



## Legislation Details (With Text)

**File #:** RES PH 17- 255      **Version:** 1

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

**In control:** City Council

**Final action:** 9/6/2017

**Title:** Approving the application of Meritage Restaurant for a sound level variance in order to present amplified live music for Oysterfest on Sunday, October 8, 2017 at Hamm Plaza, 99 Sixth Street West.

**Sponsors:** Rebecca Noecker

**Indexes:** Ward - 2

**Code sections:**

**Attachments:** 1. Application, 2. ENS, 3. Map, 4. Notice to Owners, 5. List of Owners, 6. Letter to Applicant

Date	Ver.	Action By	Action	Result
9/8/2017	1	Mayor's Office	Signed	
9/6/2017	1	City Council	Adopted	Pass

Approving the application of Meritage Restaurant for a sound level variance in order to present amplified live music for Oysterfest on Sunday, October 8, 2017 at Hamm Plaza, 99 Sixth Street West.

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, Oysterfest, represented by Kelly Hansen, Assistant Director of Operations, who has been designated as the responsible person on the application, has applied for a variance, at a specified sound level limit of 85 dBA at no specified distance, to present amplified live music at Hamm Plaza, 99 6<sup>th</sup> Street West; and

WHEREAS, applicant is seeking a variance for the hours of 12:00 noon to 6:00 p.m., with a pre-event sound check at 11:00 a.m. on October 8, 2017 during Oysterfest; and

WHEREAS, if applicant is not granted a variance applicant will not be able to present amplified music at Hamm Plaza, 99 6<sup>th</sup> Street West between 6<sup>th</sup> & 7<sup>th</sup> Streets; 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 Oysterfest, subject to the following conditions:

- 1) The variance shall be for the hours of 12:00 noon to 6:00 p.m., with a pre-event sound check at 11:00 a.m. on October 8, 2017.

2) All electronically powered equipment used in conjunction with the event shall not exceed 85 dBA as measured at 50 feet from the sound source.

3) The applicant shall provide personnel and equipment who shall provide continuous sound level monitoring at 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 6:00 p.m. on the event date.

FURTHER RESOLVED, that any violations of the conditions set forth above on the October 8, 2017 date may result in denial of future requests for the grant of a noise variance, in addition to any criminal citation which might issue.

Oysterfest, represented by Kelly Hansen, has requested an exemption from the sound level limitations in Chapter 293.07 in order to present amplified music, with limitations, from 12:00 noon until 6:00 p.m. on October 8, 2017 during Oysterfest. 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