

COMMENTS AND RESPONSES

on the

GARDEN OF CHAMPIONS PROGRAM EIR

SCH No. 98041039

Lead Agency:

County of Riverside

Planning Department

46-209 Oasis Street, 2nd Floor, Room 209

Indio, CA 92201

Contact: Mr. Paul F. Clark, AICP, Senior Planner
(760) 863-8277

Consultant:

Robert Bein, William Frost & Associates

14725 Alton Parkway

Irvine, CA 92718

Contact: Mr. Kevin Thomas, Environmental Services Manager
(949) 855-3659

September 24, 1998

JN 301524

INTRODUCTION

In accordance with the California Environmental Quality Act (CEQA) Guidelines and the County of Riverside policies for implementing CEQA, the County of Riverside has prepared the Final Program Environmental Impact Report (EIR) for the proposed Garden of Champions project.

This Comments and Responses section, combined with the Draft Program EIR circulated from July 17 to August 31, 1998 (45 days), staff report to the Planning Commission, along with resolutions and minutes of the public meetings make up the Final Program EIR.

The following is an excerpt from the CEQA Guidelines, Section 15132:

"The Final EIR shall consist of:

- (a) The Draft EIR or a version of the draft.
- (b) Comments and recommendations received on the Draft EIR either verbatim or in summary.
- 8 A list of persons, organizations and public agencies commenting on the Draft EIR.
- (d) The responses of the Lead Agency to significant environmental points raised in the review and consultation process.
- (e) Any other information added by the Lead Agency."

This Comments and Responses section, together with the Draft Program EIR text and an Errata Sheet, includes all of the above required components to make up the Final Program EIR. Each comment letter is followed by the corresponding responses. A response is provided for each comment raising significant environmental issues, as received by the County of Riverside during the Draft Program EIR public review period. Added or modified text is shown by shading (example) while deleted text is shown by striking (example).

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ATTACHMENT A - PARKING AND TRAFFIC MANAGEMENT PLAN

Notice of Completion

A Draft Environmental Impact Report (DEIR) No. 403 has been completed for the project described below:

COMPREHENSIVE GENERAL PLAN AMENDMENT NO. 446, and CHANGE OF ZONE NO. 6349, and CONDITIONAL USE PERMIT NO. 3258, and COMMERCIAL PARCEL MAP NO. 28833, and COMMERCIAL PARCEL MAP NO. 28812: The project addressed in the DEIR consists of the "Garden of Champions" Tennis Stadium Complex, proposed for an approximately 185 acre site located in unincorporated Riverside County, westerly of Washington Street, northerly of the Whitewater River Channel and easterly of Warner Trail. The comprehensive general plan amendment requests to amend the Land Use Allocation Map of the Western Coachella Valley Plan from "Residential 2A-MF" (5-14 du/ac), "Residential 2B" (2-5 du/ac) and "Water Resources" to "Commercial", "Residential 2A-MF" (5-14 du/ac), "Residential 2A" (5-8 du/ac) and "Water Resources". The change of zone will implement the plan amendment by amending the site zoning from R-1-9,000**, R-2-4,000, R-3-4,000 and W-1 to C-P-S, R-3, R-3-6,000 and W-1. The conditional use permit is proposing a sports and recreational facility, specifically a tennis complex, located on approximately 62 acres (124 acres including parking areas) of the 185 acres including three main stadiums consisting of a center court seating 16,500, second court seating 8,000 and third court seating 3,500 at a total height of 63 feet (exclusive of appurtenances and light poles); additional uses would include 30 tournament/practice courts, restaurant, retail areas, exhibit areas, clubhouse, offices and parking for 6,400 vehicles; the second court stadium could be designed into an amphitheater for outdoor community events and concerts. The commercial parcel maps will reconfigure the various existing parcels into several consolidated parcels, essentially dividing 185 acres into a total of seven lots. In addition the DEIR discussed a road abandonment and grading permits and possible future uses, such as two hotels and a residential area, on undeveloped portions of the project site.

Copies of the Draft EIR are available for review Monday through Friday from 8:00 A.M. to 5:00 P.M. at the Riverside County Planning Department offices at 46-209 Oasis Street, Second Floor, Indio, California and at 4080 Lemon Street, 9th Floor, Riverside, California. Copies of the document will also be provided to the following libraries for public review:

Riverside City/County Public Library, Riverside Main Branch, Riverside, California
Max T. McCandless Memorial Library, Indio, California

Comments on the document must be submitted to the Riverside County Planning Department no later than 5:00 P.M. on August 31, 1998, to be included in the Final EIR, which will be presented to the hearing body. Notification of the hearing will be provided at a later date. Comments on the DEIR and any questions should be directed to the Riverside County Planning Department, Attention: Paul F. Clark, AICP - Project Planner, 46-209 Oasis Street, Second Floor, Indio, CA 92201.

RIVERSIDE COUNTY PLANNING DEPT.
COUNTY ADMINISTRATIVE CENTER
46-209 OASIS STREET, SECOND FLOOR
INDIO, CALIFORNIA 92201

NOTICE OF PUBLIC HEARING

A PUBLIC HEARING has been scheduled before the RIVERSIDE COUNTY PLANNING COMMISSION to consider the project shown below:

FAST TRACK COMPREHENSIVE GENERAL PLAN AMENDMENT NO. 446/FAST TRACK CHANGE OF ZONE 6349/FAST TRACK COMPREHENSIVE CONDITIONAL USE PERMIT NO. 3258/FAST TRACK COMMERCIAL PARCEL MAP NO. 28833/FAST TRACK COMMERCIAL PARCEL MAP NO. 28812 (FTA 98-07), EIR 403, is an application submitted by PMSports Management Corp. for property located in the Indian Wells Zoning District and Fourth Supervisorial District and generally described as northerly and southerly of Miles Ave, westerly of Washington Street and easterly of Warner Trail; and, pursuant to Ordinance No. 348, Riverside County Land Use Ordinance, proposes to amend the General Plan from Residential 2B (2 to 5 DU/AC) and Residential 2A-MF (8 to 14 DU/AC, Multi-family) to Commercial and Residential 2A-MF/to change the zone from R-1-9000, R-2-4000, R-3-4000 and W-1 to C-P-S, C-O, R-3, R-3-3500 and W-1/to construct a sports and recreational facility, specifically a tennis complex on 62 acres, 124 acres of parking, with three main stadiums seating approximately 32,000 persons, combined, at a height up to 63 feet (exclusive of appurtenances and light poles necessary for operation of the building); additional uses include tournament/practice courts, restaurant, retail areas, exhibit areas, clubhouse, offices and parking for 6400 vehicles; one of the 3 stadiums could be utilized as an amphitheater for outdoor community events and concerts seating 8,000 persons/to divide 182.5 acres into 6 lots, with one remainder parcel/to divide 2.5 acres into one lot and one remainder parcel. (Legislative/Quasi-judicial) (PFC)

TIME OF HEARING: 1:30 p.m., or as soon as possible thereafter.

DATE OF HEARING: OCTOBER 7, 1998

PLACE OF HEARING: CITY OF PALM DESERT COUNCIL CHAMBERS
73-510 FRED WARING DRIVE
PALM DESERT, CA 92260

The Riverside County Planning Department required that the project prepare an environmental impact report (EIR). The Planning Commission will consider the proposed project and EIR at the public hearing. The proposed project case file to be considered by the Planning Commission may be viewed Monday through Friday, from 8:00 a.m. to 5:00 p.m. at the Riverside County Planning Department located at the below address.

Any person wishing to testify in support or in opposition to the proposed project may do so in writing prior to the hearing, or may appear and be heard at the time and place noted above. If you challenge this project in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Planning Commission at, or prior to, the public hearing. Be advised that as a result of public hearing and comment, the Planning Commission may amend, in whole or in part, the proposed project and/or the associated environmental document. Accordingly, the designations, development standards, design or improvements, or any properties or lands within the boundaries of the proposed project, may be changed in a way other than that specifically proposed.

Please send all written correspondence to: RIVERSIDE COUNTY PLANNING DEPARTMENT
46-209 Oasis Street, 2nd Floor
Room 209
Indio, CA 92201

Governor's Office of Planning and Research1400 Tenth Street
Sacramento, CA 95814

September 1, 1998

PAUL CLARK
RIVERSIDE COUNTY PLANNING DEPT.
46-209 OASIS STREET
2ND FLOOR
INDIO, CA 92201**RECEIVED**

SEP 3 1998

RIVERSIDE COUNTY
PLANNING DEPARTMENT
INDIO OFFICE

Subject: GARDEN OF CHAMPIONS SCH #: 98041039

Dear PAUL CLARK:

The State Clearinghouse has submitted the above named draft Environmental Impact Report (EIR) to selected state agencies for review. The review period is now closed and the comments from the responding agency(ies) is(are) enclosed. On the enclosed Notice of Completion form you will note that the Clearinghouse has checked the agencies that have commented. Please review the Notice of Completion to ensure that your comment package is complete. If the comment package is not in order, please notify the State Clearinghouse immediately. Remember to refer to the project's eight-digit State Clearinghouse number so that we may respond promptly.

Please note that Section 21104 of the California Public Resources Code required that:

"a responsible agency or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency."

Commenting agencies are also required by this section to support their comments with specific documentation.

These comments are forwarded for your use in preparing your final EIR. Should you need more information or clarification, we recommend that you contact the commenting agency(ies).

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

Handwritten signature of Antero A. Rivasplata.

ANTERO A. RIVASPLATA
Chief, State Clearinghouse

Enclosures

cc: Resources Agency

Notice of Completion and Environmental Document Transmittal Form

Mail to: State Clearinghouse, 1400 Tenth Street, Sacramento, CA 95814 - 916/445-0613

See NOTE below

SCH # 98041039

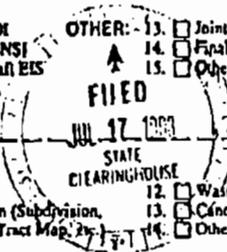
1. Project Title Garden of Champions (CPA No. 446, CZ No. 6349, CLP No. 3258, TPN Nos. 28833 and 28812)
 2. Lead Agency Riverside County Planning Department 3. Contact Person Paul F. Clark, AICP
 3a. Street Address 46-209 Oasis Street, 2nd Floor 3b. City Indio
 3c. County Riverside 3d. Zip 92201 3e. Phone (760) 863-8277

Project Location

4. County Riverside 4a. City/Community Indian Wells (Sphere of Influence)
 4b. Assessor's Parcel No. Various 4c. Section 29, 19 Twp. 5S Range 6E, 7E
 5a. Cross Streets Washington/Miles 5b. For Rural, Nearest Community _____
 6. Within 2 miles: a. State Hwy # 1-10, Hwy 111 b. Airports Barnuda Dunes
 c. Railways S.F.R.R. d. Waterways Whitewater River

7. Document Type

CEQA: 01. NOP 05. Supplement/Subsequent EIR (For SCH No. _____)
 02. Early Cons 06. NOE
 03. Neg Dec 07. NOC
 04. Draft EIR 08. NOD
 NEPA: 09. NOI 10. FONSI 11. Draft EIS 12. EA
 OTHER: 13. Joint Document 14. Final Document 15. Other _____



8. Local Action Type

01. General Plan Update 05. Annexation 09. Reszone 12. Waste Mgmt Plan
 02. New Element 06. Specific Plan 10. Land Division (Subdivision, Parcel Map, Tract Map, etc.) 13. Cancel Ag Preserve
 03. General Plan Amendment 07. Community Plan 11. Use Permit 14. Other _____
 04. Master Plan 08. Redevelopment

9. Development Type

01. Residential: Unit 140 Acres 10 07. Mining: Mineral _____
 02. Office: Sq.ft. _____ Acres _____ Employees _____ 08. Power: Type _____ Watts _____
 03. Hotel/ Commercial: Sq.ft. _____ Acres 40 Employees _____ 09. Waste Treatment: Type _____
 04. Industrial: Sq.ft. _____ Acres _____ Employees _____ 10. OCS Related
 05. Water Facilities: MGD _____ 11. Other: 50-acre Tennis Complex
 06. Transportation: Type _____ 50 acres of parking

10. Total Acres Approximately 385 11. Total Jobs Created 50 full-time during tournament

12. Project Issues Discussed in Document

01. Aesthetic/Visual 09. Geologic/Seismic 17. Social 25. Wetland/Riparian
 02. Agricultural Land 10. Jobs/Housing Balance 18. Soil Erosion 26. Wildlife
 03. Air Quality 11. Minerals 19. Solid Waste 27. Growth Inducing
 04. Archaeological/Historical 12. Noise 20. Toxic/Hazardous 28. Incompatible Land Use
 05. Coastal Zone 13. Public Services 21. Traffic/Circulation 29. Cumulative Effects
 06. Economic 14. Schools 22. Vegetation 30. Other _____
 07. Fire Hazard 15. Septic Systems 23. Water Quality
 08. Flooding/Drainage 16. Sewer Capacity 24. Water Supply

13. Funding (approx.) Federal \$ NA State \$ NA Total \$ NA

14. Present Land Use and Zoning Existing zoning is R-1; R-2-4000; R-3-4000, Western Coachella Valley Plan
 land use designations are 2A-MF and 2B.

15. Project Description The project proposes the construction of the "Garden of Champions" Tennis Stadium Complex on approximately 185-acres in unincorporated Riverside County. A General Plan Amendment, Change of Zone, Conditional Use Permit and Tentative Parcel Map are being requested in order to allow the tennis stadium and sports complex, as well as future hotel, retail commercial uses and residential areas.

16. Signature of Lead Agency Representative Paul F. Clark Date JUL 15 1998

State Clearinghouse Contact: Ms. DeLicia Wynn (916) 445-0613

Project Sent to the following State Agencies

State Review Began: 7-17-98
 Dept. Review to Agency 8-24
 Agency Rev to SCH 8-28
 SCH COMPLIANCE 8-31

- Resources
- Boating
- Coastal Comm
- Coastal Conserv
- Colorado Rvr Bd
- Conservation
- Fish & Game # 5
- Delta Protection
- Forestry
- Historic Preservation
- Parks & Rec
- Reclamation
- Bay Cons & Dev Comm
- DWR
- OES
- Bus Transp Hous
- Aeronautics
- CHP
- Caltrans # 8
- Trans Planning
- State/Consumer Svcs
- General Services
- Cal EPA
- ARB
- CA Waste Mgmt Bd
- SWRCB: Grants
- SWRCB: Delta
- SWRCB: Wtr Quality
- SWRCB: Wtr Rights
- Reg. WQCB # 7
- Toxic Sub Ctrl-CTC
- Yrb/Adlt Corrections
- Corrections
- Independent Comm
- Energy Commission
- NAHC
- Public Utilities Comm
- Santa Monica Mtns
- State Lands Comm
- Tahoe Rgl Plan

Please note SCH Number on all Comments

98041039

Please forward late comments directly to the Lead Agency

AQMD/APCD 33 (Resources: 7, 18)



IMPERIAL IRRIGATION

Comment No. 1

COACHELLA VALLEY POWER DIVISION
81-600 AVENUE 58 • P. O. BOX 1080 • LA QUINTA, CALIFORNIA 92253-1080
TELEPHONE (760) 398-5854 • FAX (760) 391-5999

August 5, 1998

County of Riverside
Attn: Paul F. Clark
46-209 Oasis Street, Room 209
Indio, CA 92201

RECEIVED

AUG 10 1998

RIVERSIDE COUNTY
PLANNING DEPARTMENT
INDIO OFFICE

Dear Mr. Clark,

Re: Notice of Completion of Draft Environmental Impact Report (DEIR) for Garden of Champions Complex, northwest and southwest corners of Miles Avenue and Washington Street, La Quinta.

Thank you for the opportunity to review this DEIR. The Imperial Irrigation District (District) has been working with consultants representing the above-mentioned project. Although this project will result in a substantial electrical load addition to the District's system, the mitigation measures mentioned within the DEIR (pages 5.4-2, 5.4-7, 5.4-8 and the District's letter dated April 10, 1998 included in the Appendix) will mitigate the impact of this project.

a

If you have any questions regarding this matter, or if I can be of further assistance, please contact me at (760) 398-5818 or John Salas at (760) 398-5834.

Sincerely,

THOMAS F. LYONS, JR., PE
Senior Engineer

CC: Tom King, IID
Richard Macknicki, IID
Michel Remington, IID
Juan Salas, IID

Response No. 1

Imperial Irrigation District

- 1a. This comment is favorable, and requires no further response. The County appreciates the District's continued cooperation in addressing infrastructure needs of this project.

DEPARTMENT OF TRANSPORTATION

DISTRICT 8, 464 W. 4th STREET, 8th FLOOR
SAN BERNARDINO, CA 92401-1400



August 13, 1998

08-Riv-111-34.01/35.41
SCH #98041039

Mr. Paul Clark, AICP
Project Planner
County of Riverside Planning Department
46-209 Oasis Street, 2nd Floor
Indio, CA 92201

RECEIVED
AUG 17 1998
RIVERSIDE COUNTY
PLANNING DEPARTMENT
INDIO OFFICE

Dear Mr. Clark:

Program Environmental Impact Report
GARDEN OF CHAMPIONS

Ref: CGPA 446, CZ 6349, CUP 3258, CPM 28833

Thank you for submitting the Program Environmental Impact Report for the above-mentioned project. Our Highway Operations Department has completed their review of the traffic study and has the following comments/concerns regarding this proposed project:

- Please provide supporting information (raw data, detailed calculations, analysis, etc.) for the Level of Service (LOS) at the intersections of:
 - a) Highway 111 and Cook Street,
 - b) Highway 111 and El Dorado Drive,
 - c) Highway 111 and Miles Avenue, and
 - d) Highway 111 and Washington Street
 per tables 4, 7, 8, 11, 12, 15 and 16; on pages 2-5, 2-12, 2-15, 2-18, 2-20, 2-24, and 2-26 in chapter 5 respectively, as well as mitigation measures.
- Also, please provide a 'Special Event' coordination plan to improve traffic conditions at the above mentioned intersections.
- Caltrans supports economic growth and orderly land use development; however, new development must pay its fair share for upgrading infrastructure facilities needed to serve the development. This infrastructure includes State highways and freeways. It also includes both direct and cumulative traffic impacts. All jurisdictions should take measures available to fund improvements and reduce total trips generated. In view of the fact there are limited funds available for infrastructure improvements, we recommend the County of Riverside take the lead in developing a fair-share mechanism in which each project can fund improvements for the decrease in LOS for which it is responsible.

a

b

c

Mr. Paul Clark, AICP
August 13, 1998
Page 2

- This project may require an encroachment permit if there is any work, including work pertaining to: access, grading, or drainage; within, abutting or impacting the State highway right of way. The Department of Transportation would be a responsible agency and may require certain measures be provided as a condition of permit issuance.
- The developer must obtain an encroachment permit from the District 8 Permits Office prior to beginning work. Their address and phone number are listed below:

Office of Permits
California Department of Transportation
464 West Fourth Street, 6th Floor, MS619
San Bernardino, CA 92401-1400
(909) 383-4526

If you have any questions, please contact Jim Belty at (909) 383-4473 or FAX (909) 383-5936.

Sincerely,



LINDA GRIMES, Chief
Office of Regional Planning/
Forecasting/Public Transportation

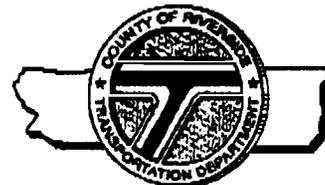
cc: Antero A. Rivasplata, Chief, State Clearinghouse

Response No. 2
Caltrans District 8

- 2a. The requested supporting information has been provided to District staff (detailed worksheets as referenced in Appendix 11.2 of Draft EIR, which was available for review at the County Planning Department in Indio).
- 2b. Please refer to Attachment A, Parking & Traffic Management Plan. The general framework for this plan was described in the Draft EIR, and has been further refined based on discussions with County staff and in consideration of Draft EIR comment letters.
- 2c. The County of Riverside shares Caltrans' concern for the regional circulation system, and will consider the suggestions. It should be noted that the Draft EIR does identify recommended mitigation measures for project-related impacts to Highway 111, including but not limited to payment of TUMF fees.
- 2d. The encroachment permit is identified in the Draft EIR, on page 4-17, and will be clarified as a requirement to implement Mitigation Measure Nos. 5.2-2c and 5.2-3b.



COUNTY OF RIVERSIDE
TRANSPORTATION AND
LAND MANAGEMENT AGENCY
Transportation Department



David E. Barnhart
 Director of Transportation

August 14, 1998

Robert G. Ross, P.E.
 Robert Bein, William Frost & Associates
 74-410 Highway 111
 Palm Desert, CA 92260-4114

RE: Garden of Champions, Draft Environmental Impact Report No. 403

Dear Bob:

Transportation Department staff has reviewed the Draft EIR for this project and has noted the following in the Executive Summary which requires correction.

Page 1-9 Typo, first paragraph: "The Miles Avenue/Highway 111 intersection" should be corrected to "Miles Avenue/Washington Street intersection."

Page 1-10 Typo, first paragraph: "The 42nd Avenue/Highway 111 intersection" should be corrected to "42nd Avenue/Washington Street intersection."

a

Please see the attached pages. These typos are misleading as to the affected intersections requiring mitigation. Please include these corrections in the Final EIR document. If you have any questions, please contact Joan Mavima at (909) 955-6773 or e-mail jmavima@co.riverside.ca.us.

Sincerely,

Edwin D. Studor
 Transportation Planning Manager

EDS:JEM:jas

Attachments

1.0 Executive Summary

IMPACT	MITIGATION MEASURE
<p style="text-align: center;">✱</p>	<p>The <u>Miles Avenue/Highway 111</u> intersection is forecast to operate deficiently for Existing Plus Project Buildout Conditions. As such, the project applicant shall pay a fair share of the costs of the Miles Avenue/Washington Street intersection improvement through payment of CVAG traffic impact mitigation fees for Existing Plus Project Buildout Conditions:</p> <p>5.2-3a Miles Avenue/Washington Street - fair share payment of CVAG traffic mitigation fees for the addition of an southbound through lane and southbound right turn lane on Washington Street at Miles Avenue, and an eastbound right turn lane on Miles Avenue at Washington Street, for existing plus project buildout conditions.</p> <p>Existing Plus Project Buildout Plus Cumulative Conditions</p> <p>Existing Plus Project Buildout Plus Cumulative Conditions assume improvement of the Fred Waring Drive/Washington Street intersection recommended for Existing Conditions and for Existing Plus Phase 1 Plus Cumulative Conditions as discussed above.</p> <p>Existing Plus Project Buildout Plus Cumulative Conditions result in a forecast deficiency at the Highway 111/Cook Street intersection. As such, the project applicant shall pay a fair share of the costs of the Highway 111/Cook Street intersection improvement through payment of CVAG traffic impact mitigation fees for Existing Plus Project Plus Buildout Plus Cumulative Conditions:</p> <p>5.2-3b Highway 111/Cook Street - fair share payment of CVAG traffic mitigation fees for conversion of the eastbound right turn lane added on Highway 111 at Cook Street for existing plus phase 1 project plus cumulative conditions to an eastbound through lane. Additionally, fair share payment of CVAG traffic mitigation fees for an additional northbound left turn lane on Cook Street, an additional southbound left turn lane on Cook Street, an additional eastbound left turn lane on Highway 111, an additional westbound left turn lane on Highway 111, an additional eastbound through lane on Highway 111, and an additional westbound through lane on Highway 111.</p>

1.0 Executive Summary

IMPACT	MITIGATION MEASURE
<p style="text-align: center;">*</p>	<p>The <u>42nd Avenue/Highway 111</u> intersection is forecast to operate deficiently for Existing Plus Project Buildout Plus Cumulative Conditions. The project applicant shall pay a fair share of the costs of an additional southbound left run lane on Washington Street at 42nd Avenue, and restriping of northbound Washington Street at 42nd Avenue to one northbound left turn lane and two northbound through lanes, through payment of CVAG traffic impact mitigation fees for Existing Plus Project Buildout Plus Cumulative Conditions:</p> <p>5.2-3c 42nd Avenue/Washington Street - fair share payment of CVAG traffic mitigation fees for the additional southbound left turn lane on Washington Street at 42nd Avenue, and restriping of northbound Washington Street at 42nd Avenue, and restriping of northbound Washington Street at 42nd Avenue to one left turn lane and two through lanes, for existing plus project buildout plus cumulative conditions (see Exhibit 35).</p> <p>The Miles Avenue/Jefferson Street intersection is forecast to operate deficiently for Existing Plus Project Buildout Plus Cumulative Conditions. The project applicant shall pay a fair share of the costs of an additional northbound left turn lane on Jefferson Street at Miles Avenue, and restriping of southbound Jefferson Street at Miles Avenue to one southbound left run lane and one southbound through/right turn lane, through payment of CVAG traffic impact mitigation fees for Existing Plus Project Buildout Plus Cumulative Conditions:</p> <p>5.2-3d Miles Avenue/Jefferson Street - fair share payment of CVAG traffic mitigation fees for the additional northbound left turn lane on Jefferson Street at Miles Avenue, and restriping of southbound Jefferson Street at Miles Avenue to one left turn lane and one through/right turn lane, for existing plus project buildout plus cumulative conditions (see Exhibit 35).</p>
<p>Project Buildout (With Annual Tournament Event)</p> <p>5.2-4 <i>Buildout of the proposed project combined with the two week annual tournament event would result in an increase in Average Daily Traffic (ADT) on adjacent roadways and subsequent decrease in the Level of Service. Significance: Less than significant with mitigation.</i></p>	<p><u>Existing Plus Project Buildout Annual Tennis Event Conditions</u></p> <p>5.2-4a Refer to Mitigation Measure No. 5.2-2e.</p> <p><u>Existing Plus Project Buildout Annual Tennis Event Plus Cumulative Conditions</u></p> <p>5.2-4b Refer to Mitigation Measure No. 5.2-2e.</p>

Response No. 3

County of Riverside Transportation Department

3a. The requested typographical corrections have been made in the Final EIR.



August 21, 1998

RECEIVED

AUG 27 1998

RIVERSIDE COUNTY
PLANNING DEPARTMENT
INDIO OFFICE

Riverside County Planning Department
County Administrative Center
46-209 Oasis Street, Second Floor
Indio, CA 92201

Southern California
Gas Company
1981 Lugonia Avenue
Redlands, CA
Mailing Address:
Box 3003
Redlands, CA
92373-0306

Attn: Paul F. Clark, AICP

Re: Draft Environmental Impact Report No. 403 - Garden of Champions
Gas Co. Ref. No. 98-204

Thank you for notification about the proposed zone change within the boundaries of your municipality. We utilize information sent to us concerning these zone changes. In reference to City Case Number 403, The Southern California Gas Company currently foresees no impact on the environment associated with providing future service to the area if requested.

You should be aware that this letter is not to be interpreted as a contractual commitment to serve the proposed project, but only as an informational service. The availability of natural gas service, as set forth in this letter, is based upon present conditions of gas supply and regulatory policies. As a public utility, the Southern California Gas Company is under the jurisdiction of the California Public Utilities Commission. We can also be affected by actions of federal regulatory agencies. Should these agencies take any action which affects gas supply or the conditions under which service is available, gas service will be provided in accordance with revised conditions.

