



BOARD OF SUPERVISORS
AGENDA LETTER

Agenda Number:

Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
(805) 568-2240

Department Name: Planning and Development
Department No.: 053
For Agenda Of: March 8, 2016
Placement: Set hearing on March 8, 2016 for March 15, 2016
Estimated Tme: 1.5 hours on March 15th
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors

FROM: Department Glenn Russell, Ph.D., Director, Planning & Development
Director(s) (805) 568-2085
Contact Info: Alice McCurdy, Deputy Director, Development Review Division
(805) 568-2518

**SUBJECT: Field Appeal of the Santa Rosa Road Tier II Winery Development Plan
Third Supervisorial District**

County Counsel Concurrence

As to form: Yes

Auditor-Controller Concurrence

As to form: N/A

Other Concurrence: N/A

Recommended Actions:

On March 8, 2016, set a hearing for March 15, 2016 to consider the appeal filed by Bob Field of the Planning Commission's September 30, 2015 *de novo* approval of the Santa Rosa Road Tier II Winery Development Plan project, Case No. 13DVP-00000-00015.

On March 15, 2016, staff recommends that your Board take the following actions:

- a) Deny the appeal, Case No.15APL-00000-00020;
- b) Make the required findings for approval of the project specified in Attachment-1 of this board letter, including CEQA findings;

- c) Adopt the Revised Final Mitigated Negative Declaration included as Attachment-3 and adopt the mitigation monitoring program contained in the conditions of approval (Attachment-2) of this board letter;
- d) Grant *de novo* approval of the project, Case No. 13DVP-00000-00015, including a modification to the setback requirements, subject to the revised conditions included as Attachment-2 of this board letter.

The project site is identified as Assessor Parcel Number 083-170-015, located on the south side of Santa Rosa Road, approximately 4 miles west of the Santa Rosa Road / Highway 101 intersection, commonly known as 7290 Santa Rosa Road, Buellton area, Third Supervisorial District. Refer back to staff if the Board takes an action other than the recommended action.

Summary Text:

A. Project Description

Structural Development. The proposed project is a request for the approval of a Development Plan for a new Tier II winery. The proposed project includes the demolition of approximately 3,037 square feet of existing development, and the construction of a new 10,540 square foot winery production building and a 3,420 tasting building (including a 1,160 square foot tasting room).

Winery Operations. Wine production would be limited to a maximum of 9,500 cases annually. Winery operations occurring within the winery production building would include on-site crushing, fermentation, barrel storage, and bottling. Hours of operation for wine production would be 8:00 a.m. to 6:00 p.m. Monday through Friday, except during crush activities when the winery operation hours would be extended to include early morning and evening hours, 7 days per week. The wine tasting room would be open to the public daily from the hours of 11:00 a.m. to 5:00 p.m. The wine tasting room would be closed during special events.

Special Events and Organized Gatherings. A maximum of six special events (with a maximum of 150 attendees per event) and 24 private organized gatherings (of between 13-50 attendees per gathering) are proposed. Special events and organized gatherings would end no later than 10:00 p.m. In addition to the limitation of six special events, a maximum of four special events or organized gatherings may occur in any month. Proposed parking would consist of 25 permanent parking spaces, and 60 overflow parking spaces.

Setback Reduction. The proposed project includes a request to reduce the setbacks required for wineries pursuant to LUDC Section 35.42.280.D.2.C, including: 1) Reduction of the 200 foot setback from the adjacent property line to 70 feet at the closest outdoor use area (winery parking lot) associated with the winery; 2) Reduction of the 400 foot setback from the nearest offsite residence under separate ownership to 200 feet at the closest outdoor use area (winery parking lot) associated with the winery.

B. Background

The proposed project was approved by the Zoning Administrator on April 20, 2015. A timely appeal of the Zoning Administrator's decision to approve the project was filed on April 29, 2015 by Ms. Debbie Earle, Ms. Georgia Wiester, and Ms. Sharyne Merritt. On September 30, 2015, the Planning Commission voted unanimously to deny the appeal and granted *de novo* approval of the Development Plan with revisions to the conditions of approval. The revisions required by the Planning Commission reduced the number, frequency, and attendance of special events and organized gatherings as specified in the project description, above, and modified the conditions of approval to require 1) only ambient background music (no amplified music) in the tasting room; 2) all lighting to be dark sky compliant; and 3) special event notification to permit compliance staff.

On October 8, 2015, the appellant, Mr. Bob Field, filed a timely appeal of the Planning Commission's decision to approve the project. A facilitation meeting attended by the applicant and appellant was held on October 27, 2015. The appeal issues were discussed at length, however an agreement was not reached between the two parties.

With the aforementioned setback reductions, as allowed by code, the proposed project has been found to be in conformance with all applicable County Comprehensive Plan policies, and the Santa Barbara County Land Use and Development Code zoning requirements. These policies and requirements, along with the appeal issues raised by the previous appellants, are discussed in detail in the Zoning Administrator staff report, dated April 3, 2015 (Attachment-8) and the Planning Commission staff report, dated September 21, 2015 (Attachment-7).

