

COUNTY OF SANTA CRUZ

PLANNING DEPARTMENT

701 OCEAN STREET - 4TH FLOOR, SANTA CRUZ, CA 95060 (831) 454-2580 FAX: (831) 454-2131 TDD: (831) 454-2123

KATHLEEN MALLOY PREVISICH, PLANNING DIRECTOR

April 16, 2010

Planning Commission County of Santa Cruz 701 Ocean Street Santa Cruz, CA 95060 Agenda Date: May 26, 2010

Item #: 8

Time: After 9 AM APN: 098-061-45 & -46

Subject: A public hearing to consider an appeal of the Zoning Administrator's decision to approve application 07-0507 to expand business at an existing winery (Silver Mountain Winery).

Members of the Commission:

This item is an appeal of the Zoning Administrator's March 5, 2010 decision to approve application 07-0507 to allow an existing winery to open to the public for wine tasting on Saturdays between the hours of 11:00 a.m. and 5:00 p.m. and to allow for an increase in the number of attendees from 24 to 50, at two of the twelve permitted wine related events. The approval included revised operational conditions to replace all previous permit conditions.

- 1. The item was brought before the Zoning Administrator on April 4, 2008; however, the property owner was not able to attend the meeting and the item was continued at the request of the property owner.
- 2. The Zoning Administrator heard the item at the April 15, 2008 public hearing and, upon discovering that the facility was operating outside of the scope of the current conditions of approval, remanded the item back to staff in order for the property owner to bring the facility into compliance. The operation was brought into compliance to the greatest extent possible, and, in the meantime, the property owner obtained a permit to allow for the installation of a 7,000 square foot, 28 foot tall structure to mount about 3,700 square feet of solar panels and a future water cistern collection system (08-0447), which currently exists on the subject property.
- 3. The item was again brought before the Zoning Administrator at February 5, 2010 public hearing and, at staff's request, the item was continued to the February 19, 2010 public hearing due to a lack of funds in the account.
- 4. A recommendation for denial of the proposed expansion was provided by staff at the February 19, 2010 public hearing and public testimony was received. The Zoning Administrator did not support the recommendation for denial of the project and instead continued the item to the March 5, 2010 public hearing with direction to staff to make findings for approval for public wine tasting on Saturdays only and to allow an increase in event attendees from 24 to 50 at two wine related events. Additionally, staff was directed to create conditions for the approval, including clear operational conditions to supersede those of all previous permits. The Zoning Administrator's direction was for the

item to come back on a consent agenda for final approval of the findings and conditions.

5. Many public comments regarding the outcome of the February 19th meeting were received; therefore, on March 5, 2010, the Zoning Administrator pulled the item from the consent agenda and re-opened the public hearing to allow for additional public testimony. The Zoning Administrator approved the application based on the revised findings and conditions.

The appellants, who are neighbors of the winery, feel that the expansion is not suitable for the residential area due to noise and traffic impacts associated with the commercial use and that it is not safe to direct the public to wine tasting events located on the narrow, winding, mountain roads. Neighbors Greenblat, Galland, Takle, and Johnson filed an appeal of the Zoning Administrator's decisions on March 5, 2010 with the hope that your Commission will consider reversing the following approvals:

- Public wine tasting on Saturdays
- Increase in events attendees from 24-50 at 2 of the permitted 12 wine tasting events
- All outdoor wine tasting
- All outdoor music

The permit approval included recognition of the conversion of a previously approved Entertainment Room to a Wine Tasting Room. The appellants support the use of an indoor wine tasting room and are not appealing the recognition of the room conversion. No structural changes were made in the conversion.

Should your Commission decide to uphold the Zoning Administrator's approval of the project; the appellants support Condition II.E., which creates a one year trial period:

II.E. Public wine tasting is allowed on each Saturday of each month. There shall be a maximum of ten (10) vehicles, exclusive of employee vehicles, or 20 persons on the premises at any one time. Drop off/shuttling of guests is not permitted. Public tasting hours are limited to 11:00 a.m. to 5:00 p.m. No private tastings or events (other than Passport or Vintners events) are permitted on public tasting days. If a winery event is scheduled on a Saturday, the winery shall be closed for public tasting on that day. Public tasting is permitted for one year from the effective date of this permit. Prior to permit expiration, the property owner shall apply for a Level 4 permit extension in order to reactivate the public tasting component of this permit. The permit extension shall review all correspondence received as a result of project noticing and any substantiated complaints received by the Planning Department throughout the effective year. Compliance with conditions of approval and the lack of complaints are factors that shall be considered for any extension of time to the public tasting. Failure to submit an application for an extension to the public wine tasting component of this permit prior to the below stated expiration date shall void the entitlement.

The appellants would also request the removal of the word "substantiated" from the condition, which was added by the Zoning Administrator at the request of the applicant.

Residential Agriculture (RA) Zone District

The subject property is located within the Residential Agriculture (RA) zone district. Uses within

the RA zone district are subject to the County Code Sections 13.10.321(a) and (b) which describe the purposes of the Residential and Residential Agriculture zone districts.

The purposes of the Residential zone district are focused on residential uses; however the two purposes listed below address the relationship between residential and non-residential uses:

- Section 13.10.321(a)2: To preserve areas for primarily residential uses in locations protected from the incompatible effects of non-residential land uses.
- Section 13.10.321(a)9: To protect residential properties from nuisances, such as noise, vibration, illumination, glare, heat, unsightliness, odors, dust, dirt, smoke, traffic congestion, and hazards such as fire, explosion, or noxious fumes.

The purpose of the Residential Agriculture (RA) Zone District is to "...provide areas of residential use where development is limited to a range of non-urban densities of single family dwellings in areas outside of the Urban Services Line and Rural Services Line; on lands suitable for development with adequate water, septic system suitability, vehicular access, and fire protection; with adequate protection of natural resources; with adequate protection from natural hazards; and where small-scale commercial agriculture, such as animal-keeping, truck farming and specialty crops, can take place in conjunction with the primary use of the property as residential." (CC Section 13.10.321(b))

The appellants maintain that the Zoning Administrator's approval allows winery operations to increase beyond that of a small-scale commercial agricultural use and the residential use is no longer the primary use of the property. The appellants argue that the hours of operation, revenue generation, resource usage, and vehicular traffic that are associated with the winery illustrate that the primary use of the property is commercial.

The existing structure on the property is a mixed use single family residence and commercial building and the County Code does not define the term "small-scale". Therefore, the Zoning Administrator found that a small increase in operations could be approved at the subject property while maintaining the primary use of the property as residential. Public wine tasting was approved for Saturdays only with a maximum of 20 persons or 10 vehicles on site at any one time, and an increase in event attendees from 24 to 50 (or 25 vehicles) was approved for two of the 12 permitted wine-related events per year. These limitations, plus additional conditions limiting event hours, outdoor wine tasting hours, production and noise will tightly constrain the commercial aspect of the property.

Additionally, the approved permit had a one year expiration date, after which the property owner would have been required to apply for a Level 4 Permit Extension. This extension would allow staff to review public comments submitted during the one year effective period to consider any impacts to neighbors. A Level 4 permit is a publicly-noticed, administrative level permit.

At the March 5th public hearing, the Zoning Administrator approved a revision requested by the applicant, which added that any "substantiated" complaints received by the Planning Department during the one year trial period would be considered in staff's review of the Permit Extension. The addition of the word "substantiated" implies that the public is required to provide evidence of any public comments prior to reporting them; however, it is unclear how the public would substantiate comments regarding noise and traffic. In general, the Planning Department does not require public comments to be "substantiated" in order to be received and considered in relation

to any permit application. Therefore, it is recommended that your Commission adopt the attached revised conditions with the approval of the permit which removes the word "substantiated" from condition II.E. This would allow for any and all public correspondence to be reviewed and analyzed by staff when reviewing the application for a Permit Extension.

Traffic Report

The County Department of Public Works reviewed the traffic report, road analysis, and accident report submitted by the appellants and found that, although the information provided is somewhat technical in nature, it is not completed by a licensed traffic engineer, which is generally required by the County to ensure accuracy and standardization. The appellants argue that the road width is insufficient in places to accommodate two-way traffic and that additional trips will create an unreasonable traffic hazard. DPW staff agrees that there is increased risk when adding vehicles to any roadway; however, the roads in question are rural mountain roads, which are typical throughout Santa Cruz County and the number of trips generated would not exceed any threshold that would require mitigation. The County does not support a determination of "no new trips allowed" on substandard, rural roads. Further, widening the roadway is infeasible due to topography constraints.

Two traffic studies, prepared by Higgins Associates, Civil and Traffic Engineers, were submitted by the applicant as a part of their original application; therefore, the studies are based on the applicant's original proposal for public wine tasting on Saturdays and Sundays and an increase in event attendees from 24 to 50 people at three of the 12 permitted wine related events.

- 1. A speed survey and site distance analysis, and a project trip generation estimate for public wine tasting to be held on Saturdays and Sundays at Silver Mountain Winery, dated 12/17/07; and
- 2. The increased trip generation associated with the proposed increase in maximum occupancy for three of the special events and an evaluation of the adequacy of roadway width of four roadway segments near the project site, date 8/14/08.

Public Wine Tasting Trip Generation Results

The study assumes that the winery is open for public wine tasting on Saturdays and Sundays with three employees during the hours of 12 p.m to 5 p.m. and that there is no change in wine production (or truck traffic). Based on those assumptions, the report states that the winery is expected to receive approximately 15 visitors per day, 13 of which would occur during the weekend peak hour. Site distance and speed surveys were conducted as part of the traffic analysis, which conclude that the project intersections have adequate sight distance for all turning movements. Additionally, the report states that the trips generated by public wine tasting on Saturdays and Sundays would not conflict with the weekday commute traffic and are an insignificant addition to the existing traffic volumes which do not require additional mitigations.

Trip Generation Results from Increase Event Attendance

The study assumes an increase in the maximum number of attendees from 24 to 50 at three of the 12 permitted yearly winery-related events. Based on those assumptions, the increase in event attendees is expected to create an additional 26 daily trips per event with 7 of those trips occurring during the peak hour, which is found to be an insignificant increase in traffic on the surrounding street network.

Road Width Analysis

The report analyzed four surrounding road segments and found that two of the four road segments studied are substandard of the minimum roadway dimensions for rural roads as per the American Association of State Highway and Transportation Officials (AASHTO) geometric design values. However, the study concludes that the AASHTO are intended to be flexible to particular situations, specifically in this case where topography limits the ability to widen the roadway.

Noise Study

At the Planning Department's request, the applicant submitted a noise study (Exhibit 1E) conducted by a licensed acoustic engineer (dated 7/31/08) to ensure that the facility is operating within the limitations set by the County General Plan Noise Element and the County Code Wineries Ordinance.

The appellants contend that the Noise Study is inadequate in that it does not accurately reflect bursts of conversational noise or yelling, that the instruments measured are, as noted in the study, inherently low in sound level, and that the only noise measured at the east property line was that of the banjo notes.

Results

The Noise Study finds a range of 30 dBA to 46 dBA at the north, east and west property lines. Additionally, the study provides specific measurements for band noise at the east property line and around the amphitheater and finds a range of 18 dBA to 51 dBA. These levels are all within the limits provided in the General Plan Noise Element (6.9.1) for residential community noise environments and the limitations provided in the County Code Wineries Ordinance (13.10.637).

Additionally, in order to limit noise impacts to neighboring residences, the following operational condition was approved by the Zoning Administrator on March 5, 2010:

"Non-amplified outdoor music is permitted within the amphitheater between 12:00 p.m. and 4:00 p.m. only during: the four (4) Passport Day events and the two (2) Vintner's Festival events; otherwise, no outdoor music of any kind is permitted. Public address systems are not permitted and amplified music (radio, "DJ's", etc) of any kind is not permitted both within the tasting room and outside. Live, non-amplified music and sound is allowed within the tasting room during all wine related events, private tasting and public tasting times."

Staff finds that the proposal, as approved by the Zoning Administrator with the above condition, is in compliance with the noise limits set by the County Code and the County General Plan as evidenced by the submitted Noise Study.

Conditions of Approval

The Zoning Administrator's March 5, 2010 approval included revised operational conditions of approval which are attached for your review. The following chart compares the operational conditions of the current permit and those approved by the Zoning Administrator on March 5, 2010 regarding activities.

	CURRENT PERMIT	APPROVED BY 07-0507
Unlimited appointment-only	- Max. of 20 guests on site at any	- Max. of 20 guests or 10 vehicles on
wine tasting (private)	one time	site at any one time
12 wine related events	- Max. of 24 guests per event- Unlimited evening events(limited to one weeknight evening)	- Max. of 20 guests, or 10 vehicles, at 10 events - Max. of 50 guests, or 25 vehicles, at
	event per month)	2 events - 2 evening events permitted per year
		- Saturdays only
Public wine tasting	Not Permitted	- Max. of 20 persons, or 10 vehicles,
		on site at any one time
		Permitted within amphitheater
Outdoor wine tasting	Prohibited after 6 p.m. at evening	between 12 p.m. and 6 p.m. only
Outdoor wine tasting	events	during Passport Day events and the Vintner's Festival.
		-Non-amplified outdoor music permitted within amphitheater
	No music or public address	between 12 p.m. and 4 p.m. only
Music	system which can be heard off-site	during Passport Day events and the
	-,====================================	Vintner's Festival.
		- Non-amplified, live music permitted
		at any time within the tasting room

Staff Recommendation

Based on the findings and revised conditions, Planning Department staff recommends that your Commission **UPHOLD** the Zoning Administrator's action to approve Application Number **07-0507** with the attached amended conditions.

Sincerely,

Samantha Haschert

Project Planner

Development Review

Reviewed By:

Paia Levine

Principal Planner

Development Review

Exhibits:

- 1A. Appeal Materials Submitted
 - a. Appeal Letter from Cynthia and Bruce Greenblat, Dick Galland, Annie Callaway, Ralph Johnson, and Robert and Marlene Takle, dated 3/18/10
 - b. Additional Comments from Cynthia Greenblat, dated 4/1/10
 - c. CHP Report
 - d. Traffic Report Evaluation
- 1B. Revised Conditions of Approval
- 1C. County Department of Public Works Road Engineering Comments, 4/13/10
- 1D. Conditions and Findings approved by the Zoning Administrator on 3/5/10.
- 1E. Staff report to the Zoning Administrator, heard on 2/19/10, continued to 3/5/10.

- 1F. Staff report to the Zoning Administrator, heard on 4/18/08 and remanded to staff.
- 1G. Traffic Studies, prepared by Higgins Associates
 - a. Trip generation associated with increase in event attendees, dated 8/14/2008
 - b. Trip generation associated with public tasting, Site Distances and Road Width evaluations, dated 12/17/07
- 1H. Noise Study, prepared by Edward L. Pack Associates, Inc., dated 7/31/2008
- 11. Public Comments

County of Santa Cruz Planning Department

Planning Commission Meeting Date: 5/26/10

Agenda Item: #8 Time: After 9:00 a.m.

Application Number: 07-0507

Staff Report to the Planning Commission

Exhibit 1A

Santa Cruz County Planning Commission 701 Ocean Street Santa Cruz, CA

Appeal of Level 5 Permit Application Number: 07-0507 Applicant: Hamilton-Swift Ludc.

Owner: Jerold O'Brien, APN(s): 098-061-45,-46

Dear Sirs:

We are writing this letter to appeal the decision rendered by Don Bussey on March 5, 2010 for approval of application number 07-0507.

We are all close neighbors of Silver Mountain Winery(SMW). The Callaway/Galland's property abuts the SMW. The Greenblatt's property is immediately adjacent to the Callaway/Galland's property. The Tackle's property is across Skyland road from the Greenblatt's property. The Johnsons are close neighbors to SMW.

- 1. We contend the RA zoning of the SMW parcels precludes any increase in SMW's winery- related activities, i.e. wine production, wine tastings, and events.
- 2. We contend that SMW's current operations are in violation of the RA zoning.
- 3. We contend the Traffic Study conducted by Higgins and Associates Civil and Traffic Engineers is disingenuous and draws erroneous conclusions.
- 4. We contend our safety, our neighbors' safety, and SMW visitors' safety will be adversely impacted by the increased traffic on the substandard narrow and winding roads.
- We contend the Noise Assessment Study conducted by Edward L. Pack Associates, Inc. is inadequate.
- 6. We contend our quality of life will be adversely impacted by the increased noise nuisance and decreased privacy.
- 7. We contend our property values will be adversely impacted by the increased noise nuisance.

Don Bussey failed to uphold the RA zoning restrictions. There is no other legally-operating winery in Santa Cruz County that resides in a RA district. All other legally-operating wineries are located in areas zoned CA, A, or SU. Don Bussey ignored County Code section 13.10.321 (b), which states that the specific purposes of the Residential Agricultural zone is "where small scale agriculture, such as animal-keeping, truck farming and specialty crops, can take place in conjunction with the primary use of the property as residential."

We contend that the primary use of the SMW property is commercial and not residential based on the following:

- Hours of Operation: 7 a.m. 10 p.m. daily during harvest season and 7 a.m. 7 p.m. daily the rest of year.
- Revenue Generation: antennae tower, unlimited private wine tastings daily. No limit on number of people per day for public wine tastings each Saturday. 12 wine tasting events per year with no limit on number of people per day. 20,000 gallons of wine generated annually
- Resource Usage: amount of power used to operate winery vs. residence, amount of water used
 to operate winery and winery restrooms vs. residence, amount of land used to operate winery
 vs residence, square footage of buildings on premises used for winery operations vs residence,
 trash produced by residence vs trash produced by winery operations
- Vehicles entering property: number of service vehicles entering property for residence vs number of vehicles entering property for winery operations

Previously-approved permits for SMW have granted longer outdoor operating hours, more events, higher limits on the maximum number of people on site attending private wine tastings, less restrictions on trucks entering the winery, and more days per week for wine tastings than any other winery granted permits in the past ten years - even though these newer wineries are in districts zoned CA or A only, not in RA zoning.

We contend that allowing public wine tastings, outdoor wine tastings, and outdoor music at SMW is excessive commercial use of a property in the RA district and is not consistent with conditions of approval granted to other wineries in the past ten years.

According to Samantha Haschert's initial Staff Report on this permit application, the county has determined that small-scale commercial agricultural uses are allowed within the RA zone district where the use does not create a nuisance for neighboring properties. We contend outdoor wine tasting and outdoor music does create a noise nuisance for our neighborhood. Previous Zoning Administrators have recognized the inadvisability of public wine tastings due to the hazards and also recognized the noise and privacy nuisances outdoor wine tasting and outdoor music would create for SMW neighbors.

Don Bussey ignored these problematic issues, as well as the findings for denials identified by Staff Reports during the investigation of three previous permit application, which included:

 Permit 93-0123, 93-0649: substandard roads, steep grades, lack of water, traffic hazards due to road width, inconsistency with small scale commercial agriculture use allowed in RA district. Permit 99-0244: potential hazards of surrounding narrow winding roads with substantial
residential traffic, inconsistency with small scale commercial agriculture use allowed in RA
district, inconsistency with primary use of property being residential in RA district, noise
generating events would cause a nuisance to surrounding residences.

Don Bussey refused to consider the inadequacy of the Noise Assessment Study (NAS) presented by Edward L. Pack Associates, Inc. The NAS measures noise from a small two instrument band and some, but not all, of the mechanical equipment. The NAS also failed to take into consideration the noise guests make when they issue celebratory hoots and yells.

In Table 1 of the NAS there are eight rows - corresponding to six different locations where noise level measurements were taken. However, only one noise source is measured in each location. Noise from mechanical equipment is measured at PL1, PL2, and PL3. Band noise is measured at PL4, the back of the amphitheater, and a telephone pole. The band noise should be measured at all six locations. According to the the NAS, the band present at the time of the noise study was a duet consisting of two instruments, a banjo and a dulcimer. The noise study states that "These instruments are inherently low in sound level compared to more contemporary instruments." Furthermore, the noise measured at PL4 was for Banjo notes only. This was not a good or fair representation of a band. The NAS indicates the on-site mechanical equipment includes a grape press and de-stemmer. However, noise generated from this equipment was not measured in the study.

Don Bussey failed to consider that the increased noise nuisance will decrease the desirability of neighboring properties and will therefore devalue these neighboring properties. We contend that all noise should be considered when gauging the nuisance SMW creates for it's neighbors, including delivery trucks and tractors.

Don Bussey ignored the high density of neighboring residences which will be impacted by the increased noise nuisance. We have included aerial images of SMW and other wineries, with neighboring residences marked by pushpins. These images are located in the last pages of the attached traffic analysis.

Don Bussey ignored our written and oral statements. He challenged local resident Annie Callaway during her testimony at the March 5th hearing, asking her to explain how allowing public wine tastings was any different from adding two new residences on SMW parcels in terms of traffic.

We contend that there is a significant difference between adding two new residences to SMW and adding public wine tasting to SMW:

- Public wine tasting that allows an unlimited number of people to visit the winery could be a small
 number of people or could be a very large number of people. These non-residents are likely to
 be unfamiliar with the specific access roads and are likely to be unfamiliar with driving
 mountainous narrow winding roads.
- Residents would be familiar with the hazardous road conditions as they typically drive the roads daily.
- Residents are not likely to have alcohol in their bloodstream. Visitors to the winery are very likely to have alcohol in their bloodstream.

We contend that the Traffic Study conducted by Higgins and Associates Civil and Traffic Engineers is inaccurate and draws erroneous conclusions. We have done a careful evaluation of the traffic study and prepared a report detailing the discrepancies which is attached to this letter. It clearly demonstrates the inadequacy of the roads in this area to handle the increased traffic that the permit approval would bring. The Higgins report contains serious misstatements of facts about things as basic as the actual road widths.

Most importantly, in an effort to prove that the contribution to traffic is small, the report completely ignores the additional traffic from the proposed public wine tastings for approximately 50 weekends per year. It is clear that the engineers were aware of these because it is stated in on the first page of the exhibit, yet none of this increased traffic is addressed in their calculations.

Finally, Don Bussey placed the burden of proof on SMW neighbors who wish to file a complaint in the future against SMW. In order for any complaint against SMW by a neighbor to be considered in the future permit approvals for SMW, the complaints must be "substantiated". Don Bussey did not explain how the neighbors of SMW are to meet this extraordinary and unprecedented demand.

In conclusion, we believe Don Bussey showed a deliberate disregard of the facts and a clear bias in favor of SMW. We ask you, members of the Planning Commission, to reverse this permit approval.

Sincerely,

Cynthia and Bruce Greenblatt, 24977 Skyland Road, Los Gatos, CA 95033

Dick Galland and Annie Callaway, 24993 Skyland Road, Los Gatos, CA 95033

see next page for signatures

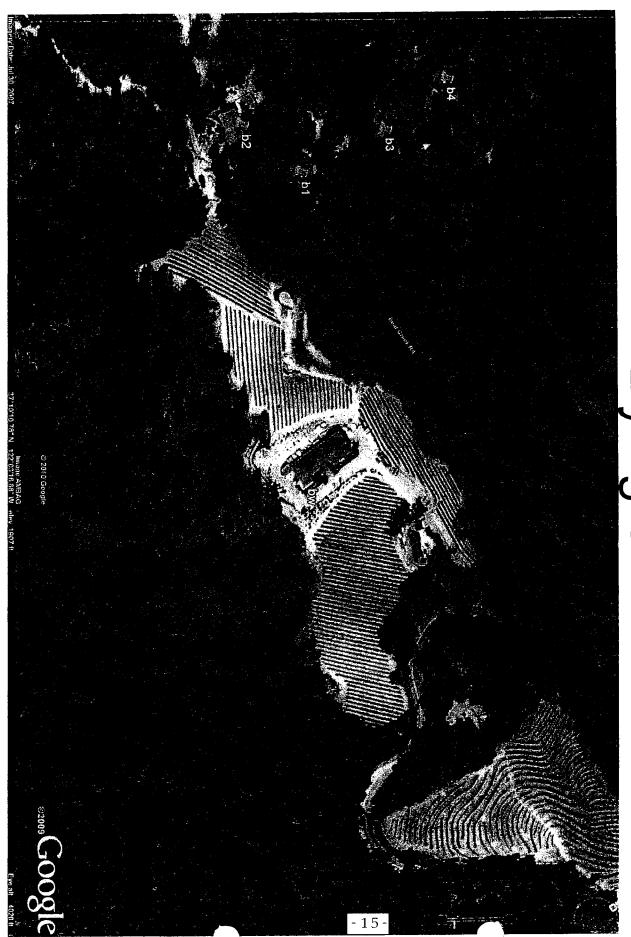
Ralph Johnson, Old Orchard Road, Los Gatos, CA 95033

Robert and Marlene Takle 24990 Skyland Ridge Road, Lps Gatos, CA 95033

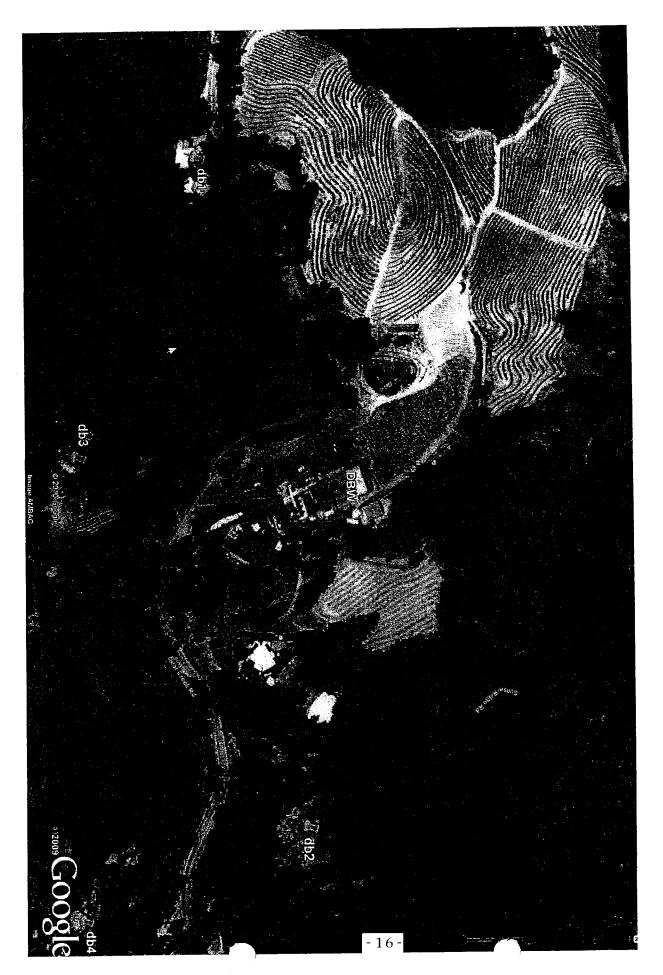
Silver Mountain



Byington



David Bruce



Samantha Haschert

From: Cynthia Greenblatt [cynthia_greenblatt@yahoo.com]

Sent: Thursday, April 01, 2010 9:55 AM

To: Samantha Haschert

Cc: actyger@aol.com; D1TROUT@aol.com; Bruce Greenblatt; ralph.johnson@surfnetc.com; Bob Takle; r_willner@yahoo.com; h.odea@yahoo.com; jim@summitinspections.net; Henrik Aberg;

ellen.carter@hp.com; sjfryhling@aol.com; stan@igloans.com; Nancy Cole;

cynthia greenblatt@yahoo.com

Subject: Re: SMW appeal

Hi Samantha,

We have revisited the permit granted to SMW looking for a compromise that is reasonable, thoughtful, and acceptable. That being said, we feel that SMW, prior to the latest permit approval, had already exceeded what is allowed by the county code in a RA district. Our desired outcome is that there is

1. No public wine tasting.

- 2. No increase in attendees at events.
- 3. No outdoor music or amplified music.
- 4. No outdoor wine tasting.
- 5. No "substantiated" stipulation in association with complaints.

If SMW's newest permit does allow any of the above, we would support the one year trail period. However, we would want all complaints submitted against SMW to be considered both during and after any trial period, i.e. there must be no "substantiated" stipulation.

We do support converting the entertainment room into a wine tasting room, if this conversion enables SMW to keep music and visitors indoors. This will protect our privacy and will also protect us from some of the noise generated by SMW.

We urge the SCC <u>Planning Commission</u> and the SCC Planning Department to carefully review the traffic report compiled by the CHP, as the traffic report information supplied by the Department of Public Works is grossly inaccurate. (I will forward this report to you tomorrow.) Despite the significant number of accidents detailed in this report, the report is not comprehensive. There are additional undocumented accidents that have occurred on these same roads. Many non-injury accidents have not been reported to the CHP. Some of us have been directly involved in these non-injury accidents which were not reported.

We strongly support SMW and all vintners and growers in the Santa Cruz Mountains in their endeavors to produce award winning wines. However, we feel the SCC Planning Commission and the SCC Planning Department need to address carefully the issues of wineries who are either out of compliance with their permits or who are operating with no permits. Public safety and respect for the communities surrounding these wineries are of paramount importance.

Thank you for your time.

Samantha Haschert

From:

Cynthia Greenblatt [cynthia_greenblatt@yahoo.com]

Sent: To: Friday, April 02, 2010 10:25 AM Paia Levine; Samantha Haschert

Cc: Subject:

cynthia_greenblatt@yahoo.com Silver Mountain Winery traffic info





CHP-Report1.pdf (1 CHP-Report2.pdf MB) (674 KB)

Hello Paia and Samantha,

It has come to our attention that the traffic accident information obtained from the DPW used by the planning department to render a decision for SMW is not complete. Although I requested this information prior to the March 5 hearing I did not receive it until after we filed our appeal. We feel this is crucial information that has not previously been considered. The staff report generated for the Planning Commisson for our appeal by your department should consider this information and should add these CHP reports to the file for the SMW permit application and appeal.

Thank you for your time.

Cynthia

Primary Rd SOQUEL SAN JOS Distance (ff) 528 CITY UNINCORP. Primary Rd SOQUEL/SAN JOS Distance (f) 1
City UNINCORP. County SANTA GRUZ
Primary Collision Factor R-O-W AUTO Primary Rd SQUIELISAN JOS Distance (fl) 200 Primary Rd SOQUEL SAN JOS: Distance (ft) 1584 Direction E Secondary Rd MILLER CUT OFF RI MCIC 9720 State Hwy? N Route City UNINCORP. County SANTA CRUZ Population 9 Rpt Dist Beat 022 Type 2 CalTrans Dist Badge Primary Collision Factor UNSAFE SPEED Violation 22350 Collision Type REAR END Seventy PDO # Killed (Primary Rd SOQUEL SAN JOS Distance (f) 582 Perty Type Age Sex Primary Collision Factor UNSAFE SPEED
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1 DRVR 54 F HNBD LFT TURN W A 0100 LINCO 1994 • . N . B PASS COMP PN 44 F 0 P 0 Hit and Run Primary Collision Factor R-O-W AUTO City UNINCORP. Tit and Run Weather1 CLOUDY Tit and Run Weather CLEAR Weather CLEAR Total Count Primary Collision Factor IMPROP TURN Weather! CLEAR DRVR 30 DRVR_73 DRVR 17 DRVR 50 S Race Sobriety? Move Pre Coll Dir SW Ven CHP Ven Make Year Sp Info OAF1 Viol OAF2 Salety Equip Role Ext of Inj Age Sex Seet Pos Salety Equip Ejected
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Violation 21802B Collision Type BROADSIDE Sever Population 9 Rpt Dist Beat 022 1
Violation 22107 Collision Type HIT OBJECT PARTY INFO PARTY INFO Rdwy Surface DRY Rowy Surface WET PARTY INFO PARTY INFO PARTYINFO Rowy Surface DRY Rowy Surface DRY Rdwy Surface DRY z Þ 0100 CHRYS 1993 - - 0100 SUBAR 1997 - -Lighting DARK - NO STLTS Pad Action Lighting DAYLIGHT Lighting DARK - NO STLTS Ped Action Lighting DAYLIGHT Lighting DAYLIGHT OMO Make Year Sp Info OAF1Viol OAF2 Sefety Equip Role Ext of Inj Age Sex Seat Pos Sefety Equip Ejected CHRYS 1993 - - N - G FORD 1987 -TOYOT 1998 -Rdwy Cond1 NO UNUSL CND Rdwy Cond! NO UNUSL CND LL RD NCIC 9720 State Hwy? N Route
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T Severity INJURY NCIC 9720 State Hwy? N. Route Type 2 CelTrens Dist Badge NCIC 9720 State Hwy? N Route Seventy INJURY O D A 22350 -Ped Action Ped Action # Killed 0 #Xiled o # Killed o * Killed O # Xilled O Route Postmile Prefix Postmile Side of Hw Badge 15881 Collision Date 19991215 Time 0910 Cay N Chilled 0 # Injured 0 Tow Away? Y Process Date 20000; Route Postmile Praffix Postmile
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#100261 1999 - AVAILABLE 2009 COLLISIONS ON SAN JOSE SOQUEL RD BTW MILLER HILL RD & MILLER CUTOFF, SANTA CRUZ COUNTY

Case Listing

Party Type Age Sex 1F DRVR 46 M 2 DRVR 50 M 3 DRVR 61 F	Party Type Age Sax 1F DRVR 22 M Primary Rd SOQUEL S City UNINCORP. Primary Coilliston Fector Weathert CLEAR Hit and Run	Party Type Age Sex I IF — DRVR-26 F Primary Rd SOQUEL S City UNINCORP. Primary Collision Factor Weather1 CLEAR Hit and Run	Party Type Age Sex F 1 DRVR 44 F 2F DRVR 46 M Primary Rd OLD SAN J City UNINCORP. Primary Collision Factor Weather1 CLEAR Hit and Run	Party Type Age Sax Race Sobriety1 1F DRVR 72 F W HNBD Primary Rd SOQUEL SAN JOS: Distanc City UNINCORP. County SANT Primary Collision Factor R-D-W AUTO Weether! CLEAR Weather? Hit and Run Motor W	Age Sex 4 43 M R 67 M SOQUEL CORP. CLEAR CLEAR	SOQUEL S. ,NCORP. ,/y Collision Factor _either1 CLOUDY rit and Run
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Move Pre Coll Dir OPPOS LN N PROC ST S PROC ST N	Move Pin Coll L RAN OFF RD S Direction S Population 21- Violation 21- Rdwy	Move Pre Coll Dir SW RAN OFF RD S A Direction S Secon Population 9 Rt Violation 22350 Kny Surfac With FIXED OBJ	5 533	Anove Pre Coll L PROC ST S Direction Population 121 Violation 211 Violation 271 With OTHER IN	briety1 Sobritaty2 Move Pre Coll Dir SW Veh CY IBD PROC ST S D 2 IBD SLOWING S A 0 Distance (it) 528 Direction S Secondary Re CONTROL Population 9 Rpt Dist DP TURN Violation 22107 Collision Veather? Violation 22107 Collision Veather? Violation Fidny Surface DRY Motor Ven Involved With FIXED OBJ	Distance (ft) 70 Direction N. Secondary Rd y SANTA CRUZ Population 9 Rpt Dist FE SPEED Violation 22350 Collision Veether? Rdwy Surface WET Motor Veti Involved With OTHER MV
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Case Listing Page

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Case Listing
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#100261 1999 • AVAILABLE 2009 COLLISIONS FOR THE ENTIRE LENGTH OF MILLER HILL RD & MILLER CUTOFF, SANTA CRUZ COUNTY

Case Listing

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Perty Type Age Sex Race Sobriety1 Sobriety2 Move Pre Coll Dir SW Veh CHP Veh Make Year Sp Into OAF1 Viol OAF2 Safety Equip Role Ext of In Age Sex Seat Pos Safety Equip Ejected 1 DRVR 28 F 3 M G 0 1 N G PASS 28 F 3 M G 0 1 N G PASS 28 F 3 M G 0 1 N G PASS 28 F 3 M G 0 1 N G PASS 28 F 3 M G 0 1 N G PASS 28 F 3 M G 0 1 N G PASS 28 F 3 M G 0 1 N G PASS 28 F 3 M G 0 1 N G PASS 28 F 3 M G 0 1 N G PASS 28 F 3 M G 0 1 N G PASS 28 F 3 M G 0 1 N G PASS 28 F 3 M G 0 1 N G PASS 28 F 3 M G 0 2 PED 40 F W
2 PED 40 F W
3 Primary Rd MILLER HILL RD Distance (ff) 1056 Direction W Secondary Rd OCEAN VIEW RD NCIC 9720 State Hwy? N Route Primary Rd MILLER HILL RD Distance (ff) 1056 Direction 9 Rat Dist Beat 200 Type 3 Caffrens Dist Badge # Killed Party Type Age Sex Race Sobriety1 Sobriety2 Move Pre Coll Dir SW Veh CHP Veh Make Year Sp Info OAF1 Viol OAF2 Safety Equip Role Ext of Inj. Age Sex Seet Pos Safety Equip Ejected
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Abstract

This document attempts to critique the expert testimony and documents submitted by Silver Mountain Winery here forward referred to as SMW, as part of the application process. These traffic reports have numerous inaccuracies and appear to have been manipulated to produce a desired result. The errors are numerous and serious and invalidate any conclusions drawn. This document will detail known problems with the reports focusing on exhibit H in the file but also touching on testimony from the Santa Cruz County DPW engineer.

Executive Summary

Problems with Higgins Report exhibit H:

- Makes traffic projections without including the majority of new traffic under the permit. No mention is made of the weekly public wine tastings will likely be the overwhelming majority new traffic. Mentions only 12 special events.
- Makes superficial mention of AASHTO regulations (national road standards) making and inaccurate or unverified claims about various roads meeting or failing to meet standards.
- Makes statements about road widths that are factually false.
- Processes incomplete data in way that fails to assess the impact of the winery and is suited only
 to making the increase look minimal. No valid standards are used or sited and it is unclear that
 any amount of traffic would result in a recommendation against.

DPW gave false statements in the written documentation. Despite this, he was simply asked if that changed anything in his conclusions. He simply said no with no explanation for false statements and no reasons for the conclusion. This testimony and questioning has been deleted from audio archive.

In addition questions were raised about the Higgins report. The zoning administrators responses were dismissive and are also removed from the public testimony.

The neighbors requested accident area for the intersections and roads involved in SMW and were denied by Jack Sohriakoff of DPW. He cited advice from council. These are supposed to be public record.

Raw data used for the Higgins Report was obtained and processed. The following key conclusions were made:

- Head to head passing on Miller Cutoff increased by factor of 2 over the 24 hour period when SMW held the Passport Day event when compared to the Saturday without the event
- During hours the winery was open, there was 4 times the head to head passing.
- These increases correlate with traffic on Silver Mountain Road which serves only the winery.
- There is a greater than 1.5x increase in traffic exiting via Miller Hill road. This intersection is deemed unsafe in the previous traffic report studying only the intersections. Public testimony by a member of the Volunteer Fire Department claims that more than one accident has occurred involving winery customers at this intersection.
- SMW accounts for 4.5% of all traffic on the upper stretch of Miller Hill road during the week
- SMW accounts for 35% of the traffic on this stretch during the event weekend.

Head to head passes are statistically important because of the limited lines of sight and narrow roads. The winery causes substantial measurable increased risk.

DPW written testimony describes the roads as 18-24 ft wide and suitable for striping along the entire length. The only section 24 feet wide is the intersection at Miller Hill and Miller Cutoff. The minimum verified width is actually is 11'3 inches. Numerous sections are less than 17 feet several less than 15 feet.

The zoning administrator's standard in testimony is simply whether he can drive his pickup safely to the site. Because of this personal belief he appears to have solicited and perhaps prompted, unsupported testimony from DPW. He also uncritically accepted the Higgins report despite the fact that he must know that the majority of the events were not being accounted for.

Analysis of Higgins Associate Traffic Report and Data

Background

Higgins Associates was commissioned to analyze the traffic impact of Silver Mountains proposed expansion. The previous zoning administrator accepted this report as authoritative and interpreted it as saying the proposal was safe. As a result, he refused to accept any other testimony regarding traffic.

I have spent approximately an hour and a half in two separate phone calls, talking with the engineer who wrote the report. When I have explained my concerns with his report, and what I thought was important to look, he agreed that they are important. When I explained that they were being dismissed because of his report he was startled. I asked if I could commission him to analyze the data in the manner that I suggested, he thought that there would be a conflict of interest. I asked if the raw data were submitted and he said that it had been. I obtained the raw data and was able to evaluate it.

The Higgins Report

To summarize the Higgins Report is exhibit H in the existing file. It appears to evaluate the general road conditions on feeder roads to SMW. It does state accurately that Miller Cutoff and the upper section of Miller Hill fail to meet ASSHTO standards due to traffic volume, based on an assumed width of 18 ft.

It describes the parameters it received for the increase in events. While it mentions the public wine tastings in the description, the presented results do not include any contribution for these events.

Section A describes the data collection locations and times. Miller Hill Road below Miller Cutoff henceforth referred to as LMHR, Miller Hill Road above Miller Cutoff henceforth referred to as UMHR, Miller Cutoff, henceforth referred to as MC, and Silver Mountain Road, henceforth referred to as SMR were measured for a one week period including normal weekday traffic and a Saturday including a large event and no event.

Section B describes the methods of estimating traffic. There is no estimate included for the 50 or so public wine tastings. There is no explanation as to why these are not included. The final traffic estimate is based only on the increase in the number of visitors allowed at 3 special events. No evaluation of the effects of the current traffic from these events is undertaken. No comparison between event and non-event days is made. These decisions seriously underestimate the increase that a rational person would expect, and there is no justification for this.

The decision to divide the small calculated traffic increase over a period of 365 days is made without logical reason. Let me explain with an example. Last October we had a storm in the mountains that dropped 13 inches of water in a 24 hour period. This caused numerous slide, fallen trees and local flooding. Much of the state lost power. My power was out for 5 days. If I take that 13 inches and divide by 365 days that is only 0.04 inches per day. The point is that it is a silly calculation used to dismiss what may be a real problem.

As a result of these questionable practices, the conclusion is drawn that the result is negligible. This conclusion is reach without citation of any standard, or indication of what might not be acceptable.

Section C cites applicable standards and compares traffic volumes to basic lane width. It falsely assumes that the roadways are 18 feet wide and concludes that LMHC and SMR meet the requirements. We are unable to verify that SMR meets the requirements, but the analysis is superficial

and addresses only an assumed width on all of the roads, and the 3 public roads fail on lane width, lane width and line of sight in turns, grade, and on the two primary roads, shoulder width. In addition none of the 3 public roads that were evaluated actually are 18 feet wide. The basic conclusion that MC and UMHR do not meet ASSHTO minimum standards is correct, but in fact all 3 public roads are substandard.

The end of this section goes to pains to obscure the real issue. It cites the guideline's sections indicating that the standard should not be considered absolute and that other solutions may be acceptable. It also cites the section that says that the standard does not mandate changes to existing roads. It closes by saying that it is possible that the roads may be safe and must be evaluated and that changes are impractical on these roads due to local conditions and therefore does not recommend any changes.

What it does not say is actually what is important. First, it does not offer any evaluation of the roads to show that they do meet special circumstances and are safe. Second, while it states that the standards do not mandate upgrades, the standards also do not say that additional commercial uses are safe or should be approved. It does not say that upgrades are not recommended because they are not needed. Instead it does not recommend them because they are impractical.

Section D, presents the conclusion that there is an insignificant increase in traffic and it recommends no improvement to the roads. This has been read as condoning the operational increases, but from a more skeptical viewpoint it actually does not endorse the project, is based on a seriously flawed analysis, and provides legal cover to all concerned. The zoning administrator and SMW can say that he has an engineering report that says the event is safe. The engineering firm can say that they never said that.

Previous testimony by Keith Higgins in 2008 indicates that he is a widely used consultant on winery traffic issues throughout central California. Since this study was commissioned by the applicant who is in touch with other wineries and in a position to shop for a favorable result, this firm's analysis should be viewed with skepticism. This makes the erroneous statements, the unaccounted for trips, the unorthodox analysis, and the final non-conclusion extremely suspect.

Road Width Measurements On Miller Hill Road and Miller Cutoff

In testimony in person and on file, both the DPW and the Civil Engineering firm Higgins Associates have stated that the roads in question were 18 feet wide. Jack Sohriakoff of SCC DPW stated that the roads in question were from 18-24 feet wide. 18 feet is an important threshold because it is the minimum current standard for a 2 lane public road with very low volumes of traffic. These roads both have major sections below 18 feet wide, and if decisions of safety and suitability are being made by professionals who are misinformed or attempting to mislead the public, it calls into question the validity of their analysis.

I and several of the neighbors documented the road widths on the upper section of Miller Hill Road between Silver Mountain Road and the intersection with Miller Cutoff. In addition, we measured road widths at various locations along Miller Cutoff. These are the primary routes prescribed for Silver Mountain Winery traffic. We found both roads have significant sections that are less than 18 feet wide. These often occurred in areas of tight turns, extremely short lines of sight, and steep grades that increase stopping distance.

These data were provided to the planner and the zoning administrator prior to the last meeting. The response was to call in Jack Sohriakoff at the final meeting to testify that despite the fact that he had given false information, the new evidence meant nothing and that the roads were safe. No explanation for the false statements or in support of his conclusions was asked for, no questioning by the public was allowed by the zoning administrator. This portion of the recorded hearing has been removed from the website.

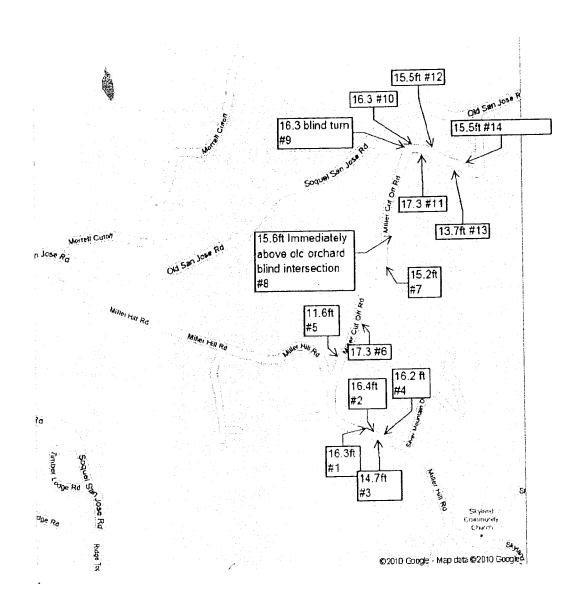
This same engineer, Jack Sohriakoff, a week earlier refused to provide the neighbors with accident data for the area. The stated reason was that he had been advised by counsel not to provide it. We are not sure why counsel would be involved, and are not sure what data are or should be available.

The results of our measurements are summarized in the map on the next page. Additional data on locations can be obtained from the planner showing photographs of each measurement location or from me if verification is desireable.

Result Summary

Minimum width found on Miller Cutoff is 11.6 feet. Several segments below 16 feet were found. These include the exit from an extremely sharp turn at the bottom of Miller Cutoff, the section immediately about the Old Orchard Road intersection which has an extremely limited line of sight and supports 16 dwellings. The narrow twisting section in the slide area that has very limited lines of sight due to embankments and hillsides. The most dangerous turn on the route because of the steep straight section above it, the limited line of sight and the close trees and steep drop off on the down hill side is only 16.3 ft wide.

The short stretch of Miller Hill is extremely steep, has very short turn radii and very limited lines of sight. We measure whole segments in the most difficult sections that are less than 16.5 ft and at least one point that is 14.3. With car widths in the 6.5-7.5 foot range and no shoulders to maneuver this leaves very little margin for safe passing



Analysis of Traffic Data

Background

Higgins Associates was commissioned to gather and evaluate traffic data regarding the operations at Silver Mountain winery. As discussed above there are serious deficiencies in the analysis. We will not attempt to assess the amount of traffic that is not included as this will only allow for obfuscation by backers of Silver Mountain. What we intend to demonstrate is that current operations already dramatically increase the risks of driving on the road during their events. We will take the available public data and using numerical methods come up with projections of increased risk.

There are a great number of questions that can be raised about how representative the data are and whether these projections accurately reflect typical use. All I can say to answer that is that these same data were used by Silver Mountain and their representatives to designate the operation as safe.

On a road of this nature the primary risk of accidents is due to cars trying to pass from opposite directions. This is due to the substandard road width, the lack of center striping, and the numerous locations with limited lines of sight. Many sections have trees, embankments and/or steep drop offs at the road edge and encourage people to drive at a safe distance from these obstacles. Along with the width and line of sight restrictions this can be expected to result in a significant number of avoidance maneuvers.

While we believe, based on experience, that local traffic has learned to drive as close to the edge of the road as possible on blind sections, unfamiliar drivers have not. We do not have evidence to support this so we will treat all passes equally.

Available Data

The Higgins report contains traffic counts in 15 minute interval for each direction on each of 4 roadways associated with Silver Mountain's traffic. These data cover a period from approximately midday Friday July 11, 2009 until Monday July 21, 2009. We do some bulk analysis of the data for each of the roads in question, but our primary interest in quantifying the effect of the large event held on Saturday July 19th at Silver Mountain and comparing it to the previous Saturday, July 12th, where no event was scheduled.

The July 12th data are considered baseline local traffic. The changes to July 19th are attributed to Silver Mountain operations. The increase traffic correlates with traffic on Silver Mountain Road which only serves the winery.

We have chosen to focus on the traffic on Miller Cutoff. This is the primary ingress egress route used by both residents and Silver Mountain's customers and analyzing the single section simplifies the simulation to a reasonable degree and accounts for the vast majority of the traffic.

Methodology

We do not have actual passing data and there is no way to generate it from the data collected. The common procedure in these cases it to statistically simulate the system and derive data from the simulation. Because of the larger amount of cases tested, this will usually be more representative than an actual single day measurement.

We are using a simple Monte Carlo Simulation. This is a standard technique using a random number

generator to simulate events based on measured data. In this case we know the number of cars going each direction over 15 minutes. We have measured a representative trip along the road at 2 minutes consistently. We have chosen to use a single fixed value for trip time instead of a semi random one for simplicity. While a random one would increase the variability in the result it will not effect the mean value which is what we wish to apply to the actual data.

A single average value is generated for each permutation of possible cars in each direction. We include all combinations form 1:1 through to 15:15. The simulation is run for 16 times at each data point and results were recorded in a table with number of trips one way across the top and number of trips the other way in the columns. This arrangement allows us to test each car against all cars going the other direction.

The model is simple. We generate a random start time for each car going up and each car going down. We compare each car going up to each car going down. If they start within 2 minutes of one another they must pass on the road. If they are farther apart, they cannot pass each other because the other car will have already left the section. We record the total number of passes for each run, and repeat the process 16 times for each point.

Once the result matrix is established we apply it to the real data. If there are no cars going one direction then no passing can occur so zero is entered for that time period. Based on the raw data, if we get a period where there is one car going each direction then our average number of passes will be 0.1 or one pass per every 10 trips. If we have 3 going one direction and 5 the other, we will on and average get 4 passes. If we got to 15x15, we would expect to see 55.9 passes.

Results

Over the 24 hour period a total number of passes on a non-event Saturday would be expected to be approximately 103. On the event the event day about 215 would be expected. That is 2 times the number of incidents. If the sample period is limited to the time that Silver Mountain is open, the difference is starker. On the event day, there are 161.2 passes, on the non-event day there are only 41.7, this is nearly 4 times the amount

This result shows two things. First, that risk rises rapidly with increased traffic, and that Silver Mountain's operation significantly increases the number of potential incidents.

Some additional information from the data;. SMW is responsible for about 4.5% of the total traffic on the upper section of Miller Hill road during the week. It is responsible for almost 50% of the total traffic on the same road on an event day, and a much higher percentage during the hours of operation. On the non-event Saturday, they account for less than 5%.

They account for about 45 additional trips down Miller Hill to an intersection that the traffic studies have deemed unsafe despite SMW's instructions not to use the intersection.

Conclusion

The affect on local traffic of events at Silver Mountain is stark. They account for a very large percentage of the traffic on roads that are intended for local use. While we were unable to obtain accident data, the number of risky events is increased by a factor of nearly 4 times during event hours. This is strongly at odds with the conclusions of the zoning administrator, and is consistent with the conclusions of the planning department staff, and the majority of the near neighbors.

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ln	Out		Increases Ever	nt Vs Non Event	
07/14/10	90	88			
07/15/10	108	100	SM	104	104
07/16/10	108	99		966.7%	966.7%
07/17/10	97	96	UMC	69	7.4
07/18/10	86	86		126.1%	128.6%
Ave	97.8	93.8	MC	53	62
Total	489	469		129.3%	134.6%
			MH	3	45
3 Road Comparisor	1			103,8%	157.0%
MIL . MG					
MH + MC	1614	1699			
UMH	1608	1495			
NALL/NAC	40.507	20.404			
MH/MC	43.5%	38.1%			

Page 1

The upper matrix is the simulation

Inputs are the sample interval in minutes, the projected driving time and the number of cars going up vs going down

The 1st row and column are the car number up and down. The next row and column are the randomly generated times for the car starting on the segment. Columns not used are stuffed with -6 rows with -2 so test will never be true.

The start time for each car up is compared with each car down. If they are within 2 minutes they will pass each other on the segment. If they pass each other a 1 is entered if not, a 0 is entered.

The result is reported in the total location. This value is recorded for each of 16 runs for all permutations. The values are averaged and entered into the result matrix. These values are averaged and entered into the result matrix.

