



## Legislation Text

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**File #:** RES PH 16-219, **Version:** 1

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Approving the application of El Burrito Mercado for a sound level variance in order to present amplified music and announcements for the Fiestas Familiares music series on eight (8) Sundays starting July 31, 2016 through September 18, 2016 at the LaPlacita space at 193 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/Director of Operations, who has been designated as the responsible person on the application, has applied for a variance, at a requested level of 85 dBA to 90 dBA at no specified distance to present amplified music and announcements from 12:00 p.m. until 8:00 p.m. on eight (8) Sundays starting July 31, 2016 through September 18, 2016 at the LaPlacita space at 193 Cesar Chavez Street; and

WHEREAS, applicant is seeking a variance for the hours of 12:00 p.m. until 8:00 p.m., with a two to four hour duration per event on eight (8) Sundays starting July 31, 2016 through September 18, 2016; and

WHEREAS, if applicant is not granted a variance applicant will not be able to present the amplified music and announcements at the LaPlacita space at 193 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 amplified music and announcements for the hours of 12:00 p.m. until 8:00 p.m., with a two to four hour duration per event on eight (8) Sundays starting July 31, 2016 through September 18, 2016.
- 2) All electronically powered equipment, PA systems, loudspeakers or similar devices used in conjunction with the music concert events must not exceed 85 dBA, as measured at 50 feet from the noise source from 12:00 p.m. until 8:00 p.m., with a two to four hour duration per event.
- 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 8:00 p.m. on eight (8) Sundays from July 31, 2016 through September 18, 2016.

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/Director of Operations, has requested an exemption from the sound level limitations in

Chapter 293.07 in order to present amplified music and announcements for the Fiestas Familiares music series from 12:00 p.m. until 8:00 p.m., with a two to four hour duration per event on eight (8) Sundays starting July 31, 2016 through September 18, 2016 at the LaPlacita space at 193 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