

Chris Ormsby

From: Kathleen Dale [REDACTED]
Sent: Thursday, March 22, 2018 8:54 AM
To: Chris Ormsby
Subject: March 22, 2018 Planning Commission - Comments on Festival Specific Plan Amendment

Chris - please see that the following comments are included in the project record and provided to each of the Commissioners.

A quick reply to acknowledge receipt and distribution would be appreciated.

Thank you,

Kathy Dale

Chair Barnes and members of the Planning Commission:

I am not able to attend the meeting on March 22nd and submit the following comments for your consideration in the public hearing for the proposed amendment to the Festival Specific Plan.

- The agenda description and notice for this project are inadequate to allow members of the public to understand the proposal. The agenda description only discloses a proposal for "a wider range of land uses and development opportunities". While the public notice includes an additional sentence explaining that proposed land uses include "commercial, retail, business park, office and medical" **there is nothing that alerts the neighbors and general public that the proposed changes would allow industrial uses, including warehouses. Planning Commission consideration must be delayed to allow for proper noticing.**
- Business park and industrial designations and zoning are simply inappropriate at this location. At a minimum, consideration of such a shift in planned land use should be deferred until there is an accompanying development proposal.
- Before any action is taken, the City must take a step back and prepare the Environmental Impact Report (EIR) that is clearly warranted under the California Environmental Quality Act (CEQA).

The following questions and comments address specific provisions of the specific plan amendment and the CEQA initial study:

1. Business Park means warehouses. The proposed General Plan Amendment places the entire site within the Business Park land use designation on the General Plan. The staff report (page 4) characterizes proposed warehouse uses as incidental to retail uses (such as flooring or furniture sales); however, this is misleading if one actually reviews the specific plan (see tables 1 and 2-2, and land use descriptions for Business Park and Light Industrial).

2. Business Park means warehouse, part 2. Based upon the history of City zone changes and land use approvals for other areas with a General Plan Business Park designation, the specific plan before you opens the entire project area to future warehouse uses. Every area designated for Business Park uses within this City that has developed has been turned into a warehouse hub. There is nothing in the specific plan to keep that

from happening here, too. **If Business Park and Light Industrial land uses are retained, the plan should be amended to provide definitive caps on building size and permitted square footage of truck-intensive uses.**

3. The City's track record on respecting standards is poor. If industrial uses are retained within the permitted use mix, stronger provisions are required to provide for compatibility with the established surrounding residential neighborhoods. General Plan and Specific Plan policies have been sidestepped numerous times, including (1) the rezonings to allow Skechers and Aldi when the General Plan called for buildings of 50,000 square feet or less, (2) approval of the building under construction at Brodiaea and Heacock where zoning provisions limited building area to 50,000 square feet, and (3) in the south industrial area where building sizes and setbacks have been relaxed for the P&G warehouse and are recommended to be relaxed for the proposed Prologis warehouse. **If Business Park and Light Industrial land uses are retained, the plan should be amended to provide definitive standards to respect existing and proposed residential uses in the surrounding area and along nearby streets that will be affected by truck traffic.**

4. What are the Specific Plan provisions for residential uses? The staff report indicates residential uses were considered, but then abandoned. However, the footnotes to Table 1 in the specific plan document refer to residential as a permitted uses.

5. Clarify provisions in Specific Plan Section 10.4.2. This section refers to a public hearing notice for proposed plot plans and associated environmental determinations; however, approval authority is unclear. Also, the "***" footnote to Table 1 refers to circumstances under which discretionary review is required for industrial uses (inferring there may be circumstances where review is other than discretionary). Does the specific plan allow administrative approvals for industrial uses, or will all implementing plot plans come before the Planning Commission? **If Business Park and Light Industrial land uses are retained, the plan should be amended to require public notice and Planning Commission review for any uses allowing large trucks within 1,000 feet of existing homes or property with zoning that allows residential uses.**

6. The proposed Mitigated Negative Declaration is inadequate; an Environmental Impact Report is required.

a. The initial study fails to acknowledge the relationship of the proposed specific plan amendment to the underlying specific plan approvals and associated EIR. The initial study must disclose and adopt any applicable mitigation measures from that prior analysis. The adopted General Plan designates this site for Commercial uses. The proposed change to accommodate truck-intensive industrial uses in proximity to established residential neighborhoods clearly presents the potential for new or more server impacts.