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2 48

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4 49

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12 62

13 52

14 57

15 60
                                                                                            Ave 55.9375

Min 74

Std Dev 9.31285

14 x 14 x x 15

2 45 61

3 50 52

4 55 58

5 48 42

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7 7 52 47

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Ave 49.1875 52.5625

Min 35 62
                                                                                                                                                                                                               Ave 49.1875 52.5625
Min 35 42
Max 68 62
Std Dev 7,14813 6.33476
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Page 4

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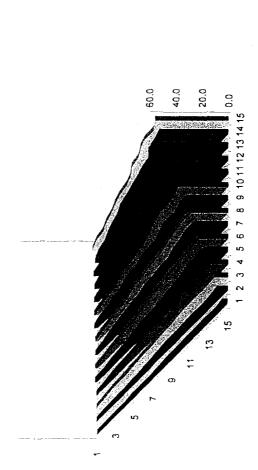
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Event-Non-event Results

Average Head to Head Encounters as a Function or Traffic Volume

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7	2 8	6.7	9.6	14.1	17.8	21.1	25.9	28.4	31.5	34.5	37.7	39.8	47.1	49.2	49.1
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During Operations 11am - 7 PM

Event Day Totals 214.8 Non Event Day 102.8

Regarding Silver Mountain Winery 07-507

Road Width Measurement disputing proffessional testimony

Submitted by

Ralph Johnson

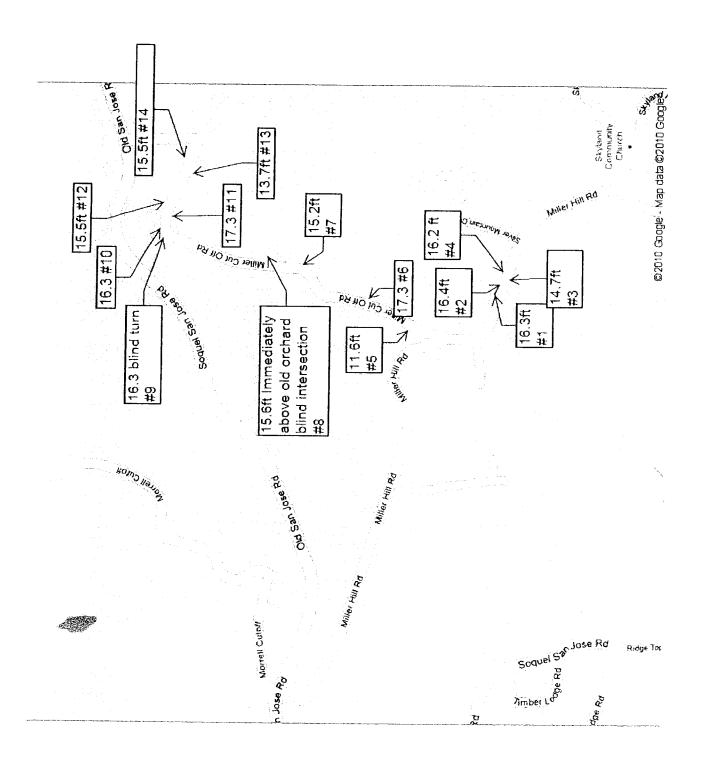
60 Old Orchard Rd

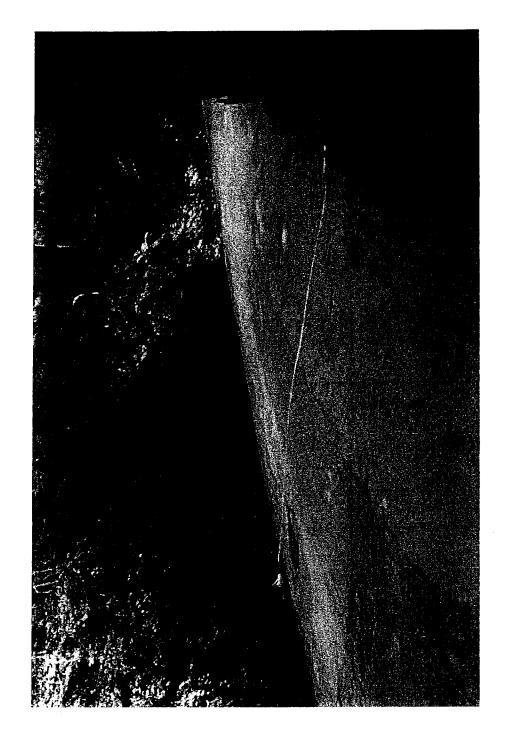
Los Gatos, CA, 95033

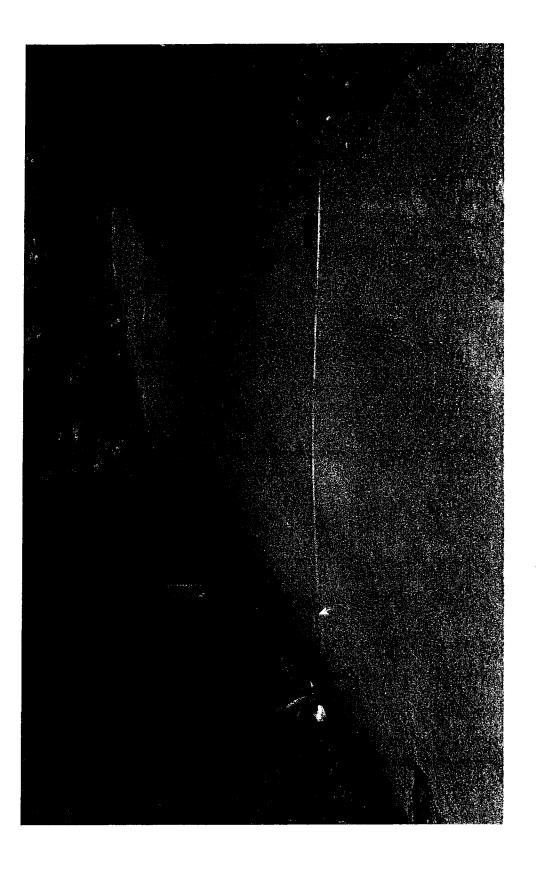
March 4, 2010

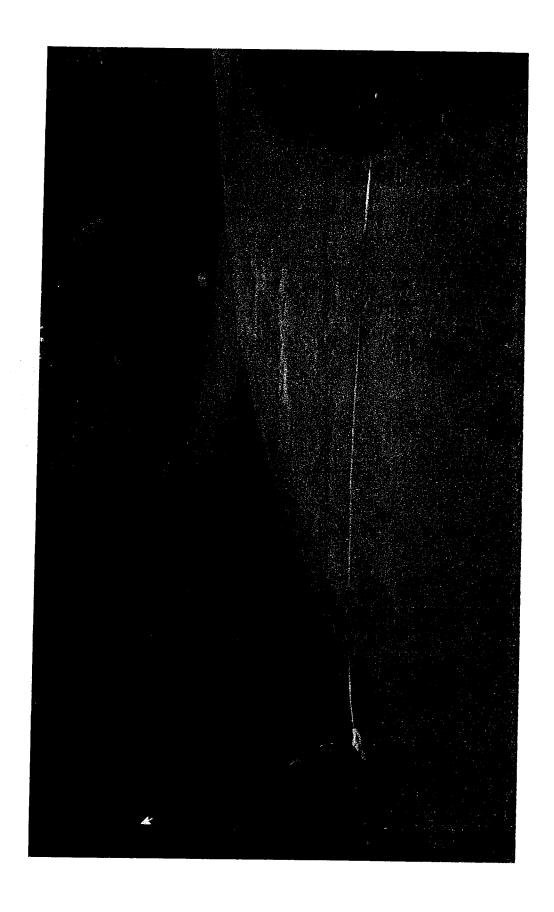
Miller Cutoff and Miller Hill Road Widths

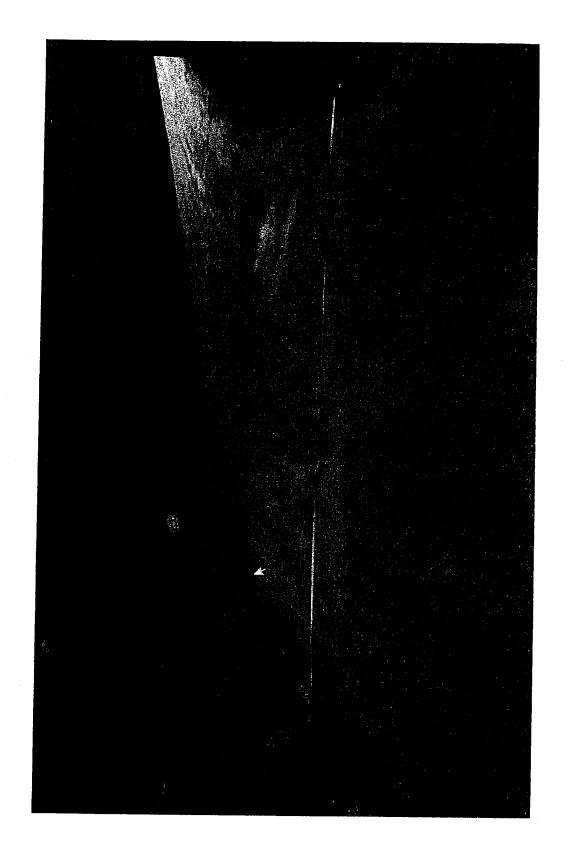
- Map indicates approximate locations of each measurement
- Pictures show exact location so the measurements can be verified
- These are narrow sections, but the do extend dangerous curves and directly dispute expert for major portions of the road including testimony

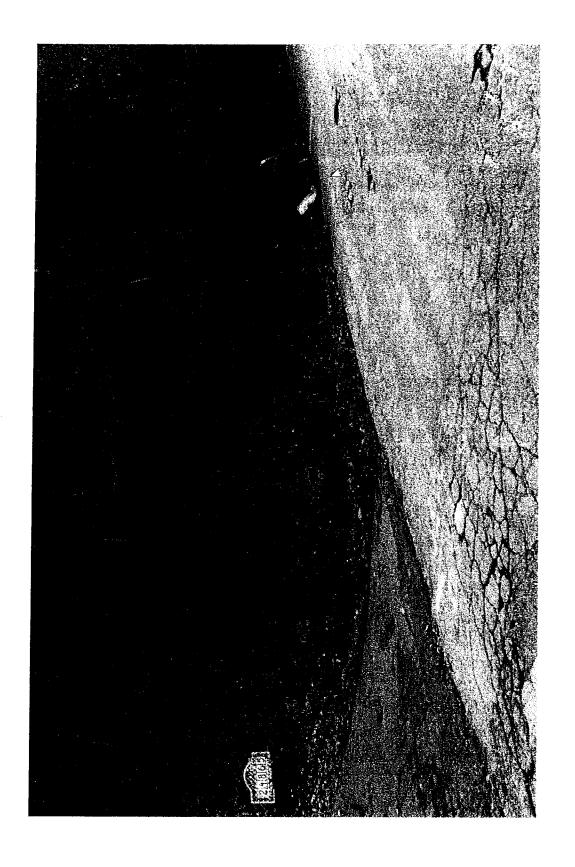


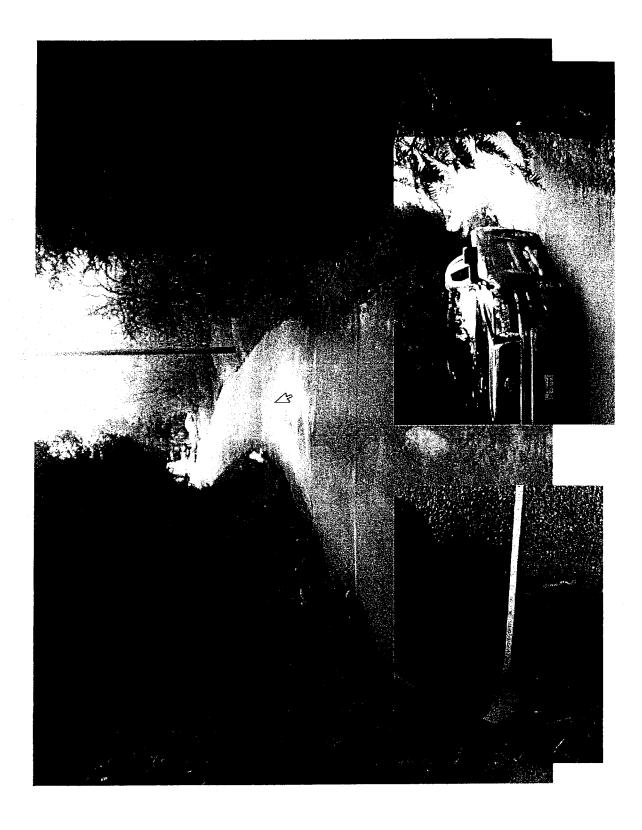


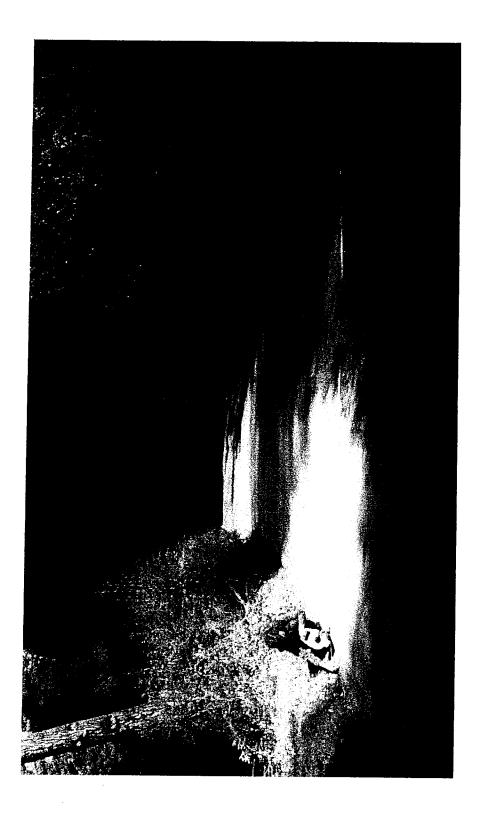


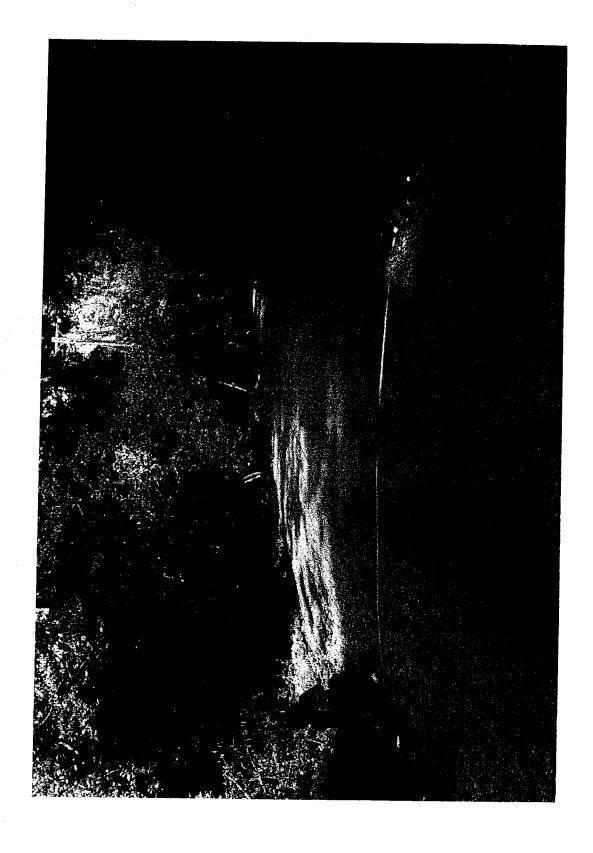


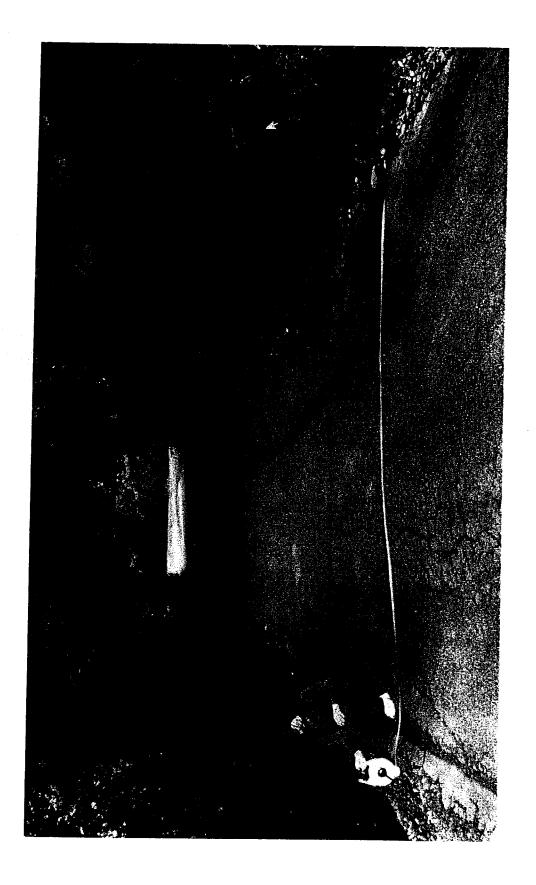


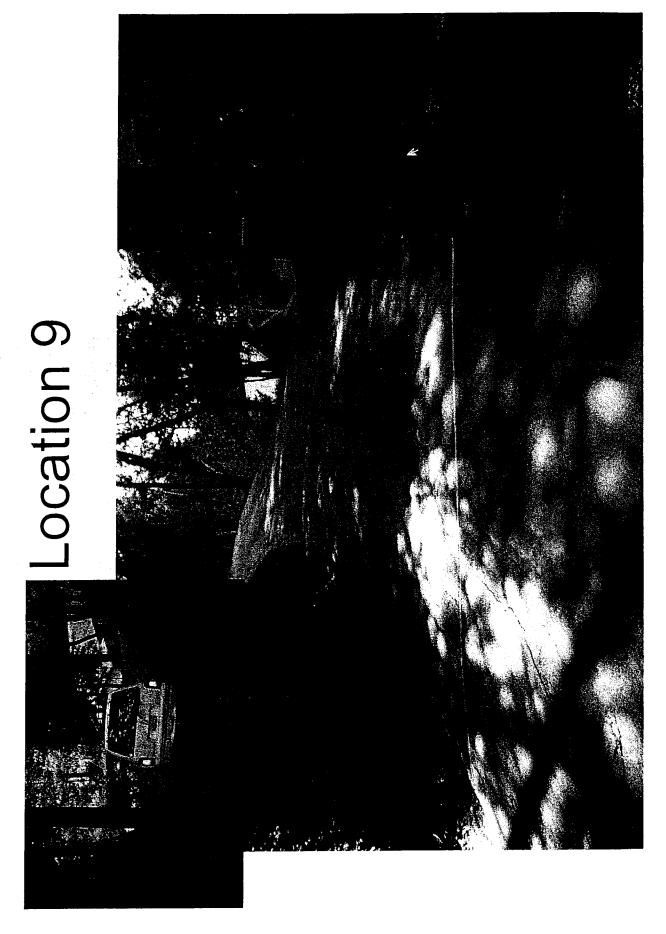


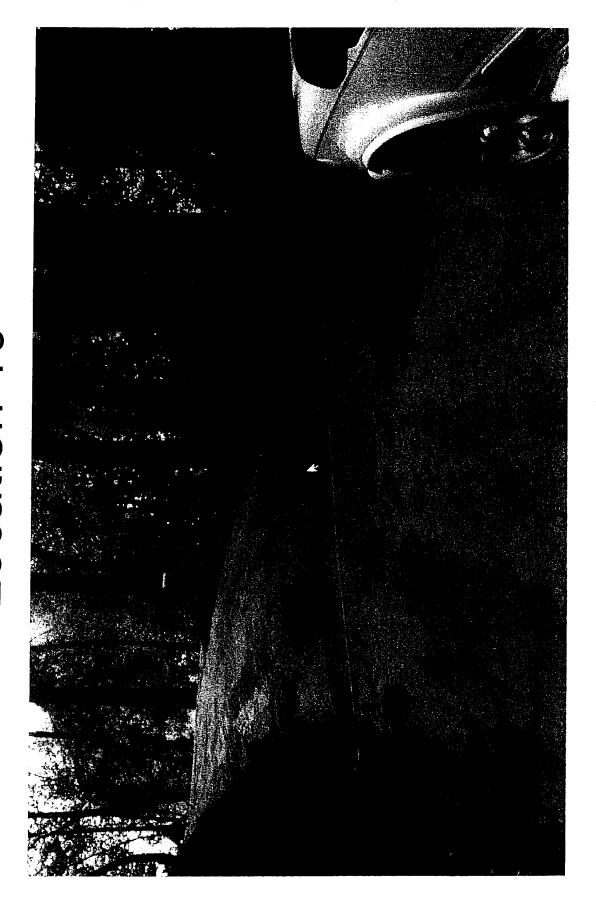


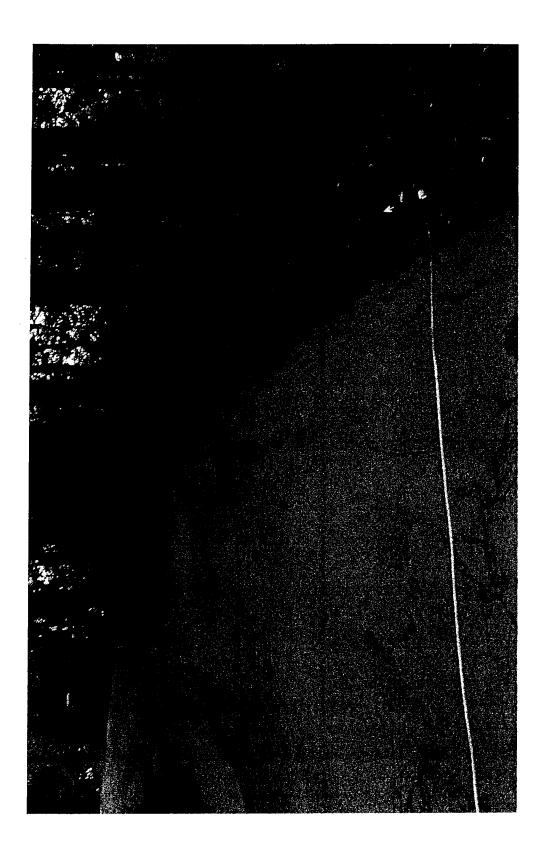


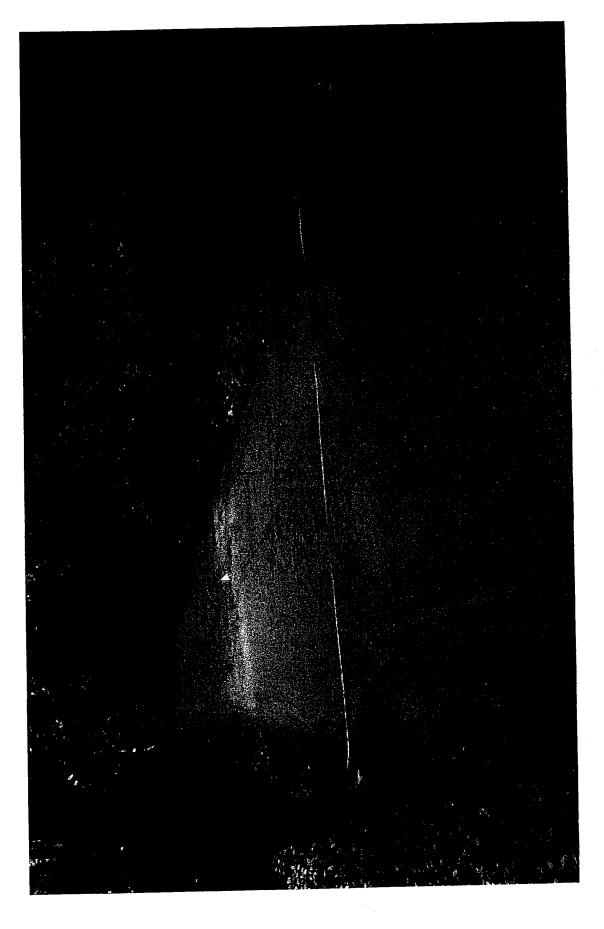


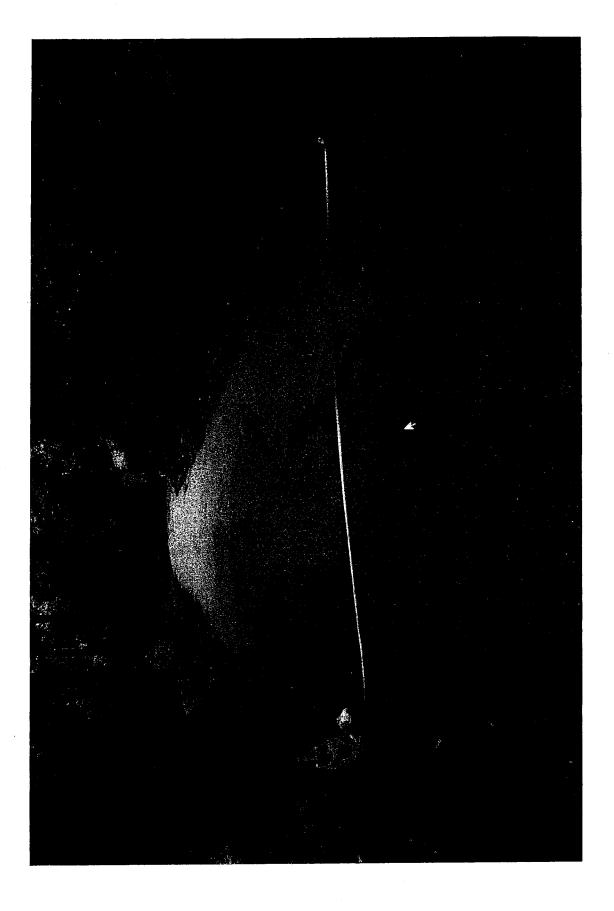


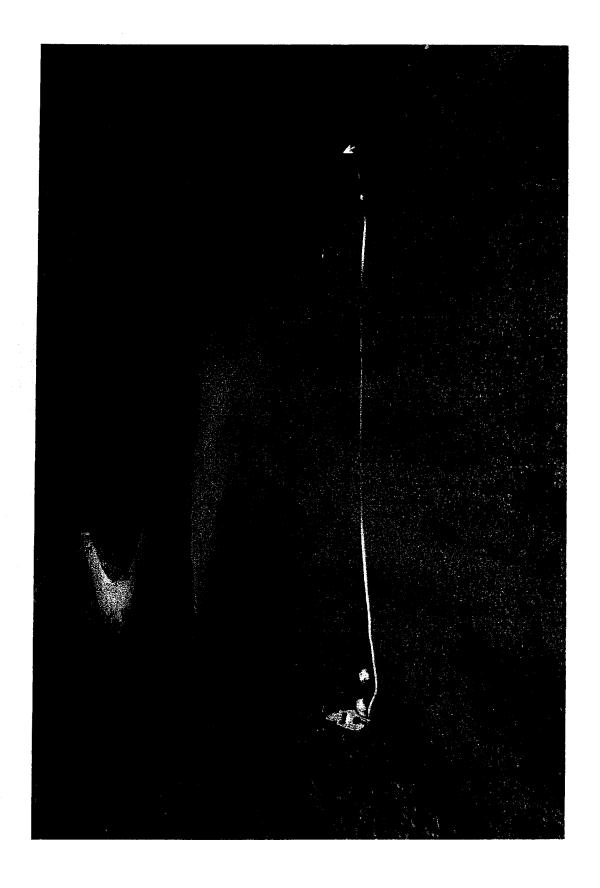












County of Santa Cruz Planning Department Planning Commission Meeting Date: 5/26/10

Agenda Item: # 8 Time: After 9:00 a.m.

Application Number: 07-0507

Staff Report to the Planning Commission

Exhibit 1B

REVISED

Conditions of Approval

Exhibit A: Project Plans, 2 sheets prepared by ACS Architects, dated 9/22/09 and 1 sheet (Job Copy (author and date illegible).

- I. This permit recognizes the conversion of an Entertainment Room to a Wine Tasting Room and authorizes the following operational conditions which shall amend 79-914-U and shall supersede 93-0123 and 99-0244. This approval does not confer legal status on any existing structure(s) or existing use(s) on the subject property that are not specifically authorized by this permit. Prior to exercising any rights granted by this permit including, without limitation, any construction or site disturbance, the applicant/ owner shall:
 - A. Submit proof that these conditions have been recorded in the official records of the County of Santa Cruz (Office of the County Recorder) within 30 days from the effective date of this permit.
 - B. Obtain a Building Permit from the Santa Cruz County Building Official for the entertainment room to Tasting Room change of occupancy.
 - C. Obtain a Grading Permit if required for improvements to the turnouts on Silver Mountain Drive.
 - D. Any outstanding balance due to the Planning Department must be paid prior to making a Building, Grading, or Demolition Permit application. Applications for Building, Grading, or Demolition Permits will not be accepted or processed while there is an outstanding balance due. A positive balance is required.
 - E. Meet all requirements and pay any applicable fees of the County Fire District (CalFire).

Il. Operational Conditions

- A. In the event that future County inspections of the subject property disclose noncompliance with any Conditions of this approval or any violation of the County Code, the owner shall pay to the County the full cost of such County inspections, including any follow-up inspections and/or necessary enforcement actions, up to and including permit revocation.
- B. The processing of grapes for the production of wine on site shall comply with all provisions of Section 13.10.637 (Wineries) of the County Code. This shall include but not be limited to the following:
 - 1. The annual production capacity shall not exceed 20,000 gallons; and storage of wine shall be limited to wine made (as defined by the Bureau of Alcohol, Tobacco and Firearms) on the premises.
 - 2. All requirements of the County Health Department shall be met.
 - 3. All regulations of the local fire department or County Fire Marshall shall be met to insure adequate water availability and other conditions for fire protection.

- 4. Outside operating hours of the winery shall be limited to 7:00 a.m. to 7:00 p.m. except during the harvest season (typically mid-August to mid-November). During the harvest season, the outside operating hours of the winery shall be limited to 7:00 a.m. to 10:00 p.m.
- 5. The sound schedule limitations contained in County Code Section 13.10.637 shall apply.
- 6. Grape Residue Disposal. Grape residue shall be disposed of in a manner consistent with the fly and vector control requirements of Environmental Health.
- C. The property owner shall maintain the vegetation at the Miller Road Cutoff Silver Mountain Road intersection so that the line of sight complies with DPW Design Criteria Standards and is not obstructed.
- D. Private wine tasting is permitted by appointment only. There shall be a maximum of ten (10) vehicles, exclusive of employee vehicles, or 20 persons on the premises at any one time during private appointments. Drop off/shuttling of guests is not permitted. Private tastings are limited to 11:00 a.m. and 5:00 p.m. on days when no public tasting or event is scheduled.
- E. Public wine tasting is allowed on each Saturday of each month. There shall be a maximum of ten (10) vehicles, exclusive of employee vehicles, or 20 persons on the premises at any one time. Drop off/shuttling of guests is not permitted. Public tasting hours are limited to 11:00 a.m. to 5:00 p.m. No private tastings or events (other than Passport or Vintners events) are permitted on public tasting days. If a winery event is scheduled on a Saturday, the winery shall be closed for public tasting on that day. Public tasting is permitted for one year from the effective date of this permit. Prior to permit expiration, the property owner shall apply for a Level 4 permit extension in order to reactivate the public tasting component of this permit. The permit extension shall review all correspondence received as a result of project noticing and any substantiated complaints received by the Planning Department throughout the effective year. Compliance with conditions of approval and the lack of complaints are factors that shall be considered for any extension of time to the public tasting. Failure to submit an application for an extension to the public wine tasting component of this permit prior to the below stated expiration date shall void the entitlement.
- F. The winery is permitted to participate in 12 winery events per year.
 - 1. Each day of an event is considered a separate event, even if the days are consecutive. Vintners Festivals are two days per year and therefore count as two events.
 - 2. A maximum of two (2) wine related events per month are permitted.
 - 3. Events are limited to the hours of 11:00 a.m. to 6:00 p.m.
 - 4. A maximum of 25 vehicles, excluding employee vehicles, or 50 persons are permitted on site for the Virtual Electrical Electrical events (2 days per year) only. All

- other events, including Passport Days, are limited to a maximum of 10 vehicles, exclusive of employee vehicles, or 20 persons, on site at any one time. Drop off/shuttling of guests is not permitted.
- 5. Events may not be held on days when public tasting or private tasting is scheduled.
- 6. Two of the twelve permitted wine related events per year may end at 9:00 p.m. All guests and staff must leave the premises by 9:30 pm and no outdoor tasting or gatherings are permitted after 6:00 p.m. for these evening events.
- Outdoor wine tasting is permitted within the amphitheatre between the hours of 12:00 p.m. and 6:00 p.m. during the Passport Day events and Vintners Festival events only. Otherwise, all wine tasting shall occur within the wine tasting room. Other than the allowed wine tasting time, use of the amphitheatre area for wine consumption (not tasting) by individuals or "picnics" is not allowed by the permit.
- 8. The four Passport events (4 days per year) and Vintners Festival (2 days per year) account for 6 of the 12 permitted events.
- G. All requirements of the County Fire Department shall be installed and maintained. This shall include, but not be limited to road width, road grade, road surface and water availability.
- H. Guest parking for winery events and private appointments must be restricted to those spaces marked on Exhibit A. All guests and employees shall park onsite in an approved parking space. Drop off/shuttling of guests is not permitted. During events, a winery employee shall be designated to monitor onsite parking to ensure that no vehicles are parked in the driveway or in spaces that are not specifically designated on Exhibit A and that shuttling is not occurring.
- I. Provide and maintain required off-street parking for a maximum of 25 cars, including 2 accessible parking spaces (as per Exhibit A) and an additional 4 employee only parking spaces. The Vintners Festival may occupy a maximum of 25 parking spaces (at a maximum of 50 persons) while all other events, private wine tasting appointments, and public wine tasting days may utilize a maximum of 10 approved parking spaces (at a maximum of 20 persons). No additional paving shall occur on site to create parking spaces. All permitted parking spaces shall be clearly striped and shall be open and available while the winery is open. 10 of the approved parking spaces shall not be used as outdoor storage or equipment parking areas at any time. The additional 15 parking spaces that are used only during the Vinters Festival Events may be used for outdoor storage when not in use.
- J. All tasting room servers shall have successfully completed the "Lead Training" course offered by the Department of Alcoholic Beverage Control.
- K. The property owner shall ensure on a continual basis that wine tour companies are not permitting buses, limousines, or vans with a capacity greater than 10 passengers to the winery.

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- The Silver Mountain Winery website shall clearly show the following statement on the main page:
 "The only access to Silver Mountain Winery is via rural, narrow, winding, mountain roads which have blind corners and limited turnouts; therefore, the use of limousines, vans, RV's, buses, or other similarly sized vehicles is strongly discouraged."
- M. At least one week prior to each event, signage for the event must be clearly posted at the terminus of Silver Mountain Drive, clearly visible from Miller Hill Road. Signage shall not exceed two square feet, it shall not interfere with vehicular site distance, and it shall be located completely on the subject property. Signage shall indicate the name, date and time of the event to notify neighbors of the increase in public traffic and noise on those days.
- N. Non-amplified outdoor music is permitted within the amphitheater between 12:00 p.m. and 4:00 p.m. only during: the four (4) Passport Day events and the two (2) Vintner's Festival events; otherwise, no outdoor music of any kind is permitted. Public address systems are not permitted and amplified music (radio, "DJ's", etc) of any kind is not permitted both within the tasting room and outside. Live, non-amplified music and sound is allowed within the tasting room during all wine related events, private tasting and public tasting times.
- O. Outdoor wine tasting is permitted within the amphitheatre between the hours of 12:00 p.m. and 4:00 p.m. during the Passport Day events and Vinters Festival events only. Otherwise, all wine tasting shall occur within the wine tasting room. Other than the allowed wine tasting time, use of the amphitheatre area for wine consumption (not tasting) by individuals or "picnics" is not allowed by the permit.
- O. Only wine produced on the premises shall be served. Service of wine produced off-site is expressly prohibited.
- P. Cooking facilities are prohibited, excepting those exclusively for the use of the single family dwelling. No commercial food preparation or warming of food associated with any wine related event shall be allowed on site and no meals/food may be served with any wine related event. "Hors d'oeuvres" or appetizers only (i.e. breads, cheeses, etc.) are allowed with the wine tasting.
- Q. No weddings, dinner parties, or parties are permitted as part of the winery operation or by this permit.
- R. Directional signage shall be installed on Soquel San Jose Road which directs traffic to Miller Cut Off with approval of the Department of Public Works. Signage and installation shall comply with all requirements of the County Department of Public Works Road Engineering.
- S. Signage shall be installed on Miller Hill Road and Miller Cut Off at the terminus near the intersections with Soquel San Jose Road with approval of the Department of Public Works, to caution the winding narrow roads. Signage and installation shall comply with all requirements of the County Department of Public Works Road Engineering.

- T. One identification sign is permitted at a maximum of 12 square feet which is non-illuminated, is constructed of natural materials, and is no higher than 4 feet above natural grade and is located a minimum of 5 feet from the edge of the right of way.
- U. In the event that the winery should cease production of wine, then all wine tasting and wine related events shall immediately cease.
- III. As a condition of this development approval, the holder of this development approval ("Development Approval Holder"), is required to defend, indemnify, and hold harmless the COUNTY, its officers, employees, and agents, from and against any claim (including attorneys' fees), against the COUNTY, it officers, employees, and agents to attack, set aside, void, or annul this development approval of the COUNTY or any subsequent amendment of this development approval which is requested by the Development Approval Holder.
 - A. COUNTY shall promptly notify the Development Approval Holder of any claim, action, or proceeding against which the COUNTY seeks to be defended, indemnified, or held harmless. COUNTY shall cooperate fully in such defense. If COUNTY fails to notify the Development Approval Holder within sixty (60) days of any such claim, action, or proceeding, or fails to cooperate fully in the defense thereof, the Development Approval Holder shall not thereafter be responsible to defend, indemnify, or hold harmless the COUNTY if such failure to notify or cooperate was significantly prejudicial to the Development Approval Holder.
 - B. Nothing contained herein shall prohibit the COUNTY from participating in the defense of any claim, action, or proceeding if both of the following occur:
 - 1. COUNTY bears its own attorney's fees and costs; and
 - 2. COUNTY defends the action in good faith.
 - C. <u>Settlement</u>. The Development Approval Holder shall not be required to pay or perform any settlement unless such Development Approval Holder has approved the settlement. When representing the County, the Development Approval Holder shall not enter into any stipulation or settlement modifying or affecting the interpretation or validity of any of the terms or conditions of the development approval without the prior written consent of the County.
 - D. <u>Successors Bound</u>. "Development Approval Holder" shall include the applicant and the successor'(s) in interest, transferee(s), and assign(s) of the applicant.

Minor variations to this permit which do not affect the overall concept or density may be approved by the Planning Director at the request of the applicant or staff in accordance with Chapter 18.10 of the County Code.

Please note:

1. The public wine tasting component of this permit expires one year from the effective date listed below unless an application for a permit extension is made prior to the expiration date. Failure to submit an application for a permit extension prior to the expiration date listed below will void the public wine tasting approval described in this development

permit, unless there are special circumstances as determined by the Planning Director.

2. All other approvals described in this permit shall expire one year from the effective date listed below unless a building permit(s) is obtained for the primary structure (does not include demolition, temporary power pole or other site preparation permits, or accessory structures unless these are the primary subject of the development permit). Failure to obtain a final building permit and to complete all of the construction under the building permit resulting in the expiration of the building permit will void the development permit, unless there are special circumstances as determined by the Planning Director.

Approval Date:	
Effective Date:	·
Expiration Date:	
Paia Levine	Samantha Haschert
Principal Planner	Project Planner

Appeals: Any property owner, or other person aggrieved, or any other person whose interests are adversely affected by any act or determination of the Planning Commission, may appeal the act or determination to the Board of Supervisors in accordance with chapter 18.10 of the Santa Cruz County Code.

Planning Commission Meeting Date: 5/26/10

Agenda Item: #8
Time: After 9:00 a.m.

Application Number: 07-0507

Staff Report to the Planning Commission

Exhibit 1C

Samantha Haschert

From:

Jack Sohriakoff

Sent:

Tuesday, April 13, 2010 3:30 PM

To:

Samantha Haschert

Subject: Silver Mountain Winery

Hello, Samantha.

I've read over the documents you sent me regarding the resident's information on road width and increased risk of vehicles passing on Miller Cut Off and Miller Hill Road as a result of this approved project. It appears that their argument is based upon allowance of an unreasonable risk of additional vehicles passing on a road that doesn't have sufficient width in places to accommodate two-way traffic. And that the consultant (Higgins) and I provided false data and testimony to support additional vehicular trips knowing there is a risk.

I would just like to say that their approach is somewhat technical but unorthodox and not a standard argument. I know there is increased risk when vehicles are added to the roadway. Not just these roads but any road. Most motorists drive with sufficient caution on rural mountain roads. These roads are typical throughout the Santa Cruz Mountains. These are publicly maintained roads without restrictions. The amount of trips added by the proposed uses will not exceed any threshold that would require any mitigation. To me it's like telling residents they can't have any visitors or deliveries because the additional trips would create too much of a risk. The collision history does not indicate a specific traffic accident problem for these roads and I can't justify a position that states "no new trips allowed!".

In the end it is not my decision but the approving body's decision.

Jack Sohriakoff Senior Civil Engineer County of Santa Cruz Department of Public Works 454-2392 County of Santa Cruz Planning Department Planning Commission Meeting Date: 5/26/10

Agenda Item: #8 Time: After 9:00 a.m.

Application Number: 07-0507

Staff Report to the Planning Commission

Exhibit 1D

Development Permit Findings

1. That the proposed location of the project and the conditions under which it would be operated or maintained will not be detrimental to the health, safety, or welfare of persons residing or working in the neighborhood or the general public, and will not result in inefficient or wasteful use of energy, and will not be materially injurious to properties or improvements in the vicinity.

This finding can be made for the recognition of the entertainment room conversion to a wine tasting room, in that the project is located in an area designated for small scale commercial agricultural uses and no new construction proposed. The existing structure encompasses two uses: a commercial winery and a single family dwelling. The new wine tasting room is a part of the commercial winery use and will require a building permit to ensure that it complies with commercial building and accessibility standards. Additionally, the conversion of the room does not increase the number of guests permitted on site and no additional construction is proposed; therefore, recognition of the change in use will not result in inefficient or a wasteful use of energy and will not be materially injurious to properties or improvements in the vicinity.

The project is located in an area designated for small scale commercial agricultural uses. Based upon the evidence submitted, the proposed additional public wine tastings, as conditioned, will not be detrimental to the health, safety or welfare of persons residing or working in the neighborhood or the general public in that an increase in public wine tastings without an appointment between the hours of 11 pm to 5 pm on every Saturday of each month with a maximum of 10 vehicles, or 20 persons, on site at any one time and allowing two events to have up to 25 vehicles, or 50 persons, on site at any one time will not create excessive traffic on Miller Hill Road, Miller Cut-Off, or Silver Mountain Drive and will not conflict or impact vehicular site distance. Further, based upon the evidence and as conditioned, noise from the winery will not be detrimental or a nuisance to the neighborhood.

2. That the proposed location of the project and the conditions under which it would be operated or maintained will be consistent with all pertinent County ordinances and the purpose of the zone district in which the site is located.

This finding can be made for the recognition of the entertainment room conversion to a wine tasting room, in that no new construction is proposed that could conflict with the development standards of the Residential Agriculture (RA) zone district and the use of the property as a small-scale commercial winery and vineyard is consistent with the purpose of the RA zone district in that the winery will remain a small scale commercial agricultural use with 12 events per year and unlimited private wine tastings and limited number of vehicles on site per appointment or event. These limitations are based on the individual location and merits of the winery, which is consistent with County Code Section 13.10.637 (Wineries Ordinance).

As conditioned, the project complies with the purpose of the Residential Agricultural district in that residences in the area are protected from noise, illumination, dust, odor and traffic congestion.

3. That the proposed use is consistent with all elements of the County General Plan and with any specific plan which has been adopted for the area.

This finding can be made for the recognition of the tasting room conversion in that the existing commercial agricultural use is consistent with the use and density requirements specified for the Rural Residential land use designation in the County General Plan. As conditioned, the use will be compatible

with the neighborhood.

The proposed agriculture use, as conditioned, is consistent with the use and density requirements specified for the Rural Residential (R-R) land use designation in the County General Plan. Increasing the number of participants for two events and opening the winery to the public for about 12 hours for a maximum of 10 vehicles, or 20 persons, onsite at one time is consistent with the rural character of the area.

A specific plan has not been adopted for this portion of the County.

4. That the proposed use will not overload utilities and will not generate more than the acceptable level of traffic on the streets in the vicinity.

This finding can be made for the recognition of the room conversion in that the room already exists; no structural modifications or additions are proposed, and recognition of the tasting room conversion does not intensify the use of the site, the number of events permitted or the amount of wine produced annually at the site; therefore, it will not overload utilities or increase the level of traffic on streets in the vicinity.

The proposed public wine tastings, two days per week is expected to generate a maximum of 17 additional trips per day. As conditioned, the winery would only be open to the public Saturdays (11 am to 5 pm) with a maximum of 10 vehicles, or 20 persons, on site at one time; therefore, based upon the traffic report and input from DPW, the expected level of traffic generated by the project is anticipated to be less than significant and such an increase will not adversely impact existing roads and intersections in the surrounding area. Increasing the maximum attendance for two events will have a minimal affect on traffic in the area.

5. That the proposed project will complement and harmonize with the existing and proposed land uses in the vicinity and will be compatible with the physical design aspects, land use intensities, and dwelling unit densities of the neighborhood.

This finding can be made to recognize the tasting room conversion in that the room already exists and no structural modifications or additions are proposed and that the room recognition will not intensify the commercial winery use of the property; therefore, the structure will remain as currently exists which harmonizes with the existing and proposed land uses and physical design aspects in the vicinity.

The increase of the number of participants for limited events and the public wine tasting for up to 10 vehicles, or 20 persons, at a time is consistent with the rural land use character of the surrounding area and will harmonize with existing and proposed land uses in that there are conditions of approval included that regulate noise, number of visitors, hours allowed and outdoor uses.

6. The proposed development project is consistent with the Design Standards and Guidelines (sections 13.11.070 through 13.11.076), and any other applicable requirements of this chapter.

This finding is not applicable as there is no new development proposed.

Conditions of Approval

Exhibit A: Project Plans, 2 sheets prepared by ACS Architects, dated 9/22/09 and 1 sheet (Job Copy (author and date illegible).

- I. This permit recognizes the conversion of an Entertainment Room to a Wine Tasting Room and authorizes the following operational conditions which shall amend 79-914-U and shall supersede 93-0123 and 99-0244. This approval does not confer legal status on any existing structure(s) or existing use(s) on the subject property that are not specifically authorized by this permit. Prior to exercising any rights granted by this permit including, without limitation, any construction or site disturbance, the applicant/ owner shall:
 - A. Submit proof that these conditions have been recorded in the official records of the County of Santa Cruz (Office of the County Recorder) within 30 days from the effective date of this permit.
 - B. Obtain a Building Permit from the Santa Cruz County Building Official for the entertainment room to Tasting Room change of occupancy.
 - C. Obtain a Grading Permit if required for improvements to the turnouts on Silver Mountain Drive.
 - D. Any outstanding balance due to the Planning Department must be paid prior to making a Building, Grading, or Demolition Permit application. Applications for Building, Grading, or Demolition Permits will not be accepted or processed while there is an outstanding balance due. A positive balance is required.
 - E. Meet all requirements and pay any applicable fees of the County Fire District (CalFire).

II. Operational Conditions

- A. In the event that future County inspections of the subject property disclose noncompliance with any Conditions of this approval or any violation of the County Code, the owner shall pay to the County the full cost of such County inspections, including any follow-up inspections and/or necessary enforcement actions, up to and including permit revocation.
- B. The processing of grapes for the production of wine on site shall comply with all provisions of Section 13.10.637 (Wineries) of the County Code. This shall include but not be limited to the following:
 - 1. The annual production capacity shall not exceed 20,000 gallons; and storage of wine shall be limited to wine made (as defined by the Bureau of Alcohol, Tobacco and Firearms) on the premises.
 - 2. All requirements of the County Health Department shall be met.
 - 3. All regulations of the local fire department or County Fire Marshall shall be met to insure adequate water availability and other conditions for fire protection.

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- 4. Outside operating hours of the winery shall be limited to 7:00 a.m. to 7:00 p.m. except during the harvest season (typically mid-August to mid-November). During the harvest season, the outside operating hours of the winery shall be limited to 7:00 a.m. to 10:00 p.m.
- 5. The sound schedule limitations contained in County Code Section 13.10.637 shall apply.
- 6. Grape Residue Disposal. Grape residue shall be disposed of in a manner consistent with the fly and vector control requirements of Environmental Health.
- C. The property owner shall maintain the vegetation at the Miller Road Cutoff Silver Mountain Road intersection so that the line of sight complies with DPW Design Criteria Standards and is not obstructed.
- D. Private wine tasting is permitted by appointment only. There shall be a maximum of ten (10) vehicles, exclusive of employee vehicles, or 20 persons on the premises at any one time during private appointments. Drop off/shuttling of guests is not permitted. Private tastings are limited to 11:00 a.m. and 5:00 p.m. on days when no public tasting or event is scheduled.
- E. Public wine tasting is allowed on each Saturday of each month. There shall be a maximum of ten (10) vehicles, exclusive of employee vehicles, or 20 persons on the premises at any one time. Drop off/shuttling of guests is not permitted. Public tasting hours are limited to 11:00 a.m. to 5:00 p.m. No private tastings or events (other than Passport or Vintners events) are permitted on public tasting days. If a winery event is scheduled on a Saturday, the winery shall be closed for public tasting on that day. Public tasting is permitted for one year from the effective date of this permit. Prior to permit expiration, the property owner shall apply for a Level 4 permit extension in order to reactivate the public tasting component of this permit. The permit extension shall review all correspondence received as a result of project noticing and any substantiated complaints received by the Planning Department throughout the effective year. Compliance with conditions of approval and the lack of complaints are factors that shall be considered for any extension of time to the public tasting. Failure to submit an application for an extension to the public wine tasting component of this permit prior to the below stated expiration date shall void the entitlement.
- F. The winery is permitted to participate in 12 winery events per year.
 - 1. Each day of an event is considered a separate event, even if the days are consecutive. Vintners Festivals are two days per year and therefore count as two events.
 - 2. A maximum of two (2) wine related events per month are permitted.
 - 3. Events are limited to the hours of 11:00 a.m. to 6:00 p.m.
 - 4. A maximum of 25 vehicles, excluding employee vehicles, or 50 persons are permitted on site for the \-79-s Festival events (2 days per year) only. All

- other events, including Passport Days, are limited to a maximum of 10 vehicles, exclusive of employee vehicles, or 20 persons, on site at any one time. Drop off/shuttling of guests is not permitted.
- 5. Events may not be held on days when public tasting or private tasting is scheduled.
- 6. Two of the twelve permitted wine related events per year may end at 9:00 p.m. All guests and staff must leave the premises by 9:30 pm and no outdoor tasting or gatherings are permitted after 6:00 p.m. for these evening events.
- Outdoor wine tasting is permitted within the amphitheatre between the hours of 12:00 p.m. and 6:00 p.m. during the Passport Day events and Vintners Festival events only. Otherwise, all wine tasting shall occur within the wine tasting room. Other than the allowed wine tasting time, use of the amphitheatre area for wine consumption (not tasting) by individuals or "picnics" is not allowed by the permit.
- 8. The four Passport events (4 days per year) and Vintners Festival (2 days per year) account for 6 of the 12 permitted events.
- G. All requirements of the County Fire Department shall be installed and maintained. This shall include, but not be limited to road width, road grade, road surface and water availability.
- H. Guest parking for winery events and private appointments must be restricted to those spaces marked on Exhibit A. All guests and employees shall park onsite in an approved parking space. Drop off/shuttling of guests is not permitted. During events, a winery employee shall be designated to monitor onsite parking to ensure that no vehicles are parked in the driveway or in spaces that are not specifically designated on Exhibit A and that shuttling is not occurring.
- I. Provide and maintain required off-street parking for a maximum of 25 cars, including 2 accessible parking spaces (as per Exhibit A) and an additional 4 employee only parking spaces. The Vintners Festival may occupy a maximum of 25 parking spaces (at a maximum of 50 persons) while all other events, private wine tasting appointments, and public wine tasting days may utilize a maximum of 10 approved parking spaces (at a maximum of 20 persons). No additional paving shall occur on site to create parking spaces. All permitted parking spaces shall be clearly striped and shall be open and available while the winery is open. 10 of the approved parking spaces shall not be used as outdoor storage or equipment parking areas at any time. The additional 15 parking spaces that are used only during the Vinters Festival Events may be used for outdoor storage when not in use.
- J. All tasting room servers shall have successfully completed the "Lead Training" course offered by the Department of Alcoholic Beverage Control.
- K. The property owner shall ensure on a continual basis that wine tour companies are not permitting buses, limousines, or vans with a capacity greater than 10 passengers to the winery.

