

**SPECIAL MEETING OF THE
SONOMA CITY COUNCIL
Held Jointly With The
Sonoma Planning Commission**

**Andrews Hall, Sonoma Community Center
276 East Napa Street, Sonoma CA 95476**



**Monday, February 24, 2014
6:00 p.m.**

AGENDA

City Council
Tom Rouse, Mayor
David Cook, Mayor Pro Tem
Steve Barbose
Ken Brown
Laurie Gallian

1. CALL TO ORDER

2. COMMENTS FROM THE PUBLIC

At this time, members of the public may comment on any item not appearing on the agenda. It is recommended that you keep your comments to three minutes or less. Under State Law, matters presented under this item cannot be discussed or acted upon by the City Council at this time. For items appearing on the agenda, the public will be invited to make comments at the time the item comes up for Council consideration. Upon being acknowledged by the Mayor, please state your name and make your comments.

3. STUDY SESSION REGARDING WINE TASTING FACILITIES

- Staff Report
- Dialog between Planning Commissioners and City Councilmembers
- Comments and questions by the public
- Concluding discussion by City Council and Planning Commission/Direction from Council

4. ADJOURNMENT

I do hereby certify that a copy of the foregoing agenda was posted on the City Hall bulletin board on February 20, 2014. GAY JOHANN, ASSISTANT CITY MANAGER/ CITY CLERK

Copies of all staff reports and documents subject to disclosure that relate to any item of business referred to on the agenda are normally available for public inspection the Wednesday before each regularly scheduled meeting at City Hall, located at No. 1 The Plaza, Sonoma CA. Any documents subject to disclosure that are provided to all, or a majority of all, of the members of the City Council regarding any item on this agenda after the agenda has been distributed will be made available for inspection at the City Clerk's office, No. 1 The Plaza, Sonoma CA during regular business hours.

If you challenge the action of the City Council in court, you may be limited to raising only those issues you or someone else raised at the public hearing described on the agenda, or in written correspondence delivered to the City Clerk, at or prior to the public hearing.

In accordance with the Americans With Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk (707) 933-2216. Notification 48-hours before the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.



City of Sonoma
City Council
Agenda Item Summary

City Council Agenda Item: SS3

Meeting Date: 02/24/14

Department

Planning and Community Services

Staff Contact

David Goodison, Planning Director

Agenda Item Title

Discussion of options for establishing additional zoning regulations on wine tasting facilities, including draft amendments to the Development Code developed by the Planning Commission.

Summary

Wine and wine-making is part of the identity of Sonoma and wine sales, including wine tasting establishments, have long been an element of the downtown community. However, in recent years, the City has seen a growing number of wineries establishing a wine-tasting presence in the Plaza, as well as tasting rooms not affiliated with a particular winery. In the database of businesses located within the Plaza Retail Overlay zone maintained by the Economic Development Coordinator, a total of 136 ground-floor businesses are identified within the overlay zone, of which 20 are purely wine-serving and 3 are a combination of wine tasting and other retail. Together, these 23 tasting rooms and wine bars represent 17% of the ground-floor businesses within the zone.

In response to the increasing number of wine tasting facilities in the downtown area and issues experienced with wine tasting venues operating under the Type 42 ABC permit, the Planning Commission discussed and voted to forward a series of recommendations to the City Council for the increased regulation of wine tasting facilities. These recommendations were reviewed by the City Council over the course of two meetings, at the second of which (held on May 6, 2013) the Council voted 3-2 to direct the Planning Commission to develop draft amendments to the Development Code addressing wine tasting facilities and wine bars. Over the course of 2013, the Planning Commission has held a number of hearings and discussions on this issue and has developed a set of proposed regulations that it voted to forward to the City Council at its meeting of January 9, 2014.

Subsequently, the City Council agreed that, prior to consideration of the adoption of the draft Development Code amendments, it would be desirable to meet with the Planning Commission in a study session format in order to: 1) hear directly from the Planning Commission regarding its recommendations and the discussions that went into them; 2) discuss alternative approaches to regulating wine tasting facilities; and, 3) provide an additional opportunity for public comment on the subject.

Recommended Council Action

Staff recommends that the City Council and the Planning Commission discuss the issue of additional zoning regulations on wine tasting facilities, including the draft ordinance developed by the Planning Commission and any other alternatives of interest.

Alternative Actions

N.A.

Financial Impact

N.A.

Environmental Review

- Environmental Impact Report
- Negative Declaration
- Exempt
- Not Applicable

Status

- Approved/Certified
 - No Action Required
 - Action Requested
-

Alignment with Council Goals:

The development and implementation of regulations on wine tasting facilities and wine bars may relate to the City Council's "Economic Development" goal, which reads as follows: *"Explore Economic Development Drivers to ensure preservation and long-term viability of Community Assets. Continue to develop strategies to address the loss of revenue to the City as a result of the elimination of redevelopment; continue to facilitate business retention, recruitment and expansion of the economic base; protect local historical infrastructure."* However, in staff's view, this goal does not seem to mandate any particular outcome on the subject, at least with respect to the regulatory options that are under discussion.

Attachments:

1. Memo from the Police Chief
 2. Plaza Business Inventory (February 2014)
 3. Inventory of existing wine tasting facilities
 4. Minutes of the City Council meeting of May 6, 2013
 5. Minutes of the Planning Commission meeting of January 9, 2014
 6. Draft Definitions/Draft Operating Standards and Additional Use Permit Findings
-

cc: Bret Sackett, Police Chief
Laurie Decker, Economic Development Coordinator
Jennifer Yankovich, Executive Director, Sonoma Valley Chamber of Commerce
Daniel Fay, Envolve
Richard Idell, Sonoma Valley Vintners and Growers

SUPPLEMENTAL REPORT

Discussion of options for establishing additional zoning regulations on wine tasting facilities, including draft amendments to the Development Code developed by the Planning Commission

For the City Council/Planning Commission Study Session of February 24, 2014

Current Conditions

Presence. Wine and wine-making is part of the identity of Sonoma and wine sales, including wine tasting establishments, have long been an element of the downtown community. However, in recent years, the City has seen a growing number of wineries establishing a wine-tasting presence in the Plaza, as well as tasting rooms not affiliated with a particular winery. In the database of businesses located within the Plaza Retail Overlay zone maintained by the Economic Development Coordinator, a total of 136 ground-floor businesses are identified within the overlay zone, of which 20 are purely wine-serving and 3 are a combination of wine tasting and other retail. Together, these 23 tasting rooms and wine bars represent 17% of the ground-floor businesses within the zone. Another six facilities are located near the Plaza but outside of the Retail Overlay zone (e.g., the Roche, Hawkes, the recently approved Three Sticks, etc.), which brings the number of wine-tasting facilities in the vicinity of Plaza to 29. These numbers does not include restaurants and bars, which also represent approximately 17% of businesses within the Plaza Retail Overlay zone. (See the updated Plaza Business Inventory, attached.)

City Regulations. Although wine-tasting is not specifically defined as a use in the City's Development Code, it is considered to fall under the definition of "general retail," which is a permitted use in the Commercial zone. However, in order to be considered as "general retail", it has been staff's interpretation that food preparation and food service (except for bread, crackers, etc.) may not be a component of use as otherwise it would be classified as a restaurant, for which a use permit is required. As a permitted use in Commercial zoning districts, wine tasting facilities proposed in existing tenant spaces are not normally subject to use permit review, although use permit review is required for new wine tasting facilities located in the Mixed Use zone.

