

**REVISED ADDENDUM #2 TO THE FINAL
ENVIRONMENTAL IMPACT REPORT FOR
THE SONOMA COUNTRY INN
March 2023, updated September 2025**

State Clearinghouse No. 2002052011
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Lead Agency: County of Sonoma

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A. OVERVIEW

The County of Sonoma (County) has prepared this Addendum # 2 for the Sonoma Country Inn Project Final Environmental Impact Report (State Clearinghouse Number: 2002052011) certified May 2004 (“EIR”). An Addendum (#1) was prepared for the Phase I Resort portion of the property in 2018. An Addendum (Winery Addendum) was prepared to analyze design changes requested for Phase II, winery portion, of the project and to determine whether said changes would result in new or more severe environmental impacts than those analyzed in the EIR and approved in 2004. This document (Addendum #2) represents a revision to the previously prepared Winery Addendum related to subsequent design changes to the project. In this Addendum #2, the approved project is the project analyzed in the EIR and the "conceptual design" is the design associated with the approved project. The "proposed design" or the "proposed Phase II design of the project" is the winery portion of the approved project, as modified by the requested design changes. Phase II of the project is also referred to as the Phase II Proposed Winery. The Project Applicant has named the Phase II Proposed Winery "Kenwood Ranch Winery." All Conditions of Approval applicable to the approved project will continue to apply to the proposed project.

B. BACKGROUND

The County Board of Supervisors (“Board”) approved the Sonoma Country Inn project in 2004. The 2004 application included rezoning and General Plan amendments, an 11-lot residential subdivision and lot line adjustments plus separate use permits for an inn, spa and restaurant; and for a winery with an attached tasting room. The present design review application includes only the winery, but not the inn, spa and restaurant or residential subdivision portions of the approved project. Separate conditions of approval for the inn, spa and restaurant and the subdivision require design review for those portions of the development prior to construction. The design review for the inn, spa and restaurant was completed in 2018.

As the lead agency, the County prepared a full EIR analyzing the approved project under the California Environmental Quality Act (CEQA) (Public Resources Code §21000 et seq.) (“the EIR”). The EIR disclosed and analyzed the environmental impacts that would result from the construction and operation of the approved project and conceptual design, mitigating them to the maximum extent feasible. A CEQA lawsuit challenging project approval and certification of the EIR was decided in the County’s favor in the Court of Appeal in 2006. (*Valley of the Moon Alliance v. County of Sonoma* (2006) Cal. App. Unpub. LEXIS 9323, WL 2965366.)

In October 2007, the County determined that the Use Permits for the inn, spa and restaurant, and winery had vested. The final subdivision map recorded in late 2011 after

installation of parts of the internal roadway system, Brodiaea Road and Moon Watch Lane, and the Highway 12 intersection improvements, including center turn lanes on Highway 12 required as traffic mitigation measures.

In 2018, per a project Condition of Approval, the Phase I inn, spa, and restaurant portion of the 2004 Project received design review approval from the Design Review Committee. As part of the design review process, the County prepared and adopted an addendum to the 2004 FEIR (2018 Addendum #1), which concluded that the requested changes to the conceptual design for the Phase I inn, spa, and restaurant portion of the 2004 Project were within the scope of analysis covered by the 2004 FEIR. This portion of the 2004 Project is currently under construction.

Kenwood Ranch, LLC purchased the property and accompanying Sonoma County Inn project in August 2020.

The Phase II Proposed Winery went before the Design Review Committee (DRC), as required by the Conditions of Approval, on May 31, 2023 and the conceptual design and associated Winery Addendum were approved. Following the approval of the DRC, a timely appeal was filed, and the Phase II Proposed Winery went before the Sonoma County Planning Commission on September 7, 2023, during which the Commission denied the appeal and upheld the approval. Following the decision of the Commission, a timely appeal was again filed, and the Phase II Proposed Winery design was modified by the applicant with respect to the removal of a proposed secondary access not originally contemplated by the 2004 EIR. The Phase II Proposed Winery will go before the Board of Supervisors to consider the appeal.

This Addendum #2 analyzes the design changes requested for the Phase II Proposed Winery portion of the approved project and any differences those design changes cause to environmental impacts of the proposed design compared to the conceptual design, as described in the EIR. The changes are discussed in detail in the Project Description section of this Addendum #2, including the Summary Comparison of Conceptual and Proposed Phase II Design chart at page 8.

The Phase II Proposed Winery design now specifies 2,134 SF for both the public and the reserve tasting rooms (1,097 SF for the public and 1,037 for the reserve); has incorporated the art gallery into the public tasting room as required by the 2004 Board Resolution; has 2,958 SF of marketplace rather than 3,000 SF; has 1,678 SF of winery offices instead of 1,600 SF; has no events pavilion since it was omitted per the 2004 use permit approval; has reduced the number of special events per year from 30 to 20 events per year with a maximum capacity of 200 participants as allowed by the 2004 Board Resolution; has 3,379 SF of fermentation space instead of 3,400 SF; 726 SF of cold storage space instead of 725 SF plus a 67 SF storage room; 3,316 SF of staff &

maintenance uses instead of 4 450 SF; and has similar square footage for restrooms and wastewater treatment shed. The Phase II Proposed Winery is 18,901 SF reduced down from the 37, 000 SF Approved 2002 Winery Project. The number of parking spaces to be provided (147 parking spaces) would remain unchanged.

This Addendum #2 responds to additional information submitted by the applicant, including adjustments to the total square foot of proposed buildings and conceptual layout, and further serves to evaluate possible additional impacts of the Phase II Proposed Winery after fire events in 2017 and 2020. The October 8, 2017 Nuns fire did not burn across the winery parcel, however it did surround the Phase II Proposed Winery site and the site was heavily impacted by smoke and suppression activity. The September 27, 2020 Glass Fire impacted the entire 2004 Project Site, including the Phase II Proposed Winery Site, resulting in damage and loss of existing vegetation. While the fires impacted the 2004 Project Site, the Phase II Proposed Winery Site was the least impacted in both cases due to its lower elevation.

C. CEQA STANDARD

The County of Sonoma has prepared this Addendum #2 pursuant to CEQA and the CEQA Guidelines (California Code of Regulations, title 14, Section 15000 et seq. Specifically, CEQA Guidelines Section 15164, subdivision (a), provides that the County shall "prepare an Addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred." (CEQA Guidelines, §15164, subd. (a); see also Pub. Resources Code, §21166, providing that no new EIR is required unless substantial changes are proposed in the project which will require major revisions of the EIR.) Section 15162, subdivision (a), of the CEQA Guidelines provides that:

When an EIR has been certified or a negative declaration adopted for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:

- (1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
- (2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant

effects; or

- (3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the Negative Declaration was adopted, shows any of the following:
- (A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;
 - (B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;
 - (C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
 - (D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

An Addendum need not be circulated for public review or comment but must be considered by the agency before making its decision on the project. (CEQA Guidelines, §15164, subdivisions (c) and (d).) The Guidelines state that an agency should include a brief explanation of its decision not to prepare a subsequent EIR in the Addendum, the agency's findings on the project, or elsewhere in the record. (CEQA Guidelines, § 15164, subd.(e).) The agency's explanation must be supported by substantial evidence. (*Ibid.*)

D. ANALYSIS.

This Addendum #2 analyzes the EIR sections that could potentially be affected by the design changes and examines the difference in impacts that would result from the proposed design of the Phase II Proposed Winery, compared to the conceptual design analyzed in the EIR. This Addendum #2 specifically evaluates whether County approval of the design changes would trigger the need for a subsequent EIR under Public Resources Code section 21166 and CEQA Guidelines, section 15162, subdivision (a).

The approval at issue is limited to design review of the proposed design of the winery portion of the project. Therefore, even if there were substantial changes in circumstances or new information of substantial importance that was not known and could not have been known at the time of EIR certification, those factors would have to be relevant to impacts resulting from the requested design and any potential changes or alterations to

said design, not the original project approval.

Both the 2017 Nuns Fire and the 2020 Glass Fire impacted the 2004 Project Site. The 2017 Nuns Fire caused some changes to the environment in which the approved project is located, namely damage to vegetation and soils on small portions of the project site and some adjacent land. The 2020 Glass Fire impacted the Phase II Proposed Winery Site but it was less wildfire damage than the northern part of the 2004 Project Site due to its lower elevation. These changes are not caused by the proposed design. Further, fire hazard risk is not new information because the 2004 EIR acknowledged the project location to be a “high fire danger area” and concluded that fire impacts could be mitigated to a level of insignificance. See, e.g., FEIR, pp. 9.0-110-112, responding to comments from the Kenwood Fire District.

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

This Addendum #2 relies on the EIR, the prior Addendum (#1), and the Initial Study prepared for this Phase II Proposed Winery, all of which are hereby incorporated by reference. For ease of reference, this Addendum #2 follows the order of issues used in the EIR.

1. Project Description

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

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

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

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

The *Kenwood Ranch Winery – Tree Construction and Fire Impact Summary* (MacNair & Associates, January 13, 2023) evaluates the 2020 Glass Fire tree damage within the winery building envelope and the zone between Campagna Lane and the building envelope in April 2021. The total number of trees marked for removal (April 2021) were 223. The total number of trees tagged and surveyed (August 2021) were 213. These trees were re-evaluated in December 2022 and, of the original 213 trees initially surviving the fire, 56 died and were removed and 3 additional trees were identified, resulting in a total of 160 surviving trees. The current total removal of trees within the grading limits is 74 trees, which is consistent with the 2003 estimate contemplated by the 2004 EIR of 70 to 120 trees.

The project also includes removing soil that has been stockpiled on the site for many years. Part of the stockpile is in the riparian corridor, and part is in the winery's building envelope. The stockpile is roughly 2,800 cubic yards consisting of dirt and rocks. Roughly 280 cubic yards of soil extend 20 feet into the riparian corridor. Once the soil is removed, the stockpile site will revert to grasslands. The rocks will be removed from the soil, crushed on the ranch, and used as aggregate road base as part of developing the ranch. The soil will be used on the ranch as needed. No material will leave Kenwood Ranch.

All structures and improvements are located within the building envelope as originally designated for the conceptual design.

