

JASON E. UHLEY  
General Manager-Chief Engineer



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RIVERSIDE COUNTY FLOOD CONTROL  
AND WATER CONSERVATION DISTRICT

238063

May 6, 2021

City of Riverside  
Planning Department  
3900 Main Street  
Riverside, CA 92522

Attention: Matthew Taylor

Re: PR 2021-001058, Riverside Housing  
and Public Safety Element Updates and  
Environmental Justice Policies Project

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Very truly yours,



DEBORAH DE CHAMBEAU  
Engineering Project Manager

cc: Riverside County Planning Department  
Attn: Phayvanh Nanthavongdouangsy

SLJ:blm



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DEBORAH DE CHAMBEAU  
Engineering Project Manager

Attachment

ec: Riverside County Planning Department  
Attn: Phayvanh Nanthavongdouangsy



Comments to Riverside Planning Commissioners

Special Meeting: Housing Plan Workshop, Agenda Item #2, August 13, 2021

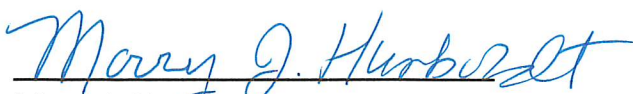
Riverside's current level of water consumption is about 84,000 ac ft/yr with a 20% reserve emergency capacity. The addition of 25,000 dwelling units will exhaust the existing capacity to serve and require additional capital investment in new water to maintain the reserve. A 30,000 ac-ft/yr increase to serve the new units will consume all our available drinking water at a time when drought severity is increasing. To accomplish this build-out we will have to import water. Primary sources of imported water from northern California and the Colorado River are overdrawn and very expensive.

Currently development fees for water don't cover the full cost of new water service infrastructure or new water sources. Current water customers pay debt service on \$600 million for projects serving future development already planned. If global warming conditions continue to reduce rain and snowfall in the western states, regional shortages can only become worse.

Riverside has long been blessed with plentiful local water supplies, which are now critical to protect our living environment. We need to plant more trees to improve air quality, foster agriculture, and build more parks and green spaces to cool and shade us.

Protecting lower-cost water and power resources for current residents and businesses, while improving air quality, reinforcing stable neighborhoods and attracting better local jobs must be our priority. Riverside residents, who are not public employees, have a median family income of \$34,000 (Press-Enterprise), and are already paying much higher water and electric rates.

Riverside residents need environmental justice. This huge arbitrary number of housing units is imposed on us by unaccountable State and regional bureaucrats. This threatens to overtax our limited resources and hurt Riverside's future.



Mary J. Humboldt

7407 Dufferin Ave., Riverside, CA 92504

1  
August 13, 2021

MEMORANDUM

TO: HONORABLE PLANNING COMMISSION

RE: WORKSHOP ON DRAFT ENVIRONMENTAL IMPACT REPORT

Thank you for holding a workshop today. Our apologies for the late input; however, we were unaware that an EIR for the Housing Element was circulating. CURE's comments this morning will address some "big picture" issues, and we will supplement those comments once we have the benefit of the presentation.

1. Notice

If the City can send emails to notify residents when trash deliver is late, then they surely can give an e-mail blast out concerning the most critical decision that will affect resident's quality of life. Not everyone mines the website nor uses facebook. In that regard, when special workshops are posted, perhaps the clerk can somehow highlight that on the home page of the COUNCIL/MEETINGS homepage.

2. Timing

The EIR apparently was issued on July 16, 2021, with comments due on September 2, 2021, and final adoption of the housing element in mid-October. This presupposes that there will be NO comments requiring recirculation of the EiR, nor will it give staff or the public a true opportunity to digest and respond to comments. Further, many people (including our City Manager) was on vacation in August or kids are getting back to school. This is the second time the city has adopted consequential "plans" in the past six months ostensibly because of state deadlines that can and should be extended to accommodate meaningful discussion.

3. Engagement

A "workshop" with three minute comments is not "interaction". Nor are powerpoints a true reflecting of what these housing element decisions will mean. First, the public deserves input from experts both who support the City's approach or other possible approaches. Staff instead presents their findings and data, and a public largely ill-equipped to respond to lengthy technical documents is expected to respond. The California Public Utilities Commission has an administrative process that truly allows for engagement with both an office of Ratepayer Advocate defending the public and compensation for qualified intervenors and experts.

Further, the City should provide a 3D model that actually reveals what Riverside will look like if this plan is implemented with the resulting increase in traffic, smog and noise affecting neighborhoods. The EIR is a drab, unimaginative documents designed to avoid legal challenges and is not a replacement for the kind of analysis the public needs to make choice. Further, the



model should specify what the cost of infrastructure will be to support those new units and how, with a structural deficit, the City intends to pay for them.

#### 4. New Information

2020 census information is trickling in now. The City should step back and analyze how this data informs future decisions and how it matches up with assumptions adopted during the last General Plan discussion.

#### 5. Environmental Justice

Putting hundred if not thousands of units within 2500 feet of freeways and railroad tracks is the antithesis of environmental justice and defies all the scientific evidence demonstrating how the lung and brain development of children will be stunted leading to long-term health consequences, learning disabilities and early death. CURE will submit several studies highlighting these problems; however, City Staff and Council already are well aware of the serious air quality, climate and temperature factors that will worsen with growth. There is no mitigation that truly protects units that close to increasing diesel emission. Moreover, poorer people purchase/lease these units, and they are least able to afford high electricity bills to run air conditioning units.

#### 6. Water Availability

If every drop of Riverside's water goes to housing, then perhaps we have enough; however, the urban water management plan and council have acknowledged that Riverside must assess the baseline benefits from trees and green spaces and evaluate how much additional tree planting/water is needed to combat and adapt to climate. This EIR does not realistically evaluate the limitations of our resources in this area.

The State has countervailing policies to its housing demands. How a court reconciles them remains to be seen. Riverside must maintain its green spaces and tree coverage to protect the public's health and safety. The legislature cannot undermine the City's police powers to do so because it arbitrarily sets housing requirements. Other options to address homelessness and lack of affordable should be considered before worsening the environment in our City.



Citizens United for Resources and the Environment

TO: HONORABLE PLANNING COMMISSION

RE: ENVIRONMENTAL JUSTICE ISSUES IN PROPOSED HOUSING ELEMENT

Thank you again for providing input.

This letter summarizes some key issues to address environmental justice issues in our community that are worsened by the proposed housing element.

1. No units should be sited cited within 2500 feet of freeways or railroads. Who moves there: the poor!!!! The American Lung Association has long established the impacts particularly on children. Eliminating all units in this area will still allow the City to reach the 18000 goal.

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4486117/>

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<https://www.latimes.com/local/lanow/la-me-ln-freeway-pollution-advisory-20171227-story.html>

<https://gustancho.com/buying-home-near-railroad-tracks>

2. Notice how the rich up the hill aren't impacted?

In 2012, the City adopted an EIR with a preferred alternative that required opening Overlook for traffic circulation. This would significantly reduce traffic on Arlington and Central. None of the proposed housing along Central should be approved because the ability for ingress and egress and the increased pollution for individuals living in the vicinity

3. Climate Change is more critical than complying with RHNA

The legislature has adopted conflicting mandates. On the one hand, we are required to reduce Green House Gas reductions, expand green spaces, and ensure poorer communities have more trees. One critical tool for doing so is the application of water for public benefits as the City Council just acknowledged; however, determining how much water is needed and actually allocating that water particularly in poorer communities. The City Council received comments from C-CERT showing how regional logistics expansion will worsen our air quality.

4. This plan does not address Affordable Housing

Most homes will be market based attracting more people to our region who have to drive for jobs. This proposal does not discuss other options to address affordability, i.e. subsidizing rents; converting some apartments to affordable units, or converting unused retail to housing. These options would have fewer environmental impacts but are not thoroughly analyzed.





Citizens United for Resources and the Environment

5. EJ organizations should receive grants to respond

Most non-profit organizations and poorer residents lack the attorneys and technical consultants needed to review, understand and comment. This is an oversight that makes this effort almost meaningless no matter how many public hearings you hold.

CURE intends to supplement its comments as part of this process.



August 19, 2021

Matthew Taylor, Senior Planner  
City of Riverside Community & Economic Development Department, Planning Division  
3900 Main Street, 3<sup>rd</sup> Floor  
Riverside, CA 92522  
Email: [mtaylor@riversideca.gov](mailto:mtaylor@riversideca.gov)

**Subject: Riverside Housing & Public Safety Element Updates and Environmental Justice Policies Project Draft Environmental Impact Report (EIR)– SCH# 2021040089**

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Dear Mr. Taylor,

The California Department of Conservation, California Geological Survey (CGS) has reviewed the Draft Environmental Impact Report (EIR) for the City of Riverside (City) Housing & Public Safety Element Updates and Environmental Justice Policies Project (Project). We offer the following comments and recommendations with respect to the proposed project's potential impacts on public safety.

**Project Description:**

The Project proposes to update the Housing and Public Safety Elements of the City's 2025 General Plan. The Housing Element updates include the identification of "Opportunity Sites", which are vacant or underused lots dispersed throughout the City that could accommodate new housing. The updates to the Public Safety Element incorporate new Environmental Justice Policies in establishing Opportunity Site selection criteria that reduce the short- and long-term risks of death, injuries, property damage, and economic and social disruption from natural hazards (such as floods, earthquakes, and landslides) when determining which sites are appropriate for future housing developments.

**CGS Comments:**

Section 2.2 lists Project objectives including to "Limit or prevent housing development in areas with development constraints, such as ... fire and flood hazard zones. As such, the City has limited or eliminated sites that are unsafe because they are in a flood zone or high-fire area. The EIR briefly describes the Opportunity Site inventory analysis and weighted suitability model used to identify the final list of Opportunity Sites.

An Opportunity Site was identified on the eastern edge of the intersection of Watkins Drive and East Big Springs Road in Ward 2 in the northeastern part of the City. This site is within a flood zone and a very high fire hazard zone. Additionally, the canyon upslope of the eastern end of East Big Springs Road is in the very high fire hazard zone. This canyon is the main drainage basin that would contribute flow to the East Big Springs Road flood hazard zone. The very high fire hazard in the potential flood hazard source

August 19, 2021

area within the Box Springs Mountain Reserve Park east of this Opportunity Site presents the potential for an additional risk of post-fire debris flows impacting the site. Debris flows are a specific type of landslide. Landslide hazards are discussed in this EIR, but from the perspective of potential impacts the Project might have on causing or increasing the likelihood of landslides. CGS agrees that this project appears unlikely to cause significant effects related to landslide hazards. The coincidence of the very high fire hazard in the flood hazard zone source area appears to be a naturally occurring baseline condition. Considering that, CGS recommends the following:

- 1) Reevaluate the suitability of the Watkins Drive/East Big Springs Road Opportunity Site, considering the potential post-fire debris flow hazard.
- 2) Include a post-fire debris flow hazard evaluation in the predevelopment checklist that will be developed as part of the Project to support the development review process for applicants proposing development on Opportunity Sites.

