

# CITY OF LONG BEACH

4

DEPARTMENT OF PLANNING AND BUILDING

333 W. Ocean Blvd. - Long Beach, CA 90802 - 562/570-7713 - FAX 562/570-6205

**Date:** November 28, 2007

**To:** Environmental Committee

**From:** *for* Suzanne Frick, Director  
Planning and Building Department

**Subject:** Policy Recommendations Regarding Noise

## BACKGROUND

On March 8, 2007, the Environmental Committee met to discuss the following five issues related to noise abatement: 1) noise produced at construction sites; 2) noise involving entertainment such as live musical performances; 3) noise emanating from use of power tools at residential properties on weekends; 4) noise from vessels in boat slips and throughout the Long Beach Harbor; and 5) noise from idling Long Beach Transit buses. (Attachment A) At this meeting, the Committee was satisfied that the fifth issue related to bus idling was adequately addressed. The Committee requested that staff return with additional analysis and recommendations for the remaining four issues

On July 31, 2007, the Committee met to revisit these above described noise abatement issues 1 through 4 (Attachment B). After discussing the staff recommendations and hearing comments from the public, the Committee made the following recommendations (Attachment C):

- Issue #1: Construction Noise: Approve the staff recommendation to maintain existing construction hours and continue to enforce all noise produced at construction sites before 7:00 a.m. and after 7:00 p.m. on weekdays. Amend the Noise Ordinance to limit loud noise produced by construction activities (i.e., pile drivers) to weekdays from 9:00 a.m. to 4:00 p.m. only, with any special exceptions granted per approval by the City's Noise Officer.
- Issues #2: Live Entertainment: Hold this issue in Committee for further consideration and research.
- Issue #3: Neighborhood Motorized Noise: Amend the Noise Ordinance restricting motorized noise related to property maintenance to an 8:00 p.m. end time on Saturdays and Sundays for properties located in residential zoning districts.
- Issue #4: Approve the staff recommendation regarding Special Events, vessels in boat slips, and vessels within the City's waterways jurisdiction.

## DISCUSSION

Regarding Issue #4 - the enforcement of Harbor and Navigation Code Section 654.05 (below), the Fire Department's Marine Safety Division and the Police Department's Port Security Detail both have the authority to enforce this statute.

Marine Safety tracks code enforcement data on a number of waterway related matters, the above referred noise statute is included. The Division searched all of the rescue boat records for a period of two years and found only two responses related to noise both of which occurred in Marine Stadium.

The Marine Safety Division is staffed adequately for response to noise related matters on the waterways and enforces noise related to vessels as defined in Section 654.05 of the California Harbor and Navigation Code. Some of the violations are identified while patrolling the City's waterways while others are reported by radio, telephone or by other sources. Once the generator (noise) is identified or is suspected of being in violation of the State statute, the vessel may be stopped for further investigation; afterwards, the vessel operator may be given a verbal warning or issued a citation.

It is recommended that an initiative be developed to inform boat owners within the City's marinas that a statute exists and of the various methods the boat owners can notify the Fire Department's Marine Safety Division. Parks, Recreation and Marine Department's monthly Marina Reader would be the preferred method to achieve this. After a period of one year, the Marine Safety Division could report back to the Environmental Committee on any new data and make recommendations at that time.

In summary, the Division made 5,444 enforcement advisories in 2006 and 4,412 in 2005. Of the 9,856 enforcement advisories, only two were related to noise. At this time, it does not appear that the purchase of noise monitoring equipment is necessary. If the number of noise related enforcement actions were to increase, the purchase of noise monitoring equipment could be re-evaluated and at this time, the Fire Chief does not feel that the purchase of the equipment is warranted.

## RECOMMENDATION

Forward all recommendations to the City Council.

SF:AR

Attachments:

- A. Staff memo for March 8, 2007 Environmental Committee meeting
- B. Staff memo for July 31, 2007 Environmental Committee meeting
- C. Minutes of July 31, 2007 Environmental Committee meeting
- D. Harbor and Navigation Code Section 654.05

**ATTACHMENT A**

**STAFF MEMO FOR MARCH 8, 2007  
ENVIRONMENTAL COMMITTEE MEETING**

## **NOISE POLLUTION AND ABATEMENT RECOMMENDATIONS TO ENVIRONMENTAL COMMITTEE**

The following is a discussion of the five noise abatement issues submitted to the Environmental Committee.

