



Legislation Text

File #: RES PH 11-1215, **Version:** 1

Approving the application of Jam Entertainment and Creative Services for a sound level variance in order to allow 24/7 operation of chillers and generators from December 26, 2011 through January 17, 2012, and the use of an amplified sound system for the events on January 11, 2012 through January 14, 2012.

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, Jam Entertainment and Creative Services, represented by Xan R. Guzik, Producer and Director of Festivals, who has been designated as the responsible person on the application, has applied for a variance to allow 24/7 operation of chillers and generators from December 26, 2011 through January 17, 2012, and the use of an amplified sound system for the events on January 11, 2012 through January 14, 2012. Noise sources will be located near an enclosed track that will run from the open space to the North of the St. Paul Cathedral and East of 231 Dayton Avenue and terminate in the park area near the intersection of Old Kellogg Blvd and College Ave. The recommendation is all speaker locations will be limited to 95 dBA as measured 80 feet from the sound source on January 11, 2012 through January 14, 2012; chillers and generators will be limited to 80 dBA as measured 15 feet from the sound source from December 26, 2011 through January 17, 2012. All speakers will be directed toward the track; and

WHEREAS, applicant is seeking a variance for 24/7 operation of chillers and generators from December 26, 2011 through January 17, 2012, and the use of an amplified sound system for the events on January 11, 2012 through January 14, 2012 from 5:00 p.m. to 10:00 p.m.; and

WHEREAS, if applicant is not granted a variance it will not be able to present the use of chillers, generators, and music; 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 Jam Entertainment and Creative Services, subject to the following conditions:

- 1) The variance shall be for 24/7 operation of chillers and generators from December 26, 2011 through January 17, 2012, and the use of an amplified sound system for the events on January 11, 2012 through January 14, 2012 from 5:00 p.m. to 10:00 p.m.
- 2) All equipment used in conjunction with the event shall not allow the ice chillers and generators to exceed a sound level of 80 dBA at approximately 15 feet from sources; speakers will be limited to 95 dBA as measured 80 feet from the sound source.
- 3) The applicant shall provide personnel and equipment who shall provide continuous sound level monitoring during the event, January 11, 2012 through January 14, 2012.

4) All PA systems, loudspeakers or similar devices shall be turned off no later than 10:00 p.m. on January 11, 2012 through January 14, 2012.

FURTHER RESOLVED, that any violations of the conditions set forth above on any of the dates may result in revocation of the grant of a variance for the subsequent date(s), in addition to any criminal citation which might issue.

Jam Entertainment and Creative Services, represented Xan R. Guzik, Producer and Director of Festivals, has requested an exemption from the sound level limitations in Chapter 293.07 in order to 24/7 operation of chillers and generators from December 26, 2011 through January 17, 2012, and the use of an amplified sound system for the events on January 11, 2012 through January 14, 2012 from 5:00 p.m. to 10:00 p.m. Noise sources will be located near an enclosed track that will run from the open space to the North of the St. Paul Cathedral and East of 231 Dayton Avenue and terminate in the park area near the intersection of Old Kellogg Blvd and College 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