PLANNING & DEVELOPMENT
APPEAL FORM

SITE ADDRESS: 2370 Refugio Road, Santa Ynez

ASSESSOR PARCEL NUMBER: 135-250-033

PARCEL SIZE (acres/sq.ft.): Gross 24.4 acres Net 24.4 acres

COMPREHENSIVE/COASTAL PLAN DESIGNATION: Inner Rural Area Ag ZONING: AG-I-20

Are there previous permits/applications? no ☑yes numbers: 11BDP-00000-00079; 11CNP-00000-000530
(include permit# & lot # if tract)

Are there previous environmental (CEQA) documents? ☑no yes numbers:

1. **Appellant:** Robert Field and John Poitras

Phone: (805) 688-8587 (Bob); (805) 693-0229 (John) FAX:

Mailing Address: 5475 Happy Canyon Road, Santa Ynez, CA 93460 (Bob) E-mail:
Street City State Zip

Mailing Address: 3631 Woodstock Road, Santa Ynez, CA 93460 (John) E-mail:
Street City State Zip

2. **Owner:** Mr. Anthony Vincent Phone FAX:

Mailing Address: 8730 West Sunset Blvd. #400 E-mail:
Street City State Zip

3. **Agent:** Ms. Susan Petrovich, Brownstein Hyatt Farber Shreck, LLP Phone: (805) 882-1405 FAX:

Mailing Address: 21 East Carrillo St., Santa Barbara, CA 93101 E-mail:
Street City State Zip

4. **Attorney:** Ana Citrin, Law Office of Marc Chytilo Phone: (805) 570-4190 FAX: (805) 682-2379

Mailing Address: P.O. Box 92233 S.B. CA 93190 E-mail ana@lomcsb.com
Street City State Zip

2012 NOV 15 PM 1:33
COUNTY OF SANTA BARBARA
CLERK OF THE BOARD

COUNTY USE ONLY

Case Number: *Companion Case Number:*
Supervisorial District: *Submittal Date:*
Applicable Zoning Ordinance: *Receipt Number:*
Project Planner: *Accepted for Processing*
Zoning Designation: *Comp. Plan Designation*

COUNTY OF SANTA BARBARA APPEAL TO THE :

__X__ **BOARD OF SUPERVISORS**

_____ **PLANNING COMMISSION:** _____**COUNTY** _____ **MONTECITO**

RE: Project Title Vincent Tier III Winery

Case No. 09DVP-000000-00034, 10NGD-00000-00024

Date of Action November 7, 2012

I hereby appeal the __X__approval __X__approval w/conditions _____denial of the:

_____Board of Architectural Review – Which Board? _____

_____Coastal Development Permit decision

_____Land Use Permit decision

__X__Planning Commission decision – Which Commission? County Planning Commission

_____Planning & Development Director decision

_____Zoning Administrator decision

Is the appellant the applicant or an aggrieved party?

_____ Applicant

__X__ Aggrieved party – if you are not the applicant, provide an explanation of how you are and "aggrieved party" as defined on page two of this appeal form:

Robert Field and John Poitras (collectively "Appellants") are aggrieved parties in this matter. Appellants live in the vicinity of the Vincent property, and would be affected by the traffic, noise, lighting, view impairment, among other things, that will result from approval, construction, and operation of the Vincent Tier III winery. Appellants have submitted numerous comment letters to staff and to the Planning Commission directly, and through their attorneys Ana Citrin and Marc Chytilo, regarding this Project and its Mitigated Negative Declaration, raising the grounds for appeal raised in the letter attached hereto, among other things.

Reason of grounds for the appeal – Write the reason for the appeal below or submit 8 copies of your appeal letter that addresses the appeal requirements listed on page two of this appeal form:

- A clear, complete and concise statement of the reasons why the decision or determination is inconsistent with the provisions and purposes of the County's Zoning Ordinances or other applicable law; and
- Grounds shall be specifically stated if it is claimed that there was error or abuse of discretion, or lack of a fair and impartial hearing, or that the decision is not supported by the evidence presented for consideration, or that there is significant new evidence relevant to the decision which could not have been presented at the time the decision was made.

SEE ATTACHED LETTER

Specific conditions imposed which I wish to appeal are (if applicable):

a.

b.

c.

d.

Please include any other information you feel is relevant to this application.

CERTIFICATION OF ACCURACY AND COMPLETENESS Signatures must be completed for each line. If one or more of the parties are the same, please re-sign the applicable line.

Applicant's signature authorizes County staff to enter the property described above for the purposes of inspection.

I hereby declare under penalty of perjury that the information contained in this application and all attached materials are correct, true and complete. I acknowledge and agree that the County of Santa Barbara is relying on the accuracy of this information and my representations in order to process this application and that any permits issued by the County may be rescinded if it is determined that the information and materials submitted are not true and correct. I further acknowledge that I may be liable for any costs associated with rescission of such permits.

Ana Citrin — November 15, 2012
Print name and sign – Firm — Date

Ana Citrin — November 15, 2012
Print name and sign - Preparer of this form — Date

Print name and sign - Applicant — Date

Print name and sign - Agent — Date

Print name and sign - Landowner — Date

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LAW OFFICE OF MARC CHYTILO

ENVIRONMENTAL LAW

November 15, 2012

County of Santa Barbara
Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101

By hand delivery

RE: Appeal of the Planning Commission's November 7, 2012 Approval of the Vincent Tier III Winery Project 09DVP-000000-00034 and Adoption of Mitigated Negative Declaration 10NGD-00000-00024

Dear Chair Farr and Members of the Board,

This appeal is made on behalf of Bob Field and John Poitras, concerned residents living in the vicinity of the Vincent Tier III Winery ("Project") (collectively "Appellants") in this matter, who believe that the Project approved by the Planning Commission includes commercial visitor serving activity that is inappropriate for the site. We hereby appeal the Planning Commission's November 7, 2012 3-2 approval of the Project (09DVP-000000-00034) with its associated Findings and Conditions of Approval, and adoption of the Revised Final Mitigated Negative Declaration ("MND") for the Project (10NGD-00000-00024). This appeal is made on grounds alleged herein, that will be expanded upon in later submittals by this office, and on the additional grounds raised in the letters submitted by this office to the Planning Commission including letters dated November 6, 2012, November 2, 2012, October 15, 2012, July 30, 2012 (Draft MND comments), July 30, 2012 (cover letter with attached letters from Christopher Gayner) and April 4, 2011, and numerous comments submitted directly by Mr. Field and Mr. Poitras, which are hereby incorporated by reference.

We've emphasized throughout this process that we do not oppose the winery itself, and that we would not oppose tasting, events, tours, and retail sales if it were not for the specific circumstances of this Project and its location. It is undisputed that the roads used to access the Project site do not meet County standards, and the record contains substantial evidence in the form of both expert and qualified layperson opinion regarding the dangerous conditions associated with the Roblar Ave./State Route 154 intersection, made worse with "mitigation" imposed as part of the Project. The addition of the type of traffic associated with wine tasting and Winery gatherings to these roads causes potentially significant traffic safety impacts and is incompatible with the hundreds of surrounding small Ag-1 residential properties. Despite the substantial evidence supporting a fair argument of traffic safety and other impacts submitted by Appellants and others that demonstrates that an EIR is required to satisfy the requirements of CEQA, the Planning Commission adopted the MND. The improper reliance on an MND under these circumstances results in a legally vulnerable environmental document and Project approval.

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1. Request that Appeal Hearing Be Scheduled with Sufficient Time for Appellants to Meaningfully Review and Comment Upon Project Revisions

The Planning Commission directed a number of significant changes to the Project Description and Conditions of Approval during their deliberations at the November 7, 2012 approval hearing. These significant changes have yet to be incorporated into the approval documents. Moreover, at the November 7th hearing, Project Planner Mr. Karamitsos indicated that staff would be making a number of revisions and clarifications to correct inconsistencies and errors in the Project approval documents. We learned from Supervising Planner Mr. Anthony that the Planning Commission will not approve the revisions until their review of the November 7, 2012 Minutes at their December 12, 2012 hearing. The actions of the Planning Commission were clearly intended to be final, necessitating this appeal to preserve our rights. How and whether these changes as we understand them are incorporated into the Project Description and Conditions will inform our approach to the Project's impacts. Accordingly, we respectfully request that you not set this appeal for hearing until late January or early February.

2. The Findings Required for Approval Cannot Be Made Including Findings of Consistency with the Winery Ordinance

The Board is required to find that the Project "will comply with all applicable requirements of this Development Code and the Comprehensive Plan." (Santa Barbara County Land Use and Development Code ("LUDC") § 35.82.080.E.1.f). The express intent of the Winery Ordinance is to "promote the orderly development of wineries within the County and ensure their compatibility with surrounding land uses in order to protect the public health, safety, natural, and visual resources." (LUDC § 35.42.280.A). To help effectuate this intent, the Winery Ordinance sets forth a number of development standards, and requires approval of a Development Plan which requires a finding of consistency with these standards, among other things. Various facts and circumstances surrounding this Project, precludes the Board from making numerous findings including findings of consistency with the Winery Ordinance and Santa Ynez Valley Community Plan (§§ 35.42.280.D.3.a, 35.82.080.E.1.f, 35.42.280.D.7.a), and findings regarding the adequacy of Project access (LUDC § 35.82.080.E.1.c) and compatibility with the neighborhood (35.82.080.E.1.e and 35.82.080.E.1.g).

3. An EIR Is Required for the Project

Pursuant to the applicable "fair argument test", the County is required to prepare an EIR instead of a negative declaration if the record contains substantial evidence supporting a fair argument that the project may have a significant effect on the environment. (*See League for Protection of Oakland's Architectural and Historic Resources v. City of Oakland* (1997) 52 Cal. App. 4th 896, 904). Substantial evidence includes facts, reasonable assumptions predicated upon facts, expert opinion supported by facts, the fact-based opinions of lay-people on certain

subjects, and conflicts with applicable policies designed to protect the environment. (CEQA Guidelines § 15384(b); *Mejia v. City of Los Angeles* (2005) 130 Cal. App. 3th 322, 339; *Pocket Protectors v. City of Sacramento* (2004) 124 Cal. App. 4th 903, 934, 936). Our numerous letters on the various draft MNDs and to the Planning Commission, including letters from engineer and traffic safety expert Christopher Gayner (*see* July 30, 2012 letter from our office, attaching two reports prepared by Mr. Gayner dated March 13, 2012 and July 27, 2012), and the observations and fact-based opinions of area residents in oral and written testimony to the Planning Commission, include ample substantial evidence supporting a fair argument that the Project may significantly impact the environment in the areas of traffic safety, circulation, land use including neighborhood compatibility and policy conflicts, and aesthetics. Accordingly, CEQA requires preparation of an EIR. (*See League for Protection*, 52 Cal. App. 4th at 904).

4. Conclusion

For reasons stated herein and elaborated upon in our prior submittals that are incorporated by reference, we respectfully request that the Board grant our appeal. We will supplement our appeal once more specific information is made available regarding the final revisions approved by the Planning Commission.

Sincerely,

LAW OFFICE OF MARC CHYTILO

Ana Citrin
Marc Chytilo

LAW OFFICE OF MARC CHYTILO

ENVIRONMENTAL LAW

November 6, 2012

Santa Barbara County Planning Commission
123 E. Anapamu Street
Santa Barbara, CA 93101

By email to dvillalo@co.santa-barbara.ca.us and sfoster@co.santa-barbara.ca.us

RE: Vincent Tier III Winery Development Plan and Mitigated Negative Declaration; November 7, 2012 Agenda Item 2

Dear Chair Cooney and Honorable Planning Commissioners,

Please accept this letter to supplement our letter submitted to you on November 2, 2012, regarding the Vincent Tier III Winery ("Project"). Your Planning Commission requested that any additional information be submitted five days in advance of this week's hearing. Unfortunately, we were neither notified nor copied on a letter submitted by the applicant's attorney to Ms. Van Mullem dated October 25, 2012. We learned of that letter, along with another letter from the same law firm dated November 7, when they were posted yesterday on the Planning Commission website.

While lack of notice or publication prevented us from responding to the October 25 letter in writing, after reviewing it, we see that nothing overcomes the public's fair argument of potentially significant project impacts to traffic safety, circulation, land use incompatibility and visual resources.

In a November 5, 2012 letter, the applicant's attorney launches an unfounded, personalized attack on my credibility. While these allegations are strained and largely baseless, there is one issue that I hereby correct for the record. In his Curriculum Vitae submitted with his comment letters, Mr. Gayner is identified as a "Senior Engineer" in his current position, has both Bachelor's and Master's degrees in Mechanical Engineering, and lists "Society of Automotive Engineers" in the list of his professional and honorary affiliations. I incorrectly understood that he was also a "licensed engineer", however upon review of the matter, I recognize that he does not purport to be an engineer specifically licensed by the State of California. For reasons stated in our November 2, 2012 letter, this distinction is not significant, particularly with respect to his comments on traffic safety for which his experience and training certainly qualify him as an expert for CEQA purposes.

Respectfully submitted,

LAW OFFICE OF MARC CHYTILO

Ana Citrin
Marc Chytilo

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LAW OFFICE OF MARC CHYTILO

ENVIRONMENTAL LAW

November 2, 2012

Santa Barbara County Planning Commission
Santa Barbara County
123 E. Anapamu Street
Santa Barbara, CA 93101

By hand delivery and by email

RE: Vincent Tier III Winery Development Plan and Mitigated Negative Declaration; November 7, 2012 Agenda Item 2

Dear Chair Cooney and Honorable Planning Commissioners,

This letter is submitted on behalf of a large number of residents living in the neighborhood of the Vincent Tier III Winery ("Project"). There are a number of issues that arose at or since you last considered this Project on October 17th, including arguments raised by Ms. Petrovich on behalf of the Applicant, which we respond to herein. The myriad additional issues raised by this Project and the Mitigated Negative Declaration (MND) are discussed in our previous submittals.

At the outset, we would like to emphasize two important things. First, we do not oppose the winery portion of the Project[1], only the tasting and event portions of the Project. Second, we would not oppose tasting and events if it were not for the specific circumstances of this Project and its location. The Winery Ordinance sets forth a three-tiered structure, designed to ensure that events and wine tasting are commensurate with the size of the vineyard and level of wine production. Here we have a Project that is on the small side of Tier I in terms of grape and wine production, but is seeking the wine tasting privileges of a Tier III winery. Under these circumstances, tasting is not "clearly incidental, accessory, and subordinate to the primary operation of the associated winery as a production facility" as required by the Winery Ordinance (LUDC§ 35.42.280.D.7.a). Additionally, the stated intent of the Winery Ordinance is to "promote the orderly development of wineries within the County and ensure their compatibility with surrounding land uses in order to protect the public health, safety, natural, and visual resources." (Santa Barbara County Land Use and Development Code ("LUDC") § 35.42.280.A). Here we have a Project that is accessed by an overburdened and unsafe intersection, and via roads that are inadequate in many respects. Adding the type of traffic generated by the Project – namely tourists that are unfamiliar with the substandard road conditions

[1] With respect to the design of Project structures, additional migration that limits the height, bulk, and scale of structures such that they do not break the skyline as seen from Highway 154 and other public viewing places, is necessary to ensure that the Project conforms with General Plan Visual Resources Policy 2, Santa Ynez Valley Community Plan Policy VIS-SYV-1, -2, and -3, and to ensure that the Project will not cause significant impacts to visual resources. Night lighting also requires additional analysis and mitigation, for reasons discussed in section 2(b) below.

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and that are impaired by having consumed wine – unnecessarily endangers public safety in the immediate area given the inadequate road and intersection conditions, and the large number of rural residents who must use the roads and intersection.

Given the intent and language of the Winery Ordinance, the features of the proposed Project, and the facts on the ground, we believe the most prudent course for the Commission is to deny this Project. If the Commission is nonetheless inclined to approve the Project, it may only do so after an EIR is prepared, for reasons stated in our prior submittals and clarified below.

1. Reports Prepared by Mr. Gayner Constitute Expert Opinion Supported By Facts

At the last public hearing on this Project, the Applicant's attorney Ms. Petrovich asserted that the traffic expert we retained to comment on the MND is unqualified, and that accordingly his opinion may be wholly dismissed by this Commission. In fact, Ms. Petrovich is incorrect that our expert, Mr. Gayner, is unqualified. Mr. Gayner's Curriculum Vitae establishes that he is a licensed engineer, member of the Society of Automotive Engineers, and a "Collision Safety Expert", with extensive experience in vehicle accidents and traffic safety. Mr. Gayner's CV further states that he has "Twenty-five years of experience as a forensic engineering expert covering an extensive range of issues and assignments, including: accident reconstruction, accident causation, accident prevention, accident avoidance, human factors, vehicle dynamics . . ." Moreover, his first report describes additional qualifications and expertise with respect to traffic engineering, stating for example that he has "completed more than 30 specialized training courses and seminars pertaining to various aspects of traffic incident analysis, *including transportation, highway and traffic engineering*." (Gayner Letter, March 13, 2012, p. 1 (emphasis added)).

In light of this information already in the record demonstrating Mr. Gayner's expertise, Ms. Petrovich's argument regarding Mr. Gayner's credentials appears to be not that he is unqualified, but that he is *less qualified* than the experts that prepared the traffic studies relied on in the MND. This may or may not be the case, but the law is clear that such "weighing" of evidence is appropriate only at the EIR stage. (*Friends of "B" Street v. City of Hayward* (1980) 106 Cal. App. 3d 988, 1002). Rather CEQA sets a "low threshold" for preparation of an EIR over an MND where *any* substantial evidence in the record supports a fair argument that the project *may* have a significant effect on the environment even where there is overwhelming evidence to the contrary (*Id.; League for Protection of Oakland's Architectural and Historic Resources v. City of Oakland* (1997) 52 Cal. App. 4th 896, 904-905). Under CEQA's "fair argument test", an EIR is required where there is disagreement among expert opinion supported by facts over the significance of an effect. (CEQA Guidelines § 15064 (g); *City of Carmel-by-the-Sea v. Board of Supervisors* (1986) 183 Cal. App. 3d 229, 245) CEQA does not specify that a particular level of expertise on each side is necessary to constitute a 'disagreement among experts', or otherwise define what does or does not constitute "expert opinion". Rather, CEQA case law broadly construes what opinions may or may not constitute substantial evidence, recognizing for example that even the fact-based opinions of lay-people can constitute

substantial evidence supporting a fair argument of significant traffic impacts. (*See e.g. Mejia v. City of Los Angeles* (2005) 130 Cal. App. 3th 322, 339; *Citizens Assn. for Sensible Development of Bishop Area v. County of Inyo* (1985) 172 Cal.App.3d 151, 173; *City of Carmel-by-the-Sea,* 183 Cal. App. 3d at 246).

Ms. Petrovich also asserted that Mr. Gayner's opinion was not "fact based". This also is an incorrect statement. Mr. Gayner's reports are expressly based on his review of all of the traffic-related data provided by the County to the public at each stage of this Project, and on numerous project site inspections, observations, and measurements (*see* "Materials Reviewed/Investigation" section of each Gayner report). Additionally, Mr. Gayner based his opinion on additional sources of fact, including reported U.S. Department of Transportation, National highway Traffic Safety Administration data regarding the danger of alcohol-impaired driving, and the Centers for Disease Control and Prevention, which reports for example that less than one percent of alcohol-impaired driving results in a DUI arrest. Additionally a Santa Ynez Valley News article also states facts that Mr. Gayner relied on including that from "2007 to 2009 there were 105 drunken-driving accidents along the 32-mile stretch of highway [154], and over a five-year stretch from 2006 to 2010 Santa Barbara and Buellton area CHP officers made 4,284 DUI arrests. The peak was in 2009, when 1,022 drivers were jailed for driving under the influence." (*See* Enclosures to Mr. Gayner's 1st report).

2. Newly Disclosed Information Reveals Increased Project Impacts

a. Obstruction of Designated On-Road Trail and Associated Safety Impacts

For the first time at the Commission's last hearing we learned that a proposed on-road hiking and riding trail along Refugio and Roblar roads, or portion thereof, delineated in the Santa Ynez Valley Community Plan's parks, recreation, and trails section, and described in the MND, has been completely obstructed by landscaping recently installed in association with the Vincent's residence on the property. Testimony of several local residents described the loss of this "bridle path", and that equestrians now use the roadway because the trail is blocked. For example Mr. Copeland testified that the loss of this bridle path forces equestrians to ride in the roadway, and that with the additional traffic generated by the Project "will cause an unsafe situation". Mr. Copeland's and other public testimony on this subject constitutes substantial evidence supporting a fair argument of a significant safety impact pursuant Traffic Impact Threshold f, "increase in traffic hazards to motor vehicles, bicyclists or pedestrians" (*see* MND p. 33), that was not disclosed or analyzed in the MND.

b. Extensive Night-Lighting Associated with the Vincent Residence

Also for the first time at the Commission's last hearing, we learned that the Vincent residence has extensive night-lighting which, according to one neighbor's testimony, is "a beacon like a casino", lighting up the sky from ¼ mile away. Lighting associated with the Vincent residence is not even discussed in the MND, and gives rise to a reasonable probability that the additional lighting

proposed as part of the Project will result in significant cumulative impacts from night lighting (*see* Aesthetics/Visual resources threshold c (MND p. 4)) and inconsistency with Santa Ynez Community Plan policy designed to protect the quality of the nighttime sky (SYVCP Policy VIS-SYV-3).

c. Events and Gatherings at the Vincent Residence

Once again, for the first time at the Commission's last hearing, we learned that the Vincent residence regularly hosts events and gatherings, and that these events and gatherings would continue to occur after approval of the Project. These additional events and gatherings, and the traffic, noise, and other impacts generated by them, were not disclosed or analyzed in the MND. These activities affect the environmental baseline from which the Project's impacts are analyzed, and also affect the adequacy of the cumulative impacts analysis, demonstrating that the Vincent property as a whole may generate significantly greater impacts than considered in the MND.

3. Story Poles Do Not Represent the Actual Project, But Skyline Intrusion Is Acknowledged in the MND and Proposed Findings

At your October 17th hearing, two related issues came up regarding the Project's visibility, aesthetic impact, and compliance with the County's policy prohibiting skyline intrusion from public viewing places. First, staff disclosed the fact that the story poles included in the MND do not reflect the Project as currently proposed. This itself is troubling, as the MND should include accurate and up-to-date information regarding the Project description (*see County of Inyo v. City of Los Angeles* (1977) 71 Cal. App. 3d 185, 192-193). What is more troubling however, is the inference apparently drawn from that fact that any skyline intrusion associated with the Project concerned only the pre-CBAR design. In fact, the Policy Consistency Analysis prepared by Staff acknowledges that the current design of the Project will break skyline as seen from public viewing places (Staff Report for 10/17/12 PC hearing, p. 13 ("The proposed project site and development would be visible from SR 154, a State-designated Scenic Highway, and would briefly interrupt the skyline views of travelers in both directions.")).

4. Additional Information Provided By Public Works does Not Demonstrate that the Traffic Generation Model Is Accurate or Reliable

In response to intense public scrutiny regarding the lack of data underpinning the trip generation model used to forecast Project traffic in the MND, Public Works staff for the first time released several documents that purportedly demonstrated the foundation for the model at or immediately prior to the October 17th hearing. Additionally Public Works staff asserted at the hearing that winery trip generation data gathered in San Diego demonstrate that the model is accurate. First, the supplemental information including the memorandum prepared by Steven Orosz does not resolve numerous material deficiencies of the trip generation model that seriously undermine its adequacy. For example, the data used is over 13 years old and predated "Sideways" which is generally acknowledged to have established Santa Barbara County as a wine-tasting destination (and

thereby condemns any pre-"Sideways" wine-industry activity data irrelevant to today's conditions), and the opening of the Chumash Casino, which attracts 3.5 million yearly visitors to the Santa Ynez Valley by five years, and has not been updated in the subsequent eight years. The model purports to determine "average daily trips" but only measures one day (OEG Memo, 5/22/12, p. 2), and includes no weekend traffic data (*see* Roblar study; no data provided with OEG memo). The model is based on four wineries, but data for only two wineries is presented (in the Roblar study, no data is presented in the 5/22/12 OEG memo). The model utilizes six variables, but the Roblar study (on page 2) shows that only five variables were measured at two wineries, and only three variables were measured at the other two wineries. These six variables all receive equal weight in the model as though they are equally accurate indicators of actual trip generation, when in fact they are not and should not be weighted equally. Finally the wineries chosen are not at all similar to Vincent Winery, in that they are remotely located and/or have very low visibility, in contrast to Vincent's high visibility to passing traffic on Route 154. (*See* our 7/30/12 DEIR comment letter for additional discussion).

Second, the notion that a model used by San Diego County could validate the model used in here is laughable. First, validating one model with another model is not a "real world test". Moreover, San Diego County has roughly *two percent* of Santa Barbara County's wine grape acreage[2], rendering the comparison meaningless. Additionally, the obvious "real world test" that should apply is a comparison of the Project to real world conditions during peak periods at similar Santa Barbara County wineries such as Roblar, Bridlewood, and Gainey – a test that appears readily feasible, but which the County has not undertaken in its review of the Vincent Winery Project.

5. Conclusion

For reasons stated herein and in our prior submittals, we respectfully urge the Commission to either deny the Project and direct the Applicant to resubmit an application for a winery without tasting and events, or, based on the fair argument of potentially significant impacts, direct the preparation of an EIR.

Respectfully submitted,

LAW OFFICE OF MARC CHYTILO

Ana Citrin
Marc Chytilo

[2] According the County of San Diego Department of Agriculture, Weights and Measures, 416 acres of wine grapes were harvested in San Diego in 2011. (*see* http://www.sdcounty.ca.gov/reusable_components/images/awm/Docs/2011_Crop__Report_WEB.pdf, P. 7).

LAW OFFICE OF MARC CHYTILO

ENVIRONMENTAL LAW

October 15, 2012

Santa Barbara County Planning Commission
Santa Barbara County
123 E. Anapamu Street
Santa Barbara, CA 93101

By hand delivery

RE: Vincent Tier III Winery Development Plan and Mitigated Negative Declaration; October 17, 2012 Agenda Item 1

Dear Chair Cooney and Honorable Planning Commissioners,

This letter is submitted on behalf of a large number of residents living in the neighborhood of the Vincent Tier III Winery ("Project"), who are opposed to public visitor serving activities at wineries that are located in locations that are inappropriate for these activities. In our letter submitted to the Commission in April 2011, we argued that administrative and CEQA findings cannot be made for the Project due to the tasting room and special events. Additionally, we identified flaws in the MND largely related to the deficient analysis of impacts from events and wine tasting at the Vincent Winery, and identified substantial evidence supporting a fair argument that the Project may significantly impact the environment. At the Planning Commission's April 2011 hearing, following the Commission's discussion that denial findings may be appropriate, the Project Applicant offered to eliminate special events from the Project and make other changes to reduce the Project's traffic impacts. Revisions to the Project and additional traffic studies however, do not resolve the significant traffic and circulation issues confronted by the Project, and if anything, bolster the argument that the visitor-serving activities proposed as part of the Project will have significant traffic impacts. Discussed in detail in our July 30, 2012 comments on the second draft MND ("LOMC 7/30/12 Letter"), there are glaring flaws in the revised traffic analysis, including a gross underestimation of Project trip generation and faulty assessment of Project impacts to the State Route ("SR")154/Roblar Avenue intersection and to Roblar east of SR 154. Revisions incorporated into the Final MND did not address the myriad concerns we raised, particularly with respect to the Project's traffic impacts.

Based on the record before the Planning Commission, there is substantial evidence supporting a fair argument that the Project will have significant traffic and land use impacts. Accordingly the Commission cannot legally adopt the MND. (*See League for Protection of Oakland's Architectural and Historic Resources v. City of Oakland* (1997) 52 Cal. App. 4th 896, 904). Additionally, administrative findings required for approval cannot be made on this record due to inconsistencies with County policies and inadequate roads and intersections, among other things. For these reasons, we respectfully request that you deny the Project. Alternatively, the Commission could make approval findings for the wine production portion of the Project only, striking tasting and gatherings from the Project Description.

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1. The Commission Cannot Lawfully Approve the Project Based on the Mitigated Negative Declaration

For reasons discussed below and the LOMC 7/30/12 Letter there is substantial evidence in the record supporting a fair argument that the Vincent Tier III Winery Project will have a significant impact on the environment.

Pursuant to the applicable "fair argument test", the County is *required* to prepare an EIR instead of a negative declaration if the record contains substantial evidence supporting a fair argument that the project *may* have a significant effect on the environment. (*League for Protection,* 52 Cal. App. 4th at 904). The fair argument test creates a low threshold for EIR preparation and reflects a preference for resolving doubts in favor of environmental review. *Id.* at 904-905. This test does not require that the evidence received by the agency affirmatively prove that significant environmental impacts *will* occur, only that there is a *reasonably possibility* that they will occur. (*Sundstrom v. County of Mendocino* (1988) 202 Cal. App. 3d 296, 309). Moreover, "[i]f there was substantial evidence that the proposed project might have a significant environmental impact, evidence to the contrary is not sufficient to support a decision to dispense with preparation of an EIR and adopt a negative declaration." (*Id.* at 310 (quoting *Friends of "B" Street v. City of Hayward* (1980) 106 Cal.App.3d 988, 1002)).

Substantial evidence includes facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts, which includes the fact-based opinions of agency staff and decisionmakers, and relevant personal observations of area residents on nontechnical subjects. (CEQA Guidelines § 15384 (b); Pub. Res. Code § 21080 (e); *Pocket Protectors v. City of Sacramento* (2004) 124 Cal. App. 4th 903, 928, 932; *Stanislaus Audubon Society,* 33 Cal. App. 4th at 155). Additionally, conflicts with applicable plans and policies designed at least in part to protect the environment constitutes substantial evidence supporting a fair argument of a potentially significant land use impact. (*Pocket Protectors*, 124 Cal. App. 4th at 930).

a. Substantial Evidence Supports a Fair Argument of Significant Traffic Impacts

Discussed at length in the LOMC 7/30/12 Letter, substantial evidence including the expert testimony of engineer and traffic expert Christopher Gayner (*see* July 30, 2012 letter from our office, attaching two reports prepared by Mr. Gayner dated March 13, 2012 ("Gayner Report") and July 27, 2012 ("Gayner Supplemental Report")), establishes that substantial evidence supports a fair argument that the Project may result in significant traffic impacts. This substantial evidence includes but is not limited to the following:

- Expert fact-based opinion with that the MND's LOS analysis relies on projections that "are unreliable and possibly biased, [and accordingly] the resulting conclusions of the

project impacts are unreliable and almost certainly, based on my review and analysis, biased to conclude the absence of impacts ***when impacts are likely certain***." (Gayner Supplemental Report, p. 6, emphasis added).

- Expert fact-based opinion that Mitigation Measure 15, which calls for restriping to create two parallel lanes entering SR 154 from Roblar "will create additional hazards due to the blocking of sight lines . . . increasing the risk of more high speed T-bone collisions at this intersection." (Gayner Supplemental Report, p. 5; *see* LOMC 7/30/12 Letter, pp. 4-5)
- Expert fact-based opinion that trip generation rates for the Project will be substantially higher than estimated in the MND, in part because the MND omitted special event traffic when "[i]t is inaccurate to assume that an event is comparable to or simply offsets normal tasting room ADT" (Gayner Supplemental Report, p. 4)), and because "[t]he relatively low trip generation projections do not appear to fully reflect the probable increases in trips associated with the project and other similar projects in the region" (Gayner Report, p. 8).
- Expert fact-based opinion that by replacing illogical assumptions used in the traffic analysis with more logical assumptions, the addition of Project traffic to the roadway segment of Roblar east of SR 154 would "trigger[] the stated LOS threshold and result[] in a significant impact to roadway operations per the SDMND's methodology." (Gayner Supplemental Report, p. 6).
- Expert fact-based opinion that the intersection of SR 154 and Roblar is not safe, as indicated by a Caltrans accident data report dated 4/25/11 showing 24 reported accidents at/near that intersection between 2000 and 2010, including one fatal and two with alcohol involvement. (*See* Gayner Report, p. 8).

Additionally, in his professional opinion and for reasons detailed in his report, expert Gayner concludes that "[t]he vehicle trip generator methodology appears to be seriously flawed and will not yield reliable or useful data for Vincent Winery or other similar facilities" (Gayner Supplemental Report, p. 2) and that the County "should not rely on the Collision Study to demonstrate that substandard roadways used to access Vincent Winery are safe, or that the Vincent Winery Project will not significantly degrade the safety of this local roadway network." (*Id.*, p. 8).

b. Substantial Evidence Supporting a Fair Argument of Significant Land Use Impacts

For reasons discussed below and in our letter to the Commission dated April 4, 2011, the Project violates applicable policies and LUDC provisions designed at least in part to protect the environment. Such inconsistencies constitute substantial evidence supporting a fair argument that the Project may have a significant land use impact (*Pocket Protectors v. City of Sacramento* (2004) 124

Cal. App. 4th 903, 930; *see* CEQA Guidelines Appendix G, § X(b)). Some examples of policies and standards that the Project is inconsistent with are as follows:

i. Policy CIRC-SYV-2: The County shall maintain a minimum Level of Service (LOS) B or better on roadways and intersections within the Santa Ynez Valley Community Plan Area.

The Final MND and traffic studies on which it relies articulate three standards of acceptable service for area roadways and intersections, including the County's standard of LOS C, the Santa Ynez Valley Community Plan (SYVCP)'s standard of LOS B, and Caltrans' target level of service of LOS D (which is actually the cusp of LOS C/D, as explained in our 7/30/12 letter and in section X, below). Although Caltrans itself encouraged the County to use the SYVCP's standard (*see* 7/30/12 LOMC Letter, p. 6), the MND does not apply the SYVCP to Highway 154 intersections. The Roblar/154 intersection already operates at LOS C, and the Project will add a significant amount of traffic to this intersection. Based on this alone, the Project does not comply with Policy CIRC-SYV-2. Additionally, the SYVCP includes "Standards for Determination of Project Consistency", described as followed:

> This section defines intersection and roadway standards in terms of level of service, provides methodology for determining project consistency with these standards, and defines how the roadway and intersection standards will be applied in making findings of project consistency with this Community Plan. The intent of this section is to ensure that roadways and intersections in the Plan Area continue to operate at acceptable levels. SYVCP p. 83- 86:

The Unsignalized Intersection Consistency Standards are as follows:

> 1) Projects contributing peak hour trips to unsignalized intersections that operate at an Estimated Future Level of Service A shall be found consistent with this section of the Community Plan unless the project results in a change of two levels of service or an equivalent amount of delay.
>
> 2) Projects contributing peak hour trips to intersections that operate better than Estimated Future Level of Service B shall be found consistent with this section of the Community Plan.
>
> 3) Unsignalized intersections that do not trigger traffic signal warrant criteria shall be found consistent with this section of the Community Plan.

Applying these standards to the Project, consistency cannot be based on standard 1 or 2 because the Project adds peak trips to an intersection operating at LOS C. Project consistency also cannot be based on standard 3, because the Roblar/154 intersection does trigger traffic signal warrant criteria. Specifically, the Penfield & Smith Revised Traffic Analysis concludes that under existing + Project conditions, Warrant 2 (Four Hour Vehicular Volume) is triggered (see Table 7, p. 11). Additionally

Warrant 1 (Eight Hour Vehicular Volume) may also be triggered, however the Revised Traffic Analysis failed to include data for this warrant. Accordingly, pursuant to the "Standards for Determination of Project Consistency" incorporated into the SYVCP, the Project is *not* consistent with Policy CIRC-SYV-2.

ii. Comprehensive Plan Visual Resources Policy 2 and DevStd Vis-SYV-1.3 prohibit, among other things, the intrusion of structures into the skyline as seen from public viewing places.

The Staff Report acknowledges that "[t]he proposed project site and development would be visible from SR 154, a State-designated Scenic Highway, and would briefly interrupt the skyline views of travelers in both directions", however does not identify a policy conflict. (Staff Report, p. 13). The Final MND states that this intrusion "could momentarily impact the skyline as viewed by travelers on SR 154" but falls short of identifying a potentially significant impact. (FMND p. 5). The Project however violates the clear prohibition on skyline intrusion included in these policies, which was adopted to protect the visual environment and the integrity of public ridgeline views in particular.

The facial inconsistency between the proposed project and these policies adopted for the purpose of protecting the visual environment constitutes substantial evidence supporting a fair argument of a significant impact. (*Pocket Protectors v. City of Sacramento* (2004) 124 Cal. App. 4th 903, 934, 936 (EIR required where petitioner demonstrated substantial evidence supporting a fair argument that the Project conflicted with a land use).

