



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 01/21/20

ITEM NO: 3

DATE: January 21, 2020
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: Adopt an Ordinance of the Town of Los Gatos Amending Chapter 16, Article I, Section 16.20.035, Construction

RECOMMENDATION:

Adopt the ordinance that was introduced at the Town Council meeting of December 17, 2019, amending Chapter 16, Article I, Section 16.20.035, Construction.

BACKGROUND:

Town Council directed Staff to analyze the ordinance for construction work hours and propose amendments to the times allowed.

DISCUSSION:

At public hearing on December 17, 2019, the Council considered amendments to Town Code Section 16.20.035 and directed Staff to return with the following amendment to the Town Code:

Sec. 16.20.035. - Construction.

(a) Notwithstanding any other provision of this chapter, between the hours of 8:00 a.m. to 6:00 p.m. weekdays, and 9:00 a.m. to 4:00 p.m. Saturdays, construction, alteration or repair activities which are authorized by a valid Town permit or as otherwise allowed by Town permit, shall be allowed if they meet at least one of the following noise limitations:

(1) No individual piece of equipment shall produce a noise level exceeding eighty-five (85) dBA at twenty-five (25) feet. If the device is located within a structure on the property, the measurement shall be made at distances as close to twenty-five (25) feet from the device as possible.

PREPARED BY: Lynne Lampros
Deputy Town Attorney

Reviewed by: Town Manager, Assistant Town Manager

(2) The noise level at any point outside of the property plane shall not exceed eighty-five (85) dBA.

(b) The term “construction, alteration or repair activities” shall include any physical activity on the construction site or in the staging area, including the delivery of materials.

(c) Construction, alteration or repair activities shall be prohibited outside those hours and on Sundays and legal holidays with the following exceptions:

(1) A homeowner or tenant may personally perform construction, alteration or repair activities on their own property between 8:00 a.m. to 8:00 p.m. Monday through Saturday and 9:00 a.m. to 5:00 p.m. on Sundays and holidays. ~~as long as the work being performed does not require a permit from the Town.~~ All noise levels contained in Section 16.20.035 (1) apply to this section.

(2) If the Town Manager or designee finds evidence that an emergency exists that imperils the public safety, or immediate health and safety of the occupants, the Town Manager or designee may allow the construction or maintenance work to proceed during such hours as may be necessary for the duration of the emergency.

(3) At any time before commencement of or during construction activity, the chief building official may modify the permitted hours of construction upon twenty-four (24) hours written notice to the contractor, applicant, developer or owner. The chief building official can reduce or increase the allowable hours of construction activity. In approving modified hours, the chief building official may specifically designate and/or limit the activities permitted during the modified hours. If the hours of construction activity are modified, then the general contractor, applicant, developer or owner may be asked to erect a sign at a prominent location on the construction site to advise subcontractors and material suppliers of the working hours. The contractor, owner or applicant shall immediately produce upon request any written order or permit from the chief building official pursuant to this section upon the request of any member of the public, the police or Town staff.

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(4) Violation of the allowed hours of construction activity, the chief building official's order, required signage or this section shall be a violation of this code.

DISCUSSION (continued):

On December 17, 2019 , the Council conducted the introduction and first reading, by title only, of the amended ordinance.

CONCLUSION:

Staff recommends that Council adopt an ordinance amending Chapter 16, Article I, Section 16.20.035, Construction.

COORDINATION:

This report was coordinated with the Town Manager's Office.

FISCAL IMPACT:

There are no fiscal impacts associated with the approval of these amendments.

ENVIRONMENTAL ASSESSMENT:

This is not a project defined under CEQA, and no further action is required.

Attachments:

1. Draft Ordinance Amending Chapter 16, Article I, Section 16.20.035, Construction (redline).
2. Final Ordinance