



Staff Communication

File #: Ordinance 03-2021, Version: 3

Agenda Date: 03/02/2021

Subject:

Ordinance 03-2021: An ordinance on second reading amending Sections 7-3-3 and 7-3-6 of the city code pertaining to noise control

Prepared by: Jennifer Q Henninger, Community Development Director

**PURPOSE:**

To modify the City's existing Noise Control Ordinance to create a Downtown District and assign specific decibel levels permitted in this District.

**PRESENTATIONS:**

**Staff Presenter(s):** Reid Betzing, City Attorney and Jennifer Henninger,  
Community Development Director

**Additional Presenter(s):** N/A

**SUMMARY:**

The proposed amendments to Title 7 Section 3 "Noise Control" have two actions. One, to add a definition and define the Downtown District and two, to add sound pressure levels (decibels) during specific times and days of the week in the Downtown District to allow flexibility for sound pressure levels related to Downtown businesses.

The proposed definition of Downtown District is:

*The pedestrian-oriented Downtown of Littleton bounded on the west by South Santa Fe Drive, on the north by West Belleview Avenue, on the east by the Railroad Tracks and on the south by West Church Avenue*

The sound pressure levels associated with the Downtown District are reflected in the following proposed table:

USE DISTRICT	MONDAY -WEDNESDAY, SUNDAY		THURSDAY -SATURDAY	
BUSINESSES WITHIN DOWNTOWN DISTRICT	7:00 A.M. -7:00 P.M.	7:00 P.M. -7:00 A.M.	7:00 A.M. -10:00 P.M.	10:00P.M. -7:00AM
	60	55	80	55

**PRIOR ACTIONS OR DISCUSSIONS:**

During Weekends on Main in 2020, there were several complaints from residents regarding noise coming from different restaurants along Main Street. When researching the best practice noise levels permitted from typical restaurants and live music associated with the restaurants, it was determined the Littleton's current codes pertaining to noise needed to be updated. In particular, in downtown with the mix of residential and business uses and each having their own levels of sound pressure (decibels) limits, there was confusion as to which set of decibel levels to follow and when to follow them.

The ordinance passed on first reading on February 16, 2021.

**ANALYSIS:**

Staff Analysis

Currently in residential districts a maximum of 55 decibels are permitted during the day and 50 at night. In business districts, 60 decibels are permitted during the day and 55 at night. The proposed creation of a Downtown District and associated decibel levels do not impact any of the existing residential or business district decibel levels. Creation of a Downtown District and assigning industry-standard norms for a mixed-use area like the Downtown District will address the complaints that staff has tried to address over the last several years.

Council Goal, Objective, and/or Guiding Principle

Council's Goal 1: Quality Community Objective 2: Additional Code Enhancements

Fiscal Impacts

N/A

Alternatives

Council can choose not to create a Downtown District as it pertains to noise, and the City will continue to receive complaints and not be in compliance with industry standards for accepted noise levels.

**STAFF RECOMMENDATION:**

Staff recommends approval of modifications to Littleton's noise control ordinance.

**PROPOSED MOTION:**

I move to approve Ordinance 03-2021 on second reading amending sections 7-3-3 and 7-3-6 of the city code pertaining to noise control.

1                                   **CITY OF LITTLETON, COLORADO**

2  
3                                   **ORDINANCE NO. 03**

4  
5                                   **Series, 2021**

6  
7                   **AN ORDINANCE OF THE CITY OF LITTLETON,**  
8                   **COLORADO, AMENDING SECTIONS 7-3-3 AND 7-3-6 OF**  
9                   **THE CITY CODE PERTAINING TO NOISE CONTROL**

10  
11                   **WHEREAS,** the Littleton City Code currently establishes limits to noise in its  
12 various zoning districts; and

13  
14                   **WHEREAS,** the Littleton City Code does not adequately address the Downtown  
15 District where certain normal activities such as outdoor dining may exceed the current limits at  
16 certain times of the evening; and

17  
18                   **WHEREAS,** the city council finds that the proposed amendments to the Littleton  
19 City Code are in the best interest of the City and will provide clarity and promote the public health,  
20 safety and welfare of its inhabitants and businesses.

