Memo

To: Mayor McCarthy, City Council
From: Jeff Arango, AICP – Director of Community Planning
Date: October 1, 2013

Re: Summary of Amplified Music Issue

Background

The City of Langley established a prohibition on amplified music on properties adjacent to residential zoning districts in at least 1999 [14 years]. In 2013 the city passed ordinance 989 that allows for up to six amplified music performances on properties adjacent to single-family zoning districts with a special permit.

The owners of Mo’s Pub and Eatery recently requested the city council redefine the definition of “amplified music” to allow additional low intensity amplified music performances. In response the city council tasked the planning advisory board (PAB) with developing a proposal to redefine the definition of amplified music to allow for additional low intensity amplified music performances on properties adjacent to single-family residential zoning districts. At the May 6, 2013 meeting the council passed the following motion:

MOTION: To remand this issue back to the PAB, to set time limits and a more clarified definition of amplified and when it is appropriate and not appropriate

The planning department drafted a specific proposal that would achieve the outcome of allowing additional amplified music performances. Developing a definition for amplified music that distinguishes between different types and intensities of amplified music is problematic because technically any sound that is amplified by an external source, whether that source is an amplifier or an iPhone, is technically considered amplified music. However, the PAB and planning staff developed a proposal that would have allowed additional low intensity amplified music performances up to 8:30pm on a weekday and 9pm on a weekend as long as the sound was not clearly audible at the property line.

The PAB held a public meeting on August 21st to solicit input on the proposals from residential property owners adjacent to the downtown and business owners. Following the public hearing the PAB did not recommend moving forward with any additional amendments to ordinance 989 for the following reasons:

1. Ordinance 989 was passed in early 2013. The PAB felt the city should wait at least a year to see how the ordinance is working before any changes are considered again.
2. Residential property owners that provided input on the proposal were unanimously opposed to any further allowances for amplified music.
3. Ordinance 989 was passed with consensus from all stakeholders. The proposed amendments were strongly opposed by residential property owners worried about additional noise impacts with additional music performances even though the direct impact from the music itself did not appear to be the major issue, but rather the coming and going of patrons and noise from the street and parking areas.
4. Businesses affected by Ordinance 989 were given additional opportunities for amplified through the issuance of a special permit.
5. Concerns regarding the city's ability to enforce the restrictions on amplified music if additional performances were allowed.
6. Non-amplified music performances are allowed

Recommendation

The PAB recommends the city council not move forward with any amendments to Ordinance 989 with respect to allowing any additional amplified music performances at this time.

Attachments:

PAB Minutes - May 6, 2013
DRAFT revision to Ordinance 989
Public Comments on Amplified Music Issue
Minutes
City of Langley
Planning Advisory Board
Public Hearing
August 21, 2013

The meeting was called to order at 3:00PM

Attendance:
Members present: Roger Gage, Aaron Simpson, Gail Fleming, Dominigue Emerson, Sue Walsh, Thomas Gill
Staff present: Jeff Arango, Cheryl Knighton

Public Hearing - Proposed Revisions to Ordinance 989 - opened 3:05

Amplified Music

Thomas opened the meeting and explained how he wanted to run the meeting. Opening statements from the board, then public comments, then back to the board for final decision.

Board comments:

Gail said she was enlightened by the letter she had received and is open to hearing more input from the community. Roger felt the same, as well as Aaron. He would like to hear more from the residence surrounding Mo’s Pub. Thomas feel the same. He realizes the impact of noise levels as he is impacted by traffic noise where he lives. He feels it may be premature to move forward with the amendment at this point. Dominique feels there is a problem I the area, in particularly the parking and the noise that goes with it. She feels it’s the process she has a concern with. She has some concerns with using an ordinance for conditional use.

Public Input:

Craig Carty of 2nd street said no one wants to shut Mo’s down. He feels it’s a zoning issue and thought it had been taken care of with a compromise. Frank Ploof of Anthes, agrees with the original Ordinance 989. Troy Chapman of Decker, supports the amended ordinance. But what is “amplified” music? Fells there should be a definition of “amplified” in the ordinance. Feels it is a meaningless term at this point. Dominique read the current noise ordinance.

