



**FILE:** DRH21-0010

**DATE:** May 31, 2023

**TIME:** At or after 10:00 am

**STAFF:** Hannah Spencer, Project Planner

**SUMMARY**

**Property Owner:** Kenwood Ranch, LLC

**Applicant:** Kenwood Ranch Winery, LLC

**Address:** 1180 Campagna Lane, Kenwood

**Supervisory District(s):** 1

**APN:** 051-260-013

**Description:** Design Review for Phase II Proposed Winery with vested rights. The Applicant requests approval of certain design modifications to the winery buildings and associated site improvements on a 16.73-acre parcel. The proposed design is based on the conceptual design as described in the EIR, with modifications made to comply with certain conditions of approval and other minor changes.

**CEQA Review:** Addendum No. 2 to the Final Environmental Impact Report for Sonoma Country Inn certified May 2004

**General Plan Land Use:** Diverse Agriculture

**Specific/Area Plan Land Use:** N/A

**Ordinance Reference:** Sec. 26-64-030 Scenic Corridors (Scenic Resources)  
Sec. 26-65-040 (Riparian Corridor)  
Sec. 26-82-020 & -050 (Design Review)  
Sec. 26-90-120 (Taylor/Sonoma/Mayacamas Mountains Local Guidelines)

**Zoning:** DA (Diverse Agriculture) B7 (Frozen Lot Size), RC50/25 (Riparian Corridor with 50-foot min. conservation setback and 25-foot min. agricultural setback), SR (Scenic Resources)



## **RECOMMENDATION**

The Permit Resource and Management Department (Permit Sonoma) recommends that the Design Review Committee (DRC) approve the Addendum No. 2 to the 2004 Final Environmental Impact Report, approve the Phase II Proposed Winery design, colors and materials as presented, and approve the landscaping and landscape lighting plans.

## **EXECUTIVE SUMMARY**

On November 2, 2004, the Board certified a Final Environmental Report and approved a use permit for the winery and tasting room on the parcel, currently identified as APN 051-260-013. The winery and tasting room use permit is part of a larger project approved under File No. PLP01-0006 (formerly known as “The Sonoma Country Inn”) which included rezoning, a General Plan amendment, an 11-lot subdivision map, lot line adjustment and a separate use permit for 50 room inn, spa and restaurant as documented in Board Resolution No. 04-1037. In October 2007, the County determined that the Use Permits for the inn, spa and restaurant, winery and residential subdivision were vested. The rezoning, General Plan amendment, subdivision, lot line adjustment portions of the PLP01-0006 project have completed. Construction related to the Phase I Proposed Resort use permit is currently underway.

Kenwood Ranch, LLC is requesting Final Design Review for the Phase II Proposed Winery use permit to satisfy File No. PLP01-0006 Winery Use Permit Final Conditions of Approval and Mitigation Monitoring Program. The Phase II Proposed Winery includes a 10,000 case per year winery with a public tasting room, retail wine sales, and 20 special events per year with a maximum of 200 persons in attendance, 147 parking spaces, and a 3,000 square foot Country Store. As part of the Final Design Review request, the Applicant requests approval of certain design modifications to the winery buildings and associated site improvements. The proposed design is based on the conceptual design as described in the 2004 Environmental Impact Report (EIR), with modifications made to comply with certain conditions of approval and other minor changes.

In accordance with CEQA Guidelines Section 15164, subdivision (a) and Section 15162, subdivision (a), an Addendum (Addendum No. 2) to the Sonoma Country Inn Project Final Environmental Impact Report (State Clearinghouse Number: 2002052011) certified May 2004 (“EIR”) has been prepared and is provided under Attachment 5. The Addendum No. 2 analyzes the design changes requested for the Phase II Proposed Winery to determine whether the changes will result in new or more severe environmental impacts than those analyzed in the EIR and approved in 2004. The Addendum No. 2 concludes the Phase II Proposed Winery design does not cause new significant environmental effects or substantial increases in the severity of a significant environmental effect identified in the EIR.

Staff recommends that the Design Review Committee approve Addendum No. 2 to the 2004 Final Environmental Impact Report, approve the Phase II Proposed Winery design, colors and materials as presented; and approve the landscaping and landscape lighting plans. The Committee’s review is limited to the design aspects and compliance with related Conditions of Approval for File No. PLP01-0006.

## **PROJECT SITE AND CONTEXT**

### ***Background***

On November 2, 2004, the Board certified a Final Environmental Report and approved a use permit for the winery and tasting room on the parcel, currently identified as APN 051-260-013. The winery and tasting room use permit is part of a larger project approved under File No. PLP01-0006 (formerly “Sonoma Country Inn”)



which included rezoning, a General Plan amendment, an 11-lot subdivision map, lot line adjustment and a separate use permit for a 50-room inn, spa and restaurant as documented in Board Resolution No. 04-1037.

The Board made a Statement of Overriding Considerations finding that not all impacts could be fully mitigated but that the project was valuable on its own merits. The three documents reflecting this decision are:

Impacts That Were Fully Mitigated (Exhibit A)

Impacts That Could Not Be Fully Mitigated (Exhibit B)

Statement of Overriding Considerations (Exhibit C)

These documents are provided under Attachments 7, 8 and 9. Note that scenic and traffic issues were in the list of impacts that could not be fully mitigated.

A CEQA lawsuit challenging project approval and certification of the EIR was decided in the County’s favor in the Court of Appeal in 2006. In October 2007, the County determined that the Use Permits for the inn, spa and restaurant, winery and residential subdivision were vested. The rezoning, General Plan amendment, subdivision, lot line adjustment portions of the PLP01-0006 project have completed. The subject Phase II Proposed Winery property is “Lot 12” of the Sonoma Country Inn Subdivision recorded on December 20, 2011 in Book 748 of Maps, Pages 12 – 31 of Sonoma County Records.

