

Draft Noise Element

GOALS AND POLICIES

Goal N-1 ~~Noise Compatibility~~—~~Minimized land use conflicts between various~~ A community where noise ~~sources~~ impacts are reduced, and ~~other human activities~~ compatibility between land uses is maintained

- Policy N-1.1: Noise Compatibility of New Development. Require that all proposed projects are compatible with the noise environment through use of Table N2, and enforce the interior and exterior noise standards shown in Table N3. (Imp 2.1)
- Policy N-1.2: Noise Exposure Verification for New Development. ~~Applicants~~ Allow applicants for proposed residential or mixed-use projects located in areas projected to be exposed to 65-70 dBA CNEL or greater, as shown on Figure ~~N4~~, N2 and Figure ~~N5~~, and ~~Figure N6 may~~ N3 must conduct a noise study to provide evidence that the depicted noise contours do not adequately account for local noise exposure circumstances due to such factors as localized shielding, topography, ~~variation in traffic speeds~~ pavement type, and other applicable conditions. These findings shall be used to determine the level of exterior or interior, noise attenuation needed to attain an acceptable noise exposure level and the feasibility of such ~~mitigation~~ measures when other planning considerations are taken into account, consistent with Title 21 of the California Code of Regulations. (Imp 2.1)
- Policy N-1.3: Remodeling and Additions of Structures. Require that all remodeling and additions of structures comply with the noise standards shown in Table N3. (Imp 7.1)
- Policy N-1.4: New Developments in Urban Areas. Require that applicants of residential portions of mixed-use projects and high-~~density~~ residential developments in urban areas (such as the Airport Area and Newport Center) demonstrate that the design of the structure will adequately isolate noise between adjacent uses and units (common floor/ceilings) in accordance with the California Building Code. (Imp 7.1)
- Policy N-1.5: Infill Projects. Allow a higher (above 65 dBA CNEL) exterior noise level standard for infill projects in existing residential areas adjacent to major arterials if it can

be shown that there are no feasible mechanisms to meet the exterior noise levels. The interior standard of 45 dBA CNEL shall be enforced for any new residential project or mixed-use project containing a residential component, consistent with Title 21 of California Code of Regulations. (Imp 2.1, 7.1)

- Policy N1.6: Airport Area Infill Projects. Allow infill residential projects proximate to John Wayne Airport to have a higher exterior noise level standard (65-70 dBA CNEL) if it can be shown that there are no practical mechanisms or designs to meet the exterior noise levels. The interior standard of 45 dBA CNEL shall be enforced for any residential component of projects. No residential units may be located on parcels wholly within the John Wayne Airport 65 dBA CNEL noise contour area as shown in Figure N3, of the Noise Element of the General Plan, unless and until the City determines, based on substantial evidence, that the sites wholly within such contour area are needed for the City to satisfy its Sixth Cycle RHNA mandate. Nonresidential uses are encouraged on parcels located wholly within the 65 dBA CNEL contour area, shown in Figure N3.
- Policy N-1.7: Mixed-Use Developments. Encourage new mixed-use developments to site loading areas, parking lots, driveways, trash enclosures, mechanical equipment, and other noise sources away from the residential portion of the development. (Imp 7.1, 8.1)
- Policy N-1.8: Commercial/Entertainment Uses. Limit hours and/or require attenuation of commercial/entertainment operations adjacent to residential and other noise sensitive uses in order to minimize excessive noise to these receptors. (Imp 2.1, 8.1, 8.2)
- Policy N-1.9: Significant Noise ~~Impacts~~Increases. Require the employment of noise mitigation measures for existing sensitive uses when a significant noise ~~impact~~increase is identified. A significant noise ~~impact~~increase occurs when there is an increase in the ~~ambient background~~ CNEL due to sound produced by new development impacting existing sensitive uses. The CNEL ~~increase is~~ that would be considered an impact is shown in the table below for exterior use areas or exterior facades of residences or other existing sensitive uses. (Imp 2.1, 7.1)

<u>Existing Background CNEL (dBA)</u>	<u>dBA increase</u> <u>Allowable Increase</u>
55	3
60	2
65	1
70	1
Over 75	Any increase is considered significant

Goal N-2 ~~Minimized~~ Sensitive receptors are protected from excessive motor vehicle traffic and boat noise ~~impacts on sensitive noise receptors~~

