



CITY OF FULLERTON

Community and Economic Development Department

Item No. 2
July 23, 2025
6:30 p.m.
Public Hearing

**TO: Chair Dino and
Members of the Planning Commission**

APPLICATION

PRJ14-00172 - LRP-2020-0014

APPLICANT

City of Fullerton

SUMMARY OF REQUEST

Zoning Ordinance Amendment to Chapter 15.90 (Noise Standards and Regulation) of the Fullerton Municipal Code (FMC) to update commercial noise standards and regulations and permit limited outdoor entertainment.

AUTHORIZATION

The City Council adopted Resolution No. 2018-31 on June 5, 2018, stating its intention to consider amendments to the FMC updating development and operational standards, processes and enforcement tools for businesses selling alcohol for onsite consumption and offering entertainment. The City Council had previously approved a Resolution of Intention to amend the Municipal Code pertaining to noise in 2014 (Resolution No. 2014-58).

FMC Sections 15.72.040 and 15.72.050 authorize the Planning Commission to hold a public hearing to consider an amendment to the FMC and make a recommendation to the City Council based on findings that the proposed amendment is consistent with the goals and objectives of the Zoning Ordinance and the General Plan.

PUBLIC OUTREACH

Notice of the proposed amendments was published in the Fullerton News Tribune on July 3, 2025.

On June 14, 2023, an in-person Community Meeting was held at the Fullerton Community Center to conduct a community discussion on what important items should be incorporated into the Noise Ordinance with options that meet the needs of both residents as well as business owners and stakeholders. The meeting and same discussion was also conducted as a virtual/call-in meeting on June 15, 2023. This is a referred item from City Council to Planning Commission therefore no additional Community Meetings have been held.

At the March 21, 2023, City Council Meeting, Staff had a Study Session with City Council to consider amending FMC Chapter 15.90 (Noise Standards and Regulation) and Chapter 3.08 (Entertainment).

PROJECT DESCRIPTION / BACKGROUND

The current version of the City's Noise Ordinance imposes exterior noise level limits that are incompatible with businesses operating with entertainment and are exceeded by current background/ambient noise levels in the Downtown and commercial zones Citywide. The background/ambient noise is present from everyday activities, mostly from vehicle traffic on the adjacent streets, but also from normal operation of businesses, airplane and train traffic, and typical pedestrian activity. As a result, the current maximum allowable noise levels are essentially unenforceable based on standard operation and current background levels. The Fullerton Plan (General Plan) identified this discrepancy in 2012 and included a short-term action item within the implementation section of the General Plan to resolve this issue.

A vibrant Downtown or commercial district - featuring typical uses such as restaurants - relies on an atmosphere of activity and excitement. The sounds of conversation, laughter, and music help draw customers in and create a lively environment that attracts patrons. However, it's essential to strike a balance: while this vibrant ambiance is vital for business, it should not escalate to levels that become unsafe or disruptively loud for nearby residential areas.

Therefore, while fostering a lively atmosphere, the proposed amendments emphasize the importance of implementing measures to regulate disruptive noise levels, ensuring that Downtown and other commercial corridors remain inviting and vibrant without compromising the quality of life for residents.

Background

Since 2014, both the Planning Commission and City Council have considered numerous updates to the City's noise and entertainment regulations to improve enforcement and balance the interests of businesses, residents, and visitors particularly within the Downtown district.

Between 2014 and 2022, the City Council approved several actions related to noise regulation and business operations. City Council approved Resolution No. 2014-58, a Resolution of Intention to consider amendments to the FMC regarding noise regulation. In 2019, City Council approved amendments to FMC Titles 3 and 15, specifically related to businesses that sell alcohol and require entertainment permits, as part of the broader "Downtown Game Plan" efforts. These changes updated standards, processes, and operational requirements for alcohol-serving businesses; however, City Council did not adopt any changes to Chapter 15.90 (Noise Standards) at that time due to noticing concerns and continued community feedback.

In addition to policy updates, enforcement focused actions were taken to support compliance. In May 2019, a dedicated part-time Code Enforcement Officer was assigned to the Downtown district to enforce Land Use Entitlements and ensure that businesses operated in compliance with City codes and building standards. At that time, several businesses were found to be out of compliance, including those generating excessive noise through indoor and unpermitted outdoor entertainment, resulting in complaints to both Code Enforcement and the Police Department. The assignment of a dedicated Code Enforcement Officer, combined with improved coordination with the Police Department, led to more effective enforcement and a significant reduction in both complaints and non-compliant businesses. Utilizing the updated enforcement tools provided in Title 3, the Code Enforcement and Police Departments have worked collaboratively to address

violations, resulting in noticeable progress in reducing noise complaints and bringing businesses into compliance with City regulations.

However, an inherent conflict remains between allowable noise levels, standard business operations, and the need to preserve quality of life for nearby residents. This ongoing tension underscores the need for clearer, more practical standards that reflect current ambient noise conditions, support a thriving commercial environment, and respect the needs of the surrounding residential community.

Late 2022, Staff were requested by City Council to bring back the Noise Ordinance discussions for consideration. On March 21, 2023, Staff brought the item back to the City Council as a Study Session to consider amending FMC Chapter 15.90 (Noise Standards and Regulation) and Chapter 3.08 (Entertainment). Staff requested policy direction from the City Council regarding noise standards and regulation. This included whether the Noise Ordinance amendments should include Downtown only or Citywide, whether the City Council would entertain outdoor entertainment and during what hours. Following a Staff presentation and public comment, the City Council directed Staff to bring back Chapter 15.90 (Noise Standards) recommendations and to explore the possibility of allowing limited outdoor entertainment, updating noise standards Citywide (not just Downtown) and ensuring the rules are enforceable while still supporting a vibrant business environment.

Two Community Meetings were held in spring 2023 to give residents, business owners, and stakeholders an opportunity to discuss what important items should be incorporated into the Noise Ordinance. The first one was an in-person meeting that was held at the Fullerton 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 is strong 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.

On February 6, 2024, the City Council reviewed draft amendments to Fullerton Municipal Code Chapters 15.90 and 3.08. Following that review, the Council referred the amendments back to the Planning Commission with direction to: 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; and 3) revisit and clarify the enforcement process for non-compliant businesses.

PROPOSED AMENDMENTS AND REGULATIONS

To ensure that Downtown Fullerton 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 an enforceable balance between the needs of the business operations and quality of life for residents. The proposed amendments are the

culmination of data gathering, consultation with acoustical professionals, review of noise related complaints, and outreach to the public including business owners and residents Citywide.

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. Amendments also include provisions for garbage collection hours and delivery hours in commercial zones. The changes would apply to the Central Business District Commercial (C-3) zone and General Commercial (G-C) zone. The proposed regulations recognize the mix of residential and highly concentrated business in the C-3 zone and the inherently higher background noise levels in commercial zones.

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 found that the current version of the City's Noise Ordinance imposes unenforceable and incompatible restrictions with exterior noise level limits of 55 decibels (dBA) between 7:00 a.m. and 10:00 p.m. and 50 dBA between 10:00 p.m. and 7:00 a.m. The study also found the average hourly background levels (Leq) measured in and around the C-3 and G-C zones were 65 dBA during the peak entertainment hours of 5:00 p.m. to midnight, while the average hourly L25 value period was 64 dBA and the average hourly L5 value was 67 dBA during the same time period. This essentially served as the premise for applying the new standards to the C-3 and G-C zones (see Attachment 4, Table 3).

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 the daytime hours (7:00 a.m. to 5:00 p.m.), and then increases the level of permitted sound at nighttime hours 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 at 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.*

Outdoor Entertainment

The proposed FMC amendments would permit Entertainment (Outdoor) with a cut-off time of 10:00 p.m. Entertainment (Outdoor) 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 (FMC Chapter 3.08 is attached for contextual reference). The amendments to 15.90 and 3.08 would permit outdoor entertainment on a regular or sustained basis 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 of 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 Leq levels which is more cumbersome and allows for user error and misinterpretation of sound level meter results. Using Maximum Allowable Sound Level levels would allow an 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.

Alternative Approach

Alternatively, the Planning Commission can consider adopting the Fullerton Transportation Center (FTC) Noise Ordinance standards to be applied to C-3 and G-C zones. FTC standards could be a viable approach to ensure consistent noise regulation, especially in areas with similar land-use characteristics. Below are the approved Exterior Noise Levels within the Fullerton Transportation Center Noise Ordinance standards.

Exterior Noise Levels (dBA) for a Period Not Exceeding (minutes/hour)					
Time Period	30 min.	15 min.	5 min.	1 min.	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
Fri.-Sat. 10:00 p.m.-12:00 a.m.	65	70	75	80	85
Sat.-Sun. 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.					

ANALYSIS

- The proposed amendments are an implementation requirement as an action item of the General Plan which identified this discrepancy between the existing Noise Ordinance business operations commercial zones in 2012.
- The current version of the City's Noise Ordinance imposes exterior noise level limits of 55 dBA, which are incompatible with standard business operations for both indoor and outdoor entertainment, given that the average ambient sound levels in Downtown and commercial centers throughout the day measure at 65 dBA.
- Enforcing the current Noise Ordinance proves unrealistic for standard business operations, highlighting the need for adjustments to foster a successful and vibrant environment while accommodating surrounding uses, including residential areas.

- The proposed changes aim to align with the overarching intent of the General Plan, which seeks to create a vibrant and cohesive urban environment by implementing regulations that support economic vitality while preserving the quality of life for residents.
- The Memorandum prepared by the acoustical engineering consultant, Dudek, outlines the results of the Noise Study and a recommendation for updating the FMC (Attachment 4).
- The proposed amendments incorporate concepts and recommendations from the Noise Study prepared by Dudek acknowledging the distinctive blend of residential and commercial activities in Downtown while also recognizing the increased sound levels in the G-C and C-3 zones. As such, increased levels of sound would be permitted during the evening hours (5:00 p.m. - 12:00 a.m.) within C-3 and G-C zoned properties. These adjustments stay within the bounds necessary for standard business operations to thrive successfully.
- The proposed amendments are intended to provide ease of enforcement. The new limits are in terms of maximum instantaneous levels (Maximum Allowable Sound Level) and various options for measuring compliance of noise limits would be provided.

ENVIRONMENTAL REVIEW

This Ordinance Amendment is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3) - common sense exemption. The proposed amendments are consistent with the acceptable or conditionally acceptable sound level standards identified in the General Plan under Community Noise Equivalent Level (CNEL). Other environmental impacts from noise are related to ground borne vibration or property within the vicinity of a private airstrip, which is not applicable.

RECOMMENDED ACTION

Adopt Planning Commission Resolution No. PC-2025-09 entitled:

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF FULLERTON, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL AMEND FULLERTON MUNICIPAL CODE CHAPTER 15.90 AS IT PERTAINS TO NOISE STANDARDS, OTHER RELATED NOISE PROVISIONS AND OUTDOOR ENTERTAINMENT FOR PROPERTIES ZONED C-3 (CENTRAL BUSINESS DISTRICT, COMMERCIAL) AND G-C (GENERAL COMMERCIAL)

DATED: July 23, 2025

Prepared by:



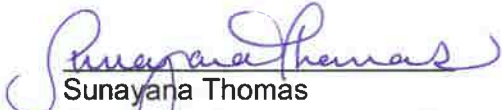
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Reviewed and Approved for Agenda by:



Sunayana Thomas
Director of Community and Economic Development

Attachments

1. Draft Planning Commission Resolution No. PC-2025-09
2. Draft Amendments to Fullerton Municipal Code Chapter 3.08
3. Summary of Proposed Amendments to Fullerton Municipal Code Chapter 15.90
4. Dudek Noise Study dated November 2, 2023

Attachment No. 1

Draft Planning Commission Resolution No. PC-2025-09

RESOLUTION NO. PC-2025-09

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF FULLERTON, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL AMEND FULLERTON MUNICIPAL CODE CHAPTER 15.90 AS IT PERTAINS TO NOISE STANDARDS, OTHER RELATED NOISE PROVISIONS AND OUTDOOR ENTERTAINMENT FOR PROPERTIES ZONED C-3 (CENTRAL BUSINESS DISTRICT, COMMERCIAL) AND G-C (GENERAL COMMERCIAL)

PRJ14-00172 - LRP-2020-0014

APPLICANT: CITY OF FULLERTON

RECITALS:

WHEREAS pursuant to FMC Section 15.72.020.B the City Council of the City of Fullerton adopted a Resolution of Intention on June 5, 2018, authorizing a Zoning Ordinance amendment to revise various chapters of Title 15 of the Fullerton Municipal Code; and

WHEREAS the Planning Commission of the City of Fullerton has held a duly noticed public hearing, as required by law, for PRJ14-00172 - LRP-2020-0014, to consider amendments to Chapter 15.90 of the Fullerton Municipal Code to update noise standards and measurement processes related to noise; and

WHEREAS the proposed Zoning Amendment will increase sound level standards during specified hours for properties within the C-3 and G-C zones to account for higher ambient noise levels and permitted noise-generating activities that occur in the Downtown and in commercial corridors; and

WHEREAS the proposed Zoning Amendment acknowledges increased noise levels within the C-3 and G-C zones while continuing to protect adjacent neighborhoods from impacts related to noise; and

WHEREAS the proposed amendments are Exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3)-common sense exemption.

RESOLUTION

The Planning Commission finds as follows:

Finding 1: The proposed Zoning Ordinance amendment is consistent with the objectives of the Zoning Ordinance and General Plan.

Fact: The amendment is authorized by FMC Chapter 15.72. In addition, the City Council adopted a Resolution of Intention on June 5, 2018, to update the Municipal Code stating its intention to consider amendments to the Fullerton Municipal Code (FMC).

Fact: This amendment is consistent with multiple General Plan policies, including the following:

P1.11 Compatibility of Design and Uses Support policies and regulations to consider the immediate and surrounding contexts of projects to promote positive design relationships and use compatibility with adjacent built environments and land uses, including the public realm.

P8.3 Consideration of Noise in Land Use Decisions: Support policies and regulations which ensure noise-compatible land use planning recognizing the relative importance of noise sources in order of community impact, the local attitudes towards these sources, and the suburban or urban characteristics of the environment, while identifying noise sensitive uses.

P10.16 Economic Strategies in Focus Areas Support policies and regulations pertaining to planning efforts for the City's Focus Areas that facilitate investment and encourage economic activity that benefits the Fullerton community and the City.

Fact: The Fullerton Plan Implementation Strategy, Short Term action plan 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"

Finding 2: The proposed Zoning Ordinance amendment promotes the public health, safety and welfare of the community.

Fact: The proposed amendment to Title 15 will promote the public health, safety and welfare by providing clear and enforceable standards for noise levels within the boundaries of the C-3 and G-C zones while maintaining current noise-level restrictions for properties in all other zones.

THEREFORE, the Planning Commission of the City of Fullerton does hereby recommend APPROVAL of said amendments to Title 15 of the Fullerton Municipal Code as follows:

SECTION 1. Chapter 15.90 will be amended to read as follows:

**Chapter 15.90
NOISE STANDARDS AND REGULATION**

Sections:

- 15.90.010. Intent and purpose.
- 15.90.020. Definitions.
- 15.90.030. Noise standards.
- 15.90.040. Activities exempt from standards.
- 15.90.050. Activities with special provisions.
- 15.90.060. Noise level measurement.
- 15.90.070. Enforcement.
- 15.90.080. Appeal.

15.90.010. Intent and purpose.

A. In order to control unnecessary, excessive and annoying sounds emanating from incorporated areas of the city, it shall be the policy of the city to prohibit such sounds generated from all sources as specified in this chapter except that noise regulated by any penal statute or ordinance and those activities that have been preempted by state or federal law.

B. Specified noise levels have been determined to be detrimental to the public health, welfare and safety and contrary to public interest; therefore, creating, maintaining, causing or allowing to create, maintain or cause any noise in a manner prohibited by or not in conformity with the provisions of this chapter is a public nuisance and shall be punishable as such.

15.90.020. Definitions.

A. Whenever used in this chapter, the following words, phrases and terms shall have the meaning as indicated below:

AMBIENT NOISE LEVEL means the excluding the alleged offensive noise, at the location and approximate time at which a comparison with the alleged offensive noise is to be made. In this context, the ambient noise level constitutes the normal or existing level of environmental noise at a given location.

C-3 ZONE means the zoning applied to a defined area specifically described as Central Business District Commercial in Fullerton Municipal Code Section 15.30.020.C.

CUMULATIVE PERIOD means an additive period of time composed of individual time segments that may be continuous or interrupted.

DECIBEL (dB) means a unit that denotes the ratio between two quantities which are proportional to power: the number of decibels corresponding to the ratio of 2 amounts of power is 10 times the logarithm to the base 10 of this ratio.

EMERGENCY MACHINERY, VEHICLE OR WORK means any machinery, vehicle or work used, employed or performed in an effort to protect, provide or restore safe conditions in the community or for the citizenry, or work by private or public utilities when restoring utility service.

EQUIVALENT CONTINUOUS SOUND PRESSURE LEVEL (L_{Eq}) means the average sound level over the period of the measurement.

FIXED NOISE SOURCE means a stationary device that creates sounds while fixed or motionless, including but not limited to industrial and commercial machinery and equipment, pumps, fans, compressors, generators, air conditioners and refrigeration equipment.

G-C ZONE means the zoning applied to a defined area specifically described as General Commercial in Fullerton Municipal Code Section 15.30.020.C.

GRADING means any excavating or filling of earth material, or any combination thereof conducted to prepare a site for construction or other improvements thereon.

IMPACT NOISE means the noise produced by the collision of one mass in motion with a second mass that may be either in motion or at rest.

MAXIMUM SOUND LEVEL (L_{max}) means the highest level measured during a single noise event or period.

MOBILE NOISE SOURCE means any noise source other than a fixed noise source.

NOISE LEVEL means the "A" weighted sound pressure level in decibels obtained by using a sound level meter at slow response with a reference pressure of 20 micro-newtons per square meter. The unit of measurement shall be designated as dB(A).

PERSON means a person, firm, association, co-partnership, joint venture, corporation of any entity, public or private in nature.

PUBLIC PROPERTY means any real property or structures thereon which are owned or controlled by a governmental entity. This also includes any street, avenue, boulevard, highway, sidewalk or alley or similar place which is owned or controlled by a governmental entity.

RESIDENTIAL PROPERTY means a parcel of real property that is developed and used either in part or in whole for residential purposes, other than transient uses such as hotels and motels.

SIMPLE TONE NOISE means a noise characterized by a predominant frequency or frequencies so that other frequencies cannot be readily distinguished.

SOUND PRESSURE LEVEL of a sound, in decibels, means 20 times the logarithm to the base 10 of the ratio of the pressure of the sound to a reference pressure, which reference pressure shall be explicitly stated.

15.90.030. Noise standards.

A. The following noise standards, unless otherwise specifically indicated, shall apply to all property within the Residential Noise Zone

Hours (Monday – Sunday)	Max dB(A) at affected property (interior)	Max dB(A) at affected property (exterior)
7:00 a.m. - 10:00 p.m.	55 dB(A)*	55 dB(A)*
10:00 p.m. - 7:00 a.m.	45 dB(A)*	50 dB(A)*

B. The following noise standards, unless otherwise specifically indicated, shall apply to all commercial or mixed-use properties in the C-3 and G-C zones:

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

* Or ambient noise level, whichever is less.

C. Noise standards for a sensitive use:

1. A "sensitive use" for the purpose of this chapter means any private or public school, hospital, residential care facility for the elderly, and religious institution.

2. It shall be unlawful for any person at any location within the incorporated area of the city to create any noise that causes the noise level at any sensitive use, while the same is in operation to exceed the noise limits as specified for the Residential Noise Zone, notwithstanding the sensitive use may be located outside of the Residential Noise Zone.

D. It shall be unlawful for any person at any location within the incorporated area of the city to create any noise which can be classified as being continuous, reoccurring, predictable, or whose operation of noise-generating capabilities can be stopped or started at a specified time, or to allow the creation of any noise on property owned, leased, occupied or otherwise controlled by such person, which causes the noise level, when measured on the property, either incorporated or unincorporated, to exceed:

1. The noise standard for a cumulative period of more than 30 minutes in any hour;
2. The noise standard plus 5 dB(A) for a cumulative period of more than 15 minutes but less than 30 minutes in any hour;
3. The noise standard plus 10 dB(A) for a cumulative period of more than 5 minutes but less than 15 minutes in any hour;
4. The noise standard plus 15 dB(A) for a cumulative period of more than one minute but less than five minutes in any hour;
5. The noise standard plus 20 dB(A) for a cumulative period of less than one minute in an hour.

E. In the event the ambient noise level exceeds any of the five noise limit categories listed in Subsection C, the cumulative period applicable to the category shall be increased to reflect the ambient noise level.

F. The permitted deviations from the noise standards specified in 15.90.030.C shall not be applicable to properties in the C-3 or G-C zones.

15.90.040. Activities exempt from standards.

A. The following activities shall be exempt from the noise level standards specified by this chapter:

1. School bands, school athletic and school entertainment events.
2. Outdoor gatherings, public dances, shows and sporting and entertainment events provided the events are conducted pursuant to a permit and/or license issued by the city.
3. Activities and maintenance conducted on public property, parks, playgrounds and public or private school grounds.
4. Any mechanical device, apparatus or equipment used, related to or connected with the use of machinery, vehicles, or work due to an emergency.
5. All mechanical devices, apparatus or equipment which are utilized for the protection or salvage of agricultural crops during periods of potential or actual frost damage or other adverse weather conditions.

6. Mobile noise sources associated with agricultural pest control through pesticide application.
7. Noise from vehicular traffic on public streets.

B. For the drilling of water wells, the Director of Community and Economic Development may approve or conditionally approve an exception or limited exemption from the noise level standards of this chapter.

15.90.050. Activities with special provisions.

A. The following activities shall be exempt from the noise level standards specified by this chapter provided they take place between the hours of 7 a.m. and 8 p.m. on any day except Sunday or a City-recognized holiday.

1. Noise sources associated with construction, repair, remodeling, or grading of any real property;
2. Mobile noise sources associated with agricultural operations;
3. Noise sources associated with the maintenance of real property, including normal maintenance and repair by city and utility crews.

B. Installation of air conditioning, refrigeration and pool equipment shall be certified to be within the provisions of this chapter for night and day operation noise levels.

C. Activities involving deliveries and pickups in all Commercial Zones shall comply with the provisions of this chapter for night and day operation noise levels based on the following criteria.