On March 27, 2018, the Board of Supervisors denied an appeal by the Valley of the Moon Alliance from a decision of the Planning Commission, approved Addendum No. 1 to the 2004 Environmental Impact Report (EIR) and approved final design review for the 50-room inn, spa, and restaurant use permit under Board Resolution No. 18-0115 (File No. DRH16-0006). Construction related to the Phase I Proposed Resort use permit is currently underway.

The property changed ownership in December 2014 and again in August 2020. On December 28, 2021, Kenwood Ranch, LLC, the current landowner, filed an application with Permit Sonoma requesting Final Design Review for the Phase II Proposed Winery use permit to satisfy Board Resolution No. 04-1037 Exhibit “F” File No. PLP01-0006 Winery Use Permit Final Conditions of Approval and Mitigation Monitoring Program Condition No. 97 c. which states: *“Prior to building permit issuance for the winery grading plan, development plan, landscaping plan, sign plan, elevations, and colors and materials shall receive review and approval of the Sonoma County Design Review Committee.”* The Phase II Proposed Winery includes a 10,000 case per year winery with a public tasting room, retail wine sales, and 20 special events per year with a maximum of 200 persons in attendance, 147 parking spaces, and a 3,000 square foot Country Store. As part of the Final Design Review request, the Applicant requests approval of certain design modifications to the winery buildings and associated site improvements. The proposed design is based on the conceptual design as described in the 2004 EIR, with modifications made to comply with certain conditions of approval and other minor changes.

In accordance with CEQA Guidelines Section 15164, subdivision (a) and Section 15162, subdivision (a), an Addendum (Addendum No. 2) to the Sonoma Country Inn Project EIR (State Clearinghouse Number: 2002052011) certified May 2004 has been prepared and is provided under Attachment 5. The Addendum No. 2 analyzes the design changes requested for the Phase II Proposed Winery to determine whether the changes will result in new or more severe environmental impacts than those analyzed in the EIR and approved in 2004.



**Area Context and Surrounding Land Uses**

Direction	Land Uses
<b>North</b>	Undeveloped lots created by the Sonoma Country Inn Subdivision and the upper plateau of the 50-room inn parcel (currently under construction). The properties are subject to an Open Space Easement. Further north is Hood Mountain Regional Park.
<b>South</b>	The lowland portion of the 50-room inn parcel (currently under construction) which is subject to an Open Space Easement. The lowland portion of the inn parcel is vegetated with grasslands and scattered oaks and features Valley Oak and riparian corridor preserves and borders Hwy 12.
<b>East</b>	A mix of residential and agricultural properties with vineyards.
<b>West</b>	Undeveloped lots created by the Graywood Ranch Subdivision, agricultural and rural residential uses.

**Significant Applications Nearby**

Construction is underway for the Phase I Proposed Resort (File No. PLP01-0006 & DRH16-0006) north of the winery parcel; located at 900, 1200, 1202, and 1204 Campagna Lane, Kenwood, APN 051-260-014.

**Access**

Access to the winery complex is via Campagna Lane, an existing paved 22-foot-wide road that connects to Highway 12. Two driveways will serve the winery and allow two paths of access for ease and emergency purposes. A driveway on the south side of the winery buildings will skirt a septic field to service the marketplace back of house and will include fire-approved turnarounds. Another driveway will proceed through the primary parking area and wrap around the northern winery buildings to the service court (near the service buildings) and the area behind the cold storage building. Grass paving areas will allow emergency vehicles to access the entire driveway system as a loop, including turnaround areas. Driveways will be paved with concrete, gravel, and asphalt and will comply with all applicable standards.

**Wildfire Risk**

The Phase II Proposed Winery Site is located within a State Responsibility Area (SRA) and a Very High Fire Hazard Severity Zone (VHFHSZ), as determined by CAL FIRE (CAL FIRE 2007, 2022 [as proposed, but not yet approved]). Currently, the northern portion of the property is designated as VHFHSZ and the southern portion as Moderate FHSZ. Since the 2004 EIR was prepared and certified, two fires have impacted the 2004 Project Site: the 2017 Nuns Fire and the 2020 Glass Fire.

New construction on the site must conform to County Fire Safe Standards and Wildland Urban Interface building requirements. Fire Safe Standards include building requirements related to fire sprinklers, stairways to roofs, fire apparatus access roads, door panic hardware, fire resistant stairway enclosures, emergency water supply, and defensible space. Structures in Wildland Urban Interface zones are required to be built with exterior construction that will minimize the impact on life and property and help structures to resist the intrusion of flames and burning embers projected by a wildland fire and contributes to a reduction of losses. All development permits must be reviewed and approved by the County Fire Marshal/Local Fire Protection District prior to issuance.

Conditions of Approval No. 77 through 83 of Board Resolution No. 04-1037 Exhibit “F” (File No. PLP01-0006 Winery Use Permit Final Conditions of Approval) are related to reducing the risk of wildfire. Conditions require the applicant to submit a vegetation management plan for Permit Sonoma Fire Prevention review and approval, comply with Fire Safe Standards and Uniform Building Code requirements for access, install water supply and



fire sprinkler systems, install fire hydrants, use non-flammable roofs, and install Knox locks to facilitate emergency access to the site.

The 2004 EIR was prepared prior to the inclusion of wildfire impacts as a standalone topic of consideration in CEQA Guidelines, and impacts of wildfire were not considered. The Phase II Proposed Winery includes extensive construction-related and operational wildfire protection and evacuation measures. An analysis and associated appendices have been prepared to respond to the requirements of the California Environmental Quality Act; best practices and recommendations provided by technical experts in the fields of wildfire prevention, management, evacuations, and response; and the recently released State of California Office of the Attorney General Guidance related to Best Practices for Analyzing and Mitigating Wildfire Impacts of Development Projects under the California Environmental Quality Act (see Addendum No. 2 under Attachment 5).

