



Legislation Details (With Text)

File #: RES PH 18-13 **Version:** 1

Type: Resolution-Public Hearing **Status:** Passed
In control: City Council
Final action: 1/17/2018

Title: Approving the application of Melissa Diaz for a sound level variance in order to have a DJ with sound system for a Pre-Superbowl Football Fiesta on Sunday, February 4, 2018 on the patio space at El Burrito Mercado, 175 Cesar Chavez Street.

Sponsors: Rebecca Noecker

Indexes: Ward - 2

Code sections:

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

Date	Ver.	Action By	Action	Result
1/22/2018	1	Mayor's Office	Signed	
1/17/2018	1	City Council	Adopted	Pass

Approving the application of Melissa Diaz for a sound level variance in order to have a DJ with sound system for a Pre-Superbowl Football Fiesta on Sunday, February 4, 2018 on the patio space at El Burrito Mercado, 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 Diaz, CEO, who has been designated as the responsible person on the applications, has applied for a sound level variance at a requested sound level limit of 85 dBA, at no specified distance, in order to have a DJ with sound system on Sunday, February 4, 2018 from 12:00 p.m. to 6:00 p.m. on the patio space at El Burrito Mercado, 175 Cesar Chavez Street; and

WHEREAS, if applicant is not granted the variance, applicant will not be able to have a DJ with sound system for a Pre-Superbowl Football Fiesta on the patio at El Burrito Mercado, 175 Cesar Chavez Street; 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 Milissa Diaz, subject to the following conditions:

- 1) The variance will be for the Pre-Superbowl Football Fiesta for a DJ with sound system from 12:00 p.m. until 6:00 p.m. on Sunday, February 4, 2018 on the patio at El Burrito Mercado, 175 Cesar Chavez Street.
- 2) All electronically powered equipment, PA systems, loudspeakers or similar devices used in conjunction with

the Pre-Superbowl Football Fiesta event must not exceed 85 dBA, as measured at 50 feet from the noise source during the proposed, specified hours for the Pre-Superbowl Football Fiesta event hours.

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

4) All electronically powered equipment, PA systems, loudspeakers or similar devices shall be turned off no later than 6:00 p.m. on Sunday, February 4, 2018.

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 Diaz, CEO, El Burrito Mercado has requested an exemption from the sound level limitations in Chapter 293.07 in order to present a DJ with sound system on Sunday, February 4, 2018 from 12:00 p.m. until 6:00 p.m. for Pre-Superbowl Football Fiesta on the patio space 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