



CITY OF GLENDALE, CALIFORNIA REPORT TO THE CITY COUNCIL

AGENDA ITEM

Report: Initiation of Code Changes to the Glendale Municipal Code Noise Control Ordinance (GMC 8.36) and General Plan Noise Element Relating to the Use of Amplified Sound Equipment

- 1) Motion to Initiate Code Revisions to the Glendale Municipal Code Noise Control Ordinance (GMC 8.36) and General Plan Noise Element relating to the Use of Amplified Sound Equipment
- 2) Motion to determine that the Glendale Municipal Code Noise Control Ordinance (GMC 8.36) and General Plan Noise Element are appropriate and no revisions are necessary for review.

COUNCIL ACTION

Item Type: Action Item

Approved for _____ **March 22, 2022** _____ **calendar**

EXECUTIVE SUMMARY

Council directed staff to explore potential revisions to the City's Noise Control Ordinance to allow amplified sound equipment to be used later in the evening within the Downtown Specific Plan Alex Theatre and Art & Entertainment Districts. Staff retained Meridian Consultants to perform a noise study and analysis to identify and analyze the implications of doing so. This report summarizes those findings and outlines options for Council consideration.

COUNCIL PRIORITIES

- **Economic Vibrancy:** Allowing amplified sound equipment later into the evening within the study area would support local businesses in the downtown.
- **Safe & Healthy Community:** Regulating amplified sound equipment to utilize conditions of approval and to comply with noise standards would ensure a safe community.
- **Balanced, Quality Housing:** Minimizing noise impacts from amplified sound equipment to downtown residential uses will help support quality housing.

RECOMMENDATION

Staff recommends Council provide direction regarding initiation of potential code changes to the Glendale Municipal Code (GMC) Noise Control Ordinance (GMC 8.36), General Plan Noise Element, and Building Code, specifically:

- 1) Noise Ordinance:
 - a. Allow amplified sound later into the evening within the Downtown Specific Plan Alex Theatre and Art & Entertainment Districts, specifically, until 2am (vs 10pm) on Thursday, Friday and Saturday.
 - b. Create commercial indoor noise standards for amplified sound use to accommodate (a) above.
 - c. Require certain conditions of approval be added to amplified sound equipment permits requiring measures to reduce noise impacts.
 - d. Clean up standards relating to sensitive uses, construction noise, and indoor noise.
- 2) General Plan Noise Element: Update for consistency with changes to the Noise Ordinance.
- 3) Building Code: If needed, update for consistency with changes to the Noise Ordinance.

BACKGROUND

On November 7, 2006, Council adopted the Downtown Specific Plan (“DSP”). 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 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.”

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) (“study area”) (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 (formerly Maryland 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” or “Noise Ordinance”). The Noise 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 includes multi-family residential housing units. In some cases, these housing units are located in close proximity to entertainment areas where amplified sound late into the night may cause a conflict, although it should be acknowledged that urban dwellers should expect more noise when living in a vibrant commercial area.

The Noise Ordinance was last amended in 1991, prior to the build-out of the DSP. Recognizing that Downtown has transformed into a vibrant evening destination within the region, Council has asked staff to explore whether it is appropriate, and what would be involved, in potentially revising the Noise Ordinance to extend 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 uses.

The existing Noise Ordinance noise standards for amplified sound are summarized as follows and detailed in Exhibit 2:

Definitions:

- “Ambient noise” means the composite of noise from all sources near and far in a given environment, exclusive of occasional and transient intrusion noise sources and of the particular noise source or sources to be measured.
- The presumed noise standard is 65 dBA anytime within Central business district and commercial zones.

Amplified Sound Noise Standard:

- A. The only sound permitted shall be either music or human speech or both.
- B. Sound-amplifying equipment shall only be operated between the hours of 7am and 10pm daily except on Sundays and legal holidays (when it is prohibited all day).
- C. No sound emanating from sound-amplifying equipment shall exceed fifteen dBA above the actual or presumed ambient, as measured at any property line.
- D. Notwithstanding subsection C of this section, sound-amplifying equipment shall not be operated within two hundred feet of churches, schools, hospitals, libraries or city or county buildings.
- E. In any event, the volume of sound shall be so controlled that it will not be unreasonably loud, raucous, jarring, disturbing or a nuisance to reasonable persons of normal sensitiveness within the area of audibility, or interfere with comfort, peace, quiet, repose or endanger the health of inhabitants of the area.