### **ISSUE #1**

Due to resident complaints and concerns related to construction noise and construction staging activities, the Committee has been asked to consider modifying the hours when construction may start during weekdays and weekends from 7:00 am to 8:00 am in the City's Noise Ordinance.

### **CURRENT ORDINANCE**

The City's current noise ordinance allows construction, on weekdays, between 7:00 a.m. and 7:00 p.m., on Saturday, 9:00 a.m. to 6:00 p.m., work on Sunday is prohibited, unless authorized by the Noise Control Officer.

### **DISCUSSION**

A 7:00 am start time for construction work is allowed in most Southern California municipalities and is generally considered the industry standard;

Construction noise standards were reviewed from the following cities:

- Carson: (7:00 am – 8:00 pm – based on maximum dBA, also 8:00 pm – 7:00 am based on lower maximum dBA)
- Cerritos: (7:00 am – 7:00 pm)
- Hawaiian Gardens (7:00 am – 7:00 pm, except Sunday)
- Seal Beach (7:00 am – 8:00 pm weekdays, 8:00 am – 8:00 pm Saturday)
- Signal Hill: (7:00 am – 6:00 pm weekdays)
- Santa Monica: (8:00 am – 6:00 pm)
- Huntington Beach (7:00 am – 8:00 pm)

Generally, construction starts in the early morning and typically tapers off around 3:00-4:00 pm. This enables construction workers and material providers to commute during off-peak hours. However, this can result in neighborhood impacts when early work occurs or by workers congregating or staging at a job site.

Santa Monica limits high impact construction noise such as pile driving and jack hammering, to the hours of 9:00 am to 4:00 pm Monday through Friday only.

#### Additional Construction Noise Control for Consideration:

Santa Monica also has requirements for posting construction signs specifying permitted construction hours, building permit number, and the City telephone number to report violations.

#### RECOMMENDATION OPTIONS:

- Limit loud noise produced by construction (i.e., pile driving, the use of a jack-hammer, and the like) to weekdays, from 10:00 a.m. to 3:00 p.m. Special exemption could be granted on a per day basis by the City's Noise Control Officer.
- Prohibitions could be established for any unnecessary noises at construction sites (i.e. loud radios or car horns) before 7:00 am.

#### ENFORCEMENT:

Enforcement of these regulations is through the Environmental Health, the City's Noise Officer.

#### ISSUE #2

Local businesses have expressed concern over the present standards that require an entertainment permit for any live music with amplification or live with more than two non-amplified instruments. The Committee is being asked to consider modifying the entertainment permit requirements so that a permit would not be based on the number of band members or amplifiers, but rather on the noise limits set by the City's Noise Ordinance.

#### CURRENT ORDINANCE

All Entertainment Permits are subject to the provisions of the City's Noise Ordinance. Entertainment Permits are required for any live music performances with any amplified instruments. Performances with no more than two non-amplified instruments are exempt from the Entertainment Permit requirements. They are issued as either short-term (one year) or permanent with annual renewal. Entertainment Permits are subject to the Noise Ordinance.

#### RECOMMENDATION

For businesses interested in only occasionally providing entertainment such as live musical performances, one possible approach would be to authorize date-specific Entertainment Permits for a limited number of occurrences, such as no more than six per year. This could be useful for establishments such as art galleries providing live

music only at special showings in order to minimize potential noise conflicts with surrounding land uses.

Using this approach would require a change to Section 5 of the Municipal Code.

#### ENFORCEMENT:

The Health Department would monitor and enforce the noise control provisions of Entertainment Permits.

