Sonoma County Board of Zoning Adjustments

STAFF REPORT

FILE: UPE21-0009
DATE: December 23, 2021
TIME: At or after 1:05 PM
STAFF: Jennifer Faso, Project Planner

SUMMARY

Property Owner: Trentadue Winery
Applicant: Trentadue Winery
Address: 19170 Geyserville Avenue, Geyserville
Supervisiorial District(s): District Four
APN: 140-040-027
Description: Request for Use Permit modifications to allow changes to approved event hours. The current events hours are 9:00 AM to 6:00 PM. The modification would allow event hours from 10:00 AM to 10:00 PM. The request also includes a modification to allow a mix of amplified and non-amplified indoor and outdoor music. Music will terminate at 10:00 PM. No change to the number of events, no change to the number of employees, no change to the number of people previously authorized per event and no increase in winery production.

CEQA Review: Categorically Exempt Section 15301 (Existing Facilities); Common Sense Exemption Section 15061(b)(3)

General Plan Land Use: Land Intensive Agriculture
Specific/Area Plan Land Use: None
Ordinance Reference: Sec. 26-06-020 – Purpose of agriculture and resource zones
Sec. 26-06-030 – Allowed land uses
Sec. 26-06-040 – Development standards

Zoning: Land Intensive Agriculture (LIA) (density 20 acres per dwelling unit), Riparian Corridor (RC), Scenic Resources (SR), Valley Oak Habitat (VOH).
RECOMMENDATION

The Permit Resource and Management Department (Permit Sonoma) recommends that the Board of Zoning Adjustments find the project exempt from CEQA and approve the Use Permit modifications subject to attached Conditions of Approvals (See attachment 1).

EXECUTIVE SUMMARY

The applicant, Trentadue Winery, requests approval of modifications to an existing winery use permit (UP97-0032). Trentadue Winery was granted Use Permit (UP97-0032) and Design Review approval (DRH97-0022) in 1997 to construct an event facility as a marketing component of the existing winery. The winery has been conducting events including weddings since that approval.

The current request is to allow the continuation of the previously approved events with modifications to the allowed event hours and music restrictions. UP97-0032 allows for events from 9:00 AM to 6:00 PM. This request is to allow event hours to change to 10:00 AM to 10:00 PM. No agricultural products (wine) will be sold after 6:00 PM. However, event hosts will have pre-purchased wine available free of charge to their guests during the hours of 6:00 PM-10:00PM.

The requested modification also includes a change to the music restrictions for events. Currently Use Permit UP97-0032 allows indoor amplified music. The request is for allowance of both indoor and outdoor amplified music. All music will terminate at 10:00 p.m.

There will be no change to the approved number of events (30 per year) or the number of people authorized per event (266 guests). No changes to the hours of operation for the tasting room or increase to the production capacity of the winery is proposed.

A Notice of Hearing Waiver was distributed on July 15, 2021. A timely request for a hearing was received on July 19, 2021. Multiple letters of support along with letters of concern have been received. The letters are provided as Attachments 7 and 8.

PROJECT SITE AND CONTEXT

Background

A winery first started operating at this site in approximately 1969. A use permit was approved for a tasting room in 1973. In 1997 Use Permit UP97-0032 and Design Review DRH97-0022 applications were approved to allow an agricultural events pavilion, including weddings, commercial kitchen and restrooms.

Area Context and Surrounding Land Uses

The 40.82 acre subject property is located approximately three miles north of Geyserville and contains Trentadue Winery. The site is developed with over 30 acres of vineyards, multiple wine production and storage buildings, event pavilion, kitchen, restrooms and a single family dwelling. The complex is uniquely set in the center of the property and surrounding vineyard land. The closest off site residence is situated over 1,600 feet from the event center.
Direction | Land Uses
---|---
North | Multiple vineyards, Clos du Bois Winery and Trione Winery
South | Agriculture and vineyard
East | Vineyards
West | Multiple vineyards, Highway 101, Francis Ford Coppola Winery, Restaurant and pool

**Significant Applications Nearby**

There are no significant applications nearby.

**Access**

The existing access to the project site is located approximately 700 feet from the US Highway 101/Independence Lane off ramp to Geyserville Avenue. There is an easement from Geyserville Avenue that is used to access the winery property. No residences are located along the access easement. The requested modifications will not change the existing access and all improvements for emergency access exist and will not change.

