



Legislation Details (With Text)

File #: 23-0586 **Version:** 2 **Name:** DS - Noise Element
Type: Ordinance **Status:** Adopted
File created: 5/26/2023 **In control:** City Council
On agenda: 6/6/2023 **Final action:** 6/13/2023
Title: Recommendation to declare ordinance amending Long Beach Municipal Code Chapter 8.80 to implement amendments to the Noise Ordinance, read and adopted as read. (Citywide)
Sponsors: Development Services
Indexes:
Code sections:
Attachments: 1. 06062023-H-22sr&att, 2. 061323-ORD-23sr.pdf, 3. 06062023-C-22sr&att PPT, 4. ORD-23-0027.pdf, 5. 061323-ORD-23 Corresp. TK.pdf

| Date | Ver. | Action By | Action | Result |
|-----------|------|--------------|----------------------------------|--------|
| 6/13/2023 | 2 | City Council | approve recommendation and adopt | Pass |
| 6/6/2023 | 1 | City Council | approve recommendation | Pass |

Recommendation to declare ordinance amending Long Beach Municipal Code Chapter 8.80 to implement amendments to the Noise Ordinance, read and adopted as read. (Citywide)

Overview and Background

On March 2, 2023, the Planning Commission (Commission) held a duly noticed public hearing on the Noise Element and Noise Ordinance Update. The Commission unanimously voted to recommend the Noise Element and Noise Ordinance Update to the City Council for approval. However, the Commission took action to modify City of Long Beach (City) staff’s recommendation by splitting the motion into two separate parts. The reason for the split vote was because the Commission felt that separate consideration of the Noise Ordinance Update was warranted based on public feedback regarding the desire for it to further address noise generated from special events. After much discussion, and in recognition of the fact that special events noise is regulated through a different title of the Long Beach Municipal Code (LBMC) than that which was before the Commission, the Commission ultimately voted to recommend both the updated Noise Element and the Ordinance amendments to implement the updated Noise Element to the City Council.

The City has been working to update the Noise Element of the General Plan since 2017. 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 due to potential impacts associated with elevated noise and vibration and the effects on community members within its cities. An update to the City’s original 1975 Noise Element is proposed as well as the corresponding LBMC 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) and improve the enforceability of the Ordinance.

The Long Beach General Plan Noise Element was first adopted 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. Long Beach 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 of Long Beach 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 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 will replace the existing 1975 document and provide a tailored approach to noise policies and land use, recognizing the unique characteristics of the City's mixed-use, urban environment and major transportation corridors. Following a robust community engagement process from 2017-2019, a draft plan was released for public review in 2019. An Environmental Impact Report (EIR) was circulated for public review in early 2021. On October 21, 2021, City staff presented the Noise Element Update to the Commission for consideration of a recommendation for adoption. At this meeting, the Commission motioned to continue the item and directed City staff to return with a study session on the proposed plan.

Additional research, cross-departmental coordination and plan refinement took place in 2022, and a revised plan was made available for public comment from October 14, 2022, through December 1, 2022. The latest public review draft reflects edits to the plan and Ordinance including enhancements to LBMC section 8.80.030 regarding Administration and Enforcement of the Noise Ordinance. Two study sessions took place with the Planning Commission during the public review period for the revised draft plan, on October 20, 2022, and December 1, 2022. The study sessions featured a presentation of the draft Noise Element Update, Noise Ordinance Amendments and additional information related to noise generated by special events. The study sessions provided further opportunities for the public to provide public input on the Noise Element Update. No formal action was taken by the Commission at these study session meetings.

Noise Element Plan Overview

The proposed Noise Element Update aims to replace the existing 1975 Noise Element

(Attachment A) of the Long Beach General Plan, respectively. The purpose of the Noise Element Update (Attachment B) is 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 Development Services Department's (Department) Planning Bureau (Bureau) has prepared the General Plan Noise Element update and associated amendments to the Noise Ordinance (Attachment C) to implement the 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 are 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 and 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 2019 LUE update. The Draft Noise Element plan and associated proposed amendments to Title 8 of the LBMC (Noise Ordinance) have been available since 2019, with revised drafts released in March 2021 and October 2022. The March 2021 draft underwent a public review period when the draft EIR was in its public comment period from March 23, 2021, to June 14, 2021. The most recent version, the October 2022 draft, was made available for public comment from October 14, 2022, through December 1, 2022. The latest public review draft reflects edits to the plan and Noise Ordinance including enhancements to LBMC Section 8.80.030 regarding Administration and Enforcement of the Noise Ordinance.

