



County of Sonoma
Permit & Resource Management Department

Second Revised Subsequent Mitigated Negative Declaration

Sonoma County Permit and Resource Management Department
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Public Review Period Closes: July 8, 2021
State Clearinghouse: 2007022038
Permit Sonoma File Number: PLP05-0009
Prepared by: Blake Hillegas
Phone: (707) 565-1392

Project Name: VJB Vineyard and Cellars

Project Applicant: Henry Belmonte, VJB Vineyard and Cellars

Project Address: 60 and 75 Shaw Avenue (formerly 9125 Highway 12), Kenwood

File No.: PLP05-0009

APN: 050-275-028 (Wine tasting, market, and restaurant) and -052 (proposed off-site parking)

General Plan: Limited Commercial

Zoning Designation: C1 (Neighborhood Commercial), SR (Scenic Resource)

Project Planner: Blake Hillegas, Project Planner

Decision Body: Board of Zoning Adjustments

Lead Agency: County of Sonoma, Permit and Resource Management Department

Prior MND: SCH No. 2007022038, adopted October 9, 2007
Draft Subsequent MND dated January 13, 2020
Draft Revised Subsequent MND dated July 27, 2020
Draft Second Revised Subsequent MND dated June 8, 2021

Introduction:

The Sonoma County Permit and Resource Management Department ("Permit Sonoma") prepared this Second Revised Subsequent Mitigated Negative Declaration and Subsequent Initial Study (collectively, "updated revised SMND" or "SMND") in accordance with the California Environmental Quality Act (CEQA, Public Resources Code §§ 21000 et seq.) and the CEQA Guidelines (Cal. Code Regs., title 14, §§ 15000 et seq.). The proposed project is modifications to an existing use permit for the VJB tasting room and

marketplace project that was originally approved by the Sonoma County Board of Supervisors on October 7, 2007. Permit Sonoma has determined that the Mitigated Negative Declaration adopted for the project by the Board of Supervisors in October 2007 retains some informational value, and in accordance with CEQA's subsequent review requirements this updated revised SMND accordingly focuses on screening for and analyzing new and potentially significant impacts caused by the currently proposed changes to the existing project.

The SMND was initially circulated in January 2020, and a revised SMND was circulated in July 2020, but neither document was adopted, and there has not been a public hearing on or approval of the proposed project. The SMND circulated in July reflected deletion of a mitigation measure requiring installation of a turn lane on Highway 12 due to changes in the project and due to a determination that the mitigation measure is legally infeasible. This second revised SMND/Initial Study is being updated and recirculated to include the applicant's proposed modified left turn lane design, which will be included as part of the project via a Condition of Approval for the currently proposed project.

Project History:

In 2007, the Board of Supervisors adopted a Mitigated Negative Declaration (the "2007 MND") and approved use permit PLP05-0009 (the "2007 use permit") for 9125 Highway 12 (APN 050-275-028), now 60 Shaw Avenue, in Kenwood. The 2007 MND studied and the 2007 use permit approved construction and operation of an approximately 5,542 square foot commercial market and wine tasting facility and a 1,087 sq. ft. bed and breakfast inn, including the following components:

- 750 square foot wine tasting room;
- 750 square foot "to-go" deli and retail food market serving prepared foods for off-site or on-site consumption;
- 1,500 square foot upstairs office space;
- 400 square foot storage area;
- 342 square foot utility space/restroom area;
- 1,800 square foot case good storage building;
- Conversion of an existing residence on the site to a 1,087 square foot bed and breakfast inn; and,
- Outdoor patio and picnic area.

The patio/picnic area was approved for on-site food and wine consumption and the approved site plans showed four picnic tables in the picnic area. This would accommodate approximately 32 seats. A full commercial kitchen was not permitted and food service was limited to prepackaged food and prepared deli food for consumption in the patio picnic area. Up to fifteen 100-person special events were permitted per year with catered food, but only after construction of a left-turn lane on Highway 12, as discussed below. No wine production was permitted to occur on site.

Several mitigation measures were identified in the 2007 MND to mitigate the traffic impacts of the project. These mitigation measures were agreed to by the applicant and adopted as conditions of approval of the 2007 use permit, including a requirement that before the applicant engages in special events or extends operating hours, a left turn lane pocket on Highway 12 must be constructed to allow northbound vehicles to safely turn onto Shaw Avenue, and a requirement that the applicant dedicate right of way to accommodate widening of Shaw Avenue and install a right turn lane.

As noted, the 2007 use permit approved up to 15 special events per year with up to 100 guests per event. Hours of operation for the market and wine tasting are approved from 10 a.m. to 4 p.m. but are allowed to be expanded to 8 a.m. to 5 p.m. once construction of a left-turn lane onto Shaw Avenue from Highway 12 is completed. Similarly, events are approved up to 10 p.m. once the turn lane is installed.

Existing Facilities: The constructed facilities vary slightly from the approved square footages in the 2007 use permit for several reasons: minor deviation in square footage occurred through the routine issuance

of building/construction permits and were authorized under administrative discretion afforded to the Permit Sonoma Director; a 400-foot storage area was converted to a caterer's kitchen under Building Permit BLD09-2123; the bed and breakfast inn was converted to principally permitted retail space under Building Permit BLD12-4669; and a 275 foot commercial kitchen on the patio (not clearly disclosed on building plans) was installed via Building Permit BLD11-4212, in violation of the 2007 use permit, which expressly did not permit a commercial kitchen. Currently existing facilities and activities on the site include the following:

- 833 square foot wine tasting room;
- 781 square foot retail market;
- 400 square foot indoor commercial kitchen;
- 342 square foot storage and restrooms area;
- 275 square foot commercial kitchen and patio bar;
- 1,615 square foot 2nd story open room;
- 1,087 square foot retail shop and clothing store (former bed and breakfast inn);
- 1,800 square foot case goods storage building; and
- 3,705 square foot outdoor patio dining area.

The total square footage of existing commercial building space is 7,133 sq. ft.

The outdoor patio currently includes a dining area with restaurant service and approximately 144 table seats. The site contains 34 parking spaces (21 paved and 13 unpaved) where the approved 2007 site plans required 54 on-site spaces. Two-way vehicular access to the parking lot is provided from Shaw Avenue. Additional vehicle egress has been allowed via the existing driveway on Maple Avenue through an administrative approval. The site also contains an approximately 0.6-acre demonstration vineyard and two in-ground septic systems with a total 900-gallon capacity. As is discussed in this updated revised SMND, the commercial project approved by the 2007 use permit was constructed and is in operation, including expanded patio food service beyond the scope of the approved Use Permit. The left-turn lane was never constructed and the scale of the commercial food service has exceeded the scope of the previously studied and approved project. The patio food service has been in operation since 2012. Since approximately 2018 the applicant has used an unimproved parcel at 75 Shaw Avenue for commercial parking. The turn lane on Highway 12 required by the original conditions of approval was never installed.

Project Description:

The applicant requests modifications to its 2007 use permit and associated conditions of approval and mitigation measures approved in the 2007 MND, as follows and as shown on the attached updated site plans:

1. Authorize a restaurant with 144 patio seats within a 3,125 square foot portion of an existing patio, including the following associated modifications:
 - a. authorize daily use of the existing commercial kitchen, pizza oven and barbeque;
 - b. install a new 1,500 gallon septic system; and
 - c. construct a 53 space off-site parking lot at 75 Shaw Avenue;
2. Remove the northbound Highway 12 left-turn lane requirement as a mitigation measure tied to the permitted option to expand hours and host events, but keep it as a Condition of Approval related to the daily operation of a restaurant use;
3. Eliminate the approved option to expand hours of operation from 10 a.m.–4 p.m. to 8 a.m.-5 p.m.;
4. Eliminate the approved option to host up to 15 annual, 100-person special events up to 10 p.m.;
5. Modify the mitigation measures and correlating use permit conditions requiring dedication of a right turn lane on Shaw Avenue and substituting installation of a right turn lane on Shaw Avenue within the existing right of way by eliminating on-street parking and restriping;
6. Prohibit on-street parking on both sides of Shaw Avenue from Highway 12 to Clyde Avenue; and

7. Authorize the Maple Avenue driveway for commercial egress.

Previous CEQA Documents For This Project

The MND adopted for the project in 2007 included a mitigation measure to install a left turn lane on Highway 12 tied to an option to expand hours and host events in the evening. The mitigation measure was never triggered as the applicant chose not to expand hours and host evening events.

The Subsequent MND circulated in January 2020, retained the left turn lane mitigation measure but the project was put on hold before it was considered by the BZA. It also included a proposed mitigation measure substantially restricting customer capacity due to septic constraints. Mitigation was also added for parking lot noise and potential discovery of Tribal Cultural Resources associated with ground disturbing activities.

The revised Subsequent MND circulated in July 2020 removed the requirement for the left turn lane mitigation measure because the option to expand hours and host evening events was no longer proposed. The mitigation measure limiting daily customer capacity was modified to allow more capacity based on a modified proposal to install a new expanded septic system. The project was again put on hold before it was considered by the BZA. Because the SMND and revised SMND were not adopted, the 2007 approval remains in effect.

Baseline for CEQA Analysis

Pursuant to CEQA Guidelines section 15125, the baseline for the evaluation of environmental impacts is the existing condition when the environmental analysis begins. The baseline for analysis in this updated Revised Subsequent IS/MND is the existing activities occurring at the site at the time subsequent environmental review was initiated in 2014, not the activities approved under the 2007 use permit. Therefore, baseline conditions for the updated CEQA analysis include operation of the outdoor patio restaurant use that has been in operation since 2012, but not proposed development of the proposed new parking lot or septic system. Judicial opinions have consistently interpreted Guideline 15125(a) to mean that the baseline for CEQA analysis is the existing conditions, "even if the current condition includes unauthorized and even environmentally harmful conditions that never received, and, as a result of being incorporated into the baseline, may never receive environmental review." (*Center for Biological Diversity v. Department of Fish & Wildlife* (2015) 234 Cal.App.4th 214, 249.)

Therefore, this document addresses the potential environmental impacts associated with proposed changes in mitigation measures and proposed physical changes after the Use Permit modification was first submitted and updated environmental analysis began in 2014. Physical changes include:

- 1) constructing an outdoor parking lot at 75 Shaw Avenue;
- 2) installing a new 1,500 gallon septic system;
- 3) eliminating the required Highway 12 left-turn lane as a mitigation measure, but maintaining a modified left-turn lane within the existing right of way requirement as a Condition of Approval;
- 4) removing on-street parking on a portion of Shaw Avenue; and
- 5) substituting a mitigation measure by creating a right turn lane in the existing right of way by eliminating on-street parking and restriping Shaw Avenue instead of requiring dedication and widening to accommodate a right turn lane.

Because the commercial kitchen and restaurant activities were already in operation when the Subsequent Mitigated Negative Declaration was initiated, the associated impacts from these uses are not analyzed as potential CEQA impacts (as described below).

