

August 1, 2017

Via e-mail

Sonoma County Planning Commission  
c/o Georgia McDaniel, PRMD

Re: DRH16-0006: Appeal of Design Review Committee Approval

Planning Commissioners,

The Valley of the Moon Alliance (VOTMA) files its comments in response to the Staff Report (SR) to the Sonoma County (SC) Planning Commission (PC) on the VOTMA's appeal of the Design Review Committee's (DRC's) October 19, 2016 design approval in the referenced proceeding. The SR recommends that the DRC's approval of the design for "The Resort at Sonoma Country Inn" (RSCI) be upheld.

For the reasons outlined below, and as specified in VOTMA's prior filings in this proceeding, dated August 26, 2016, October 18, 2016, and October 31, 2016 which are incorporated by reference, VOTMA opposes that recommendation. VOTMA requests that the PC grant VOTMA's appeal and require that further studies and investigations be undertaken to update the stale 2004 Final Environmental Impact Report (FEIR) in areas as noted, to correct or supersede the Addendum (attached as Exhibit X of the SR) and to otherwise modify and/or condition the uses granted in the decision approving PLP01-0006 to: 1) reflect and address the impacts of the changes in the project reflected by the proposed design in this proceeding, 2) reflect and address the change in circumstances under which the project was undertaken, and 3) reflect and address new information of substantial importance that will have effects on the project. The approvals sought in DRH16-0006 are discretionary actions by the County and can only be approved if supported by an environmental analysis that adequately evaluates the impacts resulting from the project, as viewed from the time that decision is made. The 2004 FEIR does not fully address the effects of the revised RSCI project and does not provide the information necessary to assess the effects of the project as of August 3, 2017.

## **I. OVERVIEW ON COMMENTS**

The SR and Addendum were released to VOTMA on July 21, 2017, more than nine months after the DRC hearing on this matter. The technical reports to the SR were made available on July 24<sup>th</sup>. The hearing on this matter is set for August 3, 2017.

This schedule provides VOTMA scant time to review and analyze the multiple lengthy and technical documents, let alone secure peer review. For a project that has been sitting for thirteen years and has been pending for so long on rehearing, it seems that VOTMA has drawn the short stick on the time allocation.

For the public interested in this proceeding that involves a project that stands a very high likelihood of significantly altering the pace and activity level in the valley

floor and low forested hills that set the foundation above which Hood Mountain rises, there was one single notice of public hearing posted in the Press Democrat and undoubtedly a few notices posted on telephone poles near the site. The planning process for significant projects in Sonoma County (applicant Tohigh reportedly paid \$41 million to acquire the site and substantial development costs already) surely can do better than that in terms of informing citizens of significant milestones in pending matters of known interest.

The problem here of course is that PRMD, the Applicant and perhaps many others have long thought the question of the Sonoma Country Inn's fate was resolved in 2006 when the VOTMA legal challenge to the EIR was denied. Certainly Tohigh waltzed into PRMD looking for a prompt approval on the design review so construction could commence promptly. That may have been more likely the case had the project promptly moved forward in 2006.

Instead, the project languished for years, as first Auberge exited, and then its buyers sat on it and ultimately bailed as well in late 2014. Well more than a decade had passed since the fieldwork had been done that formed the data basis for the EIR. Despite that, from the PRMD perspective as well as the Applicants', and ultimately two of the three DRC committee members as well, the design review seemed like no big thing: check the color palette, review the materials used, pass go and collect your ticket to construction. The design review exercise was certainly not an exercise that the DRC felt it had the jurisdiction to question in terms of changed environmental impacts, regardless of the length of time that has passed.

As is obvious from every repeated refrain in the Addendum to the effect that "the proposed design would not result in a new significant environmental effect on...." it would seem that Staff and the Applicant have come largely to the same conclusion on rehearing.

VOTMA asks that the PC approach this review without any preconceived sense of limits "because this was all resolved long ago in the court." In fact it was not. The design review is a *separate* discretionary approval. The PC can disapprove, or modify or condition approval for a variety of factors. But whether you approve or disapprove a particular design element, or the whole ball of wax, you must first be comfortable that the environmental review document you base your decision on adequately reflects and assesses the environmental conditions of the project *as viewed from today's perspective*. You are not reviewing and approving design or changes in proposed design as they would have been viewed in 2004. The PC needs to be comfortable that when you ask yourself the question what is the impact of this particular design element proposal in terms of effects on the environment, that the document you are relying on to support that assessment is currently accurate. You cannot approve 2017 design issues and effects based on 2004 information where that information is stale, outdated or does not reflect proposed design changes before you today that were not analyzed in 2004. Pause if you have doubts on this front.

This is a critical issue for the PC to wrestle with at this hearing. VOTMA's view is a straight forward one—that design affects use, and that if you change the design in a manner that affects the use sufficiently such that the resulting impacts/effects change significantly, then the environmental assessment document that is required to support approval of that design change must be sufficiently encompassing to extend its assessment of impacts to cover those new changed effects .

VOTMA believes that in many areas the 2004 FEIR cannot and does not and is not able to extend as far as the proposed redesign moves away from the original proposed design. That is why you will see VOTMA asking in these comments whether there is sufficient current information and data provided about the nature of the change and the impacts resulting, to be able to say yes, the 2004 FEIR still constitutes an adequate assessment of the impacts in view of the current situation.

The Applicant will tell you that this stretches CEQA too far and that this project was vested in 2007 so you don't have the flexibility just summarized. Staff may echo that but its comments at times, if read closely, suggest otherwise. Certainly the fact that an Addendum has been prepared in response to the rehearing is an implicit acknowledgement that the environmental review document must be current and be able to support the design decisions approved in terms of the adequacy of environmental review of impacts as of the time the decision on design elements is made.

We agree with that. We ask that you approach this challenging situation with a willingness to be prepared to simply say, for example, I don't think the analysis of public (non-Resort staying ) customers trip generation under the new parking design, the inn/spa/restaurant & bar redesign, and the shift to establish a new Floor 3 restaurant & bar, adequately captures the traffic impacts of those changes, especially given all the new traffic and congestion on Highway 12 in the area of the project site and in light of the proposals to build 750 new senior living units at Oakmont village and the area west of that. So I would like to see some more work assessing that rather than use the old 2004 traffic study.

With that overview we now turn to the issues. For conceptual ease we have organized them into issue buckets.

## **II. TRAFFIC ISSUES.**

**A. SONOMA COUNTY HAS INITIATED A TRAFFIC STUDY OF SONOMA VALLEY FOR THIS SUMMER; THE PC SHOULD NOT ACT ON THE PROPOSED REDESIGN OF RSCI PENDING COMPLETION OF THAT STUDY.**

Highway 12 through the Sonoma Valley, particularly the segment from Los Alamos Road to Kenwood, is increasingly congested. [see, e.g., Caltrans SR12 West Conceptual Study]. That congestion is generated both by daily commuting and on

weekends in the spring, summer and fall by wine-related events. Increasingly it seems that the “peak” traffic is almost perpetual.

