



Legislation Details (With Text)

File #: RES PH 22- 305 **Version:** 1

Type: Resolution-Public Hearing **Status:** Passed
In control: City Council
Final action: 10/12/2022

Title: Approving the application of Monster Series LLC for three sound level variances in order to present amplified sound on October 29, 2022 at 180 Shepard Rd. -Upper Landing Park, SW Corner, Shephard Road underneath the Smith Avenue Bridge, and Summit Avenue near the Cathedral;

Sponsors: Russel Balenger, Rebecca Noecker

Indexes: Ward - 1, Ward - 2

Code sections:

Attachments: 1. Application, 2. ENS#1, 3. Map - Shepard Rd underneath Smith Ave Bridge, 4. Map - Summit Ave near Cathedral (startline), 5. Map - Upper Landing Park, 6. Owner list - Smith Ave Bridge, 7. Owner list - Summit Ave near Cathedral, 8. Owner list - Upper Landing Park, 9. Notice to Owners - Shepard Rd underneath the Smith Ave Bridge, 10. Notice to Owners - Summit Ave near Cathedral (start line), 11. Notice to Owners - Upper Landing Park, 12. Letter to Applicant

Date	Ver.	Action By	Action	Result
10/13/2022	1	Mayor's Office	Signed	
10/12/2022	1	City Council	Adopted	Pass

Approving the application of Monster Series LLC for three sound level variances in order to present amplified sound on October 29, 2022 at 180 Shepard Rd. -Upper Landing Park, SW Corner, Shephard Road underneath the Smith Avenue Bridge, and Summit Avenue near the Cathedral;

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, Monster Series LLC, represented by John Larson, Executive Director, who has been designated as the responsible person on the application, has applied for three variances, for a requested sound level limit of 85 dBA at 50 ft to present amplified sound at 180 Shepard Rd. -Upper Landing Park, SW Corner, Shephard Road underneath the Smith Avenue Bridge, and Summit Avenue near the Cathedral, 239 Selby Avenue; and

WHEREAS, applicant has requested the variances for the hours of 8:00 a.m. to 1:00 p.m. on October 29, 2022 for a Monster Dash event; and

WHEREAS, if applicant is not granted a variance applicant will not be able to present amplified sound at 180 Shepard Rd. -Upper Landing Park, SW Corner, Shephard Road underneath the Smith Avenue Bridge, and Summit Avenue near the Cathedral; 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 Monster Series LLC, subject to the following conditions:

- 1) The Variance shall be for the hours of 8:00 a.m. to 1:00 p.m. on Saturday, October 29, 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 site for 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 1:00 p.m. October 29, 2022, the event date.

FURTHER RESOLVED, that any violations of the conditions set forth above on the October 29, 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.

Monster Series LLC, represented by John Larson, has requested an exemption from the sound level limitations in Chapter 293.07 in order to present amplified sound, with limitations, from 8:00 a.m. until 1:00 p.m. on October 29, 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