City Hall and Court House
15 West Kellogg Boulevard
Phone: 651-266-8560

City of Saint Paul

Legislation Details (With Text)

File #:	RES PH 16-281 **Version:** 1		
Type:	Resolution-Public Hearing	**Status:**	Passed
		In control:	City Council
		Final action:	9/7/2016
Title:	Approving the application of Whole Foods Market for a sound level variance for live music outdoors on Saturday, September 10, 2016 on Dayton Avenue between Snelling Avenue and Saratoga Street North.		
Sponsors:	Dai Thao		
Indexes:	Ward - 1		
Code sections:			
Attachments:	1. Application, 2. ENS, 3. Map, 4. Notice to Property Owners, 5. List of Property Owners, 6. Letter to Applicant, 7. ENS - Corrected Date, 8. Notice to Prop Owners-Corrected Date, 9. Union Park email		

Date	Ver.	Action By	Action	Result
9/9/2016	1	Mayor's Office	Signed	
9/7/2016	1	City Council	Adopted	Pass

Approving the application of Whole Foods Market for a sound level variance for live music outdoors on Saturday, September 10, 2016 on Dayton Avenue between Snelling Avenue and Saratoga Street North.

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, Whole Foods Market, represented by Charissa Bires, Senior Marketing Specialist, who has been designated as the responsible person on the application, has applied for a variance, at a requested sound level limit of 85 dBA at 50 feet, to present live music outdoors on Dayton Avenue between Snelling Avenue and Saratoga Street North; and

WHEREAS, applicant is seeking a variance for the hours of 5:00 p.m. to 9:00 p.m., with a pre-event sound check from 4:00 p.m. until 5:00 p.m. for live music outdoors, on Saturday, September 10, 2016, for a Whole Foods Market St Paul Block Party Event; and

WHEREAS, if applicant is not granted a variance applicant will not be able to present live music outdoors on Dayton Avenue between Snelling Avenue and Saratoga Street North; 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 Whole Foods Market, subject to the following conditions:

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1) The variance will be for the Whole Foods Market St Paul Block Party Event and the hours of 5:00 p.m. to 9:00 p.m., with a pre-event sound check from 4:00 p.m. until 5:00 p.m. on Saturday, September 10, 2016;

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 9:00 p.m. on Saturday, September 10, 2016.

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.

Whole Foods Market, represented by Charissa Bires, Senior Marketing Specialist, has requested an exemption from the sound level limitations in Chapter 293.07 in order to present live music outdoors, with limitations, from 5:00 p.m. to 9:00 p.m., with a pre-event sound check from 4:00 p.m. until 5:00 p.m. on Saturday, September 10, 2016, for a Whole Foods St Paul Block Party Event on Dayton Avenue between Snelling and Saratoga Street North. 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

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