### ***Water/Wastewater/Utilities***

#### **Water Supply:**

The Phase II Proposed Winery will be served by an existing well that was constructed in 2002 under Well Permit No. WEL02-0260. The Winery Well is located just north of the proposed winery. For the winery and events pavilion (pavilion later eliminated), water demand was assumed to be 90 percent of the peak wastewater flow, plus an allowance of 3,000 gpd for landscape irrigation in the Draft EIR. The Winery Well would supply approximately 5,000 gpd (5.6 AF/year) for use at the winery and events center and associated landscaping needs. Landscape irrigation needs were approximate since the exact landscaping plan had not yet been developed.

Based on the 2002 Richard C. Slade hydrogeological report, which provided the basis for the water use and supply data in the EIR, the two wells on the Phase II Proposed Winery parcel (including the Phase I Resort Well) will have enough capacity to support the entire PLP01-0006 project and not impact the aquifer or neighboring wells in normal and drought years. Resolution 04-1037 found the winery impacts on water supply to be less than significant without mitigation. Operations at the winery will not be substantially different than those assessed in the previous approvals. The Addendum No. 2 concludes the Phase II Proposed Winery proposed design does not create any change which would cause a new or substantially more significant environmental effect on groundwater because of increased water use, compared to the conceptual design. Design measures are incorporated into the winery design to reduce water consumption, including using steam and high-pressure water with UV light to sanitize tanks and barrels, reducing the overall water demand. Process wastewater recycling will also reduce water demand. Thus, impacts to water supply will not be more significant with the revised winery design than previously assessed.

#### **Domestic Wastewater:**

The Phase II Proposed Winery will recycle process and domestic wastewater and utilize it as irrigation water. Process wastewater produced in the winemaking process and domestic wastewater produced at the tasting room, country store, and event center will be treated in two separate treatment systems, each with dedicated disposal fields as backup to the landscape irrigation use. Wastewater treatment equipment is housed in the proposed 'Wastewater Shed' located within the preapproved Septic Envelope of the Sonoma Country Inn Subdivision.

The proposed treatment systems will be packaged treatment plant membrane bioreactors (MEMPACMini), manufactured by Cloacina. The proposed membrane bioreactors follow the guidelines set forth in the EIR and conform to COA No. 55 of Board Resolution No. 04-1037 Exhibit "F" (File No. PLP01-0006 Winery Use Permit



Final Conditions of Approval) to the greatest extent possible. While a Smith and Loveless “FAST” treatment system was proposed previously (in the EIR and COA No. 55) for treating domestic wastewater and a Techqua Winery Wastewater System (now defunct) was proposed for treating process wastewater, the Cloacina MEMPAC-Mini will achieve a higher degree of treatment in a smaller footprint.

**Renewable Energy System:**

The Phase II Proposed Winery’s primary parking area includes solar canopies over 42 percent (62 of 147 spaces) of the parking spaces. Solar panels will also be placed on the rooftops of the two service buildings. This is an accessory renewable energy system, defined as a renewable energy system designed to supply “not more than 125% of the calculated energy demand for all legally established onsite uses”. Accessory solar facilities are a permitted use in all zoning districts. (SCC § 26-88-200.) The goal of the winery’s solar program is to make the winery “net zero” in energy usage. Due to the solar panels’ placement in the parking lot and on service buildings, they would be blocked by other winery buildings and would not be visible from public viewpoints on Highway 12.

***Agricultural Conditions/Land Encumbrances/Contracts***

The subject property and surrounding properties created by the Sonoma Country Inn Subdivision are encumbered by an Open Space Easement (“OSE”) held by the Sonoma County Agricultural Preservation and Open Space District (“District”), recorded under Document No. 2012-05803 of Sonoma County Records. On June 10, 2022, the District approved design plans for the Phase II Proposed Winery, including the placement of wastewater treatment facilities, utility sheds, a transfer tank, a pedestrian pathway, a driveway, and a small parking area outside of the OSE building envelope (see Attachment 14).

The property is not subject to a Williamson Act contract.

***Other Environmental Conditions***

The property is subject to a Vegetation Management Plan prepared by WRA Environmental Consultants in 2009. The Vegetation Management Plan provides for guidelines for the protection and management of woodland, forest, riparian, chaparral, wetland, and grassland habitat within the Sonoma Country Inn (now “Kenwood Ranch”) project site which includes the winery parcel. The Vegetation Management Plan was prepared in accordance with requirements in the 2004 EIR and the PLP01-0006 Conditions of Approval. Implementation of the Vegetation Management Plan is underway and is required to be fully implemented prior to occupancy of any building on the project site. Monitoring and long-term maintenance will be performed as required by the Vegetation Management Plan.

**Riparian Corridor and Grassland Preserve:**

There is a riparian corridor and a grassland preserve identified on Lot 12 (subject property) of the Sonoma Country Inn Subdivision map. The riparian corridor is also subject to Article 65 (Riparian Corridor Combining Zone) of the Zoning Code. Design plans for the Phase II Proposed Winery comply with the riparian corridor 50-foot setback from top of bank and all improvements are located outside of the grassland preserve area.

After final design plans are approved for Phase II Proposed Winery, the landowner is required to apply for a zoning permit in accordance with Section 26-65-030 of the Zoning Code prior to removing soil from within the Riparian Corridor setback (adjacent to the winery site). During a prior owner’s tenure, contractors stockpiled



approximately 2,800 cubic yards of soil on the winery site and placed approximately 280 cubic yards within the Riparian Corridor.

