

October 21, 2021

CHAIR AND PLANNING COMMISSIONERS
City of Long Beach
California

RECOMMENDATION:

Recommend that the City Council adopt Environmental Impact Report EIR 03-20, State Clearinghouse No. 2019050009 and associated findings and adopt the General Plan Noise Element and associated amendments to the Noise Ordinance. (Citywide)

APPLICANT: Long Beach Development Services Department
411 W. Ocean Blvd., 3rd Floor
Long Beach, CA 90802
(Application No. 2003-26)

DISCUSSION

Overview and Background

The Noise Element is one of the nine state-mandated General Plan Elements required for every city in California. In 1971 the California legislature mandated that a Noise Element be included as part of the General Plan for every City and County in the state due to potential impacts associated with elevated noise and vibration and the effects on citizens within its cities. An update to the City's original 1975 Noise Element is proposed as well as the corresponding Municipal Code amendment to the City's Noise Ordinance to bring it into conformance with the updated Noise Element and the 2019 General Plan Land Use Element (LUE).

The Long Beach General Plan Noise Element was first adopted in in 1975, and the Noise Ordinance was last comprehensively updated in 1977 based on the Noise Element. Since then, the City's physical makeup, population and regional context and the regulatory guidance around noise have changed significantly. The City has grown and evolved a great deal since the 1970s. The City has a substantially larger population and has seen a significant increase in throughput from the Port and along goods movement corridors. The City's downtown has evolved as a convention and tourist destination, and the transportation network has had significant expansion with the development of the Metro A-line (formerly Blue Line) and investments in multimodal transportation facilities. Long Beach is now the 7th largest city in California and one of the top



50 largest cities in the United States. As Long Beach transitioned from a Los Angeles suburb to a vibrant, metropolitan community, the soundscape has also inevitably changed. Today, Long Beach is home to a thriving port, airport, major freeways, transit lines, and tourist attractions. It is appropriate to update to the City's policy framework to reflect these changes in the City's urban fabric and its soundscape, while identifying new strategies and policies to maintain healthy, livable neighborhoods for all residents.

The Proposed Noise Element update (Attachment A - Proposed Noise Element) aims to provide a tailored approach to noise policy across neighborhoods, recognizing the unique characteristics of urban mixed-use environments and major transportation infrastructure. The Noise Element establishes updated strategies and policies that will guide noise and land use throughout the City. Four general goals of the Noise Element include:

- A healthy, livable community;
- Equitable distribution of noise;
- Minimizing exposures to excessive noise; and,
- Allowing for elements necessary for a dynamic, growing City.

The Department of Development Services Planning Bureau has prepared the General Plan Noise Element update and associated amendments to the Noise Ordinance (Attachment B - Proposed Noise Ordinance Redline) to implement the Proposed Noise Element. As part of the Noise Element update, 16 strategies related to noise are proposed, which would aid in the review of future development projects and their associated impacts. The 16 strategies are supported by numerous policies that work together to achieve the goals of creating a healthy, livable community that aims generally to minimize exposure to excessive noise while allowing for the elements and activity that necessary for a dynamic, growing city and ensuring the equitable distribution of noise.

The Noise Element consists of six chapters: 1) Vision: A City That Thrives 2) Introduction: What is a Noise Element? 3) Context: Understanding the Noise Environment 4) Noise Fundamentals: Characteristics of Sound 5) Noise Plan: Creating Livable Environments, and 6) Administration + Implementation: Maintaining the Noise Element. As State law mandates that the Noise Element be consistent with all other General Plan Elements, the proposed project brings the Noise Element and Noise Ordinance into consistency with the General Plan Land Use Element (LUE) update which was adopted in 2019. The Draft Noise Element has been available since 2019 and a revised draft was released in March 2021. The March 2021 draft underwent a public review period when the draft Environmental Impact Report (EIR) was in its public comment period from March 23, 2021 and June 14, 2021.

