

## **AGENDA ITEM: #3**

**POSTING LANGUAGE:** Briefing and possible action on the adoption of amendments to Section 21-52(a)(6) and Section 10-6 of the Local Code to update the construction noise ordinance and issuing of permits by Development Services Department (DSD) to allow for enforcement of the ordinance by the Building Official. [Roderick Sanchez, Assistant City Manager; Michael Shannon, Director, Development Services]

### **SUBJECT:**

Discussion and possible action on the adoption of amendments to Section 21-52(a)(6) and Section 10-6 of the Local Code to update the construction noise ordinance and issuing of permits by Development Services Department (DSD) to allow for enforcement of the ordinance by the Building Official.

### **SUMMARY:**

A CCR was sponsored by Councilman John Courage on August 8, 2019, which asks staff to consider prohibiting exterior overnight construction within 300 feet of an inhabited residential property outside of set hours and days approved for construction by the noise ordinance. A task force consisting of residential and commercial contractors, neighborhood organizations, and DSD personnel developed proposed ordinance language that amended the approved hours for construction, gives DSD the ability to enforce the ordinance through the permitting process, and provides contractors the option for waiver to the noise ordinance when approved by the Building Official for select work that can only be completed outside of the approved hours of construction.

### **BACKGROUND INFORMATION:**

The CCR seeks to define the approved hours that construction can be performed on the exterior of a building and used the hours allowed by Fort Worth and Dallas as guides. Additionally, the CCR's goal was to reduce the impact construction noise has on residential properties.

DSD created a task force to review the CCR and existing Section 21-52(a)(6) and provide proposed amendments. The task force met five times from January 14, 2020 till August 3, 2021, with a 14 month pause in meetings due to the Covid-19 pandemic. The task force consisted of property owners (Northside Neighborhoods for Organized Development, Stone Oak Property Owners Association, and Briarwick Neighborhood Association), contractors (Greater San Antonio Builders Association, Association of Building Contractors, General Contracting Companies), city council staff, and DSD staff.

The task forces discussions focused on setting the approved work hours, determining what work could be performed outside of these set hours, and creating a notification process that contractors are required to follow when working outside of the set hours. Due to the need that large concrete pours start before sunrise due to the negative affect high temperatures have on the process, this work was exempt from the approved hours of construction but requires the notification process. The Building Official can approve waivers for work to be completed outside of the approved hours when applied for by contractors. The waiver process also requires the notification process to be followed. The permitting process for building permits issued by DSD will also be amended to allow the Building Official to fine contractors that violate the noise ordinance and suspend or revoke the permit for repeat violations.

The proposed amendments were presented to City Council on December 16, 2021. During council discussion of the amendments, the notification process by contractors to residents was reviewed and additional public-input was requested on the best options for completing the notification process. DSD has held two online public input meetings and provided a poll on SA Speak Up, and will present findings from the meetings and poll to the PCDC.

### **ISSUE:**

The proposed amendments will change the hours approved for construction on the exterior of a building from daytime hours on week days only, to the hours between 7:00 a.m. and 8:00 p.m. Monday through Friday and 8:00

a.m. and 8:00 p.m. Saturday and 9:00a.m. and 5:00p.m. Sunday except on legal holidays. Legal holidays are defined within the proposed amendments. The amendments provide an exception to concrete pours and limited repairs of heavy machinery and construction equipment, along this work to be completed outside of the defined work hours. A notification process to all residential properties within 300 ft of a property performing work outside of the defined work hours is defined in the amendments. The proposal amends the process of issuing building permits by DSD to allow for fines, suspension, and revocation of the building permit for properties that violate the construction noise ordinance.

**ALTERNATIVES:**

City Council could choose to not take any action on the CCR which would have no impact on the existing construction noise ordinance and enforcement.

**FISCAL IMPACT:**

This Ordinance has no fiscal impact.

**RECOMMENDATION:**

DSD recommends the approval of the adoption of amendments to Section 21-52(a)(6) and Section 10-6.