



## CITY COUNCIL ACTION FORM

| DEPARTMENT     | PRESENTED BY                     | DATE             |
|----------------|----------------------------------|------------------|
| Administration | Drew Nelson - City Administrator | October 18, 2022 |

### **ITEM**

Amplified Noise Permit – The 146 Taphouse – Public Hearing

### **BACKGROUND**

Per City Council direction, certain amplified Noise Permits are subject to public hearings as they relate to dates, hours of operation, and decibel levels. The City has received an application from The 146 Taphouse, located at 146 West 1<sup>st</sup> Street, to host multiple live music events above the established administrative approval amounts of sixty (60) events per season. The Taphouse has requested up to seventy two (72) events per the attached spreadsheet; the venue was previously approved for 60 events and has requested twelve (12) additional outdoor dates. As the Council is aware, the City Administrator may review and approve up to 60 permits; as the proposed number of events is above that amount, a public hearing shall be held to receive feedback from the public.

Public notice was posted on the property, on the City's website, and at the public notice posting area at the Toubert Building (see attached). The permit application is also attached for review.

### **FISCAL NOTE**

None.

### **STAFF RECOMMENDATION**

As of the preparation of this report, the City has received between five (5) and ten (10) complaints regarding amplified sound events at the Taphouse; however, it should be noted that the complaints were due to indoor music that was broadcast through the neighborhood due to open doors during the summer months after 10:00 p.m. Staff has made the applicant aware of these issues, and they have indicated that doors and windows would be shut for any music occurring outside of the times noted on their permit. Staff recommends approval of the amplified Noise Permit for The 146 Taphouse for up to seventy two (72) amplified sound events with an added condition that indoor music shall not be broadcast outside of the venue through open doors or windows after the ending times noted in the attached application.

### **SUGGESTED MOTION**

Following a public hearing, a City Councilmember should state, "I move to approve an amplified Noise Permit for The 146 Taphouse, located at 146 West 1<sup>st</sup> Street, for up to seventy two amplified sound events, to end no later than November 26, 2022, with the condition that indoor music shall not be broadcast outside of the venue through open doors or windows after the ending times noted in the application dated October 10, 2022", followed by a second and a roll call vote.



## CITY OF SALIDA

### OVERVIEW OF LOCAL NOISE REGULATIONS & PERMITTING

Chapter 10, Article IX of the Salida Municipal Code (the “Code”) establishes regulations and standards for noise within the City of Salida (the “City”) to reduce and eliminate unnecessary and excessive noise which would otherwise be detrimental to residents and the community in the enjoyment of life, property, and the conduct of business. Of note, Section 10-9-30(c) of the Code provides that it is “unlawful for any person to emit or cause to be emitted any noise which leaves the premises on which it originates, inclusive of a public premises, crosses a property line and enters onto any other premises in excess” of the specified levels.

Pursuant to Sections 10-9-40(14) and 10-9-80 of the Code, however, the City may specifically exempt a particular noise from this prohibition through the issuance of a noise permit. Such a permit may include limitations and conditions to minimize the adverse impacts of the proposed noise may have on the community or surrounding neighborhood. Such limitations and conditions include, but are not limited to, the following: the hours of operation, maximum decibels, the type of sound amplification equipment, and the type of sound that may be amplified. No permit shall be issued for noise after 10:00 PM, with allowances to go until midnight on the Fridays and Saturdays of Memorial Day weekend, 4<sup>th</sup> of July weekend, and Labor Day weekend, and on the Thursday, Friday, and Saturday during the FIBArk Festival.

The issuance of a noise permit is at the sole discretion of the City Administrator or City Council, and the issuance of such permit does not confer any rights upon the permittee other than those expressly authorized by the permit. Violation of any of the conditions or limitations set forth in the noise permit may result in immediate revocation of the permit. Revocation of the noise permit does not preclude the City from seeking any remedies otherwise available under federal, state, or local law.

