



## City of Rohnert Park Planning Commission Report

**DATE:** February 25, 2016

**ITEM NO:** 8.1

**SUBJECT:** PLUP2016-0001 Annual Review of Conditional Use Permit for Sonoma Mountain Village Green Summer Concert Series

**LOCATION:** 1100 Valley House Drive APN 046-051-045

**REQUEST:** Continue outdoor concert series for 2016 and 2017

**APPLICANT:** Morton Wiggins Second Octave Talent

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### **Background**

On June 12, 2014, the Planning Commission approved an Administrative Permit to allow the summer concert series in an outdoor area of Sonoma Mountain Village. The administrative Permit was forwarded to the Planning Commission for a public hearing. The original approval was an Administrative permit because the proposal was for a single concert series with only a few concerts. When more information was received it was brought to the Planning Commission as a Conditional Use Permit because the concerts were to become a permanent feature on the site. A condition was attached to the Commission approval requiring the matter be brought back to the Commission to review the following:

- Evaluate any negative impacts and to see if additional conditions need to be considered to mitigate any impacts.
- If the Commission finds that there were no negative impacts from the concert series in 2015, the Commission may approve extending the concert series for the 2016 concert series.

The applicant has applied for the Conditional Use for the extension for the 2016 concert series. Since the annual review is a public hearing with the surrounding property owners and residents

notified it is considered an amended Conditional Use Permit and given a current application designation. Under the Sonoma Mountain Village Planned Development, land uses in the T-5 Urban Center Zone, T-6 Urban Core Zone and C-P Civic Parking Zone an Amphitheater (outdoor) requires a Conditional Use Permit.

### **Applicant's Proposal**

The applicant is requesting 35 shows from May 2016 through October 2017. This will cover both the 2016 and 2017 concert series. The concerts would be operated in the same format as previously used. The following are details on the concert format:

- **Concert Location** The concerts would be located adjacent to Building 1400, Building 1200 the North Parkway, an internal circulation road for SMV (See Exhibit A). A maximum of 3,000 persons would be in attendance including reserve seating for 500 persons. There will be an event center with a bar for beverages and food area. The stage and electrical will be installed the day before the concert and removed the day after the concert. The stage measures 40 feet by 60 feet including the handicap ramp and stair. The applicant may apply in the future for a permanent stage at the location of the temporary stage.
- **Schedule and Hours** They are proposing a total of 15 shows with a 10:30 curfew from Sunday through Thursday and an 11:00 p.m. curfew on Friday and Saturday. The typical show headliner requires a 90 minute show with encore(s). The known shows scheduled at this time for 2016 are as follows:
  - Sunday May 22<sup>nd</sup> Wavy Gravy 80<sup>th</sup> Birthday SEVA benefit concert.
  - Sunday July 10<sup>th</sup> Brit Floyd (Pink Floyd re-enactment concert as seen on PBS).
  - Wednesday July 27<sup>th</sup> UB40 with special guests The Wailers
  - Friday September 2<sup>nd</sup> Lost 80's Live
  - Saturday September 24<sup>th</sup> Earle Fest (annual benefit concert for the Earle Baum Center for the Blind)
- **Access and Parking** SMV has 1,218 parking spaces including 17 handicap spaces. This is spread over five (5) lots. Directional signs will be provided to direct concert goers to the parking areas and parking attendants will be stationed at key locations to direct vehicles. Parking will be provided free to concert goers.
- **Security** One uniformed Rohnert Park police officer will be on-site from the time the gate opens for admission until the end of the concert. There will also be six (6) private security personnel within the in the concert area from one hour before the gate opens until one hour after the concert ends.
- **Utility** Electrical service will be provided from the second floor of Building 14 which is the location of Sally Tomatoes. If a permanent stage is approved and installed in the future permanent electrical will be provided.

- Concert Noise Levels During the 2015 concert series the noise levels were measured in the event courtyard and on surrounding streets. This occurred for the Goo Goo Dolls and Girls and Boys concert on July 30<sup>th</sup> and the Gabby Moreno and Sharon Jones concert on August 21<sup>st</sup>. For both concerts the measurement in the courtyard ranged from 88 to 95 decibels. At Camino Colegio and Manchester it ranged from 62 to 65 decibels. At the west SMV property line it measured 60 to 64 decibels. The concert promoter said they attempted to take sound readings in the surrounding single-family neighborhood but the ambient noise level exceeded the noise from the concert.

