



**FILE:** DRH21-0010  
**DATE:** September 7, 2023  
**TIME:** At or after 1:05 P.M.  
**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:** Appeal of Design Review approval for Kenwood Ranch Winery (Phase II Proposed Winery with vested rights) submitted by appellant Valley of the Moon Alliance. The proposed design is based on the conceptual design as described in the 2004 EIR for Sonoma Country Inn, 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 Planning Commission deny the appeal filed by Valley of the Moon Alliance, uphold the Design Review Committee’s May 31, 2023, approval of the Addendum No. 2 to the 2004 Final Environmental Impact Report, the Phase II Proposed Winery design, colors and materials as presented, and the landscaping and landscape lighting plans, and approve the addendum and current request for design review.



## **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.

On May 31, 2023, the Design Review Committee (DRC) held a public meeting and found the Phase II Winery design proposal in substantial compliance with the Board of Supervisor’s Final Conditions of Approval (PLP01-0006) and approved the project design plans as proposed, including the site plan, architecture, parking and access, landscaping, color and materials, and lighting.

On June 12, 2023, VOTMA filed an appeal of Design Review Committee’s May 31, 2023 approval of the project. The appeal raises concerns with a new fire evacuation plan and evacuation road, changes to the surrounding area, and cumulative impacts. Staff recommends that the Planning Commission deny the appeal and uphold the Design Review Committee’s May 31, 2023 approval. The Planning Commission’s current review does not include elements of the vested approved project other than the proposed design modifications. Rather, the Planning Commission’s current role is to decide whether to approve the Addendum No. 2 to the EIR, and to decide whether the design and layout changes adequately satisfy the design review development standards, and in addition, whether they carry out direction in the Conditions of Approval and mitigation measures.

## **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



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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.

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**Area Context and Surrounding Land Uses**

Direction	Land Uses
North	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.
South	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.
East	A mix of residential and agricultural properties with vineyards.
West	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 knock 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.

### ***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 2004 EIR. The Winery Well would supply approximately 2,685 gpd (3.0 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 (provided under Attachment 5, DRC Staff Report dated May 31, 2023).

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



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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 5). 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 5).
- **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 5).

### **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.

**Table 1. 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. (combined total at 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* (provided under Attachment 5, DRC Staff Report dated May 31, 2023).

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 project milestones and events.

Date	Project Event/Milestone
<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
<b>5/31/2023</b>	Design Review Committee approves DRH21-0010
<b>6/12/2023</b>	Appeal filed by Valley of the Moon Alliance

**Design Review**

The Planning Commission considers design review using the same standards followed by the Design Review Committee (DRC) and in 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 Planning Commission’s review of the DRC’s action is *de novo*, which essentially means that it hears the design review application fresh, without deference to the DRC. The scope of this review is limited to the design changes proposed based on the design review factors listed in the code. As a result, the Commission has discretionary authority in its evaluation of those design elements, over appropriate CEQA evaluation of the



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proposed changes. Importantly, the scope of this design review and CEQA review (Addendum No. 2 to the 2004) does not include elements of the vested approved project other than the proposed design modifications.

To summarize, here the Commission considers the design modifications *de novo* (anew), but the scope of the review remains the same. The evaluation is whether the design and layout changes adequately satisfy the design review development standards, and in addition, whether they carry out direction in the Conditions of Approval and mitigation measures.

All proposed changes are evaluated for any related environmental consequences in technical reports provided as exhibits to this staff report. For the Commission’s information at this hearing, the changes and technical updates are also summarized in the EIR Addendum No. 2 attached the DRC Staff Report dated May 31, 2023 (Attachment 5).

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 the DRC Staff Report dated May 31, 2023 (Attachment 5). 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.*