**References:**

California Department of Forestry and Fire Protection. 2020. California Fire Hazard Severity Zone Viewer. Available: <https://gis.data.ca.gov/datasets/789d5286736248f69c4515c04f58f414>. Accessed August 2021.

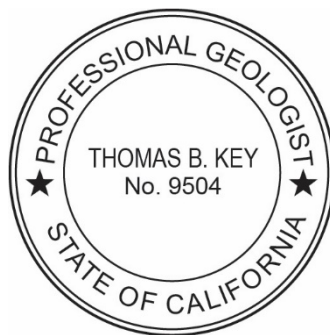
Federal Emergency Management Agency (FEMA). 2008. FEMA's National Flood Hazard Layer (NFHL) Viewer. Available: <https://hazards-fema.maps.arcgis.com/apps/webappviewer/index.html?id=8b0adb51996444d4879338b5529aa9cd>. Accessed: August 2021.

Thank you for giving us the opportunity to comment on the Draft EIR for the Riverside Housing & Public Safety Element Updates and Environmental Justice Policies Project. If you have any questions or concerns regarding the comments in this letter, please contact Thomas Key, Engineering Geologist, at 801 K Street, MS 13-40, Sacramento, California 95814, (916) 584-4854, [thomas.key@conservation.ca.gov](mailto:thomas.key@conservation.ca.gov).

Sincerely,

Original signed by:

Thomas Key, PG 9504  
Engineering Geologist  
Sacramento, California



Original Signed by:

Cheryl Hayhurst, CEG 2639  
Senior Engineering Geologist  
Sacramento, California





## Citizens United for Resources and the Environment

August 29, 2020

To: Honorable Planning Commission

Re: Public Comment Regarding RHNA Deadlines

CURE urgently recommends that the Planning Commission call upon the Mayor, City Attorney, and our state elected officials to convene a meeting in Sacramento to explain in detail why the October 15, 2021 deadline, cannot be met without violating the time requirements of CEQA as well as the due process clause of the State and federal constitutions. CURE recognizes the City failed previously to timely comply with RHNA; however, new information and the unique circumstances confronting Riverside necessitate our city coming together to resist jumping off a cliff with no soft landing.

### 1. Timing

Staff has confirmed that between September 2 and 9, 2021, they cannot provide written responses to Draft EIR comments and propose a final EIR to the Planning Commission. They are claiming that only the City Council must approve the final and are assuming that there will be no need to recirculate the EIR. This “cram down” violates the letter if not the spirit of CEQA and prevents this body and the public from an opportunity to provide meaningful input so that our elected officials understand the consequences.

### 2. Staff misrepresented that future projects return to the PC

CURE clarified that staff is (1) proposing simultaneous zoning ordinances which would allow administrative approval of projects under 50,000 once they are included in the Housing Element. Those projects are “by right” so that there will be no more review by the PC or appeal process for the public. Worse yet, staff has not finalized the ordinances for public consumption that will go before you and council apparently on the same schedule as the final EIR. No one has the capacity to keep up with what’s happening and the illusion this constitutes “notice” is offensive.

### 3. The proposed 31,000 houses is far beyond what the law requires.

RHNA requires approximately 18,500 houses. Staff acknowledges their goal of 31,000 or even 24,000 is not required by law. They are doing this for a matter of convenience so that, if we fall below 18,000, they don’t have to come back for new zoning. That policy decision should be made FIRST by the city council and not by staff.

### 4. The new Census Numbers reflect less population growth than anticipated.

Because we are only getting new census information, it is unclear how this affects the underlying assumptions. This alone justifies a short 60-90 extension by the state.

### 5. The DEIR fails to acknowledge significant unmitigated impacts on water and impacts to infrastructure including the financing needed to upgrade.

CURE appreciates the comments/questions of the Commissioners at the last meeting. We will submit expert input on this shortcoming before September 2.

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City of Riverside  
Re: PR 2021-001058, Riverside Housing  
and Public Safety Element Updates and  
Environmental Justice Policies Project

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August 3, 2021  
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August 13, 2021

MEMORANDUM

TO: HONORABLE PLANNING COMMISSION

RE: WORKSHOP ON DRAFT ENVIRONMENTAL IMPACT REPORT

Thank you for holding a workshop today. Our apologies for the late input; however, we were unaware that an EIR for the Housing Element was circulating. CURE's comments this morning will address some "big picture" issues, and we will supplement those comments once we have the benefit of the presentation.

1. Notice

If the City can send emails to notify residents when trash deliver is late, then they surely can give an e-mail blast out concerning the most critical decision that will affect resident's quality of life. Not everyone mines the website nor uses facebook. In that regard, when special workshops are posted, perhaps the clerk can somehow highlight that on the home page of the COUNCIL/MEETINGS homepage.

2. Timing

The EIR apparently was issued on July 16, 2021, with comments due on September 2, 2021, and final adoption of the housing element in mid-October. This presupposes that there will be NO comments requiring recirculation of the EiR, nor will it give staff or the public a true opportunity to digest and respond to comments. Further, many people (including our City Manager) was on vacation in August or kids are getting back to school. This is the second time the city has adopted consequential "plans" in the past six months ostensibly because of state deadlines that can and should be extended to accommodate meaningful discussion.

3. Engagement

A "workshop" with three minute comments is not "interaction". Nor are powerpoints a true reflecting of what these housing element decisions will mean. First, the public deserves input from experts both who support the City's approach or other possible approaches. Staff instead presents their findings and data, and a public largely ill-equipped to respond to lengthy technical documents is expected to respond. The California Public Utilities Commission has an administrative process that truly allows for engagement with both an office of Ratepayer Advocate defending the public and compensation for qualified intervenors and experts.

Further, the City should provide a 3D model that actually reveals what Riverside will look like if this plan is implemented with the resulting increase in traffic, smog and noise affecting neighborhoods. The EIR is a drab, unimaginative documents designed to avoid legal challenges and is not a replacement for the kind of analysis the public needs to make choice. Further, the





model should specify what the cost of infrastructure will be to support those new units and how, with a structural deficit, the City intends to pay for them.

#### 4. New Information

2020 census information is trickling in now. The City should step back and analyze how this data informs future decisions and how it matches up with assumptions adopted during the last General Plan discussion.

#### 5. Environmental Justice

Putting hundred if not thousands of units within 2500 feet of freeways and railroad tracks is the antithesis of environmental justice and defies all the scientific evidence demonstrating how the lung and brain development of children will be stunted leading to long-term health consequences, learning disabilities and early death. CURE will submit several studies highlighting these problems; however, City Staff and Council already are well aware of the serious air quality, climate and temperature factors that will worsen with growth. There is no mitigation that truly protects units that close to increasing diesel emission. Moreover, poorer people purchase/lease these units, and they are least able to afford high electricity bills to run air conditioning units.

#### 6. Water Availability

If every drop of Riverside's water goes to housing, then perhaps we have enough; however, the urban water management plan and council have acknowledged that Riverside must assess the baseline benefits from trees and green spaces and evaluate how much additional tree planting/water is needed to combat and adapt to climate. This EIR does not realistically evaluate the limitations of our resources in this area.

The State has countervailing policies to its housing demands. How a court reconciles them remains to be seen. Riverside must maintain its green spaces and tree coverage to protect the public's health and safety. The legislature cannot undermine the City's police powers to do so because it arbitrarily sets housing requirements. Other options to address homelessness and lack of affordable should be considered before worsening the environment in our City.



Citizens United for Resources and the Environment

TO: HONORABLE PLANNING COMMISSION

RE: ENVIRONMENTAL JUSTICE ISSUES IN PROPOSED HOUSING ELEMENT

Thank you again for providing input.

This letter summarizes some key issues to address environmental justice issues in our community that are worsened by the proposed housing element.

1. No units should be sited within 2500 feet of freeways or railroads. Who moves there: the poor!!!! The American Lung Association has long established the impacts particularly on children. Eliminating all units in this area will still allow the City to reach the 18000 goal.

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4486117/>

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4486117/>

<https://www.latimes.com/local/lanow/la-me-ln-freeway-pollution-advisory-20171227-story.html>

<https://gustancho.com/buying-home-near-railroad-tracks>

2. Notice how the rich up the hill aren't impacted?

In 2012, the City adopted an EIR with a preferred alternative that required opening Overlook for traffic circulation. This would significantly reduce traffic on Arlington and Central. None of the proposed housing along Central should be approved because the ability for ingress and egress and the increased pollution for individuals living in the vicinity

3. Climate Change is more critical than complying with RHNA

The legislature has adopted conflicting mandates. On the one hand, we are required to reduce Green House Gas reductions, expand green spaces, and ensure poorer communities have more trees. One critical tool for doing so is the application of water for public benefits as the City Council just acknowledged; however, determining how much water is needed and actually allocating that water particularly in poorer communities. The City Council received comments from C-CERT showing how regional logistics expansion will worsen our air quality.

4. This plan does not address Affordable Housing

Most homes will be market based attracting more people to our region who have to drive for jobs. This proposal does not discuss other options to address affordability, i.e. subsidizing rents; converting some apartments to affordable units, or converting unused retail to housing. These options would have fewer environmental impacts but are not thoroughly analyzed.



Citizens United for Resources and the Environment

5. EJ organizations should receive grants to respond

Most non-profit organizations and poorer residents lack the attorneys and technical consultants needed to review, understand and comment. This is an oversight that makes this effort almost meaningless no matter how many public hearings you hold.

CURE intends to supplement its comments as part of this process.

Comments to Riverside Planning Commissioners

Special Meeting: Housing Plan Workshop, Agenda Item #2, August 13, 2021

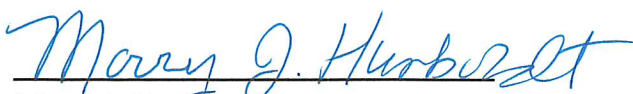
Riverside's current level of water consumption is about 84,000 ac ft/yr with a 20% reserve emergency capacity. The addition of 25,000 dwelling units will exhaust the existing capacity to serve and require additional capital investment in new water to maintain the reserve. A 30,000 ac-ft/yr increase to serve the new units will consume all our available drinking water at a time when drought severity is increasing. To accomplish this build-out we will have to import water. Primary sources of imported water from northern California and the Colorado River are overdrawn and very expensive.

Currently development fees for water don't cover the full cost of new water service infrastructure or new water sources. Current water customers pay debt service on \$600 million for projects serving future development already planned. If global warming conditions continue to reduce rain and snowfall in the western states, regional shortages can only become worse.

