



Legislation Details (With Text)

File #: RES PH 23- 78 **Version:** 1
Type: Resolution-Public Hearing **Status:** Passed
In control: City Council
Final action: 4/12/2023

Title: Approving the application of Eclectic Culinary Concepts dba Pajarito for a sound level variance in order to present amplified sound on Saturday, May 6, 2023 at 605 Seventh Street West - Pajarito.

Sponsors: Rebecca Noecker

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Code sections:

Attachments: 1. Pajarito Cinco de Mayo Celebration Application, 2. ENS.1, 3. map, 4. Pajarito Cinco de Mayo Celebration.Notice to Owners, 5. Owner list, 6. Pajarito Cinco de Mayo Celebration.Letter to Applicant

Date	Ver.	Action By	Action	Result
4/13/2023	1	Mayor's Office	Signed	
4/12/2023	1	City Council	Adopted	Pass

Approving the application of Eclectic Culinary Concepts dba Pajarito for a sound level variance in order to present amplified sound on Saturday, May 6, 2023 at 605 Seventh Street West - Pajarito.
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, Eclectic Culinary Concepts dba Pajarito, represented by Steve Hesse, Owner, who has been designated as the responsible person on the application, has applied for a variance for no specified sound level or distance, to present amplified sound for a Pajarito Cinco de Mayo Celebration event on May 6, 2023, at 605 W 7th St - Pajarito; and

WHEREAS, applicant has requested a variance for the hours from 2:00 p.m. to 10:00 p.m., on Saturday, May 6, 2023, for a Pajarito Cinco de Mayo Celebration event; and

WHEREAS, if applicant is not granted a variance applicant will not be able to present amplified sound outside of 605 W 7th St - Pajarito; 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 Eclectic Culinary Concepts dba Pajarito, subject to the following conditions:

- 1) The Variance shall be for the hours of 2:00 p.m. to 10:00 p.m., on Saturday, May 6, 2023, for an Pajarito Cinco de Mayo Celebration event.

- 2) All electronically powered equipment used in conjunction with the event shall not exceed 85 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 source during the hours of the variance.
- 4) All electronically powered equipment, PA systems, loudspeakers or similar devices shall be turned off no later than 10:00 p.m. on May 6, 2023, the event date.

FURTHER RESOLVED, that any violations of the conditions set forth above on the May 6, 2023 date may result in denial of future requests for the grant of a noise variance, in addition to any criminal citation which might issue.

Eclectic Culinary Concepts dba Pajarito, represented by Steve Hesse, Owner, has requested an exemption from the sound level limitations in Chapter 293.07 in order to present amplified sound for Pajarito Cinco de Mayo Celebration on May 6, 2023 with limitations, 2:00 p.m. to 10:00 p.m. p.m., 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