

Council Meeting of
May 20, 2008

Honorable Mayor and Members
of the City Council
City Hall
Torrance California

PUBLIC HEARING

Members of the Council:

Subject: Community Development – City Council consideration of an ordinance amending the existing Construction of Buildings and Projects Article of the Noise Regulations to further restrict days and hours during which construction is permitted.

LUS07-00001, City of Torrance – Construction Days and Hours

RECOMMENDATION

Recommendation of the Planning Commission and the Community Development Director that the City Council:

1. Adopt an **ORDINANCE** to amend Section 1 of Article 3 of Chapter 6 of Division 4 of the Torrance Municipal Code to further restrict days and hours during which construction is permitted.

Funding: Not applicable.

BACKGROUND

On May 2nd, 2007, the Planning Commission directed staff to organize a Planning Commission workshop in which several matters of local concern could be discussed with information from staff and forum for public input. On July 25th, 2007, the Commission reviewed a report and presentation regarding Construction Hours. The materials prepared by staff provided information compiled from a survey of 12 local and/or comparable cities. Upon reviewing the materials and receiving public testimony, the Commission reached a consensus that the existing construction hours code section did not provide for sufficient oversight of construction. Some Commissioners expressed concerns related to weekday evening hour construction, although the majority of the concerns expressed were most notably associated with the absence of weekend and holiday limitations.

The Planning Commission held a second workshop on this matter on September 19th, 2007 and discussed several options for proposed modifications. Staff compiled a list of various options that could be recommended to the City Council's consideration based on the Commission's discussion and community comments. The options were presented to the Commission on October 3rd, 2007 and at that same meeting the Commission unanimously arrived at a recommendation for the City Council.

PRIOR HEARING AND PUBLICATIONS

The Planning Commission adjourned the Public Hearing of July 18th, 2008 to July 25, 2007 to conduct a series of public workshops. The matter of Construction Day and Hours restrictions was considered by the Planning Commission on September 19, 2007. On September 7, 2007, both a legal ad was published in the newspaper and 42 notices were

sent to the Homeowners Association Coalition and Building Industry Associations. On September 11, 2007, a display advertisement was published in the newspaper. The matter was then continued to a date certain of October 3, 2007 requiring no further notification. The item is scheduled for the City Council meeting of May 20, 2008. On May 9, 2008, a legal advertisement was published in the newspaper and on May 12, 2008, 34 notices were sent to the Coalition of Homeowners Associations and Building Industry Associations.

PRIOR ENVIRONMENTAL REVIEW

The proposal to revise the Construction Days and Hours requirements will only further restrict the days and timeframes in which construction is permitted. As these existing requirements are only being reduced, not expanded, and will not affect the review process, this modification will not have a significant effect on the environment and is, therefore, not subject to the California Environmental Quality Act (CEQA) per section 15061 (b)(3).

ANALYSIS

The Torrance Municipal Code (TMC) Section 46.3.1 currently restricts hours of construction from 7:00 am to 8:00 pm Monday through Sunday. The use of heavy machinery, such as pile drivers, pneumatic hammers and other similar devices require approval of the Community Development Director when such work is required in and around residential areas. The one exception to these regulations is an Emergency Provision, which TMC 46.1.2(c) defines as "work made necessary to restore property to a safe condition following a public calamity or work required to protect persons or property from an imminent exposure to danger." The use of such an emergency provision has historically been limited primarily in responding to a natural disaster or an unforeseen event or incident.

Prior to the July Planning Commission workshop staff conducted surveys of 12 local and comparable cities to inquire about their construction hour limitations. The informal survey results revealed several commonalities. The Torrance starting time for construction during weekdays is the same as most of the cities surveyed. The permissible time to conclude construction during the day is one to two hours later than most. Most cities, however, require construction hours to commence later and end earlier on Saturdays and even more prohibit construction on Sundays or Holidays. A chart describing how Torrance and each city surveyed restrict construction hour activities is provided in Attachment C.

After two additional workshops and additional public testimony, the Planning unanimously arrived at the following recommendation for the City Council:

- a) That construction and/or any activity related to a Building Permit involving the creation of noise beyond 50 dB as measured at property lines shall be limited to the day and hour restrictions provided in this section and that construction hours be limited to:
 - 7:30 am to 6:00 pm Monday through Friday;
 - 9:00 am to 5:00 pm on Saturday;
 - With no construction permitted on holidays or Sundays except for homeowners, who may work on Sunday from 9:00 am to 3:00 pm if they reside on the property;

- b) Providing the Community Development Director the discretion to approve expanded hours of construction if conditions warrant;
- c) Requiring a sign be posted on construction sites with contact information, etc, for projects that required Planning Commission review or considered to be a significant remodel as defined by TMC Section 231.1.2; and
- d) Exempting properties zoned commercial, industrial or within a redevelopment area if a minimum buffer of 300 feet is maintained from residences.

Since the Planning Commission's recommendation staff has received additional correspondence from the public. One requests further restrictions on weekend hours and the length for which a building permit is valid. Another requests consideration for property owners that are limited to conducting their improvements on weekends.

At the suggestion of the City Attorney, staff has also eliminated the reference of each individual holiday currently observed by City Hall as they may change in the future.

PLANNING COMMISSION RECOMMENDATION

The Planning Commission considered this item on three occasions from July to October of 2007. At each workshop testimony was provided by members of the public noting concerns with early start times, construction into the late evening hours and the lack of restrictions during weekends and holidays. Some questions also raised concerns as to the extent of what these proposed modifications would restrict. During the discussions, it was the consensus of the Planning Commission that the scope of the recommended changes would apply to construction or activities related to a Building Permits only. The Commission then discussed the various options of potential restrictions for various days and special considerations for properties not within close proximity to residential areas, information signs posted at construction when on to formalize a list of recommended day and hour constructions. The Planning Commission voted unanimously, with one Commissioner excused, to recommend that the City Council approve an Ordinance to amend portions of the Municipal Code incorporating the above-mentioned revisions.

Respectfully submitted,

Jeffery W. Gibson
Community Development Director

CONCUR:


Jeffery W. Gibson
Community Development Director

By 
Gregg D. Lodan, AICP
Planning Manager

NOTED:


LeRoy J. Jackson
City Manager

Attachments:

- A. Ordinance
- B. Ordinance Summary
- C. Table of Construction Hours
- D. Planning Commission staff reports
- E. Planning Commission Minute Excerpts
- F. Correspondence
- G. Proofs of Publication
- H. Mayor's Script (Limited Distribution)

(DRAFT) ORDINANCE

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TORRANCE, CALIFORNIA, AMENDING SECTION 1 OF ARTICLE 3 OF CHAPTER 6 OF DIVISION 4 OF THE TORRANCE MUNICIPAL CODE RESTRICTING THE HOURS AND DAYS IN WHICH CONSTRUCTION IS PERMITTED.

THE CITY COUNCIL OF THE CITY OF TORRANCE DOES ORDAIN AS FOLLOWS:

SECTION 1

That Section 1 of Article 3 of Chapter 6 of Division 4 is amended to read in its entirety as follows:

"SECTION 46.3.1. CONSTRUCTION OF BUILDINGS AND PROJECTS.

- a) It shall be unlawful for any person within the City of Torrance to operate power construction tools, equipment, or engage in the performance of any outside construction or repair work on buildings, structures, or projects in or adjacent to a residential area involving the creation of noise beyond 50 decibels (db) as measured at property lines, except between the hours of 7:30 A.M. to 6:00 P.M. Monday through Friday and 9:00 A.M. to 5:00 P.M. on Saturdays. Construction shall be prohibited on Sundays and Holidays observed by City Hall. An exception exists between the hours of 9:00 A.M. to 3:00 P.M. for homeowners that reside at the property.
- b) The Community Development Director may allow expanded hours and days of construction if unusual circumstances and conditions exist. Such requests must be made in writing and must receive approval by the Director prior to any expansion of the hour and day restrictions listed above.
- c) Every construction project requiring Planning Commission review or considered to be a significant remodel as defined by Section 231.1.2, shall be required to post an information board along the front property line that displays the property owner's name and contact number, contractor's name and contact number, a copy of TMC Section 46.3.1, a list of any special conditions, and the Code Enforcement phone number where violations can be reported.
- d) Properties zoned as commercial, industrial or within an established redevelopment District, are exempted from the above day and hour restrictions if a minimum buffer of 300 feet is maintained from the subject property's property line to the closest residential property. The Community Development Director, may, however, revoke such exemption for a particular project if the noise level exceeds 50 decibels (db) at the property line of a residential property beyond the 300 linear foot buffer.
- e) Heavy construction equipment such as pile drivers, mechanical shovels, derricks, hoists, pneumatic hammers, compressors or similar devices shall not be operated at any time, within or adjacent to a residential area, without first obtaining from the Community Development Director permission to do so. Such request for

permission shall include a list and type of equipment to be used, the requested hours and locations of its use, and the applicant shall be required to show that the selection of equipment and construction techniques has been based on minimization of noise within the limitations of such equipment as is commercially available or combinations of such equipment and auxiliary sound barriers. Such permission to operate heavy construction equipment will be revoked if operation of such equipment is not in accordance to approval. No permission shall be required to perform emergency work as defined in Article 1 of this Chapter.”

SECTION 2

Any provisions of the Torrance Municipal Code or its appendices, or any other ordinances of the City inconsistent with this ordinance to the extent of the inconsistencies and no further, are repealed.

SECTION 3

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, the decision will not affect the validity of the remaining portions of the ordinance. The City Council declares that it would have passed this ordinance and each section, subsection, sentence, clause and phrase irrespective of the fact that any one or more sections, subsections, sentence, clauses or phrases are declared invalid or unconstitutional.

SECTION 4

This ordinance will take effect thirty days after the date of its adoption. Within fifteen days following adoption, this ordinance or a summary of this ordinance, if authorized by the City Council, will be published at least once in the Daily Breeze, a newspaper of general circulation, published and circulated in the City of Torrance.

Introduced and approved this _____ day of _____, 2008.

Adopted and passed this _____ day of _____, 2008.

Frank Scotto, Mayor

ATTEST:

Sue Herbers, City Clerk

APPROVED AS TO FORM:
JOHN FELLOWS III, City Attorney

By _____
Ronald T. Pohl, Assistant City Attorney

(DRAFT) ORDINANCE _____**SUMMARY**

On _____, 2008, the City Council of the City of Torrance adopted an ordinance modifying the existing Construction of Buildings and Projects Article of the Noise Regulations to further restrict days and hours for which construction is permitted.

Attachment C

Survey of Construction Hours

City	Monday-Friday	Saturday	Sunday	Holidays
Torrance	7:00am - 8:00pm	7:00am - 8:00pm	7:00am - 8:00pm	7:00am - 8:00pm
Cerritos	7:00am - 6:00pm	10:00am – 5:00pm	None	None
El Segundo	7:00am - 6:00pm	7:00am - 6:00pm	None	None
Gardena	7:00am to 6:00pm	9:00am – 6:00pm	None	None
Hermosa Beach	8:00am - 7:00pm	9:00am - 5:00pm	None	None
Huntington Beach	7:00am - 8:00pm	7:00am - 8:00pm	None	None
Lomita	7:00am - 6:00pm	9:00am - 5:00pm	9:00am - 5:00pm	9:00am - 5:00pm
Manhattan Beach	7:30am - 6:00pm	9:00am - 6:00pm	None	None
Pasadena	7:00am – 7:00pm*	8:00am – 5:00pm*	None*	None*
Rancho Palos Verdes	7:00am – 7:00pm	7:00am – 7:00pm	None	None
Rolling Hills Estates	7:00am – 5:00pm	9:00am - 5:00pm	None	None
Santa Monica	7:00am - 6:00pm*	9:00am – 5:00pm*	None	None
Whittier	7:00am - 7:00pm	7:00am - 7:00pm	None	None

*Has process by which construction hours can be permitted beyond restricted hours.

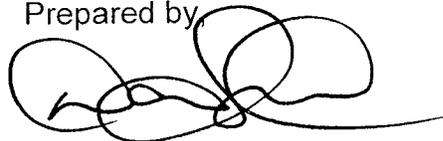
SUPPLEMENTAL #2 TO AGENDA ITEM NO. 9A

TO: Members of the Planning Commission
FROM: Development Review Division
SUBJECT: Land Use Study: LUS07-00001/City of Torrance

This is a public workshop item related to proposed changes to existing construction day and hour restrictions. Additional correspondence was submitted to staff after the item was completed and is attached for the Commission's review.

Staff is available for any questions.

Prepared by



Danny Santana
Senior Planning Associate

Respectfully submitted,



Gregg Lodan, AICP
Planning Manager

Attachments:

- 1) Correspondence

Santana, Danny

From: John M. Brubacher [jmb@dynres.com]
Sent: Wednesday, October 03, 2007 5:09 PM
To: Santana, Danny
Cc: John & Kathy Brubacher; Lodan, Gregg
Subject: RE: Torrance construction hours proposal...

Hi Danny,

I got the fax thanks. I read through all 7 pages.

My overall concern is that while being sensitive to the effects of noise on neighbors is a good thing, it needs to be balanced with the reality that many of the residential developments in Torrance were established approximately 50 years ago or greater – and will need to support, for the foreseeable future, significant construction work while the structures are upgraded to a safer and more functional status.

In general, I believe support of owner/builders is a good thing for the City of Torrance. The pride of ownership a homeowner inherently has will bode well in support of the City's efforts to guide the on-going effort to upgrade the residential developments. In this light I believe the City should treat owner/builders different when it comes to restricting construction hours. Generally speaking I believe that owner/builders will be more sensitive to their neighbor's concerns regarding nuisance noise in comparison to subcontractors.

Another perspective is that the "sound of construction" in my neighborhood is the sound of progress, and continuing community upgrades. Let's not lose sight of this reality when setting sound level and time limits related to construction.

Back to the technical point I made earlier – I believe the 50db value is problematic for the following reasons:

- It is a relatively low value that will be exceeded by several home improvement/maintenance devices.
 - Table saws
 - Vacuum cleaners
 - Circular saws
 - Lawnmowers
 - Routers
 - Weed-whackers
 - Etc.
- I have some professional experience related to the measurement of sound level, and the measurement methodology used significantly effects the results.
 - It is very easy to record different db values based on measurement technique alone.
 - I would suggest a greater noise threshold so that a "nuisance" level is more easily determined.

In summary:

- Different rules for subcontractors vs. owner/builders.
- 50db is too low a threshold, my suggestion would be to raise it maybe 20 or 30 db's

I'm looking forward to hearing how this goes Danny.

10/03/2007

Sincerely,
John Brubacher

From: Santana, Danny [mailto:DSantana@TORRNET.COM]
Sent: Wednesday, October 03, 2007 4:02 PM
To: John M. Brubacher
Subject: RE: Torrance construction hours proposal...

Coming thru now.

From: John M. Brubacher [mailto:jmb@dynres.com]
Sent: Wednesday, October 03, 2007 2:28 PM
To: Santana, Danny
Subject: RE: Torrance construction hours proposal...

Thanks for the rapid response Danny. I've already scheduled a special event for my daughter tonight. I wish I could be at the hearing but I don't think it will be possible.

Is there any way to PDF the item to me? If not our fax is 310-212-5046. Just give me a heads up that you sent it so I can watch for it coming in.

I assume I can pick up an original later?

Thanks,
John

From: Santana, Danny [mailto:DSantana@TORRNET.COM]
Sent: Wednesday, October 03, 2007 2:12 PM
To: John M. Brubacher
Subject: RE: Torrance construction hours proposal...

Mr. Brubacher,

The next hearing on Construction Hours is tonight, 7pm in the Council Chambers. There are several options before the Commission tonight; some include exemptions for homeowners while others do not.

Many of your questions are covered in the staff item. If you can give me your fax number or come and pick one up you will understand what I mean.

Thanks,

Danny

From: John M. Brubacher [mailto:jmb@dynres.com]
Sent: Wednesday, October 03, 2007 10:46 AM
To: Santana, Danny; John & Kathy Brubacher
Cc: Lodan, Gregg
Subject: Torrance construction hours proposal...

Hello Mr. Santana,

My wife and I have been meeting with the Architect, Contractor, and Structural Engineer in order to continue moving forward on our project. We would hope we could have construction drawings in

10/03/2007

Building and Safety's court in another 3 or 4 weeks.

Another subject of significant interest to us is regarding the revised construction hours for the City of Torrance as a whole which was proposed by the Community Development Department as requested by the Planning Commission.

