



## Legislation Text

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**File #:** RES PH 15-177, **Version:** 1

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Approving the application of Amber ACE Cleveland/ ACEntertainment Management for a sound level variance for outdoor music between 2:00 p.m. to 10:00 p.m., with a pre-event sound check between 12:00 p.m. to 2:00 p.m., on Saturday, July 11, 2015 at Union Depot, 214 4<sup>th</sup> Street, North Plaza.

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, Amber ACE Cleveland/ ACEntertainment, represented by Amber ACE Cleveland, Owner, who has been designated as the responsible person on the application, has applied for a variance to present outdoor music at 214 4<sup>th</sup> Street East Union Depot North Plaza; and

WHEREAS, applicant is seeking a variance, with a sound level request for 90 dBA at 100 feet, for the hours of 2:00 p.m. to 10:00 p.m., with a pre-event sound check between 12:00 p.m. to 2:00 p.m. for outdoor music, on Saturday, July 11, 2015, For the Love, A Community Celebration Event; and

WHEREAS, if applicant is not granted a variance it will not be able to present outdoor music at 214 4<sup>th</sup> Street East; 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 Amber ACE Cleveland/ACE Entertainment, subject to the following conditions:

- 1) The variance will be for an Outdoor Music Event and the hours of 2:00 p.m. to 10:00 p.m., with a pre-event sound check between 12:00 p.m. until 2:00 p.m. on Saturday, July 11, 2015;
- 2) All electronically powered equipment, PA systems, loudspeakers or similar devices used in conjunction with the event 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 10:00 p.m. on Saturday, July 11, 2015.

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.

Amber ACE Cleveland/ ACEntertainment, represented by Amber ACE Cleveland, Owner, has requested an

exemption from the sound level limitations in Chapter 293.07 in order to present outdoor music, with limitations, from 2:00 p.m. to 10:00 p.m., with a pre-event sound check between 12:00 p.m. until 2:00 p.m. for music, on Saturday, July 11, 2015, for an Outdoor Music Event at 214 4<sup>th</sup> Street East, Union Depot North Plaza. 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