Legislation Text

File #: RES PH 14-251, **Version:** 1

Approving the application of Lululemon Athletica for a sound level variance in order to use an amplifier and speakers at a water stop/turn around along a race course at an event on Saturday, September 20, 2014 at the corner of Summit Avenue and Nina 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, Lululemon Athletica, represented by Kara Schlosser, Store Manager, who has been designated as the responsible person on the application, has applied for a variance to use an amplifier and speakers to project sound at a water stop/turn around along a race course at an event at the corner of Summit Avenue and Nina Street during a Lululemon Athletica Event; and

WHEREAS, applicant is seeking a variance for the 8:00 a.m. to 12:00 p.m. on Saturday, September 20, 2014, and

WHEREAS, if applicant is not granted a variance it will not be able to use an amplifier and speakers to project sound at a water stop/turn around along a race course at an event at the corner of Summit Avenue and Nina Street; 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 Kara Schlosser and Lululemon Athletica, for the following race event location, at the corner of Summit Avenue and Nina Street, and subject to the following conditions:

1. Sound levels shall be limited to 85 dBA as measured 50 feet from noise source.
2. Speakers and stage must be directed away from residential use properties. All electronically powered equipment, PA systems, loudspeakers or similar devices used in conjunction with the event must not exceed 85 dBA as measured 50 feet from sound source.
3. Variance will be for the hours of 8:00 a.m. to 12:00 p.m. on September 20, 2014.
4. The applicant shall provide personnel and equipment who shall provide continuous sound level monitoring at each sound mix during the hours of the variance.
5. All electronically powered equipment, PA systems, loudspeakers or similar devices shall be turned off no later than 12:00 p.m.

FURTHER RESOLVED, that any violations of the conditions set forth above on the September 20, 2014 event date may result in denial of future requests for the grant of a noise variance, in addition to any criminal citation which might issue.

Lululemon Athletica, represented by Kara Schlosser, has requested an exemption from the sound level limitations in Chapter 293.07 in order to use an amplifier and speakers to project sound at a water stop/turn around along a race course, with limitations, at the corner of Summit Avenue and Nina Street, and to be used from 8:00 a.m. to 12:00 p.m. on Saturday, September 20, 2014, during a Lululemon Athletica Event. 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