



## Legislation Details (With Text)

**File #:** RES PH 20-68      **Version:** 1

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

**In control:** City Council

**Final action:** 3/11/2020

**Title:** Approving the application of KXH Events for a sound level variance for outdoor amplified music between 174 and 258 7th Street West during Lucky Palooza on West 7th on March 14, 2020.

**Sponsors:** Rebecca Noecker

**Indexes:** Ward - 2

**Code sections:**

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

Date	Ver.	Action By	Action	Result
3/17/2020	1	Mayor's Office	Signed	
3/11/2020	1	City Council		

Approving the application of KXH Events for a sound level variance for outdoor amplified music between 174 and 258 7<sup>th</sup> Street West during Lucky Palooza on West 7<sup>th</sup> on March 14, 2020.

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, Steve Heckler, Event Coordinator, KXH Events, who is designated as the responsible person on the application, has applied for a variance to provide outdoor amplified music on 7<sup>th</sup> Street West outside Tom Reid's, 258 7<sup>th</sup> Street West and at Eagle Street, 174 7<sup>th</sup> Street West; for a DJ/Live Music from fully enclosed tents at Burger Moe's Parking Lot, 242 7<sup>th</sup> Street West, Cossetta's Parking Lot, 211 7<sup>th</sup> Street West, and in McGovern's Parking Lot, 225 7<sup>th</sup> Street West, for use of a DJ with music on the street under an overhang in front of Cossetta's, 211 7<sup>th</sup> Street West and in the street on Chestnut facing north by New Bohemia, 222 7<sup>th</sup> Street West; and

WHEREAS, applicant is seeking a variance, with a sound level request of 92 decibels at 50 feet from the source of all locations from 2:00 p.m. until 11:00 p.m., and a level of 92 decibels at 50 feet from the sound source of the tent contained locations from 11:00 p.m. on March 14, 2020 until 1:00 a.m. on March 15, 2020 with outside street music and DJs to cease at 11:00 p.m. Applicant is seeking a variance for the hours of 2:00 p.m. until 11:00 p.m. on March 14, 2020 in the street and in fully enclosed tents on West 7<sup>th</sup> Street and further, from 11:00 p.m. until 1:00 a.m. in fully enclosed tents on 7<sup>th</sup> Street West between 174 7<sup>th</sup> and 258 7<sup>th</sup> Street West; and

WHEREAS, if applicant is not granted a variance applicant will not be able to provide the use of outdoor amplified music on 7<sup>th</sup> Street West outside of Tom Reid's, 258 7<sup>th</sup> Street West and at Eagle Street, 174 7<sup>th</sup> Street West; for amplified music from fully enclosed tents at Burger Moe's Parking Lot, 242 7<sup>th</sup> Street West, Cossetta's Parking Lot, 211 7<sup>th</sup> Street West, and in McGovern's Parking Lot, 225 7<sup>th</sup> Street West, for use of a

DJ with music under an overhang in front of Cossetta's, 211 7<sup>th</sup> Street West and in the street on Chestnut facing north by New Bohemia; 222 7<sup>th</sup> Street West during Lucky Palooza on West 7<sup>th</sup>; 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 Steve Heckler, subject to the following conditions:

- 1) The Variance shall be for the hours of 2:00 p.m. until 11:00 p.m. in the street on West 7<sup>th</sup> Street on March 14, 2020 outside Tom Reid's, 258 7<sup>th</sup> Street West and at Eagle Street, 174 7<sup>th</sup> Street West; for use of a DJ with music under an overhang in front of Cossetta's, 211 7<sup>th</sup> Street West and in the street on Chestnut facing north by New Bohemia; 222 7<sup>th</sup> Street West ; and in fully enclosed tents from 2:00 p.m. until 11:00 p.m. Further, from 11:00 p.m. on March 14, 2020 until 1:00 a.m. on March 15, 2020 for amplified music from tents at Burger Moe's Parking Lot, 242 7<sup>th</sup> Street West, Cossetta's Parking Lot, 211 7<sup>th</sup> Street West, and in McGovern's Parking Lot, 225 7<sup>th</sup> Street West, during Lucky Palooza on West 7<sup>th</sup>.
- 2) All electronically powered equipment used in conjunction with the event shall not exceed 92 dBA as measured at 50 feet from the sound sources outside on the street from 2:00 p.m. until 11:00 p.m. on March 14, 2020, not exceed 80 dBA as measured at 50 feet from the sound source outside of the fully enclosed tents from 11:00 p.m. until 1:00 a.m. on March 14, 2020.
- 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 on March 14, 2020 and no later than 1:00 a.m. on March 15, 2020 in the tents.

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.

Steve Heckler, KXH Events, has requested an exemption from the sound level limitations in Chapter 293.07 in order to provide use live music, and DJs on the street and in fully enclosed tents 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 Lucky Palooza on West 7<sup>th</sup> on March 14, 2020, with limitations. Variance is requested from 2:00 p.m. until 11:00 p.m. in the street and in tents on West 7<sup>th</sup> Street, and further, in fully enclosed tents from 11:00 p.m. until 1:00 a.m. on March 15, 2020. 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