

CITY OF LOS ALAMITOS
Council Chamber
3191 Katella Ave., Los Alamitos CA 90720

PLANNING COMMISSION/SUBDIVISION COMMITTEE
AGENDA
REGULAR MEETING

Wednesday, July 26, 2023 – 7:00 PM

NOTICE TO THE PUBLIC – This Agenda contains a brief general description of each item to be considered. Except as provided by law, action or discussion shall not be taken on any item not appearing on the agenda. Supporting documents, including staff reports, are available for review at City Hall in the Development Services Department or on the City's website at www.cityoflosalamitos.org once the agenda has been publicly posted.

Each matter on the agenda, no matter how described, shall be deemed to include any appropriate motion, whether to adopt a minute motion, resolution, payment of any bill, approval of any matter or action, or any other action. Items listed as "for information" or "for discussion" may also be the subject of an "action" taken by the Planning Commission at the same meeting.

Agenda-related documents provided to a majority of the Planning Commission after distribution of the Planning Commission agenda packet (GC §54957.5) will be made available for public inspection at the meeting. Such documents will also be available at the Development Services office, 3191 Katella Ave., Los Alamitos, CA 90720.

In compliance with the Americans with Disabilities Act, Assistive Listening headphones are available and can be checked out from the Department Secretary. If you need special assistance to participate in this meeting, please contact the Department Secretary at (562) 431-3538, ext. 220. Notification at least 42 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. [28 CFR 35.102.35.104 ADA Title II]. Language translation services are available for this meeting by calling the Development Services Office least 42 hours in advance

If you are unable to attend this meeting in person, you may submit comments on any agenda item or on any item not on the agenda by email to vouk@cityoflosalamitos.org with the subject line "PLANNING COMMISSION PUBLIC COMMENT". Comments received by 3:00 p.m. the day of the meeting will be compiled, provided to the Planning Commission, and made available to the public before the start of the meeting. Staff will not read email comments at the meeting.

If, as an attendee, or a participant at this meeting, you will need special assistance beyond what is normally provided, please contact the Development Services Department at (562) 431-3538, extension 500, 48 hours prior to the meeting so that reasonable arrangements may be made.

1. CALL TO ORDER

2. ROLL CALL

Chair Loe
Vice Chair Cuilty
Commissioner Andrade
Commissioner DeBolt
Commissioner Grose
Commissioner Sofelkanik
Commissioner Zellmer

3. PLEDGE OF ALLEGIANCE

4. ORAL COMMUNICATIONS

At this time, any individual in the audience may address the Planning Commission and speak on any item within the subject matter jurisdiction of the Commission. Please state if you wish to speak on an item on the Agenda. **Remarks are to be limited to not more than five minutes.**

5. CONSENT CALENDAR

All Consent Calendar items may be acted upon by one motion unless a Planning Commissioner requests separate action on a specific item.

A. Approve the Minutes of the Regular Meetings of June 28, 2023

6. PUBLIC HEARING

A. Site Development Permit (SDP) 23-01 - Continuance to a future meeting for a Three-Story, Four Unit, Multiple-Family Residential Project

Consideration to continue a Site Development Permit application to construct a 4,664 square foot, three-story, four unit, residential project on a vacant parcel at 10912 Walnut Street (Siraj Aboulhosn) to next month's Planning Commission meeting.

Applicant: Siraj Aboulhosn

Project Location: 10912 Walnut St., Los Alamitos, CA 90720

Notice: The Public Notice of this meeting was mailed out on July 12, 2023, to property owners and tenants within 500 feet. Additionally, the Public Notice was published in the Event News Enterprise on Wednesday, July 12, 2023.

Recommendation:

1. Open the Public Hearing; and,
2. Receive Public comments; and,
3. Continue the item to the August 23, 2023 Planning Commission meeting.

7. DISCUSSION

A. Continued Discussion of Noise Source Hours for Property Maintenance, etc. on Sundays and Holidays

Applicant: City Initiated

Location: Citywide

Environmental: No determination is required for the current discussion.

