



**ALAMEDA COUNTY COMMUNITY DEVELOPMENT AGENCY
PLANNING DEPARTMENT**

STAFF REPORT

**TO: SUNOL CITIZENS' ADVISORY COUNCIL
HEARING DATE: JANUARY 15, 2020**

GENERAL INFORMATION

APPLICATION TYPE

AND NUMBER: CONDITIONAL USE PERMIT, PLN 2018-00015

OWNER/

APPLICANT: ZHAO/ ELLISTON INC/ FLAVETTA

PROPOSAL: Application to allow continued operation of winery-related uses (event center) with expansion of hours to 11pm, renovation of the existing parking area, addition of two new parking areas to the south and east of the main residence, and the use of outdoor amplification.

**ADDRESS AND
SIZE OF PARCEL:** 463 Killkare Road, Sunol, CA, APN: 096 -0210-007-01; 8.54 acres.

ZONING: P-D (Planned Development, 1880th Zoning Unit) District, allowing uses consistent with the R1-L-BE (Single Family Residential, Limited Agricultural, 5-acre MBSA) District, a winery with tastings by appointment, and winery-related uses (event center) for a maximum 200 guests per day.

**GENERAL PLAN
DESIGNATION:** Rural Density Residential (East County Area Plan, adopted by the Board of Supervisors May 2002)

**ENVIRONMENTAL
REVIEW:** This project is categorically exempt under CEQA pursuant to section 15301 (Existing Facilities)

RECOMMENDATION

Staff recommends that the Council take testimony and recommend approval for the continued operation of winery-related uses. After consideration of General Plan consistency and compliance with conditions of approval in effect, staff recommends allowing the continued operation of winery-related uses as modified by conditional use permits C-6945 and C-7410, and denial of the request to expand the existing parking area at the northwest corner of the property, the construction of the proposed additional parking areas, the expansion of the hours of operation, and the outdoor use of amplification.

PARCEL ZONING HISTORY

February 18, 1956, the 96th Zoning Unit initially classified the property R-1-B-10 (Single Family Residence, 10,000 sq. ft. MBSA).

January 4, 1975, the 1174th Zoning Unit rezoned the subject property and surrounding area from R-1-B10 to R-1-L-BE, (Single Family Residence, Limited Agricultural uses, 5-acre MBSA).

October 3, 1981, the 1481st Zoning Unit, rezoned the property from R-1-L-BE, 5-acre MBSA to P-D (Planned Development) District allowing R-1-L-BE, 5 acre MBSA uses subject to the regulations of that District and a winery with a capacity not to exceed 5,000 gallons; with no public tours or tasting to be allowed except on an individual basis by appointment only.

June 14, 1989, Conditional Use Permit, C-5639, approved modification of the Planned Development District (1481st Zoning Unit) allowing conversion of an existing tasting room to an office and storage room in conjunction with construction of a new, two-story addition subject to two conditions.

February 3, 1990, the 1880th Zoning Unit reclassified the subject property from P-D (Planned Development, 1481st Zoning Unit) District to the current Planned Development District allowing uses consistent with the R-1-L-BE District and winery-related uses.

January 29, 1997, Conditional Use Permit, C-6945 approved modifications to the 1880th Zoning Unit, subject to 14 conditions, with expiration in ten years. The single event per day for 200 guests cap was changed to a maximum 200 guest per day only. Hours of operation were expanded to 8am–10pm Monday through Saturday, 11am–6pm Sunday.

March 31, 1999, Conditional Use Permit, C-7410 modified C-6945 to include a single seating for dinners by appointment only. Approval of this permit is subject to 4 conditions in addition to the conditions for C-6945. The expiration of this permit would coincide with C-6945.

SITE AND CONTEXT DESCRIPTION

The irregularly shaped parcel has an approximate 700-foot frontage on Kilcare Road, with an upward slope from the public right of way. Improvements include the 3-story main house, office, 2 caretaker units (the rearward caretaker building a 2-story structure), a garage, the winery building, and the event center. The main house, which is on the National Historic Registry, serves as the location for the dinners by appointment. To the rear of the winery building, the terrain slopes up steeply towards Pleasanton Ridge. Sinbad Creek is located opposite Kilcare Road from the subject property. Kilcare Road extends about four miles north from Sunol along Sinbad Creek. Parcel sizes in this rural residential community range from 5,000 square feet to 10 acres.

PROJECT DESCRIPTION

The applicant proposes to continue winery-related uses, (consisting of an event center and dinners by appointment), subject to the terms and conditions of the 1880th Zoning Unit, as modified by Conditional Use Permits C-6945 and C-7410. The applicant also proposes expansion of the hours of operation to 11pm, the renovation of the northwest parking lot, addition of parking areas to the south and east of the main residence, and the use of outdoor amplification. The proposal does not seek to add new or to expand existing structures.

PROJECT REFERRAL RESPONSES

Building Inspection Division, Public Works Agency: Responded to the referral request without objection to the project.

Code Enforcement Division, Community Development Agency: Responded that the subject application was submitted after contact from the Code Enforcement Division.

Fire Prevention Bureau, Alameda County Fire Department: Responded to the referral request without objection to the proposal, with two conditions of approval.

Land Development, Public Works Agency: Responded to the project referral request without comment.

California Highway Patrol: Responded to the referral request without comment

STAFF ANALYSIS

A winery with winery-related uses has operated on the subject property for about 40 years. The Alameda County Zoning Ordinance defines winery uses as those core functions necessary for wine production, as well as tasting facilities, retail accessory to the wine tasting and visitor experience, and wine promotion events. As further defined by Section 17.04.010, winery-related uses are those functions not directly-related to the production and marketing of wine, consisting of uses that might otherwise be disallowed under the definition of a winery. On the subject property, winery-related uses include an event center and a single-seating Dinner by appointment. The event center accommodates weddings and other large celebrations, as well as small gatherings such as baby showers. Conditional Use Permit C-7410 modified the P-D District standards to allow for a single seating of Dinners by appointment, Fridays, Saturdays, and holidays.

Background: The Elliston commercial winery has been in operation on the subject property for about 40 years, allowed by the 1981 reclassification of the property to a P-D (Planned Development, 1481st Zoning Unit) District. A rezoning in 1990 to the current P-D (1880th Zoning Unit) District permits an event center as a winery-related use. Conditional Use Permits C-6945 and C-7410 modified the District standards to allow multiple events per day with a daily cap of 200 guests, expanded hours of operation, and single-seating dinners on an appointment basis.

Currently, allowed uses on the property include the following:

1. Winery of less than 5,000 bottles (permitted by Zoning District standards)
2. Public tasting hours (modified by C-6945, previously by appointment only)
3. Winery-related uses (permitted by Zoning District standards)
4. Hours of operation 8am–10pm Mon - Sat, 11am–6pm Sun (modified by C-6945)
5. Total guests per day not to exceed 200.
6. Can be more than one event per day (modified by C-6945)
7. Indoor, single seating Dinners by appointment only (permitted under C-7410)

Both Conditional Use Permits expired in January of 2007. The current application for the continued operation of winery-related uses based on modifications from both conditional use permits was submitted in 2018. In addition to the continued operation, the applicant requests permission to expand event center hours until 11pm, to use outdoor amplification during wedding ceremonies, to

expand the existing northwest parking area, and add parking areas to the south and east of the main residence.

Conformance with Prior Conditions of Approval:

Approvals for conditional use permits C-6945 and C-7410 were each based on two sets of conditions (attached with this report). Table 1 below outlines the status of conditions set forth by these previous discretionary permits.

Table 1 – Status of Elliston Winery Approval Conditions

Permit	Condition	Status
C-6945		
1 a	Group events not to exceed 200 persons per day	Met
b	Hours 8 - 10 pm Mon – Sat, 11 - 6 pm Sunday	Not met
c	Only unamplified string music allowed outdoors	Met
d	ID sign at driveway entrance, “No Horn Blowing...” exit sign	Not met
e	All cars parked on property. 100 parking spaces provided.	Not met
f	All other uses shall be subject to provisions of the R-1-L-B-E	Met
2	Detailed Plan and procedures within 60 days	Not met
3	Meet requirements of other County Agencies	Met
4	No deli service; standards for food prep and consumption, retail	Met
5	Winery ID sign denotes winery as principal use	Met
6	Develop on-site parking with 150 parking stalls	Not met
7	On-site lighting directed away from neighboring residences	Met
8	Roadside “No Parking Zone” Signs	Not met
9	Maintain screening vegetation at front of property	Met
10	Keep area within ½ mile cleaned winery-related event litter	Not met
11	Standards for amplified music for Harvest Wine Celebration	Not met
12	Paving of front driveway	Met
13	Height limitation on driveway landscaping	Met
14	Review; Expiration of permit January 27, 2007	Met
C-7410		
1	Repair Fencing	Met
2	Meet requirements of member agencies	Met
3	Authorization for winery-related events to include dinners	Met
4	Review at County discretion	Met

Although a few instances were not officially substantiated by Planning or Code Enforcement staff, review of use permit conditions reveals issues with compliance. This review included discussions with the applicant and with neighbors, and inspections of the file as well as the site.

The detailed operations plan was not received by the Planning Department and its submission for Planning Director approval would be required. The plan would include procedures for compliance with other approval conditions, such as noise, hours of operation, maintenance of litter free premises and vicinity, and parking (see discussion next paragraph). Plan submittal would be required within 30 days of approval (Condition # 3).

Two of the unmet conditions, specifically those requiring the installation of “No Parking” signs along the roadway, and the provision of 150 vehicle parking spaces on the property, are no longer supported by staff. Rather, staff proposes the requirement of a detailed operation plan that would include the active involvement of Elliston staff, with mandatory valet parking for events with more than 150 guests, implementing stacked parking, if necessary, to ensure the location of all parked vehicles on the property. This operation plan would also require the written and verbal communication of these requirements to event clients, as well as the suggestion that guests carpool when possible (Conditions of approval #3 and #9). Staff also proposes revision to the condition regarding the placement of the sign requesting “No Horn Blowing, Residential Area.” The proposed condition would require placement of an exit sign with the language “Please Be Quiet // Residential Area” (Condition of approval #8).

Conformance with General Plan:

The parcel lies within the boundary of the East County Area Plan (ECAP), originally adopted by the Alameda County Board of Supervisors in 1994, and later amended with modifications reflecting provisions of Alameda County Voter Initiative Measure D. The property is designated as Rural Density Residential (RDR) under the ECAP. Uses consistent with this designation include single-family detached homes, secondary residential units, limited agricultural uses, public and quasi-public uses, and similar and compatible uses, with a minimum parcel size of 5 acres. All residential and residential accessory buildings are restricted to a 12,000 square foot 0.1 FAR (Floor Area Ratio), within a 2-acre building envelope. Property improvements are located within a contiguous 2-acre envelope, however the FAR of the combined structures exceeds the 12,000 square foot limit. While the existing structures can remain, additional structures or square footage cannot be permitted. The RDR designation does not permit visitor serving commercial uses, therefore the winery-related uses approved previously would be considered nonconforming under the ECAP. While the existing permitted facilities could be maintained, additions enabling expansion of the winery-related uses would be contrary to ECAP policies.

Zoning Ordinance:

The subject property is classified into the P-D (Planned Development, 1880th Zoning Unit) District, allowing for R1-L-BE Uses with a 5-acre minimum parcels size, and a winery with winery-related uses (event center) permitted as a conditional use. The subject property is about 8.75 acres in area and therefore compliant with District standards for parcel size. The East County Board of Zoning Adjustments (EBZA) is the decision-making body for this Conditional Use Permit application. Since the adoption of the current classification, approval of two conditional use permits have expanded hours of operation, and permitted more than one event daily, and dinners on an appointment basis. For the winery-related uses, a maximum of 200 guests are allowed on a daily basis. This cap does not apply to winery uses, which would include wine tasting without attendance at a dinner or event.

Alameda County Zoning Ordinance Section 17.52.920 provides the standards for the parking required for the event center and restaurant that make up the winery-related uses on the subject property. The parking required under the Zoning Ordinance is one vehicle space for each four guests, which for 200 guests (the approved maximum number) would require 50 parking places. The site currently accommodates the 50 parking places, with an overflow parking area located to the west (in front of) the main residence, a smaller paved parking area to the south of the residence, and a larger parking area to the northwest. In order to maximize the efficient use of the available parking and, staff recommends conditions requiring the presence of Elliston staff, with mandatory valet parking and the use of stacked parking where necessary (Condition of approval #9).

The applicant is requesting permission to develop additional parking that would result in more than 150 parking places on the subject property. A condition of C-7410 required the provision of 150 parking spaces, however this would exceed the amount of parking required under the Zoning Ordinance for places of assembly with a maximum of 200 guests. Additionally, development of the parking areas would require the removal of vineyards, increase noise and dust, and impact water quality and the volume of stormwater runoff. Staff recommends the denial of the request to develop additional parking in favor of additional conditions for the applicant to manage the number of guests, the traffic flow, and the use of the available parking.

As part of the request for outdoor amplification, the applicant commissioned a noise study (attached with this report), which found that its use would not comply with the Alameda County Noise Ordinance. The study also provides recommendations for baffling to prevent noise encroachment at the property line, which may happen currently for some events. To reduce the incidence of noise from celebrations on neighboring properties, staff proposes amendments to condition #4 to require that except for ingress and egress, the doors to the reception center remain closed during events.

Current hours for the facility last until 10pm, and the applicant is requesting expansion of the hours to 11pm. The Noise Ordinance does not allow for noise disturbances in residential areas after 10pm. Regular operation of the facility after 10pm would be in violation of this ordinance, and additional noise and extended use within a residential area such as the vicinity of the subject property would be out of character with the District and surroundings. Due to these conflicts staff recommends denial of the request for an extension of hours.

To safeguard against occasions where the on-site parking may be inadequate, staff recommends the following requirements:

1. With the exception of visitors to winery only, maximum 200 guests per day (condition #2).
2. Elliston winery parking attendants required for all events of more than 50 guests, or otherwise needed to prevent visitor parking from occurring off site (condition #9).
3. Mandatory valet and stacked parking, if necessary, required for 150 or more guests (condition #9).

Public Comment:

For the subject application, correspondence from 5 neighbors expressing concern regarding impacts to the neighboring residential area has been received by staff. Impacts include noise, parking, guest departures after hours, and litter. An August 2018 response from Elliston Winery refers to updated policies prohibiting the use of microphones, “grand exits” involving elevated noise levels in the parking area and throughout the grounds, and the collection of a security deposit to ensure client adherence to these policies. Staff also received an additional message from the project proponent requesting approval for extended hours and outdoor amplification of vows. Staff has incorporated some of the received suggestions into proposed conditions of approval. The correspondence is attached with this report.

Summary:

The winery-related uses approved prior to the current General Plan are no longer consistent with plan policies. In light of the consideration of Plan language and review of compliance with conditions of approval currently in effect, staff would recommend approval for the continued winery-related events as modified by Conditional Use Permits C-6954 and C-7410, with no expansion of the uses, such as a lengthening of hours of operation, the use of outdoor amplification, and the expansion of the parking

facilities. Staff recommends mandatory reviews 1 and 3 years after approval. Thereafter, five-year review periods may be appropriate.

TENTATIVE FINDINGS BASED ON INFORMATION AVAILABLE PRIOR TO THE PUBLIC HEARING:

1. Is the use required by the public need?

Yes. This use is required by the public need as evidenced by the continued popularity of winery-related uses such as the subject facility.

2. Will the use be properly related to other land uses and transportation and service facilities in the vicinity?

Yes. Conditioned as proposed, the current facility would be compatible with uses on neighboring properties and with the community at large.

3. Will the use, if permitted, under all circumstances and conditions of this particular case, materially affect adversely the health or safety of persons residing or working in the vicinity, or be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood?

No. As recommended by staff, approval of the current operation of winery-related uses on the property would not be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood.

4. Will the use be contrary to the specific intent clauses or performance standards established for the District in which it is to be considered?

No. The standards of the P-D District into which the property is classified allow winery-related uses, and the continued operation would meet Zoning District standards. The proposed expansion, however, would be contrary to ECAP policies for RDR designated land.

PRE-HEARING RECOMMENDATION

Staff recommends approval for continued operation of winery-related uses (event center, dinners by appointment only) in conjunction with the on-site winery, with the current approved hours (until 10pm only) and no outdoor amplification. Staff does not recommend approval of the expansion of the existing parking lot, nor the additional parking areas proposed.

DRAFT CONDITIONS OF APPROVAL

Approval for ongoing modifications to the 1880th Zoning Unit, allowing winery-related uses with 8am – 10pm Monday through Saturday, 11am – 6pm Sunday including dinners by appointment and an event center, subject to plans marked Exhibit ‘A’ on file with the Planning Department dated November 1, 2019 (referencing page AS.1 only) and the following conditions:

1. This permit authorizes continued operation of winery-related uses allowed by previous modifications to the provisions of the 1880th Zoning Unit, including an event center (hours 8am – 10pm Monday through Saturday, 11am – 6pm Sunday) and single-seating Dinners by appointment only (Fridays, Saturdays, and holidays only) in the P-D (Planned Development, 1880th Zoning Unit) District, located at 463 Kilkare Road, east side, ½ mile north of Foothill Road, Sunol, Assessor’s Number: 096 -0210-007-01. Approval is subject to plans marked Exhibit ‘A’ dated November 1, 2019 (referencing page AS.1 only) on file with the Planning Department, and the following conditions:
2. A maximum 200 guests of winery-related events daily shall be permitted. This maximum number does not include guests engaged in wine tasting or other casual activities.
3. Within 30 days of approval, permittee or successor shall submit for Planning Director approval a detailed operations plan that will explicitly describe the procedures for facility compliance with all conditions of approval, including the collection of an appropriate security deposit to ensure compliance with conditions of approval. At the discretion of the Planning Director, the plan may be modified in order to address additional issues or to clarify the required response. Modifications shall be subject to Planning Director approval.
4. No outdoor amplification of voice or music shall be permitted, except at the annual Harvest Wine Celebration held on Sunday and Monday of the Labor Day weekend. Only unamplified string music shall be allowed outdoors. Other than the Harvest Wine Celebration, uses on the property shall comply at all times with the Alameda County Noise Ordinance. Except for ingress and egress, doors to reception center shall be kept closed during events.
5. All guests shall depart the facility grounds by 10pm Monday through Saturday, 6pm Sunday.
6. The signage identifying the facility entrance shall be maintained. Changes to the signage shall be subject to the approval of the Planning Director.
7. Permittee or successor shall maintain daily the vicinity within one-half mile from the subject premises free of litter and other trash from winery-related events.
8. Permittee or successor shall install exit signage stating, “Quiet Please // Residential Area” and maintain the signage in good condition.
9. All vehicles shall be parked off Kilkare Road and on the winery property. When more than 50 guests are confirmed, facility staff shall direct traffic toward available parking. For more than 150 guests, facility staff shall require mandatory valet parking and implement stacked parking as necessary to ensure that guest vehicles are parked only in appropriate areas.
10. Screening vegetation shall be maintained at the facility entrance. Any future proposed changes to the landscape shall be implemented according to a Planning Director approved landscape plan that is compliant with the California State Model WELO (Water Efficient Landscape Ordinance), or successor ordinance.
11. Owner and any successor shall defend, indemnify, and hold harmless the County of Alameda, and its agents, officers, and employees from any claim, action, or proceeding to attack, set aside, void, or annul PLN2018-00015, Conditional Use Permit, for related improvements, the

findings of the CEQA determination, any subsequent Conditional Use Permit, or any combination thereof. Such indemnification shall include, but not be limited to, an award of costs and attorney's fees incurred by Alameda County for such defense. The County shall promptly notify owner or successor of any such challenge.

12. The project shall meet the requirements of the following agencies:

- a. Alameda County Public Works Agency
- b. Alameda County Fire Department
- c. Zone 7
- d. Alameda County Environmental Health Agency

13. Any and all security lighting shall be designed, installed, and operated so as not to radiate or emit glare towards the neighboring residences. Security lighting shall be oriented internally toward the site. The illumination intensity of the security lighting shall be sufficient only for the intended purpose and neither excessive nor unnecessary.