In connection with the work being done to develop a winery events ordinance, the Board of Supervisors has authorized Omni-Means to conduct traffic studies for both Dry Creek Road and for Sonoma Valley. PRMD had advised VOTMA that the Sonoma Valley study is to be conducted this summer after the Dry Creek study has been completed. We see indications it may be underway already.

The development permitting process in Sonoma Valley badly needs a focused traffic study that evaluates current conditions and projected travel demand based on projects planned and pending, including RSCI. The SCI traffic and circulation analysis done by Crane Transportation Group (Crane) for the 2003 EIR appears to be the most extensive northern Sonoma Valley permitting process traffic analysis done since at least 2000. The traffic analysis reflected in the 2004 EIR was based on year 2000 traffic counts. The 2004 FEIR adjusted the projected volumes for 2005 and 2012 for new information, but does not appear to have been reflective of new traffic counts. In any event, raw traffic counts do not reveal all local traffic impacts.

The need for an accurate current baseline for determining the impacts of projects still in the permit process is recognized by SC. The SC “Guidelines for Traffic Impact Studies” (May 2016) provide that “For projects that have languished and/or are being resubmitted, all previous traffic studies relating to the development that are more than two years old will have to be updated. A previous traffic study that is less than two 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 roadway, and/or land use or area plans have not occurred since preparation of the report.”

Significant new development along the Los Alamos to Kenwood corridor has occurred since 2004 and the list of projects planned, in permitting or approved in that area could have an additional significant severe impact on Highway 12 traffic. The PC should not complete the permitting process for RCSI until it has more current information about traffic and transportation that the Sonoma Valley traffic study will provide to ensure that more severe impacts are not now likely due to the changed design combined with the more severe overall traffic situation.

In addition to the Omni-Means pending Sonoma Valley study, the PC is aware that the Sonoma County Transportation Authority (SCTA) is considering addressing shortcomings in data freshness and model scope for its Traffic Demand Model (Model). That Model does not now generate travel demand projections for the Sonoma Valley portion of Highway 12 for periods other than on Tuesday-Thursday travel. Any permit for use that contemplates generating significant travel demand for a pending project on that segment of Highway 12 during the periods Friday-Monday must have baseline data that accurately reflects travel demand over the weekend. The RSCI project fits that criterion but data is available from SCTA

B. THE W-TRANS REVIEW IS NO SUBSTITUTE FOR THE ACTUAL CURRENT STUDY NOW COMMISSIONED; ITS ALTERNATIVE TRIP GENERATION ANALYSIS FOCUSES ON THE TOTAL TRIP IMPACT FOR INN/SPA/RESTAURANT AND DOES NOT ISOLATE PUBLIC NON-GUEST RESTAURANT/BAR PATRONS; ITS REVIEW DOES NOT REACH NEW CUMULATIVE IMPACTS AND THE IMPACTS OF HIGHER TRIP GENERATION UNDER THE REVISED DESIGN

1. The Limits of the W-Trans Review:

VOTMA has consistently pointed out in this proceeding that many of the design changes proposed by Tohigh seem designed to increase non-guest restaurant, bar and spa patronage. That intent to increase patronage will have significant and severe impacts on the trip generation and traffic consequences of the RSCI project as redesigned. Those changed circumstances and new information render the prior environmental assessment no longer adequate to support action approving the proposed design changes.

W-Trans' Review does not constitute a traffic study. It merely interprets the Crane study, opining that so long as the number of rooms or the seating capacity of the restaurant has not changed the trip generation "would likewise not be expected to change," apparently regardless of where and under what conditions. *Id.* at p. 2. It posits a hard and fast principle that "the current design of parking space location has no bearing on the site's potential off-site impacts; visitors are not drawn to the site based on where they can park. Rather the adequacy of the parking supply is what can impact visitation." *Id.* at p. 3.

In W-Trans' view apparently there is no expected difference in patronage between a facility with some self parked spaces 100 yards or more from the restaurant/bar entrance and a facility that employs a valet-parked structure that allows immediate access and allows the valet to concentrate guest parking far from the restaurant/bar to make sure there is non-guest parking space available closer. According to W-Trans, patrons are only discouraged when they can't find parking. Does it follow that they would not be discouraged if they have to park at long distances and walk to the entrance? Under this logic it is no wonder that W-Trans opined that non-guest patronage was not affected by operations as long as the available seats at the restaurant/bar do not change in the aggregate.

W-Trans supports its view that the traffic changes since 2000 are not significant by taking 2012 peak hour data from Caltrans and applying "growth factors" to conclude that the estimated traffic volumes used in the EIR to forecast future traffic conditions that the RSCI will add to Highway 12 were so much larger than what are likely to be the case that "it is therefore reasonable to expect that it [the 2003 EIR] overstated any conditions that would actually be experienced." *Id.* at p. 40. It buttresses this conclusion by observing that the trip increases forecasted for the Friday and Sunday peak hours in the 2003 EIR baseline using a growth factor over

the next 10 years are significantly greater than the expected 30-year increase (2010-2040) in trips added to Highway 12 near Adobe Canyon Road under the Sonoma County Transportation Agency's gravity demand model. In doing so, W-Trans somehow neglects to note that the SCTA model only forecasts traffic during the period Tuesday to Thursday, and does not capture either the Friday or the Sunday peak hour traffic at all.

In the end, none of what W-Trans has to say is an adequate substitute for simply waiting for the Omni-Means traffic study that has been commissioned to address the issue of current Sonoma Valley traffic levels and congestion.

## 2. Trip Generation Impacts

VOTMA approached the changes in the RSCI proposed design from the straightforward prospective that design affects and influences use. When a series of design changes alter the functionality of a design proposal those changes are likely to have an effect on human behavior and use patterns.

The BGK Summary of Reduced Impacts (Ex E, p. 1) is helpful to visualize how a shift in parking design would make the parking system more friendly to public non-guest use of the Spa and Inn/Restaurant. The Concept Site Plan (Concept Plan) uses a single common parking area on the western side that is somewhat equidistant between the western cottages, the spa and the Main House. There is no separate parking for the spa, and the closest parking space in the western lot to the Main House front entrance looks to be about 270 feet (90 yards) away. The eastern parking is divided into 5 lots, 4 of which cater to the four groupings of two cottages each. Pathways run from the lots directly to the cottages. The 5<sup>th</sup> and smallest lot is most closely attached to the front entrance (closest space about 80 feet) and has a pathway running to the front entrance. When VOTMA refers to these lots as being "distributed" to the cottages, this rendering is the confirmation for that perspective.

The Current Site Plan (Current Plan), first publicly revealed at the DRC hearing in October 2016, moves the bulk of the parking on the west side immediately adjacent to the front of the entrance to the Main House and also dedicates 8 parking spaces specifically for the spa by relocating them to the front of the spa. The closest space to the Main House/Inn from the new general lot is less than 80 feet from the entrance. On the east side, all parking has been moved from being distributed to the cottages/inn through 4 lots. Parking is now consolidated into a single large lot with the closest parking space less than 80 feet from the front of the Main House. The remaining spaces fan out to the northeast. The parking spaces in that single large lot do not have pathways leading to any of the cottages, unlike in the Concept Plan. A relocated road intersects the space between the parking lot and the cottages.

