

AGENDA



Recommendation for Council Action

Austin City Council		Item ID	64864	Agenda Number	10.
Meeting Date:	11/10/2016		Department:	Development Services	
Subject					
Approve an ordinance amending City Code Chapter 9-2 relating to the requirements for non-peak hour concrete installation within portions of the Central Business District (CBD) and Public (P) zoning districts.					
Amount and Source of Funding					
Fiscal Note					
A fiscal note is not required.					
Purchasing Language:					
Prior Council Action:	November 20, 2014 - Council approved Ordinance No. 20141120-056 relating to requirements for non-peak hour concrete installation within portions of the Central Business District (CBD) and Public (P) zoning districts. March 26, 2015 - Council approved an ordinance extending the expiration date of Ordinance No. 20141120-056 to June 30, 2015. June 18, 2015 - Council approved an ordinance extending the expiration date of Ordinance No. 20141120-056 to September 30, 2015. September 17, 2015 - Council approved an ordinance extending the expiration date of Ordinance No. 20141120-056 to December 31, 2015. December 17, 2015 - Council approved an ordinance extending the expiration date of Ordinance No. 20141120-056 to March 31, 2016. March 31, 2016 - Council approved an ordinance extending the expiration date of Ordinance No. 20141120-056 to May 31, 2016. May 19, 2016 – Council approved an ordinance extending the expiration date of Ordinance No. 20141120-056 to August 31, 2016. August 18, 2016 – Council approved an ordinance extending the expiration date of Ordinance No. 20141120-056 to November 30, 2016.				
For More Information:	Christopher Johnson, Development Services Department, 512-974-2769; Gregory I. Guernsey, Planning and Zoning Department, 512-974-2387.				
Council Committee, Boards and Commission Action:	March 18, 2015 – Approved by the Downtown Commission on a 9-0 vote with conditions.				
MBE / WBE:					
Related Items:					

Additional Backup Information

This ordinance would replace Ordinance No. 20141120-056, approved in November 2014, which addressed permits for Concrete Installation During Non-Peak Hours on certain downtown properties zoned Central Business District (CBD) and Public (P) district zoning. Previously, the City Council requested staff to convene a stake holder working group to discuss the permitting of late night concrete pours downtown. To date, large and small stakeholder groups have met eight times and have reached a general consensus on most of the proposed ordinance. In addition, the Downtown Commission has met three times since the passage of the interim ordinance. The Downtown Commission recommended approval of a permanent ordinance with conditions that differ from the current interim ordinance and recommend the City Council address all construction related noise, not just the pouring of concrete.

The current interim ordinance will expire on November 30, 2016. If the current ordinance expires, then the previous language that addresses non-peak hour for concrete pour returns. The previous ordinance allowed permits for authorizing an applicant to deliver, finish, place or pour concrete between the hours of 7:00 p.m. to 6:00 a.m. at property that is located within the (CBD) zoning district and within 600 feet of a residence, church, hospital, hotel or motel. The previous ordinance allowed the issuance of a permit if the director determined it was in the interest of public health, safety or welfare or justified by urgent necessity. In addition, the previous ordinance required the applicant provide contact information, a description of the work to be performed, the amount of time needed for the permit (up to 72 hours), and the reason why the work could not be performed during normal business hours.

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 located within the area eligible for a downtown density bonus under Section 25-2-586 (Downtown Density Bonus Program) of the City Code (see attached map exhibit). 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 congestion 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.

For details regarding the Staff recommendation, please see the attached memorandum dated November 3, 2016