



## Legislation Details (With Text)

**File #:** 2020-0812

**Type:** Regular Calendar Item      **Status:** Agenda Ready

**File created:** 8/6/2020      **In control:** Permit and Resource Management

**On agenda:** 8/18/2020      **Final action:**

**Title:** 1:30 PM - File No. PLP16-0050 Guadagni Family Wines, Winery with Agricultural Promotional Events at 2060 Yoakim Bridge Road, Healdsburg.

**Sponsors:** Permit and Resource Management

**Indexes:**

**Attachments:** 1. PLP16-0050 Summary.pdf, 2. ATT 1 Conditions of Approval.pdf, 3. ATT 2 Board of Supervisors Resolution.pdf, 4. ATT 3 Vicinity Map.pdf, 5. ATT 4 Aerial Map.pdf, 6. ATT 5 General Plan Land Use Map.pdf, 7. ATT 6 Zoning Map.pdf, 8. ATT 7 Site Plan.pdf, 9. ATT 8 DCVCAC Minutes.pdf, 10. ATT 9 DCVCAC Guidelines for Wineries.pdf, 11. ATT 10 Detailed Analysis of Compliance with DCVCAC Guidelines.pdf, 12. ATT 11 Public Comments.pdf, 13. PLP16-0050 BOS Presentation.pdf, 14. Applicant Presentation

Date	Ver.	Action By	Action	Result
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**To:** Sonoma County Board of Supervisors  
**Department or Agency Name(s):** Permit Sonoma  
**Staff Name and Phone Number:** Tricia Stevens, Project Planner, 916-698-4592  
**Vote Requirement:** Majority  
**Supervisory District(s):** Fourth

**Title:**  
**1:30 PM** - File No. PLP16-0050 Guadagni Family Wines, Winery with Agricultural Promotional Events at 2060 Yoakim Bridge Road, Healdsburg.

**Recommended Actions:**  
Exercise original jurisdiction over application and adopt a Resolution adopting a Mitigated Negative Declaration and approving a Use Permit and Design Review for a winery with annual production of 30,000 cases, 16 agricultural promotional events, and eight industry-wide events at 2060 Yoakim Bridge Road, Healdsburg; APN 139-130-022. (Fourth District)

**Executive Summary:**  
Guadagni Family Wines request approval of a Use Permit and Design Review for a new 30,000 case winery and tasting room on a 41.45 acre vineyard property located in Dry Creek Valley. The project includes 16 agricultural promotional events with up to 200 guests and eight industry-wide events. In addition to General Plan policies on winery concentration and event compatibility, the Dry Creek Valley Citizen's Advisory Council (DCVCAC) has adopted guidelines to further guide review of new wineries. The main policy consideration is compliance with General Plan polices and DCVCAC guidelines for new wineries and overconcentration. Staff recommends approval of the project based on the findings that the project is relatively small scale in nature, has adequate access off Yoakim Bridge Road, and does not result in overconcentration. The project is minimally visible from Yoakim Bridge Road and Dry Creek Road. An Initial Study/Mitigated Negative

Declaration has been prepared with the conclusion that any significant impacts can be mitigated to less than significant with mitigation incorporated.

## **Discussion:**

### **BACKGROUND**

This property has been farmed by the Guadagni Family for over 75 years. The vineyard currently produces about 250 tons of grapes which are sold to other wineries in Northern California. There are no historical entitlement requests on this property.

Dry Creek Valley is home to 150 winegrowers and 60 wineries and is a renowned winegrowing region extending 16 miles north to south, and two miles east to west. The Dry Creek Valley Citizen's Advisory Council (DCVCAC) is appointed by the Board of Supervisors to make recommendations on proposed projects in the valley. The project was reviewed by the DCVCAC on February 16, 2017.

#### Application Processing

On October 7, 2016, a Use Permit application was submitted for a winery with annual production of 30,000 cases, 16 agricultural promotional events, and eight industry-wide events.

On February 16, 2017, the Dry Creek Valley Citizen's Advisory Council considered the project and recommended approval with modifications. Notification of the meeting was sent to neighboring properties within 300 feet of the parcel boundaries.

On May 6, 2019, Permit Sonoma staff determined the application was deemed complete for processing.

