



Legislation Details (With Text)

File #: RES PH 19- 115 **Version:** 1

Type: Resolution-Public Hearing **Status:** Passed
In control: City Council
Final action: 5/1/2019

Title: Approving the application of the University of St. Thomas for a sound level variance to present amplified music on Saturday, May 25, 2019 during the graduation events at O'Shaughnessy Stadium, 2115 Summit Avenue.

Sponsors: Mitra Jalali

Indexes: Ward - 4

Code sections:

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

Date	Ver.	Action By	Action	Result
5/6/2019	1	Mayor's Office	Signed	
5/1/2019	1	City Council	Adopted	Pass

Approving the application of the University of St. Thomas for a sound level variance to present amplified music on Saturday, May 25, 2019 during the graduation events 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, The University of St. Thomas, represented by William Carter III, Special Projects Manager, who has been designated as the responsible person on the application, has applied for a variance to present outdoor music and announcements, with use of an auxiliary sound system rather than the stadium sound system, at no specified sound level limit, at O'Shaughnessy Stadium, 2115 Summit Avenue; and

WHEREAS, applicant is seeking a variance for pre-event sound checks on Friday, May 24, 2019 from 10:00 a.m. until 12:00 p.m. and at 1:00 p.m. to 5:30 p.m., and on Saturday, May 25, 2019 from 7:30 a.m. to 1:00 p.m. for undergraduate commencement and from 3:30 p.m. to 8:30 p.m. for the graduate commencement; and

WHEREAS, if applicant is not granted a variance, applicant will not be able to present outdoor music at O'Shaughnessy Stadium, 2115 Summit Avenue; 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 Friday, May 24, 2019 from 10:00 a.m. until 12:00 p.m. and 1:00 p.m. to 5:30 p.m.

for pre-event sound checks. The ceremonies will be held on Saturday, May 25, 2019 from 7:30 a.m. to 1:00 p.m. for the undergraduate commencement and from 3:30 p.m. to 8:30 p.m. for the graduate commencement; and

- 2) All electronically powered equipment used in conjunction with the event will not exceed 90 dBA as measured 50 feet from the sound source.
- 3) The applicant will provide personnel and equipment to provide continuous sound level monitoring to ensure compliance with the sound level limit stated in condition number two (2).
- 4) All electronically powered equipment, PA systems, loudspeakers or similar devices shall be turned off no later than 8:30 p.m. on the event date.

FURTHER RESOLVED, that any violations of the conditions set forth above on the May 25, 2019 date may result in denial of future requests for the grant of a noise variance, in addition to any criminal citation which might issue.

The University of St. Thomas, represented by William Carter III, Special Projects Manager, Public Safety, has requested an exemption from the sound level limitations in Chapter 293.07 in order to present outdoor music and announcements, with limitations, for pre-event sound checks on Friday, May 24, 2019 from 10:00 a.m. until 12:00 p.m. and 1:00 p.m. to 5:30 p.m. and on Saturday, May 25, 2019 with music and announcements from 7:30 a.m. to 1:00 p.m. for undergraduate commencement and from 3:30p.m. to 8:30 p.m. for the graduate commencement, all during the Graduation events at O'Shaughnessy Stadium, 2115 Summit Avenue. 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