The 2007 MND included a mitigation measure requiring construction of a left turn lane on Highway 12. This mitigation measure was modified by the Board of Supervisors as part of its approval and, as required

by CEQA, was incorporated into the conditions of approval for the project. Under CEQA, an adopted mitigation measure may not be modified or deleted unless there is substantial evidence to show that the mitigation is no longer needed or another mitigation measure would be equally or more effective, and substantial impacts would not increase as a result of the change. A mitigation measure may also be deleted after approval if the measure proves to be infeasible. As discussed further under the Transportation Section, it has been determined that requiring the Highway 12 northbound turn lane, as specified in the 2007 MND and Conditions of Approval, is legally infeasible as a CEQA mitigation measure because the burden of the mitigation measure was not reasonably related to the project's contribution to a cumulative impact. However, the applicant recognizes the merits of the turn lane due to cumulative traffic volumes and is proposing to install a modified left turn lane design within the existing right of way. Similarly, the mitigation requirement for a dedicated right turn lane on Shaw Avenue cannot be modified or deleted unless there is substantial evidence that the mitigation measure is no longer necessary or another mitigation measure would be equally or more effective and substantial impacts would not increase as a result of the change.

CEQA Standard for Subsequent MND

CEQA Guidelines Sections 15162 through 15164 set forth the criteria for determining the required environmental documentation when there is a previously adopted negative declaration covering a project for which subsequent discretionary review is required. Permit Sonoma prepared this updated revised SMND to the previously adopted 2007 MND. This SMND is governed by CEQA Guidelines §15162(a), which provides that where a negative declaration has been adopted for a project, no subsequent EIR or negative declaration "shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in light of the whole record, one or more of the following:

- (1) Substantial changes are proposed in the project which will require major revision 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
- (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."

Section 15162(b) provides that if a subsequent EIR is not required under section 15162(a), then "the lead agency shall determine whether to prepare a subsequent negative declaration, an addendum, or no further documentation."

This revised SMND does not "re-open" the previously adopted 2007 MND. Instead, as required by CEQA,

this revised SMND examines the difference in impacts that would result from the current request for modification of the 2007 use permit, compared to those of the project analyzed under the 2007 MND and considering the baseline conditions on the project site. The SMND evaluates whether the County's approval of the proposed modifications to the 2007 use permit trigger the need for a subsequent EIR under CEQA Guideline Section 15162(a), as described above. This SMND examines whether approval would result in a new significant environmental effect or a substantial increase in the severity of a previously identified significant effect due to:

- (1) Substantial changes proposed in the project;
- (2) Substantial changes that would occur with respect to the circumstances under which the project is undertaken; 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 2007 MND was adopted.

As is more fully explained below, Permit Sonoma has reviewed the information regarding the current proposal to modify the 2007 use permit, and determined that a subsequent EIR is not required and that this Second Revised SMND to the previously-adopted MND is appropriate. The current project proposal, as described in this Second Revised Subsequent Initial Study, will result in few changes to the physical environment and does not amount to substantial change to the previously studied project; there is no substantial change in the circumstances of the project; and there is no new information that could not have been known with the exercise of reasonable diligence that will result in a new significant environmental effect or a substantial increase in the severity of a previously identified significant effect. While the existing conditions that form the baseline for CEQA analysis are not identical to the project analyzed in the 2007 MND, Permit Sonoma has determined that the 2007 MND remains relevant to analysis of the current proposed project and retains informational value.

Environmental Factors Potentially Affected: As identified in the attached Initial Study, the proposed modified project identifies potentially significant impacts, and includes new or modified mitigation measures, in topic areas of Hydrology, Noise, Transportation, and Tribal Cultural Resources that would reduce potential impacts to a less than significant level. In addition, and as summarized above, mitigation measure Traffic-1, adopted as part of the 2007 MND and deferred as provided in the conditions of approval adopted by Board of Supervisors Resolution 07-0846 (October 3, 2007), is being deleted due to legal infeasibility and because changes in the proposed project that render it moot. Mitigation measures Traffic-2 and Traffic-3 from the 2007 MND have been modified and substituted with measures that are equally or more effective and do not cause new significant impacts. New Mitigation Measures added due to the proposed project also include monitoring for potential Tribal Cultural Resources, installation of an acoustical fence to address parking lot noise adjacent to residential areas, and limitations on the number of meals served and tastings due to the septic design capacity.

Other Public Agencies whose approval is required for the project:

- Army Corps of Engineers/404 Permit
- Regional Water Quality Control Board
- California Department of Fish and Game 1600 Permit
- California Coastal Commission
- Department of Emergency Services Hazardous Materials Plan
- Caltrans Encroachment Permit
- State Lands Commission
- US Fish and Wildlife Consultation
- NOAA Fisheries Consultation
- State Water Resources Control Board

Environmental Finding:

Based upon the information contained in the second revised Subsequent Initial Study, there will be no significant environmental effect resulting from this project provided that the identified mitigation measures are implemented as conditions of approval and incorporated into the project. The environmental impacts reviewed are limited to only those new impacts resulting from changes to the project or changes in circumstances. This SMND has been completed in compliance with the California Environmental Quality Act (CEQA) and state and local CEQA guidelines. The applicant must agree in writing to incorporate the identified mitigation measures before the MND may be adopted.

Location of Prior MND: Available for review upon request. Contact Blake.Hillegas@sonoma-county.org or (707) 565-1392 for an electronic copy.

Second Revised Subsequent Initial Study: Attached

Other Attachments: Addendum to Updated Traffic Impact Study, July 20, 2020; Updated Traffic Study by W-Trans, July 2019; Updated Caltrans Comment Letter, October 2019; Consultant Peer Review Letter, January 2019; Noise Study by Illingworth and Rodkin Inc., Dimensions 4 Septic and Water Use Letter, August 2019; Dimensions 4 Septic and Wastewater analysis Letter November 2019; Well and Septic Letter on Septic capacity June 2020; Septic Design Flow Rates; and Site Plan by BKF Engineers.

Blake Hillegas June 2021
Preparer *Date*

INITIAL STUDY CHECKLIST

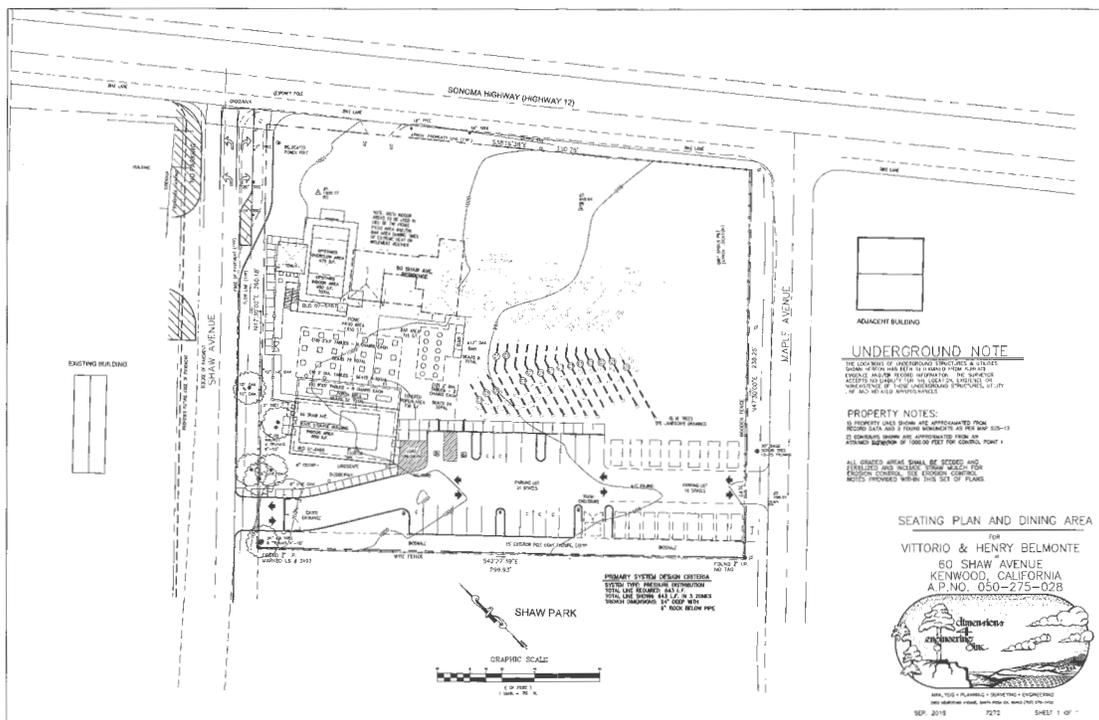
FILE #: PLP05-0009 **PLANNER:** Blake Hillegas

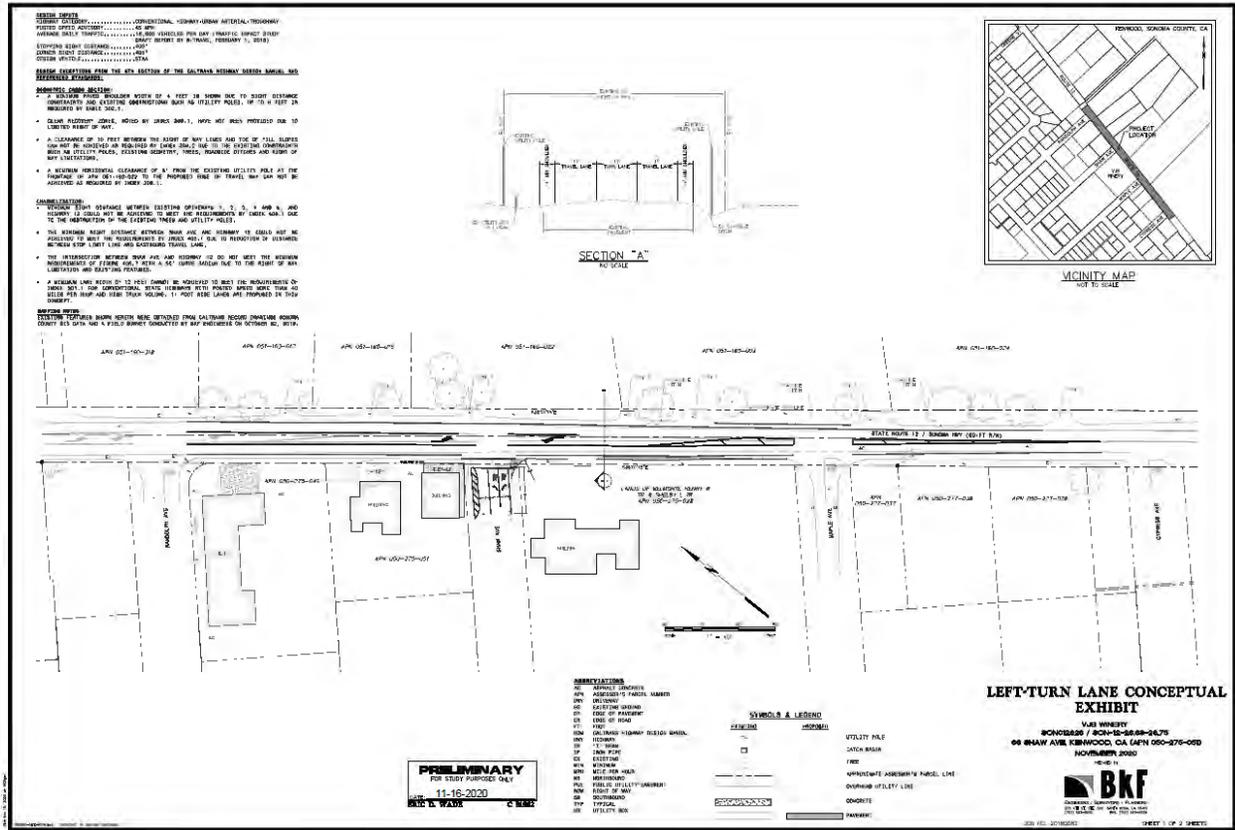
DESCRIPTION OF PROJECT:

The project description is detailed in the introduction to this revised Subsequent Initial Study and proposed SMND.

