



## Legislation Details (With Text)

**File #:** RES PH 14- 267      **Version:** 1

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

**In control:** City Council

**Final action:** 9/17/2014

**Title:** Approving the application of Dan Kueny, Lowertown Bike Shop Operations Director, for a sound level variance in order to present amplified live music from 12:00 noon until 7:30 p.m., and unamplified music from 7:30 p.m. to 8:00 p.m. on Sunday, September 28, 2014 for the Lowertown Bike Shop Music Event at the East Parking lot of the Jax Building, 253 Fourth Street East.

**Sponsors:** Dave Thune

**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

Date	Ver.	Action By	Action	Result
9/22/2014	1	Mayor's Office	Signed	
9/17/2014	1	City Council	Adopted	Pass

Approving the application of Dan Kueny, Lowertown Bike Shop Operations Director, for a sound level variance in order to present amplified live music from 12:00 noon until 7:30 p.m., and unamplified music from 7:30 p.m. to 8:00 p.m. on Sunday, September 28, 2014 for the Lowertown Bike Shop Music Event at the East Parking lot of the Jax Building, 253 Fourth Street East.

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, The Lowertown Bike Shop, represented by Dan Kueny, who has been designated as the responsible person on the application, has applied for a variance to present amplified live music at the East Parking lot of the Jax Building, 253 4<sup>th</sup> Street East; and

WHEREAS, applicant is seeking a variance for the hours of 12:00 noon to 8:00 p.m. on Sunday, September 28, 2014 during the Lowertown Bike Shop Music Event; and

WHEREAS, if applicant is not granted a variance it will not be able to present amplified music at the East Parking lot of the Jax Building, 253 4<sup>th</sup> Street East; and

RESOLVED, that the Council of the City of Saint Paul hereby grants a variance to the Lowertown Bike Shop, subject to the following conditions:

1) The variance shall be for the hours of 12:00 noon to 7:30 p.m. for amplified music, and from 7:30 p.m. to 8:00 p.m., for unamplified music, on September 28, 2014.

- 2) All electronically powered equipment used in conjunction with the event shall not exceed 80 dBA as measured at the sound mix or 50 feet from the stage, whichever is closer.
- 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 8:00 p.m. on the event date.

FURTHER RESOLVED, that any violations of the conditions set forth above on the September 28, 2014 date may result in denial of future requests for the grant of a noise variance, in addition to any criminal citation which might issue.

The Lowertown Bike Shop, represented by Dan Kueny, has requested an exemption from the sound level limitations in Chapter 293.07 in order to present amplified music, with limitations, from 12:00 noon until 8:00 p.m. on September 28, 2014 during the Lowertown Bike Shop Music Event. Chapter 293.09 provides for the granting of variances from the sound level limitations contained in Chapter 293.07.