October 31, 2018

Diana and Richard Hirsh
31424 Mulholland Highway
Malibu, CA 90265

Dear Mrs. and Mr. Hirsh:

PROJECT NO. R2015-03796-(3)
CONDITIONAL USE PERMIT NO. RCUP-201500135
PARKING PERMIT NO. RPPL2017009910
31424 Mulholland Highway (4464-008-044)

The Regional Planning Commission (Commission), by its action of October 31, 2018, has approved the above-referenced project. Enclosed are the Commission’s Findings and Conditions of Approval. Please carefully review each condition. This approval is not effective until the appeal period has ended and the required documents and applicable fees are submitted to the Regional Planning Department (see enclosed Affidavit of Acceptance Instructions).

Appeals:

The applicant or any other interested persons may appeal the Commission’s decision. The appeal period for this project will end at 5:00 p.m. on November 14, 2018. Appeals must be delivered in person.

To file an appeal, please contact:
Executive Office of the Board of Supervisors
Room 383, Kenneth Hahn Hall of Administration
500 West Temple Street, Los Angeles, CA 90012
(213) 974-1426

Upon completion of the appeal period, the notarized Affidavit of Acceptance and any applicable fees must be submitted to the planner assigned to your case. Please make an appointment to ensure that processing will be completed in a timely manner. Failure to submit these documents and applicable fees within 60 days will result in a referral to Zoning Enforcement for further action.

In addition, any applicable California Environmental Quality Act fees for the Department of Fish and Wildlife shall be paid, and a Notice of Determination, if applicable must be...
filed with the County Clerk according to the instructions with the enclosed Affidavit of Acceptance. A Notice of Exemption, if applicable, may also be filed according to the instructions in the enclosed Affidavit of Acceptance.

For questions or for additional information, please contact Shanna Farley-Judkins of the Coastal Permit Section at (213) 974-1516, or sfarley-judkins@planning.lacounty.gov

Sincerely,

Amy J. Bodek, AICP
Director

Robert Glaser, Supervising Regional Planner
Coastal Permit Section

RG:KF:SFJ

Enclosures: Findings, Conditions of Approval, Affidavit of Acceptance (Permittee's Completion)

c: Board of Supervisors
   DPW (Building and Safety-electronic)
   Public Health (Environmental Health-electronic)
   Public Health (Land Use Program-electronic)
   Zoning Enforcement (electronic)
FINDINGS OF THE REGIONAL PLANNING COMMISSION
AND ORDER
COUNTY OF LOS ANGELES
PROJECT NO. R2015-03796-(3)
CONDITIONAL USE PERMIT NO. RCUP 201500135
PARKING PERMIT NO. RPPL2017009910

1. The Los Angeles County ("County") Regional Planning Commission conducted a duly-noticed public hearing on October 31, 2018 in the matter of Project No. R2015-03796-(3), consisting of Conditional Use Permit No. RCUP 201500135 ("CUP") and Parking Permit No. RPPL2017009910 ("Parking Permit"). (The Conditional Use Permit and Parking Permit, are referred to collectively as the “Project.”).

2. The permittees, Diana and Richard Hirsh ("permittees"), request the Project Permits to authorize a remote tasting room and special events ("Project") on a property located at 31424 Mulholland Highway in the unincorporated community of Agoura Hills ("Project Site").

3. The CUP is a request to authorize a remote tasting room associated with on-site vineyards and an offsite winery in A-1-10 (Light Agricultural - Ten acres minimum required lot area) zone pursuant to Los Angeles County Code ("County Code") Section 22.24.100. The Project request includes the construction of a new 441-square-foot restroom building, use of an existing 950-square-foot barn as the tasting room, moveable temporary sound walls, glass sound barriers along fencing, development of two parking lots on existing graded pads, and installation of landscaping and lighting.

4. The Parking Permit is a request to authorize tandem parking for a non-residential use for special events exceeding an occupancy of 100 and not exceeding 200 guests. The Project includes a valet service plan for the use with the tandem parking plan.

5. The Project Site is 24.92 gross acres in size and consists of six legal lots. The Project Site is sloping, with four rectangular lots, one triangular lot and one irregularly shaped flag lot. The Project Site is currently developed with an existing single-family residence and existing vineyards.

6. The Project Site is located in The Malibu Zoned District and is currently zoned A-1-10.

7. The Project Site is located within the N10 - Mountain Lands 10 (1 Dwelling Unit per 10 Acres max) land use category of the Santa Monica Mountains North Area Plan ("SMMNAP") Land Use Policy Map.

8. Surrounding Zoning within a 500-foot radius includes:

   North:    A-1-2 (Light Agricultural – Two acres required minimum lot area)
   South:    A-1-10
   East:     A-1-10
   West: A-1-10 and A-1-2
9. Surrounding land uses within a 500-foot radius include:

   North: Single-family residences and Rocky Oaks State Park
   South: Single-family residences, vacant land
   East: Single-family residences, vacant land
   West: Single-family residences, Calamigos Ranch

10. The Project Site is zoned A-1-10, which was adopted as a part of Ordinance 2002-0062 on August 20, 2002. The Project Site was previously identified as A-1-1 at the time of adoption of the Santa Monica Mountains North Area Plan, adopted on October 24, 2000. The property is currently developed with a single-family residence with an attached garage, swimming pool, barn, access road, vineyards and two graded pads. The residence, access road and pool were authorized were authorized as Plot Plan No. RPP200801471, associated with Project No. R200400554 and Oak Tree Permit No. 98-128-(3). The vineyards were placed prior to vineyard regulations in County Code Section 22.44.133.D.8, adopted in 2016. Within five years of the adoption of the vineyards regulations, the non-conforming vineyard will be required to be removed or brought into conformance with the regulations. The existing agricultural barn was constructed as part of Plot Plan No. 200400274 in 2004 and later revised through a Zoning Conformance Review No. 200800706 in 2008. The two existing graded pads were authorized along the construction of two single-family residences and related accessory buildings that were never constructed, although grading was completed for each site. Various entitlements were granted which were used to grade for the residence pads are identified as Plot Plan No. 200400274, Plot Plan No. 200400344, Plot Plan No. 200801096, and Plot Plan No. 200801471. Although grading permits were obtained to create the pads, building permits were never obtained to construct the two residences and the pads remained vacant of structures and have been informally for parking associated with agricultural uses on the site. The Project would not terminate the use of the existing single-family residence.

11. The site plan for the Project depicts six parcels (APNs 4464-008-019, -029 -032, -036, -044, and -045), totaling 24.92 acres. The site is developed with an existing single-family residence, located on APN 4464-008-045, with an access driveway which enters from Mulholland Highway and crosses four parcels (APNs 4464-008-029, -044, -045, and -032). The remote wine tasting barn pad, consisting of an existing 950-square-foot barn and new 441-square-foot restroom building, with an outdoor assembly space measuring 10,500 square feet is located on APN 4464-008-004. The Project includes two parking lots, located on APN 4464-008-029 and -044, which collectively measure 22,100 square feet. The Project’s existing driveway, includes no modifications to it length, width or design. The Project includes planting and maintenance of 34 olive trees around the two parking lots. New and existing lighting would be installed and used in parking lots, along driveways, and on the tasting barn pad, which would be night-sky friendly. The Project includes the installation of an Onsite Waste Treatment System (OWTS). The Project includes use of onsite vineyard trails for wine tasting tours and educational activities as indicated on the Exhibit “A”.
12. The Project includes a request to allow service of no more than four glasses (5 oz. pour) or one bottle (750 ml) of wine per customer per day, rather than three ounces of wine per day. The request also includes a request to allow off-site sale of wine, with no limit on the quantity of bottles sold for off-site consumption. The Regional Planning Commission finds that the modification to the allowed amount of wine served would be appropriate due to the inclusion of conditions requiring personnel serving alcoholic beverages would be required to participate in the LEAD Program provided by the State’s Department of Alcoholic Beverage Control (ABC).

13. The project includes a request to modify the operating hours beyond 10:00 a.m. and 7:00 p.m. every day, requesting operating hours for the remote tasting room of request for the following operating hours: the tasting room would operate from 10:00 a.m. to 9:00 p.m. and the special events may operate from 11:00 a.m. to 11:00 p.m. During tasting room and special event activities, service of alcohol would conclude one-hour prior to close of the event. During special events, outdoor amplified voice or music would conclude by 10:00 p.m., consistent with the Noise Ordinance. The Regional Planning Commission finds the modifications of operating hour to be appropriate since the project will be conditioned to manage and mitigate noise and lighting impacts and limit the number guests for the different event types.

14. The project includes a request to allow the remote tasting room to hold additional wine events, or to allow the on-site consumption of additional food items or additional types or quantities of alcohol beyond that would otherwise be allowed by said sections. The Regional Planning Commission finds this request to be appropriate since the project is conditioned appropriately to limit the number of guests and mitigate potential noise and light impacts.

15. The Project Site is accessible via Mulholland Highway to the North.

16. The Project includes two parking configurations, a self-park plan, providing 58 spaces, and a tandem valet plan, providing 72 spaces. The Project will provide one primary parking lot, with 48 self-park parking spaces. Two Americans with Disabilities Act (ADA) accessible parking spaces are located adjacent to the tasting room. A secondary parking lot will provide eight (8) additional parking spaces and areas for employees and vendor parking. A tandem-parking plan is proposed to accommodate events exceeding the occupancy of the primary parking lot. The tandem-parking plan would provide a total of 72 parking spaces in the primary parking lot. The Project includes a valet service for operation of the tandem-parking plan.

17. Prior to the Regional Planning Commission’s public hearing on the Project, the permittees worked with neighboring property owner’s to address project impacts and concerns. As noted in the Noise Study, noise mitigating actions were identified and will be implemented as part of the Project as Conditions of Approval to reduce noise impacts to surrounding properties. Additionally, the Project includes construction of a sound wall along the western driveway, glass along the barn pad fences, water pump
housing and installation of olive and spruce trees, which further buffer neighboring uses from noise and light resulting from the Project.

18. The County Department of Public Works ("Public Works") recommends approval of this Project and has recommended conditions of approval, which are included in the Project's conditions. The County Fire Department ("Fire Department") recommends approval of this Project because the Project will provide adequate fire access, water flow, and fire suppression technology. The County Department of Public Health ("Public Health") recommends approval of the Project.

