

- > ongoing conflict with BGP and the city of Mountain View, the
- > amphitheater owner, said a meeting will be scheduled for later this
- > summer.
- >
- > Meanwhile, the noise hotline will continue to take phoned-in
- > complaints and the expensive recording equipment the city bought last
- > spring will record the level of noise spilling into Palo Alto
- > neighborhoods.
- >
- > Palo Alto Weekly - Wednesday Sep 13, 1995
- > Shoreline concert tops complaint limit
- > Residents brace for last month of concern season
- >
- > After three relatively quiet months, a "Live" concert at Shoreline
- > Amphitheatre on Aug. 13 sparked 62 complaints, the most generated by a
- > concert this year.
- >
- > According to an agreement between the concert promoter, Bill Graham
- > Presents, and the cities of Palo Alto and Mountain View, the
- > amphitheater is allowed to exceed 45 complaints per concert no more
- > than four times in a six-month season. On Aug. 18, a Lollapalooza
- > concert garnered only 26 complaints, but the Aug. 13 and 18 concerts
- > got twice as many complaints as in the first three months of the
- > season.
- >
- > Palo Alto residents are bracing for more concert noise before the last
- > concert Oct. 22. "September and October tend to be the inversion
- > layer-prone months," said Jim Lewis, a Palo Alto resident who helped
- > found a citizens' group, Abate Shoreline Amphitheater Noise, to curb
- > the problem. Shoreline has 14 concerts left in its season, including
- > Robert Plant on Oct. 7, and Van Halen on Oct. 21.
- >
- > The city of Palo Alto will be monitoring the concert noise more
- > closely. "We have one microphone that's mounted on the roof of the
- > library," said Assistant City Manager Bernie Strojny, and now "we also
- > will have one inside. The point of that is to get a better idea of
- > what residents are hearing inside their homes."
- >
- >
- > Palo Alto Weekly - Friday Aug 23, 1996
- > SHORELINE: Noise talks will wait
- > Bill Graham Presents says rash of complaints due to inversion layer
- >
- > Now that Shoreline Amphitheater has blasted past the sound barrier
- > with seven concerts exceeding 45 noise complaints this season, what
- > will be done?
- >
- > The 1993 settlement agreement between Palo Alto and concert promoter
- > Bill Graham Presents calls for a meeting to be held to discuss
- > mitigation measures whenever more than four concerts in a season
- > exceed 45 complaints.
- >
- > AC/DC's concert Aug. 15, which clogged the Palo Alto Police
- > Department's Shoreline hot line with more than 225 complaints, was the

> sixth violation.  
>  
> And last Friday night's Sting concert, which drew 180 complaints, the  
> seventh.  
>  
> But Assistant City Manager Bernie Strojny, who has handled Shoreline  
> noise matters for the city the past three years, said there won't be a  
> meeting with BGP until mid-September, after City Council members Dick  
> Rosenbaum and Joe Huber return from vacation. They are the council's  
> liaisons to Shoreline.  
>  
> "We look forward to sitting down and talking to them," said Danny  
> Scher, BGP's vice president in San Francisco.  
>  
> Scher said the deluge of complaints recently is due to the weather.  
>  
> "This is an unusual year atmospherically," he said. "The last couple  
> of weeks we seem to have a strong, low inversion layer. It seems to be  
> unseasonably warm, too."  
>  
> Scientific theory has it that the notorious inversion layer traps  
> noise waves and bounces them into Palo Alto neighborhoods miles away.  
>  
> Scher said they don't allow the sound to exceed 98 decibels at the  
> back wall of the amphitheater.  
>  
> Both Scher and Strojny refused to discuss what kind of mitigation  
> measures are discussed in the meetings.  
>  
> "They're confidential," Scher said. "But I can tell you that they're  
> very constructive."  
>  
> Some Palo Alto residents might beg to differ.  
>  
> Jim Lewis of the Abate Shoreline Amphitheater Noise Coalition said his  
> group is planning to protest the noise at the Sept. 9 Palo Alto City  
> Council meeting.  
>  
>  
> Palo Alto Weekly - Friday May 9, 1997  
> Noise: The song remains the same  
> Residents, city officials fear another summer of concert din  
>  
> When the rock group Rush takes the stage on Sunday to kick off  
> Shoreline's 1997 concert season, the audience will likely cheer  
> wildly. The reaction will be different, however, beyond the  
> amphitheater's walls in the residential neighborhoods of Palo Alto.  
> Concert noise has been drifting into Palo Alto since Shoreline was  
> built in 1985, and despite years of complaints from residents and  
> prodding by Palo Alto city officials, there's no reason to believe  
> this year will be any different at the Mountain View musical venue.  
>  
> Palo Alto and Mountain View remain deadlocked over the issue.  
>

> "Nothing has been changed and we are currently at their mercy,"  
> laments Palo Alto Council member Dick Rosenbaum.  
>  
> Palo Alto will continue to monitor noise levels at Shoreline with  
> equipment purchased in 1994, but such evidence has historically been  
> countered with conflicting figures or dismissed as an unavoidable  
> product of Bay Area weather. Shoreline supporters are quick to point  
> out that much of the blame lies with the natural effects of an  
> 'inversion layer' in the local atmosphere that deflects concert noise  
> from the amphitheater toward Palo Alto residences miles away.  
>  
> In the face of disputed decibel levels and uncooperative weather, the  
> old-fashioned complaint count has become the central barometer in this  
> noise dispute. Under a 1993 court settlement, Shoreline is allowed  
> four concerts per season that generate in excess of 45 complaints  
> each. A fifth infraction requires the amphitheater to meet with Palo  
> Alto officials and residents about bringing the noise under control.  
> Shoreline, however, is not required to do anything more than meet.  
>  
> Three of the past four years have witnessed that fifth infraction. In  
> 1994, 12 separate shows surpassed the 45-complaint ceiling. So far,  
> the resulting meetings have yielded little in the way of  
> reconciliation.  
>  
> In September 1996, the Mountain View City Council authorized  
> inexpensive research into potential sound mitigation strategies. The  
> findings of that research concluded that "there have been no  
> significant technological or other advances (since the Council last  
> reviewed Shoreline Amphitheatre) which should be explored for possible  
> implementation at Shoreline Amphitheatre at this time."  
>  
> Linda Forsberg, assistant to the city manager of Mountain View and a  
> member of the staff that came to that conclusion, stands convinced  
> that no solution to the noise problem is at hand.  
>  
> "If there were an easy solution we would certainly have implemented  
> it," she said.  
>  
> In addition, Mountain View has decided that possible architectural  
> remedies would compromise the structural integrity of the facility  
> because of the underlying landfill. Partly in response to these  
> conclusions, Mountain View council members voted 5-2 in late November  
> to table any further discussion on the issue.  
>  
> Representatives of the amphitheater and of Bill Graham Presents, which  
> manages the concerts, were unavailable for comment.  
>  
> "The reality is that it's going to be business as usual," said Jim  
> Lewis, a spokesman for Abate Shoreline Amphitheatre Noise Coalition.  
> "They are going to continue to kick us in the shins and scoff at the  
> rights of citizens enjoying the peace and privacy of their own homes."  
>  
>  
> According to Shoreline's lease, music has to stop by midnight,

> although most concerts end about 11 p.m.  
>  
> With rock outfits like Rush, No Doubt, Weezer and Bush all slated to  
> perform within the first month of the season, the noise dispute is  
> likely to be in full swing shortly. For everyone involved, that act is  
> getting old.  
>  
> Shoreline's noise complaint hot line, monitored by the Palo Alto  
> Police Department, is 321-1317.  
>  
>

**From:** Paul Mortimer <pmortimer@pdxchamber.org>  
**To:** "'Cay Kershner - City of Portland'" <ckershner@ci....>  
**Date:** 12/6/98 9:19am  
**Subject:** FW: Amphitheater Background - Important

Ms. Kershner,

Please place this email into the official record for the PIR  
amphitheater decision. Thank you.

Paul Mortimer  
1630 North Highland Street  
Portland, OR 97217

> -----Original Message-----

> From: Paul Mortimer  
> Sent: Wednesday, December 02, 1998 11:10 AM  
> To: 'Kathy Turner'  
> Cc: 'PIR - Deborah Howes'; 'PIR - Jerrie Johnson - Home'; 'PIR  
> Barbara Fisher'; 'PIR Dain Nestel'; 'PIR Elizabeth Humphrey'; 'PIR  
> Jerrie Johnson - Work'; 'PIR Lee Jenkins'; 'PIR Pam Arden'; 'PIR Patt  
> Opdyke'; 'PIR Peter Teneau'; 'PIR Ray Bard'; 'PIR Richard Ellmyer';  
> 'PIR Tom G-V'; 'PIR Welch'; 'Ralph Welch'; 'Anna Welch'  
> Subject: Amphitheater Background - Important

> Kathy,

> I just had a very helpful conversation with the Assistant Director of  
> Public Safety in Columbus, Ohio, the home of the Polaris Amphitheater.  
> Please read and pass along to appropriate officials. Mr. Wilson is  
> very willing to speak with you, Commissioner Francesconi, or anyone  
> else you might suggest, though he is hesitant to speak with members of  
> the media.

> Thanks,

> Paul

> Dave Wilson, Asst. Director of Public Safety, Columbus, Ohio re.  
> Polaris Amp. - 614.645.8210  
> "If you can avoid having this thing go in, do so. It's been a  
> nightmare since it started here, mostly noise into the neighboring  
> city of Westerville."

> "We worked out the traffic problems, but we were just constructing the  
> parkway that goes past it and it took some major infrastructure  
> investment."

> "Another big problem with these things is that they attract the heavy  
> drinkers. We get a lot of under-aged drinkers in the parking lot.  
> These crowds are not your best. We had Ozzy Osbourne out here this  
> summer. He decided not to play and the crowd went crazy. They tore

> out sod on the seating area. They tore down a wooden fence and set it  
> on fire. It's not a good crowd."  
>  
> "Some of these groups use foul language and it carries through the air  
> quite clearly. Most families prefer that their children not listen to  
> that in their back yards."  
>  
> "Our noise ordinance is damned near impossible to enforce. It wasn't  
> designed for this kind of thing, it was designed for industrial noise.  
> There is just no easy solution to this problem. If it's in or near a  
> residential area, you're going to have problems."  
>  
> The promoters are going to present the very best picture that they can  
> up front, then they'll start making changes. I wouldn't let them get  
> a toe hold if I could avoid it."  
>  
> Other Columbus area contacts:  
> Mike Finks - City of Columbus Development Department - 614.645.4685  
> Mike Wasylik, Asst. City Manager - Westerville, OH - 614.890.8542  
>  
>

**From:** Paul Mortimer <pmortimer@pdxchamber.org>  
**To:** "'Cay Kershner - City of Portland'" <ckershner@ci....  
**Date:** 12/6/98 9:10am  
**Subject:** FW: A Sample of Amphitheater Press

Ms. Kershner,

Please place this email into the official record for the PIR  
amphitheater decision. Thank you.

Paul Mortimer  
1630 North Highland Street  
Portland, OR 97217

> -----Original Message-----

> From: Paul Mortimer  
> Sent: Tuesday, November 10, 1998 7:28 PM  
> To: 'Kathy Turner'  
> Subject: A Sample of Amphitheater Press

>

> Kathy, Thought you and Jim might like a look at the kind of editorial  
> opinions we're finding on amphitheaters in other communities. They're  
> tearing one down in Sacramento because of all the noise problems.  
> Paul

>

> Jacksonville (Miss.) Union Times  
> Sunday, October 5, 1997 - Editorial

>

> Read my lips: The amphitheater project is bad politics

>

> Today, let's look at the controversy over whether to build a new  
> amphitheater at Metropolitan Park strictly in terms of politics.

>

> If you do that, it's absolutely clear that Mayor John Delaney should  
> abandon this pet project and move onto something more worthy of his  
> attention.

>

> Do you remember George Bush's 'read my lips' promise and what  
> happened to him after he broke it?

