



Legislation Text

File #: RES PH 11-1008, **Version:** 1

Renewing and modifying the requirements for the sound level variance previously granted in Res PH 11-790, in order to allow Central Corridor Light Rail construction between 7:00 AM and 10:00 PM from May 5, 2011 to December 31, 2011 along University Ave. and abutting side street intersections from Emerald St. to Syndicate St. in Saint Paul.

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, Kevin Ryan, Manager of Transitways Construction, Metropolitan Council, who has been designated as the responsible person on the application, has previously applied for a variance to allow Central Corridor Light Rail construction along University Avenue and abutting side street intersections from Emerald Street to Syndicate St.; and

WHEREAS, in order to minimize disruption to businesses, the public and adjoining property owners, the applicant sought a variance for the hours of 7:00 AM to 10:00 PM and various extended work hours of between 10:00 PM and 7:00 AM from May 5, 2011 to December 31, 2011; and

WHEREAS, on May 4, 2011, the City Council approved the original variance (Resolution 11-790); and

WHEREAS, the original variance prohibited extended work hours in locations within 200 feet of any property whose primary use was residential or hotel; and

WHEREAS, this limitation has proven problematic, and both the Metropolitan Council and DSI are requesting that the prohibition be changed to 100 feet; and

WHEREAS, if applicant does not have the modified 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 have reviewed the application and have made recommendations regarding conditions for the variance; now, therefore, be it

RESOLVED, that the Council of the City of Saint Paul hereby renews its grant of a variance to the Metropolitan Council, subject to the following conditions:

- 1) The variance shall be for the hours of 7:00 AM to 10:00 PM from May 5, 2011 to December 31, 2011.
- 2) Normal Construction Hours shall be 7:00 AM to 7:00 PM with occasional hours until 10:00 PM.
- 3) Extended work hours shall be between 10:00 PM and 7:00 AM.
- 4) The Council of the City of Saint Paul hereby grants the Department of Safety and Inspections the

authority to approve extended work hours.

- 5) The Department of Safety and Inspections may approve up to twenty-five (25) extended work hour time periods to the Metropolitan Council during the time period set by this sound level variance. If the Metropolitan Council finds that additional extended work hour periods are needed, the Metropolitan Council may request that City Council grant additional time periods without the need for a public hearing.
- 6) When extended work hours are needed, the Metropolitan Council shall submit an Extended Work Hour Request (EWHR) to the Department of Safety and Inspections (DSI).
- 7) The process for requesting work between 10:00 PM and 7:00 AM shall be as follows:
 - A. Metropolitan Council shall submit an EWHR in writing to the Department of Safety and Inspections a minimum of two (2) work days before the property owner notification date in E.
 - B. The request shall include, but not be limited to, the specific date, time period, location, operation description and listing of expected noise sources such as generators, air compressors, jackhammers, excavators, skid loaders, etc. that will be used.
 - C. The EWHR shall also include the name and phone number of a specific contact person for the work being done.
 - D. Within two (2) working days of receiving the request, the Department of Safety and Inspections, in consultation with Department of Public Works, shall review and approve or deny the specific request and forward the determination to the Metropolitan Council.
 - E. If the request is approved, the Metropolitan Council shall notify in writing, all property owners within 200' of proposed work location. Notification shall be a minimum of 72 hours prior to the start of the work.
 - F. The Metropolitan Council property owner work notification shall include, but not be limited to, the specific date, time period, location, operation description and listing of expected noise sources such as generators, air compressors, jackhammers, excavators, skid loaders, etc. that will be part of EWHR.
 - G. If there is an emergency, where immediate work is necessary to restore property to a safe condition or to protect persons or property from an imminent exposure to danger, the Metropolitan Council or its designee, shall notify the Department of Safety and Inspections and make a good faith effort to inform property owners within 200 feet of the work location. Notification of the Department of Safety and Inspections and property owners may be done after the work has begun or if possible, before the work has started.
- 8) The Contractors and Utility Companies working on the project shall use best practicable methods for controlling noise. Construction activities shall be scheduled to minimize noise as much as possible in the early morning hours. Requests for construction activities between 10:00 PM and 7:00 AM will only be done if there are no other reasonable alternatives.
- 9) The Department of Safety and Inspections will not approve any extended work hour time periods for work locations within 100 feet of any property whose primary use is residential or hotel.

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 issue.

The Metropolitan Council, represented by Kevin Ryan, Manager of Transitways Construction, has requested an exemption from the sound level limitations in Chapter 293.07 in order to allow Central Corridor Light Rail construction between 7:00 AM and 10:00 PM and limited hours between 10:00 PM and 7:00 AM, from May 5, 2011 to December 31, 2011 along University Ave. and abutting side street intersections from Emerald St. to Syndicate St. in Saint Paul. 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