TECHNICAL MEMORANDUM

To: Matthew Esquivel, Senior Project Manager
Warmington Residential
From: HANA Resources, Inc.
Date: May 31, 2024
Subject: Warmington Magnolia Crossing II Project – CEQA Consistency Analysis

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SECTION 1. INTRODUCTION

This technical memorandum assesses the potential environmental effects of the proposed Magnolia Crossing ll, that includes three parcels; one at 3510 Van Buren Blvd., a second at 3469 Myers Street, and a third middle parcel identified only by APN No. 234-140-019, located in Riverside, California, as described in Section 3.0, Project Description, below, under Section 15168(c) of the California Environmental Quality Act (CEQA) Guidelines.

CEQA Guidelines Section 15168(c) sets forth criteria to utilize a program environmental impact report (EIR) for "later activities" within the scope of a program EIR. The City of Riverside (City) certified the City of Riverside Housing and Public Safety Element Updates and Environmental Justice Policies Project Final Environmental Impact Report (Certified PEIR or PEIR) on October 5, 2021. The Certified PEIR (State Clearinghouse No. 2021040089) evaluated the (1) adoption and implementation of the update to the Housing Element for the 2021-2029 period (Housing Element Update); (2) adoption and implementation of the Public Safety Element Update; (3) development of the associated Environmental Justice Policies; and (4) update to the Zoning Code and Specific Plans to address the requirements of the 6th Regional Housing Needs Assessment (RHNA) cycle. The Certified PEIR evaluates an increase of 31,564 new dwelling units and 3,181,903 square feet of non-residential development, herein referred to as the development associated with the Housing Element Update.

Based on the Certified PEIR's analysis and pursuant to CEQA Guidelines Section 15168(c), this memorandum includes a written checklist to evaluate environmental impacts specific to the proposed Project and determine whether the Project-specific environmental effects would be within the scope of the Certified PEIR. For each impact area addressed under CEQA, this document describes and relies on the analysis in the Certified PEIR and confirms that the effects of the proposed Project were examined as part of the Certified PEIR. This document relies on and incorporates the applicable and feasible mitigation measures from the Certified PEIR[1].

[1] The mitigation measures incorporated herein were taken from the Housing Element Final EIR Mitigation Monitoring and Reporting Program (MMRP), dated September 2021, https://riversideca.gov/cedd/sites/riversideca.gov.cedd/files/pdf/planning/2021/Housing_Element/Attachment %2013%20-%20Final%20Environmental%20Impact%20Report_09-21.pdf. Accessed June 5, 2023.

SECTION 2. STATUTORY AUTHORITY & REQUIREMENTS

CEQA Guidelines Section 15168(c) permits the lead agency to approve a subsequent activity or project if it is found to be "within the scope" of a certified Program EIR, provided that no subsequent EIR would be required pursuant to CEQA Guidelines Section 15162. Whether a later activity is within the scope of the Program EIR is a factual question that the lead agency determines based on substantial evidence in the record. Pursuant to CEQA Guidelines Section 15168(c)(2), factors that the lead agency may consider in making that determination include, but are not limited to, consistency of the later activity with the type of allowable land use, overall planned density and building intensity, geographic area analyzed for environmental impacts and covered infrastructure as described in the Certified PEIR.

CEQA Guidelines Section 15168(a) defines a program EIR as:

> [A]n EIR which may be prepared on a series of actions that can be characterized as one large project and are related either:
>
> > (1) Geographically,
> >
> > (2) As logical parts in the chain of contemplated actions,
> >
> > (3) In connection with issuance of rules, regulations, plans, or other general criteria to govern the conduct of a continuing program, or
> >
> > (4) As individual activities carried out under the same authorizing statutory or regulatory authority and having generally similar environmental effects which can be mitigated in similar ways.

CEQA Guidelines Section 15168(c) sets forth criteria to use a program EIR for "later activities." Specifically, CEQA Guidelines Section 15168(c) states the following:

> (c) Use with Later Activities. Later activities in the program must be examined in the light of the program EIR to determine whether an additional environmental document must be prepared.
>
> > (1) If a later activity would have effects that were not examined in the program EIR, a new Initial Study would need to be prepared leading to either an EIR or a Negative Declaration. That later analysis may tier from the program EIR a provided in Section 15152.
> >
> > (2) If the agency finds that pursuant to Section 15162, no subsequent EIR would be required, the agency can approve the activity as being within the scope of the project covered by the program EIR, and no new environmental document would be required. Whether a later activity is within the scope of a program EIR is a factual question that the lead agency determines based on substantial evidence in the record. Factors that an agency may consider in making that determination include, but are not limited to, consistency of the later activity with the type of allowable land use, overall planned density and building intensity, geographic area analyzed for environmental impacts, and covered infrastructure, as described in the program EIR.
> >
> > (3) An agency shall incorporate feasible mitigation measures and alternatives developed in the program EIR into later activities in the program.
> >
> > (4) Where the later activities involve site specific operations, the agency should use a written checklist or similar device to document the evaluation of the site and the activity

to determine whether the environmental effects of the operation were within the scope of the program EIR.

(5) A program EIR will be most helpful in dealing with later activities if it provides a description of planned activities that would implement the program and deals with the effects of the program as specifically and comprehensively as possible. With a good and detailed project description and analysis of the program, many later activities could be found to be within the scope of the project described in the program EIR, and no further environmental documents would be required.

CEQA Guidelines Section 15162 requires the preparation of a Subsequent EIR when an EIR has been certified or a negative declaration has been adopted for a project and one or more of the following circumstances exist:

1. Substantial changes are proposed in the project which will require major revisions of the previous or negative declaration due to the involvement of new significant environmental effects or substantial increase in the severity of previously identified significant effects;

2. Substantial changes occur with respect to the circumstances under which the project is undertaken, which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or

3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:

a. The project will have one or more significant effects not discussed in the previous EIR or negative declaration;

b. Significant effects previously examined will be substantially more severe than shown in the previous EIR;

c. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or

d. Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

CEQA Guidelines Section 15183 mandates that projects which are consistent with the development density established by existing zoning, community plan, or general plan policies for which an EIR was certified shall not require additional environmental review, except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site. This streamlines the review of such projects and reduces the need to prepare repetitive environmental studies.

SECTION 3. Project Description and Summary

3.1. Introduction

HANA Resources, Inc. (HANA) was retained by Warmington Residential to prepare this CEQA Consistency Analysis Technical Memorandum for the proposed Warmington Magnolia Crossing II Project. This memorandum analyzes the consistency of the environmental effects identified in the Certified PEIR in accordance with CEQA Guidelines Section 15168 with respect to the proposed Project located near the intersection of 91 freeway and Van Buren Street in the City of Riverside, Riverside County, California.

3.2. Project Summary

3.2.1. Location and Setting

The Project covers 6.44 acres in the City of Riverside, Riverside County, CA (**Exhibit I,** *Project Vicinity Map*). The project is located near the intersection of 91 freeway and Van Buren Street and is on the APNs 234-140-018, 234-140-019 and 234-150-046 **(Exhibit II,** *Project Location Map*). The project site is located on the United States Geological Survey (USGS) Riverside West Quadrangle, 7.5-Minute Topographic map. The surface elevation of the site ranges from approximately 798 to 813 feet above mean sea level (MSL). The project area is located within Section 18 in Township 3 South-Range 5 West, San Bernardino Meridian.

Exhibit I. Project Vicinity Map

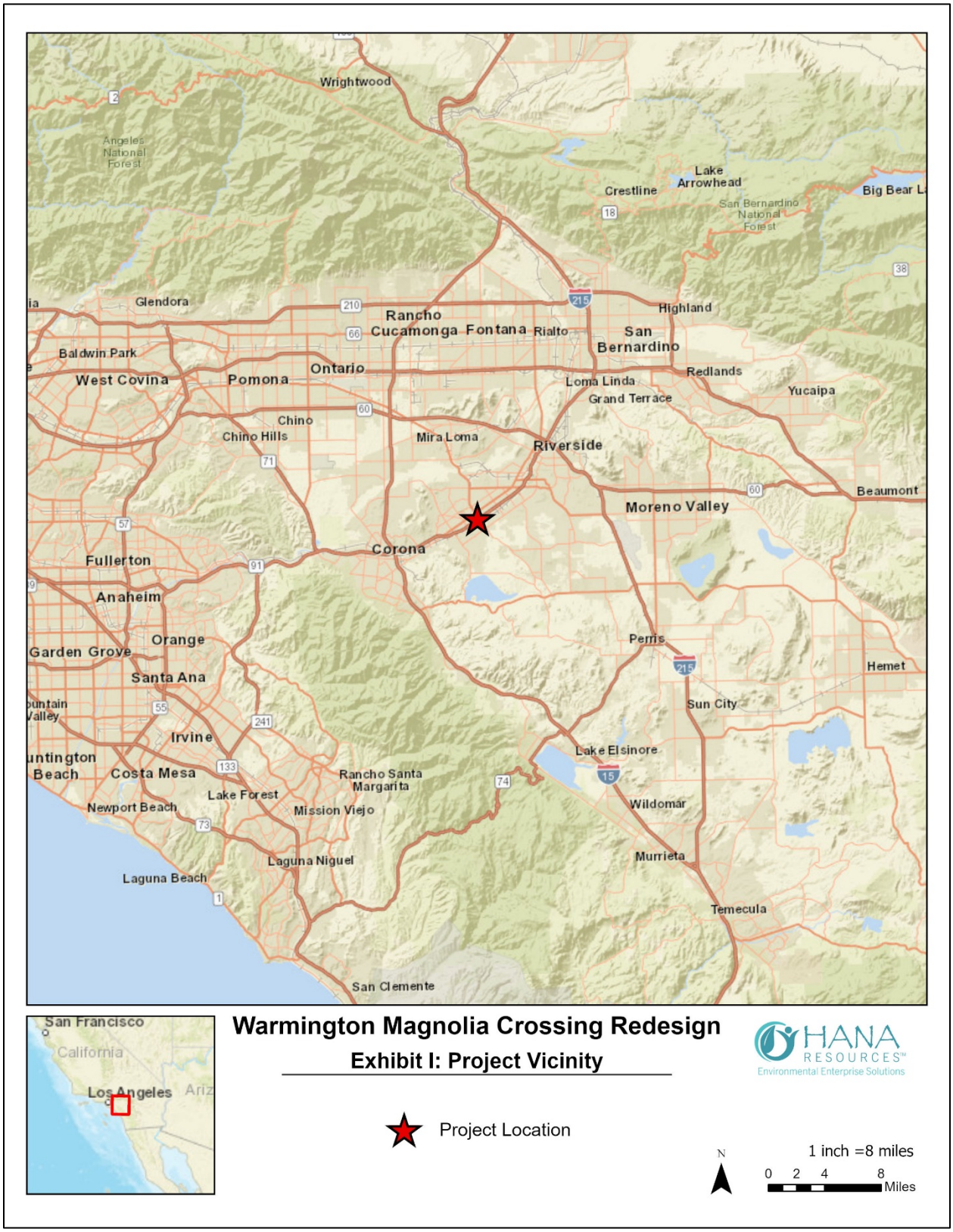

Exhibit II. Project Location Map

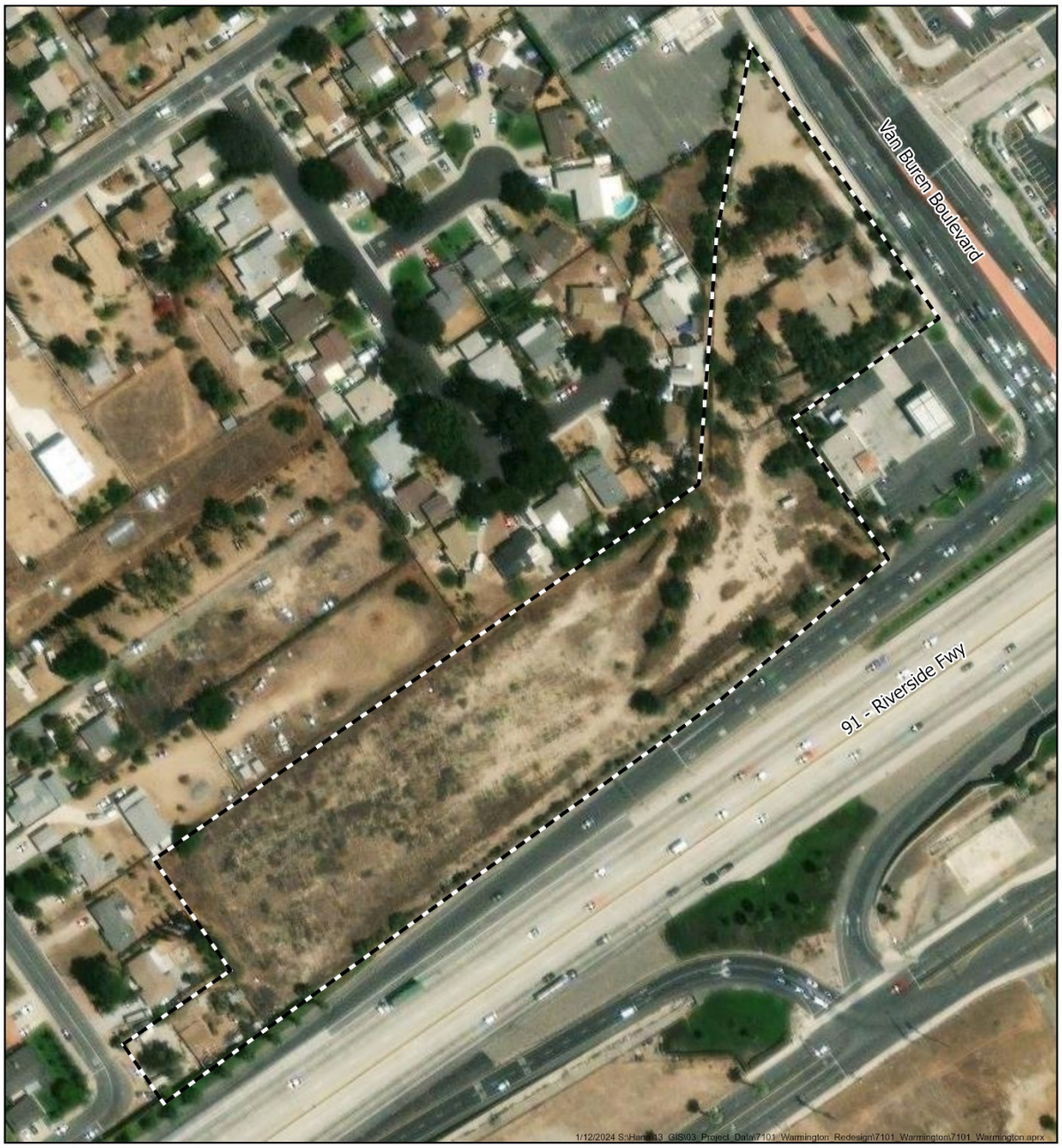

Exhibit III. Concept Plan Map

3.2.2. Proposed Project

The proposed Project is for the multi-family development project at 3510 Van Buren Blvd. The project is in line with the General Plan Land Use Designation of the MU-V-SP-Mixed Use-Village and Specific Plan (Magnolia Avenue) Overlay Zone. The proposed Project is planned at 23.14 du/ac, consistent with the general plan and zoning allowed under MU-V-SP. A part of the site has a General Plan designation of MDR (parcel 3); however, the site will be involved in a Density Bonus agreement for the proposed below-market-rate housing that is planned on-site. No homes are planned on Parcel 3 (3469 Myers Street), and it is only included to allow a secondary access point. The discretionary and ministerial components of the Project will allow the property owner, Warmington Residential, establishment of a Mixed-Use development on the property (**Exhibit III**, *Concept Plan Map*).

