



## Legislation Details (With Text)

**File #:** RES PH 19- 313      **Version:** 1

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

**In control:** City Council

**Final action:** 9/11/2019

**Title:** Approving the application of Selby Avenue Jazz Festival for a sound level variance for amplified sound for the Selby Avenue Jazz Festival on September 14, 2019 at 934 Selby Avenue.

**Sponsors:** Dai Thao

**Indexes:** Ward - 1

**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
9/13/2019	1	Mayor's Office	Signed	
9/11/2019	1	City Council	Adopted	Pass

Approving the application of Selby Avenue Jazz Festival for a sound level variance for amplified sound for the Selby Avenue Jazz Festival on September 14, 2019 at 934 Selby 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, Selby Avenue Jazz Festival, represented by Mychael Wright, Executive Director, has applied for a variance at no specified sound level limit or distance from the sound source, to provide amplified music and the use of a sound system at 934 Selby Ave.; and

WHEREAS, applicant is seeking a variance from 11:00 a.m. to 7:45 p.m. on Saturday, September 14, 2019, with a pre-event sound check at 10:00 a.m. during the Selby Avenue Jazz Festival; and

WHEREAS, if applicant is not granted a variance they will not be able to provide the use of a sound system and amplified music at 934 Selby 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 Mychael Wright, Executive Director, for the Selby Avenue Jazz Festival at 934 Selby Ave. subject to the following conditions:

- 1) The Variance shall be for the hours of 11:00 a.m. to 7:45 p.m. on Saturday, September 14, 2019, with a pre-event sound check at 10:00 a.m.
- 2) All electronically powered equipment, PA systems, loudspeakers, or similar devices used in conjunction

with the event must not exceed 90 dBA at 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 variance conditions.

4) All electronically powered equipment, PA systems, loudspeakers, or similar devices must be turned off no later than 7:45 p.m. on September 14, 2019.

FURTHER RESOLVED, that any violations of the conditions set forth above, may result in denial of any future variances, in addition to any criminal citation which may be issued.

Mychael Wright, Executive Director, has requested an exemption from the sound level limitations in Chapter 293.07 in order to present amplified music with speakers, from 11:00 a.m. to 7:45 p.m. on Saturday, September 14, 2019, with a pre-event sound check at 10:00 a.m. for amplified sound at 934 Selby Ave. 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