Riverside has long been blessed with plentiful local water supplies, which are now critical to protect our living environment. We need to plant more trees to improve air quality, foster agriculture, and build more parks and green spaces to cool and shade us.

Protecting lower-cost water and power resources for current residents and businesses, while improving air quality, reinforcing stable neighborhoods and attracting better local jobs must be our priority. Riverside residents, who are not public employees, have a median family income of \$34,000 (Press-Enterprise), and are already paying much higher water and electric rates.

Riverside residents need environmental justice. This huge arbitrary number of housing units is imposed on us by unaccountable State and regional bureaucrats. This threatens to overtax our limited resources and hurt Riverside's future.



Mary J. Humboldt

7407 Dufferin Ave., Riverside, CA 92504



August 19, 2021

Matthew Taylor, Senior Planner  
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3900 Main Street, 3<sup>rd</sup> Floor  
Riverside, CA 92522  
Email: [mtaylor@riversideca.gov](mailto:mtaylor@riversideca.gov)

**Subject: Riverside Housing & Public Safety Element Updates and Environmental Justice Policies Project Draft Environmental Impact Report (EIR)– SCH# 2021040089**

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Dear Mr. Taylor,

The California Department of Conservation, California Geological Survey (CGS) has reviewed the Draft Environmental Impact Report (EIR) for the City of Riverside (City) Housing & Public Safety Element Updates and Environmental Justice Policies Project (Project). We offer the following comments and recommendations with respect to the proposed project's potential impacts on public safety.

**Project Description:**

The Project proposes to update the Housing and Public Safety Elements of the City's 2025 General Plan. The Housing Element updates include the identification of "Opportunity Sites", which are vacant or underused lots dispersed throughout the City that could accommodate new housing. The updates to the Public Safety Element incorporate new Environmental Justice Policies in establishing Opportunity Site selection criteria that reduce the short- and long-term risks of death, injuries, property damage, and economic and social disruption from natural hazards (such as floods, earthquakes, and landslides) when determining which sites are appropriate for future housing developments.

**CGS Comments:**

Section 2.2 lists Project objectives including to "Limit or prevent housing development in areas with development constraints, such as ... fire and flood hazard zones. As such, the City has limited or eliminated sites that are unsafe because they are in a flood zone or high-fire area. The EIR briefly describes the Opportunity Site inventory analysis and weighted suitability model used to identify the final list of Opportunity Sites.

An Opportunity Site was identified on the eastern edge of the intersection of Watkins Drive and East Big Springs Road in Ward 2 in the northeastern part of the City. This site is within a flood zone and a very high fire hazard zone. Additionally, the canyon upslope of the eastern end of East Big Springs Road is in the very high fire hazard zone. This canyon is the main drainage basin that would contribute flow to the East Big Springs Road flood hazard zone. The very high fire hazard in the potential flood hazard source



August 19, 2021

area within the Box Springs Mountain Reserve Park east of this Opportunity Site presents the potential for an additional risk of post-fire debris flows impacting the site. Debris flows are a specific type of landslide. Landslide hazards are discussed in this EIR, but from the perspective of potential impacts the Project might have on causing or increasing the likelihood of landslides. CGS agrees that this project appears unlikely to cause significant effects related to landslide hazards. The coincidence of the very high fire hazard in the flood hazard zone source area appears to be a naturally occurring baseline condition. Considering that, CGS recommends the following:

- 1) Reevaluate the suitability of the Watkins Drive/East Big Springs Road Opportunity Site, considering the potential post-fire debris flow hazard.
- 2) Include a post-fire debris flow hazard evaluation in the predevelopment checklist that will be developed as part of the Project to support the development review process for applicants proposing development on Opportunity Sites.

**References:**

California Department of Forestry and Fire Protection. 2020. California Fire Hazard Severity Zone Viewer. Available: <https://gis.data.ca.gov/datasets/789d5286736248f69c4515c04f58f414>. Accessed August 2021.

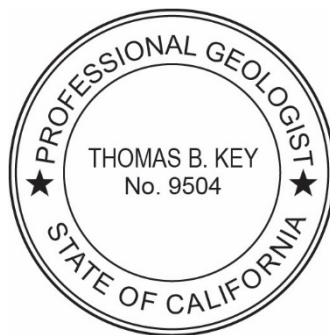
Federal Emergency Management Agency (FEMA). 2008. FEMA's National Flood Hazard Layer (NFHL) Viewer. Available: <https://hazards-fema.maps.arcgis.com/apps/webappviewer/index.html?id=8b0adb51996444d4879338b5529aa9cd>. Accessed: August 2021.

Thank you for giving us the opportunity to comment on the Draft EIR for the Riverside Housing & Public Safety Element Updates and Environmental Justice Policies Project. If you have any questions or concerns regarding the comments in this letter, please contact Thomas Key, Engineering Geologist, at 801 K Street, MS 13-40, Sacramento, California 95814, (916) 584-4854, [thomas.key@conservation.ca.gov](mailto:thomas.key@conservation.ca.gov).

Sincerely,

Original signed by:

Thomas Key, PG 9504  
Engineering Geologist  
Sacramento, California



Original Signed by:

Cheryl Hayhurst, CEG 2639  
Senior Engineering Geologist  
Sacramento, California





## Citizens United for Resources and the Environment

August 29, 2020

To: Honorable Planning Commission

Re: Public Comment Regarding RHNA Deadlines

CURE urgently recommends that the Planning Commission call upon the Mayor, City Attorney, and our state elected officials to convene a meeting in Sacramento to explain in detail why the October 15, 2021 deadline, cannot be met without violating the time requirements of CEQA as well as the due process clause of the State and federal constitutions. CURE recognizes the City failed previously to timely comply with RHNA; however, new information and the unique circumstances confronting Riverside necessitate our city coming together to resist jumping off a cliff with no soft landing.

### 1. Timing

Staff has confirmed that between September 2 and 9, 2021, they cannot provide written responses to Draft EIR comments and propose a final EIR to the Planning Commission. They are claiming that only the City Council must approve the final and are assuming that there will be no need to recirculate the EIR. This “cram down” violates the letter if not the spirit of CEQA and prevents this body and the public from an opportunity to provide meaningful input so that our elected officials understand the consequences.

### 2. Staff misrepresented that future projects return to the PC

CURE clarified that staff is (1) proposing simultaneous zoning ordinances which would allow administrative approval of projects under 50,000 once they are included in the Housing Element. Those projects are “by right” so that there will be no more review by the PC or appeal process for the public. Worse yet, staff has not finalized the ordinances for public consumption that will go before you and council apparently on the same schedule as the final EIR. No one has the capacity to keep up with what’s happening and the illusion this constitutes “notice” is offensive.

### 3. The proposed 31,000 houses is far beyond what the law requires.

RHNA requires approximately 18,500 houses. Staff acknowledges their goal of 31,000 or even 24,000 is not required by law. They are doing this for a matter of convenience so that, if we fall below 18,000, they don’t have to come back for new zoning. That policy decision should be made FIRST by the city council and not by staff.

### 4. The new Census Numbers reflect less population growth than anticipated.

Because we are only getting new census information, it is unclear how this affects the underlying assumptions. This alone justifies a short 60-90 extension by the state.

### 5. The DEIR fails to acknowledge significant unmitigated impacts on water and impacts to infrastructure including the financing needed to upgrade.

CURE appreciates the comments/questions of the Commissioners at the last meeting. We will submit expert input on this shortcoming before September 2.



Citizens United for Resources and the Environment

I'm Jim Buysse, a 30-year Riverside resident, and for 20 years of those years, I served as Vice Chancellor for Administration & Finance with the Riverside Community College District. I've been engaged in planning for half a century, beginning with my selection as a member of a four-person team which wrote the first postsecondary education master plan for the State of Colorado.

I understand and appreciate that City Council must consider the future development of our City. That makes your job as a Planning Commission exceedingly important. However, I believe this planning process is problematic in terms of its origin, how it's been done, and how the plan would be implemented.

The Housing Element plan was developed pursuant to a State mandate. Riverside was then given an "allocation" of units by SCAG. I seriously doubt that SCAG and our Planning Department can predict what the future will hold in terms of housing demand. Thus, this planning exercise is premised on specious assumptions.

Such planning must be decentralized to be effective. Various alternative futures should be assessed. Centralized planning never works, at least not in a positive way. Yet, the State proceeds with a "one size fits all" approach. But this State is very diverse. One size doesn't fit all, especially as regards local planning. We need a plan free from State and regional intervention, one that speaks to Riverside's particular characteristics. Cities in Orange County and elsewhere in the State are challenging this State mandate for this reason. Riverside should join them.

Second, the way the planning has been done, presumably pursuant to State dictates, is disconcerting. How is "fair housing" defined? What does "inclusion" mean? These words have become part of the common vernacular...albeit without common understanding of their meaning.

Is there evidence we are neither fair nor inclusive? And how was the notion of segregation derived? Apparently, City "segregation" patterns were analyzed. Who's been engaging in segregation? City council? Again, where's the evidence? And environmental justice? That term tortures the English language. Get rid of the gobbledygook.

Additionally, when it comes to analysis, we see percentages, such as the percentage of the population. For example, less than 25% of low and moderate housing is located in various areas of the City. So what? That tells us little. Is that better or worse than a decade ago? What are the trend lines? And what are the benchmarks against which percentages are compared? Is the low/moderate income group of the same demographic composition today as that of the past? Was any of this considered? How deep was the data dive?

Further, what would Housing Element Plan implementation look like? Seems like zoning would be changed. Would that occur before a property is sold? Would it require eminent domain?

Would an owner losing property value sue for recompense? Would there be an appeal process for property owners?

Let's get real on this. People are where they are, but not by accident. One could say they have skin in the game. They've worked and saved to buy a home, and then to buy a bigger home in more pleasant surroundings with better schools as their families grew. Americans have been doing that for decades. It's called moving up and achieving the American dream.

These homeowners don't want to be in neighborhoods where people do not have skin in the game, as in those situations, properties tend not to be as well maintained. Parking can be more problematic. And they tend not to be as safe. I could go on, but that is reality. We need to be clear-eyed in looking at housing issues. We need a plan that is flexible. Utopian thinking simply won't work.

Also, how can low income housing work, when State and local governments add myriad regulations contributing to higher housing costs? The math doesn't work if these regulations are not ameliorated in a way that does not burden taxpayers. Builders, after all, will not build houses at a loss.

In closing, please tell City Council the Housing Element plan must be revisited until these kinds of questions are addressed and the language made more intelligible. Tell Council its duty is to Riverside residents, not to the State and its distant bureaucracy, and not to a regional group either. Lastly, tell the City it should join other California cities in challenging the State mandate. Simply stated, it's time to stand up for Riverside.





