



## Legislation Details (With Text)

**File #:** RES PH 11- 1007      **Version:** 1

**Type:** Resolution-Public Hearing      **Status:** Passed  
**In control:** City Council  
**Final action:** 8/17/2011

**Title:** Approving the application of the Family Tree Clinic for a sound level variance in order to allow the use of a PA system and amplified music from 2:00 p.m. until 7:00 p.m. on August 20, 2011 at 1619 Dayton Ave, parking lot.

**Sponsors:** Russ Stark

**Indexes:**

**Code sections:**

**Attachments:** 1. Application Family Tree SLV.pdf, 2. Family Tree ENS.pdf, 3. Applicant Family Tree Confirmation Letter.pdf, 4. District Council 13 Family Tree Notification Letter.pdf, 5. Property Owners Family Tree Map.pdf, 6. Property Owners Family Tree List.pdf, 7. Property Owner Family Tree Notification Example.pdf

Date	Ver.	Action By	Action	Result
8/23/2011	1	Mayor's Office	Signed	
8/17/2011	1	City Council	Adopted	Pass

Approving the application of the Family Tree Clinic for a sound level variance in order to allow the use of a PA system and amplified music from 2:00 p.m. until 7:00 p.m. on August 20, 2011 at 1619 Dayton Ave, parking lot.

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, the Family Tree Clinic, represented by Caitlin LaFlash, Event Coordinator, who has been designated as the responsible person on the application, has applied for a variance to allow the use of a PA system for speeches and musical performances at 1619 Dayton Ave (parking lot); and

WHEREAS, applicant has requested a variance for the hours of 2:00 p.m. to 7:00 p.m. on August 20, 2011; and

WHEREAS, if applicant is not granted a variance it will not be able to allow the use of a PA system for speeches and musical performance at 1619 Dayton Ave (parking lot); 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 the Family Tree Clinic, subject to the following conditions:

- 1) The variance shall be for the hours of 2:00 p.m. to 7:00 p.m. on August 20, 2011.

- 2) All electronically powered equipment used in conjunction with the event shall not exceed 85 dBA as measured at the sound mix or 50 feet from the stage, whichever is closer.
- 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 7:00 p.m. on the event date.

FURTHER RESOLVED, that any violations of the conditions set forth above on the August 20, 2011 date may result in denial of future requests for the grant of a noise variance, in addition to any criminal citation which might issue.

The Family Tree Clinic, represented by Caitlin LaFlash, Event Coordinator, has requested an exemption from the sound level limitations in Chapter 293.07 in order to allow the use of a PA system for speeches and musical performances, with limitations, from 2:00 p.m. to 7:00 p.m. on August 20, 2011. 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