



Los Angeles County Department of Regional Planning

Planning for the Challenges Ahead



Amy J. Bodek, AICP
Director

Dennis Slavin
Chief Deputy Director

December 18, 2018

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, CA 90012

Dear Supervisors:

**PROJECT NO. R2015-03796-(3)
CONDITIONAL USE PERMIT NO. RCUP201500135,
PARKING PERMIT NO. RPPL2017009910
APPLICANT: RICHARD AND DIANE HIRSH
THE MALIBU ZONED DISTRICT
(THIRD SUPERVISORIAL DISTRICT) (3-VOTES)**

SUBJECT

A Conditional Use Permit (CUP) is requested to allow a remote tasting room with accessory special events in the A-1-10 (Light Agricultural - ten acres required minimum lot area) Zone pursuant to County Code Section (Section) 22.24.100, within the unincorporated area of the Santa Monica Mountains North Area at 31424 Mulholland Highway. Additionally, the request includes a Parking Permit to allow tandem valet parking for accessory special events, which are a non-residential use, pursuant to Section 22.56.990. This Project was approved by the Regional Planning Commission (Commission) on October 31, 2018. An appeal of the Commission's decision was filed by Richard Hirsh (applicant) on November 1, 2018, regarding Condition No. 54. The applicant's appeal wishes to restore the number of larger special events to 36, as approved by the Hearing Officer, but which was later revised to 10 events by the Regional Planning Commission. Additionally, another appeal was filed on November 14, 2018, by Leslie Gail, owner of the neighboring parcel, regarding the lack of a permanent wall between the subject parcel and the neighboring parcel at 182 N. Kanan Dume Road, due in part to loss of foliage destroyed by the Woolsey Fire.

Condition No. 54, as approved by the Regional Planning Commission, reads as follows:

"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."

IT IS RECOMMENDED THAT THE BOARD AFTER THE PUBLIC HEARING,

1. Indicate its intent to find that the project is categorically exempt pursuant to state and local California Environmental Quality Act (CEQA) Guidelines.
2. Indicate its intent to deny both the appeals and instruct County Counsel to prepare the necessary findings to affirm the Commission's approval of CUP No. RCUP201500135 and Parking Permit No. RPPL2017009910.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

The subject property is zoned A-1-10 and is designated N10 Mountains Lands (one dwelling unit per ten acres) land use category of the Santa Monica Mountains North Area Plan (SMMNAP). 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 Mountain Lands land use designation is intended for low-density single-family housing, agriculture, equestrian uses, retreats, monasteries and local serving commercial uses. The land use category encourages clustering of development to provide increased open space and protection of resources. The Project would establish a remote tasting room associated with the Cielo Winery and Vineyards, which operate within the property. The existing 950-square-foot barn structure would be modified to create a remote tasting room and gift shop area. The Project would include use of the existing on-site vineyards for educational tours and recreational hikes. The existing grass lawn area, outside the barn building, would be used for outdoor picnicking, lawn games, yoga, or other associated accessory recreational activities. Accessory to the remote tasting room, the Project would include special events, which may include weddings, parties, receptions, fundraisers or other similar events. Use of the site as a remote tasting room and

accessory special events related to Cielo Winery, is consistent with the permitted agricultural and commercial use allowed in the land use category.

Pursuant to Section 22.44.133.E.1, Zone Specific Development Standards, Uses Subject to a Permit requires that a CUP be obtained in A-1 Zones, and consistent with the standards of both the SMMNAP Community Standards District (CSD) and Zone A-1. The Project meets the parking and development standards outlined for "tasting room, remote" and as modified, as addressed in Sections 22.44.1215, 22.52.2470, 22.52.2480, 22.52.2490. Pursuant to Section 22.52.2490.A.2 of the County Code, "tasting rooms, remote" permit requirements, the applicants may request modification to any development standard or operating regulation for the remote tasting room, set forth in Sections 22.52.2470 or 22.52.2480 of County Code, including 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 applicants requested modification to the maximum amount of wine allowed to be served at the remote tasting room, requesting a maximum of four five-ounce glasses or one 750 ml bottle to a guest per day, rather than three ounces. The applicant also requested modification to the operation hours outlined in the County Code from 10:00 a.m. to 7:00 p.m., requesting the project includes the 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 will conclude one-hour prior to close of the event.

Pursuant to County Code 22.56.990, commercial uses may request a Parking Permit to allow tandem parking for nonresidential uses. The Project includes two parking lots; one of which can accommodate the regular operations of the tasting room or special events with an occupancy of no more than 100, and an additional tandem parking lot plan would be used for events with 100 or more guests.

Pursuant to County Codes 22.52.2110 through 22.52.2120, requires planting of trees for "new uncovered surface parking lots with a minimum of 15 parking spaces and/or existing uncovered surface parking lots expanded to have 15 or more parking spaces" shall be required to indicate "a minimum of three trees shall be planted for every 10,000 square feet of developed lot area". The Project includes uncovered surface parking lots measuring a total of 22,100 square feet that would require planting of at least six (6) trees, near the parking lots, which shall be a minimum size of 15 gallons and shall have a trunk diameter of .75 to 1.5 inches as measured six inches above the soil line at the time of planting. The Project includes planting and maintenance of 34 olive trees, located around the upper and lower parking lots. The proposed tree planting, as indicated on the Proposed Parking Site Plan, satisfies the requirements of the County Code, and would

serve to screen and shield neighboring uses from light, noise or other impacts generated by the Project.

Typically, the County's "Alcoholic Beverage Sales" regulations require uses that include the sale of alcoholic beverages to meet specific regulations. The regulations do not apply to tasting rooms and remote tasting rooms, as noted in County Code Section 22.52.3600, "the purpose of this Part 32 is to provide comprehensive regulations for alcoholic beverage sales to protect and promote public health, safety, comfort, convenience, and general welfare. These regulations shall not apply to tasting rooms and remote tasting rooms, which are regulated by Part 23 (Wineries and Tasting Rooms) of this Chapter." The proposed accessory use of the site for special events, where alcohol other than wine is served, has been conditioned to be served by a caterer or bartender licensed with an appropriate ABC license and would not constitute the regular and ongoing sale of beer or spirits.

The Project site is located within an area consisting of a mix of single-family residential uses and commercial uses including vineyards, events facilities, and equestrian uses. The Cielo Winery has been in operation on the site for several years. The facility began as a vineyard and progressed to holding small events related to the site and the vineyards. No complaints have been received by Zoning Enforcement staff regarding the facility and its operation. The applicants have conducted outreach to neighboring uses to address concerns and answer questions.

The Project, which is associated with a vineyard and offsite winery, is an allowed use in the A-1 zone. The Project would provide private wine tasting and private special events with limited access through a gated entrance. The Project's design and considerations of impacts to adjacent neighbors have been addressed through various Project components and by staff in the Conditions of Approval. Staff concludes that the Project is consistent with the purpose of the Agricultural Zone, pursuant to Section 22.24.010 of County Code which "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."

Implementation of Strategic Plan Goals

Approval of the Project supports Goal II "Foster Vibrant and Resilient Communities" of the 2016-2021 County of Los Angeles Strategic Plan. The Project includes an onsite vineyard and associated offsite winery, owned and operated by the on-site resident owners of the site, Richard and Diana Hirsh. The Project would serve to provide economic development to the region and would provide local jobs, which in turn would

expand the local tax base. The Project would also serve the economic demand, and support goals of expanding access to recreational opportunities within the thriving in the scenic and recreational area of the Santa Monica Mountains.

FISCAL IMPACT/FINANCING

The approval of the CUP should not result in any new significant costs to the County.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

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 and nine speakers in opposition of the Project. Generally, the speakers in favor of the Project spoke to how the applicant operates 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 applicant's representative rebutted comments and questions raised during the public comments and included additional responses from the applicant's team, and noise consultant. There being no further testimony, the Hearing Officer closed the public hearing and considered the public testimony. The Hearing Officer identified several topics, for which he requested additional information, response or clarification, 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, the Hearing Officer continued the review of the Project 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 (Department) requested 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 the 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 submitted to the

Department prior to the hearing. The applicant's representative clarified the applicant's request to modify Condition No. 52, which would allow 36 small special events, of less than 99 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 people spoke in opposition and four people spoke 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 which were raised during the public comment period. The applicant's representative reiterated the findings of the earlier traffic study, which showed that events of up to 300 persons would not generate traffic impacts requiring further analysis. She also reiterated that the Project was found in compliance with 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. The applicant's representative indicated that County staff conducted at least 10 site visits which included Departments of Regional Planning and Public Health staff. The representative further presented additional noise information regarding activities occurring in the vicinity 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 homeowner'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, to be reflected on 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, 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 recommended Project changes by staff and agreed to by the applicant, with the above changes made to the Conditions of Approval.

On July 30, 2018, Leslie Gail (appellant), owner of the neighboring parcel, appealed the approval of the Project to the Commission. The appellant identified the following reasons for the appeal in the appeal application. The appellant expressed concerns about the proximity of the Project's location near their private residence. The appellant noted 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. The appellant also expressed concerns about the perceived economic impact of the appellant’s residence, which is used as a vacation rental business. It should be noted that the use of the property for this purpose is currently prohibited by County Code.

The Regional Planning Commission held a duly noticed public hearing on October 31, 2018, 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, the existence of a private agreement between herself and the Project applicants related to the existence of the appellant’s driveway being on the Project parcel, and proximity of the Project Site to her residence as her primary concerns. It should again be noted that the appellant’s residence is being used as a vacation rental, not as 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.

The Commission heard public comments from 13 speakers, of which seven supported and six opposed the Project. Generally, those in opposition of the Project cited concerns related to noise, fairness, privacy and security concerns. Following the public comment period, the Commission requested that the appellant return to respond to questions and present additional recordings. The Commission asked several questions of the appellant regarding her experiences with the Project, the 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, she had refrained from formal complaints to the County of Los Angeles or the local Sheriff’s Department. The 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 in place year-round, and general security concerns. The Commission further clarified that the appellant was less concerned with smaller events, of less than 100 persons, which tended to be quieter. The 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 Commission that the wall could remain up year-round rather than as previously

conditioned to be up only seasonally. The applicant 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 Commission requested clarification from the Department's 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 Commission identified several areas of concern which they wanted addressed. Regarding special events, the 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 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 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 site's location with the Very High Fire Hazard Severity Zone in the Santa Monica Mountains, the Commission suggested that the site not allow smoking. The 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 Commission required that the Project include security at all events. Lastly, the 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 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 CUP 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 Commission and the approval of CUP No. RCUP-201500135 and Parking Permit No. RPPL2017009910.

ENVIRONMENTAL DOCUMENTATION

Los Angeles County (County) Staff recommends that this project qualify for two Categorical Exemptions (Class 1 - Existing Facilities) and (Class 3 - New Construction or Conversion of Small Structures) under the CEQA and the County environmental guidelines. The Project includes authorization of the continued use of the property including the barn, area surrounding the barn and graded pads for the remote wine tasting facility with associated special events and construction of a 441-square-foot restroom

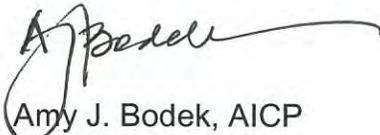
building. The requested entitlements would accommodate an intensity similar to that which is currently occurring on the site. Further, traffic, noise and lighting were considered, with consultation with the Department of Public Work and the Department of Public Health and no new significant or cumulative impacts were identified for the Project.

IMPACT ON CURRENT SERVICES

The approval of the CUP is not expected to have significant effects on County services or the Project site.

For further information, please contact Shanna Farley-Judkins at (213) 974-1516 or Sfarley-judkins@planning.lacounty.gov.

Respectfully submitted,



Amy J. Bodek, AICP
Director

AJB:MG:SFJ:lm

Attachments: Findings and Conditions
Commission Staff Reports and Correspondence

c: Executive Office, Board of Supervisors
Assessor
Chief Executive Office
County Counsel
Public Works

Exhibit 1

Appeal by Richard Hirsh

APPLICANT

Date 11-1-2018

Zoning Section
Los Angeles County Board of Supervisors
Room 383, Kenneth Hahn
Hall of Administration
500 West Temple Street
Los Angeles, California 90012

PROJECT NO./CUP NO.: PROJECT NO.: R2015-03796
CUP NO.: RCUP-201500135

APPLICANT: RICHARD AND DIANA HIRSH

LOCATION: 31424 MULHOLLAND HWY
MALIBU, CA 90265

Zoned District:

Related zoning matters:

CUP(s) or VARIANCE No. _____

Change of Zone Case No. _____

Other _____

This is an appeal on the decision of the Regional Planning Commission in the subject case. This form is to be presented in person with a check or money order, made payable to the "Board of Supervisors" (check or money order must be presented with personal identification), during regular business hours of 8:00 a.m. to 5:00 p.m. prior to the appeal deadline at the above address. (Appeal fees subject to change). Contact the Zoning section of the Board of Supervisors for more information: (213) 974-1426.

This is to appeal: (Check one)

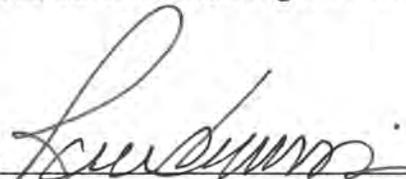
The Denial of this request \$7,844* OR

2 or less conditions of the Project to be listed below: \$915.00*
CONDITION 54

*For Subdivisions \$260.00 of this amount is to cover the cost of the hearing by the Board of Supervisors

Briefly, explain the reason for this appeal (attach additional information if necessary):

This is an appeal of Condition No. 54 which limits the number of events between the sizes of 101-200 to ten events per year. This makes the project infeasible and essentially shuts the project down. The Hearing Officer limited the number of events of this size to 36. In making this decision, the Hearing Officer visited the project three different times during events and noted there was no noise. Additionally, the County Dept. of Public Health visited the project during three different events and noted that there was no noise. Also, professional testing was done which proved the project is in complete compliance with the County's noise ordinance. Finally, there is also a condition to install two permanent noise monitoring systems to ensure continued compliance in the future. County employees were out to the site on six separate occasions and all noted that there was no noise and the project is in full compliance with the County's Noise Ordinance. In contrast, no Planning Commissioner visited the project during an event of this size before rendering their decision.

x 
(Signed) Appellant

RICHARD HIRSH
Print Name

31424 MULHOLLAND HWY
Street Address

MALIBU, CA 90265
City/Zip

(818) 294-5715
Day Time Telephone Number

RHIRSH@CIELOFARMS.COM
E-mail Address

Exhibit 2

Appeal by Leslie Gail

NON-APPLICANT

Date 11/14/2018

Zoning Section
Los Angeles County Board of Supervisors
Room 383, Kenneth Hahn
Hall of Administration
500 West Temple Street
Los Angeles, California 90012

PROJECT NO./CUP NO.: R2015-03796-(3)

APPLICANT: ~~LESLIE GAIL~~ Leslie Gail

LOCATION: 31424 Mulholland Highway
Malibu, CA 90265

Malibu Zoned District:

Related zoning matters:

CUP(s) or VARIANCE No. R2015-03796-3

Change of Zone Case No.

Other

This is an appeal on the decision of the Regional Planning Commission in the subject case. This form is to be presented in person with a check or money order, made payable to the "Board of Supervisors" (check or money order must be presented with personal identification), during regular business hours of 8:00 a.m. to 5:00 p.m. prior to the appeal deadline at the above address. (Appeal fees subject to change). Contact the Zoning Section of the Board of Supervisors for information: (213) 974-1426.

This is to appeal: (Check one)

The cost of Denial of this request: \$915.00*

The cost of Approval of this request: \$915.00*

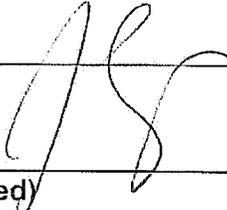
*Except for Subdivision appeals: \$130.00 of this appeal amount is allocated to the Board of Supervisors' Hearing

Briefly, explain the reason for the appeal (attach additional information if necessary):

I'm appealing this because there is no permanent barrier in place between property located at 31424 Mulholland Hwy and ~~the~~ property at 182 N. KAWAN DUNE RD. The foliage which acted as a temporary barrier between the properties has been destroyed in the recent fires.

x

(Signed)



Appellant

JONATHAN Eisenberg

Print Name

182 N. KAWAN DUNE RD.

~~MULHOLLAND HWY~~

Street Address

MALIBU, CALIFORNIA 90265

City/Zip

1310 435-1100

Day Time Telephone Number

leslie.gail@mc.com

E-mail Address

Exhibit 3

Regional Planning Commission

Approval Packet

Findings and Conditions



Los Angeles County Department of Regional Planning

Planning for the Challenges Ahead



Amy J. Bodek, AICP
Director

Dennis Slavin
Chief Deputy Director

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).

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.**

Appeals:

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

320 West Temple Street • Los Angeles, CA 90012 • 213-974-6411 • TDD: 213-617-2292

   @LACDRP | planning.lacounty.gov

Mrs. and Mr. Hirsh regarding Project No. R2015-03796-(3)
October 31, 2018
Page 2

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 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 its 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 On-site 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 the 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 noise 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 permittees 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

**PROJECT NO. R2015-03796-(3)
CONDITIONAL USE PERMIT NO. RCUP 201500135
PARKING PERMIT NO. RPPL2017009910**

**FINDINGS
PAGE 13 OF 13**

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, or if the County fails to cooperate reasonably 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 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
RPPL2017009910

PLANNER: Shanna Farley-Judkins

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



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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.



MARK PESTRELLA, Director

COUNTY OF LOS ANGELES

DEPARTMENT OF PUBLIC WORKS

"To Enrich Lives Through Effective and Caring Service"

900 SOUTH FREMONT AVENUE
ALHAMBRA, CALIFORNIA 91803-1331
Telephone: (626) 458-5100
<http://dpw.lacounty.gov>

ADDRESS ALL CORRESPONDENCE TO:
P.O. BOX 1460
ALHAMBRA, CALIFORNIA 91802-1460

IN REPLY PLEASE

REFER TO FILE: T-4

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.

Mr. Scott A. Schell
March 7, 2018
Page 2

2. The project applicant shall ensure the arrival of attendees does not result in vehicle queuing that extends into the adjacent intersection of Mulholland Highway at Kanan Dume Road. If residents express concerns that vehicle queuing is extended into the adjacent intersection of Mulholland Highway at Kanan Dume Road, the project applicant will be required to submit a Queuing Analysis Study to Public Works for review and approval. The Queuing Analysis Study shall address the report of vehicle queuing into the adjacent intersection of Mulholland Highway at Kanan Dume Road and provide a traffic management plan to address vehicle queuing 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 queuing 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
P:\TLPUB\STUDIES\IE-STORAGE\CIELO FARMS\IREVIEW LTR-2.DOCX

bc: Land Development (Duong)



MARK PESTRELLA, Director

COUNTY OF LOS ANGELES

DEPARTMENT OF PUBLIC WORKS

"To Enrich Lives Through Effective and Caring Service"

900 SOUTH FREMONT AVENUE
ALHAMBRA, CALIFORNIA 91803-1331
Telephone: (626) 458-5100
<http://dpw.lacounty.gov>

ADDRESS ALL CORRESPONDENCE TO:
P.O. BOX 1460
ALHAMBRA, CALIFORNIA 91802-1460

IN REPLY PLEASE
REFER TO FILE:

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. RCUP-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 Cielo 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/idd/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.

Rob Glaser
March 27, 2018
Page 3

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.

JLSAM:

\\Pw01\pwpublic\ldpub\SUBPCHECK\Plan Checking Files\CUP\CUP 201500135 - 31424 MULHOLLAND\2018-03-15 RCUP-201500135
SUBMITTAL\DPW_Cleared_RCUP-201500135_2018-03-27.docx



BARBARA FERRER, Ph.D., M.P.H., M.Ed.
Director

JEFFREY D. GUNZENHAUSER, M.D., M.P.H.
Interim Health Officer

CYNTHIA A. HARDING, M.P.H.
Chief Deputy Director

ANGELO J. BELLOMO, REHS, QEP
Deputy Director for Health Protection

TERRI S. WILLIAMS, REHS
Director of Environmental Health

BRENDA J. LOPEZ, REHS
Assistant Director of Environmental Health

5050 Commerce Drive
Baldwin Park, California 91706
TEL (626) 430-5374 • FAX (626) 813-3000

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Fourth District

Kathryn Barger
Fifth District

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

VG



BARBARA FERRER, Ph.D., M.P.H., M.Ed.
Director

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Interim Health Officer

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Assistant Director of Environmental Health

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Fourth District

Kathryn Barger
Fifth District

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. ¹In 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.

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 Ceilo 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 Ceilo 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

Date 2018	Time (~1hr interval)	stnd Lmax	Meas Lmax	Stnd L1.7	Mea L1.7	Stnd L8.3	Mea L8.3	Stnd L25	Mea L25	Stnd L50	Meas L50	L50 diff
6/29	4:00pm	70	72.6	65	55.6	60	48.1	55	46.4	50	45.7	
6/30	4:35pm	70	65.1	65	58.3	60	49.6	55	46.6	50	45.5	-.2
6/29	5:00pm	70	65.3	65	55.2	60	48.8	55	46.1	50	44.6	
6/30	5:00pm	70	74.6	65	56.9	60	50.1	55	47.8	50	46.0	+2.6
6/29	6:00pm	70	60.2	65	55.2	60	52.8	55	49.9	50	46.2	
6/30	6:00pm	70	64.7	65	57.3	60	52.8	55	50.5	50	48.9	+2.7
6/29	7:00 pm	70	61.4	65	53.7	60	51.8	55	50.2	50	48.4	
6/30	7:18pm	70	58.7	65	54.2	60	50.5	55	48.9	50	47.2	-1.2
6/29	8:00 pm	70	61	65	53	60	51	55	48.7	50	46.8	
6/30	8:00 pm	70	66.7	65	57.0	60	51.1	55	48.4	50	47.1	+1.7
6/29	9:00 pm	70	67	65	55.1	60	51.4	55	48.7	50	46.5	
6/30	9:00pm	70	75.8	65	56.8	60	52.4	55	50.3	50	49.0	+3.5
6/29	10:00pm	65	62.3	60	52.9	55	48.5	50	46.0	45	44.1	
6/30	*10:0pm	65	67.2	60	55.5	55	51.4	50	49.9	45	** 48.4	+4.3

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

Map 1





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.



Please complete and return to:
Department of Regional Planning
320 West Temple Street, 13th Floor
Los Angeles, California 90012

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.

Signatures must be acknowledged by a Notary Public. Affix seal or appropriate acknowledgements.

Applicant's Name: _____

Address: _____

City, State, Zip: _____

Signature: _____

Owner's Name: _____

Address: _____

City, State, Zip: _____

Signature: _____

Exhibit 4

Regional Planning Commission

Speaker Cards



REQUEST TO ADDRESS
 THE REGIONAL PLANNING COMMISSION
 OF LOS ANGELES COUNTY
 Solicitar de dirección
 La Comisión de Planificación Regional
 del Condado de Los Angeles

DATE 10/31/18
 Fecha

AGENDA ITEM No. 9

Appellant

FAVOR
 A favor

OPPOSE/CONCERN
 Oponerse a/ Preocupación

APPLICANT
 Solicitante

PUBLIC COMMENT
 Comentarios del público

OTHER
 Otro

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 Necesito Servicio De Interpretación*

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THE INFORMATION BELOW IS REQUIRED. ALL FUTURE CORRESPONDENCE WILL BE SENT USING THE INFORMATION YOU PROVIDE HERE.

La información abajo es necesaria. Toda la correspondencia futura se enviará con la información que proporcione aquí.

---PLEASE PRINT CLEARLY Por favor imprima claramente---

Gailh
 LAST NAME Apellido

SPEAKER CARDS

LESLIE
 FIRST NAME Nombre de pila

Cielo
 ORGANIZATION (IF APPLICABLE) Organización (si es aplicable)

182 N KANAN DUME RD
 STREET ADDRESS Dirección de la calle

HAIRB CA 90265
 CITY Ciudad ZIP CODE Zona postal

lesliegail@me.com
 EMAIL ADDRESS Correo electrónico

310-435-1100
 TELEPHONE NUMBER Número de teléfono

***Descargo de Responsabilidad.** Los servicios de interpretación/traducción proporcionados por el personal del Departamento de Planificación Regional se ofrecen para su conveniencia. Es un esfuerzo de nuestra parte para brindar un servicio gratuito de alta calidad hacia el público. Este servicio no pretende reemplazar los servicios profesionales de traducción. No se asume ninguna responsabilidad por errores u omisiones.

Summary of your position on this matter (optional)	Resumen de su posición sobre este asunto (opcional)

Check here if you would like to receive notification of future actions on this item.
 Marque aquí si desea recibir una notificación de acciones futuras sobre este tema. "✓"

Check here if you DO NOT intend to testify today, but would like to receive notice of future actions on this item.
 Marque aquí si NO tiene intención a testificar hoy, pero le gustaría recibir aviso de las acciones futuras en este tema. "✓"



REQUEST TO ADDRESS
THE REGIONAL PLANNING COMMISSION
OF LOS ANGELES COUNTY

Solicitud para dirigirse a
La Comisión de Planificación Regional
del Condado de Los Angeles

DATE 10/31/18
Fecha

AGENDA ITEM No. 7
Número de artículo

IN FAVOR
A favor

OPPOSE/CONCERN
Opuesto a/ Preocupación

APPLICANT AGENT
Solicitante

PUBLIC COMMENT
Comentario público

OTHER
Otro

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---PLEASE PRINT CLEARLY Por favor escriba legiblemente---

PALMER

LAST NAME

Apellido

SPEAKER CARDS

BETH

FIRST NAME

Nombre

CIELO FARMS

ORGANIZATION (IF APPLICABLE)

Organización (si es aplicable)

31424 MULHOLLAND HWY

STREET ADDRESS

Dirección

MALIBU

CITY

Ciudad

90265

ZIP CODE

Código postal

BETH@MALIBUVALLEY.COM

EMAIL ADDRESS

Correo electrónico

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818-880-5139

TELEPHONE NUMBER

Número de teléfono

Summary of your position on this matter (optional)

Resumen de su posición sobre este asunto (opcional)

Check here if you would like to receive notification of future actions on this item.

Marque aquí si desea recibir notificación de acciones futuras sobre este artículo. "✓"

Check here if you DO NOT intend to testify today, but would like to receive notice of future actions on this item.

Marque aquí si NO tiene intención de testificar hoy, pero le gustaría recibir aviso de acciones futuras sobre este artículo. "✓"



REQUEST TO ADDRESS
THE REGIONAL PLANNING COMMISSION
OF LOS ANGELES COUNTY

Solicitud para dirigirse a
La Comisión de Planificación Regional
del Condado de Los Angeles

DATE 10 / 31 / 2018
Fecha

AGENDA ITEM No. 7
Número de artículo

IN FAVOR
A favor

OPPOSE/CONCERN
Opuesto a/ Preocupación

APPLICANT
Solicitante

PUBLIC COMMENT
Comentario público

OTHER
Otro

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Necesito servicio de interpretación*

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---PLEASE PRINT CLEARLY Por favor escriba legiblemente---

SPEAKER CARDS

HIRSH
LAST NAME Apellido

RICHARD
FIRST NAME Nombre

ORGANIZATION (IF APPLICABLE) Organización (si es aplicable)

31424 MULHOLLAND HWY
STREET ADDRESS Dirección

MALIBU CALIF 90265
CITY Ciudad ZIP CODE Código postal

RHIRSH@CUELOFARMS.COM
EMAIL ADDRESS Correo electrónico

818-294-5715
TELEPHONE NUMBER Número de teléfono

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Summary of your position on this matter (optional) Resumen de su posición sobre este asunto (opcional)

Check here if you would like to receive notification of future actions on this item.
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REQUEST TO ADDRESS
 THE REGIONAL PLANNING COMMISSION
 OF LOS ANGELES COUNTY
 Solicitar de dirección
 La Comisión de Planificación Regional
 del Condado de Los Ángeles

DATE 10/31/18
 Fecha

AGENDA ITEM No. 9

FAVOR
 A favor

OPPOSE/CONCERN
 Oponerse a/ Preocupación

APPLICANT
 Solicitante

PUBLIC COMMENT
 Comentarios del público

OTHER
 Otro

NEED TRANSLATION SERVICE
 Necesito Servicio De Interpretación*

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---PLEASE PRINT CLEARLY Por favor imprima claramente---

HIRSH

LAST NAME

Apellido

SPEAKER CARDS

ROBERT

FIRST NAME

Nombre de pila

ORGANIZATION (IF APPLICABLE)

Organización (si es aplicable)

2110 WATERBY ST.

STREET ADDRESS

Dirección de la calle

WEST LAKE

CITY

Ciudad

CA

91361

ZIP CODE

Zona postal

ROBHIRSH@WOODSTOCKMALIBU.COM

EMAIL ADDRESS

Correo electrónico

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818-681-4077

TELEPHONE NUMBER

Número de teléfono

Summary of your position on this matter (optional)

Resumen de su posición sobre este asunto (opcional)

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REQUEST TO ADDRESS
THE REGIONAL PLANNING COMMISSION
 OF LOS ANGELES COUNTY

Solicitud para dirigirse a
 La Comisión de Planificación Regional
 del Condado de Los Angeles

DATE 10/13/18
 Fecha

AGENDA ITEM No. 9
 Número de artículo

IN FAVOR
 A favor

OPPOSE/CONCERN
 Opuesto a/ Preocupación

APPLICANT
 Solicitante

PUBLIC COMMENT
 Comentario público

OTHER
 Otro

NEED TRANSLATION SERVICE
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SULLIVAN
 LAST NAME Apellido

SPEAKER CARDS

Tim
 FIRST NAME Nombre

ORGANIZATION (IF APPLICABLE) Organización (si es aplicable)

32985 Mulholland Hwy
 STREET ADDRESS Dirección

Malibu 90265
 CITY Ciudad ZIP CODE Código postal

TSullivan06@aol.com
 EMAIL ADDRESS Correo electrónico

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818 - 804 - 1751
 TELEPHONE NUMBER Número de teléfono

Summary of your position on this matter (optional)

Resumen de su posición sobre este asunto (opcional)

Neighbor in favor of project

Check here if you would like to receive notification of future actions on this item.
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REQUEST TO ADDRESS
THE REGIONAL PLANNING COMMISSION
OF LOS ANGELES COUNTY

Solicitud para dirigirse a
La Comisión de Planificación Regional
del Condado de Los Ángeles

DATE 10/31/18
Fecha

AGENDA ITEM No. 7
Número de artículo

IN FAVOR
A favor

OPPOSE/CONCERN
Opuesto a/ Preocupación

APPLICANT
Solicitante

PUBLIC COMMENT
Comentario público

OTHER
Otro

NEED TRANSLATION SERVICE
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SPEAKER CARDS

WIRT

LAST NAME Apellido

BARRY

FIRST NAME Nombre

ORGANIZATION (IF APPLICABLE) Organización (si es aplicable)

7351 BIRDVIEW AVE

STREET ADDRESS Dirección

MALIBU

CITY Ciudad

90265

ZIP CODE Código postal

barry.wirt@gmail.com

EMAIL ADDRESS Correo electrónico

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310-993-8820

TELEPHONE NUMBER Número de teléfono

Summary of your position on this matter (optional) Resumen de su posición sobre este asunto (opcional)

Check here if you would like to receive notification of future actions on this item.
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REQUEST TO ADDRESS
 THE REGIONAL PLANNING COMMISSION
 OF LOS ANGELES COUNTY
*Solicitar de dirección
 La Comisión de Planificación Regional
 del Condado de Los Angeles*

DATE 10/31/18
Fecha

AGENDA ITEM No. 9

FAVOR
A favor

OPPOSE/CONCERN
Oponerse a/ Preocupación

APPLICANT
Solicitante

PUBLIC COMMENT
Comentarios del público

OTHER
Otro

NEED TRANSLATION SERVICE
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PLEASE PRINT CLEARLY *Por favor imprima claramente*

TOBIAS

LAST NAME

Apellido

SPEAKER CARDS

Bob

FIRST NAME

Nombre de pila

ORGANIZATION (IF APPLICABLE)

Organización (si es aplicable)

1494 BUENA VISTA ST

STREET ADDRESS

Dirección de la calle

VENTURA

CITY

Ciudad

93001

ZIP CODE

Zona postal

bobtobias@sbcglobal.net

EMAIL ADDRESS

Correo electrónico

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TELEPHONE NUMBER

Número de teléfono

Summary of your position on this matter (optional)

Resumen de su posición sobre este asunto (opcional)

Vineyard consultant to comment on vineyard operation

Check here if you would like to receive notification of future actions on this item.

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REQUEST TO ADDRESS
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 Solicitar de dirección
 La Comisión de Planificación Regional
 del Condado de Los Angeles

DATE ___/___/___
 Fecha

AGENDA ITEM No. 9

FAVOR
 A favor

OPPOSE/CONCERN
 Oponerse a/ Preocupación

APPLICANT
 Solicitante

PUBLIC COMMENT
 Comentarios del público

OTHER
 Otro

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SPEAKER CARDS

WALKER

LAST NAME

Apellido

JOHN

FIRST NAME

Nombre de pila

ORGANIZATION (IF APPLICABLE)

Organización (si es aplicable)

5850 CANOGA AVE

STREET ADDRESS

Dirección de la calle

Woodland Hills

CITY

Ciudad

91367

ZIP CODE

Zona postal

johnmwalker@earthlink.net

EMAIL ADDRESS

Correo electrónico

818-719-9181

TELEPHONE NUMBER

Número de teléfono

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Summary of your position on this matter (optional)

Resumen de su posición sobre este asunto (opcional)

Support the CUP Conditions

Check here if you would like to receive notification of future actions on this item.

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REQUEST TO ADDRESS
THE REGIONAL PLANNING COMMISSION
OF LOS ANGELES COUNTY
Solicitar de dirección
La Comisión de Planificación Regional
del Condado de Los Angeles

DATE 10 / 31 / 13
Fecha

AGENDA ITEM No. 9

FAVOR
A favor

OPPOSE/CONCERN
Oponerse a/ Preocupación

APPLICANT
Solicitante

PUBLIC COMMENT
Comentarios del público

OTHER
Otro

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SPEAKER CARDS

M C D E M A S

LAST NAME

Apellido

ANTHONY

FIRST NAME

Nombre de pila

Malibu Santa Monica Mountains Recreation and Visitor Alliance

ORGANIZATION (IF APPLICABLE)

Organización (si es aplicable)

STREET ADDRESS

Dirección de la calle

CITY

Ciudad

ZIP CODE

Zona postal

MalibuMaps@gmail.com

EMAIL ADDRESS

Correo electrónico

805-603-6267

TELEPHONE NUMBER

Número de teléfono

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Summary of your position on this matter (optional)

Resumen de su posición sobre este asunto (opcional)

We support recreation and visitor serving businesses and organizations

Check here if you would like to receive notification of future actions on this item.
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REQUEST TO ADDRESS
THE REGIONAL PLANNING COMMISSION
 OF LOS ANGELES COUNTY

Solicitud para dirigirse a
 La Comisión de Planificación Regional
 del Condado de Los Ángeles

DATE 10/31/18
 Fecha

AGENDA ITEM No. 4
 Número de artículo

IN FAVOR
 A favor

OPPOSE/CONCERN
 Opuesto a/ Preocupación

APPLICANT
 Solicitante

PUBLIC COMMENT
 Comentario público

OTHER
 Otro

NEED TRANSLATION SERVICE
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---PLEASE PRINT CLEARLY Por favor escriba legiblemente---

SPEAKER CARDS

Ge/uso

LAST NAME Apellido

VINCE

FIRST NAME Nombre

ORGANIZATION (IF APPLICABLE) Organización (si es aplicable)

31360 Mulholland Hwy

STREET ADDRESS Dirección

Malibu

CITY Ciudad

90265

ZIP CODE Código postal

vincentvirgil@gmail.com

EMAIL ADDRESS Correo electrónico

310-795-1310

TELEPHONE NUMBER Número de teléfono

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Summary of your position on this matter (optional)

Resumen de su posición sobre este asunto (opcional)

I would like to support the cup application, I am a neighbor and share a property line, and in general over the past 9 years since we moved in all developments have been positive and in specific we experience no traffic or noise problem

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REQUEST TO ADDRESS
THE REGIONAL PLANNING COMMISSION
 OF LOS ANGELES COUNTY
Solicitar de dirección
La Comisión de Planificación Regional
del Condado de Los Angeles

DATE 10/31/2019
Fecha

AGENDA ITEM No. 9

FAVOR
A favor

OPPOSE/CONCERN
Oponerse a/ Preocupación

APPLICANT
Solicitante

PUBLIC COMMENT
Comentarios del público

OTHER
Otro

NEED TRANSLATION SERVICE
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SPEAKER CARDS

W O O M E R

LAST NAME

Apellido

D U S T I N

FIRST NAME

Nombre de pila

D I A M O N D W E S T

ORGANIZATION (IF APPLICABLE)

Organización (si es aplicable)

2 4 0 0 5 V E N T U R A B L V D

STREET ADDRESS

Dirección de la calle

C A L A B A S A S

CITY

Ciudad

9 1 3 0 2

ZIP CODE

Zona postal

D U S T I N @ D I A M O N D W E S T . N E T

EMAIL ADDRESS

Correo electrónico

8 1 8 - 4 4 4 - 1 8 0 0

TELEPHONE NUMBER

Número de teléfono

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Summary of your position on this matter (optional)

Resumen de su posición sobre este asunto (opcional)

APPLICANT PLANNER/ENGINEER -
 AVAILABLE FOR QUESTIONS



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REQUEST TO ADDRESS
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 OF LOS ANGELES COUNTY
Solicitar de dirección
La Comisión de Planificación Regional
del Condado de Los Ángeles

DATE 10/31/18
Fecha

AGENDA ITEM No. 9

FAVOR
A favor

OPPOSE/CONCERN
Oponerse a/ Preocupación

APPLICANT
Solicitante

PUBLIC COMMENT
Comentarios del público

OTHER
Otro

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—PLEASE PRINT CLEARLY Por favor imprima claramente—

Jusino

LAST NAME

Apellido

SPEAKER CARDS

Rebecca

FIRST NAME

Nombre de pila

Reactor

ORGANIZATION (IF APPLICABLE)

Organización (si es aplicable)

30700 Russell Ranch Rd.

STREET ADDRESS

Dirección de la calle

Westlake Village

CITY

Ciudad

91362

ZIP CODE

Zona postal

Rebecca.poda@gmail.com

EMAIL ADDRESS

Correo electrónico

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805 415

TELEPHONE NUMBER

6260

Número de teléfono

Summary of your position on this matter (optional)

Resumen de su posición sobre este asunto (opcional)

Location Scout and Reactor working with Leslie on events and with guests on her property

Check here if you would like to receive notification of future actions on this item.

Marque aquí si desea recibir una notificación de acciones futuras sobre este tema. "✓"

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REQUEST TO ADDRESS
 THE REGIONAL PLANNING COMMISSION
 OF LOS ANGELES COUNTY

Solicitud para dirigirse a
 La Comisión de Planificación Regional
 del Condado de Los Ángeles

DATE 10/31/18
 Fecha

AGENDA ITEM No. 7
 Número de artículo

IN FAVOR
 A favor

OPPOSE/CONCERN
 Opuesto a/ Preocupación

APPLICANT
 Solicitante

PUBLIC COMMENT
 Comentario público

OTHER
 Otro

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HENDERSON
 LAST NAME Apellido

Camille
 FIRST NAME Nombre

CIELO
 ORGANIZATION (IF APPLICABLE) Organización (si es aplicable)

4460 MOORPARK WAY
 STREET ADDRESS Dirección

TOLUCA LAKE CA 91602
 CITY Ciudad ZIP CODE Código postal

camilletimelssbeauty@yahoo.ca
 EMAIL ADDRESS Correo electrónico

818-903-5512
 TELEPHONE NUMBER Número de teléfono

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Summary of your position on this matter (optional)

Resumen de su posición sobre este asunto (opcional)

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REQUEST TO ADDRESS
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 OF LOS ANGELES COUNTY
 Solicitar de dirección
 La Comisión de Planificación Regional
 del Condado de Los Angeles

DATE 10/31/2018 AGENDA ITEM No. 9
 Fecha

FAVOR
 A favor

OPPOSE/CONCERN
 Oponerse a/ Preocupación

APPLICANT
 Solicitante

PUBLIC COMMENT
 Comentarios del público

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—PLEASE PRINT CLEARLY Por favor imprima claramente—

ROMANOV

LAST NAME

Apellido

SPEAKER CARDS

LUBEN

FIRST NAME

Nombre de pila

ORGANIZATION (IF APPLICABLE)

Organización (si es aplicable)

5916 LAS VIRGINES

STREET ADDRESS

Dirección de la calle

CALABASAS

CITY

Ciudad

91302

ZIP CODE

Zona postal

LUBEN@ROMANOVMARKETING.COM

EMAIL ADDRESS

Correo electrónico

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TELEPHONE NUMBER

Número de teléfono

Summary of your position on this matter (optional)

Resumen de su posición sobre este asunto (opcional)

FRIEND OF LRSCLR GAIL. WITNESSED EXIRMA NOISE COMING FROM HER NEIGHBOUR WHICH HAS CAUSED A DISTRESS ON LRSCLR.

Check here if you would like to receive notification of future actions on this item.

Marque aquí si desea recibir una notificación de acciones futuras sobre este tema. "✓"

Check here if you DO NOT intend to testify today, but would like to receive notice of future actions on this item.

Marque aquí si NO tiene intención a testificar hoy, pero le gustaría recibir aviso de las acciones futuras en este tema. "✓"



REQUEST TO ADDRESS
THE REGIONAL PLANNING COMMISSION
OF LOS ANGELES COUNTY

Solicitud para dirigirse a
La Comisión de Planificación Regional
del Condado de Los Ángeles

DATE 10 / 31 / 2013
Fecha

AGENDA ITEM No. 4
Número de artículo

IN FAVOR
A favor

OPPOSE/CONCERN
Opuesto a/ Preocupación

APPLICANT
Solicitante

PUBLIC COMMENT
Comentario público

OTHER
Otro

NEED TRANSLATION SERVICE
Necesito servicio de interpretación*

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THE INFORMATION BELOW IS REQUIRED. ALL FUTURE CORRESPONDENCE WILL BE SENT USING THE INFORMATION YOU PROVIDE HERE.

La siguiente información es requerida. Toda correspondencia será enviada utilizando la información proporcionada aquí.

---PLEASE PRINT CLEARLY Por favor escriba legiblemente---

SHOCHAT

LAST NAME

Apellido

SPEAKER CARDS

LILACH

FIRST NAME

Nombre

ORGANIZATION (IF APPLICABLE)

Organización (si es aplicable)

6003 TOPELA DR

STREET ADDRESS

Dirección

TARRANA

CITY

Ciudad

91356

ZIP CODE

Código postal

lilachshochat18@gmail.com

EMAIL ADDRESS

Correo electrónico

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818-461-2286

TELEPHONE NUMBER

Número de teléfono

Summary of your position on this matter (optional)

Resumen de su posición sobre este asunto (opcional)

opposed to creating receiving cup

Check here if you would like to receive notification of future actions on this item.

Marque aquí si desea recibir notificación de acciones futuras sobre este artículo. "✓"

Check here if you DO NOT intend to testify today, but would like to receive notice of future actions on this item.

Marque aquí si NO tiene intención de testificar hoy, pero le gustaría recibir aviso de acciones futuras sobre este artículo. "✓"



REQUEST TO ADDRESS
THE REGIONAL PLANNING COMMISSION
OF LOS ANGELES COUNTY

Solicitud para dirigirse a
La Comisión de Planificación Regional
del Condado de Los Ángeles

DATE 10/31/18
Fecha

AGENDA ITEM No. 1
Número de artículo

IN FAVOR
A favor

OPPOSE/CONCERN
Opuesto a/ Preocupación

APPLICANT
Solicitante

PUBLIC COMMENT
Comentario público

OTHER
Otro

NEED TRANSLATION SERVICE
Necesito servicio de interpretación*

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---PLEASE PRINT CLEARLY Por favor escriba legiblemente---

Robinson
LAST NAME Apellido

SPEAKER CARDS

Debra
FIRST NAME Nombre

ORGANIZATION (IF APPLICABLE) Organización (si es aplicable)

1469 Hendrix Ave
STREET ADDRESS Dirección

Thousand Oaks 91360
CITY Ciudad ZIP CODE Código postal

debr84@gmail.com
EMAIL ADDRESS Correo electrónico

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805-907-3737
TELEPHONE NUMBER Número de teléfono

Summary of your position on this matter (optional)

Resumen de su posición sobre este asunto (opcional)

opposed to Cielo wines receiving CUP

Check here if you would like to receive notification of future actions on this item.
Marque aquí si desea recibir notificación de acciones futuras sobre este artículo. "✓"

Check here if you DO NOT intend to testify today, but would like to receive notice of future actions on this item.
Marque aquí si NO tiene intención de testificar hoy, pero le gustaría recibir aviso de acciones futuras sobre este artículo. "✓"



REQUEST TO ADDRESS
THE REGIONAL PLANNING COMMISSION
 OF LOS ANGELES COUNTY

DATE 10/31/18
 Fecha

AGENDA ITEM No. 9
 Número de artículo

Solicitud para dirigirse a
 La Comisión de Planificación Regional
 del Condado de Los Ángeles

IN FAVOR
 A favor

OPPOSE/CONCERN
 Opuesto a/ Preocupación

APPLICANT
 Solicitante

PUBLIC COMMENT
 Comentario público

OTHER
 Otro

NEED TRANSLATION SERVICE
 Necesito servicio de interpretación*

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La siguiente información es requerida. Toda correspondencia será enviada utilizando la información proporcionada aquí.

---PLEASE PRINT CLEARLY Por favor escriba legiblemente---

Felipe

LAST NAME

Apellido

SPEAKER CARDS

Shayy

FIRST NAME

Nombre

ORGANIZATION (IF APPLICABLE)

Organización (si es aplicable)

290 E Verdugo Ave

STREET ADDRESS

Dirección

Burbank

CITY

Ciudad

91502

ZIP CODE

Código postal

valieant86@gmail.com

EMAIL ADDRESS

Correo electrónico

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818-207-3994

TELEPHONE NUMBER

Número de teléfono

Summary of your position on this matter (optional)

Resumen de su posición sobre este asunto (opcional)

I was at Leslie Gail's Guesthouse on the last weekend of Oct. From the 28th - 29th, I normally retire for the day approx. 10p.m. Unfortunately I was unable to fall asleep until approx. 12:30 - 1:00 a.m. on Saturday Oct. 27th due to excessive noise coming from an event held by Cielo Farms.

Check here if you would like to receive notification of future actions on this item.

Marque aquí si desea recibir notificación de acciones futuras sobre este artículo. "✓"

Check here if you DO NOT intend to testify today, but would like to receive notice of future actions on this item.

Marque aquí si NO tiene intención de testificar hoy, pero le gustaría recibir aviso de acciones futuras sobre este artículo. "✓"

Exhibit 5

Additional Correspondence

Dated November 8, 2018



Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead



Amy J. Bodek, AICP
Director

November 8, 2018

TO: File

FROM: Shanna Farley-Judkins *SFJ*
Coastal Permit Section

Project No. R2015-03796-(3)
Conditional Use Permit No. RCUP-201500135
Parking Permit No. RPPL2017009910
RPC Meeting: October 31, 2018 – Agenda Item: 9

The Project is a request for a Conditional Use Permit and Parking Permit for a remote tasting room associated with Cielo Winery and valet managed tandem parking and accessory special events.

Please find the five enclosed emailed letters regarding the above project that were received subsequent to the last transmittal to the Regional Planning Commission. The documents were not provided to the Regional Planning Commission prior to the hearing on October 31, 2018.

If you need further information, please contact Shanna Farley-Judkins at (213) 974-1516 or sfarley-judkins@planning.lacounty.gov.

RG:KF:SFJ

Enclosure:

Comment Email from Philip and Leslie Paton dated October 30, 2018
Comment Letter from Desiree Ghazi dated October 30, 2018
Comment Email from Camille Henderson dated October 30, 2018
Comment Email and Letter from Susanne Maxx dated October 30, 2018
Comment Email from Lilach Schochat dated October 30, 2018

Shanna Farley-Judkins

From: Phil Paton <philpaton@mac.com>
Sent: Tuesday, October 30, 2018 7:51 PM
To: Shanna Farley-Judkins
Subject: Cielo permit application violation. (R2015-03796, 31424 Mulholland Highway)

Shanna,

In response to the notice that Mr. Hirsh informed Jim Aldrich, President of the HOA, of the October 27th event ahead of time, please see the exchange between Jim and ourselves confirming that Mr. Aldrich did NOT know of any event.. This exchange happened Saturday early evening.

Had Jim said that he was indeed aware of the event we would not have proceeded with our, still valid, complaint.

Cielo has all of our emails and contacts us regularly. It begs the question why not inform us directly?

Without proper and respectful notification, how are we, the neighbors to know whether this was a paid event or a family event? There are multiple examples where local neighbors have been told time and time again that loud and disruptive parties are “family events”. It is a convenient bypass of regulations, sidesteps the law and makes a mockery of the permitting process. Without proper investigation we will never know whether this was truly a family event or a paid one.

We submit our exchange with the President of the HOA as evidence refuting the claim that the HOA was informed which calls into question the validity of the response regarding the party on October 27th as being anything other than a paid event.

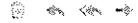
Sincerely,

Philip and Leslie Paton

Leslie Paton

FW: event at Cielo tonight?

To: Phil (Mac/Me) Paton



From: Jim Aldrich <jim@propfunds.com>

Sent: Saturday, October 27, 2018 6:02 PM

To: Leslie Paton <lesliepaton@mac.com>

Cc: Steve Bernal <steve@stevebernal.com>; Bill & Kelli Young <billkellyyoung@gmail.com>; philpaton@mac.com

Subject: Re: event at Cielo tonight?

Leslie, don't believe so but we have plans this evening.

Best,

Jim

See More from Leslie Paton

Leslie Paton

event at Cielo tonight?

To: Steve Bernal, Jim Aldrich, Bill & Kelli Young, Cc: Phil (Mac/Me) Paton

Hi gents, I hope that all is well. Happy Saturday.

Just checking in to see if anybody contacted you about an event at the Cielo house tonight?

Please advise, thanks, ~L

Leslie Paton

615 Thrift Road Malibu, CA 90265

lesliepaton@mac.com

(818) 852-7148

October 30, 2018

Desiree Ghazai
8363 Denise Lane
West Hills, CA 91304

To Whom it may concern.

I have done business with Leslie and have known her for over a year. I can attest to who she is and her character. She is trustworthy and honest and leads her life in integrity. She is a woman of her word as it is a basic value of life and how she conducts business. I've had the pleasure of experiencing her property and it truly is such a tranquil quiet escape from daily life. Unfortunately, while on the property, I experienced loud noise [music and microphone speaking] coming from Cielo Wines. I questioned to self why a property would have such a loud event midweek, and myself being a marketer, concluded it could possibly be a corporate event being held at the property. It is unacceptable to myself, and to all the surrounding neighbors who have to experience the noise level, which I can assure was loud enough for me to hear the music and words spoken. They were congratulating someone [some sort of award possibly]. I am shocked that this is allowed in such a sacred location where many can escape the city dwelling life.

My hopes is that something is done where this is halted so that those being at Leslie's property could actually enjoy their escape from life.
If you have any questions or would like to continue the conversation, please feel free to scontact me directly at (773) 849-7708.

Thank you for your immediate attention.

Sincerely,



Desiree Ghazai

Shanna Farley-Judkins

From: Camille Henderson <camillemtimelessbeauty@yahoo.com>
Sent: Tuesday, October 30, 2018 9:29 PM
To: Shanna Farley-Judkins
Cc: Leslie Gail Gail Yoga
Subject: Concerned friend of Leslie Gail

To whom it may concern

My name is Camille Henderson,
I have been friends with Leslie Gail, for 15 years I can say
I have never met a more conscientious, kind, thoughtful,
righteous, dedicated person this list could go on and on!
What I do know is that Leslie, always does the right thing
and what's happening to her is a "Shame" and the people
causing her all this trouble should be ashamed of
themselves!

I've been at her house numerous times thru out the years
and what once was a peaceful serene place is now a sound
prison!

Leslie, is a single woman and her livelihood is at stake as
well as her peaceful dwelling she has created one of the
most beautiful homes and property I have ever seen she
put her heart and soul in this home!

It seems to me she is being bullied buy her not
so neighborly neighbours

Cielo Wines!

How is this OK? I ask you ?

It's only common since that if a building is built 150 feet away that sound is going to travel!

Please consider this when you make your decision, noise pollution is a real thing!!

Respectfully

Camille Henderson

Sent from my iPhone

Shanna Farley-Judkins

From: World Team <suzanne@worldteamnow.org>
Sent: Tuesday, October 30, 2018 11:42 PM
To: Shanna Farley-Judkins
Cc: gailforceprodctionsinc@gmail.com
Subject: CUP letter re: Leslie Gail 182 S. Kanan
Attachments: Leslie Gail letter.doc

Shana,

Please find attached a copy of this letter.

I am writing on behalf of Leslie Gail who I've known for over two decades and have witnessed her tireless efforts to acquire and transform the property at 182 S. Kanan Road where I've stayed and lived for periods of time.

She has supported our non-profit organization World Team Now, and our local charity community projects. She is a loving mother, and I have witnessed her raise her son who has grown into a fine man. She is a steward of resources, protector of water, nature, children, and animals.

Leslie is dedicated, hardworking, and tenacious. As an actress living alone on the top of a mountain, her security and privacy are paramount. As a woman entrepreneur with a small vacation rental business, she has created an oasis vacation rental property, a quiet tranquil home and guest house surrounded by beauty that is rare and exceptional.

I have witnessed the development of the nearby neighbor's property, the disturbing and disruptive effects on her life and business with consistent loud music from the parties and events at night. It certainly has an effect on the nature of her property and income revenue. Being so close in proximity it begs to question how that permit was allowed without more of a barrier created between the properties.

The most alarming aspect of what I have seen when I returned this past June, is the invasion of privacy with the drones flying overhead, noisily spying down of us when we were sitting in bathing suits by the pool, and following our movement. This eerie and repetitive form of invading the space above her home, pool, and outdoor areas on the property is haunting.

Surely, there is a way to support these neighbors to live harmoniously, with respect for one another's property and most importantly privacy.

Please feel free to reach out to me directly with any further questions.

Sincerely,

Suzanne Maxx

Suzanne Maxx

--

Suzanne Maxx
World Team Now
Founder/President
<http://www.worldteamnow.org>

World Team
Writer/Producer
<http://www.worldteam.tv>
(310) 917-9106

"A small group of thoughtful people can change the world. Indeed it is the only thing that ever has.."

--Margaret Mead

有志者，事竟成。

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10-30-18

To: Shana Farley-Judkins

Coastal Permit Section

Re: Leslie Gail

Shana,

I am writing on behalf of Leslie Gail who I've known for over two decades and have witnessed her tireless efforts to acquire and transform the property at 182 S. Kanan Road where I've stayed and lived for periods of time.

She has supported our non-profit organization World Team Now, and our local charity community projects. She is a loving mother, and I have witnessed her raise her son who has grown into a fine man. She is a steward of resources, protector of water, nature, children and animals.

Leslie is dedicated, hardworking, and tenacious. As an actress living alone on the top of a mountain her security and privacy are paramount. As a woman entrepreneur with a small vacation rental business, she has created an oasis vacation rental property, a quiet tranquil home and guest house surrounded by beauty that is rare and exceptional.

I have witnessed the development of the nearby neighbor's property, the disturbing and disruptive effects on her life and business with consistent loud music from the parties and events at night. It certainly has an effect on the nature of her property, and income revenue. Being so close in proximity it begs to question how that permit was allowed without more of a barrier created between the properties.

The most alarming aspect of what I have seen when I returned this past June, is the invasion of privacy with the drones flying overhead, noisily spying down of us when we were sitting in bathing suits by the pool, and following our movement. This eerie and repetitive form of invading the space above her home, pool, and outdoor areas on the property is haunting.

Surely, there is a way to support these neighbors to live harmoniously, with respect for one another's property and most importantly privacy.

Please feel free to reach out to me directly with any further questions.

Sincerely,

Suzanne Maxx

Suzanne Maxx

Shanna Farley-Judkins

From: Lilach Shochat <lilachshochat18@gmail.com>
Sent: Tuesday, October 30, 2018 9:18 PM
To: Shanna Farley-Judkins
Cc: gailforceproductionsinc@gmail.com
Subject: Re: The noise at Leslie's property

On Tue, Oct 30, 2018, 9:13 PM Lilach Shochat <lilachshochat18@gmail.com> wrote:

Hi,

My name is Lilach,

I am a massage therapist, working with Leslie and her guests for couple of years, at her property.

The last time that I have been ther, I felt fastrated.

A few clients was waiting to get massage, when I get there, I heard loud music from the neighbors property, so loud that I could feel the vibration in my body. I asked Leslie if she can do anything about it, and she couldn't.

It was hard to get my clients relax,

We couldn't ignore the loud music, and whatever happened at the neighbors property, took over my Sessions.

It was really uncomfortable for me to work ,and I never came back since then.

Leslie's guests, at this situation, didn't get a good service ,and not a quality time .

And all of this, not by her false..

I know how hard Leslie working to build her buisness, and I am really sorry for her thet she needs to deal with such a harmful outside distraction.

Lilach shochat.

Exhibit 6

Regional Planning Commission Package

October 31, 2018

Regional Planning Commission Transmittal Checklist

Hearing Date
October 31, 2018
Agenda Item No.
9

Project Number: R2015-03796-(3)
Case(s): Conditional Use Permit Case No. RCUP-201500135
Parking Permit Case No. RPPL2017009910
Planner: Shanna Farley-Judkins

- Regional Planning Commission Appeal Letter
- Project Summary
- Appeal Form dated July 31, 2018
- Hearing Speaker Cards
- Hearing Officer Approval Packet dated July 19, 2018
- Staff Memo dated July 16, 2018
- Staff Memo dated July 12, 2018
- Staff Memo dated June 12, 2018
- Hearing Officer Continuance Summary dated April 18, 2018
- Staff Memo dated April 17, 2018
- Staff Memo dated April 16, 2018
- Hearing Packet dated April 17, 2018
- Site Plans
- Aerial Image(s)
- Land Use/Zoning Map
- Hearing Notice
- Project Summary
- Project Description and Recommendations
- Biologic Assessment

Reviewed By: _____





Los Angeles County Department of Regional Planning

Planning for the Challenges Ahead



Amy J. Bodek, AICP
Director

Dennis Slavin
Chief Deputy Director

October 18, 2018

TO: David W. Louie, Chair
Elvin W. Moon, Vice Chair
Pat Modugno, Commissioner
Laura Shell, Commissioner
Doug Smith, Commissioner

FROM: Shanna Farley-Judkins
Coastal Permits Section

Project No. R2015-03796-(3) – Conditional Use Permit No. RCUP-201500135, Parking Permit No. RPPL2017009910
RPC Meeting: October 31, 2018 – Agenda Item: 9

PROJECT DESCRIPTION

The applicants, Diana and Richard Hirsh, are requesting a CUP for a remote tasting room for Cielo Winery. The request includes accessory special events, which may include weddings, fundraisers, receptions, etc. The request includes a Parking Permit to allow tandem parking for the accessory special events, a non-residential use. The project proposes two parking lot configurations, the first based on a typical self-park arrangement (58 spaces) and the second based on a tandem configuration with the use of a valet service (72 spaces). The self-park configuration would include two (2) ADA parking spaces near the barn. The project site is located on Mulholland Highway, near its intersection with North (N.) Kanan Road. The project site includes six parcels (APNs 4464-008-019, -029 -032, -036, -044, and -045) totaling 24.92 acres. The project includes the construction of a 441-square-foot restroom building, septic system and a temporary sound wall along the western driveway.

REASONS FOR APPEAL

Enclosed is the appellant's appeal of the Hearing Officer decision of July 17, 2018. The appellant is appealing for the following reasons:

1. 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.

2. The noise generated by the project, including noise generated by guest, staff and delivery vehicles is frequent and disruptive.
3. 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.
4. 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.
5. Economic impacts to appellant's use of private residence as a vacation rental business.
6. Concern that the project applicants are "not forthright, honest and they are difficult to deal with".

PROCEEDINGS BEFORE THE HEARING OFFICER

- On April 17, 2018, a public hearing was held of the Hearing Officer. Following a lengthy public hearing, including public testimony, the Hearing Officer continued the review of the project to June 19, 2018 to address several items identified during the hearing.
- On June 19, 2018, the Hearing Officer continued the review of the project to July 17, 2018 to allow the applicant additional time to address the items identified at the April 17, 2018 Hearing Officer hearing.
- On July 17, 2018, a continued public hearing was held before the Hearing Officer. The Project was approved by the Hearing Officer, with inclusion of several modifications of the Conditions of Approval to address concerns discussed at the hearing.

FACTS AND PROVISIONS / LEGAL REQUIREMENTS

A duly noticed public hearing was held on April 17, 2018 before the Hearing Officer. The applicant's representative, Beth Palmer 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 and nine speakers in opposition of 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, Richard Hirsh, and applicant's representative, Beth Palmer, rebutted comments and questions raised during the public comments and included additional responses from the applicant's team, including Rob Pausmith, the event coordinator, and Jack Briskie, noise consultant. There being no further testimony, the Hearing Officer closed the public hearing and considered the public testimony. The Hearing Officer identified several topics, for which he requested additional information, response or clarification, 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, the Hearing Officer continued the review of the Project 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 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 the 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, Beth Palmer, 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 99 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 which 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 the following changes to the Project, to be reflected on 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 recommended Project changes by staff and agreed to by the applicant, with the above changes made to the Conditions of Approval.

ENVIRONMENTAL DOCUMENTATION

Los Angeles County ("County") Staff recommends that this project qualify for two Categorical Exemptions (Class 1 - Existing Facilities) and (Class 3 - New Construction or

Conversion of Small Structures) under the California Environmental Quality Act ("CEQA") and the County environmental guidelines. The project includes authorization of the continued use of the property including the barn, area surrounding the barn and graded pads for the remote wine tasting facility with associated special events and construction of a 441-square-foot restroom building. The requested entitlements would accommodate an intensity similar to that which is currently occurring on the site. Further, traffic, noise and lighting were considered, with consultation with the County Departments of Public Works and Public Health and no new significant or cumulative impacts were identified for the project.

