

Town of Loomis  
Planning Commission  
3665 Taylor Road  
Loomis, CA 95650

January 15, 2019

Dear Planning Commissioners,

I am writing to **oppose the appeal** by Golden Spike Baseball of the staff decision regarding Condition of Approval #2 (Doors must remain closed during hours of operation) of #16-61 Minor Use Permit.

1<sup>st</sup> issue: **This is a Nuisance.** Repetitive “pings” and “bangs” heard in my backyard is annoying. Sometimes their practices are quiet (yet audible) with the doors closed, however, more often it is loud with the doors open. It is intrusive and annoying; never knowing when the “pings” and “bangs” will occur or how long it will last. I often will retreat indoors after about 10-15 minutes of hearing them, closing my rear bedroom windows due to the sound.

Due to the successful growth of their business, there has been an increase in the amount of times the repetitive noise occurs, and an increase in the number of hours of operation. I can only anticipate more intrusions in the future on what used to be a peaceful backyard.

I believe my experience with the sounds aligns with the conditions declared in the State of California Health & Safety Code Div. 28 Noise Control Act #446000 (c): “There is a continuous and increasing bombardment of noise in the urban, suburban, and rural areas.”

2<sup>nd</sup> issue: **Lack of Trust** that they will stay in compliance. Even after this permit was approved and issued 2 years ago, on Nov. 22, 2016, Non-Compliance has continued. They have yet to follow many the conditions of their permit. It was not until this permit was rescinded that they took the action of obtain a Noise Study that was Not Pre-Approved by the Planning Dept.

Repeated requests were made to keep their doors closed during practice by the Town of Loomis since their approval (letters dated: Oct 12, 2017; Apr.26, 2018; Oct. 22, 2018; along with other conversations referenced in those letters). In the summer of 2016 my husband stopped by twice and was talked to rudely. From Aug. 8 – 17, 2017 I made 2 calls and sent 4 text messages requesting that they close the doors until a threat of harassment was texted.

The permit was rescinded October 22, 2018, the very next week on Nov. 1, 2018, they still conducted practice after 7pm (sheriff log # P181100298). At 8:05 pm multiple cars could be heard rapidly leaving upon the sheriff’s arrival.

3rd issue: **Sound Study did not follow the conditions set** per the Town of Loomis letter dated Oct. 12, 2017 and Apr. 26, 2018 stating “parameters of the analysis must be approved by the Town in advance of the study.” Because there was no advance notice as to when the study would occur, there was no witness by any Town representative.

Then Planner Robert King had told me that the testing was to be specific to baseball skills at an adult level (hitters being at least the age of 17-18 yrs.; not 12 or 13 yrs.) with doors both open and closed. I expressed my concerns regarding this because there are many variables in pitching speed (up to 90/100mph), swing speed, point of impact and skill level. I also requested that I be advised when this study would occur. However, there has been no acoustic study performed meeting these conditions.

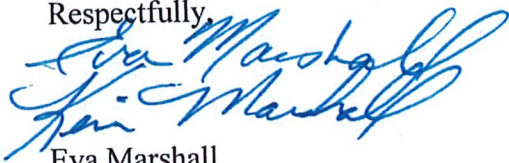
Please note that I have attached a copy of my comments & questions re: Noise Study, along with a Peer Review by Bollard Acoustical Consultants, Inc. of the Saxelby Acoustic Noise Study that I requested to answer some of my questions and better understand the study. I believe Mr. Bollard’s review to be fair in his answers.

4<sup>th</sup> issue: **Peace & Quiet** are no longer the status quo for us. Spring, Summer and Fall are the most active seasons for practices, Winter practices are becoming more active as well. These are also the times when we want to spend more time enjoying our backyard. Group practices are also in the mix, with multiple stations going at once including hooting and hollering by teammates.

