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November 2, 2009

VIA HAND DELIVERY

Board of Supervisors, County of Santa Barbara
105 East Anapamu Street
Santa Barbara, CA 93101

Susan F. Petrovich, Esq.
805.882.1405 tel
805.965.4333 fax
spetrovich@bhfs.com

RE: Response to Draft Revised For Crossroads Consistency Rezone and Conditional Use Permit,
Case Nos. 08RZN-00000-00004 and 09CUP-00000-00021

Dear Honorable Supervisors:

LATE
DIST

Brownstein Hyatt Farber Schreck, LLP represents the owner of Crossroads. We object to the lateness of the submittal of the Proposed Revised Findings. We did not receive them until well AFTER the Friday noon deadline for the applicant to make submittals to be included in the record. For that reason, we request that this letter be included in the record despite its being submitted Monday morning.

There is no substantial evidence in the record to support the Board's proposed action to deny the Conditional Use Permit (CUP). Rather than denying the CUP entirely, we request that the Board approve the CUP with twelve (12) "for profit" events and five (5) non-profit events. At least that would allow Crossroads, a historical venue for special events, to be treated comparably with a new Tier 3 winery. This would be a reasonable compromise.

Crossroads has operated as a venue for special events, large and small, for decades without any traffic, noise, or safety problems and with no conflict whatsoever with onsite or surrounding agricultural uses. Reference was made by Supervisor Wolf to one neighbor telling her about noise from the site, but there is no **documented legitimate** basis for a noise complaint and the project conditions specify that noise must not exceed 65 dBA at the Crossroads property lines. The project description includes termination of amplified sound by 9:00 p.m. on weeknights and 10:00 p.m. on weekends. Although this same one complaining neighbor has called the Sheriff's Department concerning Crossroads on several occasions, each time the deputies responded immediately and left just as quickly after concluding that they found absolutely no excessive noise at the site. Not once has the Sheriff's Department cited Crossroads for excessive noise, terminated an event at Crossroads, or asked that the amplified sound be turned down or off. The Crossroads events will comply with every proposed condition for the CUP. The owner's staff monitors every event to ensure compliance with good neighborliness. With all of the benefits that Crossroads events offer to the community, the unfounded complaints by one neighbor provide no **factual** basis for denying the CUP. The Planning Commission supported issuance of this CUP with 32 events rather than the 20 requested by the applicant, and did so on a 4-0 vote.

CEQA FINDINGS

These findings are identical to those submitted by the Staff for approval of BOTH the consistency rezoning and the Conditional Use Permit (CUP), supporting the applicant's position that there is no substantial evidence in the record to support denial of the CUP. The applicant concurs with these findings.

Zoning Map Amendment Findings

These findings, too, are identical to those submitted in the original staff report. The applicant concurs with these findings.

Conditional Use Permit Findings

The basic problem with the attempt to craft findings for denial of this project is that the staff already has included in its staff report findings for approval that are supported by the evidence in the record. There is no substantial evidence for denial that can "un-ring" the bell of the evidence in the record, all of which sets forth in detail why this CUP should be approved.

2.2.1 – this finding has been substantially revised, but except for deleting relevant facts that are in the record, the finding includes no basis for concluding that this use is incompatible with the rural and scenic character of the area. The Staff's prior finding (for approval) cited the 54-acre size of this primarily level site, stated the fact that it is surrounded by uninhabited rural lands, and stated that the site has adequate water and effluent disposal capability. The prior findings also noted that "the streets and parking areas will accommodate the intensification of demand. The site has adequate ingress/egress, and a traffic plan will ensure that area traffic is not disrupted." The finding for approval is supported by ample evidence in the environmental document prepared for the project. The prior finding is supported by substantial evidence in the record. The proposed finding is not.

