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*Item 23
rec'd @ P.C.
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Board of Legal Specialization*

August 21, 2017

Solano County Board of Supervisors
John Vasquez, Chairman
Erin Hannigan, Vice-Chairwoman
Monica Brown
Jim Spering
Skip Thomson
675 Texas Street, Suite 6500
Fairfield, CA 94533-6352

**RE: An Application for OUTDOOR FESTIVAL LICENSE
(Pursuant to Solano County Code Section 3-3)**

Dear Chairman Vasquez and Supervisors Hannigan, Brown, Spering and Thomson:

This letter is submitted in support of Vezer's request for a licence to hold concerts and to clarify the consistency of the events with the Suisun Valley Plan, and emphasize the economic impact the goal of the concerts (selling wine) has on the local economy.

Vezer's concerts are one of the most successful marketing strategies for bringing a good upscale crowd to Suisun Valley, with the goal of selling wine. The proposal is to hold concerts in one of the designate Agricultural Tourist Centers for the purpose of attracting people to Suisun Valley and selling them wine.

The events attract new people to the Valley, as wine club members, their guest, and guest of residents, as well "first timers" are drawn to the valley by the concerts. Vezer has been successful in getting attendees to return to Vezer and the Valley and to join the Vezer wine club.

These events are consistent with the Suisun Valley strategic plan goals of:

1. Position Suisun Valley as a viable agri-tourism destination.
2. Expand awareness of Suisun Valley as a local source for food, wine, and other related businesses.
3. Strengthen cooperation among growers, wineries, and other related businesses to increase profitability.

Selling quality Suisun Valley wine is the best value added commerce available. Per acre Suisun Valley wine is far more profitable and beneficial to the local economy than simply selling the grapes.

If grapes are sold, one acre produces 5 tons at \$1,250.00 a ton or \$6,250.00 to Solano County and the rest of the wine/grape revenue goes out of County with the grapes.

The same acre of grapes can produce 800 gallons of Suisun Valley wine or 333 cases. At a modest \$20 per bottle this same acre produces \$80,000. At \$37.50 a bottle (an average) the acre yields \$150,000. Grapes made into Vezér's upper end wines can produce up to \$300,000 per acre, which stays in Solano County. This value added difference is why selling wine not grapes is a focus of the plan.

Selling wine generates wine making jobs, cellering jobs, marketing jobs and tasting room jobs, as well as the farming jobs. Selling grapes we just simply employ farm workers.

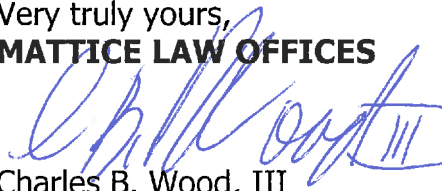
Restricting these wine marketing events transgress four of eight priorities from the General Plan. The priorities violated are:

- Improve farm production and income;
- Create agri-tourism serving centers;
- Enable value-added agriculture;
- Maintain flexibility for future enterprises

We have also attached a "Google Map" that demonstrates sound travel during the 5/27/17 concert. At the Vezér Chateau, 3/4 mile from the venue, the noise from wind in the trees tended to drown out the noise from the concert so that the sound of the concert was virtually inaudible except during lulls in the wind when it was barely audible.

We respectfully request your favorably consideration.

Very truly yours,
MATTICE LAW OFFICES


Charles B. Wood, III



This exhibit shows the location of sound measurements taken at the Vezer Chateau about $\frac{3}{4}$ mile from the concert venue. RDG's Accoustic reported that on 5/27/17 at the Chateau, the noise from wind in trees tended to drown out the noise from the concert so that the sound of the concert was virtually inaudible except during lulls in the wind when it was barely audible. The sound level of 54 dBA was measured at the Chateau during the concert. The dominant noise sources were wind in the trees and car passbys. The lowest noise level observed was 42 dBA and at that time the wind was calm and music from the venue was audible.

















