

Board of Supervisors

August 29, 2023

Agenda Item 12

REVIEW OF NOISE REGULATIONS

BACKGROUND

- September 28, 2021 – Preliminary response to a Board Referral on Noise regulations. Board directed staff to work on an ordinance strengthening regulations.
- February 8, 2022 – Draft ordinance considered. Board provided direction
- May 10, 2022 – Refinements considered and further direction was provided by the Board
- May 24, 2022 – Further Refinements were considered
- June 21, 2022 – Ordinance 5379 adopted
- July 11, 2023 – Board considered the Civil Grand Jury report “Noise Ordinance: Sleepless in Monterey County” and directed staff to return for a review of the noise regulations

CURRENT NOISE REGULATIONS

- As amended in 2022
 - Noise in excess of 85 dBA is prohibited anytime of the day
 - Nighttime (9:00 pm to 7:00 am):
 - Unreasonable noise that is plainly audible
 - Noise in excess of 45 Leq dBA (weighted noise over time)
 - Noise in excess of 65 dBA
 - Measured 50 feet from the source
 - Exceptions for religious institutions, permitted events/concerts, and agricultural operations

ENFORCEMENT

- HCD Code Compliance and Sheriff
 - Warning provided (24 hour period)
 - \$500 for first violation after warning
 - \$1,000 for second violation (12 month period)
 - \$2,000 for third and subsequent violations (12 month period)
 - Each hour is a separate violation
- Noise hotline staffed by HCD until 11 pm on Friday and Saturday. Sheriff's office responds after 11 pm or on Sundays
- Two code compliance officers assigned to work weekends

EXPIERIENCE

- HCD Code Compliance officers have identified the following:
 - Verbal warnings are often sufficient, some exceptions
 - 24 hour warning period allows daily noise impacts without penalty
 - Repeat offenders are often holding unpermitted events
 - Many complaints are filed during daytime hours

CIVIL GRAND JURY RECOMMENDATIONS

- Assign additional code compliance officers to respond to noise
- Extend hours for the noise complaint hotline
- Patrol areas within known events
- Increase awareness to the public
- Impose stricter fines for repeat offenders

PUBLIC COMMENT

- Noise has impacted, and continues to impact many residents
- Decrease noise from 85 dBA during the daytime
- Increase enforcement
- Increase distance of noise measurement from the source
 - Form 50 feet to 150 or 200 feet

2010 GENERAL PLAN

**TABLE S-2
Community Noise Exposure
Ldn or CNEL, dB**

Land Use Category	55	60	65	70	75	80
Residential – Low Density Single Family, Duplex, Mobile Homes	Light	Light	Light	Light	Light	Light
Residential – Multi-Family	Light	Light	Light	Light	Light	Light
Transient Lodging – Motels, Hotels	Light	Light	Light	Light	Light	Light
Schools, Libraries, Churches, Hospitals, Nursing Homes	Light	Light	Light	Light	Light	Light
Auditoriums, Concert Halls, Amphitheaters	Light	Light	Light	Light	Light	Light
Sports Arena, Outdoor Spectator Sports	Light	Light	Light	Light	Light	Light
Playgrounds, Neighborhood Parks	Light	Light	Light	Light	Light	Light
Golf Courses, Riding Stables, Water Recreation, Cemeteries	Light	Light	Light	Light	Light	Light
Office Buildings, Business Commercial and Professional	Light	Light	Light	Light	Light	Light
Industrial, Manufacturing, Utilities, Agriculture	Light	Light	Light	Light	Light	Light

INTERPRETATION:

Normally Acceptable
Specified land use is satisfactory, based upon the assumption that any buildings involved are of normal conventional construction, without any special noise insulation requirements.

