



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

December 5, 2018

County of Sonoma  
Permit and Resource Management Departments  
2550 Ventura Avenue  
Santa Rosa CA 95403

Attn: Lauren Scott. RE: UPE18-0070; 4024 Westside Road Healdsburg,

Dear Ms. Scott,

The Westside Community Association (WCA) submits the following comments regarding the proposed Use Permit for a tasting room and events at 4024 Westside Road (Project),

The Project, which includes conversion of a portion of an existing office building into a tasting room, raises several issues as follows:

The establishment of a stand-alone tasting room with no on-site winery or associated production is contrary to the County's General Plan and policies. The Project is located in an area of high concentration of tasting rooms and detrimental to the rural character of the area.

No cumulative impact analysis of Westside Road area of concentration.  
Further approval of use permits is contrary to the general plan.

As a result, the County should not consider approval of a use permit for this project.

### **Background**

#### **1. No connection between the visitor serving use and grape processing or production.**

The purpose of the project is to accommodate Toad Hollow moving its tasting room from downtown Healdsburg to a leased office building on property owned by Syar corporation. The applicant intends to market wine from an off-site winery and vineyards. While the parcel on has 28 acres of grapes, this vineyard is not

associated with applicant. The applicant has no on-site or local grape production or processing. Consequently, the Project is inconsistent with the General Plan and was one of the reasons the County denied a use permit for a stand-alone tasting room across the street.

**General Plan policy AR-6d states:**

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.

The County requires visitor serving uses, such as tasting rooms, to be secondary and incidental to local agricultural production. A stand-alone tasting room on a site with no winery or associated vineyard is not a subordinate use, but rather a dominant use. This store front tasting room, with no on-site winery or associated grape production could increase potential development pressure for other such non-production use of other agricultural lands in the area.

This is one of the reasons the County, on August 17, 2017, denied a use permit to a stand-alone tasting room across the street at 4075 Westside Road. The Staff report stated:

“Staff believes that the project is inconsistent with General Plan policies for LIA parcels that require a connection between visitor-serving or support uses and agricultural production. It could also increase development pressure on Westside Road, erode existing rural character, and create the potential to adversely affect other agricultural areas of the county. It would also contribute to local concentration, thereby limiting opportunities for other larger agricultural operations to obtain permits for tasting rooms.”

As clearly stated in the staff report for 4075 Westside denial, approval of a stand-alone tasting room on a parcel without related agricultural production would encourage proposals for stand-alone visitor serving development on other such parcels in agricultural districts, thereby increasing the number of such proposals and contributing to the cumulative negative impacts on the rural character of the area from development of structures and facilities not required for or related to agricultural production.

**2. Would result in detrimental concentration of wineries**

In addition to the impacts from 29 existing use permits and three more potential projects on Westside Road, this project is proposed for a stretch of Westside Road that already has two other wineries within ½ mile. There is an existing tasting room at 4353 Westside Road and a winery across the street at 4035 Westside Road.

Therefore, granting this application would result in three tasting rooms located within a 1/2 mile stretch of Westside Road.

Such a tight cluster of facilities creates impacts on rural character in addition to the traffic and road safety concerns. The County's general plan is clear that a concentration of such facilities may have an impact on rural character and is a basis for denial of a project.

The County applied General Plan Policy AR-6f: Local concentrations of visitor serving and recreational uses, and agricultural support to proposed projects on this section of Westside Road, and has denied projects, in part, due to such concerns.

On August 17, 2017, the BZA denied 4075 Westside Road, for among other reasons:

"Its location in an area of concentration of visitor serving uses on Westside Road and its detrimental effects on rural character of the area in which it is proposed."

On July 1, 2017 the BZA denied a permit for a winery and tasting room located at 4603 Westside Road, approximately 3,000 feet to the south, and in the same stretch of Westside Road as this Project, finding:

"The proposed addition of another winery and tasting room in close proximity to the existing tasting rooms would contribute to a concentration of uses that would be incompatible with the neighborhood character and deleterious to the rural character of the immediate area."

As with the two project denials cited above, the proposed location of this tasting room would create a local concentration of visitor serving uses on Westside Road that would be inconsistent with the General Plan policies and should not be approved.

### 3. No cumulative impact analysis or standards

County officials have recognized there are currently impacts from traffic, noise, water use, and rural character from the cumulative approvals of projects on Westside Road.

Since 2011, the BZA /Planning Commission has recognized Westside Road as an area with a high concentration of events, event facilities, wineries and tasting rooms. It has suggested that in order to protect the rural character of the area, more restrictive criteria be applied to any project being considered for approval.

In October 2016 the Board of Supervisors voted unanimously to direct the PRMD to develop ordinances for regulating events and protective guidelines for areas of concentration such as Westside Road, and those regulations and guidelines are currently being developed.

As part of any consideration of additional tasting rooms on Westside Road, the County must perform a cumulative impact analysis to address the impacts of the addition of another visitor serving use.

4. Continuing to approve wineries and tasting room without addressing cumulative impacts is a violation of the General Plan.

The Sonoma County General Plan requires the County to update its Development Code to specify the types, intensities, and sizes of visitor-serving uses allowed with a conditional use permit. Notwithstanding this clear direction, the County has not updated its Development Code and it continues to issue permits for visitor-serving uses well in excess of the levels anticipated in the General Plan EIR.

Until County updates its Development Code, it should not issue additional permits for visitor-serving uses in General Plan-designated agricultural areas particularly in areas of Concentration such as the Westside Area, because it cannot find that the cumulative impacts of these projects have been adequately addressed and it cannot make the required findings of consistency between its General Plan and any use permit application.

### **Summary**

While the scale of the visitor serving uses proposed for this project is modest compared to other recent applications, there appears to be no connection between tasting room location on Westside Road and the location of the grape production and processing. Therefore, in addition to violating General Plan policies, approving a stand-alone tasting room on an agriculturally zoned lands serving wine from a remotely located winery, made neither from grapes grown on the property nor from the local area, would set a dangerous precedent for rural, agricultural areas throughout the County.

This dangerous precedent coupled with the projects proposed location creating a detrimental concentration of tasting rooms, and the lack of any cumulative impact analysis for such uses in the Westside Road area or updates to the Development code, the Westside Community Association respectfully requests that the a use permit be denied.

Sincerely,

Westside Community Association Advisory Committee

Cc Jennifer Barrett  
Tennis Wick