

**MOTION**


Moved by Council Member Devine, seconded by  
Council Member Agajanian, that, with respect to the Report to  
Council dated July 30, 2019 regarding Potential Revisions to the Noise Control  
Ordinance (Glendale Municipal Code Chapter 8.36) Relating to the Use of Amplified  
Sound Equipment, the Council hereby directs staff as follows:

## Vote as Follows:

Ayes: Agajanian, Devine, Quintero, Najarian  
Noes: None  
Absent: Gharpetian  
Abstain: None

THE MOTION WAS ADOPTED AT THE SPECIAL CITY COUNCIL MEETING OF: Tuesday, July 30, 2019.

APPROVED AS TO FORM

  
CITY ATTORNEYDATE 7/24/19



**CITY OF GLENDALE, CALIFORNIA  
REPORT TO THE:**

Joint ☐ City Council ☒ Housing Authority ☐ Successor Agency ☐ Oversight Board ☐

July 30, 2019

**AGENDA ITEM**

Report: Potential Revisions to the Glendale Municipal Code Noise Control Ordinance (GMC 8.36) Relating to the Use of Amplified Sound Equipment

- 1) Motion to provide direction to staff regarding potential revisions to the Glendale Municipal Code Noise Control Ordinance (GMC 8.36) relating to the use of amplified sound equipment

**COUNCIL ACTION**

Public Hearing ☐ Ordinance ☐ Consent Calendar ☐ Action Item ☒ Report Only ☐

Approved for July 30, 2019 calendar

**ADMINISTRATIVE ACTION**

Submitted by:  
Philip Lanzafame, Director of Community Development

Prepared by:  
Cassandra Pruett, AICP, Planner

Approved by:  
Yasmin K. Beers, City Manager

Reviewed by:  
Michael J. Garcia, City Attorney

Carl Povilaitis, Police Chief

Michele Flynn, Interim Director of Finance

Bradley Calvert, AICP, Assistant Director of CDD (Planning)

Erik Krause, Deputy Director of CDD (Planning)

Chris Baghdikian, AICP, Sr. Planner

Signature  
[Signature]  
C. Pruett  
[Signature]  
Michael J. Garcia  
[Signature] Chief of Police  
[Signature]  
[Signature]  
[Signature]  
C. Baghdikian

## **RECOMMENDATION**

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Staff recommends Council provide direction regarding potential changes to the Glendale Municipal Code (GMC) Noise Control Ordinance (GMC 8.36).

## **BACKGROUND/ANALYSIS**

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### **BACKGROUND**

On November 7, 2006, Council adopted the Downtown Specific Plan ("DSP"). The DSP was intended to better reflect the community's vision for Glendale, including accommodating housing needs and ensuring downtown's long term economic success in the region. The DSP Vision, as outlined in the document, was that "downtown Glendale will be an exciting, vibrant urban center which provides a wide array of excellent shopping, dining, working, living, entertainment and cultural opportunities within a short walking distance." The DSP further outlined ten key goals, including to "concentrate growth in the downtown – a transit-rich entertainment, employment and cultural center – to relieve development pressures on existing residential neighborhoods."

The Land Use chapter of the DSP outlined five key land use policies, including to "encourage appropriate land uses that extend the life of Downtown into the evenings and weekends so that daytime, weekend, and nighttime uses can support each other and share parking seven days a week. Such uses can contribute to the vitality of the downtown area and the vitality of downtown businesses."

The DSP then designated various districts within its boundaries, each having their own development standards. The Alex Theatre District and Maryland District (now the Art & Entertainment District) (see map at Exhibit 1) encouraged a combination of entertainment, restaurant, and retail/service uses.

On March 15, 2011, Council amended the DSP to encourage the concentration of arts, cultural and entertainment venues and associated retail uses on Artsakh Avenue between Harvard Street and Wilson Avenue, by specifically designating the area as Glendale's "Art and Entertainment District (A&E District)." The district is anchored at each end with important civic and cultural venues, including the Alex Theatre and Downtown Central Library. The intent of the district is to encourage the clustering of theaters, music clubs, comedy clubs, art galleries, and similar uses.

