May 19 2008

Mike Kissell, Planning Director
City of Industry
15651 East Stafford Street
City of Industry, California 91744

Subject: Notice of Preparation of Draft Supplement to Environmental Impact Report Revised Industry Business Center Plan of Development – NFL Stadium

Dear Mr. Kissell:

The City of Diamond Bar (Diamond Bar) is in receipt of the "Notice of Preparation of Draft Supplement to Industry Business Center EIR" (NOP) from the City of Industry (Industry or Lead Agency) announcing the preparation of a "Supplement to Industry Business Center EIR" (Draft IBC/EIR Supplement).

As indicated in the NOP, the Draft IBC/EIR Supplement will examine an applicant (Majestic) submitted proposal for revisions to the approved "Industry Business Center Plan of Development" (IBC) in order to accommodate the subsequent development of a proposed "NFL Stadium with customary concessions, food service and retail facilities" and an array of other uses, including practice fields, training facilities, medical facility, retail shops, restaurants, theaters (performing arts and cinema), offices, and parking structures (collectively Stadium Project).

The California Environmental Quality Act (CEQA) specifies that it is the EIR's intent "to inform other governmental agencies, and the public generally, of the environmental impact of a proposed project," "to demonstrate to the public that it is being protected" and "to demonstrate to an apprehensive citizenry that the agency has in fact analyzed and considered the ecological implications of its action" (14 CCR 15003). Therefore, it is important that the Lead Agency's upcoming EIR must fully and objectively identify, evaluate and mitigate the environmental effects under the provisions of the CEQA. The following comments are offered to facilitate informed decision making, not only by the Lead Agency, but also by Diamond Bar's officials and this agency's broader constituency.

- **Notice of Preparation.** The information provided in the NOP is insufficient. For example, there are color illustrations and cross-section drawings on the applicant's internet website (http://www.losangelesfootballstadium.com/stadium). However, neither the existence of that website nor any of the informative drawings or project information have been included by the Lead Agency in the NOP to allow

- opportunities for the general public to comment that would facilitate the preparation of the upcoming IBC/DEIR supplement.

- **Supplement to an EIR and Project Level Analysis.** Under CEQA (14 CCR 15163), the Lead Agency is authorized to prepare a supplement to an EIR if "only minor additions or changes would be necessary to make the previous EIR adequately apply to the project in the changed situation."

  As indicated in the Final IBC/EIR, the document has been prepared as a program EIR because the only entitlement being sought at that time was the approval of a "Plan of Development." Other than broad categories of industrial, office and support commercial development, no definitive land uses were authorized therein and "no specific facility plans have been submitted for the IBC." With the proposed project consisting of a new 75,000-seat professional football stadium, designed to accommodate the Super Bowl and a wide array of other "sell-out events," it constitutes a reasonably definitive development plan and should be considered as substantive changes to the project as contained in the Final IBC/EIR. Further, it is evident that the applicant seeks all discretionary entitlements as may be required to proceed with the construction and operation of the Stadium Project from public agencies that include the Regional Water Quality Control Board, Sanitation Districts of Los Angeles County, Los Angeles Public Works Department, and Walnut Valley Water District.

  Based on the reasonably definitive plan, the substantive changes in terms of use, scale, physical disturbances as compared to the one contained in Final IBC/EIR, and the requests for specific discretionary entitlements, Diamond Bar believes that a Subsequent EIR should be prepared rather than a Supplement to the EIR (14 CCR 15162).

- **Project Description.** As required under CEQA, the project description must include a "description of the project's technical, economic, and environmental characteristics, considering the principal engineering proposals if any and supporting public service facilities" (14 CCR 15124). The project description lacks sufficient information for the public to provide meaningful comments in assisting the Lead Agency in identifying and analyzing the potential significant impacts. The following questions should assist the Lead Agency in providing a detailed project description:

  - As indicated in the NOP, during "Phase II, "some surface parking areas would be converted to parking structures." How high will the parking structure be? Will the parking structures be located adjacent to Diamond Bar residential neighborhoods? Would those or any other actions allow the project site to further intensify beyond the explicit limits stated in the NOP?

