



September 1, 2017

Palooza Catering and Events, Inc.
P.O. Box 65
Kenwood, CA 95452

Re: File No.: UPE17-0027
Address: 8910 Highway 12, Kenwood
APN: 050-162-031

Notice of the County's intent to waive the hearing requirement for the requested Use Permit was posted for 10 days and no protests were received. Pursuant to Section 26-92-040(d) of the Sonoma County Code, no public hearing is required and the Use Permit will be issued subsequent with conformance with the attached conditions.

The Use Permit approval is based on a determination by the Permit and Resource Management Department (PRMD) that the use will not be detrimental to the health, safety or welfare of adjacent land uses or properties. In addition, it is the determination of the department that the project is categorically exempt from the provisions of the California Environmental Quality Act pursuant to the Provisions of Title 14 of the California Administrative Code, Section 15301, because it is an interior alteration to an existing facility.

This Use Permit is approved for the use as described on the application form, the proposal statement, the site plan submitted to this department and as modified by the Conditions of Approval. Any modifications of the use, expansion or alteration shall be submitted for review and approval by PRMD in advance of the proposed change and may, at the discretion of the department, require a new Use Permit.

This decision may be appealed in writing, along with an appeal fee, within 10 (ten) calendar days of the date of this letter.

If you have any questions, feel free to contact me at 707-565-1754 or by e-mail at Scott.Orr@sonoma-county.org. Please refer to your file number (UPE17-0027) when making inquiries.

Sincerely,

Scott Orr
Project Planner

Enclosure: Conditions of Approval dated September 1, 2017

c: File No.: UPE17-0027
Alfred and Betty Lee DeLorenzi Trust, owner

Final Conditions of Approval

Staff: Scott Orr **Date:** September 1, 2017
Applicant: Palooza Catering and Events, Inc. **File No.:** UPE17-0027
Owner: Alfred and Betty Lee DeLorenzi Trust **APN:** 050-162-031
Address: 8910 Highway 12, Kenwood

Project Description: Request for a Use Permit to expand an existing restaurant use with interior improvements to accommodate a brewtank, the brewtank will ferment wort that has been brewed off-site and will be used for in-house beer sales, the restaurant currently sells beer brewed off-site and there will be no increase in hours of operation or restaurant floor area.

Prior to commencing the use, evidence must be submitted to the file that all of the following non-operational conditions have been met.

BUILDING:

1. The applicant shall apply for and obtain any necessary building related permits from the Permit and Resource Management Department (PRMD).
2. Prior to initiation of the approved use, the project shall comply with the accessibility requirements set forth in the most recent California Building Code (CBC), as determined by the PRMD Building Division. Such accessibility requirements shall apply to all new construction and remodeling and, where required by the CBC, to retrofitting of the existing structure.

HEALTH:

Water:

3. Connection shall continue to be made to Kenwood water.

Septic:

4. Prior to building permit issuance and vesting the Use Permit, the applicant shall have a capacity/wastewater flow analysis and proper functioning of the wastewater system inspection completed by a Registered Civil Engineer or Registered Environmental Health Specialist regarding the existing septic system's ability to accommodate the peak flows from all sources granted in the Use Permit and any additional sources from the parcel. The report shall also evaluate the food service menu and determine the need for a grease trap. The wastewater analysis and inspection findings report shall be submitted to PRMD Well & Septic for a "Review of Consultant's Findings" with applicable fees paid. The Project Review Health Specialist shall receive a final clearance from the Well and Septic Section that the existing septic system capacity and functioning order are sufficient for the proposed use.

Any necessary system expansion or modifications, and demonstration of reserve areas, shall be done under permit and the current standards from the PRMD Well and Septic Section and may require both soils analysis, groundwater and percolation testing. If a permit for a standard, innovative or experimental sewage disposal system sized to meet

all peak flows cannot be issued, then the applicant shall revise the project (fees apply and a hearing may be required) to amend the Use Permit to a reduced size, not to exceed the on-site disposal capabilities of the project site and attendant easements. The Project Review Health Specialist shall receive a final clearance from the Well and Septic Section that all required septic system testing and design elements have been met.

5. Toilet facilities shall be provided for patrons and employees prior to vesting the Use Permit. A copy of the Floor Plan showing the location of the restrooms shall be submitted to the Project Review Health Specialist prior to issuance of building permits.

Consumer Protection:

6. Prior to the issuance of building permits and the start of any on-site construction, plans and specifications for any food facility that provides food or beverage to the public must be submitted to, and approved by the Department of Health Services, Environmental Health & Safety Section. Be advised that major expenses can be triggered relating to the need for commercial exhaust hoods, fire suppression systems, food storage space and walk in refrigerators/freezers dependent upon the scale of food service and the menu items selected. Early consultation with Environmental Health & Safety is recommended. All food service on this site shall be limited to the scale, scope, frequency and any menu limitations specified under the Planning conditions in this Use Permit.

