



# Memorandum

**TO:** RULES COMMITTEE

**FROM:** Councilmember Johnny Khamis

**SUBJECT:** EXTENDING STANDARD  
HOURS OF CONSTRUCTION

**DATE:** 08/02/18

APPROVED:

8/2/18

## RECOMMENDATIONS

- 1) Direct City Attorney to draft ordinance revisions modifying Section 20.100.450 of Chapter 20.100 of Title 20 of the San Jose Municipal Code, governing Construction Work Hours by adding standard hours of construction on Saturdays from 9:00 AM – 6:00 PM
- 2) Direct City Manager to effectuate outreach to stakeholders regarding this revision.
- 3) Bring revision back to the full City Council within 90 days, after stakeholder outreach.
- 4) Present for feedback, during stakeholder outreach, some options for revising the weekday hours of construction (Monday through Friday) by:
  - a. Raising the end-time from 7:00 PM to 9:00 PM
  - b. Implementing a standard “second shift” that extends to 2:00 AM on weekdays
  - c. Extending work hours, but adding noise and activity-based restrictions.

## BACKGROUND

The current Municipal Code states that, without planning approval, “no applicant or agent of an applicant shall suffer or allow any construction activity on a site located within 500 feet of a residential unit before 7:00 AM or after 7:00 PM, Monday through Friday, or at any time on weekends.”

Comparable cities, such as San Francisco and Oakland, have fewer restrictions on construction hours. The San Francisco Municipal Code allows construction on buildings and structures from 7:00 AM to 8:00 PM every day of the week. The Oakland Planning Code permits construction from 7:00 AM to 7:00 PM on weekdays; and 9:00 AM to 8:00 PM on weekends and holidays. We also looked at practices of other cities, big and small, throughout the region, and almost all allowed for construction to occur on Saturdays (Exhibit A).

City staff has taken the initiative to adjust administrative processes so that project sponsors include extended work hour requests in their initial permit applications to avoid having to complete the exception process later, and I am grateful for their efforts. Sometimes, however, builders may not be aware of the need for extended hours until well into work on a project. Even the best-planned projects

can run into unexpected circumstances that slow progress and require a need to expand work hours to get work back on schedule. Keeping to the project timeline is very important given that it can be extremely costly to finance a project for any longer than planned.

When project delays happen and extended hours are requested after the initial permits are issued, builders can apply for an exception to work on Saturdays or to work extended hours, but Planning personnel have indicated that it can take two to three months for the public outreach and application review process to be completed. It makes sense to provide standard hours consistent with other cities and to complete the public outreach one time. This should eliminate extra staff work involved in processing exceptions and allow project sponsors more flexibility in arranging their construction schedules.

Information provided by City staff shows that a handful of current projects have applied for and received extended-hours approval, as follows:

1. One South Market
  - o Saturdays from 9:00 AM to 6:00 PM
  - o One Saturday from 9:00 AM to 12:00 PM for slab cables
  - o Seven Saturdays from 9:00 AM to 6:00 PM for slab cables
  - o Two Saturdays from 1:00 AM to 7:00 PM for concrete pours
  - o One Saturday from 4:00 AM to 7:00 AM for concrete pours
2. Silvery Towers
  - o Saturdays from 8:00 AM to 5:00 PM
  - o Four Fridays 7:00 PM to Saturdays 11:30 PM for concrete pours
3. The Graduate
  - o Saturdays from 8:00 AM to 6:00 PM
4. SJSC/Miro
  - o Six occurrences of 24-hour concrete pours
  - o Construction until 1:00 AM (pending)

Other projects have not, as of today, applied for extended hours, but would benefit from an extension of hours, including:

1. Centerra
2. Modera
3. Axis
4. Gateway
5. The Pierce
6. Post/San Pedro
7. North San Pedro Tower 3

Builders and tradespeople have expressed their concerns about the difficulty they have in making up valuable time in the construction process when delays occur based upon unforeseen circumstances. The current work hour restrictions prevent them from completing projects as timely as they would wish to, without going through the rather lengthy work hour modification process.

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Aside from the benefits for project sponsors, there are several other benefits to adding Saturday hours and exploring other extended hours:

- Shortens of the length of time that neighbors must endure construction-related disruptions.
- Workers financially benefit from overtime pay for extended work hours.
- Given the construction labor shortage in the area, local workers will complete contracts more quickly and be able to move on to other projects faster, reducing our dependence on out-of-area labor.

