

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

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

I. 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:

Coastal Zone:

Appealable to Calif. Coastal Comm.

RA (Residential Agricultural)

Inside

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 appointmentonly.
- 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

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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

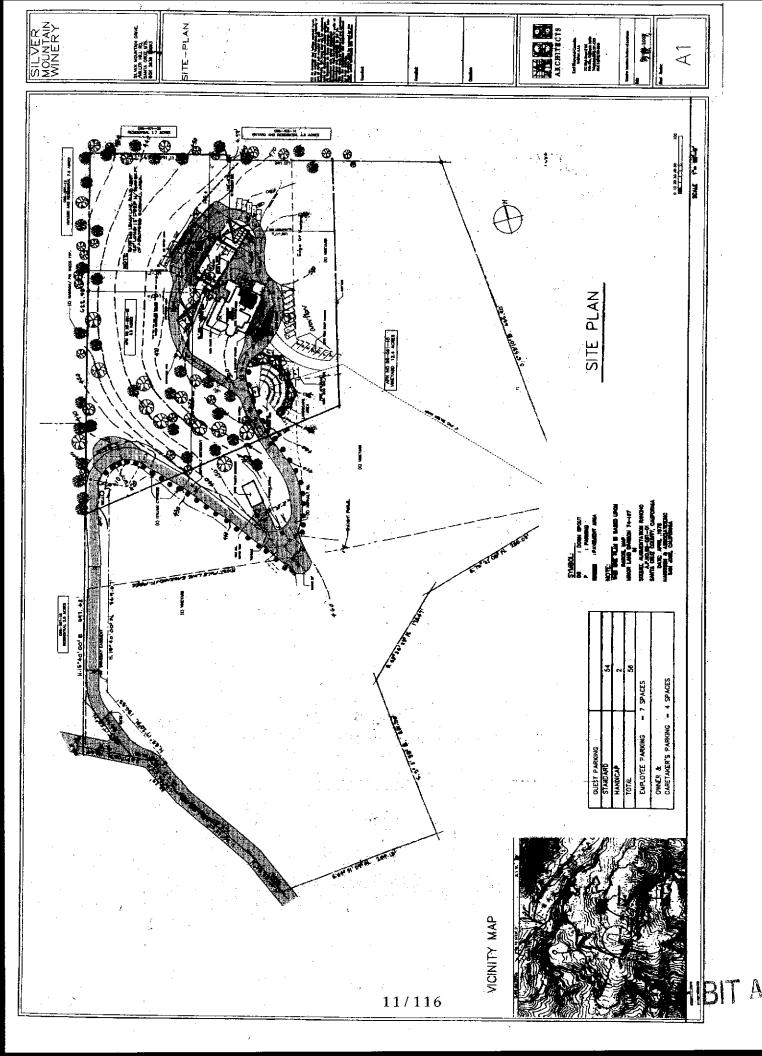