21  
22                   **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF**  
23 **THE CITY OF LITTLETON, COLORADO, THAT:**

24  
25                   **Section 1:** Section 7-3-3 of the Littleton City Code is hereby amended as follows:

26  
27 **7-3-3: DEFINITIONS AND STANDARDS:**

28 For the purpose of this chapter, certain words and phrases used herein are defined as follows:

29 "A" WEIGHTED SOUND PRESSURE LEVEL: The sound pressure level as measured with a  
30 sound level meter using the "A" weighting network. The standard unit notation is dB(A).

31 ALL TECHNICAL TERMINOLOGY: Unless the context otherwise requires, shall be defined in  
32 accordance with American National Standards Institute (ANSI) publication S1.1-1960, revised  
33 1971, or successor publications of ANSI, or its successor bodies.

34 AMBIENT NOISE LEVEL: The sound pressure level of the all-encompassing noise associated  
35 with a given environment, being usually a composite of sounds from many sources. The "A"  
36 weighted sound pressure level exceeded ninety percent (90%) of the time based on a one hour  
37 period.

38 BUSINESS DISTRICT(S): Shall mean any district zoned as defined in title 10 of this code.

39 CONSTRUCTION ACTIVITIES: Any and all activity incidental to the erection, demolition,  
40 assembling, altering, installing or equipping of buildings, structures, roads or appurtenances  
41 thereof, including land clearing, grading, excavating and filling.

42 CONTINUOUS NOISE: A steady, fluctuating or impact noise which exists, essentially without  
43 interruption for a period of one hour or more.

44 CYCLICALLY VARYING NOISE: Steady, fluctuating or impulsive noise which may or may  
45 not contain a pure tone, which varies in sound pressure level such that the same level is obtained  
46 repetitively at reasonably uniform intervals of time.

1 DEVICE: Any mechanism which is intended to or which actually produces audible sound when  
2 operated or handled.

3 DISTURBANCE: Any sound which annoys, disturbs or perturbs reasonable persons with normal  
4 sensitiveness; or which injures or endangers the comfort, repose, health, hearing, peace or safety  
5 of other persons.

6 **DOWNTOWN DISTRICT: THE PEDESTRIAN-ORIENTED DOWNTOWN OF LITTLETON**  
7 **BOUNDED ON THE WEST BY SOUTH SANTA FE DRIVE, ON THE NORTH BY WEST**  
8 **BELLEVUE AVENUE, ON THE EAST BY THE RAILROAD TRACKS AND ON THE**  
9 **SOUTH BY WEST CHURCH AVENUE.**

10 DYNAMIC BRAKING DEVICE: A device used, primarily on trucks, to convert the motor from  
11 an internal combustion engine to an air compressor for the purpose of vehicle braking.

12 EMERGENCY WORK OR VEHICLE: Work made necessary to restore property to a safe  
13 condition following a public calamity, work required to protect persons or property from an  
14 imminent exposure to danger. A motor vehicle used in response to a public calamity or to protect  
15 persons or property from an imminent exposure to danger.

16 FLUCTUATING NOISE: The sound pressure level of a fluctuating noise varies more than 6  
17 dB(A) during the period of observation when measured with the slow meter characteristic of a  
18 sound level meter, and does not equal the previously existing ambient noise level more than once  
19 during the period of observation.

20 IMPULSIVE NOISE: A noise containing excursions usually less than one second of sound  
21 pressure level 20 dB(A) over the ambient sound pressure level, using the "fast" meter  
22 characteristic.

23 INDUSTRIAL DISTRICT(S): Shall mean any district zoned as defined in title 10 of this code.

24 LEVEL, NINETIETH PERCENTILE: The A weighted sound pressure level that is exceeded  
25 ninety percent (90%) of the time, or the level that is exceeded for fifty four (54) minutes in one  
26 hour, is denoted L<sub>90</sub>.

27 LEVEL, TENTH PERCENTILE: The A weighted sound pressure level that is exceeded ten  
28 percent (10%) of the time or the level that is exceeded six (6) minutes in one hour, is denoted  
29 L<sub>10</sub>.

30 MOTOR VEHICLE: Any vehicle such as, but not limited to, a passenger vehicle, truck, truck-  
31 trailer, trailer or semitrailer, propelled or drawn by mechanical power, and shall include  
32 motorcycles, snowmobiles, minibikes, go-carts and any other vehicle which is self-propelled.

33 MUFFLER: Any apparatus consisting of baffles, chambers or acoustical absorbing material  
34 whose primary purpose is to transmit liquids or gases while causing a reduction in sound  
35 emission at one end. To qualify, such an apparatus must cause a reduction in sound pressure  
36 level of at least 10 dB(A) upon insertion into the system for which it is intended.

