



The Exchange Project

Final Environmental Impact Report

SCH#2018071058

prepared by

City of Riverside

Planning Division, Community Development Department

3900 Main Street, 3rd Floor

Riverside, California 92522

Contact: Brian Norton, Senior Planner

prepared with the assistance of

Rincon Consultants, Inc.

2215 Faraday Avenue, Suite A

Carlsbad, California 92008

June 2019

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RINCON CONSULTANTS, INC.

Environmental Scientists | Planners | Engineers

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1 Introduction

1.1 Purpose of the EIR Process

This Final Environmental Impact Report (Final EIR) is an informational document prepared by the City of Riverside to evaluate the potential environmental impacts of the proposed Exchange project. The primary objectives of the EIR process under the California Environmental Quality Act (CEQA) are to inform decision-makers and the public about a project's potentially significant environmental effects, identify feasible ways to minimize significant effects, and consider a reasonable range of alternatives to the project. This Final EIR has been prepared with assistance from the City of Riverside's planning and environmental consultant, Rincon Consultants, Inc. The Final EIR has been reviewed by City staff for completeness and adequacy in accordance with Public Resources Code (PRC) Sections 21000–21177 and the State CEQA Guidelines.

As prescribed by the State CEQA Guidelines Sections 15088 and 15132, the lead agency, the City of Riverside, is required to evaluate comments on significant environmental issues received during the 45-day public comment period and any extensions, and may respond to late comments, from persons who have reviewed the Draft EIR and to prepare written responses to those comments. (CEQA Guidelines, § 15088.) This Final EIR, together with the Draft EIR (incorporated by reference in accordance with State CEQA Guidelines Section 15150) will comprise the Environmental Impact Report (EIR) for this project. Pursuant to the requirements of CEQA, the City of Riverside must certify the EIR as complete and adequate prior to any potential approval of the project or a project alternative.

This Final EIR contains individual responses to each comment received during the public review period for the Draft EIR. In accordance with State CEQA Guidelines Section 15088(c), the written responses describe the disposition of significant environmental issues raised.

1.2 EIR Certification Process and Consideration of Project Approval

In accordance with the requirements of CEQA and the procedures of the City of Riverside, the EIR must be certified as complete and adequate prior to any potential final action on the proposed project. Once the EIR is certified and all information considered, using its independent judgment, the City can choose to take no action, or to take action to go forward with the proposed project, make changes, or select an alternative to the proposed project. While the information in the EIR does not constrain the City's ultimate decision under its land use authority, the City must respond to each significant effect and mitigation measure identified in the EIR as required by CEQA by making findings supporting its decision.

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2 Response to Comments

This Response to Comments (RTC) document provides responses to public and agency written comments received by the City of Riverside on the Draft Environmental Impact Report (EIR) for the proposed Exchange Project (project). The Draft EIR identifies the likely environmental consequences associated with development of the proposed project, and recommends mitigation measures to reduce potentially significant impacts. In addition to providing responses to public and agency comments received on the Draft EIR, this RTC document also makes revisions to the Draft EIR to clarify or amplify the existing analysis, as necessary, in response to those comments or to make clarifications to information presented in the Draft EIR.

2.1 Environmental Review Process

According to the California Environmental Quality Act (CEQA), lead agencies are required to consult with public agencies having jurisdiction over a proposed project and to provide the general public with an opportunity to comment on the Draft EIR.

On July 25, 2018, the City of Riverside circulated a Notice of Preparation (NOP) for a 30-day period to identify environmental issue areas potentially affected if the proposed project were to be implemented. As discussed in Section 1.3 of the Draft EIR, the NOP was posted with the County Clerk, mailed to public agencies, the State Clearinghouse, organizations, and individuals considered likely to be interested in the proposed project and its potential impacts, and posted in the local newspaper, the Press Enterprise. Comments received by the City of Riverside on the NOP are summarized in Table 1-1 of the Draft EIR. These comments were taken into account during the preparation of the Draft EIR.

The Draft EIR was made available for public review on January 15, 2019, and was distributed to local and State responsible and trustee agencies. Copies of the Notice of Availability of the Draft EIR were mailed to a list of interested parties, groups and public agencies, as well as property owners and occupants of nearby properties. The Draft EIR and an announcement of its availability were posted electronically on the City's website, and paper copies were available for public review at City Hall and both the Main and SPC Jesus S. Duran Eastside public libraries (located at 3581 Mission Inn Avenue and 4033-C Chicago Avenue, respectively). The Notice of Availability of the Draft EIR was also posted at the office of the Riverside County Clerk.

The 45-day CEQA public comment period began on January 15, 2019 and ended on March 1, 2019. The City of Riverside received six comment letters on the Draft EIR prior to the close of the public comment period. The City also received two additional comment letters on the Draft EIR after the close of the public comment period, but prior to the Planning Commission hearing on March 21, 2019. Copies of all written comments on the Draft EIR received are included in Section 2.3 of this document, as are responses to those comments.

2.2 Organization of Comment Letters and Responses

This section presents a list of comment letters received on the Draft EIR and describes the organization of the letters and comments that are provided in Section 2.3, *Comments and Responses*, of this document. The letters are presented in the following order: State agencies (1), regional and local public agencies (2), and private groups and organizations (3), and individuals (4).

Each comment letter has been numbered sequentially and each separate issue raised by the commenter has been assigned a number. The responses to each comment identify first the number of the comment letter, and then the number assigned to each issue. For example, Response 1.1 indicates that the response is for the first issue raised in comment Letter 1.

Letter Number and Commenter	Agency/Group/Organization/Individual	Page Number
State Agencies		
1. Scott Morgan, Director	State Clearinghouse	5
Regional and Local Agencies		
2. Lijin Sun, Program Supervisor	South Coast Air Quality Management District	7
3. Sergio San Martin, Assistant Superintendent, Operations Division	Riverside Unified School District	29
Private Groups and Organizations		
4. Josh, Bourgeois, Board of Directors	Golden State Environmental Justice Alliance	48
5. Nicholas Whipps and Ashley McCarroll	Wittwer Parkin LLP	78
6. Richard Drury	Lozeau Drury LLP	101
Letters Received After the Close of the Public Comment Period, but Prior to the Planning Commission Hearing		
7. Cindy Roth, President/CEO	Chamber of Commerce	104
8. Erin Snyder	Neighborhood Resident	106

2.3 Comments and Responses

Written responses to each comment letter received on the Draft EIR are provided in this section. All letters received on the Draft EIR are provided in their entirety.

Please note that some text within individual letters has not been numbered because it does not specifically raise environmental issues nor relate directly to the adequacy of the information or analysis within the Draft EIR, and therefore that comment is not enumerated nor is a response required, per *State CEQA Guidelines* Sections 15088 and 15132.

Revisions to the Draft EIR necessary in light of the comments received and responses provided, or necessary to amplify or clarify material in the Draft EIR, are included in the responses. Underlined text represents language that has been added to the Draft EIR; text with ~~strikeout~~ has been deleted from the Draft EIR. All revisions are then compiled in the order in which they would appear in the Draft EIR (by page number) in Section 3, *Revisions to the Draft EIR*, of this document. Page numbers cited in this section correspond to the page numbers of the Draft EIR. When mitigation measure language has been changed, it has been changed in the text on the stated Draft EIR page, the summary table (Draft EIR Table 1) in the Executive Summary of the Draft EIR, and the Mitigation Monitoring and Reporting Plan (MMRP). The Final EIR includes the responses to comments on the Draft EIR provided herein and the text of the Draft EIR, revised based on responses to comments and other information.



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:

1.1. 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

Letter 1

COMMENTER: Scott Morgan, Director, State Clearinghouse

DATE: March 1, 2019

Response 1.1

The commenter states that the Draft EIR was submitted to the selected state agencies for review and no comments had been received by the close of the review period. The commenter acknowledged the Draft EIR and project have complied with the State Clearinghouse review requirements pursuant to the California Environmental Quality Act (CEQA).

This comment does not affect the analysis completed or conclusions provided in the Draft EIR, does not provide new information or evidence related to the analysis completed in the Draft EIR, and does not reflect on the adequacy or content of the Draft EIR.

This comment is noted for the record, and no changes to the Draft EIR are required.



South Coast Air Quality Management District

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

SENT VIA E-MAIL AND USPS:

March 1, 2019

BNorton@riversideca.gov

Brian Norton, Senior Planner

City of Riverside, Community & Economic Development Department

Planning Division

3900 Main Street, 3rd 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 2023¹.

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 (≤ 10 grams/liter), and MM AQ-2 requires all actively graded areas to be watered in two-hour intervals (four times per day)². The Lead Agency also found that operational emissions from NO_x [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 risk³.

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

² *Ibid.* Page 4.2-26.

³ *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)⁴, 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 details⁵.

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

⁴ 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>.

⁵ DEIR. Appendix E. Pages 21 and 28.

2.8.
cont.

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 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 2016⁶. 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 effects⁷. 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) Guidance⁸ 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 2005⁹. 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.

⁶ 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/>.

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

⁸ 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>.

⁹ 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

- 2.12. 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.¹⁰” 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.

2.13. 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 filters¹¹, 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

- 2.14. 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;

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

¹¹ 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>.

2.14.
cont.

- 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

2.15.

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 projects¹². 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^{13,14}. 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

2.16.

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,

¹² 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.

¹³ DEIR, Appendix B, *Air Quality Impact Analysis*, Page 63.

¹⁴ 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*¹⁵.

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 Construct¹⁶, Rule 203 – Permit to Operate¹⁷, Rule 461 – Gasoline Transfer and Dispensing¹⁸, and Rule 1401 – New Source Review of Toxic Air Contaminants¹⁹.

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 throughput²⁰. 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 website²¹.

- 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

¹⁵ 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>.

¹⁶ 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>.

¹⁷ 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>.

¹⁸ 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>.

¹⁹ 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>.

²⁰ DEIR. Section 4.2. Page 4.2-25.

²¹ 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.

2.19.
cont.

Letter 2

COMMENTER: Lijin Sun, Program Supervisor, South Coast Air Quality Management District

DATE: March 1, 2019

Response 2.1

The commenter provides introductory text of the agency and summarizes the project description.

This comment does not affect the analysis completed or conclusions provided in the Draft EIR, does not provide new information or evidence related to the analysis completed in the Draft EIR, and does not reflect on the adequacy or content of the Draft EIR.

This comment is noted for the record, and no changes to the Draft EIR are required.

Response 2.2

The commenter summarizes the findings and mitigation measures in the Air Quality analysis of the Draft EIR. These comments do not raise environmental issues, such that no further response is required. (State CEQA Guidelines, § 15088 [responses are only required as to comments raising environmental issues].)

This comment does not affect the analysis completed or conclusions provided in the Draft EIR, does not provide new information or evidence related to the analysis completed in the Draft EIR, and does not reflect on the adequacy or content of the Draft EIR.

This comment is noted for the record, and no changes to the Draft EIR are required.

Response 2.3

The commenter states that the 2016 Air Quality Management Plan was adopted in 2017, and includes a goal of achieving a 45 percent reduction in nitrogen oxide (NO_x) in 2023 and an additional 55 percent NO_x reduction beyond 2031 levels for ozone attainment. The commenter states that the Lead agency should use its best efforts and consider the NO_x reduction goal in the project design within the Final EIR.

As stated on Page 4.2-20 and 4.2-21 of Section 4.2, *Air Quality*, mobile NO_x emissions constitute 90 percent of the operational NO_x emissions, and the City does not have authority to reduce tailpipe emissions from vehicles because it lacks authority for regulating automobile emission standards. . . Area and energy NO_x emissions would not exceed SCAQMD threshold, and the project includes design features to reduce mobile NO_x emissions to the extent feasible. Specifically, Page 4.2-21 in Section 4.2, *Air Quality*, was revised to state which project features would help reduce NO_x emissions:

The project would not exceed SCAQMD maximum daily emissions thresholds for ROG, CO, PM₁₀, PM_{2.5} or SO_x. The project would exceed SCAQMD thresholds for NO_x by about 131 pounds per day. NO_x emissions from mobile sources (i.e., vehicle exhaust) represent 90 percent of the total gross NO_x emissions operation of the proposed project would create. If area and energy NO_x emissions were removed completely, the project would still exceed SCAQMD thresholds by 111.3 pounds per day from mobile emissions. Because neither the project proponent nor the lead agency has regulatory authority over tailpipe emissions, no feasible mitigation measures

exist that would reduce NO_x emissions to less than significant levels. The project would include design features that would help reduce NO_x emissions from mobile sources:

- Designated ride-sharing pick-up and drop-off location
- U.S. Post Office/FedEx concierge service

Ultimately, howeverTherefore, the project would still have significant impacts due to NO_x emissions. The following mitigation would be required to reduce maximum daily NO_x emissions to the greatest extent feasible.

The City is also including an anti-idling Planning Condition of Approval, detailed under Response 2.19. Therefore, the City is using its best effort to consider the NO_x reduction goals but does not have the authority to regulate tail pipe emissions. Nonetheless, mobile NO_x emissions will be reduced in the future from the implementation of federal or state policies such as Assembly Bill 1493, which would help the District achieve these goals.

The reduction goals of the 2016 AQMP are regional goals for the District to meet and not specific to individual projects. The SCAQMD established air quality thresholds for projects in order to meet the reduction goals mentioned by the commenter. The Draft EIR determined the project would exceed established SCAQMD NO_x thresholds. Therefore, as detailed under Impact AQ-1, the Draft EIR concluded that the project would result in significant and unavoidable impacts to the implementation of the AQMP.

This comment and the subsequent Draft EIR revisions do not affect the analysis completed or conclusions provided in the Draft EIR, do not provide new information or evidence related to the analysis completed in the Draft EIR, and do not reflect on the adequacy or content of the Draft EIR.

Response 2.4

The commenter states that the HRA analysis used in the Draft EIR analysis used the 2003 Office of Environmental Health Hazard Assessment (OEHHA) Guidance to calculate cancer risks and did not take into account age group specific modelling parameters. The commenter asserts that this would likely underestimate the health risks to children at the proposed project.

Page 19-20 of the HRA Report in Appendix E of the Draft EIR states,

“Notwithstanding, it is the intent of the HRA to provide cumulative risk estimates from near-field, on-road sources that are reflective of anticipated exposures experienced at a given residential occupancy. As such, a review of relevant guidance was conducted to determine applicability of the use of early life exposure adjustments to identified carcinogens. For risk assessments conducted under the auspices of The Air Toxics “Hot Spots” Information and Assessment Act (AB 2588, Connelly, Statutes of 1987; Health and Safety Code Section 44300 et seq.) a weighting factor is applied to all carcinogens regardless of purported mechanism of action. However, for this assessment, the HRA relied upon U.S. Environmental Protection Agency guidance relating to the use of early life exposure adjustment factors (Supplemental Guidance for Assessing Susceptibility from Early-Life Exposure to Carcinogens, EPA/630/R-003F) whereby adjustment factors are only considered when carcinogens act “through the mutagenic mode of action.” The U.S. Environmental Protection Agency has identified 19 compounds that elicit a mutagenic mode of action for carcinogenesis. None of the gaseous compounds considered in the HRA elicit a mutagenic mode of action and, therefore, early life exposure adjustments were not considered. For diesel particulates, polycyclic aromatic hydrocarbons

(PAHs) and their derivatives, which are known to exhibit a mutagenic mode of action, comprise < 1% of the exhaust particulate mass. To date, the U.S. Environmental Agency reports that whole diesel engine exhaust has not been shown to elicit a mutagenic mode of action.”

Accordingly, the health risks to children were not underestimated in the Health Risks Assessment. To the contrary, the use of age-weighted factors is not required because none of the gaseous compounds considered in the HRA elicit a primary mutagenic mode of action and none of the pollutants considered are listed by the EPA as having a primary mutagenic mode of action. Therefore, early life exposure adjustments were not considered in accordance with U.S. EPA guidance relating to the use of early life exposure adjustment factors. Use of the US EPA’s risk assessment guidance is appropriate and supported by substantial evidence as provided in the HRA and the Draft EIR.

Further, it should be noted that the California Department of Toxic Substances Control (DTSC), which is charged with protecting individuals and the environment from the effects of toxic substances and responsible for assessing, investigating and evaluating sensitive receptor populations to ensure that properties are free of contamination or that health protective remediation levels are achieved, has adopted the U.S. Environmental Protection Agency’s policy in the application of early life exposure adjustments and is consistent with the methodology considered in the assessment of residential exposures.

Additionally, in comments presented to the SCAQMD Governing Board (meeting date: June 5, 2015, Agenda No. 28) relating to toxic air contaminant exposures under Rules 1401, 1401.1, 1402 and 212 revisions, use of the OEHHA guidelines and their applicability for projects subject to CEQA, it was reported that:

“The Proposed Amended Rules are separate from the CEQA significance thresholds. The Response to Comments Staff Report PAR 1401, 1401.1, 1402, and 212 A - 8 June 2015 SCAQMD staff is currently evaluating how to implement the Revised OEHHA Guidelines under CEQA. The SCAQMD staff will evaluate a variety of options on how to evaluate health risks under the Revised OEHHA Guidelines under CEQA. The SCAQMD staff will conduct public workshops to gather input before bringing recommendations to the Governing Board.”

To date, the SCAQMD, as a commenting agency, has not conducted public workshops nor developed policy relating to the applicability of applying the OEHHA guidance for projects prepared by other public/lead agencies subject to CEQA.

As a result, the Draft EIR’s HRA relied upon U.S. Environmental Protection Agency guidance relating to the use of early life exposure adjustment factors (Supplemental Guidance for Assessing Susceptibility from Early-Life Exposure to Carcinogens, EPA/630/R-003F) whereby adjustment factors are only considered when carcinogens act “through the mutagenic mode of action.”

As shown on Page 4.2-20 in Section 4.2, Air Quality, the project would not exceed the most stringent applicable federal or state air quality standard of emissions of NO_x from construction activities, which are developed at represent levels at which the most susceptible persons are protected from health-based impacts. While the proposed project is expected to exceed the SCAQMD’s numeric regional mass daily thresholds for operational NO_x, primarily from mobile emissions, this does not in itself constitute a significant health impact to the population adjacent to the project and within the air basin. Simply exceeding the SCAQMD’s numeric regional mass daily thresholds does not constitute a particular health impact to an individual receptor, as detailed in the Air Quality Supplemental Assessment which is included in the Final EIR as Appendix U. The reason for this is

that the mass daily thresholds are in pounds per day emitted into the air whereas health effects are determined based on the concentration of emissions in the air at a particular receptor. In addition, as noted in the Brief of Amicus Curiae by the South Coast Air Quality Management District in the Friant Ranch case, the SCAQMD discusses that it may be infeasible to quantify health risks caused by projects similar to the proposed project. SCAQMD also states that where a health risk assessment can be prepared, the resulting maximum health risk value is only a calculation of risk and does not necessarily mean anyone will have health impacts as a result of the project. SCAQMD staff does not currently know of a way to accurately quantify ozone-related health impacts caused by NO_x or VOC emissions from relatively small projects. SCAQMD states that it is possible to determine potential health outcomes from large projects and concludes projects or emission sources which emit 6,620 pounds per day of NO_x and 89,180 pounds per day of VOC are expected to result in approximately 20 premature deaths per year and 89,947 school absences. The proposed project would generate approximately 64 pounds per day of NO_x during construction and 184 pounds per day of NO_x during operations, as shown in Table 4.2-9 and Table 4.2-12 in the Draft EIR. This comment does not affect the analysis completed or conclusions provided in the Draft EIR, does not provide new information or evidence related to the analysis completed in the Draft EIR, and does not reflect on the adequacy or content of the Draft EIR. No change to the Draft EIR is necessary. Please also see Response 2.10 for further information.

Response 2.5

The commenter states that while the Draft EIR concluded the project would not expose future project residents to significant cancer risk, they recommend the City require the installation of enhanced filtration to reduce potential health risks for residents living in the multi-family portion of the project.

Under CEQA, mitigation is not required where – as here – health risk impacts are already less than significant. (State CEQA Guidelines § 15126.4(a)(3).) It should also be noted that the commenter is requesting that the project mitigate the project's impacts on its own residents, which is not the focus of CEQA review. (See *California Building Industry Assn. v. Bay Area Air Quality Management Dist.* (2015) 62 Cal.4th 369, 392 [“CEQA does not *generally* require an agency to analyze how existing hazards or conditions might impact a project's users or residents”].) Nonetheless, to further reduce already insignificant impacts and as stated in the HRA completed for the project (included as Appendix E to the Draft EIR), a Planning Condition of Approval has been added which requires the project to install and maintain air filtration systems with efficiencies equal to or exceeding a Minimum Efficiency Reporting Value (MERV) of 16 as defined by the American Society of Heating, Refrigerating and Air Conditioning Engineers (ASHRAE) Standard 52.2. (1) in the proposed residential units (see Response 2.14). The following clarification has been added to page 4.2-26 in Section 4.2, *Air Quality*, of the Draft EIR:

As stated in the HRA (Appendix E), the project would be conditioned by the City to install and maintain air filtration systems with efficiencies equal to or exceeding a Minimum Efficiency Reporting Value (MERV) of 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. The average particle size efficiency (PSE) removal based on ASHRAE Standard 52.2 for MERV 16 is approximately 95 percent for 0.3 to 1.0 µg/m² for diesel particulate matter and 95 percent for 1.0 to 10 µg/m³ for PM₁₀ and PM_{2.5}. Therefore, the operation of such filtration systems would provide effective reduction for diesel particulate matter and other particulates.

This comment and the subsequent Draft EIR revision do not affect the analysis completed or conclusions provided in the Draft EIR, do not provide new information or evidence related to the analysis completed in the Draft EIR, and do not reflect on the adequacy or content of the Draft EIR. See also Responses to Comments 2.12 through 2.14.

Response 2.6

The commenter states the SCAQMD is a Responsible Agency since the proposed gas station will require a permit.

In response to this comment, Page 1-10 in Section 1, *Introduction*, of the Draft EIR is revised as follows:

A responsible agency refers to a public agency other than the lead agency with discretionary approval over the project. Responsible agencies for the proposed project include:

- **Santa Ana Regional Water Quality Control Board**, which regulates water quality in the region
- **California Department of Transportation**, which regulates state roads and highways
- **California Department of Fish and Wildlife**, which protects and conserves fish and wildlife resources
- **U.S. Army Corps of Engineers**, which regulates waters of the United States
- **Riverside County Flood Control and Water Conservation District**, which protects residents from flood hazards
- **South Coast Air Quality Management District (SCAQMD)**, which regulates air quality and gasoline dispensing facilities

Page 2-13 in Section 2, *Project Description*, of the Draft EIR is revised as follows:

The project would require the following permits from federal and state agencies, as indicated:

- **Regional Water Quality Control Board:** Clean Water Act Section 401 Water Quality Standards Certification for potential impacts to water quality within and downstream of the on-site concrete-lined channel and soft bottom drainage
- **California Department of Transportation (Caltrans):** Encroachment Permit to allow grading in Caltrans right-of-way and for the expansion of the westbound, Main Street off-ramp to include a right-turn-only lane
- **California Department of Fish and Wildlife:** Streambed Alteration Agreement per California Fish and Game Code Section 1600 to develop mitigation, minimization, and avoidance measures for potential impacts to the on-site concrete-lined channel and soft bottom drainage
- **U.S. Army Corps of Engineers:** Section 404 Clean Water Act Permit to develop mitigation, minimization, and avoidance measures for proposed impacts to the on-site concrete-lined channel
- **South Coast Air Quality Management District (SCAQMD):** Permit to construct and permit to operate the fueling station per AQMD Rules 201 and 203

The commenter also states that the Draft EIR did not include an analysis of operational emissions that would result from the gas station or perform a HRA analysis specific to the gas station's servicing or fueling processes.

As shown in the Air Quality Report in Appendix B of the Draft EIR, the proposed gas station was included in the air quality analysis for construction emissions and operational emissions associated with area, energy, and mobile sources. Therefore, the construction of the station and the associated operational trips were analyzed.

Operational emissions resulting from the servicing and fueling of the gasoline service station may include toxic air contaminants (TACs) such as benzene, hexane, MTBE, toluene, xylene, and have the potential to contribute to health risk in the project vicinity. Standard regulatory controls such as the SCAQMD's Rule 461 (Gasoline Transfer and Dispensing) would apply to the project in addition to any permits required that demonstrate appropriate operational controls. Prior to issuance of a Permit to Operate, each individual gasoline dispensing station would be required to obtain the required permits from SCAQMD which would identify the maximum annual throughput allowed based on specific fuel storage and dispensing equipment that is proposed by the operator.

At this time, a specific user is not known for the proposed gasoline service station. Notwithstanding, even if a highly conservative maximum annual throughput of 2,000,000 gallons is presumed, the project would still not result in a significant health risk impact to sensitive uses adjacent to the site based on the SCAQMD's *Risk Assessment Procedures for Rules 1401, 1401.1 & 212* which provide screening-level risk estimates for gasoline dispensing operations.

Specifically, and based on the established SCAQMD procedure outlined in the *SCAQMD Permit Application Package "N,"* the estimated maximum risk attributable to the gasoline dispensing would be 0.785 in one million for the nearest sensitive receptor, which is below the threshold of 10 in one million.

Similarly, non-cancer risks would not exceed the applicable threshold of 1.0 since an exceedance of the 10 in one million threshold would occur before the non-cancer hazard index even approached the applicable threshold of 1.0. As such, non-cancer risks would be less than significant.

Further, a specific HRA calculation for potential impacts associated with gasoline fueling and dispensing will be prepared prior to the project receiving a permit to operate from the SCAQMD when all of the details concerning the gas station user and operation will be known. However, a general HRA, *The Exchange Focused Gas Station Health Risk Assessment (April 2, 2019)* (focused HRA), has now been prepared and is included in the Final EIR as Appendix S. The focused HRA has been prepared in accordance with the SCAQMD's recommendations to utilize the following published guidance documents: *Emissions Inventory and Risk Assessment Guidelines for Gasoline Dispensing Stations and Risk Assessment Procedures for Rules 1401, 1401.1 & 212*. The HRA concludes that the maximum risk attributable to the gasoline dispensing would be 0.785 in one million for the nearest sensitive receptor¹ which is substantially below the threshold of 10 in one million. This is a separate evaluation than impacts from the adjacent freeways on the project, which was analyzed in the HRA in Appendix E of the Draft EIR, and do not require the combining the health risks from both HRAs. In addition, Page 4.2-12 in Section 4.2, *Air Quality*, was revised to include applicable SCAQMD rules governing fueling stations:

The architectural coating phase would involve the greatest release of ROG. The emissions modeling for the proposed project included the use of low-VOC paint (50 grams per liter for non-flat coatings) as required by SCAQMD Rule 1113.