On April 24, 2020, Permit Sonoma sent notification of the availability of the Mitigated Negative Declaration and the intent for a Hearing Waiver to neighboring properties within 300 feet of the parcel boundaries and to all members of the public who had previously requested notice as an "interested party." The draft Initial Study/Mitigated Negative Declaration was published for public review and submitted to the State Clearinghouse for State Agency review (SCH Number 2020040310). The public review period was 30 days and ended on May 25, 2020.

On April 26, 2020, Permit Sonoma received a request for Public Hearing from interested neighbors. In requesting a public hearing, neighbors identified the size of the winery and the number of events, and resulting traffic and noise impacts, as their primary concerns.

On July 2, 2020, the application was originally scheduled for a public hearing before the Planning Commission. The application was removed from agenda after it became known that the application would be heard by the Board of Supervisors under original jurisdiction.

### **PROJECT DESCRIPTION**

#### Project Description Summary

Guadagni Family Wines request a Use Permit and Design Review for a winery with annual production of 30,000 cases, 16 agricultural promotional events, and eight industry-wide events on a 41.45-acre parcel zoned Land Intensive Agriculture (LIA) B6 20-acres per dwelling with combining zones of Accessory Dwelling Unit

Exclusion (Z), Floodway (F1), Riparian Corridor with 50-foot and 100-foot setbacks (RC 50/50 and 100/50), Scenic Resources (SR), and Valley Oak Habitat (VOH).

The project would be constructed in a single phase. The Tasting Room Facility would be 2,500 square feet and would include an office, accounting room, tasting room, conference room, and commercial kitchen, with a 2,000 square foot canopy. The Production Facility would be 6,000 square feet, with a 2,000-square foot covered crush pad and receiving area. The Winery Production Building and Tasting Room Facility would be 33 feet in height.

The project proposes 18 full-time employees, with an increase during harvest season, but the maximum number of employees at any given time would not exceed 20.

Hours of Operation:

- A. Winery production: 7:00 am - 6:00 pm, daily, with extended hours of operation during the harvest season as needed
- B. Tasting Room: 10:00 am - 5:00 pm, daily
- C. Special events: 10:00 am - 10:00 pm, as scheduled, with amplified sound ceasing by 9:00 pm
- D. Proposed hours of operation during the harvest season would be as needed.

Events per Year:

- A. 16 Agricultural Promotional Events:
  - 1. Four winemaker dinners (125 people)
  - 2. Two release parties (125 people)
  - 3. Four (quarterly) Wine Club member pick-up parties (125 people)
  - 4. Four wine and food educational seminars (15-20 people)
  - 5. Two seasonal events (200 people). The maximum number of guests was revised from 300 to 200 in January 2020.

Events to be held 10:00 am - 10:00 pm in the covered seating area attached to the tasting room, with amplified sound ceasing by 9:00 pm. Entertainment would include amplified and non-amplified music. Food would be catered.

- B. Eight industry-wide events.

Limited retail sales of pre-packaged items such as olives, salami, cheeses, bread/crackers, baked goods, and spreads would be available in the tasting room.

Site Improvements:

In addition to the proposed building, all parking would be contained on-site, with a total of 33 parking spaces in a gravel parking lot adjacent to the tasting room and production building to accommodate tasting room customers and employees. Of these 33 parking spaces, two (2) would be ADA (Americans with Disabilities Act) accessible spaces. Employee parking (14 spaces) and additional event parking (97 spaces) would be accommodated within existing vineyard avenues. The total number of parking spaces is 144. All access and egress for vehicles and trucks would be via a proposed gravel driveway off Yoakim Bridge Road.

### Site Characteristics

The property is 41.45 acres and located in the Dry Creek Valley on the north side of Yoakim Bridge Road between Dry Creek Road and West Dry Creek Road.

The project site is a vineyard with an associated staging area and sheds. The remainder of the property includes additional vineyard area, a barn, the residence of the property owner, a septic system, and a water well. The project site is generally flat.

Dry Creek and associated riparian area form the western boundary of the property. The western property line is approximately the centerline of Dry Creek, and the top of the creek bank parallels the creek bed. A manmade berm, constructed in the 1950's, is located 100-140 feet to the east of the top of bank. Vineyards, the proposed winery and tasting room buildings, proposed driveway, and all other site buildings are located to the east of said berm. There is a break in the berm in the vicinity of the proposed tasting room. The riparian area between the top of bank and the berm contains native trees and grasses and is largely undisturbed.