ABC Regulations. Wine-tasting facilities are regulated by the State Office of Alcohol and Beverage Control (ABC). The ABC licensing process makes a distinction between venues that are owned and operated by a specific winery and venues that are operated by a third-party businessperson that may be offering wines or beer from several sources. This distinction is reflected in the ABC permit types that such businesses operate under, namely the Type 2 permit and the Type 42 permit. As discussed in the attached memo from the Police Chief, a Type 2 permit is a "duplicate" license associated with a specific winery. Under the Type 2 permit, only tastings from that specific winery are allowed. Under a Type 42 ABC permit, wines from multiple wineries may be served, along with beer. Such permits have been used for wine tasting venues, but this type of permit is also commonly used for facilities that could be better described as wine bars or taprooms. When the ABC issues a Type 2 permit, there is no local review as the facility is allowed to operate under parent winery's permit. In contrast, the ABC issuance process for a type 42 permit includes a referral to the Police Chief, who must make a finding of "public convenience or necessity" if the license is to be issued.

City Council and Planning Commission Discussions to Date

In response to the increasing number of wine tasting facilities in the downtown area and issues experienced with wine tasting venues operating under the Type 42 ABC permit, the Planning Commission began a discussion of the possible increased regulation of such facilities. In the second of those discussions, which took place on March 14, 2013, the Commission voted to forward a series of recommendations to the City Council for the increased regulation of wine tasting facilities. These recommendations were reviewed by the City Council over the course of two meetings, at the second of which (held on May 6, 2013) the City Council voted 3-2 to direct the Planning Commission to develop draft amendments to the Development Code, as follows:

- Establish definitions in the Development Code for wine tasting facilities that clearly distinguish between tasting rooms and wine bars.
- Create a two-tiered permitting system in which tasting facilities with limited hours would continue to be classified as a permitted use in commercial zoning districts, while facilities with extended hours and wine bars would be subject to use permit review.
- Establish operating standards for wine tasting facilities and wine bars.

Based on this direction, staff developed a set draft amendments to the Municipal Code that the Planning Commission first reviewed in a study session at its meeting of July 11, 2013. There was considerable discussion of these amendments, both on the part of the Planning Commission and interested members of the public, including potentially affected business-people. At the conclusion of the discussion, the Planning Commission suggested that staff meet with representatives of the local wine community to discuss their concerns. Based on this direction, staff arranged a meeting with Richard Idell (associated with Sonoma Valley Vintners and Growers) and Danny Fay (Envolve Winery). Also attending were two members of the Planning Commission, as well as the Planning Director and the Police Chief.

At the meeting, the representatives of the wine community expressed concern that the regulation of wine tasting rooms did not, from their perspective, relate to any identified problem. They were concerned that some of the proposed restrictions addressed issues already regulated by the ABC, such as the size of pours. They were also concerned that requiring use permit review for already-established tasting rooms could devalue those businesses. They further noted that the business of wine was evolving, which was reflected in the changing nature of tasting rooms. Staff noted that other types of business that serve alcohol, such as restaurants and bars are subject to use permit review and that ABC regulations do not fully address issues such as hours of operation and parking requirements. It was also noted that when tasting rooms operating with a Type 42 permit offer different types of experiences and extended hours, they have the potential to become de facto bars (a process known as “morphing”). There was general agreement by all in attendance that the type of license employed by a tasting room was a valid basis of regulatory distinction, as tasting rooms operating under a Type 2 license (again, a duplicate license associated with a specific winery) are not subject to the problem of morphing.

Following the ad-hoc meeting, planning staff developed revised draft regulations consistent with the overall approach suggested by the City Council, while responding to the concerns expressed by representatives of the wine industry and suggestions raised by the Planning Commissioners in

attendance. These were reviewed by the Planning Commission at its meeting of December 12, 2013. After holding a public hearing and conducting a discussion of the item, the Planning Commission continued the matter to its January meeting, directing staff to provide information on the breakdown of Type 2 and Type 42 liquor licenses within city limits and to hold additional discussions with representatives of tasting room facilities in order to further clarify the proposed zoning revisions. Based on that direction, staff held a follow-up meeting with representatives of the local winery community that resulted in several suggested revisions. In light of those suggestions, staff prepared updated revisions to the draft zoning regulations for the Planning Commission's consideration. After reviewing the revised draft amendments to the Development Code in the course of a public hearing held on January 9, 2014, the Planning Commission voted 6-1 to forward them to the City Council for consideration and possible adoption.

Subsequently, the City Council agreed that, prior to consideration of the adoption of the draft Development Code amendments, it would be desirable to meet with the Planning Commission in a study session format in order to: 1) hear directly from the Planning Commission regarding its recommendations and the discussions that went into them; 2) discuss alternative approaches to regulating wine tasting facilities; and, 3) provide an additional opportunity for public comment on the subject.

Draft Development Code Amendments

Generally speaking, the draft regulations developed by the Planning Commission are consistent with the broad direction given by the City Council. In addition to establishing definitions of "wine tasting facilities" and "wine bars", the Code amendments would establish a two-tiered system in which certain types of wine tasting rooms would continue to be permitted as of right in Commercial zoning districts, while more intensive wine tasting facilities would be subject to use permit review. Facilities operating with a Type 42 license would be defined as "Wine Bars/Tap Rooms" and would be subject to use permit review. Local regulations would not address matters that are already subject to ABC control, such as the size of pours. Further details are as follows:

- A. *Definitions.* Draft definitions are provided for "Wine Tasting Room", "Wine Tasting Room, Limited", and "Wine Bar/Tap Room".
- B. *Permitting.* Per the City Council's direction, "Wine Bars/Tap Rooms" and "Wine Tasting Rooms" would be subject to conditional use permit review by the Planning Commission. A facility meeting the definition of "Wine Tasting Room, Limited" would be a permitted use in commercial zoning districts, meaning that no use permit review would be required. To qualify under the definition of "Wine tasting Room, Limited," the business would be subject to the following limitations:
 - Operate under a Type 2 license.
 - Hours of operation for service to the general public not to exceed 11 a.m. to 7 p.m. for the period of November 1 to March 30 and 11 a.m. to 9 p.m. for the period of April 1 to October 31. In this regard, the Planning Commission also considered the option of a year-around closing time of 7 p.m., but a majority of the Commission supported the seasonal approach.

- Size of tenant space not to exceed 1,000 square feet.
- Private marketing and promotional events (e.g., wine club tastings) would be limited no more than 26 such events per calendar year and no more than two per week. (Note: this limitation implies a reporting requirement.)
- No third-party special events (e.g., weddings).

Note: In the Mixed Use zoning district, all types of wine tasting facilities would be subject to use permit review.

- C. *Operating Standards and Findings.* Basic operating standards are proposed and these would be set forth in the “special use standards” section of the Development Code (Chapter 19.50). These provisions include additional findings that the Planning Commission would need to make in order to approve a use permit for a wine bar/tap room. These findings are modeled after the factors used in establishing the finding of “public convenience and necessity” that the Police Chief must make in order to approve an ABC license for that type of facility.
- D. *Food Service.* Under the proposed regulations, the service of food to the general public would be quite limited. However, more extensive food service would be an option for private events, such as occasional wine-maker dinners.
- E. *Parking Standards.* The Planning Commission recommendation is to apply the retail parking ratio of 1 space per 300 square feet of building area. This direction represents the status quo.
- F. *Existing Businesses.* Assuming that new regulations are ultimately adopted, with respect to wine tasting facilities already in operation, the recommendation adopted by the Planning Commission is that they be considered legal non-conforming, except that a use permit would be required in compliance with any new regulations under the following circumstances: 1) change in ABC license type; 2) experience of two violations of the ABC license within a five year period; and, 3) any expansion or intensification involving factors subject to the regulation of the use, beyond those associated with the limits on the “Wine Tasting, Limited” use. These factors include hours of operation, size of tenant space, and limits on private events, but would not include an application for a music license.

