

Field Appeal of the Santa Rosa Road Tier II Winery



Appellant's Goals

- > Applicant leaves here today with an approved Project which is consistent with Codes and fair to all
- > No more cost, no more delay, no more appeals
- > Project-specific and broader policy problems resolved
- > Staff gets direction how to process future applications

Several Highly Material Problems

- Material misrepresentations and omissions at PC
- Approved Conditions *expand* visitation allowed by the LUDC, thereby enabling unlimited, unenforceable visitation
- Approved Conditions *expand* what is allowed by the Williamson Act, Uniform Rules and LUDC regarding the “type of events”
- ZA and PC were led to approve far too much visitation at events
- MND is fatally flawed due to above causes and other problems

One Simple Solution

- Change Project Description (Condition of Approval #1) as requested by Appellant

The Global Problem

- County is being asked to approve the functional equivalent of bars, on significantly substandard rural roads, with significantly higher than average collision rates
- Decision makers are not being given the necessary facts upon which to base a responsible decision
- The result is a serious safety risk to the public, and an enormous liability risk to the County

Withheld facts

- Tasting rooms are functional equivalent of bars
- No difference: “wine tasting”, glass of wine, bottle of beer, or mixed drink
- Alcohol significantly impairs ability to drive a car (2 to 4X collision rates at legal levels — the result of only one or two flights of wine tasting)
- Rural roads have 2X collision rates of urban roads — 2.4X fatality rate
- Drivers unfamiliar with roads (e.g. tourists) have significantly higher collision rates
- Santa Rosa Road collision rates are very significantly above average, and Santa Rosa Road is significantly sub-standard in design
- **CONCLUSION:** The combined effects present a serious threat to public safety and must be disclosed and mitigated

Santa Rosa Road Collision Rates

- For prior ZA & PC hearings, collision data was omitted
- After Appeal, Applicant's 12/21/15 report on collision rate : *"higher than average collision rate"*
- After Public Works review, Applicant's revised 2/1/16 report : *"lower than the expected collision rate"*
- Peer reviewed study: *"higher than expected accident rate"*
- Peer reviewed study: Applicant/PW used 1) increased ADT, 2) too few collisions, and 3) incorrect road rating

HOW TO FIX IT TODAY

- Adopt the proposed handful of minor Conditions changes (which clarify only)
- Change the Condition that expands LUDC restrictions and enables unenforceable, unlimited visitation
- Change *type of events* approved to be consistent with Williamson Act, Uniform Rules, and LUDC
- Reduce events visitation to a *fair level* consistent with approvals at other wineries

CHANGE “CONDITION” ENABLING UNLIMITED VISITATION

PROBLEMS:

- > CEQA analysis significantly hinges on visitation numbers
- > Virtually all of public debate is about visitation limits
- > BUT, as worded, the visitation granted violates the LUDC and is *unlimited and unenforceable*

SIMPLE SOLUTION:

- > Modify wording of Conditions as proposed by Appellant

SPECIFY “TYPE” OF EVENTS ALLOWED

PROBLEMS:

- > As presently worded, *any type* of event may be held
- > This violates Williamson Act and Uniform Rules explicit requirement that compatible uses be “... inherently related to the agricultural use of the land.”
- > DOC has told San Joaquin County in writing that not restricting events in this manner is a violation of the Williamson Act
- > This also violates LUDC requirements that tasting rooms and events be incidental (i.e. related to and small part of) to the primary use of the property for Agriculture

SIMPLE SOLUTION:

- > Modify wording of Conditions as proposed re: “Marketing of wine”
(Derived from Napa County Winery Ordinance)

Reduce events visitation to a fair level

- **PROBLEMS:**
- Critical information was not given to previous decision makers
- This below-average size winery was granted 5-7X the events as wineries previously approved by the County
- This gives unfair competitive advantage to this Applicant
- To be fair to other wineries will require at least quadrupling events allowed — both past approvals and future applications
- Will lead to overloading the carrying capacity of the roads and the neighborhoods for this visitor serving activity
- Terrible precedent for future

Table 1.0 Existing and Reasonably Forseeable Wineries

Winery	Status	# of Special Events and Max. # of Guests	Hours	Wine Tasting
Lafond	Existing	12 events/ 50 guests	Events must conclude by 10 p.m.	Yes
Terlato (Sanford)	Existing	5 events/ 100 guests 2 events/ 250 guests (one weekend Sat/Sun)	Weekends and holidays only between 7:00 a.m. and 6:00 p.m.	Yes
Lavendar Oak	Existing	None	n/a	No
Mosby	Existing	None	n/a	Yes
Arita Hills (Scoggin)	Approved/not constructed	6 events/150 guests	None specified	Yes
Santa Rosa	Proposed project	6 events/150 guests (only one allowed per month)	Events must conclude by 10 p.m.	Yes
Hilt	Pending CBAR application	12 events/150 guests (potential request for the purposes of cumulative analysis)	TBD	Yes (potential request for the purposes of cumulative analysis)

Average granted on SRR: 6 events 600 attendees
Maximum granted on SRR: 12 events 1,000 attendees
Granted to SRR Winery: 30 events 2,100 attendees

Recent Winery Approvals/Applications re Events (other than Santa Rosa Road)

Name	Status	Events/ Attendees	Total Attendees
Larner	Application	4 @150, 4 @ 80	920
Vincent	Approved	1 @ 150, 3 @ 75	375
Forbidden Fruit	Approved	None	0
Sierra Madre	Approved	"yes" (?)	?
Claxton	Approved	8 @150	1,200
El Camino Real	Approved	8 @ 150	1,200
Martian	Approved	None	0
La Barge	Approved	None	0
Sweeney Cyn	Approved	10 @ 100	1,000
Colonial Green	Approved	None	0
County Average:		4 events	522 attendees
County maximum:		10 events	1,200 attendees
SRR Winery:		30 events	2,100 attendees

Solution to events problem

- Even though this is a below averaged size winery, reduce events attendees approved in Conditions to the average number: 600
- Allow Applicant to decide today how many events of what size he wants, for example:
- 4 @ 150, 2 @150, plus 6 @50, or 12 @ 50

Benefits of granting Appellant's request

- **To Applicant:** will leave today with approved Project, no further appeals, costs, or delays
- **To other wineries:** fair to past and future wineries
- **To the public:** safety and welfare issues will be respected
- **To the County:** will dramatically reduce its liability