



Legislation Text

File #: RES PH 21-224, **Version:** 1

Approving the application of Big River Pizza for a sound level variance in order to present amplified music for Let There Be Songs to Phil the Air Sundays on September 26th, and October 3rd, 2021 at the St. Paul Farmers 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, Steve Lott, Owner, who has been designated as the responsible person on the application, has applied for a sound level variance at a requested level of 90 dBA at 50 feet from the sound source, to present amplified music. Proposed times of operation are from 2:00 p.m. to 9:00 p.m., with a pre-event sound check from 2:00 p.m. to 3:00 p.m. on Sunday, September 26th, and Sunday, October 3rd, 2021 at St. Paul Farmers Market. 290 5th Street East; and

WHEREAS, if applicant is not granted the variance, applicant will not be able to present the outdoor music series at St. Paul Farmers Market; and

WHEREAS, the Department of Safety and Inspections (DSI) 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 Steve Lott, subject to the following conditions:

- 1) The Variance will be for a music series for (2) Sundays starting on September 26th, and October 3rd, 2021, for Let There Be Songs to Phil the Air Sundays with amplified music from 2:00 p.m. until 9:00 p.m., with a pre-event sound check from 2:00 pm until 3:00 pm at the St. Paul Farmers Market.
- 2) All electronically powered equipment, PA systems, loudspeakers or similar devices used in conjunction with the events must not exceed 90 dBA, as measured at 50 feet from the noise source during the proposed, specified hours for each of the designated during event hours.
- 3) The applicant shall provide personnel and equipment who will provide sound level monitoring to ensure compliance with the sound level variance conditions.
- 4) All electronically powered equipment, PA systems, loudspeakers or similar devices shall be turned off no later than 9:00 p.m. on the dates of the events.

FURTHER RESOLVED, that verified complaints from residents or businesses in the area regarding significant negative impact from the increased sound level variance for the Let There Be Songs to Phil the Air Sundays, the sound level variance may be amended or revoked by the council in accordance with the procedures set forth in Chapter 293.09; and be it

FURTHER RESOLVED, that any violations of the conditions set forth above on any of the dates may result in revocation of this variance for the remaining date(s), in addition to any criminal citation which might issue.

Steve Lott, Owner, has requested an exemption from the sound level limitations in Chapter 293.07 in order to present amplified music starting on September 26th, and October 3rd, 2021, at St. Paul Farmers 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