- How are these new proposals intended to affect Owner/Builders?
 - Is an Owner/Builder allowed to do some construction on his home on a Sunday or Holiday for example?
- What criteria was used to determine the appropriateness of a 50dba threshold for noise level?
 - This seems exceptionally low, and would preclude the use of lawnmowers, circular saws, etc.
 - Is this the intent?
- When is the next public hearing on this matter?

Thanks in advance for your consideration of our inquiry.

John Brubacher

SUPPLEMENTAL #1 TO AGENDA ITEM NO. 9A

TO: Members of the Planning Commission

FROM: Development Review Division

SUBJECT: Land Use Study: LUS07-00001/City of Torrance

This is a public workshop item related to proposed changes to existing construction day and hour restrictions. Correspondence was submitted to staff after the item was completed and is attached for the Commission's review.

Staff is available for any questions.

Prepared by,



Danny Santana
Senior Planning Associate

Respectfully submitted,



Gregg Lodan, AICP
Planning Manager

Attachments:

- 1) Correspondence

Santana, Danny

From: Toni Reina [treina@continentaldevelopment.com]
Sent: Tuesday, October 02, 2007 11:36 AM
To: Santana, Danny
Subject: Construction Days and Hours - Oct 3 Planning Commission Meeting
Attachments: Construction Hours Ltr2.pdf

Danny,

Attached is a follow up letter from Continental Development Corporation regarding the proposed TMC amendments to further restrict construction hours and days.

Thank you,

Toni Reina
Planning Manager
Continental Development Corporation
T. 310-640-1520, Ext. 205
F. 310-414-9279
treina@continentaldevelopment.com



CONTINENTAL DEVELOPMENT CORPORATION

October 2, 2007

Mr. Danny Santana
Senior Planning Associate
City of Torrance
3031 Torrance Boulevard
Torrance, CA 90503

Subject: LUS07-00001 City of Torrance Construction Days and Hours
Planning Commission Agenda Item 9A

Dear Danny:

This correspondence is submitted as follow-up to Continental's letter dated September 19, 2007 regarding the proposed Municipal Code amendments to further restrict construction days and hours.

Continental respectfully submits the following comments for Planning Commission consideration:

Continental supports the amendment as presented in the staff report for this item that provides exemption from the proposed construction day and hour restrictions for properties zoned as commercial, industrial or redevelopment that are not within 300 feet of a residential use.

This amendment will provide property owners undertaking construction projects with needed flexibility while also providing an appropriate buffer between commercial and residential areas. We see the proposed amendment as a win-win for all parties, as the flexibility it provides will help minimize duration of construction projects, lower project related costs, and minimize the negative construction related impacts disruptive to businesses and their guests.

Thank you for consideration of our comments.

Sincerely,

Toni Reina
Planning Manager

:tf

C: Leonard E. Blakesley, Jr.
Richard C. Lundquist
Alex J. Rose

Santana, Danny

From: John M. Brubacher [jmb@dynres.com]
Sent: Wednesday, October 03, 2007 10:46 AM
To: Santana, Danny; John & Kathy Brubacher
Cc: Lodan, Gregg
Subject: Torrance construction hours proposal...

Hello Mr. Santana,

My wife and I have been meeting with the Architect, Contractor, and Structural Engineer in order to continue moving forward on our project. We would hope we could have construction drawings in Building and Safety's court in another 3 or 4 weeks.

Another subject of significant interest to us is regarding the revised construction hours for the City of Torrance as a whole which was proposed by the Community Development Department as requested by the Planning Commission.

- How are these new proposals intended to affect Owner/Builders?
 - Is an Owner/Builder allowed to do some construction on his home on a Sunday or Holiday for example?
- What criteria was used to determine the appropriateness of a 50dba threshold for noise level?
 - This seems exceptionally low, and would preclude the use of lawnmowers, circular saws, etc.
 - Is this the intent?
- When is the next public hearing on this matter?

Thanks in advance for your consideration of our inquiry.

John Brubacher

AGENDA ITEM NO. 9A**TO:** Members of the Planning Commission**FROM:** Development Review Division**SUBJECT:** Land Use Study: LUS07-00001/City of Torrance

This is a public workshop item related to proposed changes to existing construction day and hour restrictions. The Planning Commission held a second workshop on this matter on September 19th, 2007 and discussed several options for proposed modifications. Staff has provided a list of the different options for the Commission to consider in directing staff to create a Draft Ordinance for the City Council to consider.

Staff's original recommendation included a discussion of "construction and/or any activity involving the creation of noise beyond 50 db as measured at property lines..." in each of the three day classifications of Monday-Friday, Saturdays and Sundays and Holidays. One Commissioner recommended that any such discussion of noise levels should be separated from the day restrictions for simplification of the individual requirements and that the noise requirement be listed as a separate requirement. Public testimony has included concerns with radios and other noise generated from construction sites. Therefore, staff offers the following as the first modification to the Construction Day and Hour restrictions:

- 1) That construction and/or any activity involving the creation of noise beyond 50 db as measured at property lines shall be limited to the day and hour restrictions provided in this section.

Staff had previously recommended that existing restrictions be maintained for work done between Monday and Friday. The Commission offered various suggestions which are provided below for Section 2 (Monday through Friday), Section 3 (Saturday) and Section 4 (Sunday and Holidays):

- 2) Monday through Friday:
 - a) 7:00 am to 6:00 pm;
 - b) 7:30 am to 6:00 pm;
 - c) No outside work or exterior remodeling before 7:00 am or after 6:00 pm; and
 - d) 7:00 am to 8:00 pm.
- 3) Saturday:
 - a) 9:00 am to 5:00 pm;
 - b) 9:00 am to 6:00 pm;
 - c) No outside work or exterior remodeling before 7:00 am or after 6:00 pm; and
 - d) 7:00 am to 8:00 pm.
- 4) Sundays and any and all Holidays observed by City Hall (-Holidays currently observed are
New Year's Day, Martin Luther King Jr. Day, Lincoln's Birthday, Washington's Birthday, Memorial Day, Independence Day, Labor Day, Veteran's Day,

Thanksgiving Day, the day after Thanksgiving, the last working day prior to Christmas Day, Christmas Day, and the last working day prior to New Year's Day):

- a) Prohibited;
- b) 9:00 am to 3:00 pm if work being perform is done by a Homeowner;
(Staff notes that should the Commission choose option "b", some attention should be paid to whether the Homeowner must reside at the location that the work is being performed. Also, if they are allowed to have workers assisting them in the completion of such work, how many are permitted.)

As modification were proposed the staff recommendation for Item "5" no changes have been made to this section:

- 5) That Community Development Director may allow expanded hours and days of construction if unusual circumstances and conditions exist. Such requests must be made in writing and must receive approval by the Director prior to any expansion of the hour and day restrictions listed above; and

One Commissioner discussed a concern over the size of the proposed construction site sign for projects that required either review by the Planning Commission or are considered to be a significant remodel by either the Building and/or Land Use codes. Staff recommends a sign similar to the notice sign used for public hearings and such a sign will be designed to provide a standardized format for the information listed below:

- 6) That every construction project requiring Planning Commission review or considered to be a significant remodel as defined by TMC Section 231.1.2, shall be required to post an information board along the front property line which displays the property owner's name and contact number, contractor's name and contact number, a copy of this revised section, a list of any special conditions, and the Code Enforcement phone number where violations may be reported. (Such a sign will be provided by staff at the time of building permit issuance).

As previously mentioned, Staff had recommended for retention of existing construction hour limitations based on traffic considerations. A representative from Continental Development Corporation submitted correspondence and suggested to the Commission a potential exemption for non-residential areas that are not adjacent to residential uses. A minimum buffer of 300 feet was discussed to ensure that commercial and industrial properties that either abut or are in close proximity to residential zoned or occupied properties must abide by the proposed restrictions selected from the list above. Should the Commission consider including an exemption for proposed day and hour restrictions for commercial and industrial projects not within 300 feet of residential, staff's concerns related to traffic during peak volume periods would be alleviated. Large projects in commercial and industrial areas normally involve the use of large construction crews and heavy machinery, which would have the largest impact on existing circulation. If such projects were provided the ability to access and depart from the job site during evening and nighttime hours less strain would be created on surface streets. Therefore, staff has provided a new item to cover commercial, industrial and redevelopment properties that have a minimum buffer of 300 linear feet from residential properties.

- 7) That properties zoned as commercial, industrial or redevelopment are exempted from the above day and hour restrictions if a minimum buffer of 300 feet is maintained from the subject property's property line to the closest residential property. The Community Development Director, may however, revoke such exemption for a particular project if the noise level exceeds 50 db at the property line of a residential property beyond the 300 linear foot buffer.

Previous agenda item staff reports, including past minutes and supplemental materials, are attached for your review. Staff is available for any questions.

CONCLUSION

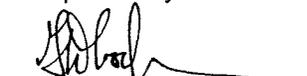
The Planning Commission at this point has several options in which to direct Staff. The Planning Commission may:

- Accept and file the information that it has been presented;
- Direct Staff to conduct further research in a specified area;
- Direct Staff to modify, add, or eliminate sections of the above listed recommendations for modifying the code and prepare the Draft Ordinance modifying the Torrance Municipal Code and forward it to the City Council;; or
- Direct Staff to prepare the Draft Ordinance modifying the Torrance Municipal Code and forward it to the City Council;

Prepared by.


Danny Santana
Senior Planning Associate

Respectfully submitted,


Gregg D. Lodan, AICP
Planning Manager

Attachments:

- 1.) Minutes Excerpt for 09/19/07 Planning Commission Workshop
- 2.) Previous Workshop Staff Reports and Supplemental material

EXCERPT OF MINUTES ~~Minutes Approved~~√ **Minutes Subject to Approval**

September 19, 2007

**MINUTES OF A REGULAR MEETING OF
THE TORRANCE PLANNING COMMISSION****1. CALL TO ORDER**

The Torrance Planning Commission convened in a regular session at 7:00 p.m. on Wednesday, September 19, 2007, in the West Annex meeting room at Torrance City Hall.

3. ROLL CALL

Present: Commissioners Browning, Faulk, Gibson, Horwich, Uchima, Weideman and Chairperson Busch.

Absent: None.

Also Present: Planning Manager Lodan, Sr. Planning Associate Santana, Plans Examiner Noh, Associate Civil Engineer Symons, Fire Marshal Kazandjian and Deputy City Attorney Whitham.

13A. LUS07-00001: CITY OF TORRANCE (CONSTRUCTION DAYS AND HOURS)

Planning Commission consideration of amendments to portions of the Torrance Municipal Code to further restrict hours and days in which construction is permitted.

Sr. Planning Associate Santana reported that based on discussions at the July 25, 2007 Planning Commission Workshop, staff formulated a list of recommendations concerning amendments to the City's permitted hours of construction. He noted supplemental material available at the meeting consisting of Redondo Beach's hours of construction; peak volume traffic information; and correspondence received subsequent to the completion of the agenda item.

Chairperson Busch voiced his opinion that maintaining the status quo and allowing construction to take place 13 out of 24 hours (7:00 a.m. to 8:00 p.m.) was not in the best interest of the community. He pointed out that according to the comparison of other cities compiled by staff, Torrance has the most liberal hours of construction, with the exception of Huntington Beach (7:00 p.m. to 8:00 p.m., Monday through Saturday). He suggested that while staff cites peak hour traffic congestion between 4:00 – 6:00 p.m. as a reason for retaining the 8:00 p.m. end time on weekdays, a 7:00 p.m. end time would suffice. He related his experience that contractors are amazed when they learn Torrance allows construction to take place from 7:00 a.m. to 8:00 p.m. seven days a week, including holidays.

Commissioner Browning expressed concerns about staff's recommendation to include a decibel limit ("construction and/or any activity involving the creation of noise beyond 50 dba as measured from the property lines") in the revised ordinance due to the difficulty of enforcing it. He questioned where the 50 dba number was obtained.

SUBJECT TO APPROVAL

Planning Manager Lodan advised that 50 dba is called out in the Torrance Municipal Code as the threshold used with regard to noise issues.

Sr. Planning Associate Santana explained that the decibel limit was included because of previously discussed concerns about noise from individuals working in garages impacting surrounding neighbors. He reported that Code Enforcement Officers from the City's Environmental Division would enforce the provisions of the ordinance.

Planning Manager Lodan noted that the City has several EQOs and they do have the ability to work after hours and on weekends if the situation dictates.

Commissioner Browning stated that he still felt enforcement of noise limits would be difficult and expressed concerns about restricting homeowners from working on construction projects in their own homes on weekends.

Jackie Decker, Carlow Road, voiced support for limiting construction on weekdays to no later than 6:00 p.m., relating her belief that 8:00 p.m. was much too late.

Toni Reina, Planning Manager for Continental Development Corporation, owner of Skypark Medical and Office Center, noted that she sent a letter (supplemental material) stressing the need for flexibility in hours of construction for commercial zones and urging the Commission to consider not restricting them in commercial zones and redevelopment areas not adjacent to a residential zone.

Commissioner Weideman stated that he believed Ms. Reina had a valid point, but was not sure how large the buffer between commercial and residential zones should be, noting recent problems with residents being disturbed during the construction of the CarMax facility on Hawthorne Boulevard.

Sr. Planning Associate Santana suggested that a provision could be included specifying that in order to be excluded from restrictions on hours of construction, a commercial/industrial project must be a minimum of 300 linear feet from residential uses. He noted that the Community Development Department has GIS, which could be used to verify that a project meets the minimum separation requirement.

Commissioner Browning stated that he understood that exceptions are needed for facilities like Skypark Medical and Office Center where construction activities must be limited to after hours and weekends, but favored leaving it to the discretion of the Community Development Director.

Chairperson Busch voiced support for staff's recommendation that a sign be posted at construction sites listing contact information for the property owner and the contractor, permitted hours of construction, any special conditions, and the Code Enforcement phone number where violations may be reported.

Commissioner Fauk stated that he also supports the posting of a sign so that contact information is readily available and felt it was probably the most significant change of the amendments being discussed. He asked about the size of the sign.

Sr. Planning Associate Santana explained that this idea came from Hermosa Beach, which limits the size of the notice to no larger than 11" by 17". He proposed

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SUBJECT TO APPROVAL

having the sign the same size as the public notice sign because staff already has the capability of generating a sign in this format.

Commissioner Browning expressed concerns that the signs will become opportunities for contractors to advertise.

Commissioner Faulk stated that he was not concerned about the advertising aspect because most construction sites already have signs posted advertising both general and subcontractors. He noted that in addition to providing contact information, another benefit of a sign is that contractors will not be able to ignore conditions as they will be clearly spelled out for all to see.

In response to Commissioner Horwich's inquiry, Planning Manager Lodan provided clarification regarding the trip generation information included in the supplemental material.

Commissioner Horwich stated that while an argument could be made that contractors should be allowed to start earlier and finish later so they do not contribute to traffic congestion during peak hours, he was inclined to disregard the traffic issue.

Ms. Reina clarified that she would prefer that a provision be included exempting commercial zones and redevelopment areas from restrictions on hours of construction when they are a certain distance away from residential uses rather than having to request an exemption from the Community Development Director each time they undertake a project. She noted that Pasadena sets the distance at 300 linear feet.

Chairperson Busch asked how late construction activities would continue.

Ms. Reina reported that construction that cannot be done during normal business hours, such as in common areas and restrooms, would typically take place from 7:00 p.m. to 1:00 or 2:00 a.m.

In response to Chairperson Busch's inquiry, Deputy City Attorney Whitham confirmed that the City could allow construction to continue after 10:00 p.m. without being in violation of California Penal Code §415 concerning public nuisances.

Tom Rische, Carlow Road, reported that he sent out an email to residents in his area regarding this topic and responses noted that another common problem on construction sites is loud radios, which is a particular problem in the Riviera area because sound reverberates off the hillside. He voiced his opinion that people deserve to eat dinner, watch television, or do homework in peace and construction activities should end no later than 6:00 or 7:00 p.m. He noted that noise from gardeners is oftentimes as loud as noise from construction workers.

Commissioner Browning questioned what projects would be required to post signs with contact information, etc.

Sr. Planning Associate Santana advised that staff was recommending that projects requiring Planning Commission Review or considered to be a significant remodel as defined by TMC §231.1.2 be required to post signs.

Commissioner Faulk noted his agreement with the staff recommendation.

SUBJECT TO APPROVAL

Commissioner Browning suggested that this would greatly limit the number of signs to be posted, noting that small projects can be just as loud and annoying as large projects.

Commissioner Weideman voiced support for staff recommendation with the exception of construction hours on weekdays, which he proposed restricting to from 7:00 a.m. to 6:00 p.m. He indicated that he did not find the traffic congestion argument to be very persuasive. He proposed adding a provision exempting commercial zones and redevelopment areas as long as there is a buffer zone from residences.

