



## Legislation Details (With Text)

**File #:** RES PH 23- 49      **Version:** 1

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

**In control:** City Council

**Final action:** 3/15/2023

**Title:** Approving the application of Visit Saint Paul for a sound level variance in order to present amplified sound for the Visit Saint Paul/NCHC Fan Fest 2023 on March 17 and 18, 2023 on the Patio of Apostle Supper Club at 253 Kellogg Boulevard West - on Seventh Street West between Kellogg Boulevard West and Fifth Street West.

**Sponsors:** Rebecca Noecker

**Indexes:** Ward - 2

**Code sections:**

**Attachments:** 1. Sound Level Variance Application NCHC Fan Fest 2023, 2. ENS.1, 3. map, 4. NCHC Fan Fest 2023.Notice to Owners, 5. Owner list, 6. NCHC Fan Fest 2023.Letter to Applicant

Date	Ver.	Action By	Action	Result
3/16/2023	1	Mayor's Office	Signed	
3/15/2023	1	City Council	Adopted	Pass

Approving the application of Visit Saint Paul for a sound level variance in order to present amplified sound for the Visit Saint Paul/NCHC Fan Fest 2023 on March 17 and 18, 2023 on the Patio of Apostle Supper Club at 253 Kellogg Boulevard West - on Seventh Street West between Kellogg Boulevard West and Fifth 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, Bridget McCoy, Visit Saint Paul, Client Engagement Manager, who has been designated as the responsible person on the application, has applied for a variance, at no requested sound level limit or specified distance, to present amplified sound at 253 Kellogg Blvd W - Apostle Supper Club Patio; and

WHEREAS, applicant has requested a variance for the hours of 2:00 p.m. to 6:00 p.m., with a pre-event sound check at 1:00 p.m. on Friday, March 17, 2023 and for the hours of 3:00 p.m. until 7:00 p.m., with a pre-event sound check at 2:00 p.m. on Saturday, March 18, 2023 for the NCHC Fan Fest 2023 Event; and

WHEREAS, if applicant is not granted a variance applicant will not be able to present amplified sound on the patio at 253 Kellogg Blvd W - on 7th St W between Kellogg Blvd W and 5th St W.; 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 Visit Saint Paul, subject to the following conditions:

- 1) The Variance shall be for the hours of 2:00 p.m. to 6:00 p.m., with a pre-event sound check at 1:00 p.m. on Friday, March 17, 2023 and for the hours of 3:00 p.m. until 7:00 p.m., with a pre-event sound check at 2:00 p.m. on Saturday, March 18, 2023.
- 2) All electronically powered equipment used in conjunction with the event shall not exceed 90 dBA as measured 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 March 17, 2023 and no later than 7:00 p.m. on March 18, 2023, the event dates.

FURTHER RESOLVED, that any violations of the conditions set forth above on the March 17 and March 18, 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.

Visit Saint Paul, represented by Bridget McCoy, Client Engagement Manager, has requested an exemption from the sound level limitations in Chapter 293.07 in order to present amplified sound, with limitations, from 2:00 p.m. to 6:00 p.m., with a pre-event sound check at 1:00 p.m. on Friday, March 17, 2023 and from 3:00 p.m. until 7:00 p.m. with a pre-event sound check at 2:00 p.m. on Saturday, March 18, 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