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Roseville, CA 95747

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Eric Singer  
Associate Planner  
City of Roseville  
Development Services - Planning  
311 Vernon Street  
Roseville, CA 95678

Hand-delivered and sent by email to: [planningdivision@roseville.ca.gov](mailto:planningdivision@roseville.ca.gov), and  
[esinger@roseville.ca.gov](mailto:esinger@roseville.ca.gov),

Re: DEIR for Philip Road Project  
State Clearinghouse #2025060240

Dear Mr. Singer:

We are residents of Sun City, a senior community in west Roseville and live within the area that will be directly affected by the significant adverse impacts of this project. We write this letter in response to the circulation by the City of the Draft Environmental Impact Report (DEIR) for the proposed Philip Road project. We think that the DEIR is fundamentally flawed in numerous respects as is detailed below. We request that the DEIR be withdrawn, revised and recirculated.

### **The proposed project is inconsistent with the General Plan**

The Applicant, Panattoni Development Corporation (PDC or Developer), proposes to purchase approximately 200 acres of property from the City of Roseville to construct a mixed-use project of residential, industrial and commercial development. That development is inconsistent with the City of Roseville's General Plan, specifically with the existing "Public/Quasi-Public" land use designation for this property. To remedy this, the Developer proposes that the City amend the Land Use Element of its General Plan to permit the proposed uses. Compliance with the California Environmental Quality Act (CEQA) is required to accomplish both the General Plan amendment and the development itself. The DEIR purports to analyze the impacts of the proposed project, but does not analyze the impacts of the proposed General Plan amendment.

The changes in use proposed in the General Plan amendment will significantly change the nature of land uses that previously have been planned for this property, as well as

for those in the surrounding area. The change is also inconsistent with numerous other elements of the General Plan. Since consistency among the Elements of a General Plan is required by law, how can the City resolve this problem? Either it can choose not to amend its Plan in the manner the Developer proposes, or it can amend the various other elements of its Plan to bring them into conformity. In either case, such a fundamental change in the City's General Plan for the land uses on this property and in the surrounding area requires full compliance with CEQA, not simply a passing mention in this DEIR.

The scope of the changes proposed by the Developer are of such a magnitude that a General Plan update may be the more suitable tool to assess whether the changes are appropriate for the future of west Roseville. The City would provide a more effective forum for community input and more appropriately comply with applicable law if it utilized this process. The City should plan before it considers a project. This would also allow the City to fully analyze the cumulative impacts of this change and its relation to the City's new Sphere of Influence recently approved for the area just to the south and west of the site. An additional benefit would be a review and full consideration of the other two outstanding draft EIRs for development of other portions of the City's Reason Farms property.

### **Why is the proposed General Plan amendment for this property of such significant concern?**

The City's General Plan designates the 1,750-acre Reason Farm lands for Open Space and Public/Quasi-Public uses. The City purchased the land in about 2004 for the purpose of creating floodwater management structures within this flood-prone area of Pleasant Grove Creek. In 2006 the City prepared a Master Plan for the management of the Reason Farm lands. The Plan included flood control structures, public recreation areas including boating and trails and habitat conservation and restoration sites. No provisions were made for more intensive uses of the site such as industrial, residential or commercial development. The present use of the area of west Roseville surrounding the Reason Farm site is primarily residential, agricultural, recreational and open space/habitat conservation, along with several large municipal facilities and schools. A change from a "Public/Quasi-Public" land use designation in an area surrounded with these uses to, for example, the proposed industrial use is a significant change to the kinds, location and intensity of land use in this area. The community character of west Roseville is at stake. The DEIR minimizes the transformation of the community, and the irrevocable loss of sensitive environmental resources that the proposed General Plan amendment, if approved, will induce. Of greatest concern is the proposal to convert almost 60 acres adjacent to Pleasant Grove Creek to industrial use. This change alone

would establish an entirely new industrial corridor in west Roseville that is not presently contemplated in the City's General Plan.