Typical demand use for:

a. Residential (System Area Average/Use Per Meter) Yearly

Single Family	799 therms/year dwelling unit
Multi-Family 4 or less units	482 therms/year dwelling unit
Multi-Family 5 or more units	483 therms/year dwelling unit

These averages are based on total gas consumption in residential units served by Southern California Gas Company, and it should not be implied that any particular home, apartment or tract of homes will use these amounts of energy.

a

b. Commercial

Due to the fact that construction varies so widely (a glass building vs. a heavily insulated building) and there is such a wide variation in types of materials and equipment used, a typical demand figure is not available for this type of construction. Calculations would need to be made after the building has been designed.

a

Sincerely,



Ronald E. Reed
Technical Supervisor

Response No. 4
The Gas Company

- 4a. The Draft EIR comment letter confirms information presented in the Draft EIR, and will be considered by the County during project deliberation. The applicant will be required to obtain a "will-serve" letter from the Gas Company prior to issuing building permits.

RUTAN & TUCKER, LLP Comment No. 5

ATTORNEYS AT LAW

A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

611 ANTON BOULEVARD, SUITE 1400

COSTA MESA, CALIFORNIA 92626-1998

DIRECT ALL MAIL TO: P. O. BOX 1950

COSTA MESA, CALIFORNIA 92628-1950

TELEPHONE (714) 641-5100

FAX (714) 546-9035

A. W. RUTAN (1980-1978)
JAMES B. TUCKER, SR. (1980-1980)
MILFORD W. DAHL, SR. (1919-1988)
H. RODGER HOWELL (1929-1983)

JEFFREY WERTHEIMER
ROBERT G. OWEN
ADAM H. VOLBERT
JEFFREY A. GOLDFARB
F. KEVIN BRAZIL
LAYNE H. MELZER
L. SRI HARRISON
ELISE K. TRAYNUN
LARRY A. CERUTTI
CAROL D. CARY
PATRICK D. MCCALLA
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JAMES S. WEISS
MICHAEL K. SLATTERY
A. PATRICK MURGE
DEBRA DURN STEEL
DAVID H. HOCHNER
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S. DANIEL MARBOTTLE
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KIM C. KILGER
SCOTT R. SANTAGATA
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MARLENE POSE
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KAREN ELIZABETH WALTER
KATHALIE BIBBALD DUNDAS
ALISON M. BARBAROSH
JOHN W. HAMILTON, JR
VLADIMIR P. SELD
LYNN LORCHIN
PHILIP J. BLANCHARD
TERENCE J. GALLAGHER

A PROFESSIONAL CORPORATION

OF COUNSEL
EDWARD D. SYBESHA, JR.
DAVID J. BARIBALDI, III

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RIVERSIDE COUNTY
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August 25, 1998

VIA TELECOPIER AND U.S. MAIL

Paul F. Clark, AICP, Senior Planner
Riverside County Planning Department
46-209 Oasis Street
Second Floor
Indio, California 92201

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AUG 27 1998

RIVERSIDE COUNTY
PLANNING DEPARTMENT
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Re: Comments on Draft EIR for Garden of Champions Tennis Stadium Complex

Dear Mr. Clark:

Rutan & Tucker, LLP, has been requested on behalf of the City of La Quinta ("City" or "La Quinta") to comment on the draft Environmental Impact Report ("EIR") for the Garden of Champions Tennis Stadium Complex project ("Project").

Since the Project is to be located at the border of La Quinta, we are concerned about the direct and cumulative environmental impacts it will have on the City and its residents. Moreover, since certain of the proposed mitigation measures would require the City's approval, it would also appear that the City is a responsible agency for purposes of CEQA. Unfortunately, numerous environmental concerns and issues are not adequately addressed in the EIR.

I. Traffic Analysis.

The primary area of concern is the Project's impacts on traffic and circulation both within the City and in the general vicinity. In our response to the NOP, we requested that the EIR include an extensive study of the direct and cumulative impacts the Project will have on the area roadways and intersections. We specifically requested analysis of the Project's impact on the

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existing and anticipated future levels of service of the following intersections:

The intersections of Miles Avenue and Dune Palms Road; and

The intersections of Washington Street and Avenue 48, Avenue 50 and Avenue 52.

We note that this information is missing from the EIR.

We also had requested that the EIR examine the Project's impacts on the Washington Street on and off ramps at the I-10 Freeway. This is also missing.

La Quinta has recently been notified that the Desert Sands Unified School District intends to construct a new elementary and middle school on the southeast corner of Miles Avenue and Dune Palm Road. Approximately 1,850 students are anticipated to attend the schools. With this additional traffic, the County's failure to complete the requested analysis at Miles Avenue and Dune Palms Road has become a serious concern. The addition of the school at this site also triggers concerns for La Quinta relating to other intersections which were overlooked in the EIR, including: Jefferson Street and Fred Waring Drive, Jefferson Street and Highway 111, Highway 111 and Dune Palms Road, and Highway 111 and Adams Street. We request that the Project's impacts on these intersections be fully analyzed.

The information which is contained in the EIR and Appendix 11.2 is confusing, incomplete, and inadequate for CEQA purposes.

The information is also segmented in a way so as to present numerous incomplete scenarios.

The Phase 1 Tennis Complex (Annual Event Trip Generation) grossly understates the impacts of the facility during the Tournament event. At page 4-2, the EIR concludes that attendance had grown from 30,000 to 170,000 between 1987 and 1998, "showing trends for future attendance growth." Yet the forecasted ADT for the Tennis Event Trip Generation is only 19,680 ADT. How can it possibly be that 170,000+ visitors to a two week tournament can generate only 19,680 ADT?

The 19,680 ADT figure is based upon the assumption that the Annual Event will generate trips to fill 16,000 seats in Stadium 1. This ignores the usage of the rest of the Tennis Complex. Surely

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the Annual Event will involve using Stadium 2 (8,050 seats) and Stadium 3 (3,000 seats). Moreover, even Stadium 1 is expected ultimately to have 4,000 additional seats. Therefore, if the calculation is to be made on a per seat basis, the figure of 31,050 should be used instead of 16,000. But even this calculation would not accurately reflect the use of the other facilities within the Tennis Complex. | g

The "special events coordination" mitigation measure is extremely vague. What specific procedures and measures will be followed at Fred Waring Drive and Washington Street and at Miles Avenue and Washington Street which will mitigate to a level of insignificance the impacts of the vehicles driven by 170,000 visitors over a two week period? | h

What is the "Infeasible Delay Calculation" notation at the bottom of Table 7 and the later tables? | i

The "Existing Plus Phase 1 Project Annual Tennis Event Plus Cumulative Condition" again underestimates the impacts not only of the 170,000+ visitors, but also of the cumulative traffic. Instead of undertaking any traffic analysis associated with the identified cumulative projects identified in Appendix 11.11, the EIR just arbitrarily assumes a 10% increase. What is the justification for the assumption? The use of such an assumption is inconsistent with CEQA Guideline 15130(b)(1). | j

The EIR discloses that the Annual Tennis Tournament will occur only two weeks out of the year. Yet a permanent facility is being constructed that has the capacity to house such events on a year-round basis. This facility will have the capacity to hold 31,050 seated spectators at only one time throughout the year. There is no justification for analyzing only two-weeks worth of impacts when the facility could be used on a more permanent basis without any further environmental review. Will there be operating measures which will ensure that large crowds at the facility will be limited to two weeks out of the year? | k

CEQA requires that the EIR for a project such as the one being proposed here analyze the impacts of the facilities operating at full capacity. There is no justification for assuming less than full capacity or use in this instance.

The description and calculation of the "Project Buildout" appear to grossly underestimate the impacts of the Parcel 5 activities during times when the Tournament is not held. It | l

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appears to assume that of the Tennis Complex (Parcel 5) land uses listed in Table 1 on page 4-9, only a total of 18 tennis courts will be used on a regular basis. Is there a condition of approval which will guarantee that Stadium 1 (16,000 seats), the Stadium 1 Support Facilities, Stadium 2 (and Amphitheater), Stadium 3, the other 12 courts, the Tennis Clubhouse/Pro Shop, the Tennis Hall of Fame, The Hospitality Village, the Commissary, the ATP Offices, and the Indoor Courts will not be used during 50 weeks of the year?

On Table 11, with regard to Fred Waring and Washington, what is the "cumulative mitigation", and why is it assumed? What guarantee is there it will be installed? Is its installation a condition of approval? With regard to the intersection of Miles Avenue and Washington Street, is the construction of the southbound through lane, the southbound right turn lane, and the eastbound right turn lane a condition of approval of this Project? Will these improvements be in place before certificates of occupancy are granted?

At a minimum, the EIR should mandate that the identified mitigation measures actually be constructed before the Project begins its operation.

The analysis of cumulative traffic impacts beginning at page 5.2-19 is wholly inadequate. It does not comply with either of the authorized methods of conducting cumulative analysis. Pursuant to CEQA Guideline 15130(b)(1), the cumulative traffic analysis should either be based upon specific cumulative projects along with their respective traffic impacts, or upon the buildout scenario of the General Plans which cover the affected area. The analysis does neither, and simply assumes a 20% increase over existing traffic levels. Purportedly, this figure represents 5 years of traffic growth. We assume that the Project will continue to operate long after the five years have passed. It is therefore nonsensical to assume only five years of growth, even if this method of cumulative analysis were authorized by CEQA. The EIR should be revised to assume cumulative traffic growth over a 20-year period.

This approach to cumulative traffic analysis understates the traffic impacts of the Project. For example, even without this Project, it was previously anticipated by La Quinta that due to the rapid development within the Coachella Valley, the traffic levels in this area will be increasing dramatically in the upcoming years. According to the City's 1992 General Plan Update EIR, it was anticipated that traffic along Miles Avenue within the City would be increasing from existing levels of approximately 4,000-6,700

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trips per day to 18,400 trips per day. Likewise, the portion of Washington Street just north of Miles Avenue would be increasing from 18,500 trips per day to 60,100 per day. The Existing + Project Buildout Event + Cumulative ADT Exhibit 12c does not come close to reflecting the true buildout condition of the area in question. n

Perhaps the most troubling is the complete lack of meaningful mitigation measures. Mitigation Measure 5.2-2a requires nothing more than the "fair share payment of CVAG traffic mitigation" for the addition of the two southbound lanes on Washington Street and one northbound through lane on Washington Street. Measures 5.2-2b, 5.2-3a, 5.2-3c, and 5.2-3d contain the same type of "fair share" payment for additional improvements at the Fred Waring Drive/Washington Street, Miles Avenue/Washington Street, 42nd Avenue/Washington Street, and Miles Avenue/Jefferson Street intersections. What guarantee exists that these improvements will be in place prior to the operation of the facility? Is the County committing to construct the improvements? Is the developer committing to construct the improvements? What is the timing of the improvements? o

Since the improvements are assumed to have been constructed for purposes of finding that the impacts have been reduced to a level of insignificance, the mitigation measure must require more than a partial payment toward these improvements. A commitment to pay a mitigation fee is not an adequate mitigation measure where there is no evidence that the related improvement will be constructed. Kings County Farm Bureau v. City of Hanford (1990) 221 Cal.App.3d 692, 727; San Franciscans for Reasonable Growth v. City and County of San Francisco (1984) 151 Cal.App.3d 61, 79.

Moreover, it was never assumed that the payment of such fees alone would meet a developer's obligations regarding mitigation of impacts. The Transportation Uniform Mitigation Fee ("TUMF") was designed to cover more regional improvements, not the localized street improvements related to the development.

Many of the other proposed mitigation measures are too uncertain to be meaningful. As mentioned above, the special events mitigation is also wholly inadequate. There is no binding commitment being outlined as to how the "coordination between the application and the affected agencies" will be implemented. As a very much "affected agency," La Quinta and its residents have the right to know what procedures will be implemented to allow them to travel through the area during tournaments without delays. p

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Moreover, it is simply implausible to suggest that temporary signage, flagmen, and a shuttle system will prevent blockages and delays at the intersections in the vicinity of the Project. The specifics of these measure need to be identified. | p

Implementation of many of the proposed mitigation measures in and of themselves would have significant impacts on traffic during their installation. For example, the construction of additional lanes would obviously impact the flow of traffic during the time period in which the road work is being completed. Pursuant to CEQA Guideline 15126(c), these impacts must also be examined in the EIR. | q

With regard to the construction related traffic, the identified measures are likewise imprecise. That a Traffic Management Plan will be developed in the future does not allow La Quinta to assess now what the traffic conditions will be like during the construction of the Project. It is fair to assume that much of the construction traffic will be arriving at the site via Washington Street, how will this impact the Fred Waring Drive/Washington Street intersection, which is currently operating at LOS F in the a.m. and p.m. peak hours. Since the construction will be occurring during peak hours, it is important to define at this juncture how the impacts will be mitigated. Since the construction traffic and the traffic impacts associated with the construction are not in any way quantified in the EIR, it is difficult to see the support for the conclusion that the impacts are insignificant. | r

In short, by concluding that all of the impacts are less than significant based upon mitigation measures which are not guaranteed, the EIR does not adequately disclose the Project's impacts on traffic and circulation. | s

II. Parking Impacts

According to the EIR, there will only be a total of 6,350 parking stalls for a total of 170,000 visitors for the two week event. Assuming that each visitor attends only one day of the 12 days of tournament events, and that all visitors have two persons per vehicle, this would leave 7,083 vehicles trying to park in 6,350 spaces. It is unlikely that the visitors would be spread so evenly, or that no one would be staying multiple days. If you assume that the 31,050 seats within the stadiums are filled for the events and assume two visitors per vehicle, this would result in 15,525 vehicles trying to park in 6,350 spaces. What is the County's plan for the other 9,175 vehicles? | t
| u

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What is the Parking Management Plan to be implemented? The information regarding the Plan needs to be included within the EIR so that its effectiveness may be assessed before the Project is approved. V

III. Noise Analysis

Because of the proximity of existing and anticipated residential development within the City of La Quinta to the proposed Project, the City is very concerned about noise from the operation of the Tennis Complex portion of the Project, from increased traffic, and particularly from music concerts in the amphitheater. For this reason, the City had requested the preparation of a thorough noise study. We do not believe that the EIR contains the level of noise analysis needed to satisfy the City's concerns. W

The analysis of traffic related impacts is inadequate because it assumes far too few vehicles trips. As set forth above, the EIR understates not only the traffic which would be generated from the Project (e.g., the vehicles driven by the 170,000+ visitors over a two week period), but it also understates the cumulative levels of traffic in that area.

In addition to vehicle noise from operating vehicles, La Quinta is quite concerned regarding the noise which will emanate from the parking areas, including the slamming of car doors and the starting of engines. At page 5.6-18, there is a reference to these noises being buffered by "proposed perimeter walls". No mitigation measure is included which would require the parking areas to be walled. Such walls should be required. X

The noise analysis relating to loudspeakers, the stadia, and the amphitheater is also wholly inadequate. The EIR completely fails to quantify the impacts of activities in the Tennis Complex area, and the level of use is understated. The EIR states that the Stadia would "primarily" be used during the Newsweek Champions Cup/State Farm Evert Cup for a three-week period. (Elsewhere, this is referred to as a two-week period.) Since the facility will be in place and there is no proposed limitation on its use, it is improper for the EIR to assume only two or three weeks of use. Y

There is no analysis whatsoever regarding the noise levels of the Tennis Complex during its use. The Noise Data in Appendix 11.5 contains a single page of analysis relating specifically to this Project, and it addresses vehicle noise only. See 11.5-1. For the

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reasons stated above, La Quinta believes that analysis is inadequate, since it seriously underestimates the number of vehicle trips.

y

Other than an undocumented reference to a noise reading at the Hyatt Grand Champion Resort in Indian Wells taken under unspecified circumstances, the EIR makes no attempt to quantify the noise from the loudspeakers, the crowd, and the machinery which will be used on site.

z

With regard to the amphitheater, the information provided is vague and of little assistance to assess the impacts of concerts or other events to be held at the facility. There is a statement that the music would be "mild to moderate levels, such as classical and country music." Is there going to be a condition of approval to this effect? Moreover, no actual analysis of the noise impact of concerts were conducted. Instead, there is a reference to a Chula Vista EIR which is not provided. The footnote regarding that document indicates that it may not be that helpful, since actual events may vary considerably in noise levels.

aa

On behalf of the existing and future residents of La Quinta who will be within ear shot of the facility, the EIR needs to address, in a straight forward manner, how many concerts there will be, how late in the evening they will run, and what the maximum impact such concerts could have on the immediately adjacent residents.

The proposed mitigation measures relating to noise are also improper. Measure 5.6-2a calls to future studies. Such deferral is improper. Sundstrom v. County of Mendocino (1988) 47 Cal.3d 376, 418. Advanced notice of event is to be provided to the Office of Industrial Hygiene, but not the surrounding residents. Such notice should be required so that residents do not have to risk planning noise sensitive events on the same date as concerts are scheduled. Absolute time limits on the use of the facilities should be imposed. Thus, rather than simply requiring a special use permit for events extending beyond 10:00 p.m., such late use should simply be prohibited altogether.

bb

IV. Light and Glare Impacts

The City is concerned about the Project's light and glare impacts, particularly in conjunction with the stadium. If night events are planned, the stadium lighting (located on poles 110-130 feet above the ground) and the lighting associated with parking

cc

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lots could have a very negative impact on the residential properties which exist or are planned adjacent to this Project. These impacts are not adequately assessed in the EIR.

According to the Lighting Study contained in Appendix 11.8, Stadium 1 would have 84 lights mounted up to 130 feet above the ground, Stadium 2 would have 36 lights mounted up to 70 feet above the ground, and Stadium 3 would have 20 lights mounted up to 80 feet above the ground. This is a total of 140 lights which will be visible to the surrounding residents.

The analysis conducted indicates that it is a "preliminary analysis" only, and that higher illumination levels could be required at a later date. The entire lighting analysis was completed by a sales representative for Musco Lighting Company, which is obviously interested in selling its products for use in the Project. The Musco Lighting Company products are reported by the company's sales person to perform far better than other lighting facilities. The studies assume use of the "Musco Total Light Control Visor." See letter dated June 3, 1998, to RBF & Associates. Yet the mitigation measures do not ensure that the same type of equipment is used in the actual lighting. See Mitigation measure 5.9-2b. At a minimum, the mitigation measure should at least require lighting fixtures and placement which will produce no more impact at the Project's borders than the equipment analyzed in the study.

cc

V. Height Impact Analysis/Viewshed

The 63-foot high stadium structures and 130-foot light poles in this area is a concern. No other structures of that height exist or are proposed anywhere in this vicinity. The structures will create aesthetic impacts on surrounding property which have not been seriously analyzed in the EIR.

dd

As an initial point, the EIR does not adequately discuss the fact that the height limitations in the County's zoning code precludes structures over 50-feet in height unless a variance is issued, and that this Project would need such a variance. While the titles of the entitlements requested are highlighted on page 1-2 of the EIR, the variance is not highlighted on that page, and in fact is actually deleted on pages 4-16 to 4-17, which list the needed County approvals.

ee

The purpose of variances is to ensure that zoning ordinances do not deprive a property owner of privileges enjoyed by other

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property owners in the vicinity whose property is in the same zone. It is improper to grant a height variance when there is no affirmative showing that the subject property differed substantially from other parcels in the same zone. Orinda Assn. v. Board of Supervisors (1986) 182 Cal.App.3d 1145.

ee

Moreover, it would appear that the 130-foot poles exceed even the maximum height limit which could be authorized by a variance, even if a variance was otherwise proper.

The aesthetics analysis in the EIR is flawed. The EIR attempts to minimize the impact of the 63-foot structure by claiming it is only 13 feet taller than what is permitted. EIR, p. 5.9-4. This statement overlooks the fact that the 50-foot standard is the upper limit; it does not establish an entitlement to build a structure that tall. Since the development in the area is limited to one or two story buildings, there can be no question that the 63-foot structure will and even the lower structures will have a high level of impacts.

To suggest that there will be no significant impacts because the Tennis Complex is purportedly consistent with a structure located over a mile from the site is not compelling logic. The real comparison needs to be made to the more immediate area surrounding the site, which is most definitely not consistent with the proposed Project. Moreover, the suggestion of no impact based upon prior "site disturbance" is without merit. The site is vacant, and to the casual observer certainly appears to be untouched desert land. Its apparent lack of unique visual features on-site does not relate to the off-site impacts that a 63-foot structure and 12 poles ranging up to 130-feet in height.

ff

Even more troubling is the statement that the impacts will not be significant because the event is limited to a three-week period. While one tournament may be limited to three weeks, the facility itself is not so limited, and could be used throughout the year. It is the capacity of the facility which must govern the scope to the environmental analysis rather than the current schedule of events, which is obviously subject to change. Moreover, during the remaining 49 weeks of the year, are the upper 32-feet of bleachers to be removed? Are the 130-foot poles to come down?

The purported depiction of the view impact in Exhibit 22 appears distorted in favor of the Project, and does not appear to reflect a scientific study of this issue. The single picture (No.

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4) taken from a single area which is only generally identified in the legend is hardly a sufficient study of the Project's impact on the view of the Santa Rosa and Coral Reef Mountain ranges.

La Quinta requests that a scientific study of the viewshed impacts be conducted by a qualified expert. This study should then be incorporated into a revised draft EIR, and circulated for public review.

gg

VI. Air Quality Analysis

Because of the large number of vehicle trips which will be generated by the Project which are seriously understated in the EIR, the City is concerned about the air quality impacts associated with the operation of the facilities within the Project, in particular the Tennis Complex.

If even a small percentage of the tournament visitors were leaving the facility at once or in close proximity, idling vehicles at intersections could create emissions which would be harmful to the existing and future residents on the east side of Washington Street, not to mention the health of the children in the nearby school facilities. The EIR states only on page 5.7-21 that a screening level analysis was completed for the intersection of Fred Waring Drive and Washington Street, but does not specify what type of analysis was done or what conclusions were reached. This information should be disclosed. Because of the proximity of sensitive receptors, La Quinta had previously requested that a CALINE4 Model be run to analyze the Project's Carbon Monoxide emissions for State and federal one hour and eight hour periods. Was this request complied with, and if so, what were the assumptions made and the result reached?

hh

Moreover, given the existing zoning and general plan designations on the properties at the northeast and southeast corners of Washington Street and Fred Waring Drive, what is the basis that no sensitive receptors would be located within 350 feet of the intersection?

ii

The most serious flaw in the air quality analysis is the fact that it is based upon the trip numbers generated from the traffic analysis, which, for the reasons stated above, was wholly inadequate. La Quinta requests that those flaws be corrected and that an amended EIR be recirculated with a corrected air quality analysis.

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On page 5.7-18, the statement is made that "the nature of the project is such that substantial emission reductions are likely to occur, due to regional reduction in VMT." The only discussion below regarding that topic is the conclusion on page 5.7-21 that because the Project represents a diverse mix of complementary land uses, it will have the overall effect of reducing regional VMT. What is the scientific basis of this conclusion? Wasn't the complementary use issue already factored into the traffic analysis? See EIR, p. 5.2-22. Why does the EIR suggest that because of the "complementary mixed use," the air emissions are somehow overstated in the EIR when the calculations in the EIR are based upon the traffic figures which already took into account that mixed use?

kk

The City also questions the comment to the effect that the emissions are being relocated rather than created, because of the prior use of the Indian Wells facility. Does this Project involve converting the prior site in Indian Wells to permanent open space or some other use which would justify taking an offset for the relocation? In other words, can we be assured that the property formerly used for the Tournament in Indian Wells will not be used in a manner which generates traffic and the related air quality impacts? What is the justification for the offset? The EIR does not adequately explain this.

ll

VII. Water Quality

The City is concerned that given the size of this Project and the amount of runoff it will generate during storm events, that it could further degrade the ground water conditions in the La Quinta area. Moreover, if chemicals or toxic materials of any sort are used in the cleaning or maintenance of the hard surfaces within the Tennis Complex, this could further cause contamination of ground water. While the first point is mentioned in the EIR, no specific mitigation measures are outlined. Instead, compliance with the NPDES requirements is all that is referred to. What steps will be taken to insure that contaminants on the hard surfaces within the Tennis Complex will not be washed onto the soil of the surrounding area and permitted to permeate into the water table? Also, what steps will be taken to ensure no such contamination in connection with the hotel, the service station, the restaurants and food service facilities?

mm

VIII. Cumulative Impacts

The purported cumulative impact analysis in the EIR does not comport with the requirements of CEQA Guideline 15130. While lists

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of projects are included, there is simply no corresponding analysis of the cumulative impacts generated by the Project when combined with the identified projects.

nn

IX. Alternatives

Because the direct and cumulative impacts of the Project have been underestimated in the EIR, there has been no true or meaningful comparison between the identified alternatives.

oo

These issues constitute the City's primary areas of concern based upon the information provided to date. We anticipate that we will have further comments once a revised draft EIR is prepared and the above questions are addressed. We again express our interest in meeting with the County's planning staff and the applicant to discuss La Quinta's concerns. We also request that you notify the City of any meetings or workshops relating the Project.

pp

Very truly yours,

RUTAN & TUCKER, LLP



M. Katherine Jenson

cc: City Council of the City of La Quinta
Thomas Genovese, City Manager
Dawn Honeywell, City Attorney
Jerry Herman, Director of Community Development
Chris Vogt, Director of Public Works

Response No. 5

Rutan & Tucker (City of La Quinta)

- 5a. County staff and consultants discussed the traffic scope with La Quinta City staff on several occasions, resulting in a list of requested intersections that is included in the City's NOP response. The intersections identified in this comment were not included in that list. Therefore, this information is not "missing" as it was not previously requested. Under the worst-case scenario (Project Buildout Plus Event Plus Cumulative), Miles Avenue between Washington and Jefferson is projected to carry approximately 10% of the project's daily traffic, or approximately 2,800 ADT, and Miles Avenue east of Jefferson is projected at 5%, or approximately 1,400 ADT.
- 5b. Refer to Response No. 5a above.
- 5c. The Washington/I-10 interchange was not analyzed since the project's traffic impact at this location is considered to be negligible. As shown on Exhibit 6 of the traffic study, approximately 5% percent of project-generated traffic is expected to utilize Washington Street north of 42nd Avenue. Furthermore, the Washington/I-10 interchange was recently improved to accommodate projected ultimate traffic volumes, including projected traffic volumes for the project site based upon its pre-zone use of Community Commercial (based upon the site's pre-zoning as Community Commercial, it would generate over twice the daily trips than are anticipated for the project).
- 5d. As explained in the traffic study, the traffic analysis utilized an annual percent increase for traffic growth to account for cumulative projects in the study area based on annual traffic increase trends observed in the CVAG annual traffic census data. The assumed cumulative growth rate is considered conservative, and was reviewed and accepted by the County Transportation Department. The identified school project will be required to conduct its own environmental review and to provide appropriate mitigation for project-related traffic impacts.
- 5e. These intersections were not requested for analysis by the City; the project's traffic impact at these intersections is not expected to be significant since as shown on Exhibit 6 of the traffic study, as little as 10% or less of project-generated traffic would be expected to utilize these intersections (also refer to Response No. 5a above).
- 5f. It is not clear what is meant by this comment, as no specific areas of confusion are stated. The EIR section and traffic study address several potential project scenarios, as clearly explained in the Draft EIR, with detailed explanations on pages 11.2-13 and 11.2-14 of the traffic study appendix. For clarification, the technical study's description of scenarios will be carried into the Final EIR traffic study section (5.2).
- 5g. The 1998 event attendance of approximately 170,000 visitors does not directly correlate with average or peak event attendance or traffic generation. In order to more accurately reflect anticipated event-related traffic, RBF compared the daily and total attendance logs with total Stadium 1 seats at the existing facility, to derive a trip generation rate per Stadium 1 seat (as shown in Table 5 on page 5.2-9 of the Draft

