

**COUNTY OF EL DORADO DEVELOPMENT SERVICES
PLANNING COMMISSION
STAFF REPORT**



Agenda of: December 12, 2013
Item No.: 9.b
Staff: Tom Dougherty

SPECIAL USE PERMIT

FILE NUMBER: S12-0005/Montano de El Dorado Shopping Plaza Outdoor Music

APPLICANT: El Dorado Hills Pavilion Venture, LLC

REQUEST: Request to allow occasional outdoor amplified music events between 12:00 pm to 12:00 am within the common area at the Montano de El Dorado Shopping Plaza.

LOCATION: Southeast corner of the intersection of White Rock Road and Latrobe Road, in the south El Dorado Hills area, Supervisorial District 2. (Exhibit A)

APNs: 118-010-15 and -16 (Exhibit B-1)

ACREAGE: 1.67 combined acres

GENERAL PLAN: Commercial (C) (Exhibit C)

ZONING: Commercial-Design Community (C-DC) (Exhibit D)

ENVIRONMENTAL DOCUMENT: Categorically exempt pursuant to Section 15323 of the CEQA Guidelines.

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

1. Find that the project is Categorically Exempt pursuant to CEQA Guidelines Section 15323; and
2. Approve Special Use Permit S12-0005 subject to the Conditions of Approval in Attachment 1 (including limiting outdoor amplified music to no later than 10:00 p.m.), based on the Findings in Attachment 2.

BACKGROUND: The Montano de El Dorado Shopping Plaza was originally approved by DR04-0019-S on April 19, 2006. The shopping plaza is comprised of four parcels. The Relish Burger Bar is located in the northwest corner of the center, which is the furthest building from adjacent residential uses to the east. Two of the four parcels would be utilized for the music events because the proposed stage location would be within the common area in between Relish Burger Bar and Peets Coffee. Ongoing operations at the Relish Burger Bar include restaurant and bar services, and outdoor seating is available for dining on the patio. The music events would primarily be sponsored by the Relish Burger Bar.

Planning has approved Temporary Use Permits TUP11-0012, 12-0014, 13-0008, and 13-0032 for one-day music events over the last three years and was aware of only one noise complaint in 2011, from a residence on Dover Court within the Springfield Meadows Subdivision, located approximately 2,000 feet to the west. This special use permit application is a result of that original complaint.

Pursuant to Section 17.32.020(e) of the zoning ordinance, permitted uses in the C zone district include: “Places of entertainment, appliance store and repair (new and used), antique store and furniture store, second-hand store, when they are fully enclosed in a building”. However, the proposed project would occur on the outdoor patio, and as such it requires a special use permit pursuant to Section 17.32.030 (d).

STAFF ANALYSIS

Project Description: Special Use Permit to allow for acoustic outdoor music events on the patio within the common area in between Relish Burger Bar and Peets Coffee between the hours of 12:00 p.m. to 11:00 pm and occasionally to 12:00 am on weekends. No new seating would be proposed. No new outdoor signage or advertising would be proposed as a result of the project. Speakers associated with music events would be positioned and oriented toward the restaurant/bar, and would be shielded on the west side by existing Plexiglas panels. The music event staging area is proposed to be utilized for various seasonal music events involving the entire shopping plaza, as well as by the Relish Burger Bar.

Site Description: The Montano de El Dorado Shopping Plaza maintains a variety of businesses including but not limited to restaurants, commercial retail, and banking uses. Three of the four parcels are entirely developed with these businesses, parking lot, and landscaping. The fourth, easternmost parcel is partially developed in the northern portion. Access to the site is provided by two encroachments onto White Rock Road. The plaza is surrounded on the north by White Rock Road and the west by Latrobe Road and the corner proposed for the music is significantly higher in elevation than those roads.

Adjacent Land Uses:

	Zoning	General Plan	Land Use/Improvements
Site	C-DC	C	Commercial/Montano de El Dorado Shopping Plaza
North	CG	AP: Valley View Specific Plan	Commercial/Park and Ride lot.
South	R&D	R&D	Research and Development/Vacant.
East	R2	HDR	Residential/Single-family dwellings (Creekside Greens subdivision).
West	R&D	R&D	Latrobe Road

Discussion: The closest residences from the proposed stage area are located approximately 620 feet to the east within the Creekside Greens subdivision which was established in 1997. The portion of that subdivision that adjoins the Plaza directly to the east of the proposed event area is significantly lower in elevation, where it is separated by the retaining wall.

Project Issues: Issues for discussion with this project include noise and land use compatibility.

Noise: General Plan **Policy 6.5.1.2** states that “where proposed non-residential land uses are likely to produce noise levels exceeding the performance standards of Table 6-2 (see below) at existing or planned noise-sensitive uses, an acoustical analysis shall be required as part of the environmental review process so that noise mitigation may be included in the project design. Policy 6.5.1.7 states that noise created by new proposed non-transportation noise sources shall be mitigated so as not to exceed the noise level standards of Table 6-2 for noise-sensitive uses.”

TABLE 6-2 NOISE LEVEL PERFORMANCE PROTECTION STANDARDS FOR NOISE SENSITIVE LAND USES AFFECTED BY NON-TRANSPORTATION* SOURCES						
Noise Level Descriptor	Daytime 7 a.m. - 7 p.m.		Evening 7 p.m. - 10 p.m.		Night 10 p.m. - 7 a.m.	
	Community	Rural	Community	Rural	Community	Rural
Hourly Leq, dB	55	50	50	45	45	40
Maximum level, dB	70	60	60	55	55	50
Each of the noise levels specified above shall be lowered by five dB for simple noises, noises consisting primarily of speech or music, or for recurring impulsive noises.						
County can impose noise level standards which are up to 5 dB less than those specified above based upon determination of existing low ambient noise levels in the vicinity of the project site.						
In Community areas the exterior noise level standard shall be applied to the property line of the receiving property.						

Based upon Table 6.2, the applicable standards are those designated for a "Community", which also need to be lowered by 5 dB, due to the fact that the noise source consists primarily of speech and music. Therefore, the evening and nighttime standards are as follows:

Evening (7:00 p.m. - 10:00 p.m.): 45 dB Leq, 55 dB Lmax

Night (10:00 p.m. - 7:00 a.m.): 40 dB Leq, 50 dB Lmax

When complaints of noise such as loud outdoor music are received, the following County Code Section applies:

“9.16.050 Loud and Raucous Noises—Prohibited: Except as otherwise provided in this chapter, it is unlawful for any person to willfully make, emit, or transmit or cause to be made, emitted, or transmitted any loud and raucous noise upon or from any public highway or public thoroughfare or from any aircraft of any kind whatsoever, or from any public or private property to such an extent that it unreasonably interferes with the peace and quiet of another's private property.”

The applicant has submitted an Environmental Noise Assessment dated August 15, 2011 which analyzed live music events at the Relish Burger Bar. The Assessment measured noise levels at the north end of the patio and near a residence on Dover Court within the Springfield Meadows Subdivision, located approximately 2,000 feet to the west.

