

# EXISTING SITE PHOTOS





# EXISTING SITE PHOTOS





## COMMUNITY DEVELOPMENT DEPARTMENT PLANNING DIVISION

### GRADING EXCEPTIONS JUSTIFICATION FORM

Conditional exceptions to the regulations contained in Title 17 of the Riverside Municipal Code (Grading) shall be permitted, subject to Chapter 17.32, upon a determination by the Zoning Administrator that exceptional or special circumstances apply to the property. Such exceptional or special circumstances shall include such characteristics as unusual lot size, shape, or topography, drainage problems, or the impracticability of employing a conforming grading plan, by reason or prior existing recorded subdivisions or other characteristics of contiguous properties.

An application for the waiver of any requirement of Title 17 of the Riverside Municipal Code (Grading) shall be filed with the Planning Division prior to the approval of a grading plan. The application shall contain information which demonstrates that there are exceptional or special circumstances that apply to the property that would prevent full compliance with this title. The application shall demonstrate the existence of exceptional or special circumstances by making the findings listed on the second page of this form.

PLEASE NOTE: If at any time the Zoning Administrator believes that sufficient controversy or public interest may exist regarding an application, the application may be referred to the City Planning Commission for consideration. The City Planning Commission may set the action for review at a public hearing if they so determine that it would be appropriate.

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PLEASE TYPE OR PRINT CLEARLY

#### LEGAL OWNER/APPLICANT/REPRESENTATIVE

Printed Name: AFG DEVELOPMENT, LLC

Address: 1451 RESEARCH PARK DRIVE, SUITE 200

City: RIVERSIDE State: CA Zip: 92324

Daytime Telephone: ( 951 ) 784-7238 Facsimile: (        )

E-Mail Address: JIM@GUTHRIECOMPANIES.COM

#### PROJECT/PROPERTY INFORMATION

Assessor's Parcel Number(s): 209-020-022, 047, 048, 024, 025; 209-060-022, 026, 023;  
209-070-014, 009; 206-151-029, 036

Address: 3506 STRONG STREET, RIVERSIDE, CA 92507

Project Description/Location: RESIDENTIAL/COMMERICAL DEVELOPMENT (MIX-USE VILLAGE)

Size of Subject Property (Square Feet/Acres): 1,582,123 SF - 36.32 AC

# GRADING EXCEPTIONS JUSTIFICATION FORM

## EXCEPTIONS REQUESTED

Describe the exceptions requested in detail; attach a separate sheet if necessary.

Requesting an exception to construct a wall with a maximum retaining wall height of 12'. The wall is located along the eastern boundary of the project. This wall is necessary to balance earth while at the same time maintaining positive drainage throughout the site.

## REQUIRED FINDINGS

Answer each of the following questions "yes" or "no" and then explain your answer in detail. Questions 1 and 2 must be answered "yes" and question 3 "no" to justify granting an exception. Attach written details if insufficient space is provided on this form. Economic hardship is not an allowable justification for an exception from Title 17 of the Riverside Municipal Code (Grading).

1. Will the strict application of the provisions of this title result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of Title 17 of the Riverside Municipal Code (Grading)? Explain in detail.

Yes, there will be unnecessary hardships and practical difficulties resulting from the strict application of the provisions of this title. The wall would allow the development to provide many of the goals the regulations intend to achieve; for instance, achieve specific land use densities, allow for the majority of the developments site to hold its natural characteristics and land form, and encouraging a variety of building types and design that would result in overall reduced grading.

2. Are there exceptional circumstances or conditions applicable to the property involved or the intended use or development of the property that do not apply generally to other properties in the same zone or neighborhood? Explain in detail.

Yes, there are exceptional circumstances or conditions applicable to this property that does not apply to the other properties in the same zone or neighborhood. This is due to a rezoning being done from an R-1-7000, R-3-1500 to a mix use-village. A mix use-village will include high density residential, commercial, living work residences, and open space areas for public use. To provide this eclectic mixture of buildings and spaces has resulted the need for the proposed wall on the eastern border of the project site.

3. Will the granting of a waiver be materially detrimental to the public welfare or injurious to the property or improvements in the some of neighborhood in which the property is located? Explain in detail.

No, granting of a waiver will not be materially detrimental to the public welfare or injurious to the property or improvements in some of neighborhood in which the property is located. On the contrary, granting the waiver will allow for better improvements to the site, neighborhood, and the entire Riverside community as a whole. This development will allow for a mix-use village which will provide scenic qualities, preserve and enhance existing community character by providing enhanced architecture and a space for locals to gather and enjoy.

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# COMMUNITY DEVELOPMENT DEPARTMENT PLANNING DIVISION

## VARIANCE JUSTIFICATION FORM

PLEASE TYPE OR PRINT CLEARLY

Project Description: THE EXCHANGE - MIXED USE DEVELOPMENT

Project Location: NW CORNER OF 91-60-215 INTERCHANGE

Assessor's Parcel Number (APN): 209-020-022, 047, 048, 024, 025, 209-060-022, 023, 026,  
209-070-014, 009, 206-151-029, 036

**VARIANCES REQUESTED** – State variance(s) requested specifically and in detail. Please attach separate sheets(s) as necessary.

VARIANCE REQUIRED TO ALLOW 2 FREEWAY ORIENTED PYLON SIGNS FOR  
MIXED USE DEVELOPMENT OVER 25 ACRES

**REQUIRED FINDINGS** – Answer each of the following questions yes or no and then explain your answer in detail. Questions 1 and 2 must be answered “yes” and 3 and 4 “no” to justify granting of a variance. Attach written details if insufficient space is provided on this form. Economic hardship is not an allowable justification for a variance.

1. Will the strict application of the provisions of the Zoning Code result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the Zoning Code? Explain in detail.

**YES. ZONING CODE DOES NOT HAVE PROVISIONS FOR DEVELOPMENTS FRONTING 2 MAJOR FREEWAYS. ALLOWING ONLY 1 FREEWAY ORIENTED PYLON SIGN HINDERS THE PROJECTS VISIBILITY AND ABILITY TO ADVERTISE WHICH IS NOT THE GENERAL PURPOSE AND INTENT OF THE ZONING CODE.**

2. Are there special circumstances or conditions applicable to your property or to the intended use or development of your property that do not apply generally to other property in the vicinity and under the identical zoning classification? Explain in detail.

**YES. THE PROPERTY IS ONE OF THE VERY FEW PROPERTIES IN THE CITY THAT IS LOCATED AT THE CORNER OF A MAJOR FREEWAY INTERCHANGE. THE PROPERTY IS ADJACENT TO THE I-215 FREEWAY AS WELL AS THE CA-60 FREEWAY WHICH CREATES A SPECIAL CIRCUMSTANCE IN TERMS OF FREEWAY ORIENTED SIGNAGE THAT DOES NOT GENERALLY APPLY TO OTHER PROPERTY IN THE VICINITY AND UNDER THE SAME ZONING CLASSIFICATION.**

3. Will the granting of such variance prove materially detrimental to the public welfare or injurious to the property or improvements in the zone or neighborhood in which your property is located? Explain in detail.

**NO. THERE ARE NO EXISTING PYLON SIGNS IN THE VICINITY AND ONLY ONE SIGN WILL SERVE EACH FREEWAY THEREFORE NO CROWDING OR CONFLICT OF SIGNAGE WILL OCCUR. THE ADDITIONAL SIGNAGE DOES NOT HINDER THE ABILITY OF ANY ADJACENT BUSINESSES OR PROPERTIES TO ADVERTISE AS THERE ARE NONE IN THE AREA.**

4. Will the granting of such variance be contrary to the objectives of any part of the General Plan? Explain in detail.

**NO. POLICY LU-72.8 OF THE 2025 GENERAL PLAN IS TO ENCOURAGE APPROPRIATE INDUSTRIAL DEVELOPMENT OPPORTUNITIES IN THE NORTHSIDE AREA WHICH SUPPORTS THE GRANTING OF THE VARIANCE. GRANTING SUCH VARIANCE DOES NOT CONFLICT WITH THE OBJECTIVES OF ESTABLISHING THE NORTHSIDE COMMUNITY AS A PREEMINENTLY RESIDENTIAL AREA WITH SUFFICIENT OFFICE, COMMERCIAL AND INDUSTRIAL USES.**

The Exchange (P18-0091-0101, P18-0401 & P18-0424), Exhibit 9 - Applicant  
Prepared Variance Justifications

March 1, 2019

**Sent via Email**

Brian Norton, Senior Planner  
Community and Economic Development Department  
Planning Division  
3900 Main Street, 3rd Floor  
Riverside, CA 92522  
bnorton@riversideca.gov

**Re: The Exchange Draft Environmental Impact Report**

Dear Mr. Norton:

This law firm represents the Southwest Regional Council of Carpenters (Southwest Carpenters) and submits this letter on the above-referenced project on its behalf.

Southwest Carpenters represents 50,000 union carpenters in six states, including in Southern California, and has a strong interest in reducing the environmental impacts of development projects, such as The Exchange Project (Project). The City of Riverside (City) published an Initial Study in July 2018 and a Draft Environmental Impact Report (DEIR) in January 2019.

The Project involves the construction of mixed-use retail and commercial development on a 35.4-acre site, including construction of:

- 482 apartment dwelling units on 18.4 acres;
- various commercial, retail, restaurants, and a gas station on 7.6 acres;
- two hotel buildings on 7.4 acres;
- RV parking; and
- space for temporary outdoor entertainment and other on-site activities, to be held in the parking lot of the commercial space.

Project approvals include:

- General Plan Amendment (P18-0091);
- Zoning Code Amendment (P18-0092);
- Site Plan Review (P18-0093);

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- Tentative Parcel Map No. 37475 (P18-0099);
- Conditional Use Permits (P18-0094, P18-009S, P18-0096, P18-0097, and P18-0098);
- Design Review (P18-0101); and
- Grading Exception (P18-0424).

The City discloses the Project will also require other federal and state permits, such as a Streambed Alteration Agreement and a Section 404 permit. However, the City does not disclose what permitting or California Air Resources Board certification, if any, the gas station will require, or whether the Project will require an easement vacation of the now unused Vista Street, but both discretionary actions will likely be required. (4.4-8.)

Southwest Carpenters submitted comments on the Initial Study. We initially note the City has disregarded concerns raised regarding the City's determinations that the Project would have less-than-significant impacts regarding impacts to several categories and thresholds, including aesthetics, hazards and hazardous materials, public services, and wastewater capacity. These prior comments are incorporated herein by reference.

### **Greenhouse Gas Emissions**

The City failed to provide a discussion of baseline greenhouse gas emissions from the Project site, as required by CEQA.

When a project will result in significant environmental impacts, CEQA requires the City to adopt mitigation to reduce impacts to the maximum extent feasible. Regarding greenhouse gas impacts, the City determined the Project would well exceed quantitative thresholds and that the Project would result in significant and unavoidable impacts after the implementation of mitigation. (ES-19.)<sup>1</sup> However, in response to the massive exceedance of this threshold, the City determined it would only require two mitigation measures, one to reduce energy use by five percent and another to reduce water consumption, which the City determined would reduce emissions by only 725 metric tons of carbon-dioxide equivalent (MTCO<sub>2</sub>e) emissions per year. This would reduce Project emissions from a stunning 21,998 MTCO<sub>2</sub>e per year to an equally stunning 21,273 MTCO<sub>2</sub>e per year—a 3.6-percent reduction. (4.7-12, 4.7-14.)

It is clear from this that the City does not take seriously mitigation to combat greenhouse gas emission impacts, and such an approach fails the goals and purpose of the City's Climate Action Plan, as well as state and regional laws designed to reduce greenhouse gases. The City never explained why other practical mitigation measures would be infeasible, such as requiring

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<sup>1</sup> Unless otherwise indicated, all references are to the Project DEIR.

installation of solar panels on all rooftops and vehicle shade structures, installation of hundreds of EV chargers in anticipation of the state's 100-percent zero-emission vehicle standards, and purchase of carbon offsets. Regarding installation of solar panels, the City cannot claim this is infeasible, as installation of solar panels on residential buildings will become mandatory in 2020. The City's claim that no other feasible mitigation measures exist is conclusory and unsupported by evidence. (4.7-14.) And, the City's repeated claim that it does not have jurisdiction over mobile emissions notably neglects to consider the existence or use of carbon offsets.

Further, the City's analysis did not disclose whether it adequately accounted for the City's extremely high use of coal as an energy source. The City's use of coal far outstrips the state average and is excessive by all measures. If the greenhouse gas analysis did not account for emissions from this energy source, the City has failed to fully disclose the greenhouse gas impacts of the Project.