Since adoption of the DSP and A&E District, and in concert with redevelopment efforts, Glendale's downtown has matured into an economically vibrant area with a variety of urban amenities and a more active nightlife. One way businesses in the downtown offer entertainment to the community is by providing music via amplified sound equipment. The City currently regulates the use of amplified sound equipment through the GMC Noise Control chapter (GMC Chapter 8.36, or "Noise Control Ordinance"). The Noise Control Ordinance regulates the permissible noise levels for daytime and nighttime activities and requires the use of amplified sound equipment to cease at 10pm, whereas many businesses operate until later in the evening. This restriction on the use of amplified sound equipment acts as a restriction on business operations, which may hinder the DSP goals of promoting a vibrant downtown and extending its activity into the evenings. At the same time, a significant portion of DSP development has included multi-family residential housing units. In some cases, these housing units are located adjacent to entertainment areas where amplified sound late into the night causes a conflict.

The GMC Noise Control Ordinance was adopted in 1991, prior to the build-out of the DSP. Recognizing that Downtown has transformed into a vibrant evening destination within the

region, staff is bringing to Council for consideration information regarding whether it is appropriate, and what would be involved, in potentially revising the GMC Noise Control Ordinance. Potential revisions would address extending the allowed hours of operation of amplified sound equipment in order to better accommodate entertainment uses that were encouraged by the DSP, while remaining consistent with the General Plan Noise Element and not creating nuisance for nearby residential uses.

Staff reviewed noise control ordinances from other cities with high-density entertainment districts interfacing with multi-family residential uses, to identify whether and/or how they are addressing the impacts of noise (specifically from amplified sound equipment). Staff identified two cities (Pasadena, CA [Old Pasadena] and Portland, OR [Pearl District]) that have less stringent noise standards in mixed-use areas; however, the noise standards were established prior to the development of multi-family residential uses in the zone. In Long Beach, amplified sound equipment may be used until 12am on Fridays and Saturdays for special/occasional events and by permit only, with the condition that sound not be audible beyond 50 feet of the exterior of the premises and not be unreasonably loud or disturbing within the 50 feet. In Santa Monica, noise levels in the 3<sup>rd</sup> Street Promenade and Transit Mall areas are limited to 85 dBA within 25 feet of the source of the noise on Fridays and Saturdays until 12am, with the condition that any speaker or sound reproduction system not be audible inside the premises of another building or structure with its doors and windows closed and not be taller than 3 feet. In the remaining 11 cities studied, the noise ordinances are applied consistently throughout the city and amplified sound generally ceases by 10pm, consistent with the existing Glendale Noise Control Ordinance.

#### ANALYSIS

By state law, the GMC must be consistent with the General Plan; thus, any changes to the Noise Control Ordinance must be consistent with the General Plan Noise Element. The following descriptions of the General Plan Noise Element and Noise Control Ordinance identify key sections of the respective documents that are relevant to a discussion of revising the Noise Control Ordinance to extend the allowed hours of operation of amplified sound equipment in the Alex Theatre and A&E Districts.

#### **General Plan Noise Element**

The Noise Element of a General Plan is a comprehensive program for including noise management in the planning process. It is a tool for local planners to use in achieving and maintaining land uses that are compatible with environmental noise levels. Glendale's Noise Element (adopted in 2007) identifies noise sensitive land uses and noise sources, and defines areas of noise impact for the purpose of developing programs to ensure Glendale residents will be protected from excessive noise intrusion. The Noise Element follows the State of California Governor's Office of Planning and Research General Plan Guidelines and State Government Code Section 65302(f) relating to general plan requirements.

