

Agenda Report

TO: City Council

DATE: December 18, 2000

FROM: City Manager

SUBJECT: City Hall Courtyard and Rotunda Usage - Amendments to the Noise Ordinance and the Zoning Code.

RECOMMENDATIONS:

It is recommended that the City Council:

1. Direct staff to prepare amendments and environmental documentation to clarify measurement standards and noise level definitions in the Noise Restrictions Ordinance.
2. Direct staff to prepare amendments and environmental documentation to revise the Zoning Code to remove the requirement of a temporary conditional use permit for events in the City Hall Courtyard and Rotunda area that have "Live Entertainment."

BACKGROUND:

On October 9th, staff presented a report describing the permit process for use of the City Hall Courtyard and Rotunda area. Staff also described recent changes that were made to the process to help mitigate impacts on the surrounding neighbors.

Also at the meeting, Mr. Martin Truitt, a homeowner of a condominium at the Maryland apartment complex, located at 80 North Euclid Avenue, presented a report to the City Council where he expressed his concerns about noise associated with events held in the courtyard/rotunda area. He also expressed his disagreement with staff's interpretation of the Noise Ordinance, the Zoning Code and Guidelines for the California Environmental Quality Act.

Following the meeting, staff continued to work with a noise consultant (hereinafter "Consultant") to study noise levels during events at City Hall and continued to review the Zoning Code to determine an appropriate alternative to the Temporary Conditional Use Permit ("TCUP") process for those events with "Live Entertainment." The recommendations contained in this report are a result of these studies. In addition, a "point-by-point" response to Mr. Truitt's concerns is included with this report.

NOISE RESTRICTIONS ORDINANCE:

Due to recent complaints about amplified sound associated with temporary activities in the City Hall Courtyard and Rotunda area, staff retained a Consultant to evaluate noise levels and determine if events are in compliance with the Noise Restrictions Ordinance. The Consultant monitored events on September 23rd, October 1st, and October 7th. The "Community Noise Study for the Pasadena City Hall Courtyard" (hereinafter "Noise Study") is attached to this report.

The current Ordinance allows amplified sound to reach a level of 15 dBA above the ambient noise level for the district (as defined by the Ordinance), but does not define the distance at which the noise is to be measured. Further, the Ordinance specifies that median noise levels be measured. In this case, the presumed ambient level for City Hall is 60 dBA, which would thus allow noise to reach a level of 75 dBA. The Sound Amplification Permit, however, enforces a stricter standard allowing noise to reach a level of only 65 dBA at a measuring point of 100 feet.

According to the Consultant, the loudest of the three events monitored was the wedding reception that took place on September 23rd. Although this event exceeded the maximum noise level of 65 dBA at 100 feet as stated on the Sound Amplification Permit, it did not violate the standards set by the City's Noise Restriction Ordinance. The noise levels that were monitored at the events held on October 1st and October 7th were also found to be below the limits of the Noise Restriction Ordinance.

As indicated in the report, the noise level for the September 23 wedding reception was attributed to the type of music and the placement of the speakers on the Euclid Avenue side of the Courtyard. Placement of the speakers at this location was directed by staff in order to collect data for the Noise Study. As a result of the findings in the Noise Study, staff is directing applicants to place amplifying sound equipment in alternate locations to minimize the impact of the noise on nearby residents.

Proposed Amendments:

The Ordinance currently specifies that noise be measured using the average median noise level. Staff is recommending that the Ordinance be amended to replace this methodology with measurement of instantaneous maximum noise levels instead. This method is the current practice and provides a more restrictive measurement standard.

The Consultant likewise recommends that noise measurement methodologies be clarified, but recommends that the Ordinance maintain the median noise level standard. This median noise level standard would require the use of an average noise measurement period of an hour to determine if a violation has occurred. By amending the Ordinance to use the instantaneous maximum noise level standard, staff believes it would be more effective in lowering impacts on the neighbors. Monitoring the event and determining a violation would be quicker and require less time to determine if there are any violations.

