



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 4, 2008
Agenda Item #: 2
Time: After 10:00 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).

Supervisory 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 | E. Assessors Parcel Map |
| B. Findings | F. Zoning map |
| C. Conditions | G. Comments & Correspondence |
| D. Categorical Exemption (CEQA determination) | |

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 Road to Silver Mountain Drive

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

Planning Area: Summit
Land Use Designation: R-R (Rural Residential)
Zone District: RA (Residential Agriculture)
Coastal Zone: ☐ Inside ☒ Outside
Appealable to Calif. Coastal Comm. ☐ Yes ☒ 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: Not a mapped resource
Drainage: 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 ☒ 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.

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 located 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
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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 off-site 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, its 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. Settlement. 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. Successors Bound. "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.

Application #: 07-0507
APN: 098-061-45,46
Owner: Jerold O'Brien

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
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 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.
- B. ☐ 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 15260 to 15285).

Specify type:

E. ☒ **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.

Samantha Haschert, Project Planner

Date: _____

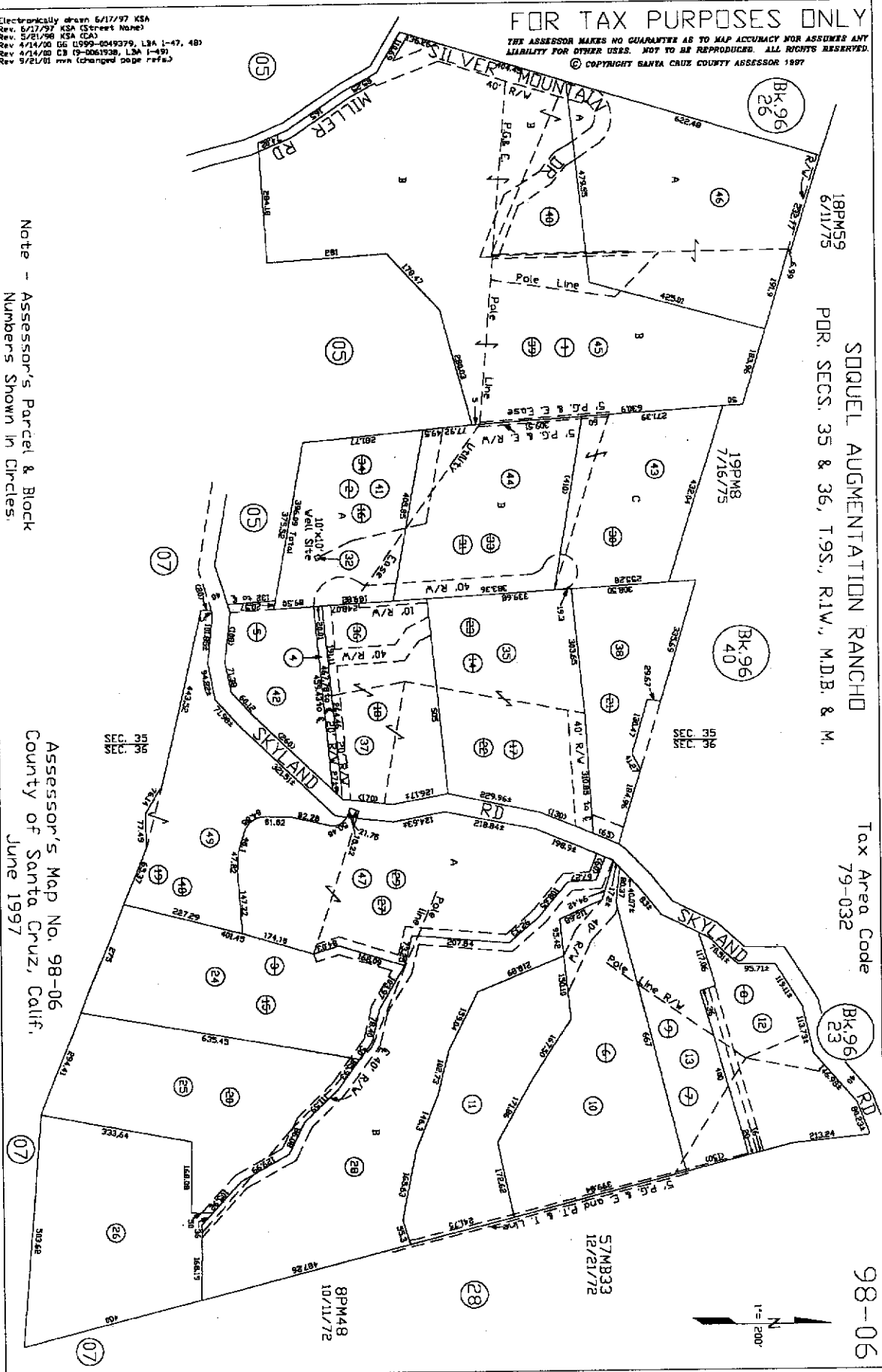
Electronically drawn 6/17/97 KSA
 Rev. 5/17/97 KSA (Street Name)
 Rev. 5/21/96 KSA (CA)
 Rev. 4/14/90 CG 1999-0049379, LSA 1-47, 48)
 Rev. 4/14/90 CB 19-0061938, LSA 1-49)
 Rev. 5/21/91 mva (changed page refs.)

