



CITY COUNCIL STAFF REPORT

DATE: January 20, 2010

CONSENT CALENDAR

SUBJECT: CITY OF PALM SPRINGS COMMENTS ON THE PROPOSED RIVERSIDE COUNTY REGIONAL DETENTION CENTER DRAFT ENVIRONMENTAL IMPACT REPORT

FROM: David H. Ready, City Manager

BY: Planning Department

SUMMARY

Staff has submitted a comment letter to the County of Riverside on the Draft EIR for the proposed Riverside County Regional Detention Center (RCRDC). A copy is attached.

RECOMMENDATION:

Receive and file.

STAFF ANALYSIS:

Comments were due to the County by January 15, 2010 and staff forwarded the letter by post on January 7, 2010 and by e-mail on January 11, 2010. Under the provisions of the California Environmental Quality Act (CEQA), the County must prepare written responses to all comments prior to releasing the Final EIR. The County may then hold public hearings on the EIR and on the project (the Detention Center. Staff will notify the City Council when those hearings are scheduled.)

FISCAL IMPACT:

No fiscal impact.



Craig A. Ewing, AICP
Director of Planning Services



Thomas J. Wilson
Assistant City Manager, Dev't Svcs



David H. Ready
City Manager

attachment

ITEM NO. 8.6.

JAN 07 2010



City of Palm Springs

Department of Planning Services

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January 07, 2010

County of Riverside
Economic Development Agency
P. O. Box 1468
Riverside, CA 92502-1468
Attn: Riverside County Regional Detention Center Project

RE: Draft Environmental Impact Report (DEIR) for the Riverside County
Regional Detention Center, State Clearinghouse No. 2008121012

Dear Sir or Madam:

The City of Palm Springs thanks the County of Riverside for providing us with a copy of the above-referenced DEIR. The City has reviewed the document, and provides the following comments.

Air Quality Analysis

Although the air quality analysis was completed using the correct models, the assumptions used in those models are incorrect. As a result, the air quality analysis under-estimates the potential impacts on local and regional air quality. The following demonstrates our concerns.

1. Construction activities are estimated to occur on 13.43 acres per day. The model assumes, for example, that mass grading operations will require one grader, one rubber tired dozer, two backhoes and one water truck. The equipment assumption grossly under-estimates the amount of equipment required to mass grade a 13 acre site. The assumptions must be revised to reflect the correct number and type of equipment which would be required for such a project. At a minimum, the mass grading operation will require multiple scrapers and graders, and multiple water trucks, particularly given the wind conditions at the project site. In addition to the grading assumptions, the assumptions for all phases and all types of construction activities must be revised to accurately reflect the level of activity generated by trenching, paving, construction and architectural coating. Accurate representations of the amount of equipment required should be secured from project engineers and architects. We believe that when properly calculated, the construction emissions will exceed SCAQMD thresholds of significance, and will result in significant impacts.

2. The project includes the construction of an access road and/or a bridge overpass, and off-site water tanks. The air quality analysis does not appear to have included these facilities. They are certainly not listed as components of the project in the DEIR, and no reference to their construction was found in the technical appendix assumptions. This results in an under-estimation of air quality impacts resulting from the project's implementation.
3. The air quality analysis assumes a daily trip generation of 5,651, or 343 daily trips less than the traffic analysis. No explanation is provided for this discrepancy. However, the air quality analysis under-estimates trip generation, and therefore air emissions by 6%. The analysis must be conducted for worst-case conditions, and should be revised to be consistent with the traffic analysis.
4. The air quality model assumes that each of these trips will be 8.9 miles in length. Given the site's location, the distance to housing for employees, the distance to offices and courts for detainees' attorneys, the distance to the homes of detainees' visitors, and the distance of suppliers and tradesmen which will provide services and materials to the site, the trip length is grossly under-estimated. The use of SCAQMD default settings is inappropriate and incorrect in this case, and the project site is isolated and will require considerably longer commutes than a typical land use. The operational air emissions must be recalculated to accurately reflect the distances which will be traveled to and from the site. At a minimum, trip length should be revised to 20 or 25 miles.
5. The air quality model similarly assumes a default vehicle speed of 30 miles per hour. Given that the proposed project is located on Interstate 10, and that all access to the site will require travel on this roadway, whose speed is 70 miles an hour from Redlands to Blythe, the use of the default speed is incorrect. Since emissions rise with speed, the analysis underestimates the air impacts associated with the project. The air quality analysis must be modified to accurately reflect vehicle speeds to and from the project site.

