

December 19, 2017

Brian Millar
PRMD (Landlogistics)
County of Sonoma
2550 Ventura Avenue
Santa Rosa, ca 95403
(Submitted via email to: brian@landlogistics.com)

Re: PLP15-0067 Kenwood Vineyards MND

Dear Mr. Millar,

The Valley of the Moon Alliance (VOTMA) submits comments on the posted Mitigated Negative Declaration (MND) in referenced application (PLP15-0067 or Application). For the reasons stated below, VOTMA believes the MND is deficient with respect to its analysis and determinations of this project's impacts on Transportation/Traffic and Hydrology. VOTMA disagrees with determinations in the MND as drafted in those areas and will be requesting the BZA to either return the MND to staff with directions for further analysis and application of additional conditions, or preferably given the potential significance of the project's impacts, to direct staff to commence an EIR to more fully investigate the impacts of this project on Sonoma Valley and the Kenwood area.

A. Background

Pernod Ricard Kenwood Investments LLC (Pernod Ricard or PR) submitted the Application on August 28, 2015; PRMD circulated the Application to interested parties for review and comment on October 22, 2015. VOTMA submitted comments on November 12, 2015 (attached, #1), in which VOTMA requested that a full EIR be conducted for the project. (VOTMA provided additional comments on April 5, 2016.) (attached, #2) VOTMA reiterates that request now.

VOTMA's comments below set out its various concerns with the inadequate traffic study submitted by PR, and with the groundwater impacts analysis of the project. In brief, the MND does not give adequate attention to the traffic impacts that will result from the tens of thousands of additional tasting room and wine/food paring visitors per year that this project is specifically intended to generate. Although the 33 special events days PR has requested will be capable of generating 6,700 visitors annually, it is the open-ended daily wine tasting/food paring activities generated by the new tasting room that VOTMA fears will be what will overwhelm the already precarious traffic situation on Highway 12 in the area around the Kenwood Vineyards project site. The PR Traffic Impact Study is wholly inadequate in its assessment of these impacts on northern Sonoma Valley traffic congestion as a whole.

It is relevant to note the context in which PLP15-0067 is being considered. Over the last several years the proliferation of wine industry-related events in Sonoma County has received considerable public attention and focus. In Sonoma Valley and particularly in the Kenwood area segment of State Route 12 (SR 12) there has been a growing perception, perhaps even acknowledged by the wine tourism industry, of an overconcentration of winery-related events that is transforming the rural character of the area. Traffic impacts associated with more and larger events and the advent of wine/food pairing lunches and dinners are pronounced, and there appears to be an ongoing “arms race” afoot, as wineries and tasting rooms race to outdo each other in search of additional wine club memberships and increased winery retail sales of premium gold star vintages.

The County has recognized the overconcentration issue and convened public meetings and a working group to attempt to develop some nonproliferation parameters. The status of the County effort is somewhat murky at this point

VOTMA was advised in early 2017 that the County was progressing toward a traffic study of the Sonoma Valley that would be conducted in the summer of 2017 after a similar study in the Dry Creek Valley had been completed. At PRMD’s request VOTMA sent in a list of suggested parameters for that study. VOTMA had understood that the study was undertaken in the summer and was prepared for a meeting set for November 15 to discuss progress and next steps on the various traffic studies and the overconcentration issue. Understandably, that public meeting was cancelled after the devastating October firestorms. That meeting has not been rescheduled as of yet.

Into this simmering cauldron now comes the BZA hearing of the MND for the PR new tasting room, and its plan for enhanced wine tasting activities, food/wine pairings, dinners and formal authorization for an increase in promotional events from 8 to 33 per year. PR’s January 2016 “Marketing Plan” outlines the scope of that effort. It is fair to say that the increase in the number of attendees expected to frequent the outlined marketing activities will result in multiple tens of thousands of additional people per year visiting the Kenwood Winery, with the bulk of those occurring during the 6-month period of May through October.

VOTMA understands PR’s determination to push through its Marketing Plan and use permit and begin the next steps to realize a return on its \$100 million investment made in acquiring the venerable Kenwood Vineyards label. VOTMA understands why the County delayed the meeting scheduled for discussion and possible release on the Sonoma Valley Traffic Study that would rationally be the most central piece of information that would assist in fully and fairly evaluating the likely traffic impacts of approving PLP15-0067. That PRMD would rush to judgment – with an abrupt mid-December pre-holiday hearing – an application that will have a profound impact (either way it is resolved) on the overconcentration and resulting traffic congestion issues in the Kenwood area of Sonoma Valley is inexplicable.

