

**LINDA VISTA-ANNANDALE ASSOCIATION
P. O. Box 94364
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February 19, 2016

Mr. David Sanchez, Planner
City of Pasadena, Planning Department, 175 N. Garfield Avenue,
Pasadena, CA, 91109

Via email: dasanchez@cityofpasadena.net

Re: Draft Environmental Impact Report: Arroyo Seco Music and Arts Festival

Dear Mr. Sanchez:

The Linda Vista-Annandale Association (LVAA) appreciates this opportunity to comment on the Arroyo Seco Music and Arts Festival Draft Environmental Impact Report (DEIR).

Incorporated in 1930, LVAA is a California non-profit, mutual benefit corporation, tax exempt under IRC Section 50(c)(4), and corresponding California law, dedicated to the improvement and development of the Linda Vista~Annandale area of Pasadena, and promotion of the general welfare of Linda Vista~Annandale residents.

The Linda Vista~Annandale area consists of roughly 2.5 square miles, extending from the west bank of the Arroyo Seco to the ridge of the Linda Vista Hills, and from the Devil's Gate Dam and the 210 Freeway on the north to the 134 Freeway on the south.

The neighborhood includes, and LVAA represents, approximately 1,350 homes.

1. Scope of This Comment Letter. This Comment Letter is intended to supplement, clarify and add to LVAA's prior written materials concerning the 2014 proposed Rose Bowl Music Festival and prior 2015 Arroyo Seco Music and Arts Festival (Festival) EIR Scoping Letter.

2. Mitigations versus Project Conditions. As LVAA stated in its Festival Scoping Letter: *“As a general matter, LVAA expects that the EIR will fully and comprehensively study all potential significant environmental impacts to the extent that detailed performance-based, enforceable Mitigations are included in the EIR. Further, we expect that Mitigation will not be illegally deferred – when a Plan is called for to fully cover Mitigation, i.e. Noise, Recreation, Traffic and Parking, and so on, adequate Mitigation requires that the Plan be included in, or attached to, the EIR – not called out for future preparation. Plus, all such Plans should be subject to public review and amendment on a regular basis, preferably annually.”*

The DEIR is inadequate in that it ignores this Scoping Comment. In fact, cleverly, the DEIR commits to off-site parking, a core Project “mitigation” issue as a Project condition and not a Mitigation, and, commits to a large number of relevant and feasible Plans, namely a Festival Operations Plan (FOP) consisting of a Private Security Operations Plan, a Traffic Management Plan, a Waste Management Plan, a Sound Management Plan, a Neighborhood Management and Communication Plan, a Facilities Maintenance Plan, and, as part of the FOP, an updated Pasadena Police Department Operations Plan, an updated Emergency Operations Plan, and an updated Rose Bowl Emergency Plan.

As part of the Project Description, that is, as conditions of the Project and not formal feasible, performance-based, enforceable Mitigations under CEQA, off-site parking and these Plans are not listed as CEQA Mitigations and are mere illusory promises with little or no effect.

For example, ALL these Plans are to be prepared in the future which would not be legal under CEQA as CEQA prohibits deferred Mitigations. How is this future process of Plan preparation to be enforced by the impacted residents? What if some or all of these Plans are never prepared or never updated? All these Plans, and several others suggested below, must be prepared now as part of the EIR and as included specific feasible, performance-based, enforceable Mitigations subject to the Mitigation Monitoring Plan.

The FOP is to be prepared by the Festival operator, and be subject to annual updating through submission to the Rose Bowl Operating Company (RBOC) (note: on Page 2-29 of the DEIR, the updates are to be submitted to the RBOC/City, which may be an error), except that the Police and Emergency Plans are subject to update by the Police or Fire Department as required. It does not appear that the Festival operator and/or the RBOC are competent to prepare these Plans, which should be prepared by qualified, competent consultants and/or City staff without any inherent financial or other conflict of interest.

