

DRH16-0006 Appeal of Planning Commission Approval

August 14, 2017

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Re: DRH16-0006: Appeal of Planning Commission Approval of the Sonoma Country Inn Project

Dear Director Wick:

INTRODUCTION

Tohigh Investment SF LLC (“Tohigh”) proposes to construct and operate the redesigned Resort at Sonoma Country Inn (the “Resort” or “Project”), which the Valley of the Moon Alliance (“VOTMA”) has actively opposed. On October 19, 2016, the Design Review Committee approved the revised proposed design for The Resort and on August 3, 2017, the Planning Commission denied VOTMA’s appeal of that approval. Pursuant to Sonoma County Code section 26-92-160, VOTMA hereby appeals the Planning Commission’s decision to the Board of Supervisors.

As discussed in VOTMA’s previous filings in this proceedings, dated August 26, 2016, October 18, 2016, October 31, 2016, and August 1, 2017, and incorporated by reference, VOTMA is concerned because the environmental review of the Project has been deficient in numerous respects. For example, the Resort will have significant global warming impacts, will affect traffic and trip generation along Highway 12, will utilize a water supply that has been impacted by the recent long-lasting drought, and may put human lives at risk through a potentially inadequate emergency evacuation plan. Furthermore, the changes to the Project design leave an unclear picture of how much water will be used for the Project, the potential for night lighting and noise impacts, and how tree removal will impact visibility and aesthetics. Each of these impacts is exacerbated by the Project’s long hours of operation, clear potential to attract additional visitors, housing for meetings and events, and attractive restaurant and bar.

Despite VOTMA’s repeated efforts to raise these concerns, both the Design Review Committee and the Planning Commission have refused to address the significant environmental impacts caused by the Resort, and specifically, the changes to those impacts caused by the Project’s redesign and 13 year hiatus. The Design Review

Committee incorrectly claimed that it had no discretion to address these impacts, and the Planning Commission refused to engage on many of these issues. The permitting process has failed to provide the meaningful public review and dialogue that is required for a project of this size and scope, leaving VOTMA with no choice but to bring its concerns before the Board.

As more fully discussed below, the changes to the Resort and the changed circumstances surrounding the Project necessitate preparation of a subsequent or supplemental EIR (collectively, "SEIR"). Public Resources Code § 21166; 14 Cal. Code Regs. ("Guidelines") §§ 15162-15164.

THE PLANNING COMMISSION'S APPROVAL VIOLATES CEQA AND FAILS TO ENSURE COMPLIANCE WITH ALL ORIGINAL CONDITIONS OF PROJECT APPROVAL

When Tohigh modified the originally proposed inn, spa and restaurant Project, it triggered additional discretionary Project review by the Design Review Committee and, upon VOTMA's appeal, the Planning Commission. Planning Commission Staff Report – DRH16-0006, August 3, 2017 ("Staff Report"), p. 14 ("Commission has discretionary authority"). That, in turn, triggered the County's duty to analyze those Project changes – as well as the changed circumstances and new information in the 12-plus years since the County first approved the Project – under CEQA. Public Resources Code § 21166; Guidelines §§ 15162-15164.

The Project that was vested in 2004 is undeniably different than the Project before the Board today. The discretionary review triggered by the changes to the Project therefore necessitates a full CEQA review of this newly designed Project. Indeed, the 2004 Conditions of Approval acknowledge that vesting only applied to the design *as approved at that time*. Condition of Approval 84 demands that the "use shall be constructed and operated in conformance with the proposal statement . . . and the inn/spa/restaurant site plan included in the project EIR." Staff Report, Exhibit B, p. 23. "If any changes to plans, drawings, documents or specifications required pursuant to any conditions herein specified occur, these changes shall be brought to the appropriate department for review and approval prior to any construction or improvements. Also, these changes shall be reviewed by all departments involved in the initial approval of the subject plans, drawing, documents or specifications that are proposed for change." *Id.* at p. 1. All of the buildings, the pool, and parking have changed and the circumstances surrounding the Project have changed. Therefore, the significant changes to the project design, plans, and documents, are not vested by the 2004 approval and require additional consideration under CEQA that must take into account as well the changed circumstances.

Not only does the County's July 2017 Addendum fail to satisfy its CEQA duties, the Design Review Committee and Planning Commission have failed through their recent Project reviews and approvals to ensure compliance with all original conditions of Project approval imposed by the Board.