The Mixed-Use Development will have the following:

- 23 three-story buildings that include 149 units,
- 331 parking spaces (298 garage spaces (two per household) and 33 guest spaces),
- 280,431 square feet lot area,
- 240,723 square feet floor area,
- 80,129 square feet of common open space, and
- 24,774 square feet of private open space.

The lot on 3469 Myers Street (Parcel 3, R-1 Lot) is not an opportunity site and was not analyzed in the PEIR for the Housing Element Update. This parcel is now vacant and will be used as a second access point driveway for the proposed Project. However, this parcel was analyzed as part of the proposed Project and there were no significant impacts identified that exceeded the Certified PEIR determinations in the CEQA Consistency Memo that has been prepared. As a result, a separate CEQA exemption for this parcel was not prepared.

SECTION 4. PREVIOUS ENVIRONMENTAL DOCUMENTS INCORPORATED BY REFERENCE

Consistent with CEQA Guidelines Section 15150, the following documents were used in preparation of this document and are incorporated herein by reference:

- City's Housing and Public Safety Element Updates and Environmental Justice Policies Draft Environmental Impact Report, State Clearinghouse No. 2021040089, July 2021
- HANA Resources, Updated Air Quality-Greenhouse Gas Letter Report including CalEEMod Modeling Results, February 2024 (see Attachment A of this Memorandum).
- HANA Resources, Updated Health Risk Assessment, February 2024 (see Attachment B of this Memorandum).
- HANA Resources, Updated Biological Resource Evaluation, February 2024 (see Attachment C of this Memorandum).
- HANA Resources, Updated Phase I Cultural Resources / Tribal Cultural Resources Assessment, February 2024 (see Attachment D of this Memorandum).
- HANA Resources, Paleontological Resources Assessment, March 2024 (see Attachment E of this Memorandum).
- HANA Resources, Updated Noise Study, February 2024 (see Attachment F of this Memorandum).
- TJW Engineering, Inc., 3510 Van Buren Boulevard Traffic Impact Analysis, April 2024 (See Attachment G of this Memorandum).

SECTION 5. ANALYSIS OF PROJECT IMPACTS

Using the 2019 CEQA Guidelines Appendix G Environmental Checklist Form as a guide, the anticipated environmental effects of the Project were compared with those disclosed in the Certified PEIR to evaluate whether the Project's environmental effects would be within the scope of effects identified in the Certified PEIR in accordance with CEQA Guidelines Section 15168. The anticipated environmental effects of the Project were also reviewed to evaluate whether any of the conditions set forth in PRC Section 21166 or CEQA Guidelines Section 15162 requiring preparation of a Supplemental or Subsequent EIR have been triggered. If a project's impacts are already covered by the analysis in a previously certified PEIR and don't require any additional assessment or mitigation beyond what's outlined in that PEIR, pursuant to CEQA Guidelines Section 15168(c)(4), then it doesn't necessitate a supplemental EIR pursuant to CEQA Guidelines Section 15162. This helps streamline the environmental review process for projects that fall within the scope of previously analyzed impacts.

The environmental effects for each of the following impact areas were evaluated as indicated:

- Aesthetics – Not considered in this evaluation.
- Agriculture and Forestry Resources – Not considered in this evaluation.
- **Air Quality-Greenhouse Gas Emissions/HRA (Section 5.1)**
- **Biological Resources (Section 5.2)**
- **Cultural Resources (Section 5.3)**
- Energy – Not considered in this evaluation.
- **Geology and Soils – Paleontological Resources (Section 5.4)**
- Hazards and Hazardous Materials – Not considered in this evaluation.
- Hydrology and Water Quality – Not considered in this evaluation.
- Land Use and Planning – Not considered in this evaluation.
- Mineral Resources – Not considered in this evaluation.
- **Noise (Section 5.5)**
- Population and Housing – Not considered in this evaluation.
- Public Services – Not considered in this evaluation.
- Recreation – Not considered in this evaluation.
- **Transportation – (Section 5.7)**.
- **Tribal Cultural Resources (Section 5.6)**
- Utilities and Service Systems – Not considered in this evaluation.
- Wildfire – Not considered in this evaluation.

The Environmental Checklist Form and evaluation below provides the following information for each of the environmental impact categories listed above:

- Impact Determination in the Certified PEIR — This section lists the impact determination made in the Certified PEIR for each impact category evaluated in the PEIR[2].
- Do Proposed Changes Involve New Significant Impacts or Substantially More Severe Impacts? — Pursuant to CEQA Guidelines Section 15162(a)(1), this section indicates whether the Project would result in new significant impacts that have not already been considered and mitigated by the prior environmental review or a substantial increase in the severity of a previously identified

[2] It should be noted that the Certified PEIR addresses impacts from the Housing Element Update, Public Safety Element Update, and Environmental Justice Policies. As the Public Safety Element Update and Environmental Justice Policies are policy documents and would not result in physical environmental impacts, only the impacts from the Housing Element Update from the Certified PEIR are addressed in this document.

impact. This question also addresses whether the impact is within the scope of the impact analyzed in the Certified PEIR pursuant to CEQA Guidelines Section 15168(c)(4). To the extent that the Project does not have an impact that triggers the need for a subsequent or supplemental EIR due to the involvement of a new significant impact or more severe significant impact, the impact is considered within the scope of the Certified PEIR.

- Mitigation Measures Addressing Impacts — This section indicates whether the prior environmental document provides mitigation measures to address effects in the related impact category. In some cases, mitigation measures have already been implemented. If "None" is indicated, a significant impact was not identified, and mitigation was not required. Mitigation measures from the Certified PEIR MMRP that are being imposed on the Project are included after the analysis. For those mitigation measures in the topic area that are not applicable to the Project, either because the Project is not anticipated to have a significant impact or because the mitigation measure is not relevant to the Project, the mitigation measure will be indicated as "N/A" or "not applicable."
- Conclusion — For each environmental topic, a discussion of the conclusion relating to the analysis is provided.

5.1. Air Quality-Greenhouse Gas Emissions/HRA

Air quality-Greenhouse Gas (AQ-GHG) impacts were re-evaluated due to changes in the proposed Project from the previous design. The updated letter report includes revised CalEEMod modeling results. The purpose of this study is to analyze the project's potential air quality and greenhouse gas impacts related to both temporary construction activity and long-term operation of the proposed Project. The AQ-GHG letter report is provided as Attachment A. As part of the air quality evaluation, an updated Health Risk Assessment (HRA) letter report was included to analyze the project's health impacts resulting from potential toxic air contaminants related to both temporary construction activity and long-term operation of the Project. The HRA is provided as Attachment B.

Thresholds of Significance	Impact Determination in the Certified PEIR	Do Proposed Changes Involve New Significant Impacts or Substantially More Severe Impacts?	Mitigation Measures Addressing Impacts
AIR QUALITY: Would the Project:			
a) Conflict with or obstruct implementation of the applicable air quality plan?	Significant and Unavoidable	No	Yes
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?	Significant and Unavoidable	No	Yes
c) Expose sensitive receptors to substantial pollutant concentrations?	Significant and Unavoidable	No	Yes
d) Result in other emissions (such as those leading to odors adversely affecting a substantial number of people?	Less Than Significant	No	N/A

Impact Determination in the Certified PEIR

Impacts regarding air quality under Thresholds (a) through (c) are considered in Section 3.1, Air Quality, of the Certified PEIR. Threshold (d) is evaluated in Section 3.15, Effects Not Found to be Significant, of the Certified PEIR.

Threshold (a) Construction emission impacts associated with each development under the Housing Element Update are considered short-term in nature, with the concurrent construction of a multitude of individual development projects potentially generating combined criteria pollutant emissions on a daily basis that could exceed the South Coast Air Quality Management District's (SCAQMD) project-level thresholds. In addition, long-term operational emissions from buildout of the Housing Element Update would exceed SCAQMD's daily emissions threshold for reactive organic gases (ROG), nitrous oxides (NOX), and carbon monoxide (CO). In response, the Housing Element Update would implement Mitigation Measures MM-AQ-1 and MM-AQ-2 to reduce impacts associated with criteria air pollution emissions from further construction-related and operational activities due to new development associated with the Housing Element Update. Additionally, the Housing Element Update's emissions would increase concentrations of criteria pollutants or their precursors in a manner that could obstruct the SCAQMD's efforts to achieve attainment of ambient air quality standards for any air quality criteria pollutant for which it is currently in nonattainment or jeopardize the current attainment status of the South Coast Air Basin for other criteria pollutants.

The Housing Element Update would not be consistent with the 2016 Air Quality Management Plan (AQMP) under Criterion No. 1. In addition, the growth associated with the Housing Element Update was not considered in SCAG's growth assumptions in the 2016 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) with respect to Criterion No. 2, upon which the regional emissions inventory for the South Coast Air Basin in the 2016 AQMP was based. Future updates to the AQMP will incorporate growth projections from the Housing Element Update. The expected increase in population and housing development, as projected in the Housing Element Update, will be considered when developing strategies to maintain air quality standards in the region. SCAG and SCAQMD will incorporate these growth projections into their regional planning efforts. This ensures that the AQMP aligns with broader regional development goals and strategies, as outlined by SCAG's regional growth forecasts and planning initiatives.

While implementation of MM-AQ-1 and MM-AQ-2 would reduce criteria air pollutant emissions, they would not be able to reduce the emissions associated with buildout of the Housing Element Update to below SCAQMD's significance thresholds. As determined in the Certified PEIR, the Housing Element Update's impacts on air quality would be significant and unavoidable.

Thresholds (b) and (c) Construction activities associated with concurrent construction of a multitude of individual development projects that could generate combined criteria pollutant emissions on a daily basis that could exceed SCAQMD's project-level thresholds were anticipated. As noted in the Certified PEIR, the City would need to require all future developments subject to CEQA requiring approval on a case-by-case basis. This would be done to determine whether an individual development would generate potentially significant air quality impacts during construction. It would also evaluate whether implementation of additional mitigation measures to minimize air emissions and reduce potentially significant impacts is necessary.

Implementation of the Housing Element Update would result in increases of certain criteria air pollutant emissions during operation as compared to existing conditions and would exceed the SCAQMD regional significance thresholds for ROG, NOX, and CO. The effectiveness of implementing Mitigation Measure MM-AQ-2 to reduce those impacts is uncertain and has not been quantified in the Certified PEIR. Certain

development projects, particularly those involving activities subject to permitting by the SCAQMD for air toxics, such as industrial facilities, dry cleaners, and gasoline-dispensing facilities, need to minimize health risks. These projects must adhere to strict regulations and mitigation measures to ensure that emissions of hazardous air pollutants are minimized, thereby reducing potential health risks to nearby communities.

Mitigation Measure MM-AQ-3 would ensure mobile sources of toxic air contaminants (TACs), not covered under SCAQMD permits, are considered during subsequent project-level environmental review by the city. Implementation of the development associated with the Housing Element Update could generate TACs from both permitted and non-permitted (e.g., trucks) sources that would contribute to elevated levels in the South Coast Air Basin. Even with implementation of mitigation measures, construction and operational impacts are considered significant and unavoidable.

Threshold (d) The Certified PEIR concluded that implementation of the Housing Element Update would result in less than significant impacts related to odor.

Do Proposed Changes Involve New Significant Impacts or Substantially More Severe Impacts?

Threshold (a) Based on the City's average household size of 3.28, the Project's 149 dwelling units would result in approximately 489 new residents, which would represent approximately 0.7 percent of the estimated population growth (approximately 70,500 new residents) forecasted by SCAG's 2020-2045 RTP/SCS between 2016 and 2045. This minimal increase in population would be well within the existing population projections for the City and is therefore consistent with the projections set forth in SCAG's 2020-2045 RTP/SCS, used in the 2022 AQMP. The proposed Project would not conflict with or obstruct implementation of the 2022 AQMP.

Table 1: Project Construction Emissions

Construction Year	Peak Emissions (pounds per day)[1]					
	ROG	NOx	CO	SO_2	PM10	PM2.5
2024	2.73	27.22	20.16	0.04	19.50	11.12
2025	46.87	13.76	19.36	0.04	1.84	0.85
SCAQMD Threshold	75	100	550	150	150	55
SCAQMD Threshold Exceeded?	No	No	No	No	No	No
1. Maximum unmitigated daily emission are reported.						
Source: CalEEMod version 2022.1.1.14.						

Table 2: Project Operational Emissions

Source	Emissions (pounds per day)[1]					
	ROG	NOx	CO	SO_2	PM_{10}	$PM_{2.5}$
Area	46.03	3.23	88.06	0.19	11.45	11.45
Energy	0.07	0.59	0.25	$3.74x10^{-3}$	0.05	0.05
Mobile	1.38	6.96	18.00	0.08	7.81	2.13
Total	46.03	10.78	106.31	0.28	19.31	13.62
SCAQMD Threshold	55	55	550	150	150	55
SCAQMD Threshold Exceeded?	No	No	No	No	No	No
1. Maximum unmitigated daily emissions are reported.						
Source: CalEEMod version 2022.1.1.14.						

As shown in **Table 1**, *Project Construction Emissions* and **Table 2**, *Project Operational Emissions*, the proposed Project's construction, and operational emissions would not exceed the SCAQMD thresholds. The proposed Project would not introduce any new significant impacts nor exacerbate existing ones beyond what is already disclosed in the Certified PEIR. It appears to be in line with the regulatory standards

and environmental considerations as outlined in the 2020 AQMP and the Certified PEIR; therefore, impacts would be less than significant.

Threshold (b) Pursuant to Certified PEIR Mitigation Measures MM-AQ-1 and MM-AQ-2, the proposed Project's construction and operational emissions were estimated and were determined to not exceed the applicable SCAQMD daily thresholds[3]. Conversely, significant, and unavoidable construction air quality impacts are identified in the Certified PEIR, assuming the developments associated with the Housing Element Update were to occur concurrently with the proposed Project. However, the proposed Project construction emissions would not exceed the SCAQMD's significance thresholds for criteria pollutants.

Based on SCAQMD guidance, individual construction projects that exceed SCAQMD's recommended daily thresholds for project-specific impacts would also cause a cumulatively considerable increase in emissions for those pollutants for which the South Coast Air Basin is in non-attainment. Since the proposed Project's construction emissions would not exceed SCAQMD thresholds, the Project's contribution to cumulative air quality impacts due to regional and localized emissions would also not be cumulatively considerable. The Project would not be required to implement the mitigation measures proposed in the Certified PEIR MMRP, and impacts would be less than significant without such mitigation. As such, the proposed Project would not result in new significant impacts or substantially more severe impacts than disclosed in the Certified PEIR.

According to guidance from the SCAQMD, individual construction projects that do not exceed the SCAQMD's recommended daily thresholds for project-specific impacts would not contribute significantly to cumulative air quality impacts. Since the Project's construction emissions are projected to remain below these thresholds, it follows that the Project's contribution to both regional and localized emissions would not be considered cumulatively significant. As a result, the proposed Project would not be obligated to implement the mitigation measures outlined in the Certified PEIR MMRP, and impacts would be less than significant without such mitigation. In summary, the proposed Project is not expected to result in any new significant impacts or substantially more severe impacts than those disclosed in the Certified PEIR, given that its construction emissions remain below the SCAQMD thresholds and do not contribute significantly to cumulative air quality impacts.

