



PLANNING COMMISSION AGENDA REPORT

VII. 2

MEETING DATE: NOVEMBER 9, 2009

ITEM NUMBER:

SUBJECT: CONSIDERATION OF TITLE 13 (ZONING CODE) AMENDMENT TO MODIFY CONSTRUCTION HOURS

DATE: OCTOBER 29, 2009

FOR FURTHER INFORMATION CONTACT: WENDY SHIH, ASSOCIATE PLANNER 714-754-5136
WSHIH@CI.COSTA-MESA.CA.US

DESCRIPTION

Pursuant to Commissioner Colin McCarthy's request, this report is for the consideration of a Zoning Code amendment to modify construction hours to be more restrictive than existing requirements. The purpose of this Zoning Code amendment is to establish more restrictive construction hours to minimize disruption to residents during construction. Formal direction from the Planning Commission is required to initiate the Zoning Code amendment.

RECOMMENDATION

Provide direction to staff to initiate an amendment to Title 13, Chapter XIII, Section 13-279(b) of the Costa Mesa Municipal Code.


WENDY SHIH
Associate Planner


KHANH NGUYEN
Acting Asst. Development Svs. Director

BACKGROUND

Existing Code Regulation

The City's Noise Ordinance sets standards for regulating unnecessary, excessive and annoying noises. Section 13-279(b), *Exceptions*, of the Zoning Code exempts construction activities from the Noise Ordinance, as follows:

- Construction equipment, vehicles, or work between the hours of 7 a.m. and 8 p.m., provided that all required permits for such construction, repair, or remodeling have been obtained from the appropriate City departments.

Existing Standard Condition of Approval

The following condition is applied to construction projects located on or near residentially zoned properties that require discretionary review:

- All construction-related activity shall be limited to between the hours of 7 a.m. and 8 p.m., Monday through Friday, and 8 a.m. to 6 p.m. Saturday. Construction is prohibited on Sundays and federal holidays. Exceptions may be made for activities that will not generate noise audible from off-site, such as painting and other quiet interior work.

Since not all construction activities require discretionary review, this condition is not applied to all projects.

ANALYSIS

Construction Hours Survey

Staff conducted a survey of construction hour regulations from surrounding cities (see Attachment 1) and found that all surrounding cities have codes that prohibit construction on Sundays and federal holidays. Two of the five cities surveyed have more restrictive hours than the City of Costa Mesa on the weekdays; three of the five cities have more restrictive hours on Saturdays.

Proposed Code Amendment

It is necessary to have formal direction from the Planning Commission to initiate the proposed Zoning Code amendment.

The following summarizes how the Code amendment would address any concerns/issues related to the City's regulation on construction hours:

- The Code amendment would provide consistent regulation on all construction activities. As mentioned in the background section of this report, the Zoning Code currently allows construction between 7 a.m. and 8 p.m. daily. The Commission and Zoning Administrator have included a condition with more restrictive hours/days for projects located on or near residentially zoned properties. The Code amendment would allow staff to apply the same hours on all construction activities within the City.
- The Code amendment would be comparable to regulations set by the surrounding cities. The amendment would prohibit construction on Sundays and federal holidays like surrounding cities. The hours allowed on weekdays and Saturdays vary from city to city. As with existing Code, the construction hours would not apply to activities that will not generate noise audible from off-site, such as painting and other quiet interior work. Proposed modified hours could involve:
 - 7 a.m. to 7 p.m. Mondays through Fridays.
 - 9 a.m. to 6 p.m. on Saturdays.
 - Prohibited on Sundays and federal holidays.
- The Code amendment may include a process by which alternate hours may be approved on a case-by-case basis by the Planning Division. The Commission may consider a minor modification process to allow deviations from the construction hours for projects that are determined by Planning staff to have no noise impacts on surrounding sensitive land uses.

Public Notice

If a draft Ordinance is prepared, staff will send public notices to the Building Industry Association and major homebuilders and general contractors to provide an opportunity to review and comment on the proposed changes.

ENVIRONMENTAL DETERMINATION

The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City environmental procedures, and has been found to be exempt pursuant to Section 15601(b)(3)(general rule) of the CEQA Guidelines in that it can be seen with certainty that there is no possibility that the proposed amendment to the Zoning Code will have a significant effect on the environment.

ALTERNATIVES

1. Provide direction to staff to initiate a Title 13 Code amendment as proposed by Commissioner McCarthy. Staff will prepare a draft ordinance for Commission's consideration for the December 2009 or January 2010 Commission meeting.
2. Receive and file. The existing code would apply and the existing standard condition of approval will continue to be applied to construction projects located on or near residential properties.

CONCLUSION

Formal direction from the Planning Commission is required to initiate a Code amendment of this nature. The purpose of this Zoning Code amendment is to establish more restrictive construction hours to minimize disruption to residents during construction.

Attachment: 1. Construction Hours Survey

Distribution: Acting Development Services Director
Deputy City Attorney
City Engineer
Fire Protection Analyst
Staff (4)
File (2)

File: 110909CO0916ConstHrs	Date: 102909	Time: 3:00 p.m.
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ATTACHMENT 1

CONSTRUCTION HOURS SURVEY

DAY OF THE WEEK

CITY	DAY OF THE WEEK		
	Monday -Friday	Saturday	Sundays & Federal Holidays
COSTA MESA	7:00 am – 8:00 pm	7:00 am – 8:00 pm (8:00 am – 6:00 pm if conditioned through Planning Application)	7:00 am – 8:00 pm (Prohibited if conditioned through Planning Application)
FOUNTAIN VALLEY	7:00 am – 8:00 pm	9:00 am – 8:00 pm	Prohibited
HUNTINGTON BEACH	7:00 am – 8:00 pm	7:00 am – 8:00 pm	Prohibited
IRVINE	7:00 am – 7:00 pm	9:00 am – 6:00 pm	Prohibited
MISSION VIEJO	7:00 am – 8:00 pm	7:00 am – 8:00 pm	Prohibited
NEWPORT BEACH	7:00 am – 6:30 pm	8:00 am – 6:00 pm	Prohibited