The draft Development Code amendments are attached.

Other Regulatory Approaches

The Development Code primarily regulates different types of commercial uses by identifying classes of uses that are: 1) permitted, 2) permitted subject to use permit review by the Planning Commission, or 3) prohibited. These allowances often vary by zoning district. For example, many retail uses are identified as permitted in the City’s commercial zoning districts, but are subject to use permit review in the Mixed Use zone. Similarly, various types of automobile-related uses are subject to use permit review in the commercial zones, but are prohibited in the Mixed use One. Overlay zoning districts are sometimes used as well. In 2005, the City Council estab-

lished the Plaza Retail Zone (encompassing the area immediately around the Plaza) in order to establish a use permit requirement for any new offices within that area. In 2012, when the City Council adopted regulations on Formula Business, the Council established a use permit requirement for new formula businesses within the Historic Overlay zone and the Council banned Large-scale Formula Restaurants within the Plaza Retail Overlay zone.

These examples all represent variations on the “permitted/permitted subject to use permit review” approach to land use regulation, which is the approach that was used by the Planning Commission in developing the proposed regulations on wine tasting facilities. Within that approach, any number of variations are possible. For example, all wine tasting facilities could be made subject to use permit review. Or, while maintaining the two-tiered approach, greater restrictions could be placed the hours of operation or other operating characteristics of a “Limited Wine Tasting Facility.”

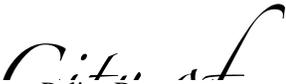
An entirely different option, which the City Council considered in its discussion of Formula Business regulations, is that of a numerical cap. This method, too, requires a zoning boundary, (e.g., the Plaza Retail Overlay zone). Under the cap approach, an upper limit is identified with respect to the business type that is being regulated. Once that limit is reached, no additional businesses of that type are allowed, even if the use would otherwise be permitted without use permit review. To use wine tasting facilities as an example, a cap could be identified that is above, below, or at the current number of tasting rooms in the Plaza Retail Overlay Zone and the allowance for any additional wine tasting facilities would be limited accordingly. Caps have been used in other communities and this approach, if established correctly, represents a legally valid exercise of land use authority. However, the examples that staff is familiar with have addressed restaurant seats, hotel rooms, and formula businesses. Staff is not aware of any community that has a stated cap on wine tasting facilities, although the principle is the same.

Although not a land use regulation as such, another issue that the Council and the Planning Commission may wish to consider is that of responsible hospitality regulations. For example, the City of Healdsburg requires beverage service training for the staff of any new use that involves serving alcohol to the public. In this regard, the proposed regulations on wine tasting uses do not include training requirements. The City Council may want to consider responsible hospitality regulations, but in staff’s this concept would be best implemented by addressing all locations where alcohol served, rather than focusing on wine tasting rooms and wine bars.

Recommendation

Staff recommends that the City Council and the Planning Commission discuss the issue of additional zoning regulations on wine tasting facilities, including the draft ordinance developed by the Planning Commission and any other alternatives of interest.

Note: If substantial changes in the draft regulations developed by the Planning Commission emerge as the Council’s preference, this matter would need to be referred back to the Planning Commission with specific direction so that a revised ordinance could be developed. If the draft ordinance developed by the Planning Commission is found to be the preferred approach, then it would be taken up by the City Council at a subsequent meeting.


Sonoma Police Department
175 First St. West
Sonoma California 95476-6690
Phone (707) 996-3602 Fax (707) 996-3695
E-Mail: sonomafd@sonomacity.org



Date: December 10, 2012
To: David Goodison, Planning Director
From: Bret Sackett, Chief of Police
RE: Wine Tasting Facilities

Alcohol is an important contributor to the unique culture and vitality of Sonoma. However, alcohol can also impact the health and safety of our youth and adults – and play a role in a range of community problems, such as driving under the influence, underage drinking and alcohol related crimes. A recent survey of DUI drivers from Sonoma revealed that 56% obtained their final drink at an ABC licensed establishment, while youth focus groups routinely cite that alcohol is “fairly easy” to obtain from ABC licensed establishments.

According to criteria established by the California Department of Alcoholic Beverage Control, the City of Sonoma has a higher number of off-sale alcohol establishments than recommended (greater than 1 per 2,500 population). As such, each new license application for a retail outlet – such as liquor stores, convenience stores, and bars – require the local jurisdiction to make a determination that the new alcohol license will serve a “public convenience or necessity.” In Sonoma, the police chief makes that determination, but denials can be appealed to the City Council.

In order to obtain such a license, the applicant must obtain a “Letter of Public Convenience or Necessity” from the police chief. Unfortunately, the term “Public Convenience or Necessity” is not clearly defined by ABC, but the police chief considers some of the following criteria when making such a finding:

- The proposed use will not be detrimental to the character of immediate neighborhood
- Proximity to sensitive land use issues
- There are no conflicts with zoning regulations
- The economic benefit outweighs the negative impacts to the community
- The license will provide a needed service not currently being met in the community
- Unique and unusual circumstances to justify a new retail alcohol outlet when there are already similar alcohol uses existing nearby (this is much more difficult to establish)

While ABC has a wide variety of license types, it does not offer one specific to “wine tasting.” ABC allows a winery, which operates with Type 02 license, to operate an off-site tasting room under their existing Type 02 license. However, a wine tasting business that is not associated with a specific winery and wishes to provide tastings from multiple wineries – and subsequent purchase for on or off site consumption – must obtain a Type 42 license. It’s important to note that a Type 42 license authorizes the sale of beer and wine for consumption on or off the premise and is not limited to just “wine tasting.” In essence, a Type 42 license authorizes a business to operate like a bar or tavern, although they may call themselves a “tasting facility.”

The police chief would like to make the Planning Commission aware of the potential for a wine tasting business to morph into a “wine and beer bar” absent other regulatory criteria. In essence, we cannot rely on the ABC license to regulate wine tasting businesses without other local zoning regulations. In addition, the police chief respectfully requests the Planning Commission’s opinion as to what constitutes “Public Convenience or Necessity”, so he can take those opinions into consideration as he reviews additional requests for new ABC licenses.