1. Rubbish and Garbage Collection for all Commercial Zones. Collection times for all commercial zones shall be conducted during the following hours:
 - a. Between the hours of 7:00 a.m. and 9:00 p.m. if trash receptacles or bins are located within 200 feet of a Residential Zone or residences located in a Mixed-Used Development.
 - b. At any time, if the trash bins are located more than 200 feet from a Residential Zone or residences located in a Mixed-Used Development.
2. Deliveries and Vehicle loading or unloading in all Commercial Zones. Delivery Hours shall be conducted during the following hours:
 - a. Between the hours of 7:00 a.m. and 10:00 p.m. if the property receiving the delivery is located within 200 feet of a Residential Zone or residences located in a Mixed-Used Development.
 - b. At any time, if the property receiving the delivery is located more than 200 feet from a Residential Zone or residences located in a Mixed-Used Development.

15.90.060. Noise level measurement.

- A. The location selected for measuring exterior noise levels (Non C-3 and G-C zones) shall be at any point on the affected property. The affected property shall be the address from which the complaint was received.
- B. The location selected for measuring interior noise levels (Non C-3 and G-C zones) shall be made within the affected property at point at least four feet from the wall, ceiling or floor nearest the noise source.
- C. For the purpose of enforcing sound limits on properties in the C-3 or G-C zones, the following Special Provisions shall apply:
- D. All limits are in terms of maximum instantaneous levels for ease of enforcement. Measurement is taken on the property line of a commercial property or 25 feet from the noise source, whichever distance is greater. Any noise level measurements made pursuant to the provisions of this chapter shall be performed using a minimum ANSI S1.4 Type 2 rating sound level meter which is commercially available and can make and record sound level readings that include the date and time the reading was taken and the geographic location where the reading was taken to the satisfaction of the Community and Economic Development Director.

15.90.070. Enforcement.

- A. The Director of Community and Economic Development and his/her duly authorized representatives are directed to enforce the provisions of this chapter.
 - 1. Code Enforcement Division shall be appointed as the case manager, upon receiving a noise complaint; coordinating with the relevant departments as appropriate based on the circumstance; and conducting other actions necessary to enforce the provisions of this chapter as appropriate.
 - 2. The Police Department may incidentally enforce the provisions of this chapter as appropriate.
- B. No person shall interfere with, oppose or resist any authorized person charged with the enforcement of this chapter.

15.90.080. Appeal.

- A. The owner or operator of a noise source who has been issued an Administrative Citation in violation of the provisions of this chapter may appeal the citation pursuant to Fullerton Municipal Code Chapter 1.10

SECTION 2. Inconsistencies. Any provision of the Fullerton Municipal Code or appendices thereto inconsistent with the provisions of this ordinance, to the extent of such inconsistencies and or further, is hereby repealed or modified to the extent necessary to affect the provisions of this ordinance.

SECTION 3. Severability. If any provision or clause of this ordinance or the application thereof to any person or circumstances is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect other provisions or clauses or applications

of this ordinance which can be implemented without the invalid provision, clause or application; and to this end, the provisions of this ordinance are declared to be severable.

ADOPTED BY THE FULLERTON PLANNING COMMISSION ON JULY 23, 2025.

Arnel Dino, Chairman

Attachment No. 2

Draft Amendments to Fullerton Municipal Code Chapter 3.08

SECTION 4. Chapter 3.08 will be amended to read as follows:

**Chapter 3.08
Entertainment**

3.08.140 Baseline operational requirements for Entertainment establishments.

The following baseline operational requirements shall be applicable to all businesses with an Entertainment Permit. The Chief of Police, in consultation with other departments, may require additional conditions of approval on an Entertainment Permit based on the specific location and operational characteristics of the business. These requirements do not modify or limit in any way the authority of the Chief of Police to enforce Penal Code Section 415 (disturbing the peace) against any person, or of the Chief of Police or the Fire Marshal to immediately take action in the event of an imminent threat to public health or safety.

A. Compliance with laws. All individuals and/or business entities who obtain an Entertainment Permit shall comply with all applicable laws, regulations, ordinances and stated conditions.

B. Time restrictions. Entertainment may not take place between the hours of 2:00 a.m. and 8:00 a.m. The time restrictions may be further limited by an applicable conditional use permit or Entertainment Permit.

C. Type, manner and hours of operation. The type, manner, frequency, dates and times during which Entertainment is provided shall be limited to what is expressly indicated on the Entertainment Permit. Any substantial changes to the type, manner, frequency, dates or times of Entertainment shall require the Permittee to submit an application for an amendment to the Entertainment Permit, which shall be processed in the same manner as a new Entertainment Permit, prior to making any changes to the business operation.

D. No Adult Entertainment, as defined by Fullerton Municipal Code Section 7.95, shall be conducted on the permitted premises. Permittees shall not allow, permit, procure, or encourage, anyone to expose male or female genitals, cleft of the buttocks, the areola or any portion of the female breast below the areola, while at or inside the business.

E. Outdoor Entertainment. Any Entertainment (Outdoor), excluding Ambient Music is prohibited except within the boundaries of commercial properties zoned C-3 and G-C as defined in Chapter 15.90 and approved through a Conditional Use Permit (CUP).

1. Outdoor Entertainment is limited to the hours of 5:00pm to 10:00pm, Monday through Sunday.
2. No outdoor entertainment of any kind (amplified or non-amplified) will be permitted before 5:00 p.m. or after 10:00 p.m. Monday through Sunday.
3. Sound and amplification equipment shall be monitored during business hours by the establishment to ensure that audible noise remains at acceptable levels in accordance with the noise standards contained in Chapter 15.90 Noise Standards and Regulations.

F. Permit posted on site. Permittees shall place or post an approved Entertainment Permit including conditions of approval on the premises in a place easily accessible by city staff.

G. Promoters. Neither the business, nor anyone on its behalf, shall share any profits, or pay any percentage or commission to a promoter or otherwise receive compensation for use of the facilities.

H. Advertising. Permittee shall not distribute, post or attach, and shall be responsible for ensuring that no agents on its behalf, distribute, post or attach, advertising matter on public property, public right-of-way, or on any vehicle on public property.

I. Noise. Permittee shall ensure that noise emanating from the business shall not be unreasonably loud or disturbing and shall comply with the noise standards contained in Chapter 15.90.

J. Occupancy. Building occupancy loads shall be posted at all times. Permittee shall be responsible to keep count of the number of occupants present at any given time and provide that information to City staff upon request.

K. Security Plan. Permittee shall be responsible for adhering to the Security Plan reviewed and approved by the Chief of Police, or their designee. Modifications to the approved Security Plan shall be reviewed and approved by the Police Department prior to making any changes to security operations. It is the responsibility of the business establishment to update the security plan on file with the city when/if there are any changes in the operational characteristics of the establishment which may alter the contents of the security plan. Changes in business name and/or ownership shall require an updated security plan to be provided to the city.

L. Loitering. Permittee shall take steps to prevent patrons from loitering in the immediate area, littering or making excessive noise outside of the establishment and at closing time.

M. Doors and windows. All exterior doors and windows must be closed during the hours of Entertainment, except to allow ingress or egress of patrons, or in the case of emergencies. Exceptions to this requirement may be considered as part of a conditional use permit based on the business location, building design, business operations, and outdoor entertainment.

Attachment No. 3

Summary of Proposed Amendments to Fullerton Municipal Code Chapter 15.90

Original text in *italics*, new text in **blue**, **bold** and **underlined**, deleted text in ~~red strike through~~.

Chapter 15.90
NOISE STANDARDS AND REGULATION

Sections:

- 15.90.010. *Intent and purpose.*
- 15.90.020. *Definitions.*
- 15.90.030. *Noise standards.*
- 15.90.040. *Activities exempt from standards.*
- 15.90.050. *Activities with special provisions.*
- 15.90.060. *Noise level measurement.*
- 15.90.070. *Enforcement.*
- 15.90.080. *Appeal.*

15.90.010. *Intent and purpose.*

A. *In order to control unnecessary, excessive and annoying sounds emanating from incorporated areas of the city, it shall be the policy of the city to prohibit such sounds generated from all sources as specified in this chapter except that noise regulated by any penal statute or ordinance and those activities that have been preempted by state or federal law.*

B. *Specified noise levels have been determined to be detrimental to the public health, welfare and safety and contrary to public interest; therefore, creating, maintaining, causing or allowing to create, maintain or cause any noise in a manner prohibited by or not in conformity with the provisions of this chapter is a public nuisance and shall be punishable as such.*

(Ord. 2982, 2001)

15.90.020. *Definitions.*

A. *Whenever used in this chapter, the following words, phrases and terms shall have the meaning as indicated below:*

AMBIENT NOISE LEVEL means the **composite of noise from all sources near and far** ~~the all-encompassing noise level associated with a given environment, being a composite of sounds from all sources,~~ excluding the alleged offensive noise, at the location and approximate time at which a comparison with the alleged offensive noise is to be made. **In this context, the ambient noise level constitutes the normal or existing level of environmental noise at a given location.**

C-3 ZONE means the zoning applied to a defined area specifically described as Central Business District Commercial in Fullerton Municipal Code Section 15.30.020.C.

CUMULATIVE PERIOD means an additive period of time composed of individual time segments that may be continuous or interrupted.

DECIBEL (dB) means a unit that denotes the ratio between two quantities which are proportional to power: the number of decibels corresponding to the ratio of 2 amounts of power is 10 times the logarithm to the base 10 of this ratio.

EMERGENCY MACHINERY, VEHICLE OR WORK means any machinery, vehicle or work used, employed or performed in an effort to protect, provide or restore safe conditions in the community or for the citizenry, or work by private or public utilities when restoring utility service.

EQUIVALENT CONTINUOUS SOUND PRESSURE LEVEL (Leq) means the average sound level over the period of the measurement.

FIXED NOISE SOURCE means a stationary device that creates sounds while fixed or motionless, including but not limited to industrial and commercial machinery and equipment, pumps, fans, compressors, generators, air conditioners and refrigeration equipment.

G-C ZONE means the zoning applied to a defined area specifically described as General Commercial in Fullerton Municipal Code Section 15.30.020.C.

GRADING means any excavating or filling of earth material, or any combination thereof conducted to prepare a site for construction or other improvements thereon.

IMPACT NOISE means the noise produced by the collision of one mass in motion with a second mass that may be either in motion or at rest.

MAXIMUM SOUND LEVEL means the highest level measured during a single noise event or period.

MOBILE NOISE SOURCE ~~shall mean any noise source that is not stationary, including but not limited to motorized vehicles, trains, and aircraft.~~ Means any noise source other than a fixed noise source.

NOISE LEVEL means the "A" weighted sound pressure level in decibels obtained by using a sound level meter at slow response with a reference pressure of 20 micro-newtons per square meter. The unit of measurement shall be designated as dB(A).

PERSON means a person, firm, association, co-partnership, joint venture, corporation of any entity, public or private in nature.

PUBLIC PROPERTY means any real property or structures thereon which are owned or controlled by a governmental entity. This also includes any street, avenue, boulevard, highway, sidewalk or alley or similar place which is owned or controlled by a governmental entity.

RESIDENTIAL PROPERTY means a parcel of real property that is developed and used either in part or in whole for residential purposes, other than transient uses such as hotels and motels.

SIMPLE TONE NOISE means a noise characterized by a predominant frequency or frequencies so that other frequencies cannot be readily distinguished.

SOUND PRESSURE LEVEL of a sound, in decibels, means 20 times the logarithm to the base 10 of the ratio of the pressure of the sound to a reference pressure, which reference pressure shall be explicitly stated.

15.90.030. Noise standards.

~~A. The following noise standards, unless otherwise specifically indicated, shall apply to all property within the Residential Noise Zone:~~

~~Allowable Interior~~

~~Noise Level Time Period~~

~~Not to exceed 55 dB(A) 7:00 a.m. - 10:00 p.m.~~

~~Not to exceed 45 dB(A) 10:00 p.m. - 7:00 a.m.~~

~~Allowable Exterior~~

~~Noise Level Time Period~~

~~Not to exceed 55 dB(A) 7:00 a.m. - 10:00 p.m.~~

~~Not to exceed 50 dB(A) 10:00 p.m. - 7:00 a.m.~~

A. The following noise standards, unless otherwise specifically indicated, shall apply to all property within the Residential Noise Zone

<u>Hours</u> <u>(Monday – Sunday)</u>	<u>Max dB(A) at affected</u> <u>property (interior)</u>	<u>Max dB(A) at affected</u> <u>property (exterior)</u>
<u>7:00 a.m.-10:00 p.m.</u>	<u>55 dB(A)*</u>	<u>55 dB(A)*</u>
<u>10:00 p.m.-7:00 a.m.</u>	<u>45 dB(A)*</u>	<u>50 dB(A)*</u>

B. The following noise standards, unless otherwise specifically indicated, shall apply to all property zoned C-3 and G-C:

<u>Hours</u> <u>(Monday – Sunday)</u>	<u>Maximum</u> <u>Sound Level*</u> <u>Allowable</u>
<u>7:00 a.m. - 5:00 p.m.</u>	<u>65 dB(A)</u>
<u>5:00 p.m. - 10:00 p.m.</u>	<u>80 dB(A)</u>
<u>10:00 p.m. - 1:30 a.m.</u>	<u>75 dB(A)</u>
<u>1:30 a.m. - 7:00 a.m.*</u>	<u>65 dB(A)</u>

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

C. *Noise standards for a sensitive use:*

1. A "sensitive use" for the purpose of this chapter means any private or public school, hospital, residential care facility for the elderly, and religious institution.
2. It shall be unlawful for any person at any location within the incorporated area of the city to create any noise that causes the noise level at any sensitive use, while the same is in operation to exceed the noise limits as specified for the Residential Noise Zone, notwithstanding the sensitive use may be located outside of the Residential Noise Zone.

D. *It shall be unlawful for any person at any location within the incorporated area of the city to create any noise which can be classified as being continuous, reoccurring, predictable, or whose operation of noise-generating capabilities can be stopped or started at a specified time, or to allow the creation of any noise on property owned, leased, occupied or otherwise controlled by such person, which causes the noise level, when measured on the property, either incorporated or unincorporated, to exceed:*

1. The noise standard for a cumulative period of more than 30 minutes in any hour;
2. The noise standard plus 5 dB(A) for a cumulative period of more than 15 minutes but less than 30 minutes in any hour;
3. The noise standard plus 10 dB(A) for a cumulative period of more than 5 minutes but less than 15 minutes in any hour;
4. The noise standard plus 15 dB(A) for a cumulative period of more than one minute but less than five minutes in any hour;
5. The noise standard plus 20 dB(A) for a cumulative period of less than one minute in an hour.

E. *The permitted deviations from the noise standards specified in 15.90.030.C shall not be applicable to properties zoned C-3 or G-C.*

F. *In the event the ambient noise level exceeds any of the five noise limit categories listed in Subsection C, the cumulative period applicable to the category shall be increased to reflect the ambient noise level.*

15.90.040. Activities exempt from standards.

- A.** *The following activities shall be exempt from the noise level standards specified by this chapter:*
1. School bands, school athletic and school entertainment events.
 2. Outdoor gatherings, public dances, shows and sporting and entertainment events provided the events are conducted pursuant to a permit and/or license issued by the city.
 3. Activities **and maintenance** conducted on public **property**, parks, ~~public~~ playgrounds and public or private school grounds.
 4. Any mechanical device, apparatus or equipment used, related to or connected with the use of machinery, vehicles, or work due to an emergency.

5. *All mechanical devices, apparatus or equipment which are utilized for the protection or salvage of agricultural crops during periods of potential or actual frost damage or other adverse weather conditions.*
6. *Mobile noise sources associated with agricultural pest control through pesticide application.*
7. *Noise from vehicular traffic on public streets.*

B. For the drilling of water wells, the Director of ~~Development Services~~ Community and Economic Development may approve or conditionally approve an exception or limited exemption from the noise level standards of this chapter.

15.90.050. Activities with special provisions.

A. The following activities shall be exempt from the noise level standards specified by this chapter provided they take place between the hours of 7 a.m. and 8 p.m. on any day except Sunday or a City-recognized holiday.

1. *Noise sources associated with construction, repair, remodeling, or grading of any real property;*
2. *Mobile noise sources associated with agricultural operations;*
3. *Noise sources associated with the maintenance of real property, including normal maintenance and repair by city and utility crews.*

B. Installation of air conditioning, refrigeration and pool equipment shall be certified to be within the provisions of this chapter for night and day operation noise levels.

C. Activities involving deliveries and pickups in all Commercial Zones shall comply with the provisions of this chapter for night and day operation noise levels based on the following criteria.

1. **Rubbish and Garbage Collection for all Commercial Zones. Collection times for all commercial zones shall be conducted during the following hours:**
 - a. Between the hours of 6:00 a.m. and 9:00 p.m. if trash receptacles or bins are located within 200 feet of a Residential Zone or residences located in a Mixed-Used Development.**
 - b. At any time, if the trash bins are located more than 200 feet from a Residential Zone or residences located in a Mixed-Used Development.**
2. **Deliveries and Vehicle loading or unloading in all Commercial Zones. Delivery Hours shall be conducted during the following hours:**

a. Between the hours of 7:00 a.m. and 10:00 p.m. if the property receiving the delivery is located within 200 feet of a Residential Zone or residences located in a Mixed-Used Development.

b. At any time, if the property receiving the delivery is located more than 200 feet from a Residential Zone or residences located in a Mixed-Used Development.

15.90.060. *Noise level measurement.*

- A. *The location selected for measuring exterior noise levels shall be at any point on the affected property. The affected property shall be the address from which the complaint was received.*
- B. *The location selected for measuring interior noise levels shall be made within the affected property at point at least four feet from the wall, ceiling or floor nearest the noise source.*

~~C. Any noise level measurements made pursuant to the provisions of this chapter shall be performed using a sound level meter that meets the American National Standard Institute's Standard S1.4 - 1971 for Type 1 or Type 2 sound level meters or an instrument and the associated recording and analyzing equipment which will provide equivalent data.~~

C. For the purpose of enforcing sound limits on properties zoned C-3 or G-C, the following provisions shall apply:

1. All limits are in terms of maximum instantaneous levels for ease of enforcement.
2. Measurement is taken on the property line of a commercial property or 25 feet from the noise source, whichever distance is greater.

D. Any noise level measurements made pursuant to the provisions of this chapter shall be performed using a minimum ANSI S1.4 Type 2 rating sound level meter which is commercially available and can make and record sound level readings that include the date and time the reading was taken and the geographic location where the reading was taken to the satisfaction of the Community and Economic Development Director.

15.90.070. *Enforcement.*

A. *The Director of Community and Economic Development ~~Services~~ and his/her duly authorized representatives are directed to enforce the provisions of this chapter.*

1. Code Enforcement Division shall be appointed as the case manager, upon receiving a noise complaint; coordinating with the relevant departments as appropriate based on the circumstance; and conducting other actions necessary to enforce the provisions of this chapter as appropriate.
2. The Police Department may incidentally enforce the provisions of this chapter as appropriate.

B. No person shall interfere with, oppose or resist any authorized person charged with the enforcement of this chapter.

(Ord. 2982, 2001)

15.90.080. Appeal.

A. The owner or operator of a noise source who has been issued an Administrative Citation in violation of the provisions of this chapter may appeal the citation pursuant to Fullerton Municipal Code Chapter 1.10

(Ord. 2982, 2001)

SECTION 3. Inconsistencies. *Any provision of the Fullerton Municipal Code or appendices thereto inconsistent with the provisions of this ordinance, to the extent of such inconsistencies and or further, is hereby repealed or modified to the extent necessary to affect the provisions of this ordinance.*

SECTION 4. Severability. *If any provision or clause of this ordinance or the application thereof to any person or circumstances is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect other provisions or clauses or applications of this ordinance which can be implemented without the invalid provision, clause or application; and to this end, the provisions of this ordinance are declared to be severable.*

The following Chapter modifications are provided as informational only and for contextual reference.

Chapter 3.08 Entertainment

3.08.140 Baseline operational requirements for Entertainment establishments.

The following baseline operational requirements shall be applicable to all businesses with an Entertainment Permit. The Chief of Police, in consultation with other departments, may require additional conditions of approval on an Entertainment Permit based on the specific location and operational characteristics of the business. These requirements do not modify or limit in any way the authority of the Chief of Police to enforce Penal Code Section 415 (disturbing the peace) against any person, or of the Chief of Police or the Fire Marshal to immediately take action in the event of an imminent threat to public health or safety.

A. Compliance with laws. All individuals and/or business entities who obtain an Entertainment Permit shall comply with all applicable laws, regulations, ordinances and stated conditions.

B. Time restrictions. Entertainment may not take place between the hours of 2:00 a.m. and 8:00 a.m. The time restrictions may be further limited by an applicable conditional use permit or Entertainment Permit.

C. Type, manner and hours of operation. The type, manner, frequency, dates and times during which Entertainment is provided shall be limited to what is expressly indicated on the Entertainment Permit. Any substantial changes to the type, manner, frequency, dates or times of Entertainment shall require the Permittee to submit an application for an amendment to the

Entertainment Permit, which shall be processed in the same manner as a new Entertainment Permit, prior to making any changes to the business operation.

D. No Adult Entertainment, as defined by Fullerton Municipal Code Section 7.95, shall be conducted on the permitted premises. Permittees shall not allow, permit, procure, or encourage, anyone to expose male or female genitals, cleft of the buttocks, the areola or any portion of the female breast below the areola, while at or inside the business.

E. Outdoor Entertainment. Any Entertainment (Outdoor), excluding Ambient Music is prohibited except within the boundaries of commercial properties zoned C-3 and G-C ~~the Downtown Commercial Noise Zone~~ as defined in Chapter 15.90 and Administrative Restaurant Use Permit (ARUP) ~~and approved through a Conditional Use Permit (CUP).~~

- 1. Outdoor Entertainment is limited to the hours of 5:00pm to 10:00pm, Monday through Sunday.*
- 2. No outdoor entertainment of any kind (amplified or non-amplified) will be permitted before 5:00 p.m. or after 10:00 p.m. Monday through Sunday.*
- 3. Sound and amplification equipment shall be monitored during business hours by the establishment to ensure that audible noise remains at acceptable levels in accordance with the noise standards contained in Chapter 15.90 Noise Standards and Regulations.*

F. Permit posted on site. Permittees shall place or post an approved Entertainment Permit including conditions of approval on the premises in a place easily accessible by city staff.

G. Promoters. Neither the business, nor anyone on its behalf, shall share any profits, or pay any percentage or commission to a promoter or otherwise receive compensation for use of the facilities.

H. Advertising. Permittee shall not distribute, post or attach, and shall be responsible for ensuring that no agents on its behalf, distribute, post or attach, advertising matter on public property, public right-of-way, or on any vehicle on public property.

I. Noise. Permittee shall ensure that noise emanating from the business shall not be unreasonably loud or disturbing and shall comply with the noise standards contained in Chapter 15.90.

J. Occupancy. Building occupancy loads shall be posted at all times. Permittee shall be responsible to keep count of the number of occupants present at any given time and provide that information to City staff upon request.