¹ As stated on page 2 of the Gas Station HRA, see Appendix S of the FEIR, the 484 feet distance is more appropriate than using the approximate 150-foot distance from the Project's property line to the Fremont Elementary School's playground since the exposure time at the playground area would be limited on a daily basis, whereas the exposure time in the school building would be sustained.

The project would also comply with standards applicable to operation of equipment which emit TACs, such as the proposed fueling station. In particular, the project would comply with SCAQMD Rules 1401 and 1401.1, which provide screening-level risk estimates for fueling stations, including ones placed near schools, for new, relocated, and modified units requiring SCAQMD permits. SCAQMD Rule 212 would also be applicable to the project, which has standards for approving permits and issuing public notices. Under Rule 212, the fueling station would not be granted a Permit to Construct or Permit to Operate, unless the applicant shows the equipment is designed and controlled to a sufficient standard. SCAQMD Rule 461 regulates the transfer of gasoline, which includes vapor emissions.

Page 4.2-27 in Section 4.2, *Air Quality*, was revised to include a qualitative discussion of the operation of the fueling station:

Prior to the issuance of a Permit to Operate, the fueling station would be required to obtain the required permits from SCAQMD, which would identify the maximum annual throughput allowed based on specific fuel storage and dispensing equipment proposed by the operator of the fueling station. Based on the established SCAQMD procedure outlined in the SCAQMD Permit Application Package "N" it is estimated that the maximum risk attributable to the gasoline dispensing would be 0.785 in one million for the nearest sensitive receptor which is below the threshold of 10 in one million. In addition, the fueling station would be required to prove compliance with SCAQMD Rules 1401, 1401.1, 212, and 461, which establish screening-level thresholds for fueling stations and regulate gasoline transfer, vapor emissions, and potential spills.

Therefore, operation of the proposed gas station would not expose residents in the vicinity to substantial pollutant concentrations. Furthermore, construction and operational emissions for the project (Table 4.2-13) would be below the SCAQMD's criteria pollutants screening level thresholds designed to protect public health.

Because the project would have to comply with existing rules and regulations set forth by SCAQMD and because the potential cancer health risk is well below the 10 in one million screening level, no additional mitigation would be required for this project. This comment and the subsequent Draft EIR revision do not affect the analysis completed or conclusions provided in the Draft EIR, do not provide new information or evidence related to the analysis completed in the Draft EIR, and do not reflect on the adequacy or content of the Draft EIR. See also Responses to Comments 2.15 through 2.18.

Response 2.7

The commenter reiterates that the 2016 AQMP seeks to achieve significant NO_x emission reductions to attain the National Ambient Air Quality Standard (NAAQS) for ozone before the 2023 and 2031 deadlines. The commenter recommends the Draft EIR include additional mitigation measures to reduce NO_x emissions by the project.

As stated in Response 2.3 above, and on Page 4.2-20 and 4.2-21 of Section 4.2, *Air Quality*, mobile NO_x emissions constitute 90 percent of the operational NO_x emissions and the City does not have authority to reduce tailpipe emissions from vehicles. Mobile NO_x emissions will be reduced into the future from the implementation of federal or state policies such as Assembly Bill 1493. The Draft EIR has been revised to list project design features that would help reduce NO_x emissions from mobile sources on page 4.2-21 in Section 4.2, *Air Quality*, included in Response 2.3.

This comment and the subsequent Draft EIR revisions do not affect the analysis completed or conclusions provided in the Draft EIR, do not provide new information or evidence related to the analysis completed in the Draft EIR, and do not reflect on the adequacy or content of the Draft EIR. See also Response to Comment 2.19, which addresses the feasibility of the commenter's additional proposal mitigation measures.

Response 2.8

The commenter requires that the City provide SCAQMD with written responses to all comments, pursuant to California Public Resources Code 21092.5(a), which the City shall provide. The commenter states that the responses should be in good faith effort and include detailed reason why specific comments and suggestions are not accepted.

This comment does not affect the analysis completed or conclusions provided in the Draft EIR, does not provide new information or evidence related to the analysis completed in the Draft EIR, and does not reflect on the adequacy or content of the Draft EIR. This comment is noted and no revisions to the Draft EIR are required.

Response 2.9

The commenter states that the City is proposing the construction of 482 residential units in proximity to SR 60 and I-215, which had an annual average daily traffic (AADT) of 140,000 vehicles, including 14,700 heavy-duty trucks which emit diesel particulate matter (DPM). The commenter states that the City should consider and implement the strategies contained within the provided comment letter, which is responded to in Response to Comments 2.19, below.

This comment does not affect the analysis completed or conclusions provided in the Draft EIR, does not provide new information or evidence related to the analysis completed in the Draft EIR, and does not reflect on the adequacy or content of the Draft EIR. This comment is noted and no revisions to the Draft EIR are required.

Response 2.10

The commenter states that OEHHA acknowledges children are more susceptible to exposure to air toxins. The commenter states that the Draft EIR used a combined exposure factor to streamline age group variable. The commenter recommends that DPM emissions from each for each year of operation be applied to each of the corresponding age ranges.

See Response 2.4, above. The USEPA's Supplemental Guidance for Assessing Susceptibility from Early-Life Exposure to Carcinogens states that early life exposure adjustment factors are only considered when carcinogens act through the mutagenic mode of action. A mutagen is a physical or chemical agent that changes genetic material, such as DNA, increasing the frequency of mutations to produce carcinogenic effects. The USEPA has identified 19 compounds that elicit a mutagenic mode of action for carcinogenesis. For DPM, polycyclic aromatic hydrocarbons and their derivatives, which are known to exhibit a mutagenic mode of action, constitute less than one percent of the exhaust particulate mass. To date, the USEPA reports that whole diesel engine exhaust has not been shown to elicit a mutagenic mode of action.

The use of age-weighted factors is not required since none of the gaseous compounds considered in the HRA elicit a primary mutagenic mode of action and none of the pollutants considered are listed by the EPA as having a primary mutagenic mode of action. Therefore, early life exposure adjustments were not considered in accordance with U.S. EPA guidance relating to the use of early

life exposure adjustment factors. The HRA and the Draft EIR appropriately accounted for potential health risk to future residents at the project site. See also Response to Comment 2.4, addressing the methodology chosen.

This comment does not affect the analysis completed or conclusions provided in the Draft EIR, does not provide new information or evidence related to the analysis completed in the Draft EIR, and does not reflect on the adequacy or content of the Draft EIR. No changes to the Draft EIR are necessary.

Response 2.11

The commenter states that SCAQMD adopted the *Guidance Document for Addressing Air Quality Issues in General Plans and Local Planning* in 2005, which provides recommended policies local governments can use to prevent or reduce air pollution impacts and protect public health. The commenter also states guidance on siting incompatible land uses can be found in CARB's *Air Quality Land Use Handbook: A Community Health Perspective*.

The *Guidance Document for Addressing Air Quality Issues in General Plans and Local Planning* was prepared to help cities develop and/or integrate air quality into land use planning and their General Plans. This document is a tool for local governments to utilize and not a requirement for specific projects to follow. CARB's *Air Quality Land Use Handbook: A Community Health Perspective* recommends siting sensitive land uses within 500 feet of a freeway, 300 feet from a large gas station, and 50 feet from a typical gas station. The project does not place the proposed typical fueling station within 50 feet of a sensitive land use but does place sensitive land uses within 500 feet of a freeway. However, these are recommendations, and as detailed in on Page 4.2-27 through 4.2-29 of the Draft EIR, the project would not exceed SCAQMD thresholds for toxic air contaminants.

This comment does not affect the analysis completed or conclusions provided in the Draft EIR, does not provide new information or evidence related to the analysis completed in the Draft EIR, and does not reflect on the adequacy or content of the Draft EIR. This comment is noted and no changes to the Draft EIR are necessary.

Response 2.12

The commenter states that because of the potential adverse health risks associated with siting sensitive receptors near SR 60 and I-215, any proposed strategy to reduce health risks must be carefully evaluated. The commenter states that HRA report notes the installation of Minimum Efficiency Reporting Value (MERV) 16 air filtration systems would be a project design feature. The commenter recommends the City require the installation of MERV 16 filters in the Final EIR.

As stated in Response 2.5, above, the project has a Planning Condition of Approval requiring the project to install and maintain air filtration systems with efficiencies equal to or exceeding MERV 16 as noted in the HRA (Appendix E of the Draft EIR), even though impacts are already anticipated to be less than significant. The Draft EIR has been revised to include clarification regarding the inclusion of MERV 16 air filtration systems in all proposed residential units, in order to further reduce the already less than significant health risks associated with air quality emissions.

This comment and the subsequent Draft EIR revision do not affect the analysis completed or conclusions provided in the Draft EIR, do not provide new information or evidence related to the analysis completed in the Draft EIR, and do not reflect on the adequacy or content of the Draft EIR.

This comment is noted for the record, and – as noted in Response to Comment 2.5 above - revisions have been made to clarify the efficacy of the air filtration system on page 4.2-28 in Section 4.2, *Air Quality*, of the Draft EIR.

Response 2.13

The commenter states that the City should also consider the limitations of enhanced filtration systems and there are significant cost burdens on installation and maintenance. The commenter also points out that filters would not be effective unless HVAC systems are running, which would increase energy costs for the residents. Therefore, the commenter states that these factors should be considered when determining the feasibility of the filtration systems.

The commenter previously stated the need for air filtration systems for the project in comments 2.4 and 2.11. However, the commenter's statements in comment 2.12 seem to run counter to previous statements, in that the commenter states the limitations of the recommended air filtration systems.

Ultimately, CEQA does not require mitigation where – as here – health risk impacts are already less than significant. (State CEQA Guidelines § 15126.4(a)(3).) It should also be noted that the commenter is requesting that the project mitigate the project's impacts on its own residents, which is not the focus of CEQA review. (See *California Building Industry Assn. v. Bay Area Air Quality Management Dist.* (2015) 62 Cal.4th 369, 392 [“CEQA does not *generally* require an agency to analyze how existing hazards or conditions might impact a project's users or residents”].)

However, please refer to Response 2.5, above, regarding the installation of air filtration systems as a project condition by the City. The Draft EIR text has also been revised to clarify the efficacy of the air filtration systems, as noted in the HRA (Appendix E of the Draft EIR). The City has considered the operational cost of air filtration systems with efficiencies equal to or exceeding a MERV 16 and determined the efficacy of such a system to alleviate exposures to diesel particulate matters outweighed the operational cost, and that the installation and maintenance of such a system was deemed feasible for the project of this size.

This comment and the subsequent Draft EIR revision do not affect the analysis completed or conclusions provided in the Draft EIR, do not provide new information or evidence related to the analysis completed in the Draft EIR, and do not reflect on the adequacy or content of the Draft EIR.

This comment is noted for the record, and revisions have been made to clarify the efficacy of the air filtration system on page 4.2-28 in Section 4.2, *Air Quality*, of the Draft EIR.

Response 2.14

The commenter states that if the City decides enhanced filtration units are required, the City should make the installation a project design feature and provide additional details in the Final EIR regarding ongoing, maintenance, and monitoring of the filters. The commenter provides a list of ten informational points that the commenter believes would help to facilitate that maintenance and disclosure effort.

Within the Planning Conditions of Approval, the City of Riverside has included a condition that MERV 16 filters be installed and maintained to manufacturer specifications by the property management entity. In addition, a condition has been added under the Planning Conditions of Approval to require a disclosure agreement in the rental agreement which would notify residents of multi-family component of the project of the health risks from the adjacent freeways, where to find information on filter specifications such as operation and replacement, and who is responsible for

filter maintenance. These conditions capture the recommended measures by the commenter. This comment does not affect the analysis completed or conclusions provided in the Draft EIR, does not provide new information or evidence related to the analysis completed in the Draft EIR, and does not reflect on the adequacy or content of the Draft EIR. This comment is noted for the record, and no changes to the Draft EIR are required. See also Response to Comment 2.13, above.

Response 2.15

The commenter points out that the CalEEMod outputs in the Air Quality Study used in the Draft EIR analysis uses a convenience store with 16 gas pumps. The commenter states that CalEEMod does not quantify the operational, stationary source emissions from the storage tanks and fueling equipment. The commenter requests that the EIR include or clarify if ROG emissions from storage tanks and the fueling process have been included in the Draft EIR.

As noted in Response 2.6, the gasoline dispensing facility will be required to obtain separate permits from the SCAQMD prior to operation. At this time, the annual throughput of gasoline dispensing is unknown. Notwithstanding, even if a maximum annual throughput of 2,000,000 gallons is conservatively presumed, this would result in a negligible amount of VOC emissions. Per the California Air Resources Board's "Revised Emission Factors for Gasoline Marketing Operations at California Gasoline Dispensing Facilities" report², the emissions of gasoline dispensing for a Phase II Enhanced Vapor Recovery would be 0.855 pounds of VOCs per thousand gallons of fuel dispensed, or 0.000855 pounds per gallon. Therefore, even if a maximum annual throughput of 2,000,000 gallons is presumed, this would result in 4.68 pounds of VOC emissions per day from gasoline dispensing. Even if this was added to the totals identified in Table 4.2-11 in Section 4.2, *Air Quality*, in the Draft EIR, the emissions of the project would still be below the SCAQMD threshold of 55 pounds of VOC emissions per day, and no significant impacts would occur with respect to VOC emissions. In addition, see Response 2.6. Therefore, stationary source emissions from the proposed gas station would result in a less than significant impact.

This comment does not affect the analysis completed or conclusions provided in the Draft EIR, does not provide new information or evidence related to the analysis completed in the Draft EIR, and does not reflect on the adequacy or content of the Draft EIR.

This comment is noted for the record, and no changes to the Draft EIR are required. See also Response to Comment 2.6.

Response 2.16

The commenter states that the project has the potential to expose nearby residents to TACs, such as benzene, from the fueling station, and states that SCAQMD staff has concerns over potential health impacts. The commenter requests that the HRA analysis specific to the gas station's refueling and servicing disclose the health impacts and include the information in the Final EIR.

See Response 2.6, which confirms that a Health Risk Assessment specific to the gas station's operations and potential emissions of benzene and gasoline emissions was prepared utilizing guidance from SCAQMD's *Emission Inventory and Risk Assessment Guidelines for Gasoline Dispensing Stations*. (See also Appendix S to Final EIR.) This comment and the subsequent Draft EIR revision (specified above in Response 2.6) do not affect the analysis completed or conclusions

²ARB 2013; <https://www.arb.ca.gov/vapor/gdf-emisfactor/gdf%20umbrella%20document%20-%202020%20nov%202013.pdf>

provided in the Draft EIR, do not provide new information or evidence related to the analysis completed in the Draft EIR, and do not reflect on the adequacy or content of the Draft EIR.

Response 2.17

The commenter states that a permit from SCAQMD will be required due to the proposed gas station. The commenter states SCAQMD should be identified as a Responsible Agency under CEQA and that the Final EIR includes a discussion of compliance with applicable SCAQMD rules.

As noted in Response 2.6, revisions have been made to the Draft EIR to list SCAQMD as a Responsible Agency and to clarify applicable SCAQMD rules, which include:

- SCAQMD Rule 201, which is a permit to construct.
- SCAQMD Rule 203, which is a permit to operate.
- SCAQMD Rule 212, which has standards for approving permits and issuing public notices.
- SCAQMD Rule 461, which regulates the transfer of gasoline.
- SCAQMD Rule 1401 and 1401.1, which provides screening-level risk estimates for fueling stations, including those placed near schools.

This comment and the subsequent Draft EIR revision (specified above in Response 2.5) do not affect the analysis completed or conclusions provided in the Draft EIR, do not provide new information or evidence related to the analysis completed in the Draft EIR, and do not reflect on the adequacy or content of the Draft EIR.

Response 2.18

The commenter states that any assumptions used in the Air Quality and HRA analysis will be used as a basis for permit conditions and limits.

The EIR already used very conservative assumptions in order to present a reasonable worst-case analysis of potential impacts. Therefore, this comment does not affect the analysis completed or conclusions provided in the Draft EIR, does not provide new information or evidence related to the analysis completed in the Draft EIR, and does not reflect on the adequacy or content of the Draft EIR.

This comment is noted for the record, and no changes to the Draft EIR are required.

Response 2.19

The commenter states that CEQA requires all feasible mitigation measures be utilized during project construction and operation to minimize significant environmental impacts. The commenter states the project would result in significant and unavoidable NO_x emissions, and the commenter recommends a number of measures that the City should incorporate to further reduce NO_x emissions such as EV charging stations, anti-idling programs, tree planting, using commercial vendors that use clean vehicles, and require electric lawn mowers and landscaping equipment.

Table 1 below lists the SCAQMD-recommended mitigation measures and whether they have been included in the project design or mitigation measures.

Table 1 SCAQMD Recommended Mitigation Measures

Recommended Measures	Included?
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 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.	Included. The project includes wiring for EV charging stations in each residential garage.
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.	Included. The City added the following condition of approval for delivery truck idling: For the commercial component of the Proposed Project, implement an anti-idling program. Vendors shall 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 will be posted in the loading docks of the Project.
For the commercial component of the Proposed Project, establish a purchasing policy to purchase electric vehicles for use.	Not Included. There are no established tenants for the shell commercial buildings. The commercial tenants will be retail, restaurant, and fueling station uses which do not typically require vehicles for operation. The tenants would have no authority over the vehicle specification for vehicles delivering supplies and, as such, imposing this measure would be infeasible.
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.	Not Included. The commenter mistakenly states there would be one 229-room hotel. The project proposed two hotels, with 120 and 109 rooms respectively. La Quinta is a confirmed tenant for one of the hotels, which is a subsidiary of Wyndham Hotels & Resorts. Wyndham Hotels & Resorts already has an established supplier/vendor management “green” policy to continue efforts to “conserve resources, preserve natural habitats, and prevent pollution ³ .” It is reasonable to assume the other hotel tenant would include similar corporate policies. Further, the imposition of any such policy would not avoid or substantially reduce environmental impacts, because the vast majority of impacts relate to vehicles over which the City lacks jurisdiction.
Maximize the planting of trees in landscaping and parking lots.	Included. The project proposes large trees are on the periphery of the project site, along roadways, within parking lot planters, and throughout the residential common open space areas. In addition to trees, the project includes shrubs, groundcover, and potted plants as shown in Appendix M of the Draft EIR.
Require use of electric or alternatively fueled street-sweepers with HEPA filters.	Not Included. This measure is not necessary, because the project would already be required to comply with SCAQMD Rule 1186.1, <i>Less Polluting Sweepers</i> . The measure would be duplicative of what is already required.
Require use of electric lawn mowers and leaf blowers.	Not Included. The proposed project is over 35 acres and would not be feasibly served by electric landscaping

³ <https://suppliers.wyndham.com/#>

Recommended Measures	Included?
	equipment due to electrical cords and the current battery life of electrical equipment. As electric lawn mowers and leaf blowers become more efficient and cost effective they will be utilized more.

The measures listed above are recommendations, not requirements. Additionally, as discussed in Response 2.3 above, removing all area and energy operational NO_x emissions would still not reduce operational NO_x emissions below SCAQMD thresholds. The recommended measures would not reduce mobile NO_x emissions significantly.

This comment does not affect the analysis completed or conclusions provided in the Draft EIR, does not provide new information or evidence related to the analysis completed in the Draft EIR, and does not reflect on the adequacy or content of the Draft EIR.

This comment is noted for the record, and no changes to the Draft EIR are required.

Letter 3

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

February 28, 2019

City of Riverside
Planning Division
Community & Economic Development Department
3900 Main Street, 3rd 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
Total	.6111	482	289

*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.

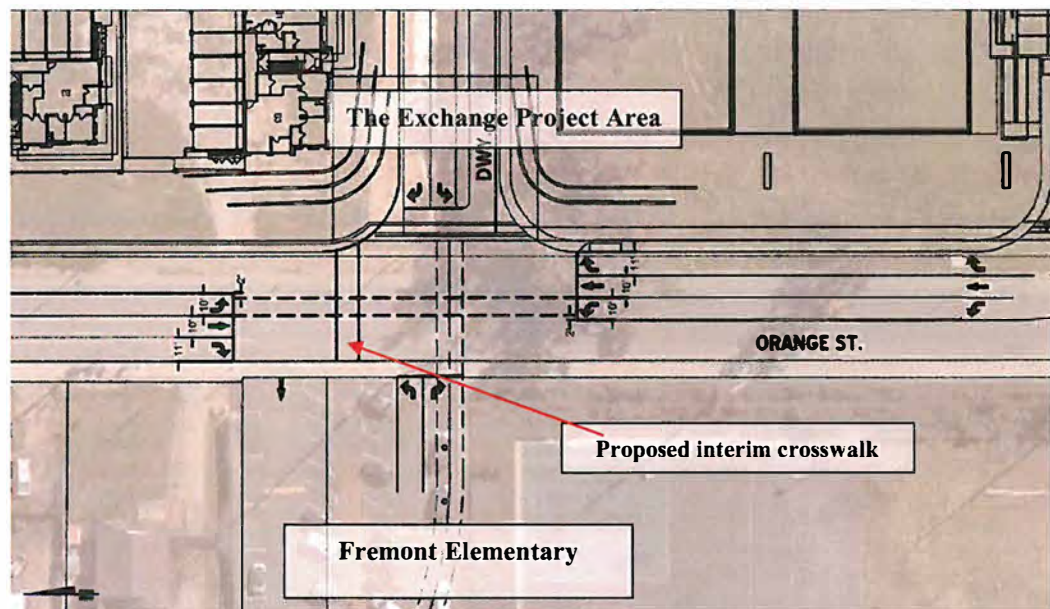


Exhibit 8-2 included in the Urban Crossroads TIA report dated November 30, 2018 (EIR Appendix L: Traffic Impact Assessment)

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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3.3.
cont.

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).

3.4.

- 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.”

3.5.

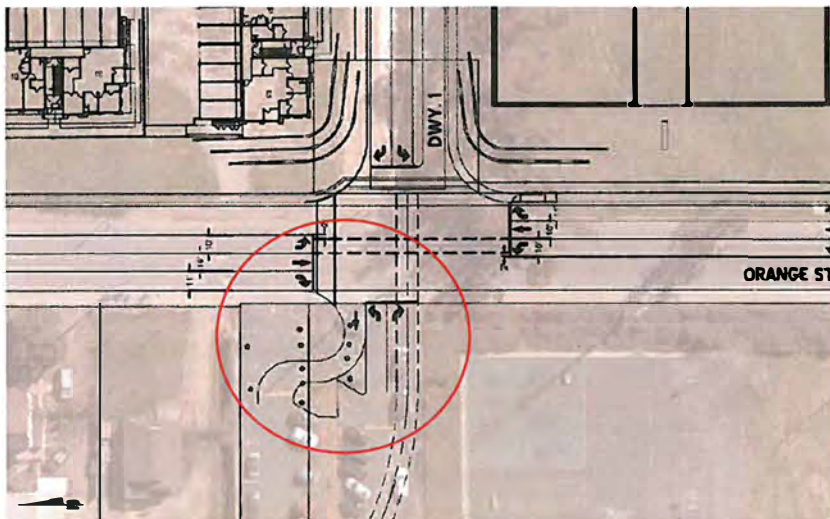


Exhibit 8-3, the “ultimate design” included in the Urban Crossroads TIA report dated November 30, 2018. Shows an alteration to Fremont’s parking lot that was never approved by RUSD.

(EIR Appendix L: Traffic Impact Assessment)

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3.5.
cont.

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, it 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.

3.6.

- 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.

3.7.

- 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.

3.8.

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

3.9. 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:

3.10. 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.

3.11. 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.

3.12. 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:

3.13. 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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3.13.
cont.

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:

3.14.

- 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:

3.15.

- 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.

3.16.

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

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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.

Respectfully,

Ana Gonzalez, Director
Planning and Development

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

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Riverside Unified School District

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ASSISTANT SUPERINTENDENT
OPERATIONS DIVISION
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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

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

U:\projects\AFGLC-GUTHRIE\9179\Exhibits\Orange Street Entrance Exhibit.dwg 8:58 AM

Letter 3

COMMENTER: Sergio San Martin, Assistant Superintendent, Operations Division, Riverside Unified School District

DATE: February 28, 2019

Response 3.1

The commenter summarizes the Exchange project description and the proposed Fremont Elementary School redevelopment project. The commenter states that the project would generate up to 289 new students who would enter the Riverside Unified School District (RUSD). The commenter states that RUSD requires all new development to pay fees to offset impacts to school facilities from residential and commercial development, which would provide adequate mitigation for direct impacts; however, indirect impacts would not be mitigated by fees.

The potential indirect impacts the commenter seems to be concerned with and the response to those comments are included in Responses 3.2 through 3.15. Based on current enrollment statistics and calculations, the project would pay approximately \$1,848,229 in student based fees according to RUSD 2018 Fee Justification Study.

This comment does not affect the analysis completed or conclusions provided in the Draft EIR, does not provide new information or evidence related to the analysis completed in the Draft EIR, and does not reflect on the adequacy or content of the Draft EIR.

This comment is noted for the record, and no changes to the Draft EIR are required.

Response 3.2

The commenter summarizes the analysis in the Traffic Impact Analysis (TIA) related to the Orange Street/Driveway 1 intersection across from Fremont Elementary School and states concerns regarding the proposed intersection layouts for the project. The commenter states RUSD was unable to respond to the design and findings in the TIA and included two letters submitted to the City requesting information.

The City's Traffic Impact Assessment was made available for review concurrently with the Draft EIR, and thus was available for public review in the manner required by CEQA. With regard to the commenter's previous requests for the TIA, please see Response to Comments 3.17. This comment does not affect the analysis completed or conclusions provided in the Draft EIR, does not provide new information or evidence related to the analysis completed in the Draft EIR, and does not reflect on the adequacy or content of the Draft EIR.

This comment is noted for the record, and no changes to the Draft EIR are required.