Contact the Department of Health Services, Environmental Health & Safety Section at 565-6565 for information and instructions. An e-mail of the approval from the Environmental Health & Safety Section or a copy of the Plan Check Approval shall be presented to the Project Review Health Specialist to verify compliance with requirements of the California Retail Food Code (CalCode).

OPERATIONAL REQUIREMENTS:

Water:

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

Septic:

8. Maintain the Annual Operating Permit for any alternative (mound or pressure distribution) or experimental sewage disposal system installed per Sonoma County Code 24-32, and all applicable Waste Discharge Requirements set by the Regional Water Quality Control Board.
9. Use of the on-site wastewater disposal system shall be in accordance with the design and approval of the system and the limitations found in the project description and the approved Use Permit.
10. 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. If wastewater ponds or a package treatment plant are needed, then a modification of the Use Permit may be required, as determined by PRMD.

Consumer Protection:

11. Obtain and maintain all required Food Industry Permits from the Sonoma County Environmental Health Division prior to serving any food. Note that no food service exceeding the limits specified under the planning conditions shall be authorized on this site by the issuance of any retail food facility permit, catering permit, mobile food vendor permit or building permit.

Noise:

12. Noise shall be controlled in accordance with Table NE-2 (or an adjusted Table NE-2 with respect to ambient noise as described in General Plan 2020, Policy NE-1c,) as measured at the exterior property line of any affected residential or sensitive land use:

TABLE NE-2: Maximum Allowable Exterior Noise Exposures

Hourly Noise Metric ¹ , dBA	Daytime (7 a.m. to 10 p.m.)	Nighttime (10 p.m. to 7 a.m.)
L50 (30 minutes in any hour)	50	45
L25 (15 minutes in any hour)	55	50
L08 (4 minutes 48 seconds in any hour)	60	55
L02 (72 seconds in any hour)	65	60
¹ The sound level exceeded n% of the time in any hour. For example, the L50 is the value exceeded 50% of the time or 30 minutes in any hour; this is the median noise level. The L02 is the sound level exceeded 1 minute in any hour.		

13. Special events were not requested in this Use Permit and therefore are not authorized by this Use Permit.
14. 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 if the current operations meet noise standards and identify any additional noise Mitigation Measures if necessary. 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. The owner/operator shall implement any additional Mitigation Measures needed to meet noise standards.

Solid Waste:

15. All garbage and refuse on this site shall accumulate or be stored in non-absorbent, water-tight, vector resistant, durable, easily cleanable, galvanized metal or heavy plastic containers with tight fitting lids. No refuse container shall be filled beyond the capacity to completely close the lid. Garbage and refuse on this site shall accumulate or be stored for no more than seven calendar days, and shall be properly disposed of at a County Transfer Station or County Landfill before the end of the seventh day.

Smoking:

16. Smoking is prohibited in any public area, in any dining area, service area (including entry lines or ticket purchase lines) and in any enclosed area that is a place of employment (Sonoma County Code 32-6). “No Smoking” signs shall be conspicuously posted at the point of entry into every building where smoking is prohibited by Chapter 32 of the Sonoma County Code. The California Health and Safety Code (section 113978) also requires the posting of “No Smoking” signs in all food preparation areas, all retail food storage areas, and all food utensil washing areas. Note that Health and Safety Code section 113781 definition of food includes any beverage intended for human consumption.
17. A “Designated Smoking Area” may be established in unenclosed areas consistent with Sonoma County Code section 32-3. Designated Smoking Areas must be at least 25 feet away from any building or area where smoking is prohibited, must be conspicuously identified by signs as a smoking area, and shall be equipped with ash trays or ash cans.

TRANSPORTATION AND PUBLIC WORKS:

18. The Applicant shall obtain a State of California Encroachment Permit before making any improvements, including driveway, within State highway right of way, if Caltrans determines that improvements to the roadway are necessary. This proposal accesses the public road system using a road under State of California jurisdiction.
19. The Applicant shall submit payment of a development fee (Traffic Mitigation Fee) to the County of Sonoma, as required by Section 26, Article 98 of the Sonoma County Code, prior to issuance of any building permit that results from approval of this application. The fee is computed by multiplying the increase in Average Daily Traffic (ADT) by the commercial fee in effect at the time of permit issuance.