Socorro Rodriguez of 3rd street, Moved here because of the small town community. Does not feel sound waves will stop at the property line. Does not want music every night as she can hear it clearly from her house. It is not consistent with the zoning. Why does this subject continually keep coming up? Wants to lead a quiet peaceful life in Langley. Wants the board to please remember this is a neighborhood. Feels the few permitted events are ok, but not nightly, because of the late night noise.
Kay Laugerquist of 2nd street, says there is an impact on the neighborhood. More music, more people, more people more parking, more noise. There have been violations of code and ordinance. The original ordinance says zero noise in residential area. Then it was changed from no events to 6. She laid out the history of Mo’s with the violations and the music. Feels the current code cannot be enforced so why do another one that would be harder to enforce. It’s not just the music, but the increasing number of people and parking that create more noise after hours. Feels Mo’s should move to the central district of Langley, they have outgrown their present building. She does not want to come back to this again. She ask that the board not give it 6 months before deciding what to do.

Connie Marcucci of Sunrise, is happy that the board is including the residents in on this decision because it sometimes feels like the residents are getting “squeezed” out.

Cynthia Tilkin, of In the Country, read a statement regarding the contract that Maureen had signed some years ago, the violations Mo’s has had, and asked the board if they were aware of them. Feels the city owes the residence and apology for allowing Mo’s to become what it is. Feels Mo’s should move to the downtown area. Russell a musician, has walked around MO’s at night while there was music. He would not want to live next to a place with music, and feels the community should be the ones who decide. He would support the ordinance and hopes there is a way to support music in Langley.

Craig Stevens, musician, says having a local place to play is great and we need places like Mo’s for musicians to play. Asked about the noise ordinance.

Maureen asked Dominique about the Saturday night she was walking her dogs when she observed loudness. Dominique said it was around 10:30PM, there were many people spilling out on to the deck, door open and very noisy. Maureen stated that if what the city and the community want is no music, then it will happen.

Chris says it does not make sense that a saxophone can play but an electric keyboard cannot. Steve O’Sullivan feels there are two different issues. One being the music and the other the people. Maureen has no control over the people. The pub shuts down at 8:30pm during the week and 10:00pm on Saturday and Sunday. Does not feel that is too late.

Board input:
Thomas feels it’s not the music so much as the patrons and their behavior. Know of the behavior because of driving taxi. They can be loud, and they do make an impact on the neighborhood. He feels the community has made a good point. Also knows that enforcement is a problem. How do they address that issue? Dominique would like the law to just set for a while and see what happens.

Jeff feels that because the community does not support it, then the board should not either.

Motion to reject Amending Ordinance 989, Sue, 2nd, Roger. Approved to reject.
County Wide Population Projection

Jeff explained the steps of how the county picks the projections. They have projected growth up to 9400 people in the next 20 years. There will be a public hearing on August 26 in Coupeville. Motion to accept the County Population Projection – Dominique, 2nd Roger. Approved.

Dominique asked if Jeff could get her the agenda and handouts about a week before the meeting.

Meeting adjourned – 4:50pm
Proposed Revisions to Ordinance 989
Amplified Music Restrictions for Properties Adjacent to Single-Family Residential Zoning Districts

Background: The owners of Mo’s Pub and Eatery have requested the city modify Ordinance 989 to allow low intensity amplified music on properties adjacent to Single-Family Residential Zoning Districts. Amending the ordinance would apply to all properties currently affected by Ordinance 989 now or in the future. Mo’s Pub desires to have music during its dinner service to attract customers and create ambiance for the Irish Pub. Certain instruments need low-level amplification to function properly and be heard by guests even though they are in fact amplified. These events would not include a dance floor and a concert like atmosphere like the special amplified music events. In accordance with RCW 35A.63.220 the amended language below may be implemented on an interim basis (up to 6 Months) in order to assess the affect it has on surrounding residential property owners. An interim ordinance may be rescinded at any time.

Purpose: To allow low intensity amplified music performances that will not negatively impact surrounding single-family residential residents. The intent is to allow for live music that is consistent with acoustical music in terms of noise impacts, but requires some degree of amplification for the music to be properly heard.

Amending Section 18.22.095(2)(F)

F. Live amplified music after 8:30pm on a weeknight and 9pm on a weekend [Fri, Sat] is prohibited without a special events permit issued by the City Council. No exterior live amplified music shall be permitted. In order to obtain a special events permit, the applicant shall be required to demonstrate to the satisfaction of the City Council reasonable temporary or permanent means used to attenuate noise impacts to adjacent residential properties. A maximum of six special live amplified music permits may be issued in a calendar year. Live music in a non-age restricted dining area shall require approval of the Washington State Liquor Control Board and a copy must be provided to the City prior to approval. Amplified live music associated with a special event permit shall cease at 10:00 p.m. Sunday through Thursday nights and 11:00 p.m. on Friday and Saturday nights. On New Year’s Eve, such amplified live music must cease by 1:00 a.m.