#### Condition Compliance Review:

- The design changes requested by the Applicant for the proposed project are consistent with the maximum allowed square footage listed under Condition of Approval (COA) 84 and 106, as detailed in Table 1 under the Project Description section of this staff report. The design changes do not change the character or intensity of any preapproved use.
- The Phase II Winery site plan conforms to COA 95 and 97 as the final access and parking design minimizes loss of woodland and forest habitat and retains as many trees onsite as possible to minimize visual impacts as seen from Highway 12. A total of 74 trees are proposed for removal, consistent with the EIR estimate of removal of 70 to 120 trees.
- The Phase II Winery design proposes a variety of exterior building colors and materials that match the natural backdrop of the site surroundings to minimize visual impacts from Hwy 12, consistent with COA 97. Approximately 120 trees planted in 2021 between Highway 12 and the Phase II Proposed Winery will provide additional screening for future winery buildings.
- The Phase II Winery site plan does not increase the amount of light pollution in any substantial or significant amount compared to the Conceptual Design. The final exterior lighting plan demonstrates consistency with COA 98 and 99.
- All proposed winery buildings and wastewater treatment systems are in the preapproved Building and Septic Envelopes of the recorded Sonoma Country Inn Subdivision map. The design is consistent with the 2004 EIR Mitigation Measures for special status plants and animals. All grading activities are outside of the Grassland Preserve and 50-foot Riparian Corridor Setback, with exception of the work required to remove an existing stockpile. Removal of the 280 cubic yards of stockpiled soil from the Riparian Corridor will require a zoning permit after design review is approved.

#### **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 Attachment 5, DRC Staff Report dated May 31, 2023. 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.

Based on the EIR, the EIR addendums, and the technical reports, a supplemental or subsequent EIR is not required for the requested design changes pursuant to Public Resources Code Section 21166 and CEQA Guidelines, Section 15162 because:

- a. The design changes requested for the proposed project do not propose substantial changes from the 2004 project which will involve new significant environmental effects or a substantial increase in the severity of previously identified significant effects.
- b. There are no substantial changes relevant to the design changes requested for the proposed project with respect to circumstances under which the proposed is undertaken which will require major revisions of the EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.
- c. There is no new information of substantial importance relevant to the design changes requested for the proposed project which was not known and with the exercise of reasonable diligence could not have been known at the time the 2004 EIR was certified which shows that the proposed design will have new significant environmental effects not evaluated in the 2004 EIR or a substantial increase in the severity of previously identified significant effects.
- d. No mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but are not adopted, and there are no new or different mitigation measures identified which would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt them.



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.

### **Concerns Raised by the Appellant:**

#### **1. Evacuation Plan:**

The Appellant contends that the proposed evacuation plan should include guests of the Phase I Resort patrons, the capacity available in the Phase I Resort meeting rooms, and the additional impacts of the Elnoka project, the SDC project, and the Hanna Center project.

#### *Staff Response:*

- *The PLP01-0006 Conditions of Approval for the Winery Use Permit do not require the applicant prepare a wildfire evacuation plan. 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 knock locks to facilitate emergency access to the site. All development resulting from the Phase II Winery will be required to demonstrate compliance with the PLP01-0006 Conditions of Approval for fire safety, as well as with all applicable current County and State requirements for fire safety.*
- *Sonoma County’s Design Review Ordinance does not require the applicant prepare an evacuation plan, however the applicant voluntarily submitted recommendations for evacuation planning during construction and during a disaster (see Attachments 28-33 of the EIR Addendum No. 2).*
- *Evacuation planning and wildfire risk is not new information. The EIR acknowledged the project location to be a “high fire danger area” and concluded that fire impacts could be mitigated to a level of insignificance.*

#### **2. New Road for Evacuation:**

The Appellant contends that the use of the new road for evacuation by the Phase II Winery and potentially the Phase I Resort constitutes a significant project change that requires a revision the use permits approved by PLP01-0006.

#### *Staff Response:*

- *The new road proposed under Grading Permit No. GRD22-0174 is not located on the winery site. The owner of Graywood Ranch, located northwest of the winery site (APNs 051-270-004, -005, -006, and -007), currently has a grading permit under review for a new road to expand emergency evacuation access to Lots 3 and 6 of the Graywood Ranch Subdivision map recorded in 2012, Book 749, Page 36-44. The proposed access road starts at Hwy 12 and ends at an existing driveway at Campagna Lane. The applicant for the winery, Kenwood Ranch Winery LLC, intends to obtain an emergency evacuation easement from Graywood Ranch to use for secondary emergency egress. PLP01-0006 Conditions of Approval do not require the applicant provide a secondary evacuation route for the winery.*





