

Resolution Number 23-40

County of Sonoma
Santa Rosa, California

September 7, 2023
(DRH21-0010) Hannah Spencer

RESOLUTION OF THE PLANNING COMMISSION, COUNTY OF SONOMA, STATE OF CALIFORNIA, APPROVING ADDENDUM NO. 2 TO THE FINAL ENVIRONMENTAL REPORT, DENYING THE APPEAL OF THE VALLEY OF THE MOON ALLIANCE AND APPROVING DESIGN REVIEW FOR THE SITE PLAN AND DRAWINGS AS REQUESTED BY KENWOOD RANCH WINERY, LLC FOR THE KENWOOD RANCH WINERY (FORMERLY SONOMA COUNTRY INN) LOCATED AT 1180 CAMPAGNA LANE, KENWOOD, APN 051-260-013

WHEREAS, on November 2, 2004, by Resolution No. 04-1037, the County certified a Final Environmental Report (EIR) and approved the Sonoma Country Inn project, including rezoning and General Plan amendments, an 11 lot subdivision map and lot line adjustments plus use permits for an inn, spa and restaurant and for a winery with an attached tasting room (“the 2004 project”); and

WHEREAS, in approving the use permit for the winery and visitor serving uses, the Board of Supervisors found in Resolution No. 04-037 that the 2004 project uses are consistent with the General Plan and zoning and that the establishment, maintenance and operation of the uses and facilities included in the 2004 project, as conditioned, would not be detrimental to the health, safety, peace, comfort, or general welfare of persons residing or working in the neighborhood or to the general welfare of the area; and

WHEREAS, in 2007 the County determined that the 2004 project was vested; and

WHEREAS, on December 28, 2021, the applicant, Kenwood Ranch Winery LLC, submitted a request for final design review of the winery portion of the 2004 project, located at 1180 Campagna Lane, Kenwood, APN 051-260-013 (“the proposed project” or “proposed design”) which includes proposed changes to certain elements of the site plan and drawings from the 2004 approval (“the conceptual design”); and

WHEREAS, the Phase II Proposed Winery and design, as shown on the Revised DRC Drawings prepared by Backen-Gillam Architects, dated July 6, 2022, consists of the following components:

- a. A 1,097 SF public tasting room with an art gallery; a 1,037 SF reserve tasting room; a 2,958 SF country store; 1,678 SF of winery offices in a two-story structure; 3,379 SF of fermentation space; 3,379 SF of barrel storage space; 659 SF of cold storage space plus a 67 SF storage room; 3,316 SF of staff & maintenance uses; and 1,084 SF for restrooms and a wastewater treatment shed (for a total of 18,901 SF).

- b. Access driveways, a service road, a pedestrian pathway and pedestrian entry, landscaping and planting, winery leachfields (e.g., sewage disposal area), bioretention facilities, and a wastewater treatment shed. Previously deposited 280 cubic yards of soil and rock in an area of the riparian corridor will be removed with a separate zoning permit after final design review is approved.
- c. A reconfigured parking layout for the winery with a total of 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.
- d. Removal of 74 trees within the grading limits, consistent with the EIR estimate of 70 to 120 trees.
- e. Three Voluntary Conditions that are consistent with current BMPs for protection of special-status wildlife, as proposed in the Letters to Georgia McDaniel, Permit Sonoma, from Law Offices of Tina Wallis, Inc., March 16, 2023 and March 23, 2023 (provided under Attachment 5, DRC Staff Report dated May 31, 2023; and,

WHEREAS, as noted in Board Resolution No. 04-1037 Exhibit "F" File No. PLP01-0006 Winery Use Permit Final Conditions of Approval and Mitigation Monitoring Program, the project is approved for a 10,000 case per year winery, open to the public with Tasting room and art gallery, retail wine sales, a country store, and 20 special events per year with a maximum of 200 persons in attendance. The winery is permitted for 6 employees and 147 parking spaces. Condition No. 84 restricts hours of operation for events. No change has been made to the restrictions on hours of operation, number of employees, winery production capacity, or availability to the public; and,

