



Legislation Text

File #: RES PH 23-40, **Version:** 1

Approving the application of University of St. Thomas, Erin Whipkey, Campus Life for a sound level variance in order to present amplified sound on May 12, 2023 at 2115 Summit Avenue, University of Saint Thomas, Lower Quad.

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, University of St. Thomas, Erin Whipkey, Campus Life, Assistant Director of Campus Life, who has been designated as the responsible person on the application, has applied for a variance, for a requested sound level limit of 95 dBA measured at 50 ft from the sound source, to present amplified sound at 2115 Summit Avenue, University of Saint Thomas, Lower Quad; and

WHEREAS, applicant has requested a variance for the hours of 5:00 p.m. to 8:30 p.m. on Friday, May 12, 2023 with a pre-event sound check between the hours of 11:00 a.m. and 5:00 p.m. for Tommie Fest; and

WHEREAS, if applicant is not granted a variance applicant will not be able to present amplified sound at 2115 Summit Avenue, University of Saint Thomas, Lower Quad; 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 University of St. Thomas, Erin Whipkey, Campus Life, subject to the following conditions:

- 1) The Variance shall be for the hours of 5:00 p.m. to 8:30 p.m. on Friday, May 12, 2023 with a pre-event sound check between the hours of 11:00 a.m. and 5:00 p.m.
- 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 for the event hours of 5:00 p.m. until 8:30 p.m. and shall not 80 dBA as measured at 50 feet from the sound source during the pre-event sound check hours between the hours of 11:00 a.m. and 5:00 p.m.
- 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 8:30 p.m. May 12, 2023, the event date.

FURTHER RESOLVED, that any violation of the conditions set forth above on any of the dates may result in revocation of this variance for the remaining date(s), in addition to any criminal citation which might issue.

FURTHER RESOLVED, that any violations of the conditions set forth above on the May 13, 2022 date may result in denial of future requests for the grant of a noise variance, in addition to any criminal citation which might issue.

University of St. Thomas, Erin Whipkey, Campus Life, represented by Erin Whipkey, Assistant Director of Campus Life, has requested an exemption from the sound level limitations in Chapter 293.07 in order to present amplified sound, with limitations, from 5:00 p.m. until 8:30 p.m. on May 12, 2023. 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