a. Live amplified music not associated with a special event permit is intended to allow only low level amplified music that is intended to provide ambiance at the business establishment such as during dinner service at a restaurant. Live amplified music is only permitted before 8:30pm/9pm without a special events permit if it is not audible at any property line that abuts a single-family residence including properties directly across the street right-of-way.
Michael Lerner <mlerner108@gmail.com>  
To: Jeff Arango <jarango@langleywa.org>, Michael Lerner <mlerner108@gmail.com>, Sharyle Patton <spatton@igc.org>  
Comment for record on the proposal for additional amplified music

Dear Jeff:

Thank you for soliciting neighborhood comment on the PAB proposal “that would allow additional low-intensity amplified music performances on commercial properties adjacent to residential zoning.” We appreciate the opportunity to respond.

Jeff, we continue to oppose additional low-intensity amplified music. As the second house up from Mo’s Pub, we are directly affected by additional amplified music, especially during the summer when we like to sleep with open windows and both music and voices from the Pub are audible at night.

Let me ask whether the PAB has considered the following:

1. The impact on the value of our homes from music and sound from the Pub at night that directly affects the sleep of the occupants.
2. The strong scientific evidence that interrupted sleep impairs health. (I am happy to provide references.)
3. The fact that the original ordinance was presented as a compromise that we could all hope to live with – and now we are asked to push the boundaries back again.

In other words: the value of our homes, the health of residents, and the agreed upon compromise are all put in question again by the new proposal.

Jeff, we had no interest in becoming engaged in civic dialogue when we moved to Langley. We have avoided it for forty years in our like-sized community in the Bay Area. But we simply can’t remain silent when a new proposal further threatens the blessed silence that is so precious during the evening hours.

We are grateful for the significant improvement in the sound problem that the current agreement has brought about. We are equally grateful for the civility of tone that the dialogue has had in recent months, and grateful to Maurosen for reaching out to the neighborhood.

I hope the PAB and the City Council ask themselves how they would feel if they lived in our neighborhood about the proposed new ordinance. Who will truly benefit from the new ordinance? And what is the cost to homeowners of that benefit? Is this truly what the residents and tax-payers of Langley truly want?

Please enter this letter as our comment in the record since we cannot be at the hearing.

Kind regard, and gratitude for your efforts,

Michael Lerner and Sharyle Patton

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A man is a method, a progressive arrangement; a selecting principle, gathering his like to him; wherever he goes.

Ralph Waldo Emerson
Dear Mayor McCarthy and Council Members:

We are full time residents of Langley and live next door to Mo's Pub. We sent the message below Jeff Arango, Langley City Planner, several weeks ago clearly communicating our opposition to increased amplified music at Mo's and our concerns about noise related to Mo's. We expressed our concerns to Maureen Cooke as well.

We are once again stating that we are opposed to increasing the amount of amplified music in our residential neighborhood. We are opposed to changing the current city ordinance to allow more music.

We are opposed to any change in the existing ordinance that would eliminate the permitting requirement for amplified music at Mo's or increase the number of such music events allowed. We request that you keep in mind that the current ordinance, in effect for only about three months, has already been violated by Mo's—an amplified music event was held at the pub without a permit. It would be counterproductive and inappropriate to reward the above unlawful behavior by eliminating the permit requirement and potentially allowing more amplified music events.

The ordinance passed by the city council a short time ago was a good faith collaborative effort to reach a fair compromise between Mo's Pub business interest and the neighbors' interest in keeping their quality of life in their residential neighborhood. A change in the current ordinance to allow amplified music at Mo's Pub without a permit would be unfairly dismissive of the quality of life issues of this neighborhood and have a potential negative effect on neighborhood property values.

We strongly encourage the Council to continue to require permits for amplified music at Mo's and to impose consequences for noncompliance.

Thank you for considering the entire community—residential and business.

Jim Carroll and Socorro Rodriguez
Third St, Langley

From: carrollrodriguez@comcast.net
To: jarango@langleywa.org
Sent: Saturday, April 27, 2013 6:23:32 PM
Subject: proposals regarding our residential neighborhood in Langley

Dear Jeff:

Thank you for the opportunity to participate in the April 3, 2013, public hearing regarding potential rezoning of our home on Third Street in Langley. As we stated in the meeting, we strongly oppose the proposal to change the zoning for our property from residential to commercial.