K. Security Plan. Permittee shall be responsible for adhering to the Security Plan reviewed and approved by the Chief of Police, or their designee. Modifications to the approved Security Plan shall be reviewed and approved by the Police Department prior to making any changes to security operations. It is the responsibility of the business establishment to update the security plan on file with the city when/if there are any changes in the operational characteristics of the establishment which may alter the contents of the security plan. Changes in business name and/or ownership shall require an updated security plan to be provided to the city.

L. Loitering. Permittee shall take steps to prevent patrons from loitering in the immediate area, littering or making excessive noise outside of the establishment and at closing time.

M. Doors and windows. All exterior doors and windows must be closed during the hours of Entertainment, except to allow ingress or egress of patrons, or in the case of emergencies. Exceptions to this requirement may be considered as part of a conditional use permit based on the business location, building design, ~~and~~ business operations, and outdoor entertainment. (Ord. 3270, § 5, 2019)

Attachment No. 4

Dudek Noise Study dated November 2, 2023

MEMORANDUM

To: Edgardo Caldera (City of Fullerton)
From: James P. Cowan, INCE Bd.Cert.
Subject: City of Fullerton Downtown District Noise Ordinance Evaluation
Date: November 2, 2023
cc: Mark Storm, INCE Bd.Cert., Sunayana Thomas (City of Fullerton), Guillermina Torrico (City of Fullerton), Taylor Samuelson (City of Fullerton)
Attachment(s): Appendix A – Long-Term Monitored Data Charts
Appendix B – Aerial Maps Showing Noise Data by Location

It is our understanding that the City of Fullerton would like to update their noise ordinance (Chapter 15.90 of the Fullerton Municipal Code) to create an enforceable policy for commercial noise levels in the Downtown that also addresses outdoor entertainment and resident quality of life. These types of activities conflict with the current version of the noise ordinance, which is relevant to the entire city, including the Downtown District. Dudek has been retained by the City to evaluate the current noise environment in the C-3 (Central Business District, Commercial) Zone through sound measurements and observations, resulting in recommendations for noise ordinance stipulations that would provide minimal restrictions for businesses having outdoor entertainment permits while providing an easily enforceable and acceptable noise environment for local residents.

Since the term “noise” is defined as unwanted sound (and thereby a subset of sound), the words “noise” and “sound” are being used interchangeably in this memo.

1 Current Noise Regulation

The current version of Chapter 15.90 imposes exterior noise level limits of 55 dBA between 7:00 am and 10:00 pm and 50 dBA between 10:00 pm and 7:00 am in residential zones. The limits are increased by 5 dBA for a cumulative 30 minutes per hour, by 10 dBA for 15 minutes per hour, and by 15 dBA for less than 5 minutes per hour. These limits are incompatible with outdoor entertainment where there are nearby residences; however, the closest residential zones to the C-3 Zone are hundreds of feet away from any establishment having outdoor entertainment, and the current noise limits are practical for those areas. Of concern are isolated residences in the C-3 Zone that share building spaces with commercial businesses. The closest of those properties are roughly 50 feet away from any permitted outdoor entertainment.

2 Noise Monitoring Program and Results

After reviewing feedback that the City collected from public community meetings and members of City Council, the first step in this evaluation was to develop and implement a sound monitoring program to determine the baseline conditions. Outdoor ambient noise levels were monitored over a Thursday to Sunday period to determine the range of typical sound levels associated with outdoor entertainment and other background sound-generating sources in the C-3 Zone and surrounding communities.

2.1 Noise Descriptors Used

Since sound levels are constantly changing in the outdoor environment, noise levels are typically rated using various temporal and statistical values rather than instantaneous levels. The noise descriptors used in this analysis were chosen to represent the range of values present without emphasizing isolated, infrequent, and atypical events. They are all commonly used for rating sound pressure levels in standards, guidelines, and ordinances in California and across the country. The A-weighted decibel scale (dBA) is used for all sound levels, given its national acceptance as correlating with human hearing sensitivities at moderate sound levels. The following noise descriptors were used in evaluating the acquired data:

- L_{eq} – the equivalent level over a specified time period, which is the constant sound pressure level associated with the same amount of acoustic energy as the actual time-varying signal level, thought of as an energy-average. The peak-hour L_{eq} is the highest hourly energy-averaged value over the course of a continuous 24-hour period.
- L_{max} – the maximum instantaneous sound level occurring during a measurement period.
- L_{min} – the minimum instantaneous sound level occurring during a measurement period.
- L_5 – the sound level exceeded for a cumulative (i.e., does not need to be a continuous period) five percent (5%) of the time during a specified time period (e.g., a total of 3 minutes out of an hour), which is thus an indication of the highest sound levels recorded while discarding isolated, infrequent events.
- L_{25} – the sound level exceeded 25% of the time during a specified time period (e.g., a total of 15 minutes out of an hour).
- L_{50} – the sound level exceeded 50% of the time during a specified time period (e.g., a total of 30 minutes out of an hour), which is an indication of the statistical median sound level recorded during a specified monitoring session.
- L_{90} – the sound level exceeded 90% of the time during a specified time period (e.g., a total of 54 minutes out of an hour, or the quietest 10% of the time), which is an indication of the residual background sound pressure while discarding unusually quiet, short time periods.
- CNEL – community noise equivalent level, which is a 24-hour average level based on adding 5 dBA to sound levels occurring between the evening hours of 7:00 pm and 10:00 pm and adding 10 dBA to sound levels occurring between the nighttime hours of 10:00 pm and 7:00 am to account for the added sensitivity of

people to noise during the evening and normal sleeping times. CNEL is used in California to rate daily noise levels but most agencies across the country use L_{dn} (the day-night average sound level) for that purpose. L_{dn} values add 10 dBA to all sound levels occurring between 10:00 pm and 7:00 am as CNEL values do, but they do not adjust sound levels occurring during the 7:00 to 10:00 pm evening hours.

2.2 Noise Monitoring Process and Results

Noise monitoring was performed from Thursday, September 14 to Sunday, September 17, 2023. For each monitoring session, each sound level meter (SLM) was mounted on a tripod, equipped with an appropriate windscreen, and weather conditions were appropriate for reliable readings, with light winds and no precipitation. Photo logs and data summaries from all readings are stored in our project files and are available upon request.

Readings were taken at eight (8) unattended long-term (minimum 24-hour duration) locations (denoted with the “ML” prefix) and twenty-five (25) short-term locations (denoted with the “ST” prefix), as shown in Figure 1. Tables 1 and 2 list the addresses and closest businesses associated with the long-term and short-term monitoring locations, respectively. On Thursday, September 14, four (4) field- and factory-calibrated Soft dB Piccolo II SLMs were deployed to conduct unattended long-term monitoring for 72-hour durations at sites ML2, ML4, ML5, and ML6. These meters meet American National Standards Institute (ANSI) S1.4 Type 2 and Class 2 tolerance limitations (discussed in Section 3.2 of this memo). After the 72-hour long-term SLMs were deployed, investigator-attended short-term measurements were conducted in 15-minute intervals throughout the C-3 Zone at both ML and ST sites. Short-term measurements were taken in the C-3 Zone that had the highest levels of activity (with live bands performing outdoors and/or large crowds in or near bars or restaurants).

On Friday, September 15, two (2) unattended long-term Piccolo II SLMs were deployed at sites ML1 and ML7 for 48-hour durations and a long-term SLM was deployed at site ML3 for a 24-hour duration. Investigator-attended short-term monitoring began in the late afternoon during rush hour, and monitoring was focused on the north/northeast and south/southwest areas of Fullerton to capture peak activity levels near shopping centers and plazas. In the evening, the monitoring focus shifted to the C-3 Zone where activity levels were highest around the local bars and restaurants. This strategy was repeated on Saturday, September 16, when the 24-hour long-term SLM at ML3 was retrieved and redeployed for 24 hours at site ML8. On Sunday, September 17, the long-term SLMs were retrieved for data collection, and no further short-term monitoring was performed.

Measurements were not taken at some originally planned short-term monitoring sites – ST2, ST3, ST6, ST9, ST25, and ST31 – due to on-site observations at the time of monitoring, which suggested that activity levels (volume of foot and vehicle traffic, events and/or large gatherings) were low throughout the 4-day monitoring period. Therefore, other short-term monitoring sites were prioritized, such as those in the C-3 Zone or near high-activity shopping centers and plazas, to record the highest noise levels in the City.



Figure 1 – Sound monitoring locations in Fullerton's Downtown (C-3) District

Table 1 – Long-term (ML) monitoring locations

Location ID	Address	Closest Business	Distance from Business (ft)	Distance from Closest Residential Zone (ft)
ML1	125 W Santa Fe Ave	Heroes Bar & Grill	100	285
ML2	124 W Commonwealth Ave	Garcia's, Heroes	50	430
ML3	150 S Harbor Blvd	Bourbon Street Bar, Crawfish Cave	50	600
ML4	210 N Harbor Blvd	The Night Owl	50	530
ML5	116 ½ W Wilshire Ave	Ziing's Nightclub, Roman Cucina	20	330
ML6	215 N Harbor Blvd	Ziing's Nightclub, Roman Cucina	20	400
ML7	121 E Wilshire Ave	Fullerton Museum Center	50	340
ML8	310 N Harbor Blvd	Farolito of Fullerton	15	175

Table 2 – Short-term (ST) monitoring locations

Location ID	Address	Closest Business	Distance from Business (ft)	Distance from Closest Residential Zone (ft)
ST1	1027 N Harbor Blvd	Ralph's, Wingstop, Budget Car Rental	20	270
ST2*	800 N Harbor Blvd	Fullerton Car Wash, Havoline Xpress Lube	60	40
ST3*	701 N Harbor Blvd	Forte Strings Violin Shop	100	100
ST4	107 W Malvern Ave	Classic Tattoo Parlor, Fox Fullerton Theatre	250	75
ST5	119 E Chapman Ave	McDonald's	15	100
ST6*	398 N Malden Ave	Celebrity Paw Spa	100	35
ST7	444 N Harbor Blvd	Wahoo's Fish Taco, Citi Bank	30	125
ST8	301 N Pomona Ave	Fullerton Museum Center	20	265
ST9*	128 W Wilshire Ave	Les Amis Restaurant & Lounge	20	300
ST10	202 W Amerige Ave	R&R Smoke & Vape	80	150
ST11	107 W Amerige Ave	Revolucion Cantina & Mezcaleria, MADE Coffee, Hapa Cupcakes & Cakes	15	675
ST12	204 N Pomona Ave	Rutabegorz	130	60
ST13	218 W Commonwealth Ave	Pacific Premier Bank, Centinela Feed & Pet Supplies	20	460
ST14	136 E. Commonwealth Ave	Stubrik's Steakhouse, Bourbon Street Bar, Hopscotch Craft	10	580
ST15	229 E Commonwealth Ave	Qamaria Yemeni Coffee Co.	10	20
ST16	603 S Harbor Blvd	Chevron, California Car Company	50	130
ST17	900 S Harbor Blvd	Costco Wholesale	300	250
ST18	1375 S Harbor Blvd	Burger King	50	700
ST19	1401 S Lemon St	Best Buy	100	695
ST20	268 Imperial Hwy	Supercuts	50	180
ST21	2698 East Coyote Hills Trail	Krispy Krunchy Chicken	230	90
ST22	2920 Yorba Lina Blvd	Target	200	250
ST23	3330 Yorba Linda Blvd	Ralph's	50	350
ST24	505 N State College Blvd	Nick the Greek, Chipotle, Starbucks	50	230
ST25*	109 N Cornell Ave	Nick's Super Burgers	80	250
ST26	1415 W Commonwealth Ave	A1 Self Storage	15	175
ST27	111 N Euclid St	El Pollo Loco	20	175
ST28	901 W Commonwealth Ave	Patty's Cakes and Desserts, Community Auto Repair Service	50	80
ST29	701 W Commonwealth Ave	Patrick's Music School	50	165
ST30	600 W Commonwealth Ave	Maison Fox Natural Wine Bar	100	50
ST31*	1653 W Orangethorpe Ave	Fullerton Arirang Supermarket	250	235

Note: * - reading not taken at this location due to lack of activity

Charts showing time histories of long-term monitoring sessions are included in Appendix A of this memo. These charts show readings in terms of both hourly and 5-minute intervals at each location to show general trends and short-term variations in sound levels. Appendix B shows aerial maps of the C-3 Zone with summaries of sound readings over the course of the 4-day monitoring program. Tables 3 and 4 summarize the results for the long-term and short-term readings, respectively. The focus of attention was the time period between 5:00 pm and midnight, when most of the C-3 Zone activities were at their peak.

Table 3 – Long-term (ML) monitoring results (all values in dBA)

Location	CNEL	Peak-hour Leq	Average Hourly Leq (5pm to 12am)	Average Hourly L ₂₅ (5pm to 12am)	Average Hourly L ₅ (5pm to 12am)	Dominant Noise Source
ML1	71	71	63	60	66	Traffic/People/Music
ML2	74	70	64	63	65	People/Music
ML3	71	68	64	63	66	Traffic/Music
ML4	69	71	62	61	64	Music
ML5	74	71	68	68	69	Music
ML6	78	78	71	71	76	Traffic
ML7	60	63	54	53	55	Traffic
ML8	78	80	73	72	77	Traffic
Overall average (5pm to 12am)			65	64	67	

Table 4 – Short-term (ST) monitoring results (all values in dBA)

Location	Address	Closest Business	Measured L _{eq}	Measured L ₉₀
ST1	1027 N Harbor Blvd	Ralph's, Wingstop, Budget Car Rental	60.3	53.4
ST4	107 W Malvern Ave	Classic Tattoo Parlor, Fox Fullerton Theatre	67.7	61.5
ST5	119 E Chapman Ave	McDonald's	64.9	56.5
ST7	444 N Harbor Blvd	Wahoo's Fish Taco, Citi Bank	69.8	60.8
ST8	301 N Pomona Ave	Fullerton Museum Center	64.5	59.8
ST10	202 W Amerige Ave	R&R Smoke & Vape	56.5	51.0
ST11	107 W Amerige Ave	Revolucion Cantina & Mezcaleria, MADE Coffee, Hapa Cupcakes & Cakes	62.5	58.9
ST12	204 N Pomona Ave	Rutabegorz	55.7	49.5
ST13	218 W Commonwealth Ave	Pacific Premier Bank, Centinela Feed & Pet Supplies	63.5	52.4
ST14	136 E. Commonwealth Ave	Stubrik's Steakhouse, Bourbon Street Bar, Hopscotch Craft	68.3	61.7
ST15	229 E Commonwealth Ave	Qamaria Yemeni Coffee Co.	69.5	60.1
ST16	603 S Harbor Blvd	Chevron, California Car Company	64.9	57.5
ST17	900 S Harbor Blvd	Costco Wholesale	60.7	56.7
ST18	1375 S Harbor Blvd	Burger King	59.1	54.5
ST19	1401 S Lemon St	Best Buy	59.1	56.1
ST20	268 Imperial Hwy	Supercuts	70.2	63.3
ST21	2698 East Coyote Hills Trail	Krispy Krunchy Chicken	71.3	64.5
ST22	2920 Yorba Lina Blvd	Target	73.0	66.6
ST23	3330 Yorba Linda Blvd	Ralph's	68.7	60.3
ST24	505 N State College Blvd	Nick the Greek, Chipotle, Starbucks	67.7	62.0
ST26	1415 W Commonwealth Ave	A1 Self Storage	64.5	54.3
ST27	111 N Euclid St	El Pollo Loco	69.0	59.7
ST28	901 W Commonwealth Ave	Patty's Cakes and Desserts, Community Auto Repair Service	61.9	55.2
ST29	701 W Commonwealth Ave	Patrick's Music School	68.4	59.6
ST30	600 W Commonwealth Ave	Maison Fox Natural Wine Bar	64.3	54.5

Except for locations close to active outdoor music performances, the dominant noise source at all locations was road traffic. General trends in the data show L_{90} background levels in the 50s to mid-60s on the dBA scale during the peak evening times for outdoor nightlife of 5:00 pm to midnight, often dominated by road traffic noise. Where music dominated the noise environment, the maximum L_5 levels were in the 65 to 75 dBA range 50 feet from the establishments (see the data in Appendix A).

3 Noise Ordinance Recommendations

Before discussing specific recommendations for the C-3 Zone of the City of Fullerton, it will be useful to review the types of stipulations that are typically found in noise ordinances along with their effectiveness limitations.

3.1 Typical Stipulations

Noise ordinance sound level restrictions in California and throughout the country generally fall into one of the following three categories – qualitative, quantitative with absolute limits, or quantitative with relative limits.

3.1.1 Qualitative Restrictions

Qualitative noise restrictions typically use subjective terms such as “annoying,” “disturbing,” or “unnecessary” to describe a sound level that violates the stipulations of the ordinance. Some go farther to state that noise levels that qualify as “disturbing to someone with normal sensitivities” will violate the noise ordinance. These types of restrictions are difficult to enforce given their subjective nature.

Another relatively common qualitative restriction is a statement of audibility, such as stating that a sound source that is audible at a property line or at a specified distance from a source or a property line constitutes a violation of the ordinance. Each person has different hearing sensitivities and audibility at any location depends not only on the hearing sensitivity of the listener but also on the ability of the background sound to mask the audibility of the sound source in question. In other words, what may be audible to some may not be audible to others.

Qualitative noise restrictions are impractical because of their subjective nature and their resulting difficulty to enforce. An easily enforceable noise ordinance must have objective criteria to be met, against which measured decibels taken in the field can be readily compared to determine compliance or exceedance and help inform planning and implementation of practical and reasonable noise-reducing remedies.

3.1.2 Quantitative Restrictions with Absolute Limits

Quantitative noise restrictions provide objective criteria and are thus much easier to enforce than qualitative noise restrictions. They use specified sound level limits, usually varying by land use and time-of-day, with the lowest limits imposed during nighttime hours (typically, 10:00 pm to 7:00 am). Quite often these limits are copied from other ordinances without regard to the unique conditions associated with each municipality or the history of when these ordinances were originally drafted. One of the most important aspects of these types of restrictions that is often not considered is that they need to be compatible with the inherent background sound levels in an area. For example,

a daytime limit of 55 dBA is commonly used in ordinances but if the background sound levels are already close to or above that limit, the ordinance is difficult, if not impossible, to enforce. This is because the sound level associated with the source of interest cannot be separated from the sound level associated with the rest of the ambient environment. For this type of stipulation to be easily enforceable, the source of interest must generate sound levels at least 10 dBA above the background. In that case, the sound level associated with the enforcement measurement can be attributed to the source of interest alone. Otherwise, the measured sound level would be attributable only to a combination of the background level and the level associated with the source of interest.

The rationale for the aforementioned 10 dB minimum difference between the source of interest and the background level is partially based on acoustic fundamentals and the decibel scale used to quantify sound levels. Two sound levels that are 10 dB apart represent an order of magnitude difference in actual sound pressures. Put another way, if a nearby sound source is measured to be 50 dBA when it is active, and the measured background is only 40 dBA when the nearby source of interest is inactive, the latter has no substantial contribution to the former on the basis of logarithmic decibel addition – the logarithmic sum of 50 dBA and 40 dBA is 50.41 dBA, meaning the dB difference between the sum and the higher of the two levels is only 0.41 dB, which is an imperceptible difference.

The other important aspect of these types of restrictions is that they must be practical for protecting the populace in each environment. An example of this would be using the common nighttime noise ordinance limit of 50 dBA in an inherently quiet area, where background levels can be 20 dBA less than that limit. A sound source generating 50 dBA at a receptor where the inherent background level is 35 dBA will be clearly audible and potentially intrusive to many people, especially if they are trying to sleep; however, if the noise limit is such that a sound source is not permitted to exceed 50 dBA, the source in this example would comply with the ordinance.

As discussed above, when the noise levels of concern generate more than 10 dBA above any background noise at a sensitive receptor location, these types of restrictions are the easiest to enforce because an enforcement officer would only need to see a sound level exceeding the limit on a sound level meter to confirm a violation. However, if these conditions do not exist, the practicality of this method for protecting the public is significantly compromised.

3.1.3 Quantitative Restrictions with Relative Limits

The most effective noise ordinance criteria for protecting the public are based on the premise of quantitative noise restrictions with relative limits. This involves defining a permissible limit based on an increase in sound level over the background level, which is most closely linked to annoyance potential. This method, however, can be a challenge to enforce, mainly due to the issue of how one defines the background sound level. Typical ordinances using this type of restriction permit an increase over the background level of 5 to 10 dBA, for which the sound source would be clearly noticeable.

This method is ideal for the situation for which there is a low to moderate steady background level with a transient signal emitted by a source generating sound levels of at least 10 dBA above the background. Background levels are typically variable, though, making it difficult to define a specific level for use as a baseline. This background level definition problem is either solved by the subjective judgment of the enforcement officer or by using statistical levels to define the background (which would require the enforcement officer to have a clear understanding of noise descriptors and the operation of a potentially complicated and expensive sound level meter).

This method works best when the background level is pre-defined by separate sound level readings and the sound level limit is defined as an absolute level based on an acceptable increase above the pre-defined background level,

thus making it a hybrid of a quantitative restriction with an absolute limit based on a quantitative restriction with a relative limit.

3.1.4 Descriptors

There is a wide variety of noise descriptors used in ordinances around the country, most commonly one or more of those listed in Section 2.1 of this memo. Beside L_{\max} and L_{\min} (which are instantaneous values that can be read directly from the screen of a sound level meter), the other descriptors need to be calculated by a sound level analyzer. Sound analyzers that calculate these kinds of statistical and average levels tend to be expensive and unintuitive to operate, thereby requiring the enforcement officer to be highly trained in its usage or taking the chance of the officer unintentionally misinterpreting the data.

The main key to an effective noise ordinance is the ease of measurements required for any non-technical enforcement officer to determine whether or not the stipulations in the ordinance are being violated. This requires a simple sound level meter along with simple sound level limits that can be easily documented.

3.2 Enforcement Equipment

In addition to the simplicity of the sound level meter, it's important that the meter itself provides accurate readings. The American National Standards Institute (ANSI), through Standard S1.4, offers "type" and "class" numbers that certify the accuracy of the sound level readings a meter is capable of recording. "Class" numbers are referenced in more recent versions of the ANSI standard but "type" numbers from earlier versions of the standard are used more often in the field. ANSI S1.4 type numbers are 0, 1, and 2. Type 0 meters are typically meant for laboratory types of measurements, where the greatest accuracy is required. Types 1 (with a general ± 1 dB accuracy) and 2 (with a general ± 2 dB accuracy) are considered by the professional acoustics community to be acceptable options for field readings, with Type 1 meters having greater accuracy than Type 2 meters, but the accuracy of Type 2 meters is generally accepted for field surveys. Any sound level meters that do not meet a minimum of Type 2 accuracy should not be used for the enforcement of a noise ordinance, not only for accuracy but due to legal considerations (if readings are contested).

