



COUNTY OF SONOMA

PERMIT AND RESOURCE MANAGEMENT DEPARTMENT

2550 Ventura Avenue, Santa Rosa, CA 95403
(707) 565-1900 FAX (707) 565-1103

To: Interested Agencies

February 3, 2016

The following application has been filed with the Sonoma County Permit and Resource Management Department.

File Number: PLP05-0009
Applicant Name: Henry Belmonte
Owner Name: Vittorio and Henry Belmonte
Site Address: 9125 Highway 12, Kenwood
APN: 050-272-028

Project Description: Modify existing Use Permit to acknowledge the outdoor seating area and outdoor kitchen for food and wine service, request to eliminate right turn lane on Shaw Ave., use of the driveway on maple for ingress and egress, the reduction of parking on the Shaw Avenue frontage, the increase in on-site parking, the securing of off-site parking for staff and patrons through parking license agreements, the deletion of the request for expanded hours and special events, and the modifications to project Conditions to reflect proposed changes in the project.

We are submitting the above application for your review and recommendation. Additional information is on file in this office.

Responses to referrals should include: (1) statement of any environmental concerns or uncertainties your agency may have with the project; (2) any comments you wish to make regarding the merits of the project; and (3) your proposed conditions and mitigations for this project. Responsible agencies under CEQA are requested to indicate whether permits will be required for this project.

Your comments will be appreciated by February 24, 2016 and should be sent to the attention of: **PLP05-0009, Blake Hillegas (Blake.Hillegas@sonoma-county.org)**. The Project Planner can also be reached at 707-565-1392. Native American tribes receiving this Referral have 30 days to request a tribal consultation under the guidelines governing AB 52.

Please send a copy of your comments to the applicant(s) or their representatives as indicated on the attached Planning Application.

- | | |
|--|---|
| <input checked="" type="checkbox"/> PRMD Management Group | <input type="checkbox"/> Landmarks Commission |
| <input type="checkbox"/> PRMD County Surveyor | <input type="checkbox"/> Sheriff Community Service Officer |
| <input checked="" type="checkbox"/> Health Specialist | <input type="checkbox"/> LAFCO |
| <input type="checkbox"/> Sanitation | <input type="checkbox"/> ALUC/CLUP |
| <input type="checkbox"/> Grading and Storm Water | <input type="checkbox"/> BOS Dist ____ Director and Commissioners |
| <input type="checkbox"/> SUSMP | <input checked="" type="checkbox"/> SVCAC |
| <input type="checkbox"/> Building Inspection | <input checked="" type="checkbox"/> Valley of the Moon Alliance and Kenwood Press |
| <input type="checkbox"/> Code Enforcement | <input type="checkbox"/> NW Information Center, S.S.U. |
| <input type="checkbox"/> Road Naming | <input checked="" type="checkbox"/> North Bay Corporation (Disposal) |
| <input type="checkbox"/> So. Co. Environmental Health | <input type="checkbox"/> U.S. Army Corps of Engineers |
| <input checked="" type="checkbox"/> Community Development Commission | <input type="checkbox"/> State Coastal Commission - Appealable Yes / No |
| <input checked="" type="checkbox"/> DTPW, Land Development | <input checked="" type="checkbox"/> State Dept of Transportation (Caltrans) |
| <input type="checkbox"/> DTPW, Drainage | <input type="checkbox"/> State Dept of Fish and Wildlife |
| <input type="checkbox"/> Ag Commissioner | <input type="checkbox"/> State Dept of Forestry |
| <input checked="" type="checkbox"/> Regional Parks Dept | <input checked="" type="checkbox"/> State Dept of Water Resources Control Board |
| <input checked="" type="checkbox"/> Fire and Emergency Services | <input checked="" type="checkbox"/> State Parks and Recreation-Duncans Mills Office |
| <input checked="" type="checkbox"/> Local Fire District - | <input type="checkbox"/> Regional Water QCB: North Coast / SF Bay |
| <input type="checkbox"/> Treasurer/Special Assessment | <input checked="" type="checkbox"/> Cathy Fletcher |
| <input type="checkbox"/> Assessor | <input checked="" type="checkbox"/> Sonoma MOAG |
| <input checked="" type="checkbox"/> Economic Development Board | <input checked="" type="checkbox"/> Apple Roots Group |
| <input checked="" type="checkbox"/> Transit/BPAC | <input checked="" type="checkbox"/> Tribal Consultation |
| <input checked="" type="checkbox"/> SCTA/RCPA | |
| <input type="checkbox"/> Communications | |

Planning Application

PJR-001

File#: PLP 05-0009

Type of Application:

- | | | | |
|---|--|---|--|
| <input type="checkbox"/> Admin Cert. Compliance | <input type="checkbox"/> Design Review Comm./Ind. | <input type="checkbox"/> Minor Subdivision | <input type="checkbox"/> Variance |
| <input type="checkbox"/> Ag./Timber Preserve/Contract | <input type="checkbox"/> Design Review Residential | <input type="checkbox"/> Mobile Home Zoning Permit | <input type="checkbox"/> Zone Change |
| <input type="checkbox"/> Cert. of Compliance | <input type="checkbox"/> Design Review Signs | <input type="checkbox"/> Ordinance Interpretation | <input checked="" type="checkbox"/> Other: |
| <input type="checkbox"/> Cert. of Modification | <input type="checkbox"/> General Plan Amendment | <input type="checkbox"/> Second Unit Permit | |
| <input type="checkbox"/> Coastal Permit | <input type="checkbox"/> Lot Line Adjustment | <input type="checkbox"/> Specific/Area Plan Amendment | |
| <input type="checkbox"/> Design Review Admin. | <input type="checkbox"/> Major Subdivision | <input type="checkbox"/> Use Permit | |

**USE PERMIT
MODIFICATION**

Applicant (Contact Person):

Henry Belmonte

Name

Henry Belmonte

Mailing Address

60 Shaw Ave

Ca 95452

City/Town

State Zip

Kenwood

Phone

Fax

707-833-2300 707-975-3991

email


Signature

6/25/14
Date

Owner, if other than Applicant:

Name

Mailing Address

City/Town

State Zip

Phone

Fax

email

Signature

Date

Other Persons to be Notified: (Specify: Other Owner(s), Agent, Lender, Architect, Engineer, Surveyor)

Name

Name

Name

Mailing Address

Mailing Address

Mailing Address

City/Town

State Zip

City/Town

State Zip

City/Town

State Zip

Title

Title

Title

Phone

Fax

Phone

Fax

Phone

Fax

email

email

email

Project Information:

VJB Vineyards and Cellars

Address(es)

60 Shaw Ave

950-275-028

City/Town

Kenwood

Assessor's Parcel Number(s)

Acresage

Project Description: **VJB Cellars is a tasting room and deli and marketplace and cafe with Pizzeria + BBQ**

(Please attach additional sheet(s) if needed)

Site Served by Public Water? Yes No

Site Served by Public Sewer? Yes No

Number of new lots proposed n/a

DO NOT WRITE BELOW THIS LINE - To Be Completed by PRMD Staff

Planning Area: 9

Supervisorial District: 1

Current Zoning: C1, SR

General Plan Land Use: _____

Specific Plan: North Sonoma Valley

S.P. Land Use: _____

Needs CEQA Review? yes no

Commercial/Industrial Uses: (Enter numbers where applicable)

Bldg. sq. ft. Existing: _____

Proposed: _____

Existing Employees: _____

New Employees: _____

New Manufactured Homes: _____

New Units For Sale: _____

New Units For Rent: _____

Density Bonus Units: _____

Violation? yes no

Application resolve planning violation? yes no

Penalty applicable? yes no

Civil Penalty Factor N/A

Previous Files: _____

Application accepted by SCOTT HUNSPERGER

Date 7/11/14

Sonoma County Permit and Resource Management Department

2550 Ventura Avenue * Santa Rosa, CA * 95403-2829 * (707) 565-1900 * Fax (707) 565-1103

Supplemental Application Information

Existing use of property: Winery tasting room, deli and marketplace

Acreage: 1.89

Existing structures on property: 4 existing dwellings that were permitted with construction permits.

Proximity to creeks, waterways and impoundment areas: none

Vegetation on site: vineyards

General topography: commercial, ag

Surrounding uses to (Note: An adjoining road is not a use.)
North: vineyards and businesses South: vineyards and businesses
East: residential West: vineyards and businesses

New structures proposed (size, height, type): to comply with department of health, our outdoor pizza and bbq area must be closed in "temporarily; only when prepping of food is taking place".

Number of employees: Full time: 6 Part time: 10 Seasonal: _____

Operating days: monday-sunday Hours of operation: M-Sun 10-4

Number of vehicles per day: Passenger: _____ Trucks: _____

Water source: Kenwood Water Co Sewage disposal: _____

Provider, if applicable: Kenwood Water Co Provider, if applicable: _____

New noise sources (compressors, power tools, music, etc.): none

Grading proposed: Amount of cut (cu. yds.): na Amount of fill (cu. yds.): na Will more than one acre be disturbed by construction of access roads, site preparation and clearing, fill or excavation, building removal, building construction, equipment staging and maintenance, or other activities? Yes _____ No X If Yes, indicate area of disturbance(aces): _____
Identify method of site drainage (sheet flow, storm drain, outflow to creek or ditch, detention area, etc.): _____

Vegetation to be removed: none

Will proposal require annexation to a district in order to obtain public services: Yes _____ No X

Are there currently any hazardous materials (chemicals, oils, gasoline, etc.) stored, used or processed on this site? Yes _____ No X

Will the use, storage, or processing of hazardous materials occur on this site in the future if this project is authorized? Yes _____ No X

Fire safety information (existing/proposed water tanks, hydrants, emergency access and turnaround, building materials, etc): n/a

Indemnification Agreement

PJR-011

"As part of this application, applicant agrees to defend, indemnify, release and hold harmless the County, its agents, officers, attorneys, employees, boards and commissions from any claim, action or proceeding brought against any of the foregoing individuals or entities, the purpose of which is to attack, set aside, void or annul the approval of this application or the adoption of the environmental document which accompanies it. This indemnification shall include, but not be limited to, damages, costs, expenses, attorney fees or expert witness fees that may be asserted by any person or entity, including the applicant, arising out of or in conjunction with the approval of this application, whether or not there is concurrent passive or active negligence on the part of the County. If, for any reason any portion of this indemnification agreement is held to be void or unenforceable by a court of competent jurisdiction, the remainder of the agreement shall remain in full force and effect."

Henry Belmonte

Applicant Name

Applicant Signature

Henry Belmonte

Owner Name

Owner Signature

June 25, 2014

Date

PLP-05-0009

File No.

NOTE: The purpose of the Indemnification Agreement is to allow the County to be held harmless in terms of potential legal costs and liabilities in conjunction with permit processing and approval.

Sonoma County Permit and Resource Management Department

2550 Ventura Avenue ❖ Santa Rosa, CA ❖ 95403-2829 ❖ (707) 565-1900 ❖ Fax (707) 565-1103



J. Kapolchok
+ Associates

Land Use Planning
Urban Design

VJB Vineyard and Cellars
Proposal Statement
Modified Use Permit

January 2016

Owner/Applicant: Vittorio and Henry Belmonte
VJB Cellars
60 Shaw Avenue
Kenwood, CA

Engineer: Dimensions 4 Engineering, Inc.
2952 Mendocino Avenue, Suite C
Santa Rosa, CA

Legal Counsel Stephen K. Butler
Clement Fitzpatrick & Kenworthy
3333 Mendocino Avenue
Santa Rosa, CA

Land Use Consultant J. Kapolchok & Associates
843 Second Street
Santa Rosa, CA 95404

Traffic Engineer Dalene Whitlock PE, PTOE
W-Trans Transportation Engineers
490 Mendocino Avenue
Santa Rosa, CA

Location: 60 Shaw Avenue
Kenwood, CA 95441

APN: 050-275-028

Site Size: ± 1.52 acres

General Plan: Limited Commercial

Area Plan: North Sonoma Valley Area Plan

Zoning: C1-SR

843 Second Street
Santa Rosa, CA 95404
TEL: 707.526.8939
FAX: 707.526.8985
EMAIL: jkapolchok@sbcglobal.net

Proposal: The request is for a modification to an existing Use Permit in order to update the existing uses of the property, including the acknowledgement of uses approved administratively; and to modify and update project conditions in accordance with existing uses of the property.

PROJECT DESCRIPTION

Request:

VJB Vineyard and Cellars requests a modification to an existing Use Permit to acknowledge the outdoor seating area and outdoor kitchen (BBQ), the non-necessity of a right-hand turn-lane, the opening of Maple Avenue for ingress and egress, the reduction of off-site parking along Shaw Avenue, the increase of on-site parking, the securing of off-site parking for staff and patrons through parking license agreements, the deletion of the request for expanded hours and 15 evening special events of 100 guests, and the modification to conditions, as appropriate, to reflect changes in the project, which have occurred over time and by this request.

Location:

The ± 1.52-acre site (APN 050-275-028) lies southeast of the intersection of State Highway 12 and Shaw Avenue.

The project address is 60 Shaw Avenue, Kenwood CA.

