



City of Sierra Madre

Office of the City Clerk

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Sierra Madre, CA

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THE BROWN ACT PROVIDES THE PUBLIC WITH
AN OPPORTUNITY TO MAKE PUBLIC COMMENTS
AT ANY PUBLIC MEETING.

THE FOLLOWING ARE COMMENTS RECEIVED
FOR THIS MEETING

Laura Aguilar

Subject: FW: City Council Item #1 Noise 8/22 meeting

From: Martin Ericks [mailto: [REDACTED]@com]
Sent: Monday, August 21, 2023 5:30 PM
To: Public Comment <publiccomment@cityofsierramadre.com>
Subject: City Council Item #1 Noise 8/22 meeting

Dear City Councilmembers of Sierra Madre,
My family and neighbors were never properly apprised of city meetings to change our noise code. We hope it is not too late to give input publicly. We do not agree with noise levels being obtained at a property plane of 70. Metering should remain taken 25 feet from the source of noise as it has been. It is the most simple and direct method that many other's use. Easy for our police to monitor and enforce. For example, taking a noise reading from Alverno's property line can be done in a spot that makes it seem way less than what the neighborhood is experiencing.

Where is the code regarding bass driven music? The weddings at Alverno continue to be a nightmare intruding into our homes and weekends. If it isn't the djs yelling then it's the bass and partiers shouting. It may not be 70 decibels or maybe it is. All we know is it is decipherable and annoying as heck for hours. The traffic will be picking up tomorrow from Alverno starting class. We suffer from that noise. Noise that CDSA said was ok but Mr. India was using a highway baseline. Our city streets baseline is not the same.

We do not trust CDSA's input in any form after admitting their studies were derived from the wrong numbers for Alverno's expansion last year. Even after being called out by the planning commissioners, CDSA never corrected his mistakes throughout the Alverno expansion application. The city council should not use Mr. India/CDSA as an "expert". Please, send this back to the planning commission. Request a noise consultant firm that has no past working relationship or coziness with any entities, businesses or institutions within this city who have used them for exemptions to our city noise code or expansions.

CDSA's nepotic relationship with Alverno should have been a deal breaker for hiring. We find it inconceivable that the city staff hired a firm with preferential ties to an institution that has been sued by it's neighbors regarding noise for decades. Suits that occurred because the city has had a poor track record of enforcing the very noise code they instituted.

It seems that CDSA's faulty record for using the wrong baselines for Alverno's noise studies should have been enough to look elsewhere. CDSA admitted they didn't even know that West of Michillinda was not part of Sierra Madre. It was either a lie or grossly unprofessional of Mr. India. But the most egregious act was this is the same guy Alverno used. His failure to refuse to correct the studies with the proper Sierra Madre baselines for the record should not be the

person/firm advising our city on the noise code. His inaction should have taken CDSA out of consideration as a consultant to this city.

It was Commissioner Hutt who noted the baselines in CDSA's studies were all wrong for the noise and traffic. The neighbors of Alverno then hired an independent noise consultant to do a review. A firm that worked on the original Sierra Madre noise code. They called out the inaccuracies of CDSA's noise studies. It was understandable that CDSA showed a clear bias towards their client. Alverno had hired them to help them get their expansion application approved. Our neighborhood reps repeatedly asked for the CDSA studies to be struck from the record. Unfortunately the planning commission let the bad studies stand with the wrong baselines. CDSA provided a false narrative that enhanced Alverno's expansion but will forever be detrimental to our neighborhood ambient noise levels.

Please hire another firm to help set noise codes that are in alignment with the objectives of our city and not something pulled from Mr. India's theories that have no basis in facts or peer reviewed research.

Thank you. M Ericks Sierra Madre

Laura Aguilar

Subject: FW: #1 Noise Ordinance consideration

From: [REDACTED] [mailto:[REDACTED]]

Sent: Tuesday, August 22, 2023 11:13 AM

To: Public Comment <publiccomment@cityofsierramadre.com>

Subject: #1 Noise Ordinance consideration

Dear Mayor Garcia and City Council persons,

I just watched the Planning Commission meeting on noise. I wish I knew it was being discussed.