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- The Silver Mountain Winery website shall clearly show the following statement on the main page:
 "The only access to Silver Mountain Winery is via rural, narrow, winding, mountain roads which have blind corners and limited turnouts; therefore, the use of limousines, vans, RV's, buses, or other similarly sized vehicles is strongly discouraged."
- M. At least one week prior to each event, signage for the event must be clearly posted at the terminus of Silver Mountain Drive, clearly visible from Miller Hill Road. Signage shall not exceed two square feet, it shall not interfere with vehicular site distance, and it shall be located completely on the subject property. Signage shall indicate the name, date and time of the event to notify neighbors of the increase in public traffic and noise on those days.
- N. Non-amplified outdoor music is permitted within the amphitheater between 12:00 p.m. and 4:00 p.m. only during: the four (4) Passport Day events and the two (2) Vintner's Festival events; otherwise, no outdoor music of any kind is permitted. Public address systems are not permitted and amplified music (radio, "DJ's", etc) of any kind is not permitted both within the tasting room and outside. Live, non-amplified music and sound is allowed within the tasting room during all wine related events, private tasting and public tasting times.
- O. Outdoor wine tasting is permitted within the amphitheatre between the hours of 12:00 p.m. and 4:00 p.m. during the Passport Day events and Vinters Festival events only. Otherwise, all wine tasting shall occur within the wine tasting room. Other than the allowed wine tasting time, use of the amphitheatre area for wine consumption (not tasting) by individuals or "picnics" is not allowed by the permit.
- P. Only wine produced on the premises shall be served. Service of wine produced off-site is expressly prohibited.
- Q. Cooking facilities are prohibited, excepting those exclusively for the use of the single family dwelling. No commercial food preparation or warming of food associated with any wine related event shall be allowed on site and no meals/food may be served with any wine related event. "Hors d'oeuvres" or appetizers only (i.e. breads, cheeses, etc.) are allowed with the wine tasting.
- R. No weddings, dinner parties, or parties are permitted as part of the winery operation or by this permit.
- S. Directional signage shall be installed on Soquel San Jose Road which directs traffic to Miller Cut Off with approval of the Department of Public Works. Signage and installation shall comply with all requirements of the County Department of Public Works Road Engineering.
- T. Signage shall be installed on Miller Hill Road and Miller Cut Off at the terminus near the intersections with Soquel San Jose Road with approval of the Department of Public Works, to caution the winding narrow roads. Signage and installation shall comply with all requirements of the County Department of Public Works Road Engineering.

- U. One identification sign is permitted at a maximum of 12 square feet which is nonilluminated, is constructed of natural materials, and is no higher than 4 feet above natural grade and is located a minimum of 5 feet from the edge of the right of way.
- V. In the event that the winery should cease production of wine, then all wine tasting and wine related events shall immediately cease.
- III. As a condition of this development approval, the holder of this development approval ("Development Approval Holder"), is required to defend, indemnify, and hold harmless the COUNTY, its officers, employees, and agents, from and against any claim (including attorneys' fees), against the COUNTY, it officers, employees, and agents to attack, set aside, void, or annul this development approval of the COUNTY or any subsequent amendment of this development approval which is requested by the Development Approval Holder.
 - A. COUNTY shall promptly notify the Development Approval Holder of any claim, action, or proceeding against which the COUNTY seeks to be defended, indemnified, or held harmless. COUNTY shall cooperate fully in such defense. If COUNTY fails to notify the Development Approval Holder within sixty (60) days of any such claim, action, or proceeding, or fails to cooperate fully in the defense thereof, the Development Approval Holder shall not thereafter be responsible to defend, indemnify, or hold harmless the COUNTY if such failure to notify or cooperate was significantly prejudicial to the Development Approval Holder.
 - B. Nothing contained herein shall prohibit the COUNTY from participating in the defense of any claim, action, or proceeding if both of the following occur:
 - 1. COUNTY bears its own attorney's fees and costs; and
 - 2. COUNTY defends the action in good faith.
 - C. <u>Settlement</u>. The Development Approval Holder shall not be required to pay or perform any settlement unless such Development Approval Holder has approved the settlement. When representing the County, the Development Approval Holder shall not enter into any stipulation or settlement modifying or affecting the interpretation or validity of any of the terms or conditions of the development approval without the prior written consent of the County.
 - D. <u>Successors Bound</u>. "Development Approval Holder" shall include the applicant and the successor'(s) in interest, transferee(s), and assign(s) of the applicant.

Minor variations to this permit which do not affect the overall concept or density may be approved by the Planning Director at the request of the applicant or staff in accordance with Chapter 18.10 of the County Code.

Please note:

- 1. The public wine tasting component of this permit expires one year from the effective date listed below unless an application for a permit extension is made prior to the expiration date. Failure to submit an application for a permit extension prior to the expiration date listed below will void the public wine tasting approval described in this development permit, unless there are special circumstances as determined by the Planning Director.
- 2. All other approvals described in this permit shall expire one year from the effective date listed below unless a building permit(s) is obtained for the primary structure (does not include demolition, temporary power pole or other site preparation permits, or accessory structures unless these are the primary subject of the development permit). Failure to obtain a final building permit and to complete all of the construction under the building permit resulting in the expiration of the building permit will void the development permit, unless there are special circumstances as determined by the Planning Director.

Approval Date: 3 | 5 | 2010

Effective Date: 3 | 9 | 2010

Expiration Date: 3 | 9 | 2011

Don Bussey
Deputy Zoning Administrator

Samantha Haschert Project Planner

Appeals: Any property owner, or other person aggrieved, or any other person whose interests are adversely affected by any act or determination of the Zoning Administrator, may appeal the act or determination to the Planning

Planning Commission Meeting Date: 5/26/10 Agenda Item: #8

Time: After 9:00 a.m.

Application Number: 07-0507

Staff Report to the Planning Commission

Exhibit 1E



Staff Report to the Zoning Administrator

Application Number: 07-0507

Applicant: Deidre Hamilton

Owner: Jerold O'Brien APN: 098-061-45,46

Agenda Date: February 5, 2010 continued to 2/19/10

Agenda Item #: 2 Time: After 10:00 a.m.

Project Description: Proposal to amend the operational conditions of 93-0123 and 93-0649 (as amended by 99-0244) to allow public tasting with up to 20 persons at a time on Saturdays and Sundays; to increase the maximum number of guests at three wine tasting events from 24 to 50, to reduce the maximum number of guests at the remaining events from 24 to 20, to allow outdoor music at wine events, and to recognize the conversion of an entertainment room to a wine tasting room.

Location: Property located on the northeast corner of Silver Mountain Drive north of the intersection with Miller Road (265 & 333 Silver Mountain Road).

Supervisoral District: 1st District (District Supervisor: John Leopold)

Permits Required: Commercial Development Permit

Staff Recommendations:

- Recognition of the conversion of an entertainment room to a wine tasting room;
- Approval of non-amplified outdoor music at events subject to the attached conditions;
- Approval of an attached revised conditions of approval;
- Denial of the proposals for public wine tasting, outdoor wine tasting, and to increase the maximum number of event guests from 24 to 50 at three wine tasting events; and
- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act, based on the attached findings and conditions.

Exhibits

- A. Project plans
- B. Findings
- C. Conditions
- D. Categorical Exemption (CEQA determination)
- E. Assessors Parcel Map
- F. Zoning, Location, General Plan, & Topographic Maps

County of Santa Cruz Planning Department 701 Ocean Street, 4th Floor, Santa Cruz CA 95060

G. Noise Study, Edward L. Pack Associates, Inc., 7/31/08

H. Traffic Study, Higgins Associates, 8/14/08

1. 2007 - 2009 Event Logs

J. 99-0244 Conditions of Approval

K. Comments & Correspondence

Parcel Information

Parcel Size: 12.458 acres (098-061-45)

5.216 acres (098-061-46)

Existing Land Use - Parcel: Commercial Vineyard (098-061-45)

Winery and Residence (098-061-46)

Existing Land Use - Surrounding: Residences built at rural densities; Residential

Agriculture

Project Access: Miller Hill Road to Silver Mountain Drive

Planning Area: Summit

Land Use Designation: R-R (Rural Residential)

Zone District: RA (Residential Agricultural)
Coastal Zone: Inside X Outside

Appealable to Calif. Coastal Comm. Yes X No

Environmental Information

Geologic Hazards: Not mapped/no physical evidence on site

Soils: Not a mapped constraint

Fire Hazard: Partially within mapped fire hazard area

Slopes: Some slopes over 30% on site

Env. Sen. Habitat: Not mapped/no physical evidence on site

Grading: No grading proposed

Tree Removal: No trees proposed to be removed

Scenic: Not a mapped resource
Drainage: Existing drainage adequate

Archeology: Mapped archeological resource area; no new disturbance proposed.

Services Information

Urban/Rural Services Line: __ Inside __X Outside

Water Supply: Private Sewage Disposal: Septic

Fire District: Santa Cruz County Fire/CDF

Drainage District: N/A

History

The use permit that established operations at Silver Mountain Winery was approved under permit 79-914-U. This permit allowed private, appointment only wine tastings to take place up to 4 times per year with a maximum of 16 vehicles.

In 1993, Silver Mountain Winery applied for two permits, one to add on to the existing building and to construct a building for wine production (93-0123) and one to expand activities from appointment-only to include 35 maximum social and community events per year (93-0649). Issues identified in this report included: substandard roads, steep grades, lack of water, traffic hazards due to road width, infeasible parking areas, inadequate waste disposal facilities, and inconsistency with small scale commercial agriculture use allowed in the Residential Agriculture District. Due to these issues, the Zoning Administrator approved the permit for a maximum of 6 annual wine events with a maximum of 10-15 visitors on site at a time. Application 93-0123 also included the recognition of a 3,520 square foot addition to the existing single family dwelling which included an office, an entertainment room and a shop.

In 1994, a lot line adjustment was approved (94-0669) in order to move an existing caretakers unit from parcel 46 to 45 (then parcels 39 and 40). This lot line adjustment transfered approximately 0.1 acre.

In 1999, Silver Mountain Winery applied for an amendment to permits 93-0123 and 93-0649 to increase activities to 10 events per year with a maximum of 100 visitors and 24 events per year with a maximum of 50 guests (99-0244). Staff recommended denial of this application with findings similar to those in 93-0123 and 93-0649. The application was continued by the Zoning Administrator for the applicant to revise the proposal. The revised proposal was for 6 events per year with a maximum of 50 guests, 6 events per year with a maximum of 85 guests and an increase in guests for private wine tastings from 12 to 24 people maximum. Staff raised issues including: potential hazards of surrounding narrow winding roads with substantial residential traffic, inconsistency with the purpose of the RA zone district to allow small scale agriculture in conjunction with a primary residential use, and the possibility of noise generating events causing a nuisance to surrounding residences. The Zoning Administrator found that a small increase in activities could be allowed without adverse impacts and approved an increase of appointment only wine tasters from 12 to 20 people maximum and an increase in the number of wine related activities from 6 to 12 per year with a maximum number of 24 guests per event.

Two cell tower applications have been submitted for the subject parcel (94-0420 & 02-0287), which were both withdrawn by the applicant.

On April 4th, 2008, a proposal to allow public wine tasting on the weekends and to recognize the conversion of an entertainment room to a wine tasting room was brought before the Zoning Administrator at a public hearing. Staff's recommendation was to approve the room conversion and to allow public wine tasting on one weekend day only with limited hours based on the purpose of the Residential Agricultural (RA) zone district, which limits uses to small-scale commercial uses that are ancillary to a primary residential use. Staff received about 20 public comments regarding the application and several members of the public attended the public hearing to provide arguments both for and against the winery's application to expand. Those opposed to the application cited issues including: inconsistency with the purpose of RA zone district, noise nuisances, privacy violations, substandard and dangerous roadway conditions, future additional expansion, the inability of the County to effectively enforce the number of visitors on site at one time, and that the property owner is currently out of compliance with the existing permit. Advocates of the proposal argued that public wine tasting is necessary for the

economic success of a winery, that it supports tourism in the County, that there have been no serious accidents on access roadways, and that the winery conscientiously promotes responsible wine tasting. The application was continued by the Zoning Administrator based on evidence that the winery was not operating in compliance with the existing use permit and directed staff to review condition compliance prior to a subsequent public hearing.

While the project was remanded to staff for additional information, the property owner obtained a Minor Variation to permit 93-0123 (permit 08-0447) to construct a 7,000 square foot structure to mount about 3,700 square feet of solar panels and a cistern water collection system. The permit was approved in February 2009 and the structure and panels were constructed and installed at the winery. The structure is located behind the existing building and was constructed over a portion of the driveway, parking area, and underground wine cellar.

Project Setting

Parcel 098-061-45 is approximately 12.5 acres and is the site of the vineyard that produces grapes for Silver Mountain Winery. This parcel is also developed with a small caretakers unit that was transferred from parcel -46 in 1994.

Parcel 098-061-46 is approximately 5 acres and is developed with a single family residence/tasting room and a wine production building and aging cellar. There is an outdoor amphitheatre located near the southeast property line.

Both parcels take access from Miller Hill Road which connects to Silver Mountain Drive, the driveway to the winery. Miller Hill Road is a county maintained road with a 40-foot right of way and an 18 foot paving width that serves as the outlet to Soquel San Jose Road for most of the surrounding rural residences; therefore, it currently accommodates a large amount of residential traffic. Silver Mountain Drive is a private driveway with a 40-foot right of way that appears to vary in paving width from 16 to 20 feet. There are two existing turnouts on Silver Mountain Drive; approximately 24' x 67' and 45' x 59'. Both turnouts and the existing driveway are substandard for fire access.

The property is surrounded by parcels developed with single family dwellings. The residences that are closest to the winery itself are those to the west and north. These residences are located just slightly below the elevation of the winery and all of the residences are located a minimum of 200' from the winery building. The residences to the east and the south east are located just slightly above the elevation of the winery but are further from the winery in horizontal distance and are separated from the structure by the vineyards on parcel -45. Adjacent properties are zoned RA (Residential Agricultural). (EXHIBIT F)

Project Scope

The property owner is proposing:

- 1) To allow public wine tasting on Saturdays and Sundays with a maximum of 20 guests on site at any one time;
- 2) To increase the maximum number of event guests from 24 to 50 for three of the permitted

events:

- 3) To decrease the maximum number of event guests from 24 to 20 for the remaining permitted events;
- 4) To allow outdoor music and outdoor wine tasting at wine events; and
- 5) To recognize the conversion of an entertainment room to a wine tasting room.

The property owner proposes to utilize an existing electric gate located at the driveway entrance to remotely close the gate when the maximum number of visitors is reached on-site.

No new development or structural changes to the existing buildings are proposed in this application.

Compliance Issues

Permit 99-0244 is essentially the active use permit for Silver Mountain Winery in that it amended previous permits 93-0123 and 93-0649 and includes a comprehensive list of operational conditions that supersede previous permit conditions (EXHIBIT J). As described above, 99-0244 allows:

- Private, appointment only wine tasting with a maximum of 20 guests at each tasting; and
- 12 wine-related events per year with a maximum number of 24 guests per event.

Private Tastings

Permit 99-0244 increases the number of guests allowed at appointment-only wine tastings from 12 to 20 but does not specifically increase the number of tastings permitted per year from the originally approved 4 per year maximum. The County Code does not currently limit the number of private, appointment-only wine tastings per year; therefore, it is assumed that because the conditions of permit 99-0244 do not provide a specific limit to the number of private wine tastings, that there is none and that the 4 per year limit was eliminated in permit 99-0244. The facility has been operating with the understanding that there is no limit to the number of private wine tastings per year, only a limit to the number of guests. A log of events and guests for the years 2007 through 2009 (EXHIBIT I) was submitted which indicates that the property owner is in compliance with the requirement for 20 guests maximum per private tasting.

Events

The attached event log (EXHIBIT I) confirms that the number of guests at winery events is often not limited to 24. Six of the events are organized by the Santa Cruz Winegrowers Association and include Passport Days (4 days per year) and a Vintner's Festival (2 days per year) and the other six events are organized privately. The winery facility is currently operating out of compliance with the requirement to limit events to 24 guests max.

Operational Conditions

Several of the operational conditions of permit 99-0244 are ambiguous and contradictory, thus, the conditions included in this permit shall supersede all previous permits for clarification. It appears that some limited evening events are permitted under permit 99-0244, however, the number of permitted evening events per year is not clear. The conditions also state that arrival of guests to the winery by bus is not "encouraged" and that the winery shall not be listed on any bus

tours. It appears that since the public hearing in April 2008, the property owner has established compliance with the operational conditions (with the exception of the maximum number of guests allowed at events) to the greatest extent possible given the ambiguity of most of the language. Winery tour agencies continue to list the winery as a destination, however, the description of the winery now includes a statement that the winery is not open to the public and that it is not feasible for buses to safety navigate Miller Hill Road or Miller Cutoff Road.

Winery Permits Since 2000

Several winery permits have been processed by the County since 2000 which are described here for the benefit of comparison.

- Big Basin Vineyards, located on Memory Lane off of China Grade in Boulder Creek was approved under permit 02-0276 in **2002** to convert an existing barn to a winery and office. Memory Lane is a steep, winding mountain road. Permit conditions do not allow public wine tasting. Private wine tasting is permitted by appointment-only.
- Alfaro Winery in Corralitos is, by contrast, easily accessible from Hames Road. This winery was approved in **2002** under permit 02-0122, an administrative level permit and the permit conditions also do not allow public wine tasting. Private tasting is permitted by appointment-only.
- Regale Winery was approved in **2006** under permit 05-0796. This winery is located on Summit Road which is a two lane road that accommodates a high traffic volume. Although it appears that the requirement for private, appointment-only wine tasting was a decision of the property owner, the conditions still designate such limitations.
- Loma Prieta Winery was approved by permit 05-0699 in **2007**. The winery is located on Loma Prieta Way, which is a very winding, narrow roadway with blind corners. In addition, there are several surrounding single family dwellings. The permit conditions allow wine tasting by appointment only with 12 visitors maximum at any one time. In addition, winery events are limited to the Passport Days and the Vintner's Festival (5 total).
- Corralitos Ridge Winery and Vineyards was approved in 2008 under permit 07-0747. The winery is located off of Corralitos Ridge Road which is very steep, narrow and winding and is surrounded by single family dwellings. The conditions of this permit specify that wine tasting is permitted by appointment only and that events at the facility are limited to those associated with the Santa Cruz Winegrowers Association.

Other wineries in Santa Cruz County may advertise and allow public wine tasting; however, the majority of these wineries are likely not legally permitted to do so.

Zoning & General Plan Consistency Analysis

Parcel 098-061-46 is a 227,223 square foot lot, located in the Residential Agricultural (RA) zone district. Staff recommends denial of the proposal to allow public wine tasting at the existing winery for the following reasons.

County Code Section 13.10.321(a) lists the purposes of Residential Zone Districts including:

"To protect residential properties from nuisances, such as noise..."

Additionally, County Code Section 13.10.321(b) states the specific purposes of the Residential Agricultural zone district including:

"To provide areas of residential use where development is limited to a range of non-urban densities of single family dwellings in areas outside of the Urban Services Line and Rural Services Line...where small scale commercial agriculture, such as animal-keeping, truck farming and specialty crops, can take place in conjunction with the primary use of the property as residential." (emphasis added)

The term "small-scale commercial agriculture" was further interpreted to include the raising of commercial crops and to provide criteria for determining if a use is small-scale. The interpretation states that small scale commercial agricultural uses are allowed within the RA zone district where: 1) the use is compatible with residential uses; 2) the use complies with all applicable regulations; and 3) the use does not create a nuisance for neighboring properties.

The Wineries Ordinance in the County Code (Section 13.10.637) only specifies thresholds of use for administrative level permits, which are to allow wine tastings by appointment only with a maximum of 12 guests at any one time. The code section further states that these limits may be exceeded by obtaining a Level 5 permit and that the limits shall be based on the individual merits of the location and surroundings of the proposed winery.

The winery is currently permitted to have 12 wine tasting events per year and unlimited private wine tastings by appointment with a maximum of 20 people per tasting. An approval of the proposed application for public wine tasting on Saturdays and Sundays would result in approximately 104 additional days of wine tasting events where visitors are limited to 20 on site at any one time, but not limited by number of visitors per day. The applicant has proposed an increase in the number of guests at three of the events from 24 to 50 and a slight decrease in the number of event guests at the remaining nine events from 24 to 20. These proposed changes regarding event guests do not appear to have any significant impact on reducing or increasing the intensity of the commercial use at the site; however, the proposed addition of public wine tasting does increase the intensity of the commercial use by adding another element of public attendance.

Although there is a single family residence on the property, it is clear that with the addition of public wine tasting, the winery use will have exceeded that of a small scale use and the residence would no longer be the primary use of the property.

The proposal was previously brought before the Zoning Administrator in 2008 and approximately 20 comments from neighboring residents were received prior to and during the April 2008 public hearing (EXHIBIT K). Surrounding residents described existing issues with

¹⁾ It should be noted that, as per the applicant, many of the existing permitted wine tasting events occur on Saturdays and Sundays. The statement that there would be 104 additional days of wine tasting events assumes that events and public wine tasting occur on separate days.

noise, privacy, and vehicular hazards which are a result of <u>current</u> winery events. Based on the volume and similarity of issues submitted by neighbors, it is apparent that the existing use creates a nuisance for neighboring properties and that an expansion of the commercial use would exacerbate those impacts.

The Wineries Ordinance requires a higher level permit for an increase in events beyond private wine tasting. The ordinance language directs staff to evaluate the proposal based on a property's individual merits and location, as described above. The two access roads, Miller Hill Road and Miller Cutoff Road, are winding, narrow roads with limited visibility, blind corners, and few turnouts that currently accommodate daily residential traffic. A traffic report was submitted which evaluated the impacts of the proposed winery expansion with regards to traffic congestion, road width, and travel speed. The study looks at 4 roadway segments and finds that three of the segments do not meet the American Association of State Highway and Transportation Officials design standards for width and shoulders relative to average daily traffic.² Further, the property is surrounded primarily by single family dwellings, some with small-scale agricultural uses. Additionally, a noise study was conducted by Edward L. Pack Associates, Inc (July 31, 2008), which tested both operational noise and event noise (ambient and band) at the north, east and west property lines and around the existing amphitheater. The noise study determined that the facility is in compliance with the Noise Element in the County General Plan; however, the County Noise Element does not distinguish between urban and rural locations. Rural residential amenities include such things as viewshed, natural environment, privacy, and tranquility; therefore, noise, in this location, can not be appropriately measured by a standard that is applicable to urban commercial environments as well. The topography of the area was also considered in staff's evaluation of site location. The site slopes downward to the west and north where the closest single family dwellings are located. The noise study found the highest sound levels, ranging from 36 - 46 dBA, at the north and west property lines, likely due to the fact that the winery is located above these property lines and above the surrounding residences at these locations. The winery is located just slightly below residences to the east and south east and is located on the opposite site of the vineyards which provides additional horizontal distance to buffer sound. The winery and vineyard are both open, cleared areas which provide the viewshed for upslope residences; therefore, vegetative buffering is not a feasible option.

Staff is recommending denial of the proposed public wine tasting on Saturdays and Sundays and finds that the winery would be out of compliance with the limitations of a "small scale commercial agricultural use", as per County Code Sections 13.10.321 (a) & (b) (Purposes of Residential and Residential Agriculture Zone Districts) and Section 13.10.637 (Wineries Ordinance) based on:

- 1. The fact that additional public "events" would convert the primary use of the property from residential to commercial;
- 2. Notification from neighboring residences demonstrating that the winery, as existing, has created a nuisance in terms of noise and traffic;

²⁾ The traffic report notes the AASHTO policy on Geometric Design: "The intent of this policy is to provide guidance to the designer by referencing a recommended range of values for critical dimensions. It is not intended to be a detailed design manual that could supersede the need for the application of sound principles by the knowledgeable design professional. Sufficient flexibility is permitted to encourage independent design tailored to particular situations."

- 3. The location of the winery in a primarily residential area and access via a winding, mountain road that may be hazardous to the general public (both winery related traffic and residential traffic);
- 4. The individual merits of the facility which include a history of non-compliance with permit conditions; and
- 5. That the winery, as existing, is permitted: 12 public wine tasting events, six of which are marketed by the Santa Cruz Winegrowers Association for the general public and six wine-related events which may be public or private at the decision of the property owner, and; an unlimited number of private wine tastings per year. Therefore, the existing entitlements at the winery already provide the public wine tasting experience sought by the property owner

Parking and Guest Restrictions

The subject winery has a provided evidence of non-compliance with conditions which limit the number of guests allowed on site at winery events. Therefore, staff recommends an amendment to the operational conditions that would change the way the County limits event size in an effort to more effectively monitor compliance at this location.

The property owner submitted event logs from the years 2007 to 2009 which indicate that the winery enforces a maximum number of guests on site for private wine tastings, but not for events. With a denial of the proposal for public wine tasting, the winery would still be entitled to 12 events with 24 guests maximum per year and private, appointment-only wine tastings with 20 guests maximum on site at any one time. County Code Section 13.10.637 is the Wineries Ordinance which limits the size of a winery by restricting the number of guests permitted on site at any one time. In the past, and with this winery in particular, this limit has proved to be difficult to implement, both for the property owner and the County; therefore, the intended result, which is to ensure that the winery is not a nuisance to surrounding residential properties and to maintain the winery as a "small-scale" operation, has not been achieved.

A more effective way of limiting the scope of permitted events is by regulating the number of vehicles allowed on site. Staff recommends a condition that would require the property owner to clearly mark the 38 parking spaces on site, marked on Exhibit A, including directional signage where necessary, and to allow public parking for events only within the designated spaces.³ This change would allow the property owner to maintain compliance with their use permit, limit the number of guests on site, and ensure that vehicles are safety parked outside of access ways and away from outdoor storage areas. It would also ensure that the event is limited in scope without relying on continuous follow-up by planning staff and the property owner in the form of event logs.

Change of Use

The property owner is also requesting a change of use for a previously approved Entertainment

³⁾ Staff has identified 38 feasible, standard sized parking spaces based on an evaluation of the property. The other parking areas shown on Exhibit A are used for storage and outdoor equipment or are located in a place which would block through access.

Room to a Tasting Room. No structural modifications are proposed for this change of use; however, there may be additional accessibility requirements stemming from a change in occupancy. The property owner will be required to obtain a building permit for the change in use.

Staff Recommendation

- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act; approval to recognize the conversion of an entertainment room to a wine tasting room; and approval of the attached amended conditions.
- Denial of the proposal for public wine tasting, outdoor wine tasting and an increase/decrease
 in the maximum number of event guests at the facility, based on the attached findings and
 conditions.

Supplementary reports and information referred to in this report are on file and available for viewing at the Santa Cruz County Planning Department, and are hereby made a part of the administrative record for the proposed project.

The County Code and General Plan, as well as hearing agendas and additional information are available online at: www.co.santa-cruz.ca.us

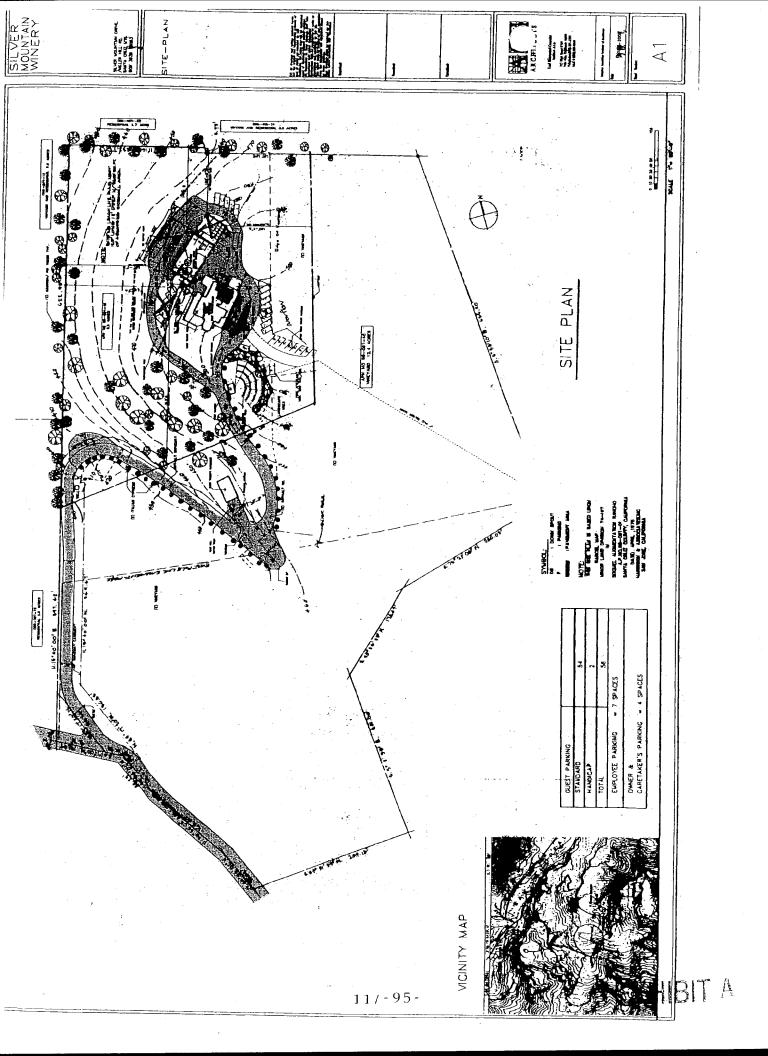
Report Prepared By: Samantha Haschert

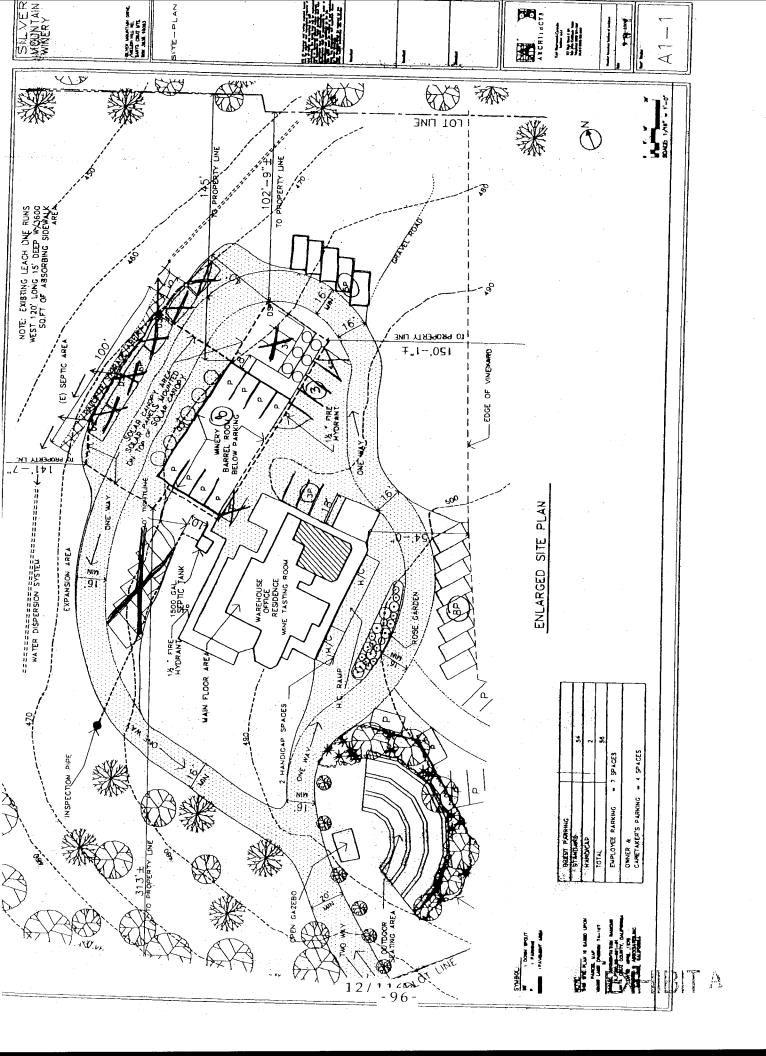
Santa Cruz County Planning Department

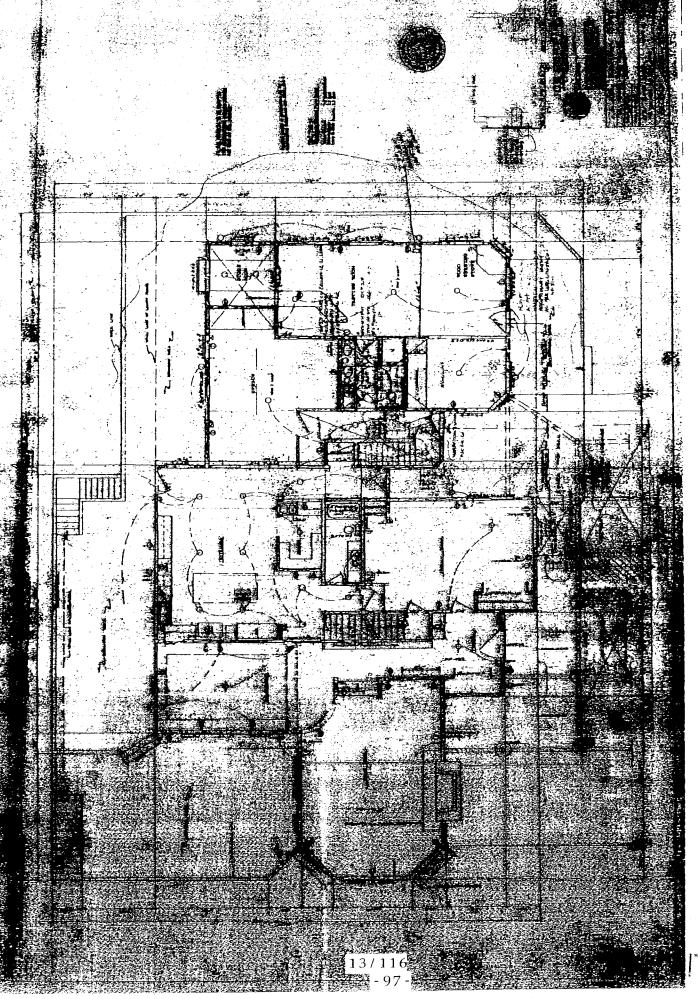
701 Ocean Street, 4th Floor Santa Cruz CA 95060

Phone Number: (831) 454-3214

E-mail: samantha.haschert@co.santa-cruz.ca.us







Development Permit Findings

1. That the proposed location of the project and the conditions under which it would be operated or maintained will not be detrimental to the health, safety, or welfare of persons residing or working in the neighborhood or the general public, and will not result in inefficient or wasteful use of energy, and will not be materially injurious to properties or improvements in the vicinity.

This finding can be made for the recognition of the entertainment room conversion to a wine tasting room, in that the project is located in an area designated for small scale commercial agricultural uses and no new construction proposed. The existing structure encompasses two uses: a commercial winery and a single family dwelling. The new wine tasting room is a part of the commercial winery use and will require a building permit to ensure that it complies with commercial building and accessibility standards. Additionally, the conversion of the room does not increase the number of guests permitted on site and no additional construction is proposed; therefore, recognition of the change in use will not result in inefficient or a wasteful use of energy and will not be materially injurious to properties or improvements in the vicinity.

This finding cannot be made for the proposal to allow public wine tasting on Saturdays and Sundays in that although the property owner is proposing to limit the number of guests during public hours to 20 on site at any one time by remotely closing the driveway gate at the terminus of Silver Mountain Drive, it would be infeasible for the winery staff to enforce this and it could create a vehicular hazards on Miller Hill Road. At the closed gate, vehicles may attempt to turn around or gather while waiting for another group to leave the premises which would be hazardous to vehicles traveling along Miller Hill Road; therefore, the conditions under which the expanded use would be operated and maintained could be detrimental to the health safety and welfare of persons residing in the neighborhood and the general public. Additionally, evidence in the form of neighborhood public comment has been submitted to prove that the existing use is a nuisance to neighboring residences both in the form of noise and traffic impacts. An expansion of the commercial winery would exacerbate an existing nuisance which would be detrimental to the welfare of the neighboring residents.

2. That the proposed location of the project and the conditions under which it would be operated or maintained will be consistent with all pertinent County ordinances and the purpose of the zone district in which the site is located.

This finding can be made for the recognition of the entertainment room conversion to a wine tasting room, in that no new construction is proposed that could conflict with the development standards of the Residential Agriculture (RA) zone district and the use of the property as a small-scale commercial winery and vineyard is consistent with the purpose of the RA zone district in that the winery will remain a small scale commercial agricultural use with 12 events per year and unlimited private wine tastings with 20 people maximum on site per appointment. These limitations are based on the individual location and merits of the winery, which is consistent with County Code Section 13.10.637 (Wineries Ordinance).

This finding cannot be made for the proposal to allow public wine tasting on Saturdays and Sundays with a maximum of 20 people on site at any one time in that the addition of public wine

tastings on Saturdays and Sundays would result in an additional 104 days of wine tasting at the facility and would open the facility to the public on these days. Allowing public wine tasting on the weekends in addition to 12 events each year and unlimited private wine tasting appointments, would increase the intensity of the winery use beyond that of a small-scale commercial use that is in conjunction with a primary residential use of the property which is not in compliance with County Code Sections 13.10.321 (a) and (b) (Purposes of the Residential and Residential Agriculture zone districts).

3. That the proposed use is consistent with all elements of the County General Plan and with any specific plan which has been adopted for the area.

This finding can be made for the recognition of the tasting room conversion in that the existing commercial agricultural use is consistent with the use and density requirements specified for the Rural Residential land use designation in the County General Plan.

This finding cannot be made for the proposed expansion of the winery to allow public wine tasting on Saturdays and Sundays in that the General Plan objective of the Rural Residential designation is to maintain the rural character and restrict more intensive development of these areas. The General Plan provides a program, which is implemented by the Residential Agriculture zone district, to permit "some agricultural uses such as limited horticulture, crop raising, and livestock raising..." The proposal to expand events to include an 'open to the public' option at a commercial winery that is already permitted to host 12 large events per year and hold private wine tastings would intensify the use beyond the scope intended by the General Plan.

A specific plan has not been adopted for this portion of the County.

4. That the proposed use will not overload utilities and will not generate more than the acceptable level of traffic on the streets in the vicinity.

This finding can be made for the recognition of the room conversion in that the room already exists; no structural modifications or additions are proposed, and recognition of the tasting room conversion does not intensify the use of the site, the number of events permitted or the amount of wine produced annually at the site; therefore, it will not overload utilities or increase the level of traffic on streets in the vicinity.

5. That the proposed project will complement and harmonize with the existing and proposed land uses in the vicinity and will be compatible with the physical design aspects, land use intensities, and dwelling unit densities of the neighborhood.

This finding can be made to recognize the tasting room conversion in that the room already exists and no structural modifications or additions are proposed and that the room recognition will not intensify the commercial winery use of the property; therefore, the structure will remain as currently exists which harmonizes with the existing and proposed land uses and physical design aspects in the vicinity.

This finding cannot be made for the proposal to allow public wine tastings on Saturdays and Sundays in that evidence has been submitted by neighbors which concludes that the current

commercial operations at the winery are a nuisance to neighbors in terms of noise and traffic; therefore, an intensification or expansion of the existing commercial use would not create a use that complements and harmonizes with existing land uses in the vicinity.

6. The proposed development project is consistent with the Design Standards and Guidelines (sections 13.11.070 through 13.11.076), and any other applicable requirements of this chapter.

This finding is not applicable as there is no new development proposed.

Conditions of Approval

Exhibit A: Project Plans, 2 sheet prepared by ACS Architects, dated 9/22/09 and 1 sheet (Job Copy (author and date illegible).

- 1. This permit recognizes the conversion of an Entertainment Room to a Wine Tasting Room and authorizes the following amended operational conditions to supersede all previous permit conditions. This approval does not confer legal status on any existing structure(s) or existing use(s) on the subject property that are not specifically authorized by this permit. Prior to exercising any rights granted by this permit including, without limitation, any construction or site disturbance, the applicant/ owner shall:
 - A. Submit proof that these conditions have been recorded in the official records of the County of Santa Cruz (Office of the County Recorder) within 30 days from the effective date of this permit.
 - B. Obtain a Building Permit from the Santa Cruz County Building Official if required for the Tasting Room change of occupancy.
 - C. Obtain a Grading Permit if required for improvements to the turnouts on Silver Mountain Drive.
 - D. Any outstanding balance due to the Planning Department must be paid prior to making a Building, Grading, or Demolition Permit application. Applications for Building, Grading, or Demolition Permits will not be accepted or processed while there is an outstanding balance due.
 - E. Meet all requirements and pay any applicable fees of the County Fire District (CalFire).

1. Operational Conditions

- A. In the event that future County inspections of the subject property disclose noncompliance with any Conditions of this approval or any violation of the County Code, the owner shall pay to the County the full cost of such County inspections, including any follow-up inspections and/or necessary enforcement actions, up to and including permit revocation.
- B. The property owner shall be responsible for maintaining the vegetation at the Miller Road Cutoff - Silver Mountain Road intersection so that the line of sight is not obstructed.
- C. Private wine tasting is permitted by appointment only. There shall be a maximum of twenty (20) persons on the premises at any one time during private appointments.
- D. The winery is permitted to participate in 12 winery events per year.

- 1. Events must end and all caterers, guests and staff must leave the premises by 7:00 pm.
- 2. A maximum of two (2) wine related events per month are permitted.
- E. All requirements of the County Fire Department shall be maintained.
- F. Guest parking for winery events and private appointments must be restricted to those spaces marked on Exhibit A (see Condition G below). All guests and employees shall park onsite in an approved parking space. Drop off/shuttling of guests is not permitted. During events, a winery employee shall be designated to monitor onsite parking to ensure that no vehicles are parked in the driveway or in spaces that are not specifically designated on Exhibit A and that shuttling is not occurring.
- G. Provide and maintain required off-street parking for 38 cars, including 2 accessible parking spaces (as per Exhibit A). No additional paving shall occur on site to create parking spaces. The permitted parking spaces shall be clearly striped and shall be open and available. Designated parking spaces shall not be used as outdoor storage or equipment parking areas. The number of parking spaces may not be increased from the approved 38.
- H. No busses (short or long) or limousines are permitted at the winery or to provide tours to/from the winery at any time. Vans are permitted.
- 1. At least one week prior to each event, signage for the event must be clearly posted at the terminus of Silver Mountain Drive, clearly visible from Miller Hill Road. Signage shall not interfere with vehicular site distance and shall be located completely on the subject property. Signage shall indicate the name, date and time of the event to notify neighbors of the increase in public traffic and noise on those days.
- J. Non-amplified outdoor music is permitted only during Passport Day events and during the Vintner's Festival events; otherwise, no outdoor music of any kind is permitted. Public address systems are not permitted. Amplified music is not permitted.
- K. Outdoor wine tasting is permitted within the amphitheatre during the Passport Day events and Vinter's Festival events only; otherwise, all wine tasting shall occur within the wine tasting room.
- L. Only wine produced on the premises shall be served. Service of wine produced off-site is expressly prohibited.
- M. Cooking facilities are prohibited, excepting those exclusively for the use of the single family dwelling. No commercial food preparation shall be allowed on site.

- N. No public access shall be permitted within the vineyards.
- O. In the event that the winery should cease production of wine, then all wine tasting and wine related events shall immediately cease.
- P. Noise from facility operation, events, and tastings must remain in compliance with the Santa Cruz County Code and General Plan limitations.
- II. As a condition of this development approval, the holder of this development approval ("Development Approval Holder"), is required to defend, indemnify, and hold harmless the COUNTY, its officers, employees, and agents, from and against any claim (including attorneys' fees), against the COUNTY, it officers, employees, and agents to attack, set aside, void, or annul this development approval of the COUNTY or any subsequent amendment of this development approval which is requested by the Development Approval Holder.
 - A. COUNTY shall promptly notify the Development Approval Holder of any claim, action, or proceeding against which the COUNTY seeks to be defended, indemnified, or held harmless. COUNTY shall cooperate fully in such defense. If COUNTY fails to notify the Development Approval Holder within sixty (60) days of any such claim, action, or proceeding, or fails to cooperate fully in the defense thereof, the Development Approval Holder shall not thereafter be responsible to defend, indemnify, or hold harmless the COUNTY if such failure to notify or cooperate was significantly prejudicial to the Development Approval Holder.
 - B. Nothing contained herein shall prohibit the COUNTY from participating in the defense of any claim, action, or proceeding if both of the following occur:
 - 1. COUNTY bears its own attorney's fees and costs; and
 - 2. COUNTY defends the action in good faith.
 - C. <u>Settlement</u>. The Development Approval Holder shall not be required to pay or perform any settlement unless such Development Approval Holder has approved the settlement. When representing the County, the Development Approval Holder shall not enter into any stipulation or settlement modifying or affecting the interpretation or validity of any of the terms or conditions of the development approval without the prior written consent of the County.
 - D. <u>Successors Bound</u>. "Development Approval Holder" shall include the applicant and the successor'(s) in interest, transferee(s), and assign(s) of the applicant.

Minor variations to this permit which do not affect the overall concept or density may be approved by the Planning Director at the request of the applicant or staff in accordance with Chapter 18.10 of the County Code.

Please note: This permit expires three years from the effective date listed below unless a building permit (or permits) is obtained for the primary structure described in the development permit (does not include demolition, temporary power pole or other site preparation permits, or accessory structures unless these are the primary subject of the development permit). Failure to exercise the building permit and to complete all of the construction under the building permit, resulting in the expiration of the building permit, will void the development permit, unless there are special circumstances as determined by the Planning Director.

Samantha Haschert
Project Planner
-

Appeals: Any property owner, or other person aggrieved, or any other person whose interests are adversely affected by any act or determination of the Zoning Administrator, may appeal the act or determination to the Planning Commission in accordance with chapter 18.10 of the Santa Cruz County Code.

CALIFORNIA ENVIRONMENTAL QUALITY ACT NOTICE OF EXEMPTION

The Santa Cruz County Planning Department has reviewed the project described below and has determined that it is exempt from the provisions of CEQA as specified in Sections 15061 - 15332 of CEQA for the reason(s) which have been specified in this document.

Application Number: 07-0507

Assessor Parcel Number: 098-061-45,46

Contact Phone Number: (831) 459-9992

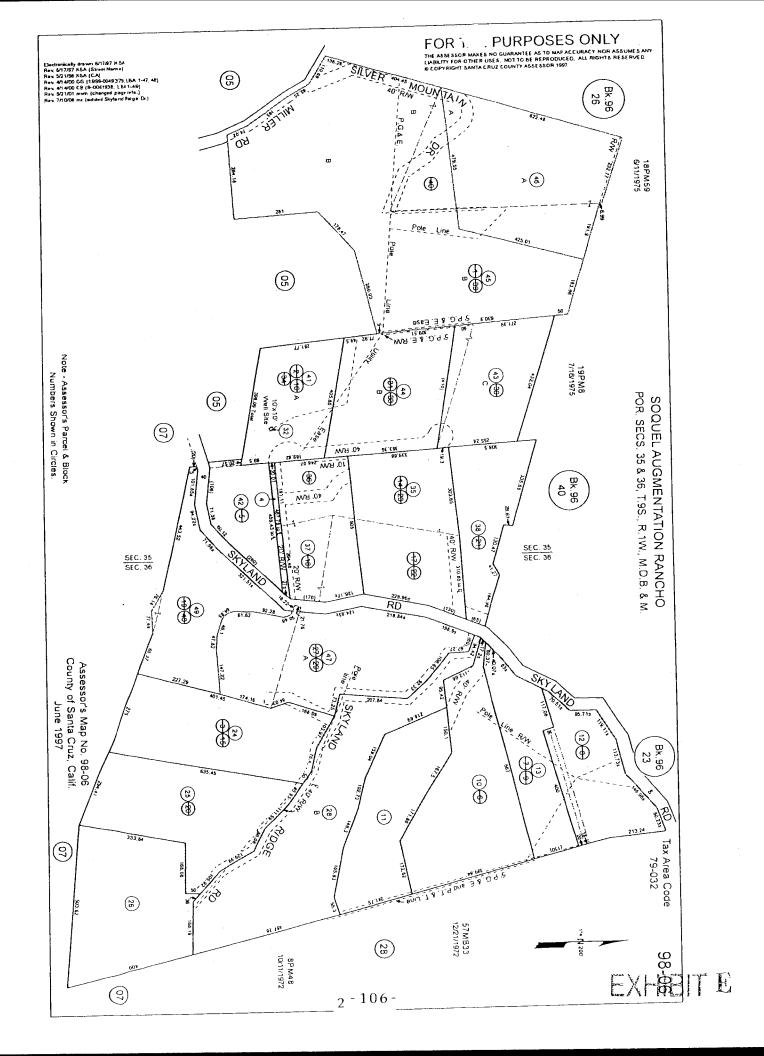
Project Location: 265 & 333 Silver Mountain Road

Project Description: Proposal to amend the operational conditions of 93-0123 and 93-0649 (as amended by 99-0244) to allow public tasting with up to 20 persons at a time on Saturdays and Sundays; to allow six public wine events per year, to increase the maximum number of guests at three wine tasting events from 24 to 50, to reduce the maximum number of guests at the remaining nine events from 24 to 20, to allow outdoor music at wine events, and to

recognize the conversion of an entertainment room to a wine tasting room.

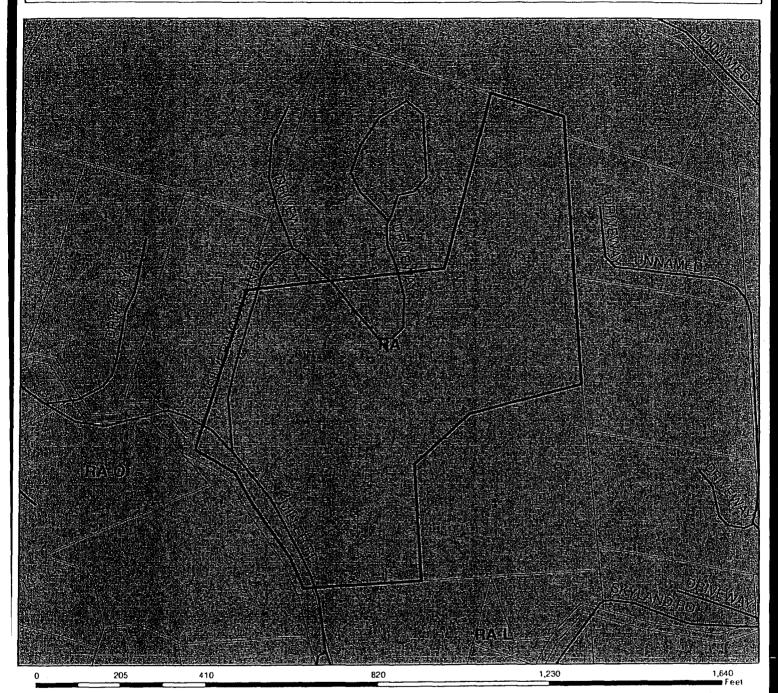
Person or Agency Proposing Project: Hamilton-Swift LUDC

A B	The proposed activity is not a project under CEQA Guidelines Section 15378. The proposed activity is not subject to CEQA as specified under CEQA Guidelines
C	Section 15060 (c). Ministerial Project involving only the use of fixed standards or objective measurements without personal judgment.
D	Statutory Exemption other than a Ministerial Project (CEQA Guidelines Section 15260 to 15285).
Specify type:	
E. <u>X</u>	Categorical Exemption
Specify type:	Class 1 - Existing Facilities (Section 15301)
F. Reason	ns why the project is exempt:
	nend the conditions for an existing winery and recognize the conversion of an room to a wine tasting room in an area designated for limited commercial agricultural
=	onditions described in Section 15300.2 apply to this project.
	Date:
Samantha Has	chert, Project Planner





Zoning Map



LEGEND

APN: 098-061-45

Assessors Parcels

Streets

AGRICULTURE RESIDENTIAL

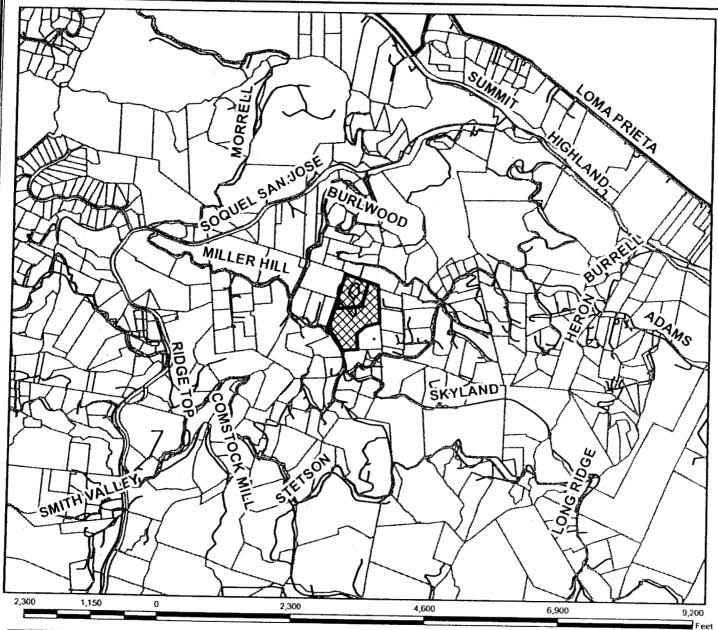


Map Created by
County of Santa Graz | | | | | | | | | | | | |
Planning Department | January 2008

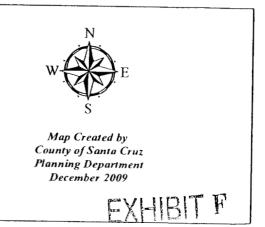
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Location Map

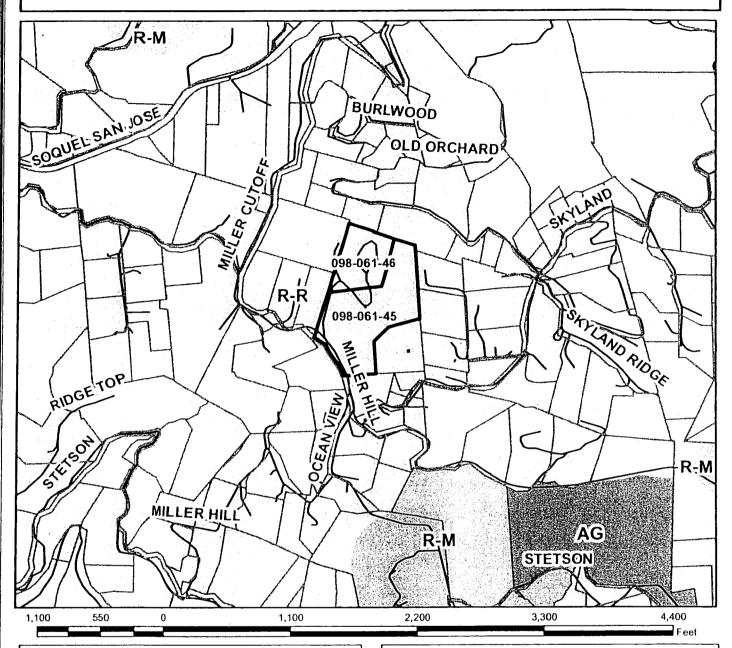


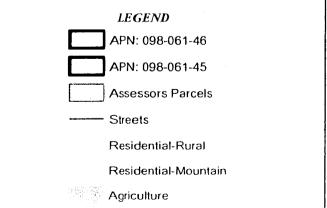
APN: 098-061-45 APN: 098-061-46 Assessors Parcels Streets County Boundary





General Plan Designation Map







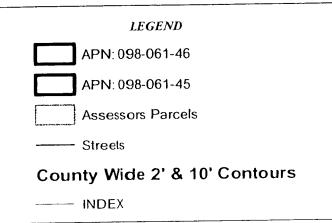
Map Created by County of Santa Cruz Planning Department December 2009

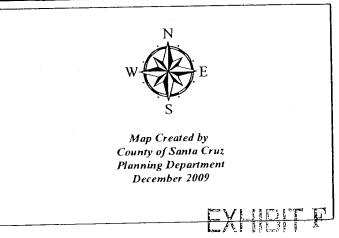
EXHIBITE



Topographic Map









EDWARD L. PACK ASSOCIATES, INC.

