

File No. S10-0011
Location Map
 David Girard Vineyards

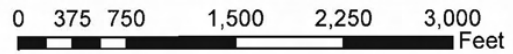


EXHIBIT A

NW 1/4 SEC. 29, T.11N., R.10E., M.D.M.

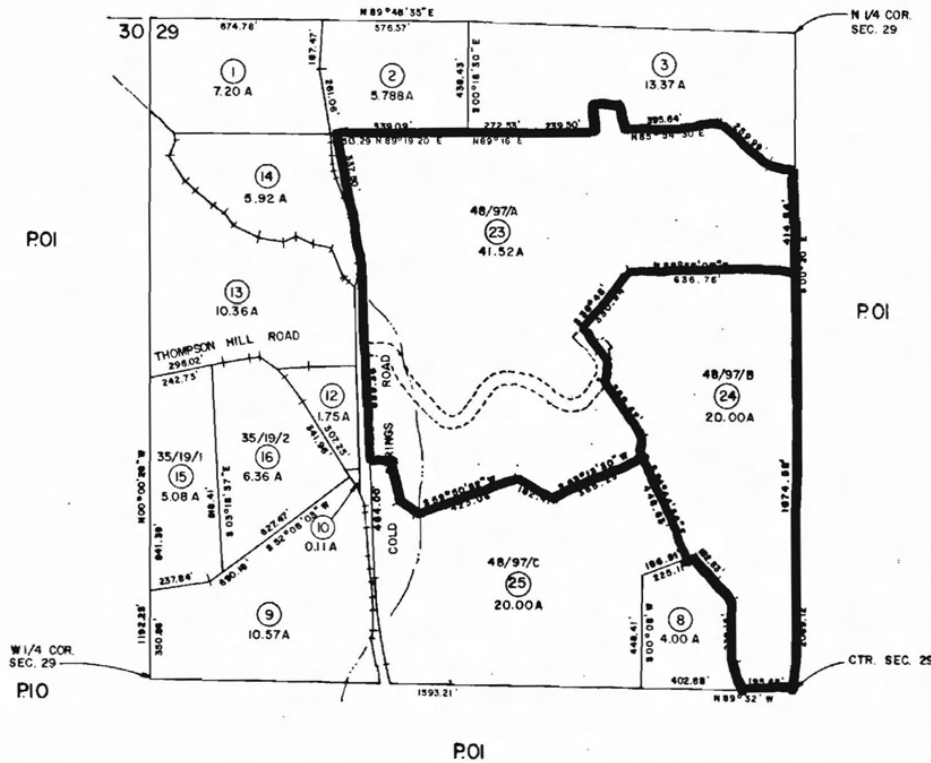
Tax Area Code

89:03

BK 6



EXHIBIT B

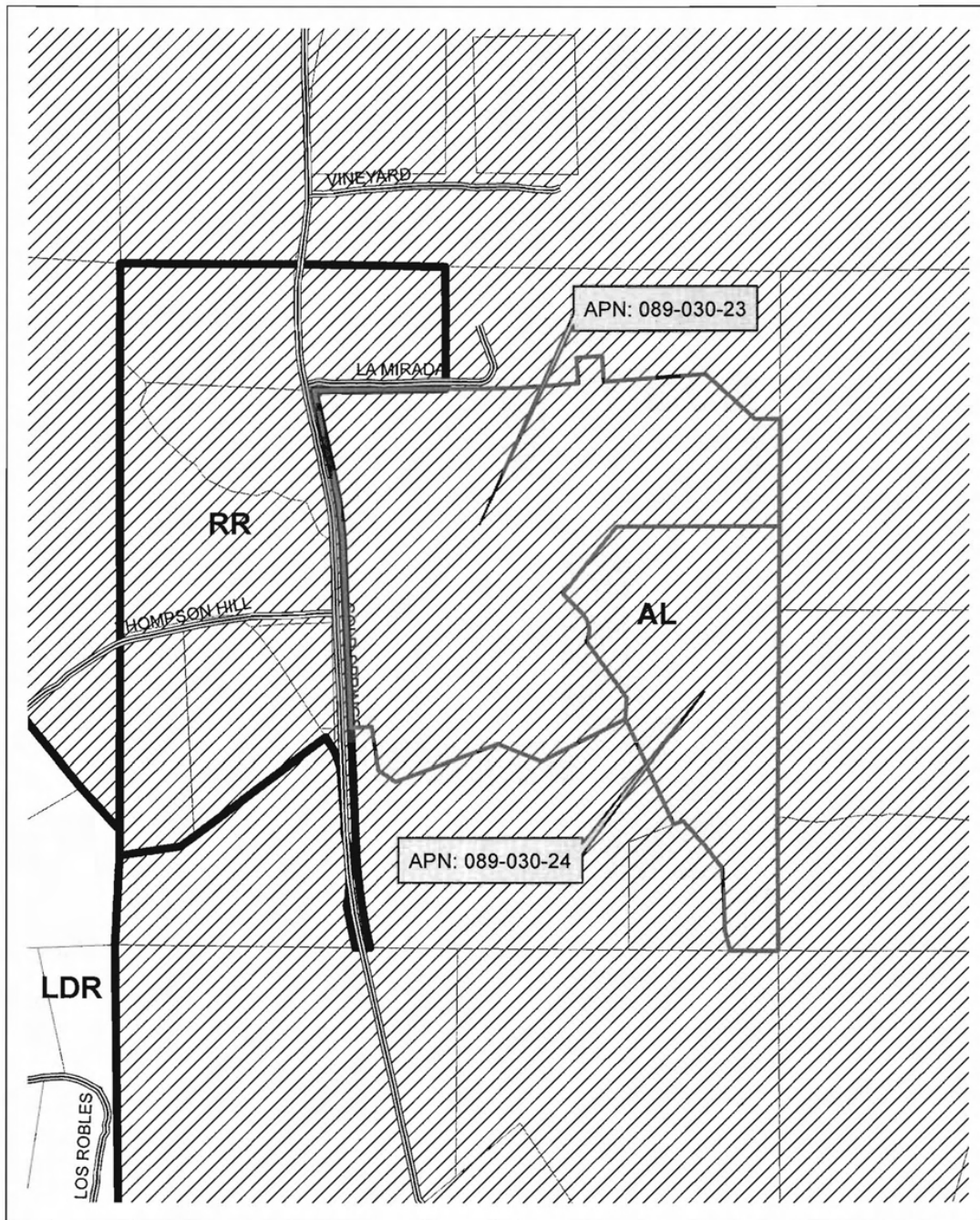


THIS MAP IS NOT A SURVEY, It is prepared by the El Dorado Co. Assessor's office for assessment purposes only.

NOTE - Assessor's Block Numbers Shown in Ellipses Assessor's Parcel Numbers Shown in Circles

Assessor's Map Bk. 89 - Pg. 03
County of El Dorado, California

APR 26 2004



File No. S10-0011
General Plan Map

David Girard Vineyards

 Ag District Overlay

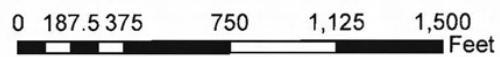
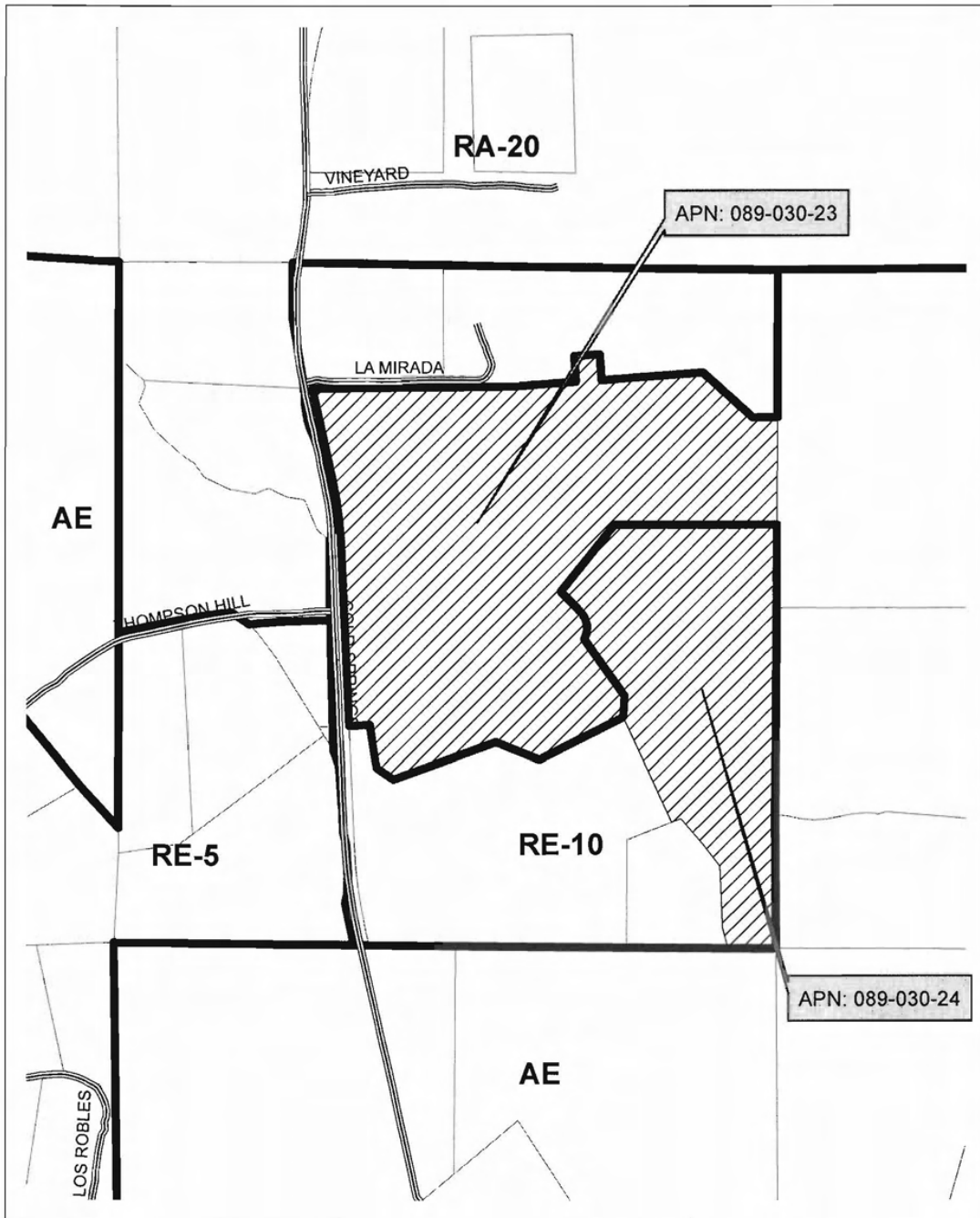