On July 30, 2019, based on Council direction, staff presented to Council preliminary analysis regarding potential changes to the Noise Ordinance and requested Council direction regarding next steps (see Exhibit 3). Council moved for staff to proceed with

further studies to explore the implications of extending the allowed hours of operation of amplified sound equipment.

On February 14, 2020, the Community Development Department entered into contract with Meridian Consultants, LLC, to prepare a noise study and analysis to determine current noise levels from use of amplified sound equipment in the study area, recommend standard conditions of approval to help mitigate noise, determine appropriate thresholds of violation relating to the use of amplified sound equipment, and recommend any applicable revisions to the Noise Ordinance.

In March 2020, the project was put on hold due to the global pandemic, pending return of economic activity within the study area.

Meridian Consultants resumed the study in July 2021, took noise measurements within the study area between Thursday, July 29, 2021 and Monday, August 2, 2021, and presented their findings in a written report dated October 2021.

ANALYSIS

The noise study and analysis prepared by Meridian Consultants (see Exhibit 4) outlines noise readings that were taken within the subject area near operations utilizing amplified sound in the evening, how those readings compared to the existing Noise Ordinance noise standards, how noise levels would compare to the noise standards assuming amplified sound is operated later into the evening, and a proposed change to the Noise Ordinance noise standard necessary to accommodate the use of amplified sound later into the evening.

Meridian Consultants recorded short-term and-long term noise readings within the study area at 10 different locations (see Exhibit 5), including at the L Lofts residential building located adjacent to Eden on Brand (a restaurant which utilizes rooftop amplified sound equipment in the evening). The noise study makes several key observations including the following:

- 1) Several businesses are already operating amplified sound (both inside and outside) later than 10pm (the current required cut-off time per Code).
- 2) Only one location exceeded the existing amplified sound noise standard. The location was Site C on Brand Boulevard north of Wilson Avenue, next to Eden on Brand restaurant. As a note, the noise standard exceedance resulted not just from Eden on Brand, but from the cumulative noise sources in the area including vocal performances and music from Tavern on Brand facing outdoor dining guests, the Al Fresco Glendale Program for outdoor dining, valet services and traffic along Brand Boulevard, etc. Although Eden on Brand is the only location

that utilizes outdoor amplified sound equipment, Site C also has other nearby uses that use amplified sound indoors with the door left open. Other Sites recorded in the noise study that did not exceed the noise standard but did utilize indoor amplified sound equipment did not have their doors open. As a note, Site 1 at L Lofts residential building adjacent to Eden on Brand did not exceed the exterior (non-amplified sound) presumed noise standard (60 dBA plus 5 dBA) for multi-family residential zones, even though the site is in a central business district zone where the presumed noise standard is 65 dBA plus 5 dBA.

The current amplified sound noise standard allows no more than 15 dBA above the ambient noise level (overall noise level without amplified sound) or presumed noise level (65 dBA, which would result in a maximum allowed noise level of 80 dBA). At Site C, noise level averages were measured as high as 80.9 dBA along the public right of way at Brand Boulevard (about 25 feet from Eden on Brand restaurant located on Brand Boulevard), resulting in an exceedance of 0.9 dBA when using the presumed noise standard of 65 dBA (the ambient noise level was not available since amplified sound equipment was already in use). However, taking into account standard noise attenuation (reduction in intensity over distance), this results in noise levels of 101.9 dBA at a distance of one foot from the street front property line of Eden on Brand; as stated earlier, the noise was generated from multiple sources and not just Eden on Brand. It is important to note that Eden on Brand had its front door **and** windows open, and that similar noise attenuation would be expected at the other locations using amplified sound with their doors/front facade open.

- 3) To address the noise exceedance, the noise study and analysis includes a discussion of a different way of measuring noise impacts than the City’s Noise Ordinance, namely, using a standard based on duration of sound exposure. Below is a chart demonstrating this standard, which according to Meridian Consultants, complies with noise levels determined acceptable by the National Institute for Occupational Safety and Health (NIOSH). The standard focuses on worker safety and health, specifically, preventing occupational noise-induced hearing loss.

