



## Legislation Text

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**File #:** RES PH 13-295, **Version:** 1

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Approving the application of Veit and Company Inc. for a sound level variance in order to allow pile driving of beams for retaining wall shoring during building excavation at Fifth Street East and Broadway Street, for up to three (3) days from 7:00 a.m. to 5:00 p.m. between December 9, 2013 and December 20, 2013.

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, Nate Iverson, Project Manager, Veit and Company Inc. who has been designated as the responsible person on the application, has applied for a variance to allow Pile Driving for retaining wall shoring at 5<sup>th</sup> Street East and Broadway Street; and

WHEREAS, in order to minimize disruption to adjoining property owners, residents and businesses, the applicant is seeking a variance for the hours of 7:00 AM to 5:00 PM and for up to three (3) days, between December 9, 2013 and December 20, 2013; and

WHEREAS, if applicant is not granted a variance it will not be able to complete construction within a timeline that would minimize disruption to businesses, the public and adjoining property owners; and

WHEREAS, the Department of Safety and Inspections 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 Veit and Company Inc., subject to the following conditions:

- 1) The variance shall be for pile driving activities occurring on not more than three (3) days between December 9, 2013 and December 20, 2013 and the hours of 8:00 AM to 5:00 PM.
- 2) Veit and Company will provide written, 48 hour notice, of any pile driving activity to the Department of Safety and Inspections and residents within 300 feet of the construction site. Written notice must include a description of the pile driving activities, date that it will occur and start and end time.
- 3) The Contractors working on the project shall use best practicable methods for controlling noise such as use of a vibratory hammer or other equipment or processes that can minimize noise.

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

Veit and Company, represented by Nate Iverson, Project Manager has requested an exemption from the sound level limitations in Chapter 293.07 in order to allow pile driving of beams for retaining wall shoring during building excavation at 5<sup>th</sup> Street East and Broadway Street. The request is for up to three (3) days, from 7:00 a.m. to 5:00 p.m. between December 9, 2013 and December 20, 2013. To reduce the impact on nearby

residents, DSI is recommending that the variance hours should be 8:00 AM to 5:00 PM. 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