



Legislation Text

File #: RES PH 21-97, **Version:** 1

Approving the application of El Burrito Mercado for two sound level variances in order to present amplified music on five Friday evenings for Fiestas Mexicanas Friday Series, May 28, 2021 through September 17, 2021 and on five Saturday evenings, for Fiesta Latina Saturday Series, Saturday, June 5, 2021 through Saturday, September 18, 2021 at the El Burrito Patio space at 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 Silva, CEO and Owner, who has been designated as the responsible person on the application, has applied for two sound level variances at a requested level of 82 dBA at no specified distance, to present amplified music. Proposed times of operation are from 6:00 p.m. until 10:00 p.m., starting on Friday, May 28, 2021, (five (5) Fridays: May 28th, June 4th, July 2nd, August 6th, and September 17, 2021 and five (5) Saturdays: June 5th, June 19th, July 3rd, August 7th and September 18, 2021 at 175 Cesar Chavez Street; and

WHEREAS, if applicant is not granted the variances, applicant will not be able to present the outdoor music series at 175 Cesar Chavez Street; and

WHEREAS, the Department of Safety and Inspections (DSI) has reviewed the applications and has made recommendations regarding conditions for the variances. Now, therefore, be it

RESOLVED, that the Council of the City of Saint Paul hereby grants two variances to Milissa Silva, subject to the following conditions:

- 1) The Variances will be for two music series starting on Friday, May 28, 2021, (five (5) Fridays: May 28th, June 4th, July 2nd, August 6th, and September 17, 2021, for Fiesta Mexicanas and five (5) Saturdays for Fiesta Latina: June 5th, June 19th, July 3rd, August 7th and September 18th with amplified music from 6:00 p.m. until 10:00 p.m., at 175 Cesar Chavez Street.
- 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 during the proposed, specified hours for each of the designated, Fridays and Saturdays music series event hours.
- 3) The applicant shall provide personnel and equipment who will provide sound level monitoring to ensure compliance with the sound level variances conditions.
- 4) All electronically powered equipment, PA systems, loudspeakers or similar devices shall be turned off no later than 10:00 p.m. on the dates of the event.

FURTHER RESOLVED, that verified complaints from residents or businesses in the area regarding significant negative impact from the increased sound level variance for the Music Series Fiesta Mexicanas on Fridays or

the Saturdays Fiesta Latina hours, the Friday and/or Saturday sound level variances may be amended or revoked by the council in accordance with the procedures set forth in §293.09; and be it

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 Silva, CEO and Owner, has requested an exemption from the sound level limitations in Chapter 293.07 in order to present a Friday Music Series with amplified music starting on Friday, May 28, 2021, for (five (5) Fridays: May 28th, June 4th, July 2nd, August 6th, and September 17, 2021, and a Saturday Music Series with amplified music for (five (5) Saturdays: June 5th, June 19th, July 3rd, August 7th and September 18, 2021 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