



County of Sonoma Agenda Item Summary Report

Clerk of the Board
575 Administration Drive
Santa Rosa, CA 95403

Agenda Item Number:
(This Section for use by Clerk of the Board Only.)

To: Board of Supervisors

Board Agenda Date: March 27, 2018

Vote Requirement: Majority

Department or Agency Name(s): Permit and Resource Management (Permit Sonoma)

Staff Name and Phone Number:

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Supervisorial District(s):

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Title: Appeal Of The Valley Of The Moon Alliance From A Decision Of The Sonoma County Planning Commission Approving A Revised Addendum To The Final Environmental Report, And Approving The Site Plan And Drawings Dated March 23, 2017, As Requested By Tohigh Investments SF LLC For The Sonoma Country Inn, Spa And Restaurant Project Located At 900, 1200, 1202 And 1203 Campagna Lane, Kenwood, APN 051-260-014. PRMD File No. DRH16-0006

Recommended Actions:

Consider the Revised Addendum to the 2004 Environmental Impact Report, conduct a public hearing on the appeal of design review approval, and at the conclusion of the hearing, accept the Revised Addendum, deny the appeal of the Planning Commission decision and approve the site plan and drawings.

Executive Summary:

The project site is located at 900, 1200, 1202, and 1204 Campagna Lane in Kenwood. The action before the Board is a request for final Design Review of a vested permit for a 50-room inn, spa and restaurant on a 51.9-acre parcel.

The inn, spa and restaurant are generally referred to as the Sonoma Country Inn, and are called "The Resort at the Sonoma Country Inn" by the Applicant. The inn, spa and restaurant are part of a larger project for which an EIR was certified and use permits and an 11-unit residential subdivision map were approved in 2004. The final subdivision map has recorded in 2011. In October 2007, the County determined that the use permits were vested, and the scope of this design review does not include reconsideration of the vested use permits or overall project approval.

The property was purchased by Tohigh Investment SF LLC ("the Applicant") in December 2014. The Applicant's Proposal Statement describes design changes presented to the County Design Review Committee (Attachment A: Planning Commission Staff Report Exhibit C) as required by use permit

conditions of approval. The proposed design changes were approved by the Design Review Committee on October 19, 2016. The Valley of the Moon Alliance (“VOTMA” or “Appellant”) appealed the Design Review Committee approval to the Planning Commission by letter dated October 31, 2017 (Attachment A: Planning Commission Staff Report Exhibit D).

On August 3, 2017, the Planning Commission conducted a public hearing on the appeal, considered and approved the EIR Addendum and denied the appeal, approving the proposed design changes. VOTMA timely appealed the Planning Commission decision to this Board. (VOTMA Appeal, Attachment B).

VOTMA’s appeal alleges that the design changes proposed create new or increased impacts in the following areas:

- 1) water use and supply;
- 2) traffic and trip generation;
- 3) visual impacts of tree removal;
- 4) potential nighttime light pollution;
- 5) noise impacts;
- 6) emergency evacuation; and
- 7) greenhouse gas impacts.

VOTMA also contends that a supplemental EIR is required because of the design changes and alleges that there are changed circumstances or new information relating to the project not adequately studied in the 2004 EIR.

The Summary Report discusses these key issues as well as impacts on vegetation and potential slope instability at the project site because of the October 2017 Nuns Fire. Staff has also prepared a Revised Addendum to the Final Environmental Impact Report for the Sonoma Country Inn, March 2018. (Attachment N, “the Revised Addendum”). The Revised Addendum analyzes all proposed changes as well as impacts from the October 2017 Nuns Fire on vegetation and soil stability at the proposed project site. Overall, potential adverse environmental impacts have been reduced. The proposed project design remains within the original approved project footprint analyzed in the EIR.

Staff recommends denying the appeal and upholding the Planning Commission action because certain of the proposed revisions to the plans were required by 2004 conditions of approval to reduce impacts, and other requested changes have either equal or reduced adverse environmental impacts compared to the approved project design.

ANALYSIS

Background:

In 2001 Graywood Ranch LLC c/o Mark Harmon filed an application based on a 1989 General Plan Policy LU-14r that allowed an RVSC (Recreation and Visitor Serving Commercial) land use designation. The application included a General Plan Amendment to relocate the RVSC and approve a 50-unit inn, spa and restaurant along with a winery and 11 residential lots.

After preparation and certification of an Environmental Impact Report (EIR), the Board of Supervisors approved the project and necessary land use changes in 2004. The project included rezoning and General Plan amendments, an 11 lot subdivision map and lot line adjustments plus use permits for the inn, spa and restaurant and for a winery and tasting room. (Only the inn, spa and restaurant is presented for design review at this time.)

A Statement of Overriding Considerations (Attachment A: Planning Commission Staff Report Exhibit A) pursuant to CEQA was adopted by the Board as part of the 2004 approval, citing uncertainty regarding Caltrans approval of turn lanes at two intersections which has since been resolved, and possible increased light pollution from night lighting. The conditions of approval for the inn, spa and restaurant are provided in Attachment A: Planning Commission Staff Report Exhibit B. A CEQA challenge to the overall project approval and the EIR was decided in the County’s favor in the Court of Appeal in 2006.

In October 2007, PRMD determined that the use permit for the inn, spa, and restaurant and the winery were vested. The final subdivision map recorded in December 2011.

The property changed ownership to Tohigh Investment SF LLC in December 2014.

In this report, the “approved project” is the project analyzed in the 2004 EIR and the "conceptual design” is the design for the inn, spa and restaurant approved in 2004. The "proposed design" or the "proposed project" is the inn, spa and restaurant portion of the larger approved project, as modified by the requested design changes.

The proposed design approved by the Design Review Committee in 2016 included certain design and layout changes from the approved project which are summarized in the table below.

ORIGINAL CONCEPTUAL DESIGN AND PROPOSED DESIGN COMPARISON

DESIGN ELEMENT	CONCEPTUAL DESIGN	PROPOSED DESIGN
Main House	26,911 Square Feet (SF)	16,922 Square Feet (SF) 2,280 SF of service/support function was relocated to new Support Building Minor orientation to orient view First floor is 2 feet lower Guest arrival area moved to back of main inn building
		First floor is 2 feet lower
	Single uninterrupted vertical building mass	Building mass is terraced back
	Solid pitched slate roof	Flat roof – roof garden with trees and plantings

	50 outdoor dining seats on restaurant terrace	31 of the 50 outdoor seats shifted to roof garden
	South façade – series of French doors	South façade – composed of glazed sliding doors
Main Pool	Total pool area – 2,181 SF	Total pool area – 2,282 SF Reoriented pool.
	Pool terrace area – 6,301 SF	Pool terrace area – 6,711 SF
	Retaining wall as high as 20-feet with guard rail	Stepped planters – maximum wall height is 10 feet
Spa	Total pool area – 1,308 SF	Total pool area – 1,252 SF Moved 50 feet into clearing to reduce removal of trees
		Changed the location and size of the spa pools and hot tubs
Western Parking Area		Parking area reduced by nearly 10,000 SF with the same number of parking spaces. Tree removal was reduced.
		Forty-seven less trees would be removed with revised layout
Eastern Parking Area	5 lots	Consolidated 5 lots into 1 lot with same number of parking spaces eliminating about 17,000 SF of impervious paving and reduced tree removal.
		Full valet service to minimize vehicular circulation
	99 trees to be removed	54 trees to be removed
Western Cottage Units	8 units. Extreme grading on a steep slope for emergency vehicle access and removal of 7 large specimen coastal live oaks.	8 units. Units were relocated to minimize grading in steep areas of the site and placed downslope to preserve 7 large specimen coast live oaks. Staff notes that several units would shift from the eastern to the western side of the westerly ridge in this location. Footprint of units is

		substantially similar and within the same overall area of the site.
Eastern Cottage Units	11 units.	9 units. Units were combined to increase spacing between buildings. Footprint of units is substantially similar and within the same area of the site.
		Added small hot tubs to 16 of the 17 guest cottage terraces.
Support Building		Inn operations functions square footage was relocated to new building beyond eastern parking area.

Source of information: *Summary of Reduced Impacts Due to Revisions to the Conceptual Design*, prepared by Backen Gilliam Kroeger Architects (BGK Summary, Exhibit F). See Attachment F for graphic comparisons of the conceptual design and the proposed design (called the “current design” in the BGK Summary).

On October 19, 2016 the Design Review Committee (DRC) approved the modified Site Plan, Architectural Plans, Parking Plan, Grading Plan and Exterior Lighting Plan. VOTMA appealed the DRC approval, contending that the design revisions require additional environmental review and that the project EIR is not adequate to cover the changes.

After DRC approval, the proposed design was revised slightly to ensure that all structures and facilities remain within the previously approved building envelope. One parking stall in the western parking area was relocated and a paved area near the easternmost cottage was revised. These revisions were made in response to concerns of the Sonoma County Agricultural Preservation and Open Space District (SCAPOSD) that the revised site plans be consistent with a Conservation Easement Attachment A: Planning Commission Staff Report Exhibit U granted by the developer to SCAPOSD which restricts use of all portions of the site outside of the defined building envelopes. SCAPOSD has reviewed and approved the updated revised site plans and agrees that the proposed design is consistent with the applicant’s contractual natural resources obligations under the Conservation Easement covering all portions of the property outside of the building envelopes (Attachment A: Planning Commission Staff Report Exhibit V). The revised plans are provided in Attachment C.

On August 3, 2017, the Planning Commission conducted a public hearing on the appeal and at the conclusion of the hearing, approved the Addendum, denied the appeal, and upheld the Design Review Committee approval of the proposed design changes with the added minor changes requested by SCAPOSD. VOTMA timely appealed the Planning Commission decision.

The Applicant has submitted additional technical reports to address the design changes and the key issues presented in VOTMA’s appeal. Together with additional staff review and analysis, the information in these documents is discussed in the Revised Addendum.

Project Description:

The applicant requests certain project modifications per the conditions of approval and to better implement its vision for the project. The changes from the conceptual design are generally described in the chart above. Graphic representations of the revisions are also provided in the *Summary of Reduced Impacts Due to Revisions to the Conceptual Design*, prepared by the applicant’s architect, Backen Gillam Kroeger Architects (BGK Summary, Attachment A: Planning Commission Staff Report Exhibit E).

The Inn.

The inn’s 50 guest rooms would be located in 17 separate cottages instead of 19. The main inn building would be located as originally proposed and would house the reception area, administrative offices, public meeting rooms, retail shop, restaurant, lounge, garden terrace, and kitchen. The reception and guest check area has been moved to the rear of the main building, facing away from the valley floor. The most significant architectural change would replace the former pitched slate roof of the inn with a roof top garden. French doors along the inn’s front façade would be replaced with glazed sliding glass doors.

The table below shows a reduction of approximately 7700 in square footage of the main inn building between the conceptual design and the proposed design. Originally 7,225 SF of the main inn building was taken up by service/staff functions. In the proposed design, 2,280 SF of operational support area has been relocated to a new support building at the far edge of the easternmost parking lot.

MAIN HOUSE	CONCEPTUAL DESIGN SF	PROPOSED DESIGN SF
Upper Level	11,696 SF	8,684 SF
Lower Level	7,990 /sf	7,904 SF
Roof Top		334 SF
Total Main House	19,686 SF	16,922 SF
Service /staff - support	7,225 SF	2,280 SF
Total	26,911 SF	19,202 SF

The mass of the proposed main building in the proposed design would be terraced on the slope with each level stepping back with planted edges and trellised patios. The conceptual design presented a single uninterrupted vertical mass.

A roof garden and lounge would replace the solid mass of the pitched slate roof of the conceptual design to better blend the building into the landscape and reduce the visibility from the valley below. The roof garden would contain trees and plantings, softening the appearance of the building and obscuring the upper portion of the structure.

There are no proposed changes to the restaurant location, which remains incorporated into the main inn as originally proposed. However, the rooftop garden would have outdoor restaurant seating, and

31 of the 50 outdoor restaurant seats in the conceptual design would be moved from the second floor outdoor terrace to the rooftop garden.

The inn pool area would be increased in size by 101 square feet or 4.8%, and the main pool terrace area increased by 404 square feet or 7%. There would be no increase in seating at the pool. The terraces would be reoriented to more closely align with the topography.

The Spa.

The spa would be moved slightly away from wooded areas compared to its original location and will consist of a collection of small structures connected by covered outdoor walkways. There are eight treatment cottages, a gym, steam rooms, saunas, men's and women's locker rooms, and several pools and hot tubs. The original plans and EIR Figure 3.0-10 showed an L-shaped interior pool, and Condition of Approval #83 says "The spa facility includes six hot tubs and several small pools." The large spa pool has been moved outside to the rear of the spa and reduced in size, next to two hot tubs. Additional hot tubs and cold plunge pools are located inside the spa.

The Guest Cottages

The total number of cottage buildings would be reduced from 19 to 17, containing the same 50 rooms. The conceptual design for the western unit of cottages would be modified to limit grading on a steep slope and improve emergency vehicle access. Four of the western units would be moved from the eastern to the western side of a ridge in that location. More trees screening the cottages would be preserved including 7 large specimen coastal live oaks originally scheduled for removal. The location of the eastern cottages would be substantially similar to the conceptual design, but two cottage units would be combined into one building and relocated. These changes would preserve more trees and reduce visibility. There would be a hot tub/spa added to existing terraces at 16 of the cottage units.

Parking

The parking layout would be reconfigured within the project, but still contain 102 parking spaces, as required by the conditions of approval. Thirty-six spaces would remain in the western portion of the project, with 28 of those spaces provided between the inn and the spa and 8 spaces closer to the spa. The eastern parking layout would still contain 66 spaces, but would be consolidated into one lot from the five smaller lots that were previously approved in the conceptual design. The overall amount of paving would be decreased by 27,000 square feet for the two lots and the overall number of trees removed for parking would be reduced.

Support Building

2280 SF of support services area would be moved from the main inn to a new building at the eastern edge of the eastern parking lot. It would provide space for housekeeping, an employee break area, and various operational support functions. This 2280 SF is part of the area deducted from the main inn square footage in the proposed design. The total project square footage is not increased by this relocation of the support functions. Removal of 13 trees would be required, but the building would not be visible from public viewpoints.

All proposed structures and improvements would remain within the approved building envelope.

Site Characteristics:

The Sonoma Country Inn project site is currently vacant with only the access roadway, Campagna Lane, plus the trailhead parking lot installed. The other existing roads, Brodiaea Road, Moon Watch Lane, Ten Oaks Way and roads temporarily labeled E, F and WT on the subdivision map are part of the internal roadway system for the other portions of the project. At the present time no areas of the project site are in active grape cultivation or in any other agricultural use (such as grazing). The Inn parcel includes an area on the valley floor where the leach fields will be located.