>

> A better question might be, do you remember George Bush?

>

> Delaney, riding the same kind of wave of popularity that Bush once  
> did, should pay attention to Bush's downfall.

>

> In an all-out push to get the amphitheater built, Delaney is making  
> promises that might be impossible for him to keep.

>

> First, Delaney has pledged that noise coming from the amphitheater  
> won't be a problem for neighborhoods across the river from  
> Metropolitan Park. He says if sound experts can't assure that, the  
> amphitheater won't be built.

>

> But the record shows that despite such promises and assurances from

> experts in other cities, amphitheater noise has been a problem for  
> adjacent neighborhoods.  
>  
> Delaney goes further and promises to monitor the noise from concerts.  
> If bands get too loud, the city will turn down the volume, he says.  
>  
> That sounds good, but will it work? Musical groups want to entertain  
> their fans and if the fans want the hard beat of blasting bass notes,  
> and they paid \$30 a ticket to hear them, the bands will give it to  
> them. Or the bands will refuse to play here under those condith a  
> promotion company to manage the amphitheater will be structured in  
> such a way to prevent acts from playing there that violate community  
> standards.  
>  
> Delaney is smart enough to know that trying to decipher community  
> standards is stepping into a gooey mess from which few politicians  
> emerge clean.  
>  
> Jacksonville's ''community standards'' history varies from Elvis' hips  
> to Ozzy Osbourne's taste for the heads of bats to Marilyn Manson's  
> satan worship.  
>  
> The award-winning musical ''The Best Little Whorehouse in Texas''  
> couldn't even go by its real name when it played here.  
>  
> In other words, who is going to determine community standards?  
>  
> There's another real danger in Delaney's ''community standards''  
> promise. The manager of the amphitheater, in all likelihood Cellar  
> Door, will have a lot to do with whether its fulfilled.  
>  
> And make no mistake about this, Cellar Door wouldn't get into this gig  
> to bring music to Jacksonville. It simply wants to make money, and it  
> will book the acts that make money.  
>  
> A smart politician doesn't put his fate into the hands of a company  
> more interested in money than keeping a politician's promises.  
>  
> There's another major political pitfall in the amphitheater - the  
> timing.  
>  
> If it proceeds as now scheduled, it would open in the spring of 1999.  
> That's the same time the next mayoral race will be taking place.  
>  
> All it would take is one mess up - one noise problem or one crude act  
> - and Delaney would get hammered.  
>  
> As of now, Delaney has been doing a good job as mayor, and there are  
> not many openings for a potential opponent to hit. The amphitheater  
> could provide a major one.  
>  
> So why is Delaney willing to risk so much on an amphitheater?  
>  
> Good question.



>  
> Maybe he wants an edifice that people will look at and say it was  
> built during his term of office.  
>  
> Maybe it's a bit of mayor envy. Jake Godbold gave us the Landing and  
> Metropolitan Park. Tommy Hazouri gave us the garbage tax. (Just  
> kidding.) Ed Austin spent everything that was left on all the  
> Renaissance projects.  
>  
> If Delaney wants to build something, he can do it during a second term  
> - if he doesn't build something now that could cost him re-election.  
>  
>  
>

**From:** Paul Mortimer <pmortimer@pdxchamber.org>  
**To:** "'Cay Kershner - City of Portland'" <ckershner@ci....>  
**Date:** 12/6/98 9:14am  
**Subject:** FW: Rose Garden Attendance

Ms. Kershner,

Please place this email into the official record for the PIR amphitheater decision. Thank you.

Paul Mortimer  
1630 North Highland Street  
Portland, OR 97217

> -----Original Message-----

> From: Paul Mortimer  
> Sent: Sunday, November 22, 1998 3:30 PM  
> To: 'Kathy Turner'  
> Cc: 'PIR Dain Nestel'; 'PIR Elizabeth Humphrey'; 'PIR Lee Jenkins';  
> 'PIR Pam Arden'; 'PIR Patt Opdyke'; 'PIR Peter Teneau'; 'PIR Ray  
> Bard'; 'PIR Richard Ellmyer'; 'PIR Tom G-V'; 'PIR Welch'; 'Ralph  
> Welch'; 'Anna Welch'  
> Subject: Rose Garden Attendance  
>  
> Kathy,  
>  
> Barbara Fisher met with Jeannie McKeever in Charlie Hales' office last  
> week. Jeannie had questions about the number of large concerts  
> currently held at the Rose Garden. In other words, maybe the Rose  
> Garden is well used, but how does it compare in terms of total  
> attendance and the overall size of concerts being held there? I sent  
> this information to Barbara, who will share it with Jeannie. I  
> thought you might like to see it as well.  
>  
> Paul  
>  
> To answer the question about the number of large concerts in the Rose  
> Garden:  
>  
> According to a draft operating study completed for the City (the only  
> one provided to us), in 1997 the Rose Garden was the site of 33 events  
> with an average attendance of 10,100 per event for total attendance of  
> 333,300.  
>  
> According to the study, these are "the highest attendance figures  
> among primary NBA arena facilities." In fact, they are far higher  
> than any other facility, indoor or outdoor, in comparable markets  
> included in the study. The only other venue which came close was the  
> Red Rocks Amphitheater in the Denver market, which attracted 252,800  
> concert-goers.  
>  
> And the size of those concerts? The Rose Garden was the site for 6

> concerts with attendance between 8,000 and 11,999 and 12 concerts with  
> attendance over 12,000(!). Who says people won't go indoors to listen  
> to music?  
>  
>

**From:** Paul Mortimer <pmortimer@pdxchamber.org>  
**To:** "'Cay Kershner - City of Portland'" <ckershner@ci....  
**Date:** 12/6/98 9:11am  
**Subject:** FW: Amphitheater Problems in Palo Alto

Ms. Kershner,

Please place this email into the official record for the PIR  
amphitheater decision. Thank you.

Paul Mortimer  
1630 North Highland Street  
Portland, OR 97217

> -----Original Message-----

> From: Paul Mortimer  
> Sent: Wednesday, November 11, 1998 7:28 PM  
> To: 'Kathy Turner'  
> Subject: Amphitheater Problems in Palo Alto

>  
> Kathy, Let me know when you've had enough background. I'm just going  
> to keep finding it. Thanks! Paul

>  
> Lawsuits Threatened Over Shoreline Noise  
> Carolyn Zinko, Chronicle Peninsula Bureau  
> Thursday, November 28, 1996  
> ©1998 San Francisco Chronicle

>  
> URL:  
> [http://www.sfgate.com/cgi-bin/article.cgi?file=/chronicle/archive/1996](http://www.sfgate.com/cgi-bin/article.cgi?file=/chronicle/archive/1996/11/28/MN26965.DTL)  
> [/11/28/MN26965.DTL](http://www.sfgate.com/cgi-bin/article.cgi?file=/chronicle/archive/1996/11/28/MN26965.DTL)

>  
>  
> Frustrated by Mountain View's refusal to respond to its concerns about  
> noise from Shoreline Amphitheater, a group of Palo Alto residents is  
> threatening to sue to muffle the roar.

>  
> The Mountain View City Council rebuffed a request by Palo Alto to turn  
> down the volume at the amphitheater, the source of noise that has led  
> to more than 10,000 complaints from homeowners during the decade the  
> theater has operated.

>  
> Council members on Tuesday said they did not want to lower the volume  
> because they weren't convinced it would work, arguing that the  
> inversion layer phenomenon along the bay front is what causes sound to  
> bounce into the atmosphere and carry miles from its source.

>  
> They also said they didn't want to hurt the amphitheater's viability.  
> It pays the city about \$1.6 million annually in rent.

>  
> ``It's terrible,' ' Councilwoman Dena Bonnell said of the noise

> problem, made clear to her this summer when a Palo Alto resident  
> phoned and made her listen to the applause and music audible in the  
> caller's back yard. ``But I don't want to try something that won't  
> work and give residents false hope.''  
>  
> In response, a Palo Alto coalition called Abate Shoreline Amphitheater  
> Noise is drawing up battle plans, vowing to take its complaints en  
> masse to small claims court. Both the city of Mountain View and Bill  
> Graham Presents, which operates Shoreline, could be named in the  
> suits.  
>  
> Palo Alto might assist with the small claims action, said City  
> Attorney Ariel Calonne.  
>  
> ``I talked to some residents who were just coming unglued over the  
> issue, and my sense is they're not about to take last night's decision  
> without a fight,' said the coalition's founder, Jim Lewis.  
>  
> The coalition also plans to ask Santa Clara County District Attorney  
> George Kennedy to file charges against Shoreline for disturbing the  
> peace, and it hopes to persuade Palo Alto to make its noise ordinance  
> more stringent so it will have more ammunition to fight Mountain View.  
>  
>  
> Citizens have used small claims actions to eradicate nuisances like  
> crack houses in their neighborhoods and airport noise, among other  
> problems. A judge could impose an injunction preventing Shoreline from  
> operating or award damages to residents if the amphitheater were found  
> to be a nuisance, Calonne said.  
>  
> He expressed surprise at the Mountain View council's reaction to Palo  
> Alto's proposal.  
>  
> ``Saying they shouldn't do anything for noise reduction unless it will  
> completely solve the problem is like saying you're not going to  
> research a cure for cancer because there's always going to be  
> cancer,' Calonne said.  
>  
> Complaints about Shoreline are not unique: Such problems affect other  
> outdoor amphitheaters across the state and the nation.  
>  
> Sacramento recently filed suit to block construction of a new  
> 23,000-seat arena next to the Cal Expo amphitheater, charging that its  
> potential impact on air quality, traffic and noise has not been  
> adequately reviewed. Noise from concerts at Cal Expo has plagued  
> nearby residents for years.  
>  
> Near Chicago, the New World Music Theatre in Tinley Park was fined  
> \$13,000 in 1993 for violating state noise pollution laws more than two  
> dozen times.  
>  
> And in Columbus, Ohio, the Polaris Amphitheater has been forced to  
> hire a noise consultant to monitor sound during rock concerts to  
> appease the complaints of citizens from neighboring Westerville, where

> the sound drifts. Weeknight concerts there have been limited to 10  
> p.m.

>

>

>

> ©1998 San Francisco Chronicle Page A25

>

>

**From:** Paul Mortimer <pmortimer@pdxchamber.org>  
**To:** "'Cay Kershner - City of Portland'" <ckershner@ci....  
**Date:** 12/6/98 9:12am  
**Subject:** Amphitheater Press

Ms. Kershner,

Please place this email into the official record for the PIR  
amphitheater decision. Thank you.

Paul Mortimer  
1630 North Highland Street  
Portland, OR 97217

> -----Original Message-----

> From: Paul Mortimer  
> Sent: Wednesday, November 11, 1998 8:54 PM  
> To: 'Kathy Turner'  
> Cc: 'kingwelch@sprintmail.com'  
> Subject: More Fun Amphitheater Articles

>  
> Kathy, Excerpts from more newspaper articles. There are some doozies  
> in here, including an column from the Dallas Morning News to the Mayor  
> and a story about an over-loud concert in our own Salem, Oregon. Pass  
> these to Jim, but let us share them with the other council members.  
> (Please advise if you feel otherwise.) Thanks, thanks, and more  
> thanks, Paul

>  
>  
> The Columbus Dispatch - June 19, 1997  
> Ohio Official Tries to Get Action on Amphitheater Noise Complaints,  
> But Gets Nowhere  
> SECTION: News Local & National, Pg. 1D

>  
> Delaware, Ohio -- The Columbus Dispatch reports that Don Wuertz,  
> president of the Delaware County (Ohio) Commission, tried to respond  
> to residents' complaints about noise from the Polaris Amphitheater  
> Tuesday night, but could get no action from Columbus police. Wuertz  
> says that the amphitheater has not been a good neighbor, and the city  
> of Columbus is ignoring complaints of the residents who live near it.

>  
> The article says that Wuertz said he received several phone calls at  
> his home from residents near the amphitheater complaining about noise  
> from the heavy metal Ozzfest. "Polaris has not been a good neighbor,  
> and the city of Columbus has not been responsive to complaints,"  
> Wuertz said.

