



Legislation Details (With Text)

File #: RES PH 17- 126 **Version:** 1

Type: Resolution-Public Hearing **Status:** Passed
In control: City Council
Final action: 5/17/2017

Title: Approving the application of Twin Cities Jazz Festival for a sound level variance in order to present amplified music June 22 through June 24, 2017 during the Twin Cities Jazz Festival at the Union Depot- North Plaza, 214 Fourth Street East.

Sponsors: Rebecca Noecker

Indexes: Ward - 2

Code sections:

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

| Date | Ver. | Action By | Action | Result |
|-----------|------|----------------|---------|--------|
| 5/19/2017 | 1 | Mayor's Office | Signed | |
| 5/17/2017 | 1 | City Council | Adopted | Pass |

Approving the application of Twin Cities Jazz Festival for a sound level variance in order to present amplified music June 22 through June 24, 2017 during the Twin Cities Jazz Festival at the Union Depot- North Plaza, 214 Fourth Street East.

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, Twin Cities Jazz Festival, represented by Steve Heckler, Executive Director, who has been designated as the responsible person on the application, has applied for a variance to present amplified music, at a requested sound level limit of 90 dBA at 50 feet, at the Union Depot - North Plaza, 214 4th Street East; and

WHEREAS, applicant is seeking a variance for the hours of 10:00 a.m. to 9:00 p.m. June 22 through June 24, 2017, with a pre-event sound check at 11:00 a.m. on June 23 and June 24, 2017, during the Twin Cities Jazz Festival Union Depot site; and

WHEREAS, if applicant is not granted a variance, applicant will not be able to present amplified music at the Union Depot, North Plaza, 214 4th Street East; 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 Twin Cities Jazz Festival, subject to the following conditions:

- 1) The variance shall be for the hours of 10:00 a.m. to 9:00 p.m. June 22 through June 24, 2017, with a pre-event sound check at 11:00 a.m. on June 23 and June 24, 2017.
- 2) All electronically powered equipment used in conjunction with the event shall not exceed 80 dBA as measured at 50 feet from the sound source from 10:00 a.m. until 5:00 p.m. June 22, 2017 and June 23, 2017, and shall not exceed 90 dBA as measured 50 feet from the sound source on June 23, 2017 from 5:00 p.m. until 9:00 p.m. and from 10:00 a.m. until 9:00 p.m. on June 24, 2017.
- 3) The applicant shall provide personnel and equipment to ensure compliance with the sound level variance conditions.
- 4) All electronically powered equipment, PA systems, loudspeakers or similar devices shall be turned off no later than 9:00 p.m. on the dates of the event.

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

Twin Cities Jazz Festival, represented by Steve Heckler, Executive Director, has requested an exemption from the sound level limitations in Chapter 293.07 in order to present amplified music, with limitations, from 10:00 a.m. to 9:00 p.m. June 22 through June 24, 2017 during the Twin Cities Jazz Festival at the Union Depot - North Plaza, 214 4th Street East. 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