From: Mark Schroepfer [mailto:markschrep@gmail.com]
Sent: Wednesday, September 10, 2014 10:46 AM
To: McMonigal-St Dennis, Barb (CI-StPaul)
Subject: Request for denial of sound level variance - Lululemon Athletica event on September 20

To: City of St. Paul Department of Safety and Inspections
375 Jackson Street, Suite 220
Saint Paul, Minnesota 55101-1806
September 10, 2014
Attention: Barb McMonigal-St. Dennis,

This is to request **denial** of Lululemon Athletica's request for a sound level variance at the corner of Summit Avenue and Nina Street from 8:00 a.m. to 12:00 p.m. on Saturday, September 20, 2014.

- There is no public interest in disturbing the peace of neighborhood for another Saturday morning race event. Should participants want music while they run, they wear ear buds – and many do. The notice provides no reason as to why this variance is necessary or beneficial.

- The notice makes no mention of whether the sound is live or recorded or both, what is the nature of the sounds (music, PA announcements, other sounds), which way the speakers will face, and exactly where the speakers and/or stage will be located. All of these factors obviously weigh towards judging how "disturbing" this event will be to nearby property owners.

- The notice provide no information regarding the applicant's noise level minimization plan, if any.

- If the variance is granted, the City should require appropriate sound monitoring to assure compliance. Permitting a sound level of 85 dBA at 50 feet also permits sound above 100 dBA at the source and more than 90 dBA within a reasonable range of human engagement (such as pedestrians walking down the sidewalk). This is not only excessive for a residential neighborhood, but within the noise exposure levels restricted by both OSHA and NIOSH.

- If the applicant intends to play music (either live or recorded) at this event, the City should confirm that the applicant has obtained the appropriate public performance licenses from (BMI, ASCAP and SESAC, as necessary). No variance should be granted without proper intellectual property licensing in place.

Additional comments, not necessarily within the jurisdiction of the Department of Safety and Inspections, but weighing towards denial of this variance request.

- As of now, I have received zero information about this event. I don't know if streets will be closed, parking restricted, barriers erected, and so on. Although the race may not pass our house, any parking or street closure restrictions will affect traffic alternatives and parking on our block.

- I acknowledge that the police department controls permitting of events of this nature. But this event is sponsored by a commercial enterprise! Why does the city give this benefit away for next to nothing ($10)? This event ties up seven miles of city streets for four hours. If this were run in Minneapolis, the organizer would have pad $100 plus $1,000 (50 cents for each of 2,000 participants) plus necessary traffic control, security, and clean-up expenses.

Too many race events requiring parking restrictions, barricades, street closings, sound level variances and the like are being permitted on Summit Avenue. Perhaps the Police Department should not have sole decision making authority in this area.

I assume you do this anyway, but please forward this to the appropriate City Council members.

Mark Schroepfer
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St. Paul, MN