Response 3.3

The commenter states that the proposed interim crosswalk, which would align with the median of the Fremont Elementary parking lot, would result in a significant safety hazard for students having to cross vehicle traffic on Orange Street as well as at the Fremont Elementary School driveways. The commenter notes policies in the City's General Plan which promote safe travel and traffic measures and improvements adjacent to schools. The commenter further states the intersection should be redesigned to reduce pedestrian hazards.

The interim intersection layout, shown in Exhibit 8-2 of the TIA in Appendix L of the Draft EIR, would comply with all safety measures in the State Manual of Uniform Traffic Devices. The City has a history of partnership with RUSD in developing safe routes to Riverside's schools. The City Public Works Department has conferred with RUSD staff and developed preliminary design solutions to address the District's needs. Under Public Works Conditions of Approval, the City has conditioned the project to deploy safety treatments including but not limited to: alternative crosswalk locations, additional pedestrian and vehicular signal indications, and curb extensions.

As noted on page 111 of the TIA report (included as Appendix L to the Draft EIR), improvements to surrounding roadways, access points, and intersections, including the Orange Street/Driveway 1 intersection, would be consistent with roadway classifications and cross-sections in the City of Riverside General Plan Circulation and Community Mobility Element. The project would promote the referenced General Plan policies by providing sidewalks on the east side of Orange Street where none currently exist, which gives priority to sidewalk and curb construction to areas near schools with pedestrian traffic in accordance with Policy CCM-8.4. In addition, the traffic signal constructed by the project would provide a safe method to cross Orange Street with a formal, marked crosswalk where a crosswalk currently does not exist. The proposed Driveway 1 intersection location on Orange Street is shown on Exhibit 1-1 in the TIA, which is included as Appendix L of the Draft EIR. As detailed in the Section 4.12 and in the TIA in Appendix L of the Draft EIR, the intersections surrounding the school would operate at an acceptable LOS and not require congestion management, consistent with Policy CCM-8.3. The location of the interim crosswalk in alignment with the median of the Fremont Elementary School driveways is necessary to allow for line-of-sight from vehicles turning right out of the proposed project and left out of the School's parking lot, thereby promoting walking and biking as a safe mode of travel for children in accordance with Policy CCM-8.2. If the crosswalk was located further north along Orange Street, the crosswalk would be more difficult to see and vehicles turning out of the school and proposed project site would have a higher speed when reaching the crosswalk, which would pose a greater hazard to pedestrians.

The City will continue to collaborate with RUSD through the project's ultimate roadway design and construction phase to reach a preferred alternative, and following project implementation the City will maintain its practice of reviewing school circulation in the field and adjusting operations on an as-needed basis. The ultimate design of the intersection would not change the level of service or traffic signal phasing of the intersection or surrounding intersection. In addition, the intersection would be designed in compliance with safety measures in the State Manual of Uniform Traffic Devices, which includes standards for all traffic control devices at intersections including but not limited to road markings, signage, safety technologies, and signaling requirements. The final intersection design would also be reviewed and approved by the City Traffic Engineer prior to installation. Therefore, the intersection at Driveway #1 would include sufficient safety treatment to prevent any safety issues with additional traffic from the project or traffic accessing the project site and children attending Fremont Elementary.

Therefore, this comment does not affect the analysis completed or conclusions provided in the Draft EIR, does not provide new information or evidence related to the analysis completed in the Draft EIR, and does not reflect on the adequacy or content of the Draft EIR.

This comment is noted for the record, and revisions to the Draft EIR are not warranted.

Response 3.4

The commenter provides a summary of details from the TIA regarding trip generation and trip distribution from the project into Driveway 1. The commenter also states that only one page in the

TIA discusses Driveway 1 and does not include crosswalk safety measures. Additionally, the commenter state that no traffic mitigation fees are allocated to Driveway 1, which conflicts with the General Plan policy to provide traffic management approaches in the vicinity of schools.

Driveway 1 was discussed multiple times in the TIA, including on page 1, 5, 23, 51, 71, 86, 102, and 113 of the TIA. Additionally, the interim and ultimate designs shown in the TIA indicating pedestrian crossings and the intersection operations analysis for Driveway 1 on Orange Street also includes these assumptions (see Exhibit 8-2 and Exhibit 8-3 of the TIA). These crosswalks would be utilized by both pedestrians and bicyclists. These designs were developed after consultation with adjacent Fremont Elementary School, which comports with General Plan Policy CCM-8.1 regarding meeting with local school districts to identify safe routes to schools and enabling better school access by bicyclists and pedestrians. Additional operations information of the traffic signal and lane requirements are also specified on page 113 of the TIA.

There is no traffic mitigation fee proposed for Driveway 1 because the driveway and intersection do not currently exist. The intersection and associated improvements are project design features and not a mitigation measure, and would be constructed pursuant to City standards and reviewed and approved by the City's traffic engineer. Accordingly, 100 percent of Driveway 2 will be constructed by the Project, and there is no conflict with the General Plan objectives identified by the commenter.

This comment does not affect the analysis completed or conclusions provided in the Draft EIR, does not provide new information or evidence related to the analysis completed in the Draft EIR, and does not reflect on the adequacy or content of the Draft EIR.

This comment is noted for the record, and revisions to the Draft EIR are not warranted.

Response 3.5

The commenter opines that the TIA conclusion is invalid because the ultimate intersection layout depicts the driveway at Fremont Elementary School that has not yet been approved by RUSD. The commenter states that RUSD currently has no plans to implement the proposed alteration of the school driveway (per Exhibit 8-3 of the TIA) and that no financial responsibility shall be placed on RUSD for the cost of construction.

As stated in the TIA (included as Appendix L of the Draft EIR), the proposed project driveway has been designed and the impacts of the project were analyzed under the existing conditions presented in Exhibit 8-2 of the TIA, such that the project driveway aligns with the existing egress driveway of Fremont Elementary School. Should the school change the ingress/egress configuration in future, the TIA anticipated that a reasonable configuration would be one where the driveway would be pulled south to align with the crosswalk. The TIA clearly states that should such a future scenario occur, the recommendation is to maintain the northbound and southbound left turn lanes with a lead-lag (or lag-lead) operation, which would be the same as the current project design and intersection operation as detailed in Exhibit 8-2. The project applicant met with RUSD in early March 2019 to discuss and modify the ultimate design at Driveway 1 on Orange Street. A Public Works Condition has been included in the Conditions of Approval stating that discussions will be ongoing and any changes in configuration will be determined in coordination with the City traffic engineer and the District. As detailed in Response 3.3, any changes to the crosswalk layout and design would not change the level or service or traffic signal phasing. The intersection would comply with all safety requirements in the State Manual of Uniform Traffic Devices and would be reviewed and approved by the City's Traffic Engineer.

This comment and the modified ultimate design at Driveway 1 do not affect the analysis completed or conclusions provided in the Draft EIR, do not provide new information or evidence related to the analysis completed in the Draft EIR, and do not reflect on the adequacy or content of the Draft EIR.

This comment is noted for the record, and revisions to the Draft EIR are not required.

Response 3.6

The commenter opines that that project would create a significant impact to pedestrians crossing Orange Street and would conflict with the City's and District's responsibility to provide safe routes to school. The commenter suggests mitigation measures to reduce potential pedestrian safety conflicts at the Orange Street and Driveway 1 intersection.

The project is proposing a formal, marked crosswalk to provide a safe route to cross Orange Street where no crosswalk currently exists, thus improving conditions over and above the baseline condition. The interim intersection design would comply with all safety measures, as detailed in Responses 3.3. Any changes to the intersection design as a result of discussions with the District would not alter the level of service or signal phasing, and would comply with all applicable safety requirements.

Further, Under CEQA, mitigation is not required where – as here – potential safety impacts are already less than significant. (State CEQA Guidelines § 15126.4(a)(3).) Further, as noted in Response to Comment 1, the Project will be paying statutory mitigation fees that will fully mitigate for all student-related impacts. Nonetheless, the City responds to each of the commenter's proposed four measures as follows:

- i. The crosswalk cannot be moved northward along Orange Street because the crosswalk would be less visible and turning vehicles would have more speed prior to the crosswalk, which could result in a significant safety hazard.
- ii. The project now includes a Planning Condition of Approval to require collaboration between the City and RUSD to determine the ultimate configuration.
- iii. As discussed in Response 3.3, the project is now includes a Public Works Condition of Approval to include additional safety treatments, including signage.
- iv. The sidewalks and crosswalks would comply with all applicable safety regulations and be designed in consultation with RUSD.

This comment does not affect the analysis completed or conclusions provided in the Draft EIR, does not provide new information or evidence related to the analysis completed in the Draft EIR, and does not reflect on the adequacy or content of the Draft EIR.

This comment is noted for the record, and revisions to the Draft EIR are not warranted.

Response 3.7

The commenter speculates that the fueling station with convenience store would likely sell alcohol and tobacco. The commenter refers to the Alcohol Beverage Control (ABC) code section which gives ABC the authority to refuse licenses to sell alcohol within 600 feet of schools.

The project does not include a Conditional Use Permit (CUP) for alcohol sales, and no such uses are proposed as part of the project. Accordingly, any analysis of that potential use would be speculative and is not required by CEQA. (See State CEQA Guidelines, 15145.) If at some unknown and unforeseeable future date, and as expressly documented in the conditions applicable to the Project,

the gas station and convenience store owner chose to pursue such a permit, they would have to apply for and secure a CUP in order to sell alcohol, which would require a public hearing and notification to Fremont Elementary School. The proposed gas station does not yet have a secured tenant. In addition, the City has included a Planning Condition of Approval which states the sale of alcohol is prohibited until a separate CUP is obtained.

The commenter also notes that the convenience store is 150 feet from the Fremont Elementary School. To be clear, the Draft EIR confirms that the convenience store is 150 feet from the closest Fremont property line, 300 feet from the closest outdoor handball court, and 500 feet from the closest Fremont school building. (Draft EIR p. 4.2-25)

This comment does not affect the analysis completed or conclusions provided in the Draft EIR, does not provide new information or evidence related to the analysis completed in the Draft EIR, and does not reflect on the adequacy or content of the Draft EIR.

This comment is noted for the record, and revisions to the Draft EIR are not warranted.

Response 3.8

The commenter states that the Draft EIR does not address the potential hazards for placement of a fueling station in proximity of a school site. The commenter requests the preparation of a risk analysis for the proposed fueling station.

Title 5 of the California Code of Regulations relates to standards for the construction or siting of school facilities. Specifically, section 14010(h) provides that a school site shall not be located near an *above-ground* water or fuel storage tank or within 1500 feet of the easement of an above ground or underground pipeline that can pose a safety hazard as determined by a risk analysis study, conducted by a competent professional. The project does not propose an above-ground fuel storage tank or an underground pipeline, which would trigger the need for a risk analysis study required by this section.

Further, please see Response to Comment 3.9, which sets forth the safety features of the gas station's double-walled tank and the electronic monitoring measures to confirm if any leaks occur. The commenter also notes that the convenience store is 150 feet from the Fremont Elementary School. To be clear, the Draft EIR confirms that the convenience store is 150 feet from the closest Fremont property line, 300 feet from the closest outdoor handball court, and 500 feet from the closest Fremont school building - thus further attenuating any potential concern regarding gas station hazards to students. (Draft EIR p. 4.2-25)

Finally, a Health Risk Assessment (HRA) has been completed for the project, and included as Appendix E to the Draft EIR and a further HRA specific to the operation and re-fueling of the gas station was prepared as part of the Final EIR process (see Appendix S). Please refer to the HRA and Response 2.6, above, for information and clarification pertaining to the health risks of siting and operation a fueling station in proximity of a school – all of which confirms that air quality emissions from the gas station will not result in significant health risk effects.

This comment does not affect the analysis completed or conclusions provided in the Draft EIR, does not provide new information or evidence related to the analysis completed in the Draft EIR, and does not reflect on the adequacy or content of the Draft EIR.

This comment is noted for the record, and revisions to the Draft EIR are not required.

Response 3.9

The commenter states that Fremont Elementary School is down slope from the proposed fueling station, and speculates that there is the potential hazard of contaminated groundwater and soil moving onto the school site. The commenter requests a mitigation measure for annual groundwater monitoring.

First, the commenter provides no substantial evidence showing that any such risk is reasonably foreseeable, and CEQA does not require the analysis of speculative impacts. (See State CEQA Guidelines, 15145.) Second, the proposed fueling station would use the most up-to-date technology for fueling stations. All underground storage tanks (USTs) are double-wall lined with electronic sensors which would shut down operations at the fueling station in the event that a leak is detected in either the primary tank, or the secondary tank enclosure. The Riverside County Environmental Health Department permits and regulates all USTs. In addition, the Environmental Health Department conducts annual inspections of the USTs. If a leak occurs, the California State Water Resources Control Board would be responsible to monitor cleanup, which would include soil and groundwater investigation and remediation. Therefore, no mitigation measure specific to the potential hazard of contaminated groundwater and soil is needed, because any potential impacts are already less than significant. (See State CEQA Guidelines 15126.4 [mitigation is not required for less than significant impacts].)

This comment does not affect the analysis completed or conclusions provided in the Draft EIR, does not provide new information or evidence related to the analysis completed in the Draft EIR, and does not reflect on the adequacy or content of the Draft EIR.

This comment is noted for the record, and revisions to the Draft EIR are not required.

Response 3.10

The commenter states that the Draft EIR indicates that project construction would take three years while the air quality analysis would take 21 months. The commenter suggests that the analysis does not consider the entire length of construction and a new analysis should be completed to evaluate construction impacts over the entire construction duration.

Construction of the project would occur during different phases, as noted throughout Section 4.2, *Air Quality*, of the Draft EIR. All phases of construction, together, would occur over a three year period as seen in Appendix 3.1, Construction Phase table in the Air Quality Report located in Appendix B of the Draft EIR, with a total of 21 months of active construction in phases anticipated during the three year period. Accordingly, the numbers provided in the EIR are consistent.

This comment does not affect the analysis completed or conclusions provided in the Draft EIR, does not provide new information or evidence related to the analysis completed in the Draft EIR, and does not reflect on the adequacy or content of the Draft EIR.

This comment is noted for the record, and revisions to the Draft EIR are not required.

Response 3.11

The commenter states that the Draft EIR air quality analysis did not include soil hauling trips since all of the soil would be balanced on the project site. The commenter notes this assumption is based on a maximum grading area of four acres per day. The commenter requests that a measure be included in the EIR to ensure compliance with the daily grading acreage assumed in the EIR.

As stated in page 4.2-13 of Section 4.2, *Air Quality*, Localized Significance Thresholds (LSTs) represent the maximum emissions from a project that will not cause or contribute to an air quality exceedance of the most stringent standard in the area adjacent to the nearest sensitive receptor. The commenter is concerned that the site preparation and grading activities could exceed the 3.5 acre (for site preparation) and 4 acre (for grading), which were assumed for the limited purpose of the LST analysis *only* and to provide the most conservative estimate of impacts (See Draft EIR pp 4.2-17 and 4.2-18).

LSTs have been developed for emissions in construction areas up to five acres and only apply to emissions within a fixed stationary location. As such, the appropriate acreage for use in the LST analysis is not the entire acreage of the Project site nor do they act as a limitation on the daily grading that may occur on the Project site, but are only the area where site preparation and grading activities would be concentrated. In addition, as shown in the LST lookup tables from SCAQMD, as the construction site acreage increases, the threshold also increases⁴. Therefore, localized impacts would actually be reduced as compared to those presented in the Draft EIR if the larger construction area threshold of five acres was used because the intensity of the construction would be dispersed. The site preparation and construction area used in the analysis is an appropriate number to use, no potentially significant impacts will result from the construction, and therefore no additional mitigation measures are required.

This comment does not affect the analysis completed or conclusions provided in the Draft EIR, does not provide new information or evidence related to the analysis completed in the Draft EIR, and does not reflect on the adequacy or content of the Draft EIR.

This comment is noted for the record, and revisions to the Draft EIR are not required.

Response 3.12

The commenter states that play courts and fields are located 50 feet from the property line and are used by students during recess, lunch, and physical education. The commenter states that dust generated during site preparation and grading near the property line could impact the air quality in the areas with student activities. The commenter suggests that Mitigation Measure AQ-2 be amended to include hourly watering when site preparation and grading occurs, as well as adding green screen to construction fencing.

As detailed in on pages 4.2-11 through 4.2-12 in Section 4.2, *Air Quality*, of the Draft EIR, the project would comply with SCAQMD Rule 403 and implement measures to reduce fugitive dust during construction activities. In addition to the conditions required under Rule 403, Mitigation Measure AQ-2 would require watering at two-hour intervals or a movable sprinkler system to maintain soil moisture of 12 percent. With the Implementation of Mitigation Measure AQ-2, the project would not exceed the applicable LST for fugitive dust, and no potentially significant impact would occur. SCAQMD LSTs represent the maximum emissions from a project that will not cause or contribute to an air quality exceedance of the most stringent applicable federal or State ambient air quality standard at the nearest sensitive receptor. Therefore, Mitigation Measure AQ-2 is sufficient in meeting SCAQMD's construction site watering rule and would mitigate any impacts on adjacent sensitive receptors.

⁴ Available for review at: <http://www.aqmd.gov/docs/default-source/ceqa/handbook/localized-significance-thresholds/appendix-c-mass-rate-lst-look-up-tables.pdf?sfvrsn=2>

This comment does not affect the analysis completed or conclusions provided in the Draft EIR, does not provide new information or evidence related to the analysis completed in the Draft EIR, and does not reflect on the adequacy or content of the Draft EIR.

This comment is noted for the record, and revisions to the Draft EIR are not required.

Response 3.13

The commenter states that the Draft EIR utilizes the 2012 Fee Justification Study when there is an updated 2018 study. The commenter notes that the 2018 Fee Justification Study has different conclusions in the capacities of RUSD K-12 schools.

In response to this comment, pages 4.15-8 in Section 4.15, *Impacts Found to be Less than Significant*, of the Draft EIR are revised as follows:

The project is located within the Riverside Unified School District (RUSD) and across the street from Fremont Elementary School. The project would increase the population by an estimated 1,897 persons, which could include school age children who would enroll into the school district. The increase in population would also increase the demand on other public facilities in the City, such as libraries. The City, however, has a sufficient library system that includes five neighborhood libraries and two libraries that provide virtual material and resources. According to the RUSD 2018 Fee Justification Report there is a capacity deficit ~~was an enrolment shortage~~ at elementary and high school levels and available capacity at middle school levels (RUSD 2018~~2~~). The RUSD Long Range Facilities Master Plan ~~also~~ shows available capacity in elementary, middle, and high schools (RUSD 2016). The project would be required to pay school impact fees to offset impacts to school facilities pursuant to RUSD Developer Fees, which would mitigate impacts from the additional students on the District. Therefore, there would be a less than significant impact to schools and other public facilities.

This comment and the subsequent revision to the Draft EIR do not affect the analysis completed or conclusions provided in the Draft EIR, do not provide new information or evidence related to the analysis completed in the Draft EIR, and do not reflect on the adequacy or content of the Draft EIR.

This comment is noted for the record, and revisions to the Draft EIR have been provided in Section 4.15, *Impacts Found to be Less than Significant*.

Response 3.14

The commenter opines that the existing 10-inch diameter sewer line may be inadequate to support the 0.12 million gallons of wastewater per day created by the project, and that the existing line should be abandoned if it is determined the line is inadequate.

City Engineering staff has specifically analyzed the capacity of the existing 10-inch sewer line based on the Northside Trunk Sewer Study (available to the public through the Public Works Department) and concluded that the existing line has sufficient capacity to handle the flows from the future development. Additionally, no downstream impacts are anticipated as a result of this project.

This comment does not affect the analysis completed or conclusions provided in the Draft EIR, does not provide new information or evidence related to the analysis completed in the Draft EIR, and does not reflect on the adequacy or content of the Draft EIR.

This comment is noted for the record, and revisions to the Draft EIR are not required.

Response 3.15

The commenter states that the Fremont classroom wing addition project should be included in the cumulative impact analysis of the Draft EIR.

CEQA does not require an EIR's cumulative impacts analysis to include an exhaustive list of every conceivable project. To the contrary, a cumulative impacts analysis under CEQA allows an agency's analysis to focus on past, present, and probable future projects. (State CEQA Guidelines 15130) As stated in Section 3.3, *Cumulative Development*, the cumulative project list was developed in the Traffic Impact Analysis (TIA), and created in consultation with the City of Riverside Planning and Public Works staff. A Notice of Preparation for the Fremont classroom wing project had not, nor has it been, released for review at the time the cumulative project list was developed. Thus, the project was not included in the cumulative list because it was a not reasonably probably future project.

This comment does not affect the analysis completed or conclusions provided in the Draft EIR, does not provide new information or evidence related to the analysis completed in the Draft EIR, and does not reflect on the adequacy or content of the Draft EIR.

This comment is noted for the record, and revisions to the Draft EIR are not required.

Response 3.16

The commenter closes the letter by stating RUSD does not oppose the project; however, RUSD is concerned for student safety and therefore proposes the postponement of the Planning Commission hearing.

The comment does not provide any substantial evidence supporting the commenter's views, but primarily summarizes the previous comments summarized above. This comment does not affect the analysis completed or conclusions provided in the Draft EIR, does not provide new information or evidence related to the analysis completed in the Draft EIR, and does not reflect on the adequacy or content of the Draft EIR.

This comment is noted for the record, and revisions to the Draft EIR are not required.

Response 3.17

The commenter includes two Attachments to the comment letter, which were two previous letters sent to the City of Riverside discussing the proposed project.

The Attachments include a letter from the District requesting to review technical studies and schedules, a letter from the District indicating plans for a school modernization project and issues with the ultimate design, and an exhibit of the ultimate intersection design of Driveway 1. The Attachments discuss previous contact with RUSD and the City of Riverside, and do not discuss any deficiencies in the Draft EIR such that no further response is required. (Guidelines § 15088 [responses are only required as to substantial environmental comments].) Please also see Response 3.3, above, addressing intersection design and safety features. This comment does not affect the analysis completed or conclusions provided in the Draft EIR, does not provide new information or evidence related to the analysis completed in the Draft EIR, and does not reflect on the adequacy or content of the Draft EIR.

This comment is noted for the record, and revisions to the Draft EIR are not required.



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,

4.1.

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

4.1.
cont.

2.0 Project Description

- 4.2. 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.
- 4.3. 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

- 4.4. 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

- 4.5. 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 overall¹. 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.

4.5.
cont.

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.

4.6.

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

¹ 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

4.10.
cont.

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.

4.11.

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)).

4.12.

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

4.13.
cont.

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

4.14.

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)).

4.15.

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

4.16.

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

4.16.
cont.

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

4.17.

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.”² 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.

4.18.

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.”³

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

² Riverside General Plan Noise Element Amended February 2018. https://riversideca.gov/planning/gp2025program/GP/10_Noise_Element_with%20maps.pdf

³ 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

4.18.
cont.

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.

4.19.

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.

4.20.

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

4.21.

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.

4.22.

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.

4.23.

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.

4.23. cont. 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.

4.24. 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.

4.25. 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.

4.26. 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

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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

4.27.

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.

4.28.

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 household⁴. 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

4.29.

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

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

4.29.
cont.

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 blue ink, appearing to read "J. K. Fori".

Board of Directors
Golden State Environmental Justice Alliance

Letter 4

COMMENTER: Josh Bourgeois, Golden State Environmental Justice Alliance

DATE: February 23, 2019

Response 4.1

The commenter provides introductory text, asks to be added to the Project's notice list, and gives a summary of the proposed project.

The commenter will be added to the City's distribution list for all future project notices. Beyond this, these comments do not raise environmental issues, such that no further response is required. (State CEQA Guidelines § 15088 [responses are only required as to comments raising environmental issues].) This comment does not affect the analysis completed or conclusions provided in the Draft EIR, does not provide new information or evidence related to the analysis completed in the Draft EIR, and does not reflect on the adequacy or content of the Draft EIR.

This comment is noted for the record, and revisions to the Draft EIR are not required.

Response 4.2

The commenter identified a typographical error in the project description, which stated the project would include ten ground-level live-work units, though the project plans stated 12 live-work units.

Sheet AR-101 contained an inconsistency between the "Building/Unit Mix" table and "Leasable Unit Sq. Ft." table which noted 12 live-work units, and the smaller table below the "Leasable Unit Sq. Ft." table which originally noted 10 live-work units. The typographical error on Sheet AR-101 has been corrected, as seen in Figure FEIR-1 in the Final EIR, as well as on page 2-7 of Section 2.5.1, *Residential Component*, of the Draft EIR:

The residential component of the proposed project would be on approximately 18.4 acres, on the northern portion of the site, and would include 482 one-, two-, and three-bedroom multi-family residential units in 21 three-story buildings. This would amount to a density of 26.2 dwelling units per acre, and an average unit size of 995 square feet. All residential units would be provided at market rate. The residential component of the development would incorporate a number of amenities, including ~~10~~12 ground-level live-work units, two fitness centers, two clubhouses, two outdoor pool areas, and a resident-use-only dog park.

Of the 482 units, 157 residential units would be one-bedroom/one-bathroom, ranging in size from 710 to 796 square feet (sf). ~~Twelve~~Ten of the one-bedroom/one-bathroom units would be dedicated live/work units. Three-hundred-eight residential units would be two-bedroom/two-bathroom, ranging in size from 1,015 to 1,159 sf. The remaining 17 residential units would be approximately 1,297 sf, three-bedroom/ two-bathroom units.

The Draft EIR has been revised to include indicate the 12 live-work units, which does not change the overall conclusions of the analyses completed. The total number of residential units remains at 482, which was the total number of units included in the Draft EIR analysis as shown on page 4.2-7 in Section 2, *Project Description*. Accordingly, this correction of a minor typographical error does not rise to the level of "significant new information," and no recirculation of the document is required under CEQA. (State CEQA Guidelines § 15088.5.)

This comment and subsequent revision to the Draft EIR do not affect the analysis completed or conclusions provided in the Draft EIR, do not provide new information or evidence related to the analysis completed in the Draft EIR, and do not reflect on the adequacy or content of the Draft EIR.

This comment is noted for the record, and revisions to the Draft EIR have been made as stated above.

Response 4.3

The commenter states that the discussion pertaining to the “storage units” along Strong Street were not included in the Draft EIR.