SUMMARY COMPARISON OF WINERY CONCEPTUAL DESIGN AND PROPOSED DESIGN

Source of information: *Kenwood Ranch: Design Review Project Description*

DESIGN ELEMENT	CONCEPTUAL DESIGN (VESTED RIGHTS & COAS)	PHASE II PROPOSED WINERY DESIGN
Art Gallery	Incorporated into tasting room (BOS §1.1(e)(2).)	The public tasting room incorporates an art gallery
Tasting Room	Approved as part of the project without size specifications (COA No. 84.)	Public tasting room at 1,097 sf. Reserve tasting room at 1,037 sf.
Country Store	Approved at 3,000 sf. max, 33% of sf. allowed for storage and support (BOS §1.1 sub (3)(e)(2); COA No. 84.)	Marketplace at 1,960 sf. Marketplace back of house at 998 sf. (combined total at 2,958 sf.).
Events Pavilion	Withdrawn by then-applicant (BOS §2.4, sub. (c).)	Does not appear in current design
Entry Pavilion	Withdrawn by prior applicant (Not addressed in BOS).	Does not appear in current design
Barrel Storage	Approved at 4,300 sf. (COA No. 84.)	Two barrel storage buildings at 780 sf. Each (combined total with barrel storage rooms of 438 sf. Each integrated with the reserve tasting room and an additional barrel storage room in Service Building 1 of 663 sf. is a total of 3,379 sf.).
Winery Offices	Approved at 1,800 sf. (COA No. 84.)	A two-story winery office at 1,678 sf.
Fermentation	Approved at 3,400 sf. (COA No. 84.)	White wine fermentation buildings at 818 sf. and Red wine fermentation building at 2,158 sf with built-in tanks at 403 sf. (combined total at 3,379 sf.).
Storage/Mechanical	Approved at 800 sf. (COA No. 84.)	Cold storage at 659 sf. Storage room at 67 sf. (combined total at 726 sf.).
Staff & Maintenance	Approved at 4,450 sf. (COA No. 84.)	Two service buildings at 354 sf. And 2,000 each plus winery lab space of 233 sf, fermentation staff space of 67 sf, maintenance at 455 sf. And

		Staff Break Room at 207 sf. (combined total at 3,316 sf.).
Other components	Included within overall sf. at 37,000 sf. (BOS §1.1 sub (3)(e)(1));	Marketplace restrooms total sf. and 362 sf. lab restrooms at 156 sf. Staff restroom at 566 sf. (combined restroom total at 1,084 sf.) Plus Winery Wastewater Shed of 501 sf.
Total square footage	37,000 sf. (BOS §1.1 sub (3)(e)(2))	18,901 sf.

2. Site Characteristics

The Phase II Proposed Winery Site is part of the former Sonoma Country Inn subdivision, on the north side of Highway 12, near the intersection of Highway 12 and Lawndale Road. Elevations on the Phase II Proposed Winery Site range from approximately 482 feet to 536 feet. The Phase II Proposed Winery Site is largely undeveloped with the only improvements being the access road, Campagna Lane, on the western border, and the existing trailhead parking lot. The trailhead parking lot was required as part of the 2004 entitlements. To the east of the building envelope, there is an unnamed creek and lands protected by a grassland preserve easement and riparian setback. An Open Space Easement (“OSE”) with the Sonoma County Agricultural Preservation and Open Space District (“SCAPOSD”) encumbers part of the parcel outside of the building envelope. The Phase II Proposed Winery Site burned during the Glass Fire. The impacts of that fire are summarized on page 7 above.

In 2021, the Project Applicant planted approximately 120 trees between Highway 12 and the Phase II Proposed Winery Site, as required by the 2004 conditions of approval and the 2009 Vegetation Management Plan, to screen future winery buildings. Specifically, these oak trees have been planted in the following locations: (1) 12 coast live oak and interior oak trees, each measuring 18 to 22 feet in height, that were planted between the Phase II Proposed Winery Site and Highway 12 to screen the future winery buildings; (2) another 90 oak trees that were planted in the “oak tree preserve,” which is located further to the south of the 12 oak trees, as required by the 2004 conditions of approval and the 2009 Vegetation Management Plan; and (3) 18 oak trees, consisting of 15 valley oaks and 3 coast live oaks that were voluntarily planted by the Applicant along the private driveway to the east of the Phase II Proposed Winery Site.

3. Surrounding Land Use and Zoning

South – South of the Phase II Proposed Winery Site is the lowland portion of the inn parcel. The inn is under construction on the upper part of that parcel. The inn parcel has split zoning, with the lowland portion zoned DA (Diverse Agriculture), Riparian Corridor (RC), and part of the Community Separator. The lowland portion of the inn parcel is vegetated with grasslands and scattered oaks and features Valley oak and riparian corridor preserves. Beyond the lowland area is Highway 12.

East – Immediately east of the Phase II Proposed Winery Site is a narrow strip of land that connects the lowland portion of the inn’s parcel to the upper plateau area where the inn is under construction. A mix of residential and agricultural properties with vineyards is beyond that. Zoning to the east is mixed and includes Land Intensive Agriculture (LIA) B6 60, Agriculture and Residential (AR) B6 5, and Diverse Agriculture (DA) B6 20. There are some parcels with Riparian Corridor (RC) designations, and some Floodplain (F2) combining districts on parcels with blue line streams. All properties have Scenic Resource (SR) designations, including properties (including the subject site) within the community separator, properties within the scenic landscape unit, and

properties along the Highway 12 scenic corridor.

North – To the North of the Phase II Proposed Winery Site are the currently undeveloped residential lots created in this subdivision and the upper plateau of the inn’s parcel, where the inn is under construction. The upper plateau has K zoning (Recreational and Visitor Serving – Commercial), while the residential lots are zoned DA B6 for the lots closest to the winery and RRD (Rural Resource and Development) further north. These properties are subject to local guidelines for the Taylor/Sonoma/Mayacamas Mountains. The properties are subject to the Open Space Easement. Beyond this subdivision is Hood Mountain Regional Park. The park is zoned PF (Public Facilities) and is undeveloped chaparral and mixed hardwood forest.

West – To the West of the Phase II Proposed Winery Site are the six parcels created in the Graywood Ranch subdivision zoned Diverse Agriculture (DA) B7.

E. ENVIRONMENTAL ISSUES, IMPACTS AND MITIGATION MEASURES

The following responses detail the design changes in the proposed project and potential new or increased adverse environmental effects of those changes. To the extent that there is a possibility of a change in circumstances under which the proposed project is undertaken and/or new information of substantial importance which was not known and could not have been known at the time of the EIR certification, and those factors relate to impacts created by the proposed design changes, they have been evaluated for possible new or substantially more severe adverse environmental impacts.

The changes to vegetation and soil caused by the 2017 Nuns and 2020 Glass Fires are not caused by the design changes. Even though post-fire circumstances may show short term changes to portions of the project site and some adjacent land, for CEQA purposes the questions are whether the post-fire changes are new information showing new or substantially more severe significant adverse effects than those studied in the EIR, and also whether the new information relates to effects of the project on the environment, rather than effects of the environment on the project. Nevertheless, to the extent there are short term impacts of vegetation loss related to visual impacts of the proposed design, they are evaluated in Section 8 of this Addendum #2. Any increase in potential post-fire debris flow because of construction of the proposed design is also analyzed in Section 7 below.

Responses below are organized in the same order as in the EIR with the same environmental topic names.

1. Land Use

The design changes for the Phase II Proposed Winery do not affect land use or planning. Similarly, there are no changes in circumstances under which the project is undertaken or new information of substantial importance that would affect land use and planning. The land uses in the conceptual design have not changed. The design changes do not require changes to the County's existing General Plan Land Use designations or zoning. The proposed project is consistent with the EIR finding that the development would not physically divide an established community. All of the development in the proposed design remains within the original approved building envelope, and the land required to be placed under a Conservation Easement by conditions of approval remains the same. The Sonoma County Agricultural Preservation and Open Space District (SCAPOSD) Conservation Easement (OSE) is outside of the building envelope for the Phase II Proposed Winery so there are no conflicts created by the proposed design. Per OSE § 4(a.), the OSE only applies outside designated building envelopes and therefore does not apply to any aspect of the winery inside a building envelope. Based upon a review of the improvements outside of the building envelope, e.g. driveways, parking areas, pedestrian pathway, the SCAPOSD has determined that none of these design changes create a conflict with the Conservation Easement (SCAPOSD Letter to Kenwood Ranch, LLC dated June 10, 2022).

The Phase II Proposed Winery design would not result in a new significant environmental effect relating to land use or a substantial increase in the severity of a previously identified significant effect due to substantial changes proposed in the project, substantial changes with respect to project circumstances, or new information of substantial importance that was not known and could not have been known with the exercise of reasonable diligence at the time the Board of Supervisors certified the EIR. No new mitigation measures are required.

2. Traffic and Circulation.

The EIR presented a conservative traffic analysis in which all project components were assumed completed and in full operation, for a total of 37,000 square feet. The proposed design includes no increase in the intensity of the uses, and a decrease in the total square footage to 17,598 square feet. Access to the winery complex is via Campagna Lane. There are no changes in how access is gained to the winery compared to approvals granted in the 2004 Resolution.

There are no proposed changes to the winery that would increase the amount of traffic to or from the winery over what was studied as part of the original approvals. Twenty special events per year, with a maximum capacity of 200 participants as allowed by the 2004 Board Resolution, will occur. Therefore, there are no changed circumstances that relate to the current number of winery related special events in the County. The

concentration of those events in the Sonoma Valley is not relevant to the design changes, because the design changes will not add to the number of special events,

a. Cumulative traffic volume.

Crane Transportation Group, the EIR traffic consultant, determined traffic impacts along Highway 12 east of Santa Rosa and west of the Lawndale Road intersection near Kenwood for summer Friday morning and evening peak commute hours as well as for summer Sunday afternoon peak traffic conditions. The studies measured impacts for an existing base year of 2002 and as projected for the years 2005 and 2012. The projected counts were based on a 2.4% growth factor from the 2002 counts.

W-Trans prepared an updated traffic study for the proposed project, *Review of Traffic Issues Related to the Sonoma Country Inn Project*, dated May 25, 2017 (W-Trans 2017 Report). This report compared traffic volumes on Highway 12 projected in the EIR to Caltrans website data for 2012. Caltrans showed approximately 1700 vehicles in the Friday peak hour. The EIR (Exhibit 5.2-16) future year 2012 cumulative volumes included 2060 vehicles per hour in the p.m. peak hour, which is more than 21 percent higher than the actual volumes shown by Caltrans. At a similar growth rate of two percent per year added to Caltrans 2012 data, the volumes projected in the EIR would 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 projected in the EIR of 435 added trips is substantially larger than SCTA's current traffic model increase through 2040.

Center left turn lanes that were identified to mitigate longer waiting times on Highway 12 have been installed with Caltrans' approval.

b. Trip Generation

The EIR traffic consultant developed trip generation numbers specifically for the approved project by taking into account employees, visitors and guests. (EIR, Exhibit 5.2-19.) The trip generation numbers in the EIR do not change with the Phase II Proposed Winery design. The design changes do not modify the character of any use and do not increase the number of special events. They remain at 20 special events per year with a maximum of 200 persons in attendance. Parking configurations, including 147 spaces, would not be increased. Based on the lack of change in the independent variables, the trip generation would likewise not be expected to change.

Since the certification of the 2004 EIR, the State has adopted new CEQA guidelines requiring that Vehicle Miles Traveled (VMT) be used as the metric in traffic analysis.