2. Findings Required for Approval Cannot be Made on this Record

Discussed in section 4, above, there is substantial evidence supporting a fair argument that the Project will have significant environmental impacts. Due to the existence of this substantial evidence, the Commission cannot make the required CEQA finding that on the basis of the whole record, there is no substantial evidence that the project will have a significant effect on the environment. (*See* Staff Report p. A-1, Finding 1.2; CEQA Guidelines § 15074 (b) ("Prior to approving a project, the decisionmaking body . . . shall adopt the proposed . . . mitigated negative declaration only if it finds on the basis of the whole record before it . . . that there is no substantial evidence that the project will have a significant effect on the environment . . .")).

Additionally, as discussed at length in our comment letter to the Commission dated April 4, 2011, and in comments submitted in advance of this hearing by other members of the public, substantial evidence does not support numerous administrative findings required for Project approval, including that the Project compliances with the Comprehensive Plan and LUDC including the Winery Ordinance (LUDC § 35.82.080.E.1.f), and that roads are properly designed to carry the type of traffic generated by the Project (LUDC § 35.82.080.E.1.c).

3. Conclusion

For reasons stated herein and in our previous submittals, the Commission cannot lawfully approve the Vincent Tier III Winery Project as proposed. CEQA clearly requires an EIR in this case due to the existence of substantial evidence supporting a fair argument of significant traffic safety and land use impacts. Alternatively, we could support the Project if wine tasting and events, which are the cause of most of the Project's significant impacts, are removed from the project description. If the Applicant is not willing to alter the project description in this manner, we respectfully request that you deny the Project.

Respectfully submitted,

LAW OFFICE OF MARC CHYTILO

Ana Citrin
Marc Chytilo

LAW OFFICE OF MARC CHYTILO

ENVIRONMENTAL LAW

July 30, 2012

John Karamitsos, Supervising Planner
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By email to johnk@co.santa-barbara.ca.us

RE: Vincent Tier III Winery Second Draft Mitigated Negative Declaration

Dear Mr. Karamitsos,

This letter is submitted on behalf of a large number of residents living in the neighborhood of the Vincent Tier III Winery ("Project"), who are dedicated to protecting the Santa Ynez Valley's rural character and agricultural economy from the encroachment of non-agricultural, commercial, visitor-serving activities on agriculturally zoned lands. In this particular instance, the concern relates to the non-agricultural commercial activities of public wine tasting and events in a particularly inappropriate location. In our letter submitted to the Planning Commission for the April 2011 hearing (dated 4/4/11 and attached hereto as Attachment 1), we identified numerous flaws in the Mitigated Negative Declaration ("MND"), many of which directly relate to the deficient analysis of impacts from events and wine tasting at the Vincent Winery, and identified substantial evidence supporting a fair argument that the Project may significantly impact the environment, necessitating the preparation of an Environmental Impact Report ("EIR"). Rather than prepare even a focused EIR to analyze these significant impacts, the County released the Second Draft Mitigated Negative Declaration ("2nd DMND") over one year from the Planning Commission's consideration of the Project. The 2nd DMND reflects only minor changes to the Project, offered by the Applicant after the Planning Commission suggested that denial findings may be appropriate. The additional analysis relied on in the 2ndDMND including the P&S Analysis prepared by Penfield & Smith dated July 27, 2011 ("P&S Analysis") and Supplemental Traffic Analysis prepared by Associated Traffic Engineers ("ATE"), do not resolve the majority of our concerns raised in our prior letter (*see* Attachment 1), and there are glaring flaws in the P&S Analysis and 2nd DMND's traffic impact discussion identified herein and by Engineer and traffic expert Christopher Gayner (*see* Gayner Report (3/13/12) and Gayner Supplemental Report (7/27/12), submitted herewith under separate cover). Recently proposed mitigation measures, including the "clear zone" and restriping at the State Route 154 (SR 154)/Roblar Avenue Intersection, will not mitigate impacts associated with intersection delay and traffic queues blocking access to the Project via Refugio. Additionally, these "mitigation measures" themselves cause impacts including traffic safety impacts associated with blocking visibility for drivers turning onto 154.

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Based on evidence in the record and evidence submitted herewith, there is substantial evidence supporting a fair argument that the Project will have significant traffic and other impacts. Accordingly we urge the County to commence the preparation of an EIR for this Project forthwith.

1. The Project Description is Flawed and Incomplete

"A curtailed or distorted project description may stultify the objectives of the reporting process. Only through an accurate view of the project may affected outsiders and public decision-makers balance the proposal's benefit against its environmental cost, consider mitigation measures, assess the advantage of terminating the proposal (i.e., the "no project" alternative) and weigh other alternatives in the balance." (*County of Inyo v. City of Los Angeles* (1977) 71 Cal. App. 3d 185, 192-193). The project description contained the 2ndDMND is impermissibly curtailed, in that it omits several key components of the Project that potentially affect the Project's significant impacts including significant traffic impacts. The most significant omissions are described below.

a. Failure to Describe "Organized Events"

The project description articulated in the 2nd DMND provides that:

> NO SPECIAL EVENTS (i.e., events of less than one day attended by 80 or more people, as further defined by LUDC Sections 35.42.280, Wineries, and 35.110.020, Winery Definition) are proposed. Organized events (i.e. Wine Club activities) would be limited to six (6) times per year, with a maximum of 75 attendees. All organized events scheduled during weekend afternoons and/or evenings would be scheduled to avoid guest arrivals and departures during the PM peak hour traffic.

This description is vague and wholly inadequate. First, it introduces the new concept of "organized events" that is not included in the Winery Ordinance or indeed anywhere in the LUDC, and does not explain how or why such "organized events" are allowable under the LUDC. Second, it is unclear from this description why the "organized events" would not constitute "special events" under the Winery Ordinance[1]. Aside from the number of guests, the 2ndDMND is silent on whether

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[1] LUDC § 35.110.020 defines "Winery Special Event" as:

> An event of less than one day and occurring on a winery premises attended by 80 or more people including concerts with or without amplified sound, such as weddings, and advertised events, fund raising events, winemaker dinners open to the general public, etc. Winery special events do not include wine industry-wide events (e.g., Vintner's Festival, Harvest Festival) including associated events held at individual wineries, the normal patronage of a tasting

the gatherings would be similar in nature to "Winery Special Events" albeit with fewer than 80 people, including whether they would involve "concerts with or without amplified sound, such as weddings, and advertised events, fund raising events, winemaker dinners open to the general public, etc., or whether they would be limited to events associated with wine industry-wide events and "private gatherings of the owner or employees where the general public does not attend". This information is critical to analyzing the impacts of these gatherings including noise and land use impacts. Third the description does not indicate whether it captures all event-like activity that is reasonably foreseeable to occur at Vincent Winery, or whether the aforementioned events associated with wine industry-wide events and "private gatherings of the owner or employees where the general public does not attend" would occur *in addition* to the 6 "organized events" expressly identified in the 2ndDMND. Without this information, it is impossible to make conclusions regarding the Project's impact on the environment. (*See County of Inyo,* 71 Cal. App. 3d at 192-193).

b. Failure to Describe Key Operational Components of the Project

The Project Description is wholly inadequate in its discussion of the operational components of the Project. Specifically, it omits any discussion of operational components associated with wine production and sales, including truck pick-ups and deliveries, and Wine Club activity including whether all orders are shipped, or if members also pick up their orders. The Project Description must be revised to include these operational components, which then must be included in relevant sections of the impact analysis including the traffic impact analysis. The exclusion of truck trips and Wine Club member pickups, for example, results contributes to the drastic understatement of Project trip generation and further skews the impact analysis.

2. The Impact Analysis is Flawed and Incomplete

a. Failure to Analyze the Impacts Associated with Events

The 2ndDMND impermissibly fails to analyze impacts from events at Vincent Winery. The 2nd DMND states "[e]limination of potential traffic generated by public wine tasting operations is expected to offset any additional ADT's and PHT's generated by proposed organized events" (p. 36) in an to attempt to justify this failure, however includes no analysis of whether the numbers in fact offset each other (and a cursory examination reveals that they do not). The P&S Analysis relies on an equally suspect and unsupported statement that "[t]he low number of gatherings on a yearly basis would not change the trip generation estimates in Table 2" (p. 7). This statement apparently means

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room, and private gatherings of the owner or employees where the general public does not attend.

that when averaged out over the year traffic from these events would not be significant, however the traffic impact analysis must look at traffic impacts on the days the events would occur, i.e. on a typical Saturday, not merely at yearly averages. The failure to analyze the traffic impacts associated with six annual 75-person gatherings (in addition to any other events not meeting the definition of "organized event" that are reasonably likely to occur) fatally infects the entire analysis and conclusions regarding the Project's traffic impacts.

b. Failure to Analyze Consistency with Applicable Policies

Neither the 2ndDMND nor the 1st MND include a discussion of the Project's consistency with applicable policy. Inconsistencies with applicable policies designed at least in part to protect the environment constitutes substantial evidence supporting a fair argument of a significant impact (*Pocket Protectors v. City of Sacramento* (2004) 124 Cal. App. 4th 903, 930) and accordingly it is critical that the environmental document analyze policy consistency.

In our 4/4/11 letter, we identified the Project's potential to break the skyline as seen from Hwy 154 as described in the Planning Commission Staff Report on p. 10, and criticized the first MND's failure to address this issue. (Attachment 1, p. 7). The 2ndDMND does not include any discussion of this issue. Additional policies that the Project appears to conflict with include SYVCP Policies CIRC-SYV-1, CIRC-SYV-2, and CIRC-SYV-9. The environmental document must be revised to include an analysis of the Project's consistency with these and other applicable policies.

c. The Traffic Analysis Is Fundamentally Flawed

i. Failure to Analyze the Impacts of New Mitigation Measures

Recently proposed mitigation measures, including the "Keep Clear" zone painted on the pavement between the intersections of Roblar Ave with SR 154 and Refugio Rd. and additional lane striping, will not mitigate impacts associated with intersection delay and traffic queues blocking access to the Project via Refugio. The "Keep Clear" zone is only effective if enforced. (*See* Caltrans Letter, 6/29/11, 2ndDMND Attachment 10). The 2ndDMND does not discuss enforcement of this "Keep Clear" zone or otherwise demonstrate that it is likely to be effective mitigation as required by CEQA (*see* CEQA Guidelines § 15126.4 ("Mitigation measures must be fully enforceable"), and common sense dictates that there will be little enforcement of this "Keep Clear" zone at this rural intersection[2]. The 2ndDMND also does not demonstrate that the restriping mitigation measure

[2] The out-of-town drivers coming to Santa Ynez Valley for wine tasting at the Project and elsewhere and are unaware of the "Keep Clear" zone are even less likely than area residents to stay out of the marked zone, and occasional law enforcement would not overall have any deterrent effect on out-of-

(Mitigation Measure 15) will be effective in reducing vehicle queues. Creating two parallel lanes entering SR 154 will result in the drivers' visibility to one side being blocked by the adjacent vehicle, which could result in even longer delays.[3] Additionally, the restriping "mitigation measure" itself causes impacts including traffic safety impacts associated with blocking visibility for drivers turning onto 154 (*see* Gayner Supplemental Report, p. 5), and impacts associated with the pavement widening required to accommodate the lanes (*see id.* ("Attachment 4 indicates that the restriping would create a 16 foot through/right turn lane and a 12 foot left turn lane. Those two new lanes would add up to 28 feet in width, but there is only 20 feet currently available unless 8 feet are taken away from the eastbound portion of Roblar Avenue; ***which does not seem possible, practical or safe.***") (emphasis added)). Additionally, the pavement widening will have visual impacts that must be analyzed, as well as potential land use impacts, growth inducement, and other impacts reasonably caused by the widening, as well as potential impacts to recreation resulting from encroachment into the ROW designated for trail use (*see* 2ndDMND, p. 31 (Condition 14)). "If a mitigation measure would cause one or more significant effects in addition to those that would be caused by the project as proposed, the effects of the mitigation measures shall be discussed" (CEQA Guidelines § 15126.4 (a)(1)(D). The 2ndDMND's failure to identify and discuss the effects of Mitigation Measure 15 is a serious flaw in the document.

ii. Failure to Apply the SYVCP LOS B Standard

The 2ndDMND, 2012 ATE Study, and the P&S Analysis articulate three standards of acceptable service for area roadways and intersections. The County's standard for acceptable service, LOS C; the Santa Ynez Valley Community Plan (SYVCP)'s standard of acceptable level of service for roadways and intersections in the Plan Area of LOS B; and Caltrans' target level of service for State Route 154 of LOS D[4]. (*See* P&S Analysis, p. 2). The P&S Analysis proceeds to utilize the County LOS C standard, and the Caltrans LOS D standard, while wholly disregarding the SYVCP LOS B standard. Existing roadway conditions on Hwy 154 and existing intersection conditions at Roblar/154 are operating at LOS C or D, and project traffic worsens these conditions. The P&S Analysis fails to clearly explain why the SYVCP standard is not used.

A letter from Caltrans submitted to the County regarding the Vincent Winery Traffic Analysis dated 6/29/11 attached to the 2ndDMND states as follows:

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town drivers. The fact that the Project and other similar facilities attract out-of-town drivers to substandard rural Valley roads must be incorporated into the traffic impact analysis.

[3] The 2012 ATE Study presumes the effectiveness of these mitigation measures, undertaking no analysis of the circumstances identified here and by Mr. Gayner that undermine the efficacy of proposed mitigation to reduce vehicle queues and the hazards associated with vehicle stacking.

[4] Caltrans' level of service threshold for intersections is the cusp of LOS C/D, not LOS D as indicated in the Vincent Revised Traffic Analysis. See below section for further discussion.

> Throughout the traffic analysis, Caltrans' Level of Service (LOS) target levels are referenced as impact thresholds. Caltrans' planning concepts and impact analyses for State routes generally, and SR 154 specifically, are transitioning to an assessment that is based on context, multiple performance measures (of which LOS is only one), and in large part Caltrans' application of engineering judgment. ***Caltrans encourages the lead agency to use LOS thresholds as established within the Santa Ynez Valley Community Plan for the road network as one metric of assessment.*** Caltrans anticipates release of an SR 154 Transportation Concept Report soon which will provide additional clarity for measuring this facility's performance[5].

(2ndDMND, Attachment 10, pp. 1-2 (emphasis added)). The environmental analysis for the Vincent Project must be revised to analyze the Project's traffic impacts relative to the SYVCP LOS B standard.

iii. Improper Characterization of Caltrans LOS Standard

The P&S Analysis states "Caltrans has established LOS D as the target level of service standard for State Highway 154 and its intersections." (P&S Analysis, p. 4). Caltrans Traffic Impact Study Guide however states "Caltrans endeavors to maintain a target LOS at the transition between LOS "C" and LOS "D" (see Appendix "C-3") on State highway facilities" (*See* Attachment 2, p. 1). Appendix C-3 then illustrates the LOS standard as falling between LOS C and LOS D. (*See Id.*, Appendix C-3, p.4). This failure is significant, because characterizing Caltrans standard as LOS D instead of on the cusp of LOS C and D, masks the significance of the change from C/D to D resulting from adding Project traffic to existing levels at the SR 154/Roblar intersection. For example, the P&S Analysis describes Hwy 154 North of Roblar as operating in the LOS C/D range (p. 5). Table 4 then shows the existing ADT, existing + project ADT, and existing + project LOS (identified as LOS D). When the correct Caltrans threshold of C/D is used, the P&S Analysis demonstrates that adding Project traffic to existing ADT will in fact cause the SR 154/Roblar intersection to operate at an unacceptable service level, constituting a significant traffic impact (*see* County Threshold a) ("[t]he

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[5] Caltrans published the Transportation Concept Report referred to in their letter in August 2011, but there is no reference to it in the 2ndDMND. The Report is available at http://www.dot.ca.gov/dist05/planning/sys_plan_docs/tcr_factsheet_combo/sb_sr154_tcrfs.pdf and relevant provisions of this report should be integrated into the revised environmental analysis. Fo example, relevant information included in the 2011 Transportation Concept Report that affects Hwy 154 in the Project area includes the finding that "transportation demand, community concerns and sufficient funding [may] lead to adding lanes" to Segment 1B (which includes the 154/Roblar intersection), and "Segments 1A and 1B should reserve the right-of-way to widen to a four lane expressway should development pressure require additional capacity" (p. 48). Any ROW used for this widening would come out of the already limited space between SR 154 and Refugio, aggravating the myriad problems associated with vehicle queues blocking the entrance to Refugio.

addition of project traffic to an intersection increases the volume to capacity (V/C) ration to an unacceptable LOS level") 2ndDMND p. 32).

iv. Failure to Collect Sufficient Data for a Reliable Analysis

The P&S Analysis assessed existing operational conditions at the 154/Roblar and Roblar/Refugio intersections on only one week day (Thursday May 12, 2011) and one weekend day (Saturday June 4, 2011). Traffic volumes are known to fluctuate, such that data gathered on one weekend day and one week day cannot be relied upon for an accurate assessment of operations at the 154/Roblar or Roblar/Refugio intersections. Traffic associated with wine tasting and events is heaviest on summer weekends; the May 12 and June 4 observations do not capture this peak traffic period, resulting in the understatement of existing traffic volumes on the studied intersections. More data must be collected for a sample set that accurately reflects operations at these intersections.

v. Trip Generation Rate Calculation Fundamentally Flawed

Trip generation estimates for the Project are based on rates derived from statistical data from Brander Winery, Curtis Winery, Zaca Mesa Winery, and Byron Vineyard and Winery (*see* P&S Analysis, p. 6). A close examination of the manner in which the rates were derived makes clear that the trip generation estimates for the Project are wholly unreliable and grossly understated. Traffic expert Gayner also critiques the Project trip generation methodology, concluding that it is "seriously flawed and will not yield reliable or useful data for any other analyses" (*see* Gayner Supplemental Report, p. 2).

An attachment to the P&S Analysis summarizes the statistics and demonstrates how the trip generation rates for the Project were calculated. (*See* Vincent Vineyards Vehicle Trips, attached to P&S Analysis). First, the analysis calculated the traffic generation rates for each vineyard based on six separate factors, facility size, full time employees, vineyard acreage, property acreage, tasting room size, and per 1,000 cases. For example, the analysis found that on average, the four wineries evaluated had an average of 11.33 PHT per FTE on a weekend day, 0.45 PHT per acre of vineyard, 71.36 PHT per 1,000 square feet of tasting room, etc. Then the analysis plugs in Vincent's statistics and calculates the PHT based on each of these factors. For example Vincent will have 4 FTE, so using the 11.33 PHT per FTE number, the analysis determines that the Project will have an estimated PHT of 45 based on FTE. Then, to arrive at Vincent's estimated trip generation, the analysis *averages* the PHT from each factor. This approach is fundamentally flawed, for several reasons.

First, the analysis assumes that that each factor is an equally accurate indicator of actual trip generation by *averaging* the trip generation estimate from each of the six factors. As a preliminary matter, it is not at all clear why these numbers should be averaged as opposed to added, and the cursory information provided in the Worksheet does not include sufficient information to enable the

reader to ascertain whether averaging is even an appropriate methodology. Then, even assuming that averaging is appropriate, the Worksheet uses six seemingly arbitrary criteria including the number of FTEs and vineyard acreage which appear to be unrelated to winery traffic generation and thus unreliable indicators of trip generation. Tasting room size however appears to be a more relevant criteria, and alone indicates a vastly higher number of trips than when averaged with the five other criteria. The County's failure to provide the underlying data for each of the four sample wineries precludes the reader from verifying whether the selected criteria are representative of actual trip generation.

Second, the analysis fails to include factors that may be highly relevant to trip generation including visibility and distance from the nearest highway and proximity to other wineries with tasting facilities. (*See* Gayner Supplemental Report, p. 2 (traffic expert Gayner identifying "location, proximity to main highway, roadside visibility, perceived ease of access, proximity to other popular winery tasting rooms, advertising & promotions, evolving brand recognition, ambiance of facility, signage, number of "special" or "organized" events, hours of operation, cost of wine and/or charge for tasting" as potentially significant factors that are not accounted for in the Vincent trip generation criteria)). The four wineries chosen for the analysis, Brander Winery, Curtis Winery, Zaca Mesa Winery, and Byron Vineyard, are, with the exception of Brander, not analogous in location or visibility to Vincent. Curtis and Zaca Mesa are located off Foxen Canyon Rd., accessed via Zaca Station Rd. These wineries are approximately 3 and 7 miles from the Zaca Station freeway exit respectively. Byron vineyard is quite remote and also has a public wine tasting room in Los Olivos reducing interest in driving out to the winery. Bridlewood and Roblar Wineries by contrast are in the immediate vicinity of the Project, and similarly visible from Hwy 154. Gainey Winery is also located in the same general vicinity and is similarly visible from Hwy 246. The 2ndDMND and P&S Analysis articulate no basis or rationale for why they did not use these wineries that are more similar to Vincent in the trip generation analysis.

The above flaws, and those discussed at length by Mr. Gayner (*see* Gayner Supplemental Report, pp. 2-4), demonstrate that the trip generation data is unreliable, and the flawed methodology significantly underestimated trips generated by the Project. One indication of how flawed the County's methodology is that it results in the absurdly low assumption of only six vehicles in addition to employees visiting Vincent Winery on weekdays. Additionally, observations of area residents repeated numerous times in public comment on this Project reveal that wineries in the Project vicinity generate vastly greater traffic volumes than the County's methodology accounts for. ((*Ocean View Estates Homeowners Ass'n Inc. v. Montecito Water District* (2004) 116 Cal. App. 4th 396, 402 (personal observations on nontechnical issues can constitute substantial evidence)). Because the trip generation data underpins a large portion of the traffic impact analysis including the 2012 ATE report, as well as the air quality analysis (*see* 2ndDMND p. 10, Table 2), these portions of the environmental document must be fully revised. In some instances, using more reasonable estimates of Project trip generation results in the triggering of applicable LOS standards, resulting in significant impacts and policy conflicts (*see e.g.* SYVCP Policies CIRC-SYV-1, CIRC-SYV-2, and CIRC-SYV-9).

vi. Failure to Accurately Calculate and Analyze Intersection Operations

The P&S Analysis calculates intersection operations at 154/Roblar based on the "average weighted delay for all approaches" for the County's LOS C standard, and based on the "highest approach delay (eastbound approach)" for the Caltrans LOS D standard (see Table 5, p. 9). Table 5 in the P&S Analysis demonstrates that at the eastbound approach there is a 25.3 second delay, resulting in the intersection dropping to LOS D. Table 5 masks this impact by using the "average weighted delay for all approaches" for purposes of determining whether there is an impact under the County's LOS C standard, and the "highest approach delay (eastbound approach)" for purposes of determining whether there is an impact under Caltrans' LOS D standard[6]. Regardless of whether the County's practice is to use the averaged weighted delay for assessing intersection operations, the fact that the eastbound approach itself will operate at LOS D is substantial evidence supporting a fair argument of a significant traffic impact. (*Mejia v. City of Los Angeles* (2005) 130 Cal. App. 4th 332, 342 ("A public agency cannot apply a threshold of significance or regulatory standard 'in a way that forecloses the consideration of any other substantial evidence showing that there may be a significant effect.'").

vii. Failure to Establish Safety of Sub-Standard Roadways

In our 4/4/11 letter we discussed the various ways in which the roadways used to access the Project fail to meet established standards (*see* Attachment 1, p. 3, Exhibits 2, 3), which, contrary to suggestions to the contrary in the 2ndDMND, indisputably apply to the rural roads in the vicinity of the Project (*see* Attachment 1, Exhibit 3). Traffic expert Gayner also discusses the Project's failure to meet established standards, and the safety risks associated with those failures. (Gayner Report, pp. 5-7, Gayner Supplemental Report, pp. 4-5). The 2ndDMND glosses over the undisputable non-conformance of Project area roads with the County's roadway standards by stating that operational data supports the conclusion that the roads are adequate and operate at acceptable levels of safety (p. 33, 37). Expert review of the collision data relied on for the 2ndDMND demonstrates that the data can not be relied on to support the statement that "there does not appear to be a sustained increase in frequency of accidents associated with winery development" as the 2nd DMND purports (on p. 37). (*See* Gayner Supplemental Report 3, pp. 7-8).

viii. Failure to Adequately Analyze Cumulative Traffic Impacts

The 2ndDMND and P&S Analysis acknowledge that State Route 154 will operate below the Caltrans LOS D standard under the 10-year and 20-yr buildout scenarios in the SYVCP (2ndDMND

[6] Note, Caltrans' standard is noted in the SYVCP as "LOS C/D" and further clarified in the Caltrans Traffic Impact Guide as the cusp of C/D such that the addition of Project traffic degrading the intersection from LOS C to LOS D is indeed a significant impact in its own right (*see* section 2.c.ii herein).

p. 38; P&S Analysis p. 9). They do not identify a significant cumulative impact however, explaining that "mitigation measures to improve the level of service of the intersection have been included into the SYVCP as Development Standards for implementing adopted Goals and Policies for roadways and intersections (Policies CIRC-SYV-1, -2, -4, -5, -10, and -11)." (*Id.*). They do not however explain how the inclusion of these Development Standards in the SYVCP specifically mitigate the significant cumulative impact associated with the Project adding traffic to an unacceptable LOS on SR 154.

The Supplemental Traffic Analysis by the ATE Study (2ndDMND Attachment 8) relied on both the trip generation data (34 ADTs/4 PHTs during the week, 154 ADT/41 PHTs during the weekend), and the Trip Distribution scenarios criticized as flawed and unreliable by traffic expert Gayner (*see* Gayner Supplemental Report). Discussed above, the trip generation information requires extensive additional work and any analysis and conclusions that rely upon this data, including the analysis of cumulative impacts, must also be thoroughly revised.

ix. Failure to Account for Significant Safety Hazard

The SYVCP points out that State Route 154 was identified as a "high accident concentration location" by Caltrans in 2004. (SYVCP, p. 75). Traffic accident data included in the study shows an accident rate slightly above the statewide average. The P&S Analysis fails to discuss the obvious safety hazard associated with introducing Project traffic consisting largely of out-of-town drivers that have been drinking wine. The safety hazard is worsened by a recently enacted "picnic law" that allows winery tasting rooms to sell customers wine by the full glass or bottle and consume all or a portion of that bottle on the premises. (Business & Professions Code § 23358, *see* Attachment 3). The 2ndDMND must be revised to analyze the traffic safety impacts associated with wine consumption at Vincent Winery, including the effects of the "picnic law" which is not reflected in collision data relied on in the Vincent traffic analysis.

Overall, the traffic analysis included and relied upon in the 2ndDMND is fatally flawed and requires wholesale revision.

3. Conclusion

For reasons stated herein, the 2ndDMND for the Vincent Winery is badly flawed and requires revision. Moreover, because CEQA's fair argument test creates a low threshold for EIR preparation (*League for Protection of Oakland's Architectural and Historic Resources v. City of Oakland* (1997) 52 Cal. App. 4th 896, 904) and our submittals and Mr. Gayner's submittals include substantial evidence supporting a fair argument that the Project may result in significant environmental impacts, we urge the County to dispense with revisions to the MND and instead commence preparation of an EIR.

Respectfully submitted,

LAW OFFICE OF MARC CHYTILO

Ana Citrin
Marc Chytilo

Attachment 1: LOMC Letter to Planning Commission (April 4, 2011)
Attachment 2: Caltrans Traffic Impact Study Guide (2002)
Attachment 3: Lompoc Record, "Revised rules kick in for wine-tasting rooms" (1/1/10)

LAW OFFICE OF MARC CHYTILO

ENVIRONMENTAL LAW

April 4, 2011

Santa Barbara County Planning Commission
Santa Barbara County
123 E. Anapamu Street
Santa Barbara, CA 93101

By hand delivery

RE: Vincent Tier III Winery Development Plan and Mitigated Negative Declaration; April 6, 2011 Agenda, Item #3

Dear Chair Valencia and Honorable Planning Commissioners,

This letter is submitted on behalf of a large number of residents living in the neighborhood of the Vincent Winery project, who are dedicated to protecting the Santa Ynez Valley's rural character and agricultural economy from the encroachment of non-agricultural, commercial, visitor-serving activities on agriculturally zoned lands. The Santa Ynez Valley faces a growing threat exemplified by the Vincent Tier III Winery ("Project"), of small wineries seeking approval for non-agricultural, commercial, visitor serving activities – notably wine tasting, food service and special events - that dwarf their wine-production. Approval of this and other similar projects will have the cumulative effect of transforming the Valley's agriculturally zoned lands into areas buzzing with commercial activity, inundating rural roads with traffic, and fundamentally altering the rural character of the Santa Ynez Valley. This cumulative effect of dozens of new wineries and associated activities (such as tasting facilities, food service and events) was not intended by the County's Winery Ordinance or considered by the Santa Ynez Valley Community Plan, and has never been studied in an environmental impact report, leaving the rural Santa Ynez Valley vulnerable to the unplanned and unwelcome alteration of its character from piecemeal approvals. Unless and until this cumulative effect is addressed in a comprehensive manner, each individual project proposing non-agricultural, commercial, visitor-serving activities under the guise of agriculture must be scrutinized and modified as necessary to avoid threatening the viability of Santa Ynez Valley's agriculture and compromising the character of Santa Ynez Valley's rural areas.

With respect to the Vincent Project, we do not oppose the wine production facility component, which is an appropriate use for the AG-I zoned property. However we do oppose the public wine tasting room and special events because they are an inappropriate use of agriculturally zoned lands, are incompatible with the surrounding rural neighborhood and will cause significant impacts, most notably traffic impacts. There are several administrative findings that cannot be made for the Project due to the tasting room and special events, and several flaws – both procedural and substantive – with the Mitigated Negative Declaration ("MND") that can only be resolved by eliminating the tasting room and special events from the Project. Accordingly we respectfully urge the Commission only to approve the Vincent Winery Project *if* the public tasting room and special

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ATTACHMENT 1

events are eliminated from the project description.[1] If the project description is not so revised, the Commission must deny the Project for reasons articulated below.

1. Administrative Findings Required for Project Approval Cannot Be Made

Administrative approvals such as the Development Plan for the Vincent Winery must be accompanied by administrative findings supporting the conclusion that all requirements for the approval have been satisfied. (*See Topanga Ass'n for a Scenic Community v. County of Los Angeles* (1974) 11 Cal. App. 3d 506, 511). These required findings must support the approval, and substantial evidence in the record must support the findings. (*Id.*, Cal. Code Civ. Pro. § 1094.5). The specific administrative findings required to support the Vincent Winery Development Plan are articulated in the County's Land Use and Development Code ("LUDC") § 35.82.080.E.1. The proposed findings included in the Project Staff Report are inadequate in several respects, and an analysis of the proposed findings and the record demonstrates that the findings do not support an approval, and moreover that the findings are not supported by substantial evidence in the record.

a. Streets and Highways are Not Adequate or Properly Designed to Carry the Type and Quantity of Traffic Generated by the Proposed Use

Primary public access to the Project site is provided from North Refugio Rd. via Roblar Ave. and Highway 154. (MND p. 2). The required finding that streets and highways are adequate and properly designed to carry the type and quantity of traffic generated by the Project cannot be made for several distinct reasons.

First, the County's own documents establish, and common sense confirms that the Roblar/Hwy 154 intersection is not *adequate* to carry the quantity of traffic generated by the Project. The design capacity of the intersection is misrepresented in the MND[2], and without accurate data, the conclusion of adequate intersection capacity lacks evidentiary support. More importantly however, the SYV Community Plan EIR determined that the Roblar/154 intersection operated at an unacceptable LOS (LOS C) *under existing conditions* (*see* MND Tables 8.2a and 8.2b). The field survey conducted for the Project determined the intersection operated at LOS B, however the survey

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[1] It should be noted that the Planning Commission will only be denying the Applicant the right to pursue these activities at this location - they are available by right in any of the Commercial Zones located in the Santa Ynez Valley or other areas in the County.

[2] The MND states that "[t]he Public Works Transportation Division, as depicted in Table 12, pg. 80 of the Santa Ynez Valley Community Plan, recognizes the intersection of Highway 154 and Roblar Ave. as having a design capacity to hold of 11,600 average daily trips (ADT)." (MND p. p. 33). A brief review of this table in the SYV Community Plan however demonstrates that the 11,600 ADT design capacity is for the road segment of Roblar Ave., not for the intersection. The at-grade (nominally 55 mph, de facto 65 mph) highway crossing clearly cannot support anywhere near this level of traffic.

was conducted on *one day only* – Wednesday January 19th, 2011 (*see* MND p. 36) – a seasonal low-point for traffic at other nearby wineries. The Robertson field survey is thus highly unrepresentative of actual conditions, and the SYV Community Plan EIR data – showing that the Roblar/154 intersection is inadequate to carry *any* additional traffic - must form the basis for the administrative finding. Even the grossly understated intersection delays documented in the Robertson field survey demonstrate that special events will result in an unacceptable LOS. The MND admits to "short-lived congestion at the local intersections as events commence and let out." (MND p. 36). But there is no exemption from traffic impact criteria and standards for "short lived congestion," nor should there be - otherwise each "short lived" morning and evening peak-hour congestion could simply be ignored as new projects add to the congestion, as proposed by this project. The condition proposed to maintain adequate intersection LOS is unenforceable and highly unlikely to achieve its intended result. In short, area intersections are *patently inadequate* to carry Project traffic.

Second, the streets used to access the Project site are not *properly designed* to carry the type and quantity of traffic generated by the Project. The proposed finding in the Staff Report does not even address the "properly designed" aspect of the required finding, speaking to "adequacy" only (*see* Staff Report p. A-2). The intersection of Roblar Ave and N. Refugio Road occurs roughly 60 feet from the Roblar/Hwy 154 intersection, such that 4-5 vehicles waiting to cross the intersection can completely block access onto N. Refugio. (*See* Exhibit 1, Exhibit 2 pp. 1-3). This creates a hazardous condition not considered or addressed in the staff's analysis or the MND. Moreover, Roblar Ave. approaching 154 has only one shoulder, which is badly eroded (*see* Exhibit 2, pp. 4-5), an unsafe condition that additionally violates County requirements for rural residential roads designed to accommodate far less traffic than Roblar (*see* Exhibit 3, County Road Standards provided by Public Works - § 6-24). Loose gravel and flooding further compromise the ability of Roblar Ave. to carry Project traffic (*see* Exhibit 2, pp. 6-8). Added to these inadequacies in the design of streets used to access the Project, the *type* of traffic generated by the Project is largely comprised of drivers unfamiliar with area roads that have been drinking alcohol, and least able to successfully negotiate road hazards and traffic conditions.

The final version of the MND added a completely new circulation provision, establishing that special event traffic would use an "existing agricultural access" located "approximately 600 feet north of Highway 154/Roblar Ave intersection." (MND p. 37; Special Condition # 17b). This alternative access point is not identified anywhere in the Project Description or on any of the MND or Staff Report maps, its geometry is not specified (i.e., the width of the accessway, the length of a left hand turn lane for southbound guests); the location, effectiveness or impacts of necessary temporary signage is not specified, and there is no traffic study establishing the practicality of such a revision to the Project Description. This last-minute approach to addressing a fundamental site constraint is comparable putting a band-aid on a tumor, and simply reflects the fact that lands in active agricultural production are ill-suited to serve as event venues. The tasting and special events belong in developed commercial areas where adequate roadway, parking and access facilities exist, and not in areas used for agricultural production.

In sum, common sense and the County's own documents establish that the streets and highways used to access the Project are neither adequate nor properly designed to carry the type and quantity of traffic generated by the Project. There simply is no substantial evidence in the record that could be used to support the finding.

b. The Proposed Project would Be Detrimental to the Comfort, Convenience, General Welfare, Health and Safety of the Neighborhood and will Be Incompatible with the Surrounding Area

The additional traffic from wine tasting and special events (discussed above), would be detrimental to the safety of the neighborhood by overburdening area streets and intersections with drivers often impaired by the effects of alcohol. Noise from special events, particularly from amplified voice and music, also threatens the comfort and general welfare of the neighborhood. Overall the introduction of non-agricultural, commercial, visitor-serving activities on the small-lot agricultural parcel is incompatible with the surrounding rural agricultural area. For these reasons the finding that the proposed project would not be detrimental to the comfort, convenience, general welfare, health, and safety of the neighborhood and will not be incompatible with the surrounding area cannot be made.

c. The Proposed Project does Not Comply with all Applicable Requirements of the Development Code and Comprehensive Plan

Prior to approving the Development Plan for the Project, the Commission is required to find that the Project complies with all applicable requirements of the Development Code and Comprehensive Plan. There are several applicable requirements however that the Project fails to comply with.

First, Comprehensive Plan Land Use Element, Land Use and Development Policy #4 requires, that prior to issuance of a development permit, the County shall make the finding, based on information provided by environmental documents, staff analysis, and the applicant, that adequate public or private services and resources (i.e., water, sewer, roads, etc.) area available to serve the proposed development. (*See* Staff Report, p. 9). The Staff Report briefly recites what roads will be used to access the Project, however as discussed in section a, above, these roads and intersections are patently inadequate to carry additional traffic, particularly the type of traffic generated by the proposed project. Accordingly, the Project is inconsistent with this Land Use Element policy.