Report Prepared By: Samantha Haschert

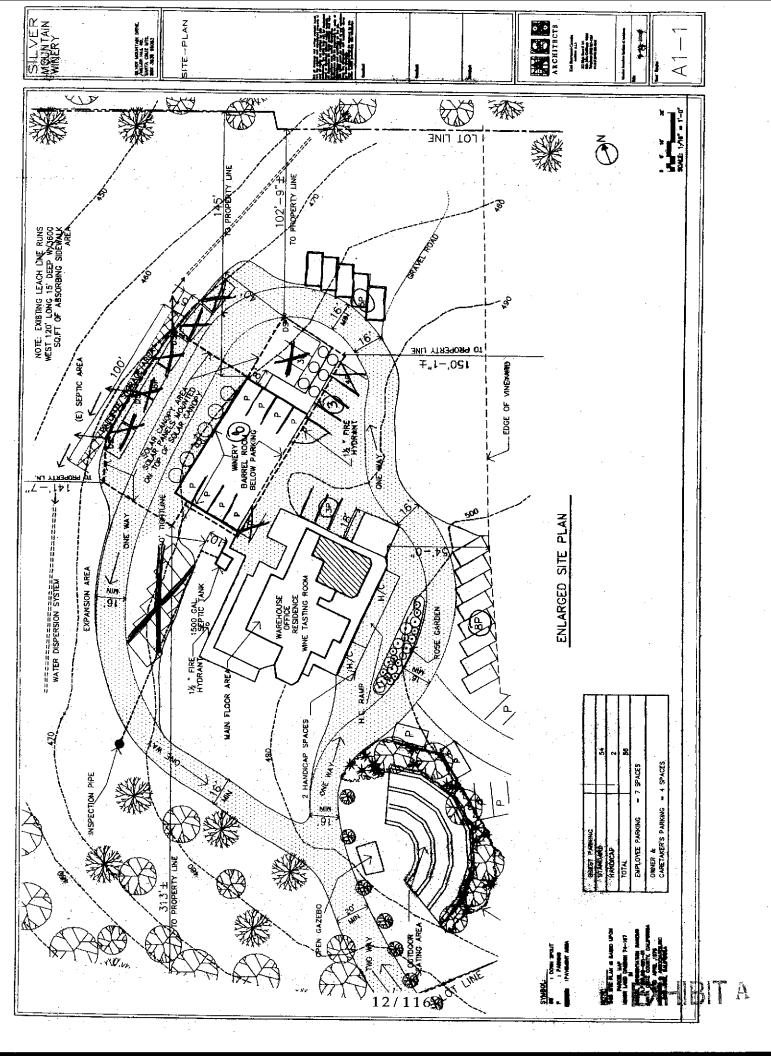
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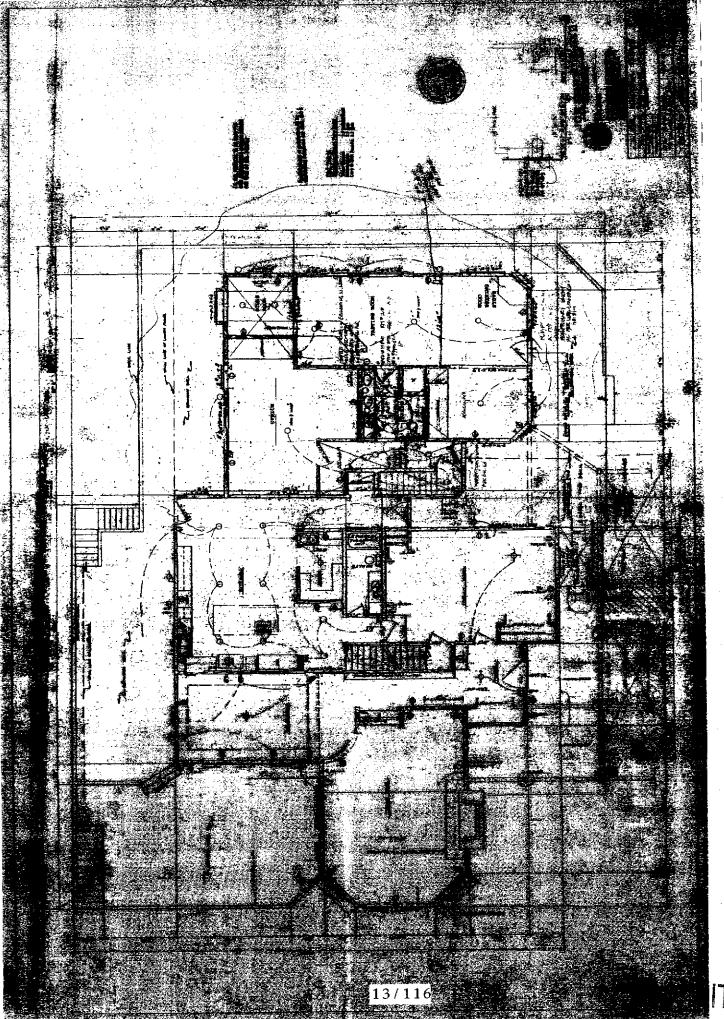
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Development Permit Findings

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 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 <u>primary</u> 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).

- I. 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).