New regulations or guidelines, including new CEQA Guidelines, are not new information if the underlying issue was or should have been known when the 2004 EIR was certified. (*Concerned Dublin Citizens v. City of Dublin* (2013) 214 Cal.App.4th 1301.) The concept of VMT was not only in existence at the time the 2004 FEIR was certified, but also well before that time (i.e., a “fact in existence”). The Federal Highway Administration (FHWA) notes that “The goal of reducing vehicle miles traveled (VMT) is an official goal of the U.S. Government policy as it is stated in sections of the Clean Air Act (CAA), the President's 1993 Climate Change Action Plan (CCAP), and in the Congestion Mitigation Air Quality Improvement Program (CMAQ) included in both the Intermodal Surface Transportation Efficiency Act (ISTEA, 1991) and the Transportation Equity Act for the 21st Century (TEA-21), U.S.C. 23, Section 149.” Section 182 of the Clean Air Act indicates that States must regularly report VMT, emissions to FWHA, as well as identify and adopt strategies that offset growth in VMT for air quality emissions attainment purposes. The Clean Air Act also mandates that States must forecast VMT as part of their reporting requirements under the Clean Air Act. The Climate Change Action Plan of 1993 (Clinton) required that the Environmental Protection Agency (EPA) and Federal Department of Transportation (DOT) develop strategies to reduce VMT, which may have significant benefits to reducing Carbon Dioxide. Further, FWHA has been monitoring VMT since at least the 1970s, indicating that VMT has been a topic of interest even before the Clean Air Act of 1990 (USDOT FHWA 2014, 2019).

c. Parking Lot Layout Impacts

The parking layout for the proposed design would contain the same 147 space parking lot as required by Condition of Approval No. 84 and responds to the requirement in Condition of Approval 95 to adjust parking to avoid tree resources as much as possible. The winery parking lot is divided into a primary parking lot and a trailhead parking lot, as required by Conditions of Approval 74 and 84. The primary parking lot will have 133 spaces. The trailhead parking lot (already constructed) contains 12 spaces and two vehicle-plus-trailer spaces. More detail on tree removal is contained below in Section 6, Biological Resources. The design of parking has no bearing on the project's potential off-site impacts and will not draw visitors to the site. The proposed design does not include any change to the number of parking spaces evaluated and found adequate in the EIR (see Exhibit 5.2-40).

d. Emergency Evacuation

Evacuation from the winery will utilize the primary access road to the project, Campagna Lane, which connects to Highway 12 and provides concurrent ingress and egress from the site. 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.

On June 3, 2024, the applicant changed the Winery Design Review Application, by removing the redundant emergency evacuation access that was originally proposed on the adjacent Graywood Ranch Subdivision. The Applicant submitted this change to the County on June 3, 2024, in the form of a revised project description included in the revised applicant-prepared Initial Study. The additional evacuation route originally proposed by the applicant on an adjacent property (as described in the original Winery Addendum dated March 2023) was not an issue within the scope of the design review, it was a voluntary effort by the applicant to enhance safety. However, in response to public comments, the applicant removed this secondary evacuation route from their Winery Design Review Application materials. Additionally, the associated grading permit has expired and is considered null and void. Should the proposed Graywood Ranch access road be renewed in the future, any necessary environmental review would be conducted in relation to said proposal

Therefore, the proposed winery design is consistent with the adopted 2024 EIR and no new impacts would occur through the modification of the overall design, primarily consisting of a reduction to the number of size of proposed structures.

e. Conclusion

The Phase II Proposed Winery design was compared with the EIR analysis for cumulative traffic, trip generation and parking lot layout impacts. The EIR used a conservative approach to model the future volumes of traffic that is consistent with current transportation models and actual increased traffic volumes. The traffic volumes projected in the EIR for 2012 are significantly higher than Caltrans Highway 12 vehicle counts for 2012, and would not be exceeded until 2022, if carried forward at a 2% growth rate from Caltrans' 2012 counts. The ten-year trip increase projection in the EIR is greater than SCTA's current traffic model increase through 2040. Therefore, in the context of current conditions and for the proposed design, the EIR traffic analysis is still valid, and adequately reflects "future" traffic conditions that have not yet been realized. Current and projected information relating to traffic on Highway 12 does not contradict the EIR's evaluation or create new or more severe environmental impacts. To the extent that the EIR's traffic modeling included traffic volumes for 2012 that are consistent with actual current and projected counts, current traffic volume is not new information or changed circumstances establishing new or more severe impacts.

Center left turn lanes that were identified to mitigate longer waiting times at two intersections on Highway 12 have been installed with approval from Caltrans.

The Phase II Proposed Winery design will not result in an increased trip generation or associated traffic impacts that require modification of the EIR's conclusions on traffic impacts.

The Phase II Proposed Winery design would not result in a new significant environmental effect relating to traffic or a substantial increase in the severity of a previously identified significant effect due to substantial changes proposed in the project, substantial changes with respect to project circumstances, or new information of substantial importance that was not known and could not have been known with the exercise of reasonable diligence at the time the Board certified the EIR. No new mitigation measures are required.

3. Hydrology and Water Quality

The EIR based its analysis of hydrology and water quality impacts on the preliminary plans and projected the impacts associated with those plans. It evaluated potentially significant effects related to grading, erosion, runoff and changes in drainage patterns that could contribute to water quality impacts in the short-term from construction, and from overall operation of the conceptual design. The EIR determined that all such impacts were sufficiently mitigated. All mitigation measures and conditions of approval relating to grading, erosion, stormwater runoff and drainage patterns will continue to apply to the proposed design and the project.

a. Grading

The design changes do not create new or more severe grading impacts that cannot be mitigated by the existing mitigation measures and conditions of approval. The proposed design changes include reductions to the overall size of the development which presents a reduction in potential environmental impacts related to grading and stormwater.

Development of the Phase II Proposed Winery would only require minor cuts (See, e.g., Conditions of Approval 13-21 and DEIR mitigation measures 5.3-1 through 5.3-3(b)) and an existing stockpile of roughly 2,800 cubic yards of dirt and rocks would be incorporated into the design. The rocks will be removed from the soil, crushed on the ranch, and used as aggregate road base as part of development and the soil will be used on the ranch as needed. Once the soil is removed, the stockpile site will revert to grasslands.

b. Fire Damage and Potential Debris Flow.

The impact of fire-damaged soils and vegetation on potential erosion and/or slope stability at the project site is analyzed in Section 7 below, Geology and Soils. The conclusion of the geotechnical expert, as confirmed by the County's professional geologist, is that the approved project conditions of approval are adequate to reduce the

post-fire risk of erosion or slope instability at the proposed project site and that there are no significant changes to current conditions that create an increased risk of erosion or instability affecting the construction of the proposed project.

The Phase II Proposed Winery design would not result in a new significant environmental effect relating to hydrology or water quality or a substantial increase in the severity of a previously identified significant effect due to substantial changes proposed in the project, substantial changes with respect to project circumstances, or new information of substantial importance that was not known and could not have been known with the exercise of reasonable diligence at the time the Board certified the EIR. No new mitigation measures are required.

4. Wastewater Disposal

The 2004 EIR analyzed three separate septic systems for wastewater treatment. The main system includes sewage from the inn, spa, and restaurant. A second system would treat and dispose of sewage and process wastewater from the winery. Another system would treat and dispose of only the graywater from the spa building. The Phase II Proposed Winery design is consistent with these septic systems.

The Phase II Proposed Winery Project Description states that the entire wastewater system for the winery has been designed to comply with all conditions of approval, including those related to the system's design, e.g., setbacks, grading restrictions (Conditions of Approval 24, 29, 30, 34, 35, 52, 55, and 93.) The EIR proposed treatment of wastewater from the proposed winery through the use of separate packaged treatment plants – fixed activated sludge treatment (FAST) system manufactured by Smith and Loveless to treat domestic wastewater (DW), and a winery specific alternative (Techqua Winery Wastewater System – now defunct) package treatment system to treat process wastewater (PW). (Final EIR, at pp. 9.0-56–57.)

The current proposal is to also treat wastewater from the proposed winery domestic and processing streams through the use of two separate packaged treatment plants – membrane bio-reactors manufactured by Cloacina (MEMPAC-Mini). The requirement of the EIR was to meet certain treatment standards adopted by local and State regulatory agencies through the use of packaged type treatment plants. (Final EIR, at pp. 9.0-56–57.) Both the former treatment proposal and current treatment proposal meet the treatment standards outlined in the EIR, with the current proposal exceeding the standards in a smaller system footprint. Minor technical differences can be identified between the two wastewater treatment proposals, with the effective treatment outcome in the current proposal equal to or better than those discussed in the 2004 EIR. The new treatment proposal follows the guidelines set forth in the EIR and aims to provide

increased treatment efficiency while meeting the aesthetic of the Winery Project.

The winery will recycle the processing and domestic wastewater and utilize it as irrigation water. Processed wastewater produced in the winemaking process and domestic wastewater produced at the tasting room, country store, and event center will be treated in two separate treatment systems, each with dedicated disposal fields as backup to the landscape irrigation use. Low water use components are also incorporated into the design, including high-pressure water and steam with UV light to sanitize tanks and barrels, reducing the overall amount of water demand.

The Phase II Proposed Winery design would not result in a new significant environmental effect relating to wastewater disposal or a substantial increase in the severity of a previously identified significant effect due to substantial changes proposed in the project, substantial changes with respect to project circumstances, or new information of substantial importance that was not known and could not have been known with the exercise of reasonable diligence at the time the Board certified the EIR. No new mitigation measures are required.

5. Water Use and Supply

a. Water Use Calculations

The Phase II Proposed Winery will use the existing lower well (“Winery Well”) located just north of the proposed winery. The 2004 EIR assumed that the winery and events pavilion (pavilion later eliminated) water demand would be 90 percent of the peak wastewater flow, plus an allowance of 3,000 gallons per day (gpd) for landscape irrigation. The Winery Well would supply approximately 2,685 gpd (or 3.0 AF/year) for use at the winery and events center as well as the associated landscaping needs. Water demand estimates for landscape irrigation were approximate since the exact landscaping plan had not yet been developed.

The 2004 EIR stated that, from a water balance perspective, the annual recharge on the project site exceeds the projected amount of water withdrawal. All available information indicated that there is more than sufficient groundwater available on the project site to meet the estimated water demand. The total annual average water demand for the proposed project is approximately 29.2 AF/year (26.2 AF/year for Resort Well + 3 AF/year for Winery Well). In contrast, post-development groundwater recharge (the annual amount of water replenished to the aquifer) in the Resort and Winery Well recharge area is estimated to be in the range of approximately 87 to 130 AF/year (see Impact 5.5-3). Therefore, groundwater extraction will amount to about 25 to 40 percent of local (project site) groundwater recharge volume, assuring that sufficient water will

continue to replenish the aquifer every year. The EIR concluded the Resort Well and Winery Well would be suitable to supply an adequate quantity and quality of water for the proposed project.

Resolution 04-1037 found the winery impacts on water supply to be less than significant without mitigation. (Resolution 04-1037 § 2.8.) Operations at the winery will not be substantially different than those assessed in the previous approvals. Design measures are incorporated into the winery design to reduce water consumption, including using steam and high-pressure water with UV light to sanitize tanks and barrels, reducing the overall water demand. Processing wastewater will be recycled to further reduce water demand. These measures are unchanged under the Proposed Winery design.

