

CITY OF SANTA ROSA  
CITY COUNCIL

TO: MAYOR AND CITY COUNCIL

FROM: GABE OSBURN, DEPUTY DIRECTOR OF DEVELOPMENT SERVICES  
BILL ROSE, SUPERVISING PLANNER  
PLANNING AND ECONOMIC DEVELOPMENT

SUBJECT: URGENCY ORDINANCE TO AMEND RESILIENT CITY (-RC)  
COMBINING DISTRICT

AGENDA ACTION: ORDINANCE

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RECOMMENDATION

It is recommended by the Planning and Economic Development Department that the Council adopt an urgency ordinance, by five affirmative votes, to amend Section 20-28.100 of the Santa Rosa City Code, -RC Combining District, to exempt construction activities associated with the rebuilding efforts from adherence to the City's Noise Ordinance as described in Chapter 17-16 of the City Code and establish specific construction hours that may be modified by the City Manager when needed to support a timely rebuilding process.

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EXECUTIVE SUMMARY

The -RC Combining District (District) was applied to the base zoning for properties within the City of Santa Rosa limits that were most impacted by the fires of October 2017. With the approval of the District, the City has modified the building permit and planning entitlement processes to ensure that the repair and reconstruction of damaged and destroyed structures is both efficient and expeditious. The extensive home construction associated with the recovery efforts has routinely involved the use of necessary machinery such as generators, pumps and pneumatic tools that could produce noise levels that can be heard from adjacent properties. In addition, noise is being generated by the back-up alarms associated with the vehicular transportation of construction materials. Recent studies conducted by the Planning and Economic Development Department (PED) have shown that the noise levels produced by construction machinery in the rebuild areas exceed the maximum decibel thresholds identified in Chapter 17-16 of the City Code.

PED recommends that the reconstruction activities within the -RC Overlay District be exempt from the noise requirements specified within the City Code to avoid unnecessary enforcement actions on required building activities. In order to reduce noise impacts to surrounding occupied homes, PED proposes that the City Manager, or his or her designee, be granted the authority to establish construction hours extending from 7:00 a.m. to 7:00 p.m. Monday through Saturday. Exterior construction activities may not commence outside of the specified construction hours. It is further recommended that the City Manager or his or her designee be granted the authority to extend the construction hours from 5:00 a.m. to 9:00 p.m. Monday through Friday for certain activities determined to be critical to the expedient completion of the dwelling units.

### BACKGROUND

On October 8, 2017, and continuing for days thereafter, a series of wildfire events, identified as the Tubbs and Nuns Fires (Fires) burned over 90,000 acres in Sonoma County, and damaged or destroyed approximately 3,000 homes and 100 commercial structures within the City of Santa Rosa.

On October 24, 2017, the City Council adopted Ordinance No. ORD-2017-018 adding Section 20-28.100, Resilient City (-RC) Combining District, to the Zoning Code to facilitate rebuilding and implement resiliency initiatives to those parts of the City most severely impacted by the wildfires. The Council also adopted Ordinance No. ORD-2017-019, rezoning properties directly impacted by the wildfires to add the District to the base zoning district of each parcel.

On May 8, 2018, the City Council adopted an urgency ordinance reclassifying twenty-one additional properties, directly impacted by the Tubbs and Nuns Fires of October 2017, to the District.

On June 26, 2018, the City Council adopted an amendment to the urgency ordinance to allow the City Engineer and Director of PED the authority to approve the installation of any structure proposed to overhang onto an existing public or private service or access easement within the District.

Government Code sections 36937(b) and 36934 allow the Council to adopt an ordinance to take effect immediately, if it is an ordinance for the immediate preservation of public peace, health or safety, and it contains a declaration of the facts constituting the urgency. Under the City Charter, five affirmative votes are necessary to adopt an urgency ordinance.

Due to the extensive and rapid rebuilding efforts, residents reoccupying structures within the fire damaged areas have been exposed to a significant amount of adjacent construction activity. Exterior construction processes typically involve the use of various types of machinery that produce a level of sound that may be heard within adjacent properties.

