

# Agenda Report

**DATE:** AUGUST 2, 2004

**TO:** CITY COUNCIL

**FROM:** CITY MANAGER

**SUBJECT:** AMENDMENT TO PASADENA MUNICIPAL CODE SECTION 9.36.110 (CONSTRUCTION PROJECTS) RELATING TO CONSTRUCTION HOURS

**RECOMMENDATION:**

It is recommended that the City Council direct the City Attorney to prepare an ordinance to amend the Pasadena Municipal Code Section 9.36.110 (Construction Projects) to:

1. Reduce hours for construction or repair work on buildings, structures or projects within a residential district or within a radius of 500 feet from a residential district from:

- a. From 7:00 a.m. to 9:00 p.m. to 7:00 a.m. to 7:00 p.m. Monday thru Friday;
- b. From 7:00 a.m. to 9:00 p.m. on Saturdays to 8:00 a.m. to 5:00 p.m. on Saturdays
- c. Construction is prohibited on Sundays and this will remain unchanged.
- d. And, add a provision to prohibit construction on holidays.

2. Delete the requirement of unanimous consent of the households adjacent to the construction site and retain the 65% consent of households within 500 feet.

**BACKGROUND:**

In response to complaints received from Pasadena residents concerning their diminished quality of life resulting from disruptive construction activity in residential neighborhoods, city staff explored placing further restrictions on the hours within which construction or repair work could take place in or near residential districts.

Staff researched thirteen local jurisdictions to compare construction hours with that of the City of Pasadena. The results are summarized in Attachment A. The least restrictive jurisdiction is the City of Los Angeles and the most restrictive is San Marino. To allow flexibility in the construction scheduling of various trades, and to optimize daylight hours while protecting a neighborhood's residential quality of life, most cities permit construction from 7:00 a.m. to 7:00 p.m. Mondays through Saturdays. Generally, no construction activity is allowed on Sundays.

#### Pasadena Current Provisions

The Pasadena Municipal Code Section 9.36.110 Construction Projects (see Attachment B for entire text) allows construction activity from 7:00 a.m. to 9:00 p.m. Mondays through Saturdays with no permitted activity on Sundays. The Code is currently silent about holidays.

Two exemptions for compliance with the construction hours are as follows:

1. The construction is actually performed by an individual who is the owner or lessor of the premises and who is assisted by not more than two individuals.
2. The person performing the construction shall have provided the building official with a petition, which indicates the consent of 65% of the households residing within 500 feet of the construction site and the unanimous consent of the households adjacent to the construction site. Said petition shall be on a form promulgated by said official and shall be accompanied by a fee, the amount of which shall be established by resolution by the City Council.

Excessive noise shall continue to be regulated through provisions contained within PMC Chapter 9.36 Noise Restrictions.

#### Proposed Code Amendment

It is recommended that the p.m. construction hours be reduced from 9:00 p.m. to 7:00 p.m. Mondays through Fridays consistent with many cities. On Saturdays it is recommended to reduce both a.m. and p.m. construction hours from 7 a.m. to 8:00 a.m. and from 9 p.m. to 5:00 p.m. Prohibition of construction on Sundays would remain unchanged. It is recommended that construction be prohibited on holidays.

Further, it is recommended that the requirement for unanimous consent of the households adjacent to the construction site to approve exceptions to construction hours (see #2 above) be deleted. The "consent of 65% of the households residing within 500 feet of the construction site" offers a more democratic process and is recommended to remain unchanged.

### Construction Staging

Often concrete mixers and other related construction vehicles, materials, and workers arrive at or near construction sites during restricted construction hours, and although no construction is taking place, they can be disruptive and inconvenience area residents. Construction staging includes all vehicles, materials, workers and other activities related to or associated with construction.

In response to specific concerns about the impact of construction staging, staff from the Planning & Development, Public Works and Transportation Departments discussed ways to improve coordination in reviewing projects and issues relating to construction staging. The following five action items have been incorporated into current practices for reviewing applications for discretionary actions and plan review:

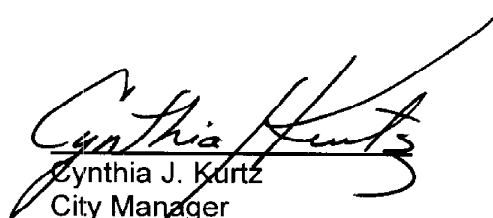
- 1) Construction staging plans will be required on all plans submitted for plan check and reviewed by and deemed appropriate by the Public Works Department;
- 2) All approved Construction Staging Plans will be copied and distributed to the Planning & Development, Transportation and Police Departments;
- 3) Assistance will be solicited from the Police, Transportation, or Planning & Development Departments as appropriate for enforcement of any violations to an approved Construction Staging Plan; and
- 4) The Public Works Department will consider requiring franchises to provide evidence of proper city permits before delivering any dumpster to be placed on the street.

During business hours of 7:30 a.m. to 5:30 p.m. Monday thru Thursday and 7:30 a.m. to 4:30 p. m. on Fridays, these regulations will be enforced by the Building Division of Planning and Development Department; the public can call (626) 744-4200 to report violations. After hours these regulations are enforced by the Police Department and the public can call (626) 744- 4241 to report violations.

### **FISCAL IMPACT:**

While approval of the recommended action will place additional restrictions on construction hours, it is not anticipated to have negative fiscal impacts on anticipated construction related fees and taxes. This change is not anticipated to have an impact on staff workload.