- Policy N-2.1: New Development. Require that proposed noise-sensitive uses in areas of 60 dBA CNEL and greater, as determined the analyses stipulated by Policy N1.1, demonstrate that they meet interior and exterior noise levels. (Imp 2.1)
- Policy N-2.2: Design of Sensitive Land Uses. Require the use of walls, berms, interior noise insulation, double paned windows, advanced insulation systems, or other noise measures, as appropriate, in the design of new residential developments to attenuate noise levels not to exceed 45 dBA CNEL interior. Other new noise sensitive land uses that are adjacent to major arterials and located proximate to John Wayne Airport (e.g., infill residential) and within the 65-70 dBA CNEL noise contour area are required to be indoor-oriented to reduce noise impacts on outdoor living or recreation areas. Application of the Noise Standards in Table N2 shall govern this requirement. (Imp 7.1)
- Policy N-2.3: Limiting Hours of Truck Deliveries. Limit the hours of truck deliveries to commercial uses abutting residential uses and other noise sensitive land uses to minimize excessive noise unless there is no feasible alternative. Any exemption shall require compliance with nighttime (10:00 P.M. to 7:00 A.M.) noise standards. (Imp 2.1, 8.1)
- Policy N-2.4: Interagency Coordination to Enforce Standards. Encourage the enforcement of State Motor Vehicle noise standards for cars, trucks, and motorcycles

through coordination with the California Highway Patrol and Newport Beach Police Department. (Imp 14.16, 14.17)

- Policy N-2.5: Boating Activities. Enforce compliance of all boating activities with the noise standards defined in the Municipal Code. (Imp 26.1)
- Policy N-2.6: Barrier Construction Funding. Establish a program to secure funding for the construction of noise barriers to protect private outdoor yard areas along arterial roadways where existing homes are exposed to noise levels above the City noise standards and develop a priority program for the construction of such barriers. A potential source of such funding may be a fee for new projects, which generate new traffic within the City, as well as road improvement funds where road improvements are made. The amount of these fees should be proportional to the amount of the new traffic that is caused by the new project. It should be recognized that noise barriers will not always be feasible mitigation to roadway noise- and that alternate methods such as quieter pavement or use of solid safety barriers may also be considered. Noise barriers are most feasible for single-family homes where the rear yards are at grade with and adjacent to the roadway. The feasibility of other situations should be evaluated on a case-by- case basis. (Imp 30.2)

Goal N-3 ~~Protection of Newport Beach residents~~ A community safeguarded from the adverse noise impacts of commercial air carrier operations at John Wayne Airport ~~as provided in the City Council Airport Policy.~~

- Policy N-3.1: New Development. Ensure new development is compatible with the noise environment proximate to John Wayne Airport by not allowing residential units on parcels located wholly within the John Wayne Airport 65 dBA CNEL noise contour, as shown in Figure N53 of the Noise Element of the General Plan, unless and until the City determines, based on substantial evidence, that the sites wholly within such contour area are needed for the City to satisfy its Sixth Cycle RHNA mandate. (Imp 2.1, 3.1, 4.1)
- Policy N-3.2: Residential Development. Require that residential development proximate to John Wayne Airport shall not be located on parcels wholly within the John Wayne Airport 65 dBA CNEL noise contour shown in Figure N5-N3 of the Noise Element of the

~~General Plan~~, unless and until the City determines, based on substantial evidence, that the sites wholly within such contour area are needed for the City to satisfy its Sixth Cycle RHNA mandate. Require developers of residential or mixed-use land uses with a residential component to notify prospective purchasers or tenants of aircraft overflight and noise. Additionally, require outdoor common areas or recreational areas of residential or mixed-use developments to be posted with signs notifying users regarding the proximity to John Wayne Airport and the presence of operating aircraft and noise. (Imp 2.1, 3.1, 4.1)