I think the person who raised the issue of noisy blowers and other lawn equipment is on the right track. Why can't the city bring the code in alignment with Pasadena's? It would be reasonable to give the commercial and homeowners a year to comply with electric versions of equipment just like Pasadena.

Since the pandemic the dog ownership has increased but not behavioral training. Since the city is considering changes to the noise code and used San Marino as a model code how about fixing our animal noise section?

My neighbors dogs and chickens are a nuisance. I have tried talking to my neighbors. It is too contentious to suggest they enroll in behavioral training like I did with my pups. Some owners don't feel the barking is a problem for them. Code enforcement is not on site Friday - Sunday. My neighbors go away. They do not have to listen to their dogs and chickens. They do not care if their dogs wake up the neighbors. I don't feel there should be so many chickens allowed so close to my house. They are noisy when laying eggs. They do it all day. I appreciate your consideration in these matters while you debate fixing the noise code.

Ms. Rosadella

Please redact my name. I do not want to be harassed by my neighbors if they see this.

San Marino code

E. Animals And Fowl:

1. No person shall keep or maintain or permit the keeping of, upon any premises owned, occupied or controlled by such person, any animal or fowl otherwise permitted to be kept which, by any loud or continuous cry, bark, howl or other sound shall violate section 14.04.05 of this article.

Examples of excessive barking can include: frequent intermittent barking over lengthy periods; sustained barking over more than a minute or two; barking early in the morning or late at night.

June 22, 2023



Re: Item #1 Changes to the Noise code Sierra Madre

Dear Mayor Garcia and Members of our City Council,

My husband was quick to thank you after our last attended meeting. My apologies for not thanking you all personally, and sooner. Everyone put in a lot of effort and (too many) hours on our appeal. We had a family emergency the very next day that is still ongoing. It has taken me out of town for extended periods. We, and the neighbors we represented, can't thank you enough for your time.

Our neighborhood in particular wanted the city to address the one area that was **missing** in the Sierra Madre noise code - **ambient noise levels**. In 2009 the ambient noise level varied from 35 - 45 DB around Alverno. We recently took several 2 minute uninterrupted sound readings using a meter approved by CDSA on our property. We came up with 38 - 45 DB. The latter number aligns with other R-1 neighborhoods.

1. We must establish ambient levels like other cities have in their noise codes but disagree with CDSA's method. We hired a noise consultant during the AHA expansion after the Planning Commission noted the baselines CDSA used for their noise studies were too high and not aligned with the City of Sierra Madre. We have never had an ambient baseline of 94DB. Their studies were misleading and faulty.

The city needs to establish the ambient noise levels of the various areas - residential, commercial, etc. like we had at one time. This is why we asked for the city to hire a non-biased noise consultant without ties to previous private interests.

Our consultant found Pasadena to have a well defined ambient level in order to enforce their noise code. Our general plan for a "Quiet Residential Community" differs from Pasadena's but there are some good take aways from their ambient levels.

2. The city needs established baselines prior to the offending noise events not during.

"Ambient noise levels may be measured to provide a reference point for analyzing an intrusive sound to a given environment. For example, noise is studied by measuring ambient sound without presence of the offending noise, and then studying the noise addition by measurement of events." We agree with the Planning Commission on 6/1/23 that the new proposal by CDSA for calculating ambient noise levels is confusing and less streamlined than what other cities use. We cannot just let this important but missing piece of our city code be left unaddressed.

CDSA is recommending enforcement take an ambient reading at the same time of the offending noise. HUH?

We agree with the Planning Commission that this just can't be done.

Consider a party or wedding that gets intrusively louder, or is loud then quieter, then louder. A resident might call to ask for the noise to be mitigated. Sometimes the enforcement cannot arrive at a time of the loudest noise nuisance. CDSA is proposing enforcement take an "ambient reading" while there are still party activities occurring but that would be a false ambient reading for the neighborhood. It's just a wonky way to establish an ambient noise level.

3. Please do not do away with the most simple, easy to understand and efficient manner of measuring noise levels in our city.

We do not agree with enforcement having to run around an expansive property like Alverno because the noise levels will be different depending on which plane a reading is recorded. 70DB at their property line is allowing for a very loud DJ during their wedding rentals.

