



filed via e-mail

April 18, 2023

Design Review Committee
Permit Sonoma
Sonoma County

Re: DRH21-0010-Kenwood Ranch Winery (KRW)

Dear Committee Members,

In the short period of time the Valley of the Moon Alliance (VOTMA) has had to read and review the lengthy materials released last Thursday, including the draft Addendum #2 (AD2) (Attachment 5 to the Staff Report) to the FEIR certified for PLP01-0006, and the Initial Summary (IS) (Attachments 21-22 to Attachment 5) prepared in support of AD2, VOTMA identified numerous issues and questions raised by those materials that require further study and attention. Pending resolution of those issues and questions, Addendum #2 and the associated I/S should be deemed incomplete. The Design Review Committee should not use its discretion to approve and accept those documents or the Staff's recommendations relating to those documents.

A. CEQA Standard

PS prepared AD2 based on its assessment that while some changes or additions are required to the KRW Project are necessary, none of the conditions set forth in Public Resources Code Section 21166 or Section 15162 the CEQA Guidelines (California Code of Regulations, title 14, Section 15000 et seq.) calling for a subsequent EIR have occurred. VOTMA believes that it is a close question as to whether the circumstances under which the KRW Project is being undertaken have changed substantially since 2004, and in particular the occurrence of two significant wildfires, an extended drought, and an overconcentration of winery events in the Sonoma Valley over the last 20 years, such that a more than an addendum is required prior to further discretionary action by the Design Review Committee. These changed circumstances both involve new significant environmental effects as well as a substantial increase in the severity of previously identified significant

effects. (Section 15162(a)(2))

Independently, VOTMA also believes that over the last 20 years since the initial EIR was certified, we all (collectively) have developed new information of substantial importance relating to wildfire risks in the rural wildland interface in the face of climate change that was not adequately considered and which now is understood to have substantially more severe effects than previously understood. (Section 15162(a)(3). Those are the things that happen when a project is delayed for 20 years, and the County would do well to put some more rigorous timelines in its use permit conditions, rather than “vest” projects into perpetuity.

The Glass fire in October 2020 brought all that to play in an immediate and devastating way in Sonoma Valley, and specifically on the KRV project site, and to an even greater extent on the adjacent up-slope KR Inn/Spa/Restaurant project site. Homes and businesses were incinerated by the Glass fire, traffic in the Valley was crippled, and lives were lost.

As much as VOTMA would like to see the KRW dramatically scaled back so that it was not another risk factor, or victim, or both, of the next wildfire, we realize that the regulatory battle there would be long, and the odds of success short.

So we will focus our comments here on what is before us as an addendum to an EIR that is frankly stale and out of touch with the realities we all face today as residents and inhabitants of this beautiful valley. We appreciate the time, money and effort that the County and KR have devoted to preparing an Initial Study as support for AD2, and see that it is a good faith attempt to wrestle with the issues and challenges the new winery and its surrounding neighbors will confront.

Having said that, VOTMA does take issue with the County’s statement on AD2 at pg 5 that “because the approval at issue is limited to design review, even if there were substantial changes in circumstances or new information of substantial importance...those factors would have to be relevant to impacts resulting from the requested design changes, not the original project approval.” That is hogwash; PRC Section 21166(c) and CEQA GL 15162(a)(3) are not tied to design changes.

Does the County believe that absence of an evacuation plan or wildfire risk analysis in the original EIR, or the absence there of mitigation requirements (or maybe the failure of the County to enforce such requirements as were there) that would have reduced the risk of the absolute devastation that the Glass fire inflicted (and the next fire may duplicate) on the forested area, that had been allow to sit untrimmed and unmanaged for well over a decade, are not valid subjects of the hearing before the DRC? Is not the DRC being asked to approve the environmental effect conclusions of AD2 (and the I/S) as well as the design changes proposed? It is Noticed as such.