Comprehensive Plan Visual Resources Policy 2 prohibits, among other things, the intrusion of structures into the skyline as seen from public viewing places. Proposed Project development, as acknowledged in the Staff Report, is visible from Highway 154 (a State designated scenic highway) and breaks the skyline views of travelers in both directions. (Staff Report, p. 10). This clear policy inconsistency is not addressed in the MND or resolved in the Staff Report, and precludes a finding of

consistency with this policy. There is a facial inconsistency between the proposed project and this General Plan policy and its implementing development standard.

SYV Community Plan Policy CIRC-SYV-2 provides that "[t]he County shall maintain a minimum Level of Service (LOS) B or better on roadways and intersections within the Santa Ynez Valley Community Plan Area." Discussed in section a, above, according to the SYV Community Plan EIR the Roblar/154 intersection is operating at LOS C under existing conditions, and Project traffic would further degrade the LOS at that intersection. For this reason, a finding of consistency with this policy cannot be made.

The LUDC Winery Standards include several standards designed to ensure that problematic features such as those encountered with the Vincent Winery Project are not permitted. Specifically, LUDC §35.42.280.D.1.a provides that "[t]he primary purpose of the winery shall be to process wine grapes . . ." The Vincent Winery proposes producing 7,000 cases of wine annually, which is just over one third of the production capacity for a *Tier 1* winery (*See* LUDC §35.42.280.C.1). Vincent Winery however is proposing a Tier III winery for purposes of an expanded tasting room (no tasting room is permitted for a Tier I winery), and additional special events (the eight special events proposed are consistent with the maximum allowed for a Tier II winery). Under these circumstances the primary purpose of the winery appears not to be grape processing but rather wine tasting and the retail sale of wine-related items, as well as renting the premises for special events. Accordingly, this finding cannot be made. Similarly, LUDC §35.42.280.D.7.a requires that "[t]asting rooms shall be clearly incidental, accessory, and subordinate to the primary operation of the associated winery as a production facility." The proposed public tasting room is 2,054 square feet in size, and an additional 303 square foot private club tasting room is also proposed. This amounts to nearly 40% of the winery structural development[3], or *four times the maximum size allowed for a Tier II winery* (allowing a tasting room of up to 400 square feet or 10 percent of the winery structural development area, whichever is greater). Tasting facilities of this magnitude cannot be characterized as "clearly incidental, accessory and subordinate" to wine production reflecting one-third the production capacity of a Tier 1 winery, and accordingly this finding cannot be made. Consistency with these Winery Ordinance standards can only be achieved by eliminating the wine tasting and special event components of the Project.

2. The MND Is Legally Inadequate

a. The MND cannot Be Adopted without Recirculation for Public Review

CEQA provides that a negative declaration must be circulated for public review, and that the lead agency must consider comments received during the public comment period prior to approving

[3] Note, an additional 240 square foot food preparation area is proposed that was not included in this calculation. Inclusive of this area the wine tasting facilities would total 44% of the winery structural development.

the project. (Public Resources Code §§ 21091 (d)(f)). If comments contain substantial evidence supporting a fair argument that the Project may have significant environmental effects, the agency is required to either find a way to mitigate the impacts and circulate a revised negative declaration or prepare an EIR. (Public Resources Code §§ 21064.5, 21080 (c); CEQA Guidelines § 15073.5). Additionally, a lead agency is required to recirculate a negative declaration when the document is substantially revised, meaning a new avoidable significant effect is identified and mitigation measures or project revisions must be added in order to reduce the effect to insignificance, or the lead agency determines that the proposed mitigation measures or project revisions will not reduce potential effects to less than significance and new measures or revisions must be required. (CEQA Guidelines § 15073.5).

Here, in response to public comments or otherwise, the final MND identified two new significant impacts in the area of traffic/circulation – namely that special events traffic could cause the Roblar/Hwy 154 intersection to operate at an unacceptable LOS, resulting in potentially significant project-specific and cumulative impacts (see MND pp. 36 and 38). Moreover, the MND added a new mitigation measure (*see* Special Condition 17a, MND p. 38) to reduce these impacts below significant levels, and as discussed in section 1.a, above, also added a new circulation provision requiring that special event traffic utilize an "existing agricultural access" that is neither identified in the MND nor evaluated for adequacy by any traffic study. Adding condition 17a and the new access point to condition 17b after the draft MND was circulated for public review precludes public comment. Overall the substantial revision to the traffic impact section is precisely the type of situation described in CEQA Guidelines § 15073.5 for which recirculation of the MND for an additional public review period is required.

The final MND also identified a new noise impact stemming from the potential violation of the 65 dBA limitation included in LUDC § 35.42.280 (see MND p. 27), and in order to conclude that the Project's noise impact is reduced to less than significant levels added the mitigation requirement that amplified sound occur in the tasting room and courtyard only and not exceed noise levels of 65 dBA at the parcels' exterior boundaries (MND p. 28). For this additional reason the Planning Commission may not adopt the MND without recirculation for additional public review.

Because both new traffic impact and new/enhanced noise impact, and new mitigation measures, directly stem from the wine tasting and special event components of the Project, the Commission may be able to adopt the MND without recirculation if these Project components are removed from the project description.

b. Substantial Evidence Supports a Fair Argument that the Project, as Mitigated, will have Significant Traffic Impacts

Discussed at length in section 1.a, above, the traffic impact analysis in the MND is fatally flawed and substantial evidence supports a fair argument that traffic impacts are not mitigated to insignificance. Most notably, because the Roblar/Hwy 154 intersection is currently operating at LOS

C as reflected in the SYV EIR's analysis, daily winery operations will significantly impact the intersection – causing both project specific and cumulative impacts. The MND proposes no mitigation whatsoever to address the impact of daily operations (i.e. wine tasting) on the Roblar/Hwy 154 intersection. Additionally the MND's proposed mitigation for the impacts of special events on this intersection is woefully inadequate and unenforceable. Due to the existence of substantial evidence supporting a fair argument of significant traffic impacts, **if wine tasting and special events are not eliminated from the project description, pursuant to CEQA the County must prepare an EIR for the Project.** (*No Oil, Inc. v. City of Los Angeles* (1974) 13 Cal. 3d 68, 75). Similarly, if wine tasting and special events are not eliminated from the project description, the Commission cannot make the required CEQA finding that on the basis of the whole record, there is no substantial evidence that the project will have a significant effect on the environment. (*See* Staff Report p. A-1, Finding 1.2; CEQA Guidelines § 15074 (b) ("Prior to approving a project, the decisionmaking body . . . shall adopt the proposed . . . mitigated negative declaration only if it finds on the basis of the whole record before it . . . that there is no substantial evidence that the project will have a significant effect on the environment . . .")).

c. Policy Inconsistency Is a Substantial Evidence Supporting a Fair Argument of Significant Impacts

Comprehensive Plan Visual Resources Policy 2 prohibits, among other things, the intrusion of structures into the skyline as seen from public viewing places. The proposed project is visible from Highway 154 (a State designated scenic highway) and breaks the skyline views of travelers in both directions. (Staff Report, p. 10). This clear policy inconsistency is not addressed in the MND or resolved in the Staff Report. The facial inconsistency between the proposed project and this General Plan policy (and implementing development standard) that were adopted for the purpose of protecting the visual environment constitutes substantial evidence supporting a fair argument of a significant impact, rendering the Negative Declaration inadequate. (*Pocket Protectors v. City of Sacramento* (2004) 124 Cal. App. 4th 903, 934, 936 (EIR required where petitioner demonstrated substantial evidence supporting a fair argument that the Project conflicted with a land use policy that was "adopted for the purpose of avoiding or mitigation an environmental effect")).

d. The MND Cumulative Impact Analysis Is Flawed

i. Failure to Include other Proposed Projects

There are at least two proposed projects in the Project area that will contribute to the Project's cumulative impacts including traffic impacts, but that the MND impermissibly fails to identify. These projects specifically are an expansion of the tasting and events facilities at the nearby Bridlewood Winery on the April 8th CBAR agenda (*see* Exhibit 4), and a new olive oil production facility including a sales tasting room and customer events considered by APAC on April 1 (*see* Exhibit 5). The addition of these two projects will increase traffic on Roblar Ave, N. Refugio Rd.,

and the Roblar/Hwy 154 intersection, increasing the Project's cumulative traffic impacts. The addition of these projects will also increase the cumulative noise and land use impacts of the Project.

ii. Failure to Evaluate the Impact of Similar Future Projects

The MND also impermissibly fails to consider the precedential effect resulting from the approval of the Vincent Winery as a Tier III Winery in the cumulative impact analysis. The intent of the tiered winery ordinance, as articulated in the March 29, 2011 comment letter submitted by former County Supervisor Marshall, was that wineries with small acreage and wine production would not be able to apply for as Tier III winery in order to increase tasting room size and conduct special events. In part due to this intent, the cumulative impacts of allowing wineries with small acreage and wine production to conduct special events and have large tasting rooms were never considered in the environmental review for the winery ordinance. With the Vincent Vineyard application the potential for this cumulative impact has become clear, not just to opponents of the Project, but to the owners of small agricultural parcels that may now contemplate applying for Tier III winery permits. The MND is flawed for failing to consider this potentially significant cumulative impact.

3. Conclusion

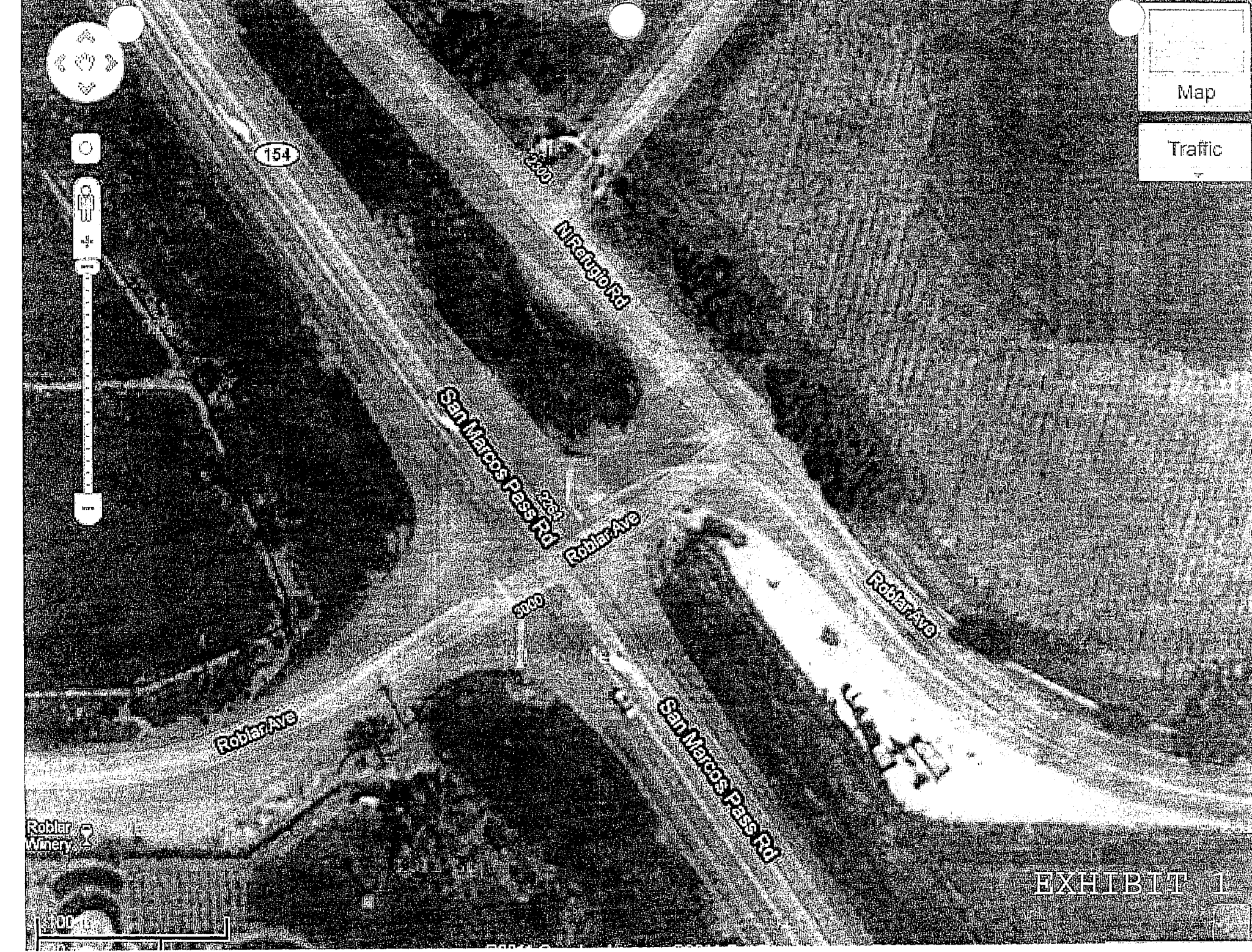
For the reasons stated herein, if the tasting facilities and special events continue to be a part of this Project, the Commission cannot make legally required administrative findings and CEQA findings, and cannot adopt the MND. Because the traffic impacts that impair the Commission's ability to make required findings and other inadequacies in the MND are directly linked to the tasting and events components of the Project, and because the wine production aspect of the Project is not incompatible with the surrounding area, we respectfully urge the Commission to remove the tasting room and events from the project description and approve the Vincent Winery as a wine production facility only.

Respectfully submitted, LAW OFFICE OF MARC CHYTILO

_____
Ana Citrin
Marc Chytilo

Exhibits:

Exhibit 1: Aerial photo of N. Refugio/Roblar Ave and Roblar Ave/Hwy 154 intersections
Exhibit 2: Photos documenting existing road conditions in the Project area
Exhibit 3: County Road Standards, § 6-24, provided by Public Works
Exhibit 4: April 8th CBAR Agenda (Bridlewood Expansion)
Exhibit 5: April 1st APAC Agenda (Olive Oil Production Facility)


Map
Traffic
154
N Refugio Rd
San Marcos Pass Rd
Roblar Ave
Roblar Ave
Roblar Ave
San Marcos Pass Rd
Roblar Winery
EXHIBIT 1

ROBLAR / RTE.154 / N. REFUGIO INTERSECTION (entrance to Vincent on right)

Note : Distance between 154 and N. Refugio is only about 60 feet

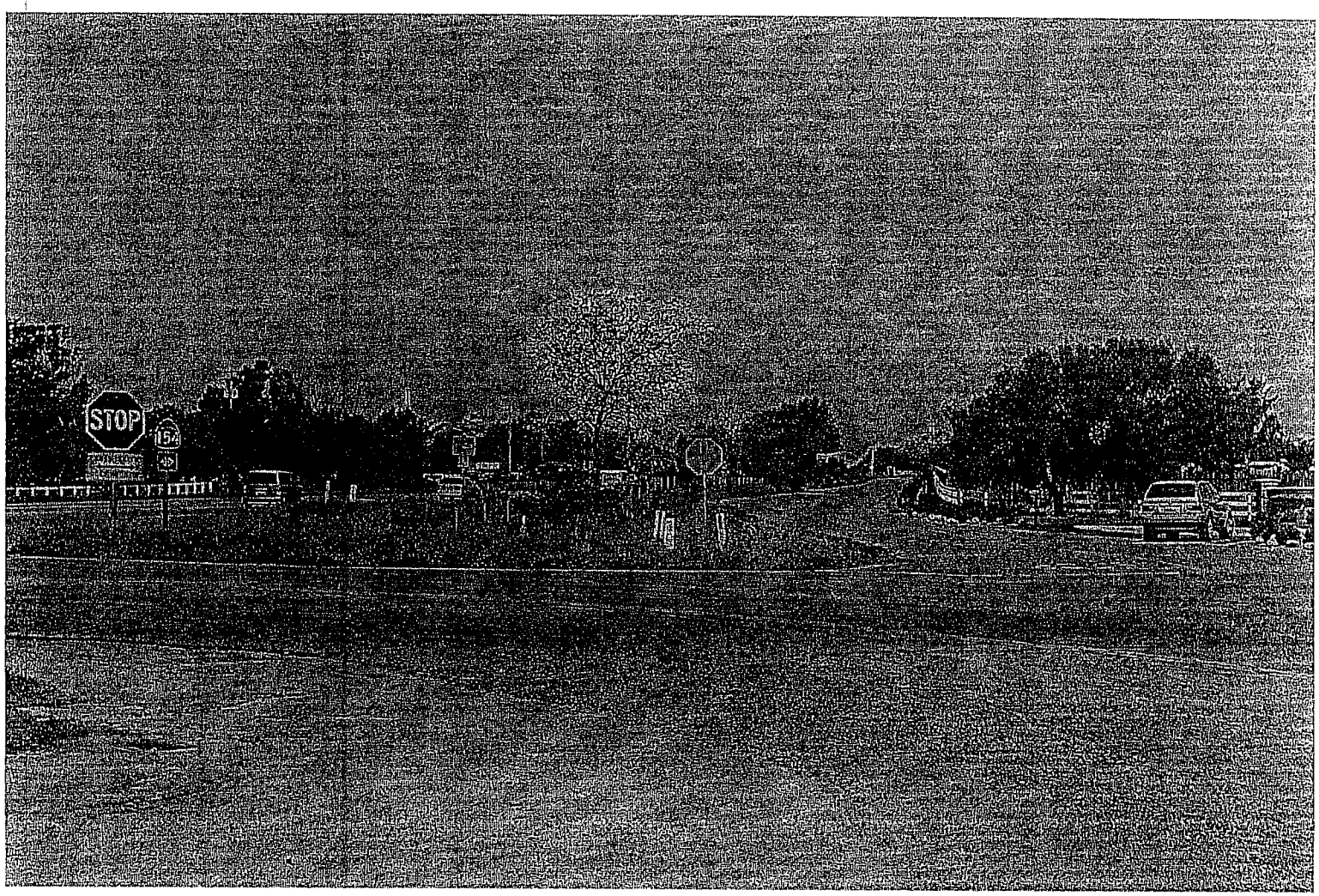
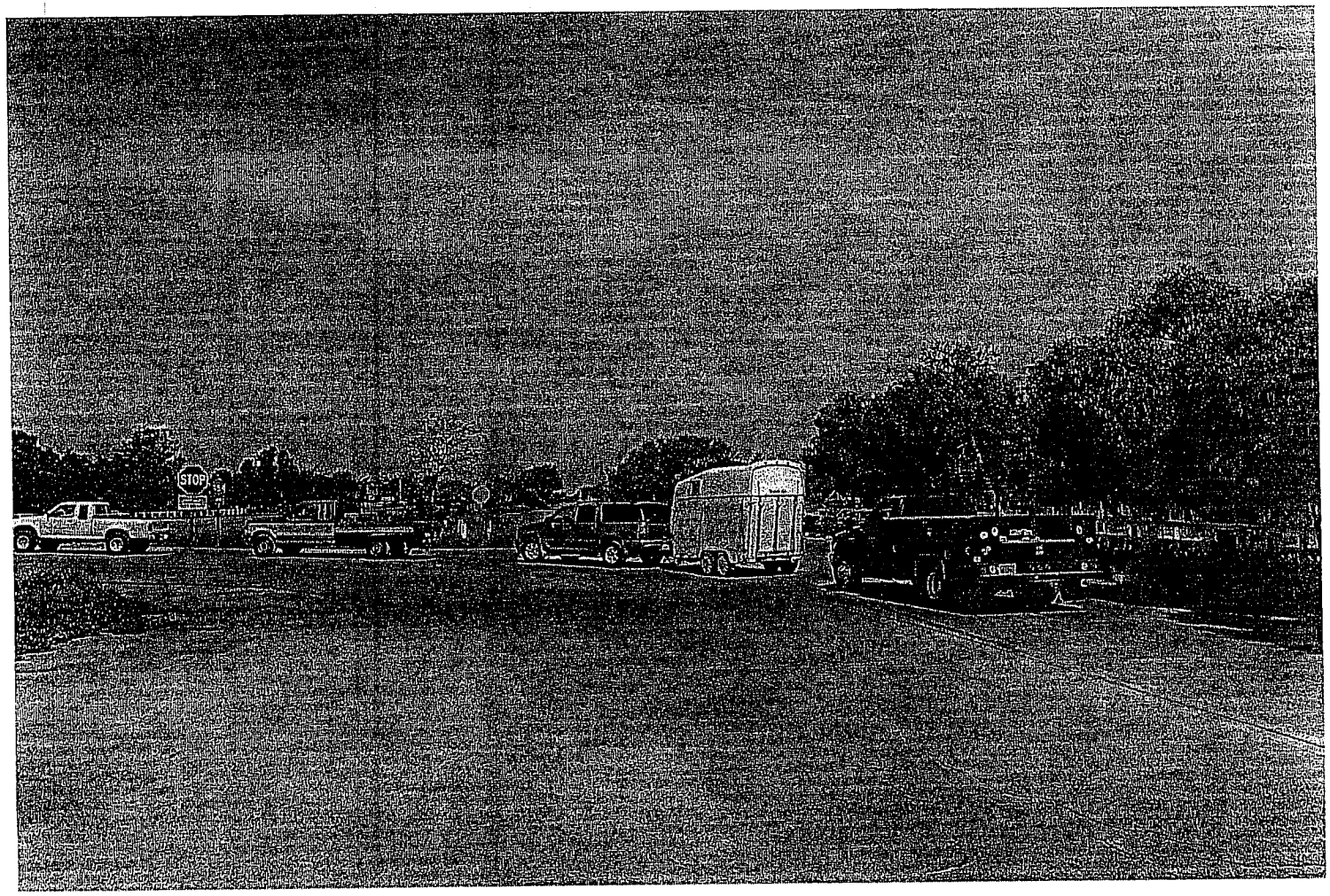


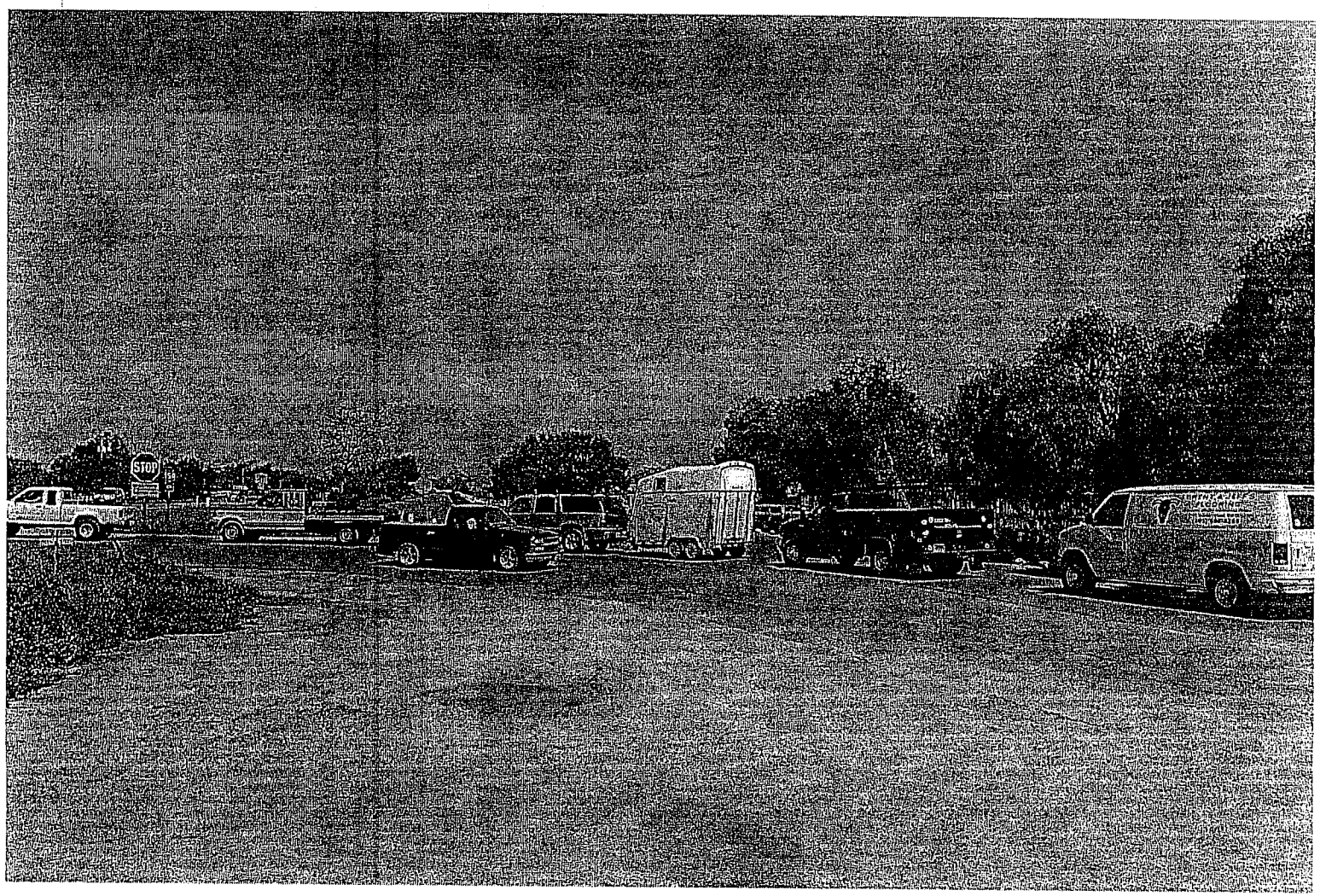
EXHIBIT 2

ROBLAR / RTE.154 / N. REFUGIO INTERSECTION
NOTE: Vehicles backed up, blocking ability to turn onto N. Refugio

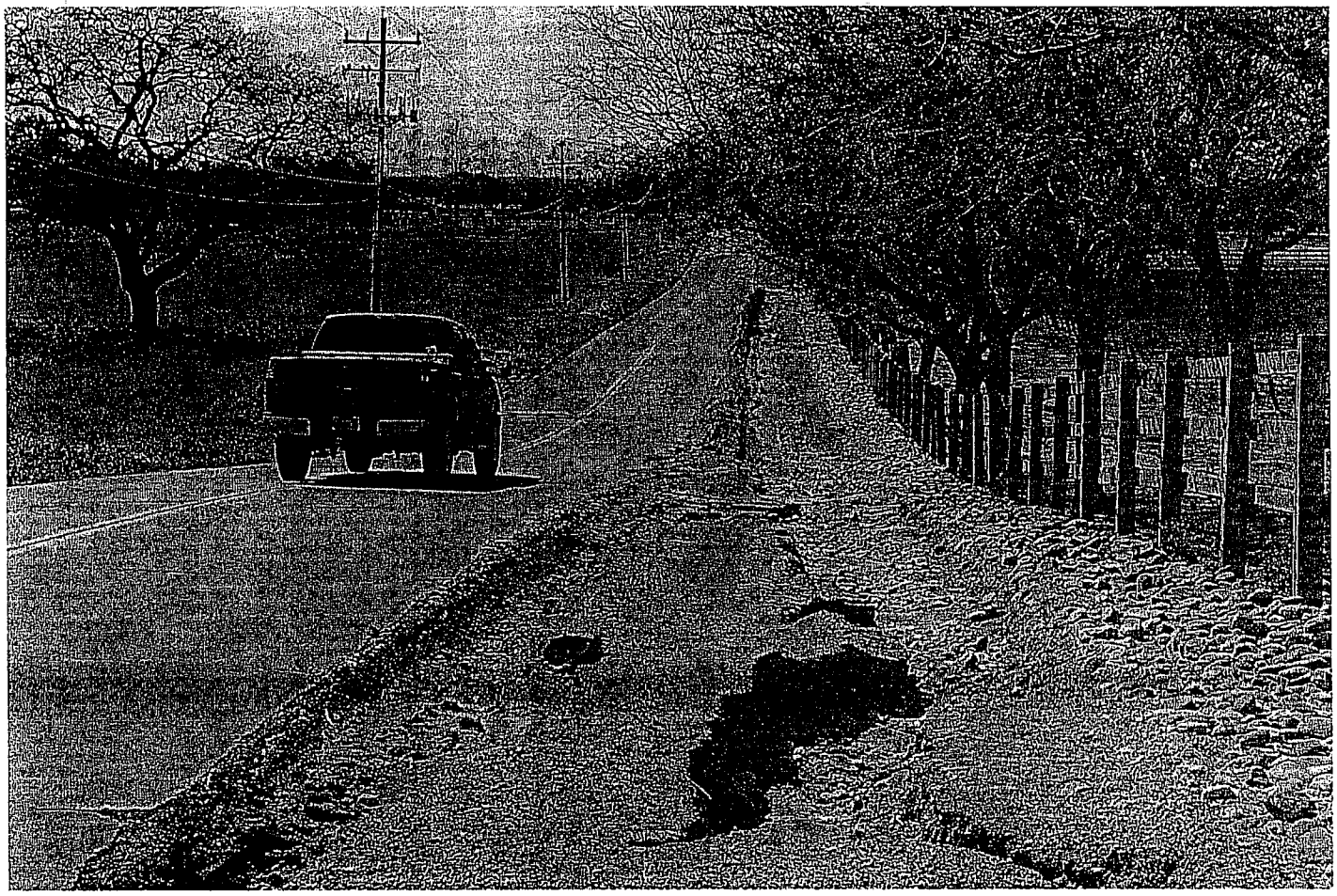


ROBLAR / RTE.154 / N. REFUGIO INTERSECTION

NOTE : Backup worsens, vehicle *stopped* unable to turn onto N. Refugio, leaving very little room for next car exiting 154 at high speed

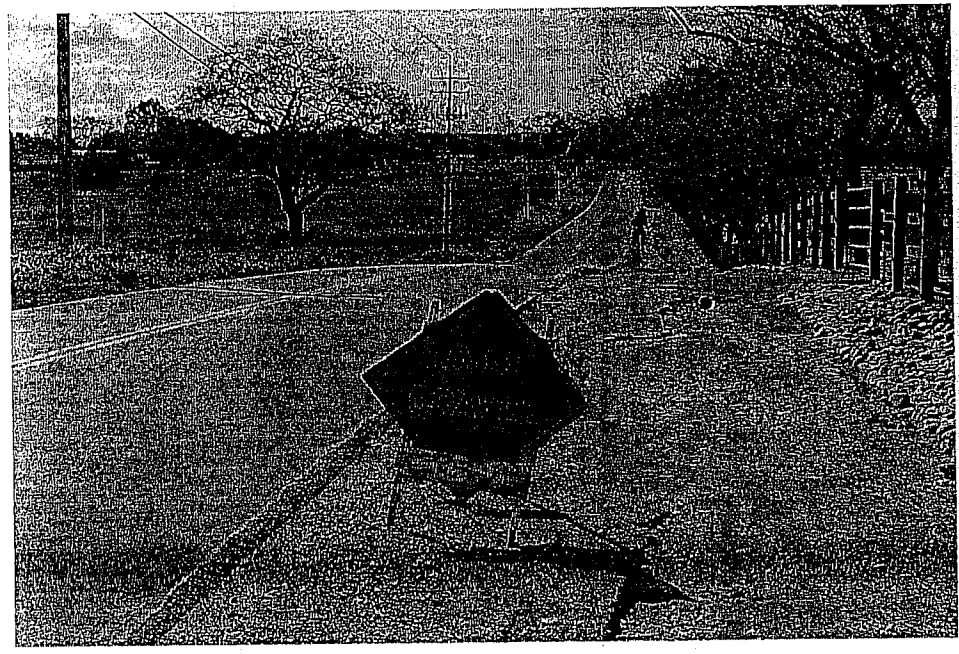


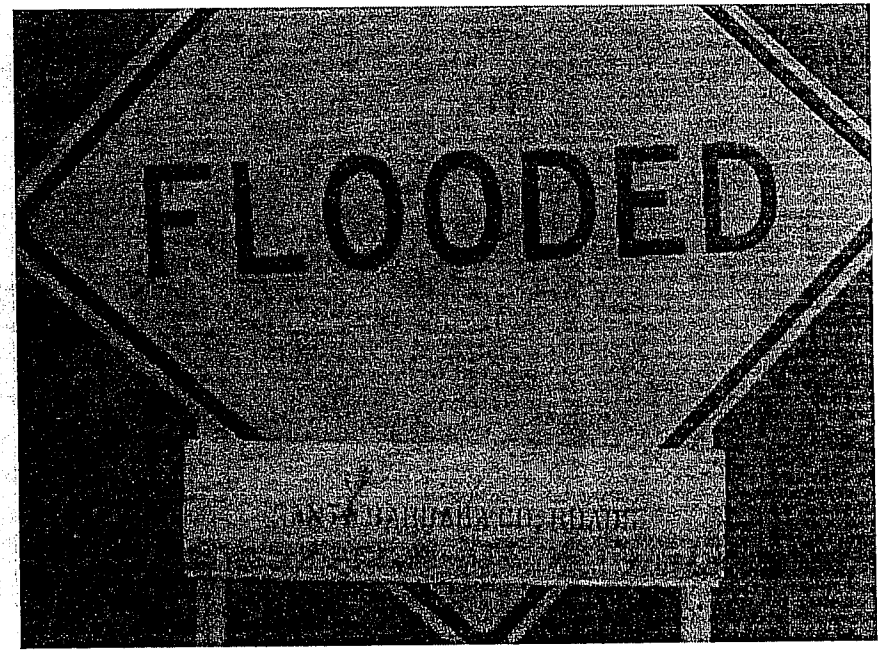
ROBLAR AVE. APPROACHING 154 (near Bridlewood Winery)
ROAD STANDARD : "road must be designed to prevent erosion"



ROBLAR AVE. APPROACHING 154 (near Edison)
ROAD STANDARD : "road must be designed to prevent erosion"

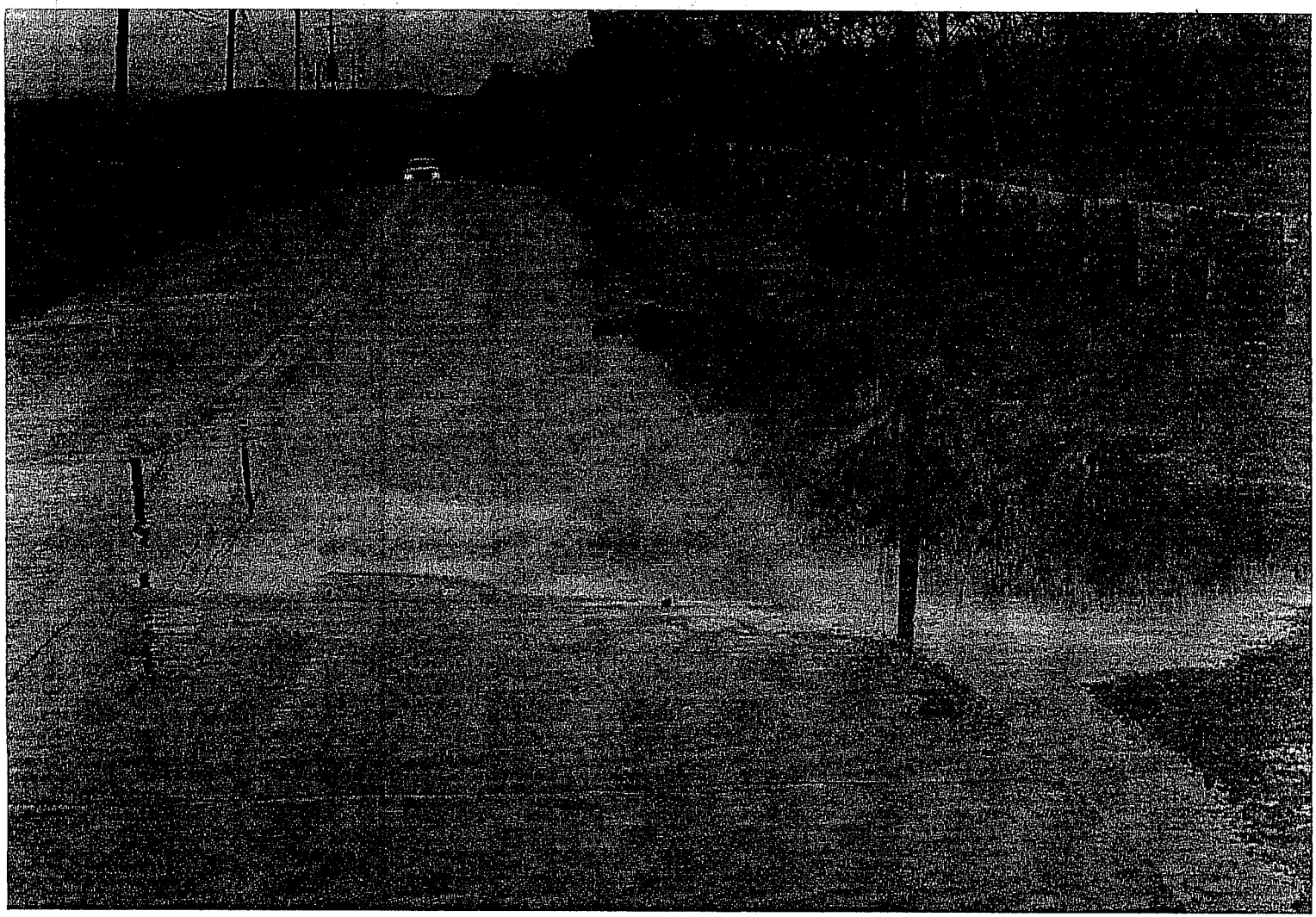
ROBLAR AVENUE --- SIGNS ROUTINELY PLACED BY PUBLIC WORKS
QUESTION : Is this characteristic of "properly designed" roads ?





