



UNDER CONSTRUCTION

Goodnight Construction Site

City Council – Item 24
December 16, 2021

COUNCIL CONSIDERATION REQUEST

- Filed Aug 2019 by Councilman John Courage (CD9)
- Requesting staff to Amend Section 21-52 (a)(6) of the Local Government Code to prohibit exterior overnight construction:
 - Within 300 feet of an inhabited residential property
 - Between the hours of:
 - 7:00 p.m. and 7:00 a.m. (Mon thru Fri)
 - 7:00 p.m. and 9:00 a.m. (Sat and Sun)

CITY COUNCIL
CONSIDERATION REQUEST

Mayor and City Council
John Courage, Councilmember District 9

Erik Walsh, City Manager; Leticia Vacek, City Clerk; Andy Segovia, City Attorney; John Peterek, Assistant to the City Manager; Christopher Callanen, Assistant to City Council

SUBJECT: Goodnight, Goodnight Construction Site¹

DATE: August 8, 2019

Issue Proposed for Consideration

I ask for your support for the inclusion of the following item on the agenda of the earliest available meeting of the Governance Committee:

Amend Section 21-52 (a)(6) of the Local Government Code to prohibit exterior overnight construction within 300 feet of an inhabited residential property between the hours of 7:00 p.m. and 7:00 a.m. (Monday through Friday) and 7:00 p.m. and 9:00 a.m. (Saturday and Sunday).

Brief Background

Recently, residents in the Deer Hollow and Village on the Hill neighborhoods – located in District 9 – expressed concern and frustration over construction noise that was disturbing them at all hours of the night. These communities are adjacent to developing commercial and multifamily properties. My office confirmed that construction was taking place between midnight and 5:00 a.m. In the Deer Hollow case, residents were informed by SAPD and Development Services that despite the inconvenience, they were unable to intervene. We are certain that other neighborhoods throughout the city are experiencing similar problems. I expect to advocate that all San Antonio residents be afforded peace and quiet when they need it most.

a maximum allowable sound level across a real property boundary of 80 decibels (to standing in front of a blender or garbage disposal) at any time, our Local Government Code states that loud construction shall be daytime on weekdays. This section of the Code does not provide residents from excessive overnight noise nuisances and is

NOISE ORDINANCE CCR

SEPARATE ITEM

- Sponsored by Councilmembers Roberto Trevino (CD1) and Clayton Perry (CD10) in Mar 2021
- Ask to create a Noise Ordinance Task Force to review Ch. 21, Art. III and recommend on issues such as:
 - Noise thresholds (dB levels)
 - Hours specifying dB thresholds
 - Hours of enforcement
 - Enforcement entities and processes
 - Low frequency noise (e.g., bass and sub-bass frequencies)
 - Vibration
 - Penalties
 - “Entertainment zones”, zoning overlays, and other provisions which may govern noise in and near residential (planning)



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TO: Mayor and City Council
FROM: Roberto C. Treviño, District 1 City Councilman; Clayton Perry, District 10 City Councilman
COPIES TO: Erik Walsh, City Manager; Tina Flores, City Clerk; Andy Segovia, City Attorney; John Peterek, Assistant to the City Manager; Emily McGinn, Assistant to City Council
SUBJECT: Creation of a Noise Ordinance Task Force
DATE: March 15, 2021

Issue Proposed for Consideration:

I ask for your support for the inclusion of the following item on the agenda of the earliest available meeting of the Culture & Neighborhood Services Committee:

A policy requesting the creation of a Noise Ordinance Task Force to complete a review of the *Noise Ordinance Chapter 21 Article III* of the *City of San Antonio Code* and make recommendations on areas to include, but not limited to:

- Noise thresholds (dB levels)
- Hours specifying dB thresholds
- Hours of enforcement
- Enforcement entities and processes
- Low frequency noise (e.g. bass and sub-bass frequencies)
- Vibration
- Penalties
- “Entertainment zones,” zoning overlays, and other provisions which may govern noise in and near residential (planning)

Brief Background:

The availability of food, beverage, and/or entertainment businesses near neighborhoods has had a positive cultural impact as well as stabilized residential property values. It has also presented unique challenges that affect residents’ quality of life. This has led to a less than harmonious relationship between neighborhoods like King William, Oak Park - Northwood, and Tobin Hill and abutting food/beverage/entertainment business.

