



## Legislation Text

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**File #:** RES PH 21-136, **Version:** 1

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Approving the application of Big River Pizza for a sound level variance in order to present amplified music for Songs to Phil the Air Series June 26, July 10, July 24, August 14, August 28, September 4, September 18 and October 2, 2021 at the St. Paul Farmers Market.

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, Steve Lott, Owner, who has been designated as the responsible person on the application, has applied for a sound level variance at a requested level of 90 dBA at 50 feet from the sound source, to present amplified music. Proposed times of operation are from 4:00 p.m. until 10:30 p.m., with a pre-event sound check from 3:00 p.m. to 3:30 p.m., for (8) Saturdays starting on Saturday, June 26, July 10, July 24, August 14, August 28, September 4, September 18 and October 2, 2021 at St. Paul Farmers Market. 290 5<sup>th</sup> Street East; and

WHEREAS, if applicant is not granted the variances, applicants will not be able to present the outdoor music series at St. Paul Farmers Market; and

WHEREAS, the Department of Safety and Inspections (DSI) 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 Steve Lott, subject to the following conditions:

- 1) The Variance will be for a music series for (8) Saturdays starting on Saturday, June 26, July 10, July 24, August 14, August 28, September 4, September 18 and October 2, 2021, for Songs to Phil the Air with amplified music from 4:00 p.m. until 10:30 p.m., with a pre-event sound check from 3:00 pm until 3:30 pm at the St. Paul Farmers Market.
- 2) All electronically powered equipment, PA systems, loudspeakers or similar devices used in conjunction with the events must not exceed 90 dBA, as measured at 50 feet from the noise source during the proposed, specified hours for each of the designated, Saturdays music series event hours.
- 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 10:30 p.m. on the dates of the events.

FURTHER RESOLVED, that verified complaints from residents or businesses in the area regarding significant negative impact from the increased sound level variance for the Songs to Phil the Air on Saturdays 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 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.

Steve Lott, Owner, has requested an exemption from the sound level limitations in Chapter 293.07 in order to present amplified music for (8) Saturdays starting on Saturday, June 26, July 10, July 24, August 14, August 28, September 4, September 18 and October 2, 2021, at St. Paul Farmers Market. 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