I. 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.
- I. 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.

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

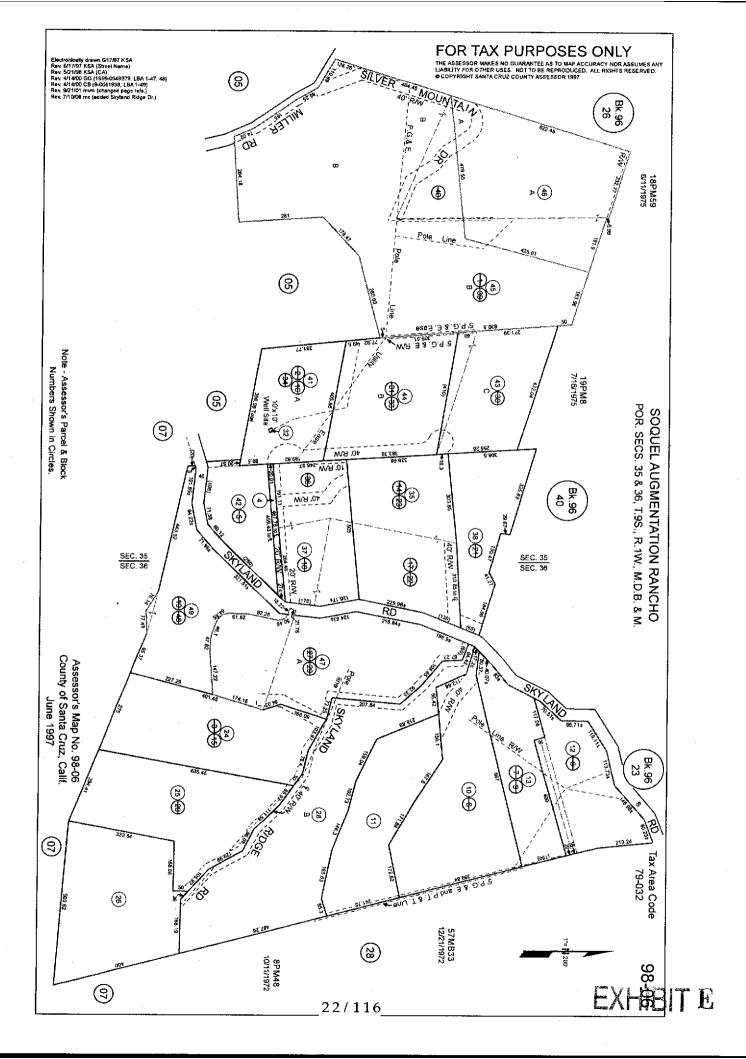
Assessor Parcel Number: 098-061-45,46

Project Location: 265 & 333 Silver Mountain Road

Project Description: Proposal to 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.

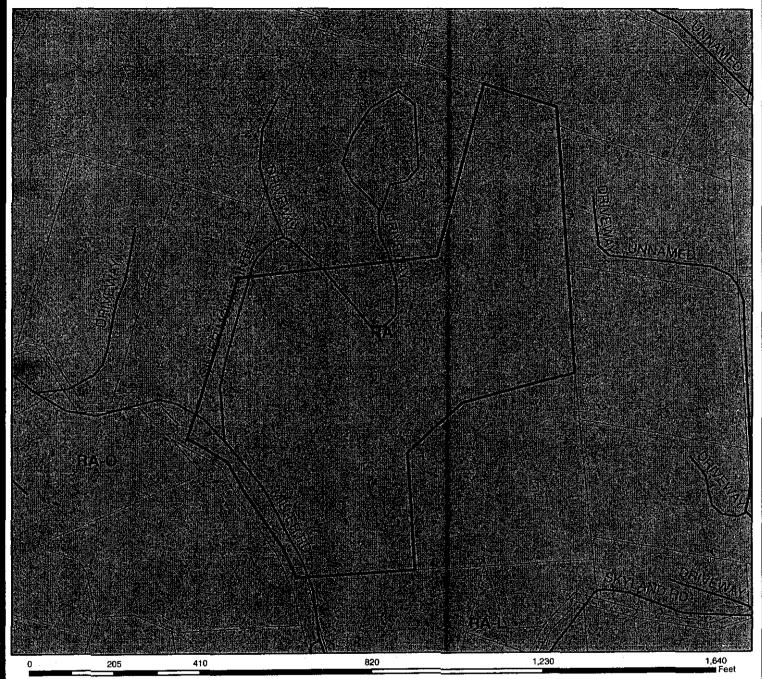
Person or Agency Proposing Project: Hamilton-Swift LUDC

