



## Legislation Text

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**File #:** RES PH 19-280, **Version:** 1

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Approving the application of Visit Saint Paul for a sound level variance for live music and DJs on 7<sup>th</sup> Street West between Walnut Street and Kellogg Boulevard during the Flugtag Street Party on September 7, 2019.

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, Nick Cusick, Marketing & Media Relations Manager, Visit Saint Paul, who is designated as the responsible person on the application, has applied for a variance to provide DJ and live music on 7<sup>th</sup> Street West outside of Eagle Street Grille, 174 7<sup>th</sup> Street West; in Burger Moe's Parking Lot, 242 7<sup>th</sup> Street West; in McGovern's Parking Lot, 225 7<sup>th</sup> Street West; in the street under an overhang in front of Cossetta's, 211 7<sup>th</sup> Street West; for live music next to New Bohemia, 222 7<sup>th</sup> Street West, on Chestnut Street and for a Mechanical Bull Sound System outside of Eagle Street Grille, 174 7<sup>th</sup> Street West; and

WHEREAS, applicant is seeking a variance, with a sound level request of 100 decibels at 50 feet from the source of all locations from 2:00 p.m. until 11:00 p.m. on September 7, 2019, with outside street and parking lot live music and DJs to cease at 11:00 p.m.; and;

WHEREAS, if applicant is not granted a variance applicant will not be able to provide the use of live music and DJs on 7<sup>th</sup> Street West: outside of Eagle Street Grille, 174 7<sup>th</sup> Street West; in Burger Moe's Parking Lot, 242 7<sup>th</sup> Street West; in McGovern's Parking Lot, 225 7<sup>th</sup> Street West, in the street under an overhang in front of Cossetta's, 211 7<sup>th</sup> Street West; for live music next to New Bohemia, 222 7<sup>th</sup> Street West, on Chestnut Street and for a Mechanical Bull Sound System outside of Eagle Street Grille, 174 7<sup>th</sup> 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 Visit Saint Paul, subject to the following conditions:

- 1)The Variance shall be for the hours of 2:00 p.m. until 11:00 p.m. to provide DJ and live music in the street on West 7<sup>th</sup> Street on September 7, 2019 outside of Eagle Street Grille, 174 7<sup>th</sup> Street West; in Burger Moe's Parking Lot, 242 7<sup>th</sup> Street West; in McGovern's Parking Lot, 225 7<sup>th</sup> Street West; in the street under an overhang in front of Cossetta's, 211 7<sup>th</sup> Street West; for live music next to New Bohemia, 222 7<sup>th</sup> Street West, on Chestnut Street and for a Mechanical Bull Sound System outside of Eagle Street Grille, 174 7<sup>th</sup> Street West; during the Flugtag Street Party on West 7<sup>th</sup> Street.
- 2) All electronically powered equipment used in conjunction with the event shall not exceed 95 dBA as measured at 50 feet from the sound sources outside on the street and in the parking lots from 2:00 p.m. until 11:00 p.m. on September 7, 2019.

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. in the street and parking lots on September 7, 2019.

FURTHER RESOLVED, that any violations of the conditions set forth above on any of the dates may result in revocation of the grant of a noise variance for the subsequent date(s), in addition to any criminal citation which might issue.

Nick Cusick, Marketing and Media Relations Manager, Visit Saint Paul, has requested an exemption from the sound level limitations in Chapter 293.07 in order to provide use of live music, and DJs on the street and in parking lots in an area on 7<sup>th</sup> Street West between 174 7<sup>th</sup> Street West and 258 7<sup>th</sup> Street West during the Flugtag Street Party on September 7, 2019, with limitations. Variance is requested from 2:00 p.m. until 11:00 p.m. in the street and parking lots on West 7<sup>th</sup> Street, on September 7, 2019. 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