



AGENDA REPORT

Meeting Date: September 8, 2011
Item Number: D-1
To: Honorable Mayor & City Council
From: James R. Latta, Human Services Administrator
Subject: AN ORDINANCE OF THE CITY OF BEVERLY HILLS UPDATING THE CITY'S NOISE REGULATIONS AND AMENDING THE BEVERLY HILLS MUNICIPAL CODE

Attachments:

1. Draft and Final Noise Ordinance
2. 10-3-406; 1209; and 4302: Businesses Prohibited, Exceptions, and Prohibited Home Occupation Activities
3. Human Relations Commission Minutes for April 13, May 9, May 24, June 16 and June 30, 2011
4. Community-initiated "Petition" Sample
5. Notice of Public Meeting Updating the City's Noise Ordinance

RECOMMENDATION

Staff recommends adoption of an ordinance of the City of Beverly Hills updating the City's noise regulations and amending the Beverly Hills Municipal Code.

INTRODUCTION

Council liaisons (Brucker, Bosse) met with staff on August 18, 2011. After review of the work done by the Human Relations Commission, the liaisons requested that an ordinance amendment be prepared for City Council's review and action (attachment 1). The amendment resolves internal inconsistencies in the City's noise regulations and clarifies and modifies the existing time restriction for amplified sound to prohibit amplified sound distinctly audible beyond the property line between the hours of 10:00 P.M. to 8:00 A.M. Sunday through Thursday evenings, and between the hours of 11:00 P.M. to 8:00 A.M. on Friday evenings, Saturday evenings, and the evenings before public holidays.

This amendment eliminates the previous challenge of measuring whether the sound emanating from the amplifying equipment exceeds the ambient noise level by five

(5) dBA as measured from the residential property line and provides an easily enforceable approach based on objective standards. It is also recommended that the police department generally utilize the administrative process to enforce the noise restrictions. This process would generally result in: 1) a warning for an initial violation, 2) a citation/fine up to \$250 for a second violation, and 3) every violation thereafter, a more substantial fine up to \$1000.

The amended ordinance combines the Municipal Code numbers 5-1-201 and 5-1-205, thus eliminating internal inconsistencies. Additionally, rental of private homes for commercial parties would continue to be prohibited except for events or activities such as parties, banquets, auctions, or similar activities in connection with nonprofit and/or charity functions (attachment 2). At any time if noise is considered excessive, police can enforce the General Standards Relative to Disturbance of the Peace (5-1-104). According to the California Penal Code Section 415: any person who maliciously and willfully disturbs another person by loud and unreasonable noise can be subject to imprisonment and be fined.

BACKGROUND

On November 30, 2010, at the request of then-mayor Jimmy Delshad, Community Development staff provided the City Council with information about the City's noise regulations, current enforcement of loud social gatherings, and options to potentially allow limited nighttime parties. At that meeting, Council expressed support for reviewing the City's nearly fifty-year old noise regulations and possibly expanding the hours for amplified sound.

On January 5, 2011, Council liaisons (Brucker, Krasne) met with staff and prepared recommendations for consideration at the February 15, 2011 Study Session. At the February meeting, the discussion led to additional questions and consensus by the Council that the public be given an opportunity to provide input before any changes were made. Council directed the Human Relations Commission (HRC) to hold Special meetings to gather public input and develop recommendations to the Council for balancing the desire by some residents for more flexibility to have late night parties at their homes with the need by other residents to have quiet use and enjoyment of their homes.

Due to the response from the community, the HRC held five public hearings on April 13, May 9, May 24, June 16, and June 30, 2011 at which time the public meeting and input was closed and deliberation began. Over the course of the public outreach, the Commission received comment from the community by speakers at meetings or from those who utilized the call-in feature. Correspondence to the Commission was also accepted by letter, email, and fax:

- The range of opinions was from *No Change* to the existing code to extending the hours to *Monday-Thursday 10pm; Friday, Saturday, Sunday 1am; and Special Event (by Permit) 2am Monday-Sunday*
- All letters and emails (71) were read into the record at Human Relations Commission meetings and speakers' comments (81) were included in the minutes (attachment 3)

- Signature pages from a community-initiated "petition" (attachment 4) sent by fax requested that the hours be modified to 10pm Monday–Thursday and 12 midnight Friday to Sunday
 - A total of 322 signatures representing 288 Beverly Hills addresses, 10 phone numbers, 1 PO Box, 11 Los Angeles addresses, 1 Santa Monica address and 4 BHPO addresses. (Note: The HRC did not consider petitions received after the public input was closed on June 30).

After a lengthy discussion, the Human Relations Commission was not able to find consensus on how the hours for amplified sound in the current regulations should be clarified. The matter was returned to the HRC Council liaisons for further review and consideration.

The amended noise ordinance recommendation provides clear and objective noise standards by: 1) establishing enforceable cut off times; 2) defining easy to measure criteria and; 3) implementing a regulatory process whereby restrictions would be consistently enforced. If approved by City Council, it is recommended that these changes be in effect for a trial period of not less than twelve months and then reviewed for effectiveness and appropriateness. Upon reasonable cause or reason to do so, the ordinance could be called up earlier if necessary.

FISCAL IMPACT

On November 30, 2010, at the request of then-mayor Jimmy Delshad, Community Advertisement costs for public notice (attachment 5) and additional ¼ page displays in the local newspapers. Staff does not foresee there to be any additional expenses associated with the recommended modified times other than those incurred by its enforcement. Staff does not presume those costs to be distinguishably different from those incurred with the enforcement of the current ordinance. In all cases, police will use their discretion in responding to a call based on higher priority needs that may exist and the availability of resources at the time that calls are received.

Steven Zoet
Approved By



Attachment 1
Draft and Final Noise Ordinance

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF BEVERLY HILLS
UPDATING THE CITY'S NOISE REGULATIONS AND
AMENDING THE BEVERLY HILLS MUNICIPAL CODE**

The City Council of the City of Beverly Hills hereby ordains as follows:

Section 1. Article 1 (“General Provisions”) of Chapter 1 (“Noise Regulations”) of Title 5 (“Public Health, Welfare, and Sanitation”) of the Beverly Hills Municipal Code is hereby amended to read as follows (with new language underlined and in bold lettering and omitted language struck):

“5-1-101: DECLARATION OF POLICY:

It is hereby declared to be the policy of the city in its exercise of the police power to prohibit unnecessary, excessive, and annoying noise levels from all sources. At certain levels noises are detrimental to the health and welfare of the citizenry, and in the public interest such noise is proscribed.

5-1-102: DEFINITIONS:

For the purposes of this chapter, the words and phrases herein shall be defined as follows:

"A" BAND LEVEL: The total sound level of all noise as measured with a sound level meter using the "A" weighting network. The unit is the dbA.

AMBIENT NOISE: The all encompassing noise associated with a given environment, usually being a composite of sounds with many sources from various distances.

BAND PRESSURE LEVEL: "Band pressure level" of a sound for a specified frequency band shall mean the sound pressure level for the sound contained within the restricted band.

CYCLE: The complete sequence of values of a periodic quantity which occurs during a period.

DECIBEL (dB): A unit of level which denotes the ratio between two (2) quantities which are proportional to power; the number of decibels corresponding to the ratio of two (2) amounts of power is ten (10) times the logarithm to the base ten (10) of this ratio.

EMERGENCY WORK: Work made necessary to restore property to a safe condition following a public calamity or work required to protect persons or property from an imminent exposure to danger to the health and safety of the persons or property.

FREQUENCY: "Frequency" of a function periodic in time shall mean the reciprocal of the primitive period. The unit is the cycle per unit time and shall be specified.

MICROBAR: A unit of pressure commonly used in acoustics and is equal to one dyne per square centimeter.

MOTOR VEHICLES: Shall include, but not be limited to, minibikes and go-carts.

SOUND AMPLIFYING EQUIPMENT: Any machine or device for the amplification of the human voice, music, or any other sound, or by which the human voice, music, or any other sound is amplified. ~~"Sound amplifying equipment" shall not include standard radios or television when used and heard only by the residential occupants of the dwelling unit in which such equipment is located.~~ "Sound amplifying equipment" shall not include warning devices on authorized emergency vehicles or horns or other warning devices on any vehicle used only for traffic safety purposes.

SOUND LEVEL METER: An instrument, including a microphone, an amplifier, an output meter, and frequency weighting networks, for the measurement of noise and sound levels in a specified manner.

SOUND PRESSURE LEVEL: "Sound pressure level" in decibels of a sound shall mean twenty (20) times the logarithm to the base ten (10) of the ratio of the pressure of this sound to the reference pressure, which reference pressure shall be explicitly stated.

5-1-103: DECIBEL MEASUREMENT CRITERIA:

Decibel measurements shall be made with a sound level meter and shall be based on a reference sound pressure of 0.0002 microbars, as measured in any octave band with center frequency, in cycles per second, as follows: 63, 125, 250, 500, 1,000, 2,000, 4,000, and 8,000, and for the combined frequency bands.

5-1-104: GENERAL STANDARDS RELATIVE TO DISTURBANCE OF PEACE:

Notwithstanding any other provision of this chapter, and in addition thereto, it shall be unlawful for any person to willfully make or continue, or cause to be made or continued, any loud, unnecessary, **excessive**, or unusual noise which unreasonably disturbs the peace and quiet ~~of any neighborhood~~ or which causes discomfort or annoyance to any reasonable person of normal sensitiveness ~~residing in the area~~.

The factors which ~~shall~~ **may** be considered in determining whether such noise violates the provisions of this section shall include, but **are** not be limited to, the following:

- A. The volume of the noise;
- B. The intensity of the noise;
- C. Whether the nature of the noise is usual or unusual;

- D. Whether the origin of the noise is natural or unnatural;
- E. The volume and intensity of the background noise, if any;
- F. The proximity of the noise to residential sleeping facilities;
- G. The nature and zoning of the area within which the noise emanates;
- H. The density of the inhabitation of the area within which the noise emanates;
- I. The time of the day or night the noise occurs;
- J. The duration of the noise;
- K. Whether the noise is recurrent, intermittent, or constant; **and**
- L. Whether the noise is produced by a commercial or noncommercial activity.

5-1-105: ADDITIONAL REMEDIES; INJUNCTIONS:

As an additional remedy, the operation or maintenance of any device, instrument, vehicle, or machinery in violation of any provision of this chapter, which operation or maintenance causes discomfort or annoyance to reasonable persons of normal sensitiveness, or which endangers the comfort, repose, health, or peace of residents in the area, shall be deemed and is declared to be a public nuisance and may be subject to summary abatement, or by a restraining order, or injunction issued by a court of competent jurisdiction.”

Section 2. Article 2 (“Specific Noise Sources And Regulations”) of Chapter 1 (“Noise Regulations”) of Title 5 (“Public Health, Welfare, and Sanitation”) of the Beverly Hills Municipal Code is hereby amended to read as follows (with new language underlined and in bold lettering and omitted language struck):

“5-1-201: ~~RADIOS, TELEVISION SETS, AND SIMILAR DEVICES~~ **SOUND AMPLIFYING EQUIPMENT:**

A. It shall be unlawful for any person within any residential zone of the city to use or operate any ~~radio receiving set, musical instrument, phonograph, television set, or other machine or device for the producing or reproducing of sound or any device by which voice, music, or any other sound is amplified~~ **sound amplifying equipment** between the hours of ten o'clock (10:00) P.M. **on Sunday through Thursday evenings and eight o'clock (8:00) A.M. of the following day, and between the hours of eleven o'clock (11:00) P.M. on Friday evenings, Saturday evenings, and the evenings before public holidays as listed in Section 5-1-205 and seven** ~~eight~~ **eight** o'clock (~~7~~**8**:00) A.M. of the following day, in such a manner as to **be distinctly audible at or beyond the property line of the property on which the equipment is located.** ~~disturb the~~

~~peace, quiet, and comfort of neighboring residents or any reasonable person of normal sensitiveness residing in the area.~~

~~B. Any noise exceeding the ambient noise level at the property line of any property, or, if a condominium or apartment house, within any adjoining unit by more than five (5) decibels shall be deemed to be prima facie evidence of a violation of the provisions of this section.~~

5-1-202: MACHINERY, EQUIPMENT, FANS, AND AIR CONDITIONING:

It shall be unlawful for any person to operate any machinery, equipment, pump, fan, air conditioning apparatus, or similar mechanical device in any manner so as to create any noise which would cause the noise level at the property line of any property to exceed the ambient noise level by more than five (5) decibels based on a reference sound pressure of 0.0002 microbars, as measured in any octave band center frequency, in cycles per second, as follows: 63, 125, 250, 500, 1,000, 2,000, 4,000, and 8,000 and for the combined frequency bands (all pass).