## Chatten-Brown, Carstens & Minter LLP

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September 1, 2021

*Via Email ([mtaylor@riversideca.gov](mailto:mtaylor@riversideca.gov))*

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Senior Planner  
City of Riverside  
Community & Economic Development Department, Planning Division  
3900 Main Street, 3rd Floor  
Riverside, CA 92522

Re: Comments on Draft EIR for Riverside 2021-2029 Housing Element;  
Case No. PR-2021-001058; SCH 2021040089

Dear Mr. Taylor:

On behalf of the Victoria Avenue Neighborhood Alliance (VANA), we submit these comments on the Draft 2021-2029 Housing Element and the draft environmental impact report (DEIR) prepared to analyze the Housing Element Update. VANA is a coalition of more than 650 community members in the Victoria neighborhood of the City of Riverside, that seek to stay informed on events and city business that affects our neighborhood, our quality of life, and community safety. VANA includes particular focus on land/property development, infrastructure, traffic issues, and crime and safety.

Our comments focus on the area identified as Opportunity Site 208 in the Housing Element Update, located at 2201 Fairview Avenue. The Housing Element Update proposes to significantly upzone this site to allow for a 44-unit condo development in the middle of a large lot single family home neighborhood. Development of this constrained site with such dense housing would result in adverse land use, geotechnical and traffic safety impacts not analyzed in the DEIR. Upzoning of this site would also result in illegal spot zoning. There are several additional opportunity sites located in the Victoria Neighborhood along Central Avenue/Alessandro Boulevard that would also result in significant traffic hazard and land use impacts. However, VANA has chosen to focus on Site 208 in these comments because there is already a project proposed for this site. The intent of including Site 208 as an Opportunity Site in the Housing Element is to provide an end-run around the detailed environmental review that would otherwise be required

for this project, which fails to provide the necessary protections for the surrounding community and the public disclosure required by the California Environmental Quality Act (CEQA).

The 2021-2029 Housing Element is intended to provide adequate opportunity sites to address the City's Regional Housing Needs Assessment (RHNA) obligation of 18,458 dwelling units. Implementation of the Housing Element could result in a 31,175 dwelling unit increase—a nearly 60 percent increase above the City's RHNA obligation. Thus, in addition to resulting in significant unanalyzed impacts, inclusion of Opportunity Site 208 is completely unnecessary to achieve the City's RHNA obligation.

**I. The DEIR's Analysis of Impacts Resulting From Inclusion of Opportunity Site 208 Is Inadequate.**

The California Environmental Quality Act (CEQA) serves two basic, interrelated functions: ensuring environmental protection and encouraging governmental transparency. (*Citizens of Goleta Valley v. Bd. of Supervisors* (1990) 52 Cal. 3d 553, 564.) CEQA requires full disclosure of a project's significant environmental effects so that decision-makers and the public are informed of these consequences before the project is approved, to ensure that government officials are held accountable for these consequences. (*Laurel Heights Improvement Ass'n of San Francisco v. Regents of the University of California* (1988) 47 Cal.3d 376, 392.)

"In evaluating the significance of the environmental effect of a project, the lead agency shall consider direct physical changes in the environment which may be caused by the project **and reasonably foreseeable indirect physical changes** in the environment which may be caused by the project." (CEQA Guidelines § 15064, subd. (d), emphasis added.) The development of areas identified as opportunity sites within the Housing Element, including Site 208, is a reasonably foreseeable consequence of the adoption of this plan. The Housing Element includes policies encouraging by-right development of opportunity sites or reliance on a categorical exemption to CEQA review for housing development at these sites. Thus, by failing to adequately disclose and analyze the significant adverse impacts associated with development of Site 208 at this time, the DEIR fails to meet either of CEQA's important functions.

**A. The DEIR Fails to Disclose Land Use Impacts Associated with Illegal Spot Zoning.**

Opportunity Site 208 is currently zoned R-1-13000 with a land use designation of low density residential, which would allow for the development of 7 housing units on the site. Site 208 is surrounded by more than a half mile in each direction by sites also zoned R-1-13000 with only low-density residential development.

(See [www.riversideca.gov/cedd/sites/riversideca.gov/cedd/files/pdf/planning/Zoning-Map.pdf](http://www.riversideca.gov/cedd/sites/riversideca.gov/cedd/files/pdf/planning/Zoning-Map.pdf), incorporated by reference.) In fact, there are no commercial, retail, apartments or condo developments within miles of the Victoria neighborhood where this site is located.

The Housing Element proposes to upzone Site 208 to R-3-2000, to allow for a more than sixfold increase in development to 44 units. Program 5-1 plans for this upzoning to occur within the 2021-2029 Housing Element cycle, making the upzoning a reasonably foreseeable consequence of the project. Upzoning Site 208 would create an island of dense development within the surrounding community, resulting in illegal spot zoning. “A spot zone results when a small parcel of land is subject to more or less restrictive zoning than surrounding properties.” (*Foothill Communities Coalition v. County of Orange* (2014) 222 Cal.App.4th 1302, 1312.) Here, with the upzoning, Site 208 would be subject to less restrictive zoning than the surrounding properties and is clearly spot zoning.

Spot zoning is illegal when it would be inconsistent with the existing General Plan and would adversely impact surrounding property owners. Site 208 has an existing General Plan designation of low density residential and zoning the site for 44 units would be inconsistent with this designation. It would also be inconsistent with several existing Land Use Element policies:

- Policy LU 89.1 provides for transfer of density away from steep hillsides and to flatter areas with less visually sensitive properties and where significantly less grading will result. Site 208 has slopes greater than 10% and would require significant grading to develop, making it a site that should have density transferred away from it, not to it.
- Objective LU-4 provides for the minimization of urban development in hillsides and Policy 4.2 requires compliance with the hillside grading provisions. Development of Site 208 with 44 condo units would require extensive grading, urbanization of this hillside site and would also necessitate variances from the hillside grading ordinance.
- Policy LU-8.2: “Avoid density increases or intrusion of nonresidential uses that are incompatible with existing neighborhoods.” Upzoning of Site 208 would be incompatible with the existing low-density neighborhood.
- Policy LU-30.3: “Ensure that the distinct character of each of Riverside’s neighborhoods is respected and reflected in all new development, especially infill development.” Significantly higher density development of Site 208 would not respect the distinct character of the surrounding neighborhood.

Moreover, as discussed below, rezoning of Site 208 to allow for a sixfold increase in development would have significant adverse impacts to surrounding community. Thus, rezoning of Site 208 to allow for development of 44 condo units would result in illegal spot zoning.

**B. The DEIR Fails to Disclose Geotechnical Impacts Associated with Development of Site 208.**

Site 208 is a steep hillside underlain with granite. Significant excavation of this hillside would be required to develop 44 condo units on the site. The City's Municipal Code requires hillside development to fit the natural terrain, but the high-density development of Site 208 would conflict with this requirement, instead including significant grading of the hillside. This would necessitate noisy excavation of the hard granite on the site, resulting in vibrations that could damage the surrounding homes built in the 1930s. Development of the site after rezoning would also require a 250 foot long and 19-foot-high retaining wall due to the steepness of the site. The impacts on surrounding properties associated with constructing such a massive retaining wall were not disclosed in the DEIR. The geotechnical impacts associated with upzoned development of Site 208 must be analyzed now, or this site should be removed as an opportunity site so it is not allowed to elude review of these impacts through the reliance on a future categorical exemption.

**C. The DEIR Fails to Disclose Traffic Safety Impacts Associated with Development of Site 208.**

Development of Site 208 after the significant upzoning proposed by the Housing Element would result in significant traffic safety impacts that the DEIR fails to address. The 44 condo unit project proposed for Site 208, with up to 150 residents, would generate a significant number of new daily trips. This is an area of the City without transit and located miles from commercial and office uses, requiring residents to rely on their own vehicles to access workplaces and shopping needs. The DEIR fails to assess the traffic impacts of placing a densely packed development in a car-dependent area of the City, despite proposed Housing Element policy 4.2 encouraging development that can rely on public transit.

The adjacent roadway, Central Avenue into Alessandro Boulevard, is a heavily traveled, winding street. A traffic report prepared by the Riverside Police Department found that this roadway corridor has one of the highest accident rates in the City with an average of 114 accidents per year at a rate of an accident every 3.2. The significant addition of cars at Site 208 would need to access Central Avenue from Fairview Street at an unsignalized intersection, adding to the existing traffic hazards along this roadway.

These traffic safety impacts must be analyzed in the DEIR if Site 208 is not removed as an opportunity site.

## **II. Site 208 is Not Necessary to Meet the City's RHNA or HCD's Recommendations.**

The most recent RHNA obligation for the City requires the City to identify opportunity sites for the 18,458 housing units it was allocated. (Gov. Code § 65583.) Instead of focusing on the RHNA requirement, the updated Housing Element provides for a maximum net increase of 31,175 dwelling units, a 60% increase above the RHNA. (DEIR p. 2-12.) This is also a significant increase above the recommendations of the California Department of Housing and Community Development (HCD). To ensure sufficient capacity to accommodate the RHNA, HCD recommends jurisdictions create a buffer of 15 to 30 percent more capacity than required. (<https://hcd.ca.gov/community-development/housing-element/housing-element-memos/docs/sb-166-final.pdf>, incorporated by reference.) The City proposes to more than double this recommendation, demonstrating that inclusion of Site 208 is wholly unnecessary to achieve the RHNA or to follow the recommendations of HCD. Even without the 44 units at Site 208, the Housing Element would far exceed a 30 percent buffer for the RHNA.

Moreover, the HCD recommendations identify the need to focus on capacity for low-income housing. Site 208 is proposed for moderate housing, making it of less importance than the sites identified for low-income housing. Additionally, the overwhelming majority of opportunity sites identified for the Housing Element are for moderate income housing, again making the 44 units at Site 208 unnecessary. (Housing Element Appendix A.) Further, while the Housing Element identifies Site 208 for moderate income housing, as discussed above there are numerous site constraints that will significantly increase construction costs at the site. The significant construction costs will be passed along to the residents, making it unlikely this site will be able to provide any type of housing other than market rate.

As set forth in comments submitted by others, including CURE, the City also has a significantly inadequate water supply available to serve this level of new housing development. The Housing Element acknowledges that the production of housing in Riverside is directly impacted by the available water supply. As such, the Housing Element should eliminate sites such as Site 208 to ensure there is adequate water supply for the City's planned and existing development.

## **Conclusion**

As set forth herein, rezoning of Site 208 would result in significant adverse land use, geotechnical, traffic safety and water supply impacts that were not addressed in the



Mathew Taylor  
September 1, 2021  
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DEIR for the Housing Element. Additionally, inclusion of Site 208 as an opportunity site in the Housing Element is unnecessary to achieve the City's RHNA obligations or the inventory allotment recommended by the HCD. Thus, we urge the City remove this unnecessary and impactful site from consideration in the Housing Element.