EXHIBIT C



File No. S10-0011
Zoning Map
 David Girard Vineyards

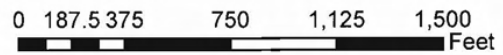
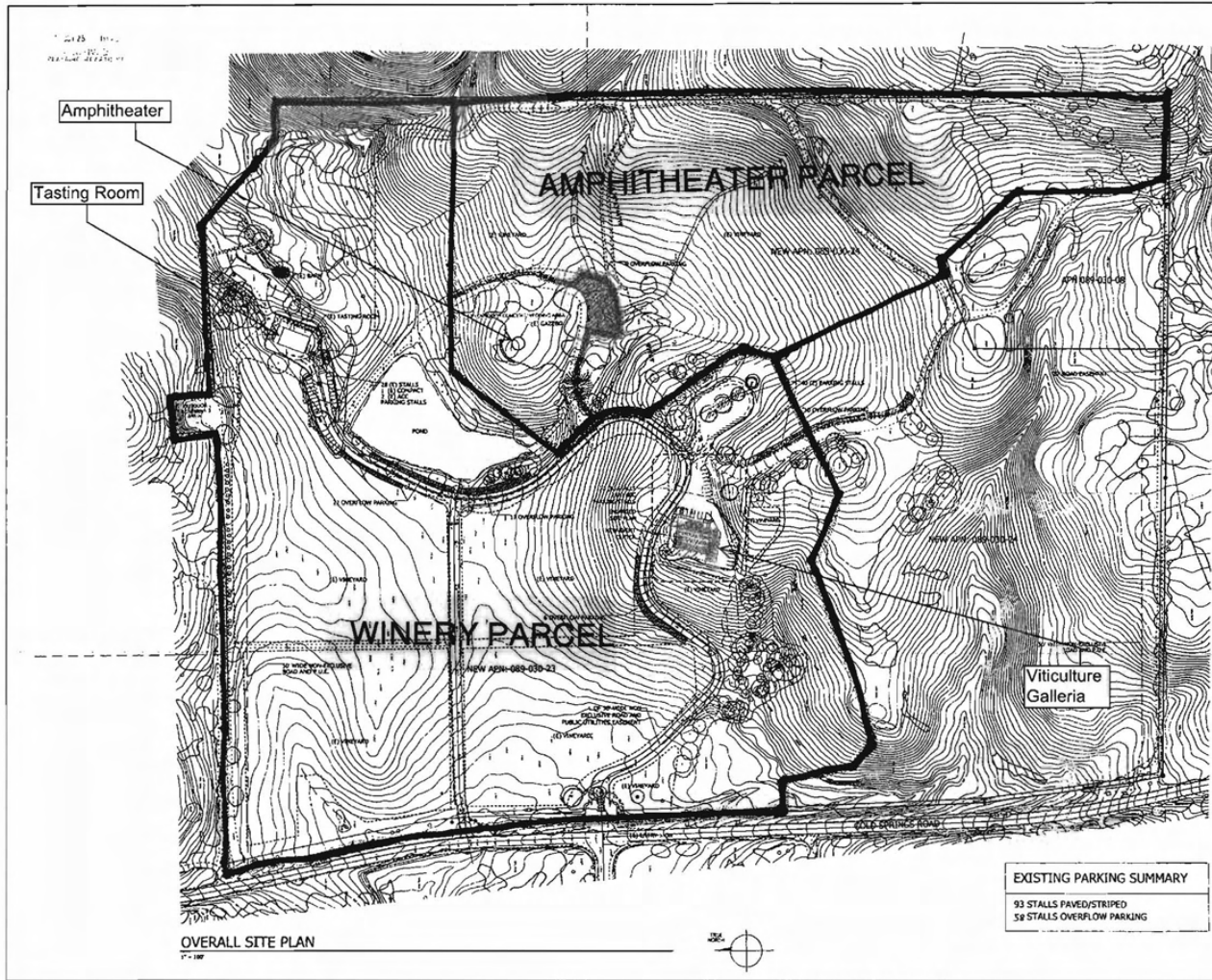


EXHIBIT D

EXHIBIT E



ANOVA ARCHITECTS

CK CARTER-KELLY INC.