Tohigh and Staff state at various places (Addendum, p. 12) that the need to avoid eliminating trees was the driving force that led to the proposed parking reconsolidation. To VOTMA's recollection no such argument was made at the DRC

hearing when the new design was previewed. In addition, VOTMA notes that as to the trees on the west side, it appears that most of the trees that were initially “saved” by relocating the Concept Plan parking lot ended up suffering that same removal fate when cottages C1 and C2 were relocated under the Current Plan to the area the parking lot had occupied. (See, Ex E, p. 7.)

VOTMA appreciates that Tohigh is looking out for the trees and trying to eliminate as few as possible. The fact that fewer trees are removed in the aggregate *sounds* beneficial, but as DRC Member Wurtz perceptively pointed out at the hearing, it is not the number of trees that you cut that’s important (from an aesthetic standpoint), it is which trees are cut and where they are located that really counts.

Applicant has stated that as part of this new parking configuration the Resort will utilize a valet parking approach for all vehicles. That makes functional sense for Tohigh because it allows Tohigh to easily “harvest” spaces that would have sat underused if occupancy were down in the outer cottages linked to the eastern 4 lots on the eastern side of the project in the Concept Plan where guests self-parked.

Under the Current Plan the valet can simply ask the party arriving if they are checking in as a staying guest, in which case the valet can park the car at the outermost space on the east or west lot, thus keeping the spaces closest to the Main House available for parking the cars of non-staying guests (or perhaps letting them self park in the case of the Western lot immediately adjacent to the entrance). Applicant has not yet indicated whether the more intensive valet approach will require additional staff, but that information should be provided.

Tohigh has been largely silent about its expectations for any impacts on its restaurant/bar business resulting from the design changes to Floors 2 and 3, the restructuring of the parking design, and the move to complete valet parking. Other than post hoc consultant rationalizations that the tree-saving condition of approval required this parking and valet redesign, Tohigh has adopted the posture that other than tree impacts and efficiency gains there really isn’t a whole lot to these changes. Its October 2016 Proposal Statement summarizes its position: “There are no proposed changes to the approved restaurant and lounge program. There are no proposed changes to the approved traffic and usage.” (Ex C at p. 3 of 5.)

But it is clear that Tohigh is proposing substantial design changes in the Main House that tie nicely into the parking and valet changes that will have the likely effect of opening up attractive restaurant & bar space for use by public non-staying guests. As indicated in Exhibit E, sheet 3, as of May 23, 2017, Tohigh is now proposing to move the bar on Floor 2 to Floor 3, and to move 31 of the 50 “outdoor” restaurant seats to the Floor 3 rooftop terrace. Tohigh has not indicated what the proposed total patronage capacity will be for the Floor 3 terrace (sitting and standing), or the number of bar seats in total in the Inn, or the totals for each of Floors 1-3.

The issue for the PC is whether these interior changes, together with the restructuring of the parking to facilitate easier public access to the Inn Main House will result in greater public patronage and greater trip generation and thus different traffic volumes and frequency in/out of the site and on to Highway 12. VOTMA believes the answer is that it will, and that Tohigh has redesigned the project to promote that exact outcome.

The answer to whether these design changes will have a new and different public patronage profile starts with reviewing just how many trips were assumed to have been generated under the Conceptual Plan and the FEIR approved in 2004. The answer to that is apparently very few.

The Crane traffic study did not use a formulistic trip generation methodology, as mentioned in the W-Trans review. The trip generation Crane developed was a project specific prediction based on the Conceptual Plan. Crane's tailor-made study estimated that during the Friday am and pm peak hours, restaurant/bar patrons not staying at the Inn would generate 2 trips in and 2 trips out during the morning peak and 2 trips in and 0 trips out at the pm peak. That means that during the Friday afternoon from 5-6 pm only 2 non-guest vehicles would enter the facility to use the restaurant/bar (or 5 people, using the common 2.5 persons per vehicle ratio). No non-guest vehicles would be leaving from the restaurant/bar. The estimate for spa patrons not staying at the Inn during the same Friday pm peak was actually larger than for the bar/restaurant patrons (2/2 in/out)(EIR Exhibit 5.2-19, p5.2-35)

On the Sunday peak from 3:30-4:30 only 3 vehicles in and 3 vehicles out were estimated entering/exiting the facility who were non-staying guests and were using the bar/restaurant.

These miniscule estimates under the original design seem entirely consistent with a view (and prior design) that the focus of the facility at that time was on the guests staying at the facility and not on public use of the bar/restaurant. For comparison purposes, the Friday evening peak for Inn guests was 13/6 (in/out).

This non-public design orientation carries over to the estimate in EIR Exhibit 5.2-40 of parking space requirements for the facility. That exhibit shows that in Crane's project specific estimate for the Sunday peak period (3:30-4:30 pm) zero (0) parking spaces were assumed to be being used by restaurant/bar patrons who were non-guests (not staying at the Inn). One is left to wonder where the 2 vehicle trips projected as "in trips" in Exhibit 5.2- 19 were going to end up, since Exhibit 5.2-40 does not show them using any parking spaces.

VOTMA's focus here is not so much on the remaining credibility of the Crane estimate, although that is an issue. Rather, it is on whether, even with those low numbers as the baseline for the Conceptual Plan, the changes in public accessibility due to the parking redesign and use of valets, together with the proposal to expand patio and terrace spaces and create an entirely new Floor 3 with a killer outdoor



bar/restaurant overlooking the Sonoma Valley, the public “activity level” for the bar and restaurant can reasonably be expected to change significantly as a result and spill onto an increasingly congested Highway 12. VOTMA believes that is likely the case. Whether that is correct or not is a question that certainly justifies a full new traffic study that is based on the Current Site Plan and the current conditions of travel on this segment of Highway 12.

CEQA allows and demands as much. Notwithstanding Tohigh’s protestations that these changes are no big deal and the understandable reluctance to reengage at a deeper level on this long-standing project, the 2004 environmental assessment no longer provides an adequate picture of the potential impact of the design decisions now sitting before the PC as a discretionary approval.

Tohigh has avoided and not adequately explained how the design changes it unveiled at the DRC hearing, and now the additional changes in May 2017 that propose to convert the Floor 3 terrace into a restaurant/bar, could be consistent with the statement in the Project Proposal that: “There are no proposed changes to the approved restaurant and lounge programs. There are no proposed changes to the approved operations program. There are no proposed changes to the approved traffic or usage.”