  - The NOP defines the project, in part, as a 75,000-seat "NFL stadium." It is, however, unclear whether that number reflects the stadium's proposed maximum capacity, as may be established by the "Uniform Fire Code" or other code requirements, or whether that capacity could be expanded for special events and/or other uses. There is not any indication whether "standing room" attendance would be allowed, whether concerts might allow patrons access to the playing field or parking lot thereby increasing attendance, and/or whether attendance at suites, press boxes, and other on-site areas could swell

attendance. Similarly, attendance figures did not include the number of on-site workers whether employed by the operator or others who would also be considered to be "in attendance." When defining "sell-out" events, the Lead Agency needs to disclose whether those figures are merely the number of "seats" or some other maximum number of individuals that might be on the site during those events. Maximum attendance figures are important from a CEQA perspective for a wide range reasons, including traffic and parking requirements.

- Based on an examination of Table 1 (Proposed Development), no square footage is associated with or assigned to the "NFL Stadium (75,000 seats), and the 25,000 "parking structures/spaces." The square footage for the parking structures and the stadium should be provided and added to the overall square footage of the Stadium Project. The NOP and the upcoming IBC/DEIR Supplement should address the environmental effects base on the totality of the square footage.

- As reference in Table 1 (Development Summary), the 40,000 square foot "NFL Attraction" is not defined. From the applicant's website, it can be inferred that this is an active, participatory recreational and entertainment-based experience. Because this type of facility may be unique to professional football, the upcoming IBC/DEIR Supplement should provide a detailed description of what this use would entail.

- What "surrounding support uses" are explicitly being referenced by the Lead Agency. What support uses are associated with the proposed project?

- What improvements, if any, will be undertaken to those uses by the applicant or by others should the Stadium Project be approved? What environmental implications, including any associated traffic impacts, if commencement activities were either to occur prior to all traffic improvements being in place? What "events precedent" need to be implemented, including what mitigation measures need to be in place and what off-site capital improvements (e.g., street improvements) need to be fully operational, prior to commencement of stadium operations.

- For example, there are mitigations that include, but are not limited to those in the current "Findings of Fact and Statement of Overriding Considerations" (dated October 28, 2004) on page 3-29; which indicates that first occupancy of any building in the Industry Business Center shall be contingent on the funding of any necessary Project Study Report/Project Report and associated environmental documents for the improvements identified in the EIR, for the Grand Avenue interchange at the SR-57/60.

  Figure 5.14-2"l" of the EIR for the Project illustrates the interchange mitigations required of the Project. There are also thresholds for commencement of construction of the mitigation improvements, when "total traffic volume from project intersections on Grand", reach 2,000 total during the PM peak hour, <u>or</u> if intersection #56 (Grand Avenue @ the SR-60 WB Ramps) reaches a total PM peak hour volume of 7,500. The upcoming DEIR needs to address the current level of development and the status of these mitigation measures.

- What assurance exists that "Phase I would be completed and open for business by 2011" and that "Phase II would commence thereafter and be completed by 2015"? Since construction activities associated with Phase II will overlap the operation of Phase I (e.g., "Some surface parking areas would be converted to parking structures during this phase," NOP), the two phases cannot be viewed as separate and distinct components and Phase II construction must be examined as occurring concurrently with Phase I operations. What potential exists for an undisclosed additional Phase?

- Similarly, for each of the land uses listed in Table 1 (Development Summary), the Lead Agency needs to indicate which of those uses may operate concurrently and which, if any, would be prohibited from operating while other uses (e.g., stadium operations) were occurring on the project site. Knowledge of the project's multiple-use operational characteristics is critical to understanding the project as a whole rather than as separate, isolated, and independent parts.

▪ **Local and Regional Traffic Impacts.** Based on the site's location, virtually all event traffic will funnel through an already overcrowded freeway ramp, located near the junction of Grand Avenue freeway interchange. In addition, we can anticipate substantial traffic utilizing the Brea Canyon freeway ramps. The project directly abuts an existing and established single-family residential neighborhood. Numerous homes located along Palo Cedero Drive, Deep Hill Road, and Rock River Road presently back onto the project site. A 75,000 seat stadium and single-family homes have substantially different operational characteristics and functional needs which cannot be easily reconciled. The following are identified comments regarding local and regional traffic impacts.

- The 2004 IBC EIR evaluated land uses (office and industrial) that generate trips throughout the course of a typical weekday, with some peaking during commute hours. The proposed uses, particularly the stadium, will have very pronounced peak periods and impacts during weekday evenings and weekends. The NOP identifies the expectation of 30 sold-out events during the year, which would occur both on weekday evenings and weekends.

