

GPAC Noise Element Subcommittee – Agenda – October 28, 2024

Time: 10/28/2024, noon - 1:00 pm

Location: City Hall, Newport Beach Conference Room, Bay 1B/Hybrid ([details](#))

1. Roll call

2. Review Dudek Noise Support Proposal (see Note 1, below)

- Objective: Dudek has recently submitted a proposal (separately posted) to add work to their contract in support of the Noise Element revision. The subcommittee has been asked to review and provide feedback on the proposal, which will need City Council approval.

3. Review Status of Noise Complaint Data Compilation (see Note 2, below)

- Objective: Staff liaison and Principal Planner Ben Zdeba will update the subcommittee on his efforts to collect noise complaint and enforcement information from the various City departments.

4. Next Steps/Open Discussion

- Objective: In view of the likely “onboarding” of a professional noise consultant, the subcommittee will want to discuss what it will do next in its quest to follow the [state guidelines](#) for updating Noise Elements.

5. Future Meetings

- Set date for next meeting.

Note 1: Dudek Noise Support Proposal

Elizabeth Dickson, Dudek’s General Plan update effort lead, and Dana Lodico, Dudek’s Senior Acoustician, may be available to answer questions about their (separately posted) proposal, which is a follow-up to Dana’s June 27, 2024, [Review of City of Newport Beach General Plan Noise Element](#) memo and the subcommittee’s request for professional assistance in reviewing and updating the [existing Noise Element](#).

Their proposal consists of four parts.

Task 1.1 Establish Baseline Conditions (\$8,640)

This is a proposal to conduct a “community noise survey” consisting of twenty (20) short-term (15-minute duration) and up to three (3) long-term (24+-hour duration) measurement locations.

As these are proposed to be accompanied by “concurrent traffic volume counts,” the focus seems to be on road noise and validating the road noise contour predictions proposed in Task 1.2.

Some discussion seems merited of whether the proposal will serve to accomplish the subcommittee’s hope of being able to document the current soundscape in a way sufficient to objectively state whether noise today is better or worse than it was when the noise element was last revised in 2006, and so that readers in the horizon year of 2050 can determine if the noise, then, is better or worse than it is today.

Additionally, while roadway noise is important, many Newport Beach residents and activities feel impacted by airport noise, even in areas far outside JWA's "official" 65 dB CNEL impact boundary. It would seem useful to document the area over which JWA operations are the dominant source of noise, but that does not appear to be part of the proposal.

Task 1.2 Sound Propagation Modeling and Sound Contour Mapping (\$14,690)

One of the fundamental statutory requirements of Noise Elements is to display, to the extent practicable, the city's existing and horizon year contours resulting from known noise sources, such as road and air traffic.

A large part of the subcommittee's request for professional assistance resulted from the observation that the contours available in the existing Noise Element claim to be valid only through 2025, and that they omit such significant noise sources as the 73 Toll Road. It has since been discovered that the expected contour locations for the 73 Toll Road in 2025 had actually been computed for the 2006 General Plan update, but had simply not been plotted, and that a number of the other predicted 2025 contours were plotted, but not accurately. Those previously-computed contour positions can be found in Table 4.9-8 (General Plan Update Traffic Noise Contours) of [Section 4.9](#) (Noise) of [Volume 1](#) of the [2006 GPU EIR](#).

More recently, computed noise contour positions for 104 roadway segments – which do *not* include the 73 Toll Road – are listed (but not plotted) in the recently-certified [2024 Housing Element Implementation EIR](#) and detailed in [Appendix E](#) (Noise Modeling Data).

The model used in the 2024 EIR is a very simple one that does not include the attenuating effects of buildings and vegetation. It also assumes every roadway in the City has the identical mix of vehicle types, and the identical day/night variation in volume.

Dudek proposes to improve on that effort, and extend it to the new 2050 horizon year, using the more sophisticated [CadnaA modeling software](#). This, however, requires City staff to provide detailed three-dimensional terrain and building models, along with current and future traffic information.

Valid questions would seem to exist as to whether City staff has the bandwidth to provide the required information, as well as to how meaningful the resulting horizon year predictions might be.

Dudek additionally seems to be relying on JWA to provide updated aircraft noise contours. While JWA does [publish](#) existing contour estimates every quarter, it is unclear they can provide predictions for the 2050 horizon year. The proposal specifically seems to expect Dudek can rely on the County [Airport Land Use Commission's John Wayne Airport AELUP](#), but that document is notoriously out of date and not forward looking, still featuring predictions made in around 1985.