We believe that an accurate analysis of air emissions will result in significant impacts during both the construction and operational phases of the project. These significant impacts require mitigation under CEQA. In order to assure that the public, the County Planning Commission and the Board of Supervisors have accurate information available to them from which to make an informed decision on the proposed prison, the air quality analysis must be revised.

Climate Change

The site is currently vacant, and therefore does not generate any greenhouse gas (GHG) emissions. The DEIR states that the proposed project will generate 22,000 metric tons of CO₂e annually. The DEIR concludes that these emissions may be cumulatively significant, when considered with other development in the area in the long term. Since the site currently emits no GHGs, the increase of

22,000 metric tons must be considered significant, since the implementation of the project will not reduce GHG emissions to 1990 levels, as required by SB32 (since the site was vacant in 1990, any GHG emissions are inconsistent with State law). The DEIR proposes mitigation measures to reduce these emissions based on Climate Action Team (CAT) strategies published in 2006, but fails to quantify the benefit of these mitigation measures. Yet the DEIR concludes that by complying with the reduction strategies, the proposed project will have less than significant impacts on global warming and greenhouse gases.

The California Pollution Control Officers Association (CAPCOA) published a white paper in January 2008 which provided considerable guidance in the evaluation and quantification of greenhouse gas emissions, and reduction strategies. The white paper must be used to determine the level of significant impact associated with the proposed project. The courts have recently ruled on this issue. In *"Coalition for Environmental Integrity in Yucca Valley vs. Town of Yucca Valley,"* the Court determined that the greenhouse gas analysis was deficient because it failed to quantify the emissions and reductions according to CAPCOA protocols:

"the CAPCOA white paper is valid scientific evidence that supports a fair argument that notwithstanding the EIR's threshold of significance, the Project may still have significant cumulative impact...(T)he CAPCOA analysis makes clear that the CAT compliance method adopted in the EIR does not support, by itself, a less than significant finding for the Project's GHG impacts..."

The DEIR must be revised to include CAPCOA-based evaluations of the mitigation measures, and determine, also based on the CAPCOA white paper, whether the impacts will remain significant. Without this analysis, the DEIR is inadequate.

Economic Impact Analysis

The analysis provided in the DEIR, and the associated Appendix K, is inadequate, and does not provide the public with accurate or sufficient information on which to make an informed decision. Specifically, we note the following:

1. The DEIR relies on State-wide data and research, which does not provide an adequate analysis of the Palm Springs or Coachella Valley tourism industry. Given the wealth of local data available, the use of State-wide data is inadequate. Local sources of information include the Pam Springs Convention Center, the Palm Springs Visitors' Bureau, the Desert Resorts Convention and Visitors' Bureau, and the Finance Departments of all of the 9 cities in the Coachella Valley.
2. Visitor spending data provided in the DEIR dates to 2007. Since that time, our region has been significantly impacted by the current recession. In order to provide a complete analysis, the DEIR should have either provided 2008 data and 2009 estimates (based on local taxable sales and