The proposed buildings which extend to Strong Street are standard, single-story garages to be used by project residents. The floor plan for the standard garage is included on project site plan Sheet AR-501. Each standard garage unit includes approximately 30 square feet of storage space inside the enclosed garage. The standard garages would have the same material finishes and details as the proposed residential buildings. Therefore, the impacts of these garage spaces were analyzed as part of the overall project analysis of proposed parking and garage spaces, and no “meaningful disclosure” was precluded. (See, e.g., Draft EIR pp. 4.2-7 and 4.2-8) Nonetheless, in response to this comment, page 2-7 in Section 2, *Project Description*, is revised as follows:

The project proposes to provide the residential portion of the project with 167 standard open parking stalls, 24 diagonal open stalls, 18 American with Disabilities Act (ADA)-accessible open stalls, 346 standard covered carports, 6 ADA-accessible covered carport spaces, 318 attached fully enclosed standard garages, and 7 ADA-accessible fully enclosed garages. A total of 886 parking spaces would be provided for residential and visitor use, as detailed in Table 2-3. Of these, 76 percent, or 677 spaces, would be covered or enclosed, as detailed in Table 2-4. The portion of the project site which extends to Strong Street, shown in Figure 2-3, would be developed with enclosed parking spaces.

This comment and subsequent revision to the Draft EIR do not affect the analysis completed or conclusions provided in the Draft EIR, do not provide new information or evidence related to the analysis completed in the Draft EIR, and do not reflect on the adequacy or content of the Draft EIR.

This comment is noted for the record, and revisions to the Draft EIR have been made as stated above.

Response 4.4

The commenter notes that per *CEQA Guidelines* Section 15125 “shall discuss any inconsistencies between the proposed project and applicable general plans, specific plans, and regional plans.”

Though not explicitly stated as an “inconsistency,” Section 2.7, *Required Approvals and Consultation*, states the project would require a General Plan Amendment and Zoning Code Amendment, and the rationale for the required approvals. Additionally, the EIR discloses and discusses the site’s current General Plan and zoning designations, and analyzes the proposed changes to those designations which are proposed as part of the project. (Draft EIR pp. 4.9-6 through 4.9-11 [providing analysis and also visually depicting the changes with figures]) Therefore, the project’s potential inconsistencies with existing General Plan and Zoning Code designations and the proposed land use changes that will address that have been fully disclosed. See also Responses to Comment 4.6 and 5.22.

This comment does not affect the analysis completed or conclusions provided in the Draft EIR, does not provide new information or evidence related to the analysis completed in the Draft EIR, and does not reflect on the adequacy or content of the Draft EIR.

This comment is noted for the record, and revisions to the Draft EIR are not warranted.

Response 4.5

The commenter opines that Riverside General Plan policies AQ-1.1 and AQ-1.2, related to environmental justice, should be included in the air quality analysis, and provides information regarding pollution burden and demographic information in the neighboring community.

General Plan Policy AQ-1.1 is a policy the City should follow when making land use decisions and is not something that should have been included in the air quality analysis. General Plan Policy AQ-1.2 says the City should consider environmental justice impacts. Further, policies AQ-1.1 and AQ-1.2 are part of objective AQ-1, which provides the City adopt land use policies that improve job-housing balance; reduce vehicle miles traveled and length of work trips; and improve the flow of traffic. As a mixed use development, the project complies with objective AQ-1 in that it improves the job-housing balance and would therefore reduce vehicle miles traveled.

Analysis of environmental justice issues – where a project imposes a disproportionate impact on a disadvantaged or minority community – may be a required element under the National Environmental Policy Act (NEPA). (See 42 U.S.C., §§ 4331(a), 4342, 4344.) However, CEQA does not require consideration of potential implications to environmental justice or socioeconomics as a specific resource area. Indeed, “Economic and social changes resulting from a project shall not be treated as significant effects on the environment.” (State CEQA Guidelines § 15064(e); see also State CEQA Guidelines, § 15131(a).) Further, “evidence of economic and social impacts that do not contribute to or are not caused by physical changes in the environment is not substantial evidence that the project may have a significant effect on the environment [under CEQA].” (State CEQA Guidelines, § 15064(f)(6); see also State CEQA Guidelines § 15378 [same].)

Here, the commenter provides no evidence, much less substantial evidence, that the project will cause economic or social impacts, nor does the commenter show that any such alleged impacts are so substantial that they will contribute to or are caused by physical changes in the project rising to the level of significance. Similarly, the commenter does not show that any such impacts disproportionately affect a disadvantaged or minority community. According to the California Environmental Protection Agency, nearly 50 percent of the City of Riverside, and a substantial area of Riverside County, are considered to be disadvantaged⁵. A main objective of the proposed mixed-use development project is to improve the surrounding community by providing amenities such as a commercial center, farmers market, live entertainment, special events, and housing, which would invest into the surrounding community. In addition, similar-scale mixed use development occurs throughout the City of Riverside and surrounding jurisdictions; the project is not placing a unique land use in the area. Nonetheless, the Draft EIR specifically addressed impacts to the community surrounding the proposed project site, and confirmed that health-related impacts will be less than significant. A project-specific HRA was prepared to assess the possible health effects on future proposed residents associated with exposure to criteria pollutants and diesel particulate emissions from the adjacent SR 60 and I-215 freeways, and was included with the Draft EIR as Appendix E. As provided in the HRA, the carcinogenic chemical exposure risk would not exceed SCAQMD’s

⁵ <https://calepa.ca.gov/EnvJustice/GHGInvest/>

threshold of 10 in one million and health impacts would be less than significant. In addition, the project would not exceed the localized significance thresholds for criteria pollutants, which represent the maximum emissions from a project that would not cause or contribute to an air quality exceedance of the most stringent standard. Therefore, the project would not subject the surrounding community to substantial pollutants.

This comment does not affect the analysis completed or conclusions provided in the Draft EIR, does not provide new information or evidence related to the analysis completed in the Draft EIR, and does not reflect on the adequacy or content of the Draft EIR.

This comment is noted for the record, and revisions to the Draft EIR are not warranted.

Response 4.6

The commenter provides a summary of the anticipated project resident population, and states that the portion of the project site that has a land use designation of MDR is not disclosed in the Draft EIR and the General Plan and Zoning Diagrams are misleading.

Figure 4.9-1 depicts the current General Plan land use designation for the project area, which includes properties to the north. Figure 4.9-1 also depicts the proposed General Plan land use designation, which clearly delineates the boundaries of the project site. Comparing the images in the figures, it is clear how much of the project site is currently designated MDR. Figure 4.9-2 depicts both the existing and proposed zoning for the project site. In addition, Figure FEIR-2 through FEIR-5 are included in the Final EIR which clarify the location of the project site and General Plan and Zoning designations.

The existence of the MDR land use designation was disclosed in Chapter 2, *Project Description* and allowable residential density for the MDR land use designation is provided in Table 4.9-2 *Existing General Plan Land Use Requirements* in Section 4.9, *Land Use and Planning*, of the Draft EIR. As described in Chapter 2, *Project Description* and throughout the Draft EIR as relevant, the project includes a General Plan Amendment 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. A Zoning Code Amendment would also parallel the General Plan Amendment and consist of a rezone of 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. Allowable density under the R-1-7000 and R-3-1500 zones is provided in Table 4.9-3 *Existing Zoning Development Standards*. The calculation of anticipated project residents is based on the total number of residential units proposed under the project, as summarized by the commenter.

This comment does not affect the analysis completed or conclusions provided in the Draft EIR, does not provide new information or evidence related to the analysis completed in the Draft EIR, and does not reflect on the adequacy or content of the Draft EIR.

This comment is noted for the record, and revisions to the Draft EIR are not warranted.

Response 4.7

The commenter states that the Air Quality Study did not accurately use the project components in the analysis. Specifically, the commenter points out the Study used 46,758 square feet (sf) of commercial uses and 26,000 sf of restaurant uses, when 49,000 sf of commercial and 34,000 sf of restaurant is proposed in the project.

There is no inconsistency in the EIR's analysis, and the existing analysis fully captured all potential project impacts. The apparent minor discrepancy in restaurant and total square footage numbers identified by the commenter is due to the fact that the gas station would have a quick serve restaurant, and the land use in CalEEMod for gas stations is based on the number of vehicle fueling pumps instead of square footage. In addition, CalEEMod does not have specific land use input parameters for all of the proposed land uses. As stated on page 4.2-8 of the Draft EIR, "the exact tenant mix of the commercial tenants is undetermined." The Air Quality Study (included as Appendix B to the Draft EIR) utilized the most appropriate land use inputs in CalEEMod that correspond with the number of trips created by the project included in the TIA. As shown in Table 4-1 in Appendix L of the Draft EIR and Table 4.2 *Trip Summary Information* of the CalEEMod sheets in the Air Quality Study, the trip rates in the Air Quality report are consistent with the number of trips estimated in the TIA. Since the project's emissions are based primarily on the number of vehicles accessing the site, as such they have been fully and appropriately evaluated in the Air Quality Study and Draft EIR.

Furthermore, the Air Quality Study includes a footnote on page 1 that explains the analysis completed in the study takes the most conservative approach from an analytical standpoint:

"...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."

This comment does not affect the analysis completed or conclusions provided in the Draft EIR, does not provide new information or evidence related to the analysis completed in the Draft EIR, and does not reflect on the adequacy or content of the Draft EIR.

This comment is noted for the record, and revisions to the Draft EIR are not required.

Response 4.8

The commenter points out that the Air Quality Study only modelled the project site with 1,567 parking stalls when 1,587 is proposed in the project. Additionally, the commenter states that the 23 RV parking spaces and associated parking was not included in the analysis.

The Draft EIR has been revised to show the project proposes a total of 1,550 total parking spaces, including 35 RV parking spaces⁶, as detailed below in Section 3, *Revisions to the Draft EIR*. CalEEMod estimates emissions from parking lot paving associated with the lot acreage or floor surface area to be paved. In this case, emissions are based off of approximately 626,800 square feet of parking lot space (see Floor Surface Area input in CalEEMod), which encompasses the full 1,550 parking stalls

⁶ The RV Parking component would provide space at each RV parking space for 1 passenger vehicle (i.e. 23 parking spaces); there would be an additional 12 passenger vehicle parking spaces provided in association with the RV Parking component, for a total of 35 parking spaces.

and also the 35 RV parking spaces. As such, the Draft EIR fully and appropriately evaluates potential impacts associated with any parking lot paving activity.

This comment does not affect the analysis completed or conclusions provided in the Draft EIR, does not provide new information or evidence related to the analysis completed in the Draft EIR, and does not reflect on the adequacy or content of the Draft EIR.

This comment is noted for the record, and revisions to the Draft EIR are not required.

Response 4.9

The commenter states that the Air Quality Study references an Air Quality and Greenhouse Gas Memorandum which is not referenced by the Draft EIR. The commenter states that the Memorandum is listed as a reference in the Study but was not included in the Draft EIR for public review.

The Exchange Focused Air Quality and Greenhouse Gas Memorandum, which was referenced as footnote 1 on page 4 in the Air Quality Study, was submitted to the City on July 27, 2018, was available for public review throughout the comment period, and is now included in the Final EIR as Appendix R. Further, CEQA does not require that an exhaustive compendium of back-up materials and cited resources be physically circulated as part of the Draft EIR. It is sufficient for resources relied upon in the EIR to be publicly available for review upon request.

This comment does not affect the analysis completed or conclusions provided in the Draft EIR, does not provide new information or evidence related to the analysis completed in the Draft EIR, and does not reflect on the adequacy or content of the Draft EIR.

This comment is noted for the record, and revisions to the Draft EIR are not required.

Response 4.10

The commenter states that the CalEEMod output sheets in the Air Quality Study do not include the live-work units or the storage units on the northeast side of the project. Additionally, the commenter asks whether the High Turnover Restaurant land use included area for the quick-serve restaurant which would be located with the fueling station.

There were no omissions from the EIR's analysis, and the existing analysis fully captured all potential project impacts. The live-work units are included in the 482 total residential units, which were all included in the air quality analysis, as shown in the CalEEMod output sheets in the Air Quality Report, Appendix B. As discussed in Response 4.3, the "storage units" are garages which are included in the air quality modeling through the Apartments Low Rise land use in the CalEEMod outputs, Appendix B. The concern of the quick-serve restaurant within the fueling station identified by the commenter is due to the fact that CalEEMod does not have specific land use input parameters for all of the proposed land uses. The Air Quality Study and Draft EIR utilized the most appropriate CalEEMod land use inputs that generally correspond with the project's TIA, which was the Convenience Market with Gas Station Pumps. The air quality modeling based its land use categories to be consistent with the trip rates identified in the TIA since the majority of Project-related impacts are associated with the number of trips that would be generated. Please see Response 4.3 regarding the covered garages and the EIR's analysis of same.

This comment does not affect the analysis completed or conclusions provided in the Draft EIR, does not provide new information or evidence related to the analysis completed in the Draft EIR, and does not reflect on the adequacy or content of the Draft EIR.

This comment is noted for the record, and revisions to the Draft EIR are not required.

Response 4.11

The commenter states that construction activity could occur over the entire time construction is allowed in the City. Therefore, the commenter states that the Air Quality Study and Draft EIR should be revised to account for longer construction days or include mitigation which limits the time of construction.

The commenter is correct that construction activities are permitted to occur up to twelve hours per day, pursuant to the City's zoning code. However, construction equipment would not be used every hour of the day. The Air Quality Study, consistent with industry standards and typical construction practices, assumes each piece of equipment used in the air quality analysis would operate up to a total of eight hours. The CalEEMod defaults assume eight hours per day, which are based on construction surveys conducted by the various air districts. There is a set number of construction hours needed for construction activity to complete the project, which the Air Quality Study used in its analysis. If construction equipment were to operate twelve hours per day, construction activity would be completed in fewer days than analyzed in the Air Quality Study and air quality impacts would be approximately the same.

Nevertheless, construction activity would be limited to eight hours for a large portion of the year as daylight does not last until 7:00pm. In addition, during grading operations water trucks would not operate continuously over a 12-hour period, but would instead be used every two hours as required by the Air Quality mitigation measures to minimize fugitive dust. With respect to weekends, the SCAQMD thresholds of significance are based on daily emissions; thus, air quality effects during weekends would be the same as during the normal work week. Accordingly, the City finds that the assumptions used in the project's Air Quality Study and the Draft EIR properly disclosed a reasonable and conservative evaluation of the project's potential impacts related to air quality emissions.

This comment does not affect the analysis completed or conclusions provided in the Draft EIR, does not provide new information or evidence related to the analysis completed in the Draft EIR, and does not reflect on the adequacy or content of the Draft EIR.

This comment is noted for the record, and revisions to the Draft EIR are not required.

Response 4.12

The commenter states that the EIR does not include reasoning or evidence to support the claim that the cut/fill of the site will balance and requests reasoning to exclude hauling trips from the air quality analysis.

As stated in Section 2.5.11 within Section 2, *Project Description*, "based on the project site's existing topography, grading would require a maximum cut and/or fill of approximately 20 feet. The existing site ranges in elevation from 812 to 877 with a mean elevation of 849.6; the proposed improvements range in elevation from 832 to 866 with a mean elevation of 847.3. The initial estimated quantity of cut and fill are 236,380 cubic yards (cy) and 162,816 cy respectively, giving an initial export volume of 73,564 cy. The soils investigation anticipated shrinkage of 10 percent and subsidence of 0.1 foot. Coupled with the loss of soil from stripping vegetation, removal of existing asphalt/concrete, and export of other deleterious material, it is anticipated that the site would balance, with minimal vertical adjustments to ensure that there is no export of soil."

The Air Quality Study (included as Appendix B to the Draft EIR) calculates emissions from dust based on the equipment list included in the modeling since each piece of equipment is presumed to make a certain number of equipment passes and can only move a certain amount of dirt per day. The commenter does not provide any substantive evidence that suggests that the project would require any substantive amount of soil import/export. As such, the Draft EIR properly disclosed a reasonable, and likely overstated, evaluation of the Project's potential impacts related to air quality emissions. In addition, a Public Works Condition has been included in the project Conditions of Approval to ensure on-site grading conforms with grading plans and that all soils on-site shall balance.

This comment does not affect the analysis completed or conclusions provided in the Draft EIR, does not provide new information or evidence related to the analysis completed in the Draft EIR, and does not reflect on the adequacy or content of the Draft EIR.

This comment is noted for the record, and revisions to the Draft EIR are not required.

Response 4.13

The commenter opines that the proposed project may physically divide the existing residential community on Strong Street due to the proposed placement of "storage units" between two existing residential homes and certain other project features.

As stated in Response 4.3, the proposed buildings are standard garages to be used by project residents; not storage units. The floor plan for the standard garage is included on project site plan Sheet AR-501, and the standard garages would have the same material finishes and details as the proposed residential buildings, as shown in Figure FEIR-6.

The placement of the proposed garages between the existing residences along Strong Street would not divide an established community since public access and use of Strong Street would not be affected. Further, the commenter provides no explanation or evidence as to why placing garages between "two existing residential homes" constitutes a significant impact with regard to dividing an entire "community." Ultimately, the project site plans indicate a 30-foot landscaped setback fronting Strong Street, such that the provision of the garages would not alter the "low-density charm" of the existing neighborhood.

The commenter also opines that the lack of a driveway connecting to Strong Street would be out of character with the surrounding neighborhood. However, there are several vacant parcels in the immediate vicinity of the project site (along Orange Street and Davies Drive, for example) which do not have driveways, and the commenter does not elaborate on why driveway placement constitutes a significant land use impact. (*Eureka Citizens for Responsible Government v. City of Eureka* (2007) 147 Cal.App.4th 357, 378 ["where a general comment is made, a general response is sufficient"].)

This comment does not affect the analysis completed or conclusions provided in the Draft EIR, does not provide new information or evidence related to the analysis completed in the Draft EIR, and does not reflect on the adequacy or content of the Draft EIR.

This comment is noted for the record, and revisions to the Draft EIR have been made as detailed in Response 4.3.

Response 4.14

The commenter states that there is no discussion or analysis regarding the project's compliance or incompatibility with the existing land use designations.

Section 2.7, *Required Approvals and Consultation* explains that the project would require a General Plan Amendment and Zoning Code Amendment, and the rationale for the required approvals. Additionally, the EIR discloses and discusses the site's current General Plan and zoning designations, and analyzes the proposed changes to those designations which are proposed as part of the project (Draft EIR pp. 4.9-6 through 4.9-11 [providing analysis and also visually depicting the changes with figures]). Therefore, the project's potential inconsistencies with existing General Plan and Zoning Code designations and the proposed land use changes that will address that have been fully disclosed. See also Responses to Comment 4.4 and 5.22.

This comment does not affect the analysis completed or conclusions provided in the Draft EIR, does not provide new information or evidence related to the analysis completed in the Draft EIR, and does not reflect on the adequacy or content of the Draft EIR.

This comment is noted for the record, and revisions to the Draft EIR are not required.

Response 4.15

The commenter provides a summary of certain development standards under the RMC pertaining to drive-thru restaurants, requirement for block walls, retaining wall heights, fueling station components and location of the drive-thru restaurant and fueling station component of the proposed project.

RMC Section 19.410.040 pertains to site location, operation, and development standards specific to vehicle fueling stations, and RMC Section 19.475.040 pertains to site location, operation, and development standards specific to drive-thru businesses. Modifications to both specific uses may be considered in conjunction with the required Conditional Use Permit per RMC sections 19.410.060 and 19.475.060, respectively. References to these sections of the RMC have been included in the revised Draft EIR on page 4.9-6 of Section 4.9, *Land Use and Planning*:

The RMC Sections 19.410.060 and 19.475.060 allows for modification to various development standards for vehicle fueling stations and drive-thru businesses, respectively, 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.

In stating that modifications may be considered in conjunction with a CUP, the RMC is not implying that modifications to the City's Municipal Code, itself, are required. To the contrary, the RMC is noting that modifications from the general standards under the RMC may be permitted on a site-specific basis. The commenter states a misunderstanding that the text of the RMC sections themselves would be revised to accommodate the proposed modifications. This would not be the case. As stated above, RMC sections 19.410.060 and 19.475.060 state that modifications to the proposed fueling station and drive-thru uses may be considered in conjunction with the required CUPs; this does not trigger a textual revision to the RMC as the commenter assumes. In addition, the modifications are site-dependent and as opposed to modifications to the RMC which would apply to all projects. Therefore, there would be no cumulative impacts based on a City-wide revision to the RMC.

This comment and subsequent revisions to the Draft EIR do not affect the analysis completed or conclusions provided in the Draft EIR, do not provide new information or evidence related to the analysis completed in the Draft EIR, and do not reflect on the adequacy or content of the Draft EIR.

This comment is noted for the record, and revisions to the Draft EIR have been made as stated above.

Response 4.16

The commenter states that the conclusion that there would be no significant cumulative impacts is not supported in the Draft EIR, and highlights the conclusion for cumulative impacts provided in Section 4.9, *Land Use and Planning*.

Table 3-1, *Cumulative Projects List*, in Section 3.3, *Cumulative Development*, of the Draft EIR lists the projects considered in the cumulative analyses included in Section 4.0, *Impact Analysis*, at the end of each topical issue subsection. As stated in Section 4.9.3, *Cumulative Impacts*, 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 consistency with applicable plans and policies because cumulative projects considered in the analysis and listed in Table 3-1 occur throughout the City and vicinity; they are not all located on the proposed project site nor the immediate vicinity of the project. Furthermore, cumulative projects considered in the analysis contain various proposed uses according to allowable uses on each respective site. As such, there is no evidence that the impacts of multiple projects in close proximity to one another will create cumulatively considerable land use impacts.

This comment does not affect the analysis completed or conclusions provided in the Draft EIR, does not provide new information or evidence related to the analysis completed in the Draft EIR, and does not reflect on the adequacy or content of the Draft EIR.

This comment is noted for the record, and revisions to the Draft EIR are not required.

Response 4.17

The commenter states that the Draft EIR does not include a discussion regarding consistency with the General Plan Noise Element, which has policies that limit noise levels from construction activities to the maximum permitted exterior noise level of the impacted land use. The commenter states the Draft EIR must be revised to include a technical noise analysis from construction activities and compare it to the maximum permitted exterior noise level.

Impact N-5 in Section 4.10, *Noise*, of the Draft EIR includes a construction noise analysis and compares the noise levels to the existing ambient noise levels of the area, thus the construction noise analysis requested by the commenter has already been provided.

The commenter misrepresents the General Plan authority on noise regulations. The General Plan does not itself limit construction noise, but work exclusively through the RMC. The RMC was updated in 2016 to exempt construction noise from noise level limits. The fact that the RMC reference was not updated in the General Plan does not establish the General Plan as the construction noise regulator. RMC 7.35.020 lists exemptions from the noise ordinance, which include, “noise sources associated with construction, repair, remodeling, or grading of any real property; provided a permit has been obtained from the City as required; and provided said activities do not take place between the hours of 7:00 p.m. and 7:00 a.m. on weekdays, between the hours of 5:00 p.m. and 8:00 a.m. on Saturdays, or at any time on Sunday or a federal holiday.”

For this reason, construction of the project would comply with City construction schedule standards and, therefore, would be exempt from noise level regulations, as stated in Section 4.10, *Noise*, of the Draft EIR.

This comment does not affect the analysis completed or conclusions provided in the Draft EIR, does not provide new information or evidence related to the analysis completed in the Draft EIR, and does not reflect on the adequacy or content of the Draft EIR.

This comment is noted for the record, and revisions to the Draft EIR are not required.

Response 4.18

The commenter states that the construction noise analysis uses FTA's 2006 Transit Noise and Vibration Impact Assessment to estimate construction noise at nearby sensitive receptors and for vibration thresholds. The commenter opines that this threshold is inappropriate to use for this project as it is for transit projects.

The Draft EIR construction noise analysis did not utilize FTA thresholds for construction noise; the analysis used referenced noise level to estimate the noise levels at the nearby sensitive receptors, which are standard for construction equipment and appropriate to use in determining noise levels. The respective noise levels were then compared to the maximum permitted exterior noise levels from the RMC. The Draft EIR used FTA vibration level thresholds because the City of Riverside does not have adopted vibration thresholds to utilize. FTA vibration thresholds are a standard method of calculating construction vibration levels.

In addition to being exempt from permitted noise levels per the RMC, construction activity would occur adjacent to SR 60 and I-215 such that there are no sensitive receptors on two sides of the Project site. The project site is also over 35 acres, and construction activity would not occur in any one location for a long period of time, such as adjacent to the sensitive receptors to the north and west. Impacts were ultimately determined to be less than significant because construction would occur within permitted times and are exempt from noise standards, as discussed in Response 4.17.

This comment does not affect the analysis completed or conclusions provided in the Draft EIR, does not provide new information or evidence related to the analysis completed in the Draft EIR, and does not reflect on the adequacy or content of the Draft EIR.

This comment is noted for the record, and revisions to the Draft EIR are not required.

Response 4.19

The commenter highlights an alleged inconsistency between two data tables in Appendix D and the Draft EIR. Specifically, the commenter points out the receptor distances differ in the Noise Study and in the Draft EIR.

There is no inconsistency between the distances that were analyzed in the Draft EIR. Specifically, Table 4.10-1 in Section 4.10, *Noise*, included an additional column that was not included in the Noise Study table. That column is labelled "Location to Existing Primary Noise Source." The receptor distance locations are included in the column titled, "Description of Measurement Locations," and the distances to those receptors are consistent as between the EIR and the Noise Study.

This comment does not affect the analysis completed or conclusions provided in the Draft EIR, does not provide new information or evidence related to the analysis completed in the Draft EIR, and does not reflect on the adequacy or content of the Draft EIR.

This comment is noted for the record, and revisions to the Draft EIR are not required.

Response 4.20

The commenter states that the Draft EIR does not provide construction noise levels for the cumulative projects, and questions the cumulative impacts conclusion regarding construction noise and vibration.

The cumulative projects listed in Table 3-1, *Cumulative Projects List*, in Section 3.3, *Cumulative Development*, are in various stages of review and/or development within their respective jurisdictions. Per *CEQA Guidelines* Section 15130 (b), discussion of cumulative impacts “should be guided by standards of practicality and reasonableness.” Even if several projects were being constructed at the same time, none of the projects are close enough together to result in a cumulative construction noise or vibration impacts. In addition, construction noise is exempt from noise exterior noise standards if operated within the allowed construction hours. The Draft EIR is adequate in identifying and disclosing the cumulative projects considered in the analyses. Further analysis of cumulative noise and vibration impacts, as suggested by the commenter, would be speculative at best.

