MEMORANDUM

DATE: August 22, 2024
TO: Planning Commission
FROM: Lou Kirk, Assistant Chief Building Official
CC: Monet Sheikhali, Senior Planner
SUBJECT: Response to Late Correspondence
August 22, 2024, Planning Commission Meeting, Item 11.2

The purpose of this memo is to provide a response to late correspondence received pertaining to the above-referenced Planning Commission item, specifically regarding the noise study previously prepared by staff in response to a Code Enforcement noise case. While this memo will address the adequacy of the noise study, it is important to note that the study was conducted as part of a separate Code Enforcement action and was not required for the conditional use permit under consideration this evening.

The late correspondence received raises concerns regarding the noise measurements conducted at the Flamingo site on July 18th. The primary objection is that the data collection methods do not adhere to the criteria outlined in the city's noise ordinance. This response will demonstrate that the measurements were executed in strict accordance with the ordinance's intent and best enforcement practices, providing a comprehensive analysis of the recorded sound levels. Concerns regarding the specific components of the Noise Ordinance are addressed as follows:

Ambient Noise Definition and the Ambient Base Noise Level (ABNL)

The City's noise ordinance establishes the Ambient Base Noise Level (ABNL) as the specific standard to use when comparing noise levels. While a definition of "ambient" is included in the ordinance, the ABNL establishes objective base noise levels for different Zoning designations and time periods, offering a more consistent benchmark by which to compare baseline measurements. It is the key standard for evaluating noise levels, providing a stable and reliable comparison, and ensuring a relevant and accurate evaluation.

Survey Duration and Data Quality

While a 15-minute benchmark is included under the definition of “ambient” in the ordinance, it does not apply in practical application as the ordinance specifies that the ABNL is the standard for comparison of sound levels.

At the time the six surveys were taken, the cumulative period for which the players were available necessitated that individual surveys range in time from approximately 9½ to 12 minutes. This is not an issue, as survey conditions were excellent, and the noise ranges measured were consistent throughout. Further, the frequent, sudden, and short duration composition of this type of noise source can be efficiently surveyed in less time than more prolonged types of steady-state or intermittent noises. The six graphs provided in the sound study reflect that more than a sufficient number of sound events were captured to provide statistically significant results, and the addition of 3 to 5 minutes to each survey would not have resulted in any relevant change to the data. To reemphasize, the efficiency and accuracy of the surveys were not compromised by the shorter duration. The data collected was statistically significant and representative of the noise levels present at the time.

Response Speed Setting

The fast response setting on the sound level meter was intentionally selected to accurately capture the sudden, fleeting peak sound levels produced by pickleball impacts. Slow settings sample noise over longer periods and are better suited for background noise or long-term exposure.

Again, notwithstanding the “Definitions” provisions of the Code, the only absolute sound level measurement requirement of the Noise Ordinance is the one requiring the “A” weighting (which most closely approximates the sensitivity of the human ear); the requirement does not mandate a specific response speed, allowing staff the discretion to adjust when appropriate, as was the case here. Recognizing the specific concerns of the neighborhood, the fast setting provided the most relevant and accurate data for this particular type of sound generation, achieving a balance between precision and meeting the requirements of the ordinance.

Conclusion

The noise measurements conducted at the Flamingo site were executed in strict adherence to the city's noise ordinance and best enforcement practices, providing a comprehensive and accurate assessment of the sound levels generated. The data collected aligns with the ABNL criteria, and the survey methods employed were appropriate for the nature of the noise source. The use of the fast response setting on the sound level meter was justified to accurately capture peak sound levels occurring over a fleeting period of time.

It is the continuing finding of staff that the noise levels generated at the time of survey are within acceptable limits and do not constitute a violation of the City’s Noise Ordinance.