



THE CITY OF KEY WEST

Post Office Box 1409 Key West, FL 33041-1409 (305) 809-3700

EXECUTIVE SUMMARY

TO: Patti McLauchlin, Interim City Manager

FROM: Karen Olson, Deputy Director Port & Marine Services

DATE: April 19, 2021

SUBJECT: Temporary Waiver to Noise Control Ordinance

ACTION STATEMENT

Resolution approving a Temporary Waiver to the Noise Control Ordinance pursuant to Subpart A, Chapter 26, Article IV, Sec. 26-199(a)(2) of the City of Key West Code of Ordinances for the duration of construction contract for spalling repair to 201 William Street to DL Porter Constructors, Inc..

BACKGROUND

201 William Street houses City offices, the Waterfront Brewery and four small retail shops. The structural condition of the building has deteriorated due to a harsh coastal environment and a structural assessment outlined significant to heavy damage requiring immediate attention. The repairs will include full replacement of 34 concrete columns and approximately 220 linear feet of concrete tie-beam. These repairs will include the use of jackhammers and concrete saws to remove the damaged structural members.

The construction contract requires the contractor to have the ability to perform work outside of normal business hours as noise disruption shall be minimized at entrances of businesses and seating areas, requiring some work to start and end earlier than normal. Also, the Contract Documents dictate the Contractor is to sequence noisy activities (95 decibels or greater), within 50 feet of a food consumption area, before business hours.

PURPOSE & JUSTIFICATION

Pursuant to Subpart A, Chapter 26, Article IV, Sec. 26-199(a)(2) of the City of Key West Code of Ordinances, (a) Any person who owns or operates a sound source, or intends or desires to operate or maintain a sound source, for one of the following purposes may apply for a temporary waiver from the city commission: (2) Nighttime Construction Projects.

MEMORANDUM

Seaport Staff requests a temporary waiver allowing the contractor to begin construction as early as 4 am and work as late as 10 pm Monday through Saturday. This temporary waiver will provide the Contractor the ability to perform work outside of normal business hours to minimize the noise disruption at business entrances and seating areas. The proposed hours will allow the contractor to sequence demolition activities around consumption areas and other tenant activities such as day trip check-ins. Approving the temporary waiver will help minimize the impact the project will have on our tenant's normal business operations.

Nature/Location of Noise Source

Construction activities operating equipment for the demolition/removal of structural concrete columns and tie-beams at 201 William Street.

Reason for Request

These construction activities will have an adverse impact on the Seaport tenants. Allowing work outside of normal business hours will help expedite this necessary project, lessening the impact on our tenants.

Nature/Intensity of Noise

Concrete demolition activities utilizing jackhammers and concrete saws with noise levels of 130db and 112db respectively.

Interim Noise Control Measures

Installation of sound attenuation tenting and draping encompassing areas of work.

Requested Temporary Waiver Hours & Duration

4:00am – 8:00am and 7:00pm – 10:00pm Monday through Friday

4:00am – 9:00am and 5:00pm – 10:00pm Saturday

July 1, 2021 through January 5, 2022 (180 calendar days excluding public holidays)

Responsible Party

Gary A. Loer, President
DL Porter Constructors, Inc.
6574 Palmer Park Circle
Sarasota, FL 34238
garyloer@dlporter.com
(941) 929-9400

Notice and advertisement has been made in accordance with Subpart A, Chapter 26, Article IV, Sec. 26-199(g) of the City of Key West Code of Ordinances.

FINANCIAL IMPACT

There is no financial impact to the City, but the temporary waiver will allow Seaport tenants to resume normal operations sooner.

RECOMMENDATION

Staff recommends approving a Temporary Waiver to the Noise Control Ordinance pursuant to Subpart A, Chapter 26, Article IV, Sec. 26-199(a)(2) of the City of Key West Code of Ordinances for the duration of construction contract for spalling repair to 201 William Street to DL Porter Constructors, Inc..