



AGENDA REPORT

TO: Jestin D. Johnson
City Administrator

FROM: Sofia Navarro
Interim Director,
Department of Economic
and Workforce
Development

SUBJECT: Amendments to Sound Amplification
Equipment Ordinance

DATE: December 18, 2023

City Administrator Approval


Jestin Johnson (Dec 20, 2023 12:15 PST)

Date: Dec 20, 2023

RECOMMENDATION

Staff Recommends That The City Council Adopt An Ordinance Amending Oakland Municipal Code Chapter 12.56 (Sound Amplification Equipment) To Allow The City Of Oakland To Issue Up To Ten Permits Per Calendar Year For Amplified Sound Until Eleven O’Clock (11:00) P.M. In the Oakland Coliseum For A Three-Year Pilot Period (2024-2026) And Adopting Appropriate California Environmental Quality Act Findings

EXECUTIVE SUMMARY

Oakland Municipal Code (OMC) 12.56 regulates the use of amplified sound in the City of Oakland (City). Specifically, OMC Chapter 12.56 requires a permit to operate sound amplification equipment when the sound produced can be heard from fifty (50) or more feet from the source of sound amplification. Furthermore, OMC 12.56.030 prohibits the issuance of a permit between 10 p.m. and 9:30 a.m.

However, to encourage outdoor gatherings and mitigate the risk of COVID-19 transmissions during the local COVID-19 emergency, in 2021 the City Administrator adopted [COVID-19 Emergency Order No.11](#) to suspend the 10 p.m. curfew in OMC 12.56.030. Now that the local COVID-19 emergency has expired, the Oakland-Alameda County Coliseum Authority (OACCA) requests that the City Council amend OMC 12.56.030 to continue to allow amplified sound outdoors past 10:00 p.m. to foster economic development by supporting events at the Coliseum (See **Attachment A**).

Accordingly, City staff have drafted the enclosed ordinance, which will allow the City to issue up to ten amplified sound permits until eleven p.m. at the Oakland Coliseum under a three-year pilot program from 2024 through 2026. This measured approach will allow for a three-year period in which the City can require the OACCA to fund a third-party to conduct a sound study of amplified sound at the Coliseum Complex to analyze its impact on surrounding neighborhoods. After this trial period, the City Council can evaluate whether to extend the new

11 p.m. curfew, revert to the current 10 p.m. curfew, or adopt an alternative approach that balances economic development and neighborhood interests.

BACKGROUND / LEGISLATIVE HISTORY

Default Amplified Sound Restrictions

OMC 12.56 prescribes how and when the City authorizes amplified sound. Specifically, [OMC 12.56.020](#) states that it is unlawful to operate sound amplifying equipment in an “unreasonably loud manner” outdoors or indoors when it reaches people outdoors without a permit. [OMC 12.56.010](#) states that “unreasonably loud manner” means “the volume of sound in the use or operation of any sound amplification equipment if such sound can be heard by a person from fifty (50) or more feet from the source of the amplification.” In terms of timing, [OMC 12.56.030\(A\)](#) states that the City shall not issue a permit if sound amplification equipment will be used between 10 p.m. and 9:30 a.m.

Post 10 p.m. Events During COVID-19 Local Emergency

As noted in the Executive Summary, under [Emergency Order No. 11](#), in 2021 the City Administrator suspended OMC 12.56.030(A) and its 10 p.m. curfew for the duration of the local COVID-19 emergency. The City Administrator sought to encourage outdoor gatherings, which were less likely to spread COVID-19 but would conflict with the default 10 p.m. curfew for events past 10 p.m. In contrast, indoor gatherings were more likely to spread COVID-19 but would not trigger the 10 p.m. curfew if the sound cannot be heard outdoors. Under the authority of Emergency Order No.11, the OACCA held three events¹ past 10 p.m.; notably, none of these events resulted in noise complaints to OACCA, the City’s Call Center or Oakland Police Department.

Coliseum Events Help Support the Costs of the Oakland Coliseum

The Oakland Coliseum Complex, which the City co-owns with Alameda County, costs \$20,000,000 a year to operate per the OACCA. Operational costs include utilities, insurances, payroll, repairs and maintenance, and real estate taxes. Events at the Oakland Coliseum generate tax revenue for the City, which then reduces the City’s need to rely on the City’s General Fund to cover the costs of operating the Oakland Coliseum. In short, the more revenue the City receives from usage of the Oakland Coliseum, the more General Funds are available to cover critical City services, such as police, fire, and housing programs.