C. Additional Staff Comments

In order to clarify the intent of the Planning Commission regarding the 150 person cap on special events, staff recommends that the following language be added to the project description, "*If a special event and organized gathering occur concurrently, there shall be no more than a combined 150 attendees on-site at any given time (e.g. 100 person special event and a 50 person organized gathering).*"

In order to address parking/circulation and traffic incident/collision concerns expressed by the appellant, and in order to ensure consistency between project conditions, staff recommends that condition #17 (Winery Special Event Parking Management Plan) be modified as follows

17. Special Condition – ~~Winery~~ Special Event Parking Management Plan. A special event parking management plan shall be implemented for ~~all~~ winery special events.

The plan shall include:

- a) The use of a parking coordinator who shall be present during winery special events at all times to manage and direct vehicular movement and parking.
- b) The use of dust control measures to keep dust generation to a minimum and to minimize the amount of dust leaving the site.

- c) Appropriate signage placed onsite directing visitors to and indicating the location of parking areas, including open field overflow areas. Signs shall be in place before the commencement of each special event.
- d) Traffic incident response protocols.
- e) Notification requirements (consistent with condition #13) specifying that thirty (30) days prior to each special event the applicant/owner shall provide Permit Compliance with written notice of the date of the event, the type of event, planned number of attendees, and start time and ending time of the event.

PLAN REQUIREMENTS AND TIMING: P&D shall review and approve the Parking and Special Event Management Plan prior to issuance of the Zoning Clearance. The Parking and Special Event Management Plan shall include the measures described above in consultation with P&D. Annual reports shall be submitted to Permit Compliance staff. The annual report shall detail the total number of events during the previous year, any traffic complaints received, and any changes to event operations that resulted from any identified traffic/parking issues.

MONITORING: Permit Compliance monitoring staff shall review annual reports and respond to complaints.

The applicant has reviewed and agreed to both changes listed above.

In response to items raised in the appeal, minor revisions have been made to the Mitigated Negative Declaration (Attachment-3). Recirculation of the Mitigated Negative Declaration is not required because the revisions did not result in a new, avoidable significant effect that requires mitigation measures or in project revisions to reduce any effect to insignificance, and because the revisions did not lead to the County determining that new mitigation measures or project revisions were required.

D. Appellant Appeal Issues and Staff Responses

The appellant, Mr. Bob Field, filed a timely appeal of the Planning Commission's denial of the previous appeal of the proposed project (Case No. 15APL-00000-00010) and *de novo* approval of the project. The appeal application (Attachment-4) contains a letter summarizing the issues raised in the appeal. These issues and staff's responses are summarized below.

Appellant Appeal Issue #1: Project visitation is excessive for the site.

- a. **Issue 1a.:** The appellant contends that given the specific circumstances of the project and its location, the level of visitor-serving activities contained within the approved project description is excessive and that the conditions to control these activities are inadequate. The appellant states that as approved, the number of wine tasting visitors allowed is unlimited, both at one time and cumulatively, and that a condition of approval limiting the size of the parking area (both with physical restraints and with an enforceable condition) should be required.

Issue 1a. Staff Response: The Santa Barbara County Land Use and Development Code (LUDC) does not contain standards which place limitations on the maximum number of daily guests at tasting rooms, on the maximum number or parking spaces for wineries, or on the use of overflow parking spaces for tasting room visitors. In their approvals of the project, neither the Zoning Administrator nor Planning Commission placed a limitation on the number of wine

tasting visitors allowed to visit the winery in a given day or a limitation on winery visitors allowed at any given time, or on the use of overflow parking spaces for tasting room visitors. Proposed parking would consist of 25 permanent parking spaces, per minimum LUDC requirements, and 60 overflow parking spaces. The 25 permanent parking spaces would be surfaced with crushed rock and demarked by the use of wheel stop barriers in order to clearly identify the main parking area. The overflow parking area would be used only on an as-needed basis, primarily for special events.

The appellants concerns related to limiting the number of winery visitors and limiting the area devoted to parking appear to be related to traffic levels or circulation. However, because the parking area is not visible from Santa Rosa Road, a physical restraint limiting parking to the 25 permanent spaces would not reduce traffic, rather it would result in visitors driving into the site and back out onto Santa Rosa Road if the parking lot were full (with a possible return trip later in the day). The Traffic Study Addendum for the Santa Rosa Winery (Stantec, February 10, 2016, Attachment-5 to this Board Letter) indicates that project traffic will not exceed any County traffic threshold. In addition, the Revised Final Mitigated Negative Declaration, (Attachment-3) analyzes the potential traffic impacts, and concludes that traffic impacts would be less than significant. Furthermore, proposed conditions of approval would manage vehicular circulation. Specifically, in order to ensure orderly parking and circulation during special events, the project is subject to the requirements of a Special Event Parking Management Plan (condition no. 17) which requires the use of parking attendants, valets, etc. Finally, condition no. 12 prohibits parking along Santa Rosa Road in order to avoid traffic and circulation conflicts. Therefore, a condition of approval limiting the size of the parking area for wine tasting above and beyond LUDC requirements is not warranted.

- b. Issues #1b. and #1c.:** The appellant states that the number of approved winery special events is excessive given the reasonably foreseeable number of wineries on Santa Rosa Road (which the appellant defines as all properties with vineyards) and the assuming each winery will demand at least as many events as others have been granted. The appellant contends that, given that assumption, the number of approved winery special events would cumulatively result in 300 events per year on Santa Rosa Road. The appellant contends further that it is reasonably foreseeable that in any single month, current and future wineries would cumulatively host 10 events every weekend on Santa Rosa Road, which, according to the appellant, is substandard with a high accident rate. Additionally, the appellant states that the number of attendees allowed at winery special events is excessive.