Section 22.60.200-260 of the County Code (Zoning Ordinance) provides that the Regional Planning Commission may consider an appeal of a decision by the Hearing Officer, for an application for a conditional use permit and a parking permit. After the hearing, the Regional Planning Commission shall affirm, modify, or reverse the original decision or refer the matter back for further review. When a decision is modified or reversed, the Regional Planning Commission shall state the specific reasons for modification or reversal. Decisions on appeals or reviews shall be rendered within 30 days of the close of the hearing. Therefore staff recommends that decision to approve Project No. R2015-03796-(3) consisting of Conditional Use Permit No. RCUP-201500135 and Parking Permit No. RPPL2017009910 be affirmed pursuant to the attached findings.

SUGGESTED MOTION:

I MOVE THAT THE REGIONAL PLANNING COMMISSION CLOSE THE PUBLIC HEARING AND FIND THAT THE PROJECT IS CATEGORICALLY EXEMPT PURSUANT TO STATE AND LOCAL CEQA GUIDELINES, DENY THE APPEAL AND APPROVE 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 NECESSARY TO AFFIRM THE HEARING OFFICER'S APPROVAL OF CONDITIONAL USE PERMIT NO. RCUP-201500135 AND PARKING PERMIT NO. RPPL2017009910.

If you need further information, please contact Shanna Farley-Judkins at (213) 974-1516 or sfarley-judkins@planning.lacounty.gov. Department office hours are Monday through Thursday from 7:30 a.m. to 5:30 p.m. The Department is closed on Fridays.

Sincerely,
Amy J. Bodek, AICP
Director



Robert Glaser, Supervising Regional Planner
Coastal Section

RG: SFJ

Appeal of Project R2015-03796-(3)

October 18, 2018

Page 6

Enclosures:

Appeal Form dated July 31, 2018

Project Summary

Hearing Speaker Cards

Hearing Officer Approval Packet dated July 19, 2018

Staff Memo dated July 16, 2018

Staff Memo dated July 12, 2018

Staff Memo dated June 12, 2018

Hearing Officer Continuance Summary dated April 18, 2018

Staff Memo dated April 17, 2018

Staff Memo dated April 16, 2018

Hearing Packet dated April 17, 2018

Site Plans

Land Use Map

Zoning Map

Hearing Notice

Project Summary

Project Description and Recommendations

Biologic Assessment



Los Angeles County
Department of Regional Planning



Planning for the Challenges Ahead

Amy J. Bodek, AICP
Director

REGIONAL PLANNING COMMISSION
APPEAL FORM

RECEIVED
JUL 31 2018
COPIES: EACH TO OWNER
BY: STAFF
Meyarian
M. Glaser
R. Glaser
S. Farley-Judkins
E. Lemke

DATE: 07/30/2018

TO: Ms. Rosie Ruiz
Regional Planning Commission Secretary
Department of Regional Planning
County of Los Angeles
320 W. Temple Avenue, Room 1350
Los Angeles, California 90012

FROM: Leslie Gail
Name

SUBJECT: Project Number(s): R2015-03796-(3)

Case Number(s): _____

Case Planner: Ms Farley-Judkins

Address: 31424 Mullholand HWY Malibu 90265

Assessors Parcel Number: _____

Zoned District: Malibu

Entitlement Requested:

Related Zoning Matters:

Tentative Tract/Parcel Map No.	
CUP, VAR or Oak Tree No.	201500135
Change of Zone Case No.	
Other	

I am appealing the decision of (check one and fill in the underlying information):

Director

Hearing Officer

Decision Date: July 17 2018

Public Hearing Date: July 17 2018

Hearing Officer's Name: Mr. Garcia

Agenda Item Number: 3

The following decision is being appealed (check all that apply):

- The Denial of this request
- The Approval of this request
- The following conditions of approval:

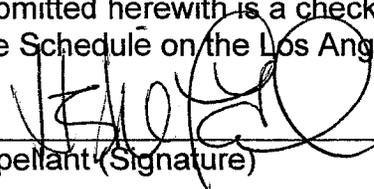
_____ List conditions here _____

The reason for this appeal is as follows:

The subject property is too close to my home and very diisruptive as the events are outdoors. The subject properties driveway is 23 feet from my front door and with all the traffic generated from the events of anywhere from 100-200 people not including staff which would be another 50 people its none stop traffic which is so loud at times it can be heard in my home. The trucks for delivery which are frequent are especially disruptive as they are outrageously loud far beyond ambient levels. The subject properties driveway is 3 ft from my driveway in the section by the home. They have been in violation of requirements ie temporay wall which is suppose to be up permanently during wedding season. The wall however is up and down every week or laying horizontally rather than vertically. The drilling noise generated by this is extremely loud and disruptive and can be heard in the home. They are serving alcohol and people get out of control and loud and obnoxious and this is again next door to my personal home. The peace and quiet enjoyment of my home has been completely destroyed as well as the income generated by my vacation rental business as no one wants to vacation next to a n event center that has parties all night. I can't go to sleep now before 12am. The subject property owners are not forthright, honest and very difficult to deal with.

Are you the applicant for the subject case(s) (check one)? YES NO

Submitted herewith is a check or money order for the amount due, as indicated on the Fee Schedule on the Los Angeles County Department of Regional Planning's website.


Appellant (Signature)

Leslie Gail
Print Name

182 N Kanan Dume Rd Malibu CA 90265

Address

310-435-1100

Day Time Telephone No.

*Fee subject to change.

Payment Receipt

Receipt #: TRC-020428-31-07-2018

Paid On: 07/31/2018

Paid By:

Gail, Leslie
182 N Kanan Dume Road
Malibu, CA 90265



Department of Regional Planning
Amy J. Bodek, AICP, Director

320 W Temple Street
Los Angeles, CA 90012

(213) 974-6411

<http://planning.lacounty.gov>

Received By:
Tahirah Farris

Printed On:
7/31/2018

Project Number - Case Number Fee Name	Fee Amount	Payment Method	Reference No.	Paid Amount
R2015-03796 - RCUP-201500135 Appeal - RPC - Non-Applicant	\$798.00	Credit Card	3736458166	\$798.00
	\$798.00		Total	\$798.00





Department of Regional Planning
 320 West Temple Street
 Los Angeles, California 90012

PROJECT NUMBER

R2015-03796-(3)

HEARING DATE

October 31, 2018

REQUESTED ENTITLEMENTS

Conditional Use Permit No. RCUP 2015-00135
 Parking Permit No. RPPL2017009910

PROJECT SUMMARY

OWNER / APPLICANT

Diana and Richard Hirsh

MAP/EXHIBIT DATE

April 3, 2018

PROJECT OVERVIEW

A request for a Conditional Use Permit for a Remote Tasting Room for Cielo Winery. The request includes tasting room activities, seven days a week with a maximum occupancy of 100 persons. The project site is located on Mulholland Highway, near its intersection with North Kanan Road. The project site includes six parcels, totaling 24.92 acres. The project is located in the Santa Monica Mountains North Area, on properties zoned A-1-10 Light Agriculture (one dwelling unit per ten acres). The site is currently developed with a single-family residence, vineyard, an accessory barn and two previously graded vacant pads. The project site is located in the Santa Monica Mountains Significant Ecological Area (SEA). The request includes accessory special events, which may include weddings, fundraisers, receptions, etc., with a maximum occupancy of 200 persons. The project includes the construction of a 441 square foot restroom building, an eight foot wall along the western driveway, and associated Onsite Waste Treatment System. The tasting room would continue to use the existing 950 square foot barn structure, located on the tasting room pad. The request includes a Parking Permit, to consider tandem parking. Landscape trees will be installed around the upper parking lot.

LOCATION

31424 Mulholland Highway

ACCESS

Mulholland Highway

ASSESSORS PARCEL NUMBER(S)

4464-008-019, -029, -032, -036, -044, and -045,

SITE AREA

24.92 Acres

GENERAL PLAN / LOCAL PLAN

Santa Monica Mountains North Area

ZONED DISTRICT

The Malibu

LAND USE DESIGNATION

N10 Rural Residential

ZONE

A-1-10 Light Agriculture

PROPOSED UNITS

NA

MAX DENSITY/UNITS

NA

COMMUNITY STANDARDS DISTRICT

Santa Monica Mountains North Area

ENVIRONMENTAL DETERMINATION (CEQA)

Class 1 Categorical Exemption – Existing Facility

Class 3 Categorical Exemption – New Construction or Conversion of Small Structures

KEY ISSUES

- Consistency with the Santa Monica Mountains North Area Plan
- Satisfaction of the following Section(s) of Title 22 of the Los Angeles County Code:
 - 22.24.100 (A-1 Zone Uses Subject to Permits)
 - 22.44.133 (Santa Monica Mountains North Area CSD Requirements)
 - 22.52.2470 (Remote Tasting Rooms – Development standards)
 - 22.56.040 (Conditional Use Permit - Burden of Proof Requirements)
 - 22.56.1020 (Parking Permit – Burden of Proof Requirements)
- Consistency with the “Subdivision and Zoning Ordinance Interpretation No 2016-01 – Clarification on Special Event Facilities”

CASE PLANNER:

Shanna Farley-Judkins

PHONE NUMBER:

(213) 974 - 1516

E-MAIL ADDRESS:

SFarley-Judkins@planning.lacounty.gov



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Oponerse a/ Preocupación

APPLICANT
Solicitante

PUBLIC COMMENT
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PALMER

LAST NAME

Apellido

SPEAKER CARDS

BETH

FIRST NAME

Nombre

CIELO FARMS

ORGANIZATION (IF APPLICABLE)

Organización (si es aplicable)

31424 MULHOLLAND HWY

STREET ADDRESS

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CITY

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90265

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BETH@MALIBUVALLEY.COM

EMAIL ADDRESS

Correo electrónico

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818-880-4107

TELEPHONE NUMBER

Número de teléfono

Summary of your position on this matter (optional)

Resumen de su posición sobre este asunto (opcional)

Applicant Presentation & Rebuttal

Check here if you would like to receive notification of future actions on this item.
Marque aquí si desea recibir una notificación de acciones futuras sobre este tema. "✓"

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ZACHA
 LAST NAME *Apellido*

SPEAKER CARDS

MICHAEL
 FIRST NAME *Nombre*

ORGANIZATION (IF APPLICABLE) *Organización (si es aplicable)*

STREET ADDRESS *Dirección*

1700 DECKER AVE
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MIKEZACHA@AOL
 EMAIL ADDRESS *Correo electrónico*

310-749-3595
 TELEPHONE NUMBER *Número de teléfono*

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Summary of your position on this matter (optional) *Resumen de su posición sobre este asunto (opcional)*

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REQUEST TO ADDRESS THE HEARING OFFICER OF LOS ANGELES COUNTY Solicitar de dirección Oficial de la Audiencia del Condado de Los Angeles

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FAVOR A favor [checked]

OPPOSE/CONCERN Oponerse a/ Preocupación [unchecked]

[unchecked] APPLICANT Solicitante

[checked] PUBLIC COMMENT Comentarios del público

[unchecked] OTHER Otro

[unchecked] NEED TRANSLATION SERVICE Necesito Servicio De Interpretación*

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TOBIAS

LAST NAME

Apellido

SPEAKER CARDS

BOB

FIRST NAME

Nombre

TOBIAS & SON

ORGANIZATION (IF APPLICABLE)

Organización (si es aplicable)

1494 BUENA VISTA ST

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bobtobias@sbcglobal.net

EMAIL ADDRESS

Correo electrónico

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805-258-6026

TELEPHONE NUMBER

Número de teléfono

Summary of your position on this matter (optional)

Resumen de su posición sobre este asunto (opcional)

[checked] Check here if you would like to receive notification of future actions on this item.

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[unchecked] Check here if you DO NOT intend to testify today, but would like to receive notice of future actions on this item.

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B R I S K I E

LAST NAME

Apellido

SPEAKER CARDS

J A C K

FIRST NAME

Nombre

V E N E K L A S E N A S S O C I A T E S

ORGANIZATION (IF APPLICABLE)

Organización (si es aplicable)

1 7 1 1 S I X T E E N T H S T

STREET ADDRESS

Dirección

S A N T A M O N I C A

CITY

Ciudad

9 0 4 0 4

ZIP CODE

Código postal

j b r i s k i e @ v e n e k l a s e n . c o m

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3 1 0 - 4 5 0 - 1 7 3 3

TELEPHONE NUMBER

Número de teléfono

Summary of your position on this matter (optional)

Resumen de su posición sobre este asunto (opcional)

ACOUSTICAL/NOISE CONSULTANT FOR APPLICANT, IN FAVOR OF ~~PERMIT~~ PERMIT

Check here if you would like to receive notification of future actions on this item.

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KRAKOW

LAST NAME

Apellido

SPEAKER CARDS

ALFIE

FIRST NAME

Nombre

ORGANIZATION (IF APPLICABLE)

Organización (si es aplicable)

31276 MULHOLLAND HWY

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Dirección

AMALIBU

CA

90265

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EMAIL ADDRESS

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805-680-4612

TELEPHONE NUMBER

Número de teléfono

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Summary of your position on this matter (optional)

Resumen de su posición sobre este asunto (opcional)

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REQUEST TO ADDRESS
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AGENDA ITEM No. 31

FAVOR
 A favor

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DANGAARD

LAST NAME

Apellido

SPEAKER CARDS

COLIN

FIRST NAME

Nombre

ORGANIZATION (IF APPLICABLE)

Organización (si es aplicable)

184 N KANAN DUMF RD

STREET ADDRESS

Dirección

MALIBU CA

CITY

Ciudad

90265

ZIP CODE

Código postal

TASSCEAOL.COM

EMAIL ADDRESS

Correo electrónico

818-399-8125

TELEPHONE NUMBER

Número de teléfono

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Summary of your position on this matter (optional)

Resumen de su posición sobre este asunto (opcional)

A NEIGHBOUR. I SUPPORT RICHARD AND DIANA HIRSH BECAUSE THEY ARE BUILDING THEIR DREAM WHILE HELPING ME WITH MINE - MY PROPERTY VALUES HAVE INCREASED GREATLY

Check here if you would like to receive notification of future actions on this item.

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 A favor

OPPOSE/CONCERN
 Oponerse a/ Preocupación

APPLICANT
Solicitante

PUBLIC COMMENT
Comentarios del público

OTHER
Otro

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*Necesito Servicio De Interpretación**

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La información abajo es necesaria. Toda la correspondencia futura se enviará con la información que proporcione aquí.

---PLEASE PRINT CLEARLY Por favor imprima claramente---

WALKER

LAST NAME

Apellido

SPEAKER CARDS

JOHN

FIRST NAME

Nombre

ORGANIZATION (IF APPLICABLE)

Organización (si es aplicable)

5850 Canoga Ave 4th Floor

STREET ADDRESS

Dirección

Woodland Hills

CITY

Ciudad

91367

ZIP CODE

Código postal

johnmwalker@earthlink.net

EMAIL ADDRESS

Correo electrónico

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818-719-9181

TELEPHONE NUMBER

Número de teléfono

Summary of your position on this matter (optional)

Resumen de su posición sobre este asunto (opcional)

1. Integrity of Applicant
2. Quality of the Project
3. Adequate protection to the public in the CUP.

Check here if you would like to receive notification of future actions on this item.

Marque aquí si desea recibir una notificación de acciones futuras sobre este tema. "✓"

Check here if you DO NOT intend to testify today, but would like to receive notice of future actions on this item.

Marque aquí si NO tiene intención de testificar hoy, pero le gustaría recibir aviso de las acciones futuras en este tema. "✓"



REQUEST TO ADDRESS
 THE HEARING OFFICER
 OF LOS ANGELES COUNTY
Solicitar de dirección
 Oficial de la Audiencia del Condado de Los Ángeles

DATE 4, 17, 18
Fecha

Numero de artículo de la Orden del día
AGENDA ITEM No. 31

FAVOR
A favor

OPPOSE/CONCERN
Oponerse a/ Preocupación

APPLICANT
Solicitante

PUBLIC COMMENT
Comentarios del público

OTHER
Otro

NEED TRANSLATION SERVICE
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---PLEASE PRINT CLEARLY Por favor imprima claramente---

GAIL
 LAST NAME

Apellido

SPEAKER CARDS

LESLIE
 FIRST NAME

Nombre

ORGANIZATION (IF APPLICABLE)

Organización (si es aplicable)

142 N KANAN DUME RD
 STREET ADDRESS

Dirección

MALIBU CA
 CITY

Ciudad

90265
 ZIP CODE

Código postal

lesliegaildume.com
 EMAIL ADDRESS

Correo electrónico

310-435-1100
 TELEPHONE NUMBER

Número de teléfono

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Summary of your position on this matter (optional)

Resumen de su posición sobre este asunto (opcional)

Next door neighbour 52 Ft from event site super loud

Check here if you would like to receive notification of future actions on this item.

Marque aquí si desea recibir una notificación de acciones futuras sobre este tema. "✓"

Check here if you DO NOT intend to testify today, but would like to receive notice of future actions on this item.

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REQUEST TO ADDRESS
 THE HEARING OFFICER
 OF LOS ANGELES COUNTY
Solicitar de dirección
 Oficial de la Audiencia del Condado de Los Ángeles

DATE 4/17/18
Fecha

AGENDA ITEM No. 31

FAVOR
A favor

OPPOSE/CONCERN
Oponerse a/ Preocupación

APPLICANT
Solicitante

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---PLEASE PRINT CLEARLY Por favor imprima claramente---

PATON

LAST NAME

Apellido

SPEAKER CARDS

PAUL

FIRST NAME

Nombre

ORGANIZATION (IF APPLICABLE)

Organización (si es aplicable)

615 THRIFT RD

STREET ADDRESS

Dirección

MALIBU

CITY

Ciudad

90265

ZIP CODE

Código postal

philipaton@mac.com

EMAIL ADDRESS

Correo electrónico

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TELEPHONE NUMBER

Número de teléfono

Summary of your position on this matter (optional)

Resumen de su posición sobre este asunto (opcional)

AGAINST C.U.P PERMITS FOR
 CIELO FARMS. NOISE &
 PROP VALUES & HEALTH.

Check here if you would like to receive notification of future actions on this item.

Marque aquí si desea recibir una notificación de acciones futuras sobre este tema. "✓"

Check here if you DO NOT intend to testify today, but would like to receive notice of future actions on this item.

Marque aquí si NO tiene intención de testificar hoy, pero le gustaría recibir aviso de las acciones futuras en este tema. "✓"



REQUEST TO ADDRESS
 THE HEARING OFFICER
 OF LOS ANGELES COUNTY
Solicitar de dirección
 Oficial de la Audiencia del Condado de Los Ángeles

DATE 04/17/18
Fecha

Numero de artículo de la Orden del día
AGENDA ITEM No. 31

FAVOR
A favor

OPPOSE/CONCERN
Oponerse a/ Preocupación

APPLICANT
Solicitante

PUBLIC COMMENT
Comentarios del público

OTHER
Otro

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---PLEASE PRINT CLEARLY Por favor imprima claramente---

GRIFFIN

LAST NAME

Apellido

SPEAKER CARDS

JOHN

FIRST NAME

Nombre

ORGANIZATION (IF APPLICABLE)

Organización (si es aplicable)

621 THRIFT RD

STREET ADDRESS

Dirección

MALIBU

CITY

Ciudad

ZIP CODE

Código postal

JGRIFFINCDW@TKUCTION@GMAIL.COM

EMAIL ADDRESS

Correo electrónico

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435-339-9355

TELEPHONE NUMBER

Número de teléfono

Summary of your position on this matter (optional)

Resumen de su posición sobre este asunto (opcional)

NOISE, PROPERTY VALUE, ENVIRONMENT,

Check here if you would like to receive notification of future actions on this item.

Marque aquí si desea recibir una notificación de acciones futuras sobre este tema. "✓"

Check here if you DO NOT intend to testify today, but would like to receive notice of future actions on this item.

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REQUEST TO ADDRESS
 THE HEARING OFFICER
 OF LOS ANGELES COUNTY
Solicitar de dirección
 Oficial de la Audiencia del Condado de Los Ángeles

DATE 4/17/18
 Fecha

Numero de artículo de la Orden del día
AGENDA ITEM No. 31

FAVOR
 A favor

OPPOSE/CONCERN
 Oponerse a/ Preocupación

APPLICANT
Solicitante

PUBLIC COMMENT
Comentarios del público

OTHER
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PATOW

LAST NAME

Apellido

LESLIE

FIRST NAME

Nombre

SPEAKER CARDS

ORGANIZATION (IF APPLICABLE)

Organización (si es aplicable)

615 THRIFT ROAD

STREET ADDRESS

Dirección

MALIBU

CITY

Ciudad

90265

ZIP CODE

Código postal

Lesliepatan@mac.com

EMAIL ADDRESS

Correo electrónico

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805-390-4326

TELEPHONE NUMBER

Número de teléfono

Summary of your position on this matter (optional)

Resumen de su posición sobre este asunto (opcional)

STRONGLY OPPOSE ALL PERMITS

Check here if you would like to receive notification of future actions on this item.

Marque aquí si desea recibir una notificación de acciones futuras sobre este tema. "✓"

Check here if you DO NOT intend to testify today, but would like to receive notice of future actions on this item.

Marque aquí si NO tiene intención de testificar hoy, pero le gustaría recibir aviso de las acciones futuras en este tema. "✓"



REQUEST TO ADDRESS
 THE HEARING OFFICER
 OF LOS ANGELES COUNTY
Solicitar de dirección
 Oficial de la Audiencia del Condado de Los Ángeles

DATE 4 / 17 / 2018 **AGENDA ITEM No. 31**
Fecha

FAVOR
A favor

OPPOSE/CONCERN
Oponerse a/ Preocupación

APPLICANT
Solicitante

PUBLIC COMMENT
Comentarios del público

OTHER
Otro

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---PLEASE PRINT CLEARLY Por favor imprima claramente---

PARKER

LAST NAME

Apellido

SPEAKER CARDS

MANUELA

FIRST NAME

Nombre

ORGANIZATION (IF APPLICABLE)

Organización (si es aplicable)

599 THRIFT RD

STREET ADDRESS

Dirección

MALIBU

CITY

Ciudad

CA 90265

ZIP CODE

Código postal

Manuelaparker61@gmail.com

EMAIL ADDRESS

Correo electrónico

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818 - 597 - 9122

TELEPHONE NUMBER

Número de teléfono

Summary of your position on this matter (optional)

Resumen de su posición sobre este asunto (opcional)

Check here if you would like to receive notification of future actions on this item.

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REQUEST TO ADDRESS
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 OF LOS ANGELES COUNTY
Solicitar de dirección
 Oficial de la Audiencia del Condado de Los Angeles

DATE 4/17/18
Fecha

AGENDA ITEM No. 31

FAVOR
A favor

OPPOSE/CONCERN
Oponerse a/ Preocupación

APPLICANT
Solicitante

PUBLIC COMMENT
Comentarios del público

OTHER
Otro

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---PLEASE PRINT CLEARLY Por favor imprima claramente---

LUDLOW

LAST NAME *Apellido*

SPEAKER CARDS

MOOREA

FIRST NAME *Nombre*

ORGANIZATION (IF APPLICABLE) *Organización (si es aplicable)*

621 THRIFT RD.

STREET ADDRESS *Dirección*

MALIBU

CITY *Ciudad*

90265

ZIP CODE *Código postal*

MISSMOLUDS@GMAIL.COM

EMAIL ADDRESS *Correo electrónico*

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801-864-6463

TELEPHONE NUMBER *Número de teléfono*

Summary of your position on this matter (optional)

Resumen de su posición sobre este asunto (opcional)

Property ~~devaluation~~ devaluation, environmental destruction, noise pollution

Check here if you would like to receive notification of future actions on this item.
 Marque aquí si desea recibir una notificación de acciones futuras sobre este tema. "✓"

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REQUEST TO ADDRESS
 THE HEARING OFFICER
 OF LOS ANGELES COUNTY
Solicitar de dirección
 Oficial de la Audiencia del Condado de Los Angeles

DATE 04,17,18
Fecha

AGENDA ITEM No. 31

FAVOR
A favor

OPPOSE/CONCERN
Oponerse a/ Preocupación

APPLICANT Red
Solicitante

PUBLIC COMMENT
Comentarios del público

OTHER
Otro

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---PLEASE PRINT CLEARLY Por favor imprima claramente---

WOOMER

LAST NAME

Apellido

SPEAKER CARDS

DUSTIN

FIRST NAME

Nombre

DIAMOND WEST

ORGANIZATION (IF APPLICABLE)

Organización (si es aplicable)

24005 VENTURA BLVD

STREET ADDRESS

Dirección

CALCABASAS

CITY

Ciudad

91302

ZIP CODE

Código postal

DUSTIN@DIAMONDWEST.NET

EMAIL ADDRESS

Correo electrónico

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818-444-1800

TELEPHONE NUMBER

Número de teléfono

Summary of your position on this matter (optional)

Resumen de su posición sobre este asunto (opcional)

APPLICANT ENGINEER
 HERE TO ANSWER QUESTIONS

Check here if you would like to receive notification of future actions on this item.
Marque aquí si desea recibir una notificación de acciones futuras sobre este tema. "✓"

Check here if you DO NOT intend to testify today, but would like to receive notice of future actions on this item.
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REQUEST TO ADDRESS
 THE HEARING OFFICER
 OF LOS ANGELES COUNTY
Solicitar de dirección
 Oficial de la Audiencia del Condado de Los Angeles

DATE 4/17/18
 Fecha

AGENDA ITEM No. 31

FAVOR
 A favor

OPPOSE/CONCERN
 Oponerse a/ Preocupación

APPLICANT
Solicitante

PUBLIC COMMENT
Comentarios del público

OTHER
Otro

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---PLEASE PRINT CLEARLY Por favor imprima claramente---

Walter

LAST NAME

Apellido

SPEAKER CARDS

Lisa

FIRST NAME

Nombre

ORGANIZATION (IF APPLICABLE)

Organización (si es aplicable)

4249 Alhama Dr.

STREET ADDRESS

Dirección

Woodland Hills

CITY

Ciudad

91364

ZIP CODE

Código postal

WA + helambster@hotmail.com

EMAIL ADDRESS

Correo electrónico

818-719-9181

TELEPHONE NUMBER

Número de teléfono

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Summary of your position on this matter (optional)

Resumen de su posición sobre este asunto (opcional)

Enhancement of the San Juanita Mts - deterring development
 Promotes a positive & desirable vision of the community
 Allows place for pleasant fellowship & appreciation of
 the area

Check here if you would like to receive notification of future actions on this item.
 Marque aquí si desea recibir una notificación de acciones futuras sobre este tema. "✓"

Check here if you DO NOT intend to testify today, but would like to receive notice of future actions on this item.
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REQUEST TO ADDRESS
THE HEARING OFFICER
OF LOS ANGELES COUNTY

Solicitud para dirigirse al
Oficial de Audiencia del Condado de Los Angeles

DATE 7/17/18
Fecha

AGENDA ITEM No. 3
Número de artículo

IN FAVOR
A favor

OPPOSE/CONCERN
Opuesto a/ Preocupación

APPLICANT
Solicitante

PUBLIC COMMENT
Comentario público

OTHER
Otro

NEED TRANSLATION SERVICE
Necesito servicio de interpretación*

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La siguiente información es requerida. Toda correspondencia será enviada utilizando la información proporcionada aquí.

---PLEASE PRINT CLEARLY Por favor escriba legiblemente---

GAIL
LAST NAME Apellido

SPEAKER CARDS

LESLIE
FIRST NAME Nombre

ORGANIZATION (IF APPLICABLE) Organización (si es aplicable)

182 N KANAN DUME RD
STREET ADDRESS Dirección

MALIBU 90265
CITY Ciudad ZIP CODE Código postal

lesliegail@me.com
EMAIL ADDRESS Correo electrónico

310-435-1100
TELEPHONE NUMBER Número de teléfono

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Summary of your position on this matter (optional) Resumen de su posición sobre este asunto (opcional)

Check here if you would like to receive notification of future actions on this item.
Marque aquí si desea recibir notificación de acciones futuras sobre este artículo. "✓"

Check here if you DO NOT intend to testify today, but would like to receive notice of future actions on this item.
Marque aquí si NO tiene intención de testificar hoy, pero le gustaría recibir aviso de acciones futuras sobre este artículo. "✓"



REQUEST TO ADDRESS
THE HEARING OFFICER
OF LOS ANGELES COUNTY

Solicitud para dirigirse al
Oficial de Audiencia del Condado de Los Angeles

DATE 7/12/18
Fecha

AGENDA ITEM No. 5
Número de artículo

IN FAVOR
A favor

OPPOSE/CONCERN
Opuesto a/ Preocupación

APPLICANT
Solicitante

PUBLIC COMMENT
Comentario público

OTHER
Otro

NEED TRANSLATION SERVICE
Necesito servicio de interpretación*

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---PLEASE PRINT CLEARLY Por favor escriba legiblemente---

DANGAARD

LAST NAME

Apellido

SPEAKER CARDS

COLIN

FIRST NAME

Nombre

ORGANIZATION (IF APPLICABLE)

Organización (si es aplicable)

184 N. KANAN DUMEROL

STREET ADDRESS

Dirección

MACIBU

CITY

Ciudad

ZIP CODE

Código postal

CALIFORNIA

90265

EMAIL ADDRESS

Correo electrónico

TASSC@AOL.COM

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818-309-8125

TELEPHONE NUMBER

Número de teléfono

Summary of your position on this matter (optional)

Resumen de su posición sobre este asunto (opcional)

FOR CUP FOR RICHARD HIRSH
SUPPORT THIS AS A MAJOR
IMPROVEMENT TO THE
NEIGHBOURHOOD. I AM AN IMMEDIATE
NEIGHBOUR.

Check here if you would like to receive notification of future actions on this item.

Marque aquí si desea recibir notificación de acciones futuras sobre este artículo. "✓"

Check here if you DO NOT intend to testify today, but would like to receive notice of future actions on this item.

Marque aquí si NO tiene intención de testificar hoy, pero le gustaría recibir aviso de acciones futuras sobre este artículo. "✓"

Spanish



REQUEST TO ADDRESS
THE HEARING OFFICER
OF LOS ANGELES COUNTY

Solicitud para dirigirse al
Oficial de Audiencia del Condado de Los Angeles

DATE ____/____/____
Fecha

AGENDA ITEM No. 5
Número de artículo

IN FAVOR
A favor

OPPOSE/CONCERN
Opuesto a/ Preocupación

APPLICANT
Solicitante

PUBLIC COMMENT
Comentario público

OTHER
Otro

NEED TRANSLATION SERVICE
Necesito servicio de interpretación*

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B D U D R E A Y

LAST NAME

Apellido

SPEAKER CARDS

B R I A N

FIRST NAME

Nombre

ORGANIZATION (IF APPLICABLE)

Organización (si es aplicable)

26885 MULHOLLAND HWY

STREET ADDRESS

Dirección

CALABASAS

CITY

Ciudad

CA

91302

ZIP CODE

Código postal

B D U D R E A Y @ M A L I B U V A L L E Y . C A

EMAIL ADDRESS

Correo electrónico

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TELEPHONE NUMBER

Número de teléfono

Summary of your position on this matter (optional)

Resumen de su posición sobre este asunto (opcional)

Check here if you would like to receive notification of future actions on this item.

Marque aquí si desea recibir notificación de acciones futuras sobre este artículo. "✓"

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REQUEST TO ADDRESS
THE HEARING OFFICER
OF LOS ANGELES COUNTY

Solicitud para dirigirse al
Oficial de Audiencia del Condado de Los Angeles

DATE 7/17/2018
Fecha

AGENDA ITEM No. 3
Número de artículo

IN FAVOR
A favor

OPPOSE/CONCERN
Opuesto a/ Preocupación

APPLICANT
Solicitante

PUBLIC COMMENT
Comentario público

OTHER
Otro

NEED TRANSLATION SERVICE
Necesito servicio de interpretación*

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SPEAKER CARDS

BRISKIE

LAST NAME Apellido

JACK

FIRST NAME Nombre

VENEKLASSEN ASSOCIATES

ORGANIZATION (IF APPLICABLE) Organización (si es aplicable)

1711 SIXTEENTH ST

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jbriskie@veneklassen.com

EMAIL ADDRESS Correo electrónico

310-450-1733

TELEPHONE NUMBER Número de teléfono

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Summary of your position on this matter (optional)

Resumen de su posición sobre este asunto (opcional)

CONSULTANT FOR APPLICANT, NOISE

Check here if you would like to receive notification of future actions on this item.

Marque aquí si desea recibir notificación de acciones futuras sobre este artículo. "✓"

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REQUEST TO ADDRESS
THE HEARING OFFICER
OF LOS ANGELES COUNTY

Solicitud para dirigirse al
Oficial de Audiencia del Condado de Los Angeles

DATE 7/17/18
Fecha

AGENDA ITEM No. 3
Número de artículo

IN FAVOR
A favor

OPPOSE/CONCERN
Opuesto a/ Preocupación

APPLICANT
Solicitante

PUBLIC COMMENT
Comentario público

OTHER
Otro

NEED TRANSLATION SERVICE
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WALKER

LAST NAME

Apellido

SPEAKER CARDS

JOHN

FIRST NAME

Nombre

ORGANIZATION (IF APPLICABLE)

Organización (si es aplicable)

5850 Canoga Ave

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CITY

Ciudad

91367

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Código postal

johnmwalker@earthlink.net

EMAIL ADDRESS

Correo electrónico

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818-719-9181

TELEPHONE NUMBER

Número de teléfono

Summary of your position on this matter (optional)

Resumen de su posición sobre este asunto (opcional)

Support CUP for Cielo

Check here if you would like to receive notification of future actions on this item.

Marque aquí si desea recibir notificación de acciones futuras sobre este artículo. "✓"

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REQUEST TO ADDRESS
THE HEARING OFFICER
OF LOS ANGELES COUNTY

Solicitud para dirigirse al
Oficial de Audiencia del Condado de Los Angeles

DATE 7/17/18
Fecha

AGENDA ITEM No. 2
Número de artículo

IN FAVOR
A favor

OPPOSE/CONCERN
Opuesto a/ Preocupación

APPLICANT
Solicitante

PUBLIC COMMENT
Comentario público

OTHER
Otro

NEED TRANSLATION SERVICE
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---PLEASE PRINT CLEARLY Por favor escriba legiblemente---

LUDLOW

LAST NAME

Apellido

SPEAKER CARDS

MOOREA

FIRST NAME

Nombre

ORGANIZATION (IF APPLICABLE)

Organización (si es aplicable)

621 THRIFT RD.

STREET ADDRESS

Dirección

MALIBU

CITY

Ciudad

90265

ZIP CODE

Código postal

missmoluds@gmail.com

EMAIL ADDRESS

Correo electrónico

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801-864-6463

TELEPHONE NUMBER

Número de teléfono

Summary of your position on this matter (optional)

Resumen de su posición sobre este asunto (opcional)

Opposition

Check here if you would like to receive notification of future actions on this item.

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REQUEST TO ADDRESS
THE HEARING OFFICER
OF LOS ANGELES COUNTY

Solicitud para dirigirse al
Oficial de Audiencia del Condado de Los Angeles

DATE ____/____/____
Fecha

AGENDA ITEM No. ____
Número de artículo

IN FAVOR
A favor

OPPOSE/CONCERN
Opuesto a/ Preocupación

APPLICANT
Solicitante

PUBLIC COMMENT
Comentario público

OTHER
Otro

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GRIFFIN

LAST NAME

Apellido

SPEAKER CARDS

JOHN

FIRST NAME

Nombre

ORGANIZATION (IF APPLICABLE)

Organización (si es aplicable)

621 THRIFT RD

STREET ADDRESS

Dirección

MALIBU

CITY

Ciudad

90265

ZIP CODE

Código postal

jgriff_gin@yahoo.com

EMAIL ADDRESS

Córeo electrónico

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435-339-9355

TELEPHONE NUMBER

Número de teléfono

Summary of your position on this matter (optional)

Resumen de su posición sobre este asunto (opcional)

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REQUEST TO ADDRESS
THE HEARING OFFICER
OF LOS ANGELES COUNTY

Solicitud para dirigirse al
Oficial de Audiencia del Condado de Los Angeles

DATE ____/____/____
Fecha

AGENDA ITEM No. ____
Número de artículo

IN FAVOR
A favor

OPPOSE/CONCERN
Opuesto a/ Preocupación

APPLICANT
Solicitante

PUBLIC COMMENT
Comentario público

OTHER
Otro

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PALMER

LAST NAME

Apellido

SPEAKER CARDS

BETH

FIRST NAME

Nombre

ORGANIZATION (IF APPLICABLE)

Organización (si es aplicable)

STREET ADDRESS

Dirección

CITY

Ciudad

ZIP CODE

Código postal

EMAIL ADDRESS

Correo electrónico

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TELEPHONE NUMBER

Número de teléfono

Summary of your position on this matter (optional)

Resumen de su posición sobre este asunto (opcional)

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REQUEST TO ADDRESS
THE HEARING OFFICER
 OF LOS ANGELES COUNTY

Solicitud para dirigirse al
 Oficial de Audiencia del Condado de Los Angeles

DATE 11/11/2018
 Fecha

ARTICLE NUMBER
 Número de artículo

IN FAVOR
 A favor

OPPOSE/CONCERN
 Opuesto a/ Preocupación

APPLICANT
 Solicitante

PUBLIC COMMENT
 Comentario público

OTHER
 Otro

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SPEAKER CARDS

PATON
 LAST NAME Apellido

Leslie
 FIRST NAME Nombre

ORGANIZATION (IF APPLICABLE) Organización (si es aplicable)

615 THRIFT ROAD
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 CITY Ciudad ZIP CODE Código postal

lesliepaton@mac.com
 EMAIL ADDRESS Correo electrónico

323 - 422 - 5750
 TELEPHONE NUMBER Número de teléfono

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Summary of your position on this matter (optional) *Resumen de su posición sobre este asunto (opcional)*

NEIGHBOR

Check here if you would like to receive notification of future actions on this item.
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Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead



Amy J. Bodek, AICP
Director

July 19, 2018

Diana and Richard Hirsh
31424 Mulholland Highway
Malibu, CA 90265

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

Hearing Officer Garcia, by his action of **July 17, 2018**, has **APPROVED** the above-referenced project. Enclosed are the Hearing Officer'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).

The applicant or any other interested persons may appeal the Hearing Officer's decision. The appeal period for this project will end at 5:00 p.m. on **July 31, 2018**. **Appeals must be delivered in person.**

Appeals: **To file an appeal, please contact:**
Regional Planning Commission, Attn: Commission Secretary
Room 1350, Hall of Records
320 West Temple Street, Los Angeles, CA 90012
(213) 974-6409

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.

For questions or for additional information, please contact Shanna Farley-Judkins of the Coastal Section at (213) 974-1516, or by email at sfarley-judkins@planning.lacounty.gov. Our office hours are Monday through Thursday, 7:30 a.m. to 5:30 p.m. We are closed on Fridays.

Hearing Officer Approval
July 19, 2018
Page 2 of 2

Sincerely,
Amy J. Bodek, AICP
Director

A handwritten signature in blue ink, appearing to read "R. Glaser", with the text "(For R. Glaser)" written below it in a smaller, less legible script.

Robert Glaser, Supervising Regional Planner
Coastal Section

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

c:DPW (Building and Safety); Public Health (Environmental Health-electronic); Public Health (Land Use Program-electronic); Zoning Enforcement (electronic)

RG:SFJ

**FINDINGS OF THE HEARING OFFICER
AND ORDER
COUNTY OF LOS ANGELES
PROJECT NO. R2015-03796-(3)
CONDITIONAL USE PERMIT NO. RCUP 2015-00135
PARKING PERMIT NO. RPPL2017009910**

1. The Los Angeles County ("County") Regional Planning Hearing Officer conducted a duly-noticed public hearing on April 17, 2018, initially continued to June 19, 2018 and and then was continued to July 17, 2018, in the matter of Project No. R2015-03796-(3), consisting of Conditional Use Permit No. RCUP2015-00135 ("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"), requests 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 onsite 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 On-site 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 Hearing Officer 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 Hearing Officer 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 Hearing Officer 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 Hearing Officer'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 an temporary 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 Hearing Officer'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 exemptions 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. 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 March 15, 2018, submittal of the notice and project information to the Agoura Hills Library, and mailed notification to 37 neighboring property owners.
22. Prior to the Hearing Officer's public hearing on the Project on April 17, 2018, staff had received 27 letters or emails in support or opposition of the project and three phone calls from interested parties, which all provided comments as well. Following said hearing, staff received one additional email and one additional letter from the same party in opposition of the project, and three phone calls from interested parties inquiring about the status of the Project which was provided at the hearing of July 17, 2018.
23. A duly noticed public hearing was held on April 17, 2018 before the Hearing Officer. The applicant's representative, Beth Palmer 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 and nine speakers in opposition of 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, Richard Hirsh, and applicant's representative, Beth Palmer, rebutted comments and questions raised during the public comments and included additional responses from the applicant's team, including Rob Pausmith, the event coordinator, and Jack Briskie, noise consultant. There being no further testimony, the Hearing Officer closed the public hearing and considered the public testimony. The Hearing Officer identified several topics, for which he requested additional information, response or clarification, 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, the Hearing Officer continued the review of the Project 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 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 the 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, Beth Palmer, 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 99 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 which 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 the following changes to the Project, to be reflected on 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 recommended Project changes by staff and agreed to by the applicant, with the above changes made to the Conditions of Approval.

24. The Hearing Officer 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 noise 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 Hearing Officer 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 Hearing Officer 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 Hearing Officer 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 Hearing Officer 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 Hearing Officer 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 Hearing Officer 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 permittees and requirement to provide formal nuisance or violation concerns directly to the Department of Regional Planning when concerns cannot be addressed informally.
31. The Hearing Officer 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 Hearing Officer 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 Hearing Officer 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 Hearing Officer 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 Hearing Officer 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 Hearing Officer 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 Hearing Officer'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 HEARING OFFICER CONCLUDES THAT:

- A. Regarding the Conditional Use Permit, the proposed use with the attached conditions will be consistent with the adopted SMMNAP, a part of the County General Plan.
- B. Regarding the Conditional Use Permit, 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. Regarding the Conditional Use Permit, 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. Regarding the Conditional Use Permit, 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.
- E. Regarding the Parking Permit, 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. Regarding the Parking Permit, 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. Regarding the Parking Permit, that 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 HEARING OFFICER:

- 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); and

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

ACTION DATE: July 17, 2018

RG:SFJ
07/18/2018

c: Hearing Officer, Zoning Enforcement, Building and Safety, Public Health, Fire

**CONDITIONS OF APPROVAL
COUNTY OF LOS ANGELES
PROJECT NO. R2015-03796-(3)
CONDITIONAL USE PERMIT NO. RCUP 2015-00135
PARKING PERMIT NO. RPPL2017009910**

PROJECT DESCRIPTION

The project is a remote tasting room ("tasting room") with special events, on a site having existing vineyards and related offsite winery with parking lots allowing the use of tandem parking during special events, 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, or if the County fails to cooperate reasonably 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 July 17, 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 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 **September 15, 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 complaint 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 complaint 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 attaches the Project parcels for the duration of the operation of the tasting room and associated special events for the purpose of access, vineyard requirement and parking facilities through this grant and related Parking Permit.
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 at any time, 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. At no time shall guests of the facility be allowed to access the property except through a gate or parking attendant.
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 designated employees shall be required to attend, 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 onsite vineyard trails, as mapped on Exhibit "A", for educational tours, tastings, 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 emitted 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 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 close of event activities or after 10:00 p.m. whichever is later, and shall be concluded on the following day no earlier than 9:00 a.m.

38. Activities subject to this grant shall not occur upon 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 nine (9) trees, compliant with the Tree Planting Requirements indicated in County Code Section 22.52.2120.A.1.c. "for projects that are non-residential or mixed-use, a minimum of three trees shall be planted for every 10,000 square feet of developed lot area". The trees shall also meet the requirements of County Code Section 22.52.2120.A.3, requiring that the trees provide 50 percent shade coverage of the parking lot area within 15 years of planting. A tree shade plan shall be included, as part of the Exhibit "A" indicating the minimum tree count and shade requirements, as required by County Code Section 22.52.2120.
40. Outdoor speakers producing amplified recorded or live music shall be positioned between the barn and restroom building, to the northwest of the barn, with speakers directed in a northwest 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 temporary sound wall, glass fencing attachments, and water pump housing shall remain in place throughout the life of the project, as indicated on Exhibit "A", except that the temporary sound wall shall only be in place between March 15 and October 15 of each year. 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 onsite 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.

PERMIT SPECIFIC CONDITIONS –REMOTE TASTING ROOM

42. 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. The tasting room may provide the sale and service of wine from 10:00 a.m. to 8:00 p.m. or one hour prior to close, seven-days a week, whichever is earlier.
43. The tasting room shall be operated through a private reservation system, managed by the permittee and shall not be opened to the general public.
44. 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.
45. 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.
46. 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 where 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.
47. The permittee may provide onsite activities, 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 sunset. Indoor activities, within the barn structure, may proceed until the close of the tasting room. Activities not outlined in this Condition may be considered by the Department of Regional Planning and may be authorized by the Director or may result in obtaining a Temporary Use Permit.
48. The tasting room shall provide complimentary water or other non-alcoholic beverages during all operating hours.

49. 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.
50. The tasting room may sell incidental merchandise provided that the associated winery's logo is permanently and prominently affixed to all such items sold.
51. 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

52. This grant authorizes special events, accessory to the tasting room, with an occupancy not to exceed 200 guests at any time on the Project Site. This grant authorizes no more than 36 special events with more than 100 guests, as well as 36 small special events with fewer than 99 guests per calendar year. No more than two special events, regardless of size, shall occur in a continual seven-day period. 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. Special events may include birthday parties, dinners, weddings, receptions, fundraisers, charity events, etc., and shall take place primarily on the tasting room pad. Small special events, with 99 or fewer guests shall not include outdoor live entertainment, although amplified sound may be used within the barn structure. Special events of 100 or more guests may make use of outdoor amplified sound. Special events shall occur only on Fridays, Saturdays or Sundays, as well as on, and the calendar day prior to, recognized Federal holidays, between the hours of 11:00 a.m. to 11:00 p.m. The special events may provide the sale or service of alcohol from 11:00am to 10:00pm or one hour prior to the close of the special event, whichever is earlier."
53. The maximum occupancy may be increased, not to exceed 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 of the Department of Regional Planning.
54. All special events, whether for-profit, non-for-profit or for private use of the permittee shall be accounted as special events and shall conform to all Conditions outlined in this grant.
55. Outdoor or indoor amplified music or speech, 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.

56. 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.

57. 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.

58. 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.

PERMIT SPECIFIC CONDITIONS – PARKING PERMIT

59. 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.
60. 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.
61. 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".
62. 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.
63. 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.
64. 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.

65. 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.
66. 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.
67. 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

68. 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.
69. The permittee shall comply with all conditions set forth in the attached County Fire Department letter dated March 15, 2018.
70. The permittee shall comply with all conditions set forth in the attached County Public Works Department letter dated March 27, 2018.
71. 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
RPPL2017009910

PLANNER: Shanna Farley-Judkins

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



MARK PESTRELLA, Director

COUNTY OF LOS ANGELES

DEPARTMENT OF PUBLIC WORKS

"To Enrich Lives Through Effective and Caring Service"

900 SOUTH FREMONT AVENUE
ALHAMBRA, CALIFORNIA 91803-1331
Telephone: (626) 458-5100
<http://dpw.lacounty.gov>

ADDRESS ALL CORRESPONDENCE TO:
P.O. BOX 1460
ALHAMBRA, CALIFORNIA 91802-1460

IN REPLY PLEASE

REFER TO FILE: T-4

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.

Mr. Scott A. Schell
March 7, 2018
Page 2

2. The project applicant shall ensure the arrival of attendees does not result in vehicle queuing that extends into the adjacent intersection of Mulholland Highway at Kanan Dume Road. If residents express concerns that vehicle queuing is extended into the adjacent intersection of Mulholland Highway at Kanan Dume Road, the project applicant will be required to submit a Queuing Analysis Study to Public Works for review and approval. The Queuing Analysis Study shall address the report of vehicle queuing into the adjacent intersection of Mulholland Highway at Kanan Dume Road and provide a traffic management plan to address vehicle queuing 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 queuing 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
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bc: Land Development (Duong)



MARK PESTRELLA, Director

COUNTY OF LOS ANGELES

DEPARTMENT OF PUBLIC WORKS

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ADDRESS ALL CORRESPONDENCE TO:
P.O. BOX 1460
ALHAMBRA, CALIFORNIA 91802-1460

IN REPLY PLEASE
REFER TO FILE:

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. RCUP-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 Cielo 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/idd/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.

Rob Glaser
March 27, 2018
Page 3

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.

JLSAM:

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BARBARA FERRER, Ph.D., M.P.H., M.Ed.
Director

JEFFREY D. GUNZENHAUSER, M.D., M.P.H.
Interim Health Officer

CYNTHIA A. HARDING, M.P.H.
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Kathryn Barger
Fifth District

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

VG



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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. ¹In 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.

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 Ceilo 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 Ceilo 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

Date 2018	Time (~1hr interval)	stnd Lmax	Meas Lmax	Stnd L1.7	Mea L1.7	Stnd L8.3	Mea L8.3	Stnd L25	Mea L25	Stnd L50	Meas L50	L50 diff
6/29	4:00pm	70	72.6	65	55.6	60	48.1	55	46.4	50	45.7	
6/30	4:35pm	70	65.1	65	58.3	60	49.6	55	46.6	50	45.5	-.2
6/29	5:00pm	70	65.3	65	55.2	60	48.8	55	46.1	50	44.6	
6/30	5:00pm	70	74.6	65	56.9	60	50.1	55	47.8	50	46.0	+2.6
6/29	6:00pm	70	60.2	65	55.2	60	52.8	55	49.9	50	46.2	
6/30	6:00pm	70	64.7	65	57.3	60	52.8	55	50.5	50	48.9	+2.7
6/29	7:00 pm	70	61.4	65	53.7	60	51.8	55	50.2	50	48.4	
6/30	7:18pm	70	58.7	65	54.2	60	50.5	55	48.9	50	47.2	-1.2
6/29	8:00 pm	70	61	65	53	60	51	55	48.7	50	46.8	
6/30	8:00 pm	70	66.7	65	57.0	60	51.1	55	48.4	50	47.1	+1.7
6/29	9:00 pm	70	67	65	55.1	60	51.4	55	48.7	50	46.5	
6/30	9:00pm	70	75.8	65	56.8	60	52.4	55	50.3	50	49.0	+3.5
6/29	10:00pm	65	62.3	60	52.9	55	48.5	50	46.0	45	44.1	
6/30	*10:0pm	65	67.2	60	55.5	55	51.4	50	49.9	45	** 48.4	+4.3

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

Map 1





Picture 1. Mitigation measure number 5.



Picture 2: Mitigation measure number 1.



Picture 3: Mitigation measure number 8.

1. NY CEQR 2014; AVP EIR



Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead



Amy J. Bodek, AICP
Director

July 16, 2018

TO: Hearing Officer

FROM: Shanna Farley-Judkins *SFJ*
Coastal Permits Section

SUBJECT: Project No. R2015-03796-(3)
Conditional Use Permit No. RCUP-201500135
Parking Permit No. RPPL2017009910
HO Meeting: July 17, 2018
Agenda Item: 3

On July 13, 2018, the applicant for the referenced Project requested a modification to the Revised Draft Conditions of Approval No. 52, as indicated in the attached email correspondence. The applicant asked that the condition be modified to the following:

"This grant authorizes special events, accessory to the tasting room, with an occupancy not to exceed 200 guests at any time on the Project Site. This grant authorizes no more than 36 special events with more than 100 guests, as well as 36 special events with fewer than 99 guests per calendar year. No more than two special events, regardless of size, shall occur in a continual seven-day period. 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. 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 shall occur only on Fridays, Saturdays or Sundays, as well as on, and the calendar day prior to, recognized Federal holidays, between the hours of 11:00 a.m. to 11:00 p.m. The special events may provide the sale or service of alcohol from 11:00am to 10:00pm or one hour prior to the close of the special event, whichever is earlier."

If you need further information, please contact Shanna Farley-Judkins at (213) 974-1516 or sfarley-judkins@planning.lacounty.gov. Department office hours are Monday through Thursday from 7:30 a.m. to 5:30 p.m. The Department is closed on Fridays.

RG:SFJ

Enclosure: Applicant Email dated July 13, 2018

Shanna Farley-Judkins

From: beth@malibuvalley.com
Sent: Friday, July 13, 2018 12:44 PM
To: Shanna Farley-Judkins; Robert Glaser
Subject: Cielo Farms Hearing Officer Meeting on 7/17

Shanna and Rob:

I have read over the Memo that is on the County's website and I wanted to let you know that Richard and Diana Hirsh would like to request a change of wording to Condition 52. I would appreciate if you could send the requested wording to the Hearing Officer ahead of time so he can see it before the hearing. The wording is below. Please let me know if you have any questions.

Condition 52:

This grant authorizes special events, accessory to the tasting room, with an occupancy not to exceed 200 guests at any time on the Project Site. This grant authorizes no more than 36 special events with more than 100 guests, as well as 36 special events with fewer than 99 guests per calendar year. No more than two special events, regardless of size, shall occur in a continual seven-day period. 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. 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 shall occur only on Fridays, Saturdays or Sundays, as well as on, and the calendar day prior to, recognized Federal holidays, between the hours of 11:00 a.m. to 11:00 p.m. The special events may provide the sale or service of alcohol from 11:00am to 10:00pm or one hour prior to the close of the special event, whichever is earlier.

Thank you,
Beth Palmer



Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead



Amy J. Bodek, AICP
Director

JUNE 12, 2018

TO: Alex Garcia, Hearing Officer

FROM: Shanna Farley-Judkins, Regional Planner *SFJ*
Coastal Permit Section

**SUBJECT: Project No. R2015-03796-(3)
Conditional Use Permit No. RCUP-201500135
Parking Permit No. RPPL2017009910
HO Meeting: June 19, 2018
Agenda Item: 5**

The above-mentioned item is a request for a Conditional Use Permit and Parking Permit to authorize the operation of a remote wine tasting room and associated special events to occur on a property located in the Santa Monica Mountains North Area.

At the Hearing Officer public hearing of April 17, 2018, the project was request was continued to June 19, 2018 to allow the applicant and staff to invetsigate several comments and concerns noted by the Hearing Officer. In particular, the applicant and staff were asked to develop a benchmark or standard noise level, in accordance with the Department of Public Health, to ensure enforcement of the noise limiting standrads.

The applicant requires more time to conduct additional noise analysis, to support development of a benchmark or standard noise level. Due to the availability of the applicant's noise consultants and schedule of upcoming events, staff recomends that the Hearing Officer continue the project to the July 17, 2018 Hearing Officer public hearing to allow the applicant to conduct a more thorough noise analysis and staff time to review the results of the study to develop a benchmark or standard noise level.

If you need further information, please contact Shanna Farley-Judkins at (213) 974-1516 or sfarley-judkins@planning.lacounty.gov. Department office hours are Monday through Thursday from 7:30 a.m. to 5:30 p.m. The Department is closed on Fridays.

SUGGESTED MOTION:

**I MOVE THAT THE HEARING OFFICER CONTINUE THE PUBLIC HEARING TO
July 17, 2018.**

RG:SFJ



Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead



Amy J. Bodek, AICP
Director

APRIL 18, 2018

TO: Hearing Officer/Public

FROM: Shanna Farley-Judkins 
Coastal Permits Section

**SUBJECT: Hearing Officer Continuance Summary
Project No. R2015-03796-(3)
Conditional Use Permit No. RCUP-201500135
Parking Permit No. RPPL2017009910
HO Meeting: April 17, 2018
Agenda Item: 31**

At the Hearing Officer meeting of April 17, 2017, the above mentioned project was considered and upon extensive discussion, the item was continued to the June 19, 2018 meeting of the Hearing Officer.

The Hearing Officer asked the applicant and staff to consider a number of comments and concerns prior to returning for further review. Below is a summary of items which the Hearing Officer indicated should be considered.

- Noise – develop a benchmark or standard noise level, in accordance with the Department of Public Health regarding the appropriate noise levels at the site. Such benchmark should be incorporated to ensure enforcement of the noise limiting standards.
- Number of Special Events – develop a reduced number or limit of occurrence of special events, for example three per month, which equate to no more than 36 per year.
- Vineyards Compliance – the applicant was asked to provide more information about their intention and timeline to show compliance with the Vineyards Ordinance of the Santa Monica Mountains Community Standards District, prior to further review of this project.
- Vineyard and Tasting Room Standard – the Hearing Officer requested the applicant submit an annual report showing evidence of proper licensing of the offsite winery and onsite tasting room pursuant to the California Department of Alcohol Beverage Control.
- Evacuation/Emergency Management Plan – the draft condition requiring an evacuation and emergency management plan should more clearly identify the appropriate departments and County Codes where such standards would be applied.
- Rural Outdoor Lighting District – the applicant shall employ a lighting consultant to prepare a professional lighting assessment of the site and the proposed lighting. The Assessment should include suggested mitigation measures which can be incorporated as Conditions to further ensure compliance with the County Code for the Rural Outdoor Lighting District.

- Vineyard Tours – the applicant was asked to provide additional details regarding the vineyard tours. Specifically, the Hearing Officer asked for details on the number of tours per day or week, the number of persons to be included in a tour group, the typical schedule of such tours. The Hearing Officer asked to ensure that no tours be conducted after sunset when there is no natural light available and that the description of such tours consider noise impacts created by tours on neighboring residential uses.
- Noise Monitoring – the Hearing Officer requested a quarterly report regarding the results of the noise monitoring, as prepared by a noise specialist. The report should include a description of both ambient and event noise levels and should indicate whether they comply with the stipulated benchmark, as recommended above and if not, the report should indicate how the issue was resolved.
- Online Schedule “Good Neighbor System”– the applicant should consider in addition to the posting of the online schedule, a registry option which would automatically generate updates to the schedule through an email to interested parties. The registry should include similar contact information as posted on the online schedule. Additionally, the Conditions should include periodic reporting (possibly more frequent) to the Department to monitor compliance of the system.
- Annual Community Meeting – the Hearing Officer indicated that the project should be conditioned to require annual meetings between the permittee and the surrounding community to address any concerns or questions that arise. The permittee should provide an annual report of the minutes of such meeting to ensure compliance with the permit conditions.
- Alternative Vehicle Plan – the Hearing Officer requested that the applicant consider the ability for guests of the site to more easily make use of alternative transportation, like taxi’s, Uber, Lift or other such transportation besides personal vehicle use. Such plan should be identified in the project description and site plan, as appropriate.

If you need further information, please contact Shanna Farley-Judkins at (213) 974-1516 or sfarley-judkins@planning.lacounty.gov. Department office hours are Monday through Thursday from 7:00 a.m. to 6:00 p.m. The Department is closed on Fridays.

RG:SF



Los Angeles County
Department of Regional Planning



Planning for the Challenges Ahead

Amy J. Bodek, AICP
Director

APRIL 17, 2018

TO: Hearing Officer Garcia

FROM: Shanna Farley-Judkins 
Coastal Permits Section

**SUBJECT: Project No. R2015-03796-(3)
Conditional Use Permit No. RCUP-201500135
Parking Permit No. RPPL2017009910
HO Meeting: Tuesday, April 17, 2018
Agenda Item: 31**

The above-mentioned request is an application for a Conditional Use Permit for a Remote Tasting Room and associated Special Events and a request for a Parking Permit to allow tandem and compact parking arrangements onsite.

Please find the enclosed letter in for the above referenced item, that were received subsequent to hearing package submittal to the Hearing Officer and subsequent to items presented to the Hearing Officer on April 16, 2018.

If you need further information, please contact Shanna Farley-Judkins at (213) 974-6435 or sfarley-judkins@planning.lacounty.gov. Department office hours are Monday through Thursday from 7:00 a.m. to 6:00 p.m. The Department is closed on Fridays.

RG:SFJ

Enclosures:

Emailed Comment Letter from Steve Bernal and Sherry Martyn, Received April 16, 2018

April 14, 2017

Steve Bernal
Dr. Sherry Martyn
31307 Birdella Road
Malibu, CA 90265

Re: Cielo Farms – Conditional Use Permit Application

To whom it may concern,

We are writing this letter in support of the Cielo Farms Conditional Use Permit. We have known Richard Hirsch and his family since they first started offering wines from their family vineyard approximately 10 years ago. During this time, we have been impressed not only with their wine, but also with their commitment to the neighborhood. Their property is immaculately maintained, and their events are done in a thoughtful, professional manner that eliminates or minimizes any disturbance to the neighborhood.

More importantly, Richard has always demonstrated the highest level of honesty and integrity in our interactions both personally and professionally. Above all, Richard and his family are good neighbors, and should his permit be approved, we feel certain that he and his associates would be responsive and accommodating if anyone in our neighborhood were to report a grievance.

We have lived in our home for 21 years, and during this time we've heard a wide variety of (Birdella & Thrift Road) neighborhood complaints, yet we've never heard anyone complain about the Cielo Farms events. Therefore, we support the approval of Cielo Farms Conditional Use Permit.

Sincerely,



Steve Bernal



Sherry Martyn, PhD



Los Angeles County
Department of Regional Planning



Planning for the Challenges Ahead

Amy J. Bodek, AICP
Director

APRIL 16, 2018

TO: Hearing Officer Garcia

FROM: Shanna Farley-Judkins 
Coastal Permits Section

**SUBJECT: Project No. R2015-03796-(3)
Conditional Use Permit No. RCUP-201500135
Parking Permit No. RPPL2017009910
HO Meeting: Tuesday, April 17, 2018
Agenda Item: 31**

The above-mentioned request is an application for a Conditional Use Permit for a Remote Tasting Room and associated Special Events and a request for a Parking Permit to allow tandem and compact parking arrangements onsite.

Please find enclosed nine letters and emails in for the above referenced item, that were received subsequent to hearing package submittal to the Hearing Officer.