37 NOISE: Any sound which is unwanted or which causes or tends to cause an adverse  
38 psychological or physiological effect on human beings.

39 PERSON: Any individual, firm or corporation or group of people.

40 PLAINLY AUDIBLE: The information content of sound is unambiguously transferred to the  
41 auditor, such as, but not limited to, understanding of spoken speech, comprehension of raised or  
42 normal voices or comprehension of musical rhythms.



1 PROPERTY BOUNDARY: An imaginary line exterior to any enclosed structure at the ground  
2 surface which separates the real property owned by one person from that owned by another  
3 person and its vertical extension.

4 PUBLIC RIGHT OF WAY: Any street, avenue, boulevard, highway, alley or public space which  
5 is opened or controlled by a public governmental entity.

6 RESIDENTIAL DISTRICT(S): Any district zoned as defined in title 10 of this code.

7 SOUND AMPLIFYING EQUIPMENT: Any machine or device used for the amplification of a  
8 human voice, music or any other sound or by which the human voice, music or any other sound  
9 is amplified.

10 SOUND LEVEL METER: An instrument or apparatus, including a microphone, an amplifier, an  
11 output meter, and weighting networks for the measurement of sound pressure. The output meter  
12 reads sound pressure level when properly calibrated, and the instrument is of type 2 or better, as  
13 specified in the American National Standards Institute publication S1.4-1971 or successor  
14 publications.

15 SOUND PRESSURE LEVEL: Twenty (20) times the logarithm to the base ten (10) of the ratio  
16 of the root mean square pressure of a sound to the reference pressure, which is  $20 \times 10^6$  newtons  
17 per meter squared.

18 STATIONARY NOISE SOURCE: Any equipment or facility, fixed or movable, capable of  
19 emitting sound beyond the property boundary of the property on which it is used.

20 STEADY NOISE: The sound pressure level of a steady noise remains essentially constant during  
21 the period of observation, i.e., it does not vary more than 6 dB(A) when measured with the  
22 "slow" meter characteristic of a sound level meter.

23 UNNECESSARY NOISE: Any excessive or unusually loud sound or any sound which disturbs  
24 the peace and quiet of any neighborhood or which does annoy, disturb, injure or endanger the  
25 comfort, repose, health, hearing, peace, or safety of any person or causes damage to property or  
26 business.

27  
28 **Section 2:** Section 7-3-6 of the Littleton City Code is hereby amended as follows:  
29

30 **7-3-6: MAXIMUM PERMISSIBLE CONTINUOUS SOUND PRESSURE LEVELS:**

31 It shall be unlawful for any person to operate or permit to be operated any stationary, continuous  
32 source of noise in such a manner as to create a sound pressure level which exceeds the limits set  
33 forth in the following table more than ninety percent (90%) of any hour when measured at the  
34 property boundary or at any point within the property affected by the noise. When a noise source  
35 can be identified and its noise measured in more than one land use category, the limits of the  
36 most restrictive use shall apply at the boundaries between different land use categories.

37  
38 SOUND PRESSURE LEVEL LIMIT  
39 dB(A)  
40

Use District	Day 7:00 A.M.–7:00 P.M.	Night 7:00 P.M.–7:00 A.M.
Residential	55	50

Business	60	55
Industrial	75	75

USE DISTRICT	MONDAY-WEDNESDAY, SUNDAY		THURSDAY-SATURDAY	
BUSINESSES WITHIN DOWNTOWN DISTRICT	7:00 A.M.-7:00 P.M.	7:00 P.M.-7:00 A.M.	7:00 A.M.-10:00 P.M.	10:00P.M.- 7:00AM
	60	55	80	55

Noise levels for any PUD shall conform with this table, and shall be determined by the predominant land use as set forth in the PUD plan.

**Section 3:** Severability. If any part, section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining sections of this ordinance. The City Council hereby declares that it would have passed this ordinance, including each part, section, subsection, sentence, clause or phrase hereof, irrespective of the fact that one or more parts, sections, subsections, sentences, clauses or phrases may be declared invalid.

**Section 4:** Repealer. All ordinances or resolutions, or parts thereof, in conflict with this ordinance are hereby repealed, provided that this repealer shall not repeal the repealer clauses of such ordinance nor revive any ordinance thereby.