Threshold (c) Project-related localized construction emissions would not exceed applicable SCAQMD localized significance thresholds, and the proposed Project would not be expected to cause or contribute to an exceedance of the most stringent applicable federal or state ambient air quality standard. Although the Project would not exceed localized significance thresholds, the Certified PEIR identified that other construction projects in the city analyzed under the Housing Element Update may result in significant and unavoidable localized impacts. However, while the Project's construction activities might contribute to these significant and unavoidable impacts due to overlapping construction activities that are unknown and beyond the Project's control, the Project's construction impacts fall within the scope of impacts analyzed in the Certified PEIR. Therefore, the proposed Project would not introduce any new or more severe impacts beyond what has already been assessed and disclosed in the Certified PEIR.

The analysis of Project-related operational impacts incorporated the analysis prepared for CO attainment in the South Coast Air Basin by SCAQMD in evaluating the potential for Project-related CO exceedances in the South Coast Air Basin. CO attainment was thoroughly analyzed as part of SCAQMD's 2003 AQMP and the 1992 Federal Attainment Plan for Carbon Monoxide (1992 CO Plan)[4]. Peak CO concentrations in the South Coast Air Basin, as discussed in the 1992 CO Plan, are due to unusual meteorological and

[3] Consistent with the CalEEMod User's Guide, the air quality modeling uses Project-specific information from the Applicant's construction team when available; if not the CalEEMod defaults were used.
[4] SCAQMD, Federal Attainment Plan for Carbon Monoxide, 1992.

topographical conditions. Considering the region's unique meteorological conditions and the increasingly stringent CO emissions standards, CO modeling was performed as part of the 1992 CO Plan and subsequent plan updates and AQMPs.

The results of the modeling indicated that if a project intersection does not exceed 400,000 vehicles per day, then there is no need to prepare a detailed CO hot spot analysis for the Project. As stated in the Certified PEIR, the roadway segment within the City that would experience the highest level of average daily trips would be Van Buren Boulevard, north of Jurupa Avenue, which would experience 81,400 average daily trips. The highest recorded CO hourly concentration at the Riverside-Rubidoux monitoring station was 2.4 ppm in 2017, which is substantially lower than the California Ambient Air Quality Standards (CAAQS) 1-hour threshold of 20 ppm.

Total traffic volumes associated with the proposed Project would be expected to be well below the volumes that would cause or contribute to a CO hotspot. Based on the studies undertaken for the 2003 AQMP, there is no reason unique to the South Coast Air Basin meteorology to conclude that the CO concentrations near to Van Buren Boulevard would exceed the 1-hour CO standard. In addition, primarily due to ongoing fleet turnover of older on-road light duty vehicles and use of cleaner fuels, CO background concentrations within the vicinity of the study's modeled intersection have substantially decreased since preparation of the 2003 AQMP. In 2003, the 1-hour background CO concentration was 5 ppm and has decreased to 2 ppm in 2018. Therefore, the proposed Project does not trigger the need for a detailed CO hotspots model and would not cause any new or exacerbate any existing CO hotspots. Impact would be less than significant.

The Project's construction activities would be limited in duration and considered a short-term source of TAC emissions. SCAQMD's CEQA Air Quality Handbook does not recommend analysis of TACs from short-term construction activities associated with land use development projects. The rationale for not requiring a health risk assessment for construction activities is the limited duration of exposure. According to SCAQMD methodology, health effects from carcinogenic air toxics are usually described in terms of individual cancer risk. Specifically, "Individual Cancer Risk" is the likelihood that a person continuously exposed to concentrations of TACs over a lifetime will contract cancer based on the use of standard risk assessment methodology, and OEHHA guidance evaluates residential exposure over a 30-year duration.

Since the construction schedule for the proposed Project is estimated to be limited to two years or less, construction of the Project would not result in a substantial, long-term (i.e., 30- year) source of TAC emissions. Long-term emissions of TACs during operations and corresponding individual cancer risk are anticipated to be minimal after construction as the Project does not include any substantial operational sources of TAC emissions. Because there is such a short-term exposure period (approximately less than two years out of a 30-year lifetime), further evaluation of construction TAC emissions is not warranted. As such, Project-related TAC emission impacts during construction would be less than significant and consequently would not result in a potential health risk impact.

The proposed Project would not include any land uses or activities that would involve the use, storage, or processing of carcinogenic TACs during its' operational lifetime. The City follows the guidance of the SCAQMD, which recommends that HRAs be conducted for substantial sources of diesel particulate matter (DPM), such as truck stops and warehouse distribution facilities that generate more than 100 trucks per day or more than 40 trucks with operating transport refrigeration units. Based on this guidance, an HRA is not required as the multi-family development project would not generate substantial amounts of DPM during operation.

Due to the proximity of a fuel dispensing station, Chevron Station #9-4702, located at the northeast corner of the proposed Project area, at the intersection of the Riverside Freeway (91) and Van Buren Boulevard,

a Health Risk Assessment (HRA) was performed (Attachment B). In addition, a fuel dispensing station, a former Texaco Service Station, was located at the intersection of Van Buren Boulevard and the offramp of the Riverside Freeway (91) and has been subsequently closed in 2003 and replaced by a small shopping center and fast-food restaurants (Magnolia Crossing). The results of the HRA indicated that the proposed Project would not expose residents or off-site workers at adjacent land uses to significant excess cancer risks associated with loading, breathing, refueling, spillage, or hose permeation emissions of benzene, ethylbenzene, and naphthalene from the Chevron Station #9-4702 located at the northeast corner of the proposed Project area. This is further supported in that residents and workers at adjacent land uses would spend a substantial portion of their time indoors, separated from proposed emissions sources by walls and additional set-back distances. Therefore, the risk associated with this operation would be less than significant. In addition, the potential exposure of residents and workers within the proposed Project to TAC emissions resulting from the long-term use of household and/or commercial cleaning agents, paints, and other architectural coatings, if used and handled in accordance with applicable state and federal regulations would be less than significant.

The proposed Project is located along a high-volume roadway, Riverside Freeway (91). Emissions from this freeway include combustion gases from gasoline and diesel fueled vehicles. Of potential concern is the diesel exhaust particles that are emitted from the exhaust pipes of the diesel trucks as they travel by the proposed Project. These particles can be very small in size, typically ranging from between 1- and 3-microns. Limited dispersion of these particulates is greatly influenced by the daily wind directions, typically northeast to southwest depending on time of day. An evaluation of potential impact was made and is included in Attachment B. The degree of exposure would not be expected to be greater than similar exposure experienced by other residential and commercial developments nearby. However, there are strategies to address this potential impact that can be incorporated into the proposed Project design. Minimum efficiency reporting value (MERV) 13 LEED filters can remove between 80% to 90% of 1- to 10-micron size particulates (those is the diesel range) from within the building structure. Incorporating these filters into the Project design would reduce the potential impact associated to less than significant.

As such, the proposed Project would not result in new significant impacts or substantially more severe impacts than disclosed in the Certified PEIR.

Threshold (d) Odors generated during proposed Project construction would be localized and temporary in nature and would not be sufficient to affect a substantial number of people or result in a nuisance as defined by SCAQMD Rule 402. The Project's multi-family residential use is not associated with land uses related with odor complaints. Therefore, the proposed Project would not create any new significant impacts related to odors nor result in a substantial increase in a previously identified significant impact. Therefore, the proposed Project would not result in new significant impacts or substantially more severe impacts than disclosed in the Certified PEIR.

Mitigation Measures Addressing Impact

The following mitigation measures set forth in the Certified PEIR and the associated MMRP to address air quality impacts were implemented as part of the Project. Certified PEIR MM-AQ-3 related to uses subject to SCAQMD permitting for air toxics (e.g., industrial facilities, dry cleaners, and gasoline-dispensing facilities) is not applicable to the Project. No additional mitigation measures are required.

MM-AQ-1: Implement measures to reduce construction-related criteria air pollutant emissions.

Prior to approval by the City for non-ministerial projects proposed on Opportunity Sites, applicants shall prepare and submit a technical assessment evaluating potential project construction-related air quality impacts to the Planning Division for review and approval. The evaluation shall be prepared in conformance

with SCAQMD methodology for assessing air quality impacts. If construction-related criteria air pollutants are determined to have the potential to exceed the SCAQMD-adopted thresholds of significance, the City shall require that applicants for new development projects incorporate mitigation measures and/or project design features to reduce air pollutant emissions during construction activities. These identified measures shall be incorporated into all appropriate construction documents (e.g., construction management plans or construction drawings) submitted to the City and shall be verified by the City's Building and Safety Division. While specific mitigation measures and/or project design features to reduce construction-related emissions would be determined during project-level analysis, potential mitigation could include, but is not limited to:

- Requiring fugitive-dust control measures that exceed SCAQMD's Rule 403, such as:
  - Use of nontoxic soil stabilizers to reduce wind erosion
  - Applying water every 3 hours to active soil-disturbing activities
  - Tarping and/or maintaining a minimum of 24 inches of freeboard on trucks hauling dirt, sand, soil, or other loose materials
- Using construction equipment rated by EPA as having Tier 3 (model year 2006 or newer) or Tier 4 (model year 2008 or newer) emission limits, applicable for engines between 50 and 750 horsepower
- Ensuring that construction equipment is properly serviced and maintained to the manufacturer's standards
- Limiting nonessential idling of construction equipment to no more than 5 consecutive minutes
- Limiting onsite vehicle travel speeds on unpaved roads to 15 miles per hour
- Installing wheel washers for all exiting trucks or washing all trucks and equipment leaving the project area
- Using Super-Compliant VOC paints for coating of architectural surfaces whenever possible

MM-AQ-2: Implement measures to reduce criteria air pollutant emissions during operation.

Prior to approval by the City for non-ministerial development projects proposed on Opportunity Sites, applicants shall prepare and submit a technical assessment evaluating potential project operation phase-related air quality impacts to the Planning Division for review and approval. The evaluation shall be prepared in conformance with SCAQMD methodology in assessing air quality impacts. If operations-related air pollutants are determined to have the potential to exceed the SCAQMD-adopted thresholds of significance, the Planning Division shall require incorporation of mitigation measures and/or project design features to reduce air pollutant emissions during operational activities, to be included as part of the conditions of approval. Possible mitigation measures and/or project design features to reduce long-term emissions could include, but are not limited to, the following:

- Providing truck delivery and loading areas and truck parking spaces shall include signage as a reminder to limit idling of vehicles while parked for loading/unloading in accordance with CARB Rule 2845 (13 California Code of Regulations Chapter 10 § 2485)
- Providing changing/shower facilities as specified in Section A5.106.4.3 of the California Green Building Standards Code (CALGreen) (Nonresidential Voluntary Measures)
- Providing bicycle parking facilities per Section A4.106.9 (Residential Voluntary Measures) of CALGreen
- Providing preferential parking spaces for low-emitting, fuel-efficient, and carpool/van vehicles per Section A5.106.5.1 of CALGreen (Nonresidential Voluntary Measures)
- Encouraging facilities to support electric charging stations per Section A5.106.5.3 (Nonresidential Voluntary Measures) and Section A5.106.8.2 (Residential Voluntary Measures) of CALGreen

- Providing appliances shall be Energy Star–certified appliances or appliances of equivalent energy efficiency (e.g., dishwashers, refrigerators, clothes washers, and dryers). Installation of Energy Star–certified or equivalent appliances shall be verified by Building & Safety during plan check.
- Equipping landscaped common areas with electrical outlets to enable use of electric landscaping equipment to the extent feasible

Conclusion

Based on the above, the Project's potential environmental impacts to air quality would be within the scope of the Certified PEIR and would not result in any of the conditions set forth in PRC Section 21166(c) or CEQA Guidelines Sections 15162 or 15163 that would require the preparation of a Supplemental or Subsequent EIR.

Thresholds of Significance	Impact Determination in the Certified PEIR	Do Proposed Changes Involve New Significant Impacts or Substantially More Severe Impacts?	Mitigation Measures Addressing Impacts
GREENHOUSE GAS EMISSIONS: Would the Project:			
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	Significant and Unavoidable	No	Yes
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	Significant and Unavoidable	No	Yes

Impact Determination in the Certified PEIR

Impacts regarding greenhouse gas (GHG) emissions are discussed in Section 3.5, Greenhouse Gas Emissions, of the Certified PEIR.

Threshold (a) Construction of new residential and nonresidential development associated with the Housing Element Update would occur intermittently throughout the City over the course of the build-out period through horizon year 2029. This would result in direct GHG emissions generated by vehicle trips and operation of construction equipment. It is assumed that implementation of the Project ultimately would result in more development than previously assumed in the City's General Plan 2025 (City of Riverside, 2007a). Construction of a multitude of individual development projects throughout the buildout period have the potential to generate GHG emissions resulting in a significant impact. While implementation of Mitigation Measure MM-GHG-1 would help reduce these associated GHG emissions, implementation of the proposed Project could result in significant construction-related GHG emissions. Despite implementation of Mitigation Measure MM-GHG-1, construction impacts of the Housing Element Update would remain significant and unavoidable.

Operation of a project has the potential to have a significant and unavoidable impact. The Certified PEIR estimated the operational (e.g., area, energy, mobile, waste, and water) emissions related to projected development associated with the Housing Element Update. In the absence of an appropriate reduction target for 2030, the projected development, using the best available data from the City's 2016 Climate Action Plan (CAP) and SCAG population data, would not exceed the efficiency threshold. However, the CAP does not contain sufficient strategies to meet the Statewide GHG goal established by SB 32 for 2030, and the Statewide goal for carbon neutrality in Executive Order B-55-18 for 2045. Therefore, mitigation measures are required to ensure that emissions are reduced to the extent feasible.

Most operational emissions result from mobile sources. As such, development associated with the Housing Element Update would be required to implement transportation demand management (TDM) strategies to mitigate impacts related to increased vehicle miles traveled (VMT) through Mitigation Measure MTRA-1. In addition, energy use emissions, the second largest source of GHG emissions during project operation, would be reduced through implementation of Mitigation Measure MM-GHG-2 to ensure that new developments would not include any onsite fuel combustion, and new buildings would be installed with electrical lighting and heating to the extent feasible.

Mitigation Measure MM-GHG-3 requires implementation of all feasible CALGreen Tier 1 and Tier 2 voluntary measures to further reduce emissions from operational energy use, water use, and solid waste. Because implementation of these measures is not guaranteed to reduce emissions to a level that aligns with Statewide GHG goals, operational impacts of the Housing Element Update would remain significant and unavoidable.

Threshold (b) The Housing Element Update in the Certified PEIR discusses the consistency with relevant plans, including the City's General Plan 2025, the 2016 CAP, the CARB 2017 Scoping Plan, and other plans, policies, and regulatory programs adopted, drafted, or recommended by CARB and other agencies. While the Housing Element Update would be consistent with the various plans mentioned above, even with implementation of Mitigation Measures MM-GHG-1 through MM-GHG-3, impacts would remain significant and unavoidable.

Do Proposed Changes Involve New Significant Impacts or Substantially More Severe Impacts?

Threshold (a) Construction of the proposed Project would result in approximately 521 metric tons of carbon dioxide equivalent (MTCO2e) per year (Attachment A) without accounting for emission reductions from implementation of Certified PEIR Mitigation Measure MM-GHG-1. Without accounting for emission reductions from implementation of Certified PEIR Mitigation Measures MM-TRA-1, MM-GHG-2, and MM-GHG-3, operation of the proposed Project would result in approximately 17.83 MTCO2e per year. The Project's 489 residents or service population (SP) would result in approximately 0.04 MTCO2e per SP, which would not exceed the efficiency threshold of 2.7 MTCO2e per SP as determined in the Certified PEIR. Therefore, impacts would be less than significant, and no mitigation would be required.