A. The County Must Prepare an SEIR to Analyze Greenhouse Gas Emissions and Global Warming.

When the County first approved the Project in 2004, global warming was ignored by some as a bogeyman, and by others as highly uncertain, if not unlikely. Even less certain was whether and how anthropogenic greenhouse gas emissions (“GHGs”) contributed to that warming. That uncertainty was particularly prevalent in the United States, where “US media representations of anthropogenic climate change diverged significantly from the scientific consensus in 2003 and 2004.” Boykoff, M.T., 2007, “Flogging a dead norm? Newspaper coverage of anthropogenic climate change in the United States and United Kingdom from 2003 to 2006,” *Area* 39(4):470-481, p. 474, (attached hereto as Exhibit 1).

With such uncertainty, for CEQA’s first 35 years, EIRs generally ignored GHGs and global warming, as does the EIR for the Project here. Neither the draft EIR nor final EIR for the Project *even mention* “climate change,” “global warming” or “greenhouse gas.”

But the scientific consensus on global warming – and the American media’s portrayal of same – has solidified since the County certified the Project EIR in 2004. In 2005-2006 the American media finally began reporting the “consensus view that humans very likely contribute to climate change.” Exhibit 1, pp. 474-475. And the consensus prognosis since then has only become more dire, with “a battery of recent studies call[ing] into question even [the] limited optimism” that we could “limit[]t he warming of the globe to below 2 degrees Celsius (3.6 degrees Fahrenheit) above pre-industrial temperatures, often cited as the threshold where ‘dangerous’ warming begins.” Mooney, C., July 31, 2017, “We only have a 5 percent chance of avoiding ‘dangerous’ global warming, a study finds,” *The Washington Post* (online) (attached hereto as Exhibit 2);¹ Raftery, A.E., A. Zimmer, D.M.W. Frierson, R. Startz and P. Liu, 2017, “Less than 2 °C warming by 2100 unlikely,” *Nature Climate Change* (attached hereto as Exhibit 3); Mauritsen, T. and R. Pincus, 2017, “Committed warming inferred from observations,” *Nature Climate Change* (attached hereto as Exhibit 4) .

The policy context has also changed markedly since 2004. In 2006, the same year “An Inconvenient Truth” was released, California enacted Assembly Bill (“AB”) 32, the “Global Warming Solutions Act,” which set a GHG emissions reduction target for the entire state. Chapter 488, California Statutes of 2006. “Through [that] enactment, the Legislature . . . expressly acknowledged that greenhouse gas emissions have a significant environmental effect.” *Communities for a Better Environment v. City of Richmond* (2010) 184 Cal.App.4th 70, 91. And soon

¹ https://www.washingtonpost.com/news/energy-environment/wp/2017/07/31/we-only-have-a-5-percent-chance-of-avoiding-dangerous-global-warming-a-study-finds/?utm_term=.39c018a381ec

thereafter, in 2007, the California Legislature for the first time expressly recognized that GHG emissions could be significant impacts under CEQA, and directed the Office of Planning and Research and the Natural Resources Agency to amend the CEQA Guidelines to address GHG emissions, which it did. Public Resources Code § 21083.05; Guidelines § 15064.4.

These substantially changed circumstances and significant new information indicate that the Project will likely have a significant environmental impact from GHG emissions not previously analyzed *at all* in the EIR or the 2017 Addendum. Just as it is expected to cause substantial local air pollutant emissions, the Project would also generate substantial GHG emissions from the same sources, including the hundreds of daily automobile trips it is projected to generate and the significant amount of gas and electrical power it would require. DEIR, pp. 2.0-29 to 2.0-31, Environmental Checklist, p. 42. Using the revised square footage for the primary Project components, and retaining the program defaults for all other data specifications, CalEEMod (version 2016.3.1) estimates that the Project would generate over 1,275 metric tons (“MT”) per year of CO₂ equivalent (“CO₂e”) per year. Exhibit 5 (CalEEMod output summary). That exceeds by 175 MTCO₂e the 1,100-MTCO₂e-per-year threshold of significance “for operational-related GHG emissions” recommended by the Bay Area Air Quality Management District (“BAAQMD”). BAAQMD, May 2017, California Environmental Quality Act Air Quality Guidelines.²