FOR TAX PURPOSES ONLY

THE ASSESSOR MAKES NO GUARANTEE AS TO MAP ACCURACY NOR ASSUMES ANY LIABILITY FOR OTHER USES. NOT TO BE REPRODUCED. ALL RIGHTS RESERVED.
 © COPYRIGHT SANTA CRUZ COUNTY ASSESSOR 1997

Note - Assessor's Parcel & Block Numbers Shown in Circles.

Assessor's Map No. 98-06
 County of Santa Cruz, Calif.
 June 1997



18PM59
6/11/75

SOQUEL AUGMENTATION RANCHO
 POR. SECS. 35 & 36, T.9S., R.1W., M.D.B. & M.

Tax Area Code
79-032

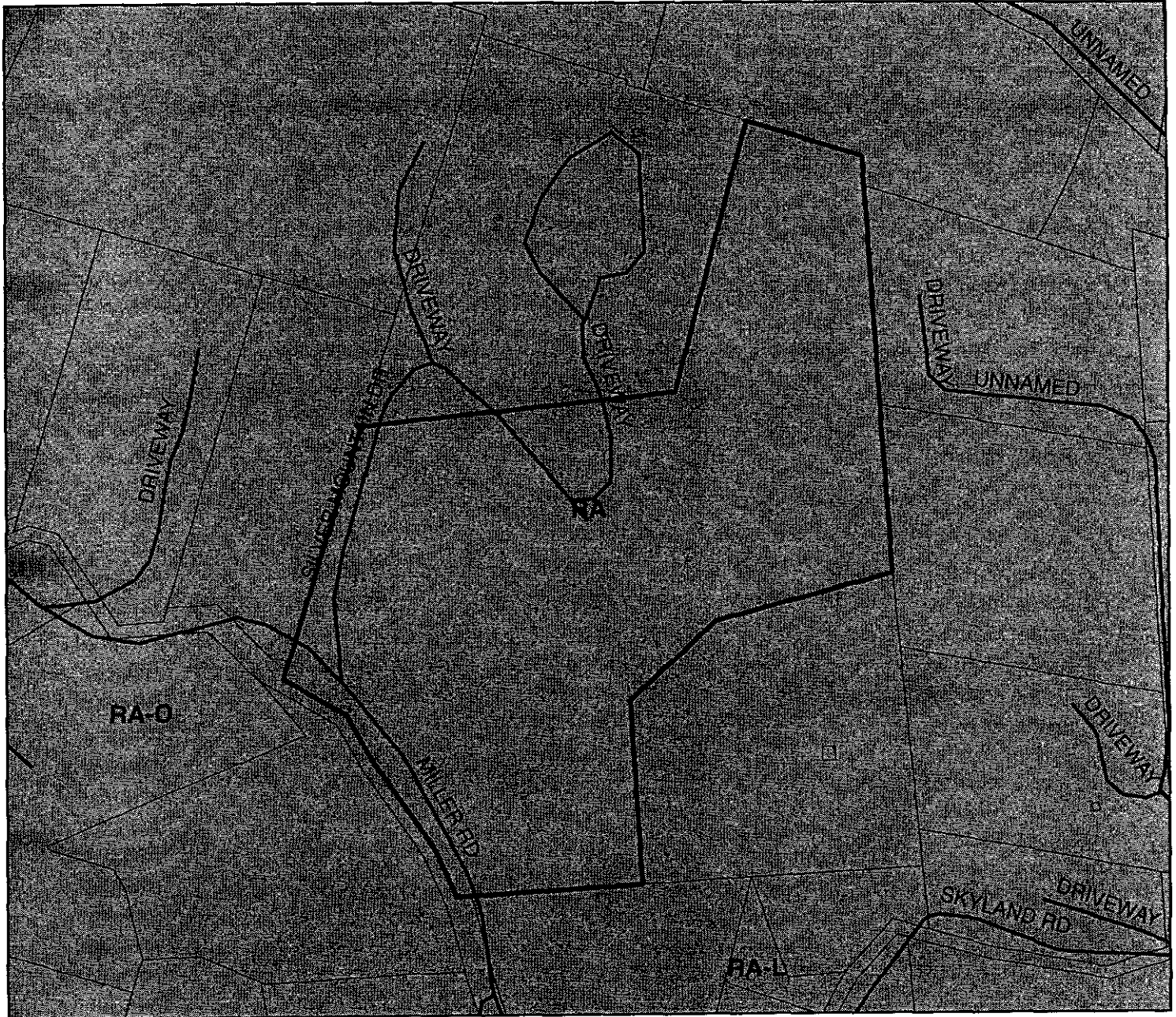
98-06

1" = 200'

EX-107







Zoning Map



0 205 410 820 1,230 1,640 Feet

LEGEND

-  APN: 098-061-45
-  Assessors Parcels
-  Streets
-  AGRICULTURE RESIDENTIAL

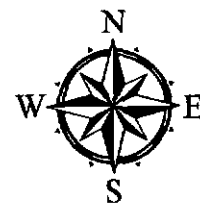


EXHIBIT F

Map Created by
County of Santa Cruz
Planning Department
January 2008

C O U N T Y O F S A N T A C R U Z
D I S T R I C T R E T I O N A R Y A P P L I C A T I O N C O M M I T T E E

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

Environmental Health Completeness Comments

===== REVIEW ON SEPTEMBER 20, 2007 BY JIM G SAFRANEK ===== Previous approval by EHS included a statement by the septic consultant which said the existing septic system could handle up to 100 people in a day. The septic tank will need to be pumped and shown to be functioning adequately. Submit the pumper's report 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 reqs/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 =====

Discretionary 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 construction, 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

Disc: tionary Comments - Continued

Project Planner: Samantha Haschert
Application No.: 07-0507