3.3 Recommendations

The information in the sections above serves as an introduction to the reasoning behind the noise ordinance stipulation recommendations included herein. As mentioned in Section 1, the current version of Chapter 15.90 imposes exterior noise level limits at residences of 55 dBA between 7:00 am and 10:00 pm and 50 dBA between 10:00 pm and 7:00 am. These limits are not only incompatible with outdoor entertainment at 50 feet (where the closest residences are located), but they exceed the measured background sound levels in the C-3 Zone.

As is shown in Table 3, the average hourly L_{eq} measured in and around the C-3 Zone was 65 dBA during the peak entertainment hours of 5:00 pm to midnight, while the average hourly L_{25} value period was 64 dBA and the average hourly L_5 value was 67 dBA during the same time period. Using the hybrid criteria mentioned in Section 3.1.3 along with the average measured levels during the peak outdoor entertainment activity period of 5:00 pm to midnight with a 10 dBA increase, the recommended sound pressure level limit for the C-3 Zone is listed in Section 3.3.1 at a distance of 50 feet from the property line of the business where the source of interest is located. As an alternative for enforcement officials, this translates to a limit at the property line of the business where the source of interest is located or at a distance of 25 feet from the source of interest, whichever is greater.

The recommendations provided below are based on measured background sound levels, measured sound levels with live outdoor bands, and the understanding (from City staff) that the current conditions have generated minimal complaints from residents. In addition, the City is planning to institute a curfew of 10:00 pm each night for outdoor music.

3.3.1 Sound Level Limits

Based on all of the information above, including the sound level readings taken throughout the C-3 Zone over a 4-day period of peak outdoor entertainment activities, the following sound level limits are recommended for the C-3 Zone of the City of Fullerton:

1. All limits are in terms of maximum instantaneous (L_{max}) levels for ease of enforcement.
2. A limit of 75 dBA 50 feet from the property line of a commercial property between 5:00 pm and 12:00 am., and a limit of 65 dBA 50 feet from the property of a commercial property between 12:00 and 1:30 am., or
3. A limit of 80 dBA 25 feet from a sound source on a commercial property or at the property line of the commercial property, whichever distance is greater, between 5:00 pm and 12:00 am, and a limit of 70 dBA at the same location between 12:00 and 1:30 am.
4. A limit of 55 dBA at any residence between 1:30 and 7:00 am.
5. A limit of 65 dBA at any residence between 7:00 am and 5:00 pm.

These limits are comparable to the measured current conditions which, to our understanding, are acceptable to the community. The lowered limits between 12:00 and 1:30 am are due to outdoor entertainment being curtailed and heightened sensitivities at residential properties at those times. It is assumed that all C-3 Zone entertainment venues are closed after 1:30 am (with the recommended limit being 5 dBA higher than the current nighttime residential limit due to the higher background noise levels in the C-3 Zone), and the midday limit of 65 dBA is common for these types of environments with busy local roadways throughout (as was shown through the measurements taken for this evaluation).

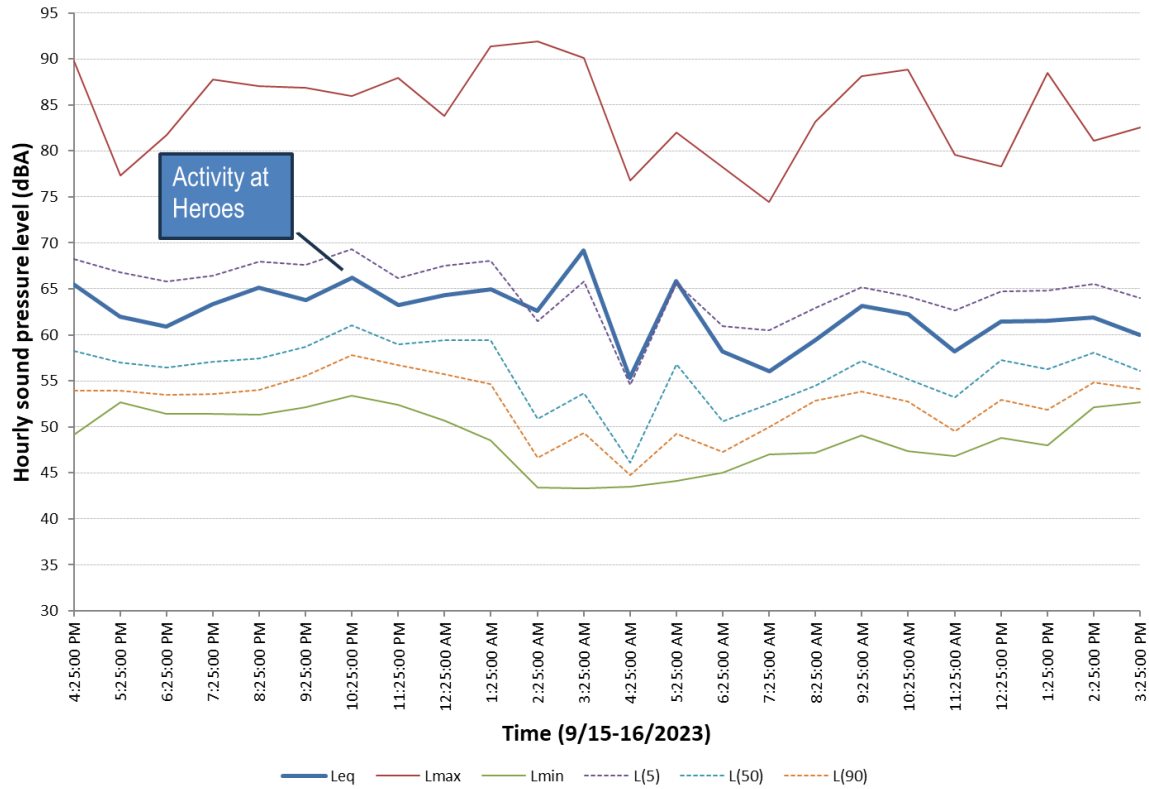
3.3.2 Equipment Recommendations for Enforcement

As is mentioned above, the key to effective noise ordinance enforcement is using a simple criterion that is easy to measure with a basic instrument that doesn't include statistical and averaging analyses. An ANSI Type 2 sound level meter with a field calibrator (to be used before and after each set of readings to ensure accuracy) should be used for all enforcement measurements. They should have a fitted windscreen covering the microphone (to minimize extraneous noise from air flow over the microphone) and a large digital screen that shows the live sound pressure levels in dBA. Even with a windscreen, however, readings should not be taken when wind speeds are higher than 15 miles per hour, which is the protection limit for most windscreens. Dudek can provide recommendations of specific sound level meters if so desired.

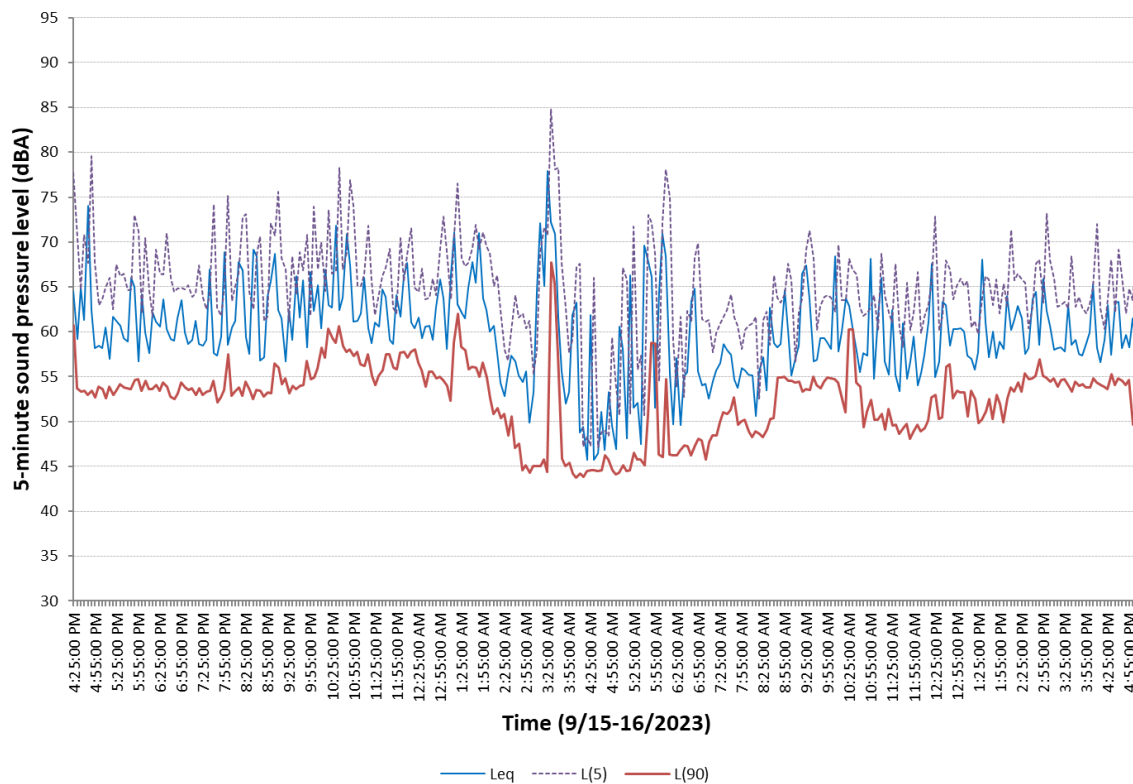
Appendix A

Long-Term Monitored Data Charts

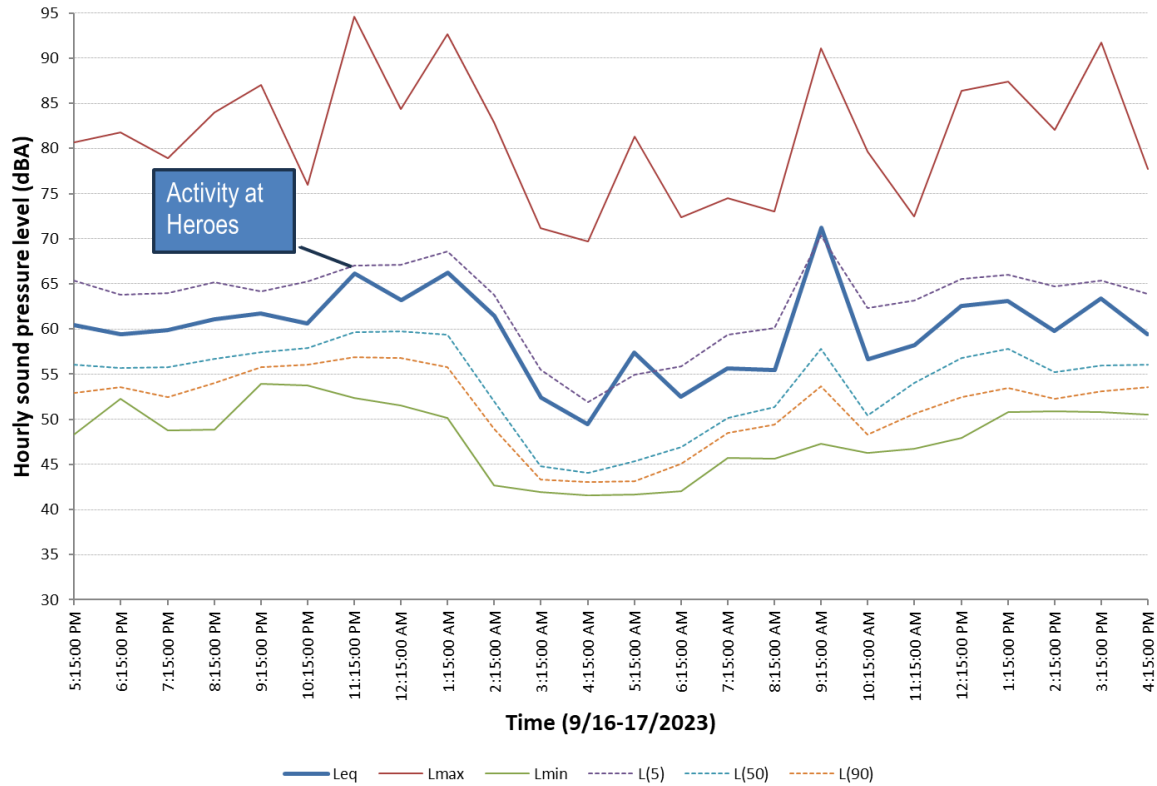
ML1 - 125 W. Santa Fe Avenue, 100 feet from Heroes



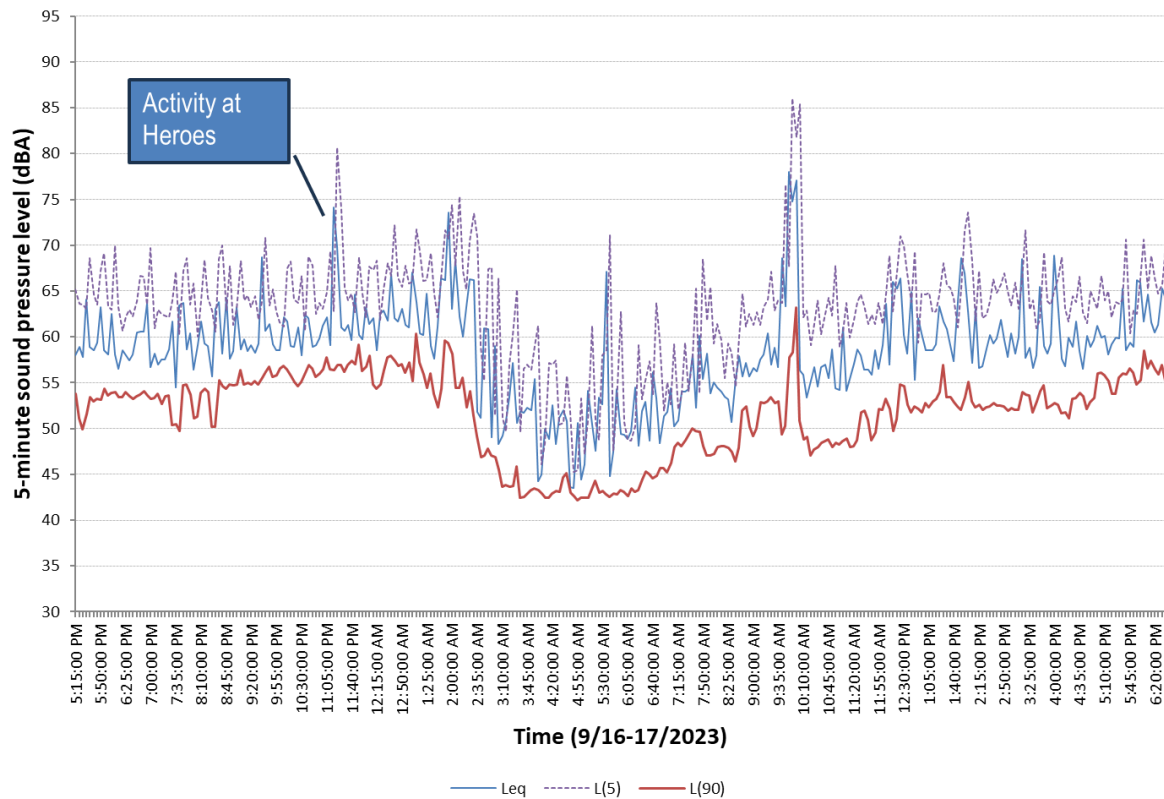
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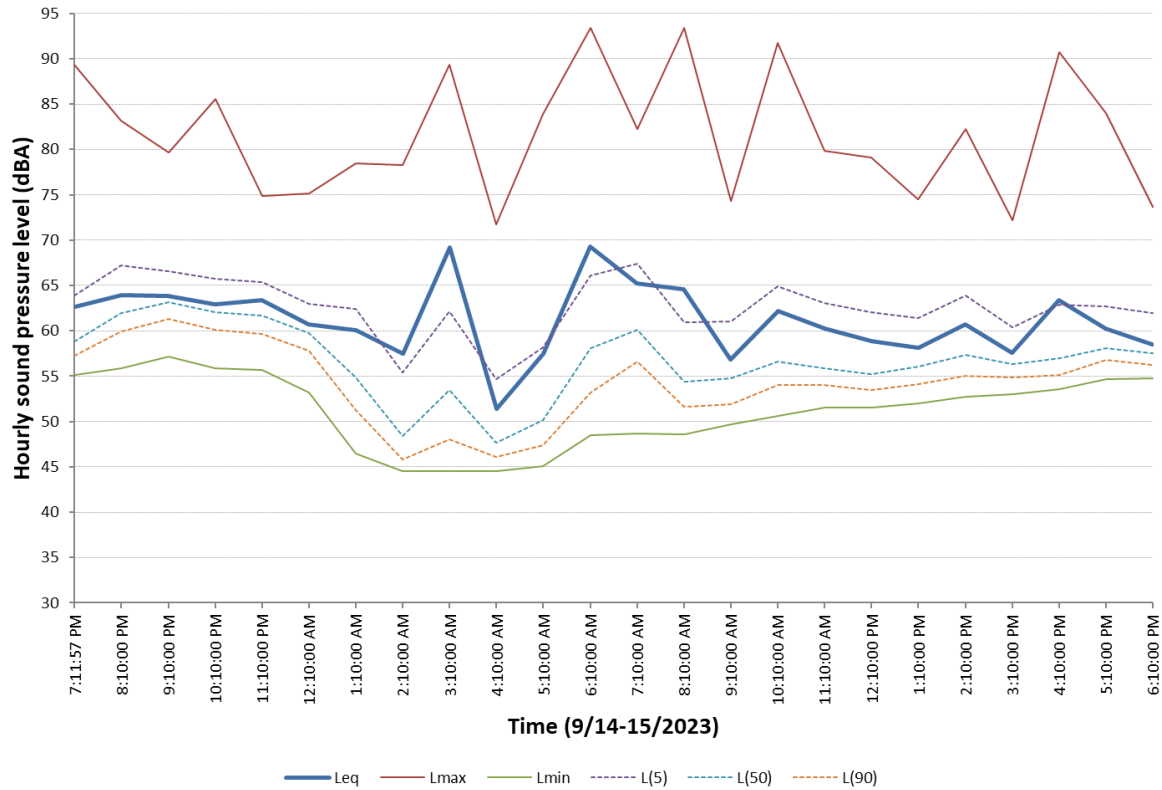
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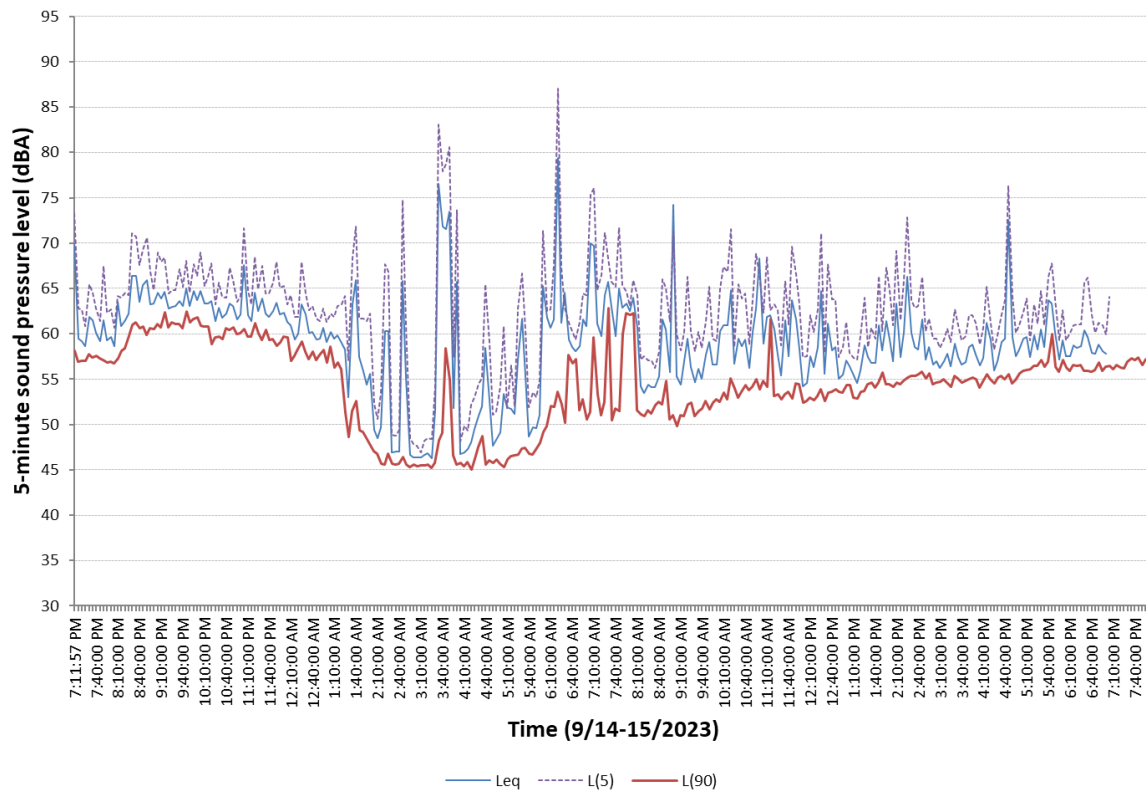
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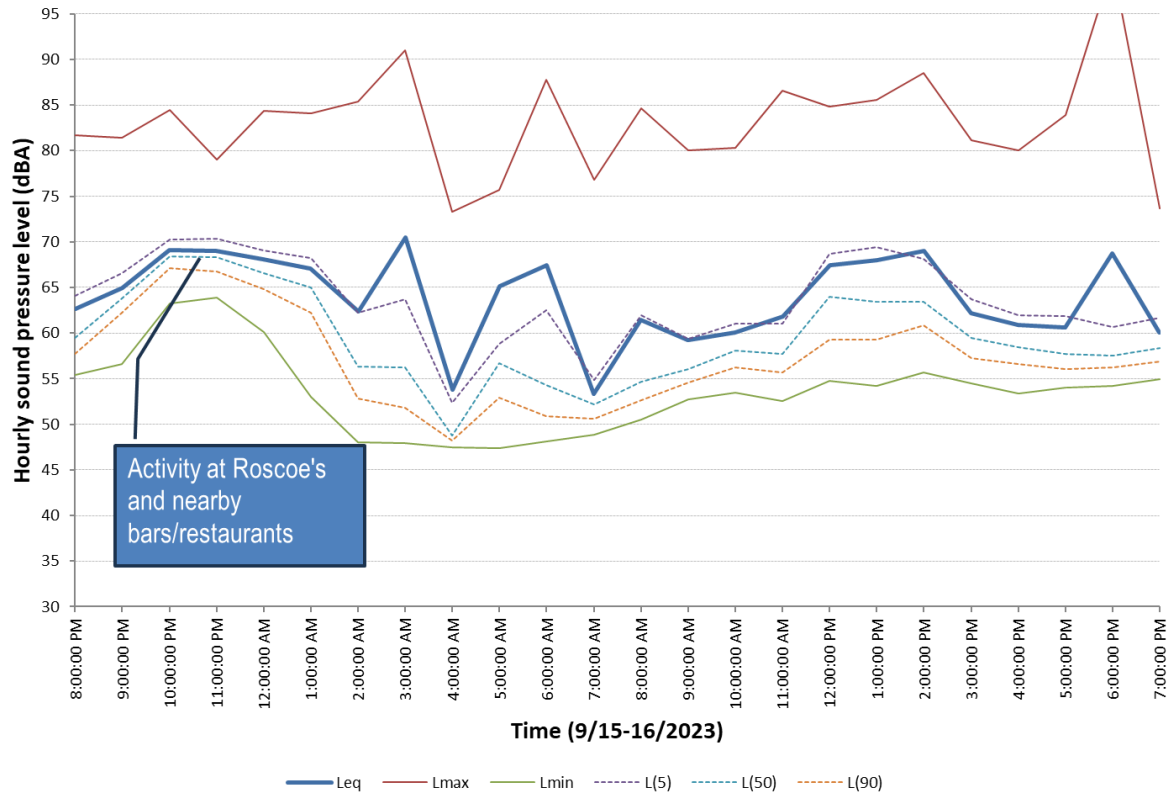
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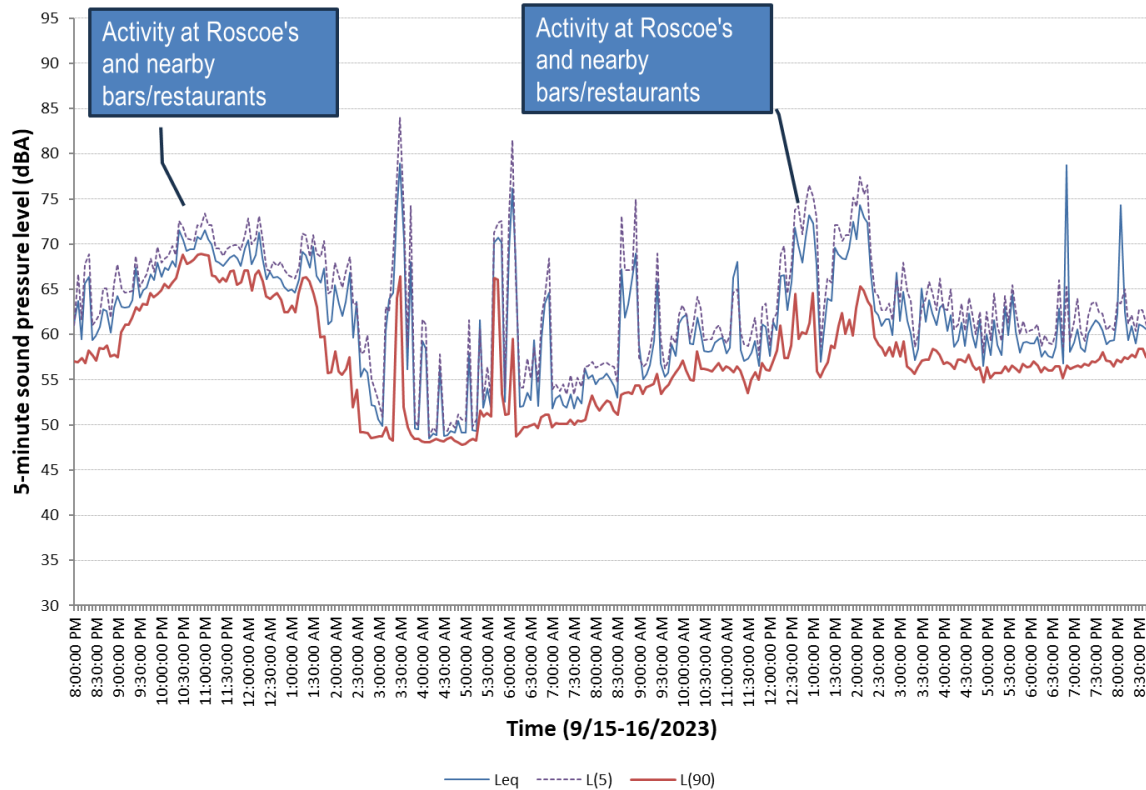
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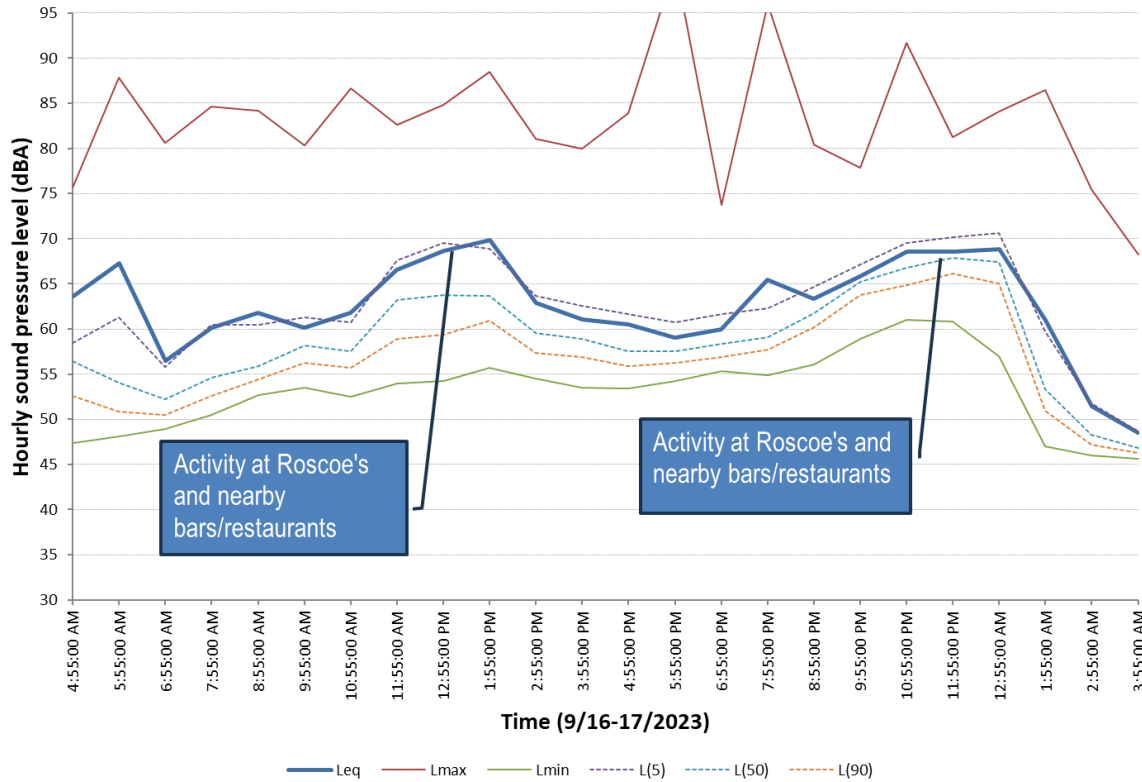
ML2 - 124 W. Commonwealth Avenue, 50 feet from Garcia's and Heroes