If, as indicated at the meeting, the purpose of the proposed change is to eliminate an inconsistency between the designation of our property in the Comprehensive Plan and the current zoning of our property, the obvious choice is to retain the current city zoning of our property, residential, and change the Comprehensive Plan designation of our property from commercial to residential.

The residential zoning of our property reflects not only its current use as our home but also its longstanding use as a
personal residence. The residential character of our neighborhood is apparent from the many other homes surrounding ours. Residential is the most appropriate zoning for our property.

While this is a residential neighborhood there is a commercial establishment nearby, Mo’s Pub. We are relatively new to Langley, having moved here just last October. We were well aware of Mo’s Pub before we purchased our home and made inquiries regarding potential noise levels. We heard there had been problems with noise related to Mo’s in the past but that these problems had been addressed.

Last January the Langley City Council enacted an ordinance that formalized the terms for amplified music at Mo’s Pub. We understood the ordinance was intended to be a compromise between Mo’s interests and those of the surrounding residents. We considered the issue of amplified music at Mo’s to be settled with the compromise enacted by the Council.

We were very surprised and concerned by the April 22, 2013, article in the South Whidbey Record indicating that barely 90 days after the adoption of a Langley ordinance to address amplified music at Mo’s Pub changes to the ordinance are being discussed.

In our view it is far too soon to revisit the issue of amplified music at Mo’s. As we approach the time of year when most of us will be spending more time outside we would like to enjoy warm weather and the outdoors without being unwilling listeners to amplified music.

It appears to us that Mo’s is already attracting large crowds, particularly on weekends. We wish for its continued success to the extent that its success is compatible with a residential neighborhood. We enjoy the charm and character of Langley very much. We’d like to continue to enjoy the quality of life that goes along with a quiet residential setting.

Please notify us of any public meetings regarding potential modifications to the current ordinance. We’d be happy to meet with you to discuss our concerns.

Thank you

Jim Carroll

Socorro Rodriguez

316 Third St.

Langley, WA
Mr. Mayor and Council,

We would like to express our opinion on the rewording of ordinance 989. The PAB and the 2nd St. Neighbors of Moe's Pub have addressed this issue already. It is our position that the verbiage remains unchanged at this time.

Sincerely,
Craig and Victoria Locke-Carty
410 2nd St.

221-3811
Hello Jeff,

I just want to go on record stating that I don’t think the City should allow Mo’s Pub to add more amplified music at this time. Let the current rules stand for now, allowing us all to see if Maureen and Bob push the envelope with what is currently in place this summer. They shouldn’t be allowed to add more amplified music if they can’t even follow what is currently in place.

Since we don’t normally hear much coming from Mo’s, I only have one example to share. It was one night last year when the music was so loud it felt like our home was shaking. No problem for us (really) until 10:00 when the music didn’t stop. It was at least 10:15 before all was quiet; then we were VERY irritated. I can’t imagine what Kay lives with on a more regular basis.

The situation is a no-win for Mo’s Pub or Kay. A bar next to a residential home is the problem, will always be a problem. I want Mo’s to thrive (good for our town) and I want Kay to enjoy her own home. Who is really to blame here? Is it the City’s for permitting it in the first place? **No more amplified music, please.**

Debra

Debra Waterman
PO Box 287
Langley, WA 98260
Cell: (360) 320-2106
To All Concerned,

The issue of amplified music as Maureen portrays it in her proposal is not all of the issue. To start with, Maureen has already violated the new ordinance on April 3 when she had unpermitted amplified music.

She cites that she has had some 28 music events at Mo's since the beginning of 2013. That means these events have been during the winter months when the doors are closed, tourists are not here yet, and the heavy tourist season has not begun. What happens in the summer when the doors are open? We have had two years of experience with this to tell us that amplified music is loud and causes a disturbance for us in this residential neighborhood.

Secondly, more music events means more parking in front of our houses, and more enforcement of the parking restrictions. Who is prepared to do more enforcement? As it is, we struggle with the parking issue—adding more music events means a greater problem. If it has not been clearly registered previously as a complaint about the parking in our restricted residential zone, please read this as an official complaint. The parking issue is not being enforced adequately and we haven't even hit the full height of the summer season. This has gone on long enough.

Third, just because we haven't called 911 to complain about the noise doesn't mean we aren't disturbed. Many in our neighborhood feel that to call 911 for such a complaint is not a good use of the emergency system. The Langley police are not around in the evenings so it is not easy to register a complaint. And we are tired of complaining and wonder why we, the neighbors, are the ones who have to be the enforcers. The neighbors are reluctant to speak openly about their concerns and their level of frustration but the exchanged emails clearly identify their displeasure. In addition, we don't complain to you directly Maureen, because the past has taught us this is not wise.