B. Issues and Questions

1. Aesthetic/Visual Issues:

a. Chimneys--Why are there chimneys on the three front buildings" Section 1.7.4 indicated only chimneys on the Marketplace and the Commercial Kitchen. Why are any chimneys needed? The appliances are electric and "no natural gas fireplaces will be provided as part of the 2022 Project." (I/S at 1.7.7, pg1-45). Why is wood burning used for cooking (other than BBQ)?

b. Tree Mortality--The aggregate mortality of the trees on the Winery project site seems inconsistent. The "KR Winery Tree Condition Rating" dated 8-02-21 (supplied by PS staff to VOTMA on Monday April 17th) showed 167 trees on the building envelope. Of those, 117 (70%) were classified as in "poor" condition, meaning that they "cannot" be salvaged. Another 43 trees (26%) were classified as in "fair" condition, meaning that they "could possibly" be salvaged. The remainder (4%) were classified as in "moderate" or "good" condition. That was a fairly stark first report.

The "Post-Fire Winery Building Envelope update" dated 1-12-23 (also provided on by PS staff on April 17th, but appearing in another form in one of the many appendices) had the total building envelop trees at 213. Of those, 67 were listed as poor, and 73 were listed as fair, using the same scale, or 65% of the larger number. The chart showed that 74 of the poor or fair trees had been or would be removed.

In the time available VOTMA was unable to locate an assessment of the remaining trees not within the building envelope and on the KR Winery Project 2022 parcel. Apparently 120 trees were planted in 2021, but the location is unclear.

The uncertainty as to existing trees and location of the newly planted trees and the prospect for further tree planting renders the visual profiles of the winery from various spots on Highway 12 uncertain. Looking at the comparison of before and after overhead post Glass Fire (I/S figure 1-4) suggests dramatic burns across the much of the Winery project site. The compositional analysis in Attachment 34 to Attachment 5 (I/S) at pg. 62 of 86 is brutal: "Lot 12-Area A--Winery parcel that suffered severe damage from the Glass Fire with 75% mortality." "Lot 12-Area B-Riparian zone severely damaged. Mature oak, Douglas fir, bay laurel, and Pacific big-leaf maple with high mortality."

In contrast to these direct assessments, the AD2 and the I/S tend to compare the damage to the winery parcel to the Inn/Spa/Restaurant parcel by referencing that the damage to the former was less than the extensive damage to the latter. The reality is that there is and was high mortality to the trees designed to screen the Winery and that damage is a slow rolling truth. Once the trees on the building envelope begin to be removed and as other poor and fair status trees fall or are cut away, there is no assurance that the Winery will not be plainly in view in this corridor.

As much as VOTMA would like to see the depiction of the Winery as shown on Figure 1-12 of the I/S (Att 21 to Att 5, at pg. 36 of 352) as an accurate one, that simply does not seem credible, at least for the next few decades.

VOTMA suggests that KR again story pole the Winery building envelope to give a more accurate rendition of how the entire winery will look from a distance before the DRC renders its decision, and/or that a better series of rendering with age adjust trees (i.e., not mature) inserted to see what the site will look like over the next decade. Of particular interest would be to also provide a more realistic backdrop that shows the tree condition of trees to the north and northeast of the Winery site, together with a view of the Inn/Spa/Restaurant as seen in the background of the depiction of the Winery. The Winery must be seen in the broader context that we will all see as we drive from the upper north part of the valley east toward Sonoma. While VOTMA understand that absolute screening was never promised, the gap created by first the glaringly visible bulk of the Inn/Spa/Restaurant and the Winery needs further attention as a Design and Visual issue.

VOTMA also suggests that the applicant set up a community forum that meets periodically to assess and monitor progress in screening the Winery from view.

2. Traffic Impacts and Parking Issues:

a. *Winery Traffic*--The I/S goes to great lengths to argue why the CEQA process for this discretionary Design Review should not and may not legally require a Vehicle-Miles-Traveled (VMT) study as required for all projects after August 2020. At the same time, the I/S puts forward as evidence on traffic level of service impacts dated and stale studies used for Addendum #1 for the Inn/Spa/Restaurant. The I/S seeks to have it both ways to avoid addressing transportation impacts.