Issues #1b. and #1c Staff Response: There are four existing wineries (Mosby, Terlato (formerly Sanford), LaFond, Lavender Oak), one approved and not yet constructed winery (Arita Hills), and one proposed winery (the proposed project) located on Santa Rosa Road. In addition, a Central Board of Architectural Review (CBAR) application was submitted for conceptual architectural review of structures for the Hilt Winery. No application for development has been submitted for the Hilt Winery, however, it has been included in the cumulative analysis out of an abundance of caution in response to issues raised in the Appeal. Assumptions regarding the details of the potentially forthcoming Hilt winery were made for the purposes of the cumulative analysis. Table 1.0, below, summarizes each of these wineries and their allowed events.

Table 1.0 Existing and Reasonably Foreseeable Wineries

Winery	Status	# of Special Events and Max. # of Guests	Hours	Wine Tasting
Lafond	Existing	12 events/ 50 guests	Events must conclude by 10 p.m.	Yes
Terlato (Sanford)	Existing	5 events/ 100 guests 2 events/ 250 guests (one weekend Sat/Sun)	Weekends and holidays only between 7:00 a.m. and 6:00 p.m.	Yes
Lavendar Oak	Existing	None	n/a	No
Mosby	Existing	None	n/a	Yes
Arita Hills (Scoggin)	Approved/not constructed	6 events/150 guests	None specified	Yes
Santa Rosa	Proposed project	6 events/150 guests (only one allowed per month)	Events must conclude by 10 p.m.	Yes
Hilt	Pending CBAR application	12 events/150 guests (potential request for the purposes of cumulative analysis)	TBD	Yes (potential request for the purposes of cumulative analysis)
Total		43 events		

Taking into account the number of existing, approved, and proposed wineries on Santa Rosa Road, the total number of winery special events which could occur per year is 43 special events, not 300 as asserted by the appellant. A project is considered a reasonably foreseeable probable future project once an application has been filed. Where future development is unspecified and uncertain, no purpose can be served by requiring environmental review to engage in sheer speculation as to the future environmental consequences. As a result, the cumulative impact analysis for the proposed project did not assume the construction of wineries on parcels containing vineyards. According to the Traffic Study Addendum for the Santa Rosa Winery (Stantec, February 10, 2016, Attachment-5 to this Board Letter) the traffic generated by the proposed project would not create significant impacts to surrounding roadways or unsafe roadway conditions. As discussed under Issues 2a and 2b the accident rate for Santa Rosa Road is below average and Santa Rosa Road meets public rural roadway standards within the project limits. In addition, the cumulative impacts resulting from the existing, approved, reasonably foreseeable, and potential future projects would be less than significant. Please refer to the Revised Final Mitigated Negative Declaration (Attachment-3) for a more detailed discussion.

Appellant Appeal Issue #2: Lack of a fair and impartial hearing. According to the appellant, County Staff (P&D and Public Works), exhibited a pattern of: a) omission of material information, b) presentation of false and/or misleading information; and c) failure to correct false and/or misleading statements by the applicant. The appellant identifies the following specific concerns with regard to the above statements:

- a. **Issue 2a. Omissions of material information :** The appellant contends that there were omissions of material information pertaining to the effects of alcohol impairment on driving, the collision rate on Santa Rosa Road, quality of life issues, and that the Hilt Winery was excluded from the cumulative analysis.

Issue 2a. Staff Response:

Alcohol Impairment and Collision Rates

The proposed Tier II winery is a permitted use under the County Land Use and Development Code (LUDC) requiring a Development Plan. The LUDC governs land use and does not govern alcohol licenses or implement the vehicle code. As with restaurants, bars, and grocery stores, and all other uses, it is assumed that the winery will operate within the bounds of the law and that guests of the winery will also operate within the bounds of the law. Serving alcohol to an obviously intoxicated person is a misdemeanor. The California Vehicle Code makes it unlawful to drive while under the influence of alcohol and/or drugs and makes it unlawful for a person who has .08% or more of alcohol in their blood to drive a vehicle. A *Collision Study of Santa Barbara Wine County Roads* (County Public Works-Transportation, May 2012) found a 3.3% higher collision rate involving alcohol in the Santa Ynez Valley than in the rest of the County. It was concluded in the Collision Study that the higher percent is due to the nature of the rural roadways (higher speeds, no curbs, less lighting, less enforcement, etc). However, the study also found that the higher percentage of collisions involving alcohol occurred between 6:00 PM and 10:00 PM, during the hours when tasting rooms are closed. Therefore tasting rooms were not identified as a primary contributing factor to the higher collision rate involving alcohol in the Santa Ynez Valley.