#### ISSUE #3

Concern has been expressed about the use of power tools during the weekend. The Committee is being asked to consider modifying the hours when homeowners can use power tools such as saws, sanders, lawn mowers or other garden tools

#### CURRENT ORDINANCE:

Noise from the above types of machines are currently regulated. Operation of said machines may only occur between 7:00am and 10:00 p.m. A noise disturbance occurs, (and thus a violation of the Noise Ordinance) when any sound (a) endangers or injures the safety or health of humans or animals, or (b) annoys or disturbs a reasonable person of normal sensitivities, or (c) endangers or injures personal or real property.

#### DISCUSSION

Start times between 8:00 am and 9:00 am would be consistent with other nearby cities. Following is a list of their standards:

- Hawaiian Gardens (7:00 am – 7:00 pm, except 9:00 am – 6:00 pm Sunday/Federal Holiday) – maintenance of property
- Seal Beach (7:00 am – 8:00 pm on weekdays, 8:00 am – 8:00 pm on Saturday, 9:00 am to 8:00 pm on Sunday/Holiday)
- Signal Hill (no limitation for an owner of a dwelling or property to perform repair or maintenance work)
- Santa Monica (9:00 am – 8:00 pm)
- West Hollywood (8:00 am – 10:00pm)
- Huntington Beach (8:00 am – 8:00 pm and 9:00 am – 8:00 pm on Sunday)

- Signal Hill exempts any repair or maintenance work by an owner residing onsite.

## RECOMMENDATION

Amend the Noise Ordinance to restrict motorized residential noise to a 9 a.m. start time on Saturday and Sunday.

## ENFORCEMENT:

It should be mentioned that any weekend restrictions on residential activities are inherently difficult to enforce given the intermittent nature of such activities. Presently enforcement is handled by Environmental Health.

## ISSUE #4

Review concerns of enforcement efforts in the marinas and harbor to control excessively loud noise impacting “live-aboard” residents and waterfront businesses. Specifically, noise from stationary sources such as special events and mobile sources such as “cigarette” boats (engine and stereo noise). If necessary, legislative recommendations should be made to modify current State Code regarding enforcement of noise on our waterways.

## DISCUSSION

Special Events: Noise impacts from Special Events are exempt from the City’s noise ordinance. Special Events staff issues permits for each event that impose “Good Neighbor” conditions designed to protect surrounding residents from noise. Depending on the event, a team of City staff, including Police, and Environmental Health staff are on-site enforcing the conditions of the permit.

Vessels in City Boat Slips: Nuisance noises coming from vessels at City boat slips are regulated by the Marine Bureau. This is presently handled on an informal basis through enforcement of the User Regulations for boat mooring permits. Boat owners/occupants are given verbal warning of noise disturbances and repeatedly noise violations could lead to revocation of the mooring permit. Written noticing could be an option for repeat offenders prior to permit revocation for documentation of occurrences.

Noise disturbances for vessels in Long Beach Harbor: These types of disturbances are handled by the Long Beach Fire Department (vessels in open ocean waters are regulated by the Coast Guard). The Fire Department enforces the State noise regulations in accordance with Section 654.05 of the California Harbors and Navigation Code. This Code Section specifies a maximum noise level of 90 dB(A) for engines manufactured before January 1, 1993, a maximum noise level of 88 dB(A) for engines manufactured after January 1, 1993, and a maximum noise level of 75 dB(A) for all

other noises emanating from vessels not precluding the specified engine noise limitations. These restrictions apply to all motorized recreational vessels in or upon inland waters and in or upon ocean waters that are within one mile of the State coastline.

## RECOMMENDATION

Special Events: Continue with process established by the Special Events Office.

Vessels in Boat Slips: Work with Marine Bureau to institute a more formalized notification and enforcement process.

Noise disturbances for vessels in Long Beach Harbor: Modification to current State law to lower maximum permitted decibel levels near the coastline and would be an appropriate way of better controlling this source of nuisance noises

## ISSUE #5

Concern has been expressed about noise from idling buses. The Committee has been asked to request assistance from Long Beach Transit in identifying locations where idling buses may be impacting residents and consider alternatives.