19. The County Department of Parks and Recreation ("Parks and Recreation") has indicated that the proposed Project will not have impacts to its facilities and therefore further review by their department was not required.

20. Prior to the Regional Planning Commission’s public hearing on the Project, Regional Planning staff determined that the Project qualified for a Class 1 (Existing Facilities) and a Class 3 (Small New Construction or Conversion of Small Structures) categorical exemption from the California Environmental Quality Act (Public Resources Code section 21000, et seq.) ("CEQA"), the State CEQA Guidelines, and the Environmental Document Reporting Procedures and Guidelines for the County, because the Project involved the continued operation of a remote tasting room and special events, with negligible or no expansion of use beyond that which was previously existing and construction of a small bathroom structure of approximately 441 square feet.

21. A duly noticed public hearing was held on April 17, 2018 before the Hearing Officer. The applicant’s representative presented testimony in favor of the request and answered questions presented by the Hearing Officer. Following presentation by the applicant’s representative, six speakers spoke in favor of and nine speakers in opposition to the Project. Generally, the speakers in favor of the Project spoke to how the applicant’s operate the facility and spoke in favor of their integrity and effort to respond to concerns related to the Project. Generally, the speakers in opposition of the Project noted their concerns for the noise levels of the Project, traffic impacts within the vicinity, and general commercialization of the area. Following presentations by speakers, the applicant and the applicant’s representative, rebutted comments and questions raised during the public comments and included additional responses from the applicant’s event coordinator and Jack Briskie, noise consultant. There being no further testimony, the Hearing Officer considered the public testimony. The Hearing Officer identified several topics for which additional information or clarification was requested including items addressing noise analysis and noise monitoring, number of events, vineyard compliance, evacuation and emergency plan, the Rural Outdoor Lighting District requirements, vineyard tours, online schedule, community outreach, and alternative vehicle use. Following extensive discussion regarding the prior topics and owing to a need for additional information, the Hearing Officer continued the the public hearing to the June 19, 2018 meeting of the Hearing Officer to allow the applicant and staff additional time to respond to the comments and concerns raised at the hearing.
On June 19, 2018, the Department of Regional Planning staff requested a continuance of the hearing to July 17, 2018 to allow the applicant additional time to complete noise analysis studies and reports for the Project in response to comments and concerns raised at the April 17, 2018 meeting of the Hearing Officer. Upon verification that no members of the public were present to comment on the Project, the Hearing Officer continued the hearing to July 17, 2018.

On July 17, 2018, a continued public hearing was held, before the Hearing Officer. The applicant’s representative presented a summary of information which was submitted to Department of Regional Planning staff, prior to the hearing, regarding the Project. Ms. Palmer, clarified the applicant’s request to modify Condition No. 52, which would allow 36 small special events, of less than 100 guests, in addition to 36 special events of 100-200 guests. She noted that the smaller events would occur within the same days of the week and hours of operation of other special events. Following presentation by the applicant’s representative, three spoke in opposition and four in favor of the Project. Generally, the three speakers in opposition of the Project raised concerns with the noise levels generated by the Project and to a lesser extent traffic impacts to the surrounding area. One speaker indicated that the Project applicant had trespassed upon her property, during noise analysis testing which was not authorized. The four speakers in favor of the Project spoke to the integrity of the project applicant, the positive nature of the Project, identified the efforts made by the applicant to address the concerns of neighboring residents, and generally described the recreational quality of the vicinity due to nearby beaches and mountains.

Following the public testimony, the applicant’s representative clarified various aspects of the project that were raised during the public comment period. Ms. Palmer indicated information regarding the earlier traffic study, which showed that events of up to 300 persons would not generate traffic impacts requiring further analysis. She also explained that the Project was found in compliance with the noise standards indicated in County of Los Angeles Code Chapter 12.08, as verified by the Department of Public Health. She clarified operational activities for the Project including the gated entrance, guest list and clean-up and breakdown activities occurring on the morning following events. Ms. Palmer indicated that County staff conducted at least 10 site visits, which included Departments of Regional Planning and Public Health staff. Ms. Palmer presented additional noise information, regarding activities occurring in the vicinity, which occur on neighboring properties and are not related to the subject Project. She also clarified that although the Project applicant had trespassed on a neighbor’s lot, it was done unintentionally, as the applicant had obtained prior authorization from the Home Owner’s Association to access a portion of the site, but not the area for which was owned by a private resident.

Following the applicant’s rebuttal, the Hearing Officer addressed concerns raised during the hearing. The Hearing Officer indicated topics for which he would like to suggest modifications to the Project and Conditions of Approval. The Hearing Officer requested several changes to the project’s Conditions of Approval. The Hearing Officer indicated that the proposed temporary sound wall should be placed seasonally and taken down following the period of March 15 – October 15 of each year, which is
addressed in Condition No. 40. The Project should include clarification that the event clean-up and breakdown occur on the following day, after an evening event, and not during the nighttime hours outside of the Conditions, as clarified in Condition No. 37. In regards to maximum occupancy, the Hearing Officer asked that the Project be responsible for counting all guests upon entry, by a gate or parking attendant, as indicated in Condition No. 24. Regarding Condition No. 57, the Hearing Officer requested that the public be able to contact the site management, not only during an event and to include the language of “before, during and after” the events to ensure continual responsiveness of the permittee to the community. The Hearing Officer considered the applicant’s request to modify Condition No. 52, to allow 36 additional smaller special events in addition to the 36 special events of 100-200 guests, agreeing with the changes, provided the small special events of fewer than 99 guests would have no outdoor live entertainment and all amplified noise would be maintained within the barn structure. Live entertainment would include live band or DJ music or other amplified performances. Based on the applicant’s request and the Hearing Officer’s comments, Condition No. 52 was modified. The Hearing Officer requested that the project include at least three noise monitoring locations, as opposed to the two proposed locations. He indicated that upon prior authorization from the Department of Public Health, a third noise monitoring location shall be placed near the southeastern corner of the site to address noise concerns of neighboring residents. Condition No. 41 includes the requirement for three monitoring locations. The Hearing Officer requested that the Conditions reflect the use of the term “Zoning Enforcement Section” rather than “Zoning Enforcement Officer”, which are reflected in Conditions Nos. 41, 56 and 57. A typographical error was identified in Condition No. 40 by the Hearing Officer, the misspelling of the word “booth”, which he requested be corrected. Lastly, the Hearing Officer requested that Condition No. 66 be revised to require approval of the alternative transportation plan by the “Department of Regional Planning Director”, rather than “Department of Regional Planning staff”. There being no further testimony, the Hearing Officer closed the public hearing and adopted the Project changes discussed at the hearing and recommended by staff and agreed to by the applicant. And approved the project.

On July 30, 2018, Leslie Gail (“appellant”), a neighboring resident, appealed the approval of the Project. The appellant identified the following reasons for the appeal in the appeal application. The appellant is concerned about the proximity of the project’s location near their private residence. The appellant notes that the project’s driveway is located 23 feet from the front door of the appellant’s residence and three feet from the appellant’s driveway. The noise generated by the project, including noise generated by guest, staff and delivery vehicles is frequent and disruptive. The temporary sound wall proposed as part of the project has been installed improperly and has not been left up continually as described in the project. The appellant is concerned that the current status of the temporary wall will not be made to comply with the requirements of the subject project and will cause increased drilling noise impacts to the appellant’s property. The appellant is concerned about the service of alcohol to customers and guests, which she indicates become “out of control and loud and obnoxious” near the appellant’s private residence. Economic impacts to
appellant’s use of private residence as a vacation rental business. Concern that the project applicants are “not forthright, honest and they are difficult to deal with”.

22. Pursuant to the provisions of sections 22.60.174 of the Zoning Code, the community was appropriately notified of the Project’s public hearings by mail, and newspaper, and property posting. The notification included publication of the hearing notice in The Malibu Times on September 27, 2018, submittal of the notice and project information to the Agoura Hills Library, and mailed notification to 38 neighboring property owners.

23. A duly noticed public hearing was held on October 31, 2018 before the Regional Planning Commission to consider the appeal of the Project. Following a brief presentation by staff, the appellant presented slides showing her property and proximity to the Project Site. She summarized her concerns to include noise impacts, photoshoots, drones, security concerns, agreements between herself and the Project applicants and proximity of the Project Site to her residence as her primary concerns. The applicant’s representative rebutted the appellant’s comments with a slide presentation. She provided noise data, internet advertisements and written communications between the appellant and Project applicant and described the traffic and noise studies which accompanied the application. She described the various noise studies which were conducted and mitigation measures that were implemented to comply with the County’s noise standards. In closing, the applicant summarized various elements of the Project.

Regional Planning Commission heard public comments from 13 speakers, of which seven supported and six opposed the Project. Generally, those in opposition of the Project Sited concerns related to noise, fairness, privacy and security concerns. Following the public comment period, the Regional Planning Commission requested that the appellant return to respond to questions and present additional recordings. The Regional Planning Commission asked several questions of the appellant regarding her experiences with the Project, applicants and its site management related to previous noise and safety concerns. The appellant noted that due to a previous mediation agreement between herself and the applicant’s, she had refrained from formal complaints to the County of Los Angeles or the local Sheriff’s Department. The Regional Planning Commission clarified that the primary concerns of the appellant related to the overall noise levels and hours of the Project, the temporary nature of the sound wall, rather than it being placed year-round and general security concerns. The Regional Planning Commission further clarified that the appellant was less concerned with smaller events, of less than 100 persons, which tended to be quieter. The Regional Planning Commission asked additional clarification questions of the applicant. The applicant clarified operational aspects of the Project, indicating the facility would be a member’s only tasting room and would not be open to the general public, addressed the maximum tasting room alcohol service limits, improved internet service onsite to improve access to online ridesharing services or private drivers which provide alternative transportation options. The applicant discussed the intent of the sound wall along the western property line and agreed with suggestions from the Regional Planning Commission that the wall could remain up year round rather than as previously conditioned to be up only seasonally. The applicant’s added
additional event coordination information regarding outdoor and indoor entertainment, changes made at the site to reduce noise levels, nearby noise created by other event facilities, and existing security operations. The Regional Planning Commission requested clarification from staff regarding the tree planting requirements and requested that the same quantity of trees shown on the Landscape Plan be reflected in the Conditions, rather than the minimum required by code to ensure adequate screening is achieved.

