

# Agenda Report

**DATE: DECEMBER 3, 2001**

**TO: CITY COUNCIL**

**FROM: CYNTHIA KURTZ, CITY MANAGER**

**SUBJECT: AUTHORIZATION TO ENTER INTO A LICENSE AGREEMENT WITH CIRQUE DU SOLEIL, ADOPT A REVISED AND UPDATED MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING PROGRAM AND HOLD A FIRST READING TO SUSPEND THE NOISE ORDINANCE FOR A SPECIFIED PERIOD OF TIME.**

## RECOMMENDATION

It is recommended that the City Council:

1. Adopt the revised Mitigated Negative Declaration Mitigation Monitoring Program and the de minimize finding no impact on fish and wildlife.
2. Approve the terms and conditions of a License Agreement consistent with Attachment "A" with Cirque du Soleil based on these conditions and authorize the City Manager to take all action necessary to implement this agreement.
3. Hold the first reading of Ordinance to suspend the Noise Ordinance for the five Sundays Cirque will be performing and for ½ hour on Friday and Saturday performances.

## EXECUTIVE SUMMARY

The above-stated actions will allow Cirque du Soleil to operate in the Arroyo in Parking Lot I at Brookside Park. The "big top" will accommodate 2500 patrons. They are planning to host nine shows a week Tuesday through Sunday with Matinees on Friday, Saturday, and Sunday. If approved the first performance will be on March 6, 2002 and run 4 ½ weeks until April 7, 2002.

Cirque du Soleil is a Canadian-based performing arts company that formed in 1984 with a dozen performers. Today, Cirque has live shows on three continents. With its trademark "Big Top," Cirque has been filling its seats with a population that has a love for the arts. Cirque has almost 2,000 employees and multi-million dollar budget. Its traveling show comes with a road team of masseuses, sports-medicine staff and physical therapists for performers, Cirque's payroll is over \$80 million and a few of its top performers earn nearly \$200,000 annually.

## **BACKGROUND**

### **Previous City Council Action**

The City Council endorsed a license agreement with Cirque du Soleil in 1995. At that time Cirque du Soleil chose an alternative market, and the license agreement as approved was not finalized. In January 2000, the City Council took the following actions:

1. Endorsed the Terms and Conditions for a license agreement and authorized the City Manager to negotiate an agreement with Cirque du Soleil based on these conditions.
2. Approved a professional services agreement with Raymond Entertainment to prepare an offer package to Cirque du Soleil.
3. Adopted a Mitigated Negative Declaration Mitigation Monitoring Program and the de minimize finding no impact on fish and wildlife.
4. Directed the City Clerk to file a Notice of Determination regarding Cirque du Soleil event with the Los Angeles County Registrar and Recorder/County Clerk.
5. Authorized the Director of Finance to transfer \$20,000 from the Unappropriated General Fund balance to account #101-681110 in the then Housing and Development Department.
6. Directed staff to take responsibility for offering off-site parking in the form of "event packages" (ticket, dinner at a Pasadena restaurant, shuttle service).
7. Directed staff to take noise readings at Cirque's Irvine show and project what the noise impact would be and provide City Council with a list of mitigations.
8. Direct a minimum of 25% of City revenues from this event to Brookside Park on whatever items Council feels are appropriate.

As part of this approval process, the following recommendations from the Recreation and Parks Commission were included. These conditions included:

1. That the City work with a subcommittee of the Commission in the development and implementation of the Operational Plan to ensure that the Commission's concerns regarding all significant and potentially significant environmental impacts, including, but not limited to noise levels, traffic circulation, parking consideration, and tree removal/replanting are addressed to the Commission's satisfaction;
2. That all proceeds of the event be directed to Parks and Natural Resources for park improvement and maintenance above and beyond the normal funding levels;

3. That the contract be cancelable after one tour; and
4. That the project makes a commitment to providing community-wide access to performances via ticket availability.

### **Cirque du Soleil Proposal**

In Mid-October Cirque Du Soleil notified City staff of its intent to bring its production of "Dralion" to Pasadena in early March. The production will require use of the site from February 18, 2002 to April 19, 2002 with shows from March 6 to April 7. This is a shorter period than the originally proposed initial six to nine week tour. The renewal option is still included as originally proposed. Cirque du Soleil is proposing nine shows a week Tuesday through Sunday, with matinees on Friday, Saturday and Sunday. Their show starts typically begin at 8:00 p.m. with matinees beginning around 4:00 p.m.

The proposed site is the northern end of Parking Lot I located at Brookside Park adjacent to the ball fields. The City will be responsible for the management of the parking of this event and will have the flexibility to accommodate other parking requirements and use.