The Noise Element and the General Plan

The Governor's Office of Planning and Research (OPR) General Plan Guidelines provide guidance to cities on what must be addressed in each General Plan element. The Noise Element shall identify and appraise noise problems in the community; analyze and quantify, to the extent practicable, current and projected noise levels from a number of identified stationary

sources (highways and freeways; primary arterials and major local streets, passenger and freight rail and ground rapid transit; aviation, military, and other facilities related to airport operations; industrial plants; and other stationary sources identified by local agencies that contribute to the noise environment); provide noise contours that shall be used as a guide for establishing a pattern of land uses; include implementation measures and possible solutions that address existing and foreseeable noise problems; and serve as guideline for compliance with the state's noise insulation standards.

State law mandates that the Noise Element be consistent with all other General Plan Elements. Policies and strategies in the Noise Element are intended to provide protection for land uses, as identified in the LUE, from excessive noise. The Noise Element identifies potential and anticipated noise sources and establishes programs to avoid or mitigate noise impacts. The Noise Element is related to other mandated elements, including Land Use, Housing, Circulation, and Open Space. In addition, the Noise Element is related to policies in the recently adopted Urban Design Element, a companion element to the updated LUE. The relationship between noise and these elements is briefly discussed:

- **Land Use** – A key objective of the Noise Element is to provide noise exposure information for implementation of the LUE. When integrated with the Noise Element, the LUE will show acceptable new land uses in relation to existing and projected noise contours.
- **Housing** – Since residential land use is among the most noise sensitive, the noise exposure information provided in the Noise Element must be considered when planning the location of and designing new housing.
- **Mobility** – The circulation system must be correlated with the LUE and is one of the major sources of noise. Thus, identifying ways to minimize noise exposure in the location and design of new transportation facilities is an important consideration, and planned land uses should incorporate project design features to minimize exposure to noise from existing transportation facilities.
- **Open Space** – Excessive noise can adversely affect the enjoyment of recreational pursuits in designated open space. Thus, noise exposure levels should be considered when planning for open space use. Conversely, open space can be used to buffer sensitive land uses from noise sources through the use of setbacks and landscaping.
- **Urban Design** – Urban design techniques can be employed to mitigate noise impacts. The Urban Design Element therefore complements the Noise Element. The Urban Design Element builds off of the LUE PlaceTypes approach to allowing a greater mix of compatible uses within Long Beach neighborhoods in a harmonious manner supported by urban design strategies and policies.

Per Government Code Section 65300.5, all General Plan elements must be consistent with each other. As the LUE was updated in 2019, the Proposed Noise Element update and proposed amendments to the Noise Ordinance to implement the updated Noise Element help ensure consistency between the Noise Element and the LUE. The Noise Element update, and Noise Ordinance amendments also provide updated information, such as noise contours and

noise limits, that inform implementation of the various General Plan Elements. Additionally, the Noise Element establishes new strategies and policies that help minimize noise impacts.

The Noise Plan

This Noise Element identifies strategies and policies to implement the vision of a healthy, livable noise environment in Long Beach. The strategies and policies outlined in Chapter 5: Noise Plan identify specific ways the City is working toward that vision. Long Beach is continuously pursuing innovative policies to lead the way in planning for noise in an evolving urban environment. Chapter 5: Noise Plan provides strategies and policies organized into six areas: 1) PlaceType Characteristics & Land Use Compatibility 2) Mobility 3) Construction 4) Special Events 5) Environmental Justice & Social Equity, and 6) Noise Management. There are a total of 16 strategies and 108 policies found in the plan. A summary of the strategies and example policies for each area is included below:

1. **PlaceType Characteristics and Land Use Compatibility** strategies and policies recognize that land use decisions must consider ambient noise levels and that measures should be applied to minimize noise impacts, to the degree practical and as appropriate for surrounding land uses. The LUE uses PlaceTypes to establish areas that have common land uses and development patterns and characteristics in order to ensure greater compatibility among land uses. A particular aim of the LUE PlaceTypes is to promote complete neighborhoods that provide for all the functional needs of residents and encourage more sustainable development patterns and generally allow greater flexibility and a mix of compatible land uses within these areas. The Noise Element PlaceType Characteristics and Land Use Compatibility strategies and policies help ensure that development of buildings, neighborhoods, streets, and outdoor spaces within any PlaceType are designed to identify and reduce or eliminate unnecessary noise near noise sensitive areas. As an example, PlaceType Characteristics and Land Use Compatibility strategy, Strategy No. 1 applies site planning and other design strategies to reduce noise impacts, especially within the Founding and Contemporary Neighborhoods, Multifamily Residential—Low and Moderate, and Neighborhood Serving Centers and Corridors – Low and Moderate PlaceTypes. For example, policies under Strategy No. 1 encourage project site planning and the location of the various functional spaces within developments to minimize the potential adverse impacts of noise (Policy N 1-6) and the use of urban design strategies such as the use courtyards, paseos, alleys, plazas and open space areas to provide a buffer to noise sensitive uses (Policy N 1-5).
2. **Mobility** strategies and policies recognize that transportation is a major noise source and seek to minimize noise impacts from the multitude of vehicle-related noise including automobiles, trucks, motorcycles, and buses. As an example, Mobility strategy, Strategy No. 6 minimizes vehicular traffic noise in residential areas and near noise-sensitive land uses. An example policy under this strategy, Policy N 6-5, seeks to establish and enforce designated truck routes on specified arterial streets to minimize the negative impacts to noise sensitive uses throughout the City.

3. **Construction** strategy and policies recognize that construction activities are necessary and on-going source of noise throughout all parts of the City and seek to minimize the impacts of construction noise and vibration levels in residential areas and in other locations near noise-sensitive uses where possible. As an example, Construction policy, Policy N 12-2, would limit the allowable hours for construction activities and maintenance operations near sensitive uses.
4. **Special Events** strategy and policies recognize the desire to continue making Long Beach a desirable setting for special events of many forms, while ensuring managed frequency and intensity of the noise for residents living in close proximity to these events. Special Events strategies and policies aim to provide a balanced approach to managing the needs of special events while prioritizing the well-being of residents. As an example, Special Events Policy N 13-3 provides guidance for implementing and enforcing procedures related to noise level requirements for large special events through the permitting process.
5. **Environmental Justice and Social Equity** strategies and policies recognize that environmental justice and social equity, as they relate to sound, are important aspects of planning for a healthy noise environment for all residents of Long Beach. As an example, Environmental Justice and Social Equity strategy, Strategy No. 15 seeks to reduce the disproportionate environmental noise burdens affecting low-income and minority populations. An example Environmental Justice and Social Equity policy is Policy 15-2 which requires that proposals for new sensitive land uses incorporate adequate setbacks, barriers, landscaping or other measures as necessary to minimize noise impacts, particularly in areas of the City that are disproportionately impacted by noise.
6. **Noise Management** strategies and policies recognize the continual effort needed to regulate noise and create buffers from sources of noise to surrounding sensitive receptors and land uses. Noise Management strategies and policies aim to continue to actively enhance the regulation and management of noise, to improve procedures and minimize noise impacts. As an example, Noise Management Policy N 16-3 calls for developing a framework for improved inter-agency coordination with agencies such as the Federal Rail Administration, Federal Highway Administration, Federal Aviation Administration, and California Department of Motor Vehicles.

The strategies and policies in the Proposed Noise Element provide a comprehensive framework for minimizing noise impacts in Long Beach. The strategies and policies established by the Noise Element would reduce potential impacts related to incompatible land uses and would help promote a healthy noise environment in the City. Changes to the Noise Ordinance are needed to implement the Proposed Noise Element. Proposed changes to the Noise Ordinance are detailed in the following section.

Proposed Noise Ordinance Amendments

The City of Long Beach Noise Ordinance is contained in Title 8, Health and Safety, Chapter 8.80, Noise, of the City's Municipal Code. Chapter 8.80, Noise, establishes exterior and interior noise limits for the generation of sound within the City. The maximum noise levels vary based on the receiving land use type and the cumulative duration of noise. Proposed amendments to Long Beach Municipal Code (LBMC) 8.80 are shown in Attachment B and are outlined below. The amendments are designed to implement the Noise Element update and facilitate consistency with the LUE.