Approval Criteria: If the Planning Commission recommends changes to the Los Alamitos Municipal Code (LAMC), they shall direct Staff to draft a resolution recommending the proposed amendment to the City Council based on the findings contained in Section 17.58.060 of the Los Alamitos LAMC. Following a duly noticed public hearing, the recommendations of the Planning Commission on any proposed amendment must be adopted by a majority of the total voting members of the Planning Commission (LAMC § 17.58.040).

Noticing: If the Planning Commission directs staff to draft a resolution recommending revisions to the Los Alamitos Municipal Code, that matter will be set for a future public hearing, with notice provided in accordance with LAMC Section 17.56.020.

Recommendation:

Staff recommends that the Planning Commission discuss the subject of the hours approved for construction and maintenance by homeowners working outdoors on Sundays and holidays. Then, if appropriate, direct staff to draft a Resolution and a draft Ordinance based on their recommendation. A Resolution and draft Ordinance will be set for a future public hearing and brought back to the Planning Commission for consideration, if so directed.

8. STAFF REPORT

9. ITEMS FROM THE DEVELOPMENT SERVICES DEPARTMENT

10. COMMISSIONER REPORTS

11. ADJOURNMENT

APPEAL PROCEDURES

Any final determination by the Planning Commission may be appealed to the City Council, and must be done so in writing at the Development Services Department, within ten (10) business days after the Planning Commission decision. The appeal must include a statement specifically identifying the portion(s) of the decision with which the appellant disagrees and the basis in each case for the disagreement, accompanied by an appeal fee of \$1,101.00 (resident)/ \$2,349.00 (non-resident) in accordance with Los Alamitos Municipal Code Section 17.60 and Fee Resolution No. 2022-11.

I hereby certify under penalty of perjury under the laws of the State of California, that the foregoing Agenda was posted at the Los Alamitos City Hall, 3191 Katella Ave. and online at www.cityoflosalamitos.org not less than 72 hours prior to the meeting.



Gabriela Martinez
Department Secretary
Date:

**MINUTES OF PLANNING COMMISSION/SUBDIVISION COMMITTEE MEETING
OF THE CITY OF LOS ALAMITOS**

REGULAR MEETING – June 28, 2023

1. CALL TO ORDER

The Planning Commission/Subdivision Committee met in Regular Session at 7:01 p.m., Wednesday, June 28, 2023 in the Council Chamber located at 3191 Katella Avenue, Los Alamitos, CA 90720, Chair Loe presiding.

2. ROLL CALL

Present: Commissioners: Chair Loe
Andrade (absent), DeBolt, Cuiity, Grose,
Sofelkanik (absent), Zellmer

Staff: Gabriela Martinez, Department Secretary
Irving Montenegro Jr., Development Services
Manager
Michael Daudt, City Attorney
Michelle Müller, Management Analyst
Ron Noda, Development Services Director
Tom Oliver, Associate Planner

3. PLEDGE OF ALLEGIANCE

Vice Chair Loe led the Pledge of Allegiance.

4. ORAL COMMUNICATIONS

Chair Loe opened oral communication.

Chair Loe closed oral communication.

5. CONSENT CALENDAR

All Consent Calendar items may be acted upon by one motion unless a Planning Commissioner requests separate action on a specific item.

A. Approve the Minutes of the Regular Meetings of March 22, 2023 and May 24, 2023

Motion/Second:

Carried 5/0 (Grose/DeBolt): The Planning Commission approved the Regular Meeting minutes of March 22, 2023.

Motion/Second:

Carried 4/0 (Grose/Cuilty) DeBolt abstained: The Planning Commission approved the Regular Meeting of May 24, 2023.

8. STAFF REPORT

A. Discussion of Noise Source Hours for Property Maintenance, etc. on Weekends and Federal Holidays

Development Services Manager Montenegro Jr. introduced the item.