ROBLAR AVENUE FLOODING -- Approaching Bridlewood Winery

NOTE: Westbound vehicle, to avoid flooded road, pulls into opposite lane as oncoming vehicle appears from invisible section of roadway (sightline problem) --- Combined approach speed = 110 mph



MORE ROBLAR AVENUE FLOODING (Different location -- there are several)
Question: Is this characteristic of "properly designed" road ?

BASELINE AVENUE

QUESTION : Is this an appropriate road to be adding drivers who are unfamiliar with the roads and who have been invited onto them to consume alcohol?

6-24 Rural Residential Roads

Rural residential roads must be designed and improved by the developer to provide a Two-lane Local Road with shoulders as follows:

a. Volumes must not be anticipated to exceed 1,000 vehicles per day.

b. Right of way must be a minimum of 52 feet. If slopes are required to be maintained or are needed for lateral support, they should be inside the right of way.

c. The roadbed surface must be 24 feet in width.

d. See Standard Detail 5-020.

e. No specific striping needs to be provided.

The road must be designed to prevent erosion when carrying a limited amount of storm water runoff. All rural residential road designs must be specifically approved by the Public Works Department.

6-25 Bike Routes

Any street having a Bike Route specified by an adopted Bikeway Element of the General Plan must be designed to meet the following as directed by the Public Works Department:

a. The development must be designed assuming that on-street parking will be prohibited, and bike lanes striped in their place.

b. Separated two-way bike routes shown on the adopted Bikeway Element of the General Plan must be incorporated in the design of the development, and

1. A 20 foot minimum right of way width provided.

2. A minimum of 10 feet of hard, maintenance-free surface provided as approved by the Public Works Department.

EXHIBIT 3

General Street Specifications

1. STANDARD SPECIFICATIONS AND STANDARD PLANS OF THE DEPARTMENT OF TRANSPORTATION, STATE OF CALIFORNIA, OF CURRENT DATE, NOT IN CONFLICT WITH DEPARTMENT OF PUBLIC WORKS PLANS AND SPECIFICATIONS, ARE INCLUDED AS DEPARTMENT OF PUBLIC WORKS STANDARD PLANS AND SPECIFICATIONS. IF THERE IS A CONFLICT BETWEEN STATE STANDARD PLANS AND SPECIFICATIONS, AND COUNTY STANDARD DETAILS, THE COUNTY STANDARD DETAILS SHALL GOVERN ON COUNTY ROADS AND THE STATE STANDARDS ON STATE HIGHWAYS.

2. CONSTRUCTION PLANS SHALL BE PREPARED IN ACCORDANCE WITH DEPARTMENT OF PUBLIC WORKS ENGINEERING DESIGN STANDARDS.

3. COMMENCEMENT OF CONSTRUCTION SHALL NOT BE AUTHORIZED UNTIL SUCH TIME THAT THE CONSTRUCTION PLANS HAVE BEEN APPROVED BY THE DIRECTOR OF PUBLIC WORKS OR HIS AUTHORIZED AGENT.

4. THE DIRECTOR OF PUBLIC WORKS SHALL BE INTERPRETED TO MEAN THE DIRECTOR OR HIS DELEGATED REPRESENTATIVES.

5. UNLESS PRIOR AUTHORIZATION HAS BEEN GRANTED BY THE DEPARTMENT OF PUBLIC WORKS, ALL ELEVATIONS AND GRADES SHALL BE BASED ON "U.S. COAST AND GEODETIC SURVEYS-SEA LEVEL DATUM ADJUSTMENT OF 1929".

6. THE ENGINEER FOR THE OWNER, DEVELOPER OR SUBDIVIDER SHALL BE HELD RESPONSIBLE FOR THE GRADE STAKES BEING PLACED AT THEIR CORRECT LOCATIONS AND ELEVATIONS, PROPERLY MARKED, FOR USE IN THE DETERMINATION OF THE PROPER LOCATION AND GRADE OF CONSTRUCTION.

7. INSPECTION AND APPROVAL BY THE DIRECTOR OF PUBLIC WORKS SHALL BE REQUESTED BY THE CONTRACTOR IMMEDIATELY PRIOR TO COMMENCING AND IMMEDIATELY AFTER COMPLETING EACH PHASE OF CONSTRUCTION.

8. UTILITIES CONSTRUCTED UNDERGROUND SHALL BE STUBBED OUT TO THE PROPERTY LINES AT EACH LOT, AND TO EACH TRACT LINE AT END OR STUB STREETS BEING CONSTRUCTED, OR THROUGH STREETS BEING CONSTRUCTED AND TRENCH BACKFILL TESTED FOR COMPACTION AND APPROVED BEFORE BASE, PAVING AND OTHER PERMANENT SURFACE CONSTRUCTION MAY COMMENCE.

9. STORM DRAIN PIPE SHALL CONFORM TO THE REQUIREMENTS OF CALIFORNIA DEPARTMENT OF TRANSPORTATION STANDARD SPECIFICATIONS, OF CURRENT DATE AND SHALL BE OF THE CLASS INDICATED ON THE PLANS. THE CONTRACTOR SHALL SUBMIT TO THE DIRECTOR OF PUBLIC WORKS CERTIFIED COPIES OF STRENGTH TESTS FOR CULVERT PIPE, PRIOR TO THEIR INSTALLATION.

COUNTY OF SANTA BARBARA, CA. – DEPARTMENT OF PUBLIC WORKS – ROADS DIV.		Approved by
1-010	General Street Specifications	Charles T Wagner 4/1/87 DIRECTOR OF PUBLIC WORKS DATE

GENERAL STREET SPECIFICATIONS (CONTINUED)

10. TRENCH BACKFILL FOR ALL STORM DRAIN OR CULVERT TRENCHING SHALL COMPLY WITH STANDARD DETAIL 1-040. UTILITY TRENCH BACKFILL REQUIREMENTS SHALL COMPLY WITH STANDARD DETAIL 1-030.

11. GRADING SHALL BE COMPLETED TO WITHIN 0.05 FEET OF FINISH SUBGRADE, TESTED FOR COMPACTION AND APPROVED BEFORE BASE, PAVING, OR ANY OTHER PERMANENT SURFACE CONSTRUCTION MAY COMMENCE. THE PAVING SUBGRADE SHALL BE FIRM, HARD AND UNYIELDING IMMEDIATELY PRIOR TO PLACEMENT OF PERMANENT SURFACING. THE STANDARD TEST FOR MAXIMUM DENSITY AND OPTIMUM MOISTURE CONTENT SHALL BE ASTM D 1557-78 METHOD "A", "B", "C", OR "D". FIELD TEST FOR IN-PLACE DENSITY AND MOISTURE CONTENT SHALL BE ASTM D 2922-81 AND D 3017-78.

12. AGGREGATE SUB-BASE SHALL CONFORM TO THE PROVISIONS OF THE STANDARD SPECIFICATIONS, CALIFORNIA DEPARTMENT OF TRANSPORTATION, AND SHALL BE PLACED IN ACCORDANCE WITH THE APPROVED STRUCTURAL SECTIONS. CLASS 1, 2, AND 3 AGGREGATE SUB-BASE SHALL CONFORM WITH CALIFORNIA DEPARTMENT OF TRANSPORTATION STANDARD SPECIFICATIONS OF CURRENT DATE.

13. AGGREGATE BASE SHALL CONFORM TO THE PROVISIONS OF THE CALIFORNIA DEPARTMENT OF TRANSPORTATION STANDARD SPECIFICATIONS, AND SHALL HAVE A MINIMUM THICKNESS OF 0.50' ON ALL ROADS AND BE COMPACTED TO 95% MAXIMUM DENSITY.

14. THE STRUCTURAL SECTION FOR PUBLIC ROADS SHALL BE AS FOLLOWS: WHEN THE TRAFFIC INDEX IS LESS THAN 5.5, THE MINIMUM THICKNESS OF A.C. SHALL BE 0.20'. WHEN THE TRAFFIC INDEX IS 5.5 OR GREATER, THE MINIMUM THICKNESS OF A.C. SHALL BE 0.30'. THE ACTUAL THICKNESS OF THE STRUCTURAL SECTIONS SHALL BE DETERMINED FROM "R" VALUES BY TEST METHOD 301 CALIFORNIA DEPARTMENT OF TRANSPORTATION RESEARCH DEPARTMENT. FOR ALL PUBLIC ROADS, 0.75' OF NATIVE SOIL SHALL BE COMPACTED TO 95% MAXIMUM DENSITY.

15. CURBS, GUTTERS, DRIVEWAYS, SIDEWALKS, ROADWAYS, ETC., SHALL BE CONSTRUCTED IN ACCORDANCE WITH DEPARTMENT OF PUBLIC WORKS STANDARD DETAILS AND SPECIFICATIONS OF CURRENT DATE.

COUNTY OF SANTA BARBARA, CA. – DEPARTMENT OF PUBLIC WORKS – ROADS DIV.		Approved by
1-010	GENERAL STREET SPECIFICATIONS	Charles T Wagner 4/1/87 DIRECTOR OF PUBLIC WORKS DATE

GENERAL STREET SPECIFICATIONS (CONTINUED)

16. CURBS, GUTTERS, SIDEWALKS, STREETS AND OTHER CONCRETE CONSTRUCTION AREAS SHALL BE CLEARED OF ALL FORMS AND DELETERIOUS SUBSTANCES AND BACKFILLED PRIOR TO FINAL INSPECTION.

17. CLASS A AND CLASS B PORTLAND CEMENT CONCRETE SHALL CONFORM WITH CALIFORNIA DEPARTMENT OF PUBLIC WORKS STANDARD SPECIFICATIONS OF CURRENT DATE. CLASS A AND CLASS B PORTLAND CEMENT CONCRETE SHALL BE NOTED AS CLASS A AND CLASS B CONCRETE IN THESE DETAILS. MAXIMUM PENETRATION SHALL BE 2" FOR UNREINFORCED CONCRETE, AND 3" FOR REINFORCED CONCRETE PER CALIFORNIA DEPARTMENT OF TRANSPORTATION STANDARD SPECIFICATIONS.

18. WHEN THE TOTAL COMPACTED THICKNESS OF ASPHALT CONCRETE IS SHOWN ON THE PLANS TO BE LESS THAN 0.25 FOOT, ASPHALT CONCRETE SHALL BE SPREAD AND COMPACTED IN ONE LAYER. ALL OTHER ASPHALT CONCRETE SHALL BE SPREAD AND COMPACTED IN LAYERS. THE TOP LAYER OF ASPHALT CONCRETE SHALL BE NOT MORE THAN 0.20 FOOT NOR LESS THAN 0.15 FOOT IN COMPACTED THICKNESS. THE NEXT LOWER LAYER SHALL BE NOT MORE THAN 0.25 FOOT NOR LESS THAN 0.15 FOOT IN COMPACTED THICKNESS UNLESS THE TOTAL THICKNESS IS SHOWN ON THE PLANS TO BE LESS THAN 0.30 FOOT, AND ANY LOWER LAYERS SHALL BE NOT LESS THAN 0.15 FOOT NO MORE THAN 0.40 FOOT IN COMPACTED THICKNESS. ASPHALT CONCRETE BASE SHALL BE SPREAD AND COMPACTED IN ONE OR MORE LAYERS. EACH LAYER SHALL NOT EXCEED 0.40 FOOT IN COMPACTED THICKNESS. THE MINIMUM THICKNESS WHEN USING PAVEMENT REINFORCING FABRIC SHALL BE 0.15 FOOT. ASPHALT CONCRETE FOR OVERLAY SECTIONS SHALL BE CONSTRUCTED WITH 1/2 INCH MAXIMUM AGGREGATE WITH MEDIUM GRADING. PAINT BINDER (ASPHALT EMULSION) SHALL BE REQUIRED BETWEEN EACH COURSE OF ASPHALT CONCRETE EXCEPT AS MAY BE PERMITTED BY THE DEPARTMENT OF PUBLIC WORKS IN CONTINUOUS PAVING OPERATIONS.

19. ALL ASPHALT PAVING SHALL BE FOG SEALED IN CONFORMANCE WITH THE STATE STANDARD SPECIFICATIONS OF CURRENT DATE, MODIFIED TO CONFORM TO COUNTY SPECIFICATIONS USED FOR ITS FOG SEAL PROGRAM OF CURRENT DATE. SAID FOG SEALING SHALL EITHER BE: A) BONDED FOR AND CONSTRUCTED AFTER SIX MONTHS AND PRIOR TO ONE YEAR FROM DATE OF ACCEPTANCE, OR B) A PAYMENT SHALL BE MADE TO THE COUNTY BASED ON THE COUNTY'S COST TO CONSTRUCT THE FOG SEAL. PAYMENT TO BE MADE PRIOR TO ROAD EXCAVATION PERMIT ISSUANCE.

COUNTY OF SANTA BARBARA, CA. – DEPARTMENT OF PUBLIC WORKS – ROADS DIV.		Approved by
1-010	GENERAL STREET SPECIFICATIONS	Charles J Wagner 4/1/87 DIRECTOR OF PUBLIC WORKS DATE

GENERAL STREET SPECIFICATIONS (CONTINUED)

20. ROADS SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE TYPICAL SECTIONS SHOWN ON DEPARTMENT OF PUBLIC WORKS STANDARD DETAILS OF CURRENT DATE, UNLESS OTHERWISE APPROVED BY THE DIRECTOR OF PUBLIC WORKS.

21. STREET NAME SIGNS, BARRICADES, TRAFFIC CONTROL AND TRAFFIC WARNING SIGNS SHALL BE PLACED IN ACCORDANCE WITH DEPARTMENT OF PUBLIC WORKS STANDARD DETAILS OF CURRENT DATE, THE STATE TRAFFIC MANUAL WITH CURRENT REVISIONS AND THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES.

22. ROUGH GRADE STAKES SHALL BE SET AS REQUIRED FOR ADEQUATE CONTROL OF PRIMARY ROADWAY GRADING OPERATIONS. FINAL GRADE STAKES SHALL BE SET AT NOT GREATER THAN 50' INTERVALS AND AT BC'S, EC'S, PI'S, CHANGES IN GRADE OR ALIGNMENT, AND AT OTHER POINTS OF CONTROL.

23. WATER FOR COMPACTION AND DUST CONTROL SHALL BE MADE AVAILABLE WITHIN THE BOUNDARIES OF THE TRACT PRIOR TO STARTING ANY EARTH MOVING OPERATIONS, OTHER THAN THAT NECESSARY FOR THE INSTALLATION OF SUBJECT WATER SOURCE.

24. PRIVATE IMPROVEMENTS OR CONSTRUCTION SHALL NOT COMMENCE UNTIL AN EXCAVATION PERMIT HAS BEEN ISSUED BY THE DIRECTOR OF PUBLIC WORKS.

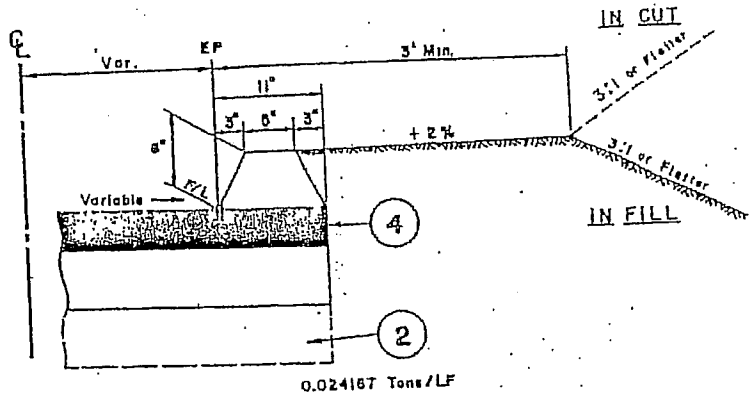
25. WITH APPROVAL OF THE COUNTY MATERIALS ENGINEER, TEST METHOD ASTM D 1557-78 MAY BE MODIFIED TO ALLOW THE USE OF CALIFORNIA TEST METHOD 370, METHOD OF DETERMINING MOISTURE CONTENT OF ASPHALT MIXTURES OR MINERAL AGGREGATE USING MICROWAVE OVENS, WHEN DETERMINING MOISTURE CONTENT OF GRANULAR SOILS IN LIEU OF OVEN DRYING PER ASTM D 2216-80.

26. ALL REINFORCING STEEL SHALL BE ASTM A 615, GRADE 60 UNLESS OTHERWISE NOTED.

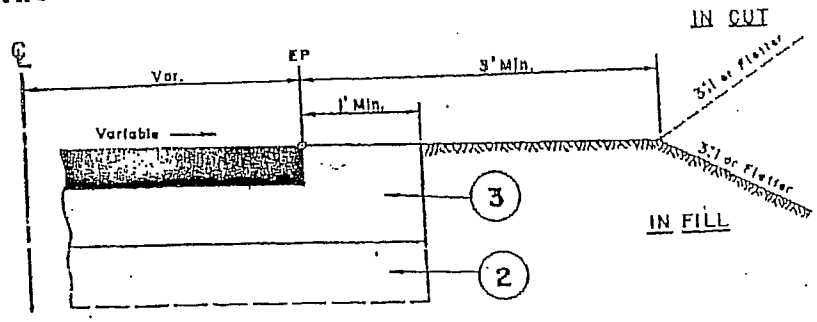
27. ALL STRUCTURE STEEL SHALL BE ASTM A 36 UNLESS OTHERWISE NOTED.

28. EXPANSIVE SOILS ARE DEFINED AS THOSE SOILS HAVING AN "R" VALUE OF LESS THAN 10. THEY ARE COMPOSED OF HIGH CLAY CONTENT AND EXPAND WITH MOISTURE.

COUNTY OF SANTA BARBARA, CA. – DEPARTMENT OF PUBLIC WORKS – ROADS DIV.		Approved by
1-010	GENERAL STREET SPECIFICATIONS	Charles J Wagner 4/1/87 DIRECTOR OF PUBLIC WORKS DATE



Type A AC Dike



Standard Edge of Pavement

NOTES

1. ALL ASPHALT CONCRETE DIKES SHALL BE IN ACCORDANCE WITH THE STANDARD SPECIFICATIONS, STATE OF CALIFORNIA, DEPARTMENT OF TRANSPORTATION.
2. COMPACTION TO 95% MAXIMUM DENSITY TO A DEPTH OF 0.75' AS REQUIRED BY THE ROADWAY SECTION.
3. THE CLASS 2 AGGREGATE BASE COMPACTED TO NOT LESS THAN 95% MAXIMUM DENSITY SHALL BE PLACED 1' BEYOND THE EDGE OF PAVEMENT WHEN AC DIKE IS NOT PLACED.
4. THE ASPHALT PAVING SHALL BE EXTENDED 1' WHEN AC DIKES ARE PLACED.

COUNTY OF SANTA BARBARA, CA. – DEPARTMENT OF PUBLIC WORKS – ROADS DIV.	Approved by
3-120 ASPHALT CONCRETE DIKE AND EDGE OF PAVEMENT	Charles T Wagner 4/1/87 DIRECTOR OF PUBLIC WORKS DATE

NOTES

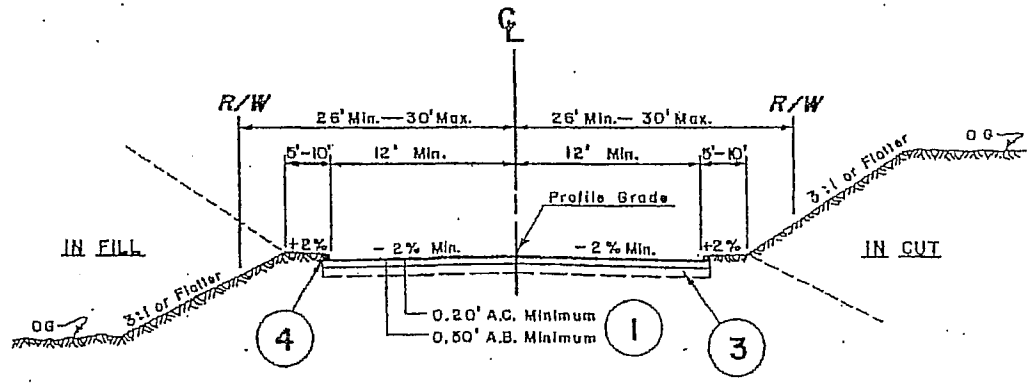
1. MINIMUM STRUCTURAL SECTION DIMENSIONS ARE PROVIDED IN STANDARD DETAIL 1-010. ACTUAL STRUCTURAL SECTION THICKNESSES SHALL BE DETERMINED BY "R" VALUES BY TEST METHOD 301, CALIFORNIA DEPARTMENT OF TRANSPORTATION. THE MINIMUM TRAFFIC INDEX VALUE SHALL BE 4.5.

2. THE MINIMUM PROFILE GRADE WHEN USING THIS SECTION SHALL BE 0.5% UNLESS OTHERWISE APPROVED BY THE DEPARTMENT OF PUBLIC WORKS.

3. 0.75' NATIVE MATERIAL SHALL BE COMPACTED TO 95% MAXIMUM DENSITY UNDER THE ROADWAY.

4. ASPHALT CONCRETE DIKES SHALL BE CLASS A PER STANDARD DETAIL 3-120. DIKES ARE REQUIRED FOR DRAINAGE CONTROL IN THIS CONDITION. WHEN DIKES ARE NOT NECESSARY, SEE STANDARD DETAIL 3-120 FOR EDGE OF PAVEMENT DETAILS.

5. THE CROSS SLOPE SHALL BE A MINIMUM OF 2%.



Typical Section

6. A NARROWER 20' WIDE ROAD MAY BE APPROVED BY THE DIRECTOR OF PUBLIC WORKS WHERE TOPOGRAPHICAL CONSTRAINTS DO NOT ALLOW CONSTRUCTION OF THE FULL 24' WIDTH AC PAVING.

7. WHERE CUT AND FILL SLOPES ARE STEEPER THAN 3:1, GUARD RAIL MAY BE REQUIRED.

8. WHERE CUT AND FILL SLOPES ARE GREATER THAN 3:1 GUARD RAIL MAY BE REQUIRED.

COUNTY OF SANTA BARBARA, CA. – DEPARTMENT OF PUBLIC WORKS – ROADS DIV.		Approved by
5-020	PUBLIC RURAL ROAD TYPICAL SECTION	Charles F Wagner 4/1/87 DIRECTOR OF PUBLIC WORKS DATE

COUNTY OF SANTA BARBARA

CENTRAL BOARD OF ARCHITECTURAL REVIEW

Meeting Date: April 08, 2011
9:00 A.M.

Solvang Municipal Court
1745 Mission Drive, Suite C
Solvang, CA 93463
(805) 934-6250

Bethany Clough, **Chair**
C. Puck Erickson-Lohnas, **Vice-Chair**
Kris Miller Fisher
Greg C. Donovan
Robin Brady

Erich Brown, **Alternate**
Lowell Lash, **Alternate**
John Karamitsos, **Supervising Planner**
Leticia I. Rodriguez, **CBAR Secretary**

- All approvals made by this Board of Architectural Review are based upon the findings required by the provisions of Chapter 35 of the Santa Barbara County Code.
- If you cannot appear for an agenda item, you must notify Planning and Development by Thursday, 12:00 (noon), one day prior to the meeting date. If you do not contact Planning and Development by this time, you will not be eligible to appear on the subsequent agenda. Two subsequent continuances are allowed.
- Projects continued to a future meeting will be agendized by Hearing Support staff per the direction of the planner. It is not guaranteed that projects will be placed on the next meeting's agenda. **Applicants must work with their planner to have projects placed on a future agenda.**
- Requests for change of scheduling should be made to Planning and Development, 624 W. Foster Road, Santa Maria, California 93455; Telephone (805) 934-6250.
- If your case appears on the Consent Agenda, please note the following: You must submit your materials for Consent Items to Planning and Development by 4:30 PM, Tuesday, three days PRIOR to the scheduled meeting date. It is recommended, but not required, that you or your representative appear at the Consent Review (8:45 AM) to answer questions if needed, and to observe the announcement regarding your item at 9:00 AM.
- In compliance with the Americans Disabilities Act, if you need special assistance to participate in this meeting, please contact the Hearing Support Staff (805) 568-2000. Notification at least 48 hours prior to the meeting will enable the Hearing Support Staff to make reasonable arrangements.
- Board of Architectural Review approvals do not constitute Land Use Clearances.
- The square footage calculations and the cut and fill cubic yardage listed in this agenda are taken from the Board of Architectural Review application submitted to our department by the project owner/applicant or architect. These figures are only an approximation and are subject to change throughout the review process. Please consult the final set of BAR approved plans for accurate figures.
- The public has the opportunity to comment on any item on today's Administrative, Consent or Standard Agenda. Speaker slips are available by the door and should be filled in and handed to the Secretary before the hearing begins. Please indicate which item you would like to address on the speaker slip and, in your testimony, which portion of the project you will be addressing in your comments. For items on the Standard Agenda, the Board of Architectural Review Chairperson will announce when public testimony can be given.
- Writings that are a public record under Government Code § 54957.5(a) and that relate to an agenda item for an open session of a regular meeting of the Central Board of Architectural Review and that are distributed to a majority of all of the members of the Central Board of Architectural Review prior to the a meeting but less than 72 hours prior to that meeting shall be available for public inspection at Santa Barbara County Planning and Development, 624 W. Foster Road, Suite C, Santa Maria, CA. Writings that are a public record under Government Code § 54957.5(a) and that relate to an agenda item for an open session of a regular meeting of the Central Board of Architectural Review and that are distributed to a majority of all of the members of the Central Board of Architectural Review during the meeting shall be available for public inspection at the back of the hearing room, at 1745 Mission Street, Suite C, Solvang, CA.

ADMINISTRATIVE AGENDA:

EXHIBIT 4

I. **PUBLIC COMMENT**: Public Comment is set aside to allow public testimony on items **not** on today's agenda. Comments will be limited to three minutes per person.

II. **AGENDA STATUS REPORT**

III. **MINUTES:** The Minutes of March 11, 2011 will be considered.

IV. **CONSENT AGENDA:**

The Representatives of the following items should be in attendance at this CBAR Meeting by 8:45 A.M.

Ferguson New Single Family Dwelling

C-1. **10BAR-00000-00183** **Garage and Grading** **Solvang**

10LUP-00000-00472 (Tammy Weber, Planner) **Jurisdiction: Ridgeline- Rural**

Request of Jim Hooker, agent for the owner, Pat Ferguson, to consider Case No. 10BAR-00000-00183 for **final approval on consent of a new single family dwelling of approximately 3,260 and detached garage of approximately 240 square feet.** No structures currently exist on the parcel. The proposed project will require approximately 2,530 cubic yards of cut and fill. The property is a 6.27 acre parcel zoned AG-I-5 and shown as Assessor's Parcel Number 137-132-006, located at **1418 Ribe Road** in the Solvang area, Third Supervisorial District. **(Continued from 01/14/11, 02/18/11, and 03/11/11)**

V. **CBAR MEMBERS INFORMATIONAL BRIEFINGS**

VI. **STAFF UPDATE**

VII. **STANDARD AGENDA:**

The Representatives of the following items should be in attendance at this CBAR Meeting by 9:15 A.M.

Canada El Capitan, LLC New Single-Family Dwelling,

1. **10BAR-00000-00129** **Detached Garage, Guest House, and Barn** **Gaviota**

10LUP-00000-00021 (Allen Bell, Planner) **Jurisdiction: Ridgeline – Rural**

Request of Newmann Mendro Andrulaitis, architect for the owner, Canada El Capitan Oaks, LLC, to consider Case No. 10BAR-00000-00129 for **further conceptual review of a new single-family dwelling of approximately 4,973 square feet, detached garage of approximately 924 square feet, guest house of approximately 800 square feet, and barn of approximately 1,422 square feet. The project also includes re-grading, expansion, and paving of an existing driveway.** The following structure currently exists on the parcel: storage shed of approximately 180 square feet. The project will require approximately 4,500 cubic yards of cut and 2,400 cubic yards of fill. The property is a 117-acre parcel zoned Unlimited (U) under Zoning Ordinance Number 661 and is shown as Assessor's Parcel Number 081-240-048, located at **500 Calle Lippizana** in the Gaviota area, Third Supervisorial District. **(Continued from 9/10/10, 02/18/11, and 03/11/11)**

2. **11BAR-00000-00031** **Sandy Beach Barn Development Plan** **Santa Ynez**

11LUP-00000-00099 (Florence Trotter-Cadena, Planner) **Jurisdiction: Scenic Corridor**

Request of Steve Wilson, architect for the owner, Sandy Beach Properties, INC., to consider Case No. 11BAR-00000-00031 for **conceptual review of a single-family dwelling remodel and addition of approximately 2,238 square feet.** The following structures currently exist on the parcel: a single family dwelling of approximately 3,110 square feet and a detached garage with an agricultural dwelling of approximately 2,795 square feet, and 3 barns of approximately 13,158 square feet. The proposed project will not require grading. The property is a 44.9 acre parcel zoned AG-II-40 and shown as Assessor's Parcel Number 141-121-039 located at **3720 Baseline Ave** in the Santa Ynez area, Third Supervisorial District.

3. **11BAR-00000-00030** **Bridlewood Winery Remodel/Addition** **Santa Ynez**

11RVP-00000-00014 (Dana Carmichael, Planner) **Jurisdiction: DVP**

Request of Steven M. Fort, Suzanne Elledge P&P Services, Inc., agent for the owner, Gallo Vineyards, Inc., to consider Case No. 11BAR-00000-00030 for **conceptual review of a winery remodel/alteration and addition of approximately 768 square feet to the existing tasting room and approximately 6,894 square feet to the existing hospitality house.** The parcel contains approximately 52,032 square feet of existing development. The proposed project will not require grading. The property is a 45.0 acre parcel zoned AG-I-20 and shown as Assessor's Parcel Numbers135-051-019, -020,and -021 located at **3555 Roblar Avenue and 3627 Roblar Avenue** in the Santa Ynez area, Third Supervisorial District.

COUNTY OF SANTA BARBARA

AGRICULTURAL PRESERVE ADVISORY COMMITTEE AGENDA
Meeting of April 1, 2011 **9:00 a.m.**

Guy Tingos, Agricultural Commissioner's Office
Susan Curtis, Planning & Development Department
Vida McIsaac, Assessor's Office
Michael Emmons, County Surveyor
Royce Larsen, San Luis Obispo Cooperative Extension

Santa Barbara County
Planning & Development
Courtyard Floor Conference Room
123 East Anapamu Street, 3rd Floor
Santa Barbara, CA 93101
(805) 568-2000

REMOTE TESTIMONY: Persons may address the Agricultural Preserve Advisory Committee by using the remote video testimony system located at Planning & Development, 624 W. Foster Road, Suite C, Santa Maria.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this hearing, please contact the Hearing Support Staff (805) 568-2000. Notification at least 48 hours prior to the hearing will enable the Hearing Support Staff to make reasonable arrangements.

The public has the opportunity to comment on any item on today's agenda. Speaker slips are available by the door and should be filled in and handed to the Secretary before the hearing begins. Please indicate which item you would like to address on the speaker slip and, in your testimony, which portion of the project you will be addressing in your comments. The Agricultural Preserve Advisory Committee Chair will announce when public testimony can be given.

Writings that are a public record under Government Code § 54957.5(a) and that relate to an agenda item for an open session of a regular meeting of the Agricultural Preserve Advisory Committee and that are distributed to a majority of all of the members of the Agricultural Preserve Advisory Committee prior to the a meeting but less than 72 hours prior to that meeting shall be available for public inspection at Santa Barbara County Planning and Development, 123 E. Anapamu Street, Santa Barbara, CA. Writings that are a public record under Government Code § 54957.5(a) and that relate to an agenda item for an open session of a regular meeting of the County Planning Commission and that are distributed to a majority of all of the members of the Agricultural Preserve Advisory Committee during the meeting shall be available for public inspection at the back of the hearing room, at 123 E. Anapamu Street, 3rd Floor, Santa Barbara, CA.

ADMINISTRATIVE AGENDA:

I. MEETING CALLED TO ORDER: *by Chair, Guy Tingos.*

II. PUBLIC COMMENTS: *Public Comment time is set aside in order to allow public testimony on items not being heard on today's agenda. Each speaker allocated 5 minutes. Total time allocated for public comments is 15 minutes.*

III. MINUTES: The Minutes of February 4, 2011 will be considered.

IV. NEW ITEMS:

1. 10AGP-00000-00016 **Gypsy Canyon New Agricultural Preserve and Consistency Rezone** **Lompoc**
10RZN-00000-00004 Stephanie Stark, Planner (805) 568-5604

Consider the request of Sonia Chantal agent/owner of Case No. 10RZN-00000-00004 regarding a new Agricultural Preserve Contract and Consistency Rezone and its consistency with the Uniform Rules. The property is 160 acres identified as Assessor's Parcel Numbers 099-060-021 & 099-070-036, zoned 110-AG with an A-II Comprehensive Plan designation located at 3200 Gypsy Canyon Road in the Lompoc area, Fourth Supervisorial District.

EXHIBIT 5

2. **91-AP-04** **Switzer Non-Renewal** **Los Olivos**
Stephanie Stark, Planner (805) 568-5604

On August 17, 2010, the APAC Chair sent a letter to the property owner and their agent stating contract 91-AP-04 is not in compliance with the Uniform Rules due to the lack of commercial agriculture on the property and they have 60 days in which to remedy the contract violation. On November 5, 2010 the APAC found the violation still exists and continues to be in non-compliance due to the lack of commercial agriculture on the property. The Committee will recommend to the Board of Supervisors that the contract be placed in non-renewal.

3. **86-AP-016** **Grimm Kentucky Ranch Agricultural Reservoir** **Santa Ynez**
11LUP-00000-00012 Tammy Webber, Planner (805) 934-6254

Consider the request of Michael Stroh, agent for the owner Charles R. Grimm, of Case No. 11LUP-00000-00002 regarding a request to develop an agricultural operations plan including a new 2.25 acre agricultural reservoir, an expansion of the oat hay planting area, introduce grape planting and fenced cattle grazing and its consistency with the Uniform Rules. The property is 135.5 acres identified as Assessor's Parcel Number 141-250-020, zoned AG-II-100 with an AC Comprehensive Plan designation located at 5400 Kentucky Road in the Santa Ynez area, Third District Supervisorial District.

V. DISCUSSION ITEMS:

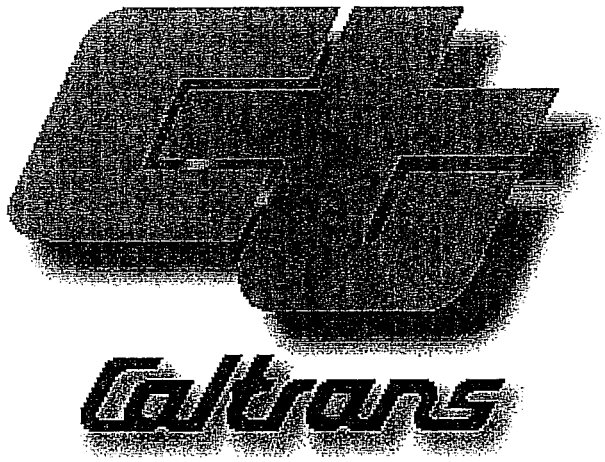
4. **76-AP-034** **DMI America LLC, Barn Conversion to Olive Oil Production Facility** **Santa Ynez**
No Planner Assigned

Request of John Borroel agent for the owner Patricia Youngman for information regarding the conversion of 3 horse barns and 1 hay barn into an Olive Oil production facility to mill estate grown and customer olives, including; mill, tank storage, bottling, shipping, offices and a 400 square foot sales tasting room with 6 customer events. The property involves Assessor's Parcel Numbers 141-041-075 & 141-041-076. The property is 80 acres, total of two lots, currently zoned AG-II-40 with an AC Comprehensive Plan designation. The property is located at 2030 Edison Street in the Santa Ynez area, Third Supervisorial District.

VI. REPORTS OF COMMITTEE MEMBERS:

Committee members may make reports to Committee regarding individual contracts requiring placement on a future agenda or on general procedural matters. No official action shall be taken on any individual matter.