B. THE MND'S DISCUSSION AND ANALYSIS AND THE INITIAL STUDY AND SUPPORTING REPORTS ARE INCOMPLETE AND/OR INADEQUATE AS TO THE ADVERSE EFFECTS OF THE NEW TASTING ROOM ON TRANSPORTATION AND TRAFFIC.

1. Transpedia's Public Visitation Trip Generation Projections Are Not Adequately Supported. Even so, They Reflect a Startling Increase in Anticipated Public Visitation.

As part of the Application Project Description, PR included a "Marketing Plan" (August 2015). That Plan specified that PR sought to conduct "Public Visitation" activities, Marketing Events, and Industry Wide Promotional Events. "Public Visitation" consisted of a) public tours, tastings and retail sales; and b) public tours, tastings and food pairings. Tastings and retail sales were to occur "daily" from 9am to 5pm. The Marketing Plan was revised in January 2016; the revised Plan (attached, #3) retained the Public Visitation tour, tasting, retail sales, food-paring framework.

PR's traffic/transportation consultant, Transpedia Consulting Engineers (TCE), prepared several iterations of a "Traffic Impact Analysis" (TIA) for the tasting room project. VOTMA obtained the April 25, 2016 "Final Report" from PR. The MND revealed the existence of an apparent subsequent "Final Report," dated October 4, 2016 (October 2016 TIA), as well as an October 18, 2017 Addendum. VOTMA received those files from PRMD late last week.

The October 2016 TIA includes a section (p. 3-5) where TCE estimates the new project's "Trip Generation." TCE prepared the trip generation based on five-year old tasting room visitor counts from 2012-2013. TCE indicated "the 2012-13 data analysis indicates that 55 persons visited the existing tasting room during a typical weekday (Monday-Friday) in the peak harvest months (October 2012 and October 2013); and 121 persons during a typical weekend day (Saturday - Sunday)."

Comparing the size of the old tasting room to the size of new facility, TCE estimates that the new facility would generate 199 persons each weekday and 438 persons per day during the weekend, both during the harvest peak. Together with the 420 food pairing persons per week (60 x 7 =420), the estimate attendees per week in the new facility would be 2291 (excluding any marketing events that are occurring simultaneously). That compares to the estimate of attendees at the existing tasting room of 517 persons - a *four-fold increase*.

Despite the fact that Kenwood Vineyards has been in operation with a tasting room for many decades now, the TIS provided no information on tasting room attendance

or back-calculated trip generation other than for the October 2012 and 2013 peak harvest. That is understandable for purposes of TCE's Level of Service (LOS) intersection analysis, although the data should be updated to now include the 2015, 2016 and 2017 October peak attendance. But a more complete assessment of the traffic impacts of the Application is necessary. The more detailed granularity based on actual history would be useful in assessing SR 12 roadway (vs. intersection) impacts and whether conditions of approval limiting maximum day and maximum week/month attendance based on visitation seasonality would be appropriate.

PR's August 2015 and January 2016 Marketing Plan did contain daily and weekly attendance limits. It is unclear whether PR has withdrawn those proposed limits; the MND and the Staff Report (received late-afternoon without attachments on December 15th) do not reference the attendance limits in the Marketing Plan filed in connection with the Application.

In a normal application for a new use it would be expected that attendance projections would contain conjecture. That is not the case here; PR presumably can and should provide the tasting room attendee data for the period 2015-17, the period after it acquired ownership. Since PR charges a wine tasting fee, that information is likely tracked for financial record purposes by month.

Instead of having actual current attendee data, TCE was left to rely on two months of stale data (October 2012-13) to start its trip generation exercise. From there TCE apparently assumed that expected peak October attendance after the new tasting room became operational was best estimated by using a straight linear correlation of the square footage between the old and the new facility.

There is no reason to believe that tasting room attendance would increase in a straight-line fashion relative to square footage of the two tasting rooms. Attendance could easily significantly exceed those estimates based on the fact that the ambiance and fashionable amenities of the newest high-scale tasting room in Sonoma Valley will undoubtedly be a big new attraction. PR is a world power in the wine and spirits industry and has every marketing channel conceivable available at its beck and call.