During the simulated concert and playing of music, the measured noise levels at the north end of the patio ranged between 75 dB and 81 dB Lmax, and between 74 dB to 79 dB Leq, while music was playing. Measured noise levels at Dover Court, without music playing was between 44 dB and 45 dB Leq, and between 53 dB and 55 dB Lmax. The primary noise source when music was not playing was local roadway traffic. Measured noise levels at Dover Court with the music playing, ranged between 43 dB Leq and 45 dB Leq, and between 53 dB and 55 dB Lmax. Although the music was audible, local roadway traffic remained the dominant noise source. Observations indicated that when traffic noise subsided, the maximum noise levels were in the range of 43 dB Lmax.

An additional noise analysis dated October 11, 2013 was submitted that analyzed potential noise impacts to the closest residence to the east, located approximately 620 feet away on Monte Verde Drive. There is a retaining wall approximately 18 feet tall constructed between those residences and the commercial uses. The top of that wall is level with the parking lot surface. The noise analysis found that because of the difference in elevation, the predicted noise levels in the back yards of those residences to the east are 41 dBA Lmax and 39 dBA Leq. Those noise levels comply with the daytime and evening noise level criteria.

Based upon the measured noise levels with music playing, the acoustical engineer concluded that the live music events would comply with the General Plan Noise Element evening and nighttime standards. The Assessment included recommendations that the managers of the Plaza and the Relish Burger Bar purchase a Type 1 or Type 2 sound level meter and calibrator, and that periodically during live music events, a designated representative should conduct short-term noise measurements at a distance of 50 feet from the staging area. If maximum noise levels

begin to exceed 85 dBA, the sound system shall have the volume reduced. In addition, that study recommended that amplified music cease by 10:00 p.m.

The El Dorado County Sheriff's Office responded that between August 27, 2010 and November 1, 2012, the Sheriff's Office had received ten complaints involving loud music, noise and a live band at the Montano de El Dorado Shopping Plaza. All of the complaints were received between the hours of 10:00 pm and 1:00 am. With that in mind, they are expecting more complaints if amplified music were allowed after 10:00 pm.

The El Dorado Hills Area Planning Advisory Committee conditionally supports the project if their concerns are met as follows: 1. County or the restaurant, must periodically monitor the Db noise level emanating from the events and check any reported community complaints to determine what is an acceptable sound level; 2. The type of music allowed (no hard rock or rap) must be specified in the SUP; and 3. If multiple complaints are received weekday music amplification must be reduced at 10:00 PM and end at 11:00 PM, and weekend music must be reduced at 10:00 PM and end at 11:30 PM. Their letter is included as Exhibit K.

Policy 2.2.5.21 directs that development projects shall be located and designed in a manner that avoids incompatibility with adjoining land uses that are permitted by the policies in effect at the time the project is proposed.

As discussed above, if noise is constrained, noise levels would not be anticipated to exceed County noise standards at nearby sensitive receptors. The project is intended to provide musical entertainment for outdoor patrons. No new seating is proposed as a result of the project and in fact seating would likely be removed in order to provide space for entertainers. If the recommendations of the noise consultant, Sheriff's Office, and the El Dorado Hills Area Planning Advisory Committee are put into effect, the noise levels would be compatible with the surrounding uses. However, Planning cannot support a limitation to the type of music that may be played as that would have no bearing on the volume.

ENVIRONMENTAL REVIEW: The project is exempt from environmental review pursuant to CEQA Guidelines Section 15323 of the CEQA Guidelines. A Class 23 exemption consists of the normal operations of existing facilities for public gatherings for which the facilities were designed, where there is a past history of the facility being used for the same or similar kind of purpose. For the purposes of this section, "past history" shall mean that the same or similar kind of activity has been occurring for at least three years and that there is a reasonable expectation that the future occurrence of the activity would not represent a change in the operation of the facility. In this instance, intermittent music events have occurred at the Montano de El Dorado Shopping Plaza, within the patio shared by two restaurants. That area is designed for shared shopping center activities such as a restaurant/bar and coffee shop. There will be no physical modifications to the existing facility other than a slight rearrangement of tables and chairs on the outdoor patio to accommodate entertainers.

A \$50.00 processing fee is required by the County Recorder to file the Notice of Exemption. The filing of the Notice of Exemption is optional, however, not filing the Notice extends the statute of limitations for legal challenges to the project from 30 days to 180 days.

SUPPORT INFORMATION

Attachments to Staff Report:

Attachment 1	Conditions of Approval
Attachment 2	Findings
Exhibit A	Location Map
Exhibit B	Assessor's Parcel Map
Exhibit C	General Plan Land Use Designations Map
Exhibit D	Zoning Designations Map
Exhibit E	Overall Site Plan
Exhibit F	Relish Burger Restaurant Floor Plan
Exhibit G	Patio Layout
Exhibit H	Applicant-submitted Project Description; April 18, 2013 (two pages)
Exhibit I	Environmental Noise Assessment; August 15, 2011 (six pages)
Exhibit J	Environmental Noise Assessment; October 11, 2013 (six pages)
Exhibit K	El Dorado Hills Area Planning Advisory Committee Letter; June 14, 2013.
Exhibits L-1, L-2	Aerial Photos

ATTACHMENT 1

CONDITIONS OF APPROVAL

**Special Use Permit S12-0005/Montano de El Dorado Shopping Plaza Outdoor Music
Planning Commission/December 12, 2013**

Planning Services

1. This Special Use Permit is based upon and limited to compliance with the project description, the Conditions of Approval set forth below, and the following hearing exhibits:

Exhibit EOverall Site Plan
Exhibit F.....Relish Burger Restaurant Floor Plan
Exhibit G.....Patio Layout

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.

Approval of this Special Use Permit allows uses as follows on the parcels identified by Assessor’s Parcel Numbers 118-010-15 and 16 for amplified outdoor music events on the patio/common area shared by the two parcels, between the hours of 12:00 p.m. to 10:00 p.m.

The 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.

Planning Services

2. **Seating:** No new outdoor seating shall be allowed.
3. **Signs:** No new outdoor signage or advertising shall be allowed as a result of the project.
4. **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. Noise levels shall not exceed those prescribed in Table 6-2 of the El Dorado County General Plan as outlined below:

	Daytime (7am-7pm)	Evening (7pm-10pm)
Hourly dB	50	45
Max. dB	65	55

Speakers associated with music events shall be positioned and oriented toward the north at all times. In order to ensure sound levels are not exceeded, the applicant shall monitor noise levels during music events. The applicant shall purchase a Type I or Type 2 sound level and calibrator and shall ensure that noise levels do not exceed 75 dBA within 50 feet of the sound stage area to the north, east and southeast (three measurements).

For the first year subsequent to project approval, the applicant shall monitor each music event and provide the County with monthly monitoring results.

5. **Notice of Exemption Fee:** A \$50.00 administrative processing fee is required by the County Recorder to file the Notice of Exemption. This fee must be delivered to the El Dorado County Planning Services prior to the issuance of any development permit being issued on the project parcel.

6. **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.

The applicant shall defend, indemnify, and hold harmless El Dorado County and its agents, officers, and employees from any claim, action, or proceeding against El Dorado County or its agents, officers, or employees to attack, set aside, void, or annul an approval by El Dorado County. County shall notify the applicant of any claim, action, or proceeding and County will cooperate fully in the defense.

