



Sonoma County Board of Zoning Adjustments STAFF REPORT

FILE: Silver Cloud Winery; UPE14-0088
DATE: May 13, 2021
TIME: At or after 1:05 pm
STAFF: Crystal Acker, Project Planner

SUMMARY

Property Owner: McQuown Enterprises, LP – Silver Cloud Winery
Applicant: Tammy Martin, Steve Martin Associates, Inc.
Address: 5700 Cavedale Road, Glen Ellen
Supervisory District(s): District 1
APN: 053-051-029
Description: Request for a Use Permit for a new 2,000-case winery within existing buildings, tasting by appointment only, and 8 annual visitor serving activities with a 50-person maximum attendance on a 160-acre parcel.
CEQA Review: Statutory Exemption: Section 15270, a project which a public agency rejects or disapproves
General Plan Land Use: Resources and Rural Development 40-acre density (RRD 40)
Specific/Area Plan Land Use: None
Ordinance Reference: 26-10-020(g) & (i) – Uses permitted with a use permit
26-10-030 – Permitted building intensity and development criteria
26-63-030 – Local area development guidelines
26-64-020 – Community separators and scenic landscape units
26-65-040 – Riparian Corridor Allowed land uses, activities and permit requirements
26-90-120 – Taylor/Sonoma/Mayacamas Mountains (MTN)
Zoning: Resources and Rural Development 40-acre density; Local Guidelines Taylor/Sonoma/Mayacamas Mountains, Riparian Corridor 50-foot Development Setback, Scenic Resources – Scenic Landscape Unit (RRD B6 40, LG/MTN, RC50/50, SR)



RECOMMENDATION

The Permit Resource and Management Department (Permit Sonoma) recommends that the Board of Zoning Adjustments deny the Use Permit, based on the project’s proposed intensification of land uses in a high wildfire risk area that has been subject to recent and historic wildfires, and its potential to expose people, including the public visiting the facility, and structures to a significant risk of loss, injury, or death involving wildland fires.

EXECUTIVE SUMMARY

The applicant requests approval of a new small estate winery with a maximum annual production of 2,000 cases, a new, appointment-only tasting room, and eight annual agricultural promotional events with a maximum of 50 persons per event. All proposed facilities would be located within existing barns, converted to serve the proposed uses. Proposed hours of operation for the winery are 7:00 am to 6:00 pm Monday – Friday, with extended hours of 6:00 am to 10:00 pm daily during harvest. Proposed hours of operation for the tasting room and winery events are 11:00 am to 5:00 pm (6:00 pm for events) daily, year-round, except during a National Weather Service Red Flag Warning when the winery would be closed to all visitor-serving uses. Transportation to the winery for all visitor-serving uses would be by professional driver from downtown Sonoma, pre-arranged as part of the tasting appointment or event registration. The proposed operation would have a maximum of two full-time employees, with up to three additional seasonal employees (5 total) during harvest, bottling, and events.

Staff is recommending a summary denial because:

- The project parcel is located in an area subject to historic wildfires, is within a Very High Wildland Fire Hazard Severity Zone, and has all the characteristics associated with a Very High Wildland Fire Hazard area, including steep or mixed topography, vegetation characterized by densely forested land, and hot, dry summers.
- The General Plan Public Safety Element recommends limiting the types and intensities of land uses in wildfire-prone areas, stating development should be most restricted where natural fire hazards are high, fire protection is limited, and road access prevents timely response by firefighting personnel and rapid evacuation by residents.
- The project is located in wildfire prone area and includes intensification beyond the existing residential and agricultural land uses (three dwelling units and 18 acres of vineyards) to include winery production and visitor-serving uses (adding 2-5 winery employees, daily tasting appointments, and 8 events with up to 50 persons per event), increasing the human population in the area during business hours and potentially exposing people to a significant risk of loss, injury, or death involving wildland fires.
- The project includes converting existing agricultural barns to a winery production facility and a tasting room, increasing the value of the built environment on the property, and potentially exposing to the property to a significant structural loss involving wildland fires.
- Access to the project site is from Trinity Road and Cavedale Road- both narrow, winding, slow-speed, roadways with hairpin curves; Cavedale Road is one-lane throughout its entire length, although it serves two-way traffic by forcing opposing drivers to pull over into driveways or road shoulders in order to pass. These road conditions have significant potential to impede timely response by firefighting personnel and rapid evacuation by residents during an emergency. The applicant has proposed



improvements to reduce potentially significant road safety impacts, including advisory signage and turnouts, which require further evaluation for feasibility and efficacy.