PR has already relabeled its Kenwood Vineyards brand. It has acknowledged that tasting currently takes place in what is essentially a barn with no amenities. Undoubtedly there are already market campaign plans well developed to promote the new wine tasting venue. So it would be surprising if the square footage linear relationship TCE has applied correctly estimated the jump in attendance compared with a tasting room located on a knoll facing an expansive view southeast down the Sonoma Valley. Even accepting that questionable assumption, it seems that at a minimum for MND purposes TCE should rerun its calculation based on the *actual* attendance experienced during 2015-17, rather than using the pre-acquisition 2012-13 numbers.

A better option would be for TCE (or more to the point PRMD) to develop local benchmarks for tasting room activity in the surrounding venues. PRMD should be doing that already as part of its overconcentration assessment. That exercise need not reveal any competitively sensitive information. All data gathered by PRMD to develop a census of tasting room activity could be aggregated to protect individual wineries' confidential business information. This sort of census information is simply too important to the process of developing a reasonable response to the proliferation and overconcentration of events in the Kenwood area.

Even as one wonders whether some industry benchmarks or neighboring winery benchmarking might not be a better model for Public Visitation trip generation estimates, it bears noting that the 2291 attendees TCE estimates per week also translate into a best case for PR sales (or worst case for SR 12 traffic) projection of 38,947 attendees over the four month (17 week) July-October peak tourism months. That compares to the 8,789 theoretical attendees estimated for 4 months under the current tasting room conditions – a *four-fold increase*. That level of attendance growth is perhaps optimistic for PR, but the point is that the probable increase in attendance is almost certainly measured in the tens of thousands of people during the prime tourism season. How many thousands of other attendees would be cashiered in the remaining 8 months of the year may also be hard to estimate, but that surely would be significant as well. Overall, it is apparent simply from using TCE's estimates, that the daily wine tasting and food paring traffic load of the project on this already congested segment of SR 12 will likely be quite startling. When some of those tasting days are displaced by (or held the same day at different times as) any of the 33 Promotional Events, the burden will escalate further.

Projected visitation attendance and associated trip generation translation are defining elements of a credible traffic impact study. PR undoubtedly has the actual visitation information for the last three years to provide the granular detail to model the visitation profile for the operating tasting room. It has not provided that information and instead allows TCE to work off stale 2012-13 data. The burden is on the applicant to establish credible visitation and trip generation statistics; PR has not met that challenge. It is in the unique situation here to do more than a normal new construction application; yet it has chosen to do *less*. Staff has apparently acceded to that approach. VOTMA asks the BZA to require more.

As an alternative (or a supplement) the BZA should impose reasonable but stringent conditions of approval that limit usage and thereby prevent the tasting room from becoming a runaway event venue. As it is, TCE is projecting that in the October harvest period PR should expect almost **500** attendees per day on the weekends and **200** attendees per day on weekdays. For most wineries those numbers would effectively constitute a rolling daily special event.

PR's January 2016 Marketing Plan (perhaps now abandoned?) proposed that "Public Visitation" tasting /retail attendees be limited to a maximum of 500 people per day and 1000 people per week on average. VOTMA recommends that the tasting/retail

limitation proposal be refined as follows: 200 persons per day maximum on weekdays; 500 persons per day maximum on weekends; 1000 persons per week maximum, averaged per calendar month; all tasting by prior reservation.

VOTMA believes that this condition of approval is reasonable and consistent with TCE's attendance projections. VOTMA recommends that this condition stay in place for at least 18 months after tasting room operations are fully operational, and that it be evaluated after 18 months for revision based in part on a report filed by PR outlining tasting room operations and attendance. That report, together with the information gathered by PRMD relating to SR 12 and surrounding roadway impacts, would form the basis for any adjustment to the limits going forward.

2. Transpedia's Single Intersection LOS Analysis Is Inadequate. It Is Based on Three Data Points for One Intersection and Entirely Fails to Address the Adjacent Affected Intersections Impacted by the Enhanced Tasting Room Activities Proposed.

TCE's analysis of the traffic impacts on the new tasting room is framed too narrowly. The April 2016 TIS Final Report evaluated the Level of Service (LOS) implications of the new tasting room Public Visitation and Marketing/Promotional events plan at a single intersection in Sonoma Valley – the Warm Springs Road-State Route 12 signalized intersection. The October 2016 Final Report was based on two data points—peak weekday pm traffic and peak weekend day pm traffic. Peak weekday pm traffic was recorded on September 1, 2015 (4-6 pm); peak weekend day traffic was recorded on August 29, 2015 (11am-1 pm). The subsequent October 2016 TIS Final Report dated October 4, 2016 added a peak weekday am count taken on August 30, 2016 (7-9 am). In other words, only three data points – one morning, one mid-day and one late afternoon – were considered. And only one intersection was studied. This is inadequate.