The project site ranges from approximately 425 feet to approximately 720 feet elevation and is relatively flat at the southern end with moderately steep hills in the north. The property has two distinct areas:

The South Area: The southern portion of the project site is on the gently sloping valley bottom, at elevations ranging from approximately 425 feet along State Route 12 at the south boundary, to approximately 520 feet at the base of the steep, upland slopes located further north. This portion of the property is designated Community Separator by the General Plan. The Community Separator runs back on the subject property to approximately 3/4 of a mile from Highway 12 and is part of the Northeast Santa Rosa Community Separator.

The Plateau Area: From the north end of the south area the slopes ascend moderately steeply to a topographic bench at about elevation 720 to 760 feet. The portion located below 600 to 700 foot elevation also lies within the Northeast Santa Rosa Community Separator. The remainder of the plateau area lies within the General Plan designated Scenic Landscape Unit – Local Guidelines – Sonoma/Taylor/Mayacamas Mountains (LG-MTN),(Attachment J).

The portion of the parcel that is on the valley floor will remain undeveloped. The Inn complex will be located entirely on the plateau area. The valley floor has Valley Oak and Riparian Corridor preserves that were defined in the EIR and which are controlled by SCAPOSD. SCAPOSD also holds an easement over the entire 476± acre property controlling uses on all parts of the parcels outside the building envelopes approved in 2004.

On-site vegetation consists of grassland with scattered oak trees on the valley floor changing to conifers and assorted woodland on the slopes leading to and on the plateau; a mostly conifer woodland and scattered manzanita/chaparral dominate the plateau with dense manzanita/chaparral on the steeper northerly slopes. There are many dead trees in this area as a result of the prolonged drought. A tree removal plan has been prepared for dead tree removal, thinning to encourage better growth for choice trees, and clearing for construction.

Surrounding Land Use and Zoning:

North - of the project site is Hood Mountain Regional Park. The park is zoned PF (Public Facilities) and is undeveloped chaparral and mixed hardwood forest. Portions of Hood Mountain Regional Park sustained moderate to severe damage from the Nuns Fire.

East - of the project site are mixed residential and agricultural lands with vineyards on the valley floor and lower slopes of the hills, and forest and chaparral lands on the higher elevations. Zoning to the east is mixed and includes: LIA (Land Intensive Agriculture) B6 60 acres density, AR (Agriculture and Residential) B6 20 acre density, and RRD (Resources and Rural Development) B6 20 acre density, all with

the LG/MTN (Local Guidelines/Mountain, Exhibit G) and SR (Scenic Resources) combining districts. Some also include the RC (Riparian Corridor – setbacks vary) and F2 (Floodplain) combining districts on parcels with blue line streams.

South - Highway 12 forms the south boundary of the site. South of Highway 12 zoning is RR (Rural Residential) B6 5 acre density and DA (Diverse Agriculture) B6 17 acre density all with the SR combining designation and some with the RC combining designation. There are numerous large lot residential parcels and a cleared agricultural parcel that is being prepared for vineyard planting south of Highway 12.

West - Lands west of the project site consist of parcels created by the Sonoma Country Inn Subdivision or the Graywood Ranch Subdivision. Some parcels in the Graywood Ranch Subdivision sustained fire damage. They are zoned DA B7 with the SR and LG/MTN combining districts and some with the RC combining district where the blue line streams are located. Further west, outside the Graywood subdivision, lands are zoned LIA B6 60 acre density with the SR and LG/MTN combining districts and many with the RC where blue line streams cross them. These lands are planted in vineyards. There is also a cluster of AR B6 20 acre density lands with seven parcels from one to just under three acres in size and one 96.88 acre parcel in an area known as Shady Acres, a rural residential development. This area also has the SR, LG/MTN and RC combining districts. See Attachment A: Planning Commission Staff Report Exhibit G for Local Guidelines – Mountain.

Discussion:

The following discussion addresses the issues raised in VOTMA’s appeal.

ISSUE #1: WATER USE AND SUPPLY

Water Use

The Appellant contends that water use calculations for the proposed design fail to adequately address evaporative water loss from all pools and fountains, and questions Appellant’s statements about laundry being taken off site because a laundry room is still located on the second floor of the main inn.

Staff Discussion – Water Use:

The main pool below the inn is in a similar location to the conceptual design but the total main pool area has increased slightly by 101 square feet. The conceptual design consisted of two pools plus a hot tub totaling 2,181 square feet. The proposed design has one main pool (2,184 square feet) with a main pool spa/hot tub (98 square feet) totaling 2,282 square feet. See Sheet 5 of the BGK Summary for design drawings comparison and page 2 of the *Sonoma Country Inn: Water Use Information*, dated May 1, 2017, Adobe Associates, Inc. (Attachment A: Planning Commission Staff Report Exhibit H).

The table below provides a pool and spa hot tubs comparison for the conceptual design and the proposed design as analyzed in the May 1, 2017, Adobe Associates report. Also see Sheet 6 of the BGK Summary for design drawings comparison.

	Area – SF per each	Quantity	Total SF
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Pools & Hot Tubs per Conceptual Design			
Pool 1	1,144	1	1,144
Pool 2	924	1	924
Spa Pool Irregular Share	1,380	1	1,380
Hot Tub	113	1	113
1 st Floor Hot Tub	58	5	290
Landscape Hot Tub	50	1	50
Total Area			3,901
Pools & Hot Tubs per Proposed Design			
Main Pool	2,184	1	2,184
Spa Lap Pool	900	1	900
Spa Cold Plunge	40	4	160
Unit D Upper Level Spa	36	6	216
Unit D Lower Level Spa	51	6	306
Villa Spa B	41	2	82
Villa Spa A	41	2	82
Spa Hot Tub	96	2	192
Main Pool Spa	98	1	98
Total Area			4,218

Per Adobe's analysis, the annual evaporation for the pools and hot tubs for the conceptual design would have been 220,823 gallons/year, and for the proposed design it would be 299,398 gallons/year. This is 78,875 gallons or 0.24 acre-foot more water used per year for evaporative loss with the proposed design.

The EIR did not specifically quantify evaporation from the swimming pools and hot tubs in its summary of water demand for the project. Assuming that the EIR did not include any evaporative loss in its total water use estimate, there is an additional 0.92 acre feet more water used for the proposed design because of evaporative loss from all pools and hot tubs than was analyzed in the EIR.

In its "*Sonoma Country Inn: Water Use Information*," dated February 14, 2017 (Attachment A: Planning Commission Staff Report Exhibit I), Adobe Associates compared the overall water use for the approved project to the proposed design. Adobe's report determined that 0.9 acre feet per year estimated for on-site laundry in the conceptual design would not be needed because the laundry produced by the inn rooms would be moved off-site and out of the Sonoma Valley. This roughly compensates for the increased 0.92 acre feet of evaporative loss and the slight increase in square footage because of design changes to the pools and hot tubs.

The DEIR addressed all foreseeable water uses except for evaporation, and the evaporation issue has been addressed. The precise methodology and calculations of amount of water saved by taking the laundry produced by the inn rooms off-site was provided by Adobe in its May 1, 2017 report. A laundry room is still included in the proposed project, but only for laundry from the spa, restaurant and pool towels. That use is included in the revised water calculations provided by Adobe.

The project FEIR estimated the total water use for the Inn, Spa and Restaurant at 16.3 acre feet per year. As revised, the project would require 16.32 acre feet per year, an insignificant increase.

Condition of Approval # 59 restricts total water use for the inn, spa and restaurant to 19.4 acre feet annually, and 16.32 acre feet is well below this amount. Even if laundry produced by on-site guest rooms were kept in the proposal, adding another 0.9 acre feet per year, the total would be 17.22 acre feet, less than 19.4 acre feet.

Adobe also provided a “*Sonoma Country Inn: Response to Water Usage Comments from Valley of the Moon Alliance*,” dated September 15, 2017 (Attachment D). This letter report confirms that guest room laundry will be taken outside of the Sonoma Valley and reiterates Adobe’s previous provision of detail on the water use calculations.

Permit Sonoma’s professional geologist concludes after reviewing the appellant’s comments and Adobe Associates’ response that the previously provided information and Attachment D address each of the appellant’s concerns and demonstrates that all assumptions and analysis have been well documented.

Therefore, staff does not recommend further analysis of water use. For more information, see Revised Addendum, Section E.5, Water Use and Supply; and three reports by Adobe Associates, *Sonoma Country Inn: Water Use Information*, dated May 1, 2017; *Sonoma Country Inn: Water Use Information*, dated February 14, 2017; and *Sonoma Country Inn: Response to Water Usage Comments from Valley of the Moon Alliance*, dated September 15, 2017. (Attachment A: Planning Commission Staff Report Exhibits H and I plus Attachment D respectively).

Water Supply

The Appellant contends that drought conditions since adoption of the EIR are changed circumstances that require revisiting the project approvals. The appellant provided data attributed to the California Department of Water Resources (DWR) for five wells near the project site and stated that they show “a long-term decline in water levels.” The Appellant also questioned whether regular monitoring of the Project’s “Resort Well” as required by use permit Condition of Approval 59 has been done.

Staff Discussion – Water Supply:

a. Groundwater supply.

In response to the Appellant’s information, Richard C. Slade & Associates (RCS), the project consulting groundwater geologist, provided a memorandum, *Response to Portions of Appeal Letter, titled “DRH16-0006 Appeal of Planning Commission Approval, [VOTMA]”* dated September 27, 2017 (Attachment E). RCS concludes, as did the 2004 EIR, that two wells identified in the Appellant’s Exhibits 6 and 7 are not representative of the groundwater level conditions at the project site.

RCS concludes further that the three wells with data cited in appellant’s Exhibits 8-10 do not show “erratic groundwater levels in response to drought conditions.” RCS concludes that data for the wells referenced in Appellant’s Exhibits 8 and 9 show “increasing water levels during the

two recent drought periods, not decreasing levels.” Data from the well shown in Appellant’s Exhibit 10 shows stable water level trends since the year 2000.

RCS also obtained and analyzed water level data from the two onsite wells, “Resort Well” and the “Winery Well” in 2002, 2003, 2004, 2008, 2015 and 2016. The water level data indicates that water levels have been stable in the onsite wells since their construction in 2002 despite the two droughts. RCS concludes that the wells are adequate to meet the project’s need and that pumping by the onsite wells would not create long-term adverse impacts on the local aquifer systems or nearby wells owned by others.

Permit Sonoma’s staff professional geologist concurs with the conclusions presented in RCS’ response letter (Attachment M) and that Appellant’s assertion that changed conditions show that water supply analysis in the EIR to be inadequate are generally unfounded.

b. Groundwater Monitoring.

Ongoing monitoring of groundwater was not required as a CEQA mitigation measure because evidence showed an absence of groundwater impacts. The 2004 EIR data and 2017 RCS Report support that factual finding. However, monitoring of groundwater elevations and groundwater extracted from the onsite wells is required as an operational condition of the approved project by use permit condition of approval No. 59. This operational condition would come into play when the project begins operation, and monitoring “pursuant to County policies” will be required to fulfill this condition. The project will be added to the Permit Sonoma database of required monitoring sites when active construction begins. Current County policies on groundwater monitoring and reporting which will be applied to the proposed project include:

PRIOR TO OCCUPANCY:

- (1) Prior to the issuance of any building permit an Easement is required to be recorded for this project to provide Sonoma County personnel access to any on-site water well serving this project and any required monitoring well to collect water meter readings and groundwater level measurements. Access shall be granted Monday through Friday from 8:00 a.m. to 5:00 p.m. All Easement language is subject to review and approval by Permit Sonoma Project Review staff and County Counsel prior to recordation.
- (2) Prior to occupancy, a water well serving this project shall be fitted with a groundwater level measuring tube and port, or electronic groundwater level measuring device. Water meter(s) to measure all groundwater extracted for the permitted use shall be installed on the water system. A Site Plan showing the location of the well with the groundwater level measuring device and the location of the water meter(s) shall be submitted to the Permit Sonoma Project Review Geologist.
- (3) Prior to occupancy, any new or existing water well serving this project shall be fitted with a water meter to measure all groundwater extracted for this use.

OPERATIONAL REQUIREMENTS:

- (1) The location of the wells, and groundwater elevations and quantities of groundwater extracted for this use shall be monitored monthly and reported to PRMD in January of the following year pursuant to Section WR-2d of the Sonoma County General Plan and County policies. Annual monitoring fees shall be paid at the rate specified in the County Fee Ordinance. If the County determines that groundwater levels are declining in the basin, then the applicant shall submit and implement a Water Conservation Plan, subject to review and approval by PRMD.
- (2) Required water meters shall be calibrated, and copies of receipts and correction factors shall be submitted to PRMD Project Review staff at least once every five years.

The Adobe water use calculations discussed above show that the proposed design does not change the project in any way which would create a new significant environmental effect on groundwater because of increased water use, and the RCS 2017 Report shows no increased impact on groundwater because of project changes or past drought conditions. Both conclusions are confirmed by the County's professional geologist.

Therefore, staff does not recommend further analysis of water supply.

ISSUE #2: TRAFFIC AND TRIP GENERATION

Appellant argues that the rooftop bar will attract more customers and is therefore a change in use for the proposed project, and that relocation of some parking closer to the main inn building would attract more customers because of improved convenience, both changes requiring additional trip generation calculations to measure traffic impact. Appellant also argues that an updated traffic study is required by the County's Guidelines for Traffic Impact Studies because the project traffic study for the EIR is more than two years old. Appellant questions W-Trans' conclusions that the EIR analysis of future traffic predictions remains adequate.

Staff Discussion:

- a. Design changes and change in use or increased trip generation.

All of the changes in the proposed design are related to the siting of the specific uses. There would be no changes in uses and no change in the operating hours approved in 2004. In the proposed design, there would be no increase in the number of rooms or the seating capacity of the restaurant. A portion of the outdoor seating would be relocated to the roof garden, but the 50-seat total would remain the same. The trip generation rate is the same for outdoor or indoor dining. The guest occupancy and employee counts would also be unchanged. See the BGK Summary (Attachment A: Planning Commission Staff Report Exhibit E).

The supply of 102 parking spaces would remain the same. There would be no new parking lots. The western and eastern parking areas would just be reconfigured. *W-Trans' Review of Traffic Issues Relative to the Sonoma Country Inn Project*, dated May 25, 2017, (Attachment A: Planning Commission Staff Report Exhibit) concludes that the primary effect of parking on trip generation would be reduction in trips if there was inadequate parking and that adding parking does not result in higher trip generation. In this case, there is no evidence presented that relocating parking would increase the intensity of use on the site. The use is limited in scale by the use permit and conditions of approval. See Sheets 7 and 8 of the BGK Summary (Attachment A: Planning Commission Staff Report Exhibit E).