Task 1.3 Update Noise Element Policies (\$5,370)

This task promises to follow up on Dudek's June 27, 2024, [Review of City of Newport Beach General Plan Noise Element](#) memo, revising goals and policies as it suggested, as well as integrating noise-related [mitigation measures](#) from the [2024 Housing Element Implementation EIR](#) (the only such measure has to do with vibration from pile driving).

Since the revisions suggested in the memo were very minimal, this would seem a small task.

However, a problem with this is that the memo misunderstood some of the features of the existing Noise Element. For example, it seemed to misunderstand Table N3 as setting acceptable internal and external noise levels for new construction of various types, when it in fact seems to list noise levels that constitute a code violation if an external noise source creates them at the site of an existing structure.

Additionally, the subcommittee has not yet reviewed the existing goals and policies, and may have ideas of its own.

Task 1.4 Noise Element Amendment (\$14,330)

This last of the four tasks is an extension of Task 1.3, promising to add supporting information to the Noise Element narrative.

The items described sound useful, but one might ask if the revision should go beyond reciting facts and assumptions, and instead concentrate on providing more insight than the existing element into noise trends and what has and will contribute to them. A clear statement of where the authors of the plan expect the City to land in 2050 would provide readers in that year a chance to assess whether the plan succeeded, or not.

(The remainder of the proposal is a request to be compensated for additional meetings with GPAC subcommittees. Since Dudek feels they have already exceeded their original commitment to attend meetings, this is not specific to the Noise Element Subcommittee.)

Note 2: Noise Complaint Data Compilation

One of the first steps in the [state guidelines](#) for creating and updating a city's general plan Noise Element is to review the noise complaints received by the city.

As reflected in the [minutes](#) of our subcommittee's second meeting (on June 18), we heard a qualitative summary from the City's Code Enforcement Division about their activities, and requested quantitative information on calls and enforcement actions, and similar information from other City departments hearing noise concerns.

By the July 29 meeting, Ben had obtained a spreadsheet of noise-related calls for service received by the Police Department from January 1, 2023 through July 18, 2024, including type of complaint, date, time and location. The type of complaint information could be summarized as follows:

NBPD Noise Calls for Service				
Nature	Jan - Dec 2023		Jan - Jul 2024	
	Count	% of Total	Count	% of Total
DISTURBANCE PARTY	942	40%	412	37%
DISTURBANCE MUSIC	721	30%	368	33%
LOUD ANIMAL NOISE	360	15%	140	13%
DISTURBANCE TALKING	236	10%	136	12%
DISTURBANCE CAR ALARM	59	2%	31	3%
LOUD VEHICLE	57	2%	25	2%
TOTALS:	2,375	100%	1,112	100%

Appreciating that not all calls result in a citation, and, conversely, that some citations (such as for loud exhaust) may be issued without receiving a call, Ben next asked for data on Police Department enforcement actions. He recently received a spreadsheet listing noise-related paper citations, “eCites” and warnings issued from January 1, 2023 through October 22, 2024. The types of enforcement shown are as follows:

NBPD Noise Citation Activity (Jan 2023 - Oct 2024)			
Violation Type	Citations	eCites	Warnings
ILLEGALLY MODIFY EXHAUST SYSTEM TO EXCEED NOISE LIMITS	27	449	22
DAC/PO SERVE LARGE PARTIES, REQ 2ND RESPONSE	71		
LUGO / LOUD UNRULY GATHERING / PUBLIC NUISANCE	17		
NOISE, LOUD AND UNREASONABLE	12		2
LOUD AND UNREASONABLE NOISE	7		1
NOISE, LOUD FROM SOUND MAKING/AMP DEVICE	4		6
PROPERTY MAINTENANCE NOISE			2
HOST LARGE PARTY	1		
Totals:	139	449	33

As can be seen, although loud vehicles are the least frequent call received, they generate the most (presumably officer-initiated) citations, nearly all of which seem to be issued electronically (further clarification is needed as to why they are the only category of “eCite” listed).

The second most frequent enforcement action is the issuance of a “DAC” for noisy parties. “DAC” stands for “Disturbance Advisory Card”-- something that currently comes with a \$147 charge, but whose basis in the Municipal Code is unclear to me. The Loud and Unruly Gathering Ordinance violations (NBMC [Chapter 10.66](#)) carry more serious consequences.

Ben is still waiting for quantitative information on calls and citations from the Community Development Department’s Code Enforcement Division, but may have something to report at the present meeting.