I ask my colleagues to support this request to speed construction, minimize disruptions, and benefit workers and builders.

**Table 5.11-1. Summary of Construction-Related Noise Standards by Jurisdiction,  
San Francisco Bay Area Network (Page 1 of 6)**

<i>Jurisdiction</i>	<i>Construction Hours Limitations</i>	<i>Construction Equipment Standards</i>	<i>Reference/Source</i>
San Francisco	<ul style="list-style-type: none"> <li>7:00 a.m. to 8:00 p.m. for buildings or structures, unless special permit issued by Director of Public Works.</li> </ul>	<ul style="list-style-type: none"> <li>Powered Construction Equipment: no more than 80 dBA at 100 feet;</li> <li>Impact Tools and Equipment: equip with intake and exhaust mufflers.</li> <li>Pavement Breakers and Jackhammers: equip with acoustically attenuating shields or shrouds.</li> </ul>	City and County of San Francisco Municipal Code, Police Code, Article 29, Sections 2907 and 2908.
Brisbane	<ul style="list-style-type: none"> <li>7:00 a.m. to 7:00 p.m.</li> </ul>	<ul style="list-style-type: none"> <li>86 dBA at the property line.</li> </ul>	Brisbane Municipal Code, Ordinance No. 332.
South San Francisco	<ul style="list-style-type: none"> <li>8:00 a.m. to 8:00 p.m. weekdays;</li> <li>9:00 a.m. to 8:00 p.m. Saturdays; and</li> <li>10:00 a.m. to 6:00 p.m. Sundays and holidays.</li> </ul>	None	City of South San Francisco, City Code, Chapter 8.32.
San Bruno	<ul style="list-style-type: none"> <li>7:00 a.m. to 10:00 p.m.</li> </ul>	<ul style="list-style-type: none"> <li>85 dBA at 100 feet.</li> </ul>	San Bruno City Code, Title 6, Chapter 6.16, Noise Regulations.
Millbrae	<ul style="list-style-type: none"> <li>7:30 a.m. to 7:00 p.m. weekdays; and</li> <li>8:00 a.m. to 6:00 p.m. Saturdays, Sundays, and holidays.</li> </ul>	None	<a href="http://www.ci.millbrae.ca.us/building.html">www.ci.millbrae.ca.us/building.html</a> .
Burlingame	<ul style="list-style-type: none"> <li>8:00 a.m. to 7:00 p.m. Monday through Saturday; and</li> <li>10:00 a.m. to 6:00 p.m. Sundays and holidays.</li> </ul>	None	City of Burlingame, City Code, Title 10, Section 10.40.037, Powered Equipment.
San Mateo	<ul style="list-style-type: none"> <li>7:00 a.m. to 7:00 p.m. weekdays;</li> <li>10:00 a.m. to 5:00 p.m. Saturdays;</li> <li>12:00 p.m. to 4:00 p.m. Sundays; and</li> <li>No construction on holidays.</li> </ul>	None	Acuna, Lucy, Administrative Clerk, City of San Mateo, telephone memorandum, April 11, 2000.
Belmont	<ul style="list-style-type: none"> <li>8:00 a.m. to 5:00 p.m. weekdays;</li> <li>10:00 a.m. to 5:00 p.m. Saturdays; and</li> <li>No construction Sundays or holidays.</li> </ul>	None	Leonoudakis, Karen, City of Belmont, phone memorandum, April 10, 2000.

