



construction or remodeling of existing facilities. All new construction/retrofitting is subject to the prior review and approval of building permits. [2]

3. All construction activities shall meet the Uniform Building Code regulations for seismic safety (i.e., reinforcing perimeter and/or load bearing walls, bracing parapets, etc.). Construction plans shall be subject to review and approval of PRMD prior to the issuance of a building permit. All work shall be subject to inspection by PRMD and must conform to all applicable code requirements and approved improvement plans prior to the issuance of a certificate of occupancy. [3]

Mitigation Monitoring: Building/grading permits for ground disturbing activities shall not be approved for issuance by Project Review staff until the above notes are printed on applicable building, grading and improvement plans. The applicant shall be responsible for notifying construction contractors about code requirement. [3]

4. The design of all earthwork, cuts and fills, drainage, pavements, utilities, foundations and structural components shall conform with the specifications and criteria contained in the geotechnical report when approved by Permit Sonoma Plan Check Division. The geotechnical engineer shall prepare a plan review letter and subsequently a final letter stating that the improvements are in general conformance with the recommendations of the geotechnical report. [4]

Mitigation Monitoring: PRMD Plan Check staff will ensure plans are in compliance with geotechnical requirements. PRMD inspectors will ensure construction is in compliance with geotechnical requirements. [4]

5. The project shall comply with solid waste requirements at all times. \* [5]

#### HEALTH:

"The conditions below have been satisfied" BY \_\_\_\_\_ DATE \_\_\_\_\_

#### PRIOR TO BUILDING PERMIT:

##### Water:

6. All uses on the project site other than irrigation shall be connected to the Kenwood Water Company. \* [6]
7. The existing well can be retained but can only be used for irrigation purposes. [7]
8. Within 90 days of use permit approval, the applicant shall have the project site water supply system evaluated for potential contamination or pollution via backflow and/or cross connections by an American Water Works Association Certified Cross Connection Control Specialist. The recommendations for cross connection control shall, at a minimum, meet the requirements of the 2019 California Plumbing Code and subsequent editions adopted by Sonoma County. The applicant shall submit a copy of the Cross Connection Control Specialist's initial report to the Project Review Health Specialist (Well and Septic Division) for review. [New]
9. Within 90 days of the Project Review Health Specialist's concurrence with the Cross Control Connection Specialist's initial hazard evaluation report and recommendations, all recommendations regarding the water system shall be implemented. The applicant shall submit a letter from the Cross Connection Control Specialist to the Project Review Health Specialist stating that recommendations of the Cross Control Specialist have been implemented upon completion of the work. [New]

Septic:

*[2007 condition of approval no. 10 deleted. Condition related to existing septic system which will be replaced.]*

10. The septic system shall be designed by a Registered Civil Engineer or Registered Environmental Health Specialist. The system design and all soil profile evaluations, percolation testing, and groundwater determinations shall comply with the most current version of the county's OWTS Manual. The septic system shall be designed to handle the maximum permitted capacity from all sources approved in this use permit modification which shall not exceed 1,500 gallons per day. Flow meter(s) shall be incorporated into the system design and installed to measure effluent discharged to the dispersal area. The Project Review Health Specialist shall receive a final clearance from the District Specialist that all required septic system testing and design elements have been met.

Within 90 days of use permit approval, the applicant shall submit an OWTS construction permit application to Permit Sonoma. The system shall be installed within 180 days of septic permit issuance.

If the applicant is unable to timely meet this condition due to natural disaster or other circumstances beyond the applicant's control, the applicant may request a one-time extension of up to six months. Such request shall be made to the Director in writing. The request shall include sufficient evidence or other information to substantiate the delay, and shall specify the length of the requested extension. The Director shall grant the requested extension or a shorter extension if s/he determines that the applicant has made good faith efforts to comply with this condition and that the extension request is reasonable under the circumstances.\* [8]

11. No Regional Water Board permits are required provided the system design has a properly sized and functioning oil grease interceptor and the Biological Oxygen Demand (BOD) is less than 900 mg/L\* [9]
12. All future sewage disposal system repairs or replacements shall be completed in the designated reserve areas and shall comply with the most current version of the county's OWTS Manual. Alternate reserve areas may be designated if soil evaluation and testing demonstrate that the alternative reserve area complies with the most current version of the county's OWTS manual.  
\* 11]
13. Within 30 days of final completion of the new septic system, the applicant shall abandon existing septic tank(s) under permit and inspection from the Well & Septic Section of the Permit and Resource Management Department. The applicant shall provide the Permit Sonoma Health Specialist with a copy of the "Finalized" septic abandonment permit.\* [12]
14. Toilet facilities shall be provided for patrons and employees.\* [13]

Consumer Protection:

15. Within 90 days of Use Permit approval, the applicant shall submit an application to the Environmental Health Division for the patio commercial kitchen. Contact the Environmental Health Division at 565-6565 for information. Within 60 days of Health Division permit approval, the applicant shall submit to the Project Review Health Specialist and project planner a letter of approval from the Environmental Health Division verifying compliance with requirements of the California Uniform Retail Food Facility Law (CURFFL).\* [14]

Noise:

*[2007 condition of approval no. 15 requiring a patio sound wall and specifications for mechanical equipment is deleted as the condition was satisfied.]*

16. Prior to finaling of a grading and encroachment permit for installation of the parking lot at 75 Shaw Avenue, the existing Shaw Avenue parking lot fence shall be modified to address the structural specifications of the project noise analysis, including ½ thick plywood covered by two sheets of metal siding without crack or gaps in the face. The project noise consultant shall submit a letter confirming compliance with this requirement. *[New]*

Mitigation Monitoring: Permit Sonoma Project Review will not sign off on grading or encroachment permit finals for the parking lot until the applicant submits a letter from the project noise consultant certifying compliance and Permit Sonoma field inspection confirms compliance. *[New]*

PRIOR TO OCCUPANCY:

Water:

