
Subject: Public Comment | Love Social Cafe | Item 3

From: BILL MILEY

Sent: Tuesday, September 6, 2022 1:57 AM

To: Shari Herbruck <shari.herbruck@ojai.ca.gov>

Cc: James Vega; Lucas Seibert; Robin Godfrey; Brian Aikens; Wendy Hilgers; Dale Hanson; Renee Roth; Michelle Pineiro; Anson Williams

Subject: Planning Comm. 9/7/22 item 3

9/6/22

T0: Ojai Planning Commission

Cc: city manager, planning director, assist to c.m., others

From: Bill Miley

Subject: 9/7/22 P.C meeting item Public Hearing 3.

Item: Request for CUP for amplified music in front Love Cafe Courtyard.

Hello.

I agree that outdoor amplified music or voice is not appropriate in a village mixed use zoning. And support the denial.

However, if for some reason (s) a CUP is crafted to allow it the following conditions should be considered.

1. The challenge is the “spill over” of amplified Sound beyond the perimeter of the Love Cafe property. In a Village Mixed Use Zoning, perimeter decibel limits are 55 on average. With 15 minute, 5 minute and 1 minute slightly higher maximums.
2. Determining sound levels at all perimeters is the Proper method for managing amplified sound. West and North is Residential with an averaged dBA of 55. VMU average maximum 55 dbA.
3. Each dBA measurement as noted in the ordinance is 55 dBA **cumulative maximum over an hour**. Not one moment or some set of minutes.
4. Before permitting amplified sound through a CUP, there should be test phase. Digital dBA with memory would be used on all property lines. Also the amplification equipment could/should be calibrated to know approximate max volume levels to max-out allowing perimeter dBA levels to stay under.
5. Complaints by nearby neighbors should/could be preempted or avoided. By maintaining several recording meters on site. Continuous feed back maintained.
5. Sounds whether acoustical or amplified (common sense terms) comes in three categories in my Opinion... Repetitive sounds can be even more disturbing.

...I like it...

...i hear it, but it does not bother me...

...it is noise and bothers me from a little to a lot...

6. Calling in a complaint about current noise can work if the inspector is on-site fast and measures for an “cumulative” hour. Otherwise the noise level probably will have dropped.

7. Asking the business owner to self regulate their amplified Sound is best. Using recording meters should be mandatory for that method to work. City responsibility is providing the meters, monthly monitoring the data, discussing with the owners the data results. City should charge the applicant for all costs. Including providing feedback to the neighbors.

8. An agreed upon penalty for so many violations should be signed. Eg. After three they lose the CUP for 6 months.

9. And as a new addition, i submit the following from the city’s ordinance.... If we control amplified sound on public property at 35 feet (to zero) from source we should apply that to private property too. (See ordinance below)

Sound amplifying equipment city Noise statement page.

https://es.sonicurlprotection-sjl.com/click?PV=2&MSGID=202209060856482500333&URLID=1&ESV=10.0.19.7431&IV=3F69B4E824AA5E77409577DDAC3DC525&TT=1662454614870&ESN=Nw9V%2BSn4Cnt6wDeDi3SmFOnh71Y2QKZ8jDBMUzZvchg%3D&KV=1536961729280&B64_ENCODED_URL=aHR0cHM6Ly9vamFpLmNhLmdvdi9ub2lzZS8&HK=1E2757D1A433B7149FDB8135F821C9F90E1A60CBF9D38DC2D0032DA41510A1DB

Radios, stereos, and other sound equipment may not be audible more than 35 feet from the source if on public land or the public right-of-way, unless part of a public event approved by the City. The only sounds that may be amplified are music and human speech. Radios and compact disc players may be operated on buses and trolleys, providing the sound cannot be heard by any other passenger.

Again, i fully support denial.

Bill Miley, Ojai since 1968