



Legislation Text

File #: RES PH 14-187, **Version:** 1

Approving the application of Amber ACE Cleveland/ ACEntertainment for a sound level variance for outdoor music from 2:00 p.m. to 10:00 p.m. on Saturday, July 12, 2014, at Union Depot, 214 Fourth Street East, North and East Plazas.

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/Promoter, who has been designated as the responsible person on the application, has applied for a variance to present outdoor music at 214 4th Street East Union Depot North and East Plaza; and

WHEREAS, applicant is seeking a variance for the hours of 2:00 p.m. to 10:00 p.m. for outdoor music, on Saturday, July 12, 2014, for an Outdoor Music Event; and

WHEREAS, if applicant is not granted a variance it will not be able to present outdoor music at 214 4th 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., on Saturday, July 12, 2014;
- 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 12, 2014.

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/Promoter, 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. for music, on Saturday, July 12, 2014, for an Outdoor Music Event at 214 4th Street East, Union Depot North and East 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