The next Agricultural Preserve Committee Meeting is scheduled for May 6, 2011. Agenda requests should be submitted no later than April 21, 2011, to the South County Zoning Information Counter located at 123 East Anapamu Street, Santa Barbara, California 93101 or at the North County Zoning Information Counter located at 624 West Foster Road, Santa Maria, California 93455.



GUIDE FOR THE PREPARATION

OF

TRAFFIC IMPACT STUDIES

STATE OF CALIFORNIA
DEPARTMENT OF TRANSPORTATION

December 2002

ATTACHMENT 2

PREFACE

The California Department of Transportation (Caltrans) has developed this "Guide for the Preparation of Traffic Impact Studies" in response to a survey of cities and counties in California. The purpose of that survey was to improve the Caltrans local development review process (also known as the Intergovernmental Review/California Environmental Quality Act or IGR/CEQA process). The survey indicated that approximately 30 percent of the respondents were not aware of what Caltrans required in a traffic impact study (TIS).

In the early 1990s, the Caltrans District 6 office located in Fresno identified a need to provide better quality and consistency in the analysis of traffic impacts generated by local development and land use change proposals that effect State highway facilities. At that time, District 6 brought together both public and private sector expertise to develop a traffic impact study guide. The District 6 guide has proven to be successful at promoting consistency and uniformity in the identification and analysis of traffic impacts generated by local development and land use changes.

The guide developed in Fresno was adapted for statewide use by a team of Headquarters and district staff. The guide will provide consistent guidance for Caltrans staff who review local development and land use change proposals as well as inform local agencies of the information needed for Caltrans to analyze the traffic impacts to State highway facilities. The guide will also benefit local agencies and the development community by providing more expeditious review of local development proposals.

Even though sound planning and engineering practices were used to adapt the Fresno TIS guide, it is anticipated that changes will occur over time as new technologies and more efficient practices become available. To facilitate these changes, Caltrans encourages all those who use this guide to contact their nearest district office (i.e., IGR/CEQA Coordinator) to coordinate any changes with the development team.

ACKNOWLEDGEMENTS

The District 6 traffic impact study guide provided the impetus and a starting point for developing the statewide guide. Special thanks is given to Marc Birnbaum for recognizing the need for a TIS guide and for his valued experience and vast knowledge of land use planning to significantly enhance the effort to adapt the District 6 guide for statewide use. Randy Treece from District 6 provided many hours of coordination, research and development of the original guide and should be commended for his diligent efforts. Sharri Bender Ehlert of District 6 provided much of the technical expertise in the adaptation of the District 6 guide and her efforts are greatly appreciated.

A special thanks is also given to all those Cities, Counties, Regional Agencies, Congestion Management Agencies, Consultants, and Caltrans Employees who reviewed the guide and provided input during the development of this Guide for the Preparation of Traffic Impact Studies.

TABLE OF CONTENTS

I. INTRODUCTION

Caltrans desires to provide a safe and efficient State transportation system for the citizens of California pursuant to various Sections of the California Streets and Highway Code. This is done in partnership with local and regional agencies through procedures established by the California Environmental Quality Act (CEQA) and other land use planning processes. The intent of this guide is to provide a starting point and a consistent basis in which Caltrans evaluates traffic impacts to State highway facilities. The applicability of this guide for local streets and roads (non-State highways) is at the discretion of the effected jurisdiction.

Caltrans reviews federal, State, and local agency development projects[1], and land use change proposals for their potential impact to State highway facilities. The primary objectives of this guide is to provide:

- guidance in determining if and when a traffic impact study (TIS) is needed,
- consistency and uniformity in the identification of traffic impacts generated by local land use proposals,
- consistency and equity in the identification of measures to mitigate the traffic impacts generated by land use proposals,
- lead agency[2] officials with the information necessary to make informed decisions regarding the existing and proposed transportation infrastructure (see Appendix A, Minimum Contents of a TIS)
- TIS requirements early in the planning phase of a project (i.e., initial study, notice of preparation, or earlier) to eliminate potential delays later,
- a quality TIS by agreeing to the assumptions, data requirements, study scenarios, and analysis methodologies prior to beginning the TIS, and
- early coordination during the planning phases of a project to reduce the time and cost of preparing a TIS.

II. WHEN A TRAFFIC IMPACT STUDY IS NEEDED

The level of service[3] (LOS) for operating State highway facilities is based upon measures of effectiveness (MOEs). These MOEs (see Appendix "C-2") describe the measures best suited for analyzing State highway facilities (i.e., freeway segments, signalized intersections, on- or off-ramps, etc.). Caltrans endeavors to maintain a target LOS at the transition between LOS "C" and LOS "D" (see Appendix "C-3") on State highway facilities, however, Caltrans acknowledges that this may not always be feasible and recommends that the lead agency consult with Caltrans to determine the appropriate target LOS. If an existing State highway facility is operating at less than the appropriate target LOS, the existing MOE should be maintained.

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[1] "Project" refers to activities directly undertaken by government, financed by government, or requiring a permit or other approval from government as defined in Section 21065 of the Public Resources Code and Section 15378 of the California Code of Regulations.

[2] "Lead Agency" refers to the public agency that has the principal responsibility for carrying out or approving a project. Defined in Section 21165 of the Public Resources Code, the "California Environmental Quality Act, and Section 15367 of the California Code of Regulations.

[3] "Level of service" as defined in the latest edition of the Highway Capacity Manual, Transportation Research Board, National Research Council.

A. Trip Generation Thresholds

The following criterion is a starting point in determining when a TIS is needed. When a project:

1. Generates over 100 peak hour trips assigned to a State highway facility
2. Generates 50 to 100 peak hour trips assigned to a State highway facility – and, affected State highway facilities are experiencing noticeable delay; approaching unstable traffic flow conditions (LOS "C" or "D").
3. Generates 1 to 49 peak hour trips assigned to a State highway facility – the following are examples that may require a full TIS or some lesser analysis[4]:
   a. Affected State highway facilities experiencing significant delay; unstable or forced traffic flow conditions (LOS "E" or "F").
   b. The potential risk for a traffic incident is significantly increased (i.e., congestion related collisions, non-standard sight distance considerations, increase in traffic conflict points, etc.).
   c. Change in local circulation networks that impact a State highway facility (i.e., direct access to State highway facility, a non-standard highway geometric design, etc.).

Note: A traffic study may be as simple as providing a traffic count to as complex as a microscopic simulation. The appropriate level of study is determined by the particulars of a project, the prevailing highway conditions, and the forecasted traffic.

B. Exceptions

Exceptions require consultation between the lead agency, Caltrans, and those preparing the TIS. When a project's traffic impact to a State highway facility can clearly be anticipated without a study and all the parties involved (lead agency, developer, and the Caltrans district office) are able to negotiate appropriate mitigation, a TIS may not be necessary.

C. Updating An Existing Traffic Impact Study

A TIS requires updating when the amount or character of traffic is significantly different from an earlier study. Generally a TIS requires updating every two years. A TIS may require updating sooner in rapidly developing areas and not as often in slower developing areas. In these cases, consultation with Caltrans is strongly recommended.

III. SCOPE OF TRAFFIC IMPACT STUDY

Consultation between the lead agency, Caltrans, and those preparing the TIS is recommended before commencing work on the study to establish the appropriate scope. At a minimum, the TIS should include the following:

A. Boundaries of the Traffic Impact Study

All State highway facilities impacted in accordance with the criteria in Section II should be studied. Traffic impacts to local streets and roads can impact intersections with State highway facilities. In these cases, the TIS should include an analysis of adjacent local facilities, upstream and downstream, of the intersection (i.e., driveways, intersections, and interchanges) with the State highway.

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[4] A "lesser analysis" may include obtaining traffic counts, preparing signal warrants, or a focused TIS, etc.

B. Traffic Analysis Scenarios

Caltrans is interested in the effects of general plan updates and amendments as well as the effects of specific project entitlements (i.e., site plans, conditional use permits, sub-divisions, rezoning, etc.) that have the potential to impact a State highway facility. The complexity or magnitude of the impacts of a project will normally dictate the scenarios necessary to analyze the project. Consultation between the lead agency, Caltrans, and those preparing the TIS is recommended to determine the appropriate scenarios for the analysis. The following scenarios should be addressed in the TIS when appropriate:

1. When only a general plan amendment or update is being sought, the following scenarios are required:
   a) Existing Conditions - Current year traffic volumes and peak hour LOS analysis of effected State highway facilities.
   b) Proposed Project Only with Select Zone[5] Analysis - Trip generation and assignment for build-out of general plan.
   c) General Plan Build-out Only - Trip assignment and peak hour LOS analysis. Include current land uses and other pending general plan amendments.
   d) General Plan Build-out Plus Proposed Project - Trip assignment and peak hour LOS analysis. Include proposed project and other pending general plan amendments.
2. When a general plan amendment is not proposed and a proposed project is seeking specific entitlements (i.e., site plans, conditional use permits, sub-division, rezoning, etc.), the following scenarios must be analyzed in the TIS:
   a) Existing Conditions - Current year traffic volumes and peak hour LOS analysis of effected State highway facilities.
   b) Proposed Project Only - Trip generation, distribution, and assignment in the year the project is anticipated to complete construction.
   c) Cumulative Conditions (Existing Conditions Plus Other Approved and Pending Projects Without Proposed Project) - Trip assignment and peak hour LOS analysis in the year the project is anticipated to complete construction.
   d) Cumulative Conditions Plus Proposed Project (Existing Conditions Plus Other Approved and Pending Projects Plus Proposed Project) - Trip assignment and peak hour LOS analysis in the year the project is anticipated to complete construction.
   e) Cumulative Conditions Plus Proposed Phases (Interim Years) - Trip assignment and peak hour LOS analysis in the years the project phases are anticipated to complete construction.
3. In cases where the circulation element of the general plan is not consistent with the land use element or the general plan is outdated and not representative of current or future forecasted conditions, all scenarios from Sections III. B. 1. and 2. should be utilized with the exception of duplicating of item 2.a.

[5] "Select zone" analysis represents a project only traffic model run, where the project's trips are distributed and assigned along a loaded highway network. This procedure isolates the specific impact on the State highway network.

IV. TRAFFIC DATA

Prior to any fieldwork, consultation between the lead agency, Caltrans, and those preparing the TIS is recommended to reach consensus on the data and assumptions necessary for the study. The following elements are a starting point in that consideration.

A. Trip Generation

The latest edition of the Institute of Transportation Engineers' (ITE) TRIP GENERATION report should be used for trip generation forecasts. Local trip generation rates are also acceptable if appropriate validation is provided to support them.

1. Trip Generation Rates – When the land use has a limited number of studies to support the trip generation rates or when the Coefficient of Determination (R^2) is below 0.75, consultation between the lead agency, Caltrans and those preparing the TIS is recommended.
2. Pass-by Trips[6] – Pass-by trips are only considered for retail oriented development. Reductions greater than 15% requires consultation and acceptance by Caltrans. The justification for exceeding a 15% reduction should be discussed in the TIS.
3. Captured Trips[7] – Captured trip reductions greater than 5% requires consultation and acceptance by Caltrans. The justification for exceeding a 5% reduction should be discussed in the TIS.
4. Transportation Demand Management (TDM) – Consultation between the lead agency and Caltrans is essential before applying trip reduction for TDM strategies.

NOTE: Reasonable reductions to trip generation rates are considered when adjacent State highway volumes are sufficient (at least 5000 ADT) to support reductions for the land use.

B. Traffic Counts

Prior to field traffic counts, consultation between the lead agency, Caltrans and those preparing the TIS is recommended to determine the level of detail (e.g., location, signal timing, travel speeds, turning movements, etc.) required at each traffic count site. All State highway facilities within the boundaries of the TIS should be considered. Common rules for counting vehicular traffic include but are not limited to:

1. Vehicle counts should be conducted on Tuesdays, Wednesdays, or Thursdays during weeks not containing a holiday and conducted in favorable weather conditions.
2. Vehicle counts should be conducted during the appropriate peak hours (see peak hour discussion below).
3. Seasonal and weekend variations in traffic should also be considered where appropriate (i.e., recreational routes, tourist attractions, harvest season, etc.).

C. Peak Hours

To eliminate unnecessary analysis, consultation between the lead agency, Caltrans and those preparing the TIS is recommended during the early planning stages of a project. In general, the TIS should include a morning (a.m.) and an evening (p.m.) peak hour analyses. Other peak hours (e.g., 11:30 a.m. to 1:30 p.m., weekend, holidays, etc.) may also be required to determine the significance of the traffic impacts generated by a project.

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[6] "Pass-by" trips are made as intermediate stops between an origin and a primary trip destination (i.e., home to work, home to shopping, etc.).

[7] "Captured Trips" are trips that do not enter or leave the driveways of a project's boundary within a mixed-use development.

D. Travel Forecasting (Transportation Modeling)

The local or regional traffic model should reflect the most current land use and planned improvements (i.e., where programming or funding is secured). When a general plan build-out model is not available, the closest forecast model year to build-out should be used. If a traffic model is not available, historical growth rates and current trends can be used to project future traffic volumes. The TIS should clearly describe any changes made in the model to accommodate the analysis of a proposed project.

V. TRAFFIC IMPACT ANALYSIS METHODOLOGIES

Typically, the traffic analysis methodologies for the facility types indicated below are used by Caltrans and will be accepted without prior consultation. When a State highway has saturated flows, the use of a micro-simulation model is encouraged for the analysis (please note however, the micro-simulation model must be calibrated and validated for reliable results). Other analysis methods may be accepted, however, consultation between the lead agency, Caltrans and those preparing the TIS is recommended to agree on the data necessary for the analysis.

A. Freeway Segments – Highway Capacity Manual (HCM)*, operational analysis
B. Weaving Areas – Caltrans Highway Design Manual (HDM)
C. Ramps and Ramp Junctions – HCM*, operational analysis or Caltrans HDM, Caltrans Ramp Metering Guidelines (most recent edition)
D. Multi-Lane Highways – HCM*, operational analysis
E. Two-lane Highways – HCM*, operational analysis
F. Signalized Intersections[8] – HCM*, Highway Capacity Software**, operational analysis, TRAFFIX™**, Synchro**, see footnote 8
G. Unsignalized Intersections – HCM*, operational analysis, Caltrans Traffic Manual for signal warrants if a signal is being considered
H. Transit – HCM*, operational analysis
I. Pedestrians – HCM*
J. Bicycles – HCM*
K. Caltrans Criteria/Warrants – Caltrans Traffic Manual (stop signs, traffic signals, freeway lighting, conventional highway lighting, school crossings)
L. Channelization – Caltrans guidelines for Reconstruction of Intersections, August 1985, Ichiro Fukutome

*The most current edition of the Highway Capacity Manual, Transportation Research Board, National Research Council, should be used.

**NOTE: Caltrans does not officially advocate the use of any special software. However, consistency with the HCM is advocated in most but not all cases. The Caltrans local development review units utilize the software mentioned above. If different software or analytical techniques are used for the TIS then consultation between the lead agency, Caltrans and those preparing the TIS is recommended. Results that are significantly different than those produced with the analytical techniques above should be challenged.

[8] The procedures in the Highway Capacity Manual "do not explicitly address operations of closely spaced signalized intersections. Under such conditions, several unique characteristics must be considered, including spill-back potential from the downstream intersection to the upstream intersection, effects of downstream queues on upstream saturation flow rate, and unusual platoon dispersion or compression between intersections. An example of such closely spaced operations is signalized ramp terminals at urban interchanges. Queue interactions between closely spaced intersections may seriously distort the procedures in" the HCM.

VI. MITIGATION MEASURES

The TIS should provide the nexus [Nollan v. California Coastal Commission, 1987, 483 U.S. 825 (108 S.Ct. 314)] between a project and the traffic impacts to State highway facilities. The TIS should also establish the rough proportionality [Dolan v. City of Tigard, 1994, 512 U.S. 374 (114 S. Ct. 2309)] between the mitigation measures and the traffic impacts. One method for establishing the rough proportionality or a project proponent's equitable responsibility for a project's impacts is provided in Appendix "B." Consultation between the lead agency, Caltrans and those preparing the TIS is recommended to reach consensus on the mitigation measures and who will be responsible.

Mitigation measures must be included in the traffic impact analysis. This determines if a project's impacts can be eliminated or reduced to a level of insignificance. Eliminating or reducing impacts to a level of insignificance is the standard pursuant to CEQA and the National Environmental Policy Act (NEPA). The lead agency is responsible for administering the CEQA review process and has the principal authority for approving a local development proposal or land use change. Caltrans, as a responsible agency, is responsible for reviewing the TIS for errors and omissions that pertain to State highway facilities. However, the authority vested in the lead agency under CEQA does not take precedence over other authorities in law.

If the mitigation measures require work in the State highway right-of-way an encroachment permit from Caltrans will be required. This work will also be subject to Caltrans standards and specifications. Consultation between the lead agency, Caltrans and those preparing the TIS early in the planning process is strongly recommended to expedite the review of local development proposals and to reduce conflicts and misunderstandings in both the local agency CEQA review process as well as the Caltrans encroachment permit process.

APPENDIX "A"

MINIMUM CONTENTS

OF A

TRAFFIC IMPACT STUDY

MINIMUM CONTENTS OF TRAFFIC IMPACT STUDY REPORT

I. EXECUTIVE SUMMARY

II. TABLE OF CONTENTS

A. List of Figures (Maps)
B. List of Tables

III. INTRODUCTION

A. Description of the proposed project
B. Location of project
C. Site plan including all access to State highways (site plan, map)
D. Circulation network including all access to State highways (vicinity map)
E. Land use and zoning
F. Phasing plan including proposed dates of project (phase) completion
G. Project sponsor and contact person(s)
H. References to other traffic impact studies

IV. TRAFFIC ANALYSIS

A. Clearly stated assumptions
B. Existing and projected traffic volumes (including turning movements), facility geometry (including storage lengths), and traffic controls (including signal phasing and multi-signal progression where appropriate) (figure)
C. Project trip generation including references (table)
D. Project generated trip distribution and assignment (figure)
E. LOS and warrant analyses - existing conditions, cumulative conditions, and full build of general plan conditions with and without project

V. CONCLUSIONS AND RECOMMENDATIONS

A. LOS and appropriate MOE quantities of impacted facilities with and without mitigation measures
B. Mitigation phasing plan including dates of proposed mitigation measures
C. Define responsibilities for implementing mitigation measures
D. Cost estimates for mitigation measures and financing plan

VI. APPENDICES

A. Description of traffic data and how data was collected
B. Description of methodologies and assumptions used in analyses
C. Worksheets used in analyses (i.e., signal warrant, LOS, traffic count information, etc.)

APPENDIX "B"

METHODOLOGY FOR

CALCULATING EQUITABLE

MITIGATION MEASURES

METHOD FOR CALCULATING EQUITABLE MITIGATION MEASURES

The methodology below is neither intended as, nor does it establish, a legal standard for determining equitable responsibility and cost of a project's traffic impact, the intent is to provide:

1. A starting point for early discussions to address traffic mitigation equitably.
2. A means for calculating the equitable share for mitigating traffic impacts.
3. A means for establishing rough proportionality [Dolan v. City of Tigard, 1994, 512 U.S. 374 (114 S. Ct. 2309)].

The formulas should be used when:

- A project has impacts that do not immediately warrant mitigation, but their cumulative effects are significant and will require mitigating in the future.
- A project has an immediate impact and the lead agency has assumed responsibility for addressing operational improvements

NOTE: This formula is not intended for circumstances where a project proponent will be receiving a substantial benefit from the identified mitigation measures. In these cases, (e.g., mid-block access and signalization to a shopping center) the project should take full responsibility to toward providing the necessary infrastructure.

EQUITABLE SHARE RESPONSIBILITY: **Equation C-1**

NOTE: $T_E < T_B$, see explanation for T_B below.

$$P = \frac{T}{T_B - T_E}$$

Where:

P = The equitable share for the proposed project's traffic impact.

T = The vehicle trips generated by the project during the peak hour of adjacent State highway facility in vehicles per hour, vph.

T_B = The forecasted traffic volume on an impacted State highway facility at the time of general plan build-out (e.g., 20 year model or the furthest future model date feasible), vph.

T_E = The traffic volume existing on the impacted State highway facility plus other approved projects that will generate traffic that has yet to be constructed/opened, vph.

EQUITABLE COST: **Equation C-2**

$$C = P\ (C_T)$$

Where:

C = The equitable cost of traffic mitigation for the proposed project, ($). (Rounded to nearest one thousand dollars)

P = The equitable share for the project being considered.

C_T = The total cost estimate for improvements necessary to mitigate the forecasted traffic demand on the impacted State highway facility in question at general plan build-out, ($).

NOTES

1. Once the equitable share responsibility and equitable cost has been established on a per trip basis, these values can be utilized for all projects on that State highway facility until the forecasted general plan build-out model is revised.
2. Truck traffic should be converted to passenger car equivalents before utilizing these equations (see the Highway Capacity Manual for converting to passenger car equivalents).

3. If the per trip cost is not used for all subsequent projects, then the equation below will be necessary to determine the costs for individual project impact and will require some additional accounting.

Equation C-2.A

$$C = P\,(C_T - C_c)$$

Where:

C = Same as equation C-2.

P = Same as equation C-2.

C_T = Same as equation C-2.

C_C = The combined dollar contributions paid and committed prior to current project's contribution. This is necessary to provide the appropriate cost proportionality. Example: For the first project to impact the State highway facility in question since the total cost (C_T) estimate for improvements necessary to mitigate the forecasted traffic demand, C_C would be equal to zero. For the second project however, C would equal $P_2(C_T - C_1)$ and for the third project to come along C would equal $P_3[C_T - (C_1 + C_2)]$ and so on until build-out or the general plan build-out was recalculated.

APPENDIX "C"

MEASURES OF EFFECTIVENESS

BY

FACILITY TYPE

MEASURES OF EFFECTIVENESS BY FACILITY TYPE

TYPE OF FACILITY	MEASURE OF EFFECTIVENESS (MOE)
Basic Freeway Segments	Density (pc/mi/ln)
Ramps	Density (pc/mi/ln)
Ramp Terminals	Delay (sec/veh)
Multi-Lane Highways	Density (pc/mi/ln)
Two-Lane Highways	Percent-Time-Following Average Travel Speed (mi/hr)
Signalized Intersections	Control Delay per Vehicle (sec/veh)
Unsignalized Intersections	Average Control Delay per Vehicle (sec/veh)
Urban Streets	Average Travel Speed (mi/hr)

Measures of effectiveness for level of service definitions located in the most recent version of the Highway Capacity Manual, Transportation Research Board, National Research Council.

Transition between LOS "C" and LOS "D" Criteria

(Reference Highway Capacity Manual)

BASIC FREEWAY SEGMENTS @ 65 mi/hr

LOS	Maximum Density (pc/mi/ln)	Minimum Speed (mph)	Maximum v/c	Maximum Service Flow Rate (pc/hr/ln)
A	11	65.0	0.30	710
B	18	65.0	0.50	1170
C	26	64.6	0.71	1680
D	35	59.7	0.89	2090
E	45	52.2	1.00	2350

SIGNALIZED INTERSECTIONS and RAMP TERMINALS

LOS	Control Delay per Vehicle (sec/veh)
A	≤ 10
B	> 10 - 20
C	> 20 - 35
D	> 35 - 55
E	> 55 - 80
F	> 80

MULTI-LANE HIGHWAYS @ 55 mi/hr

LOS	Maximum Density (pc/mi/ln)	Minimum Speed (mph)	Maximum v/c	Maximum Service Flow Rate (pc/hr/ln)
A	11	55.0	0.29	600
B	18	55.0	0.47	990
C	26	54.9	0.68	1430
D	35	52.9	0.88	1850
E	41	51.2	1.00	2100

▫▫▫▫▫ Dotted line represents the transition between LOS "C" and LOS "D"

TWO-LANE HIGHWAYS

LOS	Percent Time-Spent-Following	Average Travel Speed (mi/hr)
A	35	> 55
B	> 35 - 50	> 50 - 55
C	> 50 - 65	> 45 - 50
D	> 65 - 80	> 40 - 45
E	> 80	40

URBAN STREETS

Urban Street Class	I	II	III	IV
Range of FFS	55 to 45 mi/hr	45 to 35 mi/hr	35 to 30 mi/hr	35 to 25 mi/hr
Typical FFS	50 mi/hr	40 mi/hr	35 mi/hr	30 mi/hr
LOS	Average Travel Speed (mi/hr)			
A	> 42	> 35	> 30	> 25
B	> 34 - 42	> 28 - 35	> 24 - 30	> 19 - 25
C	> 27 - 34	> 22 - 28	> 18 - 24	> 13 - 19
D	> 21 - 27	> 17 - 22	> 14 - 18	> 9 - 13
E	> 16 - 21	> 13 - 17	> 10 - 14	> 7 - 9
F	16	13	10	7

▪▪▪▪▪ Dotted line represents the transition between LOS "C" and LOS "D"

GRAY DAVIS
Governor

MARIA CONTRERAS-SWEET
Secretary
Business, Transportation and Housing Agency

JEFF MORALES
Director
California Department of Transportation

RANDELL H. IWASAKI
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Planning and Modal Programs

JOHN A. (Jack) BODA
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Division of Traffic Operations

JOAN SOLLENBERGER
Chief
Division of Transportation Planning

Additional copies of these guidelines can be copied from the internet at,
http://www.dot.ca.gov/hq/traffops/developserv/operationalsystems/

Lompoc Record.com

Revised rules kick in for wine-tasting rooms

JANUARY 01, 2010 12:00 AM • BY RAIZA CANELON/STAFF WRITER RCANDELON@LOMPOCRECORD.COM

A new California law that will change the way some tasting rooms offer their customers wine to taste, starting today, has raised concerns among a group of Los Olivos residents and 3rd District county Supervisor Doreen Farr.

Assembly Bill 1470, signed by Gov. Arnold Schwarzenegger on Oct. 12, will allow wineries' off-site tasting rooms to sell customers wine by the full glass or bottle in addition to offering wines "by the taste."

Customers will be permitted to buy wine by the glass, or consume all or a portion of a bottle of wine, on licensed premises. The provisions will become effective Jan. 1.

"This law is a huge faux pas, and I don't think the lawmakers realize the consequences of this action," said Shelley Lane, organizer of Los Olivos residents who are frustrated by the more than two dozen wine-tasting rooms in the township of about 1,000 people.

She and her group are hoping to hold a town hall meeting with Farr in January, though no date has been set.

"This brings up the bigger issue of the new law attracting more 'drinking' clientele than 'tasting,' Farr said. I understand the concerns in the community and with research we can determine if the supervisors need to look at land-use regulation."

Farr will also be meeting with local law enforcement officials to discuss how they are prepared to handle the change, she said, as well as talking with other "wine counties" such as Napa and Sonoma about how they interpret the new laws.

"There is a tasting room issue focused in Los Olivos because it's a small community, but there are other tasting rooms springing up in the Valley, and we need to look at the law in a more comprehensive way," Farr said.

Loosening the restrictions on tastings will increase the amount of drunk drivers in the rural community and the rest of the Valley and put locals as well as tourists in danger's way, Lane said.

"It's basically opening up 28 bars in Los Olivos, and tasters will be able to have as much as they want. The danger issue will become greater than the social climate issue," Lane said.

The new law expands the so-called "picnic law" signed in 2008, effective in January 2009,

to include tasting rooms operating under a "duplicate 02" license.

That law, Assembly Bill 2004, applied only to wineries' primary licensed facility and not to tasting rooms and the duplicate California winegrower's license, commonly known as a "Dup 02," according to the San Francisco law firm of Farella Braun and Martel.

Many winery-based tasting rooms in Santa Barbara County, especially those on Alamo Pintado Road between Solvang and Los Olivos, and along the Foxen Canyon Road wine trail, are licensed as primary facilities.

However, until the passage of AB 1470, the tasting rooms elsewhere, or "off-site," including many of those in Solvang and Los Olivos, were restricted to the one-ounce taste. Furthermore, while consumers at those tasting rooms could purchase wine by the bottle or case to take home, they were not able to consume wine from those bottles on the premises.

The new law allows consumers to drink wine from a purchased bottle, then re-cork it and take it home, the law firm noted.

The new law extends the state's "brown bag" privilege for consumers to drink from open wine bottles at restaurants or wine bars, and then take those partially consumed bottles home, according to the Family Winemakers Web site at www.

familywinemakers.org.

Freelance writer Laurie Jervis contributed to this report.

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II.B.14

LAW OFFICE OF MARC CHYTILO

ENVIRONMENTAL LAW

July 30, 2012

John Karamitsos, Supervising Planner
Planning and Development Department
Santa Barbara County
123 E. Anapamu Street
Santa Barbara, CA 93101

By email to johnk@co.santa-barbara.ca.us

RE: Vincent Tier III Winery Second Draft Mitigated Negative Declaration – Comments from Engineer and Traffic Expert Christopher Gayner

Dear Mr. Karamitsos,

Enclosed herewith are two reports prepared by Engineer and traffic expert Christopher Gayner of Expert Reconstruction Company LLC, commenting on the Vincent Winery Second Draft Mitigated Negative Declaration and associated traffic studies. The first report is dated March 13, 2012 and the second is dated July 27, 2012. Mr. Gayner prepared these reports at our request, on behalf of a large number of residents living in the neighborhood of the Vincent Tier III Winery.

Respectfully submitted,

LAW OFFICE OF MARC CHYTILO

Ana Citrin
Marc Chytilo

Enclosure

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Quality and Experience with Integrity

March 13, 2012

Marc Chytilo, Esq.
Law Office of Marc Chytilo
P.O. Box 92233
Santa Barbara, CA 93190

RE: Proposed Vincent Winery Project at Highway 154 and Roblar Avenue in Santa Ynez Valley, Santa Barbara County, California

Dear Mr. Chytilo:

Following is my analysis to date concerning the traffic safety implications of the proposed subject project.

QUALIFICATIONS

I have been an expert in traffic accident reconstruction, causation analysis, and human factors for the past 25 years. I am fully accredited as a Traffic Accident Reconstructionist by the Accreditation Commission for Traffic Accident Reconstruction (ACTAR). I also hold a Master of Science Degree in Mechanical Engineering from the University of California, Santa Barbara. In addition, I have completed more than 30 specialized training courses and seminars pertaining to various aspects of traffic incident analyses, including transportation, highway and traffic engineering. My complete curriculum vitae is attached; which elaborates on my education, training, and experience.

MATERIALS REVIEWED / INVESTIGATION

- Staff Report of 4/6/2011 for Vincent Tier III Winery (Revised Project Description).
- Proposed Planning Commission Findings of 4/6/2011.
- Mitigated Negative Declaration of 3/21/2011.

- Penfield and Smith Traffic Studies of 6/9/2011 and 7/21/2011.
- Santa Barbara County Public Works Transportation Division, Engineering Design Standards, September 2011.
- Driveway and Street Intersection Spacing, Transportation Research Circular.
- Caltrans, SWITRS and other traffic accident data.
- Traffic analysis and traffic data from the aforementioned reports and from firsthand field observations.
- Public comment letters sent to Planning Commission regarding the Project.
- Statistics, literature and articles pertaining to the subject project, Highway 154, Santa Ynez Valley, wineries, and other related topics.
- Statistics, literature and articles pertaining to the negative impacts of BAC (Blood Alcohol Content) impairment and DUI.
- Technical comment of traffic study by Steve Orosz.
- Project site inspections conducted on 12/26/2011 and 01/18/2012 with photographs (copies enclosed) and measurements.
- General site "inspections" and observations from being a 20 year resident of Santa Barbara County and 20 year traffic accident reconstruction expert in Santa Barbara County.
- Google Map and Google Earth diagrams and satellite photos.
- A Policy on Geometric Design of Highways and Streets (the AASHTO "Green Book").
- California Manual on Uniform Traffic Control Devices ("MUTCD" from California Department of Transportation).

BACKGROUND

There has been an abundance of background information presented regarding this project in the aforementioned list of materials and presumably in the Planning Commission hearings to date. I assume the readers of this report are already familiar with the overall project description and the general location layout. Therefore I will not repeat all that information here.

ABSTRACT

The Vincent Winery Project Proposal and corresponding Traffic Impact Analysis and Documentation are flawed and problematic because they do not adequately address and satisfy the intent of Santa Barbara County ordinance requirements of at least two key relevant findings, as stated verbatim:

"Streets and highways will be adequate and properly designed to carry the type and quantity of traffic generated by the proposed use."

"The proposed project will not be detrimental to the comfort, convenience, general

welfare, health, and safety of the neighborhood and will not be incompatible with the surrounding area."

In addition, the project environmental review documents and analyses do not fully address nor satisfy at least two aspects of the County's Environmental Thresholds and Guidelines Manual pertaining to significant traffic impacts (items b and c, at page 170) which states a significant traffic impact occurs when:

"b. Project access to a major road or arterial road would require a driveway that would create an unsafe situation, or would require a new traffic signal or major revisions to an existing traffic signal.

c. Project adds traffic to a roadway that has design features (e.g. narrow width, road side ditches, sharp curves, poor sight distance, inadequate pavement structure) or receives use which would be incompatible with substantial increases in traffic (e.g. rural roads with use by farm equipment, livestock, horseback riding, or residential roads with heavy pedestrian or recreational use, etc.) that will become potential safety problems with the addition of project or cumulative traffic."

As will be discussed in the Analysis section of this report there are conflicts with each of these four County regulatory criteria specific to the Vincent Winery project.

On a broader scope, there appears to be the lack of a comprehensive traffic assessment for Santa Ynez Valley with respect to the proliferation of wineries which generate a particular type of traffic when the project includes tasting rooms and special events. The net cumulative effect on traffic safety (amongst other issues) of all current and proposed winery facilities needs to be thoroughly considered in addition to just the microcosm of each winery. The Vincent Winery project reports, documents and recommendations seem to only focus on the latter, that is, the micro-perspective of Vincent Winery with respect to the Roblar-Refugio-Highway 154 intersection confines. But even this narrowly focused analysis presented in the documentation is rather generic and cursory at best.

I understand there are several other wineries with applications under consideration that may affect the same intersections as the Vincent Winery, among others. Many of the operational concerns raised below with respect to the Vincent Winery's traffic impact on regional facilities also apply to other similar projects that impact these same regional facilities.

ANALYSIS & DISCUSSION

The subject intersection of Highway 154 with Roblar Avenue and Refugio Road is an atypical anomaly that deserves careful scrutiny in that it is formed by the confluence of five roadway paths (six if you consider the nearby existing main driveway of Vincent Winery). North and southbound SR 154, eastbound Roblar Avenue, northbound Roblar

Avenue and southbound Refugio Road converge in a tight "H" shaped pattern east of SR 154 with Roblar and Refugio locally parallel to Highway 154 and separated from it by only about 70 feet (see the various exhibits from Google Earth satellite photos, engineering drawings and site photographs). This intersection geometry is potentially very confusing, especially for naïve first time users or wine-impaired drivers, and creates a relatively high potential for conflicts to occur between vehicles/drivers, particularly within that 70 foot segment of "no person's land". During my first specific site visit, within the time span of one hour, I observed several near conflicts between a variety of the multi-user types present at this subject intersection (including cars, SUVs, trucks, farm vehicles, limousines, motorcycles, and bicycles). Other users that are expected to create additional conflicts at times at this intersection include pedestrians and equestrians.

One significant problem is that drivers turning east off of Highway 154 have a very short distance and time to perceive, react, and respond to navigational tasks *and* the current traffic conditions within the intersection. For a hypothetical example, take a northbound Highway 154 vehicle driven by a naïve Southern California driver who is looking for the entrance to the Vincent Winery. Immediately after turning right off 154, the driver is faced with the navigational decision-making process of turning left across traffic onto Refugio Road and then again turning immediately to the right into the Vincent driveway. The driver may know this complicated sequence of turns in advance but quite likely will be ascertaining the route on the fly. In this latter situation there would be an added level of distraction, for example, if they are relying on a GPS navigation device or worse a hard copy map or printed directions. At the same time, there may very well be vehicles queued up at the 154 stop sign or at the Refugio stop sign, along with northbound Roblar vehicles rounding the S-curve leading into the intersection. These conditions may potentially block the approach and access to northbound Refugio, forcing this driver to come to a complete halt shortly after exiting the 55 mph Highway 154. This is a dangerous situation.

First, there is the potential confusion about who has the right of way when this intersection gets clogged from multiple directions. Second, if the hypothetical driver described above has to stop immediately after turning off of 154 to yield to other vehicles on Roblar then the so-called "stacking" phenomenon would propagate back to 154 thereby exacerbating an already potentially dangerous situation by forcing other northbound vehicles to stop on the east shoulder of 154, straddle the east shoulder or stop within the northbound lane of SR 154. It is erroneous to assume that all other drivers intending to turn right onto Roblar will utilize the east shoulder in this situation as was inferred in the March 21, 2011 Draft Mitigated Negative Declaration on page 33. Any built up congestion spilling out onto SR 154 presents potential speed discrepancy conflicts with the remainder of through traffic on 154 that is attempting to traverse the intersection at (or possibly above) the 55 mph speed limit. This entire scenario would be compounded during events at Vincent Winery when one would expect bursts in local travel volume and increased turning movements in the immediate vicinity of the project and this intersection.

