



Legislation Text

File #: RES PH 20-67, **Version:** 1

Approving the application of Visit Saint Paul for a sound level variance for live music and DJs at 199 W. Kellogg Boulevard (outside Gate 1 along Kellogg Blvd) during the NCHC Frozen Faceoff Fan Fest on March 20 and 21, 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, Nick Cusick, Marketing and Communications Director, Visit Saint Paul, who is designated as the responsible person on the application, has applied for a variance to provide live music at 199 W. Kellogg Blvd outside Gate 1 along Kellogg Blvd.; and

WHEREAS, applicant is seeking a variance, with a sound level request of 95 decibels at 50 feet from the source from 2:00 p.m. until 7:30 p.m., with a pre-event sound check at 1:30 p.m. on Friday, March 20 and Saturday March 21, 2021 along Kellogg Blvd. outside Gate 1 at 199 W. Kellogg Blvd.; and

WHEREAS, if applicant is not granted a variance applicant will not be able to provide the use of live music and a DJ along Kellogg Blvd., outside Gate 1 at 199 W. Kellogg Blvd. during NCHC Frozen Faceoff Fan Fest; 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 Nick Cusick, subject to the following conditions:

- 1) The Variance shall be for the hours of 2:00 p.m. until 7:30 p.m., with a pre-event sound check at 1:30 p.m. during NCHC Frozen Faceoff Fan Fest at 199 W. Kellogg Blvd., outside Gate 1 along Kellogg Blvd.
- 2) All electronically powered equipment used in conjunction with the event shall not exceed 95 dBA as measured at 50 feet from the sound sources from 2:00 p.m. until 7:30 p.m. on Friday, March 20 and Saturday, March 21, 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 7:30 p.m. on the dates of the event.

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.

Nick Cusick, Marketing and Communications Director, Visit Saint Paul, has requested an exemption from the sound level limitations in Chapter 293.07 in order to provide use live music, and a DJ along Kellogg Blvd., outside Gate 1 at 199 W. Kellogg Blvd. during NCHC Frozen Fan Fest on Friday, March 20 and Saturday, March 21, 2020, with limitations. Variance is requested from 2:00 p.m. until 7:30 p.m. with a pre-event sound check at 1:30 p.m. 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