- transient occupancy sales reports), or reduced the 2007 revenues based on the reductions experienced locally. Again, the use of State-wide and outdated data does not accurately represent the current condition in the Palm Springs area. Since the DEIR includes Table 4.16.2, which provides local transient occupancy tax information, this data should have been used to develop locally accurate information on visitor spending.
3. Similarly, the visitor profile provided for Riverside County is not reflective of the visitor to the Coachella Valley. As an example, although private campgrounds may represent 10.3% of the total County tourist accommodations, there are none in Palm Springs, and only limited facilities in other nearby Coachella Valley cities. Campgrounds are located in western Riverside County and in Blythe, but not in the Coachella Valley.
 4. Employment data also relies on State-wide information, and not on local employment information, which is available through the Employment Development Department, the Convention and Visitors' Bureaus and private groups such as Wheeler's. Again, an accurate representation of the dependence of our local economy on tourism revenues cannot be provided by data gleaned from State and County data.
 5. The DEIR relies on national studies on the impacts of prison facilities on communities. No locally provided research was done, however. The most pertinent example available is in the City of Blythe, located 90 miles east of Palm Springs, and home to two California State Prisons. Blythe, although much smaller than the Coachella Valley, also relies heavily on tourism generated by its proximity to the recreational facilities of the Colorado River. The Blythe prison facilities were expected to generate significant growth in tourism and retail sales when they were planned (see Draft EIR for Riverside County Prison I and II, 1984 and 1991). The reality has been much different. The growth in revenues has not occurred, and neither tourism nor retail sales have benefited from the prisons. The DEIR must include a comparison of locally germane facilities, and cannot rely on generalizations based on national studies.
 6. The DEIR states (page 4.16.25) that the prison would result in a reduction in tourism revenues of \$2.1 million. Neither the DEIR nor the Appendix provide any substantiation for this statement, other than the author's "professional opinion." There is no substantiation in the DEIR of this assumption, other than statements made by those interviewed by Dr. Tyrell that a 1% increase in transient occupancy tax would not be supported. The author does not, however, make any reference to the likely reason that an increase in tax would not be supported, which is entirely economic, and would result in a reduction in room nights, because of the increased cost associated with hotel room stays. There is no evidence in the record that the increase in transient occupancy tax would not be supported because there would be no interest in moving the proposed prison to another location.
 7. The DEIR concludes that the visitors to the detainees in the proposed prison would spend money in a manner typical of the "California traveler."

The assumption is not based on any evidence in the record, and is ludicrous on its face. First, the majority of detainees at the proposed prison are likely to be Riverside County residents, as the majority of crimes committed in Riverside County are committed by local residents. Second, the furthest a detainee's visitor is likely to have to drive is 90 minutes, as the proposed prison is located in the geographical center of the County. In addition, the demographic of the average detainee's visitor in no way parallels the demographic of a typical Palm Springs visitor. The income level of these visitors will be considerably lower than that of the typical tourist. As a result, it is ludicrous to assume that the typical detainee's visitor will spend \$79.30 in the Palm Springs area. The visitor may stop in Cabazon for fast food (\$5.00±), and may stop in Banning for gasoline (\$20.00±), but will not drive to Palm Springs to spend money in our restaurants, or pay the entry fee to the Air Museum, or stay at one of our hotels. The DEIR grossly overstates the likely expenditures of the detainees' visitors, and must be revised.

8. The expenditures attributed to new employees in the DEIR are based on false assumptions. First, the wages estimated are based on gross income, not net income. As a result, the available income is overstated. Second, the resident in the community does not behave as a tourist, and will not frequently be able to spend moneys in local restaurants, as would a tourist. That is to say that those employed in the community do not spend 10% of their gross income on restaurants and attractions. In order to accurately calculate the potential restaurant sales to be generated by new employees, a calculation of net income must be completed; followed by an analysis of disposable income (generally considered to be 15-19% of net income); followed by an analysis of which portion of that disposable income would be spent on restaurants and attractions. The analysis as presented is flawed, and the DEIR must be revised.
9. The DEIR does not provide adequate analysis of what it refers to as "brand management." Specifically, the DEIR cites multiple national studies which clearly state that tourist safety is a consideration in the selection of a destination. The DEIR further describes the significant impact which Arthur Frommer's statements regarding his personal safety had on tourism in Arizona. Yet the DEIR simply concludes that "the fact that there is no evidence that prisons reduce tourist safety should make such brand management easier." This conclusion is unsupported in the DEIR and the technical study. The Coachella Valley's tourism is largely based on drive-in tourism from the Los Angeles basin. Every tourist who drives to the Valley from the west will pass the proposed prison. Its visibility is unquestioned, as described in the Aesthetics section of the DEIR. Therefore, all drive-in tourists will be aware that Palm Springs is home to a prison facility, and will be influenced by that knowledge. The DEIR's discounting of this perception is inappropriate and unsupported.