Thank you for your time and consideration in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'jllt'.

Amy Minter

cc: Riverside Planning Commission



September 2, 2021

*Via Email ([planning@rivco.org](mailto:planning@rivco.org))*

The Honorable Planning Commission  
City of Riverside  
Department 4080  
Lemon Street 12th Floor  
P.O. Box 1409  
Riverside, CA 92502-1409

Re: Comments on the Pending RHNA Proceedings including Responses to  
Draft Environmental Impact Report (“DEIR”)

Honorable Commissioners:

Citizens United for Resources and the Environment (“CURE”), a 501(c)(3), is committed to empowering local communities to demand accountability in government decisions involving natural resources and land use. CURE promotes planning and decision-making that equitably balances efforts to achieve economic stability and sustainable growth while ensuring public health and safety, food security and species preservation. CURE’s members include residents in the City of Riverside (“City”) impacted by the environmental impacts of the Project.<sup>1</sup>

## I. INTRODUCTION

The City of Riverside (“Riverside”) is where the arguably well-intended social engineering of the California Legislature meets the real world. Without any public comment, the Southern California Association of Governments (“SCAG”) decided that Riverside had the means and capacity to shoulder the burden of an additional 18,458 dwelling units (“DUs”) without providing any of the financial support needed to build the infrastructure required to support this housing. Worse yet, in passing RHNA, the Legislature ignored many other stated policies such as reduction of Green House Gas emission, climate adaptation, and the Governor’s recent 30x30 Plan proposing that 30 percent of open space remain to combat climate. Reconciling these conflicts and

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<sup>1</sup> CURE has appeared as a party plaintiff several times in federal and state courts over the past two decades on impact litigations involving water and land use issues. Its board and membership over the years has included several nationally recognized academic and legal experts on environmental justice, land planning, and water availability.

implementing RHNA has been left to local governments like Riverside which lack the financial wherewithal to shoulder the burdens imposed.<sup>2</sup>

The “Project” as defined by the DEIR ballooned from the already unrealistic 18,458 to 31,564 dwelling units. According to the DEIR, “The implementation of this Project could result in an increase of up to 31,564 new DUs and 3,181,930 square feet of nonresidential development, or up to 31,175 DUs and 1,433,460 square feet over existing conditions.” (DEIR at 2-1).

Despite the negative impacts that Riversiders would be expected to subsidize and endure, the DEIR fails entirely to address the actual housing problems faced by Riverside: namely affordability and homelessness. Rather, this document is an open door for developers to build moderate priced housing while Riverside taxpayers fund most of the infrastructure. The City can hardly afford these added burdens given its structural deficits. The low income DU projections in the DEIR are negligible (4,861 DUs) and most of those units are located in areas densely populated and contiguous to the 91 Freeway or Union Pacific rail lines - a perfect blue print for exposing underserved communities to even more pollution. The DEIR and zoning changes do not include inclusionary housing requirements or call for the conversion of market-based housing to affordable housing. In reality, this proposal will add to increased segregation and defies any claims of Environmental Justice.

Whatever the grand vision of the Legislature, the DEIR does not reflect the vision of the Riverside community. Despite widespread discontent amongst residents who are actually aware of the Project, staff repeatedly has told the public that Riverside simply has no choice and that RHNA is a *fait accompli*. Covid-19 also prevented genuine public outreach to explain the overall impact of these changes. The DEIR lists a smattering of conversations and meeting staff has held and, according to the head of Planning, approximately 400 residents attended zoom and/or meetings about RHNA - less than .2 percent of the population. And, when pressed about the absurdity of expecting our City to absorb so much housing, staff essentially implied that the RHNA zoning was a paper exercise and that these numbers were no guarantee anything would be built.

The claim that significantly modifying the General Plan Housing Element, Zoning Codes, and Specific Plans has no real impact because “it may never be implemented” is duplicitous and would render the entire DEIR process a meaningless exercise. Re-zoning nearly 1000 acres of Riverside will allow developers to build “by right” with little or in many case no further public scrutiny. In fact, one of the stated goals of the Project is “Removing governmental and other constraints to housing production.” - apparently public input and review by the Planning Commission. (DEIR at ES-3). Though those

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<sup>2</sup> Based on this, it appears the RHNA requirements may be an unfunded mandate, violative of the California constitution. (Cal. Const., art. 13B, § 6.)

“other constraints” are not identified, one might suspect the DEIR is referring to the impacted public who typically is unaware of proposed development until development is imminent in which event it will be long past the time to object. That would be particularly the case here since the City’s outreach has not involved actual notice to residents - either by mail or email - despite CURE requesting that the City use its global email system often triggered for trash pickup delays. Worse yet, staff is proposing extensive revisions to Specific Plans and administrative changes to the zoning code which amount to hundreds of pages and have not been openly vetted before the September 9, 2021 Planning Commission Meeting.<sup>3</sup>

Simply put, the DEIR has no vision about what Riverside residents want our city to be in the next 10-20 years. It is a piecemeal, rote analysis by consultants who don’t live here that merely dotted “I”s and crossed “T”s in an effort to comply with artificial deadlines and unfunded state mandates. As a Charter City, Riverside traditionally has acted independently from many of Sacramento’s dictates which has held our community in good stead over the decades. CURE urges this body to reject the DEIR and RHNA process in its entirety at this time and send a strong message to the City Council that Riverside should take all steps necessary to develop a realistic Housing Element based upon Riverside’s needs and its actual fiscal capacity for infrastructure development.

The remainder of this correspondence focuses on clear procedural and substantive defects in the DEIR requiring recirculation of the document and precluding the City Council from approving the Final EIR. The DEIR is entirely defective and requires recirculation in the area of water availability (DEIR Section 3-14) where the DEIR incredibly states with no substantial evidence that the Riverside Public Utilities (“RPU”) has available water for 31,500 units, and hence there would be no significant impact on water supply. In reality, Riverside has actual water entitlements to provide only up to 5,000 afy of new water (as opposed to the 30,000 afy water staff projected would satisfy the project). Assuming Riverside wants to allocate 100 percent of its available water supply to housing (as opposed to new industry, urban green spaces, parks or other uses), that water would be only sufficient to satisfy the low and affordable housing earmarks of the project - the area where Riverside should be focused at this stage in its development. There is not any water (except on paper) to build more.

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<sup>3</sup> The Planning Commission agenda posted for this meeting was the first notice to the public of the actual zoning ordinance language being amended. Exhibit 23 to the 9-2-2021 agenda is a 61 single spaced, redlined page of zoning changes. The accompanying staff report’s explanation about the changes or their impacts are generic. The attached email from Mary Kopaskie-Brown, Head of Planning, confirmed that the new ordinances will allow administrative approvals of commercial buildings to 50,000 square feet and housing projects up to 100 units without public review. (See 9/2/2021 email from Kopaskie-Brown to McKeith, attached).

CURE recommends as follows:

1. The City Manager and City Attorney inform the state of the specific efforts that Riverside has taken to comply with RHNA but that Riverside has not fully completed the procedural requirements of the California Environmental Quality Act (“CEQA”) and hence will not meet the October 15, 2021 deadline. In passing RHNA, the Legislature did not give municipalities a free pass to ignore CEQA.
2. The City Manager and City Attorney should inform the state that the City lacks sufficient infrastructure to support a Project of this magnitude particularly in the area of water availability.
3. The City Attorney’s office should explore Riverside’s right to oppose unfunded state mandates that overly burden an inland, poorer City like Riverside while not imposing similar mandates on wealthier cities with better property tax bases to support growth.
4. The Housing Element should prioritize and focus on affordable housing and such housing should be located more than 2000 feet from heavily polluted areas like the 91/215/60 freeways.

**As discussed below, the Government Code would permit the City to up-zone 75 percent of low-income housing at this time upon a finding of inadequate infrastructure which would legally delay full RHNA implementation.** This option would allow the City to complete the General Plan before committing Riverside to build the next inland metropolis, and gradually provide for more housing as infrastructure necessary to support that housing is funded.

Lastly, the DEIR’s handling of the impacts of climate on the community are nothing but a listing of various state and local “policies” to adapt to climate without any specifics. At a time when climate adaptation should be the most urgent priority of the area, the DEIR merely concedes that this Project will worsen the problem without providing any concrete analysis of how much worse or what can be done locally to address it.

## **II. THE RUSHED PROCESS FORCED UPON THE PUBLIC VIOLATES THE LETTER AND SPIRIT OF THE CITY'S 2025 ENVISION STRATEGIC PLAN, CEQA AND VIOLATES THE DUE PROCESS CLAUSES OF THE FEDERAL AND STATE CONSTITUTION.**

The October 15, 2021 supposed “deadline” does not excuse the haphazard, rushed approach staff is compelling this body and the public to follow. The DEIR was published on July 19, 2021 with comments due on September 2, 2021, at the time when many families are on vacation or kids are returning to school. On complicated programmatic EIRs such as that before the Planning Commission, it is not uncommon for more time to be provided to comment. Regardless, staff is proposing that this body recommend the DEIR to council *before* staff responds to public comments, robbing both the public and this body of the ability to review issues posed by comments on the DEIR. When asked about how staff could possibly accomplish that feat consistent with the Brown Act and CEQA, staff stated that there was no legal requirement for the Planning Commission to approve the EIR and that they were taking a “calculated risk” that the DEIR did not need to be recirculated. Even if this may be “technically” true, on a document with far reaching ramifications for our City, one would hope that the Planning Commission and public had a genuine chance to digest the issues. Moreover, without the final EIR, which includes all revisions and responses to comments, the Planning Commission will be unable to provide recommendations that the City Council can rely upon when making the required finding that the final EIR has been completed in compliance with CEQA. (See CEQA Guideline § 15090.) Staff’s attitude and this rush to the inevitable is wholly inconsistent with the 2025 Envision Strategic Plan and should not be allowed. It also fails to allow adequate time to prepare written responses to comments, which “must be good faith, reasoned analysis in response. Conclusory statements unsupported by factual information will not suffice.” (CEQA Guidelines § 15088, subd. (c).)

In the Agenda Notice,<sup>4</sup> staff states that: “All significant effects of the proposed project have been reduced to less than significant with implementation of mitigation

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<sup>4</sup> The City is proposing sweeping zoning changes with admittedly adverse environmental impacts that will materially change the nature of the community forever. Despite having an email alert system that reaches the most of the population, the City choose not to inform the public through this means of communication. The City has failed to mail the required notice to owners of real property with 300 feet of properties that would be rezoned. (Gov. code § 65091.) The rezoning of properties in many instances will directly impact the value and quality of life of residents with unmitigated impacts. Further, once zoned, those properties can be developed "by right" without further public input.

