



Staff Report

DISCUSSION AND DIRECTION REGARDING WORK PLAN FOR PREPARATION OF NOISE ORDINANCE

Honorable Mayor and Council Members:

Summary

In response to the Council's latest Priority Calendar ranking, staff is presenting background information and a proposed work plan for preparation of a new Noise Ordinance. No public hearing is scheduled and no specific action is required; however, staff seeks Council consensus on the work plan and time budget.

Background

The regulation of noise is a legitimate exercise of the City's police power to protect the health, safety and welfare of the community. The underlying set of policies related to noise and noise control is found in the City's General Plan. The 1982 Noise Element provides background and discussion of the noise environment in the city, including noise sources, sensitive noise receptors and appropriate public policies to assure a safe and peaceful environment. The overall goals are:

- 1. To ensure that continuous ambient noise levels throughout the community are compatible with land uses and activities.*
- 2. To establish standards relating land uses to noise levels.*
- 3. To review proposals for changes in land use and occupancy to ensure compatibility with noise standards.*
- 4. To mitigate existing noise problems in the community.*

The first policy of several policies states:

- 1. A noise ordinance shall be adopted.*

While several policies deal with land use assessments, they rely on maps prepared in the late 1970's which no longer reflect current conditions.¹

¹ The City Council may wish to consider the need for preparing an update of the Noise Element itself to provide accurate noise contour maps for assessing land use compatibility.

In addition to the overall General Plan goals and policies, the City Municipal code addresses noise issues at topic-specific levels:

- *Domestic Fowl or Livestock* (Section 5-28 thru –39)
- *Nuisances* (that is, excessive barking) (Section 5-40)
- *Excessive Acceleration of Motor Vehicles* (Section 14-9)
- *Hours of Operation for Construction Activity and Gasoline-Powered Maintenance Equipment* (Section 15-100 thru -103)

It is staff's understanding that the Council wishes to consider a more general set of regulations regarding sources of excess or unwanted noise and means of noise control.

Discussion

Staff has conducted a preliminary search of noise control information.² In addition to several noise ordinances (Menlo Park, Cupertino, Palo Alto and a 'model' ordinance) staff has attached studies related to three particular noise sources: "Boom" vehicles, leaf blowers and freeways.

As can be seen from the sample ordinances, the overall contents are similar. Sections on Purpose, Definitions, Decision Authority, Procedures, Standards, Exceptions and Special Provisions are common. In preparation for the City's own noise control ordinance, staff is prepared to review the attached samples, as well as survey surrounding communities to analyze how different communities respond to such questions as:

- How is unwanted noise defined?
- How is it measured?
- What are acceptable standards for noise levels?
- How are adopted standards enforced?
- What provisions are needed for particular uses or activities?
- What provisions are needed for exceptional or emergency circumstances?

With the experiences of other cities, the City will be able to more quickly decide how to address noise problems – from general activities to unique questions, such as parties during holidays, residential / commercial conflicts, or idling vehicles.

Staff proposes a work plan for this project that involves the City Council as the reviewing body for staff's work, including updates and perhaps one or more study sessions on the topic. The Council may elect to delegate this work to a Council sub-committee, the Planning Commission or an ad-hoc citizens committee, at its option. The following work plan is proposed:

- Step One:** Staff survey of surrounding jurisdictions. Obtain examples of other ordinances. Develop outline of relevant topics with alternative actions.

² Planning Commissioner Jacki Horton provided several of the documents attached to this report. Staff acknowledges and appreciates her assistance.

(A workshop of staff members from surrounding cities may be convened to discuss experiences and recommendations for improvements.)

Six Weeks

Step Two: Prepare issue paper on options for Belmont's ordinance for review by the City council or other body.

Two Weeks

Step Three: Prepare draft ordinance; review by City Attorney.

Four Weeks

Step Four: Planning Commission hearing (At Council's option; not required)

Two to Four Weeks

Step Five: City Council review and approval

Two to Four Weeks

At this time, no consultants are projected to be used; instead, the expertise would come from the experiences of other, similar cities.

Fiscal Impact

No significant direct expenses are projected at this time. The Priority Calendar projects eighty hours of staff time; however, this number may vary once the issues are more clearly identified during the research and dialogue phases of the project.

Public Contact

Posting of City Council agenda.

Recommendation

It is recommended that the Council approve the proposed work plan and offer any specific issues for study in the preparation of the noise ordinance. Guidance on the review body (Council, Planning Commission or other) to work with staff on this project is specifically requested.

Alternatives

1. Continue the work plan for modification / refinement
2. Cancel the project

Attachments

- A. Model Municipal Noise Ordinance (source unknown)
- B. City of Cupertino Municipal Code Chapter 10.48 (Community Noise Control)
- C. City of Palo Alto Municipal Code Chapter 9.10 (Noise)
- D. City of Menlo Park Police Department, "Your Noise Ordinance and How it is Enforced"
- E. The Noise Consultancy, "Code Drafting Tip for 2004: 'Boom Cars – Boom Boxes'"

- F. State of California Air Resources Board, "A Report to the California Legislature on the Potential Health and Environmental impacts of Leaf Blowers (excerpts), Feb. 29, 2000
- G. Caltrans, "Some Frequently Asked Questions About Highway Traffic Noise Analysis & Abatement"

Respectfully submitted,

Craig A. Ewing, AICP
Planning and Community
Development Director

Daniel Rich
Interim City Manager