**Wildfire Risk**

The site is served by and will continue to be served by Geyserville Fire Protection District. The requested modifications will not change the site configuration or increase winery capacity nor will it increase the number of guests that will be on the property.

**Water/Wastewater/Utilities**

The winery is currently served by a compliant onsite domestic well and a septic system. There will be no changes to water usage or sewage disposal as a result of this project.

**Agricultural Conditions/Land Encumbrances/Contracts**

The subject parcel is not subject to a Land Conservation Contract (Williamson Act). The property is located within the VOH (Valley Oak Habitat) combining district. Removal of Valley Oaks trees would require mitigation; however the proposed modifications would not involve new construction or removal of any protected tree species.

**PROJECT DESCRIPTION**

The applicant requests approval of modifications to an existing use permit to allow changes to events hours and music restrictions (See attachment 4). No new construction or change to the existing event building is proposed as part of this request. No change to the previously approved number of events (30 event per year) or previously approved number of authorized guests (266) is requested. No changes are proposed for hours of operation of the existing tasting room. No change is proposed for the production capacity of the winery or the number of employees.

The following modifications are requested.
1. Change the existing hours for events from 9:00 AM to 6:00 PM to allow events hours from 10:00 AM to 10:00 PM.

2. Change the restriction on music or entertainment at events from indoor to indoor and outdoor amplified music. Music will terminate at 10:00 pm.

Project History

The table below summarizes key project milestones and events.

<table>
<thead>
<tr>
<th>Date</th>
<th>Project Event/Milestone</th>
</tr>
</thead>
<tbody>
<tr>
<td>02/12/2021</td>
<td>Application Submission</td>
</tr>
<tr>
<td>02/26/2021</td>
<td>Early Neighborhood Notification</td>
</tr>
<tr>
<td>03/03/2021</td>
<td>Referral to appropriate agencies</td>
</tr>
<tr>
<td>06/7/2021</td>
<td>Application Complete for Processing</td>
</tr>
<tr>
<td>07/15/2021</td>
<td>Notice of Hearing Waiver</td>
</tr>
<tr>
<td>07/23/2021</td>
<td>Request for hearing received</td>
</tr>
<tr>
<td>12/13/2021</td>
<td>Notice of Public Hearing</td>
</tr>
</tbody>
</table>

General Plan and Area Plans

The project site is not subject to any Area Plans. The Sonoma County General Plan designates the project site as Land Intensive Agriculture. This land use designation allows for a full range of agricultural uses, including agricultural production, agricultural support uses and visitor serving uses as provided in the Agricultural Resources Element. The following General Plan objectives and policies are applicable to the project:

Agriculture Land Use Policies:

- AR-6.1: Give the highest priority in all agricultural land use categories to agricultural production activities. Visitor serving uses shall promote agricultural and enhance marketing of Sonoma County agricultural products, but shall be secondary and incidental to agricultural production.

- AR-6.2: Permit visitor serving uses in all agricultural lands use categories if they support and do not adversely affect the agricultural production activities in the area.

- Policy AR-6d: Follow these guidelines for approval of visitor serving uses in agricultural areas:
  1. The use promotes and markets only agriculture products grown and processed in Sonoma County.
  2. The use is compatible with existing agriculture production in the area.
  3. The use will not require the extension of sewer or water.
  4. The use is compatible with existing uses in the area.
5. Activities that promote and market agricultural products such as tasting rooms, sales and promotion of products grown or processed in the County, education activities, and tours, incidental sales or items related to local area agricultural products are allowed.

Noise Standards:

The Noise Element of the General Plan requires noise to be controlled in accordance with Table NE-2 as measured at the exterior property line of any affected residential or sensitive land use.

TABLE NE-2: Maximum Allowable Exterior Noise Exposures

<table>
<thead>
<tr>
<th>Hourly Noise Metric, dBA</th>
<th>Daytime (7 a.m. to 10 p.m.)</th>
<th>Nighttime (10 p.m. to 7 a.m.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>L50 (30 minutes in any hour)</td>
<td>50</td>
<td>45</td>
</tr>
<tr>
<td>L25 (15 minutes in any hour)</td>
<td>55</td>
<td>50</td>
</tr>
<tr>
<td>L08 (4 minutes 48 seconds in any hour)</td>
<td>60</td>
<td>55</td>
</tr>
<tr>
<td>L02 (72 seconds in any hour)</td>
<td>65</td>
<td>60</td>
</tr>
</tbody>
</table>

1 The sound level exceeded n% of the time in any hour. For example, the L50 is the value exceeded 50% of the time or 30 minutes in any hour; this is the median noise level. The L02 is the sound level exceeded 72 seconds in any hour.

