



Agenda Report

Fullerton City Council

MEETING DATE: SEPTEMBER 16, 2025

TO: CITY COUNCIL

SUBMITTED BY: SUNAYANA THOMAS, DIRECTOR OF COMMUNITY AND ECONOMIC DEVELOPMENT
GUILLERMINA TORRICO, CODE ENFORCEMENT MANAGER

PREPARED BY: CHRIS SCHAEFER, AICP, PLANNING MANAGER
YAN GAO, AICP, SENIOR PLANNER

SUBJECT: FULLERTON MUNICIPAL CODE AMENDMENTS TO TITLE 15 (NOISE REGULATIONS) AND TITLE 3 (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

SUMMARY

The proposed ordinance amends FMC Chapters 15.90 (Noise) and 3.08 (Entertainment) to establish enforceable noise standards in the C-3 (Downtown) and G-C (General Commercial) zones, establish parameters for measurement and enforcement and permit limited outdoor entertainment between 5:00 p.m. and 10:00 p.m. daily with appropriate permits.

PROPOSED MOTION

1. Make a finding that the project is exempt from the California Environmental Quality Act (CEQA) review pursuant to CEQA Guidelines Section 15061(B)(3) - common sense exemption.
2. 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.
- Approve the Fullerton Transportation Center (FTC) Noise Ordinance standards (see “Alternative Approach” below).
- 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 current version of the City’s Noise Ordinance does not include established decibel limits or maximums for commercial zones, which makes consistent enforcement challenging. As a result, Code Enforcement cannot cite businesses solely for exceeding “allowable” noise levels in these areas because those standards were never adopted. The Fullerton Plan (General Plan) identified this discrepancy in 2012 and included a short-term action item, Item 8.1 *“Update the City’s Noise Ordinance to comply with the policies of the Fullerton Plan and to address noise issues in the community”* to resolve this issue. The only defined thresholds that exist in the City today are in the Fullerton Transportation Center standards as part of the Fullerton Transportation Center Specific Plan efforts in 2012. In practice, Staff has relied on the City’s public nuisance provisions to address noise complaints outside of the FTC area. While this approach provides a general remedy, adopting decibel standards for commercial zones is both standard practice in municipal codes and a necessary step to tighten enforcement and provide Staff with a clear, measurable tool.

Since 2014, the City has been working to update its Noise Ordinance to better balance business operations, resident livability, and enforcement tools. In 2019, as part of the “Downtown Game Plan,” the City adopted amendments to FMC Titles 3 and 15 that strengthened standards for alcohol-serving businesses and tied enforcement to

Entertainment Permits. Those changes, combined with the assignment of a dedicated Code Enforcement Officer and the Police Department's Echo Unit in Downtown, led to more effective enforcement. With the enforcement tools provided in Title 3, Code Enforcement and the Police Department have worked collaboratively to address violations, resulting in noticeable progress. Noise complaints have declined, and businesses out of compliance have either corrected violations through the remedy process or are no longer operating in the Downtown.

Currently, the lack of defined decibel levels for commercial zones creates uncertainty, as enforcement relies on nuisance standards that can be subjective. Establishing clear noise limits provides a reasonable, consistent framework that protects residents, gives businesses certainty, and strengthens the City's legal position by ensuring enforcement is based on measurable standards rather than interpretation. Late 2022, City Council requested Staff bring back the Noise Ordinance discussions for consideration. On March 21, 2023, Staff presented the ordinance at a study session seeking City Council direction. City Council directed Staff to move forward with amendments to Chapter 15.90 for commercial noise standards and standards for measurement and Chapter 3.08 to include outdoor entertainment as an allowable activity in the C-3 and G-C zones between 5:00 p.m. and 10:00 p.m.

Two Community Meetings were held in Spring 2023 to give residents, business owners and stakeholders an opportunity to provide public input on the proposed updates for the respective sections of the Noise Ordinance. The first one was an in-person meeting that was held at the Community Center on June 14, 2023, and the second one was a virtual/call-in meeting on June 15, 2023. As part of the Community Meetings, attendees filled out a survey which was also posted on social media to better understand the priorities of residents and businesses and gauge public support as it relates to amending the Noise Ordinance.

Through this community outreach process, it was found that there was support from businesses and residents to update commercial noise standards. It was also found that there was strong support to include standards in the Ordinance that would allow limited outdoor entertainment. Staff has taken public and business owner comments into consideration, including but not limited to, outdoor entertainment hours of operation, preserving quality of life for residents, enforceable standards for enforcement, loading and unloading hours surrounding residential properties and more.

In early 2024, City Council reviewed a draft and referred it back to the Planning Commission for refinements:

1. Clarify that the proposed changes apply only to the G-C and C-3 Commercial zones and remove references to residential noise standards from the draft ordinance.
2. Provide a clearer explanation of how enforcement would work as it relates to measuring distance
3. Revisit and clarify the enforcement process for non-compliant businesses.