Background:

On October 9, 2007 by Resolution No. 07-0846, the Board of Supervisors overturned the appeal of Samuel K. McHenry and approved a Use Permit for Vittorio and Henry Belmonte on property identified as APN 050-275-028. The Use Permit granted conditional approval for a 3,342 sq. ft. market place, wine tasting room, and associated offices; construction of an 1,800 sq. ft. wine case storage building, and the designation of an existing residence as a residence secondary to a commercial

use. Prior to construction of a left-hand turn-lane onto Shaw Avenue, hours of operation for the market and tasting room are restricted to 10am to 4pm, seven days per week. After construction of a left turn lane onto Shaw Avenue, the permitted hours of operation are seven days per week, from 8am to 5pm for the market place and 11am to 5 pm for the wine tasting room. A maximum of 15 special events per year with a maximum attendance of 100 persons are permitted after construction of the left turn lane. The end time for events is 10pm. With the exception of barbequed food, only catered food may be offered to the guests at special events. No commercial kitchen was permitted. Participation in valley-wide wine events and small evening winemaker dinners and other promotional wine tastings for groups not to exceed 25 attendees were not considered special events and are therefore permitted. Hours of operation for these non-special events must comply with the hours of operation per the Use Permit.

Existing Uses:

The property is developed with the uses as approved under the approved Use Permit (PLP05-0009). Included in the uses are the outdoor pizza oven and barbeque, permitted under PRMD review and building permit; outdoor picnic/dining area per proposal statement; food and wine pairing, permitted as part of the “visitor serving uses” under a C-1 district (restaurant serving alcohol – see staff report, dated March 8, 2007, p. 3); small (under 25 persons) wine promotional gatherings and participation in industry-wide Sonoma Valley events (proposal statement and 2007 staff report p. 5), retail store, gelato shop and office (conversion of existing residence – permitted uses under the C-1 district); 36 space paved parking lot; landscaping; and, the paving of 50 ft. from the Stop Sign towards the project entrance along Shaw Avenue.

Requested Project Modifications:

VJB Vineyard and Cellars requests a modification to an existing Use Permit for the:

- Recognition of the outdoor open and partially enclosed picnic/patio/dining areas and partially enclosed outdoor commercial kitchen (BBQ and Pizza oven). Square footages of the dining areas are described in a letter report regarding parking and septic calculations prepared by Dimensions 4 Engineering, Inc., dated January 5, 2016, and included as an attachment.
- Clarification that the preparation and self-service (no wait staff) of cooked food from the barbeque and pizza oven in the outdoor picnic/patio/dining areas can occur on a daily basis.
- Recognition that food and wine pairing in the tasting room and the outdoor picnic/patio/dining areas is a permitted use.
- The removal of the requirement for a right-hand turn-lane.
- The opening of Maple Avenue for ingress and egress, per Sonoma County Fire Marshall.
- The reduction of off-site parking along Shaw Avenue through paving of east side of Shaw Avenue back 50 ft. from the Stop Sign to the entrance and signage as outlined in the conditions of approval.
- Increase the number of on-site parking from 36 to 60. Construction of additional paved parking spaces will result in the removal of vineyard.
- The securing of two off-site parking areas, including the ability to park passenger vans and limousines. The off-site parking areas, one at six (6) spaces and one at twelve (12) spaces may be used by patrons through week-end valet service and will be secured by license agreements.
- Securing of an off-site parking facility for staff at the Wellington property: 11600 Dunbar Road, Glen Ellen. The off-site parking area will be secured by a license agreement and a shuttle will be used to transport staff to VJB Vineyards and Cellars.
- A maximum of 6 employees Monday through Thursday; 9 employees on Friday and 16 employees Saturday and Sunday.
- Hours of Operation:
 - 10am to 4pm

- 10am to 4pm

CEQA Baseline

The CEQA baseline for the requested modifications is the conditions as they presently exist on the property, with the exception of the removal of a small area of decorative vineyards to accommodate additional on-site parking.

Requested Condition Modifications:

The applicant requests modification of the following Conditions of Approval placed on PLP05-0009 by Board of Supervisors' Resolution No. 07-0846, adopted October 9, 2007. The reason for the request is to bring PLP05-0009 into conformity with actual practices at the project site which resulted from past administrative authorization from the County Fire Marshal, Sonoma County Department of Transportation and Public Works and PRMD.

Condition 41a. – This condition required the developer to construct or install improvements to create a right-hand turn pocket for eastbound traffic on Shaw Avenue, at the intersection with Highway 12. Construction of the right-hand turn lane would necessitate the relocation of power poles, both to the east and west side of Highway 12. Subsequent to the approval of the use permit, the applicant's traffic engineer submitted a report to Jason Nutt, then director of the County's Department of Transportation and Public Works. On July 10, 2014, Mr. Nutt sent to the project applicant a response to the April 3, 2014 "Focused Traffic Analysis for the VJB Marketplace Modification" prepared by W-Trans and stated that the construction of a right-hand turn lane from Shaw Avenue to Highway 12 was not required based on the minor use permit modifications described in the April 3, 2014, report. In accordance with that understanding, the right-hand turn lane was not installed, due in part to the fact that it was not warranted at that time and the unanticipated cost of having to relocate power poles in connection with construction of the right-hand turn lane. The applicant requests that Condition 41a. be amended to read as follows:

41a. Remove striping of the first two parking spaces on the east side of Shaw Avenue in order to create additional room for cars turning right on Shaw Avenue from eastbound Highway 12. Install “No Parking” signs in the area in which the two parking spaces are removed. The eventual construction of the right-hand turn lane will be coordinated with the implementation of a Highway 12 left turn lane onto Shaw Avenue, if CalTrans pursues a Regional Kenwood Village Implementation Plan with the applicant paying its fair share of required road improvements.

Conditions 41c., d. and e.— The applicant requests the deletion of Conditions 41c. and d. and the Mitigation Monitoring under Condition 41e.

As discussed later herein in connection with Conditions 80 and 86, PRMD is authorized to modify the Conditions of Use Permit Approval for minor adjustments to respond to unforeseen field constraints provided that the goals of these conditions can be safely achieved in some other manner. The applicant has been advised by its traffic engineer that construction of the left turn lanes anticipated by Conditions 41c., d. and e. will necessitate the movement of at least six power poles. The traffic engineer advised the applicant that it is extremely unlikely that there is sufficient CalTrans right-of-way in order to do the scope of the improvements anticipated by Conditions 41c., d. and e. and to relocate the existing utilities out of the CalTrans right-of-way and onto adjacent real property. Accordingly, it appears to the applicant that fulfillment of the obligation to construct the left-hand turn lanes is legally impossible without obtaining additional right-of-way from adjoining property owners. The applicant has no authority or power to accomplish this requirement. Pursuant to Condition No. 86, the applicant, as a substitute measure, proposes to delete from the prior project description the right to conduct a maximum of 15 special events annually with a maximum attendance of 100 persons. Additionally, the applicant will similarly forego the right to extend its hours of operation beyond those currently permitted. Since the left-hand turn pockets were required as a safety measure to address the conduct of special events up to 100 persons and extension of the hours of operation into the evening peak hours, by deleting vested rights to conduct 15 special events with a maximum attendance of 100 persons and extend the hours of operation, the applicant believes that the need for Conditions 41c., d. and e. are obviated.

In addition to the deletion of previously granted rights to events and extended hours of operation, the applicant also offers to dedicate to CalTrans an additional

easement along the project's frontage on Highway 12 to accommodate a one-half section of left-hand turn lane should CalTrans, at some point in the future, choose to improve the entirety of Highway 12 through Kenwood with three lanes.

Condition 47 – Condition No. 47 required the developer to have an improvement plan for Maple Avenue emergency vehicle access prepared and submitted for approval by the County Fire Chief. In accordance with direction given by the County Fire Chief, the improvements to allow access through the project site onto Maple Avenue were made, but the Fire Chief believed that the Maple Avenue access should not only be open to EVA traffic, but also patrons egressing the property onto Maple Avenue. The applicant requests that Condition 47 be modified to read as follows:

The developer shall improve the access onto Maple Avenue in order to allow both emergency vehicle access and an egress only exit for patrons entering the project site from Shaw Avenue and exiting the project site onto Maple Avenue. Signs shall be posted along the Maple Avenue frontage to indicate that no passenger loading or unloading is allowed on Maple Avenue.

Condition 49c. – Condition 49c. required the developer to install signage along the developer's frontage with both Shaw Avenue and Maple Avenue indicating that no vehicle parking would be permitted. The applicant requests modification of Condition 49c to read as follows:

The developer shall install signage indicating that no vehicle parking will be permitted along the developer's frontage with Maple Avenue. The developer shall install signage indicating that no vehicle parking will be allowed in the first two spaces along the frontage of the project site with Shaw Avenue. For remainder of the frontage with Shaw Avenue, signage will be posted indicating that no passenger loading or unloading may take place on Shaw Avenue. The applicant shall, on weekends, provide an employee to advise individuals attempting to load or unload passengers on both Shaw and Maple Avenues that no passenger loading or unloading is authorized in those areas.

Condition 57 – Condition 57 required the developer to construct public improvements or enter into an improvement agreement and post acceptable security with the County.

Improvements were required to be completed prior to occupancy or commencement of the approved activity. The applicant requests modification of Condition No. 57 to read as follows:

To the extent that required public improvements have not yet been completed, the developer shall complete construction of all the required public improvements or enter into an Improvement Agreement and post acceptable security with the County of Sonoma, agreeing to complete the required construction within 24 months. Included in this Improvement Agreement shall be a requirement that the developer enter into an Improvement Maintenance Agreement and post security with the County of Sonoma, to guarantee the improvements for a period of one (1) year after acceptance of the improvements as being complete by the County.

Condition 59 – The applicant requests deletion of several sentences in Condition 59. This request is made for at least two reasons. The first is that the withdrawal of the right to conduct a maximum of 15 special events annually with a maximum attendance of 100 persons is being surrendered by the applicant, together with the opportunity to extend hours of operation under the existing permit. This makes much of Condition 59 superfluous. The second reason for this request is that Condition 59 specifically anticipated barbequed food. Construction of the barbeque, pizza oven and related facilities took place in accordance with Building Permit BLD11-4212 dated September 29, 2011. That building permit was subsequently finalized. PRMD approval of final occupancy occurred on August 7, 2012. Since the improvements have been constructed, to the extent that the barbeque and pizza and their related preparation area constitute a commercial kitchen, the improvements are already in place and have been finalized and cleared for occupancy. The applicant wishes to bring Condition 59 into conformance with actual improvements now located on the project site. The applicant requests that Condition No. 59 be amended to read as follows:

Valet parking is required on weekends during the hours that the marketplace, tasting room and piazza eating area are open. With the exception of barbequed food and sandwiches, only catered food may be offered to guests purchasing food at the deli, pizza or barbeque areas.

Condition 62 – Condition 62 indicated that the Maple Avenue driveway can only be used as an emergency vehicle access. Modification of this condition is requested to conform to modified Condition No. 47, above.

Condition 63 – Condition 63 stated that no pedestrian connections to Shaw Avenue were permitted except for the one immediately adjacent to the project entry drive on Shaw Avenue. The condition called for removing the gate in the stucco wall adjacent to the patio area. Pursuant to direction of the Fire Marshal, the gate and the stucco wall remained in order to allow additional ingress and egress from the project site for fire safety purposes. The applicant requests deletion of Condition No. 63.

Conditions 82 and 83 – The applicant requests deletion of Conditions 82 and 83 due to its surrender of its right to conduct 15 special events per year with a maximum attendance of 100 persons.

Conditions 80 and 86 – Conditions 80 and 86 authorized PRMD to modify the Use Permit Conditions of Approval for minor adjustments to respond to unforeseen field constraints provided that the goals of the conditions can be safely achieved in some other manner. A number of the conditions were administratively modified and actual operation of the project site at this time conforms to authorization or direction received from County officials in the past in connection with the use permit.

Additional Conditions of Approval

The applicant requests that the following additional Conditions of Approval be imposed upon the use permit:

1. The applicant shall enter into a parking agreement to provide for valet parking on Saturdays and Sundays (such agreement has been in place since March 2, 2015).
2. The applicant shall enter into off-site parking agreements to provide for no less than 18 cars on Saturdays and Sundays.

3. Employee parking shall not occur on the project site, nor in areas in the vicinity of the Kenwood Village. Employees shall park at Wellington Winery located at 11600 Dunbar Road, Glen Ellen (APN 053-140-057). Employees shall be shuttled by the applicant to and from the project site for work in order to reduce on-site parking demand associated with the project. The applicant shall enter into an agreement with the owner of the Wellington Winery property to allow employee parking to continue at the Wellington Winery so long as the use permit is in effect. At such time as the left turn lane onto Shaw Avenue is completed and events allowed, Wellington Winery may also be used as a staging area for patrons of special events.



ANALYSIS
 PLANNING
 SURVEYING
 ENGINEERING

2952 Mendocino Avenue, Suite C
 Santa Rosa, California 95403

(Office) 707-578-3433
 (Fax) 707-526-3433

January 5, 2016

Subject: VJB Cellars
60 Shaw Avenue
Kenwood, CA

Dear Mr. Henry Belmonte

Per your request, I am providing this revised parking and dining area findings report along with subsequent septic findings report for the subject property.

Parking Findings:

The square footage of the dining area has been calculated per your request. The total dining area calculates to 3,174sqft which includes the main picnic area, bar area, covered area adjacent to the wine cellar, and the area in front of the gelato bar. With the requirement of 1 parking stall per 60sqft of dining area, along with tasting room, market, office and retail space, the parking requirement is 65 stalls. By utilizing the area previously reserved for mound expansions(to be relocated to the northwest pending grease trap permit application SEP15-0421 submitted 7/6/15), the total available on lot parking spaces is proposed to be increased to a total of 60, an increase of 23 spaces from the existing layout currently at 37 total spaces. See figures below and attached map. There can be 60 total on-lot and there is a contract with a local dental office for an additional 12, contract completed. There is also a minimum of 6 spots granted from the church, contract forthcoming. Thus there is a total commitment of 78 spaces. Please note that valet service has been in place since March of 2015 and would allow for an additional 50 spaces.