How Oakland’s Amplified Sound Curfew Compares with Neighboring Jurisdictions

Oakland’s default 10 p.m. amplified sound curfew is not in alignment with neighboring jurisdictions with large outdoor venues. For example, Santa Clara, home of Levi’s stadium,

¹ The three events were Los Bukis on October 1st and 2nd in 2021 and Bad Bunny on September 13, 2022.

allows amplified sound on weekends until 11 p.m. Similarly, San Francisco allows Oracle Park, home to the San Francisco Giants, to hold 14 non-baseball events with an attendance of 15,000 or more people until 11 p.m. per calendar year. These comparisons are notable as entertainers with fan bases across the Bay Area can hold their events in neighboring jurisdictions.

Community Feedback Regarding Modifying Oakland's 10 p.m. Curfew

Following the OACCA's request to amend the City's amplified sound curfew at the Coliseum, City staff distributed a survey to East Oakland residents to hear any concerns or suggestions regarding the OACCA's proposal, including how the OACCA and the City should notify neighbors of upcoming events and receive complaints regarding excessive noise (see **Attachment B**, Amplified Sound Survey Summary). Although many survey respondents expressed support for allowing up to ten events with amplified sound until 11 p.m., the majority of survey respondents expressed opposition. Those in opposition expressed concerns that the noise from the events and post-event activities would impact neighbors' ability to sleep. Interestingly, the largest number of survey respondents reside in the 94605 zip code, which is not adjacent to the Oakland Coliseum and extends above the 580 freeway. The distance between the Oakland Coliseum and 94605 zip code, combined with the lack of excessive noise complaints from the post-10 p.m. events that took place during the COVID-19 local emergency suggest that survey respondents were expressing concerns regarding potential impacts of post 10 p.m. events at the Oakland Coliseum as opposed to actual impacts.

ANALYSIS AND POLICY ALTERNATIVES

Approval of the requested action advances the Citywide priority of **housing, economic, and cultural security** by extending entertainment opportunities, which provide tax revenues to the City and support local employment. Below staff outlines the recommended approach along with alternatives for the City Council's consideration.

A. Proposed Pilot Program

The enclosed ordinance proposes a pilot program to allow up to ten amplified sound permits per calendar year until eleven p.m. at the Oakland Coliseum until 2027. Accordingly, this proposal is limited in number of permits, location, and period of time. This allows the City to notify the public in advance of events and evaluate whether the sound from post 10 p.m. events actually impacts neighbors' sleep as survey respondents anticipate. Additionally, by limiting the post 10 p.m. amplified sound permits to the Oakland Coliseum, the proposed pilot program minimizes the potential for excessive noise, as opposed to allowing post 10 p.m. events in the surrounding parking lot, which would be more likely to disturb neighbors as the parking lot lacks any sound buffering. Finally, the enclosed ordinance provides the City with the authority to require the OACCA to fund a third-party sound study, which will provide the City with objective data on the sound produced from Oakland Coliseum events and how to mitigate any impacts on neighbors going forward.

Additionally, by allowing amplified sound until 11 p.m., the proposed pilot program aligns Oakland with neighboring jurisdictions like Santa Clara and San Francisco, which will improve

the Oakland Coliseum's ability to host events. In turn, this increases the amount of potential new tax revenue for the City, which will reduce the need for the General Fund to subsidize operations at the Oakland Coliseum and increase the amount of General Fund available for basic City services.

B. Maintain Status Quo

The City Council can always maintain the default 10 p.m. amplified sound curfew, however, maintaining the status quo has its own impacts. For example, the City's current amplified sound curfew is more restrictive than San Francisco and Santa Clara, which puts Oakland at a disadvantage for booking large events. Consequently, it is currently harder for the Oakland Coliseum to generate tax revenue and reduce its reliance on the City's General Fund than if the City Council modified the 10 p.m. curfew.

C. Alternative Approaches

There are innumerable alternative approaches the City Council can explore with regards to modifying the City's amplified sound curfew, particularly with respect to number of permits allowed after 10 p.m. and when the City allows post 10 p.m. events to take place. For instance, the City Council could allow the issuance of more (or less) than the ten amplified sound permits per year proposed under the pilot program. Likewise, the City Council could restrict the issuance of post 10 p.m. amplified sound permits to the weekends to minimize impacts on neighbors during the week. Ultimately, the more restrictions the City Council places on when amplified sound can take place, the less likely the Oakland Coliseum will attract events and generate new tax revenue for the City; conversely, the fewer restrictions the City Council puts in place, the more likely it will be that the Oakland Coliseum can attract events and generate new tax revenues.