The project site is located in a Groundwater Availability Class 1 Area (Major Groundwater Basins). The parcel is not under a Land Conservation Act Contract (Williamson Act). The project property is designated as Prime Farmland, Unique Farmland, Grazing Land, and Other Land. The location of the proposed winery buildings is designated Unique Farmland.

The project site is not located in a wildfire State Responsibility Area.

### General Plan Land Use and Zoning

The project has a General Plan designation of Land Intensive Agriculture 20 Acre Density (LIA 20). The zoning is Land Intensive Agriculture (LIA) B6 20-acres per dwelling, with combining zones of Accessory Dwelling Unit Exclusion (Z), Floodway (F1), Riparian Corridor with 50-foot and 100-foot setbacks (RC 50/50 and 100/50), Scenic Resources (SR), and Valley Oak Habitat (VOH).

Dry Creek Road to the east is a Rural Major Collector and West Dry Creek Road to the west is a Rural Minor Collector. Yoakim Bridge Road is a local road.

### Surrounding Land Use and Zoning

The project site is surrounded by properties which have a General Plan and Zoning designation of Land Intensive Agriculture (LIA) B6 20; See Attachment 3 (Vicinity Map), Attachment 4 (Aerial Map), Attachment 5 (General Plan Land Use Map), and Attachment 6 (Zoning Map).

Agricultural uses surround the property. The nearest wineries are Yoakim Bridge Winery, Zichichi Winery, and

Talty Winery.

## DISCUSSION OF ISSUES

### **Issue #1: General Plan Consistency**

The project has a General Plan designation of Land Intensive Agriculture 20 Acre Density (LIA 20). Permitted uses within this land use designation consist of agricultural production, agricultural support uses, and visitor serving uses as provided for in the Agricultural Resources Element.

Policies AR-1a, Ar-4a, AR-5a - g, AR-6a, AR-6d, and AR-6f of the Agricultural Resources Element address the following principles:

- A. Permit a wide variety of promotional and marketing activities of Sonoma County grown and processed products.
- B. Ensure that the primary use of property in the agricultural land use designations is agricultural production and related processing, support services and visitor serving uses, and that processing and support services be proportional and subordinate to agricultural production.
- C. Avoid detrimental concentrations of agricultural processing (including wine production) and visitor serving uses.
- D. Ensure that visitor serving uses in agricultural areas promote only agricultural products grown or processed in the local area and are secondary and incidental to agricultural production activities.
- E. Consider factors such as joint access conflicts, traffic levels, groundwater impacts, and detriment to the rural character for visitor serving uses.

### Staff Analysis:

Staff has found that the project is consistent with the goals and policies of the Agricultural Resources Element, based on the following analysis.

The property is currently being used for agricultural production, and this project would add agricultural support services, which is defined as “processing services, maintenance and repair of farm machinery and equipment, veterinary clinics, custom farming services, agricultural waste handling and disposal services and other similar services.” Visitor-serving uses that promote and market agricultural products grown onsite, including a tasting room and agricultural promotional events, are also added.

Overall, the expansion and addition of facilities on-site is essential to the proposed operation of the site as a vineyard and is scaled in proportion to the needs for processing crops grown on site. Approximately one percent (.44 acres) of the site will be used for agricultural support services and visitor serving purposes and is proportional to agricultural production on the site.

The project proposal does not include conversion of existing facilities to non-agricultural use, and there is a long history of agricultural production on this property.

The use will not require extension of sewer or water, does not detract from agricultural production, and does

not include lodging facilities. There are no nearby residential neighborhoods.

Policies for concentrations of winery production facilities and guidelines for considering approval of visitor serving uses are implemented by the Dry Creek Valley Citizen's Advisory Council Guidelines for Wineries and Events (See Analysis #3 below)

The proposed winery would not be detrimental to the rural character of the area in that the overall site is 41 acres with the vast majority devoted to vineyards. Less than ½ acre of vineyards would be removed for winery purposes. The tasting room and winery would be located outside the 200-foot Scenic Corridor setback for Dry Creek Road. The proposed buildings would be designed in an agrarian character with earth-tone colors and be partially screened from Yoakim Bridge Road by existing redwood trees. The proposed use would be subordinate to the primary agricultural use (vineyard) of the property.