Finally, in its discussion of Project compliance with various plans and policies, the City relies on plans and policies either not created or adopted by it or that are not designed to be applied at the Project-level. Further, the City fails to support its consistency conclusions. (e.g. 4.7-16; Table 4.7-3.) For instance, regarding Measure T-6, the City concludes, without evidence, "Motor vehicles driven by residents would maintain proper tire pressure when vehicles are serviced." (4.7-16.) Not only does this not address vehicle tire pressure in the spanning years when vehicles are not serviced, but this statement lacks any evidence in the form of enforcement. There is neither a mitigation measure that requires this nor is there a requirement that vehicles being serviced will get their tire pressure checked, let alone filled. Regarding Measure T-7, the City states the Project will "Improve jobs-housing balance and reduce vehicle miles traveled by increasing household and employment densities." (4.7-17.) However, the City fails to explain how the Project which has a 10:1 population-to-jobs ratio, serves to improve the City's housing-to-jobs ratio. The City otherwise fails to disclose whether the City is jobs-poor and housing rich or provide any other evidence to suggest the Project will do anything but worsen the City's jobs-to-housing ratio.

Please disclose whether the DEIR accurately accounted for the City's coal usage in its discussion of greenhouse gas impacts. Furthermore, please attempt to provide some reasoning to support the City's determination that no other mitigation is feasible.

### **Air Quality**

The City is required to disclose the environmental setting that existed at the Project site at the time it issued its Notice of Preparation for the Project. In the DEIR, the City did not disclose baseline emissions from the Project site.



The City determined Project NO<sub>x</sub> emissions would be significant and unavoidable after the implementation of mitigation measures, but that the Project would not exceed direct and indirect thresholds for ROG<sub>s</sub>, CO, SO<sub>x</sub>, PM<sub>10</sub> and PM<sub>2.5</sub>. (4.2-20.) The City proposes minimal mitigation to address the significant and unavoidable NO<sub>x</sub> impacts, including reducing energy use by five percent and applying water-saving measures. (4.2-21.) The City does not explain how, if at all, these measures address the significant and unavoidable NO<sub>x</sub> impacts caused by the Project.

The City determined the Project would not exceed the one-hour standard for NO<sub>2</sub>. (4.2-24; Table 4.2-13.) However, in arriving at this conclusion, the City appears to erroneously apply the basin-wide state criteria pollutant concentration limit of 0.18 parts per million at the project-level. (4.2-2; Table 4.2-1.) Further, the City ignores the stricter federal standard of 0.100 parts per million, which the City indicates the Project's emissions would meet or exceed. Southwest Carpenters is unaware of any guidance from the Southern California Air Quality Management District (SCAQMD) that would promote the use of regional NAAQS and CAAQS standards at the project-level. Project emissions analysis typically focuses on SCAQMD daily emission thresholds, expressed in pounds per day, to determine significance of Project impacts.

In Table 12 of the Initial Study, the City claimed Project particulate matter emissions would be exactly equal to the significance threshold. However, in the DEIR, the City indicated PM emissions would be well below this threshold. (4.2-17, 4.2-20.) Please explain the City's shift in these calculations. As mentioned in our Initial Study comments, the Project proposes massive quantities of grading that, if left unmitigated, would suspend tons of dust in the air. This, in combination with vehicle and other motor emissions, would likely suspend significant quantities of particulate matter in the air, directly adjacent to a school and other sensitive uses.

Regarding Impact AQ-5, the City fails to evaluate the impacts of the Project on the environment and, instead, evaluates the impacts of the Project on the Project. (4.2-26.) Please revise this analysis to provide a proper disclosure of Project impacts on the environment.

The City has failed to conduct an adequate cumulative impacts analysis. According to the City, "SCAQMD's approach" to cumulative air quality impacts dictates that these impacts would be significant only if the Project exceeded thresholds designed to evaluate the direct and indirect project-level impacts *or* any nearby projects are subject to a SCAQMD "regulatory program." (4.2-28.) This approach to analyzing cumulative air quality impacts is divorced from reason and runs directly counter to the purpose of the cumulative impacts analysis, to evaluate the impact of the project in conjunction with other past, present, and reasonably foreseeable future projects. Crucially, the cumulative impacts analysis is specifically designed to evaluate

impacts that are minor, or less than significant, at the Project-level, but that are cumulatively considerable when considered in conjunction with other past, present, and reasonably foreseeable future projects. Instead, the City's analysis failed to disclose or evaluate the emissions of any other projects, and it failed to disclose whether any of these projects have been determined to result in significant and unavoidable impacts regarding any of the pollutants the City determined were cumulatively less than significant.

The City's claim that it need only analyze other projects within one mile of the Project is fiction and bears no reasonable connection to the nature of air emissions. Emissions from the Project, and others, can, and will travel hundreds of miles, mixing with other pollutants in the Southern California Air Basin. Furthermore, Southwest Carpenters is aware of no SCAQMD significance threshold that promotes the City's approach to its cumulative air quality impacts analysis. Even if SCAQMD were to advance such an approach, this threshold would still violate the mandate of CEQA to evaluate the individually minor but cumulatively considerable impacts of the Project. Please cite the exact SCAQMD-adopted rule or regulation that contains the City's claimed significance threshold.

### **Biological Resources**

The City does not adequately evaluate whether the Project will be consistent with City policies designed to protect the environment. Specifically, while Policy LU-7.2 and OS-5.4 are designed to preserve and protect open space habitats, such as the Project, the City provides no discussion of the impacts of the Project regarding these policies. (4.3-18 – 4.3-19.) Since the Project causes the elimination, as opposed to preservation and protection, of open space habitat, the Project is presumably incontrovertibly in conflict with these policies.

Regarding the impacts to wildlife corridors, while the City initially admits the Project site serves as linkage and forage habitat for avian species, the City fails to discuss the potential direct, indirect, and cumulative impacts of the loss of this site on these species. (4.3-18 – 4.3-20.)

Finally, the City's discussion of cumulative impacts to biological resources failed to conduct any actual analysis to support its conclusions, and has the same flaws as its cumulative air quality impacts analysis. The City summarily states that impacts to biological resources will be less than significant because "impacts to such resources would be addressed on a case-by-case basis." (4.3-20.) This reasoning runs directly counter to the directive and purpose of the cumulative impacts analysis and must be revised, at minimum, to actually consider impacts arising from other past, present, and reasonably foreseeable projects.

### **Cultural Resources**

CEQA requires that mitigation measures be fully enforceable and adequately descriptive, such that adherence to these measures would support the City's conclusion that this mitigation would serve to reduce the impacts of the Project. The City may not defer the formulation of mitigation measures.

Mitigation Measure CR-1 does not provide specific, enforceable mandates, such that adherence to this mitigation would demonstrably reduce Project impacts. (4.4-19 – 4.4-20.) This measure requires the subsequent formulation of protocols, "including the scheduling, safety, safety requirements, duties, scope of work, and Native American Tribal Monitors' authority to stop and redirect grading activities . . ." (4.4-20.) This measure further requires the formulation of "Protocols and stipulations that the developer, tribes, and project archaeologist/paleontologist shall follow in the event of inadvertent cultural resources discoveries . . ." (4.4-20.) This language impermissibly defers formulation of these mitigation measures. None of the language in Mitigation Measure CR-1 is enforceable, and it does not create standards that would evidence this measure would serve to reduce, rather than worsen, Project impacts.

### **Energy**

The City discloses that 26 percent of its energy resources come from coal, which, even accounting for "clean," reduced-sulfur, coal, is widely regarded by experts as one of the least efficient, most harmful, and dirtiest fuels on the planet. (4.5-4.) Yet, the City makes no effort to evaluate means by which the Project could reduce its reliance on such a terrible, outdated energy source, such as installation of solar panels on all rooftops and parking shade structures.

Regarding Impact E-1 and construction energy demand, the City shoots from the hip when it states, without evidence or mitigation, that "it is reasonable to assume contractors would avoid wasteful, inefficient, and unnecessary fuel consumption during construction to reduce costs." (4.5-14.) Absent binding mitigation, the City cannot blindly assume contractors will conduct business the way the City hopes or assumes they will. Please revise this discussion to either assume contractors will not avoid wasteful, inefficient, and unnecessary fuel consumption, or otherwise support the City's assumption in the form of binding mitigation.

### **Geology and Soils**

In the Initial Study, the City determined the Project would have a less than significant impact on soil erosion and loss of topsoil, and the City failed to discuss this impact in the DEIR. The City concluded "upon project completion, the site would not contain any loose or exposed



topsoil, and conditions that would cause long-term erosion would not be present.” However, the City admitted in the Initial Study, “Construction activities may result in temporary erosion of topsoil during grading activities.” The Project will face an especially high risk of erosion and loss of topsoil during grading activities. The City recognizes this in its discussion of Hydrology and Water Quality impacts: “activities associated with the proposed project would have the potential to generate soil erosion and to increase sediment loads in stormwater runoff”; “Soil disturbance associated with site preparation and grading activities would result in looser, exposed soils, which are more susceptible to erosion.” (4.8-13 – 4.8-14.) It was erroneous for the City to discount these impacts in the Geology and Soils section of the DEIR, but to evaluate erosion as a significant impact in its Hydrology and Water Quality section.

### **Hydrology and Water Quality**

CEQA requires the City to accurately the impacts of the Project prior to mitigation. Regarding Impact HWQ-4, the City states the Project would result in a less-than-significant flood risk prior to mitigation. (4.8-22.) However, portions of the Project site currently fall within the 100-year flood zone. (4.8-22.) The City determines impacts will be less than significant because the Project will include undergrounding of the existing concrete-lined channel running through the Project site, and “Drainage alterations on the project site would reduce the potential for flooding to occur.” (4.8-23.) As there exists a flood hazard as part of the baseline of the Project, all design features the City claims will reduce this flood hazard should be disclosed as mitigation, as opposed to being presented as design features of the Project. Please revise this evaluation to comply with CEQA.

### **Land Use**

CEQA requires that the City provide a reasoned analysis of Project impacts and mitigation. Failure to provide such an analysis fails the substantive and informational purposes of CEQA.

The City states that, although the Project conflicts with the existing land use designations of the Project site, which designations are partially designed to protect the environmental values of this site, such conflict is less than significant. (4.9-6 – 4.9-7.) The City states this is so because the Project includes approval of General Plan and Zoning amendments, to name two. (4.9-6 – 4.9-7.) This analysis short circuits the analysis required by CEQA. The City’s evaluation of the consistency of the Project with the Project is meaningless. (*See, e.g.*, 4.9-9.) CEQA requires the City to disclose the significant and unavoidable conflicts with current land use designations and then mitigate these impacts to the greatest extent feasible. It is

uninformative to conclude the Project will be consistent with land use designations designed specifically for the Project *after* Project approval.

### **Noise**

The City's discussion of noise impacts failed to provide required information, and the City's conclusions are not supported by the evidence in the record. The City discloses that any noise levels above 55 dBA (day) or 45 dBA (night) exceed the City's residential noise threshold. (4.10-11.) This level is already greatly exceeded at every location measured by the City. (4.10-6.) Although the City has created an internal noise threshold, the City's analysis did not measure baseline noise conditions at any sensitive receptors surrounding the Project site.

Furthermore, the City's analysis of noise impacts revealed that many areas surrounding the Project site suffer from unacceptably high noise levels well in excess of City noise standards. (E.g., 4.10-6, 4.10-9.) However, the City somehow determines that cumulative noise impacts are less than significant, despite noise levels being 20 dBA higher than residential standards. (4.10-32 – 4.10-33.) To arrive at this conclusion, the City applied standards it uses to evaluate direct and indirect impacts, again claiming the *Project* will not individually raise noise levels above these thresholds. (4.10-32.) This analysis, again, writes the cumulative impacts analysis out of CEQA and must be revised.

### **Traffic**

The City's conclusions in the DEIR must be supported by substantial evidence in the record. Failure to support the conclusions in the DEIR with evidence results in an abuse of discretion, in violation of CEQA.

In its traffic analysis, the City recognizes that several intersections operate, or will operate, at unacceptable levels of service. (E.g., 4.12-6.) The City repeatedly concludes that implementation of various mitigation measures will reduce impacts to less than significant. (E.g., 4.12-19, 4.12-28.) However, the City provides no evidence to support these conclusions. For instance, the City provides no evidence that implementation of these mitigation measures will actually reduce levels of service at these intersections to acceptable levels. Absent supporting evidence, the City's conclusions are conclusory. Please provide evidence sufficient to prove the mitigation measures will effectively reduce levels of service at all significantly impacted intersections to less than significant.