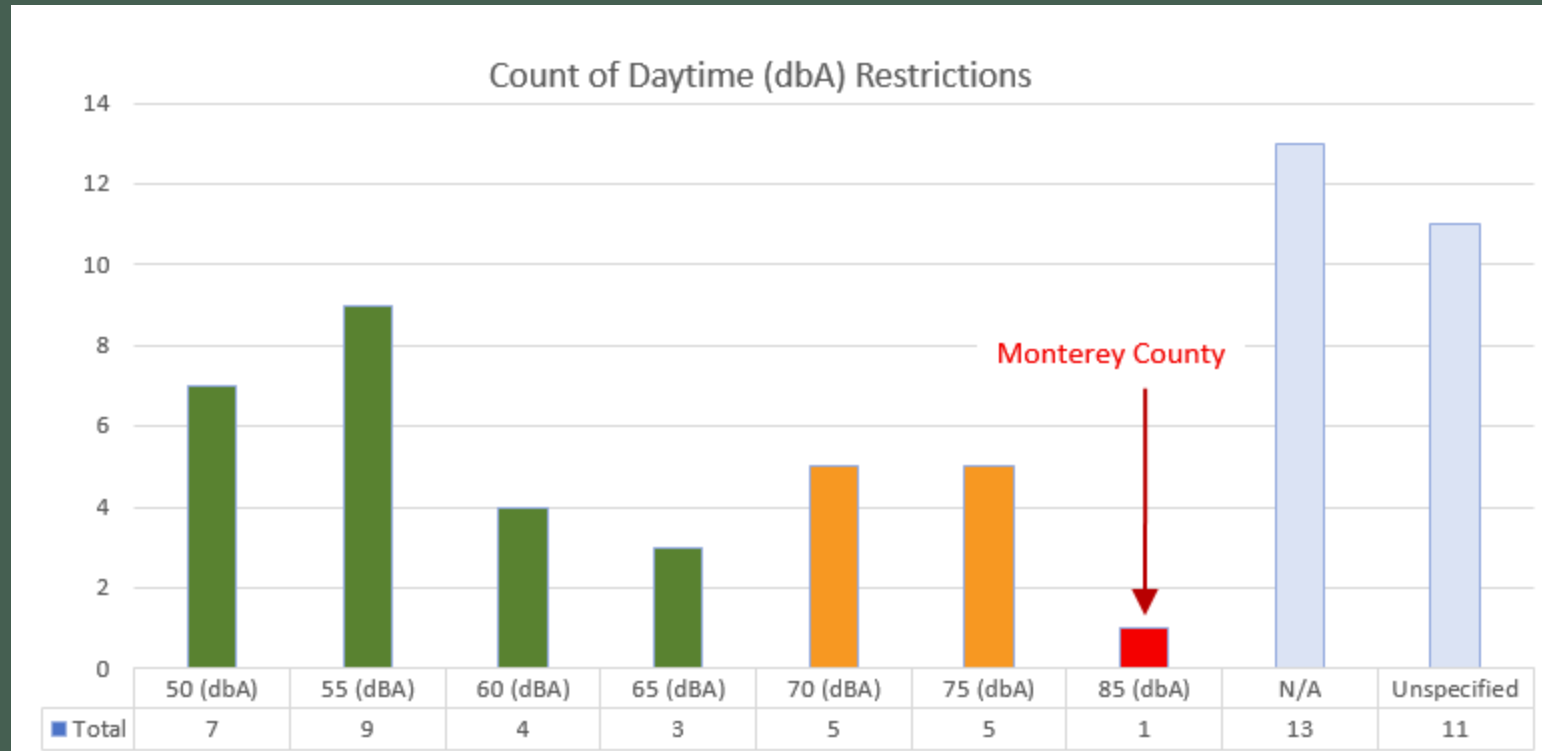
Conditionally Acceptable
New construction or development should be undertaken only after a detailed analysis of the noise reduction requirements is made and needed noise insulation features included in the design. Conventional construction, but with closed windows and fresh air supply or air conditioning will

Normally Unacceptable
New construction or development should generally be discouraged. If new construction or development does proceed, a detailed analysis of the noise reduction requirements must be made and needed noise insulation features included in the design.