Commissioner Horwich recommended specifying that there may be no "outside" construction work after 6:00 p.m. He noted his concurrence with staff's recommendation to reduce construction hours on Saturday and prohibit construction on Sundays and holidays.

Commissioner Gibson noted her agreement with Commissioner Horwich's remarks.

Commissioner Browning stated that he favored allowing construction 7:30 a.m. to 6 p.m. on weekdays; 9:00 a.m. to 5:00 p.m. on Saturdays; and allowing construction on Sundays only for homeowners working on their own construction projects. He voiced support for prohibiting construction on holidays as proposed by staff.

Chairperson Busch noted his concurrence with Commissioner Browning's comments.

Commissioner Uchima voiced support for including a provision allowing construction in commercial/industrial areas as long as there is a buffer from residences. He noted that most commercial property improvements involve the inside of the building and doubted that any outside work would be done during nighttime hours.

Jackie Decker related her understanding that Villa Sorrento, a senior assisted living facility, is within 300 feet of Skypark Medical facilities, and urged that the impact on these residents be considered.

Commissioner Browning doubted that this would be a problem, noting Continental Development Corporation's excellent reputation as a property owner/manager.

Commissioner Faulk related his preference that this matter be continued to the next meeting, so that staff could distill Commissioners' comments and put the various proposals in written form to make them easier to evaluate. With regard to the staff recommendation, he requested that there be more definitive language concerning the signs and that the limitation on decibels be separated from the hours of construction for purposes of clarity.

MOTION: Commissioner Browning moved to continue the hearing on this item to October 3, 2007. The motion was seconded by Commissioner Weideman and passed by unanimous roll call vote.

###

SUPPLEMENTAL #1 TO AGENDA ITEM NO. 13A

TO: Members of the Planning Commission

FROM: Development Review Division

SUBJECT: Land Use Study: LUS07-00001/City of Torrance

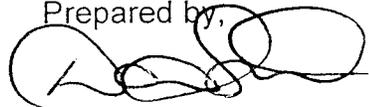
This is a public workshop item related to proposed changes to existing construction day and hour restrictions. The material previously presented to the Commission did not include City of Redondo Beach construction day and hour restrictions. Staff has since confirmed with Redondo Beach that their jurisdiction permits construction between 7 am and 6 pm Monday through Friday and 9 am to 5 pm on Saturdays. No construction is permitted on Sundays and Federal Holidays.

Staff has also confirmed with the Torrance Transportation Planning Manager that traffic volume peak periods, both for that the Transportation Planning and Traffic engineering industry and local standards are 7 am to 9 am and 4 pm to 6 pm. The Transportation Planning Division has provided the Development review staff with excerpts from the Institute of Transportation Engineers Trip Generation Manual, 7th Edition, the most recent Los Angeles County Congestion Management Program (2004) and an intersection traffic counts from the 2005 Citywide Traffic Study. These items, along with an e-mail from a Traffic Engineer Sepideh Sedadi, are attached for the Commissions review.

Lastly, correspondence from Toni Reina, Planning Manager for Continental Development Corporation, was submitted to staff after the item was completed and is attached for the Commission's review. This correspondence includes a suggested exemption for areas not zoned and adjacent to residential uses.

Staff is available for any questions.

Prepared by,



Danny Santana
Senior Planning Associate

Respectfully submitted,



Gregg Lodan, AICP
Planning Manager

Attachments:

- 1) Peak Volume Period Information
- 2) Correspondence

Santana, Danny

From: Sedadi, Sepideh
Sent: Wednesday, September 19, 2007 10:42 AM
To: Santana, Danny; Lodan, Gregg; Semaan, Ted
Subject: Traffic Analysis Industry

Based on the Traffic Analysis Industry as well as the City of Torrance Traffic Analysis protocols, the weekday AM PEAK is 7:00 to 9:00 AM and the PM PEAK is 4:00 to 6:00 PM.

Please find the attached examples from different official sources:

Trip generation, 7th Edition ITE;
2004 Congestion Management Program; and
2005 Citywide Traffic Study traffic counts.

Thanks Sepideh

Hotel (310)

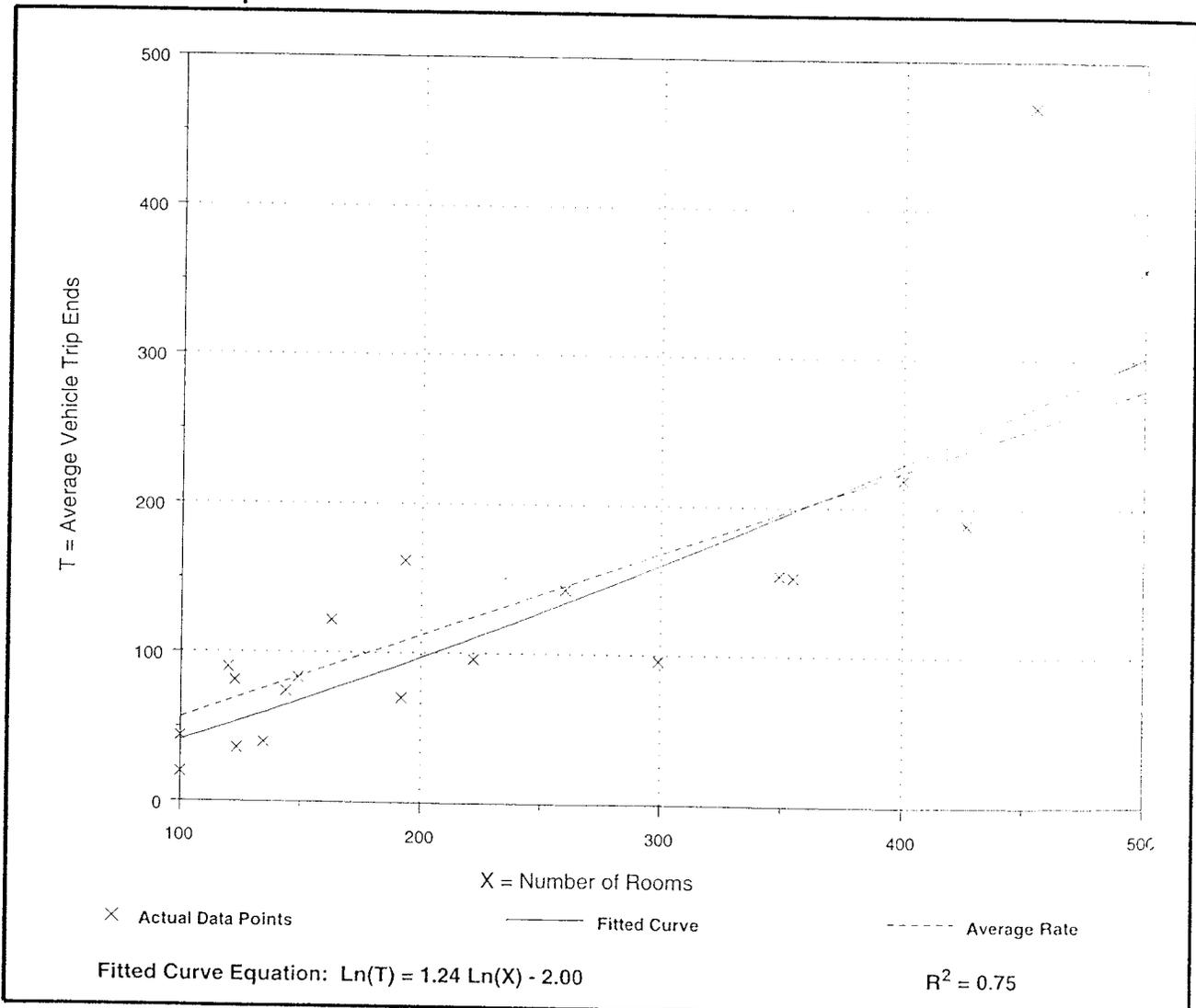
Average Vehicle Trip Ends vs: Rooms
 On a: Weekday,
 Peak Hour of Adjacent Street Traffic,
 One Hour Between 7 and 9 a.m.

Number of Studies: 20
 Average Number of Rooms: 240
 Directional Distribution: 61% entering, 39% exiting

Trip Generation per Room

Average Rate	Range of Rates	Standard Deviation
0.56	0.20 - 1.03	0.78

Data Plot and Equation



26
Hotel
(310)

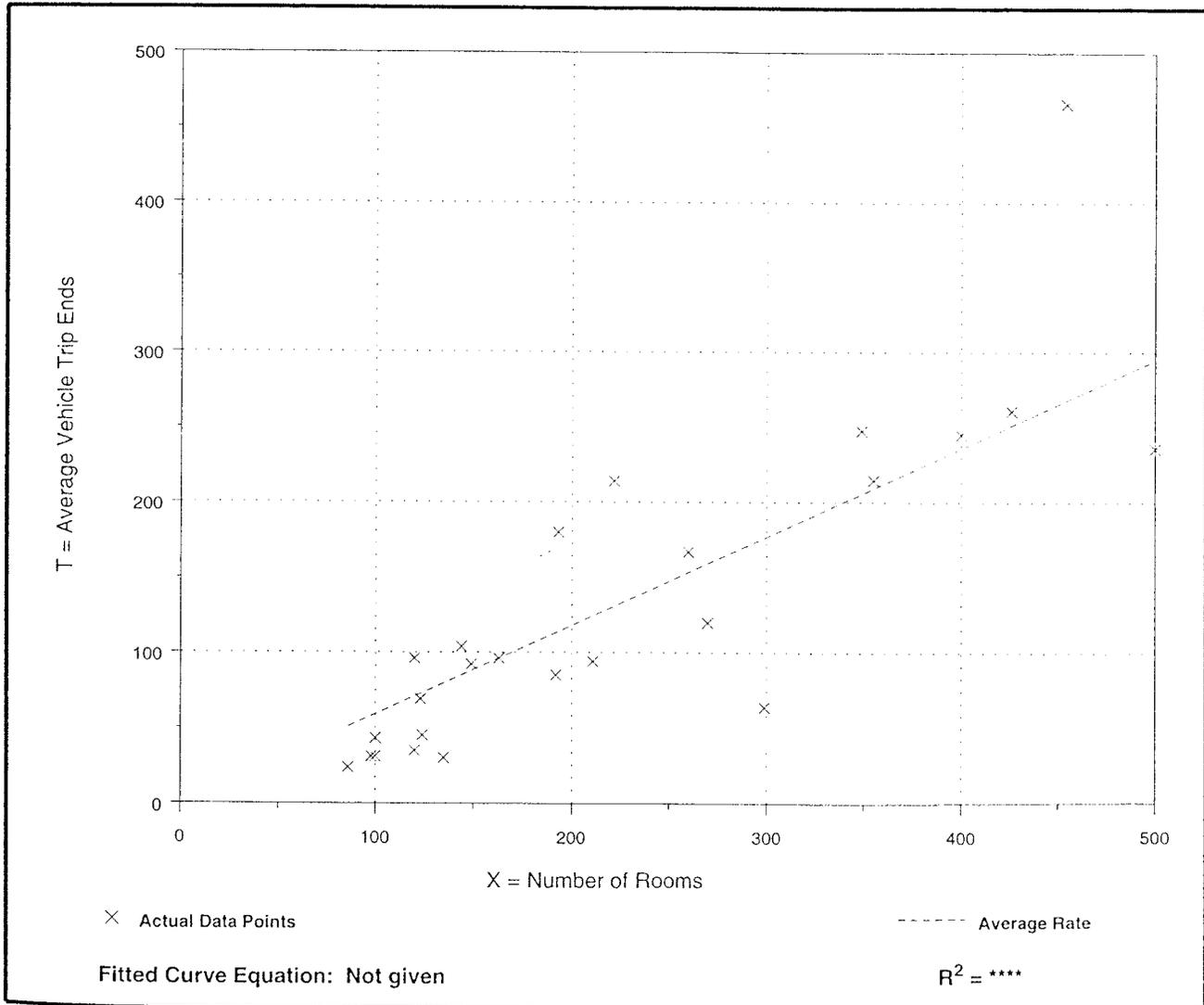
Average Vehicle Trip Ends vs: Rooms
On a: **Weekday,**
Peak Hour of Adjacent Street Traffic,
One Hour Between 4 and 6 p.m.

Number of Studies: 25
Average Number of Rooms: 224
Directional Distribution: 53% entering, 47% exiting

Trip Generation per Room

Average Rate	Range of Rates	Standard Deviation
0.59	0.21 - 1.03	0.80

Data Plot and Equation



Warehousing²⁷ (150)

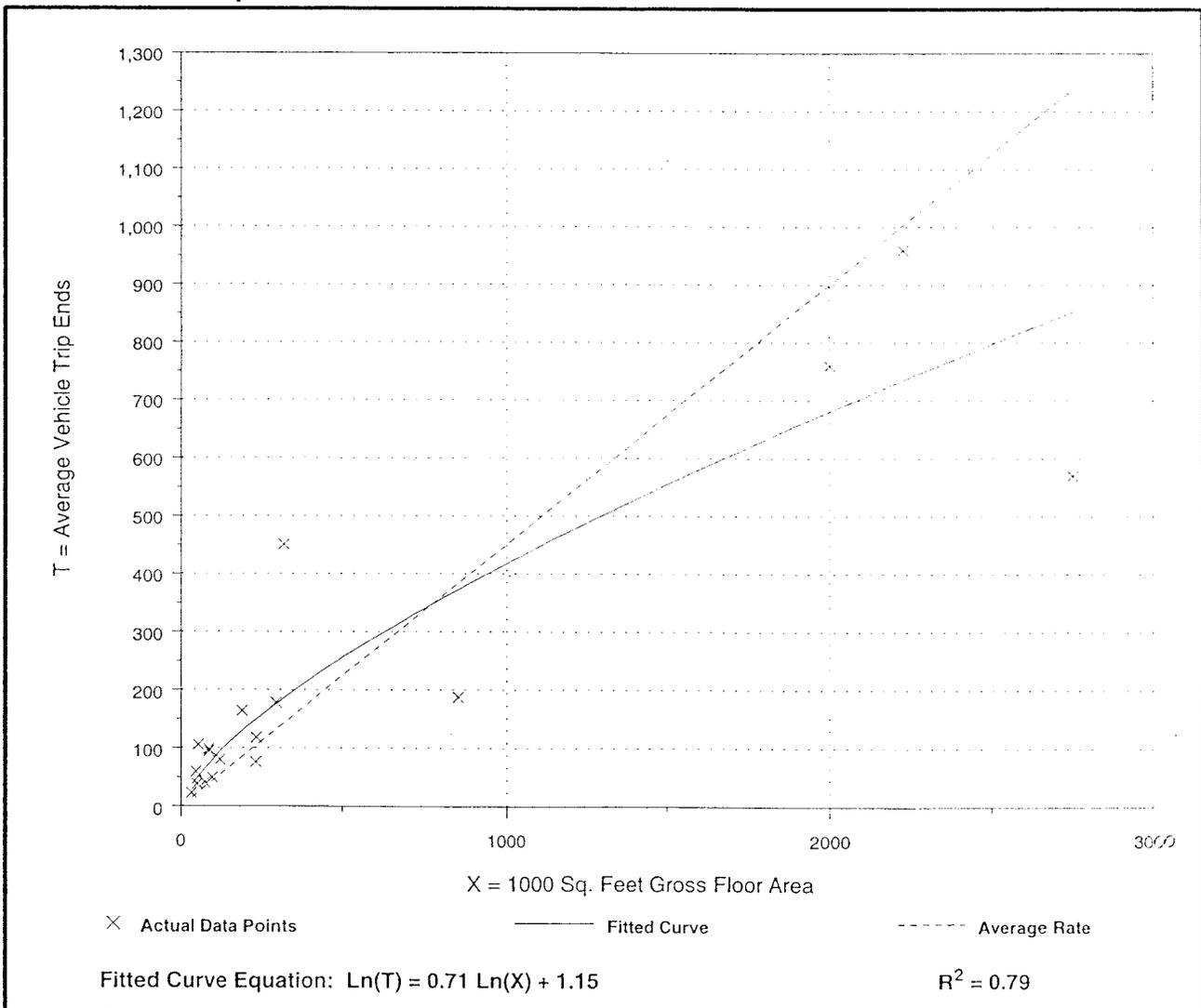
Average Vehicle Trip Ends vs: 1000 Sq. Feet Gross Floor Area
 On a: Weekday,
 Peak Hour of Adjacent Street Traffic,
 One Hour Between 7 and 9 a.m.