## **Issue #2: Zoning Consistency**

The proposed winery use is permitted through a Use Permit and Design Review in the Land Intensive Agriculture District zoning district. The property also has combining zones of Accessory Dwelling Unit Exclusion (Z), Floodway (F1), Riparian Corridor with 50-foot and 100-foot setbacks (RC 50/50 and 100/50), Scenic Resources (SR), and Valley Oak Habitat (VOH).

### Staff Analysis:

*Zoning Code Development Standards.* The proposal complies with the development standards in that:

- A. All setback requirements for property lines, road centerlines, floodway, and riparian corridors are met.
- B. The project complies with the lot coverage requirements in that the winery and tasting room buildings occupy 42,534 square feet of the site where the Zoning Code limits buildings to a maximum of 90,169 square feet.
- C. The proposed buildings comply with height standards in that they are 33 feet where the Zoning Code has a maximum of 35 feet.
- D. The project complies with parking requirements with a total of 144 spaces, including 33 gravel spaces for employees and guests, 14 employee-only spaces, and 97 unpaved spaces in the vineyard for special events. The number of parking spaces is updated from the number in the MND.
- E. Office uses are six percent of the winery where 15 percent is the maximum allowed.

*Scenic Landscape Unit.* The two new buildings (tasting room and production facility) are designed in an agrarian character with earth tones, to blend in with the character of the area. The proposed buildings are sited to be minimally visible from Dry Creek Road and Yoakim Bridge Road. Views from Dry Creek Road and Yoakim Bridge Road would remain primarily vineyards. Existing vegetation and trees partially screen viewpoints along Yoakim Bridge Road.

The project is subject to Design Review, and conditions of approval require final Design Review Committee approval prior to issuance of a building permit. A colors and materials board will be submitted with Design Review to confirm compatibility. Conditions have also been placed on the Use Permit for downward cast

lighting and security lighting with motion detector only.

*Riparian Corridor.* A portion of the property extends into the riparian corridor of Dry Creek, which borders the property. The Dry Creek corridor in this area is characterized by the top of bank, a riparian area ranging from approximately 100-150 feet from the top of bank, and a five-foot man-made berm along the edge of the vineyards. The berm has breaks in it in the vicinity of the proposed tasting room. The area on the east side of berm is planted in vineyards. The proposed driveway abuts the berm in an area that currently serves as a turnaround for agricultural equipment, and trees in the riparian corridor overhang the berm and the proposed driveway. The proposed tasting room is located 195 feet from the top of bank and approximately 45 feet from the manmade berm. No removal of vegetation or work along Dry Creek is proposed with this project. All elements of this project are outside of the Riparian Corridor.

*Valley Oak Habitat.* The Valley Oak Habitat (VOH) covers most of the site. However, there are no valley oaks in the area with the VOH overlay. No trees will be removed or impacted.

*Floodway.*

The project does not interfere with the floodway zone of Dry Creek.

*Accessory Dwelling Unit Exclusion.*

The project does not propose an Accessory Dwelling Unit.

### **Issue #3: Agricultural Promotional Events and Concentration of Uses in the Dry Creek Valley**

Compatibility of wineries with agricultural properties and overconcentration has become a significant issue in the Dry Creek Valley. In 2015, the Board of Supervisors directed Permit Sonoma staff to develop regulations addressing agricultural promotional events at wineries and vineyards (e.g. weddings, concerts) and potential overconcentration. In 2015, the Director of Permit Sonoma formed a Working Group of industry representatives and neighborhood groups to advise and inform the development of new regulations. In 2016, the Board of Supervisors directed staff to formulate policies on winery events for three areas of local concentration, including Dry Creek Valley. On May 19, 2020, the Board of Supervisors conducted a winery event workshop. The primary guidance from the Board was to focus on local guidelines. Dry Creek Valley has developed local guidelines, and the Westside Road and Sonoma Valley councils are in process of developing their own guidelines. County staff is also preparing better definitions of winery “activities” and “events.” The workshop also provided the results of a traffic analysis.

