



## Legislation Details (With Text)

**File #:** RES PH 18- 305      **Version:** 1

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

**In control:** City Council

**Final action:** 10/17/2018

**Title:** Approving the application of Team Ortho Foundation - Monster Dash for sound level variances in to present amplified sound for announcements, speakers, and music for the Monster Dash on Saturday, October 27, 2018 at five locations. (2nd Street between Jackson and Kellogg Mall Park; Cathedral Hill Park; Shepard Road between Homer and Elway; Shepard Road and 100 feet South of Washington; Upper Landing Park)

**Sponsors:** Dai Thao, Rebecca Noecker

**Indexes:** Ward - 1, Ward - 2

**Code sections:**

**Attachments:** 1. Application, 2. ENS, 3. Cathedral Hill Map, 4. Kellogg mall Map, 5. Shepard & Elway Map, 6. Shep-100ft South of Wash Map, 7. Upper Landing Map, 8. Cathedral Hill Notice to Owners, 9. Kellogg Mall Notice to Owners, 10. Shepard & Elway Notice to Owners, 11. Shep 100ft South of Wash Notice to Owners, 12. Upper Landing Notice to Owners, 13. Cathedral Hill Owners List, 14. Kellogg Mall Owners List, 15. Shep & Elway Owners List, 16. Shep and Wash Owners List, 17. Upper Landing Owners List, 18. Letter to Applicant, 19. Schubert email, 20. Edmeyer email

Date	Ver.	Action By	Action	Result
10/24/2018	1	Mayor's Office	Signed	
10/17/2018	1	City Council	Adopted	Pass

Approving the application of Team Ortho Foundation - Monster Dash for sound level variances in to present amplified sound for announcements, speakers, and music for the Monster Dash on Saturday, October 27, 2018 at five locations. (2<sup>nd</sup> Street between Jackson and Kellogg Mall Park; Cathedral Hill Park; Shepard Road between Homer and Elway; Shepard Road and 100 feet South of Washington; Upper Landing 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, Team Ortho Foundation, Monster Dash Event, represented by John Larson, Executive Director, who has been designated as the responsible person on the application, has applied for five (5) variances, with no specified sound level limit or distance, to present outdoor amplified music and announcements at multiple locations: 2<sup>nd</sup> St. between Jackson and Kellogg Mall Park; Cathedral Hill Park; Shepard Road between Homer-Elway; Shepard Road and 100 feet South of Washington; Upper Landing Park during a Monster Dash Event; and

WHEREAS, applicant is seeking five (5) variances for Saturday, October 27, 2018 for various times between the hours of 7:30 a.m. until 1:30 p.m., with pre-event sound checks occurring between 7:15 a.m. and 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 John Larson and Team Ortho Foundation, subject to the following conditions:

- 1) The Variances will be for the Team Ortho Foundation Monster Dash Event in order to present outdoor amplified music and announcements on October 27, 2018 for various times between the hours of 7:30 a.m. until 1:30 p.m., with pre-event sound checks occurring between 7:15 a.m. and 7:45 a.m.
- 2) All electronically powered equipment, PA systems, loudspeakers or similar devices used in conjunction with the event will not exceed the sound level limit specified below, 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 times as noted for the locations below:
  - 2<sup>nd</sup> Street between Kellogg Mall Park and Jackson**: Times of Operation 8:00 a.m. to 12:30 p.m., Pre-Event Sound Check at 7:45 a.m., Sound Level Limit: 80 dBA at 50 feet.
  - Shepard Road between Homer-Elway**: Times of Operation 7:30 a.m. to 1:30 p.m., Pre-Event Sound Check at 7:15 a.m., Sound Level Limit: 80 dBA at 50 feet.
  - Shepard Road and 100 Feet South of Washington**: Times of Operation 7:30 a.m. to 1:30 p.m., Pre-Event Sound Check at 7:15 a.m., Sound Level Limit: 80 dBA at 50 feet.
  - Cathedral Hill Park**: Times of Operation 8:00 a.m. to 10:00 a.m., Pre-Event Sound Check at 7:45 a.m., Sound Level Limit: 80 dBA at 50 feet.
  - Upper Landing Park**: Times of Operation 7:30 a.m. to 1:30 p.m., Pre-Event Sound Check at 7:15 a.m., Sound level Limit: 90 dBA at 50 feet.
- 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 the above listed times at the specified locations.

FURTHER RESOLVED, that any violations of the conditions set forth above on the October 27, 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.

Team Ortho Foundation, Monster Dash Event, represented by John Larson, 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: 2<sup>nd</sup> St. between Jackson and Kellogg Mall Park; Cathedral Hill Park; Shepard Road and Homer-Elway; Shepard Road and 100 Feet South of Washington; Upper Landing Park, for various times between the hours of 7:30 a.m. until 1:30 p.m., with pre-event sound checks occurring between 7:15 a.m. and 7:45 a.m. on Saturday, October 27, 2018, 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