W-Trans further responded to Appellant's comments in a W-Trans letter report, "*Response to Comments in Appeal of Approval of the Sonoma Country Inn Project*," dated September 14, 2017 (Attachment F). W-Trans explained that even if the rooftop terrace would attract additional patrons, they would be expected in the evening hours and would not create peak hour pm or peak hour weekend trips. W-Trans reiterated the conclusion from its May 25, 2017 letter (Attachment A: Planning Commission Staff Report Exhibit O) that the trip generation numbers would not change because of the design change.

W-Trans concluded that since the design changes do not change the character of the uses for the project, which control the independent variables, trip generation would not be expected to change.

b. Guidelines for Traffic Impact Studies.

Appellant misstates the traffic study requirements for the design review approvals now before the Board. The County's Guidelines govern standards "...for the review and conditioning of development projects." (Department of Transportation and Public Works & Permit and Resource Management Department, *Guidelines for Traffic Impact Studies*, May 2016, p. 1.) The Sonoma Country Inn project was reviewed, conditioned and approved in 2004. This design review considers any changes to the proposed project design that would create additional traffic impacts, but does not revisit the 2004 approval. When an EIR is prepared as part of that approval process, its EIR traffic analysis usually is more comprehensive than a traffic study. (Projects not requiring evaluation at the level of an EIR may nevertheless require a traffic study under the County Guidelines.) Analysis of the need for additional traffic analysis at post-approval stages of a development is governed by CEQA, not by the two-year update requirement in the Guidelines for Traffic Impact Studies. In this case, the W-Trans *Review of Traffic Issues Relative to the Sonoma Country Inn Project*, dated May 25, 2017 and the W-Trans letter report, dated September 14, 2017 (Attachment A: Planning Commission Staff Report Exhibit O and Attachment F, respectively) make clear that the future traffic projections in the EIR have been validated against current data and remain sufficient to assess the proposed design. Sonoma County Transportation and Public Works (TPW) internal staff analyst agrees.

c. Adequacy of study of traffic volumes.

W-Trans restates in its September 14, 2017 letter that the reason the traffic impact analysis in the EIR remains sufficient for the proposed design changes is because both current-day volumes as measured by Caltrans and current volume projections from the SCTA model would show lower impacts than the volumes identified in the EIR and confirmed by W-Trans in its May 25, 2017 report. Both W-Trans and the County Transportation and Public Works traffic analyst have confirmed that the Sonoma County EIR trip generation analysis used appropriate industry metrics for the various project component.

Therefore, staff does not recommend further analysis of traffic and trip generation. For additional information, see the Revised Addendum, Section E.2, Traffic and Circulation; and *Response to Comments in Appeal of Approval of the Sonoma Country Inn Project*, dated September 14, 2017, and *Review of Traffic Issues Relative to the Sonoma Country Inn Project*, dated May 25, 2017, both prepared by W-Trans (Attachment F and Attachment A: Planning Commission Staff Report Exhibit O respectively).

ISSUE #3: VISUAL IMPACTS OF TREE REMOVAL

Appellant questions the adequacy of identification of trees to be removed, the view impact of tree removal at the western guest cottages, at the new support building, at the parking lots and within 150 feet of structures to accommodate emergency services.

Staff Discussion

- a. Trees have been inventoried and specifically identified.

MacNair & Associates Consulting Arborists and Horticulturists responded to Appellant's comments in its letter dated September 19, 2017 (Attachment G), by stating that it has studied the project extensively and prepared an inventory of all trees within the project areas. This includes trees important for screening views. After identifying all of the trees included in the inventory, the trees were tagged with individual tree numbers. This information was also contained in MacNair's supplemental memorandum dated July 10, 2017 (Attachment A: Planning Commission Staff Report Exhibit W), which evaluated removal of trees due to drought. 1778 trees were "tagged" and then surveyed and assessed for probable construction impacts. Another 924 trees were "marked" as dead, in decline, diseased, in poor structural condition or overcrowded, some but not all in response to drought damage. More than two-thirds of these marked trees are less than 9" in diameter. The full tree inventory has been provided at pages L0.06 –L0-09 of the proposed project site plans and drawings, dated March 23, 2017. Attachment A: Planning Commission Staff Report Exhibit E, the BGK Summary of design changes, also shows specific locations of trees to be removed.

- b. Tree removal and design changes.

MacNair Landscape Architecture's *Supplemental Visual Impact Analysis* dated February 3, 2017 was part of the documentation provided to the Planning Commission. (Attachment A: Planning Commission Staff Report Exhibit Q). It documents tree removal in relation to the proposed design and concludes that there would be no new visual impacts as a result of proposed changes. Exhibit P-2 to this report is a Visual Impact Matrix which shows the site plan changes and the corresponding visual consequences. A new visual profile was added from a viewing point just east of Pythian Road to determine if moving four western cottage units to the west side of a ridge in that location created new or more severe visual impacts when viewed from areas west of the proposed project. The conclusion was that these units would not be visible from any public viewpoint because of topography and the height and density of forest canopy screening. Overall, ten of the 21 structures would have reduced visual impacts. The remaining structures would have equal visual impact. The new support building is located behind the back row of eastern guest cottages next to a forested area and will not be visible from any public viewpoints.

Changes in parking lot layouts are required by use permit Condition of Approval 97.1(a). 37 trees would be removed for the western parking area instead of 84. 54 trees would be removed for the eastern parking area instead of 99. See Sheets 7 and 8 of the BGK Summary (Attachment A: Planning Commission Staff Report Exhibit E) for parking design comparisons. With 91 fewer trees removed because of the parking changes, plus an additional 13 trees removed for the support building near the eastern parking lot, the overall total would be 104 trees removed compared to 183 with the conceptual design.

MacNair & Associates has provided a summary of the tree protection procedures that will be implemented to protect trees designated for preservation and located near the future parking lots. For more information, see Memorandum to Flora Li from James MacNair regarding Parking Lot Tree Protection, March 16, 2017 (Attachment A: Planning Commission Staff Report Exhibit P).

WRA Environmental Consultants responded to the issue of tree removal and automobile headlights illuminating adjacent wooded areas, finding no increased impact. *Assessment of proposed parking adjustments, Resort at Sonoma Country Inn Project, Kenwood, California*, dated March 23, 2017, WRA Environmental Consultants. (Attachment A: Planning Commission Staff Report Exhibit M).

The proposed design would limit the distances cars travel through the site by placing internal circulation down a central spine and closer to the arrival areas. The use of valet parking would increase the efficiency of parking and reduce on-site travel times with associated reduction in light intrusion from headlights. For more information, see email from Tom Spoja with BGK, to Flora Li with Tohigh, and Jason Yakich with WRA (Attachment A: Planning Commission Staff Report Exhibit M).

c. Tree removal and fire clearance areas around structures.

The project's Vegetation Management Plan (VMP) was deemed compliant by the Sonoma County Fire Marshal and Kenwood Fire Chief, with no changes required. Retaining healthy trees with a special focus on preserving screening trees while reducing wildfire risk is the goal of the VMP.

ISSUE #3a: POST-FIRE VEGETATION IMPACTS.

Damage to the project site's natural vegetative screening from the Nuns Fire is not caused by the proposed design changes. However, the Applicant asked MacNair and Associates to document wildfire impact to vegetation on the proposed project site. A November 28, 2017 MacNair letter report shows a Sonoma County Inn Resort map of fire impacts, and provides pre- and post-fire conditions from viewpoints on Highway 12 and Adobe Canyon Road (Attachment G).

MacNair reported that burned portions of the site affected several of the upper residential lots and adjacent property to the north, west, east and southeast of the hotel site. A substantial portion of the forested backdrop behind the main inn remains unaffected, as does vegetation between the project site and Highway 12. The fire was contained along the project access road to the west and north. Areas proposed for the main inn, the spa, the villa and cottage units along the west ridge were not burned. Key forested areas identified as existing vegetation southwest to west of the main inn did not burn. MacNair concluded that there was no change to the visual analysis of the main inn or the westerly cottage units and no new or more severe visual impacts caused by these components of the project post-fire.

Burn damage to the ridge east of the hotel site resulted in low to moderate damage to existing trees. MacNair's opinion is that the majority of the oaks in this location are expected to survive, but that damage to Douglas firs will need to be assessed next growing season. Some areas of the ridge to the east along the upper part of the ridge suffered moderate to high damage. However, the trees affected are not critical to screening of the proposed project because the topographic landform of the ridge provides a visual barrier between the project and areas to the east and south outside the project site.

In the lower west portion of this eastern part of the site, fires burned to a fire break running north and south in the area below units D2-D6. Lower story vegetation was burned in this area, but most of the taller canopy trees that provide screening of the easterly units remain. Only three of the proposed 13

easterly units are affected. These units were identified as partially visible in the February 2017 Supplemental Visual Impact Analysis.

While there is a slight increase in the visibility of three of the easterly units from Highway 12 and to a lesser degree from Adobe Canyon Road, this is a short term effect due to low growing vegetation damage below Units D2, D3 and D4. It is not a result of the proposed changes in design. The proposed landscape treatment will restore the visual context to pre-fire conditions, and the partial visibility remains a less than significant impact.

Therefore, staff does not recommend any further analysis of visual impacts due to tree removal. For additional information, see the Revised Addendum, Section E.6(c)-(e); and MacNair's *The Resort at Sonoma Country Inn Supplemental Visual Impact Analysis*, with Exhibit P-2, Visual Impact Matrix, the line of sight visual sections and the photo simulations, prepared by MacNair Landscape Architecture (Attachment A: Planning Commission Staff Report Exhibit Q). Also see *James MacNair – Response to VOTMA Appeal Issues*, dated September 19, 2017 (Attachment G) and Letter from James MacNair, MacNair and Associates to Flora Li, dated November 28, 2017 (Attachment H).

ISSUE #4: POTENTIAL NIGHTTIME LIGHT POLLUTION

Appellant reiterates the contention that the rooftop terrace will create new and significant light pollution impacts; states that visibility of the western cottages will increase, causing increased light impacts; and states that reconfigured parking spaces may result in impacts to adjacent wooded areas from vehicle headlights.

Staff Discussion:

a. The main inn rooftop lounge.

The large skylight in the conceptual design for the main house was removed to eliminate reflective rooftop glazing and minimize the night time lantern effect. However, a new smaller skylight over the relocated guest arrival area is now proposed but will be shaded at night to eliminate light emission. The pitched slate roof would be replaced with a roof garden. To keep night time lighting in compliance with the conditions of approval, the proposed design would incorporate low, fully shielded and dark sky compliant lighting at the roof garden. See Sheets 3 and 4 of the BGK Summary for the main house design drawings comparison.

EJA prepared a photometric analysis for the redesigned roof terrace and courtyard areas in the main house. (*Resort at Sonoma Country Inn Photometric Analysis*, Eric Johnson Associates, February 14, 2017, Attachment A: Planning Commission Staff Report Exhibit K).

The photometric analysis shows that these areas would not cause a significant light impact to the surrounding area, the night sky and the view from the valley floor. The proposed project as a whole, including the roof garden, would be in full compliance with Conditions 101 and 102. The photometric analysis concludes that all light sources in the proposed design would quickly fade to a level of insignificance.

While potential impacts due to the addition of outdoor hot tub/spas on 16 cottage terraces were not mentioned by the appellants, the potential impact was analyzed for the project. In a *Spa Lighting Design Comment* letter, dated May 11, 2017 (Attachment A: Planning Commission Staff

Report Exhibit L), EJA concludes based on five factors that the spas would not negatively impact the project's overall light impact or the night sky glare effect. They are that the cottage hot tub lights will be underwater, at 9 watts with a half-dome shield to direct light downward into the interior surfaces of the spa; the spas' interior plaster finish will be medium to dark, to prevent refraction of light up and outward; lights will dimmed to the minimum level required for safety and guests will not have the ability to raise the light level; each of the hot tubs will be located beneath a vine-covered trellis that will block vertically escaping light from reaching the night sky and absorb light; and each hot tub will be far enough from the cottage wall to keep any horizontally leaking light from illuminating or refracting off the building wall.

EJA provided additional information in a subsequent letter, *Sonoma Country Inn – Kenwood, CA, Response to VOTMA Appeal*, dated February 9, 2018 (Attachment I). This letter notes that the Ferguson Observatory is separated from the proposed project by 2.6 miles of hilly and mountainous terrain. Any direct lines of sight between the two are blocked by ridgelines and hilltops. The proposed design complies with the 2011 Dark Sky Model Ordinance, as did the conceptual design. EJA concludes that the lighting for the proposed project will not affect the Observatory. For more information, see Attachment A: Planning Commission Staff Report Exhibits K and L plus Attachment I.

b. The parking lots and vehicle headlights.

WRA Ecological Consultants prepared an assessment of potential new light or glare impacts due to the reconfiguration of the parking and related tree removal. (*Assessment of proposed parking adjustments, Resort at Sonoma Country Inn Project, Kenwood, California, March 23, 2017*, WRA Environmental Consultants with attached email from Tom Spoja with BGK; see Attachment A: Planning Commission Staff Report Exhibit M). WRA found no increased impact related to tree removal and automobile headlights illuminating adjacent wooded areas.

In addition, WRA prepared a Northern spotted owl assessment and concluded that the forest stands within and adjacent to the project area do not provide any typical habitat and Northern spotted owl presence was unlikely in the project area. See Letter from WRA Environmental Consultants to Flora Li regarding Northern spotted owl assessment for the Resort at Sonoma Country Inn project, Kenwood, California, dated March 6, 2017 (Attachment A: Planning Commission Staff Report Exhibit N).

c. The western cottages.

As analyzed above, there will be no increased visual impacts from changes to the locations of some of the western guest cottages. Therefore, they will not create new or substantially more severe sources of light pollution.

Therefore, staff does not recommend any further analysis of potential nighttime light pollution. For more information, see the Revised Addendum, Section E.8(d); and Eric Johnson Associates Lighting Design, *Response to VOTMA Appeal*, dated February 9, 2018 (Attachment I). Also see letter to Flora Li, *Assessment of proposed parking adjustments, Resort at Sonoma Country Inn Project, Kenwood, California*, dated March 23, 2017, prepared by WRA Environmental Consultants (Attachment A: Planning Commission Staff Report Exhibit M).

ISSUE #5: NOISE IMPACTS

Appellant claims that the rooftop lounge will have significant new noise impacts, in part based on the belief that previous outdoor seating on the second floor terrace was in an enclosed courtyard.