INTRODUCED AS A BILL at a regularly scheduled meeting of the City Council of the City of Littleton on the 16<sup>th</sup> day of February, 2021, passed on first reading by a vote of 6 FOR and 0 AGAINST; and ordered published by posting at Littleton Center, Bemis Library, the Municipal Courthouse and on the City of Littleton Website.

PUBLIC HEARING on the Ordinance to take place on the 2<sup>nd</sup> day of March, 2021, in the Council Chamber<sup>1</sup>, Littleton Center, 2255 West Berry Avenue, Littleton, Colorado, at the hour of 6:30 p.m., or as soon thereafter as it may be heard.

PASSED on second and final reading, following public hearing, by a vote of \_\_\_\_\_FOR  
and \_\_\_\_\_ AGAINST on the 2<sup>nd</sup> day of March, 2021 and ordered published by posting at Littleton  
Center, Bemis Library, the Municipal Courthouse and on the City of Littleton Website.

ATTEST:

\_\_\_\_\_  
Colleen L. Norton  
CITY CLERK

\_\_\_\_\_  
Jerry Valdes  
MAYOR

\_\_\_\_\_  
Reid Betzing  
CITY ATTORNEY



<sup>1</sup> Due to COVID19, the City of Littleton is providing virtual coverage of city council meetings to protect the health of citizens, council members and staff. Citizens and participants will be limited to virtual participation until further notice.



# Noise Control Ordinance

City Council - March 2, 2021

Reid Betzing, City Attorney

Jennifer Henninger, Community Development Director

## Requested Council Action

- Approve Ordinance 3-2021 amending Sections 7-3-3 and 7-3-6 of the city code pertaining to noise control

# Noise Control Ordinance

- **Currently:**

- Weekends on Main brought complaints of loud music
- For noise purposes, the Downtown is not defined
- Current noise ordinance includes Table showing business and residential uses that have different levels of sound pressure (decibels) limits
- The residential decibel levels are lower and do not meet industry standard for businesses

- **Proposed:**

- Define the Downtown District
- Add flexibility to sound pressure levels (decibels)
- Add new table for sound pressure level (decibels) for the Downtown District with specific decibels levels for specific days and times
- Define days and times for the Downtown District
- Flexibility for Downtown businesses to provide outdoor seating areas with musical entertainment to create a positive, comfortable atmosphere



# Sound Pressure (decibels) Level Limit Tables

**Current table will remain in the code for all other zone districts:**

Use District	Day 7:00 A.M.–7:00 P.M.	Night 7:00 P.M.–7:00 A.M.
Residential	55	50
Business	60	55
Industrial	75	75

**Proposed table for Downtown District with specific days, times and decibels levels:**

USE DISTRICT	MONDAY-WEDNESDAY, SUNDAY		THURSDAY-SATURDAY	
BUSINESSES WITHIN DOWNTOWN DISTRICT	7:00 A.M.-7:00 P.M.	7:00 P.M.-7:00 A.M.	7:00 A.M.-10:00 P.M.	10:00P.M.-7:00AM
	60	55	80	55

# Ordinance Definition

- New definition:
  - DOWNTOWN DISTRICT: The pedestrian oriented Downtown of Littleton bounded on the west by South Santa Fe Drive, on the north by West Belleview Avenue, on the east by the Railroad Tracks and on the south by West Church Avenue



## Staff Recommendation

- Approve Ordinance #-2021 amending Title 7, Chapter 3 of the Littleton Municipal Code entitled Noise Control

## Colleen Norton

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**From:** Susan B [REDACTED]  
**Sent:** Monday, March 01, 2021 7:25 AM  
**To:** Patrick Driscoll; Karina Elrod; Carol Fey; Pamela Grove; Scott Melin; Kelly Milliman; Jerry Valdes; Colleen Norton  
**Subject:** Higher noise limits? Tell me you're kidding.

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Increasing noise limits in all of downtown Littleton, day and night, is one of the worst ideas ever. It is already hard to sit outside and have a conversation at normal levels due to street traffic. And you would seriously consider allowing louder noise from bands and other events on Main Street to extend across **190 acres** of the downtown area?

Let me state the obvious about the process:

- There's been **little or no warning** to those affected.
- There seems to have been no City Council Study session to discuss this in public.
- Only 2 weeks from the first reading is short notice. And pandemic restrictions and winter still keep us from being able to get around and talk to each other to spread the word.

