The average maximum size of events of this sample is 75. There are two other wineries/vineyards that have 150-person events (Wagner Road Vinyards and Carlisle Winery)

and they each produce a maximum of 10,000 cases. However, Saini Winery has 100-person maximum events and a production of only 3,000 cases. Please see chart on next page for further comparison.

Wineries Approved or Revised Between 2014 and 2019 With Events and Allowed to Produce Between 3,000 to 10,000 Cases Per Year

Winery Name	Address	City	File Number	Description	Approval Document	Year of Approval or Revision	Production Capacity Approved	Persons Per Event Max Approved	# of Non-Industry Events	# of Industry Wide Events	Total # of Events
SAINI WINERY	2500 DRY CREEK RD	HEALDSBURG	PLP13-0047	USE PERMIT AND DESIGN REVIEW FOR NEW WINERY. REQUEST FOR A USE PERMIT AND DESIGN REVIEW FOR A NEW 3,000 CASE WINERY WITH PUBLIC TASTING AND 12 EVENTS ANNUALLY WITH A MAXIMUM OF 100 PEOPLE PER EVENT ON A 20.1 ACRE PARCEL.		2014	3000	100	8	4	12
WAGNER ROAD VINEYARDS	150 WAGNER RD	SONOMA	PLP13-0006	REQUEST FOR A USE PERMIT TO CONVERT AN EXISTING GARAGE INTO A TASTING ROOM AND CONSTRUCT A WINE FERMENTATION BARREL STORAGE AND EVENT BUILDING ON TWO PARCELS TOTALING 19.81 ACRES. THE REQUEST INCLUDES 45 EVENTS A YEAR WITH MAXIM	SAL04/14/2014	2014	10000	150	45	3	48
LA CREMA TASTING ROOM & WINERY	3575 SLUSSER RD	WINDSOR	UPE13-0087	USE PERMIT FOR NEW WINERY REQUEST FOR A USE PERMIT FOR A WINERY WITH A MAXIMUM ANNUAL PRODUCTION CAPACITY OF 5,000 CASES, A 5,420 SQ FT WINE PROCESSING BUILDING, CONVERSION OF AN EXISTING BUILDING TO A TASTING ROOM, OFFICES AND 4 MARKETING ACCOMOCATION	SAL06/02/2014	2014	5000	80	15	4	19
CARLISLE WINERY	6301 STARR RD	WINDSOR	PLP13-0042	USE PERMIT AND DESIGN REVIEW FOR MODIFICATION TO WINERY A USE PERMIT FOR A NEW 5,000 SQUARE FOOT BARREL STORAGE BUILDING TO REPLACE AN APPROVED (BUT NOT BUILT) 1,500 SQUARE FOOT CASE GOODS BUILDING AND TO REDUCE THE NUMBER OF AGRICULTURAL PROMOTIONAL EVEN	SAL02/21/2014	2014	10000	150	12		12
VISZLAY VINEYARDS	851 LIMERICK LN	HEALDSBURG	UPE13-0088	USE PERMIT TO ADD TASTING ROMM TO EXISITNG WINERY REQUEST FOR A USE PERMIT TO ADD A 50 SQ FT TASTING ROOM WITHIN AN EXISTING WINERY BUILDING. THE TASTING ROOM HOURS OF OPERATION WOULD BE 11AM TO 5PM SEVEN DAYS A WEEK, WITH PARTICIPATION IN FOUR INDUSTRY	SAL04/10/2014	2014	10000	30	1	4	5
FREEMAN WINERY	1300 MONTGOMERY RD	SEBASTOPOL	UPE13-0035	REQUEST FOR A USE PERMIT TO REVISE PREVIOUSLY APPROVED USE PERMT (UPE02-0146) FOR A WINERY BY ADDING TASTING BY APPOINTMENT-ONLY BETWEEN THE HOURS OF 10 AM AND 5 PM EACH DAY LIMITED TO 12 APPOINTMENTS PER DAY WITH MAXIMUM GUESTS OF 50 PEOPLE PER DAY, 10 AGRICULTURAL PROMOTIONAL EVENTS BETWEEN 10 AM AND 10 PM, TWO INDUSTRY-WIDE EVENTS BETWEEN THE HOURS OF 10:00 AM TO 5:00 PM EACH DAY WITH A MAXIMUM OF 50 PERSONS PER EVENT, AND EXTEND THE HOURS DURING THE HARVEST AND BOTTLING.		2015	6000	50	10	2	12
DUE RUSCELLI WINERY	996 LIMERICK LN	HEALDSBURG	UPE14-0055	REQUEST FOR A USE PERMIT FOR A NEW WINERY WITHIN AN EXISTING BARN WITH AN ANNUAL PRODUCTION OF 2,500 CASES, TASTING FRIDAY-SUNDAY 11 AM-4 PM AND TASTING BY APPOINTMENT ONLY MOMDAY-THURSDAY, AND INCLUSION IN TWO INDUSTRY-WIDE EVENTS AND ON 2 AGRICULTURAL PROMOTIONAL EVENTS LIMITED TO 50 PEOPLE ON A 6.9 ACRE PARCEL.	BZA17-001	2017	2500	50	1	3	4
NALLE WINERY	2383 DRY CREEK RD	HEALDSBURG	UPE16-0007	10/18/18: USE PERMIT TO ALLOW AT THE EXISTING WINERY FACILITY: (1) AN INCREASE THE NUMBER OF PUBLIC WINE TASTING DAYS TO 7 DAYS PER WEEK; (2) ALLOWS 12 AGRICULTURAL PROMOTIONAL EVENT DAYS PER YEAR, WITH 8 EVENTS WITH A MAXIMUM OF 25 GUESTS, AND 4 EVENTS WITH A MAXIMUM CAPACITY OF 100 GUESTS; AND (3) ALLOW 10 INDUSTRY WIDE EVENTS PER YEAR ON THE 16.15 ACRE PARCEL.	Administrative Approval	2018	10000	100	12	10	22
AVERAGE (MEAN)							7062.5	75	13	4.3	16.75
PROPOSED KANZLER VINEYARDS	2109 Sanders Rd	SEBASTOPOL	UPE17-0062	Request for a Use Permit for a new winery with a maximum annual production capacity of 5,000 cases within a winery building approximately 2,910 square feet, and tasting by appointment only from 10:30am to 5:00pm, 7 days a week with a maximum of 10 visitors per day within a detached building approximately 1,780 square feet, and 17 annual agricultural promotional events with a range of guests (7 events w/ 150 guests, 4 events w/ 50 guests, and 6 events w/ 25 guests) on a 20 acre parcel.	BZA	2019	5000	150	17	0	17