Staff and the Consultant agree that the Ordinance is ambiguous in that it lacks a clear specification of the location from which the amplified sound should be measured. According to the Consultant, "traditionally, community noise standards are measured on the receptor property lines since the primary concern is to measure that noise level which is heard by the complainant. In this way both parties are not subjected to an overly restrictive noise standard." Staff, however,

recommends that the Ordinance be amended to clearly state that the noise be monitored at the outside property line where the event is being held. The property line is defined as the line that separates private property from the public right-of-way. This, again, would be to the benefit of nearby properties. For events that are held on the streets and/or sidewalks, the location of the noise monitoring will be defined as the outside perimeter of the event as described in the appropriate permit.

ZONING CODE REQUIREMENTS:

Staff has reviewed the temporary conditional use permit (hereinafter "TCUP") process to determine if this is the appropriate process for the temporary events held in the City Hall Courtyard and Rotunda area. The TCUP requirement is triggered only when live entertainment is held in conjunction with these events.

It was determined that requiring a TCUP for live entertainment in the Courtyard results in two departments (Public Works and Planning & Permitting) reviewing these activities for the same purpose and imposing the same types of conditions. By not requiring a TCUP for this temporary use, and allowing one department to review the applications, overlapping jurisdictions and the unnecessary duplication of work would be eliminated. There is a precedent within the Zoning Code for this action. Currently, the City permits street fairs within the public right-of-way without a TCUP. The Public Works and Transportation Department issues permits for the street fairs and establishes conditions. At one time a street fair required a TCUP but the code was amended in 1994 to make this a permitted use.

Applicants would still be required to get permits for the use of the Courtyard from Public Works and Transportation. At the time of that application, conditions would be imposed to ensure that the live entertainment occurs with adequate protection to surrounding properties. Thus, staff recommends that the City Council initiate a Zoning Code amendment that would make live entertainment within the City Hall Courtyard and Rotunda area a permitted activity.

Should the Council choose to maintain the TCUP provision, applications for events that include live entertainment would incur the \$226.60 fee for processing the TCUP application. Staff has not been charging this fee during the recent trial period. In addition to the fee, the time constraints of the TCUP process may also prove to be a deterrent to the use of the courtyard. Under the current Municipal Code, a TCUP is valid for only 45 days from the date of approval. Although most events are booked six to twelve months in advance, the approval/denial for live entertainment would not be received from the City until 45 days before the event.

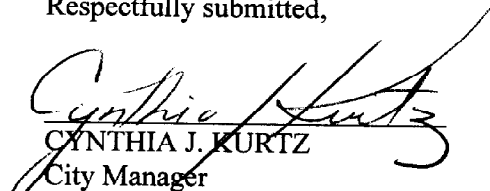
ENVIRONMENTAL IMPACT:

The possible environmental impacts of the proposed amendments to the Noise Restrictions Ordinance and the Zoning Code will be analyzed and documented in accordance with the California Environmental Quality Act (CEQA). This analysis and documentation will reveal to the public, advisory commissions and the City Council any possible environmental impacts prior to any recommendations or approvals for these amendments being acted upon.

FISCAL IMPACT:

Amending the Ordinance and the Code will streamline the permit process and will reduce staff time. It will not result in a change in the number of permits and, therefore, will not impact revenue.

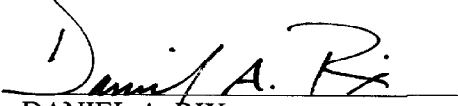
Respectfully submitted,


CYNTHIA J. KURTZ
City Manager

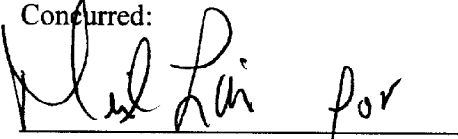
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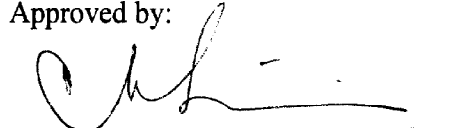

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