The City's reasoning regarding the effectiveness of portions of its mitigation is further suspect. The City claims, undisclosed City "programs are recognized as City policy and

Mr. Brian Norton, Senior Planner  
Re: The Exchange DEIR  
March 1, 2019  
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therefore assumed to be implemented as soon as fully funded.” (4.12-28, 4.12-31.) However, absent evidence that any of these “programs” have actually been formulated, are designed to specifically address impacts discussed in the DEIR, and that funding and implementation of these mitigation measures are binding on the City, a blanket claim of “City policy” is insufficient evidence to support a conclusion that Project impacts will be adequately addressed, or addressed at all. Please revise the DEIR to provide more evidence that supports the City’s conclusions.

### **Conclusion**

Southwest Carpenters thanks the City for providing an opportunity to comment on the DEIR. Pursuant to Section 21092.2 of the Public Resources Code and Section 65092 of the Government Code, Southwest Carpenters requests notification of all CEQA actions and notices of any public hearings concerning this Project, including any action taken pursuant to California Planning and Zoning Law. In addition, pursuant to Public Resources Code section 21167(f), please provide a copy of each Notice of Determination issued by the City in connection with this Project and please add Southwest Carpenters to the list of interested parties in connection with this Project and direct all notices to my attention. Please send all notices by email or, if email is unavailable, by U.S. Mail to the following two addressees:

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Aptos, CA 95003  
nwhipps@wittwerparkin.com  
amcarroll@wittwerparkin.com

Thank you for your consideration of these comments.

Very truly yours,  
WITTWER PARKIN LLP

\_\_\_\_\_  
/s/  
Nicholas Whipps





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*Via Email and U.S. Mail*

March 1, 2019

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**Re: Comment on the The Exchange aka P18-0091 (GP), P18-0092 (RZ), P18-0093(PPE), P18-0094-0098(CUP), P18-0101(DR), P18-0424 (GE), P18-0100 (MCUP) and P18-0401(EIR)**

Dear Mr. Norton and Ms. Nicol:

I am writing on behalf of the Laborers International Union of North America, Local Union 1184 and its members living in the City of Riverside ("LIUNA"), regarding the Draft Environmental Impact Report ("DEIR") prepared for the Project known as the The Exchange aka P18-0091 (GP), P18-0092 (RZ), P18-0093(PPE), P18-0094-0098(CUP), P18-0101(DR), P18-0424 (GE), P18-0100 (MCUP) and P18-0401(EIR) for applicant Jim Guthrie of AFG, LLC, including all actions related or referring to the proposed construction of a mixed-use project consisting of 482 multi-family residential dwelling units in 21 three-story buildings, multi-tenant commercial buildings, a vehicle fueling station, a drive-thru restaurant, two hotels, a Recreational Vehicle (RV) overnight parking component, and onsite activities (e.g., farmers market, outdoor entertainment), totaling 479,773 square feet of residential space, located in the northwestern section of the City of Riverside and generally bounded by Orange Street on the west, Strong Street on the north, State Route 60 on the south and Interstate 215 on the east in the City of Riverside ("Project").

After reviewing the DEIR, we conclude that the DEIR fails as an informational document and fails to impose all feasible mitigation measures to reduce the Project's impacts. LIUNA request that the Community & Economic Development Department address these shortcomings in a revised draft environmental impact report ("RDEIR") and

March 1, 2019

Comment on The Exchange aka P18-0091 (GP), P18-0092 (RZ), P18-0093(PPE), P18-0094-0098(CUP), P18-0101(DR), P18-0424 (GE), P18-0100 (MCUP) and P18-0401(EIR)

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recirculate the RDEIR prior to considering approvals for the Project. We reserve the right to supplement these comments during review of the Final EIR for the Project and at public hearings concerning the Project. *Galante Vineyards v. Monterey Peninsula Water Management Dist.*, 60 Cal. App. 4th 1109, 1121 (1997).

Sincerely,

Richard Drury  
Lozeau | Drury LLP



# South Coast Air Quality Management District

21865 Copley Drive, Diamond Bar, CA 91765-4178  
(909) 396-2000 • [www.aqmd.gov](http://www.aqmd.gov)

SENT VIA E-MAIL AND USPS:

March 1, 2019

[BNorton@riversideca.gov](mailto:BNorton@riversideca.gov)

Brian Norton, Senior Planner

City of Riverside, Community & Economic Development Department

Planning Division

3900 Main Street, 3<sup>rd</sup> Floor

Riverside, CA 92522

## **Draft Environmental Impact Report (DEIR) for the Proposed The Exchange (SCH No. 2018071058)**

South Coast Air Quality Management District (SCAQMD) staff appreciates the opportunity to comment on the above-mentioned document. The following comments are meant as guidance for the Lead Agency and should be incorporated into the Final EIR.

### SCAQMD Staff's Summary of Project Description

The Lead Agency proposes to construct 482 residential units, 229 hotel guest rooms, a gasoline service station with 12 pumps, and 49,000 square feet of retail space on 35.4 acres (Proposed Project). The Proposed Project is located on the northeast corner of Oakley Avenue and North Orange Street. Based on a review of Figure 2-1, *Project Site Location*, in the DEIR and aerial photographs, SCAQMD staff found that the Proposed Project is located within 500 feet of State Route 60 (SR-60) and Interstate 215 (I-215). Construction of the Proposed Project is expected to occur over approximately 21 months and become operational in 2023<sup>1</sup>.

### SCAQMD Staff's Summary of Air Quality and Health Risk Assessment (HRA) Analyses

In the Air Quality Analysis section, the Lead Agency quantified the Proposed Project's construction and operational emissions and compared those emissions to SCAQMD's recommended regional and localized air quality CEQA significance thresholds. The Lead Agency found that the Proposed Project's construction-related air quality impacts would be less than significant after implementation of mitigation measure (MM) AQ-1 and MM AQ-2. MM AQ-1 requires the use of "super-compliant" low VOC paints ( $\leq 10$  grams/liter), and MM AQ-2 requires all actively graded areas to be watered in two-hour intervals (four times per day)<sup>2</sup>. The Lead Agency also found that operational emissions from NO<sub>x</sub> [183.7 pounds per day (lbs/day)] would exceed SCAQMD's recommended regional air quality CEQA significance threshold of 55 lbs/day for operation, after implementation of MM AQ-3 and MM AQ-4, resulting in significant and unavoidable regional air quality impacts. Additionally, the Lead Agency performed a health risk assessment (HRA) analysis to determine the reasonable maximum exposure of on-site sensitive receptors from mobile sources moving along the adjacent freeways and found that the maximum individual cancer risk would be 8.06 in one million, which would not exceed SCAQMD's significance threshold of 10 in one million for cancer risk<sup>3</sup>.

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<sup>1</sup> DEIR, Section 4.2, *Environmental Impact Analysis: Air Quality*, Page 4.2-10.

<sup>2</sup> *Ibid.* Page 4.2-26.

<sup>3</sup> *Ibid.* Page 4.2-10.



SCAQMD's 2016 Air Quality Management Plan

On March 3, 2017, SCAQMD's Governing Board adopted the 2016 Air Quality Management Plan (2016 AQMP)<sup>4</sup>, which was later approved by the California Air Resources Board on March 23, 2017. Built upon the progress in implementing the 2007 and 2012 AQMPs, the 2016 AQMP provides a regional perspective on air quality and the challenges facing the South Coast Air Basin (Basin). The most significant air quality challenge in the Basin is to achieve an additional 45 percent reduction in nitrogen oxide (NOx) emissions in 2023 and an additional 55 percent NOx reduction beyond 2031 levels for ozone attainment. Therefore, the Lead agency should use its best efforts to incorporate this NOx reduction goal into the project design in the Final EIR.

SCAQMD Staff's General Comments

The Lead Agency performed a mobile source HRA analysis and found that the potential cancer risk to future residents living at the Proposed Project would be 8.06 in one million. Based on Appendix E, *Air Toxic and Criteria Pollutant Health Risk Assessment*, for the Proposed Project, it appeared that the Lead Agency used the 2003 Office of Environmental Health Hazard Assessment (OEHHA) Guidance to calculate cancer risks and did not take in account age groups specific modeling parameters. This would likely underestimate the health risks to children living at the Proposed Project. Please see the attachment for more details<sup>5</sup>.

Since the Proposed Project includes residential units in close proximity to SR-60 and I-215, future residents living at the Proposed Project will be exposed to toxic air contaminants (TACs) such as diesel particulate matter (DPM) being emitted from heavy-duty trucks traveling on SR-60 and I-215. While the Lead Agency found that the Proposed Project would not expose future residents to significant cancer risk, SCAQMD staff recommends that the Lead Agency require installation of enhanced filtration at the Proposed Project and make this requirement a project design feature for the Proposed Project in the Final EIR to further reduce the potential health risks for future residents living at the Proposed Project. Please see the attachment for additional details.

As stated above, the Proposed Project would involve, among others, operation of a gasoline service station with 12 pumps. A permit from SCAQMD is required, and SCAQMD is a Responsible Agency for the air permit. Upon a review of the operational air quality analysis for the Proposed Project in the DEIR and the supporting technical appendices, SCAQMD staff found that the Lead Agency did not include operational emissions resulting from the servicing or fueling process (e.g. storage tanks, fueling equipment, etc.), or perform a HRA analysis. Please see the attachment for additional details.

Finally, as described in the 2016 AQMP, to achieve NOx emissions reductions in a timely manner is critical to attaining the National Ambient Air Quality Standard (NAAQS) for ozone before the 2023 and 2031 deadlines. SCAQMD is committed to attain the ozone NAAQS as expeditiously as practicable. The Proposed Project plays an important role in contributing to the Basin's NOx emissions. To further reduce NOx emissions during operation, SCAQMD staff recommends additional mitigation measures that the Lead Agency should consider to incorporate in the Final EIR.

Conclusion

Pursuant to California Public Resources Code Section 21092.5(a) and CEQA Guidelines Section 15088(b), SCAQMD staff requests that the Lead Agency provide SCAQMD staff with written responses to all comments contained herein prior to the certification of the Final EIR. In addition, issues raised in the comments should be addressed in detail giving reasons why specific comments and suggestions are

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<sup>4</sup> South Coast Air Quality Management District. March 3, 2017. *2016 Air Quality Management Plan*. Accessed at: <http://www.aqmd.gov/home/library/clean-air-plans/air-quality-mgt-plan>.

<sup>5</sup> DEIR. Appendix E. Pages 21 and 28.

not accepted. There should be good faith, reasoned analysis in response. Conclusory statements unsupported by factual information will not suffice (CEQA Guidelines Section 15088(c)). Conclusory statements do not facilitate the purpose and goal of CEQA on public disclosure and are not meaningful, informative, or useful to decision makers and to the public who are interested in the Proposed Project.

SCAQMD staff is available to work with the Lead Agency to address any air quality questions that may arise from this comment letter. Please contact Robert Dalbeck, Assistant Air Quality Specialist, at [RDalbeck@aqmd.gov](mailto:RDalbeck@aqmd.gov) or (909) 396-2139, should you have any questions.

Sincerely,

*Lijin Sun*

Lijin Sun, J.D.

Program Supervisor, CEQA IGR

Planning, Rule Development & Area Sources

Attachment

LS:RD

RVC190115-03

Control Number

## ATTACHMENT

**SCAQMD Staff Comments for the Proposed Project's Residential Component**

The Lead Agency is proposing construction of 482 residential units within 500 feet of SR-60 and I-215. SCAQMD staff found that the freeway interchange located adjacent to the Proposed Project had an annual average daily traffic (AADT) of 140,000 vehicles, including an AADT of 14,700 heavy-duty trucks on Route 60 East at Post Mile 12.212 in 2016<sup>6</sup>. Heavy-duty trucks emit DPM, which has been identified by the California Air Resources Board (CARB) as a toxic air contaminant (TAC) based on its carcinogenic effects<sup>7</sup>. Therefore, SCAQMD staff recommends the Lead Agency consider and implement the following comments and strategies in the Final EIR, such as requiring installation of enhanced air filtration systems with a Minimum Efficiency Reporting Value (MERV) 16 or better.

*Health Risk Assessment from Mobile Sources*

1. The most recent 2015 revised Office of Environmental Health Hazard Assessment (OEHHA) Guidance<sup>8</sup> acknowledges that children are more susceptible to the exposure to air toxics and have revised the way cancer risks are estimated to take this into account. Since the trucks, vehicles, and equipment generally get cleaner with time due to existing regulations and technologies, it would not be appropriate to use a combined exposure factor to streamline age group specific variables which was done in the DEIR. This would likely underestimate the health risks to children who would be exposed to higher emission (DPM) concentrations during the early years of Project operation. Therefore, SCAQMD staff recommends that the DPM emissions for each year of operation be applied to each of the corresponding age bins (i.e. emissions from Year 1 of Project operation (2022) should be used to estimate cancer risks to the third trimester to 0 year age bin; Year 1 and 2 of Project operation should be used to estimate the cancer risks to the 0 to 2 years age bins; and so on).