The study of a single intersection is typically not adequate to determine the impact of a project. That is true here in view of the nexus to SR 12, the numbers of attendees anticipated to visit the new tasting room and the trip generation and distance (vehicle miles traveled) associated with that tasting room trip volume. The fact that a visitor may be able to enter and exit the project without long delay says nothing about the chain congestion impact of those large numbers of visitors whose vehicles then proceed east and west on SR 12 (for the most part) to the subsequent intersections along SR 12, whether signalized or not.

Table 7 of the October 4 Final Report (p.3-7) projects that the Net Project Trips of vehicles entering and exiting the project site as a result of the new tasting room during the harvest peak season week will be 1,947. Whether they come or go at the peak period or are more spread out in time during a day/week, they will mostly pass through the road segments and intersections that run along SR 12 from Melita Road to the west and Madrone Road/Arnold Drive to the east. The TCE October 2016 TIS ignores that certainty and those intersections and road segments.

Those residents who live in and around the Kenwood area will not be able to simply ignore those impacts. Whether you live on Warm Spring Road, Egg Farm Road, Nuns Canyon Road, Lawndale Road, Frey Road or the many dead end roads in the area that front SR 12, those roughly 2000 additional trips per week will impact your life. They will add to the growing traffic congestion that increasingly defines SR 12 in the northern Sonoma Valley.

The TCE TIS is incomplete and inadequate to the extent that it does not at least consider the LOS impacts on the adjacent major intersections affected. The TIS needs an expanded study area rather than a single intersection focus. Certainly in this case the significant intersections to be considered would be Arnold Drive and Madrone Road to the east and Randolph Avenue, Warm Springs Road, Pythian Road, Oakmont Drive and Melita Road to the west. The BZA should require that those intersections be studied for LOS impacts before any final action on the Application is taken. The County's Guidelines for Traffic Impact Studies (May 2016) demand no less, for they require "analysis of local roadways and intersections in the project vicinity, including all intersections which are operating near or below County General Plan level of service thresholds." *Id.* at p. 6. As noted below, many of the intersections along SR 12 that this project would impact are *already* operating below LOS C, and in some cases, at LOS E – which the County concedes is unacceptable and *per se*, a significant impact requiring an EIR.

3. TCE Did Not Consider Any Roadway Segment Impacts Along SR 12 Due to the Enhanced Tasting Room Activities Proposed and Thus the MND Is Inadequate.

Although the MND (p. 46-47) discusses Objective CT-4.1, that provides a goal that the Countywide highway system maintain capacity such that roadway segments maintain a LOS C or better, the TIS does not analyze that issue in terms of the impact of the new tasting room plan. The TIS simply does not address SR 12 roadway segment impacts. Had it done so it would have had to reconcile the traffic impact analysis in the Sonoma County Inn (SCI) DEIR (PLP01-0006) in 2002 that found that roadway segments along SR 12 from Warm Springs Road to Oakmont Drive operated at an unacceptable LOS E. Anyone who has driven that stretch recently can attest that over the 15 years from 2002 that roadway segment LOS has deteriorated significantly and is now in places virtually a daily stop and go gridlock at peak times and frequently non-peak as well.

TCE's failure to address the roadway issue in light of the SCI analysis is curious in light of the fact that in its July 18, 2017 Addendum to the TIS to include a cumulative analysis of several specific projects to the west of the PR project site, one of those projects was the SCI project. TCE thus seemingly asks the BZA to accept the now-ancient trip generation estimates from that still pending project, but to ignore the fact that the DEIR (and Final EIR) determined that the roadway segment along SR 12 that many of the prospective visitors to the PR new tasting room facility was even

then at an unacceptable LOS E level. That factor was deemed a significant impact as required under state law.

The BZA should reject this effort to selectively harvest (and ignore) data from the SCI case and require TCE to return with a roadway segment analysis that captures the current and anticipated congestion conditions between Melita Road and Mardone Road. That analysis would put the 2000 net trips a week on SR 12 forecast to occur to and from the PR tasting room enhancement project in the proper context, and plainly trigger the need to prepare an EIR.