  The new traffic study should evaluate conditions on:

  - a weekday, before and after a major event at the stadium or upon the project site.
  - a weekend, before and after a major event at the stadium or upon the project site.

  In addition to stadium-related traffic, the analysis should include background traffic growth from other developments in the area and the balance of the proposed uses for the site (such as retail).

- Standard traffic analyses (i.e., Intersection Capacity Utilization ("ICU"), Highway Capacity Manual - Highway Capacity Software ("HCM-HCS", etc.) are not anticipated to accurately describe the potential impacts of the proposed Stadium Project. The Project is expected to have traffic characteristics such as high volumes of traffic arriving/leaving during specific periods of time, significant vehicle queues, need for modified traffic signal operations, potential for manual/police traffic controls, significant pedestrian activities, impacts on weekend and weekday conditions, etc. that require evaluations that accurately reflect

proposed operations. Accepted traffic engineering methodologies that involve more sophisticated analyses are expected to be needed and must be included in the TIA and DEIR, to fully disclose the potential traffic impacts of the Project.

- The traffic analysis should evaluate conditions on SR-57, SR-60, and I-10 using methods that evaluate weaving and merging conditions as recommended by Caltrans. Mitigation measures should be identified for any project or cumulative impacts to the freeways.

- Design concepts of potential improvements for the Grand Avenue interchange at the SR-57/60 Freeway ("Grand Interchange Improvements") have been the subject of on-going discussions and meetings between the City of Industry and City of Diamond Bar. None of these discussions, meetings, analyses, etc., included the potential for a Stadium Project at the IBC. Conditions with and without the Grand Interchange Improvements (also added analyses if modifications to the interchange improvements are required) need to be included in the analyses of the Stadium Project. There may be a need for minor and/or major modifications to the interchange design concepts depending on the future traffic conditions and potential transportation impacts, with the Stadium Project.

- The City of Diamond Bar preferred "flyover" design for the Grand Interchange Improvements needs to be included in the TIA/DEIR analyses for the Project. This "flyover" type of design may actually be more suitable for this Stadium Project as it has the potential to provide more direct access to/from the Stadium side of the freeway, better handle the significant traffic volumes entering/exiting during short periods of time, and more directly serve the large parking areas. Stadium traffic can overburden standard interchange designs, but given the current plans for some form of Grand Interchange Improvements, a solution can and must be incorporated in the upcoming design. A "flyover" on-ramp from Grand to the SR-57/60, should also be reconsidered given the potential to realign the connecting roadways at Grand Avenue (i.e., the roads serving the stadium parking areas and associated developments), potential for new start/end points of a flyover given the redesign of the entire IBC freeway frontage area (due to the Stadium project), ability to significantly reconfigure parking to better accommodate flyover designs, significant grading expected to be associated with the Project, etc.

- The location and magnitude of the proposed stadium strengthens the need for a Grand Avenue Interchange improvement that better separates traffic destined for Industry versus Diamond Bar. We request that this "fly-over" interchange alternative be the preferred project in the Caltrans PSR, and that this improvement be implemented prior to operations at the Stadium.

- There have been preliminary indications by the City of Industry that the Grand Interchange Improvements serve to mitigate the SR-57/60 mainline deficiencies, but no detailed analyses have been provided to support these assumptions. The proposed Stadium Project is expected to result in significant added impacts to the SR-57/60 mainline operations for weekday events and weekend events that will occur. The TIA/DEIR needs to identify mitigations and Grand Interchange Improvements that will provide acceptable mainline freeway and area arterial operations.

- The Project TIA and DEIR need to consider the preliminary findings of the Metro Study of the SR-57/60 mainline improvements, being prepared by CH2MHill. There appear to be design and right-of-way issues that impact the current design concepts for the Grand Interchange. The Project must also be designed to assure it does not encroach on any potential freeway improvement areas, for any of the potential CH2MHill alternatives.

- The IBC EIR was certified using traffic volume projections that were contained in the traffic study and DEIR for that project. The current Grand Interchange Improvements are based on different traffic projections prepared by another consultant. Since the proposed Stadium Project is related to the IBC EIR, the traffic volume projections (including for the Grand Interchange) will likely need to be based on and consistent with that previously certified document.