DAVID GIRARD

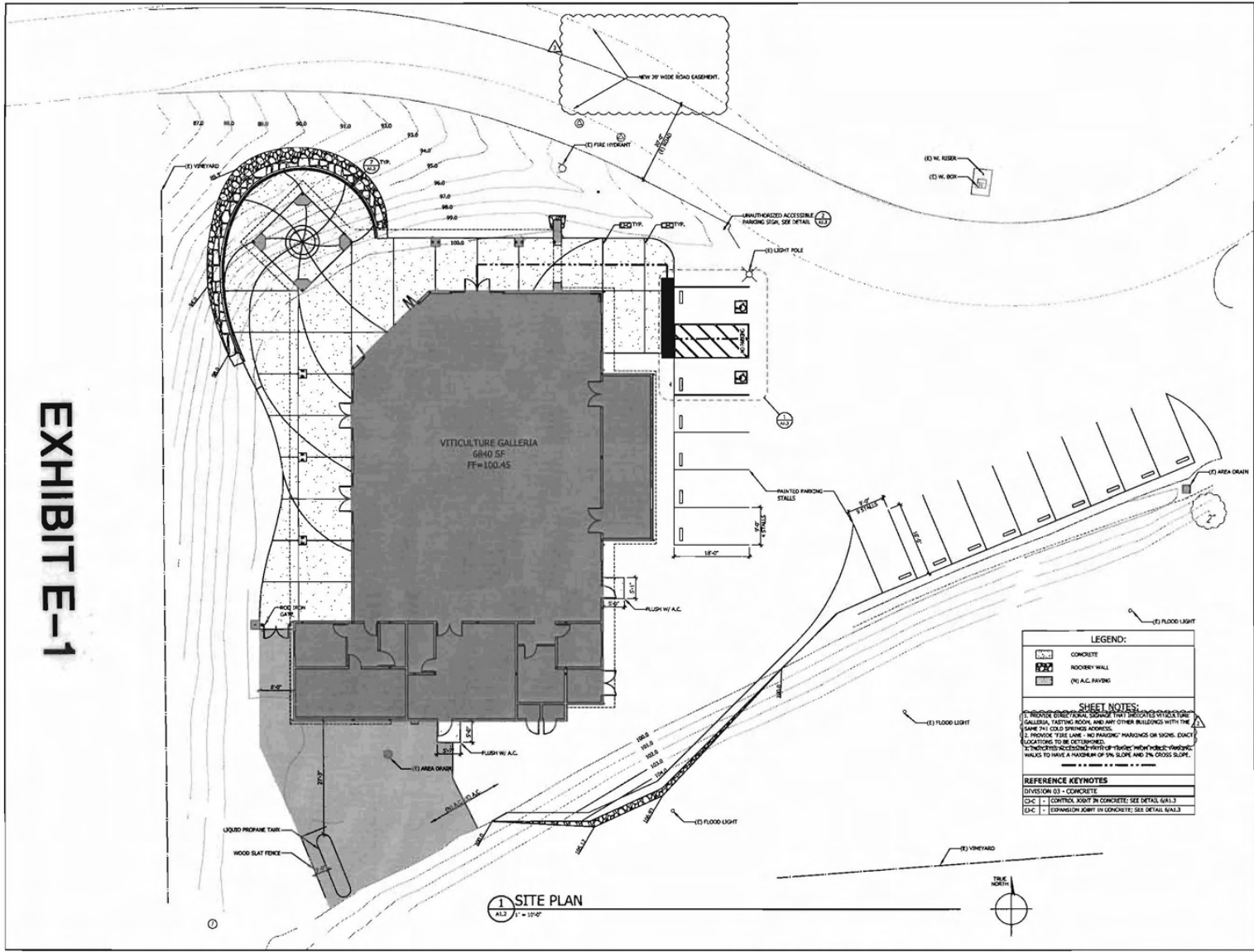
VITICULTURE GALLERIA GIRARD VINEYARDS

SPECIAL USE PERMIT

OVERALL SITE PLAN

1 S 10-0011

EXHIBIT E-1



1 SITE PLAN
A1.2 1" = 10'-0"

LEGEND:	
[Symbol]	CONCRETE
[Symbol]	ROCKERY WALL
[Symbol]	(N) A.C. PAVING

SHEET NOTES:	
1.	REMOVE EXISTING PAVING, ROCKERY WALL, TASTING STRUCTURE, GALLERIA, TASTING ROOM, AND ANY OTHER BUILDINGS WITH THE SAME PVI OR SPRINGS ADJACENT.
2.	PROVIDE TRAFFIC LANE - NO PARKING - MARKINGS OR SIGNS. EACH LOCATION TO BE DETERMINED.
3.	INDICATED ACCESSIBLE PARKING SPACES SHALL BE PROVIDED TO HAVE A MAXIMUM OF 1% SLOPE AND 2% CROSS SLOPE.

REFERENCE KEYNOTES	
CONCRETE	DIVISION 03 - CONCRETE
[Symbol]	CONTROL JOINT IN CONCRETE; SEE DETAIL GA1.3
[Symbol]	EXPANSION JOINT IN CONCRETE; SEE DETAIL GA1.3

ANOVA
ARCHITECTS

CK
CARTER-KELLY INC.

DAVID GIRARD
111 CUNLIFF AVENUE ROAD
PLACERVILLE, CA 95667
(530) 266-1933

VITICULTURE GALLERIA
GIRARD VINEYARDS

CONSTRUCTION DOCUMENTS

SITE PLAN

A1.2

Proposed Viticulture Galleria Uses

Marketing Events to be held at the proposed Viticulture Galleria will comply with the current winery ordinance such as noted in the Winery Ordinance Section 17.14.200 subsection C.2.c *These activities are intended for promotion and sale of the facility's products. Activities of a marketing event may include, but are not limited to, live music, catered food, food prepared on premises, winemaker dinners, releases, library wines, discounted sales, "bottle your own", and similar activities, including amplified outdoor music subject to the County noise ordinance but may not include concerts or events which include more than one facility, or events sponsored by or for the benefit of an organization other than the facility. Not to exceed 24 events per year.* It is noted that events under 50 guests, do not apply to our limit.

The proposed **marketing events** at the Viticulture Galleria include:

Wine dinners

Seminars and facility use by: EDWA, Rhone Rangers, Grape Growers Association, etc.

Live music

Release parties

Cooking classing

Wine tasting classes

Cheese & wine pairings

Grape Stomp

Open House

Passport

Barrel Event

Special Events C. 3 Special Events are any events such as charitable events, promotional events, and facility rental events, that are not the tasting and marketing activities described I Subsection C.2.c

a. Facility rental events are a type of event where the property owner is compensated for the use of the site and facilities, such as weddings, parties, company picnics, birthdays, reunions, or other social gatherings. Facility rental events are part of the total Special Events permitted, **but are further limited to the following: 24 rental days per calendar year.**

The proposed events (over 50 guests) at the Viticulture Galleria include:

Weddings, Special Events, celebrations & gatherings.

Corporate Events

Charitable Events

Art Exhibits

Prepared by Judy Collinsworth

November 23, 2010

David Girard Vineyards

EXHIBIT F

SPECIAL USE PERMIT REQUEST

10) A written, detailed description of the proposed use and operation (hours of operation, unusual equipment, number of employees, etc.)

David Girard Vineyards seeks a Special Use Permit allowing 100 special events per year up to 320 guests. Events would be located at various locations on the property.

Proposed uses include but are not limited to:

Live music

Charitable Events

Weddings and celebrations

Corporate events

Art shows

Meetings & Mixers

DGV will adhere to county noise ordinance with strict 10PM end time on outdoor events.

No unusual equipment is anticipated

The number of employees will vary depending on the event.

Adequate parking will be provided for maximum capacity of 320 guests. Per El Dorado County Senior Planner Gina Paolini we must provide 106 parking places. 3 guests per car – maximum of 320 guests. A site plan showing all parking will be completed and returned to Planning Department by 12/3/10.

Prepared by Judy Collinsworth
November 30, 2010
David Girard Vineyards
741 Cold Springs Rd
Placerville, CA 95667

David Girard Vineyards

September 2, 2014

Mr. Joseph Prutch
Project Planner
CDA, Development Services Division
2850 Fairlane Court,
Placerville, CA 95667

11 SEP -8 AM 11:38
RECEIVED
PLANNING DEPARTMENT

RE: David Girard Vineyards Special Use Permit Application S10-0011

Dear Mr. Prutch,

Thank you for taking the time to speak with me today regarding David Girard Vineyard's special use permit application. As I understand it, there are four main issues that need to be addressed:

- 1) Noise monitoring control
- 2) The number of events
- 3) Number of concerts
- 4) Lot line application

I will address each of these points in turn, and anticipate that the information I provide will be sufficient to allow us to proceed further with our Special Use Application. If not, please let me know what else is required.

- 1) **Noise Monitoring Control** – Since the last time a representative of David Girard Vineyard's attended a Planning Commission Meeting on June 14, 2012 we have had an independent noise impact study conducted by a qualified consulting firm i.e.) Acoustic Engineering Consultants (see attachment 1). The results indicated that the decibel levels reached along the property lines closest to the nearest resident were within county limits, even during an amplified music concert held at our hilltop amphitheater. Even so we have required all performers to use a decibel monitoring system to reduce the sound/volume output right at the mixing board.

These above changes have been made for amplified music that is played outdoors. Our intention is to NOT hold any more of these types of events, but rather focus on weddings and smaller wine club events where noise is not an issue.

- 2) **Number of Events** – We can accept the limit of 100 events. Our primary purpose for seeking this number is that we would like to increase the number of weddings (not outdoor concerts) that we hold on the property. This will be beneficial not only to David Girard

EXHIBIT F-1

741 Cold Springs Rd. Placerville, CA 95667 Ph: 530-295-1833 Fax: 530-295-1822 www.davidgirardvineyards.com

Vineyards, but to the surrounding communities of Placerville and Coloma/Lotus by increasing agro tourism; bringing new people to the area resulting in increased business to the local establishments.

The wedding receptions will all be held within the walls of our new 7,000 sq. ft. events center, the Viticulture Galleria, rather than the tent which we had previously. In addition, the use of a noise/decibel monitoring system will be enforced at the soundboard to ensure that all external noise heard outside the building is extremely minimal and far below county standards.

- 3) **Number of Concerts** – We held only four concerts this year, all of which ended at 9:00 pm (before the time currently permitted by wine ordinance regulations). We have also monitored noise levels to ensure that they are well within county limits.
- 4) **Lot Line Application** – We were informed by Roger Trout that all consideration of any lot line adjustment was eliminated by planning and is no longer a matter for consideration.

I trust that the above information satisfies your requests for granting David Girard Vineyards a special use permit to hold 100 events on an annual basis. However, if additional documentation/discussion is required please forward any/all requests to my attention.

Sincerely,



Kara Sather
Promotions and Hospitality Manager
David Girard Vineyards



AGRICULTURAL COMMISSION

311 Fair Lane
Placerville, CA 95667
(530) 621-5520
(530) 626-4756 FAX
eldcag@edcgov.us

Greg Boeger, Chair – Agricultural Processing Industry
Lloyd Walker, Vice-chair – Other Agricultural Interests
Chuck Bacchi – Livestock Industry
Bill Draper, Forestry /Related Industries
Ron Mansfield – Fruit and Nut Farming Industry
Tim Neilsen – Livestock Industry
John Smith – Fruit and Nut Farming Industry

MEMORANDUM

DATE: September 21, 2011
TO: Tom Dougherty, Development Services/Planning
FROM: Greg Boeger, Chair
SUBJECT: **S 10-0011 DAVID GIRARD VINEYARDS (DAVID GIRARD) A SPECIAL USE PERMIT REQUEST (089-030-23 & 24)**

During the Agricultural Commission's regularly scheduled meeting held on September 14, 2011 the following discussion and motion occurred regarding S 10-0011 David Girard Vineyards (David Girard): A special use permit request to allow the use of the project area for up to 100 events per year, including live music, charitable events, weddings, etc., for up to 320 guests. The hours of operation would be 9:00 a.m. to 10:00 p.m. The property, identified by Assessor's Parcel numbers 089-030-23, and 24 consists of 61.52 acres, and is located on the east side of Cold Springs Road at the intersection with Thompson Hill Road, in the Gold Hill area. (District 4)

Ron Mansfield recused himself from this item.