At the May 18, 2017, Hearing, the BZA continued the item, and directed staff to prepare environmental documentation for a possible approval. The May 2017 hearing pre-dated the 2017 Sonoma Complex Fire; Commissioner discussion at that time was focused on road safety impacts, and did not specifically consider the project's potential wildfire risk. In addition, the California Environmental Quality Act (CEQA) guidelines were modified in 2019 to include evaluation of impacts related to Wildfire. As there are not yet established CEQA thresholds for what constitutes a significant wildfire impact, and given the project site's potential wildfire risk, staff cannot make an impact determination without first presenting new information and seeking further direction from the BZA. Although the applicant has incorporated project revisions and safety measures to address the potential wildfire risk and unsafe road conditions, the proposed project would increase land use intensity by bringing employees and visitor-serving uses to an area with a high risk of natural fire hazard, served by limited fire protection resources via a single, winding, slow-speed primary access route - Trinity Road, and a constrained, one-lane, winding, slow-speed primary evacuation route via Cavedale Road. For these reasons, Permit Sonoma is not able to support approval of the project without further direction from the BZA.

PROJECT SITE AND CONTEXT

Background

This item was first considered by the BZA at its meeting on May 18, 2017. The project was recommended for denial based on potentially significant road safety impacts associated with Cavedale Road, a constrained one-lane roadway serving two-way traffic that may not be able to safely accommodate the addition of visitor-serving traffic. The BZA did not take action on the project, but, continued the item and directed staff to provide additional information related to vehicle traffic and circulation along Cavedale Road and to prepare environmental documentation for a possible approval. The previous staff report and minutes from that meeting are provided as Attachments 4 and 5.

The project site was within the burn perimeter of the Sonoma Complex Fire of October 2017. Since that time, multiple additional wildfires have impacted Sonoma County, resulting in a heightened awareness of potential wildfire impacts related to increased development intensity in wildfire-prone areas, and an increased responsibility on permitting authorities to consider wildfire impacts before approving discretionary projects.

In response to wildfire concerns, the applicant has revised the visitor-serving component of their project to suspend all tasting appointments and agricultural promotional events during any Red Flag Warning issued by the National Weather Service. The National Weather Service issues Red Flag Warnings & Fire Weather Watches to alert fire departments and the public of the onset, or possible onset, of critical weather and dry conditions that could lead to rapid or dramatic increases in wildfire activity. A Red Flag Warning is the highest alert, issued for weather events which may result in extreme fire behavior within the next 24 hours. A Fire Weather Watch is one level below a warning, issued when weather conditions could exist in the next 12-72 hours.

The applicant has responded to all County requests for additional information to address traffic and wildfire concerns, resulting in submission of several new technical studies, including a Focused Traffic Study (W-Trans 10/1/2018) and Addendum (W-Trans 1/8/2020), a Technical Memorandum related to road safety improvement recommendations (W-Trans 4/27/2020), and a Fire Safety & Evacuation Plan (SMA 2/25/2020), all of which are described in and attached to this staff report.



Area Context and Surrounding Land Uses

Direction	Land Uses
North	Scattered residential development in Resources and Rural Development zoning; predominantly undeveloped oak woodland with some vineyards in clearings; parcels range in size from 20 to almost 100 acres; parcel is less than half a mile from the Napa County line to the north and east
South	Scattered residential development in Resources and Rural Development zoning; predominantly undeveloped oak woodland with some vineyards in clearings; parcels range in size from 2.5 to over 100 acres; Sonoma Valley is about 2.5 aerial miles to the south
East	Scattered residential development in Resources and Rural Development zoning; predominantly undeveloped oak woodland with some vineyards in clearings; parcels range in size from 1.5 to over 100 acres; parcel is less than half a mile from the Napa County line to the north and east
West	Scattered residential development in Resources and Rural Development zoning; predominantly undeveloped oak woodland with some vineyards in clearings; parcels range in size from 20 to almost 300 acres; Sonoma Valley is about 2 aerial miles to the west

See also Figure 2. Aerial Map, Figure 3. Aerial Blow UP, Figure 4. Land Use Map, and Figure 5. Zoning Map.

Access

Site access is from Cavedale Road on the east side of the property. The parcel driveway is located approximately 6 miles driving distance up Cavedale from Highway 12. Cavedale Road is a one-lane public road for its entire length from Highway 12 to Trinity Road. This means that to pass vehicles coming in the opposite direction, drivers are forced to find a driveway or "turn out," sometimes resulting in one car needing to back up for a distance. Passing a large vehicle (garbage truck, propane truck, delivery truck, etc.) requires potentially unsafe maneuvering on this narrow roadway. Cavedale Road has signage warning that it is a one-lane winding road not suitable for large vehicles at its intersection with Highway 12 reading: "Winding One Lane Road – RVs & Trailers Not Recommended." There is no posted speed limit on Cavedale Road; however, a traffic study conducted for the project concluded 20 mph was the highest speed for vehicle travel due to roadway design, with 15 mph being the more typical travel speed.

