

S10-0011/David Girard Vineyards – As approved by the Planning Commission on May 14, 2015

Conditions of Approval

Planning Services

1. This Special Use Permit approval is based upon and limited to compliance with the approved project description and the following hearing exhibits:

Exhibit EOverall Site Plan
Exhibit E-1Viticulture Galleria Site Plan
Exhibit INoise Impact Assessment, September 19, 2012

Conditions of Approval set forth below. Any deviations from the project description, exhibits, or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.

The project description is as follows:

Special Use Permit to allow up to 100 events per year for up to 320 guests per event on APNs 089-030-23 and 089-030-24. Special events that have less than 50 persons at one time shall not count against the total number of events allowed. The hours of operation shall be 9:00 a.m. to 10:00 p.m. Areas for events include winery and tasting room, Viticulture Galleria building, outdoor amphitheater, paved and overflow gravel parking lots, and the vineyards. The following activities are included as events:

Marketing Events: Wine dinners, seminars, live music, release parties, cooking classes, wine tasting classes, cheese and wine pairings, grape stomp, open house, passport, and barrel events;

Special Events: Live music concerts, charitable events, and facility rentals for weddings, celebrations, corporate events, art shows, meetings, and mixers; and

The combined number of events for both parcels 089-030-23 and 089-030-24 shall not exceed 100 per year. The number of employees for each event would vary depending on the event.

The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of structures, parking areas and landscape areas, and the protection and preservation of resources shall conform to the project description above and the hearing exhibits and conditions of approval below. The property and any portions thereof shall be sold, leased or financed in compliance with this project description and

the approved hearing exhibits and conditions of approval hereto. All plans must be submitted for review and approval and shall be implemented as approved by the County.

Conditions from the Mitigated Negative Declaration

The following Mitigation Measures are required as a means to reduce potential significant environmental effects to a level of insignificance:

2. **MM Noise 1:** For the outdoor amphitheater, limit hourly average Leq sound levels at the mixing board to 80 dBA. The LMAX, with meter set to “slow” response, shall be limited to 95 dBA at the mixing board.

Monitoring Responsibility: Applicant

Monitoring Requirement: Applicant shall assure that the mixing board operator is not exceeding these maximum levels at all times.

3. **MM Noise 2:** Use the Viticulture Galleria building for all concerts where Leq sound levels are expected to exceed 80 dBA at the mixing board. This would most likely mean that amplified sound systems would be required to be indoors with the doors and windows to remain closed at any time music is played. For indoors at the Viticulture Galleria building, limit hourly average Leq sound levels at the mixing board to 95 dBA. The LMAX, meter set to “slow” response, shall be limited to 110 dBA at the mixing board.

Monitoring Responsibility: Applicant

Monitoring Requirement: Applicant shall assure that the mixing board operator is not exceeding these maximum levels at all times.

One or more of the following Mitigation Measures shall be implemented as necessary to assure compliance with General Plan noise standards and to reduce potential significant environmental effects to a level of insignificance.

4. **MM Noise 3:** The applicant may change the concert schedule to end all higher output concerts by 7:00 p.m. where daytime limits of 7:00 a.m. to 7:00 p.m. are 5 dBA less restrictive. For the outdoor amphitheater, limit the mixing board hourly Leq levels to 85 dBA. For indoors at the Viticulture Galleria building, limit the mixing board hourly Leq levels to 100 dBA.

Monitoring Responsibility: Applicant

Monitoring Requirement: Applicant shall assure that all higher output concerts end by 7:00 p.m. and shall assure that the mixing board operator is not exceeding any maximum levels for the venue.

5. **MM Noise 4:** The applicant may eliminate stage monitor speakers and instead use in-ear monitors. Eliminating speakers aimed toward the nearest noise sensitive receptors should reduce sound levels at the adjacent residences.

Monitoring Responsibility: Applicant

Monitoring Requirement: Applicant shall assure that stage monitor speakers are eliminated and instead use in-ear monitors.