- *There are no changes in how primary access is gained to the winery site compared to approvals granted in the PLP01-0006 approval. Two entrances will continue to serve the winery site from Campagna Lane connecting to Highway 12 as previously approved. The proposed winery design changes are not related to or dependent on the approval of File No. GRD22-0174; however, the applicant describes this secondary evacuation road proposal in their voluntary evacuation planning efforts.*
- *Permit Sonoma is currently reviewing the GRD22-0174 application in conformance with required County Codes and the required mitigation measures provided on the recorded map for MJS01-0002 “Graywood Ranch Subdivision”. MJS01-0002 is associated with the Sonoma Country Inn project File No. PLP01-0006 in that the original 280-acre parcel was created by a Lot Line Adjustment approved by PLP01-0006, however Permit Sonoma processed MJS01-0002 under a separate CEQA review and entitlement process. On December 10, 2009, the Planning Commission adopted a Mitigated Negative Declaration for Graywood Ranch Subdivision and approved MJS01-0002 under Resolution 09-039.*

### **3. Changes to Surrounding Area and Cumulative Impacts:**

The Appellant contends the Initial Study and Addendum #2 do not: 1) adequately capture extent of changes in the surrounding area since the project was approved, including wildfires and traffic congestion, and 2) assess cumulative impacts of the winery as viewed in conjunction with other pending or planned projects in Sonoma Valley, including the Elnoka project, the SDC Specific Plan, and the Hanna Center project. The Appellant contends that cumulative impacts to water, sanitary, traffic, flood exposure, emergency exposure, noise, greenhouse gas emissions, and other associated environmental impacts should be assessed.

#### *Staff Response:*

*The approval at issue is limited to design review and whether the proposed design changes create new or substantially more severe significant impacts than the Conceptual Design, not whether the Approved Project as a whole was adequately evaluated in the 2004 EIR.*

*The design changes requested for the proposed project do not change the character of any use for which use permits were approved in Board Resolution No. 04-1027 and uses in the proposed project conform to the approved uses for the winery. Staff prepared an EIR Addendum No. 2 to assess the design changes in the proposed project and potential new or increased adverse environmental effects of those changes. The EIR Addendum No. 2 finds the Phase II Proposed Winery design changes would not result in a new significant environmental effect relating to cumulative impacts such as water, wastewater disposal, traffic, flood exposure, emergency exposure, noise, GHGs; or a substantial increase in the severity of a previously identified significant effect due to substantial changes proposed in the project, substantial changes with respect to project circumstances, or new information of substantial importance that was not known and could not have been known with the exercise of reasonable diligence at the time the Board certified the EIR.*

#### *Significant Nearby Applications:*

- *The design changes do not change the character or intensity of any previously approved use.*
- *The proposed design changes do not result in changes or impacts to nearby applications.*



- *The certified Sonoma Country Inn EIR has been publicly available to lead agencies since 2004. The Phase II Winery Use Permit approval and EIR predate the pending projects referenced in the appeal.*

**Water Use and Supply:**

- *The existing project well is in a Class One Groundwater Availability Area, outside of a priority groundwater basin. The project well water level has been stable since construction in 2002.*
- *The Phase II Winery design changes do not increase water use compared to the conceptual design. Winery water use limits are set by the PLP01-0006 conditions of approval and the 2004 EIR. 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.*

**Wastewater Disposal:**

- *The design plans propose to treat wastewater from the proposed winery domestic and process streams through the use of two separate packaged treatment plants in the preapproved Septic Envelope of the Sonoma Country Inn Subdivision.*
- *The design plans follow the guidelines set forth in the EIR and aim to provide increased treatment efficiency while meeting the aesthetic of the Winery Project.*

**Traffic:**

- *Current traffic volume is not new information or changed circumstances establishing new or more severe impacts.*
- *There are no proposed changes that would increase the amount of traffic or trips to or from the winery over what was studied as part of the original approval.*
- *Vehicle Miles Travelled (VMT) is not new information. Reducing VMT has been a goal of Federal climate action policies since before the 2004 EIR was certified. New regulations or guidelines, including new CEQA Guidelines, are not new information if the underlying issue was or could have been known when the 2004 EIR was certified.*