Associate Planner Oliver summarized the staff report.

Associate Planner Oliver clarified that the topic today is intended to discuss construction on Sundays and holidays.

Commissioner Zellmer briefly discussed possible alternatives to the code which could provide the ability for homeowners to work on their homes on Sundays.

City Attorney Daudt provided clarification on the city's municipal code, which is applicable to noise standards and how that is applicable to work being conducted on a Sunday.

Commissioner Zellmer briefly discussed the code section specific to standards regulating noise levels. Additionally, Commissioner Zellmer also expressed interest in making modifications to the current standards.

Development Services Manager Montenegro Jr. briefly discussed the process that the Code Enforcement Division follows when responding to calls received for potential noise violations.

Commissioner Grose asked and received clarification from City Attorney Daudt about the types of occurrences applicable to the referenced noise standard. City Attorney Daudt stated that construction and home maintenance is an exception to the general standards, whereas noise from gatherings is bound by the regulation.

Commissioner DeBolt asked and received clarification from City Attorney Daudt about how noise is measured stating that it is either at the property line or at the affected property.

Commissioner DeBolt asked and received confirmation from Development Services Manager Montenegro Jr. stating that Code Enforcement Officers carry a noise meter to assist with the evaluation of such complaints.

Commissioner DeBolt asked and received clarification from City Attorney Daudt as to whether noise standards can be exceeded between the specified hours for

construction. City Attorney Daudt clarified that construction can occur on a Sunday so long as it is not exceeding the specified noise standards.

Commissioner DeBolt briefly discussed the noise standards and the interpreted distinction between repair and maintenance.

City Attorney Daudt briefly discussed one possible distinction between maintenance and repair to be whether a permit was issued, whereas maintenance can encompass those actions that do not require a permit.

Commissioner Zellmer expressed concern over limiting maintenance by homeowners on a Sunday. Additionally, he suggested exemptions for homeowners from conducting work.

The Planning Commission and staff briefly discussed situations which generate noise levels above the current allowable limits on a Sunday.

Commissioner Zellmer briefly discussed consideration of changes to the code that allows construction, but limits to no more than three people onsite.

Commissioner Grose discussed the possibility of evaluating the current decibel values to provide opportunity for homeowners to complete certain at home projects or hobbies.

Commissioner Cuijly asked and received clarification from Associate Planner Oliver about what the decibel level limits are in other cities, stating that Stanton and others have the same decibel charts. Additionally, Associate Planner Oliver advised that the decibel charts are calculated by sound companies.

Development Services Manager Montenegro Jr. advised that this item could be brought back to the next Planning Commission meeting, to discuss corrections for items that may be vague and consider adjustments to the decibel values.

Commissioner Zellmer briefly discussed the potential for alternatives to provide a shortened period for construction, rather than limiting it in its entirety. Additionally, he suggested a modification to allow for a homeowner to conduct construction during a specified time frame with a crew of up to two people.

Commissioner DeBolt briefly discussed this code section and how it affects other zones.

Commissioner Zellmer expressed concern over the current standards and limitations imposed on homeowners.

Commissioner Grose inquired about the current statistics for noise complaints on Sundays. Development Services Manager Montenegro Jr. advised that he have

to verify but estimates that about two to five complaints are received on a weekly basis.

Commissioner Grose asked and received clarification from Development Services Manager Montenegro Jr. about the typical basis for the complaints, stating that they are usually based on the noise and the type of work conducted. Additionally, Development Services Manager Montenegro Jr. also advised that most complaints come from contractual services being performed.

Commissioner Grose requested an analysis for the last six months which outlines the types of noise violation, to help identify whether it was homeowner work or crew work.

Chair Loe inquired about the possibility of also identifying whether the reports received are from a singular or multiple individuals.

Commissioner DeBolt asked about the possibility having examples of equipment and their decibel readings, such a nail gun. Associate Planner Oliver advised that staff could present examples.

