Attachment No. PC 4

Updated Noise Report and Response to Comment Letter dated August 5, 2024 by RK Engineering, Inc.

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August 5, 2024

Mr. Ryan O'Melveny Wilson
FIVE CROWNS
3801 East Coast Highway
Corona Del Mar, CA 92625

Subject: Five Crowns Restaurant Private Event Noise Analysis, City of Newport Beach

Dear Mr. Wilson:

1.0 Introduction

RK ENGINEERING GROUP, INC. (RK) is pleased to provide the following noise analysis for the Five Crowns Restaurant, located at 3801 East Coast Highway, in the City of Newport Beach.

The proposed project consists of a Limited Term Permit (LTP) application to enable the use of the restaurant's outdoor patio area (hereinafter referred to as "project"). The outdoor patio area is approximately 1,300 square feet and is enclosed by a 5-foot-high property line wall, with a portion of the wall fitted with glass panels on top. The patio features a 30-foot by 15-foot canvas patio cover and dense shrubs along a portion of the exterior wall to help shield it from the neighboring residential homes located along Hazel Drive. The project is proposing to install a new windscreen along the southeastern and southwestern outdoor patio boundaries, extending the height of the existing property line wall.

The project proposes to host private events in the outdoor patio area during daytime hours (7:00 a.m. to 10:00 p.m.). Private events may include weddings, banquets, and receptions with live or amplified music, DJs, and dancing.

The purpose of the RK Noise Analysis is to demonstrate that, with the implementation of the project design features, noise levels from the project will not exceed the City of Newport Beach noise standards at the adjacent residential properties. The Noise Analysis assumes all project design features will be implemented, as agreed to by the project.

Noise impacts from the proposed private events are modeled at the adjacent residential homes located southeast of the project site on the opposite side of Hazal Drive, approximately 40 feet from the project's existing property line wall.

A location map of the Five Crowns Restaurant, including receptor locations, is provided in Exhibit A. The LTP Outdoor Dining Plans (site plans) used for this analysis, provided by ROBINSON HILL ARCHITECTURE, INC., are provided in Exhibits B-1 and B-2. The assumptions used to model project-related noise are based on this LTP outdoor dining plan.

1.1 Project Design Features

The following design features will be integrated into the project design and have been used as assumptions for the noise impact analysis.

DF-1 The project will install additional barrier shielding and increased wall heights around the perimeter of the outdoor patio area. The proposed screening design and wall heights are shown in Exhibit B-2 (of the Noise Analysis). The barrier shielding will be at least 3.5 pounds per square foot of face area without decorative cutouts or line-of-sight openings between shielded areas. Any gaps will be filled with grout or caulking to avoid noise flanking. The noise control barrier may be constructed using one, or any combination of the following materials:

- Concrete Masonry Unit (CMU) block.
- Stucco veneer over wood framing (or foam core), or 1-inch-thick tongue and groove wood of sufficient weight per square foot.
- Outdoor rated acoustical paneling with sufficient weight per square foot.
- Transparent glass (5/8-inch-thick), acrylic, polycarbonate, or other transparent material with sufficient weight per square foot.

DF-2 For proper acoustical performance, the rear gate on Hazel Drive will be replaced with one that meets the necessary design requirements described above. The new barrier wall will enclose the space above the gate, up to 10 feet high, and the gate will have a positive seal, free of gaps on all sides, and remain shut during events except to allow emergency access.

DF-3 The project will install outdoor acoustical paneling with sound absorbative materials along the ceiling of the covered patio area.

DF-4 The project will maintain dense shrubbery and vegetation along the rear and side walls of the outdoor patio area to help shield neighbors to the south and southeast.

DF-5 During a private event, all speakers will be located under the covered patio and will be located at least 5 feet away from the property line wall along Hazel Drive. Speakers will be placed no more than 5 feet above ground level and face towards the interior of the site.

DF-6 The use of heavy bass equipment, including drums, amplified bass guitars, and subwoofers will be significantly restricted such that low frequency noise levels shall not be perceptible outside the property line. DJs will need to use equalizer filters, speaker limiters, or other means to attenuate low frequency noise and cap the maximum signal volume. Low frequency noise (i.e. bass noise) tends to propagate further distances and can penetrate through walls and windows more easily than higher frequencies. Therefore, the project will take special care to reduce low frequency noise levels to the surrounding community.

DF-7 A noise monitoring program will be implemented during all private outdoor events. The project will engage a professional engineering firm that specializes in acoustics to help establish and train staff on how to effectively conduct noise measurements and run the noise monitoring program. The project will obtain and utilize certified type-2 sound level meters per the City of Newport Beach and ANSI specifications for noise measurements. Noise meters will be calibrated before each use and annual professional equipment certification and calibration will be performed. Based on this noise analysis, noise levels on the patio should not exceed 80.0 dBA Leq, when measured for a 15-minute period, or 100 dBA Lmax at any time.

2.0 City of Newport Beach Noise Standards

The City of Newport Beach establishes interior and exterior noise levels in Chapter 10.26 of the City's Municipal Code, as described below.

2.1 Exterior Noise Standards

The following exterior noise standards are prescribed in the City of Newport Beach Municipal Code Section 10.26.025 – Exterior Noise Standards:

A. The following noise standards, unless otherwise specifically indicated, shall apply to all property within a designated noise zone:

Table 1
Allowable Exterior Noise[1]

Noise Zone	Type of Land Use	Allowable Exterior Noise Level (Equivalent Noise Level, Leq)	
		7:00 a.m. to 10:00 p.m.	10:00 p.m. to 7:00 a.m.
I	Single-, two-, or multiple-family residential	55 dBA	50 dBA
II	Commercial	65 dBA	60 dBA
III	Residential portions of mixed-use properties	60 dBA	50 dBA
IV	Industrial or manufacturing	70 dBA	70 dBA

[1] Source: City of Newport Beach Municipal Code Section 10.26.025 – Exterior Noise Standards.

If the ambient noise level exceeds the resulting standard, the ambient shall be the standard.

B. It is unlawful for any person at any location within the incorporated area of the City to create any noise, or to allow the creation of any noise on property owned, leased, occupied or otherwise controlled by such person, which causes the noise level when measured on any other property, to exceed either of the following:

1. The noise standard for the applicable zone for any fifteen-minute period;

2. A maximum instantaneous noise level equal to the value of the noise standard plus twenty (20) dBA for any period of time (measured using A-weighted slow response).

C. In the event the ambient noise level exceeds the noise standard, the maximum allowable noise level under said category shall be increased to reflect the maximum ambient noise level.

D. The Noise Zone III standard shall apply to that portion of residential property falling within one hundred (100) feet of a commercial property, if the intruding noise originates from that commercial property.

E. If the measurement location is on boundary between two different noise zones, the lower noise level standard applicable to the noise zone shall apply.

A copy of Municipal Code Chapter 10.26 is provided in Appendix A.

2.2 Interior Noise Standards

The following interior noise standards are prescribed in the City of Newport Beach Municipal Code Section 10.26.030 – Interior Noise Standards:

A. The following noise standard, unless otherwise specifically indicated, shall apply to all residential property within all noise zones:

Table 2
Allowable Interior Noise[1]

Noise Zone	Type of Land Use	Allowable Exterior Noise Level (Equivalent Noise Level, Leq)	
		7:00 a.m. to 10:00 p.m.	10:00 p.m. to 7:00 a.m.
I	Residential	45 dBA	40 dBA
III	Residential portions of mixed-use properties	45 dBA	40 dBA

[1] Source: City of Newport Beach Municipal Code Section 10.26.030 – Interior Noise Standards.

If the ambient noise level exceeds the resulting standard, the ambient shall be the standard.

B. It shall be unlawful for any person at any location within the incorporated area of the City to create any noise or to allow the creation of any noise on property owned, leased, occupied or otherwise controlled by such a person which causes the noise level when measured on any other property, to exceed either of the following:

1. The noise standard for the applicable zone for any fifteen-minute period;

2. A maximum instantaneous noise level equal to the value of the noise standard plus twenty (20) dBA for any period of time (measured using A-weighted slow response).

C. In the event the ambient noise level exceeds the noise standard, the noise standard applicable to said category shall be increased to reflect the maximum ambient noise level.

D. The Noise Zone III standard shall apply to that portion of residential property falling within one hundred (100) feet of a commercial property, if the intruding noise originates from that commercial property.

E. If the measurement location is on a boundary between two different noise zones, the lower noise level standard applicable to the noise zone shall apply.

3.0 Noise Modeling Procedures and Criteria

3.1 Stationary Noise Source Modeling

Project-related noise impacts were analyzed using SoundPLAN™ 3-D noise modeling software. SoundPLAN™ is a standards-based program that incorporates more than twenty national and international noise modeling guidelines.

Projected noise levels in SoundPLAN™ are based on the following key parameters:

- Developing three-dimensional noise models of the project site and surrounding topography
- Predicting the noise levels at the selected community locations, and
- Comparing the predicted noise levels with the existing community ambient noise levels at the receptor locations.
- The noise model was validated based on the measured noise levels by RK.

The sides of buildings, walls, etc. were modeled as reflective surfaces and also as diffractive bodies. Most of the ground within the project site and adjacent areas are paved roads and residential yards and are modeled as a hard site (Ground Factor = 0). The Effective Flow Resistivity for field grass is the SoundPLAN default. The elevation profile for the project site is derived from Google Earth. Receptors are placed at 5 feet above ground level.

Sound Power and Sound Pressure Level

Sound power level is the acoustic energy emitted by a source which produces a sound pressure level at some distance. While the sound power level of a source is fixed, the sound presser level depends upon the distance from the source and the acoustic characteristics of the area in which it is located.

SoundPLAN™ requires that the source noise level be input using a sound power level which must be back calculated based on a measured sound pressure level. The sound power level is calculated using SoundPLAN software by calibrating the source noise level to equal the sound pressure level at an equal distance from the source in which the referenced measurement was taken.

3.2 Maximum Allowable Private Event Noise Levels

Noise levels were modeled under a "Private Events" scenario. This scenario depicts the maximum noise levels permitted during outdoor private events.