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 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 devices. 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 D), which has informed the proposed Noise Element. Feedback from this early outreach also helped inform development of the Special Events Noise Study described below in more detail. 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 and Outdoor Noise.
- On September 26, 2019, City staff supported the City Manager’s Office Special Events and Filming Bureau (Special Events and Filming Bureau) at their Special Events Sound Study community meeting.
- On May 30, 2019, City staff held a Noise Element Open House, just after the Draft Noise Element was released for public review on May 28, 2019.
- City staff attended multiple Ocean Residents Community Association meetings throughout the multi-year process.
- Two Commission study sessions with community input were held on October 20, 2022, and December 1, 2022.

Throughout the outreach and engagement process, City 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. While every comment did not lead to a specific change, changes were made specifically to address special events and other common topics. In addition, while not every request or comment could be fully accommodated, each was reviewed and considered by the consultant team, City staff and Departmental senior management.

General Plan Noise Element Requirements and Element Consistency

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 must: 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 guidelines 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 proposed 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 in the section below and further detailed in the findings (Attachment E).

- **Land Use** - A key objective of the proposed Noise Element is to provide noise exposure information for implementation of the LUE. When integrated with the proposed 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 proposed 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 by using 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 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 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: of the Noise Plan provides strategies and policies organized into six areas: 1) PlaceType Characteristics and Land Use Compatibility; 2) Mobility; 3) Construction; 4) Special Events; 5) Environmental Justice and 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 harmonious land uses, common 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 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 (FCN), Multifamily Residential-Low and Moderate (MFR-L and MFR-M, respectively), and Neighborhood Serving Centers and Corridors - Low and Moderate (NSC-L and NSC-M, respectively) 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. The enforcement procedures are to be reviewed on an annual basis.
- 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 updated 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 Noise Ordinance is contained in LBMC Title 8, Health and Safety, Chapter 8.80, Noise. 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 LBMC 8.80 are shown in Attachment C 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 Noise District Two (District Two) of the Noise District Map to better reflect and be consistent with the recently adopted LUE PlaceTypes. Attachment C includes the map with the proposed District Two updates. Attachments F and G show the existing and proposed Noise District Maps in large format for direct comparison and greater legibility.

Currently, District Two consists of areas that contain predominantly commercial uses with other land use types also present (Attachment F). 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 G). The areas included in the 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, Waterfront (WF), Transit-Oriented Development Moderate Density, Transit-Oriented Development Low Density PlaceTypes and a select area in the NSC-L PlaceType. The proposed changes to the Noise District Map are overlaid with the corresponding PlaceTypes of the proposed expansion areas in Attachment H.

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 with the WF PlaceType included in District Two encompass uses such as the Queen Mary, the Aquarium of the Pacific and Shoreline Village. Second Street in Belmont Shore, between Livingston Drive and Bay Shore Avenue, are included within proposed District Two as a major pedestrian commercial area within the City. The past and future Belmont Plaza 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 FCN, 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 3.7 percent (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. There are no proposed increases to the noise level maximums allowed in the code. 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 (District Two) 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 City 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. This small but critical change will reduce delays in enforcing noise complaints, move away from a silo approach where different City staff enforce different types of noise complaints and move forward with a noise-team approach across multiple departments. Additional text was included requiring the City to annually review the provisions of the Noise Ordinance to evaluate their effectiveness and consider potential process improvements. After meeting with various internal departments that have noise regulation responsibilities as well as receiving feedback from community members, these modifications are proposed to update administrative processes in a manner that will improve responsiveness to complaints and address community concerns. Enforcement was a topic of interest throughout the multi-year development process for the Noise Element, with much public interest in increasing the effectiveness and frequency of enforcement and with much internal discussion among City Departments regarding improving coordination and empowering a broader range of City staff to enforce the Noise Ordinance.

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 designed to help minimize noise impacts, including those that occur on a periodic basis, such as those from special events.

In April 2018, at the request of the City Council, the Special Events and Filming Bureau prepared a [Special Events Noise Study <https://www.longbeach.gov/globalassets/special-events--filming/media-library/documents/special-event-sound-study-with-readings>](https://www.longbeach.gov/globalassets/special-events--filming/media-library/documents/special-event-sound-study-with-readings), 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 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 and Human Services 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 implementation of sound reading available in real time and visible to the public. Other potential future mitigation measures being considered include 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 proposed Noise Element. For example, Strategy 13 in the plan, which 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 the associated Noise Ordinance amendments, namely the update to LBMC Section 8.80.030 to clarify departmental responsibilities and administrative processes related to noise regulation.

Special Events in the Zoning Code and Coastal Zone

The City of Long Beach Temporary Uses Ordinance is contained in LBMC Title 21, Zoning, Chapter 21.53, Temporary Uses. Chapter 21.53, Temporary Uses, addresses the occurrence of special events, such as carnivals, fiestas, other outdoor exhibition or celebration in certain zoning districts. These regulations limit the types of temporary uses, including special events, that can occur in various locations, the length of time and frequency such events or temporary uses can occur.