- Policy N-3.3: Avigation Easement. Consider requiring the dedication of avigation easements in favor of the County of Orange when noise sensitive uses are proposed in the JWA planning area, as established in the JWA Airport Environs Land Use Plan (AELUP). (Imp 2.1, 3.1, 4.1)
- Policy N-3.4: Existing Noise Restrictions. ~~Take any action necessary to oppose~~Oppose any attempt to modify the existing noise restrictions, including the existing curfew and the General Aviation Noise Ordinance. (Imp 9.1)
- Policy N-3.5: Additional Facilities at John Wayne Airport. ~~Take any action necessary to oppose~~Oppose any attempt to construct a second air carrier runway including the acquisition of land necessary to provide required separation of the existing air carrier runway and any proposed facility. (Imp 9.1)
- Policy N-3.6: Existing Level of General Aviation Operations. Support any plan or proposal that maintains, and oppose any plan or project that proposes any significant changes to the existing level of general aviation operations and general aviation support facilities. (Imp 9.1)
- Policy N-3.7: Remote Monitoring Systems. Support preservation or enhancement of the existing remote monitoring systems (RMS) and the public reporting of the information derived from the RMS. (Imp 9.1)

- Policy N-3.8: Meeting Air Transportation Demand. Support means of satisfying some of Orange County's air transportation demand at airports other than John Wayne Airport or through alternative means of transportation. (Imp 14.3)
- Policy N-3.9: John Wayne Airport Amended Settlement Agreement. ~~Take all steps necessary to preserve~~Preserve and protect the validity of the John Wayne Airport Amended Settlement Agreement, including the following:
 - Oppose, or seek protection from any federal legislative or regulatory action that would or could affect or impair the County's ability to operate John Wayne Airport consistent with the provisions of the John Wayne Airport Amended Settlement Agreement or the City's ability to enforce the Amended Settlement Agreement.
 - Approving amendments of the John Wayne Airport Settlement Agreement to ensure continued validity, provided amendments are consistent with the City Council Airport Policy, do not materially impair the quality of life, and are in the long-term best interests of Newport Beach residents.
 - Continuing to monitor possible ~~amendment~~amendments of the Airport Noise and Capacity Act of 1990 as well as various FAA Regulations and Advisory Circulars that relate to aircraft departure procedures. (Imp 14.3)
- Policy N-3.10: Community and Public Agency Support. ~~Take steps necessary to secure~~Conduct outreach and coordinate with neighboring cities and the County for broad-based support for all aspects of the City Council Airport Policy. (Imp 14.3, 29.1)

Goal N-4 ~~Minimization of Nontransportation-Related Noise~~—~~Minimized nontransportation-~~Sensitive receptors are protected from non-transportation ~~related noise impacts on sensitive noise receptors~~through reduced exposure.