1975 HAMILTON AVENUE SUITE 26 SAN JOSE, CA 95125 Acoustical Consultants

TEL: 408-371-1195 FAX: 408-371-1196 www.packassociates.com

July 31, 2008 Project No. 40-022

Mr. Jerold O'Brien Silver Mountain Winery P.O. Box 3636 Santa Cruz, CA 95063

Subject:

Noise Assessment Study of Live Music and Mechanical Equipment,

Silver Mountain Winery, Santa Cruz County

Dear Mr. O'Brien:

This report presents the results of a noise assessment study of live music and of mechanical equipment at the Silver Mountain Winery in Santa Cruz County, as shown on the Site Plan, Ref. (a). The noise exposures and noise levels presented herein were evaluated against the standards of the County of Santa Cruz Noise Element, Ref. (b). The purpose of the analysis was to determine the noise exposures and noise level impacts from the facility operations to the adjacent residential land uses. The results of the analysis reveal that the winery-generated noise exposures (24-hour average), the short-term average (L_{eq}) maximum (L_{max}) noise levels will be in compliance with the standards. Noise from the winery is mostly inaudible at the nearby properties. There are few instances where noise is slightly audible. Winery operation noise does contribute significantly to the ambient noise environment in the area. Mitigation measures will not be required.

Section I of this report contains a summary of our findings. Subsequent sections contain site and operational descriptions, analyses and evaluations. Appendices A and B, attached, contain the list of references, descriptions of the standards, definitions of the terminology and descriptions of the acoustical instrumentation used for the field survey.

I. Summary of Findings

The findings presented below were evaluated against the standards of the County of Santa Cruz Noise Element, which utilizes the Day-Night Level (DNL) noise descriptor to define acceptable noise exposures for noise sensitive land uses. The DNL is a 24-hour time-weighted average descriptor commonly used to describe community noise environments. The standards specify a limit of 60 decibels (dB) DNL at residential land uses.

The Noise Element also restricts noise from stationary sources (in contrast to transportation sources) at commercial facilities. The Noise Element limits short-term noise levels from mechanical equipment and music, to 65 dBA maximum (L_{max}) and 50 dBA hourly average (L_{eq}). However, if the ambient sound level is more than 10 decibels below the prescribed limit, the limit is then reduced by 5 decibels. As the ambient sound levels during the day at the common property lines are in the 30-40 dBA range, the imposed sound limits are:

60 dBA L_{max} 45 dBA L_{eq}.

Note that the County of Santa Cruz <u>Noise Ordinance</u> (not to be confused with the Noise Element) is a curfew ordinance which limits noise annoyance between 10:00 p.m. and 8:00 a.m. for sources within 100 ft. of a sleeping space, but does not quantify noise limits. Because the winery's operations are limited to outside of the hours of 10:00 p.m. to 8:00 a.m. and all adjacent sleeping spaces are more than 100 ft. away, the Noise Ordinance standards do not apply.

Noise from the facility consists primarily of mechanical equipment, which includes a refrigeration condenser, an air compressor and a grape de-stemmer. Also included is music from live entertainment that takes place in the amphitheater. Note that the de-stemmer was not in operation as it needs to be filled with grapes to operate. It is used only during the harvest season. The de-stemmer is located at a lower elevation and behind stacks of crates and generates a lower sound level than the compressor. The compressor is located at a higher elevation, thus, it is the most significant noise source. The de-stemmer noise is considered insignificant in relation to the compressor noise.

The noise levels shown below represent the winery-generated noise exposures and noise level for existing and planned operational conditions.

A. Noise Exposures (DNL)

- Because the Day-Night Level is a time-weighted 24-hour descriptor with emphasis on nighttime noise, a constant (24-hour) sound level of 54 dBA is equivalent to 60 dB DNL. Therefore, to exceed 60 dB DNL, the winery would need to generate sound levels no less than 55 dBA at the property boundaries.
- Noise generated by the winery equipment and music is much less than 55 dBA, therefore, the noise exposure limit of 60 dB DNL cannot be exceeded. The winery operations are within the limits of the 60 dB DNL limit of the County of Santa Cruz Noise Element standards.

B. Noise Levels (Leq, Lmax)

Table I on page 4 provides the measured noise levels of various sources at the common property lines contiguous with the winery.

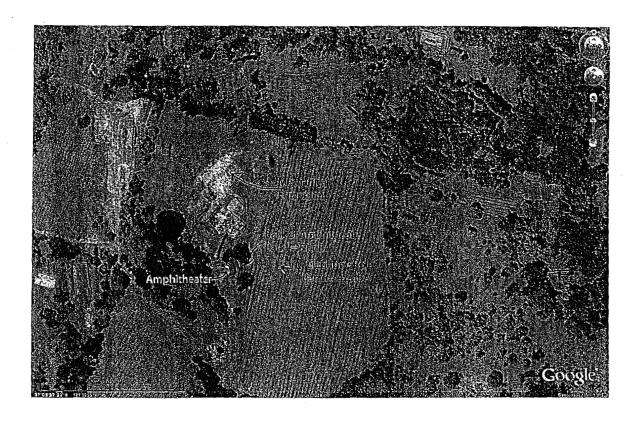
The measurement locations are shown on the aerial photo on page 5. Note that the remaining property lines were not analyzed as they are either farther away and/or are shielded by topography. It was determined that since the noise levels from both the mechanical equipment and live music were barely audible and well within the prescribed standards at the most impacted property lines, attempting to access other property lines for the purposes of measuring noise that is not audible would have been to no avail.

The noise levels presented in the Table are instantaneous maximum sound levels. For the purposes of evaluation, noise from the mechanical equipment is similar whether it is a maximum level or an average level as the equipment noise is typically non-varying. Although the maximum levels were recorded, they were evaluated against both the maximum noise level limit and the average noise level limit.

Music sound levels were not audible at property line locations 1, 2 and 3. Mechanical equipment noise was not audible at property line location 4.

	TA	BLE I	
	Silver Mountain Winery	Noise Emission Levels, dI	ВА
Location	Source	ltem Sound Level, dBA	Total Sound Level (amb. + source item)
PL 1	Ambient + Mech. Equip.	Compressor = 34 Air Release = 39	46 dBA
PL 2	Ambient		36 dBA
PL 2	Ambient + Mech. Equip.	Compressor = Not Aud. Air Release = 23 dBA	36 dBA
PL 3	Ambient		32 dBA
PL 3	Ambient + Mech. Equip.	Compressor -= 33 dBA Air Release = 29 dBA	36 dBA
PL 4	Ambient + Band	Banjo Notes = 18 dBA	30 dBA
Back of Amphitheater (60 ft. from Band)	Band	51 dBA	51 dBA
Telephone Pole	Band	42 dBA	42 dBA

As shown above, the noise levels at the periphery of the winery property are well within the limits of the standards whether the source is winery related or not. The highest sound levels at the property lines were due mostly to residential maintenance (power saw, hammering, etc.), swimming pool equipment and a well pump.



An important note regarding music: The band present at the time of the noise study was a duet consisting of a banjo and a dulcimer. These instruments are inherently low in sound level compared to more contemporary instruments. The style of music usually played with these instruments (folk) does not lend itself to playing at high levels. Other bands or entertainers could play 20 decibels louder than the duet reported on herein and still remain within the County noise limits. Small jazz bands (piano, bass, guitar, drums, sax and vocals), acoustic combos, chamber musicians, and groups typically termed "lounge acts" would be acceptable. DJ's would also be acceptable, however, they must agree to play softer or lighter music at reasonable levels. Should these types of entertainers be considered for future events, it may be worthwhile to noise monitor the first event to determine the acceptable intensity (volume) level.

Noise generated by the Silver Mountain Winery operations and entertainment are within the limits of the Santa Cruz County Noise Element standards. Mitigation measures will not be required.

II. Site and Operational Descriptions

The Silver Mountain Winery is located in the Santa Cruz Mountains along Miller Cutoff, south of Skyline Boulevard and Soquel-San Jose Road, in Santa Cruz County. The site contains two main structures; the winery building and a caretaker's home. The winery building includes the wine cellar, which is a concrete bunker situated adjacent to and just below the main building. Surrounding land uses include single-family rural residential adjacent to the north, south, east and west.

The winery sponsors wine tasting events a few time per year typically on weekends with live background music provided. The tasting events consist primarily of the winery being open to the public for tasting wine with a small music ensemble providing low level music for the guests enjoyment outdoors since the tasting room is too small to hold more than approximately 20 people. The winery is open from 11:00 a.m. to 5:00 p.m.

The winery operations are seasonal and are based on standard grape harvest and wine production. Greater activity occurs in the late summer and fall during the harvest season. The on-site mechanical equipment includes a refrigeration condenser used to cool the wine cellar, an air compressor used for cleaning equipment and other routine maintenance, and a grape press and de-stemmer. The mechanical equipment operates intermittently. The press is used during the harvest season at the beginning of wine production and is only operated with grapes inside the equipment.

III. Analysis of the Noise Levels

To determine the noise levels at the surrounding property lines, noise level measurements were made on Saturday July 19, 2008 during a standard wine tasting event. The noise measurements were recorded and processed using a Larson-Davis 2900 Real Time Analyzer, which measures sound in 1/3-octaves from 25 Hz to 10 kHz in real time. This instrument provides a graphic of the sound levels so that very low sound levels that are mixed in with the ambient sound levels can often be determined because of discreet frequency content.

Measurements of the ambient conditions (without winery generated noise) and of the various winery operations (mechanical equipment and live music) were recorded at four property line locations, as shown in the aerial photograph on page 5. It was determined that the noise levels at the remaining property lines would not be measureable due to increased distance and/or topographic shielding. The results of the sound measurements are shown in Table 1 on page 4. As shown, noise from the winery operations and from live music is very low and does not contribute significantly to the existing ambient noise environment.

Noise generated by the winery and its tasting events are within the limits of the Santa Cruz County Noise Element. Mitigation measures will not be required.

This report presents the results of a noise assessment study of winery operations at Silver Mountain Winery in Santa Cruz County. The study findings are based on field measurements and other data and are correct to the best of our knowledge. However, changes in the operational scenario, operational hours, noise regulations or other changes beyond our control may result in future noise levels different than those reported herein. If you have any questions or would like an elaboration on this report, please call me.

Sincerely

EDWARD L. PACK ASSOC., INC.

Jeffrey K. Pack President

Attachment: Appendices A, B and C

Appendix A

References:

- (a) Site Plan, Silver Mountain Winery, by ACS Architects, May 12, 2008
- (b) Santa Cruz County General Plan, Santa Cruz County, Department of County Planning and Building, December 19, 1994

APPENDIX B

Noise Standards, Terminology, Instrumentation,

1. Noise Standards

A. Santa Cruz County "Noise Element" Standards

The noise section of the Santa Cruz County General Plan, adopted December 19, 1994, identifies an exterior limit of 60 dB Day-Night Level (DNL) at outdoor living or recreation areas of residential developments, as shown in Figure 6-1 under Policy 6.9.1. This standard applies at the property line of residential areas impacted by transportation related noise sources.

Figure 6-2 identifies limits on maximum allowable noise exposure for stationary noise sources under Policy 9.6.4 "Commercial and Industrial Development".

	Daytime	Nighttime
	7 AM to 10 PM	10 PM to 7 AM
Hourly Leg- average hourly noise level, dB	50	45
Maximum Level, dB	70	65
Maximum Level dB - Impulsive Noise	65	60

At interior living spaces of residential area, the standards established an interior limit of 45 dB DNL for noise levels due to exterior sources.

2. Terminology

A. Day-Night Level (DNL)

Noise levels utilized in the standards are described in terms of the Day-Night Level (DNL). The DNL rating is determined by the cumulative noise exposures occurring over a 24-hour day in terms of A-Weighted sound energy. The 24-hour day is divided into two subperiods for the DNL index, i.e., the daytime period from 7:00 a.m. to 10:00 p.m., and the nighttime period from 10:00 p.m. to 7:00 a.m. A 10 dBA weighting factor is applied (added) to the noise levels occurring during the nighttime period to account for the greater sensitivity of people to noise during these hours. The DNL is calculated from the measured Leq in accordance with the following mathematical formula:

DNL =
$$[(L_d+10\log_{10}15) & (L_n+10+10\log_{10}9)] - 10\log_{10}24$$

Where:

 $L_d = L_{eq}$ for the daytime (7:00 a.m. to 10:00 p.m.)

 $L_n = L_{eq}$ for the nighttime (10:00 p.m. to 7:00 a.m.)

24 indicates the 24-hour period

& denotes decibel addition.

B. A-Weighted Sound Level

The decibel measure of the sound level utilizing the "A" weighted network of a sound level meter is referred to as "dBA". The "A" weighting is the accepted standard weighting system used when noise is measured and recorded for the purpose of determining total noise levels and conducting statistical analyses of the environment so that the output correlates well with the response of the human ear.

3. Instrumentation

The on-site field measurement data were acquired by the use of one or more of the sound analyzer listed below. The instrumentation provides a direct readout of the L exceedance statistical levels including the equivalent-energy level (Leq). Input to the meters were provided by microphones extended to a height of 5 ft. above the ground. The "A" weighting network and the "Fast" response setting of the meters were used in conformance with the applicable standards. The Larson-Davis meters were factory modified to conform with the Type 1 performance standards of ANSI S1.4. All instrumentation was acoustically calibrated before and after field tests to assure accuracy.

Bruel & Kjaer 2231 Precision Integrating Sound Level Meter Larson Davis LDL 812 Precision Integrating Sound Level Meter Larson Davis 2900 Real Time Analyzer



August 14, 2008

Jennifer Pope Hamilton Swift 500 Chestnut Street, Suite 100 Santa Cruz, CA 95060

RE: Silver Mountain Winery, Santa Cruz County, California - Special Events

Dear Ms. Pope,

This letter documents a trip generation and recommended evaluation for the Silver Mountain Winery located on Miller Hill Road in Santa Cruz County, California. Previously, Higgins Associates prepared a letter report for this project, "Silver Mountain Vineyards Sight Distance Analysis," dated December 17, 2007, which evaluated the sight distances at the Old San Jose Road / Miller Cut-Off and Miller Hill Road / Silver Mountain Drive intersections.

Silver Mountain Winery currently produces approximately 6,000 cases of wine annually, processing grapes grown on-site as well as those brought in from other vineyards in the area. The project site location is shown on *Exhibit 1*.

Under Mr. Jerald O'Brien's (owner) current Use Permit (#99-0244), the Winery is allowed 12 wine tasting special events per year with a maximum of 24 people on site at any one time. The winery is also allowed to have private wine tasting by appointment only, with a maximum of 20 people on site at any one time. Mr. O'Brien wishes to amend the Use Permit to (1) allow public wine tasting on Saturdays and Sundays, from 12:00 pm to 5:00 pm with up to 20 people at any one time and (2) increase the number of people allowed on site for three of the twelve special events to 50 people, an increase of 26 people. The three events include two Vintner's Festivals and one Passport Day. The remaining nine special events under the permit would retain the maximum of 24 people on site at any one time.

This traffic study estimates the net change in trip generation that would be associated with the increase in maximum occupancy for three of the special events. In addition, an evaluation is made of the adequacy of the roadway width of five roadway segments near the project site.

A. Data Collection

Daily traffic counts were performed between Saturday, July 12 and Sunday, July 20, 2008, on the following roadway segments near the project site, which are also depicted on *Exhibit 2*:

- 1. Miller Hill Cut-Off between Old San Jose Road and Miller Hill Road;
- 2. Miller Hill Road west of the Miller Hill Road / Miller Hill Cut-Off intersection;
- 3. Miller Hill Road between Miller Hill Cut-Off and Silver Mountain Drive (project driveway); and

EXHIBIT H

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4. Silver Mountain Drive (project driveway).

The collected volumes for each roadway are included within *Appendix A*. These volumes are utilized in both the trip generation estimate (Section B) and roadway width analysis (Section C), below.

Note that one day of the counts, Saturday, July 19, 2008 was a "Passport Day," when the study project hosted a special event, while Saturday, July 12, 2008 was a typical Saturday with no special events occurring.

B. Project Trip Generation

The trip generation estimate discussed in the following paragraphs focuses upon the change in trip generation caused by the increase in maximum on-site patronage to 50 people for three of the special events. The previous December 2007 report quantified the trip generation associated with the opening of wine tasting to the public; see that report for more information.

No standard trip generation data currently exists for wine tasting special events. Project trip generation was therefore estimated by Higgins Associates, based in part upon information provided by winery staff. *Exhibit 3* contains a trip generation estimate for the special events of the study project.

The project trip generation estimate contains a comparison of trip generation between the proposed permit change and the currently allowable uses. Under the current permit, 12 special events per year are allowed, each with a maximum occupancy of 24 people. The proposed permit change would allow 3 of those 12 events to have a maximum occupancy of 50 people, with the remaining 9 events remaining at a maximum occupancy of 24 people.

The following assumptions were used in the derivation of the project trip generation estimates:

- 1. Daily and peak hour trips during larger events (i.e. maximum occupancy of 50 people) are equal to the traffic volumes collected along the Silver Mountain Drive (the project driveway) on an event day. The event day volume is represented by a "Passport Day" special event that occurred on Saturday, July 19, 2008.
- 2. Trip activity during smaller events are proportional to those of larger events. This proportionality is based upon the ratio of the maximum occupancies (50 people for the larger event versus 24 people for the smaller event).

As shown on *Exhibit 3*, each of the larger special events would generate 201 daily trips on the day of the event, with 54 trips (28 in, 26 out) during the peak traffic hour of the event. The smaller events would generate 96 daily trips on the day of the event, with 26 trips (13 in, 13 out) during the peak traffic hour of the event.

Under the proposed revision to the project use permit, neither the larger nor the smaller special events would occur every weekend - the larger events would only occur three times per year,

EXHIBIT H

while the smaller events would occur only nine times per year. Even under the current use permit, special events would only be allowed on a maximum of 12 days per year. Therefore, as a comparison, the trip activity at the site has been converted into the total number of trips that the special events would generate over an entire year, both under the proposed and existing use permit. Exhibit 3 contains this comparison. On a yearly basis, the proposed use permit changes to the special events would result in an additional 315 daily trips over the entire year. This would be equivalent to an increase of approximately one trip per day over an entire year, or 26 additional daily trips per event. On a peak-hour basis, the permit change would result in each event generating, on average, 7 additional peak hour trips (4 in, 3 out) above what would be generated under the current permit. This would be an insignificant increase in traffic along the street network surrounding the project site.

C. Roadway Width Analysis

A Policy on Geometric Design of Highways and Streets, published by the American Association of State Highway and Transportation Officials (AASHTO) in 2004, provides a comprehensive set of geometric design values for streets and highways. The report is recognized as the authoritative source for geometric design standards for roads in the United States. The companion publication Guidelines for Geometric Design of Very Low-Volume Local Roads (ADT \leq 400), published by AASHTO in 2001, provides geometric design values for very low-volume rural roadways.

In California, Caltrans establishes the minimum geometric design requirements for new construction and reconstruction for State facilities. Geometric design standards for local roads and streets are the responsibility of local governments. Typically, the design standards utilized by local jurisdictions in California are based on Caltrans and AASHTO design criteria.

AASHTO bases its basic geometric guidelines upon both the daily traffic volume experienced upon a roadway and the design speed of the roadway. In order to utilize the AASHTO guidelines, average daily traffic volumes (ADT) have been derived for the following four study roadway segments, utilizing the aforementioned traffic volumes collected on those roadways in July 2008:

- 1. Miller Hill Cut-Off between Old San Jose Road and Miller Hill Road;
- 2. Miller Hill Road west of the Miller Hill Road / Miller Hill Cut-Off intersection;
- 3. Miller Hill Road between Miller Hill Cut-Off and Silver Mountain Drive (project driveway);
- Silver Mountain Drive (project driveway).

Exhibit 4 summarizes the ADT volumes on these four roadways. Daily volumes along Miller Hill Road west of its intersection with Miller Hill Cut-Off, and along Silver Mountain Drive, are each under 400 average daily vehicles (202 and 25 average daily vehicles, respectively). The other two segments experience higher daily volumes – Miller Hill Cut-Off, between Miller Hill

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Road and Old San Jose Road, experiences 452 average daily vehicles, while Miller Hill Road, between Miller Hill Cut-Off and Silver Mountain Drive, experiences 606 average daily vehicles.

The roadway cross section for all four roadway segments is a pavement width of 18 feet, with no paved shoulders and no signed speed limits. Although there is no signed speed limit, existing travel speeds on one of the study roadway segment is known. As documented within the previous December 2007 analysis for the study project, existing travel speeds along Miller Hill Road near Silver Mountain Drive (i.e. the study project driveway) are 20 miles per hour (mph) in the eastbound direction, and 22 mph in the westbound direction. Therefore, for the purposes of this review, the design speed of the four study roadways is assumed to be 30 mph.

Per the AASHTO guidelines, the existing roadway cross section, in combination with the aforementioned traffic volumes and design speeds, would be acceptable for two of the four study segments – 2) Miller Hill Road west of Miller Hill Cut-Off, and 4) Silver Mountain Drive. Such roadway dimensions are considered the minimum for rural roadways of daily volumes under 400 vehicles, according to the American Association of State Highway and Transportation Officials' (AASHTO) publication Guidelines for Geometric Design of Very Low-Volume Local Roads (ADT \leq 400), published in 2001.

The AASHTO publication A Policy on Geometric Design of Highways and Streets, published in 2004, recommends a traveled way width of 18 feet for new rural roadways that would experience average daily volumes of between 400 and 600 vehicles, which is met by Segment 1, Miller Hill Cut-Off between Old San Jose Road and Miller Hill Road. This latter AASHTO publication also recommends shoulder widths of 2 feet for new roadways; shoulders are not present along Miller Hill Cut-Off. A similar situation exists with Segment 3, Miller Hill Road between Miller Hill Cut-Off and Silver Mountain Drive. According to AASHTO, new road segments above 600 daily vehicles should have traveled way widths of 20 feet and shoulder widths of 5 feet. Segment 3 would fall under this category.

Despite the fact that two of the four roadway segments do not meet the recommended AASHTO guidelines for new roadway width, that does not necessarily mean that AASHTO recommends that all existing roadways be upgraded to meet that standard.

As stated in the AASHTO Policy on Geometric Design (excerpted from A Policy on Geometric Design of Highways and Streets):

The intent of this policy is to provide guidance to the designer by referencing a recommended range of values for critical dimensions. It is not intended to be a detailed design manual that could supersede the need for the application of sound principles by the knowledgeable design professional. Sufficient flexibility is permitted to encourage independent designs tailored to particular situations.

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[&]quot;Traveled Way" refers to the portion of the roadway in which vehicles are allowed to drive. This excludes shoulders and parking areas.

Further, the policy recognizes that it may be impractical to apply the standards contained in the policy to existing facilities. As stated in the policy:

The fact that new design values are presented herein does no imply that existing streets and highways are unsafe, nor does it mandate the initiation of improvement projects. This publication is not intended as a policy for resurfacing, restoration, or rehabilitation (3R) projects. For projects of this type, where major revisions to horizontal or vertical curvature are not necessary or practical, existing design values may be retained.

The above guidance does not preclude the need to assess existing geometric conditions to establish whether minimum design values are achieved by the existing design. Existing design conditions may be satisfactory, even if the existing design does not meet design standards that would be appropriate for new construction. The existing topography, within which the four study roadways traverse, limits the ability to widen the roadways beyond their existing pavement width. Therefore, as the existing volumes are relatively small and well below the capacity of the study roadways, no widening improvements are recommended along any of the four study roadways.

D. Conclusion

In summary, the proposed use permit revision to the special event activities of the winery would increase the event trip generation by approximately one daily trip, which would be equivalent to 26 additional daily trips on each event day. This would represent an insignificant increase in trip activity. In addition, no improvements are recommended to the existing pavement width of the four study roadway segments.

If you have any questions regarding this letter, please contact me at your convenience.

Sincerely yours,

Keith B. Higgins, CE, TE

kbh:jmw

EXHIBIT H

PROJECT TRIP GENERATION (SPECIAL EVENTS)

EXHIBIT H

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39	45		84	315	·	7 2						Equivalent Net Daily Trip Increase (With Amended Bornit)
						: : -:						NET YEARLY TRIP INCREASE (WITH AMENDED PERMIT)
156	156		312	1,152		1 1 1						
4	50	2170										TOTAL TRIPS PER YEAR (CLIRRENT DEGMIT)
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$\frac{116}{128}$												CURRENT PERMITTED ACTIVITIES
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195	201		396	1,467								TOTAL TRIPS PER YEAR (WITH AMENDED PERMIT)
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		a a	ממשל משם					PER EVENT	70			

PROJECT TRIP GENERATION COMPARISON (SPECIAL EVENTS) **EXHIBIT 3**

Weekend daily and peak hour trips for larger special events taken from traffic count performed on an event day, in this case, Passport Day (July 19, 2008).
 Per Year" trip conversion based upon the following:

 Per Year" trip conversion based upon the following:
 Proposed larger special events would occur 3 days per year, while proposed smaller special events would occur 9 days per year.

c. Each year has 365 days.

8-083-ALL-VOL - ADTExhibit

Location	Volume (ADT)	Traveled Way Width (feet)	Shoulder Roadway Width (feet) Width OK?	Roadway Width OK?
. Miller Hill Cut-Off, north of Miller Hill Rd.	452	18	0	Yes ⁵
Miller Hill Rd., west of Miller Hill Cut-Off	202	18	0	Yes
. Miller Hill Rd., east of Miller Hill Cut-Off	608	18	0	Yes
. Silver Mountain Drive	25	18	Ö	Yes

Notes:

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- 1. Traffic volumes collected between July 12-18, 2008.
- 2. ADT is the average daily traffic on the roadway segment, averaged over the entire 7-day count period (July 12-18, 2008).
- 3. "Traveled Way" is the paved portion of the roadway in which vehicles can drive; it does not include the shoulders or parking areas.
- 4. Recommended pavement and shoulder widths for rural, mountainous roadways with design speeds of 40 mph or lower:

600-1,500 vehicles/day	400-600 vehicles/day	less than 400 vehicles/day	Volume
20	18	18 (com	Traveled Way Width (feet)
ڻ.	2	bined)	Shoulder Width (feet)

Sources:

- 1. A Policy on Geometric Design of Highways and Streets, American Association of State Highway and Transportation Officials, 2004.
- 2. Guidelines for Geometric Design of Very Low-Volume Local Roads (ADT < 400), American Association of State Highway and Transportation Officials, 2001.
- 5. Although roadway does not conform to the standards of the American Association of State Highway and Transportation to this roadway. In addition, topographic constraints limit ability to upgrade roadway. Therefore, no width improvements are recommended Officials (AASHTO) for new roadways, AASHTO does not unitaterally require upgrades of existing roadways

Date	Time	Type of Activity	Number of Guests
1/2/07	11:00-17:00	Passport Saturday	12-22 at any time
1/27/07	18:00-20:00	Private Tour and Tasting	12
2/17/07	14:00-15:00	Private Tour and Tasting	8
2/17/07	16:00-18:00	Private Tour and Tasting	6
3/8/07	16:00-17:00	Private Tour and Tasting	16
3/10/07	12:00-15:30	Private Tour and Tasting	10
3/16/07	11:00-12:00	Private Tour and Tasting	3
3/17/07	12:00-16:00	Private Tour and Tasting	22
4/12/07	15:00-16:30	Private Tour and Tasting	18
4/14/07	12:00-14:00	Private Tour and Tasting	20
4/15/07	13:30-16:00	Private Tour and Tasting	16
4/21/07	11:00-17:00	Passport Sunday	0-32 at any time
4/22/07	13:00-15:00	Private Tour and Tasting	16
4/28/07	15:30-17:00	Private Tour and Tasting	14
5/6/07	14:00-16:00	Private Tour and Tasting	14
5/7/07	12:30-14:30	Private Tour and Tasting	12
5/10/07	12:00-14:00	Private Tour and Tasting	10
5/10/07	16:00-17:00	Private Tour and Tasting	3
5/12/07	13:30-15:30	Private Tour and Tasting	20
5/16/07	14:00-18:00	Private Tour and Tasting	16
5/22/07	12:00-14:30	Private Tour and Tasting	16
5/25/07	15:30-17:00	Private Tour and Tasting	12
6/3/07	11:00-16:00	Fire Dept Picnic	24
6/9/07	11:00-17:00	Vintner's Festival	0-31 at any time
6/10/07	11:00-17:00	Vintner's Festival	2-48 at any time
6/17/07	12:45-15:00	Private Tour and Tasting	12
6/24/07	16:00-17:00	Private Tour and Tasting	8
5/28/07	11:00-14:00	Private Tour and Tasting	20
7/5/07	17:00-19:00	Private Tour and Tasting	16
7/8/07	15:30-16:00	Private Tour and Tasting	12
7/12/07	17:00-19:00	Private Tour and Tasting	20
7/21/07	11:00-17:00	Passport Saturday	0-36 at any time

Date	Time	Type of Activity	Number of Guests
7/23/07	16:00-17:30	Private Tour and Tasting	g 15
7/26/07	12:00-14:00	Private Tour and Tasting	g 14
7/26/07	14:30-17:30	Private Tour and Tasting	g 20
8/4/07	11:00-12:30	Private Tour and Tasting	g 20
8/4/07	12:30-15:00	Private Tour and Tasting	g 20
8/4/07	16:00-18:00	Private Tour and Tasting	g 12
8/10/07	12:00-14:00	Private Tour and Tasting	g 14
8/19/07	16:00-18:00	Private Tour and Tasting	g 16
8/25/07	18:00-20:00	Private Tour and Tasting	g 20
9/9/07	12:00-15:00	Private Tour and Tasting	g 18
9/15/07	18:00-17:30	Private Tour and Tasting	g 10
9/21/07	13:00-15:00	Private Tour and Tasting	34
9/22/07	16:00-18:00	Private Tour and Tasting	g 14
9/23/07	13:30-15:00	Private Tour and Tasting	g 10
9/23/07	15:00-16:30	Private Tour and Tasting	g 16
10/5/07	15:00-16:30	Private Tour and Tasting	9
10/12/07	13:00-15:30	Private Tour and Tasting	3 12
10/13/07	15:00-16:30	Private Tour and Tasting	3 10
10/16/07	14:30-15:30	Private Tour and Tasting	g 10
10/16/07	15:45-17:00	Private Tour and Tasting	g 10
10/19/07	13:00-15:00	Private Tour and Tasting	g 11
10/20/07	13:30-15:30	Private Tour and Tasting	g 16
10/13/07	16:30-18:00	Private Tour and Tasting	g 14
11/17/07	11:00-17:00	Passport Saturday	0-48 at any time
12/13/07	12:00-16:00	Private Tour and Tasting	g 16
12/15/07	12:00-13:00	Private Tour and Tasting	8
12/15/07	14:00-15:00	Private Tour and Tasting	8
12/15/07	14:00-15:00	Private Tour and Tasting	g 14
12/19/07	13:30-15:30	Private Tour and Tasting	22
1/5/08	11:30-13:00	Private Tour and Tasting	18
1/19/08	11:00-17:00	Passport Saturday	0-45 at any time
1/26/08	11:30-13:30	Private Tour and Tasting	13

Date	Time	Type of Activity	Number of Guests
2/9/08	13:00-14:30	Private Tour and Tasting	13
2/24/08	11:30-13:30	Private Tour and Tasting	20
3/8/08	17:30-19:30	Private Tour and Tasting	16
3/19/08	16:00-17:30	Private Tour and Tasting	10
3/30/08	11:30-14:00	Private Tour and Tasting	20
3/25/08	17:00-18:30	Private Tour and Tasting	20
3/29/08	11:00-12:30	Private Tour and Tasting	20
3/29/08	15:00-16:30	Private Tour and Tasting	16
4/6/08	13:00-14:30	Private Tour and Tasting	20
4/12/08	14:00-16:30	Private Tour and Tasting	16
4/19/08	11:00-17:00	Passport Sunday	0-51 at any time
4/25/08	16:30-18:00	Private Tour and Tasting	20
4/26/08	15:00-16:30	Private Tour and Tasting	20
5/2/08	13:30-15:30	Private Tour and Tasting	12
5/5/08	12:00-13:30	Private Tour and Tasting	15
5/5/08	14:30-16:00	Private Tour and Tasting	15
5/6/08	12:00-13:30	Private Tour and Tasting	12
5/6/08	14:30-16:00	Private Tour and Tasting	12
5/7/08	13:30-15:00	Private Tour and Tasting	16
5/10/08	13:00-14:30	Private Tour and Tasting	12
5/10/08	15:00-16:30	Private Tour and Tasting	8
5/14/08	12:00-13:30	Private Tour and Tasting	15
5/14/08	15:00-16:30	Private Tour and Tasting	15
5/16/08	12:00-14:00	Private Tour and Tasting	10
5/30/08	11:00-13:00	Private Tour and Tasting	20
5/31/08	11:00-17:00	Vintner's Festival	0-24 at any time
6/7/08	14:00-15:30	Private Tour and Tasting	12
6/21/08	12:00-13:30	Private Tour and Tasting	6
6/21/08	14:00-15:30	Private Tour and Tasting	10
7/19/08	11:00-17:00	Passport Day	0-24 at any time
7/20/08	13:00-14:30	Private Tour and Tasting	10
7/20/08	15:00-17:00	Private Tour and Tasting	16
7/27/2008	15:00-17:00	Private Tour and Tasting	16

Date	Time	Type of Activity	Number of Guests
8/2/08	13:00-14:00	Private Tour and Tasting	12
8/2/08	15:00-17:00	Private Tour and Tasting	12
8/16/08	12:00-14:00	Private Tour and Tasting	12
8/16/08	16:00-17:30	Private Tour and Tasting	6
9/6/08	14:00-16:00	Private Tour and Tasting	10
8/16/08	16:00-17:30	Private Tour and Tasting	6
9/6/08	14:00-16:00	Private Tour and Tasting	10 .
9/6/2008	12:00:00 PM	Private Tasting	10
9/6/2008	02:00:00 PM	Private Tasting	12
9/7/2008	03:30:00 PM	Private Tasting	6
9/16/2008	01:30:00 PM	Private Tasting	12
9/20/2008	11:00:00 AM	Private Tasting	15
	04:00:00 PM	Private Tasting	8
9/28/2008	03:00:00 PM	Private Tasting	16
10/12/2008	04:00:00 PM	Private Tasting	18
10/18/2008	11:00:00 AM	Private Tasting	16
	02:30:00 PM	Private Tasting	14
	04:00:00 PM	Private Tasting	15
10/19/2008	01:00:00 PM	Private Tasting	12
	03:30:00 PM	Private Tasting	8
10/26/2008	02:00:00 PM	Private Tasting	8
	03:30:00 PM	Private Tasting	20
11/8/2008	11:30:00 AM	Private Tasting	14
11/15/2008	11:00:00 AM	Passport	10
	12:30:00 PM	Passport	16
	01:30:00 PM	Passport	15
	03:00:00 PM	Passport	18
	04:30:00 PM	Passport	15
11/22/2008	03:00:00 PM	Private Tasting	12
12/13/2008	12:00:00 PM	Private Tasting	20
	05:30:00 PM	Private Tasting	14

Date	Time	Type of Activity	Number of Guests
12/20/2008	01:00:00 PM	Private Tasting	6
	02:30:00 PM	Private Tasting	12
	04:00:00 PM	Private Tasting	12

Sheet1

Activities at Silver Mountain Vineyards 2009

DATE	TIME	#GUESTS	EVENT TYPE
17 Jan	11:00:00 AM	16	Passport
	01:00:00 PM	18	Passport
	03:00:00 PM	22	Passport
	04:00:00 PM	17	Passport
24 Jan	04:00:00 PM	12	LPEF
31 Jan	03:00:00 PM	6	Private Tasting
2 Feb	02:30:00 PM	3	Private Tasting
3 Feb	11:00:00 AM	2	Private Tasting
	01:00:00 PM	9	SCMWA meeting
7 Feb	02:00:00 PM	12	Private Tasting
	04:00:00 PM	8	Private Tasting
10 Feb	11:00:00 AM	2	Private Tasting
15 Feb	03:00:00 PM	20	Private Tasting
16 Feb	01:00:00 PM	4	Private Tasting
21 Feb	12:00:00 PM	10	Private Tasting
27 Feb	02:00:00 PM	12	Private Tasting
28 Feb	11:00:00 AM	6	Private Tasting
7 March	01:00:00 PM	6	Private Tasting
14 March	01:00:00 PM	6	Private Tasting
14 1000	02:30:00 PM	10	Private Tasting
20 March	03:00:00 PM	10	Private Tasting
21 March	01:00:00 PM	6	Private Tasting
2	03:00:00 PM	8	Private Tasting
23 March	03:00:00 PM	4	Private Tasting
28 March	11:00:00 AM	8	Private Tasting
	12:30:00 PM	12	Private Tasting
	02:00:00 PM	9	Private Tasting
	04:00:00 PM	14	Private Tasting
4 April	01:00:00 PM	2	Private Tasting
•	02:30:00 PM	2	Private Tasting
11 April	11:30:00 AM	11	Private Tasting
18 April	11:00:00 AM	12	Passport
·	12:30:00 PM	14	Passport
	01:30:00 PM	8	Passport
	03:00:00 PM	14	Passport
	04:30:00 PM	15	Passport
25 April	01:00:00 PM	16	Private Tasting
2 May	11:00:00 AM	8	Private Tasting
,	03:00:00 PM	12	Private Tasting
7 May	04:00:00 PM	8	Private Tasting
9 May	11:00:00 AM	4	Private Tasting
,	02:00:00 PM	6	Private Tasting
30 May	02:30:00 PM	20	Private Tasting
,	O4:30:00 PM	14	Private Tasting
31 May	12:30:00 PM	. 4	Private Tasting
6 June	11:00:00 AM	12	Vintners Festival
	12:30:00 PM	16	Vintners Festival
	O1:30:00 PM	8	Vintners Festival

Page 1

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	02:30:00 PM	14	Vintners Festival
	04:00:00 PM	15	Vintners Festival
7 June	11:00:00 AM	16	Vintners Festival
	12:00:00 PM	6	Vintners Festival
	01:30:00 PM	15	Vintners Festival
	03:00:00 PM	13	Vintners Festival
	04:30:00 PM	18	Vintners Festival
13 June	03:00:00 PM	6	Private Tasting
20 June	02:00:00 PM	5	Private Tasting
28 June	03:00:00 PM	12	Private Tasting
4 July	12:00:00 PM	6	Private Tasting
11 July	02:00:00 PM	12	Private Tasting
,	03:00:00 PM	4	Private Tasting
	06:00:00 PM	16	Private Tasting
12 July	02:00:00 PM	12	Private Tasting
	04:00:00 PM	12	Private Tasting
18 July	11:00:00 AM	9	Passport
,	12:30:00 PM	14	Passport
	02:00:00 PM	11	Passport
	03:30:00 PM	8	Passport
	04:30:00 PM	15	Passport
25 July	01:00:00 PM	12	Private Tasting
27 July	11:00:00 AM	3	Private Tasting
8 Aug	01:00:00 PM	12	Private Tasting
15 Aug	02:00:00 PM	4	Private Tasting
16 Aug	01:00:00 PM	20	Private Tasting
22 Aug	03:00:00 PM	12	Private Tasting
29 Aug	02:30:00 PM	15	Private Tasting
12 Sept	01:00:00 PM	20	Private Tasting
19 Sept	11:30:00 AM	6	Private Tasting
26 Sept	01:00:00 PM	12	Private Tasting
	06:00:00 PM	12	Private Tasting
10 Oct	02:00:00 PM	8	Private Tasting
17 Oct	12:00:00 PM	12	Private Tasting
24 Oct	12:00:00 PM	8	Private Tasting

Applicant: Pacific Rim Planning Application No. 99-0244 APN: 098-061-46

CONDITIONS OF APPROVAL

Commercial Development Permit 99-0244
Applicant: Pacific Rim Planning Consultants
Property Owners: Jerold O'Brien
Assessor's Parcel No. 098-061-46

Property location and address: Located on the north side of Silver Mountain Drive, about 400 feet north from Miller Road. Situs: 69 Silver Mountain Drive;

Summit Planning Area

Exhibits:

- F. Revised Program Statement dated January 3, 2001
- K. Site Plans prepared by Atelier Architecture and Planning, dated 10/20/92, last revised on 2/16/99
- 1. This permit authorizes the increase in the maximum number of wine tasters allowed by appointment only from 12 to 20 individuals, and to allow six additional wine related events per year with a maximum number of 24 guests for a total of 12 wine related events per year. Prior to exercising any rights granted by this permit including, without limitation, any construction or site disturbance, the applicant/owner shall:
 - A. Meet all requirements and pay any applicable plan check fee of the California Department of Forestry Fire Protection District.
 - B. Meet all requirements for the Americans with Disabilities Act.

Il. Operational Conditions

- A. All wine tasting shall be private and by appointment only.
 - 1. Private wine tasting shall be limited to a maximum number of twenty (20) persons on the premises at any one time.
 - 2. The hours of operation for private wine tasting and the sale of wine shall be limited to 10:00 a.m. and 6 p.m.
 - 3. Only wine produced on the premises shall be served. Service of wine produced off-site is expressly prohibited.

Applicant: Pacific Rim Planning Page 9 of 10

Application No. 99-0244

APN: 098-061-46

B. Six (6) wine related events in addition to the six events authorized under Permit 93-0123 are allowed per year.

- 1. The wine related events shall be limited to a maximum number of twenty-four (24) participants.
- 2. A maximum number of two wine related events are allowed per month. Wine related events includes the six events authorized by 99-0244 and the six previously permitted under 93-0123.
- 3. Wine related events may be conducted in the evenings subject to the following conditions:
 - a. Evening event hours are limited to 6 p.m. to 9:00 p.m.
 - b. All guests, caterers and staff shall leave the premises by 9:30 p.m.
 - c. Outdoor events are prohibited between 6 p.m. to 9:00 p.m.
 - d. A maximum number of one (1) week night wine related event during evening hours is allowed per month and no more than two wine related events during evening or regular daytime hours are permitted.
- 4. Only wine produced on the premises shall be served. Service of wine produced off-site is expressly prohibited.
- C. No music or public address system shall be allowed which can be heard off-site (beyond parcel boundaries).
- D. Cooking facilities are prohibited, excepting those exclusively for the use of the single family dwelling. No commercial food preparation shall be allowed on site.
- E. The winery shall not be registered on any bus tour routes. Arrival of guests by bus is not encouraged, and the owner/operator shall make every effort to prevent buses from coming to the winery.
- F. Parking for 16 vehicles shall be maintained by the owner/operator and all handicapped parking shall be appropriately marked.
- G. All requirements of the Fire Protection Agency shall be maintained.
- H. The owner/operator shall maintain records of the number of wine tasting visitors and the number of wine related events and attendance (except Passport events). These records shall be reported to the Planning Department annually.



Page 10 of 10

Applicant: Pacific Rim Planning Application No. 99-0244

APN: 098-061-46

1. In the event that the winery should cease production of wine, then all wine tasting and wine related events shall immediately cease.

- J. In the event that future County inspections of the subject property disclose noncompliance with any Conditions of this approval or any violation of the County Code, the owner shall pay to the County the full cost of such County inspections including any follow-up inspections and/or necessary enforcement actions, up to and including permit revocation.
- K. Permit 99-0244 shall be brought back before the Zoning Administrator at a notified public hearing in one year from the effective date of said permit for compliance review.

Minor variations to this permit which do not affect the overall concept or density may be approved by the Planning Director at the request of the applicant or staff in accordance with Chapter 18.10 of the County Code.

Approval Date: July 20,2001

Effective Date: August 3,2001

Expiration Date: August 3,2003

Cathy Graves

Deputy Zoning Administrator

Cathleen Carr

Project Planner

CO NTY OF SANTA DI-RETIONARY APPLICATION COMMENTS

Project Planner: Samantha Haschert

Application No.: 07-0507

APN: 098-061-45

Date: December 11, 2009

Time: 10:34:30

Page: 1

Dpw Road Engineering Completeness Comments

LATEST COMMENTS HAVE NOT YET BEEN SENT TO PLANNER FOR THIS AGENCY

======= REVIEW ON OCTOBER 1, 2007 BY RODOLFO N RIVAS ======= A Traffic Study for the Silver Mountain Winery dated June 28, 2000 was prepared by Higgins Associates, Civil and Traffic Engineers, under application 99-0244. Such study evaluated intersections' sight distance, access roads, provided a trip generation analysis and recommended that access for the winery events be provided via Miller Cutoff. For the proposed development, the applicant is required to provide a Traffic Engineering Report. This report should confirm that all elements of the previous study are still valid, and in addition, this report should also evaluate whether or not the existing road network is capable of accommodating the proposed project. ====== UPDATED ON FEBRUARY 6, 2008 BY RODOLFO N RIVAS ====== Applicant submitted a Traffic Engineering Report prepared by Higgins Associates. dated December 17, 2007. The report has been reviewed and is acceptable. ====== UPDATED ON FEBRUARY 6, 2008 BY RODOLFO N RIVAS =======

Dpw Road Engineering Miscellaneous Comments

LATEST (COMMENTS H	HAVE	NOT	YET	BEEN	SENT	TO	PLANNER	FOR	THIS	AGENCY
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===== REVIEW ON OCTOBER 1, 2007 BY RODOLFO N RIVAS =======

====== UPDATED ON FEBRUARY 6. 2008 BY RODOLFO N RIVAS =======

NO COMMENT

Environmental Health Completeness Comments

======	===	REV.	IEW	ON	SEP	TEMB	BER	20,	200	7 BY	JIM	G	SAFR	ANEK	===	====	====	Pr	revi	ous	appr	oval
by EHS																						tic
system	COL	ıldl	nand	lе	up '	to 1	00	peop	ole	in a	day.	. 7	The s	epti	C	tank	wil	1. r	need	to	be	
pumped	and	d sho	own	to	be	func	tic	ning	ad	equa	tely.	. 5	Submi	t th	е	pumpe	er's	re	epor	t to) EHS	for
review																						

====== UPDATED ON DECEMBER 24, 2007 BY JIM G SAFRANEK ====== This project is now approved by EHS.

====== UPDATED ON FEBRUARY 1. 2008 BY JIM G SAFRANEK ====== This project is now approved by EHS.

Environmental Health Miscellaneous Comments

====== REVIEW ON SEPTEMBER 20, 2007 BY JIM G SAFRANEK ====== Contact the EHS Consumer Protection plan checker for any food plan regs/permits. Andrew Strader. 454 - 2741.

Cal Dept of Forestry/County Fire Completeness Comm

LATEST COMMENTS HAVE NOT YET BEEN SENT TO PLANNER FOR THIS AGENCY

====== REVIEW ON SEPTEMBER 25. 2007 BY COLLEEN L BAXTER ======

Discr ionary Comments - Continued

Project Planner: Samantha Haschert

Application No.: 07-0507

APN: 098-061-45

Date: December 11, 2009

Time: 10:34:30

Page: 2

====== UPDATED ON OCTOBER 11, 2007 BY COLLEEN L BAXTER ====== ====== UPDATED ON OCTOBER 11, 2007 BY COLLEEN L BAXTER ======

DEPARTMENT NAME: CALFIRE

Add the appropriate NOTES and DETAILS showing this information on your plans and RESUBMIT, with an annotated copy of this letter:

Note on the plans that these plans are in compliance with California Building and

Fire Codes (2001) as amended by the authority having jurisdiction.

Each APN (lot) shall have separate submittals for building and sprinkler system

The job copies of the building and fire systems plans and permits must be onsite during inspections.

Note on these plans the occupancy load of each area. Show where the occupancy load signs will be posted.

Fire hydrant shall be painted in accordance with the state of California Health and

Safety Code. See authority having jurisdiction.

A minimum fire flow 200 GPM is required from 1 hydrant located within 150 feet of all structures.

If the existing building is equipped with an automatic fire sprinkler system.... NOTE on the plans that all buildings shall be protected by an approved automatic fire sprinkler system complying with the currently adopted edition of NFPA 13D and Chapter 35 of the California Building Code and adopted standards of the authority having jurisdiction.

Building numbers shall be provided. Numbers shall be a minimum of 4 inches in height on a contrasting background and visible from the street, additional numbers shall be

installed on a directional sign at the property driveway and street.

NOTE on the plans that a 100 foot clearance will be maintained with non-combustible vegetation around all structures or to the property line (whichever is a shorter distance). Single specimens of trees, ornamental shrubbery or similar plants used as ground covers, provided they do not form a means of rapidly transmitting fire from native growth to any structure are exempt.

All bridges, culverts and crossings shall be certified by a registered engineer.

Minimum capacity of 25 tons. Cal-Trans H-20 loading standard.

SHOW on the plans, DETAILS of compliance with the driveway requirements. The driveway shall be 18 feet minimum width and maximum twenty percent slope.

The driveway shall be in place to the following standards prior to any framing con-

struction, or construction will be stopped:

- The driveway surface shall be "all weather", a minimum 6" of compacted aggregate base rock, Class 2 or equivalent certified by a licensed engineer to 95% compaction and shall be maintained. - ALL WEATHER SURFACE: shall be a minimum of 6" of compacted Class II base rock for grades up to and including 5%, oil and screened for grades up to and including 15% and asphaltic concrete for grades exceeding 15%, but in no case exceeding 20%. - The maximum grade of the driveway shall not exceed 20%. with grades of 15% not permitted for distances of more than 200 feet at a time. The driveway shall have an overhead clearance of 14 feet vertical distance for its entire width. - A turn-around area which meets the requirements of the fire department shall be provided for access roads and driveways in excess of 150 feet in length. - Drainage details for the road or driveway shall conform to current engineering practices, including erosion control measures. - All private access roads, driveways, turn-arounds and bridges are the responsibility of the owner(s) of record and shall be maintained to ensure the fire department safe and expedient passage at all times. - The driveway shall be thereafter maintained to these standards at all

Discr ionary Comments - Continued

Project Planner: Samantha Haschert

Application No.: 07-0507

APN: 098-061-45

Date: December 11, 2009

Time: 10:34:30

Page: 3

All Fire Department building requirements and fees will be addressed in the Building Permit phase.

Plan check is based upon plans submitted to this office. Any changes or alterations shall be re-submitted for review prior to construction.

72 hour minimum notice is required prior to any inspection and/or test.

Note: As a condition of submittal of these plans, the submitter, designer and installer certify that these plans and details comply with the applicable Specifications, Standards, Codes and Ordinances, agree that they are solely responsible for compliance with applicable Specifications, Standards, Codes and Ordinances, and further agree to correct any deficiencies noted by this review, subsequent review, inspection or other source, and, to hold harmless and without prejudice, the reviewing agency.

FÜRTHER REVIEW IS REQUIRED BY THE FIRE DEPARTMENT. THIS IS A PRELIMINARY PLAN CHECK. COMMENTS MAY CHANGE AFTER INITIAL COMMENTS ARE ADDRESSED BY ======= UPDATED ON OC-

TOBER 11, 2007 BY COLLEEN L BAXTER =======

Cal Dept of Forestry/County Fire Miscellaneous Com

LATEST	COMMENTS	HAVE	NOT	YET	BEEN	SENT	T0	PLANNER	FOR	THIS	AGENCY

=======	REVIEW :	ON	OCTOBER :	11,	2007	ΒY	COLLEEN	L E	BAXTER	=======
========	UPDATED	ON	OCTOBER	11.	2007	BY	COLLEEN	L	BAXTER	========

Accessibility: Preliminary Pro 1 mments for Development Review County of Santa Cruz Planning Department

Date: September 28, 2007 (Revised: 1/29/08)

Application Number: 07-0507

Planner: Annette Olson

APN: 098-061-45,46 (40)

Dear Annette,

A preliminary review of the above project plans was conducted to determine accessibility issues. The following comment are to be applied to the project design.