On March 21, 2018, the Dry Creek Valley Citizens Advisory Council (DCVCAC) adopted area-specific guidelines for their use in making recommendations on projects involving visitor serving agricultural uses. This guidance document is specifically for visitor serving applications involving tasting rooms, promotional activities and events. This document also provides guidance on concentration, stating: “*Different areas within the Dry Creek Valley are distinct in terms of concentration of residents, wineries and other developed uses, so it is difficult to establish specific limits. Requests for new use permits that take density into consideration and seek to reduce the impact on nearby existing wineries or residences will be viewed more favorably. Such factors as the proximity to other wineries, residences and intersections will be considered. In general, projects that are not clustered around existing developed uses or are closer to major highways will be viewed as more favorable.*” The complete set of guidelines is found in Attachment 9.

The Dry Creek Valley Citizen’s Advisory Council recommended approval of this project on February 16, 2017 with the following conditions (see Attachment 8 for minutes):

- A. No third-party rentals of facility;
- B. Two seasonal events limited to 200 people; and
- C. Outdoor amplified music ending at 9:00 pm and events ending at 10:00 pm.

Three members of the public spoke at the DCVCAC meeting with concerns about concentrations of wineries. Members of the DCVCAC considered all the comments and found that the proposed project would not constitute an overconcentration with the above conditions.

Although the DCVCAC considered this request prior to their adoption of the guidelines, it is important to consider the guidelines as they are the community’s policy as an implementation of General Plan policies AR-6d and AR-6f. In evaluating the project’s compliance with DCVAC guidelines, the following elements are relevant. A detailed analysis of the project’s compliance with the guidelines can be found in Attachment 10.

- A. *Concentration of Wineries.* The guidelines recognize that it is difficult to establish specific limits on concentrations and that projects not clustered around existing developed uses or are closer to major highways will be viewed as more favorable.
  - 1. A standard as to how far to measure other projects has not been established by Permit Sonoma. Based on similar discussions on other wineries in the Dry Creek Valley as part of the hearing process, a radius of 1.5 miles was used to evaluate concentrations in this vicinity. A map and list of the 23 other wineries in the 1.5-mile radius can be found in Attachment 10
  - 2. Adding one more winery and tasting room in this vicinity along Yoakim Bridge Road does not result in an overconcentration based on the factors identified below.
  - 3. The closest winery (Yoakim Bridge Winery on Dry Creek Road) is over 2,000 feet away. The proposed winery is not clustered near other wineries.
  - 4. The closest residences are 450 - 810 feet measured to the residential property line.
  - 5. The project takes direct access from Yoakim Bridge Road near the intersection of Dry Creek Road. There are no joint access conflicts as the project does not share a private driveway.
- B. *Access and Traffic:* Direct access is from Yoakim Bridge Road which is 21 feet in width. The Traffic Study concluded that roadway segments and intersections in the vicinity would not fall below LOS C with the addition of winery and event traffic. The Study also concluded that the longest queue length would be 52 feet at the westbound (Dry Creek Road) approach to Dry Creek Road and Yoakim Bridge Road, and that this queue length (two vehicles) is reasonable for an all-way stop controlled intersection. Collision rates were also analyzed with the conclusion that *“there does not appear to be a safety problem associated with the above-average incidence of collisions, though increased enforcement to reduce speeding might be beneficial”*.

The Traffic Study concluded that no queues are projected to form on Yoakim Bridge Road. Drivers are



expected to be able to enter the driveway making right turns from Yoakim Bridge Road with little, if any, delay based on the highest volumes for the largest event. For left turns, no queuing is expected, and adequate stopping distance is available should a single vehicle stop at the driveway. A left-turn lane is not warranted at the site's driveway on Yoakim Bridge Road. Sight distance to the north (towards Dry Creek Road) from the site driveway is adequate, but seven redwood trees obscure sight lines toward oncoming traffic from the south (from West Dry Creek Road). A condition of approval requires that trees be trimmed to provide adequate sight distance.

C. *Site Characteristics:* The project complies with DCVCAC guidelines for site characteristics in that:

1. The majority of the property is planted in vineyards.
2. The project is located in a Groundwater Availability Class 1 (Major Groundwater Basins) and Dry Creek Valley is not a Sustainable Groundwater Management Act (SGMA) priority basin. An existing onsite well will serve the winery and tasting room. The project is estimated to require approximately 162,175 gallons per year (approximately 0.498 acre-feet). This amount is considered insignificant compared to overall irrigation use in the area.
3. All parking is on-site.

