

Memo

Date: April 13, 2016

To: Candice Assadzadeh, Assistant Planner, City of Riverside, Community Development – Planning Division

From: Charles Holcombe, Senior Project Manager, FirstCarbon Solutions

Subject: Response to Joan Semonella April 9, 2016 Comments on the Oakmont Senior Living Facility IS/MND

Responses to Joan Semonella Comments – April 9, 2016

General Comments

The cover e-mail states that the commenter will provide further correspondence under separate cover regarding alleged “egregious violations of Federal, State, regional and municipal codes” in the proposal. The commenter did not provide enough detail about these alleged violations to allow for a detailed response; however, the project will be required to comply with all Federal, State and local laws. Compliance with laws and regulations will be verified during the permitting process and subject to ongoing regulatory enforcement and oversight to ensure compliance. The project would not be permitted to operate or undertake construction activities in violation of any code requirements.

The commenter urges the Council to vote against the Oakmont project and discusses other information regarding the documents reviewed and what format they can be accessed in from the City’s website. General comments regarding support for or opposition to the project, political, social or economic concerns are not within the purview of CEQA or the Mitigated Negative Declaration prepared for the project. These general concerns will be considered by the City decision makers when determining whether or not to approve the project.

The commenter alludes to errors in data, information and conclusions that were presented to and considered by the Planning Commission, but does not provide specific examples of such errors to allow for a detailed review and response. The commenter also discusses aspects of the applicant’s presentation to the Planning Commission; however, amenities included within the project or photos of representative/similar facilities are not within the purview of CEQA or the Mitigated Negative Declaration prepared for the project.

In the last sentence of the letter, the commenter states that the project would create several potentially significant impacts relating to biological and cultural resources, hazards, noise, land use and air quality, and questions whether these impacts will be adequately mitigated. However, the commenter does not raise any specific concern or allegation regarding the adequacy of the mitigation measures proposed for these impact areas. The effectiveness of these mitigation measures is explained throughout each of the applicable sections of the Mitigated Negative Declaration, and all impacts will be mitigated to below a level of significance.

Sensitive Receptors

The commenter refers to concerns regarding sensitive receptors throughout the comment letter, but does not point to any specific impacts to allow for a detailed response. The commenter cites to a statement within the Mitigated Negative Declaration that “impacts on air quality from implementation would be significant and unavoidable even with mitigation incorporated.” However, this statement on page 29 of the Mitigated Negative Declaration is referring to implementation of **the entire City of Riverside General Plan**, not the proposed project. This statement was included to provide context for discussion of regional emissions and existing air quality. As stated on page 29, “...long-term operational emissions generated by the proposed project would not be expected to exceed the SCAQMD thresholds for regional operational emissions.”

As discussed on pages 29-31 of the Mitigated Negative Declaration, sensitive receptors will not be exposed to substantial pollutant concentrations with implementation of Mitigation Measures AIR-1 and AIR-3, which would help reduce the amount of fugitive dust generated by construction activities. The proposed project would develop an 85-unit assisted living community, which is not expected to generate a significant volume of construction emissions that would have a cumulatively considerable effect with respect to state air quality standards for ozone, PM₁₀ or PM_{2.5} levels, or with respect to federal standards for ozone, CO, PM₁₀ or PM_{2.5}. The project would not be located near any sources of toxic air contaminants such as heavily traveled roads, distribution centers, fueling stations or dry cleaning operations that would necessitate a more detailed health risk analysis. (MND at p. 30-31).

The commenter includes quotes to text from the Mitigated Negative Declaration such as: “operational emissions” (31) “direct and indirect would occur over the long term operational life of the proposed project.” Carcinogens are “expected to be included later when the toxic emissions ... are better understood.” (34)

However, when reading the above quoted text in proper context and with the entirety of the paragraph(s), it is demonstrated that the proposed project will not exceed the SCAQMD localized operational thresholds for sensitive receptors; that levels of operational emissions would in fact be insignificant; and that diesel particulate matter emitted by construction equipment would be temporary and minor, and such construction emissions are currently not required to be analyzed in greater depth. (MND at p. 24-31).

