



Legislation Details (With Text)

File #: RES PH 19- 245 **Version:** 1

Type: Resolution-Public Hearing **Status:** Passed
In control: City Council
Final action: 8/7/2019

Title: Approving the application of Team Ortho Foundation for a sound level variance for amplified sound during the Women Rock Race events on Saturday, August 24, 2019 on Shepard Road between Eagle Street and Washington Street, and at Upper Landing Park.

Sponsors: Rebecca Noecker

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Code sections:

Attachments: 1. Application - Shepard Road, 2. Application - Upper Landing Park, 3. ENS, 4. Map - Shepard Road, 5. Map - Upper Landing Park, 6. Notice to Owners - Shepard Road, 7. Notice to Owners - Upper Landing Park, 8. Owners List - Shepard Road, 9. Owners List - Upper Landing Park, 10. Letter to Applicant

Date	Ver.	Action By	Action	Result
8/9/2019	1	Mayor's Office	Signed	
8/7/2019	1	City Council	Adopted	Pass

Approving the application of Team Ortho Foundation for a sound level variance for amplified sound during the Women Rock Race events on Saturday, August 24, 2019 on Shepard Road between Eagle Street and Washington Street, and at 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, represented by Marlene Earll, Associate Director, has applied for a variance, for 90 dBA at no more than 50 feet from noise source, to present announcements and a DJ with amplified sound on Shepard Road, between Eagle Street and Washington Street, and at Upper Landing Park for the Women Rock Race events; and

WHEREAS, applicant is seeking a variance for Saturday, August 24, 2019 from 8:00 a.m. until 1:00 p.m., with a pre-event sound check at 7:45 a.m. on Shepard Road, between Eagle Street and Washington Street, and at Upper Landing Park, and

WHEREAS, if applicant is not granted a variance, applicant will not be able to present amplified sound for the Women Rock Race events; 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 Team Ortho Foundation

subject to the following conditions:

- 1) The Variance will be for the Women Rock MN 2019 Race events in order to present announcements and a DJ with amplified sound on Shepard Road, between Eagle Street and Washington Street, and at Upper Landing Park on August 24, 2019 from 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 announcements between the hours of 8:00 a.m. until 1:00 p.m., with a pre-event sound check at 7:45 a.m.
- 3) The applicant shall provide personnel and equipment to ensure compliance with the variance conditions.
- 4) Speakers must be directed away from residential use properties. Speakers are to be placed towards the river and away from residential areas.
- 5) All electronically powered equipment, PA systems, loudspeakers or similar devices shall be turned off no later than 1:00 p.m.

FURTHER RESOLVED, that any violations of the conditions set forth above on the August 24, 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.

Team Ortho Foundation, represented by Marlene Earll, has requested an exemption from the sound level limitations in Chapter 293.07 in order to present outdoor music and announcements on Shepard Road, between Eagle Street and Washington Street, and at Upper Landing Park for the Women Rock MN 2019 Race events from 8:00 a.m. to 1:00 p.m., with a pre-event sound check at 7:45 a.m., on Saturday, August 24, 2019. 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