Threshold (b) The proposed Project would be required to demonstrate consistency with relevant plans, including the City's General Plan 2025, the SCAQMD 2016 CAP, SCAG's 2020-2045 RTP/SCS objectives, and the CARB 2022 Scoping Plan.

The Project would be consistent with the following General Plan 2025 objectives:

Air Quality Element

- Policy AQ-1.5: The Project would be infill-development in an urbanized area consisting of job centers and transportation nodes.
- Policy AQ-1.15: The Project would establish land use patterns that reduce the number and length of motor vehicle trips and promote alternative modes of travel.
- Policy AQ-5.7: The Project would meet the energy use guidelines in Title 24 of the California Administrative Code.

Land Use Element

- Objective LU-8: Emphasize smart growth principles through all steps of the land development process.
    - The proposed Project would construct a well-planned infill development in an area that allows for increased density along an established transportation corridor.

- Objective LU-9: Provide for continuing growth within the General Plan Area, with land uses and intensities appropriately designated to meet the needs of anticipated growth and to achieve the community's objectives.
    - The proposed Project would assist the City in meeting the Housing Element objectives to expand housing for the City's population, facilitate and encourage new housing types, and provide opportunities for residents to have access to public transit and neighborhood-serving amenities. It would also focus development within already urbanized parts of the City to capitalize on existing and planned public facilities, rather than spreading growth to the urban fringes.
- Objective LU-10: Provide for appropriate timing of development in accordance with the future land uses designated in this Land Use Element.
    - The proposed Project would be developed on an Opportunity Site and would facilitate redevelopment of a site that is underutilized.
- Objective LU-28: Preserve and enhance the quality and character of Riverside by ensuring compliance with all relevant codes and regulations.
    - The proposed Project would be developed on an Opportunity Site and would facilitate redevelopment of a site that is underutilized.

The proposed Project would be consistent, and not conflict with the following 2016 Climate Action Plan (2016 CAP) objectives as adopted in January 2016. Even though the CAP is not a qualified reduction plan as defined by the CEQA Guidelines, it does propose measures and policies on community-wide and government levels that will support the City's GHG reduction goals:

- SR-2: Mandatory energy efficiency standards for buildings.
    - The proposed Project would meet the energy use guidelines in Title 24 of the California Administrative Code.

The Project would be consistent with the following SCAG 2020-2045 RTP/SCS objectives. Under SB 375, each Metropolitan Planning Organization (MPO) is required to adopt and then update a Sustainable Community Strategy (SCS) to encourage compact development that reduces passenger vehicle miles traveled and trips so that its region will meet a target, set by CARB, for reducing GHG emissions. The purpose of SB 375 is to implement the State's GHG emissions reduction goals by integrating land use planning with the goal of reducing car and light-duty truck travel. The primary goal of SCAG's 2020–2045 RTP/SCS is to provide a framework for achieving the CARB-assigned per capita reduction targets for GHG emissions from cars and light-duty trucks through land use planning and transportation options, while considering anticipated future growth within the region. The 2020–2045 RTP/SCS identifies various strategies for reducing per capita VMT.

The 2020–2045 RTP/SCS also describes actions and strategies for integrating the transportation network with an overall land use pattern that responds to projected growth, housing needs, changing demographics, and transportation demands. Overall, the 2020–2045 RTP/SCS may be grouped into the following three categories:

- Reduction of vehicle trips and VMT.
- Increased use of alternative fuel vehicles.
- Improved energy efficiency.

The proposed Project would be in a very efficient VMT area and on an Opportunity Site near public transit and essential services like neighborhood-serving shopping and amenities, which would make it more consistent with VMT reduction strategies and policies. In addition, the proposed Project would be consistent with the CALGreen Code, which would encourage reduction of energy and water usage and

waste, thereby reducing associated GHG emissions and helping minimize impacts on natural resources and infrastructure. Therefore, as the Project would be consistent with the provisions and general policies of the 2020-2045 RTP/SCS, which incorporated policies to meet CARB's targets, the Project would support, and not conflict with, the goals of the 2020-2045 RTP/SCS.

The Project would be consistent with the following CARB 2022 Scoping Plan objectives. A set of Local Actions aimed at providing local jurisdictions with tools to reduce GHGs and assist the state in meeting the ambitious targets is provided in the 2022 Scoping Plan (see Appendix D). This includes a section on evaluating plan-level and project-level alignment with the State's Climate Goals in CEQA GHG analyses. In this plan, CARB identifies several recommendations and strategies related to Residential and Mixed-Use Projects that should be considered for new development in order to determine consistency with the 2022 Scoping Plan. Further, CARB indicates those residential and mixed-use projects that meet the following three priority areas are "clearly" consistent with the State's goals and projects that have these key project attributes should accommodate growth in a manner consistent with State GHG reduction and equity prioritization goals. Additionally, with adequate additional supporting evidence, Lead agencies may determine if projects that incorporate some, but not all, of the key project attributes would be consistent with the State's climate goals.

The three priority areas consistent with the State's goals for residential projects include the following:

- Transportation Electrification: This goal is not applicable to the proposed Project.
- VMT Reduction: The proposed Project would be located on an Opportunity Site and would be located near public transit and essential services like neighborhood-serving shopping and amenities (e.g.: Magnolia Crossings Shopping Center). It would also increase density on an underutilized site and would be located in a developed, urban area. Therefore, the proposed Project would be consistent with this goal.
- Building Decarbonization: The proposed Project would be required to comply with the latest Title 24 and CALGreen Code requirements, including energy-efficient equipment and appliances. Therefore, the proposed Project would be consistent with this goal.

The proposed Project would support, and not conflict with, the goals of CARB's 2022 Scoping Plan, and would be consistent with the relevant plans and policies listed above. Impacts would be less than significant. As such, the proposed Project would not result in new significant impacts or substantially more severe impacts than disclosed in the Certified PEIR.

Mitigation Measures Addressing Impact

No mitigation measures from the Certified PEIR would be applicable to the proposed Project. No additional mitigation measures are required.

Conclusion

The proposed Project's potential environmental impacts to GHG emissions would be within the scope of the Certified PEIR. As such, it would not result in any of the conditions identified in PRC Section 21166(c) or CEQA Guidelines Sections 15162 or 15163 that would require the preparation of a Supplemental or Subsequent EIR.

5.2. Biological Resources

Thresholds of Significance	Impact Determination in the Certified PEIR	Do Proposed Changes Involve New Significant Impacts or Substantially More Severe Impacts?	Mitigation Measures Addressing Impacts
BIOLOGICAL RESOURCES: Would the project:			
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	Less Than Significant with Mitigation Incorporated	No	Yes
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	Less Than Significant with Mitigation Incorporated	No	Yes
c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	Less Than Significant with Mitigation Incorporated	No	Yes
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	Less Than Significant with Mitigation Incorporated	No	Yes
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	Less Than Significant	No	N/A
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	Less Than Significant with Mitigation Incorporated	No	Yes

Impact Determination in the Certified PEIR

Impacts regarding biological resources under Thresholds (a) through (d), and (f) were discussed in Section 3.2, Biological Resources, of the Certified PEIR. Threshold (e) was discussed in Section 3.15, Effects Not Found to be Significant, of the Certified PEIR.

Threshold (a) The Certified PEIR determined that development associated with the Housing Element Update could result in direct and indirect impacts on special-status plant and animal species, although impacts are expected to be minor given the placement of the Opportunity Sites within urban, developed areas. Implementation of Mitigation Measure MM-BIO-1 would avoid or minimize any potential impacts on special-status plant or animal species. With implementation of Mitigation Measure MM-BIO-1, impacts from the development associated with the Housing Element Update would be reduced to less than significant.

Threshold (b) The Certified PEIR determined that the Opportunity Sites were selected to avoid greenbelts, arroyos and canyons, and other areas of high biological sensitivity. Future development under the Housing Element Update could result in the removal and/or disturbance of sensitive natural communities. Implementation of Mitigation Measure MM-BIO-1 would avoid or minimize any potential impacts on sensitive natural communities. With the implementation of Mitigation Measure MM-BIO-1, impacts from the development associated with the Housing Element Update would be reduced to less than significant.

Threshold (c) Future development associated with the Housing Element Update could result in the removal and/or disturbance of Western Riverside County Multiple Species Habitat Conservation Plan (WRC MSHCP)-designated Riparian/Riverine habitats, wetlands, and/or potentially jurisdictional aquatic resources. With the implementation of Mitigation Measure MM-BIO-1 and individual project consistency with the WRC MSHCP, impacts from the development associated with the Housing Element Update would be reduced to less than significant.

Threshold (d) Vegetation and structures throughout the City, including within Opportunity Sites, could provide suitable habitat for nesting birds, including raptors, protected by the Migratory Bird Treaty Act (MBTA) and California Fish and Game Code (CFGC) sections. Construction of future development has the potential to impact active native resident and/or migratory bird nests if the vegetation (e.g.: trees and shrubs) are trimmed, removed, and/or structures are demolished during the avian nesting season, and they contain nests. Construction could also occur adjacent to active nests causing nest failures or abandonment. Implementation of Mitigation Measure MM-BIO-1 would avoid or minimize any potential impacts on nesting birds and WRC MSHCP specific planning species are a result of any future development under the Housing Element Update. With the implementation of Mitigation Measure MM-BIO-1, impacts from the development associated with the Housing Element Update would be reduced to less than significant.

Threshold (e) Pruning or tree removal during vegetation clearing and grading, and other construction and/or operational activities resulting from development associated with the Housing Element Update could occur. Operational activities designed to keep housing and public safety areas landscaped, clear, and accessible would require vegetation management, which could involve tree-trimming and/or tree removal. The trimming or removal of street trees would be subject to local tree policies and ordinances, regardless of whether the work was being performed as a part of construction or operational activities. Future projects under the Housing Element Update would be required to comply with the Urban Forestry Policy Manual (City of Riverside, 2007b), RMC, WRC MSHCP mitigation fees, and the Upper Santa Ana River Habitat Conservation Plan. With compliance with these policies and ordinances, impacts would be less than significant.

Threshold (f) Development associated with the Housing Element Update would be required to implement Mitigation Measure MM-BIO-1 and individual project-specific consistency with the WRC MSHCP, to demonstrate compliance with the WRC MSHCP and to reduce impacts to less than significant.

Do Proposed Changes Involve New Significant Impacts or Substantially More Severe Impacts?

As described in Attachment C of this Memorandum, and pursuant to Certified PEIR Mitigation Measure MM-BIO-1, a literature review, habitat assessment, and survey were conducted for the proposed Project site. The field survey determined that suitable habitat for nesting birds exists in the project site and in surrounding areas. The proposed Project site is suitable for scrub, cavity, and ground nesting birds. Additional nesting habitat can also be found in trees surrounding the perimeter of the project site. Nesting birds are protected under both the Migratory Bird Treaty Act (MBTA) and the California Fish and Game Code (Sections 3503, 3503.5, 3513, and 3800) and cannot be subjected to take (as defined in California Fish and Game Code) during the bird breeding season, which typically runs from February 1 through

August 31. If construction of the proposed Project occurs during the bird breeding season, ground-disturbing construction activities could indirectly affect native and nongame birds and their nests through increased noise. The implementation of this mitigation measure would reduce potential impacts to a level of less than significant.

Vegetation removal that would occur outside of the nesting season, generally during the period between September 1 and January 31, would not require mitigation. The proposed Project area consists of urban and disturbed undeveloped property; it does not contain any riparian habitat or other sensitive natural communities. This condition precludes the possibility of adverse impacts to these resources. No impact would occur.

The proposed Project site does not contain any discernible drainage courses, inundated areas, wetland vegetation, or hydric soils and thus does not include United States Army Corps of Engineers (USACE) jurisdictional drainages or wetlands. This condition precludes the possibility of adverse impacts to these resources. No impact would occur.

The proposed Project site is located within an urban built-up area surrounded by existing development and would not result in a barrier to the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors or impede the use of native wildlife nursery sites. No impact would occur.

Implementation of the proposed Project is subject to all applicable Federal, State, and local policies and regulations related to the protection of biological resources and tree preservation. In addition, the proposed Project is required to comply with Riverside Municipal Code Section 16.72.040 establishing the MSHCP mitigation fee and Section 16.40.040 establishing the Threatened and Endangered Species Fees. Any project within the City of Riverside's boundaries that proposes planting a street tree within a City right-of-way must follow the Urban Forest Tree Policy Manual. The Manual documents guidelines for the planting, pruning, preservation, and removal of all trees in City rights-of-way. The specifications in the Manual are based on national standards for tree care established by the International Society of Arboriculture, the National Arborists Association, and the American National Standards Institute. The proposed Project would be implemented in compliance with the Urban Forest Tree Policy Manual. No impact would occur.

The proposed Project site is located within the Western Riverside County MSHCP. It is not located within a Criteria Cell or a NEPSSA and there are no specific sensitive species survey requirements. The proposed Project would result in an action covered within the MSHCP; it is an allowable use that has been contemplated within the MSHCP and is consistent with the policies and procedures of the MSHCP, with the incorporation of Mitigation Measure B-1. Mitigation Measures B-1 and B-2 address potential impacts to burrowing owl and nesting birds during project construction. With mitigation impacts are considered less than significant.

Mitigation Measures Addressing Impact

The following mitigation measure set forth in the Certified PEIR and the associated MMRP to address biological resources impacts will be implemented as part of the proposed Project. No additional mitigation measures are required.

MM-BIO-1: Conduct literature review, habitat assessment, and surveys.

Preliminary Review: Prior to construction on Opportunity Sites that are vacant or where the potential presence of biological or aquatic resources exists, a consistency review shall be performed to ensure that the project is consistent with the requirements of the WRC MSHCP. For the project-specific WRC MSHCP

consistency process, the applicant shall employ a qualified biologist approved by the City to review the future Opportunity Site project. The qualified biologist shall conduct a site-specific literature review, which shall consider, at a minimum, the future development project, site location, GIS information, WRC MSHCP survey areas and requirements, and known sensitive biological resources. The review shall assess the site for special-status plants and/or wildlife, aquatic resources, sensitive natural communities, wildlife corridors or nurseries, or other regulated biological resources covered by the WRC MSHCP and/or pursuant to CEQA, FESA, or CESA that could be affected by the project. In some cases, a literature review would be sufficient for the biologist to make a no impact and/or a less-than-significant impact determination for all six of the thresholds of significance (Section 3.2.4) of biological resources and/or the determination that the project is consistent with the WRC MSHCP. In this case, no further work shall be required, and if deemed necessary by the City, a summary report stating the basis for these findings, identifying each threshold of significance with a CEQA finding, shall be the only requirement.

Habitat Assessment Survey: If, during the preliminary review, it is determined that potential biological resources including any species covered under the MSHCP exist on the individual Opportunity Site that could be affected, then a habitat assessment survey shall be required unless a qualified biologist determines that a field review/habitat assessment is not needed. If needed, and/or the project is in a WRC MSHCP designated survey area, this survey shall consist of a site visit conducted by a qualified biologist, where the proposed individual development project and adjacent buffer (as appropriate for the target species relative to the potential project direct and indirect impacts) shall be assessed for WRC MSHCP covered species and habitats; candidate, sensitive, or special-status plants and/or wildlife; aquatic resources; sensitive natural communities; and wildlife corridors or nurseries while identifying and mapping all vegetation communities and land-cover types. If suitable habitat is present for candidate, sensitive, or special-status plants or animals and cannot be avoided, then focused protocol surveys may be required, as determined by the qualified biologist, with appropriate reporting. If aquatic resources are present and cannot be avoided, jurisdictional delineation may be required. Mitigation shall include an analysis of all the biological resources identified in the thresholds of significance, with a determination made regarding significance for each threshold. Reporting shall include regulatory assessment, impact analyses, and identification and implementation of appropriate measures based on the presence of biological resources.