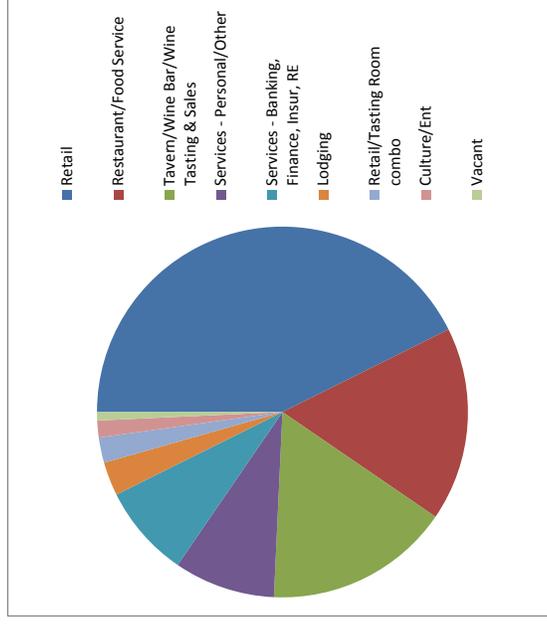
PLAZA RETAIL OVERLAY ZONE (PROZ): Business Inventory (Ground Floor)

Updated: February, 2014

ADDRESS	BUSINESS NAME	FORMULA?	BUSINESS TYPE	Business type:	February 2014	May 2012
					#	%
1	476 1st St E	N	Culture/Entertainment	Retail	58	42.6%
2	551 Broadway	N	Culture/Entertainment	Retail	23	16.9%
3	405 1st W	N	Lodging	Restaurant/Food Service	22	16.2%
4	480 1st St E	N	Lodging	Tavern/Wine Bar/Wine Tasting & Sales	12	8.8%
5	110 W Spain	N	Lodging	Services - Personal/Other	11	8.1%
6	18 W Spain	N	Lodging	Services - Banking, Finance, Insur, RE	4	2.9%
7	460 1st St East	N	Restaurant/Food Service	Lodging	3	2.2%
8	400 1st St E	N	Restaurant/Food Service	Retail/Tasting Room combo	2	1.5%
9	140 E Napa St	N	Restaurant/Food Service	Culture/Ent	1	0.7%
10	133 E Napa St	N	Restaurant/Food Service	Vacant	136	100%
11	403 1st W	N	Restaurant/Food Service			
12	405 1st St. W	N	Restaurant/Food Service			
13	110 W Spain	N	Restaurant/Food Service			
14	408 1st St E	N	Restaurant/Food Service			
15	487 1st W	N	Restaurant/Food Service			
16	121 E Spain St	N	Restaurant/Food Service			
17	Mercato paseo	N	Restaurant/Food Service			
18	8 Spain	YES	Restaurant/Food Service			
19	101 E Napa St	N	Restaurant/Food Service			
20	Place des Pyrenees	N	Restaurant/Food Service			
21	11 E Napa St	N	Restaurant/Food Service			
22	420 1st St E	N	Restaurant/Food Service			
23	522 Broadway	N	Restaurant/Food Service			
24	139 E Napa St	N	Restaurant/Food Service			
25	421 1st W	N	Stone Edge Farm Vineyards **			
26	18 W Spain	N	Sunflower Caffe Espresso & Wine Bar			
27	Place des Pyrenees	N	Swiss Hotel (ground floor)			
28	529 1st St W	N	Taste of the Himalayas			
29	531 Broadway	N	The Red Grape			
30	Mercato paseo	N	Top That Yogurt			
31	450-c 1st St East	N	Angelique			
32	140 E Napa St	N	Artifax Gallery			
33	117 E Napa St	N	Arts Guild Sonoma (+Frame Factory **)			
34	457 1st W	N	Bella Vita			
35	524 Broadway	N	Bear Moon Clothing			
36	493 1st W	N	Bossa Nova Clothing			
37	38 Spain	N	BRAM			
38	103 W Napa St	N	Candlestick			
39	29 E Napa St	N	Changing Seasons			
40	Mercato paseo	YES	Chico's			
41	116 E Napa St	N	Chocolate Cow			
42	5 E Napa St	N	Corner Store Kids			
43	Mercato paseo	N	Diana Sanabria			
44	475 1st W	N	Eminent Design			
45	447 1st W	N	Eraldi's Menswear & Shoes			
46	416 1st St E	N	Fairmont Gallery			
47	14 Spain	N	Filligree Estate Jewelers			
48	Mercato paseo	N	Fleurtique			
			Foot Candy			

By Formula Store category:

Yes	4	2.9%
No	131	96.3%
Vacant	1	0.7%
TOTAL	136	100.0%



49	115 E Napa #B	French Nest		N	Retail
50	423 1st W	Global Heart		N	Retail
51	28 Spain	H Frank		N	Retail
52	496 1st St E	Halem & Co.		N	Retail
53	450 1st St East	Half Pint		N	Retail
54	107 W Napa St	Harvest Home		N	Retail
55	El Paseo	Himalayan Bazaar		N	Retail
56	El Paseo	Hipkiss Gallery		N	Retail
57	122 E Napa St	J. James Sonoma		N	Retail
58	453 1st W	Kaboodle		N	Retail
59	El Paseo	La Bodega Cheese & Pasta		N	Retail
60	148 E Napa St	La Haye Art Center		N	Retail
61	481-A 1st W	Large Leather		N	Retail
62	452 1st St East	Lisa Kristine Gallery		N	Retail
63	539 1st St W	My Girlfriend's Closet		N	Retail
64	31 E Napa St	North Bay Gallery		N	Retail
65	107 E Napa	Pandora's Box (<i>reopening new loc - March**</i>)		N	Retail
66	130 E Napa St	Reader's Books		N	Retail
67	530 Broadway	RiKa Optique		N	Retail
68	546 Broadway	San Francisco Arts & Crafts		N	Retail
69	435 1st W	Sign of the Bear Kitchenware		N	Retail
70	492 1st St E	Simplicity by i-elle		N	Retail
71	117-B 1st W	Sisters		N	Retail
72	11 E Napa St	Sole Desire		YES	Retail
73	2 Spain	Sonoma Cheese Factory		N	Retail
74	15 E Napa St	Sonoma Church Mouse		N	Retail
75	476 1st W	Sonoma Home		N	Retail
76	El Paseo	Sonoma Rock & Mineral		N	Retail
77	491 1st W	Sonoma Silver Co.		N	Retail
78	Mercato paseo	Sox DeVine (<i>reloc - March**</i>)		N	Retail
79	126 E Napa St	Studio Collection Jewelry		N	Retail
80	100 W Spain	SummerVine		N	Retail
81	452 1st St East	Terra Firma Gallery		N	Retail
82	Place des Pyrenees	The Briar Patch		N	Retail
83	461 1st W	The Loop		N	Retail
84	Mercato paseo	The Total Look		N	Retail
85	526 Broadway	Three Dog Bakery		N	Retail
86	115 E Napa #A	Tiddle E Winks		N	Retail
87	El Paseo	Wine Country Chocolates		N	Retail
88	111 E Napa St	Saret Gallery / Spann Vineyards		N	Retail/Tasting Room combo
89	498 1st St E	The Corner Store/Hwy 12 Winery		N	Retail/Tasting Room combo
90	536 Broadway	Wine Hardware/Petroni Vineyards		N	Retail/Tasting Room combo
91	552 Broadway	Alain Pinel Real Estate		N	Services - Banking, Finance, Insur, RE
92	35 W Napa St	Bank of America		N	Services - Banking, Finance, Insur, RE
93	34 Spain	CB Brokers of the Valley/RE Company		N	Services - Banking, Finance, Insur, RE
94	501 Broadway	Chase Bank		N	Services - Banking, Finance, Insur, RE
95	515 1st St E	Edward Jones		N	Services - Banking, Finance, Insur, RE
96	147 E Spain St	Highway 12 Properties		N	Services - Banking, Finance, Insur, RE
97	428 1st St	Sothebys		N	Services - Banking, Finance, Insur, RE
98	27 E Napa St	Sothebys		N	Services - Banking, Finance, Insur, RE
99	529 Broadway	State Farm		N	Services - Banking, Finance, Insur, RE
100	500 Broadway	Union Bank		N	Services - Banking, Finance, Insur, RE
101	470 1st St East	Wine Country Group		N	Services - Banking, Finance, Insur, RE
102	542 Broadway	Allen's Hair House		N	Services - Personal/Other

