



Legislation Details (With Text)

File #: 21-112 **Version:** 1

Type: Ordinances for Introduction **Status:** Passed

File created: 2/2/2021 **In control:** City Council/Public Financing Authority

On agenda: 9/7/2021 **Final action:** 9/7/2021

Title: Approve for introduction Ordinance No. 4222 amending Chapter 8.40 of the Huntington Beach Municipal Code (HBMC) titled Noise Control relating to the control of unnecessary, excessive, and annoying sounds and protecting noise-sensitive land uses, ensuring land use/noise compatibility, reducing noise from mobile sources, and mitigating noise from construction, maintenance, and other sources

Attachments: 1. Att#1 Ord 4222, 2. Att#2 Legislative Draft, 3. Sup Com 9-7-21

Date	Ver.	Action By	Action	Result
9/7/2021	1	City Council/Public Financing Authority	approved	Pass

REQUEST FOR CITY COUNCIL ACTION

SUBMITTED TO: Honorable Mayor and City Council Members

SUBMITTED BY: Oliver Chi, City Manager

PREPARED BY: Ursula Luna-Reynosa, Director of Community Development

Subject:

Approve for introduction Ordinance No. 4222 amending Chapter 8.40 of the Huntington Beach Municipal Code (HBMC) titled Noise Control relating to the control of unnecessary, excessive, and annoying sounds and protecting noise-sensitive land uses, ensuring land use/noise compatibility, reducing noise from mobile sources, and mitigating noise from construction, maintenance, and other sources

Statement of Issue:

On October 2, 2017, the City Council approved General Plan Amendment No. 14-002, the General Plan Update, which amended the Noise Element of the Huntington Beach General Plan. The updated Noise Element incorporated new land use compatibility standards and guidelines to address acceptable noise levels for an expanded list of land uses and proper measurement methods; obtained input from interested parties and concerned groups during the General Plan Update process; and added an implementation program to update the Noise Ordinance, which had not been comprehensively updated since it was adopted approximately 40 years ago. The Noise Element necessitated an update to the noise ordinance for these reasons, as the noise ordinance is crucial for the protection of noise-sensitive land uses and is enforced by multiple City departments. If adopted by the City Council, the result would be a noise ordinance that is easier to comprehend and enforce, and meets the goals and policies of the General Plan.

Financial Impact:

Not applicable.

Recommended Action:

Approve for introduction Ordinance No. 4222, “An Ordinance of the City of Huntington Beach Amending Chapter 8.40 of the Huntington Beach Municipal Code Relating to Noise Control.” (Attachment 1)

Alternative Action(s):

Do not approve the recommended action and direct staff accordingly.

Analysis:

Chapter 8.40 of the HBMC, titled Noise Control (commonly known as “the Noise Ordinance”), was adopted in 1979 and last updated in 2012, which added the Noise Deviation permit process. However, the noise ordinance has never been comprehensively updated. On October 2, 2017, the City Council approved the General Plan Update, which amended the Noise Element. The goals and policies of the Noise Element are identified to protect noise-sensitive land uses, ensure land use/noise compatibility, reduce noise from mobile sources, and mitigate noise from construction, maintenance, and other sources. The updated Noise Element incorporated new land use compatibility standards and guidelines to address acceptable noise levels for an expanded list of land uses and proper measurement methods, and obtained input from interested parties and concerned groups during the General Plan Update process. An implementation program to comprehensively update the Noise Ordinance was also approved during the General Plan update. The Noise Element required an update to the noise ordinance for these reasons as the noise ordinance is crucial for regulating noise at its source, for the protection of noise-sensitive land uses, and for enforcement by multiple City departments.

The General Plan Implementation Program N-P.3 requires an update of Chapter 8.40 to align with the standards established in the General Plan’s Noise Element, and implement the goals, policies, and programs therein. The proposed ordinance amends the Noise Ordinance to incorporate updated standards in line with the current noise conditions of the City, established state guidelines, and implement programs of the Noise Element, including:

- Definitions of noise descriptors that are relevant to the ordinance, noise generators, and noise-sensitive uses
 - Noise descriptors or rating scales analyze the adverse effect of community noise on people. The choice of specific descriptors is related to the nature of the noise “signature” (frequency and duration) of the source. Updated definitions for common metrics, such as Equivalent Continuous Sound Level (Leq) and Maximum Sound Level (Lmax), were added to help evaluate noise source for code compliance.
- Performance standards for noise-sensitive receptors
 - Noise-sensitive receptors are newly defined as residential, hotels/motels, schools, hospitals, churches, cultural land uses, public parks, and the active outdoor use areas of commercial and office uses (such as courtyards). Performance standards, such as use prohibition, restricted hours, and/or distance requirements, are added to provide clear guidance and protection from noise impacts related to construction, property maintenance, auto/recreational vehicle repair/activities, commercial deliveries, entertainment events and sound amplifying devices. Additionally, added ground

vibration limits protect vibration-sensitive uses (similar to noise-sensitive uses).

- Restrictions on construction activities
 - Hours of construction are proposed to be revised to be more restrictive for the loudest noise generating construction activities. The new hours would limit construction hours to 7:00 a.m. - 7:00 p.m., provided noise levels do not exceed 80 dBA Leq adjacent to noise-sensitive uses. Construction could occur outside of those hours at lower noise levels in accordance with the standards set in the ordinance. The proposed ordinance clarifies that noise related to typical or occasional property maintenance not subject to a building permit, including the use of domestic power tools, are not subject to the new construction hours.
- Noise Deviation Permit
 - Construction or activities that will temporarily exceed noise levels may still request a Noise Deviation Permit. The noise ordinance proposes to amend the notification and appeal period language of the Noise Deviation Permit process. Extending both periods of time from five to ten days will make the process consistent with other discretionary permits and allow additional opportunities for public input. While not a revision to the permit process, the application requirements have also been modified for clarity purposes. Applicants will still be required to demonstrate all actions taken to comply with the ordinance, why compliance cannot be achieved, and proposed methods to minimize noise during the temporary activity. These requests are infrequent and staff anticipates that they will continue to be infrequent, limited to one to two per year.
- Standards for field measurements, including equipment and methodology
 - Newly added standards include specific criteria for industry standard measuring tools. Specific location and methods are included to properly measure different noise levels for code compliance.

Multiple departments reviewed and contributed to this amendment, particularly to clarify sections that have contributed to noise-related issues for City enforcement.

The proposed revisions are necessary for efficient noise control in today's Huntington Beach, and if adopted by the City Council, the result would be a noise ordinance that is easy to comprehend, enforceable, and meets the goals and policies of the General Plan.

Environmental Status:

The proposed Huntington Beach Municipal Code amendments are exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061 (b) (3) of the CEQA Guidelines because there is no potential for the amendments to have a significant effect on the environment.

Strategic Plan Goal:

Enhance and maintain high quality City services

Attachment(s):

1. Ordinance No. 4222
2. Legislative Draft