



Legislation Details (With Text)

File #: RES PH 21- 105 **Version:** 1

Type: Resolution-Public Hearing **Status:** Passed
In control: City Council
Final action: 5/5/2021

Title: Approving the application of MSP Film Society for a sound level variance in order to present outdoor amplified sound on Thursday, May 13, Friday May 14 and Saturday May 15, 2021 at 1360 Lexington Pkwy. N.-Dock and Paddle at Como Lakeside Pavilion.

Sponsors: Amy Brendmoen

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Code sections:

Attachments: 1. Application, 2. ENS, 3. Map, 4. Owners List, 5. Notice to Owners, 6. Letter to Applicant

Date	Ver.	Action By	Action	Result
5/7/2021	1	Mayor's Office	Signed	
5/5/2021	1	City Council	Adopted	Pass

Approving the application of MSP Film Society for a sound level variance in order to present outdoor amplified sound on Thursday, May 13, Friday May 14 and Saturday May 15, 2021 at 1360 Lexington Pkwy. N.-Dock and Paddle at Como Lakeside Pavilion.

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, MSP Film Society, represented by Matthew Berg, Festival Manager, who has been designated as the responsible person on the application, has applied for a variance, for 80 dBA at no specified distance, to present outdoor amplified sound at 1360 Lexington Pkwy. N.; and

WHEREAS, applicant has requested a variance for the hours from 7:00 p.m. to 11:00 p.m. on Thursday, May 13, Friday May 14 and Saturday May 15, 2021 with a pre-event sound check from 5:00 p.m. to 6:00 p.m. for the 40th MSP International Film Festival Event; and

WHEREAS, if applicant is not granted a variance applicant will not be able to present amplified music at 1360 Lexington Pkwy. N.; 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 MSP Film Society, subject to the following conditions:

1) The Variance shall be for the hours from 7:00 p.m. to 10:00 p.m. on Thursday, May 13, 7:00 p.m. to 11:00

p.m. on Friday, May 14 and Saturday, May 15, 2021 with a pre-event sound check from 5:00 p.m. to 6:00 p.m.

- 2) All electronically powered equipment used in conjunction with the event shall not exceed 80 dBA as measured at 50 feet from all sound sources.
- 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 10:00 p.m. on Thursday, May 13, and shall be turned off no later than 11:00 p.m. on Friday, May 14 and Saturday, May 15, 2021, the event dates.

FURTHER RESOLVED, that any violations of the conditions set forth above on the Thursday, May 13, Friday, May 14 and Saturday, May 15, 2021, 2021 dates may result in denial of future requests for the grant of a noise variance, in addition to any criminal citation which might issue.

MSP Film Society, represented by Matthew Berg, has requested an exemption from the sound level limitations in Chapter 293.07 in order to present outdoor amplified sound, with limitations, from 7:00 p.m. until 11:00 p.m. on Thursday, May 13, Friday, May 14 and Saturday, May 15, 2021. 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