



Legislation Details (With Text)

File #: RES PH 15- 160 **Version:** 1

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

In control: City Council

Final action: 6/17/2015

Title: Approving the application of Calida Cogan, Co-Coordinator, Highland Business Association, Highland Fest, for a sound level variance in order to present live music during Highland Fest on Friday, July 17, 2015 from 4:00 p.m. until 10:00 p.m., with a pre-event sound check at 3:00 p.m.; on Saturday, July 18, 2015 from 10:00 a.m. until 10:00 p.m.; and on Sunday, July 19, 2015 from 10:00 a.m. to 5:00 p.m., at Hillcrest Park, 1978 Ford Parkway.

Sponsors: Chris Tolbert

Indexes: Ward - 3

Code sections:

Attachments: 1. Application, 2. ENS, 3. Map, 4. Notice to District Council, 5. Notice to Property Owners, 6. Property Owner List, 7. Letter to Applicant, 8. HDC Support for HFest Sound Level Variance

Date	Ver.	Action By	Action	Result
6/24/2015	1	Mayor's Office	Signed	
6/17/2015	1	City Council	Adopted	Pass

Approving the application of Calida Cogan, Co-Coordinator, Highland Business Association, Highland Fest, for a sound level variance in order to present live music during Highland Fest on Friday, July 17, 2015 from 4:00 p.m. until 10:00 p.m., with a pre-event sound check at 3:00 p.m.; on Saturday, July 18, 2015 from 10:00 a.m. until 10:00 p.m.; and on Sunday, July 19, 2015 from 10:00 a.m. to 5:00 p.m., at Hillcrest Park, 1978 Ford Parkway.

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 Highland Business Association, Highland Fest, represented by Calida Cogan, Co-Coordinator, who has been designated as the responsible person on the application, has applied for a variance, with a sound level limit request of 85 dBA at 50 feet, to present outdoor music at 1978 Ford Parkway; and

WHEREAS, applicant is seeking a variance for the hours of 4:00 p.m. to 10:00 p.m. , with a pre-event sound check at 3:00 p.m. on Friday, July 17, 2015, from 10:00 a.m. to 10:00 p.m. on Saturday, July 18, 2015 and from 10:00 a.m. to 5:00 p.m. on Sunday, July 19, 2015 for the Highland Fest; and

WHEREAS, if applicant is not granted a variance it will not be able to present outdoor music at 1978 Ford Parkway; 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 Highland Fest, subject to the following conditions:

- 1) The variance will be for the Highland Fest and the hours of 4:00 p.m. to 10:00 p.m., with a pre-event sound check at 3:00 p.m. on Friday, July 17, 2015; from 10:00 a.m. to 10:00 p.m. on Saturday, July 18, 2015, and from 10:00 a.m. until 5:00 p.m. on Sunday, July 19, 2015.
- 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 Friday, July 17, 2015, until 10:00 p.m. on Saturday, July 18, 2015, and until 5:00 p.m. on Sunday, July 19, 2015.

FURTHER RESOLVED, that any violations of the conditions set forth above, may result in denial of any future variances, in addition to any criminal citation which may be issued.

The Highland Fest, represented by Calida Cogan, Co-Coordinator, has requested an exemption from the sound level limitations in Chapter 293.07 in order to present outdoor music, with limitations, from 4:00 p.m. to 10:00 p.m., with a pre-event sound check at 3:00 p.m. for music, on Friday, July 17, 2015, from 10:00 a.m. until 10:00 p.m. on Saturday, July 18, 2015 and from 10:00 a.m. until 5:00 p.m. on Sunday, July 19, 2015 during the Highland Fest at Hillcrest Park, 1978 Ford Parkway. 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