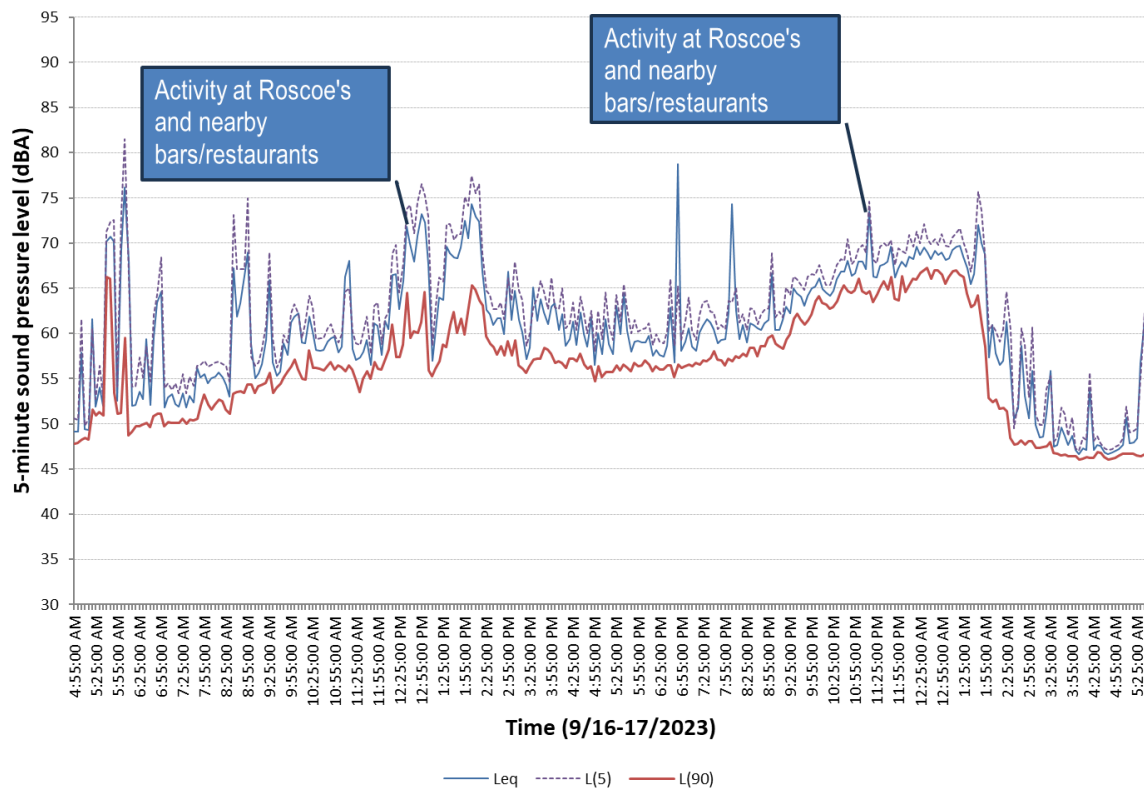
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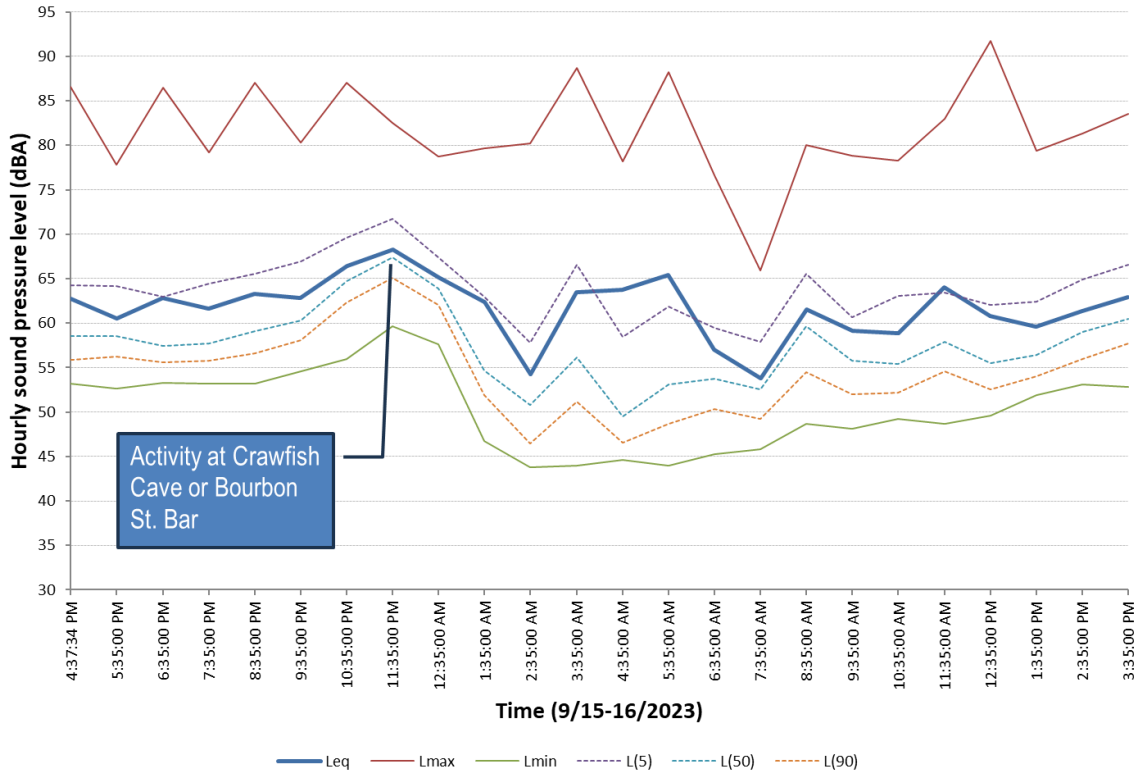
ML2 - 124 W. Commonwealth Avenue, 50 feet from Garcia's and Heroes



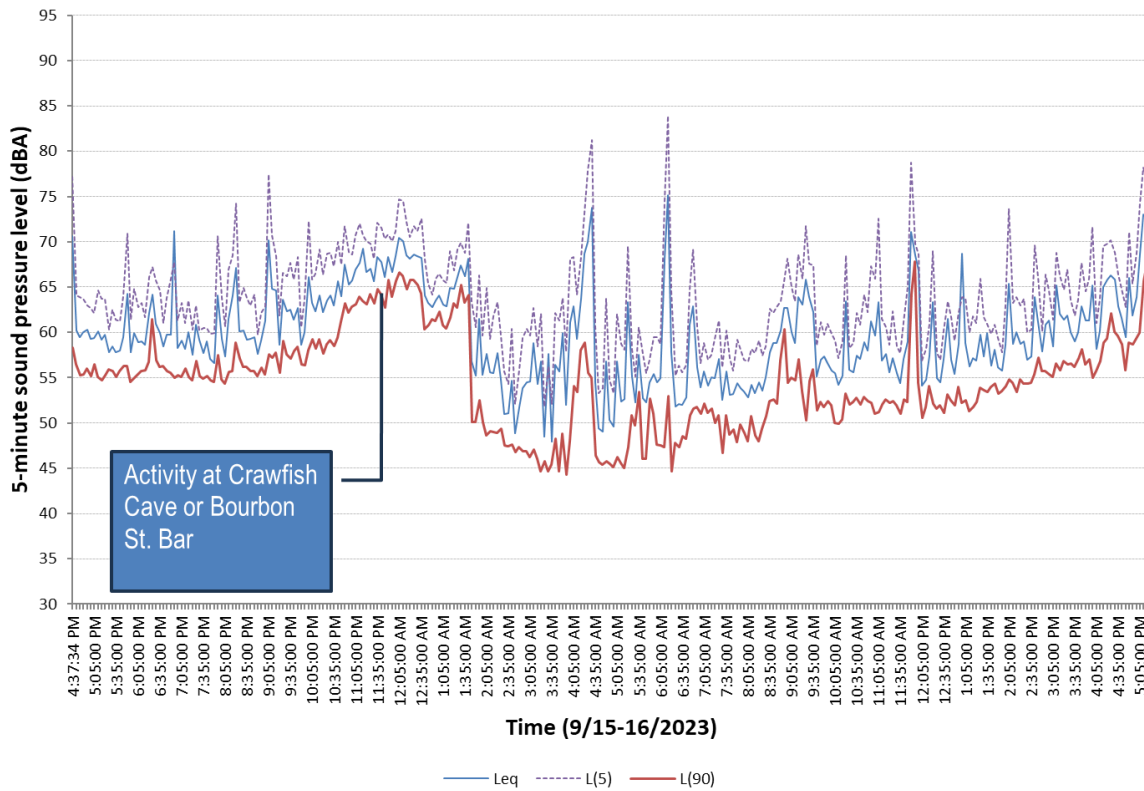
ML2 - 124 W. Commonwealth Avenue, 50 feet from Garcia's and Heroes



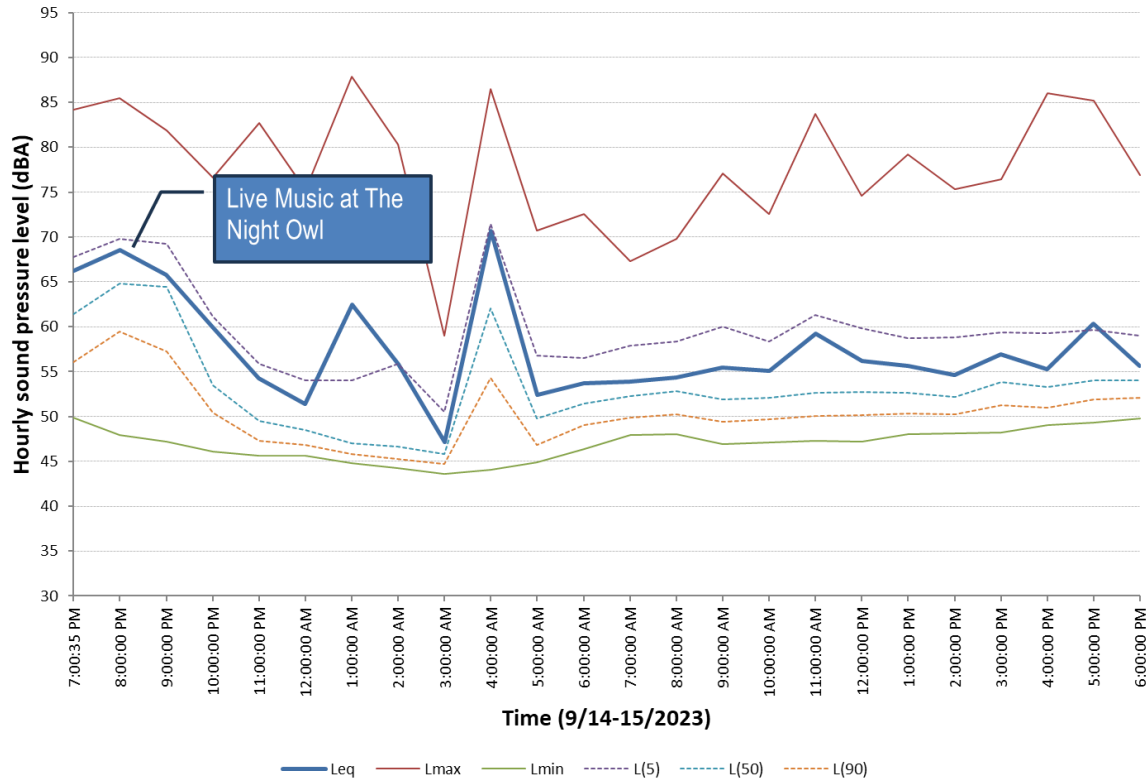
ML3-150 S. Harbor Blvd, 50 feet from Crawfish Cave/Bourbon Street Bar



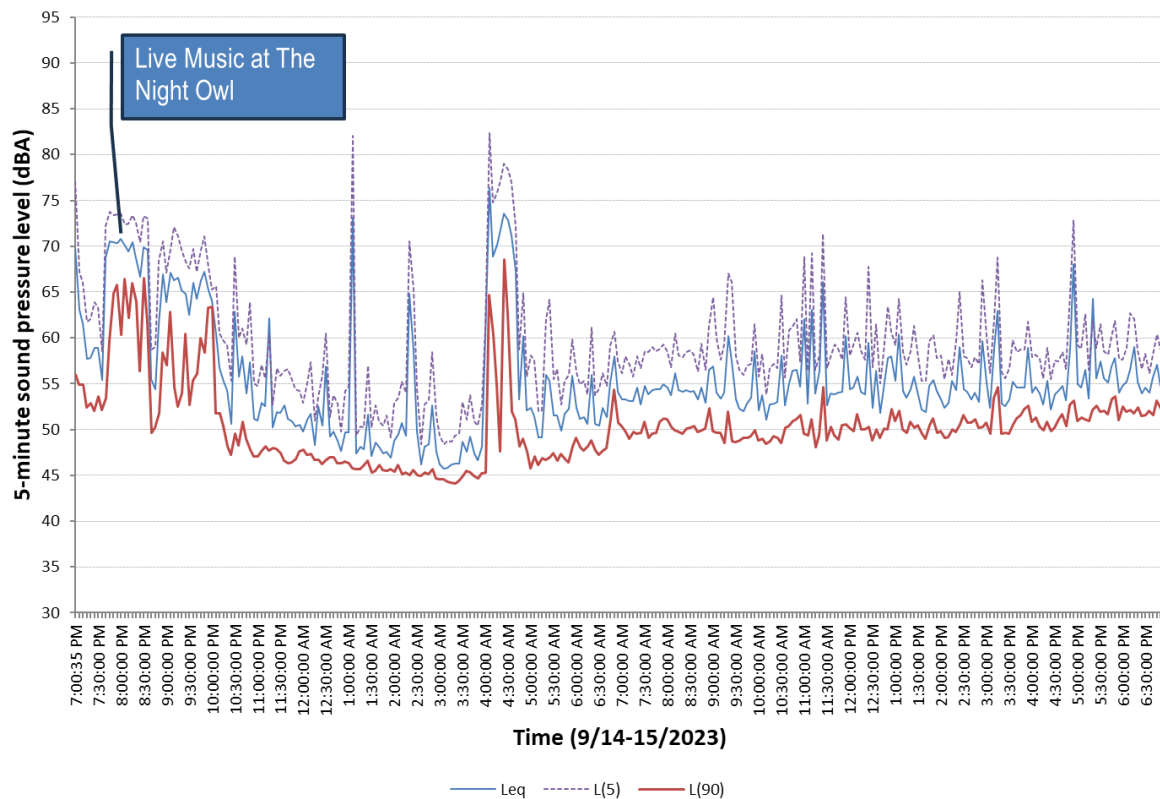
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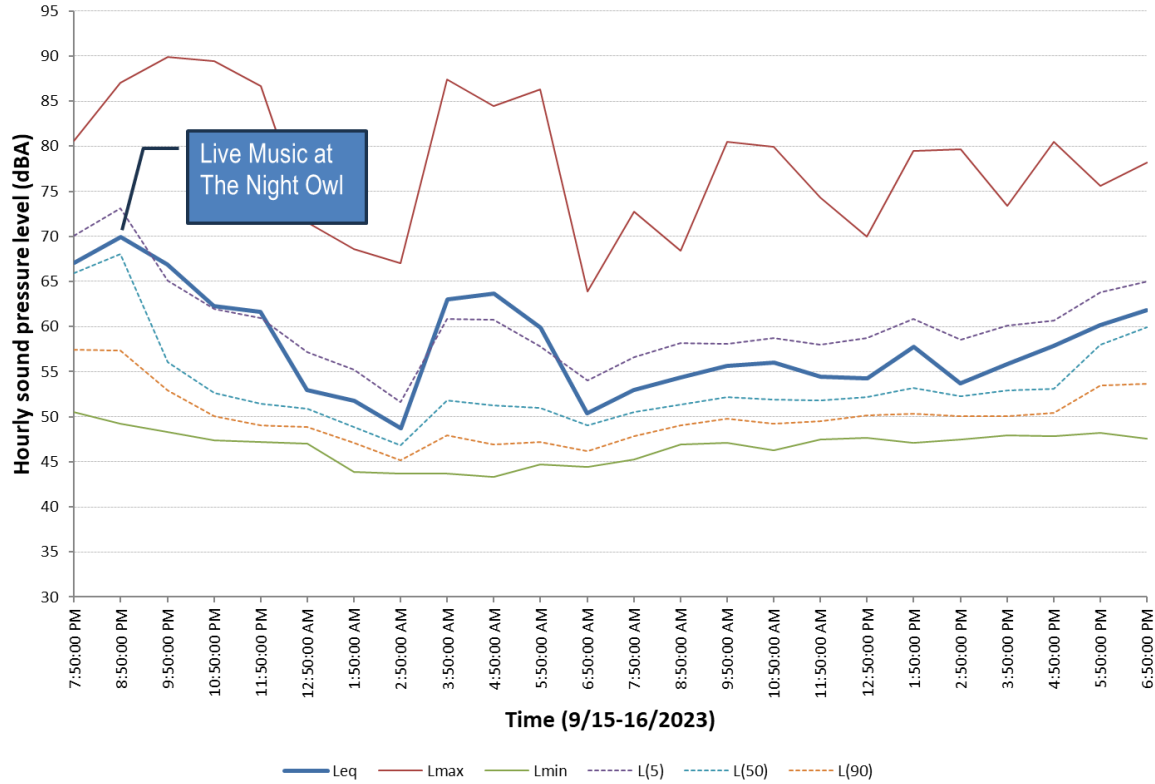
ML4 - 210 N. Harbor Blvd, 50 feet from The Night Owl



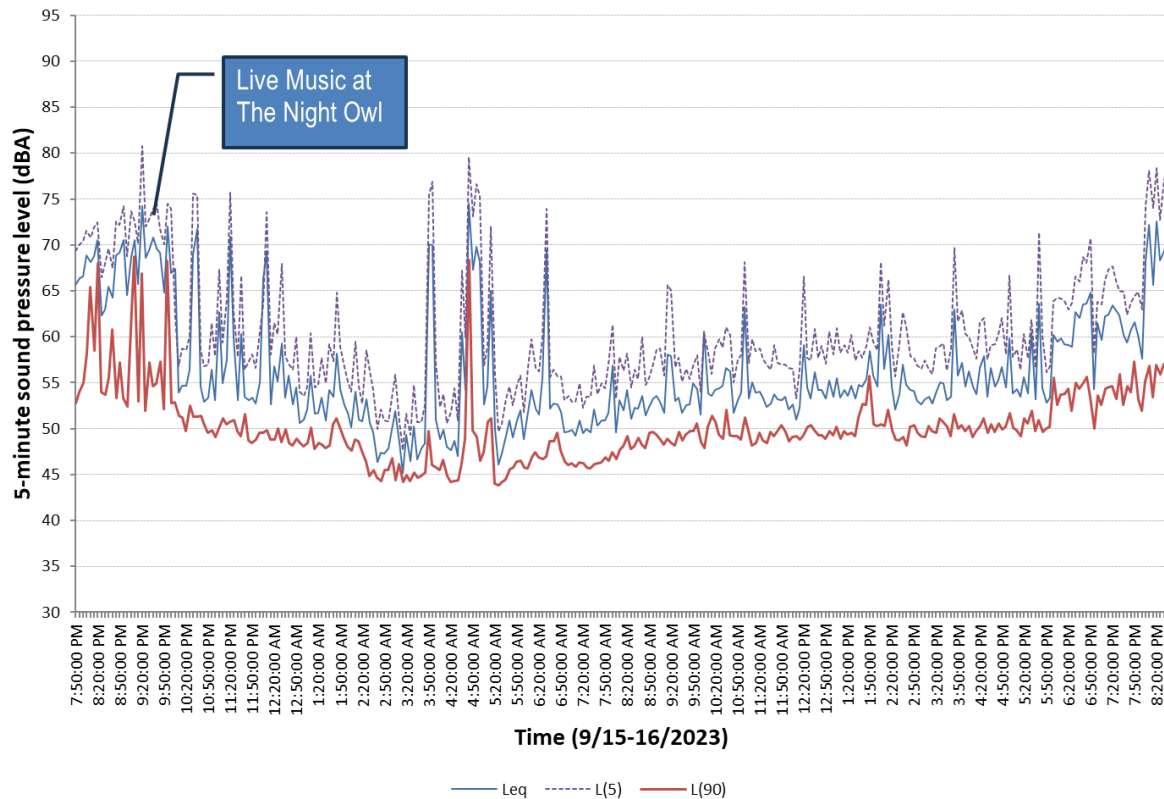
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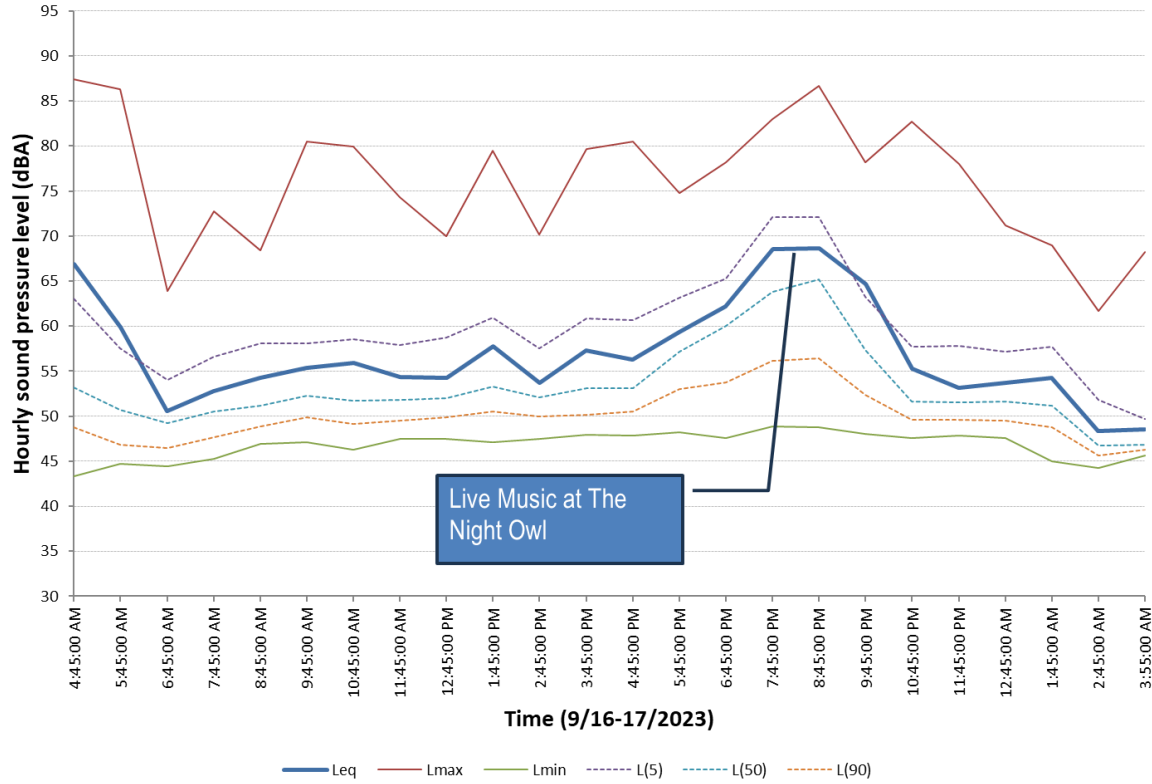
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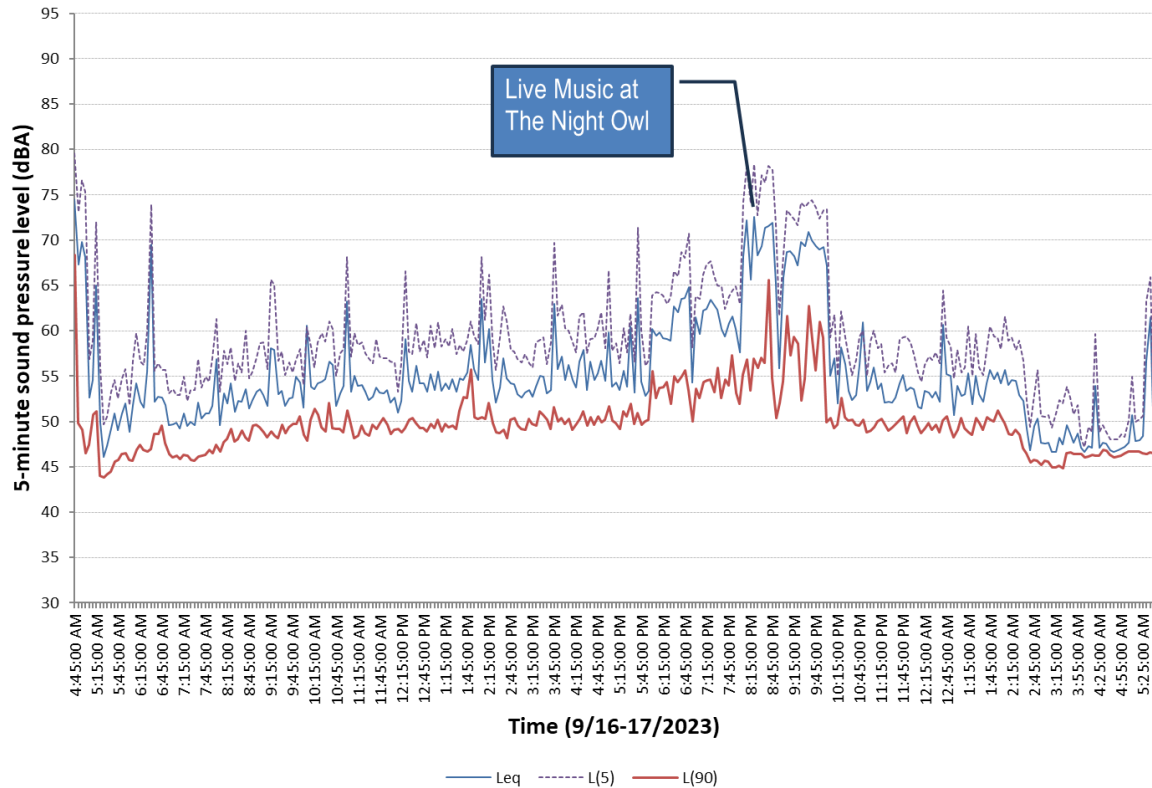
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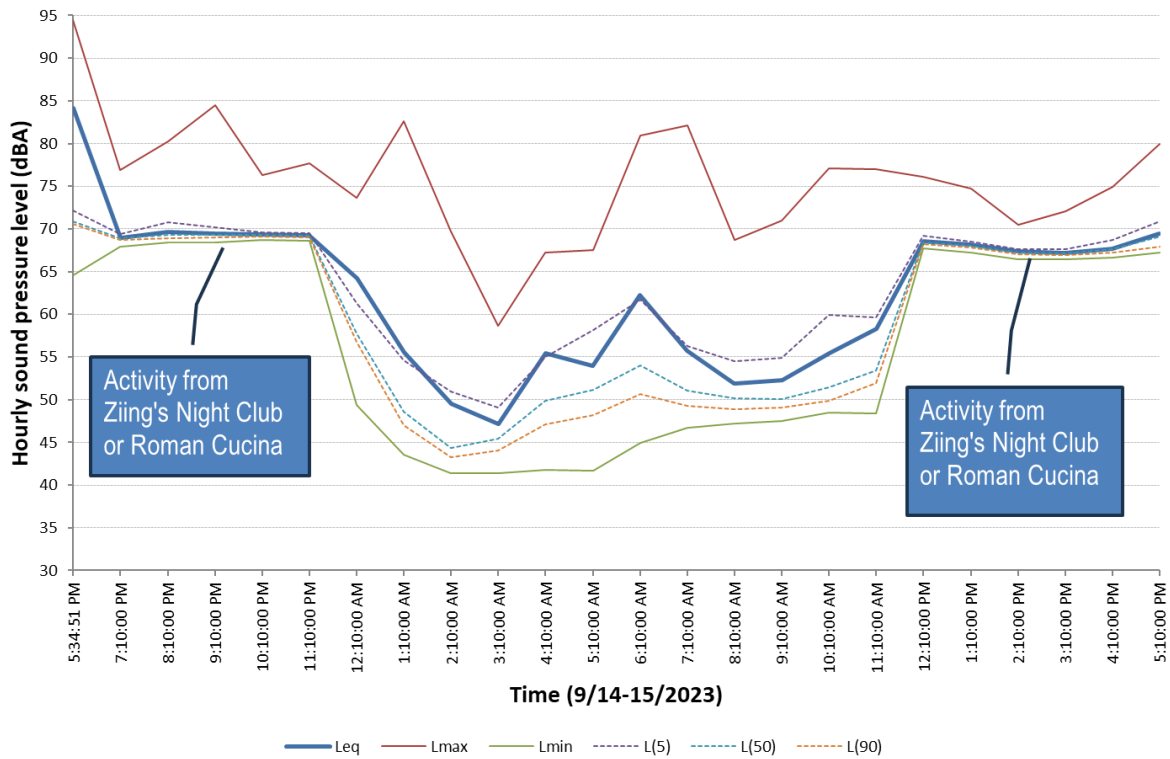
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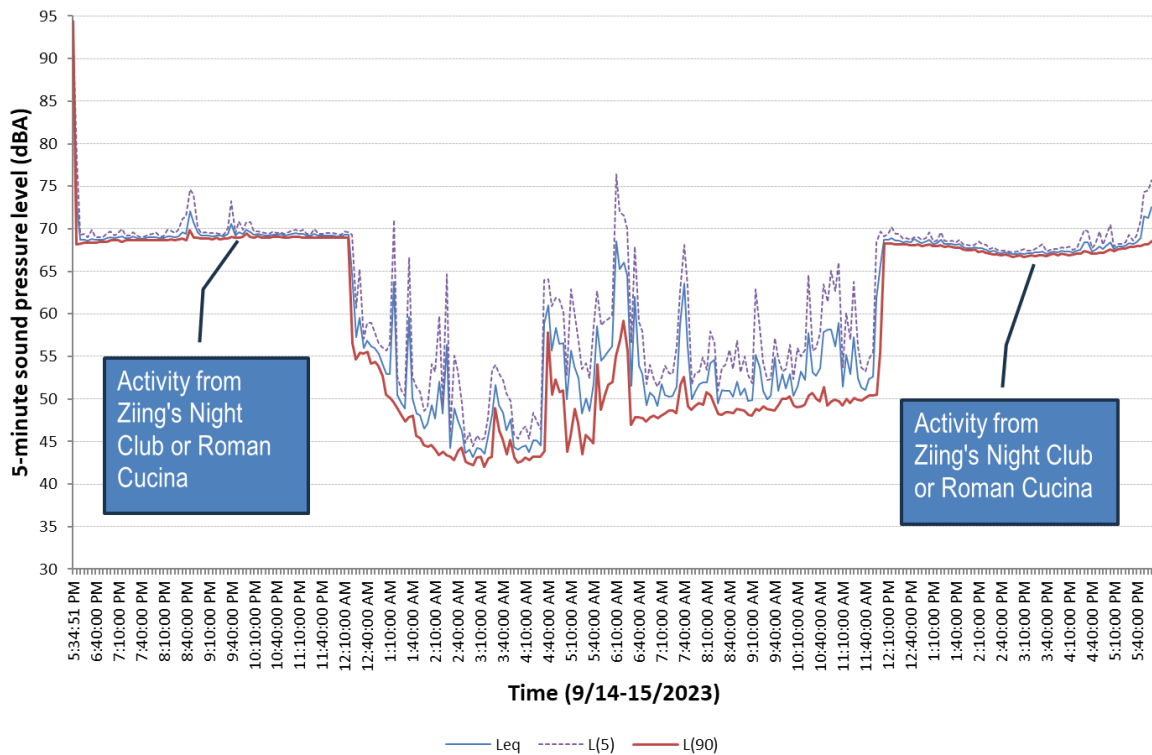
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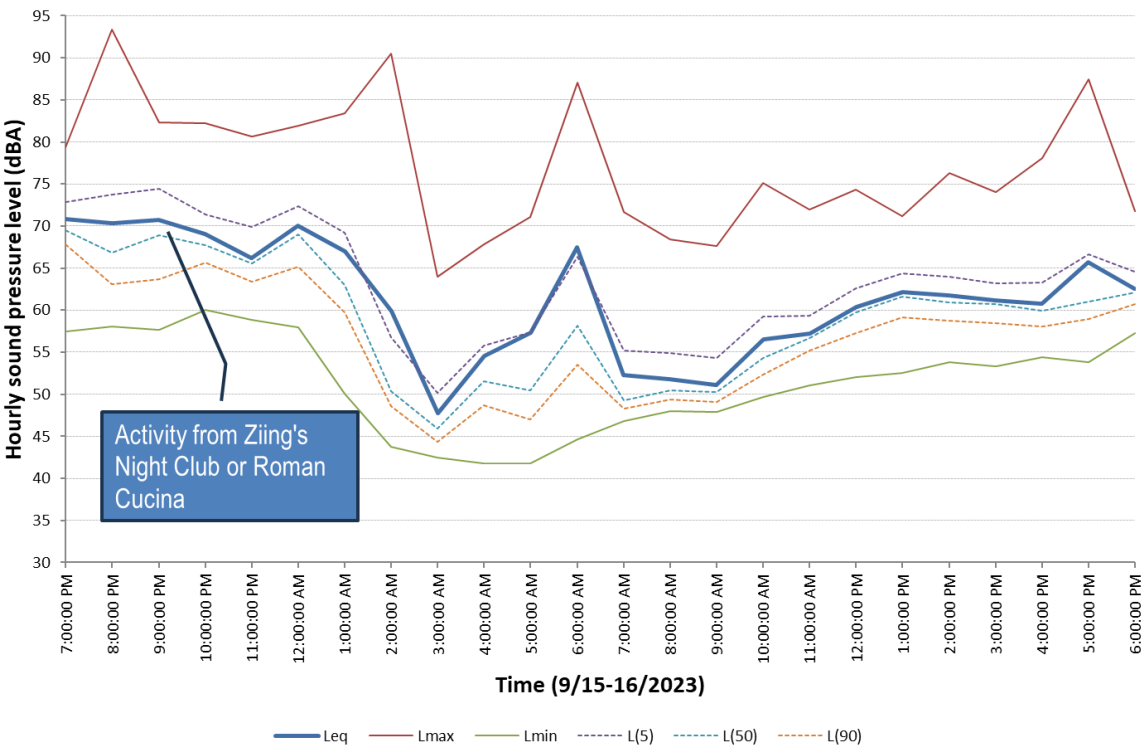
**ML5 - 116 1/2 W. Wilshire Avenue, 20 feet from Ziing's
Nightclub/Roman Cucina**



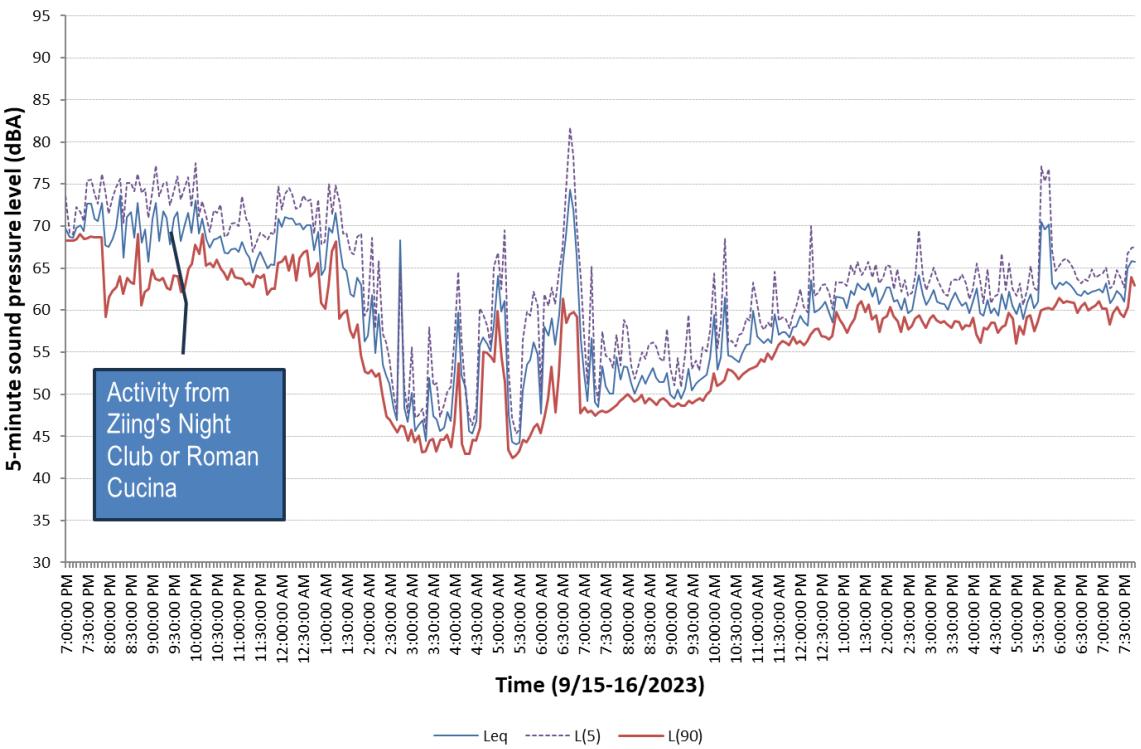
**ML5 - 116 1/2 W. Wilshire Avenue, 20 feet from Ziing's
Nightclub/Roman Cucina**



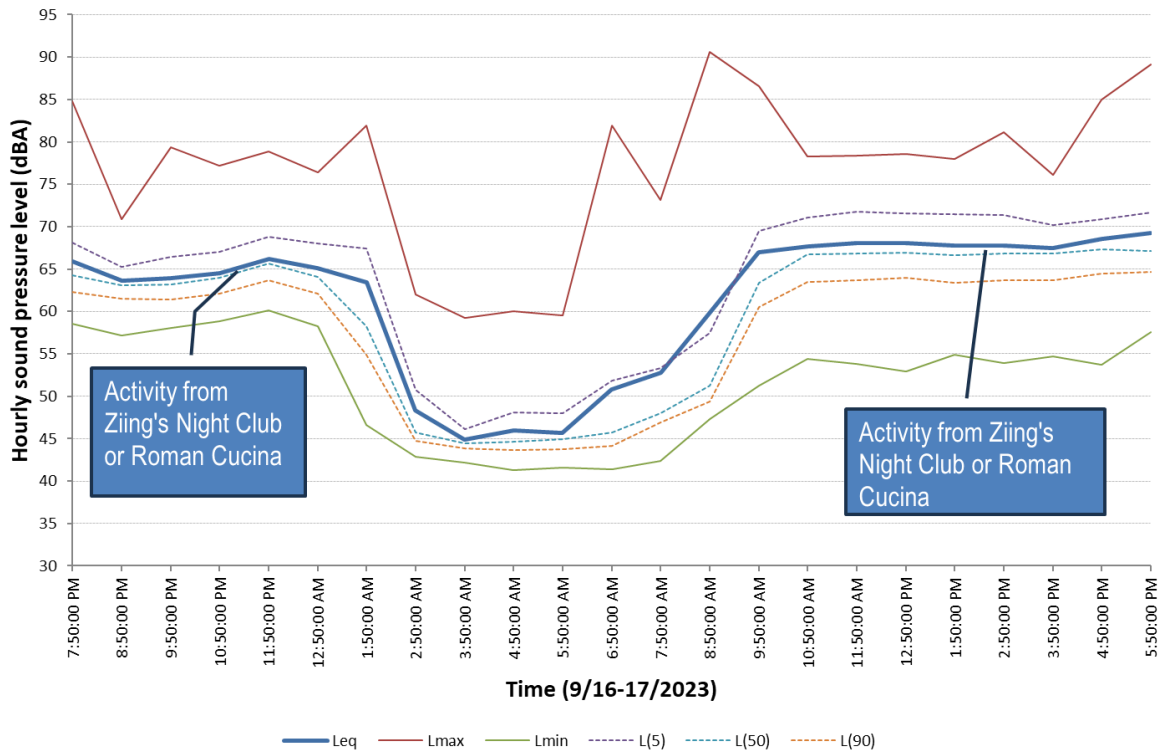
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Nightclub/Roman Cucina



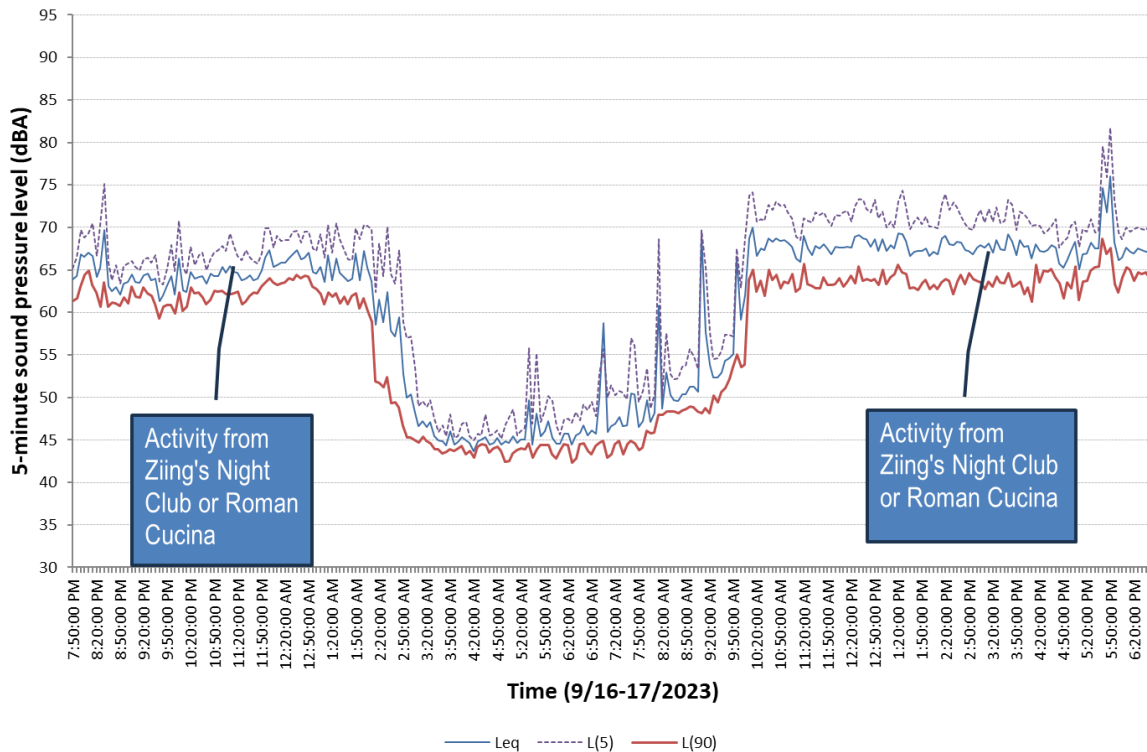
ML5 - 116 1/2 W. Wilshire Avenue, 20 feet from Ziing's
Nightclub/Roman Cucina



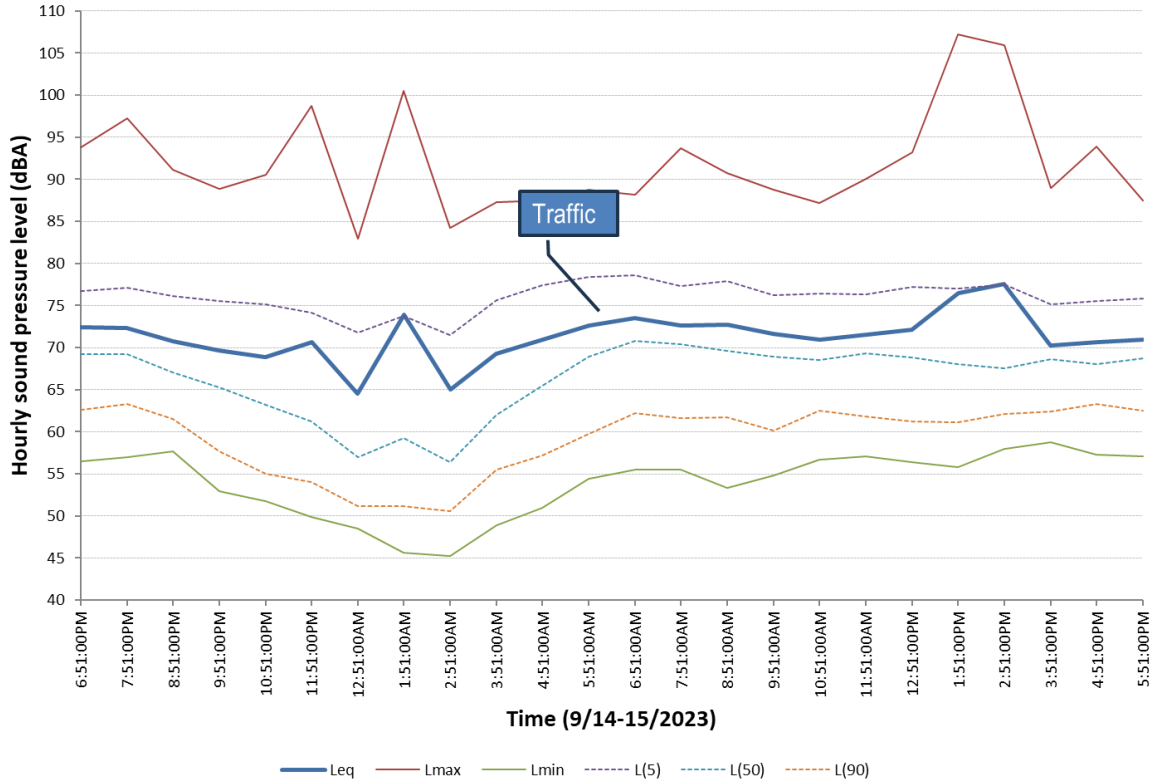
ML5 - 116 1/2 W. Wilshire Avenue, 20 feet from Ziing's Nightclub/Roman Cucina



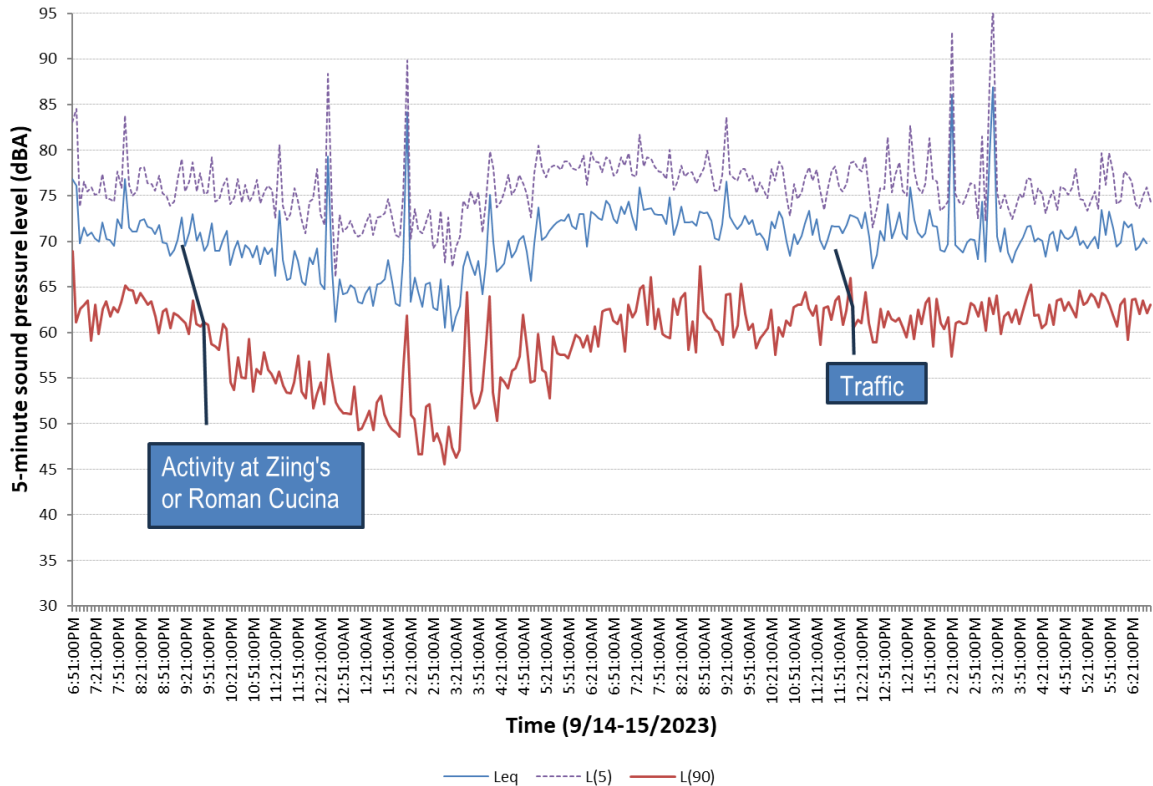
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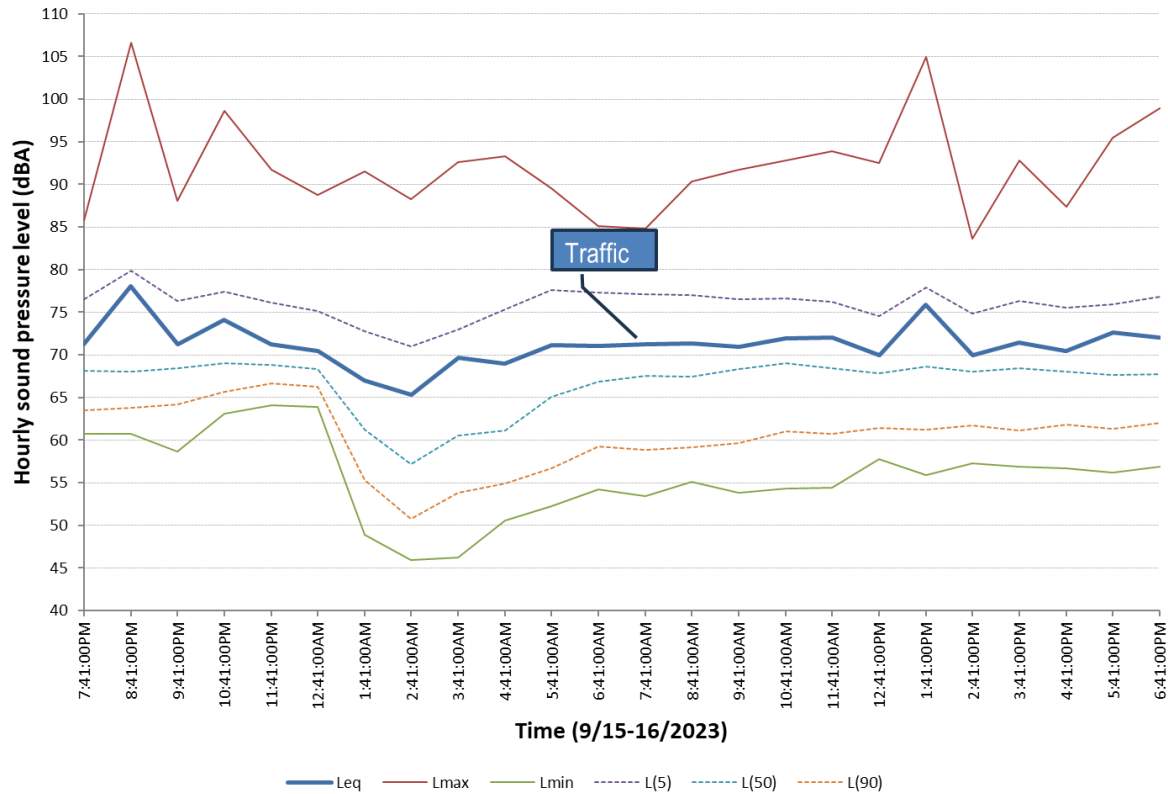
ML6 - 215 N. Harbor Blvd, 20 feet from Ziing's Nightclub/Roman Cucina



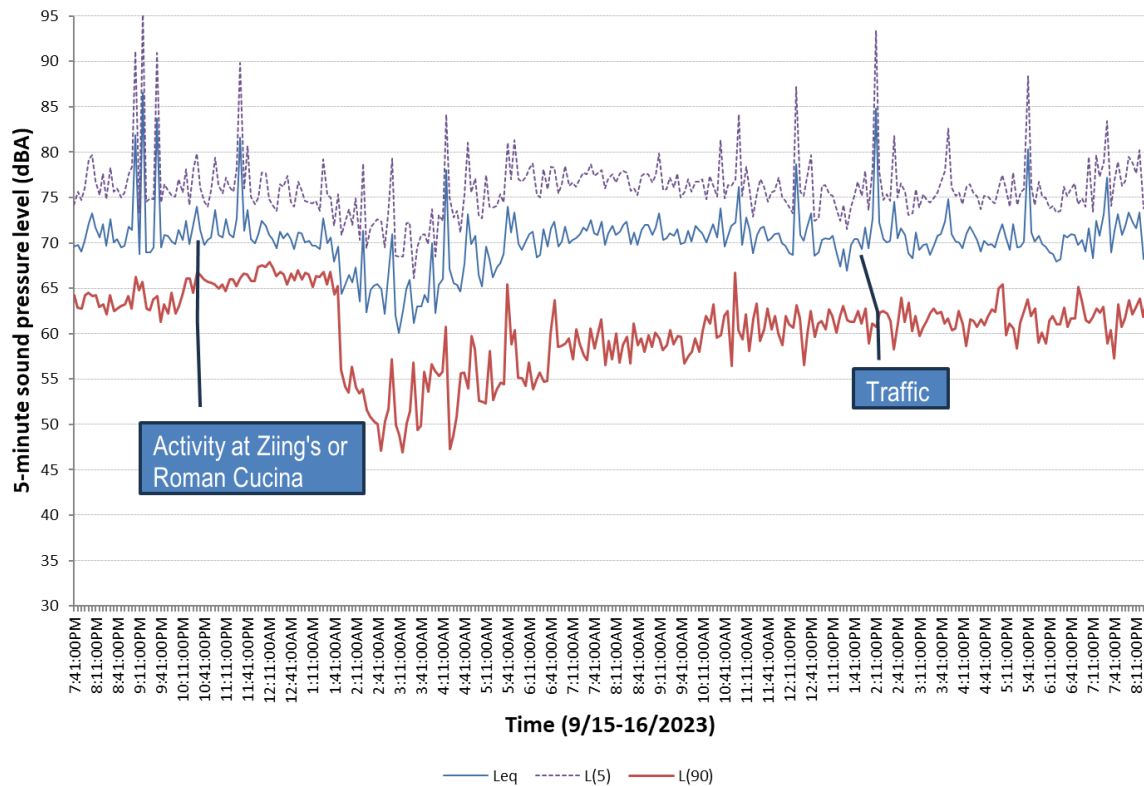
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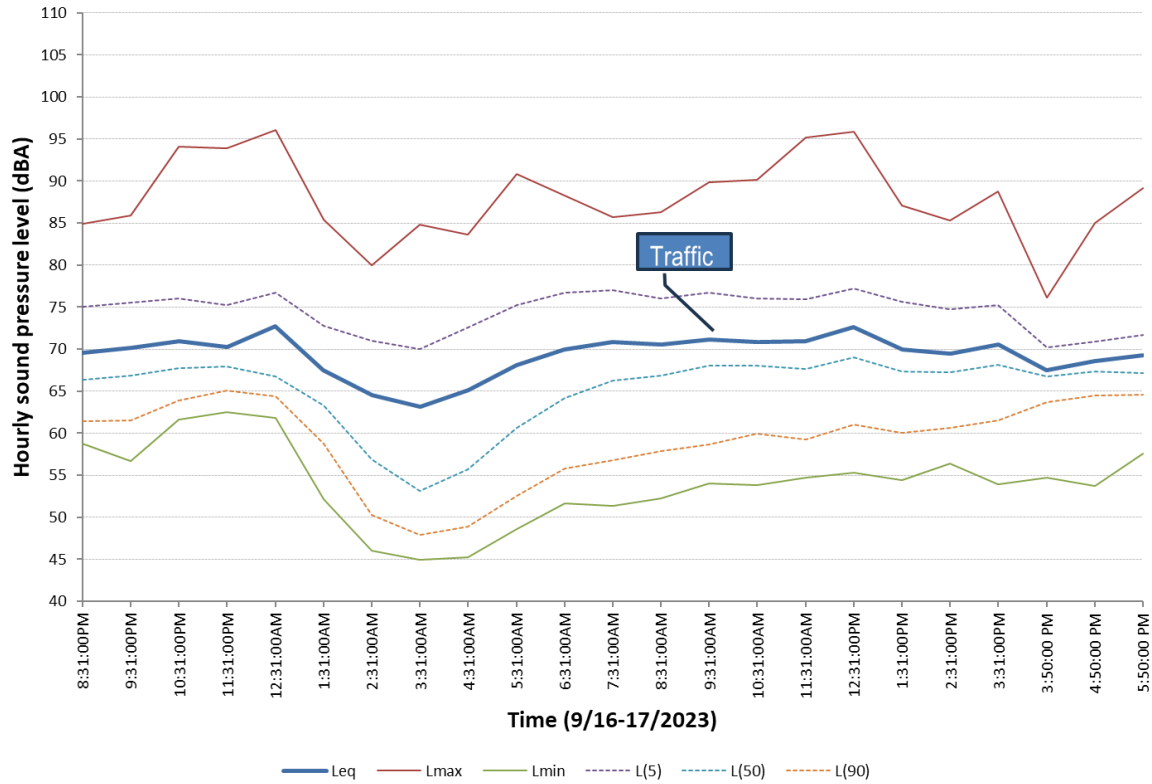
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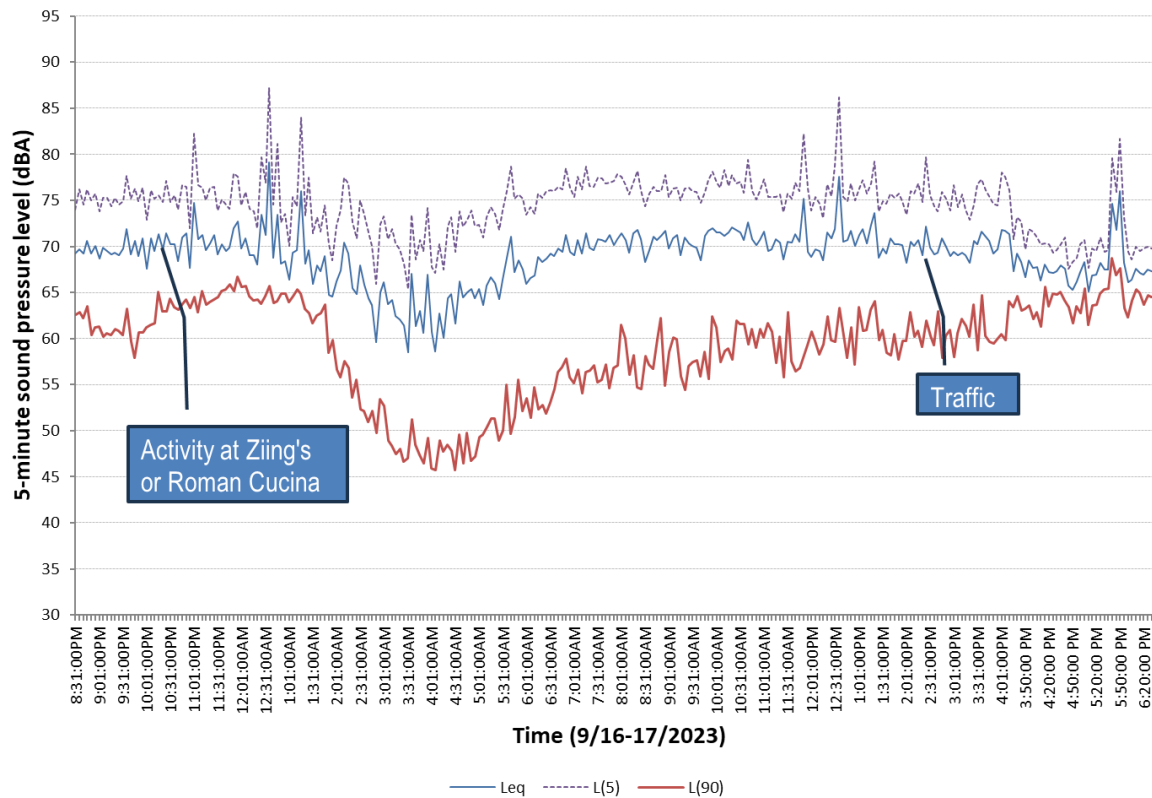
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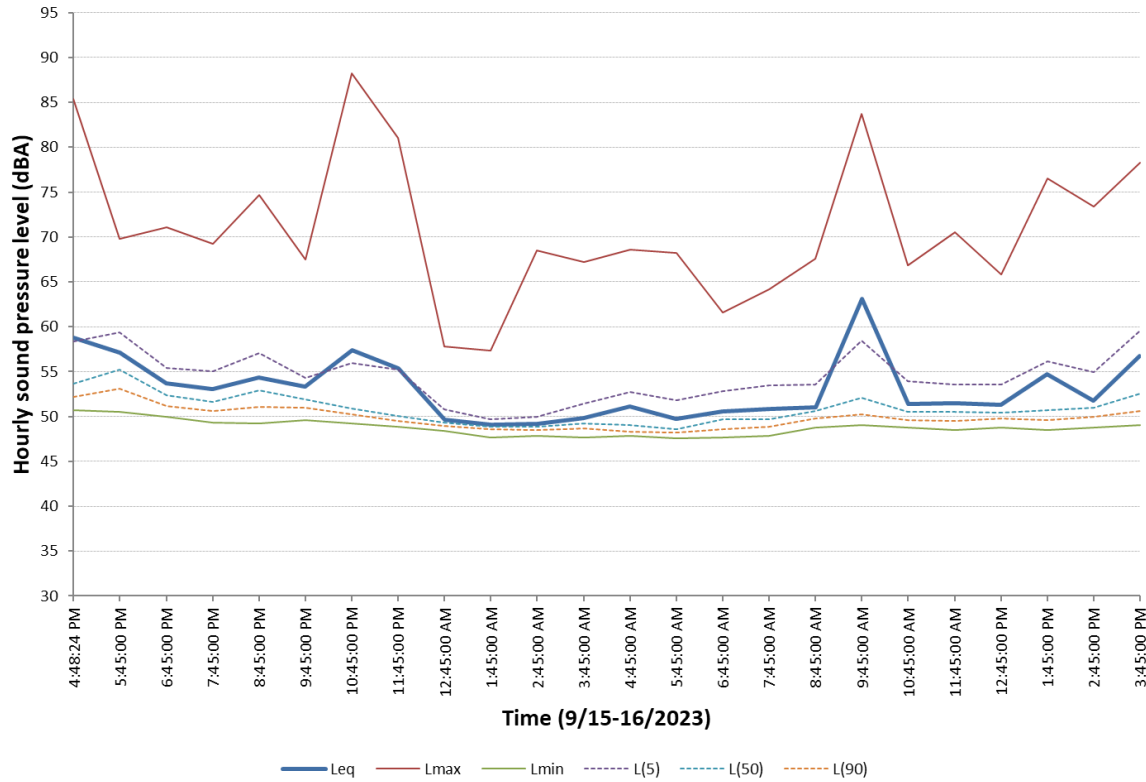
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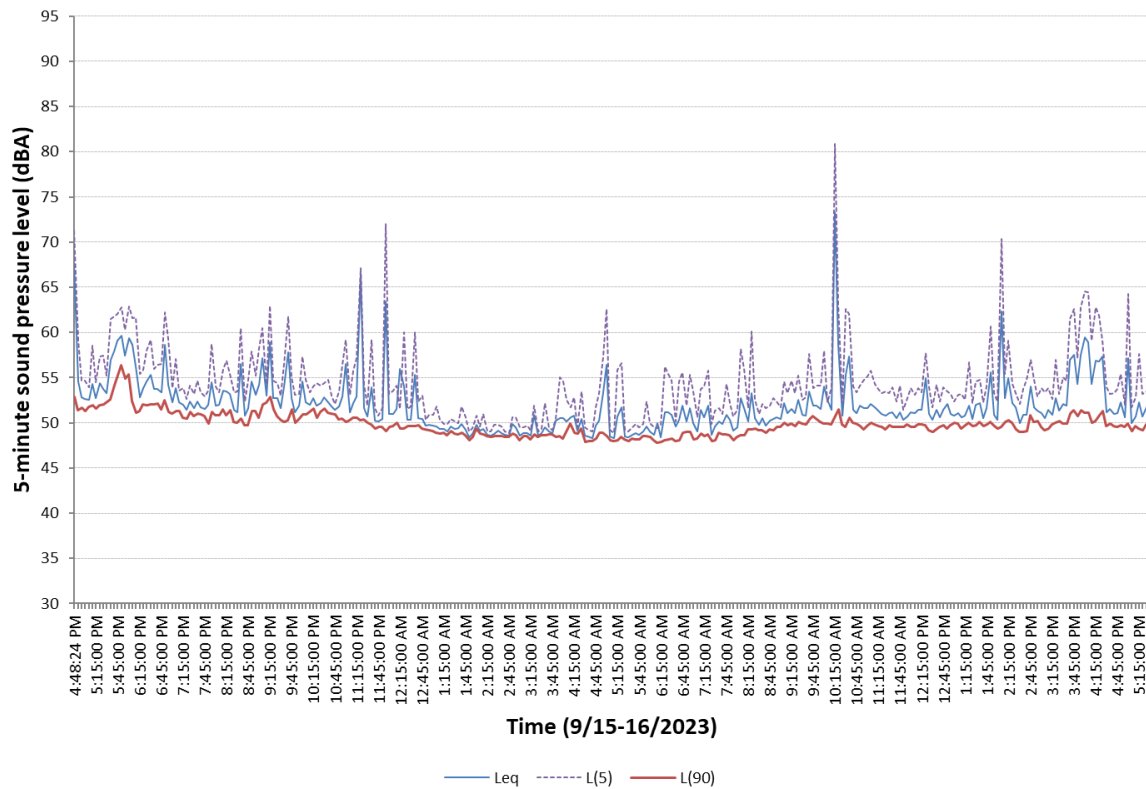
ML6 - 215 N. Harbor Blvd, 20 feet from Ziing's Nightclub/Roman Cucina



