



## Legislation Details (With Text)

**File #:** RES PH 23-117 **Version:** 1

**Type:** Resolution-Public Hearing **Status:** Passed  
**In control:** City Council  
**Final action:** 5/17/2023

**Title:** Approving the application of POCIS for a sound level variance in order to present amplified sound on June 18, 2023 at 1600 Phalen Drive - Phalen Park Pavilion.

**Sponsors:** Nelsie Yang

**Indexes:** Ward - 6

**Code sections:**

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

Date	Ver.	Action By	Action	Result
5/18/2023	1	Mayor's Office	Signed	
5/17/2023	1	City Council	Adopted	Pass

Approving the application of POCIS for a sound level variance in order to present amplified sound on June 18, 2023 at 1600 Phalen Drive - Phalen Park Pavilion.

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, POCIS, represented by Kim Austell, CEO, who has been designated as the responsible person on the application, has applied for a variance, for 80 dBA at no specified distance, to present amplified sound for the POCIS BBQ Event at 1600 Phalen Drive within the partially enclosed Phalen Park Pavilion; and

WHEREAS, applicant has requested a variance for the hours of 2:00 p.m. to 7:00 p.m. with a pre-event sound check at 1:00 p.m. for the POCIS BBQ Event; and

WHEREAS, if applicant is not granted a variance applicant will not be able to present amplified sound at 1600 Phalen Drive - within the partially enclosed Phalen Park Pavilion; 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 POCIS, subject to the following conditions:

1) The Variance shall be for the hours from of 2:00 p.m. to 7:00 p.m. with a pre-event sound check at 1:00 p.m. for the POCIS BBQ Event.

2) All electronically powered equipment used in conjunction with the event shall not exceed 80 dBA at 50 feet from all sound sources

- 3) The applicant shall provide personnel and equipment who shall provide continuous sound level monitoring at each sound source during the hours of the variance.
- 4) All electronically powered equipment, PA systems, loudspeakers or similar devices shall be turned off no later than 7:00 p.m. on Sunday, June 18, 2023, the event date.

FURTHER RESOLVED, that any violations of the conditions set forth above on the June 18, 2023 date may result in denial of future requests for the grant of a noise variance, in addition to any criminal citation which might issue.

POCIS, represented by Kim Austell, has requested an exemption from the sound level limitations in Chapter 293.07 in order to present amplified sound, with limitations, from 2:00 p.m. to 7:00 p.m., with a pre-event sound check at 1:00 p.m. on Sunday, June 18, 2023. 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