- EIR). ITE (Institute of Traffic Engineers) has a Trip Generation Manual, although this could not be used for this project, as it is considered a "special generator", where peak periods occur variably on a daily and weekly basis throughout the two-week event. In addition, the Tennis Event itself is unique, in that many of the visitors, players and support staff will be staying at nearby hotels and/or hotels within the project, thereby further reducing the project's traffic impacts (as discussed on pages 5.3-12 - 5.2-27 of the Draft EIR). Finally, the Tennis Event is structured such that admission is provided for Stadium 1 only (separate admission is not provided for Stadia 2 or 3), whereby a Stadium 1 ticket allows a visitor to see any of the matches at any of the other Stadia. The Draft EIR assumed a peak attendance of 20,000 per day, allowing for players and support staff, as explained on page 4-12 of the Draft EIR, and County staff have conditioned the project to have a maximum facility occupancy of 20,000 persons at any one time.
- 5h. Special events coordination is intended to be flexible to allow various types of measures to be implemented as required to mitigate project-related traffic impacts. Examples of special events coordination include, directional signage, shuttle service, and Traffic Control Officers, as necessary. Please refer to Attachment A, Parking & Traffic Management Plan.
- 5i. "Infeasible Delay Calculation" identifies that the delay experienced by vehicles at the intersection is too great to realistically calculate—which results in an operating Level of Service F.
- 5j. Refer to Response Nos. 5d and 5g, above.
- 5k. The Tennis Event is anticipated to be the worst-case special event to occur in the Tennis Complex, as it is an international event with sustained visitor demand and extensive support personnel and sponsor activity. Accordingly, the EIR focused on the Tennis Event, but acknowledges that other events could occur in the facility. However, as no other specific events have been identified, it would be speculative to assess the potential impacts. County staff have conditioned the project, through the CUP, that "major" events beyond a specified number per year (a "major" event is defined as a special event having 8,000 or more in attendance at any one time) obtain a Special Use Permit, subject to discretionary review and approval by County staff. The EIR does address the facility operating at "full capacity", both with and without the Tennis Event (these are all separate scenarios specifically addressed in the traffic study, and throughout the EIR the impacts are distinguished between "Tennis Complex" and "Project Buildout", with "buildout" including special events).
- 5l. Refer to Response No. 5k, above, relative to other "special events". "Normal" use of the Tennis Complex during non-event times is anticipated to be limited to the Tennis Club, as stated in the Draft EIR.
- 5m. "Cumulative Mitigation" refers to the mitigation measures identified in Table 10 required to mitigate cumulative traffic growth not related to the proposed project. The conditions of approval for CUP 3258 include conditions to improve the Fred Waring Drive/Washington Street intersection and Miles Avenue/Washington Street

- intersection to their ultimate configuration. This condition is required to be met prior to final building inspection which is prior to receiving occupancy permits.
- 5n. The cumulative impact analysis appropriately incorporates by reference the General Plan EIR analyses for the County and surrounding jurisdictions, which is an acceptable method under CEQA. As the phasing, location and nature of the various individual projects would be difficult to determine, it was considered appropriate to utilize an annual background traffic growth rate (5% percentage increase annually for all turning movements) in the project traffic study, which was reviewed and approved by the County Transportation Department. The project buildout condition was set at five years, with a resultant 20% background growth rate used. The annual growth rate used is, in fact, considered a conservative representation of anticipated interim conditions. Buildout conditions for the area (including 20-year or ultimate conditions) were addressed in the County and various City General Plan EIRs. There is no "requirement" in CEQA that any specific horizon year be used for cumulative conditions (relative to a five-year or 20-year period), and it is considered reasonable for the EIR to rely upon General Plan EIRs for buildout analyses, given that the project represents a reduced traffic generation compared to the site's pre-zoning. The EIR does provide specific cumulative analysis for the approved church north of the site, due to concerns expressed by County staff and others regarding the potential for concurrent events to impact the Fred Waring Drive/Washington Street intersection. It should also be noted that each future cumulative project will be required by the local jurisdiction to mitigate its own traffic impacts, and that, as the surrounding ADT volumes increase, the project's relative share of those volumes will decrease.
- 5o. As stated above, mitigation measures are a condition of occupancy for the Fred Waring/Washington and Miles/Washington intersections. The intersections of 42nd Street/Washington and Miles/Jefferson are both included in the regional arterial program administered by CVAG and are therefore eligible for funding through the Transportation Uniform Mitigation Fee (TUMF) program. The TUMF Ordinance was established as a fair and equitable method of distributing the cost of transportation improvements among the developments which generate the increased traffic. The regional arterials are prioritized as to need and are funded accordingly. In addition to the TUMF dollars there are funds available through Measure "A" sales tax to assist agencies in offsetting the improvement costs for regional arterial projects.
- 5p. Refer to Response No. 5h, above.
- 5q. CEQA requires that impacts of mitigation measures be addressed, but in less detail than the impact of the project itself. As the project is proposing simply to improve local intersections in accordance with City and County adopted Circulation Elements, the respective General Plan EIRs addressed implementation of regional circulation improvements. Furthermore, roadway improvements have relatively standard mitigation practices, including use of signage, detours where necessary, and compensation for right-of-way acquisition, which will be reflected on improvement plans and their review/approval process prior to implementation. At the time that

- individual improvements are submitted to the local agency for review, that local agency has the authority to require additional environmental review should there be any significant impact not identified in a prior EIR (although this is not anticipated).
- 5r. As the project will be constructed over several phases with uncertain development times, it is not practical to develop a detailed Traffic Management Plan for construction-related traffic. A Traffic Management Plan (TMP) will be generated in conjunction with preparation of the required construction-level engineering plans to specifically address traffic impacts resulting from the planned stages of construction. TMP measures will be recommended to address identified construction staging-related impacts such as lane-width reduction, lane closures, detours, intersection control modifications, as well as impacts to pedestrian bicycle, and transit routes. It should also be noted that the majority of construction-related traffic occurs during the non-peak periods. The TMP will demonstrate that all inbound vehicle stacking is accommodated on-site with no spill-over onto Miles Avenue, and that outbound traffic peaks can be moderated to such an extent that the Level of Service (LOS) does not deteriorate below LOS "E" for more than 30 consecutive minutes per day.
- 5s. Refer to above responses. This comment letter has not identified any potentially significant impact that has not been adequately addressed in the EIR.
- 5t. Refer to Response No. 5g and to Attachment A, Parking & Traffic Management Plan.
- 5u. As noted in Response No. 5g, visitors will not separately be admitted to Stadia 2 and 3. Also refer to Attachment A, Parking & Traffic Management Plan.
- 5v. Refer to Attachment A, Parking & Traffic Management Plan.
- 5w. These concerns will be considered by County decision-makers during project deliberations. Please refer to Response No. 5g, which discusses the overall assumptions used in project trip generation. Specific noise concerns are addressed in the following responses.
- 5x. Since the "project" addressed in the EIR (as reflected in the applicant's Conditional Use Permit package and associated plans, on file at the County of Riverside Planning Department in Indio, as well as Exhibit 23, Concept Landscape Plan) show the proposed perimeter walls, the walls are considered "project design features" and do not need to be called out as a mitigation measure.
- 5y. The noise study was prepared in accordance with Riverside County procedures, and was reviewed and approved by the County of Riverside Environmental Health Department (Office of Industrial Hygiene). The EIR did not assume "only two or three weeks of use". Rather, the EIR distinguished between the "Tennis Complex" and "Project Buildout" scenarios, and focused on the annual Tennis Event as a worst-case scenario for Tennis Complex uses. As stated in the Tennis Complex discussion within the Project Description, the facility may also be used for special events such as fairs or

trade shows, and it is acknowledged that the facility may be used year-round. However, as the frequency and nature of these events are not known, it would be speculative to provide a detailed assessment of potential special event noise impacts. The County anticipates that the worst-case scenario would be the proposed Tennis Event, and that other special events would have either similar or reduced attendance. In any case, the requested Conditional Use Permit specifically allows for the Tennis Event only, and a set number and type of events during any particular year. Tennis Event noise was addressed under the "Tennis Complex" portion of the Noise section, and included analysis of mechanical equipment, parking areas, stadia, loudspeakers and motor vehicle noise. The EIR also assumes Stadium 2 use as an amphitheater, and regardless of the nature of the entertainment, would have to achieve County noise standards as stated in the EIR mitigation measures.

- 5z. Please refer to Response No. 5y above. The noise readings taken at the existing facility are documented in detail on pages 5.6-13 and 5.6-14 of the Draft EIR.
- 5aa. The nature of amphitheater events is not as important as the actual noise levels generated by the events. The EIR assumed a conservative 105 dBA at 10 feet from the sound system, which was accepted by County noise experts, confirmed by the existing sound system consultant for the tournament, and is consistent with other sources reviewed, including the Chula Vista Amphitheater EIR. It would be speculative to model the amphitheater noise due to the numerous variables involved, which is why the EIR used worst-case assumptions for noise propagation and requires that amphitheater events comply with the County's strict day and night noise standards. The amphitheater noise contours shown on Exhibit 19 are highly conservative, as they do not account for any noise attenuation from the amphitheater walls or intervening structures. The frequency of concerts is not known, and could conceivably be nightly, although more likely monthly. The concerts would be required to either end by 10 PM, or substantially reduce noise levels to achieve the County's strict night noise standards of 45 dB(A) at the property line (as stated in Mitigation Measure No. 5.6-2a)..
- 5bb. These comments will be considered during project deliberations. Future studies are considered acceptable where the mitigation measure contains performance standards that ensure compliance with specified impact thresholds, as is the case with the County's strict day and night noise standards.
- 5cc. As a matter of clarification, the Lighting Study states that Stadium 1 would have 12 light **arrays** of 12 fixtures (bulbs) per array, for a total of 144 bulbs, not 84 separate light poles or light fixtures (the same clarification applies to Stadia 2 and 3). Mitigation Measure No. 5-9.2b requires that the project comply with County Ordinance No. 655, including use of low pressure sodium lighting. The Ordinance provides for flexibility in meeting these standards, which may include use of the Musco Total Lighting Control system or similar techniques which provide the same level of mitigation. It should be noted that the Musco Lighting Company information was not provided for sales or marketing purposes, as they have been retained by the applicant's representatives for lighting system design. Furthermore, the data provided by Musco was independently reviewed by registered mechanical/electrical engineers from Robert Bein, William

Frost & Associates, as well as County staff.

- 5dd. The Draft EIR addresses potential views, light and glare impacts. It should also be noted that the fundamental change in site character was addressed as part of the Indian Wells General Plan EIR, which addressed the project site being pre-zoned for Community Commercial (City of Indian Wells Sphere of Influence). In addition, City of La Quinta staff have indicated plans for a future hotel at the southeast corner of Miles Avenue and Washington Street, across from the project. The nearby Hyatt and Esmeralda Resorts in Indian Wells are five and seven story structures, substantially larger than the proposed project's structures. The approved church immediately north of the project has a maximum height of 60 feet, which is also similar to the proposed structures.
- 5ee. The EIR discussion of height and variance is consistent with County policy, and reflects County procedures. A separate "variance" is not needed for structures above 50 feet within the proposed zoning designation, as the requested height is addressed in the EIR and included as part of the requested Conditional Use Permit for the Tennis Complex. The 50-foot is not a "maximum" height, as County zoning permits discretionary approval of structures up to 75 feet, as discussed in detail on pages 5.1-11 and 5.1-14 of the Draft EIR. Furthermore, County zoning permits accessory structures, including light poles, to exceed the building height when the accessory structure is necessary for building maintenance or operation, as discussed on page 5.1-14 of the Draft EIR.
- 5ff. The Draft EIR does not address height impacts based *solely* on the 13-foot increase above the 50-foot height limit, as documented on pages 5.1-11 and 5.1-14 of the Draft EIR, and as shown in Exhibit 22, Proposed Project Views (a computer-generated rendering showing the full height of the Stadia). As noted in Response No. 5ee, 50 feet is not an absolute "upper limit", as County zoning provides for discretionary approval of higher structures, which is included in the requested Conditional Use Permit. Also, as noted above, development in the area is not "limited to one or two stories", and the site has already been pre-zoned for Community Commercial.

The Draft EIR does not suggest that there is "no impact" of the project upon aesthetics, but states that these "potentially significant" impacts can be mitigated to less than significant levels, through measures provided in Sections 5.9 and 5.10 of the Draft EIR. It should also be noted that architectural elements of individual project structures will be reviewed as part of the CUP process, as well as building permit process. The applicant submitted architectural plans and elevations for the Tennis Complex, which are available for review at the County Planning Department in Indio. The site is clearly not "untouched desert lands", as it is an urban infill area surrounded on all sides by existing and planned development, with considerable evidence of off-road vehicle use and periodic illegal dumping. As discussed in the Biological Resources section, the site is absent of any unique physical features that would otherwise distinguish it as having aesthetic significance. Contrary to the comment, the site's lack of unique aesthetic character is not carried into the "off-site" impacts discussion that follows in the Draft EIR text, with respect to issues of building height.

The discussion on page 5.9-7 of the Draft EIR regarding the "limited three-week event period", was in specific reference to visitor-related aesthetic issues during the facility's peak usage period. The Draft EIR focused on the worst-case event at the Tennis Complex, which is anticipated to be the Tennis Event itself. The Draft EIR acknowledges that other events are likely to be held at the Tennis Complex, although it would be speculative to analyze potential impacts of presently unidentified events. The Final EIR text will include clarification in the Aesthetics section that the facility will support additional events, as already noted in the Project Description and elsewhere in the Draft EIR. It should also be noted that the proposed Conditional Use Permit will limit the number and type of special events.

- 5gg. It is not clear what is meant by a "scientific study". The Draft EIR includes a state-of-the-art computer-generated solid model of the proposed stadia, superimposed upon survey-controlled site photographs. These four photo locations were carefully selected in consultation with County staff to provide representative views across the site from adjacent areas. It should also be noted that County staff and consultants had several meetings with City of La Quinta staff, and the City's NOP response (dated May 6, 1998) simply requested that building heights be "seriously analyzed in the EIR". The four computer-generated photo-montages were provided in response to this request. It should also be noted that the applicant developed an architectural model of the Stadium 1, which will be presented at the Planning Commission meeting.
- 5hh. Refer to Response No. 5g, which addresses project trip generation assumptions. The "screening level analysis" utilized in the Draft EIR is considered appropriate, and follows SCAQMD methodology outlined in SCAQMD's "CEQA Air Quality Handbook". Page 5.7-22 of the Draft EIR provides the assumptions and resultant conclusions.
- 5ii. The Draft EIR statement of "350 feet" is based on the distance from the intersection mid-point to the nearest rear yard in Palm Royale Country Club. The zoning map obtained from the City of La Quinta shows the northeast corner of Miles/Fred Waring to be Community Commercial, not residential. Even if sensitive receptors were within 50 feet, they still would be well below the state standard of 20 parts per million, at an estimated 10.8 ppm.
- 5jj. Refer to Response No. 5g, which addresses project trip generation assumptions.
- 5kk. On a local basis, the distribution of project-related trips was adjusted to reflect anticipated internal trips and pass-by trips, in accordance with professional practices as reviewed and approved by the County Transportation Department. The resultant "external ADT" was then distributed to the local street system and included in the air quality analysis. The statement with regard to "reduction regional VMT" was with respect to other possible uses of the site, such as its rezoning for Community Commercial, which would generate substantially greater VMT.
- 5ll. The Draft EIR acknowledges that the existing tournament facility at the Hyatt Resort may continue to be used for other purposes, and therefore not represent a "relocation"

- of impacts. The impact analysis in the Draft EIR did not "reduce" the project's traffic, air or noise impacts proportionate to any "relocation" of the tournament. To avoid potential confusion, the air quality discussion in the Final EIR will be clarified to strike reference to Tennis Complex "relocation".
- 5mm. The project presently generates substantial sediment during storm events, which will be reduced with implementation of the project. Furthermore, the project includes grass lining the half-width of the Whitewater River Channel, which will further reduce sedimentation and water quality impacts downstream (the grass will still allow for groundwater recharge, and will also help to reduce contaminants by binding/absorption into the root systems). The NPDES permit process requires Best Management Practices for water quality. The applicant must also comply with various LMS conditions as provided in the staff report, including CUP.10.Fire.5 (tank permits), CUP.60.Planning.2 (NPDES), CUP.80.E-Health.5/6 and CUP.90.E-Health.2-7 (Hazardous Materials).
- 5nn. The cumulative impact analysis appropriately incorporates by reference the General Plan EIR analyses for the County and surrounding jurisdictions. As the phasing, location and nature of the various individual projects would be difficult to determine, it was considered appropriate to utilize an annual growth rate increment in the project traffic study, which was reviewed and approved by the County Transportation Department. The annual growth rate used is, in fact, considered a conservative representation of anticipated interim conditions. Buildout conditions for the area were addressed in the County and various City General Plan EIRs. The EIR does provide specific cumulative analysis for the approved church north of the site, due to concerns expressed by County staff and others regarding the potential for concurrent events to impact the Fred Waring Drive/Washington Street intersection.
- 5oo. As this comment provides no specific objection to the alternatives discussion, no response is possible. Refer to the above responses regarding the "direct and cumulative impacts of the Project".
- 5pp. County staff have found no grounds to warrant re-circulation, as none of the response to comments have identified issues that will result in "substantially more severe" impacts than addressed in the Draft EIR, or other conditions set forth in CEQA Guidelines Section 15162.



COACHELLA VALLEY WATER DISTRICT

POST OFFICE BOX 1058 • COACHELLA, CALIFORNIA 92236 • TELEPHONE (760) 398-2651

DIRECTORS
TELLIS CODEKAS, PRESIDENT
RAYMOND R. RUMMONDS, VICE PRESIDENT
JOHN W. McFADDEN
DOROTHY M. NICHOLS
THEODORE J. FISH

August 25, 1998

OFFICERS
THOMAS E. LEVY, GENERAL MANAGER-CHIEF ENGINEER
BERNARDINE SUTTON, SECRETARY
OWEN MCCOOK, ASSISTANT GENERAL MANAGER
REDWINE AND SHERRILL, ATTORNEYS

File: 1150.

Paul Clark
Riverside County Planning Department
46-209 Oasis Street, 2nd Floor
Indio, California 92201

Dear Mr. Clark:

Subject: Draft Program Environmental Impact Report No. 403, Garden of Champions

We have reviewed the draft environmental impact report for the Garden of Champions and we appreciate the opportunity to comment on this important document. Our comments can be found in the enclosed Attachment A.

If you have any questions please call Joe Cook, planning engineer, extension 292.

Yours very truly,

Tom Levy
General Manager-Chief Engineer

Enclosure/1/as

cc: Robert Bein, William Frost and Associates (with enclosure)
14725 Alton Parkway
Irvine, California 92718

JEC:jl\eng\sw\aug\clark

RECEIVED

AUG 27 1998

RIVERSIDE COUNTY
PLANNING DEPARTMENT
INDIO OFFICE

ATTACHMENT A

1. Exhibit 15, Utilities. This exhibit shows a water distribution system which is not compatible with the existing conditions. The project area lies on the eastern fringe of a pressure zone. Water pressure east of Washington Street is in a different pressure zone and cannot be connected to water lines west of Washington Street. Please revise the exhibit to accommodate these changes.

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AUG 27 1998

RIVERSIDE COUNTY
PLANNING DEPARTMENT
INDIO OFFICE

Response No. 6

Coachella Valley Water District

- 6a. The requested revisions will be reflected in the Final EIR. County staff and consultants have discussed the project's water supply system, and have modified Exhibit 15, Utilities (attached to Errata Sheet).



Comment No. 7

August 25, 1998

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AUG 26 1998

Paul F. Clark, AICP
Project Planner
Riverside County Planning Department
48 - 209 Oasis Street, second floor
Indio, CA 92201

RIVERSIDE COUNTY
PLANNING DEPARTMENT
INDIO OFFICE

SIX HUNDRED

EAST TAHQUITZ CANYON WAY

RE: DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR) NO. 403 - GARDEN OF CHAMPIONS

PALM SPRINGS

Dear Paul:

CALIFORNIA

I have reviewed the Draft Environmental Impact Report and, hereby, provide the following comments.

92262

1. We generally agree with the analysis provided in Section 5.11 Cultural/Scientific Resources and strongly endorse Mitigation 5.10 - 2a which calls for the preparation of a Phase 2 Archaeological study.

TELEPHONE
(760) 325-3400

2. Regarding Mitigation Measure 5.10 - 2f (P.5.11 - 10), it is recommended that language be inserted which requires the project's County - Certified archaeologist to consult with local Native American Tribes to determine feasible preservation methods.

FAX
(760) 325-0593

3. Regarding Mitigation Measure 5.10 - 2g, it is recommended that the phrase, "qualified local Native American Museum", be inserted between the words "County," and "or designee" in the first line and last line of the paragraph. It is the intent here that local Native American museum(s) have the opportunity to preserve, study and/or display any such significant finds for the benefit of local Tribe and community.

Thank you for the opportunity to comment. We will look forward to receiving the Certified Environmental Impact Report when it is available.

Sincerely

Thomas J. Davis, AICP
Tribal Planning Director
AGUA CALIENTE Band
OF CAHUILLA INDIANS

TJD/dfa

cc: Tribal Council
Ginger Ridgway

Response No. 7
Agua Caliente Band of Indians

7a. The requested revisions will be reflected in the Final EIR.

Mr. Paul F. Clark, AICP, Senior Planner
County of Riverside
Planning Department
46-209 Oasis Street, 2nd Floor, Room 209
Indio, California 92201

RECEIVED

AUG 27 1998

RIVERSIDE COUNTY
PLANNING DEPARTMENT
INDIO OFFICE

August 27, 1998

Dear Mr. Clark:

The purpose of this letter is to present a summary of concerns to The County of Riverside concerning the "Garden of Champions" construction project. Please print this letter in the final EIR and respond to this letter as part of the final EIR.

Although it would appear that this controversial construction project is desired by certain interested parties and business organizations, we cannot afford to allow better judgement for this community and it's citizens take second place to any private construction project.

To this end, the following is a list of concerns which require satisfactory responses.

TRAFFIC

It would seem that one of the most heavily used approaches for this proposal would be Washington Street. We know that Washington Street (apart from its other uses) is a convenient road for residents to take as a short cut to route 111 from Interstate 10. We also know that Washington Street was never designed for the purposes it is now used for and, realistically, will never be a suitable road (regardless of how it is expanded) for Los Angeles (heavy style) traffic and congestion.

However, by constructing the "Garden of Champions" in the proposed location, Washington Street will likely become one of the busiest (and most dangerous) roads in the desert area. It is incomprehensible how traffic will flow smoothly and evenly in the desert cities, let alone on Washington Street (and nearby roads), when the proposed stadiums will have over 25,000 combined empty seats to fill whenever an "event" is planned.

It is my understanding that an "event" at these stadiums may be a tennis tournament or other sports gathering or a rock concert (or some other similar event which generally draws thousands of poorly supervised young people in large numbers to a central place) and that such "events" could happen as often

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as 10 or more times per year. It is clear that, before long, these "events" will become the traffic and noise equivalent of a July 4th celebration occurring upwards of 10 times per year.

a

Surely, few citizens want 10 or more large celebrations in our neighborhood 10 times or more per year just for the sake of being able to say we are host to a tennis tournament.

Other questions about traffic include the impact on all area citizens when "events" occur and how the existing infrastructure in Palm Desert and its neighboring towns can accommodate such masses of cars, people, busses and trucks not to mention the associated pollution which will accompany such confusion, on a regular basis.

b

ASTHETICS

For an area which prides itself on conservation and preservation of its land and its natural resources, the "Garden of Champions" simply does not appear to fit in with the landscape or what we have come to expect and appreciate in the Desert.

c

Please demonstrate, by building a 3 dimensional model, with elevational renderings, or by erecting test poles or a test structure on the area to be built upon the intended height of all buildings that will be built on the land. The test poles or test structure should be able demonstrate to the general public and the officials which serve in these communities, exactly how high the buildings will be and the approximate area that will be concealed forever once they are erected.

d

Among other purposes, the general public will be able to see for themselves how severe an impact this construction project will have on them. It is difficult to envision how the parties responsible for the construction will be able to satisfactorily demonstrate to the public the impact on mountain views if this undertaking (or something to its nearest functional equivalent is not done).

LIGHTING

It appears that the current proposal enables the stadium(s) to be illuminated with stadium type (bright lights) until 1 am when such an "event" is planned.

The time of 1 am, while probably being appropriate for the event sponsored, is wholly unacceptable. Imagine for a moment, if you can, how the surrounding areas will be impacted by placing such a burden on the effected area. Incidentally, if the area will be lit until 1 am, then it will also be populated until 1 am or later by the same people who filled the seats of the stadium(s). Needless

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to say, roaming groups of people, on the streets at that late hour, will bring trouble.

e

Please address in meaningful and understandable language how the lighting issue(s) will be addressed, not overlooking the fact that many views will be obstructed during such "events."

f

CLOSING STATEMENT

The proposal for a "Garden of Champions" construction project would appear to be a project that would be better off finding a new home. The location is simply not suitable for an undertaking of its magnitude. We do not want to become a Los Angeles style community and, for the residents who have grave concerns on this project's impacts, this letter serves as a means to voice those very concerns.

What is needed to study the problem seriously, is not a self serving overview which only "hits the surface" of such bona fide concerns, but, rather, intensive investigation with real accountability for the answers which are provided. Thus far, it is apparent that the kind of substantive, informed explanations the residents require have not been forthcoming.

g

From a concerned citizen who would prefer to remain anonymous

Response No. 8

Anonymous Resident

- 8a. These comments will be considered by the County decision-makers as part of the project deliberations. It should be noted that Washington Street has been designated on the City and County General Plans as a Major Arterial for many years, and ultimate traffic conditions have been included in the respective General Plan EIRs (refer to Response Nos. 5c and 5 nn). The number and type of events will be specified in the conditions of approval, and the project will be required to comply with County noise standards.
- 8b. General Plan buildout of the area was addressed in the respective General Plan EIRs (refer to Response Nos. 5c and 5nn). In addition, the project site is pre-zoned by the City of Indian Wells for Community Commercial, which could result in over twice the daily traffic as projected for the Garden of Champions (see the "No Project" Alternative discussion in Section 6 of the Draft EIR).
- 8c. These comments will be considered by the County decision-makers as part of the project deliberations.
- 8d. These comments will be considered by the County decision-makers as part of the project deliberations. It should be noted that the EIR includes several project renderings by the project architect, and additional architectural renderings have been developed and are available for review at the County Planning Department in Indio.
- 8e. The Tennis Event is generally anticipated to end by 10 PM, with final matches possibly running over in the event of extended play (although this would occur on only a few nights during the two-week event, and any "major" special event beyond the specified number would require a Special Use Permit addressing hours of operation). Furthermore, even in the case where tennis matches extend past 10 PM, many visitors would be either carpooling, using shuttles to nearby hotels, or staying at one of the hotels on-site.
- 8f. The Draft EIR, Sections 5.9 and 5.10, address aesthetics and light/glare, respectively.
- 8g. These comments will be considered by the County decision-makers as part of the project deliberations.