#### Plants:

The area between Highway 12 and the Phase II Proposed Winery is open grassland interspersed with mature and newly planted California Valley oak trees, with a portion of this area protected as a valley oak preserve. Approximately 120 oak trees were planted in 2021 between Highway 12 and the Phase II Proposed Winery Site as required by the 2004 conditions of approval and the 2009 Vegetation Management Plan to screen future winery buildings.

The applicant proposes to remove trees within the grading limits of the Phase II Proposed Winery project. Currently, a total of 74 trees are proposed for removal, consistent with the EIR estimate of removal of 70 to 120 trees.

The EIR identified potential significant effects on the two populations of special status plant species known to occur on the site, narrow-anthered California brodiaea (*Brodiaea leptandra*) and Sonoma ceanothus (*Ceanothus sonomensis*). The Phase II Proposed Winery design is consistent with the Mitigation Measure 5.6-1(a),(b) and (c). A special biotic preserve has been created outside of the building envelopes, and the Sonoma ceanothus population would be avoided by the proposed design.

#### Animals:

Subsequent site review conducted by Macmillan and Peron-Burdick in 2022 has determined that the Phase II Proposed Winery site provides suitable nesting habitat for passerine (i.e., songbird) species that are protected by the Migratory Bird Treaty Act, potential roosting habitat for special-status bats, and could intermittently provide habitat for American badger (*Taxidea taxus*), which is a California Species of Special Concern. There is a low possibility that construction period impacts may occur to these species. To further reduce potential impacts to any nesting bird species, special-status bats, and American badger, the project includes three Voluntary Conditions that are consistent with current BMPs for protection of special-status wildlife. These potential impacts are further analyzed in the Addendum No. 2 and are summarized below.

- **Nesting Birds:** Potential impacts to nesting raptors were addressed in the 2004 FEIR with mitigation provided and are not revisited here. In addition, grassland and woodland habitats on and adjacent to the Proposed Phase II Winery provide nesting habitat for a variety of common passerine birds that are protected under the MBTA. In response, the applicant has agreed to the Voluntary Condition of Approval No. 3 in the *Letter to Georgia McDaniel, Permit Sonoma, from Law Offices of Tina Wallis, Inc.*, March 23, 2023 (Attachment 15). This condition of approval will include passerine birds in preconstruction avian surveys to further reduce impacts to any nesting bird species. This additional measure will further reduce impacts to wildlife.
- **Special Status Bats:** Recent reconnaissance surveys did not identify active bat roosts on the Proposed Phase II Winery Project Site, however, the surveys concluded that several species of protected bats may roost in mature trees, and especially within larger oaks on the site (Macmillan and Peron-Burdick 2022). Regionally occurring special-status bat species include pallid bat (*Antrozous pallidus*), Townsend's big-eared bat (*Corynorhinus townsendii*), fringed myotis (*Myotis thysanodes*), and long-legged myotis (*Myotis Volans*). To further reduce less-than-significant effects on special-status bats, the applicant has



agreed to the Voluntary Condition of Approval No. 1 in the *Letter to Georgia McDaniel, Permit Sonoma, from Law Offices of Tina Wallis, Inc.*, March 16, 2023 (Attachment 15).

- **American Badger:** Although no badger dens were observed during reconnaissance-level surveys of the Phase II Proposed Winery Site (Macmillan and Peron-Burdick 2022), grasslands on and near the site provide potential habitat for this species. Although potential construction impacts to American badgers are estimated to be low based on the absence of burrows on the Phase II Proposed Winery Site and lack of reported sightings within 5 miles, they are regionally common and there is a remaining low risk of injury to this species if they are present at the time of construction. To further reduce less-than-significant effects on American badger, the applicant has agreed to the Voluntary Condition No. 2 in *Letter to Georgia McDaniel, Permit Sonoma, from Law Offices of Tina Wallis, Inc., March 16, 2023* (Attachment 15).

### **PROJECT DESCRIPTION**

The Applicant requests approval of certain design modifications to the winery buildings and associated site improvements on a 5.23-acre portion of the 16.73-acre property. The proposed design is based on the conceptual design as described in the EIR, with modifications made to comply with certain conditions of approval and other minor changes.

The Phase II Proposed Winery design consists of 2,134 SF for both the public and the reserve tasting rooms (1,097 SF for the public and 1,037 for the reserve); an art gallery in the public tasting room as required by the 2004 Board Resolution; a 2,958 SF of marketplace; 1,678 SF of winery offices in a two-story structure; 20 special events per year with a maximum capacity of 200 participants as allowed by the 2004 Board Resolution; 3,379 SF of fermentation space; 659 SF of cold storage space plus a 67 SF storage room; 3,316 SF of staff & maintenance uses; and 1084 SF for restrooms and a wastewater treatment shed. The Phase II Proposed Winery is a total of 18,901 SF. There are 147 parking spaces.

In addition to the proposed buildings within the building envelope, the Phase II Proposed Winery design includes access driveways, a service road, a pedestrian pathway and pedestrian entry, landscaping and planting, winery leachfields (e.g., sewage disposal area), bioretention facilities, and a wastewater treatment shed. Previously deposited 280 cubic yards of soil and rock in an area of the riparian corridor will be removed with a separate zoning permit after final design review is approved.

The reconfigured parking layout for the winery still contains 147 spaces. Parking is divided into a primary parking lot and a trailhead parking lot, as required by conditions of approval. The primary parking lot will have 133 spaces. The trailhead parking lot (already constructed) contains 12 spaces and two vehicle-plus-trailer spaces. Parking spaces within the primary parking lot will have porous gravel paving using a cellular system. Drive aisles and driveways serving the winery will be paved with concrete and asphalt. Below is a summary comparison of the Phase II Proposed Winery Approval and proposed design changes.