Staff Discussion

Charles M. Salter Associates, Inc. analyzed potential increased noise from all proposed design changes in its *Sonoma Country Inn – Kenwood, CA Noise Impact Analysis*, dated February 2, 2017. (Attachment A: Planning Commission Staff Report Exhibit T). In a further *Response to VOTMA Appeal*, dated September 14 2017 (Attachment J), Salter notes that the conceptual design prior second floor terrace contained 50 seats exposed on a downslope to the southern property line. The second floor terrace included a structure covering the terrace that could have resulted in noise buildup and reflection out and downward toward existing properties to the south. The second floor terrace now has 31 fewer seats after relocation of those seats to the rooftop lounge. (Proposed Project Plans dated October 4, 2016, Sheets A2.1 and A2.2.) Rather than increasing noise impacts to downslope receptors, moving these 31 seats to the open air rooftop garden would actually permit noise to dissipate uphill and in all directions with less impact than if channeled downslope from the second floor terrace.

Contrary to a statement that much of the terrace seating in the conceptual design was enclosed in a courtyard, Salter’s September 14, 2017 letter notes that the outdoor dining for the restaurant and lounge in the conceptual design was all located on a terrace along the valley-facing (south) elevation of the building. The courtyard of the conceptual design contained planting beds for a kitchen garden and seating for exhibition cooking classes and hotel arrivals on the main floor, not restaurant and lounge seats.

Therefore, Salter concludes there will be no additional noise impacts expected from the proposed changes to the second floor terrace and the rooftop lounge.

The proposed design also moves the hotel reception area, motor court and guest arrival area to the back of the main inn building, more distant from noise receptors to the south and separated by the main inn building.

Therefore, staff does not recommend any further analysis of noise impacts. For additional information on potential increased noise impacts of all design changes, see the Revised Addendum, Section E.11; and *Sonoma Country Inn – Kenwood, CA Noise Impact Analysis*, dated February 2, 2017, prepared by Charles M. Salter (Attachment A: Planning Commission Staff Report Exhibit T) and email from Alex Salter to Flora Li, dated May 18, 2017, regarding potential noise impacts from the outdoor spas (Attachment A: Planning Commission Staff Report Exhibit S). Also see *Sonoma Country Inn – Kenwood, CA, Response to VOTMA Appeal*, dated September 14, 2017, prepared by Charles M. Salter (Attachment j).

ISSUE #6: EMERGENCY EVACUATION

The Appellant states that the project’s change to more valet parking will adversely impact the potential for guest evacuation in an emergency because guests will not have keys to access their vehicles.

Staff Discussion

The EIR concluded that the project had adequate emergency access and fire protection measures acceptable to the County's Department of Fire Services, the County Fire Marshal and the Chief of the Kenwood Fire Protection District. FEIR, p. 9.0-111.

There is no physical barrier blocking guests from reaching their cars, and the distances between the main inn and parked cars are close enough to be navigable for guests.

State model codes administered by the County Fire Marshal and applicable to the proposed project require hotel and motel lodging operations to provide and maintain emergency plans for evacuation. Detailed requirements for fire emergency safety plans are set out in Title 19 of the California Code of Regulations, section 3.09. The hotel operator must meet these state law and County requirements, including submitting a written emergency safety plan acceptable to the County Fire Marshal prior to occupancy of the inn buildings.

Therefore, staff does not recommend further analysis of emergency evacuation.

ISSUE #7: GREENHOUSE GAS EMISSIONS

The Appellant states that information on greenhouse gas emissions and their relationship to climate change is new information since the preparation of the 2004 EIR which requires a supplemental environmental document. Appellant submitted greenhouse gas (GHG) emissions data created from a California Emissions Estimator Model (CalEEMod) that used defaults built into that program and arrived at an estimated emissions total of 1,275 metric tons of carbon dioxide equivalents MT CO₂e per year for the proposed project. Appellant notes that this level of emissions would exceed the Bay Area Air Quality Management District (BAAQMD) threshold of significance of 1,100 MT CO₂e per year.

Staff Discussion

The 2004 EIR was a project EIR and included an Air Quality section 5.10. Prior to the 2010 adoption of CEQA Guideline 15064.4 in 2010, CEQA did not mandate study of greenhouse gas impacts. Court decisions since then have reiterated two things. First, when a project EIR includes an air quality section and pre-dates Guideline 15064.4, a supplemental EIR is not required in order to analyze GHG emissions. That is the case with the 2004 EIR for the approved project. Second, the potential environmental impact of greenhouse gas emissions has been known since the 1970s and does not constitute new information for the purpose of requiring a supplemental EIR under Public Resources Code, Section 21166, subdivision(c). *Citizens Against Air Pollution v. City of San Jose* (2014), 227 Cal. App. 4th 788, 807-808; *Concerned Dublin Citizens v. City of Dublin* (2013) 214 Cal.App.4th 1301, 1319.

Nevertheless, project-specific data provided for informational purposes shows GHG emissions are below the threshold of significance.

The CalEEMod is a statewide land use model that depends entirely on defaults, and is used when project-specific data is not available. The Applicant has submitted a First Carbon Solutions Memo report dated September 21, 2017, using detailed project-specific data for the proposed project (Attachment K).

These calculations result in total GHG emissions for the proposed project of 895 MT CO₂e per year, well below the BAAQMD threshold cited by both Appellant and First Carbon Solutions.

Therefore, even if GHG emissions are considered, neither the proposed design nor the proposed project creates a new significant cumulative environmental effect because of greenhouse gas emissions.

ISSUE #8: POTENTIAL POST-FIRE SLOPE INSTABILITY

The Nuns Fire of October 2017 occurred after the Planning Commission approval and filing of VOTMA's appeal. Following Permit Sonoma's review of the Watersheds Emergency Response Team (WERT) 2017 report for the Nuns Fire, site-specific information regarding the threat of post-fire slope instability for the project site was requested. The Applicant was asked to analyze threats of landslides and mudslides from the burned areas above and around the site plus the potential for debris flows moving from the project site to other properties below.

Staff Discussion

Bauer Associates, Inc. prepared a *Geotechnical Consultation Addendum 2 –Post Nuns Fire, Lot S13, Sonoma Country Inn, Kenwood, California*, dated February 6, 2018 (Attachment L). The Bauer post-fire assessment is discussed in detail in the Revised Addendum at Section 7, Geology and Soils.

Based on geologic mapping, including mapping by the Natural Resources Conservation Service, and review of detailed site-specific geologic testing and analysis in the EIR, Bauer concludes that the risk of debris flow damage onto and generated from the proposed project is low to insignificant provided that the site is graded and improved with suitable erosion control measures in accordance with the approved project plans and conditions of approval for the proposed project.

The Bauer post-fire assessment relies on several factors in arriving at this conclusion including that there is a lack of previous debris flows observed at or uphill of the proposed project site; slopes surrounding the site and steeper uphill slopes are generally relatively uniform without incise channels or concentrated runoff oriented into the site; roadways at the site appear to have performed as a firebreak around the proposed project site; volcanic terrain underlying the site is typically less susceptible to debris flows and the surface soils are typically thin (0 to 24 inches); the proposed project is generally unburned with the absence of hydrophobic soils except in the far eastern portion of the site; and the project conditions of approval address detailed measures to control erosion and soil instability.

Bauer also note that the majority of the project site is unburned, and that re-vegetation of grasses is already seen within the burned areas which is indicative of surface runoff infiltration and seed germination.

Bauer further concludes that the project conditions of approval which are designed to address risks of erosion and slope stability are adequate to reduce the risk of erosion or slope instability for construction of the inn, spa and restaurant in post-fire condition. There are no significant changed conditions that create an increased risk of erosion or instability for construction.

The Permit Sonoma staff Professional Geologist has reviewed the Bauer *Addendum 2 – Post Nuns Fire*, found the report to be sufficiently thorough, and concurs that risks of debris flow and other slope instabilities to the inn, spa and restaurant appear to be relatively low. He also finds potential

monitoring, erosion control and precautionary measures outlined in the Bauer post-fire assessment to be reasonable.

While not raised in this appeal, Bauer Associates, Inc. Geotechnical Consultants also prepared a supplemental geotechnical investigation reviewing the design changes for the Planning Commission proceedings. (*Addendum Geotechnical Consultation, Sonoma Country Inn, Kenwood, California*, Bauer Associates, Inc., Geotechnical Engineers, January 30, 2017, Attachment A: Planning Commission Staff Report Exhibit R.)

That report which states that the level of subsurface exploration performed (29 test pits and 13 test borings extending into the bedrock) adequately characterizes the site geologic conditions for the revised design. Bauer also concluded that the slightly modified locations of the various structures do not present any new or different geotechnical impacts for the project, and no additional subsurface exploration is required.

A Post Fire Erosion and Sediment Control Plan (Attachment M) was prepared by Adobe Associates, Inc. based upon the Geotechnical Report completed by Bauer Associates, Inc. and a site inspection performed by Adobe Associates on January 3 2018. The erosion and sediment control recommendations in the plan will be implemented.

Therefore, staff does not recommend further analysis of potential slope instability.

ISSUE #9: SCOPE OF CEQA REVIEW

On an appeal, the Board considers design review using the same standards followed by the Design Review Committee (DRC). 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.

While the scope of this review is limited to the design changes proposed based on the design review factors listed in the code, the Board has discretionary authority in its evaluation of these elements. To the extent of that discretion, CEQA evaluation of the proposed changes is appropriate. The scope of this review and CEQA review does not include elements of the vested approved project not impacted by the design changes.

All proposed changes have been evaluated for any related environmental consequences in technical reports provided as attachments to this Summary Report and discussed in more detail in the Revised Addendum to the Final Environmental Impact Report for the Sonoma Country Inn, March 2018 (Attachment N).

Because of the appeal, the Board considers the design modifications *de novo*, 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.

New Information/Changed Circumstances.

The Appellant also suggests that traffic, drought and the effects of greenhouse gas emissions on climate change constitute a substantial change in circumstances and/or new information of substantial importance not known at the time of the EIR that requires further environmental analysis of the project. CEQA requires this re-evaluation only if the alleged new conditions create new or more severe environmental impacts not adequately dealt with by the analysis and mitigation in the EIR. CEQA further requires that any new information also “could not have been known with the exercise of reasonable diligence” when the prior environmental document was certified. And finally, even if qualifying new information or changed circumstances were shown, that new information would have to be relevant to the design changes. See the Revised Addendum, Section C, CEQA Standard, and D, Analysis, for more detail.

Prior Board Actions:

After preparation and certification of an Environmental Impact Report (EIR), the Board of Supervisors approved the project and necessary land use changes in 2004. The project included rezoning and General Plan amendments, an 11 lot subdivision map and lot line adjustments plus use permits for the inn, spa, and restaurant and for a winery and tasting room. A CEQA challenge to the project approval and the EIR was decided in the County’s favor in the Court of Appeal in 2006.

Strategic Plan Alignment Goal 2: Economic and Environmental Stewardship

The proposed design changes for the inn, spa and restaurant will foster economic opportunities while minimizing impacts to the environment. The conditions of approval and groundwater monitoring will promote environmental stewardship.

Fiscal Summary			
Expenditures	FY 17-18 Adopted	FY 18-19 Projected	FY 19-20 Projected
Budgeted Expenses			
Additional Appropriation Requested			
Total Expenditures			
Funding Sources			
General Fund/WA GF			
State/Federal			
Fees/Other			
Use of Fund Balance			
Contingencies			
Total Sources			
Narrative Explanation of Fiscal Impacts:			
Staffing Impacts			
Position Title (Payroll Classification)	Monthly Salary Range (A – I Step)	Additions (Number)	Deletions (Number)
Narrative Explanation of Staffing Impacts (If Required):			
Attachments:			
Board of Supervisors Resolution Attachment A: <i>Planning Commission Staff Report</i> , dated August 3, 2017, with Exhibits A - X Attachment B: <i>Appeal of Planning Commission Approval</i> Received from Valley of the Moon Alliance, dated August 14, 2017 with Exhibits Attachment C: Plans, dated March 23, 2017, which include: Site Plans Elevations			

Colors and Materials
Lighting Plan and Cut Sheets
Parking
Landscaping
Inventory from the Tree Removal and Retention Plan

Attachment D: *Response to Water Usage Comments from Valley of the Moon Alliance*, dated September 15, 2017, prepared by Adobe Associates, Inc.

Attachment E: *Response to Portions of Appeal Letter, titled "DRH16-0006 Appeal of Planning Commission Approval,"* dated September 27 2017, prepared by Richard C. Slade & Associates, LLC

Attachment F: *Response to Comments in Appeal of Approval of the Sonoma Country Inn Project*, dated September 14, 2017, prepared by W-Trans

Attachment G: *James MacNair – Response to VOTMA Appeal Issues*, dated September 19, 2017, prepared by MacNair & Associates Consulting Arborists and Horticulturists

Attachment H: Donald MacNair response letter, dated November 28, 2017, prepared by MacNair Landscape Architecture

Attachment I: *Response to VOTMA Appeal*, dated February 9, 2018, prepared by Eric Johnson Associates Lighting Design

Attachment J: *Response to VOTMA Appeal*, dated September 14, 2017, prepared by Charles M. Salter Associates Inc.

Attachment K: *Sonoma Country Inn Greenhouse Gas Memorandum*, dated September 21, 2017, prepared by FirstCarbon Solutions

Attachment L: *Geotechnical Consultation Addendum 2 –Post Nuns Fire, Lot S13, Sonoma Country Inn, Kenwood, California*, dated February 6, 2018, prepared by Bauer Associates, Inc.

Attachment M: *Post Fire Erosion and Sediment Control Plan*, dated February 19, 2018, prepared by Adobe Associates, Inc.

Attachment N: *Revised Addendum to the Final Environmental Impact Report for Sonoma Country Inn*, certified in 2004

Related Items "On File" with the Clerk of the Board:

Plans, dated March 23, 2017, (full-size) which include:

Site Plans
Elevations
Colors and Materials
Lighting Plan and Cut Sheets
Parking
Landscaping
Inventory from the Tree Removal and Retention Plan

Hydrogeologic Report for Adequacy of Groundwater Supplies for the Proposed Sonoma Country Inn, Kenwood Area, Sonoma County, California, dated April 2009, prepared by Richard C. Slade and Associates LLC



County of Sonoma

State of California

Date: March 27, 2018

Item Number: _____

Resolution Number: _____

DRH16-0006 Georgia McDaniel



4/5 Vote Required

Resolution Of The Board Of Supervisors Of The County Of Sonoma, State Of California, Denying An Appeal By The Valley Of The Moon Alliance From a Decision of the Sonoma County Planning Commission, Approving An Addendum To The Final Environmental Report, And Approving The Site Plan And Drawings Dated March 23, 2017 As Requested By Tohigh Investments SF LLC For The Sonoma Country Inn, Spa, And Restaurant Project Located At 900, 1200, 1202 And 1204 Campagna Lane, Kenwood, APN 051-260-014; Supervisorial District No.1.

