



## Legislation Details (With Text)

**File #:** RES PH 22- 274      **Version:** 1

**Type:** Resolution-Public Hearing      **Status:** Passed

**In control:** City Council

**Final action:** 9/21/2022

**Title:** Approving the application of Meritage Restaurant for a sound level variance in order to present amplified sound during Oysterfest on October 9, 2022 at 99 6th Street West (Hamm Memorial Plaza).

**Sponsors:** Rebecca Noecker

**Indexes:** Ward - 2

**Code sections:**

**Attachments:** 1. Application, 2. ENS, 3. Map, 4. Owners list, 5. Notice to Owner, 6. Letter to Applicant

Date	Ver.	Action By	Action	Result
9/22/2022	1	Mayor's Office	Signed	
9/21/2022	1	City Council	Adopted	Pass

Approving the application of Meritage Restaurant for a sound level variance in order to present amplified sound during Oysterfest on October 9, 2022 at 99 6<sup>th</sup> Street West (Hamm Memorial Plaza).

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, Meritage Restaurant, represented by Kelly Zarth, Operations Manager, who has been designated as the responsible person on the application, has applied for a variance, for a requested sound level limit of 90 dBA at no specified distance, to present amplified sound at Hamm Memorial Plaza - 99 6<sup>th</sup> Street West: and

WHEREAS, applicant has requested a variance for the hours of 12:00 p.m. to 6:00 p.m. with a pre-event soundcheck at 11:00 a.m. on October 9, 2022 for the Oysterfest; and

WHEREAS, if applicant is not granted a variance applicant will not be able to present amplified sound at Hamm Memorial Plaza - 99 6<sup>th</sup> Street West; 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 Meritage Restaurant, subject to the following conditions:

- 1) The Variance shall be for the hours of 12:00 p.m. to 6:00 p.m. with a pre-event soundcheck at 11:00 a.m. on Sunday, October 9, 2022.
- 2) All electronically powered equipment used in conjunction with the event shall not exceed 85 dBA as

measured at 50 feet from all sound sources.

- 3) The applicant shall provide personnel and equipment who shall provide continuous sound level monitoring at each sound source during the hours of the variance.
- 4) All electronically powered equipment, PA systems, loudspeakers or similar devices shall be turned off no later than 6:00 p.m. October 9, 2022, the event date.

FURTHER RESOLVED, that any violations of the conditions set forth above on the October 9, 2022 date may result in denial of future requests for the grant of a noise variance, in addition to any criminal citation which might issue.

Meritage Restaurant, represented by Kelly Zarth, Operations Manager, has requested an exemption from the sound level limitations in Chapter 293.07 in order to present amplified sound, with limitations, from 12:00 p.m. to 6:00 p.m. with a pre-event soundcheck at 11:00 a.m. on October 9, 2022. 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