BOWIE, ARNESON, WILES & GIANNONE

A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS
ATTORNEYS AT LAW

ALEXANDER BOWIE*
JOAN C. ARNESON
WENDY H. WILES*
PATRICIA B. GIANNONE
ROBERT E. ANSLOW
ARTO J. NUUTINEN
DANIEL J. PAYNE
ISABELLA ALASTI
DEBORAH R.G. CESARIO
BRIAN W. SMITH
KRISHAN CHOPRA
CARMEN A. BROCK

4920 CAMPUS DRIVE
NEWPORT BEACH, CALIFORNIA 92660
(949) 851-1300

3403 TENTH STREET, SUITE 715
RIVERSIDE, CALIFORNIA 92501
(909) 222-2750

(800) 423-6054
FAX (949) 851-2014

RESPOND TO NEWPORT BEACH
REF. OUR FILE

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SEP - 1 1998

4010.6

August 28, 1998

ROBERT BEIN, WM FROST

*A PROFESSIONAL CORPORATION

Via Facsimile (760) 863-7040/U.S. Mail

Paul F. Clark, Project Planner
County of Riverside
Transportation and Land Management
Agency Planning Department
46-209 Oasis Street
Second Floor, Room 209
Indio, California 92201

Re: Response to the Draft Program Environmental Impact Report ("DEIR") Prepared in Connection with Comprehensive General Plan Amendment No. 446, Change of Zone No. 6349, Conditional Use Permit No. 3258, and Commercial Parcel Map Nos. 28833 and 28812 ("Project").

Dear Mr. Clark:

On behalf of the Desert Sands Unified School District ("District"), this firm has reviewed the DEIR prepared for the Project on behalf of the County of Riverside ("County"). The purpose of this letter is to identify the significant adverse impacts of the Project on the District's school facilities ("School Facilities"), as well as to propose a mitigation measure ("Mitigation Measure") and condition of approval ("Condition of Approval") to reduce such impacts to a level of insignificance. Additionally, we respectfully request that this letter as well as the two previous letters we forwarded to the County dated April 27, 1998 and July 21, 1998, which are enclosed and are hereby incorporated by reference, be made a part of the record of these proceedings.

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Specifically, the District proposes that the Project owner(s) ("Owner") execute a mitigation agreement ("Mitigation Agreement") with the District prior to certification of the EIR and approval of the Project. The Mitigation Agreement would require the Owner to pay mitigation payments ("Mitigation Payments"), as opposed to statutory school fees ("School Fees"), to the District prior to building permit issuance. Such Mitigation Agreement would mitigate the Project's impacts to a level of insignificance, whereas School Fees would not.

b

BAW&G/DRC/ad/51477

BOWIE, ARNESON, WILES & GIANNONE

Mr. Paul Clark
County of Riverside
August 28, 1998
Page 2

I. IMPACTS FROM THE PROJECT

A. School Facility Impacts

(1) The Project Will Result in Significant Environmental Impacts on School Facilities of the District

The Project, as stated in the DEIR, will have a significant adverse physical environmental impact on the District's School Facilities. According to the Project information, up to 140 multi-family attached ("MFA") dwelling units ("DUs") may be built within the Residential Village portion of the Project. Consequently, the Project has the potential to generate a number of Project Students, making it necessary for the District to accommodate these students in its present, overcrowded facilities, unless the County provides for mitigation of the significant, adverse physical environmental impacts of the Project on the District. These impacts, together with other future development within the District and the County, will create significant adverse cumulative impacts on the District and its School Facilities.

Based upon the student generation rates of the District (discussed below), the proposed Project will generate approximately 39 Project Students. In this regard, the following are the student generation rates ("SGR")¹ for the respective grade levels of the District:

	<u>SGR/MFA</u>		<u>MFA DUs</u>	<u>Project Students</u>	
Elementary School:	0.1628	x	140	23	Project Students
Middle School:	0.0556	x	140	8	Project Students
High School:	0.0565	x	140	8	Project Students
				39	Total Project Students

¹ The SGR figures come from the District's most recent impact report entitled "Residential Development School Fee Justification Study for Desert Sands Unified School District" ("District's Justification Study") dated February 7, 1996, and was prepared by the District's consultant, David Taussig & Associates, Inc. The figures were also prepared in accordance with the methodology and parameters approved by the County of Riverside. Resolution No. 94-138 by the County of Riverside ensures that new development within the unincorporated County adequately mitigates its impacts on school facilities.

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According to the District's California Basic Education Data System ("CBEDS") report it submitted to the State Department of Education for 1997, the District's School Facilities have a capacity of 18,520² students but the District's enrollment was 21,112 students, which resulted in 2,592 unhousted students³. As such, the District does not have capacity in its School Facilities for the 39 Project Students.

The most current information available to the District reveals that the total cost per DU to house the additional students generated from the Project is \$5,579 for each MFA DU (\$4.78 sq.ft. x 1,166 sq.ft. = \$5,579). This results in a total direct impact of the Project on the District's existing School Facilities of \$781,060 [140 MFA DUs x \$5,579 = \$781,060].

(2) Inadequacy of Statutory School Fees to Fund New School Facilities

Contrary to the DEIR and the County's proposed mitigation measure, School Fees, presently in the amount of \$1.93 per square foot of assessable space for residential development, will not provide the District with the funds required to adequately house the students to be generated from the Project, which will result in unfunded School Facilities needs. This significant adverse impact can be estimated as follows: on the basis of an assumed 1,166 square feet per MFA DU, the current School Fees will generate only **\$315,053.20** in funds for School Facilities for the Project Students [140 MFA DUs x 1.166 sq.ft./MFA x \$1.93/sq.ft. = \$315,053.20]. Therefore, based on the information available to the District, the significant adverse impacts of the Project on the School Facilities of the District resulting from unfunded School Facilities is **\$781,060 less \$315,053.20 or a difference of \$466,006.80** from potential residential development from the Project.

The above shortfall represents not merely a socio-economic impact but a physical, substantial adverse environmental impact because the District has a statutory mandate to educate the students within its jurisdiction. If the EIR and Project are approved without a provision requiring partial mitigation, the District will be required to meet its legal mandate without assured funds or available capacity. Accordingly, approval of the EIR and Project in the absence of adequate mitigation undermines the policies underlying the enactment of the California

² This figure takes into consideration the implementation of class size reduction for grades 1 and 2.

³ "Unhousted students" are students placed in temporary portable classrooms, as opposed to permanent classrooms or District owned portable classrooms.

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Environmental Quality Act ("CEQA"), including the policy to consider critical thresholds for the health and safety of the people of California [Public Resources Code Section 21000(d)]. Expressions of legislative policy should be considered in acting upon general plans and amendments thereto. [*Schaeffer Land Trust v. San Jose City Council* (1989) 215 Cal.App.3d 612, 263 Cal.Rptr. 813]. An educational environment that houses students in excess of the available capacity of the public schools that must educate such students is a critical health and safety consideration. To ignore the express policy mandates of CEQA in this regard in order to not "burden" developers (whose projects create the impacts to be mitigated in the first place) violates the law. The District's responsibility is to educate the children within its jurisdiction. If new housing is to be approved without school capacity as necessitated by such development, the entire existing community is degraded.

(3) The County Must Mitigate School Facilities Impacts

Prior to any approval by the County of the EIR and Project, the County must require mitigation of School Facilities impacts as to the District. While the California Legislature in 1986 enacted Assembly Bill 2926, Chapter 887 of the Statutes of 1986 (Government Code Sections 53080⁴ *et seq.*, and 65995 *et seq.*) ("Statutory School Fee Legislation"), the Statutory School Fee Legislation included a cap on the amount of School Fees, presently in the amount of \$1.93 per square foot of assessable space for new residential development and \$0.31 per square foot of chargeable covered and enclosed space for commercial development as noted above. Subsequent to the enactment of the Statutory School Fee Legislation, a trio of cases held that the Statutory School Fee Legislation did not apply to land use decisions involving legislative decisions by a local agency such as the County. [*Mira Development Corp. v. City of San Diego* (1988) 205 Cal.App.3d 1201, 252 Cal.Rptr. 825; *William S. Hart Union High School District v. Regional Planning Commission* (1991) 226 Cal.App.3d 1612, 277 Cal.Rptr. 645; and *Murrieta Valley Unified School District v. County of Riverside* (1991) 228 Cal.App.3d 1212, 279 Cal.Rptr. 421.]

The *Mira*, *Hart*, and *Murrieta* decisions all hold that the limitations set forth in the Statutory School Fee Legislation are not applicable to land use decisions involving legislative approvals such as a specific plan, zone change, development agreement or general plan amendment. Accordingly, since the Project involves an application for legislative approvals, the Comprehensive General Plan Amendment and Change of Zone, the Statutory School Fee

⁴ Effective, January 1, 1998, this statute became Education Code Section 17620.

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Legislation does not preempt or prohibit the County from requiring the proposed Mitigation Measure attached hereto as Exhibit "A", to adequately mitigate the School Facility impacts. c

Additionally, we note that the DEIR states that the District "filed an application for incorporation of Resolution 93-131⁵ with the Riverside County Transportation and Land Management Agency (TLMA). Resolution 93-131 would allow the [District] to require additional monetary and physical mitigation measures for new residential projects in the area, dependent on specific needs." (DEIR, page 5.4-16.) When the District's mitigation plan was not approved by the County, the District decided not to proceed with its mitigation plan at that time. The fact that the District does not have a certified mitigation plan does not prohibit the County from requiring the Owner to mitigate the Project's impacts pursuant to the *Mira*, *Hart*, and *Murrieta* decisions and CEQA.

It is also important to state that the District is not required to submit a mitigation plan to the incorporated cities within its jurisdiction prior to the County certifying its mitigation plan. The DEIR states that "prior to certification of any mitigation plan submitted by the [District], all cities within its jurisdiction . . . must have similar mitigation plans identified or adoption within one year of approval." (DEIR, page 5.4-16, (emphasis added).) Resolution 94-138 states that "[i]f the boundaries of the school district lie within incorporated and unincorporated territory [which it does], certification of the mitigation plan shall be valid for one year from the date of adoption of this Resolution . . . unless the incorporated jurisdiction(s) adopt(s) a similar school district facilities mitigation plan for the purpose of evaluating the environmental effects of projects on the school district." d

B. Human Health and Safety

The DEIR does not discuss the environmental impacts related to human health and safety related environmental impacts resulting from the Project in the event that the School Facilities required by the District as a part of the Project are not concurrently constructed due to lack of resources being available to the District. Additionally, the DEIR does not recognize that School Facilities may be utilized as emergency disaster centers and as civic centers under Section 38130 *et seq.* of the Education Code. In the event of an earthquake or other disaster, the School Facilities would operate as emergency disaster centers. If a disaster should occur, such as an earthquake, the residents of the Project area would be unable to travel to other emergency disaster centers outside the area due to the destruction resulting from such disaster. e

⁵ Resolution No. 93-131 has been amended and is now Resolution No. 94-138.

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In addition, the DEIR does not adequately discuss the environmental impacts which result from overcrowding of School Facilities should School Facilities not be concurrently constructed. Increasing the number of students on a particular school site, will undoubtedly have significant environmental impacts due to increased health and safety risks. Apart from reducing the size of playgrounds to accommodate interim portable classrooms and affecting the physical health and training of the students, there is an increased exposure to transmittable diseases, which will be more easily transmitted when class size and/or the number of students at a particular school site is increased. Also, overcrowded schools will result in impacts to restroom facilities, assembly seating, student walkways, school site access, outdoor physical areas, and parking.

Each of these environmental impacts are significant; however, such impacts are not discussed in the DEIR. Accordingly, the DEIR must discuss such health and safety impacts and propose concrete mitigation measures to mitigate such significant impacts.

C. Traffic and Circulation Impacts

The Project will create the need to transport students to and from school each day. These trips would involve both busses and parents transporting their own children, and possibly over major arterials. Accordingly, the District requests that the EIR discuss the impact of student transportation which will result from the Project and measures to mitigate such impacts. Additionally, the traffic circulation and street improvement plans should consider student safety for school site ingress and egress.

II.

NECESSARY FINDINGS UNDER CEQA

Public Resources Code Section 21081 states that "no public agency shall approve or carry out a project for which an environmental impact report has been certified which identifies one or more significant effects . . . unless the public agency makes one, or more, of the following findings":

- (a) that changes have been made which mitigate or avoid the significant effects;
- (b) that the necessary mitigation measures are within the responsibility and jurisdiction of another public agency; or

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- (c) that specific economic, legal, social, technological or other considerations make infeasible the mitigation measures. [Public Resources Code Section 21081.]

Presently, it would be improper for the County to make any of the above three findings.⁶ With regard to the first possible finding (i.e. that changes have been made which mitigate or avoid the significant effects), as discussed above, the DEIR mitigation measure for School Facilities does not, as currently proposed, adequately mitigate such impacts. However, the District's proposed Mitigation Measure does adequately mitigate these impacts.

With regard to the second possible finding, (i.e. that the necessary mitigation measures are within the responsibility and jurisdiction of another public agency), CEQA Guidelines Section 15091 provides that such finding cannot be made if the agency making the finding has *concurrent* jurisdiction to impose the mitigation measure. [CEQA Guidelines Section 15091(c).] Accordingly, since the County has jurisdiction with regard to School Facilities and health/safety mitigation with regard to its ability to deny legislative approvals of new development in the absence of adequate School Facilities, the County cannot make this second finding. h

With regard to the third finding, (i.e. that specific economic, legal, social, technological or other considerations make infeasible the mitigation measures), there is no substantial evidence before the County that the mitigation proposed by the District requiring mitigation of School Facilities impacts (as well as the other impacts discussed above) is infeasible on the basis of economic, legal, social, technological or other considerations. The decisions of *Mira Development Corp. v. City of San Diego* (1988) 205 Cal.App.3d 1201, 252 Cal.Rptr. 825; *William S. Hart Union High School District v. Regional Planning Commission* (1991) 226 Cal.App.3d 1612, 277 Cal.Rptr. 645; and *Murrieta Valley Unified School District v. County of Riverside* (1991) 228 Cal.App.3d 1212, 279 Cal.Rptr. 421, authorize the County to consider the adequacy of School Facilities in considering legislative actions.

⁶ In order to make any of these three findings, the discussion in CEQA Guidelines Section 15091 requires that the County: (1) make the ultimate finding called for in the statute; (2) that the finding must be supported by substantial evidence in the record; and (3) an explanation must be present to supply the logical step between the ultimate finding and the facts in the record.

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III. GENERAL PLAN

Government Code Section 65300.5 requires that the elements of a general plan comprise an integrated, internally consistent and compatible statement of policies. Provisions of the County's Comprehensive General Plan ("CGP") require adequate infrastructure, including school facilities. [See *Murrieta Valley Unified School District v. County of Riverside* (1991) 228 Cal.App.3d 1212, 279 Cal.Rptr. 421.] Specifically, the CGP contains several land use standards pertaining to School Facilities:

• Land Use Standard - Service and Facilities Adequacy

"Projects will be evaluated to determined the impact they will have on school services and facilities." [CGP, page 234.]

• Land Use Standard - Impacted Schools

"Projects in school districts which are already impacted or are over capacity must make arrangements with the school districts to mitigate the additional effects of the project. These arrangements may include site dedication or developer agreements." [CGP, page 234.]

• Land Use Standard - School Facilities Improvements

"As determined by the school districts, large developments and self-contained planned communities which will generate sufficient students to warrant a new school shall arrange with the school district to provide adequate school facilities in accordance with the needs of the community."

The Project would be inconsistent with the CGP if the Project does not provide adequate School Facilities. This State law requirement exists notwithstanding County Resolution 94-138.

It is clear that provisions of the CGP require adequate infrastructure, including school facilities prior to or concurrent with development. [See *Murrieta Valley Unified School District v. County of Riverside* (1991), 279 Cal.Rptr. 421.] As the Project stands now, it is inconsistent with the CGP policy of requiring adequate infrastructure because it does not provide adequate School Facilities. As such, the Project, including the several legislative acts, including a Comprehensive General Plan Amendment and Change of Zone, cannot lawfully be approved.

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Approval of a change of zone as part of this Project also is prohibited by the provisions of Section 65860 of the Government Code, as there is no provision for School Facilities to be available concurrent with development of the Project as required by the CGP, and for such reason would create an inconsistency with the CGP.

As stated above, the Project will have a significant impact on the District's crowded and aging School Facilities. Accordingly, the District requests that the DEIR and the School Facility mitigation measures contained therein comport with the requirements of the CGP.

IV. DEFERRED MITIGATION NOT ADEQUATE:

Courts have held that public agencies should not rely upon mitigation measures of unknown effectiveness in concluding that such mitigation measure could mitigate impacts to an insignificant level. [*Kings County Farm Bureau v. Hanford* (1990) 221 Cal.App.3d 692, 727 - 728, 270 Cal.Rptr. 650, 667 - 668; see also *San Franciscans for Reasonable Growth v. City and County of San Francisco* (1984) 151 Cal.App.3d 61, 198 Cal.Rptr. 634, 645].

In *Kings County Farm Bureau*, a court reviewed whether a final EIR was inadequate because it failed "to evaluate whether water would be available for ground water recharge as contemplated by [a] Mitigation Agreement." [*Kings County Farm Bureau*, 221 Cal.App.3d at 727 - 728, 270 Cal.Rptr. at 667]. The court in *Kings County Farm Bureau* found that the EIR in question was inadequate, in part, because the public agency found the ground water impacts from the project to be insignificant based upon a Mitigation Agreement which called for the purchase of ground water supplies without specifying whether such water, in fact, was available. [*Kings County Farm Bureau*, 221 Cal.App.3d at 727 - 728, 270 Cal.Rptr. at 667 - 668].

In *San Franciscans for Reasonable Growth*, the court reviewed the City of San Francisco's analysis of a traffic mitigation measure as set forth in the City's EIR. [*San Franciscans for Reasonable Growth*, 151 Cal.App.3d at 79, 198 Cal.Rptr. at 643]. The court noted that the traffic mitigation measure set forth in the City's EIR simply required "that the project's sponsor help [the transportation agency] expand its capacity by paying an unspecified amount of money at an unspecified time in compliance with an as yet unenforced or unspecified transit funding mechanism." [*San Franciscans for Reasonable Growth*, 151 Cal.App.3d at 79, 198 Cal.Rptr. at 644]. The court concluded that such mitigation measure was inadequate to mitigate both project specific and cumulative traffic impacts. [*Id.*]

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Courts have held that it is impermissible to defer the development and implementation of concrete mitigation measures until after project approval. [*Sundstrom v. County of Mendocino* (1988) 202 Cal.App.3d 296, 248 Cal.Rptr. 252]. By deferring the determination of the exact amount of mitigation until the future, based upon the law in effect at such time, it is uncertain to what extent the Project applicant will be required to mitigate the impacts from the Project. As discussed herein, the County must adopt the District's Mitigation Measure, which mitigates the Project's significant impacts. | i

Furthermore, the impacts of the Project upon the District are not speculative or undefined at this time. If the County allows the Project to proceed without mitigation of School Facilities, this burden will result in degraded School Facilities, a resulting adverse community image, or alternatively, increased financial burdens on existing residents of the County and the District to meet the School Facility needs not funded by the Owner. | j

V. REQUEST FOR NOTICE

We hereby reiterate our request pursuant to Public Resources Code Section 21092.2, that copies of all notices and other documents mailed or distributed relative to the Project be furnished to the District at its office, located at 47-950 Dune Palms Road, La Quinta, CA 92253, to the attention of Peggy Reyes, Director of Facilities and Services; and to our offices to the attention of Alexander Bowie. If there are any fees or charges required for the provision of such notices, please provide our office with an invoice for such costs and we will pay such costs. This request for notice specifically includes, but is not limited to, notices of all hearings, proposed actions to be taken with regard to the developmental process, requests for information, draft environmental documents, staff reports or commentaries, and, in particular, any Draft EIR, responses to, or final EIR prepared, furnished or filed with regard to this Project and Related Projects pursuant to CEQA and copies of all Planning Commission and County Board of Supervisor's agendas where these matters will be calendared. | k

VI. CONCLUSION

In order to mitigate the significant adverse environmental impacts from the Project, the District respectfully requests that the County not approve the Project until a Mitigation Agreement to fully mitigate the direct and cumulative environmental impacts is entered into between the Owner and District. In conclusion, the County, as the lead agency, is obligated, | l

BOWIE, ARNESON, WILES & GIANNONE

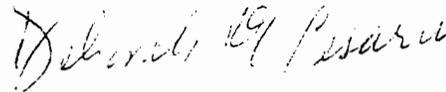
Mr. Paul Clark
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under the provisions of CEQA to provide adequate mitigation measures for such significant adverse impacts identified in the previous letters.

Very truly yours,

BOWIE, ARNESON,
WILES & GIANNONE

By



Deborah R.G. Cesario

DRC/ad

Enclosures

cc: Ms. Peggy Reyes, Director of Facilities and Services
for Desert Sands Unified School District
Mr. Richard Oliphant, PM Sports Management Corporation
Mr. Kevin Thomas, Environmental Service Manager, RBF & Associates
Mr. Robert Lyons, Rossetti Associates
Mr. Alexander Bowie, Attorney for Desert Sands Unified School District

MITIGATION MEASURE/CONDITION OF APPROVAL
GARDEN OF CHAMPIONS PROJECT

“Prior to the approval of the Comprehensive General Plan Amendment, Change of Zone, Conditional Use Permit and Commercial Parcel Map, Tract Maps and the Environmental Impact Report related thereto by the County of Riverside, the property owners within the project area shall enter into written mitigation agreements with the Desert Sands Unified School District mitigating the impacts the owners’ projects will have on the school district’s school facilities. The mitigation agreements will require the owners pay the sum of \$3.93 per square foot of assessable space for residential development, up to a maximum of \$7,983 per residential dwelling unit. These mitigation payment amounts shall be increased effective January 1, 1999, and annually thereafter by the change in the Marshall-Swift Class D Wood Frame Index from January 1, 1998.

Commercial/industrial (as defined by Government Code Section 65995) and age-restricted housing (as defined by Government Code Section 65995.1) development shall be mitigated by payment of statutory school fees in the amount of \$0.31 pursuant to Government Code Sections 65995 et seq. and 66000 et seq., and Education Code Section 17620 et seq. This amount shall be increased bi-annually by the State Allocation Board pursuant to Government Code Section 65995(b)(3), or in the absence thereof by an index reasonably determined by the District, bi-annually commencing January 1, 2000.

In the event any commercial unit is no longer considered commercial/industrial development or age-restricted housing for purposes of Government Code Sections 65995 and 65995.1, respectively, and is therefore considered a residential unit, the owner(s) of such unit(s) shall pay to the District the then current mitigation payment amount referenced above, less any previously paid statutory school fee amount.

The payments described herein would be due and payable at the time of building permit issuance.”

Response No. 9

Desert Sands Unified School District

- 9a. These comments will be considered by the County decision-makers as part of the project deliberations.
- 9b. These comments will be considered by the County decision-makers as part of the project deliberations. As reflected in the project conditions, the applicant will be required to pay prevailing fees at the time of building permit issuance. The Draft EIR addresses potential school impacts, and incorporates pertinent information provided by the District in their NOP response letter. As stated in the Draft EIR, the project actually reduces the potential "impact" to the District by rezoning the majority of the site from residential to commercial.
- 9c. These comments will be considered by the County decision-makers as part of the project deliberations. The Draft EIR addresses the proposed project's school "impact", as well as appropriate mitigation measures. It should also be noted, as stated above and in the Draft EIR, that the project reduces the potential "impact" by rezoning the majority of the site from residential to commercial (the legislative action is therefore favorable with respect to student generation). It should also be noted that the 140 residential units are intended to be occupied on a temporary basis by the tournament sponsors during the two-week Tennis Event. During the remainder of the year, the units are planned to be rented out as part of the proposed hotel operations. Year-round occupancy will be prohibited in the project's conditions of approval. Therefore, the student generation associated with the residential units will be zero.
- 9d. Information relative to the District's proposed mitigation plan was based on communications with County staff responsible for such review, as noted in the Draft EIR. The County did not approve the requested mitigation plan and additional fees due to a variety of substantive reasons, including questionable assumptions used in developing the increased fees. Therefore, it is currently County policy to require developers to pay the prevailing school mitigation fee. The hotel, commercial and residential project components will pay school impact fees at the time of building permit issuance, and may be required to negotiate mitigation agreements separately.
- 9e. It is not clear what the correlation is between the destruction of an emergency shelter by an earthquake and the proposed project. Regardless of the project's potential additional students, existing District schools and other facilities would be available during emergencies. The District has not presented any substantive information that would indicate a lack of available emergency shelters in the area.
- 9f. The District has not provided any substantive information to support the correlation between the project's potential additional students and resultant physical impacts upon the environment. Sociological issues such as class size and children's mental health are not within the scope of CEQA.
- 9g. The Draft EIR addresses potential circulation and traffic impacts. The project's potential additional 39 students would have a nominal effect upon existing District

transportation needs and patterns, and is not considered significant. Furthermore, the nearby elementary school has its primary access from Warner Trail, where relatively little project traffic is anticipated, and there are existing pedestrian crossings (with crossing guards) at Warner Trail and Fred Waring Drive. No substantive information has been provided to suggest that District bussing or pedestrian safety are potentially significant impacts.

- 9h. This information will be considered by County decision-makers during project deliberations, and in preparation, review and adoption of the required CEQA findings. Refer to the above responses with respect to the adequacy of the Draft EIR's mitigation measures, and current County policy with respect to school mitigation and substantive deficiencies in the District's proposed school mitigation plan.
- 9i. This information will be considered by County decision-makers during project deliberations. The Draft EIR does provide an analysis of the project's potential impact upon school facilities. As stated above, the "project" is not considered to have a significant impact upon District facilities, with payment of required fees at the prevailing rate. The project's potential 39 additional students alleged by the District do NOT warrant a "new school", and this CGP policy is therefore not applicable. It should also be noted that the 140 residential units are intended to be occupied on a temporary basis by the tournament sponsors during the two-week Tennis Event. During the remainder of the year, the units are planned to be rented out as part of the proposed hotel operations, and their use is therefore more of a commercial nature. Year-round occupancy will be prohibited in the project's conditions of approval. Therefore, the student generation associated with the residential units will be zero.
- 9j. This information will be considered by County decision-makers during project deliberations. Community image and financial issues are not within the scope of CEQA. As discussed above, the District's requested additional fees are predicated upon a school mitigation plan that has been found to be inadequate by County staff and was subsequently withdrawn by the District. No supplemental information has been provided by the District to substantiate the requested additional fees or to remedy the deficiencies in the plan as summarized in the Draft EIR.
- 9k. The District will be provided notice of upcoming hearings for the project, as requested. The District may contact County staff to obtain copies of related documents.
- 9l. This information will be considered by County decision-makers during project deliberations.



South Coast Air Quality Management District

21865 E. Copley Drive, Diamond Bar, CA 91765-4182
(909) 396-2000 • <http://www.aqmd.gov>

August 28, 1998

FAXED 8/28/98

Mr. Paul Clark
County of Riverside
Planning Department
46-209 Oasis Street, Room 209
Indio, CA 92201

DRAFT ENVIRONMENTAL IMPACT REPORT FOR GARDEN OF CHAMPIONS

Dear Mr. Clark:

The South Coast Air Quality Management District (AQMD) appreciates the opportunity to comment on the above mentioned project. The comments included are meant as guidance for the Lead Agency and should be incorporated into the final environmental document wherever possible.

Pursuant to Public Resources Code, Section 21092.5, please provide the AQMD with written responses to all comments contained herein prior to the adoption of the final document. Please call Marie Ellingson, of my staff, at (909) 396-3297 if you have any questions regarding these comments.

Sincerely,

Catherine L. Wasikowski
Director, Transportation Programs

ATTACHMENT

CLW:KH:ME

RVC980717-02
Control #

ATTACHMENT

**DRAFT ENVIRONMENTAL IMPACT REPORT
GARDEN OF CHAMPIONS**

The AQMD concurs with the Lead Agency that the proposed project will have a significant impact on air quality. We offer the following suggestions to be included in the final environmental document where feasible.