FIGURE 1. DINING AND USE AREAS TOTALS

Location	Dimensions	Area/sq. ft.	Code: space/sq. ft.	Required Parking
Main picnic area	57'x30'	1710	60	29.00
Bar Area	27'x20'	540	60	9.00
Covered Area	60'x13'	780	60	13.00
Area in front of gelato	12'x12'	144	60	2.40
Tasting Room	20'x24'	480	60	8.00
Market	17'x25'	425	200	2.12
Office #1	13.7'x12'	164.4	250	.65
Office #2	12'x10'	120	250	.48
Tommy Bahama	10'x13'	130	250	.52
		Total		65.00

Additionally, VJB has arranged to have the use of an overflow parking area at a nearby winery. The winery is Wellington Winery located at 11524 Dunbar Road, Glen Ellen, Ca. located 2.4 miles from the VJB site. Wellington Winery is a small winery facility encompassing approximately 865 square feet and requires 5 spaces for visitors and a single employee. The site has an open graded parking area that covers approximately 30,000 square feet. This area provides parking space for approximately 40 or more vehicles or 35 more spaces than required.

It is the intent of VJB to park their 6 employees at Wellington and arrange an Employee shuttle for each of the three work shifts. This will alleviate employees from parking in 6 of the visitor parking spaces through each work day and create more parking spaces for visitors.

Septic Findings:

As stated earlier in our findings report, the Class 1 PD system is designed for a maximum flow of 607 gallons per day. This number was originally based on 7 employees at 15gal/day and 100 guests at 5gal/customer. This system is only used by guests and kitchen waste. Thus it is proposed that this system be officially declared only for the 100 guests and kitchen waste. Usage data for the past few years show that the septic system was on average utilized less than 50% of maximum capacity. Even with conservative calculations, the daily flow calculates to 300 gallons per day, which is just under half of what the system is designed for. All kitchen waste and guest restroom use goes to this system. The addition of a grease trap to the pressure distributed system ensures that the strength of the kitchen waste flow will be mitigated and periodic pumping will ensure none of that waste can reach the disposal field. The three functions of the PD system are the wine tasting room, the short order deli, and the BBQ/pizza grill. All of these functions are very low water usage which is shown by the documented usage rates of the past 2 years. For all intents and purposes, the three food prep areas are all service for the same dining area. The space (square footage) and number of seats dictates the total number of guests that can be patrons for any of the food or drink services.

The existing class III standard system is utilized only by the employees and office staff with no kitchen waste entering it. This system is currently designed for a maximum capacity of 300 gallons per day, which at 15gal/day equates to 20 employees. The office space, tasting room, deli, gelato bar, BBQ bar area, and the Tommy Bahama store consists of 11 total employees, underutilizing the system to approximately half capacity. There is extensive information and empirical evidence that the current system is working satisfactory and water usage is well below average.

Figure 2. Septic Monitoring Information On File at PRMD

Date	Dose Counter Reading	Number of Doses	Days Between Dose Check	Doses Per Day	Gallons Per Day	Percentage of System Designed Usage
5/9/2012	131					
6/11/2013	906	775	395	1.96	200	33%
3/12/2014	1578	672	281	2.39	244	40%
10/11/2014	2126	548	190	2.88	294	48%
3/11/2015	2432	306	150	2.04	208	34%

Figure 3. Kenwood Water Company Water usage data

VJB Total Water Usage Including Irrigation of Vegetation				
Total Property Rated for 907 gal/day				
2014	FT^3	Gal/month	Gal/day(30days)	
Feb	1969	14728	491	
March	2397	17930	598	
April	2745	20533	684	
May	2967	22193	740	
June	2871	21475	716	
July	3357	25110	837	
August	2878	21527	718	
Sept	3605	26965	899	
Oct	3034	22694	756	
Nov	2483	18573	619	
Dec	2449	18319	611	

In summary, the proposed grease trap addition to the class I PD system will serve to mitigate the strength of the kitchen waste. There is no doubt that the system is fully functioning with no issues. The mound relocation will serve to allow for the addition parking required to suit the needs of the square footage of the dining area. This will alleviate the concerns of the neighbors and ensure a safer traffic flow. During the October 29th meeting, Mario Kalson and Gabriel Felix had stated that an administrative waiver would be granted to allow for a decreased setback to the mound expansion area from 25feet to 15feet allowing for the additional required parking.

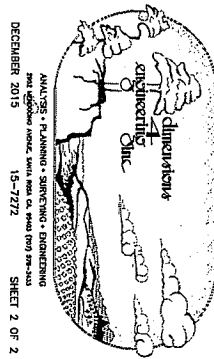
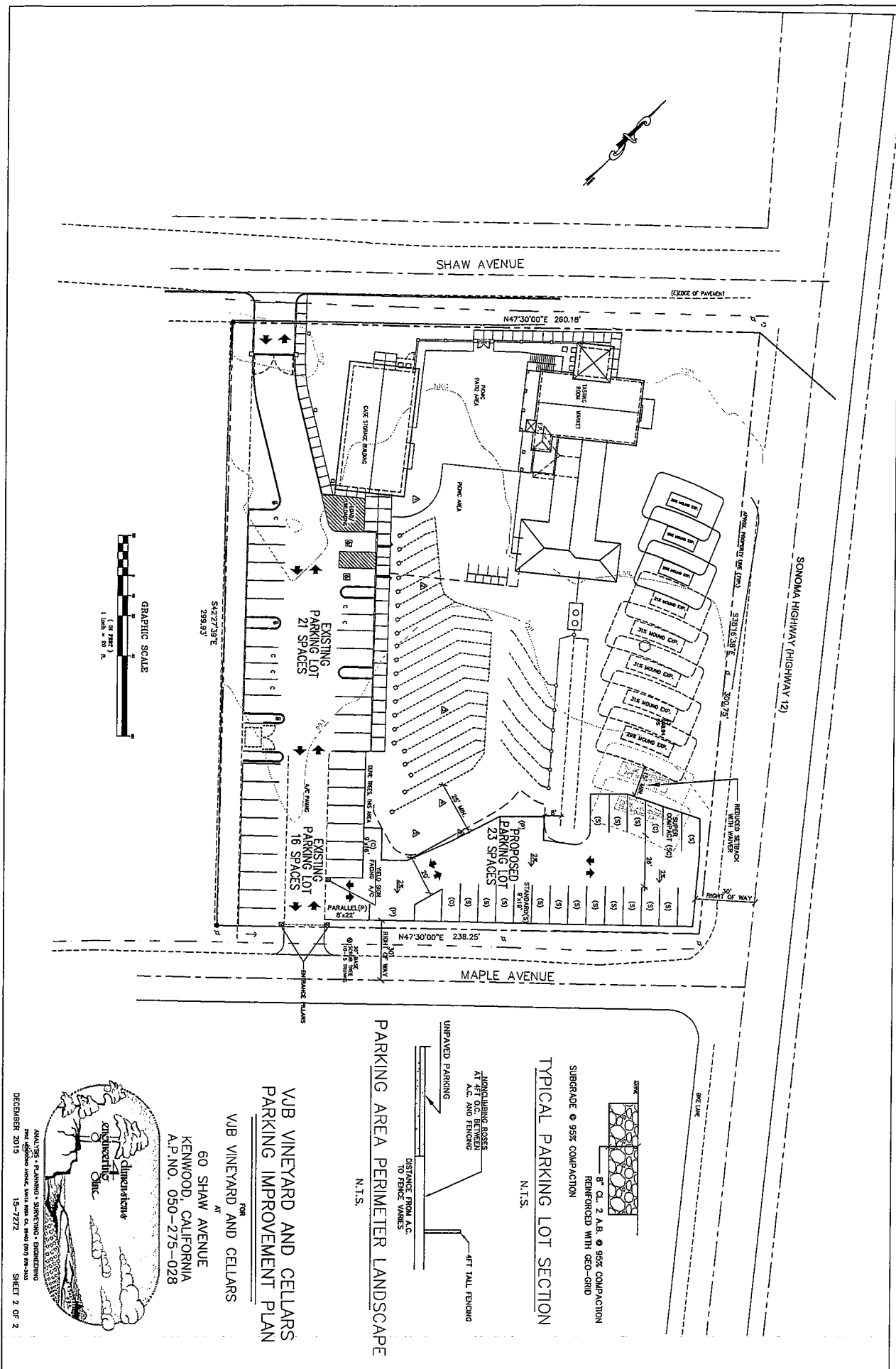
Sincerely,

DIMENSIONS 4 ENGINEERING, INC.

By: _____
Sam Edwards, EIT

By: _____
Dan Wright, RCE

cc: File



ANALYSIS • PLANNING • SURVEYING • ENGINEERING
 CONSULTING GROUP
dunsmuir
 CONSULTING GROUP
 60 SHAW AVENUE
 KENWOOD, CALIFORNIA
 A.P. NO. 050-275-028

**VJB VINEYARD AND CELLARS
 PARKING IMPROVEMENT PLAN**

FOR
VJB VINEYARD AND CELLARS

AT
60 SHAW AVENUE

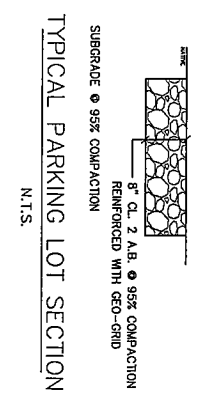
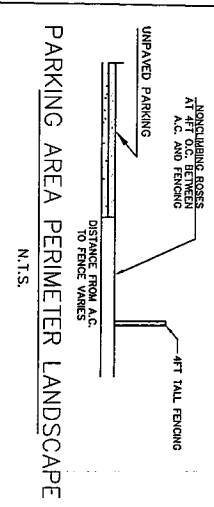
KENWOOD, CALIFORNIA

A.P. NO. 050-275-028

DECEMBER 2015

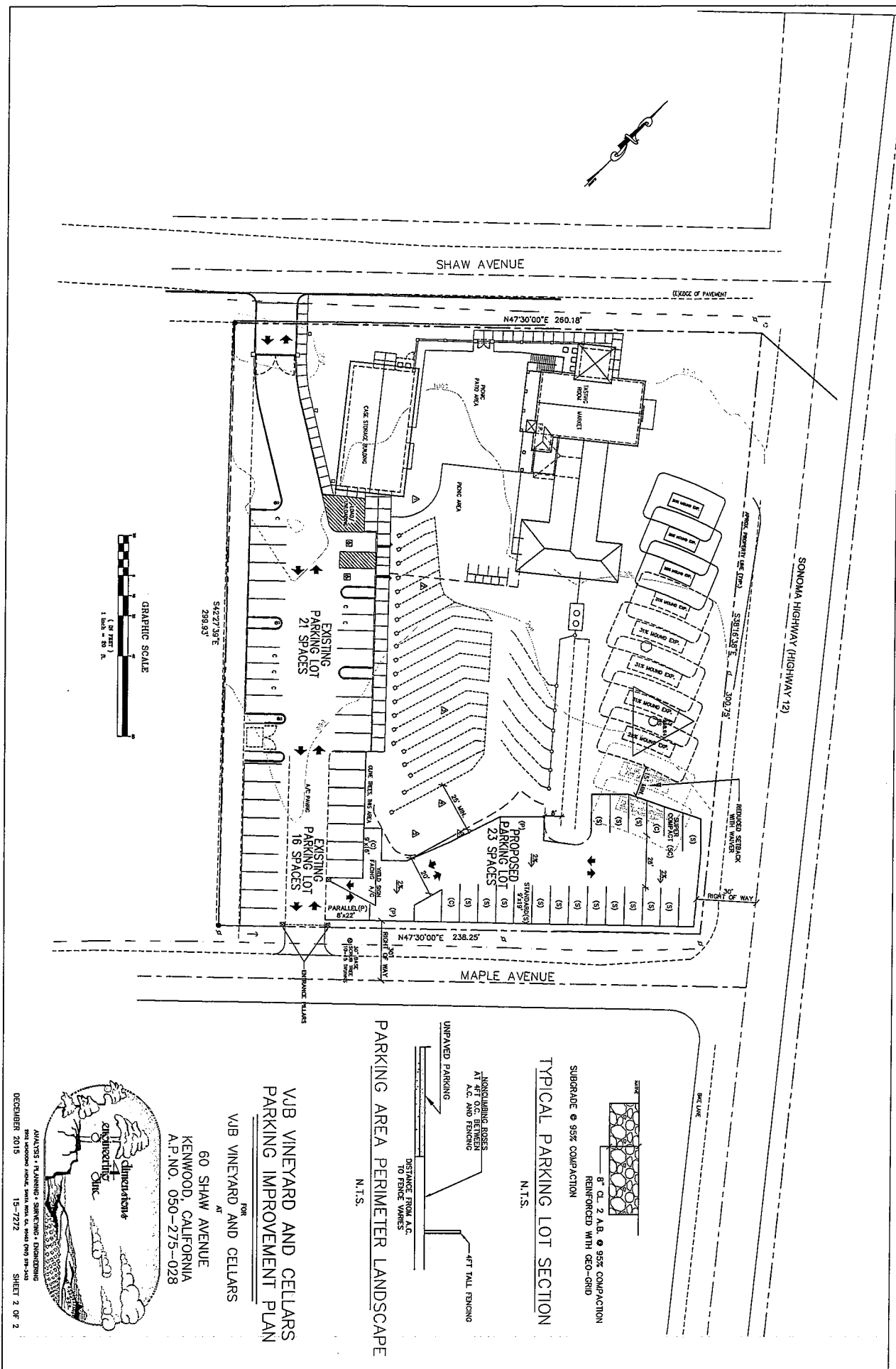
15-7272

SHEET 2 OF 2

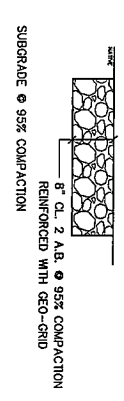


UNPAVED PARKING
 NONCLIMBING ROSES
 AT 4FT O.C. BETWEEN
 A.C. AND FENCING
 4FT TALL FENCING
 DISTANCE FROM A.C.
 TO FENCING VARIES
 N.T.S.