W-Trans’ attempt to nullify the impact of the changes in the Current Design from the Conceptual Design by cobbling together an “alternative” approach to validating the Crane study (rather than looking at actual current conditions) that mathematically backs into an answer by focusing on total project traffic trip generation and showing that on a formulaic basis the aggregate numbers are not substantially different. This approach diverts attention on the issue at hand by ignoring the fact that the Crane study, hand tailored for this project, made actual estimates of trips generated and parking spaces needed for patrons of the restaurant/bar who are non-staying guests. W-Trans would have the PC believe that a formula-applied projection today of the overall trips generated from a project of this sort shows that the Crane study for this specific project is still approximately valid. At a minimum the W-Trans report needs peer review

Tohigh is not undertaking the proposed project redesign just to get the project closer to what an average Resort Hotel/Quality Restaurant would be expected to generate in terms of revenue generating traffic. A simple glance at the dramatic differences between the Main House Conceptual Design and the Current Design as shown on Sheet 3 of BGK Exhibit E, shows that Tohigh is determined to amp up the intensity of use of the Inn from both a public non-staying guest perspective as well as for staying guests. The same is true for the complete redesign of the spa. The PC should conclude that such a redesign makeover requires a relook at a trip generation study done almost 15 years ago for a markedly different functioning project.

### 3. Cumulative Traffic Impacts Must be Reassessed for the Highway 12 Segment Around RSCI to Incorporate the Trip Generation effects of the Redesign and the Effects of Significant Planned or Approved Projects Not Yet Built

VOTMA recognizes that a fine line exists between developers needing regulatory certainty to proceed with their reasonable business plans and the reality that sometimes new events or surrounding circumstances along with changes in those plans, particularly long delayed projects like the RSCI, warrant further consideration because the resulting changed environmental impacts are reasonably likely to be so severe. That is precisely why CEQA Guideline 15162 exists.

The fact that the RSCI has so substantially redesigned the Inn, with the attendant likely resulting impacts on demand in day use and traffic generated would itself warrant further traffic analysis. In this instance that requirement is buttressed by 1) the dramatic changes in traffic and congestion on Highway 12 in the period since the 2004 EIR and 2) the proposed plans for major senior living projects and other projects to the west of the RSCI at Oakmont and the surrounding housing/apt inventory further west. The Stonebridge at Oakmont Villages 74 unit memory care facility and the Elnoka 664 senior living complex (plus other residential units there) just west of Oakmont will result in over 750 units of senior living housing just a mile or two from the RSCI facility. Together those will generate an enormous traffic load on an already congested Highway 12. Add in wineries that have been permitted but not yet built, and proposals for new wineries and major modifications to other wineries and similar business establishments, and the picture from a cumulative impact standpoint is severe and dire. Tohigh may not like the fact that time may have passed on the window of opportunity for the RSCI project, but the PC cannot proceed without having asked that hard question. How much development is acceptable in the aggregate? A traffic study for the revised design is the first step required to answer that question.

### **III. EMPLOYEE PARKING ISSUES**

Staff and Tohigh seem almost offended that VOTMA would suggest that with 101 spaces available Tohigh should not be able to ignore the adopted project design that parking for employees of the Inn/Spa/Restaurant & Bar was to occur in the Winery 60 space employee area designed for them to park when the use permit was granted in 2004. VOTMA's reaction is that it has seen how employee parking at VJB and elsewhere has contributed to congestion and parking in areas not contemplated for that use.

VOTMA recognizes that under normal operations the Crane study would support the view that there will be adequate parking in the Inn/Spa/Restaurant lots when no events that generate additional parking demands are underway. That is true only if one believes the Crane estimates of non-guest and guest demand is reasonably accurate.

If The Resort is as successful as Tohigh hopes it will be, that will not be the case and the parking problems will arise quickly. As that occurs and is being addressed employees will find other places to park nearby (off-site) and pool together to get to the Inn/Spa/Restaurant. It would be irresponsible for Tohigh to not plan for success by building the 60 space employee parking lot now that was an integral part of the prior authorization.

To be clear, the ongoing parking demand for employees once The Resort commences normal operations is significant. According to the Crane forecast in EIR Exhibit 5.2-40, the employee parking demand between noon - 9 pm on Sundays averages 39 spaces, with a range of 51-27 spaces in the hours during that period. This is the demand without any special events. It is the demand that exists whether there are zero (0) spaces projected to be needed for patrons at the Restaurant/Bar in the middle of the afternoon, as Crane forecast, or some higher number likely to be closer to the actual demand once the public and staying guests realize that The Resort is a perfect place to spend a Sunday afternoon.

Finally, it is worth noting that in view of the attractive activities/events allowed at the Inn (meeting rooms & pool), the Spa (yoga & exercise classes in the gym) and the Restaurant & Bar (Floors 2, and possibly 3), Tohigh's position that there is adequate parking "for all uses" runs hollow. If Tohigh is serious about this venture it has to be serious about providing adequate parking, including specifically the employee parking lot previously approved.

#### **IV. WATER ISSUES:**

##### **A. WATER USE CALCULATIONS**

1. Revised Water Estimate: Tohigh has modified the water use design estimate by increasing the estimate of evaporative losses during the day to 299,398 gallons per year and eliminating on-site laundry uses of 0.9 acre feet per year (af/yr). With that reduction, the Addendum asserts that the design-based estimated water use meets the 16.3 af/yr provided in the 2004 FEIR. (Exhibit X, p 16) The Staff Report notes correctly that the resulting estimate is actually .02 af/yr above the 16.3 af/yr target. (SR at p. 8.)

a. VOTMA is unable to determine from the information provided by Adobe Associates in Exhibit H whether the estimate of evaporation was based on the water-fall type infinity pool structure depicted on Sheet R1 of Exhibit F. VOTMA understands that different types of infinity pool structures have different rates of evaporation and that the type shown in the redesign has among the highest evaporation rates. VOTMA asks that Tohigh/Staff confirm that the evaporation calculation utilized the rate that corresponds to the design shown in Sheet R1.

b. The calculations in Exhibit H assume "that all pools and spas are covered for 12 hours during the night time." The pool shown on Sheet R1 of Exhibit H does not

seem to reflect an automatic pool cover. Tohigh/Staff should confirm that all pools and spas will have 12 hour covers that will eliminate precipitation capture on the surface. VOTMA understands that covering infinity pools of the sort shown is often problematic.

c. Sheet R1 also shows a pool/fountain on each side of the front entrance to the Main House of the Inn with the same waterfall type design as the main pool. The Adobe Associates calculation sheet does not reflect those two pools in the inventory of water captured for estimation purposes. They may be part of the landscape water use calculation. Tohigh/Staff should indicate the volume of water used by those two features, including evaporation, and indicate where that water is accounted for in the 16.32 af/yr water use estimate.

#### B. LIMIT ON WATER USE AT INN/SPA/RESTAURANT

The Addendum (p. 16) asserts that “the total proposed project water use of 16.3 acre feet per year is below the limitation on water use imposed by Condition of Approval No. 59 of 19.4 acre-feet per year.” VOTMA believes that Condition 59 was inadvertently not revised in the final conditions to adjust for the revision in the water estimate to reflect reduced water use.