The extent to which actual notice is required before the government takes action impacting a fundamental right is long recognized. "The due process clause of the Fourteenth Amendment requires 'at a minimum...that deprive of life, liberty or property by adjudication be preceded by notice and opportunity for hearing.'" (*Mullano v. Central Hanover Tr. Co* (1950) 339 U.S. 306.)



measures, with the exception of impacts to air quality, greenhouse gas emissions, noise, population and housing and transportation.” Without reading another word, this statement strains credulity. As a matter of common sense, how can the introduction of 31,500 dwelling units (roughly 100,000 people) have no significant impacts on parks, police and fire service, schools, infrastructure and traffic. And how can these changes not have a direct impact on property values and quality of life? These conclusions, on their face, are suspect. When delving further, the Commission will see that much of the analysis is based upon unsupported “wishful” thinking and consultant “speak” or relying on policies, the implementation of which is not guaranteed.

### **III. INFRASTRUCTURE CONSTRAINTS TO REZONING MUST BE CONSIDERED AND PROVIDE THE CITY WITH AN OPTION TO SLOW THE HOUSING ELEMENT’S REZONING.**

The Planning Commission should recommend to the Council that it require the City Attorney’s office to negotiate rational housing numbers with the State and to take all necessary action to protect Riverside residents against unfunded mandates and the negative impacts of these state mandates. Despite pointed questions from this body at the August 13, 2021 workshop, staff was unable to answer questions concerning impact fees or how the necessary infrastructure to support housing would be funded, and there is no evidence in the record that the City has the financial wherewithal to support the infrastructure needed for such massive increases in housing.

State Law does not require the City to rezone lands in the City to meet all of the RHNA housing units if there is inadequate infrastructure to support those units and a lack of funding to address the infrastructure inadequacies. (Gov. Code § 65583, subd. (f).) Once the City has completed rezoning to accommodate 75% of the very low and low-income housing unit allotments, the City can determine at a public hearing that “[T]he local government is unable to complete the rezoning because of infrastructure deficiencies due to fiscal or regulatory constraints.” (Gov. Code § 65583, subd. (f)(2).) This would require the City to have zoned adequate opportunity sites to provide 3,646

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California law is well settled that the application of general standards to specific parcels of real property is adjudicatory in nature and therefore subject to notice and hearing requirements. (*Horn v. County of Ventura* (1979) 24 Cal. 3d 605, 614.) The sweeping nature of RHNA and the rezoning of nearly 1000 acres raises issues of first impression as to the adequacy of the City’s notice where residents will be barred in the future from challenging various developments. Under those circumstances, the City has failed to take reasonable steps to ensure that affected, adjacent property owners received actual notice with specifics about the properties directly impacting them. This could have been accomplished through email notification and more specific outreach.

very low income housing units and 2,298 low income housing units. Once that has been achieved, the constraints of the City's lack of water supply and water infrastructure provide the City with additional time before rezoning land for additional units.

RPU's 2020 Urban Water Management Plan ("UWMP") contains substantial evidence that the City does not have sufficient "wet" water at this time without investing in substantial infrastructure for which the City has not yet budgeted. Even with that infrastructure, there are no guarantees that imported water will be available. As discussed in detail in section IV below, the DEIR's conclusion that the construction of 31,000 new units does not have a significant impact on water availability is unsupported by any substantial evidence and is simply false. RPU only has sufficient water entitlements for approximately 5,000 afy of new water – enough to accommodate 2,298 low income and very low income housing.

#### **IV. THE DEIR LACKS SUBSTANTIAL EVIDENCE TO SUPPORT THE FINDING THAT THIS PROJECT HAS NO SIGNIFICANT IMPACT ON WATER RESOURCES**

The 2020 UWMP recognizes that water is required for climate adaptation and committed to evaluating base line conditions to assess how much water is needed to enhance and expand green spaces. The EIR fails to address any climate related issues involving water and how water will be available for green spaces, trees and parks if allocated entirely to housing.

Section 3.14 of the DEIR discusses the City's water supplies and "planned" sources of water and concludes that the development of 31,500 DUs has "no significant impact" on the environment. The DEIR is defective in several key respects requiring recirculation.

1. The DEIR relies on the outdated and superseded 2016 UWMP, one that completely fails to address the impacts of climate change on the City's water supply, and thus lacks the substantial evidence necessary to support a claim that the project would have a less than significant water supply impact. (Pub. Resources Code §21082.2, subd. (c).) California has recognized for many years the impacts of climate change on water supplies within the state. (Executive Order S-3-05; see also *Sierra Club v. County of San Diego* (2014) 231 Cal.App.4th 1152, 1160.) Despite this, the DEIR completely fails to assess the extent that climate change may impact the City's water supply. Omitting any discussion of this impact from the DEIR deprives the public of a full understanding of environmental issues resulting in a prejudicial informational defect under CEQA. (*Sierra Club v. County of Fresno* (2018) 6 Cal.5th 502, 510, 514, 518-519; see also *Cleveland National Forest Foundation v. San Diego Assn. of Governments* (2017) 3 Cal.5th 497, 514-515; *Banning Ranch Conservancy v. City of Newport Beach* (2017) 2 Cal.5th 918, 935.) Further, the failure to address the impact of climate change on the City's available

water supply is also a failure of the City to protect water resources for its citizens as required by the public trust doctrine. (See *Nat'l Audubon Soc'y v. Superior Court* (1983) 33 Cal. 3d 419, 433–34.) The City has not met its affirmative duty to take public water resources into account to the extent feasible despite the fact that adoption of the proposed Housing Element would impact those resources.

2. Substantial evidence does not support the conclusion that the City's existing water can support the Project. The DEIR is silent about the precise amount of water needed to provide for 31,500 new units.<sup>5</sup> Without this information, the DEIR fails to clearly and coherently explain how long-term water demand for the City would be met, the environmental impacts of exploiting planned sources of water, and mitigation of those impacts as required by CEQA. (*Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal.4th 412, 416; *Preserve Wild Santee v. City of Santee* (2012) 210 Cal.App.4th 260, 284 [failure to discuss uncertainties in planned water sources and to explain discrepancies in water supply and demand estimates]; *Madera Oversight Coalition, Inc. v. County of Madera* (2011) 199 Cal.App.4th 48, 104; *California Oak Foundation v. City of Santa Clarita* (2005) 133 Cal.App.4th 1219, 1239–41; *Santa Clarita Organization For Planning the Environment v. County of Los Angeles* (2003) 106 Cal.App.4th 715, 722–25.) Despite the lack of information contained in the DEIR, City Staff confirmed in email communications that the water demand for the 31,500 housing units proposed in the updated Housing Element is 30,000 acre feet per year (afy). (See email from Matthew Taylor to Malissa McKeith, 8/ /2021 attached.) Neither the 2016 UMWP on which the DEIR is based nor the more recent 2021 update (dubbed the 2020 UWMP) support this conclusion. CURE and its consultants spent hundreds of hours working on revisions to the UWMP with RPU staff. Based on those discussions, a reading of the 2016 and 2020 UWMP, and the contracts and documents referenced in the UWMP, the City has sufficient entitlement to service approximately an additional 5,000 afy at most. Currently, RPU uses approximately 81,000 afy annually. Its entitlement in the Bunker Hill Basin (a secure source of groundwater) means that RPU could extract up to 86,000 afy with minimal infrastructure development. This estimate of “wet” water is approximately 25,000 afy short of what staff projects is needed for the proposed Housing Element.

3. The DEIR relies upon RPU's “planned” development of approximately 13,000 afy of reclaim water. To date, RPU has developed and delivered approximately 213 afy. RPU staff confirmed that the City has not yet budgeted or approved allocation for the infrastructure necessary to build the additional 13,000 afy of water. Further, as currently envisioned, 11,000 afy of that water is intended for habitat management of the Santa Ana

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<sup>5</sup> Nor can staff's citation to SB 610 water supply assessments for developments over 500 unit allay concerns. Virtually none of the Opportunity Sites are large enough for a project of that size, meaning that most projects individually will escape review while cumulatively will have a significant impact on water supplies.

River. (See Appendix G to the 2020 UWMP.) In other words, this water is paper water at best and cannot be relied upon to support the Project. (*Planning & Conservation League v. Department of Water Resources* (2000) 83 Cal.App.4th 892, 908, fn. 5.)

4. RPU (and the DEIR) also cite to the potential import of approximately 21,000 afy from the Metropolitan Water District. The UWMP indicates that the RPU has the ability to acquire 21,000 afy of treated State Water Project water. Appendix H to the 2020 UWMP is the 1983 contract between the City and Western Municipal Water District indicating that this right only exists if the State Water Project has water availability (See paragraph 7, page 6). As of 2021, only 5 percent of State Water Project water is available to State Contractors which would cut Riverside's possible share to 1500 afy. (<https://agnetwest.com/dwr-issues-allocation-reduction-for-state-water-project/>, incorporated by reference.) Moreover, the Bureau of Reclamation last month announced a historic shortage on the Colorado River for the first time ever. <https://www.wwdmag.com/one-water/bureau-reclamation-announces-first-ever-water-shortage-lake-mead-colorado-river> RPU's 1983 contract does not entitle it to Colorado River water; however, even if that supply is available, RPU has no guaranteed right to substitute it for its State Water Project rights under the 1983 contract. With increased climate change and a worsening drought, the availability of imported water is vastly different than 40 years ago - a fact that the DEIR fails to recognize or evaluate. Reliance on speculative sources and unrealistic allocations of paper water are and insufficient bases for decisionmaking under CEQA. (*Vineyard Area Citizens, supra*, 40 Cal.4th 412, 432.)

5. The DEIR does not quantify how the stated mitigation measures can, in fact, generate sufficient water to offset the nearly 25,000 afy shortfall. It merely references conservation measures required by the State Department of Water Resources and the City's owner water conservation ordinance. Those conservation ordinances have significant adverse impacts on tree canopies and other urban green spaces, an issue that the City Council recognized and agreed to evaluate prior to implementation of the current water conservation plan and ordinance. CURE incorporates by reference the extensive administrative record from the June 22, 2021 City Council Meeting highlight the demonstrated impact on climate, heat islands, and air pollution caused when water conservation results in the loss of thousands of trees as occurred in 2015. The current DEIR contains no evaluation of how the proposed conservation m would actually satisfy new water demands and, as importantly, how those mitigation measures would, in fact cause worse environmental impacts due to increased pollution and heat. This is a particularly significant problem in disadvantaged communities. Mitigation measures must be fully enforceable, so it could be argued that without any method to fund the measures they are not fully enforceable. (CEQA Guidelines § 15126.4, subd. (a)(2).) CEQA case law has found that mitigation programs for cumulative impacts can be adequate, but only if mitigation fees are imposed as part of a "reasonable plan of actual mitigation that the relevant agency commits itself to implementing." (*Anderson First Coalition v. City of*

*Anderson* (2005) 130 Cal.App.4th 1173, 1188, citation to *Save our Peninsula Committee v. Monterey County Board of Supervisors* (2001) 87 Cal.App.4th 99, 140.)