4. To the Extent Marketing and Events Activities Have Mass Start or Finish Characteristics the TIS Should Evaluate Those Queuing Issues

The overlap between Public Visitation activities and Marketing Events and Industry-wide Promotional Events in the Application is not clear. Those Marketing and Industry Events are described in the TCE October 4, 2016 Final Report (p. 3-17). It appears that “Promotional/Advertised Events, for example, could run on the same day of and overlap with Public Visitation. To the extent that such events would be in the form of a mass start/finish character, e.g., lunch, dinner or reception with specific start/stop times, it is not clear that the TIS analyzed that fully in terms of queuing. The TIS indicates that the worst-case scenario evaluated the “all inbound and none outbound” scenario, but not the reverse. If Public Visitation activities are underway and there is a mass stop for an ongoing Promotional Advertised Event the impact on Helmick Road exit queuing at normal winery peak hour operations could be significant. The TIS should address that situation. It may be that a condition to preclude that overlay potential would be appropriate.

5. The TIS Cumulative Scenario Analysis Is Incomplete and Inadequate and Misapplies the SCTA Model

To the general public, and in this case in particular to the residents of the Kenwood area, the Cumulative Scenario portion of a traffic impact study is perhaps the most important part. That is the worldview part of the report, where the applicant puts the project-specific trip generation analysis in a broader context. It is the place where the following critical question is answered: “how will the traffic impacts of this project *together with the traffic impacts of other projects in this immediate area approved or known to be pending or proposed*” affect congestion and other adverse traffic outcomes? Sometimes a project that seems acceptable in terms of potential adverse effects, taken alone, in reality may be the last straw that topples the unbalanced pile. At some point the next load of additional trip generation is one too many. That is why cumulative scenario analysis is required.

The October 2016 TIS Final Report, not uncommonly, reflects the most minimal type of cumulative scenario analysis. It is incomplete and inadequate and reflects a misunderstanding of the SCTA traffic demand model. It uses the SCTA model as the

sole input to establish that the single intersection that the TIS has evaluated will not be seriously congested anytime in the near future.

To TCE's credit it did supplement the October 2016 TIS with an Addendum (July 18, 2017) to that Final Report where it specifically adds to the project trip generation scenario the estimated trip generation that will result from three approved but not yet constructed projects in the SR 12 corridor. This effort is aimed in the right direction, but it too is incomplete and thus inadequate in terms of the pending or known projects that are being pursued in the SR 12 northern Sonoma Valley corridor.

- a) The SCTA-based Growth Factor Cumulative Scenario in the October 4, 2016 TIS Is Not Credible as Applied to Weekend Traffic.

On June 29, 2017 the Planning Commission and the BZA held a joint meeting to hear a briefing from Chris Barney of the SCTA on transportation modeling and impact analysis associated with SB 743. That legislation will transition traffic impact analysis from a Level of Service (LOS) (delay) approach to a Vehicle Miles Traveled (VMT) approach. In the course of that presentation Mr. Barney outlined the functionality of the County's current travel demand model (TDM) and plans for modification and upgrading of modeling capability.

Two take-aways from that portion of that presentation are relevant here. First, Mr. Barney indicated that the capability of the model to accurately characterize the travel demand changes and resulting level of congestion character on Sonoma County's streets and highways depends on the quality of the data SCTA has been provided by the cities and the County. Mr. Barney testified he was looking to develop and improve the accuracy and timeliness of the input data to the model on trip generation estimates for approved and proposed projects.

Two examples of that are relevant here. Based on conversations VOTMA has had with PRMD and SCTA it is apparent that the SCI project (approved in 2004) was not in the SCTA TDM database. Mr. Barney has confirmed that and indicated that it will be added for future model runs. Similarly, it appears (again confirmed by Mr. Barney) that currently the trip generation estimates from the already operating and highly successful St Francis Winery Tasting Room are not in the SCTA database. In short, there is no assurance that the output of the TDM that TCE relied on for its assessment of future growth in traffic on SR 12 is accurate and reliable. Mr. Barney was candid on this point – as with any model, the quality of the output is dependent on the quality and accuracy of the input data. Mr. Barney is to be congratulated on his efforts to develop an ongoing current and accurate data set for approved projects and associated trip generation activity. But that effort is not complete and funding to maintain that effort is less than certain. The gaps in the SCTA TDM database call into question the validity of TCE's findings on cumulative impacts. It bears noting in any event that TCE's projection on growth was directed only at the

Warm Springs Road/SR 12 intersection. TCE made no findings relative to other intersections or any roadway segments.