Chris Flores provided a staff report for this application. The parcel is in Ag Preserve number 294, has Exclusive Agricultural (AE) zoning and a land use designation of Agricultural Land (AL). The subject parcel has a winery, tasting room and tent structure for special events. Maps were provided to show the location of the proposed events. Some events would take place in the proposed event center, to be located on the AE zoned parcel. Other events are proposed to take place at the outdoor amphitheater area, located on an adjacent RE-10 zoned parcel. The parcels have an Agricultural Land land use designation and have a variety of soils that are prime farmland, statewide important farmland and unique soils of local importance. The El Dorado County Winery Ordinance Section 17.14.200 (C)(3)(a & b), limits the number of Special Events to 48 days per calendar year with a capacity limit of 250 persons at one time.

Relevant El Dorado County General Plan Policies:

Policy 8.1.3.5 – On any parcel 10 acres or larger identified as having an existing or potential agricultural use, the Agricultural Commission must consider and provide a recommendation on the agricultural use or potential of that parcel and whether the request will diminish or impair the existing or potential use prior to any discretionary permit being approved.

EXHIBIT G

Policy 8.1.4.1 – The County Agricultural Commission shall review all discretionary development applications and the location of proposed public facilities involving land zoned for or designated agriculture, or lands adjacent to such lands, and shall make recommendations to the reviewing authority. Before granting approval, a determination shall be made by the approving authority that the proposed use:

- A. Will not intensify existing conflicts or add new conflicts between adjacent residential areas and agricultural activities; and
- B. Will not create an island effect wherein agricultural lands located between the project site and other non-agricultural lands will be negatively affected; and
- C. Will not significantly reduce or destroy the buffering effect of existing large parcel sizes adjacent to agricultural lands

The California Land Conservation Act:

California Government Code Section 51238.1 (a) states, “Uses approved on contracted lands shall be consistent with all of the following principles of compatibility:

- (1) The use will not significantly compromise the long-term productive agricultural capability of the subject contracted parcel or parcels or on other contracted lands in agricultural preserves.
- (2) The use will not significantly displace or impair current or reasonably foreseeable agricultural operations on the subject contracted parcel or parcels or on other contracted lands in agricultural preserves.
- (3) The use will not result in the significant removal of adjacent contracted land from agricultural or open space use.”

Judy Collinsworth, Event Manager, for David Girard Vineyards, stated that they are proposing additional use of the facility. The events would be located on the same space used as events held in the past five years. The new facility would enable them to hold year-round events. Currently, they are limited to events occurring May through October. The ability to host major events at their facility increases tourism in the Gold Hill area.

Chair Boeger asked what proportion of events would be held in each location; the outdoor amphitheater vs. the tent structure/event center.

Judy Collinsworth answered that they hoped to hold approximately 48 events in the new structure but would also continue to have about the same number of outdoor events, such as weddings, in the amphitheater site. (It was mentioned later in the discussion that weddings were usually held outside and the reception held in the tent structure.) They hope to continue to have six concerts each year in the outdoor amphitheater. Ms. Collinsworth said that noise complaints have been received by David Girard, mostly due to the voice of the DJ, but it is hoped that with the new structure, the noise would be more contained. She explained that in the past they have allowed large 10-piece bands, but to help comply with noise complaints, a decision was recently made, to allow only a 6-piece band maximum.

Mr. Smith mentioned that as the proposal was written, the request is to allow every one of the 100 events, to allow live music, for up to 320 guests, from 9:00 a.m. to 10 p.m. He asked Ms. Collinsworth if this was correct.

Judy Collinsworth answered that this was how the application was written but was not how it was intended.

In response to a question by the Commission, Pierre Rivas addressed the issue of merging the parcels, as had been suggested in a past letter to the applicant and provided to the Ag Commission members. The parcel that contains the amphitheater is currently used, but the use is not legally permitted. If the County does not receive a formal complaint, no enforcement action is pursued. The Planning Department will be recommending as part of this Special Use Permit application: a Boundary Line Adjustment, Rezone, and an amendment to the existing Williamson Act Contract, to bring the uses into conformance with the Winery Ordinance. All accessory uses, to the winery operation, must take place on the parcel that has the winery. They cannot have them on an RE-10 piece of property. Planning would propose to condition the project, by requiring a Boundary Line Adjustment, to take that portion of the property containing the amphitheater and merge it with the winery agricultural parcel.

Several neighbors to David Girard Vineyards spoke of their opposition to the proposed project. The major complaint was of noise from the events held in the amphitheater. All agreed that David Girard had personally taken their complaints under consideration but the problems have not been resolved to their satisfaction. In addition to the protests of high volume of music, there are concerns regarding the increase in traffic on Cold Springs Road and all were opposed to the proposed increase in the number of events and number of guests attending.

Mr. Walker mentioned that noise complaints were not under the Ag Commission's purview but asked Pierre Rivas what happens when there are violations to the Noise Ordinance.

Pierre Rivas answered that under the current Winery Ordinance a winery may have amplified music but the owner must adhere to the current General Plan noise standards. When complaints are received the owner must submit a noise study that shows they are able to meet the standards. David Girard had a noise study conducted for this project, but Planning has a concern that there has been a change in the location of where they originally planned to have the amplified music. Currently, there are two issues. There is nothing from the applicant requesting the use of amplified music in the site it is now occurring and the piece of property is currently zoned RE-10 which requires a Boundary Line Adjustment, a rezone, and Williamson Act amendment. After several questions about this, Mr. Rivas explained that Planning Services has been working with the applicant, but Mr. Girard does not desire to go through this process at this time.

Allen Courtney, Board Chairman for David Girard Vineyards and manager of their strategic planning process, added that one of the fundamental issues they need to overcome in their location is the generation of visitors/customers to the winery. The proposed development of the building that will replace the tent is hoped to mitigate the sound issues. Mr. Courtney explained that they plan to invest millions of dollars in building the structure, but to get the structure to pay for itself they will need to get utilization from it. This is why, in part, they are

Tom Dougherty
Meeting Date: September 14, 2011
RE: Girard, David (David Girard Vineyards)
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asking for the Special Use Permit, which will allow for the construction and make it less intrusive to the neighbors.

The Commission discussed their concerns regarding setting a precedence, in this case, that would allow the use of an adjoining parcel next to a winery for holding events.

A motion was made by Mr. Smith and seconded by Mr. Draper that the Commission is unable to make a recommendation regarding the Special Use Permit request until David Girard Vineyards comes into compliance with both El Dorado County's Zoning and Winery Ordinance.

Motion passed.

AYES: Bacchi, Draper, Smith, Walker, Neilsen, Boeger
NOES: None
RECUSED: Mansfield

If you have any questions regarding the Agricultural Commission's actions, please contact the Agriculture Department at (530) 621-5520.

GB:na

cc: David Girard



AGRICULTURAL COMMISSION

311 Fair Lane
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Greg Boeger, Chair – Agricultural Processing Industry
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Chuck Bacchi – Livestock Industry
Bill Draper, Forestry/Related Industries
Ron Mansfield – Fruit and Nut Farming Industry
John Smith – Fruit and Nut Farming Industry
Tim Neilsen – Livestock Industry

MEMORANDUM

DATE: March 17, 2015
TO: Joe Prutch, Development Services/Planning
FROM: Greg Boeger Chair
SUBJECT: Special Use Permit S10-0011 David Girard Vineyards, APN's 089-030-23 and 089-030-24

During the Agricultural Commission's regularly scheduled meeting held on March 11, 2015 a request for **Special Use Permit S10-0011, David Girard Vineyards:** Planning Services is seeking review and comments from the Agricultural Commission concerning David Girard's request for a special use permit allowing 100 events per year, on parcels identified by parcel numbers; 089-030-23 and 089-030-24. Parcel 089-030-23 is in Williamson Contract 294. (District 4)

Background: Parcel 089-030-23 is planted with wine grapes that are actively producing a crop that is utilized at the on-site winery. This parcel also has a 6,000 square foot event center. The parcel is 41.52 acres and is zoned AE. The land use is designated as Agricultural Lands. This parcel is currently part of Williamson Act Contract #294 Parcel 089-030-24 is planted with wine grapes that are utilized at the David Girard Winery on the adjacent parcel. There is an outdoor amphitheater on the parcel where events are held. The parcel is 20 acres and is zoned RE-10. The land use designation is Agricultural Lands. The only access to this parcel is through the adjacent parcel that houses the winery.

Current Special Use Permit Request: The applicant is requesting the ability to have a total of 100 combined events on the two parcels, on a yearly basis. The applicant will limit it to up to 320 guests and close down the operation by 9:00pm.

Relevant General Plan Policies:

Policy 10.1.6.1 (Economic Development Element) – The County shall encourage expansion of the types of local industries that promote tourism including but not limited to Christmas tree farms, wineries, outdoor sports facilities, Apple Hill and other agricultural-related activities, the County Fairground, bed and breakfast inns, and ranch marketing activities.

