



Legislation Text

File #: RES PH 22-69, **Version:** 1

Approving the application of Eclectic Culinary Concepts, Inc -dba- Pajarito for a sound level variance in order to present amplified sound on May 7, 2022 at 605 7th St W. - 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, Inc -dba- Pajarito, represented by Jamie, General Manager, who has been designated as the responsible person on the application, has applied for a variance, at no requested sound level limit or specified distance, to present amplified sound for the Cinco De Mayo Celebration at 605 7th St W. - Pajarito; and

WHEREAS, applicant has requested a variance for the hours from of 2:00 p.m. to 10:00 p.m. with a pre-event sound check from 1:00 p.m. - 2:00 p.m. on May 7, 2022 for a Cinco De Mayo Celebration; and

WHEREAS, if applicant is not granted a variance applicant will not be able to present amplified sound at 605 7th St W. - 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, Inc -dba- Pajarito, subject to the following conditions:

- 1) The Variance shall be for the hours from of 2:00 p.m. to 10:00 p.m. with a pre-event sound check from 1:00 p.m. - 2:00 p.m. on May 7, 2022 for a Cinco De Mayo Celebration.
- 2) All electronically powered equipment used in conjunction with the event shall not exceed 85 dBA 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 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 10:00 p.m. on Saturday, May 7, 2022, the event date.

FURTHER RESOLVED, that any violations of the conditions set forth above on the May 7, 2022 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, Inc -dba- Pajarito, represented by General Manager, Jamie, has requested an exemption from the sound level limitations in Chapter 293.07 in order to present amplified sound, with limitations, from 2:00 p.m. to 10:00 p.m. with a pre-event sound check from 1:00 p.m. - 2:00 p.m. on Saturday, May 7, 2022. 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