



Staff Report

TO: Honorable Mayor and Members of the Town Council
FROM: Mary Beth Van Voorhis, Planning Director
DATE: May 14, 2019
RE: #16-16 MINOR USE PERMIT – APPEAL – GOLDEN SPIKES BASESBALL
CONDITION OF APPROVAL #2 – CLOSE ALL BAY DOORS DURING
BATTING BASEBALL PRACTICE BY 5:30 P.M. AND ANY OTHER TIMES
THAT MAY RESULT IN NOISE EXCEEDING 55 dBA Ldn ON ADJACENT
RESIDENTIAL PROPERTIES TO THE EAST. FRONT DOORS SHALL
REMAIN CLOSED AT ALL TIMES.
3344 Swetzer Ct. (APN 044-220-057), Loomis, CA

Recommendation

1. Continue the public hearing from April 9, 2019 and receive public input; and
2. Determine whether or not the noise generated from the business is considered a nuisance to adjacent residential neighbors to the east. Because Zoning Code Section 13.80 does not provide a definition of "indoor use", Council must interpret the meaning of that term:
 - a. Should Council determine that the definition of an "indoor use" does not require all noise to remain indoors, Council could uphold the Planning Commission's decision and approve Resolution #19-__ to allow the doors to remain open until 5:30 p.m. Staff supports this determination.
 - b. Should Council interpret "indoor use" to mean all noise must remain indoors, Council could approve Resolution #19-__ determining that Golden Spikes Baseball meets the definition outlined in the Town of Loomis Municipal Code Section 13.80.020 (Limited Industrial (ILT) Zone) of a "Health/fitness facility" as an indoor use and in conjunction with Town of Loomis General Plan that states no outdoor activity or storage areas are allowed adjacent to residential uses with no noise-producing activities and that all doors shall remain closed at all times. This would uphold the neighbor's appeal.
 - c. Should Council determine that the definition of an "indoor use" does not require all noise to remain indoors, Council could decide to allow the doors to remain open until 7:00 p.m. This would uphold the business owners appeal. Staff does not recommend this action due to proximity to neighbors.

Issue Statement and Discussion

Golden Spikes Baseball facility is a Permitted Use (Health/fitness facility) within the ILT (Limited Industrial) zone that was granted zoning clearance for a building permit and business license on February 11, 2014.

In 2016 a request to extend the operating hours from 7:00 am to 7:00 pm to 7:00 a.m. to 9:00 p.m. Monday to Friday; and maintain Saturday hours of 8:00 am to 5:00 pm (#16-16 Minor Use Permit) was approved by Planning Department Determination No. 16-02, following a public hearing held on November 21, 2016 subject to seven (7) Conditions of Approval (Exhibit A).

For ease of reference, the seven (7) Conditions of Approval and current status are as follows:

Determination #16-02 Conditions of Approval (11/21/2016)		Status 1/22/2019
1.	Golden Spikes shall comply with Section 13.30.070 Noise Standards of the Loomis Zoning Code, specifically limiting noise from the facility so as to not exceed 55 dBA Ldn on adjacent residential properties to the west.	Monitoring continues.
2.	Golden Spikes shall close all bay doors during batting baseball practice by 5:30 p.m., and any other times that may result in noise exceeding 55 dBA Ldn on adjacent residential properties to the west. The front doors shall remain closed at all times. <i>(Planning Commission approval 1/22/19)</i>	<u>Basis for appeal.</u> 1. Owner requests bay doors remain open until 7:00 p.m. during business. 2. Adjacent neighbor requests doors to remain closed at all times. Defined as an indoor use in the ILT zone.
3.	Golden Spikes shall make as appropriate reasonable effort to reduce interior noises emanating from the building by adding insulation to windows, doors, metal garage doors and walls within 90 days of this approval.	2" foam core added to front entry windows. Confirmed on 2/24/17.
4.	Should noise complaints be received due to practice activities the Town reserves the right to require a Noise Study as per Section 13.30.070 C.2.	Noise Study submitted 11/14/18 and REVISED 12/5/18. Town study conducted on 4/23/19.
5.	Signs shall be prominently displayed within and outside of the building reminding clients to maintain respectful levels of conversation and music so as not to disturb adjacent residential properties when arriving or departing practice.	Signage in place. Confirmed 12/3/18 and 4/23/19.
6.	Subject to the prior approval of the Planning Director, the Golden Spikes may submit alternative methodologies to comply with the Noise Standards so as not exceed 55 dBA Ldn on adjacent residential properties to the west.	No alternatives received.
7.	This approval shall be reviewed in six months from the date of approval to determine the effect of the mitigation measures, and what additional steps if any, need to be taken to comply with the Town's Noise Standards.	Currently under review.

The Staff Report for the November 21, 2016 Planning Director Hearing (included in Exhibit A) describes complaints received prior to the extended hours approval and, as a result, Condition #2, "All bay doors shall be closed during batting baseball practice, and any other times that may result in noise exceeding 55 dBA Ldn on adjacent residential properties to the east" was included.

As evidenced in the seven (7) conditions of approval, noise was the predominate issue being addressed and regulated.

On February 24, 2017 staff conducted a "90 day Verification" and reported Golden Spikes had installed 2" foam core to the entry windows of the building (Exhibit B). The interior of the facility includes minor tenant improvements including offices, restrooms, and a guest seating area. The remainder of the facility is set up with batting equipment, pitching lanes with nets, and other related equipment. The facility is not insulated or equipped with any type of heating, ventilation, or air conditioning (HVAC) system.

Continued complaints of noise and the bay doors remaining open during business were received by the Town from adjacent neighbor(s) to the east and on October 2, 2017 the Town Planner and Planning

Assistant conducted a site visit in accordance with Condition of Approval #7 and requested a professional noise study be conducted (Exhibit C).

The Town continued to receive adjacent neighbor(s) complaints of noise and the bay doors remaining open during business hours and on April 26, 2018 reiterated to the owner the need to perform a professional noise study (Condition of Approval #4) to determine if the sound is less or more than the 55 dBA Ldn threshold in order to avoid possible revocation of their permit (Exhibit D).

As the Town continued to receive adjacent neighbor(s) complaints of noise and open bay doors, on October 22, 2018, based on lack of owner response to the Town's letter of April 26, 2018, the Planning Director revoked the extended hours approval included in Minor Use Permit #16-16 until the owner completed the required noise study (Exhibit E).

The owner retained Saxelby Acoustics and provided their Noise Assessment report, with their conclusion, to the Town on November 14, 2018. This assessment was performed with both the front (west side) and rear (east side) doors open. The November 14, 2018 report indicated adjacent neighboring parcels on the west to reach between 47 and 56 dBA (Pursuant to Condition of Approval #2 and Municipal Code Chapter 13.30.070, noise should not exceed 55 dBA Ldn). Based on this information, on November 20, 2018, the Planning Director reissued the extended hours permit and continued the requirement that the owner "shall close all bay doors during batting baseball practice, and any other times that may result in noise exceeding 55 dBA Ldn on adjacent residential properties to the west" in compliance with Condition of Approval #2 (Exhibit F) and determining this allowed business use, in the ILT zone, should be treated as an indoor use.

Upon receipt of the November 20, 2018 correspondence from the Town, the owner requested another meeting with staff to include the noise consultant and property owner. Town Manager Sean Rabé and Planning Director Mary Beth Van Voorhis met with the owners, Bret Hemphill and Alex Creel and noise consultant Luke Saxelby for discussion on December 3, 2018.

On December 5, 2018 Saxelby Acoustics provided a new Noise Assessment for the facility (Exhibit G). The new assessment was performed with the rear bay doors open (east side) and the front business entrance (west side) closed. This report indicates neighboring residential parcels on the east to reach between 19 and 28 dBA. Which is below the maximum requirement of 55 dBA.

On December 5, 2018 business owner Bret Hemphill submitted an Appeal to the staff condition requiring "all bay doors to remain closed during hours of operation". Due to continued neighbor(s) complaints, staff brought this matter forward, under a Public Hearing, to the Planning Commission to resolve the matter to the satisfaction of both the business owner and the adjacent neighbors on January 22, 2019.

At their January 22, 2019 Public Hearing, the Planning Commission, on a 3-1-1 (ayes, noes, absent) approved a revision to Condition of Approval #2 to read "Golden Spikes shall close all bay doors during baseball batting practice by 5:30 p.m., and any other times that may result in noise exceeding 55 dBA Ldn on adjacent residential properties to the west and the front doors (west entrance) shall remain closed at all times". The DRAFT minutes of this meeting are included as Exhibit H.

On January 28, 2019 both Bret Hemphill, owner Golden Spikes Baseball and adjacent residential neighbor Eva Marshall filed appeals to the Planning Commission January 22, 2019 determination (Exhibit I & J).

Summary of both appeals:

1. Golden Spikes Baseball feels it is appropriate to have the doors open until 7:00 p.m. like all other businesses in the light industrial park area. They are willing to close the doors at 7:00 p.m. for the remaining extended hours period.
2. Eva Marshall references the Town of Loomis Light Industrial (ILT) Zoning Code of a Health/fitness facility as an indoor activity and the General Plan which states no outdoor activity or storage areas are allowed adjacent to residential uses with no noise-producing activities. She also expressed concerns regarding the specifics of the noise study.

General Plan: The Town of Loomis 2001 General Plan, Chapter III, Page 27 describes the purpose of the Limited Industrial Land Use designation "to provide locations for light industrial uses that can operate near residential uses without adversely affecting residents". Appropriate light industrial uses will:

- Have no outdoor activity or storage areas adjacent to residential uses, other than employee and client/customer parking, and screened storage areas with no noise-producing activities;
- Locate no loading or delivery areas adjacent to residential uses; and
- Operate only during normal weekday business hours unless site planning provides for buffer areas adjacent to residential uses.

The Town of Loomis 2001 General Plan, Chapter III, Page 32 describes the Limited Industrial designation (west of Swetzer Road, north of King Road) to be "intended to provide for a transition over time to industrial uses that will be more compatible with the residential area to the west..."

Zoning: As defined in the Town's Municipal Code Section 13.80.020 a "Health/fitness facility means a fitness center, gymnasium, health and athletic club, which may include any of the following: sauna, spa or hot tub facilities; indoor tennis, handball, racquetball, archery and shooting ranges and other indoor sports activities. Does not include adult entertainment businesses." This definition is specific to indoor uses.

Zoning Code Section 13.28.060 "ILT District Standards" states "Unless different hours of operation are allowed by use permit, a land use within the ILT zoning district may engage in its primary business activity only between the hours of 7:00 a.m. and 7:00 p.m., Monday through Friday; and 8:00 a.m. and 5:00 p.m. on Saturday. A land use within the ILT zoning district shall not operate on Sunday unless authorized by use permit." (Note: As previously mentioned, extended hours of operation were approved November 21, 2016. This approval granted Golden Spikes Baseball to extend their operating hours to 7:00 a.m. to 9:00 p.m. Monday to Friday; and maintain Saturday hours of 8:00 am to 5:00 pm.

The Planning Commission decision of January 22, 2019 to allow the rear bay doors to remain open until 5:30 p.m. was to provide a balance for both the owner of Golden Spikes Baseball and the adjacent neighbor(s). By way of appeal, neither party was satisfied with the outcome.

Town Council reviewed this matter, under a noticed public hearing, on April 9, 2019. Upon review of the information, the Town Council continued the public hearing and directed staff to conduct a new noise study, at the Town's expense. Council also asked staff to be present during the new study in addition to adjacent neighbors and interested public members.

Invitations were hand delivered to adjacent residents on both sides of Kathy Way south from Sparas Street. The new study was conducted by Saxelby Acoustics on April 23, 2019 beginning at 5:00 p.m.

In attendance at the April 23, 2019 noise study:

Luke Saxelby, Saxelby Acoustics
Mary Beth Van Voorhis, Town of Loomis
Carol Parker, Town of Loomis
Pamela Blake
Jessie Lunsford

Bret Hemphill, Co-Owner, Golden Spikes
Alex Creel, Co-Owner, Golden Spikes
Eva and Kevin Marshall, Kathy Way Residents
Sonja Cupler

During the noise study of April 23, 2019, all rear roll-up doors to Golden Spikes Baseball Facility were open. Saxelby Acoustics placed two monitoring stations (Exhibit 1). One in the backyard of 3367 Kathy Way, ST-1 (Exhibit 2) facing east toward Golden Spikes Baseball Facility, home of Eva and Kevin Marshall and one directly outside of the rear of the facility in the south east corner, ST-2 (Exhibit 3).



Exhibit 1



Exhibit 2



Exhibit 3

Noise Assessment readings in the back yard of 3367 Kathy Way are shown below, Figure 1 (Pages 7 and 8) and are also included as an attachment to this report, Exhibit M:

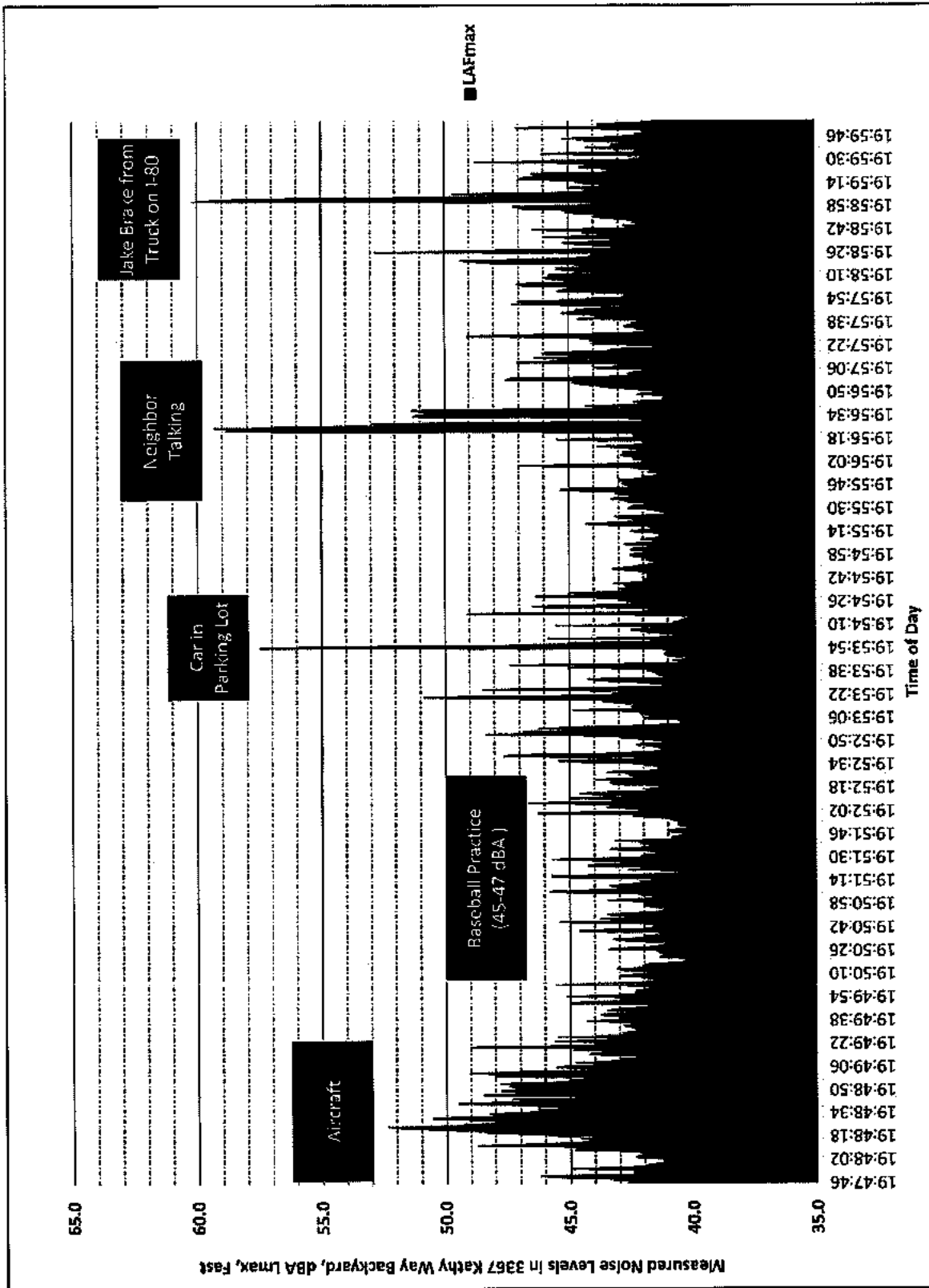


Figure 1: Typical Measured Noise Levels in 3367 Kathy Way Backyard

Appendix B1 : Noise Monitoring Results

Date	Time	Measured Level, dBA		
		L _{eq}	L _{max}	L ₉₀
Tuesday, April 23, 2019	5:30 PM	43	62	42
Tuesday, April 23, 2019	5:40 PM	40	54	41
Tuesday, April 23, 2019	5:50 PM	42	54	42
Tuesday, April 23, 2019	6:00 PM	42	64	42
Tuesday, April 23, 2019	6:10 PM	46	76	43
Tuesday, April 23, 2019	6:30 PM	51	73	42
Tuesday, April 23, 2019	6:40 PM	43	69	42
Tuesday, April 23, 2019	6:50 PM	42	56	42
Tuesday, April 23, 2019	7:00 PM	42	57	42
Tuesday, April 23, 2019	7:10 PM	40	67	41
Tuesday, April 23, 2019	7:20 PM	46	60	43
Tuesday, April 23, 2019	7:30 PM	43	69	43
Tuesday, April 23, 2019	7:50 PM	43	60	43

Statistics	Leq	Lmax	L50	L90
Day Average	44	63	42	41
Night Average	0	0	0	0
Day Low	40	54	41	40
Day High	51	76	43	42
Night Low	0	0	0	0
Night High	0	0	0	0
Ln	42	Day %	100	
CINEL	44	Night %	0	

Site: ST-1
 Project: Golden Spikes Baseball
 Meter: LDL 831-1
 Location: 3367 Kathy Way Backyard, Near Prop. Line
 Calibrator: B&K 4230
 Coordinates: 38.829354° -121.193623°

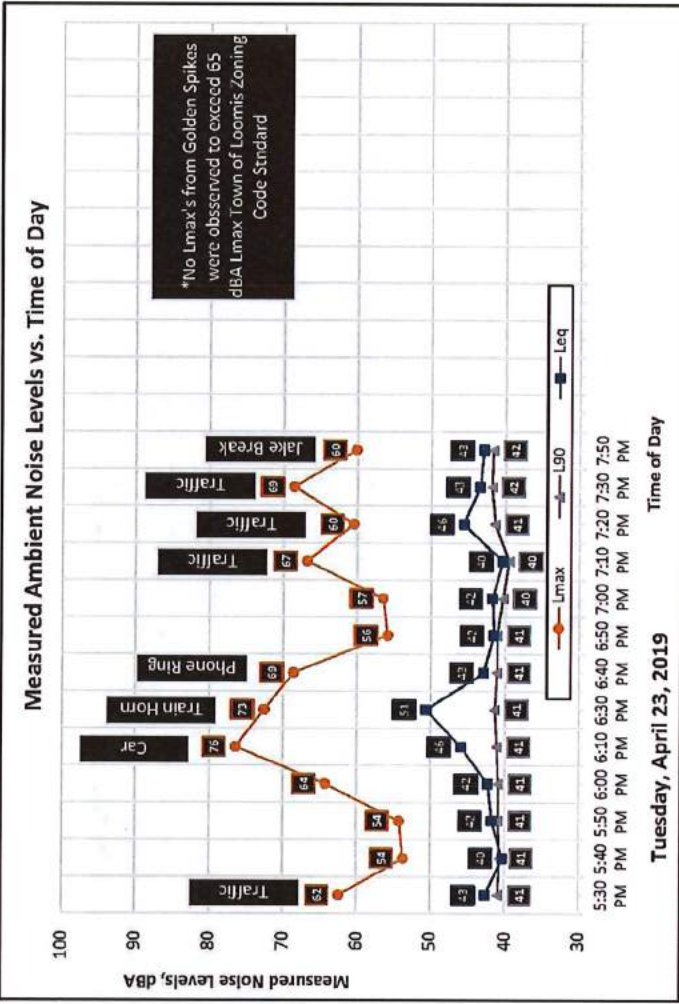


Figure 1

Noise Assessment readings at the eastern rear of Golden Spikes Baseball Facility, with the rear doors open, are shown below, Figure 2 and also included as an attachment to this report, Exhibit M:

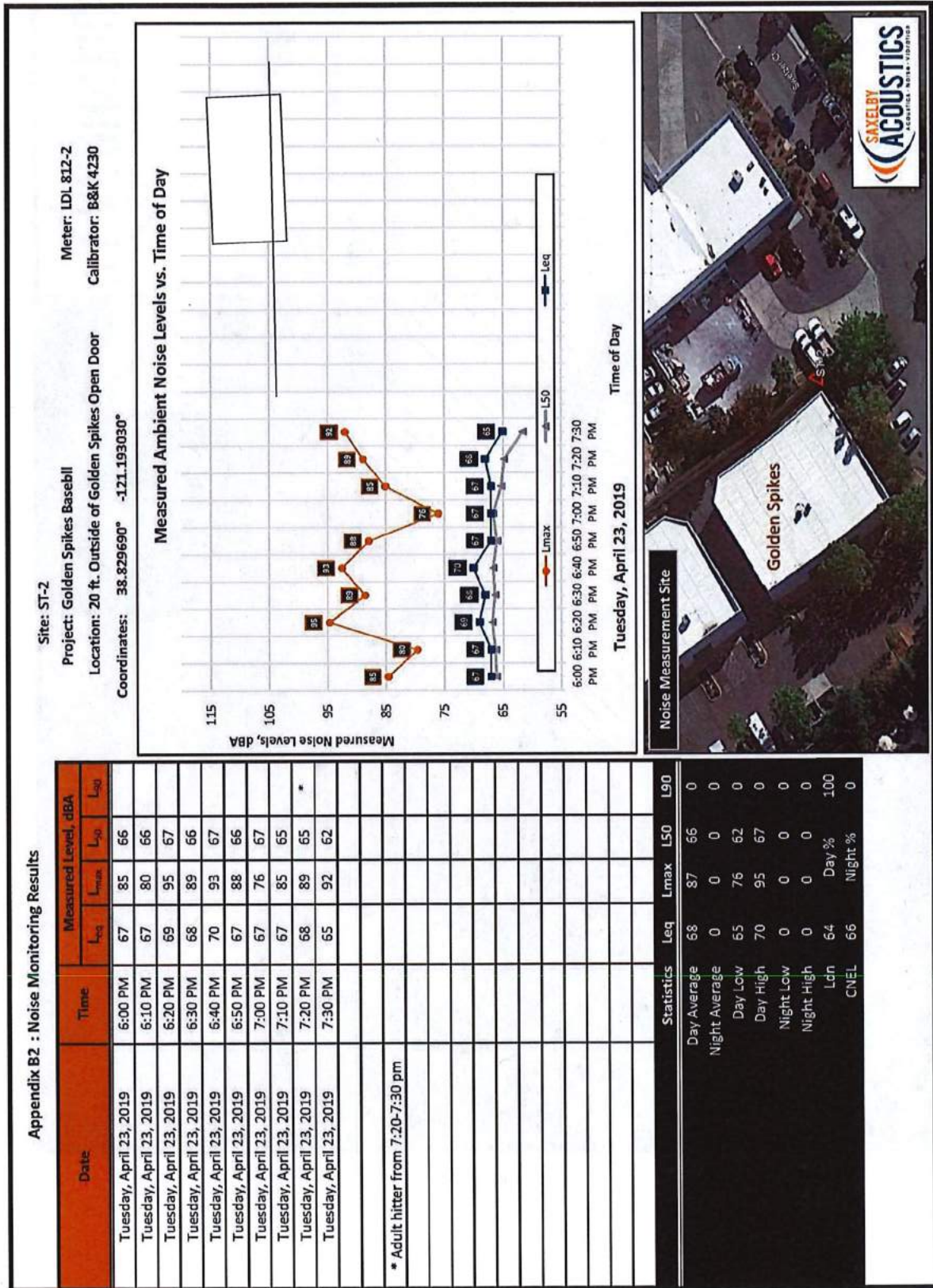


Figure 2

Figure 3 below provides the Project Noise Levels readings on adjacent properties.



Figure 3

Luke Saxelby, Saxelby Acoustics will be present at the meeting to directly address the noise assessment and answer any questions you may have.

Town Council options for consideration of this appeal are:

- Uphold the Planning Commission decision of January 22, 2019. The front doors would be closed at all times; the rear bay doors would be closed by 5:30 p.m. during baseball batting practice, and at any other times that may result in noise exceeding 55 dBA Ldn on properties adjacent to the west. (Note: Staff supports this determination.)
- Reverse the Planning Commission decision of January 22, 2019 as requested by the neighbor to the west. Find that Golden Spikes Baseball is a "Health/Fitness facility" under the Zoning Code as an "indoor use" and require that both front and rear bay doors shall remain closed at all times.
- Modify the Use Permit conditions as request by the business owner. The front doors would be closed at all times; rear bay doors could remain open until 7:00 p.m. (Note: Staff does not recommend this action due to proximity to neighbors.)

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA):

Not applicable.

ATTACHMENTS:

- Exhibit A – November 22, 2016 – Planning Director Approval – Minor Use Permit
- Exhibit B – February 24, 2017 – 90 Day Verification, Sound Insulation
- Exhibit C – October 12, 2017 – Mitigation Measure Review
- Exhibit D – April 26, 2018 – Required Acoustical Analysis
- Exhibit E – October 22, 2018 – Revocation of Extended Hours
- Exhibit F – November 20, 2018 – Reinstatement of Extended Hours
- Exhibit G – December 5, 2018 – Saxelby Acoustics, Revised Noise Assessment
- Exhibit H – December 6, 2018 – Golden Spikes Appeal of November 20, 2018 Determination – Close Doors
- Exhibit I – January 22, 2019 – Planning Commission DRAFT Minutes
- Exhibit J – January 28, 2019 – Golden Spikes Baseball Appeal of January 22, 2019 Planning Decision
- Exhibit K – January 28, 2019 – Eva Marshall Appeal of January 22, 2019 Planning Decision
- Exhibit L – Complaint History
- Exhibit M – May 4, 2019 Saxelby Acoustics, Noise Assessment April 23, 2019 (attached)
- Exhibit N – Municipal Code Chapter 13.30.070 Noise Standards

RESOLUTION NO. 19-____
A RESOLUTION OF THE TOWN COUNCIL OF LOOMIS
#16-16 MINOR USE PERMIT - GOLDEN SPIKES BASEBALL FACILITY
TO UPHOLD THE PLANNING COMMISSION DECISION OF JANUARY 22, 2019
CONDITION OF APPROVAL #2.

