

Off-Peak Concrete Pouring Update

City Council postponed consideration of a substitute amendment regarding Off-Peak Concrete Pouring to 11/20/2014 (currently item #56 on the [draft Agenda](#)) with direction for it to be heard at the Downtown Commission meeting on 11/19/2014.

For a full article with the history of updates on this issue, please click [here](#).

See the substitute amendment [here](#).

DANA has taken a formal position on this item:

WHEREAS, the current City of Austin ("COA") Code section 9-2-21 provides for the "...delivery, finish, place or pour [of] concrete during the non-peak period of 7:00 PM to 6:00 AM at property located within the CBD ..."; and

WHEREAS, no other major city in Texas routinely permits construction activities after 8:00 PM; and

WHEREAS, the CBD now has over 12,000 residents with hundreds of additional units under construction; and

WHEREAS, such permits have been routinely issued by Staff without notice to or an opportunity for comment from affected residents; and

WHEREAS, neither the existing nor the currently proposed version of 9-2-21 contain any objective, measurable standards for lighting or noise impacts upon adjacent residential units; and

WHEREAS, the existing COA Code section 25-3-86 does contain such standards. Specifically that lighting must be directed onto the subject property and/or shielded with no more than 0.4 fc and no sound greater than 70 dba at the property line; and

WHEREAS, the current amendment to 9-2-21, as proposed by Council member Morrison, would limit construction activities to 2:00 AM, "except in extraordinary circumstances of limited duration", but fails to provide any guidance as to what would constitute such circumstances and the proposed amendment sets no objective, measurable standards for light and noise intrusion into adjacent residential properties; and

WHEREAS, the Downtown Austin Neighborhood Association ("DANA") believes it is in the best interests of the City and its residents to amend 9-2-21 to provide for reasonable, objective and measurable standards for construction activities during non-peak hours; and

WHEREAS, further delay or postponement is simply a continuation of the present, unsatisfactory regulatory regime;

NOW, THEREFORE, be it resolved that DANA urges the Mayor and Council to adopt and require the City Staff to expeditiously implement a reasonable ordinance for the regulation of construction activities during non-peak hours. Specifically, an ordinance that will:

- 1. Limit construction activities to the hours of 6:00 AM to 10:00 PM;*
- 2. Allow concrete pouring activities to be permitted outside of the stipulated hours only for extraordinary circumstances such as the pouring of a "mat slab".*
- 3. Incorporate into the revised, amended 9-2-21 the lighting (0.4 fc at the property line) and sound (70 dba at the property line) levels of COA Code section 25-3-86.*
- 4. Provide for an application for construction activities during non-peak hours that includes notice provisions similar to the application for an amplified sound permit under COA Code section 9-2-12.*