



## Legislation Text

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**File #:** RES PH 18-180, **Version:** 1

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Approving the application of Securian Financial for a sound level variance to present amplified music for Market & Music Wednesdays, every Wednesday from August 1 through October 31, 2018 at Securian Financial, 400 Robert 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, Securian Financial, represented by Julio Fesser, who has been designated as the responsible person on the application, has applied for a variance, at a requested level of 80 dBA, at no specified distance, to present amplified music from 11:00 a.m. to 1:00 p.m., with a pre-event sound check from 10:30 to 11:00 a.m., every Wednesday beginning August 1 through October 31, 2018 at 400 Robert Street North; and

WHEREAS, if applicant is not granted a variance applicant will not be able to present the amplified music at 400 Robert 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 Securian Financial subject to the following conditions:

- 1) The variance will be for amplified music for the hours from 11:00 a.m. to 1:00 p.m., with a pre-event sound check from 10:30 to 11:00 a.m., every Wednesday beginning August 1 to October 31, 2018.
- 2) All electronically powered equipment, PA systems, loudspeakers or similar devices used in conjunction with the music concert events must not exceed 80 dBA, as measured at 50 feet from the noise source.
- 3) The applicant shall provide personnel and equipment who will provide sound level monitoring to ensure compliance with the sound level variance conditions.
- 4) All electronically powered equipment, PA systems, loudspeakers or similar devices shall be turned off no later than 1:00 p.m. on the days of the event.

FURTHER RESOLVED, that any violations of the conditions set forth above on any of the dates may result in revocation of this variance for the remaining date(s), in addition to any criminal citation which might issue.

Securian Financial has requested an exemption from the sound level limitations in Chapter 293.07 in order to present amplified music from 11:00 a.m. to 1:00 p.m., with a pre-event sound check from 10:30 to 11:00 a.m., every Wednesday beginning August 1 to October 31, 2018 at 400 Robert 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