



March 18, 2015

To Whom It May Concern:

The Rainey Neighbors Association Board represents the almost 2,000 residents in the Rainey neighborhood with the borders of Waller Creek, Cesar Chavez, I-35 and Lady Bird Lake. Construction has become a way of life for us with the building in recent years of the Milago, the Shore, Windsor, SkyHouse, Millennium Rainey (ongoing), Van Zandt Hotel (ongoing), Kimber Modern Hotel (ongoing) and other developments in the works. The 1000 plus room Fairmont Hotel recently broke ground and Waller Park Place which is the largest private real estate development in Austin is slated to begin construction shortly. Waller Park Place is in our neighborhood on the west side of Red River Street and the Fairmont is just across the street on the north side of Cesar Chavez.

We provided input on the late night concrete pour issue last November 20<sup>th</sup> in which we supported the DANA position regarding the establishment of measurable sound and light limits for late night concrete pour activities. Additionally, we supported the use of an application for construction activities during non-peak hours similar to the application for an amplified sound permit along with proper notification to affected areas. However, we indicated we would like to hear more input from other stakeholders before making a comment regarding a limit on construction activities to the hours of 6:00 A.M. to 10:00 P.M. and allowing concrete pouring outside of these hours only for extraordinary circumstances.

We have now had an opportunity to attend additional stakeholder meetings and to further refine our thinking regarding this issue.

First, we would like to make the observation that with 13,000 residents now living downtown and an objective to increase that number towards a diverse population totaling 25,000 people it is vital that the City Council begin to consider what steps are required to ensure a high quality of life for those residents in light of other, potentially conflicting priorities. These include how to continue the rapid build out of new residential buildings, the ever increasing demand for more cocktail lounge based amplified music permits to support our brand image of "the live music capital of the world", and the desire to market the city for multiple festivals and special events involving numerous street closings and additional temporary amplified music permits. Over time we are likely to see other quality of life impacts resulting from high density and rapid growth. This discussion about how to allow late night/overnight concrete pours to take place with a minimal impact to the residents already downtown is perhaps the catalyst to generate a larger discussion going forward.

**Rainey Neighbors Association**

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That said we have the following comments to make regard the concrete pour ordinance:

- Allowing late night/overnight concrete pours and other construction activities will result in shorter construction schedules – the chaos ends sooner – and minimizes the traffic congestion that would otherwise be increased if concrete trucks were required to deliver during normal business hours.
- The quality of life for downtown residents must be protected during late night/overnight concrete work through the establishment of a reasonable sound and light limits. Further research needs to be conducted to establish the number value for such limits, but in the case of a sound limit the measurement standard to be used must be the C weighting scale because it better reflects the potential disruption associated with low frequency impact noise. Further, it should be recognized and accepted that whatever the numerical value that is selected for the limit there will be some small portion of the residential community who are more sensitive than the norm and will find the concrete pour activity to be personally disruptive. (It is important to note that in the Rainey neighborhood we have a 75 decibel limit for amplified music instead of the 85 decibel level in much of downtown. Also the hours for amplified music are until 10:30 P.M. on Sunday to Wednesday, until 11:00 P.M. on Thursday, and midnight on Friday and Saturday. We mention this because some in the construction industry have recommended the standard used in the entertainment districts of 85 decibel level allowed until 2:00 A.M.).
- There must be an effective, reliable, and consistent assessment of compliance by those groups requesting a late night/overnight concrete pour permits and when violations are found there must be a penalty that is severe enough to be a credible incentive to stay in compliance. It should be recognized that the City of Austin has very limited resources with expertise in acoustical testing and light pollution and the enforcement of limits for those characteristics. We suggest that the cost for the late night/overnight concrete pour permit be set at a dollar value that would fund an independent third party to measure limit compliance. When limits are exceeded, the penalties should be similar to the following:
  - First penalty: permits suspended/denied for 21 days.
  - Second penalty: permits suspended/denied for 45 days.
  - Third penalty: permits suspended/denied for the remainder of the project.
- The new Concrete Pour ordinance should be piloted for 6-12 months. If quality of life continues to be seriously impacted for downtown residents, then hour limits such as the 10 P.M. cutoff recommended by the DANA should be established.

We understand that protecting downtown residential quality of life is a complex process. The Rainey Neighbors Association welcomes the opportunity to participate in the process of developing a final Concrete Pour ordinance.

Sincerely,



Bonita White, President  
Rainey Neighbors Association