>  
>  
> The Virginian-Pilot (Norfolk, VA) - October 15, 1997  
> Amphitheater Manager in Virginia Continues with Noise Reduction  
> Measures; Residents Still Unhappy  
> SECTION: Local, Pg. B6

>  
> Virginia Beach, Virginia -- The Virginian-Pilot reports that noise  
> complaints have plagued GTE Amphitheater in Virginia Beach, Virginia  
> since it opened two years ago. At a meeting of the City Council on  
> Tuesday, representatives of Cellar Door, which manages the  
> amphitheater, said they plan to plant trees to cut down on noise,  
> adjust lawn speakers, and consider purchasing better speakers. But  
> City Councilors and residents continued to be skeptical and angry  
> about the problem, the article says.  
>  
> The article goes on to explain that residents of Salem Lakes and  
> Landstown have grown increasingly angry about the noise from the  
> amphitheater. The noise levels are required not to go above 60  
> decibels, about the loudness of a conversation, but although Cellar  
> Door has stayed within that limit, residents have continued to  
> complain, the article says. Some residents have even threatened to sue  
> if they have to in order to quiet the noise.  
>  
> At Tuesday's meeting, councilors appeared to be on residents' side,  
> the article says. Councilor Barbara Henley said, "I'm really troubled  
> that people have to complain in order for us to recognize there is a  
> problem." Henley accused Cellar Door of being in denial about the  
> problem, a claim which Rogers strongly denied. Councilor Parker  
> reminded Cellar Door officials that residents lived in the  
> neighborhood first. Councilor Reba McClanan remarked that the  
> construction of a new soccer complex near the amphitheater also has  
> angered neighbors with crowd noise and dust from the parking lots.  
> "The frustration level [in the neighborhoods] is very high," she said.  
>  
>  
> Omaha World-Herald -- December 12, 1997  
> Nebraska Amphitheater Plan Shelved  
> SECTION: News; Pg. 36  
>  
> Plattsmouth, Nebraska -- The Omaha World-Herald reports that the fate  
> of a proposed open-air amphitheater halfway between Omaha and Lincoln  
> remained up in the air Thursday night after the Cass County Planning  
> Commission chose to table the proposal.  
>  
> According to the report, the decision came after a public hearing that  
> lasted more than three hours and drew more than 60 people, who crammed  
> into a first-floor room of the Cass County Courthouse and spilled out  
> into the hallway.  
>  
>  
>  
> The Columbus Dispatch - April 27, 1997  
> Westerville, Ohio Residents Battle Amphitheater Noise  
> SECTION: News Local & National, Pg. 1E  
>  
> Westerville, Ohio -- The Columbus Dispatch reports that residents of  
> Westerville are having a hard time convincing Columbus city officials  
> to regulate the noise output levels at Polaris Amphitheater, which is  
> located in Columbus just outside of Westerville city limits.



>  
> Westerville residents have mounted campaigns annually to have the  
> amphitheater's volume turned down, but have been unable to get any  
> relief from Columbus officials because of the location of the  
> amphitheater.  
>  
> The problem, the paper reports, is that the Columbus noise ordinance  
> is vague. While a 1994 state law gives Westerville the authority to  
> enforce its more stringent noise ordinance at Polaris, it must do so in  
> conjunction with Columbus' regulations, which were passed in 1979, 15  
> years before Polaris was opened.  
>  
> Sacramento Bee - May 1, 1997  
> Sacramento and Amphitheater Reach Tentative Compromise on Noise  
> Reduction  
> SECTION: Metro; Pg. B1  
>  
> Sacramento, California -- The Sacramento Bee reports that the city of  
> Sacramento (California) and the amphitheater Cal Expo have reached a  
> tentative settlement in their dispute over concert noise problems at  
> the amphitheater. Under the settlement, the city has agreed to drop  
> its lawsuit against Cal Expo and allow later nighttime curfews than it  
> set for concerts last year, while Cal Expo has agreed to accept  
> curfews that are earlier than it would prefer and monetary penalties  
> when the curfews are violated.  
>  
> The article says that the compromise is a disappointment to many  
> residents in the area, according to Doug Bryceson, a River Park  
> resident and head of the Neighborhood Preservation Fund, a coalition  
> of several groups concerned about noise. Bryceson said the residents  
> supported the previous curfews set by the city, and now believe the  
> city is caving to pressure.  
>  
> According to the article, the city has been fighting for years with  
> Cal Expo over noise from concerts. Last year, Cal Expo held an  
> especially loud concert at the same time they announced plans to build  
> a bigger amphitheater. This turn of events caused the dispute to  
> escalate to the point that the city imposed tougher nighttime curfews  
> and then sued Cal Expo, the article reports. The city's suit alleged  
> that Cal Expo's environmental impact report for the new amphitheater  
> was deficient.  
>  
>  
> The Columbus Dispatch (Columbus, OH) - April 10, 1998  
> Noise Expert Says Wall Won't Block Noise from Ohio Amphitheater  
> SECTION: News , Pg. 1B  
>  
> Columbus, Ohio -- The Columbus Dispatch reports Westerville, Ohio's  
> noise consultant said yesterday the higher wall planned for the  
> Polaris Amphitheater this summer won't solve the noise problem in the  
> neighborhood. Instead, he advocates for stricter enforcement of  
> existing noise standards and stronger penalties for violators.  
>  
> According to the article, consultant John C. Freytag said the

> excessive noise could be controlled if Polaris officials require  
> performers to comply with noise standards in the amphitheater's  
> operations manual.

>

> The article reports that representatives from Columbus, Westerville,  
> and Delaware County began meeting in August to discuss complaints  
> about excessive noise and profanity heard in neighborhoods surrounding  
> Polaris during concerts. Freytag said, "The committee talked about a  
> lot of things but little was done. A wall isn't going to do it." Leahy  
> told the committee in March that a 16-foot-high, 400-foot-long wooden  
> sound wall will be built along the southeast edge of the amphitheater  
> lawn. It will be temporary, but will be replaced by a permanent  
> structure if it works, he said. "We don't know if it will work, but we  
> are continuing to seek solutions," Leahy said.

>

> According to The Columbus Dispatch, Freytag's report will be reviewed  
> by Westerville City Council members before further steps are taken.  
> Freytag's report said the 100-decibel maximum noise level in the  
> Polaris manual was exceeded in each of the 22 concerts in 1997, and 10  
> concerts went past the 11 p.m. curfew. But Leahy said Freytag's  
> measurements fail to consider things such as crowd noise and other  
> factors.

>

> Freytag suggested imposing penalties if the manual's standards are not  
> enforced, adding that they are his own ideas and would be a matter for  
> legal experts to decide. He said substantial fines for exceeding the  
> standard, loss of Polaris' operating permit for a minimum of 30 days,  
> and criminal penalties for operators who intentionally exceed the  
> standards are the only way to ensure compliance. Leahy said as many  
> restrictions as feasible are placed on performers, and Polaris  
> threatens fines for exceeding noise limits.

>

>

> The Columbus Dispatch - July 2, 1997  
> Residents Living Near Ohio Amphitheater Complain About Noise, While  
> County Official Launches Effort to Help  
> SECTION: News Local & National, Pg. 2D

>

> Westerville, Ohio -- The Columbus Dispatch reports that residents  
> living near the Polaris Amphitheater in Westerville, Ohio have been  
> complaining about noise from concerts for several years, with little  
> tangible result. Now, Delaware County Commissioner Donald Wuertz has  
> launched an effort to get the city of Columbus to enforce its noise  
> ordinance, and visited residents near the amphitheater last night  
> during an Ozzy Osbourne concert.

>

> The article reports that Lynda and Steve Kruk, and their 7-, 4-, and  
> 2-year-old sons David, Danny, and Derek, live about a mile and a half  
> from Polaris in the Overlook subdivision of northern Westerville. The  
> Kruks reported that last night's show was tame compared to some -- the  
> house didn't shake, and the music didn't wake up their kids. But  
> again, their quality of life was disrupted by a show they didn't want  
> to hear, the Kruks said. Adding to the concert and crowd noise last  
> night, the Kruks' yard was also filled with noise from planes flying

> advertising banners and television and police helicopters.  
>  
> According to the article, the Kruks said they were looking for a  
> peaceful life when they moved from Chicago five years ago. "One of the  
> main reasons we bought this house . . . was to have privacy," Lynda  
> said. "Well, we don't have privacy. This is just unfair. I don't  
> understand why I have to live with this." During concert nights, the  
> Kruks are forced indoors, where there are few alternatives to cranking  
> up the TV set. Lynda said on concert nights, they try to get their  
> boys to bed before the music gets too loud, but sometimes the effort  
> is pointless because the music is "blasting." The article says that  
> Lynda has been lodging complaints with the amphitheater and the town  
> during every concert for three seasons. This year, she said, Polaris  
> general manager Patrick Leahy responded to her complaints with form  
> letters that read: "We have a state-of-the-art sound monitoring system  
> . . . After checking the data from the system after the show we were  
> in compliance with the city's sound ordinance." Lynda added that every  
> season, Polaris sends free tickets to the Kruks, but she "throws them  
> right in the garbage."

>  
> Meanwhile, Delaware County Commissioner Donald Wuertz drove around the  
> neighborhood last night and talked to residents, the article reports.  
> "They are very upset that their calls have gotten no response, and  
> they're very frustrated," said Wuertz. He added that he stopped his  
> car a half-mile from the concert, turned off the engine, and felt the  
> metal of his car vibrating. "So you can imagine sitting in your house  
> and trying to relax," Wuertz said.

>  
>  
> Sacramento Bee - November 20, 1997  
> California County Supervisor Fights Proposed Amphitheater  
> SECTION: Neighbors; Pg. N1

>  
> Placer County, California -- The Sacramento Bee reports that about 20  
> residents of Placer County, California met with Placer County  
> Supervisor Bill Santucci about encroaching development in the county.  
> While residents are fighting a Home Depot store permit in Auburn,  
> Santucci is fighting the proposed Bill Graham Presents amphitheater in  
> West Placer. Santucci said the amphitheater will have traffic and  
> noise problems.

>  
> According to the article, Santucci said a noise test for the proposed  
> amphitheater performed in July was inadequate. "It didn't include  
> 12,000 people screaming," he said. In addition, he said that the  
> inversion layer wasn't present during the time of the test, which  
> increases the volume of sound. The Mountain View amphitheater, owned  
> by the same company, generated 1,627 complaints about noise from  
> neighboring Palo Alto residents to the city of Mountain View, Santucci  
> said.

>  
>  
> Business Wire (Costa Mesa, California) -- February 28, 1997  
> Circus Noise Disgruntles California Residents; Lawsuits Being  
> Considered

>  
> Costa Mesa, California -- Business Wire reports that residents of  
> Costa Mesa, California are locked in battle with a state-owned  
> fairground over a Cirque du Soleil circus act that blasts amplified  
> music, drumbeats, and thunderclaps into residential neighborhoods.  
>  
> The article reports that the French-Canadian act opened on January 29,  
> and has been offering nightly performances (except on Mondays) from  
> its tent on the Orange County Fairgrounds. Residents have protested  
> over the noise of the circus since it opened, but have had little  
> success, the article says. Some homeowners are considering lawsuits  
> over the noise, and there is also speculation that the city may be  
> considering a lawsuit, the article explains.  
>  
> According to the article, the fairgrounds subjected local residents to  
> loud noise more than ten years ago, when the Pacific Amphitheater,  
> with a capacity off 10,000 spectators, opened on the fairgrounds.  
> Neighbors filed lawsuits over the noise pollution and were supported  
> by city government, but it took 10 years to get the amphitheater shut  
> down, the article reports. Now, ironically, the circus tent is pitched  
> adjacent to the dark amphitheater and directly across the street from  
> the College Park residential neighborhood.  
>  
> During the circus performances, according to area residents, windows  
> rattle, homes shake, and conversations or sleep are impossible, often  
> until after 11 p.m. Residents have filed protests with the governor's  
> office, local state legislators, and Costa Mesa city officials. Circus  
> and fairgrounds officers have insisted since the circus opened that  
> they are "working on the noise problem," but no significant  
> improvements have happened, the article reports.  
>  
>  
> Sacramento Bee - November 18, 1996  
> California City Council Considering Time Restrictions for Concerts  
> SECTION: Metro; Pg. B1  
>  
> Sacramento, California -- Residents of neighborhoods surrounding the  
> Cal Expo ampitheater in Sacramento, California are seeking tougher  
> restrictions on concert noise, the Sacramento Bee reports.  
>  
>  
> Sacramento Bee - November 27, 1996  
> Sacramento Seeks to Block Construction of Amphitheater  
> SECTION: Metro; Pg. B1  
>  
> Sacramento, California -- The city of Sacramento, California filed a  
> suit against Cal Expo charging that the environmental impact report  
> filed by the company was flawed, the Sacramento Bee reports. The  
> approval was therefore a violation of state law, the suit charges.  
>  
> The city is concerned that the environmental impact of the  
> amphitheater will permanently damage the quality of life in the  
> neighborhoods surrounding the new 23,000-seat facility. "Its  
> construction and subsequent operation will irreparably harm the

> environment in that significant air quality, traffic and noise impacts  
> will continually occur," the suit charges.