*Guidance on Siting Sensitive Receptors Near Sources of Air Pollution*

2. SCAQMD staff recognizes that there are many factors Lead Agencies must consider when making local planning and land use decisions. To facilitate stronger collaboration between Lead Agencies and SCAQMD to reduce community exposure to source-specific and cumulative air pollution impacts, SCAQMD adopted the *Guidance Document for Addressing Air Quality Issues in General Plans and Local Planning* in 2005<sup>9</sup>. This Guidance document provides recommended policies that local governments can use in their General Plans or through local planning to prevent or reduce potential air pollution impacts and protect public health. In addition, guidance on siting incompatible land uses (such as placing homes near freeways) can be found in the California Air Resources Board's *Air Quality and Land Use Handbook: A Community Health Perspective*, which can be found at: <http://www.arb.ca.gov/ch/handbook.pdf>. CARB's Land Use Handbook is a general reference guide for evaluating and reducing air pollution impacts associated with new projects that go through the land use decision-making process.

<sup>6</sup> California Department of Transportation. Caltrans Traffic Volume Data for 2016. Route 60, Post mile 12.212. Accessed at: <http://www.dot.ca.gov/trafficops/census/>.

<sup>7</sup> California Air Resources Board. August 27, 1998. Resolution 98-35. Accessed at: <http://www.arb.ca.gov/regact/diesltac/diesltac.htm>.

<sup>8</sup> Office of Environmental Health Hazard Assessment. March 6, 2016. *Air Toxics Hot Spots Program Guidance Manual for the Preparation of Health Risk Assessments 2015*. Available at: <https://oehha.ca.gov/air/crn/notice-adoption-air-toxics-hot-spots-program-guidance-manual-preparation-health-risk-0>.

<sup>9</sup> South Coast Air Quality Management District. May 2005. "Guidance Document for Addressing Air Quality Issues in General Plans and Local Planning" Accessed at: <http://www.aqmd.gov/docs/default-source/planning/air-quality-guidance/complete-guidance-document.pdf>.

### *Enhanced Filtration Units*

3. Many strategies are available to reduce exposure, including, but not limited to, building filtration systems with MERV 13 or better, or in some cases, MERV 15 or better is recommended; building design, orientation, location; vegetation barriers or landscaping screening, etc. Because of the potential adverse health risks involved with siting sensitive receptors near SR-60 and I-215, it is essential that any proposed strategy must be carefully evaluated before implementation. In the HRA technical report for the Proposed Project, the Lead Agency stated that “the Project applicant has agreed to installing and maintaining air filtration systems with efficiencies equal to or exceeding a Minimum Efficiency Reporting Value (MERV) 16 as defined by the American Society of Heating, Refrigerating and Air Conditioning Engineers (ASHRAE) Standard 52.2. (1)1 in the proposed apartment complex.<sup>10</sup>” Because residents living at the Proposed Project would be exposed to DPM emissions from nearby heavy-duty trucks (14,700 truck AADT, 140,000 total AADT) traveling on SR-60 and I-215, and to ensure consistency in the recommendation throughout the environmental analysis, SCAQMD staff recommends that the Lead Agency require the installation of MERV 16 filters at the Proposed Project in the Final EIR.

SCAQMD staff also recommends that the Lead Agency consider the limitations of the enhanced filtration. For example, in a study that SCAQMD conducted to investigate filters<sup>11</sup>, a cost burden is expected to be within the range of \$120 to \$240 per year to replace each filter. The initial start-up cost could substantially increase if an HVAC system needs to be installed. In addition, because the filters would not have any effectiveness unless the HVAC system is running, there may be increased energy costs to the residents. It is typically assumed that the filters operate 100 percent of the time while residents are indoors, and the environmental analysis does not generally account for the times when the residents have their windows or doors open or are in common space areas of the project. Moreover, these filters have no ability to filter out any toxic gases from vehicle exhaust. Therefore, the presumed effectiveness and feasibility of any filtration units should be carefully evaluated in more detail prior to assuming that they will sufficiently alleviate exposures to DPM emissions.

### *Enforceability of Enhanced Filtration Units*

4. If enhanced filtration units are required for the Proposed Project, and to ensure that they are enforceable throughout the lifetime of the Proposed Project and effective in reducing exposures to DPM emissions, SCAQMD staff recommends that the Lead Agency make the installation of enhanced filtration units a project design feature and provide additional details regarding the ongoing, regular maintenance, and monitoring of filters in the Final EIR. To facilitate a good-faith effort at full disclosure and provide useful information to future residents at the Proposed Project, at a minimum, the Final EIR should include the following information:
  - a) Disclose the potential health impacts to prospective residents from living in a close proximity to sources of air pollution [e.g., heavy-duty trucks traveling on nearby freeways and the gasoline service station (see Comment No. 6 below)] and the reduced effectiveness of the air filtration system when windows are open and/or when residents are outdoors (e.g., in the common usable open space areas);
  - b) Identify the responsible implementing and enforcement agency such as the Lead Agency to ensure that enhanced filtration units are installed on-site at the Proposed Project before a permit of occupancy is issued;

<sup>10</sup> DEIR. Appendix E, *Air Toxic and Criteria Pollutant Health Risk Assessment*, Page 5.

<sup>11</sup> This study evaluated filters rated MERV 13 or better. Accessed at: <http://www.aqmd.gov/docs/default-source/ceqa/handbook/aqmdpilotstudyfinalreport.pdf>. Also see 2012 Peer Review Journal article by SCAQMD: <https://onlinelibrary.wiley.com/doi/10.1111/ina.12013>.



- c) Identify the responsible implementing and enforcement agency such as the Lead Agency to ensure that enhanced filtration units are inspected and maintained regularly;
- d) Disclose the potential increase in energy costs for running the HVAC system to prospective residents;
- e) Provide information to residents on where the MERV filters can be purchased;
- f) Provide recommended schedules (e.g., every year or every six months) for replacing the enhanced filtration units;
- g) Identify the responsible entity such as the residents themselves, Homeowner's Association, or property management for ensuring enhanced filtration units are replaced on time, if appropriate and feasible (if residents should be responsible for the periodic and regular purchase and replacement of the enhanced filtration units, the Lead Agency should include this information in the disclosure form);
- h) Identify, provide, and disclose ongoing cost sharing strategies, if any, for replacing the enhanced filtration units;
- i) Set City-wide or Proposed Project-specific criteria for assessing progress in installing and replacing the enhanced filtration units; and
- j) Develop a City-wide or Proposed Project-specific process for evaluating the effectiveness of the enhanced filtration units.

#### **SCAQMD Staff's Comments for the Commercial Component of Gasoline Service Station**

As stated above, the Lead Agency proposes to construct a gasoline service station with 12 pumps as part of the Proposed Project. SCAQMD staff's comments on the air quality and HRA analyses for the gasoline service station are provided below that the Lead Agency should incorporate in the Final EIR.

#### *Operational Emissions from the Fueling Process*

5. The Lead Agency quantified the Proposed Project's operational emissions in CalEEMod. CalEEMod is a statewide land use emissions computer model designed to provide a uniform platform for government agencies, land use planners, and environmental professionals to quantify potential criteria pollutant and greenhouse gas (GHG) emissions associated with both construction and operation from a variety of land use projects<sup>12</sup>. For air quality modeling purposes, in the "land use" field in CalEEMod, the Lead Agency modeled emissions for a convenience store with 16 gas pumps<sup>13,14</sup>. It is important to note that while CalEEMod quantifies energy, water, and mobile source emissions (e.g., trip visits by patrons) associated with operating a gasoline service station, CalEEMod does not quantify the operational stationary source emissions (e.g. storage tanks and fueling equipment). Therefore, SCAQMD staff recommends that the Lead Agency clarify if the Proposed Project's operational ROG emissions from storage tanks and the fueling process have been included in the Air Quality Analysis, or use its best efforts to quantify and disclose the operational emissions from the fueling process in the Final EIR

#### *Health Risk Assessment from the Gasoline Servicing and Fueling Process*

6. Sensitive receptors are people that have an increased sensitivity to air pollution or environmental contaminants. Sensitive receptors include schools, daycare centers, nursing homes, elderly care facilities, hospitals, and residential dwelling units. As stated above, the Proposed Project includes,

<sup>12</sup> CalEEMod incorporates up-to-date state and locally approved emission factors and methodologies for estimating pollutant emissions from typical land use development. CalEEMod is the only software model maintained by the California Air Pollution Control Officers Association (CAPCOA) and is available free of charge at: [www.caleemod.com](http://www.caleemod.com).

<sup>13</sup> DEIR, Appendix B, *Air Quality Impact Analysis*, Page 63.

<sup>14</sup> The Proposed Project description includes a 12-pump gasoline service station. The Lead agency estimated emissions in CalEEMod resulting from a 16-pump gasoline service station in each run.

among others, the operation of a gasoline service station. Therefore, the Proposed Project has the potential to expose nearby residents to TACs, such as benzene, which is a known carcinogen. SCAQMD staff has concerns about the potential health impacts to sensitive receptors (e.g., future residents living at the Proposed Project) from the exposure to TACs during the operation of the gasoline service station. Therefore, the Lead Agency should prepare a HRA analysis to disclose the health impacts in the Final EIR. Guidance for performing a gasoline dispensing station health risk assessment can be found in the SCAQMD's *Emission Inventory and Risk Assessment Guidelines for Gasoline Dispensing Stations*<sup>15</sup>.

#### *Permits and Compliance with SCAQMD Rules*

7. Since the Proposed Project includes operation of a gasoline service station with 12 pumps, a permit from the SCAQMD would be required. SCAQMD should be identified as a Responsible Agency under CEQA for the Proposed Project in the Air Quality Section of the Final EIR. The Final EIR should also include a discussion of compliance with applicable SCAQMD Rules, including, but not limited to, Rule 201 – Permit to Construct<sup>16</sup>, Rule 203 – Permit to Operate<sup>17</sup>, Rule 461 – Gasoline Transfer and Dispensing<sup>18</sup>, and Rule 1401 – New Source Review of Toxic Air Contaminants<sup>19</sup>.

It should be noted that any assumptions used in the Air Quality and HRA analyses in the Final EIR will be used as the basis for permit conditions and limits. For example, in the Air Quality Section of the DEIR, the Lead Agency assumed that the Proposed Project would be considered a typical gasoline facility with less than 3.6 million gallons per year throughput<sup>20</sup>. It should be also noted that the 2015 revised OEHHA HRA methodology is being used by SCAQMD for determining operational health impacts for permitting applications and also for all CEQA projects where SCAQMD is the Lead Agency. Should there be any questions on permits and applicable SCAQMD rules, please contact the SCAQMD's Engineering and Permitting staff at (909) 396-3385. For more general information on permits, please visit SCAQMD's webpage at: <http://www.aqmd.gov/home/permits>.

#### **Additional Recommended Mitigation Measures**

8. CEQA requires that all feasible mitigation measures be utilized during project construction and operation to minimize or eliminate significant adverse environmental impacts. The Proposed Project would result in significant and unavoidable air quality impacts from regional NOx emissions. Therefore, SCAQMD staff recommends that the Lead Agency incorporate the following mitigation measures in the Final EIR to further reduce NOx emissions and promote the use of cleaner vehicles during operation. Additional information on potential mitigation measures as guidance to the Lead Agency is available on the SCAQMD CEQA Air Quality Handbook website<sup>21</sup>.
  - a) Provide electric vehicle (EV) charging stations at the residential and commercial components. Vehicles that can operate at least partially on electricity have the ability to substantially reduce

<sup>15</sup> South Coast Air Quality Management District. *Emission Inventory and Risk Assessment Guidelines for Gasoline Dispensing Stations*. Accessed at: <http://www.aqmd.gov/home/permits/risk-assessment>.

<sup>16</sup> South Coast Air Quality Management District. Rule 201 – Permit to Construct. Accessed at: <http://www.aqmd.gov/docs/default-source/rule-book/reg-ii/rule-201.pdf>.

<sup>17</sup> South Coast Air Quality Management District. Rule 203 – Permit to Operate. Accessed at: <http://www.aqmd.gov/docs/default-source/rule-book/reg-ii/rule-203.pdf>.

<sup>18</sup> South Coast Air Quality Management District. Rule 461 – Gasoline Transfer and Dispensing. Accessed at: <http://www.aqmd.gov/docs/default-source/rule-book/rule-iv/rule-461.pdf>.