Resolved, that the Board of Supervisors (the “Board”) of the County of Sonoma (“County”) finds and determines as follows:

Section 1. Proposed Project and Procedural History

1.1 On November 2, 2004, by Resolution No. 04-1037, the Board certified a Final Environmental Report and approved a project, including rezoning and General Plan amendments, an 11 lot subdivision map, lot line adjustments and separate use permits for a 50 room inn, spa and restaurant and for a winery with an attached tasting room on the eastern 186 ±-acres of the 476-acre Graywood Ranch located at 7945, 7619, 7925, 7955, 7965 and 8012 Highway 12, Kenwood, APNs 051-010-013, 051-010-017, 051-020-006, 051-020-019, 051-020-032, 051-020-043 and 051-00-045 (the “Approved Project”).

1.2 Subsequent to the 2004 approval, the developer installed certain infrastructure improvements, including a new access roadway called Campagna Lane.

1.3 As relevant to this action, the uses authorized in the 2004 approval consist of the inn, spa and restaurant and are located at 900, 1200, 1202 and 1204 Campagna Lane, Kenwood, APN 051-260-014. A wastewater treatment system to serve the inn, spa and restaurant is also located on the parcel. The Applicant, Tohigh Investments SF LLC (“Applicant”) has named the Proposed Project “The Resort at the Sonoma Country Inn.” As approved in 2004, it includes:

Resolution #

Date: March 27, 2018

Page 2

- a. A 50-room inn with accessory retail shops, administrative offices, meeting rooms and swimming pool, including a main lodge building and 19 guest cottages comprising approximately 85,000 square feet of floor area, a projected occupancy of 100 persons per night, a total of 119 employees (average 55 onsite) and 102 parking spaces.
- b. A spa for inn guests and the general public located in a separate building from the inn, including eight individual treatment rooms in separate cottages, several hot tubs and small pools. Parking will be shared with the inn.
- c. A restaurant within the main inn building open to inn guests and the public, with seating capacity of 75 inside and 50 outside (125 total seats) and an accessory lounge serving inn guests and the public. Hours are 6 a.m. to midnight, seven days a week. Parking will be shared with the inn.

The subdivision lots and the winery portions of the Approved Project are not part of this application and appeal and will be subject to later design review, if and when proposed.

1.4 The Board made detailed factual findings in Resolution No. 04-037 establishing that the Approved Project and all uses therein are consistent with the Sonoma County General Plan and zoning and that the establishment, maintenance and operation of the uses and facilities included in the Approved Project, as conditioned, would not be detrimental to the health, safety, peace, comfort, or general welfare of persons residing or working in the neighborhood or to the general welfare of the area.

1.5 As the lead agency, the County prepared a full EIR analyzing the Approved Project under the California Environmental Quality Act ("the EIR"). The EIR disclosed and analyzed the environmental impacts that would result from the construction and operation of the Approved Project as originally designed, mitigating them to the maximum extent feasible. The Board adopted a Statement of Overriding Considerations accepting two significant and unmitigable impacts described in Exhibit B to Resolution 04-037. They were potential traffic impacts at the intersection of Randolph Avenue and Highway 12 and Lawndale Avenue and Highway 12 which were considered unmitigated at the time of the 2004 approvals because of uncertainty as to acceptance of proposed mitigation by Caltrans. Caltrans has since accepted the proposed mitigation, and the improvements have been installed. The other remaining impact described in Exhibit B and accepted by the Statement of Overriding Considerations was increased light pollution from new lighting sources in the Approved Project combined with other development sources, notwithstanding what the Board found was evidence in the record which arguably supported a contrary finding. A lawsuit challenging the Approved Project and certification of the EIR was decided in the County's favor in the Court of Appeal in 2006.

1.6 The Applicant submitted a request for design review of the inn, spa and restaurant ("the Proposed Project" or "Proposed Design") which includes proposed changes to certain elements of the site plan and drawings from the inn, spa and restaurant shown in the Approved Project.

The original design for the inn, spa and restaurant is referred to as “the Conceptual Design” or the “Original Design.”

1.7 On October 19, 2016, the Design Review Committee, after a duly noticed public hearing, at which time all members of the public had an opportunity to appear and be heard, considered and approved the Proposed Project site plan and drawings.

1.8 On October 31, 2016, the Valley of the Moon Alliance (“VOTMA” or “Appellant”) appealed the Design Review Committee approval to the Planning Commission pursuant to County code.

1.9 After the Design Review Committee acted, the Applicant proposed to slightly move one parking space and a portion of paving near one guest cottage to place them entirely within the approved building envelope, at the request of the Sonoma County Agricultural and Open Space District (“SCAPOSD”), to comply with requirements in a conservation easement. This change was presented at the Planning Commission hearing on VOTMA’s first appeal and incorporated in the Planning Commission approval.

1.10 The Proposed Project site plan and drawings were modified to show the parking space and paving adjustments and are now dated March 23, 2017.

1.11 County staff prepared an Addendum to the 2004 EIR pursuant to the California Environmental Quality Act (CEQA) and the state and local CEQA Guidelines, which analyzed all proposed changes to the Conceptual Design requested as part of the Proposed Project.

1.12 On August 3, 2017, the Planning Commission held a duly noticed public hearing at which time all interested persons were given an opportunity to be heard.

1.13 On August 3, 2017, the Planning Commission considered the Addendum and found based on the Addendum, the EIR and the full record of proceedings that a supplemental or subsequent EIR was not required for the Proposed Project.

1.14 On August 3, 2017, the Planning Commission approved the Addendum and the design, site plan and drawings for the Proposed Project as submitted by the Applicant, with the minor changes requested by SCAPOSD. The Planning Commission incorporated the Board’s findings from Resolution No. 04-1037, with the following exception. Center left turn lanes that were identified to mitigate longer waiting times at two intersections with Highway 12, but were characterized as potentially infeasible in Resolution No.04-1037 because they had not yet received final Caltrans approval have been approved by Caltrans. Those improvements have been installed.

1.15 On August 14, 2017, Roger Peters on behalf of VOTMA appealed the decision of the Planning Commission to the Board, pursuant to County code (“the Appeal”).

1.16 Subsequent to the filing of the appeal and in response to Appellant's comments regarding potential impacts of the Proposed Design relating to greenhouse gas emissions, water use, groundwater sustainability, traffic, tree removal, light pollution, noise and emergency evacuation plans, the Applicant submitted additional technical analysis including:

- *Response to Water Usage Comments from Valley of the Moon Alliance*, dated September 15, 2017, prepared by Adobe Associates, Inc.
- *Response to Portions of Appeal Letter, titled "DRH16-0006 Appeal of Planning Commission Approval,"* dated September 27 2017, prepared by Richard C. Slade & Associates, LLC
- *Response to Comments in Appeal of Approval of the Sonoma Country Inn Project*, dated September 14, 2017, prepared by W-Trans
- Donald MacNair response letter, dated November 28, 2017, prepared by MacNair Landscape Architecture
- *James MacNair – Response to VOTMA Appeal Issues*, dated September 19, 2017, prepared by MacNair & Associates Consulting Arborists and Horticulturists
- *Response to VOTMA Appeal*, dated February 9, 2017, prepared by Eric Johnson Associates Lighting Design
- *Response to VOTMA Appeal*, dated September 14, 2017, prepared by Charles M. Salter Associates Inc.
- *Sonoma Country Inn Greenhouse Gas Memorandum*, dated September 21, 2017, prepared by FirstCarbon Solutions
- *Geotechnical Consultation Addendum 2 –Post Nuns Fire, Lot S13, Sonoma Country Inn, Kenwood, California*, dated February 6, 2018, prepared by Bauer Associates, Inc.

1.17 Staff prepared revisions to the CEQA Addendum to incorporate the responses, additional information and analysis related to information and issues presented by Appellant in the Appeal.

1.18 After October 8, 2017, staff also requested that the Applicant provide information regarding damage from the October 2017 Nuns Fire to vegetation and soils at the Proposed Project site. The Addendum was further revised to include an evaluation of changes to visual impacts and an assessment of soil stability and potential debris flows at the Proposed Project site. The Addendum as revised is referred to as the "Revised Addendum."

1.19 On March 20, 2018, The Board conducted a public hearing on the Appeal, the Revised Addendum and the Proposed Project and received all relevant oral and written testimony and evidence filed or presented at or before the hearing. All interested persons had the opportunity to hear and be heard. At the conclusion of public testimony, the Board closed the public hearing, discussed the Revised Addendum and the Proposed Project and on a [REDACTED] vote determined to deny the Appeal, accept the Revised Addendum, and approve the Proposed Design as presented in the site plan and drawings entitled "The Resort at Sonoma Country Inn", Beckham Gillen Kroger Architects, dated March 23, 2017.

1.20 The Board has had adequate opportunity to review this Resolution and the findings and determinations contained herein and finds that the Resolution accurately sets forth the Board's intentions regarding the Revised Addendum, the Appeal and the Proposed Project. The Board's decisions herein are based upon the testimony and evidence presented to the County orally or in writing prior to the close of the Board's hearing, including the full record of proceedings. By Board Rule, information submitted after the close of the Board hearing is deemed late and not considered by the Board.

Section 2. CEQA Compliance

2.1 Prior to making the following findings, the Board has reviewed and considered the evidence and analysis presented in the Revised Addendum, the information presented in the Appeal and in the post-Appeal comments; the technical reports and responses submitted prior to and after the Planning Commission hearing; Permit Sonoma staff peer review comments and staff responses addressing those reports and comments; the previous environmental documents prepared for the Sonoma County Inn project, including the EIR; and all public comments made at or before the hearing. The Board concurs with the Permit Sonoma staff responses and analysis. The Board has gained a well-rounded understanding of the environmental issues presented by the Proposed Project and the Board's findings are based on full appraisal of all of the evidence and other information in the record of these proceedings.

2.2 The Board finds that with the imposition of the mitigation measures provided in the EIR and conditions of approval adopted as part of the 2004 Use Permit for the inn, spa and restaurant portion of the Sonoma Country Inn project, all impacts associated with the Proposed Project will be less than significant, except possible increased light pollution for which a Statement of Overriding Circumstances was adopted as part of Resolution 04-1037. The Board finds that the Proposed Design does not increase the amount light pollution in any substantial or significant amount compared to the Conceptual Design which was the subject of the Statement of Overriding Considerations. The Board finds that it has not received data, analysis or expert opinion constituting a fair argument that the Proposed Project will result in any new significant environmental effects or a substantial increase in the severity of a significant environmental effect identified in the EIR as a result of changes in the project or its circumstances, or new information that was not known and could not have been known at the time the EIR was certified. The Board also finds that it has not received a fair argument showing infeasibility of adopted mitigation measures, new feasible mitigation measures to reduce any remaining significant environmental impact which the Applicant declines to adopt, or alternatives different from those in the EIR which would substantially reduce effects on the environment. The Board further finds that the EIR and the Revised Addendum reflect the Board's independent judgment and analysis.

2.3 The Board finds that the Revised Addendum has been completed in compliance with CEQA. The Revised Addendum describes and evaluates the changes or alterations that have been proposed as part of the Proposed Design, including changes required by the 2004 Use Permit Conditions of Approval.

2.4 The Board incorporates by reference and readopts the findings contained in Board Resolution 04-1037, with the following exception. Center left turn lanes that were identified to mitigate longer waiting times at two intersections with Highway 12, but which were characterized as potentially infeasible in Resolution No.04-1037 because they had not yet received final Caltrans approval have been approved by Caltrans. Those improvements have been installed and are no longer potentially infeasible.

2.5 Without in any way limiting the Board's general findings set forth in this Resolution, the Board makes the following further specific findings regarding the Appellant's asserted environmental impacts of the Proposed Project. The Board notes that the environmental impact analyzed in each case is whether the Proposed Design creates new or substantially more severe significant environmental impacts than the Conceptual Design, not whether the Approved Project as a whole was adequately evaluated in the 2004 EIR.

a. Proposed Project Water Use.

The EIR estimated that the inn, spa and restaurant in the Approved Project would maintain an average occupancy of 80 percent throughout the year for the water use calculations. Conditions of approval for the Approved Project restrict the inn, spa, restaurant and associated landscaping to an annual water use of 19.4 acre-feet. The EIR revised the water use estimate for the Conceptual Design to 16.3 acre-feet per year after incorporating water conservation measures for the spa.

Two supplemental water use studies analyzed the impact of the design changes on water use for the Proposed Project, *Sonoma Country Inn: Water Use Information*, dated February 14, 2017, and *Sonoma Country Inn: Water Use Information*, dated May 1, 2017, both prepared by Adobe Associates, Inc. The two reports compared the Proposed Design to the Conceptual Design and added evaporative water loss from the pool and hot tubs to the total water use because it was not clear that evaporative loss had been included in the EIR water use estimates.

Assuming evaporation was not considered in the EIR, the total additional water use from evaporation for the Proposed Project would be 0.92 acre-foot. As shown in Table IV of the February 14, 2017 Adobe report, that increase is off-set by removal of the on-site processing of guest room laundry, and there is no overall increase use of water from onsite wells. In either scenario, the total Proposed Project water use of 16.3 acre feet per year is below the limitation on water use imposed by Condition of Approval No. 59 which specifies a maximum of 19.4 acre-feet per year for the resort portion of the overall project.

The Board concurs with the data and conclusion in the Adobe Associates, Inc. reports and finds that Appellant's comments that the water use calculations are inadequate are not supported by technical expertise or factual evidence.

b. Groundwater Supply.

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 Proposed Project parcel have enough capacity to support the Proposed Project and not impact the aquifer or neighboring wells in normal and drought years.

Appellant submitted additional information as part of its Appeal contending that drought conditions since adoption of the EIR are changed circumstances that require a supplemental EIR, because data from five wells near the project site show “a long-term decline in water levels.” Appellant does not attempt to make a factual connection between the requested design changes, which do not increase project water use, and the alleged new information about the effect of the drought on groundwater supply as measured by nearby well data Appellant states was obtained from the California Department of Water Resources (“DWR”).

Richard C. Slade & Associates LLC, consulting groundwater geologists (“RCS”), provided a letter report dated September 27, 2017, in response to Appellant’s information. The RCS 2017 report notes that as defined by DWR, two droughts have occurred since an earlier 2002 RCS study on which the EIR was based. A three year drought occurred from water years 2006-2007 through water years 2008-2009, and a five year drought occurred beginning in water year 2011-2012 and ending in water year 2015-2016.

RCS found that two wells cited in Appellant’s Exhibits 6 and 7 appear to show declining water levels, based on most recent DWR data from October 2015 and March 2016, respectively, but DWR data from these wells is somewhat unclear and incomplete. In addition, these two wells are close to one another and exhibit “very different water level fluctuations and recharge characteristics compared to other wells in the immediate project area,” as noted in the EIR and the 2002 groundwater studies. RCS found that the wells identified in Appellant’s Exhibits 6 and 7 are not representative of the groundwater level conditions at the project site.