**Flood Exposure:**

- *The site is relatively flat on the valley floor, outside of the Floodplain and Floodway. Minor grading would occur for the Phase II Proposed Winery Site and required erosion control measures will be implemented during and after construction. The site is not subject to Low Impact Development regulations.*
- *The design changes do not create new or more severe grading impacts that cannot be mitigated by the existing mitigation measures and conditions of approval. All development resulting from the Phase II Winery will be required to comply with current County Code requirements for grading and construction activities.*
- *The approved project conditions of approval are adequate to reduce the post-fire risk of erosion or slope instability at the proposed project site. There are no significant changed conditions that create an increased risk of erosion or instability affecting the construction of the proposed project.*

*Wildfire:*

- *Fire hazard risk is not new information. The EIR acknowledged the project location to be a “high fire danger area” and concluded that fire impacts could be mitigated to a level of insignificance.*
- *The current circumstances, with regard to factors that are understood to exacerbate wildfire risk (including slope, prevailing winds, vegetation, climate, on-site water supply, emergency access) are substantially similar to those that the 2004 EIR examined.*
- *Changes to trees or soil caused by fires, and changes to trees or soil resulting from replanting, regeneration, and recovery since then will not cause the project to result in more significant impacts than originally analyzed in the 2004 EIR. The design plans propose to reduce wildfire risk by installing native fire-resistant, drought-tolerant landscaping, maintaining defensible space, and compliance with all County Fire Safe Standards and Wildland Urban Interface building requirements.*
- *All development resulting from the Phase II Winery will be required to comply with current County Code requirements for grading and stormwater, building, and fire safety.*

*Noise:*

- *An updated noise assessment prepare by Salter in June 2022 evaluates whether the proposed architectural changes will comply with the noise limitations established in PLP01-0006 COA 35, 47 and 59. The study finds that noise from wastewater system, equipment, and events will meet the noise limits outlined in the project Conditions of Approval, provided that the required noise mitigation design features and monitoring plans are implemented.*
- *The design changes do not result in changes to the preapproved number, size, and hours of events.*

*Greenhouse Gas Emissions:*

- *Greenhouse Gas Impacts is not new information. The potential impacts of greenhouse gas emissions have been known since the 1970’s. The 2004 EIR included an Air Quality section and pre-dates CEQA Guidelines 15064.4, therefore a supplemental EIR is not required in order to analysis GHG emissions.*
- *The design changes do not change the character or intensity of any preapproved use. The proposed changes result in approximately 50% less development than previously approved.*
- *There are no proposed changes that would increase the amount of traffic or trips to or from the winery over what was studied as part of the original approvals.*
- *The design plans include use of an accessory solar facility consisting of two roof-mounted solar systems on the service buildings and solar canopies over 42 percent of the parking spaces.*
- *The proposed design changes do not increase required construction in any way that would significantly change dust generation from short-term construction activities. Existing dust control mitigation measures will apply to all site development activities.*

**NEIGHBORHOOD/PUBLIC COMMENTS**

Sonoma Valley CAC Recommendation for Approval:

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 to DRC Staff Report dated May 31, 2023), including answers to the SVCAC questions. During their meeting 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 (SVCAC meeting minutes provided under Attachment 13 to DRC Staff Report dated May 31, 2023).

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 to DRC Staff Report dated May 31, 2023). 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:**

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

Other public comments previously 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.

On May 31, 2023, the Design Review Committee (DRC) held a public meeting and found the Phase II Winery design proposal in substantial compliance with the Board of Supervisor’s Final Conditions of Approval (PLP01-0006) and approved the project design plans as proposed, including the site plan, architecture, parking and access, landscaping, color and materials, and lighting. The DRC Record of Action is provided under Attachment 2.



***Staff Recommendation***

The Permit Resource and Management Department (Permit Sonoma) recommends that the Planning Commission deny the appeal filed by Valley of the Moon Alliance and uphold the Design Review Committee’s May 31, 2023, approval of the Addendum No. 2 to the 2004 Final Environmental Impact Report, the Phase II Proposed Winery design, colors and materials as presented, and the landscaping and landscape lighting plans, and approve the addendum and current request for design review.

**ATTACHMENTS**

1. PC Resolution
2. DRC Record of Action, May 31, 2023
3. DRC Approved Plans, July 6, 2022
4. VOTMA Appeal, June 12, 2023
5. DRC Staff Report dated May 31, 2023, with attachments (including EIR Addendum No. 2)
6. Applicant’s Winery Layout Comparison, December 23, 2021
7. Public Comments