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<i>Jurisdiction</i>	<i>Construction Hours Limitations</i>	<i>Construction Equipment Standards</i>	<i>Reference/Source</i>
San Carlos	<ul style="list-style-type: none"> <li>7:00 a.m. to 6:00 p.m. weekdays; and</li> <li>9:00 a.m. to 5:00 p.m. weekends and holidays.</li> </ul>	None	City Code, Title 9, Chapter 9.30, Noise Control.
Redwood City	<ul style="list-style-type: none"> <li>8:00 a.m. to 7:00 p.m. weekdays; and</li> <li>No construction weekends or holidays.</li> <li>Posting of construction site notice that identifies the hours and maximum levels allowed for construction under the ordinance.</li> </ul>	<ul style="list-style-type: none"> <li>Individual item of construction equipment used in or near a residential district: no more than 110 dBA at 25 feet.</li> <li>Construction work at any point outside of the construction site property plane: no more than 110 dBA within any part of a residential district.</li> </ul>	City of Redwood City, City Code, Chapter 24, Noise Regulation.
San Mateo County	<ul style="list-style-type: none"> <li>7:00 a.m. to 6:00 p.m. weekdays;</li> <li>9:00 a.m. to 5:00, Saturday; and</li> <li>No construction Sundays or holidays.</li> </ul>	<ul style="list-style-type: none"> <li>Property-line standard: no more than 80 dBA.</li> </ul>	San Mateo County Ordinance Code, Title 4, Chapter 4.88 - Noise Control, Section 4.88.360 -- Exemptions.
Atherton	<ul style="list-style-type: none"> <li>8:00 a.m. to 5:00 p.m. weekdays;</li> <li>No construction weekends or holidays.</li> </ul>	None	<a href="http://www.ci.atherton.ca.us/frequentl.html">www.ci.atherton.ca.us/frequentl.html</a> .
Menlo Park	<ul style="list-style-type: none"> <li>8:00 a.m. to 6:00 p.m. weekdays;</li> <li>No construction weekends or holidays.</li> </ul>	<ul style="list-style-type: none"> <li>Powered construction equipment: no more than 85 dBA at 50 feet.</li> </ul>	Menlo Park, Municipal Code, Title 8, Chapter 8.06, Noise, Section 8.06.040, Exceptions.
Palo Alto	<ul style="list-style-type: none"> <li>8:00 a.m. to 8:00 p.m. weekdays;</li> <li>9:00 a.m. to 8:00 p.m. Saturdays; and</li> <li>10:00 a.m. to 6:00 p.m. Sundays and holidays.</li> <li>Posting of construction site notice that identifies the hours and maximum levels allowed for construction under the ordinance.</li> </ul>	<ul style="list-style-type: none"> <li>Individual equipment: no more than 110 dBA at 25 feet; and</li> <li>Construction site boundary: no more than 110 dBA.</li> </ul>	Palo Alto Municipal Code, Title 9, Chapter 9.10, Section 9.10.060, Special Provisions.
East Palo Alto	<ul style="list-style-type: none"> <li>7:30 a.m. to 5:30 p.m. weekdays; and</li> <li>No construction weekends except with special authorization from the City.</li> </ul>	None	Bishop, David, Senior Construction Inspector, City of East Palo Alto, telephone memorandum, April 12, 2000.

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<i>Jurisdiction</i>	<i>Construction Hours Limitations</i>	<i>Construction Equipment Standards</i>	<i>Reference/Source</i>
Mountain View	<ul style="list-style-type: none"> <li>• 7:00 a.m. to 6:00 p.m. weekdays; and</li> <li>• No construction weekends or holidays.</li> </ul>	None	von Borck, Jessica, Planner, City of Mountain View, telephone memorandum, February 14, 2000.
Sunnyvale	<ul style="list-style-type: none"> <li>• 7:00 a.m. to 6:00 p.m. weekdays;</li> <li>• 8:00 a.m. to 5:00 p.m. Saturdays; and</li> <li>• No construction on Sundays or holidays.</li> </ul>	None	Sunnyvale Municipal Code, Title 16 – Buildings and Construction; Chapter 16.08; Section 16.08.110 – Hours of Construction – Time and Noise Limitations.
Santa Clara	<ul style="list-style-type: none"> <li>• 7:00 a.m. to 6:00 p.m. weekdays;</li> <li>• 9:00 a.m. to 6:00 p.m. Saturdays; and</li> <li>• No construction on Sundays or holidays.</li> </ul>	None	Santa Clara City Code, Section 18-32.3, Article 2A.
San Jose	<ul style="list-style-type: none"> <li>• 7:00 a.m. to 7:00 p.m. weekdays; and</li> <li>• No construction on weekends or holidays within 500 feet of residential units.</li> </ul>	<ul style="list-style-type: none"> <li>• Use available noise suppression devices and properly maintain and muffle loud construction equipment.</li> </ul>	Bills, Michael, Planner, City of San Jose, telephone memorandum, April 10, 2000.
Milpitas	<ul style="list-style-type: none"> <li>• 7:00 a.m. to 7:00 p.m. every day of week.</li> <li>• No holiday construction work.</li> <li>• Construction of utility-type service facilities are exempted from the hours limitations.</li> </ul>	None	Milpitas Municipal Code, Chapter 213, Noise Abatement, Section V-231-3.
Fremont	<ul style="list-style-type: none"> <li>• 7:00 a.m. to 7:00 p.m. weekdays; and</li> <li>• 9:00 a.m. to 6:00 p.m. weekends and holidays.</li> </ul>	None	<a href="http://www.ci.fremont.ca.us/citysvcs/development/buildingsafety/constructioncomplaints">www.ci.fremont.ca.us/citysvcs/development/buildingsafety/constructioncomplaints</a>
Union City	<ul style="list-style-type: none"> <li>• 8:00 a.m. to 8:00 p.m. weekdays;</li> <li>• 9:00 a.m. to 8:00 p.m. Saturdays; and</li> <li>• 10:00 a.m. to 6:00 p.m. Sundays and holidays.</li> </ul>	None	Union City Municipal Code, Section 9.40.053.

