

BEFORE THE ENVIRONMENTAL  
PROTECTION BOARD OF THE CITY OF  
JACKSONVILLE

IN RE: Application for Noise Variance of

**Mandarin Properties I, LLC**

**ORDER APPROVING APPLICATION FOR NOISE VARIANCE**

This matter came to be heard upon the Application for Noise Variance filed by RISE General Contractors, LLC (“Agent”), on behalf of Mandarin Properties I, LLC the owner of certain real property located at 12397 San Jose Boulevard, RE Nos. 159136-0010, 158187-0000, 159137-0000, and 159135-0000 (“Applicant”), seeking a variance from 1) Jacksonville Environmental Protection Board (JEPB) Rule 4.209A. to operate construction and maintenance equipment during nighttime hours, 2) JEPB Rule 4.209C. to operate construction equipment during daytime hours in exceedance of sound levels established by rule, and 3) JEPB Rule 4.208 to allow operations with impulsive sounds that exceed sound levels established by rule<sup>1</sup>.

Having duly considered both the testimonial and documentary evidence presented at the public hearing on June 7, 2021, including the Report of the Environmental Quality Division and the attachments thereto (“Staff Report”), a copy of which is attached as **Exhibit A**, the Environmental Protection Board of the City of Jacksonville hereby:

**FINDS AND DETERMINES:**

1. That the Applicant has complied with all application requirements set forth in Section 360.111 of the Jacksonville Ordinance Code.
2. That the need for the variance applied for arises out of a necessity to relieve or prevent a hardship and is based on sound technical, economic, or environmental data.
3. That the record contains sufficient substantial competent evidence to demonstrate that the Application meets, to the extent applicable and as modified by any conditions contained herein, the standards and criteria set forth in Section 360.111 of the Jacksonville Ordinance Code and that just cause exists to grant the variance.
4. That the findings and recommendations in the Staff Report for the Application, to the extent consistent with this **Order**, are hereby adopted and incorporated herein.
5. That the land to which this variance is granted is owned by Mandarin Properties I, LLC.

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<sup>1</sup> Environmental Quality Division staff determined during its technical review of the Petition that a variance from JEPB Rule 4.208 is necessary to conduct daytime operations.

**NOW THEREFORE**, it is **ORDERED** by the Environmental Protection Board:

The Application for Noise Variance is hereby **APPROVED** and a variance is hereby **GRANTED** to Mandarin Properties I, LLC, allowing for a variance to 1) JEPB Rule 4.209A. to operate construction and maintenance equipment during nighttime hours, 2) JEPB Rule 4.209C. to operate construction equipment during daytime hours in exceedance of sound levels established by rule, and 3) JEPB Rule 4.208 to allow operations with impulsive sounds that exceed sound levels established by rule, subject to the following restrictions and conditions:

1. This variance establishes a maximum noise level of 70 dBA for nighttime construction activities, and 70 dBA for daytime construction operations, as measured from any residential receptor, and 80 dBA as measured from any commercial receptor.
2. All equipment shall be fitted with proper exhaust systems and silencers as required by Rule 4.209 D.
3. Nighttime construction activities shall be limited to those activities necessary for concrete pours.
4. Construction equipment operated before 7:00 A.M., including concrete pump trucks, concrete mixer trucks, forklifts, loaders, etc., must have the traditional single frequency backup alarm either disabled (and use of a flagman, as allowed by OSHA), or replaced with an OSHA approved broadband (white noise) backup alarm.
5. Concrete pump trucks operated before 7:00 A.M. must not use the vehicle or other horn for signaling the start and stop of pumping.
6. Concrete mixer trucks must not air off on or near the construction site before 7:00 A.M.
7. Concrete mixer trucks used for concrete pours before 7:00 A.M. must be staged as far from residential properties as practical.
8. To minimize disturbance to residences and to the extent practical, the contractor must attempt to route concrete trucks used for concrete pours before 7:00 A.M. away from residences and shall instruct drivers (by voice or sign) to minimize acceleration while near the site.
9. The staff of the Environmental Quality Division is granted the ability to require additional noise mitigation measures if conditions warrant.
10. The Applicant shall provide the following communications to residents of sensitive receptors:

- a. Provide notification, by written or electronic means, to each residential property within 200 meters of the closest anticipated location that a concrete pump truck will be situated. The notification will be provided at least 48 hours in advance of each anticipated nighttime concrete pour.
  - b. Signage announcing upcoming nighttime construction activity displayed on site in locations visible to area residents and businesses.
  - c. Contact information for a 24-hour noise complaint hotline
11. The Applicant shall provide a monthly status report regarding the construction project to the Air and Odor Committee via email to [epb@coj.net](mailto:epb@coj.net). The status report shall include, at a minimum:
- a. The report should be for the previous months activities and be received on or before the 10th day of the month (i.e., June 10th for the month of May, July 10th for the month of June, etc.).
  - b. Number of complaints, if any, and a plan for remediation or corrective action in response to complaints, if necessary.
  - c. Project progress, including any substantial changes.
12. This variance shall expire on August 21, 2022.

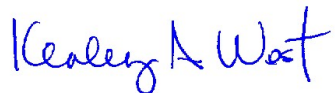
Executed on this 8<sup>th</sup> day of June 2021.



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David Wood  
Chairman,  
Environmental Protection Board

FORM APPROVED:



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Kealey A. West  
Assistant General Counsel

Copies to:

**Applicant/Owner:**

Mandarin Properties I, LLC  
129 North Patterson Street  
Valdosta, GA 31601

**Agent:**

RISE Gernal Contractors, LLC  
4312 Oablo Professional Court  
Jacksonville, FL 32224

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