Collision Rates on Santa Rosa Road

After the appeal to the Board was filed, the applicant provided a Traffic Study Addendum for the Santa Rosa Winery (Stantec, February 10, 2016, Attachment-5 to this Board Letter). The Addendum studies the data provided by the previous appellant regarding collisions and addresses the collision history of Santa Rosa Road. The Traffic Study Addendum found that, with 30 accidents over the most recent 5 year period (Statewide Integrated Traffic Records System [SWITRS] 2010-2014), “*The collisions rate for Santa Rosa Road is 1.65 collisions per million vehicle miles traveled (MVM), which is slightly lower than the expected collision rate of 1.71 collisions per MVM contained in the Highway Safety Improvement Program (HSIP) Guidelines for the roadway type.*” Therefore, the appellant’s claim that there are “2X the expected” collisions on Santa Rosa Road is not supported by the SWITRS data. The May 2015 Winery Ordinance Draft EIR (DEIR) references an average collision rate of 1.5, rather than 1.71 for its area of study. However, according to Public Works-Transportation staff, the 1.5 MVM collision rate applies to roadways with level terrain, whereas the 1.71 MVM collision rate applies to roadways on rolling terrain (such as Santa Rosa Road). Both Stantec and Public Works-Transportation traffic engineers are in agreement that the 1.71 collision rate appropriately applies to Santa Rosa Road. Even if the 1.5 MVM rate is used, exceedence of the collision rate is simply an indicator that a correctable problem may exist (personal communication, Will Robertson, Public Works-Transportation, January 25, 2016). Based upon detailed review of the SWITRS data, Public Works staff did not find any demonstrable pattern in the collisions that could be

corrected through a capital improvement (i.e. road widening, additional signage, etc.). In addition, Public Works staff reviewed existing roadway signage in the area and found that the existing signage meets national MUTCD (Manual of Uniform Traffic Control Devices) standards and therefore no additional signage is recommended.

Cumulative Analysis

The Traffic Study Addendum for the Santa Rosa Winery (Stantec, February 10, 2016, Attachment-5 to this Board Letter) provided by the applicant contains a cumulative impact analysis that includes the Hilt Winery as well as other existing and reasonably foreseeable wineries along Santa Rosa Road (including approved, but not yet constructed, projects). The Revised Mitigated Negative Declaration, dated March 15, 2016 (Attachment-3 to this Board Letter) has been amended to reflect this updated cumulative analysis.

Quality of Life

An extensive discussion of quality of life issues (noise, dust, traffic, aesthetics) is included both in the Planning Commission Staff Report dated September 21, 2015 (Attachment-7 to this Board Letter) and in the Revised Mitigated Negative Declaration, dated March 15, 2016 (Attachment-3 to this Board Letter). In addition, a quality of life threshold is discussed under appeal issue 2c.

- b. Issue 2b. Presentation of false and/or misleading information:** The appellant states that Public Works staff stated that they saw no problems with Santa Rosa Road but yet required the minimum safe standards for the project's driveway to be 24 feet wide with 2 foot improved shoulders, and that Santa Rosa Road is not close to meeting this standard. The appellant states that Public Works staff praised the quality of the Penfield & Smith (P&S) traffic study, which according to the appellant, contains material errors and omissions. In addition, according to the appellant, in a 2012 study and report on collision on "wine country roads" (including Santa Rosa Road), Public Works staff attributed the 30% higher alcohol-involved collision rate in the Santa Ynez Valley to the "nature of rural roadways". The appellant cites the following excerpt from the 2012 study, "*Collisions involving alcohol are 14.7% of total collisions in the Santa Ynez Valley area with the countywide percentage being 11.4%. This higher rate can be attributed to the nature of rural roadways with higher speeds, less lighting, and no curbing.*"

The appellant questions why there is not a condition that limits parking for wine tasting to specified and improved parking spaces, and states that this condition is necessary to avoid an unlimited number of wine tasting visitors and traffic to the site.

Issue 2b. Staff Response:

Material Omissions and Errors

The appellant asserts that the original traffic study contains "material omissions and errors" but does not state what they are. The Traffic Study Addendum for the Santa Rosa Winery submitted by the appellant addresses issues raised by the appellant elsewhere in their appeal. In addition, the Traffic Study Addendum was peer reviewed and found acceptable by County Public Works-Transportation staff.

Roadway Width

The Fire Department (not County Public Works) required a 20 foot wide driveway on-site to allow for adequate ingress and egress for public safety vehicles (not 24 feet with 2 foot shoulders as asserted by the appellant). According to Public Works-Transportation staff, Santa Rosa Road is approximately 24 feet wide and meets public rural roadway standards within the project limits. Furthermore, the public rural roadway standards apply to the development of new rural roads, whereas Santa Rosa Road is an existing road (personal communication, Will Robertson, January 25, 2016). In addition, the overall collision rate for Santa Rosa Road is lower than expected for the roadway type (Traffic Study Addendum for the Santa Rosa Winery, Stantec, February 10, 2016). Therefore, the roadway is operating better than expected given the roadway type and the existing roadway design features (width, curvature, shoulders, etc.).

Alcohol Impairment and Collision Rates

There is a 3.3% higher collision rate involving alcohol in the Santa Ynez Valley than the rest of the County, not 30% as asserted by the appellant (Collision Study of Santa Barbara Wine County Roads, County Public Works-Transportation, May 2012) . In addition, even though collisions involving alcohol are 3.3% higher in the Santa Ynez Valley Area than the County as whole, the overall collision rate for Santa Rosa Road is lower than expected for the roadway type. Please refer back to Appeal Issue #1 for a more detailed discussion on this topic.

Wine Tasting Parking

The Santa Barbara County Land Use and Development Code (LUDC) does not contain standards which place limitations on the maximum number of daily guests at tasting rooms, on the maximum number of parking spaces for wineries, or on the use of overflow parking spaces for tasting room visitors. In their approvals of the project, neither the Zoning Administrator nor Planning Commission placed a limitation on the number of wine tasting visitors allowed to visit the winery in a given day or a limitation on winery visitors allowed any given time, or on the use of overflow parking spaces for tasting room visitors. Proposed parking would consist of 25 permanent parking spaces, per minimum LUDC requirements, and 60 overflow parking spaces. The 25 permanent parking spaces would be surfaced with crushed rock and demarked by the use of wheel stop barriers in order to clearly identify the main parking area. The overflow parking area would be used only on an as-needed basis, primarily for special events.