**SUMMARY COMPARISON OF WINERY CONCEPTUAL DESIGN AND PROPOSED DESIGN**

<b>DESIGN ELEMENT</b>	<b>CONCEPTUAL DESIGN File No. PLP01-0006 Vested Rights &amp; Conditions of Approval</b>	<b>PHASE II PROPOSED WINERY DESIGN File No. DRH21-0010</b>
Art Gallery	Incorporated into tasting room (BOS §1.1(e)(2).)	The public tasting room incorporates an art gallery
Tasting Room	Approved as part of the project without size specifications (COA No. 84.)	Public tasting room at 1097 sf. Reserve tasting room at 1,037 sf.
Country Store	Approved at 3,000 sf. max, 33% of sf. allowed for storage and support (BOS §1.1 sub (3)(e)(2); COA No. 84. & 106)	Marketplace at 1,960 sf. Marketplace back of house at 998 sf. (combined total at 2,958 sf.).
Events Pavilion	Withdrawn by then-applicant (BOS §2.4, sub. (c).)	Does not appear in current design
Entry Pavilion	Withdrawn by prior applicant (Not addressed in BOS).	Does not appear in current design
Barrel Storage	Approved at 4,300 sf. (COA No. 84.)	Two barrel storage buildings at 780 sf. Each (combined total with barrel storage rooms of 438 sf. Each integrated with the reserve tasting room and an additional barrel storage room in Service Building 1 of 663 sf. is a total of 3,379 sf.).
Winery Offices	Approved at 1,800 sf. (COA No. 84.)	A two-story winery office at 1,678 sf.
Fermentation	Approved at 3,400 sf. (COA No. 84.)	White wine fermentation buildings at 818 sf. and Red wine fermentation building at 2,158 sf with built-in tanks at 403 sf. (combined total at 3,379 sf.).
Storage/Mechanical	Approved at 800 sf. (COA No. 84.)	Cold storage at 659 sf. Storage room at 67 sf. (combined total at 726 sf.).
Staff & Maintenance	Approved at 4,450 sf. (COA No. 84.)	Two service buildings at 354 sf. And 2,000 each plus winery lab space of 233 sf, fermentation staff space of 67 sf, maintenance at 455 sf. And Staff Break Room at 207 sf. (combined total at 3,316 sf.).
Other components	Included within overall sf. at 37,000 sf. (BOS §1.1 sub (3)(e)(1));	Marketplace restrooms total sf. and 362 sf. lab restrooms at 156 sf. Staff restroom at 566 sf. (combined restroom total at 1,084 sf.) Plus Winery Wastewater Shed of 501 sf.
Total square footage	37,000 sf. (BOS §1.1 sub (3)(e)(2))	18,901 sf.

The *Kenwood Ranch Winery – Tree Construction and Fire Impact Summary* (MacNair & Associates, January 13, 2023) evaluates the 2020 Glass Fire tree damage within the winery building envelope and the zone between Campagna Lane and the building envelope in April 2021. The total number of trees marked for removal (April 2021) were 223. The total number of trees tagged and surveyed (August 2021) were 213. These trees were re-evaluated in December 2022 and 56 of the original 213 trees initially surviving the fire have died and been



removed. A recent assessment found 3 additional trees. There are 160 surviving trees. The current total removal of trees within the grading limits is 74 trees, consistent with the EIR estimate of 70 to 120 trees.

To further reduce potential impacts to any nesting bird species, special-status bats, and American badger, the project includes three Voluntary Conditions that are consistent with current BMPs for protection of special-status wildlife, as proposed in the *Letters to Georgia McDaniel, Permit Sonoma, from Law Offices of Tina Wallis, Inc., March 16, 2023 and March 23, 2023* (Attachment 15).

The proposed revisions are analyzed in more detail analysis in the Addendum No. 2 to the EIR. That analysis shows that there has not been a change in the scope of approved land uses. All structures and improvements are located within the building envelope as originally designated for the conceptual design. As noted in Board Resolution No. 04-1037 Exhibit “F” File No. PLP01-0006 Winery Use Permit Final Conditions of Approval and Mitigation Monitoring Program, the project is approved for a 10,000 case per year winery, open to the public with Tasting room, retail wine sales, and 20 special events per year with a maximum of 200 persons in attendance. The winery is permitted for 6 employees and 147 parking spaces. Condition No. 84 restricts hours of operation for events. No change has been made to the restrictions on hours of operation, number of employees, winery production capacity, or availability to the public.

**Project History**

The table below summarizes key Phase II Proposed Winery milestones and events.

<b>Date</b>	<b>Project Event/Milestone</b>
<b>11/02/2004</b>	Board of Supervisors certified FEIR and approved PLP01-0006, Sonoma Country Inn
<b>2006</b>	CEQA lawsuit challenging approved project and certification of EIR decided in favor of the County ( <i>Valley of the Moon Alliance v. County of Sonoma</i> )
<b>10/2007</b>	Permit Sonoma determines Use Permits for the inn, spa and restaurant, winery and subdivision were vested.
<b>08/30/2016</b>	Application for final design review per 2004 Resort Conditions of Approval (DRH16-0006) deemed complete
<b>10/19/2016</b>	DRC approval of final design for Phase I Proposed Resort portion of the project.
<b>10/31/2016</b>	DRC approval appealed by Valley of the Moon Alliance
<b>07/20/2017</b>	Addendum 1 to the 2004 FEIR prepared for Phase I Resort portion of project
<b>08/03/2017</b>	Planning Commission denies appeal and approves final design for Phase I Proposed Resort
<b>08/14/2017</b>	Denial of appeal and approval of final design for Phase I Resort by Planning Commission appealed by Valley of the Moon Alliance.
<b>02/16/2018</b>	Revised Addendum 1 to the 2004 FEIR prepared for Board of Supervisors hearing (Attachment 16)
<b>03/27/2018</b>	Board of Supervisors adopt Revised Addendum, deny appeal and approve final design for Phase I Proposed Resort
<b>08/2020</b>	Kenwood Ranch, LLC purchased property
<b>12/28/2021</b>	DRH21-0010 Application filed for final design review per 2004 Winery Conditions of Approval, project renamed “Kenwood Ranch”.
<b>12/29/2021</b>	Referrals sent to appropriate agencies and organizations
<b>12/30/2021</b>	Early Neighborhood Notice sent
<b>11/12/2022</b>	Neighborhood meeting hosted by the applicant and owner.
<b>12/20/2022</b>	DRH21-0010 Application deemed complete



