



Staff Report

TO: Town of Loomis Planning Commission Members
FROM: Mary Beth Van Voorhis, Planning Director
DATE: January 22, 2019
RE: #16-16 MINOR USE PERMIT – APPEAL – CONDITION OF APPROVAL #2 – BAY DOORS TO REMAIN CLOSED DURING ALL HOURS OF OPERATION Golden Spikes Baseball – 3344 Swetzer Ct. (APN 044-220-057), Loomis, CA

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.

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 the 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 status are as follows:

Determination #16-02 Conditions of Approval (11/21/2016)		Status
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.	Monitoring continues.
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.	Basis for appeal. Owner requests bay doors remain open during business.
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.

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.
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.	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 owner completion of 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 (east side) and rear (west side) doors open. The November 14, 2018 report indicated adjacent neighboring parcels on the east 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 east" in compliance with Condition of Approval #2 (Exhibit F).

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 (west side) and the front business entrance (east 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 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.

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.”

The above definition is specific to indoor uses. By allowing the owner to leave the bay doors open during baseball batting practice the neighboring residential property owners will continue to experience varying noise impacts, especially between 7:00 p.m. and 9:00 p.m. when surrounding ambient noise levels are reducing and in seasons that offer the adjacent residents backyard enjoyment at the end of their day.

Staff hereby recommends the Planning Commission deny the appeal request and uphold the conditions of approval requiring that the bay doors shall remain closed during baseball batting practice and any other times that may result in noise exceeding 55 dBA Ldn on adjacent residential properties to the east.

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 – Complaint History
- Supplemental Public comments

NOTE: Public Hearing Notice published in the Loomis News on January 11, 2019 and mailed to adjacent property owners within 300 feet on January 9, 2019.