FISCAL IMPACT

Approval of the enclosed ordinance will allow the issuance of up to ten amplified sound permits until 11 p.m. per year at the Oakland Coliseum until 2027, which the OACCA estimates will increase event profits and tax revenues. To the extent the Oakland Coliseum hosts new events and thereby generates additional event profits and tax revenues to the City through the proposed pilot program, this will increase General Fund revenues to support City services.

PUBLIC OUTREACH / INTEREST

Staff sought public feedback regarding this proposal through a multilingual survey distributed in the fall of 2023. Staff sent the survey electronically to East Oakland Neighborhood Councils, distributed fliers to East Oakland libraries and the East Oakland Senior Center, as well as left hundreds of door hangers on residences in the 94621 zip code.

COORDINATION

The Economic and Workforce Development Department consulted with the OACCA, the Budget Office, the City Administrator's Office, and the Office of the City Attorney in preparation of this report.

SUSTAINABLE OPPORTUNITIES

Economic: Extending the hours that the City allows amplified sound at the Oakland Coliseum will increase the potential for more events at the Coliseum, which will increase tax revenue for the City and reduce reliance on the General Fund to support Oakland Coliseum operations.

Environmental: Encouraging local entertainment and employment opportunities can reduce commutes and related greenhouse gas emissions.

Race and Equity: Attracting new tax revenues from the Oakland Coliseum will increase the amount of available General Funds to support the City Council's equity priorities.

ACTION REQUESTED OF THE CITY COUNCIL

Staff Recommends That The City Council Adopt An Ordinance Amending Oakland Municipal Code Chapter 12.56 (Sound Amplification Equipment) To Allow The City Of Oakland To Issue Up To Ten Permits Per Calendar Year For Amplified Sound Until Eleven O'Clock (11:00) P.M. In The Oakland Coliseum For A Three-Year Pilot Period (2024-2026) And Adopting Appropriate California Environmental Quality Act Findings

For questions regarding this report, please contact Greg Minor, Deputy Director, Economic and Workforce Development Department, at (510) 238-6370.

Respectfully submitted,



SOFIA NAVARRO
Interim Director, Economic and Workforce
Development Department

Prepared by:

Greg Minor
Deputy Director, Economic and Workforce
Development Department

Attachments:

- (A) Letter from OACCA;
- (B) Amplified Sound Survey Summary



Oakland-Alameda
County Coliseum
Authority

February 7, 2023

Nikki Fortunato Bas
President of the Oakland City Council
1 Frank H Ogawa Plaza
Oakland CA 94612

Subject: Proposed Amendment to Sound Permit Ordinance

Honorable President Fortunato Bas and Members of the City Council:

Commissioners of the Oakland-Alameda County Coliseum Authority (OACCA) respectfully request an amendment to Oakland Municipal Code (OMC) Chapter 12.56 to allow for up to 10 events with amplified sound per year to perform at the Stadium and parking lot until the hour of 11 p.m. OMC 12.56.030(A) currently restricts outdoor amplified sound to 10 p.m.


In September 2021, under the City's emergency ordinance, the City Administrator issued COVID-19 Emergency Order No.11 to allow outdoor performances to last past 10 p.m. This Order enabled people to safely gather outdoors while supporting the City of Oakland's economy during a critical period. Since the issuance of Emergency Order No.11, less than 10 events went past 10 p.m. These outdoor events are major revenue drivers at the Coliseum.

As competition among stadium events in the region has intensified, we are at a disadvantage in the marketplace limiting our events to 10 p.m. Our competitors do not have this time restriction. Our facility is in a primarily industrial area and about a quarter of a mile from the nearest residential units. While sound does travel, we have received no complaints from residents in the nearby area and only complaints from 2 residents much farther away in the last 2 years. We have received multiple complaints from one of the 2 residents who lives 3 miles away. No other complaints have come from that area.

We will exercise constant vigilance in monitoring noise emanating from these events and will take proactive measures in mitigating any disturbance to our neighbors. We will provide the Council with annual reports on the number of events, number and nature of complaints, and appropriate corrective actions taken.

The request is for the amendment be for a period of 4 years, at which time it can be evaluated to determine if it should be permanent.

