



## Legislation Details (With Text)

**File #:** RES PH 15- 231 **Version:** 1

**Type:** Resolution-Public Hearing **Status:** Passed  
**In control:** City Council  
**Final action:** 8/19/2015

**Title:** Approving the application of La Cucaracha Restaurante for a sound level variance for outdoor music on Saturday, September 12, 2015 at 36 Dale Street South.

**Sponsors:** Dave Thune

**Indexes:** Ward - 2

**Code sections:**

**Attachments:** 1. Application, 2. ENS, 3. Map, 4. Notice to District Council, 5. Notice to Property Owners, 6. List of Property Owners, 7. Letter to Applicant

| Date      | Ver. | Action By      | Action  | Result |
|-----------|------|----------------|---------|--------|
| 8/20/2015 | 1    | Mayor's Office | Signed  |        |
| 8/19/2015 | 1    | City Council   | Adopted | Pass   |

Approving the application of La Cucaracha Restaurante for a sound level variance for outdoor music on Saturday, September 12, 2015 at 36 Dale Street South.

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, the La Cucaracha Restaurante, represented by Mary (Gina) Flores, Owner, who has been designated as the responsible person on the application, has applied for a variance to present outdoor music at 36 Dale Street South; and

WHEREAS, applicant is seeking a variance for the hours of 12:00 p.m. to 6:00 p.m., with a pre-event sound check at 11:30 a.m. for live outdoor music, on Saturday, September 12, 2015, for an Independence Day Summer Celebration; and

WHEREAS, if applicant is not granted a variance it will not be able to present outdoor music at 36 Dale Street South; 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 La Cucaracha Restaurante, subject to the following conditions:

1) The variance will be for an Independence Day Summer Celebration and the hours of 12:00 p.m. to 6:00 p.m., on Saturday, September 12, 2015;

2) All electronically powered equipment, PA systems, loudspeakers or similar devices used in conjunction with the event must not exceed 85 dBA as measured 50 feet from sound source.

3) The applicant will provide personnel and equipment to ensure compliance with the sound level variance conditions.

4) All electronically powered equipment, PA systems, loudspeakers or similar devices must be turned off no later than 6:00 p.m. on Saturday, September 12, 2015.

FURTHER RESOLVED, that any violations of the conditions set forth above, may result in denial of any future variances, in addition to any criminal citation which may be issued.

La Cucaracha Restaurante, represented by Mary (Gina) Flores, Owner, has requested an exemption from the sound level limitations in Chapter 293.07 in order to present outdoor music, with limitations, from 12:00 p.m. to 6:00 p.m. for music, on Saturday, September 12, 2015, for an Independence Day Summer Celebration at 36 Dale Street South. 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