There are probably a dozen other hypothetical situations that could develop at this problematic intersection with equally significant safety implications or disruptions to smooth traffic flow. Adding more traffic volume in any amount to this localized maze is only inviting an accident to happen, particularly after a winery event when one could also reasonably anticipate that some drivers will be under the influence of alcohol to some extent or another.

In addition to the aforementioned safety concerns with the intersection geometry, there are other problems that were either overlooked or downplayed in the staff reports and other analyses that I have reviewed to date.

The existing Vincent Winery driveway on Refugio Road is too close to the intersection of Refugio and Roblar. This distance is approximately 100 feet from the south edge of the winery driveway to the stop limit line at the intersection of Refugio and Roblar. A policy on Geometric Design of Highways and Streets (the AASHTO Green Book, 6th Edition) states the following on page 2-72:

"Locate driveways and major entrances to minimize interference with traffic operations. Driveways and entrances should be located away from other intersections to minimize crashes, to reduce traffic interference, and to provide for adequate storage lengths for vehicles turning into entrances."

Actually this driveway proximity problem plays right into the previous discussion regarding the already complicated nature of the subject intersection and the predictable hazards when the traffic volume spikes. One hundred feet is clearly an inadequate storage length for situations where numerous vehicles are turning into or out of the winery entrance, compounded by the considerable number of oversize vehicles in the local fleet, ranging from farm equipment, livestock trailers, construction equipment and other large vehicles that would fill the 100 foot storage area quickly.

Another issue is sightline considerations. Under the category of "Inadequate sight distance?" on page 32 of the March 21, 2011 Draft Mitigated Negative Declaration, the column was checked for "Less Than Significant", without any discussion or explanation. The report only states that "Refugio Rd. meets all sight distance requirements". In addition, the sight distance analysis contained in the Revised Traffic Analysis report by Penfield & Smith dated July 27, 2011 only considered sight distances along SR 154 as viewed to/from vehicles stopped at the Roblar limit line.

There are at least three other marginal sight line situations of concern that apparently were not specifically considered by either report: (1) Looking north along Refugio from the existing Vincent Winery driveway, (2) Eastbound along the curve of Roblar Avenue just to the south of the subject intersection, and (3) Westbound along the curve of Roblar Avenue just to the south of the subject intersection. (See Google Earth satellite image and site photos).

In the first situation, for vehicles exiting the existing Vincent Winery driveway there are

landscape sight obstructions (shrubs, trees, mailbox and fence) to the north of the driveway along the east side of Refugio that restrict the view between there and southbound Refugio traffic (see photographs of site taken on 12/26/2011). This creates a blind driveway situation and associated hazards for drivers exiting the winery that fail to adequately see southbound Refugio vehicles and vice versa for southbound Refugio drivers who fail to see vehicles exiting the winery.

The next two sight line situations pertain to the curve on Roblar just south of the subject intersection. As can be seen clearly in any of the aerial photographs, Roblar turns from a southeast orientation to an east-west orientation commencing approximately 100 feet from the subject intersection. There are trees and other vegetation along the inside of this curve that create horizontal sight obstructions for vehicles traveling both directions on Roblar.

For eastbound Roblar traffic, this sight obstruction affects the visibility to/from vehicles exiting from what is currently the south service entrance to Vincent Winery (see photographs taken of the site on 1/18/2012). If this is a proposed ingress/egress driveway to the winery for tasting and/or special events then the sight line limitation could be problematic. This would particularly be a concern under the scenario where a winery guest intends to turn left onto Roblar from this driveway at the same time that another vehicle is traveling around the curve heading east on Roblar.

For westbound Roblar traffic, this sight obstruction creates a "blind curve" leading into the subject intersection where other westbound Roblar vehicles may already be stacked up and backed up into the curve itself. This situation could be particularly problematic if the current service driveway is used to vacate a significant number of vehicles from the winery at the conclusion of an event.

The existence of vegetation overhanging roadways, in defiance of the County's requirement of a 10' clear zone to the side of all travel lanes, further obstructs visibility in the vicinity of this and many Santa Ynez Valley intersections.

Another safety concern regarding the subject intersection is the current configuration with the stop sign controlled access to SR 154 for Roblar Avenue on each side of SR 154. SR 154 has a speed limit of 55 mph but most likely has many vehicles that are traveling much faster than that. It is tricky to enter a busy highway containing high speed traffic when starting from a stop and turning right. It is more difficult to turn left in that situation across one lane of opposing traffic and then merge into the flow of traffic on the far side. But perhaps the most precarious of all is to traverse the intersection from one side to the other by going straight through.

At this intersection, the total distance that a vehicle must travel straight across to completely and safely clear the intersection is approximately 100 feet. Using a normal passenger vehicle acceleration rate of 0.15 G's, this takes about 6.5 seconds or more. According to the various reports, the current ADT for SR 154 is in the range of 8500 vehicles. If that daily volume is divided by 16 hours (i.e. neglecting approximately 8

hours of late night – early morning down time) the result is approximately 530 vehicles per hour. That is approximately 9 vehicles per minute or one vehicle every 6.6 seconds. It is a rough calculation but the point is that currently on average there is barely enough gap time for vehicles to cross the intersection. The addition of the Vincent Winery and several other proposed wineries in this general vicinity will undoubtedly increase the number of vehicles that attempt to cross SR 154 in either direction to visit other nearby wineries. For example, it should be noted that the existing Roblar Winery is directly across Highway 154 from the proposed Vincent Winery project and other existing or proposed wineries located nearby on the east side of SR 154.

I have been advised that the County may be contemplating restriping the SR 154/Roblar intersection to allow splitting the stopped Roblar turning traffic and potentially reducing stacking queues. The existence of two lanes of vehicles turning opposite directions or crossing SR 154 will create additional hazards from the blocking of sight lines from the adjacent vehicle. Given the notable presence of large and tall vehicles in the Valley, this is a serious concern - smaller vehicles will need to position forward of an adjacent taller vehicle to see around it, potentially intruding into the travel lanes.

Other operational challenges at the SR 154 Roblar intersection also include the potential for conflicts between left-turning vehicles stacked on SR 154 turn pocket lanes and Roblar through traffic at a location where high speed traffic is traversing the area periodically.

Another traffic safety concern in the vicinity of the Vincent Winery project and other proposed projects is road width and lane widths. A survey of Roblar Avenue, Baseline Avenue, Mora Avenue and Edison Street to the southeast of the subject intersection reveals that the average road width for these arteries is approximately 20.5 feet, which yields lane widths of 10 feet or less (See enclosed map with road width data).

The AASHTO Green Book states the following: "The lane width of a roadway influences the comfort of driving, operational characteristics, and, in some situations, the likelihood of crashes". (6^{th} Edition Section 4.3, copy enclosed)

Twelve feet (or greater) lane widths are fairly standard and certainly more optimal from a safety standpoint, particularly in a multi-user/multi-vehicle environment ranging from large commercial vehicles to bicycles. It is well known that this area of Santa Ynez valley is popular amongst both road bicyclists and equestrians.

Narrower roads are also problematic due to the degradation of road edge pavement structure caused by vehicles cumulatively driving so close to the outside edges. When this occurs it further narrows the effective travel width of the lane for all vehicles and diminishes the right edge safety corridor for bicyclists. Unpaved shoulders that are slippery during wet conditions further increase risks to unfamiliar motorists and anyone making emergency maneuvers.

Although a detailed analysis is beyond the scope of my current assessment and report,

I also point out that the analyses presented to date regarding LOS, traffic volume capacity, and traffic volume projections associated with the Vincent project are subject to question. In particular the LOS design capacities seem to be inordinately high and the projected increases in ADT seem to be very conservatively low. Since presumably the objective of opening a tasting room and events center is to increase the business presence and promote the winery brand, undoubtedly traffic will increase over time. The relatively low trip generation projections do not appear to fully reflect the probable increases in trips associated with the project and other similar projects in the region. The LOS analysis appears designed to conclude that there is ample design capacity; however the on-the-ground experience demonstrates that reliance on LOS classifications for these roadways can be misleading.

It was also noted in the Draft Mitigated Negative Declaration (page 36) that "Currently the County does not have an adopted criteria standard for weekend traffic conditions." Yet weekend traffic conditions would most likely be the most important with respect to the project. It was also noted on page 34 of that document that their traffic section analysis derives, in part from "a County authorized area-wide winery traffic count completed by Penfield and Smith in the **early 2000's**", which hardly seems current and relevant to **2012** conditions.

Also referring to the Draft Mitigated Negative Declaration (page 37), for reasons previously discussed above, I question the existence of a factual basis for their conclusion that "The project does not propose unsafe driveways; impede pedestrian, bicycle or transit access; nor would it otherwise cause or exacerbate an unsafe traffic condition."

Referring again to the Penfield and Smith Revised Traffic Analysis report dated July 27, 2011 (pages 10-11), under the section "Accident Data", based on Caltrans statistics for the 2007-2010 period, it indicates that for the subject intersection the accident rate is 0.35 compared to 0.30 statewide average. That is 17% higher than the statewide average, which is arguably more than "slightly above" as their report indicates. And it appears that the Caltrans data did not include all of the accidents. Following that is Penfield and Smith's synopsis of CHP accident data in which Penfield and Smith indicate 14 accidents were reported from 2000 to 2010. However, the attached reference document (raw report dated 4/25/2011) indicates 24 accidents at/near the intersection of SR 154 and Roblar, including one fatal and two with alcohol involvement.

This brings up the final relevant topic of discussion and perhaps the most significant safety issue with respect to the proposed Vincent Winery project (and Valley wineries in general), which was essentially ignored by the reports and assessments presented to date – that is, alcohol. Compounding all of the previously addressed highway safety issues is the potential infusion of alcohol and impaired drivers into the equation.

Referring back to Santa Barbara County ordinance requirements regarding the ***type*** and ***quantity*** of traffic generated by the proposed use, a winery with tasting room and/or events will generate intoxicated drivers. Multiple vehicles with drivers impaired

and/or under the influence are certainly not a desirable type or quantity of traffic to inject into the local transportation system.

The negative statistics on alcohol-impaired drivers and DUI are abundant and very sobering. Following are some Traffic Safety Facts from the U.S. Department of Transportation, National Highway Traffic Safety Administration for 2009:

- One third of U.S. traffic fatalities (10,839 deaths) were alcohol-related.
- An average of one alcohol-impaired-driving fatality occurred every 48 minutes.
- Fourteen percent of child traffic deaths (184 children age 0-14 years) involved alcohol-impaired drivers.
- California had the highest number of total traffic fatalities (3081 people) of any state in 2009.
- Thirty-six percent of the California fatality incidents (1118 people) involved drivers with BAC of 0.01 or greater.
- Only 1% of impaired drivers are arrested for DUI.

Locally, it has been reported that from 2007-2009, there were 105 impaired or drunk driver crashes on the 32 mile length of Highway 154 in Santa Barbara County. During the 20 year period that I lived and worked in Santa Barbara as an accident reconstruction expert, I personally investigated numerous traffic accidents (some fatal) involving wine tasters traveling on or around SR 154 between Los Olivos and Santa Barbara. It is my professional opinion that the roads and intersections in the Santa Ynez Valley generally, and surrounding the project in particular, are not typical in their geometry and configuration, making them more challenging for all non-local drivers than roads of uniform width, typical condition and ordinary geometry. Further, I believe that increasing the number of drivers imbibing alcohol increases the probability of accidents and thus the risk to public safety.

From 2006 to 2010, local CHP officers made 4284 DUI arrests. If the national estimate mentioned above for percentage of drivers under the influence who actually get arrested is even remotely accurate for Santa Barbara County, there must be a frightening number of undetected drunk drivers out there who are rolling the dice with everyone's safety. Even though many of them get away with it, studies have shown that drivers with even a relatively low BAC level are much more likely to be in or cause a traffic accident compared to sober drivers. Yet innocent sober drivers and their passengers are often the unsuspecting victims of these accident events. It certainly calls into question whether knowingly approving the insertion of more wine-tasting-impaired

drivers into the County's transportation network is good public policy.

One of the more recent traffic accidents at the subject intersection of SR 154 and Roblar Avenue occurred on Saturday, October 9, 2011, at approximately 3:30 p.m., when a non-local driver, who reportedly admitted to having a glass of wine with lunch, pulled out onto SR 154 from the east side of the intersection into the path of a northbound Highway 154 vehicle. This T-Bone collision resulted in four people being injured, one seriously.

Finally, anyone who has actually been to the Vincent Winery project site for a firsthand view can't help but notice that there is already one white cross denoting a fatal traffic collision there, ominously located on the northeast corner almost directly across the street from the Vincent Winery driveway. Who's next?

SUMMARY

From a transportation safety perspective, as outlined in this report, there are many potential pitfalls to the Vincent Winery project proposal that need to be analyzed much more rigorously than has been done to date. The project's likely impacts on the safety of local roadways appear to be substantially understated. Moreover, in addition to assessing these winery projects on a case by case specific basis, the County should prepare a cumulative assessment of all existing and proposed winery tasting rooms throughout the Santa Ynez Valley and the widespread implications of such on traffic safety and other quality of life issues.

This preliminary analysis is based on the information reviewed to date. If additional information becomes available in the future it may be necessary to amend, supplement or revise the opinions contained herein.

If you have any questions regarding the enclosed, please feel free to contact me.

Sincerely,

Christopher Gayner

Christopher Gayner
CEO/Senior Engineer
Expert Reconstruction Company LLC

Enclosures

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Owner / Senior Engineer

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Civil & Criminal Cases. Plaintiff or Defense.

AUTOMOTIVE SAFETY RESEARCH Inc, Santa Barbara, CA

Vice President / Collision Reconstruction Specialist

1987 to 1999

Traffic Accident Reconstruction and Collision Safety Expert with more than 600 detailed technical case analyses performed over a twelve-year period. Accident reconstruction & causation analyses, human factors, occupant protection system evaluations, including: seat belts, airbags, and vehicle interior design. Airbag tank testing. Speed and Delta-V calculations, computer reconstructions and simulations, occupant kinematics, product defects, accident scene and vehicle damage assessments. Deposition, arbitration, and trial experience throughout the United States.

EDUCATION

UNIVERSITY OF CALIFORNIA, Santa Barbara, CA

Degree: Master of Science, Mechanical Engineering, 1988

Specific Areas of Study: Dynamics and Robotics

Master's Thesis: Occupant Kinematics and Dynamics in Automobile Collisions.

MONTANA STATE UNIVERSITY, Bozeman, MT

Degree: Bachelor of Science, Mechanical Engineering, 1986

Outstanding Graduating Senior Award, College of Engineering

SPECIAL TRAINING

NORTHWESTERN UNIVERSITY TRAFFIC INSTITUTE, Evanston, IL

Traffic Accident Reconstruction I, December 1987

Traffic Accident Reconstruction II, July 1988

ENGINEERING DYNAMICS CORPORATION, Lake Oswego, OR

Computer Reconstructions (EDCRASH), January 1989

Computer Simulations (EDSMAC), August 1989

SOCIETY OF AUTOMOTIVE ENGINEERS, Detroit, MI

Product Liability and the Engineer, February 1990

Injuries, Anatomy, Biomechanics, and Federal Regulations, March 1990

Automobile Vehicle Dynamics, April 1992

Sensor Design for Automobile Air Bag Systems, January 1996

Air Bag Design and Performance, August 1997

Photogrammetry in Accident Reconstruction, September 1998

Accident Reconstruction: State of the Art, December 1999

SOCIETY OF ACCIDENT RECONSTRUCTIONISTS

Conference, Traffic Engineering Seminar and Staged Crash Tests

College Station, TX, June 1990

SOUTHWESTERN ASSOCIATION OF TECHNICAL ACCIDENT INVESTIGATORS, INC.

Conference, Human Factors Seminar and Staged Crash Tests

Phoenix, AZ, July 1990

San Diego, CA, March 1991

UCSD SCHOOL OF MEDICINE, La Jolla, CA

Accidental Injury: Biomechanics and Prevention

November 1991

35TH STAPP CAR CRASH CONFERENCE, San Diego, CA

November 1991

BH_2VK CRASH TESTING PROJECT, San Bernardino, CA

August 1992

CUYAHOGA VALLEY JOINT VOCATIONAL SCHOOL, Brecksville, OH

Automotive Mechanics, March 1976

SANTA BARBARA CITY COLLEGE, Santa Barbara, CA

Mind/Supermind Adult Education Lecture Series. Presentations in psychology and human consciousness. 1997-2007.

CONFLICT MANAGEMENT INSTITUTE, Santa Barbara, CA

Mediation Training: Transformative Style, March 2008

FORENSIC EXPERT WITNESS ASSOCIATION, San Francisco

Web 2.0 Basics Seminar, March 2010

ARC-CSI CRASH CONFERENCE, Las Vegas, NV

Full scale vehicle crash testing & training seminars, May 2010 & May 2011.

CALIFORNIA ASSOCIATION OF ACCIDENT RECONSTRUCTION SPECIALISTS & CALIFORNIA DEPARTMENT OF INSURANCE, Anaheim, CA

Collision Fraud Investigation, August 2010

CUESTA COLLEGE, San Luis Obispo - Paso Robles, CA

Introduction to Psychology, August - December 2010

Human Anatomy with Laboratory, January - May 2011

CALIFORNIA ASSOCIATION OF ACCIDENT RECONSTRUCTION SPECIALISTS, Garden Grove, CA

Railroad Crash Investigation, February 2011

ARAS 360 TECHNOLOGIES INC., Kamloops, B.C. Canada

3-D Animation / Simulation Training Seminar, Santa Ana, CA, April 2011

Advanced 3-D Computer Diagramming and Animation, Inglewood, CA, January 2012

Nikon Total Station Training Seminar and Certification, Inglewood, CA, February 2012

COLLISION SAFETY INSTITUTE:

CDR-TRAINING.COM / FACTUAL DIAGRAMS.COM

Crash Data Retrieval Technician Level I & II Training, Baldwin Park Police Department, Baldwin Park, CA, February 2012.

RESEARCH PROJECTS, LECTURES, ARTICLES

"A Computer Graphics Program for Simulating Occupant Kinematics and Dynamics in Automobile Collisions", Master's Project, Department of Mechanical Engineering, UCSB, 1988

"Review of Methods for Crush Analysis of Automobile Structures," Research Paper, Special Topics in Finite Element Analysis, UCSB, 1988

"Anatomy, Dynamic Behavior, and Injury Mechanisms of the Neck and Cervical Spine (With an Emphasis on Motor Vehicle Accidents)," Seminar Presentation, Physiological Basis in Biomedical Engineering, UCSB, 1988

"Accident Analysis Overview," Lecture Presentation, California Association of Licensed Investigators (CALI), Goleta, CA, 1989

"Safety 101: Laws That Save Lives", Article, San Luis Obispo County Bar Association, Bar Bulletin, July-August 2008

"Expert Traffic Accident Reconstruction". Lecture Presentation, Case Studies and Computer Animation Demonstrations, Santa Barbara Trial Lawyers, Santa Barbara, CA, May 2011

OTHER EMPLOYMENT

UNIVERSITY OF CALIFORNIA, Santa Barbara, CA

Graduate Teaching Assistant

Teaching assistant and tutor for undergraduate university level mechanical engineering courses: Engineering Mechanics (Statics), Engineering Mechanics (Dynamics), Computer-Aided Design and Manufacturing.

PACIFIC DESIGN ENGINEERING, Camarillo, CA

Engineering Consultant

Designed components and accessories for wheelchairs and other devices for disabled persons. Provided vendor liaison, initiated prototype development, performed engineering analyses and technical engineering drafting.

FLATHEAD VALLEY COMMUNITY COLLEGE, Kalispell, MT

Math Lab Director, Math, Physics, and Chemistry Tutor, Geology Lab Assistant, Bus Driver.

Managed College Tutorial Learning Center. Assisted students with learning disabilities and learning disadvantages through individual and group tutoring programs. Maintained and assisted Geology Department Laboratory operations. School bus driver and teaching assistant for Geology field trips.

COMINCO AMERICAN, INC., Gabbs, NV

Geologic Engineering Technician

Precious Metals Exploration, Engineering Land and Topographic Surveys, Geo-Physical Surveys, Atomic Spectroscopic Sampling and Analysis. Vehicle and Technical Equipment Operator.

U.S. FOREST SERVICE, Flathead National Forest, MT

Surveyor/Engineering Technician

Preliminary Logging Road Surveys, Preliminary Road Design, Bridge Analyses and Surveys, Truck & Equipment Operator.

NATIONAL PARK SERVICE, Glacier National Park, MT

Civil Engineering Technician

Highway Construction and Maintenance, Truck and Heavy Equipment Operator, Pilot Car Operations, Traffic Control, Flagman, Sign Installation.

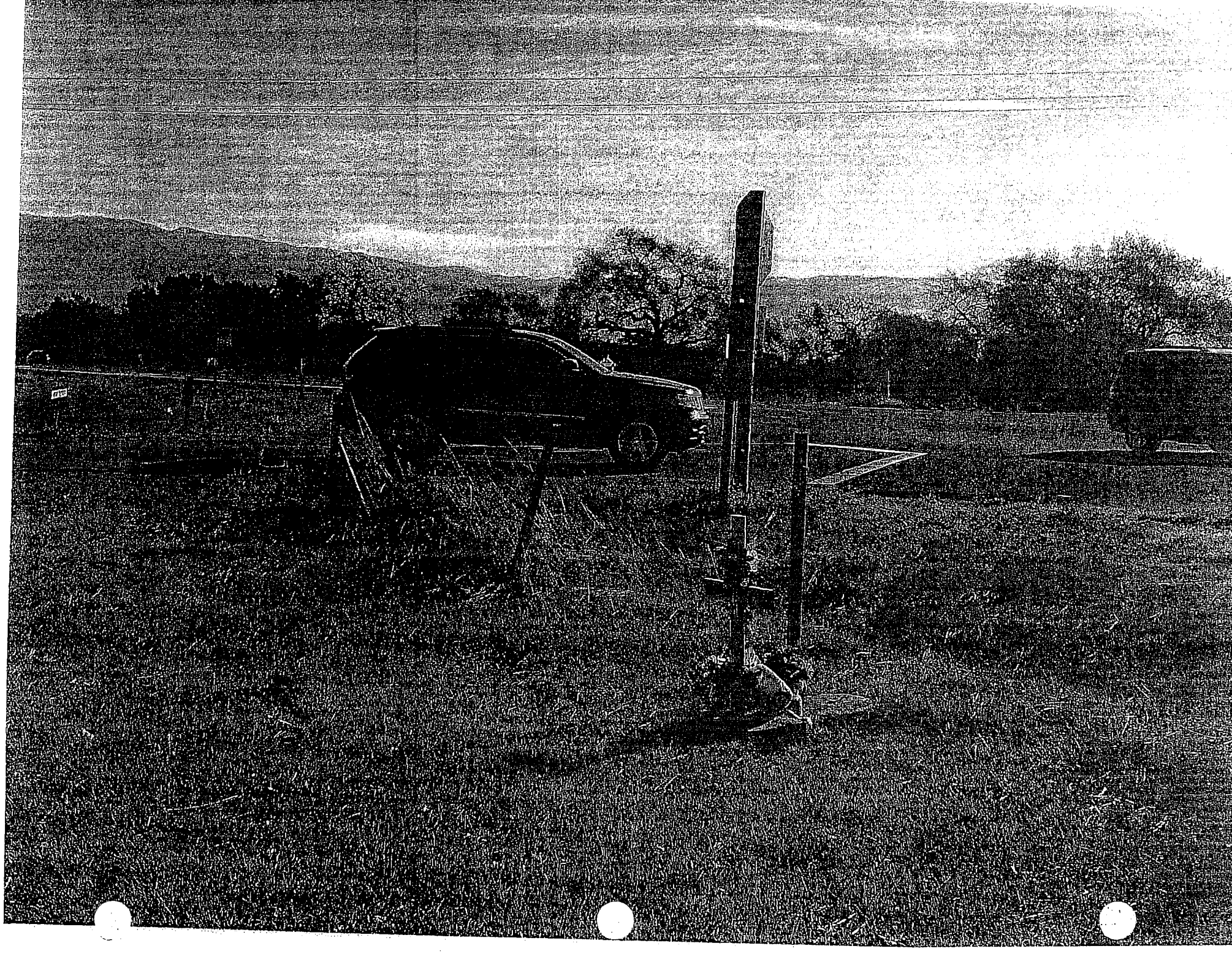
AWARDS and SCHOLARSHIPS

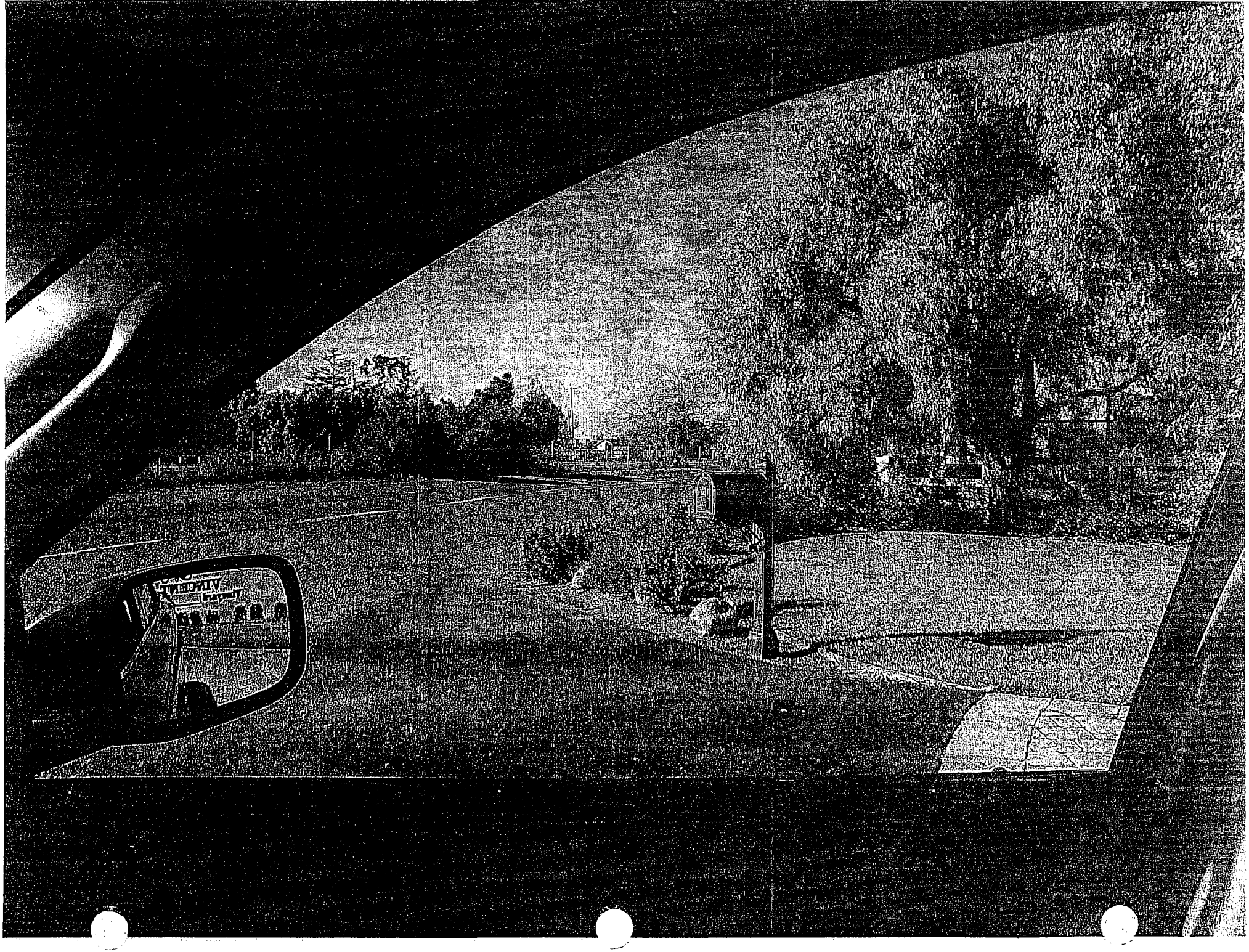
Outstanding Engineering Senior Award, Montana State University, Montana Society of Engineers
National Dean's List
Who's Who Among Students in American Junior Colleges
College Honor Roll, Twenty-Two Consecutive Quarters
Mott Souders Scholarship
Owen E. Sowerine Scholarship
Engineering and Academic Scholarships
American Gas Association Scholarship
Society for the Advancement of Materials and Process Engineering Scholarship
Montana Board of Regents Scholarship
California Regents/University Fellowship

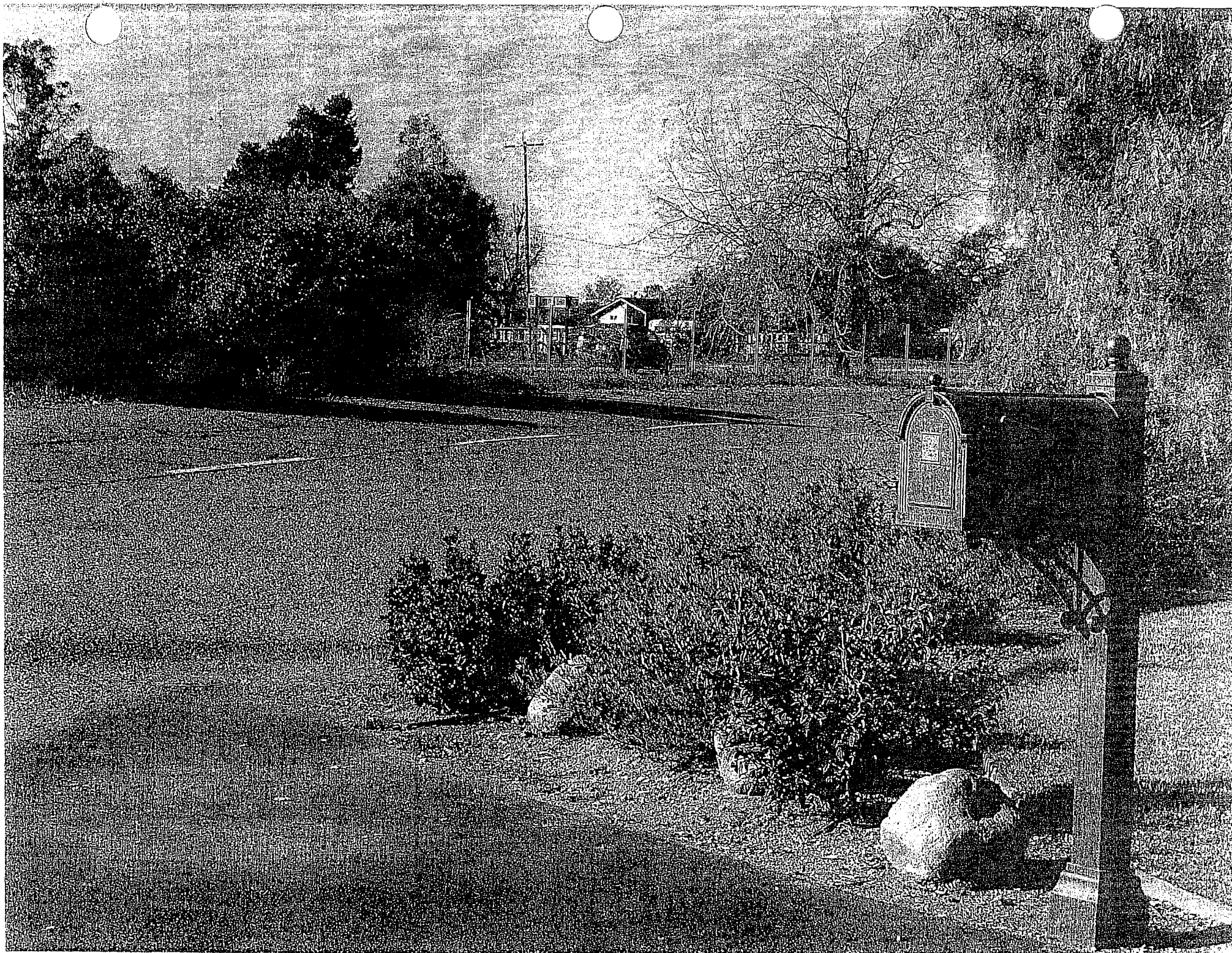
PROFESSIONAL and HONOR SOCIETIES

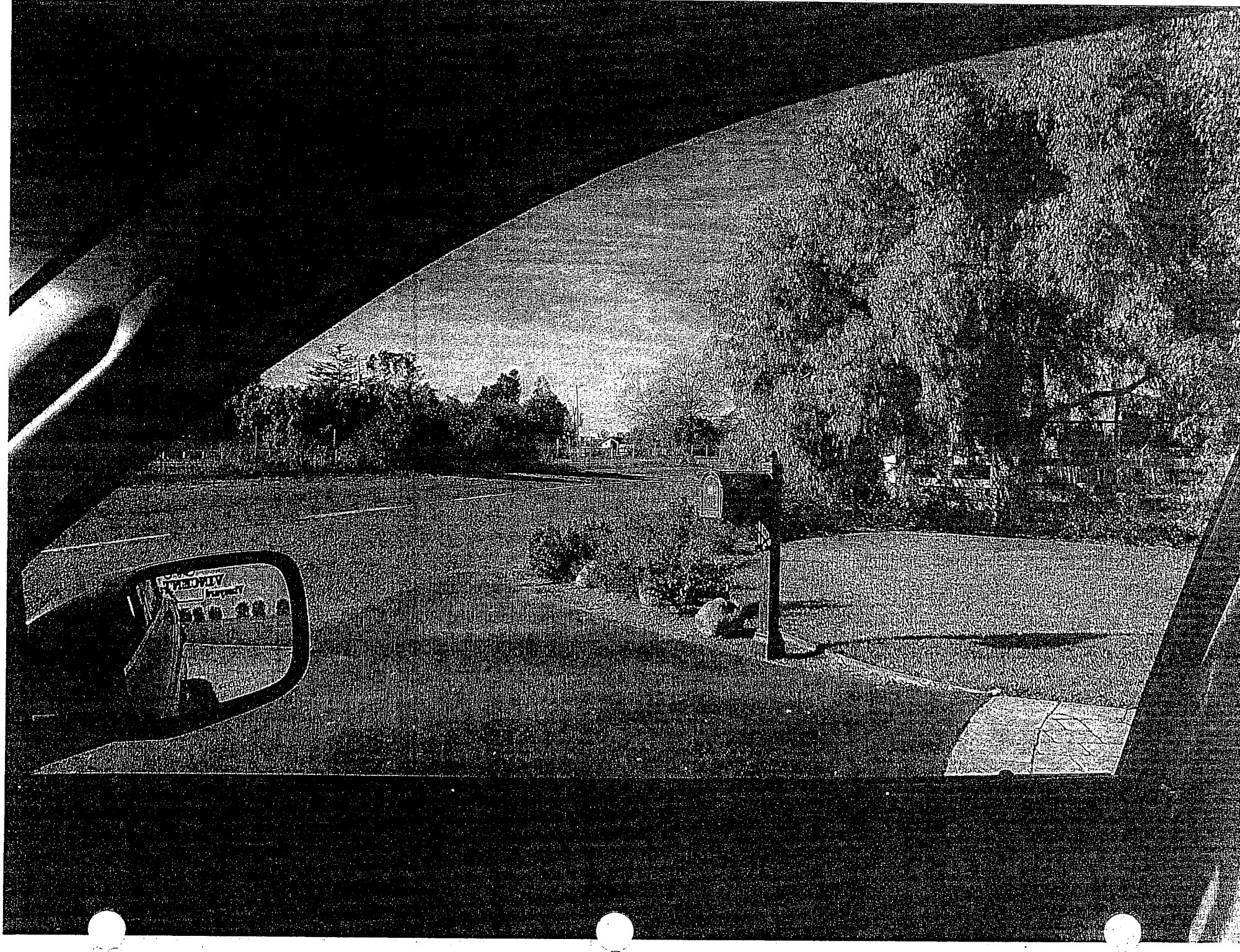
Society of Automotive Engineers (SAE)
Society of Accident Reconstructionists (SOAR)
Accident Reconstruction Network
National Association of Professional Accident Reconstruction Specialists, Inc. (NAPARS)
California Association of Accident Reconstruction Specialists
ACTAR: Full Accreditation as a Traffic Accident Reconstructionist
Tau Beta Pi, Engineering Honor Society
Pi Tau Sigma, Mechanical Engineering Honor Society
Phi Kappa Phi, University-wide Honor Society

