



MEMO

Community Development Department Planning Division

RECEIVED

MAY 07 2018

Community & Economic
Development Department

DATE: May 2, 2018

TO: HONORABLE MAYOR
CITY COUNCIL

FROM: Candice Assadzadeh, Senior Planner

CC: Patricia Brenes, Principal Planner

RE: **P17-0506 (DESIGN REVIEW), P17-0507 (GRADING EXCEPTION), P17-0748 (GRADING EXCEPTION) & P17-0749 (VARIANCE) - 750 Marlborough Avenue & 1550 Research Park Drive, WARD 1, Hunter Industrial Park Neighborhood**

On May 2, 2018, the Development Review Committee (DRC) **approved** Design Review and associated Grading Exceptions and Variances for the construction of a 346,290 square foot industrial warehouse building at 750 Marlborough Avenue and 1550 Research Park Drive. (Please refer to the attached staff report and conditions of approval). There is a **ten-day appeal** and referral period commencing **May 2, 2018** and ending on **May 11, 2018**. Any interested person aggrieved or affected by the decision of the DRC may appeal that decision to the Planning Commission by filing a letter and the required \$2,529 appeal fee to the Planning Division of the Community & Economic Development Department. The Mayor or any member of the City Council can also refer the matter for consideration on the Council's discussion calendar agenda. If not referred by the City Council or otherwise appealed within the 10-calendar-day appeal period, the action of the DRC is final.

Please return the referral form or direct any questions to Candice Assadzadeh, Senior Planner at (951) 826-5667 or email cassadzadeh@riversideca.gov.

MAYOR/CITY COUNCIL REQUEST FOR REFERRAL

I request the following case(s) be referred for Council review.

CASE NUMBER: ^{P17-0506, 0749}
~~P17-0506~~ 0507, 0748, REASON FOR REFERRAL Constituent
request

Mayor or Council Person's Signature: _____

Mike Gardner

From: [Gardner, Mike](#)
To: [Assadzadeh, Candice](#)
Cc: [Guzman, Rafael](#); [CMO CM-ACM](#); [Nicol, Colleen](#); [Geuss, Gary](#); [Richard Block](#)
Subject: Fwd: [External] Request for referral of DRC approval of Marlborough warehouse project
Date: Saturday, May 05, 2018 6:58:16 PM

Candace,

This is request from Mr. Block to refer the Marlborough Warehouse DRC approach Val to the City Council. As indicated in a prior email I will be accommodating this request and will submit the required for on Monday May 7.

Thank you.

Mike

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----- Forwarded message -----

From: "Richard Block" <rblock31@charter.net>
Date: Fri, May 4, 2018 at 9:44 PM -0700
Subject: [External] Request for referral of DRC approval of Marlborough warehouse project
To: "Gardner, Mike" <MGardner@riversideca.gov>

May 4, 2018

To: Riverside City Councilman Mike Gardner

From: Richard Block for Friends of Riverside's Hills

Re: Request to refer to the City Council the DRC approval of industrial warehouse project at 750 Marlborough Ave & 1550 Research Park Dr, (P17-0506 (DR), P17-0507 (GE), P17-0748 (GE), P17-0749 (VR)

Hello, Mike.

As you know, Development Review Committee project approvals must either be referred to the City Council by a Councilmember or Mayor, or appealed to the Planning Commission with payment of an appeal fee of \$2,529, within 10 days. As we understand it, you graciously agreed to refer the recent Center Street warehouse DRC approval to the Council, but for reasons we don't understand, the opponents in that case chose to not have you do a referral and instead appealed the case to the Planning Commission and then to the City Council, thus involving two \$2,529 appeal fees.

For all the reasons discussed herein, we would like to avoid that appeal process, and rely on you, as the Councilman whose ward contains the project site and

whose constituents would be most affected by the project in its present form without further mitigation, to please refer it to the Council, as is your right under the municipal code.

The present system of having DRC approvals of major projects, like this one, be final unless appealed, a system recently instituted as part of a “streamlining process”, has unintended bad consequences.