103	539 Broadway	Beautiful Nails salon	N	Services - Personal/Other
104	539 1st St W	Catalina's Skin & Body	N	Services - Personal/Other
105	Mercato paseo	En-er-gy Fitness	N	Services - Personal/Other
106	521-B Broadway	Love and Lovely Wedding Studio	N	Services - Personal/Other
107	452 1st St E	Massage Envy	YES	Services - Personal/Other
108	539 Broadway	On My Own - Indep Living Services	N	Services - Personal/Other
109	27 E Napa St	Red Loft Salon	N	Services - Personal/Other
110	525 1st St E	Sage Marketing/Odyssey Travel	N	Services - Personal/Other
111	548 Broadway	Sonoma Shipping	N	Services - Personal/Other
112	520 Broadway	Sonoma Valley Bike Tours & Rentals	N	Services - Personal/Other
113	466 1st St East	Thomas Haeuser Atty at Law	N	Services - Personal/Other
114	481 1st W	Adobe Road Winery Tasting Room	N	Tavern/Wine Bar/Wine Tasting & Sales
115	127 E Napa St	Bennett Valley Cellars **	N	Tavern/Wine Bar/Wine Tasting & Sales
116	Vine Alley paseo	Bryter Estates Wine Tasting	N	Tavern/Wine Bar/Wine Tasting & Sales
117	521 Broadway	Bump Wines	N	Tavern/Wine Bar/Wine Tasting & Sales
118	483 1st W	Charles Creek	N	Tavern/Wine Bar/Wine Tasting & Sales
119	127 E Napa St	Enoteca Della Santina	N	Tavern/Wine Bar/Wine Tasting & Sales
120	Vine Alley paseo	Envolve Wine Tasting	N	Tavern/Wine Bar/Wine Tasting & Sales
121	Mercato paseo	Erik James Tasting Room	N	Tavern/Wine Bar/Wine Tasting & Sales
122	Vine Alley paseo	Glen Lyon/Two Amigos Wine Tasting	N	Tavern/Wine Bar/Wine Tasting & Sales
123	Vine Alley paseo	Haywood Estate	N	Tavern/Wine Bar/Wine Tasting & Sales
124	134 Church	JAKK Wine Cellars**	N	Tavern/Wine Bar/Wine Tasting & Sales
125	111-B E Napa St	Kamen Estate Winery	N	Tavern/Wine Bar/Wine Tasting & Sales
126	Vine Alley paseo	Maclaren Wine Lounge	N	Tavern/Wine Bar/Wine Tasting & Sales
127	Vine Alley paseo	Sigh Sparkling Wine	N	Tavern/Wine Bar/Wine Tasting & Sales
128	141 E Napa St	Sojour Cellars	N	Tavern/Wine Bar/Wine Tasting & Sales
129	35 E Napa St	Sonoma Enoteca	N	Tavern/Wine Bar/Wine Tasting & Sales
130	412 1st E	Sonoma Wine Shop	N	Tavern/Wine Bar/Wine Tasting & Sales
131	465 1st W	Steiner's Tavern	N	Tavern/Wine Bar/Wine Tasting & Sales
132	482 1st E	Town Square	N	Tavern/Wine Bar/Wine Tasting & Sales
133	109 E Napa St	Victor Hill Wines **	N	Tavern/Wine Bar/Wine Tasting & Sales
134	380 1st W	WALT Wines	N	Tavern/Wine Bar/Wine Tasting & Sales
135	11 E Napa St	Westwood Winery	N	Tavern/Wine Bar/Wine Tasting & Sales
136	19 W Napa St	VACANT (prev. Proof'd)	N	VACANT

State parks and Mission properties are not included in the PROZ.
Joseph Hooker House property is in the PROZ but excluded from the inventory.

**In process

Winery Name	Street Address	Hours of Operation	Food Service	Notes	Number of Seats?	Seating: Inside or Outside?	ABC License Type	Start Date
Adobe Road Winery	481 First Street West	11:00 a.m. to 6:30 p.m., daily	No--Serves crackers only		10	Inside	2	2010
Charles Creek Vineyards	483 First Street West	11:00 a.m. to 6:00 p.m., daily	No--Serves prepackaged food		0		2	2004
JAQK Wine Cellars	134 Church			In process; not yet open. Use permit approved for limited outdoor seating.			2	Not yet open
Three Sticks Wines	143 West Spain Street			In process; not yet open. Use permit approved for adaptive re-use. Tastings allowed by appointment only.			2	Not yet open
Erik James Tasting Room (multiple type 2 licenses)	452 First Street East, Suite G	12:00 p.m. to 7:00 p.m., Monday and Thursday; 12:00 p.m. to 10:00 p.m. Friday through Sunday	No		25	Inside	2	2012
Hawkes Winery	383 First Street West	11:00 a.m. to 6:00 p.m., daily	No--Serves crackers only	Outside of POZ. Use permit approved for outdoor seating.	12 9 11	Outside (front yard) Outside (back yard) Inside	2	2010
Haywood Estate Winery	25 East Napa Street, Suite C	10:30 a.m. to 6:00 p.m., daily	No--Serves prepackaged food only		13 4	Inside Outside	2	2011
Highway 12	498 First Street East	11 a.m. to 5:30 p.m., daily	No--Serves prepackaged food only	Located within larger retail establishment.			2	2008
Sonoma Wine Hardware	536 Broadway	12 p.m. to 5:00 p.m. Thursday through Monday	No--Serves crackers only	Located within larger retail establishment.	1	Inside	2	

R2 Wine Company	654 Broadway	11:00 a.m. to 6:00 p.m., Wednesday and Thursday; 11:00 a.m. to 8:30 p.m. Friday; 11 a.m. to 8:30 p.m. Saturday; 12:00 p.m. to 4:00 p.m. Sunday; by appointment only Monday and Tuesday	No	Outside of POZ.	4 18	Outside Inside	2	2005
Auteur/Roessler	373 First Street West	By appointment only	No--Serves crackers only	Outside of POZ	12	Outside	2	2005
Roche Winery	122 West Spain Street	11:00 a.m. to 6:00 p.m., daily	No--Serves prepackaged food only		44 12	Outside Inside	2	2009
WALT WINES	380 First Street West	11:00 a.m. to 6:00 p.m., daily	No--serves prepackaged food only		18 14	Outside Inside	2	2011
Sojourn Cellars	141 East Napa Street	10:00 a.m. to 5:00 p.m., by appointment	No--Serves crackers only		8	Inside	2	2008
Enoteca Della Santina	127 East Napa Street	4:00 p.m. to 10:00 p.m. Wednesday and Thursday; 2:00 p.m. to 11:00 p.m. Friday and Saturday	No--Serves prepackaged food only		20	Inside	42	2007
Spann Vineyards	111 A East Napa Street	12:00 p.m. to 6:00 p.m. daily	No		0		2	2011
Two Amigos	25 East Napa Street, Suite D	11:00 a.m. to 6:00 p.m., daily	No--Serves prepackaged food only		4 2	Inside Outside	2	2013
Westwood Winery	11 East Napa Street, Suite 3	11:00 a.m. to 5:00 p.m., daily	No--Serves prepackaged food only		9 13	Outside Inside	2	2004
Bryter Estates	25 East Napa Street, Suite E	11 a.m. 6 p.m. Saturday and Sunday' Monday through Friday 12:00 p.m. to 6:00 p.m.	No		8	Inside	2	2011