Please have the applicant provide a written response to each of these comments.

Refer to the attached brochure entitled Accessibility Requirements - Building Plan Check which can also be found at the County of Santa Cruz Planning Department website: http://www.sccoplanning.com/brochures/access_plancheck.htm This document is an information source for the designer when preparing drawings for building plan check.

<u>Project Description</u>: Silver Mountain Winery Mountain Home Winery, Change of use: Wine tasting room and office.

Maximum 20 occupants

<u>Determination of Occupancy</u>: Please apply specific requirements per California Building Code (CBC) sections 1104B thru 1111B. The occupancy and construction type are to be noted in the Project Data section on the cover sheet of the plans Chapter 3 in the CBC shall be used to determine occupancy. Chapter 5 in the CBC shall be used to determine minimum construction type.

Comment: The change of use of the rooms proposed for wine tasting and office ('B' occupancy), is based on the review of the last plans approved for this building – building permit 108428. This permit specifically approved use of those rooms as conference rooms (B-2 occupancy) and specified the installation of a variety of accessibility features. This permit was 'finaled'.

Therefore, please request that the applicant submit a copy of the 'approved' plans for permit 108428 (the current copy was amended and is not a copy of the original approved permit), and request that the applicant acquire a new building permit to: 1. Document the Change of Use of the room, 2. to verify that the accessibility features approved under permit 108428 have been maintained, 3. to verify placement of the occupancy load sign for 20 occupants, and 4. to acquire a Certificate of Occupancy.

1-29-08 Comment: Not Resolved. The copy of the approved plans submitted for Building permit # 108428 is no reflective of the copy of the approved plans on file with the Planning Department Records Room in so far as the identification of the proposed use of the area labeled 'Tasting Room'. It is imperative that this discrepancy be resolved by acquisition of the approved set of plans in possession by the Records Room and by acknowledgement and reference of these plans in the Discretionary Permit. Please contact me if you have any questions about the discrepancy between your copy of the 'approved' plans and the Records Room copy.

CBC Section 1103B - Building Accessibility

Accessibility to buildings or portions of buildings shall be provided for all occupancy classifications except as modified by this section. Occupancy requirements in this chapter may modify general requirements, but never to the exclusion of them. Multistory buildings must provide access by ramp or elevator.

Comment: See prior comment.

CBC 1114B.1.2 Accessible Route of Travel

At least one accessible route within the boundary of the site shall be provided from public transportation stops, accessible parking and accessible passenger loading zones, other buildings on the site, and public streets or sidewalks, to the accessible building entrance they serve. Refer also to 1127B for Exterior Routes of Travel. Where more than one route is provided, all routes shall be accessible. All spot elevations, slopes, cross slopes, ramps, stairs, curb ramps, striping, signage and anyother accessible requirements are to be shown on the plans.

Comment: See prior comment

CBC 1129B Accessible Parking Required

Each lot or parking structure where parking is provided for the public as clients, guests or employees, shall provide accessible parking as required by this section.

Comment: Seeprior comment

Path of Travel Verification Form (refer to brochure)

EXHIBITION

Accessibility: Preliminary Comments for Development Review

Project: 07-0507

Date: September 28, 2007 (revised 1/29/08)

Page 2

To be submitted at the time of Building Permit application. N/A

CBC 1133B General Accessibility for Entrances, Exits and Paths of Travel

Provide an Egress Plan showing maneuvering clearances at all doorways, passageways, and landings.

Comment: See prior comment

Plumbing Fixture Requirements - Accessible Restrooms

Please refer to the 2001 California Plumbing Code, Table 4-1 for plumbing fixture requirements for this occupancy.

Comment: See prior comment

Please note that this is only a preliminary review to determine major accessibility issues. This is not a complete accessible plan check. A complete accessible plan check will be conducted at the time of building permit application review. The plans submitted for building plan check review will need to include complete details and specifications for all of the accessible issues in the California Building code. Therefore, there may be additional comments when applying for a building permit and responding to the Building Plan Check process.

Please contact me with any questions regarding these comments.

Rafael Torres Gil

Supervising Building Inspector Accessibility Plans Examiner

County of Santa Cruz Planning Department

(831) 454-3174

pln146@co.santa-cruz.ca.us



OFFICE OF THE FIRE MARSHAL

SANTA CRUZ COUNTY FIRE DEPARTMENT / CAL FIRE

CAL FIRE SAN MATEO-SANTA CRUZ UNIT

6059 HIGHWAY 9 P.O. DRAWER F-2 FELTON, CA 95018 Phone (831) 335-6748 Fax # (831) 335-4053 JOHN FERREIRA FIRE CHIEF

Hamilton-Swift LUDC c/o Jennifer Pope 500 Chestnut Street, Ste. 100 Santa Cruz, CA 95060

Dear Mrs. Pope,

This letter is to follow up the meeting we had discussing the Sliver Mountain Winery project. These comments only reflect the project as presented in our meeting and are not the "official" requirements set forth during the permitting process thru the Santa Cruz County Planning department.

- 1. The access road from county maintained road to the wineries front entrance would be required to be 20 feet wide and meet all of the road surfacing, grade and centerline requirements.
- 2. If you are unable to provide a 20 foot wide road to one side of the "water well" you could install two 12 foot wide lanes on either side of the "water well" only in that specific area. The two lanes would still need to meet all of the road surfacing, grade, and centerline requirements.
- 3. The existing 16' road around the winery building would be acceptable as the turnaround at the project if it was designed as one way travel and signed accordingly. It would also need to meet all of the road surfacing, grade and centerline requirements. If this road passes under the purposed solar/storage canopy the clearance must be 15 feet from the road surface to the lowest portion of the canopy. If you could not meet this requirement then a turnaround (meeting the turnaround requirements) would be required at the termination of the 20 foot wide portion of the road.

Hopefully these comments will be helpful in the design of the winery project. We will comment fully on any plans submitted thru the Santa Cruz County Planning Department. Should you have any additional concerns, you may contact our office at (831) 335-6748.

Sincerely,

Chris Walters

Deputy Fire Marshal

Santa Cruz County Fire

Cc: Chron

Planning Commission Meeting Date: 5/26/10 Agenda Item: #8

Time: After 9:00 a.m.

Application Number: 07-0507

Staff Report to the Planning Commission

Exhibit 1F



Staff Report to the **Zoning Administrator**

Application Number: 07-0507

Applicant: Deirdre Hamilton

Owner: Jerold O'Brien APN: 098-061-45,46

Agenda Date: April 18, 2008

Agenda Item No: 0.1 Time: After 8:30 a.m

Project Description: Proposal to amend the operational conditions of 93-0123 (as amended by 99-0244) to allow public wine tastings with up to 20 people at a time and to change the use of an entertainment room to a wine tasting room.

Location: Property located on the northeast corner of Silver Mountain Drive north of the intersection with Miller Road (265 & 333 Silver Mountain Road).

Supervisoral District: 1st District (District Supervisor: Jan Beautz)

Permits Required: Commercial Development Permit

Staff Recommendation:

- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- Approval of Application 07-0507, based on the attached findings and conditions.

Exhibits

A. Project plans

Findings B.

C. Conditions E. Assessors Parcel Map Zoning map

D. Categorical Exemption (CEQA

Comments & Correspondence G.

determination)

Parcel Information

Parcel Size:

12.458 acres (098-061-45)

F.

5.216 acres (098-061-46)

Existing Land Use - Parcel:

Commercial Vineyard (098-061-45)

Winery and Residence (098-061-46)

Existing Land Use - Surrounding:

Residences built at rural densities; Residential

Agriculture

Project Access:

Miller Road to Silver Mountain Drive

Planning Area:

Summit

Land Use Designation:

R-R (Rural Residential)

Zone District:

RA (Residential Agriculture)

Coastal Zone:

Inside

X Outside

Appealable to Calif. Coastal Comm. Yes

X No

Environmental Information

Geologic Hazards:

Not mapped/no physical evidence on site

Soils:

Not a mapped constraint

Fire Hazard:

Partially within mapped fire hazard area

Slopes:

Some slopes over 30% on site

Env. Sen. Habitat:

Not mapped/no physical evidence on site

Grading:

No grading proposed; some grading to take place during building

permit phase to widen existing driveway.

Tree Removal:

No trees proposed to be removed

Scenic: Drainage: Not a mapped resource Existing drainage adequate

Archeology:

Mapped archeological resource area; report required as condition of

approval prior to building permit issuance for driveway grading.

Services Information

Urban/Rural Services Line:

Inside

X Outside

Water Supply:

Private

Sewage Disposal:

Septic

Fire District:

Santa Cruz County Fire/CDF

Drainage District:

N/A

History

The use permit that established operations at Silver Mountain Winery was approved under permit 79-914-U. This permit allowed private, appointment only wine tastings to take place up to 4 times per year with a maximum of 16 vehicles.

In 1993, Silver Mountain Winery applied for two permits, one to add on to the existing building and to construct a building for wine production (93-0123) and one to expand activities from appointment only to include 35 maximum social and community events per year (93-0649). Issues identified in this report included: substandard roads, steep grades, lack of water, traffic hazards due to road width, infeasible parking areas, inadequate waste disposal facilities, and inconsistency with small scale commercial agriculture use allowed in the Residential Agriculture District. Due to these issues, the Zoning Administrator approved the permit for a maximum of 6 annual wine events with a maximum of 10-15 visitors on site at a time.

In 1994, the winery was approved for a lot line adjustment (94-0669) in order to move an existing caretakers unit from parcel 46 to 45 (then parcels 39 and 40). This lot line adjustment moved approximately 0.1 acre. - 148 -

In 1999, Silver Mountain Winery applied for an amendment to permits 93-0123 and 93-0649 to increase activities to 10 events per year with a maximum of 100 visitors and 24 events per year with a maximum of 50 guests (99-0244). Staff recommended denial of this application with findings similar to those in 93-0123 and 93-0649. The application was continued by the Zoning Administrator for the applicant to revise the proposal. The revised proposal was for 6 events per year with a maximum of 50 guests, 6 events per year with a maximum of 85 guests and an increase in guests for private wine tastings from 12 to 24 people maximum. Staff raised issues including: potential hazards of surrounding narrow winding roads with substantial residential traffic, inconsistency with the purpose of the RA zone district to allow small scale agriculture in conjunction with a primary residential use, and the possibility of noise generating events causing a nuisance to surrounding residences. The Zoning Administrator found that a small increase in activities could be allowed without adverse impacts and approved an increase of appointment only wine tasters from 12 to 20 people maximum and an increase in the number of wine related activities from 6 to 12 per year with a maximum number of 24 guests.

In addition, two cell tower applications were proposed on the subject parcel (94-0420 & 02-0287), which were both withdrawn by the applicant.

Project Setting

Parcel 098-061-45 is approximately 12.5 acres and is the site of the vineyard that produces grapes for Silver Mountain Winery. This parcel is also developed with a small caretakers unit that was transferred from parcel -46 in 1994.

Parcel 098-061-46 is approximately 5 acres and is developed with a single family residence/tasting room and a wine production building and aging cellar. There is an outdoor amphitheatre located near the southeast property line.

Both parcels take access from Miller Road which connects to Silver Mountain Drive, the driveway to the winery. Miller Road is a county maintained road with a 40-foot right of way and a 30 foot paving width that serves as the outlet to Soquel San Jose Road for most of the surrounding rural residences; therefore, it currently accommodates a large amount of residential traffic. Silver Mountain Drive is a private driveway with a 40-foot right of way that appears to vary in paving width from 16 to 20 feet. There are two existing turnouts on Silver Mountain Drive; approximately 24' x 67' and 45' x 59'. Both turnouts and the existing driveway are substandard for fire access.

The four adjacent parcels to the north and west are developed with single family residences that are located about 200-350 feet from the subject winery. Topographically, the winery is located above these surrounding residences, ranging from 30' to over 100' higher in elevation. Adjacent properties are zoned RA (Residential Agriculture).

Project Scope

The applicant is proposing to amend permit 93-0123 (as amended by 99-0244) to offer public wine tasting on Saturdays and Sundays between the hours of 12 pm - 5 pm for up to 20 people at

a time. The property will utilize an existing electric gate located at the driveway entrance to remotely close the gate when the maximum number of visitors is reached. All other winery operations will remain the same.

In addition, the applicant is requesting a change of use to recognize a previously approved entertainment room that has been converted to a tasting room inside the existing building.

No new development or structural changes to the existing buildings are proposed in this application.

Zoning & General Plan Consistency

Parcel 098-061-46 is a 227,223 square foot lot, located in the RA (Residential Agriculture) zone district, a designation which allows small scale commercial agricultural uses. Wine tasting is a permitted use within the zone district and the project, as conditioned, is consistent with the site's (R-R) Rural Residential General Plan designation.

County Code section 13.10.321(b) states that the purpose of Residential Agricultural Zone Districts are to "provide areas of residential use where development is limited to a range of non-urban densities of single family dwellings in areas outside of the Urban Services Line and Rural Services Line...where small scale commercial agriculture, such as animal-keeping, truck farming and specialty crops, can take place in conjunction with the primary use of the property as residential."

The facility is currently allowed 12 wine tasting events per year under permit 99-0244. An approval of the proposed application would result in approximately 104 additional days of open wine tasting events where visitors are limited to 20 at a time, but not limited per day. This is inconsistent with the purpose of the zoning district to allow *small scale* commercial agriculture uses; therefore a condition of approval is included that allows the winery to open for public wine tasting on only one weekend day from 12 p.m. – 5 p.m. with the proposed maximum of 20 visitors on the property at a time. This small increase is consistent with the purpose of the zoning district and will allow the winery to remain competitive with other wineries in the area.

Roads & Traffic

Miller Road is a winding, narrow road with limited visibility that currently accommodates a substantial amount of daily residential traffic. The increase in traffic resulting from a weekend public wine tasting day will not conflict with the weekday commuting traffic. In addition, there is no increase in wine production proposed, therefore, there will be no increase in truck traffic.

A sight distance analysis and traffic generation report was submitted by Higgins Associates, Civil and Traffic Engineers. The report, dated December 17th, 2007, shows that sight distance at the surrounding intersections is consistent with the CalTrans Highway Design Manual for sight distance criteria and that there would be 17 weekend daily trips generated to the local road network.

The width of Silver Mountain Road varies between 16' and 20' and there are two existing

turnouts, approximately 24' x 67' and 45' x 59'. Both the existing road width and turnouts are substandard as per Santa Cruz County Fire (CDF) access requirements; therefore, a condition of approval is included that requires the property owner to obtain a building permit to widen the entire length of Silver Mountain Drive and to create turnouts consistent with CDF criteria prior to increasing operation times.

Parking

The proposed increase in wine tasting days would include a maximum of 20 visitors on site at a time, two existing employees, one additional weekend employee, and the owner; therefore, 24 parking spaces would be required to accommodate the maximum number of people that would be on site at one time, each driving a separate vehicle. The submitted site plan proposes 51 standard parking spaces as well as 2 accessible parking spaces, which is more than enough for the proposed commercial and residential uses; therefore, as a condition of approval, this permit does not authorize additional paving to create parking spaces beyond the required 24 spaces.

Noise

The subject property is location on a ridge with the closest surrounding residences located downhill from the winery. The adjacent residences range from approximately 200-350 feet from the building. Neighbors in the past have expressed concern about possible noise issues resulting from increased events on site. The events that were proposed in past projects included things such as outdoor, catered events on site. These types of events would create amplified noise from outdoor music or conversations among large congregations of people. The current proposal would allow only 20 people on site at one time for indoor only wine tasting, and as a condition of approval, amplified music shall not be allowed. The project, as conditioned, will not create a noise nuisance for surrounding residences.

Change of Use

The property owner is also requesting a change of use for a previously approved Entertainment Room to a Tasting Room. No structural modifications are proposed for this change of use and there are no additional accessibility requirements.

Conclusion

In order to maintain a "small-scale" operation in accordance with the requirements for the zone district, staff has determined that it is feasible to support a slight increase in public wine tasting of one weekend day per week from 12 pm -5 pm with a maximum of 20 visitors on site at one time, which would allow the winery to remain competitive and not substantially increase traffic on the surround road network.

As proposed and conditioned, the project is consistent with all applicable codes and policies of the Zoning Ordinance and General Plan/LCP. Please see Exhibit "B" ("Findings") for a complete listing of findings and evidence related to the above discussion.

Staff Recommendation

- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- APPROVAL of Application Number 07-0507, based on the attached findings and conditions.

Supplementary reports and information referred to in this report are on file and available for viewing at the Santa Cruz County Planning Department, and are hereby made a part of the administrative record for the proposed project.

The County Code and General Plan, as well as hearing agendas and additional information are available online at: www.co.santa-cruz.ca.us

Report Prepared By: Samantha Haschert

Santa Cruz County Planning Department

701 Ocean Street, 4th Floor Santa Cruz CA 95060

Phone Number: (831) 454-3214

E-mail: samantha.haschert@co.santa-cruz.ca.us

Development Permit Findings

1. That the proposed location of the project and the conditions under which it would be operated or maintained will not be detrimental to the health, safety, or welfare of persons residing or working in the neighborhood or the general public, and will not result in inefficient or wasteful use of energy, and will not be materially injurious to properties or improvements in the vicinity.

This finding can be made, in that the project is located in an area designated for small scale commercial agricultural uses and there is no new construction proposed. The proposed additional public wine tastings, as conditioned, will not be detrimental to the health, safety or welfare of persons residing or working in the neighborhood or the general public in that an increase in public wine tastings due to access without an appointment between the hours of 12 pm to 5 pm one weekend day per week will not create excessive traffic on Millers Road or Silver Mountain Drive and will not conflict with weekday traffic or impact vehicular site distance. In addition, there is a condition of approval that requires the property owner to widen Silver Mountain Drive and the existing turnouts in accordance with Santa Cruz County Fire Department requirements to provide adequate emergency access.

2. That the proposed location of the project and the conditions under which it would be operated or maintained will be consistent with all pertinent County ordinances and the purpose of the zone district in which the site is located.

This finding can be made, in that the location of the winery and the conditions under which it would be operated or maintained will be consistent with all pertinent County ordinances and the purpose of the RA (Residential Agriculture) zone district in that the primary use of the property will remain residential and, as conditioned, the winery will remain a small scale commercial agricultural use open only to the public for five hours one weekend day per week to a maximum of 20 visitors at a time.

3. That the proposed use is consistent with all elements of the County General Plan and with any specific plan which has been adopted for the area.

This finding can be made, in that the proposed commercial agriculture use, as conditioned, is consistent with the use and density requirements specified for the Rural Residential (R-R) land use designation in the County General Plan.

The existing driveway which accesses the winery will be widened to CDF standards including widening the existing turnouts, to provide adequate fire protection. Opening the winery to the public for 5 hours one weekend day per week for a maximum of 20 people at one time is consistent with the rural character of the area. There is no new development proposed in this application.

The proposed project, as conditioned, will not be improperly proportioned to the parcel size or the character of the neighborhood as specified in General Plan Policy 8.6.1 (Maintaining a Relationship Between Structure and Parcel Sizes), in that there is no new development proposed

in this application.

A specific plan has not been adopted for this portion of the County.

4. That the proposed use will not overload utilities and will not generate more than the acceptable level of traffic on the streets in the vicinity.

This finding can be made, in that the proposed public wine tastings for up to 20 people at a time, 2 days per week was expected to generate about 17 additional trips per day. As conditioned, the winery is only recommended to be open to the public one weekend day per week (12 pm to 5 pm) with a maximum of 20 people on site at a time; therefore the expected level of traffic generated by the conditioned project is anticipated to be less than 17 trips and such an increase will not adversely impact existing roads and intersections in the surrounding area.

5. That the proposed project will complement and harmonize with the existing and proposed land uses in the vicinity and will be compatible with the physical design aspects, land use intensities, and dwelling unit densities of the neighborhood.

This finding can be made, in that public wine tasting for up to 20 people at a time is consistent with the rural land use character of the surrounding area and will harmonize with existing and proposed land uses in that there are conditions of approval included that regulate noise, number of visitors, and outdoor uses.

6. The proposed development project is consistent with the Design Standards and Guidelines (sections 13.11.070 through 13.11.076), and any other applicable requirements of this chapter.

This finding is not applicable as there is no new development proposed.

Conditions of Approval

Exhibit A: Project Plans, prepared by ACS Architects, 2 sheets, dated 12/6/2007

- I. This permit authorizes an increase in wine tasting events to include public wine tasting one weekend day per week between the hours of 12 p.m. to 5 p.m. with a maximum of 20 people on site at a time. Prior to exercising any rights granted by this permit including, without limitation, any construction or site disturbance, the applicant/owner shall:
 - A. Sign, date, and return to the Planning Department one copy of the approval to indicate acceptance and agreement with the conditions thereof.
 - B. Obtain a Building Permit from the Santa Cruz County Building Official to widen the Silver Mountain Road and turnouts consistent with Santa Cruz County Fire (CDF) requirements.
 - C. Obtain a Grading Permit from the Santa Cruz County Building Official, if required for driveway and turnout widening.
 - D. Obtain an Encroachment Permit from the Department of Public Works for all offsite work performed in the County road right-of-way, if required.
- II. Prior to issuance of a Building Permit (for driveway grading) the applicant/owner shall:
 - A. Submit proof that these conditions have been recorded in the official records of the County of Santa Cruz (Office of the County Recorder).
 - B. Obtain an Archeological Reconnaissance Survey from Environmental Planning and verification that archeological resources are not documented in the area will be disturbed to improve Silver Mountain Road.
 - C. Submit final architectural plans for review and approval by the Planning Department. The final plans shall be in substantial compliance with the plans marked Exhibit "A" on file with the Planning Department. Any changes from the approved Exhibit "A" for this development permit on the plans submitted for the Building Permit must be clearly called out and labeled by standard architectural methods to indicate such changes. Any changes that are not properly called out and labeled will not be authorized by any Building Permit that is issued for the proposed development. The final plans shall include the following additional information:
 - 1. Grading, drainage, and erosion control plans, if changes proposed to existing systems.
 - 2. Details showing compliance with fire department requirements, including all requirements of the Urban Wildland Intermix Code.

- D. Submit four copies of the approved Discretionary Permit with the Conditions of Approval attached. The Conditions of Approval shall be recorded prior to submittal, if applicable.
- E. Meet all requirements of County Department of Public Works, Drainage, if drainage system is impacted.
- F. Obtain an Environmental Health Clearance for this project from the County Department of Environmental Health Services.
- G. Meet all requirements and pay any applicable plan check fee of the Santa Cruz County Fire Protection District.

III. Operational Conditions

- A. In the event that future County inspections of the subject property disclose noncompliance with any Conditions of this approval or any violation of the County Code, the owner shall pay to the County the full cost of such County inspections, including any follow-up inspections and/or necessary enforcement actions, up to and including permit revocation.
- B. The property owner shall maintain the vegetation at the Miller Road Cutoff Silver Mountain Road intersection so that the sight line is not obstructed.
- C. The property owner shall choose one weekend day to be open for public wine tasting and shall only be open between the hours of 12 p.m. and 5 p.m.
- D. Public wine tasting shall be limited to a maximum of twenty (20) persons on the premises at any one time.
- E. No music or public address system shall be allowed which can be heard off-site (beyond parcel boundaries).
- F. There shall be no outdoor wine tasting; all wine tasting shall occur within the wine tasting room.
- G. Provide and maintain required off-street parking for 24 cars, including 2 accessible parking spaces (marked as such). No additional paving shall occur on site to create additional parking spaces.
- H. Only wine produced on the premises shall be served. Service of wine produced off-site is expressly prohibited.
- I. Cooking facilities are prohibited, excepting those exclusively for the use of the single family dwelling. No commercial food preparation shall be allowed on site.
- J. The winery shall not be registered on any bus tour routes. Arrival of guests by bus

is not encouraged, and the owner/operator shall make every effort to prevent buses from coming to the winery.

- K. In the event that the winery should cease production of wine, then all wine tasting and wine related events shall immediately cease.
- IV. As a condition of this development approval, the holder of this development approval ("Development Approval Holder"), is required to defend, indemnify, and hold harmless the COUNTY, its officers, employees, and agents, from and against any claim (including attorneys' fees), against the COUNTY, it officers, employees, and agents to attack, set aside, void, or annul this development approval of the COUNTY or any subsequent amendment of this development approval which is requested by the Development Approval Holder.
 - A. COUNTY shall promptly notify the Development Approval Holder of any claim, action, or proceeding against which the COUNTY seeks to be defended, indemnified, or held harmless. COUNTY shall cooperate fully in such defense. If COUNTY fails to notify the Development Approval Holder within sixty (60) days of any such claim, action, or proceeding, or fails to cooperate fully in the defense thereof, the Development Approval Holder shall not thereafter be responsible to defend, indemnify, or hold harmless the COUNTY if such failure to notify or cooperate was significantly prejudicial to the Development Approval Holder.
 - B. Nothing contained herein shall prohibit the COUNTY from participating in the defense of any claim, action, or proceeding if both of the following occur:
 - 1. COUNTY bears its own attorney's fees and costs; and
 - 2. COUNTY defends the action in good faith.
 - C. <u>Settlement</u>. The Development Approval Holder shall not be required to pay or perform any settlement unless such Development Approval Holder has approved the settlement. When representing the County, the Development Approval Holder shall not enter into any stipulation or settlement modifying or affecting the interpretation or validity of any of the terms or conditions of the development approval without the prior written consent of the County.
 - D. <u>Successors Bound</u>. "Development Approval Holder" shall include the applicant and the successor'(s) in interest, transferee(s), and assign(s) of the applicant.

Minor variations to this permit which do not affect the overall concept or density may be approved by the Planning Director at the request of the applicant or staff in accordance with Chapter 18.10 of the County Code.

Please note: This permit expires two years from the effective date on the expiration date listed below unless you obtain the required permits and commence construction.

Approval Date:	
Effective Date:	
Expiration Date:	
Don Bussey	Samantha Haschert
Deputy Zoning Administrator	Project Planner

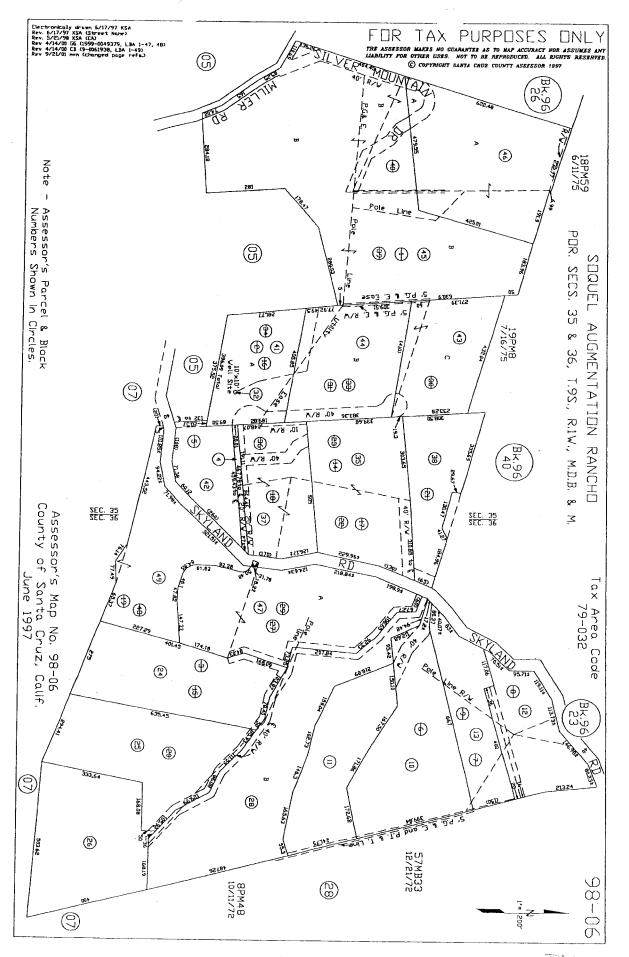
Appeals: Any property owner, or other person aggrieved, or any other person whose interests are adversely affected by any act or determination of the Zoning Administrator, may appeal the act or determination to the Planning Commission in accordance with chapter 18.10 of the Santa Cruz County Code.

CALIFORNIA ENVIRONMENTAL QUALITY ACT NOTICE OF EXEMPTION

The Santa Cruz County Planning Department has reviewed the project described below and has determined that it is exempt from the provisions of CEQA as specified in Sections 15061 - 15332 of CEQA for the reason(s) which have been specified in this document.

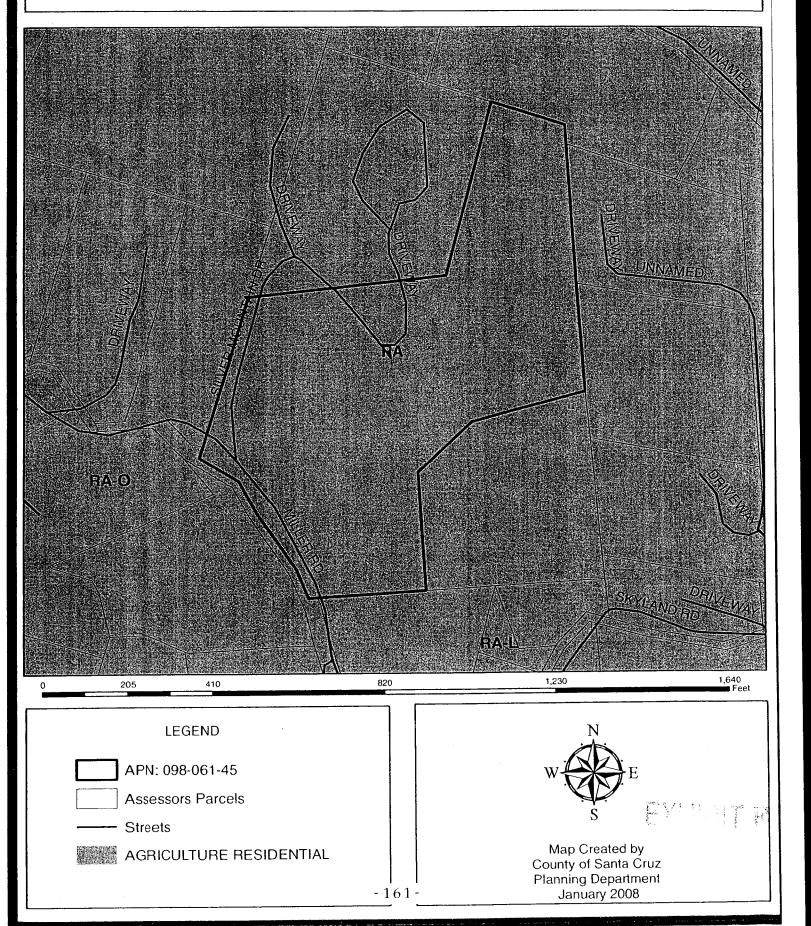
Application Number: 07-0507

Assessor Parcel Number: 098-061-45,46 Project Location: 265 & 333 Silver Mountain Road
Project Description: Proposal to allow public wine tastings with up to 20 persons at a time and to change the use of an entertainment room to a tasting room in an existing building.
Person or Agency Proposing Project: Deirdre Hamilton
Contact Phone Number: (831) 459-9992
A The proposed activity is not a project under CEQA Guidelines Section 15378. The proposed activity is not subject to CEQA as specified under CEQA Guidelines Section 15060 (c). C Ministerial Project involving only the use of fixed standards or objective measurements without personal judgment. D Statutory Exemption other than a Ministerial Project (CEQA Guidelines Section 15000).
15260 to 15285). Specify type:
E. X Categorical Exemption
Categorical Exemption
Specify type: Class 1 - Existing Facilities (Section 15301)
F. Reasons why the project is exempt:
Proposal to allow public wine tastings in an existing commercial development in an area designated for commercial uses.
In addition, none of the conditions described in Section 15300.2 apply to this project.
Date:
Samantha Haschert, Project Planner





Zoning Map



? R U Z \mathbf{C} NTY 0 F SANTA RETIONARY APPLICATION CON. D:

Project Planner: Samantha Haschert
Application No.: 07-0507

APN: 098-061-45

Date: February 13, 2008

Time: 10:15:33

Page: 1

Dpw Road Engineering Completeness Comments

LATEST COMMENTS HAVE NOT YET BEEN SENT TO PLANNER FOR THIS AGENCY

===== REVIEW ON OCTOBER 1, 2007 BY RODOLFO N RIVAS ====== A Traffic Study for the Silver Mountain Winery dated June 28, 2000 was prepared by Higgins Associates, Civil and Traffic Engineers, under application 99-0244. Such 'study evaluated intersections' sight distance, access roads, provided a trip generation analysis and recommended that access for the winery events be provided via Miller Cutoff. For the proposed development, the applicant is required to provide a Traffic Engineering Report. This report should confirm that all elements of the previous study are still valid, and in addition, this report should also evaluate whether or not the existing road network is capable of accommodating the proposed project. ===== UPDATED ON FEBRUARY 6, 2008 BY RODOLFO N RIVAS ====== Applicant submitted a Traffic Engineering Report prepared by Higgins Associates, dated December 17, 2007. The report has been reviewed and is acceptable. ======= UPDATED ON FEBRUARY 6, 2008 BY RODOLFO N RIVAS =======

Dpw Road Engineering Miscellaneous Comments

LATEST	COMMENTS	HAVE	NOT	YET	BEEN	SENT	TO	PLANNER	FOR	THIS	AGENCY

===== REVIEW ON OCTOBER 1. 2007 BY RODOLFO N RIVAS =======

====== UPDATED ON FEBRUARY 6. 2008 BY RODOLFO N RIVAS ======= NO COMMENT

Environmental Health Completeness Comments

	= REVIEW C	IN SEPTE	EMBER 20, 2	2007 BY	JIM G	SAFRANI	EK ====	=	Previous	appro	val
by EHS in	ncluded a	stateme	ent by the	septic	consu	ltant wh	hich sa	id the	existing	j sept	ic
system co	ould handl	e up to	100 peop	le in a	day.	The sept	tic tar	nk will	need to	be	
pumped ai	nd shown t	.o be fi	unctioning	adequat	ely.	Submit'i	the pur	nper's	report to	o EHS	for
review			· ·	•	•		,		•		

====== UPDATED ON DECEMBER 24, 2007 BY JIM G SAFRANEK ====== This project is now approved by EHS.

====== UPDATED ON FEBRUARY 1. 2008 BY JIM G SAFRANEK ====== This project is now approved by EHS.

Environmental Health Miscellaneous Comments

====== REVIEW ON SEPTEMBER 20, 2007 BY JIM G SAFRANEK ====== Contact the EHS Consumer Protection plan checker for any food plan regs/permits. Andrew Strader, 454-2741.

Cal Dept of Forestry/County Fire Completeness Comm

LATEST COMMENTS HAVE NOT YET BEEN SENT TO PLANNER FOR THIS AGENCY

====== REVIEW ON SEPTEMBER 25. 2007 BY COLLEEN L BAXTER =======

Dis tionary Comments - Continued

Project Planner: Samantha Haschert

Application No.: 07-0507

APN: 098-061-45

Date: February 13, 2008

Time: 10:15:33

Page: 2

====== UPDATED ON OCTOBER 11, 2007 BY COLLEEN L BAXTER ======= ====== UPDATED ON OCTOBER 11, 2007 BY COLLEEN L BAXTER ======

DEPARTMENT NAME: CALFIRE

Add the appropriate NOTES and DETAILS showing this information on your plans and

RESUBMIT, with an annotated copy of this letter:

Note on the plans that these plans are in compliance with California Building and Fire Codes (2001) as amended by the authority having jurisdiction.

Each APN (lot) shall have separate submittals for building and sprinkler system

plans.

The job copies of the building and fire systems plans and permits must be onsite

during inspections.

Note on these plans the occupancy load of each area. Show where the occupancy load signs will be posted.

Fire hydrant shall be painted in accordance with the state of California Health and Safety Code. See authority having jurisdiction.

A minimum fire flow 200 GPM is required from 1 hydrant located within 150 feet of

all structures.

If the existing building is equipped with an automatic fire sprinkler system.... NOTE on the plans that all buildings shall be protected by an approved automatic fire sprinkler system complying with the currently adopted edition of NFPA 13D and Chapter 35 of the California Building Code and adopted standards of the authority having jurisdiction.

Building numbers shall be provided. Numbers shall be a minimum of 4 inches in height on a contrasting background and visible from the street, additional numbers shall be

installed on a directional sign at the property driveway and street.

NOTE on the plans that a 100 foot clearance will be maintained with non-combustible vegetation around all structures or to the property line (whichever is a shorter distance). Single specimens of trees, ornamental shrubbery or similar plants used as ground covers, provided they do not form a means of rapidly transmitting fire from native growth to any structure are exempt.

All bridges, culverts and crossings shall be certified by a registered engineer.

Minimum capacity of 25 tons. Cal-Trans H-20 loading standard.

SHOW on the plans, DETAILS of compliance with the driveway requirements. The driveway shall be 18 feet minimum width and maximum twenty percent slope.

The driveway shall be in place to the following standards prior to any framing con-

struction, or construction will be stopped:

- The driveway surface shall be "all weather", a minimum 6" of compacted aggregate base rock. Class 2 or equivalent certified by a licensed engineer to 95% compaction and shall be maintained. - ALL WEATHER SURFACE: shall be a minimum of 6" of compacted Class II base rock for grades up to and including 5%, oil and screened for grades up to and including 15% and asphaltic concrete for grades exceeding 15%, but in no case exceeding 20%. - The maximum grade of the driveway shall not exceed 20%, with grades of 15% not permitted for distances of more than 200 feet at a time. The driveway shall have an overhead clearance of 14 feet vertical distance for its entire width. - A turn-around area which meets the requirements of the fire department shall be provided for access roads and driveways in excess of 150 feet in length. - Drainage details for the road or driveway shall conform to current engineering practices, including erosion control measures. - All private access roads. driveways, turn-arounds and bridges are the responsibility of the owner(s) of record and shall be maintained to ensure the fire department safe and expedient passage at all times. - The driveway shall be thereafter maintained to these standards at all

Dis *ionary Comments - Continued

Project Planner: Samantha Haschert

Application No.: 07-0507

APN: 098-061-45

Date: February 13, 2008 Time: 10:15:33

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All Fire Department building requirements and fees will be addressed in the Building Permit phase.

Plan check is based upon plans submitted to this office. Any changes or alterations

shall be re-submitted for review prior to construction.

72 hour minimum notice is required prior to any inspection and/or test.

Note: As a condition of submittal of these plans, the submitter, designer and installer certify that these plans and details comply with the applicable Specifications, Standards, Codes and Ordinances, agree that they are solely responsible for compliance with applicable Specifications, Standards, Codes and Ordinances, and further agree to correct any deficiencies noted by this review, subsequent review, inspection or other source, and, to hold harmless and without prejudice, the reviewing

FURTHER REVIEW IS REQUIRED BY THE FIRE DEPARTMENT. THIS IS A PRELIMINARY PLAN CHECK. COMMENTS MAY CHANGE AFTER INITIAL COMMENTS ARE ADDRESSED BY ====== UPDATED ON OC-

TOBER 11, 2007 BY COLLEEN L BAXTER ======

Cal Dept of Forestry/County Fire Miscellaneous Com

LATEST	COMMENTS	HAVE	NOT	YET	BEEN	SENT	T0	PLANNER	FOR	THIS	AGENCY

====== REVIEW ON OCTOBER 11. 2007 BY COLLEEN L BAXTER ======= ===== UPDATED ON OCTOBER 11, 2007 BY COLLEEN L BAXTER =======

Accessibility: Preliminary Project Imments for Development Review County of Santa Cruz Planning Department

Date: September 28, 2007 (Revised: 1/29/08)

Application Number: 07-0507

Planner: Annette Olson

APN: 098-061-45,46 (40)

Dear Annette,

A preliminary review of the above project plans was conducted to determine accessibility issues. The following comments are to be applied to the project design.

Please have the applicant provide a written response to each of these comments.

Refer to the attached brochure entitled Accessibility Requirements - Building Plan Check which can also be found at the County of Santa Cruz Planning Department website: http://www.sccoplanning.com/brochures/access_plancheck.htm This document is an information source for the designer when preparing drawings for building plan check.

<u>Project Description</u>: Silver Mountain Winery Mountain Home Winery, Change of use: Wine tasting room and office.

Maximum 20 occupants

<u>Determination of Occupancy</u>: Please apply specific requirements per California Building Code (CBC) sections 1104B thru 1111B. The occupancy and construction type are to be noted in the Project Data section on the cover sheet of the plans. Chapter 3 in the CBC shall be used to determine occupancy. Chapter 5 in the CBC shall be used to determine minimum construction type.

Comment: The change of use of the rooms proposed for wine tasting and office ('B' occupancy), is based on the review of the last plans approved for this building – building permit 108428. This permit specifically approved use of those rooms as conference rooms (B-2 occupancy) and specified the installation of a variety of accessibility features. This permit was 'finaled'.

Therefore, please request that the applicant submit a copy of the 'approved' plans for permit 108428 (the current copy was amended and is not a copy of the original approved permit), and request that the applicant acquire a new building permit to: 1. Document the Change of Use of the room, 2. to verify that the accessibility features approved under permit 108428 have been maintained, 3. to verify placement of the occupancy load sign for 20 occupants, and 4. to acquire a Certificate of Occupancy.

1-29-08 Comment: Not Resolved. The copy of the approved plans submitted for Building permit # 108428 is not reflective of the copy of the approved plans on file with the Planning Department Records Room in so far as the identification of the proposed use of the area labeled 'Tasting Room'. It is imperative that this discrepancy be resolved by acquisition of the approved set of plans in possession by the Records Room and by acknowledgement and reference of these plans in the Discretionary Permit. Please contact me if you have any questions about the discrepancy between your copy of the 'approved' plans and the Records Room copy.

CBC Section1103B - Building Accessibility

Accessibility to buildings or portions of buildings shall be provided for all occupancy classifications except as modified by this section. Occupancy requirements in this chapter may modify general requirements, but never to the exclusion of them. Multistory buildings must provide access by ramp or elevator.

Comment: See prior comment.

CBC 1114B.1.2 Accessible Route of Travel

At least one accessible route within the boundary of the site shall be provided from public transportation stops, accessible parking and accessible passenger loading zones, other buildings on the site, and public streets or sidewalks, to the accessible building entrance they serve. Refer also to 1127B for Exterior Routes of Travel. Where more than one route is provided, all routes shall be accessible. All spot elevations, slopes, cross slopes, ramps, stairs, curb ramps, striping, signage and any other accessible requirements are to be shown on the plans.

Comment: See prior comment

CBC 1129B Accessible Parking Required

Each lot or parking structure where parking is provided for the public as clients, guests or employees, shall provide accessible parking as required by this section.

Comment: See prior comment

Path of Travel Verification Form (refer to brochure)

County of Santa Cruz Planning Department Planning Commission Meeting Date: 5/26/10 Agenda Item: # 8 Time: After 9:00 a.m.

Application Number: 07-0507

Staff Report to the Planning Commission

Exhibit 1G



HIGGINS ASSOCIATES

CIVIL & TRAFFIC ENGINEERS

August 14, 2008

Jennifer Pope Hamilton Swift 500 Chestnut Street, Suite 100 Santa Cruz, CA 95060

RE: Silver Mountain Winery, Santa Cruz County, California - Special Events

Dear Ms. Pope,

This letter documents a trip generation and recommended evaluation for the Silver Mountain Winery located on Miller Hill Road in Santa Cruz County, California. Previously, Higgins Associates prepared a letter report for this project, "Silver Mountain Vineyards Sight Distance Analysis," dated December 17, 2007, which evaluated the sight distances at the Old San Jose Road / Miller Cut-Off and Miller Hill Road / Silver Mountain Drive intersections.

Silver Mountain Winery currently produces approximately 6,000 cases of wine annually, processing grapes grown on-site as well as those brought in from other vineyards in the area. The project site location is shown on *Exhibit 1*.

Under Mr. Jerald O'Brien's (owner) current Use Permit (#99-0244), the Winery is allowed 12 wine tasting special events per year with a maximum of 24 people on site at any one time. The winery is also allowed to have private wine tasting by appointment only, with a maximum of 20 people on site at any one time. Mr. O'Brien wishes to amend the Use Permit to (1) allow public wine tasting on Saturdays and Sundays, from 12:00 pm to 5:00 pm with up to 20 people at any one time and (2) increase the number of people allowed on site for three of the twelve special events to 50 people, an increase of 26 people. The three events include two Vintner's Festivals and one Passport Day. The remaining nine special events under the permit would retain the maximum of 24 people on site at any one time.

This traffic study estimates the net change in trip generation that would be associated with the increase in maximum occupancy for three of the special events. In addition, an evaluation is made of the adequacy of the roadway width of five roadway segments near the project site.

A. Data Collection

Daily traffic counts were performed between Saturday, July 12 and Sunday, July 20, 2008, on the following roadway segments near the project site, which are also depicted on *Exhibit 2*:

- 1. Miller Hill Cut-Off between Old San Jose Road and Miller Hill Road;
- 2. Miller Hill Road west of the Miller Hill Road / Miller Hill Cut-Off intersection;
- 3. Miller Hill Road between Miller Hill Cut-Off and Silver Mountain Drive (project driveway); and

EXHIBIT H

4. Silver Mountain Drive (project driveway).

The collected volumes for each roadway are included within *Appendix A*. These volumes are utilized in both the trip generation estimate (Section B) and roadway width analysis (Section C), below.

Note that one day of the counts, Saturday, July 19, 2008 was a "Passport Day," when the study project hosted a special event, while Saturday, July 12, 2008 was a typical Saturday with no special events occurring.

B. Project Trip Generation

The trip generation estimate discussed in the following paragraphs focuses upon the change in trip generation caused by the increase in maximum on-site patronage to 50 people for three of the special events. The previous December 2007 report quantified the trip generation associated with the opening of wine tasting to the public; see that report for more information.

No standard trip generation data currently exists for wine tasting special events. Project trip generation was therefore estimated by Higgins Associates, based in part upon information provided by winery staff. *Exhibit 3* contains a trip generation estimate for the special events of the study project.

The project trip generation estimate contains a comparison of trip generation between the proposed permit change and the currently allowable uses. Under the current permit, 12 special events per year are allowed, each with a maximum occupancy of 24 people. The proposed permit change would allow 3 of those 12 events to have a maximum occupancy of 50 people, with the remaining 9 events remaining at a maximum occupancy of 24 people.

The following assumptions were used in the derivation of the project trip generation estimates:

- 1. Daily and peak hour trips during larger events (i.e. maximum occupancy of 50 people) are equal to the traffic volumes collected along the Silver Mountain Drive (the project driveway) on an event day. The event day volume is represented by a "Passport Day" special event that occurred on Saturday, July 19, 2008.
- 2. This activity during smaller events are proportional to those of larger events. This proportionality is based upon the ratio of the maximum occupancies (50 people for the larger event versus 24 people for the smaller event).

As shown on *Exhibit 3*, each of the larger special events would generate 201 daily trips on the day of the event, with 54 trips (28 in, 26 out) during the peak traffic hour of the event. The smaller events would generate 96 daily trips on the day of the event, with 26 trips (13 in, 13 out) during the peak traffic hour of the event.

Under the proposed revision to the project use permit, neither the larger nor the smaller special events would occur every weekend – the larger events would only occur three times per year, 8-083 LOI

while the smaller events would occur only nine times per year. Even under the current use permit, special events would only be allowed on a maximum of 12 days per year. Therefore, as a comparison, the trip activity at the site has been converted into the total number of trips that the special events would generate over an entire year, both under the proposed and existing use permit. Exhibit 3 contains this comparison. On a yearly basis, the proposed use permit changes to the special events would result in an additional 315 daily trips over the entire year. This would be equivalent to an increase of approximately one trip per day over an entire year, or 26 additional daily trips per event. On a peak-hour basis, the permit change would result in each event generating, on average, 7 additional peak hour trips (4 in, 3 out) above what would be generated under the current permit. This would be an insignificant increase in traffic along the street network surrounding the project site.

C. Roadway Width Analysis

A Policy on Geometric Design of Highways and Streets, published by the American Association of State Highway and Transportation Officials (AASHTO) in 2004, provides a comprehensive set of geometric design values for streets and highways. The report is recognized as the authoritative source for geometric design standards for roads in the United States. The companion publication Guidelines for Geometric Design of Very Low-Volume Local Roads ($ADT \le 400$), published by AASHTO in 2001, provides geometric design values for very low-volume rural roadways.

In California, Caltrans establishes the minimum geometric design requirements for new construction and reconstruction for State facilities. Geometric design standards for local roads and streets are the responsibility of local governments. Typically, the design standards utilized by local jurisdictions in California are based on Caltrans and AASHTO design criteria.

AASHTO bases its basic geometric guidelines upon both the daily traffic volume experienced upon a roadway and the design speed of the roadway. In order to utilize the AASHTO guidelines, average daily traffic volumes (ADT) have been derived for the following four study roadway segments, utilizing the aforementioned traffic volumes collected on those roadways in July 2008:

- 1. Miller Hill Cut-Off between Old San Jose Road and Miller Hill Road;
- 2. Miller Hill Road west of the Miller Hill Road / Miller Hill Cut-Off intersection;
- 3. Miller Hill Road between Miller Hill Cut-Off and Silver Mountain Drive (project driveway);
- 4. Silver Mountain Drive (project driveway).

Exhibit 4 summarizes the ADT volumes on these four roadways. Daily volumes along Miller Hill Road west of its intersection with Miller Hill Cut-Off, and along Silver Mountain Drive, are each under 400 average daily vehicles (202 and 25 average daily vehicles, respectively). The other two segments experience higher daily volumes – Miller Hill Cut-Off, between Miller Hill

EXHIBITH

Road and Old San Jose Road, experiences 452 average daily vehicles, while Miller Hill Road, between Miller Hill Cut-Off and Silver Mountain Drive, experiences 606 average daily vehicles.

The roadway cross section for all four roadway segments is a pavement width of 18 feet, with no paved shoulders and no signed speed limits. Although there is no signed speed limit, existing travel speeds on one of the study roadway segment is known. As documented within the previous December 2007 analysis for the study project, existing travel speeds along Miller Hill Road near Silver Mountain Drive (i.e. the study project driveway) are 20 miles per hour (mph) in the eastbound direction, and 22 mph in the westbound direction. Therefore, for the purposes of this review, the design speed of the four study roadways is assumed to be 30 mph.

Per the AASHTO guidelines, the existing roadway cross section, in combination with the aforementioned traffic volumes and design speeds, would be acceptable for two of the four study segments -2) Miller Hill Road west of Miller Hill Cut-Off, and 4) Silver Mountain Drive. Such roadway dimensions are considered the minimum for rural roadways of daily volumes under 400 vehicles, according to the American Association of State Highway and Transportation Officials' (AASHTO) publication Guidelines for Geometric Design of Very Low-Volume Local Roads (ADT ≤ 400), published in 2001.

The AASHTO publication A Policy on Geometric Design of Highways and Streets, published in 2004, recommends a traveled way¹ width of 18 feet for new rural roadways that would experience average daily volumes of between 400 and 600 vehicles, which is met by Segment 1, Miller Hill Cut-Off between Old San Jose Road and Miller Hill Road. This latter AASHTO publication also recommends shoulder widths of 2 feet for new roadways; shoulders are not present along Miller Hill Cut-Off. A similar situation exists with Segment 3, Miller Hill Road between Miller Hill Cut-Off and Silver Mountain Drive. According to AASHTO, new road segments above 600 daily vehicles should have traveled way widths of 20 feet and shoulder widths of 5 feet. Segment 3 would fall under this category.

Despite the fact that two of the four roadway segments do not meet the recommended AASHTO guidelines for new roadway width, that does not necessarily mean that AASHTO recommends that all existing roadways be upgraded to meet that standard.

As stated in the AASHTO Policy on Geometric Design (excerpted from A Policy on Geometric Design of Highways and Streets):

The intent of this policy is to provide guidance to the designer by referencing a recommended range of values for critical dimensions. It is not intended to be a detailed design manual that could supersede the need for the application of sound principles by the knowledgeable design professional. Sufficient flexibility is permitted to encourage independent designs tailored to particular situations.

EXHIBITH

¹ "Traveled Way" refers to the portion of the roadway in which vehicles are allowed to drive. This excludes shoulders and parking areas.

Further, the policy recognizes that it may be impractical to apply the standards contained in the policy to existing facilities. As stated in the policy:

The fact that new design values are presented herein does no imply that existing streets and highways are unsafe, nor does it mandate the initiation of improvement projects. This publication is not intended as a policy for resurfacing, restoration, or rehabilitation (3R) projects. For projects of this type, where major revisions to horizontal or vertical curvature are not necessary or practical, existing design values may be retained.

The above guidance does not preclude the need to assess existing geometric conditions to establish whether minimum design values are achieved by the existing design. Existing design conditions may be satisfactory, even if the existing design does not meet design standards that would be appropriate for new construction. The existing topography, within which the four study roadways traverse, limits the ability to widen the roadways beyond their existing pavement width. Therefore, as the existing volumes are relatively small and well below the capacity of the study roadways, no widening improvements are recommended along any of the four study roadways.