Project-related noise was modeled under each scenario utilizing the referenced noise levels described in the sections below. The referenced noise levels were input into the SoundPLAN™ model and projected from the source to the receptor locations. The model projections take into account the noise attenuation effects from distance, local topography, ground effects, and physical barriers to arrive at the predicted noise levels at the receptor locations.

The proposed project will be required to regulate private event operations, and implement several project design features, to ensure noise levels do not exceed the City of Newport Beach noise standards. Based on this analysis, the following maximum allowable noise levels have been utilized to assess noise level impacts under the "Private Events" scenario.

Table 3
Maximum Allowable Noise Levels – "Private Events" Conditions[1]

Source	Distance from Noise Source (feet)	Noise Levels (dBA)	
		Leq	Lmax
Outdoor Patio Noise ("Private Events" Scenario)	3.0	80.0	100.0

[1] The proposed project will implement an on-going noise monitoring program to determine the maximum noise levels for speakers and private events allowed on the patio. Based on this preliminary analysis, noise levels on the patio should not exceed 80.0 dBA Leq, when measured for a 15-minute period, or 100 dBA Lmax at any time, when measured 3 feet from the source.

3.3 Interior Noise Modeling

The interior noise level is the difference between the projected exterior noise level at the structure's façade and the noise reduction provided by the structure itself. Typical building construction will provide a conservative 12 dBA noise level reduction with a "windows open" condition and a very conservative 20 dBA noise level reduction with "windows closed". The interior noise level is estimated by subtracting the building shell design from the estimated exterior noise level.

It is assumed that the residential receptors adjacent to the project site are constructed to allow for "windows open" conditions. Hence, for the purposes of this analysis, interior noise at the adjacent receptors is assessed using a conservative 12 dBA noise level reduction.

The interior noise analysis is based on industry standards for building noise reduction established by the Federal Highway Administration (FHWA), the 2013 Caltrans Technical Noise Supplement to the Traffic Noise Analysis Protocol (TeNS), the California Office of Noise Control Catalog of STC and IIC Ratings for Wall and Floor/Ceiling Assemblies, and the California Building Standards Code, Title 24.

4.0 Noise Modeling Results

Noise impacts under the "Private Events" scenario are assessed at the property lines of the five (5) nearest residential homes to the project site. The project will be required to comply with the City of Newport Beach noise standards of 55.0 dBA Leq and 75.0 dBA Lmax.

4.1 Exterior Noise Levels - "Private Events" Scenario

Tables 3 and 4 show the projected exterior noise impacts at the adjacent residential property lines under the "Private Events" Scenario. As shown in the tables below, the project is not expected to exceed the City of Newport Beach daytime exterior noise standards of 55.0 dBA Leq and 75.0 dBA Lmax.

Appendix C provides the noise calculation sheets for the "Private Events" scenario, and the results are graphically illustrated in Exhibits C through F.

Table 4
Exterior Noise Levels at Receptors (dBA Leq) – "Private Events" Scenario

Receptor	Address	Project Noise Contribution (dBA Leq)	City of Newport Beach Noise Level Criteria (dBA Leq)	Noise Level Exceeds Standard (?)
1	3901 East Coast Hwy.	44.4	55.0	**No**
2	3901 East Coast Hwy.	53.6		**No**
3	352 Hazel Dr.	52.8		**No**
4	352 Hazel Dr. (3rd Floor Balcony)	53.9		**No**
5	344 Hazel Dr.	48.8		**No**
6	340 Hazel Dr.	47.5		**No**

Table 5
Exterior Noise Levels at Receptors (dBA Lmax) – "Private Events" Scenario

Receptor	Address	Project Noise Contribution (dBA Lmax)	City of Newport Beach Noise Level Criteria (dBA Lmax)	Noise Level Exceeds Standard (?)
1	3901 East Coast Hwy.	64.4	75.0	**No**
2	3901 East Coast Hwy.	73.6		**No**
3	352 Hazel Dr.	72.8		**No**
4	352 Hazel Dr. (3rd Floor Balcony)	74.5		**No**
5	344 Hazel Dr.	68.8		**No**
6	340 Hazel Dr.	67.5		**No**

4.2 Interior Noise Levels - "Private Events" Scenario

Tables 3 and 4 show the projected interior noise impacts at the adjacent residential receptors under the "Private Events" Scenario. As shown in the tables below, the project is not expected to exceed the City of Newport Beach daytime interior noise standards of 45.0 dBA Leq or 65.0 dBA Lmax.

Table 6
Interior Noise Levels at Receptors (dBA Leq) – "Private Events" Scenario

Receptor	Address	Interior Noise Level[1]	City of Newport Beach Noise Level Criteria (dBA Leq)	Noise Level Exceeds Standard (?)
1	3901 East Coast Hwy.	32.4	45.0	**No**
2	3901 East Coast Hwy.	41.6		**No**
3	352 Hazel Dr.	40.8		**No**
4	352 Hazel Dr. (3rd Floor Balcony)	41.9		**No**
5	344 Hazel Dr.	36.8		**No**
6	340 Hazel Dr.	35.5		**No**

[1] Interior noise levels assume a "windows open" condition and a conservative reduction of 12 dB from exterior noise levels based on industry standards.

Table 7
Interior Noise Levels at Receptors (dBA Lmax) – "Private Events" Scenario

Receptor	Address	Interior Noise Level[1]	City of Newport Beach Noise Level Criteria (dBA Leq)	Noise Level Exceeds Standard (?)
1	3901 East Coast Hwy.	52.4	65.0	**No**
2	3901 East Coast Hwy.	61.6		**No**
3	352 Hazel Dr.	60.8		**No**
4	352 Hazel Dr. (3rd Floor Balcony)	62.5		**No**
5	344 Hazel Dr.	56.8		**No**
6	340 Hazel Dr.	55.5		**No**

[1] Interior noise levels assume a "windows open" condition and a conservative reduction of 12 dB from exterior noise levels based on industry standards.

4.3 Summary of Results

Tables 3 through 7 show that, with the implementation of the design features described in Section 1.1, the proposed project will not exceed the City of Newport Beach noise standards under the "Private Events" scenario.

It should be noted that although the noise generated by private events is not expected to exceed the City's noise ordinance, noise levels may still be audible from the surrounding residential properties, which is not unusual.

5.0 Conclusions

Based on the results of this analysis, noise levels associated with the private event operations at the Five Crowns Restaurant can comply with the City of Newport Beach residential noise standards of 55.0 dBA Leq and 75.0 dBA Lmax with the implementation of the design features described in Section 1.1 of this report.

RK is pleased to assist the FIVE CROWNS with this noise evaluation. If you have any questions regarding this study, please call us at (949) 474-0809.

Sincerely,
RK ENGINEERING GROUP, INC.

Bryan Estrada, AICP
Principal

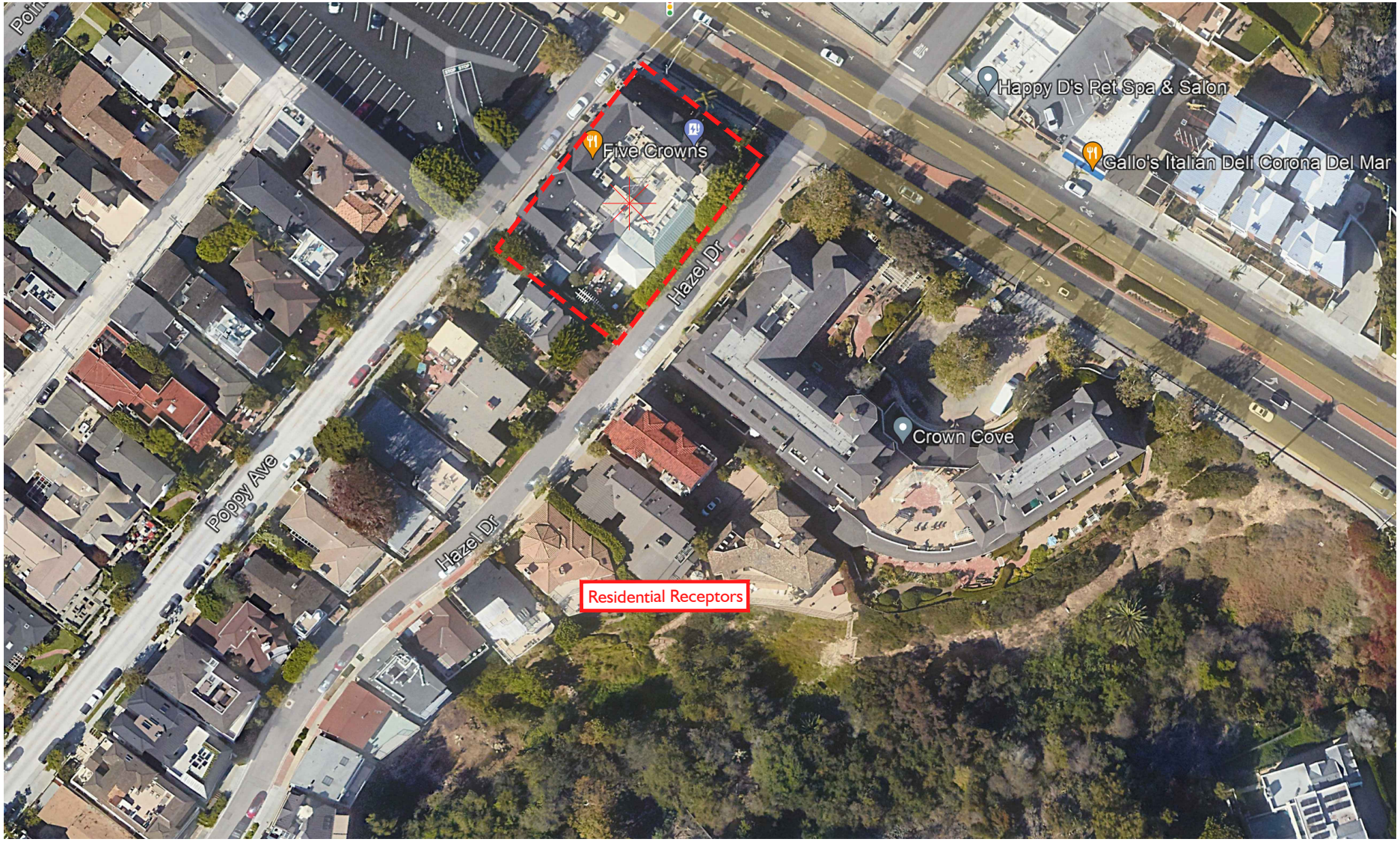
Becca Morrison
Environmental Specialist

Attachments

Attachments

Exhibit A

Location Map



Legend:

▬ = Project Site Boundary

✳ = Project Site

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Exhibit B-1

Site Plan

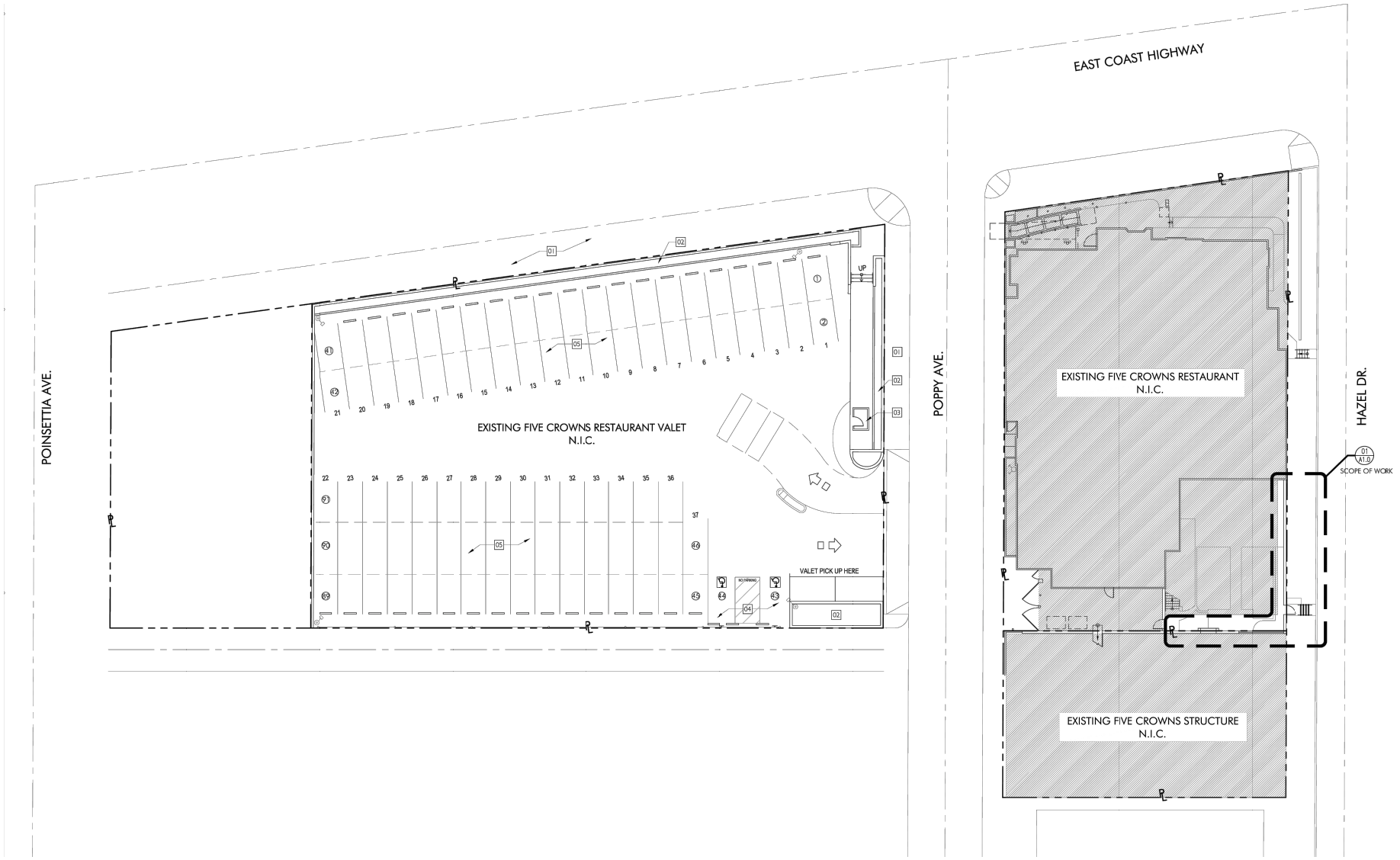
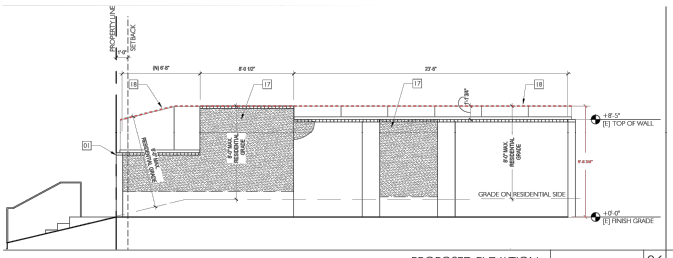
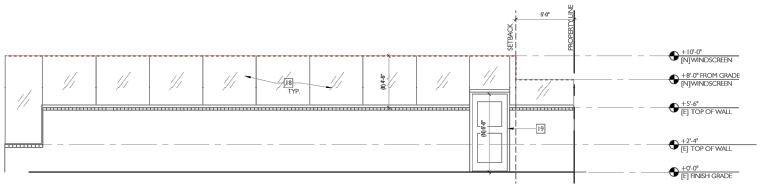


Exhibit B-2

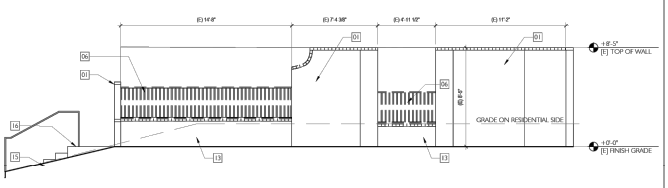
Proposed Wall Heights



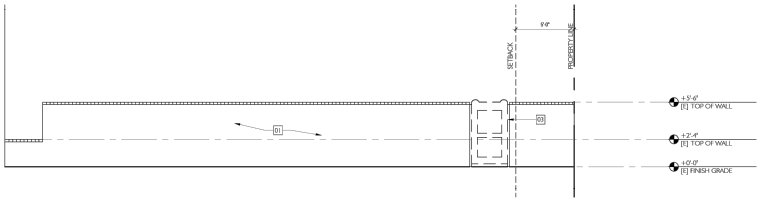
PROPOSED ELEVATION | SCALE: 1/4" = 1'-0" | 06



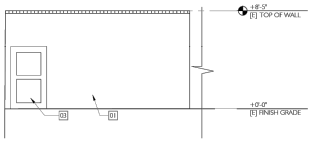
PROPOSED ELEVATION | SCALE: 1/4" = 1'-0" | 03



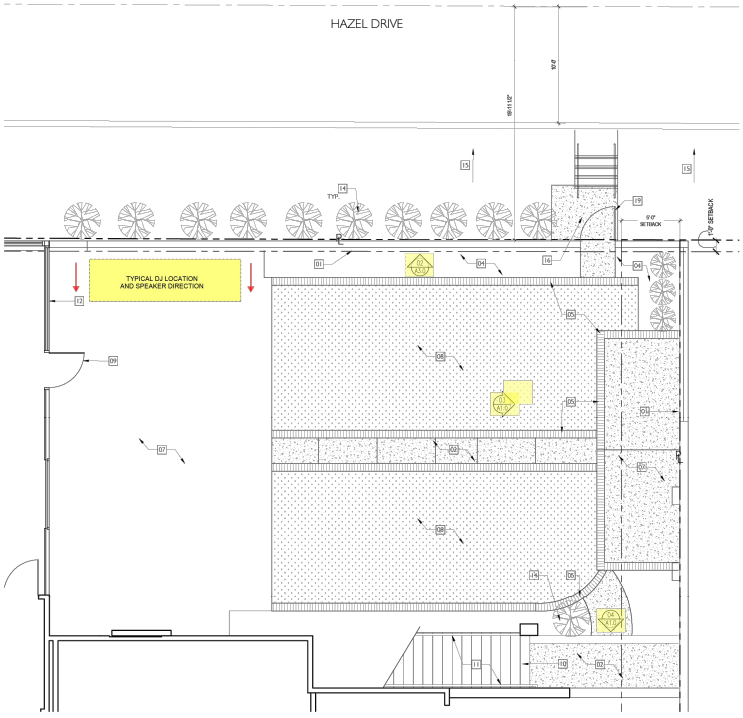
EXISTING ELEVATION | SCALE: 1/4" = 1'-0" | 05