ATTACHMENT 2

FINDINGS

Special Use Permit S12-0005/Montano de El Dorado Shopping Plaza Outdoor Music Planning Commission/December 12, 2013

1.0 CEQA FINDINGS

- 1.1 This project is Categorically Exempt from the requirements of CEQA pursuant to Section 15323 of the CEQA Guidelines. A Class 23 exemption consists of the normal operations of existing facilities for public gatherings for which the facilities were designed, where there is a past history of the facility being used for the same or similar kind of purpose. Regular music events have occurred at the common area patio shared by the parcels identified by Assessor's Parcel Numbers 118-010-15 and 16 on an intermittent basis. The facility is designed for such activities as a restaurant/bar. There will be no physical modifications to the existing facility other than a slight rearrangement of tables on the outdoor patio to accommodate entertainers.
- 1.2 The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Development Services Division - Planning Services at 2850 Fairlane Court, Placerville, CA, 95667.

2.0 GENERAL PLAN FINDINGS

- 2.1 As proposed, the project is consistent with the Commercial (C) land use designation as defined within General Plan Policy 2.2.1.2 because the intent of the land use designation is to provide a full range of commercial retail, office, and service uses to serve the residents, businesses, and visitors of El Dorado County. The proposed project will provide residents and visitors with entertainment services in the El Dorado Hills area.
- 2.2 The proposal is consistent with General Plan policies, 2.2.5.2 (General Plan consistency), 2.2.5.21 (land use compatibility), and General Plan Policy 6.5.1.2 (noise). The use is compatible with the surrounding commercial uses, and nearby residential uses, and the design of the project minimizes noise levels to at or below the noise standards of the General Plan.

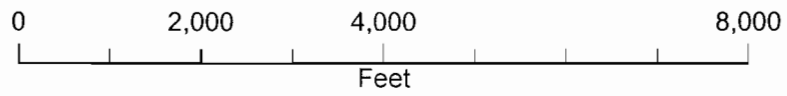
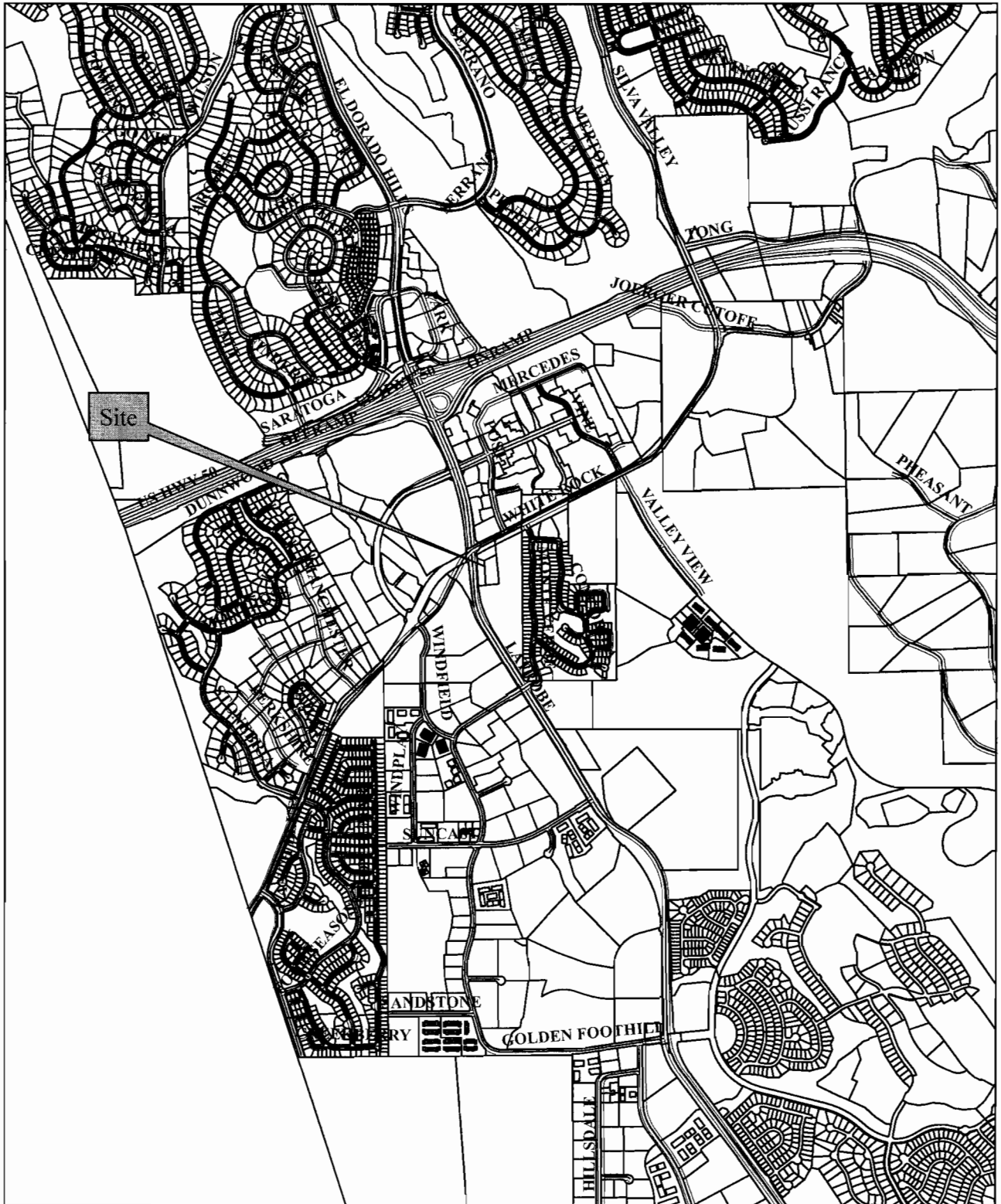
3.0 ZONING FINDINGS

- 3.1 The proposed use is permitted by Special Use Permit in the Commercial (C) zone district, pursuant to Section 17.32.030(d) of the County Code provided that the administrative findings outlined below can be made by the Planning Commission.
- 3.2 As proposed and conditioned, the project meets all applicable development standards contained within the El Dorado County Code.

4.0 SPECIAL USE PERMIT FINDINGS

- 4.1 **The issuance of the permit is consistent with the General Plan.** The applicant's proposal, as conditioned, is in compliance with the General Plan as set forth in Section 2.0 of these findings.
- 4.2 **The proposed use would not be detrimental to the public health, safety and welfare, or injurious to the neighborhood.** With incorporation of conditions of approval included in the project description the project will not have significant impacts on surrounding residential land uses because there would be no increase in use of the site and noise would not be generated in excess of the County's noise standards. The project is compatible with surrounding commercial land uses.
- 4.3 **The proposed use is permitted by special use permit pursuant to County Code Section 17.32.030(d) which allows for uses enumerated in Section 17.32.020(e) when they are not fully enclosed in a building.**

Location Map



SECS. 11 & 12, T.9N., R.8E., M.D.M.