Further, it is apparent that these Plans, which must be prepared now, as part of the EIR and as specific Mitigations, must be subject, in connection with preparation and update, to public review. Public review must include adequate public notice and public meetings. The impacted residents around the Central Arroyo have no confidence, of course, in secret Plans, or, even worse, in “Plans” that are never prepared, never administered, or never enforced.

In addition to the named Plans, LVAA suggests the following additional Plans: a Recreation Mitigation Plan, and a Standards and Practices Plan. See discussions below.

3. Project Description Issues. LVAA objects to the Project Description as inaccurate and incomplete, and, therefore, legally inadequate.

Essential information either is in error in, or is missing from, the Project Description, including, but not limited to:

The Project Description must be corrected to make clear that the Project is composed of no more than 1 Music Festival per calendar year over a maximum of 3 days (other than the first Festival) which are limited to Friday, Saturday and Sunday, and, limited to a maximum attendance including employees, of 93,000.

The proposed increase in Displacement Events to 15 is inaccurate. The correct number is 16, as the exclusion of America Fest on July 4th from Displacement Event

status has never been legally authorized by the Pasadena City Council. In fact, July 4th constitutes a Displacement Event that is full of numerous significant impacts. (Note: consideration should be given to amending the Project Description to include July 4th in the currently permitted 12 Displacement Events without further Council approval.)

In addition to consideration of the July 4th Displacement Event issue, the EIR must indicate and study the following: the potential for “unfilled” Displacement Events inside the approved 12; plus, the potential for an unlimited number of other Displacement Events over and above 15 or 16, including potential non-regular season NFL games, as the Project Description DOES NOT include a ceiling or “hard cap” on the maximum number of Displacement Events that could be approved by the Council in any calendar year. Excluding “regular” NFL games in any calendar year that the Music and Arts Festival takes place, what is the “worse case” scenario as to Displacement Events? (Previously, the neighborhoods were promised NO NFL at all during Music Festival calendar years – is the exclusion of “regular” NFL games, as opposed to all NFL games of any kind an error?)

As to the proposed increase in Displacement Events to a possibly unlimited number, what limits and controls will be imposed on the intensification and cumulative impacts of use, i.e. if the Music Festival is 3 continuous days, all day each day, constraints in the form of Mitigations should be imposed on all the other proposed Displacement Events so as to limit multiple day/night events, one after the other and/or the total number permitted in a week; and, the number of week-day Displacement Events in any calendar year should be strictly limited. The number of “small”, i.e. non-Displacement Events also should be limited to a maximum amount as these events, together with Displacement Events, create intense and cumulative impacts which the DEIR fails to address and Mitigate.

Displacement Events “Hard Cap”. LVAA strongly advocates that the Project Description must include a ceiling or “hard cap” on the maximum number of Ordinance Displacement Events that can be approved by the Council in any calendar year. The hard cap should be 12 (as discussed below), or a maximum of 15 or 16, or something in

between. It is time, as a public policy matter and in the interests of mitigating and controlling cumulative impacts of events, and restoring the trust of continuously impacted neighbors surrounding the Central Arroyo, to take away the continuous threat of never ending Displacement Events added on every year with no maximum ever enforced. Impacted neighbors cannot rely on the never-ending number of Displacement (and small) events and, therefore, have no trust in the City or RBOC to protect the Central Arroyo and the surrounding neighborhoods. Placing hard cap on the number of Displacement Events per calendar year may start change this situation. (The Olympics probably would be considered a reasonable exception to the hard cap.)

The portion of the Project Description that includes amendment of the Arroyo Seco Public Lands Ordinance also must include elimination of the up to 13 Displacement Events set aside for a temporary NFL team. Over and over, the RBOC, Rose Bowl staff and City staff have asserted that the Music Festival is in place and instead of any temporary NFL team. If that is the policy position of the City, then LVAA's strongly held position is that the NFL Displacement Events in the Ordinance must be removed as part of any Festival Project approval. Together with such Ordinance removal, all references to the NFL, i.e. the "either/or" Festival or NFL language, should be removed from the Festival EIR.