Kamen Wines	111 B East Napa Street	12:00 p.m. to 6:00 p.m. Monday through Thursday; 11 a.m. to 6 p.m. Friday and Saturday	No		2	Inside	2	2012
Glen Lyon Winery	25 East Napa Street, Suite D	11:00 a.m. to 6:00 p.m., daily	No--Serves prepackaged food only	Not on Winewalk Map. Seating counted as Two Amigos.	0		2	2011
Maclaren Tasting Lounge	27 East Napa Street, Suite E	12 p.m. to 5 p.m. Monday to Thursday; 12 p.m. to 6 p.m. Friday and Saturday	No		12	Inside	2	2013
Sonoma Enoteca (Multiple Type 2 Licenses)	35 East Napa Street	11:00 a.m. to 6:00 p.m. daily	No--Serves prepackaged food only		0		2	2003
Sonoma Wine Shop	412 First Street East	11:00 a.m. to 6:00 p.m., daily	Yes-It was previously a sausage company that served food	Not on Winewalk Map.	10 6	Inside Outside	42	2000
Bump Wines	521 Broadway	1 p.m. to 6:00 p.m. Thursday through Tuesday.	No		20	Inside	2	2013
Envolve Wine Tasting	27 East Napa Street, Suite A	12:00 p.m. to 6:00 p.m. Monday through Thursday; 11:00 p.m. to 7:00 p.m. Saturday; 12 p.m. to 6 p.m. Sunday	No		20 16	Inside Outside	2	2012
Sigh Sparkling Wine	25 East Napa Street, Suite C	12:00 p.m. to 8:00 p.m. daily	No		16	Inside	42	2012
V2	584 First Street East						2	2010
Winecraft	5 East Napa Street			Part of a larger retail use.			2	2012

6. CONSENT CALENDAR/AGENDA ORDER – CITY COUNCIL AS SUCCESSOR AGENCY

Item 6A: Approval of the portions of the Minutes of the April 15 and April 22, 2013 City Council / Successor Agency Meeting pertaining to the Successor Agency.

The public comment period was opened and closed with none received. It was moved by Clm. Gallian, seconded by Clm. Cook, to approve the consent calendar as presented. The motion carried unanimously.

7. PUBLIC HEARING – None Scheduled

8. REGULAR CALENDAR – CITY COUNCIL

Item 8A: Continued discussion, consideration and possible action on the recommendations of the Planning Commission concerning the possible regulation of wine tasting facilities.

Planning Director Goodison reported that in light of the increasing number of wine tasting facilities in the downtown area, the Planning Commission had held a couple of discussions regarding the possible increased regulation of such facilities. At their March 14, 2013 meeting, the Commission voted to forward a series of recommendations to the City Council which were discussed at the City Council meeting of March 18, 2013. While the Council held a preliminary discussion of the item, ultimately it was decided to continue the matter as only four Councilmembers were present and as the Council wanted to obtain input from the Vintners and Growers Association. Goodison stated that staff had heard from the Vintners and Growers informally and it appeared that they and other potentially interested parties would prefer to weigh in on a draft ordinance as that would provide greater clarity as to what was being proposed. In order to move this matter forward, staff recommended that direction be given to the Planning Commission to prepare a draft ordinance with the following elements: 1. Establish definitions in the Development Code for wine tasting facilities that clearly distinguish between tasting rooms and wine bars. 2. Create a two-tiered permitting system in which tasting facilities with limited hours would be permitted as of right, while facilities with extended hours and wine bars would be subject to use permit review.

Clm. Barbose stated that he felt Council's direction was toward the establishment of definitions and operating standards. He added that he had requested input from the wine industry. Clm. Gallian stated it was important to clarify the difference between tasting rooms and lounges. Clm. Cook inquired if the regulations would apply to just the Plaza area or would they be City-wide. Goodison responded the Planning Commission had mixed feelings on that issue.

Clm. Rouse inquired if Enoteca Della Santina which serves many wines had a different ABC permit than Envolve Winery which only served their own wine. Goodison responded they probably had different permits.

Mayor Brown invited comments from the public. Elizabeth Emerson stated she recently moved back to Sonoma and was saddened by all the alcohol outlets downtown. She stated there was a direct correlation between the number of Police calls and the number of alcohol outlets.

Regina Baker said she felt the residents were looking for a limit on the number of tasting rooms in the downtown.

Danny Faye, Sonoma Valley Vintners & Growers Alliance Boardmember, stated that ABC issued different licenses to growers and wholesalers. He said he did not feel a lounge should be held to the same standards as a standup tasting bar. Faye added that he was open to discussions regarding times and pour limits. Clm. Barbose asked Faye what his feelings were regarding establishment of definitions, operating standards and a use permit requirement. Faye responded that he felt the ABC license provided enough definition and distinguished between a tasting room and a bar. Regarding operating standards, he said he felt tasting room operators did a good job and operated in a respectful manner. Regarding a use permit requirement, he stated he felt businesses should be allowed to operate in a free market and there should be no limit on them.

Clm. Cook stated he did not believe there was a problem and that business could regulate itself. To try to regulate the tasting rooms would not be business friendly and he would not support it. It was moved by Cook, seconded by Clm. Rouse, to not proceed further with this item.

Item 8A: Possible regulation of wine tasting facilities, continued

Clm. Rouse stated his belief in the free market system and that there was enough diversity of shops on the Plaza. He did not feel there were too many wine shops and pointed out we do live in Wine Country. He stated the City did not have operating standards for Ben & Jerrys or the Basque Boulangerie and it was not fair to pick on tasting rooms. Clm. Rouse added that he did not think there was a problem and he did not want to create unintended consequences.

Clm. Barbose pointed out that the City did regulate real estate offices when it was felt there were too many on the Plaza and that it had been effective. He stated that just since discussions began, two additional tasting rooms had opened. He said he did not agree that the industry would regulate itself and he wanted to see definitions, operating standards and a use permit requirement.

Clm. Gallian stated that one of the reasons this came forward was because tasting rooms were an allowed use in any retail zone without any additional review. She stated she wanted to see definitions that applied to the Plaza Overlay Zone.

Mayor Brown stated he did not think it was the role of the Council to determine what kind of businesses go in. One area that concerned him were the hours of operation. Mayor Brown stated he would go along with staff's recommendation to forward the issue to the Planning Commission for preparation of a draft ordinance and pointed out that the Council was not wed to a particular outcome.

Clm. Cook's motion failed two to three, Councilmembers Barbose, Gallian and Brown dissented.

It was moved by Clm. Barbose, seconded by Clm. Gallian, to send this back to Planning Commission with direction to come back with definitions, operating standards and a use permit requirement. The motion carried three to two, Councilmembers Rouse and Cook dissented.

Item 8B: Discussion, consideration and possible first reading of an ordinance to amend Chapter 10.48 of the Sonoma Municipal Code relating to the regulation of parking on City streets.

**CITY OF SONOMA
PLANNING COMMISSION
REGULAR MEETING OF
Community Meeting Room, 177 First Street West
January 9, 2014
DRAFT MINUTES**

I hereby declare under penalty of perjury that the agenda for this meeting was posted on Friday, January 3, 2014, on the bulletin board outside the front of Sonoma City Hall, No. 1 The Plaza, Sonoma, California. Chair Roberson called the meeting to order at 6:30 p.m. in the Community Meeting Room, 177 First Street West.