“GOLDEN SPIKES SHALL CLOSE ALL BAY DOORS DURING BATTING BASEBALL PRACTICE BY 5:30 P.M., AND ANY OTHER TIMES THAT MAY RESULT IN NOISE EXCEEDING 55 DBA LDN ON ADJACENT RESIDENTIAL PROPERTIES TO THE WEST. THE FRONT DOORS SHALL REMAIN CLOSED AT ALL TIMES.”
GOLDEN SPIKES BASEBALL

WHEREAS, Minor Use Permit #16-16 was approved on February 11, 2014 for Golden Spikes Baseball as a Permitted Use (Health/fitness facility) within the Limited Industrial (LT) zoning district; and

WHEREAS, on November 21, 2016, Planning Determination #16-02; was approved to extend the business hours of operation to 7:00 a.m. to 9:00 p.m. Monday to Friday, and maintain Saturday hours of 8:00 a.m. to 5:00 p.m.; and

WHEREAS, the Town of Loomis continued to receive adjacent residential neighbor complaints of noise due to the business doors remaining open during baseball batting practice, and

WHEREAS, on October 22, 2018 the Planning Director revoked the extended hours approval of Minor Use Permit #16-16 until the owner completed the required noise study; and

WHEREAS, as required in Planning Determination #16-02, Condition of Approval #4, Golden Spikes Baseball conducted a noise study on November 14, 2018 (revised on December 5, 2018); and

WHEREAS, upon review of the November 14, 2018 noise study, on November 20, 2018 the Planning Director reissued the extended hours permit with the continuance that the owner “shall close all doors during baseball batting practice; and

WHEREAS, on December 5, 2018 the owner appealed the Planning Director's decision; and

WHEREAS, on January 22, 2019 the Planning Commission approved a revision that Golden Spikes Baseball must close all bay doors by 5:30 p.m.; and

WHEREAS, on January 28, 2019 both Golden Spikes Baseball and adjacent resident Eva Marshall appealed the Planning Commission's January 22, 2019 approval to the Town Council; and

WHEREAS, on April 9, 2019 conducted a public hearing on the appeals, and requested a new noise assessment to be conducted, at Town expense and continued the public hearing to May 14, 2019; and

WHEREAS, on May 14, 2019, under a continued public hearing, and upon review of the April 23, 2019 Noise Assessment the Town Council upheld the Planning Commission decision of January 22, 2019;

NOW THEREFORE, BE IT RESOLVED, the Town Council of the Town of Loomis hereby upholds the Planning Commission decision of January 22, 2019, Condition of Approval #2, that “Golden Spikes shall close all bay doors during batting baseball practice by 5:30 p.m., and any other times that may result in noise exceeding 55 dBA Ldn on adjacent residential properties to the west. The front doors shall remain closed at all times. This condition of approval is specific to Golden Spikes Baseball and is not transferable to future occupants at this location.

ADOPTED this 14TH day of **May 2019**, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAINED:

Cricket Strock
Town Clerk

Tim Onderko
Mayor

RESOLUTION NO. 19-__

A RESOLUTION OF THE TOWN COUNCIL OF LOOMIS
#16-16 MINOR USE PERMIT

DETERMINATION THAT GOLDEN SPIKES BASEBALL MEETS THE DEFINITION OUTLINED IN THE TOWN OF LOOMIS MUNICIPAL CODE SECTION 13.80.020 (LIMITED INDUSTRIAL (ILT) ZONE) OF A "HEALTH/FITNESS FACILITY" AS AN INDOOR USE AND IN CONJUNCTION WITH TOWN OF LOOMIS GENERAL PLAN THAT STATES NO OUTDOOR ACTIVITY OR STORAGE AREAS ARE ALLOWED ADJACENT TO RESIDENTIAL USES WITH NO NOISE-PRODUCING ACTIVITIES AND THAT ALL DOORS SHALL REMAIN CLOSED AT ALL TIMES.

WHEREAS, Minor Use Permit #16-16 was approved on February 11, 2014 for Golden Spikes Baseball as a Permitted Use (Health/fitness facility) within the Limited Industrial (ILT) zoning district; and

WHEREAS, on November 21, 2016, Planning Determination #16-02; was approved to extend the business hours of operation to 7:00 a.m. to 9:00 p.m. Monday to Friday, and maintain Saturday hours of 8:00 a.m. to 5:00 p.m.; and

WHEREAS, the Town of Loomis continued to receive adjacent residential neighbor complaints of noise due to the business doors remaining open during baseball batting practice, and

WHEREAS, on October 22, 2018 the Planning Director revoked the extended hours approval of Minor Use Permit #16-16 until the owner completed the required noise study; and

WHEREAS, as required in Planning Determination #16-02, Condition of Approval #4, Golden Spikes Baseball conducted a noise study on November 14, 2018 (revised on December 5, 2018); and

WHEREAS, upon review of the November 14, 2018 noise study, on November 20, 2018 the Planning Director reissued the extended hours permit with the continuance that the owner "shall close all doors during baseball batting practice; and

WHEREAS, on December 5, 2018 the owner appealed the Planning Director's decision; and

WHEREAS, on January 22, 2019 the Planning Commission approved a revision that Golden Spikes Baseball must close all bay doors by 5:30 p.m.; and

WHEREAS, on January 28, 2019 both Golden Spikes Baseball and adjacent resident Eva Marshall appealed the Planning Commission's January 22, 2019 approval to the Town Council.

NOW THEREFORE, BE IT RESOLVED, the Town Council of the Town of Loomis hereby determines Golden Spikes Baseball meets the definition of Loomis Municipal Code Section 13.80.020 in the Limited Industrial Zone of a "Health/fitness facility" as an indoor use and in conjunction with the Loomis General Plan that no outdoor activity is allowed adjacent to residential uses with no noise-producing activities and that all doors of Golden Spikes Baseball facility shall remain closed during business hours of operation.

ADOPTED this 14TH day of May 2019, by the following vote:

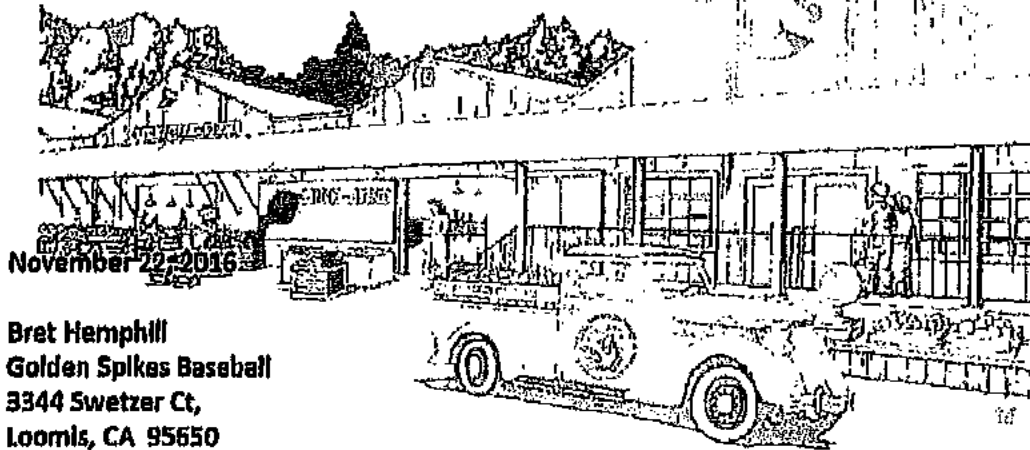
AYES:
NOES:
ABSENT:
ABSTAINED:

Crickett Strock
Town Clerk

Tim Onderko
Mayor

TOWN OF LOOMIS

EXHIBIT A



Bret Hemphill
 Golden Spikes Baseball
 3344 Swetzer Ct,
 Loomis, CA 95650

SUBJECT: #16-16 Minor Use Permit, To extend the operating hours from 7:00 am to 7:00 pm to 7:00 am to 9:00 pm Monday to Friday; and maintain Saturday hours of 8:00am to 5:00pm, with closure on Sunday at 3344 Swetzer Court, Loomis CA 95650 APN: 044-220-057

Dear Mr. Hemphill,

Your request for a Minor Use Permit was approved by the Planning Director on November 22, 2016 following the public hearing held on November 21, 2016 at 9:00 am subject to the seven Conditions of Approval which are attached.

Please sign and return a copy of this letter by December 2, 2016, for the Town's records. Should you have any questions, please do not hesitate to contact the Planning Department at 916-652-1840.

Sincerely,

Robert F. King
 Town Planner

I/we, Golden Spikes Baseball, the property owner(s), acknowledge that I/we have received a copy of the Final Conditions of Approval for this project (#16-16) and agree to abide by them.

Signature

11/23/16
 Date

DETERMINATION NO. 16-02

A DETERMINATION OF THE PLANNING DIRECTOR OF THE TOWN OF LOOMIS APPROVING A MINOR USE PERMIT FOR GOLDEN SPIKES BASEBALL TO OPERATE FROM 7:00 AM TO 9:00 PM MONDAY TO FRIDAY, SUBJECT TO THE FINDINGS AND THE RECOMMENDED CONDITIONS OF APPROVAL, AND FIND THE PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA), AS PER 15322 "EDUCATIONAL OR TRAINING PROGRAMS" OF THE CEQA GUIDELINES.

WHEREAS, Bret Hemphill, the applicant for Golden Spikes Baseball, has submitted a Minor Use Permit to extend the weekday operating hours from 7:00 pm to 9:00 pm for the business located at 3344 Swetzer Court, Assessor's Parcel Number 044-220-057; and

WHEREAS, on November 21, 2016, the Planning Director conducted a public hearing of the application, at which time any person interested in the matter was given an opportunity to be heard; and

WHEREAS, the Planning Director reviewed and considered the staff report relating to said application, the plans, the written and oral evidence presented to the Planning Director in support of and in opposition to the application; and

WHEREAS, the Town is supportive of local businesses and desires them to be successful, while at the same time finding ways to strike a balance to minimize impacts to neighboring residential areas; and

WHEREAS, the applicant has, since being made aware of complaints, has taken steps to ameliorate the concerns; and

WHEREAS, the Planning Director of the Town of Loomis hereby makes the findings attached herein as Exhibit A in connection with the conditions of approval in Exhibit B.

NOW THEREFORE, based upon the findings set forth hereinabove, the Planning Director of the Town of Loomis, on November 22, 2016, did resolve as follows:

1. The project is Categorically exempt per CEQA section 15322.
2. The proposed Project is consistent with the goals, policies and land uses in the Town of Loomis General Plan and Zoning Ordinance.
3. Minor Use Permit #16-16 is hereby approved per the findings set forth in Exhibit A and the conditions set forth in Exhibit B.

ADOPTED this 22nd day of November, 2016, by the Planning Director:


Joan Phillips, Planning Director/Interim Town Manager


Robert King, Town Planner

EXHIBIT A

FINDINGS

Environmental Determination

The project is Categorically Exempt from the California Environmental Quality Act (CEQA), as per Section 15322 "Educational or Training programs" of the CEQA Guidelines.

Minor Use Permit

1. The proposed use is allowed within the applicable zoning district and complies with all other applicable provisions of this Zoning Ordinance and the Municipal Code;
2. The proposed use is consistent with the General Plan and any applicable specific plan;
3. The design, location, size, and operating characteristics of the proposed activity are compatible with the existing and future land uses in the vicinity;
4. The site is physically suitable for the type, density and intensity of use being proposed, including access, utilities, and the absence of physical constraints; and
5. Granting the permit would not be detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property or improvements in the vicinity and zoning district in which the property is located.

EXHIBIT B

CONDITIONS OF APPROVAL

1. Golden Spikes shall comply with Section 19.30.070 Noise Standards of the Loomis Zoning Code, specifically limiting noise from the facility so as to not exceed 55 dBA Ldn on adjacent residential properties to the east.
2. Golden Spikes shall close all bay doors during batting baseball practice, and any other times that may result in noise exceeding 55 dBA Ldn on adjacent residential properties to the east.
3. Golden Spikes shall make as appropriate reasonable effort to reduce interior noises emanating from the building by adding insulation to windows, doors, metal garage doors and walls within 90 days of this approval.
4. Should noise complaints be received due to practice activities the Town reserves the right to require a Noise Study as per Section 19.30.070 C.2.
5. Signs shall be prominently displayed within and outside of the building reminding clients to maintain respectful levels of conversation and music so as not to disturb adjacent residential properties when arriving or departing practice.
6. Subject to the prior approval of the Planning Director, the Golden Spikes may submit alternative methodologies to comply with the Noise Standards so as not exceed 55 dBA Ldn on adjacent residential properties to the east.
7. This approval shall be reviewed in six months from the date of approval to determine the effect of the mitigation measures, and what additional steps if any, need to be taken to comply with the Town's Noise Standards.

2. **Height Limit.** No structure, sign or landscape element shall exceed thirty-six inches in height within the traffic safety visibility area, unless approved by the public works director, except for trees with their canopy trimmed to a minimum of eight feet above grade. (Ord. 205 § 1 (Exh. A), 2003)

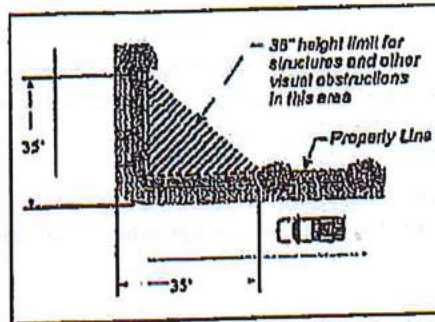


Figure 3-3 - Required Traffic Safety Visibility Area

13.30.060 - Mechanical equipment placement.

Ground-mounted mechanical equipment located outside of a structure shall comply with the setback requirements of the applicable zoning district. Examples of this equipment include swimming pool pumps and filters, heating, ventilation, and air conditioning, and similar equipment. (Ord. 205 § 1 (Exh. A), 2003)

13.30.070 - Noise standards.

- A. **Purpose.** This section implements the policies of the noise element of the general plan, and provides standards for noise mitigation that are intended to protect the community health, safety and general welfare by limiting exposure to the unhealthful effects of noise.
- B. **Applicability.** No use, activity or process shall exceed the maximum allowable noise levels established by this section, except for the following noise sources:
1. **Emergencies.** Public safety warning devices (e.g., ambulance, fire, and police sirens), sound for alerting persons to the existence of an emergency, or the performance of authorized emergency work;
 2. **State or Federal Preempted Activities.** Any activity regulated by state or federal law;
 3. **Public Health and Safety Activities.** Construction, maintenance, and/or repair operations by public agencies and/or utility companies or their contractors that are serving public interests, and/or protecting the public health, safety and general welfare;

4. **Parks.** Public agency sanctioned recreational activities and programs conducted in public parks; and
5. **Solid Waste Collection.** The authorized collection of solid waste.

C. Noise Source Standards.

1. **Noise Level Limitations.** No use, activity or process within the town shall generate noise in excess of the levels identified by Tables 3-2 and 3-3, as the noise is measured at the property line of a sensitive noise source identified in Tables 3-2 and 3-3.
 - a. If the measured ambient noise level exceeds the applicable noise level standard in any category shown in Table 3-2, the applicable standards shall be adjusted to equal the ambient noise level.
 - b. If the intruding noise source is continuous and cannot reasonably be discontinued or stopped to allow measurement of the ambient noise level, the noise level measured while the source is in operation shall be compared directly to the applicable noise level standards identified in Table 3-2.

Notwithstanding the above requirements, no person shall allow or cause the generation of any noise of a type, volume, pitch, tone, repetition or duration that would be found to be a nuisance by a reasonable person beyond the boundaries of the property where the noise is generated.

TABLE 3-2 - MAXIMUM ALLOWABLE NOISE LEVEL BY RECEIVING LAND USE

Noise Sensitive Land Use	Outdoor Activity Areas ⁽¹⁾⁽²⁾	Interior Spaces	
	dBA L _{dn}	dBA L _{dn}	dBA L _{en}
Residential	65*	45	N.A.
Transient lodging	65	45	N.A.
Hospitals, extended care	65	45	N.A.
Theater, auditorium	N.A.	N.A.	35
Religious facility, meeting hall	65	N.A.	40
Offices	N.A.	N.A.	45
School, library, museum	N.A.	N.A.	45
Playground, park	70	N.A.	N.A.

Notes:

- (1) Where the location of outdoor activity areas is unknown, the exterior noise level standard shall be applied to the property line of the receiving land use.
- (2) Where it is not possible to reduce noise in outdoor activity areas to 65 dB L_{dn}/CNEL or less using a practical application of the best-available noise reduction measures, an exterior noise level of up to 70 dB L_{dn}/CNEL may be allowed provided that available exterior noise level reduction measures have been implemented and interior noise levels are in compliance with this table.

*-10 dBA per Table 3-3

**TABLE 3-3 - NOISE STANDARDS FOR SHORT-DURATION EVENTS
NEAR RESIDENTIAL AREAS**

Duration of Sound (Minutes per Hour)	Maximum Allowable Sound Level ⁽¹⁾	
	Day/Evening dB (7 am to 10 pm)	Night dB (10 pm to 7 am)
30 - 60	50	40
15 - 30	55	45
5 - 15	60	50
1 - 5	65	55
Less than 1 minute	70	60

Notes:

(1) If the offensive noise contains a steady, audible tone (such as a screech or hum), is a repetitive noise such as hammering, or contains speech or music, the maximum allowable sound level shall be reduced by 5 dB.

2. **Acoustical Analysis Required.** Where the director determines that a proposed nonresidential use on a site adjacent to a residential zoning district may generate noise in excess of any limit established by Table 3-2, and/or where the use may generate noise in outdoor areas in excess of 60 dBA, the land use permit application for the use shall include an acoustical analysis by a qualified professional approved by the director.
 - a. **Contents.** The analysis shall determine the potential for stationary source noise impacts to neighboring land uses, include field measurements to determine more precise locations for existing and projected future noise levels (based on traffic projections in the circulation element of the general plan or as otherwise accepted by the town), and recommend appropriate mitigation measures.
 - b. **Preferred Mitigation Measures for Receptor Sites.** When development is subject to high noise levels requiring mitigation, the following measures shall be considered and preference shall be given where feasible in the following order:
 - i. Site layout, including setbacks, open space separation and shielding of noise sensitive uses with non-noise-sensitive uses;
 - ii. Acoustical treatment of buildings; or
 - iii. Structural measures; construction of earth berms and/or wood or concrete barriers.
3. **Limitation on Hours of Construction.** In order to allow construction schedules to take advantage of the weather and normal daylight hours, and to ensure that nearby residents as well as nonresidential activities are not disturbed by the early morning or late night activities, the town has established the following limits on construction.

TABLE 3-4 - ALLOWABLE HOURS OF CONSTRUCTION

Day	Allowable Hours
Monday through Friday	7:00 a.m. to 7:00 p.m.
Saturday	8:00 a.m. to 7:00 p.m.
Sunday and National Holidays	Construction activities may be allowed by the commission or council only between 9 a.m. and 5 p.m.

4. **Limitation on Truck Deliveries.** Truck deliveries to a commercial or industrial parcel adjacent to a residential zoning district shall be limited to the daylight hours unless the director authorizes other delivery times based on the determination that there is either no feasible alternative, or there are overriding transportation and traffic management benefits to scheduling deliveries at night.
- D. **Noise Receptor Standards.** Where noise-sensitive land uses are proposed in areas exposed to existing or projected noise levels in excess of the standards in Tables 3-2 and 3-3, the town shall require an acoustical analysis as part of the environmental review process so that noise mitigation may be included in the project design, so that proposed structures are designed to limit intruding noise in interior rooms to 45 dBA Ldn. At the discretion of the director, the requirement for an acoustical analysis may be waived if all of the following conditions are satisfied:
1. The development is for less than five single-family dwellings or less than ten thousand square feet of total gross floor area for office buildings, churches or meeting halls;
 2. The noise source in question consists of a single roadway or railroad for which up-to-date noise exposure information is available. An acoustical analysis will be required if the noise source is a stationary noise source, or if there are multiple noise sources that could affect the project;
 3. The projected future noise exposure at the exterior of proposed buildings or outdoor activity areas does not exceed 65 dBA Ldn;
 4. The topography of the area is essentially flat; and
 5. Effective noise mitigation, as determined by the director, is incorporated into the project design. Such measures can include, but are not limited to, the use of building setbacks, building orientation, noise barriers. If closed windows are required for compliance with interior noise level standards, air conditioning or a mechanical ventilation system will be required.
- E. **Noise Measurement.** Exterior noise levels shall be measured at the property line of the noise sensitive land use receiving the noise. Noise measurement shall be made with a sound level meter using the 'A' weighted scale at slow meter response. Fast meter response shall be used only for an impulsive noise. (Ord. 211 § 8, 2004; Ord. 205 § 1 (Exh. A), 2003)

**PLANNING DIRECTOR HEARING
NOVEMBER 21, 2016**

**STAFF REPORT
APPLICATION #16-16 GOLDEN SPIKES BASEBALL
MINOR USE PERMIT
APN: 044-220-057**

REQUEST

To extend the operating hours from 7:00 am to 7:00 pm to 7:00 am to 9:00 pm Monday to Friday; and maintain Saturday hours of 8:00am to 5:00pm, with closure on Sunday.

RECOMMENDATION

Approve Planning Director Determination #16-02 to allow operating hours from 7:00 am to 9:00 pm Monday to Friday, subject to the findings and the recommended conditions of approval, and find the project is Categorically Exempt from the California Environmental Quality Act (CEQA), as per Section 15322 "Educational or Training programs" of the CEQA Guidelines

PROJECT DESCRIPTION

Location: 3344 Swetzer Court
APN: 044-220-057
Size: 0.6 acres

General Plan, Zoning, and Existing Land Uses

	GENERAL PLAN	ZONING	CURRENT LAND USE
ON SITE	LIMITED INDUSTRIAL	ILT	HEALTH FITNESS CENTER
NORTH	LIMITED INDUSTRIAL	ILT	LIGHT INDUSTRIAL
EAST	LIMITED INDUSTRIAL	ILT	LIGHT INDUSTRIAL
SOUTH	LIMITED INDUSTRIAL	ILT	LIGHT INDUSTRIAL
WEST	SINGLE FAMILY RESIDENTIAL	RS-10	RESIDENTIAL

Improvements/Utilities/Service Systems:

Sewer – SPMUD Water – PCWA Gas/Electric – PG&E
Trash – Recology Auburn Placer Fire – Loomis Fire District

The project is located within a concrete industrial building in an existing light industrial park zoned ILT (Limited Industrial) and designated Limited Industrial in the General Plan.

BACKGROUND

Section 13.28.030 of the Loomis Zoning Ordinance allows Fitness/Health Facilities as a Permitted Use with only a zoning clearance/building permit, which was granted to the applicant on February 11, 2014.

In late September the Planning Department received complaints about noise emanating from the Golden Spikes Facility, such as loud music, boisterous voices, and especially loud repetitive sounds due to batting practice. The latter is apparently most intrusive when the bay doors of the facility are open. Subsequent investigation confirmed loud metallic banging sounds when the doors were open that would be audible in the rear yards of the adjacent residences.

Discussions with the owner of the business confirmed the doors were being kept open, especially during warm evenings. The owner acknowledged he kept the doors open, during hot weather as the building is not air conditioned. He was advised that the doors needed to be kept shut due to the noise and his clients advised to be respectful of adjacent residences by not disturbing them with excess noise and music when arriving or departing the premises.

Section 13.30.070 of the Loomis Zoning Code establishes the standards and regulations as to noise levels intended to protect community health, safety and welfare by limiting exposure to noise. Table 3-2 sets the maximum allowable noise levels allowed to intrude upon various land uses. The maximum allowable impact to outdoor areas of residential lots is 65 dBA Ldn. Table 3-3 adjusts this level due to duration and repetitiveness. Applying these factors the maximum sound level allowed to impact the outdoor area of the adjacent residences would be between 50 and 55 dBA Ldn. Attached is a chart that provides typical dBA levels for various activities. 50 dBA is associated with a quiet Urban Daytime. Given the residences are adjacent to light industrial uses a level of 55dBA at the property line is recommended as the maximum sound level.

Though not confirmed with noise meters, anecdotal evaluation by staff suggests the 55 dBA level is exceeded at the residential property lines of residences within approximately 200 feet of Golden Spikes, when they have batting practice with the bay doors open. However when the doors are closed there is little discernible sound at these locations during batting practice. It is staff's opinion that closure of these doors would mitigate the intrusive sound impacts experienced by the adjacent residential properties to less than 55 dBA, due to the batting practice.

Complaints have also been made as to loud music and boisterousness from this area, most likely from clients of Golden Spikes prior to, or after practice. However other businesses in the vicinity may also contribute to this problem too. Staff expressed concern to the owner of Golden Spikes, who has advised his clientele to be respectful of the adjacent residences by keeping conversations and music low when arriving or departing practice. Staff expects compliance, but notes that realistically there may be occasional exceptions, that may not even be due to activities or clients of Golden Spikes.

During these discussions with the owner, it was learned that he was operating past 7:00 PM during weekdays. Section 13.28.060 limits operating hours ILT zone to no later than 7:00 PM Monday to Friday unless otherwise authorized by a use permit. He was not aware of this restriction, and it may not have been relayed to him when he obtained his occupancy permit in February 2014. He immediately agreed to file and get the minor use permit, as it was essential to continue to operate until 9:00 PM, as he has been doing, as most of his clients attend after school or work.

This application would allow operating hours to 9:00 PM Monday to Friday, and continue the operating hours of 8:00 am to 5:00 PM on Saturdays, and closure on Sundays as required by the Zoning Ordinance.

Given the concern as to noise, a number of conditions of approval have been recommended to address these issues. These include restricting the opening of the bay doors during practice, adding additional sound insulation within the buildings, posting signs to remind clients as to proper behavior in the parking lot, and other issues.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

The project is Categorically Exempt from the California Environmental Quality Act (CEQA), as per Section 15322 "Educational or Training programs" of the CEQA Guidelines

RECOMMENDATION

Approve Planning Director Determination #16-02 to allow operating hours from 7:00 am to 9:00 pm Monday to Friday, subject to the findings and the recommended conditions of approval and find the project is Categorical Exempt from the California Environmental Quality Act (CEQA), as per Section 15322 "Educational or Training programs" of the CEQA Guidelines

ATTACHMENTS

1. Determination #16-02
 - Exhibit A: Recommended Findings
 - Exhibit B: Recommended Conditions of Approval
2. Section 13.30.070 Noise Standards
3. Typical Noise Levels Chart
4. Request For Public Hearing\Complaint dated November 7, 2016
5. Petition for Public Hearing Received November 14, 2016
6. Approved Building Permit February 11, 2014
7. Public Notice posted and mailed November 10, 2016.
8. Aerial Photo
9. Site Plan
10. Building Layout

Public Meeting
Re: 3344 Swetzer Road
Golden Spikes
Change in business hours from 7am to 7pm
To 7am to 9pm

Meeting Notes

9:00 am Monday 11/21/2016

Following introduction by Town Manager, Joan Phillipe, Robert King read staff report and recommendation.

Applicant Brett Hemphill spoke on behalf of the application for extended business hours.