The site can also be accessed via Trinity Road to Cavedale Road, although there is no way to access the site without using Cavedale for part of the trip (the project driveway is about 1.5 miles from the intersection with Trinity Road). Trinity Road is a wider and somewhat more improved roadway than Cavedale; however, it too is steep and winding with some hairpin curves. Trinity Road has a prohibition on large trucks with signs on Highway 12 just prior to the intersection stating "No Semis over 38 feet kingpin to rear axle." Trinity Road also has no posted speed limit; however, a single speed survey location about a mile from the intersection with Cavedale indicates a travel speed of 25 mph.

Wildfire Risk

The parcel is within the burn perimeter of the Sonoma Complex Fire of October 2017 (Nuns Fire), and is also within or near the footprints of three additional historic wildfires (Cavedale Fire 1966; Nuns Canyon Fire 1964; Cavedale Fire 1925).

The site is within a Very High Wildland Fire Hazard Severity Zone in a State Responsibility Area, as designated by the California Department of Forestry and Fire Protection (CalFIRE). Very High Fire Hazard Severity Zones are typically characterized by forested areas where fire in tree crowns (portions of trees above the trunks) is likely;



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areas with high vegetation density and fuel continuity, allowing flame to spread over much of the area with little impediment from non-burnable surfaces; steep or mixed topography; and seasonally extreme conditions of strong winds and dry fuel moistures. The highest fire hazard is found in mountainous areas with dry summers, plenty of fuel, and steep slopes.

The parcel is located fairly high up in the Mayacamas Mountains; the proposed winery area is roughly 1,820 feet above sea level. The terrain in this area is rugged with steep hillsides covered in chaparral or hardwoods and firs, though the project site itself is in a relatively flat area with about 300 feet of elevation change from the east side of the property to the west. The project site is densely forested with native mixed hardwood and conifer woodland and chaparral scrub throughout much of its 160 acres, as are surrounding parcels. Clearings in the tree canopy for vineyards (18 acres currently planted on-site) and residential development can act as fire breaks. However, the site has all the characteristics of a Very High Wildland Fire Hazard area, and is located in an area subject to historic wildfires.

Water/Wastewater/Utilities

Water for winery processing, domestic use, and landscape irrigation will be supplied by an onsite well. A new Class 1 well was drilled in 2013.

Process wastewater from the proposed winery facility will be collected in a plumbing system separate from the sanitary wastewater. Initial treatment will occur via screening, settling tanks and final treatment will occur in a combined onsite sanitary and process wastewater pressure distribution system.

Sanitary sewage will be treated in a septic tank and disposed of in the onsite combined sanitary and process wastewater system (with expansion). An existing septic system serves the existing primary residence.

Agricultural waste from the winery, including pomace, seeds, and stems, will be composted on-site and spread in the vineyard as a soil conditioner and supplemental nutrient source and disked under on a routine basis.

Primary electrical power will be supplied by a new service off the existing overhead high voltage lines along the northern property line. The new electrical line to the winery building will be routed underground.

Propane gas will be used at the facility and supplied by an onsite tank.

Other Environmental Conditions

There is an existing unnamed creek on the parcel with a designated riparian corridor setback of 50 feet. All proposed development is greater than 50 feet from the creek.

PROJECT DESCRIPTION

Existing Facility

This 160-acre parcel is currently developed with a single-family dwelling, caretaker unit, accessory dwelling unit, several agricultural structures, and other outbuildings.

Eighteen acres of wine grapes are planted on-site. Wine from that estate vineyard is currently produced off-site at a custom crush facility on 8th Street East in Sonoma. Wine-tasting is currently offered at EDGE, the owner's restaurant at 139 East Napa Street in downtown Sonoma.



Proposed Project

The proposed 2,000-case winery would be housed in an existing 1,950-square-foot tractor barn, converted to support the new winery use. The winery would be primarily owner-operated, producing wine from grapes grown on-site. The estate vineyard is 18 acres; all of the grapes grown on the property would be processed on the property under the proposed project. The proposed winery operation would have a maximum of two full-time employees, with up to three additional seasonal employees (5 total) during harvest and bottling. Proposed hours of operation for the winery are 7:00 am to 6:00 pm Monday – Friday, with extended hours of 6:00 am to 10:00 pm daily during harvest.