Reduce and Avoid Impacts: Following the literature review and surveys for Opportunity Sites, if it is determined that the site would not directly or indirectly affect any WRC MSHCP covered species or habitats; candidate, sensitive, or special-status plants and/or wildlife; aquatic resources; sensitive natural communities; or wildlife corridors or nurseries, then no further action or WRC MSHCP consistency analysis shall be required. If, however, it is determined that impacts on WRC MSHCP covered species or habitats; candidate, sensitive, or special-status plants and/or wildlife; aquatic resources; sensitive natural communities; or wildlife corridors or nurseries would occur and therefore would be considered significant, then additional mitigation measures as recommended by the qualified biologist and approved by the Planning Division shall be implemented to avoid or reduce impacts to the maximum extent feasible.

Conclusion

The proposed Project's potential environmental impacts to biological resources would be within the scope of the Certified PEIR and would not result in any of the conditions set forth in PRC Section 21166(c) or CEQA Guidelines Sections 15162 or 15163 that would require the preparation of a Supplemental or Subsequent EIR.

5.3. Cultural Resources

Thresholds of Significance	Impact Determination in the Certified PEIR	Do Proposed Changes Involve New Significant Impacts or Substantially More Severe Impacts?	Mitigation Measures Addressing Impacts
CULTURAL RESOURCES: Would the Project:			
a) Cause a substantial adverse change in the significance of a historical resource pursuant to § 15064.5?	Less Than Significant with Mitigation Incorporated	No	Yes
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines §15064.5?	Less Than Significant with Mitigation Incorporated	No	Yes
c) Disturb any human remains, including those interred outside of formal cemeteries?	Less Than Significant	No	N/A

Impact Determination in the Certified PEIR

Impacts regarding cultural resources under Thresholds (a) and (b) are discussed in Section 3.3, Cultural Resources, of the Certified PEIR (the City of Riverside Housing and Public Safety Element Updates and Environmental Justice Policies Project Final Environmental Impact Report). Threshold (c) is discussed in Section 3.15, Effects Not Found to be Significant, of the Certified PEIR.

Threshold (a) The Certified PEIR determined that the potential significance of much of the City's remaining built environment and designed landscapes remains unknown. Consequently, a potential historical resource could be present on an Opportunity Site outside of a previously surveyed area. To mitigate the potential impact to previously unknown Cultural Resources, the Certified PEIR includes MM-CUL-1. With implementation of Mitigation Measure MM-CUL-1, impacts on historical resources would be identified allowing for adequate CEQA review at the time of the project review.

Threshold (b) Most of the Opportunity Sites associated with the Housing Element Update are in areas of unknown archaeological sensitivity, while a smaller number of these sites are in areas of low to high archaeological sensitivity. Implementation of Mitigation Measure MM-CUL-2 would reduce impacts to less than significant levels. If archaeological resources are discovered during an archaeological study (Mitigation Measure MM-CUL-2), or if archaeological resources are identified as inadvertent discoveries during ground-disturbing activities, then Mitigation Measures MM-CUL-3 through MM-CUL-8 would reduce this impact to less than significant levels. Not all projects would require Mitigation Measures MM-CUL-3 through MM-CUL-8, as these mitigation measures are only applicable if archaeological resources are discovered during an archaeological study (Mitigation Measure MM-CUL-2) or as unanticipated discoveries.

Threshold (c) State law, including Health and Safety Code Section 7050.5 and PRC Section 5097.98, provides guidance regarding how sites containing human remains must be treated. PRC Section 5097 specifies the procedures to be followed in the event of the unexpected discovery of human remains on nonfederal public lands. While development associated with the Housing Element Update has the potential to disturb human remains, including those outside dedicated cemeteries, if human remains should be discovered on vacant lands or other Opportunity Sites, however unlikely, their treatment would be subject to applicable codes and regulations, notably PRC Section 5097 and Health and Safety Code Section 7050.5, which would ensure that impacts would be less than significant.

Do Proposed Changes Involve New Significant Impacts or Substantially More Severe Impacts?

Threshold (a) Pursuant to Certified PEIR Mitigation Measure MM-CUL-1, an historical resource assessment was prepared for the proposed Project site as described in Attachment D of this Memorandum. This assessment included a records search conducted by the Eastern Information Center (EIC) at University of California, Riverside of previously documented cultural resources sites and cultural resources surveys performed within the Project area and within a one-mile radius (buffer) surrounding the subject property. The search included:

- a review of all historic and prehistoric archaeological resources and any built-environment resources as well.
- an archival search of the existing cultural resources reports on file with the Information Center.
- a review of the California Points of Historical Interest (CPHI), California Historical Landmarks (CHL), California Register of Historical Resources (CALREG), National Register of Historic Places (NRHP), and California State Historic Properties Directory (CHPD) were all reviewed for the project site.

In addition, cultural resources record search was conducted by the EIC, University of California, Riverside, and received on April 8, 2021. The archival records search included a one-mile buffer surrounding the proposed Project area. Within the proposed Project area itself there were two (2) prior cultural resources survey reports that had been completed and one previously recorded cultural resources site (3510 Van Buren Boulevard). This architectural property appears to be ineligible for the National Register and does not qualify as a historical resource for the purpose of CEQA.

The proposed Project site is not located within a Historic District, potential Historic District, Historic Landmark, on a site with a Structure of Merit, or on the National Register of Historic Places as shown in Attachment D of this Memorandum. Within the proposed Project area itself there were two (2) prior cultural resources survey reports that had been completed and one previously recorded cultural resources site (3510 Van Buren Boulevard). This site is listed in Table 1, *Known Cultural Resources within the Project Area* as provided in Attachment D. This site is located in the northeast corner of the proposed Project area and consists of a single-story frame residence constructed in 1956. It has a low-pitched, side-gabled roof with extended eaves, clad in composition shingles. Walls are clad in stucco and board and batten siding. The primary entry is via a wood door beneath a roof-covered porch supported by wood posts. Fenestration consists of aluminum frame slider windows. The residence is located on a level lot, surrounded by trees. Although an older building, this architectural property appears to be ineligible for the National Register and does not qualify as a historical resource for the purpose of CEQA. Therefore, a historical resources assessment (Certified PEIR Mitigation Measure MM-CUL-1) was not required as part of the proposed Project. Its removal would not result in a significant impact, and the proposed Project would result in no impact on historical resources.

Threshold (b) Pursuant to Certified PEIR Mitigation Measure MM-CUL-2, an archaeological study was prepared for the proposed Project site as described in Attachment D of this Memorandum. The result of the archaeological study indicates that the Project parcel is very disturbed. There are a number of dirt roads cut/graded throughout the parcel. Significantly, there has been considerable grading around the existing residence and much construction related disturbance associated with a number of the related buildings. In addition, the ground surface in the proposed Project area shows extensive evidence of prior disturbance. It is estimated that 80% or more of the Project parcel has received considerable ground surface modification. Moreover, the pedestrian survey identified no cultural resources – these include a lack of prehistoric artifacts or prehistoric archaeological sites and also there were no significant historic cultural remains or standing structures identified.

Because the proposed Project construction would include ground disturbance, mitigation measures would be required to reduce potential impacts to previously unknown archaeological resources and human remains to less than significant levels under CEQA. The Cahuilla Band of Indians requested that they participate as a Native American Monitor during all ground disturbing activities and to be notified of all updates with the Project moving forward. However, the Project area is in a well-developed urban area and no resources were identified. In addition, only three (3) resources were identified within a one-mile buffer. Therefore, it is recommended that a Native American Monitor (ethnically affiliated) shall only be retained should inadvertent discovery conditions be encountered during active ground disturbance within the Project. Monitoring, as noted above, would only be required in areas where soil is being over-excavated during rough grading in undisturbed areas, and in areas where utility trenches are being placed that are deeper than the initial over-excavation. Should the need for monitoring be required, it would terminate once initial over-excavation or trenching depths are attained.

If unanticipated archaeological resources are encountered, a qualified archaeologist shall be retained, and Certified PEIR Mitigation Measures MM-CUL-4 (Archaeological Treatment Plant), MM-CUL-5 (data recovery), and MM-CUL-8 (treatment and disposition) would be implemented. Certified PEIR Mitigation Measure MM-CUL-9 (cultural sensitivity training) is also recommended prior to commencement of construction activities. With implementation of the aforementioned Mitigation Measures, impacts would be reduced to less than significant.

Threshold (c) The proposed Project would be required to comply with PRC Section 5097 and Health and Safety Code Section 7050.5, which would ensure that impacts would be less than significant. As such, the proposed Project would not result in new significant impacts or substantially more severe impacts than disclosed in the Certified PEIR.

Mitigation Measures Addressing Impact

The following mitigation measures set forth in the Certified PEIR and the associated MMRP to address cultural resources impacts were implemented as part of the Project. No additional mitigation measures are required.

MM-CUL-1: Conduct a historical resource assessment.

The individual applicants shall hire a Secretary of the Interior qualified historic preservation professional to conduct a historical resource assessment if a structure to be affected by a subsequent development project, at the time of application, is not in a previously surveyed area, is not a historical resource for the purposes of CEQA and is at least 50 years old. The assessment shall formally evaluate the potential resource's eligibility for listing to the CRHR, its potential eligibility as a Landmark or Structure of Merit, and its potential eligibility as a Contributor to a Historic District or Neighborhood Conservation Area. If the resource is found eligible for any of those designations, it shall be considered a resource that qualifies as a historical resource under CEQA and is therefore subject to the provisions of the Cultural Resources Ordinance. This includes obtaining the pertinent Certificates of Appropriateness and ensuring that the project plans adhere to the SOI Standards. For resources found ineligible for any of those designations, no additional mitigation would be necessary.

MM-CUL-2: Conduct an archaeological study.

For Opportunity Site development projects that require CEQA analysis (non-ministerial projects), prior to construction, and if it is determined that the development project will involve ground disturbance of some type, the applicant shall conduct an archaeological study. This study will be conducted during Project specific CEQA analyses at Opportunity Sites that have not been studied in such a manner in the previous

5 years. The archaeological study shall follow the guidelines set forth by the City of Riverside Community & Economic Development Department in the document titled Consultant Requirements for Cultural Resources Survey, Studies, and Reports Information Sheet (City of Riverside Community & Economic Development Department 2011) or successor document.

The cultural resources archaeological recommendations shall be valid for 5 years after the date of the record search. After 5 years, the applicant shall retain an archaeologist who shall acquire an updated record search from the Eastern Information Center and review the cultural resources technical report recommendations.

For proposed development locations where only a record search and/or a site visit have already been conducted prior to this EIR, the project applicant shall retain an archaeologist to:

- Review record search results, site visit results, and any recommendations.
- Obtain an updated record search from the Eastern Information Center if the record search is older than 5 years.
- Review available historic maps, historic aerials, and other archival materials.
- Prepare a cultural resources memo with existing or updated record search results; a summary of background research of historic maps, aerials, etc.; and potential for historic and prehistoric archaeological resources to be present at the proposed development location.

Additionally, the memo shall identify potential impacts and provide recommendations.

The City shall review these findings and make a determination regarding the significance of project level impacts prior to approval of any future development. Should the archaeological study result in the identification of archaeological resources on the proposed development site or should unanticipated discoveries of previously unknown archaeological resources be made during ground disturbing activities at an Opportunity Site, Mitigation Measures **MM-CUL-3** through **MM-CUL-6** would be applicable.

MM-CUL-3: Avoid archaeological sites through establishment of Environmentally Sensitive Areas (ESAs).

If archaeological resources are identified either through an archaeological study or as unanticipated discoveries during construction, implementation of Mitigation Measure MM-CUL-3 would be required. Avoidance is always the preferred method of treatment for archaeological sites. Additionally, should sacred objects or objects of religious importance to Native American tribes be identified, preservation in place avoids conflicts with traditional values of tribes who ascribe meaning to these resources and their locations. Impacts on cultural resources can be avoided through establishing fencing around cultural resources with a buffer and delineating these locations as ESAs. The appropriate buffer size shall be delineated upon consultation with Native American tribes and the City (for prehistoric resources). The City and the consultant archaeologist for individual development projects shall determine appropriate buffers for historical-period (non-Native American) archaeological resources on a case-by-case basis based on the known extent of archaeological sites and the relationship to proposed ground disturbance.

MM-CUL-4: Develop and implement an Archaeological Treatment Plan (ATP) for evaluation of newly discovered and/or unevaluated archaeological resources.

Mitigation Measure MM-CUL-4 shall apply as follows:

- The results of an archaeological study conducted under Mitigation Measure MM-CUL-2 are unable to determine the eligibility of newly identified archaeological sites for inclusion to the CRHR and

it is determined by the consulting archaeologist that additional study through Phase II testing is required.

- It is not possible to avoid impacts through the establishment of ESAs; or Unanticipated archaeological resources are discovered during construction on Opportunity Sites.

If it is necessary to properly evaluate such properties in such a manner, an ATP shall be developed that describes methods and procedures for conducting subsurface excavations to determine the vertical and horizontal extents of an archaeological site. The ATP shall define the parameters of archaeological testing at the site and the extent of excavation and analysis of any materials recovered. The ATP shall also include guidelines for treatment and curation of any materials recovered during the testing process. Subsequent to implementation of the ATP, a technical report describing the methods and results of archaeological testing and formal evaluations of the archaeological sites and recommendations for further treatment shall be completed. The ATP shall be approved by the City and should involve consultation and review by Native American tribes consulting on the proposed development project. An ATP shall only be necessary for newly discovered archaeological sites that require additional information to make determinations of eligibility.

MM-CUL-5: Implement data recovery for CRHR-eligible sites that cannot be avoided.

If archaeological studies identify a cultural resource as being potentially eligible for listing in the CRHR and ESAs cannot be established or project design cannot be altered, resulting in impacts on the site, then a Phase III data recovery program shall be developed, when mutually agreed upon by Native American representatives (for prehistoric or historic-period Native American sites) and the City. The data recovery program shall be outlined in a Data Recovery Treatment Plan that details the procedures and objectives for mitigation of impacts on the archaeological site. The Data Recovery Treatment Plan shall include a research design with testable hypotheses and data requirements necessary to address these hypotheses. Additionally, the Data Recovery Treatment Plan shall identify methods of excavation, analysis, and curation of any archaeological materials recovered. The Data Recovery Treatment Plan shall also identify the treatment of any human remains discovered during data recovery procedures. If the archaeological resource is Native American (prehistoric or historic period in age), then the City, the applicant, and the archaeologist shall engage in consultation so that Native American representatives can be involved in the development of the data recovery plan.

Data recovery shall involve analysis of a representative sample of the materials recovered during excavation. For prehistoric archaeological sites, all excavations should be monitored by a representative from a geographically appropriate Native American group. At the conclusion of the data recovery program, a data recovery technical report shall be completed detailing the results of the excavations and analysis. Curation of recovered archaeological materials shall be conducted per the guidance in the Data Recovery Treatment Plan and with consultation between the City and appropriate Native American tribes. Other forms of mitigation could include additional research with archival sources, landscape studies, designation of open space, public outreach programs, and public education/public displays.