14. A mandatory review shall be conducted one year from approval for this Conditional Use Permit, PLN2018-00015. As a result of the mandatory review, a permit for renewal and public hearing may be required to review the original conditions of approval to determine compliance with the findings that supported the original permit approval. Any condition of approval modified or added will ensure the activity continues in conformance with the intent and purpose of the zoning ordinance and shall be of the same force and effect as if originally imposed. Review costs shall be borne by the applicant.

15. Permittee, and their successors, shall comply with all Federal, State, and Local Laws, Regulations and Alameda County Ordinances.

Attachments:

- Referral Responses
- Aerial Photo
- Vicinity Map
- Site Plan
- Elliston Winery Noise Study
- Elliston Winery Business Plan
- Correspondence from Project Proponent
- Correspondence from neighbors

PREPARED BY: Damien Curry	Planner
REVIEWED BY: Sonia Urzua	Senior Planner

H:\APPLICATIONS - 2018\PLN2018_00015\Staff Report\PLN2018-00015

Figure 1 – Subject Property and Vicinity



Figure 2 – Main Parking Area

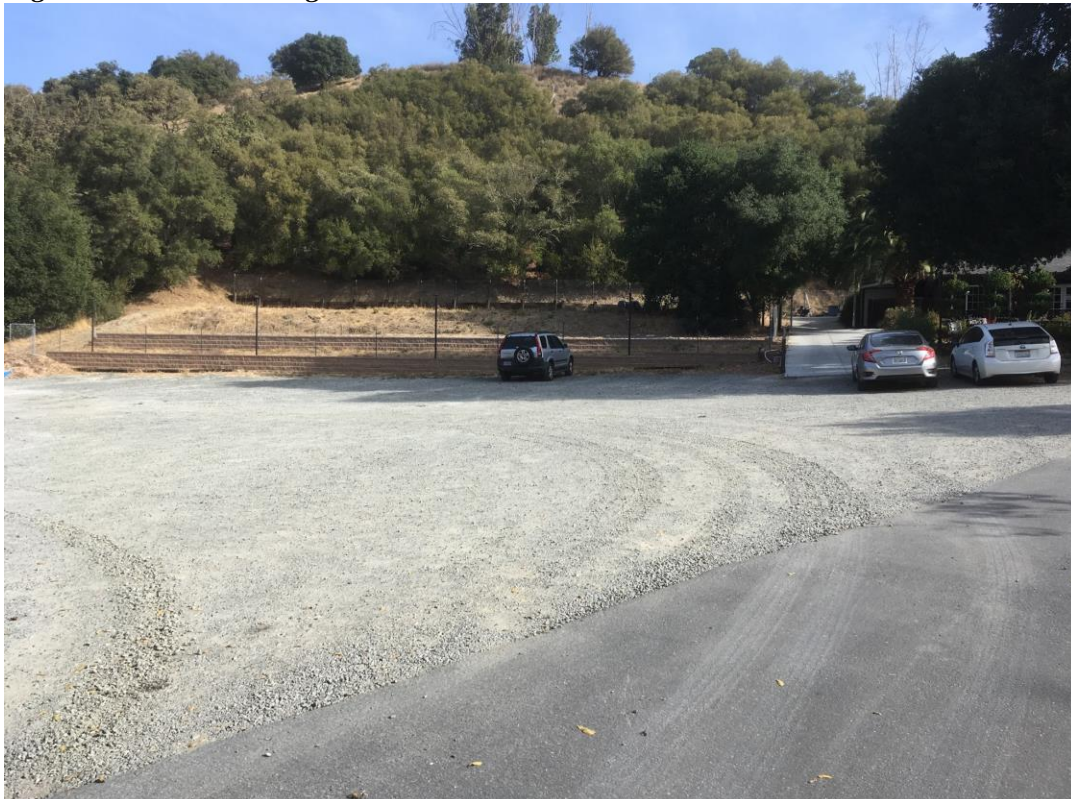


Figure 3 – Facility Exit



Figure 1 – Reception Hall Exterior



COUNTY OF ALAMEDA
PUBLIC WORKS AGENCY
MEMORANDUM

DATE : November 22, 2019
TO : **Damien Curry, Development Planning Division, CDA**
FROM : **Andy Cho, Grading Section, PWA**
SUBJECT: **Case No. PLN 2018-00015, CUP**



We received the "Exhibit A" along with your referral letter dated November 1, 2019 for review and comment. This application is to improve parking lot at 463 Kilkare Road, unincorporated area of Sunol, bearing Assessor's Number: 96-0210-007-01.

Should this application receive favorable consideration by the Planning Department, please consider the following recommendations in establishing the conditions of approval:

1. Prior to commencement of grading work for the project, a grading permit must be obtained from this office in accordance with the provisions of the Alameda County Grading Ordinance. A grading plan should be prepared in compliance with the provisions of Chapter 15.36.240 and 250 of the Alameda County Grading ordinance for review and approval
2. A geotechnical/geologic investigation report shall accompany the grading permit application in accordance with the provisions of the Alameda County Grading Ordinance Chapter 15.36.320
3. No grading will be allowed between October 1 and April 30 unless upon clear demonstration that at no stage of the work will there be any substantial risk of increased sediment discharge from the site
4. Any proposal for grading work associated with the construction or reconstruction of a fire access roadway or a fire break must be approved by the responsible fire protection agency
5. All storm drainage facilities shall be designed in such a manner that it will not cause erosion or endanger the stability of any cut or fill slope or any building or structure
6. Sites with land disturbances greater than one (1) acre must file a Notice of Intent (NOI) with the State Water Resources Control Board for coverage under the State General NPDES permit for Construction Activities. A copy of the NOI and Storm Water Pollution Prevention Plan (SWPPP) shall be made available to the District prior to issuance of grading permit or any land disturbance on the site

Feel free to contact me at andyhjc@acpwa.org or (510) 670-6451 if you have any questions.

Cc: Applicant: Donna Flavetta, 463 Kilkare Rd., Sunol, CA 94586

Curry, Damien, CDA

From: Khan, Muhammed, Env. Health
Sent: Friday, November 1, 2019 3:35 PM
To: Curry, Damien, CDA; Colom, Natali, Env. Health
Subject: RE: Elliston Winery, 463 Kilkare Rd Sunol PLN2018-00015

Hi Damien,

We are okay with this project moving forward. Thanks.

Sincerely,

Muhammed Khan, Senior R.E.H.S, M.P.A
OWTS Technical Compliance Coordinator
Alameda County Department of Environmental Health
Land Use Program
1131 HARBOR BAY PKWY
ALAMEDA CA 94502
(510)639-1287

From: Curry, Damien, CDA
Sent: Friday, November 1, 2019 3:17 PM
To: Khan, Muhammed, Env. Health <muhammed.khan@acgov.org>; Colom, Natali, Env. Health <Natali.Colom@acgov.org>
Subject: Elliston Winery, 463 Kilkare Rd Sunol PLN2018-00015

Muhammed and Natali, I recall EHS gave the green light to proceed for this continued operation of the event center located at the winery. I just wanted to run these updated site plans past you. This would go to hearing with Sunol on Nov 20, then afterwards to the EBZA. Thanks again.

Damien Curry
Alameda County Planning
(510) 670-6684
damien.curry@acgov.org

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ALAMEDA COUNTY COMMUNITY DEVELOPMENT AGENCY
PLANNING DEPARTMENT

Chris Bazar
Agency Director

PROJECT REFERRAL

Albert Lopez
Planning Director

Date: February 1, 2018
RE: Case No. PLN2018-00015
Conditional Use Permit

224
West Winton Ave
Room 111

Due Date: February 22, 2018

Hayward
California
94544

phone
510.670.5400
fax
510.785.8793

ACPWA LAND DEVELOPMENT
SHERIFF ALCOHOL 2. SGT. BRET
SCHEULLER
ACPWA JOHN ROGERS
ALCOHOLIC BEVERAGE CONTROL

ACPWA BUILDING DEPARTMENT
ALAMEDA CO. FIRE DEPT.
ENV HEALTH - SEWER & SEPTIC
CHP EAST LT. TRACI LEMAS

www.acgov.org/cda

The following application is referred to you for your information and recommendation:

Continued operation of a winery with winery related uses., located at 463 Kilkare Rd (Sunol), east side, 0.5 mile north of Foothill Rd

APN: 096-0210-007-01

This project is categorically exempt under CEQA pursuant to Section 15301 (Existing Facilities)

Receipt of your comments by the indicated due date will enable the inclusion of relevant information in the preparation of a written staff report; otherwise, please initial and date below that your organization, department or agency has no comment and return this notice by the indicated due date.

Recommendation(s) to the applicant.

The Building Department has no objection for the proposed planning process
Building permit (s) will be required for new work

contact me at the above number.

Sincerely,

Damien Curry
Development Planning Division
damien.curry@acgov.org

Submit plans that are in compliance with the California Building Codes and Alameda County Ordinances to the Building Department for review and approval

cc: Applicant: DONNA FLAVETTA 463 Kilkare Rd., Sunol, Ca 94586

Owner: ZHU MING H & CONG ETAL 33580 Central Ave, Union City, Ca 94587

_____ No Comment - Date _____

Attachments



CHP390
6 FEB PM 4.16

ALAMEDA COUNTY COMMUNITY DEVELOPMENT AGENCY
PLANNING DEPARTMENT

Chris Bazar
Agency Director

PROJECT REFERRAL

Albert Lopez
Planning Director

Date: February 1, 2018
RE: Case No. PLN2018-00015
Conditional Use Permit

224
West Winton Ave
Room 111

Hayward
California
94544

Due Date: February 22, 2018

phone
510.670.5400
fax
510.785.8793

ACPWA LAND DEVELOPMENT
SHERIFF ALCOHOL 2. SGT. BRET
SCHEULLER
ACPWA JOHN ROGERS
ALCOHOLIC BEVERAGE CONTROL

ACPWA BUILDING DEPARTMENT
ALAMEDA CO. FIRE DEPT.
ENV HEALTH - SEWER & SEPTIC
CHP EAST LT. TRACI LEMAS

www.acgov.org/cda

The following application is referred to you for your information and recommendation:

Continued operation of a winery with winery related uses., located at 463 Kilkare Rd (Sunol), east side, 0.5 mile north of Foothill Rd

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Receipt of your comments by the indicated due date will enable the inclusion of relevant information in the preparation of a written staff report; otherwise, please initial and date below that your organization, department or agency has no comment and return this notice by the indicated due date.

Please send a copy of your recommendation(s) to the applicant.

If you have any questions, please contact me at the above number.

Sincerely,

Damien Curry
Development Planning Division
damien.curry@acgov.org

cc: Applicant: DONNA FLAVETTA 463 Kilkare Rd., Sunol, Ca 94586

Owner: ZHU MING H & CONG ETAL 33580 Central Ave, Union City, Ca 94587

X No Comment - Date 2/7/18

Attachments



Alameda County Fire Department

Fire Prevention Bureau

Plan Review Comments

399 Elmhurst Street, Room 120 , Hayward, California 94544 (510) 670-5853 Fax (510) 887-5836

1/9/2017

Alameda County
Community Development Agency
Planning Department
224 West Winton Ave., Room 111
Hayward, California 94544

To	Damien Curry	PLN #	2018-00015
Address	463 Kilkare Rd. Sunol.		
Job Description	Continued operation of a winery with related uses.		
Reviewed By	Cesar Avila, Deputy Fire Marshal	Review #1	

Review of Planning Department referrals are usually based on information and plans that lack sufficient information and details for specific comments. The primary focus of our review is to assure fire access to the site. Specific fire and building code issues will be addressed during the regular building permit submittal and review process.

Conditions of Approval

The following conditions shall be met prior the issuance of a building permit and fire clearance for occupancy.

- 1. Operator shall obtain a public assembly operational permit.**
- 2. Inspection required. Call 510-670-5853 to schedule an inspection.**



ALAMEDA COUNTY COMMUNITY DEVELOPMENT AGENCY
PLANNING DEPARTMENT

Chris Bazar
Agency Director

PROJECT REFERRAL

Albert Lopez
Planning Director

Date: April 19, 2018
RE: Case No. PLN2018-00015
Conditional Use Permit

224
West Winton Av
Room 11

Due Date: May 10, 2018

Hayward
California
94544

phone
510.670.5400
fax
510.785.8790

www.acgov.org/cc

ACPWA LAND DEVELOPMENT
SHERIFF ALCOHOL 2. SGT. BRET
SCHEULLER
ACPWA JOHN ROGERS
ALCOHOLIC BEVERAGE CONTROL

ACPWA BUILDING DEPARTMENT
ALAMEDA CO. FIRE DEPT.

ENV HEALTH - SEWER & SEPTIC
CHP EAST LT. TRACI LEMAS

ALAMEDA CO. ZONING ENFORCEMENT

The following application is referred to you for your information and recommendation:

Continued operation of a winery with winery related uses., located at 463 Kilkare Rd (Sunol), east side, 0.5 mile north of Foothill Rd

APN: 096-0210-007-01


This project is categorically exempt under CEQA pursuant to Section 15301 (Existing Facilities)

Receipt of your comments by the indicated due date will enable the inclusion of relevant information in the preparation of a written staff report; otherwise, please initial and date below that your organization, department or agency has no comment and return this notice by the indicated due date.

Please send a copy of your recommendation(s) to the applicant.

If you have any questions, please contact me at the above number.

Sincerely,


Damien Curry
Development Planning Division
damien.curry@acgov.org

cc: Applicant: DONNA FLAVETTA 463 Kilkare Rd., Sunol, Ca 94586

PROJECT REFERRAL

Date: April 19, 2018

RE: Case No. PLN2018-00015

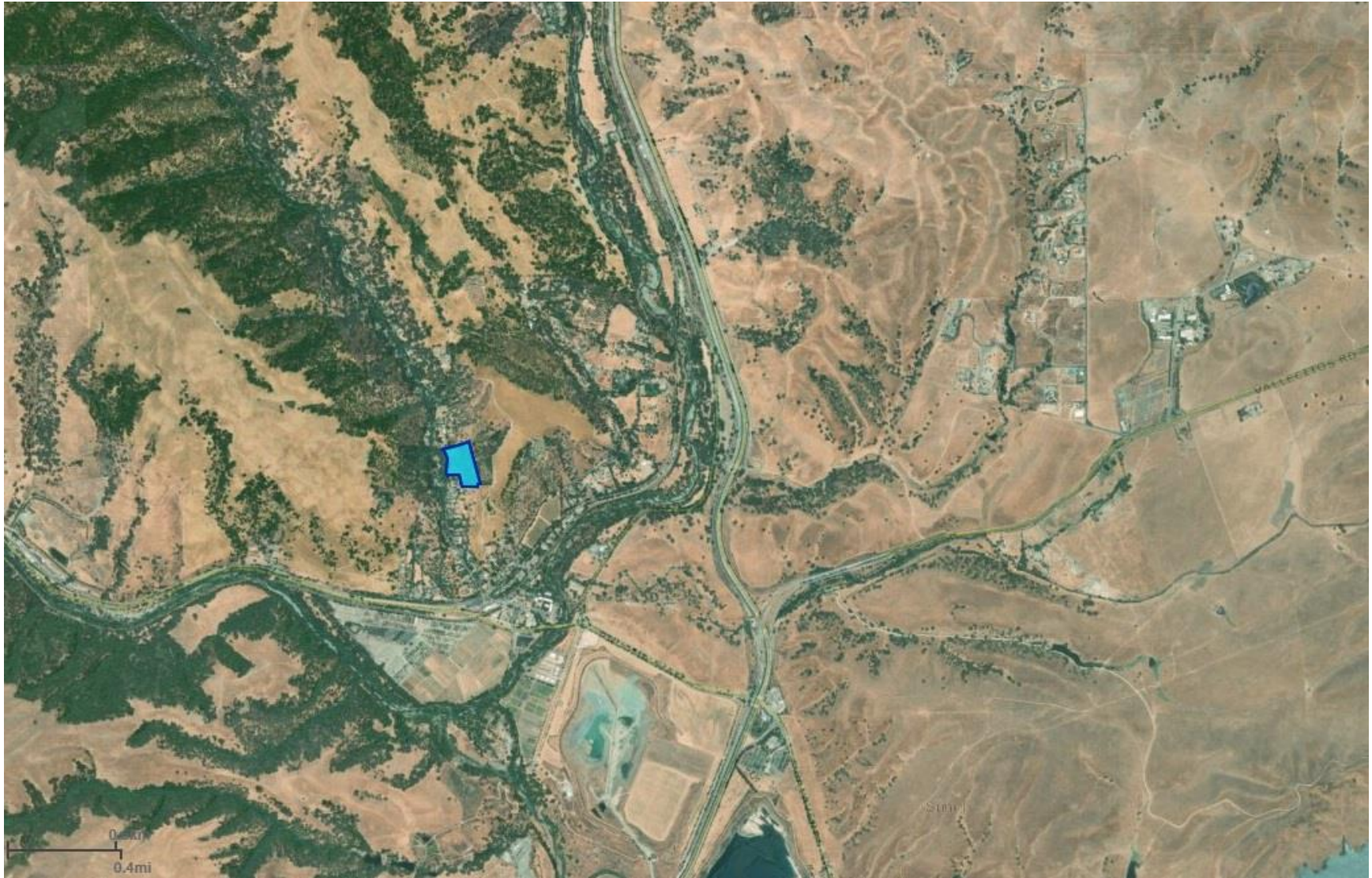
Owner: ZHU MING H & CONG ETAL 33580 Central Ave, Union City, Ca 94587

_____ No Comment - Date 4/23/18

Attachments

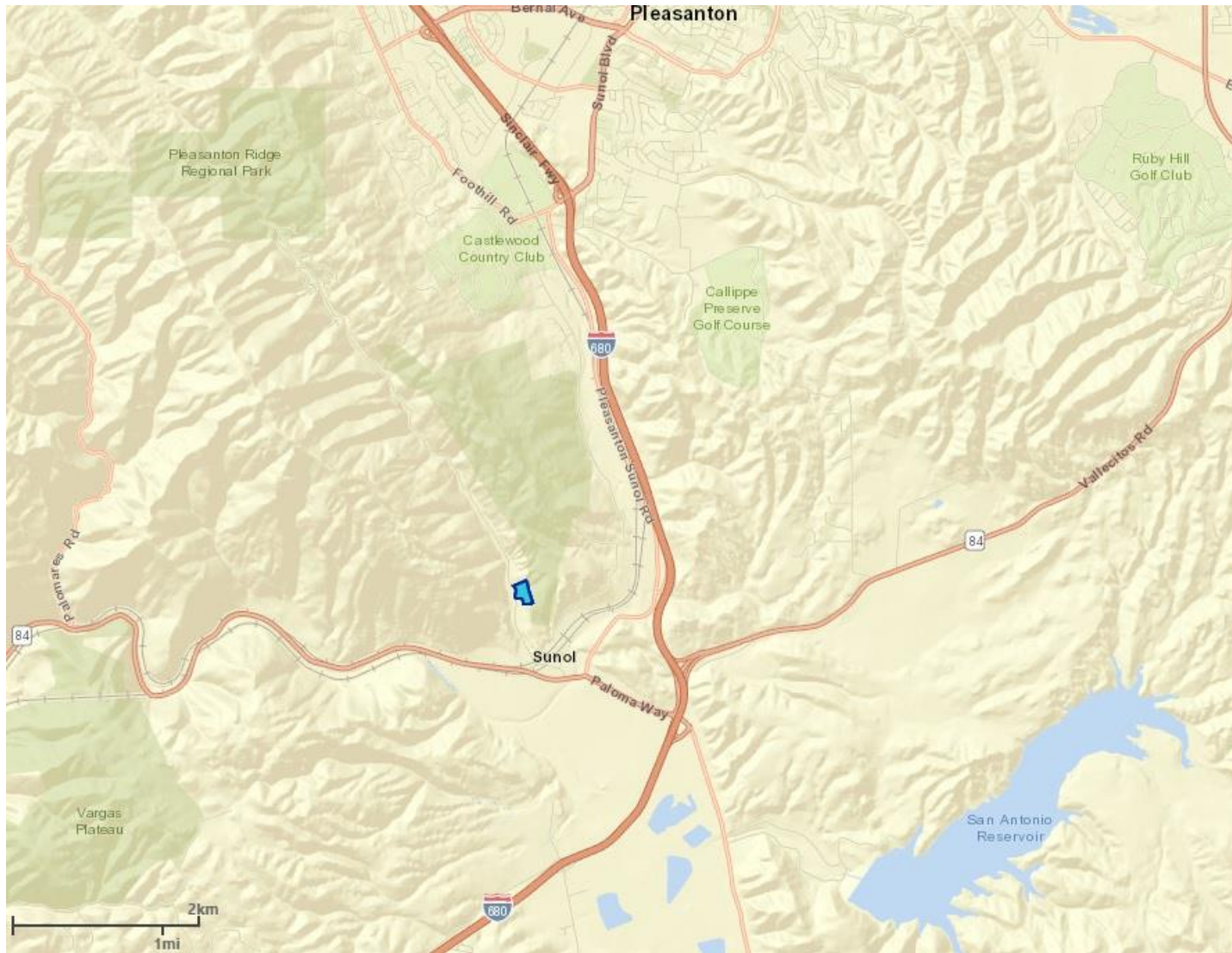
*This application is a result of a
code enforcement action; opened on 11/30/17.*

A handwritten signature in black ink, consisting of stylized initials and a long horizontal line extending to the right.