Now let's look at my personal experience:

- Amplified music from 1 to 3 blocks away sounds bad. Beyond 50 feet, it's just intrusive noise.
- And you don't get to pick the bands. You have to hear whatever band somebody booked.
- When two or more bands are playing, it is a cacophony of sound.

This ordinance is offensive as it defies the concept of general welfare to give special rights to a very very few.

Now let's look at the reasons that have been put forth:

- The motive is that a few businesses around Main Street have complained that they suffer from not being able to let bands play louder. An absurd demand as entertainment venues don't need to be loud to succeed.
- If this is supposed to offset losses because of the pandemic restrictions, I would put forth an increase in business resulting from making more noise across 190 acres is minor compared to the harm to the loss of sleep and quiet-time to the rest of us.
- If your business requires loud music to survive, its survival is doubtful.
- There are locations which have loud entertainment and are known for that. Is that Downtown Littleton? No. Would louder bands and more noise make downtown Littleton better? No. Downtown Littleton is not Downtown Denver. If a business needs a loud band, there are places for that. We should not change Littleton for a few businesses. Instead, those businesses should respect and support residents and their business neighbors.

Successful entertainment districts co-exist with housing by respecting and protecting the residents, who are often their customers too. Think of Cherry Creek which seriously protects the long-standing home residents nearby, plus thousands more residents in new construction, from lights and noise at night.

At the same time the City Council keeps increasing density of housing and structures, changing zoning to allow 4-story buildings much closer to each other almost everywhere downtown. It also keeps decreasing noise and light buffers like distance and open space and trees downtown. And now, you are considering increasing legal noise at all those hundreds or thousands of new and existing homes, offices, businesses, day and night.

When a government increases density of housing significantly, with careless layouts that have created echoing walkways and narrow streets between 4-story flat walls that bounce sound back and forth and does away with open space, public

space and room for trees and other sound barriers, then the first thing a responsible entity should do is increase protections from "nuisances" such as bad light, intrusive noise, smoke, etc. and other things that interfere with your enjoyment of your own home.

Finally, downtown Littleton is across from the South Platte River, a haven for wildlife and a recreational gem. Our comprehensive plan emphasizes health, recreation, outdoors activities. Loud noise extending over all downtown would also affect the river valley, and harm what remains of natural conditions along the river, and intrude on most people trying to use the river paths to exercise. I am under the impression that the Envision input states people wish to keep the character of Littleton as it is. Increasing noise, especially in what was the "quaint", "charming", "eclectic" downtown, violates that direction.

Do the right thing and do NOT approve this ordinance just because a few businesses think it will help them.

--

Susan Burgstiner

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Hello City Council,

Please enter these observations into the public record for the scheduled March 2, 2021 virtual public hearing on **proposed ordinance 03-2021** regarding noise control. Noise levels are a more significant matter of personal health, well-being and domestic tranquility than is commonly thought. And although we don't live within the specified downtown area, residents in the city's suburbs can still hear you.

***First, Please Reconsider EPA's Standards:***

There is a particularly relevant section from an EPA document entitled, "[Information on Levels of Environmental Noise Requisite to Protect Public Health and Welfare with an Adequate Margin of Safety \(PDF\)](https://archive.epa.gov/epa/aboutepa/epa-identifies-noise-levels-affecting-health-and-welfare.html)". It may be found at <https://archive.epa.gov/epa/aboutepa/epa-identifies-noise-levels-affecting-health-and-welfare.html>

*That link "identifies a 24-hour exposure level of 70 decibels as the level of environmental noise which will prevent any measurable hearing loss over a lifetime. Likewise, levels of 55 decibels outdoors and 45 decibels indoors are identified as preventing activity interference and annoyance. These levels of noise are considered those which will permit spoken conversation and other activities such as sleeping, working and recreation, which are part of the daily human condition."*

If I've read and understood it accurately, EPA shows that noise levels specified as allowable in the pending resolution are in excess of those referenced in the EPA document indicating *"The level of 70 decibels is identified for all areas in order to prevent hearing loss."*—Notably from 7:00AM to 10:00PM Thursday through Saturday. In addition, the 60 dB threshold specified for Sundays and Monday through Wednesday from 7:00AM to 10:00PM exceed EPA's 55 dB maximum *"preventing activity interference and annoyance."* (See above quoted text).