On July 23, 2025, the Planning Commission reviewed the proposed amendments along with the alternative approach. Following Staff's presentation and public discussion, the Commission approved Staff's recommendation, finding the alternative too complex and

not straightforward for Staff, complainants, or businesses. The Commission also reviewed the enforcement process and agreed it is working more effectively under the current framework. As part of their action, they requested that Staff provide a quarterly report on noise code enforcement cases and return with a follow-up progress update six months after adoption.

Proposed Amendments and Regulations

To ensure that Downtown and other Commercial areas of the City continue to be an attractive place for business investment and a safe and inviting place for residents, Staff has proposed the following amendments to provide a more enforceable balance between business operations and quality of life for residents. The proposed amendments are based on data collection, consultation with acoustical professionals, review of past complaints and input from both residents and business owners.

Chapter 15.90 Noise Standards and Regulation

The proposed amendments to Chapter 15.90 include, but are not limited to, changes to the definitions, standards, exemptions and enforcement provisions. Amendments also establish specific hours for garbage collection and deliveries in commercial zones, reflecting concerns raised during public outreach by residents living next to commercial centers. The changes apply to the Central Business District Commercial (C-3) and General Commercial (G-C) zones, recognizing the mix of residential and highly concentrated businesses in Downtown and the higher background noise levels typical of commercial areas.

The City hired an acoustical engineering consultant, Dudek, to conduct a Citywide Noise Study and Noise Monitoring Program that included onsite monitoring at various commercial locations Citywide. The study established the average hourly background levels (L_{eq}) measured in and around the C-3 and G-C zones to be 65 dB(A) during the peak entertainment hours (5:00 p.m. to midnight). During the same period, the average hourly L25 value was 64 dB(A), and the average hourly L5 value was 67 dB(A). These findings formed the basis for applying the new standards to the C-3 and G-C zones (see Table 1 below).

It was also determined that the noise restrictions will be based on Maximum Allowable Sound Level value, which represents the maximum sound level that can be permitted. The new Maximum Allowable Sound Level standard would be measured on the property line of the establishment or 25 feet from the noise source, whichever distance is greater. The distance of 25 feet is the typical narrowest width of a street right-of-way and generally where the closest residences are from establishments with outdoor entertainment. The recommendation provided is also based on measured background sound levels, measured sound levels with live outdoor bands and considering that the current conditions have generated minimal complaints from residents.

The Maximum Allowable Sound Level values are also specified for hours of the day to preserve and protect daytime office, retail and service businesses from potential negative noise related impacts during daytime hours (7:00 a.m. to 5:00 p.m.), and then increases the level of permitted sound at nighttime from 5:00 p.m. to 10:00 p.m. to accommodate the Downtown nightlife (restaurants/bars) that have music and other entertainment (see

Table 1 below). The proposed permitted noise levels are then reduced at late night hours starting at 10:00 p.m. to 1:30 a.m. as nighttime businesses begin to close. The lowered limits between 10:00 p.m. and 1:30 a.m. are also due to outdoor entertainment being curtailed and heightened sensitivities at residential properties at those times. The Maximum Allowable Sound Level value during overnight hours between 1:30 a.m. to 7:00 a.m. is greatly reduced recognizing the ambient sound levels during these hours are typically very low which increases the distance and negative impacts that increased sound levels would generate.

Table 1 – Commercial Zone Time/Noise Restrictions (C-3 and G-C Zones only)

Hours (Monday – Sunday)	Maximum Allowable Sound Level
Daytime 7:00 a.m. - 5:00 p.m.	65 dB(A)
Nighttime 5:00 p.m. - 10:00 p.m.	80 dB(A)
Late Night 10:00 p.m. - 1:30 a.m.	75 dB(A)
Overnight 1:30 a.m. - 7:00 a.m.*	65 dB(A)

**Or ambient noise level, whichever is less.*

Alternative Approach

Alternatively, the City Council can consider adopting the Fullerton Transportation Center (FTC) Noise Ordinance standards to be applied to C-3 and G-C zones. The FTC model is already adopted in Fullerton and extending it to other commercial areas could provide consistency across the City. It is designed to regulate noise by limiting how long sound can exceed certain levels within each hour, with thresholds set for 30-, 15-, 5- and 1-minute durations, as well as instantaneous peaks. For example, between 10:00 p.m. and 1:30 a.m. on weekends, the FTC standards allow up to 65 dB(A) for 30 minutes, 75 dB(A) for five minutes, and instantaneous peaks up to 85 dB(A). In practice, enforcement would require Staff to monitor noise over a period of time to determine not just the decibel level but also the length of time it persisted.