WHEREAS, February 2018, County staff prepared a Revised Addendum No. 1 to the 2004 EIR pursuant to the California Environmental Quality Act (CEQA) and the state and local CEQA Guidelines, which analyzed all proposed changes to the conceptual design of the resort portion of the 2004 project under a separate file, DRH16-0006; and

WHEREAS, in March 2023, County staff prepared Addendum No. 2 to the 2004 EIR pursuant to the California Environmental Quality Act (CEQA) and the state and local CEQA Guidelines, which analyzed all proposed changes to the conceptual design requested of the winery portion of the 2004 project; and

WHEREAS, on May 31, 2023, the Design Review Committee, after a duly noticed public meeting, at which time all members of the public had an opportunity to appear and be heard, considered and approved the proposed Phase II Winery project site plan and drawings; and

WHEREAS, the Valley of the Moon Alliance (VOTMA) submitted an appeal of the Design Review Committee approval on June 12, 2023; and

WHEREAS, the Planning Commission has considered the 2004 EIR and the 2018 and 2023 EIR Addendums; and

WHEREAS, in accordance with the provisions of law, the Planning Commission held a duly noticed public hearing on September 7, 2023, at which time all interested persons were given an opportunity to be heard;

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission makes the following findings:

1. Based on the EIR, the Addendum No. 2, and the full record of proceedings, a supplemental or subsequent EIR is not required for the proposed project pursuant to Public Resources Code Section 21166 and CEQA Guidelines, Section 15162 because:
 - a. The design changes requested for the proposed project do not propose substantial changes from the 2004 project which will involve new significant environmental effects or a substantial increase in the severity of previously identified significant effects because design changes requested for the proposed project do not result in increases to: overall development, building size, building height, water use, septic capacity, traffic, parking, lighting, tree removal, ground disturbance, or noise. All proposed winery buildings and wastewater treatment systems are in the preapproved Building and Septic Envelopes of the recorded Sonoma Country Inn Subdivision map. The design does not change the character of any use for which use permits were approved in Resolution No. 04-1037. All design changes conform to the approved uses for the winery portion of the 2004 project. Additionally, the project is subject to all current regulations for new development, including grading and stormwater, building, wastewater treatment, and fire safety.
 - b. There are no substantial changes relevant to the design changes requested for the proposed project with respect to circumstances under which the proposed is undertaken which will require major revisions of the EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects because all design changes conform to the approved uses for the winery portion of the 2004 project and are consistent with all 2004 EIR Mitigation Measures.
 - c. There is no new information of substantial importance relevant to the design changes requested for the proposed project which was not known and with the exercise of reasonable diligence could not have been known at the time the 2004 EIR was certified which shows that the proposed design will have new significant environmental effects not evaluated in the 2004 EIR or a substantial increase in the severity of previously identified significant effects. Fire hazard risk, current traffic volume, vehicle miles travelled, and greenhouse gas impacts is not new information.
 - i. The EIR acknowledged the project location to be a “high fire danger area” and concluded that fire impacts could be mitigated to a level of

insignificance. The current circumstances, with regard to factors that are understood to exacerbate wildfire risk (including slope, prevailing winds, vegetation, climate, on-site water supply, emergency access) are substantially similar to those that the 2004 EIR examined. Changes to trees or soil caused by fires, and changes to trees or soil resulting from replanting, regeneration, and recovery since then will not cause the project to result in more significant impacts than originally analyzed in the 2004 EIR. The design plans propose to reduce wildfire risk by installing native fire-resistant, drought-tolerant landscaping, maintaining defensible space, and compliance with all County Fire Safe Standards and Wildland Urban Interface building requirements.