PLN2018-00015
AERIAL PHOTO

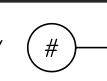
ALAMEDA COUNTY CDA – PLANNING DEPARTMENT



PLN2018-00015
VICINITY MAP

ALAMEDA COUNTY CDA – PLANNING DEPARTMENT

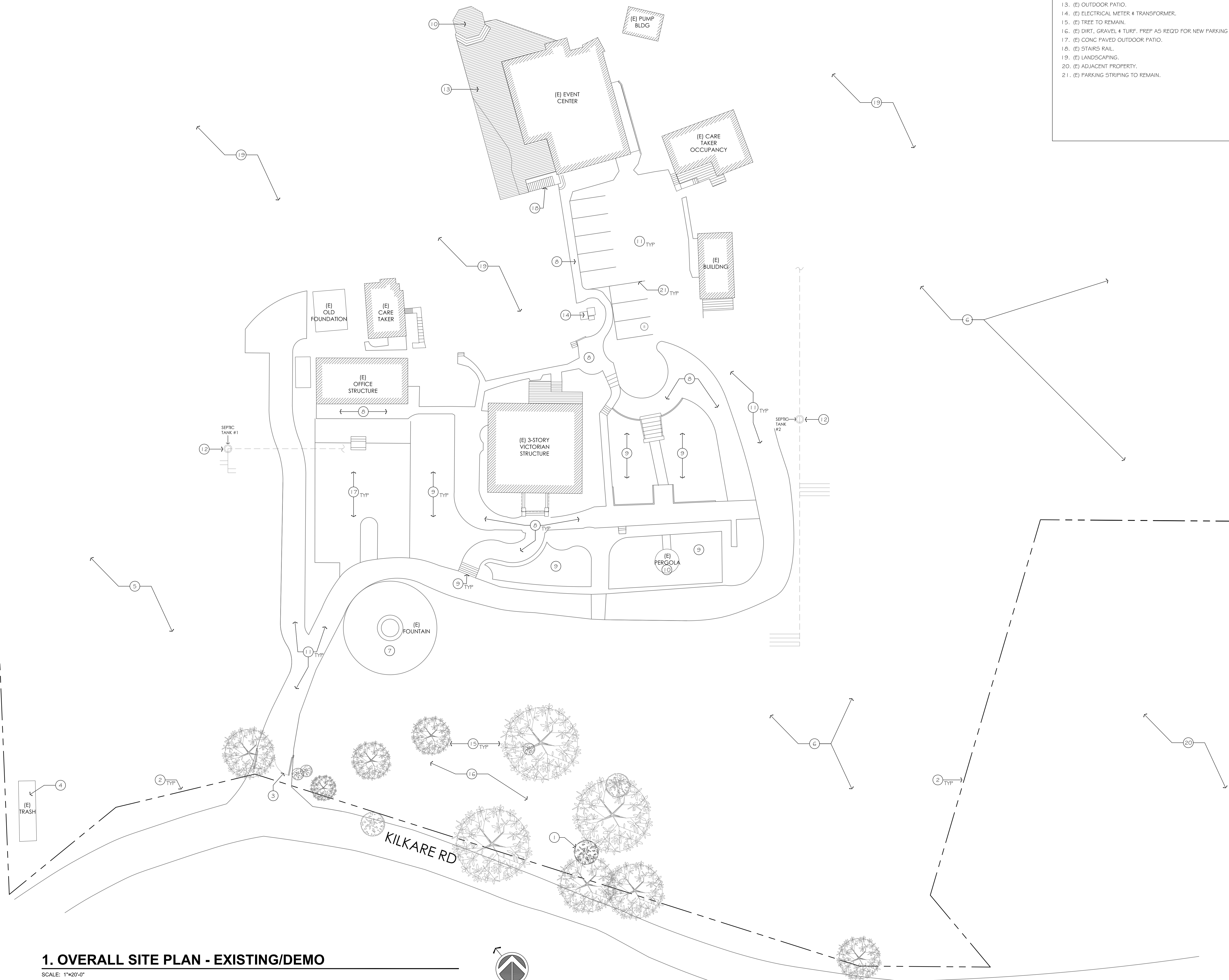
Keynotes

Indicated by  on the plan.

1. REMOVE (E) TREE AS REQ'D IN PREPARATION FOR NEW PARKING INSTALLATION.
2. (E) PROPERTY LINE.
3. (E) AUTOMATED GATE AT MAIN ENTRY.
4. (E) TRASH ENCLOSURE.
5. (E) GRAVEL. PREP AS REQ'D FOR NEW PARKING INSTALLATION.
6. (E) VINEYARD. REMOVE & PREP AS REQ'D FOR NEW PARKING INSTALLATION.
7. (E) WATER FOUNTAIN.
8. (E) CONCRETE WALKWAY.
9. (E) CONCRETE STEPS.
10. (E) GAZEBO.
11. (E) AC DRIVEWAY.
12. (E) SEPTIC TANK. CAUTION TO NOT DAMAGE.
13. (E) OUTDOOR PATIO.
14. (E) ELECTRICAL METER & TRANSFORMER.
15. (E) TREE TO REMAIN.
16. (E) DIRT, GRAVEL & TURF. PREP AS REQ'D FOR NEW PARKING INSTALLATION.
17. (E) CONC PAVED OUTDOOR PATIO.
18. (E) STAIRS RAIL.
19. (E) LANDSCAPING.
20. (E) ADJACENT PROPERTY.
21. (E) PARKING STRIPING TO REMAIN.

PROPERTY LINE

PROPERTY LINE



KEY PLAN

STAMP

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REVISIONS

DATE	DESCRIPTION
05.31.2019	PLANNING SUBMITTAL
10.02.2019	PLANNING RE-SUBMIT
10.22.2019	PLANNING RE-SUBMITTAL

DATE	05.31.2019
SCALE	AS SHOWN
PROJECT ID	2018.09
DRAWN BY	N/A

SITE PLAN
EXISTING/DEMO

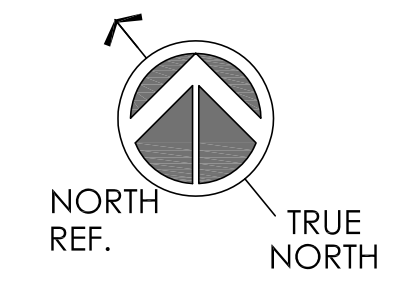
SHEET TITLE

AS.1

SHEET NO.

1. OVERALL SITE PLAN - EXISTING/DEMO

SCALE: 1"=20'-0"



PROPERTY LINE

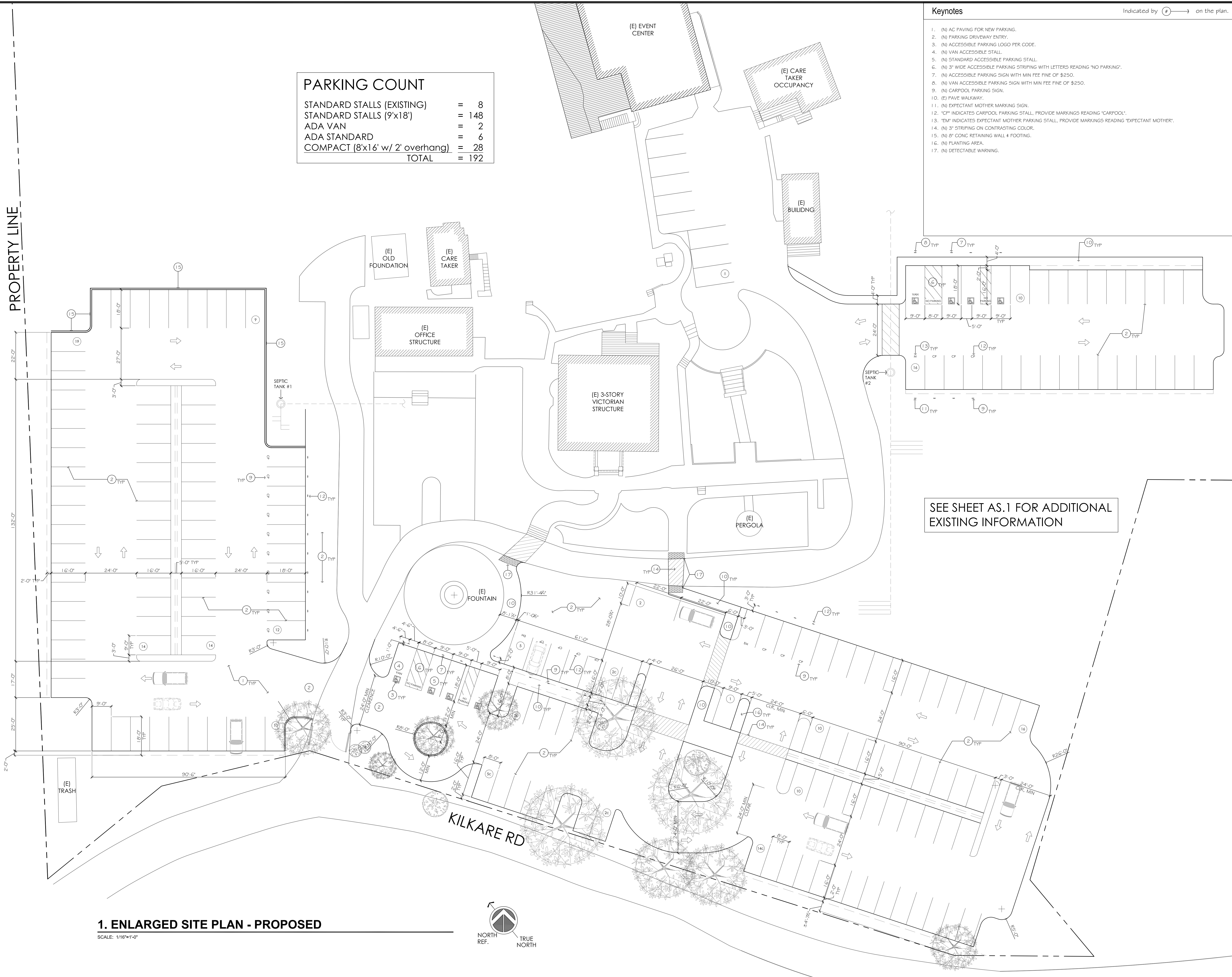
132'-0"
17'-0"
25'-0"

2'-0"
16'-0"
24'-0"
16'-0"
16'-0"
24'-0"
18'-0"

2'-0"
17'-0"
25'-0"

PARKING COUNT	
STANDARD STALLS (EXISTING)	= 8
STANDARD STALLS (9'x18')	= 148
ADA VAN	= 2
ADA STANDARD	= 6
COMPACT (8'x16' w/ 2' overhang)	= 28
TOTAL	= 192

- Keynotes** Indicated by (N) on the plan.
- (N) AC PAVING FOR NEW PARKING.
 - (N) PARKING DRIVEWAY ENTRY.
 - (N) ACCESSIBLE PARKING LOGO PER CODE.
 - (N) VAN ACCESSIBLE STALL.
 - (N) STANDARD ACCESSIBLE PARKING STALL.
 - (N) 3' WIDE ACCESSIBLE PARKING STRIPING WITH LETTERS READING "NO PARKING".
 - (N) ACCESSIBLE PARKING SIGN WITH MIN FEE FINE OF \$250.
 - (N) VAN ACCESSIBLE PARKING SIGN WITH MIN FEE FINE OF \$250.
 - (N) CARPOOL PARKING SIGN.
 - (E) PAVE WALKWAY.
 - (N) EXPECTANT MOTHER MARKING SIGN.
 - "CP" INDICATES CARPOOL PARKING STALL, PROVIDE MARKINGS READING "CARPOOL".
 - "EM" INDICATES EXPECTANT MOTHER PARKING STALL, PROVIDE MARKINGS READING "EXPECTANT MOTHER".
 - (N) 3' STRIPING ON CONTRASTING COLOR.
 - (N) 6" CONC RETAINING WALL & FOOTING.
 - (N) PLANTING AREA.
 - (N) DETECTABLE WARNING.



SEE SHEET AS.1 FOR ADDITIONAL EXISTING INFORMATION

299 BASSETT ST. SUITE 250
SAN JOSE, CA 95110
748.283.0100



PROJECT ADDRESS
ELLISTON VINEYARDS
463 KILKARE RD
SUNOL, CA 94586

SITE IMPROVEMENTS for



KEY PLAN

STAMP

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REVISIONS

DATE	DESCRIPTION
05.31.2019	PLANNING SUBMITTAL
10.02.2019	PLANNING RE-SUBMIT
10.22.2019	PLANNING RE-SUBMITTAL

DATE	05.31.2019
SCALE	AS SHOWN
PROJECT ID	2018.09
DRAWN BY	N/A

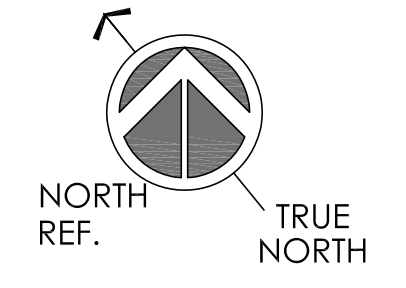
ENLARGED SITE PLAN
PROPOSED

SHEET TITLE

SHEET NO.

AS.2

1. ENLARGED SITE PLAN - PROPOSED
SCALE: 1/16"=1'-0"





ELLISTON VINEYARDS EVENT NOISE STUDY

MAY 22, 2019

**PREPARED FOR:
ELLISTON VINEYARDS**

PREPARED BY:
ACOUSTICS GROUP, INC.
CONSULTANTS IN ACOUSTICS, NOISE & VIBRATION





Elliston Vineyards Event Noise Study

Prepared for:
Donna Flavetta
Elliston Vineyards
463 Kilkare Rd
Sunol, CA 94586

Prepared by:
ROBERT WOO – Principal Acoustical Consultant, INCE
LOGAN KATSOUFIS – Acoustical Consultant

ACOUSTICS GROUP, INC.
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2102 Business Center Dr. Suite 130
Irvine, CA 92612
(877) 595-9988



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EXECUTIVE SUMMARY

Acoustics Group, Inc., (AGI) was retained to conduct a noise study of the Elliston Vineyards Outdoor Wedding Ceremony and Wedding Reception at the Event Center located at 463 Kilcare Road in Sunol, CA. AGI has reviewed the County of Alameda Noise Standards, conducted noise measurements, analyzed the noise levels from on-site sources at nearby sensitive receptors, assessed the impact of the operations noise and identified control measures.

AGI conducted noise measurements of a wedding ceremony and reception on the evening of April 20, 2019. AGI's measurements indicate that existing wedding ceremony noise levels are as high as 70.4, 75.2, 78.4, and 64.6 dBA at locations NM1, NM2, NM3, and NM4, respectively. Additionally, short-term nearfield and farfield measurements were conducted during the wedding ceremony to determine noise levels from the crowd cheers. The noise from the crowd cheers was 80.4 and 62.2 dBA at the nearfield (WST1) and farfield (WST2) measurement locations, respectively. The wedding ceremony noise does not comply with the County of Alameda's Daytime Standard of 60 dBA.

Existing wedding reception noise levels are as high as 75.8, 50.8, 55.0, and 51.3 dBA at NM1, NM2, NM3, and NM4, respectively. The wedding reception noise does not fully comply with the County of Alameda's Nighttime Standard of 45 dBA. Noise control is required at the wedding ceremony and reception sites.

For the wedding ceremony, AGI evaluated a 12-ft high noise barrier around the ceremony courtyard as well as re-orientating the crowd seating and wedding Gazebo. The predicted noise level from the wedding ceremony cheers would be reduced to as high as 48.0, 56.7, 64.5, 55.1, 58.6, 58.8, and 56.0 dBA at the modeled receptors M1 through M7, respectively. The wedding ceremony cheers will continue to exceed the County of Alameda's Daytime Standard of 60 dBA at M3; however, the wedding ceremony cheers will comply with the standard at all other receptors and audibility from the cheers will be substantially reduced at the residences.

For the wedding reception, AGI evaluated a 12-ft high noise barrier along the event center perimeter patio and stairs. The predicted noise level from the wedding reception with a 12-ft high noise barrier would be reduced to as high as 38.1, 42.3, 45.5, 35.0, 34.6, 28.7, and 31.4 dBA at modeled receptors M1 through M7, respectively. With noise control, the wedding reception noise fully complies with the County of Alameda's Nighttime Standard of 45 dBA. The project should be reviewed by an Architect or licensed professional engineer to ensure compliance with the applicable codes.



Event Noise Study for the Elliston Vineyards – Sunol, CA

This report has been organized into multiple sections for ease of reference. Section 1 introduces the Project and provides a general discussion on the Project Components. Section 2 discusses Noise Fundamentals, and Section 3 presents the Noise Standards. Section 4 discusses the Existing Noise Environment, Section 5 discusses the Noise Analysis. Section 6 presents the Impact Assessment. Section 7 presents the Noise Control Recommendations. Section 8 presents the Conclusion.

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INTRODUCTION

Elliston Vineyards is a winery and event center that hosts weddings and events at their Outdoor Courtyard and Event Center at 463 Kilcare Road in Sunol, CA. Refer to Figure 1 for the general location of the Project Site and Vicinity Map. Land use immediately surrounding the site is comprised of residential land use. Wedding ceremonies at Elliston Vineyards have a maximum compacity of two-hundred guests. Events at the Vineyard occur from 5:00 P.M to 11:00 P.M. Wedding ceremonies typically begin at 5:00 P.M with a reception following immediately afterwards. The main concern is event noise during the wedding ceremony and reception affecting the neighboring residences.



Figure 1. Location of the Project Site and Vicinity Map



NOISE

The magnitude by which noise affects its surrounding environment is measured on a logarithmic scale in decibels (dB). Because the human ear is limited to hearing a specific range of frequencies, the A-weighted filter system is used to form relevant results. A-weighted sound levels are represented as dBA. Figure 2 shows typical A-weighted exterior and interior noise levels that occur in human environments.

Several noise metrics have been developed to evaluate noise. L_{eq} is the energy average noise level and corresponds to a steady-state sound level that has the same acoustical energy as the sum of all the time varying noise events. L_{max} is the maximum noise level measured during a sampling period, and L_{xx} are the statistical noise levels that are exceeded xx-% of the time of the measurement. L_{50} is the average noise level that is exceeded 50% of the time, 30-minutes in a 60-minute period.