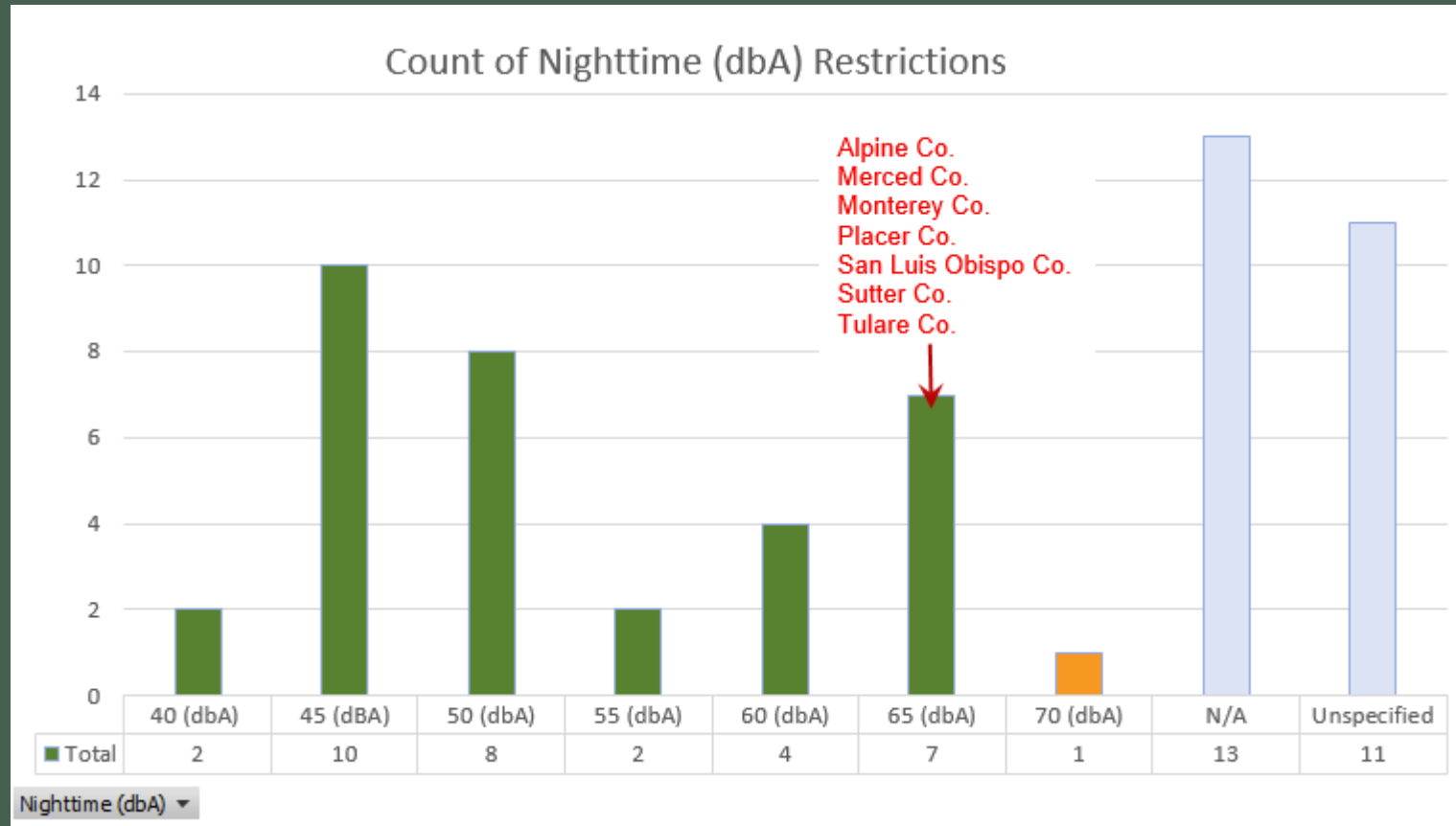
Clearly Unacceptable
New construction or development should generally not be undertaken.

Source: OPR General Plan Guidelines

OTHER JURISDICTIONS – DAY TIME



OTHER JURISDICTIONS – NIGHT TIME



OTHER CONSIDERATIONS

- HCD Code Enforcement staffing resources
 - Increased Noise Hotline hours
 - Increased daytime enforcement
- Priorities (2023/24)
 - Inclusionary Housing Ordinance Revisions
 - Housing, Safety, & EJ Element updates
 - Moss Landing Community Plan Update
 - Big Sur Land Use Plan Update
 - Vacation Rentals
 - Castroville Community Plan update
 - Development Evaluation System
 - Zoning Map Updates
 - Ag Buffer Ord
 - Basin Study
 - Community Climate Action Plan
 - ADUs (Coastal)
 - Pajaro Housing Recovery

RECOMMENDATION

- Accept Report
- Provide Direction to staff
 - 24 hour period for warnings
 - Unruly gatherings/Events
 - Daytime Noise
 - Increase fines for repeat offenders
 - Decibel levels
 - Measurement – 50 feet from the source
 - Other?