**MEMORANDUM**

TO: Councilwoman Denise Lee, Chair, City Council Ad Hoc Committee on Metropolitan Park
Members of the Ad Hoc Committee

CC: Paige Johnston, Office of General Counsel

FROM: Margo Klosterman, Council Liaison
 Steve Pace, Environmental Quality Division
 Tonisha Gaines, Office of Special Events

RE: Recommendations re: Noise Measurement and Fines at Metropolitan Park (2013-676)

DATE: Wednesday, January 15, 2014

At the request of the Ad Hoc Committee, we have met several times in response to your request for recommendations on the measurement of noise and assessment of fines related to events at Metropolitan Park. Additionally, we consulted the promoters (Mike Yokan and Danny Hayes) who have been actively engaged with the work of the Ad Hoc Committee on Metropolitan Park noise issues.

The end result of these discussions is a set of recommendations that has the support of the Mayor’s Office, Environmental Quality Division, Office of Special Events, and the above-referenced promoters.

 (1) ***Noise Measurement***: During a Metropolitan Park concert, Environmental Quality Division (EQD) staff will measure noise for a continuous five (5) minute period using the time average sound level, also known as the “equivalent continuous sound level” measurement technique (Leq 5min). If the Leq 5min exceeds 105 dB(A), EQD will contact the primary point of contact provided to the Office of Special Events by the promoters. In the event the primary point of contact is unable to be reached, EQD will contact the secondary point of contact provided to the Office of Special Events by the promoters. This effort will be deemed a notification. The promoters will have ten (10) minutes following notification to reduce the noise level to at or below 105 dB(A) prior to the next measurement period, at which point the foregoing procedure shall start over.

 (2) ***Fine Structure***: The first violation, as established above, results in a warning. We recommend that subsequent violations be fined according to the following structure:

 a. In excess of 105 dB(A) but not in excess of 108 dB(A) : $250 per occurrence

 b. In excess of 108 dB(A)) but not in excess of 110 dB(A): $500 per occurrence

 c. In excess of 110 dB(A) but not in excess of 112 dB(A): $1000 per occurrence

 d. In excess of 112 dB(A) but not in excess of 115 dB(A): $1500 per occurrence

 e. In excess of 115 dB(A)): $2000 per occurrence

Thank you very much for the opportunity to offer these recommendations. Please let us know if you have any questions or concerns.