<sup>19</sup> South Coast Air Quality Management District. Rule 1401 – New Source Review of Toxic Air Contaminants. Accessed at: <http://www.aqmd.gov/docs/default-source/rule-book/reg-xiv/rule-1401.pdf>.

<sup>20</sup> DEIR. Section 4.2. Page 4.2-25.

<sup>21</sup> South Coast Air Quality Management District. Accessed at: <http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook>.

the significant NOx impacts from this project. It is important to make this electrical infrastructure available when the Proposed Project is built so that it is ready when this technology becomes commercially available.

- b) For the commercial component of the Proposed Project, implement an anti-idling program. Vendors should be instructed to advise drivers that trucks and other equipment shall not be left idling for more than five minutes. Signs informing truck drivers of the anti-idling policy should be posted in the loading docks of the Project.
- c) For the commercial component of the Proposed Project, establish a purchasing policy to purchase electric vehicles for use.
- d) For the commercial component of the Proposed Project, establish a policy to select and use vendors that use clean vehicles and trucks to service and deliver materials to the 229-room hotel. Include this policy in the vendor contracts and business agreement.
- e) Maximize the planting of trees in landscaping and parking lots.
- f) Require use of electric or alternatively fueled street-sweepers with HEPA filters.
- g) Require use of electric lawn mowers and leaf blowers.



February 23, 2019

VIA EMAIL

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**SUBJECT: COMMENTS ON THE EXCHANGE PROJECT EIR (SCH NO. 2018071058)**

To whom it may concern:

Thank you for the opportunity to comment on the Environmental Impact Report (EIR) for the proposed The Exchange Project EIR. Please accept and consider these comments on behalf of Golden State Environmental Justice Alliance. Also, Golden State Environmental Justice Alliance formally requests to be added to the public interest list regarding any subsequent environmental documents, public notices, public hearings, and notices of determination for this project. Send all communications to Golden State Environmental Justice Alliance P.O. Box 79222 Corona, CA 92877.

**1.0 Summary**

As we understand it, the project proposes the development of the existing 35.4 acre vacant project site with a mixed-use development consisting of 482 multi-family residential apartment dwelling units including 10 live-work units, 49,000 square feet of commercial lease space including a drive-thru restaurant and a gas station with an internal restaurant, convenience store,

and car wash; two hotels with 229 guest rooms and related amenities; short-term Recreational Vehicle (RV) overnight parking for 23 RVs plus 1 passenger car for each RV and 12 additional visitor parking stalls; incidental outdoor entertainment and activities (e.g. farmers market, car shows), and freeway oriented signs.

Discretionary actions required to implement the proposed project include:

- (1) General Plan Amendment (GPA) to amend approximately 34.34 acres of the proposed project area from MDR (Medium Density Residential) and O (Office) to MU-U (Mixed Use Urban) and amend approximately 1.06 acres of the area for the proposed vehicle fueling station from O (Office) to C (Commercial)
- (2) Zoning Code Amendment (RZ) to Rezone approximately 34.34 acres of the proposed project area from R-1-7000 Single Family Residential, R-3-1500 – Multi-Family Residential, and R-1- 7000-WC – Single Family Residential – Watercourse Overlay Zones to MU-U – Mixed Use Urban and amend 1.06 acres of the area proposed for the vehicle fueling station from R-1-7000 – Single Family Residential to CR – Commercial Retail
- (3) Site Plan Review (PPE) for the proposed site design and building elevations, with the exception of the vehicle fueling station
- (4) Tentative Parcel Map (PM) to subdivide the project site into 15 parcels, ranging in size from 0.49 acres to 7.67 acres, including a private street
- (5) Conditional Use Permits (CUP) to permit each of the following uses: Hotels and RV parking, vehicle fueling station, drive-thru restaurant, live entertainment and special events, and a farmers market
- (6) Design Review (DR) for the proposed vehicle fueling station site design and building elevations
- (7) Grading Exception (GE) to allow retaining walls over permissible height limits
- (8) Minor Conditional Use Permit (MCUP) for two freestanding, freeway-oriented monument signs
- (9) Environmental Impact Report (EIR) to analyze the potential environmental impacts of project implementation



## **2.0 Project Description**

The EIR states that there are 10 proposed live/work units. However, the attached architectural plans indicate there will be 12 live/work units. The EIR is not reliable as an informational document and must be revised and recirculated for public review.

Further, the Conceptual Grading Plans depict storage units on the northeast side of the project site along Strong Street, between two existing single family residences. There is no information given about the storage units in the EIR. There is no discussion of the storage units throughout the EIR and their potentially significant impacts on the existing single family residences. The EIR must be updated to include analysis and discussion of the storage units in order to comply with CEQA's requirements for meaningful disclosure (CEQA § 21003(b)).

## **3.0 Environmental Setting**

Pursuant to CEQA § 15125, the Environmental Setting section of an EIR shall discuss "any inconsistencies between the proposed project and applicable general plans, specific plans, and regional plans." The project requires a General Plan Amendment and Zoning Code Amendment in order to be implemented. The EIR does not include this discussion and must be revised to disclose this information.

## **4.2 Air Quality**

The EIR lists relevant Policies from the Air Quality Element of the Riverside General Plan. However, this list does not include Policies AQ-1.1 and AQ-1.2 related to Environmental Justice:

Policy AQ-1.1: Ensure that all land use decisions, including enforcement actions, are made in an equitable fashion to protect residents, regardless of age, culture, ethnicity, gender, race, socioeconomic status or geographic location, from the health effects of air pollution.

Policy AQ-1.2: Consider potential environmental justice issues in reviewing impacts (including cumulative impacts for each project proposed).

The EIR must be revised to include analysis of environmental justice issues in reviewing potential impacts, including cumulative impacts from the proposed project. This is especially significant as the surrounding community is highly burdened by pollution. According to

CalEnviroScreen 3.0, CalEPA's screening tool that ranks each census tract in the state for pollution and socioeconomic vulnerability, the proposed project's census tract (6065030104) ranks worse than 95 percent of the rest of the state overall<sup>1</sup>. The project's census tract is in the 98th percentile for pollution burden, meaning it is more polluted than nearly all other census tracts in the state of California. The surrounding community bears the impact of multiple sources of pollution and is more polluted than average on every pollution indicator measured by CalEnviroScreen. For example, the project census tract has a higher burden of ozone, PM 2.5, and diesel than 90 percent of the state and greater hazardous waste and traffic issues than 80 percent of the state.

Further, the project's census tract is a diverse community including 62 percent Hispanic residents, 9 percent African-American residents, and 9 percent Asian residents, is especially vulnerable to the impacts of pollution. The community has very high unemployment rates (67 percent compared to the rest of the state), which is an indication that they may lack health insurance or access to medical care. Additionally, the surrounding community has a higher proportion of babies born with low birth weights than 68 percent of the State, which makes those children more vulnerable to asthma and other health issues. This is supported by the census tract ranking in the 98th percentile for asthma and containing 17% children under the age of 10 compared to 13% average children under the age of 10 in California. The project's census tract is also identified as a Disadvantaged Community under SB 535.

The EIR states that "under the current land use designations, the project site could yield approximately 827 new residents at full development." Footnote 4 states "Current land use designation density would allow for up to 260 residential units. 260 units x 3.18 residents per unit = 827 residents." The area of the project site that has current General Plan designation of MDR is not disclosed in the EIR to verify the allowable residential density of this portion of the site and thus the population generated under this density.

Further, the attached General Plan and Zoning Diagrams misrepresent the project site and are misleading to the public and decision makers. The diagrams do not delineate or label the boundaries of the project site while also depicting the properties to the north, resulting in an exhibit which does not accurately or adequately portray the project site. The Current General Plan Land Use diagram is the most misleading because it depicts the MDR Land Use designation

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<sup>1</sup> CalEnviroScreen 3.0, California Office of Environmental Health Hazard Assessment <https://oehha.ca.gov/calenviroscreen>

across the properties to the north also and the reader is unable to determine how much of the MDR designation is allocated on the proposed project site. The EIR must be revised to include accurate, clear diagrams of the existing and proposed General Plan and Zoning designations on the subject property. The EIR must also include the acreage of each current General Plan and Zoning destinations across the project site in order to be an adequate informational document and for the public and decision makers to verify unsubstantiated claims regarding population and employment.

Appendix B of the Air Quality Analysis (AQA) indicates that the CalEEMod modeling sheets do not accurately reflect the components of the proposed project. The EIR states there will be 49,000 square feet of commercial land uses but the CalEEMod Output Sheets only analyze 46,758 square feet total of commercial land uses. Further, the EIR references the site plan which “indicates that 15,000 sf of the proposed commercial component would be leased by retail tenants, while 34,000 sf would be leased by restaurant tenants.” However, the AQA only analyzes 26,000 sf of restaurant uses. The EIR and AQA are inconsistent and must be revised.

Further, the Parking Lot land use in CalEEMod only models 1,567 parking stalls while 1,587 parking stalls are proposed. Additionally, the 1,587 parking stalls proposed does not capture all parking from the proposed short-term RV parking land use. The 23 short-term RV parking spaces includes space for a standard vehicle also, doubling the amount of parking spaces to 46. The EIR must be revised to include this information. This must be reflected in the project description, Air Quality modeling, and throughout the EIR.

Additionally, footnote 5 on page 37 of Appendix B states “As per The Exchange Focused Air Quality and Greenhouse Gas Memorandum, analysis of a 12-vehicle fueling station and RV parking component, results in fewer emissions than 16-vehicle fueling stations. As such, and as a conservative measure, the Project has been analyzed for the use of a 16-vehicle fueling station.” The referenced The Exchange Focused Air Quality and Greenhouse Gas Memorandum is listed as a reference but not included for public review. CEQA § 15150 (f) states that incorporation by reference is most appropriate for including long, descriptive, or technical materials that provide general background but do not contribute directly to the analysis of the problem at hand. The Exchange Focused Air Quality and Greenhouse Gas Memorandum utilized here contributes directly to the analysis of the problem at hand. Not including the Memorandum as an attachment for public review is in violation of CEQA § 15150 (f).

The CalEEMod output sheets also do not include the non-residential square footage from the proposed 12 live-work units. It must also be clarified whether the High Turnover Restaurant

land use includes square footage from the quick-serve restaurant co-located with the proposed fueling station. Additionally, the Storage Units depicted on the Conceptual Grading Plans on the northeast side of the project site are not included in the CalEEMod analysis.

The EIR and Appendix B must be revised and recirculated to properly categorize each use within the proposed project to adequately and accurately estimate the potentially significant air quality impacts.

Section 7.35.010(B)(5) of the Riverside Municipal Code (RMC) prohibits construction activity between the hours of 7:00 P.M. and 7:00 A.M. Monday through Friday, and between 5:00 P.M. and 8:00 A.M. on Saturday. All such activities are also prohibited on Sundays. Thus, the legal hours of construction in the City of Riverside are 7:00 A.M. - 7:00 P.M., Monday - Friday and 8:00 A.M. - 5:00 P.M. on Saturday. The EIR does not provide a “worst-case scenario” analysis of construction equipment emitting pollutants for the legal 12 hours per weekday plus 9 hours on Saturday. It is legal for construction to occur for much longer hours and an additional day (6 days per week including Saturday) than modeled in the Air Quality Analysis. The Air Quality modeling must be revised to account for these legally possible longer construction days and increased number of construction days. If shorter hours of construction are proposed by the project, this must be reflected in the EIR analysis and included as an enforceable mitigation measure with field verification by an enforcement entity of the lead agency (CEQA § 21081.6 (b)).

The EIR claims that the cut and fill grading of the site will balance and 0 haul truck trips were included for analysis during all phases of construction. However, the EIR does not include any reasoning or evidence to support the claim that the entire site will balance cut and fill. At minimum, the project must excavate for flatwork such as sidewalks, patios, etc.; asphalt concrete roadways and parking lots including the asphalt thickness and aggregate base thickness; and building slabs for 8 commercial buildings, 2 hotel buildings, and 21 residential buildings. Also, utility trenching will require excavation, especially since project site drainage is proposed to be routed through a newly constructed underground storm drain system to connect to the 8 ft. Thornton storm drain on-site. The Air Quality Analysis must be revised to provide supporting evidence that the 34 acre site will balance cut and fill in order to provide reasoning to exclude any and all haul trips throughout project construction.



## 4.9 Land Use and Planning

### *Threshold 1*

The EIR refers to the Initial Study (IS) conclusion that development of the project would not divide an established community. However, the project plans propose to physically divide the existing residential community on Strong Street by placing storage units between two existing residential homes.