Furthermore, the significant changes in Project design make the Resort a much more attractive destination for local, national, and international travelers alike. By attracting more guests – including guests who will have to travel longer distances to arrive at the Resort – the Project design changes dramatically increase the potential for climate change impacts. The SEIR should include an assessment of the potential vehicle and air miles travelled by guests and employees from all areas to determine the Project’s overall contribution to GHGs. Without such an analysis, the County and Tohigh are hiding the true cost to the environment of constructing and operating the Resort. This information must be included in an SEIR to provide the public and decisionmakers with the facts necessary to make an informed decision about the Project and its climate change impacts.

The County must thus prepare an SEIR to analyze these impacts before approving the Project. Public Resources Code § 21166; Guidelines §§ 15162-15164.

B. The County Must Fully Analyze the Revised Project’s Increased Trip Generation.

Rather than confirm that the proposed Project changes would not increase trip generation beyond what was originally estimated, the May 25, 2017 W-Trans “Review of Traffic Issues Relative to the Sonoma Country Inn Project” (“W-Trans

² Available here: http://www.baaqmd.gov/~media/files/planning-and-research/ceqa/ceqa_guidelines_may2017-pdf.pdf?la=en

Review”) highlights one of the reasons why the outdated traffic analysis done for the 2004 EIR must be redone before the County may approve the Project. Staff Report, Exhibit O.

As the W-Trans Review notes, there is a “potential for the [rooftop] bar,” which was newly added to the revised Project, “to attract more clientele due to the view.” Staff Report, Exhibit O, p. 2. But rather than analyze how *many* additional daily trips the Project change would cause, it merely concludes that because those trips would more likely occur at night, they would not affect the traffic levels during the “commute or Sunday afternoon peak periods that were the focus on the traffic analysis.” Staff Report, Exhibit O, p. 2. But *when* the trips are generated – which primarily impacts automobile level of service and congestion – is not the only concern. The *number* of additional trips generated is key to determining the revised Project’s GHG and local air pollutant emission impacts. And the W-Trans Review does not do that.

Additionally, the County must abide by its “Guidelines for Traffic Impact Studies” (May 2016). Those Guidelines direct: “For projects that have languished and/or are being resubmitted, all previous traffic studies relating to the development that are more than two(2) years old will have to be updated. A previous traffic study that is less than two (2) years old for the development under review will *only* be acceptable if the context in the general area has not changed significantly (i.e., new development, changes in roadways, and/or land use or area plans have not occurred since preparation of the report).” *Id.* at p. 2, emphasis in original. Contrary to these Guidelines, the County has not provided the updated analysis required. That analysis should include the impacts of all existing and foreseeable projects that might impact traffic along this increasingly congested highway corridor now known to the County.

In rejecting our requests for an updated traffic analysis, the Planning Commission apparently relied on the fact that traffic volumes on Highway 12 have not increased as much as had been forecast in the 2004 EIR. Tohigh argued, and the Planning Commission agreed, that the Project’s traffic impacts may be less than had been predicted in the 2004 EIR because Caltrans’ traffic counts for Highway 12 in 2015 were less than the EIR had projected. Staff Report, Exhibit O, p. 4. However, the fact that Caltrans’ traffic counts for Highway 12 have not increased as much as had been predicted in the 2004 EIR does not mean that the County is excused from its duty under CEQA to examine the foreseeable increases in traffic on Highway 12 due to projects that were approved before 2004 but – like this Project – have not yet been built, let alone projects approved *since* 2004 or likely to be approved in the foreseeable future.

The reason for this is self-evident. Because of the deep recession that stalled development in the Highway 12 corridor (including development of the Tohigh Project) for the past decade, one would expect that traffic volumes on Highway 12 in 2017 *would* be less than had been predicted in 2004. However, now that the

economy is picking up it is reasonable to expect that previously approved developments that have not yet been built will *now* be built and put into operation, thereby increasing traffic on Highway 12.

Furthermore, the recent and likely future approvals of other projects on the Highway 12 corridor, including Stonebridge at Oakmont Village (a 74-unit memory care facility), the Elnoka senior living complex (to house at least 975 persons) just west of Oakmont, and other similar developments will generate a very substantial increase in traffic on the already congested Highway 12 corridor – which Caltrans does not plan to widen – in the foreseeable future. Additionally, wineries that had been permitted but not yet built, and proposals for new wineries and expansions to other wineries and similar businesses will likewise add substantial new traffic to the two-lane undivided Highway 12.