5-1-203: MOTOR VEHICLE ALARMS:

The council finds that on numerous and repeated occasions, alarms which have been installed in motor vehicles have been activated inadvertently by accident or carelessness and not as the result of any criminal action or conduct; and the noise which results from the activation of such alarms has arisen at all hours of the day and night and is detrimental to the public health, safety, and welfare; and the council has a responsibility to ensure and preserve the peace and tranquility of the city by regulating motor vehicle alarms and that the regulation of the intrusive and disturbing noise which results from the inadvertent activation of motor vehicle alarms is reasonably related to the proper exercise of police power to protect the health, safety, and general welfare of the public.

A. It shall be unlawful for any person to cause, allow, or permit any alarm located in a motor vehicle registered in the name of or driven by such person to emit any audible sound within the city for a period of more than ten (10) minutes. The time shall be calculated based upon the emission of the first audible sound, and end ten (10) minutes thereafter, notwithstanding any variation or delay in the emissions of audible sound.

B. Any violation of this section is hereby declared a public nuisance and in addition to other remedies if the alarm continues to be activated for a period in excess of forty five (45) minutes, any police officer may have the vehicle removed from any zone in the city to abate such nuisance.

5-1-204: MOTOR VEHICLE OPERATION AND REPAIR:

A. It shall be unlawful for any person within any residential area of the city to repair, rebuild, or test any motor vehicle in such a manner that a reasonable person of normal sensitiveness residing in that area is caused discomfort or annoyance.

B. It shall be unlawful for any person to operate any motor vehicle within the city in such a manner that a reasonable person of normal sensitiveness residing in the area is caused discomfort or annoyance; provided, however, any such vehicle which is operated upon any public highway, street, or right of way shall be excluded from the provisions of this section.

~~5-1-205: SOUND AMPLIFYING EQUIPMENT:~~

~~The use or operation of sound amplifying equipment shall be subject to the following restrictions and prohibitions:~~

~~A. The type of amplified sound shall be limited to either music or human speech, or both.~~

~~B. The use or operation of sound amplifying equipment shall be restricted to the hours of ten o'clock (10:00) A.M. to six o'clock (6:00) P.M. of each day.~~

~~C. No sound emanating from sound amplifying equipment shall exceed fifteen (15) dbA above the ambient as measured at any commercial property line, or five (5) dbA at any residential property line.~~

~~D. Notwithstanding subsection C of this section, the volume of sound shall be so controlled that it will not be unreasonably loud, raucous, jarring, disturbing, or a nuisance to reasonable persons of normal sensitiveness within the area of audibility.~~

~~E. Use of operation of sound amplifying equipment mounted on a motor vehicle shall require a permit and is subject to the provisions of title 4, chapter 3, article 5 of this code.~~

~~5-1-206~~205: RESTRICTIONS ON CONSTRUCTION ACTIVITY:

A. No person shall engage in construction, maintenance or repair work which requires a city permit between the hours of six o'clock (6:00) P.M. and eight o'clock (8:00) A.M. of any day, or at any time on a Sunday or public holiday unless such person has been issued an after hours construction permit issued pursuant to subsection C of this section. In addition, no person shall engage in such work within a residential zone, or within five hundred feet (500') of a residential zone, at any time on a Saturday unless such person has been issued an after hours construction permit issued pursuant to subsection C of this section. For the purpose of this section, "public holiday" shall mean:

1. New Year's Day.

2. Memorial Day.

3. Independence Day.
4. Labor Day.
5. Thanksgiving Day.
6. Christmas Day.

Nothing in this section shall restrict the performance of "emergency work" as that term is defined in section 5-1-102 of this chapter.

B. No person employed for the purposes of construction, maintenance, or repair work which requires a city permit shall enter a site on which such work will be done prior to eight o'clock (8:00) A.M. Any violation of this subsection shall be deemed to be an infraction.

C. The city building official, after consultation with appropriate city officials, may issue an after hours construction permit authorizing work and/or entrance to a work site otherwise prohibited by this section if the city building official determines that the public interest will be served by such a permit. Situations in which the public interest may be served by the issuance of such an after hours construction permit includes, but are not limited to, construction near school grounds, and construction that may interfere with vehicular or pedestrian traffic in heavily traveled public rights of way.

D. Applications for an after hours construction permit issued pursuant to subsection C of this section shall be in writing and shall set forth how the public interest will be served by issuing the permit. An after hours construction permit may be revoked or suspended by the city building official if the city building official determines that activity conducted pursuant to the permit detrimentally affects the public health, safety or welfare.

5-1-~~207~~206: NOISE IN PROXIMITY OF SCHOOLS, HOSPITALS, AND CHURCHES:

It shall be unlawful for any person to create any noise on any street, sidewalk, or public place adjacent to any school, institution of learning, or church while the same is in use, or adjacent to any hospital; which noise substantially and unreasonably interferes with the workings of such institutions or which disturbs or unduly annoys patients in the hospital, provided that conspicuous signs are displayed on such street, sidewalk, or public place indicating the presence of a school, church, or hospital.

5-1-~~208~~207: HAWKERS AND PEDDLERS:

It shall be unlawful for any person within the city to sell anything by public outcry within any area of the city zoned for residential uses. The provisions of this section shall not be construed to prohibit the selling by outcry of merchandise, food, and beverages at licensed sporting events, parades, fairs, circuses, and other similar licensed public entertainment events.

5-1-~~209~~208: DRUMS:

It shall be unlawful for any person to use any drum, other percussion or musical instrument, or device of any kind for the purpose of attracting attention by the creation of noise within the city. The provision of this section shall not apply to any person who is a participant in a school band or duly licensed parade or who has been otherwise duly authorized to engage in such conduct.

5-1-~~210~~209: PORTABLE GASOLINE ENGINE POWERED BLOWERS:

It shall be unlawful for any person within the city to use or operate any portable machine powered with a gasoline engine used to blow leaves, dirt, and other debris off sidewalks, driveways, lawns, or other surfaces.

5-1-~~211~~210: ANIMAL AND FOWL NOISE:

No person shall keep or maintain, or permit the keeping of, upon any premises owned, occupied, or controlled by such person, any dog or other animal or fowl otherwise permitted to be kept which, by any loud or continuous cry, bark, howl, or other sound, unreasonably disturbs other persons.”

Section 3. **Severability.** If any section, subsection, subdivision, paragraph, sentence, clause or phrase in this Ordinance or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional, or invalid, or ineffective.

Section 4. **Publication.** The City Clerk shall cause this Ordinance to be published at least once in a newspaper of general circulation published and circulated in the City within fifteen (15) days after its passage, in accordance with Section 36933 of the Government Code; shall attest and certify to the adoption of this Ordinance and shall cause this Ordinance and the City Clerk’s certification, together with proof of publication, to be entered in the Book of Ordinances of the Council of this City.

Section 5. **Effective Date.** This ordinance shall go into effect and be in full force and effect at 12:01 a.m. on the thirty-first (31st) day after its passage.

INTRODUCED this ____ day of _____, 2011.

PASSED, APPROVED, and ADOPTED this ____ day of _____, 2011 by the following vote:

AYES: ____

NOES: ____

ABSTAIN: ____

EXCUSED: ____

BY:

Barry Brucker, Mayor

ATTEST:

Byron Pope, City Clerk (Seal)

APPROVED AS TO FORM:

Laurence S. Wiener, City Attorney

APPROVED AS TO CONTENT:

Jeff Kolin, City Manager

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BAND PRESSURE LEVEL: "Band pressure level" of a sound for a specified frequency band shall mean the sound pressure level for the sound contained within the restricted band.

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DECIBEL (dB): A unit of level which denotes the ratio between two (2) quantities which are proportional to power; the number of decibels corresponding to the ratio of two (2) amounts of power is ten (10) times the logarithm to the base ten (10) of this ratio.

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Decibel measurements shall be made with a sound level meter and shall be based on a reference sound pressure of 0.0002 microbars, as measured in any octave band with center frequency, in cycles per second, as follows: 63, 125, 250, 500, 1,000, 2,000, 4,000, and 8,000, and for the combined frequency bands.

5-1-104: GENERAL STANDARDS RELATIVE TO DISTURBANCE OF PEACE:

Notwithstanding any other provision of this chapter, and in addition thereto, it shall be unlawful for any person to willfully make or continue, or cause to be made or continued, any loud, unnecessary, excessive, or unusual noise which unreasonably disturbs the peace and quiet or which causes discomfort or annoyance to any reasonable person of normal sensitiveness.

The factors which may be considered in determining whether such noise violates the provisions of this section shall include, but are not limited to, the following:

- A. The volume of the noise;
- B. The intensity of the noise;
- C. Whether the nature of the noise is usual or unusual;
- D. Whether the origin of the noise is natural or unnatural;
- E. The volume and intensity of the background noise, if any;

- F. The proximity of the noise to residential sleeping facilities;
- G. The nature and zoning of the area within which the noise emanates;
- H. The density of the inhabitation of the area within which the noise emanates;
- I. The time of the day or night the noise occurs;
- J. The duration of the noise;
- K. Whether the noise is recurrent, intermittent, or constant; and
- L. Whether the noise is produced by a commercial or noncommercial activity.

5-1-105: ADDITIONAL REMEDIES; INJUNCTIONS:

As an additional remedy, the operation or maintenance of any device, instrument, vehicle, or machinery in violation of any provision of this chapter, which operation or maintenance causes discomfort or annoyance to reasonable persons of normal sensitiveness, or which endangers the comfort, repose, health, or peace of residents in the area, shall be deemed and is declared to be a public nuisance and may be subject to summary abatement, or by a restraining order, or injunction issued by a court of competent jurisdiction.”

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“5-1-201: SOUND AMPLIFYING EQUIPMENT:

It shall be unlawful for any person within any residential zone of the city to use or operate any sound amplifying equipment between the hours of ten o'clock (10:00) p.m. on Sunday through Thursday evenings and eight o'clock (8:00) a.m. of the following day, and between the hours of eleven o'clock (11:00) p.m. on Friday evenings, Saturday evenings, and the evenings before public holidays as listed in Section 5-1-205 and eight o'clock (8:00) a.m. of the following day, in such a manner as to be distinctly audible at or beyond the property line of the property on which the equipment is located.

5-1-202: MACHINERY, EQUIPMENT, FANS, AND AIR CONDITIONING:

It shall be unlawful for any person to operate any machinery, equipment, pump, fan, air conditioning apparatus, or similar mechanical device in any manner so as to create any noise

which would cause the noise level at the property line of any property to exceed the ambient noise level by more than five (5) decibels based on a reference sound pressure of 0.0002 microbars, as measured in any octave band center frequency, in cycles per second, as follows: 63, 125, 250, 500, 1,000, 2,000, 4,000, and 8,000 and for the combined frequency bands (all pass).

5-1-203: MOTOR VEHICLE ALARMS:

The council finds that on numerous and repeated occasions, alarms which have been installed in motor vehicles have been activated inadvertently by accident or carelessness and not as the result of any criminal action or conduct; and the noise which results from the activation of such alarms has arisen at all hours of the day and night and is detrimental to the public health, safety, and welfare; and the council has a responsibility to ensure and preserve the peace and tranquility of the city by regulating motor vehicle alarms and that the regulation of the intrusive and disturbing noise which results from the inadvertent activation of motor vehicle alarms is reasonably related to the proper exercise of police power to protect the health, safety, and general welfare of the public.

