



## Legislation Text

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**File #:** RES PH 15-104, **Version:** 1

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Approving the application of Whole Foods Market for a sound level variance for a live band and amplified music outdoors between 1:00 p.m. to 8:00 p.m. on Thursday, May 14, 2015 at 30 Fairview Avenue South.

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 Andrew Kartak, Store Team Leader, who has been designated as the responsible person on the application, has applied for a variance to present a live band and amplified music outdoors at 30 Fairview Avenue South; and

WHEREAS, applicant is seeking a variance for the hours of 1:00 p.m. to 8:00 p.m. for a live band and amplified music outdoors, on Thursday, May 14, 2015, for a 20<sup>th</sup> Anniversary Celebration; and

WHEREAS, if applicant is not granted a variance it will not be able to present outdoor music at 30 Fairview Avenue South; 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:

- 1) The variance will be for the 20th Anniversary Celebration and the hours of 1:00 p.m. to 8:00 p.m., on Thursday, May 14, 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 8:00 p.m. on Thursday, May 14, 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.

Whole Foods Market, represented by Andrew Kartak, Store Team Leader, has requested an exemption from the sound level limitations in Chapter 293.07 in order to present a live band and amplified music outdoors, with limitations, from 1:00 p.m. to 8:00 p.m. for music, on Thursday, May 14, 2015, for a 20<sup>th</sup> Anniversary

Celebration at 30 Fairview Avenue South. 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