Michelle Chavez

From: Laura Brasfield [laura@vezer.com]
Sent: Tuesday, August 22, 2017 9:39 AM
To: Michelle Chavez
Cc: Charles Wood
Subject: Fwd: Outdoor Festival Application

Can you print asap and bring to chuck??

Laura Brasfield

----- Forwarded message -----

From: <pattyritchie@yahoo.com>
Date: Tue, Aug 22, 2017 at 8:19 AM -0700
Subject: Outdoor Festival Application
To: "laura@vezer.com" <laura@vezer.com>

Our names are Robert and Patricia Ritchie. We are Suisun City residents and are extremely active in our community. We have sat on the executive board of the Suisun City Historical Waterfront Business Improvement District for the last three years, as it is important to us to promote the growth and success of the businesses in our area. We are members of several wineries in the valley, including Vezzer, GV Cellars, Rock Creek, Back Road Vines, and Wooden Valley. We enjoy the events that are put on by the wineries during the summer weekends, and we often bring out-of-town guests to enjoy the concerts. We also attend the music events at the farmer's market ("La Grange") held out on Green Valley Road. Our guests and I purchase wines, food and other items offered for sale during all of the music events in the valley, thereby supporting the economic growth in our area. The music events start early and end early, and they are always peaceful and enjoyable experiences. The music volume is low enough to allow those attending to engage in conversation while the musical artists are performing. It would be a shame if our valley was no longer permitted to put on these wonderful events and residents and visitors had to go out of the area on weekends to be able to enjoy music events. It would be a great loss to our valley.

Robert and Patricia Ritchie
Suisun City, California



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period

August 22, 2017

Solano County Board of Supervisors
675 Texas Street, Suite 6500
Fairfield, CA 94533

Re: File #17-613 (Vezer Concert Series)

Dear Honorable Supervisors,

We have been working with Vezer Family Vineyards for many years in order to promote and grow tourism travel in Fairfield and surrounding areas. Fairfield has a variety of offerings for our visitors, however, the summer concert series has been an incredible ongoing destination for locals and tourists alike. It provides a positive and unique visitor experience that is crucial to the long-term viability of a destination's attractiveness to potential visitors.

Tourism is a vital part of Solano County's economy. Tourism employed **8,170 people** in Solano County in 2016. Tourism generated **\$663.4 million** in direct visitor spend in Solano County resulting in **\$52.8 million** in state and local tax revenues. That's **\$350** per household in Solano County! All these numbers have had substantial growth in the last decade, most of which attributed to the continued growth of tourist related attractions and events such as Vezer's concert series, in addition to greater tourism marketing efforts of the Vallejo, Vacaville, and Fairfield tourism promotion entities.

Vezer Family Vineyards has done an incredible job in promoting its winery and the Suisun Valley wine region, in turn, raising the awareness of the region attracting national brands such as E&J Gallo Wines and Wagner Family of Wines (operating as Caymus Vineyards) to the region. Solano County is in need of more events such as these in order to continue the success we have attained with the help of wineries such as Vezer Family Vineyards.

The Fairfield Conference & Visitors Bureau strongly supports passage of this application. Thank you.

Regards,

A handwritten signature in blue ink, appearing to read "Anand Patel".

Anand Patel
President/CEO
Fairfield Conference & Visitors Bureau

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Conditions of Approval for 2522 Mankas Corner Rd.

Chairman Vasquez and Members of the Board,

The reason we are here today is because the Applicant did not obtain all necessary land use approvals and did not fully comply with the Solano County Zoning Ordinance.

For the last 3¹/₂ years, the Applicant has held concerts and events in violation of the zoning ordinance for Agritourism (Ordinance No 2012, Chapter 28: ZT-11-02 & Z-11-08) in that our Agritourism definition does not allow commercial amusement and entertainment uses, such as musical entertainment, amphitheater or theater entertainment facilities for the performance of concerts or other entertainment events.

