



## Legislation Text

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**File #:** 14-0072, **Version:** 1

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**TO:**

Honorable Mayor and Members of the City Council

**THROUGH:**

John Jalili, Interim City Manager

**FROM:**

Richard Thompson, Director of Community Development  
Sal Kaddorah, Building Official

**SUBJECT:**

Implementation of additional Construction Rules as approved by the Board of Building Appeals (Community Development Director Thompson).

**RECEIVE REPORT**

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**RECOMMENDATION:**

Staff recommends that the City Council receive this report.

**FISCAL IMPLICATIONS:**

None

**BACKGROUND:**

On July 2, 2013, and August 6, 2013, staff provided presentations to the City Council on the rules and procedures to alleviate construction impacts in residential neighborhoods. Staff was then directed by Council to add additional rules and meet with the Board of Building Appeals to discuss adding additional construction rules. Staff conducted meetings with the Board of Building Appeals on September 11, 2013, November 14, 2013, and January 30, 2014.

**DISCUSSION:**

On July 2, 2013, staff gave a presentation to Council regarding the Residential Construction Officer program and the rules and procedures in place to alleviate construction impacts in residential neighborhoods. Council proposed some adjustments to the construction rules and requested more information as follows:

- *Status of staffing the Code Enforcement Program*
- *Restrict loud radios and music on construction sites*
- *Expand the notification area to residents for the on-site construction meeting*
- *Provide a map of major projects that are currently under construction*
- *Provide a list of current rules and regulations.*

Staff provided the requested information and added the following rules which were presented to Council at the August 6, 2013, meeting.

Status of staffing Code Enforcement:

The Code Enforcement section was operating shorthanded with only one officer for over a year due to the retirement of the former Officer and the time to recruit and hire a new employee. In June 2013 the vacant position was filled. The combination of reduced staffing and the increase in construction activity greatly impacted our ability to mitigate impacts associated with construction activity. With the addition of the second officer, staff has noted improved service levels.

Radio/Music:

The City utilizes Penal Code 415 and Municipal Code Section 5.48.060 C, which prohibit loud music on job sites. The Residential Construction Officer or Police Officer will cite the contactor of the subject project if this provision is violated. This rule has been added to the construction rules sign as reflected on Attachment 5.

Municipal Code Section 5.48.060 C.

It is prohibited for any person to operate any radio or disc player or cassette player or similar device at a construction site in a manner that results in noise levels that are audible beyond the construction site property line.

5.48.140 - Noise disturbances:

A. Notwithstanding any other provisions 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 and unusual noise which disturbs the peace or quiet of any neighborhood or which causes discomfort or annoyance to any reasonable person of normal sensitiveness. The standard which may be considered in determining whether a violation of the provisions of this section exists may include, but not be limited to, the following:

1. The level of the noise;
2. Whether the nature of the noise is usual or unusual;
3. Whether the origin of the noise is natural or unnatural;
4. The level and intensity of the background noise if any;
5. The proximity of the noise to residential sleeping facilities;
6. The nature and zoning of the area within which the noise emanates;
7. The density of the inhabitation of the area within which the noise emanates;
8. The time of the day and night the noise occurs;
9. The duration of the noise;
10. Whether the noise is recurrent, intermittent or constant;
11. Whether the noise is produced by a commercial or noncommercial entity;
12. Whether the noise occurs on a weekday, weekend, or holiday.

B. The City may issue a citation against the person, persons, or entity responsible for the noise including, but not limited to, the property owner or business operator on whose premises the noise originates.

Notification:

Staff has expanded the notification area to include all properties within 300 feet of the subject project inviting residents to attend an on-site meeting. The notification was expanded from 100 feet.

Construction Rules:

“Construction Rules” were amended to include, “No Loud Radios or Music “ at construction sites. As directed by Council during the August 6th meeting, staff met with the Board of Building Appeals on September 11, 2013, November 14, 2013, and January 30, 2014 to discuss and implement additional Construction Rules and Regulations. As a result of those meetings, staff added the following rules and regulations:

- "Neighborhood Notification Postcards" shall be sent to entire block and/or blocks impacted by construction in Residential Area District III and IV; such blocks shall include all homes that abut the alley or street
- All deliveries lasting more than 2 hours or more in Residential Area District III and IV shall require road closure permit (i.e. street closure notice allows residents to plan ahead)
- On site meeting with all subcontractors prior to subcontractor starting work (i.e. supplements the in-house City meeting with the contractor)
- Full and Complete Job Site Rules that add back in the construction rules including no loud radios, music and talking allowed at construction sites
- No large deliveries on Trash Day in Residential District III and IV
- No final project approval by City until porta- potty has been removed from job site, or from public property onto private property.
- Create a resident construction webpage where information can be posted: expand existing webpage and incorporate as appropriate.
- Handout of RCO Rules and Regulations to all contractors and subcontractors prior to issuing permits.
- Increase parking enforcement in hot spots (We are currently working with the police department to patrol the hot spots).
- No deliveries on street sweeping days.
- No construction off-loading of lumber, drywall, appliances etc. (Prior Right of Way permits are required.)
- No loud radios or music, at construction sites
- Require that removed parking pads for all existing and new projects either temporarily or permanently be replaced immediately so that routine off-loading is not done in alley traffic lanes. This will increase resident safety by increasing Police and Fire access and improving traffic flow in general (enforced on a case by case basis and will be coordinated with the contractor).

**CONCLUSION:**

Staff recognizes the variety of construction issues that can arise over time. We are continually improving the Residential Construction Program and the Construction Rules and Procedures to ensure compliance and protect the quality of life for our residents.

As a result of the meetings the attachments reflect the new Policy and Procedures as they apply to the Residential Construction Program.

Attachments:

1. List of the Construction Rules as approved by the Board of Building Appeals
2. Staff Report dated July 2, 2013
3. Staff Report dated August 6, 2013
4. July 2, 2013, City Council Meeting Minutes, Pages 7-10
5. August 6, 2013, City Council Meeting Minutes, Pages 7-10

