



## STAFF REPORT

### TOWN COUNCIL MEETING OF JANUARY 13, 2015

To: Town Council

From: Town Manager

Subject: Town of Loomis Noise Ordinance and Complaint

Date: December 22, 2014

#### **RECOMMENDATION:**

Direct staff to continue to work with the Blue Goose and Homeowner to resolve the issue.

#### **DISCUSSION:**

At the December 9, 2014 Town Council meeting, a homeowner residing at 6013 Thornwood Drive in Loomis spoke under public comment complaining of the noise generated at the Blue Goose during music events. Specifically the "bass" was too loud during the events. At the end of the Town Council meeting Councilmember Ucovich requested that staff return in January with a presentation regarding the Town Noise Ordinance. Attached is a copy of the Town Noise Ordinance.

On December 15, 2014, Town staff met with Pat Brechtel, who schedules the events held at the Blue Goose. Mr. Brechtel indicated he would be meeting with an acoustic firm to see what mitigation measures could be installed within the Blue Goose to mitigate the transfer of "bass" sounds outside of the Blue Goose.

Town Staff contacted J.C. Brennan and Associates, a full service acoustical consulting firm located in Auburn, to inquire about performing some monitoring of an event at the Blue Goose at the property line of the residence in question. To comply with the Town's Code, ambient noise level data prior to the event would need to be collected. The firm would then have someone at the residence during an event conducting measurements from about 6 pm to 10 pm. Then a comparison would be done to determine if a violation of the Town Code is occurring during a music event at the Blue Goose. Town staff is also requesting to borrow the sheriff department noise meter.

In the attached there is a copy of the Towns Noise Ordinance, comparison noise levels to common noises and a map showing the location of the subject property who presented the complaint.

**CEQA :**

This discussion is exempt from CEQA.

**FINANCIAL IMPLICATIONS:**

Monitoring of an event at the Blue Goose would cost \$2,375. The purchase of a sound meter with training would cost from \$4,000 to \$5,000.

**Definitions:****dba:**

The A-weighted Decibel (dba) is the most common unit used for measuring environmental sound levels. It adjusts, or weights, the frequency components of sound to conform with the normal response of the human ear at conversational levels. dba is an international metric that is used for assessing environmental noise exposure of all noise sources.

**Ldn:**

The Day-night Average Sound Level (Ldn) is the level of noise expressed (in decibels) as a 24-hour average. Nighttime noise, between the hours of 10:00 p.m. and 7:00 a.m. is weighted; that is, given an additional 10 decibels to compensate for sleep interference and other disruptions caused by nighttime noise.

**Noise-sensitive Receptor:**

A location where noise can interrupt on-going activities which can result in community annoyance, especially in residential areas. Examples of noise-sensitive receptors include schools, libraries, hospitals, residences, retirement communities and nursing homes.

# Town Noise Ordinance

13.30.070 - Noise standards.

- A. Purpose. This section implements the policies of the noise element of the general plan, and provides standards for noise mitigation that are intended to protect the community health, safety and general welfare by limiting exposure to the unhealthy effects of noise.
- B. Applicability. No use, activity or process shall exceed the maximum allowable noise levels established by this section, except for the following noise sources:
1. Emergencies. Public safety warning devices (e.g., ambulance, fire, and police sirens), sound for alerting persons to the existence of an emergency, or the performance of authorized emergency work;
  2. State or Federal Preempted Activities. Any activity regulated by state or federal law;
  3. Public Health and Safety Activities. Construction, maintenance, and/or repair operations by public agencies and/or utility companies or their contractors that are serving public interests, and/or protecting the public health, safety and general welfare;
  4. Parks. Public agency sanctioned recreational activities and programs conducted in public parks; and
  5. Solid Waste Collection. The authorized collection of solid waste.
- C. Noise Source Standards.

1. Noise Level Limitations. No use, activity or process within the town shall generate noise in excess of the levels identified by Tables 3-2 and 3-3, as the noise is measured at the property line of a sensitive noise source identified in Tables 3-2 and 3-3.
  - a. If the measured ambient noise level exceeds the applicable noise level standard in any category shown in Table 3-2, the applicable standards shall be adjusted to equal the ambient noise level.
  - b. If the intruding noise source is continuous and cannot reasonably be discontinued or stopped to allow measurement of the ambient noise level, the noise level measured while the source is in operation shall be compared directly to the applicable noise level standards identified in Table 3-2.

Notwithstanding the above requirements, no person shall allow or cause the generation of any noise of a type, volume, pitch, tone, repetition or duration that would be found to be a nuisance by a reasonable person beyond the boundaries of the property where the noise is generated.

TABLE 3-2 - MAXIMUM ALLOWABLE NOISE LEVEL BY RECEIVING LAND USE

Noise Sensitive Land Use	Outdoor Activity Areas <sup>(1)(2)</sup>		Interior Spaces	
	dB(A) L <sub>dn</sub>	dB(A) L <sub>eq</sub>	dB(A) L <sub>dn</sub>	dB(A) L <sub>eq</sub>
Residential	65	65	45	N.A.
Transient lodging	65	65	45	N.A.
Hospitals, extended care	65	65	45	N.A.
Theater, auditorium	N.A.	N.A.	N.A.	35
Religious facility, meeting hall	65	65	N.A.	40
Offices	N.A.	N.A.	N.A.	45
School, library, museum	N.A.	N.A.	N.A.	45
Playground, park	70	70	N.A.	N.A.