FEIR Exhibit 5-5-4 (Revised) specifies the use estimates 16.3 af/yr for water for the Inn/Spa/Restaurant from the “Resort Well.” The 16.3 af/yr was reduced in the revised table from 19.4 af/yr. The use for the “Winery Well” was reduced from 5.6 af/yr to 3.0. The combined usage was 19.3 af/yr. When the Conditions of Approval for the Inn/Spa/ Restaurant and the Winery were prepared they were identical and read as follows: “Groundwater elevations and quantities of groundwater extracted for this site shall be monitored and reported to PRMD pursuant to section RC-3b of the Sonoma County General Plan and County policies. Groundwater use shall be limited to 19.4 acre-feet per year, and shall not include the use by residential parcels.” (Winery Condition 60; Inn/Spa/Restaurant Condition 59)

VOTMA posits that Condition 59 was prepared first, since it refers to “residential parcels” to be supplied by the “Resort Well.” It was not updated for the revised water use of 16.3 af/yr in the FEIR. This mistake was then compounded by using that prior draft condition as the proxy for the Winery condition on water use and restated verbatim. The result mistakenly states that both the Winery Well and the Resort Well have 19.4 acre-feet limits, even though the Inn/Spa/Restaurant only required an estimated 16.3 ac/yr and the Winery only required 3.0 ac/yr, for a *total* of 19.3 af/yr for *both*.

As the drought that ended this last winter begins to fade, the PC should confirm that for purposes of implementation the usage assumptions as discussed in the FEIR at pgs 9.0-94-107 should dictate the limits on water withdrawal. The PC should take this opportunity to correct the administrative oversight and clarify that the Inn/Spa/Restaurant and the winery are not each entitled to draw 19.4 af/yr, but

rather should be confined to the limits stated on FEIR Exhibit 5.5-4 (Revised), or in the case of the Inn/Spa/Restaurant, to 16.3 ac/ft..

### C. ASSESSING DROUGHT IMPACTS ON WATER SUPPLY

At the DRC hearing (or possibly the prior SVCAC hearing) Tohigh's expert indicated that the "Resort Well" water levels had not been monitored. Condition 59 requires that monitoring. In view of the long lasting severe drought hopefully just ended, VOTMA has raised the issue of whether the adequacy of the water supply has been verified sufficiently (recently enough) to have confidence that the EIR conclusions regarding water supply adequacy remain valid.

Both the drought's extraordinary length and its severity fall well within the category of new information that was not available in 2004 and which could have resulted in a more severe impact than anticipated for environmental review purposes. The PC should not approve the design changes with the larger pools and entryway fountains and large evaporation impacts absent some further assessment of the impact of the drought on the water level. As VOTMA indicated in its initial comments in this docket (August 26, 2016, at p. 5) the groundwater levels for the two DWR wells referred in the EIR that are still being reported by DRW (EIR Exhibits 9-18 and 9-20) showed notable declines in 2015.

The Addendum response to this issue is simply to state that the 2002 hydrological report which provided the basis for the water use data in the EIR indicated there would be enough capacity to support the project in normal and drought years. (Addendum p. 16.)

The FEIR does not provide the comfort that the Addendum suggests. The discussion of drought impacts on supply is more framed toward one year droughts and the quick rebound and recharge the year following (FEIR at pp. 9.0-104 and 106). Particularly where the water consumption estimate for the Inn/Spa/Restaurant is right at the 16.3 af/yr EIR estimate and the usage intensity for the Resort is uncertain in terms of public trip generation, the PC should not uphold a design proposal that embeds that level of consumption without a further update and assessment of the current water well levels. That Tohigh is apparently unsure of the well water level for the Resort Well should give pause to the PC whether to sign off and allow the project to proceed to construction without a closer look after perhaps 13 years of not monitoring the well and an intervening four year drought.

## V. Noise Issues

### A. SOUTH FACING PATIO/TERRACE/POOL NOISE

1. Tohigh's proposed tiered step-back may improve visibility challenges for the Main House of the Inn, but it also appears to modify the outdoor patio space. VOTMA

suspects that some portion of the reduction in the overall square footage of the Main house touted by Tohigh is revived in that fashion. As the BGK Exhibit E demonstrates at Sheet 3, there is a dramatic difference between the outdoor south facing orientation in the 2004 Main House conceptual design and that proposed for design review purposes.

The broad south facing wrap-around patios on the Second Floor present a variety of opportunities for gatherings of people. The central patio appears to represent a portion of the outdoor dining allowed. In contrast to the spare pathway down to the smaller pools planned for the Conceptual Design (see EIR Exhibits 3.0-10, 3.0-12A&B, and 3.0-13) the patio/terrace redesign for the First Floor suggests an inviting outdoor flow from the meeting rooms that would accommodate a much large crowd of people. The noise effects of these different spaces as a result of the redesign have not been articulated.

Tohigh has not shown by location the allocated restaurant space, indoors and outdoors and should do so publicly before the PC acts on the rehearing request. Tohigh should identify the occupancy limits and all locations of, bars and lounges, indoor and outdoors, in spaces, patios and terraces where people would gather. The objective would be to get some sense of the human and service staff noise load potentials on the south side of the Main House. In summer seasons in particular, the aggregate concentrations could generate a significant sustained noise source, especially when added to the noise that would be generated from the main pool/lanais and the pool terrace and lawn. On warm summer evenings this aggregate noise factor could extend quite late into the evening. The types of activities that would be allowed at the Main house of the Inn and the pool/terrace area would affect that assessment.

Tohigh has done little to describe or address this issue. The discussion by Charles Salter (Exhibit T) discounts the noise issue with the summary statement that he “does not anticipate any new noise impacts will be generated.” We have been to that movie before. Falling back on the Conditions of Approval that require Tohigh to follow the County noise standards has not been demonstrated to be an effective mitigation strategy in Sonoma Valley in the past. Concluding that the larger main pool and the 400 sf increase in the pool terrace will not generate any new noise because “the overall seating at the pool has not increased” does not do justice to the architect’s skill in designing an inviting and expansive outdoor gathering spot below the Main House and flowing out from the meeting rooms on Floor 1.

2. As Tohigh addresses the sound source issue it should also detail whether and where any music or other amplified sounds sources would be located. Tohigh should also detail the nature and durations of the use of such amplified sources. The Conditions of Approval do not address this issue. Tohigh has increased the size of the pool, increased the size of the pool terrace, added patio space on Floors 1 and 2, opened up the Floor 2 internal terrace (including restaurant use) by eliminating skylights and other sound projecting structures, and proposed an entirely new noise

generator by opening up a substantial Floor 3 area. The nature and sources of music and other amplified sounds associated with these occupied spaces is a critical issue requiring the PC's attention in the face of this significant redesign. As the residents of the Kenwood area will attest, the North Sonoma Valley is already filled in the afternoons and evenings Friday through Sunday with multiple competing sources of amplified music and other sound sources.

The PC should ensure that Tohigh's proposed design and operation do not allow it to join this list of noise offenders. That should include strict music cutoff times for assurance of self-enforcement. Tohigh should promptly provide the information required for the PC to make those needed determinations.