**Applications for a noise permit must be submitted on the attached “Application for a Noise Permit” form and submitted at least five (5) working days prior to the date for which the permit is sought.**



## CITY OF SALIDA

### NOISE PERMIT APPLICATION

Please fill out the form completely, including by signing and dating the application. Submitting an incomplete application is a basis for denial of a noise permit. Listing a particular type of audio amplification equipment, hours of operation, or any other information below does not guarantee the applicant's right to use such equipment or have an event at a particular time. Whether such application requests have been granted will be indicated in the issued permit.

Applicants may apply for events which are recurring (*i.e.*, live music every Thursday). Any such events should be clearly described as recurring in the event description and should identify all dates on which the event will occur.

Completed applications should be submitted via email to [deputyclerk@cityofsalida.com](mailto:deputyclerk@cityofsalida.com). If that is not possible, they can be submitted in-person to 448 E 1<sup>st</sup> Street Suite 112. Applications must be submitted at least five (5) working days prior to the date for which the permit is sought.

#### I. Applicant Information.

Applicant Name: Ethan Hedayat

Applicant Business/Organization: The 146 Taphouse

Applicant Phone: 949 422-9117

Applicant Email: ethanhedayat@mac.com

Applicant Address: 315 W. 5th Street

Sound Supervisor<sup>1</sup>: Ethan Hedayat

Sound Supervisor Phone: 949 422-9117

#### II. Event Information.

Description of Event: Seeking sound permit for the outside stage I.E the dates corresponding to the attached document.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Estimated Attendance: \_\_\_\_\_

Date(s): See attached document.

Hours of Event: \_\_\_\_\_

Location of Event: 146 W. First Street

<sup>1</sup> The sound supervisor will be responsible for responding to and immediately addressing noise or other complaints in the absence of the applicant/permittee.



### III. Noise Information.

Type of Noise (e.g., live music, parade):

Live performer, band and or DJ

Type of Sound Amplification Equipment:

QSC 2x3

### IV. Agreement.

As the applicant for this noise permit, I, Ethan Hedayat, hereby agree and understand that it is my responsibility to ensure compliance with the conditions and limitations set forth in the permit and all laws, rules, and regulations of the City of Salida, the state, and the federal government. I further agree and understand that any violations of the permit or applicable laws may result in the immediate revocation of the permit. Violations of the conditions and limitations set forth in the permit or applicable laws shall also be grounds for denial of future permit applications. I further understand and agree that the permit and application fee are non-refundable and non-transferrable.

Signature:

(Typed or Digital signature accepted)

Date:

10/12/2022

### For use by the City Clerk only:

Application fee received: ☐ Yes ☐ No ☐ N/A

Signature:

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Date:

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## CITY OF SALIDA NOISE PERMIT

Signature by the City Administrator on this noise permit indicates that the noise permit has been deemed granted to the applicant and the requested noise has been so authorized, subject to the conditions and limitations set forth below. Where the conditions or limitations set forth below contradict or conflict with the information contained in the application, the conditions and limitations will control.

### I. Conditions and Limitations Applicable to All Permits.

The following conditions and limitations are applicable to all noise permits:

- No noise is permitted after 10:00 PM, unless specifically authorized by the City Council following a public hearing. No noise is permitted after midnight on the Fridays and Saturdays of Memorial Day weekend, 4<sup>th</sup> of July weekend, and Labor Day weekend. No noise is permitted after midnight on the Thursday, Friday, and Saturday during the FIBArk festival.
- No noise is authorized in excess of the maximum limit of 85 dB(A), as measured from any point along the property line or within the property line of the receiving premises. Measuring devices shall be those specifically utilized by the City of Salida.
- All amplification equipment shall be arranged so as to minimize the disturbance to neighboring properties, and permittees shall take reasonable measures to baffle or reduce noise impacts to neighbors.
- No outdoor amplified sound shall be permitted between November 1 through May 1.
- A maximum of sixty (60) amplified sound permits may be granted to same location during a single calendar year, unless additional permits are specifically authorized by the City Council following a public hearing.

