



Legislation Details (With Text)

**File #:** RES PH 18- 298      **Version:** 1

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

**In control:** City Council

**Final action:** 10/3/2018

**Title:** Approving the application of Final Stretch Inc. for a sound level variance to present outdoor music and announcements for the Unleash the SHE 5K/10K Event on Sunday, October 14, 2018 at Lake Phalen Park.

**Sponsors:** Dan Bostrom

**Indexes:** Ward - 6

**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
10/8/2018	1	Mayor's Office	Signed	
10/3/2018	1	City Council	Adopted	Pass

Approving the application of Final Stretch Inc. for a sound level variance to present outdoor music and announcements for the Unleash the SHE 5K/10K Event on Sunday, October 14, 2018 at Lake Phalen Park.

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, Final Stretch, Inc., represented by Nate Utpadel, Logistics Coordinator, who has been designated as the responsible person on the application, has applied for a variance, at a requested sound level limit of 100 decibels (dBA) at no specified distance, to present outdoor music and announcements at the Lake Phalen Park Picnic Shelter during the Unleash the SHE 5K/10K Race; and

WHEREAS, applicant is seeking a variance for the hours of 8:30 a.m. to 12:00 p.m., on Sunday, October 14, 2018; and

WHEREAS, if applicant is not granted a variance applicant will not be able to present outdoor music and announcements at Lake Phalen Park; 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 Final Stretch Inc., subject to the following conditions:

- 1) The Variance shall be for the hours of 8:30 a.m. to 12:00 p.m. on Sunday, October 14, 2018.

- 2) All electronically powered equipment used in conjunction with the event shall not exceed 85 dBA, as measured at 50 feet from the noise source.
- 3) The applicant shall provide personnel and equipment who shall provide continuous sound level monitoring at all stages and each sound mix during the hours of the variance.
- 4) All electronically powered equipment, PA systems, loudspeakers or similar devices shall be turned off no later than 12:00 p.m. on October 14, 2018.

FURTHER RESOLVED, that any violations of the conditions set forth above on the October 14, 2018 event date may result in denial of future requests for the grant of a noise variance, in addition to any criminal citation which might issue.

Final Stretch, Inc., represented by Nate Utpadel, has requested an exemption from the sound level limitations in Chapter 293.07 in order to present outdoor music and announcements, with limitations, from 8:30 a.m. to 12:00 p.m. on Sunday, October 14, 2018 at the Lake Phalen Park Picnic Shelter during a charitable Unleash the SHE 5K/10K event. 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