Zoning

The table below summarizes the development standards that apply to the site as outlined in the Sonoma County Zoning Ordinance, the existing development, and whether the project is consistent with the Zoning Ordinance development standards. Zoning Ordinance consistency is discussed further below.

No new construction is proposed as a result of the requested modifications. Therefore, there will be no change to the existing development on the subject parcel.

<table>
<thead>
<tr>
<th>Standard</th>
<th>Ordinance</th>
<th>Existing Condition</th>
<th>Proposed Project</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot Area</td>
<td>20 acres</td>
<td>40.82 acres</td>
<td>40.82 acres</td>
</tr>
<tr>
<td>Land Use</td>
<td>LIA (Land Intensive Agriculture)</td>
<td>Winery</td>
<td>Winery</td>
</tr>
<tr>
<td>Residential Density</td>
<td>1 unit /20 acre</td>
<td>1 units/ 20 acre</td>
<td>1 units/ 20 acre</td>
</tr>
<tr>
<td>Front Setback</td>
<td>55’</td>
<td>Greater than 55’</td>
<td>Greater than 55’</td>
</tr>
<tr>
<td>Side Setback</td>
<td>30’</td>
<td>Greater than 30’</td>
<td>Greater than 30’</td>
</tr>
<tr>
<td>Rear Setback</td>
<td>20’</td>
<td>Greater than 20’</td>
<td>Greater than 20’</td>
</tr>
<tr>
<td>Height</td>
<td>35 ft</td>
<td>35 ft</td>
<td>35 ft</td>
</tr>
</tbody>
</table>
Parking Spaces

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 parking space per 2.5 guests and 1 space</td>
<td>80 gravel parking spaces Approved with DRH97-0022 and UPE97-0032</td>
</tr>
<tr>
<td>for employee</td>
<td>No change in existing parking</td>
</tr>
</tbody>
</table>

The Zoning Code requires land use compatibility and agricultural processing and tasting rooms to be consistent with the General Plan, including policies related to visitor serving uses in the agricultural zoning districts (see general plan section above). This consistency is confirmed through a use permit. Approval of this application would satisfy the zoning land use requirements as noted below.

**ANALYSIS**

**General Plan Consistency**

The Sonoma County General Plan designates the project parcel as Land Intensive Agriculture. This land use category is intended to enhance and protect land capable of and generally used for the production of food, fiber and plant materials. This designation also allows for visitor serving uses as provided in the Agricultural Resources Element. Policy AR-6d shown below, provides approval guidelines for visitor serving uses. Staff’s analysis is provided.

*Agricultural Resource Element Policy AR-6d: Follow these guidelines for approval of visitor serving uses in agricultural areas:*

1. *The use promotes and markets only agriculture products grown and processed in Sonoma County.*

   **Staff Analysis:** The proposed modifications to allow events to be conducted from 10:00 AM to 10:00 PM with indoor or outdoor music will continue to promote and market agriculture grown and processed in Sonoma County. Only Trentadue wine, which is processed on site, can be consumed during any events held at the winery. Though the tasting room will close at 6:00 PM, event hosts will have pre-purchased wine available free of charge to their guests during the hours of 6pm-10pm. As a result of the events many guests see and try the wine which promotes name recognition, wine club membership and encourages return visits to the winery and Sonoma County.

2. *The use is compatible with existing agriculture production in the area.*

   **Staff Analysis:** The proposed modifications will not result in any new development or in an increase in winery production capacity. The change of hours and the change in music restrictions will not impact the current agricultural production because events will continue to be incidental and secondary to the primary winery use of the site.

   The original events use permit (UP97-0032) contains a condition of approval that requires a copy of the County’s Right to Farm covenant to be include in all event contracts. The purpose of the covenant is to advise event organizers that agricultural activities are the primary use on the property and that agricultural uses may cause inconveniences such as dust, noise, sprays, etc. This condition of approval will remain as a condition of approval for this modification.