The City of Santa Rosa General Plan's Environmental Impact Report incorporates normal noise levels from construction that through standard conditions of approval are reduced to a less than significant impact because the increase in noise is short-term.

Per the City of Santa Rosa General Plan 2035 Environmental Impact Report:

Construction equipment is typically diesel powered, and is used to excavate, transport heavy materials, and remove debris and waste. Construction noise is typically short-term but can be very loud. Permits also usually require contractors to have mufflers and other sound controls in place and to maintain in good operating order. Table 4.E-2 shows typical exterior noise levels at various phases of commercial construction, and Table 4.E-3 of the General Plan shows typical noise levels associated with various types of construction related machinery.

**TABLE 4.E-2  
TYPICAL CONSTRUCTION PHASE NOISE LEVELS**

<b>Construction Phase</b>	<b>Noise Level (dBA, Leq)<sup>1</sup></b>
Ground Clearing	84
Excavation	89
Foundations	78
Erection	85
Finishing	89

<sup>1</sup> Average noise levels 50 feet from the noisiest source and 200 feet from the rest of the equipment associated with a given construction phase. Noise levels correspond to commercial projects in a typical urban ambient noise environment.

SOURCE: Bolt, Beranek and Newman, U.S. EPA, 1971. Noise from Construction Equipment and Operations, Building Equipment, and Home Appliances, 1971.

**TABLE 4.E-3  
 TYPICAL NOISE LEVELS FROM CONSTRUCTION EQUIPMENT**

Construction Equipment	Noise Level (dBA, Leq at 50 feet)
Dump Truck	88
Portable Air Compressor	81
Concrete Mixer (Truck)	85
Scraper	88
Jack Hammer	88
Dozer	87
Paver	89
Generator	76
Pile Driver	101
Rock Drill	98
Pump	76
Pneumatic tools	85
Backhoe	85

SOURCE: Cunniff, 1977, Bolt et al., 1971.

Additionally, there are two General Plan Environmental Impact Report Policies that incorporate construction equipment as an allowed increase.

**ND-B-6:** Do not permit existing uses to generate new noises exceeding normally acceptable levels unless:

- Those noises are mitigated to acceptable levels; or
- The activities are specifically exempted by the City Council on the basis of community health, safety, and welfare.

**ND-B-7:** Allow reasonable latitude for noise generated by uses that are essential to community health, safety, and welfare. These include emergency medical helicopter and vehicle operations, and emergency vehicle sirens.

Noise generation allowances are further addressed in Chapter 17-16 of the City Code. Section 17-16.030 sets forth the base ambient noise levels present throughout the day within the various zoning districts. Noise levels produced by the machinery utilized in construction activities are compared to the decibel levels displayed in the following chart:

Zone	Time	Sound Level A (decibels Community Environment Classification)
R1 and R2	10 p.m. to 7 a.m.	45
R1 and R2	7 p.m. to 10 p.m.	50
R1 and R2	7 a.m. to 7 p.m.	55

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Multi-family	10 p.m. to 7 a.m.	50
Multi-family	7 a.m. to 10 p.m.	55
Office & Commercial	10 p.m. to 7 a.m.	55
Office & Commercial	7 a.m. to 10 p.m.	60
Intensive Commercial	10 p.m. to 7 a.m.	55
Intensive Commercial	7 a.m. to 10 p.m.	65
Industrial	Anytime	70

Section 17-16.120 of the City Code states that it is unlawful for any person to operate any machinery, equipment, pump, fan, air-conditioning apparatus or similar mechanical device in any manner so as to create any noise which would cause the noise level at the property line of any property to exceed the ambient base noise level by more than five decibels.

PRIOR CITY COUNCIL REVIEW

See the background section of this report.

ANALYSIS

PED's Engineering division conducted decibel readings at construction sites within the -RC Overlay District and found the numbers produced by the rebuilding activities to be consistent with the General Plan, but higher than the thresholds presented within the City Code.

