



**PLANNING COMMISSION
STUDY SESSION
MEMORANDUM**

TO: Planning Commission

FROM: James Lindsay, Community Development Director

MEETING DATE: July 24, 2012

SUBJECT: ZOA12-0008 - Outdoor Music

The purpose of this study session item is to further discuss the proposal to modify regulations related to outdoor music in advance of the continued public hearing scheduled for July 25, 2012.

BACKGROUND

The Planning Commission received a presentation at its June 27th meeting on a proposal to modify Articles 7-30 (Noise Control) and 15-19 (Commercial Regulations) establishing new regulations for outdoor music. After receiving public testimony on the proposal, the Commission continued the public hearing to July 25th and requested a study session on July 10th to discuss the proposal in more detail.

On July 10, 2012, the Commission conducted the study session and received a simulation of different music levels at varying distances and from inside and outside a building. Approximately 30 people were in attendance and additional public testimony was received. At its July 11, 2012 meeting, the Commission requested an additional study session on July 24th to further discuss the proposed changes.

DISCUSSION

The focus of the study session on July 10th was on the days, times, and decibel levels if outdoor music was to be allowed in the Village. The notes taken during the study session are included as Attachment No. 1. The Planning Commission did request that staff conduct a survey of existing outdoor seating areas in the Village, the results of the survey are provided as Attachment No. 2. Due to time constraints, the Commission did not discuss the details and practicalities of enforcement of the points discussed during the study session.

Staff has had time to review the details of enforcement and is recommending some changes to the points discussed at the study session. The primary reason for the changes is to reduce the number of variables that would be needed to determine if a violation

occurred. Having a common time and decibel level for all permit holders would make a big difference in the effectiveness of enforcement.

Summary of the recommended Outdoor Music Permit regulations:

- 5 annual permits in the CH District can be issued administratively by City staff as follows:
 - Permits would be issued within each block of the Village (refer to Attachment No. 3 for a block map)
 - 2 permits between 3rd Street & Saratoga Los Gatos Road
 - One permit between 3rd and 4th Street
 - One permit between 4th and 5th Street
 - One permit west of 6th Street
 - A permit may be shared by up to 3 businesses but only one business will be allowed to use it at any one time with the prescribed hours.
 - When 2 or more permits are issued within the same block the outdoor music events shall be separated by at least 200 feet.

- Additional annual permits may be approved by the Planning Commission after conducting a public hearing.

- Outdoor music is subject to the following regulations:
 - Allowed May 1st through October 31st
 - Not allowed Monday through Thursday
 - Friday 5:00 PM – 9:00 PM - **73 dbA** max sound level
 - Saturday 4:00 PM – 9:00 PM - **73 dbA** max sound level
 - Sunday 11:00 AM – 4:00 PM - **73 dbA** max sound level

- Any violation of a specific permit condition(s) or general regulation(s):
 - Can result in the immediate initiation of the permit revocation or modification process.
 - Shall constitute an infraction and a public nuisance
 - Any person convicted of an infraction under the provisions of this Code shall be punishable for a first conviction by a fine of not more than one hundred dollars, for a second conviction of the same ordinance within a period of one year by a fine of not more than two hundred dollars, and for a third or any subsequent conviction of the same ordinance within a period of one year by a fine of not more than five hundred dollars.

