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**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

1. HEB Austin #8 (the “Development”) located at 2400 South Congress Avenue is an ongoing project currently being constructed in a high traffic area that experiences heavy traffic congestion in the mornings.
2. City Code only allows non-peak hour concrete installation for sites that are zoned Central Business District (CBD) or Public (P) and located within the Downtown Density Bonus area.
3. High temperatures experienced during the day can cause concrete to harden quicker during delivery. This can cause logistical challenges that lengthen the construction timeline and extend the impact on traffic in the area.
4. Without this permit, an additional two to three months could be added to the construction schedule for the Development and, as a result, prolong the Development’s impact in the high traffic area.
5. The Development’s disturbance on the flow of traffic in the area could be minimized by allowing the Development to install concrete during non-peak hours when the temperature is cooler and there is less traffic congestion.
6. Because of the impact on traffic, a non-peak hours permit is in the interest of public health, safety, and welfare.

**PART 2.** For the reasons stated above, Council amends Section 9-2-21(A)(2) to authorize the director to issue a Type 2 Non-Peak Hour Permit for the Development at 2400 South Congress Avenue to construct the improvements depicted on SPC-2019-0224C. The Development will still be required to comply with all applicable permit

restrictions outlined in City Code Section 9-2-21 (*Permit for Concrete Installation During Non-Peak Hour Permits*) for Type 2 Non-Peak Hour Permits.

**PART 3.** This ordinance takes effect on \_\_\_\_\_, 2022.

**PASSED AND APPROVED**

\_\_\_\_\_, 2022

Steve Adler  
Mayor

**APPROVED:** \_\_\_\_\_ **ATTEST:** \_\_\_\_\_

Anne L. Morgan Myrna Rios  
City Attorney City Clerk