COUNTY OF ALAMEDA NOISE STANDARDS

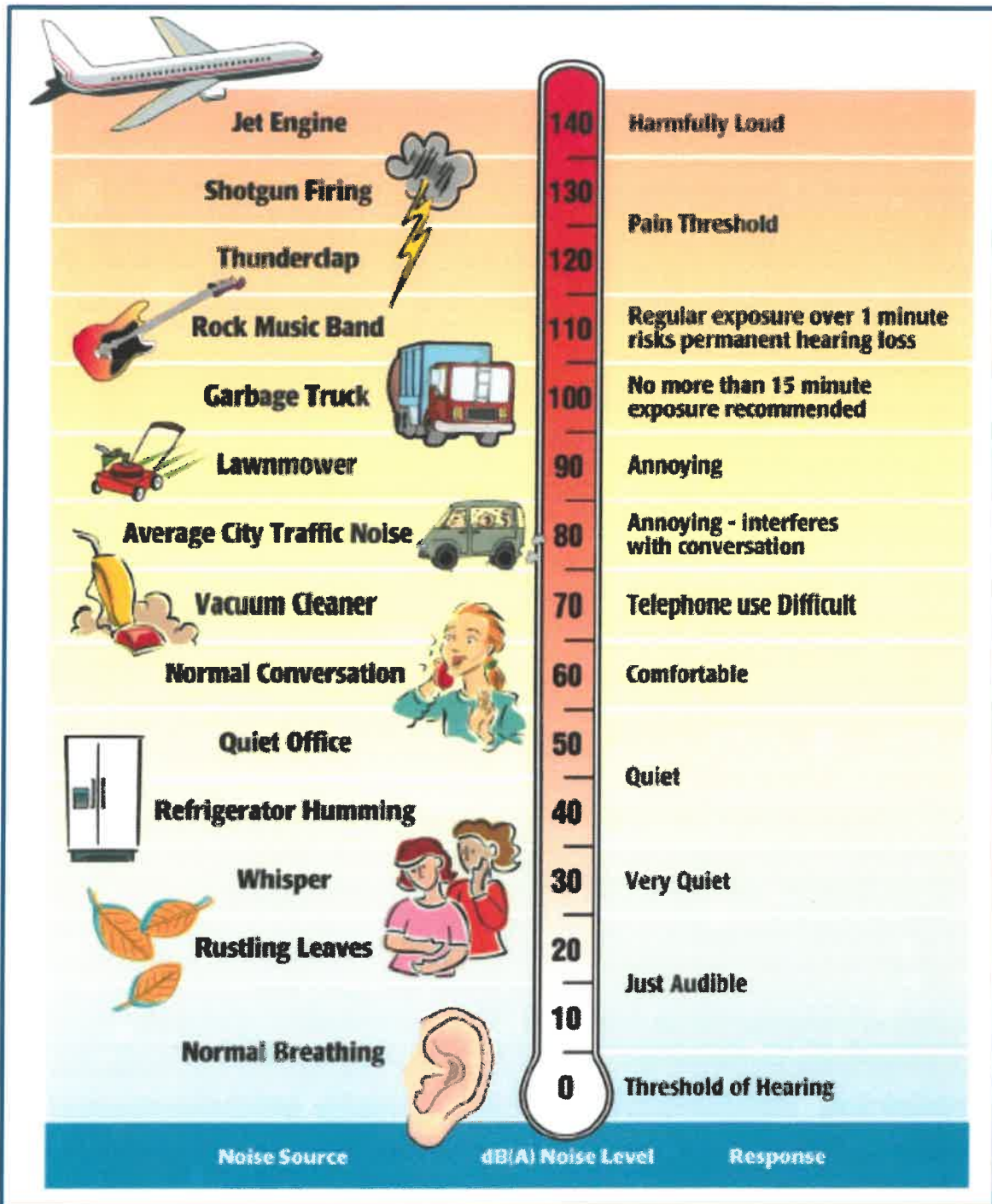
The Town of Sunol has adopted the County of Alameda Noise Standards for Exterior Noise. The County of Alameda Noise Ordinance (Chapter 6.60.040) requires that noise levels shall not exceed 50 and 45 dBA during the Daytime (7 A.M to 10 P.M) and Nighttime (10 P.M to 7 A.M), respectively. However, for noise occurring five cumulative minutes in any hour, the noise level shall not exceed 60 and 55 dBA during the Daytime and Nighttime, respectively. Refer to the Appendix for the County of Alameda Noise Ordinance.

Due to Wedding Cheers typically occurring for a duration of approximately one to five minutes, the Daytime Noise Standard of 60 dBA shall be applied for the wedding ceremony applause/cheers.

Table 1. Residential Land Use Exterior Noise Level Standards

Cumulative Number of Minutes in any one-hour time period	Daytime (7 A.M to 10 P.M)	Nighttime (10 P.M to 7 A.M)
30	50	45
15	55	50
5	60	55
1	65	60
0	70	65

Source: Chapter 6.60.040 – Exterior Noise Levels.



Source: Melville Branch and R. Beland, 1970. EPA/ONAC 550/9-74-004, March 1974.

Figure 2. Typical A-Weighted Noise Levels



EXISTING NOISE LEVELS

Acoustics Group, Inc., (AGI) conducted noise measurements on April 20, 2019 to monitor a wedding ceremony and reception’s noise levels at Elliston Vineyards and the neighboring residences. Four (4) noise measurements (NM1-4) were conducted to monitor baseline ambient noise levels and wedding ceremony and event center noise. NM1 was located approximately 200 feet north-east from the wedding ceremony at the Event Center Patio. NM2 was located approximately 340 feet from the wedding ceremony by the west fence line in the Main Parking Lot. NM3 was located approximately 185 feet south from the wedding ceremony by the south property line. NM4 was located approximately 425 feet north-west from the wedding ceremony at the 448 Kilkare Road Driveway. All monitors were positioned 5 feet above the ground.

Two (2) short-term noise measurements were conducted during the wedding ceremony to capture wedding cheers. A nearfield measurement (WST1) was located 25 feet east from the outdoor wedding ceremony next to Building 2. A farfield measurement (WST2) was located 100 feet south from the outdoor wedding ceremony between the Lower Parking Lot and Vineyard. Figure 3 shows the Wedding Ceremony Noise Measurement Locations.

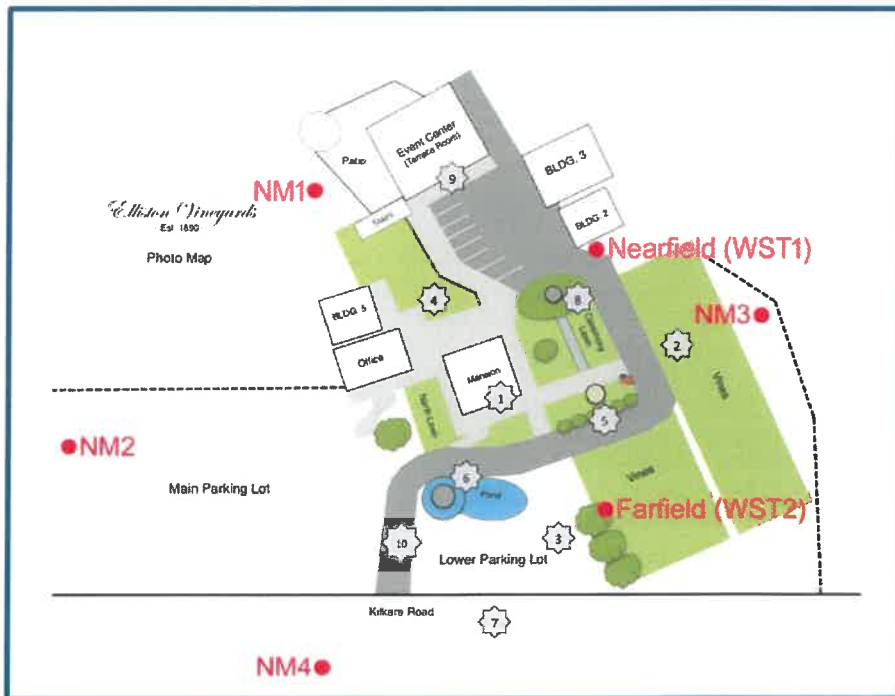


Figure 3. Wedding Ceremony Noise Measurement Locations



Wedding cheers were observed to be the loudest source of noise during the wedding ceremony. The wedding cheers lasted for a duration of 2 minutes and produced an Leq of 70.4, 75.2, 78.4, 64.6, 80.4, and 62.2 dBA at NM1, NM2, NM3, NM4, WST1, and WST2, respectively. Refer to Table 2 for a summary of the Measured Noise Levels from Elliston Vineyard’s Wedding Cheers.

Table 2. Elliston Vineyards Wedding Cheers Noise Level

Receiver		Wedding Cheers Noise Levels (End of Ceremony, “I Do’s”), dBA				
		Time	Leq	L50	Lmax	Lmin
NM1	Patio Hillside	4/20/19 5:17:18 PM	70.4	68.7	73.6	65.9
NM2	Main Parking Lot, North Property Line		75.2	68.4	74.0	58.2
NM3	Grape Field, South Property Line		78.4	74.8	77.4	69.0
NM4	488 Killkare Rd, Driveway		64.6	64.0	66.3	62.8
WST1	25 Feet from Ceremony		80.4	74.2	80.3	65.1
WST2	100 Feet from Ceremony		62.2	68.9	77.5	67.2

Event Center noise levels for the wedding reception were measured between 8 P.M and 10 P.M. Long term monitors remained the same for the reception. Five (5) short term monitoring locations at the neighboring residential property lines were conducted throughout the night to document the wedding reception noise Levels. Figure 4 shows the Wedding Reception Noise Measurement Locations. At NM1, the measured hourly Leq ranged from 55.6 to 59.4 dBA. At NM2, the measured hourly Leq ranged from 45.9 to 51.5 dBA. At NM3, the hourly Leq ranged from 45.3 to 49.1 dBA. At NM4, the hourly Leq ranged from 47.0 to 48.3 dBA. The measured Leq at ST1 through ST5 was 47.8, 49.9, 46.2, 49.6, and 44.4 dBA, respectively. Refer to Table 3 for a summary of the Measured Noise Levels for Elliston Vineyards Wedding Reception.



Figure 4. Wedding Reception Noise Measurement Locations

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Table 3. Elliston Vineyards Wedding Reception Noise Levels

Receiver		Wedding Reception Noise Levels, dBA				
		Time	Leq	L50	Lmax	Lmin
NM1	Patio Hillside	4/20/19 8:00 PM – 4/20/19 10:00 PM	55.6 – 59.4	59.0	77.2	46.1
NM2	Main Parking Lot, North Property Line	4/20/19 8:00 PM – 4/20/19 10:00 PM	45.9 – 51.5	46.4	50.2	38.9
NM3	Grape Field, South Property Line	4/20/19 8:00 PM – 4/20/19 10:00 PM	45.3 – 49.1	46.0	56.0	36.9
NM4	488 Kilkare Rd, Driveway	4/20/19 8:00 PM – 4/20/19 10:00 PM	47.0 – 48.3	45.8	52.3	43.1
ST1	549 Kilkare Rd, South-West Property Line	4/20/19 8:09 PM – 4/20/19 8:20 PM	47.8	48.2	57.3	43.9
ST2	508 Kilkare Rd, Driveway-Bridge	4/20/19 8:50 PM – 4/20/19 9:00 PM	49.9	49.9	57.0	48.4
ST3	442 Kilkare Rd, Driveway	4/20/19 9:07 PM – 4/20/19 9:12 PM	46.2	46.3	54.8	44.6
ST4	341 Kilkare Rd, West Property Line	4/20/19 9:16 PM – 4/20/19 9:22 PM	49.6	49.7	50.1	46.6
ST5	270 Kilkare Rd, Driveway-Bridge	4/20/19 9:24 PM – 4/20/19 9:26 PM	44.4	44.4	53.3	41.4

Music and event operations from the wedding reception were not audible at the receiver locations. However, occasional cheering from the reception hall and patio space could be heard at every monitored location and is a source of annoyance for the residences. Refer to Table 4 for a summary of the Measured Noise from the Wedding Reception Patio Cheers.



Table 4. Elliston Vineyards Wedding Reception Patio Cheers Noise Levels

Receiver		Wedding Reception Patio Cheers Noise Level, dBA				
		Time	Leq	L50	Lmax	Lmin
NM1	Patio Hillside	4/20/19 9:20:50 PM	75.8*	75.9	77.2	68.7
NM2	Main Parking Lot, North Property Line		50.8*	54.7	50.2	44.2
NM3	Grape Field, South Property Line		55.0*	41.7	56.0	53.0
NM4	488 Kilkare Rd, Driveway		51.3*	51.8	52.3	47.8
ST2	508 Kilkare Rd, Driveway-Bridge		50.8*	49.4	50.6	49.2
ST4	341 Kilkare Rd, West Property Line		50.3*	49.9	50.1	49.4

* Note: For Wedding Reception, Patio Cheers were audible.

IMPACT ASSESSMENT

The wedding ceremony noise at the neighboring residential properties without noise control was measured to be as high as 75.2, 78.4, and 64.6 dBA at locations NM2, NM3, and NM4, respectively. The wedding ceremony noise does not comply with the County of Alameda’s short-term five-minute Daytime Standard of 60 dBA. The wedding reception noise at the neighboring residential properties without noise control was measured to be as high as of 50.8, 55.0, and 51.3 dBA at locations NM2, NM3, and NM4, respectively. The wedding reception noise does not fully comply with the County of Alameda’s Nighttime Standard of 45 dBA. Noise control is required at the wedding ceremony and reception sites. Table 5 summarizes the Existing Noise Levels at the Neighboring Noise Sensitive Receptors with Impact Assessment.



Table 5. Existing Noise Levels at the Neighboring Noise Sensitive Receptors with Impact Assessment

Source	Receptor		Predicted Noise Level Leq, dBA	Noise Standard, dBA	Impact Assessment
Wedding Ceremony (Cheers)	NM2	Main Parking Lot, North Property Line	75.2	60	Exceedance
	NM3	Grape Field, South Property Line	78.4	60	Exceedance
	NM4	488 Kilkare Rd	64.6	60	Exceedance
Wedding Reception	NM2	Main Parking Lot, North Property Line	50.8	45	Exceedance
	NM3	Grape Field, South Property Line	55.0	45	Exceedance
	NM4	488 Kilkare Rd	51.3	45	Exceedance

NOISE ANALYSIS

The CadnaA Noise Prediction Model was used to evaluate noise reduction measures. CadnaA uses industry-accepted propagation algorithms and user-defined sound power based on ISO 9613-2 standards. ISO 9613-2 is an internationally recognized standard that establishes a method for calculating the attenuation of noise from outdoor propagation, in order to predict the levels of noise at a distance from a variety of sources. The calculations account for classical sound wave divergence, plus attenuation factors resulting from air absorption, basic ground effects, and barrier/structure shielding. The site plans and topography were imported into CadnaA to establish the x, y, and z site geometrics for the analysis. Noise from the outdoor courtyard was evaluated with constant levels of activity. Receivers were created within the model (M1-7) to quantify the noise levels from the Elliston Vineyards wedding ceremony and reception on to the neighboring residences. Refer to Figure 5 for the Modeled Receptor Locations. Receivers were modeled 5 feet above the ground level at the noise sensitive receptors.



For the purpose of evaluating noise control, the wedding ceremony noise at the neighboring residential properties would be as high as 64.8, 67.2, 74.7, 67.9, 70.8, 55.8, and 66.9 dBA at modeled receptors M1 through M7, respectively. The wedding reception noise at the neighboring residential properties without noise control would be as high as of 40.4, 45.7, 49.4, 45.5, 49.1, 42.5, and 42.8 dBA at modeled receptors M1 through M7, respectively. Table 6 summarizes the Predicted Noise Levels at the Neighboring Noise Sensitive Receptors



Figure 5. Modeled Receptor locations

Table 6. Predicted Noise Levels at the Neighboring Noise Sensitive Receptors

Source	Receptor		Predicted Noise Level Leq, dBA
Wedding Ceremony (Cheers)	M1	270 Kilkare Rd	64.8
	M2	333 Kilkare Rd	67.2
	M3	341 Kilkare Rd	74.7
	M4	442 Kilkare Rd	67.9
	M5	488 Kilkare Rd	70.8
	M6	508 Kilkare Rd	55.8
	M7	549 Kilkare Rd	66.9
Wedding Reception	M1	270 Kilkare Rd	40.4
	M2	333 Kilkare Rd	45.7
	M3	341 Kilkare Rd	49.4
	M4	442 Kilkare Rd	45.5
	M5	488 Kilkare Rd	49.1
	M6	508 Kilkare Rd	42.5
	M7	549 Kilkare Rd	42.8



NOISE CONTROL

The following noise control measures should be considered for reducing the wedding ceremony and reception noise at the neighboring residential receptors:

Wedding Ceremony Noise Control:

1. Re-orientate the Outdoor Courtyard area so that wedding guests are placed facing the east. The location of the wedding gazebo would be moved to the top of the wedding ceremony hill so that directivity of the wedding cheers is pointed towards the Event Center Building.
2. Install a minimum 12-ft high noise barrier to buffer the wedding reception and operations noise. The noise barrier should be located west of the patio and event center per Figure 6.
3. The barrier can be constructed of plexi-glass, glass or a transparent material that maintains the view.



Figure 6. Recommended Noise Control Location for the Wedding Ceremony



With the reversed orientation of the wedding sitting area and gazebo as well as a 12-ft high noise barrier, noise from the wedding ceremony cheers will be reduced to 48.0, 56.7, 64.5, 55.1, 58.6, 58.8, and 56.0 dBA at M1 through M7, respectively. With noise control, the wedding ceremony cheers do not comply with the County of Alameda’s Daytime Standard of 60 dBA at Modeled Receptor M3 (341 Kilkare Rd). However, the wedding reception cheers will comply at all other receptors and audibility from the cheers will be substantially reduced. Steps should be taken to inform the adjacent residents to the time and date of any future weddings to avoid further annoyance from the wedding ceremony cheers. Refer to Table 7 for a summary of the Predicted Noise Levels from the Wedding Ceremony Cheers with Noise Control. Refer to Figure 7 for a Noise Contour Map of the Wedding Ceremony Cheers with Noise Control.

