

# Agenda Report

DATE: JULY 24, 2000

TO: CITY COUNCIL

FROM: CITY MANAGER

SUBJECT: SUSPENSION OF THE NOISE ORDINANCE RELATING TO THE PROPOSED FOLLOWING EVENTS: "PASADENA LIVE" CONCERT SERIES ON EIGHT OF THE FOLLOWING TEN DATES: SEPTEMBER 7, 8, 15, 17, 22, 23, 30 AND OCTOBER 1, 5 AND 7, 2000, TO BE HELD IN THE GOLD BAND SHELL AT MEMORIAL PARK.

## RECOMMENDATION:

1. It is recommended that the City Council acknowledge that the Temporary Conditional Use Permit and the suspension of the noise ordinance necessary to hold the eight (8) concert events at Memorial Park are categorically exempt from CEQA under CEQA Guidelines Section 15323, Normal Operations of Facilities for Public Gatherings.
2. It is recommended that the City Council direct the City Attorney to prepare an ordinance to suspend the Noise Ordinance and a Notice of Exemption with respect to a proposed concert series by Pasadena Live in the Gold Shell in Memorial Park on eight of the following ten dates: September 7, 8, 15, 17, 22, 23, 30 and October 1, 5 and 7, 2000 from 7:00 p.m. to 9:30 p.m.

## BACKGROUND:

Pasadena Live has proposed a series of concerts in the Gold Shell Amphitheater at Memorial Park that will feature popular music and comedy. The waiver of the noise ordinance would be necessary because the sound produced by the concerts will exceed the allowable decibel level under the ordinance. The maximum noise level that will be produced by these concerts at the property line of the park adjacent to the Holly Street Apartments will be 90 dBA or 30 dBA above the 60 dBA allowed per PMC sec. 9.36.163 C. 75dBA is classified as moderately loud.

These events will require paid admission, and Pasadena Live has proposed installing temporary fencing during the events. Pasadena Live is proposing to repair and enhance the Gold Shell before the concert series begins. The improvements are consistent with the City Council's general goal of enhancing parks and parklands and the specific goal of improving downtown parks.

This matter is brought to City Council to insure enough lead-time to suspend the noise ordinance should City Council approve these events. Staff and the promoter need to jointly address several remaining issues and, if they are able to do so, to return to City Council for approval of a comprehensive agreement. The most important issue is the ability of the promoter and the City to finalize a set of specifications for improvement of the Gold Shell, approved by the Design Commission, which address historic preservation and Americans with Disability Act issues. The extent of physical improvements which are ultimately presented may trigger some additional permitting requirements. In addition, the logistics of requisitioning the physical work on the Gold Shell and insuring that it is performed according to approved specifications in this short time frame presents some practical problems. Council should understand that the time frame is extremely ambitious and, although staff is committed to assisting in the process, there are a number of steps remaining before a deal can be approved.

Pasadena Live would like to negotiate a long-term license agreement with the City after this concert series. Under the terms of such an agreement, Pasadena Live would like to make further improvements to the park such as new restrooms, ADA improvements and additional trees.

The Senior Center has not been involved in this stage of planning since this project is being processed as a series of special events, not as a permanent agreement. The Recreation and Parks Commission has been given updates on this project, but the Commission has not formally reviewed it nor taken any action. In the event that a long-term agreement is proposed, a complete review by all affected Commissions will be undertaken.

**ENVIRONMENTAL IMPACT:**

The Environmental Administrator has determined that the proposed suspension of the Noise Ordinance and Temporary Use Permit necessary to hold the limited concert series is categorically exempt from CEQA under CEQA Guidelines section 15323, Normal Operations of Facilities for Public Gatherings.

**FISCAL IMPACT:**

According the adopted General Fee Schedule, the fees to utilize the park (including sound meter reading, park clean up, trash dumpsters, alcohol permit, etc) for each evening performance is \$6,039.50. The City Attorney's Office is currently developing an operating agreement, which would allow Pasadena Live to improve and renovate the band shell in an amount equal to or greater than the value of the fees assessed. The approximate fee for eight evening performances would be \$48,316.

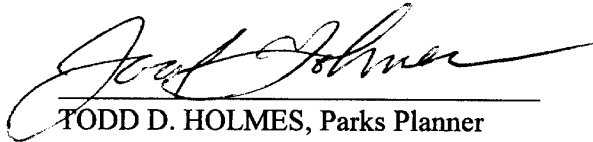
Respectfully submitted,



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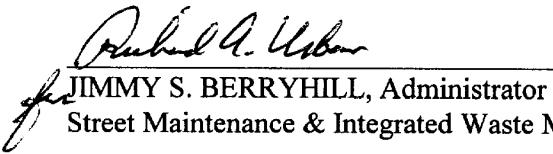
CYNTHIA J. KURTZ  
City Manager

Prepared by:



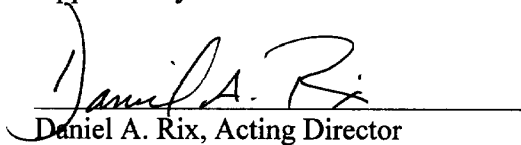
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