COMMITTEE AMENDMENT FORM

DATE **11/26/02**

COMMITTEE **CD/HR** PAGE#(S) **2**

ORDINANCE# **02-O-2107** SECTION(S) **1**

RESOLUTION#_____ PARAGRAPH_____

AMENDMENT

To amend Section 1 to read:

SECTION 1: That the Chastain Amphitheatre contract be amended to set a noise level maximum of **84 dba** measured at the back of the house one second LEQ with a peak factor allowed at **92 dBC** and that all permanent fines for violations be implemented in the third year of 2003.

AN ORDINANCE BY
COUNCIL MEMBER CLAIR MULLER AS AMENDED
BY COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE

02-O-2107

AN ORDINANCE TO AMEND THE OPERATION CONTRACT FOR THE CHASTAIN AMPHITHEATER TO SET A PERMANENT MAXIMUM SOUND LEVEL THAT IS ALLOWED TO ESCAPE FROM THE AMPHITHEATER INTO THE NEIGHBORHOOD.

WHEREAS, the amphitheater at Chastain was built in the 1930's in unincorporated (at the time) Fulton County; and

WHEREAS, the City of Atlanta annexed this old facility in the 1950's which had been used for high school graduations and later Theater Under the Stars productions; and

WHEREAS, in the 1980's the first super-amplified sound concerts were held in this old facility surrounded by residential zoning; and

WHEREAS, in the 1990's a sound study was conducted because of the numerous complaints about the high level of noise escaping from the amphitheater from the residents near the amphitheater; and

WHEREAS, the recommendation from Acentech engineering firm in the 1990's was 85dBC maximum and the City allowed a trial interim sound level of 95 decibels in 2002; and

WHEREAS, the recommendation from an Atlanta resident acoustical engineer who has collected data from the amphitheater for many years is 78 dBC based on a one minute Leq measured at the fence at the back of the house; and

WHEREAS, the Hollywood Bowl in Los Angeles has as a maximum sound requirement of 75; and

WHEREAS, the EPA has released articles recently outlining the negative effects of high noise levels on children in schools (the history behind "quiet zones" around libraries, hospitals and schools); and

WHEREAS, the EPA report labels 60 decibels as "intrusive"; 70 decibels as "telephone use difficult"; 80 decibels as "annoying"; 90 decibels as "hearing damage"; and

WHEREAS, the EPA report states that noise may produce high blood pressure, faster heart rates, increased adrenaline, and may contribute to heart and circulatory disease; and

WHEREAS, the EPA reports that noise may threaten fetal development and has been linked to low birth rates; and

WHEREAS, the existing house sound system does not conform to the design intent of the Newcomb and Boyd Sound Study of 2000; and

WHEREAS, the Chastain neighborhood sees no technical oversight or due diligence from the City Bureau of Cultural Affairs and it appears the selection of the sound equipment, installation and calibration was left entirely to the contractor at the amphitheater; and

WHEREAS, the number of events in the facility has grown from a few non-amplified events per year to 70 highly amplified events per year; and

WHEREAS, the "approved safety capacity" of the amphitheater has grown from 6400 to 6900 in the last approved contract causing more traffic on the neighborhood streets 70 times per year; and

WHEREAS, while promises of traffic relief, noise control and frequency of events have never been fulfilled by the City of Atlanta, only a temporary noise level standard was established for the existing contract.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF ATLANTA, GEORGIA as follows:

SECTION 1: That the Chastain Amphitheatre contract be amended to set a noise level maximum of **84 dba** measured at the back of the house one second LEQ with a peak factor allowed at **92 dBC** and that all permanent fines for violations be implemented in the third year of 2003.

SECTION 2. That all ordinances and parts of ordinances in conflict herewith are hereby repealed.