MM-CUL-6: Retain an on-call archaeologist for monitoring.

For Opportunity Site development projects that require CEQA analysis, Mitigation Measure MM-CUL-6 shall be implemented when archaeological studies completed under Mitigation Measure MM-CUL-2 determine that a project has a less-than-significant potential for archaeological discoveries. Additionally, upon agreement between Native American representatives (for prehistoric or historic-period Native American sites) and the City for archaeological resources that have not been determined eligible for listing in the CRHR or NRHP that are unavoidable at an Opportunity Site, Mitigation Measure MM-CUL-6 shall be

implemented. Prior to the issuance of a grading permit, the applicant shall provide a letter from a qualified archaeologist stating that the applicant has retained their services, and that the archaeologist shall be on call during all grading and other significant ground-disturbing activities in native sediments.

MM-CUL-7: Conduct archaeological and Native American monitoring.

If cultural resource studies have identified archaeological resources determined eligible for the CRHR or NRHP that are unavoidable at an Opportunity Site, Mitigation Measure MM-CUL-7 shall be implemented upon agreement among Native American representatives (for prehistoric or historic-period Native American sites). At least 30 days prior to application for a grading permit and before any grading, excavation, and/or ground-disturbing activities take place, the applicant shall retain an SOI Standards–qualified archaeological monitor to monitor all ground-disturbing activities in an effort to identify any unknown archaeological resources. The archaeologist, in consultation with consulting tribes, the applicant, and the City, shall develop an Archaeological Monitoring Plan to address the details, timing, and responsibility of all archaeological and cultural activities that occur on a development site. Details in the plan shall include:

1. Project grading and development scheduling:
    a. The development of a rotating or simultaneous schedule in coordination with the applicant and the project archaeologist for designated Native American tribal monitors (if resources are prehistoric in age) from the consulting tribes during grading, excavation, and ground-disturbing activities on the site, including the scheduling, safety requirements, duties, scope of work, and Native American tribal monitors' authority to stop and redirect grading activities in coordination with all project archaeologists.
    b. The protocols and stipulations that the applicant, tribes, and project archaeologist for the individual development project shall follow in the event of inadvertent cultural resource discoveries, including any newly discovered cultural resource deposits that shall be subject to a cultural resources' evaluation.
    c. Treatment and final disposition of any cultural resources, sacred sites, and human remains if discovered on a development site.
    d. The scheduling and timing of the Cultural Sensitivity Training.

MM-CUL-8: Employ procedures for treatment and disposition of cultural resources.

If cultural resources are inadvertently discovered during the course of grading for individual Opportunity Sites, the following procedures shall be carried out for treatment and disposition of the discoveries:

1. Consulting Tribe(s) Notified: Within 24 hours of discovery, and if the resources are Native American in origin, the consulting tribe(s) shall be notified via email and phone. The applicant shall provide the City evidence of notification to consulting tribes. Consulting tribe(s) shall be allowed access to the discovery in order to assist with the significance evaluation.
2. Temporary Curation and Storage: During the course of construction, all discovered resources shall be temporarily curated in a secure location on site or at the offices of the project archaeologist. The removal of any artifacts from a development site shall be thoroughly inventoried with tribal monitor oversight of the process.
3. Treatment and Final Disposition: The landowner(s) shall relinquish ownership of all cultural resources, including sacred items, burial goods, and all archaeological artifacts and non-human remains, as part of the required mitigation for impacts on cultural resources. The applicant shall relinquish the artifacts

through one or more of the following methods and provide the City of Riverside Community & Economic Development Department with evidence of same:

a. Accommodate the process for onsite reburial of the discovered items with the consulting Native American tribes or bands. This shall include measures and provisions to protect the future reburial area from any future impacts. Reburial shall not occur until all cataloguing and basic recordation have been completed.

b. Execute a curation agreement with an appropriate qualified repository within Riverside County that meets federal standards per 36 CFR Part 79 and therefore will ensure professional curation and availability to other archaeologists/researchers for further study. The collections and associated records shall be transferred, including title, to an appropriate curation facility within Riverside County, to be accompanied by payment of the fees necessary for permanent curation.

c. If more than one Native American tribe or band is involved with the subsequent development project and cannot come to a consensus as to the disposition of cultural materials, curate the discovered items at the Western Science Center or Museum of Riverside by default.

d. At the completion of grading, excavation, and ground-disturbing activities on the site, provide to the City a Phase IV Monitoring Report documenting monitoring activities conducted by the project archaeologist and Native American tribal monitors within 60 days of completion of grading. This report shall document the impacts on the known resources on the property; describe how each mitigation measure was fulfilled; document the type of cultural resources recovered and the disposition of such resources; provide evidence of the required Cultural Sensitivity Training for the construction staff held during the required pre-grade meeting; and, in a confidential appendix, include the daily/weekly monitoring notes from the archaeologist. All reports produced shall be submitted to the City, the Eastern Information Center, and consulting tribes.

MM-CUL-9: Conduct cultural sensitivity training.

For Opportunity Site development projects where either Mitigation Measures MM-CUL-6 or MM-CUL-7 are implemented, Mitigation Measure MM-CUL-9 shall also be implemented. Prior to the commencement of construction activities, the SOI Standards–certified archaeologist and Native American monitors shall attend the pre-grading meeting with the applicant/permit holder's contractors to provide Cultural Sensitivity Training for all construction personnel. This shall include the procedures to be followed during ground disturbance in sensitive areas and protocols that apply in the event unanticipated resources are discovered. Only construction personnel who have received this training can conduct construction and disturbance activities in sensitive areas. A sign-in sheet for attendees of this training shall be included in the Phase IV Monitoring Report.

Conclusion

Mitigation Measures MM-CUL-1 and MM-CUL-2 have been implemented as discussed above. Based on the analysis, the proposed Project would result in no impact on historical resources. With respect to archaeological resources, an estimated that 80% or more of the proposed Project parcel has received considerable ground surface modification, and a pedestrian survey identified no cultural resources; full-time monitoring is not required. If during grading activities, previously unknown archaeological resources and human remains are discovered, a qualified archaeologist shall be retained, and Certified PEIR Mitigation Measures MM-CUL-4 (Archaeological Treatment Plant), MM-CUL-5 (data recovery), and MM-CUL-8 (treatment and disposition) would be implemented. Certified PEIR Mitigation Measure MM-CUL-9 (cultural sensitivity training) is also recommended prior to commencement of construction activities. With

implementation of the aforementioned Mitigation Measures, impacts would be reduced to less than significant. Therefore, the proposed Project's potential environmental impacts to cultural resources would be within the scope of the Certified PEIR and would not result in any of the conditions set forth in PRC Section 21166(c) or CEQA Guidelines Sections 15162 or 15163 that would require the preparation of a Supplemental or Subsequent EIR.

5.4. Geology and Soils - Paleontological Resources

Thresholds of Significance	Impact Determination in the Certified PEIR	Do Proposed Changes Involve New Significant Impacts or Substantially More Severe Impacts?	Mitigation Measures Addressing Impacts
GEOLOGY AND SOILS: Would the Project:			
f) Directly or indirectly destroy a unique paleontological resource or site	Less Than Significant with Mitigation Incorporated	No	Yes

Impact Determination in the Certified PEIR

Impacts regarding Paleontological Resources are discussed in Section 3.4 of the Certified PEIR.

Threshold (f) The Certified PEIR determined that depending on the depth of disturbance and how far below ground surface the paleontological resources may be located, these ground disturbances have the potential to damage or destroy such resources. However, in identifying Opportunity Sites, attempts have been made to eliminate locations with high paleontological sensitivity. General Plan 2025 Policy HP-1.3 protects paleontological resources. The policy states that the City shall protect sites of archaeological and paleontological significance and ensure compliance with all applicable state and federal cultural resources protection and management laws in its planning and project review process. However, despite compliance with General Plan Policy HP-1.3, impacts would remain potentially significant. Implementation of Mitigation Measures MM-PAL-1, MM-PAL-2, and MM-PAL-3 would reduce impacts to less-than-significant levels by requiring the project applicant and/or private developer and the City to identify whether future development sites are in areas of high or undetermined paleontological sensitivity and could have a substantial adverse effect on the significance of unique paleontological resources. If so, a Paleontological Mitigation Plan would be developed that would provide for salvage, curation, and reporting of any paleontological resources uncovered during ground disturbance. With implementation of Mitigation Measures MM-PAL-1, MM-PAL-2, and MM-PAL-3, impacts would be reduced to less than significant.

Do Proposed Changes Involve New Significant Impacts or Substantially More Severe Impacts?

Threshold (f) Pursuant to Certified PEIR Mitigation Measure MM-PAL-1, a paleontological study was prepared for the proposed Project site as described in Attachment E of this Memorandum. While no paleontological resources were identified within the proposed Project site from the field survey, a geologic map review, literature review, and paleontological resources record search revealed that the proposed Project site is underlain by a mix of alluvial fan deposits of sand and gravel from the Pleistocene epoch (Qoa) and are potentially fossiliferous sediments considered to have high preservation value. The records search performed by the Western Science Center (WSC) identified no known paleontological localities within the proposed Project site or within a one-mile radius; however, the WSC also noted that any fossils recovered from the proposed Project area would be scientifically significant.

Geotechnical studies found artificial fill soils in at least some parts of the proposed Project property, with younger alluvium also present. However, it appears that older, possibly undisturbed alluvium may be

present in the subsurface. Paleontological resources have been found in this older alluvium in other areas of Riverside County. This older alluvium is, therefore assigned a high paleontological sensitivity. If project-related ground disturbing activities extend into this undisturbed older alluvium, those activities may impact paleontological resources.

Since proposed Project construction would include ground disturbance, mitigation measures would be required to reduce potential impacts to paleontological resources to less than significant levels under CEQA. Certified PEIR Mitigation Measure MM-PAL-2 requires retention of a qualified paleontologist, paleontological monitoring of excavations and ground-disturbing activities that occur in any undisturbed deposits below ground surface, to inspect exposures for contained fossils. Certified PEIR Mitigation Measure MM-PAL-3 would also apply to the proposed Project if paleontological resources and sensitive deposits remain or become exposed, an avoidance and minimization plan would be prepared. With implementation of the Certified PEIR Mitigation Measures MM-PAL-1, MM-PAL-2, and MM-PAL-3, impacts to paleontological resources would be reduced to less than significant. As such, the proposed Project would not result in new significant impacts or substantially more severe impacts than disclosed in the Certified PEIR.

Mitigation Measures Addressing Impact

The following mitigation measures set forth in the Certified PEIR and the associated MMRP to address paleontological resources impacts were implemented as part of the Project. No additional mitigation measures are required.

MM-PAL-1: Conduct paleontological resources investigations.

During the development review process and prior to construction on Opportunity Sites that are located on geologic units with Undetermined, High A, or High B paleontological sensitivity, the project applicant shall conduct paleontological resource investigations consistent with SVP guidelines. This process shall include:

- Conducting a paleontological records search through the Los Angeles County Natural History Museum to identify previously recorded paleontological localities and the presence of sensitive deposits in the City.
- Reviewing Opportunity Site design and maximum depths and extents of Project ground disturbance components.
- Reviewing publicly available geotechnical reports for information concerning subsurface deposits and deposit depths across the City.
- Identifying the potential for sensitive paleontological deposits underlying the Opportunity Site that project implementation could affect.
- Determining whether impacts on sensitive deposits, if present, would be significant.

If no sensitive deposits are identified or if they are sufficiently deeper than the Opportunity Site excavations and would not be encountered during construction, no further steps shall be required. If sensitive deposits are identified and could be affected by development of the Opportunity Sites, implement Mitigation Measure MM-PAL-2.

Opportunity Site projects that propose accessory dwelling units are not expected to have paleontological resource impacts and no additional assessment is necessary.

MM-PAL-2: Avoid paleontological resources or conduct monitoring.

The applicant shall redesign the Opportunity Site development to avoid sensitive paleontological resources and deposits that could potentially contain these resources. If avoidance and/or Opportunity Site redesign is infeasible, then paleontological monitoring shall be implemented and shall include the following implementation steps:

- The applicant shall retain a qualified paleontologist, who shall attend the preconstruction meeting(s) to consult with the grading and excavation contractors or subcontractors concerning excavation schedules, paleontological field techniques, and safety issues. A qualified paleontologist is defined as an individual who (1) has an MS or PhD in paleontology or geology and/or a publication record in peer-reviewed journals; (2) also has demonstrated familiarity with paleontological procedures and techniques; (3) is knowledgeable in the geology and paleontology of the county; (4) has proficiency in recognizing fossils in the field, determining their significance, and collecting vertebrate fossils in the field; and (5) has worked as a paleontological mitigation project supervisor in the county for at least 1 year.
- A paleontological monitor or a qualified paleontologist shall be on site on a full-time basis during excavation and ground-disturbing activities that occur in any undisturbed deposits below ground surface, to inspect exposures for contained fossils. The paleontological monitor shall work under the direction of the Project's qualified paleontologist. A paleontological monitor is defined as an individual selected by the qualified paleontologist who has experience in the collection and salvage of fossil materials. If fossils that have significance for the scientific record are discovered on a development site, the qualified paleontologist shall recover them and temporarily direct, divert, or halt grading to allow recovery of fossil remains.
- The qualified paleontologist shall be responsible for the cleaning, repairing, sorting, and cataloguing of fossil remains collected during the monitoring and salvage portion of the mitigation program.
- Prepared fossils, along with copies of all pertinent field notes, photos, and maps, shall be deposited (as a donation) at a scientific institution with permanent paleontological collections, such as the Los Angeles County Natural History Museum.
- Within 30 days after the completion of excavation and ground-disturbing activities, the qualified paleontologist shall prepare and submit to the City of Riverside Community & Economic Development Department, Planning Division a paleontological resource recovery report that documents the results of the mitigation program. This report shall include discussions of the methods used, stratigraphic section(s) exposed, fossils collected, and significance of recovered fossils.

Opportunity Site projects that propose accessory dwelling units are not expected to have paleontological resource impacts and no additional assessment is necessary.

MM-PAL-3: Avoid/minimize impacts on paleontological resources during operations.

If significant paleontological resources and sensitive deposits with the potential to contain significant paleontological resources are identified within an Opportunity Site area during design/planning (Mitigation Measures MM-PAL-1 and MM-PAL-2), and deposits that are sensitive for significant paleontological resources remain exposed at or near the ground surface or become exposed during project operations, then an avoidance and minimization plan shall be prepared to avoid/minimize potential impacts during operations. This plan may include, but not be limited to:

- Securing sensitive deposits from accessibility through the development of exclusion zones.

- Preparing an operations and maintenance plan to minimize degradation and exposure of sensitive deposits.
- Designing and developing interpretive exhibits to provide education and understanding of the importance of avoiding and protecting sensitive deposits and paleontological resources. If significant impacts on a newly exposed or existing significant paleontological resource cannot be avoided, then Mitigation Measure MM-PAL-2 shall be implemented.

Conclusion

Mitigation Measures MM-PAL-1 has been implemented as discussed above. Based on the analysis, no paleontological resources were identified within the proposed Project site from the field survey. However, a geologic map review, literature review, and paleontological resources record search revealed that the proposed Project site is underlain potentially fossiliferous sediments considered to have high preservation value. While no known paleontological localities within the proposed Project site or within a one-mile radius are identified, any fossils recovered from the proposed Project area would be scientifically significant.