A. It shall be unlawful for any person to cause, allow, or permit any alarm located in a motor vehicle registered in the name of or driven by such person to emit any audible sound within the city for a period of more than ten (10) minutes. The time shall be calculated based upon the emission of the first audible sound, and end ten (10) minutes thereafter, notwithstanding any variation or delay in the emissions of audible sound.

B. Any violation of this section is hereby declared a public nuisance and in addition to other remedies if the alarm continues to be activated for a period in excess of forty five (45) minutes, any police officer may have the vehicle removed from any zone in the city to abate such nuisance.

5-1-204: MOTOR VEHICLE OPERATION AND REPAIR:

A. It shall be unlawful for any person within any residential area of the city to repair, rebuild, or test any motor vehicle in such a manner that a reasonable person of normal sensitiveness residing in that area is caused discomfort or annoyance.

B. It shall be unlawful for any person to operate any motor vehicle within the city in such a manner that a reasonable person of normal sensitiveness residing in the area is caused discomfort or annoyance; provided, however, any such vehicle which is operated upon any public highway, street, or right of way shall be excluded from the provisions of this section.

5-1-205: RESTRICTIONS ON CONSTRUCTION ACTIVITY:

A. No person shall engage in construction, maintenance or repair work which requires a city permit between the hours of six o'clock (6:00) P.M. and eight o'clock (8:00) A.M. of any day, or at any time on a Sunday or public holiday unless such person has been issued an after hours construction permit issued pursuant to subsection C of this section. In addition, no person shall engage in such work within a residential zone, or within five hundred feet (500') of a residential zone, at any time on a Saturday unless such person has been issued an after hours construction permit issued pursuant to subsection C of this section. For the purpose of this section, "public holiday" shall mean:

1. New Year's Day.
2. Memorial Day.
3. Independence Day.
4. Labor Day.
5. Thanksgiving Day.
6. Christmas Day.

Nothing in this section shall restrict the performance of "emergency work" as that term is defined in section 5-1-102 of this chapter.

B. No person employed for the purposes of construction, maintenance, or repair work which requires a city permit shall enter a site on which such work will be done prior to eight o'clock (8:00) A.M. Any violation of this subsection shall be deemed to be an infraction.

C. The city building official, after consultation with appropriate city officials, may issue an after hours construction permit authorizing work and/or entrance to a work site otherwise prohibited by this section if the city building official determines that the public interest will be served by such a permit. Situations in which the public interest may be served by the issuance of such an after hours construction permit includes, but are not limited to, construction near school grounds, and construction that may interfere with vehicular or pedestrian traffic in heavily traveled public rights of way.

D. Applications for an after hours construction permit issued pursuant to subsection C of this section shall be in writing and shall set forth how the public interest will be served by issuing the permit. An after hours construction permit may be revoked or suspended by the city building official if the city building official determines that activity conducted pursuant to the permit detrimentally affects the public health, safety or welfare.

5-1-206: NOISE IN PROXIMITY OF SCHOOLS, HOSPITALS, AND CHURCHES:

It shall be unlawful for any person to create any noise on any street, sidewalk, or public place adjacent to any school, institution of learning, or church while the same is in use, or adjacent to

any hospital; which noise substantially and unreasonably interferes with the workings of such institutions or which disturbs or unduly annoys patients in the hospital, provided that conspicuous signs are displayed on such street, sidewalk, or public place indicating the presence of a school, church, or hospital.

5-1-207: HAWKERS AND PEDDLERS:

It shall be unlawful for any person within the city to sell anything by public outcry within any area of the city zoned for residential uses. The provisions of this section shall not be construed to prohibit the selling by outcry of merchandise, food, and beverages at licensed sporting events, parades, fairs, circuses, and other similar licensed public entertainment events.

5-1-208: DRUMS:

It shall be unlawful for any person to use any drum, other percussion or musical instrument, or device of any kind for the purpose of attracting attention by the creation of noise within the city. The provision of this section shall not apply to any person who is a participant in a school band or duly licensed parade or who has been otherwise duly authorized to engage in such conduct.

5-1-209: PORTABLE GASOLINE ENGINE POWERED BLOWERS:

It shall be unlawful for any person within the city to use or operate any portable machine powered with a gasoline engine used to blow leaves, dirt, and other debris off sidewalks, driveways, lawns, or other surfaces.

5-1-210: ANIMAL AND FOWL NOISE:

No person shall keep or maintain, or permit the keeping of, upon any premises owned, occupied, or controlled by such person, any dog or other animal or fowl otherwise permitted to be kept which, by any loud or continuous cry, bark, howl, or other sound, unreasonably disturbs other persons.”

Section 3. Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase in this Ordinance or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof, irrespective of the fact

that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional, or invalid, or ineffective.

Section 4. Publication. The City Clerk shall cause this Ordinance to be published at least once in a newspaper of general circulation published and circulated in the City within fifteen (15) days after its passage, in accordance with Section 36933 of the Government Code; shall attest and certify to the adoption of this Ordinance and shall cause this Ordinance and the City Clerk's certification, together with proof of publication, to be entered in the Book of Ordinances of the Council of this City.

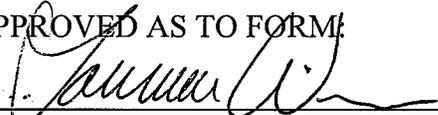
Section 5. Effective Date. This ordinance shall go into effect and be in full force and effect at 12:01 a.m. on the thirty-first (31st) day after its passage.

Adopted:
Effective:

BARRY BRUCKER
Mayor of the City of
Beverly Hills, California

ATTEST:

(Seal)
BYRON POPE
City Clerk

APPROVED AS TO FORM:


LAURENCE S. WIENER
City Attorney

APPROVED AS TO CONTENT:

JEFFREY KOLIN
City Manager



STEVE ZOET
Director of Community Services

Attachment 2

10-3-406; 1209; and 4302: Business Prohibited, Exceptions, and
Prohibited Home Occupation Activities

10-3-406: BUSINESSES PROHIBITED:

Except as provided in article 43 of this chapter, no business shall be conducted or maintained in any building or upon any lot or premises, or upon any portion of either thereof, in zone R-1. All property and buildings in zone R-1 hereby are limited to strictly private one-family residential uses except as otherwise provided in this article. (1962 Code § 10-207; amd. Ord. 01-O-2383, eff. 11-2-2001)

10-3-1209: BUSINESSES PROHIBITED; EXCEPTIONS:

Except as provided in article 43 of this chapter, no business shall be conducted or maintained in any building or upon any lot or premises, or upon any portion of either thereof, in zone R-4, except the business of an apartment house. All property and buildings in zone R-4 hereby are limited to residential uses, except as otherwise provided in this article. (1962 Code § 10-321; amd. Ord. 73-O-1491, eff. 10-18-1973; Ord. 01-O-2383, eff. 11-2-2001)

10-3-4302: PROHIBITED HOME OCCUPATION ACTIVITIES:

Notwithstanding any other provision to the contrary, no person shall engage in, permit, carry on, or conduct any of the following activities as a home occupation at any time in a residential zone:

- A. Repair, servicing, alteration, assembly, upholstery, or construction of any automobile or other motor vehicle as defined in the California Vehicle Code;
- B. Any hotel use or any other transient lodging use for compensation or benefit of any kind, including, but not limited to, the operation of bed and breakfast inns, hostels, hotels, or any similar operation;
- C. Restaurant, excluding a restaurant or caterer that delivers goods or services to a residential site, has a principal place of business outside of any residential zone, and conducts no administrative or processing function within a residential zone;
- D. Caterer, unless a permit shall have first been obtained from the director of building and safety approving any equipment to be installed and operated in connection with the catering business;
- E. Rental of any residence, or any portion thereof, for events or activities such as parties, banquets, auctions, or similar activities, except in connection with nonprofit and/or charity functions, provided such nonprofit or charity functions are limited to one time per quarter not to exceed four (4) times in any twelve (12) month period;
- F. All activities regulated under title 4, chapter 2 of this code;
- G. Activities regulated under title 4, chapter 3 and chapter 4, article 5 of this code except as authorized by permit under title 4 of this code and consistent with the provisions of this article;
- H. Any activity that would produce biohazardous or medical waste, as those terms are defined in the California Health and Safety Code, or involves the storage of materials in a manner that would result in a change in the occupancy classification of a residential structure under the city's building code, mechanical code, fire code or plumbing code, or that would otherwise violate any building or fire code or other law;
- I. Conduct any use, other than a residential use, prohibited in the C-3 zone;

J. Conduct any use conditionally permitted in the C-3 zone;

K. Manufacturing, excluding activities or occupation such as: 1) artists, authors or composers; 2) dressmakers, seamstresses, or tailors; and 3) home crafts, including, without limitation, model making, rug weaving, quilting, needle work, jewelry making, woodworking, and other similar activities which are consistent with the primary use of the dwelling as a residence, provide that such activities are limited to the use of tools and equipment commonly available for personal residential use. (Ord. 01-O-2383, eff. 11-2-2001)

Attachment 3

Human Relations Commission Minutes for April 13, May 9, May 24,
June 16 and June 30, 2011

**HUMAN RELATIONS COMMISSION
SPECIAL MEETING**

**MINUTES
Tuesday, April 13, 2011
7:00 p.m.
City Hall
455 N. Rexford Drive
Council Chambers**

ROLL CALL

The meeting was called to order at 7:08 p.m.

Present: Pease, Meshkaty, Yousem, Ginsburg, Sherman, Linder, Nazarian
Absent: None

**Tab 1. NIGHTTIME SOCIAL EVENTS AND THE IMPACT OF AMPLIFIED MUSIC
AND ENTERTAINMENT IN RESIDENTIAL NEIGHBORHOODS:**

The first of three scheduled public meetings, intended for Beverly Hills residents to address the Human Relations Commission with their personal experiences regarding the existing noise ordinance and their opinions on how, if at all, it should change. Commission Chair Nazarian introduced the topic to the audience and provided the rules and decorum of the meeting.

Human Services Administrator, James R. Latta, explained how Community Development as well as the Human Relations Commission became involved in the process of the potential revision of the noise ordinance. In addition, he explained City Council's directive to the Human Relations Commission to seek public feedback and develop a recommendation for City Council consideration at a future date.

Lt. Michael Hill of the BHPD addressed the Commission on how the ordinance is currently enforced.

Beverly Hills Senior Planner, Michele McGrath, provided a brief overview of the current Beverly Hills noise regulations.

The Chair called on the following people who wished to speak:

Rose Norton: Mrs. Norton felt that 6:00 pm is too early to begin enforcing rules against noise, but also that the problem goes beyond just amplified music. In addition, there is a difference between parties *at* versus *in* someone's home. Further, even when a party is moved indoors due to excessive noise, there may be outdoor noise from caterers who still make a lot of noise even after the music stops. By this time it's usually midnight and you hear slamming car doors, amongst other sounds, and they normally don't finish

everything until around 1:00. There needs to be rules on what you can and can't do, and that you should have to obtain a permit to have a party.

Ken Goldman: Mr. Goldman felt that there are cultural differences between members of the community that people should do their best to respect. Mr. Goldman, President of the Southwest Homeowner's Association meeting, said they recently spoke about the noise issue and that it's not just the noise that's a concern, but the frequency at which these parties are taking place. Once every three months is fine, but every 1-2 weeks is too much. Mr. Goldman says he respects all of his neighbors and that he supports the idea of a common process that's followed for enforcement of a noise ordinance, but that the frequency is very important to take into account.

Carol Ward: Mrs. Ward, a 43-year resident, asked the Commission what the current ordinance is, how long it has been in effect and why it needs to be fixed. She feels although there are some neighbors who aren't very respectful, she doesn't think it's up to her to tell them not to have parties; nor does she feel it should be the responsibility of the police to have to be involved with this matter.

Chair Nazarian briefly reviewed the noise ordinance for those members of the community who may have missed her opening presentation.