## DISCUSSION

Long Beach Transit staff reports that their policy is to shut off bus engines whenever a bus remains idling at one location for more than three minutes. Bus schedules are designed with time built in at the end of a route to allow a bus to catch up to its schedule if necessary. For example, a bus scheduled to reach the end of its line at 12:00 pm might then be scheduled to depart at 12:10 pm. This ten minute recovery or layover time allows a late bus to get back on schedule. If a bus arrives at the end of its route on time, it will wait at that location, known as the layover point, during its layover time. These layover points are located throughout the City at the end of each bus route.

Long Beach Transit investigates all noise complaints through its Operations Department. Whenever appropriate, road supervisors will investigate and enforce applicable policies such as the three minute idling time limit. Sometimes other remedies are possible. For example, Long Beach Transit recently arranged for the relocation of a downtown MTA layover and a Pine Avenue Link layover, both of which were causing noise nuisances to nearby residents.

## RECOMMENDATION

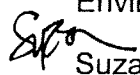
Continue to work with Long Beach Transit regarding idling bus locations.



**ATTACHMENT B**

**STAFF MEMO FOR JULY 31, 2007  
ENVIRONMENTAL COMMITTEE MEETING**



**Date:** July 25, 2007  
**To:** Environmental Committee  
**From:**  Suzanne Frick, Director of Planning and Building  
**Subject:** NOISE POLLUTION AND ABATEMENT RECOMMENDATIONS TO ENVIRONMENTAL COMMITTEE

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On March 8, 2007, the Environmental Committee met to discuss five (5) issues related to noise abatement. At this meeting, the Committee was satisfied that the fifth issue, related to bus idling, was adequately addressed. The Committee requested that staff return with additional analysis and recommendations for the following four (4) issues.

#### ISSUE #1

Due to resident complaints and concerns related to construction noise and construction staging activities, the Committee has been asked to consider modifying the hours when construction may start during weekdays and weekends.

#### CURRENT ORDINANCE

The City's current noise ordinance allows construction on weekdays and federal holidays between 7:00 a.m. and 7:00 p.m. and on Saturdays between 9:00 a.m. and 6:00 p.m., with work on Sundays prohibited unless authorized by the Noise Control Officer.

#### DISCUSSION

A 7:00 a.m. start time for construction work is allowed in most Southern California municipalities and is generally considered the industry standard.

Construction noise standards were reviewed from the following cities:

- West Hollywood: (8:00 a.m. – 7:00 p.m. on weekdays, 8:00 a.m. – 7:00 p.m. on Saturdays for interior construction only, prohibited on Sundays and City holidays)
- Beverly Hills: (8:00 a.m. – 6:00 p.m. on weekdays, 8:00 a.m. – 6:00 p.m. on Saturdays except for properties in or within 500 feet of a residential zone, prohibited on Sundays and public holidays)

- Carson: (7:00 a.m. – 8:00 p.m. daily except Sundays and legal holidays based on maximum dBA, 8:00 p.m. – 7:00 a.m. daily all day Sundays and legal holidays based on lower maximum dBA)
- Cerritos: (7:00 a.m. – 6:00 p.m. on weekdays, 10:00 a.m. – 5:00 p.m. on Saturdays, prohibited on Sundays and public holidays. More restrictive construction hours may be required for projects subject to Precise Plans or Conditional Use Permits)
- Hawaiian Gardens: (7:00 a.m. – 7:00 p.m. on weekdays and Saturdays, prohibited on Sundays)
- Seal Beach: (7:00 a.m. – 8:00 p.m. on weekdays, 8:00 a.m. – 8:00 p.m. on Saturdays, prohibited on Sundays and holidays)
- Signal Hill: (7:00 a.m. – 6:00 p.m. weekdays only, unless permit approved by Building Official allowing other construction hours)
- Santa Monica: (8:00 a.m. – 6:00 p.m. on weekdays, 9:00 a.m. – 5:00 p.m. on Saturdays, prohibited on Sundays and public holidays)
- Huntington Beach: (7:00 a.m. – 8:00 p.m. on weekdays and Saturdays, prohibited on Sundays and federal holidays)

Generally, construction starts in the early morning and typically tapers off around 3:00-4:00 p.m. This enables construction workers and material providers to commute during off-peak hours. However, this can result in neighborhood impacts when early work occurs or by workers congregating or staging at a job site. Most cities regulate all noise produced at a construction site and typically allow construction to begin at 7 a.m.