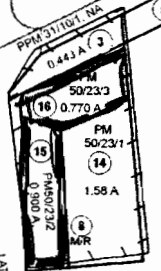
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1" equals 300'



Exhibit B

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PLANNING DEPARTMENT



Acresages Are Estimates

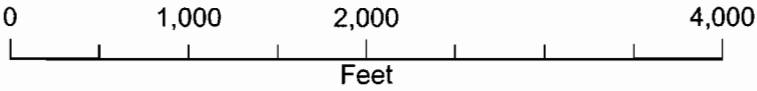
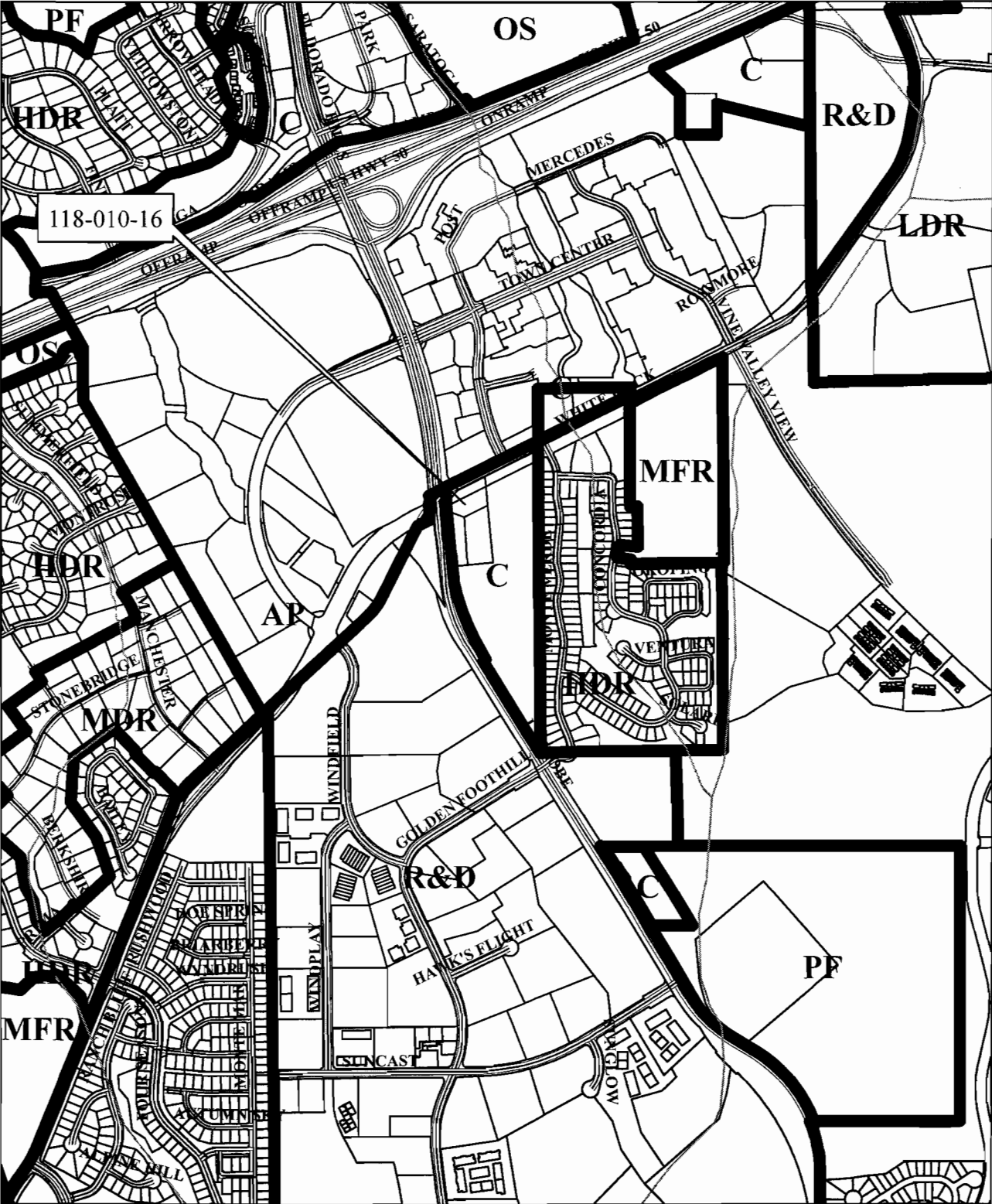
Adjacent Map Pages Shown in Grey Text
Assessor's Block Numbers Shown in Ellipses
Assessor's Parcel Numbers Shown in Circles

Rev. Oct. 29, 2008

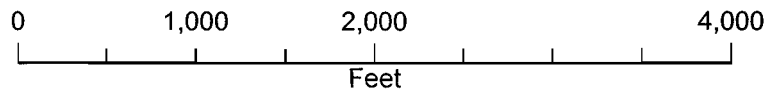
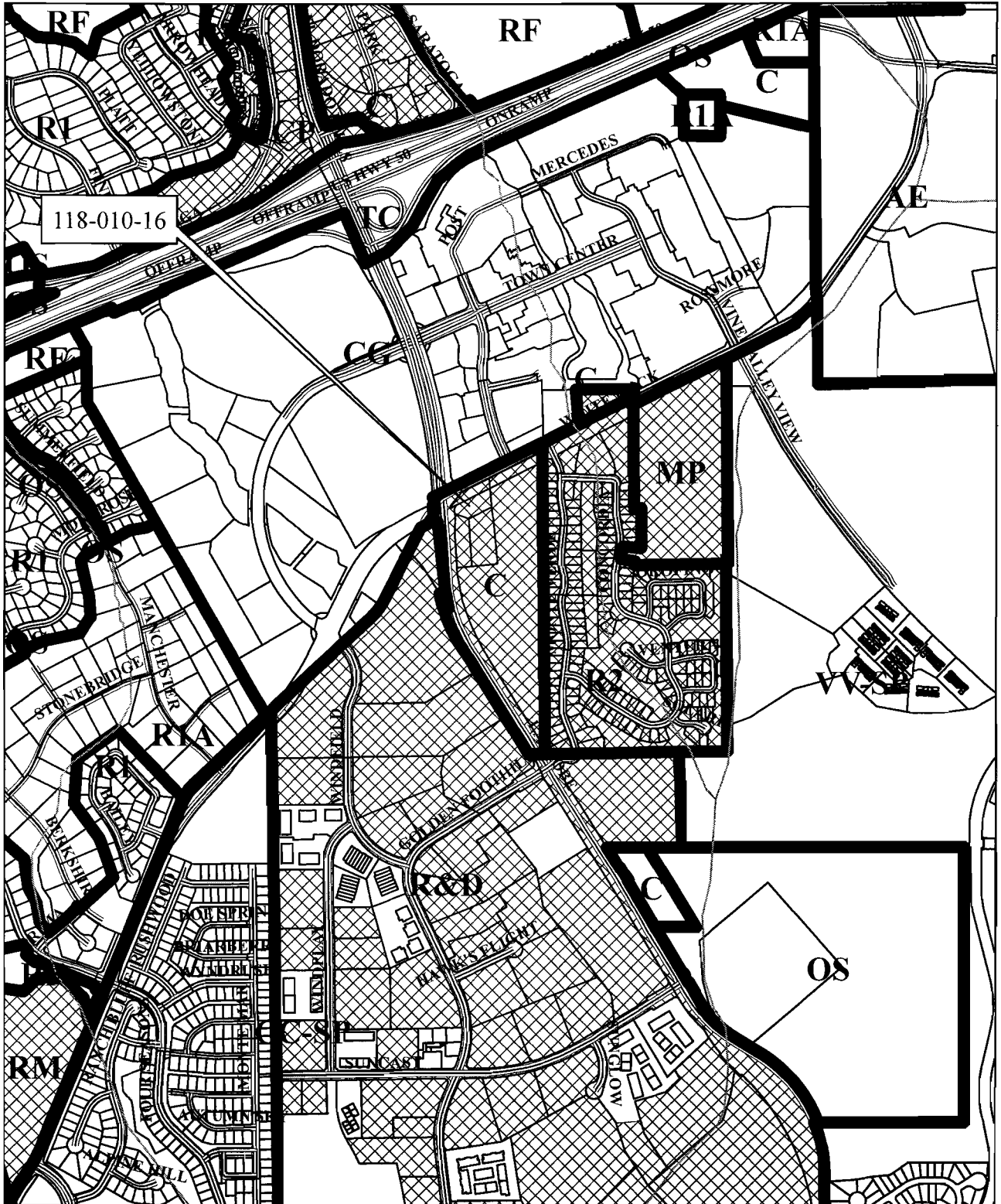
Assessor's Map Bk. 118 - Pg. 01
County of El Dorado, CA

