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Agenda of: March 13, 2014

TO: Planning Commission

FROM: Tom Dougherty, Project Planner

DATE: January 31, 2014

RE: S12-0005/Montano de El Dorado Shopping Plaza Outdoor Music; Revised

Conditions of Approval, Addition of Mitigation Measure

This project originally was scheduled to be heard December 12, 2013. At that hearing it was determined that a Mitigated Negative Declaration would be a more appropriate environmental document and it was continued to March 13, 2014 to allow time for that document to be prepared and circulated for review.

The primary issue is to assure that the amplified music events meet the General Plan noise level thresholds. An Initial Study has been completed that concentrated solely on this issue. A mitigation measure has been created to assure compliance and the recommended Conditions of Approval have been revised to reflect the addition of the recommended Mitigation Measure. The revised recommended Conditions of Approval and the new Initial Study are included as attachments to this memo.

Currently there is no limit on the number of events permitted. The applicant is requesting to hold the amplified music events May through October from Thursday to Saturday between the hours of 11:00 am to 10:00 pm, but intermittently during that time frame, and Sundays between the hours of 11:00 am to 5:00 pm.

We have received concerns from a neighbor that there is no limit on the number of events. Our analysis concentrated on assuring the noise levels for each event would not exceed General Plan thresholds. Based on that assurance, Planning is not recommending any restrictions on the number of events.

The recommendation from the original staff report is changed as follows:

RECOMMENDATION: Staff recommends the Planning Commission take the following actions:

- 1. Find that the project is Categorically Exempt pursuant to CEQA Guidelines Section 15323 Adopt the Mitigated Negative Declaration based on the Initial Study prepared by staff; and
- Adopt the Mitigation Monitoring Program in accordance with CEQA Guidelines, Section 15074(d), incorporating the Mitigation Measure in the Revised Conditions of Approval; and
- 2.3. Approve Special Use Permit S12-0005 based on the Revised Findings and subject to the Revised Conditions of Approval (including limiting outdoor amplified music to no later than 10:00 p.m.).

ATTACHMENTS TO STAFF MEMO

Revised Conditions of Approval Revised Findings Proposed Mitigated Negative Declaration and Initial Study