Santa Monica limits high impact construction noise, such as pile driving and jack hammering, to the hours of 9:00 a.m. through 4:00 p.m. Monday through Friday only.

#### RECOMMENDATION OPTIONS

- Maintain existing construction hours and continue to enforce all noise produced at the construction sites before 7 a.m. and after 7 p.m. on weekdays and 9:00 a.m. to 6:00 p.m. on Saturday.
- Limit loud noise produced by construction (i.e., pile driving, the use of a jack-hammer, and the like) to weekdays from 9:00 a.m. to 4:00 p.m. If quieter new technology is used for the typically loud noise equipment described above, the City's Noise Control Officer may allow normal construction hours.

## ENFORCEMENT

Enforcement of these regulations is through Environmental Health, the City Noise Officer.

## ISSUE #2

- A. Local businesses have expressed concern over the present standards that require an Entertainment Permit for any live music with amplification or live music with more than two non-amplified instruments. The Committee is being asked to consider an approach that will make it easier for small venues, such as art galleries, to have music in conjunction with events or gallery openings on a limited basis.
- B. At the Environmental Committee meeting on March 8, a constituent brought up the idea of providing business licenses to individual musicians.

## CURRENT ORDINANCE

Entertainment Permits are required for any live music performances with any amplified instruments. Performances with no more than two non-amplified instruments are exempt from the Entertainment Permit requirements. All Entertainment Permits are subject to the provisions of the City's Noise Ordinance.

## DISCUSSION

San Diego's Entertainment Establishment Ordinance exempts live music events that are incidental to the primary use and where no admission is charged. This would include performances that are provided for the guest's enjoyment and entertainment, such as art gallery openings.

## RECOMMENDATION

- A. For businesses interested in only occasionally providing entertainment such as live musical performances, one possible approach would be to authorize date-specific Entertainment Permits for a limited number of occurrences, such as no more than six per year. This could be useful for establishments such as art galleries providing live music only at special showings in order to minimize potential noise conflicts with surrounding land uses. Approval of these limited Entertainment Permits for businesses could be done on an over-the-counter basis at the Development Services Center on the 4<sup>th</sup> floor of City Hall. Violation of the terms of these limited Entertainment Permits could be Permit revocation and prohibition of any future Permit approvals similar to an annual entertainment permit.

Financial Management has expressed concern that exempting incidental music performances or providing an administrative over-the-counter permit could leave room for abuse of current regulations, and could present problems for the neighborhoods in relation to noise, parking, and overcrowding of the establishment. Their preference would be for this type of permit to be processed in the current manner as an Entertainment Permit.

- B. The concept of licensing individual musicians would be problematic, primarily from an enforcement perspective. An Entertainment Permit is issued to a specific business that is tied to the location of the business. The business owner is then responsible for any noise violations that would occur on the premises. In addition, the business license fee could be a burden to an individual musician.

#### ENFORCEMENT

The Environmental Health Bureau in the Health Department monitors and enforces the noise control provisions of Entertainment Permits. They operate on a complaint basis, if a complaint is received, the Environmental Health Bureau contacts the business and works with them to identify remedial measures. In addition, if the Police Department is contacted, they will respond and advise the business owner to comply with the conditions of the entertainment permit, and subsequently contact the Environmental Health Bureau regarding the incident.

#### ISSUE #3

Concern has been expressed about the use of power tools during the weekend. The Committee is being asked to consider modifying the hours when homeowners can use power tools such as saws, sanders, lawn mowers or other garden tools. The Committee is asking to consider further limiting the hours of operation for such activities.

#### CURRENT ORDINANCE

Operating or permitting the operator of any mechanically powered saw, sander, drill, grinder, lawn or garden tool or similar tool between 10:00 p.m. and 7:00 a.m. so as to create a noise disturbance across a residential or commercial property line is prohibited. A noise disturbance occurs when any sound: (a) endangers or injures the safety or health of humans or animals; (b) annoys or disturbs a reasonable person of normal sensitivities; or (c) endangers or injures personal or real property.

