

# Agenda Report

September 25, 2006

**TO:** CITY COUNCIL

**FROM:** CITY MANAGER

**SUBJECT:** LICENSE AGREEMENT WITH THE SUSAN G.KOMEN BREAST CANCER FOUNDATION LOS ANGELES COUNTY AFFILIATE (KOMENLAC) TO CONDUCT THE RACE FOR THE CURE

**RECOMMENDATION:**

It is recommended that the City Council:

1. Acknowledge that the proposed Race for the Cure License Agreement and lifting of the Noise Ordinance are categorically exempt under California Environmental Quality Act (CEQA) Guidelines Section 15323 Normal Operations for Public Gatherings and;
2. Approve an ordinance to suspend the Noise Ordinance by permitting amplified sound on a Sunday beginning at 8:30 am and Notice of Exemption and hold the first reading of same on Monday, September 25, 2006, with respect to the Race for the Cure to be held at Area H and on the public right-of-way on Sunday, February 25, 2007 and;
3. Authorize the City Manager to enter into a license agreement according to the business points set forth in the body of the agenda report with KOMENLAC and;
4. Direct the City Clerk to file the Notice of Exemption with the Los Angeles County Registrar-Recorder/County Clerk.

**BACKGROUND:**

KOMENLAC is a local non-profit organization whose mission is to eradicate breast cancer as a life threatening disease by advancing research, education, screening, and treatment.

KOMENLAC has organized the "Race for the Cure 5k" in Pasadena for the past 10 years. The Race for the Cure is the signature fundraiser for KOMENLAC and provides an opportunity for the organization to conduct outreach, advocacy, and public education about breast cancer prevention and treatment. The event typically draws 10,000 registered participants and features a 5k race, a health and fitness expo, and a Breast Cancer Survivor Ceremony.

KOMENLAC donates \$21,000 to Pasadena organizations that deal with breast cancer and other cancer-related health issues. Both the Community Health Alliance of Pasadena (CHAP) and the Wellness Community-Foothills Treatment Center are recipients of grant monies from KOMENLAC. KOMENLAC also organizes a Cancer Awareness Breakfast in Pasadena with Assemblymember Carol Liu's Office.

### **ANALYSIS:**

On December 12, 2005, Council adopted the "Policy for Large Events in Public Parks" which defines a large event at Area H as one that would host a maximum of 9,500 people at one time. The projected attendance for the Race for the Cure is 10,000 people throughout the course of the day dispersed not only on Area H, but, also within the public right-of-way and on Rose Bowl Operating Company property.

Council may waive these limits by approving a license agreement when they believe it is in the best interest of the community. Breast cancer is the most common type of cancer amongst women in the United States and as screening programs have become more common, more cases of breast cancer are being detected in the earlier stages of disease, when they are more easily and successfully treated. The Race for the Cure raises needed money for breast cancer research and treatment programs in Pasadena and the Greater Los Angeles Area while raising awareness for the importance of early detection and proper breast health, promoting screening, and providing access to the medically underserved and uninsured.

The City can co-sponsor events for locally-based non-profits who provide direct funds to Pasadena residents and businesses in an amount equal to or greater than the value of the dollar fees waived. When the organization requesting co-sponsorship is based in Pasadena and provides funds or services to Pasadena residents or businesses then they are not required to donate money directly to the Rec & Parks Foundation. The estimated park rental for the Race for the Cure is valued at \$11,700.00 and KOMENLAC's donation of \$21,000 to Pasadena treatment centers and the Pasadena community exceeds the donation requirement.

A suspension of the Noise Ordinance Section 9.36.220 (amplification sound regulations) and 9.36.230 (general noise sources) of the Pasadena Municipal

Code is also required in order to conduct sound checks for the parade prior to 10:00 am. The lifting of the Noise Ordinance for this event would permit amplified sound at 8:30 am. The applicant is not seeking a waiver of the entire Noise Ordinance. Sound from the event will be consistent with the Noise Ordinance and will be monitored.

This event was held in previous years at the same location without complaints from the lifting of the noise ordinance in previous years.

### **License Agreement**

The following are the major business points for the license agreement:

1. This would be a two year license agreement (with an option of a third year) between the City and KOMENLAC to produce their Race for the Cure at Area H and in the Public Right-of-way on February 25, 2007, February 24, 2008 and February 22, 2009 (should the City and KOMENLAC exercise the option to extend a third year).
2. No tobacco or hard alcohol products of any kind would be used as a name sponsor or in any advertising.
3. KOMENLAC will not hold the City responsible for the success of the Race for the Cure.
4. The City will co-sponsor the event by waiving park permit rental fees and the City logo will appear in all event promotional materials.

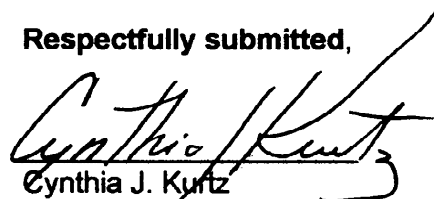
### **Environmental Analysis**

Staff reviewed the project and determined that it is categorically exempt under CEQA Guidelines Section 15323, normal operations of Facilities for Public Gatherings.

