



Legislation Details (With Text)

**File #:** RES PH 21- 89      **Version:** 1

**Type:** Resolution-Public Hearing      **Status:** Passed  
**In control:** City Council  
**Final action:** 4/21/2021

**Title:** Approving the application of the University of St. Thomas for a sound level variance in order to present live amplified sound on May 16, 22, and 23, 2021, at O’Shaughnessy Stadium, 2115 Summit Avenue.

**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
4/23/2021	1	Mayor’s Office	Signed	
4/21/2021	1	City Council		

Approving the application of the University of St. Thomas for a sound level variance in order to present live amplified sound on May 16, 22, and 23, 2021, at O’Shaughnessy Stadium, 2115 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, University of St. Thomas, represented by Zachary DuBois, Public Safety St. Paul Campus Manager, who has been designated as the responsible person on the application, has applied for a variance, at 95 dBA measured at 50 feet, to present amplified sound at O’Shaughnessy Stadium - 2115 Summit Ave.; and

WHEREAS, applicant has requested a variance for the hours from 9:00 a.m. to 4:00 p.m. with a pre-event sound check from 9:00 a.m. to 10:00 a.m. on May 16, 2021, 8:00 a.m. to 7:00 p.m. with a pre-event sound check from 8:00 a.m. to 9:00 a.m. on May 22, 2021 and 8:00 a.m. to 7:00 p.m. with a pre-event sound check from 8:00 a.m. to 9:00 a.m. on May 23, 2021. for Graduation Commencement Events; and

WHEREAS, if applicant is not granted a variance applicant will not be able to present amplified sound at 2115 Summit Ave; 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 the University of St. Thomas, subject to the following conditions:

- 1) The Variance shall be for the hours from 9:00 a.m. to 4:00 p.m. with a pre-event sound check from 9:00 a.m. to 10:00 a.m. on May 16, 2021, 8:00 a.m. to 7:00 p.m. with a pre-event sound check from 8:00 a.m. to 9:00 a.m. on May 22, 2021 and 8:00 a.m. to 7:00 p.m. with a pre-event sound check from 8:00 a.m. to 9:00 a.m. on May 23, 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 4:00 p.m. May 16, 2021, 7:00 p.m. on May 22, 2021 and 7:00 p.m. on May 23, 2021, the event dates.

FURTHER RESOLVED, that any violations of the conditions set forth above on the May 16, 22, 23, 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.

University of St. Thomas, represented by Zachary DuBois, has requested an exemption from the sound level limitations in Chapter 293.07 in order to present amplified sound for Graduation Commencement Events, with limitations, from 9:00 a.m. to 4:00 p.m. with a pre-event sound check from 9:00 a.m. to 10:00 a.m. on May 16, 2021, 8:00 a.m. to 7:00 p.m. with a pre-event sound check from 8:00 a.m. to 9:00 a.m. on May 22, 2021 and 8:00 a.m. to 7:00 p.m. with a pre-event sound check from 8:00 a.m. to 9:00 a.m. on May 23, 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