Medical Uses within the Project

The commenter refers to concerns regarding the “medical nature of the facility.” To clarify, the proposed project would consist of an assisted living facility, which is defined by the City of Riverside Zoning Code Section 19.910.020 as “A special combination of housing, supportive services, personalized assistance and health care designed to respond to the individual needs of persons who need help with activities of daily living. A facility with a central or private kitchen, dining, recreational and other facilities with separate bedrooms or living quarters, where the emphasis of the facility remains residential.” Assisted Living (Residential Care Facilities) are conditionally permitted within R-1 zones.

While some residents may need healthcare-related services, these services are ancillary or incidental to the residential nature of the facility (just as a resident of a single-family dwelling who required a home health aide or visiting nurse would not change the residential nature of their home to a medical use).

The commenter does not identify any specific environmental concerns related to medical care being provided to residents. The vehicle trip generation rates for the proposed project includes all traffic expected to visit the site; the provision of medical care within the facility would not generate additional traffic beyond what is disclosed, as these services would only be provided to residents who were already on the premises, and would be provided by staff who would otherwise be at the facility for an entire shift and are accounted for in peak traffic scenarios. (MND at p. 90).

The applicable vehicle trip generation land use type for the project is “Congregate Care Facility.” Based on this type of land use, the project would be expected to generate 2.15 trips per unit, for a total of 183 daily trips. Of these, it is conservatively estimated that 15 trips would occur during both the AM and PM peak hours. The project would operate 24 hours a day, 7 days a week, utilizing various shifts of approximately four to five employees (at night) and up to 30 staff members during the daytime. Depending on staff schedules and shift changes, it is anticipated that many of these trips would occur outside of peak traffic periods.

Likewise, the project and ancillary provision of medical care to residents will not create significant noise impacts. As stated in the Mitigated Negative Declaration, there is nothing particular about the proposed land use that would specifically generate emergency ambulance visits above that of the existing neighboring residential community. Although there would be occasional high single-event noise levels from emergency vehicle sirens, this would not occur for more than a few minutes within any hour. In addition, according to Section 7.10.185 and Section 7.35.020 of the Municipal Code, warning devices on authorized emergency vehicles and the emission of sound for the purpose of alerting persons to the existence of an emergency or in the performance of emergency work, are exempt from the noise performance standards of the Municipal Code. Therefore, project-related emergency ambulance siren noise would not result in a perceptible increase above existing ambient noise levels nor result in noise levels that would exceed established standards. (MND at p. 82).

All other potential noise sources from the project (including traffic, HVAC equipment and parking lot noise) were evaluated and found to be less than significant. (MND at p. 71-83).

Sincerely,

A handwritten signature in black ink, appearing to read 'CH', with a long horizontal flourish extending to the right.

Charles Holcombe, Senior Project Manager
FirstCarbon Solutions
650 E. Hospitality Lane, Suite 125
San Bernardino, CA 92408

Enc: Appendix A: J. Semonella April 9, 2016 Comment Letter

Appendix A:

J. Semonella April 9, 2016 Comment Letter

FW: [External] Collective Letter to t
Collective Letter to the City Council.docx; ATT00001.htm

From: Joan Semonella <sems3@dslextrreme.com>

Date: April 9, 2016 at 9:58:07 PM PDT

To: Mike Gardner <mgardner@riversideca.gov>, Andy Melendrez <asmelendrez@riversideca.gov>, "'Soubirous, Mike'" <msoubirous@riversideca.gov>, 'Paul Davis' <pdavis@riversideca.gov>, "'Chris MacArthur'" <cmacarthur@riversideca.gov>, 'Jim Perry' <jperry@riversideca.gov>, 'John Burnard' <jburnard@riversideca.gov>

Cc: 'Mayor Rusty Bailey' <rbailey@riversideca.gov>

Subject: [External] Collective Letter to the City Council

From: Joan Semonella
5642 Glen Cliff Drive
Riverside, CA 92506

Please read the attached letter; it's important. I'll write again to each of you to outline the most egregious violations of Federal, state, regional, and municipal codes in the proposal.