Lori Goldman: Mrs. Goldman felt that neighbors should all respect each other, for example, she is an early riser but doesn't disturb her neighbors at 6AM. She feels that 6:00 pm is too early to begin enforcing a noise ordinance. She supports the idea of having to obtain a permit to have a party.

Erica Lowy: Mrs. Lowy, a 36-year resident, has seen a decline in the level of respect some neighbors show over the years she's been here. She has neighbors who have parties on the weekend frequently that usually begin around 10:30pm and go on much later into the night. She says she'll normally call the police between 10-11 pm, but after the police come and go, the loud noise starts again. She felt Rose Norton's distinction between parties *in* your home versus *outside* were entirely different things.

Shawn Nourafshan: Mr. Nourafshan, a 33-year resident, says he has had two parties recently, both of which were shut down by the police. He says he had "background music" playing, which he did not feel was very loud. He feels the time needs to be extended on the weekends to 1:00-2:00 am. There should be conditions for having the parties, and we should be able to have them – not every week but 3-4 times per year.

Marjorie Blatt: Mrs. Blatt felt that she wishes everyone who wanted to have a party would be allowed to do so, just so long as everyone stayed respectful. On weeknights, who needs amplified music? She also feels that there should be a distinction made between rules for weeknights and weekends. If there is a permit process, consider amplified music, frequency, and parking.

Shahriar Afshani: Mr. Afshani, a resident since 1974, believes that we are a melting pot of different backgrounds and we need to be more accommodating and respect our neighbors. Night after night is different from than a couple of times per year.

Kathy Afshani: Mrs. Afshani, a 30-year resident, feels everyone should be allowed to have a party once a year to celebrate happy occasions in our homes to celebrate our lives. Obtain a permit. She feels that everyone should be able to use their homes for what they were intended for and should not have to reserve a hotel just to have a party.

Staff responded to the subject of permits:

Michele McGrath addressed the subject of permits and said that implementing a permit system would likely mean that one full-time employee would have to be hired to process the volume of permits that would likely be requested. There would also have to be defined criteria to separate people who would and would not be required to obtain a permit based on the details of their party or social gathering.

Audience comments resumed:

Kathi Afshani: Mrs. Ashani addressed the Commission again to add that she feels that by charging for permits there should be no problem in hiring an employee to process them because the permit fee would pay for the employee and the rest could go to the City.

Ken Goldman: Mr. Goldman emphasized *frequency*; anyone making use of amplified sound should have to obtain a permit; with permits you have a way to track how many parties people are having.

Rod Nourafshan: Mr. Nourafshan said he enjoys having parties and enjoys having the freedom to celebrate life. He feels that have parties "a couple of times a year" is reasonable.

Nazy Zarabi: Mrs. Zarabi feels that having parties can help to galvanize a community and that almost every time she has a party she invites her neighbors. She thinks that personal problems between neighbors may be the root of this issue; not so much the noise itself.

Chair Nazarian reminded the audience of the two remaining scheduled meetings.

ORAL COMMUNICATION FROM THE AUDIENCE:

None

ADJOURNMENT

Meeting was adjourned at 8:00 p.m. until the next scheduled meeting on May 9, 2011.

PASSED, Approved and Adopted

This 8th day of June, 2011



Nazarian, Chairperson

**HUMAN RELATIONS COMMISSION
SPECIAL MEETING**

**MINUTES
Monday, May 9, 2011
7:00 p.m.
City Hall
455 N. Rexford Drive
Council Chambers**

The meeting was called to order at 7:00 p.m.

ROLL CALL

Present: Pease, Meshkaty, Yousem, Sherman, Linder, Nazarian
Absent: Ginsburg

CONSIDERATION OF MINUTES

1. Minutes of April 13, 2011

MOVED by Yousem, SECONDED by Sherman to approve as presented (6/0)

AYES: Pease, Meshkaty, Yousem, Sherman, Linder, Nazarian
NOES: None
ABSENT: Ginsburg
ABSTAIN: None
CARRIED

**Tab 1. NIGHTTIME SOCIAL EVENTS AND THE IMPACT OF AMPLIFIED MUSIC
AND ENTERTAINMENT IN RESIDENTIAL NEIGHBORHOODS:**

The second of three scheduled public meetings, intended for Beverly Hills residents to address the Human Relations commissioners with their personal experiences regarding the existing noise ordinance and their opinions on how, if at all, it should change. Commission Chair Nazarian introduced the topic to the audience and provided the rules and decorum of the meeting.

Human Services Administrator, James Latta, reviewed the history of the events leading to the reconsideration of the current noise ordinance. Latta also briefly spoke on several topics raised at the last hearing held on April 21, 2011.

Nestor Otazu, Beverly Hills Code Enforcement Manager, addressed the Commission about how the Code Enforcement Department uses its noise meters in relation to City codes. Human speech, or amplified human speech, is measured differently than

mechanical noise which makes enforcing any rules against loud speech difficult. He reported that approximately 5-10% of the calls received by Code Enforcement are noise-related.

Lt. Joseph Chirillo of the BHPD addressed the Commission on how many calls the BHPD receives for either loud music or party complaints and how the calls are handled. Between January 28 and June 30, 2009 there were 439 calls; between June 1, 2010 and December 31, 2010 there were 793 calls. In addition, he provided information on Disturbance of the Peace laws now in effect. In response to a commissioner question, Chirillo responded affirmatively that the number of calls related to underage drinking increased significantly during events such as New Year's Eve and graduation. In addition, he noted that it's time-consuming and problematic to shut down a party and that they must prioritize their calls relative to staffing at night.

Gisele Grable, Community Services Administrator, addressed the subject of permits in relation to the possibility of consideration of a permit system for residents to have parties at their homes. She said the special events permits department is comprised of two (2) staff members who process approximately 600 permits per year. Grable also said that even if a permit is obtained for an event, often times there are still calls made to the police because of the noise.

The Chair called on the following people who wished to speak:

Jerald Friedman – Mr. Friedman felt that the ordinance should be revised but even if the time was extended, there should still be the ability to enforce human noise; the person organizing the party should be responsible for notifying residents and the police about when the party will happen and leave a contact phone number in case it gets too loud; after a certain time the party should have to move indoors, with doors and windows closed, and that violators of the rules should be fined.

Mel Spitz – Mr. Spitz asked the question, "what constitutes a party?" and raised the point that late night *parties* are not prohibited- the problem is *noise*, which doesn't always come from a party; someone playing a set of drums or playing a radio too loud can be just as bad; nighttime quietude distinguishes us from the surrounding area/other cities; in response to the five questions on the screen: it's reasonable to have the 6 p.m. deadline moved to 10 p.m.; every day of the week; 365 days; no limit on frequency.

Randy Simon (caller) – Mr. Simon opposed any ruling favoring the regulation of parties; be respectful, invite your neighbors; applying for a permit would feel like asking for permission from parents; as an adult in his 50's, thinks it is unnecessary; permit system would not solve any problems as someone could apply for a 20-person party permit and still have 50 people show up; the deadline should be moved from 6 p.m. to 10 p.m.

Mary Levin Cutler – Mrs. Cutler, a 54-year resident, said she was unaware that there

was a noise ordinance until now; gave an example of a time when she called the police about a party and had it shut down; another example of when she called, and it was shut down after having to call twice; the noise from the party-goers – even without the amplified music - was too loud; there are several houses nearby her that are rented out with the sole intent to have a party; require a permit for rented houses; there is a health aspect to the effects of the volume of noise.

Steve Weitzman – Mr. Weitzman felt that all Beverly Hills residents should be able to entertain their families and friends, but also feels that everyone has the right to a peaceful lifestyle; noise should be kept at reasonable decibel levels that are not harmful; and parties should be held within reasonable time constraints with fines and citations to mitigate wild and loud events that are unnerving and unacceptable.

Hekmat Ravan (caller) – Mr. Ravan opposed the ordinance and felt that having to get a permit to have a 30-40-person party should not be necessary.

Marcia Hollander – Mrs. Hollander doesn't think that the ordinance should be changed at all and notes young children and elderly people need quiet; breaking up parties should not be something that the police should be responsible for, as it's a waste of taxpayers' money; it should be up to everyone to respect their neighbors; while amplified noise is a problem, especially when considering how strong amplifiers are made nowadays, even the noise coming from a group of people after a party has ended can be almost as bad as the party itself.

Kathy Reims – Mrs. Reims noted that Disturbance of the Peace is common sense; having more ordinances isn't always the answer to the problem; the City has different regulations for commercial and residential land uses for a reason; if someone wants to have a loud party that would disturb neighbors, they should have it in a commercial location; in the Hollywood Hills, loud parties in residential neighborhoods are common and become intolerable; noise around the world is recognized as pollution.

Andrea Grossman – Mrs. Grossman felt that the City needs a noise ordinance that is clearly stated, communicated and enforced; clearly spells out the rules of what can and can't be done and at what times certain activity is allowed; an acceptable time would be 10 p.m.; a paid permit should be a requirement; each household should be limited to no more than three parties per year; notifications sent to all neighbors should also be a requirement. If these rules are not followed, the police need to have the authority to cite and fine the homeowner.

Ed Brown – Mr. Brown raised the issue of whether renting is the source of the majority of the abuse. He described his experience living next to someone who rents the house for business and has parties twice a month in winter, and almost every week during the summer. The party-goers are loud, litter and park in front of Mr. Brown's driveway making it impossible for him to get out. Mr. Brown supports the idea of a permit system,

but only feels it's necessary if a resident continues to abuse the privilege. No permit should be required for days such as Mother's Day, etc.; if there is a permit, there should be no charge.

Allyson Wittner – Mrs. Wittner felt that amplified noise was a problem, but noise from local construction, people playing basketball and kids screaming was as much of a problem because the police will not come out to stop it the way they would for a party with amplified music. She feels that the 6 p.m. start time of the ordinance should stay where it is, and compared it to construction, lawn mowers and leaf blowers, which aren't allowed to be used past certain times either. Mrs. Wittner feels that noise is noise, no matter if it's amplified music or not, and it should be restricted to hours that don't interfere with the peaceful enjoyment of one's home or the health and safety hazard of excessive noise.

Joy Zaki – Mrs. Zaki's issue was with the nightclub located on the top of the Thompson Hotel, located at the intersection of Crescent and Wilshire, which is frequently used for parties. The young adults there make a lot of noise when they walk back to their cars, as they park across the street from the hotel. They are drunk, loud and can easily be heard from over a block away; parking enforcement is needed.

Shawn Nourafshan – Mr. Nourafshan, a 33-year resident, believes that anyone should be allowed to have a party at their house, but should be limited to 3-4 times a year and should have to obtain a permit to do so.

Marilyn Gallup – Mrs. Gallup read a letter by Larry Larson, who was unable to attend the meeting. Mr. Larson is in support of an ordinance that takes decibel level measurements into account. Mrs. Gallup then moved on to her own opinions and felt that people had a right not to have their morning (before 8:00 am) or night time sleep disturbed. Regarding the subject of whether the limitations should change for the weekends, she said that she lives with her 90-year-old mother who does not care whether noise is disturbing her sleep on a Wednesday or Saturday, nor does a baby know the difference.

Thomas White – Mr. White, Chairman of the Municipal League of Beverly Hills, said that while the demographics of the City may change over the course of time, the principles of being a good neighbor remain the same. He said the high quality of life is why people move to the City, and that while people have a right to party, every right comes with responsibilities. Mr. White said that once noise extends beyond the confines of your own home, you are violating a social contract that must be upheld. Mr. White feels that the system that is currently in place has stood the test of time, is not broken and does not need to be fixed.

Jack Nourafshan – Mr. Nourafshan said that several times he has attended social gatherings that were shut down between 10:00-11:00 p.m. He pointed out that a lot of

expenses go into having a party; shutting them down amounts to a large amount of money wasted; in favor of extending the start time of the ordinance to 10 p.m. on weeknights. Beverly Hills is different now than 50 years ago; Saturday nights and the nights before legal holidays are for socializing and going to events. He also believes that sometimes complaint calls are made to the police out of spite, not necessarily because a neighbor is being disturbed, and that some of the calls are coming from people who aren't even neighbors.