S 12-0005

General Plan Land Use Designations Map



Zoning Designations Map

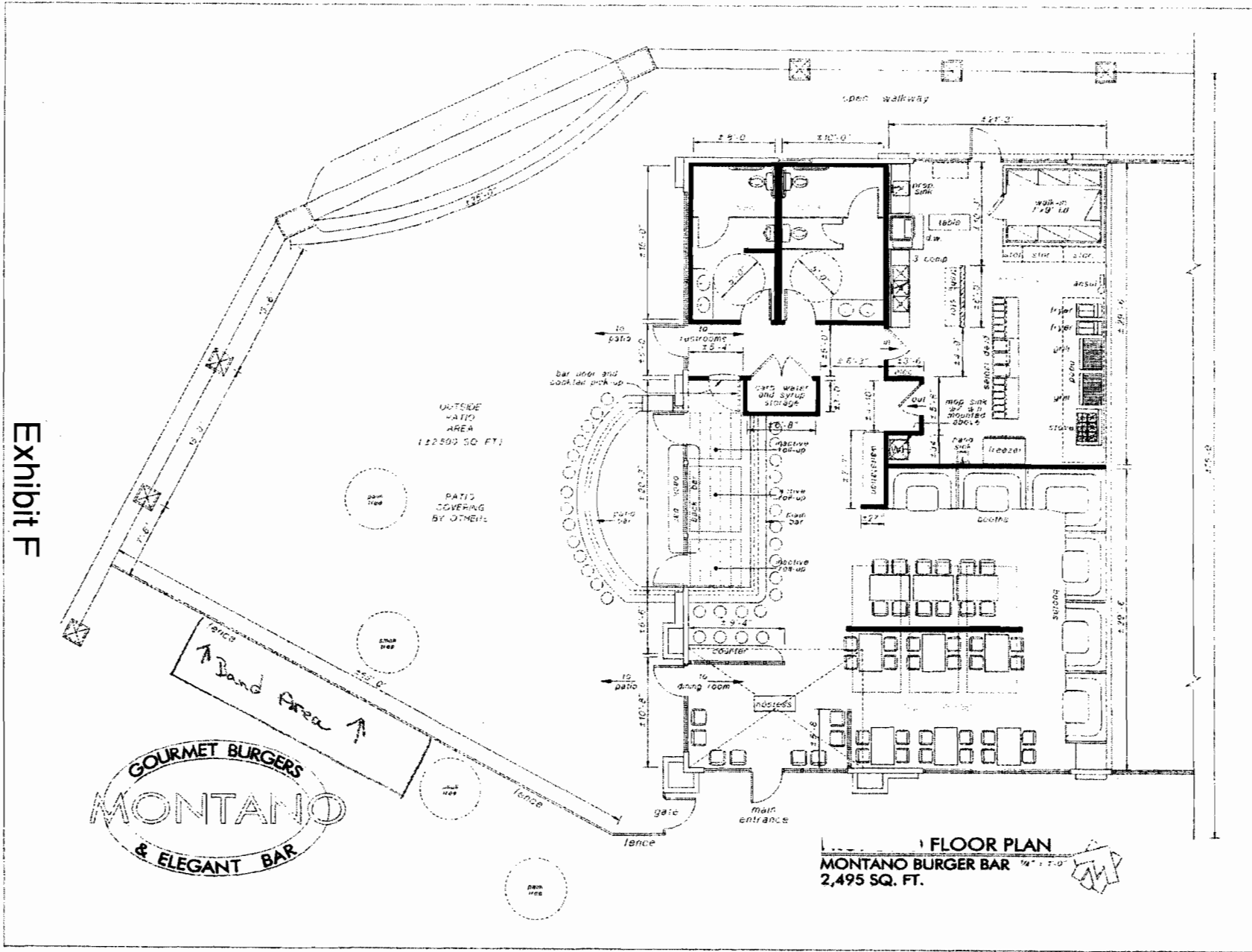


 Design Community Overlay

File Number S12-0005

Exhibit D

Exhibit F



DG
DESIGN GRAPHICS
 planning and design
 1810 Lundy Drive
 Menlo Park, CA 94025
 650-321-1810 Fax 650-321-1811

GOURMET BURGERS
MONTANO
 & ELEGANT BAR
 at the corner of
 White Rock and Latrobe Road
 El Dorado Hills, California

PROPOSED FLOOR PLAN

Vanilla Shell Plans
MONTANO
DE EL DORADO
 White Rock Road at Latrobe Road
 El Dorado Hills, CA 95762

NO.	DATE	DESCRIPTION

THESE PLANS PREPARED BY

 MONTANO BURGERS, A CORPORATION

DATE: 08-16-05
 DRAWN BY: B. FARY
 CHECKED BY: 08-07-06

A2.0

FLOOR PLAN
MONTANO BURGER BAR
 2,495 SQ. FT.