Following a lengthy discussion, the Regional Planning Commission identified several areas of concern which they would like addressed. Regarding special events, the Regional Planning Commission indicated that the intent of the special event memo was to allow events only accessory to the primary use, which in this case would be a remote tasting room. In order to reduce impacts and bring the special event numbers in line with an accessory use, the Regional Planning Commission recommended reduction in the number of larger special events, of 100 or more guests, to occur a maximum of 10 times per year. Additionally, the Regional Planning Commission recommended limitations to the use of drones on the Project Site, ultimately recommended limitation of their use on the barn pad, which would prevent offsite privacy impacts to neighboring properties. Due to the sites location with the High Fire Hazard Zone in the Santa Monica Mountains, the Regional Planning Commission suggested that the site not allow smoking. The Regional Planning Commission requested that the temporary sound wall remain in place year round due to the fact that the grant includes no limit on the season for which events may occur. The Regional Planning Commission required that the Project include security at all events. Lastly, the Regional Planning Commission suggested a revision to the Condition outlining tree planting to include all trees shown on the Landscape Plan, which includes 34 trees.

There being no further testimony, the Regional Planning Commission closed the public hearing, found the project categorically exempt pursuant to state and local CEQA guidelines, denied the appeal, and approved Project No. R2015-03796-(3) consisting of Conditional Use Permit No. RCUP 201500135 and Parking Permit No. RPPL2017009910 and instruct staff to prepare any revised or additional findings and conditions necessary to reflect the proceedings before the Regional Planning Commission and the approval of Conditional Use Permit No. RCUP-201500135 and Parking Permit No. RPPL2017009910.

24. The Regional Planning Commission finds that the Project is consistent with the underlying land use of the SMMNAP. The Project is located within the N10 – Mountain Lands Land Use Category, which is intended to accommodate clustered development, including low-density housing, agriculture, equestrian uses, retreats, monasteries, private campgrounds, bed-and-breakfast lodging, low intensity conference centers, schools, and other local serving commercial and public facilities. The Project is a request to operate a commercial wine tasting room and associated special events, similar to other anticipated land uses noted in the SMMNAP. The Project would maintain the existing sloping terrain and would require only minimal construction activities related to the placement of the bathroom building and completion of the
parking lots, consistent with the SMMNAP scenic resource policies. The Project includes orientation of noise generating activities primarily on the north side of the barn structure and specified hours of operation to ensure compliance with noise standards of the SMMNAP. Additionally, the Conditions of Approval include a noise monitoring provision, which would prevent nuisance noise beyond the nose standards authorized by County Code Chapter 12.08, administered by the Department of Public Health. The Project also includes a lighting plan indicating night-sky friendly lighting, which is shielded and downward facing, also consistent with the scenic resource policies of the SMMNAP. The Project includes installation of 34 olive and spruce trees, surrounding the parking lots, which will further screen neighboring uses from the Project Site.

25. The Regional Planning Commission finds that the Project is consistent with the A-1-10 Zoning. The agricultural zones are established to permit a comprehensive range of agricultural use in areas particularly suited for agricultural activities. Permitted uses are intended to encourage agricultural pursuits and such other uses required for, or desired by, the inhabitants of the community. An area so zoned may provide the land necessary to permit low-density single-family residential development, and outdoor recreational and needed public and institutional facilities. The Project proposes a remote tasting room, which is a use subject to a Conditional Use Permit in the A-1-10 Zone, pursuant to County Code 22.24.100.A.

26. The Regional Planning Commission finds that the Project is consistent with the Rural Outdoor Lighting District (“ROLD”) established by County Code Sections 22.44.500-.590. The ROLD is established in rural areas of the County to promote and maintain dark skies for the health and enjoyment of individuals and wildlife. The Project proposes to install lighting fixtures which are low wattage, downward facing and shielded, in compliance with the ROLD standards and verified by a certified lighting consultant to be in compliance with the County Code 22.44.500-.590.

27. The Regional Planning Commission finds that the Project is consistent with the Remote Tasting Room standards identified in County Code 22.52.2470 and as modified pursuant to Section 22.52.2490.A.2.

28. The Regional Planning Commission finds that the Project is consistent with the Tree Planting Requirements standards identified in County Code 22.52.2120. The Project includes planting 34 olive and spruce trees, surrounding the upper and lower uncovered parking lots, which adequately meets the minimum planting of nine trees and shading of 50 percent of the parking areas as required by the County Code 22.52.2120 Tree Planting Requirements.

29. The Regional Planning Commission finds that the Project meets the Burden of Proof for a Conditional Use Permit, as indicated in County Code 22.56.040 as the Project location will not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, or be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, or jeopardize, endanger or otherwise constitute a menace to the public health, safety
or general welfare; and that the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this Title 22, or as is otherwise required in order to integrate said use with the uses in the surrounding area; and that the proposed site is adequately served by highways or streets of sufficient width, and improved as necessary to carry the kind and quantity of pedestrian, bicycle, and vehicle traffic such use would generate; and by other public or private service facilities as are required.

30. The Regional Planning Commission finds that that the Project location will not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, or be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, or jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare. The Project includes Conditions of Approval addressing the hours of operation, noise impacts, noise monitoring and tracking system, lighting, and business operations of the Project to comply with County regulations and general well-being of the surrounding community. Specifically, the Project includes a Condition of Approval requiring a “Good Neighbor System” to inform the community of the scheduled special events, requiring posting of all events at least 15 days prior to each event, contact information to be used to address concerns directly with the permittee and requirement to provide formal nuisance or violation concerns directly to the Department of Regional Planning when concerns cannot be addressed informally.

31. The Regional Planning Commission finds that the Project Site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this title, or as is otherwise required in order to integrate said use with the uses in the surrounding area. The Project meets the development standards outlined for Remote Tasting Rooms, outlined in Title 22 and is consistent with the guidelines outlined in the “Subdivision and Zoning Ordinance Interpretation No 2016–01 – Clarification on Special Event Facilities”.

32. The Regional Planning Commission finds that that the Project location is adequately served by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and by other public or private service facilities as are required. The Project included a Traffic Study, reviewed by the Department of Public Works (“DPW”), which indicated that the Project meets the general standards for access and traffic safety based on the expected occupancy and type of use of the site. Additionally, the Project includes a Condition of Approval which states that if vehicle queuing issues are observed and substantiated by the Department of Public Works, a “Queuing Analysis Study” shall be submitted to DPW for review and approval, to ensure that any future queuing concerns are addressed.

33. The Regional Planning Commission finds that the Project is consistent with the Parking Permit pursuant to County Code 22.56.990 to authorize tandem on-site business parking. The Project includes two parking lot configurations, the first based
on a typical self-park arrangement (58 spaces) and the second a tandem configuration with the use of a valet service (72 spaces). The self-park configuration would provide 48 spaces in the upper lot, two (“2”) ADA spaces near the barn pad and eight (8) spaces in the lower lot, and provides adequate parking for the operation of the tasting room, with a maximum occupancy of 100 persons. The tandem configuration would provide 62 tandem spaces in the upper lot, 2 ADA spaces near the barn pad and eight (8) spaces in the lower lot. Use of the tandem configuration would occur for any events exceeding an occupancy of 174 persons or for events where valet service is desired. The Project can provide, with tandem parking, all parking onsite and would meet the requirements for a Parking Permit.

34. The Regional Planning Commission finds that the Project meets the Burden of Proof as set forth in Section 22.56.1010, for Parking Permits for tandem on-site business parking. The Project anticipates no conflicts arising from special parking arrangements allowing tandem spaces, or compact spaces because vehicle parking facilities using tandem spaces will employ valets or will utilize other means to insure a workable plan. The requested parking permit at the location proposed will not result in traffic congestion, off-site parking, or unauthorized use of parking facilities developed to serve surrounding property. The proposed site is adequate in size and shape to accommodate the yards, walls, fences, loading facilities, landscaping, and other development features prescribed in this Title 22.

35. The Regional Planning Commission finds that to ensure continued compatibility between the Project and the surrounding land uses, it is necessary to limit the Conditional Use Permit and Parking Permit to 20 years.

36. The Regional Planning Commission finds that pursuant to sections 22.60.174 and 22.60.175 of the County Code, the community was properly notified of the public hearing by mail, notices sent on March 15, 2018, and in The Malibu Times newspaper on March 15, 2018 and property posting. Additionally, the Project was noticed and case materials were available on Regional Planning's website and at the Agoura Hills Library located in the vicinity of the Agoura Hills community. On March 16, 2018, a total of 36 Notices of Public Hearing were mailed to all property owners as identified on the County Assessor’s record within a 500-foot radius from the Project Site, as well as 19 notices to those on the courtesy mailing list for The Malibu Zoned District and to any additional interested parties.

37. The location of the documents and other materials constituting the record of proceedings upon which the Regional Planning Commission’s decision is based in this matter is at the Los Angeles County Department of Regional Planning, 13th Floor, Hall of Records, 320 West Temple Street, Los Angeles, California 90012. The custodian of such documents and materials shall be the Section Head of the Coastal Permits Section, Department of Regional Planning.

BASED ON THE FOREGOING, THE REGIONAL PLANNING COMMISSION CONCLUDES THAT:
Regarding the Conditional Use Permit:

A. The proposed use with the attached conditions will be consistent with the adopted SMMNAP, a part of the County General Plan.

B. The proposed use at the site will not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, will not be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, and will not jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.

C. The proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in Title 22, or as is otherwise required in order to integrate said use with the uses in the surrounding area.

D. The proposed site is adequately served by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and by other public or private service facilities as are required.

Regarding the Parking Permit:

E. There will be no conflicts arising from special parking arrangements allowing tandem spaces, or compact spaces because vehicle parking facilities using tandem spaces will employ valets or will utilize other means to insure a workable plan.

F. The location proposed will not result in traffic congestion, excessive off-site parking, or unauthorized use of parking facilities developed to serve surrounding property.

G. The proposed site is adequate in size and shape to accommodate the yards, walls, fences, loading facilities, landscaping, and other development features prescribed in this Title 22.

