



## Legislation Details (With Text)

**File #:** RES PH 16- 26      **Version:** 1

**Type:** Resolution-Public Hearing      **Status:** Passed  
**In control:** City Council  
**Final action:** 2/3/2016

**Title:** Approving the application of Carol March, c/o Public Kitchen and Bar LLC for a sound level variance in order to present amplified live music on Saturday, March 12, 2016 during the Luckytown Public Kitchen Event on 6th Street between Wacouta Street and Sibley Streets by Mears Park.

**Sponsors:** Rebecca Noecker

**Indexes:** Ward - 2

**Code sections:**

**Attachments:** 1. Application, 2. ENS, 3. Map, 4. Notice to District Council, 5. Notice to Property Owners, 6. List of Property Owners, 7. Letter to Applicant, 8. Public Comments

| Date      | Ver. | Action By      | Action  | Result |
|-----------|------|----------------|---------|--------|
| 2/10/2016 | 1    | Mayor's Office | Signed  |        |
| 2/3/2016  | 1    | City Council   | Adopted | Pass   |

Approving the application of Carol March, c/o Public Kitchen and Bar LLC for a sound level variance in order to present amplified live music on Saturday, March 12, 2016 during the Luckytown Public Kitchen Event on 6<sup>th</sup> Street between Wacouta Street and Sibley Streets by 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, Public Kitchen and Bar LLC, represented by Carol March, who has been designated as the responsible person on the application, has applied for a variance to present amplified music on 6<sup>th</sup> Street between Wacouta and Sibley Streets by Mears Park; and

WHEREAS, applicant is seeking a variance for the hours of 2:00 p.m. until 10:30 p.m. on Saturday, March 12, 2016 for the Luckytown Event; and

WHEREAS, if applicant is not granted a variance applicant will not be able to present amplified live music at Mears Park facing 6<sup>th</sup> Street between Wacouta Street and Sibley Street N near 229 6<sup>th</sup> Street East; 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 Luckytown/Carol March, c/o Public Kitchen and Bar LLC, subject to the following conditions:

- 1) The variance will be for the Luckytown Event and the hours of 2:00 p.m. until 10:30 p.m. on Saturday,

March 12, 2016.

- 2) All electronically powered equipment, PA systems, loudspeakers or similar devices used in conjunction with the event must not exceed 90 dBA as measured 50 feet from sound source.
- 3) The applicant will provide personnel and equipment to ensure compliance with the sound level variance conditions.
- 4) All electronically powered equipment, PA systems, loudspeakers or similar devices must be turned off no later than 10:30 p.m. on the date of the event.

FURTHER RESOLVED, that any violations of the conditions set forth above, may result in denial of any future variances, in addition to any criminal citation which may be issued.

Carol March, c/o Public Kitchen and Bar LLC, has requested an exemption from the sound level limitations in Chapter 293.07 in order to present amplified music, with limitations, from 2:00 p.m. until 10:30 p.m. on Saturday, March 12, 2016 during the Luckytown Event at Mears Park facing 6<sup>th</sup> Street between Wacouta Street and Sibley Street North, near 229 6<sup>th</sup> Street East. 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