- Emissions from construction worker travel should be calculated and included in the Project Construction Emissions, Table 29. | a
- How much of the project is "unpaved"? What portion of the project trips are occurring on unpaved surfaces? Were PM10 emissions from trip travel on unpaved surfaces calculated? | b
- It appears that the proposed project is subject to AQMD Rule 403 – Fugitive Dust. Please be advised that the AQMD does not acknowledge compliance with our rules as a replacement for meeting CEQA mitigation responsibilities. Mitigation measures are expected to go above and beyond air quality standards established by AQMD rules and regulations. AQMD recommends that all feasible mitigation measures be identified in greater detail to lessen the air quality impacts of the proposed project. | c
- Sensitive receptors have been identified in proximity to the proposed project, yet specific mitigation is not discussed. | d

Response No. 10

South Coast Air Quality Management District

- 10a. Construction worker exhaust emissions are not anticipated to substantially affect the estimated construction emissions. Figures in Table 29 are conservative. Using the SCAQMD's CEQA Air Quality Handbook, Table 9-1 (Screening Table for Total Construction Emissions), the resultant total construction emissions would be below those estimated in the Draft EIR (Table 29).¹
- 10b. The PM10 emissions are based on 30 acres/day of mass grading occurring in any given day, which is considered a conservative assumption. The project is not expected to involve significant material hauling over unpaved roads, as the site will be balanced on-site, will require relatively little grading for the area involved, and the site is bordered on three sides by fully-improved paved roads. The project will also require a Fugitive Dust Plan prior to grading permit approval, including construction mitigation measures. Nonetheless, the Draft EIR finds that PM10 emissions will be significant for project construction.
- 10c. In addition to SCAQMD Rule 403, the project will comply with the County LMS conditions, including County Ordinance Nos. 457 (Grading), 484 (Blowsand) and 742 (PM10).
- 10d. The Draft EIR provides for construction-related emission mitigation relative to nearby sensitive receptors. However, operational mitigation measures for sensitive receptors were not discussed, as the Carbon Monoxide screening analysis (discussed on pages 5.7-21 and 5.7-22 of the Draft EIR) demonstrated that local emissions will not exceed SCAQMD thresholds.

¹ Table 9-1 results in total emissions of approximately 48 lbs/day of ROG, 702 lbs/day of NOx, 153 lbs/day of CO, and 50 lbs/day of PM10 (based on a maximum of 300,000 square feet of structures under construction in a given year, and 261 days to construct, using "Resort Hotel" emission factors). Due to the nature of the project, there are relatively few above-ground structures, and construction will actually be phased over many years.

August 31, 1998



Paul F. Clark, AICP, Senior Planner
County of Riverside, Planning Department
46-209 Oasis Street
2nd Floor, Room 209
Indio, California 92201

**RE: Draft Program Environmental Impact Report No. 403
Garden Of Champions
Sch. No. 98041039**

Dear Paul:

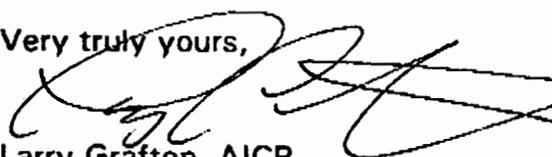
Thank you for the opportunity to comment on the Draft Environmental Impact Report (EIR) for the Garden of Champions Tennis Stadium Complex project.

In completing a preliminary review of the Draft EIR some concerns have arisen over the completeness of the document. Overall, we feel the Draft EIR contains many inaccurate assumptions and conclusions and in critical areas of review (i.e., circulation, lighting, land use, and aesthetics) there appears to have been a gross over simplification of the issues and a lack of cumulative impact assessment. We are concerned that this document in its current form would not withstand scrutiny during the public hearing process nor withstand a legal challenge.

Since time constraints prevent us from giving you a complete deficiency listing, we will try to provide you with a list of some of the more problematic areas (see attachments).

We thank you for allowing us to comment on this proposed document. If we may be of any further assistance to you or if you have any questions or concerns, please feel free to contact me at (760) 776-0229.

Very truly yours,


Larry Grafton, AICP
Senior Planner



Page of Draft EIR Comment

5.1-24 Discussion on the Policy IIA1.12 is inappropriate. This Policy refers to a specific property located on the northwestern end of the City and not the Project site. These comments should be deleted. More care should be undertaken if text from City documents are going to be used.

g

5.1-24 EIR states that southern portion of the project site, south of Miles Avenue would be utilized as a parking area, providing additional open space areas. The area discussed is the project's main parking lot. The City does not consider a parking lot as an "open space" use. Comment should be removed, as it does not demonstrate compliance with Policy IIA1.20.

h

5.1-27 Text states proposed project would not result in impaired views to scenic hillside areas. Draft EIR appears to be more concerned with the views of the project site itself and not with the impacts on the views of the adjacent hillside areas. The text fails to address the cumulative impacts of the entire project and seems to focus on the main tennis stadium. EIR does not demonstrate compliance with Policy IIA2.3. Mitigation measures have very little to do with aesthetics and should be rewritten.

i

5.1-27 EIR states that project would incorporate advanced system technologies into transportation infrastructure design components. Is this referring to the use of a tram to ferry people from the parking lot to the tennis complex? If so how is this sustaining mobility or reducing energy consumption or any of the other Regional Mobility Element (RME) goals? Text gives little if any specific actions or measures how the applicant will satisfy these requirements.

j

5.1-27 EIR states the construction of Class I bicycle trails along the Miles Avenue and Washington Street frontages. Is the provision of these bike trails (lanes) how the County/Applicant is providing for non-motorized transportation on-site? Given the extremes in this areas weather, one rarely sees (if at all) persons using bikes to get to the annual tennis event (includes on-site workers and staff). Provision of these bike lanes does little to sustaining mobility, reducing energy consumption, etc. If the intent is to reduce trips and promote non-motorized transportation proper mitigation measures should be developed such as offsite park and ride facilities, tram pickups in other valley communities or at major shopping centers or community facilities, etc.

k

5.1.29 Land Use compatibility conditions are extremely weak and seem to lack specific intent or direction. These need to be redone and provide the applicant with actual measurable requirements and not merely window dressing.

l

Page of Draft EIR Comment

5.4-2 and 5.4-7 Text states that IID and SCE have stated that the electrical supply is sufficient to serve the future needs of the Planning Area. In a letter dated April 29, 1998, from IID it states that "possible system-wide blackouts are possible every summer due to the lack of this 230kV loop. The continued addition of electrical load on the District's system increases the likelihood of this blackout condition...the District can not guarantee that there will be sufficient electrical power to meet the needs of this proposed project." Given this, please clarify how the Draft EIR can state that there is sufficient electrical supply to serve the Project? **m**

5.4-6 EIR states that project will incorporate design measures that would further assist law enforcement efforts. What specific measures are being proposed? None are discussed or provided, unless they are provided how is it to be implemented? **n**

5.4-6 and 5.4-7 EIR states that the Project would be proposed a Category I (Heavy Urban), thus requiring a fire station within a 2 or 3 minute response time. The EIR states that the project would add to the need for increased fire personnel and facilities. As a mitigation measure the County is to collect a Fire Assessment. Please explain how the payment of this fee will provide for the needed fire personnel and facilities? Where and when will this facility be constructed? Without some specific proposal for a new facility there is no way that this impact can be reduced to a level that is not significant? **o**

5.4-15 EIR implies that implementation of commercial, hotel and residential uses may result in further parks and recreation demands. EIR refers to possible dedication of parkland would help off set the recreation demands. Please explain what parkland? Is this reference referring to the Miles and Washington Street bike lanes? How is the provision of these bike lanes satisfying the recreation needs for additional 140 dwelling units? **p**

5.4-15 EIR indicates that the 140 residential units are not intended for permanent occupancy. Is what being proposed a timeshare facility? If no City/County controls are being placed on the units and their use this comment has no basis for being with the text. **q**

5.4-16 EIR states that prior to C-of-O's the developer, County Sheriff's Department and City Police Department shall agree upon the procedures required to provide adequate police service to the Project. This statement is in error. The City has no Police Department but is member of the Cove Communities. The timing of this condition is wrong. This item should be resolved prior to the issuance of any permits and not after the fact. **r**

5.4-17 Condition 5.4-3a is unworkable. The issue of additional fire stations should be worked out prior to the approval of the project or issuance of any permits and not later. **s**

Page of Draft EIR Comment

5.6-26 There is concern with the EIR discussions on the Project's noise sources and impacts. The EIR makes assumptions on use of the Casitas, the installation of property line walls and use of facilities in general. These are not backed up with site specific conditions of approval. The EIR seems to focus on the tennis complex and does not fully address the impacts of the 140 additional residences, 700 hotel rooms, or the 950,000 square feet of new commercial uses. The report fails to identify the impacts of the "remainder parcel". There is some concern with Condition Number 5.6-3. As it places too much emphasis on studies to be conducted at a future date (out of public view) after the facility is built and not prior to construction.

t

Please explain why parking lot light generators (page 5.6-13) are being permitted? As a condition of approval should they not be permitted?

5.7-21 EIR states that the project has substantial carpooling and shuttle system features. Please point out where in the EIR are these facilities and features being provided and what conditions of approval are being proposed to insure they will be provided? The provision of bike land on Miles Avenue and Washington Street and the use of a shuttle to take event goers from the parking lot to the tennis complex does not qualify as "substantial features".

u

5.7-21 EIR discusses screening level analysis conducted for the intersection at Fred Waring Drive and Washington Street. Why were the other intersections not reviewed? Intersections such as Warner Trail/Fred Waring or Cook Street/Fred Waring have sensitive receptors (residential) nearby.

v

5.7-23 Condition Number 5.7-21 will have no measure of impact in reducing emissions from project-related vehicle trips. Condition should be reworked to include effective measures.

w

5.9-5 EIR states that tennis facilities would be consistent in theme with existing surrounding recreational uses, including the Palm Royal Country Club, the Golf Resort at Indian Wells, the Woodhaven Country Club and the Indian Wells Country Club. The text then states that "therefore, visual impact would be minimal due to the tennis complex's consistency with surrounding sports and recreational themes." Please explain how a major sports complex, two hotels of 700 rooms, approximately 100,000 square feet of commercial uses, and 140 attached corporate casistas is consistent in theme with the surrounding low density single-family residential (i.e., Palm Royal, Woodhaven, and Indian Wells Country Club)? Is it that these residences are clustered around a golf course that makes them similar? These EIR statements are inaccurate assumptions and conclusions based on no factual data?

x

Page of Draft EIR Comment

5.9-8 EIR states no significant aesthetic impacts as a result of project build out. Please explain how this conclusion is made when no detail about height of hotel buildings, commercial buildings, parking lot lights, and similar structures and equipment is given? Conclusions do not appear to be based upon any factual analysis. EIR text appears to stress the lack of unique visual features on-site but lacks any in depth analysis on the loss of views of surrounding hillsides (etc) caused by the project.

y

5.9-10 EIR provided mitigation measures have very little to do with aesthetics or impacts as a result of the loss of views or vistas and should be rewritten. Measures such as lowering the tennis site should be included as a condition to reduce possible visual impacts and limitations on the height of the hotels and adjacent commercial buildings should be provided.

z

5.10-4
Exhibit 24
5.10-6
5.10-7 EIR discussion seems to focus on the light and glare impacts of the tennis stadium and very little in depth analysis is provided on the other project components (i.e., hotels, commercial, etc.). EIR states that such additional lighting and glare would increase spillover level to surrounding receptors, but no significant impacts are anticipated to occur. However, no factual data is provided to substantiate this. No discussion on the use of temporary parking lights is found. Will these not crease a potential source of light and glare? Mitigation measures provided are vague and seem to be oriented to the main tennis stadium only. Corrective measures need to be provided (in detail) for the tennis complex in addition to the hotels and other commercial building and uses in the project. Suggest that 1/2 of parking lot lighting be turned off at 10:00 p.m. when facility is not in use. County standards such as the requirement of a street light every 300 feet on a roadway creates significant impact yet no discussions or corrective measures are given? Was this included in the lighting impact analysis?

aa

Volume II

11.2-4 Study identifies 10 intersection shown in Exhibit 2. Please note that 13 intersections are listed.

bb

11.2-7 Study does not identify when existing average daily traffic volumes were under taken. Only in-season volumes should have been used, if not the analysis and recommendations provided are invalid.

cc

11.2-15 Why was an ADT generation rate made up for this study and an ITE Land Use Code 450 (Stadium) or some other Code was used? Document provides no justification why this action was undertaken.

dd

11.2-16 Table 6 identifies a 16,000 seat annual event when other sources state a total of 26,500 seats will be available. Analysis should be redone to show impacts on the correct number of seats.

ee

Page of Draft EIR Comment

- 11.2-17 Document states that other access will be provided to the project site from Washington Street. The City has stated from the beginning that it will not accept additional access points to the project or other components of the project (excluding planned access point to commercial/hotel site) from Washington Street. If other access points are anticipated why was there no analysis of the impacts of these points on the traffic flow on Washington Street? The report is lacking traffic circulation analysis at any of the proposed access points. This should have been included with the EIR and not later. Are deceleration lanes needed? Will there be sufficient vehicle stacking at any of the proposed access points? ff
- 11.2-18 We are concerned with the statement that distribution of project generated trips are based on discussions with the County and project applicant. What documentation do you have to justify these opinions? Does the traffic engineer think these are valid? We believe these opinions are inaccurate and hearsay and will provide suspect findings. gg
- 11.2-19 Report should not have assumed that any of the existing intersection deficiencies will be completed unless verification was obtained and a timetable for completion given. Unless this information has been obtained the recommendations of the report should be considered suspect. hh
- 11.2-39 Report states about augmentation/enhancement of Highway 111/Cook Street. Again, unless verification for such augmentation is given such statements should be removed. No plans are underway for this work. ii
- 11.2-46 Report recommends "Special Event" coordinating mitigation measures between applicant and affected agencies. This mitigation measure is vague and ineffective. Please provide some concrete, real world mitigation measures that can be implemented. jj
- 11.2-60 Report states that the project area zoning would allow 4,900,500 square feet of commercial land uses. This seems to be an extremely large number. Was required parking and access roads taken into account? Was a 2-story height restriction taken into account? Realist (real world) figures should have been used and not some extreme number to make the project look good on paper. kk
- 11.2-62 Report seems to have an unrealistic view that the adjacent church facilities will be used only on Sunday mornings. Background research would have shown that this (as approved) will be a major religious facility that will be used most days and evenings. Basing the report on the inaccurate "Sunday morning" only use will provide faulty analysis. More accurate information should be used for the report. Report contains no analysis or mitigation measures on the impact of event traffic on Warner Trail or on the adjacent school. We feel this area may be significantly impacted. ll

Page of Draft EIR Comment

11.2-65 to 75

TUMF mitigation measures are invalid. TUMF fees can not be used to provide site-specific mitigation as suggested. Please contact CVAG and get the proper information on the use of TUMF fees. Report needs to provide valid, site-specific, and workable (measurable with timetable to complete) mitigation measures. Without valid mitigation measures the validity of the EIR and traffic report is questionable.

mm

Response No. 11
City of Indian Wells

- 11a. The "remainder parcel" is owned by a separate party, and therefore detailed analysis was not conducted for site-specific issues. However, this parcel was included in the General Plan amendment and zone change request, and the anticipated land uses were incorporated into the "project" traffic analysis. The parcel was also included in all field studies. Subsequent site plan review by County staff will include an assessment as to the need for further CEQA review. At minimum, development of this parcel will require a site-specific traffic study.
- 11b. "Single-family" will be omitted in the Final EIR, and the sentence will simply read "temporary residential" uses.
- 11c. The residential component of the project is not anticipated to be multiple-story, as the applicant plans to construct corporate "casitas" similar to the attached units at the Hyatt Resort used for the existing Tennis Event. The proposed 140 units on 12.8 acres is not considered "high density", and is anticipated to include adequate landscaping, setback and architectural treatments to compatible with adjacent uses. Numerous areas throughout Indian Wells and surrounding cities have successfully located attached residential products adjacent to single family residential. Detailed site plan review will be required for the residential component, including landscape and architectural review. It should be noted that the City of Indian Wells has pre-zoned the site for Low Density along Warner Trail (a narrow strip), and the majority of the "panhandle" area is pre-zoned Medium High Density residential, with the balance of the site pre-zoned for Community Commercial.
- 11d. Although the City has no existing commercial land uses adjacent to the site, the entire area south of Miles Avenue is pre-zoned for Community Commercial and public facility. Areas further south of the site are buffered by the Whitewater River Channel, the project's future parking area south of Miles Avenue, and Miles Avenue. The City has other areas zoned for Resort Commercial and Community Commercial that are adjacent to a variety of residential areas, including Very Low Density residential.
- 11e. This statement was in reference to peak usage of the total project, including the Tennis Event and the associated restaurant/hotel areas. The Draft EIR addresses year-round impacts of the hotel and commercial areas, as these will operate independently from the Tennis Event. Please refer to Response Nos. 5k and 5n.
- 11f. The project actually only "abuts" residential areas in one location, at the project's southwestern corner, where the project's parking area and proposed landscaping and setbacks will satisfy this requirement. In addition, the project will include appropriate structural setbacks as required by the proposed zoning throughout the project.
- 11g. As requested, this policy analysis will be deleted in the Final EIR.

- 11h. The parking area south of Miles Avenue would only be utilized during major events, and will be covered with grass to reduce erosion potential and enhance aesthetics. This is appropriately considered as "open space", together with the extensive pedestrian and landscaped areas proposed throughout the Tennis Complex.
- 11i. The Draft EIR includes a detailed discussion of the project' potential aesthetic impacts, including all project components. In addition, the Draft EIR includes computer-generated project renderings from four different locations, including northerly and easterly views from the City's sphere areas toward the project. The Draft EIR focuses on the three stadia, as these will be the largest of the site's structures within the Tennis Complex. It should also be noted that the largest stadium has been sunken 30 feet to reduce potential aesthetic impacts, and Stadium 2 has been sunken 15 feet to reduce potential impacts.
- 11j. The project will include standard "advanced system technologies" within the proposed traffic signal systems at improved intersections (as currently utilized by the County, such as signal synchronization and vehicle sensor pads). The project also includes the proposed pedestrian under-crossing at Miles Avenue, and the proposed tram/shuttle system (which is described in more detail within Attachment A to these responses).
- 11k. The project continues the tradition of the existing Tennis Event in catering to a competitive field of Tournament players, sponsors and visitors, which requires a convenient and efficient shuttle system between major hotels and parking areas (see Attachment A).
- 11l. This information will be considered by County decision-makers during project deliberations. Please note that County staff have developed additional conditions through the County's LMS process, as reflected in the staff report, which is available for review at the County Planning Department in Indio.
- 11m. Prior to receiving discretionary permits, the applicant must obtain a will-serve letter from electrical utility provider(s) such as IID. Upgrades to the IID system will be required prior to occupancy (it should be noted that the system brown-outs would occur with or without the project).
- 1n. The project will incorporate standard conditions as reflected in the County's LMS conditions, including adequate street lighting, signage and provision of on-site security personnel during the Tennis Event.
- 11o. The County collects fees from developments to fund the cumulative additional demand for fire services, and uses these collective funds to construct new facilities as warranted. The project would contribute its share of the fire assessment fees, as noted in the Draft EIR.

- 11p. As stated on page 5.4-14 of the Draft EIR, the applicant will either dedicate the practice courts for public use and/or pay the required park mitigation fees. Furthermore, the 140 residential units are for temporary sponsor use and/or rental, not year-round occupancy.
- 11q. The 140 residential units are intended to be occupied on a temporary basis by the tournament sponsors during the two-week Tennis Event. During the remainder of the year, the units are planned to be rented out as part of the proposed hotel operations. Year-round occupancy will be prohibited in the project's conditions of approval. Therefore, the student generation associated with the residential units will be zero.
- 11r. The Final EIR will delete reference to the City of Indian Wells, and will state that police services will be coordinated among the different parties and agreed upon prior to issuance of building permits. As noted in the Draft EIR, the project is covered by mutual aid agreements between the County and Cities, and the Tennis Event will include private security to reduce demand upon police services.
- 11s. The project itself is not responsible for constructing a new fire station. Rather, payment of the required fees is standard practice for a project to mitigate its fair share of the cumulative need to increase personnel, equipment and facilities over time.
- 11t. The Noise Study was reviewed and approved by County staff, in accordance with County procedures for noise analysis of development projects. The Noise Study accounted for the entire project, as the "project" traffic used in the Noise Study was based on project buildout, which includes the hotel, commercial and residential areas. Mitigation Measure No. 5.6-3 does not exist. If the commentor was referring to Mitigation Measure No. 5.6-2a, this is considered appropriate given the project's stage in development/design review. The County has full authority to ensure that subsequent project submittals include adequate noise attenuation, where warranted. Generators may be necessary for lights at temporary parking lots, such as those used at the existing facility, in the areas shown in Exhibit 4, Composite Site Plan/Parcel Map.
- 11u. Please refer to Attachment A, Parking & Traffic Management Plan.
- 11v. Please refer to Response No. 5hh.
- 11w. Condition 5.7-21 does not exist. If the commentor is referring to Mitigation Measure No. 5.7-2a, these are standard conditions recommended by SCAQMD for reducing mobile emissions, including provisions for non-vehicular transportation, reducing energy-related emissions, and reducing vehicle idle time in parking areas.
- 11x. These comments will be considered by the County during project deliberations. Aesthetics is, by nature, a subjective issue. The Draft EIR statements were made, in part, based on the fact that the present Tennis Event is held at a similar (although smaller) stadium to the nearby west, and this portion of the Coachella Valley is known for its premier recreational facilities. Furthermore, the overall change in character of the site was considered as part of the City's General Plan update process,

- which pre-zoned the project site for Community Commercial at a much higher density and level of impact than would occur with the project. Site-specific aesthetic considerations are discussed in the "Off-Site" discussion that follows the referenced paragraph, as well as in Section 5.1, *Land Use/Relevant Planning*.
- 11y. Please refer to Response Nos. 5dd - 5gg. Site-specific design issues will be addressed through the Conditional Use Permit process for the hotels, and site plan review for the restaurant, remainder parcel and residential areas.
- 11z. These comments will be considered by the County during project deliberations. It should be noted that a key project design feature has already incorporated a partially sunken stadium design for all three main stadia. Regarding future hotels or commercial buildings, these elements are limited in height, parking lot lighting, etc. by the current County zoning codes.
- 11aa. These comments will be considered by the County during project deliberations. County staff will consider following the City of Indian Wells and City of La Quinta guidelines for street lighting. The Final EIR will be clarified to indicate that temporary parking lot lights must also comply with County Ordinance No. 655 relative to light and glare. Also refer to Response No. 5cc. It should also be noted that the applicant is proposing to further reduce the number of permanent parking lot lights for the western parking lot north of Miles Avenue.
- 11bb. The Final EIR will reflect this correction.
- 11cc. The existing traffic count data was taken from CVAG's Traffic Census Report for Winter Conditions, and peak hour counts taken in early 1998.
- 11dd. The annual tennis event is a special trip generator with specific characteristics unique to the event and the manner in which it is operated. Unlike a typical stadium sporting event which begins and ends at specific times, the annual tennis event consists of daily and evening sessions of continuing tennis matches throughout the day, with spectators coming and going all day long depending upon which match(es) they wish to see. Therefore, the project's traffic generation does not correspond with any ITE trip generation factor. The annual tennis event at the proposed project site is planned to operate in the same manner as the current event, only on a larger scale.
- 11ee. Please refer to Response No. 5g.
- 11ff. These comments will be considered by the County during project deliberations. The traffic analysis assumed for worst case purposes that the only project site access on Washington Street is via Miles Avenue. The Tennis Complex Site Plan (Exhibit 4 in the Draft EIR) and the site plans on file at the County for the requested Conditional Use Permit and related approvals show the project taking access from Washington Street from at least two locations (a service drive located at the project's northwestern limits, and an entry point between the hotel and restaurant parcels. At the time the Conditional Use Permit is processed, specific site access/circulation issues related to

that approval will be addressed in a site-specific traffic study for that application. Road deceleration lanes are a condition of the parcel map, and vehicle stacking provisions have been incorporated into the conceptual design.

- 11gg. The project traffic engineer and County Transportation Department believe the trip distribution assumptions are correct and reflect an accurate distribution of project-generated trips based on the proposed project land uses in conjunction with the demographic and geographic location of those expected to be attracted to the proposed project. No information to the contrary has been provided that would substantiate different trip distributions.
- 11hh. Please refer to Response No. 5o.
- 11ii. Please refer to Response No. 5o.
- 11jj. Special events coordination is intended to be flexible to allow various types of measures to be implemented as required to mitigate project-related traffic impacts. Examples special events coordination of include provision of maps to spectators, directional signage, shuttle service, and Traffic Control Officers as necessary. Please refer to Attachment A, Parking & Traffic Management Plan.
- 11kk. Although the traffic study utilized the larger number cited in the comment, the Draft EIR alternatives section used a much lower figure of an estimated 1.3 million square feet, based on a 0.20 FAR. This still resulted in approximately 50,000 daily trips, which far exceeds the traffic projections for the project.
- 11ll. The traffic study includes an analysis requested by the church to forecast Sunday morning conditions when the facility generates the largest number of trips. However, the traffic study also documents that the church facilities will be generating traffic on every day of the week at varying times. While the cumulative traffic growth assumptions utilized in the analysis are intended to account for other projects, such as the church, it is worth noting that the weekday church-generated trips will occur either outside of or at the tail end of the critical p.m. peak hour.

Warner Trail is analyzed in the study, at both the critical Fred Waring intersection and the Miles Avenue intersection for all analysis scenarios contained in the report.

- 11mm. Refer to Response No. 5o.



FAR WEST INDUSTRIES

RECEIVED

Comment No. 12

SEP - 2 1998

ROBERT BEIN, WM FROST

Real Estate Investment Banking and Development

2913 S. Pullman St., Ste B • Santa Ana, CA 92705 • (714) 224-1970 • Fax: (714) 224-1963

August 31, 1998

Mr. Paul F. Clark, AICP
Senior Planner
County of Riverside Planning Department
46-209 Oasis Street, 2nd Floor Room 209
Indio, CA 92201

Re: "Garden of Champions" Draft Program Environmental Impact Report dated July 15, 1998

Dear Mr. Clark:

The Lissoy family owns the approximately 34.10 acres located at the Northeast corner of Miles Avenue and Warner Trail directly **contiguous** to the proposed "Garden of Champions" project currently under review by the County of Riverside (Affected Parcel). As you are aware, the County of Riverside (as well as the City of Indian Wells) has zoned the Affected Parcel for residential use. This residential zoning is consistent with existing surrounding land uses and/or currently zoned anticipated uses as outlined in the County's and City's general plans. The Garden of Champions project (Project) is seeking a comprehensive general plan amendment, change of zone, and conditional use permit in addition to other various ancillary project related changes.

Approximately two weeks ago days ago it came to my attention by word of mouth that the draft environmental impact report (DEIR) was completed for the above referenced project and that the comment period ends August 31, 1998. Upon discovery of this, I scurried to obtain a copy of the DEIR. Upon receipt of the report, we reviewed the List of Agencies Transmitted NOP from Riverside County Planning Department contained within the DEIR. Under the section entitled INTERESTED PARTIES it lists various parties and we, as the owners of the **contiguous** property to the project, were not listed; therefore, we were not in the distribution list for the DEIR, other project related documentation or notices.