- The major streets and intersections in Diamond Bar should be studied for potential traffic impacts and appropriate mitigations. Such streets should include, but would not necessarily be limited to Grand Avenue, Golden Springs Drive, Diamond Bar Boulevard, Lemon Avenue, Pathfinder Road, W. Temple Avenue, and Brea Canyon Road.

- For roadway locations within the City of Diamond Bar jurisdiction, the City of Diamond Bar TIA Guidelines must be utilized, in analyzing the potential Project. The applicant's traffic consultant is recommended to submit a written proposed traffic analysis scope of work (for analysis of locations in the City of Diamond Bar) to the City of Diamond Bar Director of Public Works for review and comment. This can serve to minimize disagreements and delays, regarding the work efforts to be performed.

- The City of Diamond Bar determines significant project impacts based on project impacts during peak conditions. The TIA/DEIR need to examine the extent of Project impacts during peak conditions. The City of Diamond Bar requests development of adequate mitigation measures to reduce impacts to a level of insignificance. Limiting the stadium operations (i.e., to certain days, certain time periods, etc.) in order to offset traffic impacts is not reasonable or possible to enforce; especially when the impacts occur outside the City of Industry jurisdiction.

- Due to the anticipated congestion associated with the Project it is certain that traffic currently using Grand Avenue and Brea Canyon road will change travel patterns to avoid these roadways and interchange areas. The traffic impacts of this redirected traffic must be addressed (as well as other environmental impacts air quality, noise, etc.) in the TIA. It is also important that the DEIR/TIA consider ALL Project traffic and its impacts; not just a differential between "with" and "without" Project conditions. Focusing on the "differential" would serve to "mask" significant amounts of Project traffic impacts, since a redistribution of existing/cumulative traffic is anticipated. For example, calculating a "fair share" mitigation based on a "differential" would mean that a significant portion of Project traffic would not be properly mitigated.

- There are anticipated to be growth inducing impacts associated with the proposed Project. There is likely to be growth in commercial development outside of the immediate Project boundaries that needs to be considered in the traffic analyses.

- The CEQA document should specify how traffic operations will be handled before/after stadium events. Mitigation measures should be specified regarding the placement of officers, changeable message signs, etc. to both avoid LOS impacts to streets and protect neighborhoods from traffic intrusion. The document should specify how the project will fund these services, and who will control the traffic routing via officers and changeable message signs.

- The CEQA document should include a parking analysis - supply relative to demand and the impact of any deficiencies. This analysis should include special event conditions on a weekday evening, such that an overlap would occur with retail parking demand. Employee parking needs should also be included in the analysis. Mitigations (pricing, enforcement, etc.) should be developed to ensure there is no spill-over to areas outside of the designated parking areas.

- The parking evaluations will be an integral and critical portion of the traffic analyses given the type and size of the proposed Project. For smaller, more typical development projects parking and traffic are essentially separate issues, but in the case of a Stadium Project, particularly one of this magnitude, the two issues are decidedly intertwined. The land uses proposed, the layout of the parking, access points, design of access roadway serving the parking, location of "checkpoints", etc. will all need to be addressed in detail in order to fully disclose all potential traffic and parking impacts. For example, the total number of spaces is important, but also the locations and accessibility of those spaces will be critical to both traffic and parking issues. It is not possible to foresee the various technical parking issues, given the generalized information provided in the NOP. The City of Diamond Bar, however, expects the DEIR/TIA to provide/obtain the necessary information, so that detailed analyses can be performed to fully disclose potential parking, parking operations, and related traffic impacts, as well as identify and require all necessary mitigation measures.

- The CEQA document should address how residential neighborhoods in the surrounding Diamond Bar communities will be protected from traffic and parking impacts.

- The CEQA document should identify any proposed transit enhancements and/or parking shuttles. The document should specify the location, timing, and funding commitment for such services.

- Mitigation measures for all traffic and parking impacts need to be implemented in perpetuity. Performance measurements must be identified for all mitigation measures, along with the parameters for regular monitoring. If monitoring determines a mitigation measure is inadequate, then additional mitigation must be provided.

- Emergency access routes for public safety vehicles should be identified in the CEQA document and project conditions.

- The CEQA document should identify new transportation infrastructure needed to support the proposed project (freeway improvements, surface street changes, etc.) and the timing of such improvements relative to traffic being generated by the project.