D. Conclusion

In summary, the proposed use permit revision to the special event activities of the winery would increase the event trip generation by approximately one daily trip, which would be equivalent to 26 additional daily trips on each event day. This would represent an insignificant increase in trip activity. In addition, no improvements are recommended to the existing pavement width of the four studyroadway segments.

If you have any questions regarding this letter, please contact me at your convenience.

Sincerely yours,

Keith B. Higgins, CE, TE

kbh:imw

EXHIBIT H

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- Notes:

 1. Weekend daily and peak hour trips for larger special events taken from traffic count performed on an event day; in this case, Passport Day (July 19, 2008).

 2. Weekend daily and peak hour trips for smaller special events assumed to be proportional to larger events, based upon the relative ratio of maximum occupancy of persons.

 3. "Per Year" trip conversion based upon the following:

 a. Proposed larger special events would occur 3 days per year, while proposed smaller special events would occur 9 days per year.
- b. Current permit allows up to 12 special event days per year.
- c. Each year has 365 days.

PROJECT TRIP GENERATION COMPARISON (SPECIAL EVENTS) **EXHIBIT 3** 8-083-ALL-VOL - ADTExhibit

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Width OK /	Width (feet) Width OK!	Width (feet)	(ADT)	Location
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Roadway	Shoulder Roadway	Volume Traveled Wav		

Notes

1. Traffic volumes collected between July 12-18, 2008.

2. ADT is the average daily traffic on the roadway segment, averaged over the entire 7-day count period

3. "Traveled Way" is the paved portion of the roadway in which vehicles can drive; it does not include (July 12-18, 2008). the shoulders or parking areas.

4. Recommended pavement and shoulder widths for rural, mountainous roadways with design speeds of 40 mph or lower:

600-1 500 vehicles/day	400-600 vehicles/day	less than 400 vehicles/day	Volume	
/ 20	18	18 (con	Traveled Way Width (feet)	
(J)	2	bined)	Shoulder Width (feet))

Sources:

1. A Policy on Geometric Design of Highways and Streets, American Association of State Highway and Transportation Officials, 2004.

2. Guidelines for Geometric Design of Very Low-Volume Local Roads (ADT ≤ 400) , American Association of State Highway and Transportation Officials, 2001.

5. Although roadway does not conform to the standards of the American Association of State Highway and Transportation Officials (AASHTO) for new roadways, AASHTO does not unilaterally require upgrades of existing roadways. to this roadway. In addition, topographic constraints limit ability to upgrade roadway. Therefore, no width improvements are recommended

EXHIBIT 4
ROADWAY WIDTH
ANALYSIS



December 17, 2007

Deidre Hamilton Hamilton Swift 500 Chestnut Street, Suite 100 Santa Cruz, CA 95060

Re: Silver Mountain Vineyards Winery Sight Distance Analysis, Santa Cruz County, California

Dear Deidre,

This letter report presents the results of a speed survey and sight distance analysis at the Old San Jose Road / Miller Cut-Off and Miller Hill Road / Silver Mountain Drive intersections (project intersections), as well as a project trip generation estimate for public wine tasting to be held on Saturdays and Sundays at the Silver Mountain Vineyards Winery located in Santa Cruz County, California. A map showing the location of the project is included in Exhibit 1. Exhibit 2 shows the study intersections, and the project site plan is shown in Exhibit 3.

1. Project Description

Silver Mountain Vineyards currently produces approximately 6,000 cases of wine annually, processing grapes grown on-site as well as those brought in from other vineyards in the area.

Under Mr. Jerald O'Brien's (owner) current Use Permit (#99-0244), the Winery is allowed 12 wine tasting events per year. Mr. O'Brien wishes to amend the Use Permit to allow public wine tasting on Saturdays and Sundays; from 12:00 pm to 5:00 pm. The tasting will be held in the existing 450 square foot tasting room. Traffic to / from the vineyard for weekend wine tasting would not conflict with weekday commute traffic.

In addition to the owner, the winery currently employs two full time employees, and is expected to employ one additional person to assist during the weekend public wine tasting. Wine production will continue to occur as it presently does.

Silver Mountain Vineyards is accessed from Silver Mountain Drive (private road connection) at Miller Hill Road. Miller Cut-Off is located north of the Old San Jose Road / Miller Hill Road intersection and connects Old San Jose Road and Miller Hill Road. Miller Hill Road and Miller Cut-Off are rural roads located in mountainous terrain. Old San Jose Road is a two-lane County

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1300-B First Street • Gilroy, California • 95020-473 ^ 174 - 408 848-3122 • FAX/408 848-2202 • www.kbhiggins.com

Deidre Hamilton December 17, 2007 Page 2 of 4

road near the project site with a posted speed limit of 40 miles per hour (mph) for both northbound and southbound traffic.

2. Speed Survey Results

A speed survey was conducted near the two project intersections: Old San Jose Road / Miller Cut-Off and Miller Hill Road / Silver Mountain Drive. At each location a radar gun was used to determine vehicle speed. Each of the radar speed surveys were made from an inconspicuously parked, unmarked vehicle utilizing a technician certified in the use of radar equipment. An effort was made to ensure that the presence of the vehicle in no way affected the speed of the traffic being surveyed.

The 85th percentile speed, also known as the critical speed, is the speed at or below which 85 percent of the observed vehicles are traveling. The 85th percentile speed is the design speed that is used in the sight distance analysis for the project intersections.

Old San Jose Road is a two-lane County road with a posted speed limit of 40 mph. The 85th percentile speed traveled on Old San Jose Road near Miller Cut-Off was determined to be 44 mph and 42 mph in the northbound and southbound directions, respectively.

Miller Hill Road is a mountainous road with average pavement width of 18 feet. There is no posted speed limit; therefore, basic speed limit law applies. The 85th percentile speed traveled on Miller Hill Road near Silver Mountain Drive was determined to be 20 mph and 22 mph in the eastbound and westbound directions, respectively.

Speed survey calculations are included as **Appendix A**.

3. Sight Distance Analysis

The desirable sight distance requirement from the Caltrans Highway Design Manual (HDM) for unsignalized public road intersection is based on corner sight distance criteria. The Caltrans Corner Sight Distance standards are shown in **Appendix C**. However per Index 405.1(2)(a) of the manual, if restrictive conditions are present, minimum stopping sight distance as given in Table 201.1 must be satisfied. The Caltrans minimum sight distance standards are shown in **Appendix C**. The existing horizontal curvature on Old San Jose Road at Miller Cut-Off and the mountainous terrain would qualify as restrictive conditions.

For private road intersections, the minimum sight distance standard is based on Table 201.1. The minimum sight distance requirement based on the Caltrans Table 201.1 for 20 mph speed is 125 feet. The minimum set back distance to measure sight distance is as per Caltrans Standard, included in **Appendix C**

Higgins Associates performed a sight distance analysis at the project intersections, and prepared a letter report, dated June 28, 2000, stating that both intersections had adequate sight distance.

Deidre Hamilton December 17, 2007 Page 3 of 4

This previous analysis was based on a design speed of 45 mph and 20 mph for Old San Jose Road and Miller Hill Road, respectively. This letter report is included as **Appendix B**.

Higgins Associates staff visited both project intersections on December 13th, 2007, and collected sight distance measurements in order to identify the adequacy, or lack there of, in sight distance at the project intersections, and check that all elements of our previous analysis are still valid. The following is a summary of our findings:

San Jose Road / Miller Cut-Off Intersection

Old San Jose Road is located on a vertical and horizontal curve at Miller Cut-Off. Miller Cutoff has two-way traffic with no shoulder and is controlled by a stop sign at Old San Jose Road. Old San Jose Road has a single travel lane in each direction with minimal shoulders. San Jose Road has an estimated grade of 2% near the Old San Jose Road / Miller Cut-Off intersection. Parking is not permitted on Old San Jose Road.

Traffic exiting Miller Cut-Off onto Old San Jose Road has approximately 360 feet of sight distance to the right and 400 feet of sight distance to the left. According to the calculations in **Exhibit 4**, these are adequate sight distances based on the 85th percentile speed of 44 mph and 42 mph for northbound and southbound traffic, respectively. Traffic making a left turn movement from Old San Jose Road onto Miller Cut-Off has about 400 feet of sight distance, which is adequate for observing on-coming traffic based on the 85th percentile speed of 44 mph.

Miller Hill Road / Silver Mountain Drive Intersection

Miller Hill Road is located on a vertical and horizontal curve at Silver Mountain Drive. Silver Mountain Drive is a private road leading into Silver Mountain Vineyards and is controlled by a stop sign at Miller Hill Road. Miller Hill Road is essentially a one lane road with two way traffic and no shoulder. Miller Hill Road has an estimated grade of 6% at the Miller Hill Road / Silver Mountain Drive intersection.

Traffic exiting Silver Mountain Drive onto Miller Hill Road has approximately 125 feet of sight distance to the right and 300 feet of sight distance to the left. According to the calculations in **Exhibit 5**, these are adequate sight distances based on the 85th percentile speed of 20 mph and 22 mph for eastbound and westbound traffic, respectively. Traffic making a left turn movement from Miller Hill Road onto Silver Mountain Drive has about 270 feet of sight distance, which is adequate for observing on-coming traffic based on the 85th percentile speed of 22 mph.

Caltrans sight distance and setback standards taken for the Highway Design Manual are included as **Appendix C**.

4. Project Trip Generation

In addition to the owner, the winery currently employs two full time employees and is expected to employ one additional person to assist during the weekend public wine tasting. Wine

Deidre Hamilton December 17, 2007 Page 4 of 4

production will continue to occur as it presently does, and therefore no increase in truck traffic is anticipated.

The existing 450 square foot wine tasting room is proposed to be open to the public for wine tasting on Saturdays and Sundays; from 12:00 pm to 5:00 pm. The wine tasting room is expected to attract, on average, approximately 15 visitors per day, twelve (80%) of which are assumed to come during the weekend peak hour. This estimate is based on information provided by the project applicant, as well as other wineries in the area. The project's peak hour trip generation estimate is summarized in **Exhibit 6**.

5. Concluding Comments

In summary, the 85th percentile speeds for traffic traveling along Old San Jose Road were determined to be 44 mph and 42 mph for the northbound and southbound traffic, respectively. The 85th percentile speeds for traffic traveling along Miller Hill Road were determined to be 20 mph and 22 mph for the northbound and southbound traffic, respectively. Based upon these calculated speeds and collected sight distance measurements, it was determined that both project intersections have adequate sight distance for all turning movements.

It is recommended that existing vegetation on either side of Miller Cut-Off and Silver Mountain Drive near the project intersections be maintained so that the sight line is not obstructed in the future.

The proposed project would add an estimated 13 weekend peak hour trips (6 in, 7 out) to the local road network. These trips would not conflict with weekday commute traffic. It can be concluded from the preceding analysis that the project would generate insignificant additions to the traffic volumes on Miller Hill Road, Miller Cut-Off, and Old San Jose Road. The project should not be required to implement any mitigation measures.

Promotional material will indicate that Miller Cut-Off is the only access route to the project.

If you have any questions regarding this analysis, please do not hesitate to contact my office. Thank you for the opportunity to assist you with this project.

Sincerely yours,

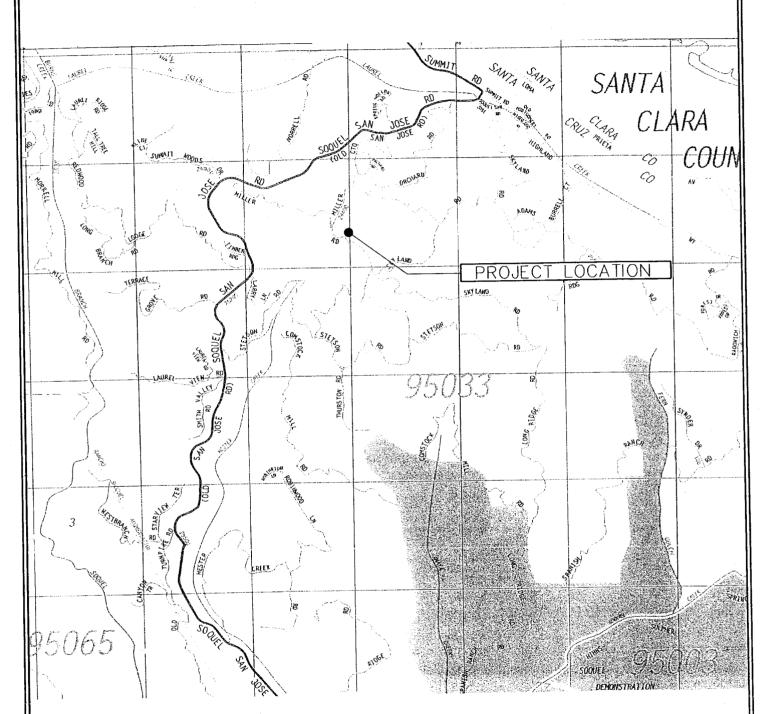
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Keith B. Higgins, CE, TE

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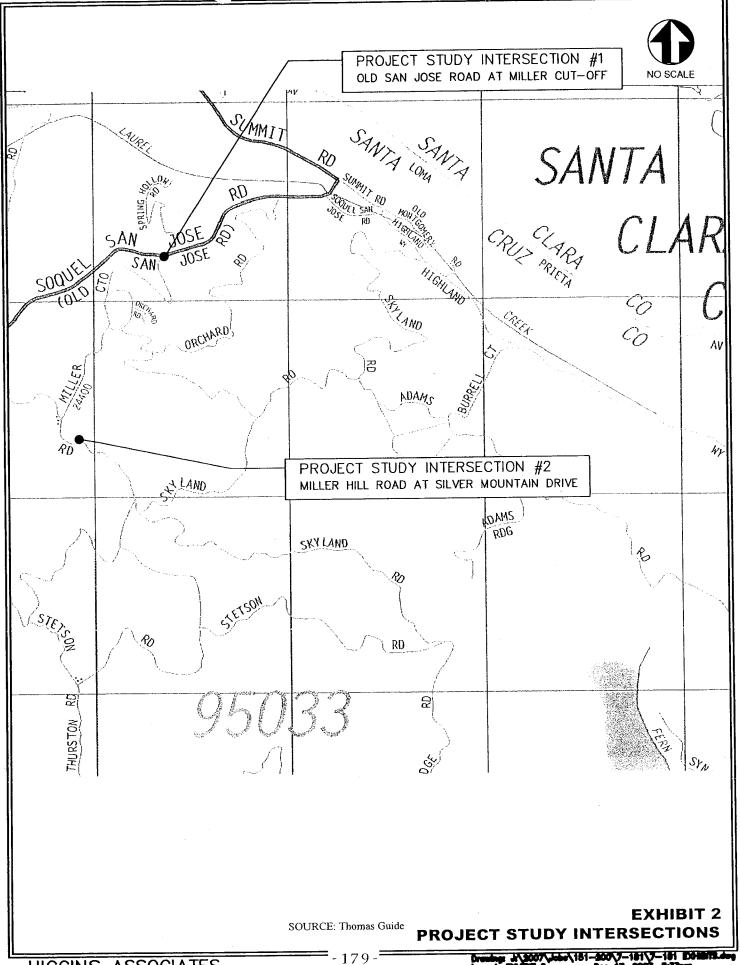
enclosures





SOURCE: Thomas Guide

EXHIBIT 1
PROJECT LOCATION MAP



County of Santa Cruz Planning Department Planning Commission Meeting Date: 5/26/10 Agenda Item: # 8

Time: After 9:00 a.m.

Application Number: 07-0507

Staff Report to the Planning Commission

Exhibit 1H



EDWARD L. PACK ASSOCIATES, INC.

1975 HAMILTON AVENUE SUITE 26 SAN JOSE, CA 95125 Acoustical Consultants

TEL: 408-371-1195 FAX: 408-371-1196 www.packassociates.com

July 31, 2008 Project No. 40-022

Mr. Jerold O'Brien Silver Mountain Winery P.O. Box 3636 Santa Cruz, CA 95063

Subject:

Noise Assessment Study of Live Music and Mechanical Equipment,

Silver Mountain Winery, Santa Cruz County

Dear Mr. O'Brien:

This report presents the results of a noise assessment study of live music and of mechanical equipment at the Silver Mountain Winery in Santa Cruz County, as shown on the Site Plan, Ref. (a). The noise exposures and noise levels presented herein were evaluated against the standards of the County of Santa Cruz Noise Element, Ref. (b). The purpose of the analysis was to determine the noise exposures and noise level impacts from the facility operations to the adjacent residential land uses. The results of the analysis reveal that the winery-generated noise exposures (24-hour average), the short-term average (L_{eq}) maximum (L_{max}) noise levels will be in compliance with the standards. Noise from the winery is mostly inaudible at the nearby properties. There are few instances where noise is slightly audible. Winery operation noise does contribute significantly to the ambient noise environment in the area. Mitigation measures will not be required.

Section I of this report contains a summary of our findings. Subsequent sections contain site and operational descriptions, analyses and evaluations. Appendices A and B, attached, contain the list of references, descriptions of the standards, definitions of the terminology and descriptions of the acoustical instrumentation used for the field survey.

I. Summary of Findings

The findings presented below were evaluated against the standards of the County of Santa Cruz Noise Element, which utilizes the Day-Night Level (DNL) noise descriptor to define acceptable noise exposures for noise sensitive land uses. The DNL is a 24-hour time-weighted average descriptor commonly used to describe community noise environments. The standards specify a limit of 60 decibels (dB) DNL at residential land uses.

The Noise Element also restricts noise from stationary sources (in contrast to transportation sources) at commercial facilities. The Noise Element limits short-term noise levels from mechanical equipment and music, to 65 dBA maximum (L_{max}) and 50 dBA hourly average (L_{eq}). However, if the ambient sound level is more than 10 decibels below the prescribed limit, the limit is then reduced by 5 decibels. As the ambient sound levels during the day at the common property lines are in the 30-40 dBA range, the imposed sound limits are:

 $\begin{array}{c} 60 \text{ dBA } L_{\text{max}} \\ 45 \text{ dBA } L_{\text{eq}}. \end{array}$

Note that the County of Santa Cruz Noise Ordinance (not to be confused with the Noise Element) is a curfew ordinance which limits noise annoyance between 10:00 p.m. and 8:00 a.m. for sources within 100 ft. of a sleeping space, but does not quantify noise limits. Because the winery's operations are limited to outside of the hours of 10:00 p.m. to 8:00 a.m. and all adjacent sleeping spaces are more than 100 ft. away, the Noise Ordinance standards do not apply.

Noise from the facility consists primarily of mechanical equipment, which includes a refrigeration condenser, an air compressor and a grape de-stemmer. Also included is music from live entertainment that takes place in the amphitheater. Note that the de-stemmer was not in operation as it needs to be filled with grapes to operate. It is used only during the harvest season. The de-stemmer is located at a lower elevation and behind stacks of crates and generates a lower sound level than the compressor. The compressor is located at a higher elevation, thus, it is the most significant noise source. The de-stemmer noise is considered insignificant in relation to the compressor noise.

The noise levels shown below represent the winery-generated noise exposures and noise level for existing and planned operational conditions.

Noise Exposures (DNL) A.

- Because the Day-Night Level is a time-weighted 24-hour descriptor with emphasis on nighttime noise, a constant (24-hour) sound level of 54 dBA is equivalent to 60 dB DNL. Therefore, to exceed 60 dB DNL, the winery would need to generate sound levels no less than 55 dBA at the property boundaries.
- Noise generated by the winery equipment and music is much less than 55 dBA, therefore, the noise exposure limit of 60 dB DNL cannot be exceeded. The winery operations are within the limits of the 60 dB DNL limit of the County of Santa Cruz Noise Element standards.

B. Noise Levels (Leq, Lmax)

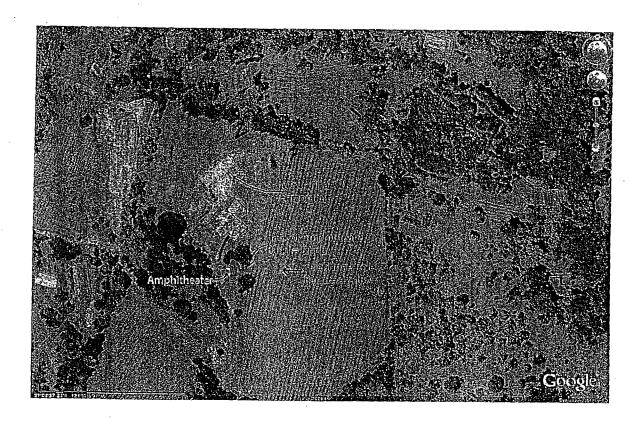
Table I on page 4 provides the measured noise levels of various sources at the common property lines contiguous with the winery.

The measurement locations are shown on the aerial photo on page 5. Note that the remaining property lines were not analyzed as they are either farther away and/or are shielded by topography. It was determined that since the noise levels from both the mechanical equipment and live music were barely audible and well within the prescribed standards at the most impacted property lines, attempting to access other property lines for the purposes of measuring noise that is not audible would have been to no avail.

The noise levels presented in the Table are instantaneous maximum sound levels. For the purposes of evaluation, noise from the mechanical equipment is similar whether it is a maximum level or an average level as the equipment noise is typically non-varying. Although the maximum levels were recorded, they were evaluated against both the maximum noise level limit and the average noise level limit. EXHIBIT G Music sound levels were not audible at property line locations 1, 2 and 3. Mechanical equipment noise was not audible at property line location 4.

TABLE I					
Silver Mountain Winery Noise Emission Levels, dBA					
Location	Source	ltem Sound Level, dBA	Total Sound Level (amb. + source item)		
PL 1	Ambient + Mech. Equip.	Compressor = 34 Air Release = 39	46 dBA		
PL2	Ambient		36 dBA		
PL2	Ambient + Mech. Equip.	Compressor = Not Aud. Air Release = 23 dBA	36 dBA		
PL3	Ambient	·	32 dBA		
PL3	Ambient + Mech. Equip.	Compressor -= 33 dBA Air Release = 29 dBA	36 dBA		
PL 4	Ambient + Band	Banjo Notes = 18 dBA	30 dBA		
Back of Amphitheater (60 ft. from Band)	Band	51 dBA	51 dBA		
Telephone Pole (140 ft. from Band)	Band	42 dBA	42 dBA		

As shown above, the noise levels at the periphery of the winery property are well within the limits of the standards whether the source is winery related or not. The highest sound levels at the property lines were due mostly to residential maintenance (power saw, hammering, etc.), swimming pool equipment and a well pump.



An important note regarding music: The band present at the time of the noise study was a duet consisting of a banjo and a dulcimer. These instruments are inherently low in sound level compared to more contemporary instruments. The style of music usually played with these instruments (folk) does not lend itself to playing at high levels. Other bands or entertainers could play 20 decibels louder than the duet reported on herein and still remain within the County noise limits. Small jazz bands (piano, bass, guitar, drums, sax and vocals), acoustic combos, chamber musicians, and groups typically termed "lounge acts" would be acceptable. DJ's would also be acceptable, however, they must agree to play softer or lighter music at reasonable levels. Should these types of entertainers be considered for future events, it may be worthwhile to noise monitor the first event to determine the acceptable intensity (volume) level.

Noise generated by the Silver Mountain Winery operations and entertainment are within the limits of the Santa Cruz County Noise Element standards. Mitigation measures will not be required.

II. Site and Operational Descriptions

The Silver Mountain Winery is located in the Santa Cruz Mountains along Miller Cutoff, south of Skyline Boulevard and Soquel-San Jose Road, in Santa Cruz County. The site contains two main structures; the winery building and a caretaker's home. The winery building includes the wine cellar, which is a concrete bunker situated adjacent to and just below the main building. Surrounding land uses include single-family rural residential adjacent to the north, south, east and west.

The winery sponsors wine tasting events a few time per year typically on weekends with live background music provided. The tasting events consist primarily of the winery being open to the public for tasting wine with a small music ensemble providing low level music for the guests enjoyment outdoors since the tasting room is too small to hold more than approximately 20 people. The winery is open from 11:00 a.m. to 5:00 p.m.

The winery operations are seasonal and are based on standard grape harvest and wine production. Greater activity occurs in the late summer and fall during the harvest season. The on-site mechanical equipment includes a refrigeration condenser used to cool the wine cellar, an air compressor used for cleaning equipment and other routine maintenance, and a grape press and de-stemmer. The mechanical equipment operates intermittently. The press is used during the harvest season at the beginning of wine production and is only operated with grapes inside the equipment.

III. Analysis of the Noise Levels

To determine the noise levels at the surrounding property lines, noise level measurements were made on Saturday July 19, 2008 during a standard wine tasting event. The noise measurements were recorded and processed using a Larson-Davis 2900 Real Time Analyzer, which measures sound in 1/3-octaves from 25 Hz to 10 kHz in real time. This instrument provides a graphic of the sound levels so that very low sound levels that are mixed in with the ambient sound levels can often be determined because of discreet frequency content.

Measurements of the ambient conditions (without winery generated noise) and of the various winery operations (mechanical equipment and live music) were recorded at four property line locations, as shown in the aerial photograph on page 5. It was determined that the noise levels at the remaining property lines would not be measureable due to increased distance and/or topographic shielding. The results of the sound measurements are shown in Table 1 on page 4. As shown, noise from the winery operations and from live music is very low and does not contribute significantly to the existing ambient noise environment.

Noise generated by the winery and its tasting events are within the limits of the Santa Cruz County Noise Element. Mitigation measures will not be required.

This report presents the results of a noise assessment study of winery operations at Silver Mountain Winery in Santa Cruz County. The study findings are based on field measurements and other data and are correct to the best of our knowledge. However, changes in the operational scenario, operational hours, noise regulations or other changes beyond our control may result in future noise levels different than those reported herein. If you have any questions or would like an elaboration on this report, please call me.

Sincerely

EDWARD L. PACK ASSOC., INC.

Jeffrey K. Pack

President

Attachment: Appendices A, B and C

Appendix A

References:

- (a) Site Plan, Silver Mountain Winery, by ACS Architects, May 12, 2008
- (b) Santa Cruz County General Plan, Santa Cruz County, Department of County Planning and Building, December 19, 1994

APPENDIX B

Noise Standards, Terminology, Instrumentation,

1. Noise Standards

A. Santa Cruz County "Noise Element" Standards

The noise section of the Santa Cruz County General Plan, adopted December 19, 1994, identifies an exterior limit of 60 dB Day-Night Level (DNL) at outdoor living or recreation areas of residential developments, as shown in Figure 6-1 under Policy 6.9.1. This standard applies at the property line of residential areas impacted by transportation related noise sources.

Figure 6-2 identifies limits on maximum allowable noise exposure for stationary noise sources under Policy 9.6.4 "Commercial and Industrial Development".

	Daytime	Nighttime
	7 AM to 10 PM	10 PM to 7 AM
Hourly L_{tq}^- average hourly noise level, dB-	50	45
Maximum Level, dB	70	65
Maximum Level dB - Impulsive Noise	65	60

At interior living spaces of residential area, the standards established an interior limit of 45 dB DNL for noise levels due to exterior sources.

2. Terminology

A. Day-Night Level (DNL)

Noise levels utilized in the standards are described in terms of the Day-Night Level (DNL). The DNL rating is determined by the cumulative noise exposures occurring over a 24-hour day in terms of A-Weighted sound energy. The 24-hour day is divided into two subperiods for the DNL index, i.e., the daytime period from 7:00 a.m. to 10:00 p.m., and the nighttime period from 10:00 p.m. to 7:00 a.m. A 10 dBA weighting factor is applied (added) to the noise levels occurring during the nighttime period to account for the greater sensitivity of people to noise during these hours. The DNL is calculated from the measured Leq in accordance with the following mathematical formula:

DNL =
$$[(L_d+10\log_{10}15) & (L_n+10+10\log_{10}9)] - 10\log_{10}24$$

Where:

 $L_d = L_{eq}$ for the daytime (7:00 a.m. to 10:00 p.m.)

 $L_n = L_{eq}$ for the nighttime (10:00 p.m. to 7:00 a.m.)

24 indicates the 24-hour period

& denotes decibel addition.

B. A-Weighted Sound Level

The decibel measure of the sound level utilizing the "A" weighted network of a sound level meter is referred to as "dBA". The "A" weighting is the accepted standard weighting system used when noise is measured and recorded for the purpose of determining total noise levels and conducting statistical analyses of the environment so that the output correlates well with the response of the human ear.

3. Instrumentation

The on-site field measurement data were acquired by the use of one or more of the sound analyzer listed below. The instrumentation provides a direct readout of the L exceedance statistical levels including the equivalent-energy level (Leq). Input to the meters were provided by microphones extended to a height of 5 ft. above the ground. The "A" weighting network and the "Fast" response setting of the meters were used in conformance with the applicable standards. The Larson-Davis meters were factory modified to conform with the Type 1 performance standards of ANSI S1.4. All instrumentation was acoustically calibrated before and after field tests to assure accuracy.

Bruel & Kjaer 2231 Precision Integrating Sound Level Meter Larson Davis LDL 812 Precision Integrating Sound Level Meter Larson Davis 2900 Real Time Analyzer

Planning Commission Meeting Date: 5/26/10

Agenda Item: #8 Time: After 9:00 a.m.

Application Number: 07-0507

Staff Report to the Planning Commission

Exhibit 1I

From:

wgatcomb@surfnetc.com

Sent:

Friday, May 07, 2010 6:36 PM

To: Subject:

Samantha Haschert Application 07-0507

Hi,

Got the note on the appeal meeting on 5-26. Wanted to say I support Mr. O'Brien in this process.

I live at 70 Old Orchard Road, which abuts up to Silver Mountain on its north side, Mr O'Brien has been a good neighbor to me over the last few years and has kept in the know on his plans.

That's the short of it but let me cover some of the other points that my neighbors have brought up.

Traffic: I see very little traffic or issues during passport weekends and the such, I see this a non-issue. More of an issue is during weekdays with locals going way to fast on Miller cutoff. I'm sure you have looked to see the accidents reports on this road and know they are almost non-existant.

Noise: Even on passprt weekends I get NO noise from the winery

Bad Neighbor: I get this a lot that Mr. O'Brien is a bad neighbor, I can tell you with the exception of two houses on Old Orchard Road, he is by far a better neighbor then what I have to deal with on a regular basis.

So please give him this use permit so we can get on with living up here.

regards,

bill gatcomb susan smarr

To:

From: robert takle [rdtakle860@gmail.com] Sent: Sunday, March 21, 2010 4:01 PM

Samantha Haschert

Subject: Re: silver Mtn. Winery appl.

ms S. Haschert.: As you may be aware of, we have appealed the winery decision you people perpetrated upon us. Please tell that Bussy guy to retire already and get a new life already on his pension and kickbacks. regards bob T.

On Fri, Mar 12, 2010 at 9:02 AM, robert takle <rdtakle860@gmail.com> wrote:

Thank you for this information. I will soon decide how to proceed. My main concern at this time is property values, which is a subject that was ,I am told, not discussed at the hearing. It 's a shame we have to worry about this. Its a shame this guy pushes the envelope. Its a shame you guys (county et al) took his side and allowed this to happen. Actually its a shame he was even born. Regards, Bob Takle

On Thu, Mar 11, 2010 at 8:28 AM, Samantha Haschert <PLN145@co.santa-cruz.ca.us> wrote: Robert,

Since the application has already been approved through the public hearing process (several, actually), the only option for you at this point is to appeal the approval. The appeal period takes place during the two weeks following permit approval. The permit was approved on March 5th, so if you would like to file an appeal, you must submit the appeal before 5:00 p.m. March 19th, 2010.

The contents of an appeal must include:

- 1) The act or determination being appealed;
- 2) The identity of the appellant and his/her interest in the matter;
- 3) A consise and succinct statement of the reasons which, in the opinion of the appellant, render the determination made unjustified or inappropriate; and
- 4) A request for an additional hearing on the application.

Appeals of Zoning Administrator decisions are heard before the Planning Commission. An appeal fee is collected at the time of appeal which is \$1515.00 (neighbors only pay 50% of the regular appeal fee charged to the applicant or property owner).

Another thing to consider, is that the Zoning Administrator permitted public wine tasting for only one year during which, the neighbors will have the opportunity to evaluate if there are any impacts associated with the expanded use. If there are, the neighbors could file a compliant with our code compliance section. At the end of one year, the applicant will have to apply for a permit to extend the use which will be processed administratively (no public hearing) but the neighbors will be noticed. In the processing of this permit, neighbor compliants will be considered.

If other neighbors are concerned, please pass on this information.

Thanks,	
Samantha	1

Samantha Haschert
Development Review Planner
Santa Cruz County Planning Department
701 Ocean Street, 4th Floor
Santa Cruz, CA 95060

Ph: (831) 454-3214 Fx: (831) 454-2131

----Original Message----

From: robert takle [mailto:rdtakle860@gmail.com]

Sent: Tuesday, March 09, 2010 6:44 PM

To: Samantha Haschert

Subject: silver Mtn. Winery appl.

Maam; I was unable to attend the hearing re this recent issue. You rec,d my reasons for denial. There is LOTS of chatter up here re pursuing this thru legal channels,etc. This is a residential-ag area, not any commercial area, period. I am sorry I was unable to attend the mtg. Who do I need to sit with face to face and convince that your boys erred in allowing anything to this guy who doesn't care about his neighbors? I am willing, convincing and looking forward to any one on one. Please advise. Sincerely, Bob Takle

Subject: Entry Type:

07-0507 Public Comment

Phone call

Start:

Fri 3/5/2010 7:10 AM Fri 3/5/2010 7:10 AM

End: Duration:

0 hours

Dr. Peter Werner 408-353-3578

Opposes expansion Hazards for roads Peace and quiet - opposed to bands outdoors every Saturday

From:

Ralph Johnson [ralph.johnson@surfnetc.com]

Sent:

Thursday, March 04, 2010 4:38 PM

To:

Samantha Haschert

Cc:

henrik.aberg@surfnetc.com; actyger@aol.com; Carter, Ellen; Bruce Greenblatt;

karelw@earthlink.net; Cynthia Greenblatt

Subject:

Re: re Silver Mountain Winery



photos.pdf (2 MB)

Attached is the measurment data that I promised in Acrobat format. Note that I have approximate locations on the map and photos of the actucal locations so the results can be verified. I also have pictures of the actual measurements to resolve any transciption errors in the future.

Ralph Johnson wrote:

- > Samantha
- > I talked to the engineer from Higgins Associates, who wrote the report
- > traffic report labeled exhibit H in the materials packet, for the
- > roads around Silver Mountain today.

>

- > I want to get the responses on record before the meeting, and ask that
- > the issue be removed from the consent agenda.

> The engineers name is Jeff Waller. He has a BS in Civil engineering

- > and certification as a Professional Traffic Engineer. The report is
- > signed by the chief engineer and previously the owner Kevin Higgins
- > and is dated August 14, 2008.

> I asked him about the statement on page 42/116 paragraph 2. "The

- > roadway cross section for all four roadway segments is a pavement
- > width of 18 feet, with no paved shoulders and no signed speed limits."
- > I explained to him that all the roads indicated had significant
- > stretches that were less than 18 ft wide. He expressed surprise and
- > said he did not do any survey measurements himself. I asked him if
- > there was any definitions in the AASHTO standards that allowed that
- > statement to be true, such as if they were only true for short
- > sections, He said no.
- > From my obesrvations, a great deal of AASHTO is devoted to calculating
- > additional width required to allow cars to make it around turns
- > because of the way the front wheels must carve a larger arc to keep
- > the rear wheels on the pavement. He confirmed that. I asked him if
- > they were commissioned to do any such analysis. He said no. 1
- > confirmed that turns always require more space than straight aways and
- > the requirement grow rapidly for larger vehicles.

- > I asked him about the recommendation that no changes be made. I told
- > him that what I read is that this recommendation is based on the fact

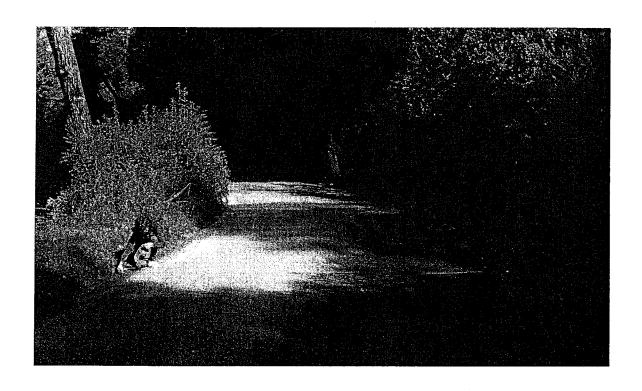
> that it is impractical or impossible with the given property lines > topology and vegetation and not that they were saying that it is > safe. He confirmed this. He said as he recalled there was no > practical way to make modifications to bring the road up to AASHTO > standards. > I asked him about the statements on pages 42/116 and 43/116 which > state that these are not absolute regulations, that they did not mean > that it was unsafe, and that there could be mitigating circumstances. > I ask him if AASHTO specified any mitigating circumstances or if he > knew what those might be. The only thing he could come up with was > that if only local drivers used the roads it could be considered safer > and that he did not know if any specific measures were listed in the > specification. The fact that this supports the neighbors contention > makes the pending decision that much more onerous. I asked him if > striping, warning signs at narrow or blind sections and clear lines of > sight might be mitigating he said he thought they might be but did not > know what was in the spec. Of course no such factors exist on the > road anyway. > To summarize my take on the report. Statements of road width are > factually incorrect he was not aware of it. Significant improvements > are not possible due to physical and cost constraints. The roads > violate minimum standards and there are no mitigating circumstances > present that make the road safe. > Our measurements clearly show that major sharp steep turns in the > section of Miller Hill between Miller Cutoff and Silver Mountain are > between 14-1/2 and 17 feet not the 18 feet reported. In addition the > AASHTO standard would require significantly wider lanes due to extra > requirements on sharp turns even for passenger vehicles. > The Miller Cutoff section which is considered complying in the report > has a minimum width of 11'7" despite being listed as paved to 18 ft. > With long segments that are below 17ft and one of these segements is > on a sharp blind curve with significant grade. The lower travese > portion running roughly parallel to Soquel San Jose Road has segments > as narrow as 14'5" and is below 18' over the entire length so far as > we could tell.

> I have pictures and a witness to confirm these measurements. They > completely refute the evidence provided in the Exhibit H and the > testimony of the Department of Public Works in the meeting as well as > in notes you made after interviewing Jack Sohriakoff. His claim was > the the road width varied from 18-24 feet and this is completely > unsupportable.

> In short there are numerous provably false statements made about the > road conditions by the attending experts and I would like these noted > before the decision is rendered. In talking to my neighbors we feel > that this application is being railroaded.

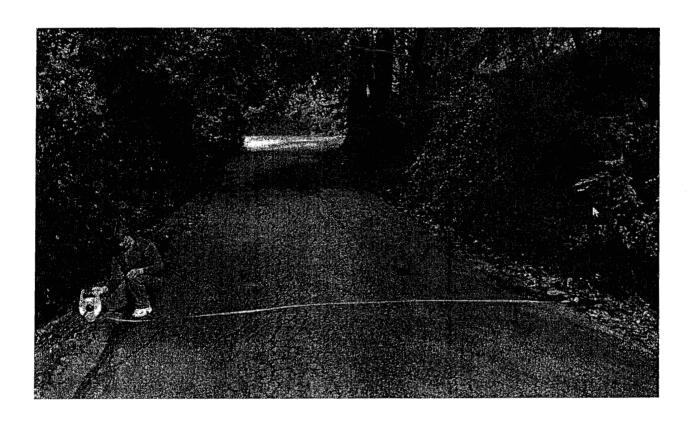
> I will provide a map with the specific locations and measurement which

- > can be verified in the next hour or two but wanted to make sure you > and Don Bussy are aware of the situation prior to the meeting.
- > Thanks
- > Ralph Johnson > 60 Old Orchard Rd
- > Los Gatos, CA 950333
- > (408)353-5464





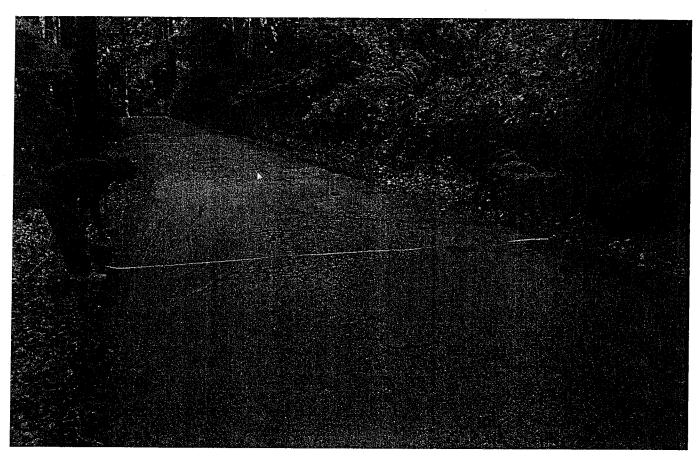
Location 8 Old Orchard intersection

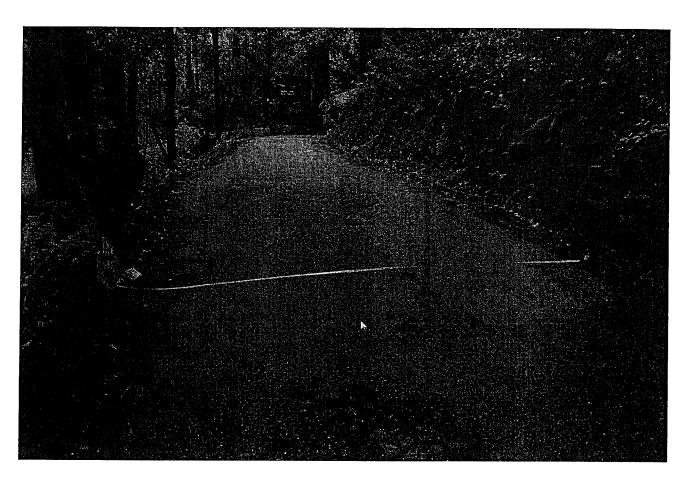














From:

Izzo, Karen [karen@serenogroup.com]

Sent:

Thursday, March 04, 2010 4:54 PM

To:

Samantha Haschert

Cc:

Izzo, Karen

Subject: Silver Mountain Winery

Hi Samantha,

My name is Karen Izzo and I am writing this to give you my perspective on the Silver Mountain Winery public hearing tomorrow. My husband and I lived next to Jerold for 7 years and enjoyed the beauty of his vines and his company. I have been in the mountains now for 20 years (just a 2 miles up the road now) and serve on various committees raising money to help fund the school programs that got cut and the community events overall. Every event that is held in the mountains and town for that matter Jerold is there giving. He keeps giving and giving. I kheard there has been discussions about the winery open on the weekends for tastings and I think that is something that should be seriously considered. As a realtor and mountain resident, I think this is something that adds to our community. The other 3 wineries on our side of the hill all enjoy earning a living and being open on weekends. Jerold's winery - Silver Mountain should be no exception. I have been there at these hearings in the past and heard some of the concerns. First and foremost, traffic on the roads from people tasting wine is NOT the reason to stop him from doing business. I have run and walked pushing my daughter in her stroller for 5 years when I lived next to Jerold and I will tell you, it's not the people wine tasting that ran me off the road, it was the mountain residents!

So for what it's worth, I just wanted to express my heartfelt feelings about this situation in hopes of seeing Silver Mountain Winery open on weekends or something more than it has been. He is a fabulous man, very giving, and deserves to enjoy his livelihood.

Thank you for your time and reading this email. I hope it is acceptable to voice my opinion.

Kind Regards,

Karen Izzo Mountain Resident 408-309-9076

From: John J. Herr [jjherr@bonestamp.com]

Sent: Thursday, March 04, 2010 5:55 PM

To: Samantha Haschert

Subject: 07-507 (Silver Mountain)

March 4, 2010

Samantha Haschert Project Planner for 07-507 (Silver Mountain) 701 Ocean Street, Room 400 Santa Cruz, California 95060

Dear Ms. Haschert,

I am disturbed that once again I must begin with this statement to preserve all legal remedies:

"If any person challenges an action taken on the foregoing matter(s) in court, they may be limited to raising only those issues which were raised at the public hearing described in this notice, or in written correspondence delivered to the Zoning Administrator or prior to the public hearing."

Mr. O'Brien has suffered needlessly at the hands of Santa Cruz County for twenty years. He has twice proven with independently collected empirical evidence that has been analyzed by neutral experts that he is not and will never will be a noise or traffic nuisance to his neighbors. None of his neighbors have presented any empirical evidence that has been objectively collected and analyzed that refute the expert studies that the County has required Mr. O'Brien to conduct. Those scientific studies have thoroughly vindicated Mr. O'Brien for ever having been a nuisance to his neighbors.

I cannot conceive of a single reason why his permitting process has continued over a period of the last six weeks: he has been put through enough abuse by his overwrought neighbors. He has been charged more than enough fees for the time of County employees. Neither can I conceive that Mr. O'Brien would be required to submit logs or tests or any more data or studies that indicate he is not a nuisance to his neighbors and abiding by the conditions of his use permit. Why not make Mr. O'Brien bring in logs every two years that prove he doesn't beat his wife? Never mind he never beat his wife. Never mind he never was a nuisance to his neighbors either. Mr. O'Brien may have exceeded the business activity of his original use permit in rebuilding after the earthquake but he never was a nuisance to anyone. He never will be a nuisance. It is an insult to continue to assert he is not a man of his word when the neighbors' exaggerations have proven to be erroneous all along. At this point, if there is a question of good character, it deserves to be asked of any remaining complaining neighbors' character, particularly Mr. Ralph Johnson who seems intractable in his desire to run Mr. O'Brien out of business, regardless of the objective facts and objective interpretations of those facts.

Let me speak plainly: after the County uncritically sided with his neighbors through twenty years of erroneous accusations, it would be an abrogation of justice and a personal abomination on the part of the Zoning Commissioner and planning staff to require Mr. O'Brien's business to be on some kind of "probation," for the next two years. If anyone is to be on probation, it should be the neighbors that, consciously or unconsciously, seriously misrepresented the conditions at Silver Mountain to the County

in such a way that they have cost Mr. O'Brien's business at least two million dollars' worth of revenue and the County nearly two-hundred thousand dollars in taxes. There is no point to single out Mr. O'Brien for additional supervision: A two year review was not required of Mr. Kemp despite the numerous complaints of his neighbors. It was not required of David Bruce. It was not required of Byington. Requiring such a condition will impose a major economic hardship for Mr. O'Brien because he is trying to run a business. No business plan includes being a chronic revenue center for the planning department.

All I can think of that would account for expensive, unreasonable demand by the Zoning Administrator and planning staff to keep Mr. O'Brien at the end of a string for another two years is an unconsidered desire by the County to save face for getting sucked into an ultimately untenable situation by some of the Silver Mountain neighbors' impassioned but inaccurate reports of how their lives (and property values) were being ruined by Mr. O'Brien twenty years ago. The fact is no one needs to save face. The neighbors turned out to be wrong. The Zoning Commissioner and planners need only to be big enough people to relent in their so far unending (and now clearly unwarranted) process of persecuting Mr. O'Brien: I beseech you, approve his use permit without any additional conditions and conclude almost twenty years of misunderstandings once and for all.

Surely, the Zoning Commissioner and planning staff are big enough people to rise above the misunderstandings in the past to do what has been objectively proven (twice) to be the only right thing now.

Sincerely,

John J. Herr, Ph.D. 27200 Loma Prieta Way Los Gatos, California 95033

From: Sent: Alan Seales [seales@skylandbay.com] Thursday, March 04, 2010 6:45 PM

To:

Samantha Haschert

Subject:

Protest Against Application Number 07-0507/ Jerold O'Brien/Silver Mountain/Sonnet

Dear Samantha.

We have read the Staff report regarding the application to increase public activity at Silver Mountain Vineyards/Sonnet Wine Cellars and are opposed to the proposal. We live 0.5 miles from the site. The roads around here are steep, winding and narrow, and traffic already presents a hazard to residents walking with or without dogs. Any increase of traffic would significantly affect the quality of life of those of us who have accepted the privations of living in a remote rural area in order to have a freer, closer to nature life. The report states that Miller Hill Road is paved to 18 ft wide, but I have personally measured Skyland Road (one of the feeder roads) at 15 ft in places. Most of the roads have poorly maintained surfaces and typically there is a steep hill up one one side, and steep hill down on the other, with no shoulder. I think you can appreciate the hazards.

We do have friends who support the application, but they live on Summit Road and Soquel Road, and would not directly experience any problems due to increased traffic. We also note that most of those who voiced support for the proposal would similarly not be affected. They are entitled to have and to express their opinions, but these should not be allowed to carry much weight.

Please deny the application.

Stay consistent with the R-R/RA land use/zoning. No commercial development permit.

Stay with private wine tasting, limited to 24 persons.

Do not allow outdoor music. We live here for the sounds of nature.

Mr. O'Brien seems to be doing quite well with the existing arrangements. Silver Mountain wines are well represented in local stores. We wish him continued success.

Regards, Alan & Irene Seales

From: Smith, Rebecca [rebecca@serenogroup.com]

Sent: Thursday, March 04, 2010 6:20 PM

To: Samantha Haschert

Subject: Silver Mountain Winery

Dear Samantha,

I understand there is a public hearing about the Silver Mountain Winery tomorrow and as I cannot attend in person I would like to offer my point of view for your consideration.

I am a local resident. I occasionally walk or ride my horse past the Silver Mountain Winery and I am proud to have this business in our neighborhood. Jerold Obrien is a wonderful neighbor and an outstanding member of our mountain community. He is someone who willingly gives back to the community at every opportunity. It is impossible not to notice that Silver Mountain Winery is always a generous donor or sponsor at fundraising events for the mountain schools and other local causes.

As a Realtor I have had occasion to ask Jerold's advice when working with buyers or sellers of vineyard properties and he always takes the time to help out and offer his insight. I have also noticed with interest how the flourishing Santa Cruz Mountain wineries are attracting the attention of people who would normally have no interest in the mountains. I feel this is giving a nice boost to the image of our community, it only makes me even more proud to live and work here.

I see no reason to place restrictions on Jerold's business that do not apply (or are not enfored) to other wineries in the area. Some will inevitably complain about the potential for increased traffic, but as we are only talking about a few hours on a Saturday and Sunday I believe this is minimal and does not present a danger. In fact in my experience non-mountain residents drive very carefully on unfamiliar narrow mountain roads. I think all of us mountain residents have experienced this during the Christmas Tree season when we really are innundated with a great deal of extra traffic for 3 or 4 weeks. The biggest complaint I hear is how slowly the visitors drive! By comparison the traffic that the wineries bring spread over 52 weeks of the year is negligible.

Silver Mountain Winery is Jerold's livelihood, and there is no doubt in my mind that if his business is allowed to go from strength to strength then it will ultimately benefit the entire community, because his generous spirit is such that he will give back even more. I wholeheartedly back his application and implore others to do the same.

Thank you for your consideration of this letter in SUPPORT of the application by Silver Mountain Winery. I am sure you will hear some less positive points of view at the hearing tomorrow, but I trust you will take into account that those who have no objections typically do not see the need to attend or speak up. The minority who object may have the loudest voices, but I know many mountain residents who will be delighted if Silver Mountain Winery is allowed to be open for public for wine tasting on weekends.

Sincerely,

Rebecca Smith
Realtor with the Sereno Group, Summit Riders Member and Local Resident

25147 Radonich Rd, Los Gatos CA 95033 (408) 353-9820 hm rebecca@serenogroup.com

From: Sent:

Connie Brewer [classycon@gmail.com] Thursday, March 04, 2010 12:16 PM

To:

Samantha Haschert

Cc:

Bonnie Cloyd

Subject:

Silver Mountain Winery

I would like to voice our opposition to any increase in the commercial usage of the Silver Mountain Winery. It is my neighborhood where I enjoy my quiet lifestyle and I do not want drunk people driving ony roads while I am out walking my dogs. The noise level has been out of control in the past and I in no way want it to increase. Very Sincerely. Connie and Dan Brewer. 24960 Skyland Rd

Sent from my iPhone

From: robert takle [rdtakle860@gmail.com]

Sent: Wednesday, March 03, 2010 2:24 PM

To: Samantha Haschert Subject: Silver Mt. winery

Dear Ms. Haschert,

Regarding Mr. OBrien's request for year round public wine tasting at his Silver Mountain Winery Located on Miller Hill Road in the Santa Cruz Mt., I would like to voice my objection.

My name is Marlene Takle my husband and I have resided in our home on Skyland Rd. for 36 yrs. The roads in the surrounding area are very narrow, twisting and difficult to negotiate in the best of circumstances.

It is extremely difficult for two oncoming vehicles to pass in many areas or to see oncoming traffic around steep tight corners. There are no lines indicating the center of the roadways because the road widths are just not wide enough to bother.

It takes a lot of awareness and non-inebriated attention to negotiate them without incident.

Most property in these mountains are zoned agricultural, so the growing of grapes and production of wine is well with in those

provisions and we acknowledge and applaud that use in our quiet rural mt. community. Silver Mountain Winery is allowed unlimited private wine tasting and 12 public event days, in 2009, the winery held 49 events and private tastings and

logged 873 visitors, in addition, <u>Silver Mountain winery</u> also <u>operates a wine tasting establishment</u> <u>in west side Santa Cruz</u>. I do not begrudge entrepreneurship and the right to make an honest living, but not if it impinges on the rights of

residential property owners to <u>enjoy quiet weekends without outdoor music of a commercial party</u> invading their weekend days off work and the quiet solitude most of us moved to the mountains for.

Regarding allowing public wine tasting to occur on Saturdays only, where visitors are limited to 20 on site at one time.

Silver Mountain winery has a gate at the bottom of their steep driveway approx. 50 feet off of Miller Hill Rd.

