

Concrete Pour Permits Stakeholder Group

Friday, January 16, 2015

Interests:

- 1. Mitigation of pouring effects**
- 2. Limit extra costs of development (daytime pouring, traffic, safety, heat)**
- 3. Suppliers of concrete that goes in trucks:**
 - **Limit Traffic congestion**
 - **Limit delay of constructions**
 - **Keep costs and rent down for renter & developer**
 - **Keep safety risks from rising**
 - **Maintain Jobs**
 - **Keep downtown commerce thriving**
 - **Keep Austin competitive with other cities in attracting business, tourists, conventions, etc.**
- 4. Peace & quiet to sleep - delivered to all other residents**
- 5. Economic value protection**
- 6. Alignment with other construction ordinances in TX**
- 7. Downtown desirable place to live**
- 8. Work out compromise/balanced interest**
 - **Reasonable solution – respect to developer & residents**
 - **Worker safety, especially daytime temperature**
 - **Tolerance of some noise OK**
- 9. Noise disruptive**
- 10. Minimize traffic congestion from trucks**

11. Flexibility to allow permitter (exceptions for specific sites)
 - Cost
 - Effective
 - Safety
 - Navigate to minimize impact
13. Protect the health & Safety of daytime patrons
14. Minimize blocks of sidewalks, streets & daytime disruption
15. Mindful of unintended consequences
16. Safety of public – workers, cyclists, pedestrians
17. Cost effective contracting & time efficient – limit delays
18. Clarity of rules & consistent implementation easily applies
“Grandfathering” of past projects
19. High quality product being built
 - Timely delivery of materials
 - Structural integrity
 - Avoid Law violations by developer
20. Future growth of Downtown Austin
21. Better access to clearer pouring information

Questions for Greg:

1. Are you intending to generate your own staff recommendations influenced by what you hear in these meetings?

- a. Yes, feedback that I hear, receive from you and my staff. Viktor Auzenne who works with Chris Johnson send out the invitations, get information back to me and complies all feedback information and certainly copy me on whatever it is you send him.

2. I am curious on whether or not the City Council can extend the expiration date? Do they have the power to do that?

They can extend it.

3. What I hear is that we want to pour at night for a lot of good reasons. They have been pouring concrete day and night for years. I am curious if there is any data on how many pours go on in the daytime and night?

- a. I am unaware that the City would have that data. During morning rush hour and evening rush hour ATD will certainly limit closing streets down & limit truck traffic during that time. Although the ordinance will say we have until 7pm, ATD have a 4pm timeframe.

Comments by contractors:

General Contractor: Prospective of the Worker: there is an element of Safety involved – pouring concrete in 103 -107 temps, that sets up fast, makes them work that much harder. On top of watching the guy next to you and making sure that all elements of safety is being followed as well. Daytime pouring is no always possible because they can overheat.

General Contractor: The pours early in the morning are preferred because there could be structural integrity problems. That is why we prefer to pour at night for the safety concerns of the workers. Not to mention the amount of time the concrete has to cure.

General Contractor:

Comments by Staff:

Greg: My biased is to have an ordinance that's clear, everyone understands it, can be easily applied by my staff, no ambiguity.

Chris: Every decision is challenged by one side or the other.

Stephen: One thing that has been mentioned is the quality of the product that we are building. If we can't get the materials, in this case concrete to the site, in timely manner. The Building or the product can suffer dramatically if the concrete is delayed substantially. It is my Job to the Citizens of Austin get the product that you have paid for in doing so, one other consideration would be for some flexibility in you ordinance to allow for exemptions for specific site locations. There are times when there is no access to the site and the only option is to work at night.

Staff: My job is to turn in the best quality project to the Citizens of Austin. Flexibility is important. I do think the ordinance does need to allow for those conditions.

Comments by citizens:

Comment: My concerns are time efficiency, cost efficiency & safety

Comment: Reasonable solution for both parties.

Comment: It has been weeks & weeks of sleepless nights.

Comments: From a personal standpoint, I work Downtown but do not live Downtown.

Comments: Interested in the traffic impact.

Comments: What has not been discussed is how loud the noise is. I have reading of 65db's in my condo when they are pouring concrete.

Comments: There is a lot that we have to weigh here. Time is money. We have a giant affordability issue and I think that we cannot not look at the impact. We have to address the issue of affordability.

Comments: Nighttime pours are not happening until 2am. Is there a reason why they do not pour at 9pm – 10pm? I understand the nighttime pour thing but it can be done at a more reasonable hour. I shouldn't have to keep 2 residences to avoid the noise.