Since the potential for fossiliferous sediments is present beneath the proposed Project site in undisturbed older alluvial sediments, it is recommended that a paleontological resource impact mitigation program (MM-PAL-2) be developed and implemented during project grading activities to prevent impacts on resources or reduce the impacts to a level less than significant. The paleontological resource impact mitigation program would only apply to undisturbed sediments encountered during over-excavation or deeper utility trenching activities. The following mitigation program is formulated in accordance with the provisions of CEQA (Scott and Springer 2003) as well as the proposed guidelines of the Society of Vertebrate Paleontology (2010). It is designed so that any paleontological resources that may be encountered during project implementation will be preserved and protected and impacts to them will be mitigated to a level of less than significant.

- During the initial stages of subsurface ground-disturbing activities a paleontological monitor should periodically visit the project site and inspect the soils that are being impacted and identify potentially fossil-bearing sediments that may be present. The number and frequency of the site visits will depend on the rate of ground-disturbing excavations but may be as frequent as two times a week.
- Continuous, full-time paleontological monitoring should be instigated only when paleontologically sensitive soils are being impacted.
- The paleontological monitor will have the power to temporarily halt or divert grading equipment to allow for the inspection, identification, and proper treatment of any fossiliferous soils and/or paleontological resources that may be exposed.
- The paleontological monitor must be properly equipped to recognize, document, and properly treat any paleontological resources that are encountered; this should include the collection and processing of samples of sediments that are likely to contain fossil remains of small vertebrates or invertebrates.
- Samples of sediment around any larger fossils should be collected and processed to recover small fossils or fossil fragments that may be present in the vicinity.
- All fossil resources should be transported to the lab for cleaning and cataloguing, and all resources should be identified by a qualified expert to the lowest taxonomic level possible and analyzed for any pertinent information regarding the age(s) of the rock unit or sedimentary stratum, the depositional history of the region, data regarding the development of biological communities, the

evolutionary relationships and developmental trends of the represented specimen, and any other information that may provide clues to past life in the area.

- All specimens should be curated at a repository with permanent retrievable storage.
- A report of findings, including an itemized inventory of recovered specimens, should be prepared upon completion of the procedures outlined above. The report should include a discussion of the significance of the paleontological findings, if any. The report and the inventory, when submitted to the City of Riverside, would signify completion of the program to mitigate potential impacts on paleontological resources.

Under the above conditions, it is recommended that the proposed project be cleared to proceed in compliance with CEQA provisions on paleontological resources.

5.5. Noise

Thresholds of Significance	Impact Determination in the Certified PEIR	Do Proposed Changes Involve New Significant Impacts or Substantially More Severe Impacts?	Mitigation Measures Addressing Impacts
NOISE: Would the Project:			
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	Significant and Unavoidable	No	Yes
b) Generation of excessive groundborne vibration or groundborne noise levels?	Significant and Unavoidable	No	Yes
c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	Less Than Significant	No	N/A

Impact Determination in the Certified PEIR

Impacts regarding noise are discussed in Section 3.8, Noise, of the Certified PEIR.

Threshold (a) The Certified PEIR has determined that construction vehicles would incrementally increase noise levels on access roads and on future development sites and increase construction worker vehicles and haul trucks traveling to and from proposed development sites. There would be a relatively high single-event noise level, which could cause an intermittent noise nuisance (e.g., passing trucks at 50 feet would generate up to 77 dBA). However, the effect on longer-term ambient noise levels would be transitory and minimal. Riverside Municipal Code (RMC) Section 7.35.020 requires construction to be limited to 7:00 a.m. through 7:00 p.m. on weekdays and 8:00 a.m. through 5:00 p.m. on Saturdays, and all construction activities to be prohibited on Sundays and federal holidays. With implementation of construction BMPs detailed in the Certified PEIR, such as utilizing quietest available construction equipment or equipping mufflers or silencers on construction equipment, and compliance with the RMC, construction noise impacts would be less than significant.

The Certified PEIR determined that future operational traffic noise by the Opportunity Sites would exceed the relevant thresholds outlined by General Plan 2025. Mitigation Measure MM-NOI-1 would be required to reduce the impacts to the greatest extent practical. However, even with implementation of Mitigation Measure MM-NOI-1, impacts from operational traffic noise would remain significant and unavoidable. The potential for operational stationary noise (e.g., from HVAC systems) may exceed both the daytime and/or nighttime sound level limits from the RMC. Even with implementation of Mitigation Measure MM-NOI-2, impacts from operational stationary noise would remain significant and unavoidable.

Threshold (b) The Certified PEIR determined that heavy construction equipment has the potential to produce groundborne vibration levels that are perceptible to people in the surrounding area and that would be intermittent sources for damage to buildings. However, construction-related vibration levels cannot be calculated at specific vibration-sensitive land uses. Therefore, impacts from vibration would be potentially significant. Even with the implementation of Mitigation Measure MM-NOI-3, impacts could remain significant and unavoidable.

The Certified PEIR determined that truck pass-by vibration would not result in potential damage to nearby structures. Vibration would not be noticeable outside 50 feet from the roadway. As the long-term operation of development projects associated with Housing Element Update, residential projects would not result in significant sources of vibration, impacts would be less than significant.

Threshold (c) The Certified PEIR determined that noise from aircraft on departure or approach to the Riverside Municipal Airport, Flabob Airport, and March Reserve Airforce Base would be audible at many of the Opportunity Sites identified throughout the City. However, none of the Opportunity Sites identified would be within the 60 or 65 dBA CNEL contour from the surrounding airports. Impacts would be less than significant.

Do Proposed Changes Involve New Significant Impacts or Substantially More Severe Impacts?

Threshold (a) As described in Attachment F of this Memorandum, with implementation of Certified PEIR Mitigation Measures MM-NOI-1 and MM-NOI-2, the Project's construction related noise impacts were estimated and were determined to exceed the appropriate agency (e.g., Federal Transit Administration [FTA], Federal Highway Administration [FHWA], and RMC) thresholds. Construction and operational noise impacts would be less than significant with mitigation.

Threshold (b) Groundborne vibration levels were estimated based on the specific construction equipment needed to construct the proposed Project. As described in Attachment F of this Memorandum, the equipment list and the distance to off-site vibration-sensitive land uses, the vibration velocities from Project construction would be below the FTA's threshold for building damage and the California Department of Transportation's (Caltrans) threshold for human annoyance, without the need for mitigation measures. Further, once operational, the Project would not include vibration-generating uses or operations. Impacts would be less than significant.

Threshold (c) The proposed Project would not be located within two miles of a public airport or public use airport. There would be no impact. As such, the proposed Project would not result in new significant impacts or substantially more severe impacts than disclosed in the Certified PEIR.

Mitigation Measures Addressing Impact

The following mitigation measures set forth in the Certified PEIR and the associated MMRP to address noise impacts were implemented as part of the Project. Mitigation measures MM-NOI-1 and MM-NOI-2 will be included as design features; no additional mitigation measures are required.

MM-NOI-1: Prepare a focused noise study and implement findings to reduce traffic noise.

For Opportunity Site projects that would exceed the 60 or 65 dBA CNEL threshold (based on the noise contour maps included in GP 2025), the applicant shall prepare a detailed analysis and implement mitigation to comply with the applicable City standards outlined in GP 2025. This could include but would not be limited to actions such as:

- Installation of soundwalls to break the line of sight from noise sources such as traffic noise.
- Installation of noise-reducing insulation.
  Installation of windows with sound transmission class (STC) ratings appropriate to reduce exterior-to-interior noise transmission.
- Installation of HVAC systems.

MM-NOI-2: For any development where stationary noise sources may exceed interior or exterior noise standards, prepare a focused noise study and implement findings to reduce HVAC noise.

The applicant shall design HVAC systems for Opportunity Sites to comply with the applicable City Municipal Code standards. This could include but would not be limited to actions such as:

- Preparation of a focused noise study to analyze HVAC noise, which shall identify a location for HVAC systems at appropriate distances so as to not exceed a noise level of 55 dBA Leq (exterior) and 45 dBA Leq (interior) between the hours of 7:00 a.m. and 10:00 p.m. and 45 dBA Leq (exterior) and 35 dBA Leq (interior) between the hours of 10:00 p.m. and 7:00 a.m. at the closest noise-sensitive land use. Design features that could be used to comply with the relevant threshold could include but are not limited to:
  - Locating HVAC systems far enough from residences so as to allow noise to attenuate to below the relevant standards.
  - Installing housings or structural parapets around HVAC systems.
  - Installing noise-reducing insulation.
  - Installing windows with STC ratings appropriate to reduce exterior-to-interior noise transmission.

Conclusion

The proposed Project's potential environmental impacts to noise would be within the scope of the Certified PEIR and would not result in any of the conditions set forth in PRC Section 21166(c) or CEQA Guidelines Sections 15162 or 15163 that would require the preparation of a Supplemental or Subsequent EIR.

5.6. Transportation

Thresholds of Significance	Impact Determination in the Certified PEIR	Do Proposed Changes Involve New Significant Impacts or Substantially More Severe Impacts?	Mitigation Measures Addressing Impacts
TRANSPORTATION: Would the Project:			
a) Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities?	Less Than Significant	No	N/A
b) Conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?	Significant and Unavoidable	No	N/A

Thresholds of Significance	Impact Determination in the Certified PEIR	Do Proposed Changes Involve New Significant Impacts or Substantially More Severe Impacts?	Mitigation Measures Addressing Impacts
c) Substantially increase hazards due to geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	Less Than Significant	No	N/A
d) Result in inadequate emergency access?	Less Than Significant	No	N/A

Impact Determination in the Certified PEIR

Impacts regarding transportation are discussed in Section 3.12, Transportation, of the Certified PEIR. Thresholds (c) and (d) are discussed in Section 3.15, Effects Not Found to be Significant, of the Certified PEIR.

Threshold (a) The Certified PEIR has determined that as part of the standard development review process, the City would require all future development of identified Opportunity Sites to go through a review of pedestrian, bicycle, and transit facilities in the area surrounding the individual development project to ensure that future developments do not conflict with existing or planned facilities supporting those travel modes. All pedestrian, bicycle, and transit facilities proposed would be designed using the appropriate design standards. Impacts would be less than significant.

Threshold (b) The Certified PEIR determined that because the Housing Element Update would increase population and employment within the City, VMT would increase. However, as shown in the Certified PEIR, the VMT per service population would decrease within the City, showing that travel on a per-person basis would be more efficient with the addition of the developments associated with the Housing Element Update. The Housing Element Update would result in an increase in the Housing Element Update's VMT from No Project baseline conditions, which is considered a significant impact for all VMT metrics presented. Mitigation Measure MM-TRA-1 would be required to reduce impacts; however, given the uncertainty in some components of the measure that influence VMT (such as the cost of fuel) combined with the City's inability to influence other measures that would have the largest effect on VMT (such as implementation of a VMT tax or an increase in the fuel tax), the effectiveness of these TDM measures cannot be guaranteed to reduce impacts. Impacts would be significant and unavoidable.

Threshold (c) The Certified PEIR determined that the Housing Element Update would not directly result in any activities that would substantially increase hazards because of a geometric design feature through implementation of policy changes and updates, rezoning, and Specific Plan amendments. Future roadways would be designed in compliance with City codes and standards (Chapter 19.102), which would be verified in design review and plan check on a project-by-project basis. The General Plan 2025 policies would help reduce potential hazards due to design features. Impacts would be less than significant.

Threshold (d) The Certified PEIR determined that the Housing Element Update would not directly result in any activities that would result in inadequate emergency access because Opportunity Sites are proposed near essential services and transportation routes. General Plan 2025 contains policies to encourage development of safe transportation systems and ensure that development does not conflict with emergency response or access during operations. The City continues to implement adopted road standards and, as a result, new roadways would be designed to avoid unsafe design and provide adequate emergency access. The City has an Emergency Operations Plan and RFD provides response management through activation of SEMS. Impacts would be less than significant.

Do Proposed Changes Involve New Significant Impacts or Substantially More Severe Impacts?

Threshold (a) The proposed Project would develop a multi-family development in an urban area, and be located in proximity to pedestrian, bicycle, and transit facilities. The proposed Project would not conflict with existing or planned facilities supporting those travel nodes. Impacts would be less than significant.

Threshold (b) A Traffic Study was prepared for the proposed Project in April 2024 as described in Attachment G. The proposed project has been identified as being located in a low VMT-generating area. Per the City Guidelines, the proposed Project is therefore presumed to have a less than significant impact on VMT and a VMT analysis is not needed.

Threshold (c) The proposed Project would not substantially increase hazards by developing geometric design features or incompatible uses on the Project site. The proposed Project design would be verified in design review and plan check and would be required to comply with General Plan 2025 policies to reduce potential hazards due to design features. Impacts would be less than significant.

Threshold (d) The proposed Project would be located in an area with established roadway networks that provide adequate emergency access and would not include improvements that would affect emergency access. As such, the proposed Project would not result in new significant impacts or substantially more severe impacts than disclosed in the Certified PEIR. Impacts would be less than significant.

Mitigation Measures Addressing Impact

No mitigation measures from the Certified PEIR would be applicable to the proposed Project. No additional mitigation measures are required.

Conclusion

The proposed Project's potential environmental impacts to transportation would be within the scope of the Certified PEIR and would not result in any of the conditions set forth in PRC Section 21166(c) or CEQA Guidelines Sections 15162 or 15163 that would require the preparation of a Supplemental or Subsequent EIR.

5.7. Tribal Cultural Resources

Thresholds of Significance	Impact Determination in the Certified PEIR	Do Proposed Changes Involve New Significant Impacts or Substantially More Severe Impacts?	Mitigation Measures Addressing Impacts
TRIBAL CULTURAL RESOURCES: Would the Project:			
a) The Project could cause a substantial adverse change in the significance of a tribal cultural resource that has cultural value to a California Native American tribe and that is listed or eligible for listing in the California Register of Historical Resources or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k).	Less Than Significant with Mitigation Incorporated	No	Yes
b) The Project could cause a substantial adverse change in the significance of a tribal cultural resource that has cultural value to a California Native American tribe and that is a resource determined by the lead agency to be significant	Less Than Significant with Mitigation Incorporated	No	Yes

Thresholds of Significance	Impact Determination in the Certified PEIR	Do Proposed Changes Involve New Significant Impacts or Substantially More Severe Impacts?	Mitigation Measures Addressing Impacts
pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1.			

Impact Determination in the Certified PEIR

Impacts regarding tribal cultural resources impacts were discussed in Section 3.13, Tribal Cultural Resources, of the Certified PEIR.

Thresholds (a) and (b) The Certified PEIR determined that because the Opportunity Sites under the proposed Housing Element Update are situated throughout the City in mostly urban and developed areas and in mostly unsurveyed areas, the potential for Opportunity Sites to encounter archaeological resources is unknown. Some prehistoric resources may be considered tribal cultural resources (TCRs) and can include sites, features, and objects that are listed in the CRHR, eligible to be listed in the CRHR, locally listed as defined in PRC Section 5020.1(k), or be determined by the lead agency to be significant pursuant to criteria set forth in subdivision (c) of PRC Section 5024.1. Future cultural resource studies at Opportunity Site locations (see Mitigation Measure MM-CUL-2) could identify both archaeological resources and/or TCRs through survey and consultation with Native American tribes. Through continued consultation with tribes on a project-specific basis and implementation of Mitigation Measure MM-CUL-2, it is possible that the City will be able to determine whether specific Opportunity Sites overlap with known locations of TCRs. Since ground-disturbing activities could result in disturbance or destruction of TCRs, impacts would be potentially significant. For Opportunity Site projects that are not eligible for the ministerial approval process (and not projects per CEQA), and with continued consultation with Native American tribes, implementation of Mitigation Measures MM-CUL-2 through MM-CUL-9, MM-TCR-1, and MM-TCR-2 would reduce this impact to less-than-significant levels.