Sound Level (dBA)¹	100	97	94	92	91	89	88	86	85
Continuous Duration Exposure (hours)	.25	.50	1.0	1.5	2	3	4	6	8

¹ Amplified sound equipment within one foot from the source of noise

Using this new standard for **commercial** indoor noise, the noise study and analysis modeled allowing amplified sound later into the evening (e.g., 2am instead of 10pm on Thursday, Friday and Saturday nights) and found it would result in acceptable noise levels at the surrounding multi-family residential uses and that it would comply with the current exterior noise standards.

As a note, changing the indoor noise standard could potentially require changes to the Building Code which has its own indoor noise standard, and any implications of this would require further study and analysis to make the Code consistent with any change.

- 4) The noise study and analysis found that conditions of approval are not required in order for noise levels to conform to the NIOSH standard, however, they should be utilized both indoors and outdoors at Site C, which exceeded the current noise standard. The below two conditions of approval could be incorporated into the City's standards. Council may want to consider requiring these measures as part of any amplified sound permit. As a note, Eden on Brand reported that they already utilize these noise mitigation measures.
 - a. Speaker systems shall aim sound toward the seating areas, or other intended areas within the establishment, to minimize sound spillage onto adjacent uses.
 - b. The owner/operator shall use speakers that minimize the use of subwoofers and is adjusted such that low-frequency sound is inaudible at adjacent properties.

OTHER CONSIDERATIONS

In the staff report to Council, dated July 30, 2019, staff outlined the below Noise Ordinance inconsistencies that should be cleaned up, as well as Noise Ordinance and General Plan Noise Element text amendments that would need to be made to achieve consistency with the new policy of allowing amplified sound later into the evening, if adopted.

- 1) Noise Ordinance Code Cleanups
 - a. The Noise Ordinance currently requires a 200-foot buffer around sensitive uses (i.e., churches, schools, hospitals, libraries, and city/county buildings) where amplified sound equipment may not be used, whereas there are currently five sensitive uses located within a 200-foot buffer of the study area which currently use amplified sound equipment (see Exhibit 6). Making this code section consistent with the City's practice of issuing

amplified sound permits in the study area and other areas would require some combination of the following: reducing the buffer area; amending what constitutes a sensitive use or removing this language completely from the Noise Ordinance. Despite their current proximity to the activity in the two Downtown commercial zones, staff is not aware of any complaints from the identified sensitive uses as their occupancies frequently occur at differing times.

- b. The Noise Ordinance has not been updated to reflect Noise Element Policy 4.1 (adopted by Council in 2007), which calls for shortening the hours of allowed construction noise in residential zones on Saturday from 7am – 7pm to 9am – 5pm.

The Noise Element’s recommended interior noise limit is 45 CNEL (Community Noise Equivalent Level, which measures a weighted average of noise level over a 24-hour period, with noise during night time hours being more heavily weighted), whereas the Noise Ordinance allows 55 dBA during daytime.

STAKEHOLDERS/OUTREACH

Eden on Brand restaurant, L Lofts residential building, and The Brand residential building were directly contacted to ensure noise readings accommodated their uses. The property management company for L Lofts allowed noise reading equipment to be mounted on the building with a direct line of sight to Eden on Brand, to more accurately measure the noise level as perceived on the property.

FISCAL IMPACT

There is no fiscal impact associated with this report.

ENVIRONMENTAL REVIEW (CEQA/NEPA)

Any amendments to the Glendale Municipal Code or General Plan Noise Element related to changing Noise Ordinance standards would require an analysis of potential significant impacts. After undergoing appropriate environmental review, such amendments would be brought to Council for consideration.

CAMPAIGN DISCLOSURE

This item is exempt from campaign disclosure requirements.

ALTERNATIVES

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

Alternative 1: Direct staff to initiate the Glendale Municipal Code and General Plan amendments outlined in the Staff Recommendations section of this report.

Alternative 2: Note and file the report and maintain the existing Code standards.

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

ADMINISTRATIVE ACTION

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Approved by:

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EXHIBITS/ATTACHMENTS

Exhibit 1: Study Area Map (Alex Theatre and Art & Entertainment District)

Exhibit 2: Existing Noise Ordinance Noise Standards

Exhibit 3: July 30, 2019 City Council Staff Report

Exhibit 4: Meridian Consultants' Noise Study and Analysis Report

Exhibit 5: Map of Short and Long-term Noise Readings Locations

Exhibit 6: Map of 200-foot Buffer Around Sensitive Uses Within Study Area