## DISCUSSION

Start times between 8:00 a.m. and 9:00 a.m. on weekends would be consistent with other nearby cities. Following is a list of their standards:

- Hawaiian Gardens: (7:00 a.m. – 7:00 p.m. on weekdays and Saturdays, 9:00 a.m. – 6:00 p.m. on Sundays and federal holidays)
- Seal Beach: (7:00 a.m. – 8:00 p.m. on weekdays, 8:00 a.m. – 8:00 p.m. on Saturdays, 9:00 a.m. to 8:00 p.m. on Sundays and public holidays)
- Signal Hill: (no limitation for an owner of a dwelling or property to perform repair or maintenance work)
- Santa Monica: (for gardening/landscaping that involves motorized equipment: 8:00 a.m. – 8:00 p.m. on weekdays, 9:00 a.m. – 8:00 p.m. on weekends and public holidays. For property maintenance or repair: 8:00 a.m. – 6:00 p.m. on weekdays, 9:00 a.m. – 5:00 p.m. on Saturdays, prohibited on Sundays and public holidays)
- West Hollywood: (8:00 a.m. – 10:00 p.m. for any type of mechanical devices unless enclosed in a sound insulated structure. Same hours as construction operations for property maintenance noises)
- Huntington Beach: (8:00 a.m. – 8:00 p.m. on weekdays and Saturdays, 9:00 a.m. – 6:00 p.m. on Sundays and federal holidays)
- Carson: (7:00 a.m. – 9:00 p.m. daily for any machine or mechanical device unless enclosed within a sound insulated structure)
- Cerritos: (7:00 a.m. – 7:00 p.m. daily)
- Beverly Hills: (7:00 – 10:00 p.m. daily)

## RECOMMENDATION

Amend the Noise Ordinance restricting motorized noise related to property maintenance to an 8:00 a.m. start time on Saturdays and a 9:00 a.m. start time on Sundays. This restriction would specifically apply to mechanically powered saws, sanders, drills, grinders, mechanized gardening tools, and other similar types of mechanized tools.

## ENFORCEMENT

Enforcement is handled by Environmental Health on a complaint basis. A letter is sent to the property owner regarding the violation of the noise ordinance. If

additional complaints are received, staff will be sent out to the location to observe and record the violation. Ultimately, these non-corrected cases are sent to the City Prosecutor.

#### ISSUE #4

Review concerns of enforcement efforts in the marinas and harbor to control excessively loud noise impacting "live-aboard" residents and waterfront businesses. Specifically, this involves noise from stationary sources such as special events and mobile sources such as "cigarette" boats (engine and stereo noise). If necessary, legislative recommendations should be made to modify current State Code regarding enforcement of noise on our waterways.

#### DISCUSSION

Special Events: Noise impacts from Special Events are exempt from the City's Noise Ordinance. Special Events staff issues permits for each event that impose "Good Neighbor" conditions designed to protect surrounding residents from noise. Depending on the event, a team of City staff, including Police and Environmental Health staff, are on-site enforcing the conditions of the Special Events Permit.

Vessels in City Boat Slips: Nuisance noises coming from vessels at City boat slips are regulated by the City Noise Ordinance. This is presently handled on an informal basis through enforcement of the User Regulations for boat mooring permits. Boat owners/occupants are given verbal warning of noise disturbances and repeated noise violations could lead to revocation of the mooring permit. The Marine Patrol also responds to disturbances on a compliant basis. Typically, if an officer can hear the disturbance at the end of the dock, a verbal warning is given to the offender. If the Marine Patrol is called back again, they issue a citation.

Noise disturbances for vessels in Long Beach Harbor: These types of disturbances are regulated in accordance with Section 654.05 of the California Harbors and Navigation Code. This Code Section specifies a maximum noise level of 90 dB(A) for engines manufactured before January 1, 1993, a maximum noise level of 88 dB(A) for engines manufactured after January 1, 1993, and a maximum noise level of 75 dB(A) for all other noises emanating from vessels not precluding the specified engine noise limitations. These restrictions apply to all motorized recreational vessels in or upon inland waters and in or upon ocean waters that are within one mile of the State coastline. As stated in Section 8.80.010 of the Long Beach Municipal Code (the Policy statement of the City's Noise Ordinance), local noise control of motorboats operating on public rights-of-way is preempted by State and federal laws and regulations.