17. Within 90 days of use permit approval, any new or existing water well serving this project shall be fitted with a water meter and a groundwater level measuring tube and port, or electronic groundwater level measuring device. The applicant shall promptly provide photo documentation to the project planner that this requirement has been satisfied.\* [16]

OPERATIONAL REQUIREMENTS:

18. A safe, potable water supply shall be provided and maintained. *[17]*
19. Within 180 days of approval, the property owner or lease holder shall have the backflow prevention assembly tested by an American Water Works Association certified Backflow Prevention Assembly Tester at the time of installation, repair, or relocation and at least on an annual schedule thereafter. *[New]*

Septic:

20. Maintain the annual operating permit for any non-standard alternative or experimental septic system installed per Sonoma County Code section 24-33, OWTS Manual Section 14 Non-Standard and/or Commercial OWTS Operational Permit and Monitoring, and all applicable Waste Discharge Requirements set by the Regional Water Quality Control Board.\* [18]
21. Use of the on-site wastewater disposal system shall be in accordance with the design capacity and approval of the system and shall not exceed 1,500 gallons per day. The system is subject to monitoring and reporting in accordance with the OWTS Manual. *\*[19]*

*[2007 condition of approval no. 20 deleted. Duplicate of no. 12.]*

Hazardous Materials Program:

22. Comply with applicable hazardous waste generator, underground storage tank, above ground storage tank and AB2185 (hazardous materials handling) requirements and maintain any applicable permits for these programs from the Hazardous Materials Division of Sonoma County Department of Emergency Services. [21]

23. During construction, hazardous materials shall be stored away from drainage or environmentally sensitive areas, on non-porous surfaces. Storage of flammable liquids shall be in accordance with Sonoma County Fire Code. [22]
24. A concrete washout area, such as a temporary pit, shall be designated to clean concrete trucks and tools. At no time shall concrete waste be allowed to enter waterways, including creeks and storm drains. [23]
25. Vehicle storage, fueling and maintenance areas shall be designated and maintained to prevent the discharge of pollutants to the environment. Spill cleanup materials shall be kept on site at all times during construction, and spills shall be cleaned up immediately. In the event of a spill of hazardous materials, the applicant will call 911 to report the spill and take appropriate action to contain and clean up the spill. [24]
26. Portable toilets shall be located and maintained during construction to prevent the discharge of pollutants to the environment. [25]

Mitigation Monitoring for Conditions 23-27. Building/grading permits shall not be approved for issuance by Project Review staff until the above conditions are printed on the building, grading and improvement plans. The applicant shall be responsible for notifying construction contractors about the requirement for responsible storage and spill cleanup of hazardous materials.

Consumer Protection:

27. Obtain and maintain all required Food Industry Permits from the Sonoma County Environmental Health Division for wine tasting and self-service food facility. \* [26]

Noise:

28. Noise shall be controlled in accordance with Table NE-2 (adjusted as necessary with respect to ambient noise as described in General Plan 2020, Policy NE-1c), as measured at the exterior property line of any affected residential or sensitive land use.\* [27]

TABLE NE-2: Maximum Allowable Exterior Noise Exposures

Hourly Noise Metric <sup>1</sup> , dBA	Daytime (7 a.m. to 10 p.m.)	Nighttime (10 p.m. to 7 a.m.)
L50 (30 minutes in any hour)	50	45
L25 (15 minutes in any hour)	55	50
L08 (4 minutes 48 seconds in any hour)	60	55
L02 (72 seconds in any hour)	65	60
<sup>1</sup> The sound level exceeded n% of the time in any hour. For example, the L50 is the value exceeded 50% of the time or 30 minutes in any hour; this is the median noise level. The L02 is the sound level exceeded 72 seconds in any hour.		

Mitigation Monitoring: PRMD staff shall ensure that this condition is listed on all site alteration, grading, building or improvement plans, prior to issuance of grading or building permits. Any noise complaints will be investigated by PRMD staff. If violations are found, PRMD shall seek voluntary compliance from the permit holder and thereafter may initiate an enforcement action and/or revocation or modification proceedings, as appropriate. If noise complaints are received

from nearby residents, and they appear to be valid complaints in PRMD's opinion, then the applicant shall conduct a noise study to determine the current noise status of the project. A copy of the noise study shall be submitted to the Project Review Health Specialist within sixty days of notification from PRMD that a noise complaint has been received.

*[2007 condition of approval no. 28 deleted. Special events are not requested or permitted under the modified use permit.]*

29. Amplified sound and the very loud musical instruments (such as horns, drums and cymbals) are not permitted outdoors. The quieter, non-amplified musical instruments (such as piano, stringed instruments, woodwinds, flute, etc) are allowed outdoors when in compliance with the Noise Element of the Sonoma County General Plan. [29]

Mitigation Monitoring: PRMD staff shall ensure that this condition is listed on all site alteration, grading, building or improvement plans, prior to issuance of grading or building permits. Any noise complaints will be investigated by PRMD staff. If violations are found, PRMD shall seek voluntary compliance from the permit holder and thereafter may initiate an enforcement action and/or revocation or modification proceedings, as appropriate. If noise complaints are received from nearby residents, and they appear to be valid complaints in PRMD's opinion, then the applicant shall conduct a noise study to determine the current noise status of the project. A copy of the noise study shall be submitted to the Project Review Health Specialist within sixty days of notification from PRMD that a noise complaint has been received.