The Noise Element identifies and appraises noise problems in the community, and analyzes and quantifies current and projected noise levels in the community. It then provides recommended noise standards for use in assessing the compatibility of proposed land uses with the noise environment, and for use in developing city policies related to land uses and acceptable noise levels (see Exhibit 2). Although the Noise Element contains recommended noise standards, the document does not actually set those standards. Noise standards in Glendale are specified in the Building Code (i.e., indoor noise standard for non-single family residential, achieved by regulating the use of building materials for new construction to ensure

they block exterior noise) and the Noise Control Ordinance, which is identified in the Noise Element as the most effective method to control community noise from existing uses.

One of the noise issues identified in the Noise Element is the interface between noise and downtown residences. The Noise Element recognizes the revitalization of downtown, construction of mixed-use projects, and the potential conflict between clubs, late-night restaurants, banquet facilities, and residential uses located near each other. While it suggests that downtown residents must accept a certain amount of elevated noise levels, it offers the recommended noise standards as the tool for ensuring excessive noise from new development and land use policies will be avoided or mitigated.

Another relevant noise issue discussed in the Noise Element is the interface between banquet facilities and residences. A description of common noise impacts generated at banquet facilities is described, and the analysis points to the Noise Control Ordinance as regulating those impacts, including stringent noise limitations after 10pm. Any Noise Control Ordinance revisions affecting banquet facility uses would need to be evaluated in terms of this section of the Noise Element.

### **Noise Control Ordinance (GMC Chapter 8.36, Noise Control)**

The Noise Control Ordinance currently outlines definitions, the methodology for measuring noise, noise standards, and regulations. Sections of the Noise Control Ordinance specifically relating to the use of amplified sound equipment in the downtown are as follows, with a brief description of relevant issues in terms of revising the ordinance.

- GMC 8.36.040 and 8.36.050 - Presumed and ambient noise levels (see Exhibit 3). Noise in excess of the presumed ambient (or actual ambient if it is less), plus five dbA, is a violation. A noise study by a professional acoustical engineer would need to be conducted to determine if the use of amplified sound equipment in the downtown during extended nighttime hours will exceed this threshold and whether this code section should be revised.
- GMC 8.36.280 – Regulates the use of sound-amplifying equipment, including permitted hours of operation for equipment, a 15 dbA noise limit above presumed/ambient noise levels, a 200-foot buffer around sensitive uses (i.e., churches, schools, hospitals, libraries, and city/county buildings) where the equipment may not be used, and a general limit on the volume to prevent it from being unreasonably loud/disturbing/etc.

A revision to this code section has the potential to result in inconsistency with the Noise Element. First, noise levels generated from the use of amplified sound equipment late in the evening could exceed the recommended noise levels in the Noise Element. Second, several sensitive uses have been identified within a 200-foot buffer of the subject area (see Exhibit 4). A noise study by a professional acoustical engineer would need to be conducted to measure the impacts of any proposed changes to the ordinance to ensure consistency with the Noise Element's recommended noise standards, and to conduct analysis regarding proposed changes to ensure they will not impact sensitive uses.

- Other sections of the ordinance that would be impacted by a revision relating to the use of amplified sound equipment are as follows. These sections should also be addressed with a noise study where applicable, and analysis:
  - GMC 8.36.110 – Makes unlawful the production of loud or unusual noises that disturb the peace/comfort/health of neighboring residents, determined by

considering certain criteria including the volume of noise to residential bedrooms, the time of day/night the noise occurs, etc.

- GMC 8.36.160 – Makes unlawful the use/operation of a machine or device for the producing or reproducing of sound during nighttime which disturbs the peace/comfort/health of neighboring residents.
- GMC 8.36.210 – Makes unlawful the operation of any device which creates vibration above the threshold of an individual within a certain distance.
- Council may consider an option to extend the allowed hours of amplified sound equipment use, but grant authority to Community Development to place restrictions on such use in order to avoid/mitigate negative impacts. For example, by requiring the use of sound barriers, limiting amplified sound equipment height/direction, etc.
- As a note, GMC 8.36.310 currently includes a provision that any person may apply for a variance from the noise regulations under the variance procedure set forth in GMC Title 30 (Zoning).
- Any changes to the Noise Control Ordinance will still be subject to California Penal Code Title 11 of Crimes Against the Public Peace, Section 415, which prohibits a person from willfully disturbing another person by loud and unreasonable noise.