- ii. Current and projected information relating to traffic on Highway 12 does not contradict the 2004 EIR's evaluation or create new or more severe environmental impacts. There are no proposed changes that would increase the amount of traffic or trips to or from the winery over what was studied as part of the original approval.
 - iii. Reducing VMT has been a goal of Federal climate action policies since before the 2004 EIR was certified. New regulations or guidelines, including new CEQA Guidelines, are not new information if the underlying issue was or could have been known when the 2004 EIR was certified.
 - iv. The potential impacts of greenhouse gas emissions have been known since the 1970's. The 2004 EIR included an Air Quality section and pre-dates CEQA Guidelines 15064.4, therefore a supplemental EIR is not required in order to analysis GHG emissions.
 - d. No mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but are not adopted, and there are no new or different mitigation measures identified which would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt them.
2. The architectural and general appearance of the buildings, structures and grounds in the proposed project are in keeping with the character of the neighborhood, are not detrimental to the orderly and harmonious development of the county and do not impair the desirability of investment or occupation in the neighborhood because:
- a. Design changes keep all development within approved building and septic envelopes, consistent with the maximum allowed square footage listed under PLP01-0006 Condition of Approval Nos. 84 and 106, and all portions of the site outside of the building envelopes are protected from development by an open space easement and/or conservation easements.
 - b. A total of 74 trees are proposed for removal, consistent with the EIR estimate of removal of 70 to 120 trees. Approximately 120 trees planted in 2021 between

Highway 12 and the Phase II Proposed Winery will provide additional screening for future winery buildings.

- c. The proposed site plan and landscaping conforms to PLP01-0006 Condition Nos. 93 through 97, including adjustments to the final access and parking design for minimizing loss of woodland and forest habitat per Mitigation Measures 5.6-2(b) and 5.6-4(b), and for retaining as many trees onsite as possible to minimize visual impacts as seen from Highway 12.
- a. The proposed colors and materials conform to PLP01-0006 Condition of Approval No. 97, including use of exterior building surfaces that incorporate a variety of colors and materials matching the natural backdrop of the site surroundings to minimize visual impacts from Highway 12:
 - i. Roofing: Reclaimed corrugated metal of bonderized finish for all buildings.
 - ii. Primary exteriors: Natural stained vertical wood boards of reclaimed and distressed finish for main buildings and courtyard structure.
 - iii. Secondary exteriors: New and recycled local stone veneer for barrel storage buildings and accenting office building lower level; corrugated metal for rear service building.
 - iv. Doors and windows: Stained wood and dark painted metal doors and window frames with glazing of low-reflectivity finish.
 - v. Hardscape: Dry stack stone landscape wall from local region; painted concrete floor surfaces.
- b. The Phase II Winery site plan does not increase the amount of light pollution in any substantial or significant amount compared to the Conceptual Design. The proposed lighting conforms to PLP01-0006 Condition of Approval Nos. 98 and 99, including design consistency with established LZ1 lighting zone standards for parks, recreation areas and wildlife preserve as demonstrated on the final exterior lighting plan, photometric analysis, and individual fixture cutsheets.

BE IT FURTHER RESOLVED, that the Planning Commission hereby denies the appeal of DRC's action, and approves the proposed project design, site plan and drawings as presented, and approves Addendum No. 2 to the EIR.

BE IT FURTHER RESOLVED that the Planning Commission action shall be final on the 11th calendar day after the date of the resolution unless an appeal is taken.

BE IT FURTHER RESOLVED that the Planning Commission designates the Secretary of the Planning Commission as the custodian of the documents and other material which constitute the record of proceedings upon which the decision herein is based. These documents may be found at the office of the Sonoma County Permit and Resource Management Department, 2550 Ventura Avenue, Santa Rosa, CA 95403.

THE FOREGOING RESOLUTION was introduced by Commissioner Gilardi, who motioned to deny appeal and uphold the Design Review Committee's Final Design Review Approval of the project as recommended by Staff, seconded by Commissioner Ocaña, and adopted on roll call by the following vote:

Commissioner Cornwall	Aye
Commissioner Gilardi	Aye
Commissioner Ocaña	Aye
Commissioner Koenigshofer	Aye
Commissioner McCaffery	Aye

Ayes: 5 Noes: 0 Absent: 0 Abstain: 0

WHEREUPON, the Chair declared the above and foregoing Resolution duly adopted; and

SO ORDERED.