Site Characteristics:

The site contains 7,133 square feet of commercial building space and wine storage facilities as noted in the project description in the introduction to this revised Subsequent Initial Study and proposed SMND.





SURROUNDING LAND USES AND SETTING: The surrounding area is characterized by retail commercial uses fronting Highway 12 with single-family residential neighborhoods off the highway. Land uses in the vicinity of the project include:

- North: Commercial and residential
- South: Shaw Park/Residential
- West: Commercial
- East: Residential and commercial

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, which is a subsequent activity under the Mitigated Negative Declaration adopted by the Board of Supervisors in 2007 (the "2007 MND"). The purpose of the following checklist is to make an initial determination of whether these are new or substantially more severe impacts relative to those disclosed in the 2007 MND.

- | | | |
|---|--|---|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Agricultural & Forest Resources | <input checked="" type="checkbox"/> Air Quality |
| <input type="checkbox"/> Biological Resources | <input checked="" type="checkbox"/> Cultural Resources | <input type="checkbox"/> Energy |
| <input type="checkbox"/> Geology/Soils | <input type="checkbox"/> Greenhouse Gas Emission | <input type="checkbox"/> Hazards & Hazardous Materials |
| <input checked="" type="checkbox"/> Hydrology/Water Quality | <input type="checkbox"/> Land Use and Planning | <input type="checkbox"/> Mineral Resources |
| <input checked="" type="checkbox"/> Noise | <input type="checkbox"/> Population/Housing | <input type="checkbox"/> Public Services |
| <input type="checkbox"/> Recreation | <input checked="" type="checkbox"/> Transportation | <input checked="" type="checkbox"/> Tribal Cultural Resources |
| <input type="checkbox"/> Utilities/Service Systems | <input type="checkbox"/> Wildfire | <input type="checkbox"/> Mandatory Findings of Significance |

DETERMINATION

The project (modifying use permit PLP05-0009) has been evaluated pursuant to the provisions of CEQA Guidelines sections 15162-15164 to determine whether a subsequent EIR or mitigated negative declaration, a supplemental EIR, or an addendum to the prior mitigated negative declaration is required. The analysis compares the impacts identified in the 2007 MND with those expected to result from the subsequent activity to determine whether the activity would result in any new or substantially more severe significant effect. No subsequent or supplemental document is necessary if the impacts of the subsequent activity do not exceed those identified in the 2007 MND.

On the basis of this Initial Study, although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A SUBSEQUENT MITIGATED NEGATIVE DECLARATION will be prepared.

EVALUATION OF IMPACTS

The checklist below is taken from Appendix G of the State CEQA Guidelines. For each item, one of four responses is given:

- **No Impact:** The modifications to the project would not have the impact described. The project may have a beneficial effect, but there is no potential for the project to create or add increment to the impact described.
- **Less Than Significant Impact:** The modifications to the project would have the impact described, but the impact would not be significant. Mitigation is not required, although the project applicant may choose to modify the project to avoid the impacts.
- **Potentially Significant Unless Mitigated:** The modifications to the project would have the impact described, and the impact could be significant. One or more mitigation measures have been identified that will reduce the impact to a less than significant level.
- **Potentially Significant Impact:** The modifications to the project would have the impact described, and the impact could be significant. The impact cannot be reduced to less than significant by incorporating mitigation measures. An environmental impact report must be prepared for this project.

Each question was answered by evaluating the project as proposed, that is, without considering the effect of any added mitigation measures. The Initial Study includes a discussion of the potential impacts and identifies mitigation measures to substantially reduce those impacts to a level of insignificance where feasible. The project remains subject to all applicable mitigation measures from the 2007 MND, except as specified in this document. The key question for impacts analysis is not whether the proposed project will have a significant impact on the environment, but instead whether it will have a new or substantially more severe impact as compared to the conclusions in the 2007 MND and the baseline for CEQA analysis discussed above. All references and sources used in this Initial Study are listed in the Reference section at the end of this report. References are available for inspection upon request at Permit Sonoma.

Before this SMND may be adopted and the project approved, the Project Applicant must agree to accept all mitigation measures listed in this Initial Study as conditions of approval for the proposed project, and to obtain all necessary permits, notify all contractors, agents and employees involved in project implementation and any new owners should the property be transferred to ensure compliance with the mitigation measures.

1. AESTHETICS

Potentially Significant Impact Less Than Significant with Mitigation Less than Significant Impact No Impact

Except as provided in Public Resources Code Section 21099, would the modifications to the project:

- a) Have a substantial adverse effect on a

- | | | | |
|---|-----|-----|--------------|
| scenic vista? | ___ | ___ | <u> X </u> |
| b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? | ___ | ___ | <u> X </u> |
| c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality? | ___ | ___ | <u> X </u> |
| d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? | ___ | ___ | <u> X </u> |

1.a. Less Than Significant. Compared with existing conditions and the project analyzed by the 2007 MND, there are no changes in the proposed project or changes in circumstances under which the project is undertaken that would cause a substantial adverse effect on a scenic vista. Public views to Hood Mountain would not be adversely impacted by the project as no new buildings are proposed. The 2007 MND determined that implementation of the approved project would not result in any significant adverse aesthetic impacts. Construction of the new septic system would result in the removal and replanting of some of the existing grape vines, however vines next to the building and highway would remain. The new parking lot at 75 Shaw Avenue is located behind existing commercial buildings and will include landscaping along the Shaw Avenue frontage. The proposed modifications to Shaw Avenue to provide a right turn lane will result in similar or less visual impact as it will not require physical expansion of the roadway. As such the project modifications would not substantially degrade the visual character or public views of the site and its surroundings. The existing tasting room, market and food service buildings are part of the existing physical condition. Therefore, prior mitigation requiring Design Review committee approval of the final plans is no longer necessary. For information purposes, the existing structures are set back 55 feet from Highway 12, which is designated as a County scenic corridor. This complies with Ordinance 1810, which prescribes a setback equal to 20% of the lot depth or 55 feet. Highway 12 is also designated as a state scenic highway at this location, which requires that new development be compatible with the scenic character of the roadway. The existing buildings and proposed site improvements are compatible with the character of the Highway 12 corridor in Kenwood.

1.b. No Impact. Compared with existing conditions and the project analyzed by the 2007 MND, there are no changes in the proposed project or changes in circumstances under which the project is undertaken that will substantially damage scenic resources in a state scenic highway. The project will have no effect on trees, rock outcroppings, historic buildings or other scenic resources in a state scenic highway.

1.c Less Than Significant. Compared with existing conditions and the project analyzed by the 2007 MND, there are no changes in the proposed project or changes in circumstances under which the project is undertaken that would substantially degrade existing visual character or quality of public views of the site and its surroundings. As noted above, no change is proposed to the existing structures on the site. The design and scale of the existing buildings will not change with the use permit modifications and are

compatible with other commercial buildings in the area. As previously noted, replacement of the septic system and the addition of a new parking lot at 75 Shaw Avenue will not substantially degrade the character of the neighborhood or public views from the scenic corridor. No lighting of the new parking lot is proposed. Installation of the Shaw Avenue right turn lane as proposed will not result in substantial changes in the visual character of the area compared to the approved project.

1.d Less Than Significant. Compared with existing conditions and the project analyzed by the 2007 MND, there are no changes in the proposed project or changes in circumstances under which the project is undertaken that would create a new source of substantial light or glare that would adversely affect day or nighttime views in the area. The project modifications do not involve new lighting. No new lighting is proposed as the new parking lot would only be used during day time hours. The 2007 Mitigated Negative Declaration required mitigation measure for potential lighting impacts, which have been implemented.

2. AGRICULTURE RESOURCES

Potentially Significant Impact	Less than Significant with Mitigation	Less than Significant Impact	No Impact
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Would the modifications to the project:

- | | | | | |
|--|-------|-------|-------|--------------|
| a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? | _____ | _____ | _____ | <u> X </u> |
| b) Conflict with existing zoning for agricultural use, or a Williamson Act contract? | _____ | _____ | _____ | <u> X </u> |
| c) Conflict with existing zoning for or cause rezoning of, forest land, timber land, or timberland zoned Timberland Production? | _____ | _____ | _____ | <u> X </u> |
| d) Result in the loss of forest land or the conversion of forest land to non-forest use? | _____ | _____ | _____ | <u> X </u> |
| e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use? | _____ | _____ | _____ | <u> X </u> |

2.a. through 2.e. No Impact. Compared with existing conditions and the project analyzed by the 2007 MND, there are no changes in the proposed project or changes in circumstances under which the project is undertaken that would have impacts to agricultural resources. Since the 2007 MND was adopted, there are no changes in the project or changes in circumstances under which the project is undertaken that would result in conversion of prime farmland to non-agricultural use. According to the Sonoma County Important Farmlands Map-2000, the project sites are designated as urban land, so there will be no impact to farmlands. Furthermore the property is not zoned for agricultural use, and is not in a Williamson Act contract. The project would not impact forest or timberland or result in the conversion or loss of forest land because disturbance is on previously developed areas. The project does not involve other changes in the

environment that could result in conversion of farmland to non-agricultural use. Therefore no impacts will occur to agricultural resources.