The Project Description provides that the Agreement for the Music and Arts Festival "would extend over 10 years, two 5-year renewal options. This information is incomplete and confusing. Which party, AEG or the City or the Rose Bowl Operating Company holds the option to renew? Is the first 10-year period a guaranteed term without any "out" provision for any party? The Rose Bowl staff has indicated to the public over and over that the guaranteed first term period to AEG is 3 years, and that the City and/or Rose Bowl Operating Company has or will have the ability to terminate the Agreement at the end of this 3 years. What are the accurate facts regarding the Music and Arts Festival "deal" with AEG that the EIR is studying?

If the information regarding the first 3 years of the term of the Agreement with AEG is not accurate, LVAA supports, as a Mitigation, limiting the proposal to a minimum

“trial” period of time such as 3 years in order to encourage a complete review, through a public process, of impacts and Mitigations.

The Project Description is still too general in many respects. What exactly will the Music and Arts Festival entail and involve specifically so that performance-based Mitigations can be adopted, or, certain aspects of the current Project Description can be eliminated by decision makers? What type(s) of musical performances will be included and excluded? What types of other performers or groups will be excluded from consideration? What is meant by “special effects”, apparently connected to lighting? What exactly is meant by “cultural programming” that is representative of Pasadena and the “local environs”? Who or what will determine the appropriateness of such “cultural programming”?

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

As to, in effect, continuous vertical fireworks during the Festival, LVAA objects. Vertical fireworks should be eliminated entirely from the Festival so that children and pets are protected from loud continuous noise. Limited one-time vertical fireworks for a single event can be manageable, but not incident after incident of such fireworks over 3 days which result in pets suffering, running away, or removed from impacted neighborhoods by residents to protect the pets at great inconvenience and cost.

Why is the cut-off time for performances, amplified sound, and the Festival itself on Sunday night not limited to 9 p.m.? LVAA strongly objects to the significant impacts, unacknowledged in the DEIR, on Arroyo neighborhoods of ending the Festival at

midnight on Sunday, followed by hours of noise and light impacts, particularly from vehicle and shuttle egress from the Central Arroyo and take-down activities, on the ability of neighbors to sleep and prepare to work on Monday. It is LVAA's strongly held position that nothing connected to the Festival except departing attendees should occur after 9 p.m. on Sunday night and the Project Description should be changed to change the Sunday end time.

4. Stages. Stages B and C must be relocated away from Linda Vista residents to facilitate sound attenuation. These stages as proposed are too close and will be too loud.

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

5. Project Objectives. The DEIR is inadequate in that Project Objective (1) is inaccurate and misleading. This Objective states that the long-term viability of the Rose Bowl depends on securing an adequate source of funds separate from City and Golf Course revenue for "regular and necessary upkeep, maintenance, and improvements to the Stadium." In fact, as provided in Council Finance Committee materials and analyses, the Rose Bowl's ordinary and necessary operating income and expenses are adequate for the foreseeable future from current operations. The financial Objective of the Festival is to secure an adequate source of funds separate from City and Golf Course revenue for projected Capital Improvements. Project Objective (1) must be corrected.

6. Alternatives. LVAA strongly objects to and does not support Alternative 2 as this Alternative would relocate the Main Stage (which LVAA strongly supports remaining in the Rose Bowl stadium) to Lot K which is too close to Linda Vista residents and which would be too loud and bring too many impacts to these residents.

LVAA supports the suggestion at the Planning Commission that another Alternative be studied – limiting the Festival to 2 days maximum throughout the Festival term. This proposed Alternative may very well generate adequate funds for the Capital needs of the Rose Bowl over 20 years.

Alternative 4: No Increase in Displacement Events. LVAA strongly supports preservation of the original “social compact” with the surrounding Central Arroyo Seco neighborhoods codified in the Arroyo Seco Public Lands Ordinance limiting Displacement Events to 12. If the RBOC carefully manages its 12 Displacement Events to secure maximum net profit, the Festival easily can be accommodated within the maximum 12 permitted and yield sufficient net revenue for Capital needs. This Alternative should receive reconsideration, and, as part of the economic analyses generated by required Statements of Overriding consideration, the economics of Alternative 4 should be thoroughly reviewed and analyzed.