Since 2016 we have actively tried to regain our ‘peace & quiet’. Instead we have experienced a growth in the intrusion, now multiple times a week; when all we want to do is come home and relax. Is this really the 4<sup>th</sup> year that I will be without resolve? Of the 5 letters by residents who opposed the extended hours, only 2 would agree with conditions in place. Yet for two years, those conditions are not being kept and/or enforced.

I not only ask that you decline this appeal, but put into place a means of oversight and enforcement.

Respectfully,



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

Regarding the Sound Study conducted by Saxelby Accustics - Oct. 30, 2018

This study occurred October 30, 2018 between 16:10:28-18:02:24 (approx. 4-6pm)  
Study was written Nov. 14, 2018; Submitted Nov. 15, 2018; Revised Dec. 5, 2018

*It was implied that Dec. 5, 2018 report was new study (possible 2<sup>nd</sup> study?). In my comparison, the opening paragraph states the study was measured and observed on October 30, 2018. I submitted a page by page comparison to Planner Mary Beth Van Voorhis on Jan. 10, 2019.*

These are my comments on the original study dated Nov. 14, 2018.

Page 5, para 2, only states “Occasional noise from baseball bates was observed at times.”

*This was to be a very specific test for the “pings” resulting from hitting a ball with a bat and “bangs” resulting from baseball being caught in a mitt or being hit against a wall per my conversation with Planner Robert King. Town letters dated Oct 2017 and again on April 2018 (resent Oct 2018) state “parameters of the analysis must be approved by the Town in advance of the study.”*

Page 4, para 3: “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.”

*This business opened in the fall of 2014. The nuisance stated in 2015 but was infrequent; by 2016 the increase in impulsive sounds of baseball practice increases causing my formal complaints to the town. Currently more practices are held per day and per week, including group practices, which makes this nuisance is even more frequent.*

*Regarding the study occurring between 4-6pm which is the busiest time of day with businesses returning to shops and going home. After 6pm it is much quieter as most businesses have closed, make the intrusive “pings” and “bangs” more apparent to me.*

*Peer Review: BAC answer to my question #2 regarding ambient sound levels*

Page 4, para 4, bullet 4: “A 10dba change is subjectively heard as approximately a doubling in loudness, and can cause an adverse response.”

*Until a sound study with specific set parameters (relating to sounds associated with traditional baseball practices, as referenced in my opening) is completed this factor cannot be established.*

*Peer Review: BAC answer to my question #4 in para 1 & 2, regarding impulsive and repetitive sounds. Also addresses the potential strikes per hour based on video on [www.goldenspikesbaseball.net/catching](http://www.goldenspikesbaseball.net/catching)*

Page 4, last sentence: “Therefore, the applicable noise level standard is 65 dBA Lmax for daytime (7:00 a.m. to 10:00 p.m.) operations.”

*Per the approved permit and the Town Noise Standards for Light Industrial the level is not to exceed 55dBA. Should a reduction of -5dBA for repetitive noise as stated in the General Plan (pg. 141, Table 8-4, footnote 1) be applied to the 55dBA or is this precalculated into 55dBA?*

*Peer Review: BAC conclusion*

Page 5, para 2: "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 Lmax due to the baseball facility."

*Again, this study did not specifically measure sounds of baseball practice as stated above.*

*Per Review: BAC answers my question #4 in para 3.*

Figure 2: Sound Mapping

*Again, does not specifically measure baseball practice as stated above.*

*This show maximum sound waves behind Golden Spike facility & Sierra Dry Wall and to the side of the open cul-de-sac that exceed 70dBA. I also, question this because we are susceptible to the atmospheric currants that carry sound more clearly into our backyard because of the openness.*

*Per Review: BAC answers my question #3*

Appendix A: Acoustical Terminology

Impulsive      Sound of short duration, usually less than one second, with an abrupt onset and rapid decay.

*This is not fully addressed in the report*

*Peer review: BAC addresses this in my question #4.*

Regarding the Town of Loomis Determination - Letter Nov. 20, 2018:

Condition #1: (Noise Standard not to exceed 55dBA Ldn)  
Completed. Doors must remain closed during hours of operation.