ALTERNATIVES

There are no project alternatives proposed.

STAFF RECOMMENDATION

Staff recommends approval of the Use Permit subject to the attached Conditions of Approval and the adoption of the Mitigated Negative Declaration.

FINDINGS FOR RECOMMENDED ACTION

1. The Project is consistent with the Diverse Agriculture (DA) land use designation of the Sonoma County General Plan in that it proposes construction and operation of a winery facility and visitor-serving use that are consistent with the agriculture and agriculture-supportive permitted uses in the General Plan and as allowed by the General Plan Policies AR-4a, AR-4f, AR-5c, AR-6d., and CT-4i. Policy AR-6f does not apply to the Project because there is no other winery within one mile of the Project site and therefore, the Project will not create or contribute to an area of local concentration or detrimental concentration of visitor serving uses. The Project is consistent with these policies in that the proposed winery and hospitality/administration use would be compatible with the project site and its surroundings and would support General Plan objectives to facilitate County agricultural production by allowing agricultural processing facilities and uses, subject to consistency with the land use policies in the Agricultural Resources Element of the General Plan. The expansion and addition of facilities on the site will facilitate the proposed operation of the site as a vineyard and the new processing facilities are scaled in proportion to crops grown on-site and in the local area. A total of 14.5 acres of the existing site is dedicated to the growth and harvesting of Pinot Noir grapes and no vineyard plantings will be removed for the project. The project design is consistent in size and appearance with other development in the neighborhood and will not substantially change the visibility of the existing development on the site from public viewpoints.
2. The Project is consistent with the Diverse Agriculture (DA) Zoning designation in that it proposes a use that is allowed with a Use Permit in the DA district. The structures proposed with the Project are consistent with applicable structural setback standards and other development criteria for the DA, B6, Z and VOH combining district zoning designations. The proposed buildings will incorporate similar colors and architectural materials as the existing single-family residence and accessory buildings on the Project site to blend with the existing natural environment of the site and surrounding area. The existing and proposed buildings and structures are located outside of the required 55-foot setback from the public right-of-way. No part of the Project will impact the existing agriculture area.