This comment does not affect the analysis completed or conclusions provided in the Draft EIR, does not provide new information or evidence related to the analysis completed in the Draft EIR, and does not reflect on the adequacy or content of the Draft EIR.

This comment is noted for the record, and revisions to the Draft EIR are not required.

Response 4.21

The commenter states that there is no discussion of construction traffic.

CEQA Guidelines Section 15064.3 (3) states that “for many projects, a qualitative analysis of construction traffic may be appropriate.” The discussion regarding construction traffic is included in Section 4.12.2, *Impact Analysis*, under Transportation and Traffic topical discussion of the Draft EIR. Construction traffic was not quantitatively assessed as all construction activity is anticipated to occur during off-peak hours. As stated in the Draft EIR, construction traffic control measures on and around the project site would be included in the Construction Traffic Management Plan (CMP) to address potential construction-related traffic detours and disruptions, which would ensure construction impacts are less than significant. Items that would be included in a CMP include, but is not limited to, the locations of all roads that would need to be temporarily closed due to construction activities, including hauling of oversized loads by truck, conductor stringing activities, and trenching activities, work schedule, and safety measures.

This comment does not affect the analysis completed or conclusions provided in the Draft EIR, does not provide new information or evidence related to the analysis completed in the Draft EIR, and does not reflect on the adequacy or content of the Draft EIR.

This comment is noted for the record, and revisions to the Draft EIR are not warranted.

Response 4.22

The commenter states that the citation to a source document was excluded from footnote 5 in Table 4.12-5, and the opinion that the EIR is thusly inadequate.

The footnote reference for item 5 in Table 4.12-5 pertaining to pass-by trip reductions was included in error. Reference item 4 in that same table was meant to capture the explanation of reductions for both Internal Capture and Pass-by Reductions. Reference item 5 has been eliminated from the table and footnote number 4 has been updated on page 4.12-15 of Section 4.12, *Transportation and Traffic*, as follows:

- ¹ Since the TIA was initial drafted, the project has undergone minor changes, including a reduction of four gas station fueling positions and the addition of RV parking (detailed in Section 4.1 of the TIA). Due to these changes, this analysis is conservative and trip generation and resulting impacts may be overestimated.
- ² du = Dwelling Unit; TSF = thousand square feet, VFP = vehicle fueling positions
- ³ Source for trip generation rates: Trip Generation Manual, 10th Edition, Institute of Transportation Engineers (ITE), 2017.
- ⁴ Internal Capture and Pass-by Reductions are consistent with the City's traffic study guidelines Traffic Impacts Analysis Preparation Guide, most recently updated in April 2019.

Source: Table 4-1 of the TIA, Appendix L

The minor clarification of a single citation from a footnote in a table does not make the EIR inadequate, and the addition of this citation language does not constitute new information of substantial importance requiring recirculation of the EIR under CEQA. (See State CEQA Guidelines 15088.5.) This comment and the subsequent revision to the Draft EIR do not affect the analysis completed or conclusions provided in the Draft EIR, do not provide new information or evidence related to the analysis completed in the Draft EIR, and do not reflect on the adequacy or content of the Draft EIR.

This comment is noted for the record, and revisions to the Draft EIR have been made as noted above.

Response 4.23

The commenter provides a list of select mitigation measures provided in the Draft EIR for Transportation and Traffic, and states that the assessment of fees is inadequate and a deferral of mitigation measures.

As incoming development analyses identify significant impacts in cumulative scenarios they include a calculation of their “fair share” contribution towards impacts requiring mitigation. These percentage-based fees are placed in an account to be used for the specific roadway segment or intersection improvement in question. As additional development occurs, the City may reimburse already collected fees towards the construction of mitigations. The City additionally maintains a capital improvement program, pavement management program and signal priority ranking program and collected fees would be used to complete identified mitigations as the City constructs projects within these programs. The City reviewed each mitigation measure and intersection, and determined payment of fair share fees by the project applicant would be adequate in addressing potential intersection impacts following the implementation of the project.

This comment does not affect the analysis completed or conclusions provided in the Draft EIR, does not provide new information or evidence related to the analysis completed in the Draft EIR, and does not reflect on the adequacy or content of the Draft EIR.

This comment is noted for the record, and revisions to the Draft EIR are not warranted.

Response 4.24

The commenter notes that intersections #1 (City of Colton), #5 (Caltrans), #14 (Caltrans), and #16 (Caltrans) are outside of the City's jurisdiction and the payment of fees is not an acceptable mitigation measure when the improvements are in a jurisdiction beyond the scope of the lead agency.

Each intersection noted by the commenter is located at the following location:

- Intersection 1: Main Street and Placentia Lane
- Intersection 5: Main Street and SR 60 eastbound ramps
- Intersection 14: West La Cadena Drive and Interchange Street/I-215 southbound ramps
- Intersection 16: East La Cadena Drive and I-215 northbound ramps

All four intersections are located within City limits. Intersection 1 is under City of Riverside ownership and management, and the City is the lead agency upon any anticipated or proposed improvements. Any work that occurs for improvements at Intersection 1 that is within the City of Colton jurisdiction would require applicable encroachment permits. Intersections 5, 14, and 16 interface with Caltrans right-of-way. The City of Riverside routinely proposes and manages signalization and configuration improvements for intersections of state routes and local roadways through permits and in collaboration with Caltrans. Similarly, the City would be responsible for management and implementation of proposed improvements at the identified intersections, but would collaborate with Caltrans and go through their process of permitting.

The City reviewed each mitigation measure and intersection that are near neighboring jurisdictions, and determined payment of fair share fees by the project applicant would be adequate in addressing potential intersection impacts following the implementation of the project.

This comment does not affect the analysis completed or conclusions provided in the Draft EIR, does not provide new information or evidence related to the analysis completed in the Draft EIR, and does not reflect on the adequacy or content of the Draft EIR.

This comment is noted for the record, and revisions to the Draft EIR are not required.

Response 4.25

The commenter states that fair share payments for required mitigation at Intersections #12 and #17 are not included in the DIF/TUMF.

Intersection #12 is located at Orange Street and Russell Street, and Intersection #17 is located at East La Cadena Drive and Columbia Avenue. As detailed in Response 4.23 above, as incoming development analyses identify significant impacts in cumulative scenarios they include a calculation of their "fair share" contribution towards impacts requiring mitigation. These percentage-based fees are placed in an account to be used for the specific roadway segment or intersection improvement in question. As additional development occurs, the City may reimburse already collected fees towards the construction of mitigations. The City additionally maintains a capital improvement program, pavement management program and signal priority ranking program and collected fees would be used to complete identified mitigations as the City constructs projects within these programs. The City reviewed each mitigation measure and intersection, and determined payment of

fair share fees by the project applicant would be adequate in addressing potential intersection impacts following the implementation of the project.

This comment does not affect the analysis completed or conclusions provided in the Draft EIR, does not provide new information or evidence related to the analysis completed in the Draft EIR, and does not reflect on the adequacy or content of the Draft EIR.

This comment is noted for the record, and revisions to the Draft EIR are not warranted.

Response 4.26

The commenter opines that fair share payments are not sufficient for mitigating significant cumulative traffic impacts.

Please refer to Response 4.23, above.

This comment does not affect the analysis completed or conclusions provided in the Draft EIR, does not provide new information or evidence related to the analysis completed in the Draft EIR, and does not reflect on the adequacy or content of the Draft EIR.

This comment is noted for the record, and revisions to the Draft EIR are not warranted.

Response 4.27

The commenter asserts that the anticipated project population will exceed SCAG's projections due to the proposed General Plan Amendment, which would increase the number of units assumed at General Plan Build Out in the SCAG population growth estimate.

The commenter is correct in stating that SCAG's 2016 RTP/SCS utilized the City's General Plan Land Use designations for analysis. The City's Housing Technical Report (2018) states, "The City of Riverside is anticipated to continue increasing in population, with a buildout projection of 383,077 [residents] for the planning area." SCAG's 2035 population growth projection for the City is 382,700 persons and 386,600 for 2040. Therefore, the City's buildout projection would exceed SCAG's 2035 projection by 377 persons, but have a difference of 3,523 persons based on SCAG's 2040 projection.

As detailed on page 6.6 in Section 6 of the Draft EIR, development of the site under existing land use regulations would increase the population by about 826, which is about 1,000 people less than 1,897 under the proposed project as detailed on page 4.2-16 in Section 2 of the Draft EIR. Therefore, the anticipated additional project population of 1,000 is within SCAG's growth projection for the City, despite the proposed General Plan Amendment to accommodate the proposed residential units. The City's conclusion that any minor exceedance of SCAG's projection for this specific site does not rise to the level of a significant impact to population and housing is fully supported by substantial evidence. The conclusions of the Draft EIR pertaining to population impacts have not changed.

This comment does not affect the analysis completed or conclusions provided in the Draft EIR, does not provide new information or evidence related to the analysis completed in the Draft EIR, and does not reflect on the adequacy or content of the Draft EIR.

This comment is noted for the record, and revisions to the Draft EIR are not required.

Response 4.28

The commenter asserts that the project population and employment calculations are an underestimate of the actual population increase due to the utilization of the City's average persons per household in calculations.

The commenter is correct in sharing that the City of Colton has a higher average household size. However, Riverside County as a whole has an average household size of 3.14 persons, which is less than the City of Riverside's 3.18 persons. The calculations provided in the Draft EIR represent a conservative estimate based on dwelling units provided, intended to inform the public of an approximated population growth potential for the cumulative projects included in the analysis; not an exact headcount of future residents. Furthermore, projects occurring in the City of Colton, City of Jurupa valley, and the County of Riverside are outside of the jurisdiction of the City of Riverside. As discussed in Section 4.15.10, *Population and Housing*, the analysis provided for the project and anticipated residential and employment population growth is specific to the project and City.

This comment does not affect the analysis completed or conclusions provided in the Draft EIR, does not provide new information or evidence related to the analysis completed in the Draft EIR, and does not reflect on the adequacy or content of the Draft EIR.

This comment is noted for the record, and revisions to the Draft EIR are not required.

Response 4.29

The commenter concludes that the Draft EIR should be revised and recirculated, and requests to be included on the public interest list.

The revised Draft EIR will be made publicly available as the Final EIR, and the commenter will be added to the public interest list for future communications pertaining to information about the project. For all the reasons sets forth above in Responses to Comments 4.1 through 4.28, no new information of substantial importance has been added to the EIR, and no new significant environmental impacts or substantial increases in existing significant impacts exist. Accordingly, recirculation of the Draft EIR is not required. (See State CEQA Guidelines 15088.5.)

This comment does not affect the analysis completed or conclusions provided in the Draft EIR, does not provide new information or evidence related to the analysis completed in the Draft EIR, and does not reflect on the adequacy or content of the Draft EIR.

This comment is noted for the record, and revisions to the Draft EIR are not required.

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);

- 5.1. cont.
- 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).

5.2.

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.)

5.3.

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.

5.4

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.)¹ 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 (MTCO₂e) emissions per year. This would reduce Project emissions from a stunning 21,998 MTCO₂e per year to an equally stunning 21,273 MTCO₂e 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

¹ Unless otherwise indicated, all references are to the Project DEIR.

5.4. cont. 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.

5.5. 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.

5.6. 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

5.7. 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.

5.8. The City determined Project NO_x 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_s, CO, SO_x, PM₁₀ and PM_{2.5}. (4.2-20.) The City proposes minimal mitigation to address the significant and unavoidable NO_x 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_x impacts caused by the Project.

5.9. The City determined the Project would not exceed the one-hour standard for NO₂. (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.

5.10. 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.

5.11. 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.

5.12. 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

5.12. cont. 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.

5.13. 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

5.14. 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.

5.15. 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.)

5.16. 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.

5.17. 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

5.18. 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.

5.19. 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

5.20. 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

5.20.
cont.

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

5.21.

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

5.22.

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

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

Noise

- 5.23. | 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.

- 5.24. | 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.

- 5.25. | 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.

- 5.26. | 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

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Re: The Exchange DEIR
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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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Ashley McCarroll
Wittwer Parkin LLP
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Thank you for your consideration of these comments.

Very truly yours,
WITTWER PARKIN LLP

_____/s/_____
Nicholas Whipps

Letter 5

COMMENTER: Nicholas Whipps and Ashley McCarroll, Wittwer Parkin LLP

DATE: March 1, 2019

Response 5.1

The commenter provides general information for who they represent, as well as a detailed summary of various project components.

This comment does not affect the analysis completed or conclusions provided in the Draft EIR, does not provide new information or evidence related to the analysis completed in the Draft EIR, and does not reflect on the adequacy or content of the Draft EIR.

This comment is noted for the record, and revisions to the Draft EIR are not required.

Response 5.2

The commenter points out that the Draft EIR did not disclose what permitting or certification under the California Air Resources Board would be required for the proposed gas station or if the project will require an easement of vacation of Vista Street.

Please refer to Response 2.5, which indicates the revision made to the Draft EIR to include SCAQMD as the Responsible Agency that would grant construction and operation permits for the proposed gas station. In addition, Vista Street was vacated by Resolution No. 17672 on January 1, 1991 and recorded on February 23, 1995.

This comment and subsequent Draft EIR revision do not affect the analysis completed or conclusions provided in the Draft EIR, do not provide new information or evidence related to the analysis completed in the Draft EIR, and do not reflect on the adequacy or content of the Draft EIR.

This comment is noted for the record, and revisions to the Draft EIR have been made as noted in Response 2.5.

Response 5.3

The commenter states that Southwest Carpenters submitted comments on the Initial Study that the City disregarded concerns that the project would have impacts to aesthetics, hazards and hazardous materials, public services, and wastewater capacity.

Table 1-1 in Section 1, *Introduction*, in the Draft EIR, lists all comments received during the NOP public comment period and identifies where the comments are addressed in the Draft EIR. The letter submitted by Wittwer Parkin LLP on behalf of the Southwest Carpenters during the public scoping period is acknowledged and included in Table 1-1. The Draft EIR includes topical issue sections for aesthetics (Section 4.1), hazards and hazardous materials (Section 4.15), public Services (Section 4.15), and utilities and services systems, which include wastewater capacity (Section 4.15). Because no other specific comments were made, no further response is required. (*Eureka Citizens for Responsible Government v. City of Eureka* (2007) 147 Cal.App.4th 357, 378 [“where a general comment is made, a general response is sufficient”].)

This comment does not affect the analysis completed or conclusions provided in the Draft EIR, does not provide new information or evidence related to the analysis completed in the Draft EIR, and does not reflect on the adequacy or content of the Draft EIR.

This comment is noted for the record, and revisions to the Draft EIR are not required.

Response 5.4

The commenter asserts that the City did not include baseline greenhouse gas emissions on the project site and states that CEQA requires the City to adopt mitigation to reduce impacts to the maximum extent feasible. The commenter provides example measures which would reduce GHG emissions and states that the City should consider carbon offsets for GHG emissions from mobile sources.

An analysis of baseline emissions is generally provided for project sites that contain existing uses. The project site is vacant and assumed to generate no emissions; therefore, additional analysis to establish baseline emissions for a vacant project site would be a superfluous activity at best.

The project GHG study was provided as Appendix C to the Draft EIR, the analysis and recommendations of which were incorporated into Section 4.7, *Greenhouse Gas Emissions*, of the Draft EIR. Section 4.5, *Energy*, also provides information pertaining to anticipated project energy use. The analysis of Greenhouse Gas Emissions did conclude that impacts were significant and unavoidable, largely due to the operational vehicle emissions beyond the City's legal control. The analyses completed for the Energy section concludes that the project would have less than significant impacts, and includes discussion pertaining to City-wide green power projects that would reduce overall GHG emissions in the City. The commenter ignores the City's initiatives in funding solar projects throughout the City, the LED streetlight replacement program, and City-supported utilities incentive programs for residences and businesses, as detailed in the cumulative impact discussion on page 4.7-18 and 4.7-19 of the Draft EIR. The proposed project alone cannot hold sole responsibility of reducing GHG emissions for the entire City; rather, the project would be subject to participating in existing City GHG reduction programs, as noted in the Draft EIR.

The commenter suggests a number of mitigation measures to offset GHG emissions from the project, which are listed in Table 2 below.

Table 2 Proposed GHG Mitigation Measures

Proposed measure	Included?
Install solar panels on all rooftops and shade structures	Yes. The Mitigation Measure AQ-3 includes installation of solar panels in the recommended measures for Title 24 exceedance.
Install hundreds of EV chargers	Yes. The project includes the wiring for EV charging stations in each residential garage.
Purchase carbon offsets	Not Included. The nexus for carbon offsets to impact the GHG reduction goals is for carbon offsets to affect the local area. There is no approved carbon off-set policy that provides for carbon offsetting for local projects in the project area. Therefore, this measure is both infeasible and would not actually avoid or substantially reduce GHG emissions of the Project.

Please see Response to Comment 2.2, which explains that the vast majority of the project emissions are from vehicular emissions and that vehicular fuel standards are beyond the City's legal ability to regulate or control. Accordingly, all feasible mitigation has been imposed for the project's potential impacts.

This comment does not affect the analysis completed or conclusions provided in the Draft EIR, does not provide new information or evidence related to the analysis completed in the Draft EIR, and does not reflect on the adequacy or content of the Draft EIR.

This comment is noted for the record, and revisions to the Draft EIR are not required.

Response 5.5

The commenter states that the GHG analysis did not account for the City's "high use" of coal as a source of energy. The commenter claims that the City's use of coal is higher than the state average, and the GHG analysis should take this into account.

First, the commenter provides no substantial evidence showing that the City's mix of electricity is any different from that of many other California municipalities. Second, the City's overall mix of electricity sources is not an impact of the project, and thus is outside the scope of the CEQA review process for this specific project. Third, the Greenhouse Gas analysis used the California Emissions Estimator Model (CalEEMod) to estimate GHG emissions of the project. As stated on page 17 of the CalEEMod User Guide, the model uses intensity factors from utility providers to calculate GHG emissions associated with electricity use. Appendix 3.1 of the Greenhouse Gas Study, located in Appendix C of the Draft EIR, shows that the GHG model used inputs from Riverside Public Utility in the analysis. Therefore, the GHG analysis already took into account the energy sources used in the City. Finally, and as an informational item only, the City's contract for certain electrical power originating from coal sources will expire prior to 2030, thus further attenuating any potential connection to the project.

This comment does not affect the analysis completed or conclusions provided in the Draft EIR, does not provide new information or evidence related to the analysis completed in the Draft EIR, and does not reflect on the adequacy or content of the Draft EIR.

This comment is noted for the record, and revisions to the Draft EIR are not required.

Response 5.6

The commenter states that the City relied on plans and policies that were not intended to be used at the project level. In addition, the commenter opines that the Draft EIR did not support consistency conclusions for Mitigation Measure T-6 because tire pressure in vehicles is not enforceable and service providers are not required to check tire pressure. The commenter also states the Draft EIR did not support its conclusions for Mitigation Measure T-7 because it failed to explain how the project improved the jobs-housing balance in the City. Finally, the commenter asks to disclose whether the Draft EIR accounted for the City's coal usage.

The commenter provides no details regarding which "various plans and policies" it is concerned about, thus it is not possible for the City to provide a specific response. (*Eureka Citizens for Responsible Government v. City of Eureka* (2007) 147 Cal.App.4th 357, 378 ["where a general comment is made, a general response is sufficient"].)

However, it should be noted that inclusion of a general consistency analysis with CARB's Scoping Plan is standard practice. The commenter also failed to acknowledge the analysis also included a consistency analysis with the local City of Riverside's own Climate Action Plan in Table 4.7-4 in Section 4.7, *Greenhouse Gas Emissions*, of the Draft EIR.

Further the City's conclusion that tire pressures will generally be maintained is fully supported by substantial evidence. First, the California Air Resources Board approved the Tire Pressure Regulation in 2010, which requires automotive service providers to check and inflate vehicle tires during service appointments. Second, it is a reasonable assumption predicated upon fact that cars with flat tires are inoperable.

Regarding the discussion of Mitigation T-7, the commenter uses quotes of the consistency analysis from two separate measures (Measure T-4 and Measure T-6 in Table 4.7-4 of the Draft EIR) to make a claim that the Draft EIR failed to support its conclusions regarding the improvement of job-housing balance in the City. The commenter failed to acknowledge that Measure T-7 includes increasing household and employment densities in addition to improving job-housing balance. In addition, the project has no adverse impact on the existing job-housing balance in the City; in fact, implementation of the project would increase the number of jobs which would be created under the existing land use of the project site along with the provision of much-needed housing within the City.

With regard to the commenter's statements concerning "coal usage in its discussion of greenhouse gases," please see Response to Comment 5.5, above.

This comment does not affect the analysis completed or conclusions provided in the Draft EIR, does not provide new information or evidence related to the analysis completed in the Draft EIR, and does not reflect on the adequacy or content of the Draft EIR.

This comment is noted for the record, and revisions to the Draft EIR are not warranted.

Response 5.7

The commenter states that the City did not disclose baseline emissions from the project site.

As stated above in Response 5.4, the project site is vacant and assumed to generate no emissions; therefore, additional analysis to establish baseline emissions for a vacant project site would be a superfluous activity at best as the emissions generated by the vacant site is assumed zero.

This comment does not affect the analysis completed or conclusions provided in the Draft EIR, does not provide new information or evidence related to the analysis completed in the Draft EIR, and does not reflect on the adequacy or content of the Draft EIR.

This comment is noted for the record, and revisions to the Draft EIR are not warranted.

Response 5.8

The commenter states that the City determined NO_x emissions would be significant and unavoidable and proposes only minimal mitigation measures. The commenter states the City did not explain how these measures address the significant and unavoidable NO_x emissions.

Mitigation Measure AQ-3 and AQ-4 would indirectly reduce area and energy NO_x emissions by exceeding Title 24 efficiency measures and reducing outdoor water use, as seen in Table 4.2-11 and 4.2-12 in Section 4.2 of the Draft EIR. In addition, project design features which reduce mobile NO_x emissions with a ride-share pick-up location and a U.S. Post Office/FedEx concierge service are now listed on page 4.2-21 of the Draft EIR. As stated in Response 2.2 above, and on Page 4.2-20 and 4.2-21 of Section 4.2, *Air Quality*, mobile NO_x emissions constitute 90 percent of the operational NO_x emissions and the City does not have authority to reduce tailpipe emissions from vehicles. Mobile NO_x emissions will be reduced into the future from the implementation of federal or state policies such as Assembly Bill 1493, but there are no feasible mitigation measures to reduce NO_x emissions further.

Implementation of mitigation measures AQ-3 and AQ-4 would reduce the project's operational air quality impacts associated with the use of energy and water as seen in Table 4.2-12 of the DEIR (pp. 4.2-22). With the incorporation of additional conservation measures and compliance with CalGreen

and Title 24 requirements, the project's area and energy emissions would be reduced below thresholds, but the project would still exceed daily maximum thresholds for NO_x emissions by 128.7 pounds per day. Operational-related regional emissions cannot be reduced to below SCAQMD thresholds for NO_x and therefore, impacts are considered to be significant and unavoidable.

This comment and the subsequent Draft EIR revisions do not affect the analysis completed or conclusions provided in the Draft EIR, do not provide new information or evidence related to the analysis completed in the Draft EIR, and do not reflect on the adequacy or content of the Draft EIR.

Response 5.9

The commenter states that the City did not use the stricter federal NO₂ standard of 0.100 parts per million (ppm) in the analysis of criteria pollutant exposure. The commenter notes that project emissions analysis typically use SCAQMD daily emissions thresholds, expressed in pounds per day, to determine project impacts.

An Air Quality Study was completed for the project and included as Appendix B to the Draft EIR, the analysis and recommendations of which were incorporated into Section 4.2, *Air Quality*. The project was modeled in CalEEMod to determine estimated construction and operational emissions. Project emissions data tables were included in Section 4.2 (Tables 4.2-7 through 4.2-12), which all express emissions data in lbs/day according to SCAQMD thresholds.

The ambient air quality standards (AAQS) for criteria pollutants define the amount of criteria pollutant that can be present in the air without harming human health. The SCAQMD daily thresholds are established to meet the AAQS. Health and Safety Code section 39606 authorizes the Air Resources Board (ARB) to adopt standards for ambient air quality that are developed, "in consideration of public health, safety, and welfare, including but not limited to health, illness, irritation to the senses, aesthetic value, interference with visibility, and the effects on the economy." California law mandates compliance with California AAQS, although attainment of National AAQS has precedence over attainment of the California AAQS.

As shown in Table 4.2-2 in Section 4.2 *Air Quality* of the Draft EIR, the region around the project does not exceed the National AAQS for NO₂. As such, there is no requirement to use the federal NO₂ standard because the region is already in attainment. The State NO₂ standard of 0.18 ppm was established after extensive review of scientific literature. Nonetheless, as seen in Table 4.2-13 in Section 4.2 *Air Quality* and in the HRA in Appendix E of the Draft EIR, the estimated maximum one-hour concentration of NO₂ the project would result in is 0.10 ppm, which does not exceed the State or National standard.

This comment does not affect the analysis completed or conclusions provided in the Draft EIR, does not provide new information or evidence related to the analysis completed in the Draft EIR, and does not reflect on the adequacy or content of the Draft EIR.

This comment is noted for the record, and revisions to the Draft EIR are not warranted.

Response 5.10

The commenter states that Table 12 of the Initial Study shows PM₁₀ emissions would equal the significance threshold while the Draft EIR shows the project would be below the threshold. The commenter notes that the project would require large amounts of grading which may suspend dust in the air and requests an explanation of the reduction in PM₁₀ emissions from the Initial Study to the Draft EIR.

The Initial Study provided a very conservative, preliminary analysis of emissions for initial scoping purposes, and concluded that impacts to Air Quality warranted further review and analysis in the EIR. The Draft EIR utilized updated project plans and the Air Quality Report (Appendix B of the Draft EIR) in its detailed technical analysis and conclusions, which were better representative of the final proposed project. The results of that detailed technical analysis are presented in the Draft EIR, and demonstrate that no potentially significant impacts related to particulate matter will occur with the implementation of mitigation. (See, e.g., Draft EIR p. ES-9 [summarizing mitigation requirement for dust suppression])

This comment does not affect the analysis completed or conclusions provided in the Draft EIR, does not provide new information or evidence related to the analysis completed in the Draft EIR, and does not reflect on the adequacy or content of the Draft EIR.

This comment is noted for the record, and revisions to the Draft EIR are not warranted.