Carol Redston – Mrs. Redston, over 50-year resident, said neither they, nor their children who also live in the City and were taught to be respectful neighbors, have ever received a knock on the door from the police. She wanted the Commission to know how many people in the community are upset about noise problems.

Steve Kessler – Mr. Kessler, the principal of Horace Mann elementary school, said that for the past 4-5 years the PTA has hosted an annual musical fundraiser and never had any issues with the police until this year. The event began at 5:00 p.m. with amplified music, as is customary for the annual event, and by 6:00 p.m. the police came and shut it down. Eventually they were allowed to continue until 10:00 p.m. Mr. Kessler also said the school instituted an outdoor movie night, never has had an issue with the police, but that this year they were approached by the police about it. He'd like clarification of the ground rules so he can abide by them and avoid creating any type of disturbance.

Dina Chernick – Mrs. Chernick felt that the City needed ordinances so there can be some level of control over the noise that people are exposed to, and that without them the community would be living in a chaotic situation. She said nobody minds anyone having a party; the problem is the noise, and the noise can come from amplified music or any other source, but is a disturbance no matter where it comes from.

Mr. Varavon (caller) – Mr. Varavon felt that there should be restrictions on noise for the weekdays, but that people should be allowed to party as they'd like to on the weekends.

Christine Skirmuntt Ford – Mrs. Ford felt that the ordinance should be kept as it is, without any changes, but that it is the responsibility of each homeowner to respect the tranquility of the community; it isn't the time of day of the noise, it's courtesy, respect, tranquility, rest, peace and quiet.

Herbert Milgrim – Mr. Milgrim questioned what constituted a party in contrast to two or three people playing basketball after midnight and the constant grind of ongoing noise issues over time; what's needed is an ordinance that essentially forces people to be civil with each other when they don't understand what civility is about on their own.

Kevin Daneshgar – Mr. Daneshgar said that he sees more of the elder members of the community represented at the meeting, but that there is a younger group that enjoys

socializing, and if the parties aren't allowed to happen the younger generation isn't going to want to be a part of the community in the future.

ORAL COMMUNICATION FROM THE AUDIENCE:

None

ADJOURNMENT

Meeting was adjourned at 8:43 p.m. until the next scheduled meeting on May 24, 2011.

PASSED, Approved and Adopted

This 24 day of May, 2011



Nazarian, Chairperson



**MINUTES
CITY OF BEVERLY HILLS
HUMAN RELATIONS COMMISSION**

The special meeting of the Human Relations Commission was held at 9:15 am on Tuesday, May 24, 2011 in Beverly Hills City Hall, Council Chambers, 455 N. Rexford Drive, Beverly Hills, California, 90210.

The meeting was called to order at 9:15 a.m.

FLAG SALUTE

Lieutenant Michael Hill was called upon to lead the flag salute.

ROLL CALL

Present: Pease, Ginsberg, Sherman, Yousem, Meshkaty, Linder, Nazarian
Absent: None

CONSIDERATION OF MINUTES

Tab

1. Minutes of Special Meeting on May 9, 2011

MOVED by Pease, SECONDED by Yousem to approve as presented (7/0)

AYES: Pease, Ginsberg, Yousem, Sherman, Meshkaty, Linder, Nazarian
NOES: None
ABSENT: None
ABSTAIN: None

CARRIED

ORAL COMMUNICATION FROM THE AUDIENCE

None

2. NIGHTTIME SOCIAL EVENTS AND THE IMPACT OF AMPLIFIED MUSIC AND ENTERTAINMENT IN RESIDENTIAL NEIGHBORHOODS:

The third of three scheduled public meetings, intended for Beverly Hills residents to address the Human Relations commissioners with their personal experiences regarding the existing noise ordinance and their opinions on how, if at all, it should change.

Commission Chair Nazarian introduced the topic to the audience and provided the rules and decorum of the meeting.

Human Services Administrator, Jim Latta, reviewed the history of the events leading to the re-consideration of the current noise ordinance. Latta also briefly spoke on several topics raised at the last two hearings held on April 13, 2011 and May 9, 2011.

Nestor Otazu, Beverly Hills Code Enforcement Manager, addressed the Commission about how the Code Enforcement Department handles noise complaints and uses its noise meters in relation to City codes. He also discussed enforcement protocol when a residence is being rented out for commercial parties.

Lt. Michael Hill of the BHPD addressed the Commission on how noise complaints are handled.

Gisele Grable, Community Services Administrator, provided information on the administrative aspects of City permits.

The Chair called on the following people who wished to speak:

Albert Gangian (caller) – Mr. Gangian expressed that 50 years ago Beverly Hills had a different demographic and culture. Businesses closed at 8 p.m. With the influx of different cultures many businesses are staying open later to accommodate. He requests ordinance be changed to a later time.

Joe Shooshani – Mr. Shooshani felt that people want to have entertainment at their homes, but don't want to bother neighbors and potentially get party shut down. The problem is twofold; limits need to be set for shutting down parties and there needs to be variations. He said it is unreasonable to shut down at 6 p.m. Other cities have 10 – 11 p.m. time limits. He had paperwork from the City of Davis with their permit procedure for parties which he presented to the Commission.

Sandy Bresler – Mr. Bresler, a Carla Ridge resident, thinks police have better things to do than monitor parties. Noise does not have ethnicity. Noise in the "hills" travels farther than in the flats.

Kari Kramer – Ms. Kramer lives on Beverwil. She said leave noise ordinance alone. It is counterproductive to community and respect. She confronted a neighbor about their noise and was threatened.

Medhi Soroudi (caller) – Mr. Soroudi is the President of Nessah Educational Cultural Center. The Center has close to 2000 members. They are requesting longer hours for events at their facility.

Marie-France Salaun – Ms. Salaun is a resident & works in Beverly Hills. She thanked Commission for their hard work and stated many other residents do not know about noise ordinance. When her children were young she always had parties at her home and hopes this can continue for other families. We should be allowed to celebrate in our homes and do as we wish.

Nina Shimonovitz– Ms. Shimonovitz prefers to keep ordinance as it is. She is concerned that people got riled up at last meeting. She also expressed disappointment about there being a “draft” version of the new ordinance contained in the Agenda.* Lastly, she expressed people should not take it upon themselves to “police” the issue; the police should handle. She believes the ordinance should remain as is.

*Chair Nazarian clarified that the “draft” in the Agenda was not a document produced by the Human Relations Commission. It was based on Community Development staff recommendations to the City Council earlier in the process and provided to the Human Relations Commission as reference information.

Daphna Salimpour – Ms. Salimpour, a 30 year resident, thinks 50 years is a long time to not change. The City of Beverly Hills needs to grow with changes. They need standards and rules. Neighbors should be able to speak and co-exist with each other. She is hopeful for a positive solution.

David Asher (caller) - Mr. Asher is concerned for the future of our children. He wants them to be at home when they have parties. His suggestion is holidays, weekends cut off time would be midnight and during the week it would be 10 p.m.

Roxana Rastegar – Ms. Rastegar has held many family occasions in her family home; to have that right taken away would be a shame. A house becomes a home by holding celebrations there. Not sharing space with family and friends would drastically affect the quality of life. Her suggestion to change the ordinance would be to midnight on weekends and holidays. She thinks this might affect people buying a home in Beverly Hills if it stays the same.

Ladan Kadisha - Ms. Kadisha thinks it is unreasonable to tell kids they can't have a party after 6 pm. She believes the time needs to be changed to later. She stated “We buy a house to have celebrations.” She urges the Commission to change the time to later.

Robert Tanenbaum – Mr. Tanenbaum wanted comments made on February 15th to City Council to be referenced here. (February 15th comments: He spoke about a home (behind his) on Bedford, being rented out and there was a party with a DJ creating a disturbance. He had spoken with Dr. Brien & Mr. Mirisch two years ago about the quiet use and enjoyment of their homes which is the bedrock of civilized society and now the topic surfaces again. Most residents do not know about the ordinance. He has heard suggestions to extend the time to 10 p.m. during the week and 11 p.m. on the

weekends (or before a holiday). He doesn't think it should be extended at all. He thinks this is a serious issue. It's a social contract that we will not disturb our neighbors. We want to encourage civility.

His comments at this meeting included; we entertain knowing that we will not disturb our neighbors, it is contrary to civility; the statute should remain in place as is; if you change it to midnight or later, it would make no difference; Essence of your creation was to engender a policy of civility.

Nancy Zahabian– Ms. Zahabian, a 30-year resident, suggested getting a permit once a year to hold a party once that would last until 2 a.m.

Ben Nehmadi – Mr. Nehmadi just moved here to enjoy quality of life and to have no restrictions. He suggested hours be changed to 11 p.m. to 12 a.m. (midnight) or perhaps later on weekends. He would like hours to be more reasonable. He also stated he would prefer to have kids at home and not going to clubs.

Terri Smooke – Mrs. Smooke stated that she bought her home because she loves it but it has become increasingly difficult to enjoy life because of noise. Amplified noise is a problem with her neighbors now. It is not acceptable to hire more people to man some sort of permit desk and then the Fire & Police departments need to monitor this. This is not a cultural issue. They cannot use their backyard on the weekends nor have grandchildren over because the amplified noise is constant.

Michael Smooke (same household as above) – Mr. Smooke stated noise on their street is quite excessive. It is an invasion of their privacy and their rights. There is no reason parties cannot be brought indoors at a certain time. They need to close all the doors and windows and still hear the neighbor's music in their home. He recommends keeping the hours the same @ 6 pm during the week and extending to 10 pm on weekends.

Dr. Charles Aronberg – Dr. Aronberg stated people in Beverly Hills are known for kindness, tolerance and welcoming nature. He also stated noise can cause many medical issues. Other speakers inferred that because the ordinance is 50 years old it should be changed. There is nothing wrong with an old ordinance. The Police Department will enforce what we ask them to do.

Shohreh Soroudi – Ms. Soroudi, a 31-year resident of Camden Drive, expressed that it is time for ordinance to be changed. Beverly Hills is different today. The City is more vibrant with many more activities. We want to have our children have their parties at home. We want to celebrate with our children. Keep children here. Do not push them out. She cites the parking regulations are until 2:30 a.m. so we should be allowed to have guests until then.

Babak Nassir – Mr. Nassir's statement – verbatim – "Good Morning Chair Nazarian, Commissioner Yousem. Uh, sorry, I really wasn't prepared to come here or speak or

anything today. I was just on my way to work. My dad called me. I'm a resident of Beverly Hills, on Beverly Drive, and he said did you know this is going on so I said you know what, let me come and listen, but I wasn't prepared to speak. After hearing some people speak, I decided you know what, I jot down some notes, maybe I should put in my two cents worth also. Uh, as far as what some people said, don't be fooled by the quality or the quantity of people here or the facts that a lot of people want this. Well I think the quantity makes a big difference as to what should be or what should not be done. After all we are in a democratic nation, we are a democracy and the more people that want something, it should actually rule so when there's a lot of people supporting a change in an ordinance. It does make a difference that means, hey people are saying maybe this was good 200 years ago or 50 years ago, but it's not good now. People change, times change and we as a city need to go ahead and back that up by actually changing with the times. After all, we are a community. The community is based on social gatherings, social life, people hanging out, yes, even parties. Even the city itself right now is building basically a community center. A place to have shows, ballets and everything like that. Why is this being built? It's being built to give a sense of community; to bring people together. No not necessarily just to bring people together in one place where the city, but what about people who want to do that extended family and friends and everything like that. These people have a right to do it in their own homes these people are building larger homes. Beverly Hills is known for it and the reason they do it is to have these gatherings like one of the other people said, it's not like they're building it to have six people sitting around in a living room that is 3000 square feet and I realize that people are also against building the larger houses to have these gatherings but they are also not complaining when their houses that are bought in 1975 for 70,000, 80,000, 90,000 and they are bringing in tax revenue based at \$300,000 then when they go ahead and sell it and it sells for 3 or 4 million and suddenly it's bringing in revenue based on 3 or 4 million and that's what makes this city work. The police, fire department we have...all this stuff costs money these taxes are what pays for it and these people are what are paying these taxes and allowing this to happen, and I don't think tax money should be spent on police running out every time because someone calls and says "hey there's noise here." As far as extending it, uh, you know 2 a.m. is the clubs and everything like that and I realize this is a residential community, maybe 12:30, 1 o'clock would be reasonable so by the time they go ahead and wind down. Thank you."

