

**S12-0005/Montano de El Dorado Shopping Plaza Outdoor Music** – As approved by the Planning Commission on March 13, 2014

**Conditions of Approval**

**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 E .....Overall 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.

**Conditions from the Mitigated Negative Declaration**

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

2. **NOISE-1:** The applicant is responsible for monitoring all sound levels and enforcing time restrictions for all music 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)	Night (10pm-7am)
Hourly dB	50	45	40
Max. dB	65	55	50

The managers of the Plaza and the Relish Burger Bar shall purchase a Type 1 or Type 2 sound level meter and calibrator. The managers of the Plaza and the Relish Burger Bar shall receive training from a qualified acoustical consultant to assure accuracy of the noise measurements. Periodically during live music events, the trained representative shall conduct short-term noise measurements at a distance of 50 feet from the staging area to the north, east and southeast (three measurements). Speakers associated with music events shall be positioned and oriented toward the north at all times. If maximum noise levels begin to exceed 85 dBA, the sound system shall have the volume reduced. Amplified music events shall end at 10:00 pm, and acoustic events at 12:00 am, and for the first year subsequent to project approval, the applicant shall be required monitor each music event and provide the County with monthly monitoring results.

**Monitoring Responsibility:** Planning Services

**Monitoring Requirement:** Planning Service would require proof that the he managers of the Plaza and the Relish Burger Bar have received training from a qualified acoustical consultant to ensure accuracy of the noise measurements, prior to the first music event occurring.

3. **Seating:** No new outdoor seating shall be allowed.
4. **Signs:** No new outdoor signage or advertising shall be allowed as a result of the project.
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.

7. The applicant shall contact Planning Services one year from the project approval date with a review of the Special Use Permit.