



Legislation Text

File #: RES PH 15-124, **Version:** 1

Approving the application of Union Depot - Marketing for a sound level variance for outdoor High School Marching Band and Drumline performances on Thursday, May 21 2015 between 5:00 p.m. to 7:00 p.m., with a pre-event sound check at 4:30 p.m., at Union Depot, 214 Fourth Street East, 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, Union Depot- Marketing, represented by Tina Volpe, Marketing Manager, who has been designated as the responsible person on the application, has applied for a variance to present outdoor High School Marching Band and Drumline performances at 90 dBA at 50 feet at 214 4th Street East, Union Depot North Plaza; and

WHEREAS, applicant is seeking a variance for the hours of 5:00 p.m. to 7:00 p.m. on Thursday, May 21, 2015, for an outdoor High School Marching Band and Drumline Performance Event; and

WHEREAS, if applicant is not granted a variance it will not be able to present outdoor music at 214 4th Street East, Union Depot North Plaza; 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 Tina Volpe, Union Depot - Marketing, subject to the following conditions:

- 1) The variance will be for an outdoor High School Marching Band and Drumline Performance Event with the hours of 5:00 p.m. to 7:00 p.m., and a 4:30 p.m. pre-event sound check on Thursday, May 21, 2015;
- 2) All electronically powered equipment, PA systems, loudspeakers or similar devices used in conjunction with the event must not exceed 90 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 7:00 p.m. on Thursday, May 21, 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.

Union Depot- Management, represented by Tina Volpe, Marketing Manager, has requested an exemption from

the sound level limitations in Chapter 293.07 in order to present an outdoor High School Marching Band and Drumline Performance Event, with limitations, from 5:00 p.m. to 7:00 p.m. and a 4:30 p.m. pre-event sound check, on Thursday, May 21, 2015, at 214 4th 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