Tasting and retail sales would be by appointment only, and would be located within a portion of a second 2,648-square-foot existing barn, converted to support the tasting room and visitor-serving uses. Tasting appointments are anticipated to average around five per day and peak at ten per day. Eight annual agricultural promotional events are requested, ranging in size from 20 to 50 persons per event as detailed in Table 1.

Table 1. Proposed Winery Events

Activity Description	Quantity (maximum)	Date & Time Period	Attendees (maximum)
Winemaker Tastings & Luncheons	4	January – December 11:00 am to 6:00 pm Daily*	20
Collector & Friends Luncheons	4	March - October 11:00 am to 6:00 pm Daily *	30 – 50
Tasting Room Appointments	N/A	11:00 am to 5:00 pm Daily*	Anticipated maximum of 10 per day
*All visitor-serving uses would be suspended during any National Weather Service Red Flag Warning.			

No amplified sound would be utilized at any winery event. Participation in industry-wide events is not proposed. Visitor-serving uses would be primarily staffed by the owners and winery staff, assisted by up to five employees during winery events. Transportation to the winery for all visitor-serving uses would be by professional driver from the owner’s restaurant in downtown Sonoma (EDGE), pre-arranged as part of the tasting appointment or event registration. Drivers would use Trinity Road to Cavedale Road as the primary route, limiting miles travelled on Cavedale to the 1.5-mile section of road between the project site and the Trinity intersection.

The project proposes 13 parking spaces: 12 improved gravel, including 2 EVA charging stations + 1 paved ADA. Additional construction would include minor driveway improvements, mostly within existing gravel areas; expansion of the existing sanitary septic system; construction of a new process wastewater treatment system; storm water management improvements; installation of fire protection water storage tank(s); extension of utilities (electric and propane lines); and associated grading and landscape improvements.



Project History

Table 2 below summarizes key project milestones and events.

Table 2. Project History

Date	Project Event/Milestone
10/30/2014	Application Submission
11/17/2014	Referral to appropriate agencies
11/17/2014	Early Neighborhood Notification
8/14/2015	Application Complete for Processing
5/5/2017	Notice of Public Hearing
5/18/2017	BZA Hearing - No action taken - request for additional traffic information
5/14/2020	Application Complete for Processing – all requested information submitted
	Notice of Public Hearing

Prior Review

This item was first considered by the BZA at its meeting on May 18, 2017; however, no action was taken at that time.

General Plan and Area Plans

The following General Plan policies are applicable to the project:

LAND USE ELEMENT

The overall purpose and definition for the Resources and Rural Development land use category is to allow very low density residential development and agricultural production activities, compatible with the primary goal of protecting lands used for timber, geothermal and mineral resource production, and for natural resource conservation. No specific resource policies are applicable to the proposed project. However, the following Planning Area Objective for Sonoma Valley is applicable.

Objective LU-20.5: *Limit recreation and visitor serving uses in resource areas to low intensity or outdoor uses.*

AGRICULTURAL RESOURCES ELEMENT

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. [...]*

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.

OPEN SPACE AND RESOURCE CONSERVATION ELEMENT

Policy OSRC-2b: *Avoid commercial or industrial uses in Scenic Landscape Units other than those that are permitted by the agricultural or resource land use categories.*

Policy OSRC-8e: *Prohibit, except as otherwise allowed by Policy OSRC-8d, grading, vegetation removal, agricultural cultivation, structures, roads, utility lines, and parking lots within any streamside conservation area. Consider an exception to this prohibition if [...]*

WATER RESOURCES ELEMENT

Policy WR-2e (formerly RC-3h): *Require proof of groundwater with a sufficient yield and quality to support proposed uses in Class 3 and 4 water areas. Require test wells or the establishment of community water systems in Class 4 water areas. Test wells may be required in Class 3 areas. Deny discretionary applications in Class 3 and 4 areas unless a hydrogeologic report establishes that groundwater quality and quantity are adequate and will not be adversely impacted by the cumulative amount of development and uses allowed in the area, so that the proposed use will not cause or exacerbate an overdraft condition in a groundwater basin or subbasin. Procedures for proving adequate groundwater should consider groundwater overdraft, land subsidence, saltwater intrusion, and the expense of such study in relation to the water needs of the project.*

PUBLIC SAFETY ELEMENT

Policy PS-3b: *Consider the severity of natural fire hazards, potential damage from wildland and structural fires, adequacy of fire protection and mitigation measures consistent with the Public Safety Element in the review of projects.*

Policy PS-3d: *Refer projects and code revisions to the County Department of Fire and Emergency Services and responsible fire protection agencies for their review and comment.*

CIRCULATION AND TRANSIT ELEMENT

Policy CT-7nn: *Require a traffic analysis and consider cumulative weekend traffic impacts in the review of discretionary projects throughout the Sonoma Valley Planning Area.*

The project is not subject to an area or specific plan.