7. Recreation. As LVAA stated in its Festival Scoping Letter, *“The Initial Study correctly recognizes that Displacement of active and passive recreational uses will be significant. In our view, Displacement will take place throughout the Arroyo, including on a cumulative basis. Further, a number of recreational uses take place throughout the Arroyo without any “border” limitations, such as walking, hiking and equestrian activities. In fact, the entire Arroyo is recognized as one coordinated planning area and one environmentally sensitive area as reflected in the Arroyo Seco Master Plans, which were evaluated under a single Master Environmental Impact Report certified in February, 2003.”*

It is LVAA’s opinion that significant Arroyo Recreation impacts, including cumulative impacts, and, a full and adequate analysis of mitigations, cannot be

adequately understood and studied without a currently full, accurate and robust Baseline Study of all current actual, not estimated, Arroyo recreational users, and a Recreation Mitigation Plan. As stated previously, the Baseline Study and Arroyo Mitigation Plan should include, but not be limited to, study and mitigations as to the following:

- actual number (and not estimated numbers) of attendees at City Permitted/entitled events, determined from the City Master Calendar, and, including all charitable “Walks”, “Runs” and similar activities;
- Kidspace Museum attendance weekdays and weekends, including special events;
- Rose Bowl Aquatic Center attendance weekdays and weekends, including special events;
- RJ Canning Flea Market/Swap Meet attendance, particularly holiday November and December actual attendance numbers;
- Tournament of Roses December Float building and viewing activities actual attendance;
- Brookside Park use over and above City Permitted events, including all casual Park users;
- Oak Grove Park (Hahamongna) casual use;
- Children’s Playground use weekdays and weekends;
- Area H events and uses, including City Permitted use, organized Soccer (AYSO) and similar uses and events, and, casual users such as “pick-up” games and kite flyers;
- Numbers of casual walkers and joggers in and around the Central Arroyo “Loop” and adjacent areas;
- Numbers of Central Arroyo and Hahamongna bicyclists, including casual bicyclists and organized Peloton users;
- Numbers of equestrians throughout the entire Arroyo, including organized groups;

- Numbers of Trail walkers and hikers in, around and through Hahamongna, Central Arroyo and Lower Arroyo trails;
- Numbers of Bird Watchers throughout the Arroyo, including organized groups such as the Audubon Society;
- Analysis of Golf Course (both Golf Courses) users weekdays and weekends, including all special events such as organized Tournaments;
- Brookside Club House users, including organized events, casual diners and other social users, and, Pro Shop users;
- Baseball Field use, including organized events and casual use;
- Tennis Court use, including organized events and casual use;
- Upper Arroyo Disc/Frisbee Golf users;
- Lower Arroyo Casting Pond and Roving Archers use;
- Organized/Permitted use of La Casita del Arroyo (Lower Arroyo);
- Organized and casual recreational use of all other dedicated Park land in the entire Arroyo;
- Displacement effects and impacts on all other City Parks and recreational facilities, taking into account that City policy for some time has been and is to direct recreational activities from smaller City Parks and facilities to the Central Arroyo;
- For all of the above and all other recreational activities in the Central Arroyo: current parking requirements and actual parking use, and, current requirements and actual use of access to recreational use of the Arroyo through public transport.

The minimal recreational loop count in the DEIR is not a robust Baseline study. Plus, once again, in another EIR considering displacement of recreation from the Arroyo by Rose Bowl events, just reciting that Pasadena has other parks and there are other recreational alternatives in the region is insufficient. The EIR to be adequate as to this vital issue must include a Recreation Mitigation Plan that indicates how and where displaced recreational users will go; how will parking be handled; what additional resources will be reallocated by the City to accommodate displaced recreational users;

how recreational users will be notified of displacement; to what extent will set-up and take-down limit or displace recreational users and how will they be notified; and so on. And, this Plan must avoid the ever annoying “observation” that once again appears in this DEIR that the proposed Project itself is “recreation”. The Festival as proposed displaces “recreation” in the Arroyo as recreational users understand the recreational experience in the Arroyo.