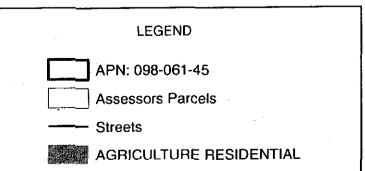
Con	tact Phone Number: (831) 459-9992
A	The proposed activity is not a project under CEQA Guidelines Section 15378.
	The proposed activity is not subject to CEQA as specified under CEQA Guidelines Section 15060 (c).
C	Ministerial Project involving only the use of fixed standards or objective measurements without personal judgment.
D	Statutory Exemption other than a Ministerial Project (CEQA Guidelines Section 15260 to 15285).
Spec	ify type:
E	X Categorical Exemption
Spec	ify type: Class 1 - Existing Facilities (Section 15301)
F.	Reasons why the project is exempt:
_	osal to amend the conditions for an existing winery and recognize the conversion of an tainment room to a wine tasting room in an area designated for limited commercial agricultural
None	of the conditions described in Section 15300.2 apply to this project.
	Date:
Sama	untha Haschert, Project Planner





Zoning Map





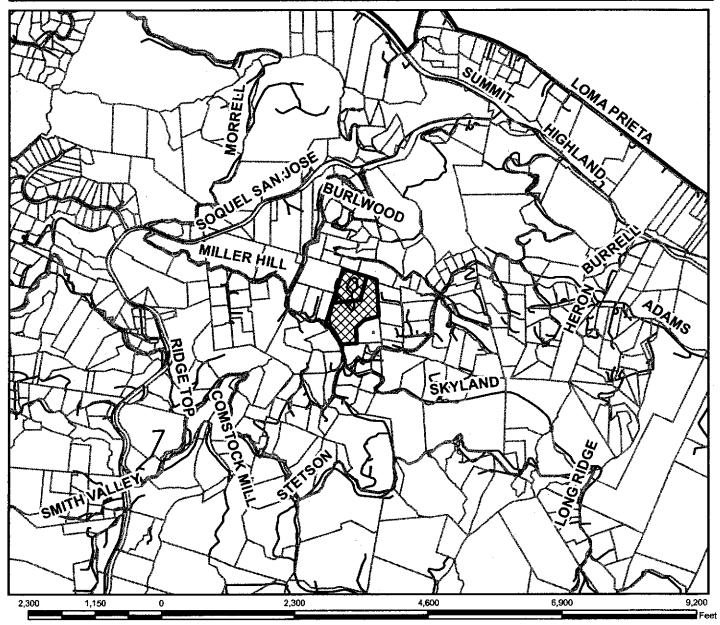


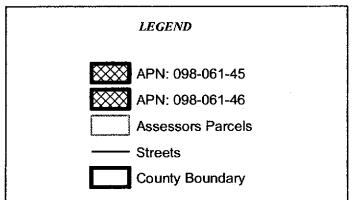
Map Created by
County of Santa Programme Filanning Department January 2008

