

August 26, 2016

Ms. Melinda Grosch
Project Planner
Permit and Resource Management Department
County of Sonoma
2550 Ventura Avenue
Santa Rosa, CA 95403

Re: DRH16-0006 – The Resort At Sonoma County Inn

Dear Ms Grosch:

The Valley of the Moon Alliance (VOTMA) submits its initial comments on the August 4, 2016 referral to Interested Agencies on the referenced file. VOTMA actively participated in Application PLP-01-006, in which Tohigh Investments' (Applicant) predecessor in interest, Graywood Ranch LLC, was issued a use permit in 2004 for among other things the development and operation of the Inn, Spa and Restaurant (The Resort) which is the subject of this request for design review. Then, as now, VOTMA expressed serious concerns about the adverse environmental and community impacts that would occur on the particular scenic corridor of Highway 12 (SR12) where The Resort (along with the accompanying winery and other development aspects of PLP-01-006) was proposed to be sited. As The Resort advances to the design review phase, many of those concerns reemerge and again, in VOTMA's view, need to be addressed from a required mitigation design perspective as this and the various other approvals (e.g., grading, building) required for the project to advance begin to fill PRMD's and the County's work queue.

VOTMA's challenge to the adequacy of the project EIR concluded in 2006. Had The Resort moved ahead at that time, there undoubtedly would have been keen community interest in any design review or other needed approvals to ensure that the mitigations that the Board of Supervisors (BOS) then recently deemed adequate to support its decision to approve the use permit were fully and completely implemented in a way that actualized the spirit of the BOS' decision. But the project did not move forward. That was a business decision by the former owners. Applicant stepped into the shoes of those owners (or their successors in interest) in 2015 and has moved swiftly to revive The Resort from its somnolent state. VOTMA met with Applicant recently, at Applicant's invitation. We appreciate that courtesy and the sensitivities to the environmental and community impacts of The Resort that we perceived in Applicant's approach to project design.

That said, VOTMA believes that the pending design review process required for this project to proceed must incorporate and reflect the substantial changed circumstances and the new information that have arisen over the last decade the project has sat virtually dormant. The BOS' recent attention to the over-concentration of events in the PLP01-006 project corridor, the dramatically increased traffic and transportation issues that have surfaced over the last 15 years from when the PLP01-006 project was first substantively framed have turned segments of SR12 in and around the project site into gridlock at times, the 2014 Napa earthquake which was distinctly felt in the north Sonoma area, and a 4+ year severe drought that has adversely affected both the water resources in the project area and the stock and health of trees and other biological inventory that were the focus of concern and associated mitigation requirements in PLP01-006 are relevant factors that cannot be ignored in this design review process. A use permit issued more than a decade ago does not obviate the physical requirement that design be melded and framed in terms of the project conditions that actually exist in and around The Resort site today. Stated more directly as an example, the ability of the forest in and around The Resort site to actually function as a long term continuing mitigation to camouflage the aesthetic, noise and visual effects of The Resort may no longer be feasible and adequate due to the past and on-going drought conditions and the resulting stressed condition of the forest and woodlands. This fact is apparent across California where reports of tens of millions of dead and dying trees present significant fire management and likely development challenges.

VOTMA's comments below are intended to suggest a number of design issues that either seem inconsistent with the use permit as issued and conditioned, or should be subject to reconsideration due to the changed circumstances resulting from the passage of time since 2004. This list is not exhaustive since VOTMA has not had any access to information on the current condition of forest in and around The Resort project site or other relevant changed environmental conditions on the project site (water, geologic, etc.).

The Resort project by itself, not to mention the associated winery and residential developments presumably to follow, easily constitutes one of the, if not the most, significant development projects in Sonoma Valley since the turn of the millennium. It must receive the careful attention and review at both the high level and the detailed design level based on current conditions that a project of that distinction warrants.

A. Design issues relating to condition of surrounding woodlands and forest habitat:

1. VOTMA's perspective is that the dominant design theme of PLP01-006 as to The Resort was that it would be screened and made virtually invisible (but not necessarily not heard) to the North Sonoma Valley community and the travelers along the Warm Springs Road–Melita Road scenic segment of SR12 by the surrounding tree canopy of the woodland and forest habitat in which it located. This

thesis was demonstrated at least to the satisfaction of the BOS by two virtual visualizations of The Resort from three different perspectives (Lawndale at SR12, SR12 near Landmark Winery, and from up Adobe Canyon Road).

Despite the fact that roughly 3,000 trees were projected to be removed to construct the PLP01-006 project and accomplish necessary fire management, the then-applicant's arborist in 2004 placed that in the context of there being approximately 21,000 nine (9) inch or greater diameter trees on the 183.27 acres of land within the woodlands and forest habitat on the entire PLP01-006 site. That latter estimate did not include "saplings" with stems (trunks) less than nine inches in diameter. (EIR 9.0-19). The arborist also noted that a large portion of the vegetation as of 2003 was post-fire early successional trees and understory shrubs that were relatively young. The detail provided in the EIR did not allow for a tree count (either inventory or removal) associated with development and construction of The Resort or the woodlands and forest habitat immediately surrounding it and providing the mitigation screening cover.