8. Noise; Management of Event Content. Sound from loud concerts and other events, including the proposed Music and Arts Festival, is an extremely important study subject for the EIR.

As stated by LVAA in its DEIR Scoping Letter: “Currently, sound from such events as concerts is uncontrolled in any manner, except for the attempt to control sound from the recent Air + Style event which was moderately successful. The weak City Noise Ordinance is waived by the Rose Bowl Staff and the sound left to escape from the Rose Bowl and the Central Arroyo however it escapes – mainly right into the neighborhoods around the Central Arroyo straight on, and into West Pasadena and East Arroyo neighborhoods and commercial areas, although intensity varies from event to event..

Sound in the Central Arroyo and the Rose Bowl is extremely fickle and difficult to understand and control. Every day and night results in a different set of impacts, depending on weather, wind, the reverberating effects of the Linda Vista-Annandale canyons, cloud cover, the sound levels of the performers including their equipment and how it is oriented, the orientation of stages and venues outside and inside the Rose Bowl, the use of Fireworks, etc. The number of variations and parameters is enormous.”

The Sound Management Plan (SMP), must be prepared and updated preferably annually as technology improves. As part of the Sound Management Plan, LVAA, as previously stated in its Festival EIR Scoping Letter *expects no waiver of Pasadena’s*

Noise Ordinance for the proposed Festival, BUT, this Ordinance is weak and we expect additional Mitigation measures. As promised by AEG at several public meetings, LVAA expects the SMP to mandate actual maximum permissible sound levels, including “real time” measurements during the Festival at numerous locations throughout the Arroyo neighborhoods, and detailed, enforceable enforcement measures. The SMP should prohibit allowing music performers to bring and install their own sound equipment, and, instead, study and require use of AEG’s delayed and focused speaker installation systems that “blast” only those in close proximity to the AEG speaker system. The SMP must analyzing and mitigate the proposed locations of all the proposed stages so as to mitigate sound impacts. For example, it is clear that proposed Stages B and C, particularly B, are too close to residential properties and must be relocated for sound attenuation. The SMP should consider the use of tents to attenuate sound. The SMP must analyze and mitigate sound from the Festival mobile generators.

9. Cultural Resources. As LVAA has noted previously, the entire Central Arroyo is a National Register Historic District, including numerous contributing features such as the Golf Courses and the historic Arroyo Stone rock walls.

It is clear from the two boundaries described in the DEIR, the larger Project site versus the Festival site, that the EIR can address impacts on all contributing features such as the Arroyo Stone Rock walls, many of which are in very poor condition, in light of potential intense use during the Music and Arts Festival by 93,000 Festival attendees per day plus thousands of non-Festival persons roaming otherwise throughout the Central Arroyo as there is no proposed perimeter limiting entry into the Central Arroyo by those who are not attending the Festival.. Specific Mitigations must be added to the EIR to protect the Arroyo Stone walls.

10. Biological Resources. The Linda Vista-Annandale hillside areas, and the Arroyo, including the Central Arroyo, are biologically active areas that include important and irreplaceable Wildlife Corridors. These corridors originate in the Angeles National Forest to the north of Hahamongna Watershed Park, move south through Hahamongna

and, north of Hahamongna, south into the San Rafael Hills , and then move through the San Rafael Hills, including the Linda Vista-Annandale neighborhood area, and into and through the entire Arroyo, including the Central Arroyo, and then move back north again. The corridors protect mammals, birds and plant life that are native and distinctive to the Arroyo Seco.

The DEIR is inadequate in that it does not consider the Central Arroyo wildlife corridors identified by local groups. For example, again, reference is made to the Arroyo & Foothills Conservancy website, www.arroyofoothills.org. for additional information regarding these wildlife corridors, including corridor maps. This material should be reviewed in connection with Cottonwood Canyon at the website. The Conservancy has indicated to LVAA representatives that there are wildlife corridors in the Central Arroyo and that the Conservancy is preparing, or has prepared, an Central Arroyo wildlife corridor analysis.

