



Legislation Details (With Text)

File #: RES PH 23- 250 **Version:** 1

Type: Resolution-Public Hearing **Status:** Passed
In control: City Council
Final action: 9/6/2023

Title: Approving the application of University of St. Thomas, for a sound level variance in order to present live amplified sound on September 23, October 7, 28, and November 18, 2023 at 2115 Summit Avenue - O'Shaughnessy Stadium.

Sponsors: Mitra Jalali

Indexes: Ward - 4

Code sections:

Attachments: 1. Application, 2. ENS, 3. Map, 4. Notice to Owners, 5. Owner's list, 6. Letter to Applicant, 7. Richard L Varco Jr public comment

Date	Ver.	Action By	Action	Result
9/8/2023	1	Mayor's Office	Signed	
9/6/2023	1	City Council	Adopted	Pass

Approving the application of University of St. Thomas, for a sound level variance in order to present live amplified sound on September 23, October 7, 28, and November 18, 2023 at 2115 Summit Avenue - O'Shaughnessy Stadium.

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, represented by Aaron Fimon, St. Paul Campus Manager, who has been designated as the responsible person on the application, has applied for a variance, for a requested sound level limit of 92 dBA measured at 50 feet from the sound source, to present amplified sound at 2115 Summit Avenue - O'Shaughnessy Stadium; and

WHEREAS, applicant has requested a variance for the hours of 12:00 p.m. to 5:00 p.m. on Saturdays, September 23, October 7, 28, and November 18, 2023 with a pre-event sound check from 11:00 a.m. to 12:00 p.m. for a St. Thomas Football Saturday game series; and

WHEREAS, if applicant is not granted a variance applicant will not be able to present amplified sound at 2115 Summit Avenue - O'Shaughnessy Stadium; 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, subject to the following conditions:

- 1) The Variance shall be for the hours of 12:00 p.m. to 5:00 p.m. on Saturdays, September 23, October 7, 28, and November 18, 2023 with a pre-event sound check from 11:00 a.m. to 12:00 p.m..
- 2) All electronically powered equipment used in conjunction with the event shall not exceed at 92 dBA measured at 50 feet from the sound sources.
- 3) The applicant shall provide personnel and equipment who shall provide continuous sound level monitoring at each sound source during the hours of the variance.
- 4) All electronically powered equipment, PA systems, loudspeakers or similar devices shall be turned off no later than 5:00 p.m. on September 23, October 7, 28, and November 18, 2023, the event dates.

FURTHER RESOLVED, that if three or more verified complaints from residents or businesses in the area regarding significant negative impact from the increased sound level variance for the St. Thomas Football Saturday game series, the sound level variances may be amended or revoked by the council. Such reduction will not require a further hearing before council but shall be documented in a written communication to council from DSI; and be it

FURTHER RESOLVED, that any violations of the conditions set forth above on the September 23, October 7, 28, and November 18, 2023 dates 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, represented by Aaron Fimon, St. Paul Campus Manager, has requested an exemption from the sound level limitations in Chapter 293.07 in order to present amplified sound, with limitations, from 12:00 p.m. to 5:00 p.m. with pre-event sound checks from 11:00 a.m. to 12:00 p.m. on Saturdays, September 2, 23, October 7, 28, and November 18, 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