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Hayward	<ul style="list-style-type: none"> <li>7:00 a.m. to 7:00 p.m. Monday through Saturday; and</li> <li>10:00 a.m. to 6:00 p.m. Sunday and holidays.</li> </ul>	None	Hayward City Article 7, Public Nuisances.
San Leandro	None.	None	San Leandro City Code, Title IV, Chapter 1, Article 5.
Oakland	<ul style="list-style-type: none"> <li>7:00 a.m. to 7:00 p.m. weekdays; and</li> <li>9:00 a.m. to 8:00 p.m. weekends and holidays.</li> </ul>	<p>Weekdays (7:00 a.m. to 7:00 p.m.):</p> <ul style="list-style-type: none"> <li>L<sub>max</sub> of 80 dBA at residential properties; and</li> <li>L<sub>max</sub> of 85 dBA at commercial/industrial properties.</li> </ul> <p>Weekends (9:00 a.m. to 8:00 p.m.):</p> <ul style="list-style-type: none"> <li>L<sub>max</sub> of 65 dBA at residential properties; and</li> <li>L<sub>max</sub> of 70 dBA at commercial/industrial properties.</li> </ul>	Oakland Planning Code, Title 17, Chapter 17.120, Performance Standards.
Newark	<ul style="list-style-type: none"> <li>8:00 a.m. to 5:00 p.m. weekdays;</li> <li>7:00 a.m. to 5:00 p.m. weekday and weekend construction hours subject to City approval.</li> </ul>	<p>Maximum Noise Levels Standards at 50 feet:</p> <ul style="list-style-type: none"> <li>75 dBA for front loader, backhoe, bulldozer, tractor, grader, truck, concrete mixer, concrete pump, crane, derrick, pump, generator, compressor, and jackhammer.</li> <li>80 dBA for scraper, paver, rock drill, and pneumatic tool; and</li> <li>90 dBA for pile driver.</li> </ul>	City of Newark, General Plan Update Project 2007, February 1992; Colvin, Clay, City of Newark, telephone memorandum, February 14, 2000.
Alameda County	<ul style="list-style-type: none"> <li>7:00 a.m. to 7:00 p.m. weekdays; and</li> <li>8:00 a.m. to 5:00 p.m. weekends and holidays.</li> </ul>	None	Alameda County General Ordinance Code, Title 6, Chapter 6.60, Section 6.60.070, Special Provisions or Exceptions.
Dublin	<ul style="list-style-type: none"> <li>7:00 a.m. to 5:00 p.m. Monday through Friday.</li> </ul>	None	Judy Rector, Office Assistant, city of Dublin, telephone memorandum, April 10, 2000.