It's unclear why the City of Littleton would want to ratchet down allowable dB levels in the proposal to avoid harm to visitors and downtown residents. Looking from the outside in, this wouldn't seem to be an imprudent or excessively constraining adjustment to the city's proposed public policy.

***Second, Please Consider the Logarithmic Nature of the dB Scale:***

The dB scale is sometimes misunderstood as a linear scale. But its logarithmic nature is such that a mere increase of 3 dB actually doubles sound loudness. This is explained on several websites; see this handy Pulsar Instruments link: <https://pulsarinstruments.com/en/post/understanding-3db-rule>. I hope this brings noise levels in the proposed sound ordinance into more bold relief for Council's consideration.

***Third, Please Consider Off-site Impacts:***

It's no secret that downtown's party purveyors have a particular penchant for loud noise (e.g., enter any evening bar scene). But when that happens outdoors (re. the proposed ordinance), that's another story. Adequate consideration of off-site impacts seems lacking from the proposal's analysis.

Please consider that what sounds like loud music up close, when reverberating off downtown buildings and neighborhoods, sounds more like annoying racket as it radiates across the city. Even at present sound levels (apparently allowable), it is not at all difficult to find more than a few suburbanites upset at noises booming out from various downtown entertainment venues. That sounds like what EPA refers to as *"activity interference and annoyance"*. We can attest this is true based on personal experience and interactions with other citizens.

I hope Council will consider and act on what appears to be an urgent need for adjusting allowable outdoor dB levels downwards prior to acting on the proposed ordinance. Thank you very much!

Don Bruns  
District IV



# Council Meeting Agenda Item Comment

Littleton Center  
2255 W. Berry Avenue  
Littleton, CO 80120

***Date Submitted:***

**March 2, 2021 01:54 PM**

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Council meeting date:

**03/02/2021**

Council agenda item number:

**7-3-3 &-6**

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Name

**James Donnelly**

Email address

**motelevergreen@msn.com**

Neighborhood

**Sterne Park**

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Position

**I oppose the issue**

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Comments:

I have lived at the same address on S Spotswood street for over 40 years and I have seen a lot of changes to the City, many of them unfortunate. The first "noise solution" was the railroad depression. While it did wonders for the traffic at the time, the noise just got worse. I wake up to trains nearly every night. What was supposed to muffle the noise simply amplified it. Now, in the summer, the loud music never seems to stop. Isn't this enough? If the Council is to do anything about noise, the permitted levels should be REDUCED!

I AM STRONGLY OPPOSED TO THIS ORDINANCE!

## Colleen Norton

---

**From:** Melissa Warren [REDACTED]  
**Sent:** Tuesday, March 02, 2021 3:05 PM  
**To:** Colleen Norton  
**Subject:** City Counsel Meeting Tonight

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good Afternoon,

I live at the end of the block of Sycamore and Powers, last summer The Grande station played their live bands so loud, even with my windows shut I could hear it some days until 10 pm. This is not friendly to the residents that live here, nor needed. If the customers need it that loud then maybe your reaching out to the wrong clientele. The music should not be raised. The level of music at a normal state is just fine and your food should be the real drive that gets people there. Plus other businesses start to compete and it sounds awful. Just rely on doing good food and good entertainment and you won't need a gimmick. I strongly oppose any change in the ordinance.

Thank you,  
Melissa Warren

Sent from my iPhone

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## Colleen Norton

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**From:** Pam Chadbourne [REDACTED]  
**Sent:** Tuesday, March 02, 2021 4:12 PM  
**To:** Jerry Valdes; Scott Melin; Patrick Driscoll; Carol Fey; Kelly Milliman; Karina Elrod; Pamela Grove  
**Cc:** Colleen Norton; Reid Betzing; Jennifer Henninger; ChadboLittCO@ecentral.com  
**Subject:** Please vote No on Downtown Noise Ordinance

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Jerry, Scott, Patrick, Carol, Kelly, Karina and Pam,

Regarding tonight's Regular Agenda item 8a, proposed Ordinance 03-2021, to create a large downtown noise district and raise noise limits there:

please **vote No**.

Simply:

There are many **many more** of us who would be **strongly negatively impacted**, than who would mildly benefit, if this was passed.

You would create much **more harm than good**, if you pass this.

You have no consensus, no direction, no buy-in from the community to change this whole district in this way. It would be **divisive** at best, if you pass this.