Do Proposed Changes Involve New Significant Impacts or Substantially More Severe Impacts?

Thresholds (a) and (b) The proposed Project would involve grading and excavation. While not anticipated, previously unknown resources could be covered. As described in Attachment D of this Memorandum, with implementation of Certified PEIR Mitigation Measures MM-TCR-1 and MM-TCR-2, the proposed Project's construction related impacts would be less than significant.

The NAHC was contacted to complete a Sacred Lands File Search of the property, which returned negative results. The NAHC provided a list of potentially interested parties and affiliated Native American individuals and groups. These individuals were all contacted for further outreach and to identify if there are any concerns related to cultural values and resources for the proposed project area.

Two Native groups (Rincon Band of Luiseño and Cahuilla Band of Indians) indicated the proposed Project is located within their traditional territory. The Cahuilla Band of Indians requested that they participate as a Native American Monitor during all ground disturbing activities and to be notified of all updates with the Project moving forward. The Rincon Band of Luiseño requested that an archaeological records search be conducted and asked that a copy of the results be sent to them. This information has been memorialized into the report and recommendations have been made consistent with their requests.

The proposed Project would implement the applicable mitigation measures as set forth in the Certified PEIR to reduce potential impacts to archaeological resources and human remains, to less-than-significant levels. With the implementation of Mitigations Measures MM-CUL-2 through MM-CUL-9, impacts would

be reduced to less than significant levels. As such, the proposed Project would not result in new significant impacts or substantially more severe impacts than disclosed in the Certified PEIR.

Mitigation Measures Addressing Impact

The following mitigation measures set forth in the Certified PEIR and the associated MMRP to address tribal cultural resources impacts were implemented as part of the Project.

MM-CUL-2
MM-CUL-3
MM-CUL-4
MM-CUL-5
MM-CUL-6
MM-CUL-7
MM-CUL-8
MM-CUL-9

Tribal cultural resources mitigation measures are not required as no resources were identified in the records searches or pedestrian survey.

Refer to Section 5.3, Cultural Resources, above for more detail. As such, the proposed Project would not result in new significant impacts or substantially more severe impacts.

Conclusion

Based on the above, the proposed Project's potential environmental impacts to TCRs would be within the scope of the Certified PEIR but would not result in any of the conditions set forth in PRC Section 21166(c) or CEQA Guidelines Sections 15162 or 15163 that would require the preparation of a Supplemental or Subsequent EIR.

5.8. Cumulative Impacts

Impact Determination in the Certified PEIR

The Certified PEIR, with respect to this evaluation, determined the following cumulative impacts would be less than significant: biological resources, cultural resources, geology and soils – paleontological resources, and tribal cultural resources. The Certified PEIR determined that the following cumulative impacts would be significant and unavoidable: air quality-GHG emissions, and noise and vibration. Mitigation measures identified in the Certified PEIR would reduce some of these impacts, but not to less than significant levels.

Do Proposed Changes Involve New Significant Impacts or Substantially More Severe Impacts?

As defined in CEQA Guidelines Section 15355, cumulative impacts refer to two or more individual effects, which, when considered together, are considerable or which compound or increase other environmental impacts.

As evaluated above, all of the proposed Project's potential project-specific environmental impacts would be less than significant. The proposed Project's contribution would not be cumulatively considerable with regard any of the cumulative impacts assessed in the PEIR as the proposed Project's impacts regarding these environmental topics would be less than significant or less than significant with incorporation of the mitigation measures included in the Certified PEIR. The Certified PEIR found cumulative impacts to be less

than significant for biological resources, cultural resources, geology and soils – paleontological resources, and tribal cultural resources. As the proposed Project's impacts would also be less than significant, it would not make a cumulatively considerable contribution to these impacts. With respect to air quality, the SCAQMD recommends utilizing project-specific air quality impacts to determine the project's potential cumulative impacts to regional air quality[5]. The SCAQMD CEQA Air Quality Handbook also states that "from an air quality perspective, the impact of a project is determined by examining the types and levels of emissions generated by the project and its impact on factors that affect air quality. As such, projects should be evaluated in terms of air pollution thresholds established by the District[6]." The City has determined to rely on thresholds established by the SCAQMD (refer to CEQA Guidelines Section 15064.7) to assess the proposed Project's cumulative impacts. While it may be possible to add emissions from the list of related projects with the proposed Project, it would not provide meaningful data for evaluating cumulative impacts under CEQA because neither the City nor the SCAQMD have established numerical thresholds applicable to the summation of multiple project emissions for comparison purposes. In addition, regional emissions from a project have the potential to affect the South Coast Air Basin as a whole, and it is not possible to establish a geographical radius from a specific project site where potential cumulative impacts from regional emissions would be limited.

Consistent with accepted and established SCAQMD cumulative impact evaluation methodologies, the potential for the proposed Project to result in cumulative impacts from regional emissions is assessed based on the SCAQMD thresholds. Since the proposed Project's construction and operations emissions would not exceed the SCAQMD thresholds (Section 5.1, Air Quality – Greenhouse Gas Emissions), the proposed Project's contribution to cumulative air quality impacts would also not be cumulatively considerable.

According to the California Air Pollution Control Officers Association (CAPCOA), "GHG impacts are exclusively cumulative impacts; there are no non-cumulative GHG emission impacts from a climate change perspective."[7] Therefore, as the proposed Project's GHG emissions impacts would be less than significant, its' contribution to cumulative GHG emissions impacts would also not be cumulatively considerable.

Cumulative noise and vibration impacts could occur if the proposed Project's construction overlapped with that of nearby cumulative projects so as to affect the same off-site sensitive land use contemporaneously. Groundborne vibration attenuates very rapidly and is generally imperceptible 50 feet from the source. There are two (2) sensitive land uses within 50 feet. These include residences located at 9566 Carver Court (STA 1; NW half of proposed Project) and 3481 Myers Street (STA 2; SW extent of proposed Project). In addition, the southeastern boundary of the proposed Project is situated along California State Route 91 (SR-91), Riverside Freeway. As such, there would be no cumulative vibration impacts experienced at the nearby sensitive land uses. Noise impacts from construction activities vary depending on the nature or phase of construction. Sensitive Receptor 1 (STA 1) and Receptor 2 (STA2) are located along the northwestern mid-boundary and southwestern boundary of the proposed Project area, respectively. As shown on Table 11 of the Noise Assessment (Attachment F), maximum proposed Project construction noise levels reaching Sensitive Receptor 1 (STA 1) and Receptor 2 (STA2) are estimated at

[5] SCAQMD, Potential Control Strategies to Address Cumulative Impacts from Air Pollution White Paper, Appendix D, 1993, page D-3 ("As Lead Agency, the AQMD uses the same significance thresholds for project specific and cumulative impacts for all environmental topics analyzed in an Environmental Assessment or EIR… Projects that exceed the Project-specific significance thresholds are considered by the SCAQMD to be cumulatively considerable. This is the reason project-specific and cumulative significance thresholds are the same. Conversely, projects that do not exceed the project-specific thresholds are generally not considered to be cumulatively significant.").
[6] SCAQMD, Cumulative Impacts White Paper, Appendix D.
[7] CAPCOA, CEQA & Climate change: Evaluating and Addressing Greenhous Gas Emissions from Projects Subject to the California Environmental Quality Act, 2008.

85.4 dBA Leq. The measured background activity associated with the SR-91 (STA 3) along the southeastern boundary of the proposed Project is 77.3 dBA Leq. Assuming that these noise levels from the proposed Project and the adjoining SR-91 would occur simultaneously, a very conservative combined cumulative construction noise reaching Sensitive Receptor 1 (STA 1) and Receptor 2 (STA2) would be approximately 88.4 dBA Leq[8]. This combined noise level would exceed the FTA threshold of 80 dBA Leq for construction noise at residential uses.

The City's Municipal Code, however, does not have specific, numeric noise standards for construction noise. It does stipulate that potential temporary construction-related noise increases of more than 10 dBA above ambient conditions during permissible construction hours would be a potentially significant impact (City of Riverside 2007c). By incorporating mitigation measures MM-NOI-1 and MM-NOI-2, and implementing City approved feasible construction noise control measures to reduce construction noise levels at sensitive receptor locations (e.g.: construction management techniques, construction equipment controls, use of temporary sound barriers where feasible, monitoring and responding to noise complaints), cumulative construction noise impacts would be reduced to less than significant with mitigation incorporated.

Overall, in each of the analyses provided above, impacts associated with the proposed Project would be within the scope of impacts evaluated in the Certified PEIR. Accordingly, the proposed Project would not result in any new significant cumulative impacts, nor would it substantially increase the severity of any significant cumulative impacts previously identified in the Certified PEIR.

Mitigation Measures Addressing Impact

As described above, the proposed Project would implement the previously adopted mitigation measures set forth in the Certified PEIR, as applicable. No additional mitigation measures are required for the Project.

Conclusion

Based on the above, the proposed Project's potential cumulative environmental impacts would be within the scope of the Certified PEIR and would not result in any of the conditions set forth in PRC Section 21166(c) or CEQA Guidelines Sections 15162 or 15163 that would require the preparation of a Supplemental or Subsequent EIR.

5.9. Mandatory Findings of Significance

Thresholds	Impact Determination in the Certified PEIR	Do Proposed Changes Involve New Significant Impacts or Substantially More Severe Impacts?	Mitigation Measures Addressing Impacts
MANDATORY FINDINGS OF SIGNIFICANCE: Does the Project:			
a) Have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the	Less Than Significance with Mitigation Incorporated	No	Yes

[8] Combining two noise sources of an approximate equal noise level results in a total noise increase of 3 dB. Caltrans, Technical Noise Supplement to the Traffic Noise Analysis Protocol, page 2-14, September 2013

Thresholds	Impact Determination in the Certified PEIR	Do Proposed Changes Involve New Significant Impacts or Substantially More Severe Impacts?	Mitigation Measures Addressing Impacts
number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?			
b) Have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when view in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)??	Significant and Unavoidable	No	Yes
c) Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	Less Than Significant	No	N/A

Impact Determination in the Certified PEIR

The environmental issues addressed in the Mandatory Findings of Significance were analyzed in a combination of the Initial Study (found in Appendix A of the Certified PEIR) and the Draft EIR of the Certified PEIR. As described above in Section 5.2, Biological Resources, development associated with the Housing Element Update would be required to implement Mitigation Measure MM-BIO-1 to reduce potential impacts to biological resources to less than significant levels. As summarized above, the Certified PEIR determined that implementation of the Housing Element Update would result in significant and unavoidable impacts with respect to air quality, GHG emissions, and noise and vibration. Mitigation measures identified in the Certified PEIR would reduce some of these impacts, but not to less than significant levels. As such, the significant impacts of the Housing Element Update would have the potential to cause cumulatively considerable impacts and result in environmental effects which would cause substantial adverse effects on human beings.

Do Proposed Changes Involve New Significant Impacts or Substantially More Severe Impacts?

Regarding Threshold (a), as described in Section 5.2, Biological Resources, pursuant to Certified PEIR Mitigation Measure MM-BIO-1, a literature review, habitat assessment, and survey were conducted for the proposed Project Site. As determined above, the proposed Project would have a less than significant impact on biological resources.

Regarding Threshold (b), see Section 5.7, Cumulative Impacts, above. As detailed therein, as analyzed in each section, impacts associated with the proposed Project would be within the scope of impacts evaluated in the Certified PEIR. Accordingly, the proposed Project would not result in any new significant cumulative impacts, nor would it substantially increase the severity of any significant cumulative impacts previously identified in the Certified PEIR.

Regarding Threshold (c), because the proposed Project's impacts would be less than significant in all resource areas analyzed above, the proposed Project would not cause a substantial adverse effect on human beings, either directly or indirectly. Impacts would be less than significant.

The proposed Project would not result in any new significant impacts or substantially increase the severity of impacts compared to the Certified PEIR analysis. As such, the proposed Project's impacts would be within the scope of impacts set forth in the Certified PEIR.

Mitigation Measures Addressing Impact

As described above, the proposed Project would implement the previously adopted mitigation measures set forth in the Certified PEIR, as applicable. No additional mitigation measures are required for the Project.

Conclusion

Based on the above, the Project's potential environmental impacts would be within the scope of the Certified PEIR and would not result in any of the conditions set forth in PRC Section 21166(c) or CEQA Guidelines Sections 15162 or 15163 that would require the preparation of a Supplemental or Subsequent EIR.

SECTION 6. CONCLUSION

Based on the analyses that have been performed, no major revision to the Certified PEIR is required subject to the criteria in CEQA Guidelines Section 15162.

Review of Section 5, Analysis of Project Impacts, of this Memorandum demonstrates that the proposed Project would not result in a change to the Housing Element Update analyzed in the Certified PEIR that would result in any new significant impacts or more severe significant impacts than those identified in the Certified PEIR. The proposed Project is within the scope of and is consistent with the City's Housing Element Update. In addition, there have been no changes to the City's Housing and Public Safety Element Updates since its adoption that resulted in or will foreseeably result in new significant impacts or more severe significant impacts. Based on the number of projects that have been approved so far, the number of residential dwelling units, residential floor area, and non-residential floor area anticipated for the City have not met the previously-assessed buildout limitation in the Certified PEIR.

There is no basis to indicate that there will be new or more severe significant impacts associated with a change to the development connected with the Housing Element Update analyzed in the Certified PEIR. There have been no changes to the conditions with respect to those circumstances that would be expected to result in new or more severe significant impacts. In addition, there is no new information of substantial importance that was not known or could not have been known when the Certified PEIR was certified, and the Housing and Public Safety Element Updates were adopted.

As analyzed herein and demonstrated above, the proposed Project is "within the scope" of the Certified PEIR pursuant to CEQA Guidelines Section 15168(c)(2), and no further environmental analysis is required.

SECTION 7. REFERENCES

California Air Resources Board

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City of Riverside

2007a. Riverside General Plan 2025. City of Riverside Community Development Department. November 2007.

2007b. Urban Forestry Policy Manual. City of Riverside Public Works Department. Revised November 2007.

2007c. Final Program Environmental Impact Report for the City of Riverside General Plan and Supporting Documents. SCH #2004021108. City of Riverside Planning Division, Riverside County, California. November 2007.

2016. Economic Prosperity Action Plan and Climate Action Plan, City of Riverside Community & Economic Development Department. January 2016.

2021. Housing and Public Safety Element Updates and Environmental Justice Policies. Draft Environmental Impact Report. July 2021.

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2003. White Paper on Potential Control Strategies to Address Cumulative Impacts from Air Pollution, South Coast Air Quality Management District. August 2003.

2009. Final Localized Significance Threshold Methodology, Appendix C-1, 2006-2008 Thresholds for Construction and Operation with Gradual Conversion of N0x to $N0_2$, South Coast Air Quality Management District. Revised October 21, 2009.

2019. South Coast Air Quality Management District Air Quality Significance Thresholds; Toxic Air Contaminants, Odor, and GHG Thresholds; and Ambient Air Quality Standards for Criteria Pollutants. Revised April 2019.

2020. Air Quality Management Plan (AQMP). Adopted December 2, 2020.

Southern California Association of Governments

The 2016 – 2040 Regional Transportation Plan/Sustainable Communities Strategy. Adopted April 2016.