



Legislation Details (With Text)

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Title: CONSIDERATION OF A TEMPORARY SUSPENSION OF
HERMOSA BEACH MUNICIPAL CODE REGULATION OF
OUTDOOR STEREO SPEAKERS AT COMMERCIAL
ESTABLISHMENTS
(City Manager Suja Lowenthal)

Sponsors:

Indexes:

Code sections:

Attachments: 1. Hermosa Beach_Urgency Ord re Suspension of Noise Ordinance for Outdoor Dining-c1-c1

Date	Ver.	Action By	Action	Result
11/24/2020	1	City Council	adopted	Pass

**Honorable Mayor and Members of the Hermosa Beach City Council
Regular Meeting of November 24, 2020**

**CONSIDERATION OF A TEMPORARY SUSPENSION OF
HERMOSA BEACH MUNICIPAL CODE REGULATION OF
OUTDOOR STEREO SPEAKERS AT COMMERCIAL
ESTABLISHMENTS**

(City Manager Suja Lowenthal)

Recommended Action:

Staff recommends that the City Council adopt Urgency Ordinance No 20-1421U of the City of Hermosa Beach to temporarily suspend section 8.24.040A of the Hermosa Beach Municipal Code regulating the placement of stereo speakers outdoors or in windows/doorways facing outdoors from November 25, 2020 through January 3, 2021 at restaurants that offer outdoor dining onsite.

The urgency ordinance requires four-fifths vote of the city council and if approved, will take effect immediately

Executive Summary:

With businesses continuing to offer many services outdoors to comply with LA County Public Health Orders, City staff continues to coordinate with and make adjustments to help support businesses in the City as they operate outside while maintaining a safe and enjoyable experience for customers and the public.

In an effort to allow restaurants to offer some ambient music in their outdoor dining spaces, staff recommends that the City Council consider temporarily suspending Hermosa Beach Municipal Code (“HBMC”) section 8.24.040A through the holiday season from November 25, 2020 through January 3, 2021 to allow the use of stereo speakers outdoors while keeping in place sections 8.24.040I and 8.24.040J to address the hours in which speakers may be used (8 AM to 10 PM) and potential concerns of spillover noise to adjacent residents and businesses.

Background:

At the November Economic Development Committee meeting, the Committee asked staff to work with the economic development stakeholder group to consider additional pilot programs that can further support our businesses as they continue to adjust their business operations to comply with the LA County Public Health Orders and help to reduce the spread of COVID-19. In LA County, restaurants and fitness establishments have been operating exclusively with outdoor activities/dining, takeout, and delivery since the beginning of July and staff continues to coordinate with and make adjustments to help support businesses as they operate outside while maintaining a safe and enjoyable experience for customers and the public. This includes coordination with our businesses or development of standards for elements that are more prevalent during the fall/winter when daylight hours are shorter and cooler evening temperatures are present:

- Outdoor dining, retail, fitness, and personal care programs
- Standards for overnight storage of furnishings
- Standards for overhead lighting/electrical
- Standards for use and storage of outdoor heating equipment

Discussion:

Recent discussion among the economic development stakeholder working group and staff has included opportunities to offer music either in a live or pre-recorded format in these outdoor spaces. At this time, the LA County Public Health Orders do not allow for any live music, although public health officials are exploring ways to allow some live entertainment opportunities where public health protocols can be implemented. While live music is not permitted at this time, the opportunity to offer ambient outdoor music is restricted by the Hermosa Beach Municipal Code, which currently prohibits the placement of stereo speakers outdoors or in windows or doorways facing outdoors or toward the public right-of-way.

In an effort to allow businesses to offer some ambient music in their outdoor spaces, Urgency Ordinance 20-1421U (**Attachment 1**) would temporarily suspend HBMC Section 8.24.040A through the holiday season from November 25, 2020 through January 3, 2021 for those restaurants.

HBMC section 8.24.040A provides:

- A. Placement of Stereo Speakers. The amplification of music or any other sound on private property, through speakers located either (1) outdoors, or (2) in one (1) or more windows or

doorways, when such speakers are directed towards, and such music is plainly audible on, and immediately adjacent public right-of-way.

Restaurants would still need to comply with all other applicable noise restrictions in HBMC Section 8.24.040. Of particular relevance, Subsections I and J would remain in effect. Subsection I prohibits restaurants adjacent to a residential dwelling unit from creating sustained noise between the hours of 10:00 p.m. and 8:00 a.m. if it is plainly audible from the dwelling unit's property line. Subsection J similarly prohibits a restaurant on Pier Plaza from creating sustained amplified music that is plainly audible 80 feet from the restaurant's property line. Retaining these noise restrictions protects nearby residents and businesses from the potential spillover noise coming from restaurant stereo speakers.

General Plan Consistency:

This report and associated recommendation have been evaluated for their consistency with the City's General Plan. Relevant Policies are listed below:

- 7.1 Noise standards. Adopt, maintain, and enforce planning guidelines that establish the acceptable noise standards identified in Table 6.3.
- 7.2 Noise compatibility. Utilize the Land Use/Noise Compatibility Matrix shown in Table 6.4 as a guide for future planning and development decisions.

Fiscal Impact:

There is no fiscal impact associated with this action.

Attachments:

1. Urgency Ordinance No. 20-1421U

Respectfully Submitted by: LeeAnne Singleton, Environmental Analyst

Legal Review: Mike Jenkins, City Attorney

Approved: Suja Lowenthal, City Manager