



Legislation Text

File #: RES PH 23-53, **Version:** 1

Approving the application of El Burrito Mercado for two sound level variances in order to present live music for Fiesta Mexicana Fridays and Saturdays for Musica en mi Barrio Summer Music Series en La Placita beginning Friday, May 5 through Saturday, September 16, 2023 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 two sound level variances at a requested level of 78 dBA at no specified distance, to present amplified music. Proposed times of operation are from 5:00 p.m. until 9:00 p.m., starting on Friday, May 5, 2023, (six (6) Fridays: May 5, June 9, June 23, July 7, July 21, and August 4, 2023, and from 4:00 p.m. until 9:00 p.m. on one (1) Friday and five (5) Saturdays: June 10, June 24, July 8, July 22, August 4, and September 16, 2023 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 will be for two music series starting on Friday, May 5, 2023, six (6) Fridays: May 5, June 9, June 23, July 7, July 21, and August 4, 2023, with amplified music from 5:00 p.m. until 9:00 p.m. for Fiesta Mexicana Fridays, and on one (1) Friday and five (5) Saturdays: June 10, June 24, July 8, July 22, August 4, and September 16, 2023, with amplified music from 4:00 p.m. until 9:00 p.m. for Musica en mi Barrio at 175 Cesar Chavez Street.
- 2) All electronically powered equipment, PA systems, loudspeakers or similar devices used in conjunction with the music concert events must not exceed 78 dBA, as measured at 50 feet from the noise source during the proposed, specified hours for each of the designated Fridays and Saturdays 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 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 and Musica en mi Barrio Series on the Friday or Saturday hours, the Friday and/or Saturday 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 5, 2023, for six (6) Fridays: May 5, June 9, June 23, July 7, July 21, and August 4, 2023, and a Saturday Music Series with amplified music for five (5) Saturdays and one Friday: June 10, June 24, July 8, July 22, August 4, and September 16, 2021 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