RCS further found that the three wells with data cited in Appellant’s Exhibits 8-10 do not show erratic groundwater levels in response to drought conditions, and that DWR data for wells referenced in Appellant’s Exhibits 8 and 9 show increasing water levels during the two recent drought periods, not decreasing levels. The well in Appellant’s Exhibit 10 shows stable water level trends since the year 2000, with the most recent measurement in March 2017. RCS studied another well not cited by Appellant which also shows stable water level trends over time as indicated by DWR water level data between 2008 and 2017.

In addition, RCS analyzed water level data from the two onsite wells since their construction in 2002. Data was collected in 2002, 2003, 2004, 2006, 2007, 2008, 2009, 2015 and 2016. The data shows that water levels have been stable in the onsite wells since their construction in 2002, despite the two droughts.

In 2009 RCS submitted a report to meet requirements of the California Department of Public Health relating to new and existing source capacity. RCS concluded at that time that the on-site wells were adequate to meet the project's needs and pumping by the on-site wells would not create long-term adverse impacts on the local aquifer systems or nearby wells owned by others.

c. Well Monitoring.

Ongoing monitoring of groundwater elevations and quantities of groundwater extracted for the Proposed Project was not required as a CEQA mitigation measure because the Board found in 2004 that the Approved Project would not result in a significant impact on groundwater supply. Monitoring was required as an operational condition of the approved use permit for the inn, spa and restaurant. Appellant argues that the Applicant is in violation of this condition, but the County does not generally require monitoring until a project is active. When the Proposed Project begins active use, monitoring and reporting of groundwater extraction from the project wells will be required in compliance with current County policies. The Applicant is not in violation of the monitoring Condition of Approval No. 59.

The Board concurs with the Adobe water use calculations which show that the Proposed Design does not create any change that would cause a new or substantially more significant environmental effect on groundwater because of increased water use, compared to the Conceptual Design. The Board finds that the Proposed Design would not result in a new significant environmental effect or a substantial increase in the severity of a previously identified significant effect relating to water supply due to changes in the project or its 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. No new mitigation measures are required.

d. Traffic and Trip Generation.

The EIR traffic consultant developed trip generation numbers specifically for all Approved Project uses by taking into account employees, visitors and guests. (EIR, Exhibit 5.2-19.) In 2017, the Applicant's consultant, W-Trans, provided an updated traffic analysis. This report compared the Highway 12 traffic volumes projected in the EIR to Caltrans website data for 2012. The report concluded that the EIR future year 2012 cumulative volumes included 2060 vehicles per hour in the peak hour, more than 21 percent higher than the actual volumes shown by Caltrans for 2012. At a growth rate of two percent per year added to Caltrans 2012 data, the volumes projected in the EIR will not be achieved until 2022. The current Sonoma County Transportation Agency (SCTA) model projects traffic to the year 2040 and indicates that between 2010 and 2040, a total of 227 trips are expected to be added to Highway 12 near Adobe Canyon Road. The ten year trip increase predicted in the EIR of 435 added trips is larger than SCTA's current traffic model increase through 2040.

The design changes do not modify the character of any use and do not increase the number of guest rooms, the seating capacity of the restaurant/bar, the number of employees or the size of the spa. Parking is not increased.

The EIR trip generation analysis used appropriate industry metrics for the various project components and was independently confirmed by W-Trans in its 2017 *Review of Traffic Issues*, which cross-checked those results against Institute of Transportation Engineers (ITE) Trip Generation Manual (12th Ed.) standard trip generation rates for a hotel, separately adding restaurant use. Trip generation is the same for indoor or outdoor dining. Use of these trip generation standards has been confirmed as appropriate by the County's internal traffic analyst.

In a further letter dated September 14, 2017, W-Trans responded again to Appellant's comments that trip generation counts must be revised because the rooftop lounge will attract more patrons. Appellant misstates the W-Trans conclusions in the 2017 *Review of Traffic Issues*. W-Trans merely noted Appellant's argument that a rooftop bar would attract additional patrons, but did not accept it as fact. W-Trans said that even if that the bar attracted additional business, additional patrons would be expected in the evening hours and would not create peak hour p.m. or peak hour weekend trips.

Appellant suggests that the locating the western parking slightly closer to the main inn and access road will cause more guest visitors to come to the Proposed Project, actually changing the project use and requiring new trip generation calculations. The W-Trans 2017 *Review of Traffic Issues* explained that the location of parking will not draw visitors to the site. Insufficient parking can be relevant if it discourages visitors from returning, but that is not the case with the Proposed Project. The Proposed Design does not increase parking compared to the Conceptual Design.

Based on the lack of change in the independent variables, W-Trans found that the trip generation likewise would not change.

The Board finds that the Proposed Design would not result in a new significant environmental effect or a substantial increase in the severity of a previously identified significant effect relating to traffic impacts due to changes in the project or its 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. No new mitigation measures are required.

e. Tree Removal and Biological Resources.

The EIR's extensive evaluation of tree removal for the Conceptual Design resulted in the imposition of extremely detailed mitigation measures that are carried forward and will apply equally to the Proposed Design. EIR mitigation measure 5.6-4(a)(5) required an adjustment of the Conceptual Design parking to reduce the number of trees removed.

The project plans show locations of each tree to be removed for construction. In the Proposed Design, fewer trees are removed and biological impacts are less severe compared to the Conceptual Design.

Backen Gillam Kroeger Architects documented the locations and descriptions of trees slated for removal for each structure or facility that proposes a change in location affecting tree removal in *Summary of Reduced Impacts Due to Revisions in the Conceptual Design*, dated May 23, 2017. The main inn building and pool are in essentially the same location, and no additional tree removal is required. The spa is proposed to be moved into a clearing, and would remove 45 fewer trees than the Conceptual Design.

There is approximately 27,000 square feet less of paving with the Proposed Project parking layout. The changes would require removal of 47 fewer trees in the western lot and 45 fewer trees at the eastern lot. Seven large specimen oaks at the western cottage units would not be removed, as required for the Conceptual Design. The changed parking layout responds to the requirement in Condition of Approval No. 97 that parking be adjusted to avoid tree resources as much as possible. Addition of the support building alongside the eastern parking lot would require removal of 13 trees not removed with the conceptual design.

Including the additional 13 trees removed at the support building, approximately 144 trees would be removed for construction of the Proposed Design, compared to 238 for the Conceptual Design. This reduces impacts of the Proposed Project on biological resources compared to the Conceptual Design, a beneficial change.

Overall tree removal for the Approved Project has been extensively documented, including in an inventory of all trees within the Proposed Project area as well as trees important for screening views from critical viewpoints along Highway 12. All of the trees in the inventory have been identified and tagged with individual tree numbers. The tree inventory is set forth in full in Sheets LO-6 through LO-9 of the Proposed Project plans. The collected data also was presented in a MacNair and Associates *Arboricultural Summary* dated October 13, 2016, and the BKG Summary showing specific trees removed for construction.

An additional *Memorandum* dated July 10, 2017 from MacNair & Associates discussed drought-damaged trees and noted the total number by type and condition. That report estimated that 2/3 of the 'damaged' trees had trunk diameters of less 9 inches. MacNair also provided a further letter report dated September 19, 2017 to specifically explain that the "Vegetation Management Plan" addressing wildland fire safety was deemed compliant in 2003 and focused on removal of dead or declining trees and reducing ground and ladder fuels. The Proposed Design does not increase the nature or

amount of fire safety protection required from that anticipated with the Conceptual Design.

MacNair also specified tree protection procedures that will be adequate to protect trees designated for preservation and located near the parking lots. See MacNair's *Memorandum, Parking Lot Tree Protection*, dated March 16, 2017.

In addition to the effects of the changes to the parking lot layout on tree removal, WRA Environmental Consultants prepared a letter report, "*Assessment of proposed parking adjustments, Resort at Sonoma Country Inn Project, Kenwood, California*," dated March 23, 2017 to assess any impacts to adjacent wooded areas and organisms from car headlights that would shine into the wooded areas while cars are being parked in the parking lots. WRA concluded that the number of parking spots that would result in direct illumination of adjacent wooded areas outside of the development footprint would decrease in the western parking areas by approximately 13 spots and increase in the eastern parking lot by approximately 12 spots. This is a less than significant change, with no increased impact on biological resources. The proposed parking alterations would place cars entering and exiting the site along a more central route in the western area compared to a peripheral scheme in the Conceptual Design, providing a more efficient route through the project and possibly reducing driving time and impacts from headlights.

The Board finds that the identification of trees for removal resulting from construction and drought or disease damage is reasonable and provides adequate information to assess the effects of the Proposed Design. The tree protection measures applicable to trees designated for preservation at the relocated parking areas are adequate to prevent adverse impacts to preserved trees. The Board further finds that the Proposed Design would not result in a new significant environmental effect or a substantial increase in the severity of a previously identified significant effect on biological resources or tree removal due to changes in the project or its 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. No new mitigation measures are required.

f. Visual and Aesthetic Impacts – Design Changes.

In the EIR, view impacts were evaluated from the two main roadways that provide views of the project site to passing motorists, bicyclists and pedestrians travelling along Highway 12 and Adobe Canyon Road.

A further comparison of the conceptual and proposed designs was performed by MacNair Landscape Architecture, *The Resort at Sonoma Country Inn Supplemental Visual Analysis*, dated February 3, 2017. The *Supplemental Visual Analysis* charts the location and elevation changes of the individual buildings, details each change to the site plan, and contains exhibits with a site plan unit index, site plan comparison, line of

sight visual sections from four locations, and photo simulations with and without landscape buffers from Highway 12 and Adobe Canyon Road. It also includes elevation sight lines from each of the visual assessment points used in the EIR to the various components of the Proposed Design. The result is equal or less visibility of the Proposed Design. In addition, a new visual profile from a viewing point just east of Pythian Road assessed whether changed locations of four western cottage units would create new or more severe visual impacts when viewed from areas west of the project.

Changes to visual impacts from the Proposed Design are also summarized in the BGK Summary of Impacts.

The main inn has been redesigned to three levels, stepping down the slope with terraces on the valley terraces screened with landscape elements including trees and vine trellises. An overhanging solid mass pitched roof facing the valley has been replaced with a flat roofed garden and lounge area, also screened with landscape elements. The easterly third of the upper portion of the building will be partially visible from Adobe Canyon Road. The upper portion of the building will be visible from Highway 12, but will be partially screened by landscaping.

The main inn pool was reoriented along a slope contour, using terraced planters in place of a 20 foot retaining wall required for the Conceptual Design. The pool area has been lowered by two feet and aligned with the slope contours. Most of the west side of the pool area will be fully screened by forest to the south. The east end of the pool terrace will be partially visible through the visual slot along the drainage path below.

The spa is largely unchanged from a visual impact perspective, other than moving the spa slightly into a clearing, which preserves more trees.

The eastern cottage layout changes would place the units closest to the pool about 30 feet downslope, reducing their height by about 10 feet. The easternmost unit would be shifted about 50 feet to the north, closer to the tree line. Two units would be combined into one duplex unit, increasing space between buildings and reducing the number of guest buildings overall from 19 to 17.

Visual impacts after the design change would be less for the two units east of the pool and equal for the remaining units to the east (i.e., not visible). The units located behind the front row would be partially visible, with an equal or lesser impact compared to their EIR location.

The western cottage relocation repositioned units V1 and V2 (formerly designated Type G units) at the southerly end of the west ridge. Previously, they were oriented in a north south line on the east side of the west ridge. Both units have been moved downslope slightly. They would be partially visible from Highway 12 and Adobe Canyon Road, but the visual impact compared to the Conceptual Design would be less for Unit V1 and the

same for Unit V2. Three other units are proposed to shift to the westerly side of the west ridge. Because of topography and the height and density of screening provided by forest canopy, these units will not be visible from any viewpoint. Three units on the east side of the west ridge are close to their Conceptual Design locations, and will be fully screened by existing forest.

After modification, the guest cottages have either equal or reduced visual impacts.

The new support building is located behind the back row of eastern cottage units in a forested area at the eastern edge of the eastern parking lot. It will not be visible from any of the viewpoints and will have no visual impact.

The Board finds that for each element of the proposed design, including the main inn, the pool area, the spa, the cottage units and the support building, the visual impact of the Proposed Project is equal to or less than the Conceptual Design. The Proposed Project would not result in a new significant environmental effect or a substantial increase in the severity of a previously identified significant effect due to changes proposed in the project or its 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. No new mitigation measures are required

g. Visual and Aesthetic Impacts – Drought Damage.

MacNair and Associates Consulting Arborists and Horticulturists prepared a further supplemental memorandum dated July 10, 2017, to consider tree removal due to drought, although drought damage is not caused by the design changes. The report states that for all portions of the Approved project, including the future winery site and residential lots, 1,778 trees were “tagged” and then surveyed and assessed for probable construction impacts. Another 924 trees were “marked” as dead, in decline, diseased, in poor structural condition or overcrowded – not all due only to drought. Over two-thirds of the marked trees were smaller trees with trunk diameters less than 9 inches. A significant number of these marked trees are within the grading and construction limits for the Approved Project, and would be removed for construction in any event, but a substantial number of the marked trees are in addition to trees to be removed for construction. Assuming every marked and tagged tree will be removed, the current estimate of tree removal is 2,702 trees compared to 3,190 for the Conceptual Design. Again, these totals include other portions of the Approved Project, including the future winery site and residential lots. The EIR notes that there were approximately 21,000 trees on the Approved Project site.

The July 2017 MacNair report also assessed trees providing screening of the project site from Highway 12 and found them to be in moderate to good health with no significant structural defects and not affected by drought, disease or overcrowding. These trees are primarily evergreens, in an area where slope draining is occurring, tree density is

less and the age class is young mature. Therefore, there are enough healthy trees to provide adequate screening of the Proposed Design from public viewpoints, as shown in the MacNair *Supplemental Visual Assessment* and the July 2017 MacNair report.

The Board concurs with the MacNair findings and conclusions. Drought damage to trees onsite and in the area of the Proposed Project would not result in a new significant environmental effect or a substantial increase in the severity of a previously identified significant effect due to changes in the project or its 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. No new mitigation measures are required.

h. Visual and Aesthetic Impacts – Fire Damage.

Damage to the project site's natural vegetative screening from the Nuns Fire is not caused by the Proposed Design changes. However, the Applicant requested its consultants to document wildfire impact to vegetation at the Proposed Project site and Donald MacNair of MacNair Landscape Architects prepared a report dated November 28, 2017.