CURE retained HDR Consultants in May 2021 and again in connection with the evaluation of the DEIR. HDR is a nationally recognized environmental consulting firm with expertise in water, climate adaptation and air quality issues. In the attached letter to CURE, HDR concludes that the DEIR fails to establish that water exists to support the Project and that such an increased demand would have a significant impact on the City's water supply. The mitigation measures stated are not sufficient to mitigate those impacts to insignificance.

## **V. THE CITY CANNOT REJECT THE LESS IMPACTFUL AND FEASIBLE ALTERNATIVE 4.**

The alternatives analysis is the “core of an EIR.” (*Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 564.) “One of [an EIR's] major functions . . . is to ensure that *all reasonable alternatives* to proposed projects are thoroughly assessed by the responsible official.” (*Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal.3d 376, 400, citation omitted.) CEQA also includes a substantive mandate that prohibits approval of projects with significant adverse environmental impacts if there are feasible alternatives that would reduce or eliminate those impacts. (Pub. Resources Code § 21002; CEQA Guidelines § 15021, subd. (a)(2); *Golden Door Properties, LLC v. County of San Diego* (2020) 50 Cal.App.5th 467, 546.) In order to approve a project with significant, unavoidable impacts, CEQA requires an agency to find that less impactful alternatives are infeasible. (Pub. Resources Code § 21081, subds. (a)(3), (b); Guidelines § 15093, subd. (c).) Alternatives that would substantially lessen or avoid a project's significant adverse effects only can be rejected if they are “truly infeasible.” (*City of Marina v. Board of Trustees of California State University* (2006) 39 Cal.4th 341, 369.)

The DEIR for the 2021-2029 Housing Element acknowledges that adoption of the proposed project would result in significant and unavoidable air quality, greenhouse gas, noise, population and transportation impacts. As set forth above, the DEIR failed to disclose the proposed project's significant adverse water supply impacts.

The DEIR includes Alternative 4, an alternative that includes a reduced number of opportunity sites, with a focus on meeting the RHNA requirement of 18,458 housing units, but not substantially exceeding these units as the proposed project would. (DEIR 4-24.) The DEIR discloses that Alternative 4 would eliminate one of the project's significant and unavoidable impacts—population and housing impacts. (DEIR p. 4-28 to 4-29, 4-32.) Due to Alternative 4's more focused growth and limit on opportunity sites, it would also substantially lessen the proposed project's significant air quality, greenhouse gas, noise and transportation impacts. (DEIR 4-25, 4-27, 4-28, 4-29.)

Despite this elimination of one of the project's significant adverse impacts and a substantial reduction in the remainder of the project's significant impacts, the DEIR incorrectly identifies the proposed project and Alternative 3 as the environmentally superior alternative under CEQA Guidelines §15126.6(e)(2), despite the fact both of these alternatives would have a significant adverse impact on population and housing, an impact that Alternative 4 would eliminate. An alternative need only avoid or substantially lessen any one of a project's significant impacts to be considered environmentally superior. (Guidelines § 15021, subd. (a)(2).)

The DEIR's assessment is based on a claim that Alternative 4 would slightly increase land use impacts of the project; however, even with that slight increase, land use impacts would remain less than significant under Alternative 4. Only significant adverse impacts are considered when identifying the environmentally superior alternative. Thus, Alternative 4's slight increase in land use impacts is not a basis to reject it as the environmentally superior alternative. Alternative 4 would eliminate one significant adverse impact of the project and Alternative 3 and would substantially lessen the remainder of the significant adverse impacts, as such, it is clearly the environmentally superior alternative.

As the environmentally superior alternative, the City can only reject Alternative 4 if it is truly infeasible. CEQA defines feasible as "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social and technological factors." (Pub. Resources Code § 21061.1.) Alternative 4 would comply with the requirement to identify opportunity sites for the 18,458 housing units the City was allocated. (Gov. Code § 65583.) The DEIR also finds that Alternative 4 would meet the project objectives. (DEIR 4-32.) Thus, because Alternative 4 is a feasible alternative that would eliminate and substantially lessen the project's significant adverse impacts, the City cannot make the findings required to adopt the proposed Housing Element. (Pub. Resources Code § 21081; CEQA Guidelines §15091, subd. (a).) Thus, the Planning Commission should at a minimum, recommend Alternative 4 and limit the identification of opportunity sites to address the RHNA-required 18,458 units rather than adopting a 60 percent increase beyond what the State requires.

## **VI. THE PROPOSED PROJECT ADVERSELY AND DISPARATELY IMPACTS LOW INCOME RESIDENTS.**

The proposed upzoning violates all principles of Environmental Justice because it would place much of the low income and very low income housing within 2000 feet of the freeway and rail lines, thus disparately impacting the poor and most vulnerable residents of the City. The record lacks substantial evidence that the mitigation measures proposed would protect sensitive receptors from increased asthma and lung cancer. The California Air Resources Board has identified that public exposure to air pollution is



substantially elevated near freeways and rail lines and as such recommends significant buffer zones between housing and these uses to reduce public health impacts. (<https://www.arb.ca.gov/ch/handbook.pdf>; [https://www.arb.ca.gov/ch/rd\\_technical\\_advisory\\_final.pdf](https://www.arb.ca.gov/ch/rd_technical_advisory_final.pdf), both incorporated by reference.)

## VII. CONCLUSION

Regardless of the RHNA mandates, the City is obligated to comply with CEQA. The DEIR must be recirculated based upon its failure to recognize that the development of the Project would have a significant, unmitigated impact on the City's water supply. The DEIR does not realistically evaluate what water actually is available and fails to recognize increased limitations on imported water due to drought and climate change. It completely ignores the impact on allocating all available water to housing versus sustaining and even expanding the City's greenspaces to offset climate.

More importantly, the City can and should complete its general plan before adopting an unsustainable Housing Element. This can be done by limiting the current Project/zoning to low income housing only based upon a lack of infrastructure. The City further should premise any additional increase in housing beyond low income to identifying the funding necessary to build the infrastructure and should demand the State pay for those improvements.

At a minimum, the City should require recirculation of the DEIR and ensure that the planning Commission and public have a final EIR that truly evaluates and mitigates significant impacts.

CURE looks forward to working with the City toward protecting our public from the adverse impacts of unsustainable housing demands from the State.

Regards,

/s/

Malissa Hathaway McKeith, Esq.

Enclosures: Technical Memorandum from HDR  
Emails from City Planning Staff  
Hard copies of the Administrative Record and exhibits filed and hand-delivered to the City Clerk and the Planning Commission

# ATTACHMENT 1

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----- Forwarded message -----

From: **Taylor, Matthew** <[MTaylor@riversideca.gov](mailto:MTaylor@riversideca.gov)>

Date: Fri, Aug 20, 2021 at 11:54

Subject: RE: [External] Re: Greetings - time to speak?

To: Malissa McKeith <[malissacurepres@gmail.com](mailto:malissacurepres@gmail.com)>, Kopaskie-Brown, Mary <[MKopaskie-Brown@riversideca.gov](mailto:MKopaskie-Brown@riversideca.gov)>

CC: Murray, David <[DMurray@riversideca.gov](mailto:DMurray@riversideca.gov)>

Good morning Malissa,

I have some follow-up answers for you. I am combining both of your emails just to manage the number of threads going back and forth.

First, this wasn't in your email, but you asked how many Opportunity Sites are within 2,500 feet of a freeway or railroad. There are 72 sites comprising 264 individual parcels within 2500 feet of a freeway and 88 sites comprising 254 individual parcels within 2,500 feet of a railroad (a majority of these are in both categories given that railroads roughly parallel both SR-91 and I-215). This analysis does not include sites that are already zoned for housing and are not proposed for rezoning. I should add that these buffers capture virtually every site on the Magnolia/Market/University High Quality Transit Corridor, as well all sites in our Downtown east of Market Street.

Now, to your written questions:

1. Can I also get the government code that spells out what flexibility if any the state has.

We are not aware of any government code that provides flexibility to the deadline. I would refer you to Government Code §65588 for timing provisions.

2. Matthew - you mentioned that the company we use can run 3D models that would show that traffic and air quality might look like. If there's no time to do this for the housing

element, what about the general plan update?

During our conversation, I think we may have misunderstood one another about this modeling. I was referring to 3d simulation of what future development on a specific sits might look like based on zoning parameters; i.e., modeling buildings using GIS-based software. We can explore the potential for 3D-modeling as part of the Phase 2 GP Update.

3. Also this issue of when staff can administratively change the items that are not approved by the PC is a material change in our code and a policy decision. It's also NOT required by RHNA regardless of what we decide on the number of units. Why is it being rushed. Or am I confused that it is required. This seems to be an internal city issue.

Any proposed Zoning Code amendments, recommended by staff, must be reviewed and recommended by CPC to the City Council. City Council must adopt any zoning changes. You may have been referring to increasing the development size threshold for requiring Site Plan Review approval in the Mixed Use zones, which staff can recommend. While this change is not strictly required by Housing Element law, what *is* required by HE law is that standalone residential development on any HE site in a Mixed Use Zone be permitted by right. We are proposing this change to help streamline and encourage *mixed-use* developments in the MU zones (as opposed to a preponderance of residential-only by-right projects where mixed uses are more appropriate). CPC and Council may or may not agree with this change.

4. How many jobs were created in the city of Riverside over the past 5 years.

According to California EDD:

Year	Total Nonfarm Employment	Unemployment Rate
2016	140,700	5.5
2017	143,900	4.7
2018	147,000	3.9
2019	148,900	3.7
2020	140,300	9.0
2021 (June Preliminary)	144,300	7.3

5. How many acre feet new water is the eir assuming for 18000, 24000 and 31000 units

I assume you mean new water demand, at maximum buildout. For 31,564 units,

that number is assumed to be 30,848afy additional demand. 18,458 and 24,000 units were not analyzed because they are not the maximum buildout of the Project.

6. Doesn't bypassing the PC approving the final EIR run afoul of our own strategic plan and procedures where zone changes are being considered?

City Council is the approving/certifying authority for all EIRs. It is not uncommon to bring projects with an EIR to the Planning Commission for consideration and recommendation in a draft state, and publish the Final EIR for Council consideration. I am not clear what part or parts of the Strategic Plan you are referencing here.

7. No way can residents be expected to consume all this information. It's not as if they have lawyers and consultants on call. When you add the zoning ordinance changes, it's the straw ....