Over the last 5 or 6 years traffic patterns have changed, commute patterns have changed, winery events have changed, new housing has occurred and very large projects (Elnoka, SDC, Hanna) that will affect this stretch of Highway 12 are now in the planning process. The I/S is content to stick with the fact that traffic was and is a significant and unavoidable impact that cannot be mitigated and so the Board of Supervisors' (BOS) past statement of overriding conditions is still the best trump card in the deck.

It may be, but that does not negate the need to update and present a comprehensive assessment of current conditions to provide the proper perspective on benefits vs impacts, so that if and when the BOS sees this matter again, it can make its determination for this phase based on current facts and conditions. The Design Review Committee should not accept AD2 with an incomplete and inadequate traffic assessment.

b. *Mitigation Measure 5.2-8(a)*--Table 1-5 of the I/S presents a summary of the operating days and hours for the various activities. Winery events are shown as daily or on weekends. VOTMA notes that Appendix F of the Appendices to the I/S (Attachment 22 to Attachment 5 (AD2), at pg. F-5) shows as Mitigation Measure 5.2-8(a) the following: *"Until the events coordinator program in Mitigation Measure 5.2-8(b) is established, the project's proposed 30 annual events shall be restricted to weekdays (Monday -Friday during non-peak traffic hours) and/or non-times events such as food and wine pairings on the site. Weddings, banquets, auctions, concerts and other time-specific would only be permitted on Monday-Friday during non-peak traffic hours."*

If applicable, this condition would address VOTMA's winery events concerns. If this mitigation measure was in fact not adopted, VOTMA remains concerned about the impact of winery events during peak traffic hours, and believes that should be addressed in the traffic studies required.

c. *Parking*: The proposed Design for the Winery has almost entirely reconfigured the parking and retains the 147 spaces. The I/S at pg. 1-41 shows the following parking allocations and locations: trailhead--14 spaces; visitor--40, west; staff-69, east; service building--14, east; cold storage building --18, east; retail support--2 spaces.

VOTMA appreciates that for events up to 200 persons 80 spaces would be needed, plus parking for staff. It is not clear why there is a staff demand for 69 spaces, service building 14 and so forth. Those sorts of parking space requirements seem to exceed the expected use as reflected in the winery trip generation estimates set out in Appendix H in Att 22 to Att 5 and in the Wildfire Winery Project Vehicles assessment, showing 31 Winery employees at max occupancy. (Appendix V at pg. 3 in Att 22 to Att 5)

VOTMA raises this issue in part as a reflection of discussions with Tohigh International during the Design Review of the Kenwood Ranch Phase I--the Inn/Spa/Restaurant. There was concern expressed then that parking for staff to serve the Inn/Spa/Restaurant not be located at some other place on the 2004 Project. If the KR Winery functions as Phase II as a stand-alone operation does not require 147 spaces, then the redesign should reflect the lower numbers of spaces actually required, or KR should otherwise provide assurances that those spaces will not be devoted to non-Winery uses (e.g., parking for employees of the Inn/Spa/R.

3. Wildfire Evacuation Issues:

a. *Wildfire Evacuation Timing*: VOTMA appreciates the obvious care and concern that KR has devoted to assessing this important issue. As a whole, the wildfire mitigation and control efforts that are reflected in the Appendices in Att 21 to Att 5 are as comprehensive as VOTMA has seen. The residents of Sonoma Valley who were present during the Tubbs and Glass fires and who had to evacuate over the crowded roads as smoke and flames were approaching have that experience burned into their memory. They should be somewhat comforted by this attention to detail.

Although an oversimplification, in some sense the KR wildfire evacuation strategy is simply to shut down at first warning, leave the 2022 Project early (both Winery and the Inn/Spa/Restaurant, although the latter has not committed to that), and thus avoid the crowds on the roads. (Appendix V at pg. 4 in Att 22) That strategy is not unique and is one VOTMA would guess many or most of those who lived thru the past conflagration will also adopt. If that is the case, the “No Notice” scenario deserve close inspection as the more realistic outcome.