30. This project approval does not permit wine production or bottling. [30]

**DRAINAGE REVIEW:**

"The conditions below have been satisfied" BY \_\_\_\_\_ DATE \_\_\_\_\_

31. Drainage improvements shall be designed by a civil engineer in accordance with the Sonoma County Water Agency Flood Control Design Criteria, be shown on the Improvement Plans, and be submitted to the Drainage Review Section of Permit Sonoma for review and approval. Drainage improvements shall maintain off-site natural drainage patterns, limit post-development storm water quantities and pollutant discharges in compliance with PRMD's best management practices guide, and shall abide by all applicable standards and provisions of the Sonoma County Code and all other relevant laws and regulations. Existing drainage patterns shall be maintained, to the maximum extent practicable, to not adversely impact adjacent properties or drainage systems. Proposed drainage improvements shall not adversely impact adjacent properties or drainage systems.\* [31]
32. The design engineer shall include a Site Grading Plan, Drainage Report, and an Erosion Prevention/Sediment Control Plan, as part of the required Improvement Plans, which shall contain all pertinent details, notes, and specifications.\* [32]
33. Grading and/or building permits require review and approval by the Drainage Review Section of Permit Sonoma. Grading permit applications for parking lot grading and drainage improvements shall be filed within 90 days of final design review approval of parking lot improvements. The plans shall include grading, drainage, landscaping, irrigation and required entry gate. Installation of parking lot improvements shall be completed within 180 days of grading and drainage permit issuance. The grading and drainage permit for the parking lot shall not be finalized and the parking lot shall not be operational until the encroachment permit and improvements on Shaw Avenue are finalized.

If the applicant is unable to timely meet this condition due to natural disaster or other circumstances beyond the applicant's control, the applicant may request a one-time extension of up to six months. Such request shall be made to the Director in writing. The request shall provide

sufficient evidence or other information to substantiate the reason(s) for delay, and shall specify the length of the requested extension. The Director shall grant the requested extension or a shorter extension if s/he determines that the applicant has made good faith efforts to comply with this condition and that the extension request is reasonable under the circumstances.\* [33]

34. The applicant must file for coverage under the general construction permit from the Water Quality Control Board in accordance with the National Pollution Discharge Elimination System (NPDES), if required.\* [34]

Mitigation Monitoring: The Stormwater Section of PRMD shall not clear grading permits until the applicant provides evidence either that coverage under the general construction permit has been filed with the Water Quality Control Board or that it is not required.\* [34]

*[2007 conditions of approval nos. 35-37 are deleted. A bioswale was installed along the west property line. Prior grading violation VGR06-0053 has been cleared. The project is not located in the FEMA mapped 100-year floodplain.]*

35. The applicant shall submit an Erosion and Sediment Control Plan prepared by a registered professional engineer as an integral part of the grading plan. The Erosion and Sediment Control Plan shall be subject to review and approval of Permit Sonoma prior to the issuance of a grading permit. The Plan shall include temporary erosion control measures to be used during construction of cut and fill slopes, excavation for foundations, and other grading operations at the site to prevent discharge of sediment and contaminants into the drainage system. The Erosion and Sediment Control Plan shall include the following measures as applicable:

- a. Throughout the construction process, groundwater disturbance shall be minimized and existing vegetation shall be retained to the extent possible to reduce soil erosion. All construction and grading activities, including short-term needs (equipment staging areas, storage areas and field office locations) shall minimize the amount of land area disturbed. Whenever possible, existing disturbed areas shall be used for such purposes.
- b. All drainage ways and creek channels shall be protected from silt and sediment in storm runoff through the use of silt fences, diversion berms, and check dams. Fill slopes shall be compacted to stabilize. All exposed surface areas shall be mulched and reseeded and all cut and fill slopes shall be protected with hay mulch and /or erosion control blankets as appropriate.
- c. Material and equipment for implementation of erosion control measures shall be on-site by October 1<sup>st</sup>. All grading activity shall be completed by October 15<sup>th</sup>, prior to the onset of the rainy season, with all disturbed areas stabilized and revegetated by October 31<sup>st</sup>. Upon approval of PRMD, extensions for short-term grading may be allowed. PRMD, in conjunction with any specially permitted rainy season grading, may require special erosion control measures. [38]

Mitigation Monitoring: Building/grading permits for ground disturbing activities shall not be approved for issuance by Project Review staff until the above notes are printed on applicable building, grading and improvement plans. The applicant shall be responsible for notifying construction contractors about erosion control requirement.

**DEPARTMENT OF TRANSPORTATION AND PUBLIC WORKS:**

"The conditions below have been satisfied" BY \_\_\_\_\_ DATE \_\_\_\_\_

*[2007 conditions of approval nos. 39-40 deleted because right of way has already been granted. New 39-40 added below]*

36. Within 180 days after issuance of encroachment permits from Caltrans and DTPW, and prior to final of the parking lot grading and encroachment permit for the off site parking lot, the applicant shall complete improvements as follows:
- a. Construct road improvements necessary to create a right-turn lane within the existing right of way for eastbound traffic on Shaw Avenue at the intersection of State Highway 12, in conformance with Caltrans requirements. A minimum storage length of 50' feet shall be provided. CalTrans' failure to approve a northbound left-turn lane on State Route 12 shall not release the applicant of its obligation to install the right-turn. \* [41a]
- [2007 conditions of approval 41b calling for road right of way deleted.]*
- b. If permitted by Caltrans as feasible, the applicant shall construct a left-turn pocket within the existing right-of-way for northbound State Route 12 traffic at the intersection with Shaw Avenue, in substantial conformance with the applicant's preliminary design plans submitted by BKF dated November 2020. \* [41c]
  - c. Improve the northerly pavement return at the Shaw Avenue - Highway 12 intersection to provide a turning radius that allows right-turning vehicles to complete turns without entering the opposing lane of traffic. The intersection design shall be incorporated into the left-turn lane plans. Pavement tapers at one or both ends of the curve may be required. Existing parking along the westerly curb line shall be eliminated in order to achieve a satisfactory turning path. Sight-distance lines at the Shaw Avenue intersection with Highway 12 shall be unobstructed. \* [41d]

*[2007 conditions of approval 41e and mitigation monitoring allowing deferral of Highway 12 left turn lane deleted.]*

Mitigation Monitoring - Shaw Ave. Improvements:

Permit Sonoma will verify that the applicant applies for the Shaw Avenue improvements listed in 36a and 36c (right turn lane and turning radius on to Shaw) from DTPW within 90 days of Board of Supervisors' approval of a "no parking" ordinance contemplated under condition #38 below. Permit Sonoma shall verify that said improvements are installed within 180 days of issuance of respective encroachment permits from DTPW and CalTrans and prior to final of a grading permit for the parking lot improvements, unless an extension is granted as noted above. Prior to considering the modified permit used, the applicant shall provide a final clearance from DTPW and Caltrans that the constructed improvements on Shaw Avenue meet the conditions of the Encroachment Permit. \* [41 Shaw Avenue monitoring]

If the applicant is unable to timely meet this condition due to natural disaster or other circumstances beyond the applicant's control, the applicant may request a one-time extension of up to 180 days. Such request shall be made to the Director in writing. The request shall include sufficient evidence or other information to substantiate the delay, and shall specify the length of the requested extension. The Director shall grant the requested extension or a shorter extension if s/he determines that the applicant has made good faith efforts to comply with this condition and that the extension request is reasonable under the circumstances. \* [41]

37. Within 60 days of this use permit approval, the applicant shall submit a request for a parking restrictions ordinance along Shaw Avenue and Maple Avenue to the Department of Transportation and Public Works (DTPW) and shall pay the fees to process the request before the Board of Supervisors. If the Board approves the request and adopts an ordinance authorizing the changed conditions on Shaw Avenue, the applicant shall pay for County installation of all required signs. The request shall be for a prohibition of on street parking on the north side of



Shaw Avenue for the entire block from SR 12 to Clyde Avenue, the entire north side of Maple Avenue along the 60 Shaw Avenue frontage, and a 50-foot portion of the south side of Shaw Avenue along the 60 Shaw Avenue frontage. [New]

Mitigation Monitoring:

Permit Sonoma will verify that the applicant submits a timely request for parking restrictions. Monitoring and enforcement shall be as provided in mitigation monitoring for Mitigation Measure Transportation 3 (Condition 39 below). [New]

38. Within 90 days of Board of Supervisors approval of a parking restrictions ordinance as provided in Condition 37, the applicant shall complete the application to Permit Sonoma Engineering Division for a County encroachment permit for the below improvements. Within 180 days of issuance of the encroachment permit, the applicant shall restripe and sign Shaw Avenue in accordance with the following and add striping as required for the crosswalk in Condition 46:
- a. Refresh the existing "stop" legend and limit line at the intersection of Shaw Avenue and SR 12.
  - b. Refresh the existing centerline stripe on Shaw Avenue a minimum length of 45' from the limit line.
  - c. Stripe an edge line on the northwesterly corner of Shaw Avenue to line up with the edge line shown on SR 12, providing a turning radius at the intersection that is satisfactory to the Department of Transportation and Public Works. The edge line shall be striped for the length of the Shaw Avenue frontage of APN 050-275-051 (the parcel on the northwesterly corner of the SR 12/Shaw Avenue intersection) and maximize lane widths as much as feasible.
  - d. Black out or otherwise eliminate any parking pavement markings on the northerly side of Shaw Avenue from SR 12 to Clyde Avenue.
  - e. Black out or otherwise eliminate any parking pavement markings on the Shaw Avenue frontage of the project site (APN 050-275-028, 60 Shaw Avenue) (the subject parcel) within 50' of the intersection of SR 12. This will eliminate one to two marked parking spaces along the project frontage. [New]

Mitigation Monitoring:

The applicant shall diligently and timely pursue its applications for Board of Supervisors approval of a parking restriction ordinance. Permit Sonoma will verify that the applicant meets the application and time frames for execution of this condition and that installation of the parking restrictions and improvements are accomplished as noted above. [New]

39. Except in the case of agenda-related delays posed by the Board of Supervisors, the project will not be in compliance with these modified use permit conditions of approval until all requirements of Conditions 37 and 38 are met. [New]

Mitigation Monitoring:

The applicant shall diligently pursue its application for Board of Supervisors approval of a parking restriction ordinance. Permit Sonoma will monitor the project to ensure that the applicant is diligently pursuing its application. If said ordinance is denied by the Board of Supervisors, or is approved by the Board of Supervisors and not implemented within 180 days of encroachment permit issuance, the Permit Sonoma Director will refer the project to the BZA for review. [New]

40. The Applicant shall pay for an additional three signs (minimum) which County forces will post along the southerly side of Shaw Avenue stating "No Parking within 6' of Center of Road"

(Sonoma County Auxiliary Sign Code AR 3) or as required by a successor code. These signs shall be located starting at the westerly end of the project's Shaw Avenue entrance and extend to the easterly end of Shaw Park's gravel parking lot. [New]

41. The structural section of all road improvements shall be designed using a soils investigation which provides the basement soil's R-value and Expansion Pressure test results. A copy of the soils report shall also be submitted with the first set of improvement plan check prints. The Traffic Index (TI) to be used for the pavement design of Shaw Avenue is 8.5. [42]
42. The developer shall mill, repair and overlay the existing pavement as necessary to make a smooth transition between the existing pavement and the new pavement. [43]
43. The developer shall have designed and constructed storm drainage facilities within the existing right of way in accordance with Sonoma County Water Agency design standards. Drainage facilities shall be reviewed and cleared by the Drainage Review Section of the Permit and Resource Management Department. \*[44]
44. The applicant's public road access shall be located on Shaw Avenue. No driveway connections shall be allowed to Highway 12. [45]

*[2007 condition of approval no. 46 is deleted as driveway was installed.]*

45. The Applicant shall construct a driveway entry from Shaw Avenue to the off-site parking lot (75 Shaw Avenue; APN 050-275-052) that conforms to County standards to allow for the smooth and safe movement of passenger vehicles entering and exiting the public road that provides access to the property. Specifically, the Applicant shall construct a driveway meeting the following criteria:
  - a. A throat width of 24 feet and entrance curves having a radius of at least 25 feet.
  - b. The driveway shall enter the public road as close to perpendicular as possible, but in no case shall the driveway enter the public road at more than 20 degrees from perpendicular.
  - c. The minimum sight distance for vehicles entering and exiting the driveway shall be in accordance with County requirements for the speed traveled on the Shaw Avenue servicing the property.
  - d. The driveway entry shall be surfaced with asphaltic pavement between the edges of the existing pavement and the right-of-way line or a minimum distance of 25 feet, whichever is greater.
  - e. Driveway cross-drains within the County right-of-way shall be upgraded to a minimum 18 inch culvert under the driveway. [New]