None of these sources of traffic were included in the 2004 EIR. Under CEQA, *all* of them must be considered *now*. Because the County has failed to address these foreseeable traffic impacts on Highway 12, it has failed to comply with CEQA.

The County must fully analyze the revised Project's increased trip generation before approving the Project, and do so in the context of the *changed circumstances* including the substantial increases in traffic along Highway 12 that are foreseeable *today*. Guidelines § 15162(a)(1), (2) and (3). It must also accordingly re-analyze the parking demand associated with the trip generation from all aspects of the Project.

C. The County Must Fully Analyze the Changed Circumstances Surrounding the Water Supply Available to Support the Project.

The Project's water needs for the Inn, Spa, and Restaurant will all be supplied by a single on-site well, constructed for the purposes of this Project.³ 2004 Draft EIR at 5.5-1. In light of the recent long-lasting and extremely severe drought, the stability and reliability of that well's production – and thus the adequacy of the water supply available to support the Project – is now uncertain and must be reevaluated. Yet neither the County nor the developer has provided an updated analysis of water supply. Without such an analysis, the Project fails to comply with CEQA's mandate that where, as here, there are changed circumstances surrounding the Project, an SEIR must be prepared.

The December 2002, Richard C. Slade hydrological report, *Result and Analysis of 48-Hour Constant Rate Pumping Test – Resort Well at Graywood Ranch*, along with the October 3, 2000, E.H. Boudreau report, *Geology and Ground Water Potential of the Auberge Resorts Property, Kenwood California*, form the basis for the 2004 EIR's

³ There are two wells that were constructed on the property for the Project. The Resort Well, or upper well, will service the Resort, Spa, and Restaurant, and the Winery Well, or lower well, will service the proposed associated winery and event space. 2004 EIR at 5.5-1.

conclusions that “there is more than sufficient groundwater available on the project site to meet the estimated water demand.” 2004 Draft EIR at 5.5-1, 5.5-9. Relying on the 2002 Slade Report, the Addendum postulates that the Resort Well “will have enough capacity to support the project and not impact the neighboring wells water source in normal and drought years.” But the Slade Report is nearly 15 years old and does not account for the recent severe drought conditions. In light of the extraordinary length and severity of the recent drought conditions, the conclusions drawn in the 2002 Slade Report and 2004 EIR are inaccurate, and the Project’s impacts will likely be more severe than those documents suggest. These changed circumstances necessitate further study and preparation of an SEIR to update that information.

These changed circumstances can be seen in the California Department of Water Resource’s data on groundwater wells in the area. Groundwater levels for two stations located near the Project site show significant and steady long-term decline in groundwater resources over the past 15 years since the studies on which the EIR and Addendum rely were completed. DWR Water Data Library, Groundwater Level Report: Station 384437N1225793W001 (attached hereto as Exhibit 6); DWR Water Data Library, Groundwater Level Report: Station 384437N1225793W002 (attached hereto as Exhibit 7). Three other wells in the area also indicate erratic water levels in response to the long-term drought conditions, showing that the groundwater in the area may be unreliable under drought conditions. DWR Water Data Library, Groundwater Level Report: Station 384144N1225550W001 (attached hereto as Exhibit 8); DWR Water Data Library, Groundwater Level Report: Station 384248N1225611W001 (attached hereto as Exhibit 9); DWR Water Data Library, Groundwater Level Report: Station 384310N1225745W001 (attached hereto as Exhibit 10). The 2004 EIR admits that the “development of undeveloped lands, and the increased population and winery production [in the area] would result in loss of infiltrative area (for groundwater recharge) and additional groundwater use in the vicinity,” which would contribute to a decline in groundwater levels in the basin. 2004 Final EIR 9.0-104. This admitted impact to groundwater must be reevaluated in light of the recent evidence showing an even greater decline in groundwater in the area due to the long-lasting severe drought in recent years.