If you need further information, please contact Shanna Farley-Judkins at (213) 974-6435 or sfarley-judkins@planning.lacounty.gov. Department office hours are Monday through Thursday from 7:00 a.m. to 6:00 p.m. The Department is closed on Fridays.

RG:SFJ

Enclosures:

Email Comment Letter from Manuela Parker, Dated April 9, 2018
Email Comment Letter from Camille Henderson, Dated April 10, 2018
Email Comment Letter from Philip Paton, Dated April 12, 2018 (for March 30, 2018)
Email Comment Letter from Leslie Gail, Dated April 12, 2018 (modified previously submitted letter)
Email from Pat and Avery Falkner, Dated April 13, 2018
Email and Attached Petition from Leslie Paton, Dated April 13, 2018
Email from Rada and Hoawrd Leese, Dated April 16, 2018
Email from Johanna and Patrick Spinks, Dated April 16, 2018
Email and attachments from Leslie Paton, Dated April 16, 2018

Shanna Farley-Judkins

From: Manuela Parker <manuelaparker61@gmail.com>
Sent: Monday, April 09, 2018 7:22 AM
To: Shanna Farley-Judkins
Subject: Project 31424 Mulholland Hwy within Malibu Zoned District

Dear Mrs. Farley-Judkins,

I am a direct neighbor to the address above and would like to inform you that I am very concerned about this project. The noise we as neighbors have to endure since Calamigos Ranch and Rocky Oaks host wine tastings, weddings and other celebrations is extremely stressful and sleep depriving. Additionally the value of our homes will go down with the lowering of quality of live in our neighborhood. I am a recent widow and my home is a very essential asset to my financial security. I am very frightened that this project will cause me and other homeowners financial loss and peace of mind.

Thank you for your consideration.

Sincerely, Manuela Parker
599 Thrift Road
Malibu CA 90265
818-597-9122

Shanna Farley-Judkins

From: Camille Henderson <camillemtimelessbeauty@yahoo.com>
Sent: Tuesday, April 10, 2018 10:59 PM
To: Shanna Farley-Judkins
Subject: Please let me know you received this email!

To Shanna Farley-Judkins
Los Angeles County Department of Regional Planning

Re: Cielo Wines
31424 Mulholland HWY
C.U.P.

To Whom it May concern,

My name is Camille Henderson,

and I am writing to you because I feel an injustice may be occurring!
I was working on a PSA and

Leslie Gail, whom lives
at 182 N Kanan Dume RD Malibu

was kind enough to let us use her property to shoot . While we were there the residence above her,

CIELO WINES, was having an event. It was so loud we had to do ADR aka sound on the whole PSA !

Because of this it ended up costing way more money than we had budgeted for, because of the sound factor.

This of course upset everyone and we can no longer consider her property as apparently this is a regular occurrence!

Well, there is nothing normal about it and I'm in shock that this is even being considered!!
I feel very strongly that these people who own Cielo Wines, have no regard for their neighbors.
Please consider this when you make your decision, noise pollution is a real thing!!

Sincerely,

Camille Henderson

Sent from my iPhone

Shanna Farley-Judkins

From: Philip Paton <philpaton@me.com>
Sent: Thursday, April 12, 2018 2:28 PM
To: Shanna Farley-Judkins
Subject: Fwd: R2015-03796, 31424 Mulholland Highway

Shanna,

I sent this to you over 11 days ago and received no confirmation nor is it included in the "Hearing Packet". Please confirm that you have received this and that it will be included.

Thanks you,
Regards,
Phil Paton

Begin forwarded message:

From: Philip Paton <philpaton@me.com>
Subject: R2015-03796, 31424 Mulholland Highway
Date: March 30, 2018 at 10:42:24 AM PDT
To: sfarley-judkins@planning.lacounty.gov

Dear Shanna,

My name is Phil Paton and I live at 615 Thrift Road. I know that you have spoken to my wife, Leslie regarding our protest against permits R2015-03796, 31424 Mulholland Highway

I am also aware that you have asked for any evidence in support of our protest to be forwarded in advance for the panel's consideration. I respectfully submit the following article from CNN entitled:

"Stress, depression may affect cancer survival"

This article features research by two leading facilities indicating that stress can "increase mortality in cancer survivors".

In July 2009 my wife, Leslie, was diagnosed with stage two breast cancer. Leslie underwent a double mastectomy and a round of devastating chemotherapy. Still within her 10 year survival evaluation, her recovery is on-going with daily, chemical treatments. Keeping stress as low as possible is paramount to her continued treatment. We moved to this house in order to escape noisy, urban living for this very reason. There can be no doubt that loud, noisy parties just a stone's throw from our bedroom will increase her levels of stress and therefore an increased risk of mortality.

Please, please, please I beg of you and your colleagues do not allow this to go forward. You may be condemning a human being, one who I love dearly, to a early death.

I will be addressing this, if given the chance, at the hearing.

Thank you for your time and consideration.

Respectfully,

Philip Paton

<https://www.cnn.com/2012/09/14/health/stress-cancer-survival-enayati/index.html>

Shanna Farley-Judkins

From: Le Sangreal (via Google Docs) <lesangrealmalibu@gmail.com>
Sent: Thursday, April 12, 2018 1:53 PM
To: Shanna Farley-Judkins
Subject: Complaint

lesangrealmalibu@gmail.com has shared a link to the following document:



Complaint



Hi Shanna,

This is Courtney, Leslie's assistant. Please see the attached following modified document of our proposal.

Thank you for your time.

Kind regards,

Courtney Jackson

[Open in Docs](#)

Google Docs: Create and edit documents online.

Google LLC, 1600 Amphitheatre Parkway, Mountain View, CA 94043, USA

You have received this email because someone shared a document with you from Google Docs.



From:

Leslie Gail

182 N Kanan Dume Rd.

Malibu, CA 90265

1-310-435-1100

LeslieGail@me.com

To:

Shanna Farley-Judkins

320 West Temple St., Hall of Records, Rm. 150

Los Angeles, CA 90012

1-213-974-1516

Re: Conditional Use Permit

Cielo Farms

31424 Mulholland Hwy

"A typical legal description of the implied covenant of good faith and fair dealing is that neither party will do anything that will injure the right of the other party to receive the benefits of the agreement. See the Andrews decision for a discussion of the closely related implied covenant of quiet enjoyment." (Quote: ca.gov)

My name is Leslie Gail and I am a single, unmarried woman living at 182 N Kanan Dume rd Malibu CA 90265 reachable at 310-435-1100. I've lived at this address for almost 21 years, though the original house was built back in the 40's. This property is situated directly next to Cielo farms. My home is approximately 50-100 feet, from the Barn at Cielo Farms where Cielo conducts their events, that is; weddings, wine tasting, social gatherings and when shooting films, television, or photography etc. The purpose of this location was to protect the Hirsh's privacy and their home from noise coming from their many events. Because of the proximity of the Barn to my personal home, life has become Impossible!. The peaceful lifestyle I once enjoyed has been completely obliterated and my only source of income is now being threatened.



I have been doing vacation rentals for the last 6 years, which is relatively quiet as many of my guests come to enjoy the peaceful quiet along with the scenic views. However, I have had numerous complaints from guests in the last couple years, the last being a letter to AIRBNB in Nov. 2017, informing them that an event center is next to my home that has big parties all weekend. I now have to disclose to every guest inquiry with full disclosure as to the event center next to my home, which will significantly damage my vacation rental business. This presents a major problem, as I'm my sole support and this property, the only source of my income. I, unlike Richard and Diana Hirsh, have no other source of income and unfortunately cannot seek other forms of income due to a disabling injury. I live with a broken vertebra in my back which I've managed for over 25 years without having surgery. However stress, as I'm sure you're aware, plays a rather large role in pain management and as you can imagine with what is going on, my stress levels are through the roof. This pain which continues to become more and more debilitating daily, further infringes on my ability to source other forms of income. In fact, this is all I can do with my affliction and am very grateful to have it. Furthermore, an event center next to my home would lower the value of my property *exponentially*. This means, that I wouldn't be able to retire on the sale of the house, a probable conclusion if unable to generate income necessary to run and maintain the property, thereby leaving me destitute.

On the other hand, Richard and Diana Hirsch, owners of both Cielo Farms and JohnPaulRichard, (a commercial women's apparel manufacturing company located at 26800 Agoura Rd. Calabasas, CA), have multiple sources of income. These multiple sources of income secure a comfortable living for the Hirsch's

which do not require additional sources of income for survival. Richards son Rob Hirsch, assists him with the running of the estate as well as the business JeanPaulRichard.

The Hirsh's began building the estate 17 years ago, around 4 years after me, and was aware of my existence as I was constantly forced to remind them due to their lack of consideration in most things, including the building of their home and in process, the removal of my septic system; leaving me without a septic system for a very costly and extensive period of time. The removal of my driveway to build theirs, which cost me \$10,000, which they had agreed to replace at no to cost me, and the attempted to steal a portion of my property along the north side of the driveway as an exchange for the use of my driveway., which, I might add, has been in existence since the 1940's and in use all those years by the occupants of the home, including myself. Although it was his site manager who contacted us with this proposal, Richard Hirsch claimed he knew nothing of it... As to the noise, I thought I was the only one affected, so I've been dealing with this the best I can. Little did I know so many others in the neighborhood were affected. In retrospect, I regret that I didn't speak up sooner. Consider this, every other home is at least 50 times the distance, than my home is from Cielo's barn. Perhaps this might give you some kind of idea of what I've had to endure since the conception of their event site. Besides the safety of livelihood mentioned herein, there are numerous other issues that are of great concern to me and my business with regard to Cielo.

1. Note, the potential for a break-in to my home or something potentially worse. At the end of 2016, Richard contacted me about a break-in at the barn and the culprits were seen coming from *my* property, climbing the fence onto theirs. He had asked if I knew them after giving me a brief description - to which I replied that I did not know them. However, it turned out the culprits were members of his Cielo Wine tasting club and were in fact, trespassing on my property. Please see the following correspondence.

AT&T 6:50 PM 35% AT&T
 117 RH Richard
 Dec 14, 2015, 2:51 PM

Leslie-
 There was a guy with a cap on with s Latino girl...at the party...same people that broke into the barn...they left the party and claimed over the fence to your property sat nite ...is there a trailer on your property?
 These guys took a plant...
 Of course it's not the plant...it's the point that we don't know who is breaking into property..

AT&T 6:51 PM 35% AT&T
 117 RH Richard

Dangerous...
 Do u have any idea who this is?

No!!! That's scary! I'll ask Steve my gardener

Ok-
 There are chairs where they climb over the fence in your side...I'm not at home..
 But you can see them I'm sure..can u remove them...

AT&T 6:51 PM 35% AT&T
 117 RH Richard

I don't have any chairs by the fence that I know of but I'll check when I get home. I'll let you know



AT&T 6:51 PM 35% AT&T
 117 RH Richard

Leslie-
 They jump over here...



Leslie-
 Here is another pik.

AT&T 6:51 PM 35% AT&T
 117 RH Richard

I don't have any chairs

That's the stuff that's going in the garbage. I'll have him move it away from the fence. I'm going to call Collins and find out who's down there with a Latino. Are they young or old?

Youngish in 20's
 Early 30....
 Guy wears beanie
 Guy might be white
 Girl looks Latino ..
 Let us know
 Thank u Leslie...

AT&T 6:52 PM 35% AT&T
 117 RH Richard

Leslie-

I called Collin but no one down there with Latino girlfriend. Do you have a pic of what they look like? I told Steve to keep an eye out

Dec 14, 2015, 7:17 PM

I need to get into video camera (problem with getting footage)
 I'll get a picture end of week, give to you.

Great!

Ok! By Steves trailer.
 That's the stuff that's

Dec 14, 2015, 5:45 PM

Dec 15, 2015, 9:20 AM

Cielo Farms Holiday

AT&T 6:52 PM 35% AT&T
Richard

Dec 15, 2015, 9:20 AM

Cielo Farms Holiday Party by Jenny Quicksall Photography

Tap to Load Preview

jennyquicksa |lphotograp...

These are the people that broke into our barn. Before we "hunt" them down, let's make sure these aren't just nice people "breaking and entering" and taking my plant

AT&T 6:53 PM 35% AT&T
Richard

We may know who this is.. Finding out now. Why he's going thru our properties ...not ok...taking my plant!

Dec 15, 2015, 12:35 PM

Absolutely!!

Jan 30, 2016, 1:17 PM

Hi! There's allot of water running down my driveway and it's coming from your sprinklers. You should have your guy look at it.

AT&T 6:53 PM 35% AT&T
Richard

plant.

Disregard: I'm trying to isolate this 1 picture. We have them.

Cielo Farms Holiday Party by Jenny Quicksall Photography

Tap to Load Preview

jennyquicksa |lphotograp...

Disregard

AT&T 6:53 PM 35% AT&T
Richard

Do u know who these folks are?

Cielo Farms Holiday Party

Tap to Load Preview

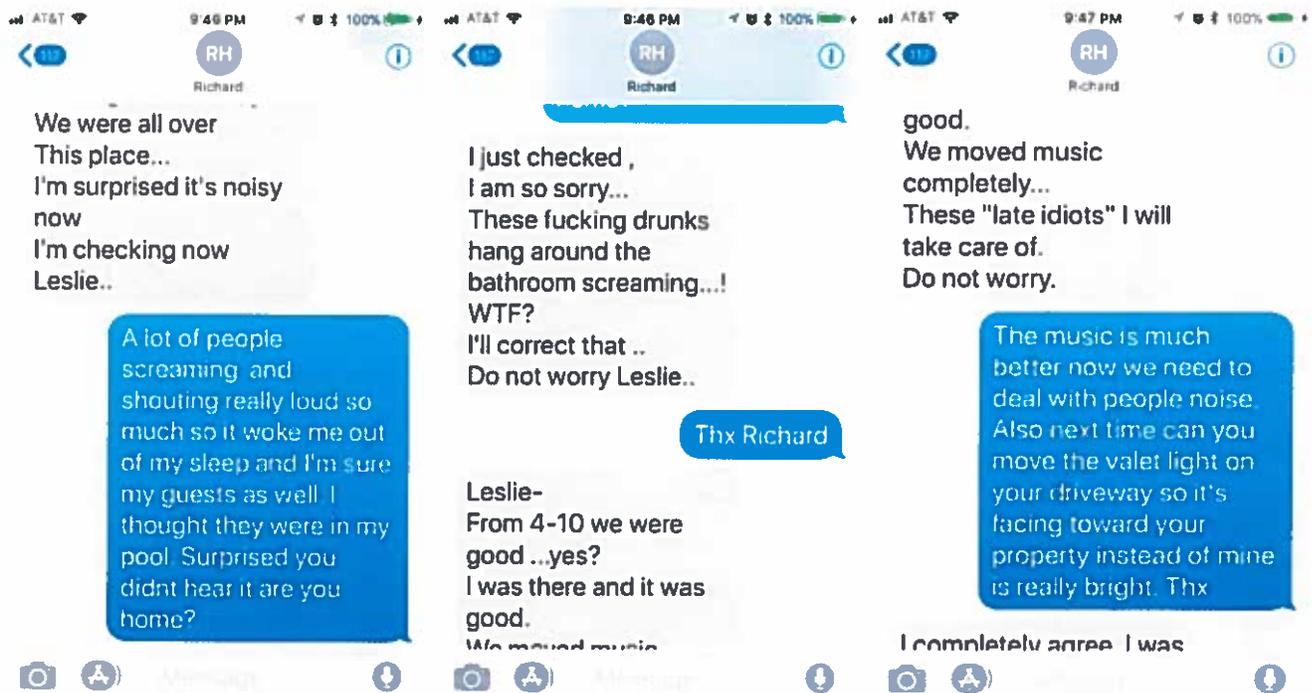
jennyquicksa |lphotograp...

I've never seen these people before I'll send to Collin and see if he knows them

We may know who this is.. Finding out now.

AT&T 6:53 PM 35% AT&T
Richard

2. Drunk and disorderly conduct is as much a concern, as well. As you can imagine, drinking is what is to be expected at weddings and celebrations, as well as a wine tasting bar. However, on many occasions, guests have been left at Cielo farms after a night of partying, out of control, loud and obnoxious and shouting at the top of the lungs . One such incident is illustrated in a text between Richard and myself. Please review the following correspondence.



I am not much of a drinker and I don't go to bars, that being said, I'm really uncomfortable with the idea of a bar or an event space where high levels of alcohol are consumed and the potential inappropriate behavior associated with that kind of consumption are a source of great concern, since the barn is so close to my home. On many occasions, my previous gardener who at the time lived on the property, was forced to parole the property at night during Cielo events, in order to protect me from the drunks falling into my bushes. This kind of thing is very scary to a single woman living alone. People do crazy things when they've been drinking.

Please see all correspondence, decibel readings, and audio recordings at the following link: cielocorrespondence-com.webnode.com

3. Traffic. Cielo Farm's driveway is directly next to mine and my driveway is directly next to the house. The traffic propagated by 200 wedding guests, 2 to 3 times every week is a nightmare for my business and myself! It's like having a freeway next to my home. The trucks carrying the venues tables, chairs, decor, and such, are louder than the events themselves! On April 2, 2017 I caught audio of the trucks loud noise, you can hear it at <https://vimeo.com/262924758>. The extent of the noise is such it causes a vibration in the house. I've considered the possibility of subtle structural damage to my home over time with the constant barrage of large vehicles not only from events, but even larger vehicles associated with photoshoots and filming done on the property. Not to mention the annoying beeping sound which is amplified due to the canyon. Everytime a car or truck of that magnitude comes up their driveway, which is a constant occurrence, I look to see who's coming up the driveway because I can hear this in my home. This causes me significant anxiety. When Richard told us he wanted to build his driveway next to mine, we said *absolutely not*, as we knew this was going to be a problem. Richard then *guaranteed* us that there would be *very little* traffic and *very little* noise. At one time, I suggested to Robert Hirsh to create another entrance off Birdella, as it's closer to the parking area and would alleviate some of the traffic noise affecting me, to which he replied, that would not be possible as it would disturb his parents!
4. Noise. Again, because of the close proximity to the Barn I hear every conversation in detail. I hear every word they're saying and I can tell you who is talking and who is laughing. It's not just muffled noise, it is hundreds of conversations. Imagine 200 of them and imagine them all day. The workers talking in spanish, Rob Pausmith taking people on tours, the wine tastings, the parties, which includes a lot of shouting and screaming. The noise is not just generated by those people using the washrooms as suggested by Shanna, it is in fact the area they hold their events, as well as the washroom area, parking area, and driveway area. Please see the attached link to a video I took on July 16, 2016 of distinct conversations,

word for word, loudly broadcasting towards my property;
<https://vimeo.com/262927474>. The Barn is sandwiched between my property and the mountain, therefore the only direction the noise can travel is to the West, the direction of my property most significantly, North, Rocky Oaks Vineyard, and South, the homes on Birdella. East is their home, which is protected from the noise due to the mountain. I know this to be true as when I've complained to Richard about the noise levels he's always apologized as he says he can't hear The Barn from his home. The events at Cielo generate noise levels between 65 and 99 decibels *consistently*. Some of the readings I've managed to record when home, are listed on the following link:

<https://cielocorrespondence-com.webnode.com/decibel-readings2/>. I have also taken audio video recordings of the sound from my property. You may find each video for the following dates at:

Date:	Audio:
July 8, 2016	https://vimeo.com/262921502
July 16, 2016	https://vimeo.com/262927474
August 20, 2016	https://vimeo.com/262922052
October 15, 2016	https://vimeo.com/262922121
October 15, 2016	https://vimeo.com/262922170
October 15, 2016	https://vimeo.com/262922131
November 5, 2016	https://vimeo.com/262922220
March 12, 2017	https://vimeo.com/262922237
March 12, 2017	https://vimeo.com/262924547
April 2, 2017	https://vimeo.com/262924758
April 2, 2017	https://vimeo.com/262922258
April 2, 2017	https://vimeo.com/262922400
June 17, 2017	https://vimeo.com/262927563

August 25, 2017

<https://vimeo.com/262927617>

According to Shanna, at regional planning, a sound test was conducted on April 2, 2017 by an independant sound engineering company hired by Cielo Farms. The event they monitored was a Baby Shower, beginning around 11:30 am and ending somewhere around 6:00 pm. They concluded the decibel levels to be at an acceptable level, recorded at 69 decibels most of the time, with one time getting as high as 89 decibels. My readings on the other hand were somewhat different, the decibel readings were between 72 and 91 decibels, the range consistent with the sound engineers, the only difference being, *it was as high as 90 decibels all day long!* The noise was so bad that day I had a complaint from the guests staying on the property, in fact, the masseuse who had come to massage them, was the one to inform me of their discontent. For the first time, the police were contacted when they could bear it no longer, though, by the time they arrived the music had stopped. Even so, a report was filed of the incident. Please see the attached decibel readings taken throughout the day April 2, 2017, as well as an email complaint from the guest. Also, you can follow the following 2 links to videos with audio of the noise on the night of April 2, 2017;<https://vimeo.com/262922400>, <https://vimeo.com/262922258>. The next is a link of the trucks on my property, this was also on April 2,

2017. <https://vimeo.com/262924758>.



From: Lulu Kurdian <lulu81@me.com>
Subject: Stay Complaint 31st March to 8th April 2017
Date: April 9, 2017 at 7:34:43 PM PDT
To: Leslie Gail <lesliegail@icloud.com>

Dear Leslie,

Thank you for having us at your incredibly beautiful home for the week. The Scenery, location, home and grounds were just stunning and exactly what I was looking for.

As mentioned before coming, I was in great need of retreat, peace and relaxation under medical advice, due to going through a very stressful transition. Your property more than catered for the type of stress free environment I needed and felt it as soon as I arrived on last Friday. I was in heaven!

However, on Sunday there appeared to be an Extraordinarily loud party happening right behind the fence line. The music was soooooo loud and at a level I sense irritation, I honestly couldn't believe how ridiculously loud it was...especially as I had pre-booked a \$175 masseuse come to the house that day and simply could not relax, in fact I was more stressed and irritable during and after the massage.

Immediately after my masseuse I had a healer (who was also pre-organised and who costs \$1500 per session) come to work with me up at the house and unfortunately conditions were less than desirable to find some inner peace.

I completely understand that the circumstances were out of your control, and I'm sure that if your neighbor had let you know in advance you would have informed me about the impending party, in which case I would have amended my dates of stay to begin Monday instead as this was an immeasurable inconvenience to me, both mentally and financially so I believe I should be reimbursed for one day stay...

I hope that you understand.

Sincerely,
Lulu Kurdian

5. PRIVACY. If I can hear Cielo, they can hear me! Because of the close proximity, they can hear everything I'm saying. Because they are above me they SEE everything I'm doing! Neither myself or my guests can enjoy the privacy we come to the mountains to enjoy, as there are always people

looking down on my property. I have an outdoor slipper tub which can no longer be utilized as Cielo has a direct view of the tub from their event space and the private back patio off the master bathroom which is no longer private! I've discussed with Richard, the idea of putting in hedges, however I cannot find anything tall enough to give the privacy required to use the facilities! At the moment I have bamboo, which is still not high enough. Because of the close proximity they can, if they want to, see into my house through the doors and windows when the lights are on. When cielo is having an event, the doors and windows that don't have curtains, lights must be kept off, causing me to stumble around in the dark to ensure my privacy.

6. My Deteriorating Health. As stated earlier my health has been greatly impacted by this situation. Because of the stress, noise levels, potential loss of income, my back problems have worsened to a degree to which I am having difficulty walking, sitting, sleeping, and as stated earlier, seeking any alternate form of employment. I have been diagnosed with stage 3 of adrenal failure, low blood pressure and anemia. My hormones are completely out of whack and I'm out of breath all the time and can barely walk up the stairs. According to my doctor, this is all stress related/induced and I'm currently under strict orders to relax, which is *impossible* with the the summer wedding season coming and with that, non-stop noise and thus complaints from my guests. If the stress doesn't ease up, I'm extremely concerned for my well being and livelihood.

7. Loss of Income. As stated earlier, my main source of income has been Vacation Rentals. I advertise on sites such as VRBO and AIRBNB. Until now, I've accumulated many many 5 star reviews, all positive. Unfortunately that's changing due to the increase in noise and as I've stated earlier - my reviews are becoming less and less frequent. Most guests now don't leave a review at all, they can see the noise is out of my control, however they feel obligated to state the truth so they say nothing at all, thank goodness!! Unfortunately, I've received emails from guests complaining about the noise to which in some cases, Cielo has reimbursed! However on some occasions they have not, thus I've been obligated to reimburse my guests for Cielo's noise.

From: Meredith <mimimurphy@hotmail.com>
Subject: Noise complaint
Date: August 22, 2016 at 2:19:01 PM PDT
To: "Gailforceproductionsinc@gmail.com" <Gailforceproductionsinc@gmail.com>

Leslie,
Your home is absolutely spectacular. Most days and nights it was peaceful and calm. I purposefully chose the location for that reason. Saturday night, when we were trying to have a nice dinner to celebrate my birthday, we were interrupted by VERY LOUD music! It became increasingly more obnoxious and upsetting. The space is designed to give you a sense of calm and tranquility and it was quite disappointing when all of that was put on hold. It sounded like the band was in the yard with us. I seriously couldn't believe how long the music lasted. It became so annoying we had to turn our music up to drown out the live band, and then in turn had to shout to hear one another! I would hope other guests don't have to deal with this in the future. It put a damper on what otherwise was an amazing weekend.
Thank you,
Meredith Murphy

From: Lulu Kurdian <lulu81@me.com>
Subject: Stay Complaint 31st March to 8th April 2017
Date: April 9, 2017 at 7:34:43 PM PDT
To: Leslie Gail <lesliegail@icloud.com>

Dear Leslie,

Thank you for having us at your incredibly beautiful home for the week. The Scenery, location, home and grounds were just stunning and exactly what I was looking for.

As mentioned before coming, I was in great need of retreat, peace and relaxation under medical advice, due to going through a very stressful transition. Your property more than catered for the type of stress free environment I needed and felt it as soon as I arrived on last Friday. I was in heaven!

However, on Sunday there appeared to be an Extraordinarily loud party happening right behind the fence line. The music was soooooo loud and at a level of intense irritation, I honestly couldn't believe how ridiculously loud it was...especially as I had pre-booked a \$175 masseuse come to the house that day and simply could not relax. In fact I was more stressed and irritable during and after the massage. Immediately after my masseuse I had a healer (who was also pre-organised and who costs \$1500 per session) come to work with me up at the house and unfortunately conditions were less than desirable to find some inner peace.

I completely understand that the circumstances were out of your control, and I'm sure that if your neighbor had let you know in advance you would have informed me about the impending party, in which case I would have amended my dates of stay to begin Monday instead as this was an immeasurable inconvenience to me, both mentally and financially so I believe I should be reimbursed for one day stay...

I hope that you understand.

Sincerely,
Lulu Kurdian

From: Tamzin Brown <info@tamzinbrown.com>
Subject: Location sounds issue
Date: November 20, 2017 at 12:14:23 PM PST
To: lesliegail@me.com

Dear Leslie,
Thank you again for your beautiful location production, cast and crew were all very much charmed by the location and we all found you so accommodating.

I'm sorry to complain because everything went so well except for the fact that the sound issues were a major problem. We really should have been informed in advance that there was going to be an event and that it would be so loud. Much of the sound recorded is unusable and we are going to have to spend a lot of time and money on an ADR which was not expected when shooting in such a remote location.

Please let me know if we can come to some sort of arrangement.
Best wishes,
Tamzin

Please see all correspondence, decibel readings, and audio recordings at the following link: cielocorrespondence-com.webnode.com

Furthermore, my guests in November of 2017 refused to pay the remainder of the balance owed, and subsequently, informed AIRBNB of the event center next door, to which I now *have to disclose* to all potential guests! While I've done the odd event from time to time, I'm now having to do more to make ends meet in lieu of vacation rentals. This is an enormous amount of work and not exactly what the doctor ordered, nor is it conducive with the back issues.

The following is the AIRBNB complaint November of 2017.



Here's what Paula Johanna wrote

Paula Johanna's private feedback for you:

Accuracy feedback:



There is a event/party location just next door that seems to have parties on Fridays and Saturdays."

8. Neighborly Attempts at Mitigation. I have done everything in my power and have gone above and beyond to work with Cielo Farms on this issue. We even engaged in mediation, which I hoped would emphasize the gravity of

the situation from my point of view, and therefore would instigate the implementation of real solutions to the problem. Ironically, the Hirsh's have consistently complained about Calamigos Ranch which is at least 100 times the distance than my home is to the Barn.

Leslie-
A lot of noise at Calimigos now...can u hear that bass?

No I'm not home.

You should hear how loud it is...
It's like that quite a lot ..

Oh oh...if it's that loud I'm sure I'm going to hear about it from my guest :(

ESPECIALLY on weekends..

Their music is far enough away it doesn't usually bother me. No ones ever said anything about it. I'll ask my guest if it's bothering them right now

Are u sure it's Calamigos? Can t get a hold of the guest but Collin says it's not bothering him and he's right across the street

I'm sure...
Colin is used to it ..
All of us are use to it...but it's loud..

Still loud Leslie..
Colin is just being normal, trust me it is so loud...

Jun 22, 2016, 9:54 PM



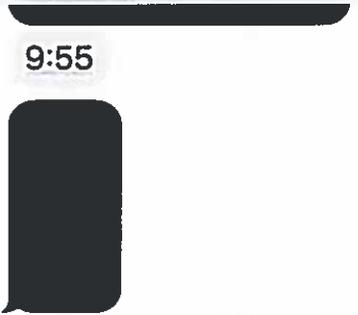
It's like that quite a bit,



From my house.



From my house Leslie.



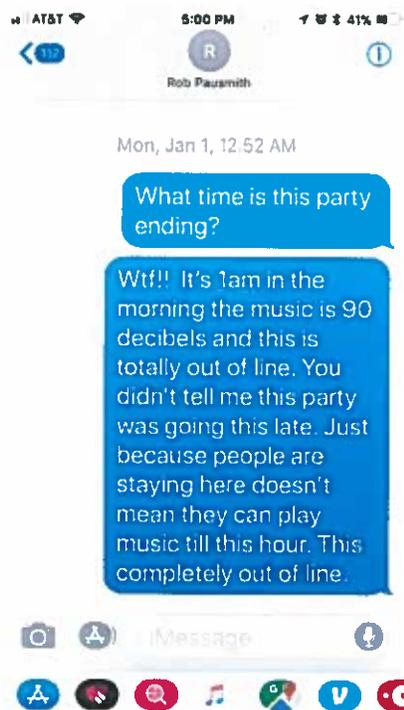
9:55

That's from your house??? Wtf!!

Jun 23, 2016, 6:41 PM

Hi Leslie-
We are at TO Maestros...

In desperation, I enlisted the help of my friend and scientist Mike Strinsky, who at one time was responsible for sound mitigation on the New Jersey freeways. His free advice appearing to go on deaf ears, until I told Cielo they must stop all events immediately until the sound levels are rectified. Then, and only then, sound engineers were hired who reiterated all Mike had suggested. I've generously agreed to give them all this time to figure out their sound issues. In that time, they've put in a lovely waterfall (only visible and helpful to Cielo) and a small wall between 2 boulders. They moved the band and DJ location to the north side of the barn and apparently adjusted the speakers facing my property to point elsewhere. While I did notice an improvement for a little while, my hopes of a more permanent improvement to the sound issue were quickly dissipated by the Wedding on New Years Eve 2017, which was once again at 90 decibels and till 1am.



So in fact, there is really nothing concrete they've done to truly mitigate the sound issues on a permanent basis, that i've seen or heard up until this point, From my perspective, the Hirsh's have not been forthcoming, honest, considerate or in any way compassionate, nor have they shown any kind of gratitude for what I've endured all this time, in order to ensure good neighborly relations. It appears I must give up my comfort, peace and quiet, privacy, health, income and safety.... for theirs. You give them a C.U.P. now and I can

GUARANTEE, nothing will improve, but will instead decline, rapidly! (You're on your best behavior at the beginning of a relationship not the end).

In conclusion, THE LAW states I have the right to peace and quiet enjoyment of my home.

"Anything which is injurious to health, including, but not limited to, the illegal sale of controlled substances, or is indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin, or any public park, square, street, or highway, is a nuisance. A public nuisance is one which affects at the same time an entire community or neighborhood, or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal." (Quote: ca.gov)

I have a civil right to the quiet enjoyment of my property and Cielo Farms is infringing on my legislative rights as a homeowner in the state of California. Cielo Farms has not sufficiently mended any of the issues that their business imposes on my business, my personal home, and my livelihood as a whole.

Therefore I respectfully request you decline Cielo Farms and the Hirsh Family Estates request for a Conditional Use Permit, on the grounds mentioned herein. Until such time, all issues mentioned above have been successfully and unequivocally dealt with in a manner that is satisfactory to myself as well as those members of the community who have been most affected.

Your consideration in this matter is greatly appreciated.

Sincerely,

Leslie Gail

Shanna Farley-Judkins

From: Pat Falkner <patandavery@gmail.com>
Sent: Friday, April 13, 2018 2:11 PM
To: Shanna Farley-Judkins
Subject: R2015-03796, 31424 Mulholland Highway

Shanna Farley-Judkins
LA County Department of Regional Planning (DRP)
320 W. Temple St.
Los Angeles, CA 90012

Dear Ms. Farley-Judkins,

I am writing to strenuously object to the subject proposed Conditional Use Permit for a remote tasting room and parking lot for Cielo Winery. Our home is located at 650 Latigo Canyon Road, immediately across the road from the Hirsh property,

The neighborhood consists of single family dwellings, such as ours, and the individuals who chose this rural area for its quiet beauty and peaceful surroundings. We have great concerns about how the expansion of the winery to include a tasting room and other special events will impact our quality of life.

Sound travels in these mountains, and we are already subjected to excessive noise from the existing party houses and venues in the immediate area. We do not want more. We are also terrified about the increase in traffic and drivers who have had one too many glasses of wine hitting the road after a wine tasting, wedding reception or other event where liquor is served.

We want to protect our privacy and quality of life, and that of our neighbors. The night sky is so important to us, light is our enemy after dark. We don't want be in the path of this kind of change, and feel it is detrimental in so many ways.

Please consider the folks who live across the street and around the corner when weighing your decision about this proposed project. We don't want more noise that will keep us awake at night; we don't want more traffic on our narrow roads, and we don't want inebriated guests endangering the lives of others along the highway.

We are only one voice, but hope you can hear our thoughts and objections LOUD AND CLEAR, and deny the proposed Permits for expansion of the property under discussion.

Thank you,

Pat and Avery Falkner
650 Latigo Canyon Road
Malibu CA 90265

patandavery@gmail.com

Shanna Farley-Judkins

From: Leslie Paton <lesliepaton@mac.com>
Sent: Friday, April 13, 2018 10:21 AM
To: Shanna Farley-Judkins
Subject: R2015-03796, 31424 Mulholland Highway - DENY ALL CUPs petition as of 10am Friday
Attachments: stop cielo petition_as_of_20180413_101223.pdf

Hello Shanna Farley-Judkins, I hope that all is well.

Please see attached a petition with 25 signatures opposing the above-entitled project. Everyone who signed is close by the property.

A number of people who indicated a desire to sign weren't home last night. My goal is to continue to circulate the petition throughout the weekend and send you an update first thing Monday morning. But I know that you will have a deadline to forward materials for review and I'm not sure what that deadline will be. In case I miss it, at least you'll have what I have as of this morning.

I appreciate all your work on this issue. Very respectfully,

Leslie Paton
lesliepaton@mac.com
615 Thrift Road

Petition to Deny Cielo's Conditional Use Permits

WHEREAS, Los Angeles County Project R2015-03796 with permit applications RCUP-201500135, RPPL2017009910, RENV-201500254 request a permit for Class 3 New Construction or Conversion of Small Structures, a Conditional Use Permit and Parking Permit for a private wine tasting venue with special events pursuant to Section(s) 22.24.100, 22.52.2470 and 22.56.990 of the Los Angeles County Code, at the Cielo Farms location at 31424 Mulholland Hwy (corner of Kanan) in the Santa Monica Mountains; and further

WHEREAS, the operation of a wine tasting room and special events together with their increased traffic, parking, noise and vibration from amplified voice and music, and artificial light would be a severe disturbance to area residents and wildlife, despoiling the tranquility of the Santa Monica Mountains, and making quiet enjoyment of the undersigned's properties impossible; and further

WHEREAS, the property is not zoned for commercial use; and further

WHEREAS, the winemakers already operate a wine tasting room less than four miles away from the permit address at a suitable commercial use property;

And for many other valid and compelling reasons too extensive to detail here, WE THE UNDERSIGNED a group of concerned stakeholders consisting of citizens, residents, and voters urge the Los Angeles County Department of Regional Planning to **deny all the above requested permits in their entirety.**

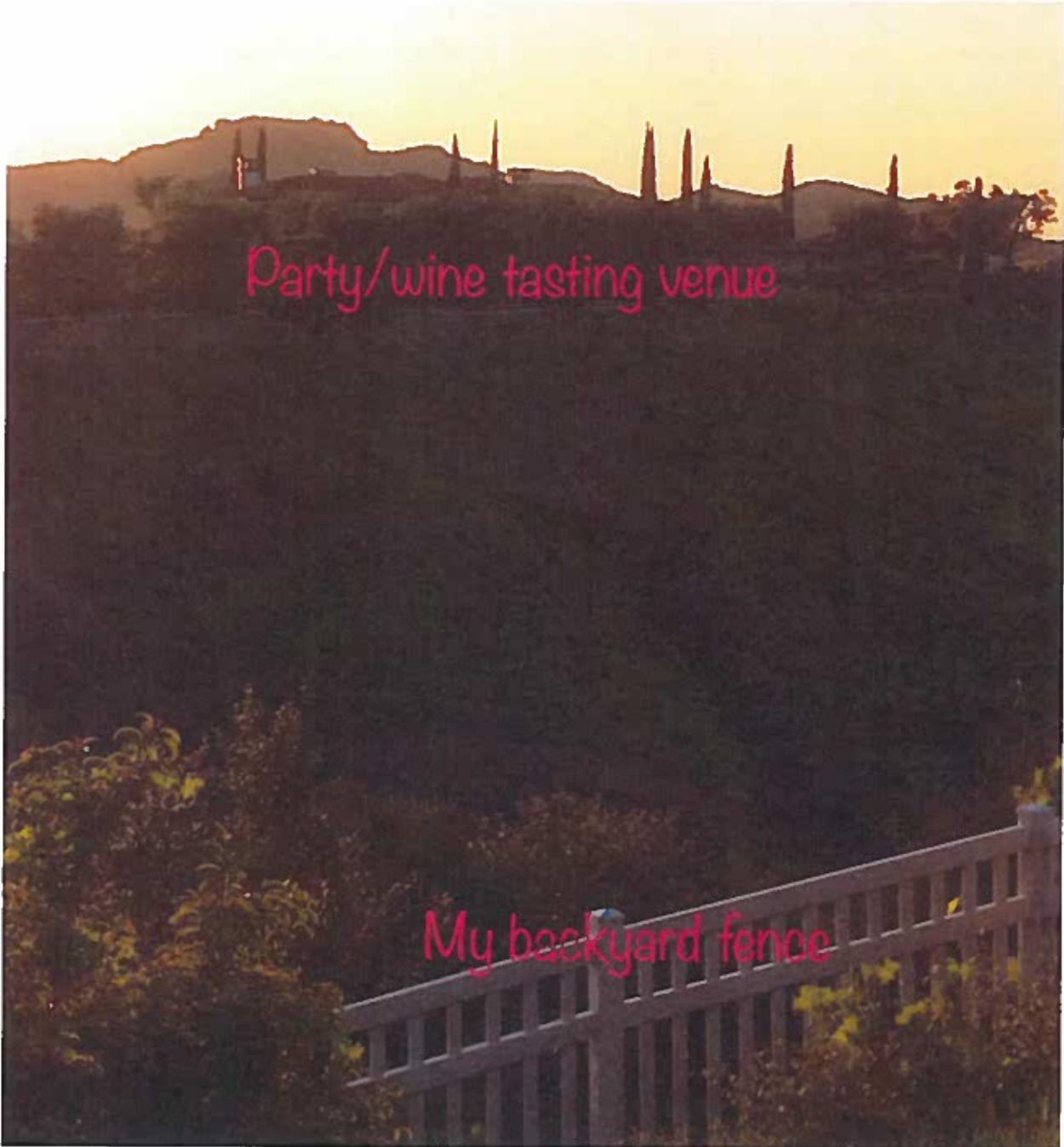
Print Name	Address	Signature	Date Signed	Comment
Pat Falkner	650 Latigo Canyon Dr	Pat Falkner	4/3/18	Noise!
Avery Falkner	"	Jim Falkner	4/3/18	Noise
Leslie Pater	615 Thrift Road	Leslie Pater	4/9/2018	Noise
Leslie Pater	" - "	Pat Pater	4/9/2018	NO!
Bill Young	431 Thrift Rd	Bill Young	4/9/18	No
SUSAN F JANDS	411 Thrift Rd	Susan Jands	4/9/18	Noise
Johanna Spinks	506 THRIFT ROAD	J. Spinks	4/9/18	Noise!
MAYRA MAKABI	540 Thrift Rd	Mayra Makabi	4/9/18	Noise
Edna Makabi	540 Thrift Rd	Edna Makabi	4-9-18	Noise
JOHN GRIFFIN	621 THRIFT RD.	John Griffin	04-10-18	Noise
DAVE TEEZ	520 THRIFT RD	Dave Teez	4-11-18	Noise & Traffic
Nicdetister	530 Thrift Rd	Nicdetister	4-11-18	Noise & Traffic

Shanna Farley-Judkins

From: Rada's General Email <rsleese@aol.com>
Sent: Monday, April 16, 2018 12:51 AM
To: Shanna Farley-Judkins
Subject: Letter of opposition to Project No. R2015-03796-(3)

Dear Mrs. Farley-Judkins,

Our names are Rada and Howard Leese and we, along with our 2 teenage sons, reside at [593 Thrift Rd, Malibu, CA 90265](#). Nearly 2 decades ago, we specifically chose to purchase our home in this area because of its peaceful serenity and magnificent views. The residential site, [31424 Mulholland Hwy](#), pending commercial permit No. R2015-03796-(3), is directly across from our backyard.



Party/wine tasting venue

My backyard fence

We are able to hear loud music when Calamigos Ranch has events/parties, but since they have been here before us and slightly farther away, we've accepted the inconvenience of their noise. To have another Calamigos Ranch-style venue directly across from us is unacceptable. After all, this area was initially permitted for residential, not commercial use.

We reviewed all the permit information and letters on the website. The letters of "**approval**" for Cielo are **over a year old** and **over 87% of the letters are from people not living in this area**. Of course it is easy to approve something which doesn't directly impact your daily life. While vineyards contribute to the charm of this area, the loud party atmosphere does not. The letters **opposing** the permit are from those living **within the immediate area** and **ALL have stressed the negative impacts** it would have, including noise pollution, decreased property value, environmental disturbance, drunk driving, etc. The voices, letters and emails of those in the immediate area must be heard and should outweigh any other opinions of those wishing to frequent the vineyard.

As active voters and residents, we respectfully request you deny all commercial permits filed for Cielo Malibu Estate.

Sincerely,

Rada and Howard Leese

Shanna Farley-Judkins

From: beth@malibuvalley.com
Sent: Monday, April 16, 2018 10:21 AM
To: Shanna Farley-Judkins
Subject: FW: This is Good .
Attachments: logospinks.jpg; email.jsp.jpg

Hi Shanna,

Below please find a letter of support for the Cielo Farms project. Please note that this neighbor asked for her name to be removed from the petition. I noticed it is still on the one that was sent this morning so I wanted to make sure it was not considered by the County.

Thank you.

Beth Palmer

From: Johanna Spinks <johanna@johannaspinks.com>
Date: April 16, 2018 at 7:06:02 AM PDT
To: Paddy Spinks <pspinks@globalspins.com>, Richard Hirsh <RHirsh@johnpaulrichard.com>, <rob@contemporarycatering.com>
Subject: Letter of Support

To Whomever It May Concern:

I at first signed a neighbor's petition that was circulating in our Malibu Highlands community but on a recent Saturday visit to Cielo where my husband and I got to chat with the welcoming owners Diana And Richard at quite some length, we feel that there is no significant threat to our community living. I have since asked my name to be removed from the petition which my neighbor was very gracious about.

I don't live as close to Cielo as this neighbor so my feelings might be a bit different if I did. But it was explained to me at Cielo that they are only adding a few events more a year with this new permit. Events in the mid-thirties per year have already been going on and with this new permit, it will take the number to the mid-forties. This doesn't feel excessive to me and along with the new permit will come limitations on noise which I feel is a benefit to all. I have heard no noise so far from Cielo events.

I personally love living among the Malibu Vineyards and feel they are an asset to our home resale. My daughter also enjoyed a wedding at a different Malibu wedding hosting venue. I feel others who don't live in the Vineyard area should also be allowed to enjoy its' beauty at weddings and events of their own.

Thanks
Johanna and Patrick Spinks

+1 310 384 7029
Heirloom Family and Corporate Portraiture

Shanna Farley-Judkins

From: Leslie Paton <lesliepaton@mac.com>
Sent: Monday, April 16, 2018 1:04 PM
To: Shanna Farley-Judkins
Subject: R2015-03796, 31424 Mulholland Highway
Attachments: A Review of Published Research on Low Frequency Noise and its Effects.pdf; Cielo opposition by property.pdf; Fwd_Cielo Farms Needs Your Help (2)_Redacted.pdf; SAMOmap2012.pdf; stop cielo petition_as_of_20180416_124605.pdf; Noise Impacts on Health.pdf; letters in favor_analysis.pdf

Importance: High

Hello Shanna Farley-Judkins, I hope that all is well.

The following is submitted for the Hearing Officer and record in re: the Cielo Project.

Community Opposition Outweighs Community Support

The Hearing Packet posted at <http://planning.lacounty.gov/case/view/r2015-03796> states in the PUBLIC COMMENTS section (page 13) that "As of the publication of this report, staff has received 27 letters or emails regarding this project, 23 in support and 4 in opposition."

This summary statement is misleading, for many reasons:

- Not one of the 23 messages in support is from this year: all are dated 2017. How can the senders knowledgeably comment on the use requests without the specifics? These could not have been known by the senders, since the information was not yet publicly available. Thus, these letters should be discounted.
- Not one of the messages in support is addressed to Shanna Farley-Judkins or the Department of Regional Planning: 9 are addressed "To Whom It May Concern" or unaddressed, and the remainder appear to be private messages without any indication by the sender that they were aware their comments would be entered into a public record. This is further justification as to why these letters should be discounted.
 - In fact, one of the respondents shared a message that elicited this respondent's letter (see attached email entitled "Cielo Farms Needs Your Help!" sent from and to wineclub@woodstockmalibu.com on March 26, 2017 via Cielo Farms' Constant Contact™ service). Note: not one of the hearing packet letters in support is dated prior to this eliciting email.

The eliciting email encourages recipients to write a short letter in praise of the experience of being a wine club member and suggests points to be made, many of which are contained in the hearing packet's letters in support. Clicking on the "Send Letter Here" link opens the reader's email to a draft message addressed to Wineclub@WoodstockMalibu.com. However, the solicitation email makes no mention of a CUP, development or change, a public process, or the public record. 11 of the 23 letters in support are in the form of emails addressed to Wineclub@WoodstockMalibu.com, and one even has the subject line "Re: Cielo Farms

Needs Your Help!" proving direct response (Hsiou, p. 54).

The respondent who shared the eliciting message queried Cielo as to why they wanted the letter in support. Although this respondent had their original message and the query in email archives, the respondent's records shows no response was received. The lack of response to a use inquiry suggests guile on the part of applicant and is further justification why these letters should be discounted.

- 15 of the messages in support are from wine club members, living as far away as San Diego. Another is from a special event client. Their positive impressions of drinking wine within the (initially) idyllic beauty of the property should be weighted as less relevant than those of area residents who endure their noise, traffic, lights and fights after dark, cleanup activity after they leave and other disruptions.

Most weight should be given to the testimony of people who are trying to peacefully reside in the area affected by the project.

I submit the attached petition opposing the project containing 31 signatures. These were collected by one person who only learned of the project upon receipt of the postcard. I observe that the applicant, who had attorneys and more than a year to prepare, was only able to collect 23 messages in support, and most of these from outside the area. These are clear indicators of tepid support and strong opposition.

I submit the attached map which graphically displays the properties immediately adjacent to the subject project color-coded by opinion. You can see that it shows the 7 properties in favor (11 individuals) are mainly large property owners. You can see that the 21 properties against (31 individuals) are mainly smaller property owners. This is evidence that the project is an attempt by a wealthy, connected large property owner to self-enrich at the expense of many smaller neighbors.

I respectfully request the Hearing Officer accurately consider the balance of weak and fuzzy support versus strong and detailed community opposition to the project.

Noise Affects Neighbors Health

I submit for the record the attached two articles outlining the adverse effects of noise on human health.

Noise Impacts on Health is a Thematic Issue of the European Commission's Science for Environmental Policy unit, written and edited by the Science Communication Unit of the University of the West of England (UWE), Bristol. This paper describes how stress and sleep disturbance resulting from environmental noise are pathways to cardiovascular disease.

Among other findings, the paper summarizes medical impact research revealing **night-time noise can be worse** for cardiovascular health than day-time noise. Noise exposure at night was seen to be a particular problem because it disturbs sleep. The researchers recommended that noise reduction policies consider the medical effects of noise and suggested **targeting noise problems at their source**. I concur and find the subject project an excellent opportunity to do so.

The paper also discusses a study in which researchers evaluated how exposure to **day-time noise above recommended levels** affected the blood pressure and associated health complications of the UK population. They found a marked increase in three health problems

most strongly associated with high blood pressure: heart disease, stroke and dementia. This **loss of healthy life** had a qualifiable cost to society as a whole.

A Review of Published Research on Low Frequency Noise and its Effects details the effects of low frequency sounds including vibrations that may span or adjoin the range commonly defined as audible by human beings. Simply put, deep bass and low sounds that we cannot hear can still affect us adversely.

The study contains such chapters as "Effects of low frequency noise on behavior, sleep periods, task performance and social attitudes", "Low frequency noise and stress", a "General Review of Effects of Low Frequency Noise on Health", and a Validation of the Methods. In its conclusion, the study states:

" There is no doubt that some humans exposed to infrasound experience abnormal ear, CNS ["Central Nervous System"], and resonance induced symptoms that are **real and stressful.** "
(13.6, p. 60, emphasis added)

These studies provide evidence of a real and direct relationship between noise such as those produced by the subject project and adverse health effects to the property's neighbors.

Other Supporting Documents

In case it needs to be referred to in testimony, please see the attached official map of the Santa Monica Mountains National Recreation Area.

Thank you for your attention to these facts and evidence.

Very respectfully,

Leslie Paton
615 Thrift Road

Att: petition with addendum, eliciting email, letters in support exhibit, opinion map, Noise Impacts on Health, A Review of Published Research on Low Frequency Noise and its Effects, SMMNRA map.

Petition to Deny Cielo's Conditional Use Permits

WHEREAS, Los Angeles County Project R2015-03796 with permit applications RCUP-201500135, RPPL2017009910, RENV-201500254 request a permit for Class 3 New Construction or Conversion of Small Structures, a Conditional Use Permit and Parking Permit for a private wine tasting venue with special events pursuant to Section(s) 22.24.100, 22.52.2470 and 22.56.990 of the Los Angeles County Code, at the Cielo Farms location at 31424 Mulholland Hwy (corner of Kanan) in the Santa Monica Mountains; and further

WHEREAS, the operation of a wine tasting room and special events together with their increased traffic, parking, noise and vibration from amplified voice and music, and artificial light would be a severe disturbance to area residents and wildlife, despoiling the tranquility of the Santa Monica Mountains, and making quiet enjoyment of the undersigned's properties impossible; and further

WHEREAS, the property is not zoned for commercial use; and further

WHEREAS, the winemakers already operate a wine tasting room less than four miles away from the permit address at a suitable commercial use property;

And for many other valid and compelling reasons too extensive to detail here, WE THE UNDERSIGNED a group of concerned stakeholders consisting of citizens, residents, and voters urge the Los Angeles County Department of Regional Planning to **deny all the above requested permits in their entirety.**

Print Name	Address	Signature	Date Signed	Comment
Pat Falkner	650 Latigo Canyon Dr	Pat Falkner	4/3/18	Noise!
Avery Falkner	"	[Signature]	4/3/18	Noise
Leslie Pater	615 Thrift Road	[Signature]	4/9/2018	Noise
[Signature]	"	[Signature]	4/9/2018	NO!
Bill Young	434 Thrift Rd	[Signature]	4/9/18	No
SUSAN F JANDS	411 Thrift Rd	[Signature]	4/9/18	Noise
Johanna Spinks	506 THRIFT ROAD	J. Spinks	4/9/18	Noise!
MAYRA MAKABI	540 Thrift Rd	Mayra Makabi	4/9/18	Noise
Edan Makabi	540 Thrift Rd	[Signature]	4-9-18	Noise
JOHN GRIFFIN	621 THRIFT RD.	[Signature]	04-10-18	Noise
DAVE TEEZ	520 THRIFT RD	[Signature]	4-11-18	Noise & Traffic
Nicdetisler	530 Thrift Rd	[Signature]	4-11-18	Noise & Traffic

"...WE THE UNDERSIGNED a group of concerned stakeholders consisting of citizens, residents, and voters urge the Los Angeles County Department of Regional Planning to **deny all the above requested permits in their entirety.**"

Additional Information Provided Later

Supplemental information

Missing addresses:

Don McCrea 385 Vera Canyon Drive, Malibu CA 90265
 JoAnn McCrea 385 Vera Canyon Drive, Malibu CA 90265
 Rev. Ed Milkovich 6321 Gayton Place, Malibu CA 90265
 Sarah Banta 397 Loftyhill Drive, Malibu CA 90265

"Unsigners" – Changed mind, etc.

Name	Address	Date Signed	Comment	Date/time revoked
Johnna Spinks	506 Thrift Road	4/9/2018	"noise!"	4/15/2018 8:12am

I don't recall receiving a reply to this. There is nothing in my archives.

Sent from my mobile

Begin forwarded message:

From: [REDACTED]
Date: March 26, 2017 at 6:31:49 PM PDT
To: wineclub@woodstockmalibu.com
Subject: Re: Cielo Farms Needs Your Help!

Happy to write something. May I ask why you need help?

Sent from my mobile

On Mar 24, 2017, at 2:41 PM, Cielo Farms <wineclub@woodstockmalibu.com> wrote:

Cielo Farms Needs Your Help!



Dear Wine Club Members,

Cielo Farms is personally asking you to share your love for our family owned Winery in the beautiful hills of Malibu. We would greatly appreciate it if you could take 5 minutes of your time to to write a short letter expressing your experience being a member! To make things easier, you can follow the guidelines below:

- *Name address...
- *I live in Santa Monica mountains, or where ever you live is fine...
- *Lived in this area for ___ years.....
- *Love Cielo , as it is Private, well maintained...
- *Love the Wines and olive oil at Cielo Farms...
- *Family Owned...
- *Love the place as it's a Boutique Winery ...(small Family Owned)
- *Love the recreational uses going on in Santa Monica Mountains...
- Etc, etc...

Thank you for making Cielo Farms Winery one of a kind!

Send Letter Here

Cielo Farms, 1000 Business Center Circle, Suite 200, Newbury Park, CA 91320

[Forward this email](#) | [About our service provider](#)

Sent by wineclub@woodstockmalibu.com in collaboration with

Constant Contact 

Try it free today

R2015-03796

Shanna Farley-Judkins, Planner

Hearing Packet Letters
In Support

Conditional Use Permit Case No. RCUP 2015-00135

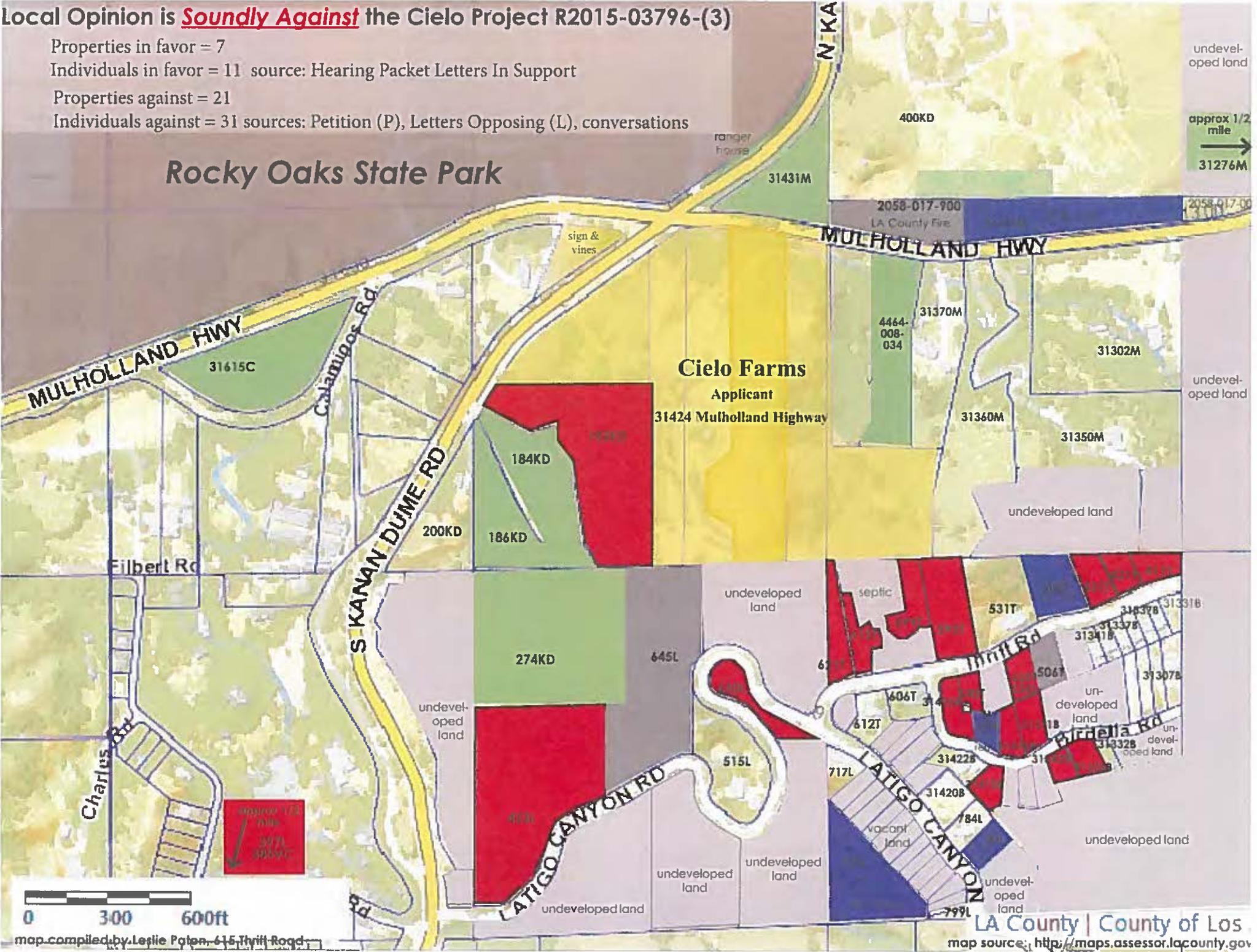
Parking Permit Case No. RPPL2017009910

Hearing Packet Page	Name	Date of message	Message addressed to:	Wine Club?	Local ?	Mentions CUP or Planning?	Address	Note
48	Jonathan Lull	3/22/2017	To Whom It May Concern	Y	N		Thousand Oaks	
49	Michael Ridosh	3/24/2017	unaddressed	Y	N		1707 Eaglepeak Avenue Simi Valley, CA 93063	
50	Lily Castillo	3/24/2017	To Whom It May Concern	Y	N		Thousand Oaks/Newbury Park	
51	Mary-Pat Connolly & Michael Sitkir	3/24/2017	Wineclub@WoodstockMalibu.com	Y	N		12315 Landale Sc. in Studio City, CA 91604	
52	Doug Jensen / Lisa Parker	3/24/2017	Wineclub@WoodstockMalibu.com		?		Calabasas	special event client
53	Ruth Stern & Steve Stern	3/25/2017	Wineclub@WoodstockMalibu.com	Y	N		Newbury Park	
54	Joseph and Suwen Hsiou	3/25/2017	Wineclub@WoodstockMalibu.com	Y	N		Westlake Village	
55	Doug and Tricia Johnson	3/25/2017	Wineclub@WoodstockMalibu.com	Y	?		"in the Santa Monica Mountains"	
56	Colin and Linda Dangaard	3/26/2017	To Whom It May Concern		Y	Y	184 N. Kanan Dume Rd., Malibu, Ca., 90265	RIP Linda 7/12/2017
57	Jeanne Nicasio	3/26/2017	Wineclub@WoodstockMalibu.com	Y	N		5134 Topanga Canyon Blvd Woodland Hills, CA 91364	
58	Donna Ansari	3/27/2017	Wineclub@WoodstockMalibu.com	Y	N		Newbury Park	
59	Mike Zak	3/27/2017	Wineclub@WoodstockMalibu.com	Y	N		San Diego	
60	Elynn	3/27/2017	Wineclub@WoodstockMalibu.com	Y	N		Agoura Hills	
61	Sam & Karyn Greenstone	3/27/2017	To Whom It May Concern	Y	N		23500 LADRILLO STREET, WOODLAND HILLS, CA 91367	
62	Earl Dettrick	3/28/2017	Wineclub@WoodstockMalibu.com	Y	N		765 Brossard Dr. Thousand Oaks, CA 91360	
63	Fred Sabbagh	3/29/2017	To Whom It May Concern		Y		31615 Calamigos Road Malibu CA 90265	
64	Billy Moore	3/30/2017	Tasac@aol.com		Y	?	186 N. Kanan Dume Rd., Malibu, Ca. 90265	
65	Mickey and Marilyn Giacomazzi	undated	To Whom It May Concern		Y	Y	274 Kanan Dume Rd. Malibu, Ca., "902656"	
66	Brandie and Dan Meis	4/13/2017	Wineclub@WoodstockMalibu.com	Y	?		Monte Nido	
67	Shelley R Gibson	4/12/2017	Mr. Richard Hirsh		N		302 Southridge Drive Oak Park, California 91377	
68	Anthony W Jones	4/13/2017	Rhirsh@cielofarms.com		Y	Y	APN # 4464-008-034	undeveloped land
69	Robert & Michelle Humphreys	4/17/2017	To Whom It May Concern	Y	Y	Y	31431 Mulholland Highway	
70	Alfie & Jee Jee Krakow	5/1/2017	To Whom It May Concern	Y	Y	Y	31276 Mulholland Highway	

Local Opinion is Soundly Against the Cielo Project R2015-03796-(3)

Properties in favor = 7
Individuals in favor = 11 source: Hearing Packet Letters In Support
Properties against = 21
Individuals against = 31 sources: Petition (P), Letters Opposing (L), conversations

Rocky Oaks State Park



0 300 600ft

map compiled by Leslie Paton, 615 Thru Road

LA County | County of Los Angeles
map source: <http://maps.assessor.lacounty.gov>



Science for Environment Policy

THEMATIC ISSUE:

Noise impacts on health

January 2015
Issue 47



Science for Environment Policy

This Thematic Issue is written and edited by the Science Communication Unit, University of the West of England (UWE), Bristol
Email: sfepeditorial@uwe.ac.uk

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Aircraft noise at night can damage blood vessels and cause long-term cardiovascular disease

Disturbed sleep caused by night-time aircraft noise can damage blood vessels and increase the levels of stress hormones in the body, new research shows.