*[2007 condition of approval no. 47 is deleted. EVA on Shaw constructed.]*

46. The Applicant shall design and construct an ADA compliant path of travel and high visibility enhanced crosswalk from the off-site parking lot on the northerly side of Shaw Avenue (75 Shaw Avenue; APN 050-275-052) to the project site on the southerly side of Shaw Avenue (60 Shaw Avenue; APN 050-275-028), as approved by the Director of Transportation and Public Works. Refer to Caltrans Standard Plan RSP A88A and A88B, and Sonoma County Department of Transportation and Public Works Construction Standards 224A and 224B for details. The high visibility enhanced crosswalk shall consist of a Continental style crosswalk (or as otherwise required by DTPW) and associated signage per the current Manual on Uniform Traffic Control Devices (MUTCD). [New]

*[2007 condition no. 48 is deleted. Condition satisfied; County Fire and DTPW approved the location of the existing gate on Maple Avenue.]*

47. The Applicant shall construct a minimum of five (5) foot wide ADA compliant sidewalk per County standards along a portion of the Shaw Avenue frontage connecting the main pedestrian entry gate at (60 Shaw Avenue; APN 050-275-028) to the new crosswalk and from the crosswalk to the parking lot at 75 Shaw Avenue; APN 050-275-052) as approved by the Director of Transportation and Public Works. *[New]*
48. The Applicant shall offer right-of-way (public sidewalk easement) to the County of Sonoma, free of encumbrances, and of sufficient width on Shaw Avenue along the project frontage to contain the sidewalk improvements as required by the Director of Transportation and Public Works. The Applicant shall have prepared a public sidewalk easement, together with the required descriptions, and shall submit them to the County Surveyor for review and approval. A copy of the recorded easement shall be submitted to the Land Development Section of Permit Sonoma prior to clearance of these conditions and or approval of the improvement plans. *[New]*
49. The developer shall install:
  - a. Traffic control devices as required by the Department of Transportation and Public Works, including items such as traffic signs, roadway striping, pavement markers, etc.
  - b. Signing indicating that no vehicle parking will be permitted along on the developer's frontage with Maple Avenue.\* *[49]*
50. An Erosion Control Plan (winterization plan) shall be prepared for the site and submitted as part of the Improvement Plans. Erosion control measures shall be installed as described in the Erosion Control Plan. *[50]*
51. All improvements shall be constructed in accordance with the Department of Transportation and Public Works Road policy. *[51]*
52. The developer shall employ a Registered Civil Engineer, licensed in the State of California, to develop plans for the required improvements. The scale of these Improvement Plans shall be a minimum 1-inch equals 40 feet, and shall be submitted on 24 inch by 36-inch sheets for review. The plans shall include roadway cross-sections, at a maximum interval between cross-sections of 50 feet. *[52]*
53. Plan checking fees and Inspection fees, including those involving off-site frontage improvements, shall be paid to Permit Sonoma, prior to signature of the Improvement Plans by the Director of the Department of Transportation and Public Works.\* *[53]*
54. Prior to issuance of any building permit which results from approval of this application, a development fee (Traffic Mitigation Fee) shall be paid to the County of Sonoma, as required by Section 26, Article 98 of the Sonoma County Code. *[54]*
55. Within 90 days of Board approval of a no parking ordinance, the applicant shall apply for an encroachment permit and submit Improvement Plans for all required improvements to the Office of the County Surveyor in Permit Sonoma for review and approval; said office will coordinate review of the plans with DTPW. An initial review by DTPW and agreement in concept for the proposed improvements shall be required prior to the issuance of any grading permit for the project. Prior to the issuance of Encroachment Permits, the Improvement Plans shall be signed by the Director of the Department of Transportation and Public Works.\* *[55]*

*[2007 condition no. 56 involving encroachment permit is deleted as duplicative.]*

56. The developer shall complete construction of all the required public improvements or enter into an Improvement Agreement and post acceptable security with the County of Sonoma, agreeing to complete the required construction within six months after receipt of permit(s) approvals from all review agencies, including but not limited to Cal-Trans, Sonoma County DTPW, and Permit Sonoma.

Included in this Improvement Agreement shall be a requirement that the developer enter into an Improvement Maintenance Agreement and post security with the County of Sonoma, to guarantee the improvements for a period of one (1 year) after acceptance of the improvements by the County as being complete. \* [57]

**REGIONAL PARKS:**

57. Upon approval of DTPW or Caltrans encroachment permits required by condition of approval 55, the applicant shall execute and record an irrevocable offer to dedicate right-of-way to the County for the purpose of developing the multi-use Sonoma Valley Trail in accordance with the Sonoma Valley Trail Feasibility Study accepted by the Board of Supervisors on February 2, 2016. The trail easement to be offered for dedication shall be 5 feet in width and adjoin the SR-12 right of way for the length of the parcel frontage on SR-12. The precise location of the easement to be offered for dedication is to be mutually agreed by the Grantor (property owners of record) and County Regional Parks. *[New]*

**PLANNING:**

“The conditions below have been satisfied” BY \_\_\_\_\_ DATE \_\_\_\_\_

58. This modified use permit recognizes activity space allocation as follows:

Activity	Description	Square footage
Office	Administrative office (accessory)	1,615 sq. ft.
Retail	Market	781 sq. ft.
	Food preparation	400 sq. ft. deli/catering kitchen
	Storage and restrooms	342 sq. ft.
Outdoor Dining	Table seating and food/wine bar with maximum 144 seats, including standing wine tasting stations	3,125 square foot patio seating area, with a 275 sq. ft. patio kitchen with cooktop
Indoor tasting room	Wine bar and tables with maximum of 13 seats including standing positions at tasting bar	833 sq. ft.