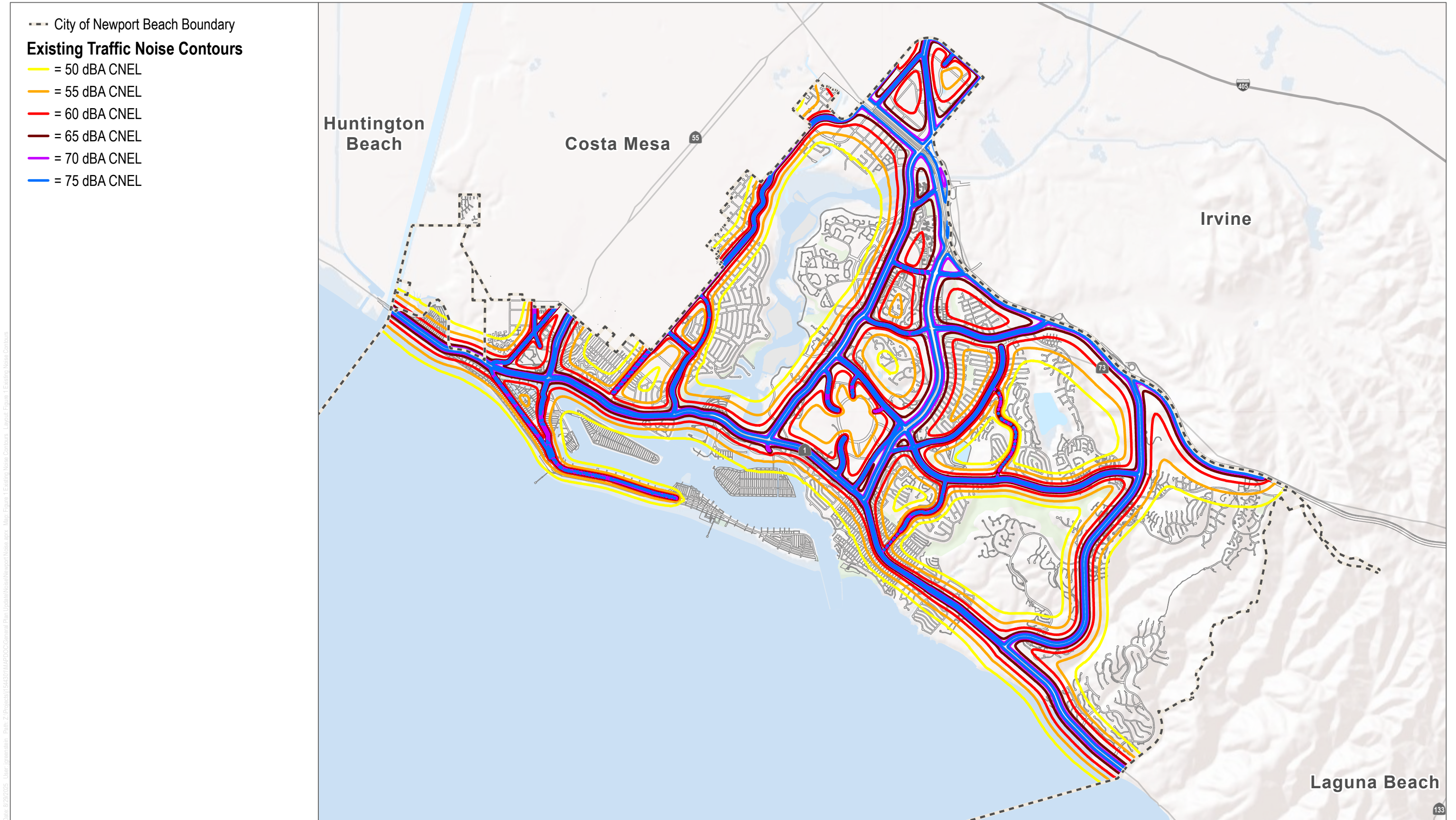
- Policy N-4.1: Stationary Noise Sources. ~~Enforce~~Design projects to enforce interior and exterior noise standards outlined in Table N3, ~~and in the City's Municipal Code~~ to ensure that sensitive noise receptors are not exposed to excessive noise levels from stationary noise sources, such as heating, ventilation, and air conditioning equipment. (Imp 7.1)

- Policy N-4.2: New Uses. Require that new uses such as restaurants, bars, entertainment, parking facilities, and other commercial uses where large numbers of people may be present adjacent to sensitive noise receptors obtain a use permit that is based on compliance with the noise standards in Table N3 ~~and the City's Municipal Code.~~ (Imp 2.1)
- Policy N-4.3: New Commercial Developments. Require that new commercial developments abutting residentially designated properties be designed to minimize noise impacts generated by loading areas, parking lots, trash enclosures, mechanical equipment, and any other noise generating features specific to the development to the extent feasible. (Imp 2.1)
- Policy N-4.4: Limiting Hours of Recreational Activities. Limit hours when recreational activities in parks and the harbor can take place. (Imp 9.1, 23.4)
- Policy N-4.5: Sound-Amplifying Equipment. Ensure that projects that include sound amplifying equipment are designed to comply with the limits in Table N3. Regulate the use of sound-amplifying equipment through the City's Municipal Code. (Imp 2.1, 8.2)
- ~~Policy N-4.6: Maintenance or Construction Activities. Enforce the Noise Ordinance noise limits and limits on hours of maintenance or construction activity in or adjacent to residential areas, including noise that results from in-home hobby or work related activities. (Imp 7.1, 8.1)~~
- ~~Policy N-4.7~~ Policy N-4.6: Nuisances. Regulate the control of nuisances, such as residential party noise, boat party noise, private fireworks, and barking dogs, through the City's Municipal Code. (Imp 8.1, 26.1)
- Policy N-4. ~~8.7~~: Mechanized Landscaping Equipment. Regulate the use of mechanized landscaping equipment ~~through the City's Municipal Code.~~ (Imp 8.1)