3. As conditioned, the Project 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. The proposed structures will be located and developed in proximity to the existing on-site residence and parking area and would be approximately 290 feet from the public right-of-way. The proposed design of the winery and hospitality/administration buildings is consistent with the rural setting of the Project and the existing structures on site.
 - b. Traffic generated by the Project will not have a significant impact on local public roads or intersections, as determined by the project traffic studies. Traffic generated by the project is anticipated to add an additional average of 31 new daily trips and for 150-person events, an estimated total of 136 trips. The improved existing driveway would be adequate and can support the increase in average daily trips.
 - c. The project will have tastings by appointment only with a maximum of 10 guests per day. Agricultural promotional events are limited in number, hours and are subject to conditions of approval to control noise. No industry wide event days are requested or permitted. The traffic analysis for the Project has determined that adequate on-site parking would be provided for winery employees, farmstay guests, tasting room activities and all events of 50 or fewer visitors. For events with more than 50 visitors, the applicant will be required to submit an Event Traffic Control and Management Plan for County review and approval. The applicant has already entered into a tentative agreement for a sufficient number of off-site spaces at the nearby Pleasant Hills Memorial Park for use during the larger events. A condition of approval requires that should the lease with the Memorial Park expire or be terminated, events larger than 50 guests must cease and are no longer allowed unless and until the applicant applies for and receives County approval of a modification of the use permit that demonstrates adequate parking.
 - d. The site has capacity to provide adequate water, septic disposal and access for the project. The project is in a Groundwater Availability Class 2 Major Recharge Area. Project water demand is calculated at approximately 0.148 acre-feet per year. The existing onsite well has sufficient capacity to provide water at 75 gallons per minute or approximately 121 acre-feet per year as estimated by Steve Martin and Associates, December 11, 2017.

- e. Noise, grading and air quality impacts would be less than significant. Temporary impacts from construction dust are adequately reduced by mitigation measures.
4. The Board of Zoning Adjustments has considered the Mitigated Negative Declaration prepared to address environmental impacts of the project, together with all comments received at or before the hearing. Based upon the entire record (including the Initial Study and all comments received), there is no substantial evidence that the Project as approved will have a significant environmental effect. Changes or alterations have been required of or incorporated into the Project through the Conditions of Approval that mitigate or avoid the potentially significant environmental effects of the Project as proposed. These changes or alterations have been agreed to by the applicant and are subject to the Mitigation Monitoring Program contained in the Conditions of Approval. The Mitigated Negative Declaration has been completed in compliance with CEQA State and County guidelines and reflects the independent judgment and analysis of the County of Sonoma. There is no substantial evidence in the record as a whole to support a fair argument that an Environmental Impact Report is required.

LIST OF ATTACHMENTS

EXHIBIT A:	Draft Conditions of Approval
EXHIBIT B:	Project Plans and Elevations, December 7, 2017
EXHIBIT C:	Vicinity Map
EXHIBIT D:	Aerial Map
EXHIBIT E:	General Plan Land Use Map
EXHIBIT F:	Zoning Map
EXHIBIT G:	Project Description
EXHIBIT H:	Trees to Remove
EXHIBIT I:	Pervious and Impervious Surface Counts
EXHIBIT J:	Wine Yield Calculations
EXHIBIT K:	Habitat Assessment
EXHIBIT L:	Noise Assessment
EXHIBIT M:	Parking Agreement
EXHIBIT N:	Traffic Impact Study for the Kanzler Vineyards Winery
EXHIBIT O:	Engineering and Planning Info
EXHIBIT P:	Draft Resolution

Separate Attachment for Commissioners: Mitigated Negative Declaration and full-size maps (if applicable)