2.2.2 – the prior version of this finding was removed completely. The prior finding (for approval) addressed the Final Mitigated Negative Declaration and stated "The Final Mitigated Negative Declaration concludes that there will be no residual significant adverse environmental effects. Therefore, in addition to the CEQA findings above, the Planning Commission further recommends that the Board of Supervisors finds that significant environmental impacts will be mitigated to the maximum extent feasible." There is no substantial evidence in the record to refute the detailed factual evidence in the Mitigated Negative Declaration. Furthermore, the project studied in that document and approved by the Planning Commission was substantially LESS intense than the project reviewed by your Board. The applicant requested that the number and size of events be decreased. The new finding is based upon the fact that there are eleven (11) acres of mature, producing vineyard on the site and the events would occupy four (4) acres of open space land on the 54-acre parcel. The finding refers to up to 5 acres of overflow parking, but that parking would be used only for larger events and the CUP as requested doesn't include these larger events. Furthermore, the applicant has offered to include in the CUP premises an adjacent 40-acre parcel with thirteen (13) acres of mature, producing vineyard. The findings don't even address this addition to the premises.

Under the County's current Development Code, an unlimited number of non-profit events for up to 300 attendees is allowed at this site with no permit whatsoever. This CUP is for events for 250 attendees. The impacts of a "for profit" event for 250 attendees are less than the impacts of a non-profit event for 300 attendees, so there is no basis for distinguishing between the two in making findings for denial of this CUP.

There is no substantial evidence in the record to support the conclusion in this finding that the events are not accessory and incidental to the productive vineyard acreage, which totals 24 acres in contrast with 4 acres being used as the event venue. The finding cites total potential event attendees and support services, but doesn't state how these numbers are relevant to the productivity of the land as vineyards. Parties on vineyard land go back to the origins of wine making throughout the world. The event attendees don't interfere with the vineyards and the vineyards don't interfere with the party-goers.

Using 4 acres out of 54 (94 counting the adjacent parcel) next to 24 acres of producing grape vines is accessory and incidental to the overall agricultural use of this land.

2.2.3 – the original findings 2-2-3 through 2.2.7 (for approval) set forth in great detail evidence that, for the more intense project approved by the Planning Commission:

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

"There will be adequate public services, including fire protection, police protection, sewage disposal, and water supply to serve the proposed project."

"The project will not be detrimental to the comfort, convenience, general welfare, health, and safety of the neighborhood and will be compatible with the surrounding area."

"The proposed project will comply with all applicable requirements of this Development code and the Comprehensive Plan, including any applicable community or area plan."

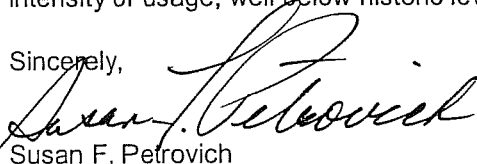
"Within rural areas as designated on the Comprehensive Plan maps, the use will be compatible with and subordinate to the rural and scenic character of the area."

The proposed new finding conveniently deletes many of the factual statements included in the original Finding 2.2.7, which stated that the special event use in this rural area **will be compatible with and subordinate to the rural and scenic character of the area**. The Board cannot change the facts. The facts are that Crossroads has been operating as a special events center for decades. Not one of the people who appeared to speak against it lives in the vicinity of the project, yet over 40 people wrote letters recounting the great economic, public relations, and community benefit that this use has contributed to the Santa Ynez Valley. According to one Supervisor, a single neighbor complained about noise. With a limit of 65 dBA at the property lines, noise will not be an issue with this use. That is a standard condition imposed upon a wide variety of County permits. The nearest house is approximately a 1/2 mile from the Crossroads property and it is located north of the barn. The barn opening faces to the south. The proposed finding is based upon the number of vehicle trips per year, but all of the evidence in the record is that the access roads have substantial excess capacity and these events will not impact the roadways.

Conclusion

Because the evidence in the record does **not** support the findings, but rather supports approval of the CUP, we request that the Board approve the CUP with 12 "for profit" events and 5 "non-profit" events. The applicant will accept the reduction gracefully but does want to make the site available for the community's charitable fundraising purposes. This is a fair compromise that further reduces the intensity of usage, well below historic levels, while keeping the venue open.

Sincerely,



Susan F. Petrovich