Respectfully submitted,


Henry L. Gardner
Executive Director

Proposal to Extend Amplified Sound Hours at Oakland Coliseum

116

Responses

07:44

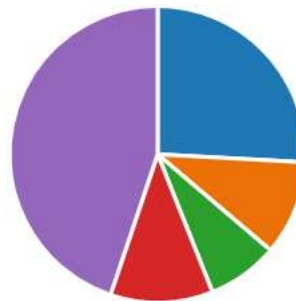
Average time to complete

Active

Status

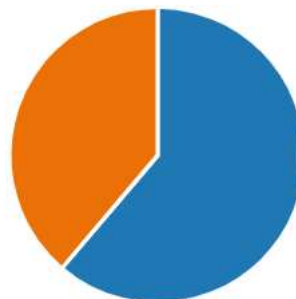
1. Would you be in favor, opposed, or neutral to up to ten events per year with amplified sound until 11 p.m. at the Oakland Coliseum and its parking lots?

● Strongly in favor	30
● Slightly in favor	12
● Neutral	9
● Slightly Opposed	13
● Strongly Opposed	52



2. Do you have any concerns about up to ten events per year with amplified sound until 11 p.m. at the Oakland Coliseum and its parking lots?

● Yes, I have concerns	71
● No, I do not have any concerns	45



3. Please describe what concerns you have about up to ten events per year with amplified sound until 11 p.m. at the Oakland Coliseum and its parking lots.

71
Responses

Latest Responses

"This would do nothing but increase the chance for thugs actin...
"Loud for tiny House Empowerment Village resident "

4. Is there anything else you would like the City of Oakland or the Oakland Alameda County Coliseum Authority to know regarding this proposal?

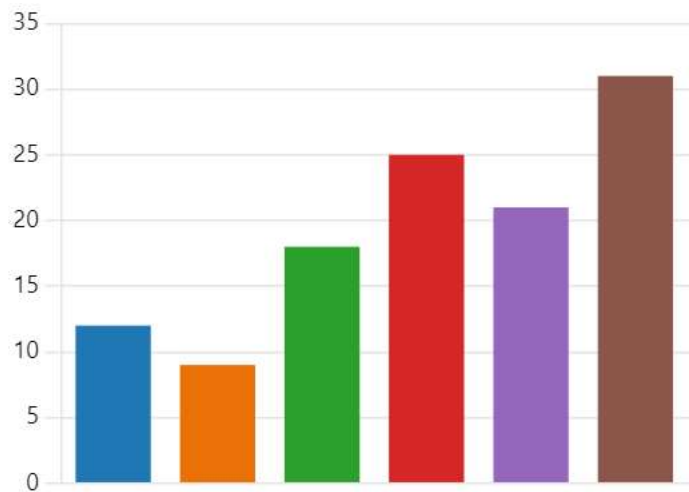
66
Responses

Latest Responses

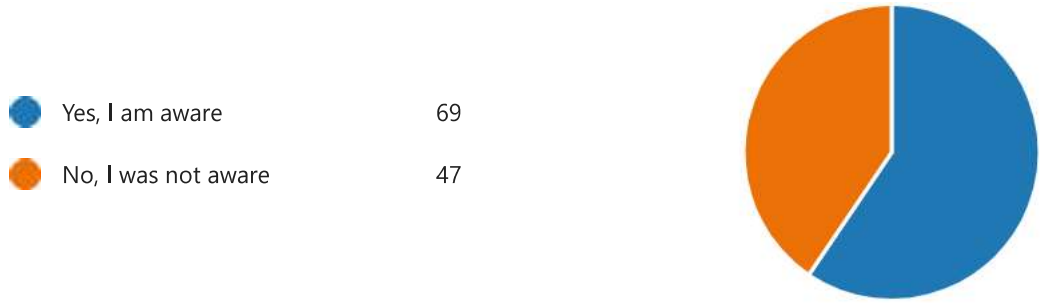
"Use the space/place to uplift the community- teaching kids an...
"Na"

5. If the City of Oakland allows for events with amplified sound until 11p.m., what is the best way to make you aware of upcoming events?