>

> City Councilman Steve Cohn said neighbors to the north and south of  
> the older and smaller amphitheater have been filing noise complaints  
> for years, the article reports. Cohn stated that should the  
> construction continue, he wants to make sure the residents are  
> protected, and suggests implementing fines for city noise violations.

>

> Sacramento Bee - Jan. 30, 1998)

> Amphitheater's closing act: Cal Expo concert site coming down quickly

>

>

> The stage is gone, the restrooms are being dismantled and the sound of  
> music has been replaced by the sound of construction crews. Less than  
> a week after Cal Expo abruptly ended amphitheater negotiations with  
> Bill Graham Presents, workers Thursday were busy tearing down  
> scaffolding that once towered over the likes of Jerry Garcia, Tina  
> Turner, Carlos Santana and Eddie Vedder.

>

> Cal Expo and BGP had been discussing the concert promoter's proposal  
> to operate the 14,500-seat amphitheater for the 1998 summer season and  
> then replace the complex with a world-class, \$20 million venue. But  
> Cal Expo's 11-member board of directors voted unanimously last Friday  
> to cease discussions with BGP after three months of futile  
> negotiations.

>

> Roberta Gregson, of the River Park Neighborhood Association, said she  
> is ecstatic about the amphitheater's dismantling. "I really thought  
> we'd have to continue with it forever," she said. "But I'm glad for  
> the neighborhood because it means less noise pollution."

>

>

>

> Dallas Morning News - Sunday, October 5, 1997

> Read my lips: The amphitheater project is bad politics

>

> Today, let's look at the controversy over whether to build a new  
> amphitheater at Metropolitan Park strictly in terms of politics. If  
> you do that, it's absolutely clear that Mayor John Delaney should  
> abandon this pet project and move onto something more worthy of his  
> attention.

>

> Do you remember George Bush's "read my lips" promise and what  
> happened to him after he broke it? A better question might be, do you  
> remember George Bush?

>

> Delaney, riding the same kind of wave of popularity that Bush once  
> did, should pay attention to Bush's downfall. In an all-out push to  
> get the amphitheater built, Delaney is making promises that might be  
> impossible for him to keep.

>

> First, Delaney has pledged that noise coming from the amphitheater  
> won't be a problem for neighborhoods across the river from

> Metropolitan Park. He says if sound experts can't assure that, the  
> amphitheater won't be built.  
>  
> But the record shows that despite such promises and assurances from  
> experts in other cities, amphitheater noise has been a problem for  
> adjacent neighborhoods.  
>  
> Delaney goes further and promises to monitor the noise from concerts.  
> If bands get too loud, the city will turn down the volume, he says.  
>  
> That sounds good, but will it work? Musical groups want to entertain  
> their fans and if the fans want the hard beat of blasting bass notes,  
> and they paid \$30 a ticket to hear them, the bands will give it to  
> them. Or the bands will refuse to play here under those conditions.  
> Delaney says it will work with a promotion company to manage the  
> amphitheater to prevent acts from playing there that violate community  
> standards.  
>  
> Delaney is smart enough to know that trying to decipher community  
> standards is stepping into a gooey mess from which few politicians  
> emerge clean.  
>  
> Jacksonville's ''community standards'' history varies from Elvis' hips  
> to Ozzy Osbourne's taste for the heads of bats to Marilyn Manson's  
> satan worship. The award-winning musical ''The Best Little Whorehouse  
> in Texas'' couldn't even go by its real name when it played here.  
>  
> In other words, who is going to determine community standards?  
>  
> There's another real danger in Delaney's ''community standards''  
> promise. The manager of the amphitheater, in all likelihood Cellar  
> Door, will have a lot to do with whether its fulfilled. And make no  
> mistake about this, Cellar Door wouldn't get into this gig to bring  
> music to Jacksonville. It simply wants to make money, and it will book  
> the acts that make money.  
>  
> A smart politician doesn't put his fate into the hands of a company  
> more interested in money than keeping a politician's promises.  
>  
> There's another major political pitfall in the amphitheater - the  
> timing. If it proceeds as now scheduled, it would open in the spring  
> of 1999. That's the same time the next mayoral race will be taking  
> place. All it would take is one mess up - one noise problem or one  
> crude act - and Delaney would get hammered.  
>  
> As of now, Delaney has been doing a good job as mayor, and there are  
> not many openings for a potential opponent to hit. The amphitheater  
> could provide a major one.  
>  
> So why is Delaney willing to risk so much on an amphitheater? Good  
> question.  
>  
> Maybe he wants an edifice that people will look at and say it was  
> built during his term of office. Maybe it's a bit of mayor envy. Jake

> Godbold gave us the Landing and Metropolitan Park. Tommy Hazouri gave  
> us the garbage tax. (Just kidding.) Ed Austin spent everything that  
> was left on all the Renaissance projects.

>

> If Delaney wants to build something, he can do it during a second term  
> - if he doesn't build something now that could cost him re-election.

>

> The Palo Alto Weekly -- April 5, 1995

> Residents renew noise complaints

>

> Shoreline Amphitheatre's 1995 concert season will soon get under way  
> for dozens of Palo Alto residents--whether they're sitting in the  
> audience at the Mountain View venue or hanging out in their back  
> yards.

>

> And as they've done for the past several years, residents last week  
> renewed their appeal to the Mountain View City Council and concert  
> promoter Bill Graham Presents to halt annoying concert noise.

>

> Their complaints, however, haven't resonated with the same volume as  
> the music they say bounces into their neighborhoods during loud shows.

>

>

> "The problem has not been resolved," said Palo Alto City Council  
> member Dick Rosenbaum, who visited his Mountain View counterparts  
> during a meeting last week to discuss the amphitheater's upcoming  
> season.

>

> "We have met a number of times with Bill Graham Presents, and they are  
> adamant that they are unwilling to make any changes in their  
> operations," Rosenbaum told the Mountain View Council. "The city of  
> Mountain View is the responsible party."

>

> His words seemed to fall on deaf ears. So did those of Jim Lewis, a  
> leading Palo Alto opponent of concert noise, who suggested Shoreline  
> construct barriers at the rear of the amphitheater to block the music  
> from escaping.

>

> The Mountain View Council again refused to consider imposing strict  
> sound limits that Palo Alto residents contend would solve the problem,  
> but which Bill Graham Presents argues would make holding rock concerts  
> at Shoreline impossible.

>

> "The City Council determined that if enacted, an ordinance would  
> impose unrealistic operational constraints on the amphitheater," a  
> city staff report on the issue stated, "while at the same time provide  
> impacted neighborhoods with little, if any, relief from concert  
> sound."

>

>

> The Statesman Journal (Salem, OR) - August 22nd 1995

> Fine doesn't prevent concert noise, Saturday's Live show rocks  
> residents as well as the band's fans

>

> Saturday night's window-rattling concert at the L.B. Day Amphitheatre  
> continued to reverberate Monday -- at city hall.  
>  
> Not only did the single performance by the group Live generate more  
> complaints than last year's entire season, but it also raised  
> questions about whether the city's noise ordinance still is an  
> effective deterrent against excessively loud music.  
>  
> For the first time since the venue was built, the city was forced to  
> impose its \$10,000 fine, said Brandon Bennett, the city's chief code  
> enforcement officer.  
>  
> The band paid the fine on the spot.  
>  
> "Most definitely, there will be some reactionary administrative  
> action," Bennett said, adding that new rules could be in place for  
> next season.  
>  
> "Ten thousand dollars has always been a deterrent to violating the  
> ordinance," he said. "In this case, (the band) chose to pay the  
> \$10,000."  
>  
> Tour promoters said the band's choice to violate the city's  
> 100-decibel sound level restriction was an artistic decision.  
>  
> "Every band has an artistic view of how their show should be  
> presented," said Jeff Trisler, vice president of MCA Concerts  
> Northwest. "Everyone knew the situation going in. We just provided the  
> information about the ordinance, and (the band) responded  
> accordingly."  
>  
> "We did not see it coming," he said of Saturday's violation.  
>  
> But band officials said Monday that it became quite clear Saturday  
> before the concert that the performance would violate the ordinance.  
>  
> "What's the point of bringing hundreds of thousands of dollars worth  
> of equipment that you can't use," said Andy Solomon, Live's tour  
> manager. Cancelling the concert was out of the question for the band,  
> Solomon said.  
>  
> Rick Taylor, Live's tour accountant, said the band split the fine with  
> MCA. Trisler confirmed that the fine was paid immediately, but he  
> refused to comment on who exactly paid it. Solomon was also given a  
> \$250 civil fine for not keeping the band under control.  
>  
> Solomon complained that the city's 100-decibel limit was too  
> restrictive, noting that Saturday's crowd chanted in unison to turn  
> the music up. Bennett dismissed that claim, saying that the band  
> itself clearly incited the audience to chant.  
>  
> Bennett still was returning phone calls to residents who had  
> complained. He said there were at least 20, and maybe 30 noise  
> complaints. "I know that's the most in recent history," he said. "It



> may not sound like a lot, but when you look at last year, we had five  
> for the entire season."  
>  
> Salem's sound ordinance limits concerts to 100 decibels as measured at  
> the sound board -- that bank of controls and technicians usually found  
> right in the middle of the concert audience.  
>  
> Saturday's concert produced measurements of 116 decibels. That meant  
> the sound intensity was 32 times greater than the city's law allowed,  
> because decibels are measured on a logarithmic scale, Bennett said.  
> "There was a clear indication that they willfully and intentionally  
> violated the terms of the variance," he said.  
>  
> The \$10,000 fine is automatic, but two things have to occur before it  
> is imposed: The city has to warn band officials three times that they  
> are in violation, and the city has to receive at least five noise  
> complaints from residents.  
>  
> Noise always has been a concern at the amphitheater. Sound levels hit  
> 97 decibels during sound checks before the stage's first official  
> concert -- Charlie Pride -- opened the 1987 State Fair.  
>  
> In the late 1980s, complaints swamped the 911 system, leading the city  
> to impose sound limits. The original limit was 95 decibels. But  
> officials have eased that upward since 1992 to the current 100.  
> Bennett acknowledged that the original level was too restrictive.  
>  
> "What we found was that 95 decibels inside the amphitheater does not  
> work with a sell-out crowd," Bennett said.  
>  
> In 1992, the rock group Tesla also made an artistic choice. The group  
> cancelled its concert rather than comply with the 95-decibel limit.  
>  
> Also that year, the city installed specially designed curtains to  
> block some sound from escaping. In all, 400 feet of 16-foot-tall vinyl  
> was installed at a cost of \$30,000. Media One, the concert producer at  
> the time, paid the bill.  
>  
> The curtains generally do their job, Bennett said.  
>  
> "But in this case, the sound was in excess of 32 times greater than  
> what the law allows," he said. "The curtains had absolutely no  
> effect."  
>  
> Kathy Shannon, the chairwoman of the Northeast Neighbors association,  
> praised Oregon State Fair officials for their efforts at protecting  
> the livability of the community around the fairgrounds.  
>  
> But there was one problem Saturday. Control of the sound board was in  
> the hands of the band during the nonstate-fair concert. At state fair  
> concerts, fair-hired sound technicians control the sound. "If the  
> performers choose to have it loud, they will be fined," Shannon said,  
> "and some of them choose to do that."  
>

> Bennett lamented that Live's actions were a blow to the city's  
> progress in solving noise problems at the outdoor concert venue. "Had  
> this concert not created the controversy that it did, this would have  
> been a good example that the L.B. Day could handle a very diverse  
> group of performers," he said.