Lifeguards from the Marine Safety Division of the Fire Department had previously enforced State noise regulations in Long Beach Harbor ocean waters. Mark

Boone, the Marine Safety Chief, reported that no local enforcement is currently done, primarily due to a lack of proper equipment to measure decibel levels. Mr. Boone said they could do more enforcement if they had equipment that measures decibel levels.

RECOMMENDATION:

Special Events: Continue with process established by the Special Events Office.

Vessels in Boat Slips: Work with the Marine Patrol to issue citations for Noise Ordinance offenses.

Noise disturbances for vessels in Long Beach Harbor: Work with Fire Department, Lifeguard Safety Bureau to determine the type of equipment and staffing levels needed to resume local enforcement of State noise regulations.

APPROVED:



ANTHONY W. BATTS  
CITY MANAGER



**ATTACHMENT C**

**MINUTES OF JULY 31, 2007  
ENVIRONMENTAL COMMITTEE MEETING**

Tonia Reyes Uranga, Chair  
Patrick O'Donnell, Vice Chair  
Suja Lowenthal, Member



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CALL TO ORDER

see media

At 3:08 P.M., Chair Reyes Uranga called the meeting to order.

ROLL CALL

see media

**Councilmembers** Reyes Uranga and S. Lowenthal

**Present:**

**Councilmembers** O'Donnell

**Excused:**

Also present: Suzanne Frick, Director of Planning and Building; Angela Reynolds, Planning Officer; Amy Burton, Deputy City Attorney; Carolyn Harris, City Clerk Specialist; and Dina Lopez, City Clerk Specialist.

Chair Reyes Uranga provided opening remarks.

see media

1. 07-0235 Recommendation to revisit the discussion on Noise Pollution and Abatement.

**This agenda item was considered as four (4) separate issues as outlined below.**

Chair Reyes Uranga turned the floor over to Councilmember S. Lowenthal.

Councilmember S. Lowenthal spoke.

Suzanne Frick, Director of Planning and Building, spoke.

Angela Reynolds, Planning Officer, provided a staff report and responded to questions.

Councilmember S. Lowenthal spoke.

Suzanne Frick, Director of Planning and Building spoke.

A dialogue ensued.

Chair Reyes Uranga spoke.

Angela Reynolds, Planning Officer, spoke.

Councilmember S. Lowenthal spoke.

Richard Bartlett, Business Services Officer, spoke.

A dialogue ensued.

Angela Reynolds, Planning Officer, spoke.

Chair Reyes Uranga spoke.

Councilmember S. Lowenthal spoke.

Angela Reynolds, Planning Officer, spoke.

Chair Reyes Uranga spoke.

A dialogue ensued.

Chair Reyes Uranga spoke.

Harvey Cochran, Long Beach resident, spoke.

Diane Lejine, Long Beach resident, spoke.

Angela Reynolds, Planning Officer, spoke.

Chair Reyes Uranga spoke.

Nathaniel Reese, Long Beach resident, spoke.

Chair Reyes Uranga spoke.

Councilmember S. Lowenthal spoke.

Chair Reyes Uranga spoke.

Nathaniel Reese, Long Beach resident, spoke.

Chair Reyes Uranga spoke.

Councilmember S. Lowenthal spoke.

Melinda Cotton, Long Beach resident, spoke.

Suzanne Frick, Director of Planning and Building, spoke.

Chair Reyes Uranga spoke.

David Ashman, Special Events and Filming Bureau Manager, spoke.

Chair Reyes Uranga spoke.

David Ashman, Special Events and Filming Bureau Manager, spoke.

Unidentified woman spoke.

Chair Reyes Uranga spoke.

Unidentified woman spoke.

Jeff Benedict, Noise Control Officer, spoke.

A dialogue ensued.