Table 7. Predicted Wedding Ceremony Cheers Noise Level with Noise Control

Receptor		Predicted Wedding Ceremony Cheers Leq, dBA	Daytime Standard, dBA	Impact Assessment
M1	270 Kilkare Rd	48.0	60	Compliance
M2	333 Kilkare Rd	56.7	60	Compliance
M3	341 Kilkare Rd	64.5	60	Exceedance
M4	442 Kilkare Rd	55.1	60	Compliance
M5	488 Kilkare Rd	58.6	60	Compliance
M6	508 Kilkare Rd	58.8	60	Compliance
M7	549 Kilkare Rd	56.0	60	Compliance

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Event Noise Study for the Elliston Vineyards – Sunol, CA

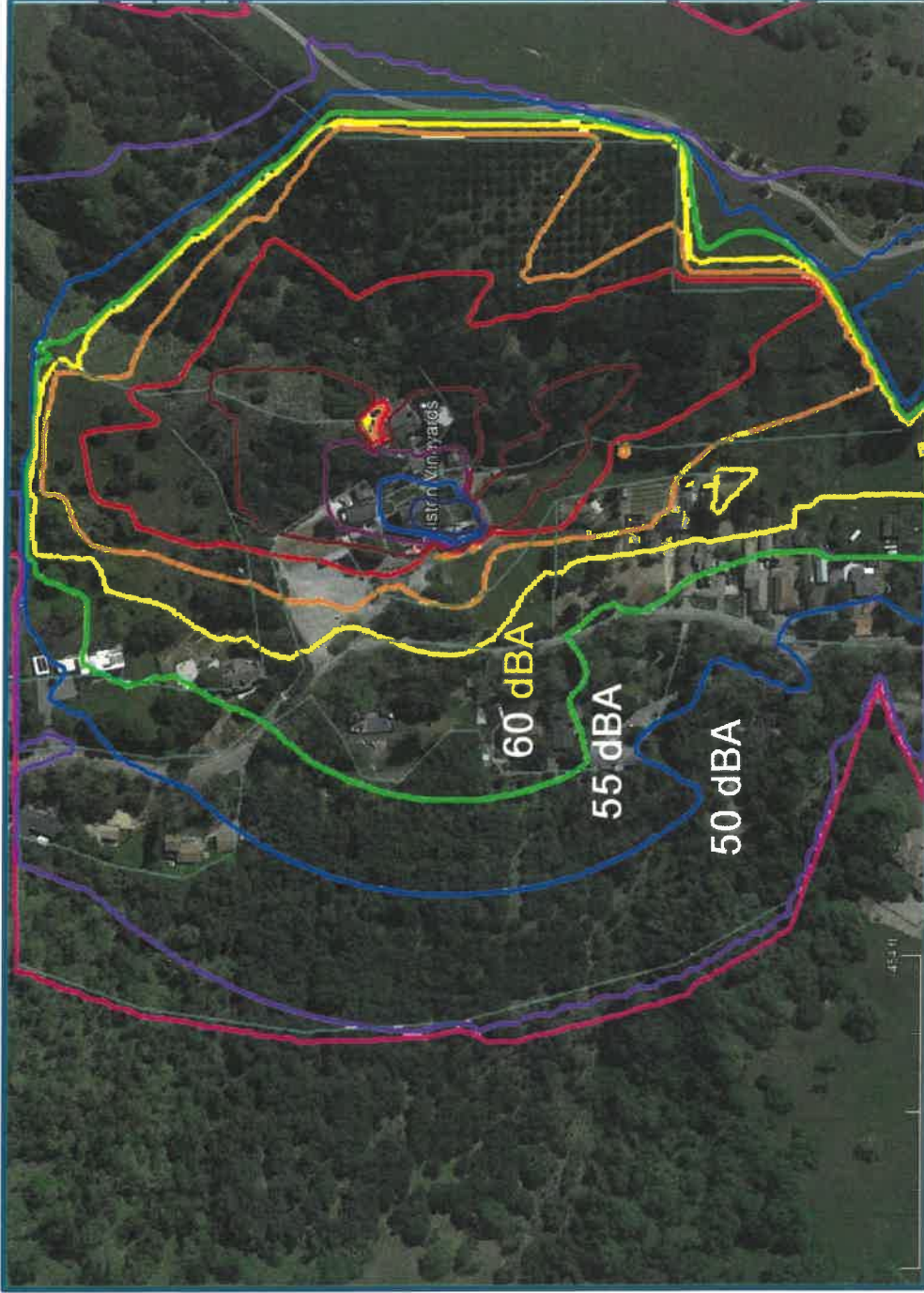


Figure 7. Predicted Noise Contour Map from Wedding Ceremony Cheers with Noise Control

Wedding Reception Noise Control:

1. Install a minimum 12-ft high noise barrier to buffer the wedding reception and operations noise. The noise barrier should be located along the west side of the patio and event center. Refer to Figure 8 for the Recommended Noise Control Location for the Wedding Reception.



Figure 8. Recommended 12-ft High Noise Barrier at Event Center

2. The barrier can be constructed of plexi-glass, glass or a transparent material that maintains the view.
3. Locate loudspeakers and performers away from any open doors or windows for additional noise reduction. Evaluate loudspeaker orientation prior to receptions.
4. Performers should be located inside the Event Center at the south most corner throughout the night. Refer to Figure 9 for the Recommended Location of Performances.
5. All doors shall remain closed during the Reception.



Figure 9. Recommended Location of Performances

6. Consider a real time noise monitoring system that measures the sound level at the nearest residential boundary and alerts the manager when the noise standard is exceeded via text message and or email. The notification would allow the operator to turn down the audio gain to maintain compliance with the County's Noise Standard. Refer to the Appendix for manufacturer's product literature on acoustical instrumentation.
7. Require a refundable deposit from clients or DJs in the event that fines are imposed by exceeding the allowable Noise Standards.

With the 12-ft high wedding reception noise barrier and the above noise recommendations, noise levels from the wedding reception would be reduced to as high as 38.1, 42.3, 45.5, 35.0, 34.6, 28.7, and 31.4 dBA at modeled receptors M1 through M7, respectively. The wedding reception noise would fully comply with the County of Alameda's Nighttime Standard of 45 dBA. Refer to Table 8 for a summary of the Predicted Noise Levels from the Wedding Reception with Noise Control and the Impact Assessment. Refer to Figure 10 for a Noise Contour Map of the Wedding Reception with Noise Control.



Table 8. Predicted Wedding Reception Noise Levels with Noise Control

	Receptor	Predicted Wedding Reception Leq, dBA	Nighttime Standard, dBA	Impact Assessment
M1	270 Kilcare Rd	38.1	45	Compliance
M2	333 Kilcare Rd	42.3	45	Compliance
M3	341 Kilcare Rd	45.5	45	Compliance
M4	442 Kilcare Rd	35.0	45	Compliance
M5	488 Kilcare Rd	34.6	45	Compliance
M6	508 Kilcare Rd	28.7	45	Compliance
M7	549 Kilcare Rd	31.4	45	Compliance

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Event Noise Study for the Elliston Vineyards – Sunol, CA

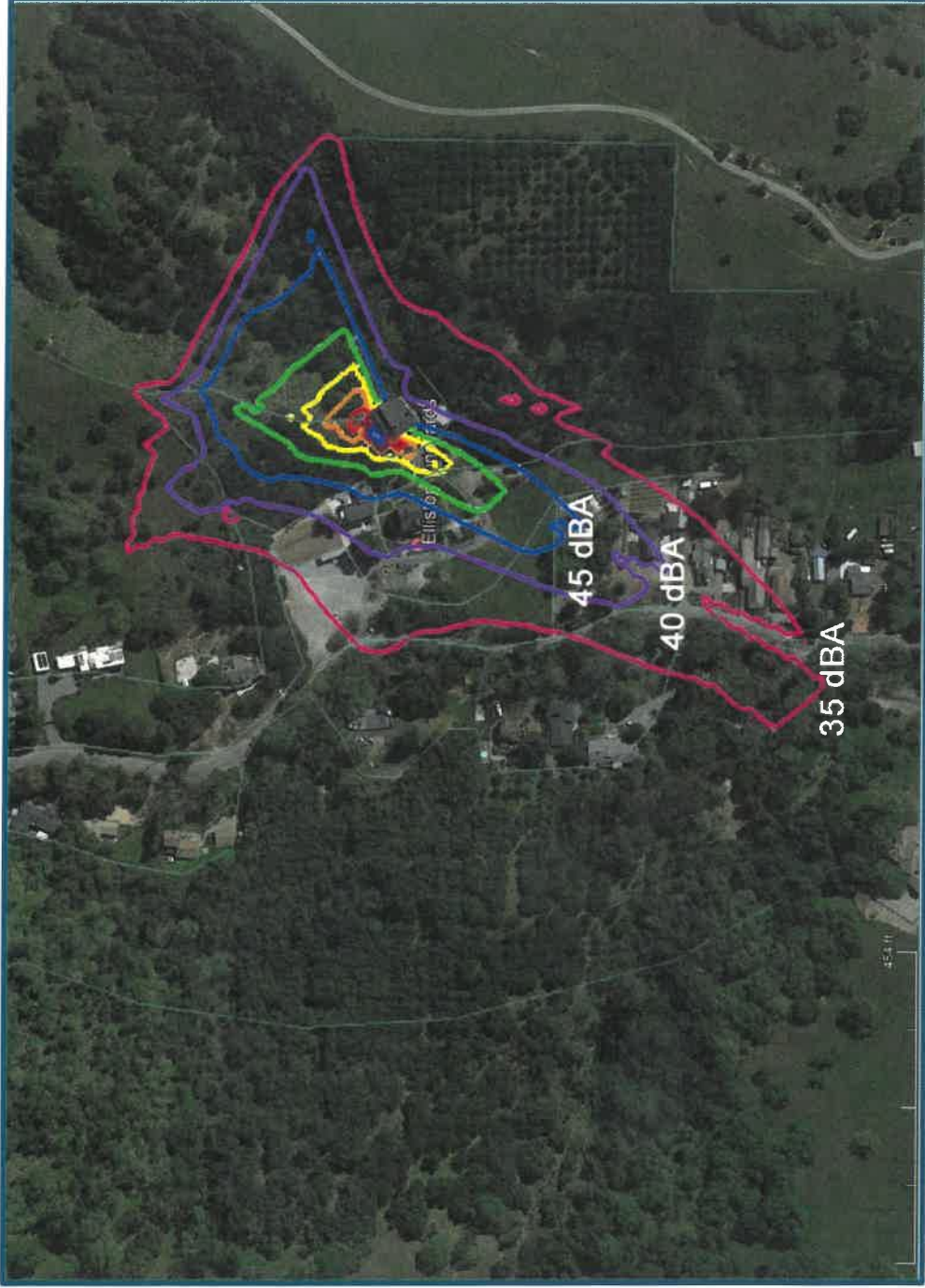


Figure 10. Predicted Noise Contour Map from Wedding Reception with Noise Control



CONCLUSION

AGI has conducted a noise study of the Elliston Vineyards Outdoor Wedding Ceremony and Wedding Reception at the Event Center located at 463 Kilkare Road in Sunol, CA. AGI has reviewed the County of Alameda Noise Standards, conducted noise measurements, analyzed the noise levels from on-site sources at nearby sensitive receptors, assessed the impact of the operations noise and identified control measures.

AGI conducted noise measurements of a wedding ceremony and reception on the evening of April 20, 2019. AGI's measurements indicate that existing wedding ceremony noise levels are as high as 70.4, 75.2, 78.4, and 64.6 dBA at locations NM1, NM2, NM3, and NM4, respectively. Additionally, short-term nearfield and farfield measurements were conducted during the wedding ceremony to determine noise levels from the crowd cheers. The noise from the crowd cheers was 80.4 and 62.2 dBA at the nearfield (WST1) and farfield (WST2) measurement locations, respectively. The wedding ceremony noise does not comply with the County of Alameda's Daytime Standard of 60 dBA.

Existing wedding reception noise levels are as high as 75.8, 50.8, 55.0, and 51.3 dBA at NM1, NM2, NM3, and NM4, respectively. The wedding reception noise does not fully comply with the County of Alameda's Nighttime Standard of 45 dBA. Noise control is required at the wedding ceremony and reception sites. AGI modeled the wedding noise levels at the neighboring residences to evaluate noise control.

For the wedding ceremony, AGI evaluated a 12-ft high noise barrier around the ceremony courtyard as well as re-orientating the crowd seating and wedding Gazebo. The predicted noise level from the wedding ceremony cheers would be reduced to as high as 48.0, 56.7, 64.5, 55.1, 58.6, 58.8, and 56.0 dBA at the modeled receptors M1 through M7, respectively. The wedding ceremony cheers will continue to exceed the County of Alameda's Daytime Standard of 60 dBA at M3; however, the wedding ceremony cheers will comply with the standard at all other receptors and audibility from the cheers will be substantially reduced at the residences.

For the wedding reception, AGI evaluated a 12-ft high noise barrier along the event center perimeter patio and stairs. The predicted noise level from the wedding reception with a 12-ft high noise barrier would be reduced to as high as 38.1, 42.3, 45.5, 35.0, 34.6, 28.7, and 31.4 dBA at modeled receptors M1 through M7, respectively. With noise control, the wedding reception noise fully complies with the County of Alameda's Nighttime Standard of 45 dBA. The project should be reviewed by an Architect or licensed professional engineer to ensure compliance with the applicable codes.



REFERENCES

1. Elliston Vineyards Site Drawings.
2. County of Alameda Noise Ordinance



APPENDIX

FIELD DATA SHEETS & MEASUREMENT DATA

MODELING INPUT & OUTPUT

COUNTY OF ALAMEDA NOISE ORDINANCE



Event Noise Study for the Elliston Vineyards – Sunol, CA

**FIELD DATA SHEETS
&
MEASUREMENT DATA**

NOISE MONITORING FIELD DATA SHEET

Project:	Elliston Vineyards	Date:	4/20/2019
Loc:	463 Killcare Rd, Sunol, CA		
	WST1, 25 Feet East of Wedding Ceremony		
SLM:	Bruel & Kjaer Type 2270 G-4	SN:	3023677
Mic:	Bruel & Kjaer Type 4189	SN:	3100242
P/A:		SN:	

Start	Stop	L2	L8	L25	L50	L90	L99	Lmax	Lmin	Leq	Notes
4:39	5:44	61.2	56.5	54.0	52.0	48.2	44.9	80.4	43.3	56.9	Live Music, Engine, Wedding Cheers



NOISE MONITORING FIELD DATA SHEET

Project:	Elliston Vineyards	Date:	4/20/2019
Loc:	463 Kilkare Rd, Sunol, CA		
	WST2, 100 Feet South of Wedding Ceremony		
SLM:	Bruel & Kjaer Type 2270 G-4	SN:	3023678
Mic:	Bruel & Kjaer Type 4189	SN:	3100588
P/A:		SN:	

Start	Stop	L2	L8	L25	L50	L90	L99	Lmax	Lmin	Leq	Notes
4:53	5:19	62.0	56.7	54.9	53.5	47.0	44.4	77.5	43.2	57.1	Live Music, Engine, Wedding Cheers



NOISE MONITORING FIELD DATA SHEET

Project:	Elliston Vineyards	Date:	4/20/2019
Loc:	463 Kilcare Rd, Sunol, CA		
	ST1, 549 Kilcare Rd, South-West Property Line		
SLM:	Bruel & Kjaer Type 2270 G-4	SN:	3023677/3023678
Mic:	Bruel & Kjaer Type 4189	SN:	3100242/3100588
P/A:		SN:	

Start	Stop	L2	L8	L25	L50	L90	L99	Lmax	Lmin	Leq	Notes
8:09	8:20	61.2	56.5	54.0	52.0	48.2	44.9	80.4	43.3	56.9	Vehicular Traffic, Airplane Engine, Wildlife
9:07	9:15	65.6	56.6	49.4	45.2	44.2	43.9	75.1	43.9	55.4	Vehicular Traffic, Wildlife



NOISE MONITORING FIELD DATA SHEET

Project:	Elliston Vineyards	Date:	4/20/2019
Loc:	463 Kilkare Rd, Sunol, CA		
	ST2, 508 Kilkare Rd, Driveway-Bridge		
SLM:	Bruel & Kjaer Type 2270 G-4	SN:	3023677/3023678
Mic:	Bruel & Kjaer Type 4189	SN:	3100242/3100588
P/A:		SN:	

Start	Stop	L2	L8	L25	L50	L90	L99	Lmax	Lmin	Leq	Notes
8:49	8:58	65.3	60.5	53.4	49.5	48.7	48.4	69.6	48.4	55.6	Vehicular Traffic, Airplane Engine, Wildlife
9:17	9:25	67.4	55.0	48.8	44.8	44.0	43.8	73.4	43.6	55.4	Vehicular Traffic, Airplane Engine, Wildlife, Cheers



NOISE MONITORING FIELD DATA SHEET

Project:	Elliston Vineyards	Date:	4/20/2019
Loc:	463 Kilkare Rd, Sunol, CA		
	ST3, 442 Kilkare Rd, Driveway		
SLM:	Bruel & Kjaer Type 2270 G-4	SN:	3023677/3023678
Mic:	Bruel & Kjaer Type 4189	SN:	3100242/3100588
P/A:		SN:	

Start	Stop	L2	L8	L25	L50	L90	L99	Lmax	Lmin	Leq	Notes
9:07	9:12	57.6	54.9	49.6	46.6	45.1	44.8	59.8	44.6	50.2	Vehicular Traffic, Airplane Engine, Wildlife
9:29	9:38	58.8	51.8	46.2	45.1	44.6	44.3	61.5	44.2	48.9	Vehicular Traffic, Airplane Engine, Wildlife



NOISE MONITORING FIELD DATA SHEET

Project:	Elliston Vineyards	Date:	4/20/2019
Loc:	463 Kilcare Rd, Sunol, CA		
	ST4, 341 Kilcare Rd, West Property Line		
SLM:	Bruel & Kjaer Type 2270 G-4	SN:	3023677/3023678
Mic:	Bruel & Kjaer Type 4189	SN:	3100242/3100588
P/A:		SN:	

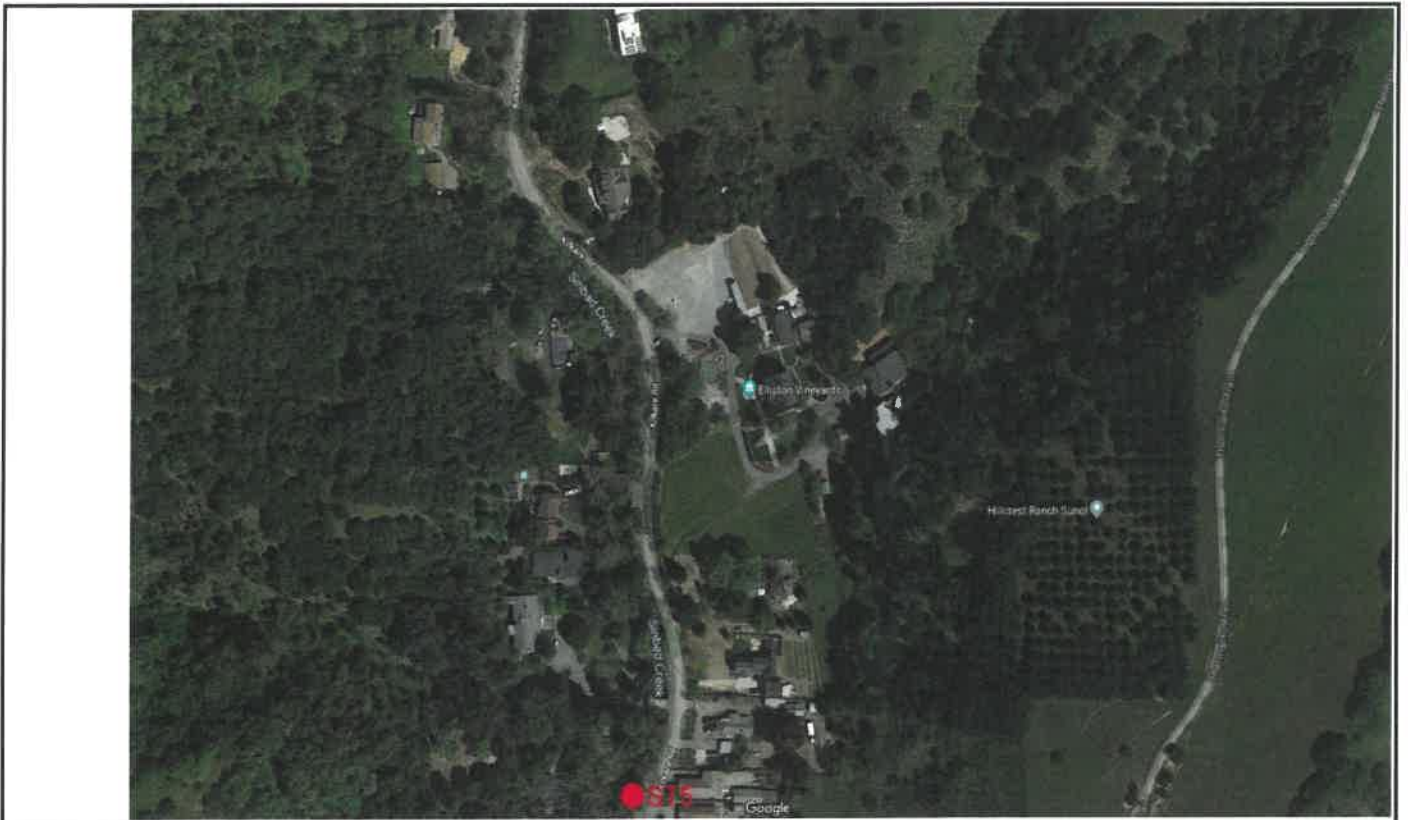
Start	Stop	L2	L8	L25	L50	L90	L99	Lmax	Lmin	Leq	Notes
9:16	9:22	67.3	61.2	53.5	49.8	48.6	48.1	74.3	46.6	57.3	Vehicular Traffic, Airplane Engine, Wildlife, Cheers
9:41	9:47	65.5	57.6	48.5	43.2	42.2	42.0	73.5	41.8	55.1	Vehicular Traffic, Wildlife



NOISE MONITORING FIELD DATA SHEET

Project:	Elliston Vineyards	Date:	4/20/2019
Loc:	463 Killkare Rd, Sunol, CA		
	ST5, 270 Killkare Rd, Driveway-Bridge		
SLM:	Bruel & Kjaer Type 2270 G-4	SN:	3023677/3023678
Mic:	Bruel & Kjaer Type 4189	SN:	3100242/3100588
P/A:		SN:	

Start	Stop	L2	L8	L25	L50	L90	L99	Lmax	Lmin	Leq	Notes
9:24	9:26	59.8	54.6	47.0	44.8	41.7	41.4	61.2	41.4	49.7	Vehicular Traffic, Airplane Engine, Wildlife
9:47	9:51	58.9	53.5	52.9	52.4	43.2	39.7	63.3	39.7	52.6	Vehicular Traffic, Wildlife



NOISE MONITORING FIELD DATA SHEET

Project:	Elliston Vineyards	Date:	4/20/2019
Loc:	463 Kilkare Rd, Sunol, CA		
	NM1, Patio Hillside		
	Ambient, Wedding Ceremony, Wedding Reception		
SLM:	Bruel & Kjaer Type 2250 G-4	SN:	3011821
Mic:	Bruel & Kjaer Type 4189	SN:	3099894
P/A:		SN:	

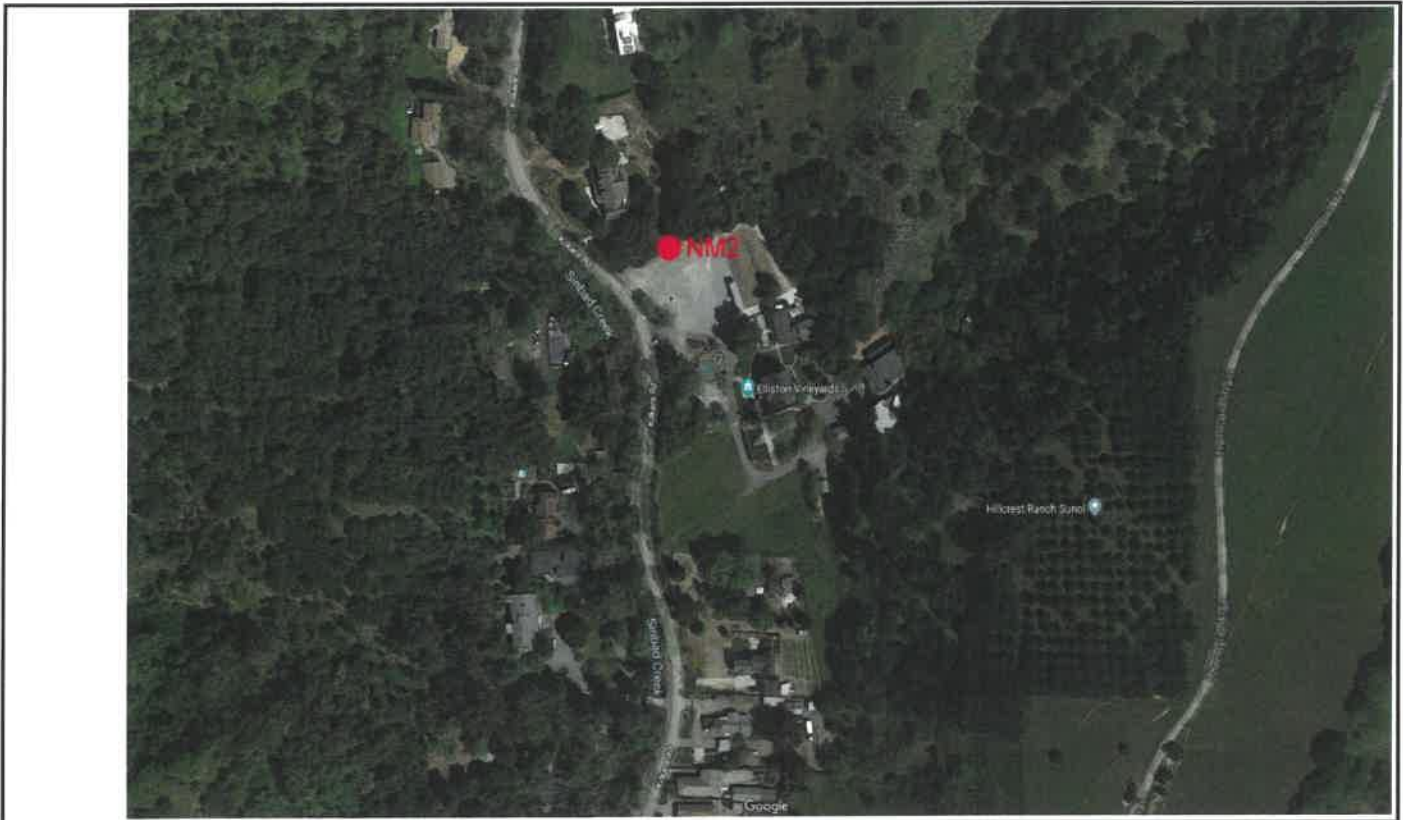
Start	Stop	L2	L8	L25	L50	L90	L99	Lmax	Lmin	Leq	Notes
2:00	5:00	57.2	54.0	51.1	49.1	46.4	45.1	66.5	43.1	50.6 - 51.1	Vehicular Traffic, Airplane Engine, Wildlife
5:00	6:00	60.8	56.5	53.5	51.2	48.1	46.8	73.6	47.2	58.0	Vehicular Traffic, Airplane Engine, Wildlife, Cheers, Music
8:00	10:00	65.2	62.5	59.9	57.4	52.7	49.8	77.2	46.1	55.6 - 59.4	Vehicular Traffic, Airplane Engine, Wildlife, Cheers, Music



NOISE MONITORING FIELD DATA SHEET

Project:	Elliston Vineyards	Date:	4/20/2019
Loc:	463 Killcare Rd, Sunol, CA		
	NM2, Main Parking Lot, North Property Line		
	Ambient, Wedding Ceremony, Wedding Reception		
SLM:	Bruel & Kjaer Type 2270 G-4	SN:	3011141
Mic:	Bruel & Kjaer Type 4189	SN:	3086903
P/A:		SN:	

Start	Stop	L2	L8	L25	L50	L90	L99	Lmax	Lmin	Leq	Notes
2:00	5:00	57.5	53.7	49.0	46.1	42.8	41.3	66.5	43.1	49.4 - 49.6	Vehicular Traffic, Airplane Engine, Wildlife
5:00	6:00	58.5	53.3	49.6	47.3	43.6	41.9	74.0	40.6	50.8	Vehicular Traffic, Airplane Engine, Wildlife, Cheers, Music
8:00	10:00	55.9	50.5	46.3	43.9	43.9	41.1	50.2	38.9	45.9 - 51.5	Vehicular Traffic, Airplane Engine, Wildlife, Cheers, Music



NOISE MONITORING FIELD DATA SHEET

Project:	Elliston Vineyards	Date:	4/20/2019
Loc:	463 Kilkare Rd, Sunol, CA		
	NM3, Grape Field, South Property Line		
	Ambient, Wedding Ceremony, Wedding Reception		
SLM:	Bruel & Kjaer Type 2270 G-4	SN:	3011353
Mic:	Bruel & Kjaer Type 4189	SN:	3087633
P/A:		SN:	

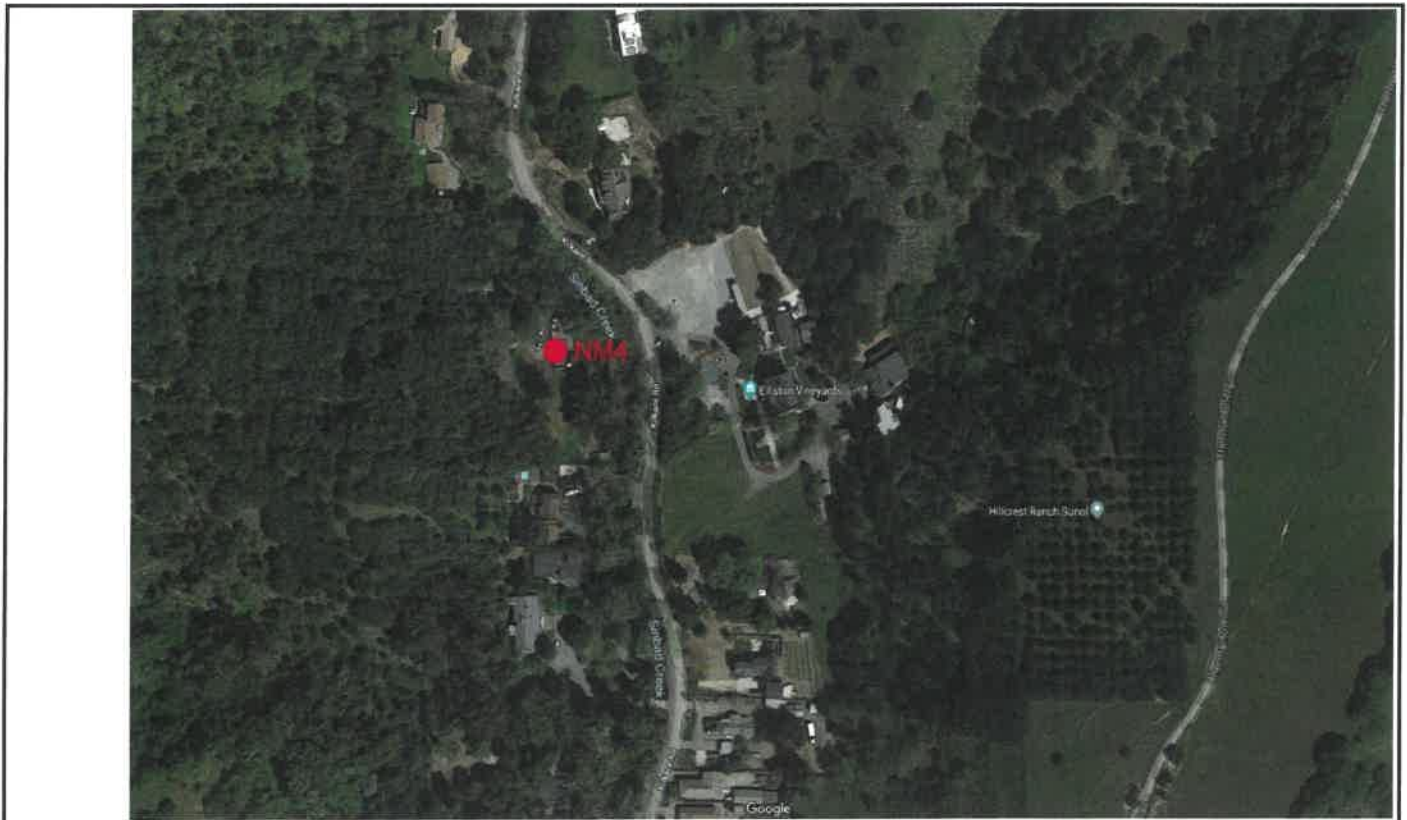
Start	Stop	L2	L8	L25	L50	L90	L99	Lmax	Lmin	Leq	Notes
2:00	5:00	59.6	54.9	50.5	47.7	44.1	42.3	70.1	39.3	51.1 - 51.6	Vehicular Traffic, Airplane Engine, Wildlife
5:00	6:00	61.8	56.7	52.8	50.5	46.2	43.5	77.4	41.8	54.8	Vehicular Traffic, Airplane Engine, Wildlife, Cheers, Music
8:00	10:00	55.5	51.6	48.6	46.6	42.7	40.8	56.0	36.9	45.3 - 49.1	Vehicular Traffic, Airplane Engine, Wildlife, Cheers, Music



NOISE MONITORING FIELD DATA SHEET

Project:	Elliston Vineyards	Date:	4/20/2019
Loc:	463 Kilkare Rd, Sunol, CA		
	NM4, 488 Kilkare Rd, Driveway		
	Ambient, Wedding Ceremony, Wedding Reception		
SLM:	Bruel & Kjaer Type 2270 G-4	SN:	3023689
Mic:	Bruel & Kjaer Type 4189	SN:	3100246
P/A:		SN:	

Start	Stop	L2	L8	L25	L50	L90	L99	Lmax	Lmin	Leq	Notes
2:00	5:00	57.2	53.7	50.6	48.6	45.9	44.7	66.8	43.7	49.8 - 51.3	Vehicular Traffic, Airplane Engine, Wildlife
5:00	6:00	58.0	53.8	52.1	49.9	46.2	45.1	66.3	44.5	51.5	Vehicular Traffic, Airplane Engine, Wildlife, Cheers, Music
8:00	10:00	55.0	49.1	46.0	44.9	43.9	43.5	52.3	43.1	47.0 - 48.3	Vehicular Traffic, Airplane Engine, Wildlife, Cheers, Music





Event Noise Study for the Elliston Vineyards – Sunol, CA

MODELING INPUT & OUTPUT

Wedding Ceremony With No Noise Control

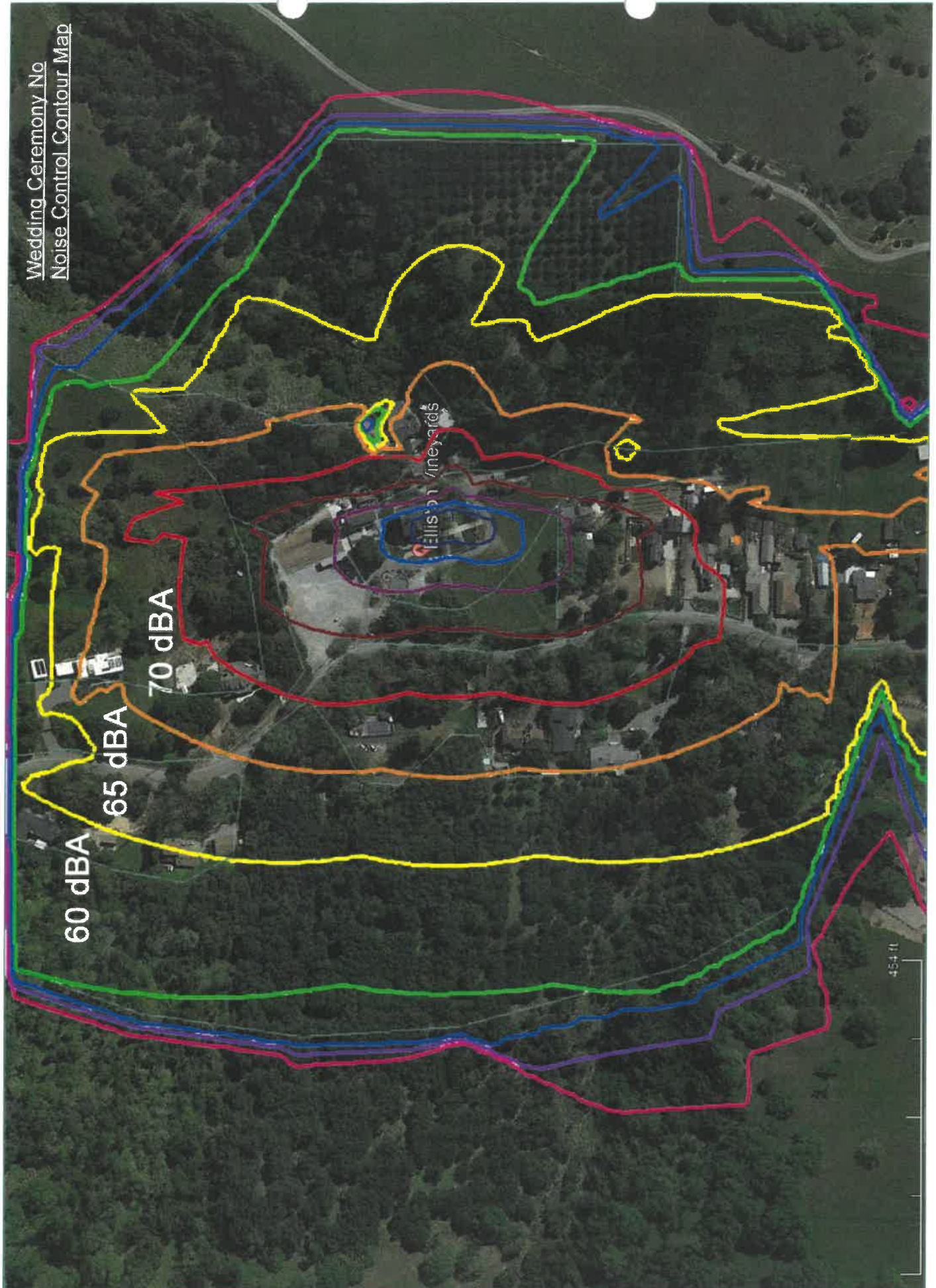
Source	M. ID	Result	PWL	Evening	Night	Limit	Value	Lw /Lj	Type	Value	Land Use	norm.	Day	Correction	Evening	Night	Sound Reduction	Area	Attenuation	Operating Time	Special	Night	NO	Freq.	Direct.	Height	Coordinates	Y	Z
		(dba)	(dba)	(dba)	(dba)	(dba)	(dba)	(dba)		(dba)	Type	Auto	Auto	dB(A)	dB(A)	dB(A)	(m ²)	(m ²)	(min)	(min)	(min)	(min)	(dB)	(Hz)	(m)	(m)	(m)	(m)	(m)
Crowd Cheering		123.2	123.2	123.2	123.2	123.2	123.2	123.2	LW	123.2	Crowd				6	0	0			Day			0	0	1.5	441.55	309.14	107.88	
Receiver	M. ID	Level Lr	Day	Night	Day	Night	Day	Night	Day	Night	Type	Auto	Auto	dB(A) <td>dB(A) <td>dB(A) <td>(m²) <td>(m²) <td>(min) <td>(min) <td>(min) <td>(min) <td>(dB) <td>(Hz) <td>(m) <td>(m) <td>(m) <td>(m) <td>(m) </td></td></td></td></td></td></td></td></td></td></td></td></td></td></td>	dB(A) <td>dB(A) <td>(m²) <td>(m²) <td>(min) <td>(min) <td>(min) <td>(min) <td>(dB) <td>(Hz) <td>(m) <td>(m) <td>(m) <td>(m) <td>(m) </td></td></td></td></td></td></td></td></td></td></td></td></td></td>	dB(A) <td>(m²) <td>(m²) <td>(min) <td>(min) <td>(min) <td>(min) <td>(dB) <td>(Hz) <td>(m) <td>(m) <td>(m) <td>(m) <td>(m) </td></td></td></td></td></td></td></td></td></td></td></td></td>	(m ²) <td>(m²) <td>(min) <td>(min) <td>(min) <td>(min) <td>(dB) <td>(Hz) <td>(m) <td>(m) <td>(m) <td>(m) <td>(m) </td></td></td></td></td></td></td></td></td></td></td></td>	(m ²) <td>(min) <td>(min) <td>(min) <td>(min) <td>(dB) <td>(Hz) <td>(m) <td>(m) <td>(m) <td>(m) <td>(m) </td></td></td></td></td></td></td></td></td></td></td>	(min) <td>(min) <td>(min) <td>(min) <td>(dB) <td>(Hz) <td>(m) <td>(m) <td>(m) <td>(m) <td>(m) </td></td></td></td></td></td></td></td></td></td>	(min) <td>(min) <td>(min) <td>(dB) <td>(Hz) <td>(m) <td>(m) <td>(m) <td>(m) <td>(m) </td></td></td></td></td></td></td></td></td>	(min) <td>(min) <td>(dB) <td>(Hz) <td>(m) <td>(m) <td>(m) <td>(m) <td>(m) </td></td></td></td></td></td></td></td>	(min) <td>(dB) <td>(Hz) <td>(m) <td>(m) <td>(m) <td>(m) <td>(m) </td></td></td></td></td></td></td>	(dB) <td>(Hz) <td>(m) <td>(m) <td>(m) <td>(m) <td>(m) </td></td></td></td></td></td>	(Hz) <td>(m) <td>(m) <td>(m) <td>(m) <td>(m) </td></td></td></td></td>	(m) <td>(m) <td>(m) <td>(m) <td>(m) </td></td></td></td>	(m) <td>(m) <td>(m) <td>(m) </td></td></td>	(m) <td>(m) <td>(m) </td></td>	(m) <td>(m) </td>	(m)
NM2		75.4	75.4	75.4	75.4	75.4	75.4	75.4	0	0	0	x	Total			1.8	400	381.4	102.89										
NM3		79.5	79.5	79.5	79.5	79.5	79.5	79.5	0	0	0	x	Total			2	444.84	265.2	107.15										
NM4		67.7	67.7	67.7	67.7	67.7	67.7	67.7	0	0	0	x	Total			1.8	345.16	345.88	101.77										
277 Killare Rd		64.8	64.8	64.8	64.8	64.8	64.8	64.8	0	0	0	x	Total			1.5	351.85	176.65	99.65										
333 Killare Rd		67.2	67.2	67.2	67.2	67.2	67.2	67.2	0	0	0	x	Total			1.5	-322.75	202.65	98.1										
341 Killare Rd		74.7	74.7	74.7	74.7	74.7	74.7	74.7	0	0	0	x	Total			1.5	434.4	330.6	102.1										
442 Killare Rd		67.9	67.9	67.9	67.9	67.9	67.9	67.9	0	0	0	x	Total			1.5	346.2	282.05	100.55										
488 Killare Rd		70.8	70.8	70.8	70.8	70.8	70.8	70.8	0	0	0	x	Total			1.5	373.3	391.95	103.6										
508 Killare Rd		55.8	55.8	55.8	55.8	55.8	55.8	55.8	0	0	0	x	Total			1.5	299.35	426.95	106.65										
549 Killare Rd		66.9	66.9	66.9	66.9	66.9	66.9	66.9	0	0	0	x	Total			1.5	377.5	452.9	111.5										
Wedding Nearfield		80.6	80.6	80.6	80.6	80.6	80.6	80.6	0	0	0	x	Total			1.8	449.9	300.05	106.48										
Wedding Farfield		77.4	77.4	77.4	77.4	77.4	77.4	77.4	0	0	0	x	Total			1.5	402.67	304.12	102.69										

M. ID ChnlyPts Height

Geography Contour Lines

- 345R (105.15m)
- 345T (105.15m)
- Wedding ceremony
- Wedding Reception
- Back Yards
- Parking Lot, Pond
- Hillside1
- Westhill,1
- North Residences
- North Residences,1
- Top Easthill
- Top Westhill
- East Hillside,2

Wedding Ceremony No
Noise Control Contour Map



60 dBA

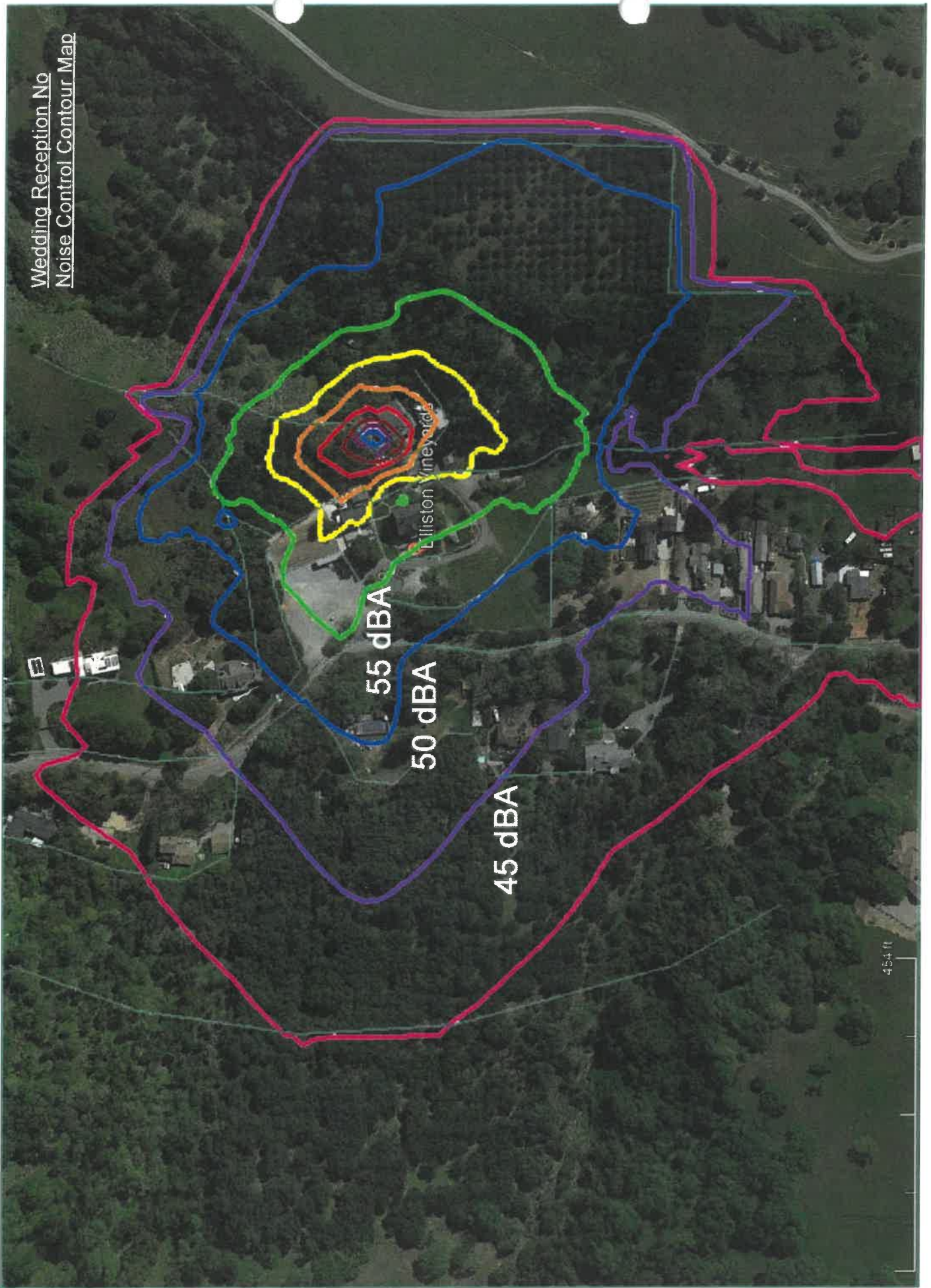
65 dBA

70 dBA

Hillside Vineyards

0 10 20 30

Wedding Reception No
Noise Control Contour Map





Event Noise Study for the Elliston Vineyards – Sunol, CA

COUNTY OF ALAMEDA NOISE ORDINANCE

"Recreational motor vehicle" means any motor vehicle (as that term is defined in the California Vehicle Code) and shall also include, but not be limited to, motorcycles, go-carts, campers, dune buggies and commercial or noncommercial racing vehicles. A "recreational motor vehicle" does not include a motorboat.

"Residential property" means a parcel of real property which is developed and used either in whole or in part for residential purposes.

"School" means public or private institutions, including vocational schools, conducting regular academic instruction at preschool, kindergarten, elementary, secondary or collegiate levels.

"Simple tone noise" means any sound which is distinctly audible as a single pitch or a set of single pitches as judged by any person empowered to enforce this chapter.

"Sound level meter" means an instrument used for measurement of sound levels, which meets the American National Standard Institute's Standard S14-1971 or most recent revision thereof for Type 1 or Type 2 sound level meters or an instrument and the associated recording and analyzing equipment which will provide equivalent data.

"Sound pressure level" of a sound, in decibels, means twenty (20) times the logarithm to the base ten of the ratio of the pressure of the sound to a reference pressure which is twenty (20) micropascals.

(Prior gen. code §§ 3-107.201—3-107.221)

6.60.030 - Noise measurement criteria.

- A. Any noise measurement made pursuant to the provisions of this chapter shall be made with a sound level meter using the 'A' weighted network (scale) at slow meter response. Fast meter response shall be used for an impulsive noise. Calibration of the measurement equipment, utilizing an acoustic calibrator, shall be performed immediately prior to recording any noise date.
- B. The exterior noise levels shall be measured at any point on the affected residential property, school, hospital, church, public library or commercial property. Where practical, the microphone shall be positioned three to five feet above the ground and away from reflective surfaces.

(Prior gen. code §§ 3-107.301, 3-107.302)

6.60.040 - Exterior noise level standards.

- A. It is unlawful for any person at any location within the unincorporated area of the county to create any noise or to allow the creation of any noise on property owned, leased, occupied or otherwise controlled by such person which causes the exterior noise level when measured at any single- or multiple-family residential, school, hospital, church, public library or commercial properties situated in either the incorporated or unincorporated area to exceed the noise level standards as set forth in Table 6.60.040A or Table 6.60.040B following:

Table 6.60.040A

**RECEIVING LAND USE — SINGLE- OR MULTIPLE-FAMILY RESIDENTIAL, SCHOOL, HOSPITAL, CHURCH OR PUBLIC LIBRARY PROPERTIES
NOISE LEVEL STANDARDS, dB(A)**

Category	Cumulative Number of Minutes in any one hour time period	Daytime 7 a.m. to 10 p.m.	Nighttime 10 p.m. to 7 a.m.
1	30	50	45
2	15	55	50
3	5	60	55
4	1	65	60
5	0	70	65

Table 6.60.040B

**RECEIVING LAND USE — COMMERCIAL PROPERTIES
NOISE LEVEL STANDARDS, dB(A)**

BUSINESS PLAN

Elliston Vineyards

Elliston, Inc, Owner

Created on March 27, 2019

1. EXECUTIVE SUMMARY

1.1 Product

Elliston Vineyards offers a unique and picturesque setting for special events such as weddings, social functions and corporate retreats.

Award winning wines.

Winetasting in our historic mansion.

1.2 Customers

The target audience for Elliston Vineyards are adults with an appreciation for elegant dining, excellent wines, and gracious friendly service.

1.3 What Drives Us

We are in a very competitive and ever changing industry. From special event trends and personalizations to each generation's changing tastes in wine. Elliston must continue to stay ahead of the trends in order to remain competitive.

2. COMPANY DESCRIPTION

2.1 Mission Statement

To provide excellent service, unique food, and world class wines in an unforgettable setting.

2.2 Principal Members

Kenny Zhao - CEO, Wine sourcing and production, Wine sales, Venue upgrades, Logistics

Donna Flavetta - Vice President and General Manager who oversees the day-to-day operations, Event planning, Wine regulatory compliance and bookkeeping.

2.3 Legal Structure

Elliston, Inc is a California C Corporation based in Union City, CA.

3. MARKET RESEARCH

3.1 Industry

Elliston Vineyards is in the Wine industry. We engage in growing and harvesting grapes, crushing pressed grapes into unfermented wine and fermenting the wine. Over the five years to 2018, the Wine industry has experienced robust growth, with industry revenue expected to increase an annualized 7.1% to \$24.1 billion, including estimated growth of 3.8% in 2018 alone. Much of this growth can be attributed to shifting consumer preferences. Millennials in particular have expanded their palates toward domestic wine, moving away from standard light beers. Many consumers have switched to craft alcoholic beverages.

Elliston is also in the wedding and special events Industry. We provide the venue, food and beverages, event planning and coordination services. Increasing acceptance of cohabitation has caused more couples to postpone their nuptials over the past five years, posing a challenge to the Wedding Services industry. Slowly changing social norms have dragged down the marriage rate over the past several decades, pressuring industry revenue growth. Nevertheless, the strengthening economy has boosted wedding budgets, as consumers with deeper pockets help drive industry demand. Over the five years to 2018, industry revenue has increased at an annualized rate of 3.0% to \$80.2 billion, in line with an annualized 2.4% increase in per capita disposable income during the same period. In 2018, revenue is anticipated to grow 1.6% due to an estimated 3.0% increase in disposable income.

3.2 Customers

Elliston's customers are millennials and their parents, businesses with 25 or more employees, wine distributors, and restaurants. Millennials are the perfect age where they are thinking about getting married and beginning a family. Their parents are the demographics that fill our tasting room and have the disposable income to make wine purchases. We target businesses with 25 or more employees for our weekday traffic. They hold meetings, conferences, and employee recognition events.

Local restaurants and distributors have become a target customer in building and expanding our wine brand.

3.3 Competitors

Elliston is one of over 3,700 wineries in California and one of over 50 wineries in our region.

Napa Valley is the main wine growing region of the United States and one of the major wine regions of California and the world. It is also known for its wedding venues, gourmet restaurants, and cafes.

More locally, we have several venues and wineries that host weddings and special events. Many of these locations have more liberal curfews and less noise restrictions than Elliston.

3.4 Competitive Advantage

Extraordinary hand-crafted wines have been a long-standing tradition here at Elliston Vineyards, reaching back more than 125 years. In addition to being the East Bay's premiere historic event venue, Elliston Vineyard's property is home to our winery and tasting room. As a purveyor of premium wines, our mission is to provide award winning, unique and ready-to-drink wines.

Our setting gives us a competitive advantage. Nestled in the hills of Sunol, our dramatic stone mansion, vineyards, and gardens are the perfect backdrop for weddings. Our large Terrace Room and patio provide an intimate and elegant setting. We are located in the historic Livermore Valley Wine Country. We are centrally located near Silicon Valley, San Francisco and the prestigious 680 corridor.

3.5 Regulations

Elliston must adhere to all Federal, State and County regulations as it pertains to sale and serving of alcoholic beverages, food safety and environmental health.

4. PRODUCT/SERVICE LINE

4.1 Product or Service

Products: Wine, wine related products (i.e. corkscrews, vacuum seals, foil cutters), food, and other beverages.

Services: Venue rental, event planning, event coordinator, food servers, and bartenders.

4.2 Pricing Structure

Elliston Vineyards will offer its products for the following prices:

Ceremony-South Lawn Rental - \$750(includes access to Bridal Suite and Groom's Room)

Reception: *Peak Season(April-October)*

Saturday : \$4500 Terrace Room Rental; \$9500 F&B Minimum

Friday/Sunday: \$3500 Terrace Room Rental; \$7500 F&B Minimum

Mid-Week(Mon-Thurs): \$2000 Terrace Room Rental

Non-Peak Season(November-March)

Saturday: \$3500 Terrace Room Rental;December(100 person minimum for Evening Rental)

Friday/Sunday: \$2800 Terrace Room Rental

Mid-week(Mon-Thurs): \$2000 Terrace Room Rental

White Wines

2017 Pinot Blanc -\$25

2014 Chardonnay -\$18

2016 Chardonnay -\$20

Sparkling Wine

California Champagne -\$18

Red Wines

2012 Pinot Noir -\$25

2013 Merlot -\$25

2014 Merlot -\$45

Reserve Merlot -\$40

Captain's Blend -\$22

Reserve Captain's Blend -\$45

2015 Cabernet Sauvignon -\$20

2015 Napa Cabernet Sauvignon -\$40

2014 Napa Resv. Cabernet Sauvignon - \$45

4.3 Product/Service Life Cycle

For Wine:

1. Pick the grapes.
2. Crush the grapes and then ferment the juice into wine.
3. Bottle and label finished wine.
4. Introduce our new wines to customers visiting our tasting room.

For Events:

1. Provide clients with pricing and other information.
2. Schedule a tour to give potential clients an overview of the venue and provide them with an estimate of the cost for their event.
3. Once a contract is received, begin planning the details of the event. i.e. timelines, floorplan, menu
4. 1-2 weeks before the event, day-of coordinator assigned will tie up any loose ends and confirm details with all of your vendors.
5. Your day-of-coordinator will coordinate your rehearsal, if applicable.
6. You day-of-coordinator will be there the day of your event to manage Elliston staff, vendors and to keep to the timeline.

4.4 Intellectual Property Rights

Elliston Vineyards have filed for protection of our proprietary processes and other intellectual property, such as our logo. We have also registered our domain name and parked relevant social media accounts for future use and to prevent the likelihood of someone impersonating as one of our consultants.

4.5 Research & Development

Determining the need for additional consulting services within our market related to tying improved processes to opportunities for increased sales and promotion to potential customers.

Reviewing available market research to identify top wines and reasons for their popularity.

5. MARKETING & SALES

5.1 Growth Strategy

To grow the company, Elliston Vineyards will do the following

1. Apply for an extended curfew to 11pm to be able to compete with new and existing venues in our area.
2. Apply to allow amplified ceremony vows for weddings.
3. Create outreach program to local businesses to expand on weekday event business.
4. Pursue wine sales opportunities through distributors.
5. Expand our wine export program to other countries.

5.2 Communication

Elliston Vineyards will communicate with its customers by :

1. Providing an e-mail newsletter with Elliston news and product information.
2. Using social media such as Facebook, Twitter, Instagram and Pinterest.
3. Providing information on the Elliston website.

5.3 Prospects

Currently, our staff is focusing on wedding and event sales and planning. They are well versed in social media marketing. Elliston has added a wine sales position which will focus on brand recognition and developing relationships with

distributors. The company will increase awareness to our targeted customers through online advertising.

Curry, Damien, CDA

From: David Haubert <davidhaubert@comcast.net>
Sent: Wednesday, January 8, 2020 12:39 PM
To: Curry, Damien, CDA
Cc: Kenny Zhao; Donna Flavetta
Subject: Elliston Vineyard requests

Damien,

I would like the following to be included in your staff report. Please confirm. Thank you.

Dear Board of Zoning Adjustments and Advisory Council Members:

I am writing today to ask that you approve the extended hours of operation and the use of slightly amplified sound for the use of wedding vows at Elliston Vineyards. I enjoy visiting Elliston and I simply want to ensure it stays open for business.

Elliston is a long established iconic business which brings prestige and vibrancy to the local community. These requests allow Elliston to be competitive and relevant in the marketplace and they pose little or no realistic disturbance to the surrounding community because adequate measures can be utilized to reduce any noise impact. The real intent behind the current amplification prohibition is to avoid outside rock concerts, not to prohibit wedding vows.

I respectfully request that you approve these requests now or otherwise direct staff to return with an another amicable solution. I look forward to hearing your direction coming out of the meeting.

Best Regards!

David Haubert

Thank you!
David Haubert
(925) 719-8735

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Curry, Damien, CDA

From: John Bush <j.a.bush2010@gmail.com>
Sent: Monday, May 7, 2018 7:34 AM
To: Curry, Damien, CDA
Subject: Re: Elliston Winery Conditional Use Permit Application

Mr. Curry,

Our residence at 442 Kilcare Road is located directly across Kilcare Road from the subject winery and the area frequently used for outdoor winery events. With the exception of a few specific incidents, we have considered Elliston Winery to be an asset to the Sunol community. We feel that Donna Flavetta has always strived to conduct event activities at the winery in an unobtrusive way that was appropriately respectful of the surrounding neighborhood. That being said, we request consideration of changes in a new Conditional Use Permit to address two areas in which we feel the winery has occasionally had a detrimental impact on the surrounding neighborhood:

1. Reference Page 4, Item 10 of the Zoning Administrator's January 1997 conditions for approval which addresses the removal of litter from winery-related events. It is not unusual to see event-related materials (litter) as far away as the intersection of Paloma Road (SR-84) and the Pleasanton-Sunol Road, well outside of the stipulated one-half mile zone. Such litter has sometimes been left for several days beyond the stipulated removal "after each event day". We suggest consideration of increasing the one-half mile radius so as to include all of "downtown" Sunol and other nearby public areas such as the Paloma Road/Pleasanton-Sunol Road intersection. A one mile zone might accomplish that goal.
2. We have occasionally endured the use of amplified sound systems in winery events in a manner which we believe was substantially outside of both the scope and intent of both the prior (1997) Conditional Use Permit and the Alameda County Noise Ordinance (Health and Safety Code, Chapter 6.60). Such incidents appear to result from the winery staff's apparent interpretation of the CPU to be that...
 - while the use of **amplified music** outdoors was clearly prohibited for all but the Labor Day weekend events, there is no similar statutory or regulatory limit of any kind that applied to the use of **amplified voice** during routine winery events, and further...
 - while the use of "amplified music" was clearly permitted at the Labor Day weekend events, there was no stated or implied limit of the volume of either **amplified voice or music** during those specific events.

These two interpretations, which we believe to be incorrect, have led to infrequent but nevertheless very intrusive conditions in and around our home.

To remedy what we feel has been significant misinterpretations of the CUP in the past, we suggest it be made very clear that the use of an outdoor amplified sound system for any purpose (i.e. voice or/or music) is prohibited at any winery event other than on Labor Day Weekends and furthermore, for those particular weekends, operation of outdoor sound systems shall be in accordance with the Alameda County Noise Ordinance. It might be useful to note that applicable Noise Level Standards (Table 6.60.04A), as modified by Section 6.60.040 (C) for voice and music, stipulate the same limit (i.e. 45 dBA for 30 minutes per hour, etc.) to noise sources involving either music and/or voice.

Please feel free to contact us regarding our comments.

H: (925) 862-2951

M: (925) 872-2355

442 Kilkare Road
Sunol, CA 94586

On Apr 27, 2018, at 3:44 PM, Curry, Damien, CDA <damien.curry@acgov.org> wrote:

Mr. Bush, 4 items are attached. Thank you and have a great weekend

Damien Curry
Alameda County Planning
(510) 670-6684
damien.curry@acgov.org

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<PLN2018-00015 Application Request.pdf><PLN2018-00015 Referral.pdf><PLN2018-00015 site plan.pdf><PLN2018-00015 Written Statement.pdf>

Curry, Damien, CDA

From: John Bush <j.a.bush2010@gmail.com>
Sent: Monday, August 27, 2018 11:27 AM
To: Curry, Damien, CDA
Subject: Status, CUP--463 Kilkare Road, Sunol (Elliston Winery)?

Mr. Curry,

Somewhat intrusive noise from an event at Elliston Winery last night (Sunday, August 26) reminded us that we are unaware of the status of the Elliston CUP and therefore unsure if we even have grounds for complaint. If there is either a currently-granted CUP in place or if a revised CUP is under consideration, we would appreciate receiving copies of the applicable documents so we can understand the expected impact of Elliston's operations.

If there is still no current CUP in place, should we assume the terms of the expired CUP apply in the interim? If this be the case, a couple of related questions arise in the context of Sunday evening's events:

- In the expired 1997 CUP, did the phrase "hours of operation for the group events" intend to mean that...
 - all customers will have left the premises by the end of the stipulated "hours of operation"? Or
 - formally organized activities shall terminate at the close of the stipulated "hours of operation" and attendees leave at some later but unspecified time?

- In the expired 1997 CUP, did the phrase "Use of amplified music and speakers out of door shall be limited to the annual Harvest Wine Celebration..." mean that
 - at events other than during the Harvest Wine Celebration, the use of outdoor loudspeakers for amplified speech is not permitted? Or...
 - at events other than during the Harvest Wine Celebration, the use of outdoor loudspeakers for amplified speech is permitted but only when done so in accordance with the applicable elements of the County Noise Ordinance? Or...
 - at events other than during the Harvest Wine Celebration, the use of outdoor loudspeakers for amplified speech is permitted without limit? (This is the stated interpretation offered and sometimes practiced by Elliston)

As you might surmise, both the hours of event operations and the intrusive use of outdoor loudspeakers for amplified speech both seemed inappropriate last night. The event's indoor activities ran until about 10:20 PM and most attendees had departed by 10:40 PM whereas CUP C-6945, Recommendation 1.B. clearly says: "Hours of operation for the group events shall be 8 a.m. to 10 p.m. Monday through Saturday and 11 a.m. to 6 p.m. on Sunday".

Thank you,
John Bush

442 Kilkare Road, Sunol CA 94586

H: 925-862-2951
M: 925-872-2388

Curry, Damien, CDA

From: Cindy Kizanis <ckizanis@gmail.com>
Sent: Wednesday, August 29, 2018 1:13 PM
To: Curry, Damien, CDA
Subject: Nuisance caused by Elliston Winery

Dear Mr. Curry,

This email is years overdue, and has in part been instigated by events from this past weekend at Elliston Vineyards. My husband, children and I live across the street from Elliston at 330 Kilkare Road, and have resided in this location for the past 24 years. During this time, we have had countless conversations with Donna Flavetta and others who were at one time or another associated with the management and operations of Elliston regarding the nuisance caused by noise levels, and the poor behavior of event-goers after having had much to drink. The noise level coming from the events at Elliston have been a constant source of frustration. As recently as about one month ago, I joined two other families to meet with Ms. Flavetta regarding our concerns with the continually increasing nuisance caused by events at Elliston. Ms. Flavetta is a kind person, but in the 24 years of our residency, has not been able to reduce the amount of noise and nuisance created by the events at the center for any significant amount of time. The problem with noise, while in large part due to poor management and oversight of events, is exacerbated by the fact that they are tucked in the middle of a residential neighborhood with no sound barriers, no practical regard for the good will and well-being of their neighbors and further, Elliston's location in a canyon where sound is amplified naturally.

To be completely honest, I am sick and tired of having to close my doors and windows every weekend evening in summer, and year round, in an attempt to buffer the partying, screaming, music, and crazy behavior that takes place in Elliston's parking lot. If I were to add up the number of evenings I have been awakened by the noises generated by their events, there would be too many to list. It's one thing for a neighbor to host an occasional party, but to live in a neighborhood where the unruly party happens three to five times a week has become far too obnoxious to ignore.

I am no longer content to listen to the management of Elliston promise that they will try to find a solution. 24 years of more of the same, and in fact worse, has proven that they cannot or will not do what is necessary to conduct business in a way that is profitable and acceptable for their location in this neighborhood.

What can we do as citizens of Sunol who have tried to approach this situation in a neighborly manner, but without effect? I am relying on the county to direct us now as we are having to stand up to the flagrant disregard for this long-stated concern.

Please advise.

Regards,

Cindy Kizanis



THE CINDY KIZANIS ATTORNEY AT LAW FIRM
1000 BAY STREET, SUITE 200, SAN FRANCISCO, CA 94133
TEL: 415.774.1111 FAX: 415.774.1112
WWW.CINDYKIZANIS.COM

Damien Curry
Alameda County Planning
(510) 670-6684
damien.curry@acgov.org

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From: Jana Ballstadt [<mailto:janaballstadt@yahoo.com>]
Sent: Monday, July 16, 2018 3:16 PM
To: Curry, Damien, CDA <damien.curry@acgov.org>
Subject: Elliston Winery

Hello Damien,

I live next door to the Winery and wanted to know when the hearing will be for Elliston Winery?

Myself and a few other neighbors met with Donna to discuss the issues we are having during events and Weddings, mostly lots of noise, loud music and

people leaving the parking lot at 11:00 or beyond and honking as they depart. She had mentioned she would look into sound

barriers, but that has not happened to our knowledge. Would also like to know if there is a time limit that events in the evening could end or is there a

law since we are in a neighborhood?

Thank you,

Jana Ballstadt

Curry, Damien, CDA

From: Jana Ballstadt <janaballstadt@yahoo.com>
Sent: Wednesday, August 29, 2018 7:24 PM
To: Curry, Damien, CDA
Subject: Re: RE: Elliston Winery

Aug. 29, 2018

Dear Mr. Damien Curry,

I moved to beautiful Sunol in 1989, its still beautiful but the noise is not. I live directly next to Elliston Winery, at 367 Kilkare. Over these years I have always tried to be a good neighbor and I have raised concerns many times, just get lip service and I am done with that. Last weekend (THIS is only ONE example), Saturday evening event went on until 12:30PM, what happened to the noise ordinance at 10:00 PM? Screaming and hollering all night. I believe no management on site. Next day – Sunday, evening wedding at 8:45PM, amplified speakers so loud all of Pleasanton could have heard this. Evening ended with much more screaming and hollering and amplified speaker, at 10:30 on a Sunday evening, then to top the night off sparklers in our dry grass community causing extreme Fire Hazard.

I am no longer waiting for a scheduled meeting that we have never been given a date for, we need immediate action NOW, I cannot face another weekend like this.

Actions Items that need an Urgent Response please:

- Out of the parking lot by 10PM
- No amplified speakers or any other sound devices outside i.e. microphones
- No fire causing devices EVER
- Copy of extension filed by Elliston and a current copy of the ordinance
- No night weddings extended beyond 10pm, including receptions
- Manager on site for events that is responsible for maintaining the ordinance
- Manager's phone number for all neighbors-no texting to Donna we want a responsible individual to speak with if things are out of compliance and a detailed resolution from the individual that night not the next day or week.

In closing I do not want to meet with Donna again, on 5/16/18 myself and some other neighbors met with her all we received was lip service and that has been the case for almost 30 years. They say they will do something and nothing ever happens, and I believe now they want to extend their operating hours. As a neighbor I feel it is very disrespectful what they are doing and also being allowed to get away with whatever they want whenever they want. If you are not the correct individual to address this issue please point to the person that can get resolution of this serious issue quickly.

I am tired of having to fight to keep this neighborhood quiet and need some action from the County NOW!

Sincerely,

Jana Ballstadt

On Tuesday, July 17, 2018, 9:09:50 AM PDT, Curry, Damien, CDA <damien.curry@acgov.org> wrote:

10 day Notices will be sent prior to the same addresses as received the courtesy notice, also posted on/near site, for the Sunol Council and the EBZA

Damien Curry
Alameda County Planning
(510) 670-6684
damien.curry@acgov.org

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From: Janaballstadt [mailto:janaballstadt@yahoo.com]
Sent: Monday, July 16, 2018 4:43 PM
To: Curry, Damien, CDA <damien.curry@acgov.org>
Subject: Re: Elliston Winery

Thank you, we will be notified of the hearing?

Sent from my iPhone

On Jul 16, 2018, at 3:26 PM, Curry, Damien, CDA <damien.curry@acgov.org> wrote:

There is no hearing scheduled at this time.

Regarding noise, there is also the general noise ordinance prohibition on noise disturbances after 10pm

Curry, Damien, CDA

From: Sharon Pepper <sharonpepper@comcast.net>
Sent: Wednesday, August 29, 2018 8:08 PM
To: Curry, Damien, CDA
Subject: Excessive Noise From Elliston Winery - Sunol

Hi John,

We have lived at 333 Kilkare Road for approximately 25 years – 3 houses down the road from the winery.

The purpose of this email is to let you and other officials know that the noise level coming from the winery has increased significantly in volume and annoyance and events are going on well beyond the 10:00 pm curfew. The events from this past weekend has put us and other neighbors over the edge. We have “tolerated” the noise and increased traffic but find it intolerable at this point and there is a total disregard to our privacy and ability to have a quiet, peaceful weekend. We moved to this community because of it’s beauty and tranquility. Weekends are the time for us to unwind from a hectic work week and the events at the winery are prohibiting us from enjoying our down time or entertain others without hearing constant yelling, cheering and amplified music, which has turned into annoying noise pollution.

We live in a residential area, not a business park. Noise like this should not be allowed or tolerated. The disregard for the residents concerns has not been taken seriously. We expect that action will be taken to eliminate this problem and if it continues, we will have no choice but to contact our county sheriff’s office each time there is a violation. This is not the best use of our community’s sheriff time however, it is a violation none the less.

We expect that there will be adequate advanced notice on a hearing to address these issues.

Thanks,

Sharon and Cliff Pepper

Curry, Damien, CDA

From: Rick Long <ricklong@msn.com>
Sent: Wednesday, August 29, 2018 8:21 PM
To: Curry, Damien, CDA
Cc: jvginsunol@comcast.net
Subject: Elliston Vineyard Noise Issue

ATTN: Damien Curry
Alameda County Planning

We would like to voice our concern about the Elliston Vineyards lack of regard for following the noise ordinance set forth for Sunol. We chose to move to Sunol because it is such a peaceful quiet town away from all the noise and congestion. We have been surprised to hear loud music and shouting coming from Elliston Vineyards mostly on the weekends. Sometimes going beyond the 10pm requirement of the noise ordinance.

We would appreciate being advised of the public hearing.

The Long Residence
270 Kilcare Road

Sunol, CA 94586

RickLong@msn.com

Rick Long
925-699-3207-Mobile
270 Kilcare Road
Sunol, CA 94586
ricklong@msn.com

Curry, Damien, CDA

From: Donna Flavetta <donna@elliston.com>
Sent: Friday, August 31, 2018 5:10 PM
To: j.a.bush2010@gmail.com; Jana Ballstadt; Cindy Kizanis; sharonpepper@comcast.net; ricklong@msn.com; jvginsunol@comcast.net
Cc: Curry, Damien, CDA; Kenny Zhao
Subject: Apology from Elliston Vineyards

Hi Neighbors,

I would like to start by apologizing for the disturbance our events have been causing all of you. I feel terrible that I didn't communicate better which made it appear that I haven't been doing anything or worse, don't care.

I had a meeting with Jana, Cindy, and John, as they had contacted me with concerns. We wanted to have an open conversation about nuisances and how to mitigate them. I felt like we came up with some good ideas. The following is a list of what we discussed and other items I've added.

- 1) We have contracted with an Acoustic Engineering Group to give us recommendations to control the noise. There are also unique aspects to sound traveling within a canyon. Once we receive the recommendations we will begin implementing those that have the most potential impact.
- 2) John suggested an app for our phones that checks decibel levels. All of the event managers have the app and check the decibel level throughout the night. Screen shots are now being saved in a folder. So far from outside the event center doors, the decibel level has been within the current noise ordinance. Despite this, we will be moving the doors that face Kilkare to the North side of the building facing the hillside.
- 3) We have staff checking the parking areas to ensure that groups are not loitering in the parking areas. We will be monitoring these areas more diligently.
- 4) No more grand exits. I realized that the nights when I got a text from Cindy were nights when the couple did a sparkler/grand exit. This wasn't a thing when I did the weddings so it didn't occur to me. It has been a fad for the last year or two. We sent an email to all of our booked couples letting them know that we will no longer be allowing this. Of course we have some pretty upset brides. We did make an exception for the couples this weekend since there was little notice, but have explained the situation and I believe they will do their best to be respectful.
- 5) No more microphones for vows. When the conditional use permit said no amplified music we took it literally and felt it was okay for the officiant and couple to have their vows amplified. It has been a source of irritation so we will no longer be allowing it.
- 6) We are now collecting a security deposit of \$2,000 that will be returned after the event is over as long as there are no violations of our contract which includes our noise policies and the renters responsibilities.

Thank you in advance for your patience in the short term as we implement these long term solutions. I promise to keep in better contact. Please feel free to forward this or provide me with any email addresses of anyone who may have an interest/concern.

Warmest regards,
Donna Flavetta
925-862-2377

Curry, Damien, CDA

From: Cindy Kizanis <ckizanis@icloud.com>
Sent: Tuesday, September 4, 2018 5:36 PM
To: Donna Flavetta
Cc: John Bush; Jana Ballstadt; Sharon Pepper; ricklong@msn.com; Virginia Baker; Curry, Damien, CDA; Kenny Zhao; Lisa Evans-Long
Subject: Re: Apology from Elliston Vineyards

Hi Donna,

One huge issue that you didn't mention and which could be easily remedied, (and would also go a long way in suggesting that Elliston is committed to making things better), is to not conduct events after the time stipulated in your permit, 10 pm Monday through Saturday and 6pm on Sunday.

As you know, Elliston events often go on hours past these permitted times. It would be helpful if you could answer the following questions:

Does the verbiage in your current event contracts make the above start/stop time clear?
What is Elliston's plan to make sure that this regulation is followed?
Can we expect the permitted operating hours to be adhered to from today going forward?

Your communication on this matter and direct answers to the above questions are appreciated.

Regards,



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On Aug 31, 2018, at 5:10 PM, Donna Flavetta <donna@elliston.com> wrote:

Hi Neighbors,

I would like to start by apologizing for the disturbance our events have been causing all of you. I feel terrible that I didn't communicate better which made it appear that I haven't been doing anything or worse, don't care.

I had a meeting with Jana, Cindy, and John, as they had contacted me with concerns. We wanted to have an open conversation about nuisances and how to mitigate them. I felt like we came up with some good ideas. The following is a list of what we discussed and other items I've added.

1) We have contracted with an Acoustic Engineering Group to give us recommendations to control the noise. There are also unique aspects to sound traveling within a canyon. Once we receive the recommendations we will begin implementing those that have the most potential impact.

2) John suggested an app for our phones that checks decibel levels. All of the event managers have the app and check the decibel level throughout the night. Screen shots are now being saved in a folder. So far from outside the event center doors, the decibel level has been within the current noise ordinance. Despite this, we will be moving the doors that face Kilkare to the North side of the building facing the hillside.

3) We have staff checking the parking areas to ensure that groups are not loitering in the parking areas. We will be monitoring these areas more diligently.

4) No more grand exits. I realized that the nights when I got a text from Cindy were nights when the couple did a sparkler/grand exit. This wasn't a thing when I did the weddings so it didn't occur to me. It has been a fad for the last year or two. We sent an email to all of our booked couples letting them know that we will no longer be allowing this. Of course we have some pretty upset brides. We did make an exception for the couples this weekend since there was little notice, but have explained the situation and I believe they will do their best to be respectful.

5) No more microphones for vows. When the conditional use permit said no amplified music we took it literally and felt it was okay for the officiant and couple to have their vows amplified. It has been a source of irritation so we will no longer be allowing it.

6) We are now collecting a security deposit of \$2,000 that will be returned after the event is over as long as there are no violations of our contract which includes our noise policies and the renters responsibilities.

Thank you in advance for your patience in the short term as we implement these long term solutions. I promise to keep in better contact. Please feel free to forward this or provide me with any email addresses of anyone who may have an interest/concern.

Warmest regards,
Donna Flavetta
925-862-2377
925-872-1751 cell

Curry, Damien, CDA

From: John Bush <j.a.bush2010@gmail.com>
Sent: Wednesday, September 5, 2018 8:15 AM
To: Curry, Damien, CDA
Subject: Interpretation of Resolution No. Z-8639 (Elliston Winery, Jan 29, 1997)

Mr. Curry,

Donna Flavetta and Kenny Zaho, the operators of Elliston Winery, conduct their business using interpretations in at least two areas addressed in Resolution No. Z-8639 that substantially differ from those of some of their neighbors, myself included. Without compromising its neutrality, the Planning Department staff could be very helpful to all by merely identifying the intended meaning of Conditions stipulated in Z-8639 in a few specific areas. I'm hoping that either you or some other appropriately qualified individual within the Planning Department can address the topics listed below and advise us on the Planning Department's intended interpretation of the related Conditions of Z-8639.

1. Ref Condition 1. B): "Hours of operation for the group events shall be 8 a.m. to 10 p.m. Monday through Saturday and 11 a.m. to 6 p.m. on Sunday."

- Was this condition intended to require that all customers will have left the premises by the end of those stipulated "hours of operation"?
- If not, please elaborate on just how was this requirement was intended to be interpreted and implemented.

2 Ref Condition 11 as it pertains to the use of "amplified music and speakers out of doors..." This Condition addresses the use of "amplified music and speakers out of doors..." specifically in the context of the Harvest Wine Celebration on Labor Day Weekends.

- As used in this Condition, what is the meaning of the term "speakers? (e.g. loudspeaker devices? Human speech?) Please elaborate.
- Was Condition 11 d), a reference to the County's Noise Ordinance, intended to apply to the use of amplified speech as well as amplified music during the Wine Festival events?

3. Was there explicit or implicit intent to permit the use of out of door amplified speech at events other than when done so specifically in conjunction with the Harvest Wine Festival events as identified in Condition 11? If so, what conditions and/or limitations were intended to apply (e.g. County Noise Ordinance, Table 6.60.040A and Section 6.60.040 C)?

Thanks for your attention; understanding the meaning and intent of the Planning Department's rulings on these matters will help all involved.

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