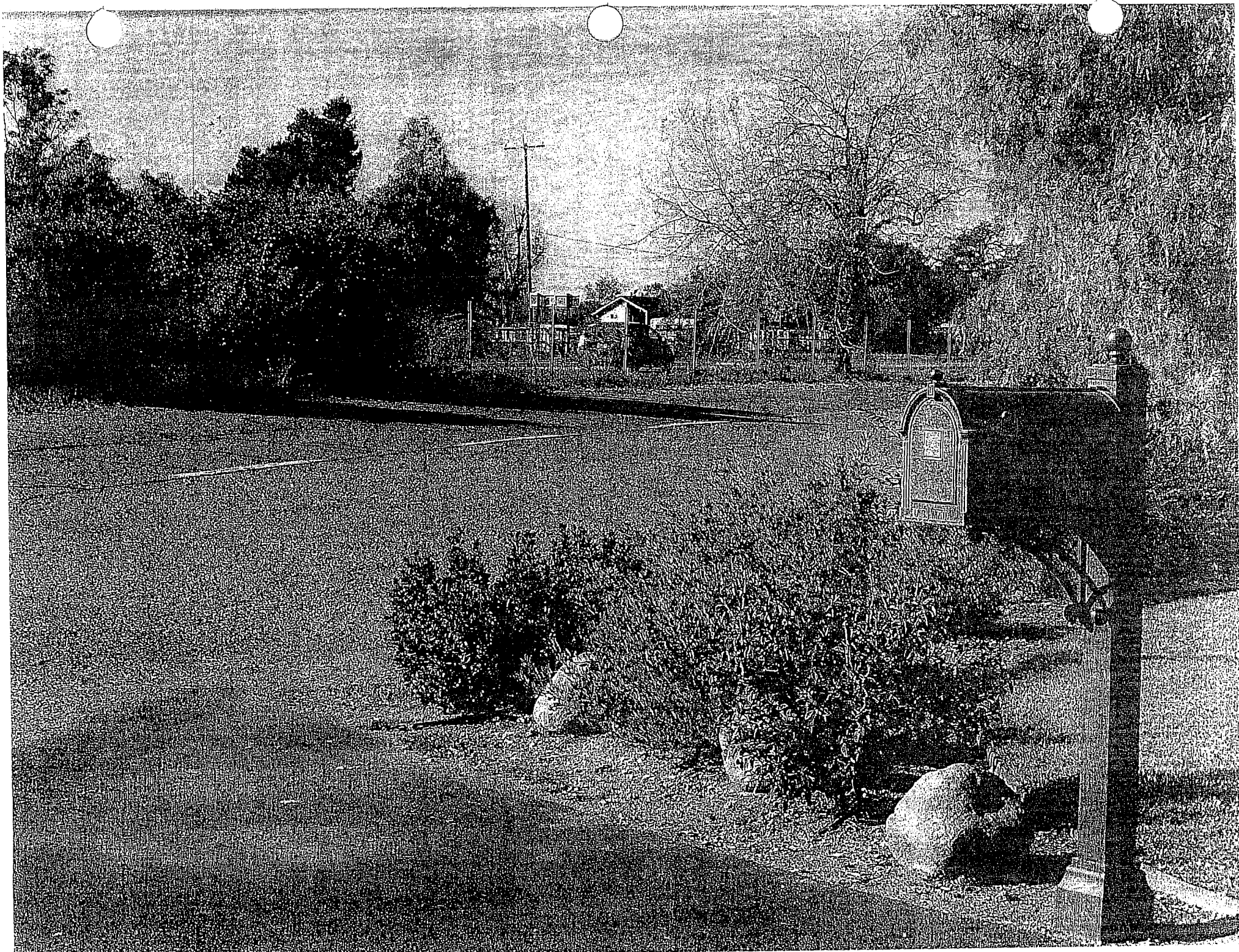

Image © 2012 GeoEye
226 ft
1994
34°39'02.43" N 120°05'41.38" W elev 782 ft

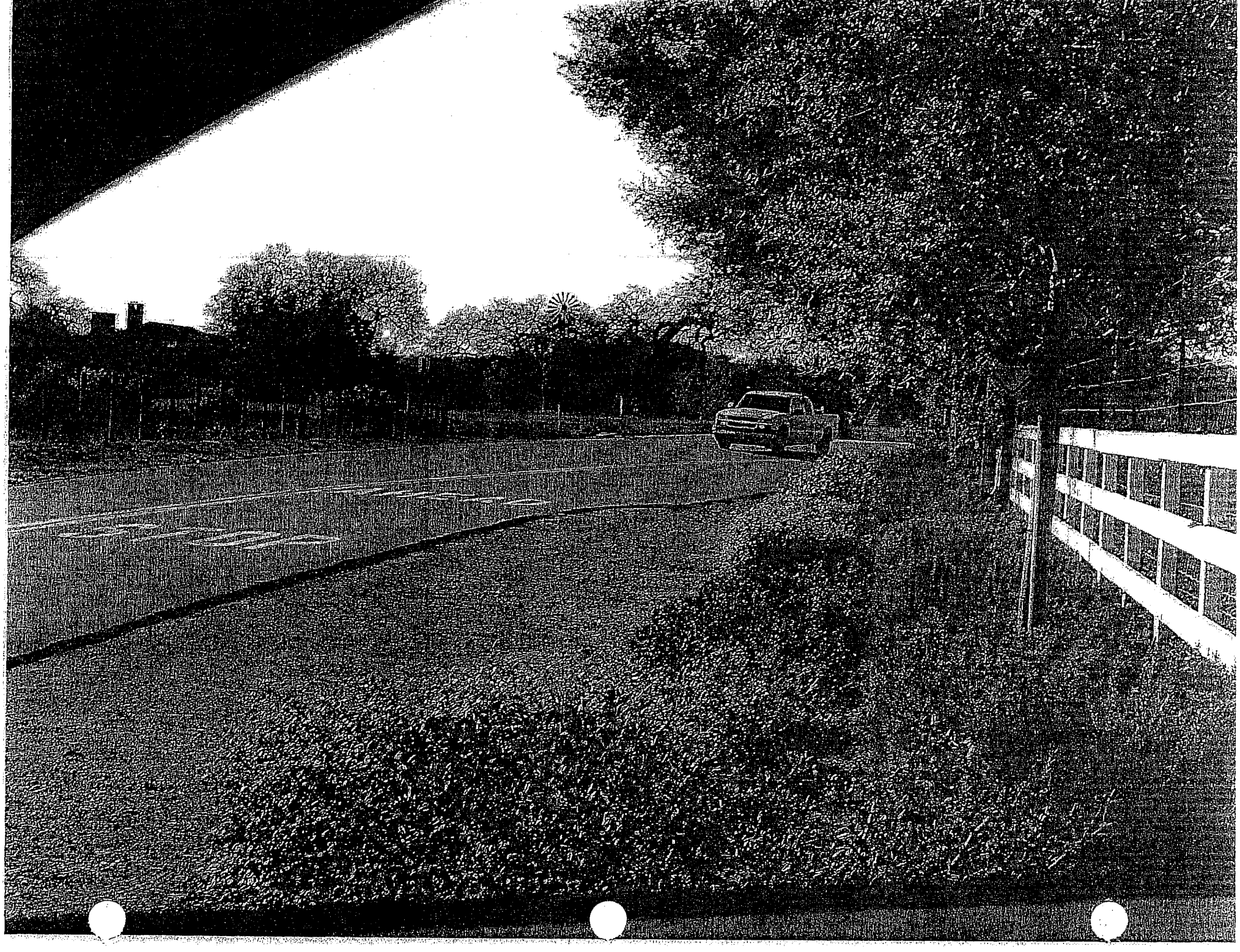


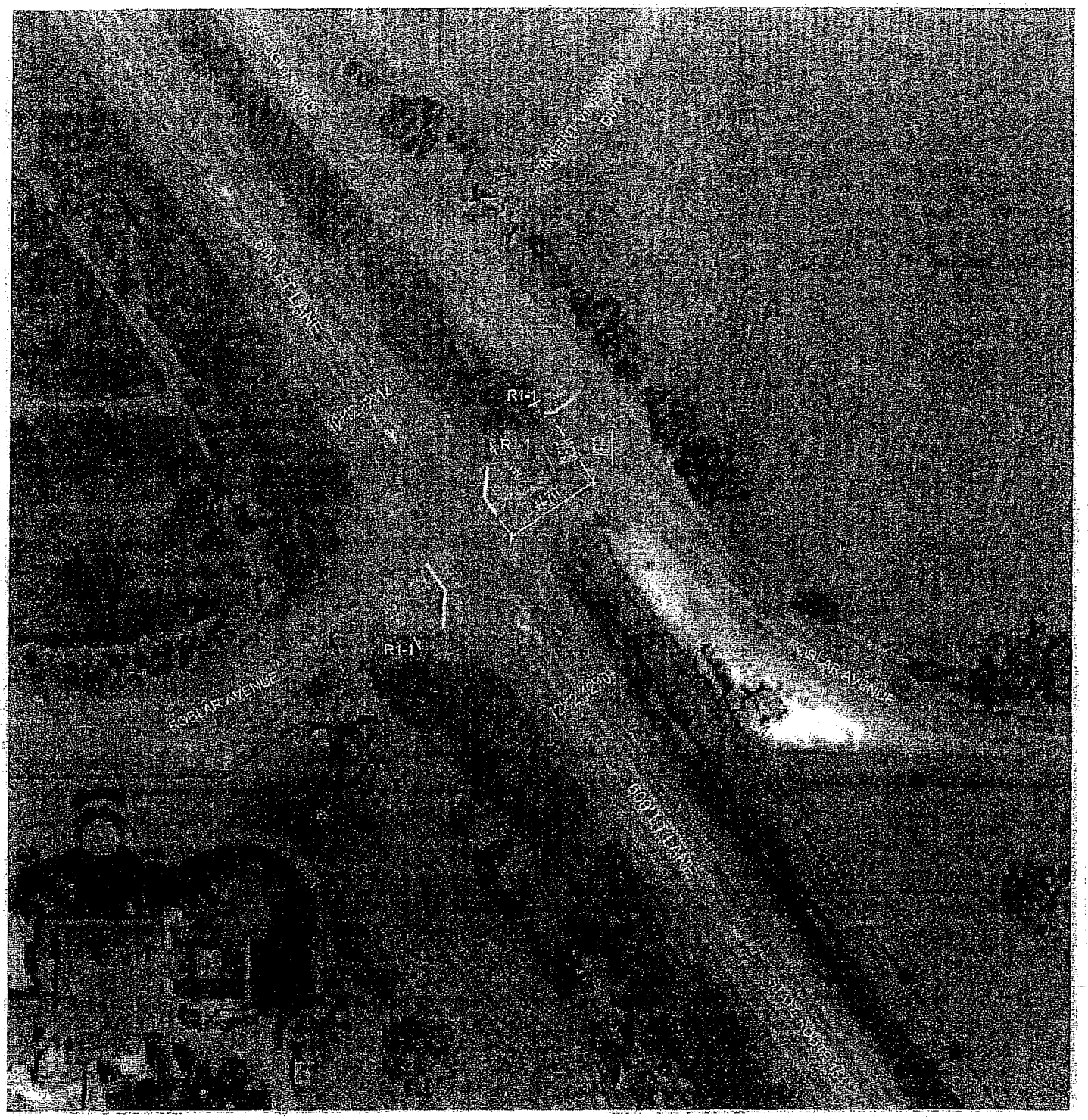












N

N.T.S.

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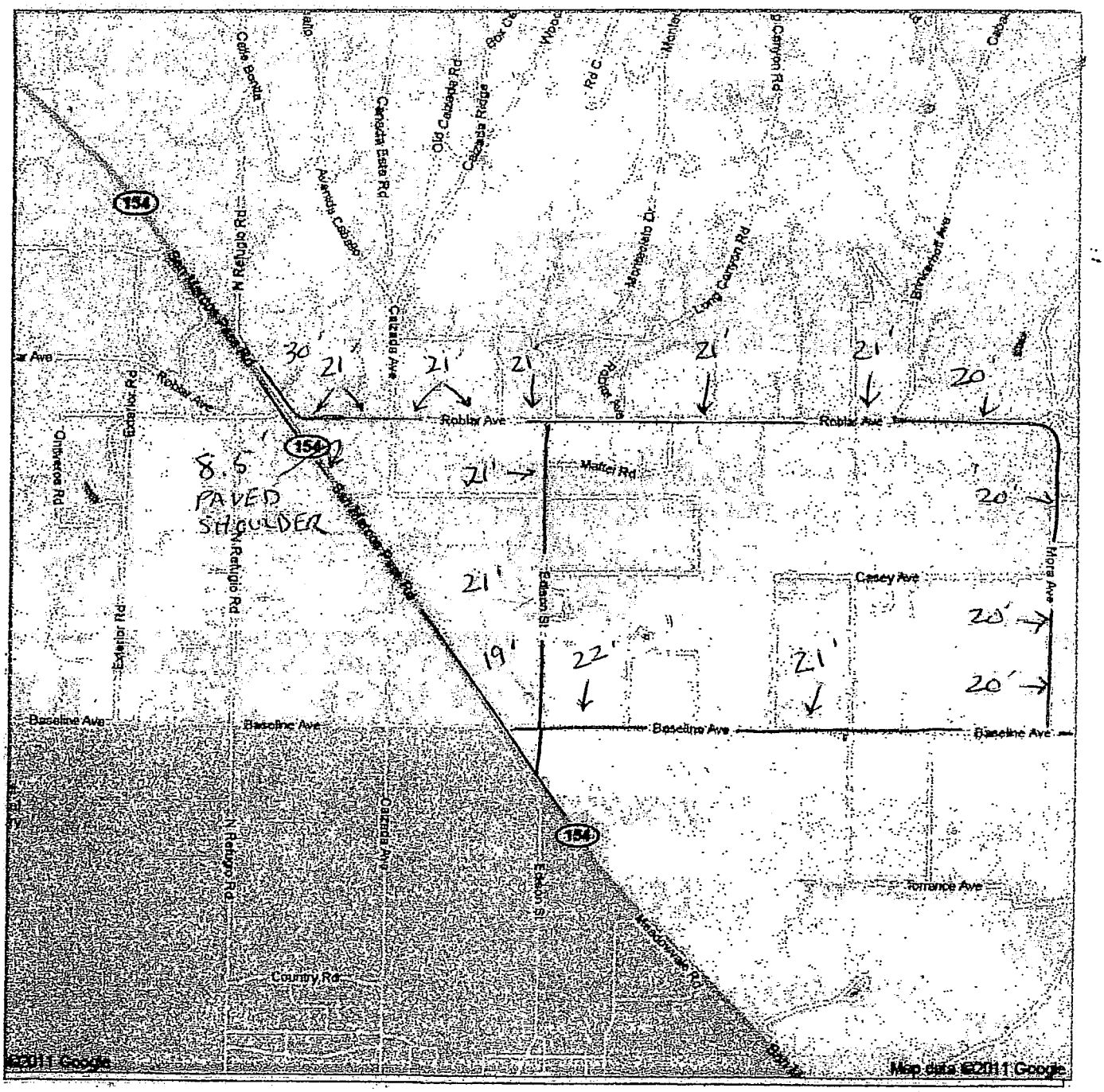
EXHIBIT 3

INTERSECTION GEOMETRY

Vincent Vineyard Project

W.O.18316.01 18316.01.DWG

Google



3622 Segunto St, Santa Ynez, CA 93460

asphalt friction courses are quite effective because of their frictional and hydraulic properties. For further discussion, refer to the AASHTO *Guide for Pavement Friction* (*10*).

4.2.4 Hydroplaning

When a rolling tire encounters a film of water on the roadway, the water is channeled through the tire tread pattern and through the surface roughness of the pavement. Hydroplaning occurs when the drainage capacity of the tire tread pattern and the pavement surface is exceeded, and water begins to build up in front of the tire. As the water builds up, a water wedge is created and this wedge produces a hydrodynamic force which may provide lift to the rolling tire in some situations.

The circumstances under which hydroplaning will occur are influenced by water depth, roadway geometrics, vehicle speed, tread depth, tire inflation pressure, and the condition of the pavement surface. To reduce the potential for hydroplaning, designers should consider pavement transverse slopes, utilize pavement roughness characteristics, and avoid potential ponding areas during the establishment of horizontal and vertical alignments as well as during the pavement design phase of the project. Also, drivers should be expected to exercise caution in wet conditions in a manner similar to operating a vehicle during ice or snow events. The AASHTO *Model Drainage Manual* (*8*) and other publications (*14, 20*) provide additional design discussion of dynamic hydroplaning.

4.3 LANE WIDTHS

The lane width of a roadway influences the comfort of driving, operational characteristics, and, in some situations, the likelihood of crashes. Lane widths of 2.7 to 3.6 m [9 to 12 ft] are generally used, with a 3.6-m [12-ft] lane predominant on most high-speed, high-volume highways. The extra cost of providing a 3.6-m [12-ft] lane width, over the cost of providing a 3.0-m [10-ft] lane width is offset to some extent by a reduction in cost of shoulder maintenance and a reduction in surface maintenance due to lessened wheel concentrations at the pavement edges. The wider 3.6-m [12-ft] lane provides desirable clearances between large commercial vehicles traveling in opposite directions on two-lane, two-way rural highways when high traffic volumes and particularly high percentages of commercial vehicles are expected.

Lane widths also affect highway level of service. Narrow lanes force drivers to operate their vehicles closer to each other laterally than they would normally desire. Restricted clearances have a similar effect. In a capacity sense, the effective width of traveled way is reduced by adjacent obstructions such as retaining walls, bridge trusses or headwalls, and parked cars that restrict the lateral clearance. Further information on the effect of lane width on capacity and level of service is presented in the *Highway Capacity Manual* (HCM) (*40*).

Where unequal-width lanes are used, locating the wider lane on the outside (right) provides more space for large vehicles that usually occupy that lane, provides more space for bicycles, and allows drivers to keep their vehicles at a greater distance from the right edge. Where a curb is used adjacent to only one edge, the wider lane should be placed adjacent to that curb. The basic design decision is the total roadway width, while the placement of stripes actually determines the lane widths.

In urban areas where pedestrian crossings, right-of-way, or existing development become stringent controls on lane widths, the use of 3.3-m [11-ft] lanes may be appropriate. Lanes 3.0 m [10 ft] wide are accept-

Driveway/entrance regulations may be applied even though no control of access is obtained. Each abutting property is permitted access to the street or highway; however, the location, number, and geometric design of the access points are governed by the regulations.

Access management addresses the basic questions of when, where, and how access should be provided or denied, and what legal or institutional changes are needed to enforce these decisions. In a broad context, access management is resource management, since it is a way to anticipate and prevent congestion and to improve traffic flow.

Key elements of access management include defining the allowable access and access spacings for various classes of highways, providing a mechanism for granting variances when reasonable access cannot otherwise be provided, and establishing means of enforcing policies and decisions. These key elements, along with appropriate design policies, should be implemented through a legal code that provides a systematic and supportable basis for making access decisions. The code should provide a common basis for decisions for both the public and private sectors.

2.5.2 Basic Principles of Access Management

The following principles define access management techniques:

- **Classify the road system by the primary function of each roadway.** Freeways emphasize movement and provide complete control of access. Local streets emphasize property access rather than traffic movement. Arterial and collector roads serve a combination of both property access and traffic movement.
- **Limit direct access to roads with higher functional classifications.** Direct property access should be denied or limited along higher class roadways whenever reasonable access can be provided to a lower class roadway.
- **Locate traffic signals to emphasize through traffic movements.** Signalized access points should fit into the overall signal coordination plan for traffic progression.
- **Locate driveways and major entrances to minimize interference with traffic operations.** Driveways and entrances should be located away from other intersections to minimize crashes, to reduce traffic interference, and to provide for adequate storage lengths for vehicles turning into entrances.
- **Use curbed medians and locate median openings to manage access movements and minimize conflicts.**

The extent of access management depends upon the location, type, and density of development, and the nature of the highway system. Access management actions involve both the planning and design of new roads and the retrofitting of existing roads and driveways.

2.5.3 Access Classifications

Access classification is the foundation of a comprehensive access management program. It defines when, where, and how access can be provided between public highways and private driveways or entrances.

Vehicle Accelerating from Stop @ t=0.00

accel = 0.15 G's

time t (sec)	position x (feet)	speed v (fps)	speed v (mph)
0.00	0.0	0.0	0.0
0.25	0.2	1.2	0.8
0.50	0.6	2.4	1.6
0.75	1.4	3.6	2.5
1.00	2.4	4.8	3.3
1.25	3.8	6.0	4.1
1.50	5.4	7.2	4.9
1.75	7.4	8.5	5.8
1.82	8.0	8.8	6.0
2.00	9.7	9.7	6.6
2.25	12.2	10.9	7.4
2.50	15.1	12.1	8.2
2.75	18.3	13.3	9.1
3.00	21.7	14.5	9.9
3.25	25.5	15.7	10.7
3.50	29.6	16.9	11.5
3.75	34.0	18.1	12.3
4.00	38.6	19.3	13.2
4.25	43.6	20.5	14.0
4.50	48.9	21.7	14.8
4.75	54.5	22.9	15.6
5.00	60.4	24.2	16.5
5.25	66.6	25.4	17.3
5.50	73.1	26.6	18.1
5.75	79.8	27.8	18.9
6.00	86.9	29.0	19.8
6.25	94.3	30.2	20.6
6.50	102.0	31.4	21.4
6.75	110.0	32.6	22.2
7.00	118.3	33.8	23.0

U.S. Department of Transportation
National Highway Traffic Safety Administration

TRAFFIC SAFETY FACTS
2009 Data

NHTSA
www.nhtsa.gov

DOT HS 811 385

Alcohol-Impaired Driving

In 2009, there were 10,839 fatalities in crashes involving a driver with a BAC of .08 or higher – 32 percent of total traffic fatalities for the year.

Drivers are considered to be alcohol-impaired when their blood alcohol concentration (BAC) is .08 grams per deciliter (g/dL) or higher. Thus, any fatal crash involving a driver with a BAC of .08 or higher is considered to be an alcohol-impaired-driving crash, and fatalities occurring in those crashes are considered to be alcohol-impaired-driving fatalities. The term "driver" refers to the operator of any motor vehicle, including a motorcycle.

Estimates of alcohol-impaired driving are generated using BAC values reported to the Fatality Analysis Reporting System (FARS) and imputed BAC values when they are not reported. The term "alcohol-impaired" does not indicate that a crash or a fatality was caused by alcohol impairment.

In 2009, 10,839 people were killed in alcohol-impaired-driving crashes. These alcohol-impaired-driving fatalities accounted for 32 percent of the total motor vehicle traffic fatalities in the United States.

Traffic fatalities in alcohol-impaired-driving crashes decreased by 7.4 percent from 11,711 in 2008 to 10,839 in 2009. The alcohol-impaired-driving fatality rate per 100 million vehicle miles traveled (VMT) decreased to 0.36 in 2009 from 0.39 in 2008.

An average of one alcohol-impaired-driving fatality occurred every 48 minutes in 2009.

In 2009, all 50 States, the District of Columbia, and Puerto Rico had by law created a threshold making it illegal per se to drive with a BAC of .08 or higher. Of the 10,839 people who died in alcohol-impaired-driving crashes in 2009, 7,281 (67%) were drivers with a BAC of .08 or higher. The remaining fatalities consisted of 2,891 (27%) motor vehicle occupants and 667 (6%) nonoccupants.

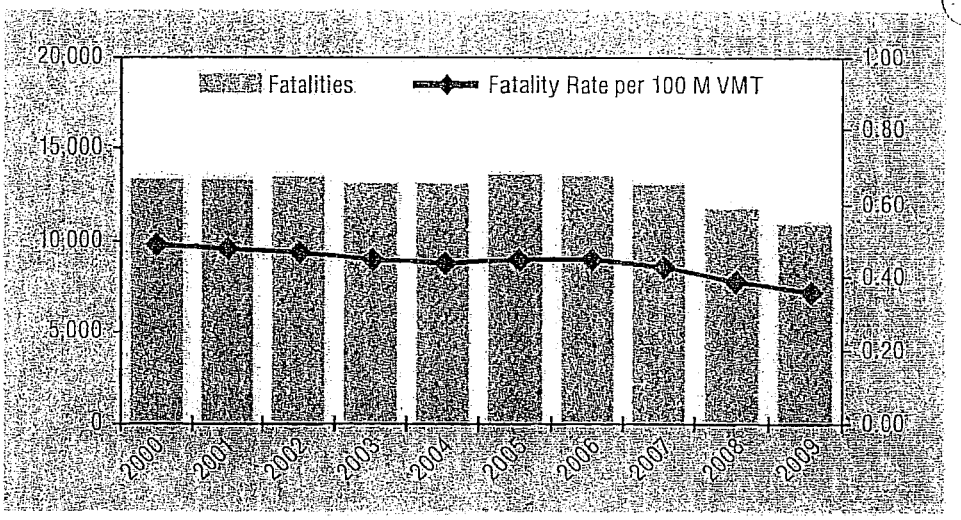
Table 1

Fatalities, by Role, in Crashes Involving at Least One Driver With a BAC of .08 Or Higher, 2009

Role	Number	Percent of Total
Driver With BAC=.08+	7,281	67%
Passenger Riding w/Driver With BAC=.08+	1,772	16%
Subtotal	***9,053***	***84%***
Occupants of Other Vehicles	1,119	10%
Nonoccupants	667	6%
Total Fatalities	10,839	100%

Figure 1

Fatalities and Fatality Rate per 100 Million VMT in Alcohol-Impaired-Driving Crashes, 2000–2009



The national rate of alcohol-impaired-driving fatalities in motor vehicle crashes in 2009 was 0.36 per 100 million VMT. The alcohol-impaired-driving fatality rate in the past 10 years has declined by 27 percent from 0.49 in 2000 to 0.36 in 2009.

In 2009, of the fatalities among children ages 14 and younger, 14 percent occurred in alcohol-impaired-driving crashes.

Children

In 2009, a total of 1,314 children age 14 and younger were killed in motor vehicle traffic crashes. Of those 1,314 fatalities, 181 (14%) occurred in alcohol-impaired-driving crashes. Out of those 181 deaths, 92 (51%) were occupants of a vehicle with a driver who had a BAC level of .08 or higher, and another 27 children (15%) were pedestrians or pedalcyclists struck by drivers with a BAC of .08 or higher.

For more information:

Information on traffic fatalities is available from the National Center for Statistics and Analysis (NCSA), NVS, 424, 1200 New Jersey Avenue SE, Washington, DC 20590. NCSA can be contacted at 800-934-8517 or via the following e-mail address: ncsaweb@dot.gov. General information on highway traffic safety can be accessed by Internet users at www.nhtsa.gov/NCSA. To report a safety-related problem or to inquire about motor vehicle safety information, contact the Vehicle Safety Hotline at 888-327-4236.

Other fact sheets available from the National Center for Statistics and Analysis are Bicyclists and Other Cyclists, Children, Large Trucks, Motorcycles, Occupant Protection, Older Population, Overview, Passenger Vehicles, Pedestrians, Race and Ethnicity, Rural/Urban Comparisons, School Transportation-Related Crashes, Speeding, State Alcohol Estimates, State Traffic Data, and Young Drivers. Detailed data on motor vehicle traffic crashes are published annually in Traffic Safety Facts: A Compilation of Motor Vehicle Crash Data from the Fatality Analysis Reporting System and the General Estimates System. The fact sheets and annual Traffic Safety Facts report can be accessed online at www.nrd.nhtsa.dot.gov/CATS/index.aspx.

Time of Day and Day of Week

The rate of alcohol impairment among drivers involved in fatal crashes in 2009 was four times higher at night than during the day (37% versus 9%).

In 2009, 16 percent of all drivers involved in fatal crashes during the week were alcohol-impaired, compared to 31 percent on weekends.

Table 2

Drivers Involved in Fatal Crashes With a BAC of .08 or Higher, by Crash Type, Time of Day and Day of Week, 2000 and 2009

Drivers Involved in Fatal Crashes	Total Drivers						
	2000			2009			Change in Percentage With BAC=.08+ 2000-2009
	Total Number of Drivers	BAC=.08+ Number	BAC=.08+ Percent of Total	Total Number of Drivers	BAC=.08+ Number	BAC=.08+ Percent of Total	
Total	57,280	12,261	21%	45,230	10,102	22%	+1
Drivers by Crash Type and Time of Day							
Single-Vehicle Crash							
Total*	21,026	7,806	37%	18,662	6,958	37%	0
Daytime	8,264	1,393	17%	7,288	1,321	18%	+1
Nighttime	12,442	6,220	50%	11,153	5,517	49%	-1
Multiple-Vehicle Crash							
Total*	36,254	4,455	12%	26,568	3,144	12%	0
Daytime	22,972	1,229	5%	16,337	801	5%	0
Nighttime	13,268	3,224	24%	10,160	2,337	23%	-1
Drivers by Time of Day							
Daytime	31,236	2,622	8%	23,625	2,122	9%	+1
Nighttime	25,710	9,444	37%	21,313	7,854	37%	0
Drivers by Day of Week and Time of Day							
Weekday*	34,788	5,054	15%	26,882	4,353	16%	+1
Daytime	22,987	1,467	6%	17,004	1,217	7%	+1
Nighttime	11,715	3,545	30%	9,764	3,089	32%	+2
Weekend*	22,392	7,156	32%	18,256	5,718	31%	-1
Daytime	8,249	1,155	14%	6,621	905	14%	0
Nighttime	13,995	5,899	42%	11,549	4,765	41%	-1

Daytime - 6 a.m. to 5:59 p.m. Weekday - Monday 6 a.m. to Friday 5:59 p.m.

Nighttime - 6 p.m. to 5:59 a.m. Weekend - Friday 6 p.m. to Monday 5:59 a.m.

*Includes drivers involved in fatal crashes when time of day was unknown.

The rate of alcohol impairment among drivers involved in fatal crashes in 2009 was four times higher at night than during the day.

Drivers

In fatal crashes in 2009 the highest percentage of drivers with a BAC level of .08 or higher was for drivers ages 21 to 24 (35%), followed by ages 25 to 34 (32%) and 35 to 44 (26%).

The percentages of drivers involved in fatal crashes with a BAC level of .08 or higher in 2009 were 29 percent for motorcycle riders and 23 percent for both passenger cars and light trucks. The percentage of drivers with BAC levels of .08 or higher in fatal crashes was the lowest for large trucks (2%).

In 2009, the 21- to 24-year-old age group had the highest percentage of drivers in fatal crashes with BAC levels of .08 or higher – 35 percent.

In 2009, the percentage of drivers with BAC of .08 or above in fatal crashes was highest for motorcycle riders (29%).

Table 3

Drivers With a BAC of .08 or Higher Involved in Fatal Crashes, by Age, Gender, and Vehicle Type, 2000 and 2009

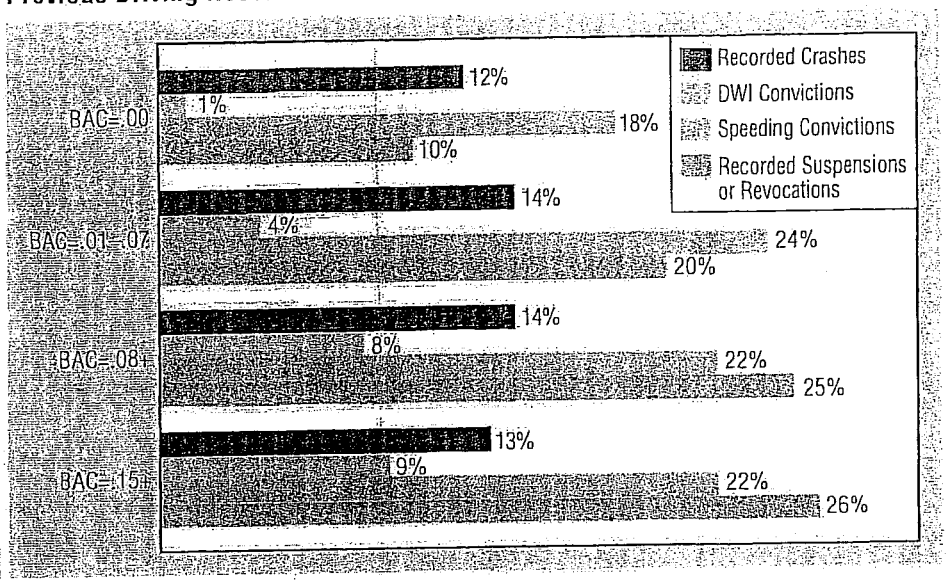
Drivers Involved in Fatal Crashes	Total Drivers						
	2000			2009			Change in Percentage With BAC=.08+ 2000-2009
	Total Number of Drivers	BAC=.08+ Number	BAC=.08+ Percent of Total	Total Number of Drivers	BAC=.08+ Number	BAC=.08+ Percent of Total	
Total	57,280	12,261	21%	45,230	10,102	22%	+1
Drivers by Age Group (Years)							
16-20	8,024	1,477	18%	5,051	951	19%	+1
21-24	5,950	1,894	32%	4,597	1,588	35%	+3
25-34	11,739	3,312	28%	8,610	2,722	32%	+4
35-44	11,132	2,899	26%	7,757	2,006	26%	0
45-54	8,234	1,493	18%	7,664	1,694	22%	+4
55-64	4,766	590	12%	5,276	669	13%	+1
65-74	3,134	257	8%	2,868	199	7%	-1
75+	3,147	132	4%	2,550	85	3%	-1
Drivers by Gender							
Male	41,795	10,132	24%	32,807	8,322	25%	+1
Female	14,790	1,989	13%	11,825	1,622	14%	+1
Drivers by Vehicle Type							
Passenger Cars	27,661	6,521	24%	18,279	4,242	23%	-1
Light Trucks	20,393	4,520	22%	17,822	4,134	23%	+1
Large Trucks	4,948	72	1%	3,187	54	2%	+1
Motorcycles	2,971	944	32%	4,593	1,314	29%	-3

Numbers shown for groups of drivers do not add to the total number of drivers due to unknown or other data not included.

In 2009, 5,851 passenger vehicle drivers killed had a BAC of .08 or higher. Out of those driver fatalities for which restraint use was known, 72 percent were unrestrained.

Drivers with a BAC of .08 or higher involved in fatal crashes were eight times more likely to have a prior conviction for driving while impaired (DWI) than were drivers with no alcohol (8% and 1%, respectively). See Figure 2.

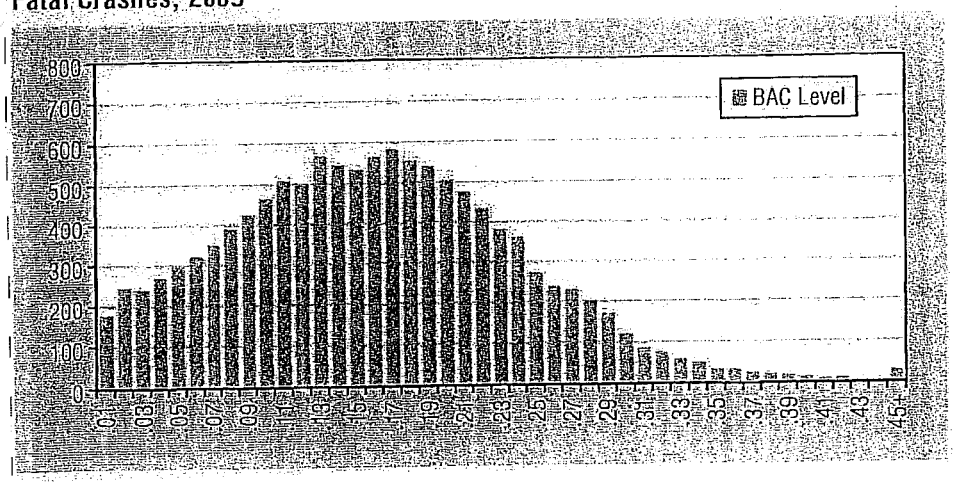
Figure 2
Previous Driving Records of Drivers Involved in Fatal Crashes, by BAC, 2009



Drivers with a BAC level of .08 or higher in fatal crashes were eight times more likely to have a prior conviction for driving while impaired than were drivers with no alcohol.

In 2009, 84 percent (10,102) of the 12,012 drivers with a BAC of .01 or higher who were involved in fatal crashes had BAC levels at or above .08, and 56 percent (6,685) had BAC levels at or above .15. The most frequently recorded BAC level among drinking drivers in fatal crashes was .17.

Figure 3
Distribution of BAC Levels for Drivers With a BAC of .01 or Higher Involved in Fatal Crashes, 2009



In 2009, 6,685 (56%) of the drivers involved in fatal crashes who had been drinking had a BAC of .15 or greater.