<b>December 2022 – February 2023</b>	Building permits issued for Phase I Proposed Resort for Main House, Villas, D & E Cottages, and Support Building. Construction underway.
<b>01/25/2023</b>	Sonoma Valley CAC, Sonoma Springs MAC, and the Agua Caliente MAC meeting on DRH21-0010.
<b>02/22/2023</b>	Sonoma Valley CAC approves design at second meeting after applicant responding to SVCAC questions from January 25, 2023 meeting
<b>03/2023</b>	Addendum 2 to the 2004 FEIR prepared for Phase II Proposed Winery portion of project
<b>04/07/2023</b>	Courtesy Notice for Design Review Committee meeting
<b>4/19/2023</b>	Design Review Committee meeting
<b>5/19/2023</b>	Courtesy Notice for Design Review Committee meeting

**Design Review**

The Design Review Committee considers design review in accordance with Article 82 (Design Review) of the Zoning Code and compliance with related Conditions of Approval for File No. PLP01-0006. Generally, the purpose of design review as stated in County Code section 26-82-050 (b) is to consider the architecture and general appearance of buildings and grounds to ensure they are in keeping with the character of the neighborhood, are not detrimental to orderly and harmonious development and do not impair the desirability of investment or occupation in the neighborhood. The development standards specified in section 26.82.030 relate to orientation of building sites to maintain maximum natural topography and cover; building height, texture, color, roof characteristics and setback; vegetation and landscaping, screening, lighting, signage and parking layout and circulation. Streets are to be designed and located so as to maintain and preserve topography, cover, landmarks and trees; to necessitate minimum cut and fill; and to preserve and enhance views and vistas on and off-site.

The Board Resolution No. 04-1037 Exhibit “F” File No. PLP01-0006 Winery Use Permit Final Conditions of Approval and Mitigation Monitoring Program Conditions are provided under Attachment 4. Below are the primary PLP01-0006 Planning Section Conditions of Approval that relate to design and maximum size of the winery (not an exhaustive list):

- 84.** *This Use Permit is for a 10,000 case per year winery, open to the public with tasting room, retail wine sales, and 20 special events per year with a maximum of 200 persons in attendance. Events will include weddings, meetings, winemaker dinners, and charitable auctions and the like. The winery complex shall not include an events pavilion or separate art gallery but art and sales of wine related items may occur within the tasting room. The winery buildings are described as follows: Winery building for tasting, sales and art gallery; barrel storage (4,300 square feet), fermentation building (3,400 square feet), winery offices (1,800 square feet), storage and mechanical building (800 square feet), and staff & maintenance area (4,450 square feet). In addition a retail store (3,000 square feet maximum) is included in the winery area. (See condition #104 for restrictions). The winery is served by 6 employees and has a 147 space parking lot. The parking lot also includes 12 parking spaces and two spaces for vehicle-plus-trailer parking to serve the public trail.*

*Special events at the winery facility shall be restricted to:*

*Weekdays: 7:00 p.m. to 10:00 p.m.*

*Saturdays: 9:00 a.m. to 3:00 p.m. and 7:00 p.m. to 10:00 p.m. (A maximum of six special events may start before 3:00 p.m. and end after 7:00 p.m., but no event shall conclude between these hours.)*

*Sundays: 9:00 a.m. to Noon and 7:00 p.m. to 10:00 p.m. Only wine tasting dinners are permitted. (Note: Special events shall not start before or end after the times stated above.)*



95. *The following measures shall be incorporated into development plans to mitigate potential impacts on natural habitat and wildlife movement opportunities:*

*a. Revise the proposed development plan to minimize the loss of woodland and forest habitat on the site. At minimum this shall include:*

- 1. Adjust proposed parking and roadway improvements for the winery to avoid additional tree resources, based on a survey of tree trunk locations required as part of the final Vegetation Management Plan called for in Mitigation Measures 5.6-2(b) and 5.6-4(b).*
- 2. Design and construct the network of roads and driveways using the minimum width as approved by the Department of Emergency Services.*

97. *In order to minimize visual impacts of the winery buildings, measures shall be applied to reduce the visual contrast of the winery with the immediately surrounding setting so that the project will not attract attention as seen from State Route 12. Such measures include the use of certain colors on exterior building surfaces and retaining as many trees on the project site as possible as follows:*

- a. Colors used for exterior building surfaces shall match the hue, lightness, and saturation of colors of the immediately surrounding trees subject to review and approval by the Design Review Committee. Several colors matching those of the surrounding trees shall be used in order to minimize uniformity. Roof materials shall be non-glossy, dark in color and sympathetic with colors in the surrounding landscape. All building materials shall be non-reflective and all glass shall be no-glare/non-reflective.*
- b. Landscaping of the winery shall include the planting of trees or other landscaping treatments to provide screening of the 147 vehicle parking lot from State Highway 12.*
- c. Prior to building permit issuance for the winery the grading plan, development plan, landscaping plan, sign plan, elevations, and colors and materials shall receive review and approval of the Sonoma County Design Review Committee. **Impact 5.8-3.***