THEREFORE, THE REGIONAL PLANNING COMMISSION:

1. Finds that the Project is exempt from the California Environmental Quality Act pursuant to Sections 15301 and 15303 of the State CEQA Guidelines (Class 1 - Existing Facility and Class 3 – New Construction or Conversion of Small Structures categorical exemptions);

2. Denies the appeal; and

3. Approves Conditional Use Permit No. RCUP 2015-00135 and Parking Permit No. RPPL2017009910, subject to the attached conditions.

ACTION DATE: October 31, 2018
VOTE: 4:0:0:1
Concurring: Louie, Moon, Smith, Shell

Dissenting: 0

Abstaining: 0

Absent: Modugno

RG:KF:SFJ
10/31/2018

c: Planning Commissioners
   Hearing Officer
   Fire Department
   Public Works Department – Building and Safety
   Public Health Department
   Zoning Enforcement (Regional Planning Department)
CONDITIONS OF APPROVAL
COUNTY OF LOS ANGELES
PROJECT NO. R2015-03796-(3)
CONDITIONAL USE PERMIT NO. RCUP 201500135
PARKING PERMIT NO. RPPL2017009910

PROJECT DESCRIPTION
The project is a remote tasting room ("tasting room") with accessory special events on a site with existing vineyards associated with an off-site winery subject to the following conditions of approval:

GENERAL CONDITIONS

1. This grant authorizes a remote tasting room, special events, and tandem parking plan (collectively, the "Project"). Unless otherwise apparent from the context, the term "permittee" shall include the applicant, owner of the property, and any other person, corporation, or other entity making use of this grant.

2. This grant shall not be effective for any purpose until the permittee, and the owner of the subject property if other than the permittee, have filed at the office of the Los Angeles County ("County") Department of Regional Planning ("Regional Planning") their affidavit stating that they are aware of and agree to accept all of the conditions of this grant, and that the conditions of the grant have been recorded as required by Condition No. 7, and until all required monies have been paid pursuant to Condition No. 10. Notwithstanding the foregoing, this Condition No. 2 and Condition Nos. 4, 5, and 9 shall be effective immediately upon the date of final approval of this grant by the County.

3. Unless otherwise apparent from the context, the term "date of final approval" shall mean the date the County's action becomes effective pursuant to Section 22.60.260 of the County Code.

4. The permittee shall defend, indemnify, and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void, or annul this permit approval, which action is brought within the applicable time period of Government Code Section 65009 or any other applicable limitations period. The County shall promptly notify the permittee of any claim, action, or proceeding and the County shall reasonably cooperate in the defense. If the County fails to promptly notify the permittee of any claim, action, or proceeding and the County shall reasonably cooperate in the defense, the permittee shall not thereafter be responsible to defend, indemnify, or hold harmless the County.

5. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten days of the filing make an initial deposit with Regional Planning in the amount of up to $5,000.00, from which actual costs and expenses shall be billed and deducted for the purpose of defraying the costs or expenses involved in Regional Planning's cooperation in the defense, including but
not limited to, depositions, testimony, and other assistance provided to permittee or permittee’s counsel.

If during the litigation process, actual costs or expenses incurred reach 80 percent of the amount on deposit, the permittee shall deposit additional funds sufficient to bring the balance up to the amount of $5,000.00. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.

At the sole discretion of the permittee, the amount of an initial or any supplemental deposit may exceed the minimum amounts defined herein. Additionally, the cost for collection and duplication of records and other related documents shall be paid by the permittee according to County Code Section 2.170.010.

6. If any material provision of this grant is held or declared to be invalid by a court of competent jurisdiction, the permit shall be void and the privileges granted hereunder shall lapse.

7. Prior to the use of this grant, the permittee, or the owner of the subject property if other than the permittee, shall **record the terms and conditions** of the grant in the office of the County Registrar-Recorder/County Clerk (“Recorder”). In addition, upon any transfer or lease of the property during the term of this grant, the permittee, or the owner of the subject property if other than the permittee, shall promptly provide a copy of the grant and its conditions to the transferee or lessee of the subject property.

8. **This grant shall terminate on October 31, 2038.** Entitlement to use of the property thereafter shall be subject to the regulations then in effect. If the permittee intends to continue operations after such date, whether or not the permittee proposes any modifications to the use at that time, the permittee shall file a new Conditional Use Permit and Parking Permit application with Regional Planning, or shall otherwise comply with the applicable requirements at that time. Such application shall be filed at least six (6) months prior to the expiration date of this grant and shall be accompanied by the required fee. In the event that the permittee seeks to discontinue or otherwise change the use, notice is hereby given that the use of such property may require additional or different permits and would be subject to the then-applicable regulations.

9. This grant shall expire unless used within two (2) years from the date of final approval of the grant. A single one-year time extension may be requested in writing and with the payment of the applicable fee prior to such expiration date.

10. The subject property shall be maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance, or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions. Inspections shall be made to ensure compliance with the conditions of this grant as well as to ensure that any development undertaken on the subject property...
property is in accordance with the approved site plan on file. The permittee shall deposit with the County the sum of **$4,000.00**. The deposit shall be placed in a performance fund, which shall be used exclusively to compensate Regional Planning for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval. The fund provides for **20 annual** inspections. Inspections shall be unannounced.

If additional inspections are required to ensure compliance with the conditions of this grant, or if any inspection discloses that the subject property is being used in violation of any one of the conditions of this grant, the permittee shall be financially responsible and shall reimburse Regional Planning for all additional enforcement efforts necessary to bring the subject property into compliance. The amount charged for additional inspections shall be **$200.00** per inspection, or the current recovery cost at the time any additional inspections are required, whichever is greater.

11. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission (“Commission”) or a Hearing Officer may, after conducting a public hearing, revoke or modify this grant, if the Commission or Hearing Officer finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public’s health or safety or so as to be a nuisance, or as otherwise authorized pursuant to Chapter 22.56, Part 13 of the County Code.

12. All development pursuant to this grant must be kept in full compliance with the County Fire Code to the satisfaction of the County Fire Department.

13. All development pursuant to this grant shall conform with the requirements of the County Department of Public Works to the satisfaction of said department.

14. All development pursuant to this grant shall comply with the requirements of Title 22 of the County Code and of the specific zoning of the subject property, unless specifically modified by this grant, as set forth in these conditions, including the approved Exhibit "A," or a revised Exhibit "A" approved by the Director of Regional Planning (“Director”).

15. The permittee shall maintain the subject property in a neat and orderly fashion. The permittee shall maintain free of litter all areas of the premises over which the permittee has control.

16. All structures, walls and fences open to public view shall remain free of graffiti or other extraneous markings, drawings, or signage that was not approved by Regional Planning. These shall include any of the above that do not directly relate to the business being operated on the premises or that do not provide pertinent information about said premises. The only exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization.
In the event of graffiti or other extraneous markings occurring, the permittee shall remove or cover said markings, drawings, or signage within 24 hours of such occurrence, weather permitting. Paint utilized in covering such markings shall be of a color that matches, as closely as possible, the color of the adjacent surfaces.

17. The subject property shall be developed and maintained in substantial conformance with the plans marked Exhibit “A.” If changes to any of the plans marked Exhibit “A” are required as a result of instruction given at the public hearing, three (3) copies of a modified Exhibit “A” shall be submitted to Regional Planning by December 30, 2018.

18. In the event that subsequent revisions to the approved Exhibit “A” are submitted, the permittee shall submit three (3) copies of the proposed plans to the Director for review and approval. All revised plans must substantially conform to the originally approved Exhibit “A”. All revised plans must be accompanied by the written authorization of the property owner(s) and applicable fee for such revision.

PERMIT SPECIFIC CONDITIONS – CONDITIONAL USE PERMIT

19. This grant shall remain in effect, during the grant term, provided the existing on-site vineyards are made to conform to the vineyards standards of the 2015 Update to the Santa Monica Mountains North Area Community Standards District Vineyard Ordinance No. 2015-0062 as identified in County Code Section 22.44.133.D.8.a.ii., which notes that within five years of the effective date of the Ordinance (by December 12, 2020), the vineyard shall comply with the requirements. At such time, should the vineyard not become compliant, this grant for the tasting room shall immediately terminate, along with the associated special events and parking permit.

20. This grant shall remain in effect, during the grant term, provided the existing off-site winery associated with the vineyards and tasting room remain active and licensed by the State of California Department of Alcoholic Beverage Control (“ABC”). At such time, should the winery not remain compliant with such licensing requirement, this grant for the tasting room shall immediately terminate, along with the associated special events and parking permit. A copy of the associated and active ABC license(s) shall be submitted to the Department of Regional Planning Zoning Enforcement Section, on an annual basis with other required annual reports.

21. This grant shall remain in effect, during the grant term, provided the tasting room remain active and licensed by the ABC. At such time, should the tasting room not remain compliant with such licensing requirement, this grant for the tasting room shall immediately terminate along with the associated special events and parking permit.

22. The conditions of this grant shall be retained on the premises at all times and shall be immediately produced upon request of any County Sheriff, County Zoning Enforcement Inspector, or ABC agent. The manager and all employees of the facility shall be knowledgeable of the conditions herein.
23. Within 30 days of the date of final approval of this grant, the permittee shall record in the office of the County Recorder a covenant and agreement Pursuant to County Code 22.52.2470.C.2.b, “Covenant and Agreement For Tasting Rooms, To Lease Or Own Adjoining Parcel”, which holds together the Project parcels for the duration of the operation of the tasting room and associated special events for the purpose of access, compliance with vineyard requirements, and parking facilities.

24. Prior to the issuance of a certificate of occupancy for the tasting room barn and restroom building, the permittee shall submit an evacuation/emergency management plan, for all persons working at or visiting the Project Site. The evacuation/emergency management plan shall be to the satisfaction of the Director, in consultation with the County Departments. The permittee shall be allowed to submit to the Director revisions to the evacuation/emergency management plan as needed. At no time shall the occupancy of the facility shall not exceed 200 persons, unless modified as indicated in Condition No. 53. Guests shall be counted as they enter the property from the gated entrance, by a gate or parking attendant. Guests shall be permitted access to the property by a gate or parking attendant only.

