



Legislation Text

File #: RES PH 17-179, **Version:** 1

Approving the application of McNally Smith College of Music Foundation for a sound level variance in order to present amplified live music on Saturday, August 5, 2017 during the Lowertown Guitar Festival at Mears Park.

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 Foundation, represented by Chris Osgood, Director, who has been designated as the responsible person on the application, has applied for a variance, with a sound level request of 92 dBA at 50 feet, to present amplified music at Mears Park; and

WHEREAS, applicant is seeking a variance, at a requested sound level limit of 92 dBA at 50 feet, on Saturday, August 5, 2017 for the hours of 8:00 a.m. to Midnight, with a pre-event sound check at 1:00 p.m., for the Lowertown Guitar Festival; and

WHEREAS, if applicant is not granted a variance applicant will not be able to present amplified live music at Mears Park; 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 Foundation, subject to the following conditions:

- 1) The variance will be for the Lowertown Guitar Festival on Saturday, August 5, 2017 for the hours of 8:00 a.m. until 10:00 p.m., with a pre-event sound check at 1:00 p.m. on Saturday, August 5, 2017.
- 2) All electronically powered equipment, PA systems, loudspeakers or similar devices used in conjunction with the event must not exceed 90 dBA as measured 50 feet from sound source.
- 3) The applicant will provide personnel and equipment to ensure compliance with the sound level variance conditions.
- 4) All electronically powered equipment, PA systems, loudspeakers or similar devices must 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, may result in denial of any future variances, in addition to any criminal citation which may be issued.

McNally Smith College of Music Foundation, represented by Chris Osgood, Director, has requested an exemption from the sound level limitations in Chapter 293.07 in order to present amplified live music, with limitations, on Saturday, August 5, 2017 from 8:00 a.m. until midnight, with a pre-event sound check at 1:00

p.m., during the Lowertown Guitar Festival at Mears Park. 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