MacNair reported that the Nuns Fire affected several of the upper residential subdivision lots and adjacent property to the north, west, east and southeast of the hotel site, all outside of the Proposed Project site. A substantial portion of the forested backdrop behind the main inn remains unaffected, as does vegetation between the project site and Highway 12. The fire was contained along the project access road to the west and north. Areas proposed for the main inn, the spa, the villa cottage units and units along the west ridge were not burned. Key forested areas identified as existing vegetation southwest to west of the main inn did not burn. MacNair concluded that there was no change to the visual analysis of the main inn or the western cottage units and no new or more severe visual impact of these components of the project post-fire.

Burn damage to the ridge east of the hotel site resulted in low to moderate damage to existing trees. MacNair concluded that the majority of the oaks in this location are expected to survive, but that damage to Douglas firs will need to be assessed next growing season. Some areas of the ridge to the east along the upper part of the ridge suffered moderate to high damage. However, the affected trees are not critical to screening of the Proposed Project because the topographic landform of the ridge provides a visual barrier between the project and areas to the east and south outside the project site.

In the lower west portion of this eastern part of the site, fires burned to a fire break running north and south in the area below units D2-D6. Lower story vegetation was burned in this area, but most of the taller canopy trees that provide screening of the easterly units remain. Only three of the proposed 13 eastern units are affected. These

units previously were identified as partially visible in the February 2017 Supplemental Visual Impact Analysis, and they remain partially visible post-fire.

MacNair concluded that while there is a slight increase in the visibility of three of the easterly units from Highway 12 and to a lesser degree from Adobe Canyon Road, this is a short term effect due to low growing vegetation damage below Units D2, D3 and D4. It is not a result of the proposed changes in design. The proposed landscape treatment required by the Proposed Project landscape plan will restore the visual context to pre-fire conditions, and the partial visibility of these three units remains a less than significant impact.

The Board concurs with the MacNair findings and conclusions. Fire damage to trees onsite and in the area of the Proposed Project would not result in a new significant environmental effect or a substantial increase in the severity of a previously identified significant effect due to changes in the project or its 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. No new mitigation measures are required.

i. Light Pollution.

Two photometric analyses by Eric Johnson Associates Lighting Design conclude that the Proposed Design would not cause a new or more severe light impact to the surrounding areas or the night sky compared to the Conceptual Design, and the difference from the design changes would be imperceptible from the valley floor, which is approximately three-quarters of a mile distant from the lighted elements of the Proposed Project. Eric Johnson Associates prepared a *Resort at Sonoma Country Inn Photometric Analysis*, dated February 14, 2017, assessing whether the redesigned roof terrace and courtyard areas in the main inn would create new impacts or increase the severity of the night lighting impacts.

The Proposed Design incorporates low, fully shielded and dark sky compliant lighting throughout, including for the roof garden, which will also be partially screened by landscaping. The plans for the Proposed Design contain a 21-page lighting plan showing the placement and design of all fixtures and landscape lighting.

The *Photometric Analysis* measures the light being emitted from the actual lighting fixtures and specific locations proposed for the roof garden and inn. The analysis determined the luminance, range and impact of the proposed lighting. The brightest lighting is at the finished floor of the roof terrace, from very low step lights in the terrace walls, equivalent to the light at early to middle twilight when measured 15 feet above finished floor level.

At 30 feet above the roof terrace finished floor, the brightest points are directly above the bar. The light spreads as it travels up from the building and quickly fades. At 65 feet above the finished floor, the brightest points are the perceptual equivalent of deep twilight. The *Photometric Analysis* measured light bubbles at the edge of the roof and concluded that the expanse of the light bubble does not travel more than 110 feet into the atmosphere.

The *Photometric Analysis* also evaluated courtyard walkway lighting. The highest reading occurs at the floor of a section of the walkway when the lights are set at 100% of operating level, which is above normal operating level. However, this location is near the edges of the hallway and does not reflect into the night sky. The *Photometric Analysis* concludes that very little light escapes beyond the courtyard or into the night sky.

In a further comment, Eric Johnson Associates concluded that lights from hot tubs at the guest cottages (which were not specifically identified in the EIR) would not create new significant lighting impacts. (*Sonoma Country Inn, Spa Lighting Design Comment*, May 11, 2017, Eric Johnson Associates.) The cottage hot tub lights will be underwater, at 9 watts with a half-dome shield to direct light downward into the interior surfaces of the spa only. The spas' interior plaster finish will be medium to dark, to prevent refraction of light up and outward. Lights will dimmed to the minimum level required for safety and guests will not have the ability to raise the spa light level. Each of the hot tubs will be located beneath a vine-covered trellis that will block vertically escaping light from reaching the night sky and absorb light before it can be reflected back down onto the patios. Each hot tub will be far enough from the cottage wall to keep any horizontally leaking light from illuminating or refracting off the building wall.

The new support building is small, 2280 square feet in size, located at the rear of the project and obscured from public view on all sides by surrounding trees and the eastern guest cottages. It is subject to the same stringent lighting standards as the rest of the Proposed Project and has been designed with lighting at the minimum levels needed for safe use.

Appellant reiterated its opinion that the rooftop garden and lounge in the Proposed Design will have a new and significant light pollution impact despite the detailed photometric studies of the proposed design, based in part on the fact that there was less detailed photometric study of the conceptual design, making a direct comparison infeasible. In a further letter report dated February 9, 2018, from Eric Johnson Associates, EJA again explained its analysis and conclusion that the overall effect of the rooftop terrace does not significantly increase the lighting impact of the project because the light fixtures in the Proposed Design are all downward aimed and shielded with no visible light sources such as LEDs or bulbs. In addition, the Applicant will use a shading system to seal the opening of a skylight over the guest arrival area at the back of the inn at sunset every evening, so that it does not contribute to night-time light emissions.

EJA also reviewed Appellant's argument that light from the Proposed Project will interfere with Ferguson Observatory's telescopes and instruments and that the Observatory was not considered or consulted. Board of Supervisors Resolution 04-1037 approving the conceptual project included an Exhibit J, identifying increased light pollution as significant and unavoidable, "notwithstanding evidence in the record that could support a contrary finding." The Resolution's factual findings noted that, "The Ferguson Observatory was satisfied that the use of these lighting standards [the standards applied to the project, the same used for National Parks] would address impacts to the night sky." (Resolution 04-1037, Exhibit B, p. 9, also attached as Exhibit J to the Planning Commission August 3, 2017 staff report.) The Observatory is separated from the Proposed Project by 2.6 miles of hilly and mountainous terrain. Ridgelines and hilltops block any direct lines of sight between the two. EJA concludes based on the applicable standards met by the lighting plan and the topographical features that the proposed lighting will not directly affect the Observatory.

The proposed lighting design adheres to the 2011 version of the Dark Sky Model Ordinance and the Mayacamas Mountain Guidelines, both of which are more stringent than standards in effect when the project's conditions of approval were imposed.

The Board accepts the technical expertise and conclusions in the Photometric Analysis, the May 11, 2017 hot tub lighting comment and the February 9, 2018 EJA letter and finds that Appellant's comments relating to insufficient study of potential increased light pollution are not supported by technical evidence. The Proposed Design would not result in a new significant environmental effect or a substantial increase in the severity of a previously identified significant effect relating to visual and aesthetic quality due to changes in the project or its 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. No new mitigation measures are required.

j. Noise.

The EIR found that the only potential noise impact requiring mitigation was noise associated with special events at the winery. The EIR also adjusted maximum noise limits downward as required by the General Plan Noise Element to take into account the ambient quiet conditions at the site.

Charles M. Salter Associates, Inc. reviewed potential additional noise impacts resulting from the replacement of the pitched roof of the main house with an outdoor roof terrace, reconfiguration of the pool at the inn, the addition of a new support building at the east parking lot, and the revised east parking lot in *Sonoma Country Inn – Kenwood CA Noise Impact Analysis*, February 2, 2017. The Proposed Design also includes outdoor spas/hot tubs at the guest cottages. A subsequent email update by Charles M. Salter dated May 18, 2017, specifically evaluated noise from the guest cottage spas.

Salter found no new noise impacts from the pool design changes, the support building, the cottage spas or the parking lot changes. The support building will have a transformer and an emergency generator, located more than 600 feet from the nearest residential property line to the south. Salter's May 18, 2017 email notes that the guest cottage terraces were part of the Conceptual Design and outdoor use was anticipated at the time of the 2004 project approvals, with similar noise levels from guest use. Mechanical equipment for the spas will be located inside the buildings. Noise mitigation required in use permit conditions of approval will apply to the Proposed Design.

The Conceptual Design included an outdoor second floor terrace and bar at the main inn with a total of 50 seats exposed to the down sloping southern property line. The Proposed Design moves the approved bar to the new third floor roof garden, and shifts 31 of the 50 outdoor seats to the third level. Outdoor seating has not been increased from the maximum 50 outdoor seats allowed by conditions of approval. The use and capacity of the facilities has not changed. No special events will be permitted in the roof garden. The terrain slopes down from the inn toward the nearest adjacent receiver to the south, and the exposure of the second and third levels of the main inn to the southern property line are similar.

Salter submitted an additional letter report dated September 14, 2017 in response to renewed statements by Appellant that new noise impacts would result from the design changes at the main inn. Contrary to a statement by Appellant that much of the terrace seating in the Conceptual Design was enclosed in a courtyard, Salter's September 14, 2017 letter notes that the outdoor dining for the restaurant and lounge in the Conceptual Design was all located on a terrace along the valley-facing (south) elevation of the building. The courtyard of the Conceptual Design contained planting beds for a kitchen garden and seating for exhibition cooking classes and hotel arrivals.

Salter notes that the prior second floor terrace included a structure covering the terrace that could have resulted in noise buildup and reflection outward toward existing properties to the south. The second floor terrace is now proposed with a vegetated trellis covering but has 31 fewer seats, resulting in less noise generation at that location. Rather than increasing noise impacts to downslope receptors, moving these 31 seats to the open air rooftop garden would actually permit noise to dissipate uphill and in all directions with less impact than if channeled south and downslope toward existing receptors.

The Board concurs with the professional noise analysis in the Salter studies and finds Proposed Design would not result in a new significant environmental effect or a substantial increase in the severity of a previously identified significant effect relating to noise due to changes in the project or its 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. No new mitigation measures are required.

k. Parking Lot Layout Impacts and Emergency Evacuation

The parking layout for the Proposed Design would contain the same 102 spaces required by Condition of Approval No. 106 and responds to the requirement in Condition of Approval No. 97 to adjust parking to avoid tree resources as much as possible.

Appellant suggested that the change in parking layout, with valet parking as the primary mode of operation for inn guests, could create difficulties in exiting the property in the event of an emergency, and that a formal emergency evacuation plan was required. This an operational concern, not a physical impact on the environment. There is no physical barrier blocking guests from reaching their cars, and the distances between the main inn and parked cars are close enough to be navigable for guests.

The EIR acknowledged that the project location was in a “high fire danger area,” but concluded that the project had adequate emergency access. The EIR further explained that fire protection measures acceptable to the County’s Department of Fire Services, the County Fire Marshal and the Chief of the Kenwood Fire Protection District had been imposed on the project and that fire impacts could be mitigated to a level of insignificance.

State model codes are administered by the County Fire Marshal and apply to the Proposed Project. They require hotel and motel lodging operations to provide and maintain emergency plans for evacuation. Detailed requirements for fire emergency safety plans are set out in Title 19 of the California Code of Regulations, section 3.09. The hotel operator must meet these state law and County requirements, including submitting a written emergency safety plan acceptable to the County Fire Marshal prior to occupancy of the inn buildings.

The Board finds Proposed Design would not result in a new significant environmental effect or a substantial increase in the severity of a previously identified significant effect relating to emergency evacuation due to changes in the project or its 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. No new mitigation measures are required.

l. Geology and Soils, Including Nuns Fire Impacts.

The EIR based its analysis of geology, seismicity, and mineral resource impacts on the Conceptual Design site layout. To evaluate possible impacts resulting from the cottage location changes, Bauer Associates, Inc. Geotechnical Consultants prepared a supplemental geotechnical investigation reviewing the proposed design. (*Addendum, Geotechnical Consultation, Sonoma Country Inn, Kenwood, California, January 30, 2017.*) The study concluded that the level of subsurface exploration originally performed (29

test pits and 13 test borings extending into the bedrock) adequately characterizes the site geologic conditions for the revised design. Bauer also concluded that the slightly modified locations of the various structures do not present any new or different geotechnical impacts for the proposed design, and no additional subsurface exploration is required. The Proposed Design would incorporate updated seismic design criteria to address ground shaking.

Damage from the Nuns Fire to the project site's vegetation and soils and a possible resulting increase in debris flow potential is not caused by the Proposed Design changes and therefore not a CEQA impact of those changes.

However, the Applicant submitted a February 5, 2018 report by Bauer Associates, Inc. Geotechnical Consultants ("Bauer 2018 Report") which has been peer reviewed by and accepted by the County's professional geologist. Bauer conducted an on-site reconnaissance of the Proposed Project site and reviewed selected geologic literature including the U.S. Geological Survey, 2017, Landslide Hazards Program, Post-Fire Debris-Flow Hazards: Nuns Fire (Napa and Sonoma Counties) Preliminary Hazard Assessment; the State of California, November 15, 2017, Nuns Fire, Watershed Emergency Response Team, Final Report, CA-LNU-010104 ("WERT 2017"); and other sources. The full list of references consulted is appended to the Bauer 2018 report.

Bauer's on-site reconnaissance, confirmed by the County's professional geologist, shows that the majority of the site is not burned, but that a portion of the Proposed Project site near the eastern project boundary and the eastern guest cottages, including portions of an on- and off-site drainage channel, were intermittently burned with low to moderate severity. Bauer noted some hydrophobic soil conditions based on localized areas of burned grasses and trees, but also that as of MacNair's December 6, 2017 site visit, intermittent regrowth of grasses in these burned areas had already begun. Subdivision Lots S7 through S11 to the east outside of the Proposed Project appeared scorched to moderately burned. Graywood Ranch Lots G1, G2 and part of G3 to the north and west of the Proposed Project site, also outside of the Proposed Project, appear moderately to deeply burned, with hydrophobic soil conditions.

The WERT 2017 report includes Preliminary Hazard Assessment maps (PHA) prepared to estimate the likelihood of debris flows, potential volumes and combined relative debris flow hazard in response to specified design storms at the fire-affected sites. At the Proposed Project site (the upper plateau), the PHA maps estimate a 40-60% probability of debris flow hazard with a hazard rating of moderate. At the drainage channel to the east, the PHA maps estimate a 20-40% probability of debris flow on Subdivision Lots S8 and S9, and 0-20% near the eastern parcel boundary and outside of the Proposed Project. The PHA maps estimate hazard rating of debris flow to be low in this location. WERT suggested measures for existing properties which it deemed "Values at Risk" similar to what is already required of the Proposed Project by the conditions of approval, including storm monitoring, stream channel maintenance and inspection and

sandbags or other diversion methods where indicated. Bauer notes that the WERT itself states that its observations are not fully comprehensive or conclusive and serve as a preliminary tool.

