



Legislation Details (With Text)

File #: RES PH 19- 355 **Version:** 1

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

In control: City Council

Final action: 10/23/2019

Title: Approving the application of Monster Series LLC - Monster Dash Event for sound level variances for amplified sound on October 26, 2019 at five locations (Cathedral Hill Park, Shepard Road between Homer and Elway, Shepard Road between Smith Avenue Bridge and Washington Street, Upper Landing Park, and Lower Landing).

Sponsors: Rebecca Noecker

Indexes: Ward - 2

Code sections:

Attachments: 1. Application, 2. ENS, 3. Map - between Nina and Cathedral Hill Park, 4. Owners List - between Nina and Cathedral Hill Park, 5. Notice to Owners - between Nina and Cathedral Hill Park, 6. Map - Lower Landing, 7. Owners List - Lower Landing, 8. Notice to Owners - Lower Landing, 9. Map - Shepard Rd between Homer and Elway, 10. Owners List - Shepard Rd between Homer and Elway, 11. Notice to Owners - Shepard Rd between Homer and Elway, 12. Map - Shepard Rd between Smith Ave Bridge and Washington Street, 13. Owners List - Shepard Rd between Smith Ave Bridge and Washington Street, 14. Notice to Owners - Shepard Rd between Smith Ave Bridge and Washington Street, 15. Map - Upper Landing Park, 16. Owners List - Upper Landing Park, 17. Notice to Owners - Upper Landing Park, 18. Letter to Applicant, 19. Resident objections to Monster Dash noise variance

Date	Ver.	Action By	Action	Result
10/25/2019	1	Mayor's Office	Signed	
10/23/2019	1	City Council	Adopted	Pass

Approving the application of Monster Series LLC - Monster Dash Event for sound level variances for amplified sound on October 26, 2019 at five locations (Cathedral Hill Park, Shepard Road between Homer and Elway, Shepard Road between Smith Avenue Bridge and Washington Street, Upper Landing Park, and Lower Landing).

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, Monster Dash Event, represented by Marlene Earll, Assistant Race Director, who has been designated as the responsible person on the application, has applied for five (5) variances, with a requested sound level limit of 85 dBA at no specified distance, to present outdoor amplified music and announcements at multiple locations: Cathedral Hill Park; Shepard Road between Homer-Elway; Shepard Road between Smith Ave. Bridge and Washington St.; Upper Landing Park; and Lower Landing during a Monster Dash Event; and

WHEREAS, applicant is seeking five (5) variances for Saturday, October 26, 2019 for the hours of 8:00 a.m. until 1:00 p.m., with pre-event sound check at 7:45 a.m. at the specified locations, and

WHEREAS, if applicant is not granted a variance, applicant will not be able to present outdoor amplified music and announcements at the five (5) specified locations; 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 Marlene Earll and Monster Series LLC, subject to the following conditions:

- 1) The Variances will be for the Monster Series, LLC - Monster Dash Event in order to present outdoor amplified music and announcements on October 26, 2019 for the hours of 8:00 a.m. until 1:00 p.m., with a pre-event sound check at 7:45 a.m.
- 2) All electronically powered equipment, PA systems, loudspeakers or similar devices used in conjunction with the event will not exceed 85 dBA, as measured 50 feet from any stage or sound source used for music and/or announcements and for the event times and pre-event sound check time as noted:
- 3) The applicant shall provide personnel and equipment to ensure compliance with the variance conditions.
- 4) Speakers and stage must be directed away from residential use properties. Speakers are to be angled towards the river, where applicable.
- 5) All electronically powered equipment, PA systems, loudspeakers or similar devices shall be turned off no later than 1:00 p.m. on the date of the event.

FURTHER RESOLVED, that any violations of the conditions set forth above on the October 26, 2019 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.

Monster Series LLC, Monster Dash Event, represented by Marlene Earll, has requested an exemption from the sound level limitations in Chapter 293.07 in order to present outdoor amplified music and announcements, at five (5) locations: Cathedral Hill Park; Shepard Road between Homer-Elway; Shepard Road between Smith Ave. Bridge and Washington St.; Upper Landing Park; and Lower Landing, for the hours of 8:00 a.m. until 1:00 p.m., with a pre-event sound check at 7:45 a.m. on Saturday, October 26, 2019, during a Monster Dash Race 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