Commissioner Zellmer requested the inclusion of information about the systematic way of enforcement to include examples, and information about how it is measured.

Development Services Manager Montenegro Jr. advised that arrangements can be made to have a Code Enforcement Officer present at the next meeting.

Associate Planner Oliver advised that there is an [phone] application which can be downloaded for testing decibel readings.

Motion/Second: DeBolt/Grose

Carried 5/0: Continue the item to the next meeting for discussion, and provide a decibel reader, samples of the equipment and noise generated, standard operating procedures (SOP's), and summary of noise violations in the last six months.

9. ITEMS FROM THE DEVELOPMENT SERVICES DEPARTMENT

Development Services Manager Montenegro Jr. briefly discussed the following:

- Short-term rental survey is still available for completion
- Upcoming 3rd of July event at the Joint Forces Training Base (JFTB)
- Distribution of polos and new photos for the City website in September
- Safe and Sane fireworks sales from July 1 through July 4

10. COMMISSIONER REPORTS

Commissioner Zellmer commended the City on the summer concerts.

Commissioner Zellmer inquired about possibility of increased patrol in the area [Pine Street]. Development Services Manager Montenegro Jr. advised that staff will communicate with the Watch Commander following receipt of detailed information via email.

Commissioner Grose invited all to attend the Pink Patch Project on Pine Street and expressed that everyone be safe on 4th of July.

Commissioner DeBolt briefly expressed concern over the allegations, which have risen over compliance with the no-net loss lemon law. Additionally, he expressed concern over how this could impact the zone change on the Lampson housing development.

Development Services Director Noda briefly discussed the standard of the R3 zones as it applies to the Lampson housing development, the housing element, and the no-net lemon law.

City Attorney Daudt briefly discussed the current housing standards, and the no-net loss law and how it impacts development and identified inventory sites in the housing element.

Commissioner Zellmer briefly discussed scenarios in which no-net loss law could be applicable.

City Attorney Daudt advised that this item could be brought back to discuss in detail at a future meeting.

11. ADJOURNMENT

The Planning Commission adjourned the meeting at 7:43 p.m. to June 28, 2023.

ATTEST:

Gary Loe, Chair

Gabriela Martinez, Department Secretary

City of Los Alamitos

PLANNING COMMISSION/SUBDIVISION COMMITTEE

AGENDA REPORT

MEETING DATE: July 26, 2023

ITEM NUMBER: 6A

To: Chair Loe & Members of the Planning Commission

Presented By: Tom Oliver, Associate Planner

Subject: Site Development Permit (SDP) 23-01 - Continuance to a future meeting for a Three-Story, Four Unit, Multiple-Family Residential Project

SUMMARY

Consideration to continue a Site Development Permit application to construct a 4,664 square foot, three-story, four unit, residential project on a vacant parcel at 10912 Walnut Street (Siraj Aboulhosn) to next month's Planning Commission meeting.

Applicant: Siraj Aboulhosn

Project Location: 10912 Walnut St., Los Alamitos, CA 90720

Notice: The Public Notice of this meeting was mailed out on July 12, 2023, to property owners and tenants within 500 feet. Additionally, the Public Notice was published in the Event News Enterprise on Wednesday, July 12, 2023.

RECOMMENDATION

1. Open the Public Hearing; and,
2. Receive Public comments; and,
3. Continue the item to the August 23, 2023 Planning Commission meeting.

BACKGROUND

Mr. Aboulhosn has submitted a Site Development Permit application proposing a project consisting of a three-story, four-unit residential unit on a property with no existing units. This possible four-unit project will be built with the expectation of building an Accessory Dwelling Unit (ADU), above a separate garage, concurrently. As a reminder, the ADU will be considered separately without Planning Commission consideration. The four units in the main building will consist of two bedrooms and two baths per unit.

DISCUSSION

This item will need to be continued by Planning Commissioners to the August 23, 2023 meeting to provide the Applicant time to make changes to the entitlement plans for the project.