PLANNING:

20. This Use Permit allows the applicant to operate a brewpub and the installation of one new brewtank for the purpose of fermenting wort that has been brewed off-site within Sonoma County with no increase in on-site dining area, including outside seating. No off-site alcohol sales are permitted with this approval. The permitted hours of operation are 11:30am-9:00pm Sunday-Thursdays and Friday-Saturday 11:30am-10:00pm. The use shall be operated in accordance with the proposal statement and site plan located in File No. UPE17-0027 as modified by these conditions.
21. This Use Permit (UPE17-0027) shall supersede all prior Use Permits, upon implementation or when all the pre-operational conditions have been met and this Use Permit is vested.
22. This use shall be constructed, maintained, and operated in conformance with all applicable county, state, and federal statutes, ordinances, rules, and regulations. A violation of any applicable statute, ordinance, rule or regulation shall be a violation of the Use Permit, subject to revocation or modification.
23. At the time of submitting any building permit applications related to the operation of this Use Permit, the applicant shall submit to PRMD 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 inspection being granted.

24. All grading and building permits plans involving ground disturbing activities shall include the following notes:

“If paleontological resources or prehistoric, historic or tribal cultural resources are encountered during ground-disturbing work, all work in the immediate vicinity shall be halted and the operator must immediately notify the Permit and Resource Management Department (PRMD) – Project Review staff of the find. The operator shall be responsible for the cost to have a qualified paleontologist, archaeologist or tribal cultural resource specialist under contract to evaluate the find and make recommendations to protect the resource in a report to PRMD. Paleontological resources include fossils of animals, plants or other organisms. Prehistoric resources include humanly modified stone, shell, or bones, hearths, firepits, obsidian and chert flaked-stone tools (e.g., projectile points, knives, choppers), midden (culturally darkened soil containing heat-affected rock, artifacts, animal bone, or shellfish remains), stone milling equipment, such as mortars and pestles, and certain sites features, places, cultural landscapes, sacred places and objects with cultural value to a California Native American tribe. Historic resources include all by-products of human use greater than fifty (50) years of age including, backfilled privies, wells, and refuse pits; concrete, stone, or wood structural elements or foundations; and concentrations of metal, glass, and ceramic refuse.

If human remains are encountered, work in the immediate vicinity shall be halted and the operator shall notify PRMD and the Sonoma County Coroner immediately. At the same time, the operator shall be responsible for the cost to have a qualified archaeologist under contract to evaluate the discovery. If the human remains are determined to be of Native American origin, the Coroner must notify the Native American Heritage Commission within 24 hours of this identification so that a Most Likely Descendant can be designated and the appropriate measures implemented in compliance with the California Government Code and Public Resources Code.”

25. This “At Cost” entitlement is not vested until all permit processing costs and development fees are paid in full. Additionally, no grading or building permits shall be issued until all permit processing costs and development fees are paid in full.
26. The applicant shall include these Conditions of Approval on separate sheets of plan sets to be submitted for building and grading permit applications.
27. All new lighting and signs shall require final design review by (PRMD or Design Review Committee) prior to issuance of building permits. All exterior finishes shall be of non-reflective materials and colors.
28. The applicant/owner shall be required to maintain in good condition all street frontage improvements along the property to the face of curb, including any landscape areas, sidewalks, or surface drainage contained within the public right-of-way. Landscape plans shall be subject to Design Review approval prior to issuance of grading or building permits. Landscaping shall consist of a mixture of trees, shrubs and groundcover in accordance with an approved landscape plan. All landscaping shall be automatically irrigated with primary irrigation lines and equipment located on private property. An Encroachment Permit and/or a Maintenance Agreement with the County shall be

required prior to issuance of grading or building permits.

29. Customer and Site Visitor Management. The operator of the establishment shall take all reasonable steps, including contacting law enforcement in a timely manner, to prevent customers or other persons from engaging in objectionable activities on the premises, parking areas under the control of the operator, and other public or quasi-public areas within site of the premises during business hours.
30. Maintain a minimum of 94 parking spaces on-site to serve the restaurant and associated shopping center uses as described herein. Parking lot surfaces, lighting, and exterior landscaping shall be maintained in good condition in compliance with the approved plans and conditions herein.
31. Trash, Litter, and Graffiti.
 - a. At least twice a week, the operator of the establishment shall remove trash, litter, and debris from the sidewalks adjoining the premises plus 10 feet beyond property lines as well as any parking lots under the control of the operator.
 - b. The operator of the establishment shall remove all graffiti from the premises and parking lots under the control of the operator within 72 hours of its application. Trash can only be disposed in exterior dumpsters between the hours of 8:00 a.m. and 8:00 p.m.
32. Any proposed modification, alteration, and/or expansion of the use authorized by this Use Permit shall require the prior review and approval of PRMD or the Board of Zoning Adjustments, as appropriate. Such changes may require a new or modified Use Permit and additional environmental review.
33. 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 conditions 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.

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.
34. 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.

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.