TO: HONORABLE CITY COUNCIL

FROM: CITY MANAGER

DEPARTMENT: CITY MANAGER

DATE: MARCH 4, 2002

CMR: 173:02

SUBJECT: 2001 SHORELINE CONCERT SEASON

This is an informational report and no Council action is required.

BACKGROUND

In June 1993, the City of Palo Alto and Bill Graham Presents (BGP) entered into a settlement agreement with regard to Shoreline Amphitheatre. Under that agreement, BGP agreed to operate Shoreline Amphitheatre subject to certain noise and hours restrictions. The City of Palo Alto and BGP also agreed to meet at least twice a year to discuss Shoreline Amphitheatre operations, with one meeting occurring before the season and another after the season. BGP was subsequently acquired by Clear Channel Entertainment.

During the concert season, the Palo Alto Police Department is responsible for monitoring complaints regarding noise from Shoreline concerts. According to the agreement with Clear Channel, if more than 4 Shoreline events in any year result in 45 or more complaints from different Palo Alto residential addresses, Palo Alto and Clear Channel will reopen discussions and negotiate in good faith to identify mitigation measures to reduce noise impacts in Palo Alto. In addition to Police Department monitoring of complaints, City of Palo Alto Public Works staff used to monitor noise levels from Shoreline Amphitheatre concerts from a sound monitoring station at the Palo Alto Main Library. However, in 2001 the then-Shoreline Monitoring Committee, composed of former Mayor Eakins and Vice Mayor Mossar, recommended to the Council and the Council approved discontinuance of the sound monitoring, since the cost was not justified by the actual use of the information gathered.

Below is a history of Shoreline complaints since Palo Alto began accumulating information under the settlement agreement:
SHORELINE COMPLAINTS

<table>
<thead>
<tr>
<th>Concert Season</th>
<th>Valid Complaints</th>
<th>Number of Concerts Over 45 Complaints</th>
</tr>
</thead>
<tbody>
<tr>
<td>1993</td>
<td>989</td>
<td>5</td>
</tr>
<tr>
<td>1994</td>
<td>872</td>
<td>10</td>
</tr>
<tr>
<td>1995</td>
<td>247</td>
<td>1</td>
</tr>
<tr>
<td>1996</td>
<td>1297</td>
<td>10</td>
</tr>
<tr>
<td>1997</td>
<td>199</td>
<td>1</td>
</tr>
<tr>
<td>1998</td>
<td>255</td>
<td>3</td>
</tr>
<tr>
<td>1999</td>
<td>99</td>
<td>0</td>
</tr>
<tr>
<td>2000</td>
<td>139</td>
<td>0</td>
</tr>
</tbody>
</table>

DISCUSSION

Data on complaints could not be provided by the Police Department for the 2001 concert season. The Police Department employee responsible for monitoring the phone lines let the complaints accumulate, intending to go back and do the analysis at the end of the season. Voice mail records are regularly cleared from the system to ensure adequate storage capacity, and by the time the Police Department staff member tried to access the system, all of the accumulated complaints had been purged. The Police Department staff now understands the complaints are to be reviewed after each concert and not accumulated, and staff is confident this situation will not recur.

On February 26, 2002, the Shoreline Monitoring Committee of Councilmembers Freeman and Lytle, with Assistant City Manager Emily Harrison, met with Tim Reed, General Manager of Shoreline Amphitheatre and Mike Kelly, Operations Manager. Shoreline staff keep detailed records of each concert, which include not only the number of complaints, but information on the decibel level of the performance, weather conditions and other related information (attached). Shoreline records show a very quiet season, with only 3 complaints. Shoreline has made as many physical changes as are practicable to the Amphitheatre to minimize sound complaints. Complaints are a function of the performer, especially the use of heavy bass in the performance; and the weather (amount of heavy cloud cover, inversion layer) Shoreline staff monitors the decibel level of the performances in real time, and when any performer begins to approach the maximum allowable decibel level, the staff are aggressive in going out to
the mixing board as the concert progresses to ensure compliance by the performer’s support.

The City of Mountain View does not anticipate addressing any issues which would impact Palo Alto in the coming year. Report will be scheduled for Council discussion on January or February 2002.

RESOURCE IMPACT

The Police Department estimates its costs of monitoring complaints at $2,000 annually.

PREPARED BY:  __________________________________________
Emily Harrison, Assistant City Manager

CITY MANAGER APPROVAL:  ______________________________
Frank Benest, City Manager

ATTACHMENT A:  Shoreline 2001 Concert Series