EXISTING ELEVATION | SCALE: 1/4" = 1'-0" | 02



EXISTING ELEVATIONS | SCALE: 1/4" = 1'-0" | 04



ENLARGED PROPOSED FLOOR PLAN | SCALE: 1/4" = 1'-0" | 01

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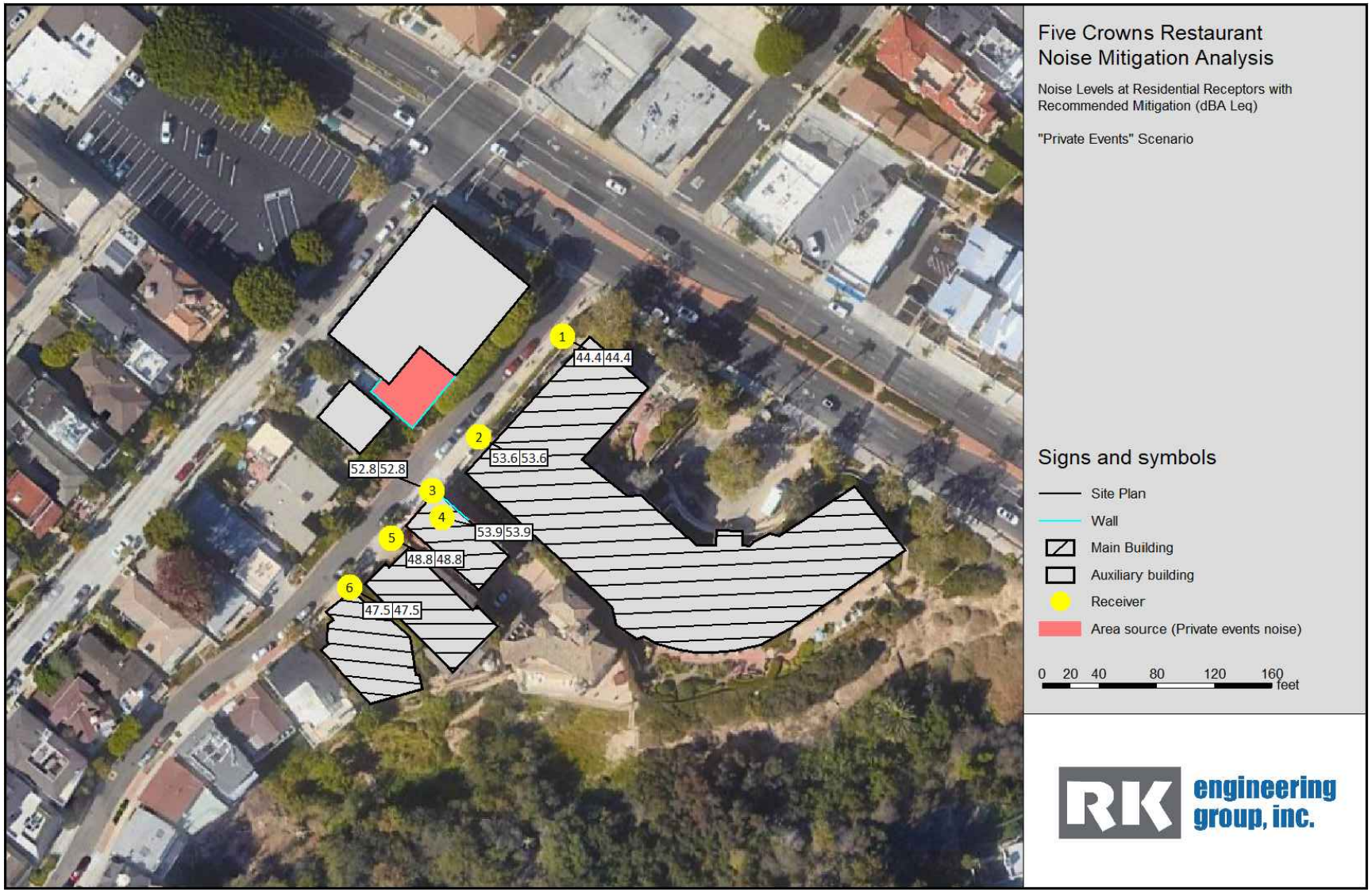
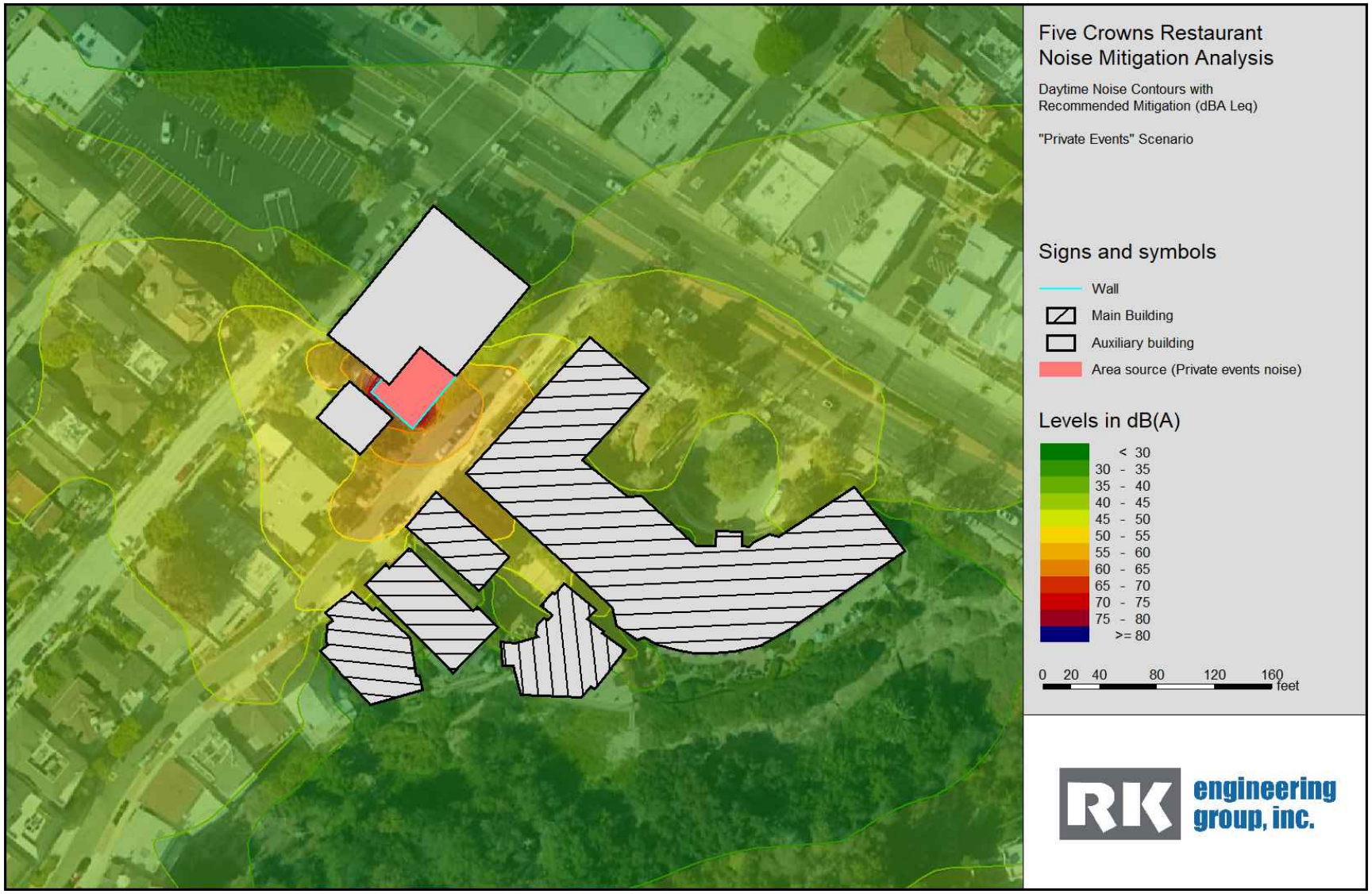
Operational Noise Levels (dBA Leq) - "Private Events" Scenario



Operational Noise Contours (dBA Leq) - "Private Events" Scenario



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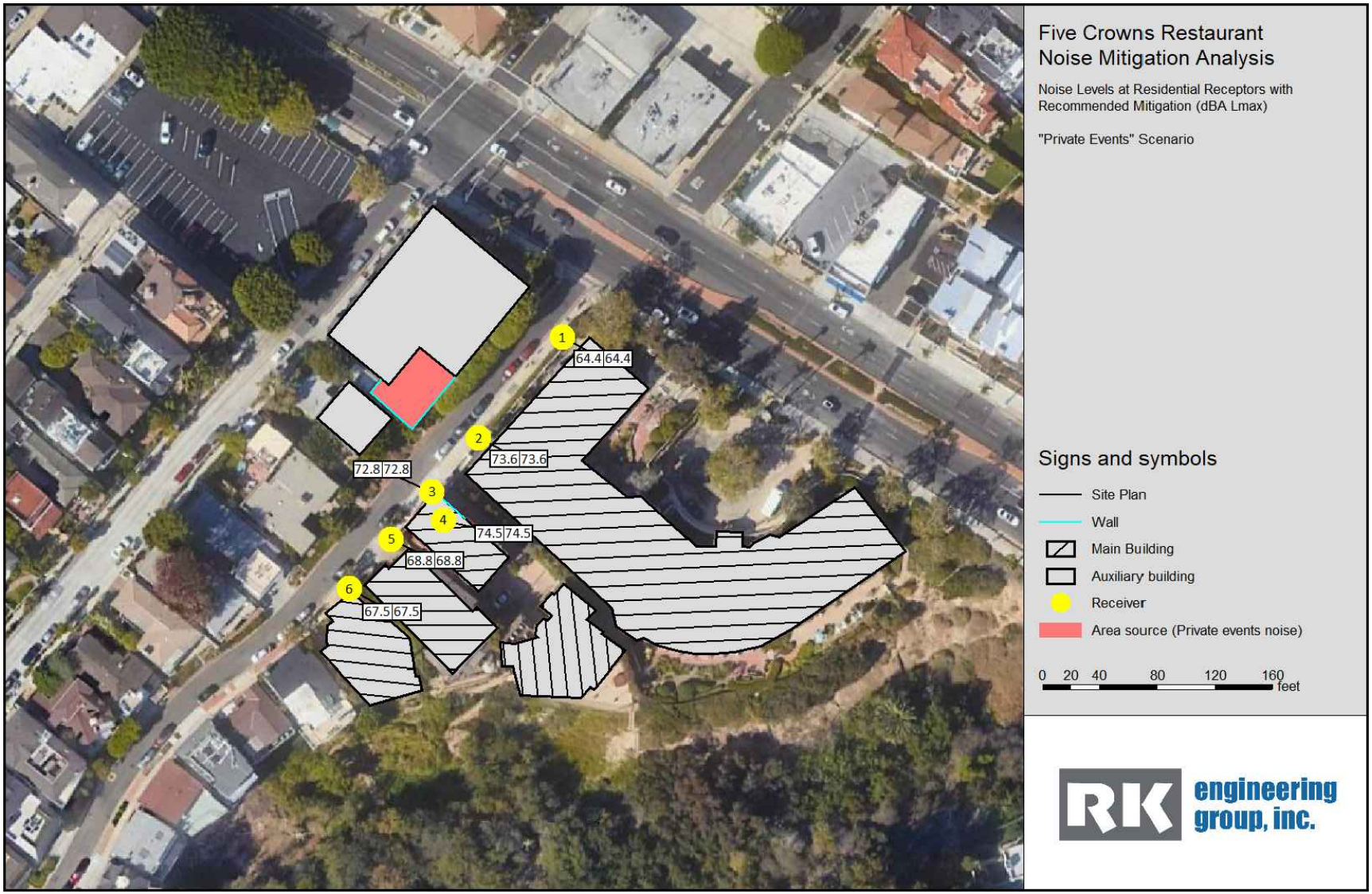
Operational Noise Levels (dBA Lmax) - "Private Events" Scenario