Number of Studies: 19
 Average 1000 Sq. Feet GFA: 531
 Directional Distribution: 82% entering, 18% exiting

Trip Generation per 1000 Sq. Feet Gross Floor Area

Average Rate	Range of Rates	Standard Deviation
0.45	0.21 - 1.93	0.74

Data Plot and Equation



Warehousing²⁸ (150)

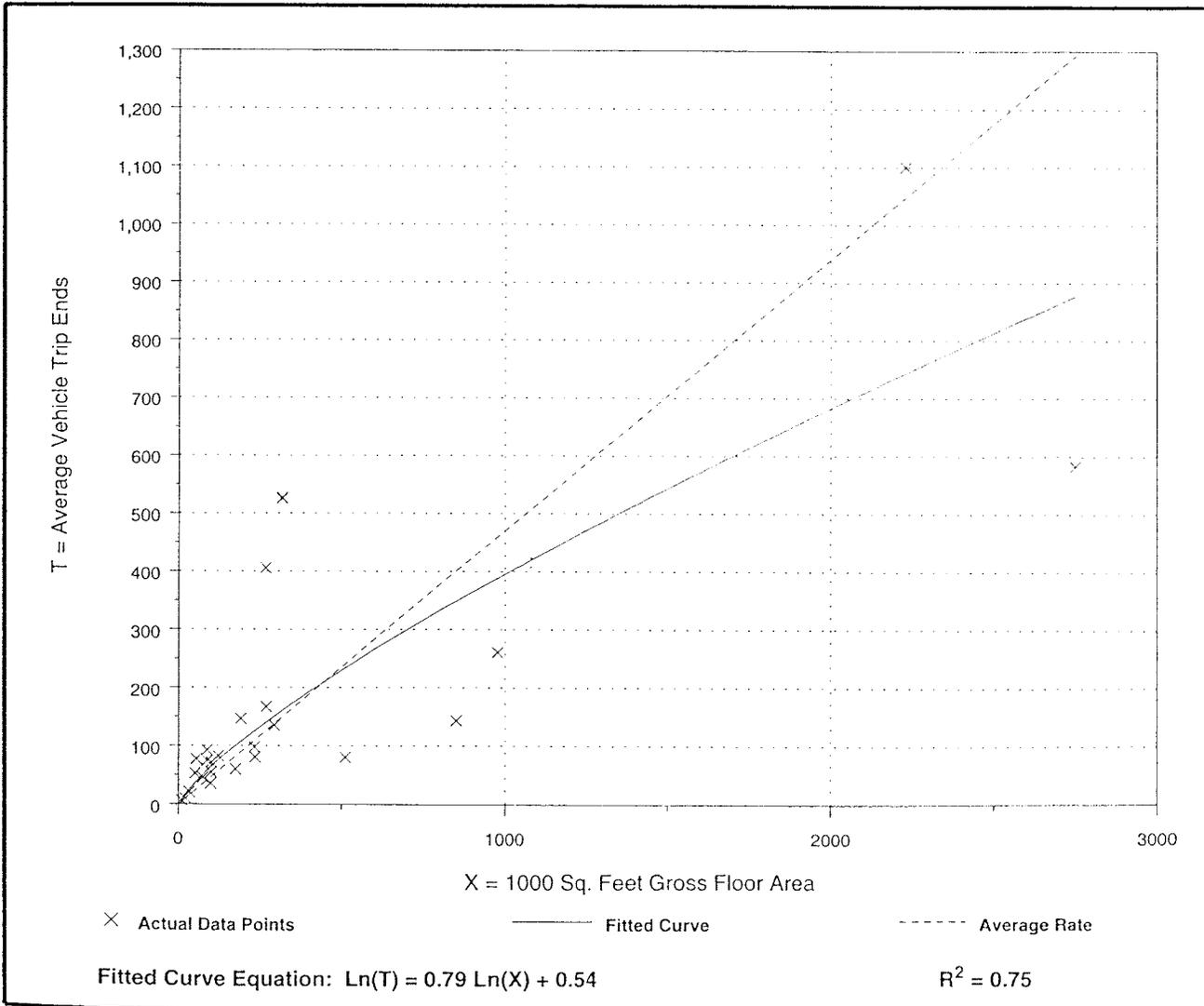
Average Vehicle Trip Ends vs: 1000 Sq. Feet Gross Floor Area
 On a: Weekday,
 Peak Hour of Adjacent Street Traffic,
 One Hour Between 4 and 6 p.m.

Number of Studies: 26
 Average 1000 Sq. Feet GFA: 403
 Directional Distribution: 25% entering, 75% exiting

Trip Generation per 1000 Sq. Feet Gross Floor Area

Average Rate	Range of Rates	Standard Deviation
0.47	0.16 - 1.66	0.80

Data Plot and Equation



Appendix A— Guidelines for Biennial Highway Monitoring

- with major cross streets such as major arterials, secondary arterials or freeway ramps.
- A maximum spacing of roughly two miles must be maintained between stations. For rural highways, spacing may be increased if traffic volumes and capacity are consistent over greater distances.
 - Redesignation of the responsible agency will only be accepted if recommended to MTA by the agency assuming responsibility.

A.4 TRAFFIC COUNT REQUIREMENTS

- Traffic counts included in the local jurisdiction's Highway Monitoring Report must be less than one year old as of May 31 of each monitored (odd-numbered) year.
- Traffic counts must be taken on Tuesdays, Wednesdays or Thursdays (these need not be consecutive days).
- Traffic counts must exclude holidays, and the first weekdays before and after the holiday.
- Traffic counts must be taken on days when local schools or colleges are in session.
- Traffic counts must be taken on days of good weather, and avoid atypical conditions (e.g., road construction, detours, or major traffic incidents).
- Traffic counts must be taken on two days and a third day of counts may be required (see Section A.7 Acceptable Variation in Level of Service).
- Traffic counts must be taken for both the AM and PM peak period.
- Unless demonstrated otherwise by actual local conditions, peak period traffic counts will include the periods 7-9 AM and 4-6 PM.
- The local agency must contact MTA if current conditions prevent the collection of representative count data during the required period (for example, major construction lasting over a year).

Local agencies are encouraged to include counts at CMP stations within the scope of other ongoing studies (see Appendix B, Transportation Impact Analysis Guidelines).

A.5 PHYSICAL DESCRIPTIONS

Existing lane configurations and signal phasing must be diagrammed for each monitoring location. Simple schematic diagrams are adequate. An example is provided in the Exhibit A-1 and a blank diagram form is included in Exhibit A-3. Agencies may use traffic signal plans, signing & striping plans or aerial photographs if desired; however if used, these must clearly indicate the permitted movements for each lane. Submit such plans or diagrams on 8½" x 11" sheets.

Intersection Turning Movement

Prepared by: Southland Car Counters

N-S STREET: Crenshaw Blvd.

DATE: 4/19/2005

LOCATION: City of Torrance

E-W STREET: Torrance Bl

DAY: TUESDAY

PROJECT# 05-2130-013

LANES:	NORTHBOUND			SOUTHBOUND			EASTBOUND			WESTBOUND			TOTAL
	NL	NT	NR	SL	ST	SR	EL	ET	ER	WL	WT	WR	
6:00 AM													
6:15 AM													
6:30 AM													
6:45 AM													
7:00 AM	37	450	32	14	242	19	41	150	17	20	197	16	1235
7:15 AM	48	448	44	13	256	24	49	181	22	23	210	20	1338
7:30 AM	52	434	47	18	286	29	53	207	27	27	222	23	1425
7:45 AM	50	438	51	21	319	37	59	232	28	31	255	24	1545
8:00 AM	51	444	53	25	325	39	63	243	30	34	282	25	1614
8:15 AM	46	446	54	29	319	42	61	253	26	42	261	26	1605
8:30 AM	44	459	55	37	303	46	65	189	30	40	211	25	1504
8:45 AM	36	391	49	29	326	40	55	179	28	35	230	18	1416
9:00 AM													
9:15 AM													
9:30 AM													
9:45 AM													
10:00 AM													
10:15 AM													
10:30 AM													
10:45 AM													
11:00 AM													
11:15 AM													
11:30 AM													
11:45 AM													

TOTAL VOLUMES =	NL	NT	NR	SL	ST	SR	EL	ET	ER	WL	WT	WR	TOTAL
	364	3510	385	186	2376	276	446	1634	208	252	1868	177	11682

AM Peak Hr Begins at: 7:45 AM

PEAK VOLUMES =	191	1787	213	112	1266	164	248	917	114	147	1009	100	6268
PEAK HR. FACTOR:		0.982			0.988			0.940			0.921		0.971

CONTROL:

Intersection Turning Movement

Prepared by: Southland Car Counters

N-S STREET: Crenshaw Blvd.

DATE: 4/19/2005

LOCATION: City of Torrance

E-W STREET: Torrance Bl

DAY: TUESDAY

PROJECT# 05-2130-013

LANES:	NORTHBOUND			SOUTHBOUND			EASTBOUND			WESTBOUND			TOTAL
	NL	NT	NR	SL	ST	SR	EL	ET	ER	WL	WT	WR	
1:00 PM													
1:15 PM													
1:30 PM													
1:45 PM													
2:00 PM													
2:15 PM													
2:30 PM													
2:45 PM													
3:00 PM													
3:15 PM													
3:30 PM													
3:45 PM													
4:00 PM	44	310	42	48	389	46	36	232	20	29	237	17	1450
4:15 PM	52	331	52	52	408	51	43	242	25	37	269	20	1582
4:30 PM	56	365	47	54	409	47	38	260	27	39	282	22	1646
4:45 PM	62	371	47	61	410	42	35	297	36	44	317	24	1746
5:00 PM	61	378	46	64	416	39	31	322	38	42	339	23	1799
5:15 PM	57	387	52	60	406	49	46	312	30	41	360	24	1824
5:30 PM	54	344	50	53	430	44	43	329	34	41	281	20	1723
5:45 PM	51	298	53	54	350	46	46	332	32	47	369	26	1704
6:00 PM													
6:15 PM													
6:30 PM													
6:45 PM													

TOTAL	NL	NT	NR	SL	ST	SR	EL	ET	ER	WL	WT	WR	TOTAL
VOLUMES =	437	2784	389	446	3218	364	318	2326	242	320	2454	176	13474

PM Peak Hr Begins at: 445 PM

PEAK VOLUMES =	234	1480	195	238	1662	174	155	1260	138	168	1297	91	7092
PEAK HR. FACTOR:		0.962			0.984			0.956			0.915		0.972

CONTROL:

Santana, Danny

From: Toni Reina [treina@continentaldevelopment.com]
Sent: Wednesday, September 19, 2007 1:27 PM
To: Santana, Danny
Subject: Construction Hours and Days
Attachments: Construction Hours Ltr.pdf

Danny,

Following up on our conversation on 9/17 regarding the proposed TMC amendments to further restrict construction hours and days, attached for submittal to the Planning Commission is a letter from Continental Development Corporation outlining our concerns about the proposed amendments. Thank you for your assistance.

Toni Reina
Planning Manager
Continental Development Corporation
T. 310-640-1520, Ext. 205
F. 310-414-9279
treina@continentaldevelopment.com



CONTINENTAL DEVELOPMENT CORPORATION

September 19, 2007

Mr. Danny Santana
Senior Planning Associate
City of Torrance
3031 Torrance Boulevard
Torrance, CA 90503

Subject: LUS07-00001 City of Torrance Construction Days and Hours
Planning Commission Agenda Item 13A

Dear Danny:

Continental Development Corporation ("Continental") owns and manages the Skypark Medical and Office Center on Hawthorne Boulevard between Lomita Boulevard and Skypark Drive. Skypark is within a redevelopment area and is not situated adjacent to a residential zone. The residential areas nearest to Skypark are approximately 500 feet to the west and as far as approximately 1800 feet to the south and northeast.

With regard to the proposed Municipal Code amendments to further restrict construction days and hours, Continental respectfully submits the following comments for Planning Commission consideration:

Continental requests that the Commission consider that flexibility for hours of construction in commercial zones is appropriate because business is conducted at commercial sites during varying hours and days of the week. Property owners must consider the impacts that construction activities will have on tenants and visitors and must frequently adjust construction hours outside of business hours when necessary to minimize noise and other impacts disruptive to businesses and their guests.

Noise from construction activities in commercial areas that are not adjacent to residential areas generally cannot be detected or heard from residential areas. Limiting construction hours in these areas serves to increase duration of construction projects, project related costs, and the negative construction related impacts on tenants and visitors to these sites.

Continental requests that the Commission consider the need for flexibility in commercial areas and not restrict the hours of construction for commercial zones and redevelopment areas that are not adjacent to a residential zone.

Thank you for consideration of our comments.

Sincerely,

Toni Reina
Planning Manager

C: Leonard E. Blakesley, Jr.
Richard C. Lundquist
Alex J. Rose

AGENDA ITEM NO. 13A**CASE TYPE AND NUMBER:** Land Use Study: LUS07-00001**NAME:** City of Torrance (Construction Days and Hours)**PURPOSE OF APPLICATION:** The Planning Commission proposes to amend portions of the Torrance Municipal Code to further restrict hours and days in which Construction is permitted.**COMPLIANCE WITH GENERAL PLAN:** Yes. This proposal implements Programs 1.1.5 and 1.1.8 of the 1992 Noise Element. Program 1.1.5 calls for minimizing the impact from construction noise. Program 1.1.8 calls for the integration of noise attenuation measures in all land development decision, construction phases included.**ENVIRONMENTAL FINDINGS:** The proposal to revise the Construction Days and Hours requirements will only further restrict the days and timeframes in which construction is permitted. As these existing requirements are only being reduced, not expanded, and will not affect the review process, this modification will not have a significant effect on the environment and is, therefore, not subject to the California Environmental Quality Act (CEQA) per section 15061 (b)(3).**BACKGROUND**

On May 2nd, 2007, the Planning Commission directed staff to organize a Planning Commission workshop in which several matters of local concern could be discussed with information from staff and forum for public input. On July 25th, 2007, the Commission reviewed a report and presentation regarding Construction Hours. The materials prepared by staff provided information compiled from a survey of 12 local and/or comparable cities. Upon reviewing the materials and receiving public testimony, the Commission reached a consensus that the existing construction hours code section did not provide for sufficient oversight of construction. Some Commissioners expressed concerns related to weekday evening hour construction, although the majority of the concerns expressed were most notably associated with the absence of weekend and holiday limitations. The Commission then voted 6-0, with Commissioner Uchima absent, to direct staff to return a draft ordinance for review within 60 days of the workshop. The intent behind this second workshop is to finalize the specific Commission recommendations for the preparation of an ordinance to address both day and hour restrictions. Once a majority opinion has been reached the recommended Municipal Code modifications will be forwarded to the City Council for review. The City Council will then have the opportunity to either accept and file the information, make changes as they see fit and adopt a modified ordinance.

ANALYSIS:

The Torrance Municipal Code (TMC) Section 46.3.1 currently restricts hours of construction from 7:00 am to 8:00 pm Monday through Sunday. The use of heavy machinery, such as pile drivers, pneumatic hammers and other similar devices require

approval of the Community Development Director when such work is required in and around residential areas. The one exception to these regulations is an Emergency Provision, which TMC 46.1.2(c) defines as "work made necessary to restore property to a safe condition following a public calamity or work required to protect persons or property from an imminent exposure to danger." The use of such an emergency provision has historically been limited primarily in responding to a natural disaster or an unforeseen event or incident.

Prior to the July Planning Commission workshop staff conducted surveys of 12 local and comparable cities to inquire about their construction hour limitations. The informal survey results revealed several commonalities. The Torrance starting time for construction during weekdays is the same as most of the cities surveyed but is allowed to extend one to two hours later than most. Most cities, however, require construction hours to commence later and end earlier on Saturdays and even more prohibit construction on Sundays or Holidays. A chart describing how Torrance and each city surveyed restrict construction hour activities is provided below:

City	Monday-Friday	Saturday	Sunday	Holidays
Torrance	7:00am - 8:00pm	7:00am - 8:00pm	7:00am - 8:00pm	7:00am - 8:00pm
Cerritos	7:00am - 6:00pm	10:00am – 5:00pm	None	None
El Segundo	7:00am - 6:00pm	7:00am - 6:00pm	None	None
Gardena	7:00am to 6:00pm	9:00am – 6:00pm	None	None
Hermosa Beach	8:00am - 7:00pm	9:00am - 5:00pm	None	None
Huntington Beach	7:00am - 8:00pm	7:00am - 8:00pm	None	None
Lomita	7:00am - 6:00pm	9:00am - 5:00pm	9:00am - 5:00pm	9:00am - 5:00pm
Manhattan Beach	7:30am - 6:00pm	9:00am - 6:00pm	None	None
Pasadena	7:00am – 7:00pm*	8:00am – 5:00pm*	None*	None*
Rancho Palos Verdes	7:00am – 7:00pm	7:00am – 7:00pm	None	None
Rolling Hills Estates	7:00am – 5:00pm	9:00am - 5:00pm	None	None
Santa Monica	7:00am - 6:00pm*	9:00am – 5:00pm*	None	None
Whittier	7:00am - 7:00pm	7:00am - 7:00pm	None	None

*Has process by which construction hours can be permitted beyond restricted hours.

