



## Legislation Text

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**File #:** RES PH 21-132, **Version:** 1

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Approving the application of OSP Events, LLC for a sound level variance in order to present live amplified sound on June 10 and 17, July 8, 15, 22, and 29, August 5, 12, 19, and 26, September 2 and 9, 2021 at 221 Fifth Street East, Mears Park.

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, OSP Events, LLC, represented by Clint Roberts, Executive Director, who has been designated as the responsible person on the application, has applied for a variance, for a requested sound level limit of 90 dBA at no specified distance, to present amplified sound at 221 5<sup>th</sup> St. E.-Mears Park; and

WHEREAS, applicant has requested a variance for the hours from 6:00 p.m. to 9:30 p.m. on June 10 and 17, July 8, 15, 22, and 29, August 5, 12, 19, and 26, September 2 and 9, 2021 with a pre-event sound check from 4:30 p.m. to 5:30 p.m. for Lowertown Sounds Events; and

WHEREAS, if applicant is not granted a variance applicant will not be able to present amplified sound at 221 5<sup>th</sup> St. E.-Mears Park; 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 OSP Events, LLC, subject to the following conditions:

- 1) The Variance shall be for the hours from 6:00 p.m. to 9:30 p.m. on June 10 and 17, July 8, 15, 22, and 29, August 5, 12, 19, and 26, September 2 and 9, 2021 with a pre-event sound check from 4:30 p.m. to 5:30 p.m.
- 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 9:30 p.m. June 10 and 17, July 8, 15, 22, and 29, August 5, 12, 19, and 26, September 2 and 9, 2021, the event dates.

FURTHER RESOLVED, that verified complaints from residents or businesses in the area regarding significant negative impact from the increased sound level variance for the Lowertown Sounds on Thursdays hours, the sound level variance may be amended or revoked by the council in accordance with the procedures set forth in Chapter 293.09; and be it

FURTHER RESOLVED, that any violation 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 the City might issue.

OSP Events, LLC, represented by Clint Roberts, has requested an exemption from the sound level limitations in Chapter 293.07 in order to present amplified sound, with limitations, from 6:00 p.m. until 9:30 p.m. on June 10 and 17, July 8, 15, 22, and 29, August 5, 12, 19, and 26, September 2 and 9, 2021. 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