The 2004 EIR’s consideration of drought concerns is inadequate to address the severe drought experienced in recent years. Indeed, the EIR relies on “groundwater levels in the basin [that] rebound very quickly in response to normal rainfall following a dry year.” 2004 Final EIR 9.0-106. But unlike the EIR’s assumptions, recent drought conditions have been long-lasting and the area has not seen “normal rainfall following [each] dry year.” *Id.* Rather, dry years have persisted one after the other, limiting the opportunity for the groundwater basin to recharge and significantly changing the groundwater conditions in the area. The Project’s impacts on these changed conditions must be analyzed in an SEIR.

Furthermore, should the water needs of the Project exceed the available supply, the Project’s impacts will exceed those reviewed in the 2004 EIR. That EIR – just like

the County's 2017 Addendum – assumes that the Project would comply with the Conditions of Approval. For example, the County's CEQA review assumes compliance with Condition of Approval 48, which requires that a "safe, potable water supply shall be provided and maintained." Staff Report, Exhibit B, p. 15. But as shown above, drought conditions have impacted the groundwater supply over the past 15 years since the studies on which the EIR and Addendum rely were performed. This changed circumstance places in doubt the reliability of the County's past and current CEQA reviews because they both assume that groundwater supplies will not decline.

Similarly, Condition 59 of the Conditions of Approval has never been achieved. That condition requires regular monitoring of the Project's "Resort Well." Staff Report, Exhibit B, pp. 17-18. Yet, at the Design Review Committee hearing, Tohigh's expert admitted that the "Resort Well" water levels had *not* been monitored. This failure to monitor the Resort Well levels is particularly disturbing because the recent drought has had such a significant negative impact on groundwater levels, as noted above. Again, the County's – and Tohigh's – failure to enforce the conditions of approval undermines the validity of the County's CEQA review. That review must now be updated to ensure that there will be sufficient groundwater available for the Project's long-term operation.

For these reasons, the Project's water supply impacts have not been adequately disclosed and analyzed under CEQA.

D. The County Must Consider the Project's Long-Term Water Demands in an SEIR.

Under CEQA, an EIR must consider a Project's long-term demand for water and the resulting impacts to water supply. *Vineyard Area Citizens for Responsible Growth v. City of Rancho Cordova* (2007) 40 Cal.4th 412, 431 ("an adequate environmental impact analysis for a large project, to be built and occupied over a number of years, cannot be limited to the water supply for the first stage or the first few years"). Rather, "an EIR must address the impacts of 'reasonably foreseeable' future activities related to the proposed project." *Id.* at 428. Here, the EIR and Addendum fail to address numerous reasonably foreseeable activities that will utilize water and affect the area's water supply.

The EIR analyzed a project that would utilize 16.3 acre-feet of water per year. Staff Report, p. 8. However, the EIR "did not specifically estimate evaporation from the swimming pools and hot tubs in its summary of water demand for the project." *Id.* As the Addendum admits, the "total increase from evaporation compared to the EIR analysis would be 0.92 acre-foot." Addendum, p. 16. In an attempt to offset that increase, the applicant proposed to move the previously planned on-site laundry to an off-site facility. But no information about that change and its impacts are included in the Addendum or any updated analysis. The Addendum fails to identify the location where the laundry facilities will be moved, if they will still be

undertaken by Tohigh or by another facility, how much water will be used and from what source, and how much trucking will be required to complete that task and its greenhouse gas emissions. Furthermore, the Project design plans still show a laundry room located on the second floor of the main inn. Staff Report, Exhibit F, p. A2.1. Either the laundry facilities are being moved off site and no laundry room is needed on site, or they are not. Assuming that the laundry tasks are completed by Tohigh at a nearby facility, that water use could still impact the overall water supply in the area. That information must be included in an SEIR. *Vineyard*, 40 Cal.4th at 428. And, of course, the global warming impacts of trucking all that laundry back and forth every day for the life of the Project must be analyzed.

Similarly, it is unclear whether the Project's water use calculations incorporate the water use associated with adding hot tubs to each cottage, the changes to the spa facilities, and adding two fountains at the front of the inn. The entire water use discussion for the Project lacks evidence to support its conclusion that only 16.32 acre feet per year will be used. There is little information about the assumptions made to reach that conclusion including the assumed number of water users per day, the use for the restaurant or bars, the use for the new support services building, or the impact on water use from the changes in landscape design. The information relied on by Tohigh and the County to conclude that only 16.32 acre feet of water per year will be used must be included in an SEIR. Without such information, public is left to speculate about the assumptions made in making this cursory determination, in violation of CEQA's mandate for adequate and accurate information.