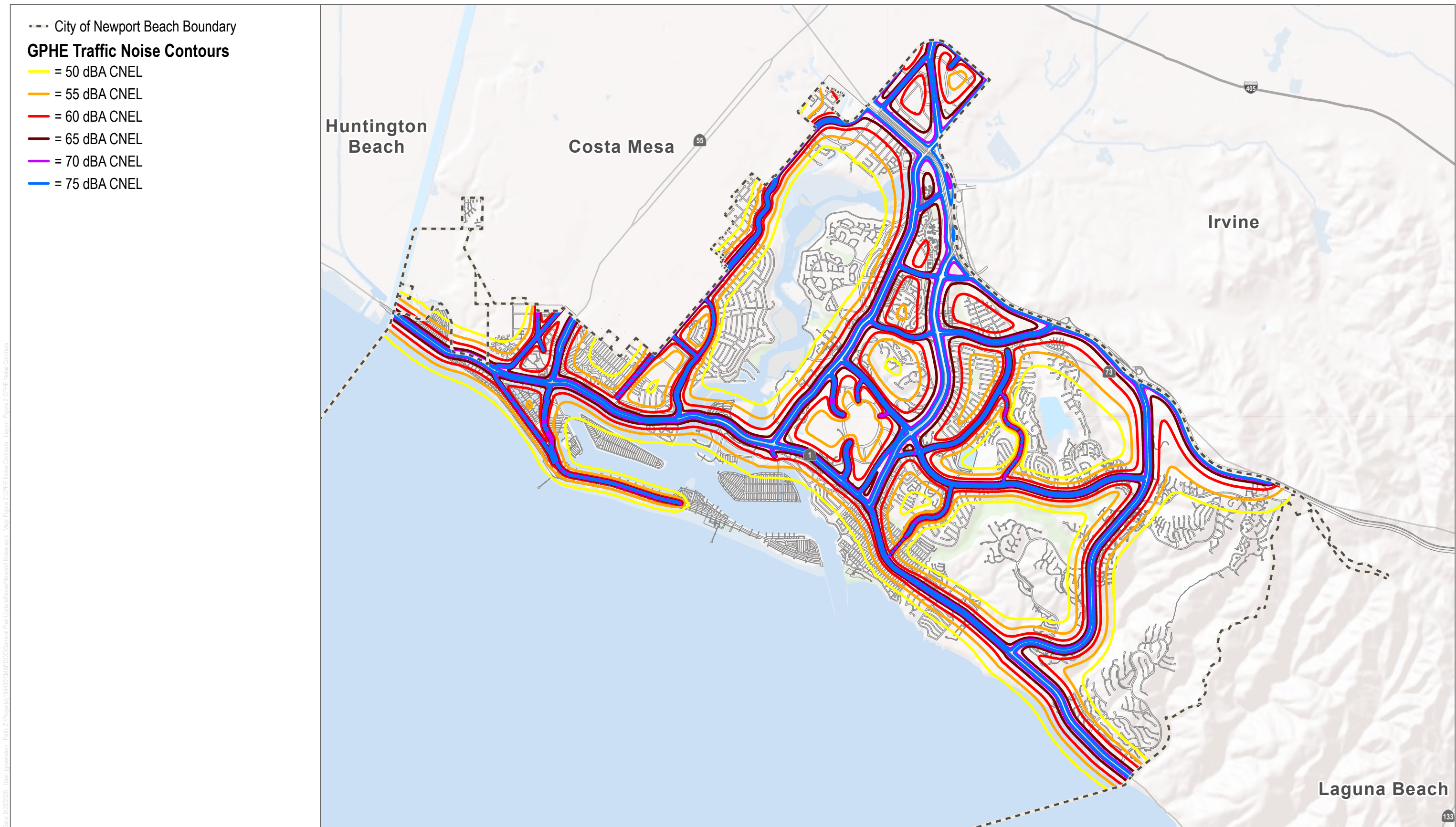
Goal N-5 ~~Minimized~~ Construction activities that are managed to prevent excessive construction-related noise impacts

- Policy N-5.1: Limiting Hours of Activity. Enforce the limits on hours of construction activity. ~~(Imp to the City's Municipal Code allowable hours. (Imp 8.1))~~