**The DEIR must address the consistency of the proposed amendment with the other Elements of the General Plan**

The proposed amendment of the Land Use Element of the General Plan raises questions concerning the internal consistency of the Elements of the General Plan. For example, the proposed industrial use designation appears on its face to be inconsistent with other elements of the General Plan, including the Air Quality, Circulation, Conservation, Open Space, and Safety elements of the Plan, as well as other portions of the Land Use element of the Plan. Application of the Light Industrial use designation in this location is specifically inconsistent with the Development Guidelines in Table II-6 of the Land Use Element of the existing General Plan. That Guideline states that the Light Industrial use designation "should be located adjacent to major roadways with convenient truck access to accommodate the needs of the businesses that require this land use". In no sense is this location adjacent to major roadways; the pavement of Blue Oaks Blvd. ends and it becomes a gravel road before one even reaches the property. It is many miles away from major roadways. The DEIR does not analyze or even mention this inconsistency. A full analysis of the desirability and significant impacts of this proposed amendment should be done before any specific project is considered for this parcel.

The revised Notice of Availability of the DEIR issued recently by the City identifies "significant and unavoidable" adverse impacts that the proposed project will cause in six areas:

- Transportation and Circulation
- Air Quality
- Greenhouse Gas Emissions and Climate Change
- Noise and Vibration
- Utilities and Service Systems, and
- Aesthetics.

For these impacts, the City states that "no feasible mitigation is available to reduce the project's impacts to a less than significant level". The City provides in this statement a glaringly clear reason that it should not approve a General Plan amendment to prescribe an Industrial land use for this "singleton" location on the frontier western edge of the City. All of these six areas relate to Elements of the General Plan, again demonstrating the inconsistency of the proposed amendment with other Elements of the Plan, contrary to law (Government Code section 65300.5). The amendment itself

appears to create significant and unavoidable impacts. There is no analysis provided to suggest otherwise. The Plan amendment cannot be approved based upon this DEIR.

**The City must amend its General Plan before it may approve the proposed project**

When we attended the scoping session at Mahany Park for this revised project last summer, we noted that the City's Table of potentially allowable uses included the possibility of a bio-medical facility with a safety rating of Bio-Hazard Level 3, an extremely hazardous facility. We immediately raised a concern regarding this, and the Developer subsequently changed its draft "Planned Development" zoning proposal to include only potential uses with a rating of Bio-Hazard Levels 1 and 2. But it is not the Developer that controls potential future uses of a property. It is the City, in its General Plan. The Developer, in its project description, chooses a use that must be consistent with the General Plan; but the City, in its General Plan, determines which uses are allowable, or not allowable. It controls, through the General Plan, the Developer's choices of use, as well as those of any future owner of the property. Unless and until the City properly amends its General Plan to specify the potential uses that are allowable and not allowable, neither the Developer nor affected residents and neighbors can know and understand the potential impacts of that change to the General Plan.

For all of these reasons, if the City thinks that it needs to amend the General Plan to allow Industrial land uses in this area, it should do so before it considers any proposed industrial project on this site. It has not conducted the proper environmental review that needs to be completed before such a change is adopted. There is no present basis for considering a proposed industrial project that is completely inconsistent with the existing General Plan, and there is no analysis to justify a General Plan amendment that appears to be conjured solely to justify a pre-approved development proposal. Planning must come first.

**The Project Description is not specific enough to provide a basis for analysis of the environmental impacts of the project**

The project description in the DEIR is not specific enough to provide a basis for analysis of the environmental impacts of the project. An EIR's project description must be "accurate, stable and finite". A project description must truthfully describe what is actually proposed, and be complete, including all project components. It must describe a fixed, definable project, and not be vague, or a "moving target". And it must have clear boundaries and endpoints that allow a quantification of impacts. As stated in County of Inyo v. City of Los Angeles (1977) 71 Cal. App. 3rd 185, 193: "Only through an accurate view of the project may affected outsiders and public decision-makers balance the

proposal's benefit against its environmental cost, consider mitigation measures, assess the advantage of terminating the proposal...and weigh other alternatives"...[A]n accurate, stable and finite project description is the sine qua non of an informative and legally sufficient EIR" (Id. at 199).

The Philip Road project DEIR does not meet this standard, particularly with respect to the proposed "innovation center" uses. The project is described as a "mixed-use" development with residential, retail, medical office and innovation center uses. However, about 95% of the non-residential square-footage of the project is the "innovation center", dependent upon an industrial land use designation, so the project is effectively residential and some form of specialized industrial use. But what industrial use? The DEIR, at p. 2-21, states that "Specialized Industrial" uses could include "alternative energy products and related components and services, a data center, or pharmaceutical and medicine manufacturing not exceeding biosafety level 2". Table 2-3 purports to specify proposed permitted uses, but in the apparently applicable lines of the table specifies only "Research Services" and "Specialized Industrial", as subcategories of, inexplicably, "Recycling, Scrap and Dismantling". The Specialized Industrial designation has a footnote in the Table, but the footnote's specification only repeats what is quoted above from p. 2-21. No further detail is presented.

