



## Legislation Details (With Text)

**File #:** RES PH 12- 293 **Version:** 2

**Type:** Resolution-Public Hearing **Status:** Passed  
**In control:** City Council  
**Final action:** 10/3/2012

**Title:** Approving the application of McNally Smith College of Music for a sound level variance in order to present amplified music from 5:00 p.m. until 9:00 p.m. on October 12, 2012 during a community event concert at the Ecolab Plaza, on Wabasha Street between 5th and 6th Streets.

**Sponsors:** Dave Thune

**Indexes:**

**Code sections:**

**Attachments:** 1. McNally Smith SLV Application.pdf, 2. McNally Smith ENS.pdf, 3. McNally Smith Applicant Notification.pdf, 4. McNally Smith District Council 17 Notification.pdf, 5. McNally Smith Map.pdf, 6. McNally Smith Property Owner List.pdf, 7. McNally Smith Example.pdf

Date	Ver.	Action By	Action	Result
10/10/2012	2	Mayor's Office	Signed	
10/3/2012	2	City Council	Adopted	Pass

Approving the application of McNally Smith College of Music for a sound level variance in order to present amplified music from 5:00 p.m. until 9:00 p.m. on October 12, 2012 during a community event concert at the Ecolab Plaza, on Wabasha Street between 5<sup>th</sup> and 6<sup>th</sup> Streets.

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, McNally Smith College of Music, represented by Chris Cunningham, Creative Partnerships Liaison, who has been designated as the responsible person on the application, has applied for a variance to present amplified music at the Ecolab Plaza, on Wabasha St between 5<sup>th</sup> and 6<sup>th</sup> Streets; and

WHEREAS, applicant is seeking a variance for the hours of 5:00 9.m. to 9:00 p.m. on October 12, 2012 during a community event concert; and

WHEREAS, if applicant is not granted a variance it will not be able to present amplified music at the Ecolab Plaza, on Wabasha St between 5<sup>th</sup> and 6<sup>th</sup> Streets; 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 McNally Smith College of Music, subject to the following conditions:

- 1) The variance shall be for the hours of 5:00 p.m. to 9:00 p.m. on October 12, 2012.

- 2) All electronically powered equipment used in conjunction with the event shall not exceed 85 dBA as measured 50 feet from the sound source.
- 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 9:00 p.m. on the event date.

FURTHER RESOLVED, that any violations of the conditions set forth above on the October 12, 2012 date may result in denial of future requests for the grant of a noise variance, in addition to any criminal citation which might issue.

McNally Smith College of Music, represented by Chris Cunningham, Creative Partnerships Liaison, has requested an exemption from the sound level limitations in Chapter 293.07 in order to present amplified music, with limitations, from 5:00 p.m. until 9:00 p.m. on October 12, 2012 during a community event concert in the front courtyard at Ecolab Plaza, on Wabasha St between 5<sup>th</sup> and 6<sup>th</sup> Streets. 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