



Legislation Text

File #: RES PH 25-67, **Version:** 1

Approving the application of El Burrito Mercado for two sound level variances in order to present live music on certain Fridays for Fiesta Mexicana Fridays, Fridays, May 2 through September 12, 2025 and, Saturdays for a Musica en mi Barrio Summer Music Series beginning Saturdays, May 3 through August 16, 2025 at the El Burrito LaPlacita 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 requested levels of 80 dBA on Fridays and Saturdays, all at no specified distance, to present outdoor amplified music. Proposed times of operation are from 5:00 p.m. until 9:00 p.m., starting on Friday, May 2, 2025, for thirteen (13) Fridays: May 2, 23, June 6, 13, 20, 27, July 11, 18 and 25, and August 1, 8, 15, September 12, 2025, and from 6:30 p.m. until 8:30 p.m. on twelve (12) Saturdays: May 3, 31, June 7, 14, 21 and 28, July 12, 19 and 26, August 2, 9 and 16, 2025, 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 Variance shall be for the hours of 5:00 p.m. to 9:00 p.m. Fridays, May 2, 23, June 6, 13, 20, 27, July 11, 18, 25, August 1, 8, 15, and September 12, 2025, for a Fiesta Fridays Music Series event
- 2) All electronically powered equipment used in conjunction with the event shall not exceed 80 dBA at 50 feet from any sound source on Fridays, May 2, 23, June 6, 13, 20, 27, July 11, 18, 25, August 1, 8, 15, and September 12, 2025.
- 3) The applicant shall monitor the decibel level from the variance approved distance of each noise source and create a report that records the general operating decibel levels within 15 minutes of the start of each performing act and at intervals no greater than 60 minutes apart thereafter. The report shall be made available for viewing by city staff, upon request during the variance or within 30 days thereafter. Applicant shall also conduct a decibel reading during the variance upon request of city staff. FURTHER RESOLVED, that any violations of the conditions set forth above on the Fridays, May 2- September 12, 2025 Music Series dates may result in denial of future requests for the granting of a noise variance, in addition to any criminal citation which might issue. 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 9:00 p.m. on Fridays, May 2, 23, June 6, 13, 20, 27, July 11, 18, 25, August 1, 8, 15, and September 12, 2025, the event dates.

FURTHER RESOLVED, that if three or more verified complaints from residents or businesses in the area regarding significant negative impact from the increased sound level variance for the Fiesta Mexicana Fridays Series, and/or the Saturdays Musica en mi Barrio Series sound level variances may be amended or revoked by the council. Such reduction will not require a further hearing before council but shall be documented in a written communication to council from DSI; 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 2, 2025, for thirteen (13) Fridays: May 2, 23, June 6, 13, 20, 27, July 11, 18 and 25, August 1, 8, 15 and September 12, 2025 and for a Saturday Music Series, from 6:30 p.m. until 8:30 p.m. on twelve (12) Saturdays: May 3, 31, June 7, 14, 21 and 28, July 12, 19 and 26, August 2, 9 and 16, 2025, 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