Traffic Impact Analysis

The traffic impact analysis is incomplete, and relies on inaccurate assumptions, as follows:

1. The trip generation assumptions state that delivery and kitchen truck trips will not increase from Phase I to build out, because "vendors are unlikely to make multiple trips." This assumption is patently incorrect. As the prison and employee population increases, the demand for supplies will proportionately increase. It cannot be assumed that the vendors and kitchen trucks will come to the facility only 27% full during Phase I, and simply add products to their trucks as the population increases. It is more likely that deliveries which are required once a week during Phase I will be required four times per week at build out, and that the number of trips per day will increase proportionately. The trip generation estimates are therefore under-estimated, and must be recalculated.
2. The traffic analysis provides only for intersection analysis during the morning and evening peak hour at six local intersections. Although this may be sufficient to address County standards, it is insufficient under CEQA. The analysis must include an analysis of the impacts of the project on Interstate 10, since all project trips will impact this federal highway. Interstate 10 currently (2008) carries 94,000 average daily trips at this location. Since all project trips will impact the Interstate, the project will increase traffic volumes by 6%. The traffic analysis must include an analysis of the current volume to capacity ratios and levels of service on the Interstate, an analysis of the impact the proposed project will have on current capacity, and an analysis of the project's contribution to the Freeway Strategic Plan developed by the Western Riverside COG and the County Transportation Commission.
3. The traffic analysis includes no cumulative project analysis. Given the project's location and impact on Interstate 10, this represents a significant deficiency. The proposed prison plans a long term build out, which will occur amidst considerable planned growth. Absolutely no consideration of planned regional projects (beyond a 2% annual growth rate) has been considered in the analysis. Regional projects which will impact Interstate 10 and Highway 111 must be considered in the DEIR. In addition, year 2020 growth estimates for the City of Palm Springs, based on our newly completed General Plan, must be factored into projected future growth rates. Until the DEIR includes an assessment of cumulative projects, it is incomplete and inadequate.

Water Supply Assessment and Analysis

The DEIR assesses the domestic water demand and production capacity for the proposed project. The analysis, however, is incomplete, as follows:

1. The DEIR states that six agencies/users are currently pumping from the Cabazon Storage Unit. Although this is correct, it does not correctly

- characterize those who have rights to the Cabazon Storage Unit. At a minimum, we are aware that the City of Banning has facilities in this Storage Unit, and has rights to pump from this location. Since the DEIR fails to consider future pumping by the City of Banning, it under-estimates the potential annual production of the Storage Unit, and the impacts associated with project implementation.
2. The DEIR states that the proposed prison will recharge 154,998 gallons per day (gpd) in Phase I, and 420,570 gpd at build out at the on-site infiltration basin. There is no information in the document on the size, structure, or phasing of such a facility. Nor is the facility included in the project description for either Phase I or build out, or described in the Hydrology and Water Quality section of the DEIR. If, as the DEIR claims, the project will recharge groundwater through this on site facility, sufficient information must be provided to show that it will have capacity and be designed to effectively recharge the Cabazon Storage Unit.
 3. The Water Supply Assessment relies on MSWD's Urban Water Management Plan (UWMP), which in turn relies on recharge of MSWD's facilities using State Water Project/Colorado River Water. As the County is no doubt aware, State Water Project deliveries (and associated Colorado River transfers) have been significantly curtailed by recent court rulings. The Department of Water Resources expects to deliver far less State Water Project water than it has contracts for in the next several years. The DEIR bases its determination of sufficient water supply, therefore, on an UWMP which overstates water production. The Water Supply Assessment, and DEIR, must be revised to reflect the anticipated reductions in Water Project deliveries, as this will substantially affect MSWD's ability to recharge its basins.

Significant Unavoidable Impacts

As described above, we believe that impacts associated with air quality and climate change have been grossly under-estimated. If properly analyzed, we believe that the impacts would have been found to be significant and unavoidable. Once the air quality and climate change analyses are revised, the analysis of significant and unavoidable impacts must also be revised.

Cumulative Impacts

As described above, we believe that impacts associated with air quality and climate change have been grossly under-estimated. If properly analyzed, we believe that the impacts would have been found to be significant. Once the air quality and climate change analyses are revised, the analysis of cumulative impacts must also be revised, to determine whether cumulative impacts to air quality and climate change will be significant and potentially unavoidable.

Conclusion

As described above, the City has significant concerns about the adequacy of the DEIR. Without further analysis, and the correction of errors in the document, the

DEIR is inadequate, and does not provide the public or decision makers with accurate or sufficient information on which to base a decision. Given the significance of this project to the Coachella Valley, we strongly urge the County to re-write and re-circulate the DEIR.

Sincerely,



Craig A. Ewing, AICP
Director of Planning Services

cc: City Manager
City Attorney