

CONDITIONS OF APPROVAL

Conditional Use Permit CUP19-0010/Poor Reds BBQ Live Music Planning Commission/April 9, 2020

Planning Services

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

Conditional Use Permit CUP19-0010 allows up to 35 live music events per year for Poor Red’s restaurant patrons, from March to November, in an existing semi-enclosed outdoor dining patio. Amplified music for each event shall be limited to the hours of 6:00 pm to 10:00 pm on weekdays and 12:00 pm to 10:00 pm on weekends and holidays. Event sound system speakers will be located on the north edge of the outdoor dining patio and be oriented to face south, toward the restaurant seating in the center of the patio. No signage or event materials are proposed as part of the project.

Exhibit LSite Plan

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

The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of structures, parking areas and landscape areas, and the protection and preservation of resources shall conform to the project description above and the hearing exhibits and conditions of approval below. The property and any portions thereof shall be sold, leased or financed in compliance with this project description and the approved hearing exhibits and conditions of approval hereto. All plans must be submitted for review and approval and shall be implemented as approved by the County.

2. **Permit Expiration:** Implementation of the project shall occur within 6 months of approval of this permit, otherwise the permit becomes null and void. It is the responsibility of the applicant to monitor the time limit and make diligent progress toward implementation of the project and compliance with Conditions of Approval.
3. **Legal Indemnity/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 land owner agrees 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 land owner 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 of El Dorado County concerning a conditional use permit.

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

4. Restaurant management shall procure a sound level meter and monitor sound levels during each event to ensure the average and maximum sound output of the amplified music and speech is limited to an average of 75 dB at a position 50 feet in front of the speakers. Records of measured sound levels during each event shall be documented and recorded in a log kept on the premises. This log shall be made available to County staff upon request.

Environmental Management Division – Solid Waste Unit

5. Waste and recycling receptacles shall be accessible to participants and restaurant patrons as appropriate for the waste material generated at each event.