APN: 098-061-45

Date: February 13, 2008
Time: 10:15:33
Page: 3

times.

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.

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

Cal Dept of Forestry/County Fire Miscellaneous Com

LATEST COMMENTS HAVE **NOT YET** BEEN SENT TO 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 Comments 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.

Project Description: **Silver Mountain Winery Mountain Home Winery**, Change of use: Wine tasting room and office.
Maximum 20 occupants

Determination of Occupancy: 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 'final'.*

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 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 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)

Samantha Haschert

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) 454-2131

2/26/2008

- 20 -

EXHIBIT G

Samantha Haschert

Subject: 07-0507 Silver Mtn
Entry Type: Phone call

Start: Tue 2/26/2008 10:00 AM
End: 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.

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.

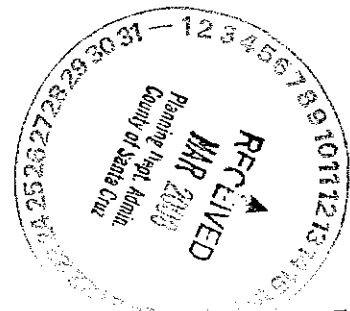
I do not think the best interest of the community is being served with this request that puts a burden on inadequate, narrow roads with blind corners and which are already in poor repair. These roads are clearly not suitable for winery tour bus travel, or for individuals unfamiliar with the blind corners.

Sincerely,



Ronald F. Parker

cc: Deidre Hamilton
Hamilton, Swift Land Development Consultants



Samantha Haschert

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.

EX-176