Legislation Text

File #: RES PH 22-279, **Version:** 1

Approving the application of University of St. Thomas, Erin Whipkey, Campus Life for a sound level variance in order to present live amplified sound on October 15, 2022 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, represented by Erin Whipkey, Assistant Director of Campus Life, who has been designated as the responsible person on the application, has applied for a variance, for 92 dBA at no specified distance 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 7:00 p.m. to 9:00 p.m. on October 15, 2022 with a pre-event sound check from 1:00 p.m. to 6:45 p.m. for the Homecoming Concert; 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 7:00 p.m. to 9:00 p.m. on Saturday, October 15, 2022 with a pre-event sound check from 1:00 p.m. to 6:45 p.m.

2) All electronically powered equipment used in conjunction with the event shall not exceed 91 dBA as measure 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 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 9:00 p.m. October 15, 2022, 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 October 15, 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 7:00 p.m. until 9:00 p.m., with a pre-event sound check from 1:00 p.m. to 6:45 p.m. on October 15, 2022. 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