1. PJ and Lile Dale spoke in support of the project:
2. Janell Marton – spoke in support of the project
3. Eva Marshall – spoke in opposition to the increased hours citing repetitive noise issues lessening her ability to use her backyard. Also stated this location not appropriate for this use.
4. Kevin Marshall – Spoke in opposition to the project – continuous noise an issue, but stated the noise levels have lessened in recent weeks.
5. Farrell Elliot – spoke in favor of the application
6. Bill Marr – spoke in favor of the project
7. Ryan Stevens – local business – spoke in favor of the project:
8. Lance Tressler – spoke in favor of the project :

Letters received from

Austin Flowers 3337 Kathy Way
Eva Marshall – 3367 Kathy way
Kevin Marshall – 3367 Kathy Way
Leslie Waldie 3237 Kathy Way
Nanette Jorjorian – Kathy Way

Town Manager concluded meeting – saying decision will be rendered Tuesday November 22, 2016 in the afternoon

Meeting concluded 9:40 am

11

Joan Phillipe

From: Carol Parker
Sent: Monday, November 21, 2016 2:01 PM
To: Joan Phillipe
Subject: FW: #16-16 minor use permitt

fyi

From: gerald wolff [<mailto:gwgcgb@gmail.com>]
Sent: Monday, November 21, 2016 1:14 PM
To: Carol Parker <cparker@loomis.ca.gov>
Subject: #16-16 minor use permitt

This is Gerald Wolff, I live at 3347 Kathy Way. When we bought our home there was supposed to be a barrier, built between our homes and any commercial buildings added behind us. That went away and now we listen to loud music, bats hitting balls, car doors, slamming, people yelling, fork lifts running until 9 or 10pm. While we try to enjoy our back yard, with family or friends. Sunday ??? 9pm at night ????? Really ?

11/20/2016

Sitting in my backyard thinking about this last year living on Kathy Way; I remember good time & conversations with my neighbors. This is truly a great neighborhood where neighbors help each other & respect each other's property and sanctuary. That is except for our close business neighbors. There isn't just one business behind us, there are many; each with their own schedule (some when it's summer start as early as 5:30am, sometimes earlier). Some receive large trucks in the middle of the night, pulling forward and backward all the time with the beeping their warning sounds. It seems that when I'm home during the day, outside work is going on for extended periods of time.

This last year has really become a problem. No longer can I come home and expect peace and quiet. I must endure hours upon hours of loud music or the ringing of balls hitting off of bats or the thud of baseballs echoing off metal doors, if they happen to be closed; if not it's much louder.

Twice this year I went to Golden Spike Baseball and told them this was a nuisance. Their response: It's not a problem.

This business has broken its hours of operation according to the zoning laws. Since schools are out around 3 o'clock, that only leave them with a few hours to operate within their time limits.

As a bonus, their customers sometimes become quite loud behind our houses; door slamming; alarms blaring; engines starting; make it impossible to enjoy our homes and backyards.

Exposing our neighborhood on Saturdays to having their peace & tranquility disregarded for this long period really affects our quality of life!!

I This business does not operate now within their hours of operation. This is not just an extension of hours, it's a bad precedence to set for this Light Industrial Zone.

II Already this business has not responded to their neighbors on Kathy Way being annoyed. I personally have asked them to tone down the music; voices; and shut the rear doors. Having the neighborhood on Saturdays exposed all day long and evening to these noises reduces our quality of life and mental tranquility.

III This business I believe was allowed under "Health & Fitness". This is a training facility.

During late summer & early fall the building they are in must get unbearably hot; especially with all the physical activity going on. There is a need to open the doors and expose the neighbors to their noise and loud music.

To remedy this, Signs in the parking lot to quiet people arriving & leaving may help. To permanently secure the rear roll up doors and sound insulate them & the rest of the building may help. Having someone to report nuisances to within their hours of operation, who could rectify & document the problems with minutes, would help.

Having this meeting at this time of day doesn't allow most of the people affected to attend and give their disapproval in person.

Today we are here to approve or disapprove the extension of hours for Golden Spike Baseball. This company has been operating outside of their approved hours of operation since they moved in. Their clients get out of school around 3 o'clock, leaving them with only 4 hours to use their building in this time frame. I believe that to set precedence for businesses to exceed 7pm will only invite more problems. This is not the only business behind the homes on Kathy Way. Some start as early as 5:30am; some have delivery trucks come in the middle of the night with reverse beepers waking us up with this annoying sound.

This business and other do not do all their work inside closed buildings, especially when the weather is hot. Hours of their noises have become a nuisance that the neighborhood cannot escape without the help from the Town of Loomis.

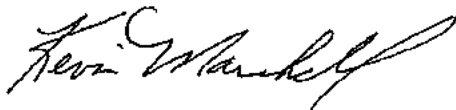
From the best of my knowledge, no one from the city checks on this Light Industrial Zone and applies all of the ordinances to these businesses: Buffer zones, hours of operation, use of storage yards, work only in closed structures.

What is a nuisance (Noise)? A person, thing, or circumstance causing an inconvenience or annoyance. An unlawful interference with the use and enjoyment of a person's land. Something that disturbs an occupant's mental tranquility, Extent and duration of the disturbance.

I oppose the approval of this Minor Use Permit for extended hours for Golden Spike Baseball or any other business in this Zone.

Kevin Marshall

3367 Kathy Way, Loomis, CA



I'm here today to express my concerns regarding the extended hours of operation for Golden Spike Baseball.

While I'm glad for them that their business is growing; it has become more of a nuisance for me with **an increase of repetitive pinging bat sounds and the banging of thrown baseballs being echoed into my backyard**. I have experienced great discomfort and headaches while trying to bar-b-que dinner. I feel as though I'm being restricted to the interior of my home. I'm sorry, but I love and enjoy my backyard, it used to be my calming place, my sanctuary after a day's work – not anymore.

When I inquired to the conditions of their permit, I learned that they did not have one (being let in under a pre-approved "health & fitness" business). I was under the impression from the time I moved here that all businesses not "grandfathered-in" required a Conditional Use Permit because of the proximity to the residential community. (I guess that changed when I wasn't looking.) This is a "sports training facility". Would you call a bowling alley "Health & Fitness"? Regardless, they are here now.

I do have my concerns about Golden Spike. I feel that there is a disregard for their neighbors. I was told there was a meeting with

the owners advising them of the hours, yet after that date and currently still, they are operating until 8:30 or 9pm and it states on their website. I will grant you that they have made an effort to keep the doors closed and their clients are a bit quieter. Yet, I can still the muffled baseballs against the wall and the "Ping" of an aluminum bat just doesn't go away.

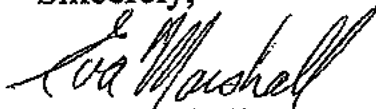
But this is the off season, what will happen when "spring training" begins? Or their business continues growing increasing the number of days per week and weekends they will be there? Or when summer comes and I want to open my windows? This is a fear I already have.

What about my property value when I have to disclose their business and the sounds those emanate? When we purchased our home, we thought long and hard about living behind an industrial area. But in researching we found that hours of operation would be limited to 7pm and that business must contain their work and sounds to the interior of their buildings; we thought we could live with that. We have been here before with nuisances from a business. I do not want to have to go through that again.

There are many other businesses that disturb our quiet neighborhood, but we have been tolerant. What are the penalties for those businesses out of compliance? Will this open the doors for other businesses to want later hours? How do the residents on Kathy Way get their peace if not at home? I want to have my peace no later than 7pm.

So now that you are planning to tell us you propose to approve this Minor Use Permit for extended hours; I have to state my objection, as this will affect my quality of life.

Sincerely,

A handwritten signature in cursive script that reads "Eva Marshall". The signature is written in black ink and is positioned above the printed name.

Eva Marshall

3367 Kathy Way, Loomis, CA

November 20, 2016

To: Loomis Planning Director and Department
via proxy Eva Marshall

From: Leslie Waldie
3237 Kathy Way
Loomis, Ca 95850
email: amalesle@sbcglobal.net

RE: Extended Hours of Operation for Golden Spikes Baseball located at 3344 Swetzer Court

Dear Sirs/Madams:

I am responding to the Public Hearing re: Golden Spikes Baseball business located at 3344 Swetzer Court Loomis in the Light Industrial Zone and currently permitted to operate until 7 PM. This property is in close proximity to the residents of Kathy Way.

I have several concerns about this application:

1. The business operated outside of its permit without due process until a complaint was lodged in September 2016. This leaves me in some doubt about the companies ongoing adherence to their rules of occupancy.
2. Sweeter Road traffic continues to become more congested with no regulation on loud noises emanating from cars, particularly bass noise. I would not like to see this continue until 9 PM or later
3. What are the assurances that this permit would not then be extended to other businesses in the immediate vicinity.

Please consider this permit application carefully as we all impact one another. I do appreciate that it is beneficial to have safe, wholesome activities available, particularly to our youth; however, there must be a balance. I would add some sound-proofing of the building as well as keeping doors closed and adding air conditioning as an accommodation. I would also add the requirement of notifying those using the business to keep radios.noise levels down.

Thank you for providing the opportunity for my input

Leslie Waldie



Loomis planning Public Hearing Monday, 11/21/16:

I was unable to attend this hearing due to it being at 9 am during the normal work day. I directly back up to the business Golden Spikes Baseball located at 3344 Sweeter Court. I have lived in this home for 2 years and love spending time in the back yard as much as possible and use as little air conditioning as possible therefore have open windows and doors during much of the hot season. The noise from the batting is not always but often a very sharp and annoying sound. I have come to learn that other neighbors have frequently found the doors of the building open to cool the building and little to no sound proofing in the walls and ceiling. I like the athletic business that should be a very good neighbor with some conscientious efforts to minimize the noise. any sports oriented facility should expect to use air-conditioning to keep comfortable environment for these activities.

At this time am am opposed to extended hours due to these concerns. they frequently do stay open until 9 now and I have been kept awake in the summer form noise in the parking lot until after 10:30.

I WOULD SUPPORT LONGER HOURS IN THE FUTURE IF THEY ARE REQUIRED TO PROVIDE ADEQUATE AIR CONDITIONING FOR THE SPACE AND PUT UP SOUND PROOFING AND KEEP THE DOORS CLOSED TO LIMIT THE NOISE. AT THAT TIME 9:00 PM FOR AN EMPTY PARKING LOT WOULD SEEM REASONABLE. PLEASE DO NOT GRANT A CHANGE UNTIL THEY CAN DEMONSTRATE THAT THE NOISE IS NO LONGER A PROBLEMS TO RESIDENTS BEHIND THE FACILITY.

Thank you for your management to this business and consideration of the neighborhood concerns.

Nanette Jorjorian, Kathy way resident

A handwritten signature in black ink, appearing to read 'Nanette Jorjorian', with a long horizontal line extending to the right.

November 20th, 2016

To: Whom it may concern

Re: Golden Spikes Baseball Extended Hours of Operation

This letter is written in reference to the application by Golden Spikes Baseball, located at 3344 Swetzer Court in Loomis, CA, to extend their operating hours from 7:00 PM to 9:00 PM.

I, Austin Flowers, and my wife, Morgan Flowers, are the residents of 3337 Kathy Way. A ten foot high cinderblock wall is all that separates my backyard from the commercial park in which Golden Spikes Baseball is located.

As residents we feel that this operating hour extension would be burdensome to the quality of our lives while at home. Excessive noise from batting and pitching, talking, and automobiles is already experienced. As Loomis residents, we support small business and appreciate all that they do for our community. However, a balance is required between personal property and privacy and the operations of such businesses - a balance that we feel would be further interrupted with this extension.

Golden Spikes Baseball was already operating past allowable operating hours. This hearing was only scheduled after enough complaints were submitted. The operators are also irresponsible in their management of patrons. On a Saturday afternoon in the summer of 2016, a large group of young patrons were making an excessive commotion in the parking lot behind our residence. The group then commenced to climb on top of a large delivery truck that is parked behind my residence, allowing them to see above the cinderblock privacy wall and into our private backyard. The group stayed on top of the truck for an extended period of time, showing a lack of adult supervision. This history of disregard is another set of grounds to reject the extension request.

Furthermore, the unwanted sound and ruckus can lead to decreased property values in the community and the submittals of operating hour extensions from other area businesses.

We appreciate your consideration and hope that the minor use permit to extend operating hours for Golden Spikes Baseball is rejected.

Sincerely,

A handwritten signature in blue ink, appearing to read 'AP' followed by a stylized flourish.

Austin Flowers

EXHIBIT B

Feb 24, 2017

90 Day Verification Sound Insulation Golden Spikes



Golden Spikes has insulated their windows with 2 inch foam core as of this date. Similar foam core is to be placed on garage doors, as soon as landlord repairs leaks to doors from recent heavy rains. Reasonable efforts are in progress as per Condition #3 of the approval dated November 22, 2016 Future check to be done prior to six month review to verify door insulation.

Robert King, Town Planner

February 24, 2017

EXHIBIT C

COPY

October 12, 2017

Bret Hemphill
Golden Spikes Baseball
3344 Swetzer Ct,
Loomis, CA 95650

SUBJECT: #16-16 Minor Use Permit, Mitigation Measures Review

Dear Mr. Hemphill,

When you received approval on November 22, 2016, to extend your hours from 7:00 PM to 9:00 PM, there were seven conditions of approval. While the first six conditions were your responsibility, the last one Condition 7, was incumbent upon us. It required a review of your facility, to ascertain the effectiveness of your measures to mitigate the sound, and what additional steps should be undertaken to comply with the Town's Noise Standards.

On October 2, 2017, I and the Town's Planning Assistant Carol Parker, made a site visit in fulfillment of this condition. In addition we also inspected your facility in response to a complaint, we received on August 29, 2017 from an adjacent resident, about your noise and compliance with the conditions of approval.

Our review follows each of the conditions of approval. Text in **BOLD** are requirements needed to bring your facility into compliance.

1. **Golden Spikes shall comply with Section 13.30.070 Noise Standards of the Loomis Zoning Code, specifically limiting noise from the facility so as to not exceed 55 dBA Ldn on adjacent residential properties to the east.**

Staff has made several visits to the site including that of the October 9, 2017 along with an evening visit around 7:00 PM on September 26, 2017, and at an adjacent residential property on August 29, 2017 at approximately 5:30 PM. On the occasion of the first two visits, the bay doors were open, with batting practice taking place. On both of these occasions staff listened and took measurements of sound at the southwest corner of the property, in front of the wall adjacent to the residential property to the west. On August 29, 2017 similar observations were made on an adjacent residential property.

The sound level of 60dBA is approximately that of two people having conversation at three feet, 50 dBA is the usual urban background level, while 40dBA is a quiet urban nighttime background level.

At the adjacent residential property, the sound of the bat was discernible, but only when there was no conversation, suggesting it was most likely below 60dBA. Sound measurements made with an I-Phone application, did not peak above 53 dBA at the sound of the bat. Though not a professional instrument it suggested the sound was above 50dBA. Similar observations were made at the southwest corner of the Golden Spikes site on August 29th and September 26th. While there was no batting practice on the October 10, 2017, observation suggested the background noise was approximately 45dBA, with occasional spikes to 65dBA or more due to delivery trucks.

Field observations suggest the off-site batting noise may be between 50dBA and 60dBA. But without a professional noise analysis, it is not possible to determine if the sound is actually above, or below the 55dBA maximum.

2. *Golden Spikes shall close all bay doors during batting baseball practice, and any other times that may result in noise exceeding 55 dBA Ldn on adjacent residential properties to the east.*

Golden Spikes felt that this condition did not require them to close the bay doors whenever batting practice occurred, unless it resulted in off-site noise in excess of 55dBA. While staff concurs the condition is ambiguous on this matter, it also notes there have been no reliable measurement that this sound is in fact below 55dBA either.

Therefore the roll up doors must be kept closed during batting practice, until a professional noise study can demonstrate the sound level upon residential property, is less than 55dBA.

3. *Golden Spikes shall make as appropriate reasonable effort to reduce interior noises emanating from the building by adding insulation to windows, doors, metal garage doors and walls within 90 days of this approval.*

A site visit by staff on February 24, 2017 concluded reasonable efforts were being made, with the installation of foam board to windows. Netting had been placed so that no ball could strike a wall, and application of foam board is not possible on the roll up doors.

4. *Should noise complaints be received due to practice activities the Town reserves the right to require a Noise Study as per Section 13.30.070 C.2.*

The Town has received complaints about the noise from an adjacent resident. As indicated in the discussion for Condition 1, field observations suggest the off-site noise is most likely to be between 50dBA and 60dBA. But without a professional noise analysis it is not possible to determine if the sound is actually above or below the 55dBA maximum. Proof of compliance is incumbent upon the site generating the noise in this circumstance. Golden Spikes has voluntarily agreed to undertake and pay for such an analysis.

The consultant must be retained and under contract by the end of October. Furthermore the parameters of that study must be approved by the Town in advance of the study.

5. *Signs shall be prominently displayed within and outside of the building reminding clients to maintain respectful levels of conversation and music so as not to disturb adjacent residential properties when arriving or departing practice.*

Signs had not been placed as required, however temporary signs have been posted since the October 2, 2017 site check.

The applicant must replace these temporary paper signs with weather proof ones by the end of the month, with the text, design and placement to be approved by the Town.

6. *Subject to the prior approval of the Planning Director, the Golden Spikes may submit alternative methodologies to comply with the Noise Standards so as not exceed 55 dBA Ldn on adjacent residential properties to the east.*

On October 2, 2017 Town staff and Golden Spikes discussed various other methods to buffer the noise. Staff provided the names of some professional contractors who may prove of assistance in attenuating noise impacts. In addition the acoustical expert needs to provide recommendations to muffle off-site noise as well.

7. *This approval shall be reviewed in six months from the date of approval to determine the effect of the mitigation measures, and what additional steps if any, need to be taken to comply with the Town's Noise Standards.*

As previously discussed this condition was incumbent upon the Town, and this letter fulfills that requirement.

In summary without a professional noise study we are unable to determine if sound from your activity is actually less than 55dBA. For the same reason, we are unable to substantiate the complaint that your facility exceeds 55dBA on adjacent residential property. Therefore the requirements as noted above in bold, need to be complied with by the end of October, to bring your business into compliance.

If you should have any questions, please contact me at your convenience.

Sincerely,

Robert F. King
Town Planner

CC: Eva and Kevin Marshall
3367 Kathy Way, Loomis CA 95650

Cricket Strock, Town Clerk
Zoning Enforcement Manager

Carol Parker, Planning Assistant

TOWN OF LOOMIS

EXHIBIT D



April 26, 2018

Bret Hemphill
Golden Spikes Baseball
3344 Swetzer Ct,
Loomis, CA 95650

SUBJECT: #16-16 Minor Use Permit, Required Acoustical Analysis

Dear Mr. Hemphill,

In our letter dated October 12, 2017, (attached) we reviewed the effectiveness of your facility in complying with the Town's noise standards. We concluded that without a professional analysis, it was not possible to accurately determine whether the noise was above, or below the 55dBA compliance threshold. While the town could have required a noise study, you had agreed to voluntarily retain a professional noise consultant. We allowed extra time to retain the consultant, and to see if just keeping the doors closed, would prevent noise complaints.

However, the Town has continued to receive noise complaints. Therefore, as per Condition of Approval #4, and per Section 13.30.C.2 of the Loomis Municipal Code (attached), the Town is requiring an Acoustical (Noise) Study. The noise consultant must be under contract no later than May 18, 2018, with the report completed and received by the Town, no later than June 29, 2018. Furthermore, the parameters of the analysis must be approved by the Town in advance.

Compliance with or proof of compliance is incumbent upon the operator of the business generating the noise. Without a professional noise study, we are unable to determine if the sound is less or more than the 55dBA threshold. Therefore these requirements must be complied with as noted above, to avoid further action by the Town, up to and including possible revocation of your permit.

If you should have any questions, please contact me at your convenience.

Sincerely,


Robert F. King
Town Planner

Attachments: Letter Town Planner October 12, 2017
Section 13.30.C.2 Loomis Municipal Code

CC: Eva and Kevin Marshall
3367 Kathy Way, Loomis CA 95650

Project #16-16 Golden Spikes Baseball (916) 652-1840 • (916) 652-1847
3665 TAYLOR ROAD • P.O. Box 1330 • LOOMIS, CA 95650

Robert King

From: Robert King
Sent: Thursday, October 19, 2017 10:54 AM
To: 'Bret Hemphill'
Cc: Sean Rabe
Subject: Sound consultants

Brett,

As discussed earlier this week, here's a list of consultants who would be able to do the required noise analysis. You are not required to use any of them, neither do we recommend any one over another.

Specialized Noise Consultants

J.C Brennan & Associates Auburn 530 823-0960
Bollard Acoustical, Loomis 916-663-0500
Extant Acoustical, Rocklin 916-520-4322
Saxelby Acoustics 916-760-8821

Other Consultants with in-house acousticians

LSA Roseville 916-772-7450 (Chris Graham)
Dudek Auburn 916-438-5310 (Chris Barnobl)

You may have them contact me for further information.

Regards,
Bob

Robert F. King
Town Planner

Loomis Town Hall
3665 Taylor Road
P.O. Box 1330
Loomis, CA 95650

Office Hours: Tuesday, Wednesday, Thursday 8:00 am to 5:00 pm
Phone: 916-652-1840 ex. 21
Email: Rking@loomis.ca.gov

EXHIBIT E

COPY

October 22, 2018

Certified/Return Receipt #7017-2680-0000-4444-8489

Bret Hemphill
Golden Spikes Baseball
3344 Swetzer Ct.
Loomis, CA 95650

SUBJECT: #16-16 Minor Use Permit
Revocation of Extended Hours Under #16-16 Minor Use Permit

Dear Mr. Hemphill,

In our letter dated April 26, 2018, (attached) we requested compliance with Condition of Approval #4, and per Section 13.30.C.2 of the Loomis Municipal Code, an Acoustical (Noise) Study be performed by a professional and submitted to the Town no later than June 29, 2018. As of this date we have not received compliance with this condition.

Due to your lack of response of the required noise study and continued noise complaints by adjacent residential neighbors, your approval to operate from 7:00 am to 9:00 pm is hereby revoked.

Effective immediately, your business hours may continue to be conducted as provided in the Limited Industrial (ILT) zone from the hours of 7:00 am to 7:00 pm Monday through Friday, and Saturday from 8:00 am to 7:00 p.m.

Your completion and submittal of the required Acoustical Study is paramount to determine compliance with your approved Minor Use Permit #16-16 as the continued complaints relate not only to the ambient noise levels but include the bay door being open as well.

Please contact me at your earliest convenience to schedule a site visit to review this matter. I can be reached at (916) 652-1840 ext. 21.

Sincerely,

Mary Beth Van Voorhis
Planning Director

Attachments: Letter Town Planner April 26, 2018

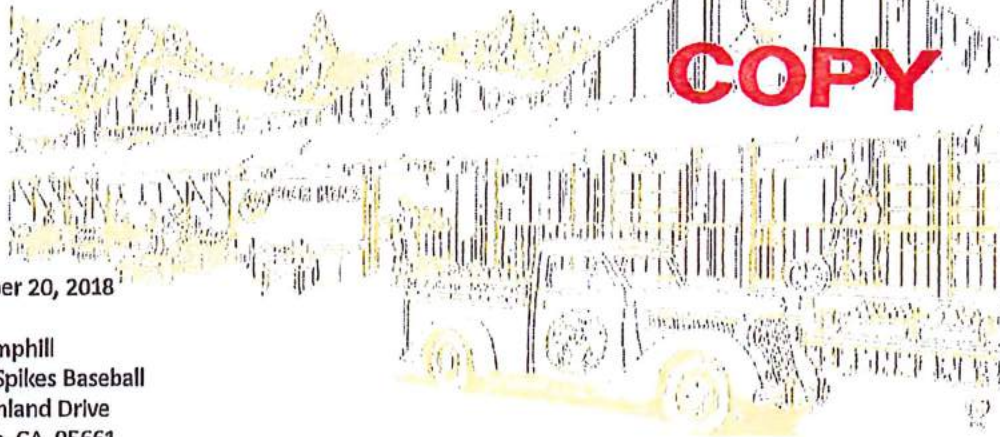
cc: Eva and Kevin Marshall, 3367 Kathy Way, Loomis CA 95650
Bragg Properties, LLC, 2800 Delmar Avenue, Penryn, CA 95663

Project #16-16 Golden Spikes Baseball



TOWN OF LOOMIS

EXHIBIT F



November 20, 2018

Bret Hemphill
Golden Spikes Baseball
2721 Ashland Drive
Roseville, CA 95661

SUBJECT: #16-16 Minor Use Permit – CONDITIONS OF APPROVAL SATISFIED
DOORS TO REMAIN CLOSED DURING ALL HOURS OF OPERATION

Dear Mr. Hemphill,

Thank you for providing the required Acoustical (Noise) Study and for meeting with Town Manager Sean Rabé and I earlier today.

I will address each of the seven (7) conditions of approval outlined in Minor Use Permit #16-16 individually below:

1. Golden Spikes shall comply with Section 13.30.070 Noise Standards of the Loomis Zoning Code, specifically limiting noise from the facility so as to not exceed 55 dBA Ldn on adjacent residential properties to the east.

The November 14, 2018 Noise Assessment prepared by Luke Saxelby, Saxelby Acoustics conclusion states the following:

“Based upon the noise levels shown on Figure 2, and those measured at the site, the facility does not exceed the Town of Loomis 65 dBA Lmax noise standard applied to repetitive noise which occurs during daytime (7:00 a.m. to 10:00 p.m.) hours. It should be noted that the maximum noise levels were not found to occur for more than one minute cumulative per hour. However, even if the maximum noise levels were to occur for a cumulative period of 1-5 minutes per hour, the facility would still meet the Town standard of 60 dBA for repetitive noise occurring for a cumulative period of 1-5 minutes. No noise control measures are recommended as the project complies with Town standards.”

As indicated above, the noise assessment conclusion exceeds the required condition of 55 dBA. Through conversation with Luke Saxelby, Noise Assessment consultant, and report content, the noise assessment was performed with the doors open. He indicated, in his professional opinion, noise reductions of approximately 10-15 dBA would be achieved if the doors were closed. This would reduce the 65 dBA Lmax identified in his report to 50-55 dBA as applied to repetitive noise which occurs during daytime and 45-50 dBA for repetitive noise occurring for a cumulative period of 1-5 minutes.

Completed. Doors must remain closed during hours of operation.

2. Golden Spikes shall close all bay doors during batting baseball practice, and any other times that may result in noise exceeding 55 dBA Ldn on adjacent residential properties to the east.

Completed. Doors must remain closed during hours of operation.

3. Golden Spikes shall make as appropriate reasonable effort to reduce interior noises emanating from the building by adding insulation to windows, doors, metal garage doors and walls within 90 days of this approval.

As discussed during our meeting with you, you will provide additional interior insulation to the bay doors at the rear of the building.

4. Should noise complaints be received due to practice activities the Town reserves the right to require a Noise Study as per Section 13.30.070 C.2.

Completed. The Noise Assessment was received by the Town of Loomis on November 15, 2018.

5. Signs shall be prominently displayed within and outside of the building reminding clients to maintain respectful levels of conversation and music so as not to disturb adjacent residential properties when arriving or departing practice.

Completed. Signs are posted on both the interior and exterior of the building.

6. Subject to the prior approval of the Planning Director, the Golden Spikes may submit alternative methodologies to comply with the Noise Standards so as not exceed 55 dBA Ldn on adjacent residential properties to the east.

Completed. Doors must remain closed during hours of operation.

7. This approval shall be reviewed in six months from the date of approval to determine the effect of the mitigation measures, and what additional steps if any, need to be taken to comply with the Town's Noise Standards.

Completed. Doors must remain closed during hours of operation.

You may resume the previously revoked extended hours (Determination #16-02) of 7:00 p.m. to 9:00 p.m., Monday through Friday providing that the doors must remain closed during hours of operation.