The database gaps for SR 12 in the Sonoma Valley could be quite significant. The 750 unit Elnoka Senior Living facility pending preparation of an EIR before the City of Santa Rosa for the Melita/SR 12 intersection is one example of this gap. The Stonebridge at Oakmont Village (74-unit assisted living and memory care facility) pending before the City of Santa Rosa is another gap. The recently approved application of Palooza Catering and Events to transition to a Type-75 Brewpub (including spirits) licensed facility (UPE17-0027) at its Kenwood restaurant is likely not yet incorporated into any TDM runs. The long-standing proposal by VJB in Kenwood to increase patronage in its tasting room/deli by constructing a parking lot adjacent to it facility is another gap. The 13-event summer music venues that were conducted at Musardini Cellars last summer from May-July in the evenings from 5:30-8 pm may not be captured by the TDM. Taken together these gaps and the exclusion of the St. Francis tasting room trip generation along with the exclusion of the SCI project from the database render the SCTA TDM not adequate as evidence to support TCE's cumulative scenario single intersection analysis.

The second issue covered by Mr. Barney on June 29, 2016 is even more troublesome for purposes of TCE's reliance on the SCTA TDM model for cumulative analysis of the Warm Springs Road/SR 12 intersection. Mr. Barney testified at that meeting that the model currently only collects actual traffic counts covering the period *Tuesday through Thursday*. SCTA's TDM does *not* capture congestion information that would cover the period from Friday through Monday. In other words, the TDM, as currently designed, is not a demand forecast model that purports to address any of the wine tasting traffic (or any other traffic) that occurs from Friday through Monday in any week on SR 12. It is essentially a mid-week *weekday* commute forecast model. In view of that, it is difficult to reconcile TCE's statement in the October 2016 TIA Final Report that the SCTA model provides the basis to conclude that from a growth factor perspective the Warm Springs Road/SR 12 intersection "is expected to continue to operate at acceptable LOS during . . . weekend peak hours" into the future.

b) July 18, 2017 Addendum to TIA on Cumulative Scenarios

TCE's Addendum to the October 2016 TIA is a positive step toward an integrated look at cumulative impacts. The Initial Study Checklist, item 18b (Mandatory Findings of Significance) requires the Initial Study to evaluate whether the project has impacts that are "cumulatively considerable . . . when viewed in connection with the effects of past projects, the effects of other current projects, *and the effects of probable future projects.*" (emphasis added)

Although the Addendum has taken into consideration the SCI project, the Annadel Winery (Bordigioni Family Winery, UPE09-110-059) and the Surgarloaf Ventures

winery and tasting room (UPE99-0017), there are notable “probable future projects” that the Addendum does not address.

Among those projects not addressed are the following: 1) the Westwood Winery 50,000 case winery that is permitted and located just west of the Bordigioni property; 2) the Elnoka 750 unit Senior Living project just off Melita Road that is in EIR preparation by the City of Santa Rosa; 3) The Stonebridge at Oakmont Village project, a 74-unit assisted living and memory care retirement community adjacent to Oakmont Gardens just off Oakmont Drive (construction anticipated to start mid-2018); 4) VJB’s amended use permit application (PLP05-0009); 5) Palooza Catering and Events Inc.’s approved amended use permit (UPE17-0027) and 6) the Sonoma Valley Bike Trail that is proposed to cross the Helmick Road/SR 12/Warm Springs Road intersection.

The Addendum should be revised to address the cumulative impact relationship of at least those projects on the Application, consistent with the Initial Study Item 18b requirement.

6. The October 2016 TCE Final Report and the 2017 Addendum Should Undergo Peer Review by Omni-Means; Omni-Means Should Integrate Its Sonoma Valley Traffic Study Work into the Peer Review and Also Factor in the Next SCTA TDM Run to Adequately Assess the Traffic and Transportation Impacts of PR’s Enhanced Tasting Room Project.

The Sonoma County Guidelines for Traffic Impact Studies (May 2016) provide that the County “may require a peer review of any TIS submitted by an applicant.” *Id.* at p. 2. They further provide that “Peer review of traffic studies are required on all projects affecting a State highway.” *Id.* at p. 2. The Application covers a proposed expanded use that will generate tens of thousands of additional trips on SR 12 to and from the PR project site. That site fronts SR 12 and certainly qualifies as one “affecting a State highway.” Yet no peer review of the TCE TIS has been required or undertaken. The BZA should require that the Guidelines be honored by demanding that a peer review be provided prior to any action it takes on this Application.