Please check the document,* protect the most vulnerable "sensitive receptors"** — victims through the life of the project, support Mike Soubirous and vote against the Oakmont proposal.

*on the riversideca.gov home page, if you type the project number [P 15-6010-6011] the search gives two prompts; clicking the Oakmont proposal allows you to work with the PDF format rather than the city document. It's shorter (116 pages vs. 227) and has fewer blank sheets. It also allows you to print individual pages. The page numbers I reference are from this format.

** sensitive receptors are briefly outlined in the last 2 paragraphs of page 33. These not only include the neighbors but **anyone who lives in the facility itself, since "The prosed project, once completed, would also be considered a sensitive receptor."**

To the Members of the Riverside, CA City Council
Regarding P 15-6010-6011

Gentlemen:

The Planning Commission let you down. Had they actually read the “Oakmont Assisted Living Facility” “Mitigated Negative Declaration” they would have known that that patchwork of contradictory data had errors in information and conclusions. More importantly, they might have pursued their own questions before proceeding to a vote. But the visual material was impressive, the answers quick—even if they differed from fact—and the Commission agreed to a Request for Conditional Use Permit for R1 zoned property at 5695 Glenhaven Avenue.

I am among 29+ owners of the HOA immediately adjacent to the Oakmont proposal, many of whom were present for the meeting and spoke to their concerns. Mine, as I explained, was about the medical nature of the facility in a quiet neighborhood of single family homes. And I appreciate that I was heard. At the end, one of the commissioners asked the lead presenter if this was, in fact, a medical facility, but **he quickly answered, “No,”** a reality check for those of us who heard his colleague say just the opposite in his presentation to us. Another question was asked about **the medical examination required of occupants**, and they were assured by the 2nd presenter that it was a “**routine**” form for anyone living in a residential community—even the staff, she said, needed a similar form. The vote came quickly after that.

Fortunately for us, both the lead presenter at the Planning Commission (James Lawson) **and** his colleague who had made the presentation to us (Wayne Sant) came to meet with us on April 5. Mr. Sant made it clear, as he had before, that the proposal **is for a medical facility; all of the occupants require an Rx, 30% for memory care**, the balance being **medically dependent** and not able to live alone. **There is No Independent Living.** I asked Mr. Lawson about his answer to the commissioners; he said his presentation was to emphasize the quality of construction. His photos were to demonstrate that--plush seats in a theatre, the popcorn machine, a grand piano. He acknowledged his answer to the commission’s question would be on record for you to see.

Certainly answers to the commission’s questions affected the vote—one commissioner thought the pictures (identified as from northern California)—show a place his father might enjoy being independent. “A lecture for 200 guests!” Impressive indeed. But that’s not my point, though the truth is. My point is that **if** the Planning Commission read the Declaration, flawed as it is, they would **know** the **kind of facility** Oakmont proposes, at one point called a “**a nursing home.**”

I hope to write each of you—to express thanks, praise or concern. This is collective because the “Mitigated Negative Declaration” points to critical negative impacts the project will have on our property & community forever. It begins saying “**impacts on air quality from implementation would be significant and unavoidable even with mitigation incorporated**” (33); “**operational emissions**”(31) “**direct and indirect would occur over the long term operational life of the proposed project.**” Carcinogens are “**expected to be included later when the toxic emissions ... are better understood.**” (34) It concludes: “**The project would create several potentially significant impacts relating to biological and cultural resources, hazards, noise, land use, and air quality.**” The Project Director says these will be “**adequately**” mitigated, but data argue this point, too.