



## Legislation Details (With Text)

**File #:** RES PH 16- 135      **Version:** 1

**Type:** Resolution-Public Hearing      **Status:** Passed

**In control:** City Council

**Final action:** 5/18/2016

**Title:** Approving the application of Flannery Construction, represented by Doug Hawkinson, Project Manager, for a sound level variance for construction work as part of the demolition of an existing building and new building construction site at 839 University Avenue West beginning July 11, 2016 through July 29, 2016.

**Sponsors:** Dai Thao

**Indexes:** Ward - 1

**Code sections:**

**Attachments:** 1. Application, 2. ENS, 3. Map, 4. Notice to District Council, 5. Notice to Property Owners, 6. List of Property Owners, 7. Letter to Applicant

Date	Ver.	Action By	Action	Result
5/19/2016	1	Mayor's Office	Signed	
5/18/2016	1	City Council	Adopted	Pass

Approving the application of Flannery Construction, represented by Doug Hawkinson, Project Manager, for a sound level variance for construction work as part of the demolition of an existing building and new building construction site at 839 University Avenue West beginning July 11, 2016 through July 29, 2016.

WHEREAS, Chapter 293 of the Saint Paul Legislative Code was enacted to regulate the subject of noise in the City of Saint Paul; and

WHEREAS, §293.09 provides for the granting of variances from the sound level limitations contained in §293.07, upon a finding by the City Council that full compliance with Chapter 293 would constitute an unreasonable hardship on the applicant, other persons or on the community; and

WHEREAS, Flannery Construction, represented by Doug Hawkinson, Project Manager, who has been designated as the responsible person on the application, has applied for a variance, at a requested sound level of 200 decibels (dBA) per pile hammer strike, for construction work related to use various pieces of equipment, including pile hammer, excavator, lattice boom crane, dump trucks etc.as part of the demolition of an existing building and new building construction site; and

WHEREAS, to reduce the time required and to minimize disruption to the neighborhood, area businesses, the public, adjoining residents, and property owners, the applicant is seeking a variance from July 11, 2016 through July 29, 2016 from 7 a.m. to 5 p.m.; and

WHEREAS, if applicant is not granted a variance, Flannery Construction will not be able to operate various pieces of equipment, including pile hammer, excavator, lattice boom crane, dump trucks, etc. to be used as part of the existing building demolition and new building construction site; and

WHEREAS, the Department of Safety and Inspections (DSI) has reviewed the application and has made recommendations regarding conditions for the variance; now, therefore, be it

RESOLVED, that the Council of the City of Saint Paul hereby grants a variance to Flannery Construction, subject to the following conditions:

- 1) The variance will be for construction and work using various pieces of equipment, including pile hammer, excavator, lattice boom crane, etc. equipment at 839 University Avenue West, beginning Monday, July 11, 2016, through Friday, July 29, 2016.
- 2) Work periods are Monday through Friday, beginning at 7:00 a.m. and ending at 5:00 p.m.
- 3) The contractors working on the project will use best practicable methods for controlling noise such as, but not limited to, H Pile with lagging area, noise blankets, shields or portable sound barriers. Construction activities will be scheduled to minimize noise as much as possible in the evening and early morning hours. Equipment should be fitted with manufacturer's approved exhaust mufflers.

FURTHER RESOLVED, that any violations of the conditions set above may result in the cancellation of the variance for any remaining dates and in the denial of future requests for the granting of a sound level variance, in addition to any criminal citation which may be issued.

Flannery Construction, represented by Doug Hawkinson, Project Manager, has requested an exemption from the sound level limitations in Chapter 293.07 for use of various pieces of equipment, including pile hammer, excavator, lattice boom crane, dump trucks, etc. to be used as part of the existing building demolition and new building construction site at 839 University Avenue West. Project dates are July 11, 2016 through July 29, 2016 from 7:00 a.m. to 5:00 p.m. Chapter 293.09 provides for the granting of variances from the sound level limitations contained in Chapter 293.07.

Was proper notice given? YES - See Attachments