Based on the results from the city surveys and the Commission and public feedback from the previous workshop, Staff recommends the Commission explore limiting construction hours on Saturdays and prohibiting them on Sundays and holidays observed by City Hall. Staff does not recommend a reduction in the hours allowed between Monday through Friday for several reasons. First, a reduction of hours during

the traditional work week may increase the overall duration of the construction activities and all the noise, traffic and project supervision involved with them. The current hours allow for workers to arrive and leave the site outside of peak volume traffic periods of 7:00-9:00 am and 4:00-6:00 pm. Secondly, the Commission already has the ability to further restrict construction hours through a special condition of approval on discretionary matters that come before. Should a modified ordinance be adopted, the Commission may continue to assign such conditions for weekday construction as they deem appropriate and necessary for the public well being.

Staff has also included a provision by which the Community Development Director may allow expanded hours and days of construction if unusual circumstances exist or should arise during construction. Such a request must be submitted in writing to the Director and should have approval prior to the commencement of any such expanded hours or days.

In light of the above discussion, staff recommends revising portions of Division 4 of the Municipal Code relating to construction days and hours. Following is a description of the modifications included in the attached draft ordinance:

Staff recommends employing the Information following modifications to Section TMC 46.3.1: Construction of Buildings and Projects:

- 1) That construction and/or any activity involving the creation of noise beyond 50 dba as measured at property lines shall be limited to between the hours of 7 am to 8 pm Monday through Friday;
- 2) That construction and/or any activity involving the creation of noise beyond 50 dba as measured at property lines shall be limited to between the hours of 9 am to 6 pm on Saturdays;
- 3) That construction and/or any activity involving the creation of noise beyond 50 dba as measured at property lines shall be prohibited on Sundays and any and all Holidays observed by City Hall (-Holidays currently observed are New Year's Day, Martin Luther King Jr. Day, Lincoln's Birthday, Washington's Birthday, Memorial Day, Independence Day, Labor Day, Veteran's Day, Thanksgiving Day, the day after Thanksgiving, the last working day prior to Christmas Day, Christmas Day, and the last working day prior to New Year's Day);
- 4) That Community Development Director may allow expanded hours and days of construction if unusual circumstances and conditions exist. Such requests must be made in writing and must receive approval by the Director prior to any expansion of the hour and day restrictions listed above; and
- 5) That every construction project requiring Planning Commission review or considered to be a significant remodel as defined by TMC Section 231.1.2, shall be required to post an information board along the front property line which displays the property owner's name and contact number, contractor's name and contact number, a copy of this revised section, a list of any special conditions, and the Code Enforcement phone number where violations may be reported.

CONCLUSION

The Planning Commission at this point has several options in which to direct Staff. The Planning Commission may:

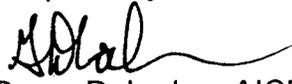
- Accept and file the information that it has been presented;
- Direct Staff to conduct further research in a specified area;
- Direct Staff to modify, add, or eliminate sections of the above listed recommendations for modifying the code and prepare the Draft Ordinance modifying the Torrance Municipal Code and forward it to the City Council;; or
- Direct Staff to prepare the Draft Ordinance modifying the Torrance Municipal Code and forward it to the City Council;

Prepared by



Danny Santana
Senior Planning Associate

Respectfully submitted,



Gregg D. Lodan, AICP
Planning Manager

Attachments:

- 1.) Draft Ordinance of Revised TMC Section 46.3.1
- 2.) Draft Ordinance Summary
- 3.) Previous Planning Commission Workshop Minutes
- 4.) Previous Workshop Staff Report

(DRAFT) ORDINANCE

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TORRANCE, CALIFORNIA, AMENDING DIVISION 4 OF THE TORRANCE MUNICIPAL CODE TO ALLOW FURTHER RESTRICT HOURS AND DAYS IN WHICH CONSTRUCTION IS PERMITTED.

THE CITY COUNCIL OF THE CITY OF TORRANCE DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1

That the requirement contained in Article 3, Chapter 6, Section 46.3.1 of Division 4 of the Torrance Municipal Code be modified by removing the stricken language and adding the *italicized language* to the existing language as follows:

- a) It shall be unlawful for any person within the City of Torrance to operate power construction tools, or equipment, or any activity involving the creation of noise beyond 50 dba as measured at property lines in the performance of any outside construction or repair work on buildings, structures, or projects in or adjacent to a residential area except between the hours of 7:00 A.M. and 8:00 P.M. ~~of any day Monday through Friday, and 9:00 A.M. and 6:00 P.M. on Saturdays. That construction shall be prohibited on Sundays and Holidays observed by~~ observed by City Hall (Holidays currently observed are New Year's Day, Martin Luther King Jr. Day, Lincoln's Birthday, Washington's Birthday, Memorial Day, Independence Day, Labor Day, Veteran's Day, Thanksgiving Day, the day after Thanksgiving, the last working day prior to Christmas Day, Christmas Day, and the last working day prior to New Year's Day).
- b) That Community Development Director may allow expanded hours and days of construction if unusual circumstances and conditions exist. Such requests must be made in writing and must receive approval by the Director prior to any expansion of the hour and day restrictions listed above.
- c) That every construction project requiring Planning Commission review or considered to be a significant remodel as defined by Section 231.1.2, shall be required to post an information board along the front property line which displays the property owner's name and contact number, contractor's name and contact number, a copy of this section, a list of any special conditions, and the Code Enforcement phone number where violations can be reported.
- d) Heavy construction equipment such as pile drivers, mechanical shovels, derricks, hoists, pneumatic hammers, compressors or similar devices shall not be operated at any time, within or adjacent to a residential area, without first obtaining from the Community Development ~~Director of Building and Safety~~ permission to do so. Such request for permission shall include a list and type of equipment to be used, the requested hours and locations of its

use, and the applicant shall be required to show that the selection of equipment and construction techniques has been based on minimization of noise within the limitations of such equipment as is commercially available or combinations of such equipment and auxiliary sound barriers. Such permission to operate heavy construction equipment will be revoked if operation of such equipment is not in accordance to approval. No permission shall be required to perform emergency work as defined in Article 1 of this Chapter.

SECTION 4

Any provisions of the Torrance Municipal Code or its appendices, or any other ordinances of the City inconsistent with this ordinance to the extent of the inconsistencies and no further, are repealed.

SECTION 5

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, the decision will not affect the validity of the remaining portions of the ordinance. The City Council declares that it would have passed this ordinance and each section, subsection, sentence, clause and phrase irrespective of the fact that any one or more sections, subsections, sentence, clauses or phrases are declared invalid or unconstitutional.

SECTION 6

This ordinance will take effect thirty days after the date of its adoption. Within fifteen days following adoption, this ordinance or a summary of this ordinance, if authorized by the City Council, will be published at least once in the Daily Breeze, a newspaper of general circulation, published and circulated in the City of Torrance.

Introduced and approved this _____ day of _____, 2007.

Adopted and passed this _____ day of _____, 2007.

MAYOR, of the City of Torrance

ATTEST:

City Clerk of the City of Torrance

APPROVED AS TO FORM:

JOHN FELLOWS III, City Attorney

By _____

(DRAFT) ORDINANCE _____

SUMMARY

On _____, 2007, the City Council of the City of Torrance adopted an ordinance modifying the existing Construction of Buildings and Projects Article of the Noise Regulations to further restrict days and hours for which construction is permitted.

EXCERPT OF MINUTES

√ Minutes Approved
 Minutes Subject to Approval

July 25, 2007

**MINUTES OF TORRANCE PLANNING
 COMMISSION CODE SECTION WORKSHOP**

1. CALL TO ORDER

The Torrance Planning Commission convened in a Code Section Workshop at 6:00 p.m. on Wednesday, July 25, 2007 in City Council Chambers at Torrance City Hall.

3. ROLL CALL

Present: Commissioners Browning, Fauk, Gibson, Horwich, Weideman and Chairperson Busch.

Absent: Commissioner Uchima (excused).

Also Present: Planning Manager Lodan, Sr. Planning Associate Santana, Plans Examiner Noh and Deputy City Attorney Whitham.

Agenda Item No. 5 was considered out of order at this time
 Agenda Item 6 was considered out of order at this time.

6. CONSTRUCTION HOURS TOPIC

With the aid of slides, Sr. Planning Associate Santana reviewed information on hours of construction per written material of record. He reported that Torrance currently allows construction from 7:00 a.m. to 8:00 p.m., seven days a week, holidays included and that these hours are the most liberal of the 12 cities surveyed. He explained that most of the cities surveyed do not allow construction on Sundays or holidays and have shorter hours on Saturday with a later start time. He noted that the TMC does not define penalties for violating hours of construction.

Chairperson Busch voiced his opinion that Torrance's hours of construction are too liberal and should be modified and related his experience that sub-contractors often arrive well before the 7:00 a.m. start time.

Commissioner Browning indicated that he favored changing the hours of construction to 7:30 a.m. – 6:00 p.m., Monday through Friday, 8:00 a.m. – 5:00 p.m. on Saturday, with no construction on Sundays or holidays except by permission of the Community Development Department. He stated that he saw no reason to restrict the hours of construction for commercial projects unless they are adjacent to a residential area. He stressed the need for a better way to enforce hours of construction.

In response to Chairperson Busch's inquiry, Sr. Planning Associate Santana advised that Pasadena was the only city surveyed that has hours of construction that differentiate between residential and commercial projects, noting that commercial projects in Pasadena are subject to residential hours of construction if they are within 300 feet of a residential zone.

Citing recent complaints from neighbors about the CarMax project, Commissioner Weideman stated that he favored Hermosa Beach's practice of requiring a flyer to be posted at every construction project listing the contractor/owner's name and contact information along with requirements and conditions related to the project. He also favored issuing a limited number of parking permits for construction workers, which forces them to carpool or park on site, as done in Manhattan Beach.

Commissioner Browning expressed concerns that limiting parking for residential projects could be problematic because it's not unusual to have several trades working on a project at one time and it's not practical to carpool and there's no room to park on-site. He questioned the legality of prohibiting someone from parking on a public street.

Commissioner Horwich noted that while the Code allows construction until 8:00 p.m., in practice, it often stops around 5:00 or 6:00 p.m. due to darkness so he saw no reason to change the hours of construction for weekdays at this time. He indicated, however, that he would like to see the starting time changed to 9:00 a.m. on Saturdays, Sundays and holidays and the ending time changed to 6:00 p.m. He related his belief that it was important not to make the regulations too complicated for ease of enforcement.

Chairperson Busch noted that daylight savings time has been expanded so it stays light until 8:00 p.m. a good portion of the year.

Chairperson Busch invited public comment.

Jackie Decker, 23102 Carlow Road, voiced her opinion that 8:00 p.m. was much too late to allow construction because people deserve to enjoy a quiet evening at home and called for the prohibition of construction on weekends and holidays. She urged strict enforcement of regulations.

Commissioner Browning pointed out that prohibiting construction on evenings and weekends would be a hardship for homeowners doing their own remodeling projects because that could be the only time they have to work on them.

Ms. Decker stated that she would support limited hours on Saturday, but still believed there should be no construction on Sundays and holidays, and that the 8:00 p.m. ending time on weekdays was too late.

Ted Coene, 420 Camino de Encanto, noted that a homeowner doing own his remodeling would likely be doing much of the work inside the house and he would not be using tools that would disturb neighbors. He reported that he is experiencing problems with a project on his street where workers start earlier and stay later than the permitted hours of construction and he would like some peace and quiet on weekends. He indicated that he supported the idea of treating residential and commercial projects differently, but cautioned against over-regulation.

Don Barnard, 2028 Gramercy, stated that he works in construction and does not believe construction should be permitted on Sundays. He proposed allowing construction to continue until 8:00 p.m., but prohibiting the use of power tools after 6:00 p.m. to avoid disturbing neighbors.

Chairperson Busch polled Commissioners, and it was the consensus of the Commission to direct staff to draft recommendations for modifying hours of construction for review by the Commission.

Commissioner Horwich stated that he favored a later starting time on Saturdays, Sundays and holidays, as well as an earlier ending time. He indicated that would consider prohibiting construction on holidays, but would not support prohibiting construction on weekends because it could be a hardship for homeowners doing their own construction projects.

Commissioner Browning proposed the following hours: 7:30 a.m. – 6:00 p.m., Monday through Friday, 9:00 a.m. – 5:00 p.m., Saturday and Sunday, with no construction on holidays – holidays to be defined as the same as City staff observes. He stated that he would not support a ban on Sunday construction as it is not the Sabbath for everyone.

Commissioner Gibson stated that she would support the shortened hours, however, she did not believe construction should be allowed on Sunday, which has long been designated as a day of rest.

Commissioner Weideman noted that there was still some debate over the specifics and he envisioned staff bringing forward different options based on Commissioners' comments. He indicated that he definitely favored making the hours of construction more restrictive because they are the most liberal of the cities surveyed. He also voiced support for requiring a flyer to be posted at the job site with contact information and regulations/conditions related to the project. He stated that he had reconsidered regulating the parking of construction vehicles in light of Commissioner Browning's comments.

Chairperson Busch pointed out that shorter construction hours mean that a project will take longer to complete and therefore be more costly. He stated that he was inclined to support the same hours of construction as the City of Pasadena, which is the closest in size to Torrance of the cities surveyed: 7:00 a.m. – 7:00 p.m., Monday through Friday, and 8:00 a.m. – 5:00 p.m. on Saturday, but he would go along with the 9:00 a.m. start time on Saturday. He related his preference that no construction be allowed on Sundays or holidays. He suggested that homeowners doing their own remodeling projects be exempt from the regulations, with any disturbances, such as the late night use of power tools, to be handled by existing public nuisance regulations. He voiced support for having different regulations for commercial and residential areas and for the posting of flyers with contact information and regulations/conditions on job sites. He proposed that staff be directed to return this item to the Commission within 60 days.

Commissioner Fauk noted that that having regulations/conditions posted at the job site could make them easier to enforce.

Chairperson Busch thanked Commissioners for their input on this topic, stating that he believed the discussion had been very productive.

###

TO: Members of the Planning Commission

FROM: Development Review Division

SUBJECT: Construction Hours

LOCATION: City of Torrance

In May of 2007, the Planning Commission directed staff to organize a Planning Commission workshop in which several matters of local concern can be discussed with information from staff and public input. The Commission directed staff to prepare a workshop item on construction hours.

City of Torrance

The Torrance Municipal Code (TMC) Section 46.3.1 currently restricts hours of construction from 7:00 am to 8:00 pm Monday through Sunday. The use of heavy machinery, such as pile drivers, pneumatic hammers and other similar devices require approval of the Community Development Director when such work is required in and around residential areas. The one exception to these regulations is an Emergency Provision, which TMC 46.1.2(c) defines as "work made necessary to restore property to a safe condition following a public calamity or work required to protect persons or property from an imminent exposure to danger." The use of such an emergency provision has historically been limited primarily in responding to a natural disaster or an unforeseen event or incident.

Comparable Cities

Staff surveyed 13 other municipalities regarding construction hours regulations and of those, 12 completed the survey. The 12 cities include: Santa Monica, Hermosa Beach, Pasadena, Whittier, Lomita, Cerritos, Huntington Beach, Rolling Hills Estates, Gardena, El Segundo, Rancho Palos Verdes and Manhattan Beach. The City of Redondo Beach was contacted but their responses were not received as of the writing of this report. Staff developed a written questionnaire that was answered either verbally over the phone by other planners or the planners from other cities wrote out responses that were submitted via email. The City of Torrance refers to the Uniform Building Code (Chapter 2, Section 204c) for the definition of construction as "the act of using labor and materials used for erection, demolition or removal of a building, structure, utility, appliance or device." Although not all cities had an official definition for "construction" or "construction activity", in practice most associate construction activities as involving the use of heavy machinery or tools with work that would require approval of some sort of Planning or Building permit.