First, it is unfair: a project neighbor or non-profit group is cut off from having their concerns fully addressed unless they pay, first \$2,529 to appeal to the Planning Commission (which, as with the Center Street case, is likely to follow the DRC approval even if further environmental analyses are required) and then another \$2,529 to appeal to the Council. That’s \$5,058, a lot of money and a huge imposition on ordinary citizens and do-gooder groups like FRH (at least we intend to do good).

And you know, if someone or a group feels they have a valid case and even after spending that kind of money the project still gets approved, they are very probably going to sue the City and developer as the only way to get their money back, either through a settlement or a court order. So the large double fee system has the unintended consequence of encouraging lawsuits. And even if the developer covers some of the City’s costs in such a suit, with City attorney and staff time, it will end up costing the City far more than the \$5,058 in appeal fees they will have collected.

It is our understanding that the project applicant is supposed to pay the cost of the project’s CEQA analyses, but if, as a result of evidence presented by the project opponent(s), further analyses are required or the Commission or Council decides that the project needs an EIR instead of a mitigated neg dec, will the City or applicant reimburse the opponent for the \$2,529 or \$5,058 appeal fees they were forced to spend to get the CEQA law enforced? There is no mechanism in the code for that, so again as a matter of basic fairness, such large fees should not be charged in the first place, and the way to achieve that is, upon serious request, to have the matter referred to the Council instead of appealed.

Now, as to the Marlborough St warehouse project that we feel needs more mitigation: With the issues we had raised during the public comment period on the draft MND, we have already achieved a small bit of public benefit for the residents of your ward: after revising the project traffic analysis because of inadequacies we pointed out in our attorney’s letter, the project will now have to pay a (very small) fair-share amount of the cost of two needed traffic signals.

But in our view there is much more that needs to be done, and which should be addressed by the Council. For one thing, the resulting increase of heavy truck traffic on Iowa Ave and other streets will affect residents along those routes.

For example, while some of the trucks will use Columbia Ave to and from the I-215 Freeway, many will use Iowa Ave either going to or from the Freeway ramps near or north of Center St or to or from the Freeway ramps at Blaine/3rd St. We already have a big problem with trucks turning at Iowa and Blaine blocking traffic in the other direction. More fair-share payments for traffic mitigation, and limitation on heavy trucks going through such residential areas as those on Iowa should be considered, and those are matters we feel the City Council, and you as the ward representative, should consider.

And then there are the air quality and health impacts of the heavy diesel truck trips induced by warehouse projects, operational impacts that were essentially ignored by the DRC approval in this case simply because, as the City's response to AQMD comments stated, there is no school or similar use within 1,000 feet of the project site. Please note that the AQMD has just TODAY approved a precedent-breaking decision that such warehouse projects need special attention to the diesel truck air quality/health impacts:

<https://www.scpr.org/news/2018/05/04/82129/truck-pollution-is-harming-californians-is-crackin/>

A key issue for FRH is the impacts on the Box Springs Mountain Park/Reserve, which although outside the City, has a long border with the project site. Thus the project site is not an infill site. There are impacts to trails on Sugarloaf Mountain that area residents use, and impacts on the wildlife in the Reserve, an MSHCP Core Reserve, that need to be more adequately addressed.

Thus we hope that you will feel that a referral to the Council is appropriate. We would greatly appreciate your doing that referral regarding all DRC approvals of this project. Please let us know whether and when you will do that, as otherwise we will have to scramble to get the appeal check and letter prepared and delivered within the short time period remaining. If you would prefer an in-person meeting with a couple of us to discuss this within that limited time period, please let me know.

Thanks,

Richard

PS: Here is the statement the planner sent us regarding the May 2 DRC project approval – the ten day appeal period should probably extend to May 12, not May 11, but we don't want to take any chances on that.

The City's Development Review Committee (DRC) has approved the proposed industrial warehouse at 750 Marlborough Avenue & 1550 Research Park Drive. Attached is the Approval Letter, Staff Report, and MND Response to Comments. Please note, there is a ten-day appeal

period commencing May 2, 2018 and ending May 11, 2018. Any interested person aggrieved or affected by the decision of the DRC may appeal that decision to the Planning Commission by filing a letter and the required \$2,529 appeal fee to the Planning Division of the Community & Economic Development Department. If not appealed within the 10-calendar-day appeal period, the action of the DRC is final.