

**LINDA VISTA-ANNANDALE ASSOCIATION
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April 4, 2016

Mayor Tornek and City Council Members
c/o Mr. Mark Jomsky,
Pasadena City Clerk

Via email: mjomsky@cityofpasadena.net

Re: Council Meeting 4/4/16; Agenda Item 9; Arroyo Seco Music and Arts Festival

Council Members:

The Linda Vista-Annandale Association (LVAA) appreciates this opportunity to comment on the proposed approval of the Arroyo Seco Music and Arts Festival and certification of the Environmental Impact Report. Our comments in this letter are limited to the most important issues to us for tonight.

- **Limits on Essential Reimbursements.** The original non-binding Festival License Agreement Letter of Intent with AEG provided that AEG would reimburse the RBOC/City unconditionally for all Event personnel; any and all municipal services such as police, fire, public works, traffic control, EMS, etc.; and, all Facility damages, including the Golf Courses. **THE CURRENT LICENSE AGREEMENT TERMS AS PRESENTED TO THE COUNCIL LIMITS THESE REIMBURSEMENTS BY PROVIDING THAT AEG WILL ONLY REIMBURSE THEM TO THE EXTENT "COMMERCIALY REASONABLE".** (See and compare the "Festival Expenses" sections of the original License Letter of Intent with the summary of the current "deal" in tonight's Council Staff Report.)

This new provision appears to mean that AEG may be able to limit Rose Bowl/City expenditures on such essential matters as public safety by refusing to reimburse expenses deemed required by City Agencies such as Police and Fire, but not deemed "commercially reasonable" by AEG. Or, the City may have to

spend more than AEG is willing to reimburse in order to adequately serve and protect the neighborhoods surrounding the Festival and the City in general, in which event the minimum "guaranteed" License fee payable by AEG (\$1 million per Festival day) may be significantly reduced. Note: None of the Financial Analyses material presented to the Council to justify the License Agreement with AEG and certification of the EIR takes these potential unreimbursed expenses into account.

If the RBOC/City must pay for a portion of these expenses, which could amount to a very significant amount, then the minimum rent may be "offset" and put the financial bases of this proposal in danger. If the "guaranteed" minimum License fees are not realized due to the need for the RBOC/City to cover significant expenses which AEG refuses to pay, then the Council cannot determine whether or not the financial benefit as stated in the Statement of Overriding Consideration as a foundation of adopting the Statement, in fact, is true. In this connection, see Page 3 of the Statement of Overriding Consideration Resolution which calls out the License Fees in exact projected numerical detail without taking into account the possibility, if not probability, of offsets arising out of the "commercially reasonable" limitation on expenses reimbursable by AEG.

Of course, AEG has a "commercial" perspective on the Festival. They are in it for the money. On the other hand, there is no legitimate "commercial" context or perspective that applies to the Central Arroyo, our Central Arroyo neighborhoods or West Pasadena.

Due to this situation, and, because the Statement of Overriding Consideration financial basis is inextricably tied to the projected License Agreement "guaranteed" License fees, LVAA advocates that the Council not approve or certify anything tonight and, instead, should send the "deal" back for better and further negotiations.

- **Displacement Events "Hard Cap"**. LVAA strongly advocates that the Project Description must include a ceiling or "hard cap" on the maximum number of Displacement Events that can be take place in the Central Arroyo/Rose Bowl in any one calendar year under any circumstances (with an exception for the

Olympics). The hard cap should be 12 (the original "social compact" agreed with the neighborhoods through the Arroyo Seco Public Lands Ordinance), or a number up to a maximum of 15.

The Financial Analyses information provided to the Council demonstrates that the Rose Bowl, with adoption of the Music and Arts Festival, will be able to meet all projected operating and capital requirements for the foreseeable future. There is no financial imperative to add more Displacement Events on top of the Festival.

Further, it is time, as a public policy matter and in the interests of mitigating and controlling the significant impacts of Displacement Events on the neighborhoods and the Central Arroyo, and, in the interests of restoring the trust of continuously impacted neighbors surrounding the Central Arroyo, to take away the continuous threat of never ending Displacement Events added on every year with no maximum ever enforced. Impacted neighbors cannot rely on the RBOC to limit the never-ending number of Displacement (and small) events each year (16 Displacement Events so far this year including upcoming concerts and Soccer games). Placing a "hard cap" on the number of Displacement Events per calendar year may start to change this situation and help make the Music and Arts Festival more acceptable.

- **Sunday Festival End Time.** Why are the cut-off time for performances and amplified sound 11:00 p.m. on Sunday, and the cut-off time for departing patrons and traffic, and the Festival itself, midnight on Sunday night? LVAA objects to the significant impacts on Central Arroyo neighborhoods, including the ability of neighbors to sleep and prepare for work on Monday, of ending the Festival at midnight on Sunday, followed by at least 2 hours of noise and light impacts, particularly from vehicle and shuttle egress from the Central Arroyo through the neighborhoods. It is LVAA's strongly held position that nothing connected to the Festival except departing attendees should occur after 9 p.m. on Sunday night and the Project Description should be amended accordingly.
- **Stage Location Inside Rose Bowl.** As to Main Stage A, the location of a large, impactful Main Stage inside the Rose Bowl has been promised since inception of

the Festival idea. Putting this stage inside the Rose Bowl will facilitate sound and lighting mitigation and controls, drug and alcohol controls, security control and other, similar crowd and performance mitigation efforts. Now, in the DEIR, the Festival operator is provided full discretion to relocate the Main Stage A to Area H after the first year. LVAA strongly objects to this possible relocation of the Main Stage to Area H at the discretion of the Festival operator. LVAA's strongly held position is that the Main Stage must remain inside the Rose Bowl.

Further, we are all told over and over that the iconic Rose Bowl is an essential aspect of the Festival. Yet, AEG may abandon locating performances in the Rose Bowl for "convenience". Under such a circumstance, what is this Festival doing in the Central Arroyo if the Rose Bowl itself is inconvenient or ignored as a venue?

- **Standards and Practices Plan to Control Content.** LVAA's position is that a "Standards and Practices" Plan should be prepared, publicly reviewed, and, included as a Mitigation in the EIR so that the content of the Festival, including music, is limited and Mitigated. The public must be informed as to just what impacted neighbors will be required to listen to and/or experience for hours after hours, day after day, during the Festival, and so that public review can take place. Impacted neighbors will no longer tolerate unrelenting and unremitting obscenity and profanity from Rose Bowl or Festival concerts, upsetting many neighbors in West Pasadena and around the Central Arroyo, including families with children and grandchildren.

In this connection, the assertion continues to be made that limiting content before artists are "booked" for the Festival would somehow violate the First Amendment (Free Speech) to the federal constitution. This is nonsense and even AEG has admitted that limitations are in order prior to booking the "talent". AEG continues to promise that the Festival will be a "family event" and that talent consistent with this approach will be "booked", but without any plan or controls, it is not clear what types of talents or acts impacted neighbors will be required to endure.

Thank you for the opportunity to comment on these matters.

Sincerely,

s/ Nina Chomsky

Nina Chomsky, LVAA President