



Office of the City Manager

May 16, 2024

To: Honorable Mayor and Members of the City Council
From: *DWR* Dee Williams-Ridley, City Manager
Re: Noise-Related Performance Standards for New Group Instruction Uses

At its February 27, 2024 meeting, the City Council held a public hearing and approved amendments to the Berkeley Municipal Code (BMC) to streamline permitting for small businesses in Berkeley.¹

Among the zoning amendments approved by City Council were revisions to the permit requirements for Group Instruction uses, such as dance and martial studios. The amendments reduced permit requirements for these uses from an Administrative Use Permit (AUP) to a Zoning Certificate (ZC) in most commercial zoning districts. The approval action also included a referral to the City Manager to develop regulations and performance standards to mitigate noise impacts for Group Instruction uses.

All businesses in Berkeley are subject to [BMC Chapter 13.40 \(Community Noise\)](#). [Section 13.40.050 \(Exterior noise standards\)](#) includes specific noise level thresholds, which vary by zoning district and time period, and [Section 13.40.060 \(Interior noise standards\)](#) includes specific noise level thresholds for residential units within multi-use buildings. In addition to these measurable noise thresholds, [Section 13.40.030 \(General noise regulations\)](#) includes a general rule that it is “unlawful for any person to willfully or negligently make or continue, or cause to be made or continued, any loud, unnecessary, or unusual noise which disturbs the peace and quiet of any neighborhood or which causes any discomfort or annoyance to any reasonable person of normal sensitiveness residing in the area.” Any suspected violation of Chapter 13.40 can be adjudicated pursuant to a complaint to the Environmental Health Division, part of the City’s Health, Housing, and Community Services Department.

¹ February 27, 2024 City Council Report, Item 16:
<https://berkeleyca.gov/sites/default/files/documents/2024-02-27%20Item%2016%20Zoning%20Amendments%20for%20Berkeley.pdf>

According to enforcement staff with Land Use Planning and Environmental Health, noise complaints from Group Instruction uses are not common and those that arise are satisfactorily resolved under existing Community Noise and Zoning regulations. Given this information and that all established uses are subject to the applicable noise standards established in Chapter 13.40 (Community Noise), staff does not currently recommend additional regulations or performance standards to mitigate noise impacts for Group Instruction uses.

Staff understands that the intent of the zoning amendments is to streamline the process of establishing Group Instruction uses and to encourage more such businesses in Berkeley. As a result, more instances of potential noise issues may arise. Staff will analyze any increases in complaint volume from Group Instruction uses and will bring forward new regulations to address, if warranted.

cc:

LaTanya Bellow, Deputy City Manager
Anne Cardwell, Deputy City Manager
Jenny Wong, City Auditor
Farimah Brown, City Attorney
Mark Numainville, City Clerk
Matthai Chakko, Assistant to the City Manager
Jordan Klein, Director, Planning and Development Department