Table 6-9 City of Sierra Madre Stationary (Non-Transportation) Noise Standards

Land Use	Day of Week	Time of Day	Exemption to Maximum Permissible Noise Levels for Noise that is Under:	Maximum Permissible Noise Limits
Residential	Mon. to Sat.:	7 AM to 9 PM	80 dBA at 25 feet	• 6 dBA Above Ambient
	Sun. and Holidays:	10 AM to 6 PM		
	Mon. to Sat.:	9 PM to 7 AM	-	• 6 dBA Above Ambient
	Sun. and Holidays:	6 PM to 10 AM		

Source: City of Sierra Madre. 2011. City of Sierra Madre Municipal Code. Title 9, Public Peace, Morals, and Welfare, Chapter 9.32, Noise.

4. Enforcement would be better supported in their job with the more simple measuring of an offending noise as defined in Sierra Madre’s Table 6-9 above. It’s easy to understand how to monitor in a simple and straightforward manner - not what is being currently proposed by CDSA. No one wants to be in the position of asking for enforcement of a code that is confusing and missing elements. We agree with Commissioner Hutt that there needs to be a threshold (ambient levels) and it should be well defined and what our professional noise consultant recommended.

5. BASS. Can we add something under the section of GENERAL NOISE REGULATIONS? Bass driven music was discussed but there was no conclusion on how to address it at the 6/1 Planning Commission meeting.

Bass driven music has been a huge complaint. Low frequencies are hard to stop because of the way they propagate. Bass can continue for a long distance. Since the rest of the sound (music) doesn't travel as far, the low frequency energy becomes very annoying. Someone who's hearing/feeling the bass doesn't even need to be outside. Frequencies below 100 hz really travel, not only over distance, but around and through objects that would normally dampen sound.

Bass is non-directional and felt. As a low frequency it cannot be captured by a noise meter using A weighting like other offense sounds. Taking a reading using a "C" weighting takes bass into account more than "A" but make it simple like the City of Davis and others have:

Under 9.32.130 General noise regulations. (Add)

A.Pitch (frequency) of the sound, **e.g. very low bass or high screech;**“ If it can’t be measured then it can be mentioned as a possible offense. Too often the offender will say, “There is nothing in the noise code referencing Bass.” —Or something like this "Sounds emitted at levels lower than those prohibited by (section XXXX) shall not be permitted if, because of the type or frequency of the noise emitted, such sounds are offensive, disruptive, or in continual disharmony with the character of an adjoining or nearby residential neighborhood”

6. Noise does not stop at our borders. What about our adjacent communities? Since Sierra Madre is using Duarte’s noise plan then couldn’t we adopt the following under our guidelines when it comes

to noise: "We will be cognizant of our borders and vice versa."

We can't be a city in isolation as we have been when it comes to noise offenses on our borders. In 2010 when we had a relationship with Pasadena regarding noise nuisances. We can't expect Pasadena police to care if our residents are getting blasted by La Salle's amplified sound system during an evening field event a half mile away, if we do not extend the courtesy to our Pasadena neighbors during our events.

7. Sierra Madre already had a good start on how to determine when a noise level has exceeded the baseline. Please establish the baselines like we had in decades past and post them. Sierra Madre needs it spelled out so they can be easily referenced. Perhaps, something like the City of Sausalito:

Zone	Time	Sound Level A, Decibels Community Environment Classification
R1 and R2	10:00 p.m. to 7:00 a.m.	45
R1 and R2	7:00 p.m. to 10:00 p.m.	50
R1 and R2	7:00 a.m. to 7:00 p.m.	55
R3	10:00 p.m. to 7:00 a.m.	50
R3	7:00 a.m. to 10:00 p.m.	55

We thank the city for listening to our request (and apparently others) to amend the noise code. We were surprised to find out the city had begun proceedings so soon after our appeal ended. We learned too late to provide public comment for the Planning Commission meeting on 6/1. We watched it last night. The commissioners had a thoughtful, and at times funny, discussion about various offenses and ways to mitigate. We feel we are still left with the the problem of how to quantify it and make it easier to enforce residential ambient noise levels. We are not sure if we will make it in time for the meeting so please accept our input for updating our noise code.

Yours,

The Stephens