



## Legislation Details (With Text)

**File #:** RES PH 18- 106      **Version:** 1

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

**In control:** City Council

**Final action:** 4/18/2018

**Title:** Approving the application of Big River Pizza for a sound level variance in order to present live amplified music for block parties on Saturdays June 23, July 28, and September 1, 2018 at 280 5th Street East.

**Sponsors:** Rebecca Noecker

**Indexes:** Ward - 2

**Code sections:**

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

Date	Ver.	Action By	Action	Result
4/23/2018	1	Mayor's Office	Signed	
4/18/2018	1	City Council	Adopted	Pass

Approving the application of Big River Pizza for a sound level variance in order to present live amplified music for block parties on Saturdays June 23, July 28, and September 1, 2018 at 280 5<sup>th</sup> 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, Big River Pizza, represented by Steve Lott, owner, who has been designated as the responsible person on the application, has applied for a variance, at a requested level of 100 dBA at 50 feet, to present live amplified music on Wall Street between 4<sup>th</sup> and 5<sup>th</sup> streets; and

WHEREAS, applicant has requested a variance for the hours from 2:30 p.m. to 8:00 p.m., with a pre-event sound check at 2:30 p.m., on Saturday, June 23, Saturday, July 28, and Saturday, September 1, 2018 for three Big River Pizza Block Parties; and

WHEREAS, if applicant is not granted a variance applicant will not be able to present amplified music at 280 5<sup>th</sup> Street E; 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 Big River Pizza subject to the following conditions:

- 1) The variance shall be for the hours from 2:30 p.m. to 8:00 p.m., with a pre-event sound check at 2:30 p.m., on Saturday, June 23, Saturday, July 28, and Saturday, September 1, 2018.

- 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 outside of the fully enclosed tents.
- 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 days of the event.

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

Big River Pizza, represented by Steve Lott, have requested an exemption from the sound level limitations in Chapter 293.07 in order to present live amplified music, with limitations, from 2:30 p.m. until 8:00 a.m. on Saturday, June 23, Saturday, July 28 and Saturday, September 1, 2018. 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