



Legislation Text

File #: RES PH 19-130, **Version:** 1

Approving the application of CPR Foods LLC, Bay Street Grill and Pub for a sound level variance to present live amplified music in an enclosed tent Saturday, June 1, 2019 at 731 Randolph Avenue.

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, Bay Street Grill and Pub, represented by Carlos Rohde, owner, who has been designated as the responsible person on the application, has applied for a variance , at no specified sound level limit or distance, to present live amplified music in an enclosed tent at 731 Randolph Ave.; and

WHEREAS, applicant has requested a variance for the hours from 3:00 p.m. to 8:00 p.m., with a pre-event sound check from 2:00 p.m. to 3:00 p.m. on Saturday, June 1, 2019 for the Bay Street Grill and Pub's Customer Appreciation Party; and

WHEREAS, if applicant is not granted a variance applicant will not be able to present amplified music at 731 Randolph 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 CPR Foods LLC, Bay Street Grill and Pub, subject to the following conditions:

- 1) The Variance shall be for the hours from 3:00 p.m. to 8:00 p.m., with a pre-event sound check from 2:00 p.m. to 3:00 p.m. on Saturday, June 1, 2019.
- 2) All electronically powered equipment used in conjunction with the event shall not exceed 85 dBA as measured at 50 feet from all sound sources outside of the fully enclosed tents.
- 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 8:00 p.m. on Saturday, June 1, 2019, the event dates.

FURTHER RESOLVED, that any violations of the conditions set forth above on the Saturday, June 1, 2019 date may result in denial of future requests for the grant of a noise variance, in addition to any criminal citation which might issue.

CPR Foods LLC, Bay Street Grill and Pub, represented by Carlos Rohde, have requested an exemption from the sound level limitations in Chapter 293.07 in order to present live amplified music, with limitations, from 3:00

p.m. until 8:00 p.m. on Saturday, June 1, 2019. 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