Zoning

Table 3 below summarizes: 1) the development standards that apply to the site as outlined in the Sonoma County Zoning Ordinance, 2) the existing condition, 3) the proposed project condition, and 4) whether the project is consistent with the Zoning Ordinance.

Table 3. Zoning Consistency

Standard	Ordinance Requirement	Existing Condition	Proposed Project
Land Use	Resources and Rural Development (RRD)	Single Family Dwelling, caretaker unit, ADU, barns, vineyard, ag reservoir	Winery, tasting room & events allowed with Use Permit under Sec. 26-10-020(g), (i) & (ee)
Residential Density	1 primary unit/40 acres	1 primary unit	No Change
Lot Area	20-acre minimum	160 acres	No Change
Lot Width	125 ft minimum	> 125 ft	No Change
Building Height	35 ft maximum	Winery/tractor barn – 25 ft; Tasting/barn – 26 ft	No Change
Lot Coverage %	5 % maximum (348,480 sq ft; 8 acres)	12,578 sq ft; 0.3 acre	No Change
Front Setback	30 ft / 55 ft rd centerline	> 325 ft fr proposed winery (existing tractor barn)	No Change
Side Setback	10 ft	> 1,200 ft fr proposed tasting room (existing barn)	No Change
Rear Setback	20 ft	> 2,100 ft fr proposed tasting room (existing barn)	No Change
Parking Spaces	8 for Winery & Tasting Room + 20 for Events = 28	6 gravel spaces	13 - see parking discussion**
Riparian Corridor Protection	Prohibit development within 50 feet of stream bank; except by Use Permit	Stream > 50 ft from all proposed development	No Change
NO ZONING INCONSISTENCIES HAVE BEEN IDENTIFIED			

**The project proposes 13 parking spaces: 12 improved gravel, including 2 EVA charging stations + 1 paved ADA. Because transportation for all visitor-serving uses (tasting appointments and events) would be provided by professional driver, less parking is required for special events than the County’s standard requirement of 1 space per 2.5 attendees. The proposed 13 spaces was determined in consultation with staff as adequate to support the proposed use while also minimizing new grading impacts to construct parking that isn’t needed.

ANALYSIS

Consistency with General Plan

The project parcel has a Resources and Rural Development (RRD) land use designation in the Sonoma County General Plan. RRD is not an agricultural land use designation; however, it allows agricultural activities. Previous



approvals by the Board of Zoning Adjustments have relied on compliance with Agricultural Resource Policies AR-6a and AR-6d to approve agricultural processing and visitor-serving activities in RRD. These policies permit tasting rooms and events that: promote agricultural products grown or processed in the local area; are secondary and incidental to local agricultural production; do not require extension of sewer and water; and are compatible with existing uses in the area.

The proposed winery would produce wine from grapes grown on-site. Tasting would be by appointment only. A limited number of events (eight per year) are proposed to promote and sell the wine produced on the site. No extension of water or sewer is required to support the proposed low intensity use. Neighborhood compatibility with residential uses is further discussed in the Neighborhood/Public Comments section below; however, the proposed project appears to be compatible with surrounding land uses. The project, as proposed, appears consistent with past project approvals for wineries with tasting rooms and events in the RRD land use designation.

Applicability and compliance with specific policies requiring protection of scenic resources (Policy OSRC-2b), protection of riparian streamside conservation areas (Policy OSRC-8e), proof of adequate groundwater (Policy WR-2e), consideration of wildfire impacts (Policy PS-3b; Policy PS-3d), and traffic analysis for discretionary approvals (Policy CT-7nn) are discussed separately in the Scenic Landscape Unit, Riparian Corridor, Groundwater, Traffic, and Wildfire Environmental Analysis sections below.

Environmental Analysis

Scenic Landscape Unit

The project area is within the designated Sonoma Valley/Mayacamas Mountains Scenic Landscape Unit. This unit was designated to protect views of the mountains that provide a backdrop to the valley. The proposed winery and tasting room buildings are not visible from the Sonoma Valley floor and are only minimally visible from Cavedale Road due to existing vegetation topography, and intervening parcels. In addition, because the project proposes to reuse existing structures, remodeled to retain their existing agrarian character, views from Cavedale Road would be virtually unchanged.

Riparian Corridor

An unnamed stream, which is a designated Riparian Corridor with a 50-foot Streamside Conservation Area setback occurs near the southern parcel boundary. The stream channel, and a small unmapped tributary, are both greater than 50 feet from the proposed tasting room parking area (the nearest project component), estimated from aerial at approximately 250 feet from the designated channel and approximately 58 feet from the undesignated tributary. The project's compliance with the riparian corridor setback and implementation of standard drainage and stormwater control measures would likely adequately protect on-site riparian resources; however, a detailed analysis of riparian and other biological resources was not conducted at this time.