- Transportation infrastructure could include measures such as pedestrian walkways that would grade separate pedestrians from Grand Avenue to facilitate both traffic and pedestrian flow.

▪ **Funding for Local and Regional Traffic Improvements:** As demonstrated in the Final IBC/EIR, in order to maintain an acceptable level of service (LOS), numerous traffic improvements are required in Diamond Bar to accommodate the peak-hour traffic associated directly or cumulatively with the IBC project. The Lead Agency proposes multi-million square foot development, which will generate impacts to the adjacent cities with no funding or financial assistance provided to those adjacent cities burdened by the impacts.

- The previous IBC EIR traffic analyses assumed various "Industry East Mitigations" to be in place prior to considering the IBC project. This assumption was erroneous and must be corrected in the updated draft. The implementation of needed mitigation measures must be assured (i.e., by providing the required funding to the City of Diamond Bar for impacts within their jurisdiction) as a condition of this Project. The "Industry East Mitigations" had no definitive implementation plan or funding.

- The City of Diamond Bar has provisions in their TIA guidelines for both 100% construction of mitigations measures and "fair share" contributions toward locations that need longer range improvements in order to provide/maintain acceptable operations. Any road improvement mitigation measure, potential fair share contributions, and/or full funding for mitigation measures in the City of Diamond Bar must be provided directly to the City of Diamond Bar for its use and/or saving toward future improvement projects.

  As an example, recent improvements have been implemented at the Grand/Golden Springs intersection by the City of Diamond Bar, which are consistent with mitigation needs identified in the approved IBC EIR (Mitigation Measure 5.14-1, intersection number 42). No funding, however, has been provided by the City of Industry (e.g., from the $5.0 million IBC mitigation account). There is also a project to relocate an Edison transmission line tower near Grand Avenue, that would require relocation in order to implement the IBC mitigations at Grand/Golden Springs intersection, but no funds have been provided by the City of Industry toward this project.

  The City of Industry has maintained control over at least two monetary accounts ($1.9 million in one account and $5.0 million for the IBC project), intended to provide mitigations in the City of Diamond Bar. Project mitigation funding for locations in the City of Diamond Bar must be under the sole and direct control of the City of Diamond Bar.

- The City of Diamond Bar has a defined methodology for mitigating impacts, so whether constructing mitigation improvements or calculating "fair share" contributions, this methodology should be applied (for Diamond Bar locations) and required as mitigation for the Stadium Project. It should also be noted that the requirement for fair share

contributions is not dependent on a finding of a "significant" impact, but only if there is a measurable contribution of Project traffic to an impacted location.

- Making findings for "statements of overriding consideration" for impacts outside the City of Industry has essentially resulted in avoidance of required mitigations. The funding necessary to offset Project related impacts should be provided directly to the affected Agencies. This would result in a genuine "good faith" effort to mitigate project impacts.

- **Economic and Social changes**. Economics and social changes are appropriate topics of CEQA where anticipated economic and social changes that are or can be linked, either directly or indirectly, to the physical changes caused or contributed by the project. The Lead Agency should conduct economic analysis indicating the implications, not only to Industry but also to outlying areas. CEQA requires that the upcoming EIR "discuss the characteristics of some projects which may encourage and facilitate other activities that could significantly affect the environment, either individually or cumulatively" (14 CCR 151262).

  The NOP concludes that "the proposed project would reduce the amount of commercial and office uses and would also eliminate the industrial uses. This would in turn produce fewer permanent jobs than the previous project and the potential to create substantial new growth in the area would be reduced."

  In contrast, the Final IBC/EIR stated that the IBC contemplated a total of "5,465 jobs." These jobs could include both skilled and unskilled positions, such as executives, managers, office professionals, equipment operators, transportation and delivery related positions, and retail personnel such as clerks, receptionists, and sales associates." Although no job projections were presented in the NOP, the Lead Agency states that "fewer permanent jobs" would result from the approval of the Stadium Project. As indicated in the cited studies, most of the new jobs will be "relatively unskilled (low-wage)" and that the proposed project will likely reduce per capita personal income in the metropolitan area. Since "the employment opportunities for existing residents provided by this (IBC] project are considered to be beneficial impacts," from this statement, it can be inferred that the reduction of jobs would be a detrimental (negative) impact.