TYPICAL PARKING LOT SECTION
 N.T.S.
 SUBGRADE @ 95% COMPACTION
 8" CL. 2 A.B. @ 95% COMPACTION
 REINFORCED WITH GEO-GRID

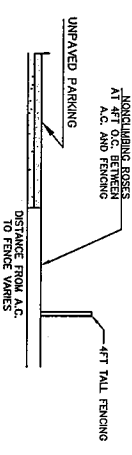


TYPICAL PARKING LOT SECTION



N.T.S.

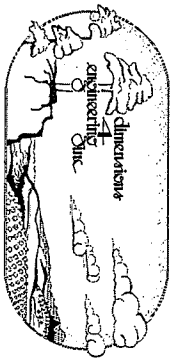
PARKING AREA PERIMETER LANDSCAPE



N.T.S.

**V&B VINEYARD AND CELLARS
PARKING IMPROVEMENT PLAN**

FOR
V&B VINEYARD AND CELLARS
60 SHAW AVENUE
KENWOOD, CALIFORNIA
A.P. NO. 050-275-028



ANALYSIS • PLANNING • SURVEYING • ENGINEERING
15-7272
DECEMBER 2015
SHEET 2 OF 2

PARKING LICENSE AGREEMENT

This Parking License Agreement ("Agreement") is entered into on this 1st day of September, 2015, by and between VJB, LLC, a California limited liability company ("Licensee") and The Kenwood Dentist ("Licensor").

RECITALS

A. Licensor is the owner of certain real property situated in Sonoma County, California, commonly known as The Kenwood Dentist, 8855 Sonoma Highway, Kenwood, (the "Dentist Property"). The Dentist Property includes a private parking lot owned in fee title by Licensor commonly known as the parking lot ("Dentist Lot").

B. Located on real property in the vicinity of the Dentist Property is the VJB Marketplace, 60 Shaw Avenue, Kenwood ("the VJB Project") consisting of several businesses and common areas (the "VJB Property").

C. Since the development and construction of the VJB Project, Licensee and its employees (collectively "Invitees") have, with the consent of Licensor, utilized portions of the Dentist Property for the temporary parking of transient passenger vehicles.

D. Licensor and Licensee now desire to enter into this Agreement for a grant of license from Licensor to Licensee for purposes of employees of Licensee parking on the Dentist Property on the terms and conditions set forth herein.

NOW THEREFORE, in consideration of the mutual promises contained herein and for other consideration, the receipt and adequacy of which are hereby acknowledged, Licensor and Licensee agree to the following:

1. Grant of Parking License. Licensor hereby grants to Licensee, for use by Licensee and its Invitees, a nonexclusive license to use the parking lot of the Dentist Property for the purpose of the parking of Licensee's employees in the manner and at such times as set forth herein (the "Parking License"):

(a) Licensee and its Invitees may use the parking lot of the Dentist Property on weekends, consisting of twelve (12) parking spaces. Use of the parking spaces by the Licensee and its Invitees shall be exclusive.

2. Parking License Fees. In consideration of the Parking License granted herein, Licensee shall pay to Licensor the weekly sum of Seventy-Five Dollars (\$75.00) (the "License Fee"), payable monthly commencing on the Effective Date.

3. Term. The term of the Parking License and this Agreement shall be one (1) year, commencing on the Effective Date and continuing annually for one (1) year periods thereafter unless one of the parties hereto gives notice of an intention to terminate this Agreement as provided herein ("Term"). Licensee shall have the option to extend the Parking License for additional one (1) year increments. After two years, any extension must be by

written mutual consent; provided, however, that if an agreement cannot be reached, Licensor shall give Licensee six (6) months advance notice to allow Licensee to find alternative parking spaces, during which time the Parking License shall remain in effect.

4. Insurance. Licensee shall maintain general liability insurance and name of Keith Boxerman, dba The Kenwood Dentist, as an additional named insured. Such insurance shall be in the aggregate amount of Two Million Dollars.

5. Licensee shall defend, indemnify and hold Licensor from any claims for damage, personal or property, arising from Licensee's use of the Dentist Property.

6. Notices. Whenever a notice is required to be given under this Agreement, it shall be given in writing either by personal delivery or by registered or certified mail, postage prepaid, and return receipt requested, addressed to the appropriate party at the address set forth below:

LICENSOR:

The Kenwood Dentist
Attn: Keith Boxerman
8855 Sonoma Highway
Kenwood, CA 95452

LICENSEE:

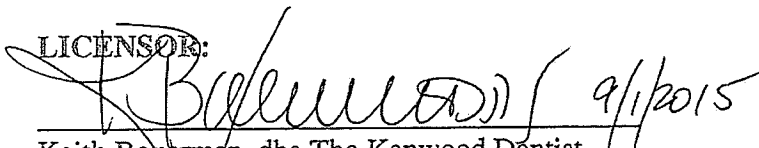
VJB, LLC
Attn: Henry Belmonte
60 Shaw Avenue
Kenwood, CA 95452

7. Authority. Each party and the individuals signing on behalf of each party represent and warrant that the execution of this Agreement has been duly authorized.

8. Binding on Successors. The covenants and conditions herein contained shall be binding upon and shall inure to the benefit of the grantees, Licensees, successors, assigns, personal representatives, heirs, and beneficiaries of the respective parties.

IN WITNESS WHEREOF, the parties hereto execute this Agreement as of the date first written above.

LICENSOR:



Keith Boxerman, dba The Kenwood Dentist

LICENSEE:

VJB, LLC a California limited liability company

By: _____

Henry Belmonte

Its: _____

June 23, 2015

Mr. Henry R. Belmonte
VJB Vineyards & Cellars
60 Shaw Avenue
Kenwood, CA 95452



Whitlock & Weinberger
Transportation, Inc.

490 Mendocino Avenue
Suite 201
Santa Rosa, CA 95401

voice 707.542.9500
fax 707.542.9590
web www.w-trans.com

Updated Traffic and Parking Analysis for the VJB Marketplace Modification

Dear Mr. Belmonte;

As requested, Whitlock & Weinberger Transportation, Inc. (W-Trans) has performed further analysis to address the County's concerns about the adequacy of the trip generation estimates for the project compared to the actual demand based on the uses constructed, as well as the proposed changes to the Use Permit for VJB Marketplace located at 60 Shaw Avenue in the Kenwood area of the County of Sonoma. The study of weekday a.m. and p.m. peak period traffic impacts was completed in accordance with standard criteria, and is consistent with previous analyses and standard traffic engineering techniques.

Trip Generation

In the study previously performed the project as evaluated was essentially a request to modify the hours of operation to allow the marketplace/deli to remain open until 5:00 p.m. on weekdays except that it would remain open until 7:00 p.m. on Fridays. Ongoing operations have included an exterior "piazza," takeout food service, food/wine pairing, and retail gelato. Further, operating hours include the morning peak, during which time coffee is sold. Since these uses were not specifically included in the previous study, counts were conducted to determine the site's actual trip generation compared to the projected volumes.

In a letter dated April 3, 2014, the project trip generation was indicated at 17 p.m. peak hour trips (12 in, 5 out); no estimate was made of morning peak hour counts. Counts were performed on December 9, 2014, between 4:00 and 6:00 p.m., that indicated that the project as constructed, including all food service (inside and on the exterior "piazza," takeout food service, food/wine pairing, and retail gelato) generates 5 trips, which is less than one-third the number of trips projected for the use based on standard trip generation rates. Additional counts were performed during this time period on April 21, 2015, in response to County comments asking for volumes for representative of summer months, and these counts showed a total of 10 p.m. peak hour trips generated at the site, which is still substantially less than the trip generation as projected and evaluated in the 2014 traffic study.

While the previous analysis did not estimate morning peak hour trips, the counts performed on April 21, 2015, indicate that the site generated 9 trips during the morning peak hour, which occurs between 7:00 and 9:00 a.m. Based on the directionality of the trips, it appears that at least 4 of these 9 trips were pass-by trips, or those drawn from traffic passing the site on either SR 12 or Shaw Avenue. The remaining five trips would reasonably be expected to have a less-than-significant impact on traffic operation. Further, the evening peak period has higher volumes and typically represents the worst-case conditions, so if the impact is less-than-significant during the evening peak hour, evening based on the higher volumes used for the traffic analysis in 2014, it is reasonable to assume that impacts during the morning peak hour, during which volumes are lower and the trip generation is also lower, would also be less-than-significant.

The additional food service and expanded hours therefore appear not to have resulted in any increase in trip generation potential for the project compared to what was assumed for the 2014 analysis. The conclusions reached in the April 3, 2014 traffic study therefore remain valid. Specifically, the intersections of SR 12/Shaw Avenue and SR 12/Maple Avenue operate acceptably with project traffic added, so left-turn lanes, while warranted based on the volumes on SR 12, are not yet necessary to achieve acceptable operation with traffic from all aspects of the Marketplace operation included. Similarly, right-turn lanes would remain unwarranted.

Consideration was also given to the collision history for the intersection. Data was obtained from the SWITRS database for the five-year period of January 1, 2009, through December 31, 2013, (the most recent data available). During this time only one collision of a type that might be prevented by installing a turn lane occurred. The lack of a pattern of preventable collisions further indicates that a left-turn lane is not currently warranted.

Parking Study

Parking Occupancy Counts

The existing parking supply at VJB Marketplace consists of 19 regular and 2 disabled accessible spaces in Lot A and 13 regular spaces in Lot B, which is unpaved. These lots are shown on the enclosed aerial. The two lots combine for a total supply of 34 parking spaces.

Parking occupancy counts were recorded on Saturday, December 13, 2014, and again on Saturday, April 18, 2015, between noon and 5:00 p.m. It is noted that the weather was clear on both days, with the first being during the peak of holiday shopping and the second during the spring, so patronage would be reflective of reasonably busy conditions.

The observations indicate that the peak hour of parking was between 2:00 and 3:00 p.m. with a maximum of 28 spaces, or 82 percent of the supply, occupied during any of the counts taken at 15-minute increments, with six vacant spaces, two of which are designated for vehicles displaying the disabled placard. The occupancies for the two counts conducted were compared and the higher of the peak 15-minute occupancies for each hour are indicated in Table I.

Table I
Parking Study

Time	Lot A (21 spaces)		Lot B (13 spaces)		Total (34 spaces)	
	No. Occupied	Occupancy	No. Occupied	Occupancy	No. Occupied	Occupancy
12:00 – 1:00	16	76%	3*	23%	19*	56%
1:00 – 2:00	19*	90%	7*	54%	26*	76%
2:00 – 3:00	19**	90%	9*	69%	28*	82%
3:00 – 4:00	14	67%	7*	54%	21*	62%
4:00 – 5:00	15*	71%	1**	8%	16*	47%

Notes: *Data obtained from the April 2015 Parking Study

**Both December and April had the same number of occupied spaces

1-16-15



January 13, 2015

Mr. Henry R. Belmonte
VJB Vineyards & Cellars
60 Shaw Avenue
Kenwood, CA 95452

Whitlock & Weinberger
Transportation, Inc.

490 Mendocino Avenue
Suite 201
Santa Rosa, CA 95401

voice 707.542.9500

fax 707.542.9590

web www.w-trans.com

Traffic and Parking Analysis for the VJB Marketplace Modification

Dear Mr. Belmonte;

As requested, Whitlock & Weinberger Transportation, Inc. (W-Trans) has performed an updated focused traffic analysis to address the County's concerns about the adequacy of the trip generation estimates for the project compared to the actual demand based on the uses constructed, as well as the proposed changes to the Use Permit for VJB Marketplace located at 60 Shaw Avenue in the Kenwood area of the County of Sonoma. The study of weekday p.m. peak period traffic impacts was completed in accordance with standard criteria, and is consistent with previous analyses and standard traffic engineering techniques.

Trip Generation

In the study previously performed the project as evaluated was essentially a request to modify the hours of operation to allow the marketplace/deli to remain open until 5:00 p.m. on weekdays except that it would remain open until 7:00 p.m. on Fridays. Ongoing operations have included an exterior "piazza," takeout food service, food/wine pairing, and retail gelato. Since these uses were not specifically included in the previous study, counts were conducted to determine the site's actual trip generation compared to the projected volumes.

In a letter dated April 3, 2014, the project trip generation was indicated at 17 p.m. peak hour trips (12 in, 5 out). Counts performed on December 9, 2014, between 4:00 and 6:00 p.m., indicate that the project as constructed, including all food service (inside and on the exterior "piazza," takeout food service, food/wine pairing, and retail gelato) is generating 5 trips, which is less than one-third the number of trips projected for the use based on standard trip generation rates.

Although the counts were obtained in December, even if increased to reflect peak, summer month volumes, the project would still be expected to generate fewer trips than were assumed for purposes of the traffic study, which is actually based on *average* operation and not peak operation. The additional food service therefore appears not to have resulted in any increase in trip generation potential for the project compared to what was assumed for the most recent analysis. The conclusions reached in the April 3, 2014 traffic study therefore remain valid. Specifically, the intersections of SR 12/Shaw Avenue and SR 12/Maple Avenue operate acceptably with project traffic added, so left-turn lanes, while warranted based on the volumes on SR 12, are not yet necessary to achieve acceptable operation with traffic from all aspects of the Marketplace operation included. Similarly, right-turn lanes would remain unwarranted.