So vote NO, and be proud to vote against this.

This would allow **significantly louder and disruptive noise** from bands and other events on Main Street, **or any other loud noise source**, to extend across **all 190 acres** of the downtown area, including all of **our homes, day and night**.

The loud noise won't stop at the proposed boundaries! Adjacent neighborhoods, the River valley, and the River natural and recreational resources would also experience the negative, stressful impacts of loud, uncontrollable, nuisance and undesired noise.

----

There **is an alternative** that wasn't mentioned, and why not? What about issuing Special Event permits for the Weekends on Main, which is a process already defined in Code? That's a much **more targeted and appropriate** approach to the problem as it's defined in this proposal. The pandemic is transient. If someone wants Weekends on Main to continue, then work on this more, and tailor the solution to the problem: propose to narrowly define a few more hundred yards around a specified band location, limit the max noise to 55dB and limit the hours on Friday and Saturday only to no later than 11pm.

----

**Unfortunately, this proposal**, to increase noise limits over an expanded noise district for all hours, **is overly broad, extreme and harmful.**

A "decibel" scale is logarithmic, **not** linear - something like the Richter scale for earthquakes. It's not easy for regular folks to understand. So a 5-decibel increase at night from 55 dB, would allow, not 1/10th more noise, but instead, about twice the "power" or "energy" could be used to generate the sound - it's a huge increase experientially, in terms of what we hear, but the number doesn't convey that. reference:

<https://en.wikipedia.org/wiki/Decibel>

**NOW:**

SOUND PRESSURE LEVEL LIMIT  
dB(A)

Use District	Day 7:00 A.M.-7:00 P.M.	Night 7:00 P.M.-7:00 A.M.
Residential	55	50
Business	60	55
Industrial	75	75

**Proposed :**

USE DISTRICT	MONDAY-WEDNESDAY, SUNDAY		THURSDAY-SATURDAY	
BUSINESSES WITHIN DOWNTOWN DISTRICT	7:00 A.M.-7:00 P.M.	7:00 P.M.-7:00 A.M.	7:00 A.M.-10:00 P.M.	10:00P.M.- 7:00AM
	60	55	80	55

The daytime limit would be higher than is allowed in *Industrial* zones anywhere in the City - and than is allowed in pretty much any City anywhere.

Think I'm wrong? You can't prove me wrong from the material in the packet. At the least, Council should postpone to a Date Certain, and direct Staff to bring comparison tables to other historic downtown districts and other comparable cities. The burden of proof is on Staff (and you), not me.

The night limit is proposed to increase by 5 decibels, all night long, every night of the week. That is **NOT 1/10 as loud**; it is **2 to 3 TIMES as loud** as what is allowed now. 2am? Yes. 4:30am? Yes. 6am? Yes! let's have 3 times louder noise anytime at night coming in our bedroom windows, according to this Ordinance.

- There's been **little or no warning** to those of us most affected.

There seems to have been no City Council Study session to discuss this in public.

There's been 2 weeks from the first reading, it's short notice. And pandemic restrictions and winter still keep us from being able to get around and talk to each other to spread the word.

- From personal experience, I can tell you that **amplified music, from 1-block, 2-blocks, 3-blocks away, simply doesn't sound good**. It's not like you get a free concert every night - beyond 50 feet, it's just noise, and unpleasant and intrusive noise.

And you don't get to pick the bands - you have to listen to whatever bands somebody booked.

In fact, what often happens to us neighbors, is you hear a couple or three bands at the same time, mixing dissonant songs and sounding pretty awful.



If I, and any other of the thousands of residents near Main Street, want to garden or sit outside or leave our windows open on a pleasant evening, without having obnoxious thumping bass and wavering trebles and clashing songs constantly impinging on our enjoyment of our own properties, I think we have that right. And I think City Council should not take that right away. This ordinance is pretty offensive, from my point of view. It defies "General Welfare", to give special rights to a very very few.

- This would harm residents and other businesses downtown, every day, every night, in our own homes and offices and shops, for something **completely unnecessary, and undesirable**.

The motive for this proposed noise increase, seems to be that a few businesses around Main Street have complained that they suffer from not being able to let bands play louder.

This seems absurd to me on its face. Many/most entertainment venues don't need to be painfully loud to succeed.