Much of the public feedback related to the proposed Noise Element has been centered around concerns regarding special events that take place in the City's Coastal Zone. In the Coastal Zone of Long Beach in which the City shares jurisdiction with the California Coastal Commission (CCC), coastal permitting may be required depending on the location of the special event and timing of the event to ensure the maintenance and preservation of coastal access in accordance with the California Coastal Act (Coastal Act) and the City's Local Coastal Program (LCP). The City's LCP is a separate document from the Noise Element update and an update to the LCP will have additional opportunities for outreach and public hearings.

City staff, Special Events and Filming Bureau and the CCC are working together on a Local Coastal Program Amendment to amend language in the LCP regarding public events at Alamitos Beach located at 780 Shoreline Drive. This Local Coastal Development Plan (LCDP) is a separate document from the Noise Element Update. The LCDP is designed to ensure that public events are in accordance with the provisions and permitting requirements within the CCC's General Strand Policies. This LCPA would introduce policies related to the occurrence of special events and best management practices to ensure policies of the Coastal Act are adhered to.

The Coastal Zone is divided into three jurisdictions areas: 1) Coastal Commission Original Permit Jurisdiction; 2) Appealable Area; and 3) City Coastal Zone. Areas in red of the City of

Long Beach Coastal Zone Map (Attachment I), are under the permitting authority of the CCC, which typically includes the sandy beach areas of the City's coastline. Special events in these areas are required to demonstrate compliance with proposed amendments to LBMC Chapter 21.53 Temporary Uses and the CCC's general strand policies for temporary events.

Taken together, Coastal regulations, the Noise Element, the temporary uses Ordinance, and City procedures seek to strike a balance between the benefits of special events, which provide social and cultural enrichment to city residents and visitors, economic activity and introduce many visitors to the City who later return again due to their positive experience at a special event; and any negative externalities from special events including noise, traffic and other closures, inconvenience or displeasure. While many residents have expressed concerns regarding special events during Planning Commission study sessions, there were also residents that expressed support of special events throughout the public process.

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 J). The Draft EIR was first released on March 23, 2021, and the public comment period ended June 14, 2021. City Staff received 21 comments during the comment period 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 proposed Noise Element in addition to the LBMC. 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 LBMC to implement and ensure consistency between the proposed Noise Element and the LBMC, and that all inconsistencies between the proposed Noise Element and LBMC 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.

After the EIR was circulated, minor text changes have been made to the draft plan and associated ordinance amendments. The October 2022 draft is the most recent version of the Noise Element update. Given the minor text edits made to the document, the EIR was not required to be recirculated for public comment. Per Section 15088.5, Recirculation of an EIR prior to certification of the CEQA Guidelines, the criteria for recirculation of an EIR is whether new significant information has come to light that would deprive the public of a meaningful review of a significant adverse project impact. The Noise Element's minor text edits are not considered new significant information and would not result in a new, or significant impacts.

This matter was reviewed by Deputy City Attorney Erin Weesner-McKinley on May 23, 2023, and by Revenue Management Officer Geraldine Alejo on May 10, 2023.

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 and the Grunion Gazette on May 23, 2023. Notices were provided to all City libraries, posted at three City parks, 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.

City Council action is requested on June 6, 2023. Pursuant to Section 21.25.103 of the Zoning Regulations, this request is to be presented to the City Council within 60 days of the Planning Commission hearing, which took place on the March 2, 2023. The June 6, 2023, public hearing date was the first available opportunity for the item to be reviewed by the City Council.

The proposed Noise Element includes updated strategies and policies that will guide noise and land use throughout the City including implementing administration and enforcement efforts. These efforts include an annual review of the Noise Ordinance and its effectiveness, as well as coordination across various City departments for enforcement efforts and increased responsiveness to community noise complaints. While it is anticipated that the adoption of the updated Noise Element will not have a staffing or fiscal impact in the current fiscal year, additional resources may be required in subsequent fiscal years to support these efforts as implementation moves forward. If needed, the Department will return to City Council with a request for appropriation once the associated cost impact and funding is identified to support these efforts. This recommendation has no staffing impact beyond the normal budgeted scope of duties and is consistent with City Council priorities. There is no local job impact associated with this recommendation.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LONG BEACH AMENDING LONG BEACH MUNICIPAL CODE CHAPTER 8.80 TO IMPLEMENT AMENDMENTS TO THE NOISE ORDINANCE

Approve recommendation.

CHRISTOPHER KOONTZ
DIRECTOR OF DEVELOPMENT SERVICES

APPROVED:

THOMAS B. MODICA
CITY MANAGER