Roll Call:

Present: Chair Roberson, Comms. Edwards, Felder, Tippell, Willers, Henevald, Howarth, Cribb (Alternate)

Absent:

Others Present: Planning Director Goodison, Senior Planner Gjestland, Associate Planner Atkins, Administrative Assistant Morris

Chair Roberson stated that no new items would be heard after 10:30 p.m. unless the Planning Commission so decides. Any decisions made tonight can be appealed within 15 days to the City Council. He reminded everyone to turn off cell phones and pagers. Comm. Henevald led the Pledge of Allegiance.

COMMENTS FROM THE PUBLIC: No Public Comments

APPROVAL OF MINUTES: Comm. Howarth made a motion to approve the minutes of November 14, 2013 with the changes noted. Comm. Edwards seconded. (Comm. Willers abstained) The motion was approved 6-0. Comm. Edwards made a motion to approve the minutes of December 12, 2013. Comm. Willers seconded. The motion was approved 5-2. (Comm. Howarth and Henevald abstained.)

CHANGES TO AGENDA ORDER: Item #7 postponed

CORRESPONDENCE: Late mail was received regarding Items #1, #3, #4. Jeffrey C. Holloway distributed correspondence at the dais.

Item #1 – Public Hearing – Consideration of amendments to the Development Code establishing definitions and zoning regulations for wine tasting facilities

Planning Director Goodison presented staff's report. He noted proposed changes to the allowance for food service that were distributed just prior to the meeting.

Comm. Howarth confirmed with staff that according to the ABC pre-packaged food items can be sold to customers at wine tasting rooms.

Comm. Felder asked staff to review the circumstances in which a use permit would be required for a wine tasting facility.

Comm. Tippell asked whether or not a formula business regulation could apply to a wine tasting facility. Planning Director Goodison stated that it was possible, but unlikely because most wine tasting facilities are oriented around a single winery.

Comm. Howarth suggested limiting events to twice a month with a maximum of 26 per year based on seasonality in order to recognize the seasonal nature of the business while preventing events from happening too many times during any given week.

Chair Roberson opened the public hearing.

Carla Noyes, local realtor, appreciates the role of the wine industry in Sonoma. She recommends placing a limit on number of tasting rooms in the Plaza rather than focusing on operational issues. She does not want to rely solely on the Police Chief's determination for the licensing of tasting rooms and wants more regulations in place from the City.

Maureen Cottingham, Wine Vintners Association representative, believes that many tasting room operators are winery owners and residents of the community that support the local economy. She stated that representatives of the industry have worked with staff and the Planning Commission in good faith to achieve a balanced approach.

Claudia Robbins, Preserving Sonoma committee member, feels that the expansion of wine tasting rooms would actually be welcomed by tourists and she supports more regulations. She suggests having only 30 tasting rooms in the Historic District and is concerned with the health and welfare of patrons. She believes that a majority of downtown businesses sell alcohol.

Beth Karbe, resident, (127 East Napa Street), stated that she works in the airline industry, and is of the opinion that a numerical limit on tasting rooms it would stifle the growth and atmosphere of Sonoma. She does not feel that tasting rooms are responsible for some of the negative comments associated with the wine industry in general and she feels safe living in downtown Sonoma.

Robert O'Maoilriain, (Erik K. James Winery), a business owner and local resident, operates his tasting room in the "alley in the alley" in the Mercato, off of First Street East. He would be grandfathered in under the proposed regulations; however, he is proud of businesses growth in the area and is concerned about how the proposed regulations would affect new businesses. He supports the unique experiences that are available in Sonoma, where there is a variety of choices for musical performances. He is proud that in the past few years the perception of the "unwanted alleyways" has been transformed with "urban tasting rooms" surrounding the Plaza. He does not believe that tasting rooms cause problems with respect to drinking and driving. He plays New Orleans jazz until 8:30 p.m., which is permitted with his music license. He feels that more rules will impact/limit his business operations.

John Parker, resident (310 Harkspur Road), supports entrepreneurs developing a following and he agrees with staff on the seasonal hours proposed. There are no menus at the tasting rooms and private events are by invitation only. He recognizes that changes are evolving in the wine industry and that rules need to work within the confines and respect the Community. He hopes the Commission is well prepared to make a decision.

Jason Cline, Roche, (122 West Spain St.), agreed with the proposed changes to food service but disagreed with a Use permit requirement. He has no intention to "morph into a restaurant" but would rather partner with downtown restaurants. He consulted with Sonoma County Health

Department about serving food. The ABC extensively regulates and punishes owners and servers for violating their rules.

Sam, Enterprise Vineyards, operates a small family owned winery and supports having sensible standards. His business objective is to convert visitors into wine customers.

Fred Allebach, resident, (19550 Eight Street East) agreed with Carla Noyes and Claudia Robbins that there are too many tasting rooms. He supports stricter guidelines and feels that a numerical limit should be considered as well.

Patricia Cullinan, resident, stated that she supports a use permit requirement for tasting rooms and suggested a handout that explains the variations on the wine tasting uses.

Les Waller, B&B owner, (Spain Street) believes the wine tasting experience attracts people to Sonoma.

Regina Baker, resident, is disappointed that the discussion focuses on the local economy relying on the successes of the wine tasting rooms. In her view, an over-reliance on wine-driven tourism is bad for the downtown as a whole and does not serve local residents. In her view, there should be a numerical limit on wine tasting facilities. She expressed the view that the wine industry has had too much input into the proposed regulations.

John Able, resident, (Center Street) is pleased that small businesses support each other by promoting a wine tasting experience.

Peter Spann, wine tasting room owner, noted that wine tasting facilities in the downtown are typically small businesses and that they usually occupy lower-rent spaces that are somewhat off the Plaza and that have traditionally been hard to fill.

Richard Idell, resident, local winery owner and County Advisory Committee member (PRMD), thanked staff and the Planning Commission for their time and the ongoing dialogue. He agrees with the proposed changes to food service but does not endorse a limitation on the number of tasting rooms because the wine industry is an integral part of the community, not an outside force. He sees a difference between the type 42 and the type 2 licenses as a basis for regulation and believes the revised changes having a positive impact for the public.

Jamie Powers, Sigh business owner, noted that she is one of the few businesses that operates under a Type 42 license.

Chair Roberson closed the public hearing.

Comm. Henevald confirmed that, as in the example of Sonoma Enoteca, wineries can joint together to serve from a single tenant space, with each winery having a type 2 license.

Comm. Tippell stated that it has been an informative process and that changes in the regulations are needed to keep pace with an evolving wine industry. He supports having limited food and supports the option of allowing seasonal hours at the wine tasting rooms.

Comm. Edwards concurs with Comm. Tippell and supports free enterprise and the use permit process. He is chiefly concerned with special events within tasting rooms. In general, he supports the changes that have been developed.

Comms. Willers, Felder, Tippell and Edwards agreed that square footage should determine some of the limitations for tasting rooms.

Comm. Edwards does not want tasting rooms to expand to accommodate large-scale special events.

Comm. Felder is concerned about hours of operation and does not believe that the late-night hours are consistent with the concept of a tasting room.

Comm. Howarth favors limiting tasting rooms, but questioned how the allowance for events such as wine-maker dinners would be monitored. He favors more oversight and is generally pleased with the proposed regulations as they have been developed.

Comm. Henevald confirmed with Planning Director Goodison that the limitations proposed only apply to wine tasting facilities.

Comm. Willers supports the concept of use permit review for certain types of wine tasting facilities. While he recognizes that these facilities are also subject to ABC oversight, this is not a substitute for review of such issues as land use compatibility and parking.

