



## Legislation Details (With Text)

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|-----------------------|---|----------------------|--------------|
| <b>File #:</b>        | RES PH 21-21  | <b>Version:</b>      | 1            |
| <b>Type:</b>          | Resolution-Public Hearing   | <b>Status:</b>       | Passed       |
|                       |   | <b>In control:</b>   | City Council |
|                       |   | <b>Final action:</b> | 2/10/2021    |
| <b>Title:</b>         | Approving the application of Kraus Anderson Construction Company and Ramsey Company for a sound level variance for the 2383 University Apartments Construction Project from February 11, 2021 through March 21, 2021.   |                      |              |
| <b>Sponsors:</b>      | Mitra Jalali  |                      |              |
| <b>Indexes:</b>       | Ward - 4  |                      |              |
| <b>Code sections:</b> |   |                      |              |
| <b>Attachments:</b>   | 1. Application, 2. ENS, 3. Map, 4. Owners List, 5. Notice to Owners, 6. Letter to Applicant, 7. RES PH 21-21 - Okikiola Allibalogun email 2-10-21, 8. RES PH 21-21 - Erik Appelwick email 2-8-21, 9. RES PH 21-21 - Peter Brown email 2-8-21, 10. RES PH 21-21 - Linda Bryan email 2-9-21, 11. RES PH 21-21 - Staff at C&E Living email 2-9-21, 12. RES PH 21-21 - Casey Beck email 2-6-21, 13. RES PH 21-21 - Chakriya voice mail 2-10-21, 14. RES PH 21-21 - Ed Coleman email 2-5-21, 15. RES PH 21-21 - Jamilyn Coleman email 2-8-21, 16. RES PH 21-21 - Joe Cox email 2-5-21, 17. RES PH 21-21 - Katie Engman email 2-9-21, 18. RES PH 21-21 - Grace Fechner email 2-8-21, 19. RES PH 21-21 - Stephen Garrington e-mail 2-9-21, 20. RES PH 21-21 - Lexi Herman email 2-8-21, 21. RES PH 21-21 - Edward Hessler-Hamline University e-mail 2-5-21, 22. RES PH 21-21 - Garrett Hoffman e-mail 2-1-21, 23. RES PH 21-21 - Andrew Jacob email 2-8-21, 24. RES PH 21-21 - Cheyanne January email 2-1-21, 25. RES PH 21-21 - Chris Knutson Kraus Anderson email response 2-9-21, 26. RES PH 21-21 - Britney Kocken email 2-10-21, 27. RES PH 21-21 - Ben Levitz email 2-5-21, 28. RES PH 21-21 - Michael Lukes email 2-9-21, 29. RES PH 21-21 - Mohammad Mujtaba Methani email 2-9-21, 30. RES PH 21-21 - Colette Ricci email 2-9-21, 31. RES PH 21-21 - Fernando Rodriguez email 2-2-21, 32. RES PH 21-21 - John Schardt voice mail 2-8-21, 33. RES PH 21-21 - Travis Stratton email 2-8-21, 34. RES PH 21-21 - Paige Tighe email 2-8-21, 35. RES PH 21-21 - Herb Touseley email 2-9-21, 36. RES PH 21-21 - Miriam Lea Ziven email 2-7-21, 37. RES PH 21-21 - Several Parties email 2-9-21, 38. RES PH 21-21 - Unknown person email 2-10-21 |                      |              |

| Date      | Ver. | Action By      | Action             | Result |
|-----------|------|----------------|--------------------|--------|
| 2/12/2021 | 1    | Mayor's Office | Signed             |        |
| 2/10/2021 | 1    | City Council   | Adopted As Amended | Pass   |

Approving the application of Kraus Anderson Construction Company and Ramsey Company for a sound level variance for the 2383 University Apartments Construction Project from February 11, 2021 through March 21, 2021.

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, Kraus Anderson Construction Company and Ramsey Company, represented by Jason Korst, Superintendent, who has been designated as the responsible person on the application, has applied for a variance, at a requested sound level limit of 85 decibels to 125 decibels, at no specified distance, for

construction work related to the driving of sheet piling for building structure basement footprint perimeter at 2383 University Avenue West. Construction work is planned for February 11, 2021, or date following City Council approval through March 21, 2021 to allow elevated sound levels from 7:00 a.m. until 5:00 p.m. for activities such as sheet piling driving with heavy construction equipment; and

WHEREAS, in order to meet required project completion and to minimize disruption to traffic on the described project areas, area businesses, the public, adjoining residents and property owners, the applicant is seeking a sound level variance from 7:00 a.m. until 5:00 p.m. at a requested sound level limit of 85 decibels to 125 decibels (dBA) sound level limit, from February 11, 2021, or date following City Council approval through March 21, 2021; and

WHEREAS, if applicant is not granted a variance, Kraus Anderson Construction Company and Ramsey Company will not be able to operate sheet piling equipment needed to complete the required building structure basement footprint perimeter construction work at 2383 University Avenue; 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 Kraus Anderson Construction Company and Ramsey Company, subject to the following conditions:

1. The Variance will be for sheet piling driving activities at 2383 University Avenue, from Thursday, February 11, 2021, or the date following City Council approval through Sunday, March 21, 2021.
2. The Variance will include elevated sound level limits from 7:00 a.m. until 5:00 p.m. from Thursday, February 11, 2021 or the date following City Council approval through Sunday, March 21, 2021.
3. If the sound level variance is approved, Kraus Anderson Construction Company and Ramsey Company will notify in writing, all property owners/residents within 400 feet of the proposed work location. Notification shall be a minimum of forty-eight (48) hours prior to the start of the work.
4. 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, Kraus Anderson Construction Company and Ramsey Company, or its designee shall notify DSI and make a good faith effort to inform property owners/residents within 400 feet of the work location. Notification to DSI and property owners may be done after the work has begun or, if possible, before the work has started.
5. The contractors working on the project will use best practicable methods for controlling noise such as, but not limited to, noise blankets, shields or portable sound barriers. Construction activities will be scheduled to minimize noise as much as possible in the late night and early morning hours. Jackhammers, pavement breakers, pile drivers and any similar type of equipment should be fitted with manufacturer's approved exhaust mufflers. Vehicles operating early morning or later in the day should be equipped with ambient sensitive back-up warning devices or similar devices. Back-up observers, in lieu of back-up warning devices, should be considered if allowed by Federal or State regulations. When practical, loud activities will be performed during the day.

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.

Kraus Anderson Construction Company and Ramsey Company, represented by Jason Korst, Superintendent, has requested an exemption from the sound level limitations in Chapter 293.07 for sheet piling driving at a 2383 University Apartments Construction site at 2383 University Avenue, for the period beginning Thursday,

February 11, 2021 or the date following City Council approval, through Sunday, March 21, 2021.

Was proper notice given? YES - See Attachments