The results here are not encouraging. If VOTMA is reading the Fehr & Peers Study correctly, and assuming that the two driveway egress option is available (see below), it would take 45 minutes for the 2022 Project to entirely clear the driveways on to Highway 12. The total elapsed time to the evacuate the study area would be 150 minutes without the 2022 Winery Project and 165 minutes with the 2022 Winery Project.

That assumes everything goes smoothly. It apparently also does not factor in the extent to which other wineries, whether existing or planned, also might be holding max events at that point. VOTMA has not studied it closely enough to assess whether the Hanna Center project is factored in or how it deals with the SCD Specific Plan as adopted and the Elnoka project as it might be revised by its new multi-family residential unit developer. In truth it is a seemingly precise spitball on the wall.

VOTMA recognizes that the Winery component of that capacity demand is less than that of the Inn/Spa/Restaurant. But the issue here is not whether the Inn/Spa/Restaurant should be contributing to that capacity demand. It is the Winery that is the incremental demand component still seeking discretionary approval of its required permits. To that extent, that extra 15 minutes to clear the area is on the Winery’s back.

VOTMA appreciates that when the 2004 Project was first envisioned sometime late in the last century, the combination of a winery and event center as an adjunct to the Inn/Spa/Restaurant was an attractive combination concept. But viewed today, with an over-concentration of vineyard plus winery integrated facilities in the immediate Sonoma Valley area, the concept of an event center plus a mini custom-crush facility that together with the Inn/Spa/Restaurant will pour 816 persons onto Highway 12 within 30 minutes after a wildfire warning, seems a considerably less compelling concept. That goes directly to the tradeoff between risk and reward that the planning process and the BOS must consider. The “No Notice scenario” is troubling.

b. *Mutual Irrevocable Emergency Easement (MIEE)*--As VOTMA understands it from statements at the KR Winery Dunbar Community meeting last year, the genesis of the plan to enter into a MIEE with the adjacent Graywood Subdivision (GS) came about because the retained consultants on the Wildfire Evac and Control issues expressed concern with the timing required to evacuate the 2022 Project. The 2022 Project was told it needed another road to get out safely. Hey, why not tie into the Graywood Subdivision Road and our problem is solved?

If only everybody could have another back door to push its people out to safety ahead of everyone else trying to get on the clogged two lane evacuation highway.

VOTMA sees this as a matter of equity. Who gets priority at entrance points on Highway 12? As far as VOTMA is aware this extra egress option was not an element of any prior permitting for the 2004 Project or, until now, the 2022 Project. Did any of the traffic studies or any of the mitigation discussions relating to ingress and egress to the 2004 or 2022 Projects propose or contemplate this revision?

This is not simply a matter of mutual sharing of egress. The Graywood Subdivision has a dozen or so residential units. The combined Winery and Inn/Spa/Restaurant has over 800 persons affected. As reflected in the Wildfire Evacuation Timing study there is little that is mutual here. The Project trip assumption for the "With Notice" scenario has 1) a 50/50 split for right turning vehicles over both driveways; 2) 70% of left turning vehicles use the Campagna Lane Driveway and 30% use the GS driveway (competing with Frey Road exit homeowners turning left or right, plus east and west bound drivers as well); and 3) overall 60% of the KR Project vehicles use the Campagna Lane drive and 40% use the GS driveway. Appendix V at pg. 11. No assumptions on driveway use were provided in the "Without Notice" stamped.

As a simple matter of fairness in risk allocation the KR Project (Inn/Spa/Restaurant & Winery) should live or die with the Campagna Lane as its exit option.

It should go without saying that should the dual driveway option under the MIEE be permitted (without conceding that this option could even be allowed without permit modifications for the all the projects), any signage at the intersection of the two roads should be absolutely clear that it is to be used only for emergencies and only for egress.

Thank you for the opportunity to submit comments. I apologize for the lateness of these comments, but given the short amount of time to respond, the mass of the materials made available late Thursday, and the fact that PS did not respond to VOTMA's request that the hearing be rescheduled to allow closer study of the materials, this was the best VOTMA could do.

Regards,

Roger Peters

Roger Peters
VTMA Board Member