Fourth, we are entitled as residents of Langley to live in a neighborhood that is quiet, restful, and peaceful. Since Mo's has decided to run a bar in a residential neighborhood, it needs to be said that this business attracts a bar crowd which means loud motorcycles, loud voices, having to live around drunk people, and constant noisy activity. Its the nature of the beast. Our living situation is already compromised by the City's potentially illegal decision to allow a bar to operate in a residential neighborhood. So at the very least, we deserve to preserve what little tranquility we have now; by eliminating and reducing noise, not adding to it.

Our city code states:

Public Disturbance Noise

8.10.020 Unlawful conduct.

It is unlawful for any person to cause, or for any person in possession of property to allow sound originating from the property that is a public disturbance noise. the following sounds are determined to be a public disturbance:

e. The creation of frequent or repetitive sounds which emanate from any building, structure, apartment, or condominium, which unreasonably interferes with the peace, comfort, and repose of owners or possessors of real property, such as sounds from musical instruments, audio sound equipment, band sessions, or social gatherings which can be heard seventy-five feet from its source in a residential zone or one hundred fifty feet from its source in a business or commercial zone between the hours of nine p.m. to nine a.m.
Fifth, the noise from the front deck of Mo's is a problem already. People who drink are loud, but adding more music events means more people, more drunks, more people on the outside deck, and we are already at an unbearable level. On nice days it is impossible for me to entertain on my own patio or deck and not be affected by the noise coming from the front deck. This deck by all rights should be enclosed and screened.

Sixth, if the argument here for more amplified music is based on the idea that it doesn’t bother anyone—because there have been no complaints, then it needs to be said that both the level of music (decibels) and the attendant problems that come from more people, and more traffic, will need to be monitored. Who is going to monitor this? I for one, do not want to get into a pissing match with Maureen because the music is too loud—even if it registers at a certain decibel. Let it be said for the record—when she has amplified music during the winter months, I cannot sit in my living room. The noise is too loud. And when the summer comes and the doors are open, on "amplified" evenings, I have to leave and repeatedly ask friends to give me a place of respite. I do this now 6 times a year. How many more times am I expected to leave my home so music can be played next door?

Lastly, my property is already compromised with the level of impact from Mo’s Pub. My friends can’t park in front of my house, or even near my house most days from 4pm to midnight. I am restricted in my ability to entertain outside on nice days due to Pub noise. Car noise, people slamming doors, yelling, and smoking nearby goes on here 7 days a week. My property value has been decreased as a result of being next to Mo’s and I am tired of being stressed with having to defend my rights and my property for the last two years. Enough is enough.

I am adamantly opposed to adding more amplified music events, changing the existing code, or having any new code introduced that further impacts my property and quality of life.

If the City or Maureen want more amplified music events at Mo’s and you want to disregard my rights as a property owner and the current zoning laws regarding noise, or you want to deny that what has already been allowed does not have a significant impact on the quality of life here in this neighborhood and for my property, then I would like to suggest that either the City or Maureen buy my property. Problem solved.

Kay Lagerquist

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From: Maureen Cooke
To: Victoria Locke Cary; Shanty Patton; Donna Chrislensen; Kay Lagerquist; Craig Cary; Debra Waterman; Steve O'Sullivan; Todd Jacobs; Janet & Frank Pfeil; Bob Griffith; Jim Carroll & Socorro Rodriguez; Jeff Arango; Michael Cranner; Michael Lerner
Cc: Fred McCarthy; Robert Trenchard
Sent: Thursday, May 02, 2013 9:22 AM
Subject: proposal to amend Ord. 989 regarding "amplified" music

We have put in a proposal to the city council to consider a small change in the wording of Ord. 989 and we wanted to share this with you.

The object of this exercise is to show that regular "amplified" music need not be noisy or loud and to showcase the fact that all (or nearly all) of our locals musicians playing in Langley and more particularly at MO's do not create a disturbance or nuisance to our neighbors.

We are on the city council’s May 6th agenda to ask for this revision and we welcome any & all of your thoughts on the matter. Please try to attend this meeting if possible.

We do not wish to go beyond the 6 "amplified" permitted dates where we have larger bands with dancing. This revision is to allow us to continue with our music series during the week where we have groups of 2-4 local musicians playing softly for the dinner crowds. Plus we have offered to monitor them with decibel meters at all times. There is an app for iPhones which we have downloaded as well as small hand-held machines to perform this task.