Specific Ideas/Suggestions:

- **Mitigation on sound & light**
- **Look for ways to mitigate noise**
- **Sound & Light mitigation plan**
- **Light mitigation at night**
- **Lift/Remove Hour Restrictions**
- **Extend to 6am**
- **Hold concrete pours to the same standards as SXSW & ACL noise level**
- **Equal treatment of noise limits to any party making noise even if it is construction**
- **Remove the current section of the ordinance E3B**
- **Distinguish between unique pours & the ability to pour all night all the time**
- **Revert back to old ordinance**
- **Idling of trucks during the daytime**

Use graduate students in construction management for research

After Hours Concrete Installation Stakeholder Meeting #3

Wednesday, February 11, 2015 at 6:30pm

One Texas Center Room 325

Attendance: 22 Attendees (13 from downtown neighborhoods, 4 from concrete/development industry, 4 staff, 1 city council aide)

1. Staff Updates:
 - a. Planning & Development Review: The next stop for this case will be Downtown Commission on Wednesday December 18, 2015 at 5:30 in the Boards & Commissions Room at City Hall.
 - b. Music Office: Staff observed an after-hours pour at the Block 1 site. Staff observed issues with sound level from pump related to ambient noise and sound mitigation measures not performing as intended.
2. Straw Poll: Mediator Larry Schooler distributed red, yellow and green cards to gauge participants opinions on major suggestions from previous meeting (red: totally against, yellow: unsure/moderate, green: in favor)
 - a. Limit concrete pours to 8:00pm and earlier in day: 4 red, reminder green/yellow
 - b. Remove hour restrictions if sound limit imposed: Evenly mixed
 - c. Require noise mitigation plan & measures with permit application (within COA Parameters): all green/yellow
 - d. Require light mitigation plan & measures with permit applications: All green/yellow
 - e. Limit decibel levels allowable by concrete pouring: mixed
 - f. Distinguish between unique pours (ie library): mixed
3. Discussion: Conversation focused on what could be livable for both parties.
 - a. Industry representatives unsure about what specific parameters would be, but requested no time limits (preferring regulation of the activity's impact – ie sound level – than the activity itself) and potentially 85dB until 2am and then a reduced level after that.
 - b. Neighborhood representatives expressed concern about simply being able to sleep and other noise associated with construction activity (specifically required “beep-beep-beep” back up alarms and banging noises.)

- c. Both parties questioned if the code amendment could address the wider issues of after-hours construction noise rather than just addressing the after-hours concrete installation activity.
- 4. Final takeaway: Mediator Larry Schooler asked, based on the discussion and straw poll, how the participants felt about “In the entertainment districts, allowing construction activity to occur after hours with a permit at sound levels already permitted by code (85dB) until 2:00am, then allowing activity to continue after that time at a significantly reduced sound level:” Mostly green/yellow with a couple reds. Participants also felt “After-Hours construction noise permitted until (a future determined time,) then allowing construction activity to continue reduced by (a future determined amount.)

After Hours Concrete Installation Stakeholder Meeting #4

Tuesday, March 10, 2015 at 6:30pm

City Hall – Room 1029

Attendance: 3 staff, 1 city council aide

1. Staff Updates:

- a. Greg Guernsey (PDRD:) he concrete installation item was heard at the last Downtown Commission Meeting. The commission created a working group to explore the topic further and asked staff to hold one more stakeholder meeting to fine tune the recommendation and to contact 3 additional cities (Portland, Denver, and Seattle) to learn more about their codes related to construction noise.
- b. David Murray (Music Office:) No additional research has occurred due to SXSW related demands on staff. David did give an explanation of the difference in A- and C-weighted decibel scales.

2. Discussion:

Various organizations and groups were invited to share their ideas for proposed modifications to the temporary ordinance.

- a. DANA: No change to original recommendation (noise requirements comply with compatibility standards in subchapter E, all pouring activity stop at 10:00pm, provide notice to residents.)
- b. DAA: Feels the stakeholder group has provided a good start. DAA may decide to re-examine position in light of feedback.
- c. Rainey NA: Agrees with compatibility standards and notice elements of DANA proposal. Feels further research is needed on sound limit requirements and strengthened enforcement mechanism (possibly third party observers.)
- d. Spring Condominium Owners Assn: Supports DANA proposal.
- e. TACA: Supports a problem based solution that doesn't single out concrete installation but resolves noise issue with stepped down sound limits later in the night.
- f. Four Seasons Owners: Agrees resolution should limit noise impact, not necessarily activity.

3. Temporary Ordinance is set to expire at the end of the month. There was no clear consensus from the group on what specific action should be taken at that time, but everyone feels progress should continue on a final solution.

Closing

Final takeaway: There was consensus that a new ordinance that allows construction activity downtown with sound limits (maximum dba) and other mitigation factors appears to be supported by the majority of the participating stakeholders. However, there was not agreement on a maximum decibel limit nor when late night concrete pours would or would not cease. Everyone did agree that the City's sound ordinance should be inclusive of all sources of sound downtown and not just sound created by late night concrete pours.

Greg Guernsey reminded the group that the direction from City Council only addresses after-hours concrete installation downtown. Staff will only pursue an ordinance that meets Council's charge at this time; however, the City Council may expand the scope of the amendment if they desire.