Eventhough the Affected Parcel is not developed, it goes without saying that we have an interest in the future of our property as our property will be affected by the "Garden of Champions" project. Our preliminary comments are as follows:

- First I would like to make a point of clarification. The DEIR makes reference to a 34.6 acre vacant parcel located Northwest of the intersection of Miles Avenue and Warner Trail (DEIR page 5.1-15 para. 2). As there is no such parcel in existence, I will presume that the DEIR is really making reference to the Affected Parcel which lies at Northeast of the intersection of Miles Avenue and Warner Trail. The DEIR states that the Project is considered compatible

a

b

with Affected Parcel due to its Residential 2B designation on the Western Coachella Valley Plan Land Use Allocation Map. While the "Western panhandle" (aka casitas/villas) portion of the Project may be marginally compatible, the remainder of the Project is far from being compatible. The fact that the Project is requiring significant changes in land use is evidence alone of compatibility issues. Nowhere in the DEIR does it discuss the true relationship of land use compatibility between the Affected Parcel and the Project. Because one small part of the project may be compatible, it cannot be determined that the overall project is compatible.

- The City of Indian Wells has zoned the Project medium high density residential for the "Western pandhandle" parcel and commercial for the remainder parcels in its general plan. The City of Indian Wells has a resort commercial zoning which is not afforded to the Project. The Project is not consistent with the City of Indian Well's zoning as is indicated in the DEIR.
- Colored elevations of the tennis stadium indicate that the structures are to be of a pinkish hue. If this is the case, it is clear that this color is not compatible with the scenic setting or environment. Earth tone colors should be utilized so that the structures blend more with the environment rather than become a focal point that stands out along the Scenic Corridor.
- The applicant is seeking a conditional use permit (CUP). The DEIR states that, at a minimum, certain components and design considerations should be incorporated in the CUP (DEIR page 1-4, 5.1-4). The CUP should incorporate provisions that truck delivery orientation/loading areas and equipment storage areas and waste receptacles be designed away from existing and future residential areas. The Affected Parcel is zoned for residential use and should not be subject to inappropriate site planning that shifts the aforementioned nuisances into the proximity of the Affected Parcel.
- The DEIR does not suggest any mitigation for the requested building height variance. There are mitigation options available to the applicant. The applicant is seeking approvals for the Eastern part of the property to be used for general commercial uses as well as up to four story hotels. Generally commercial uses are not affected by building/structure heights in its proximity unless it blocks that building/structure's visibility or exposure to the commercial use. The tennis complex is West of the proposed commercial parcels and has virtually no affect on the commercial parcel's visibility or exposure from Washington Street or Miles Avenue (the main arterials abutting the proposed commercial parcels). Furthermore, once the proposed commercial structures are erected, they will help to serve as buffer to developed parcels near Washington Street. Based on these facts, it is reasonable to ascertain that stadiums within the tennis complex could be relocated to mitigate aesthetics, noise, glare and other issues that would effect adjacent properties that are not afforded the buffers discussed herein. Simply put the tennis stadiums could be moved to the East closer to the applicants proposed commercial parcels. Currently the main stadium is located extremely close to the

residentially zoned Affected Parcel. The applicant is seeking a 13 foot variance to the height limitations for the stadium bleachers and a 60 foot variance to the light posts with mounted speakers. This requested variance is significant and should be adequately addressed in the DEIR. Mitigation is available to the applicant since the further the stadium is from the Affected Parcel the less negative impact there will be on the Affected Parcel. The viewshed from the Affected Parcel can be improved, the noise can be reduced and the glare from the stadium(s) can be reduced.

- There is discussion in the DEIR about the monitoring of noise. The operator of the Project is to deposit \$5,000 with the Riverside County Office of Industrial Hygiene (IH) to pay for the cost of monitoring noise level emitting from the Project on an as need basis. The DEIR needs to expand on the capacity of IH to adequately monitor noise. The significant events at the Project will often take place on the weekends and in the evenings which is beyond the normal operating hours of most agencies. As a matter of practice, does the IH department have staff members that work shifts that are synonymous with the planned and/or anticipated events for a recreational facility? Furthermore, the DEIR discusses the fact that the Project will be used for other potential exhibition uses such as fairs and trade shows. Over time the Project improvements will more than likely be used for more than just a tennis tournament during two (2) intense weeks during the course of the year. Is the IH department's responsibility and does it have the capacity to become a year round policing function monitoring noise as it may affect surrounding land uses? Current or proposed residential neighbors should not have to live in fear of abuse of noise standards and whether such is being policed properly when the policing of such requires a highly technical background and/or monitoring equipment.
- The current site plan indicates that an improved parking lot with 1,100 parking stalls sits adjacent to the Affected Parcel. The parking lot will have parking lot light standards throughout to provide for adequate Project security lighting. Without question, these parking lot light standards in gross quantity will negatively impact the Affected Parcel. Any residential unit near the Eastern border of the Affected Parcel would be looking directly into a commercially lit parking lot. Presuming that any and all special events that would be held at the Project subject to a CUP ends by 10 PM, it would be reasonable to assume that the event patrons would disburse into the improved parking lot at the events conclusion. Judging from other national sporting events, local fairs, etc. event patrons make their way to their vehicles and either scurry to exit the parking lot in a frenzy or "hang out" at the vehicles listening to music, drinking or otherwise until the parking lot empties. After 10PM in the evening, the future neighboring residential would be subject to honking horns, car door slamming, hollering by event patrons, etc. These noise impacts and nuisances need to be adequately addressed in the DEIR. The DEIR makes specific references to the acceptable noise levels within the various jurisdictions before and after 10 PM. The DEIR does not consider the issue of events concluding by 10 PM and all of the lingering noise.

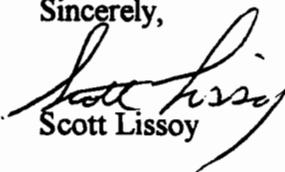
- The DEIR makes reference to a study of noise levels at the Hyatt stadium in Indian Wells during events and concluded that the noise levels were respectable. The DEIR did not consider the fact that the Hyatt stadium is an enclosed stadium on all sides; the bleachers/seating are contained within an enclosed circle without section breaks. The main tennis stadium at the Project consists of suspended bleachers constructed in sections with open air breaks throughout the stadium. It is difficult to make a comparison between the two stadiums. As a mitigation to noise, the applicant should consider enclosing the stadium just like the Hyatt stadium and the DEIR should definitively address this alternative as a potential mitigation. i
- Stadium 2 with seating of approximately 8,050 seats is proposed to be used as an outdoor amphitheater. A review of the DEIR's exhibit on Amphitheater Noise Contours reveals that the noise will project directly to the Affected Parcel. In essence the Project has been designed to direct noise to the Affected Parcel, an anticipated residential project. Once again, without question, this is a significant issue. A reduced scale alternative to the Project should be the elimination of the amphitheater. This Project is being constructed in an in-fill area of the Coachella Valley surrounded by mostly existing or planned residential development. This is not an appropriate place for an amphitheater and there are alternative sites within the Coachella Valley that can accommodate this. A casebook example of open air amphitheater problems within a developed residential community can be seen with problems with the Pacific Amphitheater in Costa Mesa, CA. This Amphitheater has been closed for several years now stemming from litigation over noise issues affecting nearby residential. j
- The DEIR indicates that there will be significant increases in the trip generation to the Project. This increased traffic has raised concerns from the surrounding jurisdictions and the ability of existing infrastructure to handle the increased traffic. The DEIR discusses the need for various infrastructure upgrades and the Project's contribution to such. There is a deep concern that the Affected Parcel will become subject to future infrastructure upgrade contributions/participation which are a direct result of the traffic generated by the Project in lieu of what traffic would have been generated by the Project property if it were developed for the low intensity use of residential for which it is currently zoned. Will the Project place an undue hardship on the Affected Parcel for infrastructure related requirements when the Affected Parcel is developed? k
- A review of the site plan indicated that there is an inadequate landscape buffer between the projects Western boundary line and the Affected Parcels Eastern boundary line. The nature of this Project does not lend itself to simply meeting the setback requirements at property lines. As discussed herein, one way to mitigate noise, glare, etc. is to create large landscape buffers and a large landscape buffer planted with appropriate trees and foliage needs to be l

incorporated into the site plan. A landscape architect would need to be consulted in order to determine what species of trees and foliage and at what placements within the landscaped area would be optimal. The landscape buffer at the Project's Western boundary line needs to be increased in size. |

- The purpose of this letter is to discuss some of the issues that the Affected Property owner has discovered thus far as material in light of the short window of time to have reviewed the DEIR for the reasons discussed in the letter. This letter is only the *preliminary* comments to be submitted by the Affected Property owner and more detailed comments and issues will be raised in future correspondence prior to or at the public hearing stage. Given the magnitude of this Project, the need for major changes in land use, the need for an EIR and a multitude of comprehensive studies and reports, and the fact that the Affected Property is directly **contiguous** to the Project it was a shock to find that the Affected Property owner was not on the Interest List for the Notice of Preparation or the Notice of Completion of the DEIR. Having not been on the Interest List, the Affected Property owner did not have an adequate opportunity to review the DEIR in a comprehensive manner and prepare a final response during the public comment period of the DEIR. | m
- The DEIR fails to discuss the true impact on the residentially zoned Affected Property. Without question, the value of whatever (to be constructed) residential product that would be built on the Affected Property would be negatively impacted. There will be an inevitable stigma associated with the Affected Property with its direct proximity to the Project as it affects quality of life for residential purposes. Additional mitigation issues and reduced scale alternatives need to be further explored and incorporated. | n

I appreciate the opportunity to comment on the DEIR and hope and anticipate that these comments and those previously submitted by the parties that received the Notice of Preparation will be adequately contemplated and addressed. With respect to this Project, our efforts to protect the future of the Affected Parcel will be ongoing.

Sincerely,


Scott Lissoy

cc: Mr. Kevin Thomas, Robert Bein, William Frost & Associates
Mr. Richard R. Oliphant

Response No. 12

Far West Industries

- 12a. Far West Industries will be added to the project's mailing list.
- 12b. The adjacent parcel location will be corrected in the Final EIR. The Draft EIR addresses land use compatibility issues in Section 5.1, as well as related land use issues such as aesthetics, light & glare, and noise. The adjacent 34.6-acre parcel is specifically addressed throughout the EIR, including pages 5.1-15 (land use), Miles Avenue/Warner Trail intersection (Section 5.2, Transportation and Circulation), Exhibit 19 (amphitheater noise), Exhibit 22 (Proposed Project Views), Exhibit 23 (Concept Landscape Plan, showing proposed perimeter wall along entire length of project abutting the 34.6-acre parcel), and Exhibit 24 (Tennis Complex Lighting).
- 12c. The project includes a proposed zone change and General Plan amendment. The reference to City of Indian Wells General Plan is for informational purposes, and is more with respect to goals and policies. Community Commercial designations typically allow sports/entertainment facilities subject to a Conditional Use Permit. Regardless, the project is within the County's jurisdiction, and therefore the County's land use and zoning designations are most relevant for the EIR.
- 12d. This comment will be considered by County decision-makers during project deliberations.
- 12e. This comment will be considered by County decision-makers during project deliberations.
- 12f. This comment will be considered by County decision-makers during project deliberations. Also refer to Response No. 11z.
- 12g. County IH staff have committed to implementing the noise monitoring, which has been successfully utilized on other special event projects. Over the two decades of providing Riverside County community with their Industrial Hygiene services, they have worked all hours including shifts from 10:00 P.M. to 7:00 A.M.; annual budget permits work after hours. I.H. staff has extensive expertise in noise with staff members possessing one or more registrations as Certified Industrial Hygienist, Registered Environmental Health Specialist and Certified Safety Professional. They have established state of the art community noise control standards; are intimately familiar with acoustical instrumentation; have monitored a wide range of acoustical sources; required implementation of controls to mitigate unacceptable noise emissions. Due to the noise expertise, they have been guest speakers at universities, colleges and professional associations. Recently, they have addressed the National Renewal Energy Laboratory, Boulder, Colorado symposium (at the lab's expense) on noise emissions from Wind Turbines.

Mitigation Measure Nos. 5.6-2b, 2c, and 2g provide the County with authority to monitor and modify the project's event noise conditions as appropriate. These are

- primarily directed toward amphitheater noise, which will be the loudest of the on-site noise sources. General background noise and occasional noise from loudspeakers systems are not expected to be significant, and will be required to be installed in such a manner that County noise standards are achieved, as set forth in Mitigation Measure No. 5.6-2a.
- 12h. The Draft EIR acknowledges that event-related noise may continue past 10 PM, as noted on pages 5.6-21 (under "Stadia"), and footnote 4 on the bottom of page 5.6-19 (under "loudspeakers"). The referenced parking areas are specifically addressed on page 5.6-18 as potentially occurring past 10 PM. Based on the parking lot noise estimate of 70 dB(A) at 50 feet, the County's night standard of 45 dB(A) may be exceeded for parking areas closer than 800 feet to a residential parcel. However, this condition occurs for virtually any development project involving parking, whether commercial or residential. Furthermore, the majority of the project's parking will be located south of Miles Avenue, bordered by commercially-zoned land and the Whitewater River Channel. The permanent parking lot west of Stadium 1 will be adjacent to the subject 34.6-acre parcel, although a minimum six-foot high sound wall will border this entire area adjacent to the residential area. In addition, the applicant has agreed to utilize grass parking areas on the portion of this parking lot closest to the parcel, to further minimize parking lot noise.
- 12i. This comment will be considered by County decision-makers during project deliberations. It is acknowledged that the existing and proposed stadiums are acoustically different. However, the proposed Stadium 1 will be sunken approximately 30 feet (other courts will also be recessed at various depths), which will serve to shield noise. The existing stadium does in fact have "breaks" in the walls, at the upper dining/viewing area and for the various tunnels leading into the stadium (the noise measurement closest to the existing stadium was, in fact, taken immediately in front of a tunnel entrance).
- 12j. This comment will be considered by County decision-makers during project deliberations. It should be noted that Stadium 2 was originally proposed to be further west, and was subsequently relocated further east in its current location. The issues associated with the other referenced amphitheater ("Pacific Amphitheater") are entirely different from the proposed project, as the Pacific Amphitheater is larger, located near an existing densely populated residential area, and was constructed in a substantially different manner than addressed in its EIR.
- 12k. The applicant will pay its fair share of off-site road improvements. The required contribution from the developers of the 34.6-acre parcel are not within the scope of this EIR. As a matter of clarification, the project is pre-zoned for Community Commercial, which could allow double the traffic projected for the project.
- 12l. This comment will be considered by County decision-makers during project deliberations. It should also be noted that the applicant proposes a perimeter wall and landscaping along the border between the project and the 34.6-acre parcel, to reduce potential noise and lighting impacts.

- 12m. This comment will be considered by County decision-makers during project deliberations. It should be noted that applicant's representative met with the property owner on several occasions, and provided additional clarification of questions regarding the Draft EIR. The County's public noticing of the Draft EIR was consistent with County policy and CEQA. The County provides for a radius mailing, to include the property owner, for project-related public hearings, at which time the property owner will have the opportunity to comment further on the Draft EIR. In that regard, the property owner will have had nearly two months from receipt of the Draft EIR until the Planning Commission meeting.
- 12n. This is a subjective opinion that will be considered by County decision-makers during project deliberations.



COACHELLA VALLEY ASSOCIATION of GOVERNMENTS

Comment No. 13

- Cathedral City
- Coachella
- Desert Hot Springs
- Indian Wells
- Indio
- La Quinta
- County of Riverside
- Palm Desert
- Palm Springs
- Rancho Mirage

RECEIVED

AUG 31 1998

RIVERSIDE COUNTY PLANNING DEPARTMENT INDIO OFFICE

August 31, 1998

Riverside County Planning Department
Attn: Paul F. Clark, AICP
Project Planner
46-209 Oasis St., 2nd Floor, Rm. 209
Indio, CA 92201

RE: Garden of Champions - Comments on the Draft Program Environmental Impact Report (EIR) No. 403, Volume II, 11.2 (Traffic Study).

Dear Mr. Clark,

Subsequent to review of the above-mentioned document, Coachella Valley Association of Governments' (CVAG) Transportation Department staff is submitting the following comments for inclusion in the final EIR:

EXISTING CONDITIONS

Page 11.2.8 - Exhibit 3

1. Specify Existing Year.
2. Traffic volumes on Jefferson Street N/O Fred Waring and S/O Miles Avenue reflect 1997 volumes instead of 1998 according to CVAG Traffic Census Report. This also applies to the location of Fred Waring E/O Cook Street. SR 111 volumes are lower than the 1996 Caltrans traffic volumes.

Page 11.2.11 - Exhibit 4

1. The exhibit title, "Existing AM/PM", should specify whether the figures presented are turning movements or traffic volumes.

Pages 11.2.13,14

1. A 10% and 20% growth in existing traffic volumes is indicated. No reference is made to the future year. This percentage seems high.

MITIGATION MEASURES

Mitigation Measures No. 1 through 11 addressed on pages 11.2.65 through 11.2.73 suggest CVAG traffic mitigation fees will be used to fund Garden of Champions' project mitigation measures. Transportation Uniform Mitigation Fees (TUMF) will be assessed to all proposed TUMF land uses, however, TUMF is not project specific and is used solely for projects designated on the

COACHELLA VALLEY ASSOCIATION of GOVERNMENTS

Garden of Champions
Draft EIR No. 403
8-31-98 Comments

adopted Regional Arterial Network. In addition to TUMF, the developer is responsible for funding mitigation measures required by this project.

e

Sincerely,

COACHELLA VALLEY ASSOCIATION OF GOVERNMENTS



Carol Cross
Assistant Regional Planner

cc: Allyn Waggle, Associate Director, CVAG
Anne Azzu, Associate Transportation Engineer, CVAG

Response No. 13

Coachella Valley Association of Governments

13a. "Existing" traffic data is from 1997 CVAG traffic census data, and new manual counts taken in mid 1998 by RBF. Exhibit 11 of the Draft EIR and Exhibit 3 of Appendix 11.2 will be revised to include the following footnote:

"Traffic data based on 1997 CVAG Traffic Census Data, 1997 Caltrans data for Highway 111, manual traffic counts taken at the existing tournament in early 1998, and traffic counts taken at additional local intersections by RBF in mid 1998."

13b. The CVAG 1998 traffic data was not available at the time the traffic study was completed in May 1998. Subsequent site-specific traffic studies will utilize the most recent available traffic data from CVAG and local jurisdictions. It should also be noted that, due to the traffic study's conservative assumptions for background traffic growth (as acknowledged by CVAG in their comment letter), slight increases in existing traffic volumes will not affect the overall project buildout mitigation recommendations.

13c. The numbers shown are for peak hour intersection movements.

13d. We recognize that the assumed background growth rates are conservative (high). However, this is considered appropriate, as referenced in Response No. 5n. The annual growth rate was reviewed and approved by the County Transportation Department.

13e. This comment will be considered by County decision-makers during project deliberations. Also refer to Response No. 5o. It should be noted that, in addition to project fees paid toward Regional Arterial Network improvements, the applicant has been conditioned to make appropriate project-specific improvements in the immediate project vicinity.



Archaeological Consulting Services

RECEIVED

July 20, 1998

JUL 21 1998

Mr. Paul Clark
Senior Planner
County of Riverside
Planning Department
46209 Oasis Street, 2nd Floor
Indio, CA 92201

RIVERSIDE COUNTY
PLANNING DEPARTMENT
INDIO OFFICE

Subject: 1. CA-RIV-5876, Stop-N-Sock, Ltd. Project, APN-633-410-028;
2. Request for Peer Review of the Cultural Resources Report for Site CA-RIV-5876, Tennis Court Project East of Stop-N-Sock, Ltd.

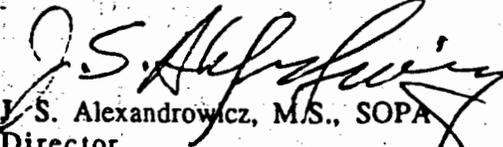
Dear Mr. Clark:

This letter is to inform you that ACS recently received a letter containing demands and ultimatums from Mr. Michael Rover, Attorney for Stop-N-Sock, Ltd., regarding our professional archaeological data recovery at Site CA-RIV-5876, situated on 5 acres within the eastern portion of APN-633-410-028. Our report was completed on May 29, yet to date, we have not been paid by Stop-N-Sock, Ltd., per our contract. Furthermore, I do not believe that Stop-N-Sock, Ltd. executed nor forwarded a copy of the "Notification to County of Riverside of Consultant To Prepare Archaeological or Biological Report, which ACS sent to Stop-N-Sock, Ltd. in mid-May. Therefore, I request that you inform ACS when Stop-N-Sock, Ltd.'s application for their project reaches your desk, in order that ACS may take the appropriate actions to insure that the proper paperwork has been filed with the County, as well as to obtain payment for our professional services for that project.

Second, I spoke with Mr. Kevin Thomas, Robert Bein, William Frost and Associates several weeks ago regarding his project for a tennis court complex, situated directly east of APN-633-410-028. Furthermore, I sent Mr. Thomas a copy of ACS' report on site CA-RIV-5876, portions of which is situated on his project area, for his archaeologists' reference, with the understanding that Mr. Thomas reciprocate with a copy of his archaeologists' report for ACS' review. Since I have not heard from Mr. Thomas since that time, I am formally requesting the opportunity to conduct a peer review of his archaeologists' report for work on Site CA-RIV-5876 and any other cultural resources sites that are within the tennis court project area, as part of the County's CEQA review process.

Thank you for your attention on this important matter. Please contact me with any comments and/or questions.

Your Partner In Historic Preservation,
ARCHAEOLOGICAL CONSULTING SERVICES


J.S. Alexandrowicz, M.S., SOPA
Director

Response No. 14

Archaeological Consulting Services (ACS)

- 14a. County staff provided ACS with a copy of the Notice of Completion, which included information on how to obtain a copy of the Draft EIR and technical studies for review. In addition, the EIR consultants provided ACS with a copy of the requested technical study. No further communication has been received from ACS, and no further response is required.

The following Draft EIR text revisions are based on staff-initiated technical corrections and/or responses to comments received on the Draft EIR text. Additional text is shown by shading.

PAGE	LOCATION	MODIFICATION
1-9	First paragraph	Change "Miles Avenue/Highway 111" to "Miles Avenue/Washington Street"
1-10	First paragraph	Change "42 nd Avenue/Highway 111" to "42 nd Avenue/Washington Street"
5.1-10	5.1-2 Discussion First sentence	Change "single-family temporary residential"
5.1-15	Second paragraph First sentence	Change "...located northeastwest of the..."
5.1-24	Policy IIA1.12	Delete discussion
5.2-9	After "Project Buildout" subsection	Add New Paragraph, as follows:

TRAFFIC SCENARIOS

The project traffic study evaluated nine scenarios, which have been simplified into the following for this EIR section:

- 1) Existing Conditions: Existing traffic conditions based on 1998 counts.
- 2) Existing Plus Phase I (Tennis Event Only): An interim condition, where only the necessary Tennis Complex facilities are constructed (no hotel, commercial or residential).
- 3) Existing Plus Phase I Plus Cumulative (Tennis Event Only): The interim Phase I condition plus assumed background cumulative traffic growth (5% per year for two years, resulting in a 10% increase for all turning movements).
- 4) Existing Plus Project Buildout Without Tournament: Project buildout traffic volumes, without the peak event traffic.
- 5) Existing Plus Project Buildout Without Tournament Plus Cumulative: Project buildout without the peak event, but with assumed background cumulative growth (5% per year for four years, resulting in a 20% increase for all turning movements, which is highly conservative).
- 6) Existing Plus Project Buildout With Tournament: The peak traffic condition, including buildout of all project components plus the peak event traffic.
- 7) Existing Plus Project Buildout With Tournament With Cumulative: Peak traffic condition plus the assumed 20% increase in background traffic

levels (this represents the "worst-case" condition"). It should be noted that the County and City General Plans provided for regional buildout traffic projections and required circulation system improvements, which are not discussed here due to the project represents less daily traffic than the site's pre-zoning for Community Commercial."

Page 5.2-27 Mit. # 5.2-1a Add, at end:

"• The TMP will demonstrate that all inbound vehicle stacking is accommodated on-site with no spill-over onto Miles Avenue, and that outbound traffic peaks can be moderated to such an extent that the Level of Service (LOS) does not deteriorate below LOS "E" for more than 30 consecutive minutes per day."

Page 5.4-13 Exhibit 15 Replace with revised exhibit (attached)

Page 5.4-15 Discussion 5.4-21 Second sentence Modify:

"...attracting potential families to the project site ~~(although the units are not intended for permanent occupancy).~~"

Page 5.4-16 Mit. # 5.4-1 Change

"Prior to issuance of occupancy building permits, the developer, and County Sheriff's Department ~~and City of Indian Well's Police Department~~ shall agree..."

Page 5.7-18 Last paragraph Last sentence Delete, beginning with "Furthermore..."

Page 5.7-24 Last paragraph Last sentence Delete, beginning with "In addition..."

Page 5.9-7 First paragraph Add at end of second sentence:

"...on-going aesthetic nuisance. As noted in Section 4, *Project Description*, the Tennis Complex may also be used for various other "special events", including trade shows, fairs and corporate sponsor events. However, these are not anticipated to be more intense than the Tennis Event. Furthermore, County staff will condition the project to a maximum number of major events per year, including the Tennis Event (a "major event" is defined as any event having more than 8,000 persons in attendance at any one time). Any additional special events beyond the maximum number of major events permitted in the CUP conditions of approval, or any event involving over 20,000 persons in attendance at any one time, would require a Special Use Permit."

Page 5.10-8 Mit. # 5.10-2b Add, at end:

"..of Building and Safety. The applicable lighting requirements shall also apply to temporary and permanent parking lot, security and other facility lighting."

Page 5.11-10 Mit.# 5.11-2f Add, at end:

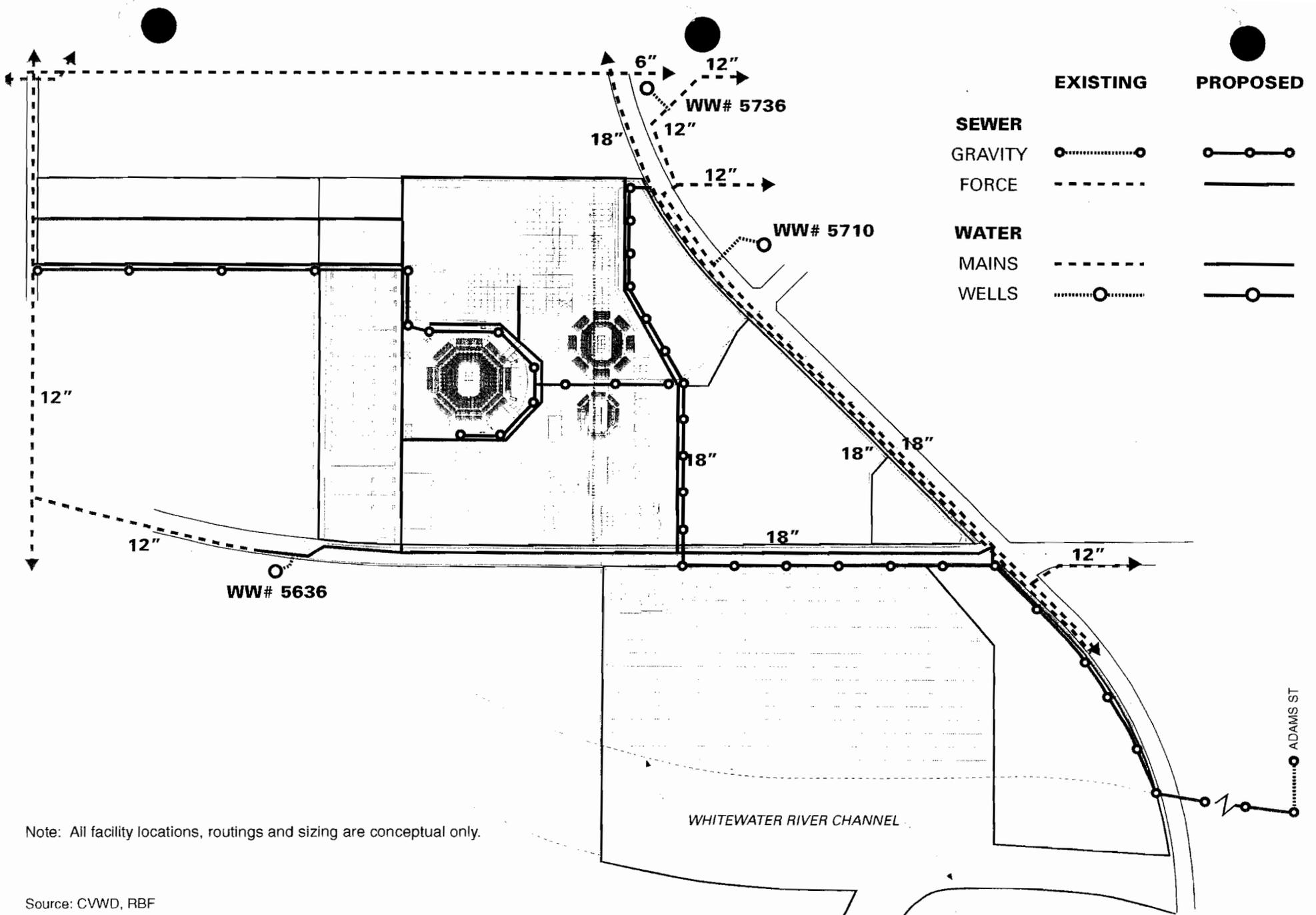
"The project's County-certified archaeologist shall consult with local Native American tribes to determine feasible preservation methods."