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EDITORIAL

Environmental Noise

Our ears are constantly exploring our living environment for potential threats and opportunities. They are a vital part of the body's defense mechanism, preparing our brains for fight-or-flight if needed and as such, affecting many bodily functions. The plasticity of the human hearing system and the ability of the brain to block out irrelevant information from this permanently alert sensory system are remarkable

However, this perfectly evolved hearing system is under threat. Many people's modern living environments are filled with low-quality sound that has little or no importance. The sounds of cars, planes, trains, cooling systems, ventilation, machines, electronically amplified music and announcements – or simply the sound of living closer together in a 24/7 city – are constantly present. Gating out these sounds can consume a significant fraction of cognitive resources and the body is frequently triggered in vain to prepare for fight-or-flight. Moreover, the information carried by this sound – mainly related to its source – influences our appraisal of our person-environment relationship. The feeling of not being in control of one's living environment can lead to additional stress particularly in the absence of coping resources or mechanisms. Both the autonomous response and stress path could eventually lead to negative effects on health and wellbeing, such as an increased risk of high blood pressure or circulatory disease, as explained in this thematic issue.

Health effects related to environmental noise result in a cost for society. The loss of healthy life years is often valued in euros, but there are also indirect and hidden costs, such as the cost of medical treatment (e.g. medication for hypertension or mental illness), loss of efficiency at work due to illness or fatigue resulting from sleep deprivation or ineffective resting periods; reduced creativity and learning – and even less prosocial behaviour – caused by noise stress, resulting in safety and security costs. It is therefore essential that environmental sound is included in different policy areas effectively and efficiently; in particular, at a preventive stage.

The papers presented in this Science for Environment Policy Thematic Issue explore research into the threat to health posed by environmental noise. They cover topics such as the link between environmental noise and serious health issues like cardiovascular disease and stroke; the effect of noise on vulnerable people and how sound affects our state of mind.

In the EU, exposure to excessive noise is becoming recognised as a large environmental health concern. Estimates from available data suggest that 65% of Europeans living in major urban areas are exposed to high noise levels exceeding Lden 60 dBA (which could be due to attendance

at social activities, such as bars and concerts), and that more than 20% are exposed to night-time noise levels exceeding 55 dBA, (the level at which there is an increased risk of adverse health effects occurring, according to the WHO). Although exact numbers are not available, recent estimates suggest that one to two million disability adjusted life years (DALYS) are lost to environmental noise every year in the EU. Nevertheless, health extends beyond the lack of disability: quality of life is also relevant here, so methodologies for determining optimal conditions may need to be adjusted accordingly.

Currently, the European Commission is committed to meeting challenging targets on noise reduction through the 7th Environment Action Programme¹. In addition, the World Health Organization (WHO) is revising the Community Noise Guidelines² for the European region. The Guidelines will include a review of evidence on the health effects of environmental noise to incorporate significant recent research.

The EU's Environmental Noise Directive (2002)³ aims at protecting people from the adverse impacts of noise and has triggered many new initiatives and raised awareness of noise at the urban and citizen level. Understanding how different soundscapes and, in particular, tranquil areas in the urban environment affect overall health and wellbeing is allowing for new types of urban design. These improvements may limit health effects from noise annoyance and improve wellbeing, while allowing noise activities in appropriate contexts – but will inevitably require an understanding of the spatial and temporal details at a finer granulation.

Prevention-oriented health systems are crucial to meeting Europe's challenges of the 21st century. And noise policy should also be strongly directed at avoiding any additional and preventable health effects. Accurate knowledge of noise's effects on human health will help policymakers to decide whether limited resources should be focused on black spots – the highest exposure – or on reducing overall levels of unwanted sound.

But opportunities for innovative, micro-policies should also be created. Exposure-aware citizens can play a crucial role in noise policymaking,

1 <http://ec.europa.eu/environment/noise/directive.htm>

2 <http://www.euro.who.int/en/health-topics/environment-and-health/noise/activities/development-of-who-guidelines-for-community-noise-for-the-european-region>

3 <http://ec.europa.eu/environment/noise/pdf/index.htm>

both as observers using monitoring equipment or their own ears, and as solution providers – and scientific research will help policymakers and citizens to understand these dynamics and optimal conditions. Direct involvement of individuals through social media and monitoring could lead to new fine-grained solutions. This level of detail and citizen participation might also extend the concept of ‘vulnerable groups’ to the individual, as there is a growing body of evidence that health sensitivity to noise has a strong genetic component.

The studies presented in this Thematic Issue, alongside future scientific research, will help decision makers to develop more effective policies based on recent scientific results. It is essential that environmental sound is considered by a range of different policy areas such as mobility planning, urban development, housing and preventive health, and that noise policy is based on the assessment of all possible impacts.

**Professor Dick Botteldooren, Department of
Information Technology, University of Ghent, Belgium**

Summary of the articles in this Thematic Issue

Two articles in this Thematic Issue describe how stress and sleep disturbance resulting from environmental noise are pathways to cardiovascular disease. Research summarised in **'Transport noise mitigation must consider the medical impacts'** reveals that night-time noise may have more of an impact on cardiovascular health than day-time noise. Noise exposure at night is a particular problem because it disturbs sleep. The researchers recommend that noise reduction policies consider the medical effects of noise and suggest targeting noise problems at their source.

The second article, **'Loss of healthy life due to UK noise exposure valued at €1.34 billion'** is based on a study in which researchers evaluated how exposure to day-time noise above recommended levels affected the blood pressure and associated health complications of the UK population. They found a marked increase in three health problems most strongly associated with high blood pressure: heart disease, stroke and dementia; this increase has a significant cost to society.

The effects of night-time noise on health are also examined in **'Aircraft noise at night can damage blood vessels and cause long-term cardiovascular disease'**, which reports on a study of 75 healthy volunteers aged between 20 and 60 years. Researchers monitored the blood pressure and heart rate of the volunteers during the night and found that those exposed to greater amounts of night-time aircraft noise suffered disturbed sleep, damaged blood vessels and increased levels of stress hormones in the body. These physical changes can lead to high blood pressure, heart and circulatory disease over the long term.

Vulnerable groups of people (such as those with mental illness, shift workers and those with tinnitus) may be at increased risk from exposure to environmental noise. The article **'Health of vulnerable people exposed to noise is under-researched'**, reports that although children's health is less likely to be affected by environmental noise than adults', it has been observed to lead to hyperactivity and inattention. Based on a German study, the article **'Children are more hyperactive if they live near busy roads'** reveals that in addition to an increased risk of hyperactivity, children living close to busy roads may also have more emotional problems, especially if they are exposed to higher levels of noise during the night.

Research into noise pollution and health is outlined in **'Reviewing the multiple impacts of noise pollution'**. This focuses on studies on the health impacts of noise – including environmental and social (via headphones) noise. Hearing impairment as a result of noise exposure presents a serious public health problem - The World Health Organization (WHO) estimates that 10% of the global population are currently exposed to noise levels that could lead to hearing impairment.

The article **'Preserving quiet areas improves health'** provides evidence of the beneficial effects of access to tranquil places. The researchers took data from those living in rural and urban locations and found that those living in so-called 'noisy' urban areas were more likely than those in 'quiet' urban areas to be very annoyed by noise.

'How sounds affect our state of mind' examines research which finds that a diversity of acoustic environments is preferable over more uniform acoustic environments that comply with certain legal noise limits. Therefore tranquil places as well as more lively places should be found in our cities.

Knowledge about the source of a noise (e.g. wind turbines) has been shown to influence people's judgement of noise annoyance. Motorways have been proposed as good locations for turbines, partly because the traffic could help conceal turbine noise. Based on a Belgian study, the final article **'Are motorways the best spot for wind turbines?'** describes a listening experiment in which participants detected turbine noise even when it was 23 dBA quieter than accompanying motorway noise, and they could hear turbines above any volume of noise from local roads.

Transport noise mitigation must consider the medical impacts

People living close to road, rail and aircraft noise are likely to experience negative health effects. Long-term noise exposure may lead to problems with their heart and circulatory (cardiovascular) system and night-time noise is particularly disruptive of sleep patterns, which in turn may lead to cardiovascular health problems, a review of research into the effects of noise on cardiovascular diseases has found.

"Night-time noise may have more of an impact on cardiovascular health than day-time noise, and noise exposure at night is a particular problem because sleep is disturbed."

In addition to annoyance and a perception of a lower quality of life, long-term exposure to environmental noise can affect people's health in other ways. This study, based on current literature, reviewed research into the impact that exposure to transport noise has on the cardiovascular system, to help improve noise mitigation policies.

Night-time noise may have more of an impact on cardiovascular health than day-time noise, and noise exposure at night is a particular problem because sleep is disturbed. Exposure to noise may lead to changes in the way the body functions: laboratory studies have demonstrated that the body reacts to acute noise exposure by releasing stress hormones, such as adrenaline. As shown by field studies, these acute effects occur not only at high sound levels in workplace settings, but also at relatively low environmental noise levels when concentration, relaxation, or sleep is disturbed. This flight-or-fight reaction is automatic and does not even require a conscious awareness to occur. As a result, people do not get enough sleep and their sleep pattern is broken - disrupted sleep can lead to cardiovascular health problems.

For example, exposure to aircraft noise at night was linked with increased blood pressure. If night-time noise levels stimulate high blood pressure - preventing blood vessels from relaxing in order to restore themselves overnight - this can lead to continued high blood pressure, hardening of the arteries and cardiovascular diseases such as heart attacks and strokes in people who have long-term exposure to high enough noise levels.

Population studies on long-term exposure to road, rail traffic and aircraft noise have used different research methods, but in general reveal a link between noise

exposure and raised blood pressure, heart attacks and strokes.

The World Health Organisation (WHO) considers night-time noise levels of less than 55 dBA to be necessary to prevent adverse health effects from noise in the short term, although the long-term goal is 40 dBA. Around 40% of the European population is exposed to road-traffic noise of more than 55 dBA L_{DN} , according to the WHO. Results from a number of studies suggest that the risk of heart disease increases for people exposed to road traffic noise of between 55 and 60 dBA. The risk of having a stroke was also found to increase, particularly in the elderly.

Several studies on people living near airports have found a link between increased exposure to aircraft noise and the risk of having high blood pressure. Recent studies have also associated exposure to day and night-time aircraft noise with an increased risk of heart disease and strokes in people living close to airports.

The researchers suggest that the association between road, rail and aircraft traffic noise with adverse health effects requires policies to reduce the burden of noise that take into account the associated medical effects. They suggest that noise should be targeted at source, for example take-off and landing procedures of aircraft should be controlled to reduce noise levels, traffic curfews could be imposed, and better sound insulation could be installed where source control measures are not feasible.⁴

Source: Münzel, T., Gori, T., Babisch, W. and Basner, M. (2014) Cardiovascular effects of environmental noise exposure. *European Heart Journal*. DOI:10.1093/eurheartj/ehu030

Contact:
tmuenzel@uni-mainz.de

Themes: Environment and health, Noise

SPL: The sound pressure level (SPL) is a logarithmic measure of the effective pressure of a sound relative to a reference value. It is measured in decibels higher than a reference level. The reference sound pressure in air is 20 μ Pa (2×10^{-5} Pa), which is equivalent to the human hearing threshold at a sound frequency of 1000 Hz.

⁴ The energy-equivalent average A-weighted SPL (LAeq) as expressed in decibels is the most commonly used indicator of the noise exposure that people perceive outside and inside their homes. The A-weighting accounts for the different sensitivity of the human ear at different sound frequencies.

Loss of healthy life due to UK noise exposure valued at €1.34 billion

Exposure to environmental noise levels above recommended levels results in 1169 cases of dementia, 788 strokes and 542 heart attacks every year in the UK alone, new research suggests. Valuing a year of healthy life at £60 000 (£74 002) means that these health impacts together have a 'cost' of £1.09 billion (£1.34 billion), the study's authors conclude.

"...the researchers set out to evaluate how exposure to day time noise above recommended levels affected the prevalence of abnormally high blood pressure and associated health complications of the UK population"

Exposure to noise pollution is a widespread problem - in 1996 the European Commission estimated that 20% of the EU population were likely to suffer negative impacts to their health or well-being due to noise. In the UK, a government study estimated that 54% of the population was exposed to day-time noise pollution above recommended levels of $L_{Aeq,16hr}$ 55 A-weighted decibels – a unit which measures sound in a way similar to the human hearing system, averaged over a 16-hour period.

Environmental noise has been linked to a number of different health problems including high blood pressure. This can, in turn, increase the risk of other health problems such as heart disease or stroke. For this study, the researchers set out to evaluate how exposure to day-time noise above recommended levels affected the prevalence of abnormally high blood pressure and associated health complications of the UK population. They focused on three health problems most strongly associated with high blood pressure: heart disease, stroke and dementia (vascular dementia and Alzheimer's disease).

To estimate levels of noise pollution, 1160 sites were monitored across the country between 2000 and 2001⁵. These data were then combined with information on the age and sex of UK residents, as these factors can influence health risk. The researchers then calculated the added health problems that were predicted as a result of the noise pollution exposure for groups of different ages or sexes and multiplied this by the number of people in each group.

The results suggested that exposure to noise levels above recommended levels resulted in an additional 1169 cases of dementia, 788 cases of stroke and 542 cases of heart attack in the UK over the course of a single year.

To calculate the cost of these health impacts the researchers used 'quality adjusted life years' (QALYs). The QALY takes into account quality of life by assessing not only the total number of years of life but also how many years might be spent coping with a non-life threatening illness. For example, an individual who lives for 70 years but only has 60% of full health would have 42 QALYs.

Using a standard government figure of £60 000 (£74 002) for the 'value' of a single year of healthy life, the researchers calculated that the health impacts of exposure to noise above $L_{Aeq,16hr}$ 55 A-weighted decibels cost £1.09 billion (£1.34 billion), with dementia accounting for 44% of this figure.

The researchers note that these are intangible, or invisible, 'costs' arising from loss of a healthy life (see standard figure above), rather than the wider costs to society, such as healthcare. If these latter costs were to be included, the figures would likely be substantially higher; for instance, previous research has estimated that 99% of the costs of dementia are associated with healthcare and informal care and only 1% with loss of healthy life.

Source: Harding, A-H, Frost, G. A., Tan, E. & Tsuchiya, A. (2013). The cost of hypertension-related ill-health attributable to environmental noise. *Noise & Health*, 67 (15): 437-445. DOI: 10.4103/1463-1741.121253.

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Theme(s): Noise, Environment and health

⁵ These sites were monitored by the Building Research Establishment (BRE)

Aircraft noise at night can result in dysfunction of blood vessels and cause long-term cardiovascular disease

Recent research into the impact of different levels of noise on 75 volunteers, reveals that disturbed sleep caused by night-time aircraft noise can damage blood vessels and increase the levels of stress hormones in the body. As these physical changes are potential pathways to high blood pressure, heart and circulatory disease over the long term, reducing night-time aircraft noise is important for preventing cardiovascular disease in people living near airports.

"Reducing noise from aircraft at night would help prevent heart and circulatory problems in people living near airports."

Aircraft noise tends to be more annoying and disruptive to sleep than road and rail traffic noise, and long-term night-time exposure to aircraft noise is implicated in cardiovascular disease (such as heart attacks and strokes) more than day-time exposure to aircraft noise.

People need sleep to maintain normal good health and this depends not only on the length of a night's sleep but also its quality. Repeated noise disturbances, with or without waking up, interrupt the restorative powers of sleep, and cause a person's blood pressure to fluctuate in response to the noise.

In this study, the researchers tested the impact of night-time aircraft noise on 75 healthy volunteers aged between 20 and 60 years. All the participants were exposed to recordings of different patterns of aircraft noise in their own homes. On one night the volunteers were exposed to background noise, as a control, and on the other two nights they were exposed to repeated aircraft noise either 30 or 60 times during the night. Volunteers kept to their normal sleep patterns and on the nights of exposure to aircraft noise, the noise event sequence lasted for 415 minutes. The researchers monitored the blood pressure and heart rate of the volunteers during the night.

The following morning, the volunteers visited a laboratory where the researchers used ultrasound to measure changes to the diameter of the main artery in the arm, which affects blood flow. The results revealed that the arteries were stiffer (also called endothelial dysfunction) after an aircraft noise night, and the more severe the noise, the less flexible the blood vessels became. This suggests that the blood vessels were affected by poor sleep as a result of the aircraft noise.

In those volunteers who were first exposed to 30 episodes of aircraft noise, the effect on their arteries became worse (the arteries became less flexible) when they were then exposed to 60 noise episodes during the night. Thus, the vessel does not adapt to noise, and becomes more sensitive. Moreover, blood pressure increased in response to the aircraft noise.

The researchers also tested the volunteers' blood for stress (fight-or-flight) hormones, and found there was a significant increase in adrenaline levels after exposure to nights where the volunteers were exposed to the aircraft noise. Volunteers also reported poor sleep quality on the noise nights. Over a long period of time, this repeated exposure to aircraft noise can result in permanently high blood pressure due to more rigid blood vessels leading to cardiovascular disease.

In further tests, five volunteers, who had been exposed to a 60-event aircraft noise night, were given Vitamin C in the laboratory. The researchers detected an improvement in arterial flexibility. Vitamin C is a powerful anti-oxidant, and the researchers suggest the mechanism by which the arteries become less flexible is related to oxidative stress of the blood vessels as a result of exposure to the aircraft noise.

Taken together, the observed stiffening of the arteries (even in young healthy adults), and the increase in adrenaline levels, combined with volunteers' reported poor sleep quality, indicate that their raised blood pressure was most likely related to the aircraft noise at night, suggest the researchers. As this can lead to cardiovascular disease, night-time aircraft noise may be considered as a new risk factor. Reducing noise from aircraft at night would help prevent heart and circulatory problems in people living near airports.

Source: Schmidt, F.P., Basner, M., Kröger, G. *et al.* (2013) Effect of nighttime aircraft noise exposure on endothelial function and stress hormone release in healthy adults. *European Heart Journal*. DOI:10.1093/eurheartj/ehz269

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Themes: Environment and health, Noise

Health of vulnerable people exposed to noise is under-researched

Vulnerable groups of people, including those with long-term illnesses, those sensitive to noise or tinnitus (ringing of the ears), people with mental health problems and unborn and newly born babies, are often more susceptible to physical and emotional stresses. So, vulnerable groups of people may be more at risk from exposure to environmental noise than healthy adults, say researchers after reviewing the health impacts.

"Several studies suggest that schoolchildren exposed to noise from aircraft and road traffic experience learning and comprehension difficulties"

However, there is comparatively little research focusing on the adverse health effects of noise on vulnerable people. This study reviewed 62 papers, published from April 2006 to April 2011, which included the impact of environmental noise on the health of vulnerable people, including primary school children, young adolescents, preschool children, the elderly, and children with autism, asthma and attention deficit hyperactivity disorder.

One study linked hospital admissions for respiratory diseases and pneumonia for young children (less than 10 years old) with exposure to road traffic noise, and another found that girls with asthma were prone to asthma attacks if they had been annoyed by night-time noise.

The most common effects of noise on the vulnerable identified by the studies included:

1. **Annoyance.** Several studies found that schoolchildren (aged between eight and 14) are less annoyed by aircraft and road traffic noise than adults. One paper, reviewing multiple studies, found that both the youngest and people over 60 are the least likely to be highly annoyed by air and road traffic noise, irrespective of the level of noise or how sensitive to noise they were.
2. **Sleep disturbance.** Results from several studies indicate that children are less likely than adults to be woken by noise, but they tend to experience more physical reactions, including raised blood pressure. Studies have not found evidence of the long-term health effects of sleep disturbance for vulnerable groups, including people sensitive to noise.
3. **Heart and circulation problems.** Research on the impact of aircraft and road traffic noise on the cardiovascular health of schoolchildren shows that the main effect appears to be short-term raised blood pressure, although the strength of the association between noise exposure and cardiovascular effects is inconsistent between studies because of differences in the methods used.
4. **Quality of life.** Several studies have linked noise exposure at school to children having more headaches, being more tired and having raised stress hormone levels in the blood. One study associated deterioration in physical and mental quality of life in people over 60 with exposure to road traffic noise.
5. **Cognitive processes.** Several studies suggest that schoolchildren exposed to noise from aircraft and road traffic experience learning and comprehension difficulties. One study found that noise at work affected the job performance of teenage boys.
6. **Hearing.** Little is known about the impact of noise on the hearing of children, although it is likely any effects will be cumulative over the long term. Research has been done on the impact of loud noise from concerts, discotheques and listening to music from headphones on teenagers, with the most common effects being short-term tinnitus and hearing loss.

The researchers advise that more research is needed, especially on little studied groups of vulnerable people, including those with mental illness, shift workers and those with tinnitus.

Source: van Kamp, I. and Davies, H. (2013). Noise and health in vulnerable groups: A review. *Noise and Health*, 15(64): 153-159. DOI: 10.4103/1463-1741.112361

Available from:
<http://www.noiseandhealth.org/text.asp?2013/15/64/153/112361>

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Themes: Environment and health, Noise

Children are more hyperactive if they live near busy roads

Children living close to busy roads may have an increased risk of hyperactivity. They may also have more emotional problems, especially if they are exposed to higher levels of noise during the night, according to research carried out on children's health in Germany.

"...night-time exposure to noise may have more adverse effects than exposure to day-time noise, because the body needs adequate sleep to remain healthy."

Research on the negative health effects of noise on children has mainly focused on aircraft noise at school, but less is known about the impact of road traffic noise on children at home.

In this study, the researchers investigated the impact of road traffic noise at home on 10-year-old children's mental health and behaviour, including problems of hyperactivity or inattention and emotional problems such as being anxious, easily scared or unhappy. Information on the 872 children in this study came from two ongoing German population-based studies, LISApus⁶ and GINIplus⁷, which are following the physical wellbeing of healthy children, from birth to the age of 10 years, and assessed behavioural problems at the age of 10.

Using data from existing noise maps, the researchers assigned maximum and minimum levels of noise at the exterior wall exposed to the most noise (facing the street) and the exterior wall exposed to the least noise, at each child's home. The researchers chose two noise indicators, the night noise indicator to assess the disturbance of children's sleep by night-time noise and the day-evening-night noise indicator to measure overall noise annoyance.

The researchers assessed the children for behavioural problems using a standardised questionnaire and various aspects of their behaviour were categorised as normal, borderline or abnormal.

The study concluded that being exposed to higher noise levels was associated with significantly greater problems of hyperactivity and inattention. The researchers also found that children were more likely to display emotional problems if they were exposed to higher noise levels.

In particular, night-time exposure to noise may have more adverse effects than exposure to day-time noise, because the body needs adequate sleep to remain healthy. The researchers also assessed the impact of night-time noise exposure on sleeping problems in 287 of the children, as this data was available for this subgroup. Children appeared to have more sleeping problems, especially falling asleep, with increasing exposure to night-time noise levels. It is possible that road traffic noise levels that the researchers used do not necessarily reflect the actual noise levels the children were exposed to – for example the researchers had no information about any noise insulation that had been installed in the houses.

This study focused on the environment where the children spent most of their time – at home, which the researchers highlight as a major strength of the study.

Source: Tiesler, C.M.T., Birk, M., Thiering, E. *et al.* (2013). Exposure to road traffic noise and children's behavioural problems and sleep disturbance: Results from the GINIplus and LISApus studies. *Environmental Research*, 123: 1–8. DOI:10.1016/j.envres.2013.01.009

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Themes: Environment and health, Noise

- 6 LISApus: The Influence of Life-style factors on the development of the Immune System and Allergies in East and West Germany Plus the influence of traffic emissions and genetics
<http://www.helmholtz-muenchen.de/epi/research/research-units/research-unit-1-environmental-epidemiology/projects/lisa-plus/index.html>
- 7 GINIplus: German Infant Study on the influence of Nutrition Intervention Plus environmental and genetic influences on allergy development.
<http://www.helmholtz-muenchen.de/epi/research/research-units/research-unit-1-environmental-epidemiology/projects/giniplus/index.html>

Reviewing the multiple impacts of noise pollution

While occupational exposure to noise has declined, 'social' exposure in the form of personal music players or rock concerts is estimated to have tripled for young people since the 1980s. A new review examines studies that have investigated noise sources including environmental (e.g. traffic) and social (e.g. via headphones). The review also explores research into the range of health effects beyond hearing impairments, such as annoyance and cardiovascular problems.

"In addition to hearing problems, the non-auditory health impacts of noise exposure including annoyance, sleep disturbance, heart disease and cognitive impairment, are all causing increasing concern."

Noise is ubiquitous to everyday life. Exposure in the workplace is a common problem and as a result many countries have developed legislation to protect employees. The increase in social exposure to noise is worrying, say the review's authors, as there is now evidence that noise exposure when young can contribute to hearing loss in later life.

Hearing impairment as a result of noise exposure presents a serious public health problem. It is estimated that worldwide 1.3 billion people suffer from this condition and the World Health Organisation (WHO) estimates that 10% of the global population are currently exposed to noise levels that could lead to hearing impairment. However, new treatments are under development. An oral drug, D-methionine, has shown good protection against hearing loss in animals and the review's authors predict that these kinds of treatments will be available for human use in the next 10 years.

In addition to hearing problems the non-auditory health impacts of noise exposure, including annoyance, sleep disturbance, heart disease and cognitive impairment, are all causing increasing concern. Annoyance, which could be thought of as trivial, can in fact lead to anger, stress and exhaustion and, because of the large number of individuals affected, is estimated to be the second most important cause of health impacts due to environmental noise.

Sleep disturbance is thought to have the greatest effect on health because it can have impacts on alertness, performance at work and general quality of life. In fact, studies have suggested that noise levels at night may have a greater impact on long-term health than noise exposure during the day.

Cardiovascular disease, which includes high blood pressure, heart disease and stroke, has been clearly linked with long-term exposure to environmental noise. For instance, an analysis combining the results from many different studies found that an increase of 10 dB of transport noise (traffic and aircraft) can lead to an increase in risk of high blood pressure or heart disease of between 7 and 17%.

Finally, the results of over 20 studies have shown that environmental noise can affect children's learning and cognitive development. Exposure to road, rail and aircraft noise over long periods can reduce memory, reading ability and test performance. For example, as part of the EU-funded RANCH project⁸, a study was carried out on 2844 9-to-10 year-olds attending 89 schools near major airports in London, Amsterdam and Madrid. After accounting for variables such as socioeconomic status, the results showed a clear link between noise exposure and reduced reading comprehension and memory.

Source: Basner, M., Babisch, W., Davis, A. *et al.* (2014). Auditory and non-auditory effects of noise on health. *The Lancet*. 383: 1325-1332. DOI: 10.1016/S0140-6736(13)61613-X.

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Theme(s): Noise, Environment and health

⁸ The RANCH (Road traffic and Aircraft Noise exposure and children's Cognition and Health) project was supported by the European Commission. See: http://ec.europa.eu/research/quality-of-life/ka2/pdf/report_ranch_en.pdf

Preserving quiet areas improves health

Living in a quiet area has a positive impact on health. A study assessed quality of life for people living in quiet and noisy locations and found that those who lived in quiet locations – particularly in rural areas – had a better quality of life.

“About 15% of those living in the noisy city location said they were very annoyed by transport related noise. This is similar to European cities where 10-35% of people are severely or very annoyed by traffic noise.”

The EU’s Noise Directive exists to protect people from the adverse impacts of noise and preserve the health benefits of quiet spaces. However, while there have been many studies on the negative impacts of noise, such as annoyance and lost sleep, there have been relatively few studies on the positive impacts of quiet spaces.

Noise impacts – positive or negative – can be measured and compared by using health-related quality of life (HRQOL), which asks people to rate how satisfied they are with numerous aspects of their health. Other measures can be used to express health impacts in terms of the healthy days or years of life that are lost. For example, in Europe each year, the equivalent of a million healthy years of life are thought to be lost due to traffic noise. The authors decided to adopt a HRQOL approach to compare the health impacts of noise in ‘noisy’ versus ‘quiet’ areas in New Zealand.

They used data from studies on noise-related health carried out in four different areas, described as: ‘quiet rural’, ‘noisy rural’, ‘quiet city’ and ‘noisy city’. The noisy rural location was near to a wind farm, while the noisy city locations were near an airport or major motorways. Both quiet locations were situated away from busy roads and industry. A total of 823 people were surveyed in these four locations.

The authors found that quality of life increased as noise levels decreased – health-related quality of life was highest in the quiet rural location. But while there was a clear association between transport noise and HRQOL, the relationship between neighbourhood noises such as dogs barking and lawn mowers was less clear. The researchers suggest this may be because such noises are less constant and so have a smaller impact on health, even if they are sometimes very annoying.

About 15% of those living in the noisy city location said they were very annoyed by transport-related noise. This is similar to European cities, where 10-35% of people are severely or very annoyed by traffic noise. People living in the quiet city location and the two rural areas were less annoyed by noise. However, of the two so-called noisy areas, the rural location was home to more people who were ‘very annoyed’ by noise compared to the city location. This suggests that unnatural sounds, such as those of wind turbines, are more annoying in the context of green areas and perhaps mask other natural sounds.

Overall, the researchers say their research justifies the aims of the European Noise Directive in preserving quiet spaces for health. Some of the more specific health impacts of living in noisy or quiet areas require further study. For instance, how much does traffic noise disturb sleep and how much do quiet areas reduce stress levels? There were also no data on the differences in actual sound levels between the four sites. However, the authors note that decibel measurements can be misleading as they are heavily influenced by the setting.

Source: Shepherd, D., Welch, D., Dirks, K.N. *et al.* (2013). Do Quiet Areas Afford Greater Health-Related Quality of Life than Noisy Areas? *International Journal of Environmental Research and Public Health*, 10, 1284-1303. DOI: 10.3390/ijerph10041284

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Themes: Environment and health, Noise

How sounds affect our state of mind

Sounds affect our state of mind differently depending on whether they are pleasant or annoying. In a theoretical study, researchers developed a model for exploring human responses to sound. Their work may help us to understand better the health impacts of long-term exposure to noise, as well as the potential benefits of spending time in quiet spaces.

"People can become finely attuned to the sounds that most disturb them heightening their annoyance"

It seems clear that there are health benefits to living in a quiet, pleasant environment. But the researchers wanted to consider what 'quiet' actually means. Within policy contexts, 'quiet' may be interpreted as meaning little or no noise. However, other interpretations may have less to do with sound levels than with a lack of disturbances in a given location or a level of control that people feel they have over the sounds.

While pleasant, natural sounds make us feel calm and safe and allow us to remain in a tranquil state of mind, sudden 'loud' and 'annoying' sounds made by machines or other people may force us out of this tranquil state and become the focus of our attention. We may even have evolved – like other animals – to pay attention to the annoying sounds, because they indicate danger. People can become finely attuned to the sounds that most disturb them, heightening their annoyance. In the same way, an absence of pleasant sounds may also put us on high alert, because it offers no guarantees of safety.

After reviewing existing studies on the way that people react to pleasant and annoying sounds, the authors developed their own model, focusing on the influence of sound on 'mind states'. Their model draws on theories from different disciplines, including psychology and neurobiology. They describe four possible states of mind: 1. maximally restoring (sleep); 2. restoring; 3. effortful (requiring focused attention); and 4. inefficient and more effortful.

When we are in environments that make us feel safe, according to the model, our state of mind is restorative. Therefore, in the second, 'restoring' waking state, we have freedom in our thinking and behaviour. However, if we feel threatened by our environment, we have to pay more attention to it and – in the authors' fourth state – switch constantly between thoughts about the tasks we're trying to get on with and potential external threats. Continually being in this state of high alert and carrying out such mental switching means not only that we can't focus on specific thoughts, but that we miss out on the restorative benefits of free thinking. These various states of mind may be strongly influenced by the 'soundscapes' (acoustic environments) we are exposed to.

However, the researchers also think that people may benefit from changes in soundscapes – from spending time in lively places as well as quiet places. They say a diversity of acoustic environments is preferable over more uniform acoustic environments that comply with certain legal noise limits. Such an approach might also be less costly than trying to keep sound levels uniformly low.

Source: Andringa, T. C., & Lanser, J. J. L. (2013). How pleasant sounds promote and annoying sounds impede health: a cognitive approach. *International Journal of Environmental Research and Public Health*, 10(4), 1439–61. doi:10.3390/ijerph10041439

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Themes: Environment and health, Noise

Are motorways the best spot for wind turbines?

Wind turbine noise can be detected at low levels, even when it is heard alongside motorway traffic noise, a study finds. It is possible for louder motorways to drown out turbine noise, however. The participants in this listening experiment could easily detect wind turbine noise, but only once they knew it was present in recordings of environmental noise.

"...turbines could be detected at all volumes when combined with local road traffic, which suggests that road traffic is not suitable for masking turbines."

Public annoyance with wind turbine noise is rising with the increasing number of turbines installed. Previous studies have suggested that people are more annoyed by wind turbines than other sources of environmental noise, such as road traffic, even if they are equally as loud. Research has also indicated that masking turbine noise with other sounds could reduce annoyance.

This Belgian study adds to the body of research into turbine noise. Motorways have been proposed as good locations for turbines, partly because the traffic could help conceal turbine noise. Fifty people participated in a listening test in which they were asked to identify and detect wind turbine noise when heard alongside traffic noise. None of the participants held negative attitudes towards wind energy, and only one was particularly familiar with turbine noise.

The researchers first played recordings of noise at realistic indoor sound levels (40 A-weighted decibels (dBA)) to participants while they read at leisure in an otherwise quiet room. At this stage, the participants did not know the true purpose of the study or that they were going to be played recorded noises.

There were four types of recording: pure wind-turbine noise, pure motorway noise, combined motorway traffic and wind turbine noise, and combined local road traffic and wind turbine noise. Motorway noise was continuous, whereas local road noise was intermittent and individual vehicles could be heard driving past.

The researchers asked participants to rate how annoying they found the noise recordings, without telling them what the recordings actually were. Participants considered local road traffic recordings much more annoying than motorway and turbine recordings. There was little difference in annoyance levels for motorway and turbine recordings, whether in isolation or combined.

When asked to name what they had heard, nearly all participants correctly identified road traffic noise. Just under half said they had heard wind turbines. A number of incorrect answers were given, including air traffic (48% of respondents) and sea waves (28%).

In a second stage of the experiment, the researchers explored how loud traffic noise would have to be in relation to turbines, to mask their noise effectively. The participants were asked to deliberately listen for turbines in recordings, which had an overall volume of around 40 dBA, but with varying ratios of turbine and traffic noise.

At this stage, the listeners easily detected turbine noise in combined recordings, now they knew it was present. Those who detected it most easily tended to be the same people who had rated it as annoying in the first part of the experiment.

Listeners started to detect turbine noise when it was 23 dBA quieter than accompanying motorway noise. The turbine noise's acoustical energy was thus 200 times lower than the motorway's. In contrast, turbines could be detected at all volumes when combined with local road traffic, which suggests that road traffic is not suitable for masking turbines.

The researchers caution that the study was small-scale and short-term; some patterns they observed here might be different if they had conducted a long-term study.

Source: Van Renterghem, T., Bockstael, A., De Weirt, V., Botteldooren, D. (2013) Annoyance, detection and recognition of wind turbine noise. *Science of the Total Environment*. 456-457: 333-345. DOI: 10.1016/j.scitotenv.2013.03.095.

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Themes: Environment and health, Noise

Further Reading

You may also be interested in reading the following publications from Science for Environment Policy.

News Alert articles

Traffic noise pollution mapped with new mobile phone app (Nov 2014)

A new mobile phone application which can help monitor traffic-noise exposure is presented in a recent study. The app, '2Loud?', can measure indoor night-time noise exposure and, given large-scale community participation, could provide valuable data to aid urban planning, the researchers say. In an Australian pilot study, nearly half of participants who used the app found that they were exposed to potentially unhealthy levels of night-time noise.

<http://ec.europa.eu/environment/integration/research/newsalert/archive/noise.htm>

Both traffic noise and air pollution linked to stroke (Oct 2014)

Road traffic noise and air pollution both increase the risk of having a stroke, recent research from Denmark suggests. The results suggest that traffic noise is more strongly associated with ischaemic stroke, whereas only air pollution appears to be linked with more serious, fatal strokes.

http://ec.europa.eu/environment/integration/research/newsalert/pdf/traffic_noise_air_pollution_links_strokes_390na7_en.pdf

Aircraft noise at night may lead to long-term health impacts (Feb 2014)

Exposure to aircraft noise at night for more than 20 years could increase the risk of heart disease and stroke, according to research conducted around six European airports. Risk also increased for those constantly exposed to road traffic, but this may have been caused by air pollution rather than noise.

http://ec.europa.eu/environment/integration/research/newsalert/pdf/363na1_en.pdf

Thematic issues

Environmental Noise (Nov 2011)

Noise pollution is among the most common complaints regarding environmental issues in Europe, especially in densely populated and residential areas near major roads, railways and airports. But noise - unwanted sound - is more than a mere annoyance, even at levels below ear damaging volumes. The EU's Environmental Noise Directive (END) has initiated action plans in Member States to reduce environmental noise exposure and its effects. This Thematic Issue reports on recent research to help guide effective noise action plans throughout Europe.

<http://ec.europa.eu/environment/integration/research/newsalert/pdf/29sj.pdf>

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A Review of Published Research on Low Frequency Noise and its Effects

**Report for Defra by Dr Geoff Leventhall
Assisted by Dr Peter Pelmear and Dr Stephen Benton**

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1. Preamble

Low frequency noise causes extreme distress to a number of people who are sensitive to its effects. Such sensitivity may be a result of heightened sensory response within the whole or part of the auditory range or may be acquired. The noise levels are often low, occurring in the region of the hearing threshold, where there are considerable individual differences. There is still much to be done to gain a fuller understanding of low level, low frequency noise, its effects, assessment and management. Survey papers of low frequency noise and its occurrence include (Backteman et al., 1983a; Backteman et al., 1983b; Backteman et al., 1984a; Backteman et al., 1984b; Berglund et al., 1996; Broner, 1978a; Hood and Leventhall, 1971).

Historically, early work on low frequency noise and its subjective effects was stimulated by the American space programme, a source of very high levels of low frequency noise. The launch vehicles produce their maximum noise energy in the low frequency region. Furthermore, as the vehicle accelerates, the crew compartment is subjected to boundary layer turbulence noise for about two minutes after lift-off. Experiments were carried out, in low frequency noise chambers, on short term subjective tolerance to bands of noise at very high levels of 140 to 150dB in the frequency range up to 100Hz. It was concluded that the subjects, who were experienced in noise exposure and wearing ear protection, could tolerate both broadband and discrete frequency noise in the range 1Hz to 100Hz at sound pressure levels up to 150dB. Later work suggests that, for 24 hour exposure, levels of 120-130dB are tolerable below 20Hz. These limits were set to prevent direct physiological damage (Mohr et al., 1965; von Gierke and Nixon, 1976; Westin, 1975). It is not suggested that the exposure was pleasant, or even subjectively acceptable, for anybody except those who might have had a personal interest in the noise. The levels used in the experiments are considerably higher than the exposure levels of people in their homes, arising from environmental, traffic, industrial and other sources.

The early American work was published in the mid 1960's and created no great sensation, but a few years later infrasound entered upon its "mythological" phase, echoes of which still occur. Infrasound – the "silent sound" - was blamed for many misfortunes for which another explanation had not yet been found (e.g., brain tumours, cot deaths, road accidents). A selection of some press headlines from the early years is:

- *The Silent Sound Menaces Drivers - Daily Mirror, 19th October 1969*
- *Does Infrasound Make Drivers Drunk - New Scientist, 16th March 1972*
- *Brain Tumours 'caused by noise' - The Times, 29th September 1973*
- *Crowd Control by Light and Sound - The Guardian, 3rd October 1973*
- *Danger in Unheard Car Sounds - The Observer, 21st April 1974*
- *The Silent Killer All Around Us - Evening News, 25th May 1974*
- *Noise is the Invisible Danger - Care on the Road (ROSPA) August 1974*

Blatantly incorrect claims were made in the book 'Supernature' by Lyall Watson, first published in 1973 as 'A natural history of the supernatural' and which had large sales as a paperback. For example, it stated that, in an experiment with infrasonic generators, all the windows were broken within a half mile of the test site and further, that two infrasonic generators "focused on a point even five miles away produce a resonance that can knock a building down as effectively as a major earthquake".

Those who were investigating low frequency noise problems at this time were often asked "It's dangerous, isn't it?" Public concern over infrasound was one of the stimuli for a growth in complaints about low frequency noise during the 1970's and 1980's and may still have lingering effects.

However, infrasound has long been a respected area of study in meteorology, where the frequencies range from as low as one cycle in 1000 seconds up to a few cycles per second. Large arrays of infrasound microphones detect low frequencies originating in atmospheric effects, meteorites, supersonic aircraft, explosions etc. There is also a worldwide system of about 60 infrasound arrays, which are part of the monitoring for the Nuclear Test Ban Treaty.

It is a big step from the American endurance exposures and the exaggerated effects of infrasound to the very real low frequency noise difficulties faced in a number of environmental noise problems, where low frequency noise occurs at low levels, often in the region of an individual's hearing threshold. The noise, typically classed as "not a Statutory Nuisance", causes immense suffering to those who are unfortunate to be sensitive to low frequency noise and who plead for recognition of their circumstances.

The World Health Organization is one of the bodies which recognizes the special place of low frequency noise as an environmental problem. Its publication on Community Noise (Berglund et al., 2000) makes a number of references to low frequency noise, some of which are as follows:

- *" It should be noted that low frequency noise, for example, from ventilation systems can disturb rest and sleep even at low sound levels"*
- *"For noise with a large proportion of low frequency sounds a still lower guideline (than 30dBA) is recommended"*
- *" When prominent low frequency components are present, noise measures based on A-weighting are inappropriate"*
- *"Since A-weighting underestimates the sound pressure level of noise with low frequency components, a better assessment of health effects would be to use C-weighting"*
- *"It should be noted that a large proportion of low frequency components in a noise may increase considerably the adverse effects on health"*
- *"The evidence on low frequency noise is sufficiently strong to warrant immediate concern"*

This present study considers some properties of low frequency sounds, their perception, effects on people and the criteria which have been developed for assessment of their effects. Proposals are made for further research, to help to solve the continuing problems of low frequency environmental noise.

2. Introduction to the physics of low frequency noise

- 2.1 **Noise and sound.** Noise and sound are physically the same, differences arising in their acoustic quality as perceived by listeners. This leads to a definition of noise as undesired sound, whilst physically both noise and sound are similar acoustic waves, carried on oscillating particles in the air. Sound is detected by the ear in a mechanical process, which converts the sound waves to vibrations within the ear.

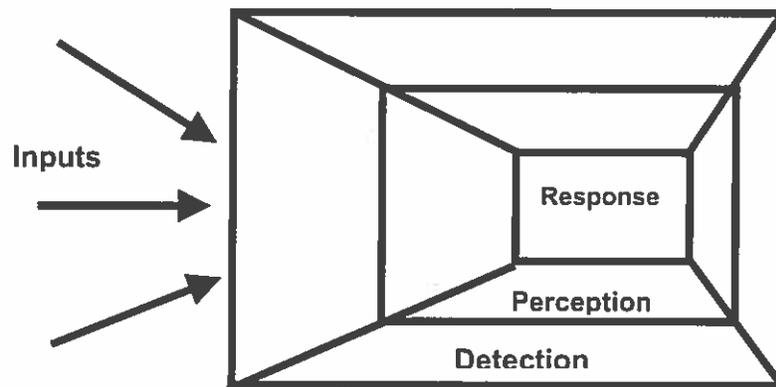


Figure 1. The response chain.

Figure 1 is a simplified diagram of the process, which leads to perception and response. Electrical signals, stimulated by the vibrations in the ear, are transmitted to the brain, in which perception occurs and the sensation of sound is developed. Response is the reaction to perception and is very variable between people, depending on many personal and situational factors, conditioned by both previous experiences and current expectations.

- 2.2 **Frequency and wavelength.** The frequency of a sound is the number of oscillations which occur per second (Hz), denoted, for example, as 100Hz. Sound travels in air at about 340ms^{-1} , but this velocity varies slightly with temperature. Figure 2 represents sound waves generated by the oscillating strip at the left. As the strip oscillates, it alternately compresses the air, shown by light bands and expands the air, shown by dark bands.

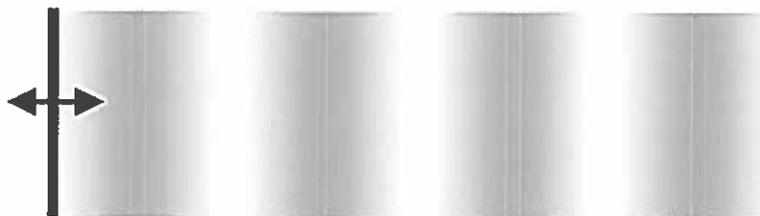


Figure 2. Sound waves.

Since each compression travels at about 340ms^{-1} , after one second the first compression is 340m away from the source. If the frequency of oscillation is, say 10Hz, then there will be 10 compressions in the distance of 340m, which has been travelled in one second, or 34m between each compression. This distance is called the wavelength of the sound, leading to the relation:

velocity = wavelength x frequency, written in symbols as

$$c = \lambda f$$

where c is the velocity of sound, λ the wavelength and f the frequency. The equation gives the relation between frequency and wavelength as in Table 1.

Frequency Hz	1	10	25	50	100	150	200
Wavelength m	340	34	13.6	6.8	3.4	2.27	1.7

Table 1. Frequency and wavelengths of low frequency sound.

In the frequency region 25Hz to 150Hz, wavelengths are of similar size to room dimensions, which can lead to resonances in rooms, discussed in later sections.

- 2.3 Noise character and quality.** Pleasant sounds convey pleasant associations. For example, music and birdsong, although early morning seagulls may be considered as noise, because they are an unwanted sound. Here, "unwantedness" is determined by the cognitive environment in which each sound is detected, Character and quality of a noise, combined with our expectations and situation, are important contributors to our response and are considered later.
- 2.4 Low frequency noise and infrasound.** The frequency range of infrasound is normally taken to be below 20Hz and that of audible noise from 20Hz to 20,000Hz. However, frequencies below 20Hz are audible, illustrating that there is some lack of clarity in the interpretations of infrasonic and audible noise. Although audibility remains below 20Hz, tonality is lost below 16-18Hz, thus losing a key element of perception. Low frequency noise spans the infrasonic and audible ranges and may be considered as the range from about 10Hz to 200Hz. The boundaries are not fixed, but the range from about 10Hz to 100Hz is of most interest. In later chapters we will not separate infrasound and low frequency noise, but consider the range from 10Hz to 200Hz as continuous.
- 2.5 Sources.** Low frequency noise and infrasound are produced by machinery, both rotational and reciprocating, all forms of transport and turbulence. For example, typical sources might be, pumps, compressors, diesel engines, aircraft, shipping, combustion, air turbulence, wind and fans. Structure borne noise, originating in vibration, is also of low frequency, as is neighbour noise heard through a wall, since the wall blocks higher frequencies more than it blocks lower frequencies (Hood and Leventhall, 1971; Leventhall, 1988).

- 2.6 Infrasound.** There are a number of misconceptions about infrasound, such as that infrasound is not audible. As will be shown later, frequencies down to a few hertz are audible at high enough levels. Sometimes, although infrasound is audible, it is not recognised as a sound and there is uncertainty over the detection mechanism. Very low frequency infrasound, from one cycle in, say 1000 seconds (0.001Hz) to several cycles a second are produced by meteorological and similar effects and, having been present during all of our evolution, are not a hazard to us. Much of what has been written about infrasound in the press and in popular books is grossly misleading and should be discounted.
- 2.6.1 Propagation.** The attenuation of sound in air increases with the square of the frequency of the sound and is very low at low frequencies. Other attenuating factors, such as absorption by the ground and shielding by barriers, are also low at low frequencies. The net result is that the very low frequencies of infrasound are not attenuated during propagation as much as higher frequencies, although the reduction in intensity due to spreading out from the source still applies. This is a reduction of 6dB for each doubling of distance. Wind and temperature also affect the propagation of sound.
- 2.6.2 Control.** Infrasound is difficult to stop or absorb. Attenuation by an enclosure requires extremely heavy walls, whilst absorption requires a thickness of absorbing material up to about a quarter wavelength thick, which could be several metres.
- 2.6.3 Resonance.** Resonance occurs in enclosed, or partially open, spaces. When the wavelength of a sound is twice the longest dimensions of a room, the condition for lowest frequency resonance occurs. From $c = \lambda f$, if a room is 5m long, the lowest resonance is at 34Hz, which is above the infrasonic range. However, a room with an open door or window can act as a Helmholtz resonator. This is the effect which is similar to that obtained when blowing across the top of an empty bottle. The resonance frequency is lower for greater volumes, with the result that Helmholtz resonances in the range of about 5Hz to 10Hz are possible in rooms with a suitable door, window or ventilation opening.
- 2.7 Low frequency noise.** The range from about 10Hz to 200Hz covers low frequency noise. For comparison, the lowest C note on a full range piano is at about 32Hz whilst middle C is at about 261Hz. All the low frequency noise range is audible, although high levels are required to exceed the hearing thresholds at the lower frequencies.
- 2.7.1 Propagation.** Similar factors influence the propagation of low frequency noise to those which influence infrasound. However, because of the higher frequencies, air and other attenuations are greater for low frequency noise than for infrasound and more is known about them. Typical air attenuations at 20°C and 70% relative humidity are:

63Hz	-	0.1dB/km
125Hz	-	0.35dB/km
250Hz	-	1.1dB/km

which shows very low attenuation at 63Hz.

In addition to these there is reduction of 6dB per doubling of distance due to spreading out of the wave and any reduction which might occur due to absorption over the ground or by shielding. It is seen that air attenuations are a small contributor to losses at low frequencies but, since attenuation increase rapidly as frequency rises, air attenuation can be a main contributor at much higher frequencies in the kilohertz range. As a result, noise which has travelled over long distances is normally biased towards the low frequencies.

2.7.2 Control. Low frequency noise and infrasound are steps along the same physical process of wave propagation, so that similar considerations apply to their control, although the shorter wavelengths of low frequency noise make control easier. Thus, a massive single partition, or a complex multiple partition, is needed to stop low frequency noise, with results which improve as the frequency increases. But most walls in buildings are deficient in the low frequency region, so that noise transmission between rooms, and from outside to inside, is a problem. Absorption of low frequency noise requires thick material, such that most sound absorbing linings, typically a few centimetre thick, are ineffective at the low frequencies.

2.7.3 Resonance effects. Resonances in a normal sized domestic room occur in the low frequency region. For example, a room of dimensions 4m by 5m by 2.5m has low frequency resonances from 34 Hz upwards. Resonances increase the sound level in parts of the room whilst decreasing it in others.

Figure 3 illustrates the standing wave of a lowest room resonance, in which the room dimension is one half wavelength of the sound. The level is highest at the end walls and lowest in the centre of the room. It is often possible to detect the differences in level, at different room locations, within a room which has been driven into resonance by low frequency noise.

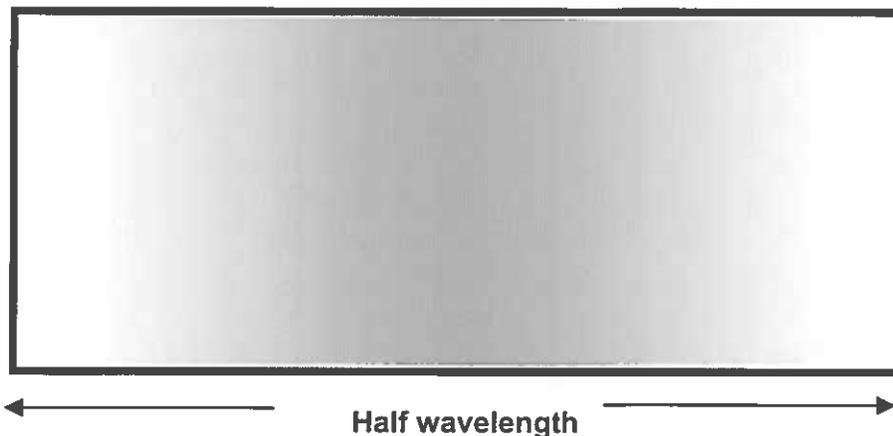


Figure 3. Lowest room resonance.

3. Decibels and measurements

3.1 Noise Levels – the 'decibel'

3.1.1 Definition: The decibel is the logarithm of the ratio between two values of some characteristic quantity such as power, pressure or intensity, with a multiplying constant to give convenient numerical factors. Logarithms are useful for compressing a wide range of quantities into a smaller range. For example:

$$\log_{10}10 = 1$$

$$\log_{10}100 = 2$$

$$\log_{10}1000 = 3$$

and the ratio of 1000:10 is compressed into a ratio of 3:1.

This approach is advantageous for handling sound levels, where the ratio of the highest to the lowest sound which we are likely to encounter can be as high as 1,000,000:1. A useful development, many years ago, was to take the ratios with respect to the quietest sound we can hear. This is the threshold of hearing at about 1000Hz, which is taken as 20 μ Pa (2x10⁻⁵Pa) of pressure for the average person. When the word "level" is added to the word that describes a physical quantity, decibels are implied. Thus, "sound level" is a decibel quantity. When the sound pressure is doubled, the sound pressure level increases by 6dB.

3.2 Measurements

3.2.1 Weighting networks. The majority of noise measurements are made using sound level meters (IEC:60651, 2001), which give numerical levels as a representation of the noise. For environmental noise it is normal to use the sound level meter A-weighting, which gradually reduces the significance of frequencies below 1000Hz, until at 10Hz the attenuation is 70dB. The C-weighting is flat to within 1dB down to about 50Hz and then drops by 3dB at 31.5Hz and 14dB at 10Hz. Figure 4 shows the A and C weighting curves.

The G weighting, (ISO7196, 1995), specifically designed for infrasound, falls off rapidly above 20Hz, whilst below 20Hz it follows assumed hearing contours with a slope of 12dB per octave down to 2Hz. This slope is intended to give a subjective assessment to noise in the infrasonic range. A G-weighted level of 95 - 100dBG is close to the perception level. G-weighted levels below 85-90dBG are not normally significant for human perception. However, too much reliance on the G-weighting, which is of limited application, may divert attention from problems at higher frequencies, say, in the 30Hz to 80Hz range.

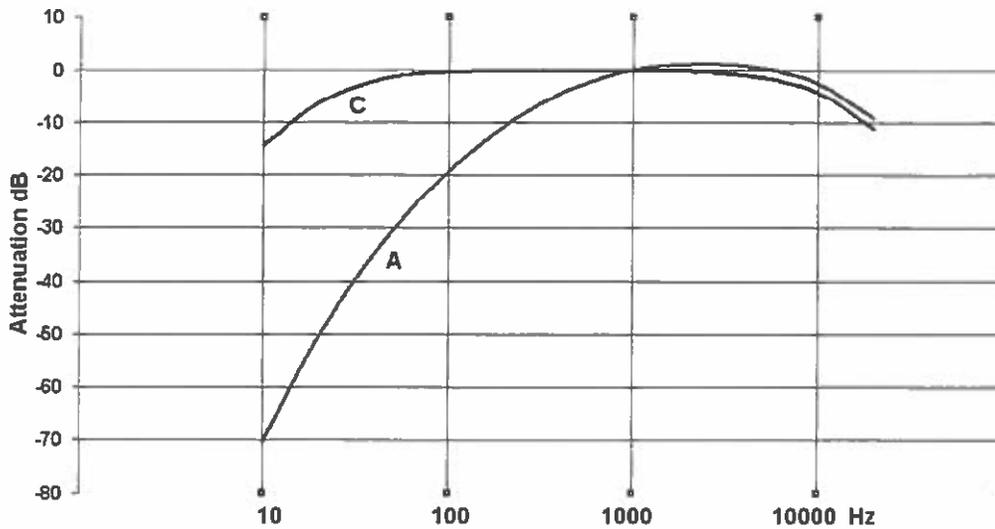


Figure 4. Sound level meter weighting curves – A and C.

Figure 5 shows the G-weighting curve. There is a Linear Weighting, also known as Z-weighting, which has a flat frequency response from 10Hz to 20kHz. More detail of the noise, in particular the presence of tones, can be found from a third octave or narrow band analysis.

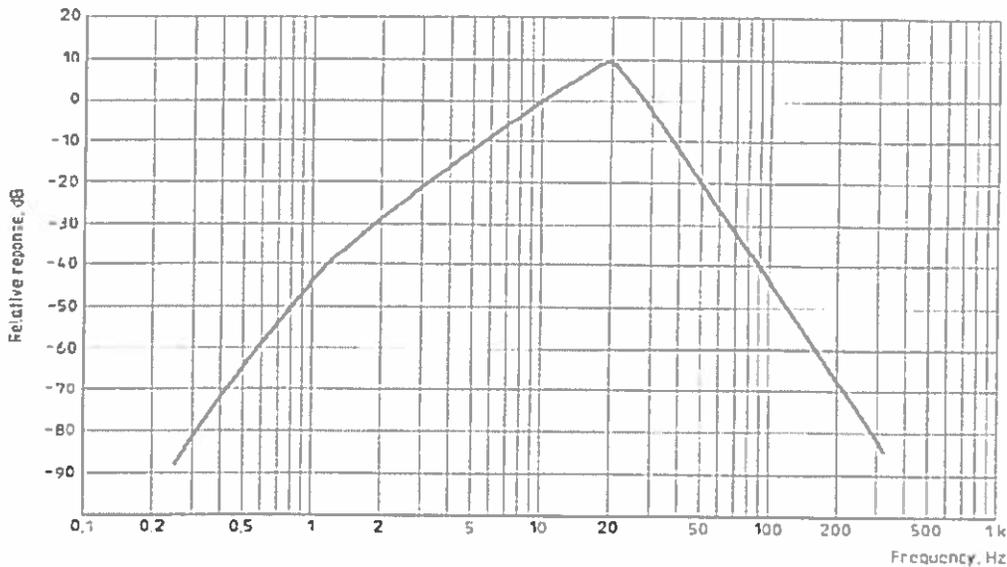


Figure 5. G-weighting for infrasound.

3.2.2 Averaging. Sound level meters give a numerical representation of the noise. However, this is obtained by averaging over a period of time that, for fluctuating noises, is generally longer than the period of the fluctuations, leading to a loss of information on the fluctuations. The widespread use of the equivalent level discards important information on the quality of the noise, its spectral properties and corresponding perceived sound character.

4. The low frequency hearing threshold and loudness

4.1 Average thresholds. The aim of studies on the low frequency threshold has been to determine the lowest levels which are audible to an average person, often a young person, with normal hearing. Thus, the threshold is a "quasi-objective" measurement in the sense that it is free from emotional responses. Threshold studies have been carried out on relatively small groups, typically about 10 to 20 subjects, so that differences between experimenters are to be expected. However, the different studies follow the same trend, and the threshold region at low frequencies is now well established. For example, (Corso, 1958; Lydolf and Møller, 1997a; Lydolf and Møller, 1997b; Møller and Andresen, 1984; Møller and Andresen, 1984; Watanabe and Møller, 1990a; Watanabe and Møller, 1990b; Whittle et al., 1972; Yeowart, 1976; Yeowart and Evans, 1974) have all carried out careful studies and give references to earlier work. The frequency ranges covered and method of exposure are as follows.

Corso	5Hz to 200Hz	Monaural headphone
Whittle et al	3.15Hz to 50Hz	Pressure chamber
Yeowart and Evans	1.5Hz to 100Hz	Monaural headphone
	5Hz to 100Hz	Binaural headphone
	2Hz to 20Hz	Pressure chamber
Møller and Andresen	2Hz to 50Hz	Pressure chamber
Watanabe and Møller (a)	25Hz to 1kHz	Free Field
Watanabe and Møller (b)	4Hz to 125Hz	Pressure chamber
Lydolf and Møller	20Hz to 1kHz	Pressure chamber/free field

(Yeowart 1976 is a review of work up to that date)

The different measurement methods – monaural/binaural headphones, pressure chamber, free field – potentially produce different results. For example, binaural listening is 3dB more sensitive than monaural listening - the "binaural advantage". An individual's sensitivity and measured hearing threshold will also be influenced by the method of presentation of the sounds.

Free field levels are often taken in the absence of the subject, whilst pressure chamber measurements are taken in the presence of the subject. However Watanabe and Møller (1990b) found no significant difference between their two measurements in the frequency range of overlap.