### **Staff Analysis**

The concert series in 2015 was very successful. The concert promoter conformed to all of the conditions attached to the approval by the Commission. Staff did receive complaints from three (3) homeowners regarding noise from a concert on a school night. The typical show requires 90 minutes with encore (s). However, the complaints did not leave their contact information. It may be that the particular concert was louder than others or simply that it was a school night and the parents were concerned. Legal notice has been sent to all property owners within 300 feet of the Sonoma Mountain Village complex and any concerned residents or property owners can attend the hearing and express any concerns to the Commission. Staff is not aware of any concerns regarding traffic from the concerts.

The following City documents address permitted noise levels during the evening hours:

- *General Plan*- Table 8.3-1 Land Use compatibility for Community Noise Environments includes the land use category for Auditoriums, Concert Halls and Amphitheaters. The Conditionally Acceptable Range is 55 to 70 decibels. The source of this table is the California Office of Planning and Research (OPR). This table states if new construction of a project takes place in an area that is Conditionally Acceptable for noise impact that noise insulation features should be included in the design of the project to reduce the noise impact to an acceptable level. It does not address the impact on existing structures, including residential buildings, from noise impacts from new uses including amphitheaters. The noise reduction measures would have to take place at the source of the new noise impacts.
- *Municipal Code*- Municipal Code Section 9.44 establishes noise level limits. Basically any noise in a residential area may not exceed the ambient noise level by more than five (5) decibels. This means the proposed project would be limited to causing an increase over existing ambient noise levels not exceeding 5 dBA. There are three existing residential areas surrounding the concert area. They are located to the north and west of the concert area and range in distance 1,200 feet to 1,700 feet. The ambient noise level at these three areas range from a low of 55 decibels to a high of 62.1 decibels.

A noise analysis was prepared for the original 2014 approval for the concerts. The 60 decibel limit line based on an 88 decibel level at the sound mixing area did not reach any of the surrounding existing residential properties. Therefore, theoretically, the concerts would comply with Municipal Code Section 9.44. The concert promoter took sound level readings during the

2015 concerts. He states that when attempting to take readings in the surrounding residential neighborhoods the ambient noise level exceeded the sound from the concerts.

Condition 11 of the 2015 Conditional Use approval states that if there are no detrimental impacts from the 2015 concert series the Commission may extend the concert series for 2016. After reviewing the 2015 concert series the commission may determine if further reviews of future concert series are necessary. The current review is for 2016 and 2017 concert series. Staff is recommending revising the condition so that no future review by the Planning Commission is required unless there are complaints regarding the concert series. It would then be determined by the Development Services Director if the matter had to come back to the Planning Commission for review with legal notice published in the newspaper and mailed to property owners within 300 feet.

### **Environmental Determination**

An Environmental Impact Report (SCH No. 20070521116) was prepared for the Sonoma Mountain Village Planned Development. This EIR covered outdoor activities on the site including sports events and other outdoor activities on the site. No further action is required.

### **Findings**

The recommended findings to approve the conditional Use Permit for Music Concerts at Sonoma Mountain village are included in the attached resolution.

### **Public Notification**

This item is being continued from the January 28, 2016 Planning Commission meeting and has been duly noticed by publication in the Community Voice and posted at the prescribed locations in Rohnert Park. Property owners within 300 feet of the project were mailed notices of the proposed application.

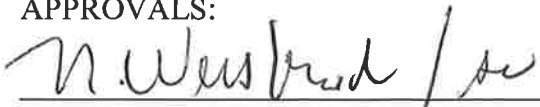
### **Staff Recommendation**

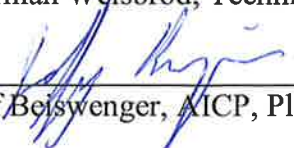
Based on the analysis and findings of this report and the attached resolution, Staff recommends that the Planning Commission, by motion, adopt Resolution No. 2016-01 approving a Conditional Use Permit for outdoor music concerts at Sonoma Mountain Village for 2016 to 2017 concert series subject to the findings and conditions of approval.

Attachments:

- Resolution No. 2016-01
- Applicant's Supporting Statement and Colored Brochure
- Exhibit A Plan of Sonoma Mountain Village Developed Area and Concert Location
- Exhibit B Detail of Concert Area

APPROVALS:

  
\_\_\_\_\_  
Norman Weisbrod, Technical Advisor

  
\_\_\_\_\_  
Jeff Beiswenger, AICP, Planning Manager

2-19-16  
\_\_\_\_\_  
Date

2/19/16  
\_\_\_\_\_  
Date

**PLANNING COMMISSION RESOLUTION NO. 2016-01**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE  
CITY OF ROHNERT PARK, CALIFORNIA, APPROVING A CONDITIONAL USE  
PERMIT FOR SONOMA MOUNTAIN VILLAGE GREEN SUMMER CONCERT  
SERIES FOR 2016 THROUGH 2017  
(APN 046-051-045)  
(Morty Wiggins Second Octave Entertainment)**

**WHEREAS**, the applicant, Morty Wiggins Second Octave Entertainment, filed Planning Application No. PLUP2016-0001 a Conditional Use Permit to allow outdoor music concerts to take place in the courtyard at Sonoma Mountain Village for the 2016 through 2017 concert series in accordance with the City of Rohnert Park Municipal Code;

**WHEREAS**, Planning Application No PLUP2016-0001 was processed in the time and manner prescribed by State and local law;

**WHEREAS**, on February 25, 2016 the Planning Commission reviewed Planning Application No. PLUP2016-0001 at which time interested persons had an opportunity to testify either in support of or opposition to the project; and,

**WHEREAS**, at the February 25, 2016, Planning Commission meeting, upon considering all testimony and arguments, if any, of all persons desiring to be heard, the Commission considered all the facts relating to Planning Application No. PLUP2016-0001;

**NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF  
ROHNERT PARK DOES RESOLVE, DETERMINE AND ORDER AS FOLLOWS:**

**Section 1.** That the above recitations are true and correct.

**Section 2.** Factors considered. The Planning Commission, in approving Planning Application No. PLUP2016-0001, makes the following factors, to wit:

- A. That the proposed location of the Conditional Use is consistent with the objectives of the Zoning Ordinance and the purposes of the district in which the site is located;*

The proposed use will comply with the Noise Limits in Section 9.44 of the Municipal Code. The proposal will also comply with all of the requirements of the T-5 and T-6 land use in the Sonoma Mountain Village Planned Development zoning.

- B. That the proposed location of the Conditional Use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity, and that the operation and maintenance of the Conditional Use will be compatible with the surrounding uses.*

The area where the concerts will take place is at the south side of SMV in an area surrounded on three sides by multi story buildings. The concerts will take place in the evening hours when parking on the property will be available to concert attendees. At this location, the concert stage will be over 1000 feet to any residential structures. The noise level at the sound mixing area will be maintained at a level that will result in the ambient noise level not exceeding 60 decibels in the surrounding residential neighborhoods.

- C. *The proposed Conditional Use will comply with each of the applicable provisions of this title.*

The proposal will use existing facilities at SMV including parking, open areas and electrical power. The proposal is at a location that has excellent vehicular access, pedestrian and bicycle access. The use will comply with parking requirements for an event catering to a large number of people and will comply with the noise requirements of the Municipal Code. The concerts will take place in a location that is surrounded by buildings and the stage to lessen the impact on adjacent single-family and multi-family homes.

**Section 3. Environmental Clearance.** An Environmental Impact Report (SCH No. 20070521116) was prepared for the Sonoma Mountain Village Planned Development. This EIR covered outdoor activities on the site including sports events and other outdoor activities.

**NOW THEREFORE BE IT RESOLVED,** that the Planning Commission does hereby approve Planning Application No. PLUP2016-0001 subject to the following conditions:

1. The Conditional Use Permit approval shall expire one year from the Planning Commission approval date, unless prior to the expiration the use is initiated, or an extension is requested and approved.
2. Music shall cease no later than 10:30 p.m. on Sunday through Thursday and no later than 11:00 p.m. on Friday and Saturday.
3. The gates to the facility shall open no earlier than 6:30 p.m. and any material advertising the event shall ask attendees to arrive no earlier than 6:30 p.m. on Monday through Friday. For afternoon concerts the gates may open one (1) hour before the concert.
4. The applicant shall obtain an Amplified Sound Permit from the Public Safety Department.
5. The applicant shall hire Public Safety officers with the number required determined by the Public Safety Department for each event.
6. The applicant shall obtain an Electrical Permit from the Development Services Department as required for the temporary and permanent stage.

7. The applicant shall conform to the recommendations in the June 2, 2014 noise study prepared by j.c.brennan & associates with the exception of the 10:00 p.m. curfew. The curfew shall be 10:30 p.m. Sunday to Thursday and 11:00 p.m. Friday and Saturday.
8. All equipment for the concert may be placed on the site the day before a scheduled concert and shall be removed the day after the concert.
9. Permanent or temporary secure bicycle parking including the option of valet bicycle parking shall be provided in close proximity to the entrance to the concert area, details subject to Development Services approval.
10. The Planning Commission has determined that no further review of the concert series is required unless there are complaints regarding the concert series. If Staff determines that there are complaints that have not been mitigated by the concert series promoters, staff can bring the application back before the Planning Commission for review.

**BE IT FURTHER RESOLVED** that said action shall not be deemed final until the appeal period has expired and that the appeal period shall be ten (10) working days from the date of said action. No building permits shall be issued until the appeal period has expired, providing there are no appeals.

**DULY AND REGULARLY ADOPTED** on this 25<sup>th</sup> day of February, 2016 by the City of Rohnert Park Planning Commission by the following vote:

AYES: \_\_\_\_\_ NOES: \_\_\_\_\_ ABSENT: \_\_\_\_\_ ABSTAIN: \_\_\_\_\_

ADAMS \_\_\_\_\_ BLANQUIE \_\_\_\_\_ BORBA \_\_\_\_\_ GIUDICE \_\_\_\_\_ HAYDON \_\_\_\_\_

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John Borba, Chairperson, Rohnert Park Planning Commission

Attest: \_\_\_\_\_  
Susan Azevedo, Recording Secretary



## **SOMO CONCERTS 2016 CONCERT SERIES**

### **Overview**

Second Octave Entertainment (SOE) is a well-established Northern California music business company. Our business is located in Rohnert Park at 1300 Valley House Drive, inside the SOCO NEXUS. SOE has been bringing high quality concerts with diverse programming to SOMO Village and other venues in Sonoma County for the past two years within a safe and pleasurable environment. SOE and its employees have history in the county and appreciate the opportunity to bring nationally known musical talent to Rohnert Park. In addition, we wish to raise awareness of SOMO Village in Rohnert Park as a uniquely beautiful, environmentally friendly development that reflects the high "quality of life" in Rohnert Park and Sonoma County. We have enjoyed playing a part in establishing Rohnert Park as a destination location with regards to entertainment with our 2014 and 2015 seasons and we look forward to many years of successful musical promotions in Rohnert Park.

### **Below are bios for the two principals involved, Morty Wiggins and Steve Senk:**

**Morty Wiggins** founded Second Octave Talent in January 2010 as the only licensed and bonded booking agency and artist management company in Sonoma County. Morty launched his career in the music business over 30 years ago promoting concerts in Sonoma County, California. He went on to work for the world-renowned concert promoter and artist manager Bill Graham. During his 15 years at Bill Graham Presents Morty signed for management representation the "multi-platinum" recording artists Sheryl Crow; Gin Blossoms; Aaron Neville; and "gold" recording artists Monster Magnet and the Neville Brothers, among others. Morty was then recruited by A&M Records to become their General Manager. He oversaw the marketing, sales, promotion, publicity, and creative services departments, created and executed quarterly budgets of \$7M and scheduled the release of 40 to 50 new album releases and over 100 promotional singles. Before opening Second Octave, Morty was named President of 33rd Street Records, the independent record company of Tower Records, where he developed a novel approach to licensing finished masters from established touring artists. He then took on Tower Record's independent distribution business, Bayside Entertainment Distribution, and ran Bayside profitably (\$25M annual sales) until the sale of the company.

**Steve Senk** began his career in the music business over 20 years ago as National Sales Manager for Sony Signatures. After moving to London from San Francisco to manage the sponsorship program for the 1998 World Cup in Paris for Sony Steve secured North American Licensing rights from Apple Corp for The Beatles. Steve grew, nurtured, and managed this program for Sony, Signatures Network, and ultimately Live Nation in his Position as Vice President of Licensing until 2012. During his career Steve managed the licensing and merchandising programs for many rock luminaries including The Beatles, John Lennon, Barbra Streisand, The Who, The Doors, Kiss and rock related properties Woodstock and Mouse Kelley. Steve licensed these properties for apparel, footwear, slot machines, toys, publishing, gift, novelty, fan appreciation, food & Beverage, stationary and many others, while working with brands like Converse, Junkfood, Trivial Pursuit, and RockBand. Steve managed successful retail programs with Bloomingdales, Target, Hot Topic, Virgin, Spencer's, and Walmart to name a few. Steve's expertise in licensing,

merchandising, branding and sponsorship from inception to execution and royalty accounting made millions of dollars for his clients. Steve's broad base of collaborators in graphics, design, production, web and social media make him a "one stop shop" for artists seeking a cohesive marketing, licensing, merchandising and branding program for strategic growth and revenue enhancement. Since 2014 Steve has been a partner at Second Octave based in Rohnert Park.

### **Public Safety and Security Plan**

Second Octave Entertainment is an established concert promoter with over thirty years' experience in public assemblage. The safety and comfort of the concert attendees is our main concern. On the day of the concerts we will provide the following to help insure an enjoyable and safe experience for the attendees:

- Two uniformed City of Rohnert Park police officer from the time the gate opens for admission until the end of the concert.
- Six private "T" shirt security personnel within the perimeter of the concert site from one hour before the gate opens for admission until the concert ends.
- A designated medical area to treat illness and injury during the concert.
- Handicapped / wheelchair accessible special seating.
- Fire extinguishers will be located by the stage.
- Emergency services telephone numbers distributed to key production personnel. There will be a live dedicated telephone line in the production office at the concert site manned from the time of load in until final load out. This dedicated telephone line number will be distributed to Rohnert Park Fire and Police services.
- Emergency evacuation utilizing four exits within the perimeter of the concert site.
- Up to Four parking attendants (depending on expected attendance) to insure safe entrance and exiting after the concert.
- Six portable toilets along the back perimeter of the concert site and two handicapped accessible portable toilets.
- Ambient lighting for safe exiting already exists within the concert site as the Sonoma Mountain Village is home to several ongoing businesses open to the public.

Music curfew will continue to be 10:30PM Sunday through Thursday and 11:00PM Friday and Saturday.

### **Traffic and Parking Plan**

Sonoma Mountain Event Center has 1218 general admission parking spaces and 17 disabled people's parking spaces spread over five lots. With a venue capacity of 3,000 persons, the number of parking spaces available exceeds the needs of attendees. There are ample lots if the concern is to have less than 2.43 persons per vehicle / parking space. Please see attached map that shows additional parking available within the Sonoma Mountain Village site. These additional spaces bring the total available to 2335, of which 34 are disabled persons spaces, equaling 1.28 persons per vehicle. As most attendees will be arriving with a minimum of two passengers per vehicle we should have more than ample spaces available.

No off-site parking will be needed. See attached site map #B

There will be two entrances / exits to the concert site:

1. Intersection of Petaluma Hill Road and Valley House Drive for vehicles arriving from the south
2. Intersection of Petaluma Hill Road and Camino Collegio for vehicles arriving from the north

Each entrance will be marked by two 36" X 24" "Concert Parking" signs directing attendees into the lots.

The following personal will be positioned:

- We will have a parking attendant at the two intersections directing traffic and answering questions from one hour before the gates open until 30 minutes after the concert ends.
- There will be rotating parking attendants stationed in each of the four public parking lots from one hour before the gates open until 30 minutes after the concert ends.
- There will be a parking attendant stationed at the entrance to the VIP parking lot from one hour before the gates open until 30 minutes after the concert ends.

Band and production trucks will use a separate entrance off of North Parkway Road. There will be a parking attendant stationed at the intersection of Valley House Drive and North Parkway Road directing production and vendor traffic to the proper entrance. With two entrances traffic impact will be minimal.

### **Electrical Plan**

A new addition to the 2016 Concert Series has been the investment in permanent power distribution boxes at the stage site. This power was trenched to the site and taken from the 1100 building where the temporary power was located for the 2014 and the 2015 seasons. This permanent power and will deliver all the power for the stage and lights. In addition the six 120amp duplexes will delivery power to the artist area and the hospitality tents where the talent is housed.

### **Seating Plan**

Our plan is to sell 500 reserved seats per concert. These will be folding chairs set up in front of the stage and moving towards the back (north). The reserved seating will not be specifically for handicapped persons. We will have a special handicapped and wheel chair accessible seating area stage right/house left so that it is close to one of the emergency exits. The rest of the audience area will be general admittance. This is a common setup for outdoor venues. All of the Bay area amphitheater venues (Shoreline, Concord, and Greek Theater) have a reserved seating section in front of the stage and then a lawn/ general admittance area in back of the reserved seats. None of the other amphitheater/outdoor venues allow folding chairs into the venues. Attendees are used to standing for three hours if they buy a general admittance ticket to an outdoor concert venue. This is also the case in many auditoriums that advertise a "GA" (general admittance) show.

Regarding seating, our plan is to sell 500 reserved seats per concert. These will be folding chairs set up in front of the stage and moving towards the back. The reserved seating would not be specifically for handicapped persons. We will have a special handicapped / wheel chair accessible area stage right / house left so that it is close by one of the emergency exits. The rest of the audience area will be general admittance. This is a common setup for outdoor venues. All of the Bay area amphitheater venues (Shoreline, Concord, the Greek) have a reserved seating section in front of the stage and then a lawn / general admittance area in back of the reserved seats. None of the amphitheater / outdoor venues allow folding chairs into the venues. Attendees are used to standing for three hours if they buy a general admittance ticket to an outdoor concert venue. This is also the case in many auditoriums that advertise a "GA" (general admittance) show.

The number of concerts produced will not exceed 36 concerts between May 2015 to October 30, 2017.

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## What We Offer

- On the heels of our successful 2015 music series, we are expanding our 2016 series with an exciting slate of **16 shows**, featuring national headlining acts, rising stars and local talent

- We've more than **doubled our audience** during our first two years and expect up to **35,000** concertgoers for the 2016 season.

- Our year-long multimedia advertising campaign will reach a large percentage of Sonoma, Mendocino, Marin County residents and beyond.

- Our 3,000 capacity outdoor venue is conveniently located in Rohnert Park at the **solar-powered SOMO Village**, a mixed-use community on 200 acres and designated as the first [One Planet Community](#) in North America. Minutes from Sonoma County's major population centers, 40 minutes from San Francisco, and in close proximity to Sonoma State University with a population of 10,000+.

- Each concert at Somo Village is a **mini festival experience** with a variety of 20 different vendors, artists and non-profits

- Our previous series featured such renowned acts as the Goo Goo Dolls, Ziggy Marley, Steel Pulse, Michael Franti and Spearhead, Edward Sharpe and the Magnetic Zeroes, and Sharon Jones and the Dap Kings.



*"See you at the show!"*

## 2016 SOMO Concert Series Sponsorships



*Reach over 35,000 local music and culture enthusiasts by partnering with Sonoma County's fastest growing music series.*

Located in the heart of Sonoma County at Sonoma Mountain Village in Rohnert Park, the SOMO Concert Series is recognized as the new standard of live outdoor popular music for **Sonoma County**.

We are the only venue in the US that is **97% solar-powered**

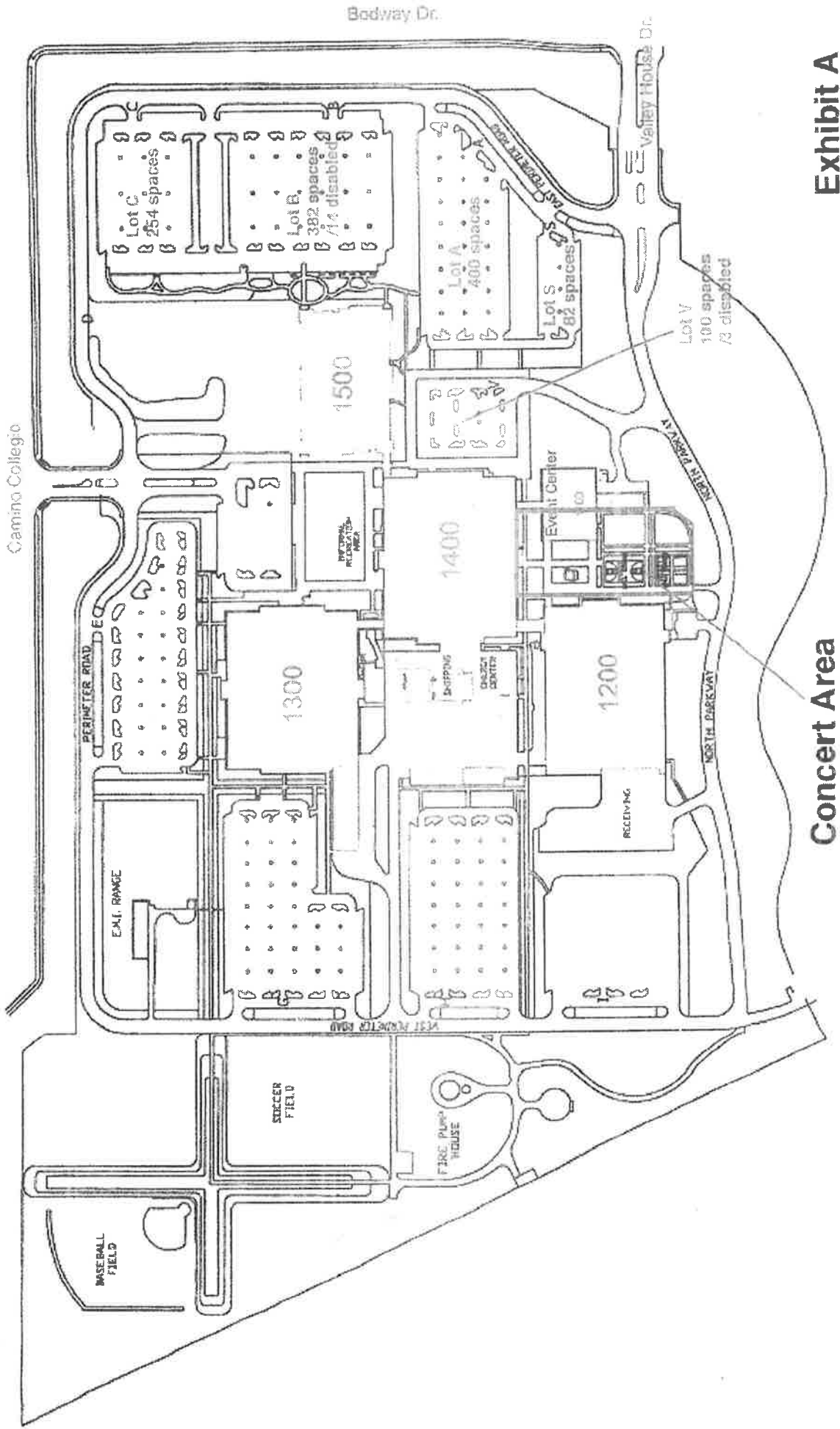
We cater to an enthusiastic and alternative demographic that loves **music** and the concert **experience**.

We are committed to promoting **community** and fun in the North Bay through festival style shows in a safe environment that supports local creativity, collaboration and commerce.

We are actively seeking local sponsors that share our passion for community, creativity, and **sustainability**.





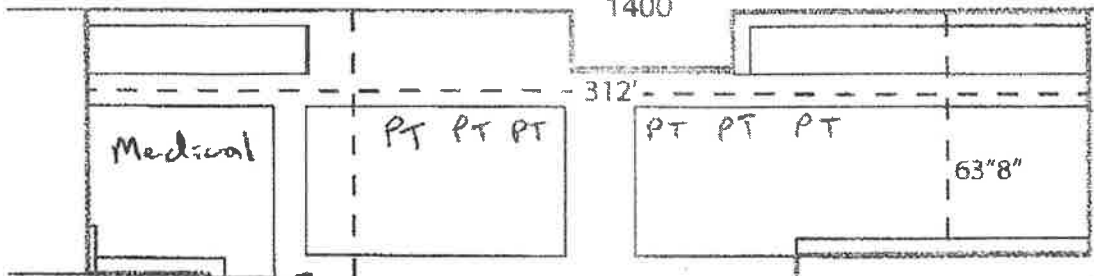


# Exhibit A

1218 parking spaces  
17 disabled parking spaces



Building  
1400



PT  
PT  
Main Gate  
Public Entrance (emergency exit)

Building  
1200

SEATING

Event Center  
Sally Tomatoes  
Building  
1100

CAFE

1437'

Event Center  
CourtYard

SEATING

287'

SEATING

144'4"

STAGE

BACKSTAGE

Handicapped  
Seating

Gate

Gate

Gate

Site Map  
A

Legend

- - Robert Park Police
- T - security guards
- PT - portable toilet

Valley House Drive South Perimeter Road