Results

From the responses collected, staff has compiled a chart describing how each of the Cities that responded restricts construction hour activities. Torrance requirements are listed first and the findings from the City Inquiries follows:

City	Monday-Friday	Saturday	Sunday	Holidays
Torrance	7:00am - 8:00pm	7:00am - 8:00pm	7:00am - 8:00pm	7:00am - 8:00pm
Cerritos	7:00am - 6:00pm	10:00am – 5:00pm	None	None
El Segundo	7:00am - 6:00pm	7:00am - 6:00pm	None	None
Gardena	7:00am to 6:00pm	9:00am – 6:00pm	None	None
Hermosa Beach	8:00am - 7:00pm	9:00am - 5:00pm	None	None
Huntington Beach	7:00am - 8:00pm	7:00am - 8:00pm	None	None
Lomita	7:00am - 6:00pm	9:00am - 5:00pm	9:00am - 5:00pm	9:00am - 5:00pm
Manhattan Beach	7:30am - 6:00pm	9:00am - 6:00pm	None	None
Pasadena	7:00am – 7:00pm*	8:00am – 5:00pm*	None*	None*
Rancho Palos Verdes	7:00am – 7:00pm	7:00am – 7:00pm	None	None
Rolling Hills Estates	7:00am – 5:00pm	9:00am - 5:00pm	None	None
Santa Monica	7:00am - 6:00pm*	9:00am – 5:00pm*	None	None
Whittier	7:00am - 7:00pm	7:00am - 7:00pm	None	None

*Has process by which construction hours can be permitted beyond restricted hours.

Various cities surveyed have unique practices related to construction projects. Hermosa Beach has a flyer that is required to be filled out by every Contractor/Owner of every construction project and is required to be posted at the job site. This form has a description of a the project site, a description of the work being done, requirements and conditions related to the project, as well as the Contractor/Owner name and contact information. The City of Manhattan Beach gives out a limited number of parking permits for construction workers forcing them to carpool in areas were parking is limited. The City of Santa Monica does, on occasion, impose conditions on larger projects prohibiting items such as no radios and all construction workers must park on-site. Certain cities, such as Whittier, restrict loading and unloading as well. Whittier restricts these activities to 6:00 am to 10:00 pm, while many cities typically impose the same construction hours requirements on deliveries and staging.

How “Holiday” is defined and the number of them per year varies from City to City. Pasadena and Santa Monica both have a process for how one can exceed construction day and/or hours. Pasadena requires the approval of properties immediately adjacent to the job site, as well as approval of 65% of property owners within a 500 radius. Santa Monica has an administrative process that requires review and approval of Planning, Engineering, and Fire before Building and Safety is allowed to grant such an exemption.

Conclusion

The informal survey results reveal several commonalities. Most cities require construction hours to commence later and end earlier on Saturdays and even more prohibit construction on Sundays or Holidays. The Torrance starting time for construction during weekdays is the same as most of the cities surveyed but is allowed to extend one to two hours later than most.

The Planning Commission at this point has several options in which to direct Staff. The Planning Commission may:

- Accept and file the information that it has been presented;
- Direct Staff to conduct further research in a specified area; or
- Draft recommendations for suggested modifications to Torrance Municipal Code and forward them to the City Council;

Prepared by,



Danny Santana
Senior Planning Associate

Respectfully submitted,



Gregg D. Lodan, AICP
Planning Manager

Attachments:

1. Construction of Building and Projects (TMC 46.3.1)
2. Division 4 Definitions (TMC 46.1.2(c))

SECTION 46.3.1. CONSTRUCTION OF BUILDINGS AND PROJECTS.

It shall be unlawful for any person within the City of Torrance to operate power construction tools or equipment in the performance of any outside construction or repair work on buildings, structures, or projects in or adjacent to a residential area except between the hours of 7:00 A.M. and 8:00 P.M. of any day. Heavy construction equipment such as pile drivers, mechanical shovels, derricks, hoists, pneumatic hammers, compressors or similar devices shall not be operated at any time, within or adjacent to a residential area, without first obtaining from the Director of Building and Safety permission to do so. Such request for permission shall include a list and type of equipment to be used, the requested hours and locations of its use, and the applicant shall be required to show that the selection of equipment and construction techniques has been based on minimization of noise within the limitations of such equipment as is commercially available or combinations of such equipment and auxiliary sound barriers. Such permission to operate heavy construction equipment will be revoked if operation of such equipment is not in accordance to approval. No permission shall be required to perform emergency work as defined in Article 1 of this Chapter

SECTION 46.1.2. DEFINITIONS.

(Amended by O-2466)

As used in this Chapter, unless the context otherwise clearly indicates, the words and phrases used in this Chapter are defined as follows:

- a) Ambient noise is the all encompassing noise associated with a given environment, being usually a composite of sounds from many sources near and far, without inclusion of intruding noises from isolated identifiable sources.
- b) Decibel (db) shall mean a unit of level which denotes the ratio between two (2) quantities which are proportional to power; the number of decibels corresponding to the ratio to two (2) amounts of power is ten (10) times the logarithm to the base ten (10) of this ratio.
- c) Emergency work shall mean work made necessary to restore property to a safe condition following a public calamity or work required to protect persons or property from an imminent exposure to danger.

Planning Commission
Workshop – July 25, 2007

Focus:

Construction Hours

Torrance Municipal Code

- TMC 46.3.1 restricts Construction hours from 7 am to 8 pm Monday – Sunday.
- TMC 46.1.2(c) allows for an emergency exemption to these hour restrictions “ ... to protect persons or property from an imminent exposure to danger.”

Comparable Cities

- Staff conducted a survey with 12 cities:

Locally

- Hermosa Beach
- Lomita
- Rolling Hills Estates
- Gardena
- El Segundo
- Rancho Palos Verdes
- Manhattan Beach

Comparable Cities

- Santa Monica
- Pasadena
- Whittier
- Cerritos
- Huntington Beach

Survey Method

- Staff developed a written questionnaire that was answered either verbally over the phone by other planners or the planners from other cities wrote out responses that were submitted via email.

Construction Defined

- Torrance defines construction as “the act of using labor and materials used for erection, demolition or removal of a building, structure, utility, appliance or device (Uniform Building Code, Ch. 2, Sec. 204c).”
- No uniform definition for ‘construction’.
- Common Perception for ‘construction’ or ‘construction activity’.

Results

<u>City</u>	<u>M-F</u>	<u>Saturday</u>	<u>Sunday</u>	<u>Holidays</u>
• Torrance	7am - 8pm	7am - 8pm	7am - 8pm	7am - 8pm
• Cerritos	7am - 6pm	10am - 5pm	None	None
• El Segundo	7am - 6pm	7am - 6pm	None	None
• Gardena	7am - 6pm	9am - 6pm	None	None
• Hermosa	8am - 7pm	9am - 5pm	None	None
• Huntington	7am - 8pm	7am - 8pm	None	None
• Lomita	7am - 6pm	9am - 5pm	9am - 5pm	9am - 5pm
• Manhattan	7:30am - 6pm	9am - 6pm	None	None
• Pasadena	7am - 7pm*	8am - 5pm*	None*	None*
• RPV	7am - 7pm	7am - 7pm	None	None
• RHE	7am - 5pm	9am - 5pm	None	None
• St. Monica	7am - 6pm*	9am - 5pm*	None	None
• Whittier	7am - 7pm	7am - 7pm	None	None

*Has process by which construction hours can be permitted beyond restricted hours.

Results (cont'd)

Unique practices related to construction projects:

- Hermosa Bch Requires Flyer Posted at Job Site.
- Manhattan Bch issues limited # of parking permits for construction workers
- Santa Monica conditions no radios & construction workers park on-site.
- Certain cities restrict loading and unloading, Whittier restricts 6am to 10pm. Most impose the same as construction hours.
- How "Holiday" is defined & the # of them per year varies from City to City.
- Pasadena and Santa Monica both have a process for exceed day/hours:
 - Pasadena/Approval from adjacent properties & 65% w/in 500 ft. radius.
 - Santa Monica/Admin. process requires approval from Planning, Engineering, and Fire before Building and Safety grants exemption.

Conclusion

- Torrance starting time for construction during weekdays is the same as most of the cities surveyed
- However, Torrance hours extend one to two hours later than most.
- Most cities require later start and earlier stop hours on Saturdays
- Even more prohibit construction on Sundays or Holidays.

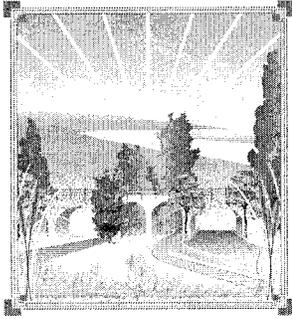
Conclusion (cont'd)

- Resident Concerns w/ recent projects:
 - Hours of construction
 - Construction on weekends and Holidays
 - Penalties for hours violation.

Direction

The Planning Commission at this point has several options in which to direct Staff. The Planning Commission may:

- Accept and file the information that it has been presented;
- Direct Staff to conduct further research in a specified area; or
- Draft recommendations for suggested modifications to Torrance Municipal Code and forward them to the City Council;



CODE SECTION WORKSHOP PLANNING COMMISSION

AGENDA
6:00 P.M.
JULY 25, 2007

**CITY COUNCIL CHAMBERS, TORRANCE CITY HALL
3031 Torrance Boulevard**

MEETING OBJECTIVES:

- Overview of Current Torrance Municipal Code Sections
- Discuss Requirements of other Local and Comparable Municipalities
- Respond to Questions
- Determine Direction

1. Call to Order
2. Salute to the Flag
3. Roll Call
4. Tenant Relocation Topic
 - Questions from Commission
 - Questions from the Public
 - Commission's Direction to Staff
5. Roof Deck Topic
 - Questions from Commission
 - Questions from the Public
 - Commission's Direction to Staff
6. Construction Hours Topic
 - Questions from Commission
 - Questions from the Public
 - Commission's Direction to Staff
7. Adjournment

EXCERPT OF MINUTES

√ **Minutes Approved**
 ~~Minutes Subject to Approval~~

October 3, 2007

**MINUTES OF A REGULAR MEETING OF
THE TORRANCE PLANNING COMMISSION**

1. CALL TO ORDER

The Torrance Planning Commission convened in a regular session at 7:05 p.m. on Wednesday, October 3, 2007, in the Council Chambers at Torrance City Hall.

3. ROLL CALL

Present: Commissioners Browning, Gibson, Horwich, Uchima, Weideman and Chairperson Busch.

Absent: Commissioner Faulk.

Also Present: Planning Manager Lodan, Sr. Planning Associate Santana, Planning Assistant Yumul, Plans Examiner Noh, Associate Civil Engineer Symons, Fire Marshal Kazandjian and Deputy City Attorney Whitham.

Planning Manager Lodan relayed Commissioner Faulk's request for an excused absence.

MOTION: Commissioner Weideman moved to grant Commissioner Faulk an excused absence. The motion was seconded by Commissioner Horwich and passed by unanimous roll call vote.

9. CONTINUED HEARINGS

9A. LUS07-00001: CITY OF TORRANCE (CONSTRUCTION DAYS AND HOURS)

Planning Commission consideration of amendments to portions of the Torrance Municipal Code to further restrict hours and days in which construction is permitted.

Sr. Planning Associate Santana reported that, as directed at the last meeting, staff had separated the provision limiting decibels from the restrictions on days/hours of construction and listed several options for hours of construction based on Commissioners' comments. He advised that a new provision was included exempting properties zoned commercial, industrial or redevelopment from days/hours restrictions if they are at least 300 feet away from residential properties, as discussed at the previous meeting. He called attention to correspondence from a resident raising the issue of whether noise restrictions would apply to property maintenance equipment, such as lawn mowers and weed-whackers, or be limited to construction-related noise.

A brief discussion ensued regarding the adequacy of the proposed limit of 50 decibels for activities that take place outside the permitted hours of construction.

Sr. Planning Associate Santana advised that 50 decibels is called out in the General Plan and in the City's Noise Ordinance, therefore staff was recommending the same limit for the sake of consistency.

Chairperson Busch invited public comment.

Alex Rose, Continental Development Corporation, owner of Skypark Medical and Office Center, voiced support for the proposal to exempt commercial and industrial properties from days/hours of construction limits if they are not adjacent to residential properties. He requested that if the Commission decides to extend noise limits to property maintenance equipment, that the same exemption be applied.

Jackie Decker, 23102 Carlow Road, noted that construction activities like sand blasting and jack hammering can be extremely noisy and asked about the possibility of placing decibel limits on these types of activities.

Commissioner Browning explained that in most cases there is no way to restrict this type of equipment because it is a necessary part of construction; that quieter equipment can be less efficient thereby prolonging the construction process; and that the Commission was recommending more restrictive the hours of construction so residents would at least be able to enjoy early morning and evening hours without this kind of disturbance.

Ms. Decker stated that she favored limiting hours of construction to from 7:00 a.m. or 7:30 a.m. to 6:00 p.m., Monday through Friday, and from 9:00 a.m. to 5:00 p.m. on Saturday, with no construction on Sundays or holidays.

Tom Rische, 22920 Carlow Road, urged that the Commission address the issue of loud radios on construction sites and noise from gardeners.

Mary Ann Reis, 1333 Engracia Avenue, stated that she believed 8:00 p.m. was an appropriate end time for construction.

Dayna Berman, 1504 Post Avenue, expressed concerns that prohibiting construction on Sundays could be a hardship for residents whose only day off is Sunday, therefore, that is the only day they can get things done.

A brief discussion ensued, and it was the consensus of the Commission to limit the scope of the amended ordinance to construction-related activities and to add language to eliminate any ambiguity. The following wording was approved:

That construction and/or any activity related to a Building Permit involving the creation of noise beyond 50 db as measured at property lines shall be limited to the day and hour restrictions provided in this section.

Commissioner Horwich suggested that the problem with noise from gardeners could be addressed by clearly stating on their business licenses that they may work only between sunrise and sunset.

Referring to the staff report, Commissioner Horwich, echoed by Chairperson Busch and Commissioner Gibson, commended Sr. Planning Associate Santana for doing an excellent job of capturing Commissioners' comments from the previous meeting and presenting a list of potential options.

A brief discussion ensued regarding hours of construction, and it was the consensus of the Commission to recommend that they be limited as follows:

Monday through Friday, 7:30 a.m. to 6:00 p.m.; Saturday, 9:00 a.m. to 5:00 p.m., with no construction permitted on holidays or Sundays except for homeowners, who may work on Sunday from 9:00 a.m. to 3:00 p.m. if they reside on the property.

Discussion continued, and Commissioners noted their concurrence with the three other items in the staff recommendation: 1) Allowing the Community Development Director the discretion to approve expanded hours of construction if conditions warrant; 2) Requiring a sign to be posted on construction sites with contact information, etc.; and 3) Exempting properties zoned commercial, industrial or redevelopment if a minimum buffer of 300 feet is maintained from residences.

MOTION: Commissioner Weideman moved to direct staff to prepare a Draft Ordinance incorporating the above-mentioned revisions and forward it to the City Council. The motion was seconded by Commissioner Gibson and passed by unanimous roll call vote (absent Commissioner Faulk).

Chairperson Busch requested that it be noted that the Commission voted unanimously to recommend that the above-mentioned revisions be enacted when this item is forwarded to the City Council.

The Commission recessed from 8:12 p.m. to 8:22 p.m.

###

EXCERPT OF MINUTES

√ **Minutes Approved**
~~Minutes Subject to Approval~~

September 19, 2007

**MINUTES OF A REGULAR MEETING OF
 THE TORRANCE PLANNING COMMISSION**

1. CALL TO ORDER

The Torrance Planning Commission convened in a regular session at 7:00 p.m. on Wednesday, September 19, 2007, in the West Annex meeting room at Torrance City Hall.

3. ROLL CALL

Present: Commissioners Browning, Faulk, Gibson, Horwich, Uchima, Weideman and Chairperson Busch.

Absent: None.

Also Present: Planning Manager Lodan, Sr. Planning Associate Santana, Plans Examiner Noh, Associate Civil Engineer Symons, Fire Marshal Kazandjian and Deputy City Attorney Whitham.

13A. LUS07-00001: CITY OF TORRANCE (CONSTRUCTION DAYS AND HOURS)

Planning Commission consideration of amendments to portions of the Torrance Municipal Code to further restrict hours and days in which construction is permitted.

