

MONTEREY COUNTY PLANNING COMMISSION

Meeting: November 12, 2014	Agenda Item No.: 6
Project Description: CONTINUED FROM THE MAY 14 TH PLANNING COMMISSION HEARING. Conduct a public workshop on the proposed adoption of an ordinance amending Title 10 (Health and Safety) of the Monterey County Code to add regulations for the control of nighttime noise.	
Project Location: County-wide	APN: County-wide
Planning File Number: REF140008	Owner: N/A
Planning Area: County-wide	Flagged and staked: N/A
Zoning Designation: County-wide	
CEQA Action: Statutorily Exempt per Section 15262	
Department: RMA – Planning	

RECOMMENDATION:

Staff recommends that the Planning Commission conduct a public workshop and provide direction to staff on the proposed adoption of an ordinance amending Title 10 (Health and Safety) of the Monterey County Code to add regulations for the control of nighttime noise.

PROJECT OVERVIEW:

The workshop on this ordinance was continued from the May 14th Planning Commission workshop in order to allow staff time to make further refinements to the ordinance, retain the services of a noise consultant, and to hear additional comments from Planning Commissioners and members of the public. The May 14th workshop was continued from April 30th. The following comments were heard at the April 30th and May 14th workshops:

April 30th Workshop

- We shouldn't limit the sources of noise. **We revised the ordinance accordingly.**
- Noise should be measured at the property line of the offending noise source, not the property line of the complainant. **We revised the ordinance accordingly.**
- The 55 dBA standard may be too high, and we should consider the standard of 65 dBA used by San Luis Obispo County. According to our presentation slide of comparative noise sources, 60 dBA is the noise level of an air conditioner, and we would not want to make such equipment illegal to operate after 10:00 pm. **After consulting with our noise expert, Robert E. Brown of Brown-Buntin Associates, we now recommend the standard be set at 65 dBA.**
- There was concern expressed that the 55 dBA standard was too high. **See the comment above.**
- There was interest expressed in addressing daytime noise. **We recommend no change here, as regulating daytime noise engenders a broad range of issues that would require**

The proposed regulations would also amend Section 10.60.020 (Definitions), to add a definition for “Emergency Work” but would otherwise make no substantive change to the existing provisions of Chapter 10.60. The existing Chapter 10.60 addresses the operation of noise-producing devices anytime of the day that produces noise above 85 dBA, and these provisions would be left unchanged.

The standard proposed for nighttime noise (i.e., 45 L_{eq} dBA/65 dBA) is tailored to be consistent with widely accepted standards used in many neighboring jurisdictions.” In addition, it is generally consistent with nighttime noise standards in other jurisdictions polled, which span from 65 dBA to 45 dBA.

ALTERNATIVES:

While staff is recommending the proposed revisions, there are alternate ways to proceed:

- Decline to adopt new regulations for nighttime noise.
- Defer regulations for nighttime noise until such time as work begins on the Community Noise Ordinance (Task 62 of the Long Range Planning Work Program), although Task 62 primarily concerns itself with the review and approval of development projects, while the ordinance at hand is independent of any development application.
- Refine the ordinance language to distinguish between weekday and weekend nights, and set separate standards for each.

OTHER AGENCY INVOLVEMENT:

The proposed revisions to Title 10, Chapter 10.60 (Noise Control) have been coordinated with the Monterey County Sheriff’s Office, the Monterey County Department of Health, and the Monterey County Department of Environmental Health in the drafting of the new regulations.

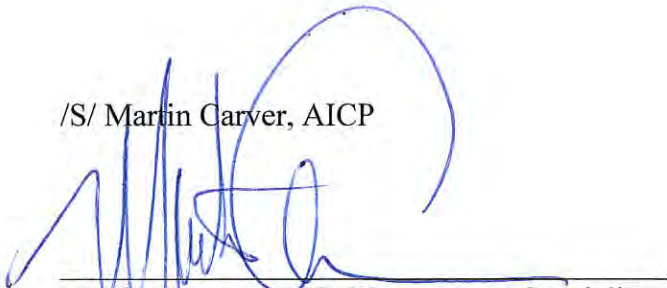
CEQA APPROACH:

This public workshop is statutorily exempt per Section 15262 of the California Environmental Quality Act (CEQA), because the Planning Commission is not considering approving the proposed ordinance. There will be no legally binding effects of the actions of the Planning Commission to hold a public workshop on the proposed new regulations for the control of nighttime noise. RMA – Planning anticipates the need to prepare an Initial Study for the proposed regulations prior to formal hearings, with the most likely outcome being a Negative Declaration.

CONCLUSION/RECOMMENDATION:

The proposed revisions to Chapter 10.60 (Noise Control) are in response to a concern for public health and safety. The proposed regulations for nighttime noise would apply to noise from any source (with certain exceptions). Staff recommends that the Planning Commission hold a third part of its public workshop that began on April 30th to continue the discussion of the proposed new regulations.