Paulina Hekmat – Ms. Hekmat was on way to school but stopped to speak on this matter. She wanted to bring perspective of a younger person. She thinks it is important to bring people together. The time of midnight would be appropriate. After that noise should go inside. People should be allowed to have parties.

Jackie Soroudi – Ms. Soroudi had a gathering inside recently and the police came to shut it down. The party was inside with doors closed. Noise ordinance should be changed to 11p.m. – 12 (midnight) on weekends. She feels people are abusing the time

even if there is not loud music. They are still calling and complaining. She is concerned that the young people will go to clubs and not stay at home for parties.

Sharon Kahenassa– Ms. Kahenassa was planning on having a party. She called to get estimates and it was very costly to have a party outside the home. She stated they spend so much to make their homes nice. It is not fair that they cannot enjoy the good times in their home. She suggested the stop time to be 12 midnight to 1 a.m.

Farzaneh Neman – Ms. Neman grew up in Beverly Hills and had many events at her home. Her parents taught her to respect her neighbors. They had many events till 1 a.m. and did not have problems with their neighbors. She has noticed as time has gone on the neighbors used the ordinance to stop the parties. She suggests midnight or 1 a.m. to be the stop time.

Mahvash Parnassi – Ms. Parnassi, a 32-year resident, spoke about being nice to neighbors and inviting them and share good times with them. She does not agree with the 6 p.m. end time. Many people are coming to buy homes in Beverly Hills. Noise is the noise of celebration. People with good hearts understand this. It is not shouting or yelling, it is good noise. Everyone has a right to have celebrations in their own home. She also expressed that some people may have a personal agenda; should not let that get in the way of the process. She expressed that some of the workers may call the police to have the party shut down.

Neda Mehdizadeh– Ms. Mehdizadeh has raised her family in Beverly Hills/Trousdale for over 20 years. She has had lots of parties, but never had a complaint. Amplified music needs to be regulated even at 10 a.m. She thinks there should be some sort of license you can get. There must be limits and regulations but a 6 p.m. end time is too early.

Ladan Kadisha (spoke for husband who needed to leave) –She said it is good to have parties at home so kids won't go to clubs. She urged Commission to change time to later in evening to spend more quality time with family.

Shirin Shehery – Ms. Shehery had her son's Bar Mitzvah at home this past summer. It did not start until 8 p.m. and the candle lighting did not start until 10 pm. They know Kosher caterers who will not serve until after sundown on Saturday. She offered to send her neighbors to stay at hotel so they would not be disturbed. One neighbor said they would have the party shut down; that they had a good relationship with the Police Department. It ultimately ended up that the music did not disturb the neighbor and the party was not shut down but the resident had a lot of anxiety during the evening. She agrees that there should be rules and notifications made prior to the event. She recommends extending the time until midnight.

Unknown Caller – The caller relayed that she is a 33-year old would like to continue to have parties at home instead of going out to clubs where there is a loss of control. She

suggested changing time from 6 p.m. to 11 – 11:30 p.m. and encourage our kids to have their parties at home.

Heskel Nazarian (caller) – Mr. Nazarian's opinion was to extend time to 10 p.m. or midnight.

Harry (caller) – Harry is totally opposed to changing the time of the ordinance. There was a party next door recently with loud music and late night party goers. One came onto his lawn and urinated. He does not feel he needs to put up with this behavior.

Chairperson Nazarian & Vice Chair Linder read the following letters from residents:

Bert & Kathy Lorell – These Trousdale residents have experienced very noisy parties in the past. They need regulation of amplified music in the hills because of the echo. In the past a vacant house has been rented out for parties on the weekends. They recommend a 10 p.m. shut down for amplified music and suggest using a hotel in the City for a party.

Leiman J. Schiller – Letter states that house parties are not the sole issue, there are many other kinds of noise. The subjective enforcement in the past has been unfair to some and confusing to all. He suggests that parameters of what constitutes an infraction of the new ordinance be clarified and uniformly enforced, the cost of enforcement will fall to the non-compliant individual, and the enforcement would not rely exclusively on a complaint call, but also on the observance by City employees in the course of their duties.

Frederick Nicholas – Mr. Nicholas has resided in Beverly Hills for 50 years. His letter supports position that Mel Spitz presented to the Human Relations Commission. He states in his letter it is solely a matter of regulating noise and not a matter of ethnic basis.

Sybil Niden Goldrich – Ms. Goldridge, a 32-year resident of Linden Drive stated in her letter to respect our right to silence in the evening. Do not change the noise ordinance.

Steve & Mandana Katz – Mr. & Mrs. Katz, Durant Drive residents stated in their letter there should be reasonable time limits on social night time events. Sunday through Thursday all amplified sound and entertainment should end no later than 9 p.m. and Friday and Saturday events should end no later than 12:00 midnight.

Coldwater Canyon Resident– Letter stated ordinance should be revisited and time should be extended to 10 p.m every day and a limit should be placed on how many gatherings that can be held. They also asked for notice of an event, notice of valet service, what time all employees will be leaving party, and requested no trash be placed on their lawn.

Mrs. George Schaefer – Mrs. Schaefer, a Woodland Drive resident, commented that noise is many things and it must be taken into account that a disturbance can occur any hour of the day or night. It must be strictly enforced and fees imposed. We all deserve the right to enjoy peace and quiet in home and on our property.

Grigory Kalmanovich– Mr. Kalmanovich stated that keeping the time of the noise ordinance at 6 pm is completely absurd and will decrease the quality of life of all residents. The citizens deserve to enjoy friends and family gatherings in the community which include music. It is not reasonable to end at 6 p.m.; 11 p.m. is the reasonable time limit.

Rebecca Daradahti- Ms. Daradahti has been a resident for over 20 years. They built and remodeled their home to be able to have different events at her home. The noise regulation makes it difficult and inconvenient. She asks to reconsider the hour to make it later.

A Trousdale resident writes, "Please count my vote in easing up the noise hours from 6:00 p.m. to at least 11:30 p.m."

Omid Kashani – Mr. Kashani, a Trousdale resident, suggests extend time to 9:30 p.m. This rule affects all who live in surrounding cities as well, not only those who live in Beverly Hills. He stated in his email, it sounds like an old Iran I once lived in; not the glorious City of Beverly Hills. It does not promote a family friendly city if this ordinance takes effect. He assumes it is a political tactic to get someone elected. People do not finish social gatherings at 6 p.m.

An email without a name was read: "I am full agreement with the 6 p.m. time limit."

David Sayah- Mr. Sayah, a 32-year resident of Bedford Drive, who also works in Beverly Hills, expressed his dissatisfaction with the regulation prohibiting amplified noise after 6 p.m. It is a rare event to have excess noise. Why penalize other neighbors in such a drastic manner. There must be another way to enforce a noise limit than to prohibit noise after 6 p.m. He encourages City Council to reconsider changing the regulation.

Myra Gabbay – Mrs. Gabbay, a Linden Drive resident, had a Bar Mitzvah party on Labor Day weekend over nine years ago. After having other events at their home and being that it was a holiday weekend, they didn't think there were any concerns. Just after 10 p.m. party was shut down. The police did not accept moving the band inside and were threatening arrest. It seems that the City does not treat everyone fairly. Her suggestions are for residents to get a permits for outdoor parties with amplified music, change the time to 12 midnight on weekends, 11:30 p.m. on holiday nights & remain at

10 p.m. for weekdays and have the police issue a 15 – 30 minute warning, not threaten arrest right away.

Shirin Kahenassa –Ms. Kahenassa’s family owns 4 homes in Beverly Hills. She is a 9 year resident and loves the area and loves having people over and having parties.

Brad Nopavar – Mr. Nopavar a Hillcrest Drive resident, opposes the time limit of 6 p.m. He stated that the time limit for weekend should not be any earlier than midnight.

Joseph Cohen – Mr. Cohen wrote that Beverly Hills is in transition. In the past 30 years a younger generation is moving in.

An email without a name was read: “I am a resident of Beverly Hills for the past 18 years and now reside on Oakhurst Drive. I want to be able to play amplified music until 11 or even midnight.”

Randi Grant – Ms. Grant a 30-year resident, has watched how things have changed a lot. She is saddened by constant parties. She states it is out of control on her block. “We are all entitled to peace and quiet and need to take back our clean beautiful city and learn to be respectful of one another.” She also suggested a permit be obtained when there is candle lighting at a home party.

Steve Javidzad – Mr. Javidzad a Beverly Drive resident, opposes time limit of 6 p.m. He suggests the time not be any earlier than midnight on weekends.

Stefano – Stefano wrote that “the new noise ordinance is very disappointing and it is unbelievable how a City Council tries to “kill” the life and soul of a city instead of it making it a more lively place to live. Beverly Hills is headed to become a depressing, quiet city good only for retired people rather than a city with life, joy and happy soul. I will surely decide to move away like many friends I spoke to.”

Hooman Nastarin – Mr. Nastarin, a Willaman Drive resident, wrote the current law is not realistic. It must be modified to the current standards of living. He suggested extending it to midnight on weekends and holidays and keeping it at 10 p.m. on week nights.

Shawn - Shawn, a 30-year resident wrote, “the time shall be changed for holidays and weekends till 2 p.m. with permits for amplified music not more than four times a year. For weekday party should be 11. We all have kids and family and we all like to socialize and keep the community together.”

Bedford Drive resident –This resident wrote “there is an ordinance that there cannot be any amplified music after 6 p.m. in Beverly Hills. This is not appropriate and needs to change. I urge the City Council to vote to change this regulation to a later time. We all attend weekend evening functions that don’t even start at 6 p.m.”

Ravish Ram - Mr. Ram writes “ We would like to voice our opinion that the current time should be extended or eliminated altogether.”

Mr. & Mrs. Ramin Mehrara- These North Foothill Road residents write they do not agree with the 6 p.m. music/noise regulations. "We have children that like to have the freedom and their rights should not be taken away."

Dahlia Nazarian- Ms. Nazarian, a Garden Lane resident, is opposed to restricting the presence of music before 12 a.m. There should not be limitations and restrictions of not having music for events that promote Beverly Hills, its image and its real estate value.

Behzad Binafard – Mr. Binafard, resident since 1983, is "against the law that limits having loud music after 6 pm. This is outrageous."

M. Michael Naim – Mr. Naim wrote that the 6 p.m. is archaic and draconian. It should be changed to 10 p.m. weekdays and midnight on Saturday nights.

Mitra Saeidy – Ms. Saeidy, a 15-year resident of North Maple Drive writes that she loves living in Beverly Hills but she has had a party shut down at 8 p.m. and does not feel that was fair. According to her letter, the police threatened to fine them and take the band's instruments.

Dr. & Mrs. Emil Khalili - Dr. & Mrs. Khalili suggest extending the noise ordinance to midnight. They, as citizens of Beverly Hills, have the right to enjoy our property and gather with friends and family and celebrate.

Letter from Health & Safety Commission – Their comments included recognizing that noise poses a significant health risk that should be considered when making a decision, education is a huge component that must be focused on, be consistent with similar ordinances and the message should be that the community needs to respect their neighbor and their community.

3. NEXT STEPS FOR CONSIDERATION OF RECOMMENDATION TO CITY COUNCIL REGARDING THE EXISTING NOISE ORDINANCE:

After a brief discussion, Commissioners and Staff agreed to the following:

MOVED by Ginsberg, SECONDED by Pease that the next step is the Human Relations Commission Chair and Vice Chair will meet with the City Council liaisons to consider the public feedback, review general areas of interest and get general feedback for consideration. (7/0)

AYES: Pease, Ginsberg, Yousem, Sherman, Meshkaty, Linder, Nazarian
NOES: None

ABSENT: None
ABSTAIN: None
CARRIED

ADJOURNMENT

Meeting was adjourned at 11:43 a.m. until the next scheduled meeting on June 16, 2011.