6. **MM Noise 5:** Use speakers with a smaller and more controllable coverage pattern for all outdoor concerts. The preferred system would be a digitally controlled array. Experiment with different module and DSP configurations to provide the optimal coverage and limit sound levels at noise sensitive receptors. A traditional speaker cabinet with horn-loaded mid/high frequency drivers may also reduce spillover of sound beyond the audience area. Use the optimum coverage pattern for the audience size and mounting height/location. Mount or hang the cabinets above the front of the stage and aim cabinets toward the ground at the rear row of the audience. Using more speakers with smaller coverage patterns at closer distances to audience seats and lower output levels is preferred to using a single speaker to cover the entire audience.

Monitoring Responsibility: Applicant

Monitoring Requirement: Applicant shall assure that the proper speakers are utilized and positioned correctly for all outdoor concerts.

7. **MM Noise 6:** An acoustical barrier could be used behind the stage at the amphitheater to reduce sound levels aimed at residents to the north and west. Due to aesthetic concerns, a tempered clear glass wall may be the only material option that provides an unobstructed view while maintaining the mass required for a sound wall. Speakers must remain at the original height, approximately six feet above the stage, to benefit from the barrier. Barrier height shall be a minimum of eight feet above the stage level and extend at least five feet beyond the edge of the stage on both sides. The wall must be continuous along its length and width with no gaps in the construction including at the ground. Any gaps must be sealed airtight with caulking.

Monitoring Responsibility: Applicant

Monitoring Requirement: If an acoustical barrier is used, the applicant shall provide proof that building permits were obtained and the barrier was built to the above specifications.

Planning Services

- 8. **Site Improvements:** All site improvements shall conform to Exhibit E. Changes in the uses and in the structures/facilities as approved shall require review by Planning Services to determine if the changes can be approved administratively or are substantial enough to require the submittal of a Special Use Permit revision application with review by the Planning Commission.

- 9. **Condition Compliance:** The applicants shall submit a narrative that clearly states how each Condition of Approval has been, or will be satisfied. Prior to initiation of any use authorized by this permit, the applicant shall provide a written description, together with appropriate documentation, showing conformance of the project with each condition imposed as part of the project approval. The applicant shall also schedule an inspection by Planning Services prior to said initiation for verification of compliance with applicable conditions of approval.

- 10. **Parking:** Parking shall be provided as shown in Exhibit E, and as follows:

Parking Stall Standard	No. of Spaces Required
Standard Space	127 minimum
Accessible Spaces	a) 2 at the Tasting Room, 1 with van accessibility b) 2 at the Viticulture Galleria, 1 with van accessibility

- 11. **Site Lighting:** All exterior lighting shall conform to Section 130.14.170 requiring full shielding pursuant to the Illumination Engineering Society of North America’s (IESNA) full cut-off designation. Should final, installed lighting be non-compliant with full shielding requirements, the applicant shall be responsible for the replacement and/or modification of said lighting to the satisfaction of the Development Services Director or his designee.

- 12. **Noise:** The applicant is responsible for monitoring all sound levels and enforcing time restrictions for all events occurring on the subject parcels for compliance with the El Dorado County General Plan noise standards and the mitigation set forth above. No events shall be permitted past 10:00 p.m.

- 13. **Archeological Resources:** The following shall be incorporated as a note on any grading/improvement plans:

In the event archeological resources are discovered during grading and construction activities, the applicant shall ensure that all such activities cease within 50 feet of the discovery until an archaeologist can examine the find in place. If the find is determined to be a “unique archaeological resource”, contingency funding and a time allotment sufficient to allow recovering an archaeological sample or to employ one of the avoidance measures may be required under the provisions set forth in Section 21083.2 of

the Public Resources Code. Construction work could continue on other parts of the project site while archaeological mitigation takes place.

