



Legislation Text

File #: RES PH 24-79, **Version:** 1

Approving the application of El Burrito Mercado for three sound level variances in order to present live music on certain Fridays for Fiesta Mexicana Fridays, Saturdays for Musica en mi Barrio, and Sundays Familiares Summer Music Series beginning Friday, May 3 through Sunday, September 15, 2024 at the El Burrito LaPlacita Patio space at 175 Cesar Chavez 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, Milissa Silva, CEO and Owner, who has been designated as the responsible person on the application, has applied for three sound level variances at requested levels of 60-80 dBA on Fridays, 70-80 dBA on Saturdays and 60-70 dBA on Sundays, all at no specified distance, to present outdoor amplified music. Proposed times of operation are from 5:00 p.m. until 9:00 p.m., starting on Friday, May 3, 2024, for nine (9) Fridays: May 3, 24 and 31, June 7 and 21, July 5, 19 and 27, and August 16, 2024, 6:30 p.m. until 8:30 p.m. on seven (7) Saturdays: June 8, 22 and 29, July 6 and 20, August 3 and 17, and eight (8) Sundays, from 11:00 a.m. until 4:00 p.m. on May 5 and 12, June 9 and 23, July 14 and 28, August 11 and September 15, 2024 at 175 Cesar Chavez Street; and

WHEREAS, if applicant is not granted the variances, applicant will not be able to present the outdoor music series at 175 Cesar Chavez Street; and

WHEREAS, the Department of Safety and Inspections (DSI) has reviewed the applications and has made recommendations regarding conditions for the variances. Now, therefore, be it

RESOLVED, that the Council of the City of Saint Paul hereby grants two variances to Milissa Silva, subject to the following conditions:

- 1) The Variances shall be for three music series for the hours of 5:00 p.m. to 9:00 p.m., for the El Burrito Mercado's Fiesta Friday Series starting on Friday, May 3, 2024, for nine (9) Fridays as listed above; for seven (7) Saturdays, from 6:30 p.m. until 8:30 p.m. starting on Saturday, June 8, 2024 for the Musica En Mi Barrio Series as listed above; and for eight (8) Sundays, starting on May 5, 2024 as listed above, from 11:00 a.m. until 4:00 p.m. for the Sundays Familiares Series at 175 Cesar Chavez Street.
- 2) All electronically powered equipment, PA systems, loudspeakers or similar devices used in conjunction with the event shall not exceed 80 dBA as measured 50 feet from any sound source during each of the designated Fridays Music Series, not exceed 80 dBA at 50 feet during the Saturdays Music Series and shall not exceed 70 dBA as measured at 50 feet during the Sundays Music Series event hours.
- 3) The applicant shall provide personnel and equipment who will provide sound level monitoring to ensure compliance with the sound level variances 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 Fridays, 8:30 p.m. Saturdays and 4:00 p.m. Sundays Music Series dates of the events.

FURTHER RESOLVED, that if three or more verified complaints from residents or businesses in the area regarding significant negative impact from the increased sound level variance for the Fiesta Mexicana Fridays Series, Saturdays Musica en mi Barrio Series and/or the Sundays Familiares Series sound level variances may be amended or revoked by the council. Such reduction will not require a further hearing before council but shall be documented in a written communication to council from DSI; and be it

FURTHER RESOLVED, that any violations 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.

Milissa Silva, CEO and Owner, has requested an exemption from the sound level limitations in Chapter 293.07 in order to present a Friday Music Series with amplified music starting on Friday, May 3, 2024, for nine (9) Fridays: May 3, 24 and 31, June 7 and 21, July 5, 19 and 27, and August 16, 2024, for a Saturday Music Series, from 6:30 p.m. until 8:30 p.m. on seven (7) Saturdays: June 8, 22 and 29, July 6 and 20, August 3 and 17, 2024, and a Sunday Music Series with amplified music for eight (8) Sundays, from 11:00 a.m. until 4:00 p.m. on May 5 and 12, June 9 and 23, July 14 and 28, August 11 and September 15, 2024 at 175 Cesar Chavez Street. 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