/S/ Martin Carver, AICP



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November 5, 2014



Jacqueline R. Onciano
RMA - Planning Services Manager

cc: Front Counter Copy; Planning Commission (10); Environmental Health Bureau; Land Use Advisory Committees (11); Henry Gowin, District #2; Carl Holm, Deputy Director RMA Marti Noel, Assistant RMA Director; Wendy Strimling, County Counsel; Jacqueline R. Onciano, RMA Services Manager; Martin Carver, Project Planner; Tamara Dooley; Lynn Learch; Luana Conley; Thomas Ponleithner; Scott Barnett; Dale Ellis; Laurie Hastings; Planning File REF140008

Attachment: Exhibit A – Draft Ordinance amending Chapter 10.60 (Noise Control)

This report was reviewed by Jacqueline R. Onciano, Planning Services Manager, Long Range Planning Team

EXHIBIT A
Chapter 10.60
NOISE CONTROL

Sections:

- 10.60.010 Findings
- 10.60.020 Definitions
- 10.60.030 Operation of noise-producing devices restricted
- 10.60.040 Regulation of nighttime noise
- 10.60.040050 (Repealed)

10.60.010 Findings

This Board finds that noises generated so as to be in excess of the levels permitted in this Chapter impairs hearing, impedes convalescence, hinders concentrated mental effort, interferes with relaxation and sleep, depreciates property values, and causes stress and nervous tension and consequent irritability, insomnia, accident proneness, and ~~cardiovascular diseases~~ increased risk for cardiovascular disease and hypertension.

(Ord. 2450 § 1, 1978)

10.60.020 Definitions

For the purpose of this Chapter, the terms set forth in this Section shall have the following meanings:

- A. "dBA" means decibels on the A scale.
- B. "Person" means any individual, firm, partnership, association, corporation, organization, or business trust.
- C. "Emergency work" means any work performed to protect, maintain, or restore safe and/or healthy conditions in the community, along with work performed by private or public utilities when restoring utility service.

(Ord. 2450 § 2, 1978; definition of emergency work from San Mateo County Code Chapter 4.88)

10.60.030 Operation of noise-producing devices restricted

At any time of the day, no person shall, within the unincorporated limits of the County of Monterey, operate any machine, mechanism, device, or contrivance which produces a noise level exceeding eighty-five (85) dBA measured fifty (50) feet therefrom. The prohibition in this Section shall not apply to aircraft nor to any such machine, mechanism, device or contrivance ~~which~~ that is operated in excess of two thousand five hundred (2,500) feet from any occupied dwelling unit.

(Ord. 2450 § 3, 1978)

10.60.040 Regulation of nighttime noise

The following nighttime regulations shall also apply:

- A. It shall be unlawful within the unincorporated area of the County of Monterey to make, assist in making, permit, continue, create, or cause to be made, any loud and unreasonable sound produced by a chain saw, leaf blower, or other landscaping equipment, or any loud and unreasonable noise, music, percussion or other sound, that is broadcast outside of any residence or building by means of any amplified musical instrument, drum, or similar device, or by means of any radio, loudspeaker, sound amplifier or phonograph, or by means of or employing any similar device which amplifies and produces, reproduces or broadcasts sound, any day of the week during from the hours of 10:00 P.M. and to 7:00 A.M. the following morning.
- B. Within this time period, and for the purposes of this section, a loud and unreasonable sound shall include any sound created by means prohibited above that exceeds the exterior noise level standards set forth in Table 1 below.

(Santa Barbara County Code, Chapter 40, w/ editorial modification)

Table 1: Exterior Noise Level Standards (Nighttime Only)

	<u>Standard</u>
<u>Nighttime hourly equivalent sound level (L_{eq} dBA) dB</u>	45
<u>Maximum level, dBA dB</u>	55 <u>65*</u>

Note: *The SLO standard is 65 dB; I reduced this to 55 for consistency with the MC-GP; CNEL levels are typically reduced by 10 dB for the nighttime period (<http://ceres.ca.gov/planning/genplan/sutter/noise1.html>).

- C. The provisions of this section are not intended to affect and shall not apply to:
 - 1. Bells, chimes, carillons and similar devices while being used for religious purposes, or in conjunction with religious services, or for celebrations of public holidays; or
 - 2. Outdoor gatherings, public dances, shows and sporting and entertaining events, provided such gathering, dance or event is conducted on commercial or institutional premises, pursuant to applicable rules, regulations and zoning

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restrictions, and in compliance with all permits or licenses issued by a public agency relative to the staging of the gathering, dance or event.

3. Emergency vehicles being operated by authorized personnel or equipment used in emergency work, such as chain saws.
4. Commercial agricultural operations, not including activities at farm-related housing.

(Santa Barbara County Code, Chapter 40; plus additional exemptions added by RMA staff).

D. For the purpose of evaluating conformance with the standards of this section, noise levels shall be measured as follows:

1. Use of Sound Level Meter. Any noise measurement shall be made ~~on~~ using a sound level meter measuring instrument meeting American National Standard Institute's Standard SI.4-1981 (or more recent revision thereof) for Type 1 or Type 2 integrating sound level meters using the A-weighted network scale, or an instrument and the associated recording and analyzing equipment that provide equivalent data, which may be or become available as industry standards change and new best practices become available. Calibration of the measurement equipment utilizing an acoustical calibrator shall be performed at the beginning and end of the shift of the enforcement personnel responding to noise complaints.

(Santa Barbara County Code, Chapter 40; San Luis Obispo County Code, Chapter 23; RMA staff added reference to changing industrial standards)

2. Measuring Exterior Noise Levels. Exterior Noise levels shall be measured at as close as is practical to the property line of either the affected property or the alleged offending property. Where practical, the microphone shall be positioned five feet above the ground and away from reflective surfaces. (San Luis Obispo County Code, Chapter 23, w/ modification by RMA)

10.60.040050 Penalty for violations

Repealed.

(Ord. 3659 § 8, 1993)