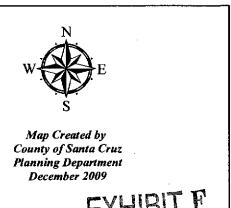
23/116



Location Map

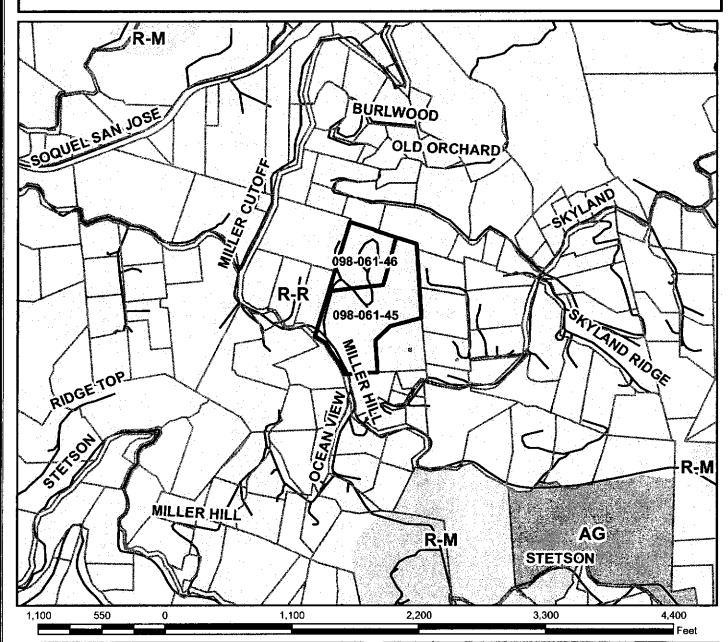


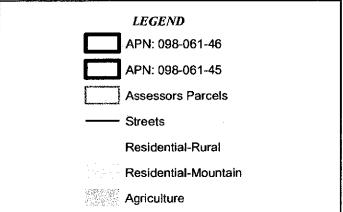






General Plan Designation Map







Map Created by County of Santa Cruz Planning Department December 2009

EXHIBIT F



Topographic Map



LEGEND APN: 098-061-46 APN: 098-061-45 Assessors Parcels Streets County Wide 2' & 10' Contours INDEX



Map Created by County of Santa Cruz Planning Department December 2009

EXHIBITE



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.

В. Noise Levels (Leg, 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						
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			
PL3	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 (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 I 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_{eq} 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. <u>Day-Night Level (DNL)</u>

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

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

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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

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 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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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 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

			PER	PER EVENT					DER YEAR	Ď		
			WE	EKEND P	WEEKEND PEAK HOUR					בייייייייייייייייייייייייייייייייייייי		
	PROJECT	DAILY	PEAK	유 %			NUMBER	WEEKEND	F07	AL %	5	
	C in	スパン	HOOK	ADT	Z	TUO	EVENTS	TRIPS	HOUR	ADT	ĩ	TUO
PROJECT (WITH AMENDED PERMIT)						· -						
Larger Special Event	50 person occupancy	201	54	27%	28	26	ω _.	603	162	27%	28	78
Smaller Special Event	24 person occupancy	96	26	27%	13	3	9	864	234	27%	117	117
TOTAL TRIPS PER YEAR (WITH AMENDED PERMIT)						. : : :	· · · · · ·	1,467	396		201	195
CURRENT PERMITTED ACTIVITIES		-										16
Special Event	24 person occupancy	96	26	27%	ជ	ಪ -	2 : .	1,152	312	27%	156	44/1
TOTAL TRIPS PER YEAR (CURRENT PERMIT)						. :		1,152	312		156	156
NET YEARLY TRIP INCREASE (WITH AMENDED DEDANT)						: -:	_					
Equivalent Net Delity Tris Income (WITH AMENDED PERMIT)						:		315	84		45	ა <u>ფ</u>
Equivalent Not Event Day Trip Increase (with Amended Permit)							· · ·	0.86	0.23		0.12	0.11
with Amended Permit)		-				: :	·	26	7		4	ω
0.000							ŀ					_

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

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.

Each year has 365 days.

Yes	0	18	25	4. Silver Mountain Drive
Yes ⁵	0	18	808	3. Miller Hill Rd., east of Miller Hill Cut-Off
Yes	0	18	202	2. Miller Hill Rd., west of Miller Hill Cut-Off
Yes ⁵	0	18	452	1. Miller Hill Cut-Off, north of Miller Hill Rd.
Roadway Width OK?	Shoulder Roadway Width (feet) Width OK	Traveled Way Width (feet)	Volume (ADT)	Location

Notes:

- Traffic volumes collected between July 12-18, 2008.
- ADT is the average daily traffic on the roadway segment, averaged over the entire 7-day count period (July 12-18, 2008).
- "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 (combined	Traveled Way Width (feet)
රා	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. Officials (AASHTO) for new roadways, AASHTO does not unilaterally require upgrades of existing roadways. In addition, topographic constraints limit ability to upgrade roadway. Therefore, no width improvements are recommended

EXHIBIT 4
ROADWAY WIDTH
ANALYSIS

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
6/28/07	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	15
7/26/07	12:00-14:00	Private Tour and Tasting	14
7/26/07	14:30-17:30	Private Tour and Tasting	20
8/4/07	11:00-12:30	Private Tour and Tasting	20
8/4/07	12:30-15:00	Private Tour and Tasting	20
8/4/07	16:00-18:00	Private Tour and Tasting	12
8/10/07	12:00-14:00	Private Tour and Tasting	14
8/19/07	16:00-18:00	Private Tour and Tasting	16
8/25/07	18:00-20:00	Private Tour and Tasting	20
9/9/07	12:00-15:00	Private Tour and Tasting	18
9/15/07	18:00-17:30	Private Tour and Tasting	10
9/21/07	13:00-15:00	Private Tour and Tasting	4
9/22/07	16:00-18:00	Private Tour and Tasting	14
9/23/07	13:30-15:00	Private Tour and Tasting	10
9/23/07	15:00-16:30	Private Tour and Tasting	16
10/5/07	15:00-16:30	Private Tour and Tasting	9
10/12/07	13:00-15:30	Private Tour and Tasting	12
10/13/07	15:00-16:30	Private Tour and Tasting	10
10/16/07	14:30-15:30	Private Tour and Tasting	10
10/16/07	15:45-17:00	Private Tour and Tasting	10
10/19/07	13:00-15:00	Private Tour and Tasting	11
10/20/07	13:30-15:30	Private Tour and Tasting	16
10/13/07	16:30-18:00	Private Tour and Tasting	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	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	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	†
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
· · · · · · · · · · · · · · · · · · ·	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
21 (0101011	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
20 March	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
т дріп	02:30:00 PM	2	Private Tasting
11 April	11:30:00 AM	11	Private Tasting
18 April	11:00:00 AM	12	Passport
10 April	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
E Iviay	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
Jiviay	02:00:00 PM	6	Private Tasting
30 May	02:30:00 PM	20	Private Tasting
00 May	04:30:00 PM	14	Private Tasting
31 May	12:30:00 PM	4	Private Tasting
6 June	11:00:00 AM	12	Vintners Festival
o ounc	12:30:00 PM	16	Vintners Festival
	01:30:00 PM	8	Vintners Festival
	01.00.001 10	U	- AIRTOID F OORFU

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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
- I. 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.

II. 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.

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.

- I. 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.
- Permit 99-0244 shall be brought back before the Zoning Administrator at a notified K. 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:

Cathy Graves

Deputy Zoning Administrator

Cathleen Carr

Project Planner

COUNTY OF SANTA CRUZ DISCRETIONARY 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

Dpw Road Engineering Miscellaneous Comments

LATEST	COMMENTS	HAVE NO	OT YET	BEEN	SENT	TO	PLANNER	FOR	THIS	AGENCY
NO COM	=== UPDAT									

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											
Consumer 454-2741.	Protection	plan	checker	for	any	food	plan	reqs/	permits.	Andrew	Strader,	
404-6/41.												

Cal Dept of Forestry/County Fire Completeness Comm

LATEST	CON	1MENTS	HAVE	NOT	YET	BEEN	SENT	TO	PLANNER	FOR	THIS	AGENCY	
======		REVIEU	V ON	SEPTI	EMBER	25.	2007	ВΥ	COLLEEN	L B	AXTER	=	==

Discretionary 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

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

Discretionary 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

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 CO	MMENTS	HAVE NO T	YET	BEEN	SENT	TO PL	ANNER	FOR T	HIS	AGENCY
	REVIEW	ON OCTO	BER 1	1, 20	07 BY	COLL	EEN L	BAXTE	R ==	
=======	UPDATE	D ON OC	OBER	11, 2	007 B	Y COL	LEEN L	BAXT	ER =	

