

Attachment A

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ATTACHMENT A DISCUSSION

OVERVIEW

The proposed ordinance that was introduced on December 2 would:

- Apply to nighttime noise (10 pm to 7:00 am)
- Set standard for maximum noise levels at 65 dBA
- Set standard for hourly equivalent (Leq) at 45 dBA
- Retain existing standard for maximum noise level anytime of the day (85 dBA)
- Apply to all sources of exterior noise (w/ exceptions)
- Direct that noise be measured at offending property
- Add definition for “Emergency Work” consistent with definition used in Zoning Ordinance
- Amend Section 10.60.030 (Operation of noise-producing devices restricted) to clarify the class of offenders that are regulated during any time of the day.

The proposed ordinance would exempt the following:

- Bells, chimes, etc as part of religious service, public holiday
- Uses and events on commercial or institutional premises
- Emergency work
- Commercial agricultural operations

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. Exhibit 1 shows a table of comparative noise levels intended to provide a common reference to what the proposed nighttime noise standards represent.

SUMMARY OF PLANNING COMMISSION WORKSHOP SERIES

On November 12, 2014, the Monterey Planning Commission concluded a three-part workshop on the amendment of Chapter 10.60 of the Monterey County Code to add regulations for the control of nighttime noise. The first part of the workshop was held on April 30, 2014, the second part was held on May 14, 2014, and the third part was held on November 12, 2014.

The following is a summary of comments made during the workshop series and our response:

- 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 dB standard may be too high, and we should consider the standard of 65 dB used by San Luis Obispo County. According to testimony during the workshop, 60 dB is the noise level of an air conditioner, and we would not want to make such equipment illegal to operate after 10:00 pm.

- There was concern expressed that the 55 dB standard was too high. **See the comment above.**
- There was interest expressed in addressing daytime noise. **We recommended no change here, as regulating daytime noise engenders a broad range of issues that would require extensive technical and policy analysis.**
- Commissioners expressed a desire to hear from a noise expert on the proposed code revisions. **Robert E. Brown, from Brown-Buntin Associates, consulted with staff, attended the November 12th Planning Commission workshop, and answered questions about the proposed ordinance.**
- Commissioners also wanted to ensure that the Monterey County Sheriff's Office had been consulted on code enforcement. **Mr. Joe Moses, Sheriff's Commander, attended the November 12th Planning Commission workshop and answered questions about code enforcement related to noise complaints and demonstrated the use of the Sheriff's Department's noise meter.**
- Commissioners asked for additional information on exterior versus interior noise. **Robert Brown spoke to this issue at the November 12, 2014 workshop and recommended against addressing it in the proposed ordinance.**
- The Sheriff's Department recommended a revision to the existing regulations to clarify the class of offenders that are regulated during any time of the day (see Section 10.60.030). **We included the requested change in the proposed ordinance.**
- Commissioners noted that the proposed definition of "Emergency" was not the same as used in the Zoning Ordinance. **We revised the definition to make it consistent with the definition used in the Zoning Ordinance.**

The ordinance that had its first reading on December 2, 2014 at the Board contained all of the changes referred to above.

Since the first reading of the proposed ordinance on December 2, 2014, staff received comments from a representative from the Hospitality Industry and constituency on the ordinance regarding outdoor gatherings and events conducted on commercial or institutional premises and animal noise. The concerns surrounded changes to Section 10.60.040 C of the proposed regulations. These changes were: 1) expand and clarify the exemption for commercial or public/quasi-public premises to ensure the new regulations don't affect businesses and 2) create a new exemption for animal noise, which is already regulated by Chapter 8.36 (Nuisance and Nuisance Animals) of the Monterey County Code. Possible changes to Section 10.60.040 C to address concerns raised by the public are shown below in underline/~~strikeout~~.

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 entertainment events, provided such gathering, dance, or event, is conducted on commercial or institutional public/quasi public premises, ~~pursuant to applicable rules, regulations and zoning restrictions and in compliance with all permits or licenses issued by a public agency relative to the staging of the gathering, dance or event;~~ or*

3. *Emergency vehicles being operated by authorized personnel or equipment used in an emergency, such as chain saws; or*

4. *Commercial agricultural operations, not including activities at farm-related housing.*

5. *Noise resulting from the keeping of any dog, cat, household pet, or any other animal; such noise shall be governed by Chapter 8.36 of the Monterey County Code.*

If the board would like to consider potential revisions to the ordinance staff requests the Board provide direction to staff as to the revisions and staff will return to the board, as per state law, with an amended ordinance.

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