The intent of this policy is to determine how the Noise Ordinance can be adjusted so it is easy to understand and enforce, and so residents can have peaceful and quiet enjoyment of their home without having to resort to filing a complaint on their commercial neighbors.

CURRENT NOISE CODE



- All construction activity:
 - Other than during daytime or weekday
- **OR**
- Anytime such that the sound level at or property boundary exceeds 80dBA
 - Does not apply in cases of urgent need in interest of public safety or convenience such as parades or public events
 - Ch. 21, Sec. 21-52 (a) (6)
- Average calls received per year = 3

CURRENT PROCESS FOR CONSTRUCTION NOISE COMPLAINTS

Complaint
received

Inspector visits
job site to meet
with general
contract and
discuss noise
complaint

DSD will mediate
and work with
contractors and
homeowners for
resolution if noise
continues

* Challenging to enforce with current ordinance



STAKEHOLDER REVIEW

Stakeholders included:

- GSABA (residential homebuilders)
- ABC (commercial builders)
- Homeowner associations
- Some City Council staff

• Meetings held on:

- Jan. 14, 2020
- Feb. 5, 2020
- Mar. 4, 2020

Paused due to pandemic

- Jun. 8, 2021
- Jul. 7, 2021
- Aug. 3, 2021



MAJOR TOPICS DISCUSSED

- Start and end times for construction
- Days of the week
- Construction during holidays
- Requirement information on all permits
- **Need for early morning concrete pours**
- **Notification to residents close to construction when working outside of approved hours**

RECOMMENDED CHANGES

ITEM	EXISTING	PROPOSED
Clearly defined construction hours	✗	✓
Special consideration next to residential	✗	✓
Required notification to residents for off hours	✗	✓
Adequate enforcement for repeat violations	✗	✓

RECOMMENDED CHANGES

ITEM	EXISTING CODE	PROPOSED AMENDMENT
Clearly defined construction hours	Weekdays: <ul style="list-style-type: none">• Mon-Thu – 6am to 10pm• Fri - 6am to 11pm Weekends – Not permitted ???	Weekdays: <ul style="list-style-type: none">• Mon-Fri – 7am to 8pm Weekends <ul style="list-style-type: none">• Saturdays - 8:00 a.m. to 8:00 p.m.• Sundays - 9:00a.m. to 5:00p.m.
Special consideration next to residential	None	<ul style="list-style-type: none">• Construction off hours only if:<ul style="list-style-type: none">• Approved by DSD or• If pouring concrete

RECOMMENDED CHANGES

ITEM	EXISTING CODE	PROPOSED AMENDMENT
Required notification to adjacent residents for off hours	None	Off hours requires notification to residents within 300 ft. of the site at least 3 days prior to off hours work
Adequate enforcement for repeat violations	Citations only	<p>Section added to City Code Chapter 10 governing construction permits</p> <ul style="list-style-type: none">• Gives DSD/Building Official ability to fine contractors through permitting process or• Suspend permit on 2nd offense• Revocation of permit on 3rd offense

NOTIFICATION TO NEIGHBORHOODS

- Occupied residential structure within 300 ft. of construction
 - Written notice of dates & times
 - 72 hrs. before
 - If in homeowner's association, neighborhood association, or management company:
 - Notification to organization
- Posted at job site:
 - Dates & times of proposed off-hour construction
 - Contractor's contact information
 - Must be approved by the Building Official or designee
- Exception:
 - New residential subdivision with:
 - Operational sales office
 - Not more than 95% sold homes





EXCEPTIONS

- Urgent necessity in the interest of public safety or convenience (emergencies; public infrastructure projects; etc.)
- Public convenience
 - Including city sponsored or co-sponsored fiestas
 - Parades
 - Public events
- Sound produced by any governmental body in the performance of a governmental function

STAFF RECOMMENDATION

- Recommendation is for approval of proposed amendments to Ch. 10 and Ch. 21





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