The problem is that "Specialized Industrial" as a description is not "accurate, stable and finite". It can mean many things, which means, for the purposes of the project description in an EIR, that it means nothing. Does it mean a battery factory? Or a data center? Or a bio-medical research and manufacturing facility? Each of these have very different significant impacts (energy, air quality, hazards, greenhouse gas emissions, etc.) from one another. None of them are analyzed at length in the DEIR. The DEIR attempts to circumvent this problem by using "modeling" of impacts based upon hypothetical alternative projects. Three hypothetical uses were "modeled" in the DEIR. But none of these is the real project. One, an automobile repair shop, is not even a serious hypothetical. Whatever use the Developer and the City may have in mind for more than 1 million sq. ft. of "Innovation Industrial" space, including building and utilizing the energy from a new 44 MVA electrical substation, it is not an automobile repair shop. The DEIR trivializes, rather than analyzes the alternatives.

Both a bio-medical research and manufacturing facility and a data center could use that amount of energy, so either of those could be a possible use. Battery manufacturing is also highly energy intensive. But what other uses are included in the "Specialized Industrial" designation and might be developed in the project? There is neither a table nor a discussion that reveals the other uses that are either possible, or prohibited under the City's proposed "Specialized Industrial" Use category. Nor, as noted above, has the

City even finalized its land use designation or zoning in its General Plan amendment. The project description is not clear, and must be made clear before the impacts can be properly identified and analyzed.

The authors of the DEIR appear to proceed on the assumption that the proposed project is the physical construction of 1 million sq. ft. of buildings, and that the uses can be specified later. But the California Supreme Court analyzed a similar claim in the case of Laurel Heights Improvement Ass'n. v. Regents of the University of California (1988) 47 Cal. 3rd 376. There the Court held that the EIR being considered was inadequate because it failed to analyze anticipated future activities at a new location as well as the effects of those activities. The law requires that the focus be on the use of the buildings, as well as their size and location. Because the project description is not clear, the DEIR is fatally flawed, and must be revised and recirculated.

### **The DEIR fails to identify and analyze a comprehensive list of alternatives to the proposed project**

The failure to specify the proposed use of the more than 1 million sq. ft. of industrial space in the DEIR's project description also impacts the alternatives analysis. The alternatives to the proposed project analyzed in the DEIR include a "No Project" alternative, a "residential only" alternative, and a "reduced footprint" alternative (reducing the extent only of the proposed residential development). None of these alternatives was found to meet the project objectives. No particular alternative to the proposed but unspecified industrial use was proposed so there is nothing with which to compare it. Several possible alternatives already exist amorously in the vague project description, but they play no role in the DEIR's analysis of alternatives. This portion of the project is, presumably, that which fulfills the project objective of "a state of the art employment center designed and operated to achieve the highest and best use of the property". But the project description is no more informative than this project objective; in fact, neither of them is even arguably "accurate, stable and finite". Because the project description is flawed, the alternatives analysis is also flawed and must be reconceptualized and redone.

The DEIR fails to provide a robust analysis of potential alternatives to the proposed project, including offsite alternatives which could accommodate all of the land uses proposed by the Developer. The fact that the City owns only this property for a potential sale is not a limiting factor under CEQA. The project proposal is the Applicant/Developer's, and thus the search for a range of alternatives is not limited to City-owned lands or this particular parcel.