98. *In order to minimize light pollution impacts prior to building permit issuance for the winery facilities an exterior lighting plan shall be submitted to the County Permit and Resource Management Department Design Review Committee for review and approval. The following standards shall apply to the lighting plan:*

- All light sources shall be fully shielded from off-site view.*
- All lights to be downcast except where it can be proved to not adversely affect other parcels.*
- Escape of light to the atmosphere shall be minimized.*
- Low intensity, indirect light sources shall be encouraged.*
- On-demand lighting systems shall be encouraged.*
- Mercury, sodium vapor, and similar intense and bright lights shall not be permitted except where their need is specifically approved and their source of light is restricted.*
- Where possible, site lighting fixtures on the ground rather than on poles. **Impact 5.8-4.***

**Mitigation Monitoring:** *The applicant would be responsible for submitting the exterior lighting plans to the County Permit and Resource Management Department for review and approval by the Design Review Committee. Prior to building permit issuance, an exterior lighting plan shall be approved for the inn/spa/restaurant and the winery. Prior to recording the Final Map, standards to be included in the project's CC&Rs for implementation by the Homeowners' Association for exterior lighting plans for residential units shall be approved.*



99. *Prior permit issuance the applicant shall develop lighting standards for inclusion in the covenants for the winery. These standards shall be in accordance with the standards established for the LZ1 lighting zone as described in the 2005 California Energy Efficiency Building Standards being developed by the California Energy Commission. These are the standards for parks, recreation areas and wildlife preserves. The covenants shall include the following standards in addition to those established for LZ1:*

*All lamps over 10 watts shall be fully shielded.*

*Maximum unshielded lamp (bulb) on the project's interior shall be 50 watts*

*Maximum mounting height of any luminaire (fixture) shall be 20 feet above the finished grade.*

*Maximum wattage of any lamp bulb shall be 100 watts.*

*Impact 5.8-4*

**Mitigation Monitoring:** *The applicant's lighting engineer shall provide certification to PRMD that the lighting design plan is in conformance with the above standards for the LZ1 lighting zone at the time it is submitted to the Design Review Committee.*

*Prior to building permit issuance the applicant's lighting engineer shall provide certification to PRMD that the lighting plans submitted with the building permit conform to these standards and that all modifications recommended/required by the Design Review Committee and/or the Plan Check Staff are in conformance with the LZ1 standards.*

*Prior to building occupancy the applicant's lighting engineer shall perform an inspection and provide certification to PRMD that the lighting installation is in accordance with the approved plans and with the LZ1 standards.*

106. *The "country store" (intended for ancillary retail sales) shall occupy a maximum of 3,000 square feet of building area. This may be a separate building or attached to the main winery building. The store is primarily for the sale of Sonoma County agricultural products such as fruits, vegetables, jams, jellies, cheeses, oils, herbs, and related retail goods. A maximum of 33% of the store's floor area may be devoted to storage and support. A minimum of 90% of the remaining floor area shall be devoted to the sale of agricultural products grown primarily in Sonoma County. Related retail goods may occupy a maximum of 10% of the retail floor area.*

### **Environmental Analysis**

On November 2, 2004, the Board certified a Final Environmental Report and approved a use permit for the winery and tasting room on the parcel, currently identified as APN 051-260-013. The winery and tasting room use permit is part of a larger project approved under File No. PLP01-0006 (formerly "Sonoma Country Inn") which included rezoning, a General Plan amendment, subdivision, lot line adjustment and a use permit for 50 room inn, spa and restaurant as documented in Board Resolution No. 04-1037.

The Board made a Statement of Overriding Considerations finding that not all impacts could be fully mitigated but that the project was valuable on its own merits. The three documents reflecting this decision are:

Impacts That Were Fully Mitigated (Exhibit A)

Impacts That Could Not Be Fully Mitigated (Exhibit B)

Statement of Overriding Considerations (Exhibit C)



These documents are provided under Attachments 7, 8 and 9. Note that scenic and traffic issues were in the list of impacts that could not be fully mitigated. Both Draft and Final Sonoma Country Inn Project EIR documents (State Clearinghouse Number: 2002052011) certified May 2004 are currently available on the Permit Sonoma website at: <https://permitsonoma.org/divisions/planning/projectreview/significanteirs>

In accordance with CEQA Guidelines Section 15164, subdivision (a) and Section 15162, subdivision (a), an Addendum (Addendum No. 2) to the Sonoma Country Inn Project Final Environmental Impact Report (State Clearinghouse Number: 2002052011) certified May 2004 (“EIR”) has been prepared and is provided under Attachment 5. The Addendum No. 2 analyzes the design changes requested for the Phase II Proposed Winery to determine whether the changes will result in new or more severe environmental impacts than those analyzed in the EIR and approved in 2004. The Addendum No. 2 concludes the Phase II Proposed Winery design does not cause new significant environmental effects or substantial increases in the severity of a significant environmental effect identified in the EIR.

On the basis of the analysis in the Addendum 2 and the technical reports, the Phase II Proposed Winery proposed design does not cause new significant environmental effects or substantial increases in the severity of a significant environmental effect identified in the EIR. There are no substantial changes in the circumstances affecting the proposed design which would cause increased environmental impacts; nor is there new information which was not known and could not have been known at the time of the EIR that shows new or more severe environmental effects, infeasibility of adopted mitigation measures, new feasible mitigation measures which the applicant declines to adopt, or alternatives different from those in the EIR which would substantially reduce effects on the environment.

Approval of the Phase II Proposed Winery design would not meet any of the requirements in Public Resources Code Section 21166 or in CEQA Guidelines Section 15162 for preparation of a subsequent EIR or a supplement to an EIR.

The scope of this review and CEQA review does not include reevaluation of the vested approved project other than the proposed design modifications and compliance with related Conditions of Approval for File No. PLP01-0006.