Do not hesitate to contact me at (916) 652-1840 ext. 21 if you have any additional questions or concerns.

Sincerely,



Mary Beth Van Voorhis
Planning Director

Attachments: November 14, 2018, Noise Assessment, Saxelby Acoustics.

cc: Eva and Kevin Marshall, 3367 Kathy Way, Loomis CA 95650
Bragg Properties, LLC, 2800 Delmar Avenue, Penryn, CA 95663



RECEIVED
Rec'd 11/15/18
NOV 15 2018
TOWN OF LOOMIS

November 14, 2018

Golden Spikes Baseball Training Facility
3344 Swetzer Ct., Loomis, CA

c/o Mr. Alex Creel

Subject: Noise Assessment for the Golden Spikes Baseball Training Facility – 3344 Swetzer Ct.

Dear Mr. Creel:

Thank you for contacting us regarding this project. It is our understanding that the facility has been receiving noise complaints primarily associated with the sound of baseballs making contact with baseball bats. In order to evaluate the noise levels associated with operations, Saxelby Acoustics conducted noise measurements and observations during normal facility operations on October 30, 2018. The following is a summary of our findings for this project relative to the Town of Loomis noise ordinance standards.

ENVIRONMENTAL SETTING

BACKGROUND INFORMATION ON NOISE

Fundamentals of Acoustics

Acoustics is the science of sound. Sound may be thought of as mechanical energy of a vibrating object transmitted by pressure waves through a medium to human (or animal) ears. If the pressure variations occur frequently enough (at least 20 times per second), then they can be heard and are called sound. The number of pressure variations per second is called the frequency of sound, and is expressed as cycles per second or Hertz (Hz).

Noise is a subjective reaction to different types of sounds. Noise is typically defined as (airborne) sound that is loud, unpleasant, unexpected or undesired, and may therefore be classified as a more specific group of sounds. Perceptions of sound and noise are highly subjective from person to person.

Measuring sound directly in terms of pressure would require a very large and awkward range of numbers. To avoid this, the decibel scale was devised. The decibel scale uses the hearing threshold (20 micropascals), as a point of reference, defined as 0 dB. Other sound pressures are then compared to this reference pressure, and the logarithm is taken to keep the numbers in a practical range. The decibel scale allows a million-fold increase in pressure to be expressed as 120 dB, and changes in levels (dB) correspond closely to human perception of relative loudness.

(916) 760-8821
www.SaxNoise.com | Luke@SaxNoise.com
915 Highland Pointe Drive, Suite 250
Roseville, CA 95678

The perceived loudness of sounds is dependent upon many factors, including sound pressure level and frequency content. However, within the usual range of environmental noise levels, perception of loudness is relatively predictable, and can be approximated by A-weighted sound levels. There is a strong correlation between A-weighted sound levels (expressed as dBA) and the way the human ear perceives sound. For this reason, the A-weighted sound level has become the standard tool of environmental noise assessment. All noise levels reported in this section are in terms of A-weighted levels, but are expressed as dB, unless otherwise noted.

The decibel scale is logarithmic, not linear. In other words, two sound levels 10-dB apart differ in acoustic energy by a factor of 10. When the standard logarithmic decibel is A-weighted, an increase of 10-dBA is generally perceived as a doubling in loudness. For example, a 70-dBA sound is half as loud as an 80-dBA sound, and twice as loud as a 60 dBA sound.

Community noise is commonly described in terms of the ambient noise level, which is defined as the all-encompassing noise level associated with a given environment. A common statistical tool is the average, or equivalent, sound level (L_{eq}), which corresponds to a steady-state A weighted sound level containing the same total energy as a time varying signal over a given time period (usually one hour). The L_{eq} is the foundation of the composite noise descriptor, L_{dn} , and shows very good correlation with community response to noise.

The day/night average level (L_{dn}) is based upon the average noise level over a 24-hour day, with a +10-decibel weighting applied to noise occurring during nighttime (10:00 p.m. to 7:00 a.m.) hours. The nighttime penalty is based upon the assumption that people react to nighttime noise exposures as though they were twice as loud as daytime exposures. Because L_{dn} represents a 24-hour average, it tends to disguise short-term variations in the noise environment.

Table 1 lists several examples of the noise levels associated with common situations. **Appendix A** provides a summary of acoustical terms used in this report.

TABLE 1: TYPICAL NOISE LEVELS

Common Outdoor Activities	Noise Level (dBA)	Common Indoor Activities
	--110--	Rock Band
Jet Fly-over at 300 m (1,000 ft.)	--100--	
Gas Lawn Mower at 1 m (3 ft.)	--90--	
Diesel Truck at 15 m (50 ft.), at 80 km/hr. (50 mph)	--80--	Food Blender at 1 m (3 ft.) Garbage Disposal at 1 m (3 ft.)
Noisy Urban Area, Daytime Gas Lawn Mower, 30 m (100 ft.)	--70--	Vacuum Cleaner at 3 m (10 ft.)
Commercial Area Heavy Traffic at 90 m (300 ft.)	--60--	Normal Speech at 1 m (3 ft.)
Quiet Urban Daytime	--50--	Large Business Office Dishwasher in Next Room
Quiet Urban Nighttime	--40--	Theater, Large Conference Room (Background)
Quiet Suburban Nighttime	--30--	Library
Quiet Rural Nighttime	--20--	Bedroom at Night, Concert Hall (Background)
	--10--	Broadcast/Recording Studio
Lowest Threshold of Human Hearing	--0--	Lowest Threshold of Human Hearing

Source: Caltrans, Technical Noise Supplement, Traffic Noise Analysis Protocol, September, 2013.

Effects of Noise on People

The effects of noise on people can be placed in three categories:

- Subjective effects of annoyance, nuisance, and dissatisfaction
- Interference with activities such as speech, sleep, and learning
- Physiological effects such as hearing loss or sudden startling

Environmental noise typically produces effects in the first two categories. Workers in industrial plants can experience noise in the last category. There is no completely satisfactory way to measure the subjective effects of noise or the corresponding reactions of annoyance and dissatisfaction. A wide variation in individual thresholds of annoyance exists and different tolerances to noise tend to develop based on an individual's past experiences with noise.

Thus, an important way of predicting a human reaction to a new noise environment is the way it compares to the existing environment to which one has adapted: the so-called ambient noise level. In general, the more a new noise exceeds the previously existing ambient noise level, the less acceptable the new noise will be judged by those hearing it.

With regard to increases in A-weighted noise level, the following relationships occur:

- Except in carefully controlled laboratory experiments, a change of 1-dBA cannot be perceived;
- Outside of the laboratory, a 3-dBA change is considered a just-perceivable difference;
- A change in level of at least 5-dBA is required before any noticeable change in human response would be expected; and
- A 10-dBA change is subjectively heard as approximately a doubling in loudness, and can cause an adverse response.

Stationary point sources of noise – including stationary mobile sources such as idling vehicles – attenuate (lessen) at a rate of approximately 6-dB per doubling of distance from the source, depending on environmental conditions (i.e. atmospheric conditions and either vegetative or manufactured noise barriers, etc.). Widely distributed noises, such as a large industrial facility spread over many acres, or a street with moving vehicles, would typically attenuate at a lower rate.

Town of Loomis Noise Standards

Section 13.30.070 of the Town of Loomis Zoning Code establishes acceptable noise levels for residential uses exposed to noise from non-transportation noise sources, such as commercial and industrial uses. Table 3-3 of the section establishes a maximum noise level limit of 70 dBA L_{max} for noise which occurs briefly for a cumulative period of less than one-minute per hour. Based upon our observations, maximum noise levels occurred for less than one-minute per hour. Additionally, the Town applies a -5 dBA penalty for noise which is tonal or repetitive. Therefore, the applicable noise level standard is 65 dBA L_{max} for daytime (7:00 a.m. to 10:00 p.m.) operations.

Noise Measurements

Saxelby Acoustics conducted noise measurements and observations at four locations near the closest residential receptors. Noise measurements were conducted using a calibrated Larson Davis model 831 Type 1 precision Integrating sound level meter using "fast" meter response to capture impulsive sounds from the baseball bats, as directed by the Town ordinance. It should be noted that the roll-up doors located on the back side of the facility were open during all of the noise measurements.

The locations of the noise measurements are shown on Figure 1. Appendix B provides a summary of the noise measurements. In general, the primary noise source observed at these locations was due to parking lot activities and noise from adjacent uses. Occasional noise from baseball bats was observed at times. The most audible location was ST-3 which measured maximum noise levels of up to 66 dBA L_{max} due to the baseball facility. However, this location was in front of the 7-foot tall sound wall which protects the adjacent residential uses.

Noise Contour Mapping

Saxelby Acoustics also took sound measurements at the rear of the training facility, outside of the open doors. Using this data, noise levels around the facility were mapped using the SoundPLAN noise prediction model. The SoundPLAN sound propagation model is based on the International Organization for Standardization (ISO) standard 9613-2:1996 (Acoustics – Attenuation of sound during propagation outdoors). ISO 9613 is the most commonly used method for calculating exterior noise propagation and accounts for typical atmospheric conditions including downwind propagation and atmospheric inversions, as commonly occur on clear, calm nights.

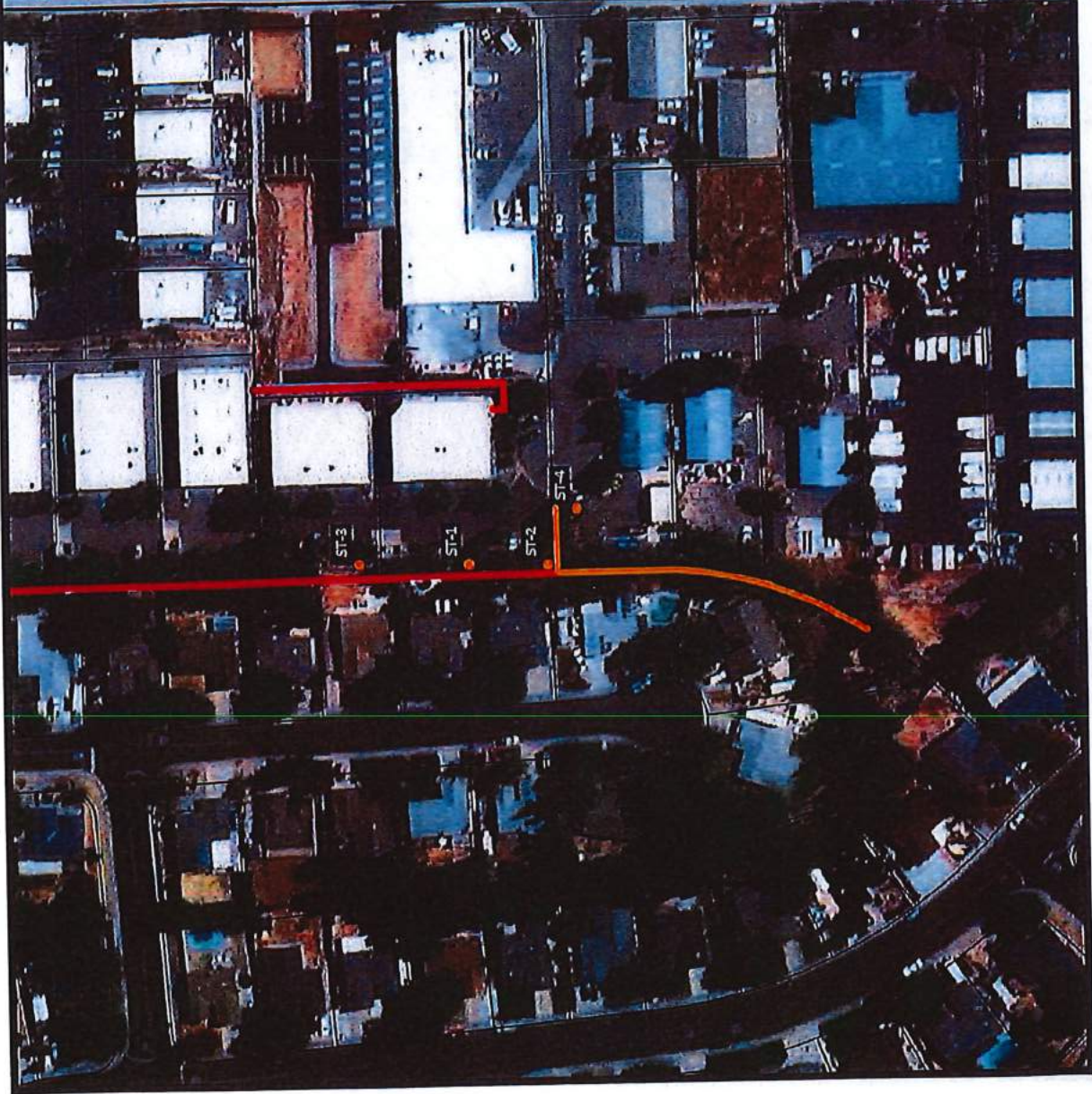
Figure 2 shows the maximum (L_{max}) noise contours for the facility. The predicted noise levels were calibrated to the highest noise levels which are measured at Site ST-3.

Golden Spikes Baseball Facility

Town of Loomis, California

Figure 1

Noise Measurement Locations



Legend

6-ft. Sound Wall

7-ft. Sound Wall

Noise Measurement - Street Term



Projection: State Plane (California Zone 2) / Meters / Meter
Rev. Date: 11/04/2008



Golden Spikes Baseball

Town of Loomis, California

Figure 2

Maximum Noise Levels (dBA, L_{max} , Fast)

Signs and symbols

- Parcel Lines
- Sound Wall
- Area source

Levels in dB(A)



Receiver Noise Level

R#
dBA

1:932



Conclusions

Based upon the noise levels shown on **Figure 2**, and those measured at the site, the facility does not exceed the Town of Loomis 65 dBA L_{max} noise standard applied to repetitive noise which occurs during daytime (7:00 a.m. to 10:00 p.m.) hours. It should be noted that the maximum noise levels were not found to occur for more than one minute cumulative per hour. However, even if the maximum noise levels were to occur for a cumulative period of 1-5 minutes per hour, the facility would still meet the Town standard of 60 dBA for repetitive noise occurring for a cumulative period of 1-5 minutes.

No noise control measures are recommended as the project complies with Town standards.

Sincerely,

Saxelby Acoustics



Luke Saxelby, INCE Bd. Cert.
Principal Consultant
Board Certified, Institute of Noise Control Engineering

Appendix A: Acoustical Terminology

Acoustics	The science of sound.
Ambient Noise	The distinctive acoustical characteristics of a given space consisting of all noise sources audible at that location. In many cases, the term ambient is used to describe an existing or pre-project condition such as the setting in an environmental noise study.
ASTC	Apparent Sound Transmission Class. Similar to STC but includes sound from flanking paths and correct for room reverberation. A larger number means more attenuation. The scale, like the decibel scale for sound, is logarithmic.
Attenuation	The reduction of an acoustic signal.
A-Weighting	A frequency-response adjustment of a sound level meter that conditions the output signal to approximate human response.
Decibel or dB	Fundamental unit of sound, A Bell is defined as the logarithm of the ratio of the sound pressure squared over the reference pressure squared. A Decibel is one-tenth of a Bell.
CNEL	Community Noise Equivalent Level. Defined as the 24-hour average noise level with noise occurring during evening hours (7 - 10 p.m.) weighted by +5 dBA and nighttime hours weighted by +10 dBA.
DNL	See definition of Ldn.
IIC	Impact Insulation Class. An Integer-number rating of how well a building floor attenuates impact sounds, such as footsteps. A larger number means more attenuation. The scale, like the decibel scale for sound, is logarithmic.
Frequency	The measure of the rapidity of alterations of a periodic signal, expressed in cycles per second or hertz (Hz).
Ldn	Day/Night Average Sound Level. Similar to CNEL but with no evening weighting.
Leq	Equivalent or energy-averaged sound level.
Lmax	The highest root-mean-square (RMS) sound level measured over a given period of time.
L(n)	The sound level exceeded a described percentile over a measurement period. For instance, an hourly L50 is the sound level exceeded 50% of the time during the one-hour period.
Loudness	A subjective term for the sensation of the magnitude of sound.
NIC	Noise Isolation Class. A rating of the noise reduction between two spaces. Similar to STC but includes sound from flanking paths and no correction for room reverberation.
NNIC	Normalized Noise Isolation Class. Similar to NIC but includes a correction for room reverberation.
Noise	Unwanted sound.
NRC	Noise Reduction Coefficient. NRC is a single-number rating of the sound-absorption of a material equal to the arithmetic mean of the sound-absorption coefficients in the 250, 500, 1000, and 2,000 Hz octave frequency bands rounded to the nearest multiple of 0.05. It is a representation of the amount of sound energy absorbed upon striking a particular surface. An NRC of 0 indicates perfect reflection; an NRC of 1 indicates perfect absorption.
RT60	The time it takes reverberant sound to decay by 60 dB once the source has been removed.
Sabin	The unit of sound absorption. One square foot of material absorbing 100% of incident sound has an absorption of 1 Sabin.
SEL	Sound Exposure Level. SEL is a rating, in decibels, of a discrete event, such as an aircraft flyover or train pass by, that compresses the total sound energy into a one-second event.
SPC	Speech Privacy Class. SPC is a method of rating speech privacy in buildings. It is designed to measure the degree of speech privacy provided by a closed room, indicating the degree to which conversations occurring within are kept private from listeners outside the room.
STC	Sound Transmission Class. STC is an Integer rating of how well a building partition attenuates airborne sound. It is widely used to rate interior partitions, ceilings/floors, doors, windows and exterior wall configurations. The STC rating is typically used to rate the sound transmission of a specific building element when tested in laboratory conditions where flanking paths around the assembly don't exist. A larger number means more attenuation. The scale, like the decibel scale for sound, is logarithmic.
Threshold of Hearing	The lowest sound that can be perceived by the human auditory system, generally considered to be 0 dB for persons with perfect hearing.
Threshold of Pain	Approximately 120 dB above the threshold of hearing.
Impulsive	Sound of short duration, usually less than one second, with an abrupt onset and rapid decay.
Simple Tone	Any sound which can be judged as audible as a single pitch or set of single pitches.



Appendix B1 : Short Term Noise Monitoring Results

Start: 2018-10-30 16:10:28
 Stop: 10/30/2018 16:46:16 PM
 SLM: Model 831
 Serial: 1800

Measurement Results, dBA

Duration: 0:35
 L_{eq} : 49
 L_{max} : 70
 L_{min} : 37
 L_{90} : 46
 L_{95} : 42

Noise

70 Lmax from parking lot, not baseball facility.

Site: ST-1

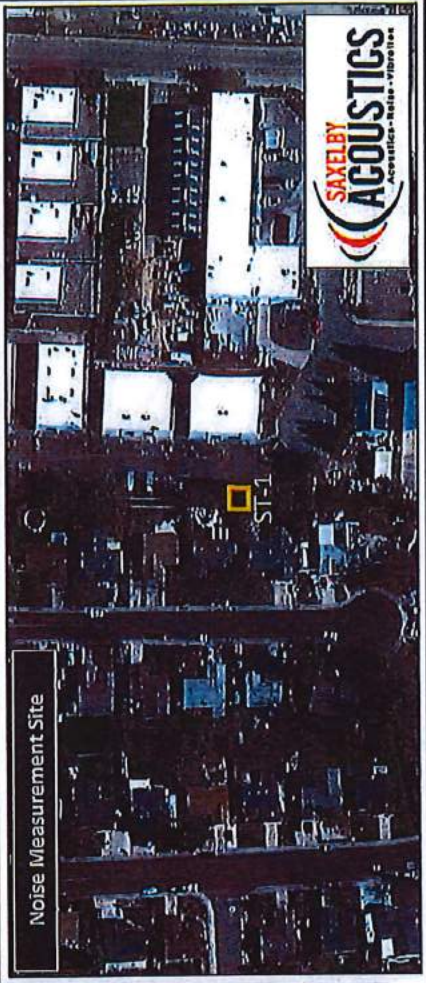
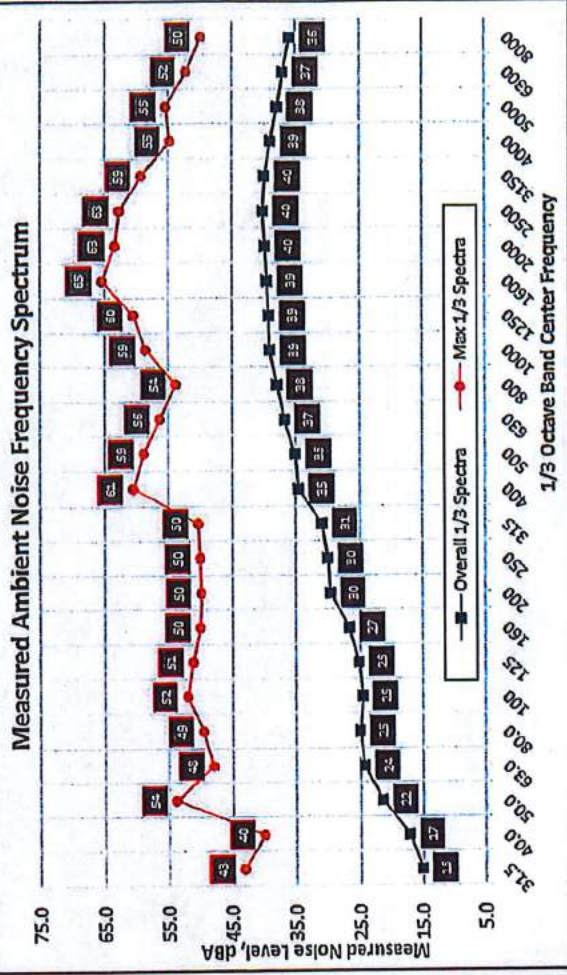
Project: Golden Spikes Workout Facility

Location: Loomis, CA

Coordinates: 38.82976° -121.19357°

Order: 831-1

Order: B&K 4230



Appendix B2 : Short Term Noise Monitoring Results

Site: ST-2
 Project: Golden Spikes Workout Facility
 Location: Loomis, CA
 Coordinates: 38.82954° -121.19355°
 Meter: LDJ 831-1
 Meter ID: B&K 4230

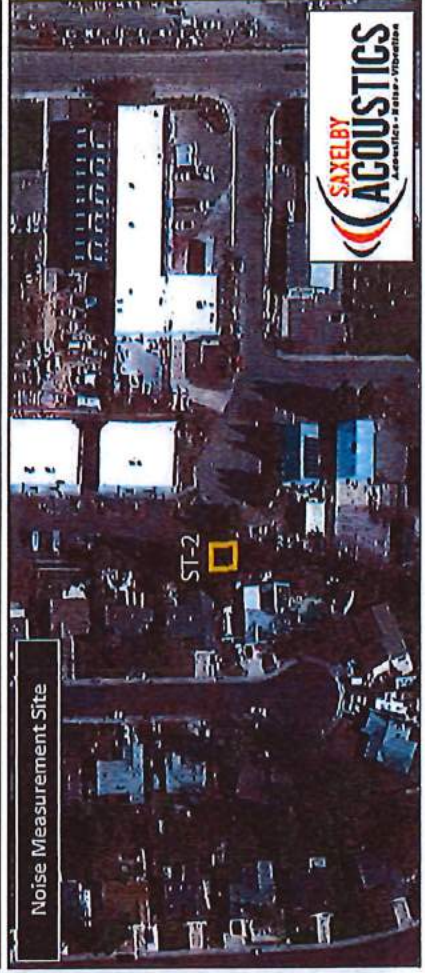
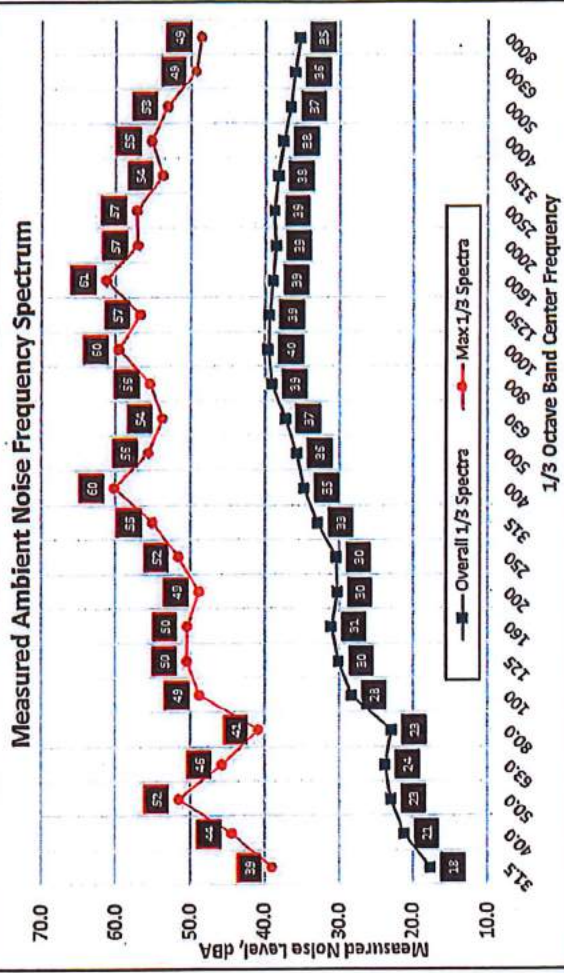
Start: 2018-10-30 16:47:32
 Stop: 10/30/2018 17:08:15 PM
 SLM: Model 831
 Serial: 1800

Measurement Results: dBA

Duration: 0:20
 L_{eq}: 49
 L_{max}: 67
 L_{min}: 40
 L₅₀: 46
 L₉₀: 43

Notes

67 L_{max} from parking lot, not baseball facility. Baseball audible at times, L_{max} 50-51 dBA



Appendix B3 : Short Term Noise Monitoring Results

Site: ST-3

Project: Golden Spikes Workout Facility

Location: Loomis, CA

Coordinates: 38.83003° -121.19356°

Order: LDL 831-1

Order: B&K 4230

Start: 2018-10-30 17:10:12
 Stop: 10/30/2018 17:41:40 PM
 SLM: Model 831
 Serial: 1800

