



Legislation Text

File #: RES PH 16-44, **Version:** 1

Approving the application of Visit Saint Paul for a sound level variance in order to use live music and DJs on the street and in fully enclosed tents, in an area on Seventh Street West between 174 Seventh Street West and 258 Seventh Street West, during the Visit Saint Paul Lucky Palooza Event on March 12, 2016.

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, Visit Saint Paul, represented by Adam Johnson, Vice President of Marketing, who has been designated as the responsible person on the application, has applied for a variance to provide live music on 7th Street West outside Tom Reid's, 258 7th Street West and at Eagle Street/The Liffey, 174 7th Street West; for a DJ/Live Music from fully enclosed tents at Burger Moe's Parking Lot, 242 7th Street West, Cossetta's Parking Lot, 211 7th Street West, and in McGovern's Parking Lot, 225 7th Street West, and for use of a DJ with music on the street under an overhang in front of Cossetta's, 211 7th Street West; and

WHEREAS, applicant is seeking a variance, with a sound level request of 110 decibels from the source of all locations until 10:30 p.m., and a level of 95 decibels from the source of the tent contained locations, with outside street live music and DJs to cease at 10:30 p.m. Further, applicant is seeking a variance for the hours of 2:00 p.m. until 10:30 p.m. on March 12, 2016 in the street and in fully enclosed tents on West 7th Street and from 10:30 p.m. until 12:00 midnight on March 12, 2016 in fully enclosed tents on 7th Street West between 174 7th Street West and 258 7th Street West; and

WHEREAS, if applicant is not granted a variance applicant will not be able to provide the use of live music and DJs on 7th Street West: live music outside Tom Reid's, 258 7th Street West and at Eagle Street/The Liffey, 174 7th Street West; for a DJ/Live Music from fully enclosed tents at Burger Moe's Parking Lot, 242 7th Street West, Cossetta's Parking Lot, 211 7th Street West, and in McGovern's Parking Lot, 225 7th Street West, and for use of a DJ with music under an overhang in front of Cossetta's, 211 7th Street West; during the Lucky Palooza on West 7th Visit Saint Paul Event; 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 Adam Johnson, subject to the following conditions:

1) The variance shall be for the hours of 2:00 p.m. until 10:30 p.m. in the street on West 7th Street on March 12, 2016 outside Tom Reid's, 258 7th Street West and at Eagle Street/The Liffey, 174 7th Street West, and in fully enclosed tents from 2:00 p.m. until 10:30 p.m. and further from 10:30 p.m. until 12:00 a.m. midnight on March 12, 2016 for a DJ/Live Music from tents at Burger Moe's Parking Lot, 242 7th Street West, Cossetta's Parking Lot, 211 7th Street West, and in McGovern's Parking Lot, 225 7th Street West, and for use of a DJ with music under an overhang in front of Cossetta's, 211 7th Street West; during the Lucky Palooza on West 7th Visit Saint Paul Event.

2) All electronically powered equipment used in conjunction with the event shall not exceed 95 dBA as measured at 50 feet from the sound source outside on the street, not exceed 95 dBA as measured at 50 feet from the sound source within fully enclosed tents from 2:00 p.m. until 10:30 p.m.; and not exceed 90 dBA as measured at 50 feet from the sound source within fully enclosed tents from 10:30 p.m. until 12:00 midnight.

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 10:30 p.m. in the street and no later than 12:00 p.m. (Midnight) on the event date.

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.

Visit Saint Paul, represented by Adam Johnson, Vice President of Marketing, 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 7th Street West between 174 7th Street West and 258 7th Street West during the Visit Saint Paul Lucky Palooza on West 7th Event on March 12, 2016, with limitations. Variance is requested from 2:00 p.m. until 10:30 p.m. in the street and in tents on West 7th Street, and further in fully enclosed tents from 10:30 p.m. until 12:00 midnight on March 12, 2016. 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