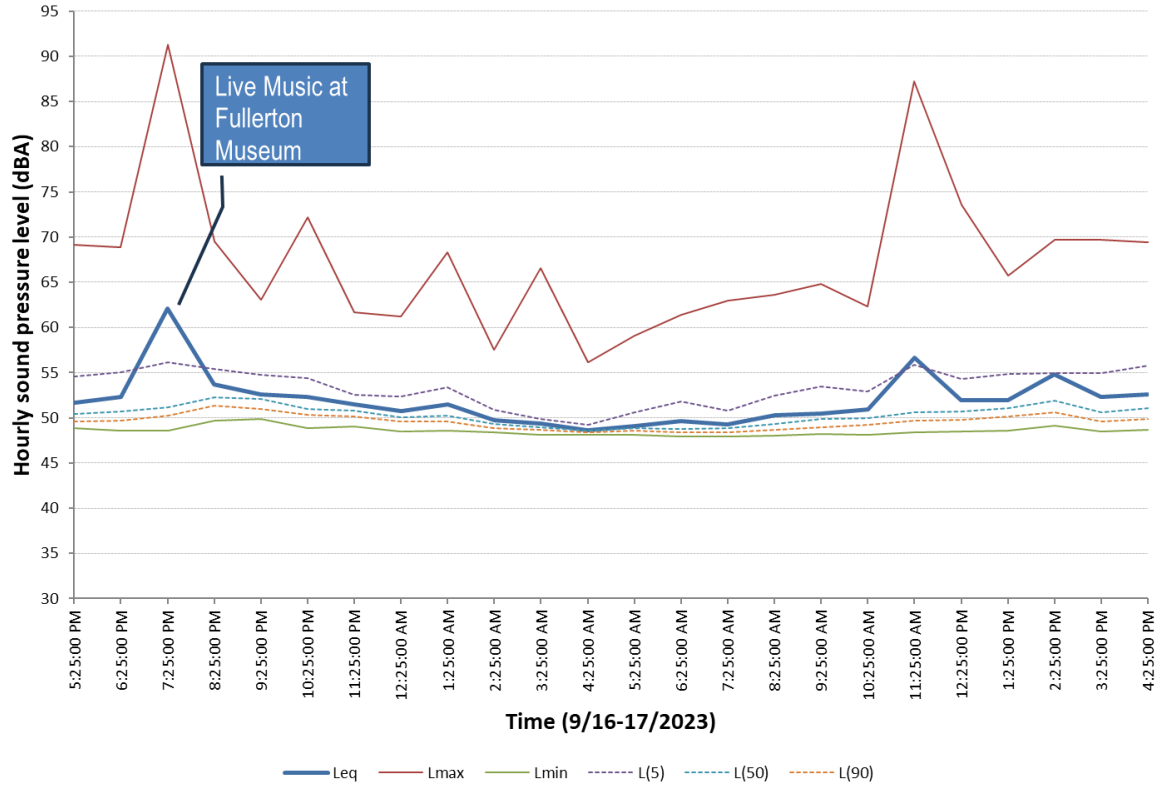
ML7 - 121 E. Wilshire Avenue, 50 feet from Fullerton Museum



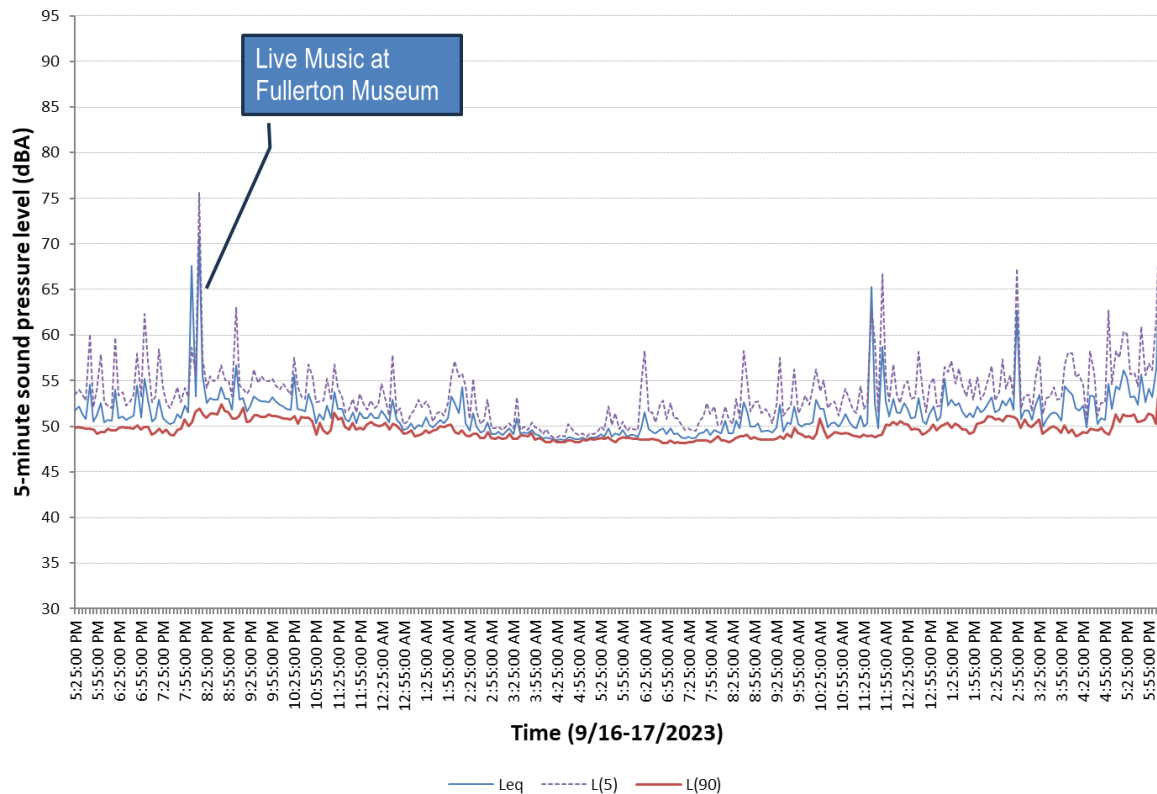
ML7 - 121 E. Wilshire Avenue, 50 feet from Fullerton Museum



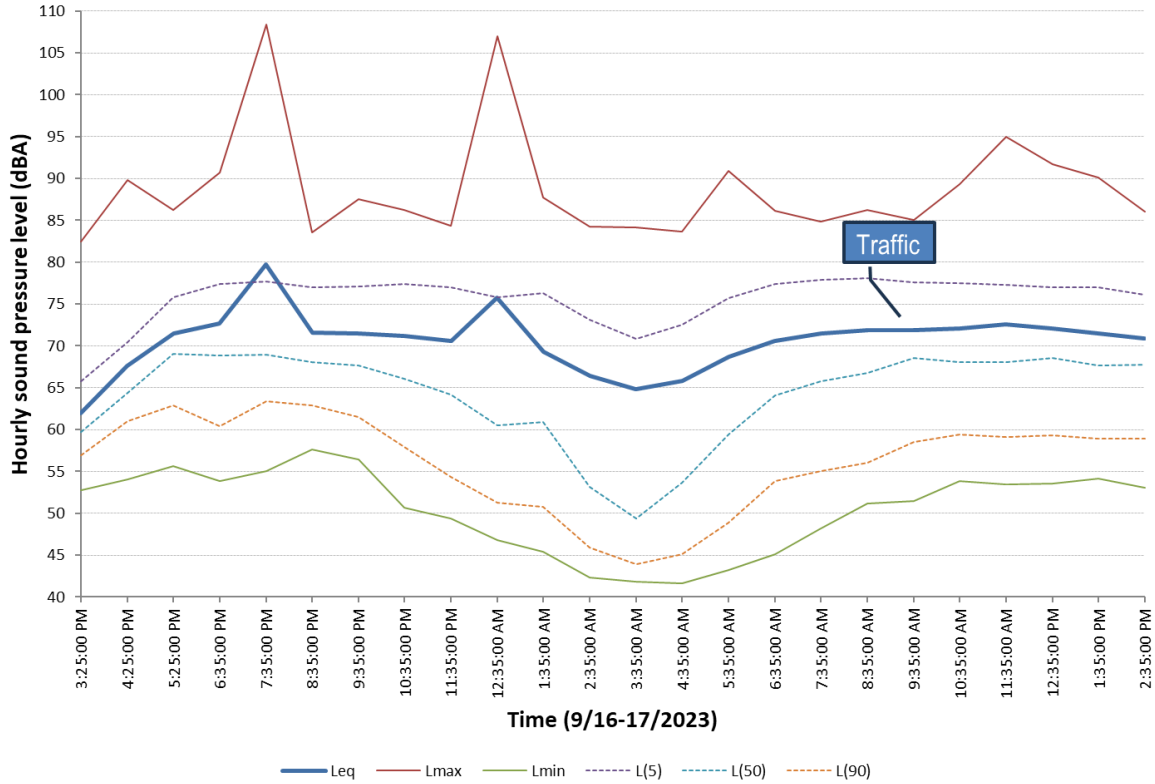
ML7 - 121 E. Wilshire Avenue, 50 feet from Fullerton Museum



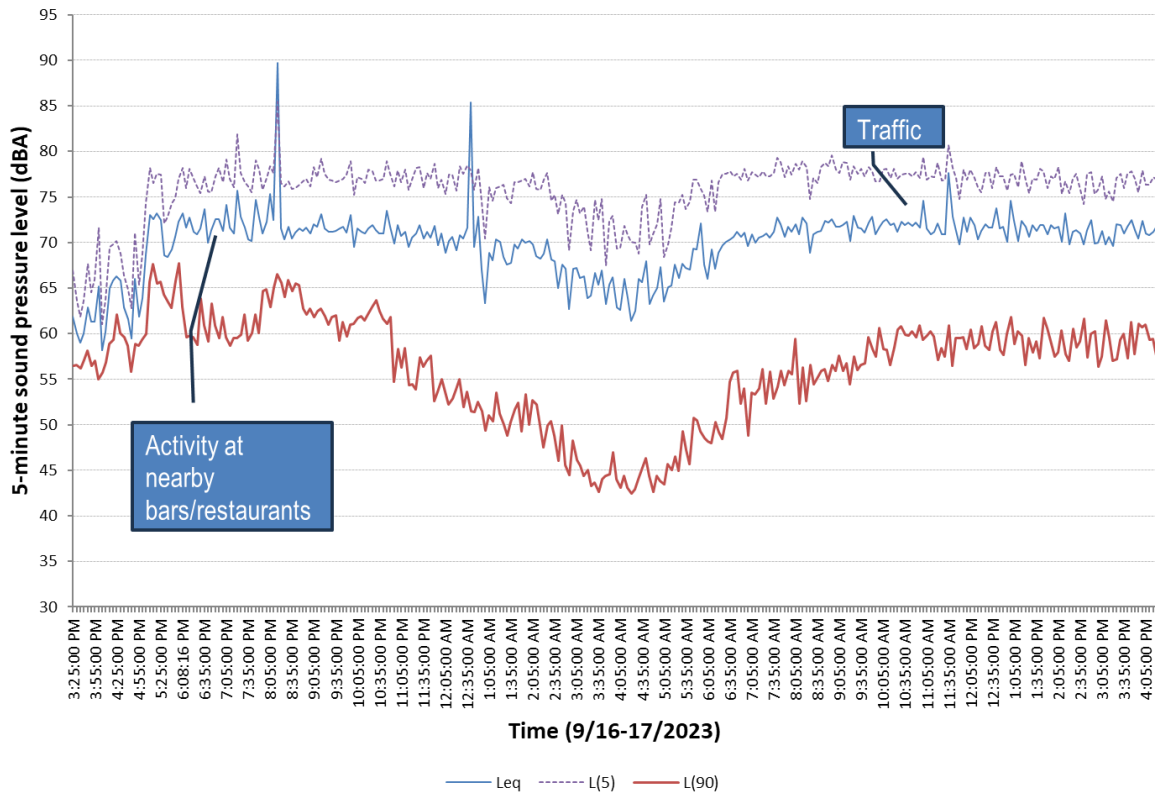
ML7 - 121 E. Wilshire Avenue, 50 feet from Fullerton Museum



ML8 - 310 N. Harbor Blvd, 15 feet from Farolito of Fullerton

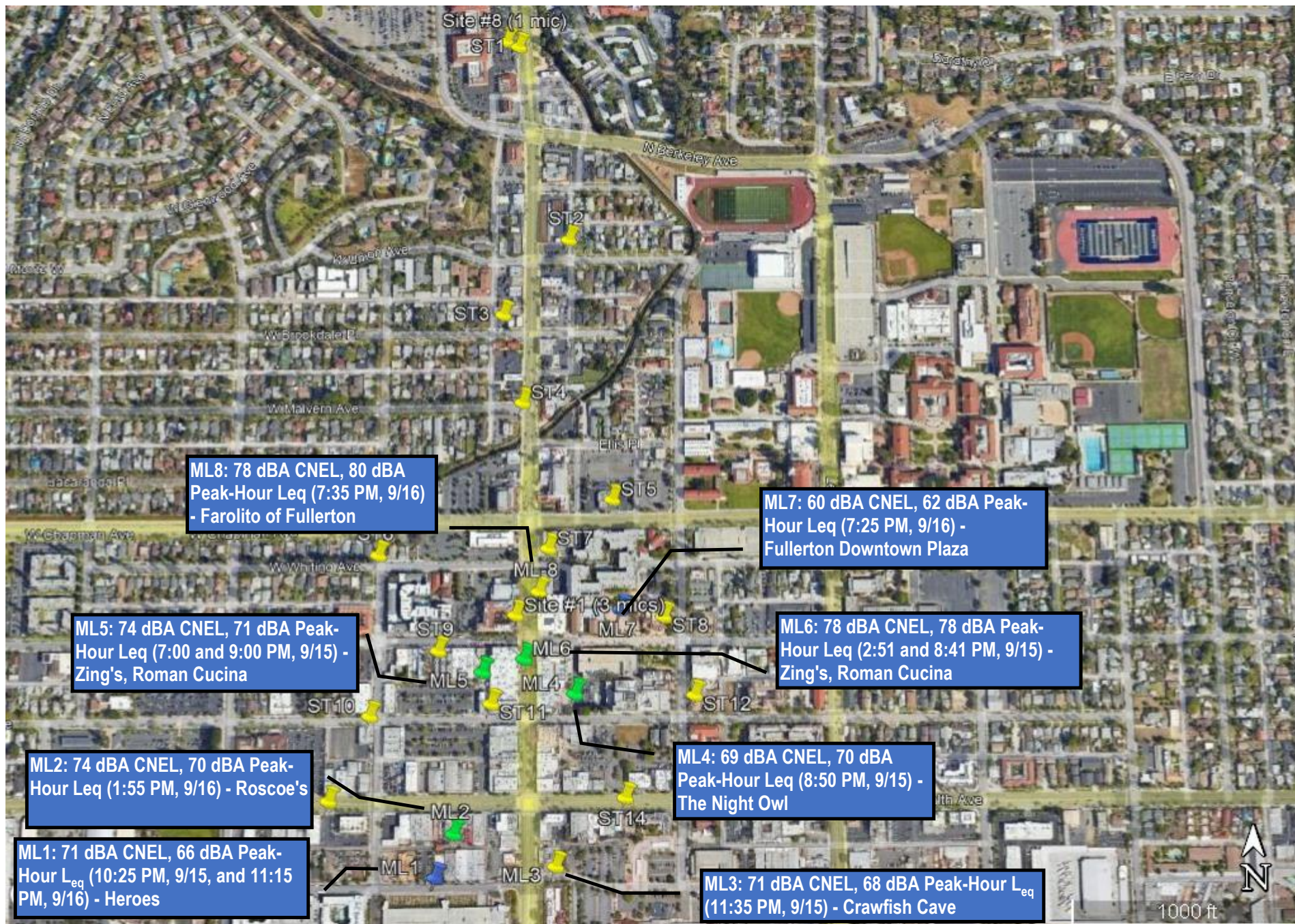


ML8 - 310 N. Harbor Blvd, 15 feet from Farolito of Fullerton



Appendix B

Aerial Maps Showing Noise Data by Location



SOURCES: Google 2023; City of Fullerton Noise Monitoring and Mapping; Dudek 2023



FIGURE B1
Downtown Fullerton Long-Term Monitoring Locations and Results (09/14/23 to 09/17/23)

City of Fullerton Noise Monitoring and Mapping Project (Fullerton, CA)





SOURCES: Google 2023; City of Fullerton Noise Monitoring and Mapping; Dudek 2023



FIGURE B3
Downtown Fullerton Monitoring Locations and Monitoring Results (Friday, 09/15/23)
City of Fullerton Noise Monitoring and Mapping Project (Fullerton, CA)



SOURCES: Google 2023; City of Fullerton Noise Monitoring and Mapping; Dudek 2023



FIGURE B4
Downtown Fullerton Monitoring Locations and Monitoring Results (Saturday, 09/16/23)
 City of Fullerton Noise Monitoring and Mapping Project (Fullerton, CA)