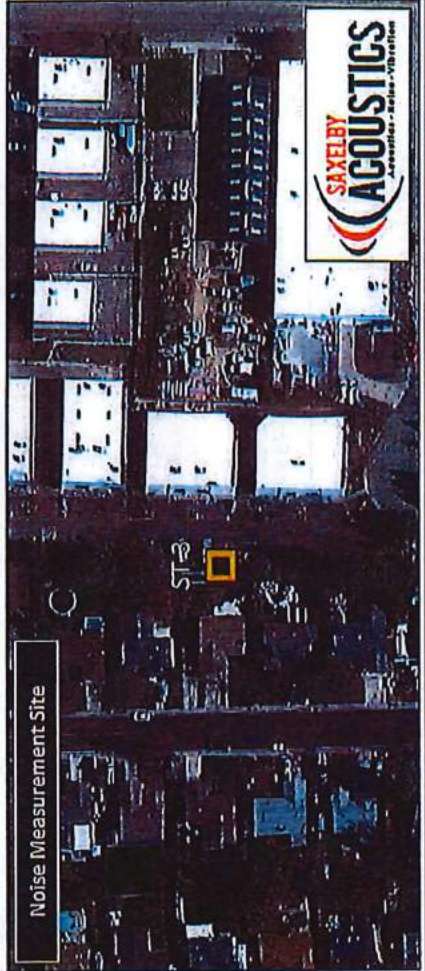
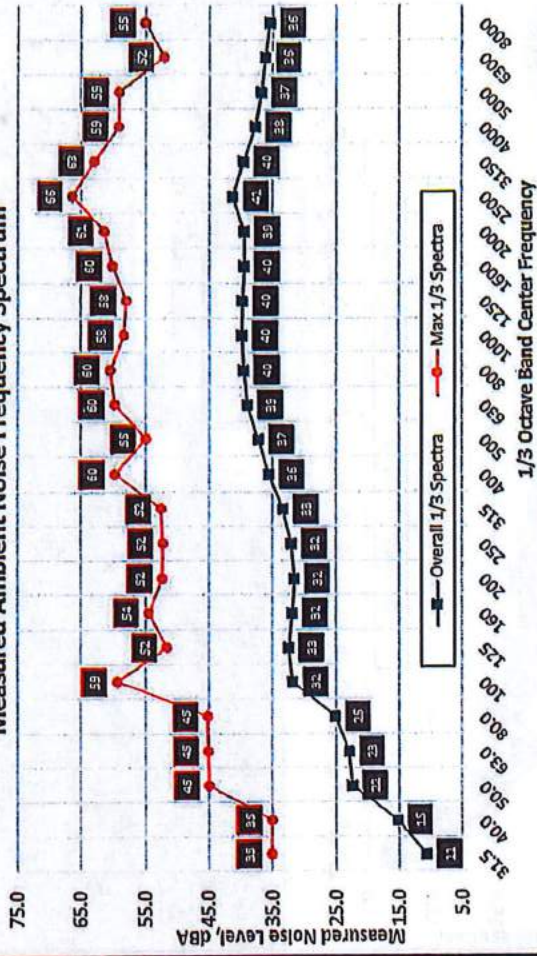
Measurement Results, dBA

Duration: 0:31
 L_{eq}: 50
 L_{max}: 67
 L_{min}: 40
 L₅₀: 47
 L₉₀: 44

NOTES

Baseball audible at times, Lmax 61-67 dBA

Measured Ambient Noise Frequency Spectrum



Appendix B4 : Short Term Noise Monitoring Results

Site: ST-4
 Project: Golden Spikes Workout Facility
 Location: Loomis, CA
 Coordinates: 38.82948° -121.19340°
 Meter: LDL 831-1
 Meter: B&K 4230

Start: 2018-10-30 17:42:09
 Stop: 2018-10-30 18:02:24 PM
 SLM: Model 831
 Serial: 1800

Measurement Results, dBA

Duration: 0:20
 L_{eq}: 51
 L_{max}: 68
 L_{min}: 39
 L₅₀: 46
 L₉₀: 43

Notes

68 Lmax from parking lot, not baseball facility. Baseball audible at times, Lmax 50-54 dBA

Measured Ambient Noise Frequency Spectrum

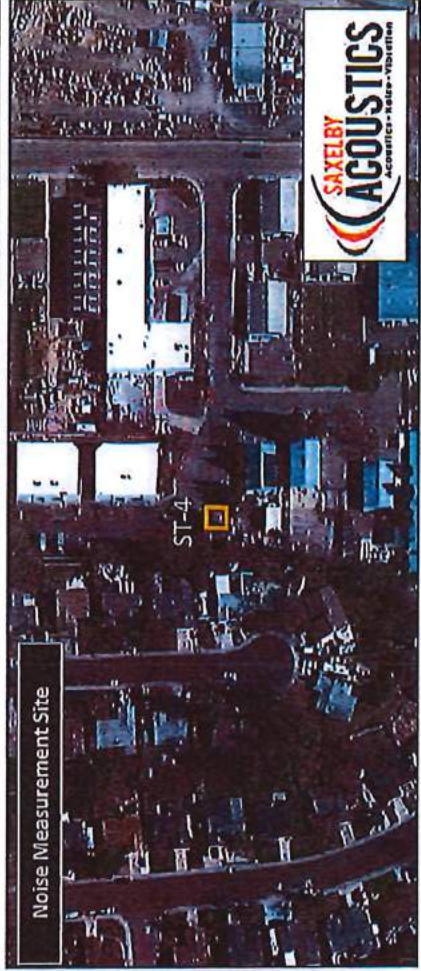
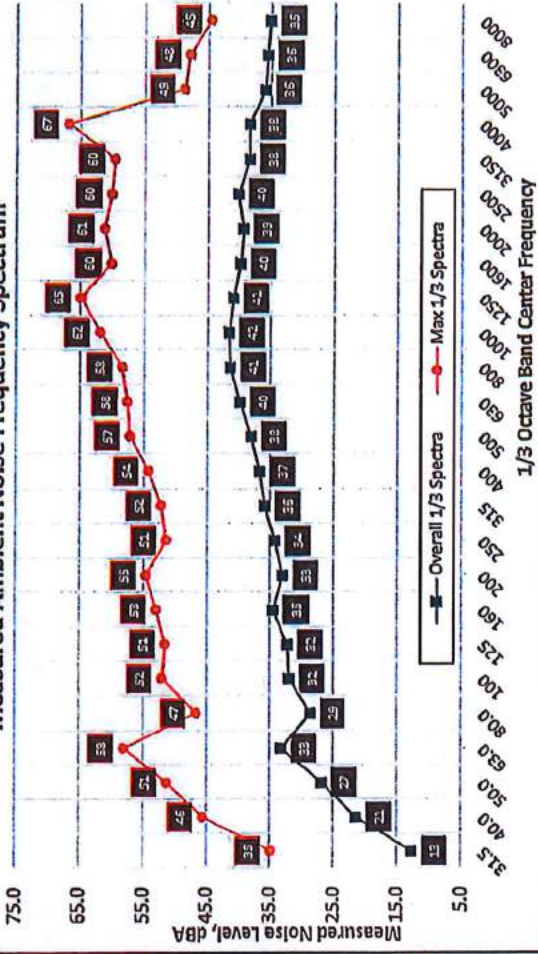


EXHIBIT G



December 5, 2018

Golden Spikes Baseball Training Facility
3344 Swetzer Ct., Loomis, CA

c/o Mr. Alex Creel

Subject: Noise Assessment for the Golden Spikes Baseball Training Facility – 3344 Swetzer Ct.

Dear Mr. Creel:

Thank you for contacting us regarding this project. It is our understanding that the facility has been receiving noise complaints primarily associated with the sound of baseballs making contact with baseball bats. In order to evaluate the noise levels associated with operations, Saxelby Acoustics conducted noise measurements and observations during normal facility operations on October 30, 2018. The following is a summary of our findings for this project relative to the Town of Loomis noise ordinance standards.

ENVIRONMENTAL SETTING

BACKGROUND INFORMATION ON NOISE

Fundamentals of Acoustics

Acoustics is the science of sound. Sound may be thought of as mechanical energy of a vibrating object transmitted by pressure waves through a medium to human (or animal) ears. If the pressure variations occur frequently enough (at least 20 times per second), then they can be heard and are called sound. The number of pressure variations per second is called the frequency of sound, and is expressed as cycles per second or Hertz (Hz).

Noise is a subjective reaction to different types of sounds. Noise is typically defined as (airborne) sound that is loud, unpleasant, unexpected or undesired, and may therefore be classified as a more specific group of sounds. Perceptions of sound and noise are highly subjective from person to person.

Measuring sound directly in terms of pressure would require a very large and awkward range of numbers. To avoid this, the decibel scale was devised. The decibel scale uses the hearing threshold (20 micropascals), as a point of reference, defined as 0 dB. Other sound pressures are then compared to this reference pressure, and the logarithm is taken to keep the numbers in a practical range. The decibel scale allows a million-fold increase in pressure to be expressed as 120 dB, and changes in levels (dB) correspond closely to human perception of relative loudness.

(916) 760-8821
www.SoxNoise.com | Luke@SoxNoise.com
915 Highland Pointe Drive, Suite 250
Roseville, CA 95678

The perceived loudness of sounds is dependent upon many factors, including sound pressure level and frequency content. However, within the usual range of environmental noise levels, perception of loudness is relatively predictable, and can be approximated by A-weighted sound levels. There is a strong correlation between A-weighted sound levels (expressed as dBA) and the way the human ear perceives sound. For this reason, the A-weighted sound level has become the standard tool of environmental noise assessment. All noise levels reported in this section are in terms of A-weighted levels, but are expressed as dB, unless otherwise noted.

The decibel scale is logarithmic, not linear. In other words, two sound levels 10-dB apart differ in acoustic energy by a factor of 10. When the standard logarithmic decibel is A-weighted, an increase of 10-dBA is generally perceived as a doubling in loudness. For example, a 70-dBA sound is half as loud as an 80-dBA sound, and twice as loud as a 60 dBA sound.

Community noise is commonly described in terms of the ambient noise level, which is defined as the all-encompassing noise level associated with a given environment. A common statistical tool is the average, or equivalent, sound level (L_{eq}), which corresponds to a steady-state A weighted sound level containing the same total energy as a time varying signal over a given time period (usually one hour). The L_{eq} is the foundation of the composite noise descriptor, L_{dn} , and shows very good correlation with community response to noise.

The day/night average level (L_{dn}) is based upon the average noise level over a 24-hour day, with a +10-decibel weighing applied to noise occurring during nighttime (10:00 p.m. to 7:00 a.m.) hours. The nighttime penalty is based upon the assumption that people react to nighttime noise exposures as though they were twice as loud as daytime exposures. Because L_{dn} represents a 24-hour average, it tends to disguise short-term variations in the noise environment.

Table 1 lists several examples of the noise levels associated with common situations. **Appendix A** provides a summary of acoustical terms used in this report.

TABLE 1: TYPICAL NOISE LEVELS

Common Outdoor Activities	Noise Level (dBA)	Common Indoor Activities
	--110--	Rock Band
Jet Fly-over at 300 m (1,000 ft.)	--100--	
Gas Lawn Mower at 1 m (3 ft.)	--90--	
Diesel Truck at 15 m (50 ft.), at 80 km/hr. (50 mph)	--80--	Food Blender at 1 m (3 ft.) Garbage Disposal at 1 m (3 ft.)
Noisy Urban Area, Daytime Gas Lawn Mower, 30 m (100 ft.)	--70--	Vacuum Cleaner at 3 m (10 ft.)
Commercial Area Heavy Traffic at 90 m (300 ft.)	--60--	Normal Speech at 1 m (3 ft.)
Quiet Urban Daytime	--50--	Large Business Office Dishwasher in Next Room
Quiet Urban Nighttime	--40--	Theater, Large Conference Room (Background)
Quiet Suburban Nighttime	--30--	Library
Quiet Rural Nighttime	--20--	Bedroom at Night, Concert Hall (Background)
	--10--	Broadcast/Recording Studio
Lowest Threshold of Human Hearing	--0--	Lowest Threshold of Human Hearing

Source: Caltrans, Technical Noise Supplement, Traffic Noise Analysis Protocol. September, 2013.

Effects of Noise on People

The effects of noise on people can be placed in three categories:

- Subjective effects of annoyance, nuisance, and dissatisfaction
- Interference with activities such as speech, sleep, and learning
- Physiological effects such as hearing loss or sudden startling

Environmental noise typically produces effects in the first two categories. Workers in industrial plants can experience noise in the last category. There is no completely satisfactory way to measure the subjective effects of noise or the corresponding reactions of annoyance and dissatisfaction. A wide variation in individual thresholds of annoyance exists and different tolerances to noise tend to develop based on an individual's past experiences with noise.

Thus, an important way of predicting a human reaction to a new noise environment is the way it compares to the existing environment to which one has adapted: the so-called ambient noise level. In general, the more a new noise exceeds the previously existing ambient noise level, the less acceptable the new noise will be judged by those hearing it.

With regard to increases in A-weighted noise level, the following relationships occur:

- Except in carefully controlled laboratory experiments, a change of 1-dBA cannot be perceived;
- Outside of the laboratory, a 3-dBA change is considered a just-perceivable difference;
- A change in level of at least 5-dBA is required before any noticeable change in human response would be expected; and
- A 10-dBA change is subjectively heard as approximately a doubling in loudness, and can cause an adverse response.

Stationary point sources of noise – including stationary mobile sources such as idling vehicles – attenuate (lessen) at a rate of approximately 6-dB per doubling of distance from the source, depending on environmental conditions (i.e. atmospheric conditions and either vegetative or manufactured noise barriers, etc.). Widely distributed noises, such as a large industrial facility spread over many acres, or a street with moving vehicles, would typically attenuate at a lower rate.

Town of Loomis Noise Standards

According to the Town of Loomis, the project's conditions of approval require compliance with an exterior noise level of 55 dBA L_{dn} .

Noise Measurements

Saxelby Acoustics conducted noise measurements and observations at four locations near the closest residential receptors. Noise measurements were conducted using a calibrated Larson Davis model 831 Type 1 precision integrating sound level meter using "fast" meter response to capture impulsive sounds from the baseball bats, as directed by the Town ordinance. It should be noted that the roll-up doors located on the back side of the facility were open during all of the noise measurements.

The locations of the noise measurements are shown on Figure 1. Appendix B provides a summary of the noise measurements. In general, the primary noise source observed at these locations was due to parking lot activities and noise from adjacent uses.

Noise Contour Mapping

Saxelby Acoustics also took sound measurements at the rear of the training facility during normal batting practice, outside of the open doors at the rear of the facility. Hourly (L_{eq}) noise levels were conservatively converted to L_{dn} levels based upon the assumption that batting practice noise were to occur continuously from 2:00 p.m. to 9:00 p.m. Using this data, noise levels around the facility were mapped using the SoundPLAN noise prediction model. The SoundPLAN sound propagation model is based on the International Organization for Standardization (ISO) standard 9613-2:1996 (Acoustics – Attenuation of sound during propagation outdoors). ISO 9613 is the most commonly used method for calculating exterior noise propagation and accounts for typical atmospheric conditions including downwind propagation and atmospheric inversions, as commonly occur on clear, calm nights.

Figure 2 shows the day/night average (L_{dn}) noise contours for the facility. The predicted noise levels were calibrated to the highest noise levels which are measured at Site ST-3.

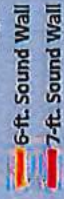
Golden Spikes Baseball Facility

Town of Loomis, California

Figure 1

Noise Measurement Locations

Legend

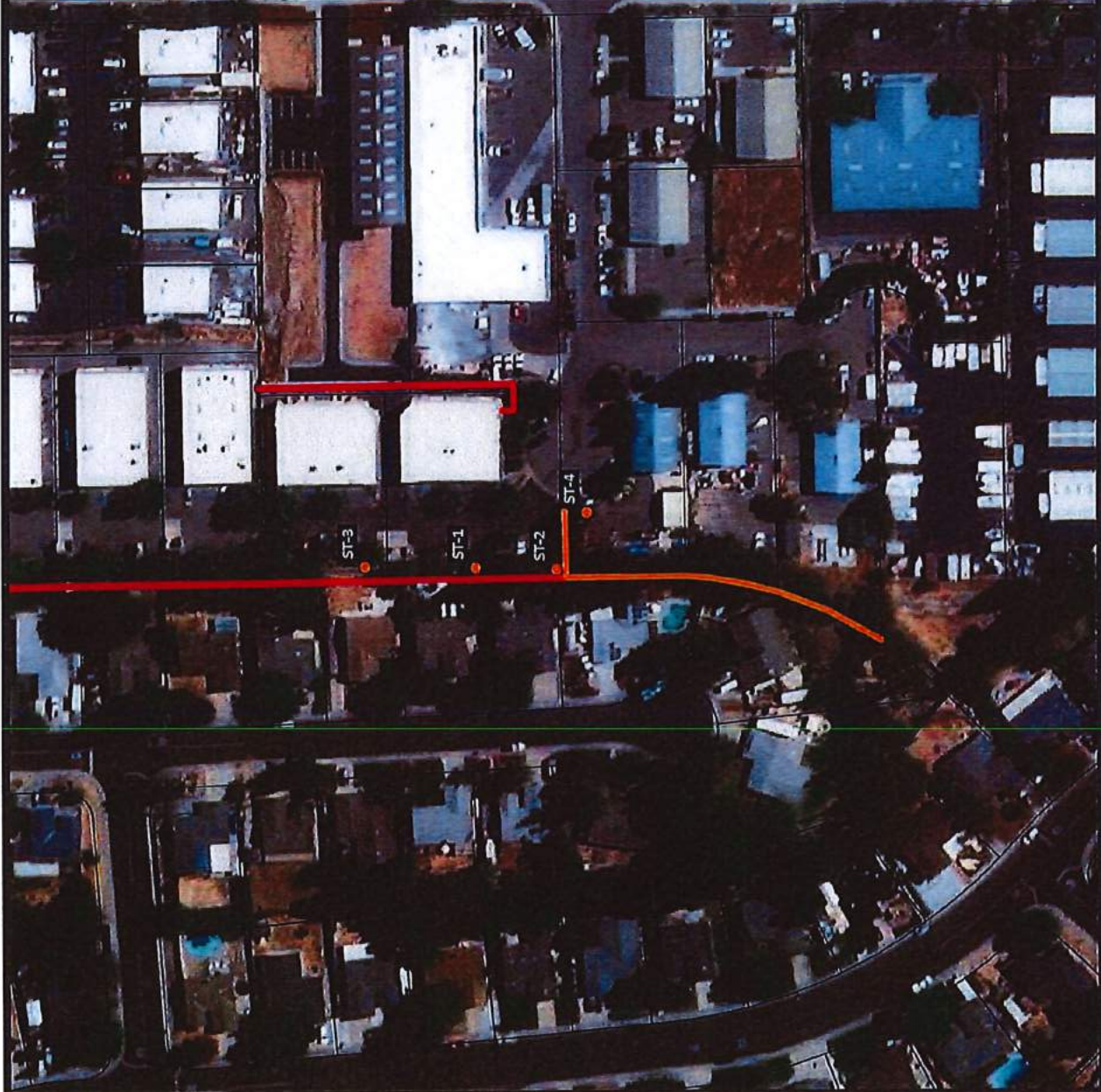


○ Noise Measurement - Short Term



0 ft 100 ft 200 ft

Projection: State Plane (California Zone 2) / NAD83 / meters
Rev. Date: 11/14/2015



Golden Spikes Baseball

Town of Loomis, California

Figure 2

Project Noise Levels -- Doors Open
(dBA, L_{dn} Fast)

Signs and symbols

- Parcel Lines
- Sound Wall
- Area source

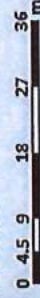
Levels in dB(A)



Receiver Noise Level

R#
dBA

1 : 932



Conclusions

Based upon the noise levels shown on **Figure 2**, and those measured at the site, the facility does not exceed the Town of Loomis 55 dBA L_{dn} noise standard at the nearest residential receptors. In fact, noise levels were found to be approximately 27 dBA less than that allowed by the Town.

No noise control measures are recommended as the project complies with Town standards.

Sincerely,

Saxelby Acoustics



Luke Saxelby, INCE Bd. Cert.
Principal Consultant
Board Certified, Institute of Noise Control Engineering

Exhibit H

Mary Beth Van Voorhis

From: Bret Hemphill <bret@goldenspikesbaseball.net>
Sent: Thursday, December 6, 2018 10:23 AM
To: Mary Beth Van Voorhis
Cc: Luke Saxelby; ALEX CREEL; Sean Rabe
Subject: RE: Meeting - follow up

Hello,

We opened our doors for business back in Jan. 2014 and never had any complaints for two years until Mr. & Mrs. Marshall complained about the bats being too loud in 2016. We also had an encounter on two separate occasions with Mr. Marshall storming into our building intoxicated where we had to escort him out. Ever since then, Mrs. Marshall has made it her personal mission to hassle us. We had to attend a hearing about the minor use permit to allow us to extend our hours of business to 7pm-9pm. For our business, which is giving lessons to young kids, these hours are vital to our income as we can only perform when kids are out of school, typically 3pm-9pm. The planning director at that time, Robert King, decided that we can stay open during that time but the garage doors must be closed at all times. **We never were offered the chance to appeal this decision.**

We recently paid to have a noise study done to prove to Mrs. Marshall that we are not only within the standards of the noise ordinance, but way below and that was with the garage doors **OPEN**. The noise study done by Saxelby Acoustics proves that we are well below the 55dba Ldn level.

We'd like to be able to have the option of opening the garage doors, especially when it's hot, so that it's a safe environment for the kids and the instructors as well. All we are doing is trying to help kids improve their game. The Marshall's have already cost us a few thousand dollars out of our own pockets to make sure that we are well within the standards. We hope that the commission understands our point of view and allows us to continue working until 9pm. We also are hoping that they allow us to open up the garage doors when needed.

Sincerely,

Bret Hemphill

Alex Creel

Mikela Olsen

Owners of Golden Spikes Baseball

On December 6, 2018 at 9:47 AM Mary Beth Van Voorhis <mvanvoorhis@loomis.ca.gov> wrote:

Good morning Bret,

In addition to the application, could you provide a description of the reason for your appeal (project history) and the goal(s) you would like to achieve. This will be helpful in communication to the Planning Commission. The report from Luke is will also be included in the staff presentation.



TOWN OF LOOMIS

6140 Horseshoe Bar Rd, Suite K
Loomis, CA 95650
(916) 652-1840 FAX (916) 652-1847

For Town Use

File Number 16-16-Appeal
Application Fee(s) N/A
Receipt # _____ Date _____
Date Received 12/5/18
Paid \$ _____

PLANNING DEPARTMENT

Planning Application

- Project Title: Golden Spikes Baseball
- Street Address/ Location: 3344 Swotzer Ct Loomis CA 95650
- APN(s): 044-220-057 Acreage: _____
Zoning: Industrial General Plan Designation: _____
Current Site Use: _____
Surrounding Land Use(s): Industrial Park
- Property Owner: Sam Bragg
Address: 2800 Delmar Ave. Perryn CA 95683
City State Zip
Telephone: (916) 900-0725 email: droppam@gmail.com
- Project Applicant: Golden Spikes Baseball / Bret Hemphill
Address: 2721 Ashland Dr. Roseville CA 95661
City State Zip
Telephone: (916) 847-1883 email: brot@goldenspikesbaseball.net
- Project Engineer/Architect: _____
Address: _____
City State Zip
Telephone: _____ email: _____
- What actions, approvals or permits by the Town of Loomis does the proposed project require?

<input checked="" type="checkbox"/>	Appeal	<input type="checkbox"/>	Miscellaneous Permit
<input type="checkbox"/>	Certificate of Compliance	<input type="checkbox"/>	Planned Development
<input type="checkbox"/>	Conditional Use Permit	<input type="checkbox"/>	Second Unit Permit
<input type="checkbox"/>	Design Review	<input type="checkbox"/>	Sign Review
<input type="checkbox"/>	Development Agreement	<input type="checkbox"/>	Tentative Review
<input type="checkbox"/>	Environmental Review	<input type="checkbox"/>	Minor Land Division
<input type="checkbox"/>	General Plan Amendment	<input type="checkbox"/>	Subdivision
<input type="checkbox"/>	Hardship Mobile Home Permit	<input type="checkbox"/>	Variance
<input type="checkbox"/>	Lot Line Adjustment	<input type="checkbox"/>	Zoning Amendment (Rezone)
<input checked="" type="checkbox"/>	Other <u>Minor Use Permit extended hours from 7am-7pm to 7am-9pm.</u>		
- Does the proposed project need approval by other governmental agencies?
 Yes no if yes, which agencies? _____
- Which agencies/utilities provide the following services to the project? (Please note if not hooked up to sewer or water)
Electricity PG&E Natural Gas PC&E
Fire Protection Integrated Fire Systems Water/Well PCWA
Sewer/Septic PCWA Telephone AT&T

High School _____ Elem. School _____
Other _____

10. The Town had informed me of my responsibilities pursuant to California Government Code, Section 65962.5(f), regarding notifying the Town of hazardous waste and/or hazardous substance sites on the project site. I have consulted the lists consolidated by the State Environmental Protection Agency dated _____ and find: Regulatory identification number _____
Date of list _____ No problems identified _____
Type of problem _____

I declare under penalty of perjury of the laws of the State of California that the foregoing is true and correct.

Dated _____ Applicant _____

11. Project Description (Describe the project so that a person unfamiliar with the project would understand the purpose, size, phasing, duration, required improvements, duration of construction activities, surrounding land uses, etc. associated with the project. Attach additional pages as necessary.)

We are a baseball organizations where we offer lessons to kids ages 8-18. We also have teams that will practice at our building from time to time. Because we cater to young kids we do not typically start our hours of operations until 3pm and go until 9pm.

12. Owner Authorization:

I hereby authorize Golden Spikes Baseball, the above-listed applicant, to make applications for project approvals by the Town of Loomis, regarding the above-described project and to receive all notices, correspondence, etc., from the Town regarding this project. I also hereby authorize the town staff to place a noticing board (approximately 4' x 3') on my property, visible from the street, at least ten (10) days prior to the first hearing on my project, and for subsequent hearings as determined necessary by the Planning Director.

Signature(s) of Owner(s)



Printed Name(s)

Sam Bragg

12/5/2018

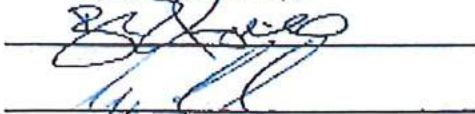
Date

Date

13. Applicant and/or Owner Hold Harmless:

Owner, and Applicant (if different from Owner), agrees to hold Town harmless from all injuries, damages, costs and expenses, including attorney's fees resulting from the negligence of owner, and Applicant (if different from Owner), and their employees, contractors, subcontractors and agents, in connection with any proceeding brought in any State or Federal court with respect to the applicant's project.

Signature(s) of Owner(s)



Printed Name(s)

Bret Hemphill

12/5/2018

Date

Alex Creel

12/5/2018

Date

14. Applicant and/or Owner Acknowledgment:

Owner/Applicant expressly agree they are solely responsible for assuring compliance with all applicable laws, rules, regulations, and practices required to implement this development, and that Town staff's errors or 123 omissions in explaining what is required, whether on this application form or otherwise, do not establish a basis for Owner/Applicant failing to comply with all such laws, rules, regulations and practices.

Signature(s) of Owner(s) and/or Applicant



Printed Name(s)

Bret Hemphill

12/5/2018

Date

Alex Creel

12/5/2018



TOWN OF LOOMIS
PLANNING COMMISSION ACTION MINUTES
LOOMIS DEPOT
5775 HORSESHOE BAR ROAD
LOOMIS, CALIFORNIA

TUESDAY

01/22/2019

7:30 PM

CALL TO ORDER: 7:30

PLEDGE OF ALLEGIANCE

ROLL CALL

X	Chairman Obranovich
X	Commissioner London
Absent	Commissioner Hogan
X	Commissioner Kelly
X	Commissioner Wilson

CEREMONIAL MATTERS:

**ADMINISTRATION OF OATH TO INCOMING PLANNING COMMISSIONERS:
BONNIE LONDON**

COMMISSION COMMENT FOR ITEMS NOT ON THE AGENDA: none

PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA: none

This time is reserved for those in the audience who wish to address the Planning Commission on subjects that are not on the Agenda. The audience should be aware that the Commission may not discuss details or vote on non-agenda items. Your concerns may be referred to staff or placed on the next available agenda. Please **note that comments from the public will also be taken on any item on the agenda. The time allotted to each speaker is three minutes but can be changed by the Chairman.**

ADOPTION OF AGENDA :

If items on the Agenda will be rescheduled for a different day and time, it will be announced at this time. Speakers are requested to restrict comments to the item as it appears on the agenda and stay within a three minute time limit. The Chairman has the discretion of limiting the total discussion time for an item.