### **FISCAL IMPACT:**

Any City costs that may be incurred, (i.e. sound meter reading, police and fire personnel, permit costs, park clean-up, etc.) are to be paid by KOMENLAC.

Respectfully submitted,

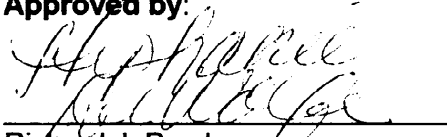


Cynthia J. Kurtz  
City Manager

**Prepared by:**

  
Michelle Bernal  
Special Events Coordinator

**Approved by:**

  
Richard J. Bruckner  
Director of Planning and Permitting

**Exhibits**

1. Environmental Exemption
2. Rose Bowl Letter of Agreement to Stage Event



**NOTICE OF EXEMPTION**

To:  
Los Angeles County Clerk  
Business Filing & Registration  
12400 E Imperial Hwy Rm 1101  
Norwalk CA 90650

From:  
City of Pasadena  
Planning & Development Dept.  
175 N. Garfield Avenue  
Pasadena, California 91109

**Project Title:**  
Race for the Cure License Agreement & Noise Ordinance Suspension

**Project Address:**  
Area H, 1075 N. Rosemont

**Project City:** Pasadena **Project County:** Los Angeles

**Project Description:**  
KOMENLAC proposes a one day parade Race/Walk in the Arroyo at Area H on the last Sunday in February in 2007 – 2009. The event is a fundraiser for KOMENLAC and features a 5k race, a health and fitness expo, and a Breast Cancer Survivor Ceremony. KOMENLAC has applied for a license agreement to hold their event at Area H thereby exceeding the large scale event attendance thresholds at Area H established by the Park Policy adopted in December 2005. A suspension of the Noise Ordinance Section 9.36.220 (amplification sound regulations) and 9.36.230 (general noise sources) of the Pasadena Municipal Code is also required in order to conduct sound checks prior to the start of the event.

**Name of Public Agency Approving Project:** City of Pasadena City Council

**Project Contact Person:** Michelle Bernal, Planning & Development Department

**Exempt Status (Check one):**

- Ministerial (CEQA Sec. 21080(b)(1); CEQA Guidelines Section 15268)
- Declared Emergency (Sec. 21080(b)(3); 15269(a))
- Emergency Project (Sec. 21080(b)(4); 15269(b)(c))
- Categorical Exemption. California Admin. Code Title 14 Chapter 3 Section 15323
- Statutory Exemption California Admin. Code Title 14 Chapter 3 Section
- General Rule California Admin. Code Title 14 Chapter 3 Sec. 15061 (b) (3)

**Reason why project is exempt:**  
CEQA Guidelines Section 15323, normal operations of Facilities for Public Gatherings. This Special Event has been held annually in the same location for the past 10 years. 5k races and festivals are a normal use for the area.

**Lead Agency:** Planning & Development Department  
**Contact Person:** Michelle Bernal **Phone:** (626) 744-7216

COMPLETED BY: *Michelle Bernal*  
TITLE: Special Events Coordinator  
DATE: 8/31/06

APPROVED BY: *Jennifer Paige Suki*  
TITLE: Environmental Administrator  
DATE: 8/31/06

Rose Bowl Operating Company  
1001 Rose Bowl Drive, Pasadena, CA 91103



www.rosebowlstadium.com  
Office (626) 377-3111 • Fax (626) 305-0092

August 23, 2006

Ms. Betty Rodriguez  
Executive Director  
The Susan G. Komen Breast Cancer Foundation  
Los Angeles County Affiliate  
1000 E. Walnut Street, Suite 123  
Pasadena, CA 91106

Subject: Permission To Use Rose Bowl Property


Dear Ms. Rodriguez

It has been agreed that the following guidelines will be in place to use Rose Bowl property for Race for the Cure events scheduled on February 25, 2005 and February 24, 2007.

- The Komen Foundation must submit a staging plan for the event to the RBOC for approval, including set up hours, staging and tear down.
- The Komen Foundation must submit to the RBOC a plan to protect Parking Lot D with staff to ensure that only Brookside Golf Course golfers, not attendees, staff, and other event participants will not park in Parking Lot D.
- The Komen Foundation agrees to use reasonable measures to protect the RBOC licensed areas during staging of its event. The RBOC will conduct an inspection of the licensed areas following the event. If the condition of licensed areas at that time is not satisfactory to the RBOC, RBOC will repair it to the condition that existed prior to the set up of the event. The Komen Foundation agrees to pay RBOC, any and all reasonable costs including labor, materials, supplies and equipment for repair and restoration of the licensed areas due to damage from the event.
- In the event if the RBOC has an opportunity to host an event on the same date as Race for the Cure, the Komen Foundation will use its best efforts to try to accommodate the Rose Bowl event

Please feel free to give either Darryl Dunn or myself a call at 626-577-3101.

Sincerely,

A handwritten signature in black ink, appearing to read 'Julie Benavidez', written over a circular stamp or mark.

Julie Benavidez  
Event Manager