



# ***Agenda Report***

## ***Fullerton City Council***

**MEETING DATE:** OCTOBER 7, 2025

**TO:** CITY COUNCIL / SUCCESSOR AGENCY

**SUBMITTED BY:** SUNAYANA THOMAS, DIRECTOR OF COMMUNITY AND ECONOMIC DEVELOPMENT

**PREPARED BY:** GUILLERMINA TORRICO, CODE ENFORCEMENT MANAGER  
YAN GAO, AICP, SENIOR PLANNER

**SUBJECT:** AMENDMENTS TO FULLERTON MUNICIPAL CODE TITLE 15 (NOISE REGULATIONS) AND TITLE 3 (ENTERTAINMENT) FOR COMMERCIAL PROPERTIES IN THE C-3 (CENTRAL BUSINESS DISTRICT COMMERCIAL) AND G-C (GENERAL COMMERCIAL) ZONES, INCLUDING OUTDOOR ENTERTAINMENT  
(Continued from September 16, 2025 meeting)

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### **SUMMARY**

This report provides the updated noise and entertainment ordinance based on City Council direction from the September 16, 2025 hearing. The item was continued to a date certain of October 7, 2025, to allow Staff to incorporate updates on noise levels, measurement, permitting outdoor entertainment, penalties and enforcement into the draft ordinance, reflecting the version desired by the City Council. These standards are specific to commercial zone activities in the C-3 and G-C zones.

### **PROPOSED MOTION**

Introduce Ordinance No. XXXX for first reading by title only and waive further reading of the ordinance.

ORDINANCE NO. XXXX – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, AMENDING TITLE 15 (CHAPTER 15.90 NOISE REGULATIONS) AND TITLE 3 (CHAPTER 3.08 ENTERTAINMENT) TO UPDATE NOISE STANDARDS FOR PROPERTIES WITHIN C-3 (CENTRAL BUSINESS DISTRICT COMMERCIAL) AND G-C (GENERAL COMMERCIAL) ZONES WITH SPECIFIC PROVISIONS FOR OUTDOOR ENTERTAINMENT

## ALTERNATIVE OPTIONS

- Approve the Proposed Motion
- Provide alternative direction to City Staff
- Other options brought by City Council.

## STAFF RECOMMENDATION

Staff recommends the Proposed Motion.

## CITY MANAGER REMARKS

None.

## PRIORITY POLICY STATEMENT

This item matches the following Priority Policy Statements:

- Fiscal and Organizational Stability
- Public Safety.

## FISCAL IMPACT

None.

## BACKGROUND AND DISCUSSION

The City's existing Noise Ordinance does not establish decibel thresholds for commercial zones, which has made consistent enforcement more difficult. In practice, Code Enforcement staff has relied on general nuisance provisions to address complaints. While this approach has provided a framework for response, it does not provide the objective, measurable standards that are considered best practice in municipal codes.

The Fullerton General Plan (2012) identified this limitation and recommended updating the Noise Ordinance as a short-term action item. Since that time, staff has introduced amendments intended to balance residential quality of life, business operations, and enforcement. For example, the 2019 "Downtown Game Plan" strengthened standards for alcohol-serving businesses and linked enforcement to Entertainment Permits. These efforts, supported by dedicated enforcement personnel and the Police Department's Echo Unit, improved oversight but did not resolve the absence of defined decibel levels in commercial zones.

In 2023, City Council directed staff to revisit this issue. An acoustical engineering consultant was retained to conduct citywide noise monitoring, which confirmed that commercial districts, particularly the C-3 (Downtown) and G-C (General Commercial) zones, experience elevated sound levels during evening and late-night hours.

On September 16, 2025, staff presented a draft ordinance along with an alternative approach modeled on the Fullerton Transportation Center (FTC) Specific Plan standards. After deliberation, the City Council directed staff to prepare a revised

ordinance to make specific changes. The revised ordinance now incorporates those changes (Attachment 2), summarized below. This ordinance applies only to commercial properties located in the C-3 (Central Business District Commercial) and G-C (General Commercial) zones.

- 1. Measurable noise standards.** The ordinance sets specific decibel limits for properties in these zones, measured at the property line of the business generating the noise. Noise is regulated using one-minute and five-minute measurement intervals:

Table 2-1: Exterior Noise Levels (dBA)		
Time Period	5 minutes	1 minute
7:00 a.m. - 10:00 p.m.	75	80
10:00 p.m. - 7:00 a.m.*	65	70
Friday - Saturday 10:00 p.m. - 12:00 a.m.	75	80
Saturday - Sunday 12:00 a.m. - 1:30 a.m.	75	80
*Except as allowed on Friday and Saturday nights and Saturday and Sunday mornings.		

- 2. Outdoor entertainment.** Outdoor entertainment, which was previously prohibited citywide, is now allowed in these commercial zones. It is limited to the hours of 5:00 p.m. to 10:00 p.m. daily, and noise from outdoor entertainment may not exceed 80 dBA at the property line.
- 3. New enforcement procedures for entertainment permits.** The ordinance updates Chapter 3.08 to strengthen accountability for businesses with Entertainment Permits. If a business receives three citations within a 12-month period for violations of its Entertainment Permit conditions, it must attend a remedy meeting with Chief of Police and other relevant city staff. Continued violations can lead to additional operational restrictions or revocation.
- 4. New enforcement authority under Title 15.** The ordinance adds language to Title 15 granting the City clear authority to take further action when repeated noise violations occur. This includes the ability to modify or revoke land use entitlements, Administrative Restaurant Use Permits (ARUPs), Conditional Use Permits (CUPs), or other approvals when ongoing violations of the noise ordinance are documented.
- 5. Measurement and operational requirements.** Noise measurements will now be taken at the property line of the business generating the sound rather than 25ft from the source or from nearby properties.
- 6. Administrative citations.** Council requested higher fines for violations; however, through legal consultation, state law limits administrative penalties to \$100 for the first violation, \$200 for the second, and \$500 for subsequent

violations unless violations are prosecuted as misdemeanors. Instead of reclassifying these offenses, it is recommended that the ordinance rely on the strengthened enforcement tools described above to ensure compliance.

Overall, the ordinance establishes clear and objective noise standards that set consistent expectations for commercial operators. It outlines measurable limits, clear enforcement procedures, and opportunities for corrective action and due process. Establishing these standards provides transparency, predictability, and a fair regulatory framework for both businesses and the community.

This action is exempt from the California Environmental Quality Act (CEQA) under Section 15061(b)(3) (the common sense exemption) and Section 15308 (actions by regulatory agencies to protect the environment).

Attachments:

- Attachment 1 – Draft Ordinance No. XXXX
- Attachment 2 – Redlined Draft Ordinance No. XXXX

cc: Interim City Manager Eddie Manfro