*If the noise standards are being challenged, then I would request a new study be completed and witnessed by Town personnel, that measures specific baseball sounds as stated in my issue #3 (recreate the "pings" & "bangs" that I hear in my yard and on their videos.*

Condition #2: (Doors Closed during batting practice)  
Completed. Doors must remain closed during hours of operation.

*Repeated complaints have yet to be remedied for their non-compliance as noted in my issue #2. This is an ongoing concern because there is no monitoring or enforcement in place.*

Condition #3: (insulating)  
As discussed during our meeting with you, you will provide additional interior insulation to the bay doors at the rear of the building.

*Per the original permit Walls were included. There is an echo effect from "bangs" that we hear and the Ceiling should also be considered. I question if these sounds are from baseballs hitting the ceiling/metal roof and/or as per a Facebook video, a player can be seen hitting a wooden board mounted on the wall used as a target.*

*Per inspection by Robert King (Town letter Oct. 12, 2017) I have questioned the acceptance that foam boards on windows only is enough. Also, as seen in their videos, the netting is draped so loosely that a ball can still hit the wall.*

*Who and When would this inspection occur?*

Condition #4: (Noise Study)  
Complete. Noise Assessment was received .... on Nov. 15, 2018

*Pre-Approval of specifications (as mentioned in my opening) were not followed nor witnessed by a Town representative or myself. It is unknown who was practicing? What age group? What skill set? I was not notified of the date and time as I have been requesting from both Town Manager Sean Rabe and then Planner Robert King so I could witness the sounds and compare to what I hear in my yard.*

Condition #5: (Signage)  
Completed. Signs posted on both the interior and exterior of the building

*Previous Town letter dated Oct. 12, 2018 stated: "The applicant must replace these temporary paper signs with weather proof ones by the end of the month, with text, design and placement to be approved by the Town."*

*The exterior signs are notes in sheet protectors nailed to two trees as of Jan. 14, 2018.*

Condition #6: (Alternative methodologies to comply with Noise Standard)  
Completed. Doors must remain closed during hours of operation

*No alternatives submitted.  
Again – Enforcement is an ongoing issue*

Condition #7: (Six month of mitigation measures)  
Completed. Doors must remain closed during hours of operation

*See comments under Condition #3. Has there been a visual inspection since the dates referenced in Town letter dated October 12, 2017? I have repetitively expressed this concern to Town Manager Sean Rabe without resolution since Feb. 2018.*

**Kathryn Wolff**  
3347 Kathy Way  
Loomis, CA 956501  
(916) 660-9630 Res.  
(916) 628-4027 Cell.

Town of Loomis  
Planning Commission  
Loomis, CA 95650

**Re: Response to Appeal Staff Decision of November 20, 2018 Requiring The Bay Door to Remain Closed During Hours of Operation**

Dear Honorable Planning Commissioners:

I reside directly behind the Golden Spikes Baseball facility located at 3344 Swetzer Court, Loomis, CA.

My backyard, which is enjoyed by me and my family on a daily basis or whenever weather permits, faces this business. We are separated by a retaining wall. I first noticed constant "striking" noises being emitted from this facility when they initially opened for business. I was uncertain of what type of business this was because the sounds were metallic and quite loud in nature, as if someone was striking metal-on-metal. I was later informed it was a practice facility for persons who play baseball.

I wish to advise you that there has been marked improvement over approximately the last 6 months, or more and it is my understanding that the business was required to keep their doors closed during their hours of operation. I strongly recommend that this business continue keeping their doors closed during business operations, especially in the evenings after 5:00 p.m. and on weekends, which are times that I am usually home and enjoying the solitude of my backyard or entertaining guests, including my family and friends. Even if the sound levels do not presently exceed business standards, I can attest to the fact that the constant hitting of balls is continuous and can be very annoying and intrusive.

