

## **COMMENTS TO CITY OF BRENTWOOD**

### **VINEYARDS AT MARSH CREEK AMPHITHEATER**

In response to the Notice of Preparation of a Subsequent Environmental Impact Report dated January 25, 2023, regarding the Vineyards at Marsh Creek Amphitheater, Trilogy at the Vineyards – a 55+ active adult living community consisting of 1,065 houses and approximately 1,800 Brentwood residents located at 1700 Trilogy Parkway within close proximity to the proposed Amphitheater – would like to submit the following comments:

#### **SEIR Contents**

The currently proposed Amphitheater and Event Center comprise a significant discretionary project that will affect the local environment. The Notice of Preparation (NOP) suggests that the SEIR would be focused on a limited number of topics. Because of the extent to which existing conditions have changed since the original EIR and new developments in close proximity are envisioned, much of the existing environmental data and analysis may not be up to date or useful for the analysis of the current proposal. The City should undertake a comprehensive EIR on the current project.

- **Purpose and Need For the Project**

This proposed project was originally included in a now-outdated Master Plan approved at a time when community needs and conditions at the site and within the region are vastly different from those at present. This project has raised concerns by local residents, especially in regard to traffic, parking, noise and increase in crime.

- **Event Attendance**

The project would serve both Brentwood residents and non-residents from the region perhaps numbering more than City residents attending these events.

For purposes of the impact evaluation, such as modeling of traffic generation, accurate numbers for potential attendance should be specified for events, including assumed split of numbers originating from within Brentwood and those traveling to the facility from elsewhere in the region.

The NOP Event Schedule is presented on an average annual basis. Most events at the proposed Amphitheater and Event Center would be held during the late April through September period, with a concentration on summer weekends. Some events could generate attendees exceeding the numbers indicated in the anticipated participation noted in Table 1 of the NOP.

Events that could draw in hundreds of people could be occurring almost every weekend during summer, which could severely impact the use of outdoor areas at nearby residents' homes. Mitigation for outside impacts – noise, lighting – cannot be substantially reduced



easily, and usually the only remedy is to reduce the frequency and timing of the events, as well as limiting the number of attendees allowed. The long-term environmental effects could diminish the quality of life for local residents.

- **Noise**

CNEL, Ldn, Leq, Lmax and other sound-averaging measures are useful and should be estimated, but such statistics fail to address the critically individual sporadic sound issues potentially associated with the Amphitheater in particular: low-rumbling vibrations, cheering crowds, group chanting, explosive sounds and fireworks often associated with some live-performance events, as well as automobile horns, police and fire ambulances, etc. Noise and vibration are important issues and require thorough analysis. It is important to note such noise impacts may affect local residents' ability to enjoy their outdoor backyard and common area life they have become accustomed to.

Noise assessment should consider both phases of operation of the facilities, as well as cumulative noise impacts from other existing and projected noise sources in the project vicinity, such as construction, SR 4 improvements, the proposed residential development south of Marsh Creek Road at Vineyards Parkway and any developments foreseen at the State Park.

- **Traffic**

The Amphitheater and possible Event Center constitute a focused impact area for traffic. Access is available to the proposed site from only two roads. Vineyards Parkway, a single-lane road, is already problematic with high-speed vehicles using it as a cut-off between Fairview Avenue and Marsh Creek Road. Signal control will be necessary at Trilogy Parkway and Vineyards Parkway, a heavily traveled and bicycle- and pedestrian-populated intersection which will be severely impacted by Amphitheater traffic. Amphitheater access via Marsh Creek Road will be impacted. The intersection of Marsh Creek Road/SR 4/Vasco Road seems to be a location of traffic jams and accidents related to this project.

The NOP identifies 'maximum' attendance numbers for various events. The City needs to ensure the events at the Amphitheater do not conflict with other well-attended activities in Brentwood, such as cherry-picking season where traffic and crowd control have always been issues. Event studies and projections should be performed on a seasonalized basis to effectively evaluate the extent and frequency of traffic impacts and levels of service on Vineyards Parkway and Marsh Creek Road.

How will traffic flow before and after events be managed? Suggest use of right-turn-only exit to move traffic toward Marsh Creek Road and the SR4 Bypass rather than north on single-lane Vineyards Parkway.

- **Event Parking**

A parking needs assessment should be developed for the project.



Parking for full-capacity events is inadequate; parking capacity is estimated at three people per car. This is probably high considering the use cases in the program where there are likely closer to two people per car. In addition, a bicycle parking area with racks for locking is needed.