>

>

> The Palo Alto Weekly -- Friday Nov 29, 1996

> Mountain View won't muffle the music, Palo Alto officials' pleas to  
> cut volume ignored

>

> Efforts by Palo Alto officials to have the volume turned down at  
> Shoreline Amphitheatre were rebuffed by the Mountain View City Council  
> Tuesday night.

>

> Mayor Lanie Wheeler, Council members Dick Rosenbaum and Ron Andersen,  
> City Manager June Fleming and City Attorney Ariel Calonne all attended  
> the meeting in hopes that their presence would make the Mountain View  
> council realize the gravity of their concern.

>

> But the Mountain View council voted 5-2 against turning down the  
> volume and 5-2 to table any further discussion on the issue.

>

> "I was disappointed, and I think we're probably not going to go back  
> to Mountain View again," Rosenbaum said.

>

> Several Mountain View council members expressed sympathy but didn't  
> think there was any practical solution, Rosenbaum said. "They said it  
> was all the weather's fault," he said, referring to the infamous  
> inversion layer that traps the sound and bounces it miles away.

>

> He said the council will have to meet to evaluate its options to deal  
> with the decade-old problem of booming concert noise disturbing Palo  
> Alto neighborhoods up to four miles away from the amphitheater.

>

> Asked if another lawsuit was a possibility, Rosenbaum said:

> "Litigation is easy to talk about. It's more difficult to implement.  
> It has an uncertain outcome and can be very expensive. We'd have to  
> think very carefully before following that path."

>

> Prior to Tuesday's meeting, City Attorney Calonne sent a letter to the  
> Mountain View council challenging the results of a sound mitigation  
> study in which Mountain View staff concludes there are no reasonable  
> measures available to quell noise from Shoreline.

>

> "Lower sound levels are the simple, cost-free, and obvious solution to  
> Shoreline noise," the letter states. "Moreover, they could be  
> instituted on a trial basis to provide assurance that no permanent  
> harm could possibly result."

>

> Shoreline's concert promoter, Bill Graham Presents, has objected to  
> lower sound levels, saying that they would endanger the amphitheater's  
> ability to operate as a rock-and-roll venue.

>

> Calonne says those fears are unfounded. "Shoreline is a fabulous  
> success. It strains all credibility to argue that performers would  
> avoid the affluent Santa Clara Valley market because of sound  
> limitations, even if they are more restrictive than those in place at  
> other venues," he wrote in the letter.

>

> Virginia Beach, Virginia - CITIZEN'S ACTION COALITION, INC.  
> AMPHITHEATER NOISE  
> By Al Struzzullo

>

> Between April and October, the GTE Amphitheater spews unwanted music  
> and other noise into nearby homes and yards. City Council and Cellar  
> Door officials have recognized the issue since the theater's opening  
> two years ago. But unacceptable levels of the traveling music and  
> penetrating thumping still persist. Its time for Councilman Billy  
> Harrison, the Council point man for the amphitheater, the Mayor, and  
> the Vice Mayor to exert leadership to keep Council's "no noise"  
> promise to frustrated neighbors.

>

> There is an underlying governing principle that says ... 'you can  
> delegate responsibility but not accountability'. So it's up to Council  
> to fix the problem.

>

> At public hearings in 1995, music and crowd noise was the major bone  
> of contention in approving the theater. People from neighboring  
> communities, Council members, Cellar Door officials, and consultants  
> fully understood that amphitheater noise would travel and be a sticky  
> problem. A consultant predicted that there would be complaints at  
> first but their frequency and degree would decrease overtime as the  
> noise became an accepted part of the summertime noise environment.

>

> Bill Reid, President of Cellar Door, Virginia Beach was quoted as  
> saying if the situation got too bad, the volume would be turned down.  
> In short, everyone was fully aware of the potential disturbance. Even  
> so, Council proceeded with the amphitheater promising to control the  
> noise.

>

> As one might expect, the promises are unkept. Cellar Door has  
> established a sophisticated sound monitoring system and a hot line for  
> residents to notify Cellar Door of annoyances. Under the system, a  
> roving patrol responds to complaints. According to Cellar Door,  
> complaints have dropped 56 percent since the '96 season. Theater  
> management insists that the 60-decibel limit set by city law has never  
> been exceeded. The city does no checking of the limits.

>

> The fact that, complaints went down 56 percent is an invalid measure  
> of successful sound control. As the consultant implied, people will  
> give up and complaints will go down naturally as they get used to t is  
> noise. Besides, many folks naturally hate to make a formal complaint  
> or just fire of calling and throw in the towel when no improvement is  
> noticed.

>

> During a recent City Council briefing about music/noise levels  
> reaching bordering residences, Cellar Door claimed it stayed within

> the decibel limits but acknowledged the problems exist. Amphitheater  
> managers hope their plan to plant bushes, adjust speaker systems, and  
> perhaps purchase better speakers might help reduce the noise. However,  
> atmospheric conditions play a big role in how far and loud sound  
> travels. According to them, wind is a major culprit.

>

> Apparently, other options are not being explored. The contractual  
> decibel limit is a sacred cow even when the City Manager states that  
> this standard in hindsight may not be right. Also, other more costly  
> options such as building a bubble are not being seriously pursued.

>

> Council has often emphasized the importance of upgrading and  
> maintaining livability within the city's neighborhoods. This case  
> tests Council's will to do just that. The city is a full partner in  
> the amphitheater venture and, as such, has the authority, money, and  
> leverage to create change. Council must take the leadership to abate  
> the amphitheater noise problem. It should stop looking helplessly  
> toward Cellar Door for solutions and stop waiting until next season to  
> find out whether Cellar Door's plans really work. The city must work  
> jointly with Cellar Door to fix the problem during this off-season.

>

> THE TIME IS NOW! Will the promise keepers please stand and be counted?

>

> The Palo Alto Weekly -- Wednesday Aug 21, 1996  
> AC/DC sparks year's most complaints, Shoreline Amphitheater violates  
> 1993 noise pact two nights in a row

>

> When it comes to violating noise ordinances, there are concerts and  
> there are concerts. The one that will most likely be remembered as the  
> Earache of '96 was the Aug. 15 AC/DC concert at Shoreline  
> Amphitheater. The Palo Alto Police Department received more than 200  
> complaints from residents bothered by the late-night concert Thursday.  
> But many more may have tried to complain and not been able to get  
> through.

>

> John Bush, Palo Alto's coordinator of community services, knew it was  
> the mother of all noisy concerts when he came in to work Friday  
> morning to find all four of the city's noise complaint tape machines  
> blinking.

>

> "We have four lines, all with counters," he said. "They all take  
> messages beyond 59, but they all stop counting at 59. That means we  
> had at least 225 complaints."

>

> "It was awful. It was one of the worst concerts of the season," said  
> Palo Alto resident Jim Lewis, who is active on the Abate Shoreline  
> Amphitheater Noise committee. "There was no getting away from it."  
> Lewis added that his group is planning to protest the noise at the  
> Sept. 9 City Council meeting.

>

> The 225 complaints is nearly twice that of Ozzie Osbourne's July 27  
> concert and nearly three times that of H.O.R.D.E. Festival's two  
> concerts July 28 and 29.

>

> Prior to AC/DC, the total number of valid complaints recorded since  
> the beginning of the concert season in May was 372.  
>  
> It's too early to tell, however, how many of the AC/DC complaints are  
> "valid." The city considers a complaint valid only if the caller left  
> his name, address and telephone number.  
>  
> In any case, it was clear that the high-voltage concert disproved the  
> message of one of the band's best-known songs, "Rock and Roll Ain't Noise  
> Pollution."  
>  
> Complaints began coming in around 9 p.m., just "when AC/DC took the  
> stage," Bush said. "Whoever played first didn't register."  
>  
> It was the sixth infraction of the season. According to a 1993  
> agreement struck between the city and the amphitheater, Shoreline is  
> allowed four concerts in which the number of complaints exceeds 45.  
> Any more than that, and Shoreline must sit down with the city to  
> examine solutions. Previous offenders were Crosby, Stills and Nash,  
> Ozzie Osbourne, the H.O.R.D.E. Festival and Alabama.  
>  
> What made the AC/DC concert different, apart from sheer volume of  
> calls, was the nature of the calls. "A lot of the calls started with  
> 'I'm not usually one to complain, but . . .'" Bush said.  
>  
> There was no getting away from it the next night, either. While not  
> nearly at the level of the AC/DC concert, the Friday night Sting  
> concert generated 180 complaints. "A lot of it is the weather," said  
> Lewis. "Some nights you could have Shirley Temple out there and it  
> would still be awful."  
>  
>  
>  
>  
>

**From:** Paul Mortimer <pmortimer@pdxchamber.org>  
**To:** "'Cay Kershner - City of Portland'" <ckershner@ci....  
**Date:** 12/6/98 9:10am  
**Subject:** FW: AMPHITHEATER INFORMATION

Ms. Kershner,

Please place this email into the official record for the PIR  
amphitheater decision. Thank you.

Paul Mortimer  
1630 North Highland Street  
Portland, OR 97217

> -----Original Message-----

> From: Paul Mortimer  
> Sent: Wednesday, November 11, 1998 3:49 PM  
> To: 'Kathy Turner'  
> Subject: FW: AMPHITHEATER INFORMATION

>  
> Kathy, More info on the amphitheater. Thanks. Your help is extremely  
> valuable and we appreciate it immensely. Paul

>

> -----Original Message-----

> From: dennis borgerding [SMTP:dennisborg@MCIONE.com]  
> Sent: Wednesday, November 11, 1998 6:22 PM  
> To: Paul Mortimer  
> Cc: garyulrich@yahoo.com  
> Subject: AMPHITHEATER INFORMATION

>

> Paul,

>

> Im Dennis Borgerding from Virginia Beach, VA. I have been in a fight  
>  
> with the city and Cellar Door over the GTE Virginia Beach Amphitheater  
>  
> for three years. A little progress has been made but only after a  
> long  
> fight. My biggest recommendation is to FIGHT THE FIGHT BEFORE  
> THE AMPHITHEATER IS BUILT!