Response 5.11

The commenter states that Impact AQ-5 evaluates the impacts of the project on the project, and not the project on the environment. The commenter requests the analysis be revised to disclose the impacts of the project on the environment.

Impact AQ-5 does provide a discussion and analysis of impacts of the project onto the existing, surrounding environment. This analysis is provided on Pages 4.2-24 and 4.2-25 of the Draft EIR. However, because the project would contain sensitive receptors adjacent to two major freeways, the analysis also discloses impacts on the potential residents of the project.

This comment does not affect the analysis completed or conclusions provided in the Draft EIR, does not provide new information or evidence related to the analysis completed in the Draft EIR, and does not reflect on the adequacy or content of the Draft EIR.

This comment is noted for the record, and revisions to the Draft EIR are not required.

Response 5.12

The commenter states that the City did not conduct an adequate cumulative air quality impact analysis. The commenter notes that the analysis explains impacts would be cumulatively significant only if the project exceeds thresholds designed for project-level analysis. The commenter opines that the analysis should have considered the cumulative projects in conjunction with the proposed project in analyzing cumulative impacts. In addition, the commenter states that the Draft EIR did not disclose whether any of the cumulative projects have been determined to have significant and unavoidable air quality impacts.

Pursuant to SCAQMD's White Paper on Potential Control Strategies to Address Cumulative Impacts, "projects that exceed the project-specific significance thresholds are considered by the SCAQMD to be cumulatively considerable. This is the reason project-specific and cumulative significance thresholds are the same. Conversely, projects that do not exceed the project-specific thresholds are generally not considered to be cumulatively significant."⁷ Based on this approach and because the air quality cumulative impacts were determined to be significant and unavoidable, the City

⁷ <http://www.aqmd.gov/docs/default-source/Agendas/Environmental-Justice/cumulative-impacts-working-group/cumulative-impacts-white-paper-appendix.pdf>

concluded that cumulative impacts would likewise be significant. Furthermore, the City did consider a list of past, present, and probable future projects when reviewing cumulative impacts. The projects included in the cumulative analysis are at various stages of development with limited information pertaining to potential air quality emissions generated by each individual project considered. To include formally modeled, cumulative air quality analysis of a quantitative nature would be speculative at best, and would conflict with CEQA's directives that speculative impacts need not be analyzed (CEQA Guidelines 15145) and that cumulative impact analysis "need not provide as great detail as is provided by the effects attributable to the project alone" (CEQA Guidelines 15130.)

This comment does not affect the analysis completed or conclusions provided in the Draft EIR, does not provide new information or evidence related to the analysis completed in the Draft EIR, and does not reflect on the adequacy or content of the Draft EIR.

This comment is noted for the record, and revisions to the Draft EIR are not warranted.

Response 5.13

The commenter states that the cumulative analysis only used projects within one mile, which does not account for the nature of air quality emissions which can travel hundreds of miles. The commenter states that they are aware of no SCAQMD guidance for the project list used in the cumulative air quality analysis and asks for the SCAQMD adopted rule be included in the EIR.

Please refer to Response 5.12, above, for cumulative impact guidance from SCAQMD. The cumulative projects included in the project analysis were determined by the City as "reasonably foreseeable probable future projects" per *CEQA Guidelines* Section 15355, which does not set specific distance boundaries within which projects should be included in cumulative impact analyses. Based upon the projects location and cumulative projects in the area, one-mile was deemed the appropriate distance by the City for analyzing cumulative development. Distances were selected based upon anticipated impacts from the project onto other projects or other projects onto the project. In this case, a one-mile radius was deemed appropriate due to the transportation and circulation network which limits access to the project site and surrounding cumulative development.. Further, the commenter suggests that a cumulative impact analysis should consider every single project within the South Coast Air Basin. The commenter provides no authority for that approach, nor does CEQA require an exhaustive and unrealistic cataloging of projects across hundreds of square miles.

This comment does not affect the analysis completed or conclusions provided in the Draft EIR, does not provide new information or evidence related to the analysis completed in the Draft EIR, and does not reflect on the adequacy or content of the Draft EIR.

This comment is noted for the record, and revisions to the Draft EIR are not warranted.

Response 5.14

The commenter asserts that the Draft EIR does not evaluate if the project is consistent with City policies designed to protect the environment. Specifically, the commenter notes General Plan Policies LU-7.2 and OS-5.4, which seek to preserve and protect open space habitat. The commenter notes the project would eliminate the open space on the site and recommends the Draft EIR should analyze impacts in relation to these policies.

General Plan Policy LU-7.2 seeks to have new development adjacent to native wildlife be designed in a manner which would preserve and protect habitat and Policy OS-5.4 seeks to protect native plant communities and riparian areas consistent with the MSHCP. The project site is not adjacent to sensitive natural communities and does not have a land use or zoning designation of Open Space and therefore does not conflict with Policy LU-7.2. Specifically, the site is bordered on the north and west by existing residential, institutional, and commercial development. A majority of the adjacent uses are single-family residences along Orange and Strong Streets. Fremont Elementary school is west of the project site, and Calvary Baptist Church is adjacent to the site on the north. Commercial uses occur to the southwest of the site near the SR 60 off-ramp. The southern portion of the site is bounded by SR 60 and the eastern portion of the site is bounded by I-215. As discussed under Impact BIO-6 in Section 4.3, *Biological Resources*, of the Draft EIR, and in the DBESP Memorandum attached as Appendix T to this Final EIR, the project would mitigate impacts to jurisdictional features on-site at a 2:1 ratio and would comply with all provisions in the MSHCP, and thereby comports with Policy OS-5.4.

This comment does not affect the analysis completed or conclusions provided in the Draft EIR, does not provide new information or evidence related to the analysis completed in the Draft EIR, and does not reflect on the adequacy or content of the Draft EIR.

This comment is noted for the record, and revisions to the Draft EIR are not required.

Response 5.15

In relation to wildlife corridors, the commenter states that the Draft EIR mentioned the project site serves as linkage and forage habitat for avian species and then fails to discuss the direct, indirect, and cumulative impacts of the loss of the project site on these species.

As discussed on page 4.3-8 and in Impact BIO-5 in Section 4.3, *Biological Resources*, in the Draft EIR, the project site is not located in an essential habitat connectivity area, nor does it contain any missing linkages, as identified by South Coast Wildlands Network. Furthermore, the site is not located in a criteria cell or within the MSHCP Conservation Area, such as Public/Quasi-Public Reserves, or other areas set aside for conservation purposes, as detailed in the MSHCP and Figure OS-7 and OS-8 of the City's General Plan.

This comment does not affect the analysis completed or conclusions provided in the Draft EIR, does not provide new information or evidence related to the analysis completed in the Draft EIR, and does not reflect on the adequacy or content of the Draft EIR.

This comment is noted for the record, and revisions to the Draft EIR are not warranted.

Response 5.16

The commenter states that the Draft EIR cumulative biological impact discussion did not conduct an analysis to support its conclusions. The commenter opines that the analysis should be revised to consider impacts from past, present, and reasonably foreseeable projects and not on a case-by-case basis.

The commenter only cites to a small part of the overall cumulative impact discussion in Section 4.3, *Biological Resources* of the Draft EIR. The cumulative impact discussion actually includes analysis of the biological setting around the project site. As stated on page 4.3-19 in Section 4.3 of the Draft EIR, native vegetation communities and open areas have almost entirely been developed in the region of the project. Over the last half-century or more, naturally vegetated open areas diminished

as the landscape surrounding the project site has been built out with residential and commercial uses.

In addition, the project and the cumulative projects would all be required to comply with all MSHCP policies and measures. The MSHCP is a regional habitat conservation plan which has a goal of conserving biological resources cumulatively. The EIR prepared for the MSHCP analyzed the cumulative impacts that could result from development throughout Western Riverside County including the City of Riverside. That EIR also found that compliance with the MSHCP would satisfy CEQA requirements for subsequent projects for species and habitats covered in the Plan. Therefore, besides the analysis in the project EIR, regional analysis has also been conducted of impacts to species and habitat. As discussed in the Draft EIR, compliance with the MSHCP would reduce cumulative impacts.

This comment does not affect the analysis completed or conclusions provided in the Draft EIR, does not provide new information or evidence related to the analysis completed in the Draft EIR, and does not reflect on the adequacy or content of the Draft EIR.

This comment is noted for the record, and revisions to the Draft EIR are not warranted.

Response 5.17

The commenter states that CEQA requires mitigation measures to be enforceable in order to ensure the measures would reduce the impacts of the projects. The commenter claims that Mitigation Measure CR-1 does not provide specific, enforceable mandates and says the measure defers formulation of mitigation. The commenter includes excerpts of the mitigation that they are referring to.

Mitigation Measure CR-1 requires developer to retain a certified archaeologist and to prepare an archaeological monitoring plan. If the measure did not include details of what is required to be included in the plan, then the measure might arguably constitute a deferral. However, Mitigation Measure CR-1 does enumerate a list of enforceable performance standards and required details that the plan shall include a monitoring schedule, protocols to follow in the event cultural resources are discovered, treatment and disposition measures, and sensitivity training. Therefore, the mitigation is fully enforceable and does not defer mitigation.

This comment does not affect the analysis completed or conclusions provided in the Draft EIR, does not provide new information or evidence related to the analysis completed in the Draft EIR, and does not reflect on the adequacy or content of the Draft EIR.

This comment is noted for the record, and revisions to the Draft EIR are not warranted.

Response 5.18

The commenter states that the Draft EIR discloses the City obtains 26 percent of its energy source from coal and the Draft EIR made no effort to evaluate ways the project could reduce its reliance on outdated energy sources.

First, the commenter provides no substantial evidence showing that the City's mix of electricity is any different from that of many other California municipalities. Second, the City's overall mix of electricity sources is not an impact of the project, and thus is outside the scope of the CEQA review process for this specific project. Individual development projects are not responsible for reducing a City's sources of energy. Section 4.3, *Energy Conservation*, details project design features such as LED lighting, updated HVAC systems, and Mitigation Measure AQ-3 and AQ-4, which would reduce

the energy use of the project by requiring a five percent exceedance of Title 24 and reduced water use, that would contribute to the reduction of this project's energy consumption. These reduction measures are in line with City-wide efforts.

The commenter is further directed to Page 4.5-4 of Section 4.5, *Energy Conservation*, which states that "36 percent of Riverside Public Utility's (RPU) power supply was generated from renewable energy sources," which is higher than California's overall renewable energy supply of 29 percent. In addition, the Draft EIR details that, "RPU anticipates increasing renewable resources to 44 percent by 2020, and phasing out its reliance on coal-fired plants for electricity supply by 2025." RPU already exceeds California's Renewable Portfolio Standard (RPS) of 33 percent by 2020. Accordingly, the City's significance conclusions regarding energy usage are fully supported by substantial evidence.

This comment does not affect the analysis completed or conclusions provided in the Draft EIR, does not provide new information or evidence related to the analysis completed in the Draft EIR, and does not reflect on the adequacy or content of the Draft EIR.

This comment is noted for the record, and revisions to the Draft EIR are not warranted.

Response 5.19

The commenter states that the Draft EIR does not provide evidence or mitigation which would ensure that contractors would avoid wasteful, inefficient, and unnecessary fuel consumption during construction. The commenter asks for a revision to the discussion with evidence or binding mitigation.

In response to this comment, pages 4.5-14 in Section 4.5, *Energy Conservation*, of the Draft EIR are revised for clarity as follows:

~~Similar to the manufacturers utilizing energy conservation methods to reduce costs, it is reasonable to assume contractors would avoid wasteful, inefficient, and unnecessary fuel consumption during construction to reduce construction costs.~~ The project would comply with the CARB In-Use Off-Road Diesel-Fueled Fleets Regulation, which imposes limits on idling and restricts the use of older vehicles. This would reduce fuel consumption and lead to the use of fuel-efficient vehicles on the construction site. Construction equipment would be maintained to all applicable standards, and construction activity and associated fuel consumption and energy use would be temporary and typical for construction sites. Therefore, the proposed project would not involve the inefficient, wasteful, and unnecessary use of energy during construction, and the construction-phase impact related to energy consumption would be less than significant.

It should be noted that, even with this revision, no change to the significance conclusions presented in the EIR will result. Accordingly, this comment and the subsequent Draft EIR revisions do not affect the analysis completed or conclusions provided in the Draft EIR, do not provide new information or evidence related to the analysis completed in the Draft EIR's, and do not reflect on the adequacy or content of the Draft EIR.

This comment is noted for the record, and revisions to the Draft EIR have been made as noted above.

Response 5.20

The commenter states that the Initial Study determined the project would have a less than significant impact on soil erosion and loss of topsoil, and this was not discussed in the Draft EIR. The commenter states that the discussion in Hydrology and Water Quality of the Draft EIR recognizes that construction activities have the potential to result in looser, exposed soils that are more susceptible to erosion and could increase sediment load in stormwater runoff. Therefore, the commenter opines that the Draft EIR should have contained a discussion of soil erosion

The Initial Study states that the project could result in temporary soil erosion during construction. However, it was determined that upon project completion, the site would not contain loose and exposed soils which would cause long-term erosion impacts. Accordingly, and contrary to the commenter's statement, the EIR is fully consistent.

Further, the Initial Study did not discount the impacts of soil erosion during operation. Regarding grading activities, the Initial Study provides that, combined with the relatively flat topography present at the project site, grading and development activities would not result in substantial soil erosion or loss of topsoil. In addition, on Page 4.8-14 in Section 4.8, *Hydrology and Water Quality*, the Draft EIR states that the project would be required to prepare and implement a stormwater pollution prevention plan (SWPPP), which would the implementation of BMPs to control soil erosion. To be clear, the City's conclusion is not necessarily that zero impact would occur, but that any potential impacts will be limited, primarily occur during construction, and – in any event – be less than significant.

This comment does not affect the analysis completed or conclusions provided in the Draft EIR, does not provide new information or evidence related to the analysis completed in the Draft EIR, and does not reflect on the adequacy or content of the Draft EIR.

This comment is noted for the record, and revisions to the Draft EIR are not warranted.

Response 5.21

The commenter states that the Draft EIR determined the project would have a less than significant impact related to flood risk, even though the project site is within a 100-year flood zone. The commenter opines that the provisions in the Draft EIR which would reduce the flood hazards, such as undergrounding of the existing concrete-lined channel, should be disclosed as mitigation instead of design features.

As detailed on page 4.8-22 in Section 4.8 of the Draft EIR, about 2.2 acres of the project site along the concrete channel is located in a 100 year flood zone. However, the project design features would not need to be implemented as mitigation in this scenario. If the design of the project changes in relationship to the concrete-lined channel and on-site flood zone, Mitigation Measure HWQ-1 and existing City regulations would still result in less than significant impacts. As detailed on Page 4.8-22 in Section 4.8, *Hydrology and Water Quality*, in the Draft EIR, Chapter 16.18 of the Riverside Municipal Code (RMC) contains regulations for development in flood hazard areas, and the City's Floodplain Administrator would review project plans for consistency. In addition, Mitigation Measure HWQ-1 requires the applicant to obtain a letter of map revision from the Federal Emergency Management Agency (FEMA) prior to building permits, which will show the lowest point of the structures to be at or above the flood hazard elevation.

This comment does not affect the analysis completed or conclusions provided in the Draft EIR, does not provide new information or evidence related to the analysis completed in the Draft EIR, and does not reflect on the adequacy or content of the Draft EIR.

This comment is noted for the record, and revisions to the Draft EIR are not warranted.

Response 5.22

The commenter states that the land use analysis in the Draft EIR does not include the analysis required by CEQA. The commenter notes that the Draft EIR determines there would be a less than significant impact on land use conflicts because the project includes a General Plan and Zoning Code Amendment. The commenter states that the Draft EIR is required to include potential impacts with current land use designation, and it is uninformative to include consistency determinations with land use designations that would exist only after project approval.

The proposed project would not be implemented without a General Plan and Zoning Amendment. Pursuant to Chapter 19.810 of the Riverside Municipal Code, "Government Code Section 65853 allows amendments to any provisions of the Zoning Code. Whenever the public necessity, convenience, general welfare or good zoning practice requires, the City Council may, amend, supplement or change the regulations, zone boundaries or zoning classifications of property established by the Zoning Code." The project would comply with all procedures and obtain required approvals in order to change the land use and zoning designations. It is not necessary to provide a consistency analysis with the current land use as the project would not be implemented under the existing land use of the site.

Impacts to surrounding land uses from the development of the project are included throughout Sections 4.1 through 4.15 of the Draft EIR. The site plan of the project places residential uses adjacent to the existing residences along Strong Street to buffer from the proposed commercial and hotel uses. In addition, the apartments are setback over 80 feet from the northern property line to reduce noise and aesthetic impacts on the surrounding uses. The location of the project site, adjacent to I-215 and SR 60, provides a compatible and strategic location for commercial and hotel uses as proposed in the project's site plan.

This comment does not affect the analysis completed or conclusions provided in the Draft EIR, does not provide new information or evidence related to the analysis completed in the Draft EIR, and does not reflect on the adequacy or content of the Draft EIR.

This comment is noted for the record, and revisions to the Draft EIR are not required.

Response 5.23

The commenter states that the noise section in the Draft EIR did not provide required information and the conclusions are not supported by evidence. Specifically, the commenter states an opinion that the noise analysis in the Draft EIR did not measure baseline noise conditions at any sensitive receptors surrounding the project site.

In Section 4.10, *Noise*, of the Draft EIR, Figure 4.10-2 shows the locations where noise measurement were taken, which correspond to the surrounding sensitive receptors shown in Figure 4.10-1. Table 4.10-1 details the existing daytime and nighttime noise levels at the surrounding sensitive receptors and project site, and establishes baseline noise conditions.

This comment does not affect the analysis completed or conclusions provided in the Draft EIR, does not provide new information or evidence related to the analysis completed in the Draft EIR, and does not reflect on the adequacy or content of the Draft EIR.

This comment is noted for the record, and revisions to the Draft EIR are not warranted.

Response 5.24

The commenter states that areas surrounding the project site have noise levels which exceed City noise standards. The commenter states that Draft EIR does not adequately address cumulative impacts because it uses individual project standards to show the project would not individually raise the noise levels above any thresholds. The commenter requests the cumulative analysis be revised.

Page 4.10-32 through 4.10-34 in Section 4.10, *Noise*, of the Draft EIR includes a detailed cumulative noise discussion. The discussion includes noise impacts from cumulative project construction, cumulative project operation, and cumulative traffic noise. As noted on page 4.10-32 in Section 4.10 of the Draft EIR, construction and vibration noise are localized and rapidly attenuate. Additionally, it would be speculative to determine noise levels from the cumulative projects because they are in various stages of development and design.

Stationary and traffic cumulative noise impacts were analyzed based on the thresholds listed on page 4.10-14 of the Draft EIR, which limits the increase in noise depending on the existing ambient noise levels. The cumulative analysis determined stationary on-site noise dissipates rapidly as they move away from the sources. Therefore, since the on-site operation noise of the project was less than significant and there are no cumulative projects located in close proximity, cumulative on-site noise was determined to be less than significant. Cumulative traffic noise was modeled to reflect traffic volumes on local roadways from cumulative development, as shown in Table 4.10-19 in the Draft EIR, and compared to the applicable thresholds. Cumulative traffic noise would not exceed the applicable thresholds and impacts were determined to be less than significant.

Although the commenter suggests that any increase in noise, no matter how small, is necessarily cumulatively significant where existing noise levels exceed local standards, that is not the law. (See *Communities for a Better Environment v. California Resources Agency* (2002)103 Cal.App.4th 98 [the addition of “one molecule” of a pollutant does not create an automatic cumulatively significant impact].)

This comment does not affect the analysis completed or conclusions provided in the Draft EIR, does not provide new information or evidence related to the analysis completed in the Draft EIR, and does not reflect on the adequacy or content of the Draft EIR.

This comment is noted for the record, and revisions to the Draft EIR are not warranted.

Response 5.25

The commenter provides a general comment that the Draft EIR concludes implementation of various mitigation measures would reduce impacts to less than significant, but commenter claims that there is no evidence that these measures would reduce levels of service to acceptable levels. .

Tables 4.12-6, 4.12-8, and 4.12-10 in Section 4.12, *Transportation and Traffic*, of the Draft EIR detail the level of service at nearby intersections with the implementation of mitigation measures. In addition, these tables reference the Traffic Impact Assessment (TIA; included as Appendix L to the Draft EIR) which was incorporated in the analysis.

As stated in Response 4.23, as incoming development analyses identify significant impacts in cumulative scenarios they include a calculation of their “fair share” contribution towards impacts requiring mitigation. These percentage-based fees are placed in an account to be used for the specific roadway segment or intersection improvement in question. As additional development occurs, the City may reimburse already collected fees towards the construction of mitigations. The City additionally maintains a capital improvement program, pavement management program and signal priority ranking program and collected fees would be used to complete identified mitigations as the City constructs projects within these programs. The City reviewed each mitigation measure and intersection, and determined payment of fair share fees by the project applicant would be adequate in addressing potential intersection impacts following the implementation of the project.

This comment does not affect the analysis completed or conclusions provided in the Draft EIR, does not provide new information or evidence related to the analysis completed in the Draft EIR, and does not reflect on the adequacy or content of the Draft EIR.

This comment is noted for the record, and revisions to the Draft EIR are not required.

Response 5.26

The commenter states that the City claims in Draft EIR that TUMF programs are recognized as City policy, but evidence that the programs have been formulated, are designed to specifically address specific impacts discussed in the Draft EIR, and that funding and implementation of the measures are binding on the City are not provided. The commenter requests more evidence that supports the conclusions.

As stated above in Responses 4.23-4.25 and 5.25, the City reviewed each mitigation measure and intersection, and determined payment of fair share fees by the project applicant would be adequate in addressing potential intersection impacts following the implementation of the project.

This comment does not affect the analysis completed or conclusions provided in the Draft EIR, does not provide new information or evidence related to the analysis completed in the Draft EIR, and does not reflect on the adequacy or content of the Draft EIR.

This comment is noted for the record, and revisions to the Draft EIR are not required.

Response 5.27

The commenter thanks the City for the opportunity to comment on the Draft EIR and requests notifications of all CEQA actions and notices concerning the project. In addition, the commenter asks for a copy of each Notice of Determination issued by the City in connection with the project.

The commenter will be added to the City’s distribution list for all future project notices.

This comment does not affect the analysis completed or conclusions provided in the Draft EIR, does not provide new information or evidence related to the analysis completed in the Draft EIR, and does not reflect on the adequacy or content of the Draft EIR.

This comment is noted for the record, and revisions to the Draft EIR are not required.

Letter 6



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Via Email and U.S. Mail

March 1, 2019

Brian Norton, Planner
City of Riverside
Community & Economic Development Dept.
Planning Division
3900 Main Street, 3rd Floor
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bnorton@riversideca.gov

Colleen J. Nicol, MMC
City of Riverside
City Clerk's Office
3900 Main Street, 7th Floor
Riverside, CA 92522
city_clerk@riversideca.gov

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

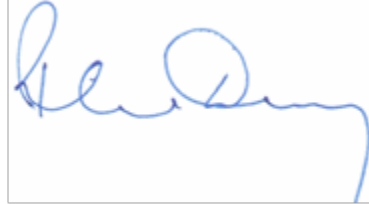
March 1, 2019

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)

Page 2 of 2

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,

A handwritten signature in blue ink, appearing to read 'Richard Drury', is written over a light blue rectangular background.

Richard Drury
Lozeau | Drury LLP

Letter 6

COMMENTER: Richard Drury, Lozeau Drury, LLP

DATE: March 1, 2019

Response 6.1

The commenter states they are writing in behalf of the Laborers International Union of North America, Local Union 1184. The commenter includes a brief description of the project.

This comment does not affect the analysis completed or conclusions provided in the Draft EIR, does not provide new information or evidence related to the analysis completed in the Draft EIR, and does not reflect on the adequacy or content of the Draft EIR.

This comment is noted for the record, and no changes to the Draft EIR are required.

Response 6.2

The commenter states that the Draft EIR fails as an informational document and fails to impose feasible mitigation measures to reduce the project's impacts and requests the City revise the Draft EIR and recirculate prior to approval. The commenter states they have the right to add to the comments during review of the Final EIR and at public hearings.

The commenter does not provide any detail as to how or why the Draft EIR "fails as an informational document and fails to impose feasible mitigation measures to reduce the project's impacts" nor does the commenter direct the City to a specific area of concern within the Draft EIR. Therefore, it is impossible to respond with any specificity. The City believes that the EIR fully complies with CEQA both as an informational document and has imposed all feasible mitigation measures to reduce project impacts. This comment does not affect the analysis completed or conclusions provided in the Draft EIR, does not provide new information or evidence related to the analysis completed in the Draft EIR, and does not reflect on the adequacy or content of the Draft EIR.

This comment is noted for the record, and no changes to the Draft EIR are required.



GREATER RIVERSIDE CHAMBERS OF COMMERCE

The Chamber...building a stronger local economy

Letter 7

March 15, 2019

Honorable Mayor Rusty Bailey
Members of the City Council
3900 Main Street, 7th Floor
Riverside, CA 92501

RE: The Exchange Development by Guthrie Companies

Honorable Mayor Bailey and Members of the City Council:

- 7.1. On behalf of the Greater Riverside Chambers of Commerce, representing over 1,350 local employers and 109,885 jobs in the greater Riverside region, the Chamber requests your SUPPORT of the Exchange development by Guthrie Companies. The Exchange is a \$150 - \$175 million dollar project seeking to develop over 35 acres between interstate 215 and SR-60 freeways bringing three-story apartment buildings with over 342 units, retail shops, service station, carwash, and restaurants.
- 7.2. Guthrie Companies met with the Chamber's Hunter Park Business Council Board of Directors, and the board took a formal motion of support on behalf of the project for the positive economic impact and needed amenities this will bring to the Hunter Park area.
- 7.3. The Exchange's key visibility near two freeway interchanges will publicly represent the growth happening in the region, as well as compliment the City's Northside Specific Plan.
- 7.4. The Chamber respectfully requests your support of The Exchange development by Guthrie Companies.

Respectfully,

Cindy Roth
President/CEO

CR/bb

Letter 7

COMMENTER: Cindy Roth, Greater Riverside Chambers of Commerce

DATE: March 15, 2019

Response 7.1

The commenter provides brief information regarding the constituent base of the Greater Riverside Chambers of Commerce, and states the Chamber's support for the proposed project.