Parking Study

The existing parking supply at VJB Marketplace consists of 19 regular and 2 disabled accessible spaces in Lot A and 13 regular spaces in Lot B, which is unpaved. These lots are shown on the enclosed aerial. The two lots combine for a total supply of 34 parking spaces. Parking occupancy counts were recorded on

VJB Marketplace

Saturday, December 13, 2014

Sonoma County	Inventory	1200	1215	1230	1245
LOT A					
Regular	19	8	13	15	16
Handicap	2	0	0	0	0
LOT B					
Regular	13	0	1	1	1

	Inventory	1300	1315	1330	1345
LOT					
Regular	19	17	16	16	18
Handicap	2	0	0	0	0
LOT B					
Regular	13	1	1	1	1

	Inventory	1400	1415	1430	1445
LOT					
Regular	19	19	19	17	15
Handicap	2	0	0	0	0
LOT B					
Regular	13	2	2	1	1

	Inventory	1500	1515	1530	1545
LOT					
Regular	19	14	11	12	9
Handicap	2	0	0	0	0
LOT B					
Regular	13	1	0	0	1

	Inventory	1600	1615	1630	1645
LOT					
Regular	19	9	8	5	2
Handicap	2	0	0	0	0
LOT B					
Regular	13	1	0	0	0



April 3, 2014

Mr. Henry R. Belmonte
VJB Vineyards & Cellars
60 Shaw Avenue
Kenwood, CA 95452

Whitlock & Weinberger
Transportation, Inc.

480 Mendocino Avenue
Suite 201
Santa Rosa, CA 95401

voice 707-542-9500
fax 707-542-9590
web www.w-trans.com

Focused Traffic Analysis for the VJB Marketplace Modification

Dear Mr. Belmonte;

As requested, Whitlock & Weinberger Transportation, Inc. (W-Trans) has performed a focused traffic analysis that addresses the proposed changes to the Use Permit for VJB Marketplace located at 60 Shaw Avenue in the Kenwood area of the County of Sonoma. The study of weekday p.m. peak period traffic impacts was completed in accordance with standard criteria, and is consistent with previous analyses and standard traffic engineering techniques.

Proposed Use Permit

VJB Marketplace is located at 60 Shaw Avenue near its intersection with State Route 12 (SR 12). Access to the winery, tasting room and marketplace/deli is provided via a driveway on Shaw Avenue, approximately 250 feet west of SR 12. The site is served by a parking lot with 19 spaces plus two ADA-compliant spaces. There is a secondary access with a locked gate at Maple Avenue, approximately 250 feet west of SR 12.

The project is a proposed change to the Use Permit which would include the following:

- Marketplace/deli hours which currently end at 4:00 would be extended to 5:00 p.m. all week except that on Fridays it would remain open until 7:00 p.m.
- Tasting Room hours which currently end at 4:00 would maintain the same operating hours.
- The vehicle gate at Maple Avenue would be opened.
- Payment would be made to the Sonoma County Transportation & Public Works Department for contribution towards installation of a left-turn lane on SR 12.

Study Area

The study area includes the two intersections on SR 12 at Shaw Avenue and Maple Avenue.

- SR 12/Shaw Avenue
- SR 12/Maple Avenue

Report No. 279, Transportation Research Board, 1985: Considering existing traffic volumes, left-turn lanes are warranted at both Shaw Avenue and Maple Avenue, although the volume of left-turn movements during the p.m. peak hour is only six vehicles and two vehicles, respectively. A right-turn lane on SR 12 was not found to be warranted at either location. Copies of the spreadsheets indicating the turn lane warrants are enclosed. It should be noted that the need for additional turn lanes on the Shaw Avenue and Maple Avenue approaches to SR 12 are assessed based on level of service conditions rather than these warrants.

Project Traffic

Although the Marketplace and Tasting Room at VJB are currently in operation, both uses close at 4:00 p.m. so do not impact traffic conditions during the traditional weekday p.m. peak hour. In order to assess the impacts of extending the hours of both of these uses, new vehicle trips were estimated. For the purpose of estimating the number of new trips which the proposed project can be expected to generate, *Trip Generation Manual*, 9th Edition, Institute of Transportation Engineers, 2012, was used. For the tasting room, the ITE rate for a "drinking place" was used. For the marketplace/deli, the ITE rate for a "Quality Restaurant" was used.

As shown in Table 2, the proposed change to the use permit is expected to generate an average of 17 new vehicle trips during the p.m. peak hour.

Table 2
Trip Generation Summary

Land Use	Units	PM Peak			
		Rate	Trips	In	Out
Tasting Room	0.9 ksf	7.48	10	7	3
Marketplace (ITE #150)	0.9 ksf	5.02	7	5	2
Total			17	12	5

Note: ksf = thousand square feet

Existing plus Project Conditions

Intersection Level of Service

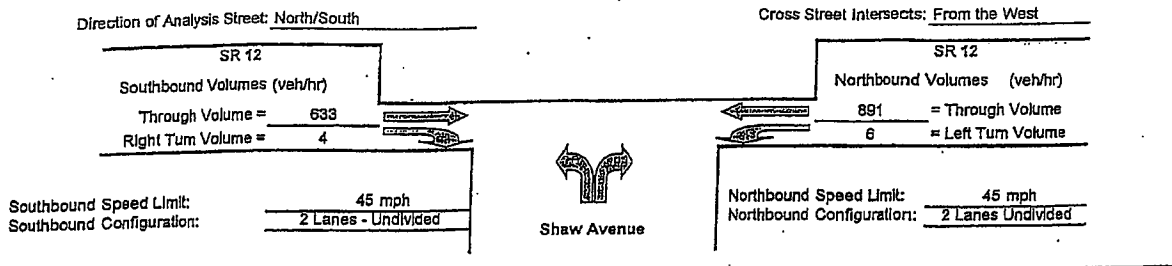
With the addition of project trips, both intersections would continue to operate acceptably at LOS A overall. Both side street approaches on Shaw Avenue and Maple Avenue would continue to operate at LOS D and C, respectively, representing an acceptable impact. These acceptable level of service conditions indicate that no turn lane expansions are necessary on the Shaw Avenue and Maple Avenue approaches to SR 12. Results are shown in Table 1 and the calculations are attached.

Turn Lane Warrants

The need for right-turn lanes on SR 12 was evaluated for Existing plus Project conditions. Left-turn lanes are currently warranted at both SR 12/Shaw Avenue and SR 12/Maple Avenue. A right-turn lane on SR 12 will not be warranted with the addition of the project traffic volumes. Copies of the spreadsheets indicating the turn lane warrants are enclosed.

Turn Lane Warrant Analysis - Tee Intersections

Study Intersection: SR 12/Shaw Avenue
 Study Scenario: Existing PM Peak Hour



Southbound Right Turn Lane Warrants

1. Check for right turn volume criteria

~~NOT WARRANTED: Less than 40 Vehicles~~

2. Check advance volume threshold criteria for turn lane
 Advancing Volume Threshold AV = -
 Advancing Volume Va = 637
 If $AV < Va$ then warrant is met

~~Right Turn Lane Warranted: NO~~

Southbound Right Turn Taper Warrants
 (evaluate if right turn lane is unwarranted)

1. Check taper volume criteria

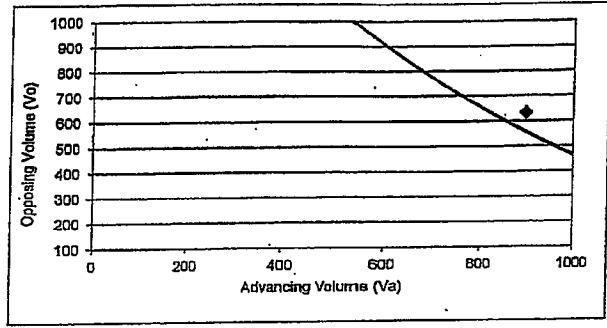
~~NOT WARRANTED: Less than 20 Vehicles~~

2. Check advance volume threshold criteria for taper
 Advancing Volume Threshold AV = -
 Advancing Volume Va = 637
 If $AV < Va$ then warrant is met

~~Right Turn Taper Warranted: NO~~

Northbound Left Turn Lane Warrants

Percentage Left Turns %lt 0.7 %
 Advancing Volume Threshold AV 822 veh/hr
 If $AV < Va$ then warrant is met



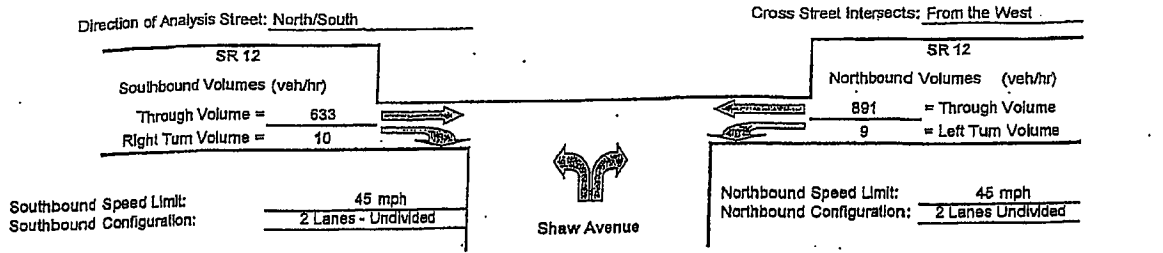
◆ Study Intersection
 Two lane roadway warrant threshold for: 45 mph
 Turn lane warranted if point falls to right of warrant threshold line

~~Left Turn Lane Warranted: YES~~

Methodology based on Washington State Transportation Center Research Report *Method For Prioritizing Intersection Improvements*, January 1997.
 The right turn lane and taper analysis is based on work conducted by Cottrell in 1981.
 The left turn lane analysis is based on work conducted by M.D. Harmelink in 1967, and modified by Kikuchi and Chakroborty in 1991.

Turn Lane Warrant Analysis - Tee Intersections

Study Intersection: SR 12/Shaw Avenue
 Study Scenario: Existing plus Project PM Peak Hour



Southbound Right Turn Lane Warrants

1. Check for right turn volume criteria

~~NOT WARRANTED: Less than 40 vehicles~~

2. Check advance volume threshold criteria for turn lane

Advancing Volume Threshold	AV =	-
Advancing Volume	Va =	843

If $AV < Va$ then warrant is met

~~Right Turn Lane Warranted: YES~~

Southbound Right Turn Taper Warrants
(evaluate if right turn lane is unwarranted)

1. Check taper volume criteria

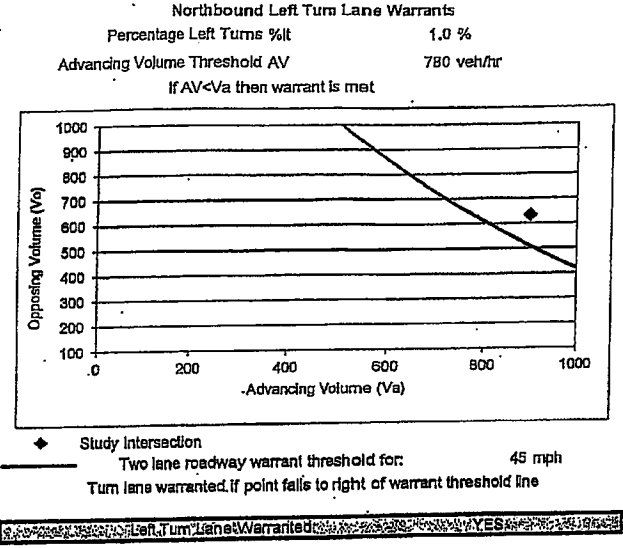
~~NOT WARRANTED: Less than 20 vehicles~~

2. Check advance volume threshold criteria for taper

Advancing Volume Threshold	AV =	-
Advancing Volume	Va =	843

If $AV < Va$ then warrant is met

~~Right Turn Taper Warranted: YES~~



Methodology based on Washington State Transportation Center Research Report, *Method For Prioritizing Intersection Improvements*, January 1997.
 The right turn lane and taper analysis is based on work conducted by Cottrell in 1981.
 The left turn lane analysis is based on work conducted by M.D. Hamelink in 1967, and modified by Kikuchi and Chakroborty in 1991.



August 15, 2005

Mr. Jim Ford
The Fifth Resource Group
P.O. Box 30
Cotati, CA 94931

Whitlock & Weinberger
Transportation, Inc.

490 Mendocino Avenue
Suite 201
Santa Rosa, CA 95401

voice 707.542.9500
fax 707.542.9590
web www.w-trans.com

Focused Traffic Impact Study for VJB Vineyards & Cellars

Dear Mr. Ford;

As requested, Whitlock & Weinberger Transportation, Inc. (W-Trans) has performed a focused traffic analysis that addresses the potential traffic impacts associated with a proposed site redevelopment on State Route (SR) 12 in the community of Kenwood in the County of Sonoma. The site is located on Shaw Avenue and is currently occupied by one single family dwelling. The study of weekday a.m. and p.m. peak period traffic impacts was completed in accordance with standard criteria, and is consistent with previous analyses and standard traffic engineering techniques.

Proposed Project

The proposed project involves the conversion of an existing single family dwelling into a 1,286 square foot bed and breakfast as well as the construction of a 3,342 square foot building that would contain a market place, tasting room, offices, and a 1,800 square foot wine case storage building. The project would be located on the west side of SR 12 and the primary access would be via a driveway on Shaw Avenue. A secondary access driveway would be located on Maple Avenue.

