



MEMORANDUM

City of Angels City Council

Date: August 20, 2024

To: City Council Members

From: Amy Augustine, AICP

RE: Introduce, waive second reading, hold a public hearing and adopt Ordinance 540 -- a new Section 17.06.230 establishing construction hours.

Recommendation:

Introduce, waive second reading, hold a public hearing, and adopt Ordinance 540 -- a new Section 17.06.230 establishing construction hours.

Background:

The Planning Commission considered and provided input relative to a range of issues to be addressed in a city noise ordinance pursuant to Angels Camp 2020 General Plan at its January 12, 2023, meeting. Subsequently, the City requested additional consideration and evaluation before proceeding with a Noise Ordinance due, in part, to the inherent difficulties and staff demands associated with enforcement. At a City Council meeting in May 2024, in response to a community complaint during public comment, Council directed the Planning Commission to proceed with an ordinance limiting hours of construction due to noise.

At its meeting of July 11, 2024, the Planning Commission adopted the attached Notice of Intent 24-009 addressing hours of construction.

Strategic Plan Alignment

B2	Community Identity	Design new development to be compatible with the natural, scenic, and cultural resources and rural character of Angels Camp
B3	Community Identity	Design new commercial and industrial development to be compatible with the natural, scenic, and cultural resources and rural character of Angels Camp

The proposed code amendment increases the compatibility of new development with the rural character of the City.

Discussion/Analysis

The Planning Commission's Resolution of Intent 24-009 was adopted on a vote of 4-0 with one commissioner absent. Discussions included:

- The need for flexible hours for activities involving hard labor in extreme heat; and
- Flexibility for grant-funded city capital improvement projects where environmental documents, grant guidelines, and city contracts generally specify work hours and workdays in accordance with state and federal standards which may differ from local standards;
- Narrowing the list of holidays that should preclude construction noise to provide for maximum flexibility while still protecting neighbors.

The proposed language is as follows:

17.06.230 Hours of Construction

Construction pursuant to any entitlement issued by the City shall be limited to the hours of 7:00 a.m. to 7:00 p.m. Monday through Friday and 8:00 a.m. to 7:00 p.m. on Saturdays. Construction may begin at 6 a.m. on dates where the National Weather Service has issued a Heat Advisory or Excessive Heat Warning (for temperatures 100 or greater) for the area encompassing the City of Angels. Construction shall not occur on Sundays or the following major holidays: Thanksgiving, Christmas, New Year's Day, Memorial Day, Labor Day, Fourth of July, unless an emergency exists. This provision does not apply to City capital improvement projects undertaken by contractors to the City.

A review of other public agencies reveals that most follow a 7 a.m. to 7 p.m. M-F construction hour window with later hours on Saturdays. The proposed City of Angels language provides more specificity allowing for greater flexibility for construction workers while maintaining the rural character of the City for neighboring landowners.

The City Council considered this item at its August 6, 2024, meeting; introduced the ordinance, waived the first reading, held a public hearing and set August 20, 2024, for a second reading and hearing to consider adopting the ordinance. Council did not propose any changes to the ordinance language as proposed by the Planning Commission.

Pursuant to Angels Municipal Code (AMC) Section 17.90.040, the following findings are required for code amendments:

Finding A: The proposal conforms with the City's General Plan and Municipal Code

The proposed amendments will implement the following general plan goal, policies, and programs from the General Plan 2020 Noise Element:

Goal 5A: *Maintain or reduce noise levels throughout the city as necessary to achieve compatibility between differing land uses and to maintain the city's peaceful, rural community atmosphere.*

Policies

5.A.1 *Develop uniform, cost-effective and feasible standards for consistently and fairly mitigating temporary and permanent noise impacts associated with new development.*

5.A.2 Continue to identify and implement solutions for resolving noise complaints received within Angels Camp.

Implementation Programs

5.A.d Adopt Construction/Maintenance Activity Noise Management Standards [2020 General Plan Mitigation Measure, MM-NOISE-01, MM-NOISE-03]

Adopt construction/maintenance activity noise management standards for activities undertaken in conjunction with issuance of discretionary permits. Work with the development community to establish operating hours or a time span of operation for those activities that may adversely affect neighboring land uses during construction. Additional noise management standards should include, but not be limited to: acoustic muffling of construction equipment per Caltrans standards (e.g., properly operating and maintaining mufflers); locating staging areas away from sensitive receptors, and maximum noise standards for small engines (e.g., two-cycle engines, leaf blowers, chainsaws) including use of electrical rather than diesel equipment as feasible. General Plan 2020 Appendix 5B should guide development of noise management standards.

5.A.n Adopt and implement a Noise Ordinance [2020 General Plan Mitigation Measure, MM-NOISE-2]

Adopt a noise ordinance to execute the goals, policies and implementation programs identified in the Noise Element of the Angels Camp 2020 General Plan. The noise ordinance should address, but not be limited to addressing, the protection of public health, safety, and welfare; limiting the generation of loud noise from new sources; methods to reduce noise from stationary noise sources associated with new development, new construction and remodeling (e.g., HVAC unit location and design, design and location of loading docks for commercial and industrial uses); and when an acoustical analysis should be required for new development. The noise ordinance will include, but not be limited to, addressing noise reduction in new residential construction in the following locations as necessary to reduce interior noise levels to 60dB or less in the following locations and using 2020 General Plan Appendix 5C as a guide:

- SR 4
- SR 49

The proposed revision will partially implement some of these general plan goals, policies and programs by establishing construction hours for new development that both allow for construction while protecting the general welfare of existing residents. Therefore, the proposed changes are consistent with the general plan and the municipal code.

Finding B: The proposed changes or amendments will not be substantially detrimental to the health, safety, or general welfare of the City.

The primary purpose of the proposed code amendment is to ensure that construction noise does not create a public nuisance. Therefore, the changes will not be substantially detrimental to the health, safety, or general welfare of the City, but rather will protect the general health, safety, and general welfare of the city.

Based on the preceding, the proposed code amendment is consistent with this finding.

Environmental Findings

Pursuant to the state and City guidelines for implementing the California Environmental Quality Act (CEQA), the proposed code amendments are exempt from additional review because the proposed amendments implement a program identified within the scope of the 2020 General Plan Environmental Impact Report adopted for the 2020 General Plan.

Financial Impact

Costs will be associated with code enforcement actions. At this time, it is unknown how extensive costs may be, but approximately 2-3 noise complaints due to construction occur annually.

Attachments

- A. Planning Commission Resolution of Intent 24-009**
- B. Construction hours of other jurisdictions**
- C. Ordinance 540 with Code Addition**