



Legislation Text

File #: RES PH 19-233, **Version:** 1

Approving the application of El Burrito Mercado for a sound level variance to present amplified music on Sunday, August 4, 2019 at 175 Cesar Chavez Street for the El Burrito Mercado's 40th Anniversary Party / Noche De Artejano.

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, El Burrito Mercado, represented by Analita Silva, Co-Owner, has applied for a variance, with a sound level request of 85 dBA at no specified distance, to present amplified music at 175 Cesar Chavez St.; and;

WHEREAS, applicant is seeking a variance for the hours of 1:00 p.m. to 7:00 p.m. with a pre-event sound check from 11:00 a.m. to 12:00 p.m. at 175 Cesar Chavez St. for the El Burrito Mercado's 40th Anniversary Party / Noche de Artejano; and

WHEREAS, if applicant is not granted a variance applicant will not be able to present announcements and amplified music at 175 Cesar Chavez St.; 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 El Burrito Mercado, subject to the following conditions:

- 1) The Variance shall be for the hours of 1:00 p.m. to 7:00 p.m. with a pre-event sound check from 11:00 a.m. to 12:00 p.m. on Sunday, August 4, 2019.
- 2) All electronically powered equipment used in conjunction with the event shall not exceed 85 dBA as measured 50 feet from sound source.
- 3) The applicant shall provide personnel and equipment 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 7:00 p.m. on the date of the event.

FURTHER RESOLVED, that any violations of the conditions set forth above on the first date may result in revocation of the grant of a variance for the subsequent date, in addition to any criminal citation which might issue.

El Burrito Mercado has requested an exemption from the sound level limitations in Chapter 293.07 in order to

present amplified DJ music, with limitations, from 1:00 p.m. to 7:00 p.m. with a pre-event sound check from 11:00 a.m. until 12:00 p.m. on Sunday, August 4, 2019, for the El Burrito Mercado's 40th Anniversary Party / Noche De Artejano at 175 Cesar Chavez St. 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