



Legislation Text

File #: RES PH 21-304, **Version:** 1

Approving the application of 594 Mkt LLC/TJL Development for a sound level variance for the installation of a soil retention system in preparation for a new Apartment Building Construction Project at 594 Selby Avenue, work to be done from November 11-15, 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, 594 Mkt LLC/TJL Development, represented by Jim LaValle, Member, who has been designated as the responsible person on the application, has applied for a variance, at no specific sound level limit, noted as varied, sometimes loud, and at no specified distance, for construction work related to the driving of sheet piling and installation of a soil retention system in preparation for the building structure at 594 Selby Avenue. Construction work is planned for Thursday, November 11-15, 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 an unspecified sound level limit or distance, from November 11- November 15, 2021; and

WHEREAS, if applicant is not granted a variance, 594 Mkt LLC/TJL Development will not be able to operate sheet piling equipment needed to complete the required soil retention system installation in preparation for the building structure work at 594 Selby 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 594 Mkt LLC/TJL Development, subject to the following conditions:

1. The Variance will be for sheet piling driving activities at 594 Selby Avenue, from Thursday, November 11, 2021 through Monday, November 15, 2021.
2. The Variance will include elevated sound level limits from 7:00 a.m. until 5:00 p.m. from Thursday, November 11, 2021 through Monday, November 15, 2021.
3. If the sound level variance is approved, 594 Mkt LLC/TJL Development 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, 594 Mkt LLC/TJL Development, 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.

594 Market LLC/TJL Development, represented by Jim LaValle, Member, has requested an exemption from the sound level limitations in Chapter 293.07 for sheet piling driving at a 594 Selby Avenue Construction site, for the period beginning Thursday, November 11, 2021 through Monday, November 15, 2021.

Was proper notice given? YES - See Attachments