The DEIR also fails to address a project alternative that could be designed to fit within the area south of the Pleasant Grove Creek riparian corridor and overflow area, while conserving the open space and riparian resources north of the creek corridor. A business park with a smaller footprint, designated with the less intensive Innovation Tech Park Industrial Designation, the one-acre commercial area currently proposed, and a multi-family residential development could be designed around a substantial "village square" park and community common area. An additional improved access road where Philip Road borders the western edge of the subject site, would improve the emergency ingress/egress of the site which currently is designed without sufficient allowance for the higher potential hazards/risks of the range of "Light Industrial" uses proposed adjacent to the creek corridor (the DEIR specifically states that Philip Road will not be improved to serve the proposed project). Such a proposal has the potential to offer community improvement (neighborhood-scale uses), employment opportunities, and the extension of the bikeway/pedestrian trail corridor on the south side of Pleasant Grove Creek. A less intensive alternative would eliminate the proposed bridge over Pleasant Grove Creek and the housing proposed north of the creek; however the alternative could substantially reduce the significant adverse environmental impacts of the project currently proposed while preserving the mixed-use idea that the Developer proposes.

The City of Roseville staff has confirmed that the City now owns the Reason Farm lands outright, in fee interest. The approximately 1750 acres of Reason Farm lands were purchased for public interest projects with mitigation funds exacted from west Roseville development projects, primarily for flood control projects (conceptually designed and studied in an EIR completed in 2002, prior to the City's purchase of the property in 2004), but secondarily for public recreation and habitat conservation and mitigation. The City further planned for the use of the majority of the acquired lands through the 2006 Reason Farm Environmental Preserve Master Plan, which identified areas of Reason Farm lands, particularly north of the stream corridor, as particularly suitable for wildlife and habitat conservation and restoration. The site improvements for public recreation were designed around a system of retention and detention features that would attenuate flood waters and provide for recreational use (boating, fishing, etc.) as well. The Pleasant Grove Creek corridor is an exceptionally valuable biological resource. The Reason Farm property continues to provide essential habitat for rare, endangered and special status raptors such as the white-tailed kite, northern harrier and Swanson's hawk. These species require substantial open space for hunting and roosting, as well as woodland sites for nesting and perching. Preserving undeveloped, except for the necessary water retention and detention features, the portion of Reason Farm north of Pleasant Grove Creek, in conjunction with the various neighboring parcels currently being preserved by other governmental agencies, is an extremely beneficial environmental alternative that should have been properly analyzed in the DEIR.

**The mitigation proposed is inadequate because it is indeterminate and contingent**

Even if we might assume that the project description is adequate, the analysis of impacts and the proposed mitigation is inadequate. Much of the mitigation proposed is prospective, contingent and thus uncertain. "A study to be performed in the future, which will eventually determine the mitigation necessary for the impact, does not qualify as a specific measure to mitigate the impact." Sacramento Old City Ass'n. v. City Council (1991) 229 Cal. App. 3rd 1011, 1028-1029. Similarly, "formulation of mitigation measures should not be deferred until some future time" 14 CA Code of Regs. 15126.4 (a) (1) (B).

To take one example with this principle in mind, examine the mitigation proposed for identified greenhouse gas (GHG) emission impacts. Keep in mind first, that the proposed development proposes to use approximately 49 MWA of energy (enough to power 30,000 - 50,000 homes), and includes backup power "for the future potential data center" of 15 3-megawatt Tier 4 diesel generators (45 MW); and second, that even putting solar panels on the entirety of the roof of 1 million sq. ft. of buildings would only generate about 15 MW of electricity.

Mitigation measure 3.5-1 (a) proposes to reduce operational GHG emissions by installing solar panels "to the maximum extent feasible" over a "substantial portion of feasible roof area". To determine feasibility "each building shall be evaluated at the building permit stage". This proposal does not meet the legal standard because no minimum MW capacity is specified (there is no performance standard), because "maximum extent feasible" and "substantial portion" are undefined and thus unenforceable, and because "evaluated at the building permit stage" is a classic impermissible deferral of a decision that could result in a minimal solar installation and still technically comply with the proposed mitigation.

Mitigation measure 3.5-1 (a) also discusses battery storage (to maximize time-shifting of energy use, particularly important for a 24/7 use) and proposes that "final BESS (battery energy storage systems) storage and configuration shall be determined at the time of discretionary approval or building permit issuance". Again, no capacity is specified (no performance standard), and the entire discretionary decision is deferred to the future. This violates the clear prohibition of deferring the mitigation decision.

Finally, in anticipation of a possible data center project, Mitigation measure 3.5-1 (a) proposes an "Energy and Backup Power Alternatives Assessment", with the design to be determined based upon "available technologies" with the "most practical alternative"

chosen. This is exactly what the Sacramento Old City Ass'n. case prohibits, requiring a future study to determine mitigation. "Assessment" and "evaluation" are not mitigation. "Most practical" is vague and unenforceable, and effectively means whatever the project proponent wants to propose. No emission limits or technology requirements are specified. This proposal is meaningless as a mitigation proposal.