Nothing is changed as we had these small groups in for many many performances since the beginning of 2013 and apparently nobody noticed any differences. A microphone is prohibited for singers under this ordinance. Some instruments require electricity for them to work. None of this is allowed under Ord. 989.

Thank you in advance for taking the time to read the cover letter of our proposal and we hope you will be able to attend the meeting on May 6th starting at 5:30pm at city hall. Maureen C.
----- Original Message -----  
From: Craig Carty  
To: Jeff Arango  
Cc: council@langleywa.org ; 'Steve O'Sullivan' ; Todd Jacobs ; 'Victoria Locke Carty' ; Mayor ; 'Michael Lerner' ; Maureen Cooke  
Sent: Monday, August 12, 2013 10:16 AM  
Subject: Ord 989 revisions  

Jeff,  
As I have previously stated I am of the opinion to currently keep the ordinance as currently written. I do not favor a change at this time.  
Mo's establishment has been improving as of late the current ordinance appears to be working.  

Craig J Carty  
410 2nd St  
Langley, WA  
Phone 221'-3811  
My cell 360-661-5340
Hi All,

Here is my take on this - the city does not get it on how more events at Mo's impacts our lives. This is not an issue of how loud the music is - although I do appreciate the idea and consideration on limiting the time. This is an issue of what it means to have a bar, cocktail lounge, performance center next to a residential neighborhood. When there is no music, esp. in the summer, Mo's is packed until 6:30pm anyway with almost no parking on the street - even though there are multiple signs posted, and the police are supposed to enforce these - which they do not. This is even worse on the weekends. So if we add more venues for music, it will mean more people, more cars, more traffic, more impact on our lives. Then there is the noise of all the people on the deck, at their cars, on their motorcycles, the talking, the shouting, and even the screaming - it is not a quiet neighborhood thing. So I am opposed to anything that creates more of an impact in our already stressed neighborhood.

And God help me if I should choose to entertain at my own home - where will my guests park? These are our homes - not an inconvenience to the prosperity of Mo's. I am very tired of the city capitulating on their already established zoning codes:

First, and when all of us bought our houses here, the city had a code that said there could be NC amplified music, [or cocktail lounge, bar, tavern] next to a residence. Then that got changed this year and Maureen was allowed 6 amplified music events. No sooner had that code been set up than Maureen made this proposal to the City Council (I think it was about 1 week after the new provision for amplified music passed) to have amplified music all the time. The Mayor, or the Council did not stand by their new code - instead they tried to appease Maureen and passed the idea back to the Planning Advisory Board - shell we say they passed the buck?

Now comes all of our parts - our neighborhood unanimously wrote to the Council and the Mayor that we do not want any more amplified music events. So what part of No don't they get? They are now asking us once again, to all write in and tell them if this new appeasement might be ok.

How about they give us a break? We have more to do with our time than constantly be on the lookout for the latest way Maureen wants to manipulate the law and the code. It is the City's responsibility to uphold the code - and I doubt it is in the City's best interest to have to be constantly amending the code every time Maureen finds it inconvenient. This Pub should never have been allowed to be established in a private residential neighborhood. It was a violation of the existing code. A quiet little neighborhood Pub is how it was sold to us neighbors and to the City Council - Now we have an expanded performance and nightclub venue.

If Maureen wants to expend she needs to find a space that is big enough, has adequate parking, and noise will not be a problem and its not in a neighborhood. Then she can grow as large as she wants.

I for one am very tired of being told by Maureen, that its our fault for buying homes in the city. Its also time that the city accept some responsibility for allowing this situation in the first place and for once and for all, standing by their codes. The code says there can be 6 amplified music events. That was a concession from the original code. I am opposed to further concessions.

Please hit Reply All when you respond so we can all be informed where we are as a neighborhood with this issue.

And one last closing piece - for all the hoopla about Maureen monitoring the decibels of the amplified music at her place, on the last allowed event she had Pete's Band and the music was so loud I had to leave. My windows rattled, the boom-boom-boom of the base was vibrating through my windows. Who is going to go down there on each and every event to monitor the volume level? No one, most likely none of you, and most of all, not the police. This is a can of worms that just doesn't need to be allowed.

Love you hear your thoughts,
Kay
— Original Message — From: "Jeff Arango" <jarango@langleywa.org>
To: "Jeff Arango" <jarango@langleywa.org>
Sent: Friday, August 09, 2013 11:28 AM
Subject: Amplified Music Ordinance
Hello,

The Langley Planning Advisory Board is interested in soliciting comment on a specific proposal that would allow additional low-intensity amplified music performances on commercial properties adjacent to residential zoning.