Page 5.11-10 Mit. # 5.10-2g Modify the following as shown:

"Excavated finds shall be offered to the County, qualified local Native American Museum, or designee, on a first..."

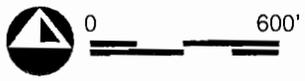
Exhibit 11 of the Draft EIR and Exhibit 3 of Appendix 11.2 will be revised to include the following footnote:

"Traffic data based on 1997 CVAG Traffic Census Data, 1997 Caltrans data for Highway 111, manual traffic counts taken at the existing tournament in early 1998, and traffic counts taken at additional local intersections by RBF in mid 1998."



Note: All facility locations, routings and sizing are conceptual only.

Source: CVWD, RBF



ATTACHMENT A

GARDEN OF CHAMPIONS

PARKING & TRAFFIC

MANAGEMENT PLAN

County of Riverside

Prepared for

PM Sports Management Corporation

Prepared by



Robert Bein, William Frost & Associates
14725 ALTON PARKWAY CONTACT: BOB MATSON
P.O. BOX 57057 949.472.3505
IRVINE, CALIFORNIA 92619-7057

REVISED
October 13, 1998

JN 301536

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APPENDIX A - Existing Count Data

INTRODUCTION

This study examines the parking needs and event traffic management for the annual tennis tournament at the proposed new Garden of Champions project. As shown in Exhibit 1, the project site is located immediately west of the Miles Avenue/Washington Street intersection in the City of Indian Wells sphere of influence in unincorporated Riverside County.

The annual Garden of Champions Tennis Tournament lasts for approximately nine days each year. During the remainder of the year, the tennis facility will serve as a 300-member, 18-court tennis club.

The parking analysis focuses on the requirements for the proposed Garden of Champions tournament stadium component, which is a special parking-generating land use, particularly on four days of the tournament, when two staggered sessions are held, a daytime session and an evening session.

EXISTING ANNUAL TOURNAMENT PARKING CHARACTERISTICS

The annual Garden of Champions Tennis Tournament typically consists of nine day-time sessions and four evening sessions. The weekday day-time session matches tend to peak in attendance during the early afternoon, while the weekday evening session, tends to peak in attendance in the early evening.

To determine the number of vehicles that need to be parked by the proposed project, vehicular counts were taken at this year's (1998) tournament over a 24-hour period for all entering vehicles and all exiting vehicles at both the main parking lot on Eldorado Drive and the

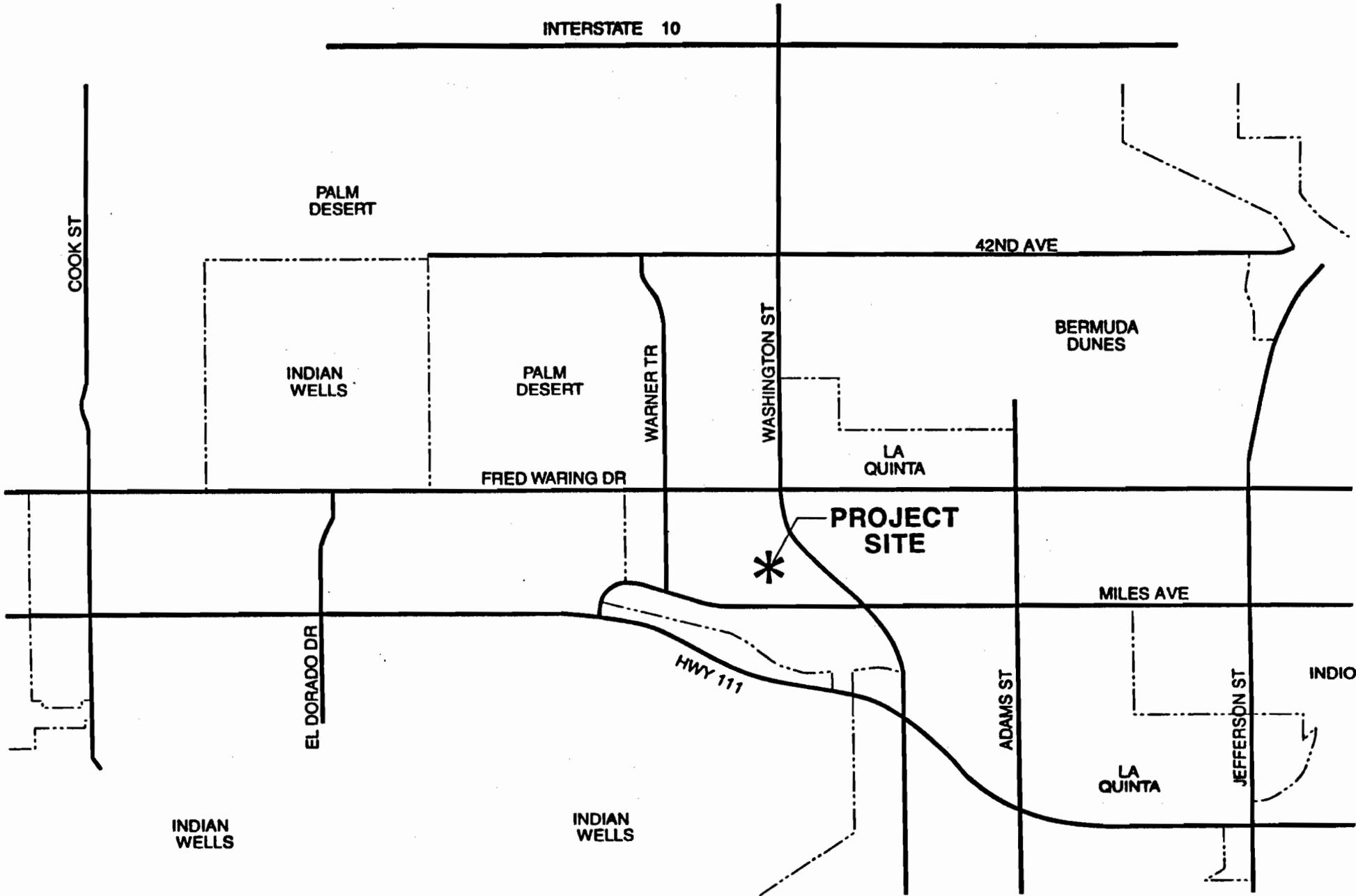
overflow parking lot on Miles Avenue. The counts were taken on the last Friday and Saturday of the tournament since these are typically the most highly attended days of the tournament.

Table 1 summarizes the 1998 last Friday tournament parked vehicles at both parking lots; detailed count data is contained in Appendix A.

Table 1
1998 Friday Tournament Parked Vehicles

Time Period	Eldorado Parking Lot	Miles Parking Lot	Total Tournament Parking
7:00 a.m.	23	27	50
8:00 a.m.	60	227	287
9:00 a.m.	182	465	647
10:00 a.m.	672	597	1,269
11:00 a.m.	1,291	723	2,014
12:00 p.m.	2,214	802	3,016
1:00 p.m.	1,979	861	2,840
2:00 p.m.	2,059	967	3,026
3:00 p.m.	2,101	1,027	3,128
4:00 p.m.	1,663	908	2,571
5:00 p.m.	273	765	1,038
6:00 p.m.	110	687	797
7:00 p.m.	537	687	1,224
8:00 p.m.	586	629	1,215
9:00 p.m.	593	548	1,141
10:00 p.m.	387	327	714
11:00 p.m.	122	132	254

As seen in Table 1, the greatest number of parked vehicles on Friday peaked at 3:00 p.m. at 3,128 parked vehicles. By 6:00 p.m., the number of tournament parked vehicles had decreased to 797 reflecting the lull between the daytime and evening sessions. One hour later at 7:00 p.m., the second peak had occurred with 1,224 parked vehicles for the evening session. Hence, the maximum parking demand for the Friday tournament is 3,128 vehicles.



Not to Scale



Robert Bein, William & Associates
4-88 JN 301924-8437

Project Location

Exhibit 1

Table 2 summarizes the 1998 last Saturday tournament parked vehicles at both parking lots; detailed count data is contained in Appendix A.

Table 2
1998 Saturday Tournament Parked Vehicles

Time Period	Eldorado Parking Lot	Miles Parking Lot	Total Tournament Parking
7:00 a.m.	28	47	75
8:00 a.m.	20	178	198
9:00 a.m.	72	323	395
10:00 a.m.	161	565	726
11:00 a.m.	581	734	1,315
12:00 p.m.	1,317	849	2,166
1:00 p.m.	1,453	891	2,344
2:00 p.m.	1,518	947	2,465
3:00 p.m.	1,394	948	2,342
4:00 p.m.	1,161	915	2,076
5:00 p.m.	838	686	1,524
6:00 p.m.	450	503	953
7:00 p.m.	416	447	863
8:00 p.m.	336	348	684
9:00 p.m.	280	239	519
10:00 p.m.	120	142	262
11:00 p.m.	79	91	170

As seen in Table 2, the greatest number of parked vehicles on Saturday peaked at 2:00 p.m. at 2,465 parked vehicles. As also seen in Table 2, no second peak occurred like Friday, since Saturday's session did not include an evening event. By comparing the peak parking in Table 1 to Table 2, the greatest peak between the two days occurs in the mid-day on Friday, where the parked vehicles peak exceeds Saturday's parked vehicle peak by 662 vehicles.

ANNUAL TOURNAMENT PARKING GENERATION

To determine the forecast parking demand for proposed project, which consists of a larger seating tournament stadium facility than the 1998 existing facility, a parking generation factor was developed. As discussed in the previous section of this study, the greatest number of parked vehicles counted at this year's tournament, was the last Friday afternoon of the tournament at 3,128 parked vehicles. Therefore, the number of 3,128 parked vehicles was divided by the number of seats at this year's tournament (11,500 seats), which resulted in a parking generation rate on 0.272 parked vehicles/seat for the peak Friday tournament. For comparison purposes, Saturday's peak parking generation rate (2,465 parked vehicles divided by 11,500 seats) calculates out at 0.214 parked vehicles/seat.

To be conservative, this study utilizes the Friday parking generation rate of 0.272 parked vehicles per seat. Hence, the proposed project, which consists of a 16,000 seat facility, is forecast to generate a peak parking tournament demand of 4,352 parked vehicles for the mid-day session on the final Friday of the tournament. Additionally, this analysis assumes the addition of ten percent to the calculated parking spaces to accommodate those vehicles associated with tournament staff, media, and players.

Therefore, a minimum of 4,787 parking spaces are required to park the proposed project's 16,000 seat annual Garden of Champions tournament.

It is important to note that the three nearby hotels principally involved in the 1998 tournament (*The Hyatt*, *The Esmeralda*, and *The Miramonte*) are all within walking/shuttle range of the existing tournament stadium facility, which contributed to a reduction in parking demand at the 1998 event.

In phase 1 of the proposed new Garden of Champions project, only the new stadium will be constructed; no adjacent hotels will be constructed until phase 2. The parking demand for phase 1 of the new tennis event is expected to be similarly reduced without adjacent hotels due to coordination with *The Hyatt*, *The Esmeralda*, and *The Miramonte* to provide shuttle service with the new tennis event stadium facility. It is expected that these three hotels will continue to be the principal hotels for the tournament at its new location until the new hotels adjacent to the new stadium area are constructed.

If however, the phase 1 parking demand does turn out to be greater than anticipated at the new location until the new adjacent hotels are constructed in phase 2, sufficient ground area (shown in Exhibit 2) exists onsite at the future hotel sites to accommodate any unforeseen parking demand. Additionally, the 2,299 parking spaces located north of Miles Avenue designated VIP/Pre-paid, will actually park more than the standard 2,299 vehicles assumed in this analysis, since the VIP/Pre-paid vehicles will be parked in greater density by valet than standard general public vehicle parking.

TENNIS TOURNAMENT PARKING

As shown in Exhibit 2, three parking areas are planned to serve the annual tennis tournament. The 3,185 parking spaces located in Parking Area 1 south of Miles Avenue provide parking for the general public, while the 2,299 parking spaces in Parking Areas 2 and 3 north of Miles Avenue comprise the VIP/Pre-paid parking, which will be parked by valet. Table 3 summarizes the parking spaces provided by parking area of the proposed project.

Table 3
Proposed Project Parking

Parking Area	Number of Parking Spaces Provided
1 (Public)	3,185 spaces
2 (VIP/Pre-Paid)	1,045 spaces
3 (VIP/Pre-Paid)	1,254 spaces
TOTAL	5,485 spaces

As shown in Table 3, conservatively assuming the VIP/Pre-paid parking areas are parked at no greater density than the general public parking area, a total of 5,484 spaces are provided by the proposed project for the annual tennis tournament. Hence, a surplus of 697 parking spaces are provided by the proposed project beyond the 4,787 parking spaces required to accommodate the parking demand forecast to be generated during the annual Garden of Champions tennis tournament peak afternoon Friday tournament.

TENNIS CLUB PARKING

For the remaining 50 weeks out of the year when the Garden of Champions annual tournament is not held, the tennis facility is expected to operate year-round as a 300-member, 18-court tennis club. Utilizing the Institute of Transportation Engineers (ITE) trip generation rate of 31 daily trips per court, approximately 560 daily trips, or 280 vehicles, would be generated by the proposed 18-court tennis club on a daily basis. Approximately 15 percent of the daily trips would be expected to occur in the p.m. peak period, which equates to 42 parked during the peak period.

Hence, Parking Area 2, which would provided the parking for the tennis club, should have approximately 50 parking spaces assigned to serve the tennis club on a daily basis.

ADMINISTRATION OFFICE PARKING

In addition to the tennis club, the administration office will be open year round. The administration staff is minimal and can be accommodated with parking spaces for ten vehicles.

TRAFFIC MANAGEMENT

TENNIS EVENT

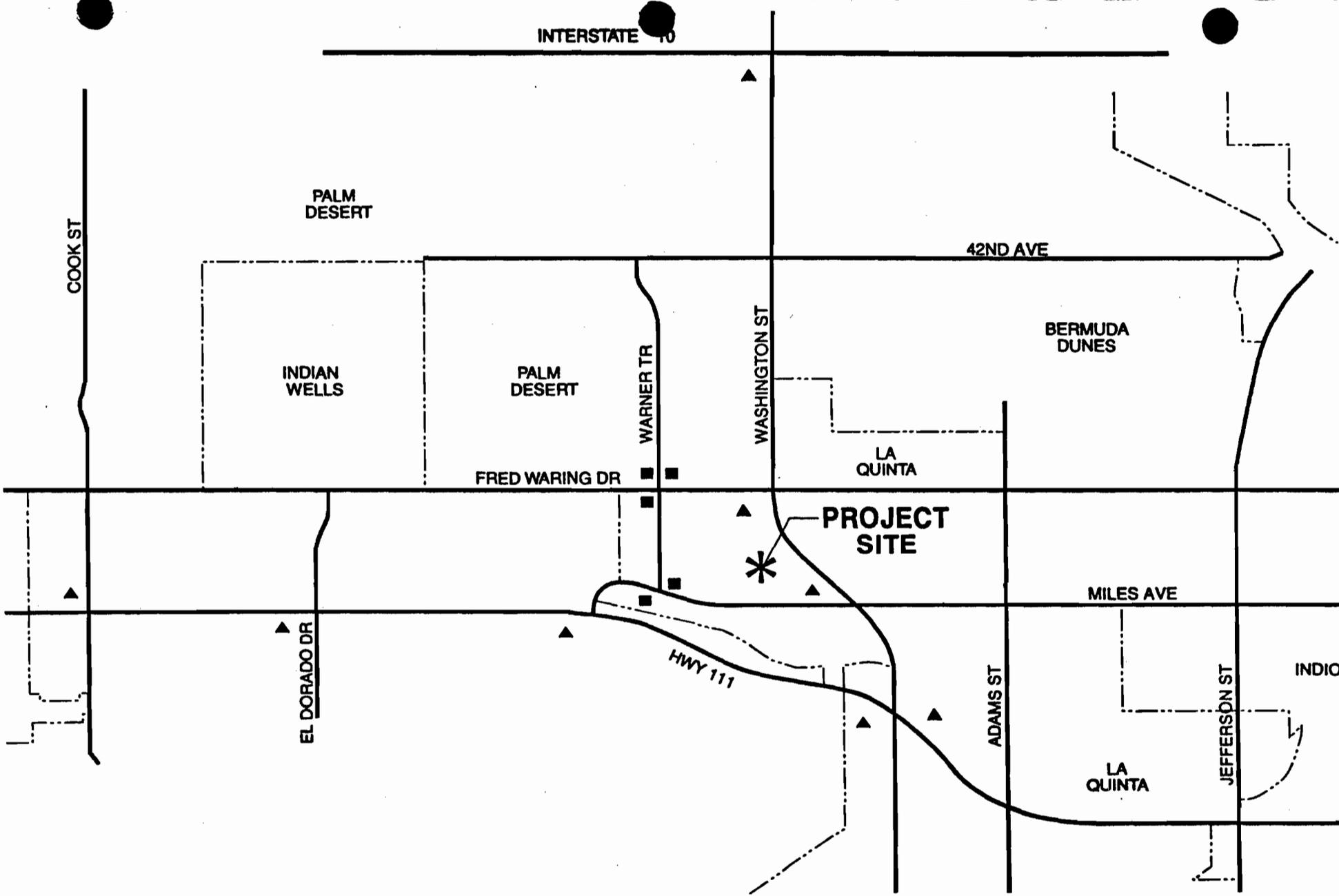
In advance of the annual tennis event, pre-event advertising will occur in the appropriate media to alert visitors of the event in advance of designated inbound and outbound routes, parking locations, and pre-paid parking opportunities; directional maps will be published and distributed as necessary. Coordination will occur with all affected agencies each year prior to the annual event, including, but not limited to the County, Caltrans, California Highway Patrol, the Cities of Indian Wells, La Quinta, and Palm Desert, emergency services (fire, ambulance, etc.), and Sunline. All the affected agencies will have contact established with the event traffic control/parking vendor so that if any traffic/parking problems arise during the event, the affected agency can respond immediately to resolve the problem in a timely and effective manner.

During the annual tennis event, Warner Trail between Fred Waring Drive and Miles Avenue is planned to be closed to all but local residents. Exhibit 3 identifies the location of the signage notifying motorists of the Warner Trail closure. Exhibit 3 also shows the proposed location of directional signage to direct motorists to the annual tennis tournament. The signage would be similar to the temporary signage utilized at the 1998 tournament to direct motorists to the event location, and upon arriving at the location, direct motorists where to park for the event. It is proposed that directional signage be located along Highway 111 to direct motorists to the event via both Washington Street and Miles Avenue, with related signage along both Cook Street and Washington Street, which have freeway access with I-10.

In addition temporary no parking signs will be placed on all surrounding public streets. Spectator vehicles parked in these areas will be ticketed and towed. In the event that parking on nearby residential streets becomes a problem, then parking stickers will be issued to residents and their guests.

Prior to all medium and major events held at the complex, property owners within 1000 feet will be notified by mail.

Eventually, all tournament traffic will be directed to Miles Avenue from either Washington Street or Highway 111, where in addition to signage, traffic control personnel will be stationed to direct traffic and keep traffic flowing by restricting conflicting movements between vehicles that could cause congestion if not monitored and controlled by the traffic control personnel.



Not to Scale

- ▲ Proposed Tennis Event Directional Signage
- Proposed Roadway Closure (Open to Local Residents) Signage

Proposed Tennis Event Signage



Robert Bein, William & Associates
4-98 JN 301824-6437

Exhibit 4 shows the designated approaches for inbound tournament traffic, as well as the proposed location of the traffic control personnel to manage the inbound event traffic.

As seen in Exhibit 4, the VIP/Pre-paid parking is located north of Miles Avenue immediately adjacent to the stadium event facility. Two inbound lanes are provided from Miles Avenue to the valet drop off area, approximately 1000 feet in length, providing approximately 2000 feet of vehicle stacking storage. Since the VIP/Pre-paid parking area accounts for approximately 40 percent of all parking at the event, and the parking demand for the event is forecast to approximately 4,787 parked vehicles, approximately 1,915 vehicles are forecast to park in the VIP/Prepaid parking area. Therefore, the 2,000 feet of stacking storage for inbound VIP/Pre-paid vehicles is significantly more than required to accommodate the inbound vehicles, since the typical calculation to determine vehicle stacking storage is 1 foot per vehicle per hour. The proposed project essentially provides enough stacking area to park the entire VIP/Pre-paid parking demand during a one hour period, when in reality the stacking demand for the VIP/Prepaid vehicles will be spread out over a 17 hour period.

Exhibit 4 indicates the location of the general public parking south of Miles Avenue. As shown in Exhibit 4 two entrance locations are provided for the general public parking area. The westerly location provides three inbound lanes 550 feet in length, and the easterly entrance provides three inbound lanes 450 feet in length. Hence, the vehicle storage stacking area provided at the general public parking area totals 6,000 feet in length. Since the public parking area accounts for approximately 60 percent of all parking at the event, and the parking demand for the event is forecast to approximately 4,787 parked vehicles, approximately 2,872 vehicles are forecast to park in the general public parking area. Therefore, the 6,000 feet of stacking storage for inbound general public vehicles is significantly more than required to accommodate the public inbound vehicles, since the proposed project essentially provides enough stacking area to park the entire event general public parking demand during a 30 minute period, when in reality the stacking demand for the public parking vehicles will be spread out over a 17 hour period.

After parking their vehicles, the general public will cross Miles Avenue to the stadium area via a pedestrian undercrossing directly aligned with the tournament entrance. Hence, pedestrian crossing of Miles Avenue between the stadium area and the parking lot is not expected to have an impact on the through traffic movement on Miles Avenue.

As also shown on Exhibit 4, the shuttle buses dropping off guests from nearby hotels drop tournament spectators off near the entrance of the general parking lot entrance via a turnaround for direct access to the Miles Avenue pedestrian undercrossing.

Exhibit 5 shows the corresponding designated departures from the parking/tournament area. By comparing Exhibit 4 and Exhibit 5, it can be seen that inbound and outbound traffic is separated to minimize, if not eliminate, any conflicting directional vehicle movement to and

from the event/parking areas. Traffic control personnel will assist with exiting and may be placed at the intersection of Miles Avenue and Washington Street if needed. Also the timing of the signal at this intersection could be manually adjusted during an event to assist with traffic movement.

MEDIUM SIZED EVENTS

The overall traffic management plan was prepared specifically with the major tennis event in mind. During the remainder of the year other medium sized events will be held at the complex. Per the Conditional Use Permit Conditions of Approval medium sized events can be held eleven times throughout the year and can be attended by 6,000 to 12,000 spectators. The traffic generated from these medium sized events will need careful traffic control although not to the same extent as the major tennis event due to the reduced attendance .

Directional signage, shuttle services, and the closing of Warner Trail would not be necessary for these events. Although traffic control personnel would be needed, where appropriate, the number of personnel would be reduced when compared with the major tennis event. Notification of nearby residents and prohibiting parking on public streets would be enforced along with the overall performance standards specified in the Traffic Management Plan.

CONSTRUCTION TRAFFIC

Construction of the complex is anticipated to occur between November 1998 and March 2000. Since construction hours vary from the a.m./p.m. peak hours impacts to the surrounding intersections are anticipated to be minimal. All construction traffic accessing the site will be limited to Miles Avenue. Included in this plan is a schematic depicting the location of the construction managers trailers and the construction materials stockpile area.

The General Contractor will notify all subcontractors that construction traffic is prohibited from Warner Trail. County inspectors and the General Contractor will periodically monitor construction traffic to ensure disturbance of nearby residents is minimized.

The General Contractor and all subcontractors will adhere to the Fugitive Dust Control Plan approved by the County of Riverside. This plan is intended to reduce PM10 particulate matter in the air and includes such measures as watering of all dirt access roads, truck wheel wash areas at project exit points, and soil stabilization of graded areas. This plan will be monitored by County Inspectors.