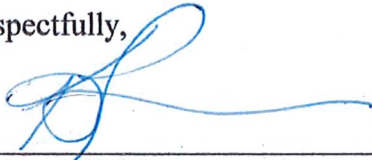
Most businesses have doors to enter and exit from and I would have to say that it would be uncommon to not have to enter through a closed door when approaching or exiting a business. I would like an explanation as to why this particular business wants to revoke this decision, as it has obviously served as good, reasonable, and practical solution that has resulted in improved noise conditions.

Another concern that I have is that when clients are arriving or departing from the facility many of them gather around their vehicles and talk, often loudly for more than 10 minutes at a time. I do not like to make assumptions, but believe many of the folks frequenting this business are young because they often burn rubber when leaving or have made unfavorable comments when asked to quiet down, which is worrisome. To this end, I have also noticed some improvements. However, it is winter and the situation will certainly become more active as the spring and summer months approach. I do wish to thank the owner for addressing this issue with his clientele. I am hopeful that he will continue to do so if and when warranted.

This is a mixed residential area including families that have children, work, or are retired. I am certain you can appreciate that when people are home, they do not want to contend with repetitive and loud sounds nor deal with clientele from businesses their homes happen to border.

Thank you for your time and consideration and as I have indicated above, I am opposed to Golden Spikes Baseball having the decision to operate their business behind closed doors revoked as it is sure to exacerbate a condition that has in part been improved upon.

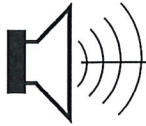
Respectfully,



Dated: January 15, 2019

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Kathryn Wolff  
Loomis Resident



December 21, 2018

Mrs. Eva M. Marshall  
3367 Kathy Way  
Loomis, CA 95650

Submitted via email: [kem5bj@pacbell.com](mailto:kem5bj@pacbell.com)

**Subject: Bollard Acoustical Consultants, Inc. (BAC) Peer Review comments on Saxelby Acoustics Golden Spikes Baseball Facility Noise Study**

Dear Mrs. Marshall,

Pursuant to your request, Bollard Acoustical Consultants, Inc. (BAC) has reviewed the noise study prepared by Saxelby Acoustics for the Golden Spikes Baseball Facility. This letter contains our responses to your questions on that study. Your questions and our responses follow:

Question 1: There are two set of graph lines on appendixes B1-B4 that I do not fully understand.

BAC: The data presented in Appendices B1-B4 is of limited use to the study. The data depict the noise levels and frequency content of the ambient environment present during the survey. But the measurement results do not specifically focus on the sounds of baseballs impacting bats. The appendices would be more helpful if the snapshot of data presented was specific to the noise generation of the Golden Spikes practice.

Question 2: How are ambient sound levels established? I think these are the numbers associated with each property on page 6. This study occurred between 4 p.m. and 6 p.m. when sound levels are at their highest; most employees from nearby businesses are leaving; after 6 p.m. it is much quieter.

BAC: Ambient sound levels are typically established by conducting a survey of noise during a period when the noise source you are trying to evaluate is not present. The Town's noise standards may be adjusted upward if the ambient conditions are elevated, but they didn't appear to have been sufficiently high during the noise survey period to justify increasing the noise level standards. And since the noise survey was conducted during a time you consider to be one of the louder periods of the day, then it is likely that the ambient conditions were near worst-case during the noise study.

If your question was, how are the noise levels shown on Figure 2 computed, those appear to be based on the 3-D modelling conducted by Saxelby. He put a receptor in each backyard and the model would account for shielding by the building, the open doors, reflections, etc.



Question 3: Also on page 6, there are wave lines with dBA numbers near the cul-de-sac and the "Z" shaped building. How would this be calculated since this area was not marked as a recording location? The inner-most ring is blacked out >70 dBA, does this mean the equipment did not record numbers above 70 dBA? Are they considered a ricochet effect of a sound traveling, which is what we think they may be?

