File #: RES PH 16-223, **Version:** 1

Approving the application of Podium Sports Marketing for a sound level variance in order to present a brief announcement and the National Anthem at Shepard Road at Walnut Street for the Event Start, and amplified music and announcements at the Finish at the east end of Upper Landing Park at Shepard Road just west of Ontario Street, for the RBC Minnesota Half Marathon on Saturday, August 6, 2016.

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, Podium Sports Marketing, represented by Marilyn Franzen, Partner, who has been designated as the responsible person on the application, has applied for a variance at no specified sound level limit, from 6:45 a.m. until 12:00 p.m., with a pre-event sound check at 6:35 a.m. to present a brief announcement and National Anthem at Shepard Road at Walnut Street for the Event Start and amplified music and announcements at the Event Finish at Shepard Road just West of Ontario Street, for the RBC Minnesota Half Marathon on Saturday, August 6, 2016; and

WHEREAS, if applicant is not granted a variance applicant will not be able to present the announcement and National Anthem at Shepard Road at Walnut Street for the Event Start and amplified music or announcements at the Finish at Shepard Road just West of Ontario Street, for the RBC Minnesota Half Marathon; 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 sound level variance to Podium Sports Marketing, subject to the following conditions:

1) The variance will be for the RBC Minnesota Half Marathon located at Shepard Road at Walnut Street for the Event Start and amplified music and announcements at Shepard Road just West of Ontario Street for the Event Finish the at the East End of Upper Landing Park on August 6, 2016 from 6:45 a.m. to 12:00 p.m., with a pre-event sound check at 6:45 a.m.

2) All electronically powered equipment, PA system, loudspeaker or any similar device used in conjunction with the event, will not exceed 85 dBA, as measured 50 feet from any stage or sound source.

3) The applicant shall provide personnel and equipment to ensure compliance with the variance conditions.

4) All electronically powered equipment, PA systems, loudspeakers or similar devices will be turned off by 12:00 p.m. on August 6, 2016.

5) A copy of this sound level variance must be maintained at the event location and be available for review by the City of Saint Paul Police or inspection personnel.

FURTHER RESOLVED, that any violations of the conditions set forth above on any of the dates may result in revocation of the grant of a variance for the subsequent date(s), in addition to any criminal citation which might issue.

Podium Sports Marketing, represented by Marilyn Franzen, has requested an exemption from the sound level limitations in Chapter 293.07 in order to present an announcement and National Anthem at Shepard Road at Walnut Street for the Event Start and amplified music and announcements at Shepard Road just West of Ontario Street for the Event Finish by the East End of Upper Landing Park, for the RBC Minnesota Half Marathon on Saturday, August 6, 2016 from 6:45 a.m. to 12:00 p.m., with pre-event sound check from 6:45 a.m. 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