



Legislation Text

File #: RES PH 20-194, **Version:** 1

Approving the application of Kim O'Brien, Rice and Larpenteur Alliance, for a sound level variance in order to present amplified sound on Saturday, September 26, 2020 for the Rice & Larpent Tour Event at 1675 Rice St. in the strip mall parking lot.

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, Kim O'Brien, has applied for a variance, at a requested sound level of 100 (dBA) at no specified distance to present outdoor sound with speakers and a microphone at 1675 Rice St.; and

WHEREAS, applicant is seeking a variance for the hours of 3:00 p.m. until 7:00 p.m., with a pre-event sound check at 2:00 p.m. on Saturday, September 26, 2020; and

WHEREAS, if applicant is not granted a variance applicant will not be able to have outdoor sound during the Rice & Larpent Tour Event at 1675 Rice St.; 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 Kim O'Brien, Rice and Larpenteur Alliance subject to the following conditions:

- 1) The Variance will be for outdoor music with speakers and a microphone during the hours of 3:00 p.m. to 7:00 p.m., with a pre-event sound check at 2:00 p.m. on Saturday, September 26, 2020.
- 2) All electronically powered equipment, PA systems, loudspeakers or similar devices used in conjunction with the outdoor ambient music must not exceed 85 dBA as measured 50 feet from sound source.
- 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 7:00 p.m. on Saturday, September 26, 2020.

FURTHER RESOLVED, that any violations of the conditions set forth above, may result in denial of any future variances, in addition to any criminal citation which may be issued.

Kim O'Brien, Rice and Larpenteur Alliance has requested an exemption from the sound level limitations in Chapter 293.07 in order to present outdoor music from 3:00 p.m. until 7:00 p.m. with a pre-event sound check at 2:00 p.m., on Saturday, September 26, 2020 at 1675 Rice St. in the strip mall parking lot. 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