Policy 8.2.4.2 (Agriculture and Forestry Element) – A special use permit shall be required for visitor serving uses and facilities providing they are compatible with agricultural production of the land, are supportive to the agricultural industry, and are in full compliance with the provisions of the El Dorado County Code and compatibility

EXHIBIT G-1

Meeting Date: March 11, 2015

Re: Special Use Permit S10-0011 David Girard Vineyards

APN's 089-030-23 and 089-030-24

Page 2

requirements for contracted lands under the Williamson Act.

Relevant Government Code:

51238.1. (a) Uses approved on contracted lands shall be consistent with all of the following principles of compatibility:

- (1) The use will not significantly compromise the long-term productive agricultural capability of the subject contracted parcel or parcels or on other contracted lands in agricultural preserves.
- (2) The use will not significantly displace or impair current or reasonably foreseeable agricultural operations on the subject contracted parcel or parcels or on other contracted lands in agricultural preserves. Uses that significantly displace agricultural operations on the subject contracted parcel or parcels may be deemed compatible if they relate directly to the production of commercial agricultural products on the subject contracted parcel or parcels or neighboring lands, including activities such as harvesting, processing, or shipping.
- (3) The use will not result in the significant removal of adjacent contracted land from agricultural or open-space use.
- (2) The productive capability of the subject land has been considered as well as the extent to which the use may displace or impair agricultural operations.
- (3) The use is consistent with the purposes of this chapter to preserve agricultural and open-space land or supports the continuation of agricultural uses, as defined in Section 51205, or the use or conservation of natural resources, on the subject parcel or on other parcels in the agricultural preserve. The use of mineral resources shall comply with Section 51238.2.

Relevant Zoning Ordinance:

Estate Residential (RE-10) Districts:

17.70.100 Uses requiring special use permit:

The construction of schools, churches, cemeteries, parks, golf courses, public utility structures.

Staff Recommendation: Staff is recommending tentative approval of Special Use Permit S10-0011, providing that the language of the permit includes the condition that If APN 089-030-23 changes ownership it will no longer be subject to S10-0011.

All criteria for a Williamson Act Contract continue to be met.

Meeting Date: March 11, 2015
Re: Special Use Permit S10-0011 David Girard Vineyards
APN's 089-030-23 and 089-030-24
Page 3

Parcel 089-030-24 is zoned RE-10. Planning staff interprets 17.70.100 to be consistent with the planned uses of the parcel, requiring a special use permit for events similar to what Girard Winery is asking for on that parcel. Weddings and other events allowed at parks and churches is consistent with planned events at the outdoor amphitheater on this parcel.

Roger Trout from Planning Services gave a Land Use view of the applicant's proposal and mentioned this was a first for this type of request. One recommendation to satisfy this request could be achieved by doing a Boundary Line adjustment but the applicant is not interested in this option at this time. The Commission will need to craft a Special Use Permit that will encompass both pieces of land that regulates the whole site. There's flexibility for the Special Use Permit where it could be crafted to tie the two parcels together. Discussion with Commission Members questions being answered came to a request by Chair Boeger for assistance in crafting a motion that will have a conditional approval with the both pieces of land operating together.

The applicant was represented by Kara Sather giving a brief description of the intended uses and request for additional events. Fostering relationships and building community awareness of what El Dorado County has to offer is the main focus for the request. Several attendees (*) commented on the project with support and concerns of the request. M.Carter, K.Goldman, J.Hoffman, and J.Wilson were in support of the Special Use Permit. B.Wingie and B. Campbell expressed concern over noise, traffic/speed and parking. Chair Boeger let the audience know that the Agricultural Commission is an advisory body to and for the Board of Supervisors and Planning Commission on all matters pertaining to agriculture. The Agricultural Commission reviews and makes recommendations only on the agricultural element of the project.

*Recording of the meeting will be attached to the minutes in Legistar upon approval at the next Agricultural Commission meeting.

It was moved by Mr. Walker and seconded by Mr. Neilson to recommend APPROVAL of Staff's recommendation for conditional approval of Special Use Permit S10-0011 with the following modification; conditional approval is based on the fact that the outdoor amphitheater on the RE-10 and winery and accessory uses on the AE property operate together and concurrently. If the property transfers to a different owner the permit will be reviewed by the County Planning Commission.

Motion passed

AYES: Walker, Bolster, Neilsen, Boeger
NOES: None
ABSENT: Mansfield, Bacchi, Draper

FROM THE PLANNING COMMISSION MINUTES OF JUNE 14, 2012

Prior to the beginning of the Public Hearing portion of the meeting, Chair Pratt announced that they did not have a full Commission, although they did have a quorum to make decisions. He stated that Commissioner Tolhurst would not be present for today's hearing. Historically, the Commission, as a courtesy, has allowed applicants before the Commission to request their item be continued to be heard by a full Commission. That request must be made before the item is started. Once the hearing is started, the applicant may not request a continuance on the grounds of not having a full Commission. At this time, it is unknown when there may be a full Commission.

11. SPECIAL USE PERMIT

b. S10-0011/David Girard Vineyards submitted by DAVID GIRARD to allow the use of an existing winery facility for up to 100 special events per year, including live music, charitable events, weddings, etc., for up to 320 guests. The property, identified by Assessor's Parcel Numbers 089-030-23 and 089-030-24, consisting of 41.52 acres and 20 acres respectively, is located on the east side of Cold Springs Road at the intersection with Thompson Hill Road, in the Gold Hill area, Supervisorial District 4. [*Project Planner: Tom Dougherty*] (Negative Declaration prepared)*

Peter Maurer presented the item to the Commission with a recommendation for approval. He stated that public comments had been received regarding the noise issue. Mr. Maurer indicated that staff had recommended Conditions stating noise levels were to be maintained to General Plan standards.

Judy Collinsworth/applicant's agent made the following comments:

- Spoke on the various elements of the project and stated that the amphitheatre was not on the parcel that the Lot Line Adjustment will affect;
- Galleria was built to be sound-proof as much as possible;
- Three outdoor concerts with amplified music are scheduled for this summer with each one having a maximum 6-piece band and all ending at 9:00pm;
- Consistent with the Winery Ordinance;
- Request that Condition #7 be removed as they don't agree with the noise study requirement or noise monitoring; and
- They were now requesting no limits on the number of events per year.

Bridget Heifner/resident made the following comments:

- She was present during one of the noise tests, but that was conducted in a location where they are not holding the concerts;
- Applicant is requesting too much;
- Project is located on a two-lane road;
- A vineyard is not a venue for concerts;
- Disagreed that the building will contain the sound since the previous week a party was held in that building and she could still hear the music at her front door;

EXHIBIT H

- Read into the record a letter from Shawna Silveira Colt that stated they were surrounded by numerous places that have special events and that her private road gets roadside campers after special events;
- Outdoor music would be fine as long as it wasn't amplified;
- Lives closer to Gold Hill Vineyard, yet she doesn't hear them; and
- Vineyard driveway is directly across from Thompson Road and many visitors mistakenly think that it is still part of the driveway and don't stop at the intersection.

Barbara Winje/resident made the following comments:

- Her house is on the same level with the applicant's buildings;
- Her husband has dementia and the increase of noise levels causes him to become anxious;
- Has spoken with Ms. Collinsworth many times and she has attempted to decrease the noise level but to no avail;
- After filing a complaint with Planning, a letter had been sent to the applicant, but he failed to respond;
- Agricultural Commission said that there were not to be any more events in the amphitheatre and another area but they continue to have them;
- Building is not as sound-proof as previously stated;
- Every year her family has a combination Birthday/Father's Day get together in their backyard, but since the winery will be having a 2-day event with amplified music that weekend, they will have to move their outdoor gathering;
- Has almost gotten hit at the intersection of the road and driveway due to exiting visitors not stopping;
- Confirmed with Kathy Evans/Building that there is no permit for the amphitheater; and
- Does not want amplified music.

John Altmeyer, lives adjacent to winery, made the following comments:

- Moved from the Bay Area 6 years ago and it wasn't until last year when the amplified music started that they began having problems;
- His house is at a similar elevation to the winery's buildings;
- Traffic has increased;
- Property values will be affected by the commercialism; and
- Likes the Winery Ordinance.

Ms. Collinsworth made the following rebuttal comments:

- Two sound studies were done;
- Concerts have been going on for 6 years;
- Kept doing events in hopes of being grandfathered in;
- Previously, most of the special events were May-October, but with the building they can now be year-round; and
- Wants what Gold Hill Vineyard has.

Chair Pratt closed Public Comment.

Commissioner Heflin made the following comments:

- Project doesn't meet County standards now;
- Believes this is premature for this project to be before the Commission for action;
- Noise Consultant stated that they exceed levels, yet this is not a Mitigated Negative Declaration;
- As proposed, won't support project; and
- Project needs a Mitigated Negative Declaration, at a minimum.

Chair Pratt made the following comments:

- Inquired how structure was built when one of the Conditions is a Lot Line Adjustment that has not yet occurred;
- Part of the confusion is outdoor events vs indoor events and how they are differentiated;
- Project may not be ready to move forward for Commission action;
- Disappointed that Agricultural Commission didn't make a stronger stance;
- More clarity is needed;
- Not wanting any monitoring on noise is an issue; and
- Applicant is breaking new ground with this request, although there are similar projects in different counties.