*Source: The Exchange Site Plan*

Neither the EIR or the IS discusses the location of the proposed storage units and their potentially significant impacts to the residences on Strong Street. Siting the storage units in this location will negatively impact the residential character of Strong Street and alter the low-density charm of the Northside Community pursuant to Riverside General Plan Land Use Element Objective LU-74. The storage units are not compatible with the existing character of the



neighborhood on Strong Street as there will be strikingly different storage unit buildings along the residential street instead of low-density compatible development. There is also no driveway access to this parcel which is out of character with the rest of Strong Street. The project architectural plans also do not include a rendering of the proposed storage units for visual comparison of the buildings with the surrounding neighborhood. The EIR must be revised and recirculated to include this information and evaluate the potentially significant impacts of physically dividing the established residential community on Strong Street with the proposed storage units.

### *Threshold 2*

The EIR concludes that “upon approval of the project, the proposed development would comply with all *new* applicable land use and zoning regulations.” However, there is no discussion or analysis regarding the proposed project’s compliance or incompatibility with the *existing* land use designations. Avoiding discussion of the project’s incompatibility with the existing General Plan Land Use and Zoning Designations is misleading to the public and decision makers. The EIR must be revised and recirculated with this analysis in order to comply with CEQA’s requirements for meaningful disclosure (CEQA § 21003(b)).

The EIR states that “The RMC allows for modification to various development standards in conjunction with certain permit issuance when sufficient reasoning is provided for the change. The project includes modifications to the provision that drive-thru restaurants and fueling stations be allowed on arterial roadways only, and to the requirement that a 6-foot tall block wall be constructed between a fueling station and a mixed-use development. The project also requests a grading exception to allow for certain retaining walls to be up to 12 feet in height.” However, the EIR does not include text of the existing applicable RMC Sections and the proposed changes to the RMC Sections in order to accommodate the project. The EIR also does not contemplate the potentially significant cumulative impacts of revising the RMC to allow drive-thru restaurants and fueling stations on streets other than arterial roadways. The potentially significant cumulative impacts of altering the RMC requirement that a 6-foot tall block wall be constructed between a fueling station and a mixed-use development is not analyzed, either. Further, Section 5.2.3 - Removal of Obstacles to Growth must be updated to include this information as well since the project proposes citywide changes in the RMC.

### *Cumulative Impacts*

The EIR that concludes there will be no significant cumulative impacts because “land use regulations and policy consistency impacts associated with other cumulative projects would be addressed on a case-by-case basis in order to determine their consistency with applicable plans

and policies.” However, this claim is not supported by evidence from the cumulative projects and the EIR must be revised to include this information. This is especially true given a lead agency's ability to approve a project notwithstanding significant environmental impacts. The EIR must be revised to include relevant information to support the claim that cumulative impacts will be less than significant.

#### 4.10 Noise

The EIR states that pursuant to Riverside Municipal Code Section 7.35.020(G) that construction noise is exempt from noise requirements and thus Appendix D does not include any construction noise analysis. However, the EIR does not discuss the Riverside General Plan Noise Element guidance which states “the Municipal Code limits noise levels from construction activities to the maximum permitted exterior noise level for the affected land use.”<sup>2</sup> Further, Policy N-1.3 states “Enforce the City of Riverside Noise Control Code to ensure that stationary noise *and noise emanating from construction activities*, private developments/residences and special events are minimized.” The EIR must be revised to include a technical noise analysis from construction of the project and compare it to the maximum permitted exterior noise level for the nearby sensitive receptors.

Although the technical Noise Analysis in Appendix D does not include a construction noise analysis, the EIR includes its own construction noise analysis. The EIR’s construction noise analysis employs the “reference noise levels reported in the FTA’s 2006 Transit Noise and Vibration Impact Assessment (FTA TNVIA)” to “estimate noise levels at nearby sensitive receptors based on a standard noise attenuation rate of 6 dBA per doubling of distance.” The EIR uses the FTA TNVIA as a threshold of significance to determine if project-related construction noise would generate a significant impact to sensitive receptors. The FTA specifically states that the purpose of the document is to provide “technical guidance for conducting noise and vibration analyses for transit projects.”<sup>3</sup>

Utilizing the FTA threshold for federally-funded transit projects is not appropriate to the proposed project as there is no transit element included with the project. The EIR gives no

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<sup>2</sup> Riverside General Plan Noise Element Amended February 2018. [https://riversideca.gov/planning/gp2025program/GP/10\\_Noise\\_Element\\_with%20maps.pdf](https://riversideca.gov/planning/gp2025program/GP/10_Noise_Element_with%20maps.pdf)

<sup>3</sup> Federal Transit Administration, Transit Noise and Vibration Impact Assessment 2018. [https://www.transit.dot.gov/sites/fta.dot.gov/files/docs/research-innovation/118131/transit-noise-and-vibration-impact-assessment-manual-fta-report-no-0123\\_0.pdf](https://www.transit.dot.gov/sites/fta.dot.gov/files/docs/research-innovation/118131/transit-noise-and-vibration-impact-assessment-manual-fta-report-no-0123_0.pdf)

supporting evidence or reasoning regarding the applicability of the FTA document. The EIR is misleading to the public and decision makers by utilizing the FTA document for analysis and must be revised to utilize an appropriate threshold of significance for construction noise analysis. The applicable threshold of significance is outlined in the Riverside General Plan Noise Element as the maximum permitted exterior noise level for the affected land use in the RMC.

The EIR is inconsistent with the Noise Analysis included in Appendix D. *Table 4.10-1: 24-Hour Ambient Noise Level Measurements* is included in the EIR to list the Ambient Noise Level Measurements at nearby locations. In Appendix D, this information is in *Table 5-1: 24-Hour Ambient Noise Level Measurements*. The two tables should list the same information but they do not match. Specifically, the distances from the receptor location to the project site are different in the EIR table than in the Appendix D table. For example, Measurement Location L7 is listed as 90 feet away from the project site in the EIR table but in the Appendix D table L7 is listed as 860 feet away from the project site. The EIR does not discuss this discrepancy and is an inadequate informational document which is misleading to the public and decision makers.

The EIR states regarding cumulative noise impacts that “construction activities at the related projects and developments in the area would generate similar noise levels as the proposed project.” The EIR does not provide construction noise levels for any cumulative projects “because construction schedules are not known for all projects” yet still concludes that “the project would not contribute considerably to temporary cumulative construction noise and vibration impacts.” The EIR’s claims regarding cumulative noise impacts are not supported by evidence and the EIR must be revised to include this information. This is especially true given a lead agency's ability to approve a project notwithstanding significant environmental impacts. The EIR must be revised to include information to support the claim that cumulative construction noise impacts will be less than significant. This is also true for both these statements regarding cumulative vibration impacts.

#### **4.12 Transportation and Traffic**

The EIR employs uncertain language by stating that construction traffic “is not *expected* to result in traffic deficiencies related to trips from construction employees, export of materials, and import of construction materials, etc.” There is no discussion or analysis of potentially significant impacts due to construction traffic in the technical traffic appendix either. The claim and conclusion that construction of the proposed project will not result in significant impacts must be quantifiably verified in order for the EIR to be a reliable informational document.

Table 4.12-5 Project Trip Generation lists footnote 5 associated with pass-by reduction of 25% for the fast food restaurant and gas station with market and car wash land uses. However, text for footnote 5 is not included in the table in order to give a source for this increased trip reduction. The EIR is inadequate as an informational document and must be revised to include this information.

The following Mitigation Measures are included which require the project to pay its fair share of fees towards improvements:

T-4: Intersection #14 (Caltrans) - West La Cadena Drive and Interchange Street/I-215 Southbound Ramps. Prior to the issuance of building permits, the applicant shall contribute their fair-share amount for the recommended improvements, which consist of signalization, a northbound left turn lane, and a southbound left turn lane.

T-5: Intersection #16 (Caltrans) - La Cadena Drive and I-215 Northbound Ramps. Prior to the issuance of building permits, the applicant shall contribute its fair-share amount for the recommended improvements at this intersection, which consists of signalization, restriping the northbound through lane as a shared through-left lane and construction of a second receiving lane on the on-ramp.

T-6: Intersection #1 (City of Colton) - Riverside Avenue/Main Street and Placentia Lane. Prior to the issuance of building permits, the applicant shall contribute their fair-share amount for the recommended improvements, which consist of installation of a traffic signal.

#### Mitigation Measures for Cumulative Impacts

T-9: Intersection #1 (City of Colton) - Riverside Avenue/Main Street and Placentia Lane. Prior to the issuance of building permits, the applicant shall contribute their fair-share amount for the recommended improvements, which consist of construction of a southbound approach to provide a second left turn lane.

T-10: Intersection #5 (Caltrans) - Main Street and SR 60 EB Ramps. Prior to the issuance of building permits, the applicant shall contribute their fair-share amount for the recommended improvements, which consist of construction of a second southbound left turn lane.

T-11: Intersection #14 (Caltrans) - West La Cadena Drive and Interchange St/I- 215 Southbound Ramps. Prior to the issuance of building permits, the applicant shall contribute their fair-share

amount for the recommended improvements, which consist of construction of a second southbound left turn lane and the westbound approach to provide a left turn lane.

The EIR states that “the City of Riverside recognizes fair share contributions to be considered appropriate mitigation in order to reduce *project-specific impacts* to less than significant levels. These programs are recognized as City policy decisions and assumed to be implemented as soon as fully-funded.” However, there is no source for this claim or documentation provided for the City of Riverside’s recognition of this statement. Additionally, Table 1-3 of the Traffic Impact Assessment (Appendix L) indicates that the improvements required for Intersection #1 and Intersection #5 are *not* included a DIF/TUMF program. An assessment of fees is appropriate when linked to a specific mitigation program. (*Anderson First Coalition v. City of Anderson* (2005) 130 Cal.App.4th 1173, *Save our Peninsula Comm. v. Monterey County Bd. Of Supers.* (2001) 87 Cal.App.4th 99, 141.) Payment of fees is not sufficient where there is no evidence mitigation will actually result. (*Gray v. County of Madera* (2008) 167 Cal.App.4th 1099,1122.) The assessment of fees here is not adequate as there is no evidence mitigation will actually result. Mitigation Measures T-4, T-5, T-6, T-9, T-10, and T-11 represent uncertain mitigation and are improperly deferred in violation of CEQA.

Also, Intersections #1 (City of Colton), #5 (Caltrans), #14 (Caltrans), and #16 (Caltrans) are all outside of the City of Riverside’s jurisdiction. Payment of fees is not an acceptable mitigation measure when the improvements are in a jurisdiction beyond the scope of the lead agency. An assessment of fees is appropriate when linked to a specific mitigation program. (*Anderson First Coalition v. City of Anderson* (2005) 130 Cal.App.4th 1173, *Save our Peninsula Comm. v. Monterey County Bd. Of Supers.* (2001) 87 Cal.App.4th 99, 141.) Payment of fees is not sufficient where there is no evidence mitigation will actually result. (*Gray v. County of Madera* (2008) 167 Cal.App.4th 1099,1122.) The assessment of fees here is not adequate as there is no evidence mitigation will actually result. Mitigation Measures T-4, T-5, T-6, T-9, T-10, and T-11 represent uncertain mitigation and are improperly deferred in violation of CEQA.

It must also be noted that fair share payments for improvements required for mitigation at Intersection #12 and Intersection #17 in the City of Riverside are not included in a DIF/TUMF, either.

Further, the EIR’s logic that “the City of Riverside recognizes fair share contributions to be considered appropriate mitigation in order to reduce *project-specific impacts* to less than significant levels” does not support implementation of Mitigation Measures T-9, T-10, and T-11 to reduce cumulative traffic impacts to less than significant levels. Cumulative impacts include



traffic from projects and other factors beyond the proposed project. The EIR's logic that the City of Riverside approves of fair share payments as appropriate mitigation for *project-specific* impacts does not support the conclusion that fair share payments will mitigate significant cumulative traffic impacts.

#### **4.15 Impacts Found to be Less Than Significant**

##### *Population and Housing*

The EIR concludes that the project has less than significant impacts to population growth because the project is estimated to increase the population by 1,897 persons, which is approximately 2.8 percent of the total anticipated growth of the City to 2040 according to SCAG's 2016 RTP/SCS projections. However, the EIR does not discuss that the population growth will exceed SCAG's projections because the proposed project requires a General Plan Amendment to be implemented, increasing the number of units assumed at General Plan Build Out by SCAG. SCAG's 2016 RTP/SCS population projections utilized the existing Riverside General Plan Land Use designations for analysis. The EIR fails to discuss or analyze this fact. The EIR must be revised to include this analysis in order to present the project's potentially significant impacts and be an adequate informational document.