This comment does not affect the analysis completed or conclusions provided in the Draft EIR, does not provide new information or evidence related to the analysis completed in the Draft EIR, and does not reflect on the adequacy or content of the Draft EIR.

This comment is noted for the record, and no changes to the Draft EIR are required.

Response 7.2

The commenter states the Chamber board took a formal motion of support on behalf of the project due to the positive economic impact and amenities the project would provide.

This comment does not affect the analysis completed or conclusions provided in the Draft EIR, does not provide new information or evidence related to the analysis completed in the Draft EIR, and does not reflect on the adequacy or content of the Draft EIR.

This comment is noted for the record, and no changes to the Draft EIR are required.

Response 7.3

The commenter states that the project garners high visibility and represents growth in the region.

This comment does not affect the analysis completed or conclusions provided in the Draft EIR, does not provide new information or evidence related to the analysis completed in the Draft EIR, and does not reflect on the adequacy or content of the Draft EIR.

This comment is noted for the record, and no changes to the Draft EIR are required.

Response 7.4

The commenter respectfully requests support for the project by the City Mayor and City Council members.

This comment does not affect the analysis completed or conclusions provided in the Draft EIR, does not provide new information or evidence related to the analysis completed in the Draft EIR, and does not reflect on the adequacy or content of the Draft EIR.

This comment is noted for the record, and no changes to the Draft EIR are required.

Letter 8



City of Arts & Innovation

Public Comment for March 21, 2019

Planning Commission Meeting

Prepared by the Planning Division at 8:00 a.m. on March 21, 2019

Item	Name	Neighborhood	Position	Comments
1. Public Comments: This portion of the agenda will be limited to a cumulative total of 15 minutes, with individual speakers limited to a maximum time limit of 3 minutes. Further discussion of any matter beyond 15 minutes will be continued to following the public hearing calendar or scheduled for a later agenda. If there is no one from the audience wishing to speak, the Commission will move to the next order of business.	Erin Snyder	Northside	8.1 { 8.2 { 8.3 { 8.4 {	Item #4, planning Cases P18-0091-0093, 0099,0098,0101, 0424 and 0401. Please do not approve this project. The City of Riverside is involved in a Northside Specific Plan (NSP) process which along with the current city general plan and zoning indicate this project is not compatible for this area. The neighborhood would be extremely negatively impacted by the additional traffic to two lane neighborhood streets and the increased air pollution. A determination that there is nothing to be done to mitigate these harmful negative impacts is false. You can uphold your city's general plan and zoning ordinance and not allow the requested changes. Wait for the NSP and don't destroy our neighborhood. Additionally, I have concerns about the potential for flooding. The waterway channel, characterized as a canal, implies sustained/regulated flows. This is a flood control channel that may carry excessive flows during storm events, and increasing flows as upstream development increases runoff.

Letter 8

COMMENTER: Erin Snyder, City of Riverside Resident

DATE: March 21, 2019

Response 8.1

The commenter states that the project is incompatible with the forthcoming Northside Specific Plan.

As stated in Section 4.9, *Land Use and Planning*, of the Draft EIR, the Northside Specific Plan area includes the proposed project site. Three series of community workshops were held to gather feedback from the public regarding the Specific Plan. The proposed project is designed to be consistent with the feedback and input from the Northside Specific Plan process as it stands today. On March 29, 2019, the NOP and Initial Study of the Northside Specific Plan were released for public review. The project site is identified as mixed-use, consistent with the proposed project.

This comment does not affect the analysis completed or conclusions provided in the Draft EIR, does not provide new information or evidence related to the analysis completed in the Draft EIR, and does not reflect on the adequacy or content of the Draft EIR.

This comment is noted for the record, and no changes to the Draft EIR are required.

Response 8.2

The commenter states that the neighborhood would be negatively impacted by project traffic and increased air pollution, and asserts that the City's determination that there are no mitigation measures to address these potential impacts is false.

The project would result in significant impacts to air quality, greenhouse gas emissions, and cumulative traffic. However, the commenter does not substantiate their claims. An Air Quality Study (Appendix B) and Traffic Impact Analysis (Appendix L) have been completed for the project, the analyses and recommendations of which were incorporated into the Draft EIR, and the reports included as appendices to the Draft EIR in their entirety. Section 4.2, *Air Quality*, and Section 4.12, *Transportation and Traffic*, include several mitigation measures to address and reduce potential project impacts according to their respective topics, including to the surrounding neighborhood. The City has imposed all feasible mitigation measures to reduce such impacts.

This comment does not affect the analysis completed or conclusions provided in the Draft EIR, does not provide new information or evidence related to the analysis completed in the Draft EIR, and does not reflect on the adequacy or content of the Draft EIR.

This comment is noted for the record, and no changes to the Draft EIR are required.

Response 8.3

The commenter states the City can uphold the existing General Plan and zoning ordinance, and wait for the Northside Specific Plan to be completed.

The City has considered this option and has examined potential impacts of developing the site under existing zoning conditions in Section 6, *Alternatives*. The City stands by its decision to review and process the proposed project alongside the developments of the Northside Specific Plan because of the strategic location of the project site adjacent to major highways, the need for commercial development in the Northside area and visitor-serving uses in the City, and because the project has

been designed and includes feedback and direction from the Northside Specific Plan process. As mentioned in Response 8.1, the Northside Specific Plan has identified the project site as mixed-use, consistent with the proposed project.

This comment does not affect the analysis completed or conclusions provided in the Draft EIR, does not provide new information or evidence related to the analysis completed in the Draft EIR, and does not reflect on the adequacy or content of the Draft EIR.

This comment is noted for the record, and no changes to the Draft EIR are required.

Response 8.4

The commenter states concerns about potential flooding and changes in stormwater flows and runoff.

Section 4.8, *Hydrology and Water Quality*, of the Draft EIR provides analysis of stormwater and runoff for the project site (existing conditions and anticipated impacts), and appropriate mitigation measures. Furthermore, a hydrology report (Appendix J) and water quality management plan (Appendix K) were completed for the project and included as appendices to the Draft EIR. The concrete flood channel is not being removed, but is being replaced with an underground, 98-inch concrete pipe which would be designed to have sufficient capacity to serve flood water flows in the area.

This comment does not affect the analysis completed or conclusions provided in the Draft EIR, does not provide new information or evidence related to the analysis completed in the Draft EIR, and does not reflect on the adequacy or content of the Draft EIR.

This comment is noted for the record, and no changes to the Draft EIR are required.

3 Revisions to the Draft EIR

This section presents other specific changes to the text of the Draft EIR that have been made to clarify information presented in the Draft EIR or to update information presented in the Draft EIR based on new regulatory or policy guidance since preparation of the Draft EIR. The changes in this section are in addition to the changes and revisions to the Draft EIR that have been made in response to the comments received on the Draft EIR, as presented in Section 2, *Response to Comments*. However, the revisions presented above in Section 2, are also shown below. These revisions are not considered significant new information that would trigger Draft EIR recirculation pursuant to *State CEQA Guidelines* Section 15088.5. For example, they do not disclose a new or substantially worsened significant environmental impact, or a new feasible mitigation measure or alternative not proposed for adoption. Rather, the revisions correct or clarify information presented.

Where revisions to the main text are called for, the section and page are set forth, followed by the appropriate revision. Added text is indicated with underlined text. Text deleted from the Draft EIR is shown in ~~striketrough~~. Page numbers correspond to the page numbers of the Draft EIR. Furthermore, any and all revisions related to mitigation measures have been incorporated into the final Mitigation Monitoring and Reporting Program (see Section 4).

3.1 Text Revisions to the Draft EIR

Executive Summary, page ES-2 is changed as follows:

RESIDENTIAL

The residential component of the proposed project would be located on approximately 18.4 acres, on the northern portion of the site and would have three gated entry points. The project would include 482 one-, two-, and three-bedroom, multi-family residential units in 21 three-story buildings with a density of 26.2 dwelling units per acre. Of the 482 units; 157 residential units would be one-bedroom, one-bathroom, ranging from 710 to 796 square feet (sf). Twelve ~~Ten~~ of the one-bedroom, one-bathroom units would be dedicated as live/work units. Another 308 residential units would be two-bedroom, two-bathroom, ranging in size from 1,015 to 1,159 sf. The remaining 17 residential units would be three-bedroom, two-bathroom, and approximately 1,297 sf in size. The average unit size would be 995 sf.

Executive Summary, page ES-3 is changed as follows:

Parking, Site Access, and On-site Circulation

A total of 1,587 ~~550~~ vehicular parking spaces would be provided for the entire proposed project site. The residential component includes 886 spaces; the commercial component includes 400 spaces shared among retail and restaurant uses; 300 ~~241~~ spaces at the hotel and RV parking components, plus the 23 RV parking spaces themselves.

Executive Summary, page ES-4 is changed as follows:

Based on the project site's existing topography, grading would require a maximum cut and/or fill of approximately 20 feet. The soils investigation anticipated shrinkage of 10 percent and subsidence of 0.1 foot. Coupled with the loss of soil due to stripping of vegetation, removal of existing asphalt/concrete and export of other deleterious material, the soil is anticipated to balance on the site, with minimal vertical adjustments to ensure that there is no export of soil. Various retaining walls, up to 12 feet, would be constructed around the perimeter of the development. A grading exception is being requested as part of the proposed project to allow the retaining walls to exceed 6 feet in height. The second phase of site preparation and grading activity would include establishing building pads and preparing for building construction. Construction equipment for the project would include tractors, bulldozers, graders, and scrapers for the site preparation and grading, and cranes, forklifts, welders, rollers, and other paving equipment for building construction and paving.

Executive Summary, page ES-5 is change as follows:

Alternatives

As required by the California Environmental Quality Act (CEQA), this EIR examines alternatives to the proposed project. Studied alternatives include the following four alternatives. Based on the alternatives analysis, Alternative 1 was determined to be the environmentally superior alternative.

- Alternative 1: No Project
- Alternative 2: Develop the Site Pursuant to Current Underlying Zoning Regulations
- Alternative 3: Mixed-Use Development with Lower Residential Density
- Alternative 4: No Riverside County Flood Control and Water Conservation District and Riverside County Transportation Commission Lease Area Development

Executive Summary, page ES-6 is changed as follows:

Alternative 4 (No Riverside County Flood Control and Water Conservation District and Riverside County Transportation Commission Lease Area Development) would remove the development area on the Riverside County Flood Control and Water Conservation District (RCFCWCD) and Riverside County Transportation Commission (RCTC) leased land, which totals approximately 4.34 acres. This alternative would remove the proposed RV Parking portion as well as parking area for the hotels. Due to the reduction in parking spaces, Alternative 4 would have only one hotel. The remaining site plan, circulation, and traffic flow would remain the same as under the proposed project. Alternative 4 would consist of 482 residential units, 49,000 sf of leasable commercial space, and one hotel. General Plan and Zoning Code Amendments would still be required under Alternative 4 to allow the mixed use development. This alternative would meet all of the project objectives except for responding to the growing need for RV parking in the City. Similar to Alternative 3, this alternative would have significant and unavoidable impacts to air quality and greenhouse gas emissions.

Executive Summary, Table ES-1 is changed as follows:

Impact	Mitigation Measure(s)	Residual Impact
Biological Resources		
<p>Impact BIO-3. The project proposes to permanently develop over a concrete-lined channel and a soft-bottom drainage that contain habitat the CDFW and RWQCB consider sensitive. Impacts to the concrete-lined channel and the soft-bottom drainage would result in adverse impacts to riparian habitat. Impacts would be less than significant with mitigation incorporated.</p>	<p>BIO-3 Avoidance and Minimization. Jurisdictional areas outside the footprint of direct development impact (i.e., the eastern portion of the concrete channel) shall be avoided. Any material/spoils generated from project activities shall be located away from jurisdictional areas and protected from stormwater run-off using temporary perimeter sediment barriers such as berms, silt fences, fiber rolls, covers, sand/gravel bags, and straw bale barriers, as appropriate. Materials shall be stored on impervious surfaces or plastic ground covers to prevent any spills or leakage from contaminating the ground and generally at least 50 feet from the top of bank. Any material spills will be stopped if this can be done safely. The contaminated area will be cleaned and any contaminated materials properly disposed. For all spills, the project foreman will be notified.</p> <p>BIO-4 Consultation and Compensatory Mitigation. Prior to ground disturbance activities that will impact waters and WoUS and/or WOS, the project proponent shall consult with USACE on the need for a CWA Section 404 permit, the RWQCB regarding compliance with Section 401 of the CWA, CDFW on the need for a Streambed Alteration Agreement, and the Western Riverside Conservation Authority, which oversees compliance with the MSCHP. Discussions with these agencies were initiated in October 2018 and are ongoing. Appropriate permits shall be obtained prior to disturbance of jurisdictional resources. Impacts to jurisdictional waters shall be mitigated through the purchase of the appropriate number of riparian/riverine restoration credits from the nearby Riverside-Corona Resource Conservation District. These impacts will be mitigated at no less than a <u>24</u>:1 ratio.</p>	Less than Significant
<p>Impact BIO-4. Construction of the project would permanently impact 0.36 acre of non-wetland WoUS, protected under the CWA. Impacts would be less than significant with mitigation incorporated.</p>	<p>Implementation of Mitigation Measures BIO-3 and BIO-4 would require the project to avoid impacts to jurisdictional features to the extent feasible, to consult with applicable agencies to obtain appropriate permits prior to ground-disturbing activities, and to purchase riparian/riverine restoration credits for impacts to jurisdictional waters at no less than a <u>24</u>:1 ratio.</p>	Less than Significant
Land Use and Planning		
<p>Impact LU-2. The project is proposing development that would potentially impact biological resources in the Western Riverside Multiple Species Habitat Conservation Plan fee area. Implementation of mitigation measures BIO-1 through BIO-4 would reduce impacts to less than significant.</p>	<p>Implementation of mitigation measures BIO-1a, BIO-1b, BIO-2, BIO-3, and BIO-4, detailed in Section 4.3, Biological Resources, would reduce impacts to less than significant through conducting necessary burrowing owl and nesting bird surveys, avoiding jurisdictional features to the extent feasible, and mitigating impacted riparian habitat at a <u>24</u>:1 ratio.</p>	Less than Significant

Impact	Mitigation Measure(s)	Residual Impact
Transportation and Traffic		
Impact T-1. Under Existing Conditions, four ^{three} project study area intersections are operating at unacceptable LOS. Under Existing Plus Project Conditions, the proposed project would result in additional impacts to these intersections as well as result in unacceptable LOS at two additional intersections. There would be less than significant impacts with mitigation incorporated.	<p>To reduce project impacts to traffic operations at intersections #3, #8, 11, #14, and #16, prior to the issuance of building permits, the applicant shall implement Mitigation Measures T-1 through T-3 and pay the project fair share for mitigation measures T-4 and T-5, as agreed to by the City and the applicant.</p> <p>T-1 Main Street and Strong Street (Intersection #3). Restripe the eastbound and westbound approaches to provide a left turn lane and a shared through-right turn lane. A conceptual striping plan is provided in Appendix 1.2 of the Traffic Impact Analysis.</p> <p>T-2 Orange Street and Strong Street (Intersection #8). Install a traffic signal.</p> <p>T-3 Orange Street and Oakley Avenue/SR 60 Westbound Ramps (Intersection #11). Install a traffic signal, construct a northbound left turn lane, and construct a westbound right turn lane with a minimum of 200 feet of storage.</p> <p>T-4 West La Cadena Drive and Interchange Street/I-215 Southbound Ramps (Intersection #14). 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.</p> <p>T-5 East La Cadena Drive and I-215 Northbound Ramps (Intersection #16). 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.</p>	Less than Significant

Section 1 Introduction, page 1-10 is changed as follows:

1.5 Lead, Responsible, and Trustee Agencies

The *CEQA Guidelines* define lead, responsible, and trustee agencies. The City is the lead agency for the project because it holds principal responsibility for approving the proposed project.

A responsible agency refers to a public agency other than the lead agency with discretionary approval over the project. Responsible agencies for the proposed project include:

- Santa Ana Regional Water Quality Control Board, which regulates water quality in the region
- **California Department of Transportation**, which regulates state roads and highways
- **California Department of Fish and Wildlife**, which protects and conserves fish and wildlife resources
- **U.S. Army Corps of Engineers**, which regulates waters of the United States

- Riverside County Flood Control and Water Conservation District, which protects residents from flood hazards
- **South Coast Air Quality Management District (SCAQMD)**, which regulates air quality and gasoline dispensing facilities

Section 2 Project Description, page 2-7 is changed as follows:

2.5.1 Residential Component

The residential component of the proposed project would be on approximately 18.4 acres, on the northern portion of the site, and would include 482 one-, two-, and three-bedroom multi-family residential units in 21 three-story buildings. This would amount to a density of 26.2 dwelling units per acre, and an average unit size of 995 square feet. All residential units would be provided at market rate. The residential component of the development would incorporate a number of amenities, including 120 ground-level live-work units, two fitness centers, two clubhouses, two outdoor pool areas, and a resident-use-only dog park.

Section 2 Project Description, page 2-7 is changed as follows:

The project proposes to provide the residential portion of the project with 167 standard open parking stalls, 24 diagonal open stalls, 18 American with Disabilities Act (ADA)-accessible open stalls, 346 standard covered carports, 6 ADA-accessible covered carport spaces, 318 attached fully enclosed standard garages, and 7 ADA-accessible fully enclosed garages. A total of 886 parking spaces would be provided for residential and visitor use, as detailed in Table 2.3. Of these, 76 percent, or 677 spaces, would be covered or enclosed, as detailed in Table 2-4. The portion of the project site which extends to Strong Street, shown in Figure 2-3, would be developed with enclosed parking spaces.

Section 2 Project Description, page 2-9 is changed as follows:

The City of Riverside Parking and Loading Standards require 1.0 parking space per hotel room. A total of ~~266~~229 shared parking spaces would be dedicated to the hotels. Hotel 1 would utilize ~~124~~120 parking spaces and include the provision for eight ADA-compliant spaces; Hotel 2 would utilize ~~142~~109 parking spaces, including six ADA-compliant spaces. The RV parking lot would provide 23 RV spaces with space available for one standard vehicle at each RV site, as well as 12 additional standard parking spaces for visitor use. A total of ~~301~~241 parking spaces would be provided for the hotel and RV Parking component of the proposed project, as well as the 23 RV parking spaces, as detailed in Table 2-7.

Table 2-7 Hotel and Short-Term Visitor Parking Requirements

Use	Required Parking Ratio	Required Number of Parking Spaces	Provided Number of Parking Spaces
Hotel 1	1 space/room	120	124 <u>120</u>
Hotel 2	1 space/room	109	142 <u>109</u>
RV Parking	1 space/RV spot	23	35 ¹
Total		252	301 <u>264</u>

¹ The RV Parking component would provide space at each RV parking space for 1 passenger vehicle; there would be an additional 12 vehicle parking spaces provided in association with the RV Parking component.

Section 2 Project Description, page 2-11 is changed as follows:

2.5.8 Freeway Signage

The project would include two pylon signs, with a maximum height of 60 feet from the grade of the adjacent freeway, installed near SR 60 on the south side of the site and along the SR 60/I-215 interchange ramp. The height of the sign along SR 60 could be up to 49.3 feet, and the height of the sign along I-215 could be up to 70.8 feet. The design of the signs would include painted plaster and tile to match the commercial and hotel buildings with metal cladding on top and simple lettering to announce the name of the project. Individual business names would be backlighted in a 25-foot portion of the top half of the pylon to be visible to drivers on the freeways. There would be space for six businesses to advertise on each sign. The Riverside Municipal Code (RMC) permits a maximum of one freeway-oriented sign for properties greater than 25 acres; therefore, a variance would be required for a second freeway-oriented sign.

Section 2 Project Description, page 2-11 is changed as follows:

2.5.8 Parking, Site Access, and On-site Circulation

Parking space allotment for each component of the proposed project is described above. A total of ~~1,587~~1,550 parking spaces would be provided for the entirety of the proposed project. No underground parking is proposed.

Section 2 Project Description, page 2-12 is changed as follows:

Based on the project site's existing topography, grading would require a maximum cut and/or fill of approximately 20 feet. The existing site ranges in elevation from 812 to 877 with a mean elevation of 849.6; the proposed improvements range in elevation from 832 to 866 with a mean elevation of 847.3. The initial estimated quantity of cut and fill are 236,380 cubic yards (cy) and 162,816 cy respectively, giving an initial export volume of 73,564 cy. The soils investigation anticipated shrinkage of 10 percent and subsidence of 0.1 foot. Coupled with the loss of soil from stripping vegetation, removal of existing asphalt/concrete, and export of other deleterious material, it is anticipated that the site would balance, with minimal vertical adjustments to ensure that there is no export of soil. Various retaining walls, up to 12 feet, would be constructed around the perimeter of the development. A grading exception is being requested as part of the proposed project to allow for the retaining walls that exceed 6 feet.

Section 2 Project Description, page 2-13 is changed as follows:

2.7 Required Approvals and Consultation

The project would require the following City approvals and entitlements, along with standard building and grading permits:

- 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 **Variance** to permit two freeway oriented signs, where one is allowed
- 7 **Design Review (DR)** for the proposed vehicle fueling station site design and building elevations
- 8 **Grading Exception (GE)** to allow retaining walls over permissible height limits
- 9 **Minor Conditional Use Permit (MCUP)** for two freestanding, freeway-oriented monument signs
- 10 **Environmental Impact Report (EIR)** to analyze the potential environmental impacts of project implementation

The project would require the following permits from federal and state agencies, as indicated:

- **Regional Water Quality Control Board:** Clean Water Act Section 401 Water Quality Standards Certification for potential impacts to water quality within and downstream of the on-site concrete-lined channel and soft bottom drainage
- **California Department of Transportation (Caltrans):** Encroachment Permit to allow grading in Caltrans right-of-way and for the expansion of the westbound, Main Street off-ramp to include a right-turn-only lane
- **California Department of Fish and Wildlife:** Streambed Alteration Agreement per California Fish and Game Code Section 1600 to develop mitigation, minimization, and avoidance measures for potential impacts to the on-site concrete-lined channel and soft bottom drainage
- **U.S. Army Corps of Engineers:** Section 404 Clean Water Act Permit to develop mitigation, minimization, and avoidance measures for proposed impacts to the on-site concrete-lined channel
- **South Coast Air Quality Management District (SCAQMD):** Permit to construct and permit to operate the fueling station

Section 4.1 Aesthetics, page 4.2-17 is changed as follows:

Commercial Component

The commercial structures, vehicle fueling station, and drive-thru restaurant would be located on the southwest corner of the project site. The size and scale of the buildings would relate to the overall height of the new residences and would include setbacks appropriate to accommodate sufficient landscaping and outdoor gathering areas. The commercial area design would comply with the City's Design Guidelines and would present cohesiveness with the other

project components to offer an inviting, enjoyable shopping and dining environment for patrons. Signage on the storefronts and at the gas station/car wash would be implemented in compliance with City zoning regulations and Citywide Design Guidelines, and consistent with the character and scale of the buildings. These signs would be designed to add to the visual appeal of the businesses in harmony with the surrounding development. Directional signage would be designed and placed to encourage pedestrian traffic from nearby residences and the proposed hotels and RV parking lot.

Due to the unique location of the project site, with major freeways along the southern and eastern boundaries, two freeway-oriented signs are proposed. The RMC permits a maximum of one freeway-oriented sign for properties greater than 25 acres; therefore, a variance would be required for a second freeway-oriented sign. The freeway-oriented pylon sign along SR-60 would be shorter than the hotels and the sign located along I-215 would be shorter than the adjacent fly over connector ramps. Both freeway-oriented signs would comply with City zoning design regulations and would be consistent with the commercial and hotel buildings.

Section 4.1 Aesthetics, page 4.2-18 is changed as follows:

In addition to the setbacks and planted buffers, the pool areas would integrate waterfall or other styles of barrier walls to form visually integrated boundaries that also mitigate noise (See Section 4.10, Noise, for further discussion). The renderings in Figure 4.1-6 through Figure 4.1-9 illustrate how the proposed project would appear in the neighborhood context and how it would impact existing views from nearby roadways and neighborhoods.

A 12-foot retaining wall would be provided along a segment of the eastern boundary of the development, due to the grade difference between the connector ramp for the Riverside Interchange (SR-91/SR-60/I-215) and the proposed internal drive aisle that transverses the project site from east to west. The over-height wall would not cause aesthetic impacts as it would only be visible from the interior of the project site. The location would not impact public views and the wall would be treated with stone, tile, or other materials that blend with the color scheme and reflect the natural and built landscape.

Section 4.2 Air Quality, page 4.2-12 is changed as follows:

The architectural coating phase would involve the greatest release of ROG. The emissions modeling for the proposed project included the use of low-VOC paint (50 grams per liter for non-flat coatings) as required by SCAQMD Rule 1113.

The project would also comply with standards applicable to operation of equipment which emit TACs, such as the proposed fueling station. In particular, the project would comply with SCAQMD Rule 1401 and 1401.1, which provide screening-level risk estimates for fueling stations, including ones placed near schools, for new, relocated, and modified units requiring SCAQMD permits. SCAQMD Rule 212 would also be applicable to the project, which has standards for approving permits and issuing public notices. Under Rule 212, the fueling station would not be granted a Permit to Construct or Permit to Operate, unless the applicant shows the equipment is designed and controlled to a sufficient standard. SCAQMD Rule 461 regulated the transfer of gasoline, which includes vapor emissions.

Section 4.2 Air Quality, page 4.2-22 is changed as follows:

The project would not exceed SCAQMD maximum daily emissions thresholds for ROG, CO, PM₁₀, PM_{2.5} or SO_x. The project would exceed SCAQMD thresholds for NO_x by about 131 pounds per day. NO_x emissions from mobile sources (i.e., vehicle exhaust) represent 90 percent of the total gross NO_x emissions operation of the proposed project would create. If area and energy NO_x emissions were removed completely, the project would still exceed SCAQMD thresholds by 111.3 pounds per day from mobile emissions. Because neither the project proponent nor the lead agency has regulatory authority over tailpipe emissions, no feasible mitigation measures exist that would reduce NO_x emissions to less than significant levels. The project would include design features that would help reduce NO_x emissions from mobile sources:

- Designated ride-sharing pick-up and drop-off location
- U.S. Post Office/FedEx concierge service

Ultimately, however~~Therefore~~, the project would have significant impacts. The following mitigation would be required to reduce maximum daily NO_x emissions to the greatest extent feasible.