## B. THIRD FLOOR RESTAURANT/BAR NOISE

Tohigh's late breaking design revision (made *after* the Design Review approval by the DRC and just revealed to VOTMA) to convert the proposed Third Floor (roof) terrace into an outdoor restaurant and bar deserves special attention. This is an unacceptable significant change in the approved project. It raises traffic, noise, light, and visibility issues.

Tohigh's consultant Salter has assessed the redesign for noise purposes and seemingly concludes that since outdoor restaurant seating has not been increased by moving 31 outdoor restaurant seats from Floor 2 to Floor 3 he would not anticipate any significant noise increases. Salter then indicates that the 31 seats together with 19 Second Floor seats, resulting in a total of 50 outdoor seats, "complies with the conditions of approval that state no more than 50 outdoor seats can be included in the project." He adds that "there will be no events (e.g., weddings, live music) allowed on the roof terrace" to support the view that this change will not result in any significant noise increases.

Salter's comments raise a host of issues. The 50 seat outdoor limit Salter references was contained in the "restaurant" portion of condition 83. Salter thus apparently is interpreting bar seats to be restaurant seats for purposes of the 50 seat outdoor limit. VOTMA agrees with that interpretation, but wonders how that 50 seat outdoor limit coincides with the proposed redesign that shows an additional 24 outdoor seats shown on the main dining room terrace, on Exhibit F at Sheet A2.1. Adding that group would exceed the number of outdoor seats allowed.

This reinforces the need for Tohigh to be explicit about where all the restaurant/bar seats are located to ensure compliance with conditions of use #83.

Tohigh should also indicate how many people standing would be proposed to be allowed on the Floor 3 restaurant/bar. Attempting to limit occupancy on the basis of seating is only as useful as is the diligence of the Applicant to prevent people from standing in the bar or other similar spaces. Since Tohigh has not clarified the standing/sitting in a seat issue there is no way presently to assess what the total

customer permitted load is for purposes of determining noise, traffic and other impacts.

Curiously, consultant Salter does not address the noise impacts of the two elevators that will service the Floor 3 restaurant; nor does he address common bar talk noises and the noise associated with bringing dishes to tables and clearing them later, or the clanking that occurs when people eat meals, or the cleanup noises that occur once the activities on Floor 3 conclude sometime after midnight. It may be that the distance that aggregate noise can travel is not significant, but the same has been said about outdoor music in this section of Sonoma Valley

Finally, Salter's core opinion that restaurant noise on Floor 3 would be equivalent to the noise that would otherwise have occurred on Floor 2 seems open to some doubt. While the interior terrace on Floor 2 under the redesign appears largely open to the sky above (unlike the original proposal that appeared to have some skylights and other overhead noise-confining equipment), it is also constrained somewhat from sound migration in all directions by the side walling of the Main Hall itself. In contrast, the Floor 3 terrace is absolutely open to the sky. Sound in that atmosphere can move in all directions.

VOTMA opposes the Floor 3 roof terrace for any purpose other than the limited one of an observation deck. To repurpose the open space created by pulling the roof off for use as a public bar and restaurant may be an extremely attractive business opportunity for Tohigh, but its potential noise, light, and traffic inducing (and safety) characteristics (particularly at night) are significant and adverse. Any use of the space created must be limited in nature and by time accessibility.

VOTMA concludes the comments on noise with the obvious—much of the night-time noise concern associated with the Floor 3 restaurant & bar would be mitigated by a condition cutting off all activities on Floor 3 earlier in the evening.

### C. OPERATIONS BUILDING NOISE

Briefly, VOTMA notes that the operations building contains an emergency generator and a transformer in an area behind the building (east side). The area where the generator is housed appears to be open to the sky and enclosed by an acoustic wall. Condition of Approval 34 appears to require the generator to be at least "enclosed or otherwise baffled for soundproofing." VOTMA interprets the "enclosed" requirement to require that it be covered from all sides, including the top. Applicant should confirm compliance.

The operations building will also be used for employee breaks and housekeeping services. That suggests it will be open most of the day 24/7. It has a series of windows on the east and west sides. That provides a sound and light vector that should be evaluated and addressed.



Consultant Salter opines that the equipment has “always been part of the project and has simply been relocated.” To the extent the equipment was previously to be located in a different structure (e.g., Main House) it would have been sound protected at that location, e.g., potentially enclosed by a stonewall. There is no assurance that the new support building will have comparable sound muffling characteristics.

## **VI. LIGHT ISSUES**

### **A. THE LANTERN EFFECT OF THE ENTIRE PROJECT**

Despite this being a specific issue at the DRC hearing in October 2016, to date Tohigh has never produced a simulated nighttime view of the project in full operation with all lighting on. This was an issue before the DRC with respect to the Main House of the Inn. At that time Tohigh’s architect offered to produce a depiction of the lantern effect of that structure (and was told by Committee Member Wurtz that the time to have such a depiction was *at* that hearing), but none has been forthcoming in the more than 9 months that have passed.

It is curious to VOTMA that despite all the attention given to how “visible” the project will be from Highway 12 during the daylight hours, Tohigh and Staff have not given any attention to the equally important question of how different the Hood Mountain dusk/night-time view will be as travelers enter Highway 12 from the west or travel from the east if the design proposed is adopted and the project proceeds. VOTMA is of the view that the rich night darkness of the Valley floor viewed from the west, juxtaposed against the inspiring silence of Hood Mountain in the early evening and into the night is one of the most beautiful visions of this wonderful Valley that must be retained. Yet Tohigh has apparently allocated no resources and no thought to reassuring the residents visually that the project’s overall night-light lantern will not destroy that aesthetic.

This risk is all the more important to address before any design is set in place because the proposed redesign moves a number of the western cottages along the Western ridge. DRC Committee member Wurtz was particularly attuned to this issue, both as to the daylight effect and the night-time effect. Tohigh should be required to provide such a depiction prior to any PC action that would uphold the DRC decision.

### **B. LIGHT FROM THE FLOOR 3 RESTAURANT/BAR AREA & FLOOR 2 COURTYARD**

The “photometric analysis” presented in Exhibit K is impressive, as far as it goes. It shows that the light from the fixtures that illuminate the Floor 3 terrace dissipate such that at 30 feet above the finished floor the light will be equivalent to the light provided by a full moon on a clear night (TP-H30). Putting that differently, that sounds as though, at a distance of 30 feet above the Floor 3 floor, there will be a

perpetual full moon-light projected above the Floor 3 terrace every night. Given that you can see your shadow in the light of a full moon, that prospect is horrifying.

That analysis does not even do justice to the scope of the damage inflicted by the proposal to transform the Floor 3 terrace into an open restaurant and bar operating every night until midnight. VOTMA cannot tell whether that analysis incorporates 1) the lighting from the two elevators as they open and close with every trip; 2) the effect of the fireplace shown as placed centrally at the edge of the terrace; 3) the lighting required by the 31 customers dining on the terrace at any one time, plus that required by the 19 customers seated at the bar.