Thresholds above 20Hz are standardised by ISO for otologically normal persons within the age range from 18 to 30 years inclusive (ISO226, 1987). Early studies of the low frequency threshold showed discrepancies between

low frequency measurements and ISO 226 at frequencies above 20Hz, where the measurements overlapped. Later measurements have partially resolved these, showing that where the measurements are made in the same laboratory, there is closer agreement in the overlap region between very low frequency pressure chamber measurements and the free field measurements above 20Hz (Lydolf and Møller, 1997a; Watanabe and Møller, 1990b). However, ISO 226 is itself under review and the threshold has been standardised separately for audiometric equipment (ISO 398 - 7, 1996). A German Standard for environmental low frequency noise (DIN:4560, 1997) circumvents the difference by extrapolating the threshold of ISO 226 from 20Hz, the lowest standardised frequency, by 8dB rise per third octave down to 8Hz. This gives thresholds which are lower than most measured ones in the infrasonic region.

4.1.1 Current threshold values. The thresholds found by Watanabe and Møller (1990b) are shown in Figure 6, which also includes the limit of 85dBG up to 20Hz and 20dBA in the range 10-160Hz. The threshold measurements from 20Hz to 125Hz are very close to the ISO 389-7 threshold (ISO389-7, 1996). Figure 6 gives the threshold at 4Hz as about 107dB, at 10Hz it is 97dB, at 20Hz it is 79dB and at 50Hz it is 46dB. Note that, at about 15Hz, there is a change in threshold slope from approximately 20dB/octave at higher frequencies to 12dB/octave at lower frequencies. This is a consistent finding by different experimenters, occurring within the range 15Hz to 20Hz, depending on which frequencies have been used in the measurements. It has not been fully explained, but is thought to be due to a change in the aural detection process, occurring in the frequency region at which tonality of the auditory sensation is lost.

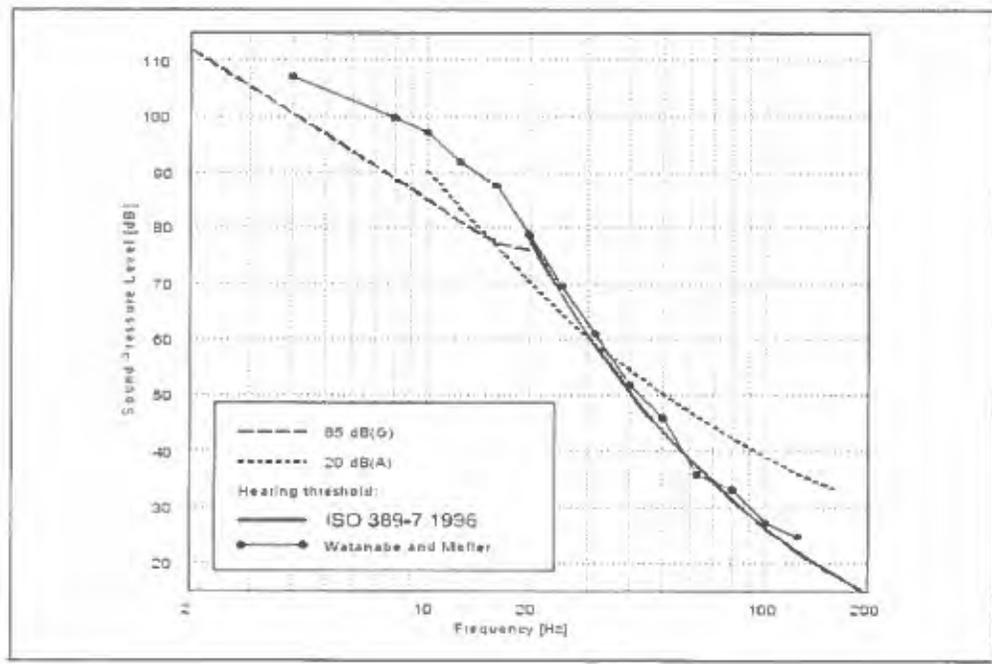


Figure 6. Threshold levels after Watanabe and Møller (1990b).

The 50% and 10% hearing thresholds for an otologically unselected 50 – 60 year old age group has been compared with that for otologically selected young adults. (van den Berg and Passchier-Vermeer, 1999a). The older population is typically 6 – 7dB less sensitive than the younger one, whilst the hearing sensitivity which is exceeded by 10% of the population is, typically, 10-12dB below the average, 50% level. It was also estimated that the 5% hearing level was 2dB below the 10% hearing level.

4.2 Individual thresholds. The threshold levels described above are averaged over groups of subjects. The threshold of an individual may differ from the average. Investigations at higher frequencies have shown that an individual threshold exhibits a "microstructure" in which there are fluctuations in sensitivity of up to 12dB at specific tones. (Cohen, 1982).

Further investigations of this effect were made at both low and high frequencies (Benton, 1984; Frost, 1980; Frost, 1987). For example, Frost (1987) measured thresholds at 5Hz intervals over the range 20Hz to 120Hz with results such as in Figure 7, which compares two subjects, one of whom is about 15dB more sensitive than the other at 40Hz. Both subjects had similar audiograms at 250, 500 and 1000Hz.

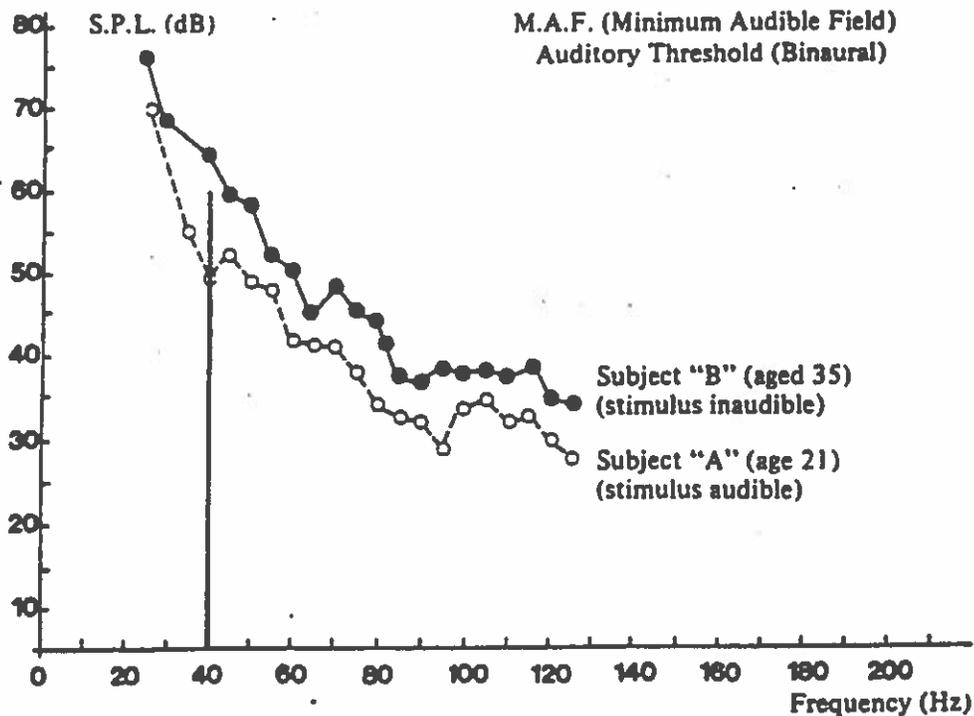


Figure 7. Individual thresholds showing regions of enhanced sensitivity.

Yamada and colleagues (Yamada, 1980) reported male and female thresholds separately, measured in a pressure chamber at third octave frequencies from 8Hz to 63Hz. For his subjects, women were about 3dB more sensitive than men except at the lowest two frequencies, 8Hz and 10Hz. It was also found that individual differences are large, one male subject having a threshold which was 15dB more sensitive than the average.

It is clear that the audiogram is not a smooth curve and that there are pronounced individual differences. Low frequency audiograms of complainants have shown that some hum complainants have low frequency hearing which is more sensitive than the average threshold, whilst others are less sensitive (Walford, 1978; Walford, 1983), as would be expected in any population of subjects. Thus, complainants do not necessarily have enhanced hearing acuity at low frequencies.

4.3 Loudness at low frequencies. Loudness is also a “quasi-objective” measurement, although, as with the threshold, its determination depends on the subject’s responses. Loudness is measured against the loudness of a tone at 1000Hz. Experimentally, the subject adjusts the level of the sound under investigation until it sounds equally loud to the 1000Hz reference tone. This is the way in which the equal loudness contours of ISO 226:1987, shown in Figure 8 were developed. It is also possible to use an intermediate frequency, F2, first comparing F2 with the 1000Hz reference and then the test tone, F3, with F2, in order to compare F3 with 1000Hz. For example, 50Hz might be compared directly with 1000Hz, but lower frequencies compared directly with 50Hz and indirectly with 1000Hz. The unit of loudness is the “phon”, which is the level of a 1000Hz tone that has the same loudness as the test tone when the tones are presented as plane waves, with the subject facing the direction of the waves.

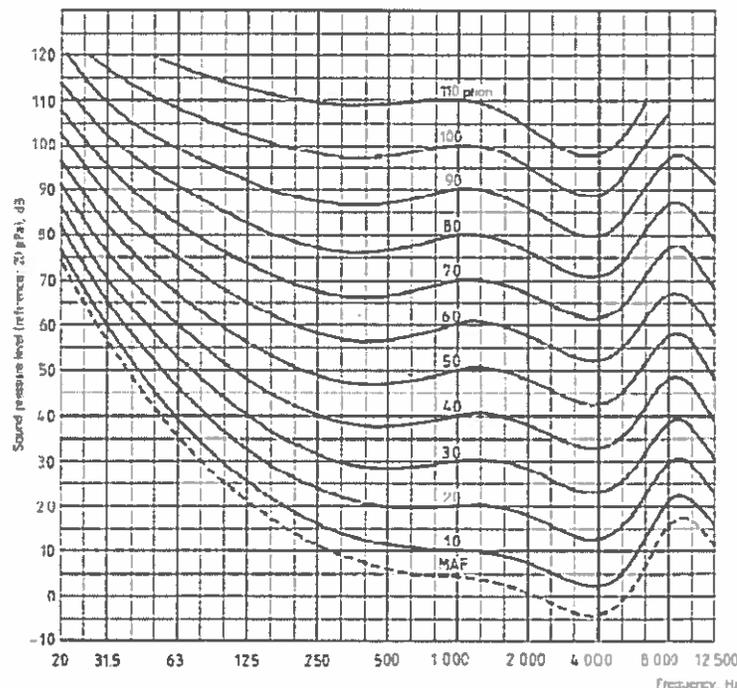


Figure 8. Equal loudness contours (ISO 226).

Some threshold investigations at low frequencies have also included measurement of equal loudness contours (Lydolf and Møller, 1997a; Watanabe and Møller, 1990a; Whittle et al., 1972; Yeowart, 1976). Figure 8, showing the equal loudness contours above 20Hz, illustrates the trend that, as the frequency reduces, the contours come closer together. Thus, in Figure 8, the 80 phon range of loudness at 1000Hz, from 10dB to 90dB, spanning 80dB, is compressed into 40dB at 20Hz. The mid-frequency rule of thumb that a 10dB increase in level represents a doubling of loudness, fails at low frequencies. At 20Hz a doubling of loudness occurs for a level change about 5dB, and requires a smaller change at lower frequencies.

The main loudness level measurements at very low frequencies have been by (Møller and Andresen, 1984; Møller and Andresen, 1984; Whittle et al., 1972). Figure 9, from Møller and Andresen, compares the results. Møller and Andresen made measurements at octave frequencies from 2Hz up to 63Hz. Whittle's measurement frequencies were at octaves between 3.15Hz and 25Hz, followed by third octave frequencies to 50Hz. There is good agreement over the main range with the continuing tendency for the contours to become closer as the frequency reduces. The more rapid growth in loudness at low frequencies is an important factor in its subjective effects.

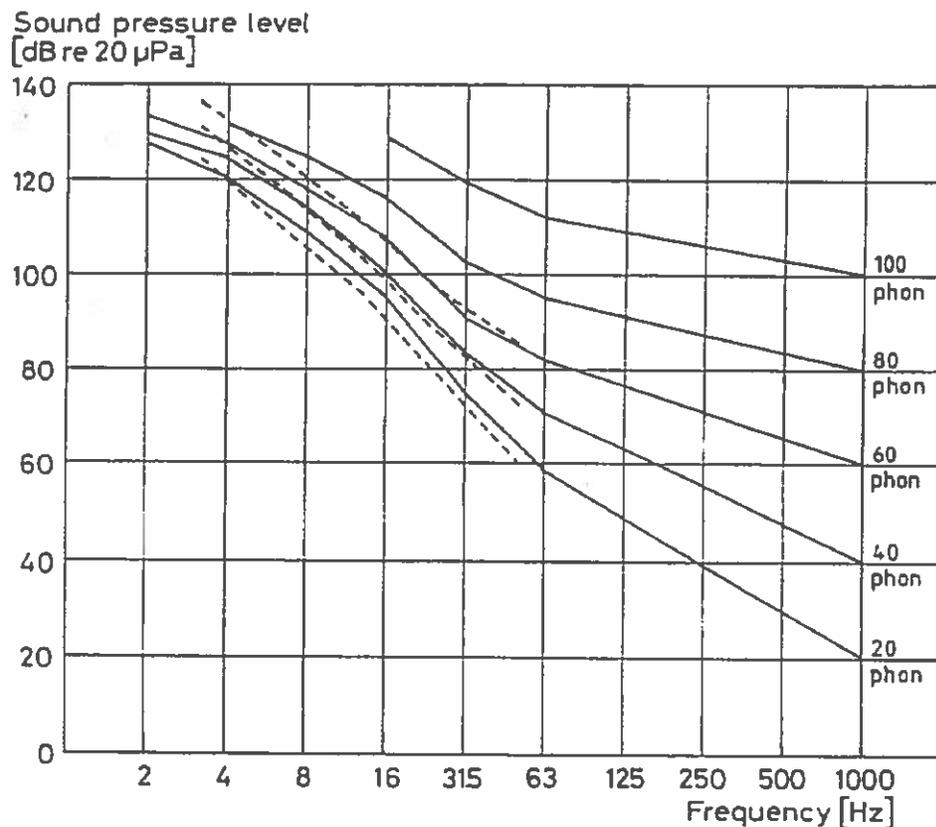


Figure 9. Loudness measurements.

— Møller and Andresen
 - - - Whittle

5. False Perceptions

There is always low frequency noise present in an ambient "quiet" background. Origins are often from transportation or industrial sources, which are too far away to be clearly identified. However, depending on the type of location, typical levels might rise rapidly below 50Hz and reach 40-50dB at frequencies below 20Hz. An investigator may conclude that this rise in low frequency levels is the source of the complaint, neglecting that the threshold at 20Hz is higher than 70dB. As a general rule, broadband noise which is more than 20dB below the average threshold is unlikely to be a problem, as it lies below the threshold of the most sensitive persons.

The instances when a noise is heard by a complainant, but cannot be measured or detected by instruments at significant levels, make it necessary to consider the possibility that a mechanism other than an airborne sound is responsible, leading to a false perception of noise. Potential origins of false perceptions include tinnitus, electromagnetic waves, synaesthesia, hypnagogic effects and the "cognitive itch".

- 5.1 Tinnitus.** Tinnitus has often been used as the "fall back" explanation, when it has not been possible to measure a noise. In addition to tinnitus arising in the hearing mechanism, there are low frequency fluctuations within the body, mainly associated with blood flow, which are known to produce audible effects. In an investigation which included both hum sufferers and tinnitus sufferers, Walford (1983) attempted to separate the responses of the two groups. Both experimental groups were asked to match the frequencies of their sensations, in both level and rate of throb. This was done by adjusting the frequency, throb rate and amplitude of an oscillator. There was overlap between the two groups, with matched frequencies ranging from 15Hz to 196Hz and throb rates from zero to over 5 per second. There was a clustering of frequencies around 40Hz with throb rates of 1 – 2 per second. The overlap in sensations emphasises the difficulties of separating tinnitus patients from those who hear an external noise. Walford attempted the separation by an earmuff test. First the effectiveness of the earmuffs was tested against a matched tone from an oscillator, in order to demonstrate their attenuation at that frequency. If the earmuffs, in the presence of the problem noise, then do not reduce this noise, it is likely to be tinnitus. If they are effective against the noise, there is likely to be an external source.

An important element of this work was when the low frequency noise sensitives were matching, from memory, the levels at which they hear the noise in their homes. The matching sounds were all above average threshold levels, in many cases by 20dB to 40dB. This means that these sounds would have been audible to most listeners, although they were not heard by investigators and others. Several points come from this:

If the matching levels were correct, the effects were likely to be tinnitus.

The subjects may have a very imperfect memory of the sounds they hear in their homes.

The subjects were matching how they felt about the noise, rather than what they heard, determined by long-term antagonistic conditioning.

5.2 Electromagnetic waves. It has been known for some time that electromagnetic waves may produce auditory sensations in persons close to a transmitter although, as shown by calculations later in this section, in most practical exposures the levels of electromagnetic radiation are considerably below those where auditory sensations have been observed.

5.2.1 Review. An early paper (Frey, 1962) showed that good high frequency hearing in the listener was necessary for perception. Frey also listed other effects, depending on the transmitter parameters. These effects included buffeting of the head, dizziness or nausea and pins-and-needles sensations. However, his main work was on hearing sensations produced by pulsed waves in the range 425MHz to 3000MHz. He found that a peak electrical field strength of around 15V/cm (1500V/m) was the threshold value for perception when using pulse duty cycles of around 0.001 to 0.01. Very low duty cycles (0.0004) required higher peak fields. The work was carried out in a laboratory area of 70-90dB acoustic background noise and Frey considered that thresholds would be lower in quieter surroundings.

A recent review gives a clear survey of existing material (Elder and Chou, 2003 (submitted for publication)) and also available under the title of the paper on grouper.ieee.org/groups/scc28/sc4/.

Auditory perception, which follows from a rapid transient heating of about 10^{-6} °C, depends on the energy in a single pulse and not on the average power density, typical sensations being click, buzz, hiss, knock or chirp. The effective stimulation range is 200MHz to 10,000MHz and the ability to hear the effects of radio frequencies in this range depends on good high frequency acoustic hearing, in the kilohertz range. Conversion starts outside the cochlea, by absorption of RF energy in tissues in the head, leading to rapid thermal expansion. The resulting pulse feeds by bone conduction to the cochlea, which is very sensitive. (Note that the displacement of the eardrum at the level of ordinary conversation is about 10^{-10} m, which is sufficient to stimulate the cochlea to sense a sound of moderate level (Stephens and Bate, 1966)).

Elder and Chou give examples of values of RF stimulation to produce distinct clicks such as:

*Frequency, 3000MHz: 5µs pulse widths: repetition rate 0.5s⁻¹:
peak power density 2.5W/cm².*

In experiments on exposure of humans to radar waves, the RF induced sounds disappeared when an aluminium fly screen was placed between the subject and the radar. It was also found that a small metal screen, about 50mm x 50mm, placed over the temporal lobe of the brain, completely stopped the sound. Additional information and international standards are given in a survey of effects of radio wave exposure (Firstenberg, 2001).

5.2.2 EM waves and sensitivity to LF noise. The audible sensations produced by electromagnetic waves do not closely match the sounds reported by low frequency noise sensitives. As good high frequency hearing is required, the older complainants may not be able to perceive the sounds. However, the buffeting of the head, dizziness or nausea and pins-and needles sensations noted by Frey do match some complainants. These effects do not appear to have been followed up and are not referred to in the comprehensive review by Elder and Chou. It is possible that the effects will manifest only at very high exposure levels, which requires a subject to be close to a transmitter.

It is necessary to relate the electromagnetic levels used in the hearing experiments with those to which people are normally exposed. Simple predictions can be made of energy density and field strength at distances from a transmitter. For example, www.mitedu.freeseve.co.uk/Theory/antenna.htm gives the power density (power received per unit area) at a distance d from a transmitter of power P_t as

$$P_r = \frac{P_t}{4\pi d^2} \text{ W/m}^2$$

The field strength is

$$E = \frac{\sqrt{30P_t}}{d} \text{ volts/m}$$

Then, say, at a distance of 10m from a transmitter of power 100W,

$$P_r = 0.08 \text{ W/m}^2 = 8 \times 10^{-6} \text{ W/cm}^2$$

$$E = 5.5 \text{ V/m} = 0.055 \text{ V/cm}$$

These values are considerably below the levels of 15V/cm and 2.5W/cm² quoted above as typical levels for an effect.

Pulsed radars generate very high peak powers, say, 1MW. (WHO, 1999) The radiation is very directional and falls off rapidly at the side of the main beam. For a 1MW peak power, at a distance of 100m, the formula for P_r above gives $P_r = 8 \text{ W/m}^2$. However, this must be multiplied to allow for the directionality of the aerial, which might typically lead to a power gain on the axis of the main beam of 30dB (1000 times), resulting in 8000W/m², or 0.8W/cm². This is lower than the levels given by Elder and Chou for the auditory effect. Additionally, it is unlikely that people will be exposed to the main beam. The experimental work on audibility of RF pulses has been carried out with subjects close to the RF sources and consequently exposed to higher levels than would be received by the public at normal source distances.

- 5.2.3 Growth of EM waves.** The growth of EM waves is one of the major environmental changes over the past 100 years, particularly in the last 50 years. Frequencies have been extended at both low and high ends of the spectrum. For example, Extremely Low Frequencies (ELF) start at about 3Hz and extend to a few kilohertz, such that electromagnetic frequencies overlap with audio frequencies. ELF is used for communication with submerged submarines, since the low frequencies penetrate deep into water. The transmission frequency is 76Hz, modulated between 72Hz and 80Hz. It is not known whether work has been carried out to detect auditory effects from ELF. Coincidentally, the transmission commenced in the 1960's, which is a start time for growth in complaints of low frequency noise, but absorption of energy by body tissues is very low at low frequencies.
- 5.2.4 Power lines.** Much work has been carried out on biological effects of power lines which, at 50Hz or 60Hz, are similar frequency to the ELF transmissions. A detailed explanation of the effects of power line radiations does not mention auditory effects. (National Institute of Environmental Health Sciences and National Institute of Health (Australia), 2002). This may be because the audible sensations produced by electromagnetic waves depend on fluctuation in the stimulus wave, typically as short pulses. Steady waves from power lines, if they have an effect, will produce a steady change in the head, which will not result in audible signals. A requirement for auditory sensations induced by the thermal effect is that the transient electromagnetic energy is absorbed in the tissues of the head. This is a frequency dependent effect, occurring mostly between about 200MHz and 10,000MHz (Elder and Chou 2003). Absorption is very low at ELF.
- 5.2.5 Conclusions.** A conclusion is that, although auditory signals are produced by pulsed electromagnetic waves, there is, as yet, no evidence to show that the effects are similar to those experienced by people who are sensitive to low frequency noise. There is a gap in knowledge, which might be clarified if the non-auditory effects referred to by Frey (1962), can be replicated at typical environmental exposure levels of electromagnetic waves. However, the weight of evidence is against EM waves being a source of the types of effects experienced by low frequency noise complainants.
- 5.3 Synaesthesia.** Synaesthesia is a "cross talk" effect in the brain in which one sensory pathway links across to another, resulting in two outputs from one input. ((Baron-Cohen and Harrison, 1997; Grossenbacher, 1997; Rich and Mattingley, 2002). This is indicated in Figure.10. The auditory input leads to both auditory and visual perceptions. Another model requires feedback from a multimodal nexus which receives inputs from multiple sense modalities, thus acting as a link between them.

The question to be addressed is: In the cases where complaints persist, but noise cannot be measured, could the complainants have a form of synaesthesia in which a sensory input of another modality leads to an auditory percept?

The commonest form of synaesthesia is the linking of colours to printed letters and numbers. The letters may appear to be coloured even though they are printed as black. Other effects are to "see" music in colours. It is estimated that about 1 in 2500 people are synaesthetes, of whom more are women than men and a high proportion are left-handed.

- 5.3.1 Auditory effects.** Associate Professor Sean Day of Miami University, also President of the American Synaesthesia Association, gives statistics based on a sample size of 572, some of whom have more than one type of synaesthesia. See Sean Day's personal web page www.users.muohio.edu/dayesa/types.htm. The commonest occurrence is black printed letters appearing as coloured (68.8%), but there is a small number, about 1%, who hear sound when the stimulus is from smell, taste or touch.

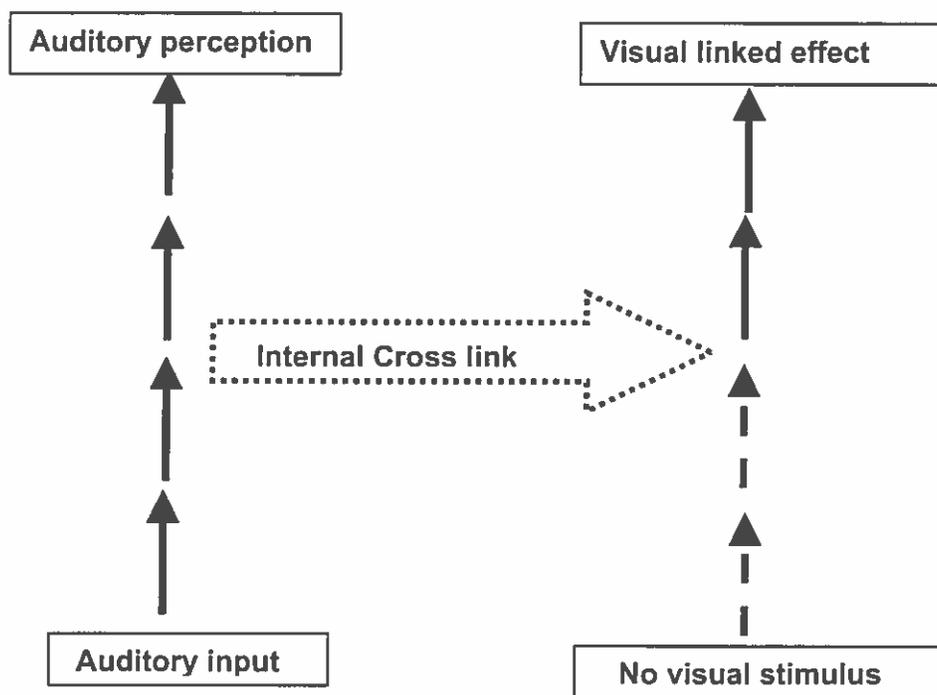


Figure 10. Illustrating synaesthesia, a sound causing a visual effect.

Baron-Cohen (Baron-Cohen, 1996) describes a synaesthete who links colours to sounds and also has the reverse experience, hearing sounds when seeing colours. The effect is described as leading to "massive interference, stress, dizziness, a feeling of information overload and a need to avoid those situations which are either too noisy or too colourful".

It is difficult to assert that synaesthesia is an explanation of some of the unsolvable low frequency noise problems. Synaesthesia is often a lifelong condition, whilst many low frequency noise complaints have a sudden onset. However, synaesthesia can be acquired through seizures or drug use, neuron degeneration and damage to the brain or spinal cord. Thus, synaesthesia is a candidate explanation where noise cannot be measured, but not a very strong candidate.

5.4 Reception through the skin. The skin contains multiple sensors which respond to touch, pressure, temperature, pain etc. The Merkel cell, Meissners corpuscles and Pancinian corpuscles respond to vibration as indicated in Figure 11, reproduced from Jones (Jones, undated). There is the question: are these more or less sensitive receivers than the ear at very low frequencies? The high displacement thresholds shown in Figure 11 indicate that, to a normally hearing person, perception through the ear will take precedence. This is borne out by experiments with normally hearing and profoundly deaf persons (Yamada et al., 1983). The threshold of sensation of the deaf subjects was 40-50dB above the hearing threshold of those with normal hearing up to 63Hz and greater at higher frequencies. For example about 100dB greater at 1kHz, at which level perception was by the subject's residual hearing. Deaf subjects felt sensations mainly in the chest.

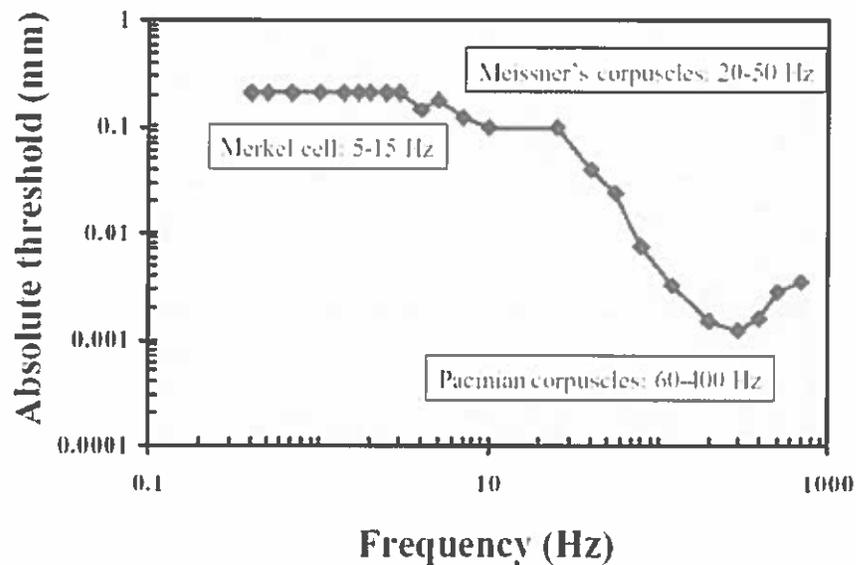


Figure 11. Threshold sensitivity of receptors in the skin.

5.5 Hypnagogic and hypnopompic experiences. These terms describe the unusual experiences which might occur when a person is falling asleep (hypnagogic) or waking up (hypnopompic). They are sometimes associated with sleep paralysis, when it is not possible to move, although aware of the surroundings. In addition to immobility, there may also be a sensed presence, pressure on the body, floating sensations, sounds, a visible form and fear. The effects, which are associated with the rapid eye movement (REM) sleep stage, have been investigated amongst a large group of undergraduates (Cheyne et al., 1999). The frequency of occurrences amongst a sample of 870 students is shown in Table 2. About 12% of the sample experience sounds. Cheyne gives a description of the auditory effects on <http://watarts.uwaterloo.ca/~acheyne/>.

Experience	Frequency	Proportion
<i>Immobility</i>		
Never	616	0.71
Once	70	0.08
2 – 5 times	105	0.13
5 times	75	0.09
<i>Hallucinoid experiences</i>		
Sensed presence	130	0.15
Body pressure	106	0.12
Floating	93	0.11
Sounds	99	0.12
Visible form	75	0.09
Fear	117	0.14

Table 2. Frequencies and proportions of individuals experiencing sleep paralysis and associated hallucinoid experiences. (Cheyne et al 1999).

The auditory effects are described as buzzing, grinding, humming, ringing, roaring, rushing, screeching, squeaking, vibrating, whirring, and whistling. Bodily sensations of tingling, numbness or vibrations sometimes accompany the sounds. There is a parallel between these descriptors and complainants of low frequency noises, especially for those whose experience is worse when trying to sleep.

It is not suggested that hypnagogic effects are the explanation for low frequency noise disturbance, but it is possible that they could explain some of the extreme effects which complainants feel in bed and which are attributed to the complaint noise.

- 5.6 The "cognitive itch".** It has been suggested by Sargent (Sargent, 1996) that subjects could become sensitive to a noise, possibly developing an ongoing "memory" of it. We have all experienced certain "catchy" tunes repeating in the head – the "cognitive itch" (Kellaris, 2001). The main characteristics of such tunes are repetition, simplicity and incongruity, all of which hold the attention. In particular, repetition causes an automatic pattern echo in the brain. The "cognitive itch" metaphor arises since, in the same way that one scratches an itch, the cognitive itch demands attention through internal repetition of its sounds. It is related to endomusia, a syndrome in which melodies are recalled in the head, possibly to an obsessive extent .

A similar effect to the cognitive itch may be relevant to some of the low frequency noise problems, in which exposure has developed a memory of the noise.

6. Development of enhanced susceptibility

It is known that different regions of the brain are responsible for different functions. The brain also possesses "plasticity", in the sense that parts within the same region may change their function. (Schnupp and Kacelnick, 2002). For example, extensive training in a frequency discrimination task leads to improved discrimination ability and an expansion of the cortical area responsive to the frequencies used during training. Schnupp and Kacelnick quote supporting work on animals as follows:

Guinea pigs, trained to associate presentation of a particular pure tone with an unpleasant, but mild, electric shock to the paw, learned to avoid the shock by withdrawing their paw when presented with the tone. Subsequent electro-physiological examination indicated that neurons, originally tuned to frequencies on either side of the conditioning frequency, had shifted their tuning curves towards that frequency. The shift of frequency tuning meant that more cells in the cortex were available to signal the presence of the conditioned stimulus and that this signal is sensed clearly and unambiguously.

Owl monkeys, trained through a reward and denial regime to discriminate a target frequency from different frequencies, were shown to have a shift in neural tuning curves and a sharpening of frequency tuning for the target.

In humans, there is considerable plasticity in the brain during its early development, requiring appropriate stimuli for proper growth. Plastic adaptation is slower in the adult brain. Two examples of plastic adaptation are:

London taxi drivers have been shown, through magnetic resonance imaging, to have an enlarged posterior hippocampus compared with control subjects who did not drive taxis. (Maguire et al., 2000). Taxi driver's anterior hippocampal regions were, however, smaller than controls. Posterior hippocampal volume correlated positively with time spent as a taxi driver, whilst anterior hippocampal volume correlated negatively. The conclusion is that, in order to learn the thousands of routes required for their work, that part of the brain associated with spatial navigation, the posterior hippocampus, enlarged at the expense of neighbouring regions.

There has been a similar finding for skilled musicians (Pantev et al., 1998). Cortical reorganisation was greater the younger the age at which learning began.

The significance of these findings for low frequency noise sufferers is:

- *There is clear evidence that the brain is able to adapt to stimuli.*
- *If sufferers spend a great deal of time listening to, and listening for, their particular noise, it is possible that they may develop enhanced susceptibility to this noise.*
- *Enhanced susceptibility is therefore a potential factor in low frequency noise problems.*

7. Objective effects

- 7.1 Hearing loss.** High levels of A-weighted noise lead to damage to hearing. Do high levels of low frequency noise, whose measured levels would be depressed on an A-weighted measurement, have similar effects? This was one of the early investigations in the American Space Programme (Mohr et al., 1965). Mohr exposed subjects to single tones and narrow bands of noise in the range 10-20Hz, at levels of 150-154dB for two minutes. There was no change in hearing sensitivity as reported by the subjects and no measured temporary threshold shift (TTS) at about one hour after exposure. In other work (Jerger et al., 1966), subjects were exposed for 3 minutes to 7-12Hz at levels 119-144dB. TTS of 20-25dB was found at high frequencies (3kHz to 6kHz), but recovery was complete in a few hours. Nixon (Nixon, 1973) used a piston-phone coupled to the subject's ear via an earmuff to produce levels of 135dB at 18Hz. Six five minute exposures were used with one to two minute rest periods between. TTS was observed in one third of the subjects used, but this recovered after about half an hour. Later work (Burdick et al., 1978) indicated that there may be some permanent threshold shift (PTS) for long term high level exposure. In one experiment, chinchilla were exposed for three days to octave band noise at, 100dB, 110dB and 120dB centred on 63Hz. The highest level led to PTS of up to 40dB at 2kHz in the chinchilla. When human subjects were exposed to the same low frequency noise at 110dB and 120dB for four hours, a TTS of about 15dB resulted, extending from low frequencies up to 2kHz. The frequency used by Burdick et al is higher than in the other experiments and might be expected to have a greater effect. There is an indication that long-term exposure to very high levels may cause permanent hearing loss.

Aural pain is produced by exposure to high levels of noise, occurring when the displacement of the middle ear system exceeds its normal limits. Thresholds of pain are given as rising from about 140dB at 30Hz to 165dB at 2Hz (von Gierke and Nixon, 1976). However, there may be people with middle ear problems whose pain threshold is lower than this.

It appears that low frequency noise will produce TTS in some subjects after short exposure, but that the recovery is rapid and complete. Work has not been carried out on the effects of very long exposures to high levels of low frequency noise. The levels experienced in exposure to environmental low frequency noise are considerably lower than the levels used in the hearing loss experiments described above.

- 7.2 Body Vibrations.** It is possible that body organs resonate within the low frequency range. Complainants of low frequency noise sometimes report a feeling of vibrations through their body.

- 7.2.1 Whole body exposure.** Work has been carried out on body vibrations produced by whole body exposure to low frequency noise.(Brown, 1976; Kyriakides, 1974; Leventhall et al., 1977; Takahashi et al., 2002; Takahashi and Maeda, 2002). The vibratory response of the body to acoustic stimulation

is different from its response to mechanical vibration through the feet or seat. Low frequency acoustic stimulation acts over the whole body surface. The work by Brown, Kyriakides and Leventhall was carried out in a small chamber, in which it was possible to maintain a constant excitation level of noise over the frequency range from 3Hz to 100Hz at up to 107dB. Resonance was detected by an accelerometer mounted on a small plate on an elastic belt, which held the accelerometer in contact with the body. For chest resonance measurements, the accelerometer was positioned over the sternum. Other measurement sites were at the front of the stomach and on the shin muscles. The output of the accelerometer was recorded during a frequency sweep from 3Hz to 100Hz at 107dB. The most prominent effect was a chest resonance, occurring in the range from about 30Hz to 80Hz, depending on stature and gender, but mostly near the centre region of this range. The vibration was clearly felt by the subjects and modulated their voices, producing a croaky effect. Repeating the measurements with the subjects breathing a helium-oxygen mixture resulted in the same chest resonance frequency, although voices acquired the typical higher pitch of helium speech. This isolates the resonance to a structural source, the rib cage, rather than within body cavities, such as the lungs. A chest resonance is shown in Figure 12 for a male subject and excitation at 107dB. The maximum acceleration is 0.05g. There were smaller effects at other body locations.

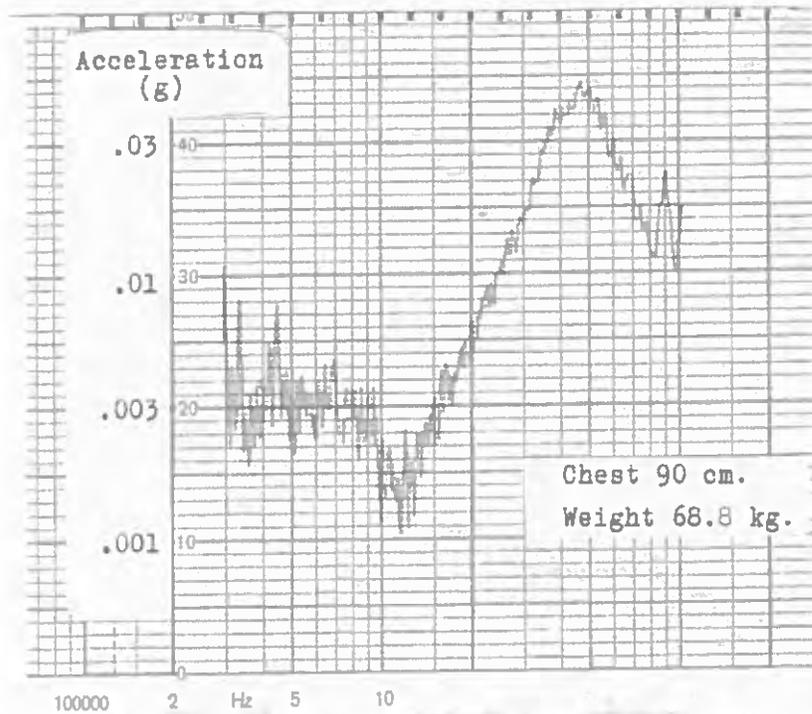


Figure 12. Example of male chest vibration at 107dB

Takahashi and colleagues used a chamber which, because of its size, was limited to a maximum frequency of 50Hz, above which the spatial uniformity of the sound field deteriorated. Measurements were made using single frequencies (20, 25, 31.5, 40 and 50Hz) at levels of 100, 105 and 110dB at the following locations: the forehead, the right and left anterior chest and the right and left anterior abdomen. Further work used white noise and complex noise (combined 31.5Hz and 50Hz) excitation. The general trend was for vibration levels to increase as the frequency increased, but resonance was not shown, due to the limited frequency range of the measurements. The results of the complex tone measurements led to the conclusion that the human body acts as a mechanically linear system in response to airborne excitation.

7.2.2 Conclusions. The work on body vibrations has a limited significance for people in their daily life. Vibrations are sometimes experienced when, as a pedestrian, a bus or lorry passes by, since these vehicles often emit noise at around 60Hz. Body vibrations are a pleasurable effect at discos and rock concerts, as shown by the attendees who cluster near the bass loudspeakers. Typical levels of infrasound and low frequency noise, as experienced in homes, are not high enough to cause significant body vibrations, since, as shown in Figure 12. the resonant gain for the chest vibrations was about 25dB and inherent body vibrations will mask excitations resulting from levels of noise below 70-80dB.

8. Annoyance

- 8.1 **The meaning of annoyance.** Annoyance has roots in a complex of responses, which are moderated by personal and social characteristics of the listeners. (Belojevic and Jokovljevic, 2001; Benton and Leventhall, 1982; Fields, 1993; Grime, 2000; Guski, 1999; Guski et al., 1999; Kalveram, 2000; Kalveram et al., 1999; Stallen, 1999).

For example, Guski (1999) proposes that noise annoyance is partly due to acoustic factors and partly due to personal and social moderating variables, which are shown in Table 3. Noise annoyance in the home is considered as a long-term negative evaluation of living conditions, dependent on past disturbances and current attitudes and expectations. Annoyance brings feelings of disturbance, aggravation, dissatisfaction, concern, bother, displeasure, harassment, irritation, nuisance, vexation, exasperation, discomfort, uneasiness, distress, hate etc, some of which combine to produce the adverse reaction.

Personal Moderators	Social Moderators
Sensitivity to noise	Evaluation of the source
Anxiety about the source	Suspicion of source controllers
Personal evaluation of the source	History of noise exposure
Coping capacity with respect to noise	Expectations

Table 3. Noise Annoyance Moderators.

Figure 13, modified from Guski (1999) in order to emphasise the central nature of the personal factors, summarises the interactions. The interpretation of Figure 13 is as follows. The noise load causes activity interference (e.g. to communication, recreation, sleep), together with vegetative reactions (e.g. blood pressure changes, defensive reactions). Activity interference develops into annoyance and disturbance. Prolonged vegetative reactions may lead to effects on health. Personal factors feed into the outer boxes of Figure 13, moderating the complainant's complex of responses. The social factors moderate how the complainant interacts with external authorities in attempting to deal with the annoyance. Social factors may also interact with health effects, as some social classes may more readily seek medical assistance. The personal and social moderating factors are so variable that Grime (2000) questions the feasibility of a national noise policy.

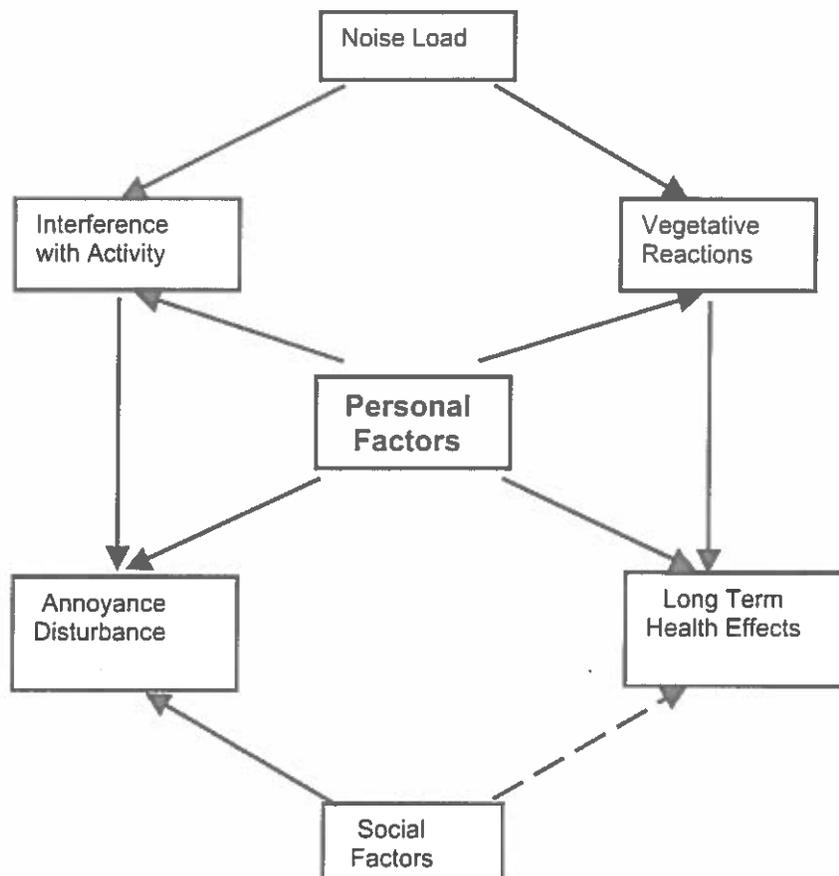


Figure 13. Factors moderating noise annoyance.

8.1.2 Annoyance and the "meaning" of noise. Kalveram (2000) points out that much psychoacoustical noise research has limitations, because it is based upon the correlation between annoyance ratings and physical measurements of sound energy, with subsequent correlation of annoyance and sound level. But equivalent level, A-weighted or linear, is only a part of the total process. Noise level and noise dose approaches neglect the "meaning" of a noise and are contrary to the interactive model in Figure 13. Kalveram proposes an "ecological" approach to noise research, which emphasises the psychological functions of sounds. Annoyance originates from acoustical signals which are not compatible with, or which disturb, these psychological functions. In particular, disturbance of current activities is a primary effect of noise exposure. Kalveram has extended his approach to include "psycho-biological" effects. Annoyance conveys a "possible loss of fitness" (PLOF), which Kalveram links to the message that an individual's Darwinian fitness will decrease if they stay in that situation. Darwinian fitness, in this context, refers to the ability to generate behaviour patterns which permit coping with changes in the environment. For example, to either eliminate a threat or to reduce it to a level which is within the individual's handling capacity. Darwinian fitness may clearly be under threat from noise, to an extent depending on personal factors. A few persons are known to have modified their responses to low frequency noise, thereby removing it from the category of a threat and challenge.

Kalveram summaries the PLOF concept as follows.

"First a harmful variable is assumed to be present in the environment, which affects the individual's (Darwinian) fitness. Then a chance is given that a neural detector will evolve, the input of which is the sensory – here acoustical – stimulation correlated with this harmful variable, while the output is motivating to actions which diminish the sensory input, thereby interrupting current behaviour."

Those who experience long-term exposure to low frequency noise may recognise this process within themselves.

Most field work on noise annoyance has been where there is a known source, for example air or road transport. The particular circumstances of some low frequency noise problems, where the noise source is not known, adds an additional element to annoyance. Those affected suffer extreme frustration and may find it necessary to assume a source, thus enabling themselves to cope through provision of a focus for anger and resentment. Assumed sources have included gas pipelines, radio transmissions and defence establishments.

8.2 Annoyance Measurements. Annoyance measurements are generally of the type described by Kalveram (2000), an attempt to relate annoyance ratings directly to measured noise levels. As described above, these measurements are limited in their results, since they deal with only part of the annoyance complex.

8.2.1 Laboratory determinations. There have been a large number of laboratory determinations of annoyance of low frequency sounds, mainly measurements using either 'normal' or 'sensitive' subjects. Stimuli have included tones, bands of noise or specially developed spectra. There is of course, a wide range of possible stimuli, which experimenters have chosen according to their experience of what is required. (Adam, 1999; Andresen and Møller, 1984; Broner and Leventhall, 1978b; Broner and Leventhall, 1984; Broner and Leventhall, 1985; Goldstein, 1994; Goldstein and Kjellberg, 1985; Inukai et al., 2000; Kjellberg and Goldstein, 1985; Kjellberg et al., 1984; Møller, 1987; Nakamura and Inukai, 1998; Persson and Bjorkman, 1988; Persson-Waye, 1985; Poulsen, 2002; Poulsen and Mortensen, 2002). Some laboratory studies have used recordings of real noises as stimuli, whilst others have worked with the actual noises as experienced by subjects in their own work places or homes. (Holmberg et al., 1993; Landström et al., 1994; Manley et al., 2002; Mirowska, 1998; Tesarz et al., 1997; Vasudevan and Gordon, 1977; Vasudevan and Leventhall, 1982).

Determinations have also been aimed at relating the A-weighted level of the low frequency noise to its annoyance.

8.2.2 Experimental methods. The responses required from subjects vary with experimental method. In laboratory investigations, subjects may be asked to 'imagine' themselves relaxing in their homes in the evening and to rate annoyance by, for example, choice on a semantic scale ranging from 'Not Annoying' to 'Extremely Annoying'. Other methods include marking the level of annoyance on an unnumbered linear scale at a point between 'Not at all

annoying' and 'Very annoying', or assigning a number to a reference noise and appropriate numbers to other noises in order to estimate their magnitudes. These psychological techniques are well established, but need care in their performance, as they are sensitive to experimental factors.

8.2.3 Equal annoyance contours. The main results of this work are as follows. Møller (1987) investigated contours of equal annoyance for pure tones in the frequency range 4Hz to 31.5Hz. The annoyance contours are influenced by the narrowing of the range of equal loudness contours, discussed above. Møller's results are shown in Figure 14. The vertical scale is the annoyance rating in terms of the distance marked for the tone along a 150mm linear scale. The lowest frequencies have to be at a higher level in order to be audible but, once they become audible, their annoyance increases rapidly. For example, the range for 4Hz is about 10dB between extremes. 8Hz and 16Hz have a 20dB range, whilst 31.5Hz has nearly 40dB range. The 1000Hz comparison, which is for an octave band of noise, has a range of nearly 60dB. These findings are important, as they confirm that the hearing contours are reflected in annoyance, although loudness and annoyance are not necessarily the same. Figure 14 gives averages for 18 subjects with normal hearing.

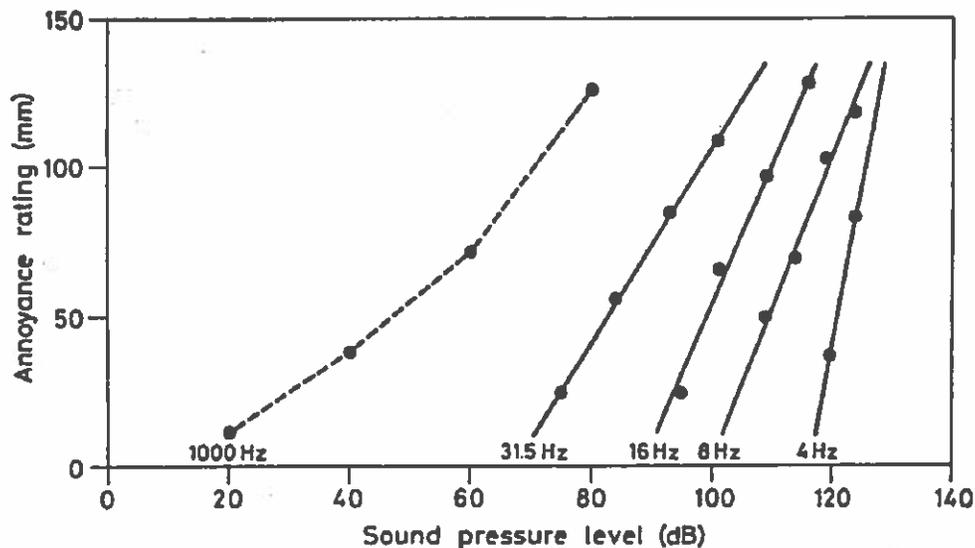


Figure 14. Annoyance rating, showing rapid growth at low frequencies.

8.2.3 Individual annoyance functions. Broner and Leventhall (1978) measured individual annoyance functions for 20 subjects using ten low frequency noise stimuli. The psychophysical function was assumed to be a simple power function

$$\psi = k\varepsilon^{\beta}$$

Where ψ represents the estimation of psychological magnitude, ε is the stimulus intensity and β a subject-specific exponent. It was shown that there was a wide range of individual exponents, β , from a low of 0.045 to a high of

0.4 and three groupings of individual differences were identified. Previous work at higher frequencies had also shown individual loudness functions (Barbenza et al., 1970) and had posed the question of whether one set of regulations should be applied to all people (Bryan and Tempest, 1973).

- 8.2.4 Annoyance and the dBA.** A comparison of a band of noise peaking at 250Hz with a band peaking at 100Hz, whilst both were adjusted to the same A-weighted level, showed that the annoyance from the low frequency noise was greater than that from the higher frequency noise at the same A-weighted level (Persson et al., 1985). This work was subsequently extended (Persson and Bjorkman, 1988; Persson et al., 1990) using a wider range of noises, for example, peaking at 80Hz, 250Hz, 500Hz and 1000Hz, leading to the following conclusions:

There is a large variability between subjects.

The dBA underestimates annoyance for frequencies below about 200Hz.

For broadband low frequency noise, the underestimate was found to be 3dB for levels around 65dB(Linear) and 6dB for levels around 70dB(Linear). Similar results had been obtained in earlier work (Kjellberg et al., 1984). Two broadband noises were investigated, in which one was dominated by energy in the 15-50Hz range. Twenty subjects compared the two noises within the dynamic range 49-86dBA. At equal A-weighted levels, the noise dominated by the low frequency component was perceived as 4-7dB louder and 5-8dB more annoying.

Investigations have also been made to compare the effects on task performance of either 100Hz and 1000Hz. tones or bands of noise centred on 100Hz (~ 2 octaves wide) and 1000Hz(~ 1 octave wide) (Landström et al., 1993). During the experiment the subjects adjusted the tones or noises to levels which they found to be acceptable for performance of the tasks. The results indicated that, when the A-weighted levels were compared, it under-rated the effects of the 100Hz tone by about 14dB, but over-rated the effects of the band of noise centred on 100Hz by 10-15.5dB, depending on sound level. There are clearly differences in the perceptions of tones and bands of noise.

- 8.2.5 Unpleasantness.** The "unpleasantness" of low frequency noise has also been estimated (Inukai et al., 2000; Nakamura and Inukai, 1998). Nakamura and Inukai used a stimulus sound of a pure tone in 20 conditions from 3Hz to 40Hz and pressure levels from 70dB to 125dB, with evaluation by 17 subjects. There were four main subjective factors in response to low frequency noise: auditory perception, pressure on the eardrum, perception through the chest and more general feeling of vibration. (In actual problems in the field, a fifth factor is the failure of assessment methods, which intensifies other responses). Analysis of the responses showed that auditory perception was the controlling factor.

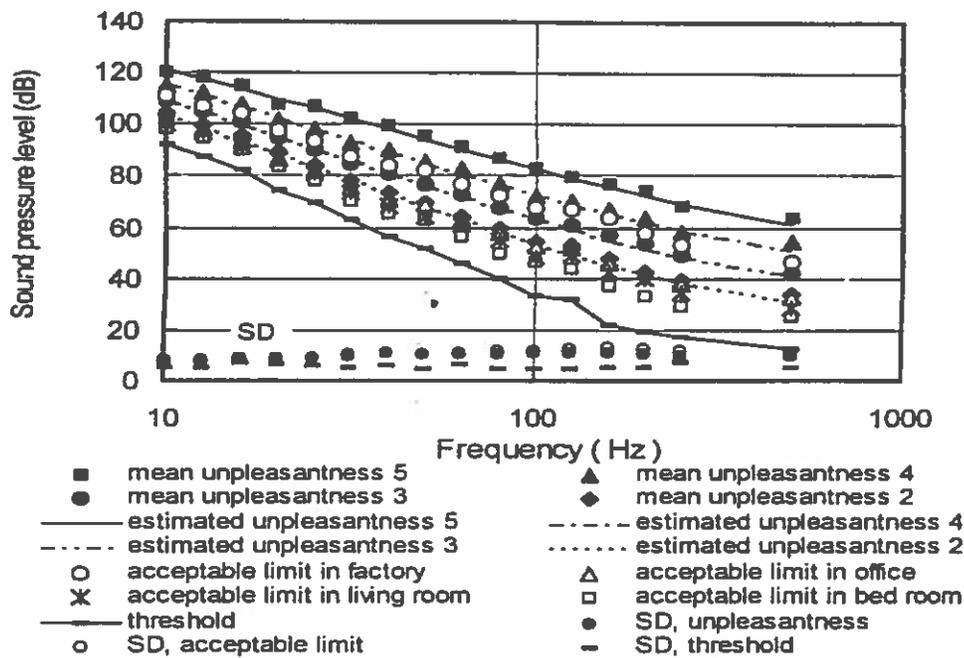


Figure 15. Equal unpleasantness contours and acceptable limits (Inukai).

Inukai et al (2000) determined "equal unpleasantness" contours for 39 subjects over a tone frequency range of 10Hz to 500 Hz (Figure 15). A verbal scale was used ranging through: *Not at all unpleasant (1) - somewhat unpleasant (2) - unpleasant(3) - quite unpleasant(4) - very unpleasant(5)*. Subjects in a test chamber were asked to assume different home and work situations and adjust the level of a tone to match a level on the scale, as requested by the experimenter. For example if instructed to match to level 4 (*quite unpleasant*), subjects would adjust the tone until they judged that this level was reached. Results are shown in Figure 16. The numbers 1,2,3,4,5 refer to the unpleasantness level. All levels of unpleasantness are approximately linear with a slope of 5 - 6dB per octave. The acceptable limits for different locations are all above the hearing threshold in this laboratory setting. For example, the self-adjusted acceptable limit in an assumed bedroom is more than 10dB above threshold, but this might not be replicated for long term night exposure in a real bedroom. This work emphasises the point that a sound which is audible is not necessarily unacceptable.

8.2.6 Spectrum balance The work by Inukai et al (2000) was for single tones. Spectrum balance has also been considered a factor in noise annoyance of a wideband spectrum. Correlation of a number of complaints with the corresponding spectra (Bryan, 1976) led to the conclusion that, for spectra which averaged as shown in Figure 16, a fall off above 32Hz of 5.7dB/octave was acceptable, whilst a fall off from 63Hz at 7.9 dB/octave was unacceptable. Work on acceptable spectra of air conditioning noise in offices led to similar conclusions (Blazier, 1981). Blazier found that, on average, acceptable office environments had a fall off of 5dB/octave. An excess of low frequency noise led to rumble, an excess of mid frequency noise led to roar, whilst an excess of high frequency noise led to hiss. Later work (Blazier, 1997) developed a "Quality Assessment Index" for an HVAC noise through the balance of low, mid and high frequencies.

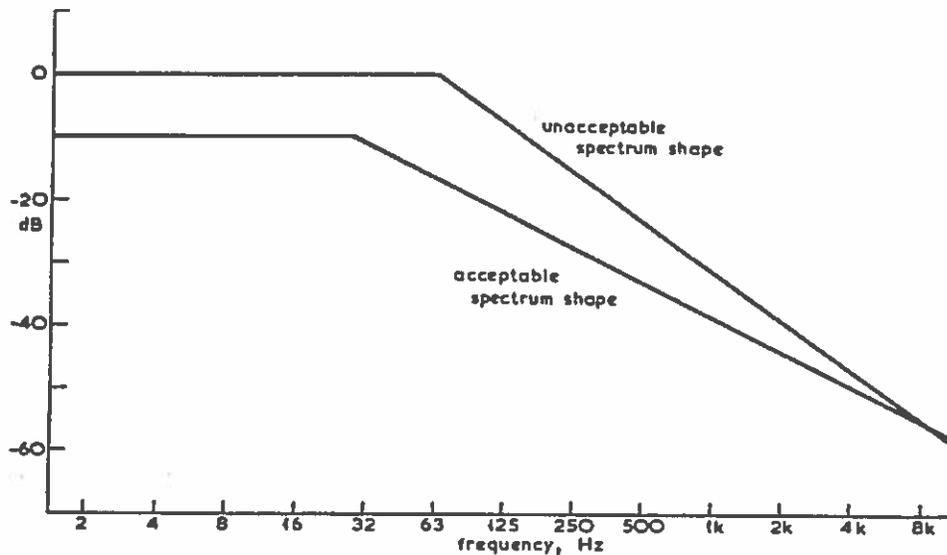


Figure 16. Acceptable and unacceptable spectrum slopes.

A contrary view was given following work on different shapes of spectra (Goldstein and Kjellberg, 1985). It was found that noise which fell by 3dB/octave was more annoying than noise which fell by 6dB/octave or 9dB/octave. This has not been resolved, but Bryan's subjects had long term exposure in real settings, whilst Goldstein and Kjellberg's listened to 10 second samples in the laboratory, so removing any temporal growth of annoyance from the responses. It is also possible that, for the lower rates of fall off, the subjects were responding to the high frequencies in the noise. Goldstein and Kjellberg did show that the A-weighted level underestimates the perceived annoyance of the noises.

8.2.7 (dBC – dBA) weighting. The difference between C- and A-weightings has also been considered as a predictor of annoyance (Broner, 1979; Kjellberg et al., 1997), as this difference is an indication of the amount of low frequency energy in the noise. If the difference is greater than 20dB, there is the potential for a low frequency noise problem. Kjellberg et al used existing noise in work places (offices, laboratories, industry etc) with 508 subjects. Three sub-groups were obtained with a maximum difference in low and high frequency exposure. The conclusions on correlations of (dBC – dBA) difference and annoyance were that the difference is of limited value, but, when the difference exceeds 15dB, an addition of 6dB to the A-weighted level is a simple procedure. However, the difference breaks down when the levels are low, since the low frequencies may then be below threshold. The difference cannot be used as an annoyance predictor, but is a simple indicator of when further investigations may be necessary.

8.2.8 (dBLIN – dBA) weighting. Disturbance from noise of industrial plants was investigated by Cocchi et al (Cocchi et al., 1992). Comparisons were made of loudness evaluations and various weighted levels and it was suggested that the difference between linear and A-weighting could be used as an assessment. For the spectra investigated, lower values of dBA (20 – 35dBA) correlated with higher (dBLIN - dBA) differences of 20 to 30dB. For high values

of dBA (60 - 70dBA), the difference varied from 10-30dB, but mainly clustered in the 10 – 20dB range. This is possibly because noise with low dBA values might be associated with a higher proportion of low frequencies. Advantages of (dBLIN - dBA) over (dBC – dBA) were not discussed.

