



Legislation Details (With Text)

**File #:** RES PH 22- 46      **Version:** 1

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

**In control:** City Council

**Final action:** 3/16/2022

**Title:** Approving the application of Visit Saint Paul for a sound level variance in order to present amplified sound on March 18, 2022 and March 19, 2022, at 317 Washington St - Herbie's on the Park patio.

**Sponsors:** Rebecca Noecker

**Indexes:** Ward - 2

**Code sections:**

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

Date	Ver.	Action By	Action	Result
3/18/2022	1	Mayor's Office	Signed	
3/16/2022	1	City Council	Adopted	Pass

Approving the application of Visit Saint Paul for a sound level variance in order to present amplified sound on March 18, 2022 and March 19, 2022, at 317 Washington St - Herbie's on the Park patio.

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, Visit Saint Paul, represented by Jaimee Hendrikson & Steve Heckler, VP Marketing / Event Manager, who have been designated as the responsible persons on the application, has applied for a variance, for a sound level limit of 92 dBA at 50 ft, to present amplified sound for a Frozen Faceoff Fan Fest on March 18, 2022 and March 19, 2022, at 317 Washington St - Herbie's on the Park patio.; and

WHEREAS, applicant has requested a variance for the hours from 3:00 p.m. to 7:00 p.m. on March 18, 2022 and March 19, 2022, for Frozen Faceoff Fan Fest; and

WHEREAS, if applicant is not granted a variance applicant will not be able to present amplified sound at 317 Washington St - Herbie's on the Park patio; 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 Visit Saint Paul, subject to the following conditions:

- 1) The Variance shall be for the hours from 3:00 p.m. to 7:00 p.m., Friday, March 18, 2022 and Saturday, March 19, 2022, for the Frozen Faceoff Fan Fest.

- 2) All electronically powered equipment used in conjunction with the event shall not exceed 90 dBA as measured at 50 feet from all sound sources.
- 3) The applicant shall provide personnel and equipment who shall provide continuous sound level monitoring at each sound mix during the hours of the variance.
- 4) All electronically powered equipment, PA systems, loudspeakers or similar devices shall be turned off no later than 7:00 p.m. on March 18, 2022 and March 19, 2022, the event dates.

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

FURTHER RESOLVED, that any violations of the conditions set forth above on the March 18, 2022 and March 19, 2022 date may result in denial of future requests for the grant of a noise variance, in addition to any criminal citation which might issue.

Visit Saint Paul, represented by Jaimee Hendrikson & Steve Heckler, VP Marketing / Event Manager, has requested an exemption from the sound level limitations in Chapter 293.07 in order to present amplified sound, with limitations, from 3:00 p.m. until 7:00 p.m. on March 18, 2022 and March 19, 2022. 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