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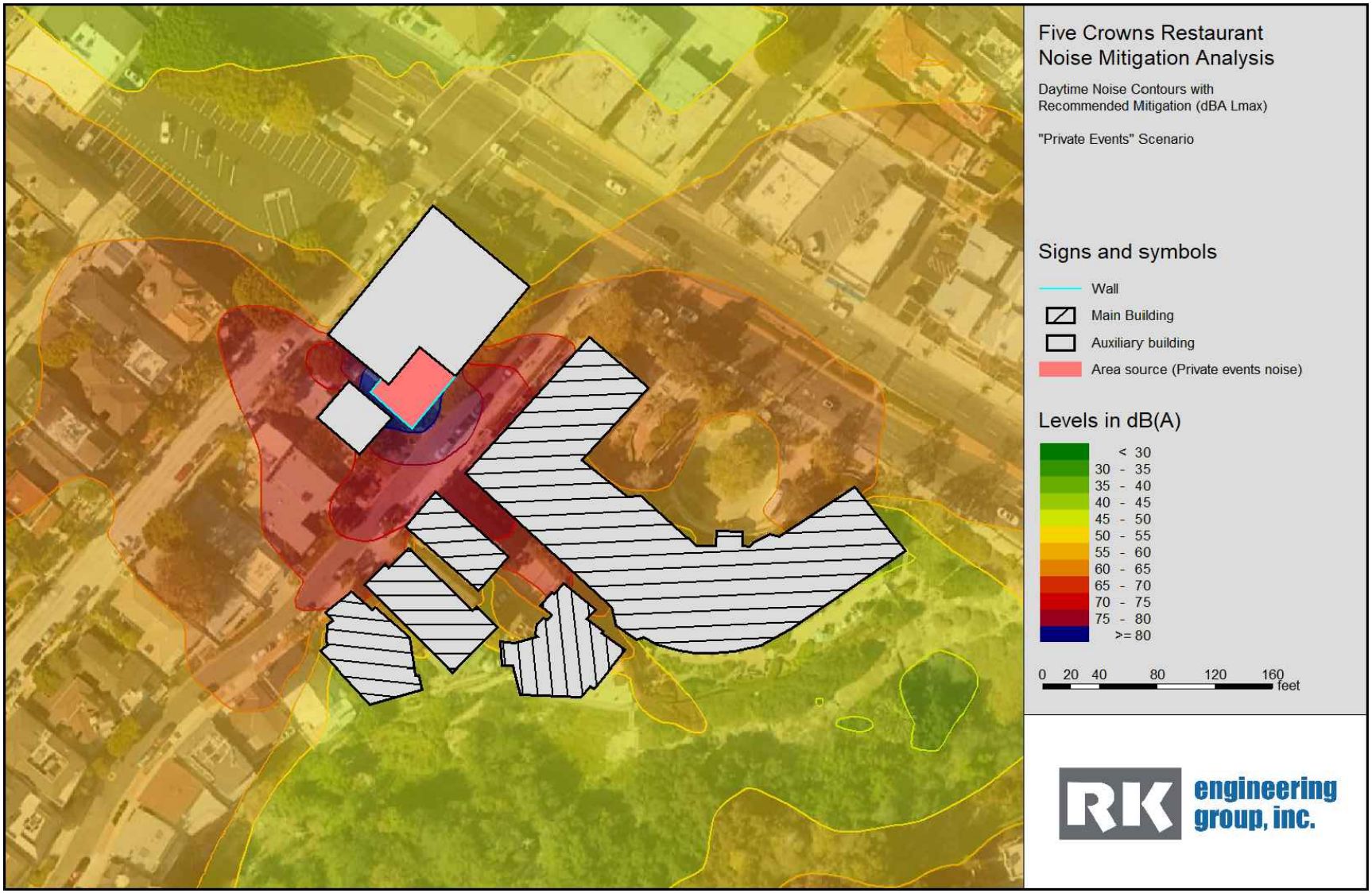
Operational Noise Contours (dBA Lmax) - "Private Events" Scenario



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Appendix A

City of Newport Beach Municipal Code
Chapter 10.26 – Community Noise Control

Chapter 10.26
COMMUNITY NOISE CONTROL

Sections:

10.26.005 Declaration of Policy.

10.26.010 Definitions.

10.26.015 Decibel Measurement Criteria.

10.26.020 Designated Noise Zones.

10.26.025 Exterior Noise Standards.

10.26.030 Interior Noise Standards.

10.26.035 Exemptions.

10.26.040 Schools, Day Care Centers, Churches, Libraries, Museums, Health Care Institutions—Special Provisions.

10.26.045 Heating, Venting and Air Conditioning—Special Provisions.

10.26.050 Sound-Amplifying Equipment.

10.26.055 Noise Level Measurement.

10.26.065 Proposed Developments.

10.26.070 Prima Facie Violation.

10.26.075 Violations.

10.26.080 Violations—Additional Remedies—Injunctions.

10.26.085 City Manager Waiver.

10.26.090 Noise Abatement Programs.

10.26.095 Manner of Enforcement.

10.26.100 Severability.

10.26.005 Declaration of Policy.

A. In order to control unnecessary, excessive and annoying noise in the City of Newport Beach, it is declared to be the policy of the City to prohibit such noise generated from or by all sources as specified in this chapter.

B. It is determined that certain noise levels are detrimental to the public health, welfare and safety and contrary to public interest, therefore, the City Council of the City of Newport Beach does ordain and declare that creating, maintaining, causing or allowing to be created, caused or maintained, any noise in a manner prohibited by, or not in conformity with, the provisions of this chapter, is a public nuisance and may be punished as a public nuisance. The ordinance codified in this chapter is effective thirty (30) days from adoption, however, all fixed noise sources existing at the date of adoption shall have ninety (90) days from the date of adoption to achieve compliance with this chapter. (Ord. 95-38 § 11 (part), 1995)

10.26.010 Definitions.

The following words, phrases and terms as used in this chapter shall have the meanings as indicated here:

“Agricultural property” means a parcel of real property which is undeveloped for any use other than agricultural purposes.

“Ambient noise level” means the all-encompassing noise level associated with a given environment, being a composite of sounds from all sources, excluding the alleged offensive noise, at the location and approximate time at which a comparison with the alleged offensive noise is to be made.

“A-weighted sound level” means the total sound level meter with a reference pressure of twenty (20) micropascals using the A-weighted network (scale) at slow response. The unit of measurement shall be defined as DBA.

“Code Enforcement Officer” means the Code Enforcement Officer of the City or his duly authorized deputy.

“Commercial property” means a parcel of real property which is used as either in part or in whole for commercial purposes.

“Cumulative period” means an additive period of time composed of individual time segments which may be continuous or interrupted.

“Decibel (Db)” means a unit which denotes the ratio between two quantities which are proportional to power: the number of decibels corresponding to the ratio of two amounts of power is ten times the logarithm to the base ten of this ratio.

“Dwelling unit” means any area within a structure on any parcel which:

1. Contains separate or independent living facilities for one or more persons, with an area or equipment for sleeping, sanitation and food preparation, and which has independent exterior access to ground level; or

2. Is being utilized for residential purposes by one or more persons separately or independently from occupants of other areas within the structure.

“Emergency machinery, vehicle, work or alarm” means any machinery, vehicle, work or alarm used, employed, performed or operated in an effort to protect, provide or restore safety conditions in the community or for the citizenry, or work by private or public utilities when restoring utility service.

“Equivalent, noise, level, leq.” means the sound level corresponding to a steady state noise level over a given measurement period with the same amount of acoustic energy as the actual time varying noise level. Also known as the energy average noise level during the measurement period. The measurement period shall be fifteen (15) minutes under the terms of this chapter.

“Fixed noise source” means a stationary device which creates sounds while fixed or motionless including but not limited to residential, agricultural, industrial and commercial machinery and equipment, pumps, fans, compressors, air conditioners and refrigeration equipment.

“Grading” means any excavating of filling of earth material or any combination thereof conducted at a site to prepare said site for construction or other improvements thereon.

“Health care institution” means any hospital, convalescent home or other similar facility excluding residential.

“Hertz (HZ)” means the unit which describes the frequency of a function periodic in time which is the reciprocal of the period.

“Impulsive noise” means a noise of short duration usually less than one second and of high intensity, with an abrupt onset and rapid decay.

“Industrial property” means a parcel of real property which is used either in part or in whole for manufacturing purposes.

“Intruding noise level” means the total sound level, in decibels, created, caused, maintained or originating from an alleged offensive source at a specified location while the alleged offensive source is in operation.

“Licensed” means the issuance of a formal license or permit by the appropriate jurisdictional authority, or where no permits or licenses are issued, the sanctioning of the activity by the jurisdiction as noted in public record.

“Major roadway” means any street, avenue, boulevard or highway used for motor vehicle traffic which is owned or controlled by a public government entity.

“Mobile noise source” means any noise source other than a fixed noise source.

“Person” means any individual, firm, partnership, association, corporation, company or organization of any kind, including public agencies.

“Residential property” means a parcel of real property which is used either in part or in whole for residential purposes, other than transient uses such as hotels and motels, and residential care facilities. Residential property includes the residential portion of mixed use properties.

“Simple tone noise” means a noise characterized by a predominant frequency or frequencies so that other frequencies cannot be readily distinguished. If measured, simple tone noise shall exist if the one-third octave band sound pressure levels in the band with the tone exceeds the arithmetic average of the sound pressure levels of the two continuous one-third octave bands as follows: five Db for frequencies of five hundred (500) Hertz (Hz) and above or, by fifteen (15) Db for frequencies less than or equal to one hundred twenty-three (123) Hz.