Update Noise District Map for Consistency with Land Use Element PlaceTypes

The 2019 LUE update established a number of mixed-use PlaceTypes that delineate areas that are currently mixed-use in nature and that are planned or anticipated to be more mixed-use in the future, and where commercial, residential and other compatible land uses will be integrated. Proposed amendments to the Noise Ordinance include updates to the boundaries of District Two of the Noise District Map to better reflect and be consistent with the recently adopted LUE PlaceTypes. Attachment B includes the map with the proposed District Two updates. Attachments C and D show the existing and proposed Noise District Maps in large format for direct comparison and greater legibility.

Currently, Noise District Two consists of areas that contain predominantly commercial uses with other land use types also present (Attachment C – Existing Noise District Map). The proposed update to the Noise District Map expands District Two boundaries to better capture areas that currently are characterized by mixed use development or are planned for mixed-uses and commercial uses in the future through the LUE (Attachment D – Proposed Noise District Map). The areas included in the Noise District Two boundaries were determined based on geography, PlaceType, and existing and anticipated activity centers and development patterns. Geographically, the proposed District Two boundaries expand upon the existing area to include additional portions of Downtown, Midtown, Central Long Beach, and key Waterfront areas, as well as portions of Belmont Shore. Based on LUE PlaceType, the proposed area of District Two expansion generally includes areas found in the Downtown (DT), Waterfront (WF), Transit-Oriented Development Moderate Density (TOD-M), Transit-Oriented Development Low Density (TOD-L) PlaceTypes and a select area in the Neighborhood Serving Center or Corridor – Low Density (NSC-L) PlaceType. The proposed changes to the Noise District Map are overlaid with the corresponding PlaceTypes of the proposed expansion areas in Attachment E (Attachment E - Proposed Noise District Map with PlaceTypes). In general, these areas tend to be high intensity, mixed-use areas that are served by transit, function as regional destinations, and incorporate visitor-serving uses. For example, the areas that have the Waterfront (WF) PlaceType that are included in District Two encompass uses such as the Queen Mary, the Long Beach Aquarium of the Pacific, and Shoreline Village. Second Street, between Livingston Drive and Bay Shore Avenue in Belmont Shore, is included within proposed District Two as a major pedestrian commercial area within the City. The Belmont Pool Complex and nearby major retail center are also included within proposed District Two. As proposed, District Two would not include any areas designated primarily or solely residential uses (such as Founding and Contemporary Neighborhood [FCN] and Multi-Family Residential – Low and Moderate [MFR-L and MFR-M]). The proposed expansion of District Two is intended to include existing and planned areas designated for mixed-use and major activity centers in the City to align noise

districts with the relevant LUE PlaceTypes. The expanded area of District Two consists of an increase in 3.7percent (from 2 percent to 5.7 percent), or 1.96 square miles, of the City's total area.

Update the Noise Limits Tables to Include Mixed-Use

The proposed amendments to the Noise Ordinance also include updating the Interior and Exterior Noise Limits Tables in the LBMC 8.80 to add mixed use as a land use type, including the corresponding maximum allowable daytime and nighttime decibel levels. For the exterior noise limits table, District Two, which previously consisted of predominantly commercial uses with other land uses present, would be updated to include mixed uses. For the interior noise limits table, a new mixed-use receiving land use type is proposed. The proposed corresponding noise limits were developed based on technical analysis, best practices and are in-line with other similar and nearby jurisdictions. These proposed amendments to Noise Limits align and are consistent with the proposed updates to the Noise District Map. These proposed amendments incorporate limited mixed-use areas in the higher commercial noise district (Noise District 2) while maintaining the existing standards for indoor and outdoor noise limits for all other districts including residential and other noise-sensitive land uses such as schools.

Update Administration and Enforcement Procedures

Additional text changes are proposed for LBMC Section 8.80.030, Administration and Enforcement, to permit designated staff of all departments with noise regulation responsibilities to coordinate with and carry out the duties of the Noise Control Officer as necessary to ensure responsiveness to various kinds of noise complaints. After meeting with various internal departments that have noise regulation responsibilities as well as receiving feedback from community members, this modification is proposed to update administrative process in a manner that will improve responsiveness to complaints and address community concerns.

