



## Legislation Text

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**File #:** RES PH 18-286, **Version:** 1

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Approving the application of Sweet Peas Public House for a sound level variance in to present a DJ and amplified music on Friday, September 28, 2018 at 472 Snelling Avenue South for the St Paul Capitals Fundraiser.

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, Sweet Peas Public House, represented by Will Harshman, General Manager, has applied for a variance, at a requested sound level limit of 85 decibels (dBA) at no specified distance, to present a DJ and amplified music at 472 Snelling Avenue S; and

WHEREAS, applicant is seeking a variance for the hours of 6:00 p.m. until 12:00 a.m., with a pre-event sound check at 5:30 p.m. on Friday, September 28, 2018 at 472 Snelling Avenue S for the St Paul Capitals Fundraiser; and

WHEREAS, if applicant is not granted a variance applicant will not be able to present a DJ and amplified music at 472 Snelling Avenue S; 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 Sweet Peas Public House, subject to the following conditions:

- 1) The Variance shall be for the hours of 6:00 p.m. to 10:00 p.m., with a pre-event sound check at 5:30 p.m. on Friday, September 28, 2018.
- 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. The applicant may need to provide a barrier, to act as a sound absorber to contain excess sound from leaving the area.
- 4) All electronically powered equipment, PA systems, loudspeakers or similar devices shall be turned off no later than 10:00 p.m. on the date 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.

Sweet Peas Public House has requested an exemption from the sound level limitations in Chapter 293.07 in order to present a DJ and amplified music, with limitations, from 6:00 p.m. to 12:00 a.m., with a pre-event sound check at 5:30 p.m. on Friday, September 28, 2018 for the St Paul Capitals Fundraiser at 472 Snelling Ave S. 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