Existing Conditions

The community of Kenwood is located approximately 10 miles east of the City of Santa Rosa on SR 12. In the vicinity of the proposed project SR 12 is a 2-lane road running in a north-south alignment with narrow shoulders and a posted speed limit of 45 miles per hour. Machine counts taken on SR 12 near Shaw Avenue from Thursday, June 23, 2005, to Sunday, June 26, 2005, indicate an average daily volume of approximately 19,300 vehicles. Shaw Avenue and Maple Avenue have posted speed limits of 25 miles per hour and are unimproved residential 2-lane roads with limited room for parking on the shoulders.

Collision History

The collision history on SR 12 near Shaw Avenue and Maple Avenue was reviewed to determine any trends or patterns that may indicate a safety issue. Collision rates were calculated based on records for 2000 through 2003 obtained through the California Highway Patrol and published in their Statewide Integrated Traffic Records System (SYWITRS) reports. Over the 4-year period there were 13 collisions recorded along the study segment of SR 12 with five collisions each at the two intersections with Shaw Avenue and Maple Avenue.

Special Event Traffic

VJB Vineyards & Cellars expects to host private events such as small catered evening winemaker dinners and other promotional wine tastings with groups not to exceed 25 people. In addition, wedding receptions and corporate meetings that would not exceed 100 people would be hosted at the site. These larger events would be limited to twelve per year. Assuming an average of 2.5 guests per vehicle, 80 additional daily trips would be expected to be made by guests during a 100 guest special event. Additionally, staffing equivalent to about 5 percent of the guest level, or two to five persons, would be expected to arrive in advance of or depart after the event guests. Although these trips would occur outside the peak hour for guest traffic, a volume based on one vehicle per employee was included in the daily totals. In order to obtain a worst case scenario, it was assumed that special event trips entering the site would occur during the p.m. peak period along with traffic associated with normal daily operations.

As shown in Table 1, with the addition of special event traffic, the proposed project would be expected to generate an average of 164 new weekday vehicle trips and 170 new weekend vehicle trips, including 54 new trips during the p.m. peak hour.

Trip Distribution

For the purpose of this report it was assumed that all trips would be via SR 12, with trips evenly divided between the driveways on Shaw Avenue and Maple Avenue. Using the 2000 census as a general guide and then examining existing patterns of traffic it was determined that of trips originating at VJB Vineyards & Cellars, approximately 51 percent would be oriented to the south on SR 12 and 49 percent would be oriented to the north on SR 12.

Left-Turn Lane Warrant

The need for left-turn channelization on SR 12 at the project entrance was assessed based on criteria contained in the *Intersection Channelization Design Guide*, National Cooperative Highway Research Program (NCHRP) Report No. 279, Transportation Research Board, 1985, as well as a more recent update of the methodology developed by the Washington State Department of Transportation. The NCHRP report references a methodology developed by M. D. Harmelink that includes equations that can be applied to expected or actual traffic volumes in order to determine the need for a left-turn pocket based on safety issues. Based on our research and discussions with Caltrans staff, this methodology is consistent with the "Guidelines for Reconstruction of Intersections," August 1985, which is referenced in Section 405.2, Left-turn Channelization, of the Caltrans *Highway Design Manual*.

An iterative process was applied to determine that a left-turn lane would be warranted on SR 12 at Shaw Avenue when two or more vehicles make a left-turn from SR 12 to Shaw Avenue during the weekday p.m. peak hour. Under existing conditions seven vehicles make this left-turn during the peak hour, so a left-turn lane is already warranted. The project would be expected to add three additional left-turns under normal a.m. peak hour operating conditions and two during the p.m. peak hour. Up to 27 additional left-turns are projected for a special event, however, events would not all be expected to occur during periods of peak traffic flow, so these turns would rarely affect peak hour conditions.

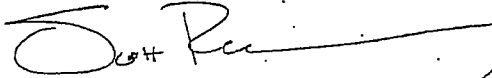
Mr. Jim Ford

Page 5

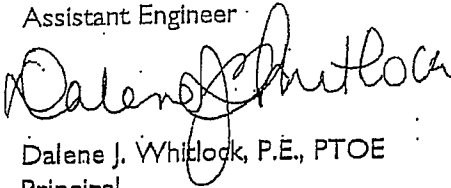
August 15, 2005

Thank you for asking us to provide these traffic engineering services. We hope this information has adequately addressed any concerns or questions that might be raised relative to the potential traffic impacts of the proposed VJB Vineyards and Cellars project, however, please feel free to call if you have any questions.

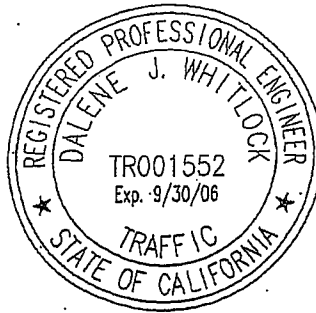
Sincerely,



Scott Robertson, EIT
Assistant Engineer



Dalene J. Whitlock, P.E., PTOE
Principal



DJW/sr/SOX227L2-3.wpd

Enforcement Agency, the Environmental Health Department, bills at an hourly rate for enforcement of violations of the solid waste requirements

HEALTH:

"The conditions below have been satisfied" BY _____ DATE _____

PRIOR TO BUILDING PERMIT:

Water:

6. The market place, wine tasting room casegoods storage building and residence shall be connected to the Kenwood Water Company.
7. The existing well can be retained but can only be used for irrigation purposes.

Septic:

8. Prior to building permit issuance, a permit for the sewage disposal system shall be obtained. The system may require design by a Registered Civil Engineer or Registered Environmental Health Specialist and both soils analysis and percolation testing may be required. Groundwater testing may also be required. The sewage system shall meet peak flow discharge of the wastewater from all sources. The Project Review Health Specialist shall receive a final clearance from the District Specialist that all required septic system testing and design elements have been met.
9. Application for wastewater discharge requirements shall be filed by the applicant with the North Coast Regional Water Quality Control Board. Documentation of acceptance of a complete application with no initial objections by the Regional Water Quality Control Board shall be submitted to Project Review Health prior to building, grading for ponds or septic permit issuance. A copy of the waste discharge permit shall be submitted to Project Review Health prior to issuance of a certificate of occupancy or project operation. An application may be printed from the State Water Resources Control Board website at: www.swrcb.ca.gov/sbforms/
10. Prior to building permit issuance, the applicant shall cause an analysis to be made by a Registered Civil Engineer or Registered Environmental Health Specialist regarding the existing septic system's ability to accommodate the proposed sewage loading. Any necessary system expansion or modifications shall be done under permit and the remodel standards from the Well and Septic Section of the Permit and Resource Management Department and may require both soils analysis and percolation testing. The Project Review Health Specialist shall receive a final clearance from the District Specialist that all required septic system testing and design elements have been met.
11. All future sewage disposal system repairs shall be completed in the designated reserve areas and shall meet Class I Standards for the new structures and the remodel standards for the existing house. Alternate reserve areas may be designated if soil evaluation and testing demonstrate that the alternative reserve area meets or exceeds all of the requirements that would have been met by the original reserve area.
12. Prior to building permit issuance the applicant shall abandon existing septic tank(s) under permit and inspection from the Well & Septic Section of the Permit and Resource Management Department. The Project Review Health Specialist shall receive a copy of the "Finalized" Abandonment Permit.

13. Toilet facilities shall be provided for patrons and employees. A copy of the floor plan showing the location of the restrooms shall be submitted to Project Review Health prior to issuance of building permits.

Consumer Protection:

14. Prior to the issuance of building permits and the start of any construction, plans and specifications for any retail food facility must be submitted to, and approved by, the Environmental Health Division of the Health Services Department. Contact the Environmental Health Division at 565-6544 for information. The PRMD Project Review Health Specialist shall receive a letter of approval from the Environmental Health Division to verify compliance with requirements of the California Uniform Retail Food Facility Law (CURFFL).

Noise:

15. Six foot high noise barrier walls shall be shown on the building plans and constructed in accordance with the acoustic report dated September 11, 2006 by Illingworth and Rodkin. The design and final construction of the barriers shall be approved in writing by the consultant. Barrier height in relation to pad elevation must be certified by the project engineer. The Project Review Health Specialist shall receive a letter of clearance from the sound consultant regarding conformance with the design and final construction of the sound wall to the sound report requirements prior to occupancy.

Mitigation Monitoring: Prior to the issuance of building permits, noise mitigations shall be photocopied from pages 7, 8 and 9 of the noise study dated September 11, 2006 by Illingworth and Rodkin, and attached to the building plans submitted for plan check. The building plans shall incorporate the listed mitigations. The building and noise barrier walls shall be constructed in accordance with the acoustic report dated September 11, 2006 by Illingworth and Rodkin. Prior to building occupancy the design and final construction of the sound mitigation measures must be approved in writing by the consultant. The Project Review Health Specialist shall receive a letter of clearance from the sound consultant regarding conformance with the design and final construction of the sound mitigations to the sound report requirements.

PRIOR TO OCCUPANCY:

Water:

16. Prior to occupancy, any new or existing water well serving this project shall be fitted with a water meter and a groundwater level measuring tube and port, or electronic groundwater level measuring device.

OPERATIONAL REQUIREMENTS:

17. A safe, potable water supply shall be provided and maintained.

Septic:

18. Maintain the annual operating permit for any alternative (mound or pressure distribution) or experimental septic system installed per Sonoma County Code 24-32, and all applicable Waste Discharge Requirements set by the Regional Water Quality Control Board.
19. Use of the on-site wastewater disposal system shall be in accordance with the design and approval of the system.
20. All future sewage disposal system repairs shall be completed in the designated reserve areas and shall meet Class I Standards. Alternate reserve areas may be designated if soil evaluation

and testing demonstrate that the alternative reserve area meets or exceeds all of the requirements that would have been met by the original reserve area.

Hazardous Materials Program:

21. Comply with applicable hazardous waste generator, underground storage tank, above ground storage tank and AB2185 (hazardous materials handling) requirements and maintain any applicable permits for these programs from the Hazardous Materials Division of Sonoma County Department of Emergency Services.
22. During construction, hazardous materials shall be stored away from drainage or environmentally sensitive areas, on non-porous surfaces. Storage of flammable liquids shall be in accordance with Sonoma County Fire Code.
23. A concrete washout area, such as a temporary pit, shall be designated to clean concrete trucks and tools. At no time shall concrete waste be allowed to enter waterways, including creeks and storm drains.
24. Vehicle storage, fueling and maintenance areas shall be designated and maintained to prevent the discharge of pollutants to the environment. Spill cleanup materials shall be kept on site at all times during construction, and spills shall be cleaned up immediately. In the event of a spill of hazardous materials, the applicant will call 911 to report the spill and take appropriate action to contain and clean up the spill.
25. Portable toilets shall be located and maintained to prevent the discharge of pollutants to the environment.

Mitigation Monitoring for Conditions 21-25. Building/grading permits shall not be approved for issuance by Project Review staff until the above notes are printed on the building, grading and improvement plans. The applicant shall be responsible for notifying construction contractors about the requirement for responsible storage and spill cleanup of hazardous materials.

Consumer Protection:

26. Obtain and maintain all required Food Industry Permits from the Sonoma County Environmental Health Division if required for wine tasting activities and special events. No other food service was requested or authorized by this permit.

Noise:

27. Noise shall be controlled in accordance with the following as measured at the exterior property line of any affected residential or sensitive land use:

Maximum Exterior Noise Level Standards, dBA

Cumulative Duration of Noise Event in any one-hour Period	Daytime	Nighttime	
	7 a.m.	10 p.m.	to 10 p.m. to 7 a.m.
30-60 Minutes	50	45	
15-30 Minutes	55	50	
5-15 Minutes	60	55	
1-5 Minutes	65	60	
0-1 Minutes	70	65	

Limit exceptions to the following:

- A. If the ambient noise level exceeds the standard, adjust the standard to equal the ambient level.
- B. Reduce the applicable standards by five dBA for simple tone noises, noises consisting primarily of speech or music, or for recurring impulsive noises.
- C. Reduce the applicable standards by 5 decibels if they exceed the ambient level by 10 or more decibels.

Mitigation Monitoring: PRMD staff shall ensure that this condition is listed on all site alteration, grading, building or improvement plans, prior to issuance of grading or building permits. Any noise complaints will be investigated by PRMD staff. If violations are found, PRMD shall seek voluntary compliance from the permit holder and thereafter may initiate an enforcement action and/or revocation or modification proceedings, as appropriate. If noise complaints are received from nearby residents, and they appear to be valid complaints in PRMD's opinion, then the applicant shall conduct a noise study to determine the current noise status of the project. A copy of the noise study shall be submitted to the Project Review Health Specialist within sixty days of notification from PRMD that a noise complaint has been received.

28. Outdoor special events shall be limited to the hours of the Daytime Noise Standard found in the Noise Element of the Sonoma County General Plan (currently 7:00 a.m. to 10:00 p.m.)

Mitigation Monitoring: PRMD staff shall ensure that this condition is listed on all site alteration, grading, building or improvement plans, prior to issuance of grading or building permits. Any noise complaints will be investigated by PRMD staff. If violations are found, PRMD shall seek voluntary compliance from the permit holder and thereafter may initiate an enforcement action and/or revocation or modification proceedings, as appropriate. If noise complaints are received from nearby residents, and they appear to be valid complaints in PRMD's opinion, then the applicant shall conduct a noise study to determine the current noise status of the project. A copy of the noise study shall be submitted to the Project Review Health Specialist within sixty days of notification from PRMD that a noise complaint has been received.

