



## AGENDA REPORT SUMMARY

**Meeting Date:** September 12, 2023

**Subject:** Adoption of Mechanical Equipment Ordinance

**Prepared by:** Nick Zornes, Development Services Director  
**Reviewed by:** Jon Maginot, Assistant City Manager  
**Approved by:** Gabriel Engeland, City Manager

**Initiated by:**  
City Council.

### **Environmental Review:**

Ordinance is exempt from environmental review pursuant to Section 15061(b)(3) of the State Guidelines implementing the California Environmental Quality Act of 1970.

### **Fiscal Impact:**

None.

### **Attachments:**

1. Draft Ordinance with Appendices
2. Example Ordinance Language

### **Prior Consideration:**

The draft ordinance was introduced on June 27, 2023, with minor modifications regarding the definition of mechanical equipment and other non-substantive clarifications. On July 11, 2023, the draft ordinance was on consent for adoption by the City Council. Subsequently at the second reading of the ordinance the item was pulled from consent after additional information was provided by the community. After significant discussion the City Council voted to reduce the required setback requirement for mechanical equipment from the proposed ten (10) feet to five (5) feet and revert to the originally proposed mechanical equipment definition contained within the draft ordinance from June 27, 2023.

### **Summary:**

The draft ordinance proposed accomplishes the goal of eliminating or reducing future noise violations created by mechanical equipment in the side yard setbacks of properties within the City of Los Altos. The proposed ordinance was drafted based upon research conducted by evaluating

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City Manager

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Reviewed By:

City Attorney

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how other Santa Clara County jurisdictions enforce setback requirements for noise generating mechanical equipment.

**Staff Recommendation:**

Adopt an Ordinance of the City Council of the City of Los Altos Adding Chapter 11.14 Mechanical Equipment to Title 11 Miscellaneous Property Regulations of the Los Altos Municipal Code and find that this action is Exempt from Environmental Review Pursuant to Section 15061(b)(3) of the State Guidelines Implementing the California Environmental Quality Act of 1970.

**Background**

In May 2022, the City Council requested that staff bring back an ordinance to address noise concerns from mechanical equipment in the side yard setbacks of properties throughout the city. City staff researched what other cities throughout Santa Clara County have in place for mechanical equipment regulations.

Presently, there are no codified setback requirements for mechanical equipment such as air conditioning units within the Los Altos Municipal Code. For several years the City’s Planning Division has “estimated” setback requirements based on internet-based data in an effort to demonstrate compliance of air conditioning units pursuant to the noise limits set in Chapter 6.16 of the Los Altos Municipal Code. The City’s reliance on non-codified setbacks has proven to be ineffective as noise violations still are present regardless of meeting the “estimated” setback requirements to meet compliance with the Noise Ordinance.

**Analysis**

Mechanical equipment regulations differ greatly from jurisdiction to jurisdiction. However, it is most common that there is a prescribed minimum standard codified into each municipal code.

**Discussion**

The draft ordinance provides standards for mechanical equipment for the Los Altos Municipal Code. Standards include a general definition which encompasses all noise generating mechanical equipment which the planning division has encountered requiring some sort of noise enforcement. The setback requirement for any newly installed mechanical requirement as defined shall adhere to the underlying zoning district. When roof mounted equipment is proposed requirements have been integrated to ensure they are architecturally compatible with the structure in which it is affixed. The proposed ordinance will provide that mechanical equipment installations conform with the noise requirements of the Los Altos Municipal Code.