#### **Additional Considerations**

Professional planners consider the interrelated effects of policies that cause or influence change in communities. In doing so, they address issues such as comprehensiveness, consistency and long-term perspective, in order to ensure sound analysis and well-formed policy. As a result, staff identified the following additional considerations regarding this agenda item:

- Two minor inconsistencies between the Noise Element and Noise Ordinance were identified and may be addressed as part of an update to the Noise Ordinance: 1) Noise Element Policy 4.1 (adopted by Council in 2007) calls for shortening the hours of allowed construction noise on Saturday from 7am – 7pm to 9am – 5pm; however, the Noise Control Ordinance has not been updated to reflect this policy change; and 2) The Noise Element's recommended interior noise limit is 45 CNEL (Community Noise Equivalent Level, a weighted average of noise level over a 24-hour period, with noise during night time hours being more heavily weighted), whereas the Noise Control Ordinance allows 55 dBA during daytime. Staff recommends addressing these items at this time.
- Changes to the Noise Control Ordinance have the potential to trigger impacts relating to numerous other City policies, regulations, and documents. At this time, staff recommends Council provide direction on this particular agenda item per the below recommendation. Should Council direct staff to move forward with a noise study, the results of the noise study will provide some indication of the scale of impacts, and staff will conduct a full evaluation and report of related impacts at that time.

#### **RECOMMENDATION**

Staff recommends Council consider whether it wishes to proceed with exploring potential revisions to the Noise Control Ordinance to extend the allowed hours of operation of amplified sound equipment in the DSP Alex Theatre and Art & Entertainment Districts. If Council wishes to proceed, staff recommends Council specify which days and times should be studied as

potential extended hours of operation for the use of amplified sound equipment. The current limitation for commercial purposes is 7am-10pm Monday through Saturday except legal holidays, and for non-commercial purposes the limitation is 7am-10pm any day. As examples, Council may consider the following options for extending the nighttime hours for commercial uses:

- Friday and Saturday until 12am of the following day
- Friday and Saturday until 2am of the following day (at which time alcohol service ends)
- Thursday, Friday and Saturday until 12am of the following day
- Thursday, Friday and Saturday until 2am of the following day (at which time alcohol service ends)

Staff recommends that the existing hours be maintained from Sunday through Wednesday.

Staff further recommends addressing the two inconsistencies described in the "Additional Considerations" section of this staff report (hours of allowed construction noise and interior noise standards) in order to ensure consistency between the Noise Element, Noise Control Ordinance, and Building Code.

If Council wishes to proceed, staff recommends Council authorize the issuance of a Request for Proposals (RFP) to acoustical engineering consultants to conduct the necessary studies and analysis of proposed Noise Control Ordinance changes to accommodate later hours of amplified sound equipment use, consistent with Council's direction. Staff estimates the study will cost up to \$10,000, and the Planning Division has available funds within its contractual services budget. The study and analysis are essential to identify the appropriate process and path to make any changes that may be recommended by Council.

#### **FISCAL IMPACT**

There is no fiscal impact associated with providing direction to staff regarding potential revisions to the Noise Control Ordinance. If Council directs staff to move forward with studying potential revisions to the Noise Control Ordinance, staff estimates the study will cost up to \$10,000. The Planning Division has available funds within its contractual services budget (43110-1010-CDD-2500).

#### **ALTERNATIVES**

Council has the following alternatives to consider with respect to this agenda item:

Alternative 1: Council may direct staff to proceed with the exploration of potential revisions to the Noise Control Ordinance, with direction on which days and times to study for extended hours of operation of amplified sound equipment, and including addressing the two inconsistencies identified. Staff would issue an RFP to contract with a consultant to conduct necessary noise studies and analysis of potential changes. Funding for the study is available within the Planning Division contractual services budget. This alternative will enable Council to receive a thorough analysis of the potential for better accommodating nighttime uses in the downtown by extending the allowed hours of operation of amplified sound equipment.