SPECIAL USE PERMIT REQUEST

for
Live Music

DATE: April 18thth, 2013
TO: El Dorado County Planning Commission
FROM: Vinal Perkins, Owner, Montano De El Dorado
Richard Righton, Owner, Relish Burger Bar
RE: Special Use Permit Application, Relish Burger Bar, Montano De El Dorado Shopping Center, El Dorado Hills, CA

13 APR 24 AM 8:56
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PLANNING DEPARTMENT

The Ownership groups of both Montano De El Dorado Shopping Plaza & Relish Burger Bar Restaurant of El Dorado Hills - respectfully request that the Planning commission APPROVES the following Special Use Permit for Live Music:

1. Permission to provide Live Music to be played in the Montano Plaza Common Area located between "Peets' Coffee" and "Relish Burger Bar" at the Montano Plaza, above the waterfall, nearest the intersection of White Rock Road at Latrobe Road. (Exhibit)
 - a. The Live Music will consist of no more than one group per performance.
 - b. All amps, instruments, speakers, etc. will be directed toward the somewhat isolated Relish Burger Bar patio area only, where noise/acoustics are deadened by buildings, 11 foot high plexiglass patio barriers, the Montano Waterfall feature and road noise from traffic at Latrobe Road and White Rock Road (which is 15 feet below the plaza).
 - c. A recent Acoustical Survey (Exhibit B) conducted in 2012 at this location resulted in nominal to no noise intrusion into surrounding areas which are NOT residential.
2. Times and Dates: Music shall be played throughout the year for the benefit of both plaza and restaurant outdoor patio area. Select Shopping Center events will be scheduled such as the Christmas Fire Department Santa Visits, St. Patricks Day, Independence Day event as a tie into Town center Fire Works display across the street, Art Events, community fund raisers, etc. The Burger bar will benefit by providing live patio music during the warmer months to add outdoor ambiance to the Plaza and the Burger Bar patrons. Hours of operation will occur anywhere from Noon to 11:pm with occasional sound to midnight within the weekend hours. However, realistically music will be scheduled at various times between Thursdays and Sundays, as the case may be.

Exhibit H

SPECIAL USE PERMIT REQUEST

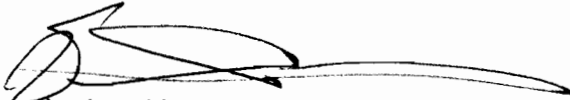
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3. Types of Music: Types of music will generally range from local ensembles of 1 to 5 musician members playing light jazz, to Country, to modern pop, depending on the theme or event. Generally, patrons prefer low key modern pop or jazz as a back drop to socializing or eating.

In the past few years we have had quite a few events and weekends where live music has performed at this exact location without incident, complaints or negative feedback. We have been working for 7 years to provide a relaxing and safe life style shopping experience for our customers and community who wish to just come and visit. Our goal is that as Montano expands and evolves, we continue to focus on retail, dining and hospitality choices that entice our community to shop and dine in a quality fashion where the experience is not available in other communities.

Thank you for your consideration to provide this Special Use Permit to allow live music within our Montano De El Dorado Plaza & Relish Burger Bar,

Montano De El Dorado Shopping Plaza



Vinal Perkins, Owner
Developer, Property Manager



Relish Burger Bar of El Dorado Hills



Richard Righton
Owner/Operator



Cc: JM, JR, MAH, DT

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Environmental Noise Assessment

Relish Burger Bar Live Music

El Dorado Hills/El Dorado County, California

Job # 2011-149

Prepared For:

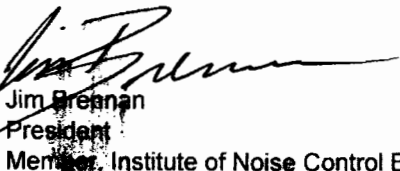
Montano De El Dorado

1000 White Rock Road
El Dorado Hills, CA 95762

Attn: Lynn Repstad

Prepared By:

j.c. brennan & associates, Inc.



Jim Brennan
President
Member, Institute of Noise Control Engineering

August 15, 2011

Exhibit I

 **j.c. brennan & associates**
consultants in acoustics

INTRODUCTION

The acoustical consulting firm of j.c. brennan & associates, Inc. has conducted an environmental noise analysis of live music events at the Relish Burger Bar located in the Montano Shopping Center in El Dorado Hills, California.

The Relish Burger Bar has conducted live music events, which generally play classic rock music during the evenings and nighttime hours. Generally they have conducted music events between 7:00 p.m. and 11:00 p.m. The Relish Burger Bar is generally located at the southeast corner of Latrobe Road and White Rock Road. The live music venue is an outdoor facility with a patio which is approximately 1,700 square feet in size with an outdoor bar and dining.

The events have resulted in noise complaints from one resident which is located on Dover Court, and approximately 2,000 feet to the west/southwest of the Relish Burger Bar. Recently the El Dorado County Sheriff requested that the Relish Burger Bar cease all live music. At the request of the El Dorado County Planning Department, the Montano Shopping Center retained j.c. brennan & associates, Inc. to conduct the noise study to determine if the live music events comply with the El Dorado County General Plan Noise Element criteria.

Figure 1 shows the location of the Relish Burger Bar/Montano Shopping Center and the location where the noise complaint was generated.

CRITERIA¹

The El Dorado County General Plan Noise Element contains performance standards for non-transportation noise sources affecting adjacent noise-sensitive land uses. Table 1 shows the El Dorado County noise level performance standards that may be applied to this project. These standards are contained in Table 6-2 of the El Dorado County General Plan and are shown in Table 1.

The noise standards in Table 1 are divided into daytime hours (7 am to 7 pm), evening hours (7 pm to 10 pm), and nighttime hours (10 pm to 7 am). It is also important to note that the standards are to be lowered by 5 dB for noises consisting primarily of speech or music.

¹ For an explanation of these terms, see Appendix A: "Acoustical Terminology"

Figure 1
Project Area



Table 1 (Table 6-2 of the General Plan Noise Element) Noise Level Performance Protection Standards For Noise Sensitive Land Uses Affected by Non-Transportation Noise Sources						
Noise Level Descriptor	Daytime 7 a.m. - 7 p.m.		Evening 7 p.m. - 10 p.m.		Night 10 p.m. - 7 a.m.	
	Community	Rural	Community	Rural	Community	Rural
Hourly L_{eq} , dB	55	50	50	45	45	40
L_{max} , dB	70	60	60	55	55	50
<p>Each of the noise levels specified above shall be lowered by five dB for simple noises, noises consisting primarily of speech or music, or for recurring impulsive noises.</p> <p>County can impose noise level standards which are up to 5 dB less than those specified above based upon determination of existing low ambient noise levels in the vicinity of the project site.</p> <p>In Community areas the exterior noise level standard shall be applied to the property line of the receiving property. In Rural areas the exterior noise level shall be applied at a point 100 feet away from the residence.</p> <p>Source: Table 6-2 of the El Dorado County General Plan Noise Element.</p>						

Based upon Table 1, the applicable standards are those designated for a “Community”, which also need to be lowered by 5 dB, due to the fact that the noise source consists primary of speech and music. Therefore, the evening and nighttime standards are as follows:

Evening (7:00 p.m. – 10:00 p.m.): 45 dB Leq, 55 dB Lmax
 Night (10:00 p.m. – 7:00 a.m.): 40 dB Leq, 50 dB Lmax

ANALYSIS

As a means of determining noise levels associated with live music at the Relish Burger Bar, j.c. brennan & associates, Inc. set up a sound system and played classic rock music with a cd player at the Burger Bar on Thursday August 11th, 2011. The music played between 7:20 p.m. and 8:30 p.m. The equipment used for the sound system included the following:

- ▶ QSC Audio, Model: USA 900 amplifier, rated at 450 watts per channel
- ▶ (2) Woodworx Wave Series professional concert speakers, rated at 400 watts each.

