

RESOLUTION
FOR CHANGES TO LAWS CONCERNING
SATURDAY CONSTRUCTION HOURS AND NOISE LEVELS
FEBRUARY 2, 2021
RESOLUTION #4A-02-02-21-04

WHEREAS, pursuant to applicable District laws, each Advisory Neighborhood Commission (“Commission”) may advise the Council of the District of Columbia, the Mayor and each executive agency, and all independent agencies, boards and commissions of the government of the District of Columbia with respect to all proposed matters of District government policy including, but not limited to, decisions regarding planning, streets, recreation, social services programs, education, health, safety, budget, and sanitation which affect that Commission area [D.C. Official Code §§ 1-309.10(a)];

WHEREAS, proposed District government actions include actions of the Council of the District of Columbia, the executive branch, or independent agencies, boards, and commissions. In addition to those notices required in D.C. Official Code §§ 1-309.10(a), each agency board and commission shall, before the award of any grant funds to a citizen organization or Committee, before the transmission to the Council of a proposed revenue bond issuance, or before the formulation of any final policy decision or guideline with respect to grant applications, comprehensive plans, requested or proposed zoning changes, variances, public improvements, licenses, or permits affecting said Commission area, the District budget and city goals and priorities, proposed changes in District government service delivery, and the opening of any proposed facility systems, provide to each affected Commission notice of the proposed action as required by D.C. Official Code §§ 1-309.10(b);

WHEREAS, the issues and concerns raised in the recommendations of the Commission shall be given great weight during the deliberations by the government entity, and great weight requires acknowledgement of the Commission as the source of the recommendations and explicit reference to each of the Commission’s issues and concerns [D.C. Official Code §§ 1-309.10(c)(3)(A)].

WHEREAS, the Advisory Neighborhood Commissions (“ANCs”) are the bodies of government with the closest ties to the people and they are expected to advise the city on issues, including fees, taxes, zoning, social services programs, health, emergency preparedness, economic development, transportation, and infrastructure issues.

WHEREAS, Single Member District 4A03 has received numerous complaints concerning construction hours and noise levels, in particular Saturday construction.

WHEREAS, District of Columbia construction and noise regulations apply city-wide. This resolution will impact the entire city.

WHEREAS,

- “Noise” derived from “nausea,” meaning seasickness;
- Noise is among the most pervasive pollutants today;
- Noise is unavoidable for many machines;
- According to the World Health Organization (WHO), noise above 70db is considered as painful.

WHEREAS, based on published research there are numerous noise impacts on health. Among the impacts are:

- According to the United States Environmental Protection Agency (USEPA), there are direct links between noise and health. Also, noise pollution adversely affects the lives of millions of people.
- Noise pollution can damage physiological and psychological health.
- Noise pollution can cause high blood pressure, stress related illness, sleep disruption, hearing loss, and productivity loss are the problems related to noise pollution.
- Sleep deprivation, stress
- It can also cause memory loss, severe depression, and panic attacks.
- Noise-induced hearing loss can be caused by outside (e.g., trains) or inside (e.g., music) noise.
- High noise levels can contribute to cardiovascular effects in humans and an increased incidence of coronary artery disease.
- In animals, noise can increase the risk of death by altering predator or prey detection and avoidance, interfere with reproduction and navigation, and contribute to permanent hearing loss.
- Permanent hearing damage if repeated exposure above 90 dB.

WHEREAS, ANC 4A notes that numerous articles and papers have been written concerning the impact of noise on health listed above. Two papers are:

1. Effects of Building Construction Noise on Residents A Quasi-Experiment by Cheuk Fan Ng – Journal of Environmental Psychology – Dec 2000 is an early discussion with mathematical measures of noise impact.
2. What are the Health Effects of Noise Pollution? – Medical News Today – by Hellen Millar dated 12/21/2020.

WHEREAS, under current laws construction can occur from 7am to 7pm on Saturday (excluding holidays). Currently this means for any given project, residents have only 63 days per year with no construction activity (52 Sundays and 11 holidays). For a long-term project, e.g. 5 years, residents will have a total of 315 days while construction can occur 1,510 days. This is unfair. Residents cannot use their property on Saturdays for family or other events without inconvenience. Simply wanting to sit peacefully in your yard is problematic.

WHEREAS, ANC 4A believes that it more be more appropriate that construction occur on a limited number of Saturdays. Considering that homeowners/residents do construction, here are potential solutions:

1. Projects less than 1 year – 2 Saturdays per month for construction.
2. Projects of 1 to 2 years – 2 Saturdays days per month for construction.
3. Projects 3 years or greater – 1 Saturday per month for construction.

Note that the periods consider all projects on a site. If, for example, a location contains multiple buildings or construction sites the period would be based on the totality. However, the developer should be able to request a special exception and the community will have an opportunity to speak on the request. The ANC will be able to vote on the request.

In addition, homes would not be under consistent construction stress if they can have a period to “rest” if Saturday construction is limited.

However, under no circumstance would construction be allowed on all Saturdays.

WHEREAS, residents have expressed issues concerning noise levels on weekdays and Saturdays. ANC 4A believes that it more be more appropriate to separate the noise issues into weekdays and Saturdays. During the pandemic residents who are now working at home are exposed to a higher noise level than if they were going into an office. However, all are impacted by construction noise on Saturdays. The present law allows 80 decibels. ANC 4A believes that residents should not

have to hear 80 decibels every Saturday. 60 decibels would be more appropriate, e.g., sound of a loud TV. (See Attachment 1)

WHEREAS, ANC 4A acknowledges that 4 District of Columbia Departments and or Bureaus have oversight concerning construction and noise:

1. Department of Consumer and Regulatory Affairs,
2. Department of Human Services,
Health and Human Services, and
3. Department of Energy and Environment.

WHEREAS, ANC 4A acknowledges that 4 District of Columbia City Council Committees may have oversight of this resolution:

1. Committee on Health,
2. Committee on Transportation and Environment,
3. Committee on Human Services, and
4. Committee on Housing and Executive Administration.

NOW, THEREFORE, BE IT RESOLVED, that, upon considering the foregoing at the meeting, a majority of the duly named Advisory Neighborhood Commission 4A, with a quorum present, by a vote of 7 to 0, voted to recommend that the District of Columbia City Council modify the current laws concerning Saturday work hours and noise level.

BE IT FURTHER RESOLVED that Commissioner Stephen A. Whatley, ANC 4A03, is hereby authorized to serve as the Commission's representative in all matters relating to this resolution, Commissioner Phyllis Green, ANC 4A01, will serve as the alternate.

BE IT FURTHER RESOLVED ANC 4A requests that Councilmember Janeese Lewis George, or her designee, manage development of the response to this resolution.

Respectfully submitted,

/s/ Patience Singleton
Patience Singleton, Chair
ANC 4A

CC:

Mayor Muriel Bowser
Councilmember Janeese Lewis George
Councilmember Christina Henderson
Councilmember Anita Bonds
Councilmember Elissa Silverman
Councilmember Robert C. White Jr.
DC Council Committee on Health
DC Council Committee on Transportation and Environment
DC Council Committee on Human Services
DC Council Committee on Housing and Executive Administration
DC Department of Consumer and Regulatory Affairs
DC Department of Human Services
DC Health and Human Services
DC Department of Energy and Environment.