



## Legislation Text

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**File #:** RES PH 13-84, **Version:** 1

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Approving the application of Los Ocampo for a sound level variance in order to present amplified outdoor music in the parking lot of 1751 Suburban Avenue from 3:00 p.m. until 10:00 p.m. on Sunday, May 5, 2013.

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, Los Ocampo, represented by Adrian Ramirez/general manager and Armando Ocampo/owner, has been designated as the responsible persons on the application, has applied for a variance to present amplified outdoor music in the parking lot of 1751 Suburban Ave; and

WHEREAS, applicant is seeking a variance for the hours of 3:00 p.m. until 10:00 p.m. on Sunday, May 5, 2013; and

WHEREAS, if applicant is not granted a variance it will not be able to present amplified music in the parking lot of 1751 Suburban Ave; 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 Los Ocampo, subject to the following conditions:

- 1) The variance shall be for the hours of 3:00 p.m. until 10:00 p.m. on Sunday, May 5, 2013.
- 2) All electronically powered equipment used in conjunction with the event shall not exceed 85 dBA as measured 50 feet from the sound source.
- 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 10:00 p.m. on the event date.

FURTHER RESOLVED, that any violations of the conditions set forth above on the May 5, 2013 date may result in denial of future requests for the grant of a noise variance, in addition to any criminal citation which might issue.

Los Ocampo, represented by Adrian Ramirez/general manager and Armando Ocampo/owner, has requested an exemption from the sound level limitations in Chapter 293.07 in order to present amplified outdoor music, with limitations, from 3:00 p.m. until 10:00 p.m. on Sunday, May 5, 2013 in the parking lot of 1751 Suburban

Ave. 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