Those trees critical to the screening design of The Resort are now 13 years older and have been suffering under the ongoing drought of more than 4 years. An unknown number of saplings have transitioned to 9"+ trees, some of which are "protected tree" species. It seems likely, if not almost certain, that a number of those trees are stressed and probably in various stages of dying. The overall fire management requirements of the entire forest zone, both within the PLP01-0006 project boundary and immediately beyond it to the north and east may also have changed as a result.

The design review application does not address this critical design issue directly. The proposal statement indicates that the site plan for The Resort proposes to maintain healthy trees on the site "by carefully meandering the roadways to avoid the surveyed and evaluated trees." The application does contain diagrams L2.01-L2.05 showing trees to be removed and trees to be maintained. But there is no summary of the number of trees to be removed in the immediate area of The Resort or a discussion of the health of those that will remain and be relied on to provide essential screening. There is no survey of or information whatsoever about the trees to be removed, whether for fire management or otherwise, and those that will remain in the areas outside the immediate site of The Resort, particularly to the east and south of The Resort where the screening mitigation is most critical.

Absent current information surveying and evaluating the status of trees intended in PLP01-006 to provide screening mitigation, it is not possible to functionally accomplish a "design review" of The Resort at this time for purposes of determining whether the screening mitigation requirement has been satisfied. Design review assesses a structure, or in this case an aggregation of structures known as The Resort, in space and context. Does the structure proposed blend in or stand out? Do other areas of design raise similar issues? What is the nighttime "lantern effect" of the specific design? What is the estimated design-based water use relative to that

previously estimated for use permit purposes? If anything, given the passage of time, the information considered in the design review process needs to be at least as thorough as was considered at a high level earlier when the project was just a vision. We are at an actual design phase now so having up-to-date and accurate information is essential to informed decisions regarding anticipated project construction.

Condition of Approval #99 makes that clear relative to tree screening: “In order to minimize visual impacts of the inn/restaurant/spa buildings, measures shall be applied to reduce the visual contrast of the inn/spa/restaurant with the immediately surrounding setting so that the project will not attract attention as seen from State Route 12. Such measures shall include the use of certain colors on exterior building surfaces and *retaining as many trees on the project as possible.*” (Emphasis added.)

The Design Review Committee and PRMD staff are specifically charged in Condition 99 with reviewing and approving the revised site plan, building plan and grading plans to ensure that all the elements of Condition 99 are met. Applicant has made no comparison of the tree removal plan for the original site plan with the revised site plan as needed to show compliance with Condition 99. Applicant has not provided information or any evaluation of the state of health of the trees surrounding The Resort. Nor has Applicant shown how it has endeavored to retain “as many trees on the project site as possible.”

Applicant has provided a bird’s eye view of the project from the southwest. (Rendering A0.0). For purposes of design review in general, and for purposes specifically of complying with the Conditions, applicant should also provide “people’s eye” on-the-ground renderings (post tree removal) as viewed from SR12 and as viewed from both the newly proposed southeast facing upper garden terrace on the Inn and from the infinity pool facing as wide out an angle as possible (similar to the bird’s eye view). These alternative visualizations would provide the appropriate context for evaluating the efficacy of the design proposed in terms of its mitigation effect.

2. Comments on specific buildings/structures:

a. Tennis Court – This surface use causes removal of approximately 25 trees. It does not appear on the original site plan (EIR Exhibit 3.0-10). There is no indication whether it has a lighting capability.

b. Valet Parking lot – This surface use causes removal of approximately 50 trees. It appears that the original plan had more parking bunched closer to the Building C complex with fewer trees being eliminated and no separate valet parking. No mention is made in the design proposal of the lighting effect on surrounding wildlife habitat as a result of the parking scheme that puts almost 50% of the allowed parking on the site with headlights pointing directly out into the forested habitat area. The original plan (EIR-Exhibit 3.0-10) showed primarily car-

to-head parking. This change would be particularly relevant as patrons were leaving the Inn after the 12 *am* closing time of the restaurant and presumably various bar/lounges.

B. Design issues relating to use of water:

1. The 4-year ongoing drought has caused the Governor more than a year ago to declare a state of emergency and the State Water Resources Control Board to urge maximum water conservation. Groundwater declines across the state have been publicly noted. Groundwater levels for the two DWR wells referred to in the EIR that are still being reported by DWR (Exhibits 9-18 and 9-20) show notable declines in 2015 (see well reports on DWR website).