The Phase II Proposed Winery design would not result in a new significant environmental effect relating to water supply or a substantial increase in the severity of a previously identified significant effect due to substantial changes proposed in the project, substantial changes with respect to project circumstances, or new information of substantial importance that was not known and could not have been known with the exercise of reasonable diligence at the time the Board of Supervisors certified the EIR. No new mitigation measures are required.

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 parcel will have enough capacity to support the project and not impact the aquifer or neighboring wells in both normal precipitation years and drought conditions.

Richard C. Slade & Associates LLC, consulting groundwater geologists (“RCS”), provided a letter report dated September 27, 2017, (the “RCS 2017 Report”). RCS analyzed water level data from the two onsite wells since their construction in 2002. The RCS 2017 Report, Figures 2 and 3, show water level data for the “Resort Well” and the “Winery Well,” respectively. Their locations are shown on Figure 1 of the RCS 2017 Report. Water level data from the onsite wells was obtained from a manual collection in 2002; for one year of automatically collected data from June 2003 through June 2004; from manual collection in 2008, and from automatically collected data from October 2015 ending in December 2016. The last period is part of an ongoing water level monitoring program administered by RCS at the project site. (RCS, 2017 Report, p. 8.) The data, as shown in Figures 2 and 3 of the RCS 2017 Report, indicate that water levels have been stable in the onsite wells since their construction in 2002 despite the occurrence of two droughts during the timeframe.

The onsite pumping tests done in November and December 2008 were conducted during the water year 2006-2007 to water year 2008-2009, which were documented as drought periods by the Department of Water Resources (DWR). The data formed the basis for a 2009 report prepared by RCS to meet requirements of the California Department of Public Health (CDPH) relating to new and existing source capacity.¹ The 2009 RCS report concluded that, at that time, the 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 on adjacent parcels not affiliated with the project. Conclusion documented in the 2009 RCS report are supported by the RCS 2017 analysis of DWR pumping data and additional data from the project's onsite wells.

The Phase II Proposed Winery design does not create any change which would cause a new or substantially more significant environmental effect on groundwater because of increased water use, compared to the conceptual design. The proposed design would not result in a new significant environmental effect relating to water supply or a substantial increase in the severity of a previously identified significant effect due to substantial changes proposed in the project, substantial changes with respect to project circumstances, or new information of substantial importance that was not known and could not have been known with the exercise of reasonable diligence at the time the Board certified the EIR. No new mitigation measures are required.

6. Biological Resources

a. Plants.

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

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 Phase II Proposed Winery design. This section of this Addendum #2 evaluates whether the trees removed as the result of design changes including changes to the parking layout are significantly increased in number or otherwise increase the severity of impacts compared to the conceptual design.

¹ / "Hydrogeologic Report for Adequacy of Groundwater Supplies for the Proposed Sonoma Country Inn Kenwood Area, Sonoma County, California," (RCS, April 2009).

The area between Highway 12 and the Phase II Proposed Winery is open grassland interspersed with mature and newly planted California Valley oak trees, with a portion of this area protected as a valley oak preserve. Approximately 120 trees were planted in 2021 between Highway 12 and the Phase II Proposed Winery Site as required by the 2004 conditions of approval and the 2009 Vegetation Management Plan to screen future winery buildings. Specifically, these oak trees have been planted in the following locations: (1) 12 coast live oak and interior oak trees, each measuring 18 to 22 feet in height, that were planted between the Phase II Proposed Winery Site and Highway 12 to screen the future winery buildings; (2) another 90 oak trees that were planted in the oak tree preserve, which is located further to the south of the 12 oak trees, as required by the 2004 conditions of approval and the 2009 Vegetation Management Plan; and (3) 18 oak trees, consisting of 15 valley oaks and 3 coast live oaks that the project applicant voluntarily planted along the private driveway to the east of the Phase II Proposed Winery Site.

Documentation on the original tree removal estimates for construction, impact of the Glass Fire, and current tree construction impacts for the Phase II Proposed Winery is contained in the following documents:

- September 2, 2003, *Sonoma Country Inn- Tree Removal Estimate Summary* (MacNair and Associates).
- April 2021, *Kenwood Winery Listing of Fire Killed or Severely Damaged Trees* (trees requiring removal) (MacNair and Associates).
- August 2021, *Kenwood Winery Parcel Building Envelope Tree Evaluation Matrix* (trees tagged and surveyed) (MacNair and Associates).
- July 6, 2022, *The Kenwood Winery Landscape Plan Set Revised DRC Drawings Issue*, (Ground Studio Landscape Architecture).
- January 12, 2023, *Post-Fire Tree Assessment Update* (MacNair and Associates)

The tree removal estimates prepared in 2003 were based on projected building and parking lot locations, their maximum square footage, and average tree densities. The winery buildings were planned to be located outside the existing tree zones. The current building locations for the Phase II Proposed Winery are consistent with that assumption. Because the plans were conceptual, the tree removal estimates were expressed as a range and were used in the project EIR discussion on tree removals.

Removal Estimates:

Winery Buildings:	10 to 20 trees.
Winery Parking Lots:	60 to 100 trees.

Total Estimated Maximum: 120 trees

As stated previously above (Project Description, p. 8), the *Kenwood Ranch Winery – Tree Construction and Fire Impact Summary* (MacNair & Associates, January 13, 2023) evaluates the 2020 Glass Fire tree damage within the winery building envelope and the zone between Campagna Lane and the building envelope in April 2021. The total number of trees marked for removal (April 2021) were 223. The total number of trees tagged and surveyed (August 2021) were 213. These trees were re-evaluated in December 2022 and 56 of the original 213 trees initially surviving the fire have died and been removed. A recent assessment found 3 additional trees. There are 160 surviving trees. The current total removal of trees within the grading limits is 74 trees, consistent with the 2003 estimate of 70 to 120 trees.

b. *Animals.*

The methodology used to characterize the special-status wildlife baseline and potential Phase II Proposed Winery Site impacts included review of the 2003 DEIR, 2004 FEIR, and 2018 Addendum #1; reanalysis of potential impacts by a separate biological consulting team (Macmillan and Peron-Burdick 2022); and independent third-party review of findings by senior ESA biologist Brian Pittman, CWB. The site review by Macmillan and Peron-Burdick (2022) included a CNDDDB database query and reconnaissance-level surveys to identify habitat elements for special-status species on the 2022 Project Site and examine potential impacts to any of these species and/or their habitats.

Macmillan and Peron-Burdick (2022) evaluated the potential to encounter special-status plants and wildlife on the 2022 Project Site and suggested measures to further reduce impacts to such resources (Macmillan and Peron-Burdick 2022). It included a database query of the California Natural Diversity Database (CNDDDB) and the California Native Plant Society Electronic Inventory within a 9-quad centered on the property. The assessment summarized the findings of multiple, appropriately timed protocol-level botanical surveys intended to detect the potential presence of special-status plants within the development area.

The former project owner contracted a consultant, WRA Environmental Consultants, to re-survey the project site for the federal and state listed northern spotted owl (*Strix occidentalis caurina*). In its letter report dated March 6, 2017, WRA concluded the project site lacks the structural complexity (consisting of small statured young trees) and arboreal substrates that are characteristic of northern spotted owl habitat in Sonoma County. This finding is consistent with surveys performed in 2004 and 2007. The consultant states that the northern spotted owl is very likely absent at the project site. The prior project owner before the former project owner consulted with the US Fish and Wildlife Service (the Service) informally in 2007. The Service concluded the project was unlikely to adversely affect northern spotted owl.

Since circulation of the 2018 Addendum #1, some Migratory Bird Treaty Act (MBTA) protections for migratory birds were removed under U.S. Department of the Interior (DOI) under Solicitor's Opinion M-37050. In response, the California Department of Fish and Wildlife (CDFW) issued an advisory in 2018 affirming that California law continues to prohibit incidental take of migratory birds. In February 2021, the DOI reinstated prior avian protections under the MBTA, thereby restoring MBTA protections that were in place at the time the 2004 EIR was certified.

In addition to these findings, subsequent site review has determined that the Phase II Proposed Winery site provides suitable nesting habitat for passerine (i.e., songbird) species that are protected by the MBTA, potential roosting habitat for special-status bats, and could intermittently provide habitat for American badger (*Taxidea taxus*), which is a California Species of Special Concern. There is a low possibility that construction period impacts may occur to these species. These potential impacts are detailed below.

Special-Status Bats

Recent reconnaissance surveys did not identify active bat roosts on the Proposed Phase II Winery Project Site, however, the surveys concluded that several species of protected bats may roost in mature trees, and especially within larger oaks on the site (Macmillan and Peron-Burdick 2022). Regionally occurring special-status bat species include pallid bat (*Antrozous pallidus*), Townsend's big-eared bat (*Corynorhinus townsendii*), fringed myotis (*Myotis thysanodes*), and long-legged myotis (*Myotis Volans*). The pallid bat and Townsend's big eared bat are California Species of Special Concern, and all four species are classified as "high priority" species by the Western Bat Working Group. These special-status bats roost in a variety of habitats, including caves, crevices in rocky outcrops and cliffs, mines, trees, and various structures (e.g., bridges, barns, and buildings). The removal of active tree roosts, if present, has the potential to impact special-status bat species as well as other common bat species, if present. Likewise, noise, vibration, and dust from activities has the potential to impact maternity roosting bats in nearby habitats, if present.

Although potential construction impacts to special-status bats are estimated to be low based on the absence of observed roosts on the Proposed Phase II Winery Project Site, there is a remaining low risk of disturbance if active roosts were present within oaks trees to be removed. To further reduce less-than-significant effects on special-status bats, the applicant has agreed to the Voluntary Condition of Approval No. 1 below (*Letter to Georgia McDaniel, Permit Sonoma, from Law Offices of Tina Wallis, Inc.*, March 16, 2023).

Voluntary Condition of Approval No. 1 (Special Status Bats):

- a. To the extent practical, tree removal, tree relocation and construction-related activities shall be conducted during periods when bats are active, approximately between the periods of March 1 to April 15 or August 15 to October 15, to the extent

feasible. These dates avoid the bat maternity roosting season and the period of winter torpor (inactivity).