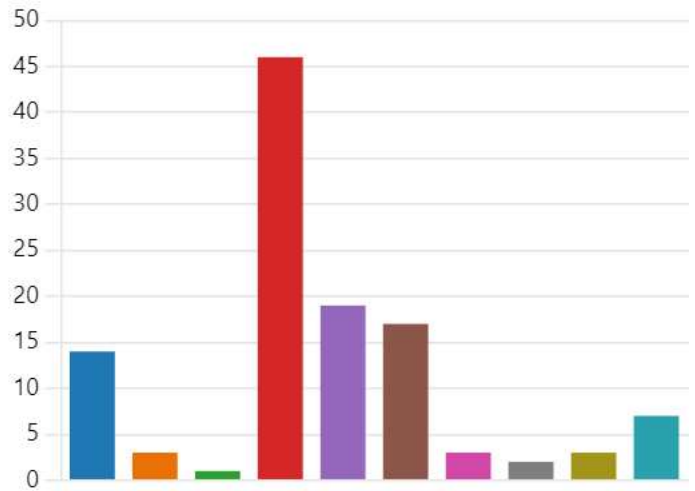
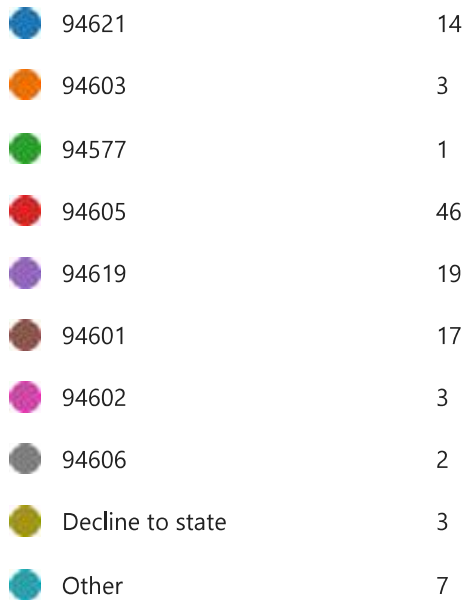
● City of Oakland Website	12
● Oakland Alameda County Colise...	9
● Neighborhood Councils	18
● Nextdoor	25
● Social Media Platforms (e.g. Fac...	21
● Other	31



6. Are you aware that you can report excessive noise to the City of Oakland's Call Center by calling 311 or emailing OAK311@oaklandca.gov?

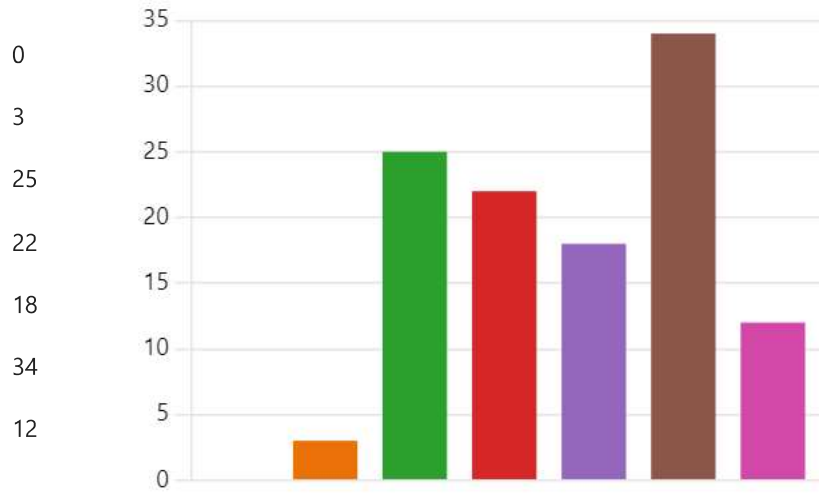


7. What zip code do you reside in?



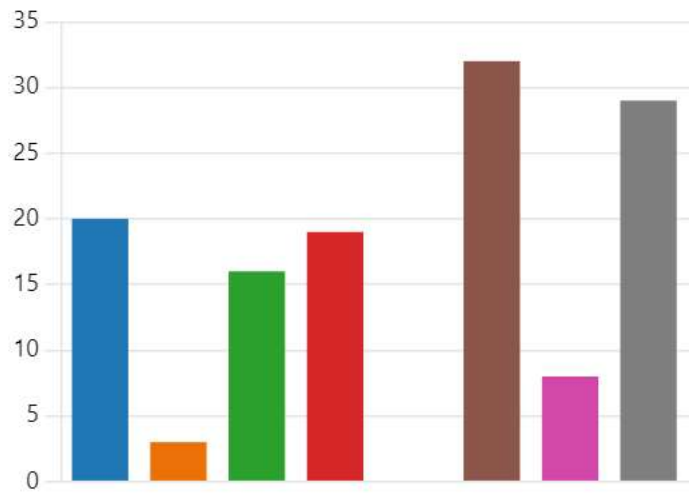
8. How old are you?

- 20 or less
- 21-30
- 31-40
- 41-50
- 51-60
- Over 60
- Decline to state



9. Please select all race and ethnicity options below that represent you.

- African-American/Black 20
- American Indian/Native American 3
- Asian 16
- Hispanic/Latino 19
- Native Hawaiian 0
- White 32
- Not listed 8
- Decline to state 29



10. Please select all gender options below that represent you

- Male
- Female
- Non-binary
- Transgender
- Not listed
- Decline to state

35
58
1
0
1
21

