



Legislation Text

File #: RES PH 13-196, **Version:** 1

Approving the application of PCL Construction for a sound level variance in order to use various construction equipment for site demolition/construction of 46 Fifth Street East from 7:00 a.m. to 10:00 p.m. from August 22, 2013 to April 1, 2014.

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, PCL Construction, represented by Chris Hauck, Project Engineer, who has been designated as the responsible person on the application, has applied for a variance to use various construction equipment for site demolition/construction of 46 - 5th Street East from 7:00 a.m. to 10:00 p.m. from August 22, 2013 to April 1 2014; and

WHEREAS, if applicant is not granted a variance, it will not be able to operate general construction/demolition equipment and domestic power tools to do the needed for demolition/construction work on 46 - 5th Street East; 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 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 grant of a sound level variance, in addition to any criminal citation which might issue.

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

- 1) PCL Construction shall take all practical steps available to minimize the noise levels during this period which do not otherwise unduly hinder the project or unreasonably increase the costs of the project.
- 2) The use of jack hammers, pile drivers, and similarly loud activities shall be limited to the time period of 7:00 a.m. to 5:00 p.m.
- 3) The sound level variance is granted for August 22, 2013 to September 19, 2013.

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 grant of a sound level variance, in addition to any criminal citation which might issue.

PCL Construction, represented by Chris Hauck, Project Engineer, has requested an exemption from the sound level limitations in Chapter 293.07 in order to use various construction equipment for site demolition/construction of 46 - 5th Street East from 7:00 a.m. to 10:00 p.m. from August 22, 2013 to April 1 2014. However, the use of jack hammers, pile drivers, and similarly loud activities shall be limited to the time

period of 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