



Legislation Details (With Text)

File #: RES PH 19- 182 **Version:** 1

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In control: City Council

Final action: 6/26/2019

Title: Approving the application of the United Hmong Family and Lao Family Foundation for a sound level variance to provide amplified sound on Saturday, July 6 and Sunday, July 7, 2019 for the Hmong International Freedom Festival at Como Park, Como Pool Area.

Sponsors: Amy Brendmoen

Indexes: Ward - 5

Code sections:

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

| Date | Ver. | Action By | Action | Result |
|-----------|------|----------------|---------|--------|
| 7/2/2019 | 1 | Mayor's Office | Signed | |
| 6/26/2019 | 1 | City Council | Adopted | Pass |

Approving the application of the United Hmong Family and Lao Family Foundation for a sound level variance to provide amplified sound on Saturday, July 6 and Sunday, July 7, 2019 for the Hmong International Freedom Festival at Como Park, Como Pool Area.

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, United Hmong Family and Lao Family Foundation, represented by Peter Pha, who has been designated as the responsible person on the application, has applied for a variance, at a requested sound level limit of 120 dBA at no specified distance, for the hours of 8:00 a.m. to 8:00 p.m. on Saturday July 6 and Sunday July 7, 2019 with a pre-event sound check on Friday, July 5, 2019 from 3:00 p.m. until 6:00 p.m., to provide amplified music and announcements at the Como Park, Como Pool Area, Beer Garden Tent and VIP Tent at 1155 Jessamine Avenue W.; and

WHEREAS, applicant is seeking a variance for the hours of 8:00 a.m. until 8:00 p.m. on Saturday, July 6 and Sunday, July 7, 2019 during the Hmong Int'l Freedom Festival; and

WHEREAS, if applicant is not granted a variance they will not be able to provide amplified music and announcements at the Hmong Int'l Freedom Celebration, by the Como Pool Area at 1155 Jessamine Avenue W.; 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 sound level variance to the United

Hmong Family and Lao Family Foundation, subject to the following conditions:

- 1) The Variance will only be for the hours of 8:00 a.m. until 8:00 p.m. on Saturday, July 6 and Sunday, July 7, 2019, with a pre-event sound check Friday, July 5, 2019 from 3:00 p.m. until 6:00 p.m.
- 2) All electronically powered equipment, PA systems, loudspeakers or similar devices used in conjunction with the event must not exceed 90 dBA as measured at 50 feet from any stage.
- 3) All electronically powered equipment, PA systems, loudspeakers or similar devices used in the merchandise areas and on or near the sporting event fields, must not exceed 75 dBA as measured at the nearest residential receiver.
- 4) The applicant will provide personnel and equipment, who will conduct sound level monitoring during the event, to ensure compliance with the variance conditions.
- 5) All electronically powered equipment, PA systems, loudspeakers or similar devices must be turned off no later than 8:00 p.m. on each event date.

FURTHER RESOLVED, that any violations of the conditions set forth above on the first date may result in revocation of the grant of a variance for the subsequent date, in addition to any criminal citation which might issue.

The United Hmong Family and Lao Family Foundation, represented by Peter Pha, has requested an exemption from the sound level limitations in Chapter 293.07 in order to provide amplified sound, with limitations, from 8:00 a.m. until 8:00 p.m. on July 6 and July 7, 2019 during the Hmong Int'l Freedom Festival at the Como Park, Pool Area, 1155 Jessamine Avenue West. 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