3. *The use will not require the extension of sewer or water.*
Staff Analysis: No new development is proposed as a result of this modification. There will be no change to winery production, no change to the number of employees or number of event guests. Therefore, no changes or extension to the current water usage or septic system are required.

4. The use is compatible with existing uses in the area.

Staff Analysis: The project site is surrounded by large vineyards/agricultural lands and other wineries. These uses are similar to the subject parcel in terms of use and size. The modifications will not result in new development therefore there will be no physical changes that would impact the existing uses in the area.

The nearest off-site residence is more than 1,600 feet away therefore the proposed modifications to allow both outdoor and indoor amplified music would not impact any sensitive receptors. Attachment 5 contains a noise analysis that was submitted by the applicant. The conclusion of the analysis is that the proposed outdoor amplified music would not adversely impact any nearby sensitive receptors because noise would not be audible at the north, south and west property lines and only slightly audible at the easterly property line. As required by the General Plan and as a condition of approval all events and music must conclude by 10:00 PM. As indicated in the Project Description, the applicant has agreed to monitor the noise to ensure the noise source does not exceed assumptions in the noise report. This restriction has been included as a condition of approval.

The requested modifications are similar to event hours and music restrictions that are allowed at Trione Winery (File No. PLP18-0012) located at 19550 Geyser Ave just north of the project site.

Zoning Consistency

The project site is zoned Land Intensive Agriculture (LIA). In this zoning district agricultural processing along with tasting rooms, agricultural marking and visitor serving uses require a Use Permit to ensure land use compatibility. A use permit was granted to allow winery/agricultural processing on this site in 1973. In 1997 use permit UP97-0032 was granted to Trentadue Winery to allow tasting and 30 events per year (including weddings) with 266 guests. Changes to the 1997 use permit conditions of approval require approval of a modification, as requested with this application. The proposed project modifications to allow amplified music during promotional events up to 10 p.m. are consistent with the LIA zoning because event noise and related activity associated with evening events would not impact surrounding land uses given the distance to sensitive receptors.

The proposed modification will not result in any new development or changes to the existing production capacity of the winery. The modification will not change the number of events originally approved or the number of guests that are allowed at each event. The existing development is consistent with the development standards of the LIA zoning district and because no structural changes are proposed the project will remain consistent with the development standards of the LIA zoning district as shown in summary table above.

Environmental Analysis

The project is categorically exempt from the provisions of the California Environmental Quality Act under Title 14 of the California Administrative Code, Section 15301, Existing Facilities because the request involves a negligible operational change that does not expand the existing facility or result in significant environmental impacts. This Project will not result in new development, modify the number of events per year, or increase the maximum capacity allowed per event. The project is also exempt under the common sense exemption, Section
15061(b)(3), because it can be seen with certainty that there is no possibility that the activity in question could have a significant impact on the environment. As indicated above, the noise study concluded that noise would be only slightly audible at the easterly property line, indicating the impacts would be negligible at most.

No exceptions listed under CEQA Section 15300.2 apply, including the “unusual circumstances” exception because the evidence in the record supports the conclusion that there is no reasonable possibility the proposed modifications will have a significant effect on the environment due to unusual circumstances. The evidence does not support a finding that an unusual circumstance exists and does not support a finding that the modifications will have a significant effect on the environment.

NEIGHBORHOOD/PUBLIC COMMENTS

Letters of concern: Letters of concern have been received from several interested parties and are provided as Attachment 7. The main concerns appear to be centered around possible impacts on adjacent agricultural lands as a result of the extended hours and amplified outdoor music.

The applicant has provided a response to the letters of concern in Attachment 4.

Letters of support: Letters of support have been received from neighbors who live adjacent to the project site and are provided as Attachment 8.

RECOMMENDATIONS

Staff Recommendation

The Permit Resource and Management Department (Permit Sonoma) recommends that the Board of Zoning Adjustments find the project exempt from CEQA and approve the request for proposed Use Permit modifications subject to the attached Conditions of Approval.

ATTACHMENTS

1. Draft Conditions of Approval
2. Vicinity Map
3. Site Plan
4. Proposal Statement and applicant response to letters of concern
5. Conditions of Approval UPE97-0032
6. Noise analysis submitted by applicant
7. Letters of Concern
8. Letters of Support
9. Draft Board of Zoning Adjustments Resolution