25. The permittee, and all managers and designated employees of the establishment, who directly serve or are in the practice of selling alcoholic beverages, shall participate in the LEAD (Licensee Education on Alcohol and Drugs) Program (or equivalent program) provided by the ABC, within 90 days of the granting of this permit. All new employees, who will serve alcoholic beverages, shall be required to attend said training within 90 days following their hiring or designation to serve alcohol. The licensee shall display a certificate or plaque in a publicly accessible area of the establishment such as the lobby, indicating they have participated in this program. Proof of completion of the facilities’ training program by employees, the licensee and all managers shall be available, at any time, upon request; by the County Sheriff's Department or County Department of Regional Planning.

26. The permittee shall not advertise the sale of alcoholic beverages on the exterior of any structure on the subject property including windows, walls, fences or similar structures;

27. All regulations of the State of California prohibiting the sale of alcoholic beverages to minors shall be strictly enforced.

28. The permittee shall develop and implement a Designated Driver program (i.e. free soft drinks or coffee to a designated driver of a group). The permittee shall submit the program to the Director of Planning for approval prior to the approval of the Exhibit “A”.

29. All servers of alcoholic beverages must be at least 21 years of age.

30. Onsite preparation of food shall only be prepared by a licensed caterer or similar professional holding an appropriate food safety license.
31. The permittee shall provide adequate lighting above all entrances and exits to the premises and in all parking areas and walkways, during operation hours, required as a condition of this grant.

32. Any lighting, associated with the grant shall be indicated on the Exhibit “A” Exterior Lighting Exhibit and shall comply with the Rural Outdoor Lighting District requirements in County Code Sections 22.44.500-.590. The Project shall not include any lighting directed upward or offsite, including but not limited to DJ lighting, motion lights or other special effects lighting of the site or event. All parking lot and other exterior lighting shall be hooded and directed down and away from neighboring residences to prevent direct illumination and glare, and shall be turned off within thirty minutes after conclusion of activities, with the exception of sensor-activated security lights and/or low level lighting along all pedestrian walkways leading to and from the parking lot.

33. String lights and other site lighting, shall be of low Kelvin (“K”) color temperature having warmer tones (less than 4,000 K) and shall not be high Kelvin, cooler, white or blue light color tones (greater than 4,000 K). All lights shall be shielded or capped, as shown on the Exhibit “A” to ensure compliance with the Rural Outdoor Lighting District.

34. In-ground well lights shall be angled or shielded to direct light towards landscaping or structures and shall not be directed towards the sky or off-site.

35. The Project may use the existing on-site vineyard trails, as mapped on Exhibit “A”, for educational tours, exercise activities and other small walking groups. Use of onsite trails shall be limited to day-light hours. Lighting is not permitted on vineyard trails as part of this grant. No amplified sounds shall be permitted on walking trails. This grant shall not authorize changes or expansion of any existing vineyard trails. Small weather-proof signs shall be installed at each vineyard trail head, as mapped on the Exhibit “A” indicating no public access or use beyond day-light hours.

36. The permittee shall install small signs near the parking areas and exit of the tasting room instructing guests and staff to use quiet speech in respect of neighboring residential uses. The size, location and the text of the signs shall be approved by the Department of Regional Planning prior to installation. The signs shall be installed within 90 days of issuance of this grant.

37. No vehicles, equipment, or trucks with back-up sounding devices shall be operated on the site and no event break down shall be conducted between the hours of 10:00 p.m. and 9:00 a.m. Event break down and clean-up shall not be conducted beyond the end of a scheduled event or after 10:00 p.m. whichever is earlier. All event break down activities shall be concluded by 10:00 p.m. the day following a scheduled event.

38. Activities permitted by this grant are prohibited on the house pad, private drive, or fire lane, as identified on the Exhibit “A” and labeled “non-commercial area”.
39. The Project shall maintain a minimum of 34 trees to provide parking lot shade coverage, consistent with Part 20 of Chapter 22.52 of Los Angeles County Code, noise buffering, and light screening as depicted on the approved Exhibit “A.” Tree planting locations may vary slightly provided that shade coverage, noise buffering, and light screening is maintained along parking lot borders facing adjacent residential uses and planting continues to comply with Part 20 of Chapter 22.52.

40. Outdoor amplified sound shall be positioned between the barn and restroom building, to the north of the barn, with noise emitting devices directed in a north orientation. A dance floor, DJ booth, and all speakers may be placed only as indicated on the Exhibit “A”. Amplified music may be performed on the barn pad, provided the sound complies with the noise standards identified in County Code Chapter 12.08. Noise dampening elements, including a sound wall, glass fencing attachments, and water pump housing shall remain in place throughout the life of the project, as indicated on Exhibit “A”. The sound wall may be temporarily removed for maintenance purposes, but only when there are no special events occurring on the subject property. Noise violations shall be reviewed by the Department of Public Health. Review of nuisance or complaints related to noise may result in fees assessed by the Department of Public Health.

41. A noise monitoring system shall be implemented, with prior authorization of the Department of Public Health, prior to use of amplified noise on the site, as authorized by this grant. The noise monitoring system shall include at least three adequate noise monitoring microphones, data storage devices and other features to record and monitor noise levels during the operation of this grant. The three noise monitoring devices shall be placed in three locations, as specified by the Department of Public Health, one on the western property line and two along the south and southeastern property lines. The noise monitoring system shall notify an on-site site manager should the noise exceed the allowed levels, as indicated by the Department of Public Health and by County Code Chapter 12.08. All noise amplification devices, including speakers or amplifiers shall be connected to a common power system, which would be monitored by the noise monitoring system. The permittee shall maintain a record any incidents where the noise monitoring system indicated excessive noise levels and how such noise levels were addressed. The permittee shall record the date, time and level of exceedance indicated. At the conclusion of each calendar year, a copy of the prior 12-months noise incidents shall be provided to the Department of Regional Planning Zoning Enforcement Section and shall maintain a copy of the report onsite at all times for review by County Staff. At any time, the County of Los Angeles may request further noise analysis, for a time period less than the annual report, as determined appropriate by Department of Regional Planning or Department of Public Health.

42. Smoking is prohibited at all times on the project site.

43. Use, operation, and flight of Unmanned Aerial Vehicles (Drones), shall be limited to the air space above the barn pad, as indicated to the Exhibit “A”.
PERMIT SPECIFIC CONDITIONS – REMOTE TASTING ROOM

44. This grant authorizes the operation of a remote tasting room (“tasting room”), with a maximum occupancy of 100 guests at any given time on the Project Site. The tasting room shall include the barn, restroom, and lawn area near the barn pad. The tasting room may operate seven days a week between the hours of 10:00 a.m. and 9:00 p.m. for no more than eight (8) hours per day. The tasting room may provide the sale and service of wine between these same hours and no later than one hour prior to close.

45. The tasting room shall be operated through a private reservation system, managed by the permittee and shall not be opened to the general public.

46. Music or other audible noise at the tasting room shall comply with Chapter 12.08 of County Code to the satisfaction of the Department of Public Health. Noise violations shall be reviewed by the Department of Public Health. Review of nuisance or complaints related to noise may result in fees assessed by the Department of Public Health.

47. The tasting room shall serve a wine-tasting customer no more than four standard glasses of wine (5 oz. pour) or one 750 ml bottle of wine per day for on-site consumption. There is no limit set-forth, by this grant, for sale of wine for off-site consumption.

48. The tasting room shall provide complimentary or for-sale prepared or packaged foods or snacks to accompany any tasting room event serving alcohol. Food or snacks shall be available during all operating hours when alcohol is served. Tasting rooms may offer complimentary food items to wine-tasting customers along with the tasting room’s wine, including but not limited to, fruit slices, cheese, and crackers, provided that: no advertisements for such food items are placed on any signage for the associated winery; and the food items are prepared and offered in accordance with any and all regulations and/or requirements of the applicable government agencies regarding the preparation, licensing, and inspection of such food items.

49. The permittee may provide on-site activities that are accessory to the wine tasting activities, which may include yoga, meditation, picnicking, art classes, lawn games, or other passive activities enjoyed by the guests of the wine tasting event. Outdoor classes or activities shall conclude by the close of the tasting room on any given day or sunset, whichever is earlier. Indoor activities, within the barn structure, may proceed until the close of the tasting room. Accessory activities not outlined in this Condition may be permitted by the Director if it is determined that the proposed activity is clearly appurtenant to the wine tasting event.

50. The tasting room shall provide complimentary water or other non-alcoholic beverages during all operating hours.
51. The tasting room may engage in the retail sale of packaged food for off-site consumption, including but not limited to, jam, jellies, and olive oil, provided that: the packaged food is produced from agricultural products grown on lots or parcels of land owned or leased by the holder of a Type 02 license issued by the ABC; the associated winery’s logo is permanently and prominently affixed to all such packaged food sold; and the packaged food is prepared and offered in accordance with any and all regulations and/or requirements of the applicable government agencies regarding the preparation, licensing, and inspection of such packaged food.

52. The tasting room may sell incidental merchandise provided that the associated winery’s logo is permanently and prominently affixed to all such items sold.

53. The tasting room shall not serve beer or spirits as indicated in Chapter 22.52, Part 23 of the County Code titled “Wineries and Tasting Rooms” and as regulated by the Type 02 ABC License.

PERMIT SPECIFIC CONDITIONS –SPECIAL EVENTS

54. This grant authorizes 46 special events per calendar year accessory to the tasting room. Of these, this grant authorizes no more than 10 special events with an occupancy of 100 to 200 guests and 36 special events with an occupancy of 99 or fewer guests. Each special event shall be counted as one day or 24-hour period, and events occurring over multiple days, shall be counted as separate events for each day. No more than two special events, regardless of size, shall occur in a continual seven-day period. Special events may include birthday parties, dinners, weddings, receptions, fundraisers, charity events, etc., and shall take place primarily on the tasting room pad. Special events with 99 or fewer guests are not permitted outdoor live entertainment, although amplified sound may be used within the barn structure. Special events with 100 or more guests may make use of outdoor amplified sound subject to all other parameters and conditions herein. Special events shall occur only on Fridays, Saturdays, or Sundays, as well as on the calendar day prior to and on recognized Federal holidays. All special events shall be limited to the hours of 11:00 a.m. to 11:00 p.m. The sale or service of alcohol is permitted during the same hours as the scheduled special events from 11:00 a.m. to 10:00 p.m. or one hour prior to the close of the special event, whichever is earlier.”

