



Legislation Details (With Text)

File #: RES PH 23- 116 **Version:** 1

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

In control: City Council

Final action: 5/17/2023

Title: Approving the application of ROK Eatery for a sound level variance in order to present amplified sound on Sundays, June 4 - September 24, 2023 at 882 Seventh Street West #12 - ROK Eatery.

Sponsors: Rebecca Noecker

Indexes: Ward - 2

Code sections:

Attachments: 1. Application, 2. ENS, 3. Map, 4. Owners list, 5. Notice to Owner, 6. Letter to Applicant, 7. William Becker public comment, 8. Kat Hitzeman public comment, 9. Joshua Phillips public comment

| Date | Ver. | Action By | Action | Result |
|-----------|------|----------------|---------|--------|
| 5/18/2023 | 1 | Mayor's Office | Signed | |
| 5/17/2023 | 1 | City Council | Adopted | Pass |

Approving the application of ROK Eatery for a sound level variance in order to present amplified sound on Sundays, June 4 - September 24, 2023 at 882 Seventh Street West #12 - ROK Eatery.
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, ROK Eatery, represented by Travis Wycislak, Owner, who has been designated as the responsible person on the application, has applied for a variance, for 90 dBA at no specified distance, to present amplified sound for the Patio Days @ ROK Eatery, 882 W 7th St #12 - ROK Eatery; and

WHEREAS, applicant has requested a variance for the hours of 1:00 p.m. to 6:00 p.m. with a pre-event sound check at 12:00 p.m. on Sundays, June 4 - September 24, 2023 for Patio Days @ ROK Eatery; and

WHEREAS, if applicant is not granted a variance applicant will not be able to present amplified sound at 882 W 7th St. #12 - ROK Eatery; 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 ROK Eatery, subject to the following conditions:

- 1) The Variance shall be for the hours from of 1:00 p.m. to 6:00 p.m. with a pre-event sound check at 12:00 p.m. on Sundays, June 4 - September 24, 2023 for Patio Days @ ROK Eatery.
- 2) All electronically powered equipment used in conjunction with the event shall not exceed 85 dBA 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 source during the hours of the variance.
- 4) All electronically powered equipment, PA systems, loudspeakers or similar devices shall be turned off no later than 6:00 p.m. on Sundays, June 4 - September 24, 2023, the event dates.

FURTHER RESOLVED, that any violations of the conditions set forth above on the Sundays, June 4 - September 24, 2023 dates may result in denial of future requests for the grant of a noise variance, in addition to any criminal citation which might issue.

ROK Eatery, represented by owner, Travis Wycislak, has requested an exemption from the sound level limitations in Chapter 293.07 in order to present amplified sound, with limitations, from 1:00 p.m. to 6:00 p.m. with a pre-event sound check at 12:00 p.m. on Sundays starting June 4 - September 24, 2023. 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