- 8.2.9 Home and work environments.** Other work, which has assessed low frequency noise in real or assumed work environments or in the home, has included (Bryan, 1976; Cocchi et al., 1992; Holmberg et al., 1997; Holmberg et al., 1993; Holmberg et al., 1996; Landström et al., 1993; Landström et al., 1994; Lundin and Ahman, 1998; Mirowska, 1998; Vasudevan and Gordon, 1977; Vasudevan and Leventhall, 1982).

Studies of simulated ventilation noise in a test laboratory (Holmberg et al., 1993) showed that, for the same A-weighted levels, a ventilation noise with a spectrum which fell gradually with increasing frequency was more annoying than a noise with a band of raised levels around 43Hz. Difference in acceptable comfort levels was 7dB. It was suggested that an A-weighted criterion for ventilation noise should be 35dBA rather than 40dBA and be lower still for environments designed for intellectual work. However, Landström et al. (1994) investigated subjective adjustments to the frequency of a tone, in order to produce the most and least acceptable frequencies, whilst maintaining the overall level at 40dBA. The majority of subjects chose the most acceptable frequency to be in the 50Hz - 63Hz third octave bands and the least acceptable frequency to be in the 500Hz band. Whilst this may appear to contradict other work, note that very few acceptable frequencies were chosen to be below 50Hz.

Holmberg et al (1996 and 1997) assessed noise in real environments. The 1996 paper compared responses of about 240 subjects with the noise measures which might be available on a sound level meter i.e. dBLIN, dBA, dBB, dBC and dBD and the difference (dBC-dBA). Additionally, Zwicker loudness (ISO532, 1975) and Low Frequency Noise Rating (LFNR) (Broner and Leventhall, 1983) were calculated. There was poor correlation between the sound level meter weightings and annoyance. Similarly, the loudness in sones and the difference (dBC – dBA) did not correlate well. The LFNR did separate out annoying and not annoying noises, but no more effectively than the (dBC – dBA).

- 8.2.10 Level variations.** Holmberg et al (1997) investigated noise in workplaces, using the (dBC – dBA) difference as an indicator. Low frequency noise exposure was found in a group of 35 out of a total of 337 persons. Measurements of temporal variation of the levels of low frequency noise at the workplaces, averaged over 0.5, 1.0 or 2.0 seconds, was correlated with subjective annoyance. Significant correlation was found between the irregularity of the noise levels and annoyance.

This work represents an advance, in that it shows the importance of fluctuations in noise level. A limitation of much work on assessment of low frequency noise has been that long term averaged measurements were used and, consequently, information on fluctuations was lost. Many complaints of low frequency noise refer to its throbbing or pulsing nature. Broner and

Leventhall(1983) had noted the importance of fluctuations and suggested a fluctuation penalty of 3B in the Low Frequency Noise Rating Assessment. The importance of fluctuations has also been assessed in laboratory experiments (Bradley, 1994). Subjects listened first to steady wideband noises which peaked at 31.5Hz and adjusted the overall level of these to be equally annoying to a reference spectrum which fell at 5dB/octave. It was found that the more prominent the low frequency noise, the greater the reduction in level required for equality of annoyance with the reference spectrum. The test spectra were now amplitude modulated, in the low frequency region only, at modulation frequencies of 0.25, 0.5, 1.0, 2.0 and 4.0Hz and depths of 10dB and 17dB. Subjects again adjusted the level of the noises to produce equal annoyance with the (unmodulated) reference noise. The reductions varied with modulation frequency and modulation depth. An example is that, for the highest modulation depth at 2.0Hz modulation frequency, the level was reduced by 12.9dB averaged over the subjects. This work confirms the importance of fluctuations as a contributor to annoyance and the limitation of those assessment methods, which do not include fluctuations in the assessment.

8.2.11 Field investigations. Vasudevan and Gordon (1977) carried out field measurements and laboratory studies of persons who complained of low frequency noise in their homes. A number of common factors were shown:

The problems arose in quiet rural or suburban environments
The noise was often close to inaudibility and heard by a minority of people
The noise was typically audible indoors and not outdoors
The noise was more audible at night than day
The noise had a throbbing and rumbly characteristic
The main complaints came from the 55-70 years age group
The complainants had normal hearing.
Medical examination excluded tinnitus.

These are now recognised as classic "hum" descriptors.

Further work in the laboratory showed that gradually falling spectra, as measured in the field and simulated in the laboratory possessed a rumble characteristic. Figure 17 compares a measured noise on the left with a simulated noise on the right. Both fell at 7 – 8 dB/octave and had similar rumble characteristics. It is also known that a rapidly falling spectrum, such as one which follows the curve of the NR or NC ratings has an unpleasant quality.

This was one reason for the development of the PNC rating as an improvement of the NC rating (Beranek et al., 1971). Further work (Vasudevan and Leventhall, 1982), confirmed that levels close to threshold caused annoyance, which increased if the noise also fluctuated. This work included spectra with tonal peaks and emphasised that the nature (quality) of the noise was important. Fluctuating noises may be far more annoying than predicted by their average sound levels.

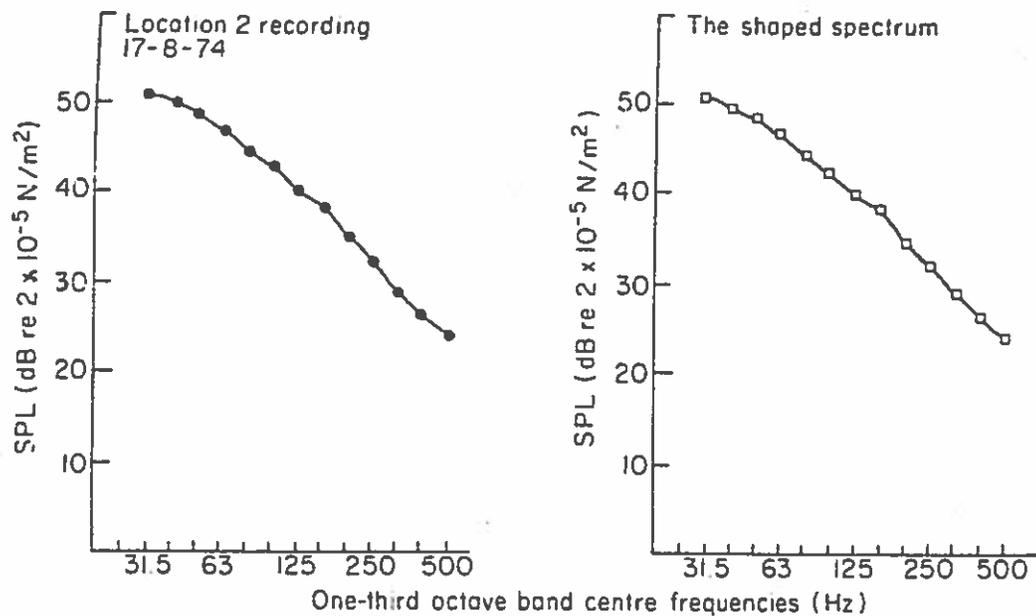


Figure 17. Measured spectrum (left) and simulated spectrum (right).

8.2.12 Inherent fluctuations. A narrow band of noise possesses inherent fluctuations. The band has a central "carrier" frequency at approximately the centre frequency of the band and a randomly fluctuating envelope with a mean frequency of $(0.64 \times \text{bandwidth})$ (Rice, 1954). This means, for example, that a third octave band of noise at 10Hz, which has a bandwidth of about 2.5Hz, will have amplitude fluctuations of mean frequency 1.6Hz. The amplitude fluctuations follow a Raleigh probability distribution. Physically one can interpret the phenomenon as a beating between components within the noise band and, as the components are of similar amplitude, the amplitude fluctuations are large.

The preceding paragraphs show that both wideband falling noise spectra and narrow band noise spectra may possess rumble characteristics.

8.2.13 Annoyance in homes. Recent work on annoyance to people in their homes has been by Mirowska (1998) and Lundin and Ahman (1998). Both these papers considered annoyance due to plant or appliances, installed in, or adjacent to, living accommodation. Mirowska found problems from transformers in electricity substations, ventilation fans, refrigeration units and central heating pumps. Lundin and Ahman investigated a husband and wife who experienced typical symptoms of aversion to low frequency noise. Refrigerators and freezers were suspected as the source of the offending noise which, in some parts of the building, was high at 50Hz. The time varying pattern of the noise, due to equipment cycling, was considered to add to its annoyance. However, there was no totally convincing link between effects on health and the noise.

9. Effects of low frequency noise on behaviour, sleep periods, task performance and social attitudes

9.1 Naturally occurring infrasound. The effects of infrasound generated by storms up to 1500 miles away were investigated in Chicago during May 1967, a period when the weather in Chicago was calm (Green and Dunn, 1968). Statistics on road traffic accidents and school absences indicated higher correlations on days of intense infrasonic disturbances, as compared with days of mild infrasound. The Föhn wind is a warm, dry down-current, which occurs in mountainous areas. It is associated with a sharp temperature rise, decrease in humidity and drop in barometric pressure. (Moos, 1963; Moos, 1964). It is not known whether infrasound has been measured under the conditions of the Föhn wind, but the shearing effects of the wind are potential sources of infrasound. Moos' suggestions, following a study of local statistics, included the following:

- *Pre-Föhn weather has biological effects.*
- *Mortality and birth rates are higher during Föhn periods than under other weather conditions.*

These papers refer to low frequency infrasound of natural occurrence. They are exploratory and have not been followed up by other workers.

9.2 Low frequency noise and sleep. Although exposure to low frequency noise in the home at night causes loss of sleep, there is evidence that low frequency noise under other conditions induces short sleep periods (Fecci et al., 1971; Landström and Byström, 1984; Landström et al., 1985; Landström et al., 1991; Landström et al., 1982; Landström et al., 1983).

Fecci et al monitored workers exposed to noise from air conditioning in a laboratory. The noise peaked at 8Hz with a level of 80dB, but also included broadband noise at higher frequencies. It was found, by EEG recording, that subjects exposed to the noise exhibited a much higher percentage of drowsiness than that found in a non-exposed population.

Landström and his colleagues carried out a series of laboratory evaluations of physiological effects of low frequency sound, with particular reference to sleep periods, as detected by EEG recordings. The main conclusions from this work are:

- *Exposure to intermittent noise at 16Hz and a level of 125dB was an effective stimulus of reduced wakefulness*
- *When stimuli at 6Hz and 16Hz were at 10dB below and 10dB above the hearing threshold, the levels above threshold led to a reduced wakefulness. The levels below threshold did not have this effect.*

- *When 10 deaf and 10 hearing subjects were exposed to 6Hz at 115dB for 20 minutes, reduced wakefulness was found amongst the hearing subjects, but not the deaf ones. This indicates that the effects depend on cochlear stimulation, since the noise was above threshold level.*
- *A reduction in wakefulness occurred during a repeating 42Hz signal at 70dB, whilst an increase in wakefulness occurred for a repeating 1000Hz signal at 30dB.*
- *Exposure to ventilation noise with and without tones indicated greater fatigue in the presence of the tone. A masking noise (pink noise) added to the ventilation noise tended to counteract this effect.*

The work by Landström and colleagues shows that low frequency noise above the threshold of hearing leads to reduction in wakefulness. This does not contradict Fecci, although the spectrum for the workers investigated by him was below threshold at the peak of 8Hz, as the spectrum was above the threshold at frequencies greater than 20Hz. Fecci may have been mistaken in attributing the effects he observed to the frequencies below 20Hz.

9.3 Low frequency noise and task performance. The hypothesis that low frequency noise may cause deterioration in the performance of tasks has been tested a number of times (Kyriakides and Leventhall, 1977; Landström et al., 1991; Persson-Waye et al., 2001; Persson-Waye et al., 1997).

Kyriakides and Leventhall used a continuous pointer-following task as the central task, whilst a peripheral task required a response to the onset of lights located both in front of the subject and on the periphery of vision. The test conditions were obtained from: audio frequency noise at 70dBA as the reference, an infrasound noise band from 2Hz to 15Hz at 115dB, an audio frequency noise band from 40Hz to 16kHz at 90dBA, alcohol (94mm³ of vodka taken with fizzy orange) or a placebo (fizzy orange), combined alcohol and infrasound, combined audible noise and infrasound. The tasks were performed for 36 minutes. Results showed that, under the noise condition, performance was maintained for the central task, but the peripheral task deteriorated. The alcohol, which put subjects into a condition where they failed a breathalyser test, produced deterioration of both the central and peripheral tasks. The effects of infrasound were similar to alcohol in character, but not statistically significant. However, there was an indication that the effect of infrasound increased with time spent on the task.

Landström used figure identification as a test of performance, in which the subject had to identify five different patterns hidden in 15 different figures. Noise exposures were either to broadband ventilation noise, to which a tone at 100Hz, 40dBA, had been added, or to the tone noise with a pink masking noise (50 – 200Hz, 41dBA). The number of correct answers was lower without the masking noise.

Persson Waye et al (1977) assessed effects of low frequency noise on performance in a simulated office environment, in order to study both subjective and objective effects. Two ventilation noises were used, both of the same A-weighted level (41-42dBA) and NC / NR35 rating. One was mid frequency broadband, whilst the other had an added peak at 31.5Hz of 70dB,

as shown in Figure 18. Subjects were selected from those who felt eardrum pressure from low frequency noise. The subjects performed three cognitive tasks under both noise conditions. The work showed that low frequency noise interfered more strongly with performance and that cognitive demands were less well coped with under these conditions. There was an indication of effects developing over time. Effects on mood included a lower social orientation and lowered feeling of pleasantness.

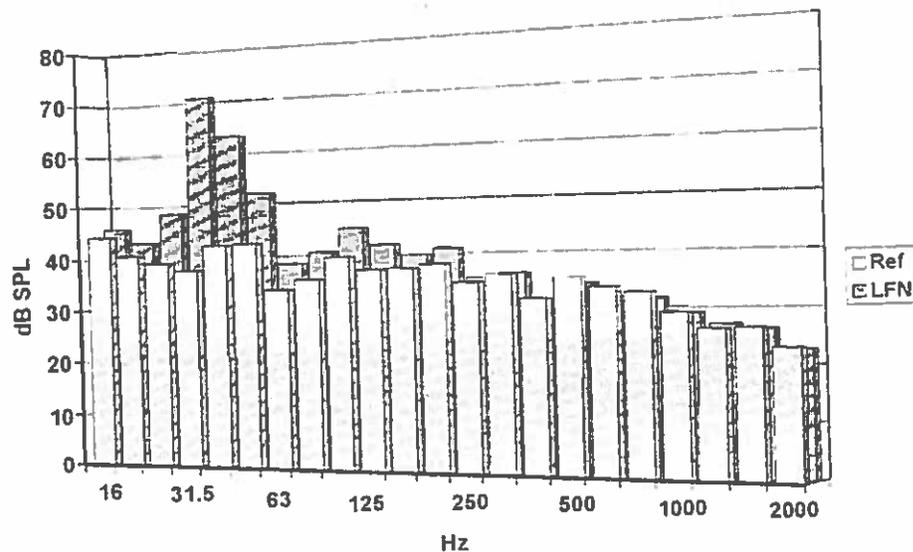


Figure 18. Test spectra, low frequency and mid frequency.

Perrson Waye et al (2001) refined and extended this work in order to answer the following questions:

- *Can low frequency noise, at a level normally present in control rooms and offices, influence performance and subjective well being?*
- *What kind of performance tasks are affected by low frequency noise?*
- *How is the performance affected by duration of exposure?*
- *What is the relation between self rated sensitivity and noise effects?*

A total of 32 subjects, assessed for sensitivity to low frequency noise, took part. 18 subjects had high sensitivity to low frequency noise. Three computer-based and one pen and paper based performance tasks were used. Additionally, a questionnaire, to evaluate effort, mood, annoyance, adverse symptoms etc. was completed by the subjects. The results showed that low frequency noise, at levels occurring in office and control rooms, had a negative influence on more demanding verbal tasks, but its effects on more routine tasks was less clear. There was an indication that the low frequency noise was more difficult to ignore or habituate to, which may reduce available information processing resources. The study supports the hypothesis that low frequency noise may impair work performance.

Although these studies were directed at work environments, they have a clear application to effects of low frequency noise in the home.

10. Low frequency noise and stress

Stresses may be grouped into three broad types: cataclysmic stress, personal stress and background stress. Cataclysmic stress includes widespread and devastating physical events. Personal stress includes bereavements and similar personal tragedies. Cataclysmic and personal stresses are evident occurrences, which are met with sympathy and support, whilst their impacts normally reduce with time. Background stresses are persistent events, which may become routine elements of our life. Constant low frequency noise has been classified as a background stressor (Benton, 1997b; Benton and Leventhall, 1994). Whilst it is acceptable, under the effects of cataclysmic and personal stress, to withdraw from coping with normal daily demands, this is not permitted for low level background stresses. Inadequate reserves of coping ability then leads to the development of stress symptoms. In this way, chronic psychophysiological damage may result from long-term exposure to low-level low frequency noise.

Changes in behaviour also follow from long-term exposure to low frequency noise. Those exposed may adopt protective strategies, such as sleeping in their garage if the noise is less disturbing there. Or they may sleep elsewhere, returning to their own homes only during the day. Others tense into the noise and, over time, may undergo character changes, particularly in relation to social orientation, consistent with their failure to recruit support and consent that they do have a genuine noise problem. Their families and the investigating EHO may also become part of their problem. The claim that their "lives have been ruined" by the noise is not an exaggeration, although their reaction to the noise might have been modifiable at an earlier stage.

- 10.1 Low frequency noise and cortisol secretion.** It is difficult to measure stress directly, but cortisol secretion has been used as a stress indicator (Ising and Ising, 2002; Persson-Waye et al., 2002; Persson-Waye et al., 2003). Under normal circumstances, cortisol levels follow a distinct circadian pattern in which the diurnal variation of cortisol is to drop to very low levels during the early morning sleep period, rising towards the awakening time. The rise continues until about 30 minutes after awakening, followed by a fall until midday and further fluctuations. Stress disrupts the normal cortisol pattern.

Ising and Ising (2002) discuss how noise, perceived as a threat, stimulates release of cortisol. This also occurs during sleep, thus increasing the level of night cortisol, which may interrupt recreative and other qualities of sleep. Measurements were made of the effect on children who, because of traffic changes, had become exposed to a high level of night lorry noise. There were two groups of subjects, exposed to high and low noise levels. The indoor noise spectrum for high levels typically peaked at around 60Hz, at 65dB, with a difference of maximum L_C and L_A of 26dB. The difference of average levels was 25dB, thus indicating a low frequency noise problem. Children exposed to the higher noise levels in the sample had significantly more problems with concentration, memory and sleep and also had higher cortisol secretions.

Conclusions of the work were that the A-weighting is inadequate and that safer limits are needed for low frequency noise at night.

Persson Waye et al (2003), studied the effect on sleep quality and wakening of traffic noise ($35\text{dB } L_{Aeq}$, $50\text{dB } L_{Amax}$) and low frequency noise ($40\text{dB } L_{Aeq}$). The low frequency noise peaked at 50Hz with a level of 70dB. In addition to cortisol determinations from saliva samples, the subjects completed questionnaires on their quality of sleep, relaxation and social inclinations. The main findings of the study were that levels of the cortisol awakening response were depressed after exposure to low frequency noise and that this was associated with tiredness and a negative mood.

In a laboratory study of noise sensitive subjects performing work tasks, it was found that enhanced salivary cortisol levels were produced by exposure to low frequency noise (Persson-Waye et al., 2002). A finding was that subjects who were sensitive to low frequency noise generally maintained higher cortisol levels and also had impaired performance. A hypothesis from the study is that changes in cortisol levels, such as produced by low frequency noise, may have a negative influence on health, heightened by chronic noise exposure.

The three studies reviewed above show how low frequency noise disturbs the normal cortisol pattern during night, awakening and daytime exposure. The disturbances are associated with stress related effects.

EEG recording has been used to study sleep disturbance by low frequency noise (Inaba and Okada, 1988). Subjects in a sleep laboratory were exposed to levels up to 105dB at 10Hz and 20Hz, up to 100dB at 40Hz and up to 90dB at 63Hz. The effects were assessed by the "sleep efficiency index", which is the ratio of total sleep time to time in bed. Sleep times were determined from continuous EEG recordings. There was little effect for sound levels under 85dB, but reactions for the highest sound levels were significantly greater at 40Hz and 63Hz than for 10Hz and 20Hz.

11. The HUM

- 11.1 Occurrence.** The Hum is the name given to a low frequency noise which is causing persistent complaints, but often cannot be traced to a single, or any, source. If a source is located, the problem moves into the category of engineering noise control and is no longer "the Hum", although there may be a long period between first complaint and final solution. The Hum is widespread, affecting scattered individuals, but periodically a Hum focus arises where there are multiple complaints within a town or area. There has been the Bristol Hum (England), Largs Hum (Scotland), Copenhagen Hum (Denmark), Vancouver Hum (Canada), Taos Hum (New Mexico USA), Kokomo Hum (Indiana USA) etc. A feature of these Hums is that they have been publicised in local and national press, so gathering a momentum which otherwise might not have occurred. The concepts of memetics are applicable here. Memetics studies how ideas are spread by "memes", where a meme is defined as a cognitive or behavioural pattern, held in an individual's memory, which is capable of being copied to another individual's memory. As examples, Marsden considers an extreme application (Marsden, 2001) whilst Ross deals with the role of memes in psychosomatic illness (Ross, 1999).

Although the named Hums, such as Kokomo, have gained much attention, they should not be allowed to detract from the individuals who suffer on their own.

- 11.2 Hum character.** The sound of the Hum differs between individuals. Even in the areas of multiple complaints, the description is not completely consistent, although this may be because people use different words to describe the same property of a noise. Publicity tends to pull the descriptions together. The general descriptors of the sound of the Hum include: a steady hum, a throb, a low speed diesel engine, rumble and pulsing. A higher pitch, such as a hiss, is sometimes attributed. The effects of the Hum may include pressure or pain in the ear or head, body vibration or pain, loss of concentration, nausea and sleep disturbance. These general descriptions and effects occur internationally, with close similarity.

Unsympathetic handling of the complaint leads to a build-up of stress, which exacerbates the problems. Hum sufferers tend to be middle aged and elderly, with a majority of women. They may have a low tolerance level and be prone to negative reactions. The knowledge that complaints are being taken seriously by the authorities helps to reduce personal tensions, by easing the additional stresses consequent upon not being believed. This is particularly so when, as is often the case, only one person in a family is sensitive to the noise. Whilst some Hum sufferers may have tinnitus, they will, of course, also be troubled by noise at a different frequency from their tinnitus.

- 11.3 Psychological aspects.** Psychosocial factors affect the physiological impact of noise (Hatfield et al., 2001). Adverse physiological consequences may be mediated by psychological factors related to the noise exposure. It is plausible that excessive noise exposure promotes negative psychological reactions,

leading to adverse physiological effects, as was shown by Hatfield et al. Therefore, psychological factors must be addressed to help ameliorate the effects of the Hum.

Some Hum sufferers have achieved this for themselves, saying that they have "learnt to live with the Hum" so that it no longer worries them. Others are "cured" by prescription of relaxant drugs. For a few, the Hum goes away after a time. Some escape the Hum by moving house. One long term sufferer, and leading campaigner for official help with low frequency noise problems, decided that it was time to leave the low frequency treadmill and now has no problem, remaining detached from low frequency noise and of the opinion that to become involved with other sufferers heightens ones awareness of the noise. Some sufferers accept that the noises are not at a high level, but that their reactions are equivalent to those which might be expected from a high level of noise – "As soon as I hear the noise, something builds up inside me". This is a similar response to that of hyperacusis sufferers, although more specialised in its triggers. A form of hyperacusis may be indicated.

Combined acoustical and psychological studies (Kitamura and Yamada, 2002) have explored involvement of the limbic system of the brain in the responses.¹ The limbic system commands survival and emotional behaviours, which we cannot always control, although we may learn to do so.

- 11.4 Sources.** The Hum remains a puzzling aspect of low frequency noise. No widespread Hum has been unequivocally traced to specific sources, although suspicion has pointed at industrial complexes. At the time of writing, an investigation of the Kokomo Hum is in progress, fully financed by the local authorities.

In the absence of known sources, Hum sufferers often search their neighbourhoods for a source, walking or driving around at night. It is important for them to find a target for their frustrations. Some general ones include the main gas pipelines, radio transmissions (particularly pulsed signals for navigation), defence establishments etc. Gas pipelines have been investigated as a source (Krylov, 1995; Krylov, 1997). It was shown that there are circumstances where turbulence in the pipes could result in ground waves, which might couple with buildings and produce low frequency noise, although this has not been measured. However, a different explanation must be sought in areas remote from pipelines and it is possible that there are a number of unrelated sources, whilst in some cases there may be no sources. There have been other suggestions that the Hum may have its source in ground borne vibrations (Manley et al., 2002; Rushforth et al., 1999).

¹ The human brain has three layers representing its three stages of development. The primitive (reptilian) brain is connected with self preservation. The intermediate (old mammalian) brain is the brain of the inferior animals and related to emotions. This is the limbic system. The superior (new mammalian) brain is related to rational thought and intellectual tasks. The limbic system is activated by perceived threats.

11.5 Auditory sensitivity. Special difficulties arise when, despite persistent complaints, there is no "measurable" noise, or the noise levels at low frequencies are in the 40 - 50dB range, well below threshold. van den Berg supports tinnitus as an explanation in these circumstances (van den Berg, 2001). With respect to audibility, the average threshold levels must be interpreted carefully. van den Berg's choice of a limit criterion is the low frequency binaural hearing threshold level for 10% of the 50 – 60 year old population, which is 10-12 dB below their average hearing level (van den Berg and Passchier-Vermeer, 1999a). This may be too strict, since 10% of the age group has more sensitive hearing. For example, in England, which has a population of about 49,000,000, there are nearly 5,000,000 in the 50 – 59 year age group (see www.statistics.gov.uk). Thus, 500,000 of this age group in England will be more sensitive than the suggested cut-off for perception of low frequency noise. Yamada et al (1980) found one subject to be 15dB more sensitive than the average, whilst recent work (Kitamura and Yamada, 2002), gives two standard deviations from the average threshold as about 12dB. However, the average threshold of the complainants in this work is somewhat higher than the ISO 226 threshold. A range of two standard deviations covers 95% of people, Based on Kitamura and Yamada, three standard deviations, assuming a random distribution, is given by 18dB from the average threshold and covers 99% of the population. The remaining 1% includes 0.5% who are more sensitive than the three standard deviation limit and 0.5% less sensitive than this limit, at the opposite side of the average threshold. 0.5% of the population of England is about 245,000 persons, whilst 0.5% of the 50 – 60 year age group is about 25,000 people, who might have very sensitive low frequency hearing. A "rule of thumb" may be to take 15 - 20dB below the ISO 226 threshold as the cut off for perception, but this is a very generous level, depending on the complainants hearing level at low frequencies.

Advice on how to approach problems of the Hum is given in Section 14.

12. Surveys of occurrence and effects

In a catalogue of 521 social surveys (Fields, 2001), there are four which are specific to low frequency noise. Two of these are for clearly identified transport sources - air and rail – two are for noise from other sources (Mirowska and Mroz, 2000; Persson and Rylander, 1988) However, a number of additional surveys, either not listed by Fields or too recent for inclusion, have also been carried out (Møller and Lydolf, 2002; Persson-Waye and Bengtsson, 2002; Persson-Waye and Rylander, 2001; Tempest, 1989; Yamada et al., 1987).

12.1 Complaint surveys

12.1.1 Sweden. Persson and Rylander (1988) surveyed all the 284 local authorities in Sweden with respect to complaints from heat pumps, heavy traffic and fan and ventilation installations. These three sources were 71% of all noise complaints, comprising 42% ventilation systems, 20% heavy traffic, 9% heat pumps. Where there had been an increase in complaints over time, heat pumps and ventilation systems were the main problems. A recent follow-up (Persson-Waye and Bengtsson 2002) investigated changes over a 14 year period from 1988 by questioning a random selection of 41 environmental authorities, including 11 from districts with less than 50,000 inhabitants, 10 with 50,000 to 100,000 inhabitants and 11 with greater than 100,000 inhabitants. Low frequency noise represented 44% of the noise complaints, although some authorities had no complaints of low frequency noise, whilst one had over 200.

The sources of low frequency noise are shown in Figure 19.

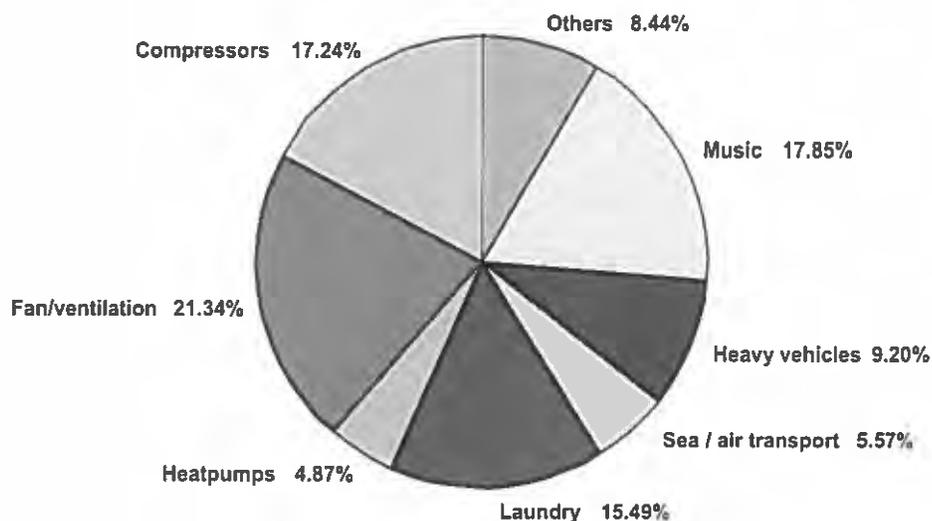


Figure 19. Percentages of sources causing complaints

This follow-up study showed a relative reduction of low frequency noise complaints compared with total noise complaints – 44% compared with 71%. This was thought to be due to a higher number of general noise complaints or to the limited selection of environmental authorities. Most of the authorities preferred assessment of low frequency noise by third octave analysis in preference to the use of A-weighting.

12.1.2 UK. Tempest (1989) conducted a survey amongst 242 UK local authorities, which was 50% of the total number. There was an 87% response (210) and 453 complaints of low frequency noise identified in the two year period covered by the survey. The distribution of complaints between categories is shown in Figure 20. It will be noted, in this UK survey, that there are very few internal sources. The conclusions of the survey were that, in the UK, there may be 526 complaints of low frequency noise a year and positive identification is made in 88% of cases. This leaves over 60 complaints a year which are potentially in the "Hum" unsolved category.

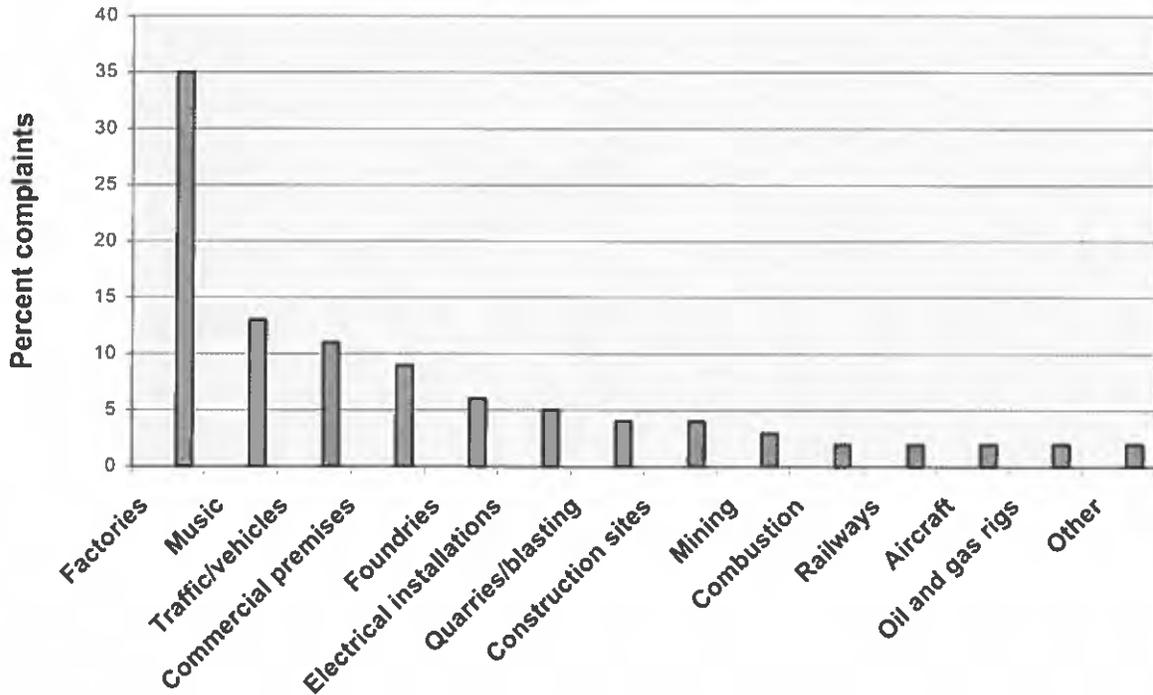


Figure 20. Complaint categories (Tempest 1989).

12.1.3 Japan. A database of low frequency noise problems has been established in Japan by collecting the results of published work (Yamada et al., 1987). 206 datasets were obtained giving personal details, including individual threshold measurements, the type of complaint and measured levels. Some main points from the survey are:

At the lower frequencies, below 16Hz, the levels which cause complaints of rattling of light-weight building components are below the hearing threshold.

The minimum measured threshold is 10-15dB below the average threshold.

12.1.4 Denmark. An extensive survey of individual complainants has been carried out in Denmark (Møller and Lydolf, 2002). 198 fully completed questionnaires were returned. The survey was detailed, containing 45 questions. The main results are:

Descriptions of the sound: Humming, rumbling, constant and unpleasant, pressure in ears, affects whole body, sounds like large idling engine, coming from far away.

Where and when heard: Mainly indoors at home (81.8%), some experience the noise outside, particularly close to home, only a slight preponderance for night time awareness.

Sensory perception: 92.9% heard the noise through their ears. Others were aware of it but did not register the noise as a sound. There was some vibration perception either through the body and by feeling vibration in buildings.

Time before trouble starts. Respondents were asked how long it was between awareness of the sound and adverse reactions to it. For over 60% it started immediately. About 25% required a few minutes awareness, 6% required ½ to 1 hour. A small percentage took longer.

Do other people hear or sense the sound? Nearly 40% were the only ones who perceived the sound. Nearly 30% said that just a few other persons did so, whilst 14% claimed that everybody did.

Type of effects. There were multiple effects. Disturbance while falling asleep (77.2%). Awakened from sleep (53.8%). Frequent awareness (68%). Frequent irritation (75.1%). Disturbed when reading (61.9%). The sound is a torment (76.1%).

Other troubles. Insomnia (67.5%). Dizziness (29.4%). Headaches (40.1%). Palpitation (41.1%). Lack of concentration (67%). Other effects (39.1%).

12.2 Effects on health. In an epidemiological survey of low frequency noise from plant and appliances in or near domestic buildings, the focus was on health effects (Mirowska and Mroz, 2000).

Percentages of exposed adults and the sources were as in Table 4.

Noise source	L _A dB	Percentage people exposed	Kind of exposure
Fans	26 – 31	33	Day, intermittent
Central heating pumps	23 – 33	18	Night, day intermittent
Transformers	20 – 23	30	Continuous
Refrigeration units	21 - 32	19	Night, day intermittent

Table 4. Noise exposures in survey.

In 81% of the test flats, levels were below the 25dBA night and 35dBA day criteria.

A control group of dwellings had comparable conditions to the test group, with similar A-weighted levels, except that there was no low frequency noise. There were 27 individuals in the test group and 22 in the control group.

The test group suffered more from their noise than the control group did, particularly in terms of annoyance and sleep disturbance. They were also less happy, less confident and more inclined to depression.

The comparison of the symptoms between the tested group and the control group show clear differences, as in Table 5.

Symptom	Test group %	Control group %
Chronic fatigue	59	38
Heart ailments anxiety, stitch, beating palpitation	81	54
Chronic insomnia	41	9
Repeated headaches	89	59
Repeated ear pulsation, pains in neck, backache	70	40
Frequent ear vibration, eye ball and other pressure	55	5
Shortness of breath, shallow breathing, chest trembling	58	10
Frequent irritation, nervousness, anxiety	93	59
Frustration, depression, indecision	85	19
Depression	30	5

Table 5. Health comparison of exposed and control group.

These results are extremely interesting as an epidemiological survey of an affected and a control group. Table 5 shows very adverse effects from low frequency noise levels which are close to the threshold and which do not exceed A-weighted limits.

Other work has investigated a group of 279 persons exposed to noise from heat pump and ventilation installations in their homes (Persson-Waye and Rylander, 2001). The experimental groups were 108 persons exposed to low frequency noise and 171 non-exposed controls. There was no significant difference in medical or psycho-social symptoms between the groups. This

work did show that the prevalence of annoyance and disturbed concentration and rest was significantly greater among the persons exposed to low frequency noise. The A-weighted levels did not predict annoyance.

Effects of low frequency noise have also been investigated in the laboratory using the same subjects performing intellectual tasks, with and without low frequency noise in the noise climate, but at the same A-weighted level. It has been shown that, after the exposure session with low frequency noise, the subjects were less happy and recorded a poorer social orientation. (Persson-Waye et al., 1997).

12.3 Defra survey. The survey carried out in conjunction with this report for Defra was deliberately kept simple, asking a few questions as follows, in addition to personal details:

- *Date the noise was first heard*
- *Where the noise is heard*
- *The type of location*
- *Is there a suspected source?*
- *What does the noise sound like*
- *When is the noise heard most?*
- *What are the effects on you?*

Additional comments were also invited.

The distribution of survey forms was to known complainants of low frequency noise who had joined a pressure group: the Low Frequency Noise Sufferers Association, the Noise Abatement Society or the UK Noise Association. About 700 survey forms were distributed and 157 were returned. Some of the returns were not from genuine "hum" sufferers as they knew the source of the noise, for example traffic from a nearby busy roundabout, a nearby commercial or manufacturing establishment, vehicle reversing signals at a nearby supermarket goods-in area, a gunnery range, a police helicopter at night etc. However, they are people who react strongly to noise.

Main conclusions from the survey are:

12.3.1 Age range of complainants.

Below 25	none
26 – 35	0.65%
36 – 45	3.8%
46 - 55	15.9%
56 – 65	24.8%
66 – 75	32.5%
Above 75	12.7%
Unknown	9.5%

There is a clear increase with age. These figures are for men and women combined. Nearly two thirds of the respondents were female.

12.3.2 Where the noise is heard most

Generally in the home (Including the bedroom)	65%
House and garden	21%
Mainly the bedroom	8.9%
Outside only	1.9%
Only in the living room	1.3%
At a neighbours	0.65%
At the office	0.65%
Not given	0.65%

The great majority, about 95%, hear the noise in and around their homes.

12.3.3 When is the noise heard most?

At night only	48.4%
All the time	29.9%
Daytime	7%
Irregular	5%
Low background noise	3.2%
Evening	3%
Morning	1.3% (continued)
Depends on the wind	1.3%
Not given	1.9%

The majority , 78.3%, hear the noise all the time (including night) or at night only.

12.3.4 What does the noise sound like?

There were varied responses to this question. Over 20 different descriptions were given, ranging from the familiar "hum" to morse code dots, jiggling rattles and explosions. However, by combining similar responses, the following were produced.

Hum	39.5%
Pulsing	21.6%
Engine and similar	22.3%
Vibration	1.9%
Other	14.2%

The "engine and similar" group is made up of "engine, machinery, rumble and throb".

83.4% hear a hum, a pulsing or an engine. The engine is typically described as an idling diesel.

12.3.5 Is there a suspected source? The source was sometimes local and well known to the complainant. However, others were unable to suggest the source of their noise.

A total of 37 returns did not know the source. 30 returns blamed the gas supply system, but this response may have been partly due to previous publicity. The remaining 90 returns gave a wide range of sources, usually local.

12.3.6 Type of location. The respondents lived in a range of locations, spread widely across the UK. Rural, coastal, urban and suburban locations were included.

12.3.7 What is the effect of the noise on you? The effects were a close parallel to those in the Møller and Lydolf survey described above. Pain or pressure in the ears and head, sleep disturbance, irritation, body vibration and nausea were all present. A small number had habituated to the noise, so that they were no longer disturbed. One considered it as an intriguing, but harmless, curiosity.

13. General Review of Effects of Low Frequency Noise on Health¹

The results of a recent survey of complaints about infrasound and low frequency noise on 198 persons in Denmark (Møller and Lydolf, 2002) revealed that nearly all reported a sensory perception of sound. They perceived the sound with their ears, but many mentioned also the perception of vibration, either in their body or in external objects. The sound disturbs and irritates during most activities, and many considered its presence as a torment to them. Many reported secondary effects, such as insomnia, headache and palpitation. These findings support earlier reports in the published literature.

- 13.1 Historical.** Almost thirty years ago in a review paper of the effects of infrasound on man (Westin, 1975) drew attention to the fact that the amount of natural and man-made infrasound that man is subjected to is larger than is generally realised. He stated that the few studies that have concerned themselves uniquely with the physiological effects of moderate-to-high levels of infrasound exposure (as opposed to audible sound or vibration exposures) have failed to demonstrate significant effects on man other than those concerning the inner ear and balance control. But the existing studies indicate that inner ear symptoms due to moderate-to-high levels of infrasound may be more common than is generally appreciated. At very high sound pressure levels (greater than 140dB), ear pain and pressure become the limiting factors. Direct evidence of adverse effects of exposure to low-intensity signals (less than 90dB) is lacking.

Harris et al. (Harris et al., 1976) were of the opinion that the claims that infrasound adversely affects human performance, makes people “drunk” and directly elicits nystagmus, have not been clearly demonstrated in any experimental study. The effects obtained at low intensity levels of 105 to 120dB, if they can be substantiated at all, have been exaggerated. Recent well-designed studies conducted at higher intensity levels have found no adverse effects of infrasound on reaction time or human equilibrium. The levels at which infrasound becomes a hazard to man are still unknown. Previously, (Slarve and Johnson, 1975) had exposed four male subjects to infrasound ranging from 1 through 20Hz for a period of 8 minutes up to levels of 144dB. There was no objective evidence (including audiograms) of any detrimental effect of infrasound. However, all subjects experienced painless “pressure build-up” in the middle ear that was relieved by valsalva manoeuvre or by cessation of infrasound, and voice modulation and body vibration consistently occurred. They concluded that infrasound pressures as high as 144dB are safe for healthy subjects, at least for periods of 8 minutes, and they predicted that longer periods would also be safe. Borredon (Borredon, 1972) exposed 42 young men to 7.5Hz at 130 dB for 50 minutes. This exposure caused no adverse effects. The only statistically significant change reported among the

¹ This section was contributed by Dr P L Pelmear

many parameters measured was an insignificant (< 1.5 mm Hg) increase in the minimal arterial blood pressure. However, Borredon also reported that several of his subjects felt drowsy after the infrasound exposure.

13.2 Effects on humans. Infrasound exposure is ubiquitous in modern life. It is generated by natural sources such as earthquakes and wind. It is common in urban environments, and as an emission from many artificial sources: automobiles, rail traffic, aircraft, industrial machinery, artillery and mining explosions, air movement machinery including wind turbines, compressors, and ventilation or air-conditioning units, household appliances such as washing machines, and some therapeutic devices. The effects of infrasound or low frequency noise are of particular concern because of its pervasiveness due to numerous sources, efficient propagation, and reduced efficiency of many structures (dwellings, walls, and hearing protection) in attenuating low-frequency noise compared with other noise.

In humans the effects studied have been on the cardiovascular and nervous systems, eye structure, hearing and vestibular function, and the endocrine system. Special central nervous system (CNS) effects studied included annoyance, sleep and wakefulness, perception, evoked potentials, electroencephalographic changes, and cognition. Reduction in wakefulness during periods of infrasonic exposure above the hearing threshold has been identified through changes in EEG, blood pressure, respiration, hormonal production, performance and heart activity. Infrasound has been observed to affect the pattern of sleep minutely. Exposure to 6 and 16 Hz levels at 10 dB above the auditory threshold have been associated with a reduction in wakefulness (Landström and Byström, 1984). It has also been possible to confirm that the reduction on wakefulness is based on hearing perception since deaf subjects have an absence of weariness (Landström, 1987).

In moderate infrasonic exposures, the physiological effects observed in experimental studies often seem to reflect a general slowdown of the physiological and psychological state. The reduction in wakefulness and the correlated physiological responses are not isolated phenomena and the physiological changes are considered to be secondary reactions to a primary effect on the CNS. The effects of moderate infrasound exposure are thought to arise from a correlation between hearing perception and a following stimulation of the CNS. The participation of the reticular activating system (RAS) and the hypothalamus is thought to be of great importance. Taking this into account, changes in the physiological reactions are not just a question of whether the sound waves are above the hearing threshold. Furthermore reactions within the CNS, including RAS, hypothalamus, limbic system, and cortical regions are probably highly influenced by the quality of the sound. Some frequencies and characters of the noise are probably more effective than others for producing weariness.

A high degree of caution is necessary before ascribing the origin of physiological changes in working situations to infrasonic exposure because of their association. When analysing the factors promoting fatigue e.g. driving, many aspects have to be considered. The environment is usually a combination of many factors such as seat comfort, visibility, instrumentation,

vibration and noise. However, it is an important fact that in many situations e.g. transport operations, there is a high degree of prolonged monotonous low frequency noise stimulation. This could be crucial in inducing worker fatigue and thereby constitute a safety hazard. Thus although exposure to infrasound at the levels normally experienced by man does not tend to produce dramatic health effects, exposure above the hearing perception level will produce symptoms including weariness, annoyance, and unease. This may precipitate safety concerns in some environmental and many work situations (Landström and Pelmear, 1993).

The primary effect of infrasound in humans appears to be annoyance. (Andresen and Møller, 1984; Broner, 1978a; Møller, 1984). To achieve a given amount of annoyance, low frequencies were found to require greater sound pressure than with higher frequencies; small changes in sound pressure could then possibly cause significantly large changes in annoyance in the infrasonic region (Andresen and Møller, 1984). Beginning at 127 to 133dB, pressure sensation is experienced in the middle ear (Broner 1978a). Regarding potential hearing damage Johnson (Johnson, 1982) concluded that short periods of continuous exposure to infrasound below 150dB are safe and that continuous exposures up to 24 hours are safe if the levels are below 118dB.

- 13.3 Biological effects on humans,** In the numerous published studies there is little or no agreement about the biological activity following exposure to infrasound. Reported effects include those on the inner ear, vertigo, imbalance etc.; intolerable sensations, incapacitation, disorientation, nausea, vomiting, bowel spasm; and resonances in inner organs, such as the abdomen and heart. Workers exposed to simulated industrial infrasound of 5 and 10Hz and levels of 100 and 135dB for 15 minutes reported feelings of fatigue, apathy and depression, pressure in the ears, loss of concentration, drowsiness, and vibration of internal organs. In addition, effects were found in the CNS, cardiovascular and respiratory systems (Karpova et al., 1970). In contrast, a study of drivers of long distance transport trucks exposed to infrasound at 115 dB found no statistically significant incidence of such symptoms (e.g. fatigue, subdued sensation, abdominal symptoms, and hypertension (Kawano et al., 1991).

Danielson and Landstrom (Danielsson and Landstrom, 1985) exposed twenty healthy male volunteers to infrasound in a pressure chamber and the effects on blood pressure, pulse rate and serum cortisol levels of acute infrasonic stimulation were studied. Varying frequencies (6, 12, 16Hz) and sound pressure levels (95, 110, 125dB) were tested. Significantly increased diastolic and decreased systolic blood pressures were recorded without any rise in pulse rate. The increase in blood pressure reached a maximal mean of about 8 mm Hg after 30 minutes exposure. Lidstrom (Lidstrom, 1978) found that long-term exposure of active aircraft pilots to infrasound of 14 or 16Hz at 125dB produced the same changes. Additional findings in the pilots were decreased alertness, faster decrease in the electrical resistance of the skin compared to unexposed individuals, and alteration of hearing threshold and time perception.

In several experiments to assess cognitive performance during exposure to infrasound (7 Hz tones at 125, 132, and 142dB plus ambient noise or a low frequency noise up to 30 minutes), no reduction in performance was observed in the subjects (Harris and Johnson, 1978). Sole exposure to infrasound at 10 to 15Hz and 130 to 135dB for 30 minutes also did not produce changes in autonomic nervous function (Taenaka, 1989). The ability of infrasound (5 and 16Hz at 95dB for five minutes) to alter body sway responses suggested effects on inner ear function and balance (Tagikawa et al., 1988).

To study vestibular effects in humans, both a rail-balancing task and direct nystagmus (involuntary eye movements) measurements have been used. In the balancing task subjects were required to balance on narrow rails while being presented with various acoustic stimuli. The task results indicated that humans were affected in the audible range as low as 95dB. For frequencies of 0.6, 1.6, 2.4, 7 and 12Hz, aural stimulation at levels as high as 14 dB, either monaural or bilateral, did not significantly affect rail-task performance (Harris, 1976; von Gierke, 1973). However, Evans (Evans and Tempest, 1972) examining the effect of infrasonic environments on human behaviour found that 30% of normal subjects exposed to tones of 2 – 10Hz through earphones at SPLs of 120 – 150Hz had nystagmus within 60 seconds of exposure to the 120dB signal, with 7Hz being most effective in causing it. Higher intensities resulted in faster onset of nystagmus, but there were no complaints of discomfort from any of the subjects at any SPL. Subsequently, Johnson (Johnson, 1975), who investigated nystagmus in many experiments under different conditions with aural infrasound stimulations from 142 to 155dB had negative results. For example, an investigator stood on one leg with his eyes closed, listening aurally to 165dB at 7Hz and 172dB at 1 to 8Hz (frequency sweep) without effect.

Research on the effect of infrasound on mental performance has also shown negative results. For example, infrasound at 125dB (7Hz) did not significantly affect subjects' ability to perform a serial search, a mental task requiring searching and linking pairs of numbers together into a progression (Harris and Johnson, 1978). Because of the lack of CNS effects in controlled studies, the reports of fatigue, drowsiness, or sleepiness have generally been discounted as unimportant. ACGIH believes these are the consequence of the simple relaxation effects of infrasound rather than any adverse health effect (ACGIH, 2001).

Although the effects of lower intensities are difficult to establish for methodological reasons, evidence suggests that a number of adverse effects of noise in general arise from exposure to low frequency noise: loudness judgements and annoyance reactions are sometimes reported to be greater for low frequency noise than other noises for equal sound pressure level; annoyance is exacerbated by rattle or vibration induced by low frequency noise; and speech intelligibility may be reduced more by low frequency noise than other noises except those in the frequency range of speech itself, because of the upward spread of masking. Intense low frequency noise appears to produce clear symptoms including respiratory impairment and aural pain. On the other hand it is also possible that low frequency noise provides

some protection against the effects of simultaneous higher frequency noise on hearing (Berglund et al., 1996).

- 13.4** **Infrasound studies in laboratory animals.** The results of some animal studies reporting adverse effects from infrasound exposure may be relevant for indicating possible human health effects. The following studies would seem to be of interest.

a) Vascular - Myocardium

Alekseev (Alekseev et al., 1985) exposed rats and guinea pigs (5 test animals, 2 controls per group) to infrasound (4 to 16Hz) at 90 to 145dB for 3 h/day for 45 days; and tissues were collected on days 5, 10, 15, 25, and 45 for pathomorphological examination. A single exposure to 4 to 10 Hz at 120 to 125dB led to short-term arterial constriction and capillary dilatation in the myocardium. Prolonged exposure led to nuclear deformation, mitochondrial damage and other pathologies. Effects were most marked after 10 to 15Hz exposures at 135 to 145dB. Regenerative changes were observed within 40 days after exposure.

Gordeladze (Gordeladze et al., 1986) exposed rats and guinea pigs (10 animals per group) to 8Hz at 120dB for 3 h/day for 1, 5, 10, 15, 25, or 40 days. Concentrations of oxidation-reduction enzymes were measured in the myocardium. Pathological changes in myocardial cells, disturbances of the microcirculation, and mitochondrial destruction in endothelial cells of the capillaries increased in severity with increasing length of exposure. Ischemic foci formed in the myocardium. However, changes were reversible after exposure ceased.

Rats and guinea pigs exposed to infrasound (8 or 16Hz) at 120 to 140dB for 3 h/day for 1 to 40 days showed morphological and physiological changes in the myocardium. (Nekhoroshev and Glinchikov, 1991)

- Conjunctiva

Male rats (10 /group) exposed to infrasound (8Hz) at 100 and 140dB for 3 h/day for 5, 10, 15, or 25 days showed constriction of all parts of the conjunctival vasculature within 5 days (Svidovyi and Kuklina, 1985). Swelling of the cytoplasm and the nuclei of the endotheliocytes accompanied the decrease in the lumen of the capillaries. The capillaries, pre-capillaries, and arterioles became crimped. Morphological changes were reported in the vessels after exposure for 10, 15, and 25 days. After 25 days, increased permeability of the blood vessels led to swelling of tissues and surrounding capillaries and to peri-vascular leukocyte infiltration. Significant aggregates of formed elements of the blood were observed in the large vessels.

b) Liver

Infrasound exposure damaged the nuclei apparatus, intracellular membrane, and mitochondria of rat hepatocytes in vivo (Alekseev et al., 1987). Infrasound (2, 4, 8, or 16Hz) at 90 to 140 dB for 3 h/day for 40 days induced histopathological and morphological changes in hepatocytes from rats on days

5 to 40. Infrasound (8Hz) at 120 to 140dB induced pathological changes in hepatocytes from the glandular parenchyma and sinusoids.

Morphological and histochemical changes were studied in the hepatocytes of rats and guinea pigs exposed to infrasound (2, 4, 8, or 16Hz) at 90, 100, 110, 120, 130 or 140dB for 3 h/day for 5 to 40 days (Nekhoroshev and Glinchikov, 1992a). Hepatocytes showed increased functional activity, but exposures for 25 and 40 days induced irreversible changes. Changes were more pronounced at 8 and 16Hz than at 2 and 4Hz. Exposures impaired cell organoids and nuclear chromatin. Single exposures did not induce any changes in the hepatocytes and small blood vessels.

c) Metabolism

(Shvaiko et al., 1984) found that rats exposed to 8Hz at 90, 115, or 135dB exhibited statistically significant changes in copper, molybdenum, iron, and/or manganese concentrations in liver, spleen, brain, skeletal muscle, and/or femur compared to concentrations in the tissues of controls. Practically all tissues showed significant changes in all the elements for exposures at 135dB. Changes included elevations and depressions in concentrations. The trends were consistent with increasing sound pressure except for some tissue copper values.

d) Auditory

(Nekhoroshev, 1985) exposed rats to noise of frequencies 4, 31.5, or 53Hz at 110dB for 0.5 h, 3 h, or 3 h/day for 40 days. Infrasound exposure caused graver changes than exposure to sound at 31.5 or 53Hz. Changes observed after exposure to this acoustic factor included reduced activity of alkaline phosphatase in the stria vascularis vessels and their impaired permeability. Impaired labyrinthine hemodynamics led to neurosensory hearing impairment.

(Bohne and Harding, 2000) sought to determine if noise damage in the organ of Corti was different in the low- and high-frequency regions of the cochlea. Chinchillas were exposed for 2 to 432 days to a 0.5 (low-frequency) or 4kHz (high-frequency) octave band noise at 47 to 95dB sound pressure level. Auditory thresholds were determined before, during and after noise exposure. The cochlea's were examined microscopically, missing cells were counted, and the sequence of degeneration was determined as a function of recovery time (0 – 30 days). With high-frequency noise, primary damage began as small focal losses of outer hair cells in the 4-8kHz region. With continued exposure, damage progressed to involve loss of an entire segment of the organ of Corti, along with adjacent myelinated nerve fibres. With low-frequency noise, primary damage appeared as outer high cell loss scattered over a broad area in the apex. With continued exposure, additional apical hair cells degenerated, while supporting cells, inner hair cells, and nerve fibres remained intact. Continued exposure to low-frequency noise also resulted in focal lesions in the basal cochlea that were indistinguishable from those resulting from high-frequency noise.

In guinea pigs, low-frequency pressure changes have been shown to cause head and eye movements (nystagmus) of the animals for square wave pulses with pressure above 150 dB (Parker et al., 1968).

e) Brain

(Nishimura et al., 1987) suggested from experiments on animals that infrasound influences the rat's pituitary adreno-cortical system as a stressor, and that the effects begin at sound pressure levels between 100 and 120 dB at 16Hz. The concentration of hormones shows a slight increase with exposure to infrasound. In the task performance a reduction was seen in the rate of working. It seems probable that concentration was impaired by infrasound exposure.

(Nekhoroshev and Glinchikov, 1992b) exposed rats and guinea pigs (3 per sex per dose level) to 8Hz at 120 and 140dB for 3 hours or 3 h/day for 5, 10, 15, 25, or 40 days and they showed changes in the heart, neurons, and the auditory cortex increasing in severity with increasing length of exposure. The presence of hemorrhagic changes are attributed mostly to the mechanical action rather than to the acoustic action of infrasound. They suggested that the changes in the brain may be more important than in the ears.

f) Lung

Histopathological and histomorphological changes were determined in the lungs of male albino mice exposed to infrasound (2, 4, 8, or 16Hz) at 90 to 120dB for 3 h/day for up to 40 days (Svidovyi and Glinchikov, 1987). After prolonged exposure to 8 Hz at 120 dB sectioned lungs revealed filling of acini with erythrocytes and thickening of inter-alveolar septa; after prolonged exposure to 8 and 16Hz at 140dB sectioned lungs revealed ruptured blood vessel walls, partially destroyed acini, and induced hypertrophy of type-II cells.

- 13.5 Discussion.** No medical condition has been reported in the literature (Tierney Jr et al., 2003) to be associated with the perception of infrasound or its enhancement, but many of the symptoms reported by complainants with perceived or actual infrasound exposure are associated with human disease.

Sleep disorders – getting to or staying asleep, intermittent wakefulness, early morning awakening or combinations of these are common in depression and psychiatric disorders, particularly manic. And they are associated with abuse of alcohol, heavy smoking, stress, caffeine, physical discomfort, daytime napping, and early bedtime.

Headache – chronic headaches are commonly due to migraine, tension or depression but may be related to intracranial lesions, head injury, cervical spondylosis, dental or ocular disease (glaucoma), temporo-mandibular joint dysfunction, sinusitis, hypertension and a wide variety of general medical disorders. By enquiry of precipitating factors, timing of symptoms, and progression most may be distinguished. Those associated with neurological symptoms need a cranial MRI or CT scan, however, about one third of brain tumours present with a primary complaint of headache. With brain tumours and abscesses the clinical presentation is variable and is primarily determined by

anatomical location, proximity to the ventricles, and major alterations in the intracranial pressure dynamics secondary to the mass.

Vertigo – is the cardinal symptom of vestibular (ear) disease. Local causes include perilymphatic fistula, endolymphatic hydrops (Meniere's disease), labyrinthitis, acoustic neuroma, ototoxicity, vestibular neuronitis, and vestibular migraine. Central causes include brainstem vascular disease, tumours of the brain stem and cerebellum, multiple sclerosis and vertebrobasilar migraine.

Nystagmus – common causes include Meniere's disease, labyrinthitis (with hearing loss and tinnitus), transient following changes in head position, vertigo syndrome due to central lesions e.g. brainstem vascular disease, arteriovenous malfunctions, tumour of the brainstem and cerebellum, multiple sclerosis, and vertebrobasilar migraine.

Nausea and vomiting – this may be caused by a) visceral efferent stimulation – mechanical e.g. gastric outlet obstruction, peptic ulcer, malignancy, small intestine obstruction, adhesions, Crohn's disease, carcinomatosis etc.; dysmotility by medications, small intestine scleroderma, amyloidosis; peritoneal irritation; infections; hepatic disorders; cardiac and urinary disease. b) CNS disorders – vestibular; tumours; infection; and psychogenic (bulimia). c) irritation of chemoreceptor – antitumor chemotherapy; drugs; radiotherapy; pregnancy; hypothyroid and parathyroid disease.

Mental changes – nervousness, excitability, etc., which may be caused by underlying endocrine disorders e.g. hyperthyroidism, menopause, and vitamin deficiencies.

Hallucinations (usually auditory) – may be persistent or recurrent without other symptoms and are usually associated with delirium or dementia. Alcohol or hallucinogens are often the cause.

Hence in the evaluation of subjects with symptoms, which may be attributable to infrasound exposure, a full clinical examination and assessment needs to be undertaken to exclude any other primary or secondary cause.

- 13.6 Conclusion.** There is no doubt that some humans exposed to infrasound experience abnormal ear, CNS, and resonance induced symptoms that are real and stressful. If this is not recognised by investigators or their treating physicians, and properly addressed with understanding and sympathy, a psychological reaction will follow and the patient's problems will be compounded. Most subjects may be reassured that there will be no serious consequences to their health from infrasound exposure and if further exposure is avoided they may expect to become symptom free.

14. Complaint procedures

Complaints of low frequency noise must be handled with sincerity and compassion, recognising that low frequency noise is an area of complex subjective diversity. An unsympathetic approach compounds the problems of the complainant, who may already be feeling distressed, disbelieved and isolated. This is especially so when complainants are the only one in their homes who hear the noise.

14.1 UK advice. Advice on how to approach investigation of a complaint is as follows. (Casella-Stanger, 2002).

The investigator's first visit should be handled with particular care and the complainant must be shown respect. The situation should be approached with an open mind in order to avoid any entrenched reaction to the complainant.

Continue to keep an open mind during the investigation. Discuss the problem with the complainant and obtain a history and background to it. The history should include the following.

- *When the noise was first heard*
- *Type of noise heard*
- *Duration and frequency of occurrence of the noise*
- *Complainant's belief about the source*
- *Effects of noise on the complainant*
- *Whether other family members hear the noise*
- *Whether the complainant believes he/she is particularly sensitive to other sources of noise.*

14.1.1 Investigation procedure. A flow chart of a typical investigation is given in Figure 21. One unfortunate outcome of unsympathetic handling may be that the complainant is transferred from noise specialist to medical specialist and back to noise specialist, whilst both maintain that they can find no basis for the complaint.