Applicant does not address whether and how it has approached project design to adjust for this dramatically changed circumstance. VOTMA assumes that the Applicant has incorporated in its design the use of common water efficient technologies where water use was required. The design question is whether in formulating the layout of The Resort, including landscaping, Applicant has met the challenge with maximum water conservation and reduction appropriately in mind. Neither the project proposal nor the drawings included provide any useful information in that regard.

For purposes of design review Applicant needs to provide information as to whether it anticipates that the average annual water use at The Resort as designed will be less than the estimate of 15.9 acre-feet per year (EIR 9.0-73) made in 2004. (VOTMA notes that Applicant's 15.9 AFY estimate supplanted its earlier estimate of 19.4 AFY. (EIR 9.0-72) VOTMA assumes that the retention of the 19.4 AFY in Condition 59 was an administrative oversight.) The design review process must consider the water use requirements from a design perspective in view of the experience of the last 4 years and the prospect of a continuing drought. VOTMA recognizes that operational measures can be utilized in part to affect water use in a drought year. (EIR 9.0-106) As we approach water year 5 of the continuing drought those measures increase in probability of need, but smart design decisions at the design stage can forestall having to utilize those dramatic measures.

2. Comments on specific structures/facilities:

a. Spa Pool—The spa now contains a long narrow outdoor pool together with two small hot pools, along with the indoor facilities. Condition 83 states “The spa facility includes six hot tubs and several small pools.” Applicant should clarify whether the outdoor pool was intended to substitute for the small indoor pools or whether it is an expansion of the facility. Applicant should indicate whether the spa's estimated water use as designed (including evaporation) is at or below the 3.4 AFY in the revised PLP06-001 estimate.

b. Infinity Pool—The original site plan showed two smaller swimming pools on the southeast side of the Inn. The revised proposal contains what appears to be a large, wide infinity pool with a large gathering deck. Applicant should provide additional information regarding the water and energy consumption impacts of the pool redesign and expansion. Applicant should specify the AFY estimated water use (including evaporation) of this new pool and contrast it with the original plan’s pool use. VOTMA understands that infinity pools increase water evaporation due to the absence of any pool cover, increase energy use due to increased pumping, and may present potential structural design issues, especially where located on slopes and/or in areas of geologic concern. In this context, an evaluation of the 2014 Napa earthquake on the project site seems appropriate.

c. Design issues relating to lighting/glare impacts

During the PLP06-001 process the community members expressed concern that The Resort, among other project elements, would dramatically change night sky illumination. The Inn and the various cottages appeared likely to contain many rooms with many windows or exterior transparencies to light that would both be visible to the human eye and change the night sky backdrop to the north. During the day those same windows, particularly the south/southeast facing windows, could create glare and reflection as viewed from the south.

It apparent from the proposed design that the potential for significant lighting (and possibly glare) impacts remains (Renderings A0.0 and A0.4). Those bird’s eye views from the southwest and south would approximate the summer sun. It appears that the night time “lantern effect” of the Inn and 19 cottages would be significant as viewed from the air, and likely from the passing car or evening walker as well.

The design review submission does not provide any information to help evaluate the magnitude of the lantern effect or steps that were taken to minimize it. The extraordinary operating hours for the restaurant (6am to 12 am, 7 days a week), together with the main house restaurant’s open wall design (Rendering A0.4) seem to invite illumination leakage rather than contain it. The same is true for terrace space, including the newly proposed upper garden terrace, and meeting room windows.

Applicant should provide an estimate of the potential external surface light generation in a worst-case scenario under this design (e.g., full Inn, full Restaurant and lounge use, mid summer evening with open walls and all shading options inactive). Although that estimate would likely not capture that entire impact of the entire lantern effect of The Resort, it would at least be a starting point for assessment. If Applicant has a plan for significantly reducing The Resort’s lantern effect operationally as needed it would be helpful to have in hand.

d. Design issues relating to noise impacts

VOTMA recognizes that The Resort is subject to applicable noise ordinances, standards and conditions, and that it is sited some distance from current residents and public roadways. However, through experience from winery and other events over the last decade (permitted or otherwise), VOTMA is also aware that noise of all levels/magnitudes travels and ricochets throughout this portion of the north Sonoma Valley in ways that often start subtly but end up being annoying and distracting after continuous periods of time. VOTMA hopes that The Resort will not be a chronic offender of this sort of impact. But VOTMA fears that the proposed design and orientation of The Resort will lend itself to sound leakage across and around this northern segment of Sonoma Valley. Applicant does not address this issue in the context of its request for review of the proposed design of The Resort.

VOTMA notes several design issues that bear on the noise question.