>

> The residents in Virginia Beach found out about the facility only a  
> week  
> prior to the Planning Commission meeting. This did not give us any  
> time  
> to organize. After Planning Commission approval, the City Council  
> took  
> up the matter within two weeks! The normal time lapse between  
> Planning and Council is at least a month. Certain people wanted this  
> done and pushed it through quickly. Residents here did get together,  
> hired a lawyer to help speak for us, and talked to two Council  
> Members,

> the City Attorney, and Cellar Door representatives. We did win a few  
> very minor concessions.  
>  
> The first big problem that we, and the city had, was the sound study  
> was wrong. The study was done by a Jack Wrightson out of Dallas,  
> TX. Very little of the study has been correct. We were told, with a  
> 60  
> dBA limit at the property line, the sound would not be audible inside  
> our  
> homes. The sound is heard. Anything over 53 dBA at the property line  
>  
> is clearly heard inside. There never was a real sound test done at  
> the  
> site to see how the sound would propagate. The study did not take  
> into  
> account the atmospheric conditions. Depending on the wind direction  
> and cloud cover, my neighborhood gets hammered by the noise or the  
> neighborhood in the opposite direction gets hammered. Lesson learned:  
>  
> Ensure the city does a correct sound test that includes actual  
> transmissions of sound at concert levels at the site. When  
> Jacksonville,  
> FL did this, the results raised a lot more concerned.  
>  
> Learn as much as you can about sound transmission. The more you  
> know, or someone on your team knows, the more authoritative you  
> sound and the more some people will listen to you. Talk to the local,  
>  
> state, and U.S. OSHA officials. Get university professors to help  
> you  
> either with information or to speak for you.  
>  
> Find out about all the amphitheater problems in the U.S. For example:  
>  
> Shoreline Amphitheater in Mountain View, CA creates noise that is  
> heard two cities away, Polaris Amphitheater in Columbus, OH which  
> aims the noise at a neighboring city; CAL Expo in Sacramento has  
> limited hours to try to appease residents. The problems seem to exist  
>  
> with just about every amphitheater built. The more you know, the  
> better  
> you can educate City Officials.  
>  
> Do not believe anything the promoter tells you. We were told our  
> speakers would be different from those in Walnut Creek Amphitheater,  
> ours would be state of the art, incorporating all the latest  
> technology.  
> Jacksonville, FL was told the same thing in comparison to Virginia  
> Beach. What state of the art designs had been developed in the one  
> year between the two statements. The President of Cellar Door of  
> Virginia guaranteed us we would not hear it. We do. The amphitheater  
>  
> would be built into the ground helping to dampen the noise, yet the  
> water table here is only a few feet down so it was built above ground.

>  
> The speakers that were to be aimed down at the berm to direct all the  
> sound there and not into the surrounding area have had to be  
> readjusted and had baffles applied and still the noise is heard.  
> Everything we have been told by Cellar Door has turned out to be  
> false.  
> Make them prove everything with actual data.  
>  
> I have a great deal of information that I can try to send you via fax  
> or  
> e-mail. You can also give me a call at 757-471-2197. I am home most  
> evenings, (except Thursdays). I provided the Jacksonville group with  
> all  
> sorts of information. Gary Ulrich has promised to name a street after  
> me  
> or build me a monument. I told him just to throw me a party next time  
> Im  
> down his way. Please feel free to contact me. I will help you in any  
> way  
> I can. I only wished we could have stopped ours prior to construction  
>  
> as Jacksonville did.  
>  
> Dennis Borgerding  
> 3716 Joppa Lane  
> Virginia Beach, VA 23456  
> Dennisborg@mcione.com  
> Dennis J. Borgerding  
>  
>



December 6, 1998

The Honorable Vera Katz, Mayor  
City of Portland  
1221 Southwest Fourth  
Portland, OR 97204-1994

RECEIVED

DEC 9 10 46 AM '98

BARBARA CLARK, AUDITOR  
CITY OF PORTLAND, OR.

BY \_\_\_\_\_

Dear Mayor Katz,

I am writing to express my deepest opposition to the reinstatement of an outdoor amphitheater as an acceptable use of public land at Portland International Raceway.

I base my opinion on research and conversations about amphitheaters in other cities. Where appropriate, I have foot-noted the source of my information.

Aegean has already proven its inclination to be a bad neighbor through the way it has promoted this project. Citizens have felt steam-rolled from the beginning. When a member of the city's study group expressed concerns about noise, an Aegean representative suggested that she "take a trip on concert nights." Their media blitz has not helped. And when Aegean finally agreed to a second sound test, they scheduled it for the night before Thanksgiving. If Aegean is acting like a bully now, how will they behave once an amphitheater was built?

The proposed amphitheater site is already plagued by traffic problems which will grow worse with growth in Clark County. The site is served by two interchanges which also serve PIR, the Expo Center, Portland Meadows, the Delta Park shopping center, the Bridgeton neighborhood, hundreds of sporting events in Delta Park, and the soon-to-be-completed North Harbour project. There is no bus service to the site and, of course, no light rail. To my knowledge, Aegean has not promised any major infrastructure improvements. I have heard no one address how increased traffic on I-5 will impact North and Northeast Portland surface streets especially Denver, Greeley, Interstate, Willamette, and MLK Boulevard.

An amphitheater will not help the lodging industry meet its goals, because amphitheaters attract few hotel and restaurant patrons. They do bring groupies who camp in parks and parking lots, scatter trash, boost sales of controlled substances, and create a unappealing spectacle for shoppers. (1)

While Aegean may be willing to pay for on-site security, the company will not pay for putting law-breakers through the justice system or injured fans through emergency rooms. This will create a drain on public resources since amphitheaters generate plenty of crime and injuries. During a single 1997 week-end concert at Washington's Gorge Amphitheater, there were over 1,000 arrests for underage drinking, possession of narcotics, and driving under the influence. There were two deaths and one stabbing. The Gorge is managed by Universal Concerts, the same group that would manage a PIR facility. (2)

An amphitheater would almost certainly generate hundreds of sound complaints. Touring bands will not play by local rules to avoid slamming noise into surrounding neighborhoods. These groups bring their own equipment and routinely pump out sound twice as loud as that tested at PIR. Faced with thousands of screaming fans, will promoters pull the plug on AC/DC or Def Leppard? Not likely. (3)


Pre-construction sound tests are notoriously unreliable. Amphitheaters pass tests and still produce thousands of complaints. In fact, the very company performing tests for Aegean also completed them for a Virginia amphitheater - the same one that has angered residents since it was built in 1995. The Virginia Beach city council has spent three years trying to resolve the issue and avoid lawsuits. (4)

Lawsuits are another common problem accompanying amphitheaters. Cities sue amphitheaters, residents sue cities, cities sue neighboring cities. When Burbank, California tried to stop an amphitheater from booking hard rock, the operator sued and won \$3.8 million. Defending a lawsuit could cost Portland hundreds of thousands. A personal injury suit could cost millions. (5)

Finally, Aegean's offer to compensate impacted neighborhoods with \$108,000 per year is woefully inadequate. It amounts to six dollars per year for each North Portland household or about twenty-two cents per concert, small compensation for traffic jams, increased crime and vagrancy, and lost livability.

Portland has won a reputation as a world-class livable city through vision from our elected officials and careful attention to our citizens' concerns. I hope that vision and care prevail in this decision.

Respectfully Submitted,



Paul Mortimer

Notes:

1. Sergeant Bruce Fritz - Police Records Division, Mountain View, California. Dave Wilson, Asst. Director of Public Safety - Columbus, Ohio, 614.645.8210, Mike Wasylik, Asst. City Manager - Westerville, Ohio, 614.890.8542
2. Numerous newspaper reports including The Seattle Times, The Yakima Herald-Republic, & Addicted to Noise (web-site), August 1997, & The Green Valley Civic Association, Poway, California (Jerry Hargarten, member, 619.486.1742
3. Citizens for Amphitheater Awareness, Jacksonville, Florida - (Gary Ulrich & Eric Kaldor, members, garyulrich@aol.com & caajax@hotmail.com or www.angelfire.com/fl/caajax/), Dick Rosenbaum, Mayor - Palo Alto, California, 650.321.0243 & The Green Valley Civic Association, Poway, California (Jerry Hargarten, member, 619.486.1742)
4. The Green Valley Civic Association, Poway, California (Jerry Hargarten, member, 619.486.1742), Dennis J. Borgerding, President - Salem Lakes Civic League, Virginia Beach, Virginia, 757.471.2197, & Nancy K. Parker, Council Woman at-large, Virginia Beach, Virginia, 757.425.1589
5. The Green Valley Civic Association, Poway, California (Jerry Hargarten, member, 619.486.1742)

I would be happy to provide more complete information.

Cc: Mayor Vera Katz  
Commissioner Gretchen Kafoury  
Commissioner Charlie Hales  
Commissioner Jim Francesconi  
Commissioner Erik Sten  
Cay Kershner

#### **ON AMPHITHEATER NOISE:**

**Jerry Hargarten, Member, The Green Valley Civic Association (GVCA), Poway, California**

"In my opinion, sound tests can be easily rigged to produce whatever result is requested by the people paying the consultant. That is what happened in Poway. To be meaningful and believable, a noise test must have a multiplicity of continuous recording devices at all locations which could be impacted and the measurements must be taken under the full range of atmospheric conditions during the concert season, using the complete sound systems used by the most popular rock/heavy metal performers, operated over the full range of noise source frequencies and magnitudes - all carefully recorded at the source to ensure noise levels which are typical. The most intrusive noise is the low frequency thumping of the percussion and bass guitars so common with rock and heavy metal performers. As you can guess, a valid sound test is very expensive. Because of cost and the possibility (if not probability) that a meaningful test will reveal that the noise will be unacceptable, there will be resistance by the proponents to conduct such a test."

*The Green Valley Civic Association is an all volunteer association comprised of over 1,000 member households which has been functioning for 38 consecutive years. (Mr. Hargarten asks that he not be called for quotes. He is willing to verify the veracity of the GVCA report, 619-486-1742.)*

#### **ON AMPHITHEATER NOISE:**

**Dick Rosenbaum, Mayor of Palo Alto California, 650 321 0243**

"The advice I would offer is to conduct sound tests during the part of the year when concerts would take place with the test speakers oriented in the direction they would be in if the amphitheater were built. I would also require that the city have control of the amplification system so that noise complaints could be responded to easily. If the sound system is under the control of the amphitheater management, or worse yet, the artist, there will almost certainly be complaints if there are any residential neighborhoods near the site. If our experience is a guide, promises to limit sound levels in response to complaints that a developer will make to gain approval will turn out to be worthless once the amphitheater is constructed."

#### **ON AMPHITHEATER NOISE:**

**Dennis Borgerding, 3716 Joppa Lane, Virginia Beach, VA 23456, 757-471-2197**

"The first big problem that we, and the city had, was the sound study was wrong. The study was done by a Jack Wrightson out of Dallas, TX. Very little of the study has been correct. We were told, with a 60 dBA limit at the property line, the sound would not be audible inside our homes. The sound is heard. Anything over 53 dBA at the property line is clearly heard inside. There never was a real sound test done at the site to see how the sound would propagate. The study did not take into account the atmospheric conditions. Depending on the wind direction and cloud cover, my neighborhood gets hammered by the noise or the neighborhood in the opposite direction gets hammered. Lesson learned: Ensure the city does a correct sound test that includes actual transmissions of sound at concert levels at the site. When Jacksonville, FL did this, the results raised a lot more concern."

### **ON AMPHITHEATER NOISE:**

**Nancy K. Parker, Councilwoman at-large - Virginia Beach, VA - (757) 425-1589**

"If it's not next to Paul Allen's neighborhood, I wouldn't be interested. Houses in the front row become the sound barrier. The bass sound travels right through the walls. Sound is a lot like water, it flows and seeps around the edges until it is definitively contained. Sixty dBA is too loud, especially the bass sounds that so many bands use, more so than the treble sounds. City council members really have to educate themselves about sound."

### **ON CONCERT GROUPIES:**

**Sergeant Bruce Fritz, Police Records Division, Mountain View, California**

"Some of these concert people descend on the city a day ahead of time and camp out in Safeway parking lots. Typically, then, the police spend a lot of time moving them along because, after all, you can't camp in the city. And, typically, they leave a lot of trash behind and the city has to clean it up afterwards."

### **ON OTHER PROBLEMS:**

**Dave Wilson, Asst. Director of Public Safety, Columbus, Ohio. - 614.645.8210**

"If you can avoid having this thing go in, do so. It's been a nightmare since it started here, mostly noise into the neighboring city of Westerville."

"We worked out the traffic problems, but we were just constructing the parkway that goes past it and it took some major infrastructure investment."

"Another big problem with these things is that they attract the heavy drinkers. We get a lot of under-aged drinkers in the parking lot. These crowds are not your best. We had Ozzy Osbourne out here this summer. He decided not to play and the crowd went crazy. They tore out sod on the seating area. They tore down a wooden fence and set it on fire. It's not a good crowd."