The speakers were oriented to the north towards the patio, which is consistent with the orientation during live music events. Sound level measurements were conducted at the north side of the patio, furthest from the sound system. In addition, sound level measurements and observations were conducted at the east end of Dover Court, with a clear view of the Burger Bar. Equipment used for the sound level measurements

included Larson Davis Laboratories (LDL) Model 820 precision integrating sound level meters, which were calibrated before and after the measurements to ensure accuracy. The sound level meters meet all ANSI specifications for Type 1 sound level meters.

During the simulated concert and playing of music, the Burger Bar patio dining was predominantly full and people mingling at the bar. Measured noise levels at the north end of the patio ranged between 75 dB and 81 dB Lmax, and between 74 dB to 79 dB Leq, while music was playing.

Measured noise levels at Dover Court, without music playing was between 44 dB and 45 dB Leq, and between 53 dB and 55 dB Lmax. The primary noise source when music was not playing was local roadway traffic. Measured noise levels at Dover Court with the music playing, ranged between 43 dB Leq and 45 dB Leq, and between 53 dB and 55 dB Lmax. Although the music was audible, local roadway traffic remained the dominant noise source. Observations indicated that when traffic noise subsided, the maximum noise levels were in the range of 43 dB Lmax.

CONCLUSIONS

Based upon the measured noise levels with music playing, the live music events will comply with the El Dorado County General Plan Noise Element evening and nighttime standards. Based upon the noise measurements, the noise levels at the north end of the patio could increase by a minimum of 5 to 10 dB, and still comply with the evening noise level criteria.

It is recommended that the managers of the Montano Center and the Relish Burger Bar purchase a Type 1 or Type 2 sound level meter and calibrator. Periodically during live music events, a designated representative should conduct short-term noise measurements at the north side of the Burger Bar patio. If maximum noise levels begin to exceed 85 to 90 dB, the band should be instructed to turn down the volume of the music. In addition, it is recommended that amplified music cease by 10:00 p.m.

If you or the County staff has questions, please contact me at (530) 823-0960.

Respectfully submitted,

j.c. brennan & associates, Inc.

Jim Brennan
President
Member: Institute of Noise Control Engineering

Appendix A

Acoustical Terminology

Acoustics	The science of sound.
Ambient Noise	The distinctive acoustical characteristics of a given space consisting of all noise sources audible at that location. In many cases, the term ambient is used to describe an existing or pre-project condition such as the setting in an environmental noise study.
Attenuation	The reduction of an acoustic signal.
A-Weighting	A frequency-response adjustment of a sound level meter that conditions the output signal to approximate human response.
Decibel or dB	Fundamental unit of sound, A Bell is defined as the logarithm of the ratio of the sound pressure squared over the reference pressure squared. A Decibel is one-tenth of a Bell.
CNEL	Community Noise Equivalent Level. Defined as the 24-hour average noise level with noise occurring during evening hours (7 - 10 p.m.) weighted by a factor of three and nighttime hours weighted by a factor of 10 prior to averaging.
Frequency	The measure of the rapidity of alterations of a periodic signal, expressed in cycles per second or hertz.
Ldn	Day/Night Average Sound Level. Similar to CNEL but with no evening weighting.
Leq	Equivalent or energy-averaged sound level.
Lmax	The highest root-mean-square (RMS) sound level measured over a given period of time.
L(n)	The sound level exceeded a described percentile over a measurement period. For instance, an hourly L ₅₀ is the sound level exceeded 50% of the time during the one hour period.
Loudness	A subjective term for the sensation of the magnitude of sound.
Noise	Unwanted sound.
Peak Noise	The level corresponding to the highest (not RMS) sound pressure measured over a given period of time. This term is often confused with the "Maximum" level, which is the highest RMS level.
RT₆₀	The time it takes reverberant sound to decay by 60 dB once the source has been removed.
Sabin	The unit of sound absorption. One square foot of material absorbing 100% of incident sound has an absorption of 1 sabin.
Threshold of Hearing	The lowest sound that can be perceived by the human auditory system, generally considered to be 0 dB for persons with perfect hearing.
Threshold of Pain	Approximately 120 dB above the threshold of hearing.
Impulsive	Sound of short duration, usually less than one second, with an abrupt onset and rapid decay.
Simple Tone	Any sound which can be judged as audible as a single pitch or set of single pitches.



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October 11, 2013

Mr. Vinal Perkins
Montano De El Dorado
1000 White Rock Road
El Dorado Hills, CA 95762

Subject: Noise levels from Music at the Relish Burger Bar

Dear Mr. Perkins:

The following is a discussion on the potential noise impacts associated with the music from the Montano De El Dorado Center / Relish Burger Bar at the nearest residences to the east.

Previously, j.c. brennan & associates, Inc. conducted a noise analysis for the music venue at the Relish Burger Bar. This analysis focused on the impacts of music at the nearest residences to the west/southwest on Dover Court. Since that report, El Dorado County Planning staff have requested that noise impacts are addressed at the nearest residences to the east.

CRITERIA¹

The El Dorado County General Plan Noise Element contains performance standards for non-transportation noise sources affecting adjacent noise-sensitive land uses. Table 1 shows the El Dorado County noise level performance standards that may be applied to this project. These standards are contained in Table 6-2 of the El Dorado County General Plan and are shown in Table 1.

The noise standards in Table 1 are divided into daytime hours (7 am to 7 pm), evening hours (7 pm to 10 pm), and nighttime hours (10 pm to 7 am). It is also important to note that the standards are to be lowered by 5 dB for noises consisting primarily of speech or music.

¹ For an explanation of these terms, see Appendix A: "Acoustical Terminology"

Exhibit J

<p align="center">Table 1 (Table 6-2 of the General Plan Noise Element) Noise Level Performance Protection Standards For Noise Sensitive Land Uses Affected by Non-Transportation Noise Sources</p>						
Noise Level Descriptor	Daytime 7 a.m. - 7 p.m.		Evening 7 p.m. - 10 p.m.		Night 10 p.m. - 7 a.m.	
	Community	Rural	Community	Rural	Community	Rural
Hourly L_{eq} , dB	55	50	50	45	45	40
L_{max} , dB	70	60	60	55	55	50

Each of the noise levels specified above shall be lowered by five dB for simple noises, noises consisting primarily of speech or music, or for recurring impulsive noises.

County can impose noise level standards which are up to 5 dB less than those specified above based upon determination of existing low ambient noise levels in the vicinity of the project site.

In Community areas the exterior noise level standard shall be applied to the property line of the receiving property. In Rural areas the exterior noise level shall be applied at a point 100 feet away from the residence.

Source: Table 6-2 of the El Dorado County General Plan Noise Element.