- **Programmatic mitigation measures**. As indicated in the Final IBC/EIR, "subsequent activities must comply with the Mitigation Monitoring Program established as part of the Final EIR." As such, the Lead Agency is required to bring forward those mitigation measures presented in the Final IBC/EIR. Based on the nature of the proposed project, it can be assumed that some, if not all, of those measures will need to be subsequently modified and further augmented. However, only through the accurate delineation of those measures can the public be assured of the Lead Agency's compliance with its own stated commitment.

- **Environmental checklist**. The Lead Agency did not include the mitigation measures adopted at the time of the Final IBC/EIR with the NOP, therefore, the general public have no means of identifying those measures, determining their continued relevancy in an evolving regulatory environment, assessing their efficacy, or verifying that they will, in fact, be "carried forward with this project."

- **Environmental analysis**. Because the proposed project is different in terms of use, scale, physical disturbance, and potential impact with the previously approved "Plan of Development," the Lead Agency should not base its project-level findings on the information, analysis, mitigation measures of Final IBC/EIR. The following comments are offered in response to the Lead Agency's discussion of its preliminary rationalization of the potential environmental effects of the proposed Stadium Project.

  - **Aesthetics**. As indicated in the Final IBC/EIR: "The most sensitive viewing receptors would be residential areas where occupants would have sustained views of the project area. An increase in the duration of viewing time tends to increase sensitivity to the view." As a result, the upcoming EIR needs to include a detailed analysis of views of and across the project site as seen from adjoining and more peripheral residential and public viewpoints originating in Diamond Bar.

    While acknowledging that "the proposed stadium would host night games that would require more intensive lighting," the NOP appears to overlook the impact of high-intensity, pole-mounted lighting on both proximal residential areas and the impact of that lighting on night-time vistas, including light trespass and added sky-glow effects. Since it is not possible, at this time, to understand the implications of light impact, the implementation of the Stadium Project would result in actions inconsistent with and contrary to the mitigation measures established in the Final IBC/EIR. Further, the banks of elevated high-intensity sports lights would create a significant and likely unmitigable aesthetic impact.

    If, as acknowledged in the NOP, that lighting has the potential to affect "motorists traveling along SR-57," the issues of aesthetics extend beyond that of nuisance and become one of public safety (e.g., distraction of motorists, increased accidence incidence rates). The impacts of sports lighting, large and brightly illuminated signage, live theater, fireworks (as represented in the applicant's website), and visual distractions associated with event activities (e.g., NFL Attraction) must be examined from a variety of viewpoints, including traffic and transportation. Similarly, based on an actual proposed lighting plan, the upcoming EIR needs to quantify light intensity (in foot-candles) at all project boundaries with Diamond Bar. Also, should illuminated signage be proposed, the upcoming EIR needs to discuss and evaluate issues relating to size, illumination, and frequency with which freeway-adjacent signage will be illuminated (includes views of that signage from proximal residential locations).

    As indicated in the Final IBC/EIR, with regards to the "Scenic Highway Element of the City of Industry General Plan," two "proposed Second Priority County Scenic Routes and two other proposed Second Priority County Scenic Routes" parallel the Industry boundary. Since those routes are not further discussed, there location and relevancy to the proposed project cannot be ascertained.

    The NOP, however, mistakenly equates and limits the discussion of "scenic resources" to that of "scenic highways" (i.e., "development of the proposed project would have no impact on scenic highways," NOP). Because the "project site is one of the remaining large open space areas in this part of eastern Los Angeles County" and "consists of gently rolling hills primarily covered with grassland overlooking the San Jose Creek Valley," the Lead Agency

must acknowledge that the elimination of that pastoral area through 13.53 million cubic yards of grading might, in fact, "substantially damage scenic resources."

A "scenic resource" might include any open space views as seen from the backyard of one's home. Numerous single-family properties (located in Diamond Bar) back onto the project site. Should development proceed, the upcoming EIR needs to address the project's aesthetic impacts as perceived by those viewers. Computer simulations should be used to illustrate the views of and across the project site as seen from those locations. Both daytime and nighttime views should be presented.

Another aesthetic impact is the permanent changing of the hillside character. Mitigation measures for such losses should include considerable setbacks between the existing and proposed land uses, landform grading techniques to replicate the natural contours of the land and substantial landscaping to mitigate for the loss if the significant vegetation located adjacent to the freeway at the terminus of old Brea canyon Road. Mitigation for the reconfiguration of the hillside areas should include significant quantities of specimen trees and considerable landscaping efforts to soften the visual impacts of the proposed graded pads and future structures. Landscaping techniques should be incorporated to mitigate sources of light and glare to adjacent residential properties.