Table 4

Traffic Fatalities by State and the Highest Driver BAC in the Crash, 2009

State	Total Fatalities*	BAC=.00		BAC=.01-.07		BAC=.08+		BAC=.15+		BAC=.01+	
	Number	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Alabama	848	522	62%	46	5%	280	33%	179	21%	325	38%
Alaska	64	42	65%	3	4%	20	31%	15	24%	22	35%
Arizona	807	514	64%	42	5%	219	27%	137	17%	260	32%
Arkansas	585	372	64%	43	7%	168	29%	117	20%	211	36%
California	3,081	1,956	63%	168	5%	950	31%	655	21%	1,118	36%
Colorado	465	285	61%	20	4%	158	34%	110	24%	178	38%
Connecticut	223	109	49%	15	7%	99	44%	67	30%	114	51%
Delaware	116	68	58%	4	3%	45	38%	30	26%	48	42%
Dist of Columbia	29	17	59%	2	7%	10	35%	3	11%	12	41%
Florida	2,558	1,649	64%	134	5%	770	30%	527	21%	904	35%
Georgia	1,284	885	69%	63	5%	331	26%	217	17%	394	31%
Hawaii	109	51	46%	6	6%	52	48%	40	36%	59	54%
Idaho	226	160	71%	7	3%	58	26%	39	17%	65	29%
Illinois	911	530	58%	62	7%	319	35%	213	23%	381	42%
Indiana	693	443	64%	39	6%	210	30%	142	21%	249	36%
Iowa	372	254	68%	22	6%	96	26%	64	17%	118	32%
Kansas	386	208	54%	23	6%	154	40%	102	27%	177	46%
Kentucky	791	550	70%	45	6%	194	25%	124	16%	239	30%
Louisiana	821	455	55%	72	9%	295	36%	200	24%	366	45%
Maine	159	106	67%	6	4%	47	29%	28	17%	53	33%
Maryland	547	354	65%	32	6%	162	30%	100	18%	194	35%
Massachusetts	334	201	60%	23	7%	108	32%	69	21%	130	39%
Michigan	871	579	67%	45	5%	246	28%	172	20%	291	33%
Minnesota	421	289	69%	23	5%	108	26%	81	19%	131	31%
Mississippi	700	436	62%	30	4%	234	33%	145	21%	264	38%
Missouri	878	518	59%	58	7%	300	34%	205	23%	358	41%
Montana	221	129	58%	11	5%	81	36%	59	27%	92	42%
Nebraska	223	135	61%	22	10%	66	30%	42	19%	88	39%
Nevada	243	152	63%	22	9%	68	28%	47	19%	90	37%
New Hampshire	110	73	66%	7	6%	30	27%	17	15%	36	33%
New Jersey	583	397	68%	36	6%	149	25%	80	14%	185	32%
New Mexico	361	232	64%	15	4%	114	32%	80	22%	129	36%
New York	1,156	766	66%	68	6%	321	28%	196	17%	388	34%
North Carolina	1,314	879	67%	67	5%	363	28%	236	18%	430	33%
North Dakota	140	81	58%	6	4%	54	38%	41	29%	59	42%
Ohio	1,021	643	63%	54	5%	324	32%	215	21%	378	37%
Oklahoma	738	473	64%	30	4%	235	32%	157	21%	265	36%
Oregon	377	235	62%	26	7%	115	30%	80	21%	141	37%
Pennsylvania	1,256	783	62%	64	5%	406	32%	276	22%	470	37%
Rhode Island	83	43	52%	7	8%	34	40%	16	20%	40	48%
South Carolina	894	468	52%	47	5%	377	42%	266	30%	423	47%
South Dakota	131	69	53%	6	5%	53	40%	41	31%	59	45%
Tennessee	989	642	65%	42	4%	303	31%	198	20%	345	35%
Texas	3,071	1,628	53%	202	7%	1,235	40%	830	27%	1,437	47%
Utah	244	190	78%	14	6%	40	16%	26	11%	54	22%
Vermont	74	46	63%	4	6%	23	32%	11	15%	28	37%
Virginia	757	476	63%	34	5%	243	32%	170	22%	278	37%
Washington	492	259	53%	26	5%	206	42%	137	28%	232	47%
West Virginia	356	221	62%	19	5%	115	32%	82	23%	134	38%
Wisconsin	561	308	55%	38	7%	213	38%	158	28%	251	45%
Wyoming	134	81	60%	7	5%	47	35%	36	27%	54	40%
National	33,808	20,961	62%	1,905	6%	10,839	32%	7,277	22%	12,741	38%
Puerto Rico	365	224	61%	32	9%	109	30%	74	20%	141	39%

*Total includes fatalities in crashes in which there was no driver present.

Santa Ynez Valley News

Highway 154 off limits to hazardous materials

By Brian Bullock/Staff Writer bbullock@syvnews.com | Posted: Thursday, February 2, 2012 12:15 am

Nearly a year and a half after a runaway gravel truck barreled down Highway 154 and crashed into a home killing three people, California Highway Patrol and local government representatives on Monday announced a ban on trucks carrying hazardous materials on the narrow, winding road.

The announcement came as the CHP, representatives of the Santa Barbara County Association of Governments, and county Supervisors Doreen Farr and Janet Wolf gathered on the Salvar Road overcrossing, just above Cathedral Oaks Road as Highway 154 begins its ascent from Santa Barbara toward San Marcos Pass.

"It's a great day because it's (the ban) going to increase both the public health and public safety for the people of Santa Barbara County," said Farr, who worked as a member of SBCAG's Highway 154 Truck Safety Committee to get the ban in place. "It's really going to reduce truck traffic on the pass."

Caltrans already prohibits trucks carrying hazardous waste along roadways adjacent to public water supplies, such as Lake Cachuma. On Jan. 5, signs went up on Highway 154 adding hazardous materials to that ban.

"What this affects is commercial vehicles using that road as a through place of travel," said CHP Officer Jeremy Wayland. "It won't affect local deliveries, but it's going to trim down truck traffic on the highway. We've paid strict attention to the trucks the past several years, but this will be another layer to our enforcement activity."

The movement came in response to the accident Aug. 24, 2010, in which a fully loaded gravel truck lost its brakes descending Highway 154 toward Santa Barbara and crashed on top of the small home of Leon Leonel and Lorena Tellez Pacheco, killing the couple and their 8-year-old son, Jaciel Tellez.

The driver, Joaquin Morales of Oxnard, was sentenced to three years' probation, 180 days in county jail and 200 hours of community service.

"That really focused everyone's attention on Highway 154 from a safety aspect," said Farr, who often drives the road between her home in Solvang, her Solvang district office and her office in Santa Barbara. "We were hoping to get all trucks that didn't have to make local deliveries banned from the road."

Instead, the committee worked with the CHP to get the administrative ban on trucks carrying hazardous materials over the highway, said Farr, who proposed the action to the Board of Supervisors.

With the ban, the road joins Highway 84 in Alameda County, San Pablo Dam Road and Bear Creek Road in Contra Costa County, and Highway 20 in Lake County in being off limits to through truck traffic hauling hazardous materials.

Wayland said officers will be actively enforcing the new restriction. Failure to adhere to the ban results in a $500 first-time misdemeanor fine, he said.

Wayland said the move runs hand-in-glove with its "Arrive Alive" campaign against drunk driving, by making Highway 154 a DUI Safety Corridor.

From 2007 to 2009 there were 105 drunken-driving accidents along the 32-mile stretch of highway, and over a five-year stretch from 2006 to 2010 Santa Barbara and Buellton area CHP officers made 4,284 DUI arrests. The peak was in 2009, when 1,022 drivers were jailed for driving under the influence.

Increased enforcement isn't the only step area agencies have taken to improve traffic safety on the treacherous stretch of road.

Other improvements include a Caltrans addition of a median rumble strip to reduce crossover collisions; additional signs to encourage truckers to avoid Highway 154; and approximately $30 million in improvements to the road financed by Measure D, the local half-percent sales tax for transportation.

- Breaking News: Dustin Davis named new St. Joseph football coach

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Taking the high road to safety

- Story
- Discussion

Taking the high road to safety

Posted: Thursday, February 2, 2012 12:00 am | (0) Comments

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Highway 154 goes by many names - San Marcos Pass, the loop, the pass, the cutoff, etc., but whatever name you choose, Highway 154 is 32 miles of some of this state's most beautiful vistas.

Drivers get a changing palette of views as it arches up over the pass, then snakes along the shore of Cachuma Lake, eventually coming upon the rolling hills of the Santa Ynez Valley. There are many spots where the views are so awesome, you just want to slow down and gawk.

And therein lies one of Highway 154's problems - and why many motorists know it as one of the scariest in California.

Distracted drivers are a threat anywhere, and the perils can grow exponentially on 154. But one of the issues was eliminated this week when the California Highway Patrol collaborated with local governments to ban trucks carrying hazardous materials on the highway.

The ban comes after months of study by a special Santa Barbara County Association of Governments Highway 154 Truck Safety Committee, which was formed after a runaway gravel truck crashed into a home at the lower terminus of 154, killing three members of a family.

The Chumash Highway has been a favorite for truckers for as long as the road has been open. For one thing, it's a shorter route through Santa Barbara County than staying on Highway 101. Maps make it appear as though they can save a few minutes of driving time, in a business in which time truly is money.

But the presence of big rigs on 154 has contributed greatly to the frequency and severity of crashes. Often the trucks themselves aren't directly involved - it's their presence on the narrow road with a profusion of tight, blind curves that adds to the risk factor.

In fairness to truckers, there are other reasons why 154 has been a threat. From 2007-09, there were 105 crashes in which drunken driving played a part. In one recent five-year stretch, CHP officers made nearly 4,300 DUI arrests.

When you put impaired or gawking drivers on the same two-lane road with big rigs - especially on weekends and holidays, when thousands of people are enjoying the wonders of the Santa Ynez Valley - you have a recipe for disaster.

Taking trucks transporting hazardous materials off 154 removes one ingredient from that recipe, but certainly not all. Big rigs delivering locally are still allowed to use the road, and while the CHP can patrol the area and make a DUI arrest, that's an after-the-fact event. Only drivers using good judgment and making good choices can make a dangerous highway less so.

The CHP and local government officials should be congratulated for removing one of the risks. Now, they need to go to work on eliminating some of the others.

For example, we know how important the cutoff seems for long-haul truckers trying to make a deadline, but what if weekend big-rig traffic could be eliminated? Many truckers stay on 101 on busy weekend days because they know 154 traffic can slow them down. Why not a big-rig weekend ban?

An insurer recently released a list of the 50 most dangerous roads on the planet, and no, Highway 154 is not on that list. But some of the worst look a lot like what you see winding up the pass from Santa Barbara.

Government is taking steps to make the Highway 154 safer. We all should do the same.

Posted in Editorial on *Thursday, February 2, 2012 12:00 am*
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Centers for Disease Control and Prevention
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Impaired Driving: Get the Facts

Every day, almost 30 people in the United States die in motor vehicle crashes that involve an alcohol-impaired driver. This amounts to one death every 48 minutes.[1] The annual cost of alcohol-related crashes totals more than $51 billion.[2]

Thankfully, there are effective measures that can help prevent injuries and deaths from alcohol -impaired driving.

How big is the problem?

- In 2009, 10,839 people were killed in alcohol-impaired driving crashes, accounting for nearly one-third (32%) of all traffic-related deaths in the United States.[1]
- Of the 1,314 traffic deaths among children ages 0 to 14 years in 2009, 181 (14%) involved an alcohol-impaired driver.[1]
- Of the 181 child passengers ages 14 and younger who died in alcohol-impaired driving crashes in 2009, about half (92) were riding in the vehicle with the with the alcohol-impaired driver.[1]
- In 2009, over 1.4 million drivers were arrested for driving under the influence of alcohol or narcotics.[3] That's less than one percent of the 147 million self-reported episodes of alcohol-impaired driving among U.S. adults each year.[4]
- Drugs other than alcohol (e.g., marijuana and cocaine) are involved in about 18% of motor vehicle driver deaths. These other drugs are often used in combination with alcohol.[5]

(http://www.cdc.gov/vitalsigns/drinkinganddriving/)

CDC Vital Signs: Drinking and Driving: A Threat to Everyone

US adults drank too much and got behind the wheel about 112 million times in 2010. Alcohol-impaired drivers* are involved in about 1 in 3 crash deaths, resulting in nearly 11,000 deaths in 2009.

*These drivers had blood alcohol concentrations of at least 0.08%. This is the illegal blood alcohol concentration level for adult drivers in the United States.

Who is most at risk?

Effects of BAC

The more alcohol you consume, the more impaired you become. Learn how your blood alcohol concentration (BAC) affects your ability to drive (/Motorvehiclesafety/Impaired_Driving/bac.html).

- Young people:
  - At all levels of blood alcohol concentration (BAC), the risk of being involved in a crash is greater for young people than for older people.[6]

- Among drivers with BAC levels of 0.08 % or higher involved in fatal crashes in 2009, more than one out of every 3 were between 21 and 24 years of age (35%). The next two largest groups were ages 25 to 34 (32%) and 35 to 44 (26%).1

- Motorcyclists:
  - Among motorcyclists killed in fatal crashes in 2009, 29% had BACs of 0.08% or greater. 1
  - Nearly half of the alcohol-impaired motorcyclists killed each year are age 40 or older, and motorcyclists ages 40-44 have the highest percentage of deaths with BACs of 0.08% or greater (44%).7
- Drivers with prior driving while impaired (DWI) convictions:
  - Drivers with a BAC of 0.08% or higher involved in fatal crashes were eight times more likely to have a prior conviction for DWI than were drivers with no alcohol in their system? (8% and 1%, respectively).1

A Closer Look

- **Sobriety checkpoints**: traffic stops where law enforcement officers assess drivers' level of alcohol impairment. These checkpoints consistently reduce alcohol-related crashes, typically by 20%.
- **Ignition interlocks**: devices that are installed in the vehicles of people who have been convicted of driving while impaired. They prevent operation of the vehicle by anyone with a blood alcohol concentration (BAC) above a specified safe level (usually 0.02% – 0.04%). When installed, interlocks are associated with about a 70% reduction in arrest rates for impaired driving.

How can deaths and injuries from impaired driving be prevented?

Effective measures include:

- Actively enforcing existing 0.08% BAC laws, minimum legal drinking age laws, and zero tolerance laws for drivers younger than 21 years old in all states.3,8,9
- Promptly taking away the driver's licenses of people who drive while intoxicated.10
- Using sobriety checkpoints.11
- Putting health promotion efforts into practice that influence economic, organizational, policy, and school/community action.12,13
- Using community-based approaches to alcohol control and DWI prevention.10,14,15
- Requiring mandatory substance abuse assessment and treatment, if needed, for DWI offenders.16

Other suggested measures include:

- Reducing the illegal BAC threshold to 0.05%.17,18, 19
- Raising state and federal alcohol excise taxes.18, 20
- Mandatory blood alcohol testing when traffic crashes result in injury.18

What safety steps can individuals take?

Whenever your social plans involve alcohol, make plans so that you don't have to drive after drinking. For example:

- Prior to any drinking, designate a non-drinking driver when with a group.

- Don't let your friends drive impaired. Take their keys away.
- If you have been drinking, get a ride home or call a taxi.
- If you're hosting a party where alcohol will be served, remind your guests to plan ahead and designate their sober driver; offer alcohol-free beverages; and make sure all guests leave with a sober driver.

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Page last reviewed: October 18, 2011
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Content source: Centers for Disease Control and Prevention, National Center for Injury Prevention and Control, Division of Unintentional Injury Prevention

Centers for Disease Control and Prevention 1600 Clifton Rd. Atlanta, GA 30333, USA
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SANTA YNEZ VALLEY

Accident on Highway 154 and Roblar

Posted: Oct 8, 2011 6:56 PM by Michael Handler

A two car accident on Highway 154 this afternoon sends four people to the hospital.

The Santa Barbara County Fire Department says it happened near the intersection of Highway 154 and Roblar Road.

Investigators say it was a T-bone accident between a Mustang and a van.

One occupant had a major injury and another had moderate injuries, and two had minor injuries.

Three of the patients were taken to Cottage Hospital.

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SANTA BARBARA NEWS-PRESS

Four injured in Santa Ynez collision

Merrill McCarty
October 9, 2011 12:00 AM

SANTA YNEZ

Four people were injured, one seriously, in a collision Saturday at State Route 154 and Roblar Avenue, authorities said.

Two vehicles were involved in the T-bone crash at about 3:30 p.m., said Capt. Kenneth Murray of the Santa Barbara County Fire Department.

According to Capt. Murray, one person suffered major injuries, one suffered moderate injuries, and two received minor injuries. One person with minor injuries was taken to Marian Medical Center and the other three were transported to Cottage Hospital.

The California Highway Patrol and the American Medical Response also responded.

Santa Barbara Independent
WHO, WHAT, NOW.

Grant to Help CHP Battle Winery-Related DUI

Booze-Related Accidents High Around Wine-tasting Areas, CHP Says

By Adrian Castañeda

Sunday, February 3, 2008

The **California Office of Traffic and Safety** awarded a grant of $658,000 to the Santa Barbara-area CHP to fund a program titled **"STOP DUI, II."** The program will target the areas around Santa Barbara County wineries with the aim of reducing the decreasing number of alcohol related injuries and deaths. The grant money will be used to educate drivers, wineries, and local restaurants as well as overtime pay to increase enforcement in the area, including for staffing two sobriety checkpoints. CHP reports that a large number of recent DUI collisions and arrests involved drivers who had been visiting wine tasting facilities at one of Santa Barbara's more than 90 wineries.

Adrian Casteneda is an Independent intern.

TRANSPORTATION RESEARCH
CIRCULAR
Number 456 March 1996

Driveway and Street Intersection Spacing

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2101 Constitution Avenue, N.W.
Washington, D.C. 20418

FOREWORD

This TRB Circular was developed by TRB's Committee on Access Management. A task force was organized to conduct the effort and was chaired by Jerry Gluck, Principal Associate, Urbitran. The committee recognized the lack of adequate guidelines for designing streets and highways from an access management perspective. The development of specific guidelines and standards was not attempted, but the task force has assembled examples of current practice that should be useful to highway agencies.

The task force has produced an excellent report through a volunteer effort, which is very much appreciated. Members of the task force included Philip B. Demosthenes, Salvatore J. Bellomo, Arthur Jay Eisdorfer, Ronald K. Giguere, Del Huntington, Frank J. Koepke, Dane Ismart, Gary Sokolow, and Vergil G. Stover. Additional TRB publication support was provided by James P. Douglas.

DEDICATION

This TRB Circular is dedicated to the memory of Dr. Salvatore J. Bellomo, P.E., who passed away on June 7, 1994. Sal had a 30-year career filled with significant professional achievements and advanced the state of the art in many diverse areas of transportation planning. For his many accomplishments, he received the James Laurie Prize for professional contributions to the advancement of transportation engineering from the American Society of Civil Engineers.

In recent years, Sal was active in issues related to access management. He was the principal investigator of an FHWA project that developed guidelines for providing access to transportation systems and was the editor-in-chief of the *Proceedings of the First National Access Management Conference*, held in Vail, Colorado, in 1993. He was a founding member of the TRB Committee on Access Management and a member of the task force that prepared this TRB Circular.

Hugh McGee

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July 27, 2012

Marc Chytilo, Esq.
Law Office of Marc Chytilo
P.O. Box 92233
Santa Barbara, CA 93190

RE: Proposed Vincent Winery Project at Highway 154 and Roblar Avenue in Santa Ynez Valley, Santa Barbara County, California

Dear Mr. Chytilo:

Following are **supplemental comments and analyses** concerning the traffic safety implications of the subject project in response to specific items in the Second Draft Mitigated Negative Declaration dated June 12, 2012. These comments supplement my previous letter report dated March 13, 2012.

ADDITIONAL MATERIALS REVIEWED / INVESTIGATION

- Second Draft Mitigated Negative Declaration, Vincent Tier III Winery Development Plan, 09DVP-000000-00034/10NGD-00000-00024, dated June 12, 2012 (including attachments).
- Draft Mitigated Negative Declaration, TTT Vineyards, dated July 3, 2012.
- County of Santa Barbara, 10648 - 2/24/2009, Roadway Traffic Volumes.
- County of Santa Barbara, Traffic Volume Booklet for 2000-2004.
- Additional SWITRS reports and other traffic accident data.
- Additional project site inspections.
- LaBarge Vineyards, Winery Traffic Generation Table, from Final MND, dated March 15, 2011.
- Santa Ynez Valley Community Plan EIR Analyses & Reports.

SUPPLEMENTAL TOPICS OF COMMENT & ANALYSES:

Vincent Vineyards Vehicle Trips Worksheet & Methodology

Tasting Room Size

Intersection Geometry & Restriping

Transportation/Circulation & Level of Service (LOS) Analyses

Accident/Collision Data

Vincent Vineyards Vehicle Trips Worksheet & Methodology

This item refers specifically to the contents and methodology of Attachment 8 of the Second Draft Mitigated Negative Declaration (SDMND), however, it is relevant on a much broader scope since the trip generation numbers are used and relied on in multiple other reports and documents associated with Vincent and other projects.

The vehicle trip generator methodology appears to be seriously flawed and will not yield reliable or useful data for Vincent Winery or other similar facilities. Apparently, Santa Barbara County's internal winery ADT and PHT trip generation spreadsheet calculations are based on predictor rates for only six criteria: facility size, number of full time employees, vineyard acreage, property acreage, tasting room size and number of cases of wine produced. Multipliers are applied for each input, the values are summed and then the total is inexplicably divided by the number of inputs to arrive at misleading weekday and weekend ADT and PHT values.

First of all, the real world statistical data and formulation methods used by the County to establish these criteria rates have not been publicly disclosed to my knowledge. There are many references and an apparent universal reliance on this method in County documents and consultant reports without any verification of its veracity. According to the Penfield & Smith Traffic Analysis report dated July 27, 2011 (Attachment 7 to SDMND, page 6); the rates were based on "statistical data" from Brander, Curtis, Zaca Mesa and Byron wineries. None of these other wineries' traffic volumes necessarily correlate to what would be expected for Vincent Winery. Most notable is that none of these four wineries have the same Highway 154 exposure, ready access and high visibility. It is also unknown at this time how current and accurate any data from these four other wineries might be.

There are numerous other potentially significant factors that are not accounted for in the six criteria indicated above. For example, location, proximity to main highway, roadside visibility, perceived ease of access, proximity to other popular winery tasting rooms,

advertising & promotions, evolving brand recognition, ambiance and reputation of facility, signage, number of "special" or "organized" events, parking, hours of operation, cost of wine and/or charge for tasting, can each impact trip generation rates to varying degrees.

The scientific methodology itself is quite suspect.

Following are the Weekend ADT Rates for the six criteria:

17.12	Facility Size (per 1000 square feet)
41.36	FTE (per number of Full Time Employees)
1.67	Vineyard Acreage
1.02	Property Acreage
268.77	Tasting Room Size (per 1000 square feet)
8.92	Per 1000 cases

While it makes logical sense that some criteria have greater values and significance than others, no rational justification is given for dividing the sum of the multiplied values by the number of inputs used to obtain a final overall ADT value. Doing so essentially gives equal weight to the multiplied values. For example, the general wine tasting public is probably not cognizant of nor influenced by the property acreage or vineyard acreage in terms of deciding whether to visit a winery and thereby create ADT's. Yet these criteria get equal dividing (in effect, diminishing ADT) influence in the calculation method.

There is also a lot of potential subjectivity in these generic rates considering that each specific winery has unique features, character and desirability that can't be measured in square feet, acreage or cases. While the *presence* of a tasting room certainly is the most significant criteria with respect to ADT or PHT generation, there are many other subjective aspects of any given tasting room in addition to its *size* alone that influence its popularity and visitation.

The Vincent Vineyards Vehicle Trips calculation table indicates that the sum of multiplied values is divided by the "# of Inputs Used (not 0)". If some inputs are not included, other than tasting room size, and the sum is divided by a smaller number, then the predicted ADT will rise significantly. Is it up to the analyst to determine what inputs are used? If the method was applied in such a manner for a tasting room with property acreage and full time employees, the number of inputs (dividing factor) would be 3 and the method would actually predict more ADT than a full scale operation. Using that example in the Vincent spreadsheet would yield 165 + 20 + 538 = 723, divided by 3, equals 241 Week End ADT. That is 87 more ADT than predicted for the full scale winery operation. If this is in fact inherent in the methodology then it is certainly a flawed method. In similar calculations for the LaBarge Vineyards, four inputs were used. Further clarification from the County on the data and basis of their winery trip generation method is necessary.

Another simple example suggesting a flawed analytical method is apparent upon examination of the FTE criteria and rates. In the Vincent calculation spreadsheet it indicates 4 FTE x 4.79 = 19 Weekday ADT product. Then this product of 19 gets divided by 6, which yields a net employee contribution toward Weekday ADT of 3. That is impossible unless one assumes that all four employees are carpooling. It is also curious as to why those same four full time employees would generate 165/6 = 27.5 ADT on the weekend.

With respect to the Vincent FTE component, it is also questionable whether 4 full time employees is the correct value to plug into the formula instead of the 10-15 full time employees during harvest season.

In the Staff Report (Section 4.3.1) regarding the April 6, 2011 Vincent Winery hearing it states "On weekends the trip rates are expected to be higher (154 ADT) because of the potential of a special event occurring and large numbers of weekend visitors." The County's standard Vehicle Trips calculation spreadsheet has no factor or criteria to account for events of any kind. It is inaccurate to assume that an event is comparable to or simply offsets normal tasting room ADT. ADT is meaningless with respect to the significance of event traffic impacts because event traffic is concentrated at a start time and end time.

Tasting Room Size

The SDMND for Vincent Winery indicates that "Public wine tasting would occur in a 1,080 square-foot designated area within the winery building". The previous documentation indicated that the tasting would occur in a 2054 square foot designated area. I did not notice any change in the architectural drawings that reflect reducing the tasting room size by approximately one half. In fact, the numbers don't add up in the SDMND opening Section 1.0, Request/Project Description, Winery Facility. The total facility is 5918 square feet. A 3561 sq. ft. area of the building is designated for office/storage space, grape pressing, filtration, fermentation, wine-finishing and bottling. Taking 5918 minus 3561 equals 2357 square feet of remaining area. However, the project description in the SDMND now erroneously reads "The remaining area would include a 1,080 sq. ft. area designated for public wine tasting, and a private club tasting room of 303 sq. ft." Also, the language of "designated area" is altogether rather vague and brings up the question of whether there is any system in place to monitor these types of conditions and provisions (e.g. designated area size) after a project is approved, up and running.

Intersection Geometry & Restriping

First, I would like to clarify some measurements and dimensions at the subject site that were discussed in my previous report. The distance from the stop limit line on Refugio Road (at the intersection with Roblar Avenue) to the start of the current Vincent

driveway apron is only 55 feet. It is approximately 100 feet from the limit line to the extension of the south edge of the Vincent driveway. It is approximately 114 feet from the limit line to the centerline extension of the Vincent driveway. The negative implications of the close proximity of Vincent Winery's primary access to the intersection of Roblar and Refugio were already discussed in my previous report. The clarification here is that there is arguably only 55 feet of vehicle storage space from Roblar to the primary access driveway. Typical passenger vehicle lengths are 15-20 feet.

Second, the SDMND calls for restriping Roblar at the junction with Highway 154 that would create a through/right turn lane and a left turn lane (see Penfield & Smith Aerial Photo Exhibits 3 & 4). Exhibit 3 indicates that the existing westbound lane of Roblar Avenue within 70 feet east of Highway 154 is 20 feet wide. Exhibit 4 indicates that the restriping would create a 16 foot through/right turn lane and a 12 foot left turn lane. Those two new lanes would add up to 28 feet in width, but there is only 20 feet currently available unless 8 feet are taken away from the eastbound portion of Roblar Avenue; which does not seem possible, practical or safe. Significant widening of the road and shoulders in this segment of Roblar would probably have to take place in order to accommodate the proposed restriping plan.

As stated in my original report, proposed restriping of Roblar would introduce new safety hazards. Now that restriping has been included in the SDMND as a required mitigation measure (*supposedly* to improve LOS and reduce delay times), I re-emphasize that the existence of two westbound-facing lanes at this stop sign controlled intersection will create additional hazards due to the blocking of sight lines, either north or south along SR 154, from adjacent vehicles that are simultaneously queued up at the limit line. Undoubtedly some drivers will make poor decisions about entering the highway based on their limited sight lines, thereby increasing the risk of more high speed T-bone collisions at this intersection. It is a problem for vehicles of comparable size but even worse considering the notable presence of large vehicles in the Santa Ynez Valley. Smaller vehicles will need to position forward of an adjacent larger vehicle in order to see around it; which may necessitate intruding into the travel lanes of SR 154.

Another effect of restricting sight lines for adjacent vehicles (due to the restriping and creating two lanes where there is currently only one) may ironically be that it increases delays and degrades the LOS of the intersection because it is going to take drivers longer to ascertain if it is clear and safe to enter the intersection. Drivers will have to either maneuver themselves or their vehicle to see around adjacent vehicles or they will have to wait for adjacent vehicles to proceed before they can get a clear view.

Based my review of all the documents, apparently no one else has considered the above-mentioned sight line safety hazards due to restriping nor the potential adverse effect it may have on delays and LOS. Likewise, no one else has yet to consider the sight line problems from the Vincent Winery primary and secondary access driveways.

Transportation/Circulation & Level of Service (LOS) Analyses

These areas of analysis are generally contained in Section 4.15 of the SDMND and related Attachments 7 & 8. Most of the analyses and conclusions in this section of the SDMND depend on accurate ADT and PHT projections. Based on my previous discussion of the ADT and PHT generation methodology, the old computer adage comes to mind, Garbage In = Garbage Out. Since these projections are unreliable and possibly biased, the resulting conclusions of the project impacts are unreliable and almost certainly, based on my review and analysis, biased to conclude the absence of impacts when impacts are likely certain.

One item that is particularly curious in Attachment 8 (Associated Transportation Engineers Supplemental Traffic Analysis for The Vincent Winery) is why "This supplemental study provides an updated cumulative analysis based on the future and pending projects ... *rather* than the future traffic forecasts presented in the Santa Ynez Valley Community Plan (SYVCP)." It should be noted that the SYVCP projects 10 and 20 year LOS for SR 154/Roblar Intersection of LOS E and LOS F, respectively.

The Santa Ynez Valley Community Plan establishes a minimum LOS B for those roadways within the County's sole jurisdiction. On page 34 of the SDMND, Table 8.1b indicates that the Acceptable Capacity: LOS B is 2100 ADT for Robar Avenue (east of SR 154). This table also indicates that the current estimate for ADT there is 1900 and only 53 Weekend ADT are added for the project. It should be noted that in the Final SYVCP EIR, dated September 2009, Figure 4.4-1 indicates that the existing traffic volume (as of 2008) for Roblar east of SR 154 (at that time) was already 2100 ADT. And Exhibit 1 to the Penfield & Smith Report (SDMND Attachment 7) indicates that existing traffic volumes are 1900 ADT on Roblar east of Highway 154 and 400 ADT on Refugio just north of Roblar. That means that for the short road segment adjacent to Highway 154 there could already be up to 2300 existing ADT.

I question the method for determining the 53 added Weekend ADT mentioned above. The 154 Weekend ADT was used as a starting point but was then diminished according to which direction the traffic was assumed to have originated. The assumption for weekends was 40% from the north on Highway 154, 25% from the south on Highway 154 and 35% from the west via Roblar Avenue. The 35% was multiplied by 154 ADT and that is where the 53 added ADT came from. This makes no sense whatsoever. The original 154 ADT (flawed as it may be in and of itself) was the County's calculation for trips generated in and out of the Vincent Winery. There should be no reduction of that based on what direction the traffic came from. All of those 154 trips are going to pass through Roblar Avenue (east of SR 154) as Table 8.1b defines the "Roadway Segment". If the 154 ADT are added to the 1900 current ADT estimate the total would be 2054 instead of 1953. That is within 46 ADT of bumping to LOS C according to SYVCP criteria, and the 154 ADT estimate is probably grossly underestimated, perhaps by a factor of two or three times. If the 154 ADT are added to the "existing" 2100 ADT indicated in the SYVCP EIR document, the total would be 2254 – triggering the stated LOC threshold and resulting in a significant impact to roadway operations per the

SDMND's methodology.

An additional flaw in this section of the SDMND is the statement "No traffic is assumed to arrive via Roblar Avenue from the east." This is part of the previously discussed inadequacy of the ADT generator calculations. One cannot assume that all traffic arriving from the east on Roblar was already pre-existing or "pass-by" wine taster traffic that has already been accounted for. One could assume that new traffic would be generated by wine tasters that are attracted to the growing cluster of wineries near the SR 154-Roblar intersection and that some of those winery visitors decide to go to Bridlewood Winery and/or TTT (if approved) first and then stop at Vincent on the way out.

Accident Data / Collision Study

Attachment 9 to the SDMND contains a Collision Study of Selected Wine Country Roads with data from January 2001 through April 2012. The reported goal of the study was to determine if there has been an increase in yearly collisions due to the increase in popularity of wineries in the area over the last 11 years. Three year moving averages were included in the analysis to attempt to round out yearly fluctuations.

This is a worthy investigation of such possible statistical trends but one must be aware that there may be multiple complicating and offsetting factors affecting the results. Some of those factors may include the following:

- Vehicles are getting safer all the time through active and passive systems. This affects both the prevention or avoidance of accidents and the mitigation of injuries resulting from accidents. Largely due to ongoing safety enhancements, accident occurrences, serious injuries and fatalities per million vehicle miles traveled have been generally declining for decades. Therefore, any local study should be compared to more regional or national trends and adjusted to eliminate the effect of these larger trends to ensure local conditions are adequately represented in any results and conclusions.

- Overall public awareness is increasing regarding many aspects of transportation safety.

- Right after 9/11/2001, there was a sharp decline in international travel by Americans and an increase in domestic travel (including ground transportation).

- There has been a significant economic recession that started in approximately 2008 and continues through the present. This could significantly affect the volume of traffic in recent years and therefore accident rates.

- Gas prices have fluctuated quite a bit in the last 11 years with at least two

relative all-time highs in the last four years. Combined with the recession, this could certainly have the effect of reducing traffic volumes and collision rates.

It is worth noting that traffic volume counts were not incorporated into the subject study, however, some ADT Volumes by year are presented for Foxen Canyon Road (Table 5). This table shows that volumes peaked in 2006, then declined and have remained lower through 2011.

The results of the collision study which are graphically portrayed in Chart 1 of Attachment 9 are consistent with some of the factors that I mentioned. I.E. it is not surprising that total collisions and the three year moving average trend of collisions starts out higher in 2001-2003, then dips and flattens out from 2004-2008, then dips again from 2008-2010 and is rising from 2010 to 2011. I don't think any conclusion can really be drawn from this study one way or the other regarding the relationship between number of collisions and popularity of wineries.

What is remarkable is that in spite of the fact that number of collisions has declined or predominately flat-lined in the past 11 years, the number of DUI collisions has increased by a factor of 50-100% according to the 3-year moving averages of 2003-2005 compared to 2009-2011. The study also noted that collisions involving alcohol are 14.7% of total collisions in the Santa Ynez Valley, whereas the countywide percentage is 11.4%. I don't necessarily agree with their conclusion that this higher Santa Ynez Valley rate is due only to the several factors they mentioned, none of which is the presence of wineries. Also questionable is the study's assertion that evening DUI incidents (after the hours that winery tasting rooms typically close) are unrelated to wine tasting. Winery visitors may very well get started in the afternoon and then continue their alcohol consumption elsewhere after the tasting rooms close. For example, tasting rooms sell bottles that can be consumed after the tasting room closes, and now under the picnic law, bottles may be more easily opened and partially consumed. The study does support that the highest percentage of alcohol related collisions occur on Saturday and Sunday, which are also the two biggest wine-tasting days.

Given the increase in DUI collisions and the limitations in the Collision Study mentioned above, the SDMND should not rely on the Collision Study to demonstrate that substandard roadways used to access Vincent Winery are safe, or that the Vincent Winery Project will not significantly degrade the safety of this local roadway network.

CONCLUSION

After careful review and consideration of the Vincent Winery Second Draft Mitigated Negative Declaration with Attachments and other additional documents listed at the beginning of this letter report, the opinions and conclusions contained in my original report dated March 13, 2012 stand along with the additional opinions and comments contained herein.

In addition, although it is beyond the scope of this supplemental Vincent Winery report to address the specifics of the proposed nearby TTT Winery project on Roblar Avenue; I have reviewed the DMND for the TTT project and many of the opinions and the topics that have been discussed in detail in my two reports regarding the Vincent Winery project also apply to the TTT Winery project.

This supplemental analysis and report are based on the information reviewed to date. If additional information becomes available in the future it may be necessary to amend, supplement or revise the opinions contained herein.

If you have any questions regarding the enclosed, please feel free to contact me.

Sincerely,

Christopher Gayner

Christopher Gayner
CEO/Senior Engineer
Expert Reconstruction Company LLC