



## Legislation Text

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**File #:** RES PH 14-8, **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 Lowertown Ballpark building excavation at Fifth Street East and Broadway Street, for a period of two (2) to six (6) days between February 24, 2014 and March 28, 2014, working from 8:00 a.m. to 5:00 p.m., with no pile driving on Saturdays or Sundays.

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 the Lowertown Ballpark site along 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 8:00 AM to 5:00 PM between February 24, 2014 and March 28, 2014 and is expecting that the pile driving will be completed in a total of two (2) to six (6) days; 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 work at the Lowertown Ball Park site along the east side of Broadway Street, between 5<sup>th</sup> Street East and 6<sup>th</sup> Street East.
- 2) Veit and Company Inc. will be allowed to request up to six (6) pile driving work periods of 8:00 AM to 5:00 PM from February 24, 2014 to March 28, 2014, not including Saturdays or Sundays.
- 3) The Council of the City of Saint Paul hereby grants the Department of Safety and Inspections the authority to approve up to six (6) pile driving work periods.
- 4) When the 8:00 AM to 5:00 PM pile driving work periods are needed, a Veit and Company representative shall submit a written request to the Department of Safety and Inspections.

A. Requests must be received by the Department of Safety and Inspections a minimum of two (2) work days before the property owner notification required in condition number five (5).

B. The request must include, but not be limited to, the date(s) the pile driving will occur, the name and phone number of the person making the request, description of the pile driving activities and the name and phone number of the on-site person in charge.

5) Within two (2) working days of receiving an pile driving work request, the Department of Safety and Inspections, shall, in consultation with the City Councilmember representing the area affected by the request, review and approve or deny the specific request and forward a written copy of the determination to the Veit and Company representative.

6) Veit and Company must provide written notice to the residents and businesses within 300 feet of the baseball park construction site at least 48 hours prior to any pile driving activity conducted as part of this variance. Written notice must include a description of the pile driving activities, date(s) that it will occur and the start and end time. Notices shall also include the following statement: "Rental property owners must provide a copy of this notice to all renters or post a copy in a common area of the building so it can be viewed by the occupants."

7) Veit and Company must ensure that the best practicable methods are used for controlling noise such as the use of a vibratory hammer when possible or other equipment or processes that can minimize the noise.

8) Veit and Company must provide copies of the approved pile driving work request to all contractors that will be conducting the pile driving. Copies of the approved request must be maintained at the work location and be available for review by the City of Saint Paul Police or inspection personnel during the time period approved. Failure to have a copy of the approved request available at the work location may result in a citation and/or shut down of work activities.

9) The Department of Safety and Inspections may, at its discretion, withdraw approval of any pile driving work period request.

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 a variance from the sound level limitations in Chapter 293.07 in order to allow pile driving of beams for retaining wall shoring during Lowertown Ballpark building excavation at 5<sup>th</sup> Street East and Broadway Street. The request is from 8:00 a.m. to 5:00 p.m. between February 24, 2014 and March 28, 2014. The applicant indicates that this work should take two (2) to six (6) days to complete. To reduce the impact on nearby residents, DSI is recommending the following conditions. That the variance pile driving work hours should be from 8:00 AM to 5:00 PM., for up to six (6) pile driving work periods and no pile driving on Saturdays and Sundays between February 24, 2014 and March 28, 2014. 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