- **Air Quality**. In recognition of the size of the proposed project, the extensive earthwork required for its implementation, the amount of energy that will be consumed during construction and operation, the number of vehicle trips the project will generate, and the regional changes in stationary and mobile source emissions that will occur when an existing NFL team moves from one city to a new locale, need to be addressed in the Draft IBC/EIR Supplement.

  Grading and other construction activities will require heavy-duty construction equipment, much of which would be expect to be diesel-fueled. Since diesel particulate emissions have been deemed a carcinogen and since residential uses directly abut the project site, toxic air contaminants (TACs) need to be quantified and a health-risk assessment conducted to determine potential impacts on near-site sensitive receptors.

  The Final IBC/EIR includes the following mitigation measure: "Prior to the issuance of building permits for any building located adjacent to sensitive receptors (e.g., residential uses), the project applicant/future tenant shall submit a diesel particulate matter toxic exposure analysis to the City for review and approval (MM 5.2.4). Since the Stadium Project site constitutes a single phased development, the requirement for a "diesel particulate matter toxic exposure analysis" has been triggered by the proposed project and needs to be included in the upcoming EIR.

  The characteristics of the Project generated trips must be consider, not just the "number" of trips when evaluating the air quality impacts. The average length of travel is expected to be significantly greater for the Stadium Project and could even involve various modes of travel (air travel, etc.)

- **Global Warming**. A number of factors have converged over the last year to create new requirements for the consideration of climate change and greenhouse gas emissions in the design of projects, particularly during the preparation of environmental documentation. The Lead Agency should address the issues of State goals for greenhouse gas emission reduction articulated in the California's Global Warming Solutions Act (AB32). The Lead Agency should include a clear discussion of implications of climate change for a project including the contributions of the project to greenhouse gas emissions and the consequences of changing climatic conditions of the performance of the project, quantification of the project's GHG emissions, and recognition that those emissions constitute a significant cumulative environmental impact. The Lead Agency should develop and implement strategies that demonstrate consistency with state goals for greenhouse gas emission reductions.

  The Stadium Project should include project features to include carpooling incentives, use of shuttles from mass transit stations, etc. In addition, buildings and infrastructures should be designed to incorporate features that reduce emissions. Examples of project design features could include alternative energy such as solar and other energy conservation techniques and measures for building and infrastructures, the use of reclaimed water, drought tolerant plants and use of trees as shade structure to reduce heat island effects and energy consumption.

- **Transportation/Traffic**. Technical traffic issues, requirements, and mitigation considerations are addressed through comments addressed earlier in this letter. With regard to parking, detailed information regarding proposed land uses, parking design, hours of operation, etc. is required to determine if the potential parking impacts are adequately addressed. Based on the information presented in the NOP (i.e., 75,000 seats and 25,000 parking spaces), however, and ignoring all other on-site uses (e.g., "Site parking on event days would be available to event ticket holders and limited-retail tenant uses," NOP), including the on-site parking needs of players, employees, media and security personnel, concessionaires, individuals participating in the "NFL Attraction," and individuals accessing any of the retail, restaurant, theatre, and offices uses also associated with the proposed project, a ratio of a one parking space for every three seats can be derived. However, the Lead Agency acknowledges that most cars will contain fewer than three patrons (i.e., "Priority parking will be given to cars with three or more people in the general admission parking lots," NOP), suggesting that on-site parking is likely to be insufficient to accommodate event demands. If on-site parking is insufficient to accommodate project-related demands, parking will occur on streets located close to the project site, at off-site retail establishments, on vacant lands, and in other areas.

  In order to allow for the efficient operation of parking structures, excess parking needs to be provided so that motorists can readily find available parking (allowing for smooth operation). Reliance on multi-level parking structures, the imposition of parking fees (rather than providing free parking), and the provision of what will be an insufficient on-site parking inventory will result in traffic congestion both on the site and along area roadways, detrimentally affecting effective emergency response and encourage event goers to seek peripheral off-site parking opportunities including looking for free on-street parking and

accessible off-street parking at locations in Diamond Bar, likely to the detriment of Diamond Bar.

