Legislation Text

File #: RES PH 19-31, **Version:** 1

Approving the application of Cossetta's for a sound level variance for amplified music during St. Patrick's Day events on Saturday, March 16 and Sunday, March 17, 2019 at 211-7th Street West.

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, Cossetta's Inc., represented by David Cossetta, who has been designated as the responsible person on the application, has applied for a variance, to present amplified music in an enclosed tent at 211 7th Street West; and

WHEREAS, applicant has requested a variance, at a requested sound level limit of 90 dBA at 50 feet from the source, for the hours from 12:00 p.m. to 12:00 a.m. on March 16 and March 17, 2019; and

WHEREAS, if applicant is not granted a variance it will not be able to present amplified music at 211 7th Street West; 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 Cossetta's, subject to the following conditions:

1) The Variance shall be for the hours from 12:00 p.m. until 11:59 p.m. on Saturday, March 16, 2019 and from 12:00 p.m. until 10:00 p.m. on Sunday, March 17, 2019, in a fully enclosed tent at 211 7th Street West.

2) All electronically powered equipment used in conjunction with the event shall not exceed 90 dBA as measured at 50 feet from all sound sources outside of the fully enclosed tent from 12:00 p.m. until 11:59 p.m. on March 16, 2019 and from 12:00 p.m. until 10:00 p.m. on March 17, 2019.

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 11:59 p.m. on March 16, 2019 and no later than 10:00 p.m. on March 17, 2019, the event dates.

FURTHER RESOLVED, that any violations of the conditions set forth above may result in denial of future requests for the grant of a noise variance, in addition to any criminal citation which might issue.

Cossetta's Inc., represented by David Cossetta, has requested an exemption from the sound level limitations in Chapter 293.07 in order to present amplified music, with limitations, from 12:00 p.m. to midnight on March 16 and March 17, 2019. 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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