Legislation Text

File #: RES PH 18-135, **Version:** 1

Approving the application of the Asian Economic Development Association for a sound level variance for amplified music and performances located in the parking lots at 422 University Avenue West and Western near Sherburne Avenues on Saturday, July 7 and Sunday, July 8, 2018 for the Little Mekong Night Market.

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 Asian Economic Development Association, represented by Evie Mouacheupao, Event Manager, who has been designated as the responsible person on the application, has applied for a sound level variance, at a requested sound level limit of 90 decibels (dBA) at 50 feet, in order to present various activities such as amplified music, performances, and announcements in the parking lot at 422 University Avenue West and on Western Avenue near Sherburne Avenue for the Little Mekong Night Market; and

WHEREAS, applicant is seeking a variance, at a requested sound level limit of 90 (dBA) at a distance of 50 feet from the sound source, for the hours of 5:00 p.m. until 12:00 p.m. midnight on Saturday, July 7 and from 5:00 p.m. to 10:00 p.m. on Sunday, July 8, 2018, with a pre-event sound check from 3:00 to 4:00 p.m. on both dates; and

WHEREAS, if the applicant is not granted a variance, applicant will not be able to present various activities such as amplified music, performances and announcements located in the parking lot at 422 University Avenue West as well as on a second stage on Western Avenue near Sherburne Avenue for the Little Mekong Night Market; 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 Asian Economic Development Association, subject to the following conditions:

1) The variance will be for the Little Mekong Night Market on two outdoor stages located in the parking lot 422 University Avenue West, and on Western Avenue near Sherburne Avenue from 5:00 p.m. until 11:59 p.m. on Saturday, July 7 and from 5:00 p.m. to 10:00 p.m. on Sunday, July 8, 2018, with a pre-event sound check from 3:00 to 4:00 p.m. on both dates

2) All electronically powered equipment, PA systems, loudspeakers or similar devices used in conjunction with the event must not exceed 90 dBA as measured 50 feet from any stage or sound source from 5:00 p.m. until 10:00 p.m. on July 7 and July 8, 2018, and must not exceed 85 dBA as measured 50 feet from the sound source from 10:01 p.m. until 11:59 p.m. on Saturday, July 7, 2018.

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 11:59 p.m. on July 7 and 10:00 p.m. on July 8, 2018.

5) The Asian Economic Development Association must maintain a copy of the approved sound level variance at the event location and have it available for review by the City of Saint Paul Police or inspection personnel.

FURTHER RESOLVED, that any violation of the conditions set forth above may result in revocation of this variance for any subsequent dates and/or the denial of any future variance requests, in addition to any criminal citation which might issue.

The Asian Economic Development Association, represented by Evie Mouacheupao, Event Manager, has requested an exemption from the sound level limitations in Chapter 293 to be able to present various activities such as amplified music, performances, and announcements in the parking lot at 422 University Avenue West, and on Western Avenue near Sherburne Avenue from 5:00 p.m. to Midnight on July 7 and 5:00 p.m. until 10:00 p.m. on July 8, 2018, with a pre-event sound check from 3:00 to 4:00 p.m. for the Little Mekong Night Market. 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

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