Furthermore, the Addendum's analysis of the evaporation impacts that were not included in the 2004 EIR fails to identify what methods were used and if those methods account for the types of pools and structures on the property. Evaporation from the infinity pool design that was part of the recent Project changes will be greater than evaporation from a standard pool structure. That information must be provided to the public and decisionmakers in compliance with CEQA.

If the actual water demand for the Project is only 16.32 acre feet per year – which does not appear to be correct given the above considerations – then Condition for Approval 59 must be revised to accurately reflect the water use. Rather than identify the 16.32 acre feet per year that Tohigh claims is needed for the Project, the Conditions for Approval limit water use to 19.4 acre feet per year. Staff Report, Exhibit B, pp. 17-18. That inconsistency should be corrected to accurately reflect the Project's actual predicted water demand.

E. The County Must Provide Adequate Analysis and Information Regarding the Proposed Tree Removal Necessary for the Project

The Addendum claims that “approximately 17 percent fewer trees would be removed with the proposed project, including seven large specimen oaks,” but fails to provide the public and decisionmakers with the information needed to make an informed decision. Staff Report, Exhibit E. An SEIR is needed to determine the

visual and aesthetic impacts of the new tree removal plan due to the changes to the Project layout and design.

Understanding the potential impacts of tree removal is especially important along the western ridge where the western cottages have been relocated. The potential for tree removal and thinning to affect the views of those cottages from Highway 12 and elsewhere increases drastically with their relocation to a ridgeline. The changes to the western cottage design will cause trees in the old parking area to be removed, as well as trees to the south where the larger cottages are located. These trees that will now be removed seem to have shielded the original design from view. The removal of those trees under the new layout may significantly impact the view of the Resort and degrade the aesthetics of the area. While the Staff Report claims the visual impact of each cottage will be either equal to or less than the visual impact considered in the 2004 EIR, it does not appear to take into account the specific trees to be removed and the impact that will have on each view. Staff Report, Exhibit Q, Exhibit P-2. Visual depictions of each of the relocated cottages, is essential to informed decisionmaking and must be included in an SEIR.

Lastly, the Addendum fails to address the requirement identified in the Draft EIR that “[t]hinning of tree canopies and selective tree removal is required for up to 150 feet from structures” to accommodate emergency services. The Staff Report seems to show numerous trees well within 150 feet of a structure. Staff Report, Exhibits E and F. Since those trees that are within 150 feet of a structure may need to be removed for emergency services purposes, those trees should be identified in an SEIR to allow the public and decisionmakers to take that loss into account when making an informed decision regarding visibility and Project aesthetics.

F. The County Must Prepare an SEIR That Addresses the Potential Nighttime Light Pollution Impacts of the Redesigned Project

Pursuant to the 2004 EIR analysis, the County found light pollution impacts to be significant and unable to be fully mitigated because the “Project would result in new lighting sources on the Project Site.” Staff Report, Exhibit J, Significant Impacts That Could Not Be Fully Mitigated, p. 9-10. This significant impact will only be exacerbated by the newly proposed rooftop terrace, which proposes new lighting sources that are open to the night sky. Yet the February 14, 2017 Photometric Analysis prepared by Eric Johnson Associates claims that “there will be no new significant light impacts.” Staff Report, Exhibit K, Resort at Sonoma Country Inn Photometric Analysis, p. 7; Addendum, pp. 21-23. This conclusion does not follow from the facts established in that same report.

The Photometric Analysis admits that “it is impossible to gauge any differences between the conceptual layout approved in 2004 and the now precise and specific development, site and lighting plans.” Staff Report, Exhibit K, Resort at Sonoma Country Inn Photometric Analysis, p. 7. Without an ability to compare the original proposal, which admittedly would cause significant light pollution that could not be

mitigated, the County cannot now conclude that there will be “no new significant light impacts.” *Id.* While the original proposal included a skylight that would emit light from one small area inside the main building, the new design layout includes an entirely open rooftop terrace that would require lighting for restaurant use, bar use, walkways, elevators, and the proposed fireplace that will be in use until at least midnight for guests and even later for cleanup crews. These additions to an already significant impact must be analyzed in an SEIR that considers the dramatic impact of these significant increases in light emissions on the surrounding rural and bucolic area where residents enjoy the starry night sky.

