



## Legislation Details (With Text)

<b>File #:</b>	RES PH 22-153	<b>Version:</b>	1
<b>Type:</b>	Resolution-Public Hearing	<b>Status:</b>	Passed
		<b>In control:</b>	City Council
		<b>Final action:</b>	6/8/2022
<b>Title:</b>	Approving the application of El Burrito Mercado for three sound level variances in order to present live music on certain Thursdays, Saturdays and Sundays for a Summer Music Series en La Placita beginning Thursday, June 23 through Sunday, August 28, 2022 at the El Burrito LaPlacita Patio space at 175 Cesar Chavez Street.		
<b>Sponsors:</b>	Rebecca Noecker		
<b>Indexes:</b>	Ward - 2		
<b>Code sections:</b>			
<b>Attachments:</b>	1. Application, 2. ENS, 3. Map, 4. Owners list, 5. Notice to owners, 6. Letter to Applicant		

Date	Ver.	Action By	Action	Result
6/10/2022	1	Mayor's Office	Signed	
6/8/2022	1	City Council	Adopted	Pass

Approving the application of El Burrito Mercado for three sound level variances in order to present live music on certain Thursdays, Saturdays and Sundays for a Summer Music Series en La Placita beginning Thursday, June 23 through Sunday, August 28, 2022 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, El Burrito Mercado, represented by the owner, Milissa Silva, who has been designated as the responsible person on the application, has applied for three variances, at a requested sound level limit of 90 dBA at no specified distance, to present amplified sound for the Musica En Mi Barrio (Thursday Series), Explosion Latina (Saturday Series) and the Tejano Brunch (Sunday Series) at 175 Cesar Chavez St - El Burrito Mercado.; and

WHEREAS, applicant has requested a variance for the hours of 6:00 p.m. to 9:00 p.m. on June 23, July 14 and 28, and August 11, 2022 for the Thursday Series; 6:00 to 10:00 p.m. on June 25, July 9, 23 and August 6 for the Saturday Series and 3:00 until 8:00 p.m. on the Saturday, July 30 Anniversary Event; and 12:00 p.m. until 5:00 p.m. on June 26, July 24 and August 28, 2022 for the Sunday Series

WHEREAS, if applicant is not granted the variances applicant will not be able to present amplified sound at 175 Cesar Chavez St - El Burrito Mercado.; 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 variances to El Burrito Mercado, subject to the following conditions:

- 1) The Variances shall be for the hours of 12:00 p.m. to 5:00 p.m. on Sundays, June 26, July 24, and August 28, 2022.
- 2) The Variance shall be for the hours of 6:00 p.m. to 9:00 p.m. on Thursdays, June 23, July 14, July 28 and August 11, 2022.
- 3) The Variance shall be for the hours of 6:00 p.m. to 10:00 p.m. on Saturdays, June 25, July 9, July 23, August 6, 2022, and for the hours of 3:00 p.m. to 8:00 p.m. on July 30, 2022, their Anniversary Event.
- 4) All electronically powered equipment used in conjunction with the event shall not exceed 85 dBA at 50 feet from any sound source on the above listed dates.
- 5) The applicant shall provide personnel and equipment to ensure compliance with the sound level variance conditions.
- 6) All electronically powered equipment, PA systems, loudspeakers or similar devices shall be turned off no later than 5:00 p.m. on the Sunday music dates; no later than 9:00 p.m. on the Thursday music dates; no later than 8:00 p.m. on the July 30, 2022 Anniversary date and no later than 10:00 p.m. on the other listed Saturday music dates at 175 Cesar Chavez St - El Burrito Mercado.

FURTHER RESOLVED, that any violations of the conditions set forth above on the June 23 through August 28, 2022 dates may result in denial of future requests for the grant of a noise variance, in addition to any criminal citation which might issue.

El Burrito Mercado, represented by Milissa Silva, Owner, has requested an exemption from the sound level limitations in Chapter 293.07 in order to present amplified sound, with limitations, from 6:00 p.m. to 9:00 p.m. on Thursdays, June 23, July 14, 28 and August 11; 6:00 p.m. until 10:00 on Saturdays, June 25, July 9, 23, and August 6, and 3:00 p.m. until 8:00 p.m. on their Anniversary Event on July 30; Sundays, June 26, July 24 and August 28, 2022, from 12:00 p.m. until 5:00 p.m., the dates of the events. 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