The appellant suggests that a condition should be placed on the project to limit parking to the 25 permanent parking spaces because the Vincent Winery project included a similar limitation. However, the limitation on the Vincent Winery was established through a settlement agreement between the applicant and appellant, and was not required as a result of identified environmental impacts or required for policy or ordinance consistency purposes. In the case of the Vincent Winery, the Board of Supervisors accepted the parking limitation as a change proposed jointly through a Settlement Agreement by the applicant and appellant. The Vincent Winery can also be distinguished from the proposed project because the Vincent Winery parking area is visible from the public roadway and the Santa Rosa Winery is not. As discussed under issue 1a, no County traffic threshold will be exceeded, existing conditions of approval manage traffic circulation, and

a physical restraint limiting parking to 25 spaces would not successfully reduce traffic or circulation conflicts. Therefore, a condition of approval limiting the number of tasting room visitors or limiting the size of the parking area for wine tasting (above and beyond LUDC requirements) is not warranted.

- c. **Issue 2c. Failures to correct false and/or misleading statements by the applicant:** The appellant states that County staff should have corrected statements made by the applicant group, and raised the following points:
- a. The appellant states that the applicant's traffic expert should not have discredited the previous appellant's testimony and submittal regarding Statewide Integrated Traffic Records System (SWITRS) traffic collision data.
 - b. The appellant states that the traffic study was completed at an inappropriate, misleading, and off-peak, time (a single weekday in February) and that the traffic study should not have been accepted by staff.
 - c. The appellant states that collisions on Santa Rosa Road are "twice expected" and that County staff should have clarified that collision history on Santa Rosa Road is not below average.
 - d. According to the appellant, County staff should have clarified that wine tasting and events are allowed simultaneously. The appellant states that the real issue of concern is "how many additional vehicles will be on the road in a given day."
 - e. The appellant states that an increase in traffic of 30% would have a significant impact to the quality of life in quiet neighborhoods and that the cumulative increase in traffic would be higher than 30%.
 - f. The appellant questions statements made by the applicant's attorney pertaining to the roadway Level of Service (LOS), number of events, and permit status of the Vincent winery.
 - g. The appellant states that, contrary to statements made by the applicant's attorney, wineries are not permitted to hold organized gatherings of less than 80 people unless they receive a permit to do so.

Issue 2c. Staff Response:

Appeal hearings before the Planning Commission provide for testimony from the applicant (including specialists hired by the applicant), the appellant, members of the public, and P&D staff. Staff's recommendations to the Planning Commission at the September 30, 2015 hearing are articulated in the staff report dated September 21, 2015, and the staff testimony provided that day. Statements provided by the applicant, the appellant, and members of the public do not represent the input or recommendations of staff. The Planning Commission weighs all evidence presented to them in order to make a decision on a project. In the instant case, following testimony by all parties and

review of all materials, the Planning Commission voted to deny the appeal and uphold approval of the project. The following is a response to the specific concerns raised by the appellant:

- a. The Traffic Study Addendum for the Santa Rosa Winery (Stantec, February 10, 2016) recently provided by the applicant includes an analysis of the Statewide Integrated Traffic Records System (SWITRS) collision data provided by the appellants at the Planning Commission hearing. The collision data does not show *“collisions to be twice expected [levels]”* as asserted by the appellant. The Traffic Study Addendum found that, with 30 accidents over the most recent 5 year period (SWITRS 2010-2014), *“The collisions rate for Santa Rosa Road is 1.65 collisions per million vehicle miles traveled (MVM), which is slightly lower than the expected collision rate of 1.71 collisions per MVM contained in the Highway Safety Improvement Program (HSIP) Guidelines I for the roadway type.”* The May 2015 Winery Ordinance Draft EIR (DEIR) references an average collision rate of 1.5, rather than 1.71 for its area of study. However, the 1.5 MVM collision rate applies to roadways with level terrain, whereas the 1.71 MVM collision rate applies to roadways on rolling terrain (such as Santa Rosa Road). Both Stantec and Public Works-Transportation traffic engineers concur that the 1.71 collision rate appropriately applies to Santa Rosa Road. Even if the 1.5 MVM rate is used, exceedence of the collision rate is simply an indicator that a correctable problem may exist (personal communication, Will Robertson, Public Works-Transportation, January 25, 2016). Based upon detailed review of the SWITRS data, Public Works staff did not find any demonstrable pattern in the collisions that could be corrected through a capital improvement (i.e. road widening, additional signage, etc.). In addition, Public Works staff reviewed existing roadway signage in the area and found that the existing signage meets national Manual of Uniform Traffic Control Devices (MUTCD) standards and therefore no additional signage is recommended.
- b. The February 10, 2016 Traffic Study Addendum takes into account data that includes both weekdays and weekends, including peak traffic hours. In addition, pursuant to the Traffic Study Addendum, *“The traffic analysis completed in 2014 estimated the trip generation for the project based on rates developed by the County for winery projects. These rates were developed using traffic data from four vineyards with wineries during peak season operations. By using these rates, the trips generation estimates for the project thus assume peak season employee and visitor traffic.”*
- c. Please see response “a” above, regarding the appellants assertion that collisions are “twice expected.”
- d. Under the proposed conditions of approval simultaneous wine tasting and events would be allowed. As proposed, wine tasting would open to the public, daily, from 11:00 am to 5:00 pm. Under the proposed project, no more than one special event is allowed per month and only 6 special events are allowed per year. No event can exceed 150 attendees. The Traffic Study Addendum for the Santa Rosa Winery (Stantec February 10, 2016) analyzed the “existing plus project” and cumulative traffic volumes and found that County traffic thresholds would not be exceeded.
- e. The source of the reference to a 30% increase in wine tasting traffic is unclear. Nonetheless, quality of life impacts with regard to traffic have not been found to be significant. In addition to traffic thresholds, which the project would not exceed, the Santa Barbara County Environmental