- b. Depending on temporal guidance as defined below, a qualified biologist shall conduct pre-construction surveys of potential bat roost sites identified during the initial habitat assessment no more than 14 days prior to any tree trimming or removal.
- c. If active bat roosts or evidence of roosting is identified during pre-construction surveys, the qualified biologist shall determine, if possible, the type of roost and species. A no-disturbance buffer shall be established around roost sites until the qualified biologist determines they are no longer active. The size of the no-disturbance buffer would be determined by the qualified biologist and would depend on the species present, roost type, existing screening around the roost site (such as dense vegetation), as well as the type of construction activity that would occur around the roost site.
- d. If special-status bat species or maternity or hibernation roosts are detected during surveys, appropriate species and roost-specific avoidance and protection measures shall be developed by the qualified biologist in coordination with California Department of Fish and Wildlife. Such measures may include postponing tree removal, establishing exclusionary work buffers while the roost is active (e.g., 100-foot no-disturbance buffer), or other compensatory mitigation.
- e. The qualified biologist shall be present during tree work if potential bat roosting habitat or active bat roosts are present. Trees with active roosts shall be disturbed only under clear weather conditions when precipitation is not forecast for three days and when daytime temperatures are at least 50 degrees Fahrenheit.
- f. Trimming or removal of existing trees with potential bat roosting habitat or active (non-maternity or hibernation) bat roost sites shall follow a two-step removal process (which shall occur during the time of year when bats are active, according to a) above, and depending on the type of roost and species present, according to (c) above).
 - i. On the first day and under supervision of the qualified biologist, tree branches and limbs not containing cavities or fissures in which bats could roost shall be cut using chainsaws.
 - ii. On the following day and under the supervision of the qualified biologist, the remainder of the tree may be trimmed or removed, either using chainsaws or other equipment (e.g., excavator or backhoe).
 - iii. All felled trees shall remain on the ground for at least 24 hours prior to chipping, offsite removal, or other processing to allow any bats to escape, or be inspected once felled by the qualified biologist to ensure no bats remain within the tree and/or branches.

- g. If an active maternity roost is found, compensatory mitigation shall be provided through consultation with California Department of Fish and Wildlife and may include construction and installation of comparable replacement habitat (e.g., bat boxes) onsite.

American Badger

The American badger is typically found in drier open stages of most shrub, forest, and herbaceous habitats with friable soils. Although no badger dens were observed during reconnaissance-level surveys of the Phase II Proposed Winery Site (Macmillan and Peron-Burdick 2022), grasslands on and near the site provide potential habitat for this species. There are no recorded occurrences of badger within 5 miles of the site (CDFW 2022a); however, this species is not well documented in the CNDDDB and may be present in the regional project area. While there is a relatively low potential that this species may be encountered, project activities have the potential to harm or bury individuals within their burrows if they are onsite at the time of construction.

Although potential construction impacts to American badgers are estimated to be low based on the absence of burrows on the Phase II Proposed Winery Site and lack of reported sightings within 5 miles, they are regionally common and there is a remaining low risk of injury to this species if they are present at the time of construction. To further reduce less-than-significant effects on American badger, the applicant has agreed to the Voluntary Condition No. 2 below (*Letter to Georgia McDaniel, Permit Sonoma, from Law Offices of Tina Wallis, Inc., March 16, 2023*).

Voluntary Condition of Approval No. 2 (American Badger)

Prior to any ground disturbing activity, pre-construction surveys for American badger den sites shall be conducted by a qualified biologist. These surveys will be conducted no less than 14 days and no more than 30 days prior to the start of ground disturbing activities. If active badger dens are found, a 100-foot no-work buffer shall be established around occupied maternity dens throughout the pup-rearing season (February 15 through July 1) and a 50-foot no-work buffer around occupied dens during other times of the year. If non-maternity dens are found within the proposed work area, the dens shall be monitored for badger activity. If the biologist determines that the dens may be occupied, passive den exclusion measures may be implemented for three to five days to discourage the use of these dens. A qualified biologist shall verify that badgers have successfully vacated the site prior to initiation of clearing and grubbing or other construction activities.

Nesting Birds:

Potential impacts to nesting raptors were addressed in the 2004 FEIR with mitigation provided and are not revisited here. In addition, grassland and woodland habitats on and adjacent to the Proposed Phase II Winery provide nesting habitat for a variety of common passerine birds that are protected under the MBTA. If construction occurs during the

primary passerine bird nesting season, approximately March 1 to July 31, protection measures are needed to avoid potential impacts to active nests. Passerine birds may nest in annual grasslands and woodlands located throughout the Proposed Phase II Winery project site. In response, the applicant has agreed to the Voluntary Condition of Approval No. 3 below (*Letter to Georgia McDaniel, Permit Sonoma, from Law Offices of Tina Wallis, Inc.*, March 23, 2023).

This condition of approval will include passerine birds in preconstruction avian surveys to further reduce impacts to any nesting bird species. This additional measure will further reduce impacts to wildlife, as discussed below.

Voluntary Condition of Approval No. 3 (Nesting Passerine Birds)

Any active passerine bird nests in the vicinity of proposed grading shall be avoided until young birds are able to leave the nest (i.e., fledged) and forage on their own. Avoidance may be accomplished either by scheduling grading and tree removal during the non-nesting period (September through February), or if this is not feasible, by conducting a pre-construction survey for passerine bird nests. Provisions of the pre-construction survey and nest avoidance, if necessary, shall include the following:

- a. If grading is scheduled during the active nesting period (March through August), a qualified wildlife biologist shall conduct a pre-construction passerine bird survey no more than 30 days prior to initiation of grading to provide confirmation on presence or absence of active nests in the vicinity. This shall also include a daytime visual survey for all passerine birds.
- b. If active passerine bird nests are encountered, species-specific measures shall be prepared by a qualified biologist in consultation with the California Department of Fish and Wildlife and implemented to prevent abandonment of the active nest. At a minimum, grading in the vicinity of the nest shall be deferred until the young birds have fledged. A passerine bird nest-setback zone of at least 100 to 150 feet shall be established within which all construction-related disturbance shall be prohibited. The perimeter of the nest-setback zone shall be fenced or adequately demarcated, and construction personnel restricted from the area.
- c. If permanent avoidance of the nest is not feasible, impacts shall be minimized by prohibiting disturbance within the nest-setback zone until a qualified biologist verifies that the birds have either a) not begun egg-laying and incubation, or b) that the juveniles from the nest are foraging independently and capable of independent survival at an earlier date. A survey report by the qualified biologist verifying that the young have fledged shall be submitted to PRMD prior to initiation of grading in the nest-setback zone.

c. *Effect of parking lot layout changes on habitat.*

In addition to the effects of tree removal from the Phase II Proposed Winery design

parking lot layout, Lucy Macmillan, the Phase II Proposed Winery biologist, assessed any impacts to adjacent habitat areas from car headlights that would shine into the habitat areas while cars are being parked in the parking lots.

In her letter, dated December 15, 2022, Ms. Macmillan explains that the Phase II Proposed Winery will not encroach into the riparian corridor. A buffer of 50 feet will be maintained as required per the Ordinance 6089 Riparian Corridor Combining Zone of Sonoma County. The Phase II Proposed Winery will be located to the west/northwest of the Greywood Creek riparian corridor and therefore will parallel just one side of the corridor.

Parking associated with the winery facility will be accessed from two locations on Campagna Lane with approximately 50 parking spaces facing Campagna Lane away from Greywood Creek. Twelve other spaces located in this area will be facing the facility buildings and will, therefore, not be visible to Greywood Creek. Approximately 50 additional parking spaces will be located on the northeastern portion of the site located northwest of the riparian corridor. These parking spaces will also be accessed from Campagna Lane by the same entrances as above. The majority (approximately 88 percent) of these spaces will be facing inward towards landscaping within the grounds of the facility and will not be facing towards the riparian corridor.

Finally, approximately 22 spaces will be located on the south side of the winery facility. These spaces will be accessed from the two access points from Campagna Lane and will be used by service vehicles only. The spaces either face northwest away from the corridor or face east and west into the interior grounds of the winery and not towards Greywood Creek.

Therefore, Ms. Macmillan concludes that direct lighting impacts from headlights of vehicles using the parking areas during nighttime hours will be avoided. Any net increase in illumination of adjacent habitat areas from car headlights using parking spaces would be less than significant and would not result in any new or more severe significant impacts to biological resources.

d. Conclusion.

The Phase II Proposed Winery design would not result in a new significant environmental effect on biological resources or a substantial increase in the severity of a previously identified significant effect due to substantial changes proposed in the Phase II Proposed Winery, substantial changes with respect to Phase II Proposed Winery 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.

7. Geology and Soils

The 2004 EIR did not assess impacts related to post-wildfire conditions, however, the EIR did analyze impacts related to landslides, slope instability, flooding, and drainage in a general sense, and provided mitigation measures and Winery conditions of approval where applicable. The EIR based its analysis of geology, seismicity, and mineral resource impacts on the conceptual design site layout. Mitigation Measures 5.7-7(a), 5.6-7(b), 5.7-7(c), and Winery Conditions of Approval #8, 15, 16, 18 and 19 still apply and will be implemented.

To evaluate the possibility of slope stability impacts resulting from the cottage location changes in the Phase I Resort, Bauer Associates, Inc. Geotechnical Consultants prepared a supplemental geotechnical investigation reviewing the Phase I Proposed Resort design (*Addendum, Geotechnical Consultation, Sonoma Country Inn, Kenwood, California*, January 30, 2017). The study concludes 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. This conclusion can also be applied to the Phase II Proposed Winery. The proposed design for the Phase I Resort and the Phase II Proposed Winery 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 for the Phase I Resort and the Phase II Proposed Winery and therefore is not a CEQA impact of those changes.

A February 5, 2018 report by Bauer Associates, Inc. Geotechnical Consultants ("Bauer 2018 Report") which has been peer reviewed 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.

Based on geologic mapping, including mapping by the Natural Resources Conservation Service, and review of detailed site-specific geologic testing and analysis in the FEIR, Bauer concludes that the risk of debris flow damage onto, and generated from, the Phased I Proposed Resort 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. The Phase II Proposed Winery is located on relatively flat land on the valley floor. The site's topography gently slopes northward from Highway 12 to the base of the hill behind the Phase II Proposed Winery Site. Only minor grading would occur for the Phase II Proposed Winery Site and the suitable erosion control measures will be implemented in accordance with the approved project plans and conditions of approval when the site is improved. Therefore, the risk of debris flow damage onto, and generated from, the Phase II Proposed Winery is low to insignificant as well.

A geotechnical report was prepared by RGH Consultants on October 27, 2021, to provide geotechnical information for the proposed design and construction activities, which included discussion and analysis of geology and soils, groundwater conditions, seismic hazards, as well as post-fire debris flow analysis. Specific to debris flow, a supplemental letter was provided by RGH on April 18, 2023, which further clarified that debris flows were actively reduced for the lower elevation winery site through the ongoing construction and grading activities on the upslope Phase I Resort. These activities reduce potential for debris flow through capture and consolidation of surface soils and runoff into erosion resistant infrastructure. Reconnaissance of the slopes around the upslope portions of the proposed winery site did not indicate evidence of past debris or mud flows or potential new areas. Therefore, potential impacts from post-fire debris flows are not anticipated for the Phase II Proposed Winery site.

The Phase II Proposed Winery conditions of approval contain detailed and enforceable requirements to monitor and control erosion and slope instability including potential risk from storms. Conditions of Approval 14-21 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. Conditions of Approval 18(a) and 19 require 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. (Use Permit Condition of Approval No. 16(a) and 16(b).) Condition 18(d) requires 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 of Approval 18-21. 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.

The Phase II Proposed Winery design would not result in a new significant environmental effect relating to geology and soils or a substantial increase in the severity of a previously identified significant effect due to substantial changes proposed in the project, substantial changes with respect to project circumstances, or new information of

substantial importance that was not known and could not have been known with the exercise of reasonable diligence at the time the Board certified the EIR. No new mitigation measures are required.