Therefore, Bauer also consulted geologic mapping, including mapping by the Natural Resources Conservation Service, and reviewed detailed site-specific geologic testing and analysis in the EIR in addition to the WERT. Bauer concludes that the risk of debris flow damage onto or generated from the Proposed Project is low to insignificant provided that the site is graded and improved with suitable erosion control measures in accordance with the Approved Project plans and conditions of approval.

Bauer relies on several factors in arriving at this conclusion. Previous debris flows are not observed at or uphill of the Proposed Project site; slopes surrounding the site and steeper uphill slopes are generally relatively uniform without incise channels or concentrated runoff oriented into the site; roadways at the site appear to have performed as a firebreak around the Proposed Project site; volcanic terrain underlying the site is typically less susceptible to debris flows; the surface soils are typically thin (0 to 24 inches); the Proposed Project site is generally unburned with the absence of hydrophobic soils except in the far eastern portion of the site; and the Proposed Project conditions of approval include detailed measures to control erosion and soil instability.

Conditions of Approval 16-20 provide extensive requirements for erosion control and require, among other things, compliance with the San Francisco Bay Regional Water Quality Control Board General Permit under NPDES regulations. Condition No. 16 requires a comprehensive Stormwater Pollution Prevention Plan with specified objectives and development and implementation of a monitoring program, including inspections every 24 hours during storm events of extended duration and a County-approved erosion and sediment control plan with specified objectives. Further detailed requirements to prevent any increase in pre-development runoff are contained in Conditions 18-20. Condition 8 requires detailed measures, including proper construction, inspection and maintenance practices, to protect against the creation of unstable slopes, with periodic inspection and maintenance of slope stability improvements.

Bauer recommends monitoring of steeper uphill areas of the larger project site above Moon Watch Lane and expansion of the Proposed Project's monitoring and erosion control measures into this offsite area if conditions warrant. After the Bauer report, Adobe Associates, Inc. prepared a "Post-Fire Erosion and Sediment Control Plan for Sonoma Country Inn," dated February 19, 2018. This plan covers the entire larger site and notes that water bars near the slopes around the proposed inn location appear adequate with no improvements required. Fire breaks around the area were observed to be in good condition. The report recommends monitoring of these areas monthly or after significant rain events, similar to Proposed Project conditions of approval. The report also outlines maintenance measures for specific locations on the larger site

outside of the inn, spa and restaurant parcel. The Applicant has committed to implementation of all measures recommended in the Adobe report, and many have been completed. Monitoring of completion will be added by Permit Sonoma staff to its review and sign off of the required drainage control plan and other Proposed Project conditions.

The County's professional geologist reviewed the Proposed Project site using aerial imagery and LIDAR. He notes that the greatest risk to the site is of a debris flows originating upslope and moving into the building envelope with potentially destructive force. The Bauer 2018 Report discusses this risk and found little evidence of past debris flow deposits. Staff agrees that the building envelope of the Proposed Project does not have any clear signature of debris flow deposits. Upslope areas appear stable without conspicuous debris flow scarps, though there are some moderately steep slopes considered to have moderate debris flow potential. The eastern drainage nearest the building envelope drains a small catchment with relatively shallow slopes and is mapped by the WERT to have a low debris flow channel hazard rating. Given these findings, the County's professional geologist agreed with Bauer that potential risk to the project related to post-fire slope instability is low.

The Board concurs with the findings and conclusions in the Bauer 2018 report as confirmed by the County staff professional geologist. The Proposed Design would not result in a new significant environmental effect or a substantial increase in the severity of a previously identified significant effect relating to geology and soils due to changes in the project or its 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. No new mitigation measures are required.

m. Cumulative Impacts – Greenhouse Gas Emissions.

Appellant suggests that cumulative development, traffic and drought occurring since 2004 constitute a substantial change in circumstances and/or new information of substantial importance not known at the time of the EIR that requires further environmental analysis of the Proposed Project. The Board finds that alleged new information regarding traffic does not create new or more severe environmental impacts, and any impact from drought and fire-damaged trees has been adequately analyzed in the Revised Addendum and technical reports, showing no new or more severe environmental impacts. CEQA requires re-evaluation of alleged new information only if the alleged new conditions create new or more severe environmental impacts. CEQA further requires that any new information could not have been known with the exercise of reasonable diligence when the prior environmental document was certified. And finally, for this design review application, even if new information or changed circumstances was shown to cause new or more severe impacts, that new information would have to be relevant to impacts created by the design changes.

Appellant now also argues that the impact of project greenhouse gas (“GHG”) emissions on climate change is new information or evidence of changed circumstances so as to require study in a supplemental EIR. This issue was not raised in the appeal to the Planning Commission.

The Board finds that this issue is outside the scope of the design review requested in the application under review. The Board further finds that the effects of greenhouse gas emissions are not new information or changed circumstances requiring a supplemental EIR under CEQA based on the following facts and analysis.

The 2004 EIR was a project EIR and included an Air Quality section 5.10. Prior to the adoption of CEQA Guideline 15064.4 in 2010, CEQA did not mandate study of greenhouse gas impacts. Court decisions since then have reiterated two things. First, where a project EIR includes an air quality section and pre-dates Guideline 15064.4, a supplemental EIR is not required in order to analyze GHG emissions. Second, the potential environmental impacts of greenhouse gas emissions have been known since the 1970s, and do not constitute new information for the purpose of requiring a supplemental EIR under Section 21166, subdivision (c). *Citizens Against Air Pollution v. City of San Jose* (2014) 227 Cal. App. 4th 788, 807-808; *Concerned Dublin Citizens v. City of Dublin* (2013) 214 Cal.App.4th 1301, 1319.

In addition, information provided by the Applicant shows that even if a GHG emissions study was required for the proposed design changes, the Proposed Project’s GHG emissions are below the threshold of significance.

Appellant submitted data from a California Emissions Estimator Model (CalEEMod) suggesting that total GHG emissions from the Proposed Project are 1,275 metric tons of carbon dioxide equivalents (MT CO₂e) per year, which would slightly exceed the Bay Area Air Quality Management District (BAAQMD) recommended threshold of significance, which is 1,100 MT CO₂e per year for projects other than stationary sources.

The CalEEMod is a statewide land use model that depends entirely on defaults, and is used only when project-specific data is not available. The Applicant has submitted a First Carbon Solutions Memo report dated September 21, 2017, using detailed project-specific data for the Proposed Project. These calculations result in total GHG emissions for the Proposed Project of 895 MT CO₂e per year, well below the BAAQMD threshold cited by both Appellant and First Carbon Solutions.

Therefore, the Board finds that even if GHG emissions are considered, the Proposed Project does not create a new significant cumulative environmental effect resulting from GHG emissions.

2.6 Based on the EIR, the Addendum and the full record of proceedings, the Board finds that a supplemental or subsequent EIR is not required for the Proposed Project pursuant to Public Resources Code Section 21166 and CEQA Guidelines, Section 15162 because:

The design changes requested for the Proposed Project will not cause new significant environmental effects or a substantial increase in the severity of a previously identified significant effect.

There are no substantial changes in the circumstances under which the Proposed Project is undertaken that 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.

There is no new information of substantial importance for the Proposed Project that 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.

No mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more remaining significant effects of the Proposed 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 which the Applicant declines to adopt.

Section 3. General Plan, Planning and Zoning Compliance

3.1 The Board finds that none of the design changes to the Proposed Project affect land use and planning, and that there are no changes in circumstances under which the Proposed Project is undertaken or new important information of substantial importance which would affect land use, General Plan or zoning consistency. All development in the Proposed Design remains within the approved building envelope, and SCAPOSD has determined that none of the design changes conflict with the Conservation Easement granted by the Applicant to SCAPOSD. The Proposed Design and Proposed Project do not propose new uses other than those allowed by the approved 2004 Use Permit for the Proposed Project. The Proposed Project has the same inn, spa and restaurant uses with no increase in the number of guest rooms, restaurant seating, parking spaces or hours of operation. The Board finds that the Proposed Project remains consistent with the General Plan based on the findings in Board Resolution 04-1037, including but not limited to Sections 3.5 and 3.6 of that Resolution, the analysis of the Proposed Design in the Revised Addendum, the technical reports, the full record of these proceedings, and the findings made herein.

3.2 The Board finds that the Proposed Project remains consistent with the Sonoma County Zoning Code. There has been no change to the zoning of the Proposed Project site since project approval in 2004, and the Proposed Project uses are vested, as determined by the County in 2007. Based on the zoning consistency findings in Board Resolution 04-1037, including but not limited to Section 3.12 of that Resolution, the analysis of the Proposed Design in the Revised Addendum, the technical reports, the full record of these proceedings, and the findings made herein, the uses in the Proposed Project will not be detrimental to the health, safety, peace, comfort or general welfare of persons residing or working in the neighborhood or to the general welfare of the area.

3.3 The Board finds that the design review purpose and standards in the Sonoma County zoning code, Chapter 26.82, are met for the Proposed Project because the architecture and general appearance of the buildings, structures and grounds in the Proposed Project are in keeping with the character of the neighborhood, are not detrimental to the orderly and harmonious development of the County, and do not impair the desirability of investment or occupation in the neighborhood. The Board's determination is based on the findings in Board Resolution 04-1037, the analysis of the Proposed Design in the Revised Addendum, the technical reports, the full record of these proceedings, the findings made herein, and the following:

- a. The Proposed Design keeps all development within approved building envelopes, and all portions of the site outside of the building envelopes are protected from development by the open space easement and/or conservation easements granted to SCAPOSD by the Applicant. Portions of the Proposed Project which are readily visible from Highway 12 and/or adjacent public roads are substantially undeveloped and in keeping with the rural and agricultural character of the neighborhood.
- b. The Proposed Project conforms to the General Plan, the Mayacamas Mountain Local Guidelines, and the standards applicable to the Scenic Resources Combining District.
- c. The design changes for which questions were raised about visibility impacts include modification of the main inn roofline and the roof garden, slight changes to the inn and spa pools, the relocation of the spa and some guest cottages, the reconfigured parking layouts, and the added support structure on the north edge of the eastern parking lot. The Proposed Project design removes fewer trees for construction than the Conceptual Design, and the visibility of all structures, pools and parking lots from public viewpoints is either equal to or reduced compared to the Conceptual Design. The main inn is terraced, with each level stepped back, breaking up the vertical mass of the façade. The main inn is 16,922 square feet in the proposed design, compared to 26,911 square feet in the Conceptual Design. The rooftop garden will be substantially screened by landscaping and is subject to the same stringent night lighting standards that apply to the entire Proposed

Project. The main inn pool is reoriented along a slope contour, using lower and more natural terraced planters in place of a 20 foot retaining wall in the Conceptual Design. The new support structure is 2280 square feet in size, located at the rear of the project, and obscured from public view on all sides by surrounding trees and the eastern guest cottages.

- d. The orientation of building sites maintains maximum natural topography and cover as evidenced by the technical analyses of visual impacts of the Proposed Project prepared by MacNair Landscape Architecture, which chart the location and elevation changes of the individual buildings and provide line of sight visual sections from four locations, including photo simulations with and without landscape buffers from Highway 12 and Adobe Canyon Road. A new visual profile added from a viewing point just east of Pythian Road confirms that changes to locations of some of the western guest cottages do not create new or more severe visual impacts because they place facilities in areas that make use of the natural topography and existing vegetation cover to screen views from public viewpoints.
- e. Proposed Project access roads and internal streets have been installed pursuant to the 2004 project approvals and were previously found by the Board to be consistent with design review and general development standards and subdivision map conditions of tentative map approval. The roads and internal streets are not proposed for any modification in this application for design review.
- f. The Proposed Project is subject to a detailed landscape plan, as was the Conceptual Design. The Landscape Plan and planting details are set forth at pages L1.01 through L4.05 of the Proposed Project plans dated March 23, 2017. The Landscape Plan maintains views and natural vistas to the extent possible. Modification of the façade of the main inn to a stepped back three story design with plantings at the rooftop lounge and second floor terrace in the Proposed Design more effectively blends the appearance of main inn with the natural landscape compared to the Conceptual Design.
- g. The need to remove drought-affected dead, diseased or unhealthy trees in addition to trees removed for construction is unchanged from what would have been required for construction of the Conceptual Design. Given the large number of unaffected trees on the site and the screening effect of forested areas offsite, tree removal resulting from drought and disease does not impair the screening of the Proposed Project from Highway 12 because there are enough healthy trees in the locations which provide screening to ensure that no increased view impacts result from drought-related additional tree removal. Vegetation damage from the October 2017 Nuns Fire does not substantially change the visual impacts of elements of the Proposed Project or the extent to which the Proposed Project fits into the natural topography of the site.

- h. All utilities are underground, mechanical and air-conditioning apparatus are screened from view and baffled for sound, and parking area lighting is designed to prevent direct glare and illumination onto adjacent properties, as shown in the Proposed Project plans and the technical reports evaluating light and glare, and as required by conditions of approval.
- i. The night lighting conditions of approval and standards will apply to all portions of the Proposed Project, including the rooftop garden. At the time the 2004 project was approved, Resolution No. 04-1037 found that the lighting standards were the most stringent ever imposed on a project in the unincorporated area of the county. Two photometric analyses conducted for the Proposed Project show that the Proposed Design would not cause a new or more severe light impact to the surrounding areas, the night sky or the view from the valley floor compared to the Conceptual Design.

Section 4. Additional Finding.

4.1 The findings and determinations set forth in this resolution are based upon the record of these proceedings. References to specific statutes, ordinances, regulations, standards, reports, or documents in a finding or determination are not intended to identify those sources as the exclusive basis for the finding or determination.

NOW, THEREFORE, Be It Further Resolved that based on the findings and determinations set forth in this resolution and the information contained in the record of these proceedings, the Board hereby declares and orders as follows:

1. The findings and determinations set forth in this resolution are true and correct, supported by substantial evidence in the record, and adopted as set forth above.
2. The Revised Addendum is approved.
3. The Appeal is denied.
4. Design Review approval for the Proposed Project is granted, subject to the 2004 Use Permit Conditions of Approval, in accordance with the site plan and drawings titled "The Resort at the Sonoma Country Inn," dated March 23, 2017, Backen Gillam Kroger Architects.
5. The Clerk of the Board is designated as the custodian of the documents and other material that constitute the record of the proceedings upon which the Board's decisions herein are based. These documents may be found at the office of the Clerk of the Board of Supervisors, 575 Administration Drive, Room 100A, Santa Rosa, CA 95403.

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Date: March 27, 2018
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Supervisors:

Gorin:

Rabbitt:

Zane:

Hopkins:

Gore:

Ayes:

Noes:

Absent:

Abstain:

So Ordered.