"Some of these groups use foul language and it carries through the air quite clearly. Most families prefer that their children not listen to that in their back yards."

"Our noise ordinance is damned near impossible to enforce. It wasn't designed for this kind of thing, it was designed for industrial noise. There is just no easy solution to this problem. If it's in or near a residential area, you're going to have problems."

The promoters are going to present the very best picture that they can up front, then they'll start making changes. I wouldn't let them get a toe hold if I could avoid it."

### **Other Columbus area contacts:**

**Mike Finks - City of Columbus Development Department - 614.645.4685**

**Mike Wasylik, Asst. City Manager - Westerville, OH - 614.890.8542**

book that would satisfy Mayor Katz's request for a 2nd sound test prior to the City Commissioners meeting regarding this issue. The Aegean corporation, however, has known since late summer that their first sound test did not meet with the approval of the city sound officer, let alone the neighborhoods. The PIR management was notified only a week prior to this sound test that space and time was needed. Aegean corporation had plenty of time to schedule this test at a more reasonable date.

Considering all these points, we believed it only appropriate to boycott the sound test. It is our sincere hope that these points will be taken into consideration when and if Aegean uses the test as an example of minimal neighborhood involvement and feedback. This test, and the timing of the test, were set up for failure. We will not be a part of that failure.

Our reasons for opposing the amphitheater are many -- environmental impact (imagine the noise that will bombard Smith & Bybee Lakes), traffic, noise, crime, and a concern about the lack of appropriate public process (no economic impact report, no highest and best use study done for the land, little time for resident input, residents not informed about sound tests because it was considered they were not in the line of sound -- despite that sound doesn't travel in a straight line -- the minimal attention paid to Vanport history, etc.). We know many others in our area with similar concerns. None of us are involved in the racing community, though they also have legitimate concerns, not the least being that the PIR is the only public facility of its kind in the Northwest, and the lack of collaboration they've seen from Aegean).

I appreciate the opportunity to provide this input. I will, as I discussed with Ombudsman Michael Mills, be sending information on the impact of amphitheaters on increased crime in the communities where they are built.

Sincerely,

Anna Welch

**To:** Mayor Vera Katz  
Commissioner Charlie Hales  
Commissioner Gretchen Kafoury  
Commissioner Erik Sten  
Commissioner Jim Francesconi

**From:** Ralph and Anna Welch

**CC:** Cay Kershner  
Police Chief Charles Moose

**Date:** December 1, 1998

**Re:** PIR amphitheater

*copies given to  
Cncl.  
I made one for  
Atty.*

RECEIVED  
DEC 2 6 32 AM '98  
BARBARA CLARK, CLERK  
CITY OF PORTLAND, OR.

Attached is a compilation of material from around the nation regarding amphitheaters. While our research reviewed many arenas nationwide, the attached information focuses primarily on three venues: the GTE/Virginia Beach Amphitheater in Virginia Beach, VA; Shoreline Amphitheater in Mountain View, CA; and a proposed amphitheater in Poway, CA. These are generally comparable to of the proposed facility at Portland International Raceway. The problems these facilities pose to their communities are representative of those associated with other venues around the country, as well as the concerns we have with regard to an amphitheater at PIR.

The attached information illustrates a pattern of characteristics common to outdoor amphitheaters. In spite of promises from promoters, venue managers, and, in some cases, city officials, these facilities and their associated activities generate great noise, traffic, crime, and infrastructure problems. Perhaps even worse, the problems are uniquely long-lived; once an amphitheater is built, it and its problems usually are there to stay.

In addition to these direct costs, we are also concerned about the indirect costs to the community. If Portland's amphitheater experience is anything like those of the other communities, we could soon expect to see numerous lawsuits filed against the city. Most such lawsuits appear to stem from criminal conduct at the venue, but in a noteworthy case, the city of Palo Alto, CA, has considered suing the neighboring city, and home of Shoreline Amphitheater, of Mountain View, CA., over noise generated by the amphitheater. It doesn't take a stretch of the imagination to see Portland and Vancouver, WA in a similar situation. The expenses related to lawsuits, increased crime, decreased property values, traffic control, and infrastructure improvements/maintenance would cost the city far more than we can ever hope to net from increased tax revenue.

The Aegean Corporation has gone to considerable lengths to create the impression of public support. They have conducted misleading questionnaires, skewed data, performed sound tests that were completely flawed, and spent thousands of dollars on a public relations campaign in an attempt to circumvent the wishes of those most vulnerable to the negative impacts of the amphitheater - North Portland residents. Instead of collaborating with residents to find a mutually beneficial solution, Aegean has clearly demonstrated their proclivity for being a poor neighbor.

We urge you in the strongest possible terms to reject the amphitheater proposed for PIR. While North Portland residents would ultimately pay the highest price, all of Portland would suffer if the amphitheater is allowed to go forward.

Thank you for your consideration. Please feel free to contact us if you would like additional information. We can be reached at 286-3303, or e-mail us at [kingwelch@earthlink.net](mailto:kingwelch@earthlink.net).

NANCY K. PARKER  
COUNCILWOMAN  
AT-LARGE

804 GOLDSBORO AVENUE  
VIRGINIA BEACH, VIRGINIA 23451  
(804) 425-1589

June 4, 1998

The Honorable Mayor and  
Members of Council

Dear Mayor and Councilmembers:

On Tuesday evening (June 2nd), Barbara Henley and I met with residents of Salem Lakes at the Landstown Elementary School Cafeteria. Sixteen residents were in attendance to discuss their concerns regarding noise from the Amphitheater invading their homes. Our discussion with them lasted approximately two hours. Also attending were Mike Tabor, General Manager of the Amphitheater; Oral Lambert and Mark Wawner who represented the city.

I, as well as some of you, have received phone calls from some of these residents. Their frustrations are building because even though some actions have been taken to help alleviate the problem (for example, Mike Tabor reported the planting of trees and adjustments to their speaker systems), the noise levels they continue to experience are unacceptable. Obviously, the actions taken to date have not been adequate.

I feel strongly that we have an obligation to this neighborhood, to find answers to reasonable requests. We acknowledge they were told by our 'sound experts' prior to building the Amphitheater that they would not be able to hear the concerts within the confines of their homes. From the testimony these residents provided, that is not their current experience. Mr. Lambert spoke to them about having 'reasonable expectations' of what could be done to address the noise issue; that is, they should not expect that we can reasonably provide that they will never hear any sound from the Amphitheater especially if they are outside. The consensus of those in attendance at this meeting was that they didn't expect to never hear any sound from the Amphitheater; however, they do expect us to take whatever action is necessary to reduce sound levels invading their homes to the extent

that while their doors and windows are closed, and air conditioning systems running, they can carry on normal conversations, watch TV, or sleep without being disturbed by sound coming from the Amphitheater.

The Honorable Mayor and  
Members of Council  
June 4, 1998  
Page 2

Some of them indicated their children cannot sleep even with the doors and windows closed and air conditioning running. One woman told us that one evening she called the police to make a complaint, and the dispatcher who took her call said to her, "...you need to turn your radio down. I can't understand what you're saying." There was no radio playing. What the dispatcher heard was the sound from the Amphitheater in this woman's home. Unless these accusations are greatly exaggerated, I frankly do not find their request for relief to be unreasonable and I think you will agree with me.

Mike Tabor told us that the artists who play at the Amphitheater have great influence over how loud their performances are amplified. He acknowledges that they are sometimes uncontrollable although he did say most are compliant when he asks them to stay within the operating limitations established for the sound board. When asked why the volume cannot simply be turned down, he said some artists refuse to accept that level of control over their acts. He is concerned if they do make sound restrictions mandatory, it would adversely impact his ability to book acts.

A piece of information which I think is important came out during the discussion. A very high level of sound output is maintained at the stage so that people on "the hill" can hear. We had been under the impression that the special speakers on the hill itself were for that purpose; however, Mike told us they are there to "reinforce" the sound emanating from the stage area. Additionally, the speakers on the stage are the only ones which throw the sound over the entire shed area. Several people observed that individuals sitting near the stage sometimes complained that the sound was so loud at that location as to be uncomfortable. I asked why additional speakers could not be placed in the shed area in order to reduce the sound coming from the stage area. I am convinced this needs to be pursued, and have asked staff to work with the Amphitheater management to explore this as a possibility of significantly improving the residents' experience. It should be noted that the stage speakers belong to the touring act as well as the sound



board. This board is controlled by the touring act's technician.

Oral Lambert agreed to visit inside the homes of some of these residents during a major concert event. It was pointed out that wind direction, atmospheric conditions, etc. have a great impact on what is heard inside a home. Many concerts are played without any significant impact on the homes if the wind and atmospheric conditions are favorable. He agreed to attempt to visit and get first-hand experience when circumstances are at their worst. Apparently the southerly winds of summer contribute to worsening conditions.

I look forward to whatever additional information staff can develop, and particularly any improvements that the management of the facility may be able to come up with. I

The Honorable Mayor and  
Members of Council  
June 4, 1998  
Page 3

believe, however, unless we can find ways to significantly improve the situation, the problem is not going to go away. As previously stated, I do not believe it is an unreasonable request of these residents to be able to enjoy the inside of their homes, with the doors and windows closed, without a disturbing level of noise.

Sincerely,

Nancy K. Parker  
Councilmember

NKPlkma

cc: James K. Spore  
Les Lilley  
C. Oral Lambert, Jr.  
Dennis Borgerding  
Dennis J. Borgerding

Letters from Readers  
The Florida Times-Union  
PO Box 1979  
Jacksonville, FL 32231

Dear Editor of The Florida Times-Union,

I have followed the Jacksonville amphitheater debate with great interest as our neighborhood held similar debates with our city and Cellar Door.

When Virginia Beach started talking about an amphitheater, we were concerned. We did not attempt to stop construction but only asked that our rights to the peaceful enjoyment of our property be protected.

Cellar Door and sound consultants hired to study the site, promised there would be no noise problems. Bill Reid, President Cellar Door of Virginia, told us he did not want us hearing the concerts as he wanted us to pay to see the shows. We were told since we were behind the stage house we would not hear anything because the music is directed away from us. The additional sound walls would provide further protection. The facility would be sunk into the ground reducing the noise. The speakers to be installed would be different from older facilities so the music would not have to be as loud. We could not compare our facility with others because ours would incorporate the latest sound technology. The sound study stated several of the shows would be heard in the neighborhoods, but not indoors with the doors and windows closed. Sound experts said we would not hear the crowd noise because it is 20,000 individual sound sources not amplified music.

We hear the noise. We hear the noise outside and we hear the noise inside. We hear the crowd roaring, cheering, chanting, hooting and singing. Due to the water table the amphitheater was constructed on the surface with the berm being the highest point in Virginia Beach helping to broadcast the sound. Even as I type this letter, I am listening to amphitheater noise.

We were told Lollapalooza would not come here because our standards were too high. Cellar Door would not bring in an act that was offensive to our community standards. No gangster-rap would be allowed, and we were told they only play at coliseums not outdoor amphitheaters. We were told drug enforcement was strict, and drinking would be kept to a minimum by the price. Lollapalooza came here. Gangster-rap played here. Numerous letters to the editor of the Virginia Pilot complain of the drug use and drunkenness.

Do these promises sound familiar? They have been made and broken before and they are still being made.

Your Mr. Mullaney has stated "If you are going to oppose something, they should be able to do it based on factual information." I have first hand knowledge of what living behind an amphitheater is like. On what facts does he base his claims that the residents of St. Nicholas and other surrounding neighborhoods won't hear the noise?

Look at the historical track record of amphitheaters throughout the country, before the people of Jacksonville consider approving an amphitheater.