There is also no analysis of the effect that night lighting will have on the nearby Ferguson Observatory (whose viability depends on maintaining dark skies in the area), or whether the applicant or the County even consulted with the Observatory. Yet, this design change will obviously and significantly increase light pollution in this remote site, degrading the dark skies needed by the Observatory.

Furthermore, the Photometric Analysis fails to consider the impact of the new support services building on the surrounding night sky. It is apparent that such a building will require lighting sources and the impact of that light emitting from the windows of this newly proposed building must be considered in an updated environmental analysis to adequately inform the public and decisionmakers.

Similarly, the SEIR must analyze the potential lighting impacts of the relocated western cottages that will now be located on a ridgeline. The new location for these cottages, and the lack of information regarding the trees that will be removed around those cottages, create a potential for significantly increased night lighting impacts. If those cottages are more visible due to their new location and the changes in tree removal, then any lighting impacts will be significantly increased. This impact must be analyzed in an SEIR to allow for an informed decision on the Project.

G. The County Must Analyze the Increase Noise Impacts From the Redesigned Project in an SEIR.

Similarly to the nighttime lighting impacts, the redesign of the rooftop terrace will also change the noise impacts from the Project. Under the conceptual design for the Project, the outdoor terrace was located only on the second floor and much of the terrace was enclosed in what appears to be a courtyard in the main building. To the contrary here, the new design proposes a completely open rooftop terrace that will house a portion of the restaurant and bar, as well as lounge areas. This terrace is open on all sides and may have significant noise impacts both during the day, and until the restaurant closes at midnight daily. This is especially significant where, as here, the Project is located in a rural and bucolic area that prides itself on its quiet nighttime surroundings. This potentially significant change in the Project design must be thoroughly considered and analyzed in an SEIR.

H. Emergency Evacuation Plans Must Be Considered in an SEIR.

The redesigned Project will utilize valet services for all parking in the eastern parking area for the Project. Staff Report, pp. 4, 11. It is unclear from the Addendum and Staff Report whether valet parking will also be used for the western parking lot, but Tohigh has indicated that it will be using valet services for all parking. This information should be clarified in an SEIR since this change will adversely impact the potential for guest evacuation in an emergency. Guests will be unable to access their vehicles since they will not have access to their keys, which will be with the valet attendant. Instead, guests will be required to evacuate the facility on foot, potentially putting them in harm's way, particularly if there is a wildfire in the surrounding forest. This change in the Project design, and its impact to guest safety, must be considered in an SEIR to comply with CEQA. Guidelines § 15126.2(a) (an EIR must consider the "health and safety problems caused by the physical changes" to the Project).

I. The County Must Provide for Public Review of an Adequate SEIR.

An SEIR "shall be given the same kind of notice and public review as is given to a draft EIR under Section 15087." CEQA Guidelines §§ 15162(d), 15163(c) (quote). Therefore, when and if the County prepares an SEIR – as it must, to analyze the issues discussed above as CEQA requires – it must provide the public and interested agencies with the opportunity to review the SEIR to determine its adequacy, and the potential for the changes in the Project and the changed circumstances to impact the surrounding environment. CEQA Guidelines § 15087. The County must provide this notice to state, regional, and local agencies through the State Clearinghouse and area-wide clearinghouses to ensure adequate review of the SEIR under Guidelines section 15087. Public review of the changes to the Project and the changed circumstances surrounding the Project is essential for CEQA compliance. CEQA Guidelines §§ 15087, 15162, 15163.

CONCLUSION

For the above reasons, VOTMA requests that the Board (1) vacate the Design Review Committee's October 19, 2016 approval of the revised Project design, and the Planning Commission's August 3, 2017 resolution upholding that approval, and (2) direct PRMD to prepare a supplemental EIR analyzing the environmental effects of the final Project design changes proposed in application DHR16-0006, and the changed circumstances and new information about significant environmental impacts that have arisen in the 12-plus years since the Project was originally approved.

Respectfully submitted,

Roger Peters

Valley of the Moon Alliance

cc: Susan Gorin, Sonoma County Board of Supervisors, District 1
Georgia McDaniel, Sonoma County Permit and Resource Management Dept.
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