



Legislation Text

File #: RES PH 16-264, **Version:** 1

Approving the application of Herb Howe, owner, Cozy Cantina, for a sound level variance in order to present DJ and live music in the parking lot at 202 Cesar Chavez Street, on August 20, 2016 for Customer Appreciation Day, and on September 17, 2016 for Mexican Independence Day Celebration.

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, Cozy Cantina, represented by Herb Howe, owner, who has been designated as the responsible person on the application, has applied for a variance, at a requested sound level limit of 80 decibels (dBA) at no specified distance, to present DJ and live music in the parking lot at 202 Cesar Chavez Street; and

WHEREAS, applicant is seeking a variance for the hours of 12:00 p.m. until 10:00 p.m., with a sound check during the hours of the events on August 20, 2016 and on September 17, 2016; and

WHEREAS, if applicant is not granted a variance applicant will not be able to present DJ and live music in the parking lot at 202 Cesar Chavez Street; and

WHEREAS, the Department of Safety and Inspections has reviewed the application and has made recommendations regarding conditions for the variances; now, therefore, be it

RESOLVED, that the Council of the City of Saint Paul hereby grants a variance to Cozy Cantina, subject to the following conditions:

- 1) The variances shall be for the hours of 12:00 p.m. until 10:00 p.m., with a sound check during those hours, on August 20, 2016 for Customer Appreciation Day and on September 17, 2016 for Mexican Independence Day Celebration, which events shall take place in the parking lot at 202 Cesar Chavez Street.
- 2) All electronically powered equipment used in conjunction with the event shall not exceed 80 dBA as measured at 50 feet from sound source.
- 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 10:00 p.m. on the event dates.

FURTHER RESOLVED, that any violations of the conditions set forth above on the August 20, 2016 and September 17, 2016 dates may result in denial of future requests for the grant of a noise variance, in addition to any criminal citation which might be issued.

Cozy Cantina, represented by Herb Howe, owner, has requested an exemption from the sound level

limitations in Chapter 293.07 in order to present DJ and live music, with limitations, outdoors in the parking lot at 202 Cesar Chavez Street from 1200 p.m. until 10:00 p.m., with a sound check during the event hours on August 20, 2016 for Customer Appreciation Day and on September 17, 2016 during Mexican Independence Day Celebration. 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