55. The maximum occupancy of on-site special events shall not exceed 200 persons at one time; however, the maximum occupancy may be increased to 216 persons, provided that the permittee obtain written authorization from the Department of Public Health and the Los Angeles Regional Water Quality Control Board and as authorized by the Director.

56. All special events, whether for-profit, not-for-profit, or for private use of the permittee shall be counted toward the total number of special events permitted by this grant. Said events shall comply with all applicable Conditions outlined in this grant.
57. Outdoor or indoor amplified sound associated with special events, shall comply with County Code Chapter 12.08 "Noise Control". Noise violations shall be reviewed by the Department of Public Health. Review of nuisance or complaints related to noise may result in fees assessed by the Department of Public Health.

58. All special events shall be recorded in a scheduling log ("schedule"). The schedule shall be maintained onsite and shall be made available to, at any time and upon request; by staff of the County Department of Regional Planning. The schedule for all events occurring in the last 12-months and any planned events in the upcoming two-months shall be noted. The schedule shall include a description of the event, the occupancy of the event, type of music or noise on site, hour(s) of event, caterers or vendors used, and any special circumstances that arose during the event (for example, call for service from safety or sheriff personnel). At the conclusion of each calendar year, a copy of the prior 12-months noise incidents shall be provided to the Department of Regional Planning Zoning Enforcement Section and shall maintain a copy of the report onsite at all times for review by County Staff. At any time, the County of Los Angeles may request further noise analysis, for a time period less than the annual report, as determined appropriate by the Department of Regional Planning or the Department of Public Health.

59. The permittee shall implement a Good Neighbor System ("GNS") to inform the community of special events. The GNS shall include a website schedule or calendar ("calendar"), posted by the permittee to a publically accessible website, which shall identify all scheduled special events no later than 15 days prior to each special event. The calendar shall include information about each event, including the start and end times, a brief summary of the event activities, including type of amplified music or noise expected and an estimated occupancy. Should an event be added or rescheduled with less than 15 day posting, the permittee shall contact neighboring property owners, within 500 feet of the site, and the Department of Regional Planning Zoning Enforcement Section regarding the change via a mailed or emailed notice. The GNS website shall include contact information of the site manager or event coordinator that members of the public may utilize regarding concerns, questions or complaints about the events, which shall be managed by the permittee, which is available to the public before, during and after all events. The permittee shall maintain a record of any concerns that are addressed through the GNS and how those concerns were addressed. The GNS shall also include information regarding formal complaints, to be made to the Department of Regional Planning, in the event that the GNS does not address verified nuisance and violation concerns. A written notification of such verified nuisance and violation concerns should be submitted, within 72 hours of notification of a verified complaint or concern, by the concerned member of the public, to the Department of Regional Planning Zoning Enforcement Section assigned to the site. The GNS shall also require that the Project’s approved Conditions of Approval be prominently placed upon the GNS website. The GNS shall also include an annual community outreach meeting, to be advertised on the GNS website and shall be advertised using a mail and email notice to neighbor’s within 500 feet of the project site. The annual community meeting shall be held at the project site, starting one year following the issuance of this grant and shall include
site management to address questions and concerns that arise. The applicant shall submit a report, meeting minutes and evidence of the mailed notices to the Department of Regional Planning Zoning Enforcement Section within 15 days of holding the meeting.

60. Sale or service of alcohol other than which is authorized by the permittees Type 02 ABC License, shall only be authorized when served by a caterer holding an appropriate ABC license authorizing the sale and service of the such alcoholic beverages.

61. On-site security shall be used during all special events, regardless of occupancy.

PERMIT SPECIFIC CONDITIONS – PARKING PERMIT

62. The permittee shall provide parking as required by the County Code, calculated at a parking ratio of one parking space per three occupant load. The grant authorizes the maximum tasting room occupancy of no more than 100 guests and maximum special events occupancy of no more than 200 guests which would require not less than 34 spaces for the tasting room and 67 spaces for special events exceeding 100 occupants but no more than 200 occupants be provided based on the applicable ratio. The Project includes two parking lot configurations: the self-park plan provides 58 parking spaces and a tandem-parking plan provides 72 parking spaces. Two ADA complaint parking spaces shall be maintained on the Project Site. The parking plans shall be identified as part of the Exhibit “A”. Should the maximum occupancy be modified as noted in Condition No. 53, the Parking Plan shall reflect the calculated parking ratio for the special events occupancy not to exceed 216 persons, with the use of the tandem-parking plan providing 72 parking spaces.

63. If the tasting room substantially changes its mode or character of operation or if the permittee changes the use or occupancy or otherwise modifies the subject property so as to require parking beyond the minimum requirement, the permittee shall submit an application for a minor parking deviation, parking permit, variance, or other applicable permit, as determined by the Director, within 90 days of such occurrence.

64. The parking spaces associated with the self-park or tandem plan shall be marked and delineated as approved by the Department of Public Works and as shown on the Exhibit “A”.

65. The permittee shall provide valet service to patrons to assist in the parking of vehicles when tandem parking is utilized. Sufficient valet staffing shall be provided to ensure that at no time the vehicles queue or back-up to the end of the private driveway or onto the public right-of-way.

66. All valet parking shall be maintained on the project site and at no time shall vehicles be valet parked on public rights-of-way or off-site.
67. Vehicles awaiting valet parking shall not idle or remain running while awaiting parking by a valet or retrieval by a guest. Valet or event management staff shall be responsible for maintaining quiet parking and valet areas.

68. A temporary valet stand may be used during valet parking service, located near the upper parking lot as indicated on the Exhibit “A”. No amplified music or speakers shall be used as part of the valet service. At the conclusion of a special event, patrons awaiting returned vehicles shall be directed to wait on the barn pad area and shall not be directed to loiter near the parking lots or west property boundary.

69. Prior to issuance of the entitlement, the applicant shall prepare an Alternative Vehicle Plan, which considers shuttling, taxiing and other alternative methods of transportation to be approved by the Department of Regional Planning Director and included in the Project Description or on the Exhibit “A” as appropriate. The Alternative Vehicle Plan shall indicate management of vehicles queuing for guest drop-off and pick-up, temporary parking areas and shall provide onsite promotion and information available to guests in need of a designated driver through bar or table postings or at the valet of local alternative transportation opportunities or services.

70. In the event that any permittee and/or property owner is unable to comply with the provisions of the parking permit, the use for which permit has been granted shall be terminated, reduced, or removed unless some other alternative method to provide the required parking is approved by the Director.

PROJECT SITE SPECIFIC CONDITIONS

71. This grant shall authorize the operation of a remote wine tasting room and associated special events. The grant shall authorize use of a tandem parking lot plan, to accommodate parking demands that exceed the parking provided in the self-park plan.

72. The permittee shall comply with all conditions set forth in the attached County Fire Department letter dated March 15, 2018.

73. The permittee shall comply with all conditions set forth in the attached County Public Works Department letter dated March 27, 2018.

74. The permittee shall comply with all conditions set forth in the attached Public Health Department letters dated April 5, 2018 and July 11, 2018.

Attachments:
Fire Department Letter dated March 15, 2018
Public Works Department letter dated March 7, 2018 and March 27, 2018
Public Health Department letter dated April 5, 2018
Public Health Department (Environmental Health) letter dated July 11, 2018
COUNTY OF LOS ANGELES FIRE DEPARTMENT
FIRE PREVENTION DIVISION
Land Development Unit
5823 Rickenbacker Road
Commerce, CA 90040
Telephone (323) 890-4243, Fax (323) 890-9783

PROJECT #: R2015-03796 DATE: 03/15/2018
CASE #: RCUP-201500135 PLANNER: Shanna Farley-Judkins
RPPL2017009910

LOCATION: 31440 Mulholland Highway, Malibu

REVISED CONDITIONS: Supersedes Fire Dept. Comments Dated 02/08/2018

THE FIRE DEPARTMENT RECOMMENDS CLEARANCE OF THIS PROJECT TO
PROCEED TO PUBLIC HEARING AS PRESENTLY SUBMITTED WITH THE
FOLLOWING CONDITIONS OF APPROVAL.

CONDITIONS OF APPROVAL – ACCESS

1. Provide access as noted on the site plan.

2. All on-site Fire Apparatus Access Roads shall be labeled as “Private Driveway
   and Fire Lane” on the site plan along with the widths clearly depicted on the plan.
   Labeling is necessary to assure the access availability for Fire Department use.
   The designation allows for appropriate signage prohibiting parking.

3. All fire lanes shall be clear of all encroachments, and shall be maintained in
   accordance with the Title 32, County of Los Angeles Fire Code.

4. The dimensions of the approved Fire Apparatus Access Roads shall be
   maintained as originally approved by the fire code official. Fire Code 503.2.2.1

5. Dead-end Fire Apparatus Access Roads in excess of 150 feet in length shall be
   provided with an approved Fire Department turnaround. Fire Code 503.2.5;
   Appendix D103.6, D103.6 (1) & D103.6 (2)

6. Fire Apparatus Access Roads shall be provided with a 32 foot centerline turning
   radius. Fire Code 503.2.4 & Appendix D103.5

7. Fire Apparatus Access Roads shall be designed and maintained to support the
   imposed load of fire apparatus weighing 75,000 pounds, and shall be surfaced so
   as to provide all-weather driving capabilities. Fire apparatus access roads having
   a grade of 10 percent or greater shall have a paved or concrete surface. Fire
   Code 503.2.3; Appendix D102.1

Reviewed by: Wally Collins Date: March 29, 2018
8. Provide approved signs or other approved notices or markings that include the words "NO PARKING - FIRE LANE". Signs shall have a minimum dimension of 12 inches wide by 18 inches high and have red letters on a white reflective background. Signs shall be provided for fire apparatus access roads, to clearly indicate the entrance to such road, or prohibit the obstruction thereof and at intervals, as required by the Fire Inspector. Fire Code 503.3

9. Fire Apparatus Access Roads shall not be obstructed in any manner, including by the parking of vehicles, or the use of traffic calming devices, including but not limited to, speed bumps or speed humps. Fire Code 503.4

10. Traffic Calming Devices, including but not limited to, speed bumps and speed humps, shall be prohibited unless approved by the fire code official. Fire Code 503.4.1

11. A minimum 5 foot wide approved firefighter access walkway leading from the fire department access road to all required openings in the building’s exterior walls shall be provided for firefighting and rescue purposes. Fire Code 504.1

12. Approved building address numbers, building numbers or approved building identification shall be provided and maintained so as to be plainly visible and legible from the street fronting the property. The numbers shall contrast with their background, be Arabic numerals or alphabet letters, and be a minimum of 4 inches high with a minimum stroke width of 0.5 inch. Fire Code 505.1

CONDITIONS OF APPROVAL – WATER SYSTEM

1. All fire hydrants shall measure 6"x 4"x 2-1/2" brass or bronze, conforming to current AWWA standard C503 or approved equal, and shall be installed in accordance with the County of Los Angeles Fire Department Regulation 8.