If this is supposed to offset losses because of the pandemic restrictions, that seems even sillier to me. Any increase in business resulting from making more noise across 190 acres, would be minor compared to the harm to the loss of sleep and quiet-time to the rest of us. Any business that close to the edge of survival, **will not be saved** by loud bands.

But if we play along, yes there are some places that have loud entertainment, and are known for that. Is that Downtown Littleton? No.

**Would louder bands and more noise make downtown Littleton better? No.**

**Downtown Littleton is not Downtown Denver.** If a business needs a loud band, there are other places for that.

**We should not change Littleton for a few businesses.** Instead, those businesses should respect and support us residents and their business neighbors, **who keep local business alive and successful**.

Many very successful entertainment districts co-exist with housing by respecting and protecting the residents, who are often their customers too. Think of Cherry Creek, which has boomed, and which seriously protects the long-standing home residents nearby, plus thousands more residents in new construction, from lights and noise at night. We should guide historic downtown Littleton more in the direction of Cherry Creek, than the Glendale strip joint district.

And a reminder: these noise limits would allow **any and all noises** to be louder - a neighbor could blast their stereo, parties could raise a ruckus, a pet use or 'tuner' car shop could move in, a construction site could run equipment, and make really disruptive noise.

This ordinance is far too broad! Don't allow louder noise over much more area and thousands of residents, at all hours of the day and night. Send Staff back to develop an approach to help businesses on Main Street without hurting neighbors for a mile around. Just do Special Event permits for Weekends on Main, for pete's sake, and move on.

To me, this Ordinance **just isn't right**. At the same time that City Council are *increasing* density of housing and structures, changing zoning to allow 4-story buildings much closer to each other almost everywhere downtown, and at the same time are *decreasing* noise and light buffers like distance and open space and lawns and trees downtown, in this Ordinance Council considers *increasing legal noise* at all those hundreds or thousands of new and existing homes, offices, businesses, day and night.

To me, clearly, when a government increases density of housing significantly, with careless layouts that have created echoey walkways and narrow streets between 4-story flat walls that bounce sound back and forth; and at the same time does away with open space, public space and room for trees and other sound barriers;

then the first thing a **responsible City government should do** is **to increase protections** from "nuisances" - bad light, intrusive noise, smoke, trespass, all the things that can come from anywhere and that can really interfere with your enjoyment of your own home.

To me, there are **far more businesses** in downtown Littleton that want reasonable noise ordinances. **It's wrong for the City to increase noise on all businesses, to possibly slightly benefit a very few.** It's wrong for the City to subject all businesses and residents to louder noise all the time, for the imagined or negligible benefit of a few who want to have loud bands and a few other operators who would just abuse the higher limits.

And not to mention, **do we want the type of customers downtown**, who want loud bands? I'm sure most of them would be fine people, but some wouldn't fit. We already have tension because of an increase in rowdy (drunk, vomiting, urinating) people walking to cars from bars; and also in opportunistic crime, which, based on what's taken, has to be conducted, not by homeless people on foot, but drunk guys driving by in their cars at 2am and snatching stuff they see as they drive by. (Yes, anecdotal and imagined, but again, prove me wrong.)

The claim that louder bands will save businesses or help businesses is **nonsense**. If a business needs a louder band to make it, it's **too marginal** and **too mediocre** anyway; so it's not the right business for downtown historic Littleton. And even if that was true, that needs to be balanced against the rights of all the other (and much more numerous and permanent) property owners, business owners and residents all around downtown. There are many many more of us who would be negatively impacted, than who would benefit if this was passed. Louder noise is a big decision that should have much more public discussion, explanation, and buy-in before any change is made.

Also, downtown Littleton is **across from the South Platte River**, a haven for wildlife and a recreational gem. Our comprehensive plan emphasizes health, recreation, outdoor activities. Loud noise extending over all downtown would also affect the river valley, and harm what remains of natural conditions along the river, and unpleasantly intrude on most people trying to use the river paths to exercise.

All the inputs to the Envision planning project were to **keep the character of Littleton as it is**. Increasing noise, especially in what was the "quaint", "charming", "eclectic" downtown, violates the direction that everyone gave to the City.

City Council, please vote against this proposed Ordinance 03-2021, to increase noise limits and expand the noise area across all of the downtown. Vote No, with prejudice - and be proud of your No vote. It's the right thing to do.

Thank you for your consideration.

Pam Chadbourne  
resident and homeowner, downtown Littleton

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