Case good storage	Accessory case good storage	1,800 sq. ft.
Other retail	(currently Tommy Bahama and gelato shop)	1,087 sq ft

\*[58]

59. Special events are not permitted, except that private parties can be held during normal business hours (10 a.m. to 4 p.m.) subject to compliance with operational conditions, including but not limited to daily capacity limitations. \* [59]

*[2007 Condition no. 60 referring to prior bed and breakfast is deleted.]*

*[2007 Condition no. 61 referring to workforce housing deleted.]*

60. This use permit authorizes the following facilities and activities:

- a. A maximum of ~~313~~ 252 wine tasting and food service guests per day on an interim basis until Conditions 10, 16, 36-57, 62, 65, 75, and 76 (regarding parking restrictions and roadway, septic, and parking lot improvements are completed at which time the daily visitor limit shall be 313 wine tasting and food service guests per day.
- b. Wine tasting room and self-service food facility within a 3,125 sq. ft. patio area with 144 seats, and a collective maximum of 157 seats, including standing positions at tasting bars.
- c. Operating hours of 10:00AM to 4:00 PM, seven days per week.
- d. Westbound Highway 12 left turn lane at Shaw Avenue within the existing right-of-way if approved by Caltrans.
- e. Shaw Avenue right-turn improvements as conditioned by DTPW within the existing right of way.
- f. Removal of parking on the northwest side of Shaw Avenue from Highway 12 to Clyde Avenue.
- g. Removal of parking on the southeast side of Shaw Avenue within 50 feet of Highway 12.
- h. Remove parking on the north side of Maple Avenue along the property frontage.
- i. Construction of a maximum of 53 space parking lot at 75 Shaw Avenue for exclusive use by VJB.
- j. Authorization for permanent egress-only onto Maple Avenue through the existing driveway.
- k. New 1,500 gpd septic system *[New]*

61. Until Conditions 10, 16, 36-57, 62, 65, 75, and 76 are satisfied, the self-serve food facility may

- temporarily operate at a capacity as provided in Condition 60a using the existing septic system provided that the septic system remains functional as assessed by annual monitoring, and further provided that the applicant diligently pursues approval and installation of the new septic system in accordance with these conditions of approval. Upon installation of the proposed 1,500 gpd septic system and implementation of other improvements as noted above, the wine tasting and food service guests shall be limited to 313 persons per day. [New]
62. The applicant shall monitor and limit the food service and guest capacity as noted above, keep verifiable records, and provide the monitoring data to Permit Sonoma planning staff on a monthly basis to demonstrate compliance with limitations. [New]
63. Patio seating may be temporarily relocated to a 900 sq. ft. designated portion of the case good storage building during inclement weather as shown on on the applicants updated seating plan dated September 2019, but at no time shall the 60 Shaw Avenue site accommodate more than 157 seats, including standing tasting stations for wine tasting and food service, collectively. [New]
64. Customer seating, tables, food service and wine tasting shall not occur at the second level of the of the tasting room/market. Customer seating, tables, food service and wine tasting shall not occur within the case good storage building, except during periods of inclement weather, where patio seating is substituted within the building, and only after issuance of a building permit to address proper building code occupancy. Within 30 days after use permit approval, the applicant shall:
- a. Remove customer tables and seating upstairs of the tasting room/market, except for those necessary and appropriate for staff meetings and training. Remove customer tables and seating within the case good storage building.
  - b. Submit to Permit Sonoma a revised floor and seating and dining area plan removing the references to upstairs indoor overflow seating area and residential use. The updated plan shall demonstrate compliance with the maximum seating capacity by designating seating within the tasting room, designating seating shown in the area above the tasting room/market as "limited seating for administrative offices on," and noting that the indoor seating area in the case good storage building "shall only be used to replace patio seating during inclement weather." [New]
65. The proposed on-site pick-up and drop-off area specified on the private parking area exhibit dated September 2019 shall be installed within 180 days of project approval. The applicant shall direct vans, limousines and buses, to the extent possible, to utilize the proposed on-site pick-up and drop-off area and direct large vans, limousines and buses to avoid parking in the adjoining residential neighborhood. [New]
66. Existing staff shall be stationed as monitors at each patio gate to monitor and assist with parking, circulation, and pick-up/drop off activity on-site and within the surrounding affected area and to ensure maintenance of safe and legal parking during business hours. [New]
67. The Maple Avenue driveway may be used as commercial egress and Emergency Vehicle Access. Within 60 days of project approval, a do not Enter/Exit only sign shall be posted at the driveway on Maple Avenue in accordance with DTPW requirements. \* [62]
- [2007 condition of approval no 63 deleted as a pedestrian connection to Shaw Avenue from the existing patio dining area was installed during project construction as a substitute for the pedestrian connection permitted at the project driveway].*
68. The applicant shall pay all applicable development fees prior to issuance of building permits. [64]