Groundwater

The property is located in a Zone 3 Marginal Groundwater Area. A groundwater study prepared (E. H. Boudreau, August 2014) determined the proposed 2,000-case winery and visitor-serving uses would use approximately 16,300 gallons per year, and concluded that there is adequate water to support the project with no adverse effects on the neighboring properties' wells. The report was reviewed by the PRMD Natural Resources geologist, who concurred with the determination that the site has an adequately sized well located in an aquifer with



ample existing reserves and recharge so that there would be no lowering of the local groundwater table as a result of the proposed project.

Wildfire

The project parcel is located in an area subject to historic wildfires, and is within a Very High Wildland Fire Hazard Severity Zone due to the mountainous topography, high vegetation density, and fuel continuity. Although clearings in the tree canopy for vineyards (18 acres currently planted on-site), the irrigation reservoir, and residential development can act as fire breaks, the risk of future wildfire damage remains very high.

In addition, the access road to the parcel, Cavedale Road, is a one-lane roadway with potentially significant safety constraints. A designated evacuation map has been issued for the Cavedale/Trinity community by the Department of Emergency Management. The designated primary evacuation route for all properties on Cavedale Road is down Cavedale towards Highway 12 in order to leave Trinity Road open to first responders (Attachment 10).

The project site is served by the Sonoma Valley Fire & Rescue Authority, who provide primary fire protection service to an area of approximately 55.5 square miles, including the City of Sonoma, Temelec, and most of Sonoma Valley and the adjacent mountains north of Sonoma to the intersection of Dunbar Road with Highway 12 between Glen Ellen and Kenwood. The main fire station is located in downtown Sonoma on 2nd Street West, approximately 12 vehicle miles and 30 minutes driving time (during non-emergency conditions) via Highway 12, Trinity Road, and Cavedale Road. There are two axillary unmanned stations within approximately 2 miles travel distance from the project site: Station 8 near the intersection of Cavedale Road and Trinity Road, and Station 9 at 4601 Cavedale Road.

In response to wildfire concerns, the applicant has revised the visitor-serving component of their project to suspend all tasting appointments and agricultural promotional events during any Red Flag Warning issued by the National Weather Service. The winery would continue to operate during Red Flag Warnings.

The applicant has also prepared a Fire Safety & Evacuation Plan (SMA 2/25/2020; Attachment 9) which outlines the following safety measures and procedures:

- Creation and maintenance of defensible space around buildings;
- Maintenance of the emergency water supply system consisting of a dedicated water tank for fire suppression and infrastructure to obtain water from an existing 3-acre-foot irrigation reservoir, including regular inspection of equipment necessary to run the well and fire pump during a power outage;
- Maintenance of an emergency survival kit with adequate supplies for employees and visitors; and
- Employee training on both shelter in place and evacuation procedures.

In addition to the above, all existing structures proposed for project use would be upgraded during the remodel to meet or exceed fire safety standards.

The General Plan Public Safety Element states in Section 4.2 under Land Use Planning: *In order to reduce the risk of fire damage in rural areas, the types and intensities of land uses should be limited. [...] Rural development*



should be most restricted where natural fire hazards are high, fire protection is limited, and road access prevents timely response by firefighting personnel and rapid evacuation by residents.

Notwithstanding the above project revisions and safety measures to address the potential wildfire risk, the proposed project would increase land use intensity by bringing employees and visitor-serving uses to an area with a high risk of natural fire hazard, served by limited fire protection resources via a single, winding, slow-speed primary access route - Trinity Road, and a constrained, one-lane, winding, slow-speed primary evacuation route via Cavedale Road. For these reasons, Permit Sonoma is not able to support approval of the project.

Traffic/Roadway Suitability

Trip Generation. A Focused Traffic Study (W-Trans 10/1/2018; Attachment 6) and Addendum (W-Trans 1/8/2020; Attachment 7) have been prepared for the project. The 2018 study calculated that the proposed winery and tasting room would generate an average of 13 new daily trips for employees, deliveries, and wine tasting appointments, including 3 trips during the week day pm peak hour and 3 trips during the weekend (Saturday) midday peak hour. This level of additional trip generation would not be anticipated to noticeably affect existing traffic patterns in the area. Trinity Road already carries over 1,000 vehicles per day on average (week day traffic counts from May 2012 and July 2016 were 1,040 & 1,080, respectively). Traffic counts taken at the project driveway over four days from Thursday, July 13 through Sunday, July 16, 2017 indicated the highest volume on Cavedale occurs on Fridays, with 92 vehicles recorded, including a peak of 12 vehicles in the afternoon between 3:00 to 4:00 pm.