PASSED, Approved and Adopted

This 16 day of June, 2011



Nazarian, Chairperson



**MINUTES
CITY OF BEVERLY HILLS
HUMAN RELATIONS COMMISSION REGULAR MEETING**

The regular meeting of the Human Relations Commission was held at 9:15 a.m. on Thursday, June 16, 2011 in Beverly Hills City Hall, Room 280A, 455 N. Rexford Drive, Beverly Hills, California, 90210.

The meeting was called to order at 9:15 a.m.

ROLL CALL

Commissioners Present: Nazarian, Linder, Sherman, Ginsburg, Pease
Staff Present: Latta, Kahn, Knebel

*Meshkaty arrived at 9:17 a.m.; Yousem arrived at 9:58 a.m.

CONSIDERATION OF MINUTES

Tab 1. REGULAR MEETING OF APRIL 21, 2011

MOVED by Pease, SECONDED by Ginsburg to approve as presented (5/0)

All commissioners approved. (Roll not called)

Tab 2. SPECIAL MEETING OF MAY 24, 2011

MOVED by Ginsburg, SECONDED by Pease to approve as amended (5/0)

All commissioners approved. (Roll not called)

ORAL COMMUNICATION FROM THE AUDIENCE

None

CONTINUED AND NEW BUSINESS

Tab 3. COMMISSION REPORTS:

HRC REPRESENTATIVES

Report from Beverly Hills Unified School District: Dr. Brian Goldberg

At the Chair's request Dr. Goldberg agreed to postpone his report until July.

Report from Beverly Hills Police Department Lieutenant Joe Chirillo

Lieutenant Chirillo reported three recent incidents since the last report. The first was a traffic altercation where racial slurs were exchanged, the second was derogatory graffiti on Crescent Drive on a wall, and the third was anti-Semitic graffiti in the men's restroom in the library. Photos were presented to the commissioners. Graffiti has since been removed. All other pending complaints have been cleared. Mr. Latta will ask Captain Ed Kreins to present findings on the cleared complaints at the next meeting.

ADMINISTRATOR

Report from Human Services Administrator James R. Latta, L.C.S.W.

Mr. Latta gave a brief update on the budget approval by the City Council at the June 7, 2011 meeting. He also stated that the three scheduled noise ordinance hearings were completed and suggested moving directly into that discussion and deferring other agenda items to later in the meeting.

CHAIR Report

Mayor's Cabinet Meeting:

To save time during the Commission meeting, staff distributed the Chair's summary of the Mayor's Cabinet meeting prior to the meeting.

Tab 4. OVERVIEW OF CURRENT AND PENDING AGENDA ITEMS TO BE CONSIDERED BY THE HUMAN RELATIONS COMMISSION:

Commissioner Ginsburg made a motion to discuss Tab 4 later in the meeting and move directly to Tab 5. Vice Chair Linder asked to amend the motion to allow those who have come to speak to do so first, before the Commission begins their deliberations.

MOVED by GINSBURG, SECONDED *-was not seconded.....*

There was no comment or objection from any Commissioner.

Tab 5. NEXT STEPS FOR CONSIDERATION OF RECOMMENDATION TO CITY COUNCIL REGARDING THE EXISTING NOISE ORDINANCE:

After a brief introduction by Chair Nazarian, all speakers in attendance were invited to speak for three minutes. She relayed that the Commission was here to discuss recommendations that they will present to City Council. In addition to comment at three public hearings, numerous phone calls and letters had also been received. They were read into the record as well.

The Commission heard four speakers:

Marie France Salaun spoke about what constitutes noise and how she had heard of the police shutting down parties where it was only teenagers swimming in a backyard. She asked them to be aware of their decision and how it will affect everyone.

Craig Davis expressed that “some” neighbors seem to be able to have a party whenever they want to and others cannot. He respects the rights of home ownership but also wants respect for the quiet use of his own home. He stated to change the ordinance is bad public policy for the minority at the expense of the majority.

Andrea Grossman agreed with the former speaker that the noise ordinance is acceptable as it is and it needs to take into account all residents including children and working people. Also, the City needs to provide police with the authority to cite offenders with fines and penalties. If the ordinance is changed it will have a negative impact on the community.

Katy Younesi spoke about Beverly Hills teenagers and their impression that they cannot have celebrations at home. They need to leave the City and do not have adequate supervision when they do. If they do not feel comfortable at home, how can we provide them guidance? The current ordinance is not being fair to all people. She relayed an incident where a party for a 4th grader was shut down by the police over a loud Karaoke party.

Health and Safety Commission Chair Peter Landau and Commissioner Dr. Sandra Aronberg spoke about education being a huge component that must be focused on, use this opportunity to educate the residents, be consistent with other similar ordinances as they relate to noise, and that people should respect their neighbors and community.

Speaking on her own behalf, Dr. Aronberg referenced a recent report from the World Health Organization about the public health aspects of noise. This report was referenced in the staff report and copies were made available to the commissioners. Dr. Aronberg relayed the following: that scientists presented a list of disabilities as the result of noise exposure and came to a consensus that there are many health issues related to noise; noise has a great impact on one’s health; there is no question that noise impacts public health and is not just a nuisance, it’s an adverse impact on your life. She continued, “Noise is a known and serious public health hazard that impacts people’s health and lives. The health impacts have been studied for over 50 years. We know it can cause cardio-vascular disease, including high blood pressure and heart attacks. We know it can impair the ability of children to learn; all of that is in your report. We know noise can cause a high level of annoyance and affect well being. There is no argument that noise impacts people’s lives and health. To loosen the current ordinance ignores a public health aspect of noise and will hurt people’s health. Please consider the damage to health as you make your recommendation.”

It was reiterated that Dr. Aronberg was not speaking for, or making a recommendation from, the Health and Safety Commission.

Vice Chair Linder asked if there was an objective measure of decibels, day or night, above which it is said to be unhealthy. Dr. Aronberg offered to bring in an expert to answer the question. Mr. Latta offered the information there is a “normal” range between 45-55 decibels. The City of Davis (information provided in packet) said at no time during

the day can the noise be over 80 decibels; with a permit, the range can be up to 75 decibels. It is difficult to measure the decibel level.

Commissioner Pease asked for comments about children's ability to learn in relation to noise; Commissioner Meshkaty commented about music and potential harm from it. He asked if there was research done about "loud" music and its effects.

Chair Landau advised that if the Human Relations Commission wanted additional information about noise studies, the Health and Safety Commission could provide it. Chair Nazarian inquired as to whether the commissioners need additional information. There was no consensus from the Commission.

The Commission heard five more speakers:

Toina Chernick stated the noise regulations has been a positive part of life. Changing the regulation could lead to increased police involvement. The discussion has opened up a Pandora's Box of shocking behavior.

Sonia Bellin spoke about perhaps opening up the parks so that the kids can have a place to go. She also spoke about being respectful to your neighbors and limiting the noise.

Marilyn Gallup spoke about the present law serving the community well and not having an issue with any parties in the past. They did not have problems with their neighbors.

Azita Farahi agrees that respect is a very important facet. She also spoke about different types of noise and their hazards. She supports the idea of the hours for amplified sound to be longer.

Vice Chair Linder clarifies that only amplified sound music outside after 6 p.m. is under discussion, not entertaining in one's home.

Babak Nassir thinks the report from the World Health Organization referenced earlier is irrelevant. He reminds the Commission that the discussion is about the time of the noise, not necessarily the noise itself. Also he suggested "knowing your accuser" in terms of the complaints. It is important for the police to log the calls so it is known who is complaining.

The commissioners read 36 letters many citing specific hours the ordinance should be changed to include and others expressing keeping the current hours the ordinance addresses. Other comments included implementing a permit process, complaints about the police shutting down their parties (not always for amplified noise), comments about an underlying clash of cultures and the perception that people will move or not buy homes in the City if there isn't a change in the ordinance.

Chair Nazarian spoke about a “petition” received by fax. To-date, there were 239 signatures representing 158 households. The petition requested the “Noise Ordinance” hours be extended Monday through Thursday to 10 p.m., and Friday, Saturday and Sunday at Midnight; three signature pages had a hand-written addition, “and holidays and eve before holidays.”

Human Services Administrator Jim Latta announced that this would be Commissioner Yousem’s last meeting since she had moved outside the city and was no longer a resident. The Commissioners made comments on their working relationship with Commissioner Yousem.

The commissioners took a five minute break.

Chair Nazarian commented on the cultural spin this issue seems to be taking on. “We all want to live nicely with each other and the issue is affecting a lot of people. The commissioners are trying to do the best they can to make recommendations. We are mindful for finding a solution.”

Vice Chair Linder MOVED that the Commission’s next step after this meeting’s conclusion and before any final deliberation occurs by our Commission that sometime during the next thirty days the Commission meet with City Council liaisons (Mayor Brucker and Councilmember Bosse) to find out whether they wish to confirm, clarify and/or change the scope or direction of our discussion due to the outpouring of community concern and the serious implications concerning quality of life in our city that have developed as a result of these discussions as this was actually the next step that our commission voted to take at our most recent meeting; SECONDED by Sherman; (6/0)

AYES: Nazarian, Linder, Meshkaty, Ginsburg, Sherman, Pease

NOES:

ABSTAIN:

ABSENT:

CARRIED

Chair Nazarian discussed an education campaign and asked for feedback for beginning the process.

Commissioner Ginsburg offered statistical information she compiled from this meeting and compared it to the meetings in the past on the noise ordinance. Today there have been 11 speakers – five spoke for change, six wanted to keep it as is. Of the 36 letters and emails today, 17 wanted changes, 15 wanted to stay the same and two didn’t address a specific time. The issue seems to be divided evenly for and against change. It seems to be divided among cultural lines as well. We need to understand the fact that we are dealing with time and degrees of intensity but also cultural needs. We cannot ignore that this exists. The goal should be to address these differences and then come

up with a recommendation that maintains a respectful environment. She recommended a data analysis before an educational campaign commenced.

Commissioner Sherman suggested creating some kind of card outlining the specifics of the ordinance that the police could give to the residents.

Human Services Administrator Latta reviewed recommendations from February 15, 2011, City Council meeting to open the discussion. City Council recommended that public hearings be scheduled to consider extensions of the noise ordinance; amend noise ordinance to prohibit amplification of sound during the curfew period in such a manner as to be audible from five feet from the property line and City Council directed Staff to develop a social host ordinance for future review and direct staff to review potential guidelines for night time social gatherings for the Human Relations Commission.

The outreach to, and response from, the community was also reviewed: community outreach through ads, flyers, social networking, homeowners associations, etc.; public meetings, by email, letters, petitioning.

Commissioner Ginsburg asked for parameters of discussion. Chair Nazarian agreed that the topic should be broken down so as not to become overwhelming.

Assistant Director of Community Services Nancy Hunt-Coffey suggested talking about guidelines for nighttime social gatherings such as days of the week, time – try to find some consensus points.

The Commission inquired as to whether information is retained on complaint calls. Lieutenant Chirillo responded it doesn't matter who is calling; it matters whether there is a violation of the ordinance. The more objectivity put into the recommendation, the less discretion the police will have. The standard will be applied universally to everyone. If the police have more discretion, they can deal with each individual situation using their best judgment. He also reported on fines imposed by other cities for violations to a "social host ordinance."

Human Relations Commission Liaison Councilmember Bosse recommended the Commission discuss their individual thoughts from their experience thus far, at the three public meetings to provide an idea of where the commissioners were in filtering the information, comments and letters.