69. Development on this parcel is subject to the Sonoma County Fire Safe Standards for all new construction and shall be reviewed and approved by the County Fire Marshal/Local Fire Protection District. Said plan shall include, but not be limited to: a hood system for the patio cook top, emergency vehicle access and turn-around at the building site(s), addressing, water storage for fire fighting and fire break maintenance around all structures. Within 60 days of approval of this Use Permit modification, a building permit shall be filed for the cook top hood system. Within 60 days of building permit approval, the hood system shall be installed and finalized. Written approval that the required improvements have been installed shall be provided to Permit Sonoma from the County Fire Marshal/Local Fire Protection District. \*[65]
70. Within five working days after project approval, the applicant shall pay a mandatory Notice of Determination filing fee of \$75 (or latest fee in effect at time of payment) for County Clerk processing, and \$2,548.00 (or latest fee in effect at the time of payment) because a Mitigated Negative Declaration was prepared, for a total of \$2,6235 made payable to Sonoma County Clerk and submitted to PRMD. If the required filing fee is not paid for a project, the project will not be operative, vested, or final and any local permits issued for the project will be invalid (Section 711.4(c)(3) of the Fish and Game Code.) NOTE: If the fee is not paid within five days after approval of the project, it will extend time frames for CEQA legal challenges. \* [66]
71. At the time of submitting a building permit application, the applicant shall submit to Permit Sonoma a Condition Compliance Review fee deposit (amount to be determined consistent with the ordinance in effect at the time). In addition, the applicant shall be responsible for payment of any additional compliance review fees that exceed the initial deposit (based upon hours of staff time worked) prior to final occupancy being granted.[67]
72. This "At Cost" entitlement is not effective until all permit processing costs are paid in full. Additionally, no grading or building permits shall be issued until all permit processing costs are paid in full.\* [68]
73. The applicant shall include these Conditions of Approval on a separate sheet(s) of blueprint plan sets to be submitted for building and grading permit applications. [69]
- [2007 condition of approval no. 70 is deleted. This mitigation measure was implemented with the initial project and is no longer necessary. An alternative pedestrian connection from the patio to Shaw Avenue has existed since initiation of the use. Administrative Design Review is required for the 75 Shaw Avenue parking lot and site plan changes.]*
74. Use of the case goods storage building is accessory to the market place/wine tasting building. Barrel storage is not permitted in any building on this project, except for one barrel to meet Alcohol Beverage Control license requirements to maintain facilities for the fermentation of fruit to wine. \*[71]
- 2007 Condition of approval 72 (2007 MND Mitigation Measure AES-2) is deleted as no new exterior lighting is proposed.]*
- [2007 Condition of approval 73 is deleted as overflow on-site parking is no longer proposed.]*
75. Within 90 days of project approval a revised final landscape and irrigation plan [for the off-site parking lot](#) shall be submitted for staff administrative review and approval. The plan shall be consistent with the engineered site plan and comply with General Development Standards of Article 26-82-030 of the Zoning Code, including but not limited to dimensional requirements and two-way access. [The parking lot design shall incorporate surface permeability to the maximum extent feasible in accordance with Low Impact Design Standards.](#) The final plans shall include an access gate design in accordance with Fire Safe Standards. The grading and drainage permit for new parking lot shall not be finalized until the parking lot improvements, landscaping, irrigation, and

- gate access are inspected. All improvements shall be maintained in good condition. [New]
76. The off-site parking lot at 75 Shaw Avenue (APN 050-275-052) shall be maintained in perpetuity for the exclusive use of 60 Shaw Avenue (APN 050-275-028). A parking easement in favor of (60 Shaw Avenue) shall be recorded over 75 Shaw Avenue prior to grading and drainage permit issuance. The parking lot may not be open earlier than 30 minutes before and 30 minutes after the approved business hours of operation (10 a.m. to 4 p.m.). The parking lot shall be gated to prevent access and use during all other times. [New]
77. The project shall comply with all provisions of the County Water Efficient Landscaping Ordinance. [74]
78. Parking lot light fixtures on the primary project site (60 Shaw Avenue) shall not exceed 20 feet in height. No lighting is approved for the 75 Shaw Avenue parking lot. All existing parking lot and/or street light fixtures shall use full cut-off fixtures.\* [75]
79. A minimum of 18 bicycle parking spaces shall be provided in accordance with Zoning Code requirements. [New]
80. Construction activities for this project shall be restricted as follows:
- a. All internal combustion engines used during construction of this project will be operated with mufflers that meet the requirements of the State Resources Code, and, where applicable, the Vehicle Code. Equipment shall be properly maintained and turned off when not in use.
  - b. Except for actions taken to prevent an emergency, or to deal with an existing emergency, all construction activities shall be restricted to the hours of 7:00 a.m. and 7:00 p.m. on weekdays and 9:00 a.m. and 7:00 p.m. on weekends and holidays. If work outside the times specified above becomes necessary, the applicant shall notify the PRMD Project Review Division as soon as practical.
  - c. There will be no start up of machines nor equipment prior to 7:00 a.m. Monday through Friday or 9:00 a.m. on weekends and holidays; no delivery of materials or equipment prior to 7:00 a.m. nor past 7:00 p.m. Monday through Friday or prior to 9:00 a.m. nor past 7:00 p.m. on weekends and holidays and no servicing of equipment past 7:00 p.m., Monday through Friday, or weekends and holidays. A sign(s) shall be posted on the site regarding the allowable hours of construction, and including the developer's phone number for public contact.
  - d. Construction maintenance, storage and staging areas for construction equipment shall avoid proximity to residential areas to the maximum extent practicable. Stationary construction equipment, such as compressors, mixers, etc., shall be placed away from residential areas and/or provided with acoustical shielding. Quiet construction equipment shall be used when possible.
  - e. The developer shall designate a Project Manager with authority to implement the mitigation prior to issuance of a building/grading permit. The project manager's phone number shall be conspicuously posted at the construction site. The project manager shall determine the cause of noise complaints (e.g. starting too early, faulty muffler, etc.) and shall take prompt action to correct the problem. [76]

Mitigation Monitoring: PRMD staff shall ensure that the measures are listed on all site alteration, grading, building or improvement plans, prior to issuance of grading or building permits. Any noise complaints will be investigated by PRMD staff. If violations are found, PRMD shall seek voluntary compliance from the permit holder and thereafter may initiate an enforcement action



and/or revocation or modification proceedings, as appropriate. [76]

81. The following dust control measures will be included in the project:

- a. Water or other dust palliative will be applied to unpaved portions of the construction site, unpaved roads, parking areas, staging areas and stockpiles of soil daily as needed to control dust.
- b. Trucks hauling soil, sand and other loose materials over public roads will cover the loads, or will keep the loads at least two feet below the level of the sides of the container, or will wet the load sufficiently to prevent dust emissions.
- c. Paved roads will be swept as needed to remove any visible soil that has been carried onto them from the project site. [77]

