



Legislation Details (With Text)

File #: RES PH 18- 62 **Version:** 1

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

In control: City Council

Final action: 3/7/2018

Title: Approving the application of Downtowner Woodfire Grill for a sound level variance in order to present amplified music for Lucky Palooza on Saturday, March 10, 2018 at 253 7th Street West.

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
3/12/2018	1	Mayor's Office	Signed	
3/7/2018	1	City Council	Adopted	Pass

Approving the application of Downtowner Woodfire Grill for a sound level variance in order to present amplified music for Lucky Palooza on Saturday, March 10, 2018 at 253 7th 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, Downtowner Woodfire Grill, represented by Moe Sharif, who has been designated as the responsible person on the application, has applied for a variance to present amplified music in the parking lot at 253 7th Street West as part of the Visit Saint Paul Lucky Palooza Event; and

WHEREAS, applicant has requested a variance, at a requested sound level limit of 90 dBA at no specified distance, for the hours from 2:00 p.m. to 11:00 p.m. on March 10, 2018 with a pre-event sound check at 1:00 p.m.; and

WHEREAS, if applicant is not granted a variance it will not be able to present amplified music at 253 7th Street West; 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 Downtowner Woodfire Grill, subject to the following conditions:

- 1) The variance shall be for the hours from 2:00 p.m. until 11:00 p.m. on Saturday, March 10, 2018, with a pre-event sound check at 1:00 p.m., in the parking lot of Downtowner Woodfire Grill, 253 7th Street West.

- 2) All electronically powered equipment used in conjunction with the event shall not exceed 90 dBA as measured at 50 feet from all sound from 2:00 p.m. until 11:00 p.m., with a pre-event sound check at 1:00 p.m.
- 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 11:00 p.m. on March 10, 2018.

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

Downtown Woodfire Grill, represented by Moe Sharif, 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. to 11:00 p.m. on March 10, 2018, with a pre-event sound check from at 1:00 p.m. 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