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## Concerning nightlife noise regulation legislation

Resolved, that ANC1D advises the Committee on Business, Consumer, and Regulatory Affairs of the Council of the District of Columbia that bill B21-196, the "Nightlife Regulation Amendment Act of 2015", is excessively burdensome on liquor licensed business establishments as written, and should be modified as follows:

- (1) the requirement for hourly sound level measurements should be triggered by actual complaints against an establishment, rather than being a blanket requirement for all licensed establishments; and
- (2) the maximum permissible sound levels should be modified to reflect the actualities of the urban street environment.

Why: If a nightlife establishment has never been the object of a noise complaint, a requirement for hourly sound level measurements is truly unwarranted. Whether an establishment is potentially a noise problem or not for nearby residents depends on many factors, including the nature of the establishment, e.g., whether it features loud music or not, and on the proximity to residences. Before an establishment is required to make regular sound-level measurements, there should be some evidence that it does present a problem, warranting such measurements.

Concerning the maximum allowed sound levels, the specifications of DCMR 2701.1 are unrealistic for an urban environment. The nominal maximum for a commercial zone after dark is 60 decibels, which is barely audible, and so could not possibly be troublesome for a residence any reasonable distance away from the source. The ambient noise level of an urban sidewalk is about 70 decibels, and requiring businesses to limit exterior sound levels to significantly less than that will generate countless nominal offenses and fines, where no actual noise disturbance to nearby residents exists.

*Passed by 3 to 0 vote, with one abstention, at the legally noticed, public meeting of ANC1D on June 23, 2015, with a quorum present. Voting "yes": Commissioners Hoey, Agbro, McKay. Abstaining: Commissioner Rivas. A quorum for this commission is three; four commissioners were present.*