To prevent unauthorized activities (sideshows, overnight parking, etc.), the Amphitheater and Event Center parking lot should be secured against access during non-park/event hours. The parking lot should be monitored regularly to prevent misuse.

It has been proposed that the LMC parking lot be used for overflow parking. During the relocation of LMC, the adjacent residents were assured that the lot would be used only for LMC activities, closed, and locked at night and on weekends. The proposed use of the LMC lot conflicts with this commitment.

- **Air Quality**

Pollution sources from traffic, odors and smoke from food trucks and vehicle emissions should be evaluated. Vehicle emissions should be evaluated both for the project site and on roadways leading to it, in particular Vineyards Parkway, SR 4 and Marsh Creek Road.

- **Lighting**

The proposed site is adjacent to a State Park for which effects of night lighting on wildlife and park users is very important. The site currently generates virtually no light sources. Will the parking lot lighting be used during non-event times?

- **Wildlife**

This currently open space habitat is of increased importance because of the displacement of wildlife from development of the residential community and community college. This includes breeding and forage habitat, e.g., the sensitive owls, hawks, coyotes, birds and reptiles. Loss of habitat for the project should be evaluated, including impacts on seasonal uses induced by human and pet intrusion. The site is also near highly sensitive riparian habitat along Marsh Creek. Direct and indirect impacts on the habitat require analysis.

- **Geology and Soils**

Damages to structures from expansive shrink-swell clays have been a problem for area residents, resulting in very expensive repairs and even a relocation of dozens of residents. The project location on a hillside raises concerns that soil erosion or landslide hazards may exist and that grading for the project could destabilize the hillside. A geotechnical investigation should be undertaken to address the soil and erosion hazard issues and potential impacts, including damage to Heritage trees.

- **Community Services**

Additional police, fire and EMS personnel may be needed to provide safety services year-round but especially during large scheduled events at the site. Additional requirements for



trash cleanup and road cleaning will be needed from the Department of Public Services. Will the City personnel and equipment costs be covered from City funds?

How will the City address the potential problem of increased trash and debris, and how will it be funded?

- **Crime**

Potential crime is a concern. The intersection of Vineyards Parkway, Miwok and Marsh Creek Road already see an abundance of sidseshows. Development of the Amphitheater may attract criminal activity not currently in our area, with an increase in car break-ins, malicious mischief and violent crimes. Criminal events, such as an increase in car break-ins, catalytic converter thefts, etc, malicious mischief and violent crimes could be anticipated. How will the City address the problem of increased crime and how will it be funded? What kind of security will be required for year-round operation of the site and project? How will security be handled for large events? The Amphitheater is not in direct line-of-sight from Vineyards Parkway. What are the plans to prevent unauthorized use, including partying or other activities when it is closed?

- **Homeless Issues**

This project lends itself to homeless and development of homeless encampments. This impact should be addressed and mitigated

- **Sanitation**

Will the restroom facilities be open during park hours? Will they be monitored?

- **Facility Operations**

The facility is proposed to benefit all of Brentwood and the surrounding area. The operational cost should be managed as an independent enterprise operation of the City with clear documentation of income and expenses. The costs of operation should not be included in the local LLD immediately adjacent to the project.

- **Project Alternative Considerations**

CEQA requires a careful evaluation of alternatives to the project including the No Project Alternative and alternatives that could meet the project's significant environmental impacts. Especially important will be the identification and evaluation of alternatives that could eliminate significant unavoidable impacts of the proposed project. A complete evaluation of alternatives cannot be undertaken until the impacts and their significance levels are determined and assessed for the Draft EIR. However, it is possible to initiate impact evaluations of alternatives based on some conceptual considerations. The following are alternatives that we believe should be evaluated:

- No Project Alternative. This alternative is required by CEQA.



- Reduced size of the amphitheater to reduce environmental impacts related to traffic and parking.
- Limits on the types of events that generate traffic spikes and noise.
- Limited days/hours of operation. Under this alternative, exact limits could be set by the City on operations of both the Amphitheater and the Event Center. For example, entertainment events at the Amphitheater could be set at no more than 10 per year to reduce the frequency of impact-generating activities.

**Concluding Statement:** Due to the significant changes in the Master Plan, the environmental impacts of the proposed project are concerning. The City is encouraged to continue the comprehensive community involvement program, including public information, coverage in the news media, town hall meetings, meetings with residents in the areas of potential impact, etc. The HOA is available and willing to work with you on reviewing draft documents.

Submitted by:

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Vineyards at Marsh Creek Owners Association

February 22, 2023