



## Legislation Text

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**File #:** RES PH 21-323, **Version:** 1

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Approving the application of Cathedral Heritage Foundation/Carolyn Will for a sound level variance in order to present live amplified sound for the Cathedral Festival of Lights on December 15 through December 19, 2021 at Cathedral Hill Park - 215 Summit Avenue.

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, Cathedral Heritage Foundation, represented by Dale Kivimaki, Director, Freestyle Productions, who has been designated as the responsible person on the application, has applied for a variance, for a requested sound level limit of 100 dBA at no specified distance, to present amplified sound at Cathedral Hill Park - 215 Summit Avenue.; and

WHEREAS, applicant has requested a variance for the hours of 5:30 p.m. to 10:30 p.m. on Wednesday, December 15, through Sunday, December 19, 2021, with a pre-event sound check at 5:30 p.m. on December 15 through December 17, 2021 and a pre-event sound check at 6:30 p.m. on Saturday, December 18 and Sunday, December 19, 2021 for the Cathedral Festival of Lights; and

WHEREAS, if applicant is not granted a variance applicant will not be able to present amplified sound on Cathedral Hill Park - 215 Summit Avenue.; 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 Cathedral Heritage Foundation, subject to the following conditions:

- 1) The Variance shall be for the hours of 5:30 p.m. to 10:00 p.m. on Wednesday, December 15, Thursday, December 16 and Sunday, December 19, 2021 and from 5:30 p.m. to 10:30 p.m. on Friday, December 17 and Saturday, December 18, 2021 with a pre-event sound check at 5:00 p.m. on December 15, 16 and 17, 2021 and a pre-event sound check at 6:30 p.m. on Saturday, December 18 and Sunday, December 19, 2021.
- 2) All electronically powered equipment used in conjunction with the event shall not exceed 92 dBA as measured at 50 feet from all sound sources.
- 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 10:00 p.m. December 15, 16 and 19, 2021 and shall be turned off no later than 10:30 p.m. on Friday, December 17 and Saturday, December 18, 2021, the event dates.

FURTHER RESOLVED, that any violations of the conditions set forth above on the December 15 through December 19, 2021 dates may result in denial of future requests for the grant of a noise variance, in addition to any criminal citation which might issue.

Cathedral Heritage Foundation, Carolyn Will, represented by Dale Kivimaki, Director, Freestyle Productions has requested an exemption from the sound level limitations in Chapter 293.07 in order to present amplified sound, with limitations, from 5:30 p.m. to 10:30 p.m. on Wednesday, December 15 through Sunday, December 19, 2021. 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