The Chair informally polled the Commission on the following issues on input from public meetings & correspondence (letters, emails & petition) received to-date:

- 1) Clarify weekdays to include Sunday – Thursday (7/0)
- 2) Clarify weekend to include Friday and Saturday only (7/0)
- 3) The eve before Federal/public holiday to be considered as a weekend (7/0)

Chair Nazarian inquired as to whether the commissioners had enough information to make an informed decision on behalf of the residents: (5/2)

AYES: Yousem, Pease, Nazarian, Ginsburg, Meshkaty
NOES: Sherman, Linder
ABSTAIN: None

(Commissioner Ginsburg left meeting at 12:45 p.m.)

4) Weekday 10:00 p.m. limit (4/2)

AYES: Yousem, Pease, Nazarian, Meshkaty
NOES: Sherman, Linder
ABSTAIN: None

5) Weekend 11:00 p.m. limit (0/6)
6) Weekend 10:00 p.m. limit (3/3)

AYES: Pease, Sherman, Linder
NOES: Yousem, Nazarian, Meshkaty
ABSTAIN: None

7) Weekend 12:00 a.m. limit (3/3)

AYES: Yousem, Nazarian, Meshkaty
NOES: Pease, Sherman, Linder
ABSTAIN: None

8) Social Host Ordinance – would any form of permit help? (0/5/1)

AYES: None
NOES: Yousem, Pease, Sherman, Nazarian, Meshkaty
ABSTAIN: Linder

9) Social Host Ordinance – Fee-recovery based permits? (3/3)

AYES: Sherman, Linder, Meshkaty
NOES: Yousem, Pease, Nazarian
ABSTAIN: NONE

10) Social Host Ordinance (3/3)

MOVED by Vice Chair Linder to adjourn meeting. SECONDED by Sherman (2/4)

AYES: Sherman, Linder
NOES: Pease, Yousem, Meshkaty, Nazarian

ABSENT: Ginsburg
ABSTAIN: None
NOT CARRIED

11) Objective enforcement by establishing a specific (e.g., 5 ft.) distance from the property line (4/2)

AYES: Pease, Sherman, Nazarian, Linder
NOES: Yousem, Meshkaty
ABSTAIN: None

12) Decibel levels within scope of Commission? (0/5/1 abstain)

AYES: None
NOES: Yousem, Pease, Sherman, Nazarian, Meshkaty
ABSTAIN: Linder

13) Provide social gathering guidelines and education (6/0)
14) Police training that still allows for discretion and professional judgment (3/3)

AYES: Pease, Nazarian, Meshkaty
NOES: Yousem, Sherman, Linder
ABSTAIN: None

Final comments were made by commissioners regarding next steps in the process and scheduling of the liaison meeting.

Tab 6. HUMAN RELATIONS COMMISSION AWARDS PROPOSAL AD HOC REPORT:

The Commission tabled this item until the next Regular Human Relations Commission meeting.

CALENDAR FOR 2011 COMMISSION MEETING DATES: No comment.

COMMENTS BY COMMISSIONERS INCLUDING TOPICS FOR FUTURE AGENDAS:
None.

GOOD AND WELFARE

Chair Nazarian wished Commissioner Yousem well on her departure from the Commission.

ADJOURN

The meeting was adjourned at 1:37 p.m. to the Special meeting scheduled for June 30, 2011 at 2:00 p.m.

PASSED Approved and Adopted

This 21st day of July, 2011



Dr. Sharena Nazarian, Chairperson



**MINUTES
CITY OF BEVERLY HILLS
HUMAN RELATIONS COMMISSION SPECIAL MEETING**

The special meeting of the Human Relations Commission was held at 2:00 p.m. on Thursday, June 30, 2011 in Beverly Hills City Hall, Room 280A, 455 N. Rexford Drive, Beverly Hills, California, 90210

The meeting was called to order at 2:02 p.m.

ROLL CALL

Commissioners Present: Pease, Ginsburg, Sherman, Meshkaty, Linder, Nazarian
Staff Present: Latta, Kahn, Knebel

The Chair welcomed everyone and stated they were here to discuss the current amplified sound ordinance at the request of City Council. After hearing from anyone present who wished to speak, the Commission would begin deliberation.

ORAL COMMUNICATION FROM THE AUDIENCE

The Commission listened to nine (9) speakers and read four (4) letters.

Kari Kramer read a letter she prepared for the Commission requesting they not take any action to make an already problematic situation even worse. "If you were able to resolve current problems and work towards neighbors respecting neighbors, then maybe you can begin to discuss extending hours."

Michelle Loera explained there is too much excessive noise and constant events on her street.

George Themelis stated that there are other issues related to noise, not just the noise. It also affects parking and there is too much going on in too small of a place.

Shomof Aline relayed that we should enjoy life and not have our parties shut down at 10 p.m.

Chuck Aronberg reported there are many studies showing that noise harms people and medical issues that can occur. He is in favor of keeping the ordinance time as is and having more enforcement, not relaxing it.

Marie-France Salaun spoke about life being short and having happy occasions to maintain the family.

Paul Amiraslan there are many different cultures, groups and age ranges in Beverly Hills. He and his friends think the current noise ordinance is unreasonable and makes the City seem very suburban. He believes that the time limits should be extended for both weekends and weekdays.

Thomas White, Chairman of the Municipal League, states the primary duty of the Commission is Human Relations. The system has worked for a long time and should not be changed. The rights of all homeowners should be respected and the noise ordinance times should stay the same.

Joe Shooshani said the idea of the ordinance was to regulate/modulate so the parties do not bother other people.

The letters read included comments to move the time to 10 p.m., midnight, and/or 2 a.m. There were also issues expressed about excessive noise in neighborhoods and ultimately having respect for your neighbors' quiet enjoyment of their homes.

Two petitions were sent via fax:

Petition one: Over the course of several weeks, signature pages were received a few pages at a time. The signers requested the following changes to the "Noise Ordinance": Monday-Thursday 10PM, Friday-Saturday-Sunday 12 Midnight. Gross total signatures were 342 from approximately 190 addresses in Beverly Hills, Los Angeles and Santa Monica and a small number with a phone number only. This was not formally validated as during an election. The Commission was advised to consider the petition as they would all public opinion.

Petition two: (Received June 29, after 8PM) 12 signatures requesting Monday-Thursday 10 PM; Friday, Saturday, Sunday 1AM; Special Event by Permit 2 AM, Monday-Sunday. In addition, 1 signer revised the petition: Monday-Thursday 8PM; Friday, Saturday, Sunday 10PM, Special Event by Permit 2AM Monday-Sunday; 4 signers revised the petition: Monday-Thursday 12AM, Friday-Sunday 12 AM, Special Event by Permit 2AM).

After hearing from all speakers present, and reading into the record all written materials received, Chair Nazarian closed the public hearing.

Tab 1. INCORPORATION OF CITY COUNCIL LIAISON REVIEW OF HUMAN RELATIONS COMMISSION CHARGE REGARDING CONSIDERATION OF THE EXISTING NOISE ORDINANCE:

Prior to deliberation, Commissioner Ginsburg clarified for all those observing that the Commission's task was to consider all the information, deliberate and *make a recommendation* to City Council, the deciding body.

Vice Chair Linder read a prepared statement: She asked that the commissioners keep in mind that they had heard significant feedback both from the part of the community that wanted an extension of the hours for nighttime amplified sound and from the part of the community that expressed a need for quiet enjoyment of their homes. Also, their recommendation was only for amplified sound. Finally, if the Commission did not reach a unanimous recommendation, it reflected only that there was a very diverse community represented on the Commission – this was not a negative – it was just the reality of life in Beverly Hills.

The Commission discussed the direction received from the City Council Liaison meeting that took place on June 29, 2011 at which they were instructed to review the items previously informally polled and make a recommendation based on a final vote on each item. It was noted that enforcement of *Disturbance of the Peace* would continue to be enforced citywide on all days, at all hours. Also, the matter before the Commission would apply only to amplified sound, not to any restriction on residential social gatherings. Finally, a vote for no change suggests the police department will now have to enforce the current ordinance at 6:01 pm.

The deliberation by the Commission was based on what they had heard from the community at five public meetings (Special Meeting, April 13; Regular Meeting, April 21; Special Meeting, May 9; Special Meeting May 24; and Regular Meeting, June 16, 2011), correspondence (letters and emails), and two petitions received (fax).

Each of the following motions had significant discussion before the vote was taken:

MOVED by Nazarian, SECONDED by Pease that the term “Weekdays” includes Sunday through Thursday. (6/0)

AYES: Pease, Meshkaty, Ginsburg, Sherman, Linder, Nazarian
NOES: None
ABSENT: None
ABSTAIN:
CARRIED

MOVED by Nazarian, SECONDED by Ginsburg that “Weekends” include Friday and Saturday as well as the eve before a public/Federal holiday as defined. (6/0)

AYES: Pease, Meshkaty, Ginsburg, Sherman, Linder, Nazarian
NOES: None
ABSENT: None
ABSTAIN:
CARRIED

MOVED by Nazarian, SECONDED by Pease to provide a social gathering guideline and education (program) for the community. (6/0)

AYES: Pease, Meshkaty, Ginsburg, Sherman, Linder, Nazarian
NOES: None
ABSENT: None
ABSTAIN:
CARRIED

MOVED by Nazarian, SECONDED by Pease to have a permit process for having amplified sound at social gatherings as it relates to social gatherings. (0/4/2)

AYES: None
NOES: Pease, Sherman, Meshkaty, Nazarian
ABSENT: None
ABSTAIN: Ginsburg, Linder

MOVED by Ginsburg SECONDED by Pease to consider the advisability of obtaining permits for social gatherings with amplified sound. (4/2)

AYES: Pease, Ginsburg, Meshkaty, Linder
NOES: Sherman, Nazarian
ABSENT: None
ABSTAIN: None

MOVED by Linder, SECONDED by Ginsburg that the Commission recommends that Staff develop a Social Host ordinance that would be appropriate for our community. (5/1)

AYES: Pease, Ginsburg, Sherman, Meshkaty, Linder
NOES: Nazarian
ABSENT: None
ABSTAIN: None

No Motion was made. The commissioners decided a Roll Call would be taken and the following are the recommended times for *weekdays* for amplified sound to cease:

6 p.m. – Pease, Sherman, Linder
8 p.m. – Ginsburg
10 p.m. – Meshkaty, Nazarian

No Motion was made. The commissioners decided a Roll Call would be taken and the following are the recommended times for the *weekend* for amplified sound to cease:

10 p.m. – Pease, Sherman, Linder
11 p.m. – Ginsburg
12 a.m. – Meshkaty, Nazarian

ADJOURN

PASSED Approved and Adopted

This 21st day of July, 2011



Dr. Sharena Nazarian, Chairperson

Attachment 4
Community-initiated "Petition" Sample

Attachment 5
Notice of Public Meeting



City Clerk's Office

NOTICE OF PUBLIC MEETING

NOTICE IS HEREBY GIVEN that the Council of the City of Beverly Hills, at its meeting to be held on **Thursday, September 8, 2011, at 7:30 p.m.**, in the Council Chambers of the City Hall, 455 N. Rexford Drive, Beverly Hills, CA 90210, will hold a public meeting to consider:

AN ORDINANCE OF THE CITY OF BEVERLY HILLS UPDATING THE CITY'S NOISE REGULATIONS

In response to concerns expressed by residents, the City Council requested that the Human Relations Commission review the City's current noise regulations and specifically focus on the use of amplified sound equipment during evening hours. At this public meeting, the City Council will consider the recommendations of the Human Relations Commission and updates to the City's noise regulations that would restrict the use of amplified sound after the hours of ten o'clock (10:00) P.M. on Sunday through Thursday evenings and eleven o'clock (11:00) P.M. on Friday evenings, Saturday evenings and the evenings before public holidays.

At the public meeting, the City Council will hear and consider all comments. All interested persons are invited to attend and speak on this matter. Written comments may also be submitted and should be addressed to the City Council, c/o City Clerk, 455 N. Rexford Drive, Beverly Hills, CA 90210. Written comments should be received at least two days prior to the meeting date.

If there are any questions regarding this notice, please contact James R. Latta, Human Services Administrator in the Beverly Hills Community Services Department at 310.285.1006 or by email at jlatta@beverlyhills.org.


BYRON POPE, CMC
City Clerk