Further, the EIR concludes that the cumulative population growth will be approximately 7,702 people based on 2,422 dwelling units in the cumulative projects list encompassing the City of Colton, City of Jurupa Valley, and the County of Riverside. However, the 7,702 person increase underestimates the actual population increase. The EIR utilizes the City of Riverside's 3.18 persons average household size for analysis (2,422 dwelling units x 3.18 persons per unit = 7,702 people). However, this is inappropriate as the other jurisdictions have varying household sizes. For example, the City of Colton average household size is 3.5 persons per household<sup>4</sup>. The EIR must be revised to properly calculate the population of each cumulative project utilizing the average household size of each jurisdiction. The same is true for the cumulative employees generated by the project. Section 5.2 - Growth Inducement of the EIR must also be revised with this information in order for the EIR to be an adequate informational document.

#### **Conclusion**

For the foregoing reasons, GSEJA believes the EIR is flawed and an amended EIR must be prepared for the proposed project and recirculated for public review. Golden State

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<sup>4</sup> Profile of the City of Colton, Southern California Association of Governments. May 2015. <http://www.ci.colton.ca.us/DocumentCenter/View/2594>

Environmental Justice Alliance requests to be added to the public interest list regarding any subsequent environmental documents, public notices, public hearings, and notices of determination for this project. Send all communications to Golden State Environmental Justice Alliance P.O. Box 79222 Corona, CA 92877.

Sincerely,

A handwritten signature in dark ink, appearing to read "J. K. Garcia". The signature is written in a cursive, flowing style.

Board of Directors  
Golden State Environmental Justice Alliance

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Sergio San Martin, Assistant Superintendent  
Operations Division • 3380 14<sup>th</sup> Street, Riverside, CA 92501 • 951-788-7135, x80413

February 28, 2019

City of Riverside  
Planning Division  
Community & Economic Development Department  
3900 Main Street, 3<sup>rd</sup> Floor  
Riverside, CA 92522

Attn: Brian Norton, Senior Planner

Re: **Response to Environmental Impact Report for The Exchange Project**

Dear Mr. Norton:

The Riverside Unified School District (“District” or “RUSD”) appreciates the opportunity to provide the comments with respect to the Environmental Impact Report (EIR) for The Exchange Project. The proposed mixed-use project consists 482 multi-family units, commercial structures, fueling station, drive-thru restaurant, two hotels, and RV parking. The District anticipates the proposed project could generate up-to 289 students to be housed at existing District schools, as shown in Table 1 below. As the City is aware from previous meetings and communication, the District is planning the construction of two new classroom buildings with twelve classrooms and new pick-up/drop-off, 17 stall parking area at Fremont Elementary School (“Fremont”).

Table 1 – Student Generation

| School Level        | *Student Generation Rate for Multi-Family Units | Number of Proposed Units | Students Potentially Generated by the Project |
|---------------------|---|--------------------------|---|
| Elementary School   | .4444   | 482                      | 214   |
| Intermediate School | .0486   | 482                      | 19  |
| High School         | .1181   | 482                      | 56  |
| <b>Total</b>        | <b>.6111</b>                                    | <b>482</b>               | <b>289</b>                                    |

\*Source: 2018 School Facilities Needs Analysis. Rates are based on based on multi-family development in RUSD in the last five years.

In accordance with Government Code Section 65995, RUSD requires all new development within the District to pay fees to help offset the impacts to school facilities from residential and commercial development. RUSD understands that impact fees per Gov. Code 65995 constitute full and complete mitigation for the new students generated by The Exchange development. However, indirect impacts to schools are not mitigated by developer fees (Chawanakee USD vs. Madera Co. 2011), and should be adequately analyzed and addressed in the EIR.



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The District has the following comments regarding the analysis contained in the EIR and the indirect impacts to Fremont Elementary School:

### Safety Hazards:

- 1) The Traffic Impact Analysis (TIA) includes analysis of both an interim layout and ultimate layout for the Orange Street/Driveway 1 intersection directly east of Fremont Elementary. The District has significant concerns regarding both proposed layouts. As stated in the Initial Study, the draft TIA was prepared January 2018, but was not publicized as part of the Initial Study. It is important to note that RUSD requested a copy of the TIA several times via formal letters, phone, and email starting in March 2018 but was instructed by the City to review the TIA in the EIR. As such, the District was unable to respond to the prior circulated Notice of Preparation. The two formal letters sent to the City are attached for reference (Attachment 1 and 2).
  - a. The interim intersection layout has a proposed crosswalk aligning with the median of the existing Fremont parking lot. This will result in a significant safety hazard of students having to cross vehicle traffic on Orange Street and at either one of the two Fremont driveways to access the school's on-site walkways.

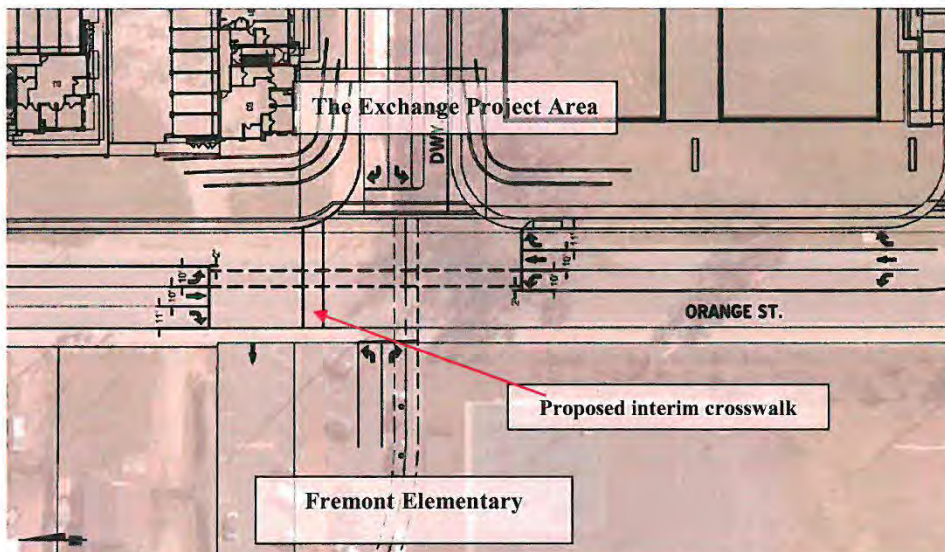


Exhibit 8-2 included in the Urban Crossroads TIA report dated November 30, 2018 (EIR Appendix L: Traffic Impact Assessment)

The interim layout, as proposed, does not comply with the Education or Mobility Elements of the City of Riverside General Plan 2025 for Safe Routes to Schools. City Policy CCM-8.2 is to promote walking and biking as a safe mode of travel for children attending local schools. CCM-8.3 is to apply traffic management



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approaches to address congestion in areas with unique problems, particularly on roadways and intersections in the vicinity of schools. CCM-8.4 gives priority to sidewalk and curb construction in areas near schools. The interim intersection layout does not align the crosswalk with the existing school walkways, and would result in a significant safety hazard for the approximately 214 elementary students crossing the street Monday – Friday. RUSD requests the City revisit the design of the interim intersection layout to reduce this significant pedestrian safety hazard (see proposed measures below).

- b. The project is anticipated to generate 10,446 trips per day. The TIA indicates that the majority of all vehicle trips will access Driveway 1, including 72% of all commercial, 75% of all hotel, and 85% of all residential trips per day. With 72-85% of all vehicle trips accessing Driveway 1, this intersection should be a more significant focus of the TIA and roadway improvements. However, of the 132-page TIA report, this driveway was limited to a one-page analysis (TIA, p. 113), with no discussion of crosswalk safety measures, and more importantly, none of the project traffic mitigation fees are allocated to Driveway 1. This directly conflicts with the City General Plan objectives and policies to “apply traffic management approaches... particularly on roadways and intersections in the vicinity of schools” and “promote walking and biking as a safe mode of travel for children attending local schools.”
- c. Furthermore, the TIA analysis of Driveway 1 is invalid. The TIA concludes that there is no significant impact at Driveway 1, however, this conclusion is based on using the ultimate intersection layout. The ultimate intersection layout depicts an alteration of Fremont’s north driveway that was never approved by RUSD.

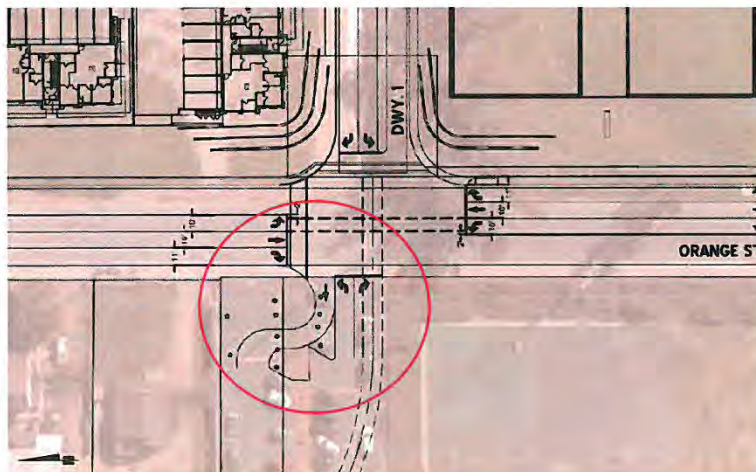


Exhibit 8-3, the “ultimate design” included in the Urban Crossroads TIA report dated November 30, 2018. Shows an alteration to Fremont’s parking lot that was never approved by RUSD.

(EIR Appendix L: Traffic Impact Assessment)



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As stated in previous communications with the City and developer, this proposed driveway alteration must impose no financial responsibility to RUSD for the cost of the construction. RUSD has no plans to implement such a proposed alteration. It was RUSD's understanding that the ultimate layout would not be proposed to be implemented as part of the project. Therefore, is should not be utilized to conclude that the project will not have an impact. Any such proposed alteration must be planned and authorized with District Planning and Development staff prior to the Planning Commission meeting on March 21, 2019.

- d. The project, as proposed, will create a significant safety impact to pedestrians crossing Orange Street and conflict with the City's and District's responsibility to provide safe routes to schools. RUSD requests the following mitigation, at a minimum, to improve pedestrian safety at Driveway 1 and correct the EIR analysis.
  - i. Redesign the interim intersection layout by moving the crosswalk northward to align with the existing Fremont walkway, thus eliminating the need for students to cross vehicle traffic at the Fremont driveways.
  - ii. Amend the TIA report references from "ultimate intersection layout" to "recommended intersection layout." As currently published, the TIA is misleading to the public that the ultimate intersection layout will "ultimately" be implemented, which is a falsehood as currently proposed.
  - iii. Install supplemental school zone safety measures, such as pavement markings, "SCHOOL" advance warning signs, school speed limit signs, and crossing signs.
  - iv. The sidewalk at the entrance of the crosswalk on the project site should be designed to a wider-than-standard width to accommodate the peak-hour queuing of students waiting to cross to ensure overflow students are not queuing in the street.
- 2) The project proposes a fueling station convenience store in the southwest corner of the site. If this convenience store is to sell alcohol and tobacco, as most do, there are standards for siting such facilities within the vicinity of a school. The California Business and Professions Code 23789(b) conveys the Department Alcohol Beverage Control (ABC) the authority to refuse the issuance of retail licenses for premises located within six hundred (600 feet) of schools. The proposed convenience store is proposed 150 feet from Fremont.
- 3) The EIR addresses air quality for placement of a fueling station near a school, but it does not address potential hazards for placement of a fuel tank within proximity of a school site. The fueling station is proposed 150 feet from the school. California Code of Regulations, Title 5, sites restrictions for proximity of a school site to a fuel storage tank or pipeline "that can pose a safety hazard as determined by a risk analysis study conducted by a



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professional.” In order to comply with Title 5, RUSD requests preparation of a risk analysis study prior to certification of the EIR.

- 4) The District must also comply with requirements of the State Department of Toxic Substances Control (DTSC). If it were the case of RUSD placing a school site in proximity to a gas station, RUSD would be required to perform on-going groundwater monitoring to ensure any contaminated groundwater from the gas station does not migrate to the school site. Fremont is down-slope from the proposed gas station, and there is the possibility of an underground plume migrating the 150-foot distance from the gas station onto the school site. The District requests a mitigation measure for annual groundwater monitoring at the southwest perimeter of the property, and annual notification to RUSD, to ensure no future hazard is created by the placement of the gas station in proximity to a school that would make RUSD non-compliant with DTSC standards.