This action is an attempt to legalize the remaining concert events planned for 2017 by issuing a festival license. However, concerts are not legal in the unincorporated county and have no nexus with agriculture.

This location only had use permits for the restaurant and tasting room. The small outdoor garden area has been utilized for public gatherings of up to 400 or more people. This location lacks sufficient legal parking.

Amplified voice or music is intrusive in an agricultural community. The upper Suisun Valley is very quiet. Amplified sounds originating from Mankas Corner, as well as the applicants other location, the Blue Victorian, carry over one mile.

Tourist uses must meet the applicable development standards including providing off-street parking in accordance with Section 28-55, and shall have ingress and egress designed so as to avoid traffic congestion and hazards.

We have witnessed traffic congestion, human and traffic hazards in this location. We have seen near misses between vehicles traveling in opposite directions, and unsafe conditions with pedestrians walking in traffic lanes.

Infrastructure is not adequate to handle regular local & commuter traffic. Mankas Corner was to be improved before increased numbers of tourist could be accommodated. Road resurfacing improvements have done nothing to improve traffic flow in this area. It created 8 new parking spaces in the Right-of-Way across from the restaurant. Due to the lack of space, bicycle lanes must merge with traffic lanes where the road bends adjacent to this location.

Existing bicycle lanes on the east-west portion of Mankas Corner between the elementary school and the Applicant's property are consistently used for vehicle parking. The Applicant wants to continue using the street for parking, even though 8 ft. wide shoulders

have not been developed as planned, with 4 ft. paved and 4 ft. of crushed granite for safe pedestrian traffic.

There has been no land acquisition to accommodate new commercial and tourist uses at Mankas Corner. There are between 30 and 40 parking spaces in the area. Up to 225 vehicles have been counted during concert and events, many of which were illegally parked due to lack of shoulders.

During the planning stages of the SVSP, participants stated that roads in the valley do not adequately support agricultural truck traffic. Abernathy Road has flooding problems, as well as Mankas Corner Rd. In January 2017, Ledgewood Creek flooded the traffic lanes where the Applicant wants to have parking.

AGRICULTURAL TOURIST CENTERS

In planning for a sustainable Solano County in 2007, goals and policies developed for the Suisun Valley area were incorporated into the Agriculture Chapter to be applied in various regions of the county. The main issues discussed during those meetings were maintaining agricultural character, improving agricultural production and income from production, the creation of agricultural tourist centers, and providing infrastructure to support proposed uses.

Participants of the planning process thought that appropriate zoning and prevention of incompatible uses were important in achieving this goal.

All 8 areas designated for ATC's have obstacles to overcome if they are ever to be realized. Mankas Corner was the first ATC to be developed, however, development was dependent upon land acquisition.

Therefore, expanding the 150-person capacity of allowing any public gathering beyond the current capacity, creates a public safety hazard.

Code Enforcement's goal is to protect the health and safety of people who live in, work in, and visit Solano County. We have just one code enforcement officer for the county. The county has lacked a strong enforcement action plan, and now is facing enforcement issues. Priority response that should be given to threats to public health and safety have not occurred.

We asked County Counsel to strengthen the County's enforcement response. The Applicant was told to cease and desist last year but was allowed to have his final 2 concerts. But when this years concerts were advertised for 2017, the County ignored the problem again.

There is no process for issuing demand letters or penalties for non-compliance. Although legal actions take a great deal of time and effort, they are a necessary tool for successfully bringing uncooperative property owners into compliance.

In the past 2 years, citizens have taken steps to be more involved in the effort to reduce code violations, because county staff would not come out here to see the violations.

Even after contacting the CHP last year, the Applicant failed to obtain temporary event permits. He tried moving the concert location to the Blue Victorian, however, that location has even less parking. In its 2009 use permit, parking on Suisun Valley Road was prohibited.

Thank you for this opportunity to speak,

Mary Browning
Mary Browning
Suisun Valley