Motion to adopt agenda: Wilson 2nd Kelly

Ayes: Wilson, London, Obranovich, Kelly

Noes: 0

Absent: Hogan

Abstain: 0

PUBLIC COMMENT ON CONSENT AGENDA:

Jennifer Knisley – Chamber of Commerce spoke about the upcoming "Discover Loomis Expo"

CONSENT AGENDA

- 1. PROJECT STATUS REPORT**
- 2. MINUTES 11/27/2018**

RECOMMENDATION

**RECEIVE AND FILE
APPROVE**

Motion to approve consent agenda: Kelly 2nd Wilson

Ayes: Wilson, London, Obranovich, Kelly

Noes: 0

Absent: Hogan

Abstain: 0

PUBLIC HEARING

3. #16-16 MINOR USE PERMIT – APPEAL – CONDITION OF APPROVAL #2 – BAY DOORS TO REMAIN CLOSED DURING ALL HOURS OF OPERATION. 3344 SWETZER CT. (APN 044-220-057), LOOMIS
APPLICANT: GOLDEN SPIKES BASEBALL
BRETT HEMPHILL

Golden Spikes Baseball facility is a Permitted Use (Health/fitness facility) within the ILT (Limited Industrial) zone that was granted zoning clearance for a building permit and business license on February 11, 2014.

In 2016 a request to extend the operating hours from 7:00 am to 7:00 pm to 7:00 a.m. to 9:00 p.m. Monday to Friday; and maintain Saturday hours of 8:00 am to 5:00 pm (#16-16 Minor Use Permit) was approved by the Planning Department Determination No. 16-02, following a public hearing held on November 21, 2016.

The Staff Report for the November 21, 2016 Planning Director Hearing (Included in Exhibit A) describes complaints received prior to the extended hours approval and, as a result, Condition #2, "All bay doors shall be closed during batting baseball practice, and any other times that may result in noise exceeding 55 dBA Ldn on adjacent residential properties to the east" was included. In the seven (7) conditions of approval, noise was the predominate issue being addressed and regulated.

On December 5, 2018 business owner Bret Hemphill submitted an Appeal to the condition requiring "all bay doors to remain closed during hours of operation". Due to continued neighbor(s) complaints, staff brings this matter forward, under a Public Hearing, to the Planning Commission to resolve the matter to the satisfaction of both the business owner and the adjacent neighbors.

RECOMMENDATION:

1. Conduct a public hearing and receive public input; and
2. Deny the appeal of Condition of Approval #2 and determine that the bay doors of the Golden Spikes Baseball facility remain closed during batting baseball practice, and any other times that may result in noise exceeding 55 A-Weighted Decibels (dBA) Day/Evening/Night Level (Ldn) on adjacent residential properties to the east.

COMMISSIONERS COMMENTS OF STAFF:

Commissioner London: Initiated a discussion on the 2 different noise study reports

Commissioner Wilson: Led a discussion on overall noise and repetitive noise and the difference between the two

Luke Saxelby, Saxelby Acoustics: Noise Consultant explained the 2 different noise chart results extrapolated from the noise study. Explained audible noise vs meeting noise standards.

PUBLIC COMMENT:

Applicant Bret Hemphill (Owner Gold Spikes): Spoke about and explained the purpose of his appeal. Explained he believes the required noise study shows that they are in compliance of noise standard for Town of Loomis

Michela Olson: Business partner Golden Spikes: Spoke on behalf of business and need for appeal; Re-iterated that he believes the business is in compliance with Loomis standards. States only one neighbor has complained.

Eva Marshall – Kathy Way: Stated she made her first complaint in 2016, and has followed with formal complaints. Sharp unexpected noise levels restrict ability to use the backyard. Business use has grown to 3 -4 days a week, growing cliental and sessions. She questions the noise study. The timing of the study, the interpretation and extent of the study.

Nanette JorJorian – Kathy Way: States the noise is sharp, startling and repetitive. Late in the evening is the worse.

Alex Creel – Golden Spikes business owner: Questions the requirement for a noise study and if Town is not going use the study as a guideline.

Kevin Marshall- Kathy Way: 20 year resident. Stated the noise is such a problem they are unable to use the backyard. Questions the study, and the timing of it. Also stated that that the heat in facility is not good for the kids.

Pam Blake – Angelo Drive: Suggests that a compromise to the problem could be to limit the hours of the open bay doors instead of eliminating all open bay door hours.

COMMISSION DELIBERATION:

Commissioner Wilson discussed the facility doors (location, type etc) and which doors were open for the testing.

Chairman Obranovich asked if modifying the conditions of approval was an option

Commissioner London opened a discussion regarding problematic hours and seasons.

Commissioner Kelly opened a discussion on the PC ability to limit the business if they comply all the required conditions and meet current code.

Chairman Obranovich asked for clarification on the noise study.

Motion to up hold the appeal with condition of approval Item # 2 modified to read: Golden Spikes shall close all bay doors during batting baseball practice by 5:30 p.m, and any other times that may result in noise exceeding 55 dBA Ldn on adjacent residential properties to the east. Front doors shall remain closed at all times.": Kelly 2nd: London

Ayes: London, Obranovich, Kelly

Noes: Wilson

Absent: Hogan

Abstain: 0

**4. #18-09 MINOR LAND DIVISION
4823 SAUNDERS AVE (APN 030-080-036), LOOMIS, CA
APPLICANT: TIMOTHY BLAIR, PLS**

Minor Land Division Application #18-09 proposes division of one parcel being 4.60 acres into two individual parcels. The proposed new parcel sizes will be approximately; Parcel 1 = 2.30 acres and Parcel 2 = 2.30 acres.

The existing 4.60 acre parcel site consists of one parcel, with a single family residence, garage, stable, and fenced pasture area. The parcel is zoned RE (2.3 acre minimum) and is occupied by the current owner.

RECOMMENDATION:

1. Conduct a public hearing and receive public input; and
2. Adopt the recommended Notice of Exemption as per the requirements of the California Environmental Quality Act (CEQA); and
3. Adopt Resolution #18-12 approving the Minor Land Division (#18-09) subject to the findings in Exhibit A and the recommended conditions of approval in Exhibit B.

PUBLIC COMMENT: none

COMMISSION DELIBERATION: none

Motion to approve recommended action: Wilson 2nd Kelly

Ayes: Wilson, London, Obranovich, Kelly

Noes: 0

Absent: Hogan

Abstain: 0

ADJOURNMENT: 09:15 PM

Signed, 02/10/2019 at Loomis, California.

Carol Parker, Administrative Clerk/Planning Assistant

01/22/2019 Planning Commission action minutes, (Materials relating to an item on this agenda can be obtained at Town Hall (3665 Taylor Road) or on the Town's website at www.loomis.ca.gov)

From: Bret Hemphill <bret@goldenspikesbaseball.net>
Sent: Monday, January 28, 2019 7:26 AM
To: Mary Beth Van Voorhis <mvanvoorhis@loomis.ca.gov>
Cc: Kevin Marshall <kem5kbj@pacbell.net>; ALEX CREEL <acreel34@gmail.com>;
kelaolsen@yahoo.com; dropsam@gmail.com
Subject: Re: Public Hearing Revised Conditions of Approval

Hello Mary Beth,

We are appealing the decision by the Planning Commission that our doors **must be closed by 5:30pm** based on the noise. We had a noise study done past that timeframe and the conclusion from the study was that we were 28 decibels below the standard of 55dba Ldn. We feel that it's appropriate to have the doors open until 7pm like all other businesses in our light industrial park area. We would be willing to close the doors at 7pm for the extended hours period. We felt that the Marshall family painted a completely different picture of our schedule than reality.

Sincerely,

Bret Hemphill

Golden Spikes Baseball

3344 Swetzer Ct., Loomis, CA 95650
www.goldenspikesbaseball.net
(916) 847-1863

Town of Loomis
3665 Taylor Road
Loomis, CA 95650

January 28, 2019

RECEIVED

JAN 28 2019

TOWN OF LOOMIS

To Whom It May Concern,

I am writing to **appeal the Planning Commission's decision and modification (1-22-2019) regarding the appeal by Golden Spikes Baseball #16-61 Minor Use Permit, Condition #2**

From: "...shall close all bay doors must remain closed during batting baseball..."

To: "... close all bay doors during batting baseball practice by 5:30 p.m..."

Per the Municipal Code 13.28.020-B, this is an ILT (Limited Industrial) District.
The General Plan, page 27 and page 32, uphold this definition which include the following:

Have no outdoor activity or storage areas adjacent to residential uses, other than employee and client/customer parking, and screened storage areas with no noise-producing activities;

By allowing the bay doors to be open at any time not only changes the General Plan (setting a precedence); it also changes the Allowable Uses & Permit to "-Use not allowed" (LMC 123.28.030, Table 2-9) per the definitions in Title 13 of the Municipal Code (LMC 13.80.020):

From: **Health/fitness facility** means a fitness center, gymnasium, health and athletic club, which may include any of the following: sauna, spa or hot tub facilities; indoor tennis, handball, racquetball, archery and shooting ranges and other indoor sports activities. Does not include adult entertainment businesses.

To: **Sports and active recreation facility** means public and private facilities for various outdoor sports and other types of recreation, where the facilities are oriented more toward participants than spectators. Examples include:
Athletic/sport fields (e.g., baseball, football, softball, soccer)
Health and athletic club outdoor facilities
Skateboard parks
Swimming pools
Tennis and other sport courts (e.g., handball, squash)

Unwitnessed by Staff.

Regarding Condition #4, the **sound study** conducted on Oct. 30, 2018 was **not pre-approved**, as written in a Town Letter April 26, 2018 (para. 2) regarding compliance and resent on October 22, 2018 when the permit was revoked.

"Furthermore, the parameters of the analysis must be approved by the Town In Advance"

The study was to be specific in testing, with both doors open and doors closed, for the noises ("pings" & "bangs") emitted in association with baseball training (per Robert King, previous Town Planner).

There also seemed to be some confusion in the interpretation as it applies to the Town's Noise Element due to **one study** on Oct. 30, 2018 with **two reports** dated Nov. 14, 2018 and Dec. 5, 2018 with **different outcomes**.

This is an intrusive sound and a nuisance due to the repetitive nature of this business. I feel the doors should remain closed at all times as directed in the Town letter dated November 20, 2018.

Sincerely,



Eva Marshall
3367 Kathy Way
Loomis, CA 95650
916-316-1722

Robert King

From: Kevin Marshall [kem5kbj@pacbell.net]
Sent: Tuesday, August 29, 2017 7:57 AM
To: Robert King
Subject: Compliance for Golden Spike Baseball

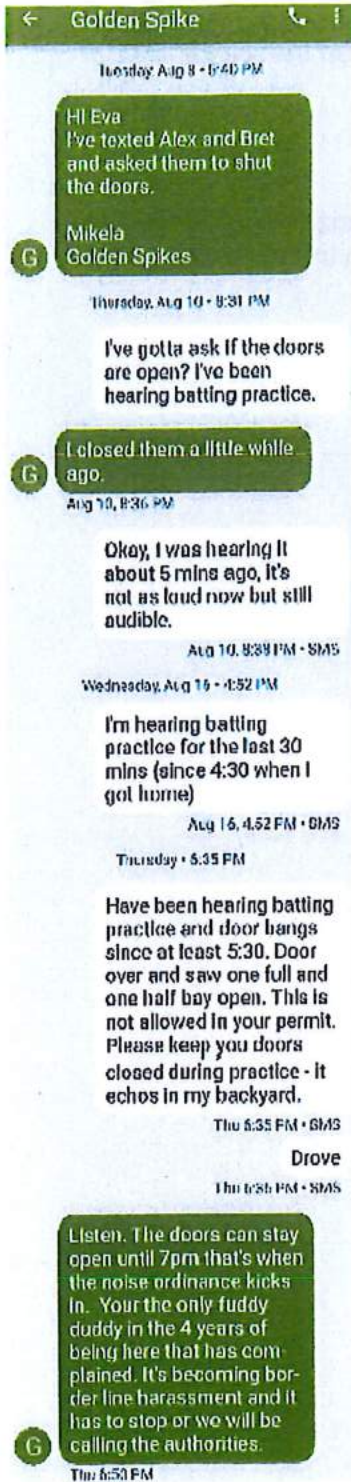
Dear Mr King,

I am writing to file a formal complaint against Golden Spike Baseball.

It is this time of year (as in 2016) when baseball training resumes indoors at their facility on Swetzer Court. With seasonal temperatures, doors are being left open during practice with sounds emanating loudly in my backyard.

On August 8th I call and left a message asking if the doors were open and could they please shut them. I received a response via text message from one of the owner stating he requested the doors be closed by the two other owners. Since then I've left four other messages when practices have been loud (attached are screen shots of the text messages from my phone).

- (text msg.) Thurs. Aug 10th; 8:31 pm - responded
- (text msg.) Weds. Aug 16th; 4:52 pm - no response
- (phone msg) Tues. Aug 22nd; 5:55pm - no response
- (text msg.) Thurs. Aug 24th; 6:35 pm - responded



Per the last responded text message from Golden Spike Baseball, there appears to be a lack of understanding of their permit; thinking they can practice with doors open until 7pm. Can you please clarify with them the conditions of item 2 of their Minor Use Permit.

Additionally, I am requesting a written statement from the Planning Commission that all applicable conditions have been met, specifically items 3 (insulation) and 5 (signage).

As a resident here for the past 19+ years, and considering the growth the Swetzer Corridor in that time, I do expect the Town to respect my quality of life and follow through with the enforcement of conditions set for businesses behind my home and neighborhood.

Sincerely,

Eva Marshall
3367 Kathy Way

Loomis, CA 95650
916-316-1722

Eva M. Marshall
kem5bj@pacbell.net



Physics and Acoustics of Baseball & Softball Bats

Daniel A. Russell, Ph.D.

Graduate Program in Acoustics

The Pennsylvania State University

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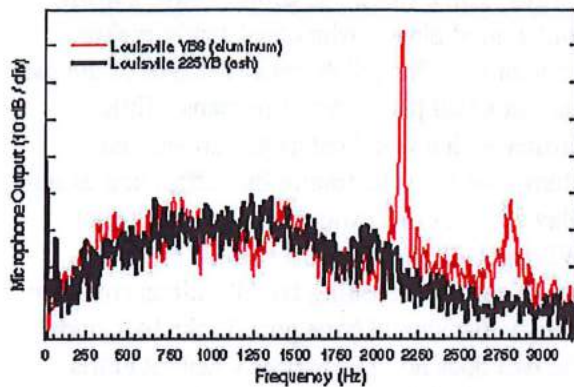


Today is Thursday, August 24, 2017

The contents of this page were last modified on October 6, 2003

"Crack" vs "Ping" (comparing wood and aluminum bats)

Sound spectra produced by wood and aluminum bats



Cylinder vibrations of the barrel of an aluminum bat



The most obvious difference between wood and aluminum baseball bats is that wood bats go "[crack](#)" when they hit a ball while aluminum bats go "[ping](#)." The figure at top left shows a plot of a microphone recording of the impact sound of a bat held at the handle and struck with a baseball at approximately the sweet spot. The sound of the **wood** bat has a relatively smooth frequency spectrum representative of broadband noise resulting from a short impact. The **aluminum** bat has almost the same smooth spectrum except for two very prominent peaks, one around 2200 Hz, which is more than 60 dB above the noise floor, and the other around 2800 Hz. The reason for this difference is that the barrel of an aluminum bat is essentially a hollow cylinder. As a result, aluminum bats have several unique cylindrical vibrational modes not found in wood bats.

The first three vibrational modes of a hollow cylinder are shown below left. In the lowest mode the barrel alternately squishes and expands. This is the vibration responsible for the "ping" sound. The second vibrational mode has a nodal circle (that doesn't move at all) and the parts of the cylinder on either side of this nodal circle move in the opposite directions. In an aluminum baseball bat the position of the nodal circle of this second vibrational mode is usually very close to the sweet zone due to the [bending modes](#). This means that for a good hit at the sweet spot the "ping" mode is excited very strongly, but the second cylinder mode is excited only weakly. The third cylinder mode

Received from
EVA MARSHALL

has too many adjacent regions that move in opposite directions to be an effective sound source. So, the "ping" sound is very clear, almost a pure single frequency sound resulting from the vibrational motion of the hollow cylinder. The handle of the bat does not move at all at any of these cylinder modes, so gripping the handle has no effect on the resulting cylinder vibration or the "ping."

The "ping" mode of the cylinder is also responsible for the so-called "trampoline effect" which allows an aluminum bat to propel a ball farther than a wood bat. Studies have shown that a good player, who consistently makes contact with the ball at the sweet spot of the bat, can hit a ball just as far or perhaps a little farther with a wood bat as he can with an aluminum bat. The trampoline effect comes into play for poor hits away from the sweet spot. When a ball hits a wood bat away from the sweet spot the resulting bat vibrations consume energy that should have gone to the ball, and the ball does not go as far as when hit at the sweet spot. When a ball hits an aluminum bat away from the sweet spot the bending vibrations take energy away from the ball, but the cylinder vibrations return energy to the ball. The energy provided by the cylinder rebound can sometimes be greater than the energy lost to the bending vibrations. As a result a ball hit by an aluminum bat will usually go farther than a ball hit by a wood hit - especially for hits not at the sweet spot.

Back to [Acoustics of Baseball Bats](#)



Hindawi

The Scientific World Journal

The Scientific World Journal
Volume 2014 (2014), Article ID 702723, 4 pages
<http://dx.doi.org/10.1155/2014/702723>

Research Article

Impulse Noise: Can Hitting a Softball Harm Your Hearing?

Korrine Cook and Samuel R. Atcherson

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Received 31 August 2013; Accepted 12 November 2013; Published 20 March 2014

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Abstract

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How to Cite this Article

Views	1,589
Citations	0
ePub	22
PDF	249

Abstract

The purpose of this study is to identify whether or not different materials of softball bats (wooden, aluminum, and composite) are a potential risk harm to hearing when batting players strike a 12" core .40 softball during slow, underhand pitch typical of recreational games. Peak sound pressure level measurements and spectral analyses were conducted for three controlled softball pitches to a batting participant using each of the different bat materials in an unused outdoor playing field with regulation distances between the pitcher's mound and batter's box. The results revealed that highest recorded peak sound pressure level was recorded from the aluminum (124.6 dBC) bat followed by the composite (121.2 dBC) and wooden (120.0 dBC) bats. Spectral analysis revealed composite and wooden bats with similar broadly distributed amplitude-frequency response. The aluminum bat also produced a broadly distributed amplitude-frequency response, but there were also two very distinct peaks at around 1700 Hz and 2260 Hz above the noise floor that produced its ringing (or ping) sound after being struck. Impulse (transient) sounds less than 140 dBC may permit multiple exposures, and softball bats used in a recreational slow pitch may pose little to no risk to hearing.

1. Introduction

Dangerous noise levels in a sporting event such as football (soccer), basketball, or baseball could come from crowd noise, referee whistles, and sporting equipment. Stadium or indoor area employees who work routinely in these environments can also be at risk of loud noise exposure [1–3]. National Football League (NFL) games have been measured to range between 91 and 95 dBA [2], which can have an impact on all individuals involved. In indoor hockey arenas, collegiate games can reach levels from 81 to 96 dBA, while semiprofessional games can reach levels from 85 to 97 dBA. A study involving two spectators wearing personal noise dosimeters measured at three different 2006 Stanley Cup Final games recorded levels between 100 and 104 dBA [4]. In addition, audiometric testing revealed temporary threshold shifts of 5 to 10 dB on average, but in one participant there was a 20 dB shift.

During any sporting event, fans can increase noise levels by screaming, banging on the seats or bleachers, and, where permitted, using devices such as thundersticks and vuvuzelas. Vuvuzelas are trumpet-like instruments capable of producing sound pressure levels between 125 and 130 dB and those who blow these instruments can have significant distortion-product otoacoustic emission reductions that may lead to hearing loss [5]. Fans who blew the vuvuzelas had the greatest exposure followed by nearby fans less than 1 meter from the vuvuzela. Realistically, in any game where vuvuzelas are permitted, there are probably hundreds of fans using these devices putting many individuals at risk of hearing loss.

Sports officials (referees) who use whistles may be contributing to their own hearing loss and other auditory symptoms such as tinnitus [6]. Moreover, a single whistle blown by experienced officials was reportedly as high as 116 dBA and the 100% noise exposure dose over repeated blows can be reached in as little as 5 sec. Fortunately, whistle blows may not have the same effect on the players or fans unless they are close to the sports official.

Of recent interest and relevance to the present study, a study of modern golf drivers was conducted to determine peak levels and potential risk for hearing loss [7]. This particular study was motivated by 55-year-old right-handed male patient who visited an ear, nose, and throat clinic with

complaints of tinnitus and reduced hearing in the right ear. An audiogram revealed a high frequency hearing loss in both ears, but the right ear had a noise-induced hearing loss configuration that was up to 20 dB HL worse than the left ear at 4 and 6 kHz. He reported that he had been playing golf three times a week with a King Cobra LD titanium club and owned the golf driver for about 18 months. Magnetic resonance imaging (MRI) was negative for tumor growths on the auditory nerves. Other than playing golf, the patient reported that he had no significant exposure to occupational or recreational noise. Thus, the investigators designed a study to compare peak sound pressure levels produced by six different thick-faced stainless steel golf drivers with six different thin-faced titanium golf drivers. Results of this study showed that all of the thin-faced titanium drivers produced more intense sound pressure levels than the stainless steel drivers on the order of about 10 dB. The thin-faced drivers produced levels between 120 and 130 dB; however, whether the measurements were A- or C-weighting was not reported. These levels potentially put the individual player and nearby golfing partners at risk of temporary or permanent threshold shift.

The foregoing discussion of sport-related noise exposure from crowds, officiating equipment, or sporting equipment is pervasive. However, we were not aware of studies formally evaluating peak sound pressure levels of softball bats. It is generally well known that aluminum bats produce a characteristic "ping" sound, while wooden bats produce more of a "crack" sound. Often times, the "ping" is perceived much louder, dampens less quickly, and is heard at further distances. For these reasons, the present study was designed to measure peak sound levels of three different softball bat materials (wood, composite, and aluminum) with balls thrown using a recreational slow pitch. This study bears relevance to audiologists and otologists who may encounter patients with noise-induced hearing loss or other auditory symptoms (e.g., tinnitus) due to sporting equipment. When hearing is unprotected from high levels of noise, whether the noise has a continuous or impulse quality, individuals may present with hearing loss (or other auditory processing problems [8]), tinnitus, and a reduced quality of life [4]. Unlike all other hearing loss etiologies, hearing loss caused by noise from occupational or recreational activities is 100% preventable [9]. Noise-induced hearing loss occurs gradually that many people do not discover the adverse effects of noise until it is too late for reversal.

2. Methods

2.1. Participants

In this study, a batter participant was tasked to hit softballs using three different softball bats delivered by a pitcher participant, each with amateur and collegiate softball experience. The same two participants were available on two measurement days. All procedures received prior approval by the Human Subjects Review Board at the University of Arkansas at Little Rock (Protocol number 13-058).

2.2. Materials and Setting

Each of the three softball bats had a weight of 26.5 ounces and length of 32 inches. All were manufactured by Worth (St. Louis, MO, USA). The specific models used were Storm (aluminum), Mayhem (composite), and Mayhem Ash (wood). Unlike wood and aluminum bats, composite bats are the latest technology and can be made out of graphite-fiber composite or have an aluminum core with a graphite lining. Core .40 softballs were used in this study. A core .40 softball is considered a low core and does not have as much "bounce" as a core .44 or .47. All measurements were performed at an empty community softball complex. Sound measures were only taken on days when the temperature was above 65°F (18.3°C) as temperatures less than 60°F (15.5°C) degrees can result in damage to the bats.

2.3. Instrumentation and Procedures

A sound level meter with oscilloscope setup was used to capture time domain waveforms and also record sound level measurements. The setup included a PC-based laptop with PicoScope software and USB-based PicoScope oscilloscope (Tyler, TX, USA) plugged into the laptop and output of the Brüel & Kjær Type 2250 (Skodsborgvej, Denmark) sound level meter coupled to the PicoScope. A Type 4189 1/2" microphone was used to capture the levels of the bat striking the softball. The sound level meter was calibrated before all sound measurements, and all recorded peak levels were measured using a C-weighted dB filter. Although the A-weighted measurements are most commonly reported, C-weighted peak sound levels of 140 dB for impulse-type noise are also often reported as the level that should not be exceeded by some countries and independent organizations [10]. The parameters of the PicoScope were set as follows: channel: A, collection time: 500 ms/div, horizontal zoom: ×1, number of samples: 1 MS, input range: ±2 to 5 V, resolution: 8 bits, and coupling: AC or DC. Following time waveform capture using the oscilloscope, the measurement with the highest peak level was converted to a readable WAV file using MATLAB software (Natick, MA, USA) to perform spectral analysis using Adobe Audition 2.0 software (San Jose, CA, USA). The time duration of each of these measurements was also recorded.

The sound level meter was placed in the opposite batter's box at a spatial position as close to the height and distance of the batter's left ear as possible. To obtain reasonable position, the batter was asked to swing the bat while the height and distance of the microphone were relative to the home plate. This microphone positioning should give the most accurate representation of the effects of the impulse noise of a bat hitting a ball on an individual's hearing, minus any head-torso baffle effect. Slow underhand pitches were delivered from the pitcher's mound at regulation distance for softball, which is 45 feet (13.7 meters). Three controlled pitches were delivered for each material of bat. An average for each scenario was taken after 3 pitches for each bat on each day. An overall average was later taken for each bat type over the two days of measurements.

3. Results

The peak levels ranged as follows: wood = 113.1–120.0 dBC ($M = 115.9$), composite = 114.1–121.2 dBC ($M = 117.8$), and aluminum = 120.2–124.6 dBC ($M = 122.6$) (see Figure 1). As the results show, the highest peak level recorded was from the aluminum bat. The means of the peak levels from day 1 of each material are as follows: wood = 113.7 dB SPL, composite = 117.0 dBC, and aluminum = 122.8 dBC. The means of the peak levels from day 2 of each material are as follows: wood = 118.0 dBC, composite 118.6 dBC, and aluminum = 122.3 dBC.

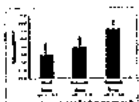


Figure 1: Mean peak levels with standard deviations are shown for each of the three softball bat materials. The range of raw peak levels is also shown. *Peak levels are C-weighted measures.

All impulse sounds were no more than 0.111 ms in duration and were submitted to spectral analysis. The composite and wooden bats had a smooth, broad spread of energy and were similar to one another. On the other hand, the aluminum bat produced a spectrum, also broad, but there were clear areas of multiple peaks of energy above the noise floor. Two very distinct peaks emerged from the noise floor around 1700 Hz and 2260 Hz, which coincides with the "ping" of the aluminum bat. Representative time domain waveforms as well as the spectrum for the highest measured sound levels for each bat are shown in Figure 2.