We understand that it is daunting and will continue to make ourselves available to assist anyone.

8. Someone is going to have to choose between appeasing the state or simply telling them that our public needs and deserves another 60 days come what may. I just don't see people at the state — once they appreciate the problem — having heart burn even if they won't technically move a legislative deadline. It's a risk I'd take just like you're taking the risk that recirculating the EIR won't be legally required.

This is a decision that Council will make after weighing the risks/benefits. Please note, HCD does not have the authority to move legislative deadlines.

9. The census is new material information in itself if we actually wanted to take the time needed to vet all these consequences. Maybe the reduction in population works to our advantage.

We are assessing the census and this information will be used in the Phase 2 update, including any refreshing needed on the Housing Element or Public Safety Element.

///

Let me know if there's anything else we can do for you. Thanks,

**Matthew Taylor | Senior Planner**

951.826.5944 | [mtaylor@riversideca.gov](mailto:mtaylor@riversideca.gov)

## City of Riverside

Community & Economic Development Department

*Planning Division*

3900 Main Street | 3<sup>rd</sup> Floor | Riverside 92522

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**From:** Malissa Mckeith <[malissacurepres@gmail.com](mailto:malissacurepres@gmail.com)>

**Sent:** Tuesday, August 17, 2021 12:39 PM

**To:** Kopaskie-Brown, Mary <[MKopaskie-Brown@riversideca.gov](mailto:MKopaskie-Brown@riversideca.gov)>

**Cc:** Murray, David <[DMurray@riversideca.gov](mailto:DMurray@riversideca.gov)>; Taylor, Matthew <[MTaylor@riversideca.gov](mailto:MTaylor@riversideca.gov)>

**Subject:** Re: [External] Re: Greetings - time to speak?

Thanks Mary. Very enlightening if not frustrating. I'm sure for you too.

Followup questions.

1. How many jobs were created in the city of Riverside over the past 5 years.
2. How many acre feet new water is the eir assuming for 18000, 24000 and 31000 units



3. Doesn't bypassing the PC approving the final EIR run afoul of our own strategic plan and procedures where zone changes are being considered?

4. No way can residents be expected to consume all this information. It's not as if they have lawyers and consultants on call. When you add the zoning ordinance changes, it's the straw ....

Someone is going to have to choose between appealing the state or simply telling them that our public needs and deserves another 60 days come what may. I just don't see people at the state — once they appreciate the problem — having heart burn even if they won't technically move a legislative deadline. It's a risk I'd take just like you're taking the risk that recirculating the EIR won't be legally required.

The census is new material information in itself if we actually wanted to take the time needed to vet all these consequences. Maybe the reduction in population works to our advantage.

Anyhw looking forward to the answers. I did enjoy speaking the Matt a lot. Tough situation.

On Tue, Aug 17, 2021 at 12:10 Kopaskie-Brown, Mary <[MKopaskie-Brown@riversideca.gov](mailto:MKopaskie-Brown@riversideca.gov)> wrote:

Hi Malissa

Sorry I had to drop off the call today – getting ready for City Council today.

Hope that Matthew and Dave were able to provide the information you were seeking.

Let us know if you have additional questions.

Mary Kopaskie-Brown

City Planner

City of Riverside

[mkopaskie-brown@riversideca.gov](mailto:mkopaskie-brown@riversideca.gov)

(951) 826-5108

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**From:** Taylor, Matthew <[MTaylor@riversideca.gov](mailto:MTaylor@riversideca.gov)>  
**Sent:** Tuesday, August 17, 2021 11:09 AM  
**To:** Malissa Mckeith <[malissacurepres@gmail.com](mailto:malissacurepres@gmail.com)>; Kopaskie-Brown, Mary <[MKopaskie-Brown@riversideca.gov](mailto:MKopaskie-Brown@riversideca.gov)>  
**Subject:** RE: [External] Re: Greetings - time to speak?

Letter attached.

In terms of HE update schedule – see [Gov. Code §65588](#).

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**From:** Malissa Mckeith <[malissacurepres@gmail.com](mailto:malissacurepres@gmail.com)>  
**Sent:** Tuesday, August 17, 2021 9:49 AM  
**To:** Kopaskie-Brown, Mary <[MKopaskie-Brown@riversideca.gov](mailto:MKopaskie-Brown@riversideca.gov)>; Taylor, Matthew <[MTaylor@riversideca.gov](mailto:MTaylor@riversideca.gov)>  
**Subject:** [External] Re: Greetings - time to speak?

**Hi Guys:**

**Just confirming the call at 10:00. I wanted to highlight a couple issues to better focus. It may require more than 30 minutes in which event I have time or we can schedule a second call.**

**First, I thought the responses to several legal issues like takings and RLUPA were spot on. This is complicated for the average person and ideas that get floated around the internet don't pan out in the real world.**

**However, I do not believe the impression you gave the PC that**

**projects will return to them for review is entirely accurate. My understanding is that once a site is zoned and complies with the city's design criteria, that development is "by right", and that a developer can rely on the programmatic EIR for traffic, air quality and other more traditional issues. PLEASE CLARIFY.**

**Second, what is the MINIMUM that Riverside is required to do by law? This is fuzzy. Is it 18000 or 24000? And if I am correct and newly zoned projects are "buy right", doesn't this mean that any of the sites can be developed?**

**Third, how hard is it for the consultants to run a program showing all units within 2500 feet of a freeway or train track. I understand the policies behind so-called "transit" corridors but living by a freeway doesn't mean there is greater public transportation or that people will use it. And it concentrates poverty in one area.**

**Fourth, I am interested in learning more details about what changes the 2020 census brought to bear on segregation. The maps were nice but I don't know what they mean and how it has changed.**

**Fifth, does the city have inclusionary zoning ordinances on the books? if not, wouldn't this help.**

**Sixth, did the city identify retail or commercial buildings that could be targeted for conversion as a means of satifying RHNA**

**Seventh, has there been any consideration for prioritizing sites for affordable since we know not all of these properties will be developed. In fact, acting like they will be seems rather delusional.**

**Eighth - what's the answer to the PC's question about how much a developer pays in impact fees for infrastructure. I believe universally documented by the league of cities, that housing does not generate the income needed to support it in infrastructure, schools, and other offsets. AM I WRONG. if not, has the city done**

**any analysis of the cost associated with the 18K or 24 K or 31 K build out?**

**Ninth, we DO NOT have sufficient "wet" water to support the proposed units regardless of mitigation. As one of the PC commissioner's noted, this is a significant impact that requires mitigation and I don't see how you mitigate it to insignificance. I am intimately familiar with the urban water management plans. Further, the statement that 500+ developments require an assessment is a red herring. We don't have developments proposed of that size.**

**Finally, how can you conceivably get comments on the 2nd and have the PC approve a final on the 9th. That assumes there will be no credible comments. I am told by many housing advocates that they are being told the real deadline is February and not October. I'm not suggesting we "blow off" the state but that we educate them on the realities of some of these issues and that you, as staff, choose the need for true public input over arbitrary deadlines. Provide some context to the PC about the fact that the State isn't going to rain down on us with penalties if we are moving forward in good faith. More importantly, staff sitting in cubicles in Sacramento are very divorced from the realities of the State's conflicting mandates on climate, air quality, etc.**

**Last, WTF - Malibu has to build 79 houses. I did a quick survey around wealthy cities and find that the RHNA disproportionately burdens poorer cities like ours. Given the pollution caused by the new warehouses this, in itself, is a violation of environmental justice policies and unfair.**

**ok - you have 10 minutes to figure all this out!!!!**

Malissa Hathaway McKeith

Citizens United for Resources and the Environment, Inc. ("CURE")

[www.curegroup.org](http://www.curegroup.org)

213-300-3550

On Wed, Aug 11, 2021 at 5:06 PM Malissa McKeith <[malissacurepres@gmail.com](mailto:malissacurepres@gmail.com)> wrote:

Hi Mary

Hope you are well. It's been a long time. Covid has put everything on hold.

I could use 15 minutes to ask questions about the upcoming housing element hearing at the PC and council. I'm not representing anyone but people ask me questions and I don't want to give out wrong information.

Could we schedule a time to speak.

Thanks

Malissa Hathaway McKeith  
Citizens United for Resources and the Environment, Inc. (CURE)  
[www.curegroup.org](http://www.curegroup.org)  
213-300-3550

Keep Riverside healthy: Maintain healthy diet and exercise, wash your hands, and get vaccinated. [RiversideCA.gov/COVID-19](https://www.riversideca.gov/COVID-19)

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Malissa Hathaway McKeith

Citizens United for Resources and the Environment, Inc. ("CURE")

[www.curegroup.org](http://www.curegroup.org)

213-300-3550

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Malissa Hathaway McKeith

Citizens United for Resources and the Environment, Inc. ("CURE")

[www.curegroup.org](http://www.curegroup.org)

213-300-3550

# ATTACHMENT 2

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Begin forwarded message:

**From:** "Kopaskie-Brown, Mary" <[MKopaskie-Brown@riversideca.gov](mailto:MKopaskie-Brown@riversideca.gov)>  
**Subject:** RE: [External] Greetings - time to speak?  
**Date:** September 2, 2021 at 10:42:45 AM PDT  
**To:** Malissa Mckeith <[malissacurepres@gmail.com](mailto:malissacurepres@gmail.com)>  
**Cc:** "Beaumont, Anthony" <[ABeaumont@riversideca.gov](mailto:ABeaumont@riversideca.gov)>, "Murray, David" <[DMurray@riversideca.gov](mailto:DMurray@riversideca.gov)>

See below in red.

Mary Kopaskie-Brown  
City Planner  
City of Riverside  
[mkopaskie-brown@riversideca.gov](mailto:mkopaskie-brown@riversideca.gov)  
(951) 826-5108

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**From:** Malissa Mckeith <[malissacurepres@gmail.com](mailto:malissacurepres@gmail.com)>  
**Sent:** Thursday, September 2, 2021 5:50 AM  
**To:** Kopaskie-Brown, Mary <[MKopaskie-Brown@riversideca.gov](mailto:MKopaskie-Brown@riversideca.gov)>  
**Cc:** Beaumont, Anthony <[ABeaumont@riversideca.gov](mailto:ABeaumont@riversideca.gov)>; Murray, David <[DMurray@riversideca.gov](mailto:DMurray@riversideca.gov)>  
**Subject:** Re: [External] Greetings - time to speak?

Mary - I didn't hear back from anyone yesterday. Can you PLEASE RESPOND ASAP to the two questions below:

1. Is there any "cheat sheet" or staff report that outlines the changes in the zoning ordinances that were posted last week particularly on the issue of administrative review.
  - **Planning Commission Staff report** - <https://riversