



City of
SACRAMENTO

City of Sacramento **Arts and Entertainment Regulatory Review**

PHASE ONE: Understanding Sacramento's Sound and Noise Landscape

SEPTEMBER 2024 / PREPARED BY SOUND MUSIC CITIES



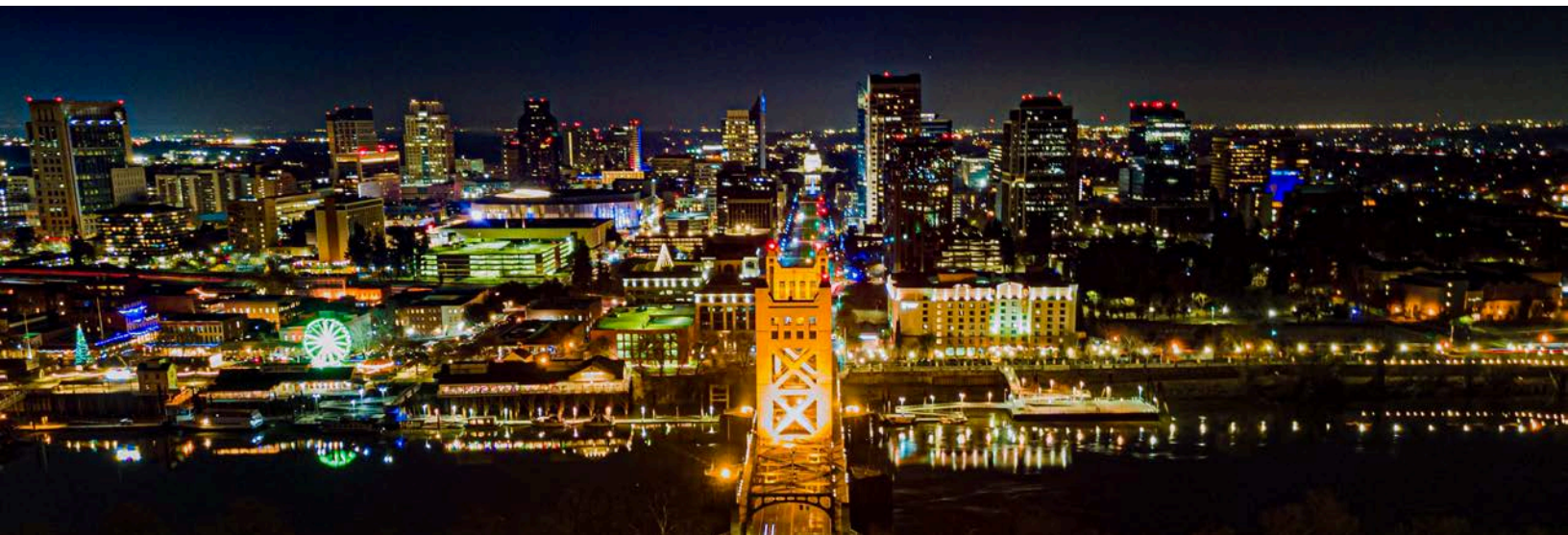
INTRODUCTION

Sacramento, like many growing cities, faces challenges balancing its vibrant nightlife, events, and festivals with the needs of its residents. One of the main challenges in Sacramento is the absence of a single entity responsible for sound management, enforcement, or education. This report outlines the initial findings from Phase One of Sacramento's noise and sound management exploration. The focus of this phase is further reviewing the existing ordinances and procedures, engaging with various stakeholders, and ultimately, in our Phase Three report, providing final recommendations to improve the current system for all Sacramento residents.

SCOPE OF PHASE ONE

The scope of this phase is to gather foundational data and observations by conducting the following activities:

1. **Review of City Codes:** A deeper analysis of the city codes that cover entertainment-related sound, particularly outdoor amplified sound. This includes evaluating outdated sections and understanding how sound is currently regulated.
2. **Stakeholder Engagement:** Interviews with key City departments, residents, venue operators, and event organizers to gather feedback on the current landscape and pain points.
3. **Small Group Sessions:** Engaging various stakeholders in small group discussions to foster a shared understanding of sound management challenges and the City's current approach.
4. **Summary Report:** Consolidating findings from special event observations, interviews, code reviews, and stakeholder feedback to highlight key gaps and potential pathways for Phase Two.



SUMMARY OF SOUND ORDINANCE ISSUES

In our previous Regulatory Review, we identified several issues and contradictions. The following list captures the issues that most impact the City's ability to lead an effective sound management initiative:

- **Reasonable Location:** The ordinance specifies that sound levels should be measured at the "sound booth" or another reasonable location within 150 feet of the amplified sound. However, it lacks clear definitions of what constitutes a "sound booth" or "reasonable location," leading to inconsistent interpretations.
- **Contradictions in Time Limits:** Sections B and E of the ordinance offer different time restrictions. Section E applies general limits, while Section B includes more detailed rules for specific days and holidays. This discrepancy causes confusion about which times should be followed.
- **Variance Procedure:** The process of requesting a variance to increase sound limits or modify time restrictions is unclear. The lack of criteria for granting variances places an undue burden on City staff during the permitting process.
- **Imposing Equivalent Limits:** A volume limit of 96 dBA at 150 feet is introduced as equivalent to current limits, but there is no clear evidence to support this equivalence.
- **Lack of Guidelines for Sound Level Monitoring:** While the ordinance mandates sound measurements, it does not provide clear technical specifications or qualifications for monitoring equipment.
- **Inadequate Explanation for Restrictions:** The ordinance lacks a clear rationale for the selection of specific sound level limits (measured in dBA) and time restrictions, making it difficult to connect them to public health, safety, and quality of life goals.
- **Complexity in Amplified Sound Rules:** Chapter 12 of the City Code imposes additional restrictions on amplified sound for special events, festivals, and concerts. These restrictions vary based on the distance from the sound source and proximity to nearby residences, with a maximum sound level of 98 dBA at 150 feet, 80 dBA near residences, and a limit of 24 dBA above ambient noise levels. These overlapping criteria add complexity to compliance.

STAKEHOLDER INTERVIEWS AND FINDINGS

During Phase One, several meetings were conducted with Sacramento's city officials, department representatives, and other key stakeholders. Stakeholders for this phase primarily included various City offices and departments.

Key Challenges Identified:

- **Lack of Ownership:** No single department within the City assumes responsibility for sound management, leading to fragmented regulation and enforcement. As a result, sound and noise issues are often "kicked around" with no clear accountability or resolution pathway.
- **Outdated Ordinance:** Sacramento's current sound-related ordinance was confirmed by the City attorneys we interviewed as outdated and in need of significant updates to reflect modern entertainment practices and the current needs of residents.
- **Resource Constraints:** While sound and noise issues haven't reached a critical level yet, the City lacks the resources, tools, and clarity to manage them effectively. For example, there is no process or protocol for writing citations or warnings related to quality of life or public safety issues involving sound at events.
- **Ambiguity in Sound Compliance:** The City's current code includes multiple ways to measure sound compliance, but there is little clarity on practical implementation guidance for special events and venues. Stakeholders noted that current regulations often feel like "here are the rules, good luck" without sufficient educational support.
- **Opportunity for an "Accountable Official":** Introducing an Accountable Official role could create a more structured approach to managing sound compliance and disputes. This role could serve as a point of contact for both businesses and residents, providing clearer accountability within the system.

In many ways, the use of sound , especially outdoor amplified sound, represents a social contract between establishments and their neighbors. Successful interactions are much more about balance and harmony than they are about any specific penalty or punishment. It certainly isn't about one side or another winning an argument or dispute.

SOUND ORDINANCE AND AMPLIFIED SOUND IN PERMIT APPLICATIONS

In both the Entertainment Permit and Special Event Permit applications for Sacramento, the City highlights the three ways that amplified sound is to be measured from an enforcement standpoint. The City primarily relies on self-compliance rather than any real-time monitoring during an event, with applicants expected to achieve and adhere to established regulations in line with City Code. Although the code acknowledges proximity to residential areas, as highlighted in the application process, there are limited tools to address the varying impacts of amplified sound. The only criteria provided is a blanket 80 dBA limit at the nearest residential property line, offering a one-size-fits-all approach. This limit doesn't account for the complexities of sound propagation, event types, or environmental factors, making it a somewhat unrealistic standard for managing noise impact across diverse settings.

- **Amplified Sound Regulations:** Both applications require compliance with City Code regulations, limiting amplified sound to 98 dBA at 150 feet from the source or 80 dBA when measured from the nearest residential property. They also define specific timeframes for when amplified sound is allowed, typically between 9 AM and 10-11 PM depending on the day.
- **Sound Range Pre-Establishment and Monitoring:** The Special Event Permit application allows the City to establish a pre-approved sound range based on the event's history and location. This range can be tailored to the specific venue and event to help manage noise levels.
- **Sound Checks and Scheduling:** Both permits emphasize structured sound checks and the duration of amplified sound. Events must follow the approved schedules, ensuring that sound checks and performances don't start before or extend beyond the allowed times, reducing the risk of noise violations.
- **Entertainment Permit Inspection and Compliance:** For the Entertainment Permit, a site inspection is required before the application is approved. This inspection ensures compliance with building and zoning codes, which could include soundproofing or noise control measures if needed.
- **City Event Attendant:** The Special Event Permit provides the option to hire a City Event Attendant. This provision could be utilized to monitor sound levels and other conditions placed on the event to ensure compliance.
- **Sound Measurement Methods:** Both applications specify how sound levels are measured in three ways:
 - **Distance-Based Measurement:** Amplified sound must not exceed 98 dBA at a distance of 150 feet from the source.
 - **Proximity to Residential Property:** Amplified sound must not exceed 80 dBA when measured from the nearest residential property.
 - **Ambient Noise Measurement:** Sound levels must not exceed 24 dBA above the ambient noise level, although it's unclear if the City has established ambient noise levels for any specific areas.

FIELD OBSERVATIONS FROM SPECIAL EVENT IN SACRAMENTO

Sound Music Cities recently had the opportunity to observe an event at The Railyards. This event was chosen due to the complexity and challenges of the programming as it relates to sound. We measured sound levels at two of the locations specified in the code. The event was in compliance with two of the three sound measurement methods; however, the third method, stating that sound levels must not exceed 24 dBA above ambient noise level, was not measured due to the absence of an established ambient noise level for the area or criteria on where to measure for this requirement.

Although the event complied with existing code, given the nature of the programming and significant low-frequency sound, the current measurement standards using dBA did not capture the full impact of the sound.

We spoke with several residents who had filed noise complaints with the City through 311 and SPD non-emergency to gain a better understanding of the impact. It's important to remember that sound is managed in three areas: source, path, and receiver. Getting input from residents, who represent the "receiver," helps with problem-solving and ultimately leads to better sound management.

Both interviews revealed that the complaints were related to bass, which isn't surprising, as low-end frequencies travel farther than higher-pitched sounds due to their longer wavelengths. These wavelengths allow bass to move more easily through the air, walls, and even the ground without being absorbed or blocked as much as higher frequencies. This is why you often feel vibrations from bass-heavy music even when you're far from the source. It's also why managing low-end frequencies is important for noise control, especially for events near residential areas or sensitive locations.

The framework of an ordinance is more than its legal construction; it is the groundwork for creating a partnership approach to how sound is evaluated.

INITIAL CONCLUSIONS

Our initial conclusions are as follows:

1. **Lack of Centralized Sound Management:** One of Sacramento's main challenges is the absence of a single entity responsible for managing sound issues. This fragmented approach creates confusion and delays in enforcement, particularly problematic for managing noise from festivals and concerts.
2. **Outdated Ordinances:** Sacramento's current sound ordinances are outdated and do not reflect modern entertainment practices or the evolving needs of residents. This includes inconsistencies in time limits, outdated sound level caps, and a lack of clarity in how sound should be measured and enforced.
3. **Inadequate Handling of Low-End Frequencies:** Current sound measurement standards (dBA) fail to capture the full impact of low-frequency sounds (bass), which are common in modern music and travel farther. This leads to a disconnect between compliance with regulations and the real-world impact on nearby residents.
4. **Stakeholder Frustration and Resource Gaps:** Both residents and venue presenters report frustration with the lack of clear, enforceable guidelines. Moreover, City departments lack the tools and resources to effectively manage and monitor sound at events, particularly when it comes to issuing warnings or citations.
5. **Need for More Specific Sound Compliance Criteria:** There is a significant gap in sound compliance guidelines, particularly around the measurement of ambient noise levels and the practical implementation of the sound ordinance. This results in unclear enforcement and monitoring processes during events.
6. **Appointment of an "Accountable Official" for Sound Management:** Given the current fragmented approach to sound regulation, appointing an "Accountable Official" by the City Manager would centralize authority and provide a final decision-maker. This role would ensure coordination across departments and streamline enforcement, acting as the point of contact for both residents and event organizers. By having a designated official with clear responsibility, the City can ensure accountability and more effective sound management.
7. **Event Monitoring and Real-Time Adjustments:** The option to hire City Event Attendants to monitor sound levels in real-time during events is a positive step, but it requires more formalized guidelines and expectations, especially concerning low-end frequencies.

NEXT 60 DAYS

- Field observation of nightlife and entertainment areas to refine policy understanding.
- Interview City staff directly involved with regulating or enforcing sound.
- Conduct on-site Source-Path-Receiver reviews and identify possible sound mitigation features.
- Organize additional small group sessions with both residents and venue presenters.
- Work with Special Events for sound management during a festival/event utilizing a sound management approach.
- Provide a summary report for Phase Two.

COMMUNITY SOUND MANAGEMENT™

Successful municipal sound and noise policy adopts a Community Sound Management™ approach that aims to achieve compliance first through clear and consistent communication and engagement with relevant parties. Enforcement is a subsequent, less preferred, and more costly action.

Community Sound Management™ is a participatory design process that actively involves solving sound-related problems with those affected: businesses, residents, and city government. This approach requires partnership and asks people to embrace cooperation and collaboration between all parties. By doing so, each entity gains an understanding of the various components of the underlying problem as well as the roles, goals, and boundaries of creating, regulating, and enforcing sound policy. People support solutions they help to create. While it may take more time and effort upfront, a community-minded and participatory approach to sound management will lessen the need for costly enforcement.

Community Sound Management™ defines regulation as government intervention through a set of rules identifying permissible and impermissible activity on the part of individuals and businesses. This type of regulation focuses on compliance more than enforcement. While enforcement is sometimes necessary, in our experience, compliance stemming from well-understood regulations lessens the reliance on enforcement. Achievable and well-understood regulations provide transparency and successful compliance.

Active Compliance

refers to conformity with regulatory requirements including but not limited to legislative provisions, regulations, rules, standards, and orders.

Enforcement

refers to actions that induce, encourage, or compel compliance with regulatory requirements.



ABOUT SOUND MUSIC CITIES

Based in Austin, Texas, Sound Music Cities was born out of a diversity of direct experience in music-related policy, music development program implementation, and leadership of sound management initiatives. Led by Don Pitts, the team has extensive experience in sound management initiatives and philosophies that encourage both live music industry growth and residential compatibility.

The Sound Music Cities team brings a unique combination of political know-how, street-smarts, and active listening skills—three key assets when it comes to creating sustainable music policy in any community. Their fresh, unbiased perspective listens for patterns and themes unique to each city. Above all, they work alongside clients as partners, digging deep into the foundational issues that make or break a sound music economy, and providing a clear, actionable path forward.

Prior to founding Sound Music Cities, the team worked extensively as City staff, helping to produce a “one-stop shop” permitting model in Austin, Texas, specifically related to music and event permitting. This included generating the ideas behind the creation of the Austin Center for Events and being part of its successful implementation. Additionally, the Sound Music Cities team drafted the city policy and legislation that resulted in the most comprehensive rewrite of music permitting and sound enforcement policy in decades.

Sound Music Cities also curates and hosts the Music Cities Think Tank, an annual two-day convening of music policy experts and practitioners from over 16 cities around the globe. This invitation-only gathering facilitates intimate and intensive discussions on the latest issues and strategies for this select group of participants.