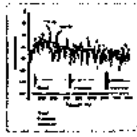


Figure 2: Time domain wave forms and spectra. The time domain wave forms are shown in black with energy lasting on average around 0.1 seconds. As can be seen, the aluminum bat wave form shows signs of "ringing" beyond the initial impulse. The spectra of the three highest bat measurements are shown in blue (wood), red (composite), and green (aluminum). Although all three bat spectra are broad in nature, the aluminum bat has somewhat higher energy between 4000 and 8000 Hz, and the two distinct peaks at approximately 1700 and 2260 Hz are shown. These peaks are at least 20 dB above the rest of the broadband energy (noise floor).

4. Discussion

The present study investigated the peak sound pressure levels, time duration, and spectra of three different softball bat materials striking a .40 core softball for potential threat to human hearing. None of the levels recorded met or exceeded the 140 dBC ceiling limit for allowable exposure [10]. However, the high peak impulse levels of all the three bat materials could be a potential hazard for a temporary threshold shift, permanent threshold shift, or other related symptoms if this level is met with repeated exposure in a single game with multiple at-bat opportunities or during a batting practice scenario. The aluminum bats hold the highest risk of causing a temporary threshold shift, permanent threshold shift, or other related symptoms. This situation is not unlike golfing with thin-faced titanium drivers capable of producing peak sound pressure levels of 120 to 130 dB [7]. The "ping" sound produced by the aluminum bat is of the greatest suspect. Spectral analysis with the aluminum bat revealed two significant peaks around 1700 Hz and 2260 Hz, which are comparable to baseball bat data reported by Russell [11]. He showed a comparison between wooden and aluminum bats and found a very similar distinctive "ping" of the aluminum bat producing spectral peaks around 2200 and 2800 Hz. Russell's data as well as the data reported in this present study suggest that aluminum bats share a common characteristic producing spectral peaks that emerge between 1500 and 3000 Hz due to a ringing or "trampoline effect" of the bat. Moreover, these spectral peaks can rise 15 dB or more above the noise floor and could target specific cochlear regions. In a given game with few at-bat chances, the risk to hearing is low. However, seasonal batting practice in an enclosed, reverberant room or golf driver practice at a driving range may well resemble firing guns at a shooting range.

Batting practice facilities are known to have a high reverberant acoustical quality. They usually have concrete flooring and are in sheet metal or exposed concrete block buildings. This environment can become very loud over time and increasingly louder with larger groups of batters hitting during the same practice session. In a practice type setting, a typical batter could easily hit 100 to 150 balls in one session. Moreover, a single batting session may take about 1 or 2 hours and maximum allowable doses may be reached faster than expected.

The present study can only be generalized to recreational softball with slow underhand pitch. It is assumed that peak sound pressure levels are higher with faster underhand softball pitches and faster overhand baseball pitches. While we used a live pitcher with a controlled slow, underhand pitch, future research on other pitch speeds could be explored as well as the use of a pitching machine. In summary, slow underhand softball pitches most likely pose little to no risk to hearing, but batting practice with multiple impulse sound exposures could put an individual at risk of temporary to permanent threshold shift with bat materials that produce high intensity sounds. Hearing protection during long batting practice sessions may be recommended.

Conflict of Interests

The authors declare that there is no conflict of interests regarding the publication of this paper.

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Dear Mr. King,

I want to follow up with you regarding my previous email on 8/29 and follow up meeting that same evening regarding Golden Spike Baseball. We appreciate you visiting our home to witness first hand and acknowledge Golden Spike's failure to comply with the conditional terms that were accommodated to them last year. You were able to confirm to my husband and myself that their bay doors were to be shut when practices were being held regardless of the time of day; that the sounds were audible from our yard; that proper signage was not in place to identify the neighborhood quiet zone to patrons. Additionally, we were able to show you a video from their Facebook page of a client hitting a ball with a bat against a wooden board mounted to one of the walls that explains the excessive loud banging noise we repeatedly hear; along with other multiple videos .

The following is a list of dates and times that have been an intrusion on my life:

Aug 29, 2017	5:20 pm	
Aug 30,	6:30 pm	
Aug 31,	5:34 pm	- Visual drive by: 1 bay door open
Sept 5,	5:45 pm	- Quiet practice
	6:50 pm	- Loud Banging
Sept 7,	5:30 pm	
Sept 8,	4:35 pm	
Sept 9,	11:30 am	- Visual drive by: far bay door open
Sept 11,	6:45 pm	
	8:00 pm	- Extreme loud banging
Sept 12,	6:15 pm	- Visual drive by: Both bay doors open
Sept 13,	7:00 pm	- Visual drive by: ALL doors open **Pictures



Bay Doors wide open



Back door open, parent watching practice



Front door wide open,
Bay door wide open,
Student Batting practice

It has been almost a year since I began working with the town to try and find a resolution to the "nuisance" that I have had to live with in my own backyard for over the past few years. I am sure as the temperature start to cool this will ease the nuisance, but I do not want to have to fight for my peace every time the weather gets warm because they can't keep their doors closed.

I am asking that the Planning Commission make good on the conditions set forth upon Golden Spike Baseball. I will not continue with this imposition on my home life, and I will not hesitate to pursue actions to the next level. I remain hopeful this issue will be resolved in the next few weeks and look forward to hearing from you those resolutions.

Sincerely,
Eva Marshall
3367 Kathy Way
916-316-1722.

RECEIVED

OCT 16 2017

TOWN OF LOOMIS

October 16, 2017

Town of Loomis
Mr. Rabe, Town Manager
3665 Taylor Road, P.O. Box 1330
Loomis, CA 95650

Subject: Noise/Nuisance Complaints re: Golden Spike Baseball

Dear Mr. Rabe,

I am writing you as a follow up to a message I left you on Friday, October 13, 2017 requesting a meeting. The subject of this meeting has to do with noise/nuisance complaints I have regarding a business on Swetzer Court known as Golden Spike Baseball. I have been working with Robert King, Planner for over a year to remedy my complaints.

While there are a lot of details from the past year (which I can provide), the current issue has to do with the letter dated October 12, 2017 to Golden Spike Baseball regarding: #16-16 Minor Use Permit, Mitigation Measures Review.

My concern is with Condition #2:

2. Golden Spikes shall close all bay doors during batting baseball practice, and any other times that may result in noise exceeding 55dBA Ldn on adjacent residential properties to the east.

Mr. King's comments leave me uneasy, as there is an implication that closing the doors is dependent on the noise levels, to be determined by a professional noise study and not on the nuisance aspect. (Compliance requirements in bold)

"Golden Spikes felt that this condition did not require them to close the bay doors whenever batting practice occurred, unless it resulted in off-site noise in excess of 55dBA. While staff concurs the condition is ambiguous on the matter, it also notes there have been no reliable measurement that this sound is in fact below 55dBA either."

"Therefore the roll up doors must be kept closed during batting practice, until a professional noise study can demonstrate the sound level upon residential property, is less than 55dBA."

To me this condition not "ambiguous". These are two separate conditions linked to the doors being closed. The 55dBA noise level is in reference to "any other times" which is distinct from "during batting practice". I believe that Condition #2 states that all bay doors must be closed during batting practice.

Additional concerns are regarding Condition #3 (insulation) and Condition #4 (noise study). I'd like to request that I be advised of the parameters prior to the noise study.

I bring this to your attention, as to not have any confusion once the noise tests are complete. If necessary, I'd request that town's legal team review this condition.

I look forward to meeting with you, either in person or by phone.

Sincerely,

Eva Marshall
Eva Marshall
3367 Kathy Way
Loomis, CA 95650
916-316-1722

Dear Mr. Rabe,

Since the town letter, dated October 12, 2017, was issued to Golden Spike Baseball, I have continued to hear baseball practices in my backyard. The sound levels had decreased and were somewhat less frequent (off-season).

However, beginning January 2018, practices have increased in duration and intensity. With school back in session after winter break and baseball season just a month or two away, activities at Golden Spike are picking up. Also, the intensity is greater in the evening when the ambient noise is quieter and the older players are practicing with a harder swings or throws.

My fear, for the third year, is that the doors will open when the weather starts to warm and the sound levels will again become louder. On one drive by, the doors were in closed, yet the pinging and banging continue to echo in my backyard. If the doors are in fact staying closed as they should be now, we have a more serious problem with noise levels.

1) I have yet to be advised as to when a "professional noise analysis" will take place for Golden Spike Baseball in accordance with the town letter dated 10/12/2017 which stated that it would be conducted and "consultant retained and under contract by 10/31/2017".

Has this happened? I would like a copy of the report; if not, when will it happen? I expect to be notified as to the date and time so that I may be present in my yard during the analysis. I want to hear what sounds are being measured.

2) As of February 26, 2018 there is still no permanent signage regarding "clients to maintain respectful level of conversation and music...." There is only the same temporary signage referenced in the town letter.

Per the town letter, this was to be rectified by October 31, 2017

3) I question number 3 of the town letter regarding "reasonable efforts to reduce noise emanating from the building".

a. The "wall" insulation was never addressed in the site visit on 2/24/17; only windows and roll-up doors which they say could not be done (without replacement).

b. I contend that the "netting had been placed so that no ball could strike the wall" is inadequate or ignored – all references to "banging" in my logs are directly related to impacts on the building walls or doors that echo loudly. Please see the Golden Spike Baseball Facebook page for videos that show this does occur (one with the roll-up doors raised open a few feet – titled "Have to give a big S/O...")

This continues to be a nuisance for me and my family regardless of the decibel levels because of the repetitive & high pitch noises created by baseball practice and the echoing of baseballs hitting the building wall. I do not plan on giving up on my complaints until I can regain the peacefulness of my backyard that I had prior to the intrusive noises created by Golden Strike Baseball. Why am I the one to suffer thru background pings and bangs repetitively when I'm trying to relax at home and need to retreat indoors? I've included my log of audible practices at the end of this letter which list only the times that I have been home, outside and have heard their pings and bangs.

I respectfully request a written response to my letter within 10 business day. I feel this is reasonable considering the original request for compliance was 90 days from approval Nov. 2016 and again by October 31, 2017. I wish to find some resolve before 2018 baseball season gets busier and the temperatures warm.

Sincerely,

Eva Marshall
3367 Kathy Way
Loomis, CA 95650
915-316-1722
kem5kbj@pacbell.net

Here is a log of when practices have been heard when I've been home since the last town's letter was issued Oct. 12, 2017:

excessively loud, yet still audible and an annoying nuisance)

October 2017

10/10/17	6:45 pm	Pings
10/24	6:40 pm	Pings
10/23	7:12 pm	Pings

November 2017

11/06	8:40 pm	Banging
11/13	6:45 pm	Banging
11/17	evening	Banging

December 2017

12/04	3:20 pm	Banging
12/06*	6:41 pm	Pings
12/07	5:00 pm	Pings
12/10**	4:40 pm	Pings
12/12	6:15 pm	Pings

January 2018

01/02	late am	Banging
01/03***	2:15 pm	Pings/Banging
01/04	6:15 pm	Pings
01/07**	8:15 am	Banging
01/16	5:20 pm	Pings
	7:45 pm	Banging
01/19	6:10 pm	Pings

	7:45 pm	Banging
01/25	7:70 pm	Banging
01/26	1:25 pm	Pings
	4:45 pm	Pings
01/27	9:50 am	Pings
01/30	5:20 pm	Pings
<u>February 2018</u>		
02/06	7:00 pm	Pings
02/07	7:30 pm	Pings
02/08	8:20 pm	Pings
02/09	4:50 pm	Pings
	6:05 pm	Banging
02/12	5:20 pm	Banging
02/20	6:20 pm	Pings
	8:40 pm	Banging
02/22	6:25 pm	Pings & Banging
02/26	6:20 pm	Banging
02/27	6:50 pm	Pings
02/28	4:55 pm	Pings

**Heard from front yard in daughter's presence*

***Sunday, which not allowed at all*

****Heard from within rear bedroom*

Eva M. Marshall
kem5bj@pacbell.net

Robert King

From: Sean Rabe
Sent: Monday, April 23, 2018 8:33 AM
To: Robert King; Carol Parker
Subject: FW: Golden Spike Baseball

Importance: High

Let's talk about her concerns this morning. I told her I'd get back to her by the end of the day.
Thanks,

Sean Rabé
Town Manager
Town of Loomis
3665 Taylor Road
PO Box 1330
Loomis, CA 95650
916-652-1840 (Main)
916-824-1519 (Direct)

=====
This message contains information which may be confidential and privileged. Unless you are the addressee (or authorized to receive for the addressee), you may not use, copy or disclose to anyone the message or any information contained in the message. If you have received the message in error, please advise the sender by reply e-mail and delete the message.
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PLEASE CONSIDER THE ENVIRONMENT BEFORE PRINTING THIS EMAIL

From: Kevin Marshall [mailto:kem5kbj@pacbell.net]
Sent: Monday, April 23, 2018 8:28 AM
To: Sean Rabe <Srabe@loomis.ca.gov>
Subject: Re: Golden Spike Baseball

It has been over 30 business days since you acknowledged receipt of my last email and I am waiting for you to get back to me with what actions the town plans to take regarding this ongoing complaint.

I do still hear practices (19 instances logged when 3/1/2018). Although they have been at a lower volume (possibly due to a phone call or the weather and I personally have not been outside as much) until the other night when banging sounds became loud again.

I would like to know:

- when the noise analysis will be done?
- when an appropriate evaluation of insulation for noise & temperature control will be done?
- when will 'Quiet Zone' signs be put in place?

I would also like documentation/photos of the above requests.

I fear that with warmer days coming, their doors will begin to open again. I am hoping these remediation's will occur before summer heat sets in, as I do plan on enjoying my backyard. I feel that my next step may be a need to bring this issue before the commission &/or counsel for resolution. I look forward to your response.

Eva M. Marshall
kem5bj@pacbell.net

On Monday, March 5, 2018 2:49 PM, Sean Rabe <Srabe@loomis.ca.gov> wrote:

Thank you for this, Eva. I'll get together with staff tomorrow, and will get back to you as soon as possible.

Sean Rabé
Town Manager
Town of Loomis
3665 Taylor Road
PO Box 1330
Loomis, CA 95650
916-652-1840 (Main)
916-824-1519 (Direct)

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PLEASE CONSIDER THE ENVIRONMENT BEFORE PRINTING THIS EMAIL

From: Kevin Marshall [<mailto:kem5kbj@pacbell.net>]
Sent: Friday, March 2, 2018 8:12 AM
To: Sean Rabe <Srabe@loomis.ca.gov>
Subject: Golden Spike Baseball

The attachment is a word doc of the following:

Loomis Town Hall
Sean Rabe, Town Manager
3665 Taylor Road
Loomis, CA 95650

Re: Golden Spike Baseball

February 28, 2018

Mary Beth Van Voorhis

From: Kevin Marshall <kem5kbj@pacbell.net>
Sent: Thursday, January 10, 2019 1:14 PM
To: Mary Beth Van Voorhis
Subject: Re: 12/5/18 Revised Noise Study
Attachments: YouTube ScreenShots 01-10-2018.docx

Mary Beth,

Thank you for the revised noise study. In comparing this report to the original report; these are the differences I found:

page 4 "Town of Loomis Noise Standard":

Revised to one sentence using dBA Ldn;
dBA Lmax was used in the original

page 5 "Noise Measurements":

para 2, sentence 3, 4 & 5 deleted from original report. "Occasional noise from baseball bats was observed at time. The most audible location was ST3 which measured maximum noise levels of up to 66 dBA Lmax due to the baseball facility. However this location was in front of a 7-foot tall sound wall"

"Noise Contouring Mapping":

Insertion of "during normal batting practice....at the rear of the facility." 2nd sentence added: "Hourly (Leq) noise levels were conservatively converted to Ldn levels...."

Figure 2:

Revised to show "day/night (Ldn) noise..." from "maximum (Lmax) noise..."

Figure 2 Renamed: Project Noise Levels - Doors Open (dBA, LdnFast)

Originally Named: Maximum Noise Levels (dBA, LmaxFast)

Numbers on Chart are different: the original had higher numbers.

Page 8 "Conclusions"

Sentence 1: Revised to reflect accurate noise standard

Sentence 2: Rewritten and uses lower numbers and standards than in the original conclusion, which is expanded upon.

Appendix B1-B4: Not included in revised report.

I have also attached a word doc that has pictures and video links that show the interior of the Golden Spikes facility.

Please submit this with you report to the Planning Commission. I will also be sending you my statement to the Planning Commission no later than Monday Jan. 14, 2018.

Here is an interior screen shot from a YouTube Video titled:
Golden Spikes Baseball :: Catching
<https://www.youtube.com/watch?v=nn-2826m1Og&feature=youtu.be>
(when watching this video you can hear the repetitive bat pings)

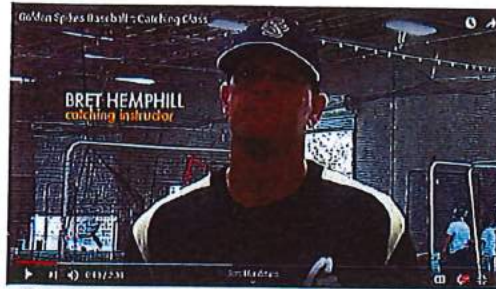


Figure 1: Doors open; Walls & Ceiling not insulated

Here are Screen Shots from Aug 2017 Good Day Sacramento titled:
Golden Spikes Cowboys
<https://www.youtube.com/watch?v=hvFgA43zKxY>



Figure 2: Doors Open



Figure 3: Some insulation between Glass Doors

Photo taken from my phone when I drove by to verify if doors were open
when I could hear practice from my backyard.



Figure 4: Both Front & Rear Doors Open



Exhibit M

May 4, 2019

Mary Beth Van Voorhis
Town of Loomis, Planning Director
3665 Taylor Road, PO Box 1330
Loomis, CA 95650

Subject: Noise Assessment for the Golden Spikes Baseball Training Facility – 3344 Swetzer Ct.

Dear Ms. Van Voorhis:

Saxelby Acoustics LLC performed noise monitoring of operations associated with the above-referenced facility on the evening of April 23rd. The noise monitoring was attended by Town of Loomis staff and neighbors living at 3367 Kathy Way, near the Golden Spikes facility. This noise monitoring was a follow-up to previous noise monitoring conducted by us on October 30, 2018.

The following is a summary of our findings for this project relative to the Town of Loomis standards.

BACKGROUND INFORMATION ON NOISE

Acoustics is the science of sound. Sound may be thought of as mechanical energy of a vibrating object transmitted by pressure waves through a medium to human (or animal) ears. If the pressure variations occur frequently enough (at least 20 times per second), then they can be heard and are called sound. The number of pressure variations per second is called the frequency of sound, and is expressed as cycles per second or Hertz (Hz).

Noise is a subjective reaction to different types of sounds. Noise is typically defined as (airborne) sound that is loud, unpleasant, unexpected or undesired, and may therefore be classified as a more specific group of sounds. Perceptions of sound and noise are highly subjective from person to person.

Measuring sound directly in terms of pressure would require a very large and awkward range of numbers. To avoid this, the decibel scale was devised. The decibel scale uses the hearing threshold (20 micropascals), as a point of reference, defined as 0 dB. Other sound pressures are then compared to this reference pressure, and the logarithm is taken to keep the numbers in a practical range. The decibel scale allows a million-fold increase in pressure to be expressed as 120 dB, and changes in levels (dB) correspond closely to human perception of relative loudness.

The perceived loudness of sounds is dependent upon many factors, including sound pressure level and frequency content. However, within the usual range of environmental noise levels, perception of loudness is relatively predictable, and can be approximated by A-weighted sound levels. There is a strong correlation between A-weighted sound levels (expressed as dBA) and the way the human ear perceives sound. For this reason, the A-weighted sound level has become the standard tool of environmental noise assessment. All noise levels reported in this section are in terms of A-weighted levels, but are expressed as dB, unless otherwise noted.

The decibel scale is logarithmic, not linear. In other words, two sound levels 10-dB apart differ in acoustic energy by a factor of 10. When the standard logarithmic decibel is A-weighted, an increase of 10-dBA is generally perceived as a doubling in loudness. For example, a 70-dBA sound is half as loud as an 80-dBA sound, and twice as loud as a 60 dBA sound.

Community noise is commonly described in terms of the ambient noise level, which is defined as the all-encompassing noise level associated with a given environment. A common statistical tool is the average, or equivalent, sound level (L_{eq}), which corresponds to a steady-state A weighted sound level containing the same total energy as a time varying signal over a given time period (usually one hour). The L_{eq} is the foundation of the composite noise descriptor, L_{dn} , and shows very good correlation with community response to noise.

The day/night average level (L_{dn}) is based upon the average noise level over a 24-hour day, with a +10-decibel weighting applied to noise occurring during nighttime (10:00 p.m. to 7:00 a.m.) hours. The nighttime penalty is based upon the assumption that people react to nighttime noise exposures as though they were twice as loud as daytime exposures. Because L_{dn} represents a 24-hour average, it tends to disguise short-term variations in the noise environment.

Table 1 lists several examples of the noise levels associated with common situations. **Appendix A** provides a summary of acoustical terms used in this report.

TABLE 1: TYPICAL NOISE LEVELS

Common Outdoor Activities	Noise Level (dBA)	Common Indoor Activities
	--110--	Rock Band
Jet Fly-over at 300 m (1,000 ft.)	--100--	
Gas Lawn Mower at 1 m (3 ft.)	--90--	
Diesel Truck at 15 m (50 ft.), at 80 km/hr. (50 mph)	--80--	Food Blender at 1 m (3 ft.) Garbage Disposal at 1 m (3 ft.)
Noisy Urban Area, Daytime Gas Lawn Mower, 30 m (100 ft.)	--70--	Vacuum Cleaner at 3 m (10 ft.)
Commercial Area Heavy Traffic at 90 m (300 ft.)	--60--	Normal Speech at 1 m (3 ft.)
Quiet Urban Daytime	--50--	Large Business Office Dishwasher in Next Room
Quiet Urban Nighttime	--40--	Theater, Large Conference Room (Background)
Quiet Suburban Nighttime	--30--	Library
Quiet Rural Nighttime	--20--	Bedroom at Night, Concert Hall (Background)
	--10--	Broadcast/Recording Studio
Lowest Threshold of Human Hearing	--0--	Lowest Threshold of Human Hearing

Source: Caltrans, Technical Noise Supplement, Traffic Noise Analysis Protocol. September, 2013.

Effects of Noise on People

The effects of noise on people can be placed in three categories:

- Subjective effects of annoyance, nuisance, and dissatisfaction
- Interference with activities such as speech, sleep, and learning
- Physiological effects such as hearing loss or sudden startling

Environmental noise typically produces effects in the first two categories. Workers in industrial plants can experience noise in the last category. There is no completely satisfactory way to measure the subjective effects of noise or the corresponding reactions of annoyance and dissatisfaction. A wide variation in individual thresholds of annoyance exists and different tolerances to noise tend to develop based on an individual's past experiences with noise.

Thus, an important way of predicting a human reaction to a new noise environment is the way it compares to the existing environment to which one has adapted: the so-called ambient noise level. In general, the more a new noise exceeds the previously existing ambient noise level, the less acceptable the new noise will be judged by those hearing it.

With regard to increases in A-weighted noise level, the following relationships occur:

- Except in carefully controlled laboratory experiments, a change of 1-dBA cannot be perceived;
- Outside of the laboratory, a 3-dBA change is considered a just-perceivable difference;
- A change in level of at least 5-dBA is required before any noticeable change in human response would be expected; and
- A 10-dBA change is subjectively heard as approximately a doubling in loudness, and can cause an adverse response.

Stationary point sources of noise – including stationary mobile sources such as idling vehicles – attenuate (lessen) at a rate of approximately 6-dB per doubling of distance from the source, depending on environmental conditions (i.e. atmospheric conditions and either vegetative or manufactured noise barriers, etc.). Widely distributed noises, such as a large industrial facility spread over many acres, or a street with moving vehicles, would typically attenuate at a lower rate.

Town of Loomis Noise Standards

According to the Town of Loomis, the project's conditions of approval require compliance with an exterior noise level of 55 dBA L_{dn} .

Additionally, Section 13.30.070 of the Town of Loomis Zoning Code establishes acceptable noise levels for residential uses exposed to noise from non-transportation noise sources, such as commercial and industrial uses. Table 3-3 of the section establishes a maximum noise level limit of 70 dBA L_{max} for noise which occurs briefly, such as the ping of a baseball or a bat. The Town applies a -5 dBA penalty for noise which is tonal or repetitive. Therefore, the applicable noise level standard is 65 dBA L_{max} for daytime (7:00 a.m. to 10:00 p.m.) operations.

Noise Measurements

Saxelby Acoustics conducted noise measurements and observations at one location in the backyard of the 3367 Kathy Way residential use, at the point where the neighbors complain of sound being the loudest. Noise measurements were conducted using a calibrated Larson Davis model 831 Type 1 precision integrating sound level meter using "fast" meter response to capture impulsive sounds from the baseball bats, as directed by the Town ordinance.

It should be noted that the roll-up doors located on the back side of the facility were open during all of the noise measurements.

Figure 1 shows a summary of typical measured noise levels in the backyard of 3367 Kathy Way. The locations of the noise measurements are shown on **Figure 2**. **Appendix B** provides a summary of the noise measurements. Based upon our observations, typical maximum noise levels from the Golden Spikes facility were found to be in the range of 45-47 dBA L_{max} . Other typical maximum noise levels were in the range of 52-76 dBA L_{max} from local traffic, trucks on I-80, train horns, and aircraft overflights.