Chair Reyes Uranga spoke.

Councilmember S. Lowenthal spoke.

Chair Reyes Uranga spoke.

07-0235

Recommendation to revisit the discussion on Noise Pollution and Abatement.

**Moved by S. Lowenthal, seconded by Reyes Uranga to approve the recommendations on Issue #1 regarding the maintenance of construction hours and continue to enforce all noise produced at construction sites before 7:00 am and after 7:00 pm, as well as limit loud noise produced by construction and forward to City Council. The motion carried by the following vote:**

**Yes:** 2 - Reyes Uranga and S. Lowenthal

**Excused:** 1 - O'Donnell

**Moved by S. Lowenthal, seconded by Reyes Uranga that Issue #2 regarding issuing date specific Entertainment Permits for a limited number of occurrences for businesses interested in only occasionally providing live entertainment be held in Committee for further consideration and research. The motion carried by the following vote:**

**Yes:** 2 - Reyes Uranga and S. Lowenthal

**Excused:** 1 - O'Donnell

**Moved by S. Lowenthal, seconded by Reyes Uranga to approve the recommendation on Issue #3 to amend the Noise Ordinance with the caveat of zoning and an end time of 8:00 p.m. on Saturdays and Sundays. The motion carried by the following vote:**

**Yes:** 2 - Reyes Uranga and S. Lowenthal

**Excused:** 1 - O'Donnell

**Moved by S. Lowenthal, seconded by Reyes Uranga to approve the recommendation on Issue #4 regarding Special Events, Vessels in Boat Slips and Noise disturbances for vessels in Long Beach Harbor, with the understanding that when this item comes back to Council, additional information will be available to present. The motion carried by the following vote:**

**Yes:** 2 - Reyes Uranga and S. Lowenthal

**Excused:** 1 - O'Donnell

**PUBLIC PARTICIPATION:** Members of the public are invited to address the Committee.  
see media

No members of the public addressed the Committee at this time.

Councilmember Lowenthal spoke.

Chair Reyes Uranga spoke.

#### ADJOURNMENT

see media

At 4:03 P.M., there being no objection, Chair Reyes Uranga declared the meeting adjourned.

**ATTACHMENT D**

**HARBOR AND NAVIGATION CODE  
SECTION 654.05**

## Harbor and Navigation

**654.05. Motorboat noise.** (a) The owner of a motorized recreational vessel that is numbered pursuant to Section 9850 of the ~~Vehicle Code~~, or that is documented by an agency of the federal government, shall not operate, or authorize the operation of, the vessel in or upon the inland waters, or in or upon ocean waters that are within one mile of the coastline of the state, in a manner that exceeds the following noise levels:

(1) For engines manufactured before January 1, 1993, a noise level of 90 dB(A) when subjected to the Society of Automotive Engineers Recommended Practice SAE J2005 (Stationary Sound Level Measurement Procedure for Pleasure Motorboats).

(2) For engines manufactured on or after January 1, 1993, a noise level of 88 dB(A) when subjected to the Society of Automotive Engineers Recommended Practice SAEJ2005 (Stationary Sound Level Measurement Procedure for Pleasure Motorboats).

(3) A noise level of 75 dB(A) measured as specified in the Society of Automotive Engineers Recommended Practice SAE J1970 (Shoreline Sound Level Measurement Procedure). However, a measurement of noise level that is in compliance with this paragraph does not preclude the conducting of a test of noise levels under paragraph (1) or (2).

(b) A law enforcement officer utilizing a decibel measuring device for the purposes of enforcing this section shall be knowledgeable and proficient in the use of that device.

(c) The department may, by regulation, revise the measurement procedure when deemed necessary to adjust to advances in technology.

(d) This section does not apply to motorized recreational vessels competing under a local public entity or United States Coast Guard permit in a regatta, in a boat race, while on trial runs, or while on official trials for speed records during the time and in the designated area authorized by the permit. In addition, this section does not apply to motorized recreational vessels preparing for a race or regatta if authorized by a permit issued by the local entity having jurisdiction over the area where these preparations occur.

(e) This section shall become operative on January 1, 2005.