Sr. Planning Associate Santana reported that based on discussions at the July 25, 2007 Planning Commission Workshop, staff formulated a list of recommendations concerning amendments to the City's permitted hours of construction. He noted supplemental material available at the meeting consisting of Redondo Beach's hours of construction; peak volume traffic information; and correspondence received subsequent to the completion of the agenda item.

Chairperson Busch voiced his opinion that maintaining the status quo and allowing construction to take place 13 out of 24 hours (7:00 a.m. to 8:00 p.m.) was not in the best interest of the community. He pointed out that according to the comparison of other cities compiled by staff, Torrance has the most liberal hours of construction, with the exception of Huntington Beach (7:00 p.m. to 8:00 p.m., Monday through Saturday). He suggested that while staff cites peak hour traffic congestion between 4:00 – 6:00 p.m. as a reason for retaining the 8:00 p.m. end time on weekdays, a 7:00 p.m. end time would suffice. He related his experience that contractors are amazed when they learn Torrance allows construction to take place from 7:00 a.m. to 8:00 p.m. seven days a week, including holidays.

Commissioner Browning expressed concerns about staff's recommendation to include a decibel limit ("construction and/or any activity involving the creation of noise beyond 50 dba as measured from the property lines") in the revised ordinance due to the difficulty of enforcing it. He questioned where the 50 dba number was obtained.

Planning Manager Lodan advised that 50 dba is called out in the Torrance Municipal Code as the threshold used with regard to noise issues.

Sr. Planning Associate Santana explained that the decibel limit was included because of previously discussed concerns about noise from individuals working in garages impacting surrounding neighbors. He reported that Code Enforcement Officers from the City's Environmental Division would enforce the provisions of the ordinance.

Planning Manager Lodan noted that the City has several EQOs and they do have the ability to work after hours and on weekends if the situation dictates.

Commissioner Browning stated that he still felt enforcement of noise limits would be difficult and expressed concerns about restricting homeowners from working on construction projects in their own homes on weekends.

Jackie Decker, Carlow Road, voiced support for limiting construction on weekdays to no later than 6:00 p.m., relating her belief that 8:00 p.m. was much too late.

Toni Reina, Planning Manager for Continental Development Corporation, owner of Skypark Medical and Office Center, noted that she sent a letter (supplemental material) stressing the need for flexibility in hours of construction for commercial zones and urging the Commission to consider not restricting them in commercial zones and redevelopment areas not adjacent to a residential zone.

Commissioner Weideman stated that he believed Ms. Reina had a valid point, but was not sure how large the buffer between commercial and residential zones should be, noting recent problems with residents being disturbed during the construction of the CarMax facility on Hawthorne Boulevard.

Sr. Planning Associate Santana suggested that a provision could be included specifying that in order to be excluded from restrictions on hours of construction, a commercial/industrial project must be a minimum of 300 linear feet from residential uses. He noted that the Community Development Department has GIS, which could be used to verify that a project meets the minimum separation requirement.

Commissioner Browning stated that he understood that exceptions are needed for facilities like Skypark Medical and Office Center where construction activities must be limited to after hours and weekends, but favored leaving it to the discretion of the Community Development Director.

Chairperson Busch voiced support for staff's recommendation that a sign be posted at construction sites listing contact information for the property owner and the contractor, permitted hours of construction, any special conditions, and the Code Enforcement phone number where violations may be reported.

Commissioner Faulk stated that he also supports the posting of a sign so that contact information is readily available and felt it was probably the most significant change of the amendments being discussed. He asked about the size of the sign.

Sr. Planning Associate Santana explained that this idea came from Hermosa Beach, which limits the size of the notice to no larger than 11" by 17". He proposed

having the sign the same size as the public notice sign because staff already has the capability of generating a sign in this format.

Commissioner Browning expressed concerns that the signs will become opportunities for contractors to advertise.

Commissioner Faulk stated that he was not concerned about the advertising aspect because most construction sites already have signs posted advertising both general and subcontractors. He noted that in addition to providing contact information, another benefit of a sign is that contractors will not be able to ignore conditions as they will be clearly spelled out for all to see.

In response to Commissioner Horwich's inquiry, Planning Manager Lodan provided clarification regarding the trip generation information included in the supplemental material.

Commissioner Horwich stated that while an argument could be made that contractors should be allowed to start earlier and finish later so they do not contribute to traffic congestion during peak hours, he was inclined to disregard the traffic issue.

Ms. Reina clarified that she would prefer that a provision be included exempting commercial zones and redevelopment areas from restrictions on hours of construction when they are a certain distance away from residential uses rather than having to request an exemption from the Community Development Director each time they undertake a project. She noted that Pasadena sets the distance at 300 linear feet.

Chairperson Busch asked how late construction activities would continue.

Ms. Reina reported that construction that cannot be done during normal business hours, such as in common areas and restrooms, would typically take place from 7:00 p.m. to 1:00 or 2:00 a.m.

In response to Chairperson Busch's inquiry, Deputy City Attorney Whitham confirmed that the City could allow construction to continue after 10:00 p.m. without being in violation of California Penal Code §415 concerning public nuisances.

Tom Rische, Carlow Road, reported that he sent out an email to residents in his area regarding this topic and responses noted that another common problem on construction sites is loud radios, which is a particular problem in the Riviera area because sound reverberates off the hillside. He voiced his opinion that people deserve to eat dinner, watch television, or do homework in peace and construction activities should end no later than 6:00 or 7:00 p.m. He noted that noise from gardeners is oftentimes as loud as noise from construction workers.

Commissioner Browning questioned what projects would be required to post signs with contact information, etc.

Sr. Planning Associate Santana advised that staff was recommending that projects requiring Planning Commission Review or considered to be a significant remodel as defined by TMC §231.1.2 be required to post signs.

Commissioner Faulk noted his agreement with the staff recommendation.

Commissioner Browning suggested that this would greatly limit the number of signs to be posted, noting that small projects can be just as loud and annoying as large projects.

Commissioner Weideman voiced support for staff recommendation with the exception of construction hours on weekdays, which he proposed restricting to from 7:00 a.m. to 6:00 p.m. He indicated that he did not find the traffic congestion argument to be very persuasive. He proposed adding a provision exempting commercial zones and redevelopment areas as long as there is a buffer zone from residences.

Commissioner Horwich recommended specifying that there may be no "outside" construction work after 6:00 p.m. He noted his concurrence with staff's recommendation to reduce construction hours on Saturday and prohibit construction on Sundays and holidays.

Commissioner Gibson noted her agreement with Commissioner Horwich's remarks.

Commissioner Browning stated that he favored allowing construction 7:30 a.m. to 6 p.m. on weekdays; 9:00 a.m. to 5:00 p.m. on Saturdays; and allowing construction on Sundays only for homeowners working on their own construction projects. He voiced support for prohibiting construction on holidays as proposed by staff.

Chairperson Busch noted his concurrence with Commissioner Browning's comments.

Commissioner Uchima voiced support for including a provision allowing construction in commercial/industrial areas as long as there is a buffer from residences. He noted that most commercial property improvements involve the inside of the building and doubted that any outside work would be done during nighttime hours.

Jackie Decker related her understanding that Villa Sorrento, a senior assisted living facility, is within 300 feet of Skypark Medical facilities, and urged that the impact on these residents be considered.

Commissioner Browning doubted that this would be a problem, noting Continental Development Corporation's excellent reputation as a property owner/manager.

Commissioner Faulk related his preference that this matter be continued to the next meeting, so that staff could distill Commissioners' comments and put the various proposals in written form to make them easier to evaluate. With regard to the staff recommendation, he requested that there be more definitive language concerning the signs and that the limitation on decibels be separated from the hours of construction for purposes of clarity.

MOTION: Commissioner Browning moved to continue the hearing on this item to October 3, 2007. The motion was seconded by Commissioner Weideman and passed by unanimous roll call vote.

###

EXCERPT OF MINUTES

√ **Minutes Approved**
 ~~Minutes Subject to Approval~~

July 25, 2007

**MINUTES OF TORRANCE PLANNING
 COMMISSION CODE SECTION WORKSHOP**

1. CALL TO ORDER

The Torrance Planning Commission convened in a Code Section Workshop at 6:00 p.m. on Wednesday, July 25, 2007 in City Council Chambers at Torrance City Hall.

3. ROLL CALL

Present: Commissioners Browning, Fauk, Gibson, Horwich, Weideman and Chairperson Busch.

Absent: Commissioner Uchima (excused).

Also Present: Planning Manager Lodan, Sr. Planning Associate Santana, Plans Examiner Noh and Deputy City Attorney Whitham.

Agenda Item No. 5 was considered out of order at this time
 Agenda Item 6 was considered out of order at this time.

6. CONSTRUCTION HOURS TOPIC

With the aid of slides, Sr. Planning Associate Santana reviewed information on hours of construction per written material of record. He reported that Torrance currently allows construction from 7:00 a.m. to 8:00 p.m., seven days a week, holidays included and that these hours are the most liberal of the 12 cities surveyed. He explained that most of the cities surveyed do not allow construction on Sundays or holidays and have shorter hours on Saturday with a later start time. He noted that the TMC does not define penalties for violating hours of construction.

Chairperson Busch voiced his opinion that Torrance's hours of construction are too liberal and should be modified and related his experience that sub-contractors often arrive well before the 7:00 a.m. start time.

Commissioner Browning indicated that he favored changing the hours of construction to 7:30 a.m. – 6:00 p.m., Monday through Friday, 8:00 a.m. – 5:00 p.m. on Saturday, with no construction on Sundays or holidays except by permission of the Community Development Department. He stated that he saw no reason to restrict the hours of construction for commercial projects unless they are adjacent to a residential area. He stressed the need for a better way to enforce hours of construction.

In response to Chairperson Busch's inquiry, Sr. Planning Associate Santana advised that Pasadena was the only city surveyed that has hours of construction that differentiate between residential and commercial projects, noting that commercial projects in Pasadena are subject to residential hours of construction if they are within 300 feet of a residential zone.

Citing recent complaints from neighbors about the CarMax project, Commissioner Weideman stated that he favored Hermosa Beach's practice of requiring a flyer to be posted at every construction project listing the contractor/owner's name and contact information along with requirements and conditions related to the project. He also favored issuing a limited number of parking permits for construction workers, which forces them to carpool or park on site, as done in Manhattan Beach.

Commissioner Browning expressed concerns that limiting parking for residential projects could be problematic because it's not unusual to have several trades working on a project at one time and it's not practical to carpool and there's no room to park on-site. He questioned the legality of prohibiting someone from parking on a public street.

Commissioner Horwich noted that while the Code allows construction until 8:00 p.m., in practice, it often stops around 5:00 or 6:00 p.m. due to darkness so he saw no reason to change the hours of construction for weekdays at this time. He indicated, however, that he would like to see the starting time changed to 9:00 a.m. on Saturdays, Sundays and holidays and the ending time changed to 6:00 p.m. He related his belief that it was important not to make the regulations too complicated for ease of enforcement.

Chairperson Busch noted that daylight savings time has been expanded so it stays light until 8:00 p.m. a good portion of the year.

Chairperson Busch invited public comment.

Jackie Decker, 23102 Carlow Road, voiced her opinion that 8:00 p.m. was much too late to allow construction because people deserve to enjoy a quiet evening at home and called for the prohibition of construction on weekends and holidays. She urged strict enforcement of regulations.

Commissioner Browning pointed out that prohibiting construction on evenings and weekends would be a hardship for homeowners doing their own remodeling projects because that could be the only time they have to work on them.

Ms. Decker stated that she would support limited hours on Saturday, but still believed there should be no construction on Sundays and holidays, and that the 8:00 p.m. ending time on weekdays was too late.

Ted Coene, 420 Camino de Encanto, noted that a homeowner doing own his remodeling would likely be doing much of the work inside the house and he would not be using tools that would disturb neighbors. He reported that he is experiencing problems with a project on his street where workers start earlier and stay later than the permitted hours of construction and he would like some peace and quiet on weekends. He indicated that he supported the idea of treating residential and commercial projects differently, but cautioned against over-regulation.

Don Barnard, 2028 Gramercy, stated that he works in construction and does not believe construction should be permitted on Sundays. He proposed allowing construction to continue until 8:00 p.m., but prohibiting the use of power tools after 6:00 p.m. to avoid disturbing neighbors.

Chairperson Busch polled Commissioners, and it was the consensus of the Commission to direct staff to draft recommendations for modifying hours of construction for review by the Commission.

Commissioner Horwich stated that he favored a later starting time on Saturdays, Sundays and holidays, as well as an earlier ending time. He indicated that would consider prohibiting construction on holidays, but would not support prohibiting construction on weekends because it could be a hardship for homeowners doing their own construction projects.

Commissioner Browning proposed the following hours: 7:30 a.m. – 6:00 p.m., Monday through Friday, 9:00 a.m. – 5:00 p.m., Saturday and Sunday, with no construction on holidays – holidays to be defined as the same as City staff observes. He stated that he would not support a ban on Sunday construction as it is not the Sabbath for everyone.

Commissioner Gibson stated that she would support the shortened hours, however, she did not believe construction should be allowed on Sunday, which has long been designated as a day of rest.

Commissioner Weideman noted that there was still some debate over the specifics and he envisioned staff bringing forward different options based on Commissioners' comments. He indicated that he definitely favored making the hours of construction more restrictive because they are the most liberal of the cities surveyed. He also voiced support for requiring a flyer to be posted at the job site with contact information and regulations/conditions related to the project. He stated that he had reconsidered regulating the parking of construction vehicles in light of Commissioner Browning's comments.

Chairperson Busch pointed out that shorter construction hours mean that a project will take longer to complete and therefore be more costly. He stated that he was inclined to support the same hours of construction as the City of Pasadena, which is the closest in size to Torrance of the cities surveyed: 7:00 a.m. – 7:00 p.m., Monday through Friday, and 8:00 a.m. – 5:00 p.m. on Saturday, but he would go along with the 9:00 a.m. start time on Saturday. He related his preference that no construction be allowed on Sundays or holidays. He suggested that homeowners doing their own remodeling projects be exempt from the regulations, with any disturbances, such as the late night use of power tools, to be handled by existing public nuisance regulations. He voiced support for having different regulations for commercial and residential areas and for the posting of flyers with contact information and regulations/conditions on job sites. He proposed that staff be directed to return this item to the Commission within 60 days.

Commissioner Faulk noted that that having regulations/conditions posted at the job site could make them easier to enforce.

Chairperson Busch thanked Commissioners for their input on this topic, stating that he believed the discussion had been very productive.

###

ADVANCED GLASS

APR 24 2008

16321 S. Broadway, Gardena, CA 90248
Phone: (310) 324-9096 Fax: (310) 324-9097
Lic. #648873

CITY OF TORRANCE
COMMUNITY DEVELOPMENT DEPT

FACSIMILE TRANSMISSION SHEET

From:	<u>DONN PLEWES</u>	Date:	<u>4/25/08</u>
To:	<u>DANNY SANTANA</u>	Time:	_____
Company:	<u>CITY OF TORRANCE</u>	Account #:	_____
Fax #:	<u>310/618 5829</u>	Sheet	<u>1 of 2</u>

Quote Order Ref: CONSTRUCTION HOURS

Comments:

MR. SANTANA

I AM FAXING YOU PER OUR CONVERSATION ON THE PHONE AND IN PERSON, WHAT I FEEL AND OTHERS CHANGES IN CONSTRUCTION HOURS. I HOPE YOU WILL SHARE MY LETTER TO ALL CONCERNED AS AN ILLUSTRATION ON HOW CURRENT POLICIES IMPACT A NEIGHBORHOOD.

THANK YOU
D. Plewes

Donn R. Plewes
18411 Delia Ave.
Torrance, CA. 90504

To Whom It May Concern,

Until recently I had no occasion to know about construction hours in the city of Torrance. Then the horror began. Permits were issued to my next door neighbor for a remodel-addition; a man who has no construction experience or ability of any kind to perform the simplest constructional tasks. He informed me he could perform his project in two years for 50,000 dollars. As a licensed glazing contractor, I questioned this.

I strongly urge you to consider the changes of hours and days granted to permitted jobs within the city of Torrance. Permitted construction hours from 7 A.M. to 8 P.M. are not in the community's best interest. The noise generated from construction disturbs the well-being of all those in close proximity to it.

He currently has immunity from reprimand and prosecution based on a liberal policy enacted years ago. The fact that Torrance does not impose a time limit for a construction project or any timeframe for completion only exacerbates the hour and day issue. No other South Bay city allows the hours or 365 day policy employed by the city of Torrance.

I urge you to consider the rights of the neighbors impacted by these archaic rules and to do away with those policies that allow people to hide behind the current municipal code as an excuse or crutch for their inabilities and inexperience.