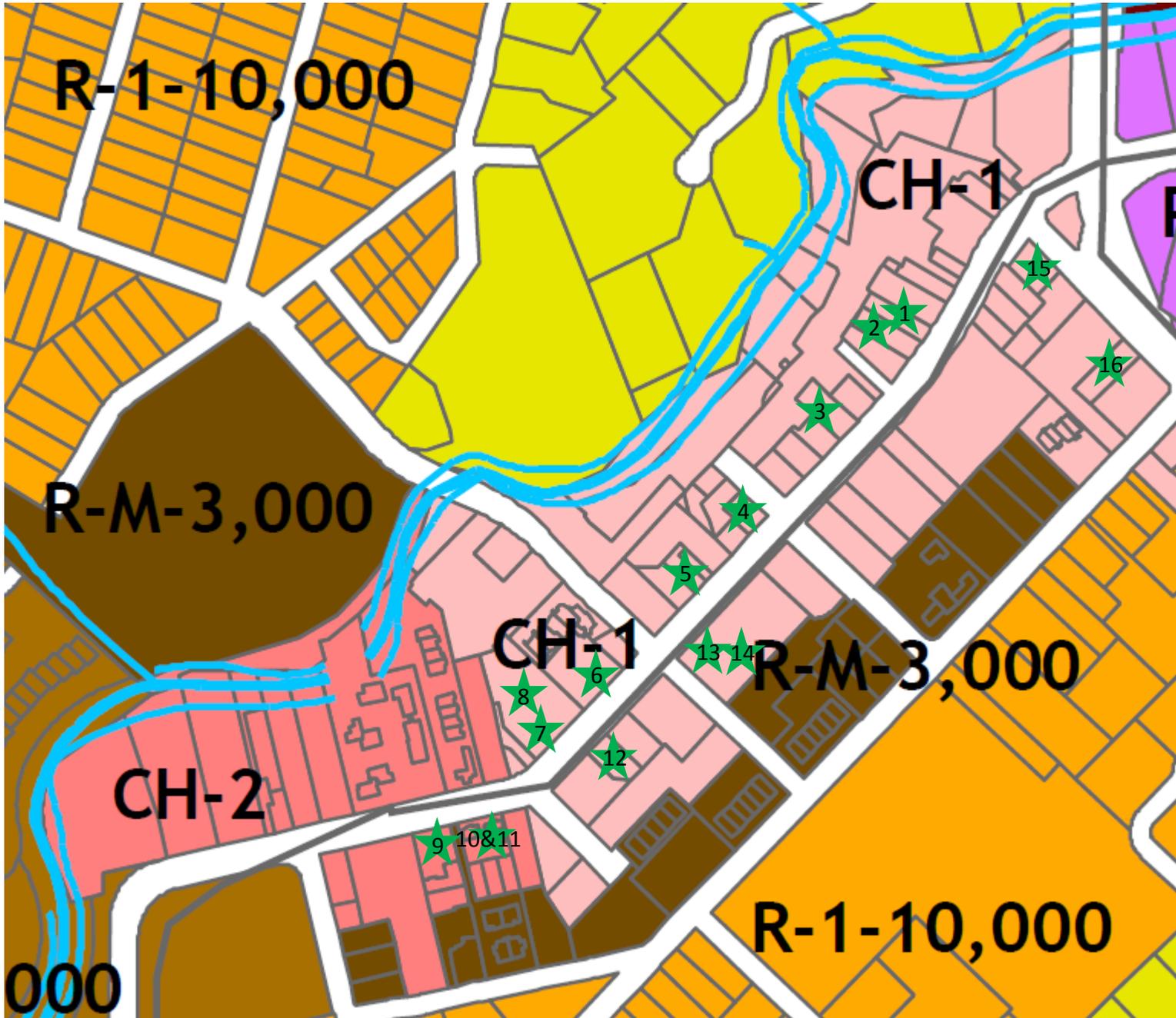
ATTACHMENTS:

1. July 10th study session notes
2. Outdoor seating survey
3. Village block map

July 10, 2012 Meeting Notes

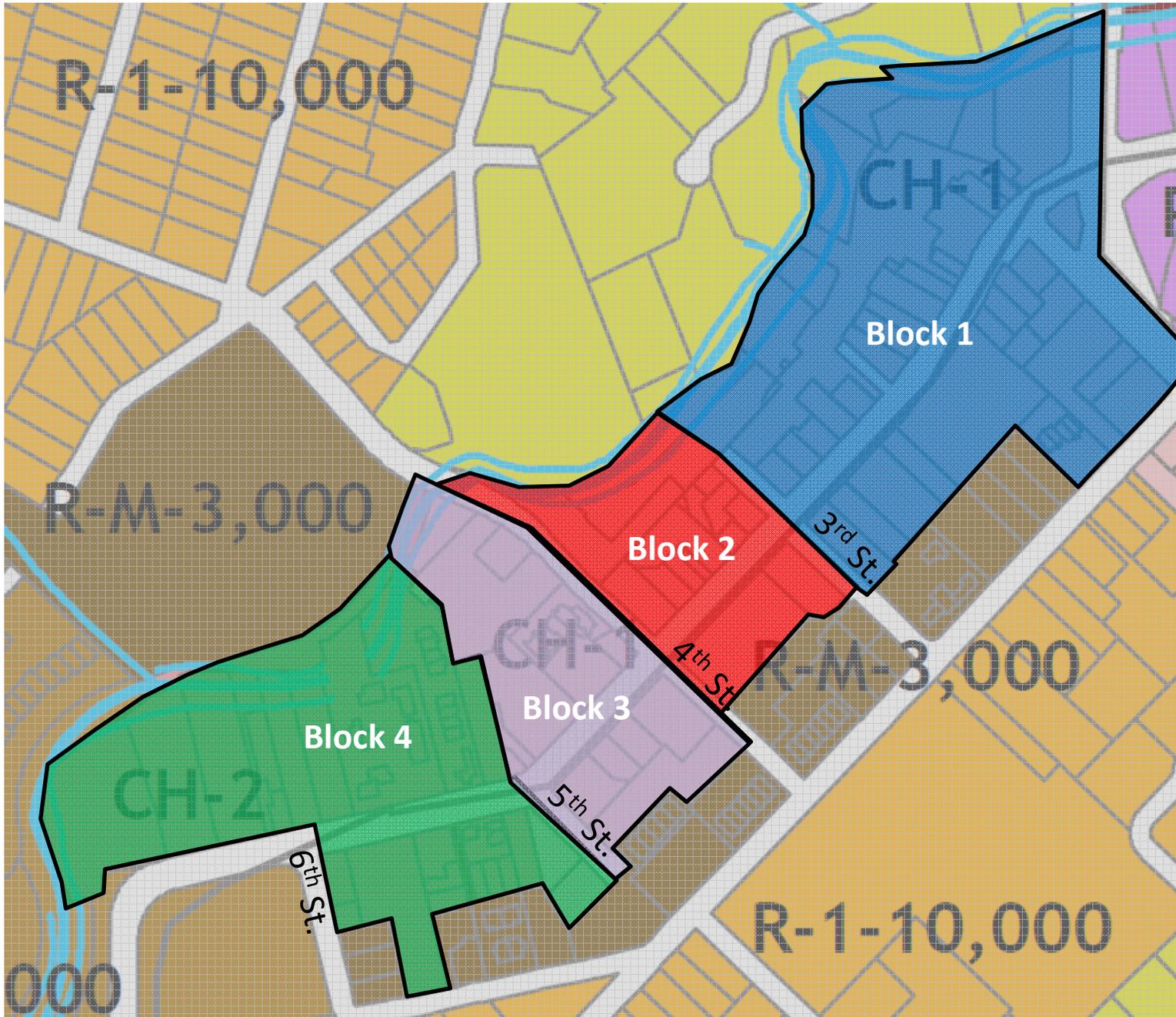
Planning Commission Study Session - Outdoor Music

- Possible outdoor music schedule for the Village May 1st through October 31st:
 - Monday – Thursday – Outdoor music is prohibited
 - Friday & Saturday 4:00 – 9:00 PM
 - **73 or 75 dbA** 4:00 - 7:00
 - **68 dbA** 7:00 - 9:00
 - Max 3 hour limit per business per “proximity”
 - Sunday 10:00 AM – 4:00 PM
 - **73 or 75 dbA**
 - Max 3 hour limit per business per “proximity”
- No separation between acoustic and amplified music
- Remove the word portable from the definition of amplified music
- Revise the definition of background music
- Add vocal and instruments to the definition of acoustic music
- Outdoor noise levels from indoor music should be the same as the maximum levels for music played outside
- Establishments playing indoor music shall close all windows and doors by 9:00 PM
- Outdoor music permit fee should recover City costs
- Incorporate an end date of November 1, 2013 for the Outdoor Music Permit process so it is only in effect for one “year” unless changed.