b. The initial study includes repeated statements that the specific plan amendment "will not lead to any impacts not already identified in the certified EIR for the Moreno Valley General Plan". However, the initial study is silent to characterization of the prior analysis and fails to disclose any mitigation measures adopted as part of the General Plan EIR, and whether any applicable measures from the prior EIR will be applied as part of the current CEQA analysis.

c. Portions of the project site appear to be designated as "Farmlands of Local Importance" (Riverside County Important Farmlands Map, 2016, available at ftp://ftp.consrv.ca.gov/pub/dlrp/FMMP/pdf/2016/riv16_w.pdf). The initial study is silent to potential impacts to such designated agricultural resources.

d. The initial study evaluates the project based upon assumptions of 348,000 square feet of business park uses and 325,000 square feet of retail uses. The trip generation assumptions in the traffic study (page 18)

do not reflect consideration of permissible warehouse uses, or disclose assumptions for projected number of truck trips. The apparent lack of any assumed large truck traffic is not representative of reasonably foreseeable conditions, considering the inclusion of warehouses in the permitted uses and the warehouses that are the built condition of every other area designated for Business Park uses within the City. The ITE standard trip rates for industrial uses (General Light Industrial and High Cube Warehouse/Logistics) reflect substantial percentages of truck traffic, and should be utilized for at least some, and more likely for most of the proposed development square footage. While it is understood that the daily trip rates for these industrial ITE land use categories are lower, the truck percentages are important to certain aspects of the traffic analysis and to analysis of noise, air quality (including health risks), and greenhouse gas emissions. Until more reasonable and representative trip generation rates clearly disclosing assumptions regarding projected number of truck trips and distribution of truck trips is provided, it is not possible to evaluate the adequacy of the analysis of traffic, air quality, noise and greenhouse gas emissions impacts.

e. The traffic analysis assumes substantial pass-by and internal capture reductions in the trip generation assumptions. These assumed reductions are appropriate for retail uses, but not for the proposed business park uses. The inflated pass-by and internal capture rates utilized in the analysis result in an underestimation of traffic-related impacts (including traffic, air, noise and greenhouse gas emissions). Until more reasonable trip assumptions are provided, it is not possible to evaluate the adequacy of the analysis of traffic, air quality, noise and greenhouse gas emissions impacts.

f. The air quality impact appendix (which consists of only the Cal-EE Mod output sheets) discloses an assumed trip length of only five miles for all operation phase trips (agenda packet page 558). There is no readily discernible explanation of this assumption in the initial study or the air quality appendix. This is simply unreasonable for worker and business park trips. By comparison, the Moreno Valley Logistics Center project assumed a worker trip length of 16.6 miles and truck trip lengths of between 10 and 80 miles, with a weighted average truck trip of 61 miles based upon clearly disclosed assumptions of trip destinations and origins. The assumed 5-mile trip length substantially reduced the project project VMT (vehicle mile travelled), which results in an underestimation of air quality and greenhouse gas impacts. Initial study Table 3-2 discloses estimated NOx emissions based upon the flawed estimates are very close to the applicable significance threshold (53.73 pounds per day where the threshold is 55 pounds per day). Without more reasonable assumptions and recalculation of estimated emissions, the record before you is inadequate to conclude that air quality impacts are less than significant.

g. The numerous mitigation measures requiring future surveys and permitting processes for impacts to biological resources are not valid mitigation measures under CEQA. The City's analysis must identify enforceable measures that will reduce potential impacts below a level of significance. Based upon the record before you, there is fair argument of significant impacts to sensitive biological resources (including burrowing owl and streams/riparian habitat) that require preparation of an EIR.

h. Proposed mitigation measures for greenhouse gas emission impacts ignore the project's potential to transition approximately 50 acres of land to trucking-intensive uses. The measures that are included to reduce on-site energy consumption and encourage reduced emissions from passenger cars are so vague as to be meaningless (for instance, requirements for electric charging stations and preferential parking could be met by providing one such station/space).

i. The Mandatory Findings of Significance section of the initial study (Section 3.19) is simply a restatement of the required findings. There is no supporting documentation for the "No Impact" determinations for each of the four required findings. Based upon the record before you and these comments, there is a fair argument that the project may degrade environmental quality (including biological resources, air and noise

impacts), may adversely affect human beings (including air, greenhouse gas, noise, and traffic impacts), and may have significant cumulative impacts (including air, greenhouse gas and traffic). Accordingly, an EIR must be prepared.