8. Visual and Aesthetic Quality

This Addendum #2 evaluates whether the Phase II Proposed Winery design creates visual or aesthetic impacts that are new or more severe than those resulting from the conceptual design, including impacts related to light pollution.

a. View Impacts – Design Changes.

In the EIR, view impacts were evaluated from public viewpoints, specifically, State Route 12 at Lawndale Road looking north. These locations provide views of the project site to passing motorists, bicyclists and pedestrians travelling along State Route 12. Exhibit 5.8-4 shows the former existing view from this location.

From this location, there is a relatively flat and open area adjacent to Highway 12 that extends back for some distance to the base of the hills. Views of Hood Mountain and the Mayacamas Mountains foothills can be seen in the background. Exhibit 5.8-5 presents a photo simulation of resulting conditions with the conceptual design. There are glimpses of some parts of the winery that occur among the trees. The view of the winery from State Route 12 is considered negligible. Screened by the trees, the winery buildings do not attract attention. The EIR concludes that overall, the proposed development, as seen from this location, appears subordinate with respect to other, existing features within view. Therefore, the development would create a less-than-significant visual impact from this location and no mitigation is required.

All conditions of approval imposed on the approved project to limit visual and aesthetic impacts will be applied to the Phase II Proposed Winery design.

Tree removal associated with design changes and fire damage is discussed in detail under Biological Resources, Section 6 above. Two fires have altered the landscape in the vicinity of the Phase II Proposed Winery Site: the 2017 Nuns Fire and the 2020 Glass Fire. There has been a significant loss of on-site habitat, including evergreens and oak trees, as well as grassland and riparian habitat. As previously discussed in Section 6.c, approximately 120 trees have been planted to revegetate the project vicinity and screen the Phase II Proposed Winery Site from Highway 12.

The changes resulting from the Phase II Proposed Winery, as compared to existing conditions, support that the proposed design would not be substantially noticeable from Highway 12. The colors selected for exterior building materials under the Phase II Proposed Winery match the hue, lightness and saturation of colors of the immediately surrounding

trees and landscape and the associated winery buildings would not attract attention or substantially contrast with the surrounding landscape. Existing oak trees would dominate the mid-range views and serve to obscure the Phase II Proposed Winery development from Highway 12. Said trees would provide improved screening between Highway 12 and the Phase II Proposed Winery over time as vegetation matures.

Therefore, the Phase II Proposed Winery would not result in a substantial adverse effect on a scenic vista, damage scenic resources, or degrade the existing visual character or quality of public views of the site and its surroundings from Viewpoint 1 of State Route 12 at Lawndale Road looking north.

A second viewpoint was considered from a residential driveway adjacent to the Highway 12 southern shoulder just east of Campagna Lane. This viewpoint is approximately 250 feet west on Highway 12 from Viewpoint 1 and was selected because it affords views through a stand of Coast valley oak trees, including young trees planted after the 2017 Nuns Fire and the 2020 Glass Fire. Due to the angle needed to see the Phase II Proposed Winery Site from this view, views of the proposed winery are only available to eastbound traffic and, further, only available for a brief timeframe as potential viewers would be traveling in a vehicle and at highway speeds (40 to 65 miles per hour) along Highway 12.

A mature Valley oak tree dominates mid-range views, but, similar to Viewpoint 1, views of Hood Mountain and the Mayacamas Mountains foothills can be seen in the background. Flat, open grasslands and roads, including Highway 12, are the short-to mid-range views. The changes to this viewpoint resulting from the Phase II Proposed Winery would be minimal and limited to a portion of the marketplace, largely the roofline, and interrupted views of the public tasting room. Views of the Phase II Proposed Winery Site are largely screened by existing vegetation. Additional screening between Highway 12 and the Phase II Proposed Winery Site would be provided by ongoing post-fire regrowth and vegetation replanted by the applicant.

Potential viewers from this angle would short duration to view the project due to travel speeds along Highway 12. The colors selected for exterior building materials under the Phase II Proposed Winery selected to match the hue, lightness, and saturation of colors of the immediately surrounding trees and landscape, thus minimizing contrast with the surrounding landscape. In addition, scenic views of Hood Mountain and the Mayacamas Mountains foothills would not be obstructed by the Phase II Proposed Winery and oak trees would continue to be the most prominent features in mid-range views to the north. Therefore, the Phase II Proposed Winery would be minimally visible from this public viewpoint.

A third viewpoint was considered from Highway 12 just west of the intersection with

Campagna Lane, which serves as the entrance to the Phase II Proposed Winery Site. This view shows Campagna Lane, as well as Hood Mountain and the Mayacamas Mountains foothills in the background. The changes resulting from the Phase II Proposed Winery would be minimal and limited to a portion of the marketplace the roofline and interrupted views of the public tasting room.

As with viewpoint 2, existing vegetation largely screens views of the Phase II Proposed Winery Site. Recently planted vegetation will provide additional screening between Highway 12 and the Phase II Proposed Winery Site over time. The horizontal lines of the roof may result in contrast with the vertical orientation of surrounding trees, however, the form would mimic the horizontal ridgeline of the Mayacamas Mountains foothill behind and above the Phase II Proposed Winery. The Phase II Proposed Winery roof materials would be non-reflective, with colors selected for exterior building materials to match the hue, lightness, and saturation of colors of the immediately surrounding trees and landscape, thereby minimizing contrast with the proposed winery and its surroundings.

From this viewpoint, the Phase II Proposed Winery would be minimally visible from public view. As with viewpoint 2, this viewpoint would be for a short duration due to traveling at highway speeds and the viewer would likely not notice the project. Also, like viewpoint 2, the Phase II Proposed Winery would not obstruct scenic views of Hood Mountain and the Mayacamas Mountains foothills and the oak trees would continue to be the most prominent features in mid-range views to the north. Therefore, from Viewpoint 3, the Phase II Proposed Winery would not result in a substantial adverse effect on a scenic vista, damage scenic resources, or degrade the existing visual character or quality of public views of the site and its surroundings.

Mitigation Measure 5.8-3 and Condition of Approval 97 address impacts related to scenic vistas, scenic resources, and the visual character or quality of public views of the site and its surroundings and will remain applicable to the Phase II Proposed Winery. To summarize, for each element of the Phase II Proposed Winery design, the visual impact is equal to or less from the Phase II Proposed Winery than from the conceptual project design as described and analyzed in the EIR. No new mitigation measures or revisions to existing mitigation measures from the 2004 EIR are required to ensure the potential visual impacts for the Phase II Proposed Winery remain less-than-significant.

b. View Impacts – Drought Damage.

MacNair and Associates prepared a further supplemental memorandum, dated July 10, 2017, to consider tree removal due to drought. The MacNair and Associates July 10, 2017 memorandum 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 located in an area where slope draining occurs. The tree density is less and the age class is considered young mature. Further, the conditions of existing trees due to drought conditions is not related to the proposed design changes considered by this addendum. The Phase II Proposed Winery includes trees planting for all portions of the approved project, inclusive of the winery and residential lots. The potential for droughts is not considered new or unknowable information. Therefore, previous drought conditions have not damaged trees providing screening from public viewpoints nor are additional mitigation measures required.

c. View Impacts – Fire Damage.

As discussed, portions of the site were impacted by the October 8, 2017 Nuns Fire and the September 27, 2020 Glass Fire. The 2017 Nuns Fire did not burn across the winery parcel, however it did surround the Phase II Proposed Winery Site and the site was heavily impacted by smoke and suppression activity. This Addendum #2 responds to additional information submitted by the project applicant and evaluates possible additional impacts of the Phase II Proposed Winery after the 2020 Glass Fire that impacted the entire 2004 Project Site, including the Phase II Proposed Winery Site. While the fires impacted the 2004 Project Site, the Phase II Proposed Winery Site was the least impacted by the Glass Fire because of its lower elevation.

Damage to the project site's impacted grassland and trees that provided existing vegetative screening, however, it should be noted that impacts from the fires were not caused by, or associated with, the proposed design changes. The project applicant contracted MacNair and Associates to document wildfire impacts to the proposed project site, which was provided in a November 28, 2017 letter report. The November 28, 2017 MacNair report Exhibits A and B show a Sonoma County Inn Resort map of the 2017 Nuns Fire impacts, and provide pre- and post-fire conditions from viewpoints on Highway 12 and Adobe Canyon Road.

The *Kenwood Ranch Winery – Tree Construction and Fire Impact Summary* (MacNair & Associates, January 13, 2023) evaluates the 2020 Glass Fire tree damage within the winery building envelope and the zone between Campagna Lane and the building envelope in April 2021. The total number of trees marked for removal in April 2021 were 223 trees consisting of bay laurels, Douglas fir, oak species, and madrone. Coast live oak, Douglas fir, and madrone comprised a majority of the killed or severely damaged trees. A significant number of Douglas fir were in decline before the fire due to insect attack by the Douglas fir flat-headed borer. The total number of trees tagged and surveyed in August 2021 were 213. The trees consisted primarily of oaks with a limited number of madrones. These trees were re-evaluated in December 2022 and 56 of the original 213

trees initially surviving the fire had died and were removed and three additional trees died shortly thereafter.

The Landscape Plan shows a total of 74 trees located within the construction grading limits requiring removal. Of these 74 trees, 41 (55%) are rated in poor condition due to fire damage. The current total removal of trees within the grading limits of 74 trees is consistent with the 2004 EIR estimate of 70 to 120 trees.

As discussed, the area between Highway 12 and the Phase II Proposed Winery is open grassland interspersed with mature and newly planted California valley oak trees, with a portion of this area protected as a valley oak preserve. Approximately 120 trees were planted in 2021 between Highway 12 and the Phase II Proposed Winery Site as required by the 2004 conditions of approval and the 2009 Vegetation Management Plan to screen future winery buildings. Specifically, these oak trees have been planted in the following locations: (1) 12 coast live oak and interior oak trees, each measuring 18 to 22 feet in height, that were planted between the Phase II Proposed Winery Site and Highway 12 to screen the future winery buildings; (2) another 90 oak trees that were planted in the oak tree preserve, which is located further to the south of the 12 oak trees, as required by the 2004 conditions of approval and the 2009 Vegetation Management Plan; and (3) 18 oak trees, consisting of 15 valley oaks and 3 coast live oaks that the project applicant voluntarily planted along the private driveway to the east of the Phase II Proposed Winery Site.

The Phase II Proposed Winery design would not result in visual or aesthetic impacts due to fire damage that are new or more severe than those resulting from the conceptual design, or a substantial increase in the severity of a previously identified significant effect due to substantial changes proposed in the Phase II Proposed Winery design.

d. Light Pollution.

The Phase II Proposed Winery must comply with Condition of Approval 97, which includes minimizing visual impacts including reducing the potential for impacts caused by daytime glare. Implementation of Condition of Approval 97 would ensure that the Phase II Proposed Winery not create new sources of substantial glare that would adversely affect day or nighttime views in the area. Reflections can cause glare during either daytime or nighttime hours. The amount of glare depends on the intensity and direction of sunlight or sources of artificial light at night.