Based upon Table 1, the applicable standards are those designated for a "Community", which also need to be lowered by 5 dB, due to the fact that the noise source consists primary of speech and music. Therefore, the evening and nighttime standards are as follows:

Evening (7:00 p.m. – 10:00 p.m.): 45 dB L_{eq} , 55 dB L_{max}

Night (10:00 p.m. – 7:00 a.m.): 40 dB L_{eq} , 50 dB L_{max}

ANALYSIS

Based upon the previous analysis, music sound systems are located at the south side of the Burger Bar patio, and is oriented to the north. See Figure 1. The measured noise levels at the north end of the patio, and approximately 50 feet from the music ranged between 75 dBA and 81 dBA L_{max} , and between 74 dBA to 79 dBA L_{eq} , while music was playing.

The nearest residences to the east are approximately 620 feet from the music venue. Based upon the orientation of the speaker system, it is expected that music to the east is 5 dBA less than the music levels directly in front of the speakers (M. David Egan, Architectural Acoustics, 1972, Mc-Graw Hill, Inc.).

Figure 1
Montano De El Dorado Center



Based upon a distance of 620 feet, the predicted noise levels are 54 dBA Lmax and 52 dBA Leq, while including the -5 dBA correction based upon speaker orientation. The residences to the east are located at an elevation between 30 and 33 feet below the elevation of the west side of the Montano De El Dorado Center where the Burger Bar is located. A retaining wall between 17 feet and 18 feet in height is constructed adjacent to the residences. Based upon the differences in elevation, intervening topography, and the presence of the retaining wall, there is significant shielding of music.

A barrier analysis was conducted to determine the shielding effects of the retaining wall at the back yards of the residences to the east. Based upon the barrier analysis, there is a -13 dBA reduction of noise at the back yards due to the differences in elevation and the retaining wall. Therefore, the predicted noise levels in the back yards of the residences to the east are 41 dBA Lmax and 39 dBA Leq. The noise levels will comply with the daytime and evening noise level criteria.

CONCLUSIONS

As stated in the previous analysis, we continue to recommend that the managers of the Montano Center and the Relish Burger Bar purchase a Type 1 or Type 2 sound level meter and calibrator. Periodically during live music events, a designated representative should conduct short-term noise measurements at a distance of 50 feet. If maximum noise levels begin to exceed 85 dBA, the sound system shall have the volume reduced. In addition, it is recommended that amplified music cease by 10:00 p.m.

If you or the County staff has questions, please contact me at (530) 823-0960.

Respectfully submitted,

j.c. brennan & associates, Inc.



Jim Brennan

President

Member: Institute of Noise Control Engineering
file: 2013-189 Del El Dorado Center

Appendix A

Acoustical Terminology

Acoustics	The science of sound.
Ambient Noise	The distinctive acoustical characteristics of a given space consisting of all noise sources audible at that location. In many cases, the term ambient is used to describe an existing or pre-project condition such as the setting in an environmental noise study.
Attenuation	The reduction of an acoustic signal.
A-Weighting	A frequency-response adjustment of a sound level meter that conditions the output signal to approximate human response.
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L(n)	The sound level exceeded a described percentile over a measurement period. For instance, an hourly L50 is the sound level exceeded 50% of the time during the one hour period.
Loudness	A subjective term for the sensation of the magnitude of sound.
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Sabin	The unit of sound absorption. One square foot of material absorbing 100% of incident sound has an absorption of 1 sabin.
Threshold of Hearing	The lowest sound that can be perceived by the human auditory system, generally considered to be 0 dB for persons with perfect hearing.
Threshold of Pain	Approximately 120 dB above the threshold of hearing.
Impulsive	Sound of short duration, usually less than one second, with an abrupt onset and rapid decay.
Simple Tone	Any sound which can be judged as audible as a single pitch or set of single pitches.

**Appendix B
Barrier Insertion Loss Calculation**

Project Information: Job Number: 2013-189
Project Name: Montano De El Dorado
Location(s): Residential to the East

Noise Level Data: Source Description: Sound System
Source Noise Level, dBA: 54
Source Frequency (Hz): 500
Source Height (ft): 5

Site Geometry: Receiver Description: Nearest Backyard
Source to Barrier Distance (C₁): 600
Barrier to Receiver Distance (C₂): 20

Pad/Ground Elevation at Receiver: -33
Receiver Elevation¹: -28
Base of Barrier Elevation: -33
Starting Barrier Height 17

Barrier Effectiveness:

Top of Barrier Elevation (ft)	Barrier Height (ft)	Insertion Loss, dB	Noise Level, dB	Barrier Breaks Line of Site to Source?
-16	17	-13.0	41.0	Yes
-15	18	-13.5	40.5	Yes
-14	19	-14.0	40.0	Yes
-13	20	-14.5	39.5	Yes
-12	21	-14.6	39.4	Yes
-11	22	-14.6	39.4	Yes
-10	23	-15.3	38.7	Yes
-9	24	-15.9	38.1	Yes
-8	25	-15.9	38.1	Yes
-7	26	-16.3	37.7	Yes
-6	27	-16.3	37.7	Yes

Notes: 1. Standard receiver elevation is five feet above grade/pad elevations at the receiver location(s)





El Dorado Hills Area Planning Advisory Committee
 1021 Harvard Way
 El Dorado Hills, CA 95762

2013 Board Chair
 John Hidahl
Vice Chair
 Jeff Haberman
Secretary
 Kathy Prevost

June 14, 2013

El Dorado County Planning Services
 Attn: Tom Dougherty, Project Planner
 2850 Fairlane Court
 Placerville, CA 95667

Subject: S 12-0005- Montano De El Dorado Music: A Special Use Permit (SUP) request to allow occasional outdoor amplified music events.....

The APAC sub-committee chair, John Raslear spoke with the proponent Vinal Perkins, to review and discuss the SUP. The subcommittee's recommendation is for **Conditional Support** for the proposal. **The conditions that must be met include: 1) County or the restaurant, must periodically monitor the Db noise level emanating from the events and check any reported community complaints to determine what is an acceptable sound level; 2) The type of music allowed (no hard rock or rap) must be specified in the SUP; and 3) If multiple complaints are received..... weekday music amplification must be reduced at 10:00 PM and end at 11:00 PM, and weekend music must be reduced at 10:00 PM and end at 11:30 PM.**

APAC appreciates having the opportunity to comment on this project. If you have any question about any of the responses expressed here, please contact John Raslear subcommittee chair at jjrazzpub@sbcglobal.net or 916-933-2203 or John Hidahl, APAC Chairman at Hidahl@aol.com or 916- 933-2703. The full APAC committee will review the Subcommittee's recommendation and vote on the SUP application at our July 10th meeting.

Sincerely,

John Hidahl,
 APAC Chairman

Cc: APAC file,
 Vinal Perkins

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El Dorado Hills APAC - Non-partisan Volunteers Planning Our Future

Exhibit K

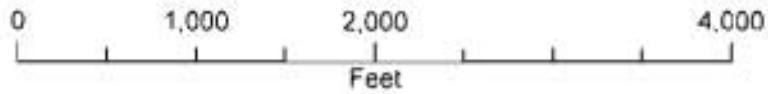


Exhibit L-1

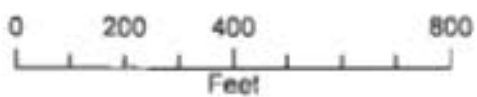


Exhibit L-2