**TYPICAL NOISE LEVELS FROM CONSTRUCTION ACTIVITIES AND EQUIPMENT IN THE REBUILD AREAS**

<b>Construction Activity / Equipment</b>	<b>Average Noise Level (dBa, at 50 feet)</b>
Air Compressor & Nail Gun	75
Air Compressor	69
Back-up Alarms	82
Backhoe	68
Excavator	72
Lift Trucks	81
Concrete Truck	77
Concrete Truck with Pumper	80
Drilling Rig	71
Crane	75
Generator	81
Electric Saws	76
Jack Hammer	67
*Samples taken March 2019 in rebuild areas	

The decibel readings identified above are consistent with industry standards associated with the equipment being utilized as part of the rebuild operations. PED recommends that the construction activities occurring within the -RC Overlay District be exempt from the noise limitations specified in Chapter 17-16 of the City

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Code. The exemption will avoid future enforcement actions on the use of machinery critical to the rebuilding operations.

PED has participated in a significant number of community meetings associated with the rebuilding activities and the impacts associated with construction noise have been discussed extensively with community members going through the rebuilding process, as well as adjacent neighbors. A meeting dedicated to construction impacts was conducted with the Fountaingrove and Hidden Valley residents on November 18, 2018. Additionally, the topic was discussed with property owners in the Coffey Park area over multiple monthly coordination meetings. Although the community as a whole has shown a clear understanding of the need to move construction forward at a rapid pace, many property owners have expressed a desire to maintain quiet hours throughout the week.

Due to high volumes of construction activity within the rebuilding areas and the impacts created by locally sourced materials such as concrete, the construction community has found it difficult at times to maintain a strict adherence to set construction schedules. The first year of the rebuild has shown that concrete pours for foundations may need to occur prior to 7:00 a.m. during times of significant regional concrete demand. Additionally, exterior activities such as framing may need to occur in the evening or early morning hours to reduce heat exposure during high temperature events.

PED is requesting that the City Manager, or his or her designee, be granted the authority to establish construction hours for exterior activities that extend from 7:00 a.m. to 7:00 p.m. Monday through Saturday, with the ability to extend the hours from 5:00 a.m. to 9:00 p.m., Monday through Friday, for certain processes that are determined by the City Manager, or his or her designee, to be critical to an expedient rebuild. All exterior construction process must commence within the defined construction hours. Additionally, PED recommends that any applicant permitted to perform exterior construction activities prior to 7:00 a.m. and after 7:00 p.m., but no later than 9:00 p.m., Monday through Friday be required to provide notification to adjacent occupied homes. Notification requirements will involve the delivery of a written notice, 48 hours prior to construction, to all occupied homes within a 150-foot radius of the construction site. The radius may be adjusted by the City Manager or his/her designee as needed to address larger parcels or unique lot configurations. Fines in the form of reinspection fees will apply to any permit that fails to meet the noticing requirements.

#### FISCAL IMPACT

No additional fiscal impact is anticipated from amending the -RC Combining District.

ENVIRONMENTAL IMPACT

Amending the Zoning Code to allow the increased ambient noise levels outside of the normal construction hours without exceeding the General Plan's Normally Acceptable community noise exposure, through an urgency ordinance is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Public Resources Code Section 21080(b)(3) regarding repairs and replacement work after a state-declared disaster and Section 21080(b)(4) regarding actions to mitigate or prevent an emergency, and CEQA Guidelines Section 15269(a) regarding maintaining, repairing, restoring, demolishing, or replacing property or facilities damaged or destroyed as a result of a disaster stricken area in which a state of emergency has been proclaimed by the Governor pursuant to the California Emergency Services Act, commencing with Section 8550 of the Government Code, and Section 15269(c) regarding specific actions necessary to prevent or mitigate an emergency.

BOARD/COMMISSION/COMMITTEE REVIEW AND RECOMMENDATIONS

Not applicable.

NOTIFICATION

Not applicable.

ATTACHMENTS

- Urgency Ordinance – Exceeding the City's Noise Ordinance

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