Commissioner Mathews stated that, as proposed, he was not in support of the project.

County Counsel Paula Frantz made the following remarks:

- This is a Negative Declaration, not a Mitigated Negative Declaration, and mitigation measures are required for this project;
- Project description is not clear on special events as it appears the request is actually for 148 special events; and
- Unlimited concerts with amplified music requires a Special Use Permit.

Chair Pratt recommended the item be continued off-calendar to allow more work to be done on the request. He summarized the issues:

- Needs more noise monitoring;
- Unlimited events is not a reasonable request;
- Clear definition on how often for amplified vs non-amplified music, where on the property and when (hours);
- Special events is independent of retreats, conferences, or any other weekday venues; and
- Need to move forward with the Lot Line Adjustment.

No further discussion was presented.

Motion: Commissioner Heflin moved, seconded by Commissioner Rain, and carried (4-0), to continue Special Use Permit S10-0011 off-calendar and direct staff to work with applicant on the environmental document and other items discussed by the Commission.

AYES: Mathews, Rain, Heflin, Pratt NOES: None ABSENT: Tolhurst

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ACOUSTICAL ENGINEERING CONSULTANTS

ACOUSTICS • NOISE & VIBRATION CONTROL • AUDIOVISUAL SYSTEM DESIGN

September 19, 2012

David Girard
David Girard Vineyards
741 Cold Springs Road
Placerville, CA 95667

Subject: Noise Impact Assessment of Outdoor Concerts at David Girard Vineyards and Recommendations for Noise Control, El Dorado County, California

Dear David:

A supplemental noise impact assessment has been completed to provide alternative mitigation measures to limit potential noise impacts from outdoor concerts held at David Girard Vineyards. The previous noise impact study completed for the project by j. c. brennan & associates (JCBA)¹ used 24-hour noise measurements, including an evening concert and a mock concert set by JCBA at the hilltop venue, to determine noise impacts. This noise study, completed at the request of El Dorado County, did not include measurements at the closest noise sensitive residential property north of the hilltop amphitheater. In addition, the noise study incorrectly applied rural noise limits at the property lines for David Girard Vineyards instead of at a point 100 feet from the residence within the noise sensitive property as described in Table 6-2 of the El Dorado County General Plan Noise Element². The JCBA noise study presented two possibilities for concert noise control. Construction of a 15 to 20-foot tall berm around the perimeter of the amphitheater was proposed. However, even with the 20-foot berm, the study still indicated that El Dorado County standards would not be met. A 20-foot tall earth berm is neither economically feasible nor is it aesthetically desired for the facility. The second option was to limit sound levels at the mixing position 50 feet from the stage to an L_{MAX} of 80 dB(A). Despite the small, intimate shows typical of the concert series at David Girard Vineyards, meeting an L_{MAX} of 80 dB(A) (with corresponding hourly average L_{eq} sound levels of at least 10 to 15 dB(A) lower) is also not feasible. Alternative noise reduction measures and conditions were developed to satisfy El Dorado County requirements while limiting costs and maintaining a positive concert experience for attendees. With mitigation, concert noise impacts can be reduced to less than significant levels.

Noise Regulations

El Dorado County has two sets of noise regulations for evaluating the potential noise impacts of non-transportation sound sources. Performance standards in the County's General Plan Noise Element serve as the primary judge of significance. Although no specific sound level limits are provided, the County's Noise Ordinance³ can also be used to evaluate the significance of noise impacts.

Policy 6.5.1.7 and Policy 6.5.1.13 of the Noise Element address non-transportation sound sources. Policy 6.5.1.7 refers to hourly average L_{eq} and maximum L_{MAX} limits in Table 6-2. It applies to non-

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EXHIBIT I

transportation sound sources and sets limits based on the time of day, type of receiving land use, and the character of the sound. The policy makes no upward adjustment of noise level limits based on existing ambient (background) sound levels, but applies a 5 dB(A) penalty for simple tone noises, noises consisting primarily of speech or music, or for recurring impulsive noises. Displayed in Table 1 below is a summary of Table 6.2 from the El Dorado County Noise Element:

TABLE 1. Exterior Noise Level Performance Standards for Noise Sensitive Land Uses Affected by Non-Transportation Sources, Table 6.2, County of El Dorado Noise Element.

Noise Level Descriptor	Sound Level Limits, dB(A)					
	Daytime (7 am - 7 pm)		Evening (7 pm to 10 pm)		Night (10 pm to 7 am)	
	Community	Rural	Community	Rural	Community	Rural
Hourly L_{eq}	55	50	50	45	45	40
Maximum, L_{MAX}	70	60	60	55	55	50

In Community areas the exterior noise level standard applies to the property line of the receiving property and in Rural areas the exterior noise level standard applies at a point 100' away from the residence. El Dorado County Noise Element Performance Standards are more stringent than most, if not all, of the noise element or noise ordinance standards for counties in California. El Dorado County is unique in adding an "Evening" time period and separate "Community" and "Rural" distinctions instead of the typical single set of limits for daytime (7 am to 10 pm) and nighttime (10 pm to 7 am) periods. The added categories translate into lower Rural and Evening/Nighttime limits than the general limits found in most California county noise elements.

Policy 6.5.1.13 of the County's Noise Element provides an alternative evaluation of new non-transportation noise sources. It reads:

"When determining the significance of impacts and appropriate mitigation to reduce those impacts for new development projects, the following criteria shall be taken into consideration:

- A. In areas in which ambient noise levels are in accordance with the standards in Table 6-2, increases in ambient noise levels caused by new non-transportation noise sources that exceed 5 dBA shall be considered significant; and
- B. In areas in which ambient noise levels are not in accordance with the standards in Table 6-2, increases in ambient noise levels caused by new non-transportation noise sources that exceed 3 dBA shall be considered significant."

This alternative policy for non-transportation sound sources creates some confusion as to which policy (6.5.1.7 or 6.5.1.13) has precedence. Ambient (background) plus 5 dB(A) or plus 3 dB(A) can produce different limits than those in Table 1.

The El Dorado County Noise Ordinance states that it is unlawful for any person to create a loud or raucous noise to such an extent that it unreasonably interferes with the peace and quiet of another's private property. Unfortunately, this type of noise regulation is highly subjective and difficult to use for noise impact assessments.

Project Description

David Girard Vineyards is an 85-acre estate in El Dorado County with vineyards, a winery, tasting room, hilltop amphitheater, and newly constructed indoor event center. Concerts and similar events are held mostly at the outdoor amphitheater while the new indoor event building is used primarily for wedding

receptions. The outdoor concert venue features a concrete stage with portable seating in a fan shape off of the stage. The rear of the seating area is only approximately 50 feet from the stage with a temporary mixing position just off of the centerline behind the last seating row. The outdoor venue with shallow depth seating caters to small, intimate shows with lower volume levels than is typical of more mainstream acts and venues. Concerts feature solo singer-songwriters, small jazz or rock bands, and symphonies with a mix of acoustic and amplified instruments. When amplified instruments are used, David Girard Vineyards typically hires a company to provide speakers, mixers, microphones, and related gear with someone to setup and operate the equipment during performances. Concerts typically begin at 6 p.m. and end at 9 p.m. The 2012 season has a total of 6 outdoor evening concerts and a couple of mid day festivals with music.

The hilltop amphitheater sits at an elevation of approximately 1330 feet. Ground elevations slope downward to the north, west, and south while sloping upward to the east. Surrounding property is mostly rural residential with a school property south of the site. Residences to the west are all west of Cold Springs Road. No permanent house exists on the property adjacent to the vineyard on the east side, but a trailer home used part of the year sits almost 2000 feet from the amphitheater. Permanent single family homes are even further away to the northeast close to Highway 49. The closest residence is almost directly north of the amphitheater at a distance of approximately 1065 feet from the amphitheater and an elevation of 1350 feet. A valley of vineyard and a small lake sit between the hilltop amphitheater and the residence to the north.

Field Sound Test Results

Field sound tests were conducted of an actual outdoor concert held at David Girard Vineyards on July 28, 2012. The concert featured The Sun Kings, a Beatles cover band, with an opening act by singer-songwriter Janel Drewis. The concert started at 6 p.m. and ended at 9 p.m., typical of most concerts held at David Girard Vineyards. Continuous sound level measurements were made during the concert at two measurement positions. Position 1 was along the north property line directly in the path between the amphitheater and single family residence to the north, at a distance of approximately 710 feet from center stage. Position 2 served as a reference point at the mixing board for the concert at a distance of approximately 50 feet from the stage. Field sound measurements were made using one CEL 593 (s/n 016672) and one CEL 573.B1 (s/n 3/0511876) sound analyzer. Both CEL meters use 1/2 inch random incidence condenser microphones, calibrated to 114 dB at 1000 Hz using a CEL 284/2 calibrator. The meters conform to the requirements of a Type I instrument per American National Standards Institute⁴. A windscreen covered each microphone for the duration of testing and microphones were mounted on tripods approximately 5 to 6 feet above ground level.