3. AIR QUALITY

Potentially Significant Impact	Less than Significant with Mitigation	Less than Significant Impact	No Impact
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Would the modifications to the project:

- | | | | |
|---|-------|--------------|--------------|
| a) Conflict with or obstruct implementation of the applicable air quality plan? | _____ | _____ | <u> X </u> |
| b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard? | _____ | <u> X </u> | _____ |
| c) Expose sensitive receptors to substantial pollutant concentrations? | _____ | _____ | <u> X </u> |
| d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people? | _____ | _____ | <u> X </u> |

3.a. Less Than Significant Impact. Compared with existing conditions and the project analyzed by the 2007 MND, there are no changes in the proposed project or changes in circumstances under which the project is undertaken that would conflict with an air quality plan. The project is within the jurisdiction of the Bay Area Air Quality Management District (BAAQMD). The Bay Area District does not meet federal or state standards for ozone precursors, and has adopted an Ozone Attainment Plan and a Clean Air Plan describing steps that will be taken to bring air quality in the district into compliance with federal and state Clean Air Acts' ozone standards. The plans deal primarily with emissions of ozone precursors (nitrogen oxides and volatile organic compounds (hydrocarbons)). Due to existing baseline conditions, the only potential air quality impacts would be from construction and operation of a new septic system, parking lot and road improvements. Construction and operation of these facilities will not conflict with the District's air quality plans to reduce emissions because use of the parking lot would not generate substantial new traffic over baseline conditions because the restaurant seating area is not expanding beyond the 2014 baseline conditions. Construction dust control mitigation would continue to apply as noted below. The provision of bike parking and dedication of land along Highway 12 to accommodate a future segment of the Sonoma Valley Trail would facilitate a multi modal transportation system in the area and help reduce vehicle miles traveled and associated air emissions from automobiles.

3.b. Less Than Significant Impact with Mitigation. Compared with existing conditions and the project analyzed by the 2007 MND, there are no changes in the proposed project or changes in circumstances under which the project is undertaken that would result in a cumulatively considerable net increase of any criteria pollutant for which the region is in non-attainment status. The BAAQMD is a non-attainment area for ozone precursors and PM₁₀ (fine particulate matter). As noted above air quality impacts associated with the modified project would be primarily related to any new construction since the restaurant activity and associated traffic emissions are already occurring. New construction for the proposed project is limited to construction of the new parking lot, installation of a new septic system, and road improvements

on Highway 12 and Shaw Avenue. This Subsequent Mitigated Negative Declaration relies on dust control mitigation from the 2007 MND which will be retained in the Conditions of Approval and be adequate to mitigate impacts associated with project modifications.

3.c. Less Than Significant Impact. Compared with existing conditions and the project analyzed by the 2007 MND, there are no changes in the proposed project or changes in circumstances under which the project is undertaken that would now result in exposure of sensitive receptors to substantial pollutant concentrations. Sensitive receptors are facilities or locations where people may be particularly sensitive to air pollutants such as children, the elderly or people with illnesses. These uses include schools, playgrounds, hospitals, convalescent facilities and residential areas. Shaw Park is located directly to the south of the project sites. The proposed use permit modifications would not result in a substantial increase in emissions. There will be no significant, long term adverse impacts from the project. Short term construction dust emissions will be controlled by the implementation of best management dust control measures as noted above.

3.d. Less Than Significant. The existing food service operation results in food smells but does not result in substantial adverse odors. Food waste and trash are required to be disposed of in a timely manner in accordance with health regulations.

4. BIOLOGICAL RESOURCES

Would the modifications to the project:

Potentially Significant Impact	Less than Significant with Mitigation	Less than Significant Impact	No Impact
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- | | | | | |
|--|-------|-------|-------|-------|
| a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? | _____ | _____ | _____ | X |
| b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? | _____ | _____ | X | _____ |
| c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? | _____ | _____ | X | _____ |
| d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native | | | | |

- wildlife nursery sites? ___ ___ ___ X
- e) Conflict with any local policies or ordinances protecting biological resources, such as tree preservation policy or ordinance? ___ ___ ___ X
- f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state Habitat conservation plan? ___ ___ ___ X

4.a. No Impact. Compared with existing conditions and the project analyzed by the 2007 MND, there are no changes in the proposed project or changes in circumstances under which the project is undertaken that would now result in a substantial adverse effect on special status species. The California Department of Fish and Game Natural Diversity Database (CNDDDB) indicates certain special status plant species that may be present in the Kenwood area. However, the location of such species is either adjacent to the Kenwood Marsh or in hillside areas. The VJB retail property is fully developed with buildings, parking, and landscaping including vineyard. Installation of the new parking lot and a new septic system would not disrupt any native vegetation. The proposed off-site parking lot site was previously developed with a single family residential dwelling, which has been demolished. The off-site parking lot has been cleared of all vegetation, except landscaping along Shaw Avenue, and new perimeter fencing has been installed. A minor drainage swale extends along the new parking lot frontage and would be modified to accommodate new parking lot access and drainage. The drainage swale does not contain any sensitive habitat.

4.b. Less Than Significant. Compared with existing conditions and the project analyzed by the 2007 MND, there are no changes in the proposed project or changes in circumstances under which the project is undertaken that would now result in a substantial adverse effect on any riparian habitat or other sensitive natural community. The areas of septic installation, parking lot site, and areas of proposed road improvements are not within any designated riparian habitat or other sensitive natural community as designated by the General Plan or the CNDDDB. Although, the preliminary plans for the proposed Highway 12 turn lane do not show encroachment into a drainage ditch on the north side of the highway, the ditch may contain low quality wetlands subject to protection under federal and state regulations. The potential for impacts to the drainage ditch and associated potential wetlands is discussed further under 4.c. below. Visual inspection of the drainage ditch along Highway 12 by a Permit Sonoma staff biologist was negative for sensitive habitat and fish and wildlife species.

4.c. Less than Significant. Compared with existing conditions and the project analyzed by the 2007 MND, there are no changes in the proposed project or changes in circumstances under which the project is undertaken that would now result in impacts which would be more substantial than previously analyzed. The preliminary plans for widening Highway 12 to accommodate the westbound turn lane do not show encroachment into existing drainage ditches. However, if plans are required to be modified under the Caltrans encroachment permit process, an existing drainage ditch located along the north side of Highway 12 could be impacted. This drainage ditch could qualify as a low quality state or federally protected wetland and would be subject to regulatory requirements. A draft condition of approval requires regulatory permitting or clearances be provided, as applicable, should the drainage ditch be impacted by the proposed turn lane.

4.d. No Impact. Compared with existing conditions and the project analyzed by the 2007 MND, there are no changes in the proposed project or changes in circumstances under which the project is undertaken that would now interfere substantially with the movement of any native fish or wildlife species

the County Coroner be contacted in accordance with Section 7050.5 of the State Health and Safety Code to investigate the nature and circumstances of the discovery. At the time of discovery, work in the immediate vicinity would cease until the Coroner permitted work to proceed. If the remains were determined to be Native American interment, the Coroner will follow the procedure outlined in CEQA Guidelines Section 15065.5(e).

6. ENERGY

Would the modifications to the project:

Potentially Significant	Less than Significant	Less than Significant Impact with Mitigation	No Significant Impact
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a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?

_____ _____ X

b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?

_____ _____ X

6.a and 6.b. Less Than Significant. Compared with existing conditions and the project analyzed by the 2007 MND, there are no changes in the proposed project or changes in circumstances under which the project is undertaken that would result in a potentially significant impact due to wasteful, inefficient or unnecessary consumption of energy during construction or operation, or conflict with or obstruct any state or local plan for renewable or efficient energy use. Because of the limited scope of work involved and minimal site disturbance within existing disturbed areas, the modified project will not result in wasteful, inefficient, or unnecessary consumption of energy resources, nor would they obstruct state or local plans to encourage energy efficiency.

7. GEOLOGY AND SOILS

Would the modifications to the project:

Potentially Significant	Less than Significant Impact with Mitigation	Less than Significant Impact	No Significant Impact
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a) Directly or indirectly cause substantial adverse effects, including the risk of loss, injury, or death involving:

i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.

_____ _____ _____ X

ii) Strong seismic ground shaking?

_____ _____ X

- | | | | |
|--|-----|-----|--------------|
| iii) Seismic-related ground failure, including liquefaction? | ___ | ___ | <u> X </u> |
| iv) Landslides? | | | <u> X </u> |
| b) Result in substantial soil erosion or the loss of topsoil? | ___ | ___ | <u> X </u> |
| c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? | ___ | ___ | <u> X </u> |
| d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property? | ___ | ___ | <u> X </u> |
| e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water? | ___ | ___ | <u> X </u> |
| f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? | | | <u> X </u> |

7.a.i. No Impact. The site is not located within an Alquist Priolo Earthquake Fault zone, and there are no other known active or potentially active faults on the property.

7.a.ii Less Than Significant. Compared with existing conditions and the project analyzed by the 2007 MND, there are no changes in the proposed project or changes in circumstances under which the project is undertaken that would directly or indirectly cause potential adverse effects involving strong seismic ground shaking. The project does not include new habitable structures and the design of the septic system, parking lot, and road improvements would be subject to structural design and compaction requirements to minimize potential loss and ensure that the improvements do not pose a safety risk associated with seismic activity.

7.a.iii. Less Than Significant. Compared with existing conditions and the project analyzed by the 2007 MND, there are no changes in the proposed project or changes in circumstances under which the project is undertaken that would directly or indirectly cause potential adverse effects involving seismic-related ground failure. Liquefaction was analyzed in the adopted Mitigated Negative Declaration. The property has the potential to experience liquefaction and settlement during a seismic event. However, the proposed septic system, parking lot, and road improvements must comply with county and state building and construction design standards, that ensure that the improvements do not create undue risk associated with potential ground failure.

7.a.iv. No Impact. The project site is not located in a landslide prone area as shown on Geology for Planning in Sonoma County Special Report 120 Slope Stability.

7.b. Less Than Significant. Compared with existing conditions and the project analyzed by the 2007 MND, there are no changes in the proposed project or changes in circumstances under which the project is undertaken that would result in substantial soil erosion or loss of topsoil. The project would include minor grading, cuts and fills associated with septic, parking and roadway improvements. Compliance with standard septic, grading, and encroachment permit requirements will ensure potential grading and erosion impacts are minimized to less than significant.

7.c. Less than Significant. Compared with existing conditions and the project analyzed by the 2007 MND, there are no changes in the proposed project or changes in circumstances under which the project is undertaken that would now result in new significant impacts related to location on unstable soils or potentially result in landslide or other hazards listed. As described in item 7.a.ii. above, no mitigation is required.

7.d. Less than Significant . Compared with existing conditions and the project analyzed by the 2007 MND, there are no changes in the proposed project or changes in circumstances under which the project is undertaken that would now result in a potentially significant impact related to risk to life or property due to expansive soils. The area is known to contain potential expansive soils. No new habitable structures are proposed. Compliance with standard design and compaction requirements will minimize risk of property loss, therefore the impacts are less than significant as conditioned.

7.e. Less than Significant. Compared with existing conditions and the project analyzed by the 2007 MND, there are no changes in the proposed project or changes in circumstances under which the project is undertaken that would now result in soils incapable of supporting the proposed expanded on-site septic system. The project site is not in an area served by public sewer. Preliminary documentation provided by the applicant and reviewed by the Permit Sonoma Project Review Health Specialist indicates that the soils on site would support a new septic system and the required expansion area. Conditions of Approval require that septic permit approval be obtained for a new 1,500 gallon septic system proposed by the applicant.