### II. Conditions and Limitations Applicable to this Permit.

The following conditions and limitations are applicable to this noise permit:

- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

### III. Expiration.

This noise permit is issued for the following dates and expires on the following date:

Date(s): \_\_\_\_\_

Expiration: \_\_\_\_\_

### For use by the City Administrator only:

Application granted: [ ] Yes [ ] No

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

## Noise Permit request

### OCT:

- 12 – Wed: Open mic / LGBTQ Rainbow night - 6p to 10p inside
- 13 – Thurs: Kuroki / Ladies night - 8p to 10p inside
- 14 – Fri: Random 1p to 6p out side. Club 8p to 10p inside
- 15 – Saturday: Random 1p to 8p outside. Club 8p to 10p inside.

Any residual music after 10p is with the front door locked, the back barn door locked using the back door for the only entrance while being monitored.

- 19 – Wed: Open mic / LGBTQ Rainbow night - 6p to 10p inside
- 20 – Thurs: Kuroki / Ladies night - 8p to 10p inside
- 21 – Fri: Random 1p to 6p out side. Club 8p to 10p inside
- 22 – Saturday: Random 1p to 8p outside. Club 8p to 10p inside.

- 26 – Wed: Open mic / LGBTQ Rainbow night - 6p to 10p inside
- 27 – Thurs: Kuroki / Ladies night - 8p to 10p inside
- 28 – Fri: Random 1p to 6p out side. Club 8p to 10p inside
- 29 – Saturday: Random 1p to 8p outside. Club 8p to 10p inside.

### NOV:

- 2 – Wed: Open mic / LGBTQ Rainbow night - 6p to 10p inside
- 3 – Thurs: Kuroki / Ladies night - 8p to 10p inside
- 4 – Fri: Random 1p to 6p out side. Club 8p to 10p inside
- 5 – Saturday: Random 1p to 8p outside. Club 8p to 10p inside.

- 9 – Wed: Open mic / LGBTQ Rainbow night - 6p to 10p inside
- 10 – Thurs: Kuroki / Ladies night - 8p to 10p inside
- 11 – Fri: Random 1p to 6p out side. Club 8p to 10p inside
- 12 – Saturday: Random 1p to 8p outside. Club 8p to 10p inside.

- 16 – Wed: Open mic / LGBTQ Rainbow night - 6p to 10p inside
- 17 – Thurs: Kuroki / Ladies night - 8p to 10p inside
- 18 – Fri: Random 1p to 6p out side. Club 8p to 10p inside
- 19 – Saturday: Random 1p to 8p outside. Club 8p to 10p inside.

- 23 – Wed: Open mic / LGBTQ Rainbow night - 6p to 10p inside
- 24 – Thurs: Kuroki / Ladies night - 8p to 10p inside
- 25 – Fri: Random 1p to 6p out side. Club 8p to 10p inside
- 26 – Saturday: Random 1p to 8p outside. Club 8p to 10p inside.



**NOTICE OF PUBLIC HEARING BEFORE THE CITY COUNCIL FOR THE CITY OF  
SALIDA CONCERNING A NOISE PERMIT APPLICATION**

**TO ALL MEMBERS OF THE PUBLIC AND INTERESTED PERSONS: PLEASE TAKE NOTICE:** that on October 18, 2022 at or about the hour of 6:00 p.m. a public hearing will be conducted by the City of Salida City Council at City Council Chambers, 448 East First Street, Suite 190, Salida, Colorado and online at the following link: <https://attendee.gotowebinar.com/register/6382995264411204366>. The hearing concerns a Noise Permit Application filed by Ethan Hedayat of The 146 Taphouse, located at 146 West 1<sup>st</sup> Street in Salida, Colorado.

The applicant is requesting to provide amplified sound outdoors for up to seventy two (72) amplified sound events, which is above the sixty (60) amplified sound events that are typically permitted administratively.

Interested persons are encouraged to attend the public hearings. Further information on the application may be obtained from the City Administrator, (719) 539-4555.

\*Please note that it is inappropriate to personally contact individual City Councilors or Planning Commissioners, outside of the public hearing, while an application is pending. Such contact is considered ex parte communication and will have to be disclosed as part of the public hearings on the matter. If you have any questions/comments, you should email or write a letter to staff, or present your concerns at the public meeting via the above GoToWebinar link so your comments can be made part of the record.