Respectfully submitted,

  
Cynthia J. Kurtz  
City Manager

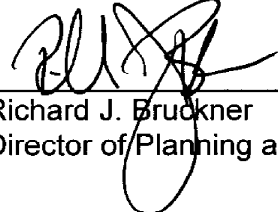
Prepared by:



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Sarkis Nazerian  
Building Official

Approved by:



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Richard J. Bruckner  
Director of Planning and Development

Concurred by:



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Mel Lim  
Environmental Health Division Manager

Attachment A – Construction Hours Survey

Attachment B – Pasadena Municipal Code Section 9.36.110 Construction Projects

## ATTACHMENT A

### CONSTRUCTION HOURS SURVEY

| <b>Jurisdiction</b>           | <b>Construction Hours (Weekdays)</b> | <b>Construction Hours (Weekends &amp; Holidays)</b>   | <b>Zones</b>  | <b>Special Consideration</b>  |
|-------------------------------|--------------------------------------|---|---|---|
| Anaheim<br>714-765-5139       | 7 am – 7 pm                          | 7 am – 7 pm   | Residential & Commercial  |   |
| Arcadia<br>626-574-5430       | 7 am – 7 pm                          | Sat 7 am – 7 pm<br>No Sundays & Holidays              | Residential & Commercial  |   |
| Beverly Hills<br>310-285-2506 | 8 am – 6 pm                          | No Saturdays, Sundays & Holidays                      | Residential no weekends<br>Commercial – can work on Sundays with permit                   | Deliveries 10 pm & 7 am (Triangle area) depending on area.                                |
| Burbank<br>818-238-5220       | 7 am – 10 pm                         | Saturday & Sunday 7 am – 10 pm<br>No Holidays         | Commercial properties<br>Mon – Fri 7 am – 7 pm<br>Sat 8 am – 5 pm<br>No Sunday & Holidays |   |
| Glendale<br>818-548-3200      | 7 am – 7 pm                          | Saturday 7 am – 7 pm<br>No Sundays & Holidays         | Residential & Commercial  |   |
| Los Angeles City              | 7 am – 10 pm                         | 7 am – 10 pm  | Residential or within 500' of residence   | Restrictions apply to equipment making loud noise   |
| Los Angeles County            | 7:00 am – 7 pm                       | 7:00 am – 7 pm  | Residential & Commercial  | Saturday & Sunday no heavy equipment.   |
| Long Beach                    | 7 am – 7 pm                          | 7 am – 6 pm Saturdays<br>7 am – 7 pm Federal Holidays | Harbor District exempt  | Restrictions apply to equipment making loud noise. Special permit for Sundays 9 am – 6 pm |
| Monrovia<br>626-932-          | 7 am – 7 pm                          | Sat, Sun & Holidays                                   | Residential property  |   |

|                                |             |   |  |  |
|--------------------------------|-------------|---|--|--|
| 5550                           |             | 9 am – 6 pm                                 |  |  |
| Pasadena                       | 7 am – 9 pm | Sat 7am – 9 pm<br>No Sunday                 | Residential &<br>Commercial                          |  |
| Pomona<br>909-620-<br>2371     | 7 am – 8 pm | Sat 7 am – 8 pm<br>No Sun & Fed<br>Holidays | Residential &<br>Commercial                          |  |
| San Marino<br>626-300-<br>0700 | 7 am – 6 pm | Sat 9 am – 4 pm<br>No Sun &<br>Holidays     | Residential &<br>Commercial                          |  |
| So.<br>Pasadena                | 8 am – 7 pm | Sat 8 am – 7 pm<br>Sun 10 am – 7<br>pm      | Residential or<br>within 500' of<br>residential zone |  |

## ATTACHMENT B

### PASADENA MUNICIPAL CODE 9.36.110 CONSTRUCTION PROJECTS.

- A. No person shall operate any pile driver, power shovel, pneumatic hammer, derrick power hoist, forklift, cement mixer or any other similar construction equipment within a residential district or within a radius of 500 feet there from between the hours of 9:00 p.m. of one day and 7:00 a.m. of the next day or between the hours of 9:00 p.m. of Saturday and 7:00 a.m. of Monday.
  
- B. No person shall perform any construction or repair work on buildings, structures or projects within a residential district or within a radius of 500 feet there from between the hours of 9:00 p.m. of one day and 7:00 a.m. of the next day, in such a manner that a reasonable person of normal sensitiveness residing in the area is caused discomfort or annoyance, or between the hours of 9:00 p.m. of Saturday and 7:00 a.m. of Monday.
  
- C. The prohibition against construction between the hours of 9:00 p.m. of Saturday and 7:00 a.m. of Monday as set forth in subsection B of this section shall not apply under either of the following conditions:
  - 1. The construction is actually performed by an individual who is the owner or lessor of the premises and who is assisted by not more than two individuals.
  - 2. The person performing the construction shall have provided the building official with a petition, which indicates the consent of 65% of the households residing within 500 feet of the construction site and the unanimous consent of the households adjacent to the construction site. Said petition shall be on a form promulgated by said official and shall be accompanied by a fee, the amount of which shall be established by resolution by the board of directors.
  
- C. The prohibitions of this section shall not apply to the performance of emergency work as defined in Section 9.36.020. (Ord. 6132 § 12, 1986: Ord. 5118 § 3.00, 1973)