



Legislation Details (With Text)

**File #:** RES PH 14- 154      **Version:** 1  
**Type:** Resolution-Public Hearing      **Status:** Passed  
**In control:** City Council  
**Final action:** 6/11/2014

**Title:** Approving the application of the Asian Economic Development Association for a sound level variance in order to present various activities such as amplified music, performances, poetry, and announcements on an outdoor stage at the Little Mekong Night Market, 394 University Avenue West, from 5:00 p.m. to 10:00 p.m. on five (5) Saturdays, June 14, July 5, July 26, August 16 and September 6, 2014.

**Sponsors:** Dai Thao

**Indexes:** Ward - 1

**Code sections:**

**Attachments:** 1. Application, 2. ENS, 3. Map, 4. Notice to District Council, 5. Notice to Property Owners, 6. List of Property Owners, 7. Letter to Applicant, 8. sound variance letter of support, 9. Commissioner Carter letter of support

Date	Ver.	Action By	Action	Result
6/17/2014	1	Mayor's Office	Signed	
6/11/2014	1	City Council	Adopted	Pass

Approving the application of the Asian Economic Development Association for a sound level variance in order to present various activities such as amplified music, performances, poetry, and announcements on an outdoor stage at the Little Mekong Night Market, 394 University Avenue West, from 5:00 p.m. to 10:00 p.m. on five (5) Saturdays, June 14, July 5, July 26, August 16 and September 6, 2014.

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, the Asian Economic Development Association, represented by Oskar Ly, Artist Organizer, who has been designated as the responsible person on the application, has applied for a sound level variance in order to present various activities such as amplified music, performances, poetry, and announcements, on an outdoor stage, located at the Little Mekong Night Market at 394 University Ave West; and

WHEREAS, applicant is seeking a variance for the hours of 5:00 p.m. to 10:00 p.m. on five (5) Saturdays, June 14<sup>th</sup>, July 5<sup>th</sup>, July 26<sup>th</sup>, August 16<sup>th</sup> and September 6<sup>th</sup>, 2014 at the Little Mekong Market; and

WHEREAS, if the applicant is not granted a variance, it will not be able to present various activities such as amplified music, performances, poetry, and announcements, on an outdoor stage, located at the Little Mekong Night Market, 394 University Ave 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 the Asian Economic Development Association, subject to the following conditions:

1. The variance will be for the Little Mekong Night Market at 394 University Ave West from 5:00 p.m. to 10:00 p.m. on five (5) Saturdays, June 14<sup>th</sup>, July 5<sup>th</sup>, July 26<sup>th</sup>, August 16<sup>th</sup> and September 6<sup>th</sup>, 2014.
2. All electronically powered equipment, PA systems, loudspeakers or similar devices used in conjunction with the event must not exceed 85 dBA as measured 50 feet from sound source.
3. The applicant will provide personnel and equipment to ensure compliance with the sound level variance conditions.
4. All electronically powered equipment, PA systems, loudspeakers or similar devices must be turned off no later than 10:00 p.m. on the dates indicated in condition 1.
5. The Asian Economic Development Association must maintain a copy of the approved sound level variance at the event location and have it available for review by the City of Saint Paul Police or inspection personnel.

FURTHER RESOLVED, that any violation of the conditions set forth above may result in revocation of this variance for any subsequent dates and/or the denial of any future variance requests, in addition to any criminal citation which might issue.

The Asian Economic Development Association, represented by Oskar Ly, Artist Organizer, has requested an exemption from the sound level limitations in Chapter 293 to be able to present various activities such as amplified music, performances, poetry, and announcements, on an outdoor stage, located at the Little Mekong Night Market, 394 University Avenue West from 5:00 p.m. to 10:00 p.m. on five (5) Saturdays, June 14<sup>th</sup>, July 5<sup>th</sup>, July 26<sup>th</sup>, August 16<sup>th</sup> and September 6<sup>th</sup>, 2014. 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