The 2020 study calculated that the largest proposed winery event (50 persons- 4 times per year) would generate 10 new employee trips and, using the County's standard rate of 2.5 attendees per car for events, 40 new attendee trips on event days (20 inbound at the start and 20 outbound at the end of the event). However, the 2020 study also noted that because attendees would be transported to the winery by professional driver, the vehicle occupancy would likely equal or exceed five persons per vehicle, potentially resulting in fewer trips depending on vehicle size, and would also be split between inbound and outbound as the drivers drop off and pick up passengers (i.e., 10 inbound and 10 outbound at the event start and at the event end for a 5-person vehicle; fewer trips for a larger vehicle). While event trip generation might be noticeable in the area on event days, the infrequency of events (four 50-person and four 20-person events per year) would not substantially affect existing traffic patterns in the area.

Roadway Suitability. Concern was expressed by staff and the public at the previous hearing that introducing a regular flow of new drivers to Cavedale Road who are unfamiliar with its severe constraints, including road width, contours, passing distance, and lack of turnouts, is a significant public safety issue both for those new users and also for existing users of Cavedale Road. This concern is exacerbated when those drivers may also be impaired after a wine tasting. While Trinity Road is less constrained than Cavedale Road, it too is winding and presents navigation challenges to those unfamiliar with it.

The applicant has reduced this potential impact by revising the visitor-serving component of their project to always include transportation by professional drivers, for both tasting appointments and events, to avoid introducing unfamiliar or potentially impaired drivers to the road. The project has always proposed that winery visitors would be encouraged to use Trinity Road as the primary route to limit travel on Cavedale Road; however, that direction can be better monitored and enforced through the use of contracted professional drivers.



To address roadway suitability concerns, the 2018 study included an analysis of sight distance at the project driveway and curves on Cavedale Road between the project site and its intersection with Trinity Road 1.5 miles to the west. The analysis also considered collision history along Cavedale Road.

Cavedale Road is a winding, one-lane road varying in width between 10 and 16 feet, with a 2-to-5-foot shoulder on at least one side. The roadway is not posted for a specific speed limit, though the traffic analysis concluded 20 mph was the highest speed for vehicle travel due to roadway design, with 15 mph being the more typical travel speed.

The study determined the driveway would require widening and reconfiguration to improve sight distance for vehicles entering and exiting the property, and also identified and evaluated ten curves with restricted sight distance between the project site and Trinity Road, concluding that nine of those curves could be expected to be safely travelled coming to and leaving the project site. One of the curves (Curve 10 in the study, and closest to the project site) was determined to be too narrow to allow vehicles to pass one another. Therefore, signage was recommended to be installed at both ends of this curve with advisory speeds posted at 10 mph, the speed for which there is adequate sight distance, to warn drivers to navigate more carefully. In addition to recommended signage at Curve 10, the study indicated the applicant has voluntarily proposed installing 15-mph speed advisory signs on the upper 1.5-mile segment of Cavedale Road, and has voluntarily proposed installing one to two new turnouts, although locations for turnouts were not identified in the study.

Staff requested additional information on the necessity and recommended locations of proposed turnouts, and to support the study's conclusion that the remaining nine sight-distance-impaired curves on the upper 1.5 miles of Cavedale could support project traffic safely without improvement. Staff also requested a site distance evaluation of the lower 5.9 miles of Cavedale Road from the project site to Highway 12, as the designated primary wildfire emergency evacuation route for employees and visitors.

A technical memorandum was prepared to address these additional staff requests (W-Trans 4/27/2020; Attachment 8). The memo states that at all curves, with the exception of Curve 10, the existing roadway and shoulder widths provide sufficient space for two oncoming opposing drivers to pass, and further states that the other nine curves have clear sight distances ranging from 85 to 140 feet, which is adequate for a 15-mph design speed; therefore, improvements for these curves were not recommended.

The memo identifies the east side of the roadway at Curve 10 as a recommended location for widening, although feasibility to do so was not investigated. A turnout at that location would enable northbound traffic to move aside to allow a vehicle to pass in the opposing southbound direction.

Staff believe that the feasibility and efficacy of road safety improvements, including advisory signage and turnouts, should be further evaluated before Permit Sonoma can make a road suitability determination.

To address suitability of lower Cavedale to support emergency evacuation by employees and visitors, 19 curves with restricted sight distance were identified and evaluated. The memo states that all 19 curves have 80 to 140 feet of clear sight distance available and are located on segments of Cavedale Road that have turnouts at or near the curves, and concludes that the roadway is adequate to provide safe one-way evacuation travel at the 15-mph design speed. It was further noted that because traffic would be south-bound one-way, the need for sight distance is less critical as there would be no opposing traffic and no potential passing conflicts.