FISCAL IMPACT

Approximately \$1,000.00 to provide the Public Notice to the surrounding owners and tenants and to notice it in the Event News Enterprise.

Attachment: None

City of Los Alamitos

PLANNING COMMISSION/SUBDIVISION COMMITTEE

AGENDA REPORT

MEETING DATE: July 26, 2023

ITEM NUMBER: 7A

To: Chair Loe & Members of the Planning Commission

Presented By: Tom Oliver, Associate Planner
Irving Montenegro Jr., Manager

Subject: Continued Discussion of Noise Source Hours for Property Maintenance, etc. on Sundays and Holidays

SUMMARY

Applicant: City Initiated

Location: Citywide

Environmental: No determination is required for the current discussion.

Approval Criteria: If the Planning Commission recommends changes to the Los Alamitos Municipal Code (LAMC), they shall direct Staff to draft a resolution recommending the proposed amendment to the City Council based on the findings contained in Section 17.58.060 of the Los Alamitos LAMC. Following a duly noticed public hearing, the recommendations of the Planning Commission on any proposed amendment must be adopted by a majority of the total voting members of the Planning Commission (LAMC § 17.58.040).

Noticing: If the Planning Commission directs staff to draft a resolution recommending revisions to the Los Alamitos Municipal Code, that matter will be set for a future public hearing, with notice provided in accordance with LAMC Section 17.56.020.

RECOMMENDATION

Staff recommends that the Planning Commission discuss the subject of the hours approved for construction and maintenance by homeowners working outdoors on Sundays and holidays. Then, if appropriate, direct staff to draft a Resolution and a draft Ordinance based on their recommendation. A Resolution and draft Ordinance will be set for a future public hearing and brought back to the Planning Commission for consideration, if so directed.

BACKGROUND

During Commissioner comments at the May 24, 2023 Planning Commission meeting,

Commissioner Zellmer spoke concerning the current prohibition of noisemaking activities in Los Alamitos on Sundays and holidays. Commissioner Zellmer has requested that the Planning Commissioners consider lifting noise restrictions in the code section below that concern homeowners:

17.20.020 Exemptions

The following activities shall be exempt from the provisions of this chapter:

D. Noise sources associated with construction, repair, remodeling, or grading of any real property, provided a permit has been obtained from the City, and further provided the activities do not take place between the hours of 8:00 p.m. and 7:00 a.m. on weekdays and on Saturdays, or at any time on Sundays or Federal holidays;

E. Noise sources associated with the maintenance of real property, provided the activities take place between the hours of 8:00 a.m. and 8:00 p.m. on weekdays and on Saturdays, or between the hours of 9:00 a.m. and 6:00 p.m. on Sunday or a Federal holiday;...”

During the May, 2023 meeting, the Planning Commission directed staff to agendize this discussion for a future Planning Commission meeting. During that discussion, the Planning Commission also requested additional information and research from staff to be presented as part of this discussion.

DISCUSSION

Staff has researched five surrounding cities to find their municipal codes' regular noise standards as it relates to specified noise sources. Below are some provisions extracted from the various cities:

City of Stanton, CA

9.28.070 Special provisions

The following activities shall be exempted from the provisions of this chapter:

E. Noise sources associated with construction, repair, remodeling, or grading of any real property provided said activities do not take place between the hours of eight p.m. and seven a.m. on weekdays, including Saturday, or at any time on Sunday or a federal holiday;...

I. Noise sources associated with the maintenance of real property provided said activities take place between the hours of seven a.m. and eight p.m. on any day except Sunday or federal holiday, or between the hours of nine a.m. and eight p.m. on Sunday or federal holiday;...”