Notes:

- (1) Where the location of outdoor activity areas is unknown, the exterior noise level standard shall be applied to the property line of the receiving land use.
- (2) Where it is not possible to reduce noise in outdoor activity areas to 65 dB Ldn CVEL, or less using a practical application of the best available noise reduction measures, an exterior noise level of up to 70 dB Ldn CVEL may be allowed provided that available exterior noise level reduction measures have been implemented and exterior noise levels are in compliance with this table.

**TABLE 3-3 - NOISE STANDARDS FOR SHORT-DURATION EVENTS  
NEAR RESIDENTIAL AREAS**

Duration of Sound (Minutes per Hour)	Maximum Allowable Sound Level (1)	
	Day/Evening dB (7 am to 10 pm)	Night dB (10 pm to 7 am)
30 - 60	50	40
15 - 30	55	45
5 - 15	60	50
1 - 5	65	55
Less than 1 minute	70	60

**Notes:**

(1) If the offensive noise contains a steady, audible tone (such as a screech or hum), is a repetitive noise such as hammering, or contains speech or music, the maximum allowable sound level shall be reduced by 5 dB.

2. **Acoustical Analysis Required.** Where the director determines that a proposed nonresidential use on a site adjacent to a residential zoning district may generate noise in excess of any limit established by Table 3-2, and/or where the use may generate noise in outdoor areas in excess of 60 dBA, the land use permit application for the use shall include an acoustical analysis by a qualified professional approved by the director.
  - a. **Contents.** The analysis shall determine the potential for stationary source noise impacts to neighboring land uses, include field measurements to determine more precise locations for existing and projected future noise levels (based on traffic projections in the circulation element of the general plan or as otherwise accepted by the town), and recommend appropriate mitigation measures.
  - b. **Preferred Mitigation Measures for Receptor Sites.** When development is subject to high noise levels requiring mitigation, the following measures shall be considered and preference shall be given where feasible in the following order.
    - i. Site layout, including setbacks, open space separation and shielding of noise sensitive uses with non-noise-sensitive uses;
    - ii. Acoustical treatment of buildings; or
    - iii. Structural measures: construction of earth berms and/or wood or concrete barriers.
3. **Limitation on Hours of Construction.** In order to allow construction schedules to take advantage of the weather and normal daylight hours, and to ensure that nearby residents as well as nonresidential activities are not disturbed by the early morning or late night activities, the town has established the following limits on construction.

**TABLE 3-4 - ALLOWABLE HOURS OF CONSTRUCTION**

Day	Allowable Hours
Monday through Friday	7:00 a.m. to 7:00 p.m.
Saturday	8:00 a.m. to 7:00 p.m.
Sunday and National Holidays	Construction activities may be allowed by the commission or council only between 9 a.m. and 5 p.m.

4. **Limitation on Truck Deliveries.** Truck deliveries to a commercial or industrial parcel adjacent to a residential zoning district shall be limited to the daylight hours unless the director authorizes other delivery times based on the determination that there is either no feasible alternative, or there are overriding transportation and traffic management benefits to scheduling deliveries at night.

D. **Noise Receptor Standards.** Where noise-sensitive land uses are proposed in areas exposed to existing or projected noise levels in excess of the standards in Tables 3-2 and 3-3, the town shall require an acoustical analysis as part of the environmental review process so that noise mitigation may be included in the project design, so that proposed structures are designed to limit intruding noise in interior rooms to 45 dBA Ldn. At the discretion of the director, the requirement for an acoustical analysis may be waived if all of the following conditions are satisfied:

1. The development is for less than five single-family dwellings or less than ten thousand square feet of total gross floor area for office buildings, churches or meeting halls;
2. The noise source in question consists of a single roadway or railroad for which up-to-date noise exposure information is available. An acoustical analysis will be required if the noise source is a stationary noise source, or if there are multiple noise sources that could affect the project;
3. The projected future noise exposure at the exterior of proposed buildings or outdoor activity areas does not exceed 65 dBA Ldn;
4. The topography of the area is essentially flat; and
5. Effective noise mitigation, as determined by the director, is incorporated into the project design. Such measures can include, but are not limited to, the use of building setbacks, building orientation, noise barriers. If closed windows are required for compliance with interior noise level standards, air conditioning or a mechanical ventilation system will be required.

E. **Noise Measurement.** Exterior noise levels shall be measured at the property line of the noise sensitive land use receiving the noise. Noise measurement shall be made with a sound level meter using the 'A' weighted scale at slow meter response. Fast meter response shall be used only for an impulsive noise. (Ord. 211 § 8, 2004; Ord. 205 § 1 (Exh. A), 2003)

# Noise Level Chart

A noise level chart showing examples of sounds with dB levels ranging from 0 to 180 decibels.

dB	Example	Home & Yard Appliances Workshop & Construction
0	healthy hearing threshold	
10	a pin dropping	
20	rustling leaves	
30	whisper	
40	babbling brook	computer
50	light traffic	refrigerator
60	conversational speech	air conditioner
70	shower	dishwasher
75	toilet flushing	vacuum cleaner
80	alarm clock	garbage disposal
85	passing diesel truck	snow blower
90	squeeze toy	lawn mower
95	inside subway car	food processor
100	motorcycle (riding)	arc welder
105	sporting event	belt sander
110	rock band	handheld drill
115	emergency vehicle siren	table saw
120	thunderclap	jackhammer
125	balloon popping	riveter
130	peak stadium crowd noise	oxygen torch
135	air raid siren	
140	jet engine at takeoff	
145	firecracker	
150	fighter jet launch	
155	cap gun	
160	shotgun	
165	.357 magnum revolver	
170	safety airbag	
175	howitzer cannon	
180	rocket launch	
194	sound waves become shock waves	