What provisions could possibly be made to guarantee that only 20 will be allowed up that gated driveway? There is little or no good safe area to back out onto Miller Hill Road once the gate is closed due to the magic 20 number being

reached. Will there be a take a number machine at the bottom of the driveway? If the gate is left open to allow cars to enter resulting in more visitors than allowed, are they going to be asked to leave then and there?

Are those 20 visitors to be given a time limit to be on site?

I ride or lead my horse, as others do, on that road in order to reach the arena at the intersection of Miller Hill Rd. and Miller cut-off Rd. Many others walk for exercise on their <u>weekend days</u> off work and others walk their dogs

Most of the roads were constructed by cutting into the mountains, there by, one side is steep embankment up the other side a steep drop off down. There are no sidewalks and in most places not even a safe shoulder available to step off the road

We don't need or want more traffic impact on our minimally maintained county roads.

At a public meeting a few years ago where the discussion was about upgrading the Live Oak streets and adding sidewalks,

I asked, our then District Supervisor Jan Beautz, what about directing efforts toward our unincorporated mountain area and was told those of us who choose to live in these mountains liked the more rugged life style

and were all able to fend for ourselves with minimal services.

So on that note, please consider the points of my objections and deny Mr. Obrien's request as well as the Zoning Administrators recommendation of 52 Saturdays per year public wine tasting.

Regards

Marlene Takle

From: Jana McBurney-Lin [jmcburneylin@msn.com]

Sent: Wednesday, March 03, 2010 9:56 AM

To: Samantha Haschert

Subject: Please Stop Expansion of Silver Mountain Winery

Dear Samantha Haschert,

I am a resident of 35 Old Orchard Road which is right around the corner from the Silver Mountain Winery. I am writing to ask that you please stop any plans to allow expansion of the winery.

The roads leading up to the winery are narrow, windy, and dangerous. In some places navigating a turn too far to the left or right can mean a 15ft drop into the forest, something which happened to a fully sober resident just last year.

I implore you, for the safety of the children and the bikers and the walkers on the road, as well as for the drivers themselves to not allow such an expansion to take place.

Thank you for your attention. Yours,

Jana McBurney-Lin

Jana McBurney-Lin Author, My Half of the Sky www.myhalfofthesky.blogspot.com

Hotmail: Powerful Free email with security by Microsoft. Get it now.

From: hstellrec@comcast.net

Sent: Wednesday, March 03, 2010 9:25 AM

To: SAMANTHA

Cc: Samantha Haschert

Subject: Proposal to amend operational conditions at Silver Mountain Winery

From: Hans Stellrecht, 25059 Skyland Road, Los Gatos

To: Samantha Haschert, Project Planner

Subject: Proposal to amend operational conditions,

07-0507 265 AND 333 SILVER MOUNTAIN DR., LOS GATOS

APN(S): 098-061-45,-46

Dear Ms. Haschert,

I recently wrote you an email expressing my objections to the proposed amendment. Not being familiar with the prior history of this issue, I am still learning, and after hearing arguments in favor of the proposal, I would like to moderate my objections. While I am still opposed to development which would adversely affect the quality of life

in our neighborhood, I am now not sure about the real impact of the proposed changes.

If the proposal allows only moderate expansion of the activities at the winery and there is negligible impact on the traffic in the area and on the quality of the neighborhood my objections would be mitigated.

This impact can only be judged by the planning department since it has the traffic impact studies and related information to reach a fair decision.

In any case, I sincerely hope that the interests of both parties can be satisfied.

Sincerely,

Hans Stellrecht 408-828-5823

From: jim@summitinspections.net

Sent: Monday, March 01, 2010 10:05 PM

To: Samantha Haschert

Subject: Silver Mountain Winery Proposed Changes

Samantha Hanschert, Project Planner Santa Cruz County Planning Dept. 701 Ocean St, 4th floor Santa Cruz, CA 95060

Re: Proposal to amend operational conditions at Silver Mountain Winery, Appl # 07-0507, APN 098-061-45,46

Dear Ms. Haschert:

We are opposed to any further expansion of the Silver Mountain winery operations that would increase traffic and impact the privacy of the neighboring properties. Our property is to the southeast side of Silver Mountain Winery, separated from a common property line by less than 50 yards of immediately adjoining properties. Due to the terrain, we are not in direct line of sight of the winery. We have lived on our property since before the vineyards were planted and before any structures were built at Silver Mountain property. We wish to maintain, as much as possible and as is consistent with RA zoning, the rural residential and agricultural nature of our area.

Over the years we have observed the continual growth and commercial expansion attempts of the winery. We are not opposed to having the winery as a neighbor, or it being a successful economic venture. We are opposed to any increased impact of traffic on our narrow roads and any increased impact of winery activities that adversely affect the rural residential living conditions of the immediate neighbors. We support your recommendations of Feb 5, 2010 to deny public wine tasting, outdoor wine tasting, and the increase in number of guests at three of the approved wine events. We do not support the recommendation to allow outdoor music. And as has been demonstrated over the years, the winery has often not operated in compliance with the limits of its existing permits.

Sincerely, Jim & Mary Dal Porto 24991 Skyland Rd Los Gatos, CA 95033 408-353-2348 APN 098-061-41

From: Dori Fontaine [surfgirl63@hotmail.com]

Sent: Monday, March 01, 2010 5:53 AM

To: Samantha Haschert

Subject: Silver Mountain Winery -public tasting

Dear Ms. Haschert,

We are writing to express our opposition to Silver Mountain Winery's proposal to expand their wine tasting to include public tastings. We live on Adams Rd and frequently walk our dogs, ride our horses and summer pull our horse trailer down the narrow road past the winery. It is a challenging, narrow road to maneuver even without adding alcohol to the equation.

The point of wine tasting is to sell wine. People will be drinking and driving. People unaccustomed to driving our mountain neighborhood roads will pose unnecessary danger to pedestrain, bicyclists and equestrians.

Although we hope that it won't be approved, we would propose that if public tasting is approved, that the winery be required to shuttle people up from the Store or somewhere else on Summit Rd. That would at least reduce traffic and address the concern of people drinking and driving.

Please help us preserve the safety of our neighborhood!

Thank you, Dori Fontaine and Javier Contreras

Hotmail: Free, trusted and rich email service. Get it now.

From:

Carter, Ellen [ellen.carter@hp.com]

Sent:

Monday, March 01, 2010 8:06 AM

To:

Samantha Haschert

Subject: silver mnt operating permit 07-0507

Dear Ms Haschert.

I'm writing to voice my opposition to Silver Mtn's request to change their operating permit.

I am completely baffled as to why the zoning administrator has ignored staff recommendation to deny public wine tasting, and deny increasing the maximum number of events from guests from 24 to 50, and instead directed "staff to make findings and write conditions to allow for public wine tasting to occur on Saturdays only".

I also do not understand why the neighbors concerns are being ignored by the zoning administrator. The public records show that of the 14 emails to your office which oppose the proposed changes all came from neighbors. All site the road/traffic as the major concern. Does someone have to get hurt or killed before our concerns are taken seriously? Those in favor of the proposal are fellow vintners and friends, and 4 neighbors.

I support the winery and their growing grapes and making wine. I'm sure Mr. O'brien is a good citizen, supports the arts, good organic farmer, and brings in tax revenue to the county. That is not enough reason to allow him to essentially open a liquor store in a residential neighborhood. He has a tasting room in Santa Cruz, there need to open the winery to public tasting.

Ellen Carter 24931 Skyland Road Los Gatos, CA 95033

From: Connie Goddard [CGoddard@cbnorcal.com]

Sent: Sunday, February 28, 2010 9:46 AM

To: Samantha Haschert

Subject: Silver Mountain Winery

Dear Samantha

I am writing to voice my concern about additional permits being granted to Silver Mountain Winery on Miller Hill Road in the Santa Cruz Mountains.

I am a neighbor and walk the roads with my dog and drive the narrow mountain roads frequently. I live here because I love the peace and quiet of the area, with no commercial activity and little traffic.

Because of this I strongly request that for Silver Mountain Winery there be:

No public wine tasting

No increase in the number of guests per event from 24 to 50

No outdoor music

No commercial development permit issued

Lappreciate your taking my request into consideration at the hearing scheduled for March 5, 2010.

Sincerely

Connie Goddard 26751 Adams Road Los Gatos, CA 95033



Connie Goddard, Realtor

DRE# 01249288 Direct: (408) 399-1435 Mobile: (408) 568-8398 Fax: (408) 354-5991

Email: CGoddard@CBNorcal.com

Website: http://www.connieandbarbara.com/



From: Sfrancy1@aol.com

Sent: Sunday, February 28, 2010 2:55 PM

To: Samantha Haschert

Subject: Silver Mountain Winery

Dear Ms. Haschert:

I am writing to voice my objection to the proposed plan for broadening the permit for Silver Mountain Winery in the Santa Cruz mountains, to allow more frequent use for "events".

As a local resident, I frequently trailer my horse on the narrow, winding roads accessed by people coming and going to the Winery. It is worrisome driving those roads pulling a horse trailer meeting residents who know the roads and drive them with appropriate caution, without having to add to the mix, the potential for meeting possibly inebriated individuals whose reflexes may be impaired, or who drive too fast, coming around a blind corner, being unfamiliar with the road!

The neighborhood where the Winery is located is home to many horse owners, and many of us have ridden our horses on those roads for years, to access our horse club's event arena located not far from the Winery. The risk imposed to horses is a concern, and the locals are aware of the occasional use of the road by resident horse owners. Strangers to the area, are not.

Inasmuch as there are two other wineries within approximately a 2-mile range of Silver Mountain Winery (The Burrell Winery, and the new Regale Winery), both located on Summit Road, it is not as if people who wish to wine-taste on any given day of the week are inhibited from doing so. Moreover, the wineries on Summit Road are both situated on a wide, highly visible stretch of road that offers safe access and the potential for other drivers to possibly avoid a collision if they meet an impaired driver there. That certainly is not the case on the dark, tree-canopy covered, winding mountain roads of Miller Hill, Miller Cut-Off, Skyland, and Stetson Roads, all of which are the ingress and egress roads leading to the Silver Mountain Winery.

If the County does see fit to issue that winery the requested permits, I would sincerely hope that along with the permits, they would find the money somewhere in their budget to also station frequent Sobriety Check-Points at all of the above-mentioned access points to assure the safety of the rest of the mountain community from overly-enthusiastic weekend (or weekday) imbibers.

Respectfully,

Sally Francy

From: karelw@earthlink.net

Sent: Sunday, February 28, 2010 5:01 PM

To: Samantha Haschert

Subject: Silver Mountain Winery

Samantha Haschert
Santa Cruz County Planning Department

Dear Ms Haschert,

My husband and I recide in the Santa Cruz mountains on Skyland Road. We have lived here since 1973, and have serious reservations about the proposed change in the Silver Mountain Winery proposed project. As, I'm sure you're aware, the condition of Miller Hill Road is not condusive to heavy traffic. In 1993, 1999 and 2008, the winery requests were not fully approved in part because of the road. Quoting from county reports, "substandard roads, steep grades, traffic hazards due to road width, etc."

The road has not been improved and is, in fact, in worse shape than ten years ago.

I have almost been run into on several occasions by drivers not familiar with the mountain roads. To increase traffic on this road seems totally irresponsible to me, especially since many of the winery visitors will have been drinking.

Most of us moved to the mountains to enjoy the peace and quiet of the area and would not appreciate outdoor music being broadcast at the winery.

This winery has a tasting room in Santa Cruz so there is no need for this one to operate longer hours with more people. Please think of the neighboring homes and those of us having to drive the roads.

Thanks for your consideration,

Mr. and Mrs. Robert Waugh

From:

robert takle [rdtakle860@gmail.com]

Sent:

Sunday, February 28, 2010 5:08 PM

To:

Samantha Haschert

Subject: silver mtn winery appl.# 07-507

MS. Haschert: I am a property owner and horse person living on Skyland road for the last 36 years. We do not need county oks for ANY commercial endeavors on these narrow, windy, barely maintained roads here. This Guy just wants to have parties, and make the roads less safe. He has a tasting room already at 402 Ingalls ave. Santa Cruz, for his wine. Growing grapes and making wine I have no objection to.. however, approval of this type of permit is unsafe for all of the residents in this area. And this IS a residential/ ag only area. Sincerely, Bob Takle

From: Hans Stellrecht [hstellrec@comcast.net]

Sent: Sunday, February 28, 2010 6:43 PM

To: Samantha Haschert

Cc: Samantha Haschert

Subject: Proposed Amendment to increase operation of Silver Mountain Winery

From: Hans Stellrecht, 25059 Skyland Road, Los Gatos

To: Samantha Haschert, Project Planner

Subject: Proposal to amend operational conditions,

07-0507 265 AND 333 SILVER MOUNTAIN DR., LOS GATOS

APN(S): 098-061-45,-46

Dear Ms. Haschert,

I am a neighbor and our property shares a common border with the Silver Mountain Winery.

We have been good neighbors and have generally a good relationship with them.

However, I am opposed to the proposed changes to the operating permit.

I feel the current permit provides for ample opportunity to enjoy the winery activities.

I also feel the proposed expansion and associated commercial development would adversely affect the quality of life in our neighborhood.

I am opposed to opening wine tasting to the public there and the more than doubling of guests at events at the winery.

I am also opposed to outdoor music at these events and any further commercial development in the area.

We enjoy the quiet mountain life and feel that the proposed changes would significantly increase the traffic and affect the safety of residents who have to use the narrow roads in the area.

I hope the planning commission and the Winery understand our concerns.

Sincerely,

Hans Stellrecht

From: carolyn johnson [natrc07@yahoo.com]

Sent: Thursday, February 25, 2010 8:54 AM

To: Samantha Haschert

Subject: Silver Mtn. Winery

Hello: My name is Carolyn Johnson and I too am concerned about "mountain wine tastings" due to the nature of the roads and impaired drivers. I do not believe the setting is conducive to more tastings. Please do not allow this to happen.

A concerned resident, Carolyn Johnson

County of Santa Cruz Zoning Administrator

Re: 07-0507 265 and 333 Silver Mountain Dr., Los Gatos APN(S): 098-061-45-46

We live directly below the above mentioned property and are opposed to the amendment to increase use for several environmental reasons: RUNOFF/EROSION, TREE STRESS, COMPROMISED DRIVERS, NOISE POLUTION. We request that the Zoning Administrator give these concerns respectful consideration.

RUNOFF/ EROSION:

The buildings, paving, and soil compaction (loss of orchard and forest) has resulted in much increased runoff during rains. This is water that is not soaking into the water table. This collected in ditches along Miller Hill Road, directed into a single culvert that dumps into our property. As a consequence, erosion has significantly increased.

ADDITIONAL PARKING for 12+ vehicles (assume 2 occupants per vehicle) will be needed.

TREE STRESS:

Trees in the area are showing clear signs of stress. A probable cause is loss of water table, we and our neighbors have noted a significant drop in water level in our wells. This is partially the result of decreased rain, but increased runoff and increased pumping are big contributors. More people will need more of this precious water

Our Redwoods can't import groundwater. We have regarded our redwoods as an environmental treasure to be protected. We have declined offers in the past to log them when permits were available. In fact, for many years we had a "scenic easement" that the county refused to extend. There is evidence that a moderate sized redwood has recently been cut down on their property.

COMPROMISED DRIVERS:

On event days there could be 25 drivers who are unfamiliar with the road and have just attended a gathering where wine is served. Miller Hill Road is one lane that winds through the Redwoods. It is a challenge even for those who are familiar with the blind corners. Buses on this road are not a good alternative.

NOISE POLUTION:

This is an entertainment business in a residential community. The noise from "events" is already annoying. Yes, 25 additional guests will increase the annoyance.

CONCLUSION:

Our family has loved and tried to respect our part of the forest since 1942. We have endured some depressing changes. The area is already environmentally overloaded, please don't continue to aggravate the problem.

Respectfully, Fred Byl



Paving and loss of vegetation. This is a sharp, blind driveway



Single culvert for aver 100 yards of road. Exits full volume onto our property.



Effect of concentrated runoff on our road



The stressed redwood on the left



One lane road with sharp turns. Note the redwood at the edge of the road. Widening the road would result in a loss.

From:

Lee [leeclark88@att.net]

Sent:

Thursday, February 18, 2010 5:25 PM

To:

Samantha Haschert

Subject:

silver mountain winery tasting room

Importance: High

To whom it may concern,

We strongly support Jerold O'Brien's proposal to amend the operational conditions of the winery's tasting room.

Yours respectfully,

Lee & Angela Clark 1 Brooktree Lane Santa Cruz, CA 95060

From: Sent: Bruce Greenblatt [bgreenblatt@yahoo.com] Wednesday, February 17, 2010 10:44 AM

To:

Samantha Haschert

Cc: Subject: Cynthia Greenblatt
Silver Mountain Winery Developemt plans

Ms. Haschert:

Thanks for sending out the notice of the public hearing regarded the proposed Commercial Development permit amendments for the Silver Mountain Winery. Unfortunately, obligations at work do not permit me to attend the hearing in person. But, I wanted to write and let you know that I am strongly opposed to this change that would double the maximum number of allowed guests at the wine tasting events. I can look down from my house onto the winery and can see and hear the events that already occur at the winery. I never actually counted the number of people there, but it sure seemed (and sounded) like more than 24 people. If they are allowed to double the number of guests that attend, I assume the noise coming from them would increase dramatically, and spoil the atmosphere that we have come to enjoy in our current surrounding neighborhood. Since I already hear music coming from these events, I was surprised to read that they are requesting the ability to play outdoor music at the wine events. This makes me mad to know that the SIlver Mountain Winery plays music at their events if they are not currently allowed to. I wonder how loud they will play their music if it was actually legal to do so. I am scared to even think about the disturbances that they will be causing the surrounding neighborhood in the future. Please do not allow them to play outdoor music at any of their events. That would be a huge disaster for our quiet, peaceful neighborhood.

I am also concerned with the request to allow public wine tasting on every weekend with 20 persons at a time. This would mean a continual stream of visitors driving through the narrow streets up to the winery. Many of the streets in the area, like Miller Cutoff, Miller Hill and Skyland Road, are very winding and dangerous for drivers unfamiliar with them. These streets are used by pedestrians, dog walkers and bicyclists. This uninterrupted stream of wine tasters seems like it would pose an unacceptable risk, especially considering the likelihood of somewhat impaired driving abilities for the people leaving the winery. I strongly recommend not approving the proposed amendments, and more stringently enforcing whatever existing restrictions are in place on the Silver Mountain Winery.

Thanks for your time and consideration. Sincerely,

Bruce Greenblatt 24977 Skyland Road Los Gatos, CA 95033

mobile: (408) 406-1884 home: (408) 353-2683

From:

Cynthia Greenblatt [cynthia_greenblatt@yahoo.com]

Sent:

Wednesday, February 17, 2010 10:07 AM

To:

Samantha Haschert

Cc:

Bruce Greenblatt; cynthia greenblatt@yahoo.com; Henrik Aberg

Subject: Silver Mountain Winery proposal

Silver Mountain Winery is located in the middle of a residential community. It is surrounded by residences and not businesses. Other wineries in the area with wine tasting rooms such as Regale are located appropriately on major well maintained streets with other businesses. Skyland Road, Miller Hill Road, and Miller Cut Off are currently not major thoroughfares but are quiet residential streets where people walk their dogs and horses. Approving Mr. O'Brien's proposal would be equivalent to placing a bar and outdoor entertainment facility in the middle of a residential housing development. One of the primary reasons we purchased our property is because of the location, i.e. it is not near any major roads, it is very quiet, and the area is full of residences and NOT BUSINESSES. Would Mr. O'Brien be interested in having a wine tasting room adjacent to a livestock yard or composting yard? His neighbors' discretion and consideration is what makes this area so lovely - and it is what he wants to capitalize on at his neighbors' expense. He has already placed large antennas on top of his building which are an eye sore from our property. Additionally, he has placed a covered area for his farm equipment directly on top of a knoll across from our property and absolutely ruined what was a spectacular view. Approving Mr O'Brien's proposal is only going to escalate current ill will against Silver Mountain Winery. Your approval or disapproval of this proposal will determine the future direction of this entire area. The area can continue to improve dramatically, i.e. people working in silicon valley looking for a beautiful quiet serene area to live in with a good school district will continue to purchase older mountain properties and fix them up into beautiful desirable properties thereby bringing in increased property tax revenues. Or, you can completely remove the residential desirability of this area by approving the Silver Mountain Winery proposal. Most of us who live in this area have "gambled" our life savings on our residences. Please, please do not approve this application.

sincerely,

Cynthia Greenblatt

From:

Cynthia Greenblatt [cynthia_greenblatt@yahoo.com]

Sent: Monday, February 15, 2010 5:43 PM

To: Samantha Haschert

Subject: property devaluation, noise, dangerous traffic

I am writing to ask that the proposal to amend the operational conditions of 93-0123 and 93-0649 be rejected. I live at 24977 Skyland Road and our property is situated on a knoll directly east of Silver Mountain Winery. The noise from music and visitors of Silver Mountain Winery is easily heard from inside our house on passport days.

Since we have lived here, on several previous passport days, people visiting the Silver Mountain Winery spent the afternoon conversing and at times hooting and hollering while outside of the winery. They were visible and audible from our yard and our house. Additionally, amplified music has been played during the passport days and other non-passport days. I called Silver Mountain Winery on three separate occasions last year to request they turn down their music or to ask their guests to please to keep the noise down.

It is unclear from the written notice how Mr. O'Brien intends to manage the twenty person limit he has proposed for wine tasting events on Saturday and Sunday. I would imagine that the twenty person limit would apply to the buildings and not to the property in general. Would "overflow" be asked to wait outside until room was available? If so, it is likely, based on our past experience, that there would be music, conversation, and possibly hooting and hollering outside. I cannot imagine having to endure this disruption and noise every Saturday and Sunday. Additionally, it is unclear from the written notice what outdoor music entails. Will the outdoor music be amplified? Since he is asking to increase the number of guests from 24 to 50 at wine events, does this mean he is going to hold outdoor concerts for 50 guests? This hardly seems appropriate for our residential community and goes far beyond the definition of a small agricultural business.

The location of Silver Mountain Winery is poorly suited for a wine tasting room. The roads to access the winery are poorly maintained, narrow and dangerous. While it is ideally located for growing grapes, it is a very ill conceived idea to situate a wine tasting room at this locale. Wouldn't an expansion of Mr. O'Brien's business also result in an increase in other types of traffic as well, i.e. truck deliveries and trash pick up. Where is the water going to come from to accommodate all these extra guests and their use of the restrooms? Is it going to be trucked in or is it going to come from a well which may tap into the same aquifer as his neighbors? Who is going to pay for the added wear and tear on our roads?

Mr. O'Brien clearly does not care if he disrupts his neighbors lives or decimates their property values.

It is improbable that the small amount of tax revenue that would be gleaned from Mr. O'Brien expanding his business would be worth the horrible distress it will cause his neighbors. Additionally, the decline in the surrounding property values, should his application not be rejected, would far exceed any tax revenues gleaned from his expansion. I appreciate Mr. O'Brien's need to make a living, however, he wants to make his living at his neighbors' expense. Surely his wine tasting room in Santa Cruz is sufficient for promoting his winery. Please reject Mr. O'Briens proposal.

sincerely,

Cynthia Greenblatt

From:

Henrik Aberg [henrik.aberg@surfnetc.com]

Sent:

Monday, February 15, 2010 10:43 AM

To:

Samantha Haschert

Subject: Silver Mtn Winery permit

Samantha,

I would have thought and hoped that the issue of extending the permit for Silver Mountain would have been resolved by now. But it seems like it is still being discussed. What does it take to put an end to this application process for a clearly unwanted activity in our neighborhood? I'm a winery fan myself but because of the ridiculously unsafe conditions of the Skyland road just before and after the winery I just think that the county should do the right thing and stop Jerry from trying to get his application through. Many of my neighbors enjoy Skyland Road for walking, exercising their dogs, riding horses, bicycling etc. and this mostly on weekends and also every day during summer. And this is when the winery wants to create more traffic by having flatlanders come up here and speed up to and down from the winery. Not cool and not safe. There will be a serious accident, guaranteed, and then the county will have to face the consequences of their decisions. Please stop this now, Samantha.

Henrik Åberg

Neighbor of the winery.

From: Carter, Ellen [ellen.carter@hp.com]

Sent: Monday, February 15, 2010 9:53 AM

To: Samantha Haschert

Subject: Silver Mtn Winery, application: 07-0507

Dear Ms Haschert,

I am writing in regards to Silver Mountain Winery's application to open their wine tasting room on Miller Cut Off to the general public. As a neighbor, I strongly object to any expansion of their current operating permit. The narrow, steep, mountain roads in this area cannot handle any increase in traffic. There are three blind curves on Miller Cut Off within ¼ mile of the winery's entrance. I ride my horse on that section of road every week so I am aware how dangerous it can be. People walk their dogs and ride bikes on this road too. Additional traffic, especially drivers under the influence of a few glasses of wine pose a real safety issue. The winery already has a tasting room in Santa Cruz. There is no need to allow tasting at the winery.

Thank you for your consideration.

Sincerely,

Ellen D Carter 24931 Skyland Road Los Gatos, CA, 95033

Application Number:	07-0507	
Assessor's Parcel Numb	er: 09806145	
Application Date:	09/11/07	
Project Status:	IN PROCESS	
Project Planner:	SAMANTHA HASCHERT	

From: Geo

George Kohl [gkohl@evergreenlighting.com]

Sent:

Friday, February 12, 2010 5:32 PM

To:

Samantha Haschert

Subject: Silver Mountain Winery

Samantha- I wanted to let you know we support Silver Mountain Winery but are concerned about the condition of Miller Cut Off. Right now the road is in terrible condition and might only get worse. I hope Santa Cruz County will make sure the road will be maintained to a high level so additional cars are not making the pot holes worse than they are now.

Thank you-

George J Kohl III

VP Sales & Marketing
National Sales & Marketing Office
www.evergreenlighting.com - Made in America
155 E. Campbell Ave. Suite 208
Campbell, CA 95008

tel: 408 871-8515 fax: 408 871-8516

Thank you for considering our environment before printing this e-mail.

From: Fryhling [sjfryhling@surfnetc.com]

Sent: Friday, February 05, 2010 10:30 AM

To: Samantha Haschert

Subject: SILVER MOUNTAIN HEARING FEBRUARY 5, 2010

Regarding: 07-0507

265 and 333 SILVER MOUNTAIN DR., LOS GATOS

APN(S): 098-061-45,-46

Owner JEROLD O'BRIEN

Applicant HAMILTON-SWIFT LUDC

SUPERVISORIAL DIST: 1

PROJECT PLANNER: SAMANTHA HASCHERT, 454-3214

Email: <u>PLN145@CO.SANTA-CRUZ.CA.US</u>

Ms. Haschert,

Our apologies for sending this message so late. We had planned on attending today's meeting but circumstances have arisen that prevent us from doing so. We've sent this e-mail to explain our position on the matter of amending the operational conditions of Parcels 93-1023 and 93-064.

Proposal to:

Increase Number of Guests from 24 to 50 at Wine Tastings To Allow Outdoor Music at Wine Events Amendments to Commercial Development

We have been residents of Old Orchard Road since 1977, participated in the interactions and proposals made in years past by the owner of Silver Mountain Winery and ask that none of the proposed changes for Silver Mountain Winery be granted.

Concerns: Noise, Increased Volume of Traffic, Unsafe Road Conditions, Amendment to Commercial Development Permits

1. Noise

With the increase of attendees at any events at the Silver Mountain Winery comes the increase of noise. Especially when considering any outdoor activities. Noise carries at greater distances in this mountain area. We can hear the wedding guests and their music on summer evenings at Maison Du Lac which is near the Mormon Church and off Summit Road. The distance between those events and our residence is approximately 2.5 miles, a distance considerably further than the distance from the Winery and our home on Old Orchard Road or the surrounding community.

2. Increased Volume of Traffic

Those of us who live in area of the Silver Mountain Winery are very concerned about the increase of traffic during wine events. The roads to and from this winery are not straight and well traveled. The roads are far narrower, and in some instances one lane, with no warnings or signs. Most people are not used to driving these types of roads with other traffic on the road. People who visit and are driving these roads have all voiced their concern about the twists and turns, the steep fall off along the side of the roads, and the change of visibility and orientation after dark. These

comments come from people who have visited often, and have not imbibed in alcoholic beverages.

Combining the wine tasting events and the driving conditions of this area, we have felt for along time, is just a disaster waiting to happen. Believe me, when you're on the road with folks from the wine events you notice a difference in their safe driving habits.

3. Unsafe Road Conditions

Besides the winding roads, the up-keep of the roads is terribly lacking. Miller Cutoff alone has not been paved in over 40 years. Patching does happen – sometimes, the potholes are filled not by depth of hole it seems, but by random selection. There roads are not well lighted nor well marked along side the edge of the road, and most roads do not have a center line showing the two lanes if the road actually has two lanes. When folks from outside the area drive the roads with no center lines, they appear to assume driving in the middle is the correct thing to do. We've seen no plans to drastically upgrade these roads does it make sense to add more traffic to them? We think not.

4. Amendment to Commercial Development Permits

This is a residential community. The community hasn't grown up around an already established commercial site, Silver Mountain Winery; rather the winery has increased its development after the homes and neighborhood were already established. The Silver Mountain Winery has increased its size and buildings. The latest eyesore is the building to house the wine making equipment and barrels. We don't remember receiving any pre-notice of this building construction. It is so lovely to drive down our private road, look up and see this huge building jutting out over the orchard, blocking the trees, sun and the surrounding area - and our satellite reception. It has changed what was a residential environment into which we bought many years ago, into a commercial site, with more large vehicles on the roads, far more noise, and an ambiance closer to the business area around Costco. We do not want any permits approved that will take this residential community farther into the commercial venue Silver Mountain Winery is proposing. Mr. O'Brien has no compunction about forcing his commercial venture down the throats of already existing neighbors. The commercialism certainly doesn't increase the property values, it diminishes them.

Thank you for listening to a neighbor's plea.

Sincerely,

Sherry and Jerry Fryhling 85 Old Orchard Road

From:

Samantha Haschert

Sent:

Thursday, February 04, 2010 7:54 AM

To:

'jiherr@bonestamp.com'

Subject: RE: Application 07-0507 Friday Morning

From: jjherr@bonestamp.com [mailto:jjherr@bonestamp.com]

Sent: Wednesday, February 03, 2010 7:56 PM

To: Samantha Haschert

Subject: Application 07-0507 Friday Morning

Samantha Haschert

Project Planner for 07-507 (Silver Mountain)

701 Ocean Street, Room 400

Santa Cruz, California 95060

Dear Ms. Haschert,

I have just read the Staff Report to the Zoning Administrator 07-0507. It is not my intention to be disrespectful to you, the rest of the staff or to the Zoning Administrator in my comments but because of your statement on the notice I received by mail:

> "If any person challenges an action taken on the foregoing matter(s) in court, they may be limited to raising only those issues which were raised at the public hearing described in this notice, or in written correspondence delivered to the Zoning Administrator or prior to the public hearing.

Thus, I will speak more plainly than the best manners would normally dictate.

I found your Staff Report for Application 07-0507 to be yet one more attempt on the part of the County to unfairly deny Mr. O'Brien his property rights without suitable attention to objective facts and with clear prejudice in favor of those who have complained against him.

I have attended all the previous Zoning Commission meetings related to Silver Mountain's applications and been saddened by the agitated, subjective complaints of his neighbors about noise and traffic. That is not to say that the neighbors are lying. Through selective perception, all kinds of sensory experiences may be isolated in a perception. It's the way we can listen to only the trombones in the midst of all the other instruments simultaneously playing in the orchestra except that in this case, it is a neighbor can't hear the roar of his own chain saw over the tinkling of wine glasses two hundred yards away! However, that does not mean that a neutral observer would have the same perceptual experiences. That is why objective measures exist. In fact, the County has required Mr. O'Brien to do road, traffic and noise studies twice in the last three years. They have all revealed that by objective standards, there is no sound or traffic problem associated with Silver Mountain's present or proposed operation. In other words, these objective studies refute the highly subjective complaints of the neighbors

Yet, the County refuses to acknowledge that the neighbors complaints are objectively groundless. No where is this more evident than the most recent noise study. It's conclusion was clear that none of the activities that Mr. O'Brien has proposed for his property come anywhere close to exceeding acceptable levels of noise by the standards of the Santa Cruz County Code and General Plan. In fact, the latest report reads, "...the noise levels at the periphery of the winery property are well within the limits of the standards whether the source is winery related or not. The highest sound levels at the property lines were due mostly to residential maintenance (power saw, hammering, etc.) swimming pool equipment, and a well pump." In other words, the highest sound levels at the property line were due to activities on the neighbor's property coming on to the winery and vineyard property! By using objective standards supported by empirical data, Mr. O'Brien's property is the victim of sound pollution at his borders, not the perpetrator! Yet, this noise report was discounted by the novel proposition that "noise in this location cannot be appropriately measured by a standard that is applicable to urban commercial environments as well." Why have minimum standards if they can be ignored at whim?

As distressing as discounting the noise studies, is the Planning Staff refusing to accept the conclusions of the traffic/road expert reports it has required Mr. O'Brien to commission. Again, the objective, empirical data show that the selective perceptions of the neighbors perceptions have been interpreted erroneously. Put simply, the neighbors fears and perceptions are unfounded by reality. The present traffic flow to the winery is trivial relative to the normal traffic patterns and the additional traffic flow that would result from Mr. O'Brien's application being accepted *in toto* is also trivial. The experts agree: the road is not ideal but it is perfectly adequate. Two different experts have reported this, and the finding was confirmed by the County Traffic/Road Engineer. None of these three experts have suggested that Miller Hill, Miller Cut-Off or Skyland be closed to limousines, buses or motor homes. Yet the County proposes they be banned from visiting Mr. O'Brien's property as if the roads are inadequate which they are not.

Since all the objective data supports the fact that the Silver Mountain Winery is not a noise and/or traffic nuisance to anyone, why wouldn't his application be approved? Why do the Staff Planners keep mentioning noise and traffic problems as if they are a reality? They are not. The neighbors have never produced any objective data to refute the expert's reports. Thus, why would the Staff Report require Mr. O'Brien to publicly post notices to warn residence of future traffic and noise nuisances when the nuisances have been objectively proven not to exist, now or in the future under his application? Mr. O'Brien can be expected to meet objective County standards to avoid becoming a nuisance to his neighbors but it is grossly unfair to hold his business hostage to the "Not in My Back Yard" inspired selective perceptions of his neighbors.

The general prejudice of the Planning Staff against Mr. O'Brien's application appears clearly in the Staff Report. The Staff's choice of use permit applications for wineries comparable to Mr. O'Brien's is incredibly biased. The Staff Report chose five winery permits processed by the County in the last ten years. Of the five listed, four were irrelevant because they were Level 3 use permits. Those wineries can never be open to the public on the weekends. What would have been comparable to Silver Mountain's application would have been to list all the wineries with a Level 5 Use Permit, their zoning, and what activities are permitted on their grounds. Had that been the case, it would have revealed that in addition to Loma Prieta Winery, the other Level 5 Permit Holders are the David Bruce Winery and the Byington Winery, both of which can be open to the public 7 days a week and seem to hold unlimited events with few restrictions. Their zoning is also RA, the same as Mr. O'Brien's zoning. Those valid comparable data points would have illustrated how specious the Staff's "too big for RA" argument is because all the Level 5 winery use permit holders are zoned RA.

Perhaps most troubling section in the entire Staff Report is a one sentence paragraph that makes an astounding admission. It reads: "Other wineries in Santa Cruz County may advertise and allow public wine tasting; however, the majority of these wineries are likely not legally permitted to do so." What is Mr. O'Brien to infer from that sentence? Should Mr. O'Brien wonder why he has spent scores of thousands of dollars and been willing to accept parody defying limitations to his business so he could legally obtain privileges that the Zoning Administrator's Staff acknowledge other wineries exercise openly without any conditions or use permit and with apparent impunity? Should Mr. O'Brien wonder why the issue of his pre-1993 non-compliance to his use permit has been made such an over riding issue in all his applications when non-compliance is so open and common in this County that it is publicly acknowledged by the Planning Staff without any apology? The inescapable meaning in this short paragraph is that the law is being selectively and punitively applied to Mr. O'Brien. It's not right and it's not legal yet Mr. O'Brien has been singled out as a whipping boy by the County Zoning Administrator and his applications have been treated as if they occur in no broader context of accepted industry practices and County enforcement standards. For the record, the cost to Mr. O'Brien in lost revenue caused by the arbitrary and capricious denial of his applications and the selective enforcement of the law since 1993 conservatively exceeds two million dollars, and possibly some multiple of that.

The County should approve Mr. O'Brien's application in full, without any conditions and be appreciative if Mr. O'Brien accepts their offer.

Page 3 of 3

John J. Herr, Ph.D.

27200 Loma Prieta Way

Los Gatos, CA 95033

jjherr@clinicalpsychologist.com

0 \$B!!0 (B

Subject:

07-0507 Joyce McClaine 2010

Entry Type:

Phone call

Start: End: Thu 2/4/2010 4:31 PM Thu 2/4/2010 4:31 PM

Duration:

0 hours

Phone message received 2/4/10

Joyce McClaine is a neighbor of Silver Mtn Winery and is concerned that the road is too dangerous to entertain any notion of expansion at the winery.

408-353-1065

From: nancy maynard [scrippsmom@gmail.com]

Sent: Wednesday, February 03, 2010 11:46 AM

To: Samantha Haschert

Cc: Jerold O'Brien

Subject: silver mountain dr. los gatos ca 098-061-45,-46

Dear Supervisory District 1:

I have known Jerold O'Brien for 10 years, as well as been a neighbor for about four. I am greatly disappointed at the proposal to limit the number of guests as well as hours and type of activities on his property. I have lived both in an urban and in rural settings. Jerold has brought nothing but cooperation and peace to an area known for it's beauty and serenity. He is a neighbor that most would die for. Jerold always has the other person's feelings in mind. He would not ever intentionally harm or disrespect another person.

That one or two neighbors would want him to deny his life's dream a dream that enhances the neighborhood while costing the neighbors nothing ... so that they could view his land without having to add their own trees, bushes etc I find appalling. When I lived in a gated community I lived there because I was comfortable with the rules. But I would never think of telling a neighbor that I didn't want someone walking in their yard ..??????... or having people over during the daytime.

I fully support Jerold's hard working humble dedication to preserving a tradition long held in the Santa Cruz Mountains: that of agriculture combined with a strong sense of community. There is nothing Jerold would not do for another person, let alone a neighbor. He actively served in the military to keep our rights as Americans. I find it disgraceful that a hard working veteran should be treated this way. Jerold, if anyone, clearly demonstrates what we should be proud of: hard work, loyalty, and decency.

The Mountains have been home to agricultural families for well over 100 years. To take this away takes away the Spirit of the Mountains. My family and I enjoy the setting, and would like to be able to continue to do so. We strongly encourage the Planning Board to allow Mr O'Brien to not only farm his land, but also be able to earn a living doing it while sharing it with people less fortunate to live in such a place. He if anyone would understand how precious it is and how to do so in a humble manner.

Respectfully Yours,

Nancy Maynard Santa Cruz Mtns, CA 95033

From:

Wilder, EChristopher [EChristopher.Wilder@hhs.sccgov.org]

Sent:

Monday, February 01, 2010 1:57 PM

To:

Samantha Haschert

Subject: RE: Friday's Public Hearing - APN(s) 098-061-45, 46

Thank you Samantha, very much. I failed to include my home address for the record: 110 Robinridge Lane, Los Gatos CA 95033. 408-353-9653. Thank you for your service to our county!

Cheers,

Chris

From: Samantha Haschert [mailto:PLN145@co.santa-cruz.ca.us]

Sent: Monday, February 01, 2010 1:56 PM

To: Wilder, EChristopher

Subject: RE: Friday's Public Hearing - APN(s) 098-061-45, 46

Chris,

Thank you for your comments. The Zoning Administrator will have the opportunity to review your comments in advance of the meeting and a copy will be placed in the file for the record.

Sincerely,

Samantha

Samantha Haschert Development Review Planner Santa Cruz County Planning Department 701 Ocean Street, 4th Floor Santa Cruz, CA 95060 Ph: (831) 454-3214

Ph: (831) 454-3214 Fx: (831) 454-2131

----Original Message----

From: Wilder, EChristopher [mailto:EChristopher.Wilder@hhs.sccgov.org]

Sent: Monday, February 01, 2010 1:52 PM

To: Samantha Haschert

Subject: Friday's Public Hearing - APN(s) 098-061-45, 46

Greetings,

I am not able to attend this Friday's public hearing of the Zoning Administrator, but hope that my comments will be entered into the official record.

As Summit-Area residents of eleven years, my wife and I are always concerned about changes proposed to our "neighborhood". In this case, I live very near the Silver Mountain Winery and have

strong opinions about Mr. Jerold O'Brien's intentions. <u>I urge you to approve the proposal to amend operational conditions and allow Silver Mountain to operate a tasting room.</u>

The Santa Cruz Mountains are becoming well-known as a region where world-class wines are produced. This is good for our community, for commerce and frankly, for our property values. On "passport weekends," I occasionally get to invite friends and family to come up from "the valley" to visit our local wineries, and would be even more proud to include Silver Mountain on our touring. I have visited Silver Mountain Winery as a guest of Mr. O'Brien on a few occasions, and have found his operation to be professional, charming and reflective of the atmosphere our region's wineries provide.

Mr. O'Brien is also actively involved with the community. As the Chairman of the Board of San Jose Jazz, producers of the largest jazz festival in California, I am so pleased to include Silver Mountain as one of our major donors. Mr. Obrien supports our fund raising events that provide educational programs to thousands of children each year. He does so because he understands corporate citizenship and exemplifies generosity and philanthropy.

Please allow this important business to grow, as the reputation of the Santa Cruz Mountains as a travel and tourism destination grows. It's good for us all.

Kindest Regards, Chris Wilder

E. Chris Wilder, Executive Director VMC Foundation 2400 Moorpark Ave. Suite 207 San Jose, CA 95128 www.vmcfoundation.org 408/885-5299

Follow the VMCFoundation on Facebook!

🕴 Connect with Facebook

Have you seen my blog? It's a great way to keep up with happenings around VMC, healthcare in Silicon Valley, or whatever is on my mind (I know, could be scary). **Anyway, check it out:** www.wildersideofhealth.blogspot.com

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February 1, 2010

Board of Supervisors County Government Center 701 Ocean Street, Room 525 Santa Cruz, CA 95060

Dear Supervisors

I received a Notice of a Public Hearing 07-0507 from 265 and 333 Silver Mountain Dr., Los Gatos, CA APN (s)) 098-0061-45,46. The proposal is to amend the operational conditions of 93-0123 and 93-00649. The owner, Jerold O'Brien from Hamilton-Swift Lude and Project Planner, Samantha Haschert, (Supervisorial District I) is requesting to be able to allow public tasting with up to 200 persons at a time on Saturdays and Sundays, increase the maximum number of guests at three wine tasting events from 24 o 50, reduce the maximum number of guests at the remaining nine wine tasting events from 24 to 20, allow outdoor music at wine events and recognize an entertainment room as a wine tasting room. This requires an Amendment to Commercial Development Permits 93-0123 and 93-0659 (as amended by 99-0244). The property is located on the northeast corner of Silver Mountain Drive, north of the intersection with Miller Road (265 and 333 Silver Mountain Road0.

I am opposed to this expansion of business at this location for five reasons:

- 1. This is a mountain neighborhood community, not a commercial area
- 2. The road (Miller Hill and Miller Hill Cutoff) are narrow, windy roads with significant erosion and narrowing
- 3. The current water run comes on to the road without any attempts at diversion and is eroding the road to the private property of 1296 Miller Hill Road
- 4. The excessive water run off is coming at such quantities that the soil cannot support the runoff and the water table is significantly reduced.
- 5. Having loud music in this area is a problem of noise to the neighbors who have moved to the mountains for the peace and quiet of the environment
 - 1. Increasing the number of visitors to 200 brings too many people to the area of interest. There is inadequate parking on the road and as far as I know in the winery. This will require extensive dishwashing and increased water use in an area where neighbors have had to purchase water in order to have their family live in the area.
 - 2. The road is the most dangerous aspect of this proposal. This road is literally one lane in several places. It had land slides every year. It is full of pot holes. It simply cannot safely accommodate the up to 100 more cars for an event on the weekend. This will put a dangerous stress on this road and increase accidents and reduce the safety of the neighbors who use this road on a regular basis. If someone decided to bring a bus, this road would not be able to easily accommodate the size of the bus.

- 3 &4 The erosion of the water and the reduction of the water table has caused most of us to run out of water. It is also weakening the water supply to our trees. It is causing serious erosion on our private road to our house and we are having difficulty preventing the flood of mud that has occurred the last two years. The winery needs to improve its drainage system and determine a way to have the water filtrate back into the soil in a useful way to replenish the water table. The winery uses more water than the rest of the neighborhood houses. Even those who still raise pears do not water or irrigate the trees because of the water shortage. If this were a commercial area it would be one thing. But, this is a mountain neighborhood and these individuals should be protected from commercial abuse.
- 5. It is absolutely imperative that the neighborhood be protected from the noise of a band music on Saturday or Sundays. Neighbors respect neighbors as it is and gatherings do not include loud music that disrupts the serenity of the mountain. It is absolutely untenable that a commercial business would be allowed to play loud music for a commercial event in a mountain community.

Thank you for giving the neighbors a chance to respond to this hearing. Giving the significant impact on safety and the environment, I hope the Board of Supervisors will not approve this proposal. We have had the pleasure of owning our property since 1942. Agriculture is being replaced with houses and the area is now overloaded. There are insufficient natural resources to support the commercial activities of the current winery and nerighborhood. We had hoped our children could enjoy our property as much as we have. You need to protect this neighborhood area of your county.

Sincerely,

Nancy Byl Miller Hill Road

Los Gators, CA

From: Jmerz [jmerz@fishsciences.net]

Sent: Tuesday, January 26, 2010 9:22 AM

To: Samantha Haschert

Subject: Re: 07-0507 265 and 333 silver mountain dr APN(S): 098-061-45,46

Thank you! - Joe

Sent from my iPhone

On Jan 26, 2010, at 8:55 AM, "Samantha Haschert" < PLN145@co.santa-cruz.ca.us > wrote:

Thank you Joe. The Zoning Administrator will receive a copy of your email in advance of the meeting and a copy will be retained in the project file. Your comments will also be summarized at the public hearing for the record.

Thanks, Samantha

Samantha Haschert
Development Review Planner
Santa Cruz County Planning Department
701 Ocean Street, 4th Floor
Santa Cruz, CA 95060

Ph: (831) 454-3214 Fx: (831) 454-2131

----Original Message-----

From: jmerz [mailto:jmerz@fishsciences.net] Sent: Monday, January 25, 2010 7:39 PM

To: Samantha Haschert

Subject: RE: 07-0507 265 and 333 silver mountain dr APN(S): 098-061-45,46

Hi Samantha,

Thanks for letting me do this. As for my concerns:

The access roads through our community are old, very narrow and not well managed. They are unsafe as it is. Primary arteries to and from the winery go past schools and playgrounds. Adding entertainment that includes alcohol not only makes this area increasingly hazardous, it makes our neighborhood less enjoyable. It disturbs the peace and tranquility that characterizes this residential area. All roads to the winery are narrow and steep with dangerous drop-offs. There is little room for cars to pass, particularly when drivers unfamiliar with the area are hesitant to pull to their side of the road. Adding alcohol to this is unconscionable. Fast driving styles associated with unfamiliar drivers often leave dead wildlife along our roads, creating additional hazards and further reducing the beauty of the Summit area. Roads wind around the mountainside and car traffic echoes up canyons. The creation of busy weekend traffic for commercial purposes will further affect the quality of life for families living in this wonderful area. Traffic is already noticeably different on days when hand-drawn winery signs invite patronage to our neighborhood.

We are unsure what kind of music venue is proposed for this facility. However, this does not fit in to an area that is zoned for family life. I am especially disturbed that the winery has continued to request larger entertainment capacity. When does this end?

Thank you for considering the concerns of my family. Would you please acknowledge the receipt of this email? Sincerely- Joe Merz

From: Samantha Haschert [mailto:PLN145@co.santa-cruz.ca.us]

Sent: Monday, January 25, 2010 7:17 AM

To: jmerz

Subject: RE: 07-0507 265 and 333 silver mountain dr APN(S): 098-061-45,46

Dear Joe,

You may submit comments in writing either by email or regular mail. You can also give me a call and I'll take down your comments for the file. Either way is fine with me.

Thanks, Samantha

Samantha Haschert
Development Review Planner
Santa Cruz County Planning Department
701 Ocean Street, 4th Floor
Santa Cruz, CA 95060
Ph: (831) 454-3214

Ph: (831) 454-3214 Fx: (831) 454-2131

----Original Message----

From: jmerz [mailto:jmerz@fishsciences.net] Sent: Sunday, January 24, 2010 12:14 PM

To: Samantha Haschert

Subject: 07-0507 265 and 333 silver mountain dr APN(S): 098-061-45,46

Samantha Haschert.

Thank you for the notification about the Silver Mountain Winery proposal. Is there any way I can make comment without attending the public meeting? I have work-related meetings in Sacramento on February 5th that I would have a hard time changing. Please let me know how I might do this. Thanks- Joe

This email has been processed by SmoothZap - www.smoothwall.net

This email has been processed by SmoothZap - www.smoothwall.net

This email has been processed by SmoothZap - www.smoothwall.net

12/13/09 A N 098-061-45+46 Permit # 93-0123 Silver Mt. Winery 265 Silver Mt. Rd.

I live withen 200-250 yets of Silver Mt. Winery and I am against any loud music or large gatherings. Keep Silver Mt. Winery just a testing room. Silver Mt. Winery has shown in the past a Complete clearegard for its neighbors, by playing loud music, letting trash blow all over and not cleaning up when requested, also serving hot meals without a permit.

If the use permit is usued for 6-50 people of 3-20 people events, going by Silver Mt.

past record this could end up being a premit for every weekend. Let Silver Mt take its gatherings down to a commercial blog in town

Thanks for your time Hen J. Parker

Frie been at this address for 33 years: 24700 Miller Hill Rd. Los Gutos Calif 95033 -253-408-353-2165

Subject:

07-0507 Silver Mountain

Entry Type:

Phone call

Start: End:

Tue 8/12/2008 10:01 AM Tue 8/12/2008 10:01 AM

Duration:

0 hours

Neighbor Joe Merz 24490 Miller Cutoff

Against expansion

- small, narrow, winding roads are already dangerous with existing people. Don't want to invite people who are looking to drink and drive.
- area is a combination of agriculture and residences which is why people like it- it's quiet and private and they don't want it to be a tourist attraction.
- increasing traffic on that roadway in general is a bad idea. The road is not well maintained and the addition of alcohol is a concern.
- No problems with the exisitng business; just concerned about drinking and driving and safety.

From:

Jeff Powell [jeffp@bangtherockstogether.com]

Sent:

Sunday, July 06, 2008 5:13 PM

To:

Samantha Haschert

Cc:

Jeff Powell

Subject:

Concerns about Silver Mountain tasting room hour expansion

Samantha,

My schedule prevents me from attending the next meeting about the Silver Mountain tasting room hour expansion permit request. As a result I will make my comments here instead of in person. Please pass them on to Don Bussey for his review.

As I stated at the previous meeting, my primary concern is the nature of - and safety on - the roads in the area.

I have read and reviewed the Sight Distance Analysis that was prepared as part of this project by Higgins Associates. I find it sadly lacking. It completely ignores the two most important intersections involved with the proposed tasting room expansion:

- * Miller Hill Road & Miller Cutoff
- * Soquel San Jose Soquel Road (aka Old San Jose Road) & Miller Hill Road

By ignoring those intersections, the report paints a grossly optimistic picture of the situation.

More specifically, the intersection of Miller Hill and Miller Cutoff is entirely uncontrolled, and vision is obscured substantially in at least one direction. By adding additional traffic to this intersection without taking steps to control it the chances of an accident there go up substantially.

I regularly see people coming up Miller Hill that don't slow down at all as they approach that intersection, and they are often speeding in the process. The same is true for traffic going up Miller Cutoff. Eventually there will be a serious, broadside, collision at that corner. It's only a matter of time.

The only remedy I can see for that intersection is to make it an all-way stop, and I encourage the county to consider that, regardless of the outcome of the permit request from the winery.

The other intersection - Soquel San Jose Road and Miller Hill Road - is notoriously bad. The decision to leave it out of the analysis shows

that those pushing for the permit are doing whatever they can to make happen. Traffic regularly speeds on Soquel San Jose - well above the posted limit - with disastrous results at that corner and elsewhere. I can't think of a way to make that intersection safe without entirely closing it off.

I am a member of the local voluntee aire department. We respond to accidents on Soquel San Jose all the time. I personally know someone who was hit on the corner of Soquel San Jose and Miller Hill. I've seen stuck tour busses and other vehicles at that corner. Since the last hearing we had a major head-on accident on Soquel San Jose just a bit south of that intersection, and I can't count the number of bicyclists that have been run off that road or hit in the time I've been on the department.

To put it succinctly, I cannot imagine a way to increase traffic through that intersection that would be safe. And it is quite clear that increased traffic to the winery will increase traffic at that intersection. There is no way that signage is going to keep people coming from the south from using that intersection. As it stands, it is only a matter of time until someone is killed there. Adding to the traffic will only hasten that event.

