



## Legislation Details (With Text)

**File #:** RES PH 21- 211      **Version:** 1

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

**In control:** City Council

**Final action:** 8/25/2021

**Title:** Approving the application of University of St. Thomas, for a sound level variance in order to present live amplified sound on September 4 and 25, October 9 and 30, and November 20, 2021 at 2115 Summit Avenue - O'Shaughnessy Stadium.

**Sponsors:** Mitra Jalali

**Indexes:** Ward - 4

**Code sections:**

**Attachments:** 1. Application, 2. ENS, 3. Map, 4. Owners list, 5. Notice to Owners, 6. Letter to Applicant

Date	Ver.	Action By	Action	Result
8/27/2021	1	Mayor's Office	Signed	
8/25/2021	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 4 and 25, October 9 and 30, and November 20, 2021 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 Zachary Dubois, 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 from 12:00 p.m. to 5:00 p.m. on Saturday, September 4, October 9, 30 and November 20, 2021 with a pre-event sound check at 11:00 a.m. and the hours of 11:00 a.m. to 4:00 p.m. on Saturday September 25, 2021 with a pre-event sound check at 10:00 a.m. for 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 from 12:00 p.m. to 5:00 p.m. on Saturday, September 4, October 9, 30 and November 20, 2021 with a pre-event sound check at 11:00 a.m. and the hours of 11:00 a.m. to 4:00 p.m. on Saturday September 25, 2021 with a pre-event sound check at 10:00 a.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 source
- 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 5:00 p.m. on September 4, October 9, 30 and November 20, 2021 and no later than 4:00 p.m. on September 25, 2021., the event dates.

FURTHER RESOLVED, that any violations of the conditions set forth above on the September 4, 25, October 9, 30 and November 20, 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.

University of St. Thomas, represented by Zachary Dubois, 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. on Saturday, September 4, October 9, 30 and November 20, 2021 and the hours of 11:00 a.m. to 4:00 p.m. on Saturday September 25, 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