Collision History. There were three collisions reported at the intersection of Trinity and Cavedale during a nine-year period from 2008 to 2016, and one fatal accident on Cavedale Road, itself, about five miles south of the



project site. No collisions were reported over the nine-year period on Cavedale Road between Trinity Road and project driveway.

CEQA Determination

The proposed project was determined to be Statutorily Exemption from the provisions of the California Environmental Quality Act Guidelines pursuant to the Provisions of Title 14 of the California Administrative Code, Section 15270, as a project which a public agency rejects or disapproves.

NEIGHBORHOOD/PUBLIC COMMENTS

The neighborhood is considered rural with dwellings widely scattered amid mixed hardwood and conifer forest on steep hills. There are limited agricultural uses with vineyard plantings and at least one olive orchard scattered throughout. A winery would not be expected to conflict with the majority of allowed uses in the vicinity unless large scale conversions from timber land to vineyards were proposed as well, which is not the case.

The proposed winery is small at only 2,000 cases per year. Proposed appointment-only tasting and the relatively small number of promotional events (eight) hosting between 20 and 50 people per event with no amplified sound would be unlikely to have negative neighborhood impacts once visitors are on-site. The tasting room and events would be located in the interior of a large (160 acre) parcel which would provide noise mitigation simply through distance to adjoining uses. Minimal noise is expected from the winery itself. Because wine would only be produced from grapes grown on-site, no trucks importing grapes on public roads would be involved. The period of highest noise impact would occur during “crush” (August – October). However, all processing equipment would be inside the winery building, aiding in attenuating potential noise impacts.

However, the roadways serving the project site are the primary issue for neighborhood compatibility because there are potentially significant public safety concerns due to the unsafe road conditions. As described above, access to the area is provided by narrow, steep, and winding paved roads serving two-way traffic. While Trinity Road is a two-lane road with a center stripe, Cavedale Road does not have a center line or fog strip because it is a one-lane road. Neighbors have raised concerns that a winery with tasting is not a compatible use for the area, particularly because of the roadways.

Staff conducted a search of permit records on Cavedale Road to determine whether any other wineries with public tasting have been approved and identified the following permit history:

- 5420 Cavedale Road: Korbin Kameron Vineyard has a Home Occupation Zoning Permit (ZPE13-0140) for a wholesale wine business, which does not allow on-site wine production, retail sales, or public tastings.
- 2990/3030 Cavedale Road: Mountain Terraces Winery and Vineyard (formerly Schaefer-Sonoma Valley Vineyards) has a Use Permit (UPE02-0006) for a 20,000-case winery without public tasting or events. A previous application (UPE00-0120) for a 2,000-case winery with tasting by appointment and no events was withdrawn.
- 990 Cavedale Road: Petroni Vineyards has a Use Permit (UPE01-0064) for a 4,200-case winery with no public tasting or events. UPE10-0073 allowed expansion of the barrel storage area with no increase in production, no public tasting, and no events. Multiple applications have been submitted to try to add public tasting and/or events (UPE09-0055/UPE10-0072/UPE16-0104); all have been withdrawn.



While some public comments have been received in opposition of the project expressing concern about traffic and road safety, others have been submitted in support of the project, praising the sustainable design of the proposed facility and the environmental stewardship of the landowner, and expressing appreciation that road safety improvements proposed to be installed by the project (i.e., advisory signage and turnouts) would be a benefit to the community.

RECOMMENDATIONS

Staff Recommendation

Staff recommends that the Board of Zoning Adjustments deny the Use Permit, based on the project’s proposed intensification of land uses in a high wildfire risk area that has been subject to recent and historic wildfires, and its potential to expose people and structures to a significant risk of loss, injury, or death involving wildland fires.

ATTACHMENTS

1. Draft Resolution
2. Figures: 1. Vicinity Map; 2. Aerial Map; 3. Aerial Blow Up; 4. Land Use Map; 5. Zoning Map; 6. Site Plans
3. Proposal Statement, 1/21/2021
4. BZA Staff Report, 5/18/2017
5. BZA Minutes, 5/18/2017
6. Focused Traffic Study, W-Trans 10/1/2018
7. Addendum to the Focused Traffic Study, W-Trans 1/8/2020
8. Technical Memo on Road Improvements, W-Trans 4/27/2020
9. Fire Safety & Evacuation Plan, Steve Martin Associates 2/25/2020
10. Cavedale-Trinity Community Evacuation Map
11. Public Comments