29. Amplified sound and the very loud musical instruments (such as horns, drums and cymbals) are not permitted outdoors. The quieter, non-amplified musical instruments (such as piano, stringed instruments, woodwinds, flute, etc) are allowed outdoors when in compliance with the Noise Element of the Sonoma County General Plan.

Mitigation Monitoring: PRMD staff shall ensure that this condition is listed on all site alteration, grading, building or improvement plans, prior to issuance of grading or building permits. Any noise complaints will be investigated by PRMD staff. If violations are found, PRMD shall seek voluntary compliance from the permit holder and thereafter may initiate an enforcement action and/or revocation or modification proceedings, as appropriate. If noise complaints are received from nearby residents, and they appear to be valid complaints in PRMD's opinion, then the applicant shall conduct a noise study to determine the current noise status of the project. A copy of the noise study shall be submitted to the Project Review Health Specialist within sixty days of notification from PRMD that a noise complaint has been received.

30. This project does not permit wine production or bottling.

DRAINAGE REVIEW:

"The conditions below have been satisfied" BY _____ DATE _____

31. Drainage improvements shall be designed by a civil engineer, in accordance with the Sonoma County Water Agency Flood Control Design Criteria, be shown on the Improvement Plans, and be submitted to the Drainage Review Section of the Permit and Resource Management Department for review and approval.
32. The design engineer shall include a Site Grading Plan and an Erosion Prevention/Sediment Control Plan, as part of the required Improvement Plans, which shall contain all pertinent details, notes, and specifications.
33. Grading and/or building permits require review and approval by the Drainage Review Section of the Permit and Resource Management Department prior to issuance.
34. The applicant must file for a general construction permit from the Water Quality Control Board in accordance with the National Pollution discharge Elimination System (NPDES).

Mitigation Monitoring: The Stormwater Section of PRMD shall not clear grading permits until the applicant provides evidence that the general construction permit has been filed with the Water Quality Control Board.

35. The grading and drainage plans prepared by the project's civil engineer shall include a bioswale along the property's west boundary. The parking lot design shall be all-weather and pervious to the extent practicable and shall drain to the bioswale.

Mitigation Monitoring: The Stormwater Section of PRMD shall not clear grading permits until all required grading and drainage improvement plans have been approved. The Design Review Committee shall review the parking lot design for conformance with this condition.

36. The grading and drainage plans prepared by the project's civil engineer shall consider the ability of roadside ditches on Maple Avenue to accept drainage flows from the project.

Mitigation Monitoring: The Stormwater Section of PRMD shall not clear grading permits until all required grading and drainage improvement plans have been approved.

37. The applicant's civil engineer shall prepare grading and drainage plans that result in "no net fill" on the subject site. Grading violation file VGR06-0053 shall be resolved in conjunction with the design of drainage and grading improvements for this project. The illegal fill on site shall not be included in the "no net fill" calculation.
38. The applicant shall submit an Erosion and Sediment Control Plan prepared by a registered professional engineer as an integral part of the grading plan. The Erosion and Sediment Control Plan shall be subject to review and approval of the Permit and Resource Management Department prior to the issuance of a grading permit. The Plan shall include temporary erosion control measures to be used during construction of cut and fill slopes, excavation for foundations, and other grading operations at the site to prevent discharge of sediment and contaminants into the drainage system. The Erosion and Sediment Control Plan shall include the following measures as applicable:
 - a. Throughout the construction process, groundwater disturbance shall be minimized and existing vegetation shall be retained to the extent possible to reduce soil erosion. All construction and grading activities, including short-term needs (equipment staging areas, storage areas and field office locations) shall minimize the amount of land area disturbed. Whenever possible, existing disturbed areas shall be used for such purposes.
 - b. All drainage ways and creek channels shall be protected from silt and sediment in storm runoff through the use of silt fences, diversion berms, and check dams. Fill slopes shall be compacted to stabilize. All exposed surface areas shall be mulched and reseeded

and all cut and fill slopes shall be protected with hay mulch and /or erosion control blankets as appropriate.

- c. Material and equipment for implementation of erosion control measures shall be on-site by October 1st. All grading activity shall be completed by October 15th, prior to the onset of the rainy season, with all disturbed areas stabilized and revegetated by October 31st. Upon approval of PRMD, extensions for short-term grading may be allowed. PRMD, in conjunction with any specially permitted rainy season grading, may require special erosion control measures.

Mitigation Monitoring: Building/grading permits for ground disturbing activities shall not be approved for issuance by Project Review staff until the above notes are printed on applicable building, grading and improvement plans. The applicant shall be responsible for notifying construction contractors about erosion control requirement.

DEPARTMENT OF TRANSPORTATION AND PUBLIC WORKS:

"The conditions below have been satisfied" BY _____ DATE _____

39. The developer shall offer right-of-way to the County of Sonoma, free of encumbrances, and of sufficient width:
 - a. As necessary to create minimum public right-of-way thirty (30) feet wide on Shaw Avenue along the developer's side of the road, as measured from the existing pavement centerline, for the full length of the property's frontage. This condition shall be void if the existing right-of-way meets or exceeds the minimum requirement(s) described above.
 - b. To contain all public drainage facilities.
 - c. As necessary to contain the new Highway 12 pavement return at the northwesterly corner of the parcel.
 - d. As necessary to contain the right-turn lane improvements described below.
40. Right-of-way shall be dedicated using a Grant Deed. The developer shall have prepared a Grant Deed, together with the required descriptions and shall submit them to the County Surveyor for review and approval. A copy of the recorded deed shall be submitted to the Land Development Section of the Permit and Resource Management Department prior to clearance of these conditions.
41. The developer shall construct or install improvements described as follows:
 - a. Construct road improvements necessary to create a right-turn pocket for eastbound traffic on Shaw Avenue, at the intersection with State Highway 12, all in conformance with Caltrans Standards. Minimum storage length of 100 feet shall be provided.
 - b. Supplement the width of Shaw Avenue on the developer's side to create the improved roadway described below. The applicant shall dedicate right of way to accommodate a widening of Shaw Avenue. The improvements shall extend for the full frontage of the developer's property. The road width shall be measured from the existing roadway centerline to the new edge of pavement, a ½ width of 18 feet and shall include:
 - 1) Twelve foot wide paved travel lane
 - 2) Six (6) foot wide paved shoulder

- 3) The final road shall have sufficient section to provide for a Traffic Index of 8.5.

The improvements may vary depending upon the location and condition of the existing improvements. Depending on the existing conditions, the improvements may consist of widening, reconstruction, overlay, etc, all as necessary to create the required widths and structural section(s).

- c. Construct road improvements, in conformance with Caltrans requirements, to create a left-turn pocket with a minimum storage for three vehicles, or as otherwise determined by Caltrans, for northbound Highway 12 traffic at the intersection with Shaw Avenue. The developer shall obtain a State of California Encroachment Permit before making any improvements within State highway right-of-way. Said improvements shall include an improved turning radius at the corner of Highway 12 and Shaw Avenue across from the project site subject to the review and approval of Caltrans.
- d. Improve the northerly pavement return at the Shaw Avenue - Highway 12 intersection to provide a turning radius that allows right-turning vehicles to complete turns without entering the opposing lane of traffic. The intersection design shall be incorporated into the left-turn lane plans. Pavement tapers at one or both ends of the curve may be required. Existing parking along the westerly curb line may also be eliminated in order to achieve a satisfactory turning path. Existing flags at the VJB Cellars wine tasting facility shall be removed to ensure proper sight distance at this intersection.
- e. The left hand turn lane for northbound Highway 12 traffic at the intersection of Shaw Avenue is deferred in accordance with the Mitigation Monitoring provision below.

Mitigation Monitoring - Left Turn Lane:

Prior to issuance of building permits, the applicant shall make a complete application for a Caltrans Encroachment Permit to construct the left turn lane improvement. Prior to construction of the left turn lane, hours of operation for the market and tasting room are 10:00 a.m. to 4:00 p.m., seven days per week. No events may occur until the left turn lane is constructed. After the left turn lane on Highway 12 onto Shaw Avenue is constructed and approved by Caltrans, the permitted days and hours of operation are every day from 8:00 a.m. to 5:00 p.m. for the market place, and 11:00 a.m. to 5:00 p.m. for the wine tasting room. Events may commence after construction of the left turn lane after the applicant provides final clearance from Caltrans that the left turn lane construction complies with the conditions of the Encroachment Permit. Restrictions on event hours of operation are further described in Condition No. 58.

Mitigation Monitoring - Shaw Ave. Improvements:

The applicant shall obtain an Encroachment Permit from DTPW and Caltrans prior to issuance of any building permits for the project. Prior to occupancy, the applicant shall provide a final clearance from DTPW and Caltrans that the constructed improvements on Shaw Avenue meet the conditions of the Encroachment Permit.

42. The structural section of all road improvements shall be designed using a soils investigation which provides the basement soil's R-value and Expansion Pressure test results. A copy of the soils report shall also be submitted with the first set of improvement plan check prints. The Traffic Index (TI) to be used for the pavement design of Shaw Avenue is 8.5.
43. The developer shall mill, repair and overlay the existing pavement as necessary to make a smooth transition between the existing pavement and the new pavement.

44. The developer shall have designed and constructed storm drainage facilities in accordance with Sonoma County Water Agency design standards. Drainage facilities shall be reviewed and cleared by the Drainage Review Section of the Permit and Resource Management Department.
45. The applicant's public road access shall be located on Shaw Avenue. No driveway connections shall be allowed to Highway 12.
46. To allow for the smooth and safe movement of passenger vehicles entering and exiting the public road that provides access to the property, entry to the public road shall conform to AASHTO standards. More specifically, the developer shall construct a driveway with a throat width of 24 feet and entrance curves having a radius of at least 25 feet. The driveway shall enter the public road as close to perpendicular as possible, but in no case shall the driveway enter the public road at more than 20 degrees from perpendicular. The minimum sight distance for vehicles entering and exiting the driveway shall be in accordance with AASHTO requirements for the speed traveled on the public road servicing the property. The developer shall surface the entry with asphaltic pavement between the edges of the existing pavement and the right-of-way line or a minimum distance of 25 feet, whichever is greater. The driveway intersection shall be paved to provide for a Traffic Index (T.I.) of 8.5. The driveway improvements shall be in place before occupancy or commencement of the approved activity. Location: Shaw Avenue access to the applicant's parking lot.
47. The developer shall have an improvement plan for the Maple Avenue Emergency Vehicle Access (EVA) prepared and submitted for approval by the County Fire Chief. The EVA shall be designed and constructed in accordance with Division B, Emergency Access, of the Sonoma County Fire Protection Ordinance.
48. Any gate installed across the EVA entrance shall be located a minimum distance of 30 feet from the edge of the traveled way, in accordance with Sonoma County Mandatory Fire Safe Standards, Section 13-38.
49. The developer shall install:
 - a. Traffic control devices as required by the Department of Transportation and Public Works, including items such as traffic signs, roadway striping, pavement markers, etc.
 - b. Traffic barricade(s) placed at an angle, where road pavement narrows to create a tapered transition to the existing narrower section of pavement, as required by the Department of Transportation and Public Works.
 - c. Signing indicating that no vehicle parking will be permitted along on the developer's frontage with Shaw Avenue and Maple Avenue.
50. An Erosion Control Plan (winterization plan) shall be prepared for the site and submitted as part of the Improvement Plans. Erosion control measures shall be installed as described in the Erosion Control Plan.
51. All improvements shall be constructed in accordance with the Department of Transportation and Public Works Road policy.
52. The developer shall employ a Registered Civil Engineer, licensed in the State of California, to develop plans for the required improvements. The scale of these Improvement Plans shall be a minimum 1-inch equals 40 feet, and shall be submitted on 24 inch by 36-inch sheets for review. The plans shall include roadway cross-sections, at a maximum interval between cross-sections of 50 feet.

53. Plan checking fees and Inspection fees, including those involving off-site frontage improvements, shall be paid to the Permit and Resource Management Department, prior to signature of the Improvement Plans by the County Engineer in the Department of Transportation and Public Works.
54. Prior to issuance of any building permit which results from approval of this application, a development fee (Traffic Mitigation Fee) shall be paid to the County of Sonoma, as required by Section 26, Article 98 of the Sonoma County Code.
55. The developer shall submit Improvement Plans for all required improvements to the Office of the County Surveyor in the Permit and Resource Management Department for review and approval. Prior to the issuance of any Grading, Building or Encroachment Permits, the Improvement Plans shall be signed by the County Engineer in the Department of Transportation and Public Works.
56. Prior to construction of any improvements that are to be made within County road right-of-way, the developer must obtain an Encroachment Permit from the Permit and Resource Management Department.
57. The developer shall complete construction of all the required public improvements or enter into an Improvement Agreement and post acceptable security with the County of Sonoma, agreeing to complete the required construction within the 24-month period following the approval of the application for this project. **The improvements shall be completed prior to occupancy or commencement of the approved activity.** Included in this Improvement Agreement shall be a requirement that the developer enter into an Improvement Maintenance Agreement and post security with the County of Sonoma, to guarantee the improvements for a period of one (1 year) after acceptance of the improvements as being complete by the County.