As to the Floor 2 courtyard, the full moon lighting effect extends up to 50 feet above the roof of the courtyard walkway. The analysis did not even compare effect of the revised design to the original approved design.

Finally, there is no indication whether the folks up at the Ferguson Observatory have been consulted on either the change to open up the Floor 2 terrace and eliminate the skylights, or on the proposed design change to create a Floor 3 restaurant and bar. Enough said. The Floor 3 terrace restaurant /bar needs more analysis and should not be squeezed into this project at this late date unless further impact review is conducted.

### C. LIGHT FROM THE NEW OPERATIONS BUILDING

Just as the new operations building has unaddressed sound issues, so also does it generate external light for extended periods every day, 24-7.

As noted above, the operations building has 5 windows each on the east and west sides. VOTMA assumes it will be open virtually 24 hr per day to cover housekeeping and provide a place for employee breaks and valet upkeep of electric vehicles. It will have outdoor lighting for safety and security and to facilitate outdoor storage and repair of vehicles. It sits at the eastern edge of the property 600 feet from other parcels and closer than that to forested areas. The PC should require additional study of these impacts.

## VI. SPECIAL EVENT ISSUES

VOTMA appreciates that the Addendum clarifies that no “special events” are permitted at the Inn/Spa/Restaurant & Bar. Unfortunately, as is the case for special events control at wineries in Sonoma County, there is no specific definition of the list of activities that would be precluded by such a condition. The Addendum should be revised to provide the needed clarity in the activities precluded.

The Addendum does not have to start from a clean canvas on this matter. Exhibit F to the Use Permit adopted in PLP01-0006 contains the “Final Conditions of Approval and Mitigation Monitoring Program Use Permit: Winery: Sonoma Country Inn.”

Condition 84 provides in relevant part: “This Use Permit is for a 10,000 case per year winery, open to the public tasting room, retail wine sales, and 20 special events per year with a maximum of 200 persons in attendance. Events will include weddings, meetings, winemaker dinners, and charitable auctions and the like.”

That definition provides a starting point for framing activities that are permitted and special events that are prohibited in the Inn/Spa/Restaurant & Bar. Weddings and special dinners would be prohibited at the Inn/Spa/Restaurant & Bar, since they were always contemplated to occur at the Winery. The area that remains unclear would be the meetings in general, and smaller celebrations where food would be contemplated. VOTMA suggests that the PC adopt a reasonable guideline that allows the two meeting rooms on Floor 1 to function for business and public meetings with size limits and cutoff times in the early evening.

VOTMA believes it would be appropriate to provide the Inn/Restaurant & Bar some flexibility in use. However, VOTMA also notes that since Tohigh is proposing to be excused, at least temporarily, from constructing the 60 space employee parking in the winery area, and is proposing to allow employees to park in the Inn/Spa/Restaurant parking areas instead, there would not be much space expected to be available for public non-staying guest use or for parking for any “events.” Any list of allowable activities beyond basic meals and bar activities should be highly constrained.

In the event that the PC allows the Floor 3 to remain part of the design, VOTMA believes that it would be appropriate for the PC to specifically limit the use of the Floor 3 observation area and terrace for observation and viewing purposes and limited lounge purposes (i.e., not a full bar) and then only for specified time periods ending not later than 9 pm at the very latest. As indicated above, VOTMA is opposed to allowing that Floor 3 terrace and observation area to function more broadly as an ongoing restaurant and a bar for noise, light and traffic impacts. In the event the PC allows a broader use of the area for restaurant & bar purposes, such authorization should be on a provisional basis for a period of no more than 6 months to a year, subject to non-renewal and/or revocation or further conditioning after the experiment has been evaluated. As suggested by Tohigh’s noise consultant, no “events” should be allowed on Floor 3.

## **VIII. SPA ISSUES**

VOTMA did not have easy access to the design plans for the Spa prior to the DRC hearing. The Plans are bulky and not easily copied. Last week VOTMA did receive a copy of the design plans as part of the Staff Report on the VOTMA appeal. A review of those specific plans is revealing, especially in contrast to the sparse information that was provided on the Spa in the 2003 EIR.

The complete description of the Spa in the 2003 EIR reads as follows:

“A spa, for hotel guests and open to the public by reservation, would be constructed in a separate building with eight treatment rooms in separate cottages, and several hot tubs and small pools. Parking would be shared with the inn.” (EIR, p3.0-25)

The Spa design was set out as an overhead view in the EIR at Exhibit 3.0-10. That roughly corresponds to the design shown on Sheet 6 of BGK Exhibit E.

The Spa design in the DRC drawings (Exhibit F, sheets S-1 to S-5) has been substantially modified from that described in the EIR and shown on 2003 EIR Exhibit 3.0-10 and Sheet 6 of Exhibit E.

The spa contains a partial lower level with 2 offices, a break room, a dispensary, pool equipment room, and linen room. VOTMA cannot tell whether the prior plan for the spa included any of those areas.

On the main level the spa has an exercise gym, a yoga room that would be usable by at least 16 patrons, 2 sets of locker rooms, 2 patio areas with cabanas, lounge areas, cold plunges/soaking pools and steam and sauna rooms, and eight treatment rooms. The pool and surround tile that consumed the courtyard as shown the Exhibit E, Sheet 6 overhead depiction, has been moved outside the Spa structure to make room for additional treatment menus. Parking has been added outside the Spa.

Although the Addendum (p. 7) discusses the reduction in total pool area between the Conceptual Design and the Proposed Design (from 1,308 sf to 1252 sf), nowhere does the Staff Report or the Addendum otherwise address all the other changes to the SPA as Proposed vs. Conceptual Design. The Conceptual and Proposed total sq ft area of use have not been detailed or compared. As is evident from the changes described above, as well as the addition of parking, the changes are substantial in terms of the scope of activity that the Proposed Design would generate compared to the Concept Design.

Again, VOTMA is not objecting to the change in design. Indeed the new design seems quite lovely and functional at an expanded level. But that very fact is what requires a look again at the trip generation impacts of this particular element of the RSCI project. It is hardly a stretch to see that the redesigned spa could become quite a local attraction: Yoga classes in the morning or early evening in a beautiful setting with parking and a hot tub, sauna or simply a shower and then off to work or elsewhere for the rest of your day. Or perhaps it would be an exercise class or some other form of movement or weight work that draws the fitness minded from the surrounding public. The PC should not be comfortable with Tohigh's premise that this spa will not generate significant public customer (i.e., non-staying guest) traffic. Further analysis of this prospect is necessary.

## **IX. TREE ISSUES**

In prior comments VOTMA has devoted considerable attention to whether the trees remaining after construction would in fact provide an adequate screen to eliminate the visual impacts of the project in Sonoma Valley. This was a particular concern due to the recent lengthy drought and the impact on tree health.

