



Legislation Details (With Text)

File #: RES PH 17- 79 **Version:** 1

Type: Resolution-Public Hearing **Status:** Passed
In control: City Council
Final action: 3/15/2017

Title: Approving the application of Bad Weather Brewing Company for a sound level variance in order to present amplified music on April 21, 22, and 23, 2017 during the Bad Weather Anniversary Party in the parking lot at 414 7th Street West.

Sponsors: Rebecca Noecker

Indexes: Ward - 2

Code sections:

Attachments: 1. Application, 2. ENS, 3. Map, 4. Notice to Property Owners, 5. List of Property Owners, 6. Letter to Applicant, 7. Haus letter

| Date | Ver. | Action By | Action | Result |
|-----------|------|----------------|---------|--------|
| 3/16/2017 | 1 | Mayor's Office | Signed | |
| 3/15/2017 | 1 | City Council | Adopted | Pass |

Approving the application of Bad Weather Brewing Company for a sound level variance in order to present amplified music on April 21, 22, and 23, 2017 during the Bad Weather Anniversary Party in the parking lot at 414 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, Bad Weather Brewing Company, represented by Joe Giambruno, Co-Founder, who has been designated as the responsible person on the application, has applied for a variance, at 85 dBA at no specified distance, to present amplified music at Bad Weather Brewing Company, 414 7th Street West; and

WHEREAS, applicant is seeking a variance for the hours of 5:00 p.m. until 9:00 p.m. on Friday, April 21, 2017; from 12:00 p.m. (Noon) until 9:00 p.m. on Saturday April 22, 2017 and from 12:00 p.m. (Noon) until 5:00 p.m. on Sunday, April 23, 2017, with a pre-event sound check at 4:00 p.m. Friday and at 11:00 a.m. on Saturday and Sunday, during the Bad Weather Anniversary Party at 414 7th Street West; and

WHEREAS, if applicant is not granted a variance applicant will not be able to present amplified music at the Bad Weather Brewing Company Parking Lot, 414 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 Bad Weather Brewing Company, subject to the following conditions:

- 1) The variance shall be for the hours of 5:00 p.m. until 9:00 p.m. on Friday, April 21, 2017 with a pre-event sound check at 4:00 pm; from 12:00 p.m. (noon) until 9:00 p.m. on Saturday, April 22, 2017 and from 12:00 p.m. until 5:00 p.m. on Sunday, April 22, 2017, with a pre-event sound check at 11:00 a.m. on Saturday and Sunday.
- 2) All electronically powered equipment used in conjunction with the event shall not exceed 85 dBA as measured 50 feet from sound source.
- 3) The applicant shall provide personnel and equipment to ensure compliance with the sound level variance conditions.
- 4) All electronically powered equipment, PA systems, loudspeakers or similar devices shall be turned off no later than 9:00 p.m. on April 21, 2017 and April 22, 2017 and no later than 5:00 p.m. on April 23, 2017, the dates of the event.

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

Bad Weather Brewing Company, represented by Joe Giambruno, Co-Founder, has requested an exemption from the sound level limitations in Chapter 293.07 in order to present amplified music, with limitations, from 5:00 p.m. until 9:00 p.m. on Friday, April 21, 2017, with a pre-event sound check at 4:00 p.m.; from 12:00 p.m. until 9:00 p.m. on Saturday, April 22, 2017, and from 12:00 p.m. until 5:00 p.m. on Sunday, April 23, 2017, with an 11:00 a.m. pre-event sound check on Saturday and Sunday, during the Bad Weather Anniversary Party at 414 7th Street West. 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