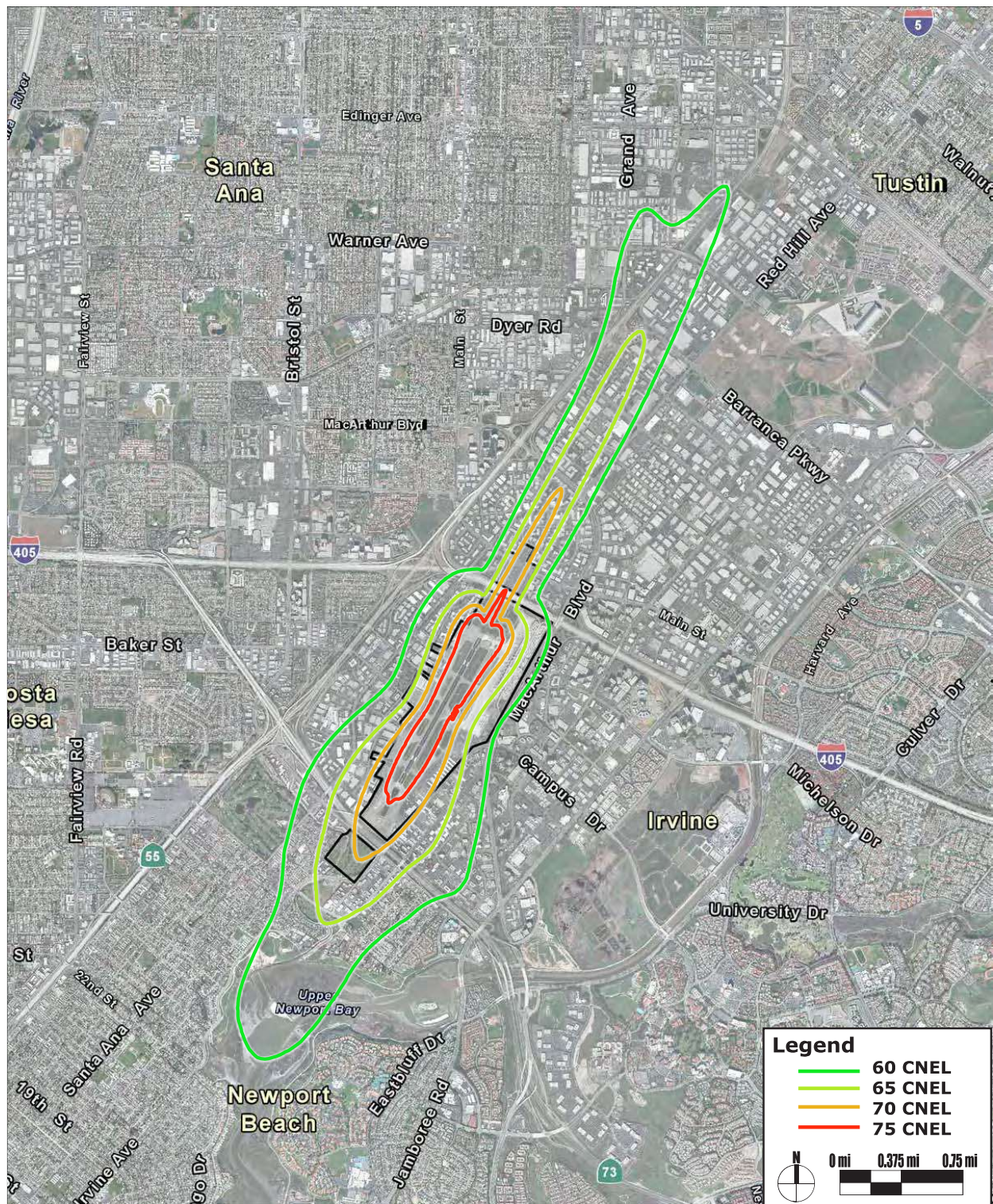
- Policy N-5.2: Limiting Damage to Structures Resulting from Heavy Construction: For construction activities involving high-powered vibratory tools or pile driving within 200 feet of an existing structure, demonstrate that project construction would not exceed the Caltrans construction vibration thresholds (0.25 in/sec PPV for historic and old buildings, 0.3 in/sec PPV for older residential structures, and 0.5 in/sec PPV for new residential and modern commercial/industrial structures) to ensure that no damage to sensitive structures would occur. (New Policy)
- Policy N-5.3: Maintenance or Construction Activities. Limit construction noise to 80 dBA L_{eq} over an 8.1-hour daytime period and 70 dBA L_{eq} over an 8-hour nighttime period at residential land use. (Imp 7.1, 8.1)



SOURCE: City of Newport Beach 2023



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SOURCE: Noise Analysis Technical Report, Landrum & Brown 2014

FIGURE 3

Existing Airport Noise Contours
City of Newport Beach General Plan Update