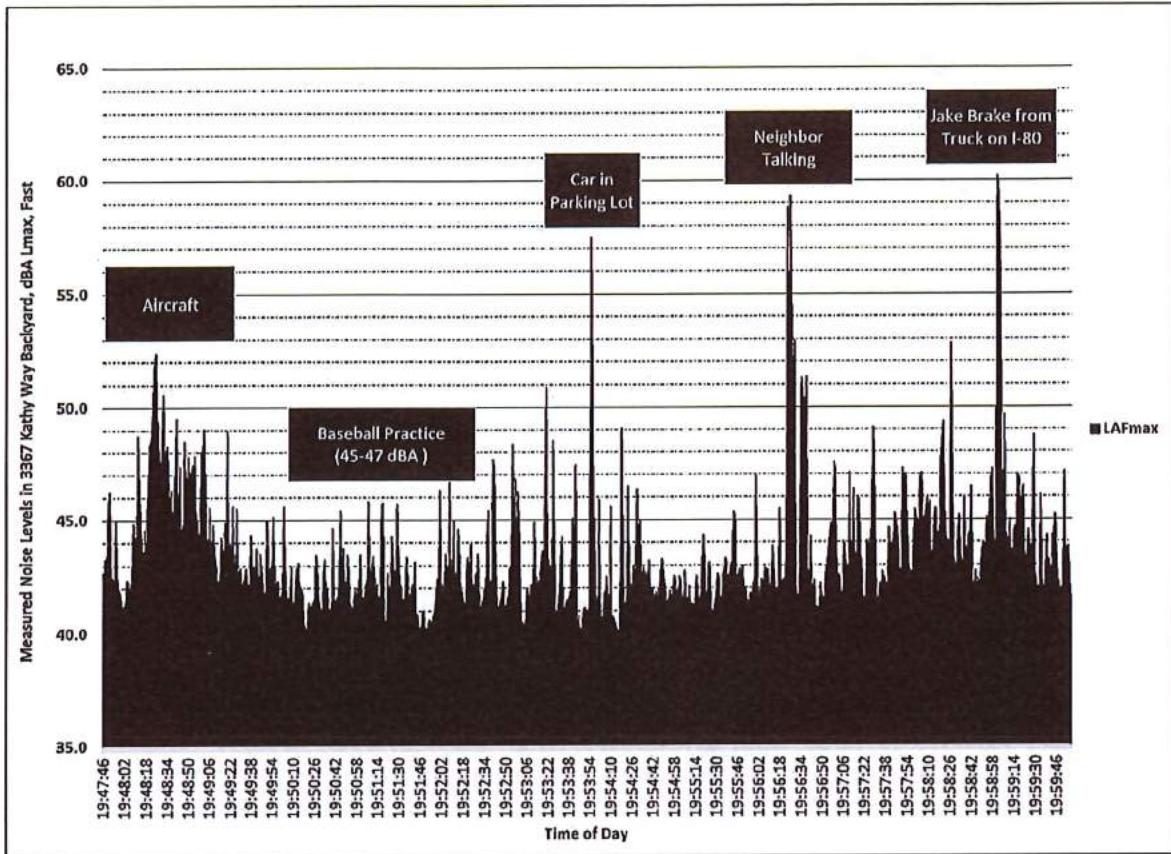
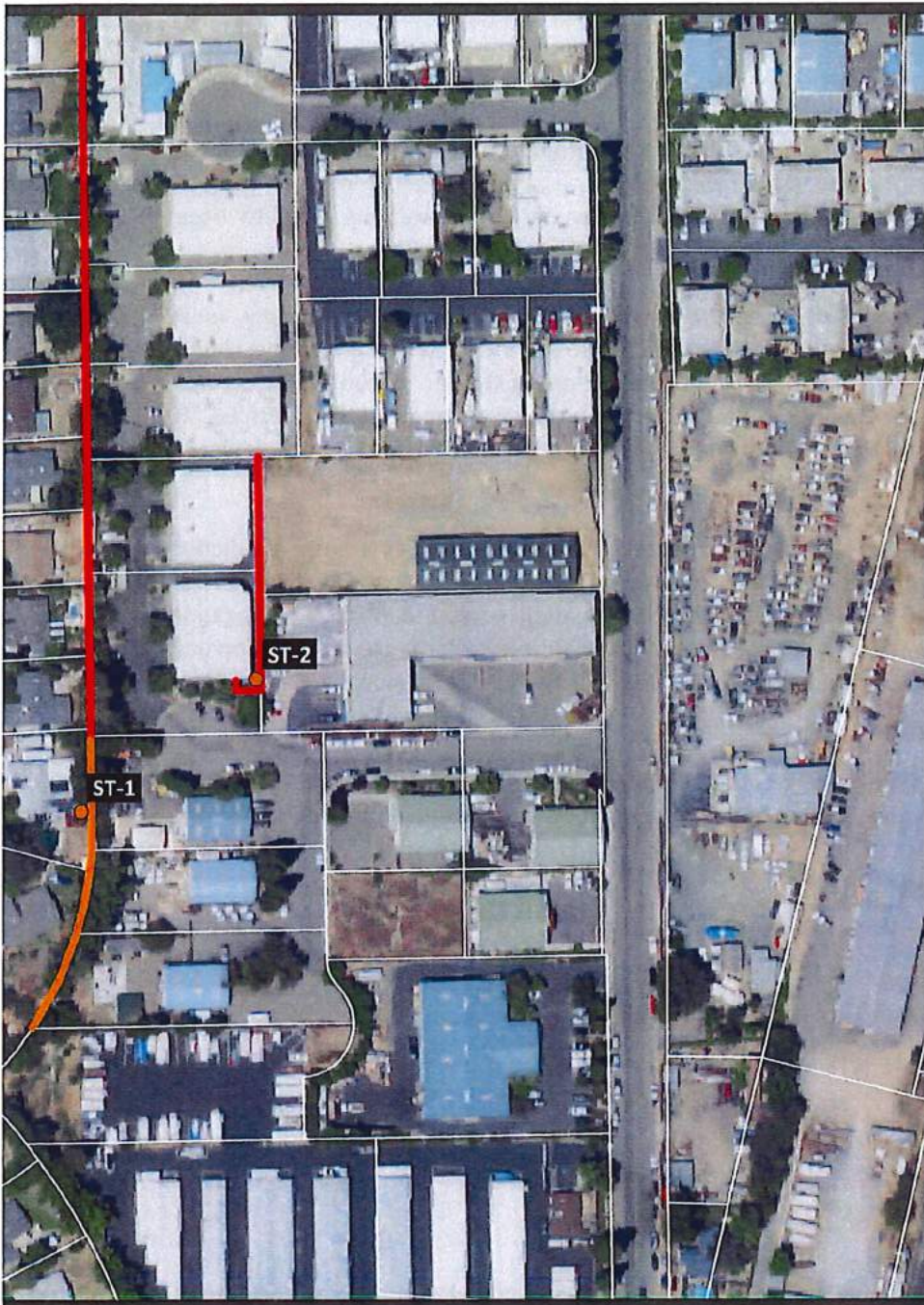


Figure 1: Typical Measured Noise Levels in 3367 Kathy Way Backyard



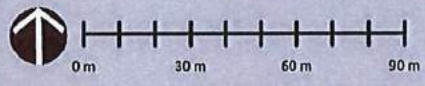
Golden Spikes Baseball Facility

Town of Loomis, California

Figure 2
Noise Measurement Locations

Legend

-  Parcel Lines
-  6-ft. Sound Wall
-  7-ft. Sound Wall
-  Noise Measurement - Short Term



Projection: State Plane (California Zone 2) / NAD83 / meters
Rev. Date: 05/04/2019



Noise Contour Mapping

Saxelby Acoustics also took sound measurements at the rear of the training facility during normal batting practice, outside of the open doors at the rear of the facility. Hourly (L_{eq}) noise levels were conservatively converted to L_{dn} levels based upon the assumption that Golden Strikes operations were to occur continuously from 2:00 p.m. to 9:00 p.m.

Noise measurements included data for batting, catching, and pitching practice. Additionally, noise measurements were taken during an adult taking batting practice to determine the range of noise levels that could be expected from younger youth to an older youth or college age batter. Based upon the close-range noise measurements, the worst-case noise output from the facility was found to be 65 dBA L_{dn} , 70 dBA L_{eq} , and 95 dBA L_{max} , approximately 20 feet outside of the open doors. This data is very similar to noise measurement data from October 30, 2018.

Using this data, noise levels around the facility were mapped using the SoundPLAN noise prediction model. The SoundPLAN sound propagation model is based on the International Organization for Standardization (ISO) standard 9613-2:1996 (Acoustics – Attenuation of sound during propagation outdoors). ISO 9613 is the most commonly used method for calculating exterior noise propagation and accounts for typical atmospheric conditions including downwind propagation and atmospheric inversions, as commonly occur on clear, calm nights.

Figure 3 shows the day/night average (L_{dn}) noise contours for the facility. The predicted noise levels were calibrated to the highest noise levels measured outside of the open Golden Spikes roll-up doors.

Golden Spikes Baseball

Town of Loomis, California

Figure 3

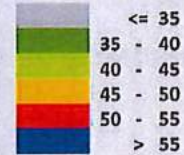
Project Noise Levels – Doors Open
(dBA, L_{dn} Fast)



Signs and symbols

- Parcel Lines
- Sound Wall
- Area source

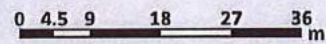
Levels in dB(A)



Receiver Noise Level



1 : 932



Conclusions

Based upon the noise levels shown on **Figure 3**, and those measured at the site, the Golden Spikes facility does not exceed the Town of Loomis 55 dBA L_{dn} noise standard at the nearest residential receptors. In fact, noise levels were found to be approximately 25 dBA less than that allowed by the 55 dBA L_{dn} standard. Additionally, the facility was found to comply with the Town of Loomis Zoning Code 65 dBA L_{max} noise standard applied to repetitive noise which occurs during daytime (7:00 a.m. to 10:00 p.m.) hours.

These conclusions are the same as our previous studies for the project which indicated that the Golden Spikes facility was found to meet all the requirements of the Town of Loomis exterior noise standards. At no point has Saxelby Acoustics concluded that Golden Spikes noise levels were found to exceed the Town standards.

No noise control measures are recommended as the project complies with Town standards.

Sincerely,

Saxelby Acoustics LLC



Luke Saxelby, INCE Bd. Cert.
Principal Consultant
Board Certified, Institute of Noise Control Engineering

Appendix A: Acoustical Terminology

Acoustics	The science of sound.
Ambient Noise	The distinctive acoustical characteristics of a given space consisting of all noise sources audible at that location. In many cases, the term ambient is used to describe an existing or pre-project condition such as the setting in an environmental noise study.
ASTC	Apparent Sound Transmission Class. Similar to STC but includes sound from flanking paths and correct for room reverberation. A larger number means more attenuation. The scale, like the decibel scale for sound, is logarithmic.
Attenuation	The reduction of an acoustic signal.
A-Weighting	A frequency-response adjustment of a sound level meter that conditions the output signal to approximate human response.
Decibel or dB	Fundamental unit of sound, A Bell is defined as the logarithm of the ratio of the sound pressure squared over the reference pressure squared. A Decibel is one-tenth of a Bell.
CNEL	Community Noise Equivalent Level. Defined as the 24-hour average noise level with noise occurring during evening hours (7 - 10 p.m.) weighted by +5 dBA and nighttime hours weighted by +10 dBA.
DNL	See definition of Ldn.
IIC	Impact Insulation Class. An integer-number rating of how well a building floor attenuates impact sounds, such as footsteps. A larger number means more attenuation. The scale, like the decibel scale for sound, is logarithmic.
Frequency	The measure of the rapidity of alterations of a periodic signal, expressed in cycles per second or hertz (Hz).
Ldn	Day/Night Average Sound Level. Similar to CNEL but with no evening weighting.
Leq	Equivalent or energy-averaged sound level.
Lmax	The highest root-mean-square (RMS) sound level measured over a given period of time.
L(n)	The sound level exceeded a described percentile over a measurement period. For instance, an hourly L50 is the sound level exceeded 50% of the time during the one-hour period.
Loudness	A subjective term for the sensation of the magnitude of sound.
NIC	Noise Isolation Class. A rating of the noise reduction between two spaces. Similar to STC but includes sound from flanking paths and no correction for room reverberation.
NNIC	Normalized Noise Isolation Class. Similar to NIC but includes a correction for room reverberation.
Noise	Unwanted sound.
NRC	Noise Reduction Coefficient. NRC is a single-number rating of the sound-absorption of a material equal to the arithmetic mean of the sound-absorption coefficients in the 250, 500, 1000, and 2,000 Hz octave frequency bands rounded to the nearest multiple of 0.05. It is a representation of the amount of sound energy absorbed upon striking a particular surface. An NRC of 0 indicates perfect reflection; an NRC of 1 indicates perfect absorption.
RT60	The time it takes reverberant sound to decay by 60 dB once the source has been removed.
Sabin	The unit of sound absorption. One square foot of material absorbing 100% of incident sound has an absorption of 1 Sabin.
SEL	Sound Exposure Level. SEL is a rating, in decibels, of a discrete event, such as an aircraft flyover or train pass by, that compresses the total sound energy into a one-second event.
SPC	Speech Privacy Class. SPC is a method of rating speech privacy in buildings. It is designed to measure the degree of speech privacy provided by a closed room, indicating the degree to which conversations occurring within are kept private from listeners outside the room.
STC	Sound Transmission Class. STC is an integer rating of how well a building partition attenuates airborne sound. It is widely used to rate interior partitions, ceilings/floors, doors, windows and exterior wall configurations. The STC rating is typically used to rate the sound transmission of a specific building element when tested in laboratory conditions where flanking paths around the assembly don't exist. A larger number means more attenuation. The scale, like the decibel scale for sound, is logarithmic.
Threshold of Hearing	The lowest sound that can be perceived by the human auditory system, generally considered to be 0 dB for persons with perfect hearing.
Threshold of Pain	Approximately 120 dB above the threshold of hearing.
Impulsive	Sound of short duration, usually less than one second, with an abrupt onset and rapid decay.
Simple Tone	Any sound which can be judged as audible as a single pitch or set of single pitches.

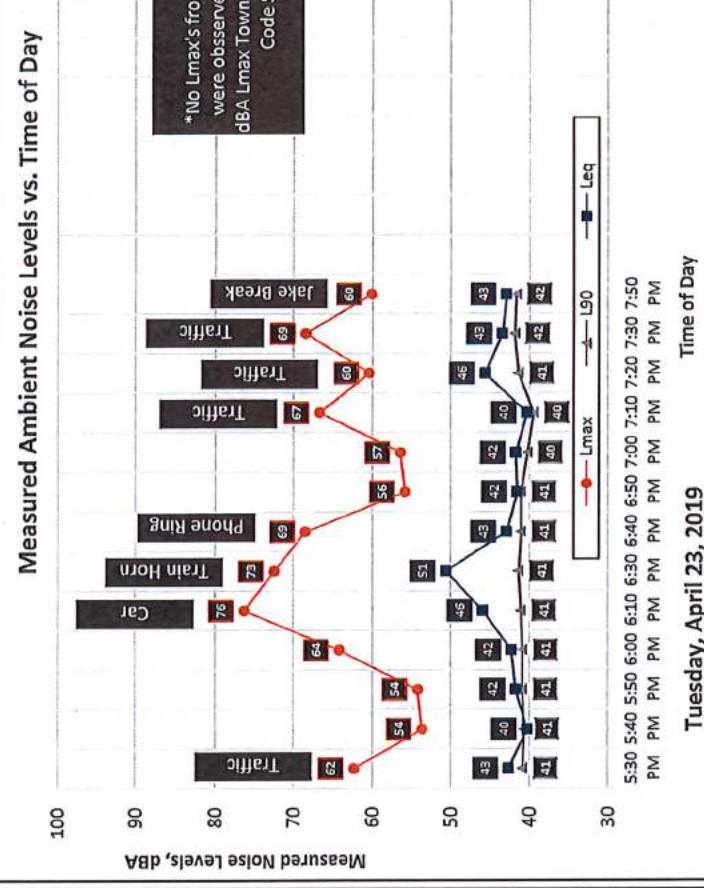


Appendix B1 : Noise Monitoring Results

Site: ST-1
 Project: Golden Spikes Baseball
 Location: 3367 Kathy Way Backyard, Near Prop. Line
 Coordinates: 38.829354° -121.193623°
 Meter: LDL 831-1
 Calibrator: B&K 4230

Date	Time	Measured Level, dBA		
		L _{eq}	L _{max}	L ₅₀
Tuesday, April 23, 2019	5:30 PM	43	62	42
Tuesday, April 23, 2019	5:40 PM	40	54	41
Tuesday, April 23, 2019	5:50 PM	42	54	42
Tuesday, April 23, 2019	6:00 PM	42	64	42
Tuesday, April 23, 2019	6:10 PM	46	76	43
Tuesday, April 23, 2019	6:30 PM	51	73	42
Tuesday, April 23, 2019	6:40 PM	43	69	42
Tuesday, April 23, 2019	6:50 PM	42	56	42
Tuesday, April 23, 2019	7:00 PM	42	57	42
Tuesday, April 23, 2019	7:10 PM	40	67	41
Tuesday, April 23, 2019	7:20 PM	46	60	43
Tuesday, April 23, 2019	7:30 PM	43	69	43
Tuesday, April 23, 2019	7:50 PM	43	60	43

Statistics	Leq	Lmax	L50	L90	Day %	
					Day %	Night %
Day Average	44	63	42	41	0	0
Night Average	0	0	0	0	40	40
Day Low	40	54	41	40	42	42
Day High	51	76	43	42	0	0
Night Low	0	0	0	0	0	0
Night High	0	0	0	0	100	100
Ldn	42					
CNEL	44					



Appendix B2 : Noise Monitoring Results

Date	Time	Measured Level, dBA			
		L ₉₀	L _{max}	L ₅₀	L ₉₀
Tuesday, April 23, 2019	6:00 PM	67	85	66	66
Tuesday, April 23, 2019	6:10 PM	67	80	66	66
Tuesday, April 23, 2019	6:20 PM	69	95	67	67
Tuesday, April 23, 2019	6:30 PM	68	89	66	66
Tuesday, April 23, 2019	6:40 PM	70	93	67	67
Tuesday, April 23, 2019	6:50 PM	67	88	66	66
Tuesday, April 23, 2019	7:00 PM	67	76	67	67
Tuesday, April 23, 2019	7:10 PM	67	85	65	65
Tuesday, April 23, 2019	7:20 PM	68	89	65	*
Tuesday, April 23, 2019	7:30 PM	65	92	62	62

* Adult hitter from 7:20-7:30 pm

Statistics	Leq	Lmax	L50	L90
Day Average	68	87	66	0
Night Average	0	0	0	0
Day Low	65	76	62	0
Day High	70	95	67	0
Night Low	0	0	0	0
Night High	0	0	0	0
Ldn	64	Day %	100	
CNEL	66	Night %	0	

Site: ST-2
 Project: Golden Spikes Baseball
 Location: 20 ft. Outside of Golden Spikes Open Door
 Coordinates: 38.829690° -121.193030°
 Meter: LDL 812-2
 Calibrator: B&K 4230

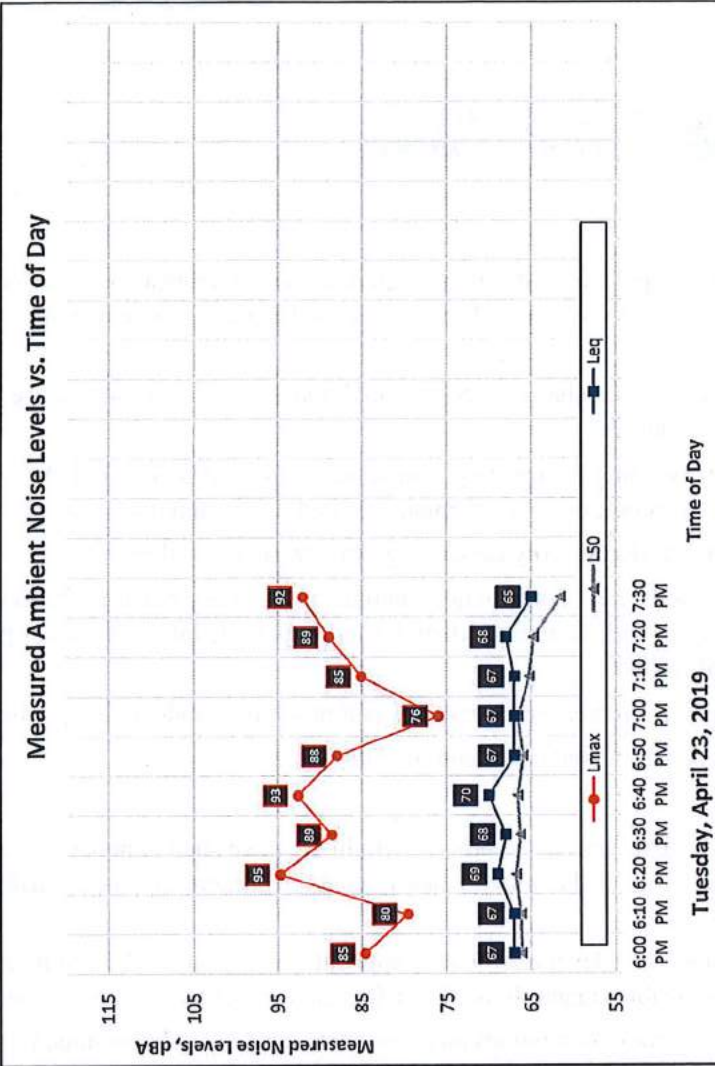


Exhibit N

Loomis Municipal Code

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[Title 13 ZONING](#)

[Division 3 SITE PLANNING AND GENERAL DEVELOPMENT REGULATIONS](#)

[Chapter 13.30 - GENERAL PROPERTY DEVELOPMENT AND USE STANDARDS](#)

13.30.070 - Noise standards.

A. **Purpose.** This section implements the policies of the noise element of the general plan, and provides standards for noise mitigation that are intended to protect the community health, safety and general welfare by limiting exposure to the unhealthful effects of noise.

B. **Applicability.** No use, activity or process shall exceed the maximum allowable noise levels established by this section, except for the following noise sources:

1. **Emergencies.** Public safety warning devices (e.g., ambulance, fire, and police sirens), sound for alerting persons to the existence of an emergency, or the performance of authorized emergency work;
2. **State or Federal Preempted Activities.** Any activity regulated by state or federal law;
3. **Public Health and Safety Activities.** Construction, maintenance, and/or repair operations by public agencies and/or utility companies or their contractors that are serving public interests, and/or protecting the public health, safety and general welfare;
4. **Parks.** Public agency sanctioned recreational activities and programs conducted in public parks; and
5. **Solid Waste Collection.** The authorized collection of solid waste.

C. **Noise Source Standards.**

1. **Noise Level Limitations.** No use, activity or process within the town shall generate noise in excess of the levels identified by Tables 3-2 and 3-3, as the noise is measured at the property line of a sensitive noise source identified in Tables 3-2 and 3-3.

- a. If the measured ambient noise level exceeds the applicable noise level standard in any category shown in Table 3-2, the applicable standards shall be adjusted to equal the ambient noise level.
- b. If the intruding noise source is continuous and cannot reasonably be discontinued or stopped to allow measurement of the ambient noise level, the noise level measured while the source is in operation shall be compared directly to the applicable noise level standards identified in Table 3-2.

Notwithstanding the above requirements, no person shall allow or cause the generation of any noise of a type, volume, pitch, tone, repetition or duration that would be found to be a nuisance by a reasonable person beyond the boundaries of the property where the noise is generated.

TABLE 3-2 - MAXIMUM ALLOWABLE NOISE LEVEL BY RECEIVING LAND USE

Noise Sensitive Land Use	Outdoor Activity Areas ^{(1) (2)}	Interior Spaces	
	dBA L _{dn}	dBA L _{dn}	dBA L _{eq}
Residential	65	45	N.A.
Transient lodging	65	45	N.A.
Hospitals, extended care	65	45	N.A.
Theater, auditorium	N.A.	N.A.	35
Religious facility, meeting hall	65	N.A.	40
Offices	N.A.	N.A.	45
School, library, museum	N.A.	N.A.	45
Playground, park	70	N.A.	N.A.

Notes:

- (1) Where the location of outdoor activity areas is unknown, the exterior noise level standard shall be applied to the property line of the receiving land use.
- (2) Where it is not possible to reduce noise in outdoor activity areas to 65 dB Ldn/CNEL or less using a practical application of the best-available noise reduction measures, an exterior noise level of up to 70 dB Ldn/CNEL may be allowed provided that available exterior noise level reduction measures have been implemented and interior noise levels are in compliance with this table.

**TABLE 3-3 - NOISE STANDARDS FOR SHORT-DURATION EVENTS
NEAR RESIDENTIAL AREAS**

Duration of Sound (Minutes per Hour)	Maximum Allowable Sound Level ⁽¹⁾	
	Day/Evening dB (7 am to 10 pm)	Night dB (10 pm to 7 am)
30 - 60	50	40
15 - 30	55	45
5 - 15	60	50
1 - 5	65	55
Less than 1 minute	70	60

Notes:

- (1) If the offensive noise contains a steady, audible tone (such as a screech or hum), is a repetitive noise such as hammering, or contains speech or music, the maximum allowable sound level shall be reduced by 5 dB.

2. **Acoustical Analysis Required.** Where the director determines that a proposed nonresidential use on a site adjacent to a residential zoning district may generate noise in excess of any limit established by Table 3-2, and/or where the use may generate noise in outdoor areas in excess of 60 dBA, the land use permit application for the use shall include an acoustical analysis by a qualified professional approved by the director.

a. **Contents.** The analysis shall determine the potential for stationary source noise impacts to neighboring land uses, include field measurements to determine more precise locations for existing and projected future noise levels (based on traffic projections in the circulation element of the general plan or as otherwise accepted by the town), and recommend appropriate mitigation measures.

b. **Preferred Mitigation Measures for Receptor Sites.** When development is subject to high noise levels requiring mitigation, the following measures shall be considered and preference shall be given where feasible in the following order:

- i. Site layout, including setbacks, open space separation and shielding of noise sensitive uses with non-noise-sensitive uses;
- ii. Acoustical treatment of buildings; or
- iii. Structural measures: construction of earth berms and/or wood or concrete barriers.

3. **Limitation on Hours of Construction.** In order to allow construction schedules to take advantage of the weather and normal daylight hours, and to ensure that nearby residents as well as nonresidential activities are not disturbed by the early morning or late night activities, the town has established the following limits on construction.

TABLE 3-4 - ALLOWABLE HOURS OF CONSTRUCTION

Day	Allowable Hours
Monday through Friday	7:00 a.m. to 7:00 p.m.
Saturday	8:00 a.m. to 7:00 p.m.
Sunday and National Holidays	Construction activities may be allowed by the commission or council only between 9 a.m. and 5 p.m.

4. **Limitation on Truck Deliveries.** Truck deliveries to a commercial or industrial parcel adjacent to a residential zoning district shall be limited to the daylight hours unless the director authorizes other delivery times based on the determination that there is either no feasible alternative, or there are overriding transportation and traffic management benefits to scheduling deliveries at night.

D. **Noise Receptor Standards.** Where noise-sensitive land uses are proposed in areas exposed to existing or projected noise levels in excess of the standards in Tables 3-2 and 3-3, the town shall require an acoustical analysis as part of the environmental review process so that noise mitigation may be included in the project design, so that proposed structures are designed to limit intruding noise in interior rooms to 45 dBA Ldn. At the discretion of the director, the requirement for an acoustical analysis may be waived if all of the following conditions are satisfied:

1. The development is for less than five single-family dwellings or less than ten thousand square feet of total gross floor area for office buildings, churches or meeting halls;
2. The noise source in question consists of a single roadway or railroad for which up-to-date noise exposure information is available. An acoustical analysis will be required if the noise source is a stationary noise source, or if there are multiple noise sources that could affect the project;
3. The projected future noise exposure at the exterior of proposed buildings or outdoor activity areas does not exceed 65 dBA Ldn;
4. The topography of the area is essentially flat; and
5. Effective noise mitigation, as determined by the director, is incorporated into the project design. Such measures can include, but are not limited to, the use of building setbacks, building orientation, noise barriers. If closed windows are required for compliance with interior noise level standards, air conditioning or a mechanical ventilation system will be required.

E. **Noise Measurement.** Exterior noise levels shall be measured at the property line of the noise sensitive land use receiving the noise. Noise measurement shall be made with a sound level meter using the 'A' weighted scale at slow meter response. Fast meter response shall be used only for an impulsive noise. (Ord. 211 § 8, 2004; Ord. 205 § 1 (Exh. A), 2003)

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