The Addendum confirms that “many unhealthy trees are currently located in this area [the Plateau] as a result of the prolonged drought, overcrowding and disease.” (p. 9). Later the Addendum indicates that trees “providing screening of the project site from Highway 12...were...found to be in moderate to good health with no significant structural defects and not affected by drought, disease or overcrowding.” (p. 21)

This assessment provides a mixed message. Other than traffic issues, the remaining impact that the Board of Supervisors found could not be mitigated adequately in 2004 was the visual impact of the project. From the July 10, 2017 survey it appears now that some 924 trees were marked as dead, in decline, diseased, in poor structural condition or over-crowded. Another 1778 were tagged and surveyed for construction effects. Those trees designated for tree removal include other portions of the approved project apparently.

The total trees impacted are reduced from the Conceptual Design, but the location of the trees is not addressed and thus the effect on visibility screening is at best unresolved. VOTMA reminds the PC here of DRC committee member Wurtz’s admonishment in October 2017 that it’s not the number of trees removed that is important, it’s the location of the trees to be removed that count. The McNair work provided on July 24, 2017 does not resolve the location issue.

VOTMA appreciates the attention McNair & Associates has given to this issue. But VOTMA has not seen the July 2017 report and cannot tell how the tree removals would affect the visibility analysis done by McNair in February 2017. To that extent Exhibit Q, page Exh P-2 is both comforting in some sense but also reaffirming that visual impacts are still an issue, even before the tree removal effort for health and construction is undertaken.

VOTMA is also concerned that the survey of the screening trees “between the project and Highway 12” may not have focused on the only areas of concern. Did that survey cover trees in the viewpoint zone from Warm Springs Road or the viewpoint from Pythian Road looking northeast? Certainly with the relocation of cottage V1 down the slope (with the probable removal of trees as shown on 2003 EIR Exhibit 3.0-10), and the relocation of cottages E1, C1 and C2 to the west side (and the certain removal of trees as shown on that same exhibit) the near field screening effect from those removed trees is lost. That was Wurtz’s point and it remains outstanding.

In the end there is a bit of a trust issue at play here. VOTMA respects that Tohigh and McNair are sensitive to the visibility issue; the question is what is an acceptable level of project visibility. VOTMA believes that Tohigh and McNair could go a long way towards closing that gap if they would produce some bird's eye views of what the visibility *from* the Floor 3 terrace facing out looks like or what the visibility *from* the back terrace of cottages V1 or E1 or C1 and C2 looks like. If the guest can see us down in the valley, it stands to reason we can see that there is a structure there to be seen. Similarly, when a guest is looking out *into* infinity sitting at the edge of the infinity pool or standing on the observation deck, what does that look like? Show us that and we will understand the visibility that is being proposed. The long shots across the valley looking up into the trees just aren't very persuasive. They obviously do not address at all the nighttime visibility issue, as discussed earlier in Section VIA.

## **X. RECOMMENDATIONS**

VOTMA makes the following recommendations for action:

1. Defer action on the appeal and send the matter back to Staff to incorporate into its further review the information produced in the Sonoma Valley traffic study that Omni-Means is undertaking this summer and the items addressed in numbers 2-22 below.
2. Request Staff to confer with the SCTA regarding its work to 1) freshen the existing data in its traffic demand model and rerun the model, and 2) modify the model to capture traffic volumes and patterns for Friday through Monday. Incorporate as much of that information as is available or otherwise work with SCTA to develop an interim proxy for that data for purposes of assessing this project.
3. Request that Staff arrange for a peer review of the W-Trans review letter, per SC Traffic Study Guidelines.
4. Request Staff to confirm with the Applicant whether the employee count will change as a result of the expanded valet parking framework.
5. Request that Staff develop a current list of significant commercial projects that would have a potentially significant traffic impact in the Highway 12 corridor segment between Los Alamos Road and Madrone Road that have a pending or approved use permit and that are not yet developed, regardless of whether the project is in planned construction, under construction or not active. Include projects in that zone under the jurisdiction of the City of Santa Rosa.
6. Request that the Applicant confirm that the pool evaporation calculations used the correct evaporation factor for the specific design of the main pool.
7. Request confirmation that the main pool will be covered 12 hours per day.
8. Request that the Applicant clarify whether the entrance infinity pools have been specifically included in the 16.32 af/yr calculation of expected water use.
9. Request that Staff research and prepare a report regarding Condition 59 of the Inn/Spa/Restaurant and Winery Condition 60 and why they are identical. Request

Staff to prepare an amended condition that clarifies that the Inn/Spa/Restaurant average water use limit for condition 59 purposes is 16.3 ac/ft/yr.

10. Request the Applicant to provide updated well measurements for the Resort Well and the Winery Well. Request Staff to confer with the Department of Water Resources to get updated well information about the adjacent DWR wells referenced in the EIR for comparative supply purposes.

11. Request the Applicant to provide a list of the locations where bar/lounge or restaurant service will be available in the Inn and the occupancy limits for those spaces.

12. Request the Applicant to provide information about the locations of potential sources of amplified or speaker piped music, outside and inside, and plans for use and times and durations of use.

13. Request the Applicant to provide an updated Exhibit for how the Floor 3 restaurant & bar would be configured and lighted.

14. Request the Applicant to confirm whether the equipment in the outdoor enclosed equipment yard at the Operations Building is appropriately enclosed, and what the level of operation noise as enclosed would be in a worst case.

15. Request the Applicant to provide information about the lighting effects of the 10 windows in the Operations Building.

16. Request the Applicant to provide a nighttime Lantern effect visualization of the Inn/Spa/Restaurant & Bar on a typical weekend with a full Inn (guests) during the dinner hour and at 11 pm.

17. Request Applicant to provide a photometric analysis that includes all expected light sources on the Floor 3 terrace during full operation as a restaurant & bar.

18. Request Staff to confer with the Ferguson Observatory regarding the revised design changes relating to nighttime light effects on the Observatory's work.

20. Request Staff to work with Applicant to develop a list of potential activities that would be allowed/prohibited at the Inn/Spa/Restaurant & Bar consistent with the special events prohibition.

21. Request Staff to draft a condition of use to implement after further public review, including restrictions, as appropriate to mitigate impacts, on times, days and durations for such activities.

22. Request the Applicant to provide supplemental information on the number of trees being removed to construct Cottage units V1, E1, C1 and C2.

23. Request the Applicant to confirm that the July 2017 survey included trees out of the project site but between 1) the project site and Adobe Canyon Road, and 2) the project site and Pythian Road.

## **CONCLUSION**

VOTMA appreciates the time and effort that Staff and the Applicant have expended to develop the SR, the Addendum and the information appended to the Staff Report. Nonetheless, VOTMA does not believe the matter before the PC on appeal is ready for action at this point because it lacks critical information and analysis necessary to

assess the full impacts of the proposed redesign of RSCI. The proposed design for RSCI has been changed significantly from that approved in 2004 and indeed from that approved by the DRC in October 2016. The items addressed in the Recommendations above are critical to a full and fair assessment of effects of the design changes proposed. VOTMA asks that the PC grant its appeal and not uphold the DRC decision. This matter should be returned to Staff for further action consistent with the recommendations above.

Thank you for the opportunity to provide comments.

*Roger Peters*

Roger Peters  
VOTMA Board Member