Mitigation Monitoring: Building/grading permits for ground disturbing activities shall not be approved for issuance by Project Review staff until the above notes are printed on the building, grading and improvement plans. The applicant shall be responsible for notifying construction contractors about the requirement for dust control measures to be implemented during construction. If dust complaints are received, PRMD staff shall conduct an on-site investigation. If it is determined by PRMD staff that complaints are warranted, the permit holder shall implement additional dust control measures as determined by PRMD or PRMD may issue a stop work order. (Ongoing during construction) [77]

82. All trash and decomposing materials shall be removed from the site regularly to prevent objectionable odors.\* [78]

Mitigation Monitoring: If PRMD receives complaints regarding objectionable odors, staff will investigate the complaint. If it is determined by PRMD staff that complaints are warranted, the permit holder shall implement additional odor control measures as determined by PRMD (Ongoing) [78]

83. The following notes shall be included on building or grading plans for ground disturbing activities:

“If archaeological materials such as pottery, arrowheads or midden are found, all work shall cease and PRMD staff shall be notified so that the find can be evaluated by a qualified archaeologist (i.e., an archaeologist registered with the Society of Professional Archaeologists). Artifacts associated with prehistoric sites include humanly modified stone, shell, bone or other cultural materials such as charcoal, ash and burned rock indicative of food procurement or processing activities. Prehistoric domestic features include hearths, firepits, or house floor depressions whereas typical mortuary features are represented by human skeletal remains. Historic artifacts potentially include all by-products of human land use greater than 50 years of age including trash pits older than fifty years of age. The developer shall designate a Project Manager with authority to implement the mitigation prior to issuance of a building/grading permit. When contacted, a member of PRMD Project Review staff and the archaeologist shall visit the site to determine the extent of the resources and to develop proper procedures required for the discovery. No work shall commence until a protection plan is completed and implemented subject to the review and approval of the archaeologist and Project Review staff. Mitigation may include avoidance, removal, preservation and/or recordation in accordance with accepted professional archaeological practice.

If human remains are encountered, all work must stop in the immediate vicinity of the discovered remains and PRMD staff, County Coroner and a qualified archaeologist must be notified immediately so that an evaluation can be performed. If the remains are deemed to be Native American and prehistoric, the Native American Heritage Commission must be contacted by the Coroner so that a “Most Likely Descendant” can be designated.\* [79]

Mitigation Monitoring: Building, grading and septic permits shall not be approved for issuance until the above notes are printed on the construction plans. The applicant shall be responsible for notifying contractors about the requirement to cease work if archaeological materials are found during ground disturbing activities. Permit Sonoma will verify that protocols are enforced should accidental discovery materialize. [79]

84. Prior to any earth moving activity, the Project Applicant shall retain a tribal monitor and/or qualified principal archaeological Investigator to oversee the cultural resources-related mitigation efforts. The principal Investigator shall meet professional qualifications in the discipline of archaeology as defined in the Secretary of Interior's Standards and have demonstrated the ability to work cooperatively with the Tribe by honoring the Tribe's values and protection measures. The principal Investigator may monitor the tribal cultural resources-related mitigation efforts or may employ an archaeological monitor who will work under the supervision of the principal investigator. The archaeological monitor shall address the following:

- 1) An initial pre-construction meeting with the grading contractor to review the definition of tribal cultural resources;
- 2) Review of all land disturbance and earth removal; and
- 3) Review and signoff of completed areas. *[New]*

Mitigation Monitoring:

Prior to issuance of a grading or encroachment permit, the applicant shall provide evidence of a signed contract with a qualified tribal monitor. *[New]*

85. Any proposed modification, alteration, and/or expansion of the use authorized by this Use Permit shall require the prior review and approval of Permit Sonoma or the Board of Zoning Adjustments, as appropriate. Such changes may require a new or modified Use Permit and additional environmental review. [80]

86. The owner/operator and all successors in interest, shall comply with all applicable provisions of the Sonoma County Code and all other applicable local, state and federal regulations. [81]

*[2007 condition no.82 concerning one year review upon commencement of special events is deleted as special events are no longer proposed.*

*[2007 condition no. 83 is deleted. Special events are no longer proposed.*

87. This permit shall be subject to revocation or modification by the Board of Zoning Adjustments if: (a) the Board finds that there has been noncompliance with any of the conditions or (b) the Board finds that the use for which this permit is hereby granted constitutes a nuisance. Any such revocation shall be preceded by a public hearing noticed and heard pursuant to Section 26-92-120 and 26-92-140 of the Sonoma County Code. [84]

88. In any case where this Use Permit has not been used as provided in Sonoma County Code Section 26-92-130 within two (2) years after the date of the granting thereof, or for such additional period as may be specified in the permit, such permit shall become automatically void and of no further effect, provided however, that upon written request by the applicant prior to the expiration of the two year period the permit approval may be extended for not more than one (1) year by the authority which granted the original permit pursuant to Section 26-92-130 of the Sonoma County Code.\* [85]

89. The Director of PRMD is hereby authorized to modify these conditions for minor adjustments to respond to unforeseen field constraints provided that the goals of these conditions can be safely achieved in some other manner. The applicant must submit a written request to PRMD demonstrating that the condition(s) is infeasible due to specific constraints (e.g. lack of property

rights) and shall include a proposed alternative measure or option to meet the goal or purpose of the condition. PRMD shall consult with affected departments and agencies and may require an application for modification of the approved permit. Changes to conditions that may be authorized by PRMD are limited to those items that are not adopted standards or were not adopted as mitigation measures or that were not at issue during the public hearing process. Any modification of the permit conditions shall be documented with an approval letter from PRMD, and shall not affect the original permit approval date or the term for expiration of the permit. [86]