The proposed site requirements for this production include an area for their performance tent, concessions and an area for the trailers and "back stage" operations. Parking for the patrons (approximately 769 per performance) will also be located at Parking Lot I (see Attachment B for layout).

As a temporary event, Cirque du Soleil's 4½-week performance period will require two successive Temporary Conditional Use Permits. A Temporary Conditional Use Permit is for uses of limited duration (not to exceed 45 days) requiring individual consideration. In addition, an Amplified Noise Permit must be issued for the event. A suspension of the Noise Ordinance would be required to allow the event to occur on Sundays (as the Amplified Noise Permit does not allow any amplified noise on Sundays) and for the time period between 10:00 p.m. and 10:30 p.m. for the Friday and Saturday performances.

This time frame does not conflict with any major events scheduled for the Rose Bowl. Development staff is working with the staff of the RBOC and the Aquatic Center to accommodate the uses. In addition, Development staff is coordinating these events with other city events such as the Kidspace Museum project, which will be under construction nearby.

### **CEQA**

City staff has revised the Initial Study and the Mitigated Negative Declaration and Mitigation Monitoring program originally prepared in November 1999. A revised Notice of Intent to Adopt a Negative Declaration was published on November 13, 2001. Both the Initial study and the Negative Declaration have been updated to provide the latest noise study information. The revised Mitigated Negative Declaration and Mitigation Monitoring Program will require several mitigation measures. These mitigation measures are outlined in Attachment C.

**Noise Study**

Cirque du Soleil is required to apply for an Amplified Noise Permit. This permit allows amplified noise to be 15 decibels (dBA) above the ambient noise level. The ambient noise was measured in the evening hours for a period of three days on November 8, 10 and 11, 2001 and was determined to be at 56 dBA. Based on this analysis the noise level is not to exceed 71dBA at the outside property line.

Noise readings were taken at Cirque's "Dralion" show in Irvine on January 21, 2001. Dralion was located in very southern edge of the Irvine Spectrum parking lot directly adjacent to the Interstate 5 and Interstate 405 interchange. Because of the location, these readings had a very high ambient noise level and were difficult to translate into the Arroyo. Recently, the City had another opportunity to register noise readings at a "Dralion" show in Philadelphia. Although an urban setting, the ambient noise level was much lower. The shows averaged a decibel reading of 65-67 dBA at 140 feet.

Staff then conducted sound studies in the Arroyo, specifically Parking Lot I. Duplicating the noise studies, staff amplified the "Dralion" soundtrack at the same levels then took noise readings every 100 feet in both the easterly and westerly directions to the closest residents. Based on these studies the noise readings registered at 42.8 dBA at the outside property line to the east and 47 dBA at the outside property line to the west. The amplified noise of the sound track could not be heard from the nearest residents on both the east and west side. Attachment D is an aerial map outlining the results of the noise readings.

Several mitigation measures will be put in place to insure Cirque du Soleil compliance. These mitigation measures will become part of the license agreement. As part of the noise mitigation, Cirque du Soleil has agreed to use City power. This will greatly reduce the noise from the generators on site. Cirque will set up the generators, but will only be used as back up emergency power.

**Traffic Impacts**

Several mitigation measures will be put in place to minimize the impact of traffic in the Arroyo. Recommended routes for patrons will be included in promotional literature and with tickets purchased off-site. In addition, dinner and shuttle packages will be coordinated with the local restaurants. Staff has been in contact with several restaurants and they have stated their willingness to work toward that effort.

**Tree Removal**

There are sixty trees scattered throughout Lot I. It is anticipated that approximately 7-8 trees may need to be removed for the show. The trees range in size. Attachment E provides a survey of the trees that may potentially be removed.

### **FISCAL IMPACT**

The fee will be \$22,500 for each week of performance and \$450 a day for set up and take down. With 4 ½-weeks of performances and 27 days for set-up and breakdown, will generate approximately \$113,400 in license fees. In addition, it is expected to generate approximately \$281,500 in parking revenue. Total net revenue generated from this 4½-week event is estimated to be approximately \$334,935 (see Attachment F).

### **COMMUNITY OUTREACH**

City staff met with the Recreation and Parks Commission to update them on the latest events. Staff will continue to meet with the Commission on a monthly basis and work to develop a sub-committee with the Commission on an operational plan to ensure that their concerns will be addressed.

In addition staff conducted several meetings with various homeowners groups. Their input has been incorporated into the mitigation measures.

Cirque du Soleil is committed to supporting "at-risk youth" programs and will provide an unspecified amount of tickets toward that effort.


Respectfully Submitted,

  
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