PLANNING:

"The conditions below have been satisfied" BY _____ DATE _____

58. This Use Permit and Design Review allows the construction of a 3,342 square foot market place, wine tasting room and associated offices, and the construction of an 1,800 square foot wine case storage building. Prior to construction of the Highway 12 left turn lane onto Shaw Avenue is constructed, hours of operation for the market and tasting room are 10:00 a.m. to 4 p.m., seven days per week. No events may occur until the left turn lane is constructed. After the left turn lane is constructed and approved by Caltrans, the permitted hours of operation, seven days per week, are 8:00 a.m. to 5:00 p.m. for the market place and 11:00 a.m. to 5:00 p.m. for the wine tasting room. Events may commence after construction of the left turn lane after the applicant provides final clearance from Caltrans that the left turn lane construction complies with the conditions of the Encroachment Permit. The end time for all outdoor events is 10:00 p.m. as noted in Condition 28. The use shall be operated in accordance with the proposal statement and site plan located in File No. PLP05-0009 as modified by these conditions.
59. A maximum of 15 special events are permitted annually with a maximum attendance of 100 persons. Special events may extend beyond the permitted hours for the market place and the wine tasting room, but noise conditions under Health section apply. Valet parking is required for any special event that occurs during the hours the market place and tasting room are open. With the exception of barbecued food, only catered food may be offered to the guests at special events. A commercial kitchen is not permitted. Events are associated with and accessory to the wine tasting room and market place. No special events may occur until the left turn lane is constructed subject to the review and approval of Caltrans (see Condition 58 above).
60. The residence on the property is secondary to the approved commercial use. This residence can only be rented as one dwelling unit.

61. Construction of new or expanded non-residential development on each lot shall be subject to Workforce Housing Requirements pursuant to 26-89-045 of the Sonoma County Code.
62. The Maple Avenue driveway can only be used as an Emergency Vehicle Access.
63. No pedestrian connections to Shaw Avenue are permitted except for one immediately adjacent to the project entry drive on Shaw Avenue. The gate in the stucco wall adjacent to the patio area must be removed from the project.
64. The applicant shall pay all applicable development fees prior to issuance of building permits.
65. Development on this parcel is subject to the Sonoma County Fire Safe Standards and shall be reviewed and approved by the County Fire Marshal/Local Fire Protection District. Said plan shall include, but not be limited to: emergency vehicle access and turn-around at the building site(s), addressing, water storage for fire fighting and fire break maintenance around all structures. Prior to occupancy, written approval that the required improvements have been installed shall be provided to the Permit and Resource Management Department from the County Fire Marshal/Local Fire Protection District.
66. Within five working days after project approval, the applicant shall pay a mandatory Notice of Determination filing fee of \$50 (or latest fee in effect at time of payment) for County Clerk processing, and \$1,800 (or latest fee in effect at the time of payment) because a Negative Declaration was prepared, for a total of \$1,850 made payable to Sonoma County Clerk and submitted to PRMD. If the required filing fee is not paid for a project, the project will not be operative, vested, or final and any local permits issued for the project will be invalid (Section 711.4(c)(3) of the Fish and Game Code.) NOTE: If the fee is not paid within five days after approval of the project, it will extend time frames for CEQA legal challenges.
67. At the time of submitting a building permit application, the applicant shall submit to the Permit and Resource Management Department a Condition Compliance Review fee deposit (amount to be determined consistent with the ordinance in effect at the time). In addition, the applicant shall be responsible for payment of any additional compliance review fees that exceed the initial deposit (based upon hours of staff time worked) prior to final occupancy being granted.
68. This "At Cost" entitlement is not vested until all permit processing costs are paid in full. Additionally, no grading or building permits shall be issued until all permit processing costs are paid in full.
69. The applicant shall include these Conditions of Approval on a separate sheet(s) of blueprint plan sets to be submitted for building and grading permit applications.
70. Prior to issuance of Building Permits, design plans shall be submitted to the Design Review Committee for review and approval. Such plans shall include site plans, architectural designs, and landscape plans. The Design Review Committee will evaluate project plans to ensure they are consistent with the height, mass and scale of other buildings in the area. Final landscape plans shall include a generous planting of trees and shrubs to reduce the overall mass and scale of the proposed tasting room and market building. No pedestrian connections to Shaw Avenue are permitted except that one may be constructed at the project entry drive.

Mitigation Monitoring: The Permit and Resource Management Department shall not issue Building Permits until final design plans have been approved by the Design Review Committee. The Permit and Resource Management Department shall not sign off final occupancy on the Building Permit until constructed according to the approved plans and conditions.
71. Use of the case goods storage building use is associated with the market place/wine tasting building. Barrel storage is not permitted in any building on this project.

72. Prior to issuance of the Building Permits, an exterior lighting plan shall be submitted to the Design Review Committee for review and approval. Exterior lighting is required to be fully shielded, and directed downward to prevent "wash out" onto adjacent properties. Generally fixtures should accept sodium vapor lamps and not be located at the periphery of the property. Flood lights are not allowed. No extra lighting is permitted at outside events. The lighting shall be installed in accordance with the approved lighting plan during the construction phase.

Mitigation Monitoring: The Permit and Resource Management Department shall not issue the Building Permit until an exterior night lighting plan has been submitted that is consistent with the approved plans and County standards. The Permit and Resource Management Department shall not sign off final occupancy on the Building Permit until a site inspection of the property has been conducted that indicates all lighting improvements have been installed according to the approved plans and conditions. If light and glare complaints are received, the Permit and Resource Management Department shall conduct a site inspection and require the property be brought into compliance or initiate procedures to revoke the permit. (Ongoing)

73. The applicant shall submit a modified site plan to the Design Review Committee for review and approval that provides for overflow parking in addition to that shown on the site plan at the hearing. All parking surfaces shall be all-weather and pervious to the extent practicable. Parking lot surfaces, lighting and exterior landscaping shall be maintained in good condition in compliance with the approved plans and conditions herein.

Mitigation Monitoring: Prior to issuance of building or grading permits for the project, the applicant shall receive final design review approval for the site plan that increases overflow parking. Prior to occupancy of any new building or conducting any special events, the Project Review planner shall inspect the site to ensure the parking lot construction conforms to the approved design plans.

74. The project shall comply with all provisions of the County Low Water Use Landscaping Ordinance.
75. Parking lot fixtures shall not exceed 20 feet in height. All parking lot and/or street light fixtures shall use full cut-off fixtures.
76. Construction activities for this project shall be restricted as follows:
- a. All internal combustion engines used during construction of this project will be operated with mufflers that meet the requirements of the State Resources Code, and, where applicable, the Vehicle Code. Equipment shall be properly maintained and turned off when not in use.
 - b. Except for actions taken to prevent an emergency, or to deal with an existing emergency, all construction activities shall be restricted to the hours of 7:00 a.m. and 7:00 p.m. on weekdays and 9:00 a.m. and 7:00 p.m. on weekends and holidays. If work outside the times specified above becomes necessary, the applicant shall notify the PRMD Project Review Division as soon as practical.
 - c. There will be no start up of machines nor equipment prior to 7:00 a.m, Monday through Friday or 9:00 a.m. on weekends and holidays; no delivery of materials or equipment prior to 7:00 a.m. nor past 7:00 p.m, Monday through Friday or prior to 9:00 a.m. nor past 7:00 p.m. on weekends and holidays and no servicing of equipment past 7:00 p.m., Monday through Friday, or weekends and holidays. A sign(s) shall be posted on the site regarding the allowable hours of construction, and including the developer's phone number for public contact.

d. Construction maintenance, storage and staging areas for construction equipment shall avoid proximity to residential areas to the maximum extent practicable. Stationary construction equipment, such as compressors, mixers, etc., shall be placed away from residential areas and/or provided with acoustical shielding. Quiet construction equipment shall be used when possible.

f. The developer shall designate a Project Manager with authority to implement the mitigation prior to issuance of a building/grading permit. The project manager's phone number shall be conspicuously posted at the construction site. The project manager shall determine the cause of noise complaints (e.g. starting too early, faulty muffler, etc.) and shall take prompt action to correct the problem.

Mitigation Monitoring: PRMD staff shall ensure that the measures are listed on all site alteration, grading, building or improvement plans, prior to issuance of grading or building permits. Any noise complaints will be investigated by PRMD staff. If violations are found, PRMD shall seek voluntary compliance from the permit holder and thereafter may initiate an enforcement action and/or revocation or modification proceedings, as appropriate.

77. The following dust control measures will be included in the project:

a. Water or other dust palliative will be applied to unpaved portions of the construction site, unpaved roads, parking areas, staging areas and stockpiles of soil daily as needed to control dust.

b. Trucks hauling soil, sand and other loose materials over public roads will cover the loads, or will keep the loads at least two feet below the level of the sides of the container, or will wet the load sufficiently to prevent dust emissions.

c. Paved roads will be swept as needed to remove any visible soil that has been carried onto them from the project site.

Mitigation Monitoring: Building/grading permits for ground disturbing activities shall not be approved for issuance by Project Review staff until the above notes are printed on the building, grading and improvement plans. The applicant shall be responsible for notifying construction contractors about the requirement for dust control measures to be implemented during construction. If dust complaints are received, PRMD staff shall conduct an on-site investigation. If it is determined by PRMD staff that complaints are warranted, the permit holder shall implement additional dust control measures as determined by PRMD or PRMD may issue a stop work order. (Ongoing during construction)

78. The trash enclosure shall be relocated to a more central area of the property to ensure noise impacts to residents along Shaw Avenue are not significant. All trash and decomposing materials shall be removed from the site regularly to prevent objectionable odors.

Mitigation Monitoring: If PRMD receives complaints regarding objectionable odors, staff will investigate the complaint. If it is determined by PRMD staff that complaints are warranted, the permit holder shall implement additional odor control measures as determined by PRMD (Ongoing)

79. The following notes shall be included on building or grading plans for ground disturbing activities:

"If archaeological materials such as pottery, arrowheads or midden are found, all work shall cease and PRMD staff shall be notified so that the find can be evaluated by a qualified archaeologist (i.e., an archaeologist registered with the Society of Professional Archaeologists). Artifacts associated with prehistoric sites include humanly modified stone, shell, bone or other cultural materials such as charcoal, ash and burned rock indicative of food procurement or processing activities.

Prehistoric domestic features include hearths, firepits, or house floor depressions whereas typical mortuary features are represented by human skeletal remains. Historic artifacts potentially include all by-products of human land use greater than 50 years of age including trash pits older than fifty years of age. The developer shall designate a Project Manager with authority to implement the mitigation prior to issuance of a building/grading permit. When contacted, a member of PRMD Project Review staff and the archaeologist shall visit the site to determine the extent of the resources and to develop proper procedures required for the discovery. No work shall commence until a protection plan is completed and implemented subject to the review and approval of the archaeologist and Project Review staff. Mitigation may include avoidance, removal, preservation and/or recordation in accordance with accepted professional archaeological practice.

If human remains are encountered, all work must stop in the immediate vicinity of the discovered remains and PRMD staff, County Coroner and a qualified archaeologist must be notified immediately so that an evaluation can be performed. If the remains are deemed to be Native American and prehistoric, the Native American Heritage Commission must be contacted by the Coroner so that a "Most Likely Descendant" can be designated."

Mitigation Monitoring: Building/grading permits for ground disturbing activities shall not be approved for issuance by Project Review staff until the above notes are printed on the Building, Grading and Improvement Plans. The applicant shall be responsible for notifying construction contractors about the requirement to cease construction if archaeological materials are found during ground disturbing activities. The project planner shall work with the applicant in reviewing and revising construction plans if archaeological materials are found. (Ongoing during construction)

80. Any proposed modification, alteration, and/or expansion of the use authorized by this Use Permit shall require the prior review and approval of the Permit and Resource Management Department or the Board of Zoning Adjustments, as appropriate. Such changes may require a new or modified Use Permit and additional environmental review.
81. The owner/operator and all successors in interest, shall comply with all applicable provisions of the Sonoma County Code and all other applicable local, state and federal regulations.
82. This project shall be reviewed at a noticed Board of Zoning Adjustments public hearing one year after the commencement of special events to review conformance with these Conditions of Approval, including review of special events and project-related parking impacts to the neighborhood.
83. The days and hours for special events shall be subject to review and approval by a Special Events Coordinator or similar program established by the County or at the County's direction. The applicant shall submit to the County an annual request and schedule for special events for each calendar year including the maximum number of participants, times and dates. The applicant shall contribute, on an annual basis, a fair share towards the cost of establishing and maintaining the program. The program should consider the fairness for long-established uses and establish reasonable costs for managing the program.
84. This permit shall be subject to revocation or modification by the Board of Zoning Adjustments if: (a) the Board finds that there has been noncompliance with any of the conditions or (b) the Board finds that the use for which this permit is hereby granted constitutes a nuisance. Any such revocation shall be preceded by a public hearing noticed and heard pursuant to Section 26-92-120 and 26-92-140 of the Sonoma County Code.
85. In any case where a Use Permit has not been used within two (2) years after the date of the granting thereof, or for such additional period as may be specified in the permit, such permit shall become automatically void and of no further effect, provided however, that upon written request

by the applicant prior to the expiration of the two year period the permit approval may be extended for not more than one (1) year by the authority which granted the original permit pursuant to Section 26-92-130 of the Sonoma County Code.

86. The Director of PRMD is hereby authorized to modify these conditions for minor adjustments to respond to unforeseen field constraints provided that the goals of these conditions can be safely achieved in some other manner. The applicant must submit a written request to PRMD demonstrating that the condition(s) is infeasible due to specific constraints (e.g. lack of property rights) and shall include a proposed alternative measure or option to meet the goal or purpose of the condition. PRMD shall consult with affected departments and agencies and may require an application for modification of the approved permit. Changes to conditions that may be authorized by PRMD are limited to those items that are not adopted standards or were not adopted as mitigation measures or that were not at issue during the public hearing process. Any modification of the permit conditions shall be documented with an approval letter from PRMD, and shall not affect the original permit approval date or the term for expiration of the permit.