



COUNCIL COMMITTEE REPORT

Planning and Neighborhoods Committee

Date: November 16, 2015

Agenda Item #: 4

Discussion and possible action on recommendations relating to permitting requirements for non-peak hour concrete installation within portions of the Central Business District (CBD) and Public (P) zoning districts.

Vote Committee voted for Council Member Gallo's motion on a 3-1 vote with Mayor Pro Tem Tovo opposing.

Sponsors/Department: Gregory I. Guernsey, Planning and Zoning Department

Summary of Discussion

Mr. Guernsey provided an overview of the revised staff recommendations provided by the Economic Development staff and the Music Office. The recommendations were well received the development community, but had concerns about the hard cutoffs and the actual decibel level being too high of which the music office staff stated they would go back to the different downtown sites and do a testing. They logged over 168 hours of testing. They looked at measurements that were done nearby the Gables Tower, the 360 Condominiums in the month of August. A revised memo was presented to Council in October, that addressed staff study and the recommendation still contains a lot of the same information that was previously submitted to Council regarding the location of queuing of trucks with the sound impact plan, light mitigation plan, location of pumps using sound mitigation materials, shielding of lighting, also as far as the notice of requirements to provide notice to property owners, next door, across the street, those within 300 feet of property lines. That information is primarily the same. What is different would be allowing not having a 2:00 change in decibel limits, but to allow the pourers, as they are now to go from 7:00 a.m. to 6:00 a.m. or 7:00 p.m. to 6:00 a.m., but to require a sound impact plan that's done by an acoustical engineer that would look at the ambient sound levels prior to the permit begin taken out.

The Planning and Zoning Department, Development Services Department and Economic Development Department would not be the enforcers of this. The two enforcement agencies for sound dealing with decibel levels and if there was a cutoff point is done by Austin Police Department, they have the trained staff and equipment. The Austin Code Department has agreed to step-up and enforces those things that are not directly related to sound, such as baffling.

Public Comments

Julie Fitch, with Downtown Austin Alliance, spoke on fully supporting the sound impact plan, fully supporting the notice and 24 hour contact. Modeling the decibel limits based on the outdoor music venue decibel limits was an appropriate way to go. Basically, setting it at 85 decibels until 2:00 a.m. and at 75 decibels after from 2:00 to 6:00. Also, you're effectively limiting, if a decibel limit set is not achievable, you would be limiting these concrete pours between the hours of 9:00 a.m. and 4:00 p.m.

Phil Thodon, spoke on there are a variety of noises downtown that go way above 75 decibels, even 85 decibels despite what is on the books. The 75 decibels that's the noise of traffic, food trailers go above 75 decibels at fifth and Colorado, the train that cuts across Lady Bird Lake, when it hits the 90-degree angle in front of the spring condominium that's over 85 decibels. There is a lot of noise in this city and so I find it very baffling that construction is singled out among all other noises.

Tom Woods, spoke on the concerns regarding the recommendations. Notice of the 300 feet and an ordinance that says we can only reach a certain decibel point at the property line, why do we have to notify? How does the recommendation take into effect worker safety, improving air quality in the Downtown Austin area, decreasing impact on the businesses due to the increase in traffic and increase in noise during the day and protecting the concrete drivers?

Direction

Mayor Pro Tem Tovo provided a motion sheet and stated it reverts back to the original staff recommendations, which were presented in June. She suggested the Committee adopt these provisions, recommend staff integrate these into the ordinance and move forward to full Council.

Amend Section 9-2-21 (Permit for Concrete Installation During Non-Peak Hours)

This amendment 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. and:

- 10:30 p.m. Sunday through Wednesday
- 11:00 p.m. on Thursday; and
- 12 midnight on Friday or Saturday

The recommendation would limit the maximum sound level to 75 dba measured at the applicant's property line.

Allow concrete pouring activities to be permitted outside of the above stipulated hours only for extraordinary circumstances such as the pouring of a "mat slab". In these cases, staff recommendations such as: 3 dba above the ambient level or late night concrete pours measured at the applicant's property line, notification, 24-hour contact information, sound impact plan, light mitigation plan, etc. would apply – see memo dated October 30, 2015 titled Non-Peak Hour Permits for Concrete Installation (Exhibit A).

Mayor Pro Tem Tovo made a motion on this item, but there was no second.

Council Member Gallo, questioned the additional staff recommendation information that on the late night levels it says up to 10 decibels above the ambient noise level and in June staff recommendations were up to 75 between the 7:00 p.m. and all other times it states up to 10 decibels above the ambient noise level.

Council Member Gallo, motion that staff go back and work with stakeholders to have a chance to review the information that has been presented at this point. The concern is that we as a city continue to issue building permits, to continue to building out our downtown area which is construction and part of construction is noise. Staff needs to address worker safety with stakeholders with no time period, but come back to this committee at a time that works with staff schedule and stakeholders. Council member Renteria seconded—concern for employee safety.

Recommendation:

Committee voted for Council Member Gallo's motion on a 3-1 vote with Mayor Pro Tem Tovo opposing.