City of Cypress, CA
Sec. 13-70. Special Provisions

The following activities shall be exempted from the provisions of this chapter:

- (e) Noise sources associated with construction, repair, remodeling or grading of any real property, provided said activities do not take place between the hours of 8:00 p.m. and 7:00 a.m. on weekdays, before 9:00 a.m. and after 8:00 p.m. on Saturday, or at any time on Sunday or a federal holiday...
- (i) Noise sources, excepting leaf blowers as defined in section 13-72.1(a) of this Code, associated with the maintenance of real property provided said activities take place between the hours of 7:00 a.m. and 8:00 p.m. on any day except Saturday, Sunday or federal holiday, or between the hours of 8:00 a.m. and 8:00 p.m. on Saturday, Sunday or federal holiday...

City of La Palma, CA

(d) General regulations to control noise.

- (1) Loading and unloading. Loading, unloading, opening, closing, or other handling of boxes, crates, containers, building materials, garbage cans, or similar objects shall not occur between the hours of 10:00 p.m. and 7:00 a.m. in a manner that would cause a noise disturbance to a residential zoning district. Loading, unloading, opening, closing, or other handling of boxes, crates, containers, building materials, garbage cans, or similar objects shall not occur in commercial or industrial areas abutting residential zoning districts between the hours of 7:00 p.m. and 7:00 a.m...
- (2) Vehicle repair and testing. Repairs, rebuilding, modifying, or testing of motor vehicles, motorcycles, motorboats, or other motorized vehicles shall not occur between the hours of 7:00 p.m. and 7:00 a.m. in a manner that would cause a noise disturbance to a residential zoning district...
- (3) Maintenance activities. Maintenance activities in landscape and parking areas (i.e., mechanical sweeping, mechanical grass cutting, mechanical blowing) should not occur between the hours of 8:00 p.m. and 8:00 a.m. in a manner that would cause a noise disturbance to a residential zoning district.
- (4) Construction activities. Construction activities shall include noise generated at the site during site preparation and construction, which includes utilizing various types of machinery and equipment. Construction activity also includes the transport of workers and the export of debris and the import of construction materials from the site. Construction activity shall be limited to the following

TABLE III-3. RESTRICTED HOURS FOR CONSTRUCTION ACTIVITIES

Day	Time *
Monday — Friday	7:00 a.m.—5:00 p.m.

Saturday	9:00 a.m.—5:00 p.m.
Sunday and Federal Holidays	No construction permitted

*Modification of construction hours may be granted for temporary uses per Section 44-1007(7). Note— Section 26-202(g) provides for modification of hours for temporary uses...

City of Garden Grove, CA
8.47.060 Special Noise Sources

D. CONSTRUCTION OF BUILDINGS AND PROJECTS. It shall be unlawful for any person within a residential area, or within a radius of 500 feet therefrom, to operate equipment or perform any outside construction or repair work on buildings, structures, or projects, or to operate any pile driver, power shovel, pneumatic hammer, derrick, power hoist, or any other construction type device between the hours of 10:00 p.m. of one day and 7:00 a.m. of the next day in such a manner that a person of normal sensitiveness, as determined utilizing the criteria established in Section 8.47.050(B), is caused discomfort or annoyance unless such operations are of an emergency nature.

City of Seal Beach, CA
7.15.025 Exemptions

E. Noise associated with construction, repair, remodeling or grading of real property performed in the following periods: between 7:00 a.m. and 8:00 p.m. on weekdays; and between 8:00 a.m. and 8:00 p.m. on Saturday...

F. Noise associated with real property maintenance performed in the following periods: between 7:00 a.m. and 8:00 p.m. on weekdays; between 8:00 a.m. and 8:00 p.m. on Saturday; and between 9:00 a.m. and 8:00 p.m. on Sunday or a holiday...