Thresholds and Guidelines Manual contains Quality of Life Guidelines. The example quality of life issue identified by the applicant is *“Increased traffic in quiet neighborhoods (not exceeding traffic thresholds).”* The Environmental Thresholds and Guidelines Manual states *“. . . on a case by case basis, the elements comprising “quality of life” shall be considered. Where a substantial physical impact to the quality of the human environment is demonstrated, the project’s effect on ‘quality of life’ shall be considered significant.* For guidance in determining quality of life impacts, it is useful to refer to the policy capacity set by the Circulation Element. Per the Circulation Element, *“policy capacity is limited not by the physical capacity of the roadway, but rather by the desirability of maintaining an acceptable traffic level which will not adversely affect residential neighborhood qualities.”* Therefore, the policy capacity is set lower than the physical “design capacity” of the roadway in order to avoid adverse effects to residential areas. The Santa Barbara County Circulation Element (CE) sets a minimum policy capacity of 5,000 ADT for roadways which are designed to provide principal access to residential areas. Residential areas are the most sensitive to quality of life impacts, and therefore applicability of the 5,000 ADT policy capacity to the rural agricultural area where Santa Rosa Winery is located, is a particularly conservative measure for assessing quality of life impacts. Pursuant to the Traffic Study Addendum for the Santa Rosa Winery (Stantec, February 10, 2016), *“A worst case analysis of [the Santa Rosa Winery] and future potential projects, under normal and special event operation would result in approximately 1,364 ADT.”* This is well below both the policy capacity of 5,000 ADT and the design capacity of 6,250 ADT¹. Furthermore, this level of traffic would potentially occur only a few times per year, as it assumes that all of the area wineries would be conducting special events at the same time. Therefore, pursuant to the measures established by the County Thresholds and Guidelines Manual and the Circulation Element, following implementation of the project and reasonably foreseeable projects, Santa Rosa Road would operate at an acceptable level that would not adversely affect rural neighborhood qualities. In addition, the overall collision rate for Santa Rosa Road is lower than expected for the roadway type (Traffic Study Addendum for the Santa Rosa Winery, Stantec, February 10, 2016). Therefore, the roadway is operating better than expected given the roadway type and the existing roadway design features (width, curvature, shoulders, etc.). Finally, as discussed in detail under Appeal Issue #3, below, the project area (Santa Rita Hills AVA) is the only area that would not exceed the Quality of Life traffic threshold established in the Winery Ordinance DEIR. Other quality of life issues (noise, etc) are addressed in detail in the Planning Commission Staff Report for the project, dated September 21, 2015 (Attachment-7 to this Board Letter).

- f. The Vincent Winery received Board of Supervisors approval on appeal from the Planning Commission on February 19, 2013. The appellant and applicant entered into a settlement agreement which resulted in changes to project conditions that were approved by the Board. Certain of the condition changes/project limitations applicable to the Vincent Winery do not serve as appropriate precedent for the Santa Rosa Winery because many of the changes were established through a settlement agreement between the applicant and appellant, and were not required as a result of identified environmental impacts or required for policy or ordinance consistency purposes. The Vincent Winery is also located off of a different roadway and in a different community than the Santa Rosa Winery. With regard to the factual details of the Vincent Winery, the Vincent Winery was not approved as an “event center,” included a 5,678

¹ The Santa Barbara County Circulation Element (CE) sets a minimum policy capacity of 5,000 ADT for roadways which are designed to provide principal access to residential areas (such as Santa Rosa Road). A policy capacity of 5,000 ADT translates to a design capacity of 6,250 ADT (personal communication, Will Robertson, February 2, 2016)

square foot wine production building, and a 1,107 square foot wine tasting building, was proposed to produce 7,000 cases of wine, and was permitted to allow daily wine tasting and four organized gatherings per year. Intersections near the Vincent winery operate at different Levels of Service depending upon the intersection and depending upon the methodology used to calculate LOS (i.e. County methodology versus Caltrans methodology). Nonetheless, it was found that *“Operation of the Vincent Winery, including normal day-to-day operations and Organized Gatherings will result in acceptable Levels of Service (LOS) on surrounding roadways and intersections”* (Board Action Letter for the Field/Poitras Appeal of the Vincent Winery Development Plan, 12APL-00000-00019, February 25, 2013).

- g. As proposed, the Santa Rosa Winery would host no more than 24 private organized gatherings of between 13-50 attendees per gathering. For other wineries, the number of allowed organized gatherings is the number specified in the approved permit for each winery. If no organized gatherings are specified in a permit for a winery, no private organized gatherings are permitted.