D. *Number and Size of Events:* The project complies with DCVAC guidelines for number and size of events in that:

1. The facility will not be rented out to a third party.
2. Tasting room hours are 10 am - 5 pm.
3. A total of 16 events are proposed which generally complies with DCVCAC guidelines. The applicant revised the project to propose a maximum of 200 guests for seasonal events as recommended by DCVCAC, instead of the 300 originally proposed.
4. Eight industry-wide event days are proposed where the guidelines allow up to 15.

E. *Noise:* The Noise Study concludes that noise generated by the project will meet County standards, mostly due to the fact that the closest residences are 450-810 feet from the proposed winery. Outdoor amplified music will end by 9:00 pm.

F. *Food Service:* Food service will not be operated as a restaurant. The commercial kitchen will support catered events as well as providing a kitchen for smaller food/wine pairing events. The winery will showcase locally grown foods. The tasting room will sell pre-packaged food items, such as olives, meat, cheeses, baked goods and other items that are locally produced, as allowed by the guidelines.

G. *Facility Characteristics:* The 30,000 case winery fits with the scale of existing wineries in the Dry Creek Valley which range from 500 - 350,000 cases. Accommodations for private guests are not proposed.

## Issue #5: Greenhouse Gas Reductions

The applicant has provided project "green" features. These features are designed to contribute to the

County's efforts to maximize reductions to achieve no net emissions. Included are: secure bicycle parking, electric vehicle charging station, electric machinery, LED lights for tasting room, propane forklifts, and possible future installation of solar panels.

### **Issue #6: Neighborhood and Public Comments**

The Dry Creek Valley Citizen's Advisory Council recommended approval of the project on December 16, 2017. Three members of the public spoke at the meeting with concerns about overconcentration of wineries.

The applicant conducted further outreach in October 2019. The applicant submitted the following statement.

*We went around to all our immediate neighbors to discuss our winery and tasting room project. After explaining what we had in mind for our family winery & tasting room we received full support from each of our neighbors. The people we spoke with are as follows:*

*Lou Preston, Preston Vineyards & Winery*

*Chris Gallo*

*Steve Zichichi, Zichichi Family Vineyards*

*Gayle & Brian Sullivan, Dry Creek Peach & Produce*

*Michael Talty, Talty Winery*

*David Coffaro, David Coffaro Winery*

After the release of the IS/MND on April 26, 2020, letters of opposition were received from Charlee Schanzler, Mary Roy, Nadine Roy, Bob Covert, and Margaret Weiser. Their opposition is based on the size of the winery and the number of events and resulting traffic and noise impacts.

### **Environmental Determination**

Pursuant to the California Environmental Quality Act, an Initial Study/Mitigated Negative Declaration (IS/MND) was prepared and released for a 30-day review on April 24, 2020. The IS/MND identified certain topics as "potentially Significant Impact" or "Less than Significant with Mitigation," in the areas of Biological Resources, Noise, and Transportation. Mitigation measures would reduce all impacts to less than significant, as detailed in the Mitigated Negative Declaration, and are incorporated into the conditions of approval. One comment from Department of Toxic Substances Control (DTSC) was received, which did not change the conclusions of the document in that the conditions of approval address the DTSC comments.

### **Staff Recommendation**

Staff recommends adoption of the Mitigated Negative Declaration and approval of the Use Permit, subject to the attached Conditions of Approval.

### **Prior Board Actions:**

The Board of Supervisors took action to assert original jurisdiction on July 14, 2020.

### **FISCAL SUMMARY**

### **Narrative Explanation of Fiscal Impacts:**

None. The applicant pays for the costs of processing the Use Permit application.

**Staffing Impacts:**

N/A

**Narrative Explanation of Staffing Impacts (If Required):**

**Attachments:**

- ATT 1: Conditions of Approval
- ATT 2: Board of Supervisors Resolution
- ATT 3: Vicinity Map
- ATT 4: Aerial Map
- ATT 5: General Plan Land Use Map
- ATT 6: Zoning Map
- ATT 7: Site Plan
- ATT 8: DCVCAC Minutes
- ATT 9: DCVCAC Guidelines for Wineries
- ATT 10: Detailed Analysis of Compliance with DCVCAC Guidelines
- ATT 11: Public Comments

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

Mitigated Negative Declaration