“Sound level meter” means an instrument meeting American National Standard Institute’s Standard S1.4-1971 or most recent revision thereof for Type 2 sound level meters or an instrument and the associated recording and analyzing equipment which will provide equivalent data.

“Sound pressure level” of a sound, in decibels, means twenty (20) times the logarithm to the base ten of the ratio of the pressure of the sound to a reference pressure which shall be explicitly stated.

“Vibration” means any movement of the earth, ground or other similar surface created by a temporal and spatial oscillation device or equipment located upon, affixed in conjunction with that surface. (Ord. 95-38 § 11 (part), 1995)

10.26.015 Decibel Measurement Criteria.

Any decibel measurement made pursuant to the provisions of this chapter shall be based on a reference sound pressure of twenty (20) micropascals as measured with a sound level meter using the A-weighted network (scale) at slow response. (Ord. 95-38 § 11 (part), 1995)

10.26.020 Designated Noise Zones.

The properties hereinafter described assigned to the following noise zones:

Noise Zone I	—	All single-, two- and multiple-family residential properties;
Noise Zone II	—	All commercial properties;
Noise Zone III	—	The residential portion of mixed-use properties;
Noise Zone IV	—	All manufacturing or industrial properties.

The actual use of the property shall be the determining factor in establishing whether a property is in Noise Zone I, II, III or IV provided that the actual use is a legal use in the City of Newport Beach. (Ord. 95-38 § 11 (part), 1995)

10.26.025 Exterior Noise Standards.

A. The following noise standards, unless otherwise specifically indicated, shall apply to all property with a designated noise zone:

NOISE ZONE	TYPE OF LAND USE	ALLOWABLE EXTERIOR NOISE LEVEL (Equivalent Noise Level, Leq) 7 a.m. to 10 p.m.	10 p.m. to 7 a.m.
I	Single-, two-or multiple-family residential	55 DBA	50 DBA
II	Commercial	65 DBA	60 DBA
III	Residential portions of mixed-use properties	60 DBA	50 DBA
IV	Industrial or manufacturing	70 DBA	70 DBA

If the ambient noise level exceeds the resulting standard, the ambient shall be the standard.

B. It is unlawful for any person at any location within the incorporated area of the City to create any noise, or to allow the creation of any noise on property owned, leased, occupied or otherwise controlled by such person, which causes the noise level when measured on any other property, to exceed either of the following:

1. The noise standard for the applicable zone for any fifteen-minute period;

2. A maximum instantaneous noise level equal to the value of the noise standard plus twenty (20) DBA for any period of time (measured using A-weighted slow response).

C. In the event the ambient noise level exceeds the noise standard, the maximum allowable noise level under said category shall be increased to reflect the maximum ambient noise level.

D. The Noise Zone III standard shall apply to that portion of residential property falling within one hundred (100) feet of a commercial property, if the intruding noise originates from that commercial property.

E. If the measurement location is on boundary between two different noise zones, the lower noise level standard applicable to the noise zone shall apply. (Ord. 95-53 § 1, 1995; Ord. 95-38 § 11 (part), 1995)

10.26.030 Interior Noise Standards.

A. The following noise standard, unless otherwise specifically indicated, shall apply to all residential property within all noise zones:

NOISE ZONE	TYPE OF LAND USE	ALLOWABLE INTERIOR NOISE LEVEL (Equivalent Noise Level, Leq) 7 a.m. to 10 p.m.	10 p.m. to 7 a.m.

I	Residential	45 DBA	40 DBA
III	Residential portions of mixed-use properties	45 DBA	40 DBA

If the ambient noise level exceeds the resulting standard, the ambient shall be the standard.

B. It shall be unlawful for any person at any location within the incorporated area of the City to create any noise or to allow the creation of any noise on property owned, leased, occupied or otherwise controlled by such a person which causes the noise level when measured on any other property, to exceed either of the following:

1. The noise standard for the applicable zone for any fifteen-minute period;

2. A maximum instantaneous noise level equal to the value of the noise standard plus twenty (20) DBA for any period of time (measured using A-weighted slow response).

C. In the event the ambient noise level exceeds the noise standard, the noise standard applicable to said category shall be increased to reflect the maximum ambient noise level.

D. The Noise Zone III standard shall apply to that portion of residential property falling within one hundred (100) feet of a commercial property, if the intruding noise originates from that commercial property.

E. If the measurement location is on a boundary between two different noise zones, the lower noise level standard applicable to the noise zone shall apply. (Ord. 95-53 § 2, 1995; Ord. 95-38 § 11 (part), 1995)

10.26.035 Exemptions.

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

A. Any activity conducted on public property, or on private properly with the consent of the owner, by any public entity, or its officers, employees, representatives, agents, subcontractors, permittees, licensees, or lessees, which are consistent with, and in furtherance of, the governmental functions or services the public entity has authorized, or responsible, to perform, activities which are exempt from the provisions of this chapter include, without limitation, sporting and recreational activities which are sponsored or co-sponsored by the City of Newport Beach or the Newport Mesa Unified School District;

B. Occasional outdoor gatherings, public dances, show, sporting and entertainment events, provided said events are conducted pursuant to a permit or license issued by the appropriate jurisdiction relative to the staging of said events;

C. Any mechanical device, apparatus or equipment used, related to or connected with emergency machinery, vehicle, work or warning alarm or bell, provided the sounding of any bell or alarm on any building or motor vehicle shall terminate its operation within forty-five (45) minutes in any hour of its being activated;

D. Noise sources associated with construction, repair, remodeling, demolition or grading of any real property. Such activities shall instead be subject to the provisions of Chapter 10.28 of this title;

E. Noise sources associated with construction, repair, remodeling, demolition or grading of public rights-of-way or during authorized seismic surveys;

F. All mechanical devices, apparatus or equipment associated with agriculture operations provided that:

1. Operations do not take place between eight p.m. and seven a.m. on weekdays, including Saturday, or at any time Sunday or a federal holiday, or

2. Such operations and equipment are utilized for the protection or salvage of agricultural crops during periods of potential or actual frost damage or other adverse weather conditions, or

3. Such operations and equipment are associated with agricultural pest control through pesticide application, provided the application is made in accordance with permits issued by or regulations enforced by the California Department of Agriculture;

G. Noise sources associated with the maintenance of real property. Such activities shall instead be subject to the provisions of Chapter 10.28 of this title;

H. Any activity to the extent regulation thereof has been preempted by state or federal law. NOTE: Preemption may include motor vehicle, aircraft in flight, and railroad noise regulations;

I. Any noise sources associated with people and/or music associated with a party at a residential property. Such noise is difficult to measure under the terms of this chapter and instead shall be subject to the provisions of Chapters 10.28 and 10.58 of this title;

J. Any noise sources associated with barking dogs or other intermittent noises made by animals on any properly within the City of Newport Beach. Such noise is difficult to measure under the terms of this chapter and instead shall be subject to the provisions of Chapter 7.20 of this Code;

K. Any noise sources associated with the operation of a permanently installed heating, venting and air conditioning (HVAC) equipment on a residential property permitted under the provisions of Section 10.26.045(B) and (C);

L. Any noise sources specifically identified and mitigated under the provisions of a use permit, modification permit, development agreement or planned community district development plan adopted prior to the date of adoption of this chapter. (Ord. 95-53 § 3, 1995; Ord. 95-38 § 11 (part), 1995)

10.26.040 Schools, Day Care Centers, Churches, Libraries, Museums, Health Care Institutions—Special Provisions.

It is unlawful for any person to create any noise which causes the noise level at any school, day care center, hospital or similar health care institution, church, library or museum while the same is in use, to exceed the noise

standards specified in Section 10.26.025 prescribed for the assigned Noise Zone I (residential uses). (Ord. 95-38 § 11 (part), 1995)

10.26.045 Heating, Venting and Air Conditioning—Special Provisions.

A. New HVAC Equipment. New permits for heating, venting and air conditioning (HVAC) equipment in or adjacent to residential areas shall be issued only where installations can be shown by computation, based on the sound rating of the proposed equipment, not to exceed an A-weighted sound pressure level of fifty (50) DBA or not to exceed an A-weighted sound pressure level of fifty-five (55) dBA and be installed with a timing device that will deactivate the equipment during the hours of ten p.m. to seven a.m. The method of computation used shall be that specified in "Standard Application of Sound Rated Outdoor Unitary Equipment," Standard 275, Air conditioning and Refrigeration Institute, 1984 or latest revision thereof.

B. Existing HVAC Equipment.

1. HVAC equipment legally installed prior to April 22, 1981, shall be permitted to operate with an exterior noise limit of sixty-five (65) dBA until January 1, 1998.

2. HVAC equipment legally installed prior to April 22, 1981, shall be exempted from the interior noise level standard as specified in Section 10.26.030 of this chapter until January 1, 1998.

3. HVAC equipment legally installed after April 22, 1981, and prior to the date of adoption of this chapter shall not exceed a maximum exterior noise limit of fifty-five (55) dBA during the ninety-day compliance period set forth in Section 10.26.005.

C. In the event that HVAC equipment cannot meet the requirements set forth in this chapter, then the exterior noise limit for such equipment may be raised to sixty-five (65) dBA and exempted from the interior noise level standard as specified in Section 10.26.030 of this chapter, provided that the applicant obtains the written consent of all the owners of the affected properties. (Ord. 95-38 § 11 (part), 1995)

10.26.050 Sound-Amplifying Equipment.

Loudspeakers, sound amplifiers, public address systems or similar devices used to amplify sounds shall be subject to the provisions of Chapter 10.32 of this title. Such sound-amplifying equipment shall not be construed to include electronic devices, including but not limited to, radios, tape players, tape recorders, compact disc players, electric keyboards, music synthesizers, record players or televisions, which are designed and operated for personal use, or used entirely within a building and are not designed or used to convey the human voice, music or any other sound to an audience outside such building, or which are used in vehicles and heard only by occupants of the vehicle in which installed, which shall be subject to the provisions of Chapter 10.28 of this title. (Ord. 95-38 § 11 (part), 1995)

10.26.055 Noise Level Measurement.

A. The location selected for measuring exterior noise levels in a residential area shall be at any part of a private yard, patio, deck or balcony normally used for human activity and identified by the owner of the affected property as suspected of exceeding the noise level standard. This location may be the closest point in the private yard or

patio, or on the deck or balcony, to the noise source, but should not be located in nonhuman activity areas such as trash container storage areas, planter beds, above or contacting a property line fence, or other areas not normally used as part of the yard, patio, deck or balcony. The location selected for measuring exterior noise levels in a nonresidential area shall be at the closest point to the noise source. The measurement microphone height shall be five feet above finish elevation or, in the case of a deck or balcony, the measurement microphone height shall be five feet above the finished floor level.