Village Outdoor Seating Areas

Name	Seats
1. Da Mario	11
2. Rose Market	24
3. Big Basin Café	10
4. Bella Saratoga	50
5. Blue Rock	20
6. Plumed Horse	10
7. Coffee Grounds	24
8. Vienna Woods	20
9. Cinnabar	20
10. Big Basin	20
11. Martella	20
12. Casa de Cobre	20
13. Masu	10
14. Florentine	20
15. Starbucks	20
16. Bell Tower	40



Blocks for Outdoor Music

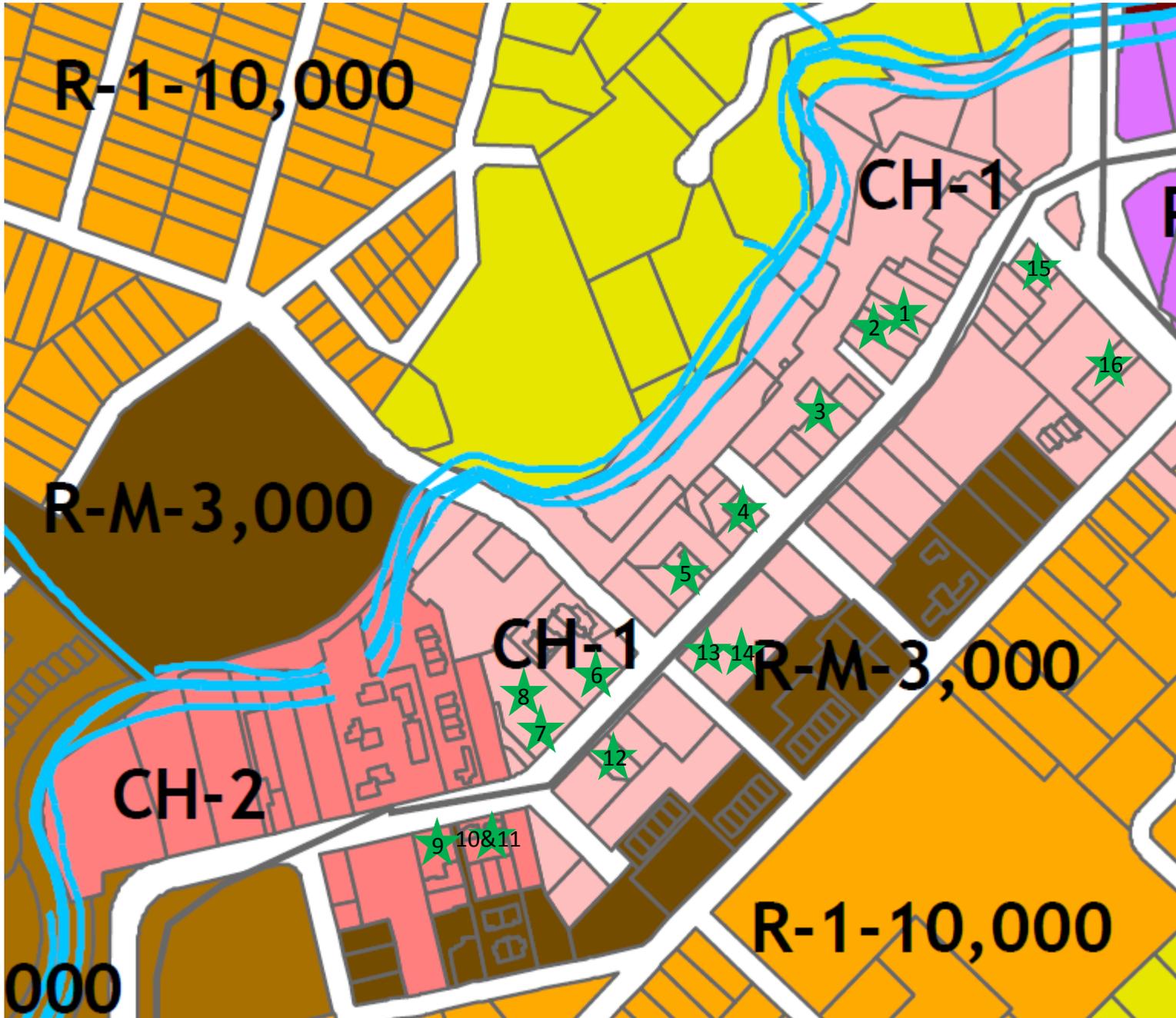
- Block 1 – 2 permits
- Block 2 – 1 permit
- Block 3 – 1 permit
- Block 4 – 1 permit