Accessibility: Preliminary Project __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 commentare 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 thruling. 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 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 <u>Travel Verification Form</u> (refer to brochure)

EXHIBIK

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

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 exisiting 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 volunted 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 rou., handling tens of thousands of vehicle trips 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: 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 <u>many</u> 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

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: 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

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)15truck / Lone) Re Proposalto mend Re Conditions. april 18, 2008 Silver Mountain Williams -> SUBLUITED AT HENRING 4/18 DWNer Jerold O'Brien L APN: 098-061-45 and 46 Dear administrators County Santa Cruz CA Zonen Janunfavor of the proposal as Stated and reducted by Torold O'Snen, Selver Mountain Windrey. The Owner is agenvironmentally conscious businessman, antributesto our Community in numerous positive ways. The approval of this request is an enhancement to our community Verold O'Brien is in Compliance of all Critora Resceived by County Reamonds I bet your favorable appoint of this result for amendment of Aprafional Coulitions. Note; Brien Stacerely Tuborited, harightio Lintera Kelian Right Livleton 831-688 8870/116 818-0411

Amber Sanchez 29111 Loma Prieta Way Los Gatos, CA 95033 (408) 353-2519

SUBMITTED @ HEARING 4/18

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

Lomabobbie@gatespeed.com

From:

"Lomabobbie@gatespeed.com" < lomabobbie@gatespeed.com>

To:

<pl><pln145@co.santacruz></pl>

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 @ HEARING 4/18

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



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.

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

Fortaul

Hamilton, Swift Land Development Consultants



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:

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 MONIATION 4/18

PHONE CALL
-IN SUPPOPET OF WINDOW OPENING TO PUBLIC ON
SMT. 4 SUNDANS.

MARY CULLY 4/18

PHONE CALL

- IN SUPPORT OF WHERLY PROPOSAL
- THINKS IT'S A GREAT WAY TO MITERIA PROPLE TO

SANTA CIEUZ COUNTY

- OPEN WITH 5 IS AGOOD THE BECAUSE ITS NOT

TO LATE IN BANING

-NOT A NEIGHBOR BUT HAS BEEN INVOLVED IN GC WINDRY PERCEINTION.

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



From:

karonfam@got.net

Sent:

Tuesday, April 15, 2008 12:52 PM

To: Subject: Samantha Haschert 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 addition 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

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



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:

SCMahanevs@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)



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: 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:

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:

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:

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: 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



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

Re:

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.

Sincerctv.

PAUL B. KEMP

EXHIBIT K

From:

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, long-term, 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:

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

have submitted an application to be open for visitors on Saturday and

Sunday, 12:00-5:00pm. Santa Cruz County has scheduled a public

hearing

to receive comment on our request:

Visit Your Group

Yahoo! Finance

It's Now Personal

Guides, news,

advice & more.

Move More

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

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

Subject:

07-0507 Public Comment

Entry Type:

.,,d, ,,b

Phone call

Start: End: Wed 4/16/2008 12:00 PM 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

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

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: 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: 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

Subject:

07-0507 Public Comment

Entry Type:

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:

karonfam@got.net

Sent:

Tuesday, April 15, 2008 12:52 PM

To: Subject: Samantha Haschert 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 addition 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

From:

Ed Muns [w0yk@msn.com]

Sent:

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.

From: Joyce McLean [jmclean@jps.net]

Sent: Tuesday, April 15, 2008 3:16 PM

To: Samantha Haschert

Subject: Silver Mountain Winery

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 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!

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:

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

Panning (m) AMA CONTROL OF THE CONTR

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) 454-2131

Samantha Haschert Santa Cruz County Planning Department

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

Subject:

07-0507 Silver Mtn

Entry Type:

Phone call

Start:

Tue 2/26/2008 10:00 AM Tue 2/26/2008 10:00 AM

End: 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.

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



Subject:

07-0507 Public Comment

Entry Type:

Phone call

Start:

Wed 4/16/2008 3:30 PM

End: Duration: Wed 4/16/2008 3:30 PM

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 site.
- 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: 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