Special Events

During development of the Noise Element update, much of the community feedback focused on concerns about noise generated by special events that take place in the City as well as from those interested in maintaining or expanding the City's many special events. OPR's General Plan Guidelines state that the noise element should address stationary noise sources including noise from sources such as highways and freeways, major arterials and local streets, passenger and freight rail and ground rapid transit; aviation, military, and other facilities related to airport operations; industrial plants; and other stationary sources identified by local agencies that contribute to the noise environment. The City does not identify short-term, temporary, and seasonal special events as stationary noise sources that consist of typical noise patterns and contribute to the existing ambient noise setting. However, based on input from the community, the Proposed Noise Element does establish general strategies and policies that help minimize noise impacts, including those that occur on a periodic basis, such as those from special events.

At the request of the City Council, the City's Special Events and Filming Bureau prepared a Special Events Noise Study, which was a concurrent but separate effort from the Noise Element update. The Noise Element is a vision document that will inform Long Beach's long-term, holistic approach to ambient noise and provides a framework for general policies relating to special events, while the Special Events Noise Study more specifically focused on evaluating and identifying strategies for managing special events noise. The City's Special Events and Filming Bureau hosted a community meeting on September 26, 2019 to present the findings of the Special Events Noise Study and the additional practices that would be instituted as part of the special events permitting process. The Special Events Noise Study, found on the City's website (<https://www.longbeach.gov/globalassets/special-events--filming/media-library/documents/special-event-sound-study-with-readings>), sought to evaluate the existing regulations and procedures in place that relate to noise from special events; conduct case studies and identify best practices from select cities with comparable vibrancy and range of special events (Pasadena, California; Nashville, Tennessee; Austin, Texas; and Seattle, Washington); and synthesize key findings and options, including standards, methods, strategies, technologies, for special events noise mitigation consideration.

As a result of this process, the Special Events and Filming Bureau implemented a number of measures to improve special events permitting processes and noise mitigation strategies. These include special events applications being made available online, circulated through various City departments for review, and approved with conditions (e.g. limited hours, sound mitigation measures, sound monitoring methods, and community notifications); regular sound monitoring and reporting by the Health Department and the Special Events and Filming Bureau; and availability of an after-hours hotline for concerns relating to special events. Noise conditions and mitigations may include amplified speaker conditions and additional sound mitigations such as the use of acoustical sound barriers. The Special Events and Filming Bureau continues to consider potential future special events mitigation measures, such as the use of sound monitoring boxes in downtown event parks during summer months, implementation of penalty fees, and website improvements.

Although the Noise Element is designed to address the long-term, ongoing impacts of noise due to stationary (permanent) sources such as land uses and transportation, as a policy document it still provides a framework for general policies about noise generated by special events. The Special Events Noise Study led to several policies that are included in the Noise Element. Strategy 13 in the plan calls for balancing the needs of special events while prioritizing the well-being of residents and is supported by six policies to increase access to information, provide efficient and standardized processes for special events permitting, implement and enforce procedures related to noise level requirements for special events, and to stay up to date with noise monitoring technology and noise assessment methods for special events. The Special Events Noise Study also informed associated Noise Ordinance amendments, namely the update to LBMC Section 8.80.030 to clarify departmental responsibilities and administrative processes related to noise regulation.

Public Outreach and Engagement

To inform the Proposed Noise Element and identify potential issues, a variety of community engagement strategies were employed from 2017-2019. Early on in the process, a digital mapping tool was used to crowdsource data from residents and the community on local noise issues and observations through their smart phone or other device. Special events emerged as an area of significant community interest. As such, City staff held a focus group and community meetings that focused on special events. Multiple stakeholder meetings and focus groups were conducted. Input received from the numerous outreach efforts were recorded, studied, and used to inform an Existing Conditions Report (first released to the public in March 2018) (Attachment F - Noise Existing Conditions Report), which has informed the Proposed Noise Element. Feedback from this early outreach also helped inform development of the Special Events Noise Study described above.