July 10, 2012 Meeting Notes

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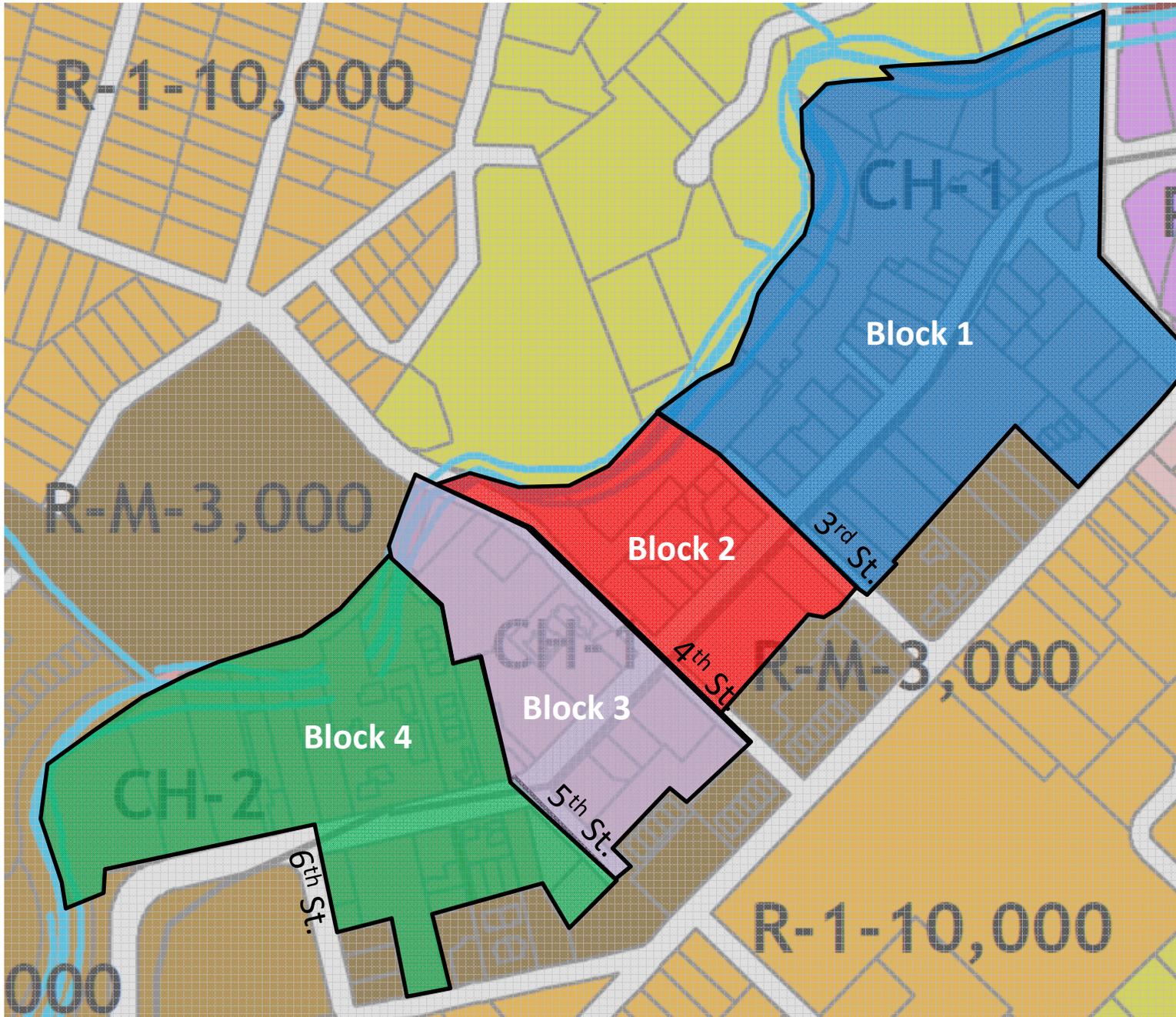
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