#### **Air Quality:**

- 5) The EIR states project construction will take three years (Page 4.2-16). The air quality analysis used 21 months of construction in its calculations (Page 4.2-10), which does not analyze the entire length of construction whether it's two or three years. The analysis should be recalculated to evaluate the impact of the entire duration of construction.
- 6) The EIR states soil hauling trips were not analyzed since soils would only be moved to other areas of the site disturbance. This assumption in the air quality analysis was based on a maximum of 4.0 acres of ground disturbing activity per day as compared with localized significance thresholds. Since the unmitigated and mitigated emissions were calculated with this assumption, a mitigation measure should be added to ensure compliance with the maximum allowable daily disturbance of 4.0 acres per day.
- 7) The nearest sensitive receptors at Fremont are the play courts and fields approximately 50 feet from the property line. The students have recess, lunch, and physical education that utilize this play area daily Monday - Friday. The dust generated during site preparation of the southwest portion of the site will have a significant impact on the air quality of the outdoor student activities. In consideration of the proximity to the sensitive receptors at Fremont, the District requests Mitigation Measure AQ-2 be amended for one-hour watering when site preparation or grading activities occur on the southwest portion of the site and that green screens be added to fencing.

#### **Correction to Fremont Capacity:**

- 8) Page 4.15-8 references RUSD's 2012 Fee Justification Study (FJS); however, the 2018 Fee Justification Study should have been referenced as the most updated report at the time of preparation of the EIR. The FJS was publicized and notice was provided to the City on

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March 8, 2018. The 2018 report indicates deficient capacity at the elementary level, which contradicts the statement in the EIR. The EIR also references the RUSD Long Range Facilities Master Plan. It should be noted that the master plan indicates the ideal capacity of an elementary school to be 750, but that does not mean the existing capacity of Fremont is 750.

**Utilities:**

- 9) Page 4.15-10 indicates the project is anticipated to generate 0.12 million gallons of wastewater per day. The existing 10-inch diameter sewer line that traverses through the project site is likely not adequate to support this quantity. This same sewer line traverses underground through the Fremont site. Considering the age and location of the line, RUSD requests that if this existing line is inadequate to serve the proposed project, this line be abandoned. District staff requests that City staff provide copies of the project sewer plans.

**Cumulative Impacts:**

- 10) The EIR fails to recognize the Fremont classroom wing addition project in its analysis of cumulative projects and impacts. The Fremont addition project proposes the construction of a new classroom wing and parking lot directly across the street from the proposed Exchange project. Construction of this District project is anticipated to commence in 2020, which is in the same timeframe as construction of The Exchange project. The Fremont project should be considered in analyzing cumulative impacts for vehicle trips, air quality, and any other area with the potential to have cumulative impacts.

One final point that the District would like to emphasize is that we do not oppose this project. In fact, we understand the necessity for housing in the region and the positive impacts of commercial endeavors. However, it should not be at the expense of student safety considering that the proposed design creates significant safety hazards. Therefore, the District respectfully requests that the City postpone the Planning Commission meeting scheduled for March 21, 2019 until the safety concerns at Driveway 1/Orange Street are addressed.

Sincerely,

Sergio San Martin  
Assistant Superintendent, Operations Division

CC:

Dr. David Hansen, Superintendent, RUSD



**BOARD OF EDUCATION**

Dr. Angelov Farooq, *President* | Mrs. Kathy Allavie, *Vice President*  
Mr. Tom Hunt, *Clerk* | Mr. Brent Lee, *Member* | Mrs. Patricia Lock-Dawson, *Member*  
David C. Hansen, Ed.D., *Superintendent*

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Mays Kakish, Chief Business Officer, RUSD  
Ana Gonzalez, Director, Planning & Development, RUSD  
Al Zelinka, City Manager, City of Riverside  
Nathan Mustafa, City Traffic Engineer, City of Riverside  
Gilbert Hernandez, Deputy Director, Public Work, City of Riverside  
Mary Kopaskie, City Planner, City of Riverside

**Attachments:**

- 1- March 16, 2018 letter to Brian Norton, Senior Planner, City of Riverside
- 2- February 8, 2019 letter to Brian Norton, Senior Planner, City of Riverside



**Riverside Unified School District**  
**Operations Division – Planning and Development**

3070 Washington Street, Riverside, CA 92504-4697 • (951) 788-7496 • (951) 778-5646

March 16, 2018

Brian Norton, Senior Planner  
Community and Economic Development Department  
City of Riverside  
3900 Main Street  
Riverside, CA 92501

RE: Northgate Development Project Adjacent to Fremont Elementary School

Dear Mr. Norton,

Thank you for giving Riverside Unified School District an opportunity to review the aforementioned project. Due to the proximity of the project to Fremont Elementary School, we request review of the following items:

- Traffic study
- Air quality study
- Entitlement and construction schedule

We also ask that entitlements include measures that ensure construction is coordinated with the RUSD Planning and Development Department to ensure minimal impact to Fremont students and staff.

If you have any questions please contact Gaby Adame at 951-788-7496 Ext. 84708 or [gadame@rusd.k12.ca.us](mailto:gadame@rusd.k12.ca.us).

Respectfully,

Ana Gonzalez, Director  
Planning and Development

CC: Sergio San Martin, Assistant Superintendent  
Shani Dahl, Principal, Fremont Elementary School



BOARD OF EDUCATION  
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Mr. Tom Hunt  
Mr. Brent Lee

## Riverside Unified School District

ADMINISTRATION BUILDING  
3380 14<sup>TH</sup> STREET • P.O. BOX 2800  
RIVERSIDE, CALIFORNIA 92516

SERGIO SAN MARTIN  
ASSISTANT SUPERINTENDENT  
OPERATIONS DIVISION  
(951) 788-7135, EXT. 80413  
FAX: (951) 778-5668

David C. Hansen, ED.D.  
District Superintendent



February 8, 2018

Brian Norton  
Planning and Development  
City of Riverside  
3900 Main Street  
Riverside, California 92522

Re: Fremont Elementary School Located on 1925 Orange St. Riverside, CA 92501

Dear Mr. Norton:

The Riverside Unified School District (RUSD) has been in contact with Mr. Guthrie who is planning an apartment complex across from our Fremont Elementary School. We met with Mr. Guthrie and his team, along with Gilbert Hernandez, City Traffic Engineer, on August 30, 2018 to discuss his project. As you may be aware, RUSD is planning new construction and modernization to our school site. We have expressed to Mr. Guthrie that the work planned for Fremont ES will not likely start until approximately the year 2020.

Mr. Guthrie has submitted two (2) options to the City of Riverside: Interim Option and Ultimate Option (enclosed). The Ultimate Option shows a drive approach relocation to the easterly side of the existing parking lot. These options were submitted to the City after our meeting without RUSD's review. We have informed Mr. Guthrie that RUSD did not intend, nor has it planned, changes to the existing parking lot during our project. RUSD does not have the resources to add these changes to our scope of work. Additionally, the modifications in the Ultimate design reduce the number of existing parking stalls at a school where parking is already severely impacted.

To date we have no further information regarding the apartment complex planned by Mr. Guthrie. This letter serves to notify the City of Riverside that RUSD has not planned or approved the changes in the Ultimate Design Option. If you have any questions or concerns, please contact the undersigned at (951) 788-7496.

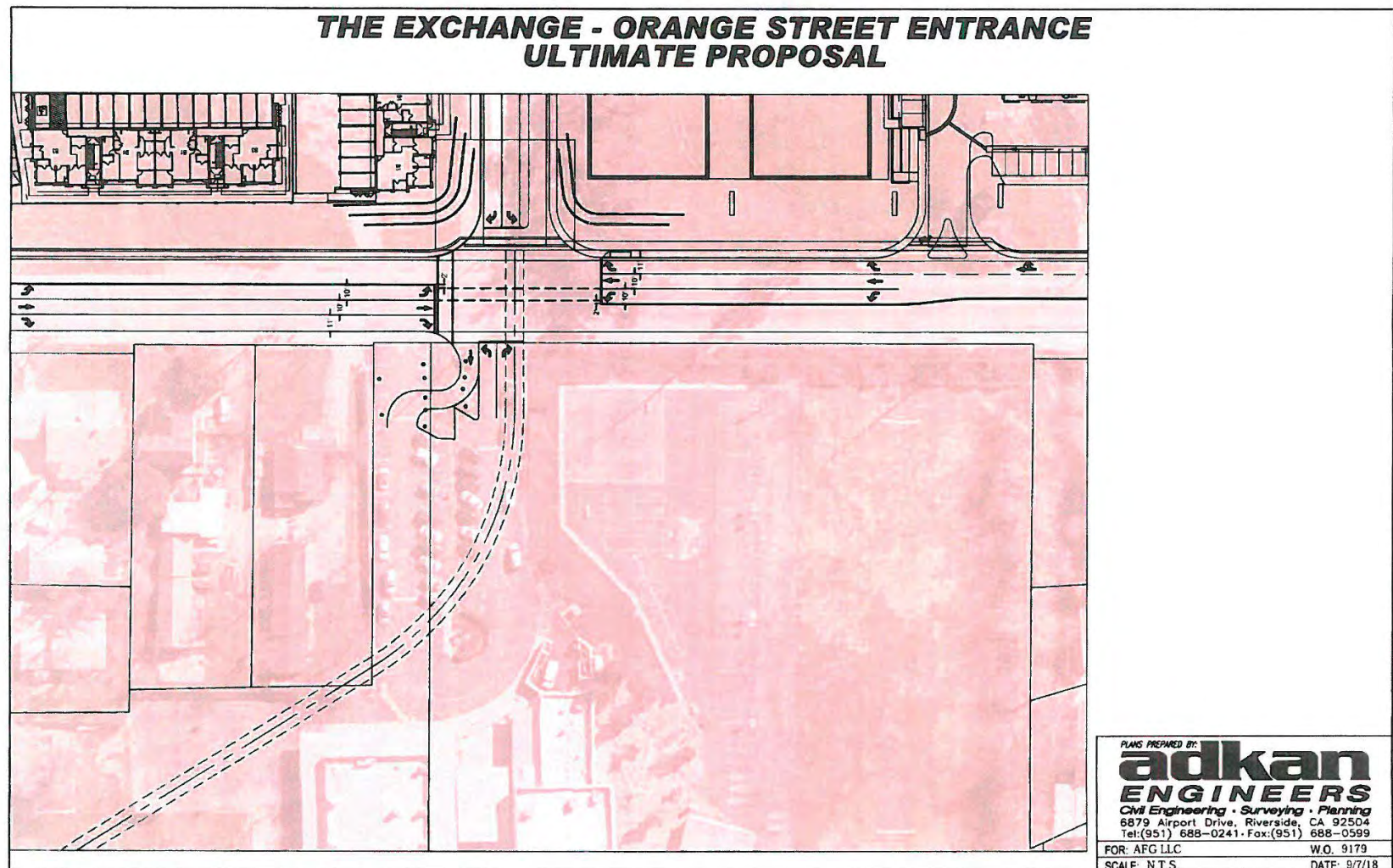
Sincerely,

  
Ana Gonzalez

cc: Sergio San Martion, Operations, Asst. Superintendent (electronic)  
Gilber Hernandez, Riv. City Traffic Eng. (electronic)

Enc. Exhibits:  
-Interim Option  
-Ultimate Option

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BOARD OF EDUCATION  
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President  
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Mr. Tom Hunt  
Mr. Brent Lee

## Riverside Unified School District

ADMINISTRATION BUILDING  
3380 14<sup>TH</sup> STREET • P.O. BOX 2800  
RIVERSIDE, CALIFORNIA 92516

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OPERATIONS DIVISION  
(951) 788-7135, EXT. 80413  
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David C. Hansen, ED.D.  
District Superintendent



February 8, 2018

Brian Norton  
Planning and Development  
City of Riverside  
3900 Main Street  
Riverside, California 92522

Re: Fremont Elementary School Located on 1925 Orange St. Riverside, CA 92501

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Sincerely,

  
Ana Gonzalez

cc: Sergio San Martion, Operations, Asst. Superintendent (electronic)  
Gilber Hernandez, Riv. City Traffic Eng. (electronic)

Enc. Exhibits:  
-Interim Option  
-Ultimate Option

005074.00006  
22539214.1





Gavin Newsom  
Governor

STATE OF CALIFORNIA  
Governor's Office of Planning and Research  
State Clearinghouse and Planning Unit



Kate Gordon  
Director

March 1, 2019

Brian Norton  
City of Riverside  
3900 Main Street, 3rd Floor  
Riverside, CA 92522


Subject: The Exchange  
SCH#: 2018071058

Dear Brian Norton:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. The review period closed on February 28, 2019, and no state agencies submitted comments by that date. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

Please call the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process. If you have a question about the above-named project, please refer to the ten-digit State Clearinghouse number when contacting this office.

Sincerely,

  
Scott Morgan  
Director, State Clearinghouse

Draft Environmental Impact Report – City's Website  
<https://riversideca.gov/planning/>