At the present time, some complainants of low frequency noise in the UK consider that they are inadequately served by Environmental Health Officers (Benton and Yehuda-Abramson, 2002; Guest, 2002). This is because of a perception of inadequate training in low frequency noise problems, inadequate equipment and a reliance on A-weighting for assessment, leading to frequent conclusions of "not a Statutory Nuisance". This is not the fault of the EHO's who have to work within the current legislation and with the equipment with which they are provided. These problems produce a sense of isolation in the complainant, with attendant elevation of anxiety. The authorities might view the resulting behaviour as inappropriate, but from the complainant's view it is the most rational and best they can achieve.

Decision Flow Chart
To assist in Low Frequency Noise Investigation

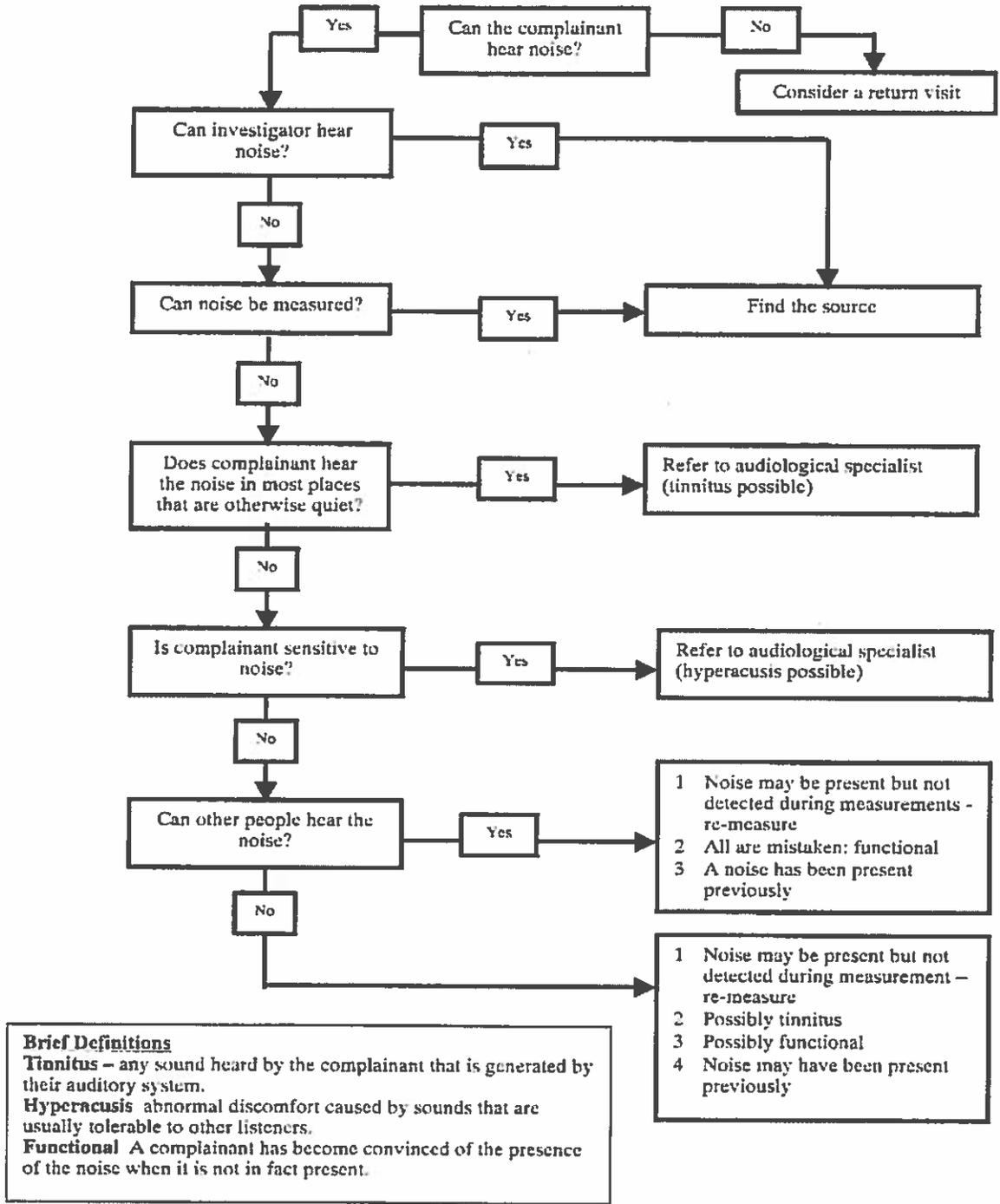


Figure 21. Flow chart of low frequency noise investigation.

14.2 Dutch advice. In the Netherlands, the Environmental Protection Agency of the Rotterdam region has adopted a structured approach to low frequency noise problems (Sloven, 2001). Support is provided for those who are called in to investigate low frequency noise, since the sporadic nature of the complaints means that there are few specialists.

Depending on how the complaint comes in, a typical procedure may be as follows. An inspector from the Environmental Protection Agency (technical aspects and management) contacts the appropriate Municipal Health Service (psychological and social aspects). They work together through a protocol similar to that in Figure 20 to determine whether the problem is "source orientated" or "person orientated".

The investigation is terminated when either the source is located and the problem solved, or if it is decided that the complainant is confused and needs alternative help. Termination may also occur for the following reasons:

- *Levels are very low and the source not determinable without excessive effort*
- *The source is known, but not controllable e.g. traffic*
- *Experience is that similar cases have not been solvable*
- *The complainant has multiple problems, others more severe than the low frequency noise*
- *The complainant refuses co-operation or decides to move house.*

The Dutch approach is interesting, as it makes use of both technical and social specialists, working together to obtain a rounded picture of the problem.

Technical assessment is based on the hearing level exceeded by 5% of the Dutch 55 year old population. Sloven notes that the average age of complainants of low frequency noise is 55, with two thirds female. This is similar to the experience of other countries, but Sloven adds that, for all environmental complainants in the Netherlands (20,000 a year), 70% are women with an average age of about 55, so that the pattern of low frequency noise complaints is not unusual. He also notes that, in about the year 2015, half of the Dutch population will be over 55 years of age.

15. Limits and Criteria

In setting criterion limits it is implicit that these are at levels which protect a certain percentage of the population. Noise levels at which protection is offered typically leave 10-20% of the population annoyed by a noise, since the desire to improve the environment is moderated by technical and economic factors. However, as there is a weak relation between the annoyance of low frequency noise in the home and its level, there may be an argument for more protective criteria for low frequency noise than those which are recommended for other noises (Benton, 1997a).

15.1 Development of criteria. Detailed criteria for environmental low frequency noise have developed over the past 25 years, driven by specific problems, particularly gas turbine installations, which radiate high levels of low frequency noise from their discharge. (Challis and Challis, 1978). Existing criteria from that time are reviewed by Challis and Challis. All criteria for low frequency noise seek to limit the low frequencies to a greater extent than would be permitted by general environmental noise criteria such as Noise Rating (NR), (Kosten and van Os, 1962), which is shown in Figure 22.

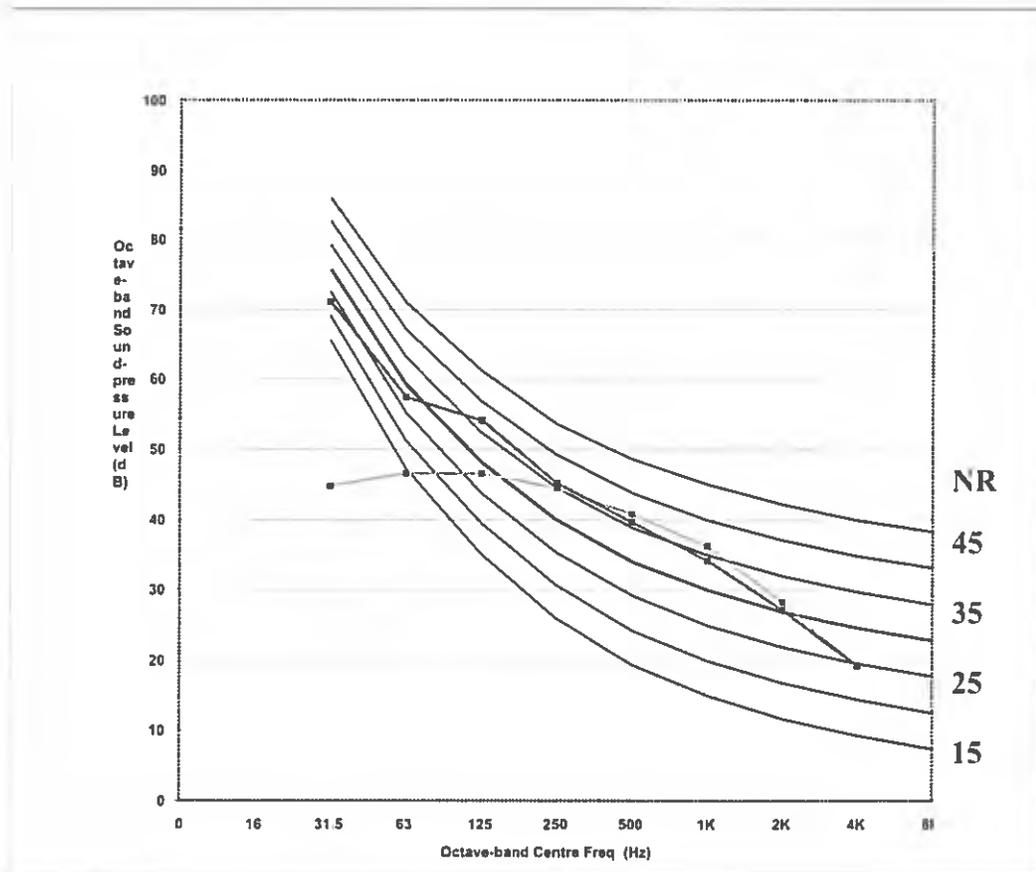


Figure 22. Noise Rating Curves. The two spectra of Figure 18 are plotted, showing how spectra with different subjective effects may have a similar NR number, in this case a little more than NR35.

For example, at low levels of mid-frequency noise, typical low frequency criteria permit a rise in noise levels of about 40dB between 8kHz and 31.5Hz, compared with about 60dB rise for NR 15. Most of the additional reduction is in the low frequency bands. Challis and Challis proposed a set of modified NR curves (NRM) following this pattern and extended down to 16Hz. Noise Rating is not suitable for use with those spectra which have high levels of low frequency noise. In fact, the spectra on which it was tested by Kosten and van Os were deficient in low frequency noise.

15.2 Sound level meter weighting. A sound level meter weighting curve was developed for low frequency noise assessment, as in Figure 23. (Inukai et al., 1990) The weighting curves pass more low frequencies through the sound level meter than the A-weighting does, giving them a greater influence on the overall sound level meter reading.

Both the LF curve and the LF2 curve rise in the region of 40Hz. In the LF2 curve, this is by about 10dB, which represents a selective penalty in the region of 40Hz.

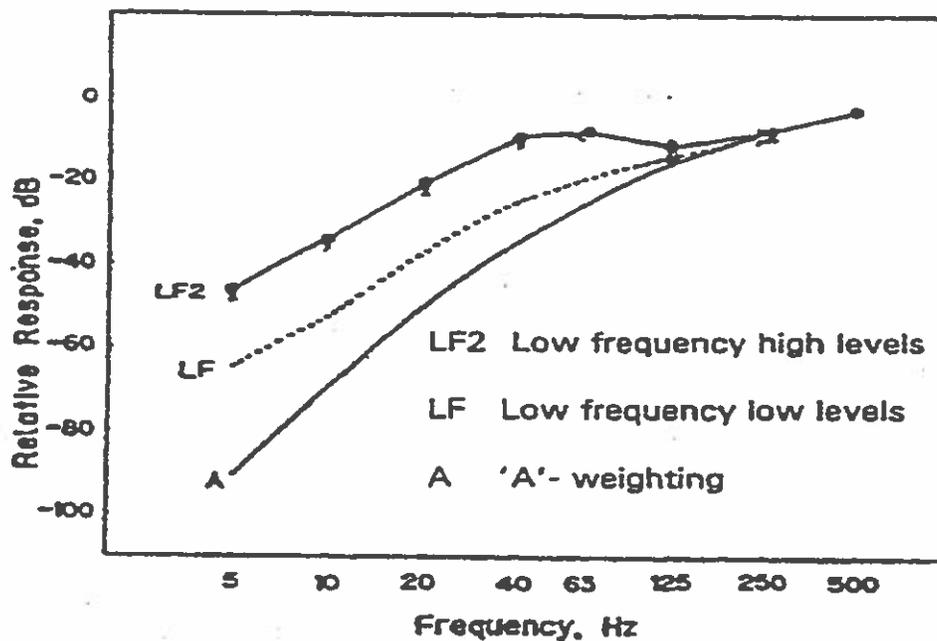


Figure 23. Sound level meter low frequency weighting networks.

15.3 LFNR Curves. Similar results had been found by Broner and Leventhall (1983) in work which was based on experiments with subjects judging annoyance of 10Hz wide bands of low frequency noise from 25Hz to 85Hz centre frequencies. It was found that there was a peak in annoyance in the bands with centre frequencies 35Hz and 45 Hz, showing that these bands were more annoying than the lower or higher frequency bands. A similar result had been obtained earlier (Kraemer, 1973). Broner and Leventhall used their results to modify the NR curves in the low frequency region, leading to the LFNR curves,

which impose low frequency penalties as shown in Figure. 24. The curves are similar to NR curves down to 125Hz, but are more restrictive at lower frequencies. The curves are used in the following way.

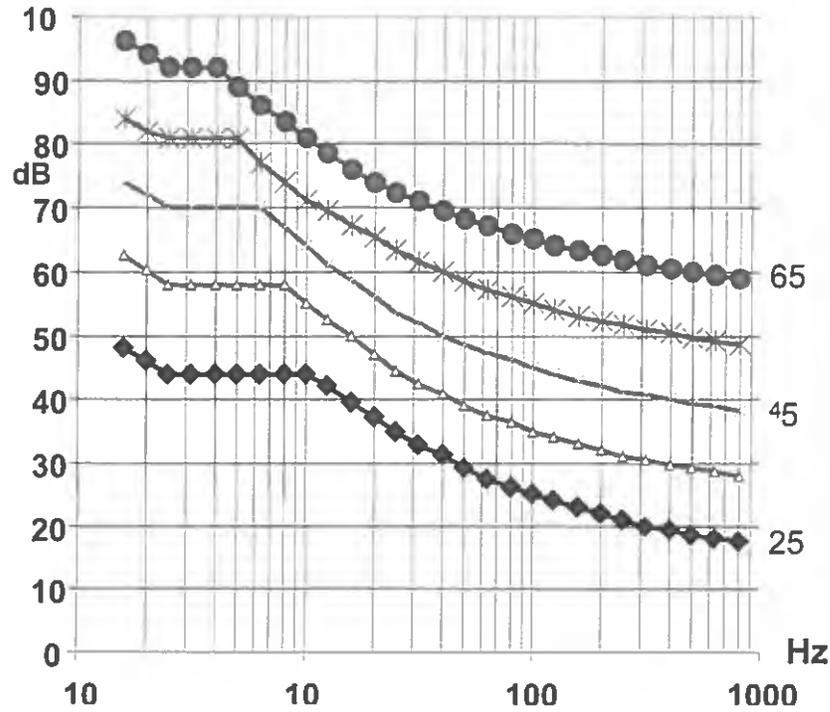


Figure 24. Low frequency noise rating curves LFNR. Each point is at a third octave frequency.

Plot the noise spectrum on the curves and, for frequencies above 125Hz, determine the appropriate rating curve in the normal way. If the spectrum of frequencies below 125Hz exceeds this rating curve, there is the potential for a low frequency problem. The curves assess not only the level of the noise, but also its spectrum balance. A penalty of 3dB was suggested for a noise which was fluctuating. The LFNR curves have not been widely adopted, but it is known that they have been used by some UK local authorities.

15.4 Low frequency A-weighting. Another approach to low frequency limits (Vercammen, 1989; Vercammen, 1992) uses a reference curve related to the average threshold minus two standard deviations. Vercammen also suggests using the G-weighting for infrasound, an A-weighting of the range 10Hz to 160Hz (L_{FA}) for low frequencies and the normal A-weighting for higher frequencies. The following are proposed as typical interior criterion levels.

Measurement	Day	Evening	Night
L_A	35	30	25 dBA
L_G	86	86	86 dBG
L_{FA}	30	25	20 dBA

It is not possible to make a direct measurement of LF_A by filtering the input to a sound level meter, as the specification of low frequency A-weighting permits wide tolerances. Consequently, third octave band levels are taken from 10Hz to 160Hz and summed for their A-weighting. Vercammen also notes the problems of assessing fluctuations in noise level.

15.5 National Criteria. The interest in criteria for low frequency noise and pressure from complainants, who have felt badly served by the regulatory authorities, has led to a number of countries developing criteria for assessment of low frequency noise problems. The criteria are summarised below:

15.5.1 Sweden. Recommendations for assessment of indoor low frequency noise (Socialstyrelsen-Sweden, 1996) are shown in the Criterion column of Table 6, which also includes the ISO 226 threshold. It is clearly the intention that the lowest frequencies shall not be audible to the average person. However, measurements are of the equivalent noise level (averaged over time) in the third octave band, so missing some of the annoying characteristics of a noise – fluctuations, rumble etc. The averaged level is appropriate to a steady tone, but has limitations for other noises. In the application of this method, the noise may be considered a nuisance if its level exceeds the criterion curve in any third octave band.

Frequency 1/3 octave band Hz	Criterion dB	ISO 226 threshold dB
31.5	56	56.3
40	49	48.4
50	43	41.7
63	41.5	35.5
80	40	29.8
100	38	25.1
125	36	20.7
160	34	16.8
200	32	13.8

Table 6. Swedish limits for low frequency noise

15.5.2 Netherlands. This method, which is intended to determine audibility is based on the average low frequency hearing thresholds for an otologically unselected population aged 50 – 60 years, where the reference levels are the binaural hearing threshold for 10% of the population. That is, the 10% most sensitive. The age range of 50 - 60 years was chosen as typical of the age of complainants. (N S G, 1999; van den Berg and Passchier-Vermeer, 1999a). Comparing 50% levels for 50 – 60 year olds with those of young persons, Table 7 shows that the older people are taken as 7dB less sensitive, on

average, than the younger ones. At the 10% level they are 3dB less sensitive. Information is not given on whether, at lower percentage levels e.g. 5% or 1%, this difference reduces further. The 10% curve is used by considering noise levels exceeding those in the NSG reference curve in the range 20Hz to 100Hz, in order to draw conclusions on their audibility.

The above method is for audibility, not annoyance. A Dutch proposal for annoyance (Sloven, 2001) uses a criterion curve which is close to the German threshold below 40Hz and then corresponds with the Swedish method.

**Low frequency hearing threshold for
levels for 50% and 10% of the
population.
(NSG reference curve in bold)**

	Otologically Unselected Population 50 – 60 years	Otologically Selected Young adults (ISO 226)		
Freq Hz	50% dB	10% dB	50% dB	10% dB
10	103	92	96	89
12.5	99	88	92	85
16	95	84	88	81
20	85	74	78	71
25	75	64	66	59
31.5	66	55	59	52
40	58	46	51	43
50	51	39	44	36
63	45	33	38	30
80	39	27	32	24
100	34	22	27	19
125	29	18	22	15
160	25	14	18	11
200	22	10	15	7

Table 7. NSG reference curve

15.5.3 Denmark. This method is similar to a proposal of Vercammen, above, in that the G-weighted levels, the A-weighted levels in the 10Hz to 160Hz third octave bands and the normal A-weighting are used (Jakobsen, 2001). Criteria are then as in Table 8 for internal noise levels.

	Infrasound L_{pG}	Low frequency noise $L_{pA,LF}$	Normal noise limit L_{pA}
Dwelling, evening and night	85dB	20dB	30dB / 25dB
Dwelling, day	85dB	25dB	30dB – day and evening
Classroom, office etc	85dB	30dB	40dB
Other rooms in enterprises	90dB	35dB	50dB

Table 8. Danish recommendations

The levels in Table 8 for infrasound are intended to make the G-weighted noise inaudible, being set at 10dB below the G-weighting for the average threshold. There is conjunction at about 16Hz between 85dBG and 20dBA, as shown in Figure. 6 (Section 4.1.1). In the operation of the limits, the noise is measured over a 10 minute period and a 5dB penalty added for impulsive noise e.g. single blows from a press or drop forge hammer. Rumble or similar fluctuation characteristics are not considered and will be averaged out in the 10 minute measurement period.

15.5.4 Germany. This method (DIN:45680, 1997), is based on investigations in the region of industrial installations (Piorr and Wietlake, 1990). Hearing threshold levels used in DIN 45680 are given in Table 9, showing that the thresholds are close to those of ISO 226. The difference (dBC - dBA) > 20dB is used as an initial indication of the presence of low frequency noise. The noise is then measured in third octaves over specified time periods and compared with the threshold curve in Table 9. The main frequency range is from 10Hz to 80Hz. Frequencies of 8Hz and 100Hz are used only if the noise has many components within the range 10Hz to 80Hz. However, there is an assumption in DIN 45680 that the great majority of low frequency noise problems from industrial sources are tonal and that 8Hz and 100Hz third octave bands will be used only rarely. If the level in a particular third octave band is 5 dB or more above the level in the two neighbouring bands, the noise is described as tonal. For tonal noises, the level of the tone above the hearing threshold is found. The day time limit for exceedance of the threshold curve is 5dB in the 8Hz – 63Hz bands, 10dB in the 80Hz band, and 15dB in the 100Hz band. In the night period all the limits are reduced by 5dB.

Third octave band frequency Hz	Hearing threshold dB	ISO 226 threshold dB
(8)	(103)	--
10	95	--
12.5	87	--
16	79	--
20	71	74.3
25	63	65.0
31.5	55.5	56.3
40	48	48.4
50	40.5	41.7
63	33.5	35.5
80	28	29.8
(100)	(23.5)	25.1

Table 9. Hearing threshold DIN 45680

For non-tonal noises, the limit for the A-weighted equivalent level (10 Hz – 80 Hz) is 35 dB during daytime and 25 dB during the night, where the A-weighting is obtained by using only the third octave bands which exceed the hearing threshold. Contributions from levels below the threshold are disregarded.

15.5.5 Poland. This method (Mirowska, 2001) uses the frequency range 10Hz to 250Hz. The sound pressure levels of the third octave bands of the noise are compared with a reference curve L_{A10} , derived from $L_{A10} = 10 - k_A$, where k_A is the value of the A-weighting for the centre frequencies of the third octave bands and is negative over the low frequency region. Thus, the L_{A10} curve is 10dB greater than the absolute value of the A-weighting corrections and any single frequency which met the curve will have a level of 10dBA. The curve is shown in Table 10 where it is compared with the ISO 226 threshold. The reference curve is below the ISO 226 threshold at the lower frequencies.

Frequency Hz	L _{A10} dB	ISO 226 dB
10	80.4	
12.5	83.4	
16	66.7	
20	60.5	74.3
25	54.7	65.0
31.5	49.3	56.3
40	44.6	48.4
50	40.2	41.7
63	36.2	35.5
80	32.5	29.8
100	29.1	25.1
125	26.1	20.7
160	23.4	16.8
200	20.9	13.8
250	18.6	11.2

Table 10. Polish reference levels L_{A10}.

The Polish method also takes background noise into account by determining the difference between the sound pressure levels of the noise and the background noise. Consequently there are two components in the assessment:

ΔL_1 - the difference between the measured sound pressure level and the L_{A10} curve.

ΔL_2 - the difference between the sound pressure levels of the noise and the background noise.

The noise is considered to be annoying when:

$$\Delta L_1 > 0$$

$$\Delta L_2 > 10\text{dB for tonal noise or } 6\text{dB for broadband noise}$$

15.6 Comparison of methods.

15.6.1 Criterion curves. The National assessment methods compare the low frequency hearing threshold, or a function related to it, with the problem noise. Where A-weighting is used, there is an assumption that this weighting reflects hearing sensitivity at low frequencies. However, as the A-weighting is loosely

based on what was considered to be the 40 phon loudness contour in the mid 1930's, it has a lower slope than the threshold. Figure 6 shows how the 20dBA curve crosses the threshold at about 30Hz, where the 20dBA curve denotes the levels of tones which will individually register as 20dBA. The reference curves are compared in Table 11. Poland requires the lowest levels and is 10dB lower than Denmark, since one is based on 10dBA and the other on 20dBA. The Netherlands and Germany use an assumed hearing threshold as their reference. Sweden describes a limiting noise curve, which should not be exceeded in any band. This curve is similar to ISO 226 between 31.5Hz and 50Hz, beyond which it tends towards 20dBA.

None of the methods assesses fluctuations, although Denmark imposes a penalty for impulses. The methods are generally designed for assessment of steady tones, but will underrate the subjective consequences of fluctuations, which are the main complaint of many sufferers.

	Poland	Germany	Netherland s	Denmark Night	Sweden	ISO 226
Frequency Hz	L _{A10} dB	DIN 45680 dB	NSG dB	20dBA	dB	dB
8		103				
10	80.4	95		90.4		
12.5	83.4	87		93.4		
16	66.7	79		76.7		
20	60.5	71	74	70.5		74.3
25	54.7	63	64	64.7		65.0
31.5	49.3	55.5	55	59.4	56	56.3
40	44.6	48	46	54.6	49	48.4
50	40.2	40.5	39	50.2	43	41.7
63	36.2	33.5	33	46.2	41.5	35.5
80	32.5	28	27	42.5	40	29.8
100	29.1	23.5	22	39.1	38	25.1
125	26.1			36.1	36	20.7
160	23.4			33.4	34	16.8
200	20.9				32	13.8
250	18.6					11.2

Table 11. Comparison of reference curves.

15.6.2 Measurement positions. A-weighted levels for assessment of environmental noise are normally taken outside a residential property. The complexities of low frequency noise, including uncertainties in the transmission loss of the structure and resonances within rooms, require low frequency noise to be assessed by internal measurements. This is recognised in the assessment procedures.

There is a measurement uncertainty, which is inversely proportional to both the bandwidth of the analysis and to the duration of the measurement (i.e. the integration time). As a result, the measurement period using a given third octave filter is related to the required accuracy. If the standard deviation of repeated measurements shall be less than 0.2 dB an integration time of almost five minutes is needed at 10 Hz. At 40 Hz a one-minute integration time is necessary and at 1000 Hz two seconds are needed. The noise signal is assumed to be stable over the measurement time, but this is not always so in practise.

16. Validation of the Methods

Piorr and Wietlake (1990) used a night reference curve identical to DIN 45680 up to 63Hz. They reported that 90% of complainants were satisfied with the implementation of the limits. Subsequently, Piorr and Wietlake's night criterion was applied to investigations in the UK (Rushforth et al., 2002) and found to be a "reasonably good predictor of annoyance".

Laboratory measurements using recordings of actual noises (Poulsen, 2002; Poulsen and Mortensen, 2002) have been used to compare the effectiveness of proposed national assessment methods for low frequency noise limits. The noise examples are shown in Table 12.

No.	Name	Description	Tones, characteristics
1	Traffic	Road traffic noise from a highway	None – broadband, continuous
2	Drop forge	Isolated blows from a drop forge transmitted through the ground	None – deep, impulsive sound
3	Gas turbine	Gas motor in a CHP plant	25 Hz, continuous
4	Fast ferry	High speed ferry; pulsating tonal noise	57 Hz, pass-by
5	Steel factory	Distant noise from a steel rolling plant	62 Hz, continuous
6	Generator	Generator	75 Hz, continuous
7	Cooling	Cooling compressor	(48 Hz, 95 Hz) 98 Hz, continuous
8	Discotheque	Music, transmitted through a building	None, fluctuating, loud drums

Table 12. Comparison of test noises.

Noise no. 1 is from a busy six-lane highway and it is almost continuous. Noise no. 2 consists of a series of very deep, rumbling single blows from a drop forge. Noises 3, 4, 5, and 6 each have one tonal component. Noise no. 7 has three tones but two of them are at a low level, and noise no. 8 has a characteristic rhythmical pulsating sound. The noises were selected to represent typical low frequency noise known to cause complaints. All noises had a clear low frequency character.

The noises were presented to 18 otologically normal young listeners in two minute durations and at levels of 20 dB, 27.5 dB, and 35 dB L_{Aeq} , in simulated indoor conditions. A special group of four older people (41 – 57 years old), who were known to be disturbed by low frequency noise, were also tested with the same noises. The subjects made annoyance judgements depending on assumed circumstances, such as day, evening and night. For example, Table 13 gives the night annoyance for the main group on a numerical scale, where 0 is not annoying and 10 is very annoying.

Nominal presentation level	20 dB	27.5 dB	35 dB
Noise example	Subjective annoyance Night	Subjective annoyance Night	Subjective annoyance Night
Traffic noise	1.6	3.4	5.2
Drop forge	4.3	5.9	6.9
Gas turbine	0.9	2.5	5.2
Fast ferry	0.9	3.2	5.4
Steel factory	1.0	2.7	4.9
Generator	1.7	3.2	5.0
Cooling compressor	2.7	4.4	6.0
Discotheque	3.0	5.4	6.7

Table 13. Subjective assessment of the annoyance, main group - if the noise was heard at night.

The special group were more annoyed by the noise as shown in Table 14.

Nominal presentation level	20 dB	27.5 dB	35 dB
Noise example	Subjective annoyance Night	Subjective annoyance Night	Subjective annoyance Night
Traffic noise	4.7	7.2	8.5
Drop forge	7.5	8.3	8.9
Gas turbine	5.0	8.1	9.8
Fast ferry	6.6	8.8	9.3
Steel factory	5.8	8.2	9.3
Generator	8.4	8.3	9.0
Cooling compressor	7.4	8.5	9.1
Discotheque	6.0	7.9	8.6

Table 14. Subjective assessment of the annoyance, sensitive group - if the noise was heard at night.

The special group judged noises differently from the main group, as shown in Table 15. Here it is seen that the special group found all noises more annoying than the main group did, but that they were most annoyed by the type of noises they complained about, perhaps indicating conditioning.

Ref Group order	Average scaling	Special group order	Average scaling
Drop forge	5.1	Generator	7.3
Discotheque	4.6	Cooling compressor	7.2
Cooling compressor	4.1	Drop forge	7.0
Generator	3.1	Gas turbine	6.9
Traffic noise	3.0	Fast ferry	6.9
Fast ferry	2.9	Steel factory	6.8
Steel factory	2.7	Discotheque	6.2
Gas turbine	2.7	Traffic noise	5.6
Average	3.5	Average	6.7

Table 15. Comparison of group noise ordering.

These subjective evaluations were then compared with the objective methods in the National procedures as shown in Table 16. It is seen that the Danish method gives best correlation with subjective evaluation, but this depends on the 5dB penalty for impulsive sounds. Without this penalty, it is similar to the German and Swedish methods.

Assessment method	Correlation coefficient, ρ
Danish	0.94
German non-tonal	0.73
German tonal	0.72
Swedish	0.76
Polish	0.71
Dutch proposal	0.64
C-level	0.66

Table 16 . Overview of the results from regression analysis of the relation between the subjective evaluations and the different objective assessment methods.

For the noises used, which are typical of low frequency noises, the infringement of the criterion curves is by a single frequency band. Only the band where the maximum excess occurs is taken into account and the excess at other frequency bands is neglected. It is seen from the comparison of the criteria in Table 11 that the curves diverge above about 40Hz, with the result that, at 100Hz, the German limit is about 15dB below the Swedish and Danish limits. Thus the different criteria will give different outcomes if the infringement is at frequencies above 40Hz.

17. Further Research

The preceding sections have shown that there are a number of gaps in our knowledge of low frequency noise. We do know that problems arise fairly widely, and on an international scale. A great deal of distress is caused to a limited number of people, who are unfortunate to be classified as "sufferers", although suffering is an apt description of the effects on them. It is no longer necessary to "make a case" for work on low frequency noise, but the direction of the work should be chosen to maximise benefit to the sufferers. There are two main areas to be addressed:

- *Assessment of the noise*
- *Development of personal coping strategies.*

Assessment assumes that there is a measurable noise.

Enhanced coping strategies are required:

- *During the time delay between occurrence of a noise and its control*
- *If the noise cannot be located.*
- *If the noise cannot be measured*

17.1 Assessment. A not uncommon occurrence is that there is clearly a low frequency noise present at a complaint location, but existing UK assessment methods are not able to determine its nuisance value, leading to the conclusion of "Not a Statutory Nuisance". Section 15 has outlined the assessment methods of other countries, which are able to draw positive conclusions on noises that would fail an A-weighting test. Further work should be carried out on assessment of low frequency noises, building on what is already known.

17.1.1 Noises. A number of noises, which are known to be causing low frequency problems, could be analysed and assessed by existing low frequency noise assessment methods. Calibrated tape recordings would be made of the noises, so that time variations could be evaluated. An attempt would also be made to determine an "annoyance rating" for the complainant. This would be through questioning and discussion in order to evaluate both the level of annoyance and the personality of the complainant.

The interdependence of spectra, fluctuations and complainant characteristics would be used to develop an assessment method that is more reliable than existing methods.

17.1.2 Benefits. The work would provide a means of assessing low frequency noises, for piloting by Environmental Health Officers and ultimately included in national recommendations.

17.2 Coping strategies. Some Hum sufferers report that they have been able to adopt strategies which ease the effects on them of their noise of unknown origin. In a few cases a complete "cure" has been achieved. An element of the strategy is to stop fighting the noise and relax one's physical and mental responses to it. There is a great deal to be learned from the methods of tinnitus management, which have developed over the past 20 years. This is not to imply that those low frequency noises which cannot be sourced are actually tinnitus, but that the experiences are similar; the complainant hears a noise that elicits a negative reaction. The research on coping strategies could evolve in the following way:

- *Consult with former sufferers who have accommodated to their noise, in order to learn from their strategies*
- *In parallel with this consult with tinnitus management specialists on their techniques.*
- *Recommend strategies for management of low frequency noise problems.*
- *Carry out field studies of management of low frequency noise. Where necessary co-operate with social services and GP.*
- *Follow up later to assess the results.*
- *Develop a training programme for EHO's and personal advice for sufferers.*

17.2.2 Benefits. The work has the potential to improve the quality of life of complainants, reduce the level of complaints of noise and also reduce the demands on environmental, social and health services. It will reduce the extent to which low frequency noise complaints become stuck in the system, as many do at present, with costly and damaging results.

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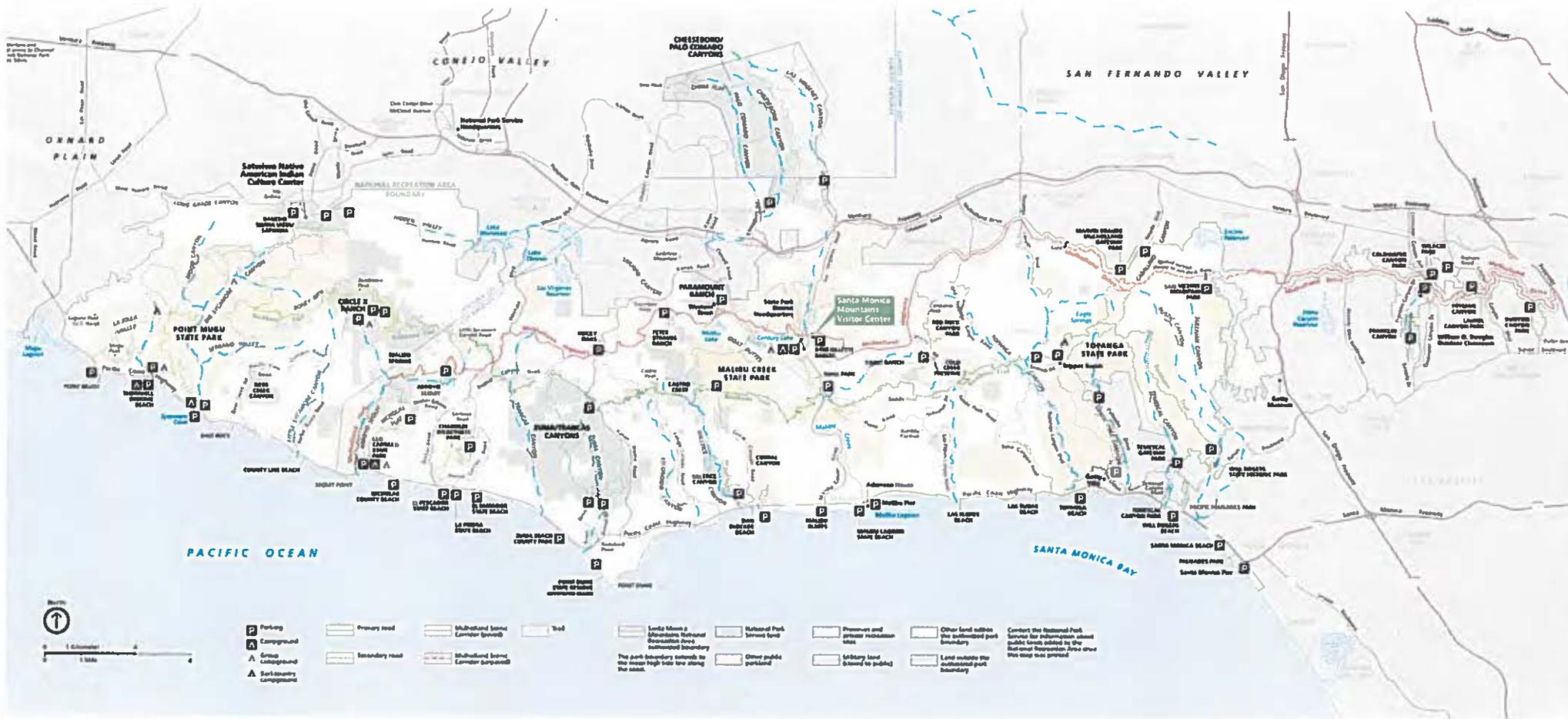
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Yeowart, N. S. (1976): Thresholds of hearing and loudness for very low frequencies. In: *Infrasound and Low Frequency Vibration*. Editor: W Tempest. Academic Press, pp. 37-64.

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PROPOSED CIELO FARMS PRELIMINARY CIVIL SITE PLAN PACKAGE

CUP APPLICATION SUBMITTAL



Vicinity Map
n.t.s.

ABBREVIATIONS:

1F - first floor
 bldg. - building
 bw - back of walk
 c.b. - catch basin
 cfl - chain link fence
 cl - center line
 c.o. - clean out
 conc - concrete
 dia - diameter
 d/w - driveway
 ec - edge of concrete
 ecr - end curb return
 eg - edge of gutter
 eop - edge of pavement
 elec - electrical
 epb - electrical pull box
 esmt - easement
 ex/(ex) - existing
 f.f. - finish floor
 f.g. - finish ground
 f.h. - fire hydrant
 f.l. - flow line
 f.s. - finish surface

LEGEND:

(700.00) existing spot elevation
 f.s. description of elevation
 700.00 proposed spot elevation
 f.s. description of elevation
 1.0% proposed gradient and direction of flow
 (1.0%) existing gradient and direction of flow
 ① key notes
 existing oak tree
 protection zone
 canopy
 overland flow

PUBLIC UTILITIES / SERVICES:

WATER: LAS VIRGENES MUNICIPAL WATER DISTRICT
 4232 LAS VIRGENES ROAD
 CALABASAS, CA 91302
 (818) 880-4110

ELECTRICAL: SOUTHERN CALIFORNIA EDISON
 3589 FOOTHILL DRIVE
 THOUSAND OAKS, CA 91361
 (805) 494-7016

GAS: SOUTHERN CALIFORNIA GAS
 9400 OAKDALE AVENUE
 CHATSWORTH, CA 91313
 (818) 701-3324

SEWER: PRIVATE SEPTIC SYSTEM

OAK TREE NOTES

- No construction proposed within protected zone of an oak tree.
- Existing oak trees shown on plans.

SHEET INDEX:

- Sheet 1 - Cover Sheet
- Sheet 2 - Overview and Radius Map
- Sheet 3 - Existing Conditions (1)
- Sheet 4 - Existing Conditions (2)
- Sheet 5 - Existing Conditions (3)
- Sheet 6 - Proposed Parking Site Plan
- Sheet 7 - Conceptual Grading and Drainage Plan
- Sheet 8 - Fire Access Plan
- Sheet 9 - Profile and Road Sections

GENERAL NOTES:

- Lot size 24.90 ac. gross
- Existing zoning Agricultural a-1-10.
- Existing site use Residential/Agricultural
- Development type Recreational wine tasting club.
- Total number of lots 6
- Community standards district Located within the Santa Monica mountains north area plan
- Topography is based on controlled topo w/ contour intervals 2.
- Existing / area wide plan (Malibu/Santa Monica mountains north area plans)
- Top and toe of slopes are subject to change in final engineering.
- Development is located in a very high fire hazard seventy zone.
- Proposed restroom building (Height=13.75', (L21' X D21'), 441 s.f.)
- Existing barn building (Height=24', (L23' X D41'), 950 s.f.)
- Subject property and surroundings located within county S.E.A.

PROPERTY INFORMATION:

Assessor No.	Owner	Address	Lot Size (Ac)	Improvements
4464-008-032	Richard Hirsh Te / Diana Hirsh Te	None	3.95	Vineyard
4464-008-045	Richard Hirsh Te / Diana Hirsh Te	31424 Mulholland	5.58	Vineyard Graded Pads / House
4464-008-044	Diana Hirsh	None	4.56	Vineyard Graded Pads/Barn
4464-008-029	Richard Hirsh Te / Diana Hirsh Te	None	3.33	Vineyard Graded Pads
4464-008-036	Richard & Diana Hirsh	None	3.88	Vacant Land/Agricultural
4464-008-019	Diana Hirsh	None	3.60	Vineyard
Totals			24.90	

ESTIMATED EARTHWORK QUANTITIES

ESTIMATED CUT: 475 CY ESTIMATED EXPORT: 450 CY
 ESTIMATED FILL: 25 CY ESTIMATED IMPORT: 0 CY
 ESTIMATED OVER-EXCAVATION: 0 CY

OWNER

NAME: RICHARD HIRSH
 ADDRESS: 31424 MULHOLLAND HIGHWAY, MALIBU, CA 90265
 REPRESENTATIVE: RICHARD HIRSH
 TELEPHONE: (818) 889-0120

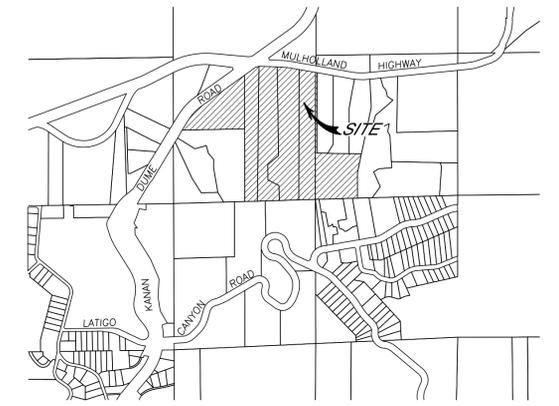
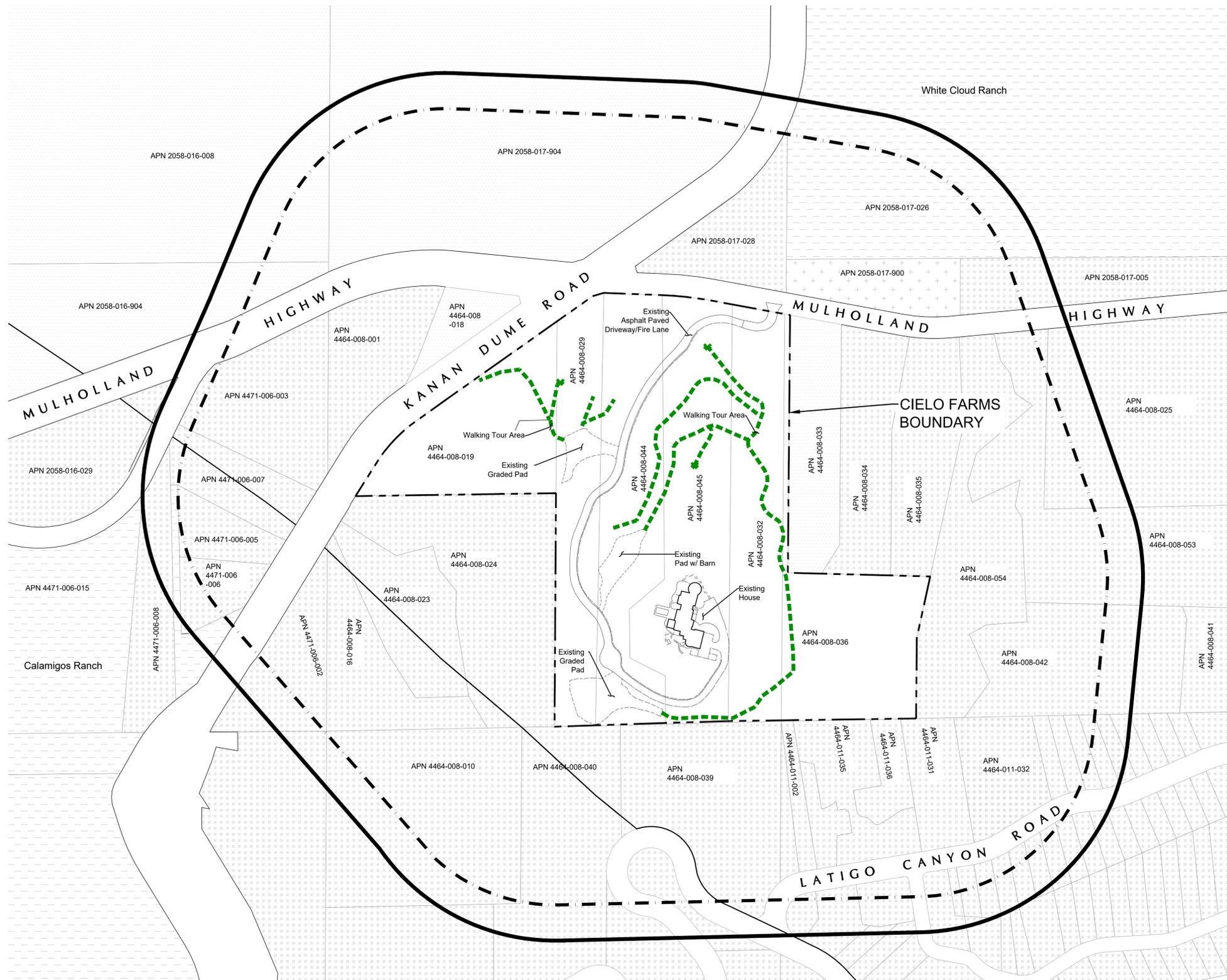
CIVIL ENGINEER

NAME: DIAMOND WEST, INC.
 ADDRESS: 24005 VENTURA BLVD., SUITE 100, CALABASAS, CA 91302
 REPRESENTATIVE: DUSTIN WOOMER
 TELEPHONE: (818) 444-1800

GEOTECHNICAL ENGINEER

NAME: GOLD COAST GEOSERVICES, INC.
 ADDRESS: 5251 VERDUGO WAY, SUITE J, CAMARILLO, CA 93012
 REPRESENTATIVE: SCOTT HOGREFE
 TELEPHONE: (805) 484-5070

PROJECT TITLE: Cielo Farms	BENCHMARK DATA: BENCHMARK: DY 9150 ELEV. = 1716.421 LACS TAG IN ROCK & CONC HDWL 45FT W & 33FT N C/L INT MULHOLLAND HWY & KANAN RD MALIBU QUAD 1990	SHEET TITLE: Cover Sheet	ADDRESS: 31424 MULHOLLAND HIGHWAY MALIBU, CA 90265	PREPARED FOR: RICHARD HIRSH 31424 MULHOLLAND HIGHWAY MALIBU, CA 90265	PREPARED BY: DIAMOND WEST INCORPORATED 24005 Ventura Boulevard, Suite 100 Calabasas, California 91302 Voice: (818) 444-1800 Facsimile: (818) 223-9215 civil engineering • land surveying • land planning www.diamondwest.net
PROJECT NUMBER: R2015-03796		DATE: 04-03-2018		SHEET 1 OF 9	



Vicinity Map
n.t.s.

Legend

- Open Space*
- Rural Residential*
- Commercial Recreational*
- LA County Fire Department Construction and Maintenance Facility*
- 600' Radius
- 500' Radius
- Coastal Zone Boundary
- Approximate location of walking tours within existing dirt trails/roads

* Land uses per county GIS-NET3 and Google Maps

AS INDICATED BY THE MAP, THERE ARE NO USES THAT SELL ALCOHOL WITHIN 500 FT., NOR ANY SCHOOLS, PARKS, PLAYGROUNDS, OR PLACES OF WORSHIP WITHIN 600 FT. OF THE SITE.



(IN FEET)
1 inch = 150 ft.

Cielo Farms

BENCHMARK DATA:

BENCHMARK: DY 9150
ELEV. = 1716.421
LACS TAG IN ROCK & CONC HDWL 45FT W &
33FT N C/L INT MULHOLLAND HWY & KANAN RD
MALIBU QUAD 1990

TITLE:

OVERVIEW AND RADIUS MAP

ADDRESS:

31424 MULHOLLAND HIGHWAY
MALIBU, CA 90265

PREPARED FOR:

RICHARD HIRSH
31424 MULHOLLAND HIGHWAY
MALIBU, CA 90265

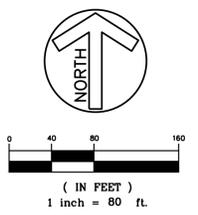
PREPARED BY:

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Calabasas, California 91302
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LEGEND:

- overland flow
- existing oak tree
- protection zone
- canopy



Cielo Farms

BENCHMARK DATA:
BENCHMARK: DY 9150
ELEV. = 1716.421
LACS TAG IN ROCK & CONC HDWL 45FT W &
33FT N C/L INT MULHOLLAND HWY & KANAN RD
MALIBU QUAD 1990

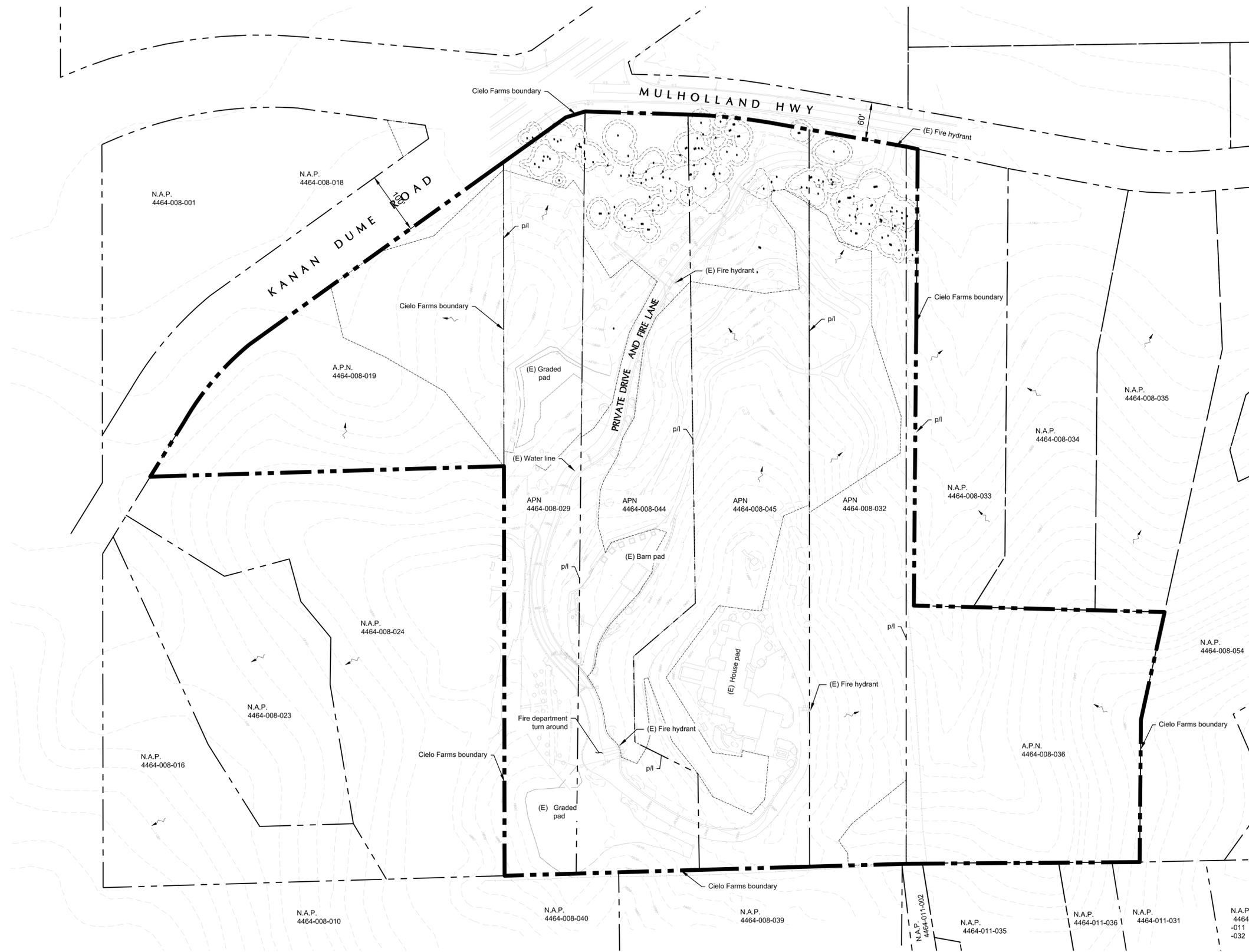
TITLE:
EXISTING CONDITIONS (1)

ADDRESS:
31424 MULHOLLAND HIGHWAY
MALIBU, CA 90265

PREPARED FOR:
RICHARD HIRSH
31424 MULHOLLAND HIGHWAY
MALIBU, CA 90265

PREPARED BY:
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Calabasas, California 91302
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LEGEND:

- overland flow
- existing oak tree protection zone canopy
- Vineyard

(IN FEET)
1 inch = 80 ft.

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Cielo Farms

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 33FT N C/L INT MULHOLLAND HWY & KANAN RD
 MALIBU QUAD 1990

TITLE:
 Existing Conditions (2)

ADDRESS:
 31424 MULHOLLAND HIGHWAY
 MALIBU, CA 90265

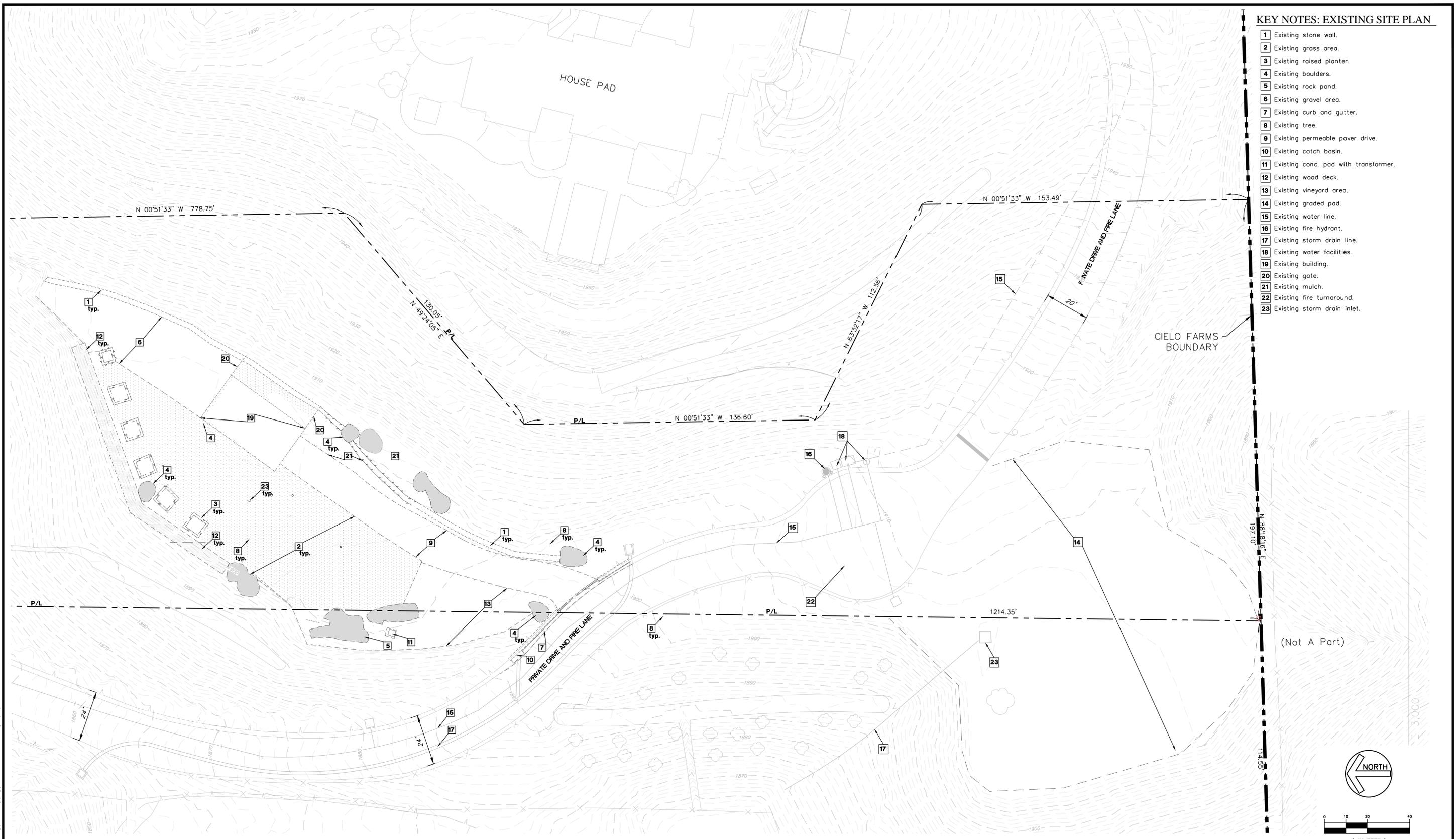
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 MALIBU, CA 90265

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KEY NOTES: EXISTING SITE PLAN

- 1 Existing stone wall.
- 2 Existing grass area.
- 3 Existing raised planter.
- 4 Existing boulders.
- 5 Existing rock pond.
- 6 Existing gravel area.
- 7 Existing curb and gutter.
- 8 Existing tree.
- 9 Existing permeable paver drive.
- 10 Existing catch basin.
- 11 Existing conc. pad with transformer.
- 12 Existing wood deck.
- 13 Existing vineyard area.
- 14 Existing graded pad.
- 15 Existing water line.
- 16 Existing fire hydrant.
- 17 Existing storm drain line.
- 18 Existing water facilities.
- 19 Existing building.
- 20 Existing gate.
- 21 Existing mulch.
- 22 Existing fire turnaround.
- 23 Existing storm drain inlet.



(Not A Part)

Cielo Farms

BENCHMARK DATA:
 BENCHMARK: DY 9150
 ELEV. = 1716.421
 LACS TAG IN ROCK & CONC HDWL 45FT W &
 33FT N C/L INT MULHOLLAND HWY & KANAN RD
 MALIBU QUAD 1990

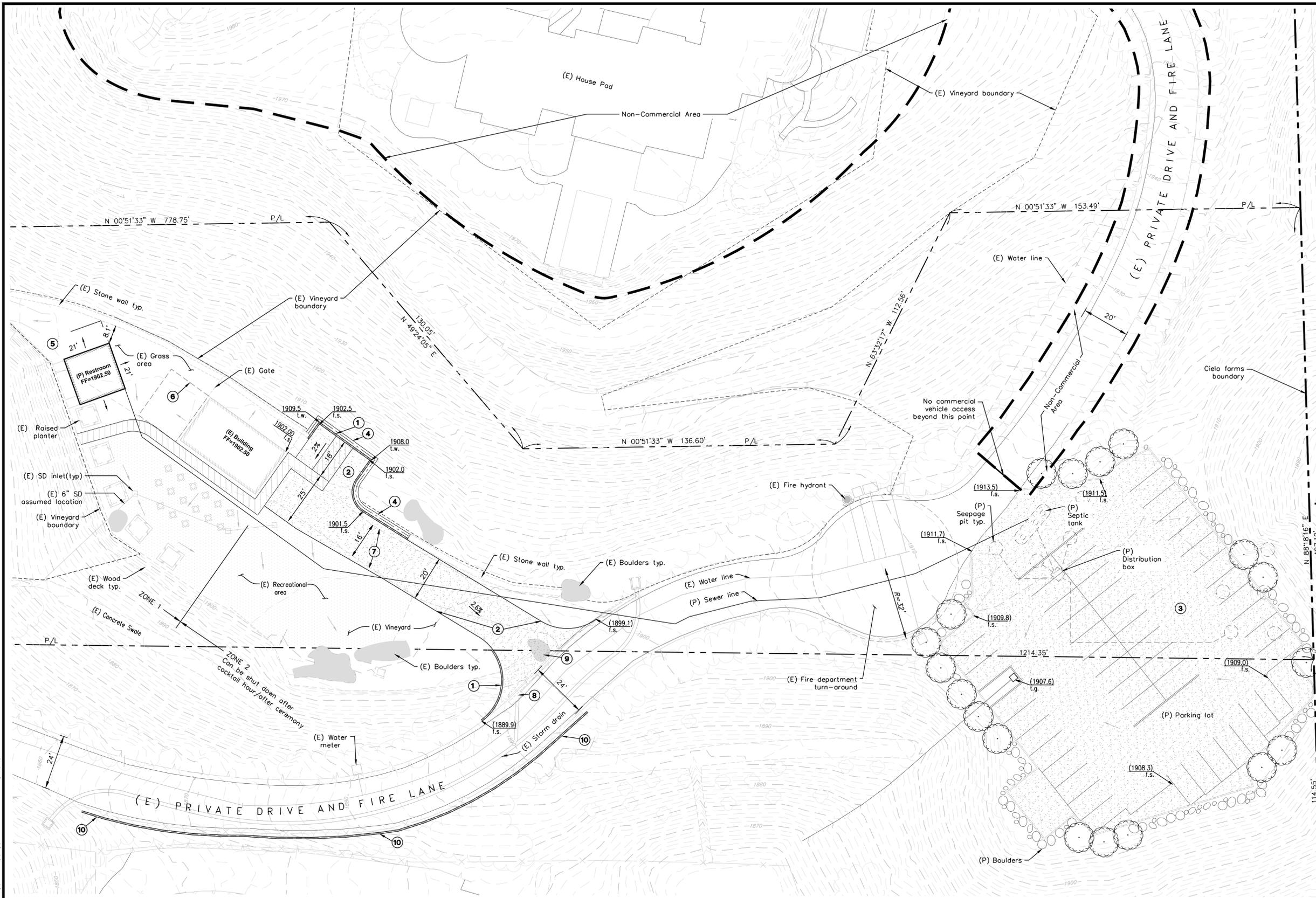
TITLE:
 Existing Conditions (3)

ADDRESS:
 31424 MULHOLLAND HIGHWAY
 MALIBU, CA 90265

PREPARED FOR:
 RICHARD HIRSH
 31424 MULHOLLAND HIGHWAY
 MALIBU, CA 90265

PREPARED BY:
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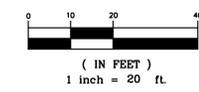


KEY NOTES: GRADING

- 1 Proposed retaining wall.
- 2 Proposed permeable paver.
- 3 Proposed parking lot with decomposed granite or similar pervious surface.
- 4 Proposed conc. gutter.
- 5 Surface drain away from structures per county grading guidelines.
- 6 Proposed dance floor/ DJ/ live band.
- 7 Existing driveway.
- 8 Existing catch basin to be relocated/removed.
- 9 Existing Boulders to be relocated.
- 10 Approximate location of the proposed 8 foot wall.