Alternative 2: Council may direct staff to not proceed with potential revisions to the Noise Control Ordinance. This will result in the current limitation on the hours of operation of amplified sound equipment in the DSP Alex Theatre and Art & Entertainment Districts to remain in place. The limitation will continue to somewhat restrict entertainment operations for certain businesses, which may somewhat hinder the expansion of nighttime uses in the downtown. The variance procedure in GMC Title 30 (Zoning) will remain applicable.

Alternative 3: The City Council may consider any other alternative not proposed by staff.

**CAMPAIGN DISCLOSURE**

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Not applicable to this agenda item as no contract is being considered at this time.

**EXHIBITS**

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- Exhibit 1: Map of Alex Theatre and Arts & Entertainment Districts
- Exhibit 2: General Plan Noise Element Noise Standards
- Exhibit 3: Presumed and Ambient Noise (from Noise Control Ordinance)
- Exhibit 4: Map of 200-foot buffer and sensitive uses



## MOTION

Moved by Council Member \_\_\_\_\_, seconded by  
Council Member \_\_\_\_\_, that, with respect to the Report to  
Council dated July 30, 2019 regarding Potential Revisions to the Noise Control  
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Vote as Follows:

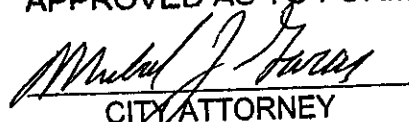
Ayes:

Noes:

Absent:

Abstain:

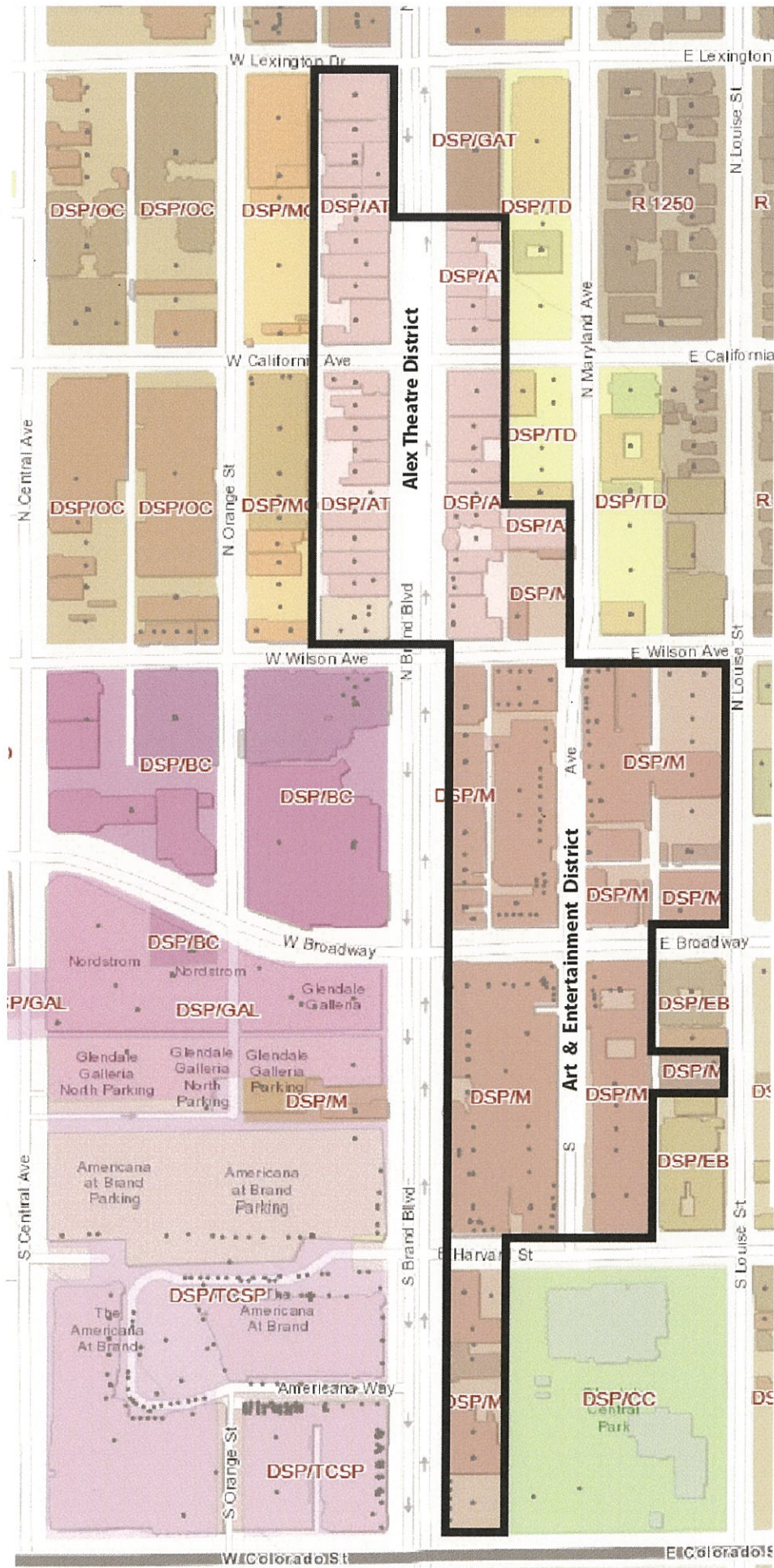
APPROVED AS TO FORM

  
CITY ATTORNEY

DATE 7/24/19

# Downtown Specific Plan Districts

EXHIBIT 1



## General Plan Noise Element

Table 2  
**INTERIOR AND EXTERIOR NOISE STANDARDS**

LAND USE CATEGORIES		NOISE STANDARDS	
CATEGORIES	USES	INTERIOR CNEL	EXTERIOR CNEL
RESIDENTIAL	Single Family	45 (1)	65 (2)
	Multi-Family	45 (1)	65 (3)
	Residential within Mixed Use	45 (1)	--
COMMERCIAL	Hotel, Motel, Transient	45 (1)	--
	Lodging		
INSTITUTIONAL	Hospital, School Classroom, Church, Library	45	--
OPEN SPACE	Parks (4)	--	65

**Notes:**

1. Applies to the indoor environment excluding bathrooms, toilets, closets and corridors.
2. Applies to the outdoor environment limited to the private yard of single family residences (normally the rear yard).
3. Applies to the patio area where there is an expectation of privacy (i.e., not a patio area which also serves as, or is adjacent to, the primary entrance to the unit).
4. Only applies to parks where peace and quiet are determined to be of prime importance, such as hillside open space areas open to the public. Generally would not apply to urban parks or active-use parks.



## Presumed and Ambient Noise

### 8.36.040 Presumed noise standards.

- A. The following exterior noise standards, unless otherwise specifically indicated, shall apply to all property within a designated zone:

Zone	Decibels	Time
Cemetery and residential (single family and duplex)	45 dbA	Nighttime
Cemetery and residential (single family and duplex)	55 dbA	Daytime
Residential (multifamily, hotels, motels and transient lodgings)	60 dbA	Anytime
Central business district and commercial	65 dbA	Anytime
Industrial	70 dbA	Anytime

- B. The following interior noise standards, unless otherwise specially indicated, shall apply to all residential property within a designated zone:

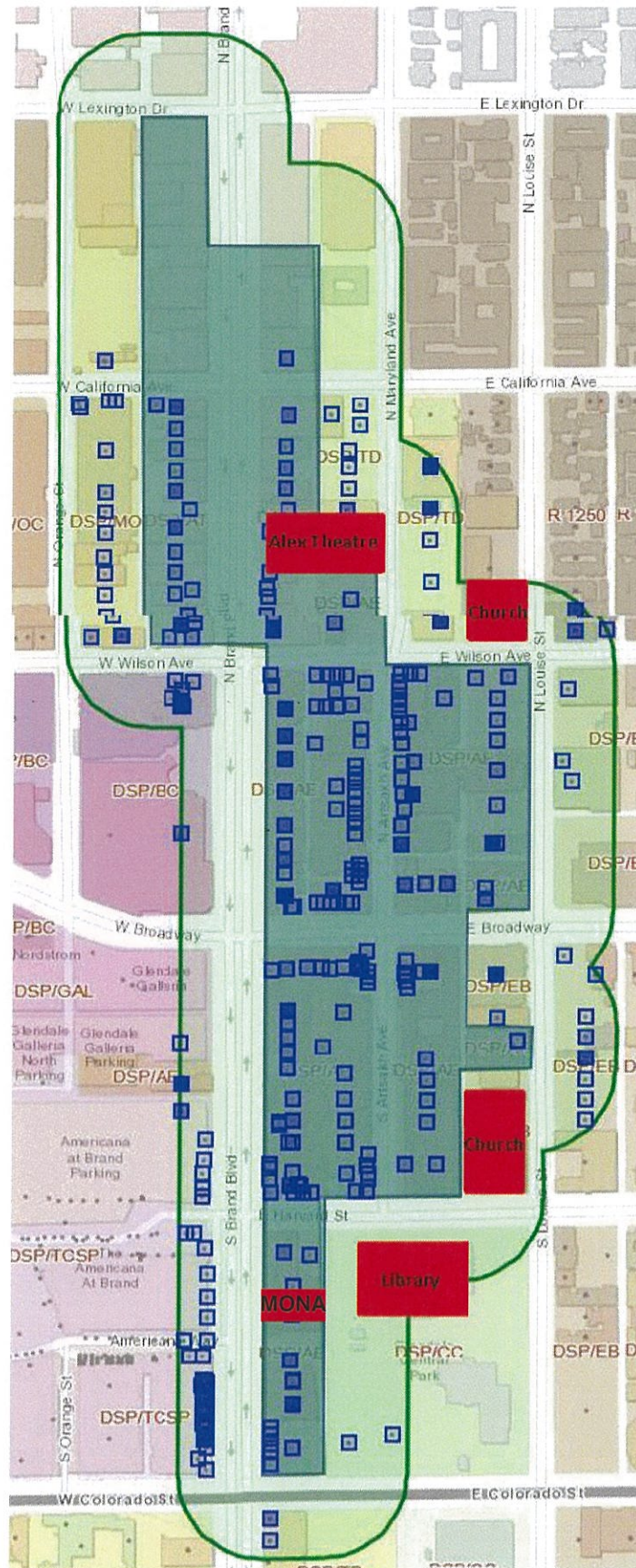
Zone	Decibels	Time
Residential	45 dbA	Nighttime
Residential	55 dbA	All other times


- C. In any overlay zones, the underlying zone shall determine the presumed ambient noise level. (Ord. 4973 § 4, 1991: prior code § 11-53)

### 8.36.050 Minimum and maximum ambient noise levels.

- A. Where the actual ambient is less than the presumed ambient, the actual ambient shall control and any noise in excess of the actual ambient, plus five dbA, shall be a violation.
- B. Where the actual ambient is equal to or more than the presumed ambient, the actual ambient shall control and any noise may not exceed the actual ambient by more than five dbA; however, in no event may the actual ambient exceed the presumed noise standards by five dbA.
- C. At the boundary line between two zones, the arithmetic average of the presumed ambient noise levels shall be used. (Ord. 4973 § 5, 1991: prior code § 11-54)

### 200-foot buffer



 = Churches, schools, hospitals, libraries, city/county buildings