7.f. No Impact. The site does not contain unique geological features. The project modifications involve minor excavation, therefore, would not result in impacts to paleontological resources.

8. GREENHOUSE GAS EMISSIONS:

Would the modifications to the project:	Potentially Significant	Less than Significant	Less than Significant Impact with Mitigation	No Impact
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a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	_____	_____	_____ <u>X</u> _____
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b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	_____	_____	_____ <u>X</u> _____
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8.a. Less than Significant. Compared with existing conditions and the analysis in the 2007 MND, there

are no changes in the proposed project or changes in circumstances under which the project is undertaken that would now result in greenhouse gas (“GHG”) emissions that would have a new or substantially more severe significant impact on the environment. The proposed project modifications would not generate substantial new emissions beyond baseline conditions because the wine tasting, food service, and other retail uses have been in operation since 2012. Formal establishment of the proposed parking lot and septic system and installation of the Highway 12 left turn lane to support the existing uses would not substantially increase greenhouse gas emissions or increase vehicle miles traveled. For background, the BAAQMD screening criteria for a high turnover restaurant is 33 ksf for criteria pollutants and 7 ksf for GHG emissions. The existing tasting and food service aspects of the existing operation amounts to 6,309 sq. ft.).

Furthermore, the project conditions encourage GHG reduction by requiring bicycle parking, incorporating shade trees within the new parking lot, water efficient landscaping, and dedication of land for a regional pedestrian/bicycle trail.

8.b. Less than Significant. Compared with existing conditions and the project analyzed by the 2007 MND, there are no changes in the proposed project or changes in circumstances under which the project is undertaken that would now result in conflicts with an applicable plan, policy or regulation adopted for the purposes of reducing GHG emissions. The County has a Regional Climate Protection Authority which has established Climate Action 2020 and Beyond. This document lays out a strategy for reducing GHG emissions in Sonoma County. In 2018, the Board of Supervisors adopted a resolution to reaffirm its commitment to reducing GHG emissions and intent to adopt local implementation measures. The project, by implementing current codes and incorporating bicycle parking, shading in the new parking lot, water efficient landscaping, and dedication of land for a future regional trail would help reduce GHG emissions and be consistent with plans, policies, and regulations adopted for the purpose of reducing greenhouse gas emissions.

9. HAZARDS AND HAZARDOUS MATERIALS

Would the modifications to the project:	Potentially Significant	Less than Significant Impact with Mitigation	Less than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	_____	_____	_____	_____X
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	_____	_____	_____	_____X
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	_____	_____	_____	_____X
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant				

10. HYDROLOGY AND WATER QUALITY

Would the modifications to the project:

Potentially Significant Less than Significant with Mitigation Less than Significant Impact No Impact

- | | | | | |
|---|-----|--------------|--------------|--------------|
| a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality? | ___ | <u> X </u> | ___ | ___ |
| b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin? | ___ | ___ | ___ | <u> X </u> |
| c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would: | | | | |
| i) result in substantial erosion or siltation on- or off-site; | | | | |
| | | <u> X </u> | ___ | ___ |
| ii) substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site; | | | | |
| | | <u> X </u> | ___ | ___ |
| iii) create or contribute runoff water which would exceed the capacity of existing or planned storm drainage systems or provide substantial additional sources of polluted runoff; or | | | | |
| | | <u> X </u> | ___ | ___ |
| iv) impede or redirect flood flows? | ___ | <u> X </u> | ___ | |
| d) In flood hazards, tsunami, or seiche zones, risk release of pollutants? | ___ | ___ | ___ | <u> X </u> |
| e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan? | | | <u> X </u> | ___ |

10a. Less than Significant with Mitigation. The new septic system, parking lot and roadway work could disturb over an acre of land. Accordingly, the revised project would be subject to the National Pollution Discharge Elimination System (NPDES) requirements, as was the originally approved project. In addition, similar to the originally approved project, the revised project would be required to submit an erosion control plan to protect water quality. The 2007 Mitigated Negative Declaration includes a Mitigation Measure requiring compliance with the NPDES and County erosion control requirements. These Mitigation Measures were incorporated as conditions of approval of the 2007 project and continue to apply to the currently proposed project modifications. The project is also subject to state and local water quality requirements implemented through the County's Grading and Storm water ordinance (Municipal

Code Chapter 11, Ord. 6219). See 10c. below for further discussion of potential storm water impacts. In addition, the project must comply with state and local water quality requirements related to septic design capacity.

The existing tasting room and market are served by an existing pressure distribution system installed in 2011 at a design capacity of 607 gallons per day. A recent survey for 2018-2019 indicates average flows to the system in the range of 278 to 453 gallons per day, with peak average flows as high as 554 gallons. While there has been no evidence of septic failure, the existing septic system does not meet the design criteria of the County's On-site Wastewater Treatment (OWTS) Manual based on the number of customers served by the restaurant use. Therefore, the applicant is proposing to install a new 1,500 gallon system with pre-treatment and a grease interceptor to replace the existing systems and better accommodate the food service operation. Utilizing methodology allowed in Section 4.5, C. (comparison information) of the County's OWTS Manual, the Well and Septic Division supports the proposed design capacity of the new septic system which is sized to handle a peak projected customer load of approximately 313 persons per peak day. This is based on data provided by Dimensions 4 Engineering and peer reviewed by Adobe and Associates, Inc. This equates to 153 daily wine tasting customers with an assigned flow of 3 gallons per person and 160 daily food service customers assigned 5 gallons per person for a total of 1,259 gallons per day. Adding in 240 gallons per day for employees (16 employees at 15 gallons per day), the total anticipated use would be 1,499 gallons and within the 1,500 gallon design capacity of the new system.

If the customer capacity is not limited to the design capacity of the septic system, the system could fail and result in septic discharges and significant water quality impacts. Therefore, the following Mitigation Measure limiting food service and tasting capacity to 313 persons per day is required to address potential impacts. To help achieve the maximum food/beverage customer capacity, a Condition of Approval is included limiting seating capacity to 104 seats. This is based on the operating hours from 10am to 4pm, and assumes an industry standard seating turnover of three times in six hours.

Mitigation Measure Hydro-1

The maximum daily number of combined wine tasters and customer served meals shall not exceed 313 persons per day, to comply with the design capacity of the proposed 1,500 gallon septic system. By the 10th day of each month, the applicant shall submit to Permit Sonoma daily customer service counts for the previous calendar month, for wine tasters and customers served meals. The applicant shall also provide in its monthly report septic flow monitoring data and other information requested by the Well and Septic Division to verify that the use is operating within the design capacity of the system and in conformance with the Use Permit.

Mitigation Monitoring:

The Well and Septic Division shall review the information submitted by the applicant within 30 days, including pertinent customer counts, septic flow and water use data and any other information required to verify compliance with the septic design capacity.

- a. If the applicant does not timely submit monthly reports as required by Hydro-1, the Director will initiate appropriate Code Enforcement. If the applicant fails to submit required monthly reports for three or more months in any 12-month period, the Director will refer the project to the BZA for a hearing on enforcement, which may include proceedings for modification of the Use Permit.***
- b. Should data show that the use is exceeding the design capacity of the system by more than a de minimis amount, Permit Sonoma will notify the applicant that the intensity of use shall be curtailed accordingly. If the applicant does not demonstrate compliance within 30 days of such notification, the Director shall***

effect?

___ ___ X

11a. No Impact. Compared with existing conditions and the project analyzed by the 2007 MND, there are no changes in the proposed project or changes in circumstances under which the project is undertaken that would now result in physical division of an established community. The project would not divide a community because it is located within an established community.

11b. Less Than Significant. Compared with existing conditions and the project analyzed by the 2007 MND, there are no changes in the proposed project or changes in circumstances under which the project is undertaken that would now result in a potentially significant impact due to conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. The project site is designated LC (Limited Commercial) on the Sonoma County General Plan Land Use map and zoned C1 (Neighborhood Commercial). The purpose of the General Plan Limited Commercial land use category is to accommodate retail sales and services for the daily self-sufficiency of local communities in keeping with their character. The various existing uses serve the town of Kenwood and the greater community. The proposed changes in use require a modification to the use permit.

Over the past several years, the use has created parking and circulation issues in the area at peak periods due to inadequate on-site parking and overflow on-street parking on a narrow neighborhood street near the intersection of Highway 12. The project seeks to address parking and circulation issues by eliminating parking on both sides of Shaw Avenue near Highway 12, providing a new 53-space parking lot at 75 Shaw Avenue, and eliminating 15 events that were previously approved and granted within use permit PLP05-0009. The new parking lot at 75 Shaw Avenue (APN 050-275-052), shall provide the required number of spaces, consistent with the County Zoning Code, for the existing and proposed use of the property. Restaurants serving alcohol are permissible in the C1 District, therefore an ancillary parking lot serving such uses are also permissible under existing Zoning. The proposed modifications delete the option to expand hours under the existing permit, which means that daily operations from 10 a.m. to 4 p.m. will remain.

The range and scale of the permitted uses is expressed by the Sonoma Valley Planning Area Policy LU-20i:

LU-20i: Use the "Limited Commercial" and "Limited Commercial - Traffic Sensitive" categories for commercial lands in communities with urban services, including Boyes Hot Springs/El Verano/Agua Caliente, Glen Ellen and Kenwood. Require that new uses meet the following criteria:

- 1. The size, scale, and intensity of the use is consistent and compatible with the character of the local community.**

Staff response: The existing commercial and winery facilities, and off-site parking lot are similar in size to other non-residential buildings and parking lots in the commercial area of Kenwood. The nearby Kenwood retail plaza, includes a variety of neighborhood serving retail uses, including a restaurant and several tasting rooms, with similar scale to the facilities on the site. The current intensity of the unpermitted restaurant use does not comply with the design capacity of the existing septic system, but as modified and conditioned, the use would operate within the capacity limits of the proposed 1,500 gallon septic system. Mitigation measure Hydro-1 requires that the project is limited to the capacity of the proposed 1,500 gallon septic system. Furthermore, the intensity of the food service activity has resulted in parking issues because the approved parking facilities (30 designated and 24 overflow valet spaces on-site) were not fully constructed. The site currently contains 34 parking spaces because the valet overflow parking was not developed. The lack of code complying parking has resulted in overflow on-street parking on Shaw Avenue, a narrow neighborhood street. Currently, the width of the travel lanes on Shaw Avenue are compromised when parking occurs on both sides of the street. A new commercial

parking lot at 75 Shaw Avenue and removing on-street parking on both sides of Shaw Avenue near Highway 12 will improve circulation and address code compliance. In addition, restrictions on on-street parking, and the required provision of turn lanes on highway 12 and Shaw Avenue will improve circulation and safety. With these parking and circulation improvements, limited hours of operation, and improved septic capacity, land use compatibility will be achieved.