Placement of the structures in the Phase II Proposed Winery design does not increase their visibility compared to that of the conceptual design. This section evaluates the effects of new sources of artificial light and glare that would be introduced by the Phase II Proposed Winery and the extent to which these light and glare sources, including

illuminated signage, would spill off the Phase II Proposed Winery Site onto off-site light-sensitive use and vehicles traveling on Highway 12.

The Phase II Proposed Winery design includes solar panels to be located on select parking canopies and building rooftops. The panels may contribute to new sources of glare, however, they would be blocked by other winery buildings to prevent visibility from public viewpoints on Highway 12. The panels would be set amongst varying rooflines to break up fields of view from other viewpoint locations. Further, any reflection for hikers on the Hood Mountain Regional Park and Sugarloaf Ridge State Park trails would be eliminated as the solar panels will be projected southward to maximize efficiency and light absorption.

The Phase II Proposed Winery would include nighttime sources of light. New sources of nighttime lighting include 12-foot pole lighting to illuminate the parking lot; tree-suspended downlights; wall-recessed step-down lights, and other wall-mounted lighting such as decorative sconces; pathway lighting; and catenary lights for the patio area. The proposed lighting is subject to County requirements that lighting be downward casting and shielded to prevent spillover. Additionally, the approximately 120 trees that have been planted in the vicinity of the Phase II Proposed Winery Site since the 2017 Nuns Fire and the 2020 Glass Fire would provide further screening from new nighttime light sources.

In addition, all winery lighting would be constructed in accordance with Winery Condition of Approval 95, 98, and 99, which provide specific measures to avoid light or glare spillover. The Phase II Proposed Winery Project Description also provides further light and glare spillover measures. The proposed design is consistent with Winery Condition of Approval 95(d)(2), 98 and 99.

The Phase II Proposed Winery would not create a new source of substantial light that would adversely affect day or nighttime views in the area with implementation of Conditions of Approval 95, 98, and 99.

The Phase II Proposed Winery design would not result in a new significant environmental effect relating to visual and aesthetic quality or a substantial increase in the severity of a previously identified significant effect due to substantial changes proposed in the project, substantial changes with respect to project circumstances, or new information of substantial importance that was not known and could not have been known with the exercise of reasonable diligence at the time the Board certified the EIR. No new mitigation measures are required.

9. Cultural Resources

The EIR analyzed potential impacts to cultural resources on the entire 186 acre site after consultation with Native American tribal representatives. The Cultural Resources

Manager and Monitor for the Mishewal Wappo Tribe of Alexander Valley participated in cultural resources field surveys April 24 through May 10, 2002. The surveys did not discover any resources of cultural significance. Additional surveys were conducted on November 17, 2021 by Eileen Barrow to identify the presence of previously unrecorded archaeological resources that may be near locations for proposed ground disturbance. The results were discussed in a subsequent cultural resources study by Tom Origer & Associates (2022 Origer Study).

The 2022 Origer Study identified one previously unrecorded resource on a location of the parcel impacted by previous fires. The resource consisted of a small concentration of obsidian flakes. The Phase II Proposed Winery design currently avoids this resource. However, because construction activities associated with the Phase II Proposed Winery design will include ground disturbing activities, EIR Mitigation Measure 5.9-1 is still appropriate to protect unrecorded resources not identified in previous studies. Additionally, the applicant has volunteered for provisions to strengthen the measure including requiring an archaeological monitor within 200 feet of ground disturbance in the vicinity of the obsidian flakes. The use of archaeological monitors to ensure appropriate protocol for resource preservation is standard for mitigation monitoring on sites with the potential to yield previously undiscovered resources and provides the environmentally superior protection. Notes will be placed on all grading and building plans to ensure compliance with the above mitigation.

The Phase II Proposed Winery design does not result in new impacts to cultural resources and would not result in the damage to previously unrecorded resources through the implementation of Mitigation Measure 5.9-1. Therefore, the project would not result in a new significant environmental effect relating to cultural resources or a substantial increase in the severity of a previously identified significant effect due to substantial changes proposed in the project, substantial changes with respect to project circumstances, or new information of substantial importance that was not known and could not have been known with the exercise of reasonable diligence at the time the Board certified the EIR. No new mitigation measures are required.

10. Air Quality

The 2004 EIR analyzed the potential for air quality impacts from construction related activities for the conceptual design. The Phase II Proposed Winery design changes propose an overall reduction in the size of the winery compared to the conceptual design. Therefore, the changes would not increase construction activities in a manner that would significantly change dust generation from short-term construction activities that were previously found in the EIR to be a short-term significant impact. Mitigation Measures 5.10-1, and 5.10.4 address short term impacts from fugitive dust and are incorporated

into conditions of approval that will be applied to the Phase II Proposed Winery design.

The Phase II Proposed Winery design would not result in a new significant environmental effect relating to air quality or a substantial increase in the severity of a previously identified significant effect due to substantial changes proposed in the project, substantial changes with respect to project circumstances, or new information of substantial importance that was not known and could not have been known with the exercise of reasonable diligence at the time the Board certified the EIR. No new mitigation measures are required.

11. Noise

The 2004 EIR identified noise from special events to be potentially significant and included mitigation measures to address the associated impacts.. The EIR also adjusted maximum noise limits downward as required by the General Plan Noise Element to take into account the existing ambient conditions and the consideration that noise associated with events would primarily come from amplified speech and music from the winery and events center portion of the overall project. Therefore, the noise thresholds applied offered a more conservative assessment.

Mitigation Measure 5.11.1 identified the four following measures to address noise impacts from special events: 1(a) establish performance standards to limit noise; 1(b) limit the number of annual events and the operational hours of said events; 1(c) disclosure statements to residential lots; and 1(d) compliance monitoring of noise levels from events during the first year of operation. The Phase II Proposed Winery will include 20 special events per year with a maximum of 200 persons in attendance.

The Phase II Proposed Winery includes ten building structures with courtyards – some of which include covered porches encompassing them – and covered breezeways providing separation between buildings. Uses of the buildings include an one art gallery and public tasting room, a Country Store (marketplace), a commercial kitchen with retail storage and restrooms, three fermentation buildings, two barrel storage buildings, a members' tasting and barrel storage building, and a two-story building with restrooms, offices, and crawlspaces on Level 1 and offices on Level 2. The proposed design includes solid walls surrounding some occupied areas (e.g., sunken courtyard along the west and north) with openings to allow for access. Amplified speakers would be located inside buildings, at the porches and breezeways outside, and around seven outdoor courtyards.

The revised layout of the Phase II Proposed Winery complex is fundamentally similar to the layout of the 2004 Project winery with exception to the smaller building envelope associated with the Phase II Proposed. The architectural changes proposed in the Phase II Winery design may alter the propagation of noise from special events compared to those

modeled in the evaluation of noise-related impact in the 2004 FEIR. Given the potential for differences in event noise propagation under the Phase II Proposed Winery, noise levels from events have been estimated in an updated acoustic noise study (*Acoustics Conditions of Approval Study*, June 27, 2022 by Salter)(“2022 Salter Study”). The intent of the study was to assess the Project with respect to compliance with Winery Condition of Approval 47 and 59, which requires outdoor and indoor noise limits for all special events and provides examples of measures which are available to ensure compliance with the associated noise limitations.

The effectiveness of the mitigation and actual noise levels will be confirmed with event noise monitoring, as detailed in the Condition of Approval, to refine the required mitigation as necessary. Furthermore, Condition of Approval 47 includes several prescriptive measures to be implemented with respect to noise attenuation, including limiting certain amplified sources to indoor only locations, constructing facilities to reduce noise escape during events, and installation of solid walls around outdoor areas to act as sound barriers. The 2022 Salter Study concluded that, through the implementation of noise reduction strategies outlined in Condition of Approval 47, amplified noise from events associated with the Project are expected to meet the L50 70 dBA noise criterion at a 50-foot distance from the loudspeakers or outdoor performing group and would remain in compliance with noise limitations outlined in Condition of Approval 59.

The Phase II Proposed Winery design would not result in a new significant environmental effect relating to noise or a substantial increase in the severity of a previously identified significant effect due to substantial changes proposed in the project, substantial changes with respect to project circumstances, or new information of substantial importance that was not known and could not have been known with the exercise of reasonable diligence at the time the Board certified the EIR. No new mitigation measures are required.

12. Wildfires

a. Changes in Circumstances.

The 2004 EIR was prepared prior to the inclusion of wildfire impacts as a standalone topic of consideration in the then CEQA Guidelines, however such potential impacts were discussed with resulting impacts that were less than significant with mitigation incorporated. The Phase II Proposed Winery includes extensive analysis of potential wildfire impacts on occupants of the site, which includes construction and operational wildfire protection measures, as well as evacuation measures. The analysis addresses the requirements of Section XX (Wildfire) of the Appendix G CEQA Guidelines, added as of December 2018. The analysis and associated appendices respond to the requirements of CEQA; best practices and recommendations provided by technical experts in the

fields of wildfire prevention, management, evacuations, and response, as well as the Office of the Attorney General's *Best Practices for Analyzing and Mitigating Wildfire Impacts of Development Projects under the California Environmental Quality Act* (October 10, 2022).

b. Project Impact Analysis.

The Phase II Proposed Winery Site is located within a State Responsibility Area (SRA) and a Very High Severity Zone (VHFHSZ), as designated by CalFire (CalFire 2024). Since the 2004 EIR was prepared and certified, two fires have impacted the 2004 Project Site: the 2017 Nuns Fire and the 2020 Glass Fire. Given this background, the primary question at hand for the Project that is related to wildfire analysis under CEQA is whether the Phase II Proposed Winery would exacerbate existing wildfire risks that would thereby expose occupants of the site to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire (CEQA Appx G, Section XX(b)).

Evacuation times directly contribute to reducing or increasing the influence of the Project on existing risks related to uncontrolled spread of a wildfire. Primary ingress and egress from the Phase II Proposed Winery site are via Campagna Lane, which is an existing road that is over 20 feet wide, with wide flat shoulders. Campagna Lane connects to Highway 12 and was constructed to meet applicable standards with respect to road width, as outlined in Condition of Approval 78. Thus, it provides suitable ingress and egress to allow for concurrent travel of occupants and emergency apparatus during a potential wildfire scenario. Campagna Lane also provides access to Highway 12

Analysis for wildfire evacuation times considered both a "No Notice" scenario, where occupants would have no advance notice of evacuation, and a "With Notice" scenario, where at least some advanced notice was provided for an evacuation. Both the "No Notice" and "With Notice" evacuation scenarios were used for the analysis of No Project and Plus Project evacuation travel time and was additionally conservative in the analysis as it considered cumulative impacts from other, nearby large projects that have since been abandoned, including the Elnoka senior housing development site, and the Sonoma Development Center site when it was operating as a state hospital, with a pending application and specific plan to redevelop the SDC site as of 2023. In 2004 the SDC site was operations, as explained further below. Resulting evacuation travel time under the "No Notice" scenario estimated that the project would have a 10%-15% (15 to 30 minutes) effect on the overall time to clear the Study Area of evacuation demand with the share of this change attributable to the Phase II Winery project at about 35.2%, (remaining 64.8% attributable to inn/resort/residential development near site). Whereas, under the "With Notice" scenario and using circumstances similar to early evacuation procedures performed during the 2020 Glass Fire, the Project would clear all evacuation

demand within approximately 2 minutes.

