



## Legislation Details (With Text)

**File #:** RES PH 19- 24      **Version:** 1

**Type:** Resolution-Public Hearing      **Status:** Passed

**In control:** City Council

**Final action:** 2/20/2019

**Title:** Approving the application of Visit Saint Paul for a sound level variance for live music and DJs on March 9, 2019 from 2:00 p.m. until 11:00 p.m. during Lucky Palooza on West 7th, between 174 and 258 7th Street West.

**Sponsors:** Rebecca Noecker

**Indexes:** Ward - 2

**Code sections:**

**Attachments:** 1. Application, 2. ENS, 3. Map, 4. Notice to Owners, 5. Owners List, 6. Letter to Applicant

Date	Ver.	Action By	Action	Result
2/26/2019	1	Mayor's Office	Signed	
2/20/2019	1	City Council	Adopted	Pass

Approving the application of Visit Saint Paul for a sound level variance for live music and DJs on March 9, 2019 from 2:00 p.m. until 11:00 p.m. during Lucky Palooza on West 7<sup>th</sup>, between 174 and 258 7<sup>th</sup> 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, Adam Johnson, Vice President of Marketing, Visit Saint Paul, who is designated as the responsible person on the application, has applied for a variance to provide live music on 7<sup>th</sup> Street West outside Tom Reid's, 258 7<sup>th</sup> Street West and at Eagle Street/The Liffey, 174 7<sup>th</sup> Street West; for a DJ/Live Music from fully enclosed tents at Burger Moe's Parking Lot, 242 7<sup>th</sup> Street West, Cossetta's Parking Lot, 211 7<sup>th</sup> Street West, and in McGovern's Parking Lot, 225 7<sup>th</sup> Street West, for use of a DJ with music on the street under an overhang in front of Cossetta's, 211 7<sup>th</sup> Street West and for a Mechanical Bull Sound System outside of Hampton Inn & Suites, 200 7<sup>th</sup> Street West; and

WHEREAS, applicant is seeking a variance, with a sound level request of 100 decibels at 50 feet from the source of all locations from 2:00 p.m. until 11:00 p.m., and a level of 95 decibels at 50 feet from the sound source of the tent contained locations from 11:00 p.m. on March 9, 2019 until 1:00 a.m. on March 10, 2019, with outside street live music and DJs to cease at 11:00 p.m. Applicant is seeking a variance for the hours of 2:00 p.m. until 11:00 p.m. on March 9, 2019 in the street and in fully enclosed tents on West 7<sup>th</sup> Street and further, from 11:00 p.m. on March 9, 2019 until 1:00 a.m. on March 10, 2019 in fully enclosed tents on 7<sup>th</sup> Street West between 174 7<sup>th</sup> and 258 7<sup>th</sup> Street West; and

WHEREAS, if applicant is not granted a variance applicant will not be able to provide the use of live music and DJs on 7<sup>th</sup> Street West: live music outside Tom Reid's, 258 7<sup>th</sup> Street West and at Eagle Street/The Liffey, 174 7<sup>th</sup> Street West; for a DJ/Live Music from fully enclosed tents at Burger Moe's Parking Lot, 242 7<sup>th</sup> Street West,

Cossetta's Parking Lot, 211 7<sup>th</sup> Street West, and in McGovern's Parking Lot, 225 7<sup>th</sup> Street West, for use of a DJ with music under an overhang in front of Cossetta's, 211 7<sup>th</sup> Street West and for a Mechanical Bull Sound System outside of Hampton Inn & Suites, 200 7<sup>th</sup> Street West; during Lucky Palooza on West 7<sup>th</sup>; 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 Adam Johnson, subject to the following conditions:

- 1) The Variance shall be for the hours of 2:00 p.m. until 11:00 p.m. in the street on West 7<sup>th</sup> Street on March 9, 2019 outside Tom Reid's, 258 7<sup>th</sup> Street West and at Eagle Street/The Liffey, 174 7<sup>th</sup> Street West, for a Mechanical Bull Sound System outside of Hampton Inn & Suites, 200 7<sup>th</sup> Street West; and for use of a DJ with music under an overhang in front of Cossetta's, 211 7<sup>th</sup> Street West; and in fully enclosed tents from 2:00 p.m. until 11:00 p.m., and further, from 11:00 p.m. on March 9, 2019 until 1:00 a.m. on March 10, 2019 for a DJ/Live Music from tents at Burger Moe's Parking Lot, 242 7<sup>th</sup> Street West, Cossetta's Parking Lot, 211 7<sup>th</sup> Street West, and in McGovern's Parking Lot, 225 7<sup>th</sup> Street West, during Lucky Palooza on West 7<sup>th</sup>.
- 2) All electronically powered equipment used in conjunction with the event shall not exceed 95 dBA as measured at 50 feet from the sound sources outside on the street from 2:00 p.m. until 11:00 p.m. on March 9, 2019, not exceed 80 dBA as measured at 50 feet from the sound source outside of the fully enclosed tents from 11:00 p.m. on March 9, 2019 until 1:00 a.m. on March 10, 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 11:00 p.m. in the street on March 9, 2019 and no later than 1:00 a.m. on March 10, 2019 in the tents.

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

Adam Johnson, Vice President of Marketing, Visit Saint Paul, has requested an exemption from the sound level limitations in Chapter 293.07 in order to provide use live music, and DJs on the street and in fully enclosed tents in an area on 7<sup>th</sup> Street West between 174 7<sup>th</sup> Street West and 258 7<sup>th</sup> Street West during Lucky Palooza on West 7<sup>th</sup> on March 9, 2019, with limitations. Variance is requested from 2:00 p.m. until 11:00 p.m. in the street and in tents on West 7<sup>th</sup> Street, and further, in fully enclosed tents from 11:00 p.m. on March 9, 2019 until 1:00 a.m. on March 10, 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