### **NEIGHBORHOOD/PUBLIC COMMENTS**

Sonoma Valley CAC:

The project is located within the boundaries of the Sonoma Valley Citizens Advisory Commission (SVCAC). The SVCAC provides recommendations to elected officials and other decisions makers on new or modified use permits on land that is zoned Agricultural (LIA, LEA, DA) and Resource and Rural Development (RRD). The SVCAC reviewed the project during their meeting on January 25, 2023. In lieu of an applicant presentation before the SVCAC, the applicant team recommended that the Commission view the video and read the associated documents from the applicant’s November 12, 2022 Community Open House hosted at Dunbar School.

Since the Applicant was unable to attend the January 25th meeting to answer Commissioners’ questions, the Commission made a Motion to submit their list of questions in writing to the Applicant, with a request for a comprehensive reply from the Applicant no later than February 10, 2023. On February 9, 2023, the Applicant presented a response letter to the SVCAC with information about the Kenwood Ranch Winery Design Review



application (Attachment 12), including answers to the SVCAC questions. During their meeting on held on February 22, 2023, the SVCAC motioned to approve Design Review and ask the Applicant to clarify safety considerations for traffic movement in the winery as it relates to other buildings on site. The Resolution passed for Design Review Approval with a statement of inclusion. See attachment 13 for SVCAC February Meeting Minutes.

The applicant contracted Fehrs and Peers to complete a site plan review to clarify safety considerations for traffic movement in the winery as it relates to other buildings on site (Attachment 3). Fehrs & Peers considered:

- Site access, sight distance, and interface between the parking access roadways with Campagna Lane, including traffic control recommendations
- Multimodal circulation on-site, including:
  - Vehicular circulation and roadway sizing within the site
  - Pedestrian and bicycle access and circulation
- Emergency vehicle access and circulation

Based upon their review, Fehrs & Peers developed several recommendations. Those recommendations are now part of the final design as shown graphically on the Site Plan in Appendix A to the review letter.

#### Public Comments:

Additional public comments are provided under Attachment 16. The Valley of the Moon Alliance (VOTMA) presented a public comment letter, dated January 13, 2022, to Permit Sonoma in response to the referral letter that was sent to interested agencies and parties. VOTMA raised concerns with the Glass fire impacts, winery design changes, the SWLID report and associated drainage improvement plan, evacuation traffic, and vehicle miles travelled.

The Valley of the Moon Observatory Association commented on the project expressing concern with light pollution and ensuring dark sky protection in lighting elements of the project.

Other public comments received raise concerns about increased noise and vehicle pollution, the loss of oak woodlands, degradation of wildlife habitat, and the continued erosion of the rural character of the Sonoma Valley plus Highway 12 traffic congestion.

## **RECOMMENDATIONS**

### ***Preceding Review Authority Recommendation***

In 2004, the Board of Supervisors approved the Phase II Proposed Winery project under Board Resolution No. 04-1037 Exhibit “F” File No. PLP01-0006 Winery Use Permit Final Conditions of Approval and Mitigation Monitoring Program Conditions.

### ***Staff Recommendation***

The Permit Resource and Management Department (Permit Sonoma) recommends that the Design Review Committee (DRC) approve the Addendum No. 2 to the 2004 Final Environmental Impact Report, approve the Phase II Proposed Winery design, colors and materials as presented, and approve the landscaping and landscape lighting plans.



**ATTACHMENTS**

Attachment 1: *Kenwood Ranch: Winery Design Review Project Description*, December 21, 2021

Attachment 2: *The Winery at Kenwood Ranch* plan set, dated 12/19/21, which includes:

- Colors and Materials
- Site Plans
- Driveway Plans
- Grading, Erosion and Erosion Control Plans
- Utility Plan
- Stormwater Control Plan
- Landscape and Planting Plans
- Architectural Floor Plans
- Architectural Elevations and Sections
- Landscape Lighting Plans and Cut Sheets

Attachment 3: Fehr & Peers, *Kenwood Ranch Winery Site Plan Review*, March 15, 2023

Attachment 4: BOS Final Conditions of Approval for the Winery (PLP01-0006, 11-2-2004)

Attachment 5: County of Sonoma Permit and Resource Management Department, *Draft Addendum 2 to the Final Environmental Impact Report for Sonoma Country Inn*, March 2023

Attachment 6: County of Sonoma Permit and Resource Management Department, *Revised Addendum 1 to the Final Environmental Impact Report for Sonoma Country Inn*, March 2018

Attachment 7: Impacts That Were Fully Mitigated (Exhibit A of BOS Resolution No. 04-1037)

Attachment 8: Impacts That Could Not Be Fully Mitigated (Exhibit B of BOS Resolution No. 04-1037)

Attachment 9: Statement of Overriding Considerations (Exhibit C of BOS Resolution No. 04-1037)

Attachment 10: Nichols + Berman, *Sonoma Country Inn Final Environmental Impact Report – Response to Comments*, February 2004.

Attachment 11: SVCAC Minutes for January 25, 2023 Meeting

Attachment 12: Response Letter from Tina Wallis to SVCAC, dated February 9, 2023

Attachment 13: SVCAC Minutes for February 22, 2023 Meeting

Attachment 14: Sonoma County Agricultural Preservation & Open Space District Approval Letter, June 10, 2022

Attachment 15: (Voluntary Conditions) *Letters to Georgia McDaniel, Permit Sonoma, from Law Offices of Tina Wallis, Inc., March 16, 2023 and March 23, 2023*



Attachment 16: Public Comments

Attachment 17: WRA, Inc., *Vegetation Management Plan Campagna Report (Sonoma Country Inn, Kenwood, Sonoma County, California, March 10, 2009*