1. Open design of main house restaurant – As with light escaping through open spaces, so also does sound find a path extending far beyond its source. The open walls of the main house restaurant provide such a route for noise escape. VOTMA assumes that the outdoor portion of the restaurant (assuming that is not the main house restaurant) that is also contemplated will add to that noise load. Applicant should provide an assessment of the sound generation potential of a “full house” in the restaurant on an early summer evening as it might carry down and across the valley floor.

2. Infinity pool use – The infinity pool appears situated at a toe with a southern down slope. That would be a potential noise generator depending on whether events (guest receptions), pool food/beverage service or other activities are contemplated. Applicant should address whether the location of the pool at this particular site would have a sound generation potential that might carry down and across the valley floor.

3. Inn terraces and guest cottage terraces – A large number of cottages have back terraces that face south. The original site plan for the Inn had two south-facing terraces. The proposed plan removes the south face roof on the Inn and substitutes a new upper garden terrace with a bar and lounge space. Taken together these terraces have the potential to generate substantial ongoing south-flowing sound. The Applicant should address this overall terrace design from a collective sound potential and provide some estimates of sound potential. That sound estimate should incorporate music potential both from the Inn and from individual guest generation from their cottages. If Applicant has an operational plan and guest guidelines regarding use of music that would be helpful to know. VOTMA understands the attraction of the proposed terrace collective, but we believe it is better to address the noise leakage potential now in the design stage, rather than later from a noise violation or nuisance complaint platform.

4. Wedding meadow – VOTMA was surprised to see the presence of a “wedding meadow” north of the main Inn and west of the sculpture garden. If there was a mention of weddings at The Resort during the PLP06-001 permit process VOTMA does not recall that item. The Resort was clearly characterized as providing lodging for guests. The two meeting rooms were for guest use and for use by community and civic groups. VOTMA does not recall that The Resort was proposed to function as wedding event space. As nice as the wedding depicted in the upper right corner of Plant List L1.02 of DRH16-006 might be to attend, both that use and the noise that the outdoor reception depicted would undoubtedly generate are not consistent with PLP06-001.

Conclusion

VOTMA has taken the time and effort to carefully evaluate Applicant’s design proposal because meaningful engagement on these issues now will avoid more difficult discussions and engagement later, after the design is set in stone (literally here) and constructed. VOTMA views the design review process as one that necessarily includes addressing environmental issues raised by design because it is the environment that is being redesigned in this proposal.

The purpose of the Design Review Committee, as stated on the County website, is to “review and approve the design of significant new development projects, such a new commercial development. The Committee considers building and site design, architecture, colors, lighting, sign, landscaping, and other design-related issues.” Every issue/item VOTMA has raised in this comment letter falls squarely within that mandate. Additionally, the Conditions of Approval and Mitigation Monitoring Program for The Resort issued under PLP06-001 (Exhibits E and G of BOS Resolution No. 04-1037) at various places direct PRMD and the Design Review Committee to undertake certain investigations and assessments of the sort referenced in these comments.

VOTMA urges PRMD and the Design Review Committee to take the time and resources required to undertake a comprehensive and substantive full design review of The Resort as proposed by DHR16-006. The Applicant has informed VOTMA that a design review session is currently set for October 19. VOTMA does not believe that such an accelerated 110-day schedule from the time of filing in a project this magnitude that has been effectively dormant for more than a decade is either realistic or procedurally sustainable. In view of the current lack of information on all the issues raised by VOTMA and those which PRMD staff itself may have already identified, a rush to a decision by the Committee on that date would be counterproductive, unreasonable and unwise.

VOTMA urges PRMD staff and The Design Review Committee to take the time to do this right. VOTMA appreciates that PRMD staff has competing project time and resource demands. VOTMA suggests that PRMD consider how best to utilize the “At-Cost Project Reimbursement” agreement that Applicant executed on July 1, 2016 as

part of filing DHR16-006. By both asking Applicant to provide the necessary information to establish a credible design review record and securing independent resources via the At-Cost Reimbursement agreement the design review appropriate for this project can be efficiently and effectively accomplished.

The Sonoma Valley is at a difficult balance point from a development perspective. Legitimate business interests seek to appropriate the beauty of the Valley to pursue their particular commercial missions and the financial risks and rewards that accrue from and accompany those endeavors. VOTMA understands that perspective, and is dedicated to pursuing its own vision of what the Sonoma Valley has been, and can and should be. Those two missions/visions overlap at times and contrast at times. VOTMA asks only that as projects like The Resort move through the entire approval process, including design review, that there is an open and fair opportunity for a public hearing and process where the issues are presented, discussed and resolved in a decision that appropriately weighs and considers the facts and opinions presented. We respectfully request that at such time as the design review for The Resort comes before the Design Review Committee that a hearing be held with the opportunity for the public and all interested parties to participate in a manner that allows their interests to be presented and made part of the decision process.

Thank you for the opportunity to provide comments.

Respectfully,

Kathy Pons
President
Valley of the Moon Alliance