Aside from the primary question of whether the municipal codes concerning homeowners working outside of home on weekends and holidays should be changed, staff suggests that the Planning Commission discussion include whether consideration should be for other noise restrictions as well. Below is a noise chart from the General Plan with common noise activities:

Table 2. Representative Noise Levels

Common Outdoor Activities	Noise Level (dBA)	Common Indoor Activities
	110	Rock band
Jet fly-over at 100 feet	105	
	100	
Gas lawnmower at 3 feet	95	
	90	
	85	Food blender at 3 feet
Diesel truck going 50 mph at 50 feet	80	Garbage disposal at 3 feet
Noisy urban area during daytime	75	
Gas lawnmower at 100 feet	70	Vacuum cleaner at 10 feet
Commercial area	65	Normal speech at 3 feet
Heavy traffic at 300 feet	60	
	55	Large business office
Quiet urban area during daytime	50	Dishwasher in next room
	45	
Quiet urban area during nighttime	40	Theater, large conference room (background)
Quiet suburban area during nighttime	35	
	30	Library
Quiet rural area during nighttime	25	Bedroom at night, concert hall (background)
	20	
	15	Broadcast or recording studio
	10	
	5	
Lowest threshold of human hearing	0	Lowest threshold of human hearing
Source: Caltrans 2009.		

Code Enforcement Report

At its June 2023 meeting, the Planning Commission requested historical data pertaining to noise violations reported to the Code Enforcement Division. This request also sought information describing the Standard Operating Procedures (SOPs) for noise complaints handled by the Code Enforcement Division. That information goes as follows:

- Upon notification of a complaint (via phone, email, GoGov, or referral), the code officer will conduct an area check of the site or location to confirm the alleged nuisance noise condition(s).
- Code Enforcement Officers will then take an initial noise reading with a calibrated noise meter reader provided by the city.
- Chapter 17.20 of the Los Alamitos Municipal Code covers exterior and interior noise standards. In summary, noise categories fall under maximum noise level allowed, time period or duration allowed, and exempt noise due to emergencies.
- Our current enforcement posture directive requires Code Enforcement Officers

to respond to complaints and not proactively seek enforcement of neighborhood noise violations. There are violations of the municipal code which overlap into nuisance noise violations, such as the case when dealing with construction or early maintenance violations. As a result, noise complaints are a secondary violation resulting from the original violation.

- Upon confirmation of a noise violation, Code Enforcement Officers are required to make an in-person attempt when possible to advise the operator or property owner of the violation and require termination of all nuisance noise conditions. Code Enforcement Officers then have discretion to issue a verbal compliance order or issue a Notice of Violation (Warning order) letter requiring termination of the nuisance noise.
- Code Enforcement Officers will then document occurrences and all relevant investigatory actions.
- As a last step to the investigation, Code Enforcement Officers will conduct applicable follow-up contact with the property owner and monitor the location for any further nuisance noise violations and ensure compliance at all times. As per policy, the goal is to gain compliance and not issue citations to operators or property owners in violation. Every reasonable attempt to encourage compliance by the violator is explored at every level of the contact and engagement process.

Summarized reports dating back six months on issues related to noise ordinance violations (January 2023 - June 2023) are the following:

- Code Enforcement has processed a total of 21 cases related to noise complaints since January 1, 2023. Of the 21 cases processed, six are specifically related to nuisance noise conditions. Fifteen are associated with construction noise on Sundays or during early mornings as reported by all complainants or observed by officers.
- There were eleven homeowner related violations where the property owner was in violation of committing a nuisance noise violation. There were ten occurrences where contractual services such as building constructors, mobile professional services, or other contractual services led to Code Enforcement Officers engaging in enforcement action with the property owner and operator.
- Of the 21 noise violation cases, none of the violators were issued a citation as compliance was achieved through in-person contact. All 21 occurrences resulted in educating the violator about noise nuisance ordinance and our Municipal Code standards for construction regulations. Seventeen of the 21 resulted in the issuance of a Notice of Violation Letter (warning order).
- All six reported nuisance noise violations were reported by an anonymous person. Of the fifteen Sunday/early morning construction complaints reported, five were complaints observed by a Code Enforcement Officer, and ten were initiated by an anonymous reporting party.

FISCAL IMPACT

None.

Attachment: None