

Dear City Council,

September 20th, 2016

El Chapo, LLC, DBA Puebla Tacos Y Tequileria at 305 E. Main St. is seeking to obtain a **Permanent Special Use Permit** for **Outdoor Live Entertainment** for their patio.

Our business, OPOLIS, which began in 2002 at 113 N. Crawford, has an adjacent outdoor back patio.

Up until recently we were strictly a late night music venue and tavern open per event. Our patrons used our back patio as an escape from the sound inside our establishment or as a place to just relax with friends and enjoy the outdoors. We have a hinged, self closing, double door facing the south that patrons can exit onto our back patio. This door stays closed during performances unless we have obtained one of the seven noise variances allowed to locations per year.

Recently, we reintroduced food service at Opolis. We are offering vegan, gluten-free and organic fare from the service window on the back patio. This means our patrons will now be using our patio during traditional business hours to order food and dine with their families.

Puebla's patio and our patio are surrounded by brick, metal and concrete. These surfaces reflect sound very effectively.

Currently, the background radio played on Puebla's patio is perfectly audible on our patio. That is how much sound reflects and travels in our alleyway and into our space. Even though their radio does affect our space, we do feel it is only fair for all patios to be allowed low, background, radio music.

However, when Puebla has a full band on their patio, or even just one musician with a guitar, our patio becomes their patio, audibly.

Amplified entertainment (bands, DJs, etc.) on Puebla's back patio can be heard all the way inside our business when our back door is shut. We have had performers comment, onstage, to paying audiences, about the sound and bass level coming from Puebla's patio and through our closed back doors. We have had many patrons complain and even leave because the band on Puebla's patio was impacting their time at Opolis.

We understand that sometimes this should be an allowable circumstance, and is, through use of the current noise code, which allows 7 noise variances a year.

Over the past year and a half we have repeatedly expressed our concerns to Puebla's management about these performances that were mostly held without noise variances and sometimes topping 95 decibels.

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Despite our repeated attempts, a peaceful dialogue has not been reached.

This **Special Use** Puebla is requesting, capped at 60 decibels from 7 a.m. to 9 p.m. and 55 decibels after that, allows them basically low, background music. This is a difficult level for a musician to stay at or below without amplification and virtually impossible to stay at or below **with** amplification outside.

Because of this and our complete understanding that they want to have full bands or single performers, **amplified**, we are certain constant monitoring of their sound level will be required of us and our police force. This is time we need to spend on our business and taxpayers' dollars we don't need to waste.

Granting Puebla this **Special Use** would be an unprecedented allowance and could be followed by similar requests by other businesses with patios, as well as similar impacts to surrounding businesses.

We feel this **Special Use** request should be approached with caution and its potential impact contemplated thoroughly, as there is no precedent for outdoor use of this nature. Further guidelines should be discussed and put into place.

Events beyond the City of Norman's already generous outdoor noise policy ordinance should require the consideration and consent of neighboring businesses.

A possible alternative to the need for an outdoor special use in this zone could be amending the current noise policy to include written communication with immediate affected neighbors per incident, therefore allowing exceptions to the 7 required noise variances.

Downtown Norman is growing and with it so is the music scene. We are very proud as an almost-15-year-old music venue to be a successful part of this growth and understand we have a responsibility to our ever-growing number of neighbors to be respectful of their businesses. We are simply asking the same.

Yours faithfully,

A handwritten signature in black ink, appearing to read "Andy and Marian Nuñez", written over a horizontal line.

Andy and Marian Nuñez  
OPOLIS Productions, LLC

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