



## Legislation Details (With Text)

**File #:** RES PH 19- 63      **Version:** 1

**Type:** Resolution-Public Hearing      **Status:** Passed  
**In control:** City Council  
**Final action:** 3/13/2019

**Title:** Approving the application of Herbie's on the Park for a sound level variance to present amplified music in an enclosed tent on Saturday, March 16, 2019 at 317 Washington Street.

**Sponsors:** Rebecca Noecker

**Indexes:** Ward - 2

**Code sections:**

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

Date	Ver.	Action By	Action	Result
3/20/2019	1	Mayor's Office	Signed	
3/13/2019	1	City Council	Adopted	Pass

Approving the application of Herbie's on the Park for a sound level variance to present amplified music in an enclosed tent on Saturday, March 16, 2019 at 317 Washington Street.

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, Herbie's on the Park, represented by Tom Schoenberger, General Manager, who has been designated as the responsible person on the application, has applied for a variance at no specified sound level limit or distance from the sound source, to present amplified music in an enclosed tent at 317 Washington St.; and

WHEREAS, applicant has requested a variance for the hours from 10:00 a.m. to 7:00 p.m., Saturday, March 16, 2019 with a pre-event sound check at 10:00 a.m. for Herbie's on the Park St. Patrick's Day Block Party; and

WHEREAS, if applicant is not granted a variance applicant will not be able to present amplified music at 317 Washington St.; 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 Herbie's on the Park, subject to the following conditions:

1) The Variance shall be for the hours from 10:00 a.m. to 7:00 p.m., on Saturday, March 16, 2019 with a pre-event sound check at 10:00 a.m.

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 outside of the fully enclosed tents.

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 Saturday, March 16, 2019, the event date.

FURTHER RESOLVED, that any violations of the conditions set forth above on the Saturday, March 16, 2019 date may result in denial of future requests for the grant of a noise variance, in addition to any criminal citation which might issue.

Herbie's on the Park, represented by Tom Schoenberger, 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 7:00 p.m., Saturday, March 16, 2019. 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