Compounding the parking problem is the Lead Agency's consideration of plans which would "allow for a decrease in dimensions of the parking spaces proposed within the parking structure(s)." There exists an apparent dichotomy between the Lead Agency's efforts to encourage carpooling (e.g., preferential parking for vehicles with three or more people), the need for bigger cars to accommodate larger groups, and smaller parking spaces. As parking spaces diminish in size, greater time is required for motorists to access and depart those stalls.

In the upcoming IBC/DEIR supplement, Diamond Bar looks to see a detailed assessment of the project's parking plan, including: (1) a comprehensive examination of how parking totals were established and derived; (2) a detailed discussion of the applicant's parking plans, including points of ingress and egress; (3) evaluation of parking structure operation, with emphasis on traffic flow; (4) estimates of any fees imposed by the operator or the Lead Agency for on-site parking; (5) detailed articulation of proposed parking dimensions and standards; (6) plans to reduce or eliminate on-street and off-street parking in other than applicant-designated areas; (7) detailed neighborhood management plans to reduce impacts on existing residential areas; (8) traffic and parking enforcement plans to reduce off-site impacts; (9) public transit ridership plans, including more detailed information on the proposed "rubber-tired shuttles" and the location of new bus facilities, bus stops, and routes; and (10) examine the need for measures to protect Diamond Bar property owners and residents through major event street closures, fencing improvements and the need for a permit parking program to prevent off-site stadium parking incorporating appropriate mitigation.

The applicant's website illustrates a blimp flying over the proposed stadium. Similarly, televised football games often include aerial shots of the stadium. Police helicopters and aircraft operated news media will add to the noise of aircraft overflights. As such, the Lead Agency errs in stating that the project will "not change air traffic patterns."

- **Noise.** Related to the change in air traffic patterns is the noise created by the blimp, Police helicopters and aircraft operated news media flying over the proposed stadium. The Lead Agency should conduct noise studies based on the new Stadium Project to fully identify, evaluate, analyze and mitigate the noise created by the project.

  There is also significant noise created by the Stadium events that will be heard by residents and others. Impacts of the noise emanating from the Stadium, must be addressed in conjunction with the other noise issues.

- **Public Services.** Additionally, the NOP indicates that the "proposed uses could result in the need for new or altered fire protection services in the area" and that a previous MND and uncirculated addendum included both a relocated fire station and new "heliport." The referenced addendum was not circulated for public review or agency comment. Because no detailed analysis of the heliport has been provided to date, the upcoming EIR needs to discuss the operation of that facility in the context of the proposed project. Another

concern Diamonds Bar raises is how will the Stadium Project impact the response times and level of staffing in the event of a problem at the stadium.

Given the extensive crowds of people that will be in the vicinity of the Project on event days, it will generate a public safety impact to City of Diamond Bar. Major events will result in an increase of police services for the City of Diamond Bar on events days and including non-event days depending on the other adjoining uses that are being proposed. A study must be conducted to determine the impact, the staffing needs and funding necessary for the increased staffing needs. The recommendations of the study must be made mitigations and conditions of the Project.

- **Utilities and Service Systems**. The proposed project has the potential to generate substantial construction wastes, including deleterious soil that would need to be exported from the project site and disposed of off the site. Similarly, a 75,000-seat stadium would generate substantial volumes of disposal materials (e.g., cups, wrappers, paper products, plastic, Styrofoam), much of which may be produced with non-biodegradable materials and which could end up in the storm drain system and eventually in the Pacific Ocean. While going to some effort to discuss the incorporation of "sustainable features," the Lead Agency appears to ignore the environmental effects of solid waste generation, collection, disposal, recycling, and surface water contamination, including the project's impacts on area landfills and the marine environment. Based on the potential significance of these impacts, the upcoming EIR needs to include a detailed analysis of both construction-term and operational wastes, including hazardous wastes and any medical wastes associated with the sports medical clinic.

Independent of these comments, representatives of Diamond Bar would welcome an opportunity to discuss the Stadium Project with both the Lead Agency and the applicant. Those discussions would serve to promote a cooperative relationship between agencies and could prove instrumental in allaying the environmental and other concerns of Diamond Bar in regards to the Stadium Project.

Should you have any questions concerning this response to the NOP or wish to schedule a follow-up meeting, please contact me at (909) 839-7030.

Sincerely,

David Doyle
Assistant City Manager

cc: City Council
City Manager
Community Development Director
Public Works Director