The current proposal limits the performances to 8:30 pm on a weeknight and 9 pm on a weekend. The music shall not be audible at the adjoining property line with any single family residence. If adopted, it would be put in place or an interim basis (up to six months) to be able to assess any impacts and determine whether it would be adopted on a permanent basis. A public hearing would be held during the six month interim period to determine if the program should be rescinded or passed on a permanent basis.

We are sending this notice to all neighbors of Mo’s Pub to solicit comments on the proposal. We understand that many of you are on record as opposing any additional allowances for amplified music, but the PAB is interested in comments on the specific proposal. No decisions have been made on whether or not the proposal will be moved forward. The city council will have the final say on any adoption.

The PAB is holding a special meeting on August 21, 2013 @ 3 pm in City Hall to discuss and solicit comment on the proposal. You may choose to attend the meeting or submit written comments for the record.

If you have any further questions or wish to meet with me individually please don’t hesitate to contact me.

Best,

Jeff Arrango, AICP
Director of Community Planning
360.221.4246 x20
JArrango@LangleyWA.org
www.LangleyWA.org
www.designLangley.org

City of Langley
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Proposed Revisions to Ordinance 989
Amplified Music Restrictions for Properties Adjacent to Single-Family Residential Zoning Districts

Background: The owners of Mo’s Pub and Eater have requested the city modify Ordinance 989 to allow low intensity amplified music on properties adjacent to Single-Family Residential Zoning Districts. Amending the ordinance would apply to all properties currently affected by Ordinance 989 now or in the future. Mo’s Pub desires to have music during its dinner service to attract customers and create ambiance for the Irish Pub. Certain instruments need low-level amplification to function properly and be heard by guests even though they are in fact amplified. These events would not include a dance floor and a concert like atmosphere like the special amplified music events. In accordance with RCW 35A.63.220 the amended language below may be implemented on an interim basis (up to 6 Months) in order to assess the affect it has on surrounding residential property owners. An interim ordinance may be rescinded at
Purpose: To allow low intensity amplified music performances that will not negatively impact surrounding single-family residential residents. The intent is to allow for live music that is consistent with acoustical music in terms of noise impacts, but requires some degree of amplification for the music to be properly heard.

Amending Section 19.22.035(2)(F)

F. Live amplified music after 9:30pm on a weekday, and 9pm on a weekend (Fri, Sat) is prohibited without a special events permit issued by the City Council. No exterior live amplified music shall be permitted. In order to obtain a special events permit, the applicant shall be required to demonstrate to the satisfaction of the City Council reasonable temporary or permanent means used to attenuate noise impacts to adjacent residential properties. A maximum of six special live amplified music permits may be issued in a calendar year. Live music in a non-age restricted dining area shall require approval of the Washington State Liquor Control Board and a copy must be provided to the City prior to approval. Amplified live music associated with a special events permit shall cease at 10:00 p.m. Sunday through Thursday nights and 11:00 p.m. on Friday and Saturday nights. On New Year’s Eve, such amplified live music must cease by 1:00 a.m.

a. Live amplified music not associated with a special event permit is intended to allow only low level amplified music that is intended to provide ambiance at the business establishment such as piano dinner service at a restaurant. Live amplified music is only permitted before 8:30pm/9pm without a special event permit if it is not audible at any property line that abuts a single-family residence excluding properties directly across the street right-of-way.
Fred McCarthy <mayor@langleywa.org>  
To: "Cynthia Tilkin" <cynthiatilkin@whidbey.com>  
Co: "council@langleywa.org" <council@langleywa.org>, Jeff Arango <jarango@langleywa.org>  
Re: Mo's Pub

May 20, 2013  5:12 PM

Thank you, Cynthia.
This will be a matter of the public record.
I will also forward it to Jeff with a request that it be
shared with the PAB and will copy it to the council as well.
Sincerely,
Fred

On May 17, 2013, at 3:10 PM, "Cynthia Tilkin" <cynthiatilkin@whidbey.com> wrote:

Dear Fred,

Please pass this letter to the PAB, City Council and Jeff Arango.

I have owned a store in Langley for 24 years, a commercial business next to a residential property, and never violated a city code or upset a neighbor. The same can not be said for Mo's Pub.