2. All required public fire hydrants shall be installed, tested and accepted prior to beginning construction. Fire Code 501.4
3. The required fire flow for the public fire hydrants for this project is 1500 gpm at 20 psi residual pressure for 2 hours. Two (2) public fire hydrants flowing simultaneously may be used to achieve the required fire flow. Fire Code 507.3 & Appendix B105.1
   a. The fire flow is adequate per fire flow test 03/09/18.

CONDITIONS OF APPROVAL – FUEL MODIFICATION

1. This property is located within the area described by the Fire Department as the Very High Fire Hazard Severity Zone. The “Final Fuel Modification” shall be submitted to the Department’s Fuel Modification Unit prior to the issuance of the building permit. For details, please contact the Department’s Fuel Modification Unit which is located at Fire Station 32, 605 North Angeleno Avenue in the City of Azusa CA 91702-2904. They may be reached at (626) 969-5205.

For any questions regarding the report, please contact FPEA Wally Collins at (323) 890-4243 or at Wally.Collins@fire.lacounty.gov.
March 7, 2018

Mr. Scott A. Schell  
Associated Transportation Engineers  
100 North Hope Avenue, Suite 4  
Santa Barbara, CA 93110

Dear Mr. Schell:

CIELO FARMS RECREATIONAL WINETASTING CLUB  
31424 MULHOLLAND HIGHWAY  
TRAFFIC IMPACT STUDY (SEPTEMBER 2017)  
UNINCORPORATED MALIBU AREA

We reviewed the Traffic Impact Study (TIS) for the Cielo Farms Recreational Winetasting Club located at 31424 Mulholland Highway in the unincorporated Malibu area.

Project’s Transportation Impact

According to the TIS, the traffic generated by the project alone and cumulatively with other related projects will not have a significant transportation impact to County roadways and intersections in the area based on the County’s TIS guidelines. We generally agree with the findings in the TIS.

Site Access Requirements

The project applicant shall provide full ingress and egress access from the driveway located on Mulholland Highway.

On-Site Traffic Management Requirements

1. The project applicant shall provide signage directing patrons to available on-site parking areas.
2. The project applicant shall ensure the arrival of attendees does not result in vehicle queueing that extends into the adjacent intersection of Mulholland Highway at Kanan Dume Road. If residents express concerns that vehicle queueing is extended into the adjacent intersection of Mulholland Highway at Kanan Dume Road, the project applicant will be required to submit a Queueing Analysis Study to Public Works for review and approval. The Queueing Analysis Study shall address the report of vehicle queueing into the adjacent intersection of Mulholland Highway at Kanan Dume Road and provide a traffic management plan to address vehicle queueing for all future weekday and weekend events. The project applicant is encouraged to implement shuttle services, on-site parking attendants, flagging operations at the project driveway, and scheduling of attendee arrivals to reduce the potential for vehicle queueing into the adjacent intersection of Mulholland Highway at Kanan Dume Road.

We recommend the applicant consult with the California Department of Transportation to obtain its concurrence with any potential California Environmental Quality Act impacts within its jurisdiction.

If you have any questions, please contact Mr. Jeffrey Pletyak, Senior Civil Engineer of our Traffic and Lighting Division, at (626) 300-4809.

Very truly yours,

MARK PESTRELLA
Director of Public Works

EMIKO THOMPSON
Interim Assistant Deputy Director
Traffic and Lighting Division

JFP:ks
PUBLICATIONS-STORAGE/CELO FARMS/REVIEW LTR-2.DOCX

bc: Land Development (Duong)
March 27, 2018

TO: Rob Glaser
Coastal Permits Section
Department of Regional Planning

Attention Shanna Farley-Judkins

FROM: Art Vander Vis
Land Development Division
Department of Public Works

PLAN NO. RCUPI-201500135
PLAN TYPE: PERMITS & REVIEWS
WORK CLASS: CUP
PROJECT NAME: R2015-03796
ASSESSOR’S MAP BOOK NO. 4464, PAGE 8, PARCEL NOS. 29, 32, 36, 44, 45
UNINCORPORATED COUNTY COMMUNITY OF CALABASAS

Thank you for the opportunity to review the Conditional Use Permit (CUP) to convert an existing barn on Clelo Farm into a wine tasting room. The project also proposes to construct a 450-sq. ft. restroom and related septic system. Public Works will respond to the related parking permit (RPPL2017009910) separately.

☐ Public Works recommends that the conditions shown below be applied to the project if ultimately approved by the advisory agency.

☐ Public Works has comments on the submitted documents; therefore, a Public Hearing shall NOT be scheduled until the comments have been addressed.

1. **Traffic**

   1.1 Comply with all requirements per the approved traffic impact study memo dated March 07, 2018 to the satisfaction of Public Works, see attached.
For questions regarding traffic condition, please contact Kent Tsujii from Traffic & Lighting Division at (626) 300-4776 or ktsujii@dpw.lacounty.gov.

2. Grading

Prior to building permit issuance:

2.1 Submit a grading/drainage plan for review and approval to Public Works' Building and Safety Division, Calabasas office. The grading/drainage plans must show and call out the construction of at least the following:

2.1.1 All drainage devices and details.
2.1.2 Paved driveways.
2.1.3 Elevation and drainage pattern of all pads.
2.1.4 All water quality devices and LID features.
2.1.5 All existing easements and obtain the easement holder approvals

2.2 Comply with the Low Impact Development (LID) per County Code Section 12.84.460 as part of the drainage concept. The Low Impact Development Standards Manual can be found at http://dpw.lacounty.gov/ldd/web/

2.3 Provide a maintenance agreement/covenant for privately maintained drainage devices.

2.4 Obtain approval of the grading plan from the Los Angeles County Fire Department.

2.5 Obtain soil/geology approval of the grading/drainage plan from Public Works' Geotechnical and Materials Engineering Division.

2.6 Provide permits and/or letters of non-jurisdiction from all applicable State and Federal agencies. These agencies may include the State of California Regional Water Quality Control Board; State of California Department of Fish and Wildlife; State of California Department of Conservation, Division of Oil, Gas, and Geothermal Resources; and the Army Corps of Engineers.

2.7 Comply with all National Pollutant Discharge Elimination System, Storm Water Management Plan, and Water Quality requirements.

For questions regarding the grading conditions, please contact Max Rodriguez of Land Development Division at (626) 458-4945 or mrodrigue@dpw.lacounty.gov.
If you have any other questions or require additional information, please contact Max Rodriguez of Public Works' Land Development Division at (626) 458-4915 or mrodrigue@dpw.lacounty.gov.
4/5/18

DPH CLEARANCE - RCUP-201500135 R2015-03796
Cielo Farms 31424 Mulholland Highway
Vicinity: Malibu,

The Department of Public Health-Environmental Health Division has reviewed the latest submittal for a Remote Tasting Room at an existing vineyard, maximum occupancy 100 persons. Tasting Room Activities will include 100 or fewer people at any given time. All use and activities of the Tasting Room will be pre-scheduled and by appointment/reservation only. There will be a RSVP requirement and will be limited to a certain number of participants, with the maximum being 100 people at any given time. Where special events may occur, up to 45 a year a max of 200 occupants. Available hours of operations will be 7 days/week from 10am to 9pm. DPH recommends clearance approval in concept for this project. Prior to Building & Safety approval, the project shall submit an application to the Land Use Program for a "PROJECT REVIEW (NON-CONVENTIONAL ONSITE WASTEWATER TREATMENT SYSTEM – NEW)".

Prepared by:

VINCENT GALLEGOS, REHS
Environmental Health Specialist IV
Land Use Program
5050 Commerce Drive
Baldwin Park, CA 91706
vgallegos@ph.lacounty.gov
TEL (626) 430-5380
July 11, 2018

Robert Glaser
Supervising Regional Planner
Los Angeles County Department of Regional Planning
320 W. Temple St.,
Los Angeles, CA 90012

SUBJECT: ASSESSMENT OF OUTDOOR EVENT(S) HELD AT CIELO FARMS, MALIBU, CA. VA PROJECT No. 6783-002-003.

In response to a request from your office, the County of Los Angeles Department of Public Health conducted a noise investigation of three venue events held at the Barn area in Cielo Farms located at 31424 Mulholland Hwy, Malibu, CA. The investigation was conducted to determine compliance by Cielo Farms with Title 12 Chapter 12.08 of the Los Angeles County Noise Control Ordinance and to provide technical support to the Los Angeles County Department of Regional Planning.

The noise monitoring and consultation was conducted for the following events (group gatherings and amplified sound) on June 16th, June 29th, and June 30th, 2018 as a follow-up to the noise monitoring conducted in May 2018 (reference LACDPH report May 22, 2018). The events began at approximately 3:00 pm and ended at 10:00 pm. There was activity involving patron ingress and egress during the events. The event of the 16th had an attendance of 198 people, while the other two events had less than 100 people.

The noise measurements (location N-1 for July 29th and July 30th; see map 1 attached) were taken from the residential receptor property at 182 N Kanan Dume Rd., near the property boundary with Cielo Farms. No adverse weather conditions were present during the noise monitoring periods.
FINDINGS:

Cielo Farms was found in compliance with exterior noise standards (refer to data Table). It is important to notice that Cielo Farms had implemented new attenuation measures and operational plans at the time of the site monitoring.

