



Legislation Details (With Text)

File #: RES PH 21- 110 **Version:** 1

Type: Resolution-Public Hearing **Status:** Passed

In control: City Council

Final action: 5/5/2021

Title: Approving the application of Summit Avenue Neighbors for a sound level variance in order to present live amplified sound on May 8, 2021 on Summit Ave. between Chatsworth and Oxford.

Sponsors: Dai Thao

Indexes: Ward - 1

Code sections:

Attachments: 1. Application, 2. COVID Plan, 3. ENS, 4. Map, 5. Owners List, 6. Notice to Owners, 7. Letter to Applicant, 8. RES PH 21-110 - Jacqueline Hess, 9. RES PH 21-110 - Jole Shackelford

Date	Ver.	Action By	Action	Result
5/7/2021	1	Mayor's Office	Signed	
5/5/2021	1	City Council	Adopted	Pass

Approving the application of Summit Avenue Neighbors for a sound level variance in order to present live amplified sound on May 8, 2021 on Summit Ave. between Chatsworth and Oxford.

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, Summit Avenue Neighbors, represented by Tom Ernst, Resident/Organizer, who has been designated as the responsible person on the application, has applied for a variance, for 85 dBA measured at 100 feet from the sound source by 985 Summit Avenue, to present amplified sound on Summit Ave. between Chatsworth and Oxford; and

WHEREAS, applicant has requested a variance for the hours from 6:00 p.m. to 10:00 p.m. on May 8, 2021 with a pre-event sound check at 4:00 p.m. for the Summit Ave. Block Party; and

WHEREAS, if applicant is not granted a variance applicant will not be able to present amplified sound by 985 Summit Avenue between Chatsworth and Oxford; 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 Summit Avenue Neighbors, by 985 Summit Avenue between Chatsworth and Oxford, subject to the following conditions:

- 1) The Variance shall be for the hours from 6:00 p.m. to 10:00 p.m. on Saturday, May 8, 2021 with a pre-event sound check at 4:00 p.m.

- 2) All electronically powered equipment used in conjunction with the event shall not exceed 90 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. May 8, 2021, the event dates.

FURTHER RESOLVED, that any violations of the conditions set forth above on the May 8, 2021 date may result in denial of future requests for the grant of a noise variance, in addition to any criminal citation which might issue.

Summit Avenue Neighbors, represented by Tom Ernst, have requested an exemption from the sound level limitations in Chapter 293.07 in order to present amplified sound, with limitations, from 6:00 p.m. until 10:00 p.m. on May 8, 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