By their own admission, Mo's Pub has violated the new music ordinance 28 times and upset the long suffering neighbors and has never been fined or sanctioned. Most specifically, a violation occurred on April 3, 2013, and Maureen Cooke was only mildly reprimanded. Now Mo's is asking for a watering down of the new ordinance. They say they will not be opening the doors when they have music and they "will not have music in the summer because we will be too busy". I truly doubt that, given their history. They continually ask for an inch and then take a mile.

Many neighbors are continually disturbed late into the night with music, loud yelling, cars and motorcycles peaking out. I witness all that noise frequently when I work late at night at my store. City code clearly defines tolerable and intolerable noise disturbance and the appropriate actions the city needs to take to enforce this part of the code. We have already invested time, money, and community goodwill to establish these parameters. In addition to the disturbance, the Liquor Control Board has had to levy fines against Mo's Pub. This is not the time to reward Mo's with a watering-down ordinance. Why should the city now make allowances and reward a business that commits so many violations?

City Planner, Jeff Arango has had previous experience with measuring decibels and knows that it is too difficult to determine realistic levels. He has also stated in a City Council meeting that we do not have the ability to enforce a decible ordinance. That will clearly not be fair to the residents of 2nd Street and 3rd Street in the case of Mo's Pub.

From the beginning Mo's has been a problem. The city should be ashamed and bend over backwards to not make the situation that occurred in 2011 under Paul Samuelson's mayoralty. City statutes were violated by allowing a cocktail lounge into a residential neighborhood. It has now become a tavern. It would appear that the City thinks that Mo's business is vital to the city coffers and that the city needs to jump to please Maureen and Bob. That is far from true. The neighbors in the residential areas are far more important to the vitality of the town. Residents are important to our businesses and each resident has 200 friends and family, on average, who potentially support our businesses. Right now, you have at least 5 neighbors who are very upset with the city and continually communicate their feelings to each other.

The City Council has abdicated responsibility on enforcing the new "Mo's Pub" ordinance by passing the buck to the PAB to review this code one more time.

With proper background review, one can see that Maureen Cooke has a history of violating city codes. She did it with Twickingham Bed and Breakfast: she did it with expansion of Mo's Pub without a proper 30 foot buffer; and she did it, with multiple infractions of the current noise ordinance. In 2013, under mayor Neil Olsbourn, Maureen signed a contract to never establish a cocktail lounge or tavern on the premises when she petitioned the city to move from a "beer and wine" liquor license to a Class H liquor license stating that she would not turn this permit into a tavern or cocktail lounge. This agreement is on record. Maureen's has a history of manipulating the city code and since the city does not firmly and consistently enforce its code, Maureen violates the city's statutes, or demands that the code be changed to suit her purposes.

For all of these reasons, and as a neighbor to Mo's Pub, I oppose any change to the new ordinance, especially to allow more amplified music.

Cynthia Tilkin
Owner In The Country
Maureen, thank you for your gracious invitation to create neighborhood goodwill. I'm happy to come, but honestly thought this had already been gone over, and over, and over last summer. Rules, ordinances and Promises from Mo's having been made.

While I understand from Bob's recent email he doesn't think much of Jeff's noise ordinances or possibly it's just Jeff's take/application of those ordinances. To my knowledge though, they haven't changed and despite Bob's dislike on Jeff's 'take' of volume, acoustics, amplified I do find it important that whatever ordinances are currently in place be followed and/or monitored. It just seems like a very clean and above board way of maintaining what had finally begun to work. I may be optimistic in my assumption that your Promises made last year, at Council meetings, in the Newspaper and via email as well as through your then Attorney are going to be kept. But I believe you to be people of your word who truly want to be the best neighbors possible while still making a living. So, unless proven otherwise I'm working under the assumption that noise, crowd, serving time and place issues will be upheld by you guys.

That said, for me, I don't know that further discussion is really needed but if there's new information that should or needs to be shared I'm happy to be a good neighbor and participate. However I'm still simply relying on your promises and the city's ordinances to keep all of us good neighbors and happy with one another.

Please advise if there are new or different issues to be addressed. And I do sincerely wish you continued and even growing success.

Best.

Steve O
On 4/23/2013 4:00 PM, Maureen Cooke wrote:

Hi everyone. Summer is fast approaching with the advent & hopes of nice weather which means the decks at the Pub will be in full action.

We wanted to invite all of you to come & discuss what your ideas are with regard to the decks and how we, as good neighbors, can try to make sure that everyone is happy & undisturbed.

Monday, April 29th is when we thought we could try for a meeting of the minds at the pub say around 6pm???? Please let me know if that will work for you & advise of your presence. Thanks so much. Maureen C.