Consider a bond where the permit states all related tasks to be completed in an 18 to 24 month period, such as completion of all outside work: framing, stucco, roof, concrete and landscaping. Piles or rotting lumber, weeds, dead grass, no driveway, etc. are not what the community wants. From 7A.M. to 8 P.M. should be shortened to 7A.M.-6 P.M. Monday through Friday; on Saturday 8 A.M. to 4 P.M and absolutely no Sundays as other South Bay cities have already enacted. Owner-builder permits would not be exempt from this recommendation, it would only lead to all projects being permitted under owner-builder.

I welcome any dialogue with you regarding this issue prior to its presentation to the city council. Please feel free to contact me at (310) 324 - 9096.

Sincerely,
Donn R. Plewes

Santana, Danny

From: Lodan, Gregg
Sent: Tuesday, October 09, 2007 9:40 AM
To: Santana, Danny
Subject: FW: Construction Noise Rules

fyi

From: John Gardinale [mailto:hrjgardina@msn.com]
Sent: Monday, October 08, 2007 9:31 PM
To: Lodan, Gregg
Subject: Construction Noise Rules

To: City Of Torrance Planning Commission Attn: Gregg Lodan, Planning Manager

Mr. Lodan, I would like the comments below submitted to the Planning Commission for their consideration:

I am concerned about the proposed changes to construction noise rules. Not all construction is the same. Some is done by contractors and sometimes the work is done by the homeowner who has the ability to do their own work. A homeowner who has a Monday to Friday job to go to, only has the weekend and holidays to do a large project. I think it is a bad idea to change current work hours on any weekend day or holiday. Also, while construction work does generate some noise, it is temporary to the completion of the project. Whenever I am doing work that makes a lot of noise, I tell my neighbors what I am doing and we always work things out among ourselves. I would like to see things remain this way. Back in July an article in the Breeze detailed other communities noise rules. It is not necessarily a good idea to copy what other communities are doing. We should remain independent of that influence. In conclusion, I would like to see construction hours remain as they are, 7AM to 8 PM, at least for the homeowner doing their own construction work. Thank you for your consideration.

Sincerely,

John L. Gardinale
2112 W. 169th Place
Torrance CA 90504

hrjgardina@msn.com

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CONTINENTAL DEVELOPMENT CORPORATION

October 2, 2007

Mr. Danny Santana
Senior Planning Associate
City of Torrance
3031 Torrance Boulevard
Torrance, CA 90503

OCT 04 2007

Subject: LUS07-00001 City of Torrance Construction Days and Hours
Planning Commission Agenda Item 9A

Dear Danny:

This correspondence is submitted as follow-up to Continental's letter dated September 19, 2007 regarding the proposed Municipal Code amendments to further restrict construction days and hours.

Continental respectfully submits the following comments for Planning Commission consideration:

Continental supports the amendment as presented in the staff report for this item that provides exemption from the proposed construction day and hour restrictions for properties zoned as commercial, industrial or redevelopment that are not within 300 feet of a residential use.

This amendment will provide property owners undertaking construction projects with needed flexibility while also providing an appropriate buffer between commercial and residential areas. We see the proposed amendment as a win-win for all parties, as the flexibility it provides will help minimize duration of construction projects, lower project related costs, and minimize the negative construction related impacts disruptive to businesses and their guests.

Thank you for consideration of our comments.

Sincerely,

Toni Reina

Toni Reina
Planning Manager

:tf

C: Leonard E. Blakesley, Jr.
Richard C. Lundquist
Alex J. Rose

Daily Breeze

5215 TORRANCE BLVD * TORRANCE CALIFORNIA 90503-4077
(310) 543-6635 * (310) 540-5511 Ext. 396

PROOF OF PUBLICATION (201 5.5 C.C.P.)

STATE OF CALIFORNIA

County of Los Angeles,

I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above-entitled matter. I am the principal clerk of the printer of the THE DAILY BREEZE

a newspaper of general circulation, printed and published

in the City of Torrance
County of Los Angeles, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of County of Los Angeles, State of California, under the date of

June 10, 1974

Case Number SWC7146

that the notice, of which the annexed is a printed copy (set in type not smaller than nonpareil), has been published in each regular and entire issue of said newspaper and not in any supplement there of on the following dates, to-wit

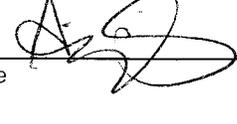
May 9,

all in the year 2008

the foregoing is true and correct.

Dated at Torrance

California, this 9 May 2008

 Signature 

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2008 MAY 14 AM 10:33
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DB 5-69 NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that a Public Hearing will be held before the Torrance City Council at 7:00 p.m., May 20, 2008, in the City Council Chambers of City Hall, 3031 Torrance Boulevard, Torrance, California, on the following matter:

LUS07-00001, CITY OF TORRANCE: City Council consideration of a Planning Commission recommendation to amend portions of Division 4 of the Torrance Municipal Code to further restrict hours and days in which Construction is permitted.

Material can be reviewed in the Community Development Department. All persons interested in the above matter are requested to be present at the hearing or to submit their comments to the City Clerk, City Hall, 3031 Torrance Boulevard, Torrance, CA 90503, prior to the public hearing.

If you challenge the above matter in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Community Development Department or the office of the City Clerk prior to the public hearing, and further, by the terms of Resolution No. 88-19, you may be limited to ninety (90) days in which to commence such legal action pursuant to Section 1094.6 of the Code of Civil Procedure.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Community Development Department at (310) 618-5990. If you need a special hearing device to participate in this meeting, please contact the City Clerk's Office at (310) 618-2870. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting [28 CFR 35.102-35.104 ADA Title II].

For further information, contact the DEVELOPMENT REVIEW DIVISION of the Community Development Department at (310) 618-5990.
Pub: May 9, 2008

PROOF OF SERVICE BY MAIL

I, the undersigned, am a resident of the County of Los Angeles, State of California, over the age of eighteen years, and not a party to the within action. I am employed by the City of Torrance, 3031 Torrance Boulevard, Torrance California 90503.

On **May 12, 2008**, I caused to be mailed **34** copies of the within notification for Planning Commission **LUS07-00001: CITY OF TORRANCE** to the interested parties in said action by causing true copies thereof to be placed in the United States mail at Torrance California.

I declare under penalty of perjury that the foregoing is true and correct.

Executed **May 12, 2008**, at Torrance, California.

Denise Aoki

(signature)

CITY OF TORRANCE
Community Development Department
3031 Torrance Boulevard
Torrance, CA 90503

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For further information, contact the **DEVELOPMENT REVIEW DIVISION** of the Community Development Department at (310) 618-5990.

Publish: May 9, 2008

**SUE HERBERS
CITY CLERK**

Daily Breeze

5215 TORRANCE BLVD * TORRANCE CALIFORNIA 90503-4077
(310) 543-6635 * (310) 540-5511 Ext. 396

PROOF OF PUBLICATION (201 5.5 C.C.P.)

STATE OF CALIFORNIA

County of Los Angeles,

I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above-entitled matter. I am the principal clerk of the printer of the THE DAILY BREEZE

a newspaper of general circulation, printed and published

in the City of Torrance
County of Los Angeles, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of County of Los Angeles, State of California, under the date of

June 10, 1974

Case Number SWC7146
that the notice, of which the annexed is a printed copy (set in type not smaller than nonpareil), has been published in each regular and entire issue of said newspaper and not in any supplement there of on the following dates, to-wit

September 11,

all in the year 2007

the foregoing is true and correct.

Dated at Torrance

California, this 11 Day of September 2007

[Signature]
Signature

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07 SEP 13 AM 11:54
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2007 SEP 17 AM 11:06
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CITY CLERK'S OFFICE

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DB 9-47

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN THAT A PUBLIC HEARING WILL BE HELD BEFORE THE CITY OF TORRANCE PLANNING COMMISSION AT 7:00 P.M., **WEDNESDAY, SEPTEMBER 19, 2007**, IN THE CITY COUNCIL CHAMBERS OF CITY HALL, LOCATED AT 3031 TORRANCE BOULEVARD, TORRANCE, CALIFORNIA, REGARDING THE FOLLOWING PROPOSED REVISIONS TO THE CITY'S ZONING ORDINANCE:

LUS07-00001: City of Torrance (Construction Days and Hours)

The Planning Commission proposes to amend portions of the Torrance Municipal Code to further restrict hours and days in which Construction is permitted.

Material can be reviewed in the Community Development Department. All persons interested in the above matter are requested to be present at the hearing or to submit their comments to the Community Development Department, City Hall, 3031 Torrance Boulevard, Torrance, CA 90503.

If you challenge any of the above matters in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Community Development Department or the office of the City Clerk, prior to the public hearing and further, by the terms of Resolution No. 88-19, you may be limited to ninety (90) days in which to commence such legal action pursuant to Section 1094.6 of the Code of Civil Procedure.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Community Development Department at 310.618.5990. If you need a special hearing device to participate in this meeting, please contact the City Clerks office at 310.618.2870. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. [28CFR35.102-35.104 ADA Title II]

For further information, contact the DEVELOPMENT REVIEW DIVISION of the Community Development Department at 310.618.5990.

JEFFERY W. GIBSON
Community Development Director

Pub.: September 11, 2007.

Daily Breeze

5215 TORRANCE BLVD * TORRANCE CALIFORNIA 90503-4077
(310) 543-6635 * (310) 540-5511 Ext. 396

PROOF OF PUBLICATION (201 5.5 C.C.P.)

STATE OF CALIFORNIA

County of Los Angeles,

I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above-entitled matter. I am the principal clerk of the printer of the THE DAILY BREEZE

a newspaper of general circulation, printed and published

in the City of Torrance
County of Los Angeles, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of County of Los Angeles, State of California, under the date of

June 10, 1974

Case Number SWC7146

that the notice, of which the annexed is a printed copy (set in type not smaller than nonpareil), has been published in each regular and entire issue of said newspaper and not in any supplement there of on the following dates, to-wit

September 7,

all in the year 2007

the foregoing is true and correct.

Dated at Torrance

California, this 7 Day of September 2007

Signature

This space is for the County Clerk's Filing Stamp

RECEIVED

2007 SEP 10 AM 10:39

CITY OF TORRANCE
CITY CLERK'S OFFICE

Proof of Publication of

DB

DB 9-33

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN THAT A PUBLIC HEARING WILL BE HELD BEFORE THE CITY OF TORRANCE PLANNING COMMISSION AT 7:00 P.M., SEPTEMBER 19, 2007, IN THE CITY COUNCIL CHAMBERS OF CITY HALL, 3031 TORRANCE BOULEVARD, TORRANCE, CALIFORNIA, ON THE FOLLOWING MATTERS:

CUP07-00023: Petition of **CHESTER SMITH ASSOCIATES (FLOYD SANGER)** for approval of a Conditional Use Permit to allow the construction and operation of a 665 square foot office for the purposes of a rental car business with hand-washing and light detailing of rental vehicles on property located in the C-3 Zone at 2450 Sepulveda Boulevard.

PRE07-00017, WAV07-00013: Petition of **JOHN AND KATHY BRUBACHER** for approval of a Precise Plan of Development to allow first and second story additions and a roof deck to an existing one-story single family residence in conjunction with a Waiver to allow less than the required front facing garage setback on property located in the Hillside Overlay District in the R-1 Zone at 2734 Ridgeland Road.

LUS07-00001: City of Torrance (Construction Days and Hours)

The Planning Commission proposes to amend portions of the Torrance Municipal Code to further restrict hours and days in which Construction is permitted.

Material can be reviewed in the Community Development Department. All persons interested in the above matter are requested to be present at the hearing or to submit their comments to the Community Development Department, City Hall, 3031 Torrance Boulevard, Torrance, CA 90503.

If you challenge any of the above matters in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Community Development Department or the office of the City Clerk, prior to the public hearing and further, by the terms of Resolution No. 88-19, you may be limited to ninety (90) days in which to commence such legal action pursuant to Section 1094.6 of the Code of Civil Procedure.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Community Development Department at 310.618.5990. If you need a special hearing device to participate in this meeting, please contact the City Clerks office at 310.618.2870. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. [28CFR35.102-35.104 ADA Title II]

For further information, contact the DEVELOPMENT REVIEW DIVISION of the Community Development Department at 310.618.5990.

JEFFERY W. GIBSON
Community Development Director
Pub.: September 7, 2007.

PROOF OF SERVICE BY MAIL

I, the undersigned, am a resident of the County of Los Angeles, State of California, over the age of eighteen years, and not a party to the within action. I am employed by the City of Torrance, 3031 Torrance Boulevard, Torrance California 90503.

On **September 7, 2007**, I caused to be mailed **3** copies of the within notification for Planning Commission **LUS07-00001: City of Torrance (Construction Days and Hours)** to the interested parties in said action by causing true copies thereof to be placed in the United States mail at Torrance California.

I declare under penalty of perjury that the foregoing is true and correct.

Executed **September 7, 2007**, at Torrance California.

A handwritten signature in black ink, appearing to read "Cedric Hsu", is written over a horizontal line.

(signature)

CITY OF TORRANCE
Community Development Department
3031 Torrance Boulevard
Torrance, CA 90503

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that a public hearing will be held before the City of Torrance Planning Commission at **7:00 P.M., SEPTEMBER 19, 2007**, in the City Council Chambers, City Hall, 3031 Torrance Boulevard, Torrance, California, on the following matter:

LUS07-00001: City of Torrance (Construction Days and Hours)

The Planning Commission proposes to amend portions of the Torrance Municipal Code to further restrict hours and days in which Construction is permitted.

Material can be reviewed in the Community Development Department. All persons interested in the above matter are requested to be present at the hearing or to submit their comments to the Community Development Department, City Hall, 3031 Torrance Boulevard, Torrance, CA 90503.

If you challenge the above matter in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Community Development Department or the office of the City Clerk, prior to the public hearing and further, by the terms of City Council Resolution No. 88-19, you may be limited to ninety (90) days in which to commence such legal action pursuant to Section 1094.6 of the Code of Civil Procedure.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Community Development Department at 618-5990. If you need a special hearing device to participate in this meeting, please contact the City Clerk's office at 618-2870. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. [28CFR35.102-35.104 ADA Title ii]

For further information, contact the DEVELOPMENT REVIEW DIVISION of the Community Development Department at (310) 618-5990.

JEFFERY W. GIBSON
Community Development Director

Publish: September 7, 2007

THREE (3) NOTICES MAILED ON 9/07/07. EG

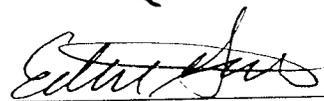
PROOF OF SERVICE BY MAIL

I, the undersigned, am a resident of the County of Los Angeles, State of California, over the age of eighteen years, and not a party to the within action. I am employed by the City of Torrance, 3031 Torrance Boulevard, Torrance California 90503.

On September 7, 2007, I caused to be mailed 39 copies of the within notification for Planning Commission NOTICE TO HOA FOR SEPTEMBER 19, 2007 to the interested parties in said action by causing true copies thereof to be placed in the United States mail at Torrance California.

I declare under penalty of perjury that the foregoing is true and correct.

Executed September 7, 2007, at Torrance California.



(signature)

MAYOR'S SCRIPT**AGENDA ITEM 13**

MAYOR: NOW IS THE TIME AND PLACE FOR THE PUBLIC HEARING ON AGENDA ITEM 13__ : A RECOMMENDATION OF THE COMMUNITY DEVELOPMENT DIRECTOR AND THE PLANNING COMMISSION THAT THE CITY COUNCIL APPROVE AN ORDINANCE TO AMEND PORTIONS OF THE TORRANCE MUNICIPAL CODE TO MODIFY CONSTRUCTION DAY AND HOUR RESTRICTIONS.

MAYOR: IS THERE A STAFF PRESENTATION?
(COMMUNITY DEVELOPMENT DEPARTMENT PRESENTATION)

MAYOR: DOES THE COUNCIL HAVE ANY QUESTIONS OF STAFF?
(QUESTIONS, IF ANY)

MAYOR: IS THERE ANYONE IN THE AUDIENCE WHO WISHES TO BE HEARD ON THIS MATTER?
(Audience input if any. Also note for the record any written correspondence from the public.)

MAYOR: IF NO ONE FURTHER WISHES TO BE HEARD, I
WILL ENTERTAIN A MOTION TO CLOSE THE
PUBLIC HEARING.

(Public hearing closed)

MAYOR: DOES THE COUNCIL WISH TO TAKE ACTION
ON THIS MATTER?

(Motion to concur with the recommendation of the
Community Development Director)