The County of Sonoma has made provision for peer reviews to be conducted by two entities—Transpedia and Omni-Means (attached, #4). Since TCE has disabled itself by the conflict of interest it has created under contract with PR, the required peer review should be conducted by Omni-Means. Omni-Means has already conducted the Sonoma Valley Traffic Study (as well as the Dry Creek Valley Traffic Study) that is awaiting release by the County. Once TCE has revised the October 2016 TIS Final Report and 2017 Addendum to address the issues raised in these comments (updated and more granular tasting room experience data, multiple intersections and roadways segments, updated cumulative project impacts) it would seem likely that Omni-Means could quickly provide the required peer review.

It is also possible that the timing of both of those work items would be such that a new SCTA TDM run would be available to add to the understanding of the future prognosis of SR 12 traffic and roadway segments. VOTMA notes that the most recent SCTA Model run shows that both currently (2010) and prospectively (2040) the “Modeled Daily Traffic Volumes and Congestion” for the segments of SR 12 running from Melita Road through Warm Springs Road are operating either “at or over capacity” or “nearing capacity.” That model run does not reflect the unevaluated projects identified in the cumulative impact discussion in Section 5 above, nor incorporate any traffic data or counts for Friday through Monday of any week. Those omissions render even that analysis deficient for purposes of a thorough cumulative traffic impact assessment and therefore need to be rectified. Even as so limited though, the SCTA model is *already* showing mid-week congestion problems in the Melita Road-Kenwood segment of SR 12 now and into the future.

C. THE MND ANALYSIS AND DISCUSSION OF THE WATER USE PROJECTIONS AND IMPACTS ON GROUNDWATER ARE BASED ON AN ARTIFICIALLY CONSTRAINED CUMULATIVE IMPACT AREA. THE IMPACT AREA ALSO NEEDS TO BE REEVALUATED IN LIGHT OF THE OCTOBER 2017 FIRESTORM’S POTENTIAL IMPACTS ON GROUNDWATER RECHARGE AND SUPPLY

1. The EBA Engineering Geologic Report Uses an Incorrect Assumption that Artificially Constrains the Cumulative Impact Area.

The new tasting room and related facilities covered by the Application are estimated to use approximately 1.07 million gallons of additional groundwater per year. That is in addition to the 1.760 million gallons per year already being consumed by existing operations, including the existing tasting room. (Summit estimate, April 11, 2016, Appendix B to EBA Engineering (EBA) Geologic Final Report, dated May 16, 2016.)

The EBA Geologic Final Report (EBA Report) assesses the hydrologic impacts of “changes in a specific area resulting from the incremental impact of the project when added to other closely related past, present, and reasonably foreseeable future projects.” (EBA Report, p. 6.) For purposes of assessing the cumulative effect of the additional water use contemplated under the Application EBA defined the “Cumulative Impact Area” (CIA) to have a southern boundary that “was aligned with the Sonoma Highway based on the presence of the town of Kenwood to the south, which is serviced by the Penngrove/Kenwood Water Company.” Figure 1 of Appendix A to the EBA Report illustrated the established cumulative impact area. (attached, #5)

The fact that Penngrove/Kenwood Water Company serves the town of Kenwood is not a rational basis to define a boundary that excludes groundwater usage in the Town of Kenwood. Kenwood is down gradient of the upper northern boundary of the CIA, and thus could be impacted by the project’s groundwater pumping. More to

the point here, VOTMA understands that the Penngrove/Kenwood Water Company (PKWC) now uses, has used in the past and retains the current capability of using in the future, groundwater from wells in or around the Town of Kenwood. As such, EBA's effort to narrowly define the CIA to exclude groundwater from the same aquifer that has in the past, is currently and will need to be used in the future to service the residents and businesses of Kenwood is neither rational nor justifiable.

EBA should reevaluate the cumulative impact of the project after redefining the CIA to include the Town of Kenwood in the CIA. Although 1.07 million gallons (i.e., 3.3 acre-feet (AF)) of groundwater per year may not seem like a great volume (given EBA's assessment that the aquifer storage *capacity* is 40,587 AF), after the recent multi-year drought, and in view of the prospect of future drier conditions due to climate change, it is more critical than ever that PRMD make sure all essential resources like groundwater are appropriately evaluated and monitored in connection with any use permit that will draw from common groundwaters.

As to the actual groundwater storage condition (vs. capacity), it would be helpful if EBA or PR were able to indicate the date and results of the last well measurement and pumping tests since the test by Peterson Drilling and Pump in May 2014.