LEGEND:

- (700.00) existing spot elevation
description of elevation
- 700.00 proposed spot elevation
description of elevation
- 1.0% proposed gradient and direction of flow
- (1.0%) existing gradient and direction of flow
- 1 key notes
- existing oak tree
protection zone canopy
- overland flow
- proposed olive tree.



Cielo Farms

BENCHMARK DATA:
BENCHMARK: DY 9150
ELEV. = 1716.421
LACS TAG IN ROCK & CONC HDWL 45FT W &
33FT N C/L INT MULHOLLAND HWY & KANAN RD
MALIBU QUAD 1990

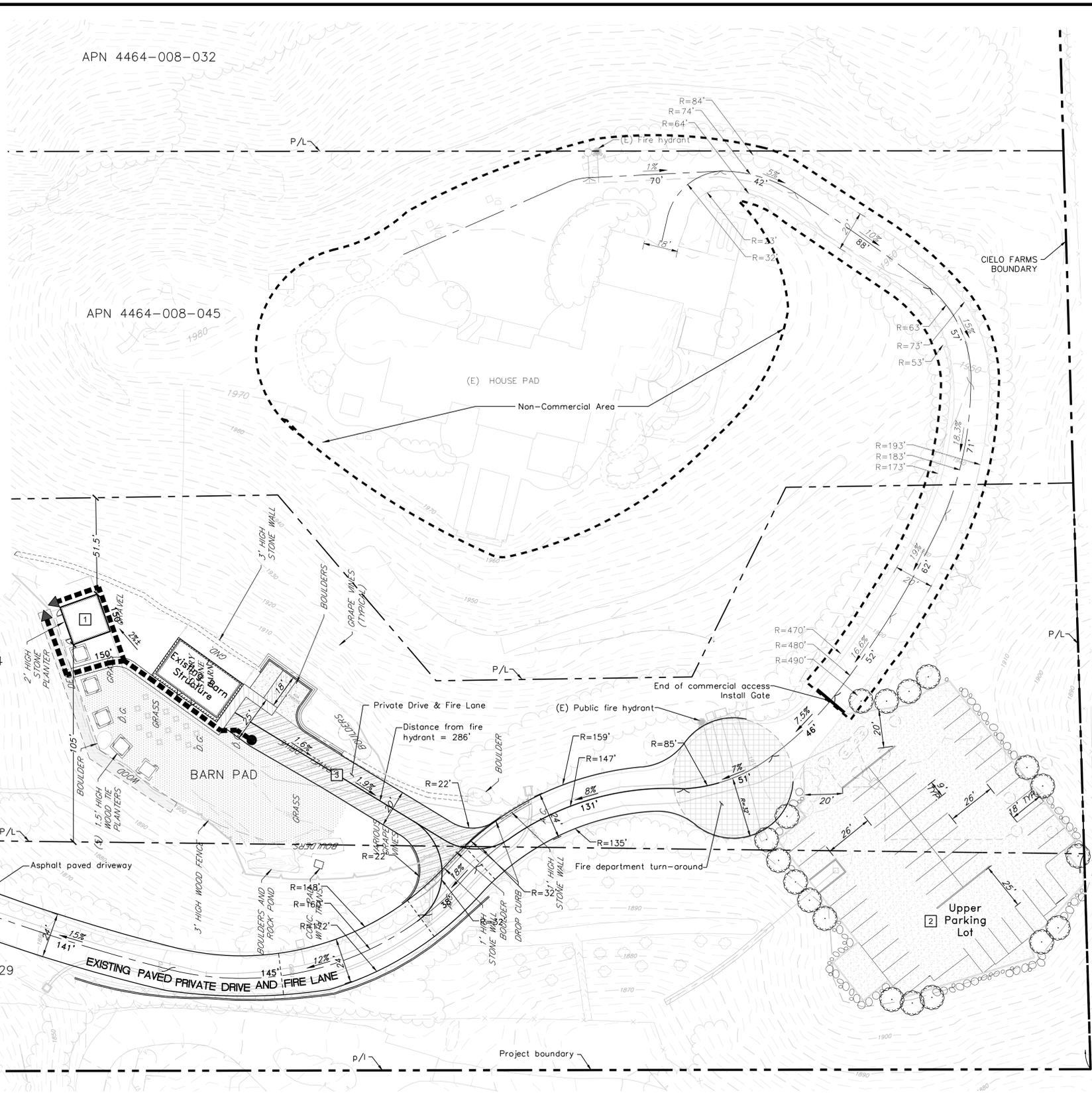
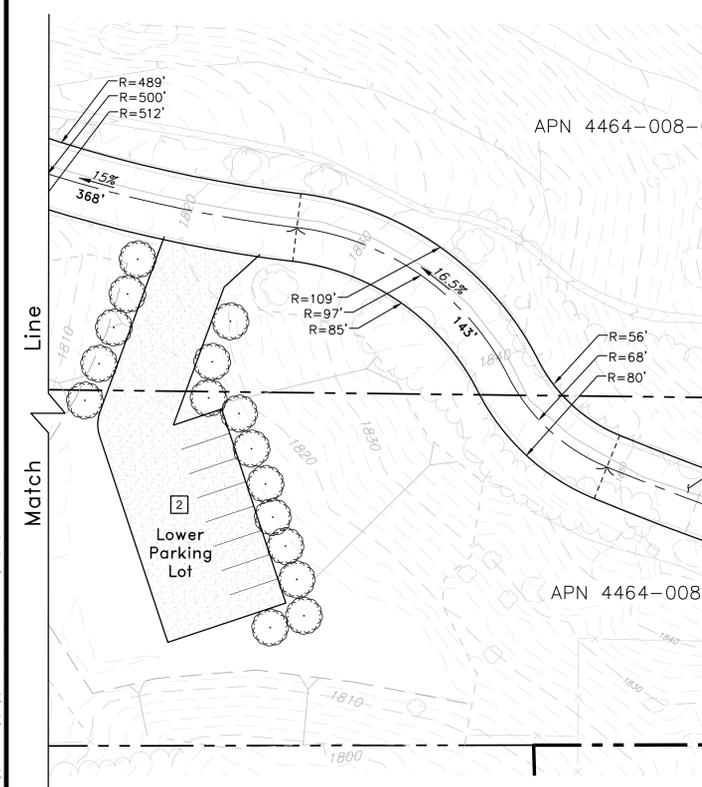
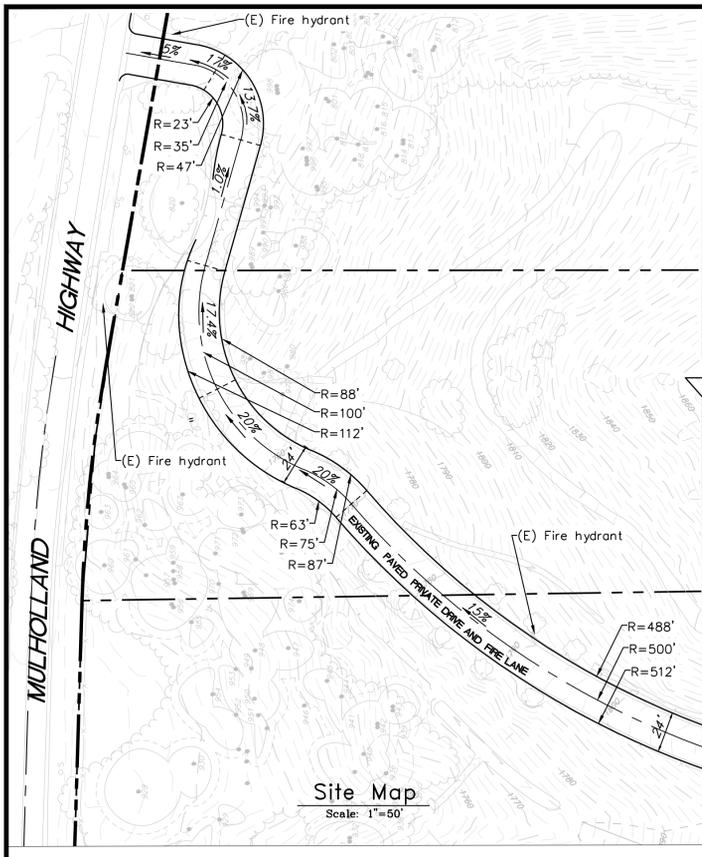
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Conceptual Grading AND
Drainage Plan

ADDRESS:
31424 MULHOLLAND HIGHWAY
MALIBU, CA 90265

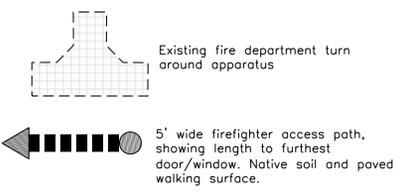
PREPARED FOR:
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MALIBU, CA 90265

PREPARED BY:
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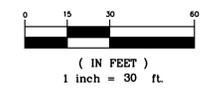


Fire Department Legend:



Notes:

- 1 Proposed restroom and changing room building.
- 2 Proposed parking area on existing graded pad.
- 3 100-Foot fire vehicle back up distance (no turn around required less than 150')



Cielo Farms

BENCHMARK DATA:
 BENCHMARK: DY 9150
 ELEV. = 1716.421
 LACS TAG IN ROCK & CONC HDWL 45FT W &
 33FT N C/L INT MULHOLLAND HWY & KANAN RD
 MALIBU QUAD 1990

TITLE:
FIRE ACCESS PLAN (1)

ADDRESS:
 31424 MULHOLLAND HIGHWAY
 MALIBU, CA 90265

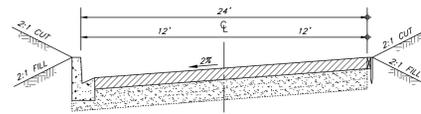
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 MALIBU, CA 90265

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Driveway Data:			
Driveway	Length (ft)	FS. Change (ft)	Slope (%)
24-ft Section	1372.24	187.8	13.6



Ex. 24-Foot Driveway Section
NO SCALE

Cielo Farms

BENCHMARK DATA:

BENCHMARK: DY 9150
ELEV. = 1716.421
LACS TAG IN ROCK & CONC HDWL 45FT W &
33FT N C/L INT MULHOLLAND HWY & KANAN RD
MALIBU QUAD 1990

TITLE:

Profile and Road Sections

ADDRESS:

31424 MULHOLLAND HIGHWAY
MALIBU, CA 90265

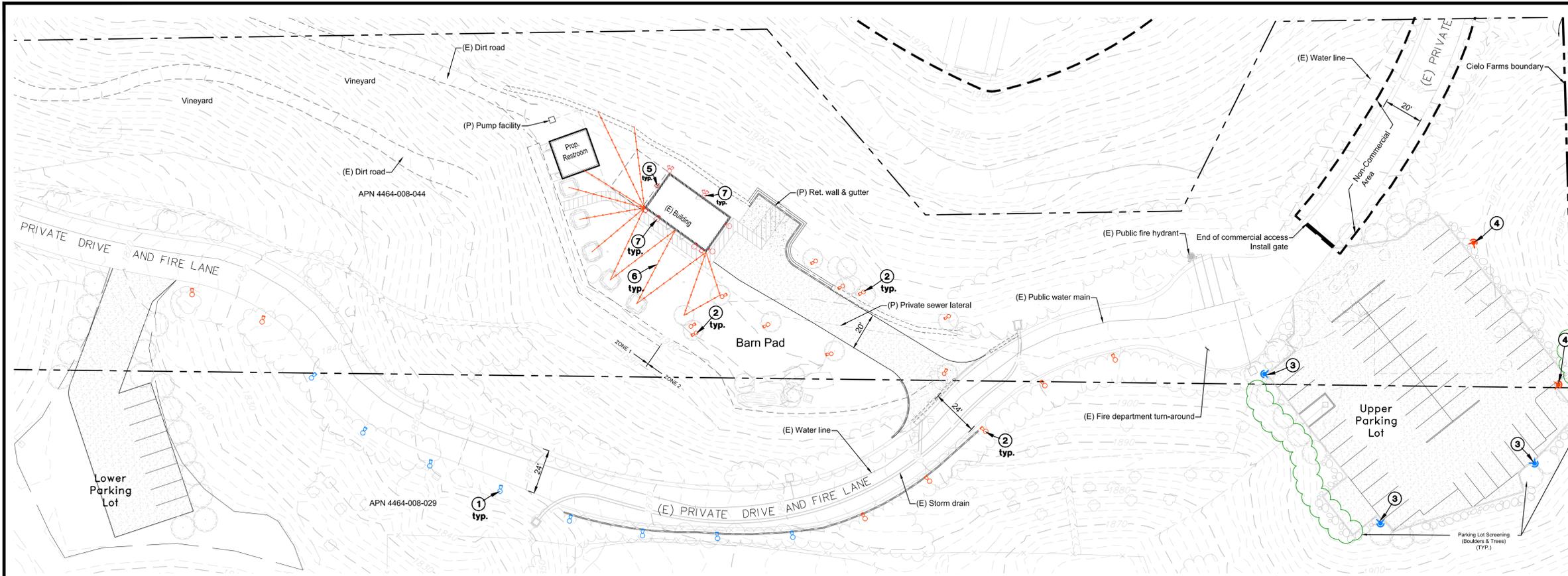
PREPARED FOR:

RICHARD HIRSH
31424 MULHOLLAND HIGHWAY
MALIBU, CA 90265

PREPARED BY:

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- KEY NOTES:**
- ① Proposed tree mounted lights
 - ② Existing tree mounted lights
 - ③ Proposed post mounted light (angled down)
 - ④ Existing post mounted light (angled down)
 - ⑤ Existing in-ground well lights
 - ⑥ Existing suspended string lights
 - ⑦ Existing barn mounted lights

- NOTES:**
1. All outdoor lighting shall comply with LA County Code of Ordinance Sec. 22.44.530. No Drop-down lenses, Mercury Vapor lights, Ultraviolet lights, Search lights, Laser lights, or other outdoor lighting that flashes, blinks, alternates or moves are allowed.
 2. Existing lighting shall be directed downwards and retrofitted with a full shield to promote and maintain dark skies.
 3. No lighting shall be taller than 15 ft.
 4. All outdoor lighting shall be turned off at 10:00pm or 1 hour after the use's operation ends for the day. Fully-shielded motion sensors are used after 10:00pm, and will turn off after 10 minutes after the involved area has been vacated.



(1) & (2) TREE MOUNTED LIGHTS
All new and existing tree mounted lights shall use/be replaced with this type of outdoor light fixture.



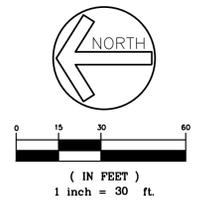
(3) & (4) POST MOUNTED LIGHTS
All new and existing parking lot post mounted lights shall use/be replaced with Gooseneck light fixtures with post.



(5) IN-GROUND WELL LIGHTS
In-ground Well lights are to be replaced with Well lights with eyebrow cover.



(6) STRING LIGHTS
Add light shades to existing suspended string lights.



Cielo Farms

BENCHMARK DATA:
BENCHMARK: DY 9150
ELEV. = 1716.421
LACS TAG IN ROCK & CONC HDWL 45FT W & 33FT N C/L INT MULHOLLAND HWY & KANAN RD
MALIBU QUAD 1990

EXTERIOR LIGHT EXHIBIT

ADDRESS:
31424 MULHOLLAND HIGHWAY
MALIBU, CA 90265

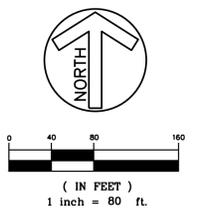
PREPARED FOR:
RICHARD HIRSH
31424 MULHOLLAND HIGHWAY
MALIBU, CA 90265

PREPARED BY:
DIAMOND WEST INCORPORATED
24005 Ventura Boulevard, Suite 100
Calabasas, California 91302
Voice: (818) 444-1800
Facsimile: (818) 223-9215
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LEGEND:

- overland flow
- existing oak tree protection zone canopy
- Not agriculture area (Area = 11.8 ac.)



Cielo Farms

BENCHMARK DATA:
 BENCHMARK: DY 9150
 ELEV. = 1716.421
 LACS TAG IN ROCK & CONC HDWL 45FT W &
 33FT N C/L INT MULHOLLAND HWY & KANAN RD
 MALIBU QUAD 1990

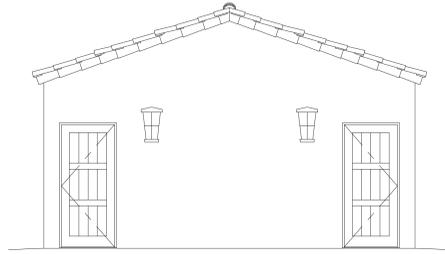
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 MALIBU, CA 90265

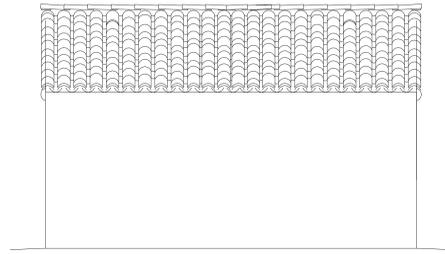
PREPARED FOR:
 RICHARD HIRSH
 31424 MULHOLLAND HIGHWAY
 MALIBU, CA 90265

PREPARED BY:
DIAMOND WEST DW
 INCORPORATED
 24005 Ventura Boulevard, Suite 100
 Calabasas, California 91302
 Voice: (818) 444-1800
 Facsimile: (818) 223-9215
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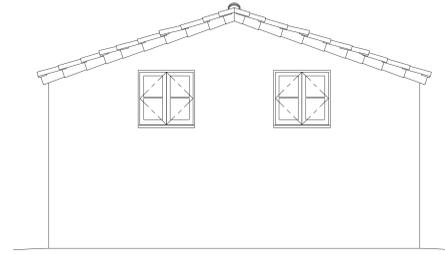
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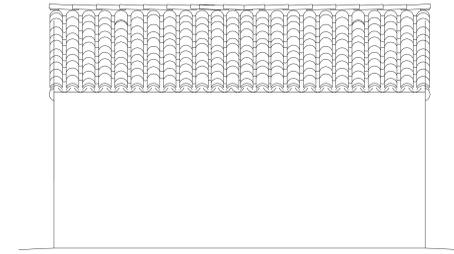
NORTH ELEVATION
SCALE 1/4"=1'-0"



WEST ELEVATION
SCALE 1/4"=1'-0"



SOUTH ELEVATION
SCALE 1/4"=1'-0"



EAST ELEVATION
SCALE 1/4"=1'-0"

NOTES:

BUILDING HEIGHT- 15'
 DOOR SIZE- 3' X 7'
 WINDOW SIZE- 2.5' X 2.5'
 INTERIOR DIMENSION- EA RESTROOM 10' X 20'

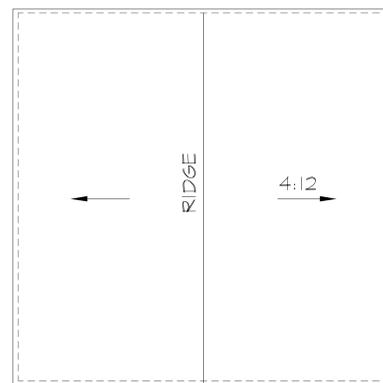
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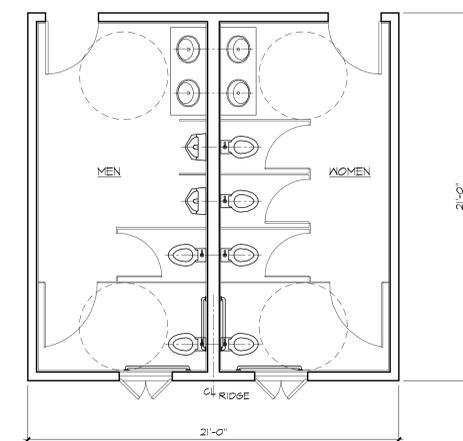
ROOF- 2-PIECE MISSION TILES
 TERRA COTTA COLOR TO MATCH BARN

WALLS- STUCCO PAINTED 'MANOR GREY' NA47
 RALPH LAUREN COLOR AVAILABLE IN
 BEHR PAINTS @ HOME DEPOT

DOORS, WINDOWS- PAINTED 'SHEEN RIVER' NATO
 RALPH LAUREN COLOR AVAILABLE IN
 BEHR PAINTS @ HOME DEPOT



ROOF PLAN
SCALE: 1/4"=1'-0"



REST ROOM PLAN
SCALE: 1/4"=1'-0"



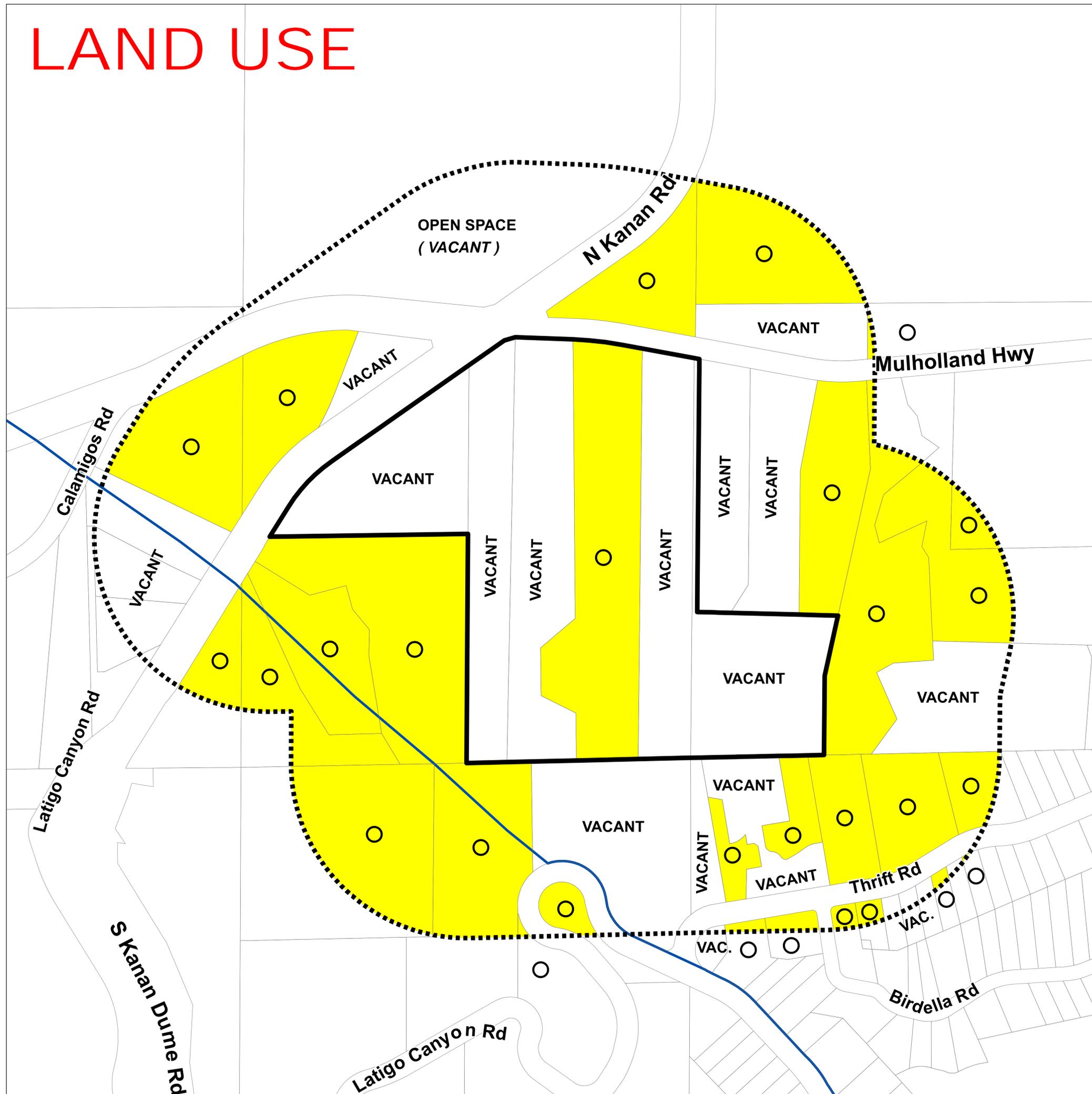
LAND USE

LAND USE 500 FOOT RADIUS MAP

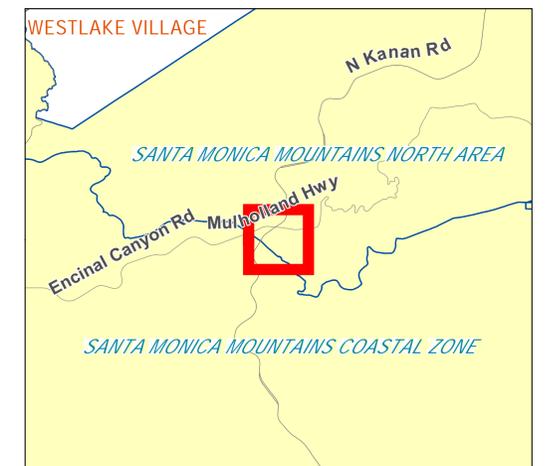
Proj. R2015-03796 (3)
RCUP 201500135
RPPL 2017009910

Legend

- SINGLE-FAMILY RESIDENCE
- SINGLE-FAMILY RESIDENCE
- VACANT



VICINITY MAP



LOS ANGELES COUNTY
Department of Regional Planning
320 W. Temple St.
Los Angeles, CA 90012

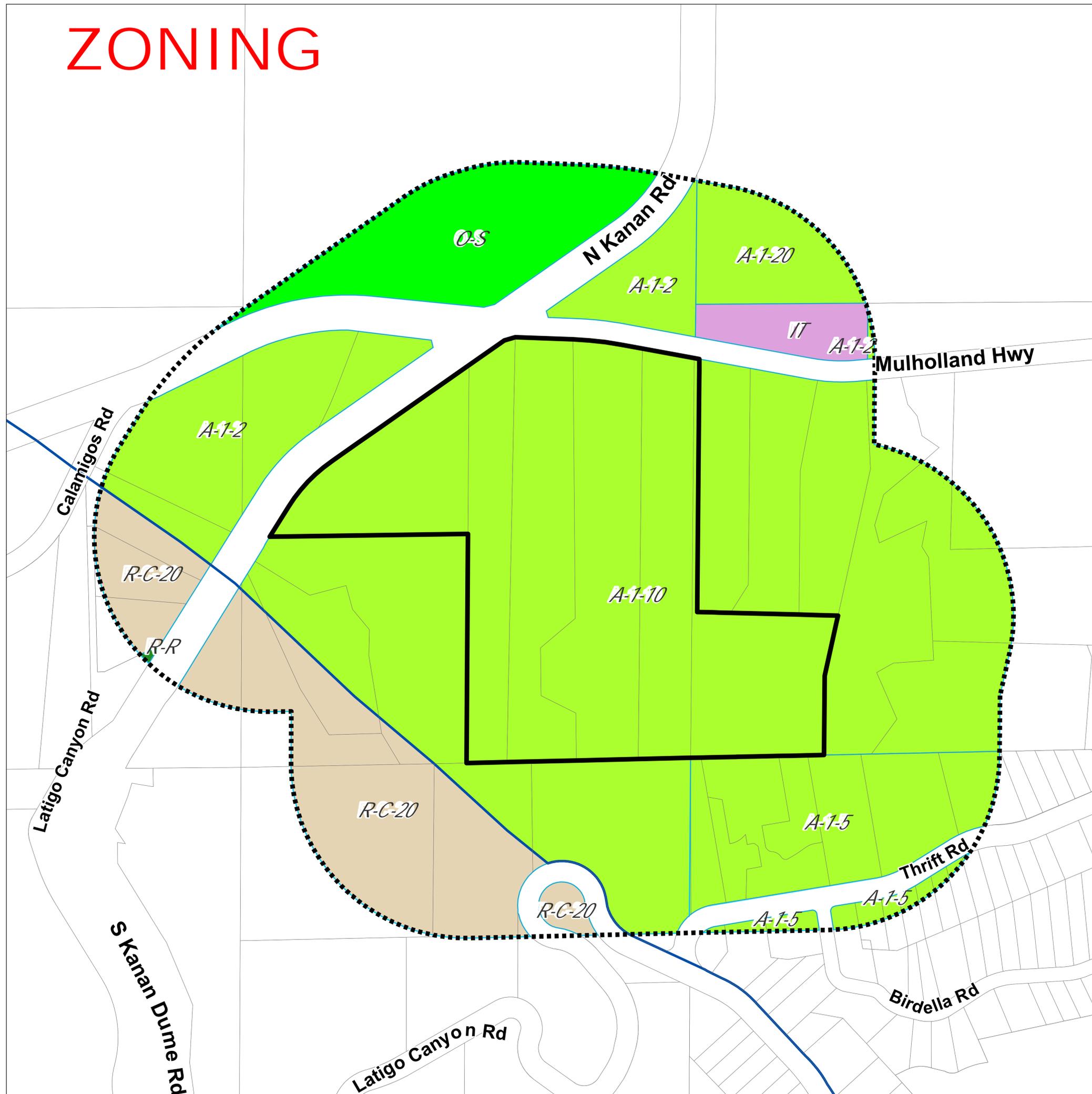
ZONING

ZONING 500 FOOT RADIUS MAP

Proj. R2015-03796 (3)
RCUP 201500135
RPPL 2017009910

Legend

- R-C - Rural Coastal
- A-1 - Light Agricultural
- IT - Institutional
- R-R - Resort And Recreation
- O-S - Open Space



VICINITY MAP



0 60 120 240 360 480 Feet



LOS ANGELES COUNTY
Department of Regional Planning
320 W. Temple St.
Los Angeles, CA 90012

LOS ANGELES COUNTY DEPARTMENT OF REGIONAL PLANNING

NOTICE OF PUBLIC HEARING

The Los Angeles County Hearing Officer will conduct a public hearing to consider the project described below. You will have an opportunity to testify, or you can submit written comments to the planner below or at the public hearing. If the final decision on this proposal is challenged in court, testimony may be limited to issues raised before or at the public hearing.

Hearing Date and Time: Tuesday April 17, 2018 at 9:00 a.m.

Hearing Location: 320 West Temple St., Hall of Records, Rm. 150, Los Angeles, CA 90012

Project & Permit(s): R2015-03796, RCUP-201500135, RPPL2017009910, RENV-201500254

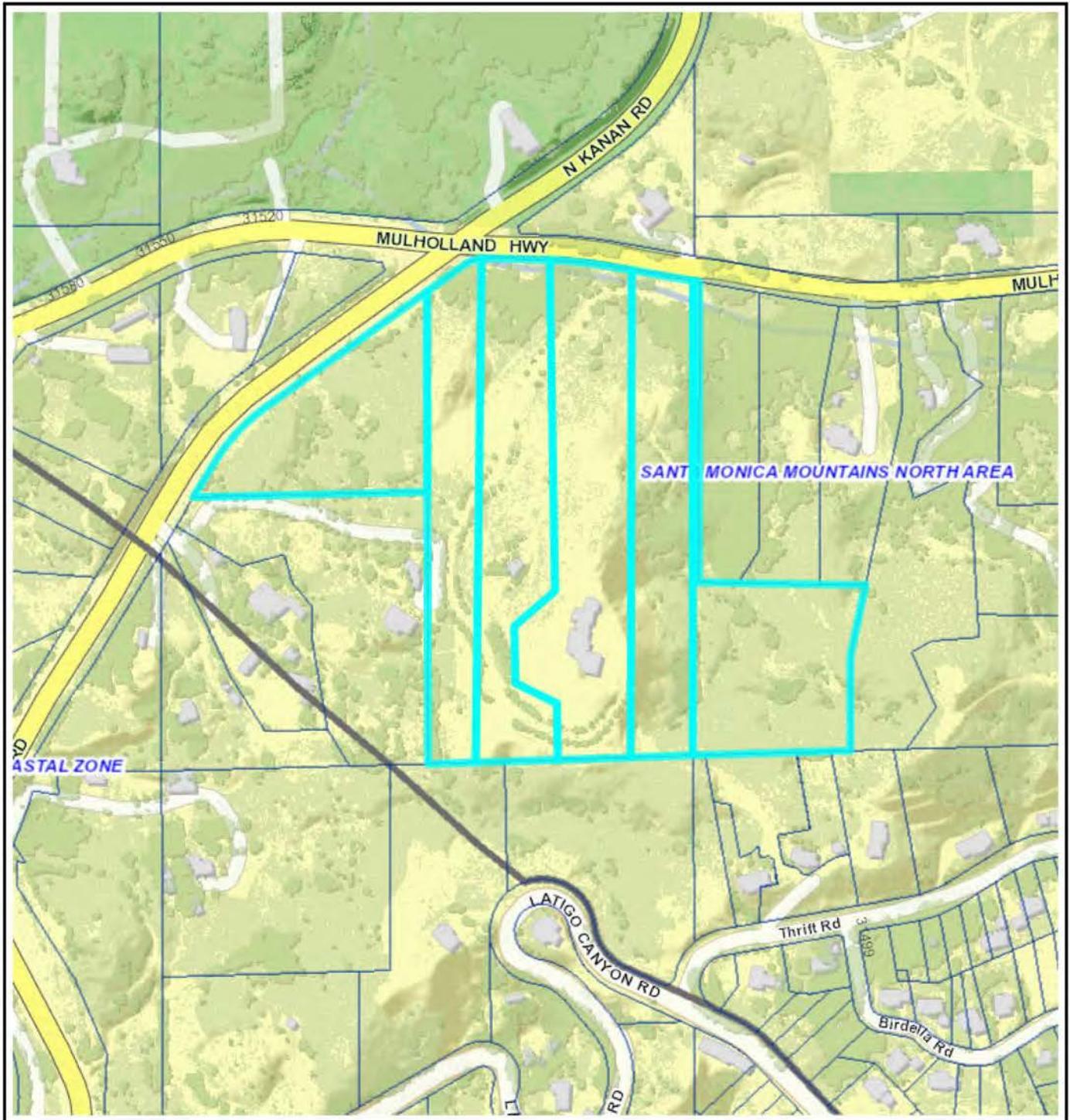
Project Location: 31424 Mulholland Hwy within The Malibu Zoned District

CEQA Categorical Exemption: Class 3 – New Construction or Conversion of Small Structures

Project Description: Conditional Use Permit and Parking Permit for a private wine tasting venue with some special events pursuant to Section(s) 22.24.100, 22.52.2470 and 22.56.990 of the Los Angeles County Code.

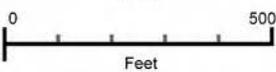
For more information regarding this application, contact **Shanna Farley-Judkins**, Los Angeles County Department of Regional Planning (DRP), 320 W. Temple St., Los Angeles, CA 90012. Telephone: (213) 974-1516, Fax: (213) 626-0434, E-mail: sfarley-judkins@planning.lacounty.gov. Case materials are available online at <http://planning.lacounty.gov/case> or at Agoura Hills Library, 29901 Ladyface Ct., Agoura Hills, CA 91301. All correspondence received by DRP shall be considered a public record.

If you need reasonable accommodations or auxiliary aids, contact the Americans with Disabilities Act (ADA) Coordinator at (213) 974-6488 (Voice) or (213) 617-2292 (TDD) with at least 3 business days' notice. **Si necesita más información por favor llame al (213) 974-6466.**



Project No. R2015-03796 RCUP-201500135
Cielo Winery Remote Tasting Room and Special Events

Printed: Mar 14, 2018



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Department of Regional Planning
320 West Temple Street
Los Angeles, California 90012

PROJECT NUMBER

R2015-03796-(3)

HEARING DATE

April 17, 2018

REQUESTED ENTITLEMENTS

Conditional Use Permit No. RCUP201500135
Environmental Assessment No. RENV201500254
Parking Permit No. RPPL2017009910

PROJECT SUMMARY

OWNER / APPLICANT

Diana and Richard Hirsh

MAP/EXHIBIT DATE

March 8, 2018

PROJECT OVERVIEW

A request for a Conditional Use Permit for a Remote Tasting Room for Cielo Winery. The project site is located on Mulholland Highway, near its intersection with Kanan Road. The project site includes five parcels, totaling 21.32 acres. The project is located in the Santa Monica Mountains North Area, on properties zoned A-1-2 Light Agriculture (one dwelling unit per two acres) and A-1-10 Light Agriculture (one dwelling unit per ten acres). The site is currently developed with a single-family residence, vineyard, an accessory barn and two previously graded vacant pads. The project site is located in the Santa Monica Mountains Significant Ecological Area (SEA). The request includes accessory special events, which may include weddings, fundraisers, receptions, etc. The request includes a Parking Permit, to consider tandem parking.

LOCATION

31424 Mulholland Highway

ACCESS

Mulholland Highway

ASSESSORS PARCEL NUMBER(S)

4464-008-019, -029, -044, -045, -032, and -036

SITE AREA

24.92

GENERAL PLAN / LOCAL PLAN

Santa Monica Mountains North Area

ZONED DISTRICT

The Malibu

LAND USE DESIGNATION

N2 Rural Residential

N10 Rural Residential

ZONE

A-1-2 Light Agriculture

A-1-10 Light Agriculture

PROPOSED UNITS

NA

MAX DENSITY/UNITS

NA

COMMUNITY STANDARDS DISTRICT

Santa Monica Mountains North Area

ENVIRONMENTAL DETERMINATION (CEQA)

Class 1 Categorical Exemption – Existing Facility
Class 3 Categorical Exemption – New Construction or Conversion of Small Structures
Class 4 Categorical Exemption – Minor Alterations to Land

KEY ISSUES

- Consistency with the Santa Monica Mountains North Area Plan
- Satisfaction of the following Section(s) of Title 22 of the Los Angeles County Code:
 - 22.24.100 (A-1 Zone Uses Subject to Permits)
 - 22.44.133 (Santa Monica Mountains North Area CSD Requirements)
 - 22.52.2470 (Remote Tasting Rooms – Development standards)
 - 22.56.040 (Conditional Use Permit - Burden of Proof Requirements)
 - 22.56.1020 (Parking Permit – Burden of Proof Requirements)
- Consistency with the “Subdivision and Zoning Ordinance Interpretation No 2016-01 – Clarification on Special Event Facilities”

CASE PLANNER:

Shanna Farley-Judkins

PHONE NUMBER:

(213) 974 - 1516

E-MAIL ADDRESS:

SFarley-Judkins@planning.lacounty.gov

**PROJECT DESCRIPTION AND RECOMMENDATIONS FORM
COUNTY OF LOS ANGELES
PROJECT NO. R2015-03796
CONDITIONAL USE PERMIT NO. RCUP201500135**

Project Name/Number: Cielo Farms / R2015-03796

Project Address/Location: 31440 Mulholland Highway, Malibu

APN: 4464-008-044

SEA: Santa Monica Mountains

USGS Topographic Quadrangle: Point Dume

Biologist conducting the environmental analysis of the project: Joe Decruyenaere

Project description:

The Conditional Use Permit application is a request to permit a Remote Tasting Room, associated with an onsite vineyard and offsite winery located in Napa, California. The Remote Tasting Room would operate under the wine labels of Malibu Estates Cielo Vineyards and Woodstock Collection, owned and operated by the Hirsh family. Cielo Farms is proposing to provide private wine tasting and educational events and activities and private special events. A Parking Permit will be proposed to accommodate valet and off-site parking considerations for large events.

Facilities proposed include tasting room (Barn), parking, restrooms, seating areas, and grass picnic/activity areas. The Remote Tasting Room and associated facilities combined with the tranquil/scenic and agricultural setting will allow the winery to provide various activities/uses.

Proposed associated activities include picnicking, bird watching, croquet, bocce ball, relaxation/fitness activities such as yoga and meditation; and wine/agriculture uses such as on-site consumption and sales of wine and olive oil and vineyard/olive orchard educational walking tours. Occasional, larger special events may include weddings, receptions, parties, fundraising events, etc.

Planner's proposed recommendations for SEATAC review:

- Limit guest access to developed areas of the site, including existing paths and roads in order to reduce disturbances to natural areas.

Planner's questions or discussion topics for SEATAC review:

- [none]

Biologist's notes from site inspection:

- A modified Biota Report format was requested for this project due to the small scale of proposed operations and improvements, and the limited nature of new impacts. The consultant has called this a Biological Resources Assessment. It addresses all of the major requirements of a Biota Report, including the biological inventory, project description, impacts descriptions, and proposed mitigation measures.

- Staff visited the site on July 27, 2017 to review the site and determine accuracy of the Biological Resources Assessment. The biological resources on site are generally consistent with the descriptions provided in the Biological Assessment. Several of the trees in high-use areas are uplighted, and some overhead irrigation is being provided within oak woodland areas near the entrance to the site from Mulholland Drive. Concrete waste is present on the proposed upper parking lot and has also been dumped over the side into an area of annual grassland.

Biologist's proposed recommendations for SEATAC review:

- The proposed project does not include permitting of the existing vineyard, which has been in operation for over ten years. As part of the presently requested entitlements from the County, the applicant is required to demonstrate compliance of the vineyard with the County's Vineyard Ordinance development standards. If compliance cannot be demonstrated, the vineyard component of on-site operations will also require permitting, and the project will return to SEATAC for further review, including the review of the vineyard area.
- Modify the existing lighting to conform to the County's Rural Lighting District. All lighting should be fully shielded and configured to avoid light trespass onto neighboring properties and into natural areas.
- Modify irrigation systems by replacing overhead sprinklers with drip irrigation. Irrigation should be configured to avoid any wetting of oak trunks and root flares as well as any soil wetting within 15 ft of oak tree trunks.
- Clean up the concrete waste from the upper parking area and adjacent slopes. The slope area should be revegetated with a mix of locally indigenous native herbaceous species.
- If any surfacing is required for the parking areas, it should be permeable to the extent allowable by the Fire Department and Building and Safety. Gravel or honeycomb-type mats are preferred over modular pavers.
- The proposed activities currently being evaluated for permitting by the County are all sited within disturbed portions of the site. With incorporation of the above recommendations, Staff believes the proposed project will not adversely affect sensitive biological resources, and supports a finding by SEATAC that the proposed project is consistent with the SEA Compatibility Criteria.

Biologist's questions or discussion topics for SEATAC review:

Review the project materials and staff recommendations and provide a determination of SEA compatibility.

Exhibit 7

Additional Correspondence

Dated October 30, 2018



Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead



Amy J. Bodek, AICP
Director

October 30, 2018

TO: David W. Louie, Chair
Elvin W. Moon, Vice Chair
Doug Smith, Commissioner
Laura Shell, Commissioner
Pat Modugno, Commissioner

FROM: Shanna Farley-Judkins
Coastal Permit Section

**Project No. R2015-03796-(3) – Conditional Use Permit No. RCUP-201500135,
Parking Permit No. RPPL2017009910
RPC Meeting: October 31, 2018 – Agenda Item: 9**

The Project is a request for a Conditional Use Permit CUP for a remote tasting room for Cielo Winery. The request includes accessory special events, which may include weddings, fundraisers, receptions, etc. The request includes a Parking Permit to allow tandem parking for the accessory special events, a non-residential use. The Project was approved by the Hearing Officer on July 17, 2018. The approval was appealed to the Regional Planning Commission, to be considered on October 31, 2018.

The find the nine enclosed emailed letters regarding the above project, that were received on October 30, 2018 subsequent to the hearing package submittal to the Regional Planning Commission.

If you need further information, please contact Shanna Farley-Judkins at (213) 974-1516 or sfarley-judkins@planning.lacounty.gov. Department office hours are Monday through Thursday from 7:00 a.m. to 6:00 p.m. The Department is closed on Fridays.

RG:SFJ

Enclosure:

Comment Letter from Philip and Leslie Paton dated October 30, 2018
Applicant Response dated October 30 to Letter from Philip and Leslie Paton dated October 30, 2018
Comment Letter from Anthony Jones dated October 10, 2018
Comment Letter from Robert and Michelle Humphreys dated October 9, 2018
Comment Letter from John and Jennifer Gonzalez
Comment Letter from Dr. Edward D. Wagner dated October 15, 2018
Comment Letter from Wedny Bellissimo dated October 10, 2018
Comment Letter from Ruth Gerson dated October 24, 2018
Comment Letter from Joe Bellissimo dated October 11, 2018

Shanna Farley-Judkins

From: Phil Paton <philpaton@mac.com>
Sent: Tuesday, October 30, 2018 2:41 PM
To: Shanna Farley-Judkins
Subject: Re: Cielo permit application violation. (R2015-03796, 31424 Mulholland Highway)

Shanna,

I need to make a correction as I got my date wrong. It WAS Saturday but October 27th not 28th. Please forward to the necessary recipients.

Further, according to Ms. Leslie Gail, it appears that there was another event in the requested permit area on Saturday 27th October so Cielo did hold TWO events at the same time. No part of the application allows for multiple events at the same time.

Please confirm receipt. My apologies for the confusion.

Thanks + regards,

Phil Paton

On Oct 30, 2018, at 10:36 AM, Shanna Farley-Judkins <SFarley-Judkins@planning.lacounty.gov> wrote:

Hi Philip,

I will forward these comments to the Regional Planning Commission, as they will be considering the appeal of the permit at the October 31, 2018 meeting of their commission.

I will also forward to our Hearing Officer and post to the website shortly.

Shanna

Shanna R. Farley-Judkins

Regional Planner
Department of Regional Planning
Coastal Permits Section
County of Los Angeles
(213) 974-1516

From: Phil Paton [<mailto:philpaton@mac.com>]
Sent: Monday, October 29, 2018 2:50 PM

Shanna Farley-Judkins

From: Phil Paton <philpaton@mac.com>
Sent: Monday, October 29, 2018 2:50 PM
To: Shanna Farley-Judkins
Cc: Leslie Paton; John Griffin; Moorea Ludlow
Subject: Cielo permit application violation. (R2015-03796, 31424 Mulholland Highway)
Attachments: main distance.pdf

Dear Hearing Officer Garcia, panel members,

On this Saturday last, October 28th, **in direct contradiction to their sworn testimony before your panel**, Cielo hosted what appeared to be a large wedding, with music, in the courtyard at the house (see images below), something they have not applied a permit for and testified that they would not do. People were seated at tables outside the house and loud noise emanated across to our property. Again, the owners testified that **all** events would be on the opposite side of the house and therefore obscured both visually and aurally from Thrift Road properties. Sound would be projected, therefore, down into the valley towards Kanan Road and was an integral part of their testimony in satisfying noise issues.

This is clearly not the case.

In the past Cielo owners have advised of family events (two earlier this year) at the house. No such advice was forthcoming for this event. Any claim that this was a family event must be thoroughly investigated to confirm that this was not, indeed, a paid event. Regardless, why was this party held at the house and not at the requested permitted area - an event space specifically designed for this type of event? Was the requested permitted space was already booked with another event? If so, why would they schedule two events for the same day?

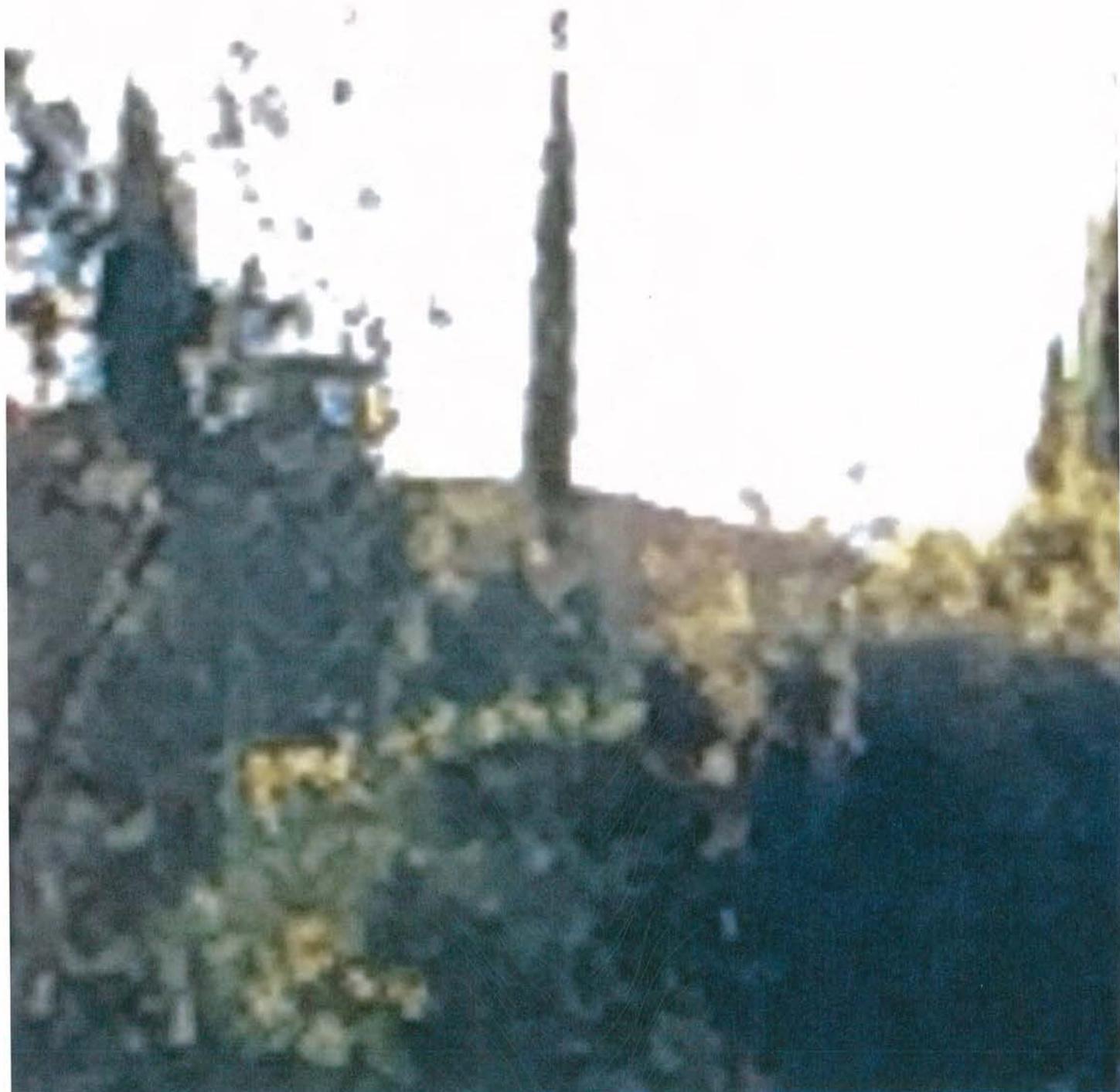
We understand that there are “grey” areas in the permit application process but blatant disregard for the truth undermines the integrity of the panel and must not be tolerated. As a result, we ask that their permit be resolutely and permanently denied and recommend that you investigate the matter further for possible violation of Penal Code 118 PC.

With so many pending permits for outdoor/recreational events in this immediate region it is important to convey the message that all involved, on both sides, are fair and honest and that there are swift and severe consequences for misleading the panel.

We expect a response detailing your findings of this serious violation.

Sincerely,

PHILIP AND LESLIE PATON
615 Thrift Road
Malibu CA 90265
818-852-7148





**OCT 28 EVENT
LOCATION**

**THRIFT ROAD
PROPERTIES**

**REQUESTED
PERMIT EVENT
SPACE**

Shanna Farley-Judkins

From: beth@malibuvalley.com
Sent: Tuesday, October 30, 2018 2:59 PM
To: Shanna Farley-Judkins
Cc: Dustin Woomer
Subject: RE: Cielo permit application violation. (R2015-03796, 31424 Mulholland Highway)
Attachments: 20181030124123630.pdf

Hi Shanna,

Thank you for the email. I checked with Richard Hirsh, who informed me that he told the President of the HOA ahead of time that he was hosting a wedding ceremony for a family friend at his house. I asked for details and was told everyone parked in the Cielo lot, the ceremony was at Richard's house at 4pm for 20 minutes and there was a microphone for the ceremony. From 4:30 to 5:30 cocktails were served with a violin playing that had no amplification. There was no microphone for cocktails. Everyone headed down to the barn pad at 5:30 for dinner. Again, I am being told that this was a private event for a family friend. Additionally, Richard did give the HOA a heads up and went out of his way to ensure there was no noise or disturbance to any neighbors even though it was a private party at a private house.

Also, I have included support letters for the Regional Planning Commission as well, several of which are from immediate neighbors.

Thank you and please do not hesitate to contact me with any questions.
Beth

From: Shanna Farley-Judkins <SFarley-Judkins@planning.lacounty.gov>
Sent: Tuesday, October 30, 2018 11:35 AM
To: beth@malibuvalley.com; Dustin Woomer <dustin@diamondwest.net>
Subject: FW: Cielo permit application violation. (R2015-03796, 31424 Mulholland Highway)

Hi Beth and Dustin,

We received one comment regarding the Cielo project. Please see the email below which will be transmitted to the Regional Planning Commission.

Thank you,

Shanna

Shanna R. Farley-Judkins

Regional Planner
Department of Regional Planning
Coastal Permits Section
County of Los Angeles
(213) 974-1516

Anthony Jones
31372 Mulholland Hwy
Malibu, CA 90265

October 10th 2018

To whom it may concern
Richard Hirsch is my next door neighbor,
I enjoy Richard & his family as my
neighbors, they are very nice people we
get along very well, his property and
mine border each other, I have never
had any problems with noise or traffic
of any kind. Please feel free to call me
at anytime my Cell is 714 609-1354

Thank you
Anthony Jones

Robert + Michelle Humphreys
31431 Mulholland Highway
Malibu, CA 90265
mrsbobh@hotmail.com
bobhumphreys@msn.com

October 9, 2018

To Whom It May Concern,

Richard Hirsh/Cielo Farms is our neighbor, directly across Mulholland Hwy, in Malibu. We have enjoyed the Hirsh Family as our neighbors for many years. We have not had any issues with noise or traffic from them, and they have always been respectful neighbors.

If you need any further information from us, please feel free to contact us.

Regards,

Michelle Humphreys
Robert Humphreys

John and Jennifer Gonzalez
645 Latigo Canyon Road
PO Box 6396
Malibu, CA 90265
310-924-4754

Re: Project/Permit: R2015-03796, RCUP - 201500135, RPPL2017009910, RENV-201500254
Project Location: 31424 Mulholland Hwy

To Persons Concerned:

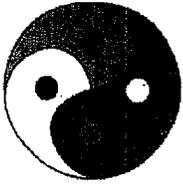
We are writing this letter to express our support for the CUP at the above referenced address. We share property lines just west of the property in question and live within shouting distance of the property. During the past 5 years we have had many interactions with Richard Hirsh with regards to the events on his property. We have found him to be honest, accommodating and respectful of our wishes. As neighbors, we support the permit as long as our quality of life is not compromised by the activities that take place on the neighboring property.

In our experiences, we have not had to sacrifice that quality of life because Richard Hirsh has taken efforts to ensure the mitigation of sound and other impacts on our property. For example, Richard moved the location of the speakers to direct the sound away from neighbors; this made a huge difference in the amount of noise we hear. He also removed light poles that cast very bright light onto our home at our request. He has given us his direct number so that in case of any issues that arise during any of the events on the property we can call him to immediately address the concern. Other property owners are not nearly as responsive or attentive to our concerns. There are several homes in our direct vicinity that do not operate with the same sense of personal responsibility; those properties operate without permits and without much consideration to our quality of life. Richard does and for that reason we support his efforts.

In short, he has been very responsible and attentive to any impacts we may feel as a result of activities on his property. Because of his attitude and genuine concern to work with us as neighbors, we feel confident that if granted the CUP he will continue to develop his property while being cognizant and respectful of our concerns and desires.

Sincerely,

John and Jennifer Gonzalez



WAGNER CHIROPRACTIC OFFICE
A PROFESSIONAL CORPORATION

Monday, October 15, 2018

Re: Richard Hirsh

To Whom It May Concern,

I purchased the property located at 182 S. Kanan Dume Rd., Malibu in 1989. This property is located next to the property which Mr. Hirsh purchased in 1988. I was neighbors with him until I moved away, approximately December 2010 and closed escrow on December 2012.

Mr. Hirsh was always the best neighbor one could have. Whenever we had an issue involving grading or construction noise, he would be available for meeting with me to work it out. For years he allowed me to cross his property with my horses until his development made it impossible. We had a serious property line issue which neither of us was aware of until permits for building were pulled. We worked out a compromised new adjoining property line with no conflict at all.

As his neighbor, I went through the development of his vineyard, the roads on his property, the large project of laying water lines and finally the building of his home, which he finished in 2009. He was always considerate and amicable concerning the hours of building and any disturbance that it may have been causing.

During the period of time that I was his neighbor, I can honestly say that he demonstrated to be "the perfect neighbor".

If you have any questions regarding Mr. Hirsh, please feel free to call me.
310-435-2223 cell

Sincerely,

Dr. Edward D. Wagner
Wagner Holistic Center
17383 W. Sunset Blvd, A-230
Pacific Palisades, Calif. 90272
310-230-2145

wendy *bellissimo*[™]

October 10th, 2018

LA County Planning Commission,

I have known Richard and Diana Hirsh for over 20 years. They have always proven to be the most kind, honest and supportive friends without fail for over two decades. We have four daughters and all of them look to Diana and Richard as an inspiring couple, amazing parents and true, forever friends. My husband and I have so much love and respect for Richard and Diana that we made them the Godparents to our daughter Cecilia. We all have a deep admiration for them as some of the best people who have touched our family's lives. My mother also has a deep love and respect for the Hirsh's as they have always proven to be a family with the utmost integrity.

Our whole family has great respect for the area that Cielo Farms is in and we feel that Richard and Diana have created such a special place that enhances the beauty of the region to be enjoyed by people who love nature. We support wine tasting and events in the beautiful Santa Monica mountains and we are grateful to have a place as special as Cielo Farms to do so with the kindest people running it. It is always the most loving vibe to be in the presence of Richard and Diana Hirsh!

Sincerely,



Wendy Bellissimo

CEO & Creative Director
Wendy Bellissimo Media, Inc.

Ruth Gerson

3450 Cornell Rd.

Agoura, CA 91301

818-991-1236

October 24, 2018

TO WHOM IT MAY CONCERN:

I am sending you this letter of reference for Richard and Diana Hirsh. I have personally known them for about 25 years. In all those years, they have always been trustworthy and honest people. When they started their wine business, it was with the desire to provide something for the general public, wine tasting. That has been a success as so many people enjoy the wine tasting experience.

The Santa Monica Mountains needs more recreation-oriented businesses where people can dine and enjoy wine tasting. They would also benefit by being able to actively hike, bike, and ride horseback on over 400 miles of trails. This a place where people can thoroughly savor all the recreation and variety that the Santa Monica Mountains offers.

Sincerely,

Ruth Gerson



To the Los Angeles County Planning Commission:

October 11th, 2018

To Whom It May Concern:

My name is Joe Bellissimo. I was born, raised and have spent my entire life in this area and, along with my wife, Wendy, have raised four daughters here as well. I am the publisher of two local magazines, *Hidden Hills* and *The Palisades*, and I spend a good amount of time in the Santa Monica Mountains for a variety of reasons. I write this letter in the hopes of lending my voice to support two of the best people I know. Richard and Diana Hirsh, who I have known for more than 20 years, are the kind of friends you feel blessed to be able to have in your life. They are dependable, honest and caring souls whose generosity and compassion for others is beyond compare. This is why they were the first choice to be godparents to one of our four daughters.

I also have a tremendous amount of respect for the life they have built for themselves and their family. Both started from next-to-nothing and through hard work, passion and dedication have built several businesses that have enriched the lives of so many, all the while raising their children into adults who are equally as loved and respected among their peers. As they continue to evolve their presence in the heart of the Santa Monica Mountains, I believe that every step of the way and every decision Richard and Diana have made has been balanced with a love and reverence for that region. They, along with some of their neighbors, have enhanced that area with special qualities that have caused so many others to discover and become enamored with those mountains as well.

I respectfully submit to the Commission that, while I certainly agree everyone affected by their proposed Conditional Use Permit should have a voice and the right to oppose, it would be prudent to consider that the most vocal dissenting voice in this conversation seems to have ulterior motivations or is not thinking clearly. I truly believe anyone who would question the character of Richard or Diana Hirsh either does not know them at all or is acting from a knowingly disingenuous position.

If you have any questions or if there is anything further I can do to lend my support to their efforts please do not hesitate to contact me.

Sincerely,

Joe Bellissimo
Co-Owner/Publisher
Long Valley Media
818.324.7105