Appellant Appeal Issue #3: The Final Mitigated Negative Declaration should have been rejected, and an Environmental Impact Report required. According to the appellant, the Final Mitigated Negative Declaration should have been rejected and an Environmental Impact Report required because members of the public introduced substantial evidence supporting a fair argument that the project may result in significant environmental impacts that were not disclosed, analyzed, or mitigated in the document. The appellant cites a memorandum dated October 8, 2015 (Ana Citrin, Law Office of Marc Chytilo) that is included in the appeal application. The memorandum identifies eight points, which are summarized below.

- a. The appellant states that one of the County traffic thresholds (cited below under staff responses) cannot be met, based upon testimony provided by the public.
- b. The appellant indicates that increased traffic hazards related to impaired drivers should be analyzed in the Mitigated Negative Declaration and references UC San Diego and National Highway Traffic Safety Administration (NHTSA) reports.
- c. The appellant asserts that Statewide Integrated Traffic Records System (SWITRS) data shows collision rate on Santa Rosa road to be 2X the average for the type of road and that cumulative winery development will result in significant traffic safety impacts.
- d. The appellant questions the baseline data because traffic counts in the originally prepared traffic study were taken on a Tuesday in February.
- e. The appellant states that the Hilt Winery should be included in the cumulative traffic analysis and that the Winery Ordinance DEIR anticipates a 35% growth in wineries in the Santa Rosa Road Area (Santa Rita hills AVA), which should be considered.
- f. The appellant states that the project doesn't meet “decision sight distance” requirements of the Caltrans Highway Design Manual.
- g. The appellant states that the project does not comply with applicable setback requirements for wineries with special events.

- h. The appellant indicates that a livestock scale and two Danish cisterns will be relocated and that the cisterns qualify for listing on the California Register of Historical Resources. The appellant states, *“The MND does not describe where these resources will be relocated to, and fails to include any mitigation measures to ensure that the relocation is performed consistent with the Secretary of Interiors Standards . . .”*

Appeal Issue #3 Staff Response:

- a. The threshold identified by the appellant states *“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. Exceedance of the roadways designated Circulation Element Capacity may indicate the potential for the occurrence of the above impacts.”* The Santa Barbara County Circulation Element (CE) sets a minimum policy capacity of 5,000 ADT for roadways designed to provide principal access to residential areas. Per the CE, *“policy capacity is limited not by the physical capacity of the roadway, but rather by the desirability of maintaining an acceptable traffic level which will not adversely affect residential neighborhood qualities.”* As such, the policy capacity is set lower than the physical “design capacity” of the roadway in order to avoid adverse effects to residential areas (personal communication, Will Robertson, February 1, 2016). Residential areas are the most sensitive to quality of life impacts, and therefore applicability of the 5,000 ADT policy capacity to the rural agricultural area where Santa Rosa Winery is located, is a particularly conservative measure for assessing quality of life impacts. Pursuant to the Traffic Study Addendum for the Santa Rosa Winery (Stantec, February 10, 2016), *“A worst case analysis of [the Santa Rosa Winery] and future potential projects, under normal and special event operation would result in approximately 1,364 ADT.”* This is well below both the policy capacity of 5,000 ADT and the design capacity of 6,250 ADT. Therefore, pursuant to the measures established by the County Thresholds and Guidelines Manual and the Circulation Element, following implementation of the project and reasonably foreseeable projects, Santa Rosa Road would operate at an acceptable level that would not adversely affect residential neighborhood qualities or create a potential safety problem.
- b. A *Collision Study of Santa Barbara Wine County Roads* (County Public Works-Transportation, May 2012) found a 3.3% higher collision rate involving alcohol in the Santa Ynez Valley than in the rest of the County. It was concluded in the Collision Study that the higher percent is due to the nature of the rural roadways (higher speeds, no curbs, less lighting, less enforcement, etc). However, the study also found that the higher percentage of collisions involving alcohol occurred between 6:00 PM and 10:00 PM, during the hours when tasting rooms are closed. Therefore tasting rooms were not identified as a primary contributing factor to the higher collision rate involving alcohol in the Santa Ynez Valley. Please refer to issue 2b for additional discussion regarding alcohol impairment.

