

# AGENDA



## Recommendation for Committee Action

Planning and Neighborhoods Committee	Item ID	45470	Agenda Number	3.
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Meeting Date:	5/18/2015	Department:	Development Services
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### Subject

Review and consider recommendations related to permitting requirements for non-peak hour concrete installation within portions of the Central Business District (CBD) and Public (P) zoning districts.

### Amount and Source of Funding

### Fiscal Note

Purchasing Language:	
Prior Council Action:	<p>March 26, 2015 - Council approved Ordinance No. 20150326-015 extending the expiration date of Ordinance No. 20141120-056 relating to requirements for non-peak hour concrete installation within portions of the Central Business District (CBD) and Public (P) zoning districts.</p> <p>November 20, 2014 - Council approved Ordinance No. 20141120-056 amending City Code Chapter 9-2 relating to permitting requirements for non-peak hour concrete installation.</p> <p>June 18, 2008 - Council approved Ordinance No. 20080618-036 amending City Code Chapter 9-2 to authorize issuance of a permit allowing operation of equipment to deliver and pour concrete in the Central Business District between 7:00 p.m. and 6:00 a.m.</p> <p>April 24, 2008 - Council approved Resolution No. 20080424-066 directing the City Manager to initiate amendments to City Code Chapter 9-2 that would allow issuance of a permit authorizing operation of equipment to deliver and pour concrete in the Central Business District between 7:00 p.m. and 6:00 a.m.</p>
For More Information:	Gregory I. Guernsey, Planning and Zoning Department, 512-974-2387.
Council Committee, Boards and Commission Action:	March 18, 2015 - Approved by the Downtown Commission, with conditions on a 9-0 vote.
MBE / WBE:	
Related Items:	

### Additional Backup Information

On May 21, 2015, Council is scheduled to consider a code amendment that would replace Ordinance No. 20141120-056, approved in November 2014, addressing permits for Concrete Installation During Non-Peak Hours on certain downtown properties zoned Central Business District (CBD) zoning.

Previously, the City Council requested staff to convene a stake holder working group to discuss the permitting of late night concrete pours downtown. To date, this group has met four times but consensus on a final ordinance has not been achieved. In addition, the Downtown Commission has discussed this matter on three separate occasions since the passage of the interim ordinance. The Commission recommended approval of a permanent ordinance with conditions that differ from the current interim ordinance, and recommended that the City Council address all construction related noise, not just the pouring of concrete.

The current interim ordinance will expire on June 30, 2015. If the current ordinance expires, then the previous language that addresses non-peak hour concrete pours returns. The previous ordinance allowed permits for authorizing an applicant to deliver, finish, place or pour concrete between the hours of 7:00 p.m. to 6:00 a.m. at property that is located within the Central Business District (CBD) zoning district and within 600 feet of a residence, church, hospital, hotel or motel. The previous ordinance allowed the issuance of a permit if the director determined it was in the interest of public health, safety or welfare or justified by urgent necessity. In addition, the previous ordinance required the applicant provide contact information, a description of the work to be performed, the amount of time needed for the permit (up to 72 hours), and the reason why the work could not be performed during normal business hours.

Staff Recommendation:

The amendment as recommended by Staff would change City Code Section 9-2, entitled "*Noise and Amplified Sound*", to allow the issuance of a concrete installation permit for non-peak hours on property zoned Central Business District (CBD) district zoning and Public (P) district zoning, when these properties are eligible for the downtown density bonus program under Section 25-2-586 (Downtown Density Bonus Program) of the City Code (see Figure No. 2 attached). Properties in the downtown district that are eligible for density bonuses are located within the area bounded by Martin Luther King Jr. Blvd. to the north, Lady Bird Lake to the south, Interstate Highway 35 to the east and Lamar Blvd. to the west. The current ordinance only allows the issuance of a concrete installation permit for non-peak hours on property zoned CBD base district zoning.

The reason for this request is to address current methods of multistory building construction that many times require the continuous pouring of concrete when temperatures are cooler (particularly for buildings utilizing a parking garage or a mat slab) to ensure proper curing of the concrete and enhanced worker safety due to the heat generated during the curing process, the need to reduce traffic conflicts and allow the timely delivery of concrete material during non-daylight hours, improved air quality, and to minimize the duration of construction disruption on adjacent residential and commercial properties. Downtown residents have expressed concerns about the noise created by the concrete pour equipment and associated delivery vehicles the impacts the activity has on sleep at night. Downtown residents are also concerned with advanced notice of when these pours are scheduled to occur.

The proposed amendment would modify Section 9-2-21 (Permit for Concrete Installation During Non-Peak Hours) and would allow the director of the Development Services Department to issue a permit authorizing an applicant to deliver, finish, place, or pour concrete during the non-peak hour period of 7:00 p.m. to 2:00 a.m. or, in special circumstances of limited duration, from 7:00 p.m. to 6:00 a.m. Staff did not recommend a specific decibel limit for the permits issued based on the experience obtained by the Music Office working with annual sound amplification permits over the past few years. Each permit site is unique and the goals to reduce decibel levels are not uniform across the City.

The amendment also mitigates possible impacts caused by the issuance of the permit and limits disruptions to adjacent residential and commercial uses by requiring permit applicants to:

- (1) Send notice to abutting property owners located next door or across the street and to representatives of property owners or residents within 300 feet; and post a sign on the property at the construction entrance that is visible from the street that identifies when the non-peak pour will occur and the duration of the project.
- (2) Provide 24-hour contact information for the individual with primary responsibility for the project to city staff, abutting property owners located next door or across the street, and to representatives of property owners or residents within 300 feet; and post a sign with the referenced contact information on the property

at the construction entrance that is visible from the street.

- (3) Provide a sound impact plan and light mitigation plan, which must:
- a. identify where concrete trucks will queue to ensure minimal disruption to adjacent residences and businesses;
  - b. locate the concrete pump and if necessary, relocate it to a location that will minimize disruption to adjacent residential uses;
  - c. identify where and how sound mitigation materials (such as sound baffling) will be placed on the property during the pour events;
  - d. shield after-hour lighting associated with the concrete installation from adjacent residential uses; and,
  - e. require such other actions as the director determines are reasonably necessary to protect public health, safety and welfare and to ensure reasonable expectations of a sound environment that does not preclude sleep.

Staff does not propose to change the current 72 hour (3 days) life of a permit. This process will allow an amendment to a sound impact plan and light mitigation plan through time if a previous plan was not effective or building construction changes.

Finally, the proposed ordinance allows for concrete finishing between 7:00 p.m. and 6:00 a.m. and provides an exception for building permit applications submitted prior to December 1, 2014 with the requirement of a sound impact plan and light mitigation plan. If this code amendment passes, then staff will propose a new late night concrete pour sound impact plan review fee to offset the of administration by the Music Office with the upcoming FY 16 budget.