Beyond those oversights, the report seems to imply that almost no one speeds on these roads in any serious way. The speed survey analysis for Old San Jose at Spring Hollow does say that 36% of people are speeding, but the maximum speed recorded was 45MPH. But looking at the specifics, the sample was taken between 2pm and 3pm on a Thursday, a time when very few people are going anywhere, let alone in a hurry.

If that data was taken again during commute hours or just before the local kids have to be at school, I assure you the percentage of speeders would be higher and the top speeds recorded would be substantially higher as well.

The same problems apply to the speed analysis in front of the winery itself, but there is another complication: the road turns there. Anyone driving on Miller Hill in front of the winery has either just exited a relatively sharp turn, or is about to enter it, depending on the direction of travel. It stands to reason that everyone will be going slower there, and that's what the report shows. But if speeds were recorded on Miller Cutoff, in the flat are just below the intersection with Miller Hill, I can assure you speeds would be much higher.

How do I know this? Simple. I live here. I walk these roads every day, and I drive them as well. It's very easy to pick up a lot of speed on Miller Cutoff, and people do.

To repeat my basic concern: this traffic analysis paints a false and misleading picture of the local traffic patterns. The way it was done gives only the best possible outcome to the winery.

I, personally, was nearly hit on Miller Cutoff a few weeks ago by someone driving far too fast for conditions. Their mirror was just a few inches from my body as they whizzed by, and I don't think they even knew I was there. As we lack sidewalks, if I want to walk anywhere I must use the roads. Frankly, they aren't adequate to let me do so safely.

I have one more issue. At the previous hearing the lawyer working for the winery owner made some comments about the fact that Byington, David Bruce, and Burrell School wineries have the same issues about roads as Silver Mountain. She was dismissive - bordering on insulting - about any road related concerns based on that statement.

The fact is that her claim is entirely misleading. Consider: Byington and David Bruce are on Bear Creek Road.

Bear Creek is a major commute row, handling tens of thousands of vehicle caps a day. Some years ago I was told that Bear Creek handled over 50,000 cars a day. Even if the current economy has cut that in half, does anyone really think that Miller Hill Road could handle 25,000 cars a day? As a fire fighter I have routed traffic up Miller Hill when we had road blockages on Old San Jose, and I can tell you that drivers hate it, it takes forever, and they do NOT feel safe driving it.

The other winery mentioned - Burrell School - resides on Summit Road, a long, flat, and straight road that is also a major commute route. Once again, the simple thought experiment of routing all of the daily traffic on Summit Road onto Miller Hill or Miller Cutoff is simply laughable.

Therefore, I submit that Silver Mountain winery actually has a very different traffic situation than any of the other wineries mentioned. They cannot be used as models in this respect, and different standards must be applied.

Adding additional traffic and trips - particularly at the intersections the traffic analysis specifically excludes - is a problem. Even a small number of additional vehicles on the road will raise the likelihood of accidents. Some of those accidents - particularly at Miller Hill & Old San Jose - will be serious.

In light of that concern, I ask that the county either deny the permit or require significant changes at the intersections I have called out to make them safer for everyone, the visitors to the winery, as well as the locals using the roads on foot, bicycle, horseback, motorcycle, or in a car.

I would be happy to answer any questions you may have about these concerns, or meet with you personally to walk the area and look the situation over. Thank you for your consideration.

Jeff Powell 24620 Miller Hill Road Los Gatos CA 95033 408-353-6010

From: Ralph Johnson [ralph.johnson@surfnetc.com]

Sent: Wednesday, April 30, 2008 8:30 PM

To: Samantha Haschert

Subject: Silver Mountian winery

In view of the result of the hearing on Silver Mountain, I thought you should be aware that a neighbor was followed up Miller Cutoff by a wine tour bus on April 27th at sometime after 5:30. This was not a passport weekend, and the neighbor, who was also at the hearing but did not speak believed that at that time he was probably serving a food as well. If it had been me I would have the tour company name, and the license plate, but you might want to ask Jerry who is was and what was served in your compliance investigation.

Ralph Johnson

From:

Susan Karon [karonfam@got.net]

Sent:

Sunday, April 27, 2008 9:00 PM

To:

Samantha Haschert

Subject: Silver Mountain Vineyards

To: Samantha Haschert:

We are writing to support the request by Silver Mountain Vineyards to open their winery tasting room on Saturdays and Sundays. The winery, like many others in this area, contributes greatly to what Santa Cruz county has to offer visitors and residents. They are respectful of the environment, help distinguish the Santa Cruz area as quality producers of wines, as well as contribute to our tax base. Tourism is one of the few viable sources of income we have. We need to encourage businesses that help bring much needed revenues to our area.

We hope you approve Silver Mountain's application without further delay. Thank you for your consideration of their request and this endorsement.

Sincerely,

Susan and Stephen Karon

cc: Jerold O'Brien

Subject:

07-0507

Entry Type:

Phone call

Start: End:

Wed 4/23/2008 10:41 AM

Wed 4/23/2008 10:41 AM

Duration:

0 hours

Susanne Suwanda 415-519-8031

24500 Miller Hill Road Resident

In support of Silver Mountain Winery Expansion

- Support the organic farming
- thinks it's a good part of the community
- would like to see their business expand

1)15trul 1 (out) Re Gerational Conditions. Whill 8, 2008 Schver Mountain Walrey -> SUBMITTED AT HEARING 4/18 DWNer Jerold O'Brien HPN: 098-061-245 and 246 Dear administrators Courty Sinta Cruz CA Zonen Jan infavor of the proposal as Stated and reducted by Terold O'Snen, Selver Mourtain Windrey. The Owner is agenvivormentally Conscious business man, contributes to our Community in numerous positive ways. The approval of this request is an enhancement to our Community. Yerold O'Brien is in Compliance of all Critoria Resceived be County Reamounted I bet your favorable appoint of this result for amendment of Aprafional Coulditions. Note: ABrien Sincerely Submitted, harightio Right Livlehood as do other Yours in the area. 831-688 8886 818-0411

Lomabobbie@gatespeed.com

From:

"Lomabobbie@gatespeed.com" < lomabobbie@gatespeed.com>

To:

<pln145@co.santacruz>

Cc: Sent: "Jerry O,Brien" <info@silvermtn.com> Thursday, April 17, 2008 8:23 AM

Subject:

Jerold O'Brien

Mr. O'Brien has, for years, maintained a vineyard and winery at his Silver Mountain Facility and during those years, has displayed a love for the land, the community and his neighbors.

He is asking for, and deserves, fair consideration as a respected member of the Loma Prieta community. He certainly has proven to be a good steward of the land and a consciousentious operator of the small winery-carrying on a century-old tradition in this mountain community.

Please add my name to ones who are in favor of his being granted an extension to the operation constraints that he has endured for many years.

CHARLES NORMAN 29111 Loma Prieta Way Los Gatos, CA 95033

SUBMITTED ES HEARING 4/18

Amber Sanchez 29111 Loma Prieta Way Los Gatos, CA 95033 (408) 353-2519



April 16, 2008

Santa Cruz County Board of Supervisors 701 Ocean St. Santa Cruz, CA 95060

To Whom It May Concern:

This letter serves as my testament to the Santa Cruz County Board of Supervisor's concerning the application being made by Jerold O'Brien to amend his Use Permit to increase the days available to hold wine tastings from one weekend per month to every weekend of every month. I am very much in favor of allowing Mr. O'Brien his request to amend his Use Permit for the following reasons:

- 1. Skyland Church generates much more traffic (and has for many years) than would Mr. O'Brien's wine tasting activities.
- 2. Other wineries in the Santa Cruz Mountains are allowed to hold wine tasting events every weekend and some on weekdays as well. Mr. O'Brien should be afforded the same allowances.
- 3. Silver Mountain Winery continues to uphold the wine-growing heritage of the Santa Cruz Mountains and does so with the utmost of respect for the neighborhood.
- 4. Silver Mountain Winery is an asset to our mountain community.

As a Santa Cruz Mountain resident, I recommend that the Board of Supervisors grant Jerold O'Brien's application to amend his Use Permit as requested.

Sincerely,

Amber Sanchez

From:

Scott Bradley (sbradley) [sbradley@cisco.com]

Sent:

Friday, April 18, 2008 2:18 PM

To:

Samantha Haschert

Subject:

I oppose the plan for Silver Mtn Winery expansion plan

Please do not allow this Winery to expand operations. The roads are to narrow and the drivers do not know them and often times are drinking. I have had to many close calls with other drivers on Miller Cut-Off Rd. and Miller Hill Rd. It is a bad idea to expand operations which would even futher the chance of more close calls. This could result in injuries and even death of pedestrians and other motorist.

Thanks Scott

From:

Angela [clclark88@att.net]

Sent:

Thursday, April 17, 2008 5:01 PM

To:

Samantha Haschert

Subject: Silver Mountain Winery Tasting Room

We are in favor of Jerrold O'Brien opening a Tasting Room at Silver Mountain Winery on Saturdays and Sundays.

Angela and Lee Clark 1 Brooktree Lane Santa Cruz, Ca. 95060

Phone #831-423-2749

Thank you for your consideration in this matter.

Angela and Lee Clark

DLA MONATAN 4/18

PHONE CALL

- IN SUPPORT OF WINDRY OPENING TO PUBLIC ON SM. & SUNDAUS.

MARY CULLEY 4/18

PHONE CALL

- IN SUPPORT OF WHERY PROPOSAL
- THINKS IT'S A GREAT WAY TO ATTRACT PEOPLE TO

SANTA CIEUZ COUNTY

- OPEN WITL 5 IS AGOOD TIME BECAUSE ITS NOT

TO LATE IN BANING

-NOT A NEIGHBOR BUT HAS BEEN INVOLVED IN CC WINERY RESTRICTION.

Subject: Entry Type: 07-0507 Public Comment

Phone call

Start: End: Thu 4/17/2008 8:12 AM Thu 4/17/2008 8:12 AM

Duration:

0 hours

Heidi Schlect 24610 Miller Hill Road 466-9754

- -In support of proposed public tasting
- is a close neighbor
- thinks it would be a great addition to the rural mountain community to have a winery open to the public on sat and sundays.

From: Store Capitola [Store10@Luggagecenter.com]

Sent: Thursday, April 17, 2008 11:24 AM

To: Samantha Haschert

Subject: Supporting Silver Mountain Vineyards

Attention: Samantha Haschert

We would like to add our support to Mr. Jerold O'Brien and Silver Mountain Vineyards' request to be allowed to open their tasting room to visitors on Saturday and Sunday.

Mr. Obrien donates generously to various non profits in the community – both in time and product. He is a model citizen, who is simply trying to be profitable. We think we owe him the opportunity to do this. Small wineries need to be open at least two days a week to stay in business.

Please pass on our vote of support for Mr. Obrien's request.

Stern,s Travel Shop

David, Cindy, Katherine and Mitchell

From: Sent: Ed Muns [w0yk@msn.com]

Thursday, April 17, 2008 2:12 PM

To:

Samantha Haschert

Subject:

Silver Mountain Vineyards Use Permit

I strongly support the Use Permit extension providing for weekend winetasting at the Silver Mountain Vineyards facility. I am a winegrape grower just a couple miles away and believe this is an entirely appropriate and compatible request.

- 1. Winetasting is an integral part of the wine business and provided for in the Federal and State licensing.
- 2. In the context of the Silver Mountain facility, winetasting is fully compatible with the joint ag-residential zoning with negligible impact on nearby residents.
- a. Ten vehicles (20-30 people) across an entire afternoon of winetasting would be a "big day" at the Silver Mountain location. Because of the remote location, far fewer people will come for winetasting compared to a winetasting location in downtown Santa Cruz. Up to ten additional cars are inconsequential compared to the number of cars driving to, say, the Skyland Church further up the road every Sunday. It is even far less than the normal traffic of residents going to and from their homes on any weekend afternoon. And, it is no different than a resident having a dinner party that involves a few cars arriving with guests.
- b. As a 20-year resident in this part of the Santa Cruz Mountains, I find the driving quality of non-residents to be more often better than that of the residents and frequent commuters who speed due to their familiarity with the roads and conditions in the mountains.
- 3. Jerold O'Brien is a lighthouse of community stewardship.
- a. Jerold continues to lobby me to move my vineyard operation to certified organic. His own operation has been organic for many years.
 - b. He spends several days a month donating winetasting to community organizations.
- c. A portion of his property is set aside for picnicking and for people to enjoy during their visits to the tasting room.
- 4. Currently, Silver Mountain's Use Permit allows twelve winetasting days per year and this experience has not been a problem for the neighbors or the roads and driving. Extending it to Saturdays and Sundays will not create problems.
- 5. Jerold and Silver Mountain Vineyards has an exemplary 30-year record of being a good and compatible neighbor. I can't imagine a more suitable agriculture business to coexist with rural residential properties.

Sincerely, Ed Muns 25600 Loma Prieta Avenue

Subject:

07-0507 Public Comment

Entry Type:

Phone call

Start: End: Wed 4/16/2008 1:30 PM Wed 4/16/2008 1:30 PM

Duration:

0 hours

Helen O'Dea 24995 Skyland Drive (Adjacent neighbor)- 098-061-43 408-353-9764

- Met with Jerold who said he would compromise and instead of proposing Saturday and Sunday open to public, he would do Friday and Sat.
- Concerned that it's turning into a liquer store instead of a winery.
- Her experience with the vineyard and with this property owner is that they always seem to take it one step further than what they're given.
- They bought their property because it is rural and private and the vineyard was there but that was ok because a vineyard is a rural operation. Now it seems that he is turning it into a commercial business
- Their house is located just over the fence from the winery and they can hear everything and have a view of the entire winery.
- They have frequent events at the winery which do produce outdoor noise and music. She was told at the last hearing to contact the sheriff when there was loud music but she didn't want to be a nuisance neighbor always calling the sheriff.
- They can hear cars driving around, outdoor conversations and laughter, banging car doors, etc.
- Sat and sun are the only days for her and her family to relax and enjoy their view and rural property. Opening up the winery to the public sat and sun takes away every weekend for them
- Visitors wander through the vineyards and they have found people looking over the fence at their property.
- The increase in noise and decrease in privacy will affect their property value
- If this is approved, they'll have to plant a row of trees to screen from the winery which will ruin their view.
- Also concerned about narrow winding roads and bad visibility
- If you are considering allowing only one day per week, please consider allowing Sunday instead of Saturday because people are less likely to be out partying on a Sunday and also please consider changing the hours to earlier in the day so that this winery is a first stop instead of the last stop.
- Is concerned that most community events happen at this site, which are primarily to promote the winery not to support the community. Thinks that the community should be able to decide where community events take place.
- Is also concerned with Jerold's long term plan and how much bigger the winery will get.

Subject:

07-0507 Public Comment

Entry Type:

Phone call

Start: End:

Wed 4/16/2008 9:00 AM Wed 4/16/2008 9:00 AM

Duration:

0 hours

Jeff Powell 24620 Miller Hill Road

- Believes everyone along both Miller Hill and Miller Cutoff should have been notified, not just within 300 feet because the increased traffic on the roads will impact everyone
- Very opposed to the project
- Roads are already very dangerous- busy and narrow
- People walk along the road, ride horses, walk dogs, etc.
- Roads are not adequate to support the increase in traffic that will occur
- Sundays are the worst with church traffic going up the hill
- No additional signage allowed means that people will be lost and looking at maps- not paying attention or using GPS which will take them to Miller cutoff which is winding and dangerous
- Miller Hill Soquel San Jose intersection very bad. High traffic speeds and low visibility make dangerous conditions.
- Miller Hill Miller Cutoff intersection dangerous because unsigned and people don't slow down
- In support of a winery but doesn't feel that there is adequate infrastructure in this area to support an expansion.

Subject: **Entry Type:** 07-0507 Public Comment

Phone call

Start: End:

Wed 4/16/2008 3:30 PM Wed 4/16/2008 3:30 PM

Duration:

0 hours

Don Delamore Neighbor

- not a good idea to bring more cars onto the substandard roadways

- even locals driving on the roads is dangerous so it's worse to bring in visitors who are not familiar with the
- many motocycles now that travel at high speeds
- in support of the winery and would like it to succeed but the roads are too dangerous at this location.

From: Mark Dickson [mark@economic.com]

Sent: Wednesday, April 16, 2008 8:13 PM

To: Samantha Haschert

Subject: Silver Mountain Winery

Samantha, thank you for clarifying a few questions I had on the phone today. I have been a resident of this area since 2001, and have a vested interest in keeping it safe, as well as a nice place to live. Unfortunately, I cannot attend the meeting Friday morning, so please let this email serve as my official objection to the proposal for "drop-in" wine tasting at the vineyards on Miller Hill Road. Here is a summary list of my objections and possible solutions:

- 1) This proposal would allow hundreds of extra cars on our roads and into our small community each weekend day, perhaps doubling the current traffic now.
- 2) Adherence to the maximum guest rule is voluntary, without any means of enforcement.
- 3) These roads are too dangerous for inexperienced mountain drivers. As residents, we have learned where extra precautions must be taken to avoid an accident. The roads are too narrow to even have a center line, and many corners are completely blind with no line of sight to oncoming traffic. Especially dangerous is the intersection at Miller Hill and Soquel-San Jose Roads, which I understand was not even included in the traffic survey. This blind intersection, and the narrow, steep portion of road between it and Miller Cut-off is sure to be the sight of many accidents, some of them surely tragic.
- 4) There are plenty of wineries that people can go to without the need to travel on these narrow mountain roads. I understand that the purpose is to make Silver Mountain more profitable, but I don't think it's a fair exchange for the residents of this community to deal with the increased traffic and change of environment without some major road improvements.
- 5) For this proposal to go forward, I think the minimum conditions should be:
- a. Signage on both ends of Miller Hill Road between San Jose-Soquel Road and Miller Cut-Off, that specifies the road is for residents only, and closed to through traffic.
- b. Improved line-of-sight for the areas of the access road where you cannot see more than 25-50 feet in front of you
- c. Widening of the access road in areas where there are steep cliffs on the side, and/or incline greater than 15%.

OR

d. Make the Miller Hill / Miller Cut-Off loop a ONE WAY ROAD so that guests and residents alike could drive up and down in safety.

Thank you for your consideration.

Mark Dickson 25045 Skyland Road Los Gatos, CA

From: Sue Marvin [suemarvin@yahoo.com]

Sent: Wednesday, April 16, 2008 7:13 PM

To: Samantha Haschert

Subject: Silver Mountain Winery

Samantha,

I am an immediate neighbor of Jerry O'Brien of Silver Mountain Wineries. We live across the street and our driveways meet on Miller Hill Rd. I would like to express my support for Silver Mountain Winery to add 2 days a week to be open for wine tastings. I am fine with either Friday and Saturday, or Saturday and Sunday. Jerry is a great neighbor and I welcome rural organic wine-making as a fitting use of property in our neighborhood. His events are always tasteful and elegant. I have never heard a loud or noisy event coming from his property in the 8 years that I have been his neighbor. I think it is fair that Silver Mountain should have the same use permit provisions as our other neighbor, Burrell School Wineries. I support Jerry and wish him success in his business,

Thank you, Sue Marvin 24870 Miller Hill Rd Los Gatos Mountains

From: Wilma Sturrock [wilmas@ridgewine.com]

Sent: Wednesday, April 16, 2008 3:24 PM

To: Samantha Haschert

Subject: Public Hearing 4/18/08 at 8.30 am - Silver Mountain's request to open for visitors

Dear Samantha Haschert,

Re: Public Hearing 4/18/08 at 8.30am - Silver Mountain's Request to open for Visitors

I am writing in support of the Silver Mountain's request to open their tasting room to the general public on Saturday & Sunday from 12:00 - 5:30pm.

Wineries, unlike other businesses, depend on the general public being able to visit their facility to taste the wines, talk to the winemaker and staff to learn about the uniqueness of their wines and vineyards. A tasting room is an essential part of a Winery's business and their best format for introducing their wine to the general public.

I ask the Santa Cruz County Board of Supervisors to support this request and grant the Silver Mountain the permission to open their tasting room for the hours and days requested.

Sincerely,

Wilma Sturrock President Santa Cruz Mountains Winegrowers Association (408) 867-3664

From: Sent:

Andre Kobel [andrekobel@mac.com] Wednesday, April 16, 2008 8:17 PM

To:

Samantha Haschert

Subject:

Silver Mountain Vineyards

Dear Ms. Haschert,

This letter concerns the application for amendment of the use permit by Silver Mountain Vineyards.

I am writing as a 20 year resident of 24600 Miller Hill Rd., in close proximity to Silver Mountain Vineyards.

I support the application and the effort by Silver Mountain Vineyards to find a way to retain an environmentally aware and financially viable small business in the Santa Cruz Mountains. Customer access, even severally restricted as proposed, is mandatory to compete in the wine business.

Much has been said by some of the additional traffic this would generate on our roads in the neighborhood. Anonymous letters have been distributed throughout the neighborhood by an opponent to this project, predicting chaos on the local roads on weekends. We in fact have a 20 year history of four open house weekend events per year in which Silver Mountain has participated. To my knowledge, there has been not a single traffic accident by winery visitors on local roads during that time. Accidents of course occurred, but they happen on roads where the speed of travel is more elevated, such as San Jose Soquel and Summit roads.

Silver Mountain has been an active part of this community for many years, generously supporting local clubs and organizations throughout the years, and making the facilities available to the community. It's time for the community to support this request and to take action to preserve a piece of our history.

Sincerely

Andre Kobel 24600 Miller Hill Rd. Los Gatos, CA95033 408 353 1647

From: Sent: Kevin Monahan [kevinmon@mac.com] Wednesday, April 16, 2008 3:52 PM

To: Subject: Samantha Haschert Silver Mountain Hearing

To Samantha Haschert,

I am voicing my Support for Jerold O'Brien that the tasting room at Silver Mountain Vineyards be open on weekends. Jerold is a great human resource to the County of Santa Cruz and the Santa Cruz Mountain Wine-growing Appalachia. To be open a few hours during the weekend would be of great value not only to Mr. O'Brien, but to the residents and visitors of this region.

Thank you,

Kevin Monahan Corralitos 831-234-1959

Subject:

07-0507 Public Comment

Entry Type:

Phone call

Start:

Wed 4/16/2008 12:00 PM

End:

Wed 4/16/2008 12:00 PM

Duration:

0 hours

Jennifer Kaufman

Neighbor on Old Orchard Road (abutting parcel)

In support of public tasting at the winery as proposed by the applicant

No noise issues from adjacent parcels

Suggest allowing them to put up more directional signage to winery from Soquel-San Jose Road. People get lost up there trying to find it. Also could put up "Slow-Residential Traffic" signage to slow down traffic

Subject:

07-0507 Public Comment

Entry Type:

Phone call

Start: End: Wed 4/16/2008 2:05 PM Wed 4/16/2008 2:05 PM

Duration:

0 hours

John Herr Loma Prieta Way

- in support of project to be open sat and sun
- difficult to run winery if can't be open on weekends
- minor change, no impact on neighbors- has walked around neighbors
- all residents moved in knowing that the winery was there

From: Kelli Nelson [kellinel@hotmail.com]

Sent: Tuesday, April 15, 2008 10:25 PM

To: Samantha Haschert

Cc: info@silvermtn.com; tnelson@mappharma.com

Subject: Silver Mountain Winery Use Permit

To: Samantha Haschert

We are immediate neighbors of Silver Mountain Winery, residing in a home just below the winery. The winery deck looks out over our backyard and property. As such, our property is/will be probably most impacted of all in the neighborhood by extended operating hours at the winery.

The winery was here for decades before we moved in, and we purchased our home knowing full well there was a winery business above us. We expect, understand and support that business needs to operate and sell wine to continue to survive as a family run business.

In the two plus years we have lived here, we have found Silver Mountain Winery to be an excellent neighbor, respecting noise limits, loud music, etc. The winery has had limited open public days and many private gatherings - all within allowed permitted use - creating little to no impact on our ability to enjoy our property.

As long as Silver Mountain Winery continues as a family run business run by Gerold O'Brien, we are supportive of the Winery being allowed to open to the public two days per week - and even more so if those days were to be on a Friday and a Saturday, leaving one day each weekend when we could enjoy our property in relative privacy!

We hope you will consider the use permit request of Gerold O'Brien and Silver Mountain Winery.

Please do not hesitate to call us should you have further questions.

With best regards,

Tim and Kelli Nelson (408) 230-6949

From: Joyce McLean [jmclean@jps.net]

Sent: Tuesday, April 15, 2008 3:16 PM

To: Samantha Haschert
Subject: Silver Mountain Winerv

Dear Samantha Haschert,

I write to you as a 40 year plus resident of Skyland Rd. We live one driveway, on the right, above the church. My husband and I are most knowledgeable about the curves, narrowness and dangers of Miller Hill and Miller Cutoff Roads.......We have witnessed the many near misses that have ensued since the Ocean View houses were built.....The scene on election days, Harvest Festival, and wine tour days (when non-residents are on the scene) is truly hazardess.....To claim otherwise is just plain lying.........

Mr. O'Brien bought that property knowing very well that it was a residential area.....When he was inspected by the Feds when he first wanted to sell from his property the agent rode up, realized what the road was like and said absolutely "no"!...Since then the allowable happenings seem to have increased, but no improvements have ever been made to the road. We are a serious accident waiting to happen!

Please use your office to help prevent that accident and protect the rights to safety of the non-vinyard.

Please use your office to help prevent that accident and protect the rights to safety of the non-vinyard residents of the Skyland Area.....

Sincerely,

Joyce McLean

25080 Skyland Rd. Los Gatos 95033 408-353-1065

I regret that we cannot be at the Friday meeting but expect that this message will be admitted as testiment. Thank you!

From:

karonfam@got.net

Sent:

Tuesday, April 15, 2008 12:52 PM

To:

Samantha Haschert

Subject:

Silver Mountain Winery

To Whom It May Concern,

I am writing in support of efforts by Silver Mountain Winery to open a tasting room. I am not able to attend the public hearing, but wanted to register my opinion on their request.

It is my understanding that the tasting room would be open only on weekends. As a 30+ year resident of Santa Cruz, I feel this additon to Silver Muntain would contribute to our Santa Cruz tourist industry and tax base as well as enhance what Santa Cruz has to offer residents.

I hope you will favorably consider and approve the Silver Mountain application.

Sincerely,

Susan Karon

PUBLIC COMMENTS

Samantha Haschert

From:

John Hibble [commerce@got.net]

Sent:

Monday, April 14, 2008 6:22 PM

To:

Samantha Haschert

Cc:

info@silvermtn.com

Subject: Re: Use Permit #99-0244, Silver Mountain Vineyards

April 14, 2008

Samantha Haschert Santa Cruz County Planning Commission 831-454-3214

Re: Use Permit #99-0244, Silver Mountain Vineyards

Public Hearing: Friday, 18 April at 8:30am

We would like to encourage you to allow Jerold O'Brien of Silver Mountain Vineyards to open his tasting room to the public on Saturdays and Sundays. It is important to the economic viability of the winery to be able to sell directly to the public. We understand that Silver Mountain is the only winery with a level 5 permit that is not open Saturday and Sunday.

Silver Mountain Winery is a great use of the land for the neighborhood. It has been a winery since 1979 and in agricultural production for over 150 years, is currently certified organic and uses sustainable agricultural practices. Agriculture is becoming a very technical and expensive business for the small entrepreneur. Keeping this winery viable preserves open space for the community to enjoy. Jerold opens his winery to the community for local causes and is always the first to donate for local organization fundraisers.

Local winemakers are passionate artists, not big business. Small producers have to leverage every idea within their means in order to compete. Large wineries are represented at every supermarket but they do not carry our local wines because the production is so limited. Small producers need to be open for public tastings.

Traffic to the winery has not been a problem; noise has not been a problem; the winery being open on Saturday and Sunday should not be a problem. Some of the finest wines in the world are made in the Santa Cruz Mountains. Please help wineries to be viable. Please allow Silver Mountain to be open on Saturdays and Sundays.

Sincerely,

John and Karen Hibble **Executive Directors** Santa Cruz Mountains Winegrowers Association 685.8463



Mailing Address: 2072 The Alameda San Jose, CA 95126 Fax: 408-249-5718

April 11, 2008

Winery Address: 26985 Loma Prieta Way Los Gatos, CA 95033 Phone: 408-353-2950

Sent via facsimile & U. S. Mail

Don Bussey, Zoning Administrator County of Santa Cruz Planning Department 701 Ocean Street Santa Cruz, CA 95060

Ke:

04-18-2008 Public Hearing on Silver Mountain Tasting Room

Dear Mr. Bussey:

It is my understanding that you are the hearing officer for the Silver Mountain hearing on April 18, 2008 at 8:30 a.m. for a request from Silver Mountain to be able to open Saturdays and Sundays from 12:00 p.m. to 5:00 p.m. for public tasting.

I am sure that you, more than anyone else in Santa Cruz County, are very familiar with Silver Mountain and Mr. O'Brien's efforts to have limited public tastings so that he can carry on his business of a winery.

It is my understanding that at the present time, in the actual County area, there are only 5 Level 5 permits and Silver Mountain is apparently the only one that does not have weekend tastings.

The recommendation from Planning Department staff member, Samantha Haschert, is that Silver Mountain Winery only be allowed to be open one (1) day on the weekends. I cannot imagine any business that was only allowed to be opened to the public for 5 hours one day a week to have much of a chance to succeed and be profitable, especially given the difficult times we all face.

In view of the fact that Silver Mountain has only requested to be open 10 hours a week and has a Level 5 permit, I would hope that you would give them the same consideration as other Level 5 wineries and give them a chance to be good citizens.

PAUL B. KEMP

From:

SCMahaneys@aol.com

Sent:

Tuesday, April 08, 2008 1:03 PM

To:

Samantha Haschert

Subject: Silver Mountain tasting room

We have been residents of Santa Cruz since 1960, and have been involved in the community in many ways, including John as Mayor of Santa Cruz twice. The last few years, we have known Jerold O'Brien through the Symphony Board of Directors and as Chairs of the History Forum at the MAH Museum.

Jerold has given generously of his time, donations of wine, and business acumen, to a variety of areas of the community. His environmental awareness is a great plus for all of us. He is elegant and friendly when he presents his wine to the public, and we believe his request for a weekend tasting room at Silver Mountain would be a wonderful asset to this County and beautiful, frequently visited region.

We urge your approval of his application.

Sincerely. Billie K. Mahaney John G. Mahaney, M. D. 535 Highland Ave, Santa Cruz, Ca.95060 423-6456

Planning your summer road trip? Check out AOL Travel Guides. (http://travel.aol.com/travel-guide/united-states?ncid=aoltrv00030000000016)

07-0507 PUBLIC COMMENT

Samantha Haschert

From:

Bob Mullen [Bob@woodsidevineyards.com]

Sent:

Tuesday, April 08, 2008 5:11 PM

To:

Samantha Haschert

Cc:

Jerold O'Brien

Subject: Hearing re Silver Mountain tasting room - Friday, April 18

Attention: Samantha Haschert,

We strongly endorse Jerold' O'Brien's request to open the Silver Mountain tasting room on weekends. Jerold O'Brien and Silver Mountain Vineyards have been solid citizens of your community for over thirty years and we are sure that his operation there has prompted little or no negative comment from his neighbors. Jerold is also very active and highly regarded in wine industry circles. Ask any small to medium sized winery and they will tell you that the tasting room is the life blood of this very difficult business. To not be open on Saturdays and Sundays inflicts great financial penalty on any winery.

Woodside Vineyards is somewhat smaller than Silver Mountain, but we are open for an average of more than one weekend day every week. We are located in the town of Woodside which has very restrictive regulations in many matters, but the town authorities do not limit our hours or days of operation in any way. Wine tastings are relatively quiet events and we have had nothing but positive response from our neighbors in the 45 years we have operated here.

Silver Mountain Vineyards deserves that same consideration from Santa Cruz County. We encourage you to grant Jerold's request. Thank You.

Robert L. Mullen President Woodside Vineyards LLC

From: anniemglas@aol.com

Sent: Sunday, April 06, 2008 11:08 AM

To: Samantha Haschert

Subject: Siver Mountain tastingroom

Dear Ms. Haschert-

I am writing on behalf of Jerold O'Brien and Silver Mountain Vineyard's request for opening a tasting room on Saturdays and Sundays at their location in Soquel.

I heartily encourage this endeavor. Mr. O' Brien has proven to be a very important community supporter of non- profit organizations in Santa Cruz County. I have personally witnessed his stunning generosity for Jacob's Heart Children Cancer Support Services and The Cabrillo Music Festival. He does not hesitate to support vital fundraising events for many charities in our county.

It is in <u>all</u> of our best interests to permit a business such as this, so vital to the fabric of our community to grow. Without fiscal solvency, businesses like his can not sustain continued giving to local charities. These charities rely heavily on the generosity of businesses like Silver Mountain and my own, because there is so little public funding available and so great a need for their services.

Annieglass has been in business for 25 years. We donate to over 300 local charities a year. Sometimes I get tired of it and wonder when other businesses are going to take up the slack. I am thrilled to see Silver Mountain doing just that.

Please allow the tasting room to open to the public.

I live in the Soquel hills and understand concern about traffic neighbors may have, but I would gladly trade them a winery tasting room and the kind of clientele it brings than the garage sales clogging Rodeo Gulch every other weekend where I live.

Silver Mountain Vineyard has a reputation for quality wines. They are not inexpensive and wine tasting is not free, therefore the traffic to the winery is all destination based and I believe limited to serious wine connoisseurs, not large quantities of tourists. There are more accessible tasting rooms for them.

Annie Morhauser Annieglass art for the table 310 Harvest Drive Watsonville, Ca. 95076 (831) 761-2041 X 14

home address: 124 Ocean Vista Drive, Soquel

Get the MapQuest Toolbar, Maps, Traffic, Directions & More!

From: Judy [judyj@freshprepkitchens.com]

Sent: Saturday, April 05, 2008 7:48 PM

To: Samantha Haschert

Subject: Silver Mountain Winery Tasting Room

Samantha:

I see no reason not to welcome the tasting room at Silver Mountain Winery. The owner, Jerrold, is quite a conscientious business man and able to serve his clientele in a responsible manner. Our local winemakers in Santa Cruz County are becoming renown in the industry throughout the world and deserve our trust and support.

Judy Johnson Fresh Prep Kitchens, LLC 504 A Front Street Santa Cruz CA 95060 831 429 1390 judyj@freshprepkitchens.com

From: Gerry Turgeon [gerry@troutgulchvineyards.com]

Sent: Saturday, April 05, 2008 9:11 AM

To: Samantha Haschert
Cc: office@silvermtn.com

Santa Cruz County

Dear Samantha Haschert,

Jerold O'brien is my friend. As a fellow winemaker in the Santa Cruz Mountains I would like to lend my support to his efforts to open his visitors' facility. Vineyards and wineries are an asset to our community and a use that should be encouraged. Jerold has a sincere interest in sustainable agriculture and has been working his vineyard for years using organic farming techniques. I am certain that Jerold has been a conscientious and cooperative partner that gives serious merit to your process. Please give consideration to Silver Mountain's application to open a tasting room. Please feel free to contact me for further comment.

Sincerely, Gerry Turgeon

"The best people, like the best wines, come from the hills." Edward Abbey

Trout Gulch Vineyards Turgeon, Père et Fils

414 Avalon Ave, Santa Cruz, California 95060 831/471-2705

www.troutgulchvineyards.com, mail@troutgulchvineyards.com

From:

Frank Ashton [frankashton@comcast.net]

Sent:

Friday, April 04, 2008 1:12 PM

To:

Samantha Haschert

Subject: Re: Silver Mountain Vineyards

To Samantha Haschert,

I am writing in support of Jerold O'Briens application for Silver Mountain Winery to provide a tasting room for its customers.

The wineries in the Santa Cruz Mountains tend to be small, family owned businesses. The winery business in general is a very tough business, and we are not located in the more famous wine regions in the state. We need as much help as we can get to keep our businesses strong, while providing an excellent product and service to our local customers.

Please add our name to the list supporting Silver Mountain tasting room.

Sincerely,

Frank Ashton Byington Winery - General Manager Downhill Winery - Owner

From:

Vicki Wasson [vlwasson@yahoo.com]

Sent:

Friday, April 04, 2008 1:13 PM

To:

Samantha Haschert

Subject: Silver Mountain hearing

Samantha,

I am writing to voice my support for Silver Mountain Winery's request to be granted permission to have a tasting room open on weekends at their Santa Cruz Mountain winery. A public hearing is scheduled on April 18.

Jerold O'Brien's support of the Santa Cruz County Symphony, and many other community non-profits, has been tremendous. If the granting of this request will help Silver Mountain Winery, I'm sure all who have benefitted from Jerold O'Brien's generosity will stand in support of him.

Thank you, Vicki Wasson Santa Cruz County Symphony Board Member

You rock. That's why Blockbuster's offering you one month of Blockbuster Total Access, No Cost.

From:

Jacqueline Sommers [jackiesommers@sbcglobal.net]

Sent:

Friday, April 04, 2008 10:22 AM

To:

Samantha Haschert

Subject: Silver Mountain Vineyards

Hello Samanatha

I am writing in support of opening a tasting room on Saturdays and Sundays for Silver Mountain Vineyards. They have been there for a very long time and deserve to be able to use their facilities for a tasting room on weekends.

Thank you.

Regards, Jacqueline Sommers

Jacqueline Sommers

From: Martin

Martin Bargetto [mbargetto@bargetto.com]

Sent:

Thursday, April 03, 2008 3:01 PM

To:

Samantha Haschert

Cc:

office@slivermtn.com

Subject: Silver Mountain Tasting room

Dear Ms. Haschert:

I am writing in support of Silver Mountain Vineyards to open a tasting room at their winery site.

Mr. Jerold O'Brien has operated a successful and responsible winery in the hills above our winery for a number of years. He is professional, dedicated, and sensitive to the needs of the community.

A tasting room at Silver Mountain Vineyards will add to the tourist draw to Santa Cruz County. In addition, his winery is already located just off a major road so the traffic impact would be minimal. Since the Soquel Hills have seen a clustering of wineries in recent years, this helps in reducing the length of traffic trips when wineries such as BARGETTO, SOQUEL VYDS, HUNTER HILL, and SILVER MOUNTAIN can offer visitors a more compact tasting room travel experience.

We hope you will approve the Silver Mountain Tasting Room.

Thanks for your consideration.

Salute!

Marty Bargetto
President, BARGETTO WINERY

From:

Ann Ostermann [events@ccscc.org]

Sent:

Thursday, April 03, 2008 1:50 PM

To:

Samantha Haschert

Cc:

'Silver Mountain Vineyards'

Subject: Silver Mountain Winery Tasting Room

To Samantha Haschert:

I would like to lend my support to Silver Mountain Winery's request to open a Wine Tasting Room in the Santa Cruz Mountains. As the Events Manager for the Cultural Council of Santa Cruz County I have worked with Jerold O'Brien on numerous occassions - I have great respect for him as a businessman and a supporter of the arts in Santa Cruz County. A tasting room would be a welcome addition to Silver Mountain's business and the public would be able to access his winery and wine on their weekends up in the Santa Cruz Mountains – truly a win-win situation for all!

Respectfully yours,

Ann Ostermann

Ann Ostermann
Events Manager
Cultural Council of Santa Cruz County
2400 Chanticleer Avenue, Suite G
Santa Cruz, CA 95062

Tel: 831/475-9600, extension 17

Fax: 831/475-9700

Art is just a pigment of your imagination. Tony Follari

From:

marie.eleni@gmail.com on behalf of eleni [eleniki@sbcglobal.net]

Sent:

Thursday, April 03, 2008 3:28 PM

To:

Samantha Haschert

Cc:

office@silvermtn.com

Subject: Silver Mountain: Public Hearing April 18 for Tasting Room

Ms. Haschert et al.,

wine tourism is a valuable asset to Santa Cruz County. This region is gaining a reputation for producing some of the finest wines in the world and there is much to take advantage of in terms of drawing in people not just on 'Passport Weekends' but regularly giving folks the opportunity to connect with the origin of the product, the land, the people, the environment.

Wine tourism translates into a multiplying financial advantage: more money spent at the winery and at local restaurants and lodging equals the potential for more jobs in our community. Not to mention the worth created by bestowing the sense of place and value for the land that can be created by visiting and having direct contact with a winegrower.

Please grant Silver Mountain permission to open a winery tasting room. They are a responsible, longterm, contributing part of our community.

Thank you.

M. Eleni Papadakis

----- Forwarded message -----

From: office@silvermtn.com <office@silvermtn.com>

Date: Thu, Apr 3, 2008 at 12:05 PM

Subject: [santacruzmountains] Silver Mountain: Public Hearing April 18 for Our Tasting Room - We

Need Your Support

To: santacruzmountains@yahoogroups.com

Dear friends and fans of Silver Mountain:

Visit Your Group Yahoo! Finance

We need your help. For many years we have been battling the

bureaucracy

of Santa Cruz County for permission to open our winery tasting

room. We

It's Now Personal

have submitted an application to be open for visitors on Saturday and

advice & more.

Guides, news,

Sunday, 12:00-5:00pm. Santa Cruz County has scheduled a public hearing

Move More

to receive comment on our request:

on Yahoo! Groups

From: Brandon [Brandon@roudonsmith.com]

Sent: Thursday, April 03, 2008 12:27 PM

To: Samantha Haschert

Cc: office@silvermtn.com

Subject: Silver Mountain Tasting Room

To Samantha Haschert,

I am e-mailing you because I am in support of Silver Mountain opening a tasting room. I am not sure why Santa Cruz County chooses to constantly block an industry that makes the Santa Cruz Mountains so special. The city uses the Wineries as a tool to attract tourism yet the county puts road blocks up not allowing the industry to progress. I am asking you to please allow a great winery to have better access to the great community of Santa Cruz by allowing them to open a tasting room.

Brandon Armitage Winemaker Roudon Smith Winery Brandon@roudonsmith.com Re: Application Number 07-0507 - hearing for proposed change to use permit for Silver Mountain Winery.

As an adjacent neighbor to the Silver Mountain Winery, my wife and I are concerned with any proposed changes to the current use permit. We are concerned that the increased noise and traffic will adversely affect our family's privacy and seclusion.

That said, we are willing to accept the changes proposed by the planning staff: to maintain the small scale commercial agricultural use, allowing only one weekend day per week, from 12pm to 5pm, with no more than 20 visitors at a time, with all tasting or other activities to remain indoors. We have understood the recommendation to include the current 12 annual wine tasting events and feel that any increase beyond the number or scope of the planning staff proposal would not be in the character of the surrounding neighborhood.

We would like to have some assurance that people will actually leave at, or shortly after 5pm, and not be encouraged to buy a bottle of wine and "wait for the sunset". We are familiar already with the noise and wandering guests during the transition from the tasting room, back to their vehicles. As neighbors however, we would like to be able to regain our privacy in the late afternoon. It is this privacy that lured us to living in this rural area.

We wish Jerold O'Brien every success with the Silver Mountain Winery.

Sincerely,

Russell Willner and Helen O'Dea 24995 Skyland Road Los Gatos, CA 95033

From: Ralph Johnson [ralph.johnson@surfnetc.com]

Sent: Wednesday, April 02, 2008 7:32 PM

To: Samantha Haschert

Subject: Traffic Survey on file for Silver Mountain

Samantha

I apologize for the rambling nature of this letter but I think that it is important that I get it in before the hearing. Please bear with me and understand that I am seriously concerned about the safety issues posed by Silver Mountain Winery, and believe that it is inevitable that I or members of my family will be injured due to the inappropriate use that the property is engaged in.

As I mentioned in our conversation today, I am very concerned about the many near misses I have had on Miller Cutoff during days that winery events are in progress. Your response was that you have a traffic survey saying that the roads were safe. My review of the documents comes to a very different conclusion. The only points surveyed are the intersections of Miller Cutoff and San Jose Soquel, Miller Hill and San Jose Soquel and Miller Hill and Miller Cutoff. There is no question that two of these intersections have very good line of sight, the exception being Miller Hill and San Jose Soquel which is difficult with north bound San Jose Soquel but I do not consider it particularly dangerous. Nowhere in the report is there any discussion of the roads themselves and the high risks that were assessed in the previous hearings. As we discussed, there are numerous issues with blind curves, narrow roads, steep unguarded shoulder and steep grades on both Miller Cutoff and Miller Hill. None of this has changed since the earlier decisions and not evaluating them in the report does not make them go away. It is also important to understand that in the event of injury, emergency response is likely to be very long especially with the closing of the Burrel CDF station. This makes incidents potentially much more serious.

Miller Cutoff is not a road that people go down by accident. There is only one primary destination for nonresidents and that is the winery the only other sources are in the form of various service people and contractors. There is an extremely distinct change in traffic on days that the winery has events. I will outline my observations here.

Local drivers hug their side of the road on blind turns and pass without need for excessive braking or evasive maneuvers. They understand the size of their car and where it is on the road and use the full pavement width to pass safely. They understand that they have increased braking distance on the extremely steep slopes and control their speed appropriately. They look over their shoulders on inside hairpins to look for oncoming traffic, and do not swing wide across the other lanes on hairpins. They generally consist of a single driver, a single couple or a driver with children. The driver is paying attention not talking or looking at directions. Learning to drive safely on these roads is not difficult and after a few close calls the local learn, but is a mystery to most city drivers.

Winery drivers are distinct and recognizable. They appear to assume that since the road is lightly travelled that there will not be another car coming around a blind turn. They are very often in the center and even on the wrong side of the road around blind turns. They usually have no sense of the size of their car and where there wheel is relative to the edge of the pavement and often stay in the center even on wide sections fearing they will run off the edge and forcing the other driver to take extraordinary effort to avoid them. They do not look around switch backs for oncoming traffic and often swing wide taking the entire road on the exit. They often have multiple couples of similar age and are talking and trying to figure out if they are in the right place. The typical scenario is the front seat passenger is point at something in her lap as the driver glances over as he rounds the blind turn and looks startled as I sit stopped on the road edge honking to get his attention before he hits me, followed by a startled makes a panic maneuver to avoid collision. These may be perfectly capable drivers on normal roads but they would be dangerous on these roads even if they were not visiting several wineries.

Let me be clear; I do not feel unsafe with the Wineries on roads like San Jose Soquel, Summit, and even Bear Creek. They roads are by comparison quite wide and require no particular extra attention on the part of their visitors. They rarely, if ever, threaten the safety of me or my family. If Silver Moutain were on one of those roads there would be no complaint from me even if, as with The Old School House Winery on Summit Road, I pass by

frequently. The problem with Silver Mt is that, I have been in so many near misses due to what I believe are his customers that I know that my luck will run out sooner of later. When it does the fact that he and the county have exacerbated this situation will weigh strongly on my course of action.

Another note; as I related to you, I am many of the neighbors walk on these roads. My dogs are getting older and we do not go as much, but it is noticeably more dangerous when Silver Mt has an activity. As I related to you I was struck by a hit and run driver one day last year although not seriously. I believe because there where two same aged couples it was a Vintner's Festival day that they had a high probability of being winery customers but I admit I have no proof. What I do know was that I was standing at the very edge of the road controlling my dog facing away and they struck me with their "driver" side mirror hard enough to deflect it despite plenty of room to pass safely and that they continued on without any sign that they even knew that they did it. I believe that if they were several inches closer I would have been seriously injured despite the relatively slow speed because of the tires. Based on the activity I could see through the window, I do not believe they did it on purpose and I do not think they knew that it even happened. I expected at some point that they would wonder what happened to their mirror. Had I been able to recover and get their license I might be able to prove where they were coming from but it is unlikely that I had any recourse. We have stopped walking any time the Vintners Festival signs are out, although because of his other events that is no guarantee.

I must insist that the previous decisions based on road conditions were correct. The current traffic report does not address any of the safety issues that have been previously noted. It simply verifies what every resident knows, the road intersections are safe. This was never a issue so the report is meaningless. I believe even at the current levels Silver Mountain Winery and Santa Cruz County are already endangering the hundreds of people who must use these roads. To increase this traffic yet again is a clear violation of the requirements set forth in clause 1 pages 7 of the staff report. I suspect that both will bear liability in any accident. To me the rule is simple. My right to swing my fist ends at someone else's nose. Mr. O'Brien is endangering hundreds of mountain residents for personal gain. In my estimation this is immoral and I hope that you will do the right thing and correct the traffic portions of the report prior to the hearing.

Thanks for taking the time to see me today. My comments may seem harsh but they are serious and truthful. At this I cannot imagine avoiding a serious accident with the increase in use that Silver Mountain is proposing or that you are recommending.

Sincerely
Ralph Johnson
60 Old Orchard Rd
Los Gatos, CA 95033
(408)353-5464
ralph.johnson@surfnetc.com

MOT IN SR

Samantha Haschert

Subject:

07-0507

Entry Type:

Phone call

Start: End:

Tue 4/1/2008 8:29 AM Tue 4/1/2008 8:29 AM

Duration:

0 hours

Ralph Johnson 60 Old Orchard Road

Concerns-

Bad road conditions
Neighbors can't walk on road
Try to stay off of road during Vitner's festivals because traffic so heavy
DPW in the past has determined that the road was too narrow to stripe

24705 Miller Hill Rd. Los Gatos, CA 95033 March 12, 2008

Samantha Haschert Project Planner Planning Department 701 Ocean St. 4th Fl. Santa Cruz, CA 96060

Re: Notice of Proposed Development Application # 07-507, A Proposal to Amend Operational Conditions to Allow Public Wine Tastings with Up to 20 Persons at a Time (At Silver Mountain Winery)

I am writing to express my objection to Silver Mountain Winery's proposal based on inadequate roads to handle the traffic.

I have personally experienced one problem with a 40 ft. busload of people coming from the winery and heading to another winery. After leaving Silver Mountain Winery, they headed down Miller Hill Rd., past my residence to Soquel-San Jose Rd. only to find that they could not exit onto Soquel-San Jose Rd. because the front and back of the bus would have to drag the pavement and the wheels would lose traction. The driver chose to back up about ½ mile on the very narrow winding Miller Hill Rd. until he reached my drive where he could turn around. The whole thing must have taken about an hour. All access roads to the winery from Soquel-San Jose Rd. are less than two lanes wide.

If and when adequate roads are in place (wide enough for two large vehicles to pass, with yellow lines, etc.), perhaps there would be no objection to the increase in number of people visiting the winery.

I do not think the best interest of the community is being served with this request that puts a burden on inadequate, narrow roads with blind corners and which are already in poor repair. These roads are clearly not suitable for winery tour bus travel, or for individuals unfamiliar with the blind corners.

Sincerely,

Ronald F. Parker

cc: Deidre Hamilton Hamilton, Swift Land Development Consultants 123 345 G. S. O. 10 TE 12 15 G. S. O. 10 TE 12 15 G. S. O. 10 TE 12 15 G. O. 10 TE 1

From: karel waugh [karelw@earthlink.net]

Sent: Wednesday, February 27, 2008 1:26 PM

To: Samantha Haschert

Subject: re: application 07-0507

I just recently learned of the application from Silver Mountain Winery to allow public events on the weekends. I am opposed to allowing this as the road leading to the winery, Miller Hill is very narrow with blind curves approaching the winery.

On Sundays the winery would be opening at the same time that Skyland Church members are leaving which would make for a lot of congestion on Miller Hill Rd.

I have had several close calls on this section of road because people not used to our narrow, curvy roads tend to drive in the middle of the road. There are several blind curves on this section.

I was informed that the winery would have to widen Silver Mountain Road if the permit is approved. This does not help the neighbors as that "road" is not a public road but the driveway for the winery. It does not help the problem on Miller Hill.

This is a residential area and should not be open to business traffic on a narrow, dangerous road. Sincerely.

K. Waugh

24766 Skyland Rd.

From:

Carter, Ellen [ellen.carter@hp.com]

Sent:

Tuesday, February 26, 2008 12:32 PM

To:

Samantha Haschert

Subject: RE: Application 07-0507

Hi Samantha,

thanks for getting back to me so promptly. I definitely have concerns about the additional traffic on Miller and other mountain roads. I ride my horses along that road quite often. There are at least two blind curves quite close to the winery. It's bad enough driving them when you're sober, let alone after you've had a couple of glasses of wine. Is the application a done deal or will neighbors be allowed to comment on the application?

Ellen Carter

NonStop Platform Development NonStop Enterprise Division ellen.carter@hp.com (408) 285-6718

From: Samantha Haschert [mailto:PLN145@co.santa-cruz.ca.us]

Sent: Tuesday, February 26, 2008 8:28 AM

To: Carter, Ellen

Subject: RE: Application 07-0507

Hi Ellen,

The property owners are proposing to open the winery to the public on Saturdays and Sundays for up to 20 guests at a time. The winery would be open between the hours of 12 pm – 5pm. There is no new development or construction proposed at the site; however, if they are approved for the use amendment they will likely need to widen Silver Mountain Road.

If you have any comments on this application, please send them to me as soon as you can.

Sincerely, Samantha

Samantha Haschert Project Planner II Santa Cruz County Planning Department 701 Ocean Street, 4th Floor Santa Cruz, CA 95060 Ph: (831) 454-3214

Fx: (831) 454-3214 Fx: (831) 454-2131

Subject:

07-0507 Silver Mtn

Entry Type:

Phone call

Start: End: Tue 2/26/2008 10:00 AM Tue 2/26/2008 10:00 AM

Duration:

0 hours

Cynthia Greenblat

Concerned about traffic, amplified music, and the long term agenda. Wanted to make sure that an approval at this time would not facilitate further expansion in the future. Said that last year they heard outdoor amplified music on site.

Asked about the cell antennas on site, which were installed with a development permit.

Told her no other development being proposed at this time. If approved, construction may be required to widen Silver Mountain Road.