2. The EBA Report Uses a Cumulative Impact Area for Groundwater that Appears to Include Areas Intensely Burned During the October 2017 Firestorm. The EBA Report Should Be Updated to Assess Any Impacts on Recharge of Groundwater as a Result of the Fires.

The EBA Report addresses briefly the effect of the drought on its assessment of the hydrology of the CIA. It would be appropriate to update the hydrological impact of the recent firestorm on the expected available water supplies.

3. The Conditions of Approval for any Use Permit Ultimately Granted Should Include an Annual Limit on Water Use.

VOTMA believes that all conditions of approval (COA) for permits involving significant new or increased groundwater use should include an annual cap on permitted water use and a procedure for measuring use and verifying compliance. PR has projected increased annual water use associated with the Application of 1.07 million gallons of groundwater, with total winery water use of 2.830 million gallons. (Summit Groundwater Use Estimate, April 11, 2016, Appendix B to EBA Report)(attached, #6) VOTMA recommends that the conditions of approval adopt specific groundwater use limits. The Summit estimate translates into an annual visitor attendance of **76,600** persons. VOTMA does not recommend adopting that assumed use level. The water use limit should be reconciled with the visitation use limit BZA establishes based on the revised traffic impact analysis.

VOTMA notes also that the Summit water use estimate in Appendix B is substantially different (8.7 af/yr vs. 14.8 af/yr) than the EBA water use estimate

contained on page 8, Table 2 of the EBA Report. PR should reconcile that discrepancy.

D. CONCLUDING COMMENTS

VOTMA appreciates the opportunity to provide comments on the MND. Because VOTMA was not provided a copy of the draft Conditions of Approval until December 18, VOTMA will supplement these comments to address conditions it proposes be changed or added. VOTMA anticipates that several conditions will need attention.

VOTMA is aware, for example, based on the MND, that the project will require 8,000 cubic yards of cut and off haul to carve open the knoll where the tasting room is to be located. That would suggest the need for approximately 500 truckloads of soil to be removed from the project site. That translates into 1000 truck trips. In view of the likely expanding construction traffic over the next few years associated with the Nunns Fire and other October 2017 firestorm damage, conditions of approval addressing construction management planning on this site and others to handle that traffic impact will be important.

VOTMA closes these comments with a few summary observations.

First, rather than addressing the laundry list of issues that this particular MND raises, VOTMA has focused on the two issues that are central to every significant proposed project in Sonoma Valley – water and traffic. Addressing these issues must occur first, as they may require substantial changes in the project. VOTMA reserves the right to comment further after these pivotal issues are addressed.

Second, in reflecting on how we have arrived at this rushed end of year exercise, it would be very helpful going forward if PRMD could provide some earlier sense of the approach it intends to take on these issues and other important impacts required to be covered by Initial Studies. VOTMA and similar organizations are not looking to block projects; we want a fair, thorough and transparent assessment by PRMD that facilitates discussion and resolution of conflicting views, data and opinions. Release of an MND via a State Clearinghouse filing exactly 30 days before a just-scheduled BZA hearing, followed by a staff report release less than a week before that hearing and no release of the proposed conditions of approval, until the week of the hearing, all just one week or less before the major end-of-year holiday season, is not a recipe for a productive outcome for any application. During the processing of this Application we have tried, to no avail, to seek more information on a timely basis. (attached, #7)

Finally, VOTMA does appreciate the work PRMD undertakes and is aware of the resource limitations facing the County. In that context, and for this Application, it

makes no sense to initiate the seeming year-end rush to a BZA hearing, followed by a 10 day appeal process that falls on the New Year, where key elements of PRMD's work plan that would provide critical input and answers to obvious questions relating to transportation impacts remain to be issued.

The Sonoma Valley Traffic Study will provide information relevant to, and answers on, many of the issues VOTMA has raised in these comments as to PR's Application. VOTMA has been pleading for years now for a comprehensive and integrated traffic study for the SR 12 Sonoma Valley area around Kenwood. That area is one of the epicenters of the overconcentration of wine-related events. With that study likely concluded or almost so, VOTMA asks why PRMD would now jump-start, for end-of-year resolution, an application that has been pending for two years, rather than taking a bit more time to integrate the issues in this Application with those similar issues almost certainly addressed by the broader events study now waiting to be released. On an efficiency basis alone the horse should always be kept ahead of the cart.

Thank you again for the opportunity to provide comments.

Roger Peters

Roger Peters
VOTMA Board Member

cc: Supervisor Gorin
BZA members
Tennis Wick
Jennifer Barrett
Jo-Anna Partridge
VOTMA Board