Sincerely,

Dennis J. Borgerding  
President Salem Lakes Civic League  
Virginia Beach, VA

May 18, 1998

Mayor Meyera E. Oberndorf  
City of Virginia Beach  
Municipal Center  
Virginia Beach, VA 23456

Dear Madam Mayor,

Thank you for your prompt action on Friday night with the GTE Virginia Beach Amphitheater, especially at 11:15 PM. My original intent was to send you an E-mail message about the concert being audible in our home and waking our baby, but I was unable to access the "Send E-mail to the Mayor" on the Virginia Beach Web Site. Then I called your office to leave a message but did not get an answering machine. When the concert went on past 11:00, I became irate and called the hotline. The response was the basic, "Let me have your name and address and someone will come out and take a reading." Since this is the usual response, I realized my call was not going to make any difference. That is when I called you at home for help.

As you know, very few people have the hotline number. I have provided it to several Members of Council and neighbors because it is not listed in the phone book or with directory assistance. Most of my neighbors who have used the hotline decided the results were not worth their effort in making the call and stopped calling. These factors have contributed to the boast of Cellar Door that they have taken care of the noise problem. This is a misuse of data. The lack of calls to an unlisted hotline can not be used to say there is no problem.

We discussed Friday night that Cellar Door had made changes to the facility to lower the sound levels reaching the neighborhoods. I would like to review those changes with you. Originally specially designed lawn speakers were installed and aimed at the berm to prevent the sound from leaving the amphitheater. Yet from the beginning of the first concert season, the sound was clearly audible in our homes. These speakers were later modified (during the second season) with baffles but still the sound was heard in our homes.

Cellar Door installed their Grozier system last year. This system was to allow them to monitor the sound so the sound technicians could make immediate changes if the sound was getting above certain limits. In Mr. Tabor's letter to you dated April 22, 1997, on page 4, he stated the system can, "record and monitor sound levels at selected property line points." The system installed here does not do that. Mr. Tabor told me they did not place receivers at the property line due to cost. Additionally, in Mr. Tabor's report dated August 22, 1997, the Grozier report on the Sinbad concert shows 91 violations of their self imposed limit of 102 dBA limit. Again, no measurable differences in neighborhood sound levels could be made. The sound was still in the mid 50 dBA range and heard in our homes.

This year Cellar Door has installed new speakers for the lawn and, I have heard, a new sound system. Concerts are still being heard in our homes. I have talked to a sound technicians and was told most places (places of worship, concert halls, etc.) change microphones every year and sound systems every two to three years. This caused me to wonder if the new system was for the resident's benefit or just the normal rotation of new equipment.

The bottom line of all this, is that, at the beginning of the third concert season, sound readings of 52 dBA and above are still being taken. There has been no decrease in the measurable sound levels. All the changes made have resulted in no change for us nearby residents. Mr. Tabor stated in his letter dated April 22, 1997, that I have "refused to acknowledge improvements have been made due to our continuing efforts." His report dated August 22, 1997, shows that the readings are still in the mid 50 dBA range and the sound was audible in the neighborhood with "Clear VBA sound". This report of measurable sound data, made by the GTE Virginia Beach Amphitheater's own staff, shows there has not been improvement.

The most effective way of reducing the sound levels is to turn down the volume at the sound board. The 102 dBA at the sound board radiates out of the facility and into our homes. By lowering the volume, there would result in a corresponding lowering of the sound in the neighborhoods.

Your continued efforts and support in this matter are greatly appreciated.

Sincerely,

Dennis J. Borgerding  
3716 Joppa Lane  
Virginia Beach, VA 23456

PS A fellow teacher told me her daughter, a Senior in High School, went to Friday's concert. She reported the strong smell of drugs everywhere and large quantities of alcohol being consumed. Believing she should not be in such an environment, she left early.

C Members of Virginia Beach City Council

## **GTE/Virginia Beach Amphitheater Virginia Beach, Virginia**

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Notes on the 1998 Concert Season by Dennis J. Borgerding, President Salem Lakes Civic League, Virginia Beach.

### **May 13 Elton John**

- Lyrics were clearly audible outdoors with sound readings of 52 dBA on Joppa. Received a call from Toni Green. The noise from the amphitheater was heard over her telephone while she talked to me.

### **May 15**

- Concert very loud outdoors. Can be heard indoors. Woke baby. Concert still going on until 11:15 PM. Phoned Mayor and hotline to ask that the concert be terminated. Mayor called Amphitheater to ask what was going on and told they were trying to get them off the stage at that time (11:10). SOUND RESTRICTIONS BROKEN! Restrictions call for no more than 50 dBA after 11:00 PM.

### **May 22**

- Concert audible indoors. Son was awoken several times during the night. Sound readings in front of house were at 52 dBA.

### **June 23**

- YES. Concert audible indoors. Organ and vocals most notable. At one point could feel bass inside. Sound readings outside were 52 dBA and up to 66 dB.

### **June 24**

- Stevie Nicks. Concert audible indoors. Able to hear indoors by 8:30 while reading nighttime stories to baby.

### **Aug 8**

- Phish concert went on past 11:30 pm. Made phone call at 11:17 to voice complaint. Thought concert ended at 11:25. Crowd noise continued for another five minutes. Then at 11:30, the band started to play again! Called hotline again around 11:35 - 11:40. What happened to the 11:00 curfew? Concert ended at 11:40.

### **Aug 21**

- Sound levels of 65 dBA at the property line at 9 pm. Called Hotline and talked with Martenia at 9:19pm.

### **Sept. 19**

- Lunatic Luau - Concert audible inside home until 11:06

Virginia Beach, Virginia - CITIZEN'S ACTION COALITION, INC.

## **AMPHITHEATER NOISE**

By Al Struzzullo

Between April and October, the GTE Amphitheater spews unwanted music and other noise into nearby homes and yards. City Council and Cellar Door officials have recognized the issue since the theater's opening two years ago. But unacceptable levels of the traveling music and penetrating thumping still persist. Its time for Councilman Billy Harrison, the Council point man for the amphitheater, the Mayor, and the Vice Mayor to exert leadership to keep Council's "no noise" promise to frustrated neighbors.

There is an underlying governing principle that says ... 'you can delegate responsibility but not accountability'. So it's up to Council to fix the problem.

At public hearings in 1995, music and crowd noise was the major bone of contention in approving the theater. People from neighboring communities, Council members, Cellar Door officials, and consultants fully understood that amphitheater noise would travel and be a sticky problem. A consultant predicted that there would be complaints at first but their frequency and degree would decrease overtime as the noise became an accepted part of the summertime noise environment.

Bill Reid, President of Cellar Door, Virginia Beach was quoted as saying if the situation got too bad, the volume would be turned down. In short, everyone was fully aware of the potential disturbance. Even so, Council proceeded with the amphitheater promising to control the noise.

As one might expect, the promises are unkept. Cellar Door has established a sophisticated sound monitoring system and a hot line for residents to notify Cellar Door of annoyances. Under the system, a roving patrol responds to complaints. According to Cellar Door, complaints have dropped 56 percent since the '96 season. Theater management insists that the 60-decibel limit set by city law has never been exceeded. The city does no checking of the limits.

The fact that complaints went down 56 percent is an invalid measure of successful sound control. As the consultant implied, people will give up and complaints will go down naturally as they get used to it is noise. Besides, many folks naturally hate to make a formal complaint or just fire off calling and throw in the towel when no improvement is noticed.

During a recent City Council briefing about music/noise levels reaching bordering residences, Cellar Door claimed it stayed within the decibel limits but acknowledged the problems exist. Amphitheater managers hope their plan to plant bushes, adjust speaker systems, and perhaps purchase better speakers might help reduce the noise. However, atmospheric conditions play a big role in how far and loud sound travels. According to them, wind is a major culprit.

Apparently, other options are not being explored. The contractual decibel limit is a sacred cow even when the City Manager states that this standard in hindsight may not be right. Also, other more costly options such as building a bubble are not being seriously pursued.

Council has often emphasized the importance of upgrading and maintaining livability within the city's neighborhoods. This case tests Council's will to do just that. The city is a full partner in the amphitheater venture and, as such, has the authority, money, and leverage to create change. Council must take the leadership to abate the amphitheater noise problem. It should stop looking helplessly toward Cellar Door for solutions and stop waiting until next season to find out whether Cellar Door's plans really work. The city must work jointly with Cellar Door to fix the problem during this off-season.

**THE TIME IS NOW!** Will the promise keepers please stand and be counted?

The Palo Alto Weekly -- Wednesday Aug 21, 1996

## **AC/DC sparks year's most complaints, Shoreline Amphitheater violates 1993 noise pact two nights in a row**

When it comes to violating noise ordinances, there are concerts and there are concerts. The one that will most likely be remembered as the Earache of '96 was the Aug. 15 AC/DC concert at Shoreline Amphitheater. The Palo Alto Police Department received more than 200 complaints from residents bothered by the late-night concert Thursday. But many more may have tried to complain and not been able to get through.

John Bush, Palo Alto's coordinator of community services, knew it was the mother of all noisy concerts when he came in to work Friday morning to find all four of the city's noise complaint tape machines blinking.

"We have four lines, all with counters," he said. "They all take messages beyond 59, but they all stop counting at 59. That means we had at least 225 complaints."

"It was awful. It was one of the worst concerts of the season," said Palo Alto resident Jim Lewis, who is active on the Abate Shoreline Amphitheater Noise committee. "There was no getting away from it." Lewis added that his group is planning to protest the noise at the Sept. 9 City Council meeting.

The 225 complaints is nearly twice that of Ozzie Osbourne's July 27 concert and nearly three times that of H.O.R.D.E. Festival's two concerts July 28 and 29.



Prior to AC/DC, the total number of valid complaints recorded since the beginning of the concert season in May was 372.

It's too early to tell, however, how many of the AC/DC complaints are "valid." The city considers a complaint valid only if the caller left his name, address and telephone number.

In any case, it was clear that the high-voltage concert disproved the message of one the band's best-known songs, "Rock and Roll Ain't Noise Pollution."

Complaints began coming in around 9 p.m., just "when AC/DC took the stage," Bush said. "Whoever played first didn't register."

It was the sixth infraction of the season. According to a 1993 agreement struck between the city and the amphitheater, Shoreline is allowed four concerts in which the number of complaints exceeds 45. Any more than that, and Shoreline must sit down with the city to examine solutions. Previous offenders were Crosby, Stills and Nash, Ozzie Osbourne, the H.O.R.D.E. Festival and Alabama.

What made the AC/DC concert different, apart from sheer volume of calls, was the nature of the calls. "A lot of the calls started with 'I'm not usually one to complain, but . . .'" Bush said.

There was no getting away from it the next night, either. While not nearly at the level of the AC/DC concert, the Friday night Sting concert generated 180 complaints. "A lot of it is the weather," said Lewis. "Some nights you could have Shirley Temple out there and it would still be awful."

The Palo Alto Weekly -- April 5, 1995

## **Residents renew noise complaints**

Shoreline Amphitheatre's 1995 concert season will soon get under way for dozens of Palo Alto residents--whether they're sitting in the audience at the Mountain View venue or hanging out in their back yards.

And as they've done for the past several years, residents last week renewed their appeal to the Mountain View City Council and concert promoter Bill Graham Presents to halt annoying concert noise.

Their complaints, however, haven't resonated with the same volume as the music they say bounces into their neighborhoods during loud shows.

"The problem has not been resolved," said Palo Alto City Council member Dick Rosenbaum, who visited his Mountain View counterparts during a meeting last week to discuss the amphitheater's upcoming season.

"We have met a number of times with Bill Graham Presents, and they are adamant that they are unwilling to make any changes in their operations," Rosenbaum told the Mountain View Council. "The city of Mountain View is the responsible party."

His words seemed to fall on deaf ears. So did those of Jim Lewis, a leading Palo Alto opponent of concert noise, who suggested Shoreline construct barriers at the rear of the amphitheater to block the music from escaping.

The Mountain View Council again refused to consider imposing strict sound limits that Palo Alto residents contend would solve the problem, but which Bill Graham Presents argues would make holding rock concerts at Shoreline impossible.

"The City Council determined that if enacted, an ordinance would impose unrealistic operational constraints on the amphitheater," a city staff report on the issue stated, "while at the same time provide impacted neighborhoods with little, if any, relief from concert sound."