



## Legislation Details (With Text)

**File #:** RES PH 18- 302 **Version:** 1

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

**In control:** City Council

**Final action:** 10/17/2018

**Title:** Approving the application of Public Kitchen & Bar LLC. for a sound level variance to present outdoor music and announcements for the Hog Smoke Fest on Sunday, October 21, 2018 at 400 Sibley Street.

**Sponsors:** Rebecca Noecker

**Indexes:** Ward - 2

**Code sections:**

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

| Date       | Ver. | Action By      | Action  | Result |
|------------|------|----------------|---------|--------|
| 10/24/2018 | 1    | Mayor's Office | Signed  |        |
| 10/17/2018 | 1    | City Council   | Adopted | Pass   |

Approving the application of Public Kitchen & Bar LLC. for a sound level variance to present outdoor music and announcements for the Hog Smoke Fest on Sunday, October 21, 2018 at 400 Sibley Street.

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, Public Kitchen & Bar LLC., represented by James Crockarell, Hospitality Division Rep., 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 outdoor music and announcements at 400 Sibley St. during the Hog Smoke Fest; and

WHEREAS, applicant is seeking a variance for the hours of 11:00 a.m. to 6:00 p.m., with a pre-event sound check at 10:30 a.m. on Sunday, October 21, 2018; and

WHEREAS, if applicant is not granted a variance applicant will not be able to present outdoor music and announcements at 400 Sibley St.; 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 Public Kitchen & Bar LLC, subject to the following conditions:

1) The Variance shall be for the hours of 11:00 a.m. to 6:00 p.m. with a pre-event sound check at 10:30 a.m. on Sunday, October 21, 2018.

- 2) All electronically powered equipment used in conjunction with the event shall not exceed 80 dBA, as measured at 50 feet from the noise source.
- 3) The applicant shall provide personnel and equipment who shall provide continuous sound level monitoring at all stages and 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 6:00 p.m. on October 21, 2018.

FURTHER RESOLVED, that any violations of the conditions set forth above on the October 21, 2018 event date may result in denial of future requests for the grant of a noise variance, in addition to any criminal citation which might issue.

Public Kitchen & Bar LLC., represented by James Crockarell, has requested an exemption from the sound level limitations in Chapter 293.07 in order to present outdoor music and announcements, with limitations, from 11:00 a.m. to 6:00 p.m. on Sunday, October 21, 2018 with a pre-event sound check at 10:30 a.m. at 400 Sibley St. during their Hog Smoke Fest. 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