2. Capacities of public services are adequate to accommodate the use and maintain an acceptable level of service.

Staff response: Kenwood is served by Kenwood Village Water Company, an independent regulated water system, and individual properties are served by on-site septic systems. The Kenwood Water Company would continue to serve the existing operation. The existing design capacity of the 607 gallon on-site septic system capacity is not designed to accommodate the extent of the proposed food service with 144 seats. The existing system was designed to serve seven employees and 25 daily customers plus occasional catered events with up to 100 people. The existing system was designed assuming 15 gpd for seven employee (105 gallons) and five gpd per person attending a catered event (500 gallons). While there have been no reports of septic failure, the design capacity of the existing septic system is substantially undersized for the proposed use and does not comply with County design requirements. The project includes expanding the daily septic capacity to 1,500 gallons to accommodate the food service operation. The number of wine tasters and meals served is limited to 313 customers a day by the capacity of the septic design based on the County’s On-site Waste Treatment System regulations (OWTS Manual). The OWTS Manual requires that septic design cover peak use, therefore the 1,500-gallon system could accommodate a peak use of 313 customers and 16 employees a day. These limitations are derived from the following standards and septic monitoring data: each employee generates a septic demand of 15 gpd per person totaling 240 gpd. Wine tasting customers (153) are assigned flows of 3 gallons per person and the customers using food services (160) is 5 gallons per person. Total flows for both wine tasting and food services is 1259 gallons per day and 1499 gallons when employees are added.

Design and siting are compatible with the scenic qualities and local area development guidelines.

Staff response: The project will not create new structures that add new aesthetic impacts not previously analyzed in the adopted 2007 Mitigated Negative Declaration for use permit PLP05-0009. The proposed highway and septic improvements will be compatible with the existing conditions and will not adversely affect the scenic qualities of the area. The new parking lot will be landscaped in accordance with County design requirements and is located adjacent to commercial uses. Solid noise attenuating perimeter fencing is proposed where the parking lot abuts residential land use.

3. Siting of structures is compatible with planned infrastructure improvements such as roadway widening and under grounding of public utilities.

Staff response: No new buildings are proposed. The existing buildings are approximately 55 feet from the property line on Highway 12 and approximately 6 feet at the closest point to the Shaw Avenue right of way. Installation of the new parking lot, septic system, and road improvements will not conflict with other planned infrastructure improvements, such as the future Sonoma Valley trail planned adjacent to Highway 12.

12. MINERAL RESOURCES

Would the modifications to the Project:

Potentially Significant	Less than Significant Impact	Less than Significant with Mitigation	No Impact
-------------------------	------------------------------	---------------------------------------	-----------

- | | | | | |
|---|-------|-------|-------|--------------|
| a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? | _____ | _____ | _____ | <u> X </u> |
| b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? | _____ | _____ | _____ | <u> X </u> |

12a. and 12b. No Impact. There are no known mineral resources on the project site and the County has not designated the site as a mineral resource.

13. NOISE

	Potentially Significant Impact	Less than Significant with Mitigation	Less than Significant Impact	No Impact
Would the modifications to the project result in:				
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	_____	<u> X </u>	_____	
b) Generation of excessive groundborne vibration or groundborne noise levels?	_____	_____	<u> X </u>	
c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	_____	_____	_____	<u> X </u>

13a. Less Than Significant with Mitigation. Compared with the project analyzed by the 2007 MND, the project modifications, including the construction of a new septic system, the parking lot, and road improvements, would result in construction noise but would not result in new potentially significant impacts. Mitigation established in 2007 requiring proper mufflers on heavy equipment and limitations on construction hours would continue to apply to new construction.

Mitigation established in 2007 included noise mitigations that included building a solid wall adjacent to the approved outdoor picnic area and installing HVAC equipment meeting noise standards. These noise mitigations were implemented with the currently approved project. Mitigation established in 2007 also limited amplified sound and very loud musical instruments in outdoor patio areas which would carry over with the modified permit.

The outdoor restaurant activity is an existing baseline condition and would not result in new noise impacts. The proposed modifications in operations include removing the option to extend hours from 8 a.m. to 5 p.m., and until 10 p.m. for special events. The facility is proposed to operate from 10 a.m. to 4

p.m. The operation of the new commercial parking lot adjacent to two residences, even during daytime hours could result in potential daytime noise impacts due to close proximity. The closest residence is 15 feet south of the parking lot and is owned by the applicant. The other residence is 100 feet west of the parking lot. An existing 6-foot tall corrugated metal fence with wood lattice top currently separates the proposed commercial parking lot from the adjacent residential uses.

A Noise and Vibration Assessment was conducted for the proposed commercial parking lot by Illingworth & Rodkin, Inc., (May 31, 2019). The noise study specifies that the existing fence, if designed to certain acoustical specifications, would reduce day time noise impacts to 57 dBA at residential receivers and comply the General Plan Noise standard of 60 decibels. The current fence design does not meet the specifications outlined in the acoustical report specified to include, a 1/2" wood panel covered by two corrugated metal panels. Inspection of the constructed fence revealed that the 1/2" wood panel is not provided. Therefore, Mitigation Measure Noise 1 has been included to require an upgrade to the existing fence to meet the design standard specified in the noise study.

Mitigation Measure Noise 1:

Prior to issuance of a grading or encroachment permit for installation of the parking lot at 75 Shaw Avenue the existing fence shall be modified to address the structural specifications of the project noise analysis, including 1/2 thick plywood covered by two sheets of metal siding without crack or gaps in the face. The project noise consultant shall submit a letter confirming compliance with this requirement.

Mitigation Monitoring: Permit Sonoma will not sign off on grading or encroachment permits for the parking lot until a letter certifying compliance from the acoustical engineer is provided and verification is confirmed through field inspection.

13b. Less Than Significant Impact. Compared with existing conditions and the project analyzed by the 2007 MND, there are no changes in the proposed project or changes in circumstances under which the project is undertaken that would now result in generation of excessive groundborne vibration or noise levels. The project includes minor excavation but does not include construction activities that may generate substantial ground borne vibration or excessive noise. With installation of the acoustical fence as required as mitigation under 13a, increases in noise would be less than significant.

13c. No Impact. The site is not within a designated airport land use plan and there are no private airstrips within the vicinity of the project.

14. POPULATION AND HOUSING

	Potentially Significant	Less than Significant Impact with Mitigation	Less than Significant Impact	No Impact
Would the modifications to the project:				
a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	_____	_____	_____	<u> X </u>
b) Displace substantial numbers of existing people or housing necessitating the construction of replacement housing elsewhere?	_____	_____	_____	<u> X </u>

14a. No Impact. Compared with existing conditions and the project analyzed by the 2007 MND, there are no changes in the proposed project or changes in circumstances under which the project is undertaken that would now result in any potential to induce substantial unplanned population growth. The project would not include construction of new homes or businesses or substantial new infrastructure and therefore would not induce substantial population growth.

14b. No Impact. The project would not displace any existing housing.

15. PUBLIC SERVICES

	Potentially Significant	Less than Significant Impact with Mitigation	Less than Significant Impact	No Impact
a) Would the modifications to the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
Fire protection?	_____	_____	_____	<u> X </u>
Police protection?	_____	_____	_____	<u> X </u>
Schools?	_____	_____	_____	<u> X </u>
Parks?	_____	_____	_____	<u> X </u>
Other public facilities?	_____	_____	_____	<u> X </u>

15a. No Impact. Compared with existing conditions and the project analyzed by the 2007 MND, there are no changes in the proposed project or changes in circumstances under which the project is undertaken that would now result in substantial adverse impacts associated with provision of the identified government facilities and services. As discussed throughout, no expansion of the existing facilities is proposed and no increase in daily visitors is expected. The VJB facility was constructed to comply with Fire Safe Standards, including fire access, and protection methods such as water supply, sprinklers in buildings, alarm systems, extinguishers, vegetation management, hazardous materials management and management of flammable or combustible liquids and gases. A fire hydrant has been installed at the southwest corner of the VJB commercial site. The new parking lot has been designed to meet fire access requirements. The Sonoma County Sheriff and the California Highway Patrol will continue to provide law enforcement in the area. Development fees to offset potential impacts to schools were paid with building construction and are not required for installation of the parking lot, septic system, and road improvements. Park development impact fees are not required on commercial projects.

16. RECREATION

	Potentially Significant	Less than Significant Impact with Mitigation	Less than Significant Impact	No Impact
a) Would the modifications to the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	_____	_____	_____	<u> X </u>
b) Does the modified project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	_____	_____	_____	<u> X </u>

16a. No Impact. The proposed project would not involve activities that would cause or accelerate substantial physical deterioration of parks or recreational facilities.

16b. No Impact. Compared with existing conditions and the project analyzed by the 2007 MND, there are no changes in the proposed project or changes in circumstances under which the project is undertaken that would directly result in construction or expansion of recreational facilities which might have an adverse physical effect on the environment. The proposed project does not involve construction of recreational facilities, though an offer of dedication of a trail easement for future construction of a regional trail is required.

17. TRANSPORTATION

Would the modifications to the project:

	Potentially Significant	Less than Significant Impact with Mitigation	Less than Significant Impact	No Impact
a) Conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	_____	<u> X </u>	_____	
b) Conflict with or be inconsistent with CEQA Guidelines 15064.3 subdivision (b)?	_____	_____	<u> X </u>	
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	_____	_____	<u> X </u>	
d) Result in inadequate emergency access?	_____	_____	<u> X </u>	

17a. Less than Significant with Mitigation: Compared with existing conditions and the project analyzed by the 2007 MND there are no changes in the proposed project or changes in circumstances under which the project is undertaken that would now result in significant conflicts with a program, plan, ordinance or

policy addressing the circulation system, provided that adjustments to previously adopted mitigation measures are modified as noted below. As discussed above, this second revised SMND deletes 2007 mitigation measure Traffic-1 because it is legally infeasible and due to proposed changes to the project that would render Traffic-1 moot. However, the effect of the Traffic-1 requirement to install a new left turn lane on Highway 12 is carried over to the current project proposal; the applicant proposes to a left turn lane on Highway 12 as part of the project, with a modified design limited to the existing roadway.

2007 mitigation measures Traffic-2 requiring a right turn lane on Shaw Avenue is modified in this second revised SMND. 2007 mitigation measure Traffic-3 requiring tandem parking is deleted. See below for a discussion on changes to Mitigation Measures.

The proposed modifications would not result in new unmitigated significant impacts and would ensure compliance with local parking ordinances, policies calling for convenient and safe circulation, and a proportional relationship between impacts and required improvements. This second revised SMND addresses the applicant's proposal to incorporate the existing restaurant food service into the Use Permit. As discussed previously, the existing restaurant use is part of the baseline for this CEQA analysis.

