Legislation Text

File #: RES PH 19-227, **Version:** 1

Approving the application of Big River Pizza for a sound level variance to present live amplified music on Wednesday, July 31, 2019, at 280 5th Street East, on Wall Street between 5th and 4th Streets. (To be withdrawn)

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, Big River Pizza, represented by Steve Lott, owner, who has been designated as the responsible person on the application, has applied for a variance, at a requested sound level limit of 100 dBA at 50 feet, to present live amplified music from 280 5th St., on Wall Street between 5th and 4thl Streets; and

WHEREAS, applicant has requested a variance for the hours of 3:30 p.m. to 10:00 p.m., with a pre-event sound check at 3:30 p.m., on Wednesday, July 31, 2019, for Big River Pizza Concert Series Steele Pulse; and

WHEREAS, if applicant is not granted a variance applicant will not be able to present amplified music at 280 5 th Street E; 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 Big River Pizza subject to the following conditions:

1) The Variance shall be for the hours from 3:30 p.m. to 10:00 p.m., with a pre-event sound check at 3:30 p.m., on Wednesday, July 31, 2019.

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.

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 the day of the event.

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

Big River Pizza, represented by Steve Lott, have requested an exemption from the sound level limitations in Chapter 293.07 in order to present live amplified music, with limitations, from 3:30 p.m. until 10:00 p.m. on Wednesday, July 31, 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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