



MEMORANDUM

TO: Members of the Planning and Neighborhood Committee

FROM: Gregory I. Guernsey, AICP, Director
Planning and Zoning Department *GG*

DATE: October 30, 2015

SUBJECT: Non-Peak Hour Permits for Concrete Installation

On November 20, 2104, Council adopted an ordinance enacting new regulations related to non-peak concrete pours and directing the City Manager to convene a working group to review existing regulations. The working group meetings have concluded. Detailed below are staff's recommendations which have been revised based on research conducted by the Music & Entertainment Division of the Economic Development Department who logged over 168 hours of ambient sound level recordings downtown. The results of this research are summarized in an infographic that is attached to this memorandum. At the November meeting Staff will review its revised recommendation and address questions from the Committee.

Revised Staff Recommendation:

This amendment, as recommended by Staff, would change City Code Section 9-2 titled "Noise and Amplified Sound" to allow the issuance of a concrete installation permit for non-peak hours on property zoned CBD district zoning and Public (P) district zoning, when these properties are eligible for a 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 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 which does not allow them to sleep at night and does not provide them enough advanced warning when these pours will occur.

This amendment would change Section 9-2-21 (Permit for Concrete Installation During Non-Peak Hours) and would allow the director (Development Services Department) to issue a permit authorizing an applicant to deliver, place, or pour concrete during the non-peak hour period of 7:00 p.m. to 6:00 a.m. Staff is recommending permits limit the maximum sound level to 3 dBA* above the ambient level for late night concrete pours measured at the applicant's property line.

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 address the following conditions:

- (1) Require the permit holder to notify when the non-peak pour will occur and the duration of the project: a) to abutting property owners located next door or across the street; b) to representatives of property owners or residents within 300 feet; and c) on a sign posted on the property at the construction entrance that is visible from the street.
- (2) Provide 24-hour contact information for the individual with primary responsibility for the project: a) to abutting property owners located next door or across the street; b) to representatives of property owners or residents within 300 feet; c) on a sign posted on the property at the construction entrance that is visible from the street; and d) to city staff;
- (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. locate where and how sound mitigation materials (such as sound baffling) will be placed on the property during the pour events;
 - d. addresses the current sound impact plan requirements of Section 9-2-41;
 - e. measure the ambient sound of the concrete pour site;
 - f. include mitigation measures needed to insure compliance;
 - g. shield after-hour lighting associated with the concrete installation from adjacent residential uses; and,
 - h. 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.

*[*Through the sound impact plan a more restrictive decibel level limit may be set than the maximum allowed sound level based on field conditions. The sound permit plan will be prepared and sealed by an acoustical engineer who is a member or certified with the National Council of Acoustical Consultants (NCAC) or the Acoustical Society of America (ASA).]*

Staff does not propose to change the current 72 hour (3 days) life of a permit that 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. However, staff also recommends the provisions addressing bad actor provisions of Section 92-57 "Denial of Permit for repeat Offences" would apply to late night concrete pour permits.

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 ordinance amendment passes, then staff will propose a new late night concrete pour sound impact plan fee to offset the administration costs of accepting and reviewing the plan created by a third party. The field enforcement of the sound provisions of this ordinance will be done by the Austin Police Department and non-sound provisions by the Austin Code Department.

If you have any questions or need additional information, please contact me at 974-2387.

Attachment

xc: Marc Ott, City Manager
Sue Edwards, Assistant City Manager
Rodney Gonzales, Acting Director, Development Services Department
Kevin Johns, Director, Economic Development Department