



## Legislation Details (With Text)

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|-----------------------|---|----------------------|--------------|
| <b>File #:</b>        | RES PH 23-96  | <b>Version:</b>      | 1            |
| <b>Type:</b>          | Resolution-Public Hearing   | <b>Status:</b>       | Passed       |
|                       |   | <b>In control:</b>   | City Council |
|                       |   | <b>Final action:</b> | 5/3/2023     |
| <b>Title:</b>         | Approving the application of Anderson Race Management for the Chick-fil-A 5K/10K sound level variance in order to present amplified sound on June 3, 2023 at 200 Dr Justus Ohage Blvd - Harriet Island Regional Park. |                      |              |
| <b>Sponsors:</b>      | Rebecca Noecker   |                      |              |
| <b>Indexes:</b>       | Ward - 2  |                      |              |
| <b>Code sections:</b> |   |                      |              |
| <b>Attachments:</b>   | 1. Chick-fil-A 5K-10K - Application, 2. ENS.1, 3. Map, 4. ARM for Chick-fil-A 5k-10K.Notice to Owners, 5. Owner list, 6. ARM for Chick-fil-A 5k-10k.Letter to Applicant   |                      |              |

| Date     | Ver. | Action By      | Action  | Result |
|----------|------|----------------|---------|--------|
| 5/4/2023 | 1    | Mayor's Office | Signed  |        |
| 5/3/2023 | 1    | City Council   | Adopted | Pass   |

Approving the application of Anderson Race Management for the Chick-fil-A 5K/10K sound level variance in order to present amplified sound on June 3, 2023 at 200 Dr Justus Ohage Blvd - Harriet Island Regional 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, Anderson Race Management, represented by Jennifer Williams, Director of Events, who has been designated as the responsible person on the application, has applied for a variance, for 100 dBA at no specified distance, to present amplified sound for the Chick-fil-A 5K-10K event at 200 Dr Justus Ohage Blvd - Harriet Island Regional Park; and

WHEREAS, applicant has requested a variance for the hours from 7:30 a.m. to 12:00 p.m., with a sound check at 8:00 a.m. on June 3, 2023 for the Chick-fil-A 5K-10K event; and

WHEREAS, if applicant is not granted a variance applicant will not be able to present amplified sound at 200 Dr Justus Ohage Blvd - Harriet Island Regional Park; 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 Anderson Race Management, subject to the following conditions:

1) The Variance shall be for the hours from 7:30 a.m. to 12:00 p.m., with a sound check at 8:00 a.m. on June 3, 2023 for the Chick-fil-A 5K-10K Event.

- 2) All electronically powered equipment used in conjunction with the event shall not exceed 90 dBA as measured at 50 feet from all sound sources.
- 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 12:00 p.m. June 3, 2023, the event date.

FURTHER RESOLVED, that any violations of the conditions set forth above on the June 3, 2023 date may result in denial of future requests for the grant of a noise variance, in addition to any criminal citation which might issue.

Anderson Race Management, represented by Jennifer Williams, has requested an exemption from the sound level limitations in Chapter 293.07 in order to present amplified sound, with limitations, from 7:30 a.m. to 12:00 p.m. on June 10, 2023. 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