Section 4.2 Air Quality, Page 4.2-27 is changed as follows:**Operational Toxic Air Contaminants**

High-volume TAC generators listed as potential health risk sources include the operation of commercial diesel engines and truck stops, landfills and incinerators, and chemical manufacturers. The proposed project includes the construction and operation of a gas station, identified in the ARB *Air Quality and Land Use Handbook* as a facility type that emits TACs, mainly benzene. CARB recommends avoiding the placement of large gasoline dispensing facilities (a facility with a throughput of 3.6 million gallons per year) within 300 feet of sensitive land uses, or constructing other, typical gasoline dispensing facilities (a facility with a throughput of less than 3.6 million gallons per year) within 50 feet of sensitive land uses, since health risks are drastically reduced with increasing fence line distance between the pollutant source and receptor (CARB 2005). The proposed gas station would be considered a typical gasoline facility; it would be located approximately 150 feet from Fremont Elementary School property line, 300 feet from the hardball recreational courts, and 500 feet from the nearest school building, which is also the nearest sensitive receptor.

Prior to the issuance of a Permit to Operate, the fueling station would be required to obtain the required permits from SCAQMD, which would identify the maximum annual throughput allowed based on specific fuel storage and dispensing equipment proposed by the operator of the fueling station. Based on the established SCAQMD procedure outlined in the SCAQMD Permit Application Package "N" it is estimated that the maximum risk attributable to the gasoline dispensing would be 0.785 in one million for the nearest sensitive receptor which is below the threshold of 10 in one million. In addition, the fueling station would be required to prove compliance with SCAQMD Rules 1401, 1401.1, 212, and 461, which establish screening-level thresholds for fueling stations and regulate gasoline transfer, vapor emissions, and potential spills.

Therefore, operation of the proposed gas station would not expose residents in the vicinity to substantial pollutant concentrations. Furthermore, construction and operational emissions for

the project (Table 4.2-13) would be below the SCAQMD's criteria pollutants screening level thresholds designed to protect public health.

Section 4.2 Air Quality, Page 4.2-28 is changed as follows:

An Air Toxic and Criteria Pollutant HRA was prepared to assess the possible health effects on future proposed residents associated with exposure to criteria pollutants and diesel particulate emissions from the adjacent SR 60 and I-215 freeways (Appendix E). The HRA was used to support the following impact analysis.

As stated in the HRA (Appendix E), the project includes a Planning Condition of Approval to install and maintain air filtration systems with efficiencies equal to or exceeding a Minimum Efficiency Reporting Value (MERV) of 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. The average particle size efficiency (PSE) removal based on ASHRAE Standard 52.2 for MERV 16 is approximately 95 percent for 0.3 to 1.0 $\mu\text{g}/\text{m}^2$ for diesel particulate matter and 95 percent for 1.0 to 10 $\mu\text{g}/\text{m}^3$ for PM_{10} and $\text{PM}_{2.5}$. Therefore, the operation of such filtration systems would provide effective reduction for diesel particulate matter and other particulates.

Carcinogenic Chemical Risk

Section 4.3 Biological Resources, page 4.3-17 is changed as follows:

BIO-4 Consultation and Compensatory Mitigation

Prior to ground disturbance activities that will impact waters and WoUS and/or WOS, the project proponent shall consult with USACE on the need for a CWA Section 404 permit, the RWQCB regarding compliance with Section 401 of the CWA, CDFW on the need for a Streambed Alteration Agreement, and the Western Riverside Conservation Authority, which oversees compliance with the MSCHP. Discussions with these agencies were initiated in October 2018 and are ongoing. Appropriate permits shall be obtained prior to disturbance of jurisdictional resources. Impacts to jurisdictional waters shall be mitigated through the purchase of the appropriate number of riparian/riverine restoration credits from the nearby Riverside-Corona Resource Conservation District. These impacts will be mitigated at no less than a ~~12~~:1 ratio.

Section 4.3 Biological Resources, page 4.3-17 is changed as follows:

Mitigation Measures

Mitigation measures BIO-3 and BIO-4 would require the project to avoid impacts to jurisdictional features to the extent feasible, to consult with applicable agencies to obtain appropriate permits prior to ground-disturbing activities, and to purchase riparian/riverine restoration credits for impacts to jurisdictional waters at no less than a ~~12~~:1 ratio.

Section 4.3 Biological Resources, page 4.3-19 is changed as follows:

Mitigation Measures

Mitigation measures BIO-3 and BIO-4 would require the project to avoid impacts to jurisdictional features to the extent feasible, to consult with applicable agencies to obtain

appropriate permits prior to ground-disturbing activities, and to purchase riparian/riverine restoration credits for impacts to jurisdictional waters at no less than a ~~12~~:1 ratio.

Section 4.5 Energy Conservation, page 4.5-14 is changed as follows:

~~Similar to the manufacturers utilizing energy conservation methods to reduce costs, it is reasonable to assume contractors would avoid wasteful, inefficient, and unnecessary fuel consumption during construction to reduce construction costs.~~ The project would comply with the CARB In-Use Off-Road Diesel-Fueled Fleets Regulation, which imposes limits on idling and restricts the use of older vehicles. This would reduce fuel consumption and lead to the use of fuel-efficient vehicles on the construction site. Construction equipment would be maintained to all applicable standards, and construction activity and associated fuel consumption and energy use would be temporary and typical for construction sites. Therefore, the proposed project would not involve the inefficient, wasteful, and unnecessary use of energy during construction, and the construction-phase impact related to energy consumption would be less than significant.

Section 4.9 Land Use and Planning, page 4.9-3 is changed as follows:

Parking of the project is determined based on the type of uses and regulated in RMC Chapter 19.580. The proposed project would require 1,538 parking spaces, and it would provide ~~1,587~~550 parking spaces, as detailed in Section 2, Project Description. The residential component of the project would comply with the City's requirements for enclosed, covered, and visitor parking.

Section 4.9 Land Use and Planning, page 4.9-6 is changed as follows:

~~The RMC Sections 19.410.060 and 19.475.060 allows for modification to various development standards for vehicle fueling stations and drive-thru businesses, respectively, 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. The grading exception is necessary due to the grade difference between the connector ramp for the freeway interchange and the proposed east-west internal drive aisle. The area of the 12 foot-tall retaining wall is not open to public view and would not impact the surrounding land uses.~~

Section 4.9 Land Use and Planning, page 4.9-11 is changed as follows:

The new 42-foot residential structures would be setback approximately 80 feet from the properties along Strong Street. This would reduce the potential for privacy or noise impacts from the residential structures. This project would also provide convenient amenities such as restaurants, shopping, farmers markets, and live entertainment for the surrounding neighborhood, in keeping with General Plan objectives and policies for housing and land use.

The project site is uniquely situated in that it is fronted by major freeways on two sides. A variance is being requested to allow for two freeway-oriented signs, one along each freeway. Both signs would comply with maximum height standards of 60 feet from the grade of the adjacent freeway. Accounting for the grades of the adjacent freeways, the height of the sign along SR 60 could be up to 49.3 feet, and the height of the sign along I-215 could be up to 70.8

feet. The sign along SR 60 would be shorter than the proposed hotels and the sign along I-215 would be shorter than the adjacent fly over connector ramps, thus the signs would be consistent with the scale and character of the mixed use development. The signs would be located on the project site, adjacent each freeway, and would not impact the surrounding uses.

Section 4.9, Land Use and Planning, page 4.9-12 is changed as follows:

Mitigation Measures

Implementation of mitigation measures BIO-1a, BIO-1b, BIO-2, BIO-3, and BIO-4, detailed in Section 4.3, Biological Resources, would reduce impacts to less than significant through conducting necessary burrowing owl and nesting bird surveys, avoiding jurisdictional features to the extent feasible, and mitigating impacted riparian habitat at a 12:1 ratio.

Section 4.12 Transportation and Traffic, page 4.12-14 is changed as follows:

Impact T-1 UNDER EXISTING CONDITIONS, ~~FOUR~~THREE PROJECT STUDY AREA INTERSECTIONS ARE OPERATING AT UNACCEPTABLE LOS. UNDER EXISTING PLUS PROJECT CONDITIONS, THE PROPOSED PROJECT WOULD RESULT IN ADDITIONAL IMPACTS TO THESE INTERSECTIONS AS WELL AS RESULT IN UNACCEPTABLE LOS AT TWO ADDITIONAL INTERSECTIONS. THERE WOULD BE LESS THAN SIGNIFICANT IMPACTS WITH MITIGATION INCORPORATED.

Section 4.12 Transportation and Traffic, page 4.12-15 is changed as follows:

Table 4.12-3 Project Trip Generation

Land Use	Size ²	ITE Code	Estimated Trip Generation ¹						
			Daily Trips ³	AM Peak Hour Trips			PM Peak Hour Trips		
				In	Out	Total	In	Out	Total
Proposed Land Uses									
Reduction ⁴									
Apartments	482 du	220	3,528	51	23	74	170	100	270
Internal capture (-10%)			(353)	(5)	(2)	(7)	(17)	(10)	(27)
Subtotal Trips			3,175	46	21	67	153	90	243
Hotel	229 room	310	1,914	64	44	108	70	67	137
Internal capture (-10%)			(191)	(6)	(4)	(11)	(7)	(7)	(14)
Subtotal Trips			1,723	58	40	97	63	60	123
Shopping Center	18.500 TSF	820	698	11	7	18	34	37	71
Internal capture (-10%)			(70)	(2)	(1)	(3)	(4)	(4)	(8)
Pass-By Reduction (-25%)			(157)	0	0	0	(8)	(8)	(16)
Subtotal Trips			471	9	6	15	22	25	47
High-Turnover Restaurant	22.000 TSF	932	2,468	120	98	218	133	82	215
Internal capture (-10%)			(247)	(12)	(10)	(22)	(14)	(9)	(23)
Pass-By Reduction (-25%)			(555)	0	0	0	(18)	(18)	(36)
Subtotal Driveway Trips			1,666	108	88	196	101	55	156

Land Use	Size ²	ITE Code	Estimated Trip Generation ¹						
			Daily Trips ³	AM Peak Hour Trips			PM Peak Hour Trips		
				In	Out	Total	In	Out	Total
Fast-Food with Drive-Thru	4.000 TSF	934	1,884	82	79	161	68	63	131
Internal capture (-10%)			(189)	(9)	(8)	(17)	(7)	(7)	(14)
Pass-By Reduction (-25%) ⁵			(424)	(18)	(18)	(36)	(14)	(14)	(28)
Subtotal Driveway Trips			1,271	55	53	108	47	42	89
Gas Station with Market and Car Wash	16 VFP	945	3,171	162	162	324	179	179	358
Internal capture (-10%)			(318)	(17)	(17)	(34)	(18)	(18)	(36)
Pass-By Reduction (-25%) ⁵			(713)	(36)	(36)	(72)	(40)	(40)	(80)
Subtotal Driveway Trips			2,140	109	109	218	121	121	242
Total Net External Trips			10,446	385	316	701	507	393	900

¹ Since the TIA was initial drafted, the project has undergone minor changes, including a reduction of four gas station fueling positions and the addition of RV parking (detailed in Section 4.1 of the TIA). Due to these changes, this analysis is conservative and trip generation and resulting impacts may be overestimated.

² du = Dwelling Unit; TSF = thousand square feet, VFP = vehicle fueling positions

³ Source for trip generation rates: Trip Generation Manual, 10th Edition, Institute of Transportation Engineers (ITE), 2017.

⁴ Internal Capture and Pass-by Reductions are consistent with the City's traffic study guidelines Traffic Impact Analysis Preparation Guide, most recently updated in April 2019.

Source: Table 4-1 of the TIA, Appendix L

Section 4.15 Impacts Found to be Less than Significant, page 4.15-8 is changed as follows:

The project is located within the Riverside Unified School District (RUSD) and across the street from Fremont Elementary School. The project would increase the population by an estimated 1,897 persons, which could include school age children who would enroll into the school district. The increase in population would also increase the demand on other public facilities in the City, such as libraries. The City, however, has a sufficient library system that includes five neighborhood libraries and two libraries that provide virtual material and resources. According to the RUSD 2018 Fee Justification Report there is a capacity deficit ~~was an enrollment shortage~~ at elementary and high school levels and available capacity at middle school levels in 2012 (RUSD 2018²). The RUSD Long Range Facilities Master Plan ~~also~~ shows available capacity in elementary, middle, and high schools (RUSD 2016). The project would ~~also~~ be required to pay school impact fees to offset impacts to school facilities pursuant to RUSD Developer Fees, which would mitigate impacts from the additional students on the District. Therefore, there would be a less than significant impact to schools and other public facilities.

Section 4.15 Impacts Found to be Less than Significant, page 4.15-16 is changed as follows:

Riverside Unified School District. 2018². School Fee Justification Report for New Residential and Commercial/Industrial Development Study. April 24, 2018 ~~March 2, 2012~~.

Section 5 Other CEQA, page 5-2 is changed as follows:

3.1.1 Commitment of Future Generations

Approval of the proposed project would result in environmental changes or impacts that commit future generations to new environmental circumstances. Primarily, the approval of the proposed project would change the underlying General Plan 2025 land use and zoning designations of the project site, as detailed in Section 4.9, Land Use and Planning. The change in the underlying regulations would allow for a higher density mixed-use commercial and residential development than the site permits currently. This would result, in turn, in an increase in population not accounted for in the City's General Plan 2025. However, Sections 5.2.1 and 5.2.2 discuss how the increase in population from the proposed project would be minimal compared to projected growth in the City. The proposed project has been designed to meet the intent of the proposed revision General Plan 2025 land use designation and zone, ~~and no variances to the development standards are requested~~

Section 5 Other CEQA, page 5-2 is changed as follows:

5.1.3 Unavoidable Impacts

CEQA requires decision makers to balance the benefits of a proposed project against its unavoidable environmental risks in determining whether to approve a project. The analysis contained in this EIR concludes the proposed project would result in a significant and unavoidable impact to air quality, GHG emissions, and traffic ~~noise~~.

Section 6 Alternative, page 6-1 is changed as follows:

The following alternatives are evaluated in this EIR:

- Alternative 1: No Project Alternative
- Alternative 2: Develop the Site Pursuant to Current Underlying Zoning Regulations
- Alternative 3: Mixed-Use Development with Lower Residential Density
- Alternative 4: No Riverside County Flood Control and Water Conservation District and Riverside County Transportation Authority Lease Area Development

Section 6 Alternatives, page 6-14 is changed as follows:

6.4 Alternative 4: No Riverside County Flood Control and Water Conservation District and Riverside County Transportation Commission Lease Area Development

6.4.1 Description

Alternative 4: No Riverside County Flood Control and Water Conservation District (RCFCWCD) and Riverside County Transportation Commission (RCTC) Lease Area Development eliminates development on the RCTC leased land, approximately 4.34 acres of the site. This alternative would eliminate development of the RV Parking and reduce the parking lot area designated for

the hotels. Alternative 4 would still consist of 482 residential units and 49,000 square feet of leasable commercial space, but with the reduction in viable parking lot area, only one hotel would be permitted. The site configuration and circulation system would remain the same as under the proposed project. General Plan and Zoning Code amendments would still be required under Alternative 4 to allow for the mixed-use development.

Section 6 Alternatives, page 6-15 is changed as follows:

Alternative 4 would include one hotel up to 64 feet in height, rather than two under the proposed project. This would slightly reduce aesthetic impacts. Moreover, the RCFCWCD and RCTC lease area would remain undeveloped and unpaved, which would leave the southeastern portion of the project site in its current state. Light and glare impacts would be similar to the proposed project, though slightly reduced in intensity and frequency due to a nominal decrease in the vehicular use a portion of the project site. Overall, it is anticipated that Aesthetic impacts under Alternative 4 would be **slightly less than** the proposed project.

Section 6 Alternatives, page 6-16 is changed as follows:

d. Cultural Resources

Cultural Resources would still be impacted by development of the site. Alternative 4 would reduce the development footprint of the site by 4.34 acres, which would reduce potentially impacting unknown cultural resources in the RCFCWCD and RCTC lease area. However, cultural resources would be potentially impacted from the development of the rest of the project site and therefore, impacts to cultural resources under Alternative 4 would be **similar** to the proposed project.

Section 6 Alternatives, page 6-17 is changed as follows:

i. Land Use and Planning

Eliminating development on the RCFCWCD and RCTC lease area would still require General Plan and Zoning Code amendments for implementation of Alternative 4. The project site would have a mix of uses similar to those of the proposed project and would require a land use and zoning designation for those uses. The development standards under Alternative 4 would comply with all applicable zoning regulations with regards to setbacks, density, height, and parking. Development under Alternative 4 would still be required to implement mitigation measures BIO 1a through BIO-4 to reduce potential impacts to sensitive species and habitats and could not conflict with the MSHCP. Impacts to Land Use and Planning would be **similar** to the proposed project.

Section 6 Alternatives, page 6-18 is changed as follows:

m. Tribal Cultural Resources

Tribal Cultural Resources would still be impacted by development of the site. Alternative 4 would reduce the development footprint of the site by 4.34 acres, which would reduce potentially impacting unknown tribal cultural resources in the RCFCWCD and RCTC lease area. Development under Alternative 4 would involve 4.34 less acres of ground-disturbing activities, such as grading and surface excavation. However, the remaining project area would still have

the potential to unearth or adversely impact unidentified tribal cultural resources. Similar to the proposed project, Alternative 4 would be subject to Senate Bill 18 and Assembly Bill 52 tribal consultation and mitigation measures similar to those under the proposed project would apply to Alternative 4 as well. Impacts under Alternative 4 would be **similar** to the proposed project.

3.2 Figure and Appendix Revisions to the Draft EIR

Figure FEIR-1 Plan Sheet AR-101 Replacement Page

MULTIFAMILY

	DATA
TOTAL SITE AREA:	18.40
PROPOSED TOTAL # OF DWELLING UNITS:	482
PROPOSED DENSITY OF UNITS :	26.2

BUILDING/UNIT MIX

BLDG. DEST.	TYPE		1 BDRM				2 BDRM			3 BDRM	TOTAL UNIT	3/23/2018
			A1/LW	A2	A3	A4	B1	B2	B3	C*		TOTAL ATTACHED GARAGE
1	TYPE III	1	0	0	2	0	6	8	6	0	20	34
2	TYPE III	1	0	0	2	0	6	8	6	0	20	35
3	TYPE III	1	0	0	2	0	6	8	6	0	20	35
4	TYPE IV	1	0	0	0	0	9	10	3	3	25	39
5	TYPE VI	1	12	0	30	12	0	4	3	0	41	56
6	TYPE VI	1	12	0	30	12	0	4	3	0	41	56
7	TYPE IV	1	0	0	0	0	9	10	3	3	25	39
8	TYPE V	1	0	3	6	3	6	4	3	2	29	30
9	TYPE III	1	0	0	2	0	6	8	6	0	20	35
10	TYPE III	1	0	0	2	0	6	8	6	0	20	35
11	TYPE III	1	0	0	2	0	6	8	6	0	20	35
12	TYPE III	1	0	0	2	0	6	8	6	0	20	35
13	TYPE III	1	0	0	2	0	6	8	6	0	20	35
14	TYPE V	1	0	3	6	3	6	4	3	3	30	39
15	TYPE V	1	0	3	6	3	6	4	3	3	30	39
16	TYPE III	1	0	0	2	0	6	8	6	0	20	35
17	TYPE V	1	0	3	6	3	6	4	3	3	30	39
18	TYPE III	1	0	0	2	0	6	8	6	0	20	35
19	TYPE I	1	0	2	0	0	0	4	4	0	8	8
20	TYPE III	1	0	0	2	0	6	8	6	0	20	35
21	TYPE III	1	0	0	2	0	6	8	6	0	20	35
SUB-TOTAL	-	-	24	12	76	45	105	113	90	17	482	325
TOTALS	-	21	-	-	157	-	-	328	-	17	-	-
%	-	-	-	-	33%	-	-	64%	-	4%	-	-

* (7) units are allocated for leasing office and amenities

PRIVATE OPEN SPACE

	# UNITS	SQ.FT./UNIT	TOTAL SQ.FT.
REQUIRED PRIVATE OPEN SPACE	482	90	34,100
PROVIDED PRIVATE OPEN SPACE	482	932	48,985

* Per City's Municipal Code for Mixed-Use Developments, Table 19.120.050, MU-U Zone, there should be provided a minimum of 50 sq. ft./dw of private open space.

PRIVATE OPEN SPACE PROVIDED

UNIT TYPE	PARKING/BALCONY	QTY	%	TOTAL SF
A1 (L/W)	130	32	2%	3,560
A1 (3rd Level)	105	32	2%	3,560
A2	126	32	2%	3,512
A3	133	76	16%	10,308
A4	120	45	9%	5,400
B1	109	105	22%	11,445
B2	102	113	23%	11,526
B3	35	90	19%	4,950
C1	72	17	4%	1,224
TOTAL	482	100%	-	48,985
AVG SQ.FT./UNIT				102

COMMON OPEN SPACE

	# UNITS	SQ.FT./UNIT	TOTAL SQ.FT.
REQUIRED COMMON OPEN SPACE	482	50	24,100
PROVIDED COMMON OPEN SPACE	482	148	71,240

* Per City's Municipal Code for Mixed-Use Developments, Table 19.120.050, MU-U Zone, there should be provided a minimum of 50 sq. ft./dw of common open space. Each area shall be a min. of 625 sq. ft. with no dimensions on any of less than 25 feet.

COMMON OPEN SPACE PROVIDED

AREAS	SF.	AC.
A	3,843	0.09
B	13,834	0.32
C	11,149	0.26
D	11,207	0.26
E	4,709	0.11
F	5,644	0.13
G	34,000	0.82
H	1,297	0.03
I	2,002	0.06
J	2,050	0.07
TOTAL	71,240	1.64
AVG SF/UNIT		148

LEASEABLE UNIT SQ. FT.

UNIT TYPE	UNIT LSP	QTY	%	TOTAL SF
A1 (L/W)	736	12	2%	9,552
A1 (3rd Level)	736	12	2%	9,552
A2	710	12	2%	8,520
A3	710	76	16%	57,060
A4	715	45	9%	31,975
B1	1,144	105	22%	120,120
B2	1,015	113	23%	114,695
B3	1,259	90	19%	104,310
C1	1,297	17	4%	22,049
TOTAL		482	100%	475,775
AVG SQ.FT./UNIT				995

UNIT TYPE	UNIT LSP	QTY	TOTAL SF
Ground Level of Use/Work Unit	706	12	9,552

TOTAL PARKING REQUIRED

UNIT TYPES	UNITS	RATIO	QTY.
STUDIOS	0	1.50	0
1 BDRM. UNITS	157	1.50	236
2 BDRM. UNITS	308	2.00	616
3 BDRM. UNITS	17	2.00	34
TOTAL UNITS	482		
TOTAL REQUIRED PARKING			886
PARKING RATIO REQUIRED			1.84

TOTAL PARKING PROVIDED

	QTY.
TOTAL PARKING PROVIDED	
STANDARD GARAGES	318
HANDICAP GARAGES	7
STANDARD OPEN STALLS	167
HANDICAP OPEN STALLS	18
STANDARD CARPORTS	346
HANDICAP CARPORTS	6
DIAGONAL OFF-STREET PARKING	24
TOTAL PROVIDED PARKING	886
PARKING RATIO PROVIDED	1.84

* Total number of garages: 318 standard garages + 7 handicap accessible = 325 garages

COMMERCIAL SITE

RETAIL SITE	7.8 ac	
RETAIL 1 SITE	1.00 ac	
RETAIL 1 PARKING		3.03 ac
RETAIL 2 SITE	1.49 ac	
RETAIL 2 PARKING & NO PARKING		2.8 ac
TOTAL	10.68 ac	6.83 ac

RETAIL/RESTAURANT

RETAIL SITE	5,500 sq. ft.
RETAIL SITE	3,000 sq. ft.
RETAIL SITE	5,500 sq. ft.
RETAIL SITE	4,500 sq. ft.
RETAIL SITE	4,000 sq. ft.
RETAIL SITE	4,500 sq. ft.
RETAIL SITE	11,000 sq. ft.
RETAIL SITE	5,000 sq. ft.
TOTAL	48,000 sq. ft.

PARKING REQUIRED

RETAIL SITE	25,000 sq. ft.	80 stalls
RETAIL SITE @ 30/1000	34,000 sq. ft.	140 stalls
RETAIL SITE @ 30/1000	34,000 sq. ft.	140 stalls
RETAIL SITE @ 30/1000	34,000 sq. ft.	140 stalls
TOTAL		620 stalls
PARKING PROVIDED		620 stalls
BY PARKING		21 stalls
BY CAR PARKING		639 stalls

COVERED PARKING SPACES

	QTY.
TOTAL COVERED PARKING PROVIDED	886
REQUIRED COVERED SPACES (75%)	665
PROVIDED COVERED SPACES	677

PROVIDED COVERED SPACES

STANDARD GARAGES	318
HANDICAP GARAGES	7
STANDARD CARPORTS	346
HANDICAP CARPORTS	6
TOTAL SPACES	677

THE EXCHANGE**AFG DEVELOPMENT**

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RIVERSIDE, CA

DATA SHEET

DATE: 12-27-2018
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Figure FEIR-2 Existing General Plan Land Use Map Replacement Page (DEIR Figure 4.9-1, pp. 4.9-8)



The Exchange (P18-0091-0101, P18-0401 & P18-0424), Exhibit # - Existing General Plan Map

Figure FEIR-3 Proposed General Plan Land Use Map Replacement Page (DEIR Figure 4.9-1, pp. 4.9-8)



The Exchange (P18-0091-0101, P18-0401 & P18-0424), Exhibit # - Proposed General Plan Map

Figure FEIR-4 Existing Zoning Map Replacement Page (DEIR Figure 4.8-2. pp. 4.9-10)



The Exchange (P18-0091-0101, P18-0401 & P18-0424), Exhibit # - Existing Zoning Map

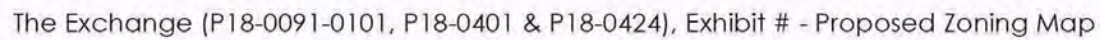


Figure FEIR-6 NEW Plan Sheet AR-223 Garage Elevations