Major outreach and engagement activities and events for the Noise Element Update included:

- In 2017-2018, a variety of community engagement strategies were employed, including a significant online outreach component, "Listen Up Long Beach," a crowdsourced digital mapping tool for the community to report on local noise issues, and multiple stakeholder meetings and focus groups.
- On October 17, 2018, City staff held a focus group on Special Events & Outdoor Noise.
- On September 26, 2019, Development Services Staff supported Special Events & Filming at their Special Events Sound Study community meeting.
- On May 30, 2019, Development Services staff held a Noise Element Open House. The Draft Noise Element was released on May 28, 2019.
- The Draft Environmental Impact Report (Draft EIR) was released on March 23, 2021 and the formal public comment period remained open until June 14, 2021 (see below for more detail).

Throughout the outreach and engagement process, staff gathered feedback about noise concerns, opportunities, and priorities from community members. The Proposed Noise Element incorporated comments received from community members throughout the outreach and engagement process. A common concern was the frequency and sound levels of special events in the waterfront area and categorization of special events as a temporary rather than stationary noise source. Commenters noted that excessive noise is a hazard to public health. Other concerns included general questions and comments about how the City can address noise sources such as freeways, ground vehicles and aircraft, leaf blowers, and nuisance neighborhood noises such as barking dogs. Other comments recognized Long Beach as a growing metropolitan City, where sound associated with entertainment and other common urban activities is an unavoidable part of the environment.

ENVIRONMENTAL REVIEW

Pursuant to the California Environmental Quality Act (CEQA) and the State CEQA Guidelines, the City, as Lead Agency, prepared a Draft and Final Environmental Impact Report, EIR 03-20, State Clearinghouse No. 2019050009 (Attachment G - Draft and Final Environmental Impact Report). The Draft EIR was released on March 23, 2021 and the public comment period ended

on June 14, 2021. Staff received 21 comments during the comment and responded to the comments in the Final EIR. During the EIR process, a common concern raised was the frequency and sound levels of special events in the waterfront area and categorization of special events as a temporary rather than stationary noise source. Several comments consisted of requests for noise limits to be added to the Noise Element in addition to the Municipal Code. There was also concern expressed about changing the noise limits based on PlaceType. Several comments cited excessive noise as a hazard to public health. Some comments were provided regarding the City's noise insulation standards in habitable rooms with doors and windows closed. EIR Chapter 2.0 Common Letters and Responses groups these common comments and provides responses.

The Noise Element update, and associated Noise Ordinance amendments do not result in any physical improvements but rather are planning actions, which are consistent with the adopted LUE, intended to comply with State law, better reflect the Long Beach noise environment today, and minimize exposure to excessive noise. No significant impacts were identified in the EIR analysis. The EIR found less than significant impacts related to land use and planning, noise, and transportation and further found that no mitigation is required for these less than significant impacts. However, the project is required to adhere to a project design feature related to land use and planning. The project design feature requires that a program be implemented to amend the Municipal Code to implement and ensure consistency between the Proposed Noise Element and the Municipal Code, and that all inconsistencies between the Noise Element and Municipal Code be resolved through text amendments within 36 months following project approval. The proposed amendments to the Noise Ordinance are consistent with and implement this project design feature.

PUBLIC HEARING NOTICE

The required public hearing notice was provided in accordance with LBMC. A public hearing notice was published in the Long Beach Press-Telegram on October 7, 2021. Notices were provided to City libraries that are open to the public and posted at City Hall. The public hearing notice was posted on the Department's website and distributed through the City's LinkLB email blast system. As of the date of preparation of this report, no comments have been received.

Respectfully submitted,



JENNIFER LY
PROJECT PLANNER



ALISON SPINDLER-RUIZ, AICP
ADVANCE PLANNING OFFICER



PATRICIA DIEFENDERFER, AICP
PLANNING BUREAU MANAGER



CHRISTOPHER KOONTZ, AICP
DEVELOPMENT SERVICES DEPUTY
DIRECTOR



OSCAR W. ORCI
DEVELOPMENT SERVICES DIRECTOR

OO:CK:PAD:ASR:jl

Attachments:

- Attachment A - Proposed Noise Element
- Attachment B - Proposed Noise Ordinance Redline
- Attachment C - Existing Noise District Map
- Attachment D - Proposed Noise District Map
- Attachment E - Proposed Noise District Map with PlaceTypes
- Attachment F - Noise Existing Conditions Report
- Attachment G - Draft and Final Environmental Impact Report