Exterior Noise Levels (dBA) for a Period Not Exceeding (Minutes/Hour)					
Time Period	30 Minutes	15 Minutes	5 Minutes	1 Minute	0 (Anytime)
7:00 a.m. - 10:00 p.m.	65	70	75	80	85
10:00 p.m. - 7:00 a.m.*	55	60	65	70	75
Friday – Saturday 10:00 p.m. - 12:00 a.m.	65	70	75	80	85

Saturday – Sunday 12:00 a.m. - 1:30 a.m.	65	70	75	80	85
---	----	----	----	----	----

*Except as allowed on Friday and Saturday nights and Saturday and Sunday mornings.

While this method could be applied Citywide, Staff and the Planning Commission found it more complex to administer. Because it relies on duration, Staff may need to remain on-site longer to verify whether a noise source exceeded a standard for 15 minutes versus 30 minutes, which can create delays and potential disputes between Staff, residents, and businesses. By contrast, the proposed ordinance is designed with that in mind: Staff can stand 25 feet from a business, take a reading, and immediately determine compliance against a single maximum sound level set for that time of day. This simplifies enforcement for Staff, provides clear expectations for businesses and residents, and reduces disputes.

Chapter 3.08 Outdoor Entertainment

The proposed FMC amendments would permit Entertainment (outdoor) from 5:00 p.m. to 10:00 p.m. daily, with a strict cut-off time of 10:00 p.m. (see Table 2 below). Outdoor Entertainment is classified as any entertainment which occurs outside of a fully enclosed building. This could include live musical performances, disc jockey or any other amplified or reproduced music which is played at a volume above Ambient Noise, as defined in Chapter 3.08. The amendments to Chapters 15.90 and 3.08 would permit outdoor entertainment on a regular or sustained basis exclusively in the C-3 zone and G-C zone, subject to the approval of an Administrative Restaurant Use Permit (ARUP).

A business wishing to host an event on a temporary or “one-off” basis that includes outdoor entertainment that may potentially exceed the sound level restrictions in Chapter 15.90 will be required to obtain a Special Event Permit, subject to FMC Chapter 15.58. This would allow for additional review by City Staff to ensure that appropriate measures are taken to minimize negative impacts on surrounding properties that may be associated with the event. Special events often correspond to a holiday and would not occur on a regular or recurring basis.

The provisions of the proposed code amendments, if adopted, will be applicable to all businesses with an existing Entertainment Permit from the effective date of the proposed Ordinance. Businesses with existing Entertainment Permits within the C-3 and G-C zones that were specifically prohibited from having outdoor entertainment may petition to have that condition removed by the Police Department after revisions to their conditions of approval in their ARUP are approved by the Zoning Administrator.

Table 2 Outdoor Entertainment Noise Restrictions (C-3 and G-C Zones only)

Hours (Monday – Sunday)	Maximum Allowable Sound Level
5:00 p.m. - 10:00 p.m.	80 dB(A)
Any hours before 5:00 p.m. or after 10:00 p.m.	No outdoor entertainment of any kind (amplified or non-amplified)

Properties Outside the C-3 and G-C Zones

All properties located outside of the C-3 and G-C zones will continue to be subject to the current noise level standards contained in Chapter 15.90 of the FMC. This includes the noise level standards, measurement time periods and methodology by which noise levels are measured.

Enforcement

To support effective enforcement, the proposed Noise Ordinance establishes clear measurement standards and time-based sound limits. Measurement is taken on the property line of a commercial property or 25 feet from the noise source, whichever distance is greater. This approach accounts for situations where a property line is located very close to the building, which could result in higher decibel readings due to proximity. Further, all limits are in terms of maximum instantaneous levels (Maximum Allowable Sound Level) for ease of enforcement as opposed to measuring various intervals with different L_{eq} levels which is more cumbersome and allows for user error and misinterpretation of sound level meter results. Using Maximum Allowable Sound Level levels allows a Code Enforcement Officer to determine whether the stipulations in the Ordinance are being violated with the use of simple noise detecting equipment.

Enforcement Equipment

The proposed amendments to Chapter 15.90 will clarify the type of noise detecting equipment that can be used to determine compliance with the noise standards. The proposed amendments to noise measurement technology will apply to all properties both inside and outside of the C-3 and G-C zones.

Staff's recommendation is to adopt the proposed amendments before City Council to establish maximum allowable sound levels in C-3 (Downtown) and G-C (General Commercial) zones and hours for garbage collection and deliveries in commercial zones in Chapter 15.90 and align Chapter 3.08 to allow outdoor entertainment between 5:00 p.m. and 10:00 p.m. under an ARUP. Together, these changes complete the City's Noise Ordinance, provide clearer enforcement tools, and balance the needs of businesses and residents.

Attachments:

- Attachment 1 – City Council Draft Ordinance No. XXXX (Title 15 and Title 3)
- Attachment 2 – City Council Draft Redline Ordinance No. XXXX (Title 15 and Title 3)
- Attachment 3 – Planning Commission Staff Report dated July 23, 2025
- Attachment 4 – Planning Commission Minutes dated July 23, 2025
- Attachment 5 – Dudek Noise Evaluation Memorandum dated November 2, 2023

cc: Interim City Manager Eddie Manfro