



Legislation Details (With Text)

**File #:** RES PH 24- 226      **Version:** 1

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

**In control:** City Council

**Final action:** 9/4/2024

**Title:** Approving the application of R. Mychael Wright for a sound level variance in order to present live amplified sound for a on September 14, 2024 on Selby Avenue from Chatsworth St N to Victoria St N.

**Sponsors:** Anika Bowie

**Indexes:** Ward - 1

**Code sections:**

**Attachments:** 1. Application, 2. ENS, 3. Map, 4. Notice to Owners, 5. Owners List, 6. Letter to Applicant, 7. Adam Suomala public comment

Date	Ver.	Action By	Action	Result
9/9/2024	1	Mayor's Office	Signed	
9/4/2024	1	City Council	Adopted	Pass

Approving the application of R. Mychael Wright for a sound level variance in order to present live amplified sound for a on September 14, 2024 on Selby Avenue from Chatsworth St N to Victoria St N. 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, R. Mychael Wright, represented by R. Mychael Wright, Co-Executive, who has been designated as the responsible person on the application, has applied for a variance, at no requested sound level limit or specified distance from the sound source, to present amplified sound on Selby Avenue from Chatsworth St N to Victoria St N; and

WHEREAS, applicant has requested a variance for the hours from 11:00 a.m. to 7:30 p.m., with a pre-event sound check at 10:00 a.m. on Saturday, September 14, 2024 for the Selby Avenue Jazz Fest; and

WHEREAS, if applicant is not granted a variance applicant will not be able to present amplified sound on Selby Avenue from Chatsworth St N to Victoria St N; 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 R. Mychael Wright, subject to the following conditions:

- 1) The Variance shall be for the hours 11:00 a.m. to 7:30 p.m., with a pre-event sound check at 10:00 a.m. on Saturday, September 14, 2024.

2) All electronically powered equipment used in conjunction with the event shall not exceed 90 dBA as measured at 50 feet from the sound source on Saturday, September 14, 2024.

3) The applicant shall continuously monitor the decibel level from the variance approved distance of each noise source throughout the duration of the variance and create a report that records the decibel levels at intervals no greater than 10 minutes apart. The report shall be available for viewing by city staff, upon request.

4) All electronically powered equipment, PA systems, loudspeakers or similar devices shall be turned off no later than 7:30 p.m. Saturday, September 14, 2024.

FURTHER RESOLVED, that any violations of the conditions set forth above on the September 14, 2024, date may result in denial of future requests for the grant of a noise variance, in addition to any criminal citation which might issue.

Selby Avenue Jazz Fest, represented by R. Mychael Wright, Co-Executive, has requested an exemption from the sound level limitations in Chapter 293.07 in order to present amplified sound, with limitations, from 11:00 a.m. to 7:30 p.m., with a pre-event sound check at 10:00 a.m. on Saturday, September 14, 2024. 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