If the find is determined to be a “unique archeological resource”, the archaeologist shall determine the proper method(s) for handling the resource or item in accordance with Section 21083.2(b-k). Any additional costs as a result of complying with this section shall be borne by the project applicant. Grading and construction activities may resume after appropriate measures are taken or the site is determined a “nonunique archeological resource”.

Development Services shall verify the inclusion of this notation on the grading plans prior to the issuance of a grading permit.

14. **Human Remains:** The following shall be incorporated as a note on any grading/improvement plans:

In the event of the discovery of human remains, all work shall cease and the County Coroner shall be immediately notified pursuant to subdivision (c) of Section 7050.5 of the Health and Safety Code and Section 5097.98 of the Public Resources Code. The Coroner shall make his or her determination within two working days from the time the person responsible for the excavation, or his or her authorized representative, notifies the Coroner of the discovery or recognition of the human remains. If the Coroner determines that the remains are not subject to his or her authority and if the Coroner recognizes the human remains to be those of a Native American, or has reason to believe that they are those of a Native American, he or she shall contact, by telephone within 24 hours, the Native American Heritage Commission.

Upon the discovery of the Native American remains, the landowner shall ensure that the immediate vicinity, according to generally accepted cultural or archaeological standards or practices, where the Native American human remains are located, is not damaged or disturbed by further development activity until the landowner has discussed and conferred, as prescribed in Section 5097.98 of the Public Resources Code, with the most likely descendants regarding their recommendations. The descendants shall complete their inspection and make their recommendation within 48 hours of their notification by the Native American Heritage Commission. The recommendation may include the scientific removal and nondestructive analysis of human remains and items associated with Native American burials or other proper method(s) for handling the remains in accordance with Section 5097.98(b-h). Any additional costs as a result of complying with this section shall be borne by the project applicant. Grading and construction activities may resume after appropriate measures are taken.

Development Services shall verify the inclusion of this notation on the grading plans prior to the issuance of a grading permit.

15. **Hold Harmless Agreement:** In the event of any legal action instituted by a third party challenging the validity of any provision of this approval, the developer and landowner agree to be responsible for the costs of defending such suit and shall hold County harmless from any legal fees or costs County may incur as a result of such action, as provided in Section 66474.9(b) of the California Government Code.

The applicant shall defend, indemnify, and hold harmless El Dorado County and its agents, officers, and employees from any claim, action, or processing against El Dorado County or its agents, officers, or employees to attack, set aside, void, or annul an approval of El Dorado County concerning a Special Use Permit, which action is brought within the time period provided for in Section 66499.37 of the California Government Code.

County shall notify the applicant of any claim, action, or proceeding and County will cooperate fully in the defense.

16. This special use permit is valid for both parcels, designated by APN's 089-030-23 and 089-030-24, as one winery. If either parcel is sold separately the use permit is subject to review by the Planning Commission. Should the winery cease operation, the special use permit would no longer be valid.
17. The small portion of the winery parcel that protrudes along the north boundary, measuring 100 by 100 feet, can only be used as a parking lot or picnic area.
18. If an event held within the Viticulture Galleria building is to have people seated at tables then the event shall be limited to 299 persons.

El Dorado County Fire Protection District

19. Fire access roads 20 to 29 feet in width shall be posted on both sides as a Fire Lane, with no parking allowed on either side of the roadway. Fire access roads 30 to 35 feet in width shall be posted on one side as No Parking Lane, with parking allowed only on the opposite side of the roadway. Fire access roads 36 feet wide and greater may allow parking on both sides of the roadway. The applicant shall submit proof of compliance with this condition prior to initiation of any use authorized by this permit.

Planning Commission

20. This Special Use Permit shall be reviewed by the Planning Commission after the first full year of operation following the special use permit approval. The applicant shall supply to the Commission the number and types of all events held, the number of guests at each event, and which facilities were used in each event and whether amplified or non-amplified music was used. This information shall be delivered to Planning Services by July 1, 2016.