June 16, 2018

The events (i.e. patrons, vehicles, amplified sound, ceremonies) were not audible during the preparation, operations, and closing of the event on July 16th. During this event, the musical stage was moved from the area adjacent to the southeast wall of the barn to the northeast side of the barn. Live music and dancing were observed at the new location of the musical stage. However, the noise was not audible at the property line. The Cielo Farms consultants had also placed a noise barrier (Glass 3/16inch width, 8ft high, with a transmission loss of 25 dB resulting in a projected attenuation loss of 7.9 dB) around the perimeter of the deck/outlook walk way on the Northwest side of the property. Staff from the Toxics and Environmental Assessment (TEAP) also verified proper procedural methodology and equipment calibration used by the Consultant retained by Cielo Farms (Veneklasen Associates). Additionally, a noise attenuation barrier was placed along the access road (Plywood material with a transmission loss of 20dB, height of 8 feet, resulting in a projected attenuation loss of 7.7 dB).

June 29, 2018

On June 29th. A small wedding event took place at the Barn location. There was no audible noise, except for the noise associated with the mechanical system servicing a water fountain on the west side of the access road adjacent to the property line between Cielo Farms and 182 North Kanan Dume Road. There was some intermittent noise from music and vehicular activity, however no violations of the noise ordinance were detected. Monitoring period lasted from 2:00 PM through 11:00 PM.

June 30, 2018

On June 30th, music and vehicular activity was audible at the property line of Cielo Farms and 182 North Kanan Dume Road. The music was less audible inside the office space of the second floor, of the 182 North Kanan Property. However, Cielo Farms was found to be in compliance with the noise ordinance. Monitoring period lasted from 2:00 PM through 11:00 PM.

The increases in ambient plus event hourly noise levels (statistical threshold L50) relative to ambient (non-event-day prior) hourly noise levels (statistical threshold L50) was found to range greater than 0 decibels to 4 decibels. This was an improvement to the previous noise monitoring period in May 2018 (LACDPH report May 22, 2018) which showed increases in noise levels from greater than zero to 8 decibels. The improvements added by the operator to further reduce noise levels after May 2018 had a positive result. Understandably, ambient noise conditions can vary day to day. In general, a change in noise levels of 3-5 decibels is perceived as perceptible to noticeable; an increase of 5-10 decibels is noticeable and at 10 decibels is perceived as doubling of sound. The frequency of events, variations in audibility or loudness are among noise factors that contribute to the annoyance for some members of the public and affect their quality of life.

1. NY CEQR 2014: AVP EIR
Additional Mitigation Measures and Engineering Controls Implemented by the operator.

1. Placement of glass wall (8 ft high and 1/16 inch thick) around the perimeter of the outlook deck across the wine tasting structure (the barn).

2. Addition of 8 x 6 ft partition extension on the Northwest wall of the barn. This partition helps deflect amplified sound music away from adjacent properties.

3. Relocation of amplified music stage behind the barn structure. The barn structure acts as noise barrier between the music stage and adjacent property.

4. Shuttle service. This reduces traffic on the egress road, limiting traffic noise to the lower parking area.

5. Power boxes, compressors and other mechanical components associated with water features near the property line, were enclosed with cement block and metal top lid. The enclosure has exhaust and ventilation openings to prevent overheating of such equipment.

6. "Quite Please" signs were observed along the restroom and valet parking areas.

7. Additional noise monitoring station was added to the monitoring plan sites to capture lane noise source associated with traffic on Kannan Drive and Mulholland roads.

8. Placement of temporary noise barriers along the access road adjacent to the property line. The STC rating is about 6 dBA, which should help reduce existing noise to acceptable levels.
After the implementation of the new attenuation and engineering controls by Cielo Farms, we offer the following recommendations:

- As part of the Post Mitigating Monitoring Plan, a qualified acoustical engineer (or certified professional) should verify adherence to the conditions stipulated in the conditional use permit and should conduct noise monitoring as needed.

- Public Health would need to follow up with noise monitoring for compliance purposes and in addition to monitor noise during larger events (i.e. ~200 patrons).

We would like to thank the staff from Cielo Farms for their hospitality and speedy implementation of the suggested noise mitigation and minimization measures offered by our group.

Sincerely,

[Cyrus Rangan, M.D., F.A.A.P., F.A.C.M.T.]  
Director, Toxicology & Environmental Assessment  
Environmental Health Division, Department of Public Health
County of Los Angeles DPH-Toxicology & Environmental Assessment

NOISE DATA TABLE 1: N-1
Ceilo Farms Event 31424 Mulholland Hwy, Malibu (Fri 6/29: ambient/light event noise; Sat 6/30: Event 4pm-10pm)

Location of measurement: receptor at 182 N Kanan Dume rd, Malibu N-1: NE of guest house near driveway

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Standard: Measured (meas) in dBA; Pre & Post CAL checks conducted. (weather data & field notes available upon request).
Red: indicates non-compliance or exceedance of the applicable exterior noise standards. Where exceedances (') adjustments may be made to account for ambient noise as needed. If measured is <5 dBA difference with ambient no violation or exceedance & no correction made.
Blue: applicable standard; *standard adjusted to reflect ambient conditions
Green: ambient noise (although 6/29 is a light event; the non-audible event portion was used to indicate ambient for comparison to 6/30)
Meas: measurement on site
**: using L50 noise data at 6/29 at 10:00 pm hr as ambient the difference is <5 db therefore cant determine actual intrusive noise level. No violation or exceedance.
*: Music ended at 10:00PM

1. NY CEQR 2014; AVP EIR
Picture 1. Mitigation measure number 5.
Picture 2: Mitigation measure number 1.
Picture 3: Mitigation measure number 8.

1. NY CEQR 2014; AVP EIR
Affidavit of Acceptance Instructions

STEP 1: NOTARIZE AFFIDAVIT: In the presence of a Notary Public, sign the Affidavit of Acceptance form. Complete and sign both applicant and owner sections, even if the applicant is the same as the owner.

STEP 2: COUNTY REGISTRAR-RECORDER: Visit the Registrar-Recorder’s office at 12400 East Imperial Highway, Norwalk, CA 90650 (the following branch offices can also assist you: LAX Courthouse, Lancaster District Office, Van Nuys District Office. For more information call (562) 462-2125 or visit http://www.lavote.net/Recorder/Document_Recording.cfm) to complete the following tasks:

a) Record Affidavit of Acceptance Form and Conditions of Approval: Submit the original Affidavit of Acceptance form (wet signature) and Conditions of Approval to the County Registrar-Recorder for recording. If your project has an associated Mitigation Monitoring Reporting Program (MMRP), this document should be recorded as well. Request one certified copy of the recorded Affidavit, Conditions of Approval, and MMRP (if applicable) to submit to the Department of Regional Planning.

b) ☐ Pay CEQA Fees and Post Notice of Determination (NOD): Environmental filing fees and posting of an NOD are required pursuant to the California Environmental Quality Act (CEQA). This should be completed within five (5) working days from the day after your appeal period ends [DATE – N/A if there is not an NOD needed]. Bring two copies of the enclosed NOD along with one check for fees, payable to the “County of Los Angeles”, as applicable below:

☐ $75.00 for Notice of Determination (NOD), with original “No Effect” form from the California Department of Fish & Wildlife (for posting only)

☐ $2,355.75 for Notice of Determination (NOD) for the issued Negative Declaration or Mitigated Negative Declaration (Includes $75.00 Registrar-Recorder processing fee).

☐ $3,243.00 for the Environmental Impact Report (Includes $75.00 Registrar-Recorder processing fee).

c) ☐ Post Notice of Exemption (NOE): The filing of an NOE is OPTIONAL. Pursuant to CEQA, the filing of an NOE will limit the time period for legal challenges to an agency’s exemption determination to 35 days. If a NOE is not filed, a 180 day statute of limitation applies. If you wish to file an NOE, please request for a completed NOE form from your case planner and post the document at the Registrar-Recorder’s office listed above, along with your Final Letter of Approval.

STEP 3: REGIONAL PLANNING: Schedule an appointment with the case planner to submit the following items in person:

a) One certified copy of the recorded Affidavit of Acceptance, Conditions of Approval, and MMRP if applicable. The certified copy will have an official document number and a purple recordation stamp from the Registrar-Recorder. Also bring a NOD or NOE posting receipt, and CEQA filing fee receipt if applicable. NOD posting receipt, and F & W fee receipt.

b) Three full-sized copies of the final site plans, or as otherwise requested by the planner. Plans must be folded to fit into an 8 ½” x 14” folder. At your final appointment, you will receive a copy of the approved site plan, and approved plans will be routed to the Department of Public Works, Building and Safety, as applicable.

c) One check payable to “County of Los Angeles” for zoning inspection fees*, and MMRP fees if applicable (see Conditions of Approval). Write project number on checks.

STEP 4: OBTAIN BUILDING PERMITS: Bring your copy of the approved site plan to the Department of Public Works, Building and Safety office.*

For questions or for additional information, please contact the planner assigned to your case. Our office hours are Monday through Thursday, 7:30 a.m. to 5:30 p.m. We are closed on Fridays.

* Does not apply to subdivision cases.
AFFIDAVIT OF ACCEPTANCE

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES }\(ss\)

REGARDING: PROJECT NO. R2015-03796-(3)
CONDITIONAL USE PERMIT NO. RCUP 201500135
PARKING PERMIT NO. RPPL2017009910
31424 MULHOLLAND HIGHWAY, THE MALIBU ZONE DISTRICT
APN(S): APNs 4464-008-019, -029 -032, -036, -044, and -045)

I/We the undersigned state:

I am/We are the permittee of the above-mentioned permits and/or owner of the real property described above (on Exhibit “A”, attached hereto). I am/We are aware of, and accept, all the stated Conditions of Approval for the above-mentioned permit(s).

I/We have enclosed a check in the amount of $4,000.00 payable to the County of Los Angeles as required by the Conditions of Approval for regular inspections for compliance. I/We also acknowledge that I/We and my/our successors in interest may be required to reimburse the Department of Regional Planning for any additional enforcement efforts necessary to bring the subject property into compliance.

Executed this ________________ day of ________________, 20_ ______

I/We declare under the penalty of perjury that the foregoing is true and correct.

Complete both Applicant and Owner sections, even if the same.

Applicant’s Name: ________________________________
Address: ________________________________
City, State, Zip: ________________________________
Signature: ________________________________

Owner’s Name: ________________________________
Address: ________________________________
City, State, Zip: ________________________________
Signature: ________________________________