The assessment of environmental impacts in this revised Subsequent Initial Study are limited to potential impacts from physical changes proposed at the time of the 2014 submittal of the application for Use Permit modification. While the project traffic study compares additional traffic generation for the restaurant use to the project as approved in 2007, an actual increase in traffic would not occur over the 2014 baseline conditions because the restaurant was already in operation at that time. Therefore, this analysis considers only proposed physical changes associated with the currently proposed project modifications beyond baseline conditions, including the proposed commercial parking lot, modified roadway improvements, and a new septic system. As noted under Section 17.b. below, VMT analysis is not required because the updated CEQA baseline analysis began before VMT regulations took effect in July 2020.

Parking Analysis

The 2007 MND includes a mitigation measure (Traffic-3) to address overflow parking to address a then-current CEQA requirement regarding adequacy of parking. The table below summarizes the parking demand and supply based on the proposal, minus the expanded seating areas upstairs of the market and inside the case good storage building. Note staff will include a condition of approval/mitigation measure limiting restaurant seating to 104 seats due to septic capacity. This seating limitation would help ensure that code complying parking requirements are met.

<u>Proposed Use</u>	<u>Area</u>	<u>Parking Ratio</u>	<u>Spaces Required</u>
Office	1,615 sq. ft.	1 per 250 sq. ft.	6
Retail and Tasting Room	3,718 sq. ft.	1 per 200 sq. ft.	19
Case goods	1,800 sq. ft.	1 per 2000 sq. ft.	1
Patio Restaurant,	3,125 sq. ft.	1 per 60 sq. ft. dining	52
Total Required, Proposal	N/A	N/A	78
Total Spaces Provided	N/A	N/A	Onsite: 34 Off-site: 53 Total: 87

With the construction of a new 53 space parking lot at 75 Shaw Avenue and a total parking count of 87 parking spaces, 3,125 square feet of restaurant dining area can be accommodated. A proposed condition of approval limits the number of seats in the entire project to 104 based on the modified project's proposed septic capacity and industry standard seating turnover.

Traffic Studies

Updated focused traffic studies have been prepared for the project modification and did not identify new significant impacts. In fact, the updated studies determined that there is no nexus for the previously required mitigation measure requiring the Highway 12 left turn lane.

The following traffic and circulation information is provided for informational purposes as the traffic associated with the restaurant activity is a baseline condition and would not result in new significant impacts. The original traffic analysis prepared by WTrans (2006) estimated trip generation at an average of 74 new daily weekday trips and 80 new daily weekend trips, including nine trips during the weekday a.m. peak hour and 14 during the p.m. peak hour. Special events for 100 attendees were anticipated to generate an average of 170 new daily weekend trips and 164 new daily weekday trips, including up to 54 trips during the p.m. peak hour. The study noted that a northbound left turn-lane from Highway 12 onto Shaw Avenue was warranted even without the project due to traffic counts on Highway 12. The traffic study anticipated special events would add up to 27 additional left turn movements where there were seven without the project.

Updated focused traffic studies have been provided for the project, with updates from 2014 through 2019. The studies were peer reviewed and considered the proposal to eliminate 15 approved annual events and the potential to expand operating hours. The initial peer review requested a more accurate characterization of the use and requested a.m. peak and Saturday peak hour analysis. The July 2019 traffic study responded to these data needs and was reviewed by the County Department of Transportation and Public Works and by Caltrans.

The July 2019 traffic study concluded the following:

Note: As of 2020 LOS is no longer a threshold under CEQA.

- Current counts indicate 25 trips during the morning peak hour, 36 trips during the evening peak hour, and 64 trips during the weekend peak hour. The study indicates the use resulted in 25 westbound left turn movements on SR 12 at Shaw Avenue during the weekend midday peak.
- Intersection LOS at Shaw and SR 12 is expected to operate acceptably with future volumes except for the northbound Shaw Avenue approach (LOS E). However, because the project increases delay less than 5 seconds, the impact is considered less than significant.
- With operating hours limited to no later than 4:00 p.m., the study recommends that the Highway 12 left turn lane is unnecessary and that the highway shoulder should be widened instead to provide space for a vehicle to pass a westbound vehicle turning left at Shaw Avenue. *Note: applicant is proposing Highway 12 left turn lane.*
- Warrants are currently met for a left turn lane on SR 12 at Shaw Avenue due to existing highway volumes. The collision history at the intersection does not indicate a safety issue that needs to be addressed by installing a left-turn lane. The traffic study recommends eliminating the requirement for a left turn lane at Shaw Avenue and shoulder widening instead. The study notes physical construction constraints such as right-of-way, utility poles, and drainage facilities in the area.
- Parking should be eliminated on both sides of Shaw Avenue at Highway 12 to provide adequate width to accommodate a right turn lane through restriping, rather than creating a dedicated right turn lane.
- While the project will result in pedestrians crossing on Shaw Avenue to access the off-site parking lot, a mid-block crosswalk is unnecessary due to the low traffic volume and speed on Shaw

Avenue.

- Site lines at all three parking lot driveways are adequate.
- Providing 18 bicycle parking spaces is recommended.
- The overall LOS at the local intersections of Highway 12/Shaw Avenue and Highway 12/Maple Avenue will not fall below acceptable LOS D standard under existing plus project and future plus project scenarios.

Modification to Mitigation Measures

The 2007 Mitigation Measure Traffic-1 is deleted. Traffic 1 required the applicant to construct a left turn lane on Highway 12. However, as adopted by the Board of Supervisors and reflected in the conditions of approval, Traffic-1 included a provision that “the left-hand turn lane for northbound Highway 12 traffic at the intersection of Shaw Avenue is deferred” in accordance with a mitigation monitoring measure providing that the applicant could not hold events or expand hours until after the left turn lane was constructed. (See current Conditions of Approval 41(c) and (e), 58, and 59.) The left turn lane improvements have not been installed on Highway 12 and the applicant is proposing to eliminate its authorization to hold special events and expand operating hours. Proposed hours are 10 a.m. to 4 p.m. daily. As approved by the Board of Supervisors in 2007, the applicant was authorized to hold up to fifteen 100-person events per year and expand operating hours to 8 a.m. to 5 p.m. for the market and up to 10 p.m. for events, but not until the Highway 12 turn lane is installed. Because, the option for expanded hours and evening events is now proposed to be eliminated from the Use Permit, there is no longer a nexus to require the Highway 12 left turn lane as a mitigation measure. However, in support of substantial restaurant activity, the applicant is voluntarily proposing to install a modified left turn lane. Therefore, the left turn lane is required as a condition of approval, but not as a mitigation measure. The modified left turn lane design would be within the existing highway right of way and include similar lane widths and shoulders as the existing conditions. The original design consisted of a fully conforming left turn lane that would have required substantial widening, land acquisition for additional right of way, encroachment into existing drainage ditches, and possible utility pole relocation

This updated revised IS/SMND also addresses the applicant’s proposal to substitute an alternate method of providing a right turn lane from Shaw Avenue to Highway 12 from what is required by mitigation measure Traffic-2 in the 2007 MND. Traffic-2 requires the applicant to dedicate right of way and install a right turn lane on Shaw Avenue. The applicant proposes that what the previous mitigation achieved through dedicating a right turn lane can be achieved by creating a right turn lane within the existing right of way. This would be achieved by removing on-street parking on both sides of Shaw Avenue and restriping. However, removal of on-street parking requires adoption of an ordinance by the Board of Supervisors, and modified Mitigation Measures Transportation-1 and Transportation-2 will not be effective and enforceable unless or until the Board of Supervisors adopts the necessary ordinance eliminating on-street parking on the specified portion of Shaw Avenue. Accordingly, as modified mitigation measure Transportation-3 provides that the project approval (modification of the 2007 use permit) will not be effective until the parking ordinance is adopted and effective. A mid-block cross walk on Shaw Avenue connecting the use to the off-site parking lot would also be included in Mitigation Measure Traffic-2. The Department of Transportation supports this request and the 2007 mitigation measure Traffic-2 is substituted with proposed Transportation Mitigation Measures 1, 2, and 3. These measures are equally effective and there are no new or additional adverse impacts caused by the modification to mitigation measures. The changes are proposed as alternate methods of achieving the same end.

This updated revised IS/SMND also deletes Mitigation Measure Traffic-3, which as approved in 2007 required additional on-site overflow parking. Overflow parking is no longer needed because the applicant is proposing an off-site parking lot with 53 spaces to address code complying parking. In addition, parking

impacts are no longer a threshold criteria under CEQA.

In accordance with the DTPW requirements the applicant has agreed to install a left turn lane on Highway 12 and a right turn lane on Shaw Avenue through restriping and elimination of on-street parking on Shaw Avenue. DTPW is requiring that the applicant submit a formal request to remove parking from Shaw Avenue and obtain encroachment permits. The proposed substitution of new mitigation measures (Measures Transportation-1, -2, and -3) below for former Traffic -2 are equally effective in mitigating impacts and will ensure that the project does not increase hazards due to geometric design, and will improve circulation on Shaw and Maple Avenues.

Mitigation Measure Transportation 1:

Within 30 days of permit approval, the Applicant shall submit a request for parking restrictions along Shaw Avenue and Maple Avenue to the Department of Transportation and Public Works (DTPW) and shall pay the fees to process the request before the Board of Supervisors. If the Board approves the request, the applicant shall pay for County installation of all signs that are required resulting from the request following adoption of the ordinance authorizing the changed conditions. The parking restrictions shall include restricting parking along the northerly side of Shaw Avenue for the entire block from SR 12 to Clyde Avenue, and the south side of Shaw Avenue and north side of Maple Avenue along the Applicant's frontage.

Mitigation Monitoring:

Permit Sonoma will verify that the applicant submits a timely request for parking restrictions as required by mitigation measure Transportation 1, and will take immediate enforcement action if the applicant fails to timely take any action required by MM Transportation-1.

Mitigation Measure Transportation 2:

Within 30 days of the Board of Supervisors approval of no parking, the Applicant shall apply for a County encroachment permit, and within 30 days of issuance the permit the Applicant shall restripe and sign Shaw Avenue in accordance with the following, as well as striping required associated with the crosswalk noted later in the conditions:

- a. Refresh the existing "stop" legend and limit line at the intersection of Shaw Avenue and SR 12.
- b. Refresh the existing centerline stripe on Shaw Avenue a minimum length of 45' from the limit line.
- c. Stripe an edge line on the northwesterly corner of Shaw Avenue to line up with the edge line shown on SR 12 providing a satisfactory turning radius (satisfactory to the Department of Transportation and Public Works) at the intersection. The edge line shall be striped for the length of the Shaw Avenue frontage of APN 050-275-051 (the parcel on the northwesterly corner of the SR 12/Shaw Avenue intersection) and maximize lane widths as much as feasible.
- d. Black out or otherwise eliminate any parking pavement markings on the northerly side of Shaw Avenue from SR 12 to Clyde Avenue.
- e. Black out or otherwise eliminate any parking pavement markings on the Shaw Avenue frontage of APN 050-275-028 (the subject parcel) within 35' of the intersection of SR 12. This will eliminate one (1) marked parking space along the project frontage.

Mitigation Monitoring:

Permit Sonoma will verify that the application and time frames for execution of this condition as noted above are met and installation of the parking restrictions are accomplished as required or report lack of compliance to Code Enforcement.