11. Traffic and Transportation. LVAA supports the comments of the Planning Commission and others regarding Traffic and Transportation. In this regard, LVAA agrees that the off-site parking plan is of vital importance to the Project and that another off-site location must be added to intercept Festival attendees who will arrive from the parts of the Los Angeles area west of the Central Arroyo.

12. Public Services – Public Safety/Police.. From LVAA's general knowledge of Concerts, Music Festivals and Festival venues, including, Coachella promoted by the same promoter as the proposed Project, AEG, specific issues related to police protection that must be addressed in the EIR include crime, drug use and sales, particularly hard drug use such as cocaine and molly, crowd management, communication and command operations, natural disasters, and the potential for terrorist attacks. If future or current Plans are the EIR answer, then all these subjects must be addressed and Mitigated.

As LVAA has previously stated: *As to crime, it appears to LVAA that certain types of crimes associated with large crowds at concert and Music Festival venues will*

increase with events such as the Music Festival, including ticket scalping, hard drug use and sales, fraud, pick pocketing, theft of property and merchandise, and other civil and criminal violations. With the increases in the number and size of events that would occur within the Project Site, it seems clear that these types of crimes could occur more frequently. This increased frequency has the potential to result in enormous impacts on police protection services.

In connection with understanding and mitigating potential criminal impacts from the Music Festival proposal, LVAA notes that the internet is replete with numerous articles on hard drug use at Coachella and other Music Festivals similar to the proposed Project. Exactly how will such hard drug sales and use be controlled in connection with the proposed Festival, particularly in the Arroyo neighborhoods? Exactly how will drug dealers be kept out of the Linda Vista-Annandale neighborhood, and all other Arroyo neighborhoods?

With respect to the Proposed Project, crowd management and control must be addressed, particularly since typical Music Festival crowds will be involved and possibly impaired with alcohol and/or illegal drugs. Crowd management and crowd control will also be extremely important in protecting neighborhoods adjacent to the Arroyo. In studying this topic, control of persons entering or attempting to enter the Arroyo without an event and/or parking ticket must be addressed and mitigated. This is a particularly important effort with respect to the proposed Music Festival where large numbers of persons without tickets may come to the venue to enjoy the event experience outside the Project site itself, i.e. in the surrounding neighborhoods, particularly along the rim of the Arroyo, particularly the Central Arroyo.

In connection with controlling access to the proposed Festival and crime control, AEG has indicated that it will implement an “Event Perimeter” plan that will utilize technology to identify and control access to the Central Arroyo and Project site. How will this Event Perimeter plan work? Where will the Event Perimeter be placed? How exactly does the technology work to control Project access?

The current command and control operations at the Rose Bowl must be evaluated in light of the proposed Project, particularly since the Project site is much larger and more complex than just the Rose Bowl stadium, and, improved command and control of Police and Fire personnel and resources recommended and implemented as required.

Terrorism. In connection with potential terrorism, LVAA understands that large Music Festival venues may constitute Mass Gathering Venues, also known as soft targets. Placing a Music Festival in the Rose Bowl and on the Golf Courses and otherwise within the Central Arroyo will transform the Central Arroyo into a much more likely soft target. The soft target impacts on Police (and Fire) service protection from the proposed Project must be considered in the EIR and mitigated.

What happened to the Event Perimeter idea? The DEIR is inadequate in that there appears no control over the number of people who will attempt to enter the Central Arroyo and “skip” the Festival while listening to the music, or, worse, “enjoy” the sound from the surrounding neighborhoods. This issue must be addressed and mitigated, even if one of the ultimate “impacts” is to further limit access into the Central Arroyo by recreational users.

Thank you for the opportunity to submit our DEIR comments. If you have comments or questions, please contact current LVAA President, Nina Chomsky, at (626) 795-1967, or, at nrchomsky@aol.com.

Sincerely,

/s/ Nina Chomsky

Nina Chomsky, LVAA President