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<i>Jurisdiction</i>	<i>Construction Hours Limitations</i>	<i>Construction Equipment Standards</i>	<i>Reference/Source</i>
San Ramon	<ul style="list-style-type: none"> <li>• 7:30 a.m. to 7:00 p.m. weekdays, excluding holidays;</li> <li>• 9:00 a.m. to 6:00 p.m. weekends and holidays.</li> </ul>	None	San Ramon Municipal Code, Division B6, Chapter V, Noise Control.
Danville	<ul style="list-style-type: none"> <li>• 7:30 a.m. to 7:00 p.m. weekdays; and</li> <li>• 9:00 a.m. to 7:00 p.m. weekends, and holidays.</li> </ul>	None	Danville Municipal Code, Police Regulations, Chapter 4.
Walnut Creek	<ul style="list-style-type: none"> <li>• 7:00 a.m. to 6:00 p.m. weekdays, excluding holidays.</li> </ul>	None	Walnut Creek Municipal Code, Title 4, Chapter 6, Article 2.
Berkeley	<ul style="list-style-type: none"> <li>• 7:00 a.m. to 7:00 p.m. weekdays, excluding holidays;</li> <li>• 9:00 a.m. to 8:00 p.m. weekends and holidays.</li> </ul>	<p>Where technically and economically feasible, construction activities must be conducted in such a manner that the maximum noise levels at affected properties will not exceed the following:</p> <p>Weekdays (7:00 a.m. to 7:00 p.m.):</p> <ul style="list-style-type: none"> <li>• L<sub>max</sub> of 75 dBA at single-family residential properties;</li> <li>• L<sub>max</sub> of 80 dBA at multifamily residential properties; and</li> <li>• L<sub>max</sub> of 85 dBA at commercial/industrial properties.</li> </ul> <p>Weekends and holidays (9:00 a.m. to 8:00 p.m.):</p> <ul style="list-style-type: none"> <li>• L<sub>max</sub> of 60 dBA at single-family residential properties;</li> <li>• L<sub>max</sub> of 65 dBA at multifamily residential properties; and</li> <li>• L<sub>max</sub> of 70 dBA at commercial/industrial properties.</li> </ul>	City of Berkeley, Municipal Code, Title 13, Chapter 13.40, Section 13.40.070, Prohibited Acts.



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<i>Jurisdiction</i>	<i>Construction Hours Limitations</i>	<i>Construction Equipment Standards</i>	<i>Reference/Source</i>
Richmond	<ul style="list-style-type: none"> <li>7:00 a.m. to 7:00 p.m. weekdays, excluding holidays;</li> <li>9:00 a.m. to 8:00 p.m. weekends and holidays.</li> </ul>	<p>Where technically and economically feasible, construction activities must be conducted in such as manner that the maximum noise levels at affected properties will not exceed the following:</p> <p>Weekdays (7:00 a.m. to 7:00 p.m.):</p> <ul style="list-style-type: none"> <li>L<sub>max</sub> of 75 dBA at single-family residential properties;</li> <li>L<sub>max</sub> of 80 dBA at multifamily residential properties; and</li> <li>L<sub>max</sub> of 85 dBA at commercial/industrial properties.</li> </ul> <p>Weekends and holidays (9:00 a.m. to 8:00 p.m.):</p> <ul style="list-style-type: none"> <li>L<sub>max</sub> of 60 dBA at single-family residential properties;</li> <li>L<sub>max</sub> of 65 dBA at multifamily residential properties; and</li> <li>L<sub>max</sub> of 70 dBA at commercial/industrial properties.</li> </ul>	Richmond City Code, Article IX, Health, Chapter 9.52, Community Noise Ordinance.
San Rafael	<ul style="list-style-type: none"> <li>7:00 a.m. to 9:00 p.m. any day of the week.</li> </ul>	None	San Rafael Municipal Code, Title 8, Chapter 8.12, Section 8.12.150, Loud or Unusual Noises Prohibited.
Larkspur	<ul style="list-style-type: none"> <li>7:00 a.m. to 6:00 p.m. weekdays; and</li> <li>9:00 a.m. to 5:00 p.m. weekends and holidays.</li> </ul>	None	City of Larkspur, Municipal Code, Section 9.54.060 E.
Sausalito	<ul style="list-style-type: none"> <li>8:00 a.m. to 7:00 p.m. weekdays;</li> <li>9:00 a.m. to 5:00 p.m. Saturdays;</li> <li>No construction on Sundays; and</li> <li>9:00 a.m. to 7:00 p.m. holidays.</li> </ul>	None	Sausalito Municipal Code, Section 12.16.140.