Several sets of speakers were used to produce sound at the concert. Each of the electric guitars was plugged into a guitar amplifier/speaker combination. Microphones were placed in front of the vocalists, the guitar speakers, and over the drums, with keyboards plugged directly into the main system. The microphones and instrument lines were connected to the mixing board and out to two sets of speakers: one set to provide the main sound reinforcement for the audience and the other set to provide a monitor mix to the on-stage musicians. The stage monitor speakers rested on the ground and pointed up toward the performers, generally in the north to northwest direction. Two pairs of audience speakers were mounted on poles left and right of the stage, aimed to the southeast and parallel to the ground.

Sound levels were measured at Position #1 before and during the concert on July 28th to provide data near the closest residence to the north where sound levels had not been measured in the previous study. The residence to the north is where the main noise complaints are originating from and the closest noise sensitive location to the hilltop amphitheater. Figure 1 provides the results of continuous sound level measurements made at Position #1 in 5-minute intervals. Concert events are identified on the figure.

Table 2 below provides a summary of hourly measurement results at both test positions. Values in parenthesis include the non-concert related acoustical event at Position #1:

TABLE 2. Sound Levels Measured Along North Property Line and at the Mixing Board, The Sun Kings Concert at David Girard Vineyards

Position	Time of Day	Measured Sound Level, dB(A)						
		L _{eq}	L _{MAX}	L _{01.7}	L _{08.3}	L ₂₅	L ₅₀	L ₉₀
1	17:40-18:00	37 (39)	46 (54)	44 (48)	41 (42)	38 (39)	35	30
	18:00-19:00	38	51	45	41	38	36	31
	19:00-20:00	45 (46)	59 (62)	51	48	46	44	39
	20:00-20:40	48	56	52	51	49	47	37
	Overall	55	69	64	59	55	52	50
2	18:05-19:00	74	90	84	79	74	68	62
	19:00-20:00	83	98	88	86	84	82	75
	20:00-20:45	85	100	91	88	85	83	71
	Overall	55 (56)	74 (81)	63 (64)	59	55	52	49

The first performer was Janel Drewis who began playing guitar and singing at approximately 5:58 p.m. as indicated in Figure 1. The average L_{eq} sound level during her 45 minute performance was approximately 38 dB(A) as measured at Position #1, compared with background sound levels just prior to the concert and between acts of approximately 36 dB(A). Concert sound levels must be equal to or less than 40 or 41 dB(A) per the County Noise Element depending on which policy is applied (45 dB evening rural limit -5 dB for music = 40 dB(A) or background +5 dB of 36 + 5 = 41 dB(A)). These rural limits do not apply at the property line of David Girard Vineyards and instead apply to a point 100 feet from the nearest house approximately 1065' from center stage. The added distance will only help to reduce sound levels further; therefore, the Janel Drewis performance was well below the County's limits without mitigation. Average sound levels at the mixing board were approximately 75 dB(A) during her performance while the maximum L_{MAX} reached 90 dB(A) as shown in Figure 2. It is expected that similar singer/songwriter acts using similar mixing board levels would also be well within compliance.

Sound levels were much higher for The Sun Kings as expected. Compared with the single vocalist/guitar player of Janel Drewis, The Sun Kings is a Beatles tribute band with five vocalists who add guitars, bass, keyboards, and drums to the mix. Besides the difference in size, the Rock N' Roll music style also lends itself to higher sound levels. The Sun Kings performed for almost two hours with a short break about half way through. The average sound level during the first hour of The Sun Kings performance was approximately 45 dB(A) at Position #1 while the 8 p.m. to 8:45 p.m. time period average increased to almost 48 dB(A), directly correlating to an increase in sound levels at the mixing position. Sound levels were 42 to 45 dB(A) when adjusting for the increased distance to the 100' radius for the home north of David Girard Vineyards. Concert noise levels at the residence to the north are above the County's limits without additional mitigation. Sound levels were not measured near the west, south, or east noise sensitive receptors per the scope of the supplemental study. Based on the concert sound level data, distances to rural noise sensitive receptors, topography, and ambient levels in the previous noise study, sound levels are predicted to be less than those for the closest north residence at all other nearby noise sensitive properties. That is, the nearest home to the north represents worst case conditions.

Three concerts remained on the schedule for David Girard Vineyards for 2012 after The Sun Kings concert. The first occurred on August 18th and featured guitarist Michael Chapdelaine. This solo artist would likely have been similar in sound level to Janel Drewis, although no official sound tests were

conducted. It is likely that the County's noise limits were not exceeded for this concert. The final two shows are Stompy Jones on November 11th and Sierra Symphony on December 1st. Sound levels for the Stompy Jones concert are expected to be more like The Sun Kings based on the size of the band, instruments used, amplified speaker system expected, and the style of music. Average sound levels for Sierra Symphony could be lower than the two five-piece bands due to the expected lack of a sound reinforcement system and inherently dynamic nature of orchestral music. However, the sheer number and types of instruments used in the orchestra will have the potential to create sound levels that rival amplified performances.

Recommendations

The noise study report by j.c. brennan & associates had recommended the use of 15' to 20' tall earth berms as acoustical barriers and had proposed to limit sound levels at the mixing board to an L_{MAX} of 80 dB(A) in order to meet County of El Dorado Noise Element limits. Constructing a 20-foot tall earth berm around the hilltop amphitheater is not feasible nor is it necessary as mitigation to meet County limits. While sound level restrictions should be used at the mixing board as a means of controlling output from the sound reinforcement system, the imposed limits need not be quite as restrictive as the 80 dB(A) L_{MAX} limit recommended in the previous report.

Alternative noise reduction methods can be used to meet the County Noise Element limits. Some performances, similar in size and output to Janel Drewis, will not require any additional noise control. Janel Drewis averaged 74 dB(A) with an L_{MAX} of 90 dB(A) at the mixing board without exceeding County limits at the nearest noise sensitive receptor. Concerts with hourly average L_{eq} sound levels of approximately 80 dB(A) or less are expected to meet County standards without mitigation. Some performers, such as rock bands with multiple vocalists and instruments, typically require higher sound system output levels and limiting mixing board sound levels to 80 dB(A) averaged over an hour would detract from the concert experience. Sound levels for The Sun Kings averaged 83 to 85 dB(A) over the two hour performance with corresponding sound levels of 42 to 45 dB(A) at the worst case receptor to the north. The easiest form of mitigation would be to simply reduce volume levels at the mixing board; however, assuming that any further reduction in output levels would detract from the concert experience, approximately 2 to 5 dB(A) of additional sound reduction is needed. The following outline provides recommendations for mitigation. Implementation of one or more of these options is required to meet the County's limits:

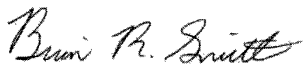
I. Noise Reduction Measures

- A. Limit hourly average L_{eq} sound levels at the mixing board to 80 dB(A). For the Janel Drewis/The Sun Kings concert monitored for this report, the highest L_{MAX} sound levels were approximately +15 dB(A) above the average over the hour as measured at the mixing board (with a much smaller differential near the noise sensitive receptor). Therefore, the L_{MAX} (meter set to "slow" response) should also be limited to 95 dB(A) at the mixing board.
- B. Use the new indoor event facility at David Girard Vineyards for all concerts where L_{eq} sound levels are expected to exceed 80 dB(A) at the mixing board. This would most likely mean that un-amplified instrument groups (i.e. orchestra) and solo artists would be allowed to use the outdoor venue and rock bands and similar performers would be required to be indoors with the doors closed.
- C. Change the concert schedule to end all higher output concerts by 7 p.m. Daytime limits are 5 dB(A) less restrictive. Limit the mixing board hourly L_{eq} levels to 85 dB(A) during the day.
- D. Eliminate stage monitor speakers and instead use in-ear monitors. Stage monitor speakers were aimed upward toward the performers in the northwest direction. While the specific contribution of the stage monitors relative to the overall noise level is unknown, eliminating speakers aimed toward the nearest noise sensitive receptors should reduce sound levels at the residences. Products from several manufacturers including Shure, Sennheiser, Audio Technica, etc. will be equally effective.

- E. Loudspeakers have some control over directivity through the physical speaker design and techniques such as digital steering (limited to frequencies above 250 Hz; low frequencies from subwoofers and similar bass cabinets are omnidirectional and cannot be effectively controlled). The main QSC speakers used for The Sun Kings concert each had a nominal coverage pattern of 75 to 90 degrees horizontally and 60 to 75 degrees vertically (each, with a wider coverage pattern from the use of 4 speaker cabinets total). Consider purchasing and using speakers with a smaller and more controllable coverage pattern for all outdoor concerts.
1. The preferred system would be a digitally controlled array. Acceptable products: Renkus Heinz Iconyx IC Live. Experiment with different module and DSP configurations to provide the optimal coverage and limit sound levels at noise sensitive receptors.
 2. 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. Acceptable products are available from most professional speaker manufacturers including: Renkus Heinz, JBL, EAW, Community, and Electro-Voice.
- F. An acoustical barrier could be used behind the stage to reduce sound levels 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 6' above the stage) to benefit from the barrier. Barrier height should be a minimum of 8 feet above the stage level and extend at least 5 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.