CONCLUSIONS

It is important to note that prior to the actual event occurring at the new location, it is only possible to forecast the traffic and parking activities, that may occur and plan the best possible

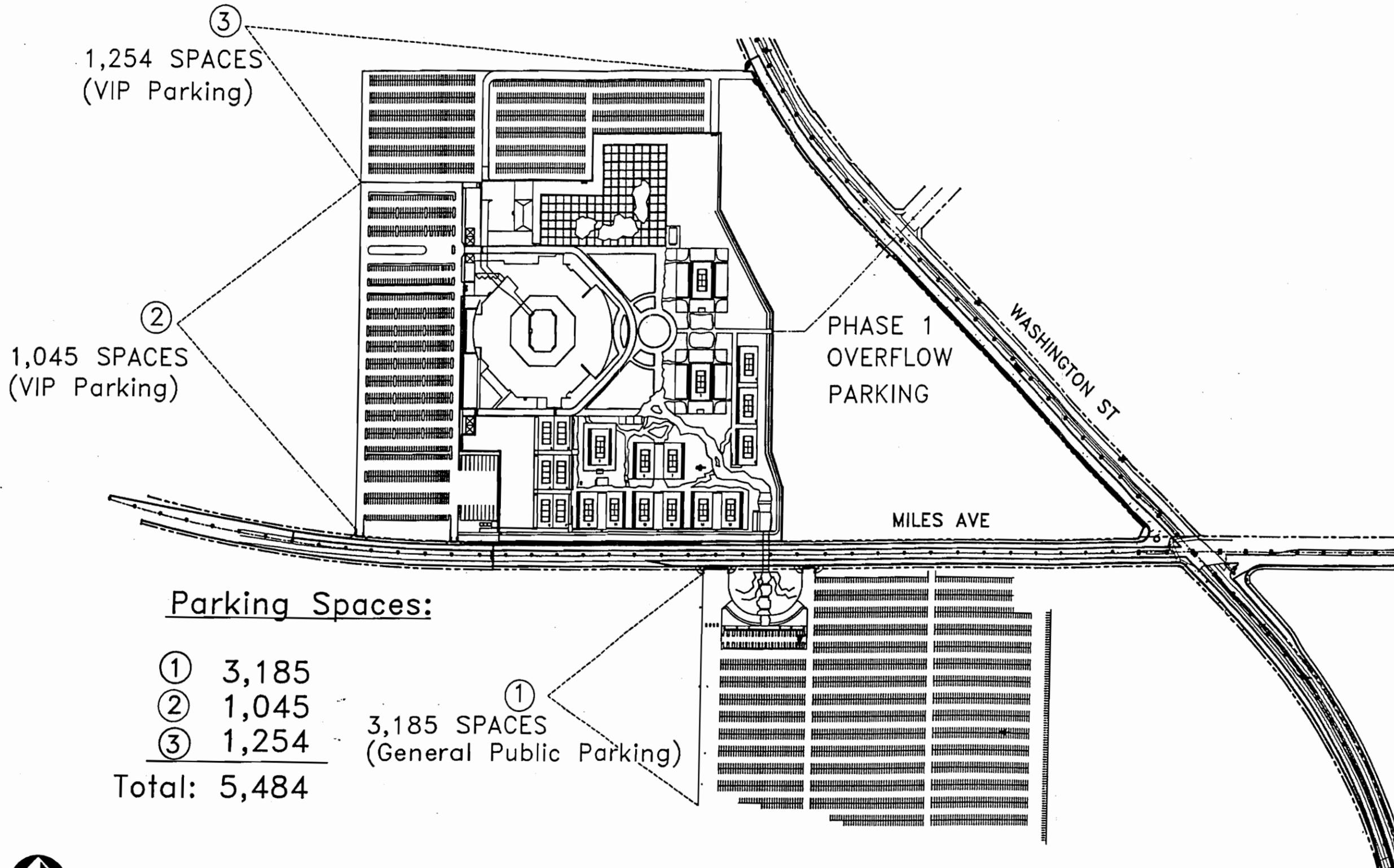
without actually experiencing the event. Hence, the subsequent traffic management plan is intended to be a "living document" to be amended and modified to respond traffic and parking issues as they arise. While, the assumptions contained in this report are conservative in terms or parking demand and entrance stacking storage, if during the event, an unforeseen problem occurs that was not anticipated in this analysis, the parking area and the vehicle stacking distance can easily be adjusted to meet the demand. The intent is have the annual event occur with as little or no traffic and parking impacts. This Plan will be monitored by County Staff as specified in the Conditional Use Permit Conditions of Approval.

The annual Garden of Champions tennis tournament is forecast to generate a parking demand of 4,787 parking spaces during the peak tournament attendance. Since the proposed project provides 5,485 parking spaces, a surplus of 697 parking spaces is provided as a safety margin. Therefore, no parking deficiencies are anticipated for the annual tennis tournament. If however, the parking demand does turn out to be greater in phase 1 until the adjacent hotels are constructed in phase 2, sufficient ground area exists onsite at the adjacent future hotel sites to accommodate any unforeseen parking demand. Additionally, the 2,299 parking spaces located north of Miles Avenue designated VIP, will actually park more than the standard 2,299 vehicles assumed in this analysis, since VIP vehicles will be parked in greater density by valet than standard general public vehicle parking.

Though the use of direction signage along the major arterial highways such as Highway 111 and Washington Street, tournament-related traffic will be directed to Miles Avenue, where signage and traffic control personnel will separate inbound and outbound traffic to minimize or eliminate congestion from conflicting vehicular movements.

Approximately 50 spaces are required to accommodate the parking demand for the 300 member, 18-court tennis club when the tennis facility operates as a tennis club when the annual tournament is not held while approximately ten parking spaces are required to accommodate the year round administrative office operations.

The over riding goal or performance standard of this Traffic Management Plan is that all inbound vehicle stacking will be accommodated on-site with no spill over onto Miles Avenue, all outbound traffic peaks will be moderated to such an extent that the Level of Service (LOS) does not deteriorate below LOS "E" for more than 30 consecutive minutes per day, and disturbance to nearby residential areas will be minimized to the extent possible.



Parking Spaces:

- ① 3,185
 - ② 1,045
 - ③ 1,254
- Total: 5,484



NOT TO SCALE

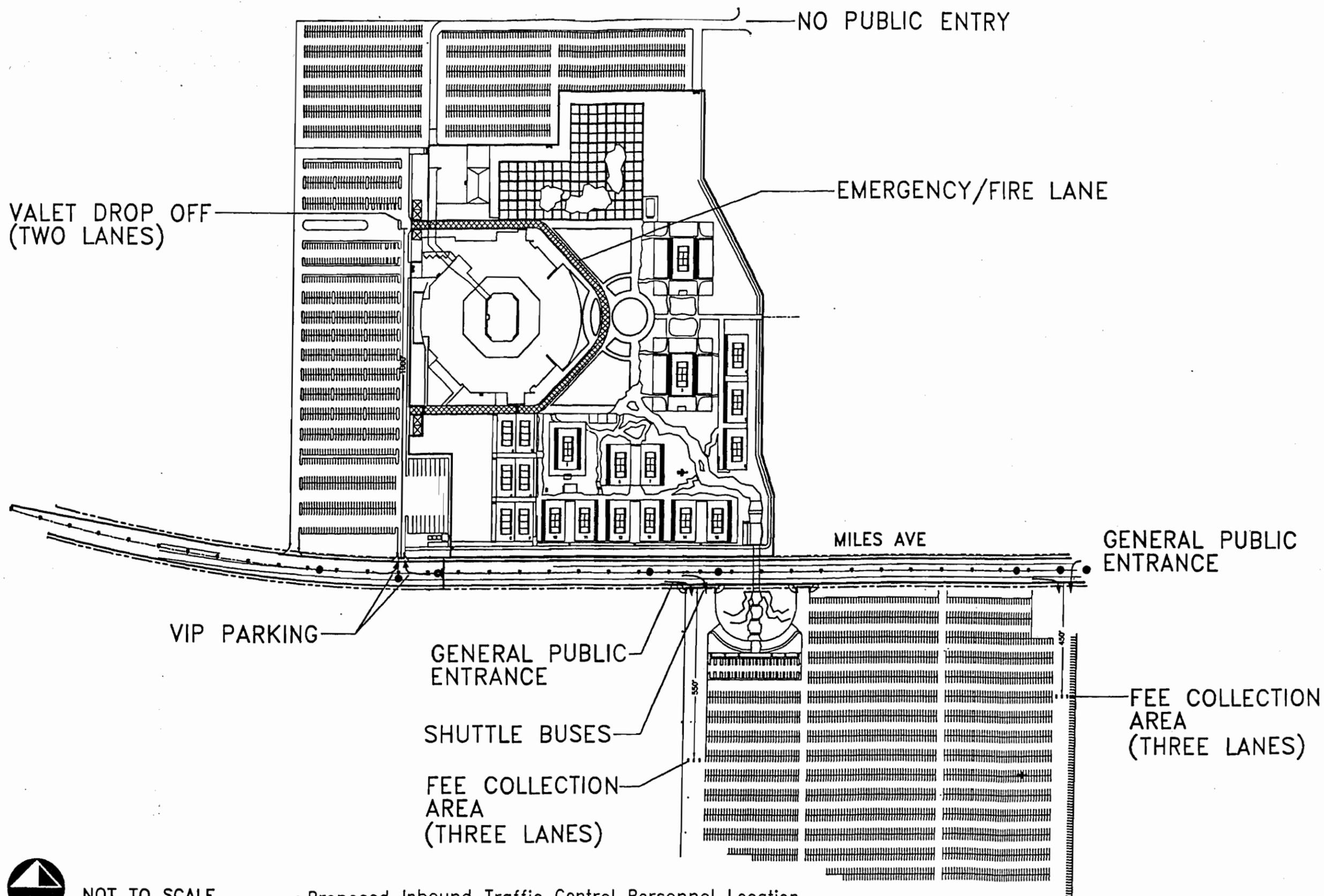


Robert Bein, William Frost & Associates
 PROFESSIONAL ENGINEERS, PLANNERS & SURVEYORS
 P.O. BOX 57057 • 14725 ALTON PARKWAY, IRVINE, CALIFORNIA 92619-7057
 (714) 472-3505

JN 301524 SEP/98

Tennis Event Parking

Exhibit 2



NOT TO SCALE

● Proposed Inbound Traffic Control Personnel Location

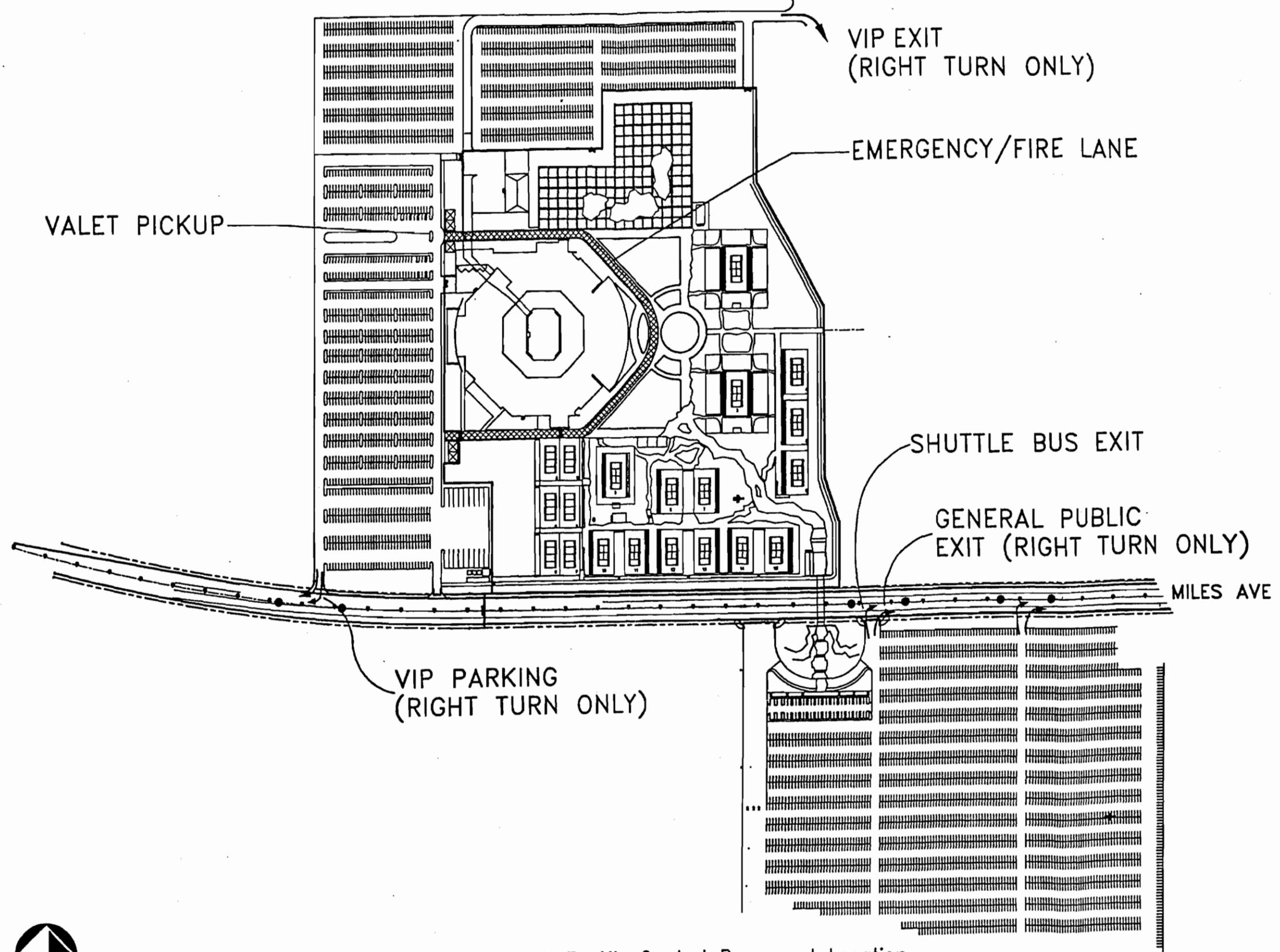


Robert Bein, William Frost & Associates
 PROFESSIONAL ENGINEERS, PLANNERS & SURVEYORS
 P.O. BOX 57057 • 14725 ALTON PARKWAY, IRVINE, CALIFORNIA 92618-7057
 (714) 472-3505

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INBOUND EVENT PARKING CIRCULATION

EXHIBIT 4



NOT TO SCALE

● Proposed Outbound Traffic Control Personnel Location

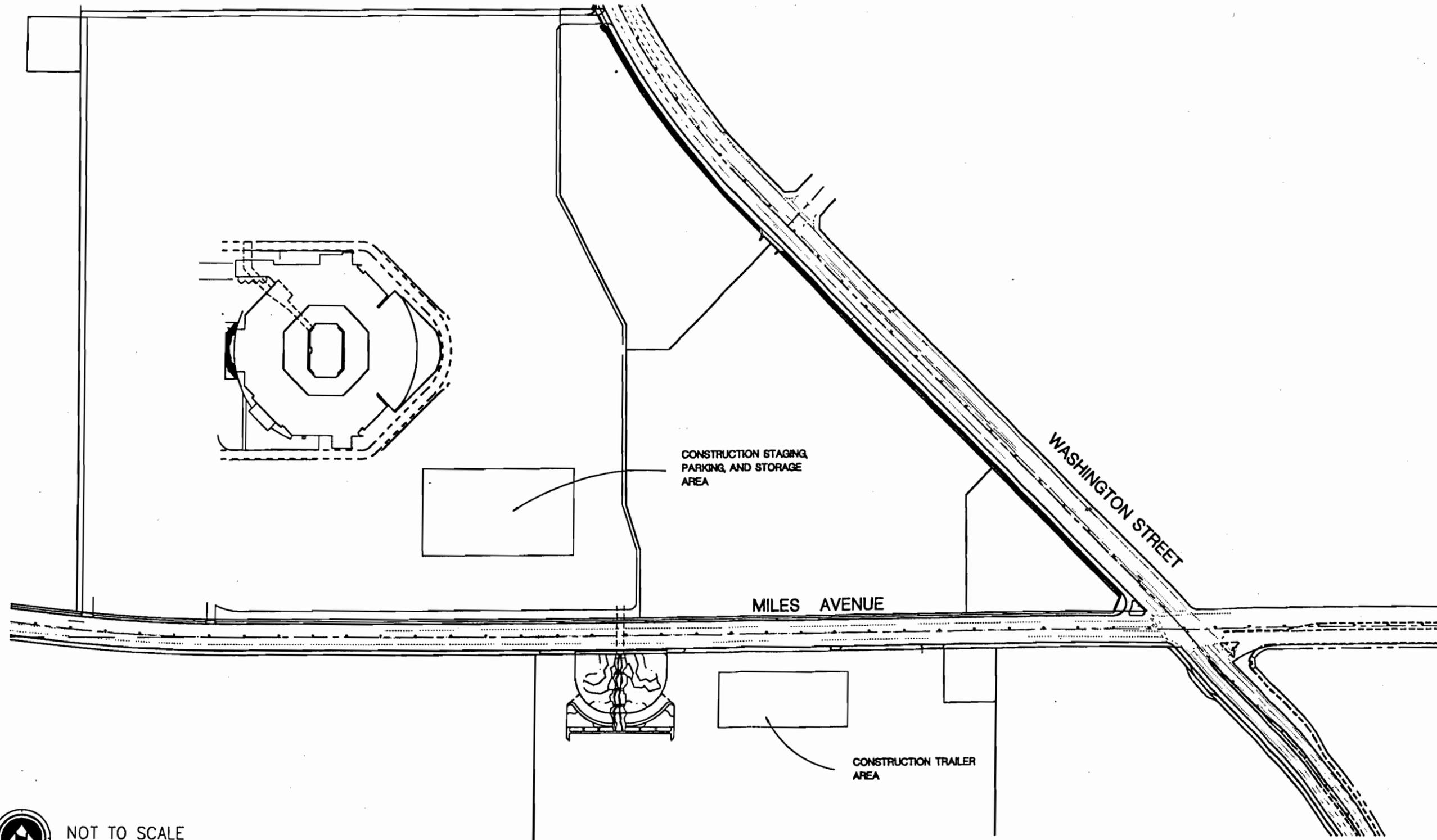


Robert Bein, William Frost & Associates
 PROFESSIONAL ENGINEERS, PLANNERS & SURVEYORS
 P.O. BOX 57057 • 14725 ALTON PARKWAY, IRVINE, CALIFORNIA 92619-7057
 (714) 472-3505

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OUTBOUND EVENT PARKING CIRCULATION

EXHIBIT 5



NOT TO SCALE



Robert Bein, William Frost & Associates

PROFESSIONAL ENGINEERS, PLANNERS & SURVEYORS
 74-410 HIGHWAY 111, PALM DESERT, CALIFORNIA 92260
 (760) 346-7481 • FAX (760) 346.8315

JN 301524 OCT/98

CONSTRUCTION STAGING AREA

Exhibit 6

Direction 1

Begin Time	Exit		Entr		Combined		Friday					
	A.M.	P.M.	A.M.	P.M.	A.M.	P.M.						
03/13	8	20	1	56	9	76						
12:15	4	26	6	39	10	65						
12:30	12	22	7	34	19	56						
12:45	2	26	22	90	0	14	20	149	2	40	42	239
01:00	4	24	1	26	5	50						
01:15	0	28	0	48	0	76						
01:30	2	22	0	47	2	69						
01:45	4	10	23	97	6	7	82	203	10	17	105	300
02:00	0	30	0	66	0	96						
02:15	0	48	0	74	0	122						
02:30	0	50	0	58	0	108						
02:45	0	44	172	0	34	232	0	78	404			
03:00	0	52	0	48	0	100						
03:15	2	43	0	42	2	85						
03:30	0	68	0	28	0	96						
03:45	0	2	94	257	0	20	138	0	2	114	395	
04:00	0	70	0	32	0	102						
04:15	0	76	0	24	0	100						
04:30	0	58	0	30	0	88						
04:45	2	2	52	256	2	2	27	113	4	4	79	369
05:00	2	46	2	32	4	78						
05:15	6	49	21	22	27	71						
05:30	5	43	10	33	15	76						
05:45	0	13	56	194	3	36	29	116	3	49	85	310
06:00	6	30	14	32	20	62						
06:15	20	45	32	46	52	91						
06:30	18	26	10	26	28	52						
06:45	18	62	29	130	10	66	26	130	28	128	55	260
07:00	12	30	34	12	46	42						
07:15	20	33	86	16	106	49						
07:30	34	20	106	8	140	28						
07:45	24	90	20	103	64	290	9	45	88	380	29	148
08:00	24	36	90	4	114	36						
08:15	24	29	112	4	136	33						
08:30	36	12	108	2	144	14						
08:45	20	104	12	89	32	342	2	8	52	446	14	97
09:00	23	18	64	4	87	22						
09:15	23	98	62	0	85	98						
09:30	18	48	62	0	80	48						
09:45	18	82	61	225	26	214	0	4	44	296	61	229
10:00	10	61	51	2	61	63						
10:15	10	65	44	0	54	65						
10:30	13	38	46	2	59	40						
10:45	16	49	39	203	34	175	4	8	50	224	43	211
11:00	17	22	32	0	49	22						
11:15	11	25	23	4	34	29						
11:30	13	21	50	2	63	23						
11:45	10	51	32	100	25	130	0	6	35	181	32	106
Totals	491	1916	1276	1152	1767	3068						
Day Totals	2407	2428	4835									
Peak Hour	07:45	03:30	07:45	01:45	07:45	01:45						
Volume	108	308	374	280	482	431						

Direction 1

Begin Time	Exit		Entr		Combined		Saturday					
	A.M.	P.M.	A.M.	P.M.	A.M.	P.M.						
12:00 03/14	22	10	2	24	24	34						
12:15	12	10	4	18	16	28						
12:30	4	9	1	29	5	38						
12:45	8	46	26	55	0	7	26	97	8	53	52	152
01:00	0	8	0	28	0	36						
01:15	4	6	0	34	4	40						
01:30	0	12	0	23	0	35						
01:45	4	8	28	54	0	25	110	4	8	53	164	
02:00	0	18	0	24	0	42						
02:15	0	30	0	24	0	54						
02:30	0	22	0	29	0	51						
02:45	3	3	16	86	3	3	10	87	6	6	26	173
03:00	0	34	0	32	0	66						
03:15	0	22	0	22	0	44						
03:30	1	47	0	22	1	69						
03:45	0	1	26	129	0	20	96	0	1	46	225	
04:00	4	22	2	26	6	48						
04:15	0	60	2	17	2	77						
04:30	0	84	3	12	3	96						
04:45	5	9	124	290	3	10	6	61	8	19	130	351
05:00	4	83	5	3	9	86						
05:15	12	50	12	1	30	51						
05:30	3	43	26	10	35	53						
05:45	2	33	22	198	14	57	1	15	16	90	23	213
06:00	2	14	5	6	7	20						
06:15	2	19	21	6	23	25						
06:30	10	17	25	4	35	21						
06:45	4	18	22	72	14	65	0	16	18	83	22	88
07:00	2	20	27	2	29	22						
07:15	12	28	67	3	79	31						
07:30	2	28	52	5	60	33						
07:45	10	32	36	112	17	163	3	13	27	195	39	125
08:00	6	42	44	0	50	42						
08:15	14	37	70	3	84	40						
08:30	18	13	33	2	51	15						
08:45	10	48	22	114	46	193	0	5	56	241	22	119
09:00	20	14	38	3	58	17						
09:15	11	11	86	0	97	11						
09:30	20	48	96	2	116	50						
09:45	14	65	29	102	87	307	0	5	101	372	29	107
10:00	21	26	46	0	67	26						
10:15	12	16	37	0	39	16						
10:30	4	4	61	0	65	4						
10:45	10	37	5	51	62	206	0	0	72	243	5	51
11:00	6	12	48	6	54	18						
11:15	8	12	44	1	52	13						
11:30	12	4	37	2	49	6						
11:45	12	38	3	31	24	153	4	13	36	191	7	44
Totals	333	1294	1164	518	1502	1812						
Day Totals		1632		1682		3314						
Split %	22.5%	71.4%	77.5%	28.5%								

Peak Hour	09:15	04:15	09:15	12:30	09:15	04:15
Volume	66	351	315	117	381	389

Direction 1

Begin	Entr		Exit		Combined		Friday					
	A.M.	P.M.	A.M.	P.M.	A.M.	P.M.						
03:13	3	98	3	29	6	127						
12:15	1	64	4	15	5	79						
12:30	0	82	0	22	0	104						
12:45	1	5	79	323	6	13	14	80	7	18	93	403
01:00	1	71	2	24	3	95						
01:15	0	40	0	34	0	74						
01:30	0	32	0	34	0	66						
01:45	6	7	57	200	1	3	28	120	7	10	85	320
02:00	0	62	0	20	0	82						
02:15	0	48	0	24	0	72						
02:30	1	36	1	46	2	82						
02:45	0	1	36	182	0	1	50	140	0	2	86	322
03:00	0	28	0	73	0	101						
03:15	0	41	0	39	0	80						
03:30	0	32	2	83	2	115						
03:45	1	1	42	143	0	2	386	581	1	3	428	724
04:00	0	48	0	428	0	476						
04:15	0	32	0	352	0	384						
04:30	0	32	0	258	0	290						
04:45	0	40	152	0	200	1238	0	240	1390			
05:00	0	58	0	234	0	292						
05:15	0	46	0	66	0	112						
05:30	0	44	0	51	0	95						
05:45	6	6	92	240	0	52	403	6	6	144	643	
06:00	2	142	0	172	2	314						
06:15	6	204	0	50	6	254						
06:30	6	216	0	62	6	278						
06:45	9	23	210	772	1	1	61	345	10	24	271	1117
07:00	8	90	0	68	8	158						
07:15	2	62	1	71	3	133						
07:30	14	44	2	24	16	68						
07:45	8	32	42	238	0	3	26	189	8	35	68	427
08:00	12	28	2	27	14	55						
08:15	19	40	4	34	23	74						
08:30	44	24	4	35	48	59						
08:45	64	139	40	132	7	17	29	125	71	156	69	257
09:00	96	22	5	24	101	46						
09:15	141	40	31	198	172	238						
09:30	183	194	42	207	225	401						
09:45	215	635	138	394	67	145	171	600	282	780	309	994
10:00	208	64	66	184	274	248						
10:15	206	42	48	200	254	242						
10:30	228	34	40	234	268	268						
10:45	158	800	31	171	27	181	62	680	185	981	93	851
11:00	157	32	29	62	186	94						
11:15	176	20	56	23	232	43						
11:30	158	12	26	84	184	96						
11:45	89	580	7	71	24	135	38	207	113	715	45	278
Totals	2229	3018	501	4708	2730	7726						
Day Totals		5247		5209		10456						
%	81.6%	39.0%	18.3%	60.9%								

Peak Hour	09:45	06:00	09:30	03:45	09:45	03:45
Volume	857	772	223	1424	1078	1578

Begin Time	Entr		Exit		Combined		Saturday					
	A.M.	P.M.	A.M.	P.M.	A.M.	P.M.						
12:00 03/14	15	98	40	38	55	136						
12:15	6	80	15	47	21	127						
12:30	0	108	18	44	18	152						
12:45	0	21	12	298	0	73	33	162	0	94	45	460
01:00	0	86	0	40	0	126						
01:15	1	78	1	30	2	108						
01:30	0	34	2	30	2	64						
01:45	0	1	10	208	0	3	43	143	0	4	53	351
02:00	0	24	0	58	0	82						
02:15	0	22	0	61	0	83						
02:30	0	27	0	68	0	95						
02:45	0	0	32	105	0	0	42	229	0	0	74	334
03:00	0	28	0	51	0	79						
03:15	1	19	0	63	1	82						
03:30	0	32	1	91	1	123						
03:45	0	1	21	100	0	1	128	333	0	2	149	433
04:00	0	15	0	86	0	101						
04:15	0	18	0	100	0	118						
04:30	0	102	0	190	0	292						
04:45	0	0	174	309	0	0	256	632	0	0	430	941
05:00	0	208	0	218	0	426						
05:15	3	82	0	281	3	363						
05:30	0	34	0	170	0	204						
05:45	3	6	17	341	0	0	60	729	3	6	77	1070
06:00	0	23	2	52	2	75						
06:15	0	40	0	36	0	76						
06:30	4	27	2	38	6	65						
06:45	8	12	28	118	0	4	26	152	8	16	54	270
07:00	2	18	0	25	2	43						
07:15	8	46	4	50	12	96						
07:30	10	50	2	101	12	151						
07:45	8	28	30	144	2	8	48	224	10	36	78	368
08:00	4	28	3	52	7	80						
08:15	22	34	2	44	24	78						
08:30	24	40	7	42	31	82						
08:45	26	78	24	126	14	26	44	182	42	104	68	308
09:00	30	17	11	23	41	40						
09:15	29	7	19	32	48	39						
09:30	44	18	18	58	62	76						
09:45	54	157	5	47	20	68	94	207	74	225	99	254
10:00	92	2	26	13	118	15						
10:15	138	5	36	12	174	17						
10:30	167	1	45	14	212	15						
10:45	182	579	2	10	52	159	12	51	234	738	14	61
11:00	298	1	35	12	333	13						
11:15	257	1	38	10	295	11						
11:30	168	3	60	10	228	13						
11:45	182	905	0	5	36	169	18	50	218	1074	18	55
Totals	1788	1811	511	3094	2299	4905						
Day Totals	3599	3605	7204									
Split %	77.7%	36.9%	22.2%	63.0%								
Peak Hour	10:45	04:30	10:45	04:30	10:45	04:30						
Volume	905	566	185	945	1090	1511						