Mitigation Measure Transportation 3

Approval of this project modification shall not be effective until the Board of Supervisors adopts an ordinance removing on-street parking from the specified portions of Shaw Avenue and the ordinance is in effect.

Mitigation Monitoring:

Permit Sonoma will monitor the project to ensure that the applicant is diligently pursuing its application for Board of Supervisors approval of a parking restriction ordinance. If said ordinance is denied by the Board of Supervisors, or is not approved by the Board of Supervisors and implemented within six months of the date of approval of the modified use permit, the Director will refer the project to the BZA for enforcement.

17b. Less Than Significant Impact. Compared with existing conditions and the project analyzed by the 2007 MND, there are no changes in the proposed project or changes in circumstances under which the project is undertaken that would result in a potentially significant conflict or inconsistency with Guidelines section 15064.3(b). Even if VMT analysis did apply, because the vehicle trips associated with the existing restaurant and other retail uses are part of the CEQA baseline, few additional vehicle trips over the baseline would be generated by the proposed project. Current conditions, which include the restaurant operations, are the baseline for CEQA purposes, and consistent with CEQA Guidelines 15064.3 subdivision (b), the project would not increase Vehicles Miles Traveled over baseline conditions.

17c. Less than significant. Compared with existing conditions and the project analyzed by the 2007 MND, there are no changes in the proposed project or changes in circumstances under which the project is undertaken that would result in substantially increased hazards due to a geometric design feature or incompatible use. As discussed in section 17a, the proposed project includes an alternate method of achieving the right turn lane required by the 2007 MND, namely elimination of on-street parking and restriping of Shaw Avenue instead of dedication of right of way to create new roadway space to accommodate a right turn lane. As noted above, DTPW supports modification of the prior mitigation measure requiring a dedicated right turn lane on Shaw Avenue, with requiring a right turn lane within the existing right of way through restriping and elimination of on-street parking. With revised mitigation measures the project modifications would improve circulation on Shaw and Maple Avenue and not result in design hazards.

Because achieving the removal of on-street parking on Shaw Avenue requires the Board of Supervisors to adopt an ordinance designating the no parking areas, and that ordinance process has not been initiated, this substituted mitigation measure is not adequate mitigation until it is adopted by the Board. Therefore, new Mitigation Measure Transportation-3 provides that the project approval (modification of the 2007 use permit) will not be effective until the parking ordinance is adopted and effective.

17d. No impact. The existing emergency vehicle access (EVA) on Maple Avenue would not be jeopardized by allowing customers to continue to use it for egress. The new parking lot has been reviewed by County Fire and DTPW and no concerns have been expressed.

18. TRIBAL CULTURAL RESOURCES:

	Potentially Significant	Less than Significant Impact with Mitigation	Less than Significant Impact	No Impact
a) Would the modifications to the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California native American tribe, and that is:				
i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5030.1(k), or		<u>X</u>		
ii) A resource determined by the lead agency in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code § 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code § 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.		<u>X</u>		

18.a.i and a.ii. Less Than Significant With Mitigation. A cultural resources study was prepared for the existing VJB Market Place and Tasting Room by Thompson and Origer (2005). No archaeological or tribal cultural resources were discovered on the site. The modified project, which includes construction of a parking lot on an adjacent commercial site that was formerly developed with a single-family residence, development of a new 1500-gallon septic system, and roadway improvements.

The 2007 approval includes a Mitigation Measure/Condition of Approval to address potential discovery during project construction and will remain as a Mitigation Measure/Conditions of Approval in the modified permit (See Section 5 Cultural Resources). The modified project was referred to the Northwest Information Center, which did not recommend further study due to limited land disturbance. However, it recommended consultation to address the potential discovery of tribal cultural resources. In response to an AB 52 notice and invitation, the Graton Rancheria requested that a tribal monitor be present during excavation due to the potential discovery of cultural resources in the area. Therefore, the following mitigation measure is added:

Mitigation Measure Tribal CULT-1:

Prior to any earth moving activities the Project Applicant shall retain a tribal monitor and/or qualified principal archaeological investigator to oversee the cultural resources-related mitigation efforts. The principal investigator shall meet professional qualifications in the discipline of archaeology as defined in the Secretary of Interior's Standards and have demonstrated the ability to work cooperatively with the Tribe by honoring the Tribe's values and protection measures. The principal Investigator may monitor the tribal cultural resources-related mitigation efforts or he may employ an archaeological monitor who will work under the supervision of the principal investigator. The archaeological monitor shall monitor the following:

- 1) An initial pre-construction meeting with the grading contractor to review the definition of tribal cultural resources;
- 2) Review of all land disturbance and earth removal; and
- 3) Review and signoff of completed areas.

Mitigation Monitoring:

Prior to issuance of permits involving land disturbance, the applicant shall provide evidence of a signed contract with a qualified tribal monitor.

19. UTILITIES AND SERVICE SYSTEMS

Would the modifications to the project:

	Potentially Significant	Less than Significant Impact with Mitigation	Less than Significant Impact	No Impact
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could causes significant environmental effects?	_____	_____	_____X_____	
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	_____	_____	_____X_____	
c) Result in a determination by the waste water treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	_____	_____	_____X_____	

- d) Generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?
_____ _____ X
- e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?
_____ _____ X

19a. Less Than Significant. Project modifications, including installation of a new septic system and minor drainage facilities, would not result in any new significant construction impacts. The project modifications do not involve new water, electrical power, natural gas or telecommunication facilities.

19b. Less Than Significant The Kenwood Water Company will continue to serve the use and did not identify any capacity issues.

19c. Less than Significant The existing project is not served by a municipal waste water provider, but relies on an on-site septic system. A new septic system is proposed to serve the modified project as discussed under Hydrology and Water Quality.

19d. and e. Less than Significant Sonoma County has adequate permitted landfill capacity to serve the proposed project and the modified project is required to comply with all federal, state, and local regulations, including solid waste reduction statutes.

20. WILDFIRE

If located in or near state responsibility areas or lands classified as very high fire severity zones, would the modifications to the project:

- | | Potentially Significant | Less than Significant Impact with Mitigation | Less than Significant Impact | No Impact |
|--|-------------------------|--|------------------------------|-----------|
| a) Substantially impair an adopted emergency response plan or emergency evacuation plan? | _____ | _____ | <u> X </u> | _____ |
| b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire? | _____ | _____ | <u> X </u> | _____ |
| c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk of that | | | | |

may result in temporary or ongoing impacts to the environment? _____ X _____

d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes? _____ X _____

20. a. b. and c and d. Less than Significant Impact. Compared with existing conditions and the project analyzed by the 2007 MND, there are no changes in the proposed project or changes in circumstances under which the project is undertaken that would now cause any of these significant impacts. While the site is located within a high fire area as designated by the General Plan, the new parking lot and septic system, and continued operation of the use will not impair existing evacuation routes. Required road improvements would incrementally improve circulation and potential evacuation. The modified project will not increase post wildfire flooding, landslides, slope stability or drainage flows when considering potential for future fire events.

21. MANDATORY FINDINGS OF SIGNIFICANCE

- | | Yes | No |
|---|-------|------------|
| a) Do the modifications to the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory? | _____ | <u> X </u> |
| b) Do the modifications to the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)? | _____ | <u> X </u> |
| c) Do modifications to the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly? | _____ | <u> X </u> |

21a. No. Compared with existing conditions and the project analyzed by the 2007 MND, there are no changes in the project or changes in circumstances under which the project is undertaken that would substantially degrade the quality of the environment, substantially reduce the habitat of fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory. The previously approved project is already in operation and the proposed project involves very limited physical changes to the environment, and mitigation is incorporated to mitigate any potential impacts to a less than significant level.

21b. No. Compared with existing conditions and the project analyzed by the 2007 MND, there are no changes in the project or changes in circumstances under which the project is undertaken that would now cause cumulatively considerable impacts in connection with the effects of past projects or the effects of other current projects. No project impacts have been found to be cumulatively considerable when considering other projects, existing baseline conditions, and the proposed physical changes associated with the modified project.

21c. No. Compared with existing conditions and the project analyzed by the 2007 MND, there are no changes in the project or changes in circumstances under which the project is undertaken that would cause direct or indirect substantial adverse effects on human beings. Mitigation is incorporated to reduce any potential impacts to hydrology, tribal cultural resources, noise, and transportation. Revised mitigation for circulation improvements on Shaw Avenue have been found to be equally effective.

References

1. California Natural Diversity Data Base.
2. Project Referrals from Responsible Agencies.
3. California Environmental Quality Act (CEQA).
4. Full record of previous hearings on project in file.
5. Correspondence received on project.
6. Sonoma County CEQA Implementing Ordinance.
7. PRMD staff evaluation based on review of the project site, project application and project.
8. PRMD staff evaluation of impact based on past experience with construction projects.
9. Sonoma County General Plan and Environmental Impact Report, Sonoma County. Board of Supervisors; 2008 and as amended.
10. California Department of Transportation.
11. Assessor's Parcel Maps.
12. BAAQMD (Bay Area Air Quality Management District) *CEQA Guidelines* and thresholds of Significance.
13. Sonoma County Zoning Ordinance (as amended); 2020.
14. *Alquist-Priolo Special Studies Zones*; State of California Division of Mines and Geology; 1983.
15. *Seismic Shaking and Tsunami Plates 1A and 1B, Geology for Planning in Sonoma County Special Report 120*, California Division of Mines and Geology; 1980.
16. *Slope Stability Plates 2A and 2B, Geology for Planning in Sonoma County Special Report 120*, California Division of Mines and Geology; 1980.
17. *Sonoma County Grading Ordinance; 2018*.
18. California Regional Water Quality Control Board <http://geotracker.swrcb.ca.gov/>.
19. *Flood Insurance Rate Maps*, Federal Emergency Management Agency.
20. County of Sonoma Guidelines for Traffic Studies; 2017.
21. Addendum to Updated Traffic Impact Study, July 20, 2020
22. Updated Traffic Study by W-Trans dated July 2019.
23. Updated Caltrans Comment Letter, October 2019
24. Consultant Peer Review Letter, January 2019
25. Sonoma County Transportation Authority.
26. *Sonoma County Bikeways Plan*, Sonoma County Department of Transportation and Public Works; 2010.
27. Noise Study by Ilingworth and Rodkin dated May 2019.
26. Cultural Resources Study by Tom Origer and Associates, Inc., dated May 12, 2005.
27. Drainage Report by Dimensions 4 Engineering dated June 6, 2007.
28. August 8, 2019 Dimensions 4 Engineering Inc. letter on water usage/septic design.
29. October 14, 2019 Dimensions 4 Engineering Inc. letter septic and wastewater analysis.
30. Well and Septic Letter on Septic capacity June 2020; and Site Plan by BKF Engineers.

31. Table 11.1 Flow Rates from Sonoma County OWTS Manual