A different inadequacy problem is presented by proposed Mitigation measure 3.5-1 (d). That measure, intended to compensate for GHG emissions in excess of a specified threshold established by the Placer County Air Quality District (10,000 metric tons of carbon dioxide emissions (MTCO<sub>2</sub>e) in a single year), requires purchasing offsite GHG reduction credits for the amount of emissions in excess of the threshold. The problem with the measure is that this requirement is only proposed to exist for one year. Instead, it should be required for every year of the operational length of the project, and it should also ensure that all measures are taken to ensure that onsite minimization of project emission impacts occurs before purchase of reduction credits.

To re-emphasize, this is simply one example of one set of mitigation measures, discussed to illustrate a problem that needs to be assessed and remedied more generally throughout the DEIR. One reason for the failure of mitigation measure proposals is the previously discussed lack of specificity of the project proposal. The DEIR needs to be withdrawn, revised and recirculated to correct both of these deficiencies.

### **The DEIR needs to be withdrawn, revised and recirculated**

The legal standard for when a DEIR needs to be recirculated is set forth in Section 15088.5 (a) of the CEQA Guidelines. Changes that constitute "significant new information" require recirculation of the DEIR. Significant new information includes the situation where "The Draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded" (15088.5 (a) (4)). That is the situation here. The project description contains only a passing reference to a General Plan amendment that is required to permit the proposed project to be consistent with the Plan. There is no analysis of the impacts of that Plan Amendment or of possible alternatives to that Amendment's use designation. There is not even an explanation of why the City wants to create a new Industrial area, distant from its existing Industrial area, at the western edge of a part of the City that, to now, has been developed solely as residential and commercial.

In addition, the proposed Land Use designation is facially inconsistent with other elements of the General Plan, contrary to law, including particularly the Circulation

element, the Open Space and Conservation element, the Noise element and the Safety element. No attempt is made to explain or reconcile these inconsistencies. The proposed Land Use designation is also facially inconsistent with the "Development Guidelines" in the City's existing description of its Industrial land use. In Table II-6 of the City's Land Use Element, the designation "Light Industrial" (LI), which is proposed for this site, is accompanied by a "Development Guideline" that states: "should be located adjacent to major roadways with convenient truck access to accommodate the needs of the businesses that require this land use". The City's existing Industrial Zoned area is adjacent to CA Hwy. 65, a limited access roadway suitable for major truck access. The site of the proposed project is more than 5 miles from this major roadway, beyond the present terminus of Blue Oaks Blvd., the only road access to the site; it is not adjacent to any roadway, much less the type of major roadway suitable for industrial development.

Finally, as discussed above, the project description provides no guidance regarding the proposed use of this major industrial development that would enable meaningful public review and comment. For all of these reasons the City needs to revise its DEIR to fully analyze the proposed General Plan Amendment, and depending upon its decision of an appropriate land use after that analysis, clearly define a project and conduct a full analysis of the impacts of, the alternatives to, and the mitigation necessary for whatever project it intends to review. To accomplish this, the City needs to revise and recirculate its DEIR for the Philip Road project.

In conclusion, the DEIR is fatally flawed. Foundationally, the project should not be proposed and analyzed until the General Plan amendment necessary for it to proceed has itself been properly analyzed and adopted by the City. Once that has occurred, the project itself can be properly and clearly described and analyzed. The project description in the currently circulated DEIR is too vague to provide any basis for appropriate analysis. To say that it could be a battery factory or a data center or a bio-medical research and manufacturing facility, or something else entirely, is to say that it could be almost anything that combines tech and industrial in the same sentence. Even the particularly identified possibilities have many different potential significant impacts which have not been completely analyzed in the DEIR. Modeling the possible impacts of a couple of possible projects is not the same as specifying a project and identifying and analyzing its impacts. The project description in the DEIR is not "accurate, stable and finite". Because the project description is not specific, the alternatives analysis is also too generalized. Nor is there an adequate analysis of the basis for rejecting the alternatives. Finally, even if the project description were appropriate, the mitigation proposed is legally inadequate. For all these reasons the