In addition, the Phase II Proposed Winery analysis includes a Construction Fire Protection Plan addressing fire-reducing and/or reactive measures during construction activities to avoid the uncontrolled spread of a wildfire on the Phase II Proposed Winery Site, including: 1) sheltering in place if, in the occasion of an uncontrolled wildfire, safe evacuation cannot be ensured; 2) the use of a defensible space and vegetation management program to reduce the likelihood of the uncontrolled spread of a wildfire; and 3) a 2023 Wildfire Assessment by FlameMapper that included modeling analysis to evaluated several factors related to wildfire such as burn probabilities (e.g., uncontrolled fires), fire line intensity and flame lengths (e.g. assessing effectiveness of fire suppression), and rate of spread (e.g. how quickly a fire may move) on the Phase II Proposed Winery Site and surrounding areas as compared to existing conditions.

The analysis concluded that, while properties near the Phase II Proposed Winery have challenging terrain that can promote escalated fire behavior and spread, the Phase II Proposed Winery Site's moderate terrain reduces projected fire behavior at the Phase II Proposed Winery Site itself. Further, development of the site and northern areas inherently create defensible space and remove future fuel loads. Additionally, the fire modeling reflects reduced burn probability and fire intensity with the implementation of the Phase II Proposed Winery when compared with existing conditions due to the comprehensive reforestation and restoration work on the Phase II Proposed Winery Site and surrounding areas (i.e., the entire 2004 Project Site and the neighboring Graywood Subdivision). The Wildfire Assessment also concluded that the reduction in potential wildfire spread and intensity due to the above factors would also positively influence evacuation times which, as a result, would provide fire authorities additional time to respond when compared with existing conditions. As outlined above, under circumstances when early evacuation orders are in place, the Project would have a negligible impact to potential occupants due to evacuation travel time.

The 2004 EIR analyzed cumulative impacts of existing and proposed uses in the project vicinity, such as existing and potential future traffic volumes along Highway 12. At the time the 2004 EIR analysis was performed, the SDC site was a fully operational state hospital and, therefore, associated traffic from employees was considered as part of the baseline at that time. The state hospital was subsequently closed in 2018. The County has been working on a specific plan to redevelop the site since 2020. The specific plan EIR certified in 2022 was challenged and ultimately struck down by the Superior Court and subsequently decertified by the Board of Supervisors. The County is now working on preparing a new specific plan and processing a builder's remedy housing development application for redevelopment of the SDC campus into a mixed-use housing and commercial development with approximately 990 units, 130,000 square feet of

commercial space, and a 150-room boutique hotel. Because the 2004 analysis included analysis of operations at the SDC site, redevelopment of the core campus does not constitute new circumstances that would require major revisions to the EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified substantial effects.

The Phase II Proposed Winery would not give rise to new significant environmental effects or a substantial increase in the severity of previously identified significant effects as disclosed in the 2004 EIR with respect to wildfire. As a result, no new or revised mitigation measures are required. In summary, this analysis does not result in any different conclusions than those reached in the 2004 EIR related to wildfire on a project-related basis, and would not prevent or interfere with the County's emergency response and evacuation plan(s), such that an evacuation would be substantially impaired or could not occur.

13. Cumulative Impacts

Cumulative impacts have been analyzed in their respective sections regarding future, cumulative demand and impact in the vicinity of the Phase II Winery including but not limited to water demand, traffic, noise, and potential wildfire impacts. These impacts were previously addressed under the 2004 EIR.

The Phase II Proposed Winery design would not result in new significant cumulative environmental effects or a substantial increase in the severity of a previously identified significant cumulative effect due to substantial changes proposed in the project, substantial changes with respect to project circumstances, or new information of substantial importance that was not known and could not have been known with the exercise of reasonable diligence at the time the Board certified the EIR. No new mitigation measures are required.

a. *Changes in Circumstances.*

CEQA requires re-evaluation of a substantial change in circumstances and/or new information of substantial importance not known at the time of the EIR 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. Finally, for the specific circumstances related to this design review application, even should qualifying new information or changed circumstances be shown, such new information must be relevant to impacts created by the proposed design changes.

The Phase II Proposed Winery design would not result in any new significant environmental effects or a substantial increase in the severity of a previously identified significant effect due to substantial changes proposed in the project, substantial changes with respect to project circumstances, or new information of substantial importance that was not known and could not have been known with the exercise of reasonable diligence at the time the Board certified the EIR.

b. Greenhouse Gas Impacts.

- (i) Greenhouse Gas Impacts are Neither New Information nor Changed Circumstances under CEQA.

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 (GHG) 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 courts have clearly held that the potential environmental impact of greenhouse gas emissions has been known since the 1970's, and does 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.

E. CONCLUSION

The Phase II Proposed Winery design and all proposed changes have been evaluated for any related environmental consequences in this Revised Addendum #2 and in the technical reports referenced herein. All such reports are available for public inspection at Permit Sonoma, 2550 Ventura Avenue, Santa Rosa, CA.

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

Approval of the Phase II Proposed Winery design would not meet any of the

requirements in Public Resources Code Section 21166 or in CEQA Guidelines Section 15162 for preparation of a subsequent EIR or a supplement to an EIR.

Information Used to Prepare Addendum #2

Copies of all documents referred to are available for inspection at Permit Sonoma, 2550 Ventura Avenue, Santa Rosa.

1. Kenwood Ranch: *Design Review Project Description* with Winery Layout Comparison (2004 conceptual layout and 2022 proposed layout)
2. *Revised Addendum to the Final Environmental Impact Report for the Sonoma Country Inn, County of Sonoma PRMD*, March, 2018.
3. *The Winery at Kenwood Ranch Design Review Plan Set* dated July 6, 2022
4. *Sonoma Country Inn: Water Use Information*, dated February 14, 2017, Adobe Associates, Inc.
5. *Sonoma Country Inn: Water Use Information*, dated May 1, 2017, Adobe Associates, Inc.
6. *Hydrogeologic Report for Adequacy of Groundwater Supplies for the Proposed Sonoma Country Inn Kenwood Area, Sonoma County, California*, April 2009, Richard C. Slade Associates LLC Consulting Groundwater Geologists.
7. *Addendum Geotechnical Consultation, Sonoma Country Inn, Kenwood, California*, dated January 30, 2017, Bauer Associates, Inc. Geotechnical Engineers.
8. *Geotechnical Consultant, Addendum 2 – Post Nuns Fire, Lot 13, Sonoma Country Inn*, dated February 5, 2018, Bauer Associates, Inc. Geotechnical Engineers.
9. *Letter to Georgia McDaniel, Permit Sonoma, from Law Offices of Tina Wallis, Inc.*, March 16, 2023.
10. *Letter to Georgia McDaniel, Permit Sonoma, from Law Offices of Tina Wallis, Inc.*, March 23, 2023.
11. *Review of Traffic Issues Relative to the Sonoma Country Inn Project*, dated May 25, 2017, W-Trans.
12. *Response to Comments in Appeal of Approval of the Sonoma Country Inn Project*, September 14, 2017, W-Trans.
13. *Memorandum to Flora Li from James MacNair, MacNair & Associates,*

regarding Parking Lot Tree Protection, dated March 16, 2017.

14. *The Resort at Sonoma Country Inn Supplemental Visual Impact Analysis*, dated February 3, 2017, prepared by MacNair Landscape Architecture.
15. *Memorandum* from James MacNair, MacNair and Associates, to Flora Li, dated July 10, 2017, regarding PRMD Tree Removal Response.
16. Letter from James MacNair, MacNair and Associates, to Flora Li, dated September 19, 2017, regarding Response to VOTMA Appeal Issues.
17. Letter from James MacNair, MacNair and Associates, to Flora Li, dated November 28, 2017 documenting wildfire impacts to existing vegetation.
18. 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.
19. Sonoma Country Inn Environmental Impact Report, certified May 2004, SCH No. 2002052011.
20. Sonoma County Board of Supervisors Resolution No. 04-1037, dated November 2, 2004, with exhibits.
21. *2022 Kenwood Ranch Winery Project, Initial Study (Volume 1 of 3)*, dated May 2024, prepared by ESA
22. *2022 Kenwood Ranch Winery Project, Initial Study (Volumes 2 and 3, Appendices A-X)*, dated May 2024. prepared by ESA
23. *Acoustics Conditions of Approval Study* dated June 2022, prepared by Salter
24. *The Kenwood Ranch Winery Design Review Visibility Impacts*, prepared by MacNair Landscape Architecture
25. SCAPOSD Letter to Kenwood Ranch, LLC dated June 10, 2022
26. *The Kenwood Ranch Winery – Tree Construction and Fire Impact Summary* (MacNair & Associates, January 13, 2023)
27. Lucy Macmillan Letter to Ms. Tina Wallis, dated December 15, 2023, regarding potential impacts to habitat
28. R. Giordano Consulting and Investigations letter to Tina Wallis, dated June 27, 2022, regarding Kenwood Winery/the Kenwood Ranch property

evacuation recommendations during construction

29. *Kenwood Winery Construction Fire Protection Plan*, June 27 2022, prepared by Losh and Associates
30. R. Giordano Consulting and Investigations letter to Tina Wallis, dated June 22, 2022, regarding recommendations for evacuation planning and shelter-in-place considerations at Kenwood Winery during a disaster
31. *Kenwood Winery Evacuation Plan*, dated June 22, 2022, prepared by Losh and Associates
32. *Kenwood Winery Additional Operational Evacuation Measures*, dated February 6, 2023, prepared by CAS Safety Consulting LLC
33. *Kenwood Winery Construction and Operational Recommendations List*, dated February 5, 2023, prepared by CAS Safety Consulting LLC
34. *Kenwood Winery Wildfire Assessment*, February 2, 2023, prepared by FlameMapper
35. Kenwood Ranch Winery - AG Wildfire Guidance Response (Water Supply, Power, Utilities), prepared by Adobe Associates, Inc.
36. *Best Practices for Analyzing and Mitigating Wildfire Impacts of Development Projects Under the California Environmental Quality Act*, prepared by State of California Attorney General's Office
37. *Kenwood Estates winery Evacuation Travel Time Assessment*, May 3, 2024, prepared by Fehr & Peers
38. *Kenwood Winery Design Review Application: Response to California's Environmental Quality Act, Appendix G, Section XX, subd. (b) regarding exposure of project occupants to pollutant concentrations from a wildfire*, dated May 7, 2024, prepared by Sonoma Technology
39. Sonoma Valley Fire District letter to Permit Sonoma, dated July 15, 2024, regarding Kenwood Ranch Winery Project
40. *Geotechnical Study Report*, October 27, 2021, prepared by RGH Consultants
41. RGH Letter to Tina Wallis, dated April 18, 2023, regarding Debris Flow and Mud Flow