- c. The Statewide Integrated Traffic Records System (SWITRS) data does not show collision rate on Santa Rosa road to be 2X the Statewide average. Please refer to Appeal Issue 2a for a more detailed response on this topic.
- d. Responding to the appellant's concern, both the February 10, 2016 Traffic Study Addendum and the Revised Final Mitigated Negative Declaration take into account data that includes both weekdays and weekends, and data from outside of the month of February. Please refer to the "Traffic Volumes" discussion on pages 2 and 3 of the Traffic Study Addendum (Attachment-5). The data does not alter the analytical conclusions of the original traffic study and MND.
- e. Responding to the appellant's concern, both the February 10, 2016 Traffic Study Addendum and the Revised Final Mitigated Negative Declaration now contain a cumulative impact analysis that includes the Hilt Winery in addition to other existing and reasonably foreseeable wineries along Santa Rosa Road (see Table 1.0). The Traffic Study Addendum appropriately analyzes the cumulative effect of existing, proposed, and reasonably foreseeable probable future projects, as required under CEQA (see CEQA Guidelines Section 15355[b]). The appellant states "*the Winery Ordinance DEIR anticipates a 35% growth in wineries in the Santa Rosa Road area (Santa Rita hills AVA), further adding to cumulative impacts of winery development in the area.*" As a programmatic EIR, the Winery Ordinance DEIR analyzes a 20 year time span and includes growth projections for that time period. This scope is larger than a typical cumulative analysis. Nonetheless, a detailed reading of the Transportation and Traffic Cumulative Impacts Analysis in the Winery Ordinance DEIR shows that the Santa Rita Hills AVA is the only area studied where the established Quality of Life threshold *will not be exceeded*. In addition, while the proposed project is located in the only area studied that would not exceed the threshold, the proposed project is required to comply with conditions of approval (condition 13 [Restriction of Event Hours of Operation, condition 17 [Winery and Special Event Parking Management Plan]) that include essentially the same elements as the transportation mitigation measures proposed in the Winery Ordinance DEIR.
- f. The "decision sight distance" referenced by the appellant is applied at State Route intersections & route direction changes on freeways and expressways only (personal communication, Will Robertson, February 1, 2016; Caltrans Highway Design Manual, Chapter 200, Section 201.7). It is not applied to "Public Streets and Roads" such as Santa Rosa Road, a rural roadway (Highway Design Manual Table 405.1B). For public roads, stopping and corner sight distance criteria are applicable. Pursuant to the Traffic Study Addendum for the Santa Rosa Winery (Stantec, February 10, 2016) the project meets or exceeds applicable sight distance and stopping criteria, stating "*. . . the sight distance from vehicles at the project driveway to vehicles on Santa Rosa Road exceed the sight distance requirement of 550'. The sight distance to the west is 770' (70 mph) and to the east 660' (60 mph). The available corner sight distance is adequate for exiting vehicles to safely enter the roadway. In addition, sufficient stopping sight distance is provided for vehicles traveling westbound on Santa Rosa Road to decelerate and stop for a vehicle waiting to turn left into the project driveway.*" Public Works-Transportation Division staff concur with this report conclusion.
- g. For wineries, the review authority is permitted to modify setback requirements provided that specific findings can be made (LUDC Section 35.42.280.D.2.c). As discussed on pages 24-26 of the September 21, 2015 Planning Commission staff report (Attachment-7 to this Board Letter)

and in Finding 2.1.5 (Attachment-1 to this Board Letter) these findings can be made. Setback reductions were approved by both the Zoning Administrator and the Planning Commission.

- h. The Danish cisterns are not proposed to be relocated or altered. The existing livestock scale has been relocated to another area on the subject parcel. Consistent with the recommendations contained within the Historical Assessment (Ronald L. Nye, PH.D., March 12, 2014) the livestock scale was relocated in conformance with the Secretary of the Interiors Standards for the Treatment of Historic Properties. Specifically, the scales's defining historical characteristics were retained and the scale was relocated to a ranch setting on-site within public view, and it remains accessible to pedestrians (Addendum to Letter Report Historical Assessment, Ronald Nye, PhD, February 5, 2016). The Revised Final Mitigated Negative Declaration has been updated to correctly reflect these facts.

Appellant Appeal Issue #4: The record does not support the findings. The appellant states that Findings 2.1.3 and 2.1.5 cannot be made. Finding 2.1.3 states: *Streets and highways will be adequate and properly designed to carry the type and quantity of traffic generated by the proposed use.* Finding 2.1.5 states: *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.* According to the appellant, regarding finding 2.1.3, the "type of traffic" generated by the proposed use includes impaired drivers not familiar with the road. According to the appellant, staff should include the analysis of safety issues raised by the potential for the project to generate impaired drivers on roadways. The appellant asserts that Santa Rosa Road has a collision rate that is two times higher than normal collision rates. Regarding finding 2.1.5, the appellant asserts that the staff analysis presented in the findings to the Planning Commission fails to support this finding because it omits any discussion of traffic safety issues and quality of life impacts.

Staff Response:

As discussed under Appeal Issues #1 through #3, above, and in the findings included as Attachment-1, all required findings for approval of the project can be made.

Fiscal and Facilities Impacts:

Budgeted: Yes

The applicant has agreed to pay for the costs to process the appeal due to the amount of new information that was submitted by the applicant during the appeal process. Total costs for processing the appeal are approximately \$18,876.00 (100 hours). Work to process the appeal is funded in the Planning and Development Permitting Budget Program, as shown on page D-289 of the adopted 2015-2017 FY budget.

Special Instructions:

Planning and Development shall fulfill all noticing requirements. The notice shall appear in the Santa Ynez Valley News Press (labels attached). A minute order of the hearing shall be forwarded to the Planning and Development Department, Hearing Support, Attention: David Villalobos. A second minute

order of the hearing shall be forwarded to the Planning and Development Department, Development Review, Attention: Nicole Lieu.

Attachments:

1. Board of Supervisors Findings
2. Conditions of Approval
3. Revised Final Mitigated Negative Declaration
4. Appeal Application to the Board of Supervisors
5. Revised Traffic Study Addendum for the Santa Rosa Winery, Stantec, February 10, 2016
6. Planning Commission Action Letter, dated October 5, 2015
7. Planning Commission Staff Report, dated September 21, 2015
8. Zoning Administrator Staff Report, dated April 3, 2015
9. Project Plans

Authored by:

Nicole Lieu, Senior Planner, (805) 884-8068
Development Review Division, Planning and Development Department