Chair Roberson thanked the public for their input. He stated that there appeared to a general consensus from the Planning Commissioners that a review of the Use Permit should be triggered when there are two reported ABC violations.

Comm. Felder stated that he would like to keep the tasting room hours at 7 p.m., with anything later being subject to use permit review.

Comm. Howarth expressed a preference for the seasonal hours option, as did Chair Roberson.

Comm. Willers's addressed the concept of a size threshold, suggesting that a threshold of 1,000 square feet should be used as a trigger for use permit review. In his view, the approach of allowing a small-scale tasting room with limited hours as a permitted use, while requiring use permit review for extended hours or larger-scale facilities was fair to small businesses while allowing appropriate oversight.

Chair Roberson took a straw poll on the issue of hours. Commissioners Felder, Heneveld and Willers supported the 7:00 p.m. closing time option. Commissioners Edwards, Howarth, Tippell and Roberson supported the "seasonal" closing time option.

Comm. Edwards made a motion to forward the draft regulations to the City Council with the following revisions: 2 ABC violations within a 5 yr. period & space over 1,000 square feet triggers a Use permit review, seasonal hours, approval of the revised language for allowable food service. Comm. Willers seconded. The motion was approved 6-1. Comm. Felder opposed.

Item #2 – Public Hearing – Consideration of an Exception to the fence height standards to allow over-height fencing within the front and street-side yard setbacks of a residential property at 639 Third Street West

Applicant/Property Owner: Montoya and Associates/Diann Sorenson

Planning Director Goodison presented staff's report.

Draft Code Changes Establishing Definitions and Regulations for Wine Tasting Facilities and Wine Bars/ Tap Rooms

Changes to Article VIII (Definitions)

19.92.020 Definitions, “W”

Wine Tasting Facilities. “Wine Tasting Facilities” encompass “Wine Tasting Rooms, Limited” and “Wine Tasting Rooms, Extended”, as set forth in section 19.50.XXX. A “Wine Tasting Facility” means an establishment licensed under a Winegrower Type 2 License issued by the California Department of Alcohol Beverage Control that sells wine and related products and enables customers to taste wine (with and without charge) on behalf of a single winery or, as a cooperative venture, multiple wineries, as a regular part of the sales process of the winery’s products, either as the sole occupant of a tenant space or as part of a larger retail establishment engaged in the sale of products other than wine. Food may be provided if it is pre-prepared off-premises, or prepared by a caterer under the caterer’s license either off premises or on-premises in facilities approved by the Sonoma County Department of Health Services. Food provided to the general public shall be subject to the following limitations: 1) food items are made off-premises; 2) food items provided for consumption on-site shall be pre-packaged items made available strictly in conjunction with and ancillary to the wine tasting experience; and, 3) the establishment is not a restaurant. Nothing in this definition or elsewhere in the Development Code pertaining thereto is intended to limit the rights and obligations imposed by the Alcohol Beverage Control with regard to issuance of a Winegrower Type 2 license. Additional standards and regulations applicable to this use are found in Section 19.50.120.

Wine Bar/Tap Room. “Wine Bar/Tap Room” means an establishment operating with a Type 42 License issued by the California Department of Alcoholic Beverage Control Board devoted to the sampling and sale of wine and/or beer produced by one or multiple wineries or breweries for consumption on- or off-premises. Food may be served provided that: 1) food items are made off-premises; 2) the facilities are approved by Sonoma County Department of Health Services; 3) food items provided for consumption on-site limited to cheeses, crackers, charcuterie and similar items made available strictly in conjunction with and ancillary to the wine tasting experience; and, 3) the establishment is not a restaurant. Nothing in this definition or elsewhere in the Development Code pertaining thereto is intended to limit the rights and obligations imposed by the Alcohol Beverage Control with regard to issuance of a Type 42 license. Additional standards and regulations applicable to this use are found in Section 19.50.120.

Changes to Article 19.50 (Special Use Standards)

Operating Standards and Additional Use Permit Findings

19.50.120—Wine Tasting Facilities. This Section sets forth requirements for the establishment and operation of Wine Tasting Facilities (Wine Tasting Rooms, and Wine Tasting Rooms, Limited) in zoning districts where they are allowed by Section 19.10.050 (Allowable Land Uses and Permit Requirements).

A. *General requirements.* All Wine Tasting Facilities shall be subject to the following requirements:

1. For use permit and building permit applications for any wine tasting facility, the description of the premises shall match that provided to and approved by the California Department of Alcoholic Beverage Control.
2. On-going compliance with applicable requirements and licensing of the California Department of Alcoholic Beverage Control and the Sonoma County Health Department is required.
3. Hours for visits by appointment and by invitation only wine functions (e.g., wine club events, marketing lunches, and wine-maker dinners) shall not exceed 8:00 a.m. to 10:00 p.m.

B. Wine Tasting Rooms, Limited. Wine Tasting Rooms, Limited shall be subject to the following requirements:

1. Wine tasting service is limited to a single winery.
2. Hours of operation for general public access shall not exceed 11 a.m. to 7 p.m. for the period of November 1 to March 30 and 11 a.m. to 9 p.m. for the period of April 1st to October 31st.
3. Invitation-only functions shall be limited to no more than 26 per year and no more than two times per week.
4. If operated as a stand-alone use, the size of the premises shall not exceed 1,000 square feet.
5. If operated as an accessory use located within a larger retail establishment, the area devoted to the use shall not exceed 33% of the gross area of the tenant space or 1,000 square feet, whichever is smaller.
6. Any proposal to exceed the thresholds set forth above shall constitute a change to “Wine Tasting Room, Extended” and shall be subject to use permit review pursuant to section 19.54.040 of the Development Code.

C. Wine Tasting Rooms, Extended. Wine Tasting Rooms, Extended shall be subject to the following allowances and requirements:

1. Hours of operation for general public access shall not exceed 11 a.m. to 10 p.m., although more restrictive hours may be imposed through the use permit review process.
2. Issuance of a use permit by the Planning Commission pursuant to section 19.54.040 of the Development Code.

19.50.130—Wine Bars/Tap Rooms. This Section sets forth requirements for the establishment and operation of Wine Bars/Tap Rooms in zoning districts where they are allowed by Section 19.10.050 (Allowable Land Uses and Permit Requirements).

A. General requirements. All Wine Bar/Tap Rooms shall be subject to the following requirements:

1. For use permit and building permit applications for any Wine Bar/Tap Room, the description of the premises shall match that provided to and approved by the California Department of Alcoholic Beverage Control.
2. On-going compliance with applicable requirements and licensing of the California Department of Alcoholic Beverage Control and the Sonoma County Health Department is required.
3. Hours of operation for general public access shall not exceed 11 a.m. to 10 p.m., although more restrictive hours may be imposed through the use permit review process.

B. Additional Use Permit Findings. In addition to the findings set forth in section 19.54.040, the approval of a use permit for a Wine Bar/Tap Room shall be subject to the following additional findings by the Planning Commission:

1. The proposed use will not adversely affect the welfare of the area residents, or result in an undue concentration of establishments dispensing alcoholic beverages in the area.
2. The proposed use is located at an appropriate distance from:
 - a. Potentially sensitive or incompatible uses such as religious facilities, schools, public parks and playgrounds, and other similar uses; and
 - b. The size and proposed activity level of the use will be compatible with the uses in and/or character of, the surrounding area.
3. The proposed use would provide a service not currently available in the area that it would serve; or, unique or unusual circumstances justify a new Wine Bar/Tap Room in a location where there are similar uses nearby.