B. The location selected for measuring interior noise levels shall be made within the affected residential unit. The measurements shall be made at a point at least four feet from the wall, ceiling or floor, or within the frame of a window opening, nearest the noise source. The measurements shall be made with windows in an open position. (Ord. 95-38 § 11 (part), 1995)

10.26.065 Proposed Developments.

Each department whose duty it is to review and approve new projects or changes to existing projects that result or may result in the creation of noise shall consult with the Code Enforcement Officer prior to any such approval. If at any time the Code Enforcement Officer has reason to believe that a standard, regulation, action, proposed standard, regulation or action of any department respecting noise does not conform to the provisions as specified in this chapter, the Code Enforcement Officer may request such department to consult with him on the advisability of revising such standard or regulation to obtain uniformity. (Ord. 95-38 § 11 (part), 1995)

10.26.070 Prima Facie Violation.

Any noise exceeding the noise level standard as specified in Section 10.26.025 and 10.26.030 of this chapter, shall be deemed to be prima facie evidence of a violation of the provisions of this chapter. (Ord. 95-38 § 11 (part), 1995)

10.26.075 Violations.

Any persons violating any of the provisions of this chapter shall be deemed guilty of an infraction. (Ord. 95-38 § 11 (part), 1995)

10.26.080 Violations—Additional Remedies—Injunctions.

A. As an additional remedy, the operation or maintenance of any device, instrument, vehicle or machinery in violation of any provisions of this chapter which operation or maintenance causes or creates sound levels exceeding the allowable standards as specified in this chapter shall be deemed and is declared to be a public nuisance and may be subject to abatement summarily by a restraining order or injunction issued by a court of competent jurisdiction.

B. Any violation of this chapter is declared to be a public nuisance and may be abated in accordance with law. The expense of this chapter is declared to be public nuisance and may be by resolution of the City Council declared to be a lien against the property on which such nuisance is maintained, and such lien shall be made a personal obligation of the property owner. (Ord. 95-38 § 11 (part), 1995)

10.26.085 City Manager Waiver.

The City Manager is authorized to grant a temporary waiver to the provisions of this chapter for a period of time not to exceed thirty (30) days if such temporary waiver would be in the public interest and there is no feasible and prudent alternative to the activity, or the method of conducting the activity, for which the temporary waiver is sought. (Ord. 95-38 § 11 (part), 1995)

10.26.090 Noise Abatement Programs.

A. In circumstances which adopted community-wide noise standards and policies prove impractical in controlling noise generated from a specific source, the City Council may establish a noise abatement program which recognizes the characteristics of the noise source and affected property and which incorporates specialized mitigation measures.

B. Noise abatement programs shall set forth in detail the approved terms, conditions and requirements for achieving maximum compliance with noise standards and policies. Said terms, conditions and requirements may include, but shall not be limited to, limitations, restrictions, or prohibitions on operating hours, location of operations, and the types of equipment. (Ord. 95-38 § 11 (part), 1995)

10.26.095 Manner of Enforcement.

A. The City Code Enforcement Officer is directed to enforce the provisions of this chapter and may issue citations for any violation of the provisions of this chapter or violations of this chapter may be prosecuted or enforced in the same manner as other infractions pursuant to this Code; provided, however, that in the event of an initial violation of the provisions of this chapter, a written notice may be given to the alleged violator which specifies the time by which the condition shall be corrected.

B. No person shall interfere with, oppose or resist any authorized person charged with the enforcement of this chapter while such person is engaged in the performance of his/her duty.

C. In the event the alleged violator cannot be located in order to serve any notice, the notice shall be deemed to be given upon mailing such notice by registered or certified mail to the alleged violator at his last known address or at the place where the violation occurred in which event the specified time period for abating the violation or applying for a variance shall commence at the date of the day following the mailing of such notice. (Ord. 95-38 § 11 (part), 1995)

10.26.100 Severability.

If any provision, clause, sentence, or paragraph of this chapter, or the application thereof to any person or circumstance shall be held invalid, such invalidity shall not affect the other provisions of this chapter which can be given effect without the invalid provisions or application and, to this end, the provisions of this chapter are hereby declared to be severable. (Ord. 95-38 § 11 (part), 1995)

City Website: https://www.newportbeachca.gov/

City Telephone: (949) 644-3005

Code Publishing Company

Appendix B

Field Sheets and Photographs

Field Sheet

Project: Five Crowns Restaurant Nois Mitigation Analysis	**Engineer:** B. Morrison	**Date:**	09/23/2023
		JN:	3118-2023-02
Measurement Address: 3801 East Coast Highway	**City:** Newport Beach, CA	**Site No.:**	1

Sound Level Meter:
Piccolo II
Serial # 40042
P0222082204
P0222082205

Calibrator:
BSWA
Serial # 21387
500732

Calibration Record:

	Input, dB/	Time
1	114.0	2:39 p.m.
2	/	/
3	/	/
4	/	/
5	/	/

Conditions:

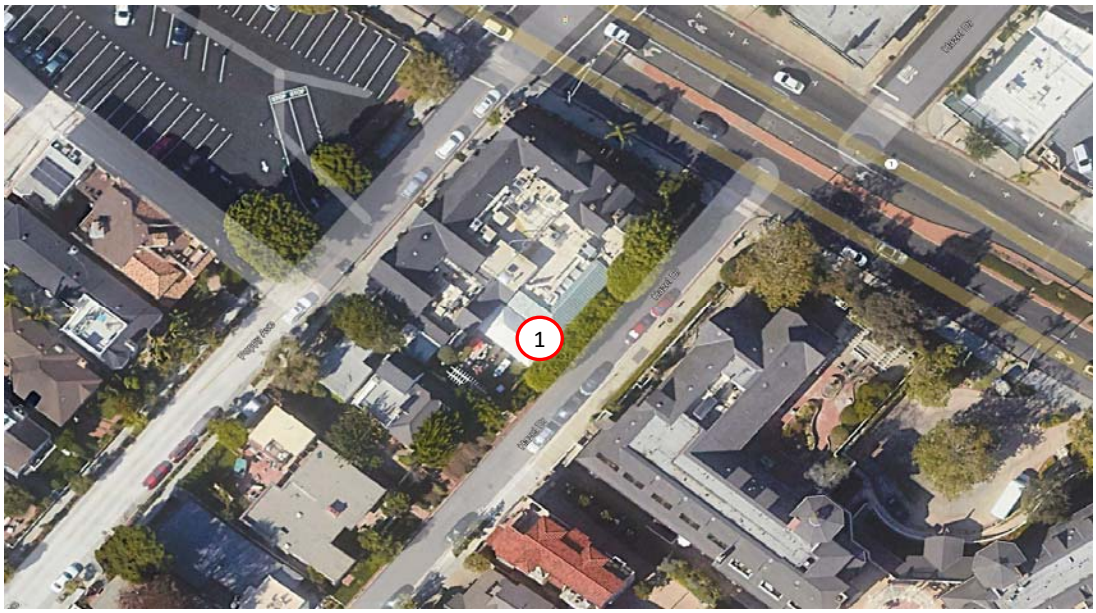
Temp (Deg. F.):	High: 80; Low:68
Windspeed:	9 m.p.h.
Direction:	Varies
Skies:	Clear

Meter Settings:

- ☑ A-WTD
- ☐ C-WTD
- ☐ LINEAR
- ☐ IMPULSE
- ☑ SLOW
- ☐ FAST
- ☐ 1/1 OCT
- ☐ 1/3 OCT
- ☑ _15_ MINUTE INTERVALS
- ☑ L(N) PERCENTILE VALUES

Notes:
Noise measurements were taken at 15-minute intervals from 2:45 p.m. to 10:30 p.m. on September 23, 2023 during the setup and operation of an outdoor wedding event.

Measurement Type:
- ☐ Long-term
- ☑ Short-term



1 = Noise Monitoring Location

RK engineering group, inc.

Field Sheet - Photos (L-1)			
Project: Five Crowns Restaurant Noise Mitigation Analysis	**Engineer:** B. Morrison	**Date:**	09/23/2023
		JN:	3118-2023-02
Measurement Address: Noise Monitoring Location 1 (L-1) was taken within the restaurant patio, approximately 3 feet from the DJ station and speakers.	**City:** Newport Beach, CA	**Location No.:**	1

RK engineering group, inc.

Field Sheet - L-1 Data

Project: Five Crowns Restaurant Noise Mitigation Analysis
Engineer: B. Morrison
Date: 09/23/2023
JN: 3118-2023-02

Measurement Address:
Noise Monitoring Location 1 (L-1) was taken within the restaurant patio, approximately 3 feet from the DJ station and speakers.