BAC: I think you are referring to Page 7. The sound mapping software can take the data Saxelby collected at various locations and use it to create a "heat map" which shows where the noise is most concentrated. It isn't necessary to have a noise measurement site everywhere the contours are drawn, as that is the job of the model to develop those contours based on the inputs provided by the modeler. The black area represents locations where maximum noise levels would be expected to be 70 dBA or more. Judging by the noise contour map, the model clearly did take into account reflections off of the various buildings in the immediate vicinity, as well as the existing sound wall at the rear of the nearest properties.

Question 4: I would like to know how Impulsive and Repetitive sounds (as mentioned on page 8, para 1) are counted/measured towards a "cumulative period of 1-5 minutes per hour". My understanding is that a difference of 10 dBA can have a more noticeable and/or negative impact on the ambient sound level.

BAC: If the noise source is repetitive, such as baseballs being hit by bats, then the Town's noise level standards are reduced by 5 dB because such noise is known to be more offensive than steady-state noise. From watching a video at the Golden Spikes website, it appears to me that a ball could strike a bat about every 5 seconds. That would result in about 12 strikes per minute, or 720 strikes per hour (approximately), if the batting cage were in continual use for an hour. Assuming each strike generates about 1 second of noise, the total duration of noise resulting from ball strikes would be approximately 12 minutes per hour. Based on that, the Town's correct noise standard would be the standard applicable to daytime hours where the noise source is present between 5 and 15 minutes per hour, and adjusting that standard downward by 5 dB because the source is impulsive.

The correct noise standard for the evaluation of balls striking bats actually works out to 55 dB. In other words, if the balls are striking the bats between 5 and 15 minutes out of the hour, then the noise of those strikes cannot exceed 55 dB in your back yard.

The Saxelby report shows noise levels in one back yard of 56 dB (R5). This level would technically represent an exceedance of the town's noise standards. If, however, the rollup doors in the rear of the facility are closed, it is highly unlikely that the 55 dB noise standard would be exceeded in the nearest backyards, including yours.

Question 5: Are all concrete walls qualified as sound walls? The property elevation at 3337 Kathy Way (Stn3) is 404 feet; Golden Spike Baseball's location is 417 feet. Does a 7 foot wall give the residences on Kathy Way a sound barrier when the business is 13 foot higher? The reality for our property is a 5' thin concrete wall with a 2' wooden top.  
[http://elevation.maplogs.com/poi/loomis\\_ca\\_usa.92750.html](http://elevation.maplogs.com/poi/loomis_ca_usa.92750.html)

BAC: After we spoke I conducted a visual inspection of the sound wall at the rear of your property and it definitely does qualify as a sound wall. A 5-inch thick concrete wall would definitely be sufficient to ensure that you are not hearing sound penetrating through the wall, only sound refracting over the wall. The elevation change is noted, but my visual inspection of the area indicates that the sound wall is definitely providing shielding between your residence and the baseball facility. As you noted, you have to stand on a ladder to see the facility from your backyard, so the wall is definitely intercepting line of sight between your property and the baseball training facility.

Conclusions: Following our review of the Saxelby acoustics report, it is my professional opinion that his use of the 65 dB Lmax threshold is incorrect, as the frequency of the baseball vs. bat strikes could very well range from 5 to 15 minutes per hour. That said, the project noise generation is still in substantial conformance with the Town's noise standards at each of the nearby backyards, with one exception where a level of 56 is predicted. These results are for rear doors in the open position. With those doors in the closed position, the levels in the nearest backyards (including yours), would be expected to be considerably lower.

This concludes my comments on the Saxelby Acoustics Noise Study and responses to your questions on the study. Please contact BAC at (916) 663-0500 or [PaulB@bacnoise.com](mailto:PaulB@bacnoise.com) with any comments or questions regarding this letter.

Sincerely,

Bollard Acoustical Consultants, Inc.



Paul Bollard  
President, INCE Board Certified