



Legislation Details (With Text)

File #: RES PH 24- 100 **Version:** 1

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

In control: City Council

Final action: 5/8/2024

Title: Approving the application of Grand Avenue Business Association for a sound level variance in order to present amplified sound on June 2, 2024 along Grand Avenue from Dale Street to 1647 Grand Avenue with events at 1647 Grand Avenue, 1055-1071 Grand Avenue, 857 Grand Avenue, 788 Grand Avenue, 734 Grand Avenue, and 733-791 Grand Avenue.

Sponsors: Rebecca Noecker

Indexes: Ward - 2

Code sections:

Attachments: 1. Application, 2. ENS, 3. Maps, 4. Notice to Owners, 5. Owners List, 6. Letter to Applicant, 7. Sherylgn Ogden public comment, 8. Richard Laffin public comment, 9. Stephen Brookfield public comment

| Date | Ver. | Action By | Action | Result |
|----------|------|----------------|---------|--------|
| 5/9/2024 | 1 | Mayor's Office | Signed | |
| 5/8/2024 | 1 | City Council | Adopted | Pass |

Approving the application of Grand Avenue Business Association for a sound level variance in order to present amplified sound on June 2, 2024 along Grand Avenue from Dale Street to 1647 Grand Avenue with events at 1647 Grand Avenue, 1055-1071 Grand Avenue, 857 Grand Avenue, 788 Grand Avenue, 734 Grand Avenue, and 733-791 Grand Avenue.

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, Grand Avenue Business Association, represented by Chris Jensen, GABA President, who has been designated as the responsible person on the application, has applied for a variance, for 95 dBA at 100 feet to present amplified sound for the Grand Old Day along Grand Avenue from Dale Street west to 1647 Grand Avenue with events at 1647 Grand Ave, 1055-1071 Grand Ave, 857 Grand Ave, 788 Grand Ave, 734 Grand Ave, and 733-791 Grand Ave; and

WHEREAS, applicant has requested a variance for the hours of 8:00 a.m. to 6:00 p.m., on June 2, 2024 for Grand Old Day; and

WHEREAS, if applicant is not granted a variance applicant will not be able to present amplified sound along Grand Avenue from Dale Street west to 1647 Grand Avenue with events at 1647 Grand Ave, 1055-1071 Grand Ave, 857 Grand Ave, 788 Grand Ave, 734 Grand Ave, and 733-791 Grand Ave; 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 Grand Avenue Business Association, subject to the following conditions:

- 1) The Variance shall be for the hours of 8:00 a.m. to 6:00 p.m. on Sunday, June 2, 2024 for Grand Old Day.
- 2) All electronically powered equipment used in conjunction with the event shall not exceed 90 dBA 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. on June 2, 2024, the event date.

FURTHER RESOLVED, that any violations of the conditions set forth above on the June 2, 2024 date may result in denial of future requests for the grant of a noise variance, in addition to any criminal citation which might issue.

Grand Avenue Business Association, represented by GABA President, Chris Jensen, 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. to 6:00 p.m. on June 2, 2024. 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