City:
Newport Beach, CA

Location No.: 1

Scenario	Start Time	Stop Time	Leq	Lmax	Lmin	L2	L8	L25	L50
L-1 (DJ Station)	2:45 PM	3:00 PM	62.7	73.9	49.4	70.0	66.9	63.4	60.5
	3:00 PM	3:15 PM	66.7	84.7	55.1	74.7	69.2	65.6	63.3
	3:15 PM	3:30 PM	65.7	84.9	51.6	74.3	66.2	62.2	60.7
	3:30 PM	3:45 PM	69.4	86.7	52.7	78.7	73.6	68.0	64.5
	3:45 PM	4:00 PM	68.2	83.8	53.7	77.1	72.5	67.8	62.6
	4:00 PM	4:15 PM	65.7	76.6	54.6	72.3	69.8	66.5	63.1
	4:15 PM	4:30 PM	78.3	88.6	54.1	85.3	84.0	80.1	67.4
	4:30 PM	4:45 PM	81.4	90.6	65.0	87.1	85.2	83.5	79.2
	4:45 PM	5:00 PM	77.0	85.9	65.5	81.0	79.4	78.0	76.7
	5:00 PM	5:15 PM	85.8	94.3	56.5	92.6	90.2	87.6	82.9
	5:15 PM	5:30 PM	88.5	106.0	52.1	97.0	94.2	86.3	84.2
	5:30 PM	5:45 PM	86.2	93.0	73.3	89.8	88.9	87.2	85.7
	5:45 PM	6:00 PM	86.1	93.4	73.2	89.0	88.2	87.3	85.8
	6:00 PM	6:15 PM	85.3	91.4	76.9	88.1	87.2	86.2	85.0
	6:15 PM	6:30 PM	84.8	90.8	68.4	88.0	86.9	85.7	84.6
	6:30 PM	6:45 PM	92.1	108.0	59.1	101.7	97.5	90.4	82.0
	6:45 PM	7:00 PM	82.4	88.8	63.3	87.3	86.0	83.7	81.6
	7:00 PM	7:15 PM	90.8	110.4	65.5	100.2	94.9	89.0	84.2
	7:15 PM	7:30 PM	87.4	102.4	70.0	96.8	92.2	86.0	80.6
	7:30 PM	7:45 PM	79.2	87.0	67.1	82.8	81.7	80.4	78.7
	7:45 PM	8:00 PM	77.9	85.4	66.4	81.6	80.3	78.8	77.5
	8:00 PM	8:15 PM	79.2	84.1	67.0	82.2	81.3	80.1	78.9
	8:15 PM	8:30 PM	91.7	104.4	65.4	98.3	95.4	93.7	88.0
	8:30 PM	**8:45 PM**	**97.8**	**103.9**	**90.7**	**102.0**	**100.4**	**98.6**	**97.1**
	8:45 PM	9:00 PM	96.4	106.1	90.3	100.1	98.7	97.2	95.9
	9:00 PM	9:15 PM	93	101	82.7	97.6	96.3	94.3	92.1
	9:15 PM	9:30 PM	89.3	97	80.9	93.0	91.7	90.4	88.6
	9:30 PM	9:45 PM	89.6	98.4	78.7	94.0	92.1	90.5	88.7
	9:45 PM	10:00 PM	90.0	101.2	74.1	96.9	93.3	90.4	88.3
	10:00 PM	10:15 PM	78.5	90.4	63.1	86.7	83.0	78.6	75.0

RK engineering group, inc.

Appendix C

SoundPLAN™ Noise Calculations Worksheets

Contribution levels of the receivers

Source name		Traffic lane	Level Day	Level Night
			dB(A)	
1	1.Fl		44.4	44.4
Private Event Noise		-	44.4	44.4
2	1.Fl		53.6	53.6
Private Event Noise		-	53.6	53.6
3	1.Fl		52.8	52.8
Private Event Noise		-	52.8	52.8
3 (Balcony)	1.Fl		53.9	53.9
Private Event Noise		-	53.9	53.9
4	1.Fl		48.8	48.8
Private Event Noise		-	48.8	48.8
5	1.Fl		47.5	47.5
Private Event Noise		-	47.5	47.5

Contribution levels of the receivers

Source name		Traffic lane	Level Day	Level Night
			dB(A)	
1	1.Fl		64.4	64.4
Private Event Noise		-	64.4	64.4
2	1.Fl		73.6	73.6
Private Event Noise		-	73.6	73.6
3	1.Fl		72.8	72.8
Private Event Noise		-	72.8	72.8
3 (Balcony)	1.Fl		74.5	74.5
Private Event Noise		-	74.5	74.5
4	1.Fl		68.8	68.8
Private Event Noise		-	68.8	68.8
5	1.Fl		67.5	67.5
Private Event Noise		-	67.5	67.5

August 5, 2024

Mr. Ryan O'Melveny Wilson
FIVE CROWNS
3801 East Coast Highway
Corona Del Mar, CA 92625

Subject: Response to Comment Letter - Five Crowns Restaurant Noise Analysis, City of Newport Beach

Dear Mr. Wilson:

RK Engineering Group, Inc. (RK) would like to provide the following response to the July 24, 2024, letter from the Catanzarite Law Corporation and their concerns regarding the Five Crowns Temporary Outdoor Dining Limited Term Permit. We appreciate the opportunity to address the concerns and provide clarification on the noise analyses prepared by RK.

RK has updated the Five Crowns Restaurant Private Event Noise Analysis (Noise Analysis) to address the concerns raised by Mr. Catanzarite and MD Acoustics. The latest updated report is now dated August 5, 2024.

The following responses to comments are provided:

1. **Purpose of the RK Study**: The purpose of the RK Noise Analysis is to demonstrate that, with the implementation of the project design features, noise levels from the Five Crowns Limited Term Permit (project) will not exceed the City of Newport Beach noise standards at the adjacent residential properties.

   RK has been involved with the Five Crowns project for more than a year and has conducted extensive analyses of the project's operations during this time. RK has performed multiple site visits and monitored noise levels on multiple occasions both on the project site and near adjacent residential homes. The Noise Analysis uses advanced 3D noise modeling software, which has been validated based on actual field measurements, the built environment, and topography, to predict noise levels within the surrounding community.

The assertion that the RK report underestimated noise levels is incorrect. The Noise Analysis depicts the maximum permissible noise levels that can be generated by the project to comply with the Newport Beach noise standards. The Noise Analysis assumes all project design features will be implemented, as agreed to by the project.

RK acknowledges that unregulated private events with live and amplified music have the potential to generate noise levels louder than the maximum permissible levels. However, the purpose of the Noise Analysis was not to analyze the loudest potential noise from a private event or loudspeaker, but rather to help design a project that will comply with the City of Newport Beach noise standards. To do this, the project has agreed to modify their operations and regulate its noise levels through extensive design features aimed at limiting noise. It is the modified and regulated noise levels which are analyzed in the Noise Analysis.

2. **Design Features for Reducing Noise**: The following updated list of project design features is now proposed and will be implemented by the project. Through the implementation of the design features, the project will comply with the City of Newport Beach Community Noise Control standards.

DF-1 The project will install additional barrier shielding and increased wall heights around the perimeter of the outdoor patio area. The proposed screening design and wall heights are shown in Exhibit B-2 (of the Noise Analysis). The barrier shielding will be at least 3.5 pounds per square foot of face area without decorative cutouts or line-of-sight openings between shielded areas. Any gaps will be filled with grout or caulking to avoid noise flanking. The noise control barrier may be constructed using one, or any combination of the following materials:

- Concrete Masonry Unit (CMU) block.
- Stucco veneer over wood framing (or foam core), or 1-inch-thick tongue and groove wood of sufficient weight per square foot.
- Outdoor rated acoustical paneling with sufficient weight per square foot.
- Transparent glass (5/8-inch-thick), acrylic, polycarbonate, or other transparent material with sufficient weight per square foot.

DF-2 For proper acoustical performance, the rear gate on Hazel Drive will be replaced with one that meets the necessary design requirements described above. The new barrier wall will enclose the space above the gate, up to 10 feet high, and the gate will have a positive seal, free of gaps on all sides, and remain shut during events except to allow emergency access.

DF-3 The project will install outdoor acoustical paneling with sound absorbative materials along the ceiling of the covered patio area.

DF-4 The project will maintain dense shrubbery and vegetation along the rear and side walls of the outdoor patio area to help shield neighbors to the south and southeast.

DF-5 During a private event, all speakers will be located under the covered patio and will be located at least 5 feet away from the property line wall along Hazel Drive. Speakers will be placed no more than 5 feet above ground level and face towards the interior of the site.

DF-6 The use of heavy bass equipment, including drums, amplified bass guitars, and subwoofers will be significantly restricted such that low frequency noise levels shall not be perceptible outside the property line. DJs will need to use equalizer filters, speaker limiters, or other means to attenuate low frequency noise and cap the maximum signal volume. Low frequency noise (i.e. bass noise) tends to propagate further distances and can penetrate through walls and windows more easily than higher frequencies. Therefore, the project will take special care to reduce low frequency noise levels to the surrounding community.

DF-7 A noise monitoring program will be implemented during all private outdoor events. The project will engage a professional engineering firm that specializes in acoustics to help establish and train staff on how to effectively conduct noise measurements and run the noise monitoring program. The project will obtain and utilize certified type-2 sound level meters per the City of Newport Beach and ANSI specifications for noise measurements. Noise meters will be calibrated before each use and annual professional equipment certification and calibration will be performed.

Based on this noise analysis, noise levels on the patio should not exceed 80.0 dBA Leq, when measured for a 15-minute period, or 100 dBA Lmax at any time.

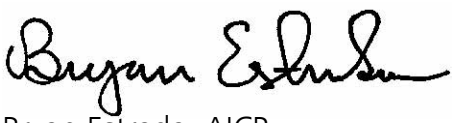
3. **3rd Floor Balcony Noise Receptor**: The Noise Analysis has been updated to show the noise level impacts at a receptor on the 3rd-floor balcony at 352 Hazel Drive. Based on the results of the noise analysis, the outdoor balcony noise levels will be below the City of Newport Beach Noise Standards.

4. **Interior Noise Levels:** The Noise Analysis has been updated to show the estimated noise level impacts at the interiors of the residential receptors. Based on the results of the noise analysis, the interior noise levels will be below the City of Newport Beach Noise Standards.

5. **Occupancy Limits and Noise Levels**: The issue of limiting the number of guests at private events was raised as a means of controlling noise levels. However, it is important to note that the number of guests is not directly correlated to the amount of noise an event can generate. Noise is more significantly influenced by the use of amplified speakers, instruments, and the type of activity taking place. For example, a lively event with 20 people could generate more noise than an event with 100 people, depending on the volume of the music played and the types of activities. Therefore, by capping the maximum permissible noise levels, the project will ensure compliance with the noise standards, regardless of the number of attendees.

We hope this response clarifies our approach and further reinforces the noise mitigation measures the project will implement to reduce its noise levels. If you have any questions regarding this study, please do not hesitate to contact us at (949) 474-0809.

Sincerely,
RK ENGINEERING GROUP, INC.



Bryan Estrada, AICP
Principal

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