Please contact me with any questions or comments regarding the results and recommendations presented in this report.

Sincerely,



Brian R. Smith, INCE Board Certified
Principal

David Girard Vineyards, Outdoor Concerts Position 1: Near North Property Line Close to Residents

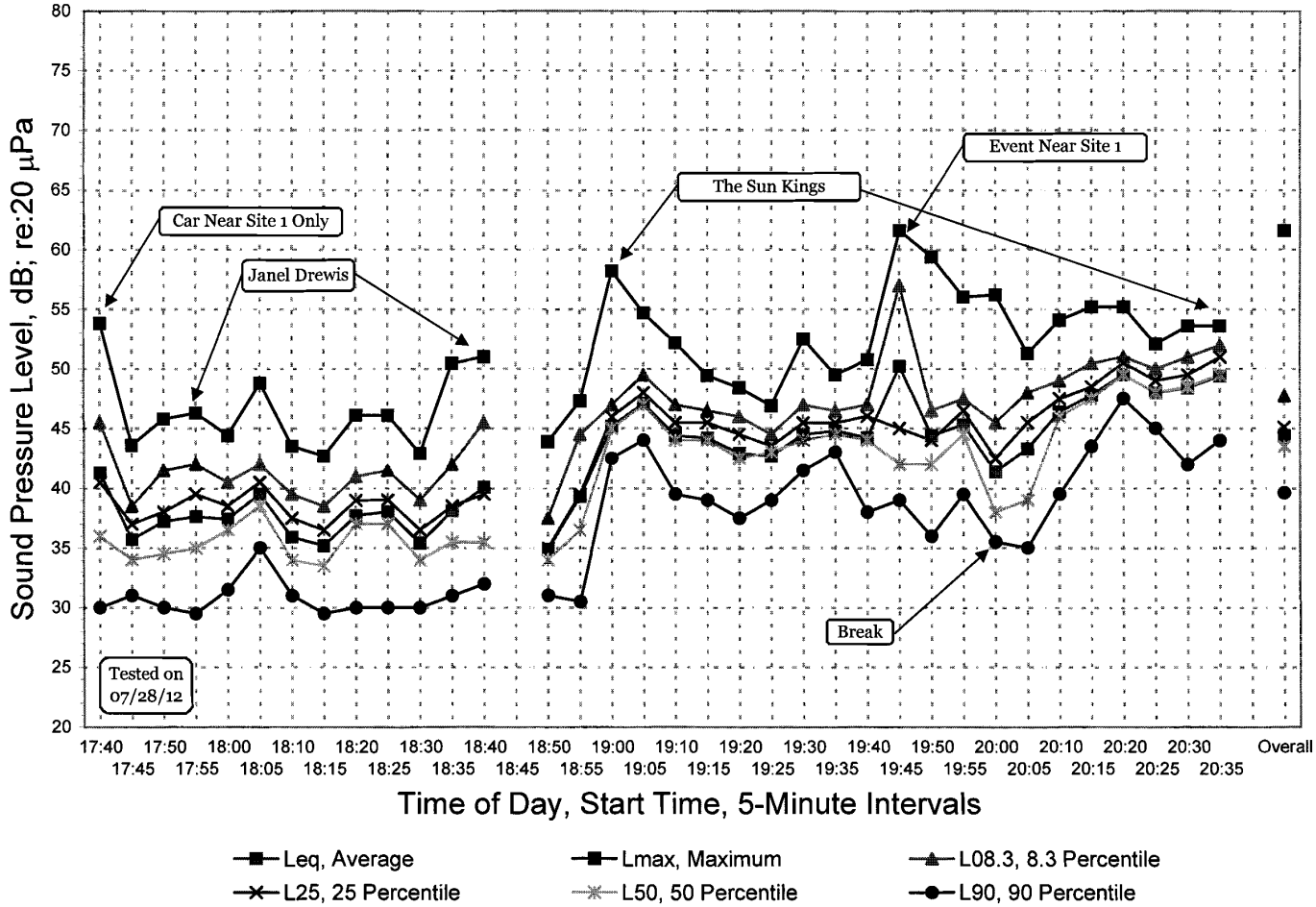


Figure 1. Results of Continuous Measurements Made at Position #1, North Property Line for DGV.



David Girard Vineyards, Outdoor Concerts Position 2: Mixing Board, Approx. 50' to Center Stage

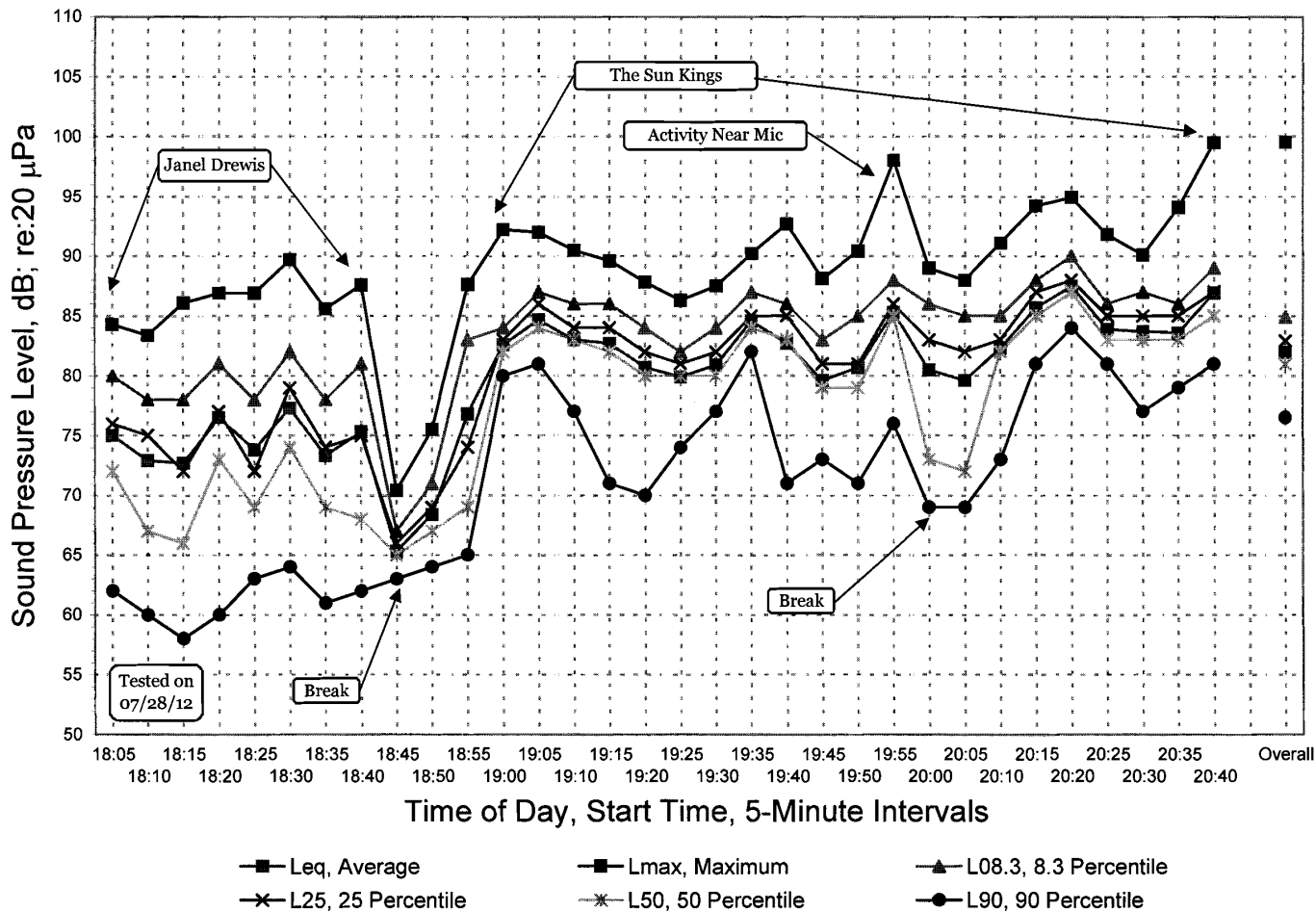


Figure 2. Source Sound Level Measurements Made at Position #2, Mixing Board 50' from Stage.

¹ Brennan, Jim, "Environmental Noise Assessment, David Girard Vineyard Music Venue, El Dorado County, California," j.c. brennan & associates, Inc., Job No. 2010-124A; February 7, 2011.

² *El Dorado County General Plan, Public Health, Safety, and Noise Element*, El Dorado County; July 2004, Section 6.5, pp. 261-268

³ <http://library.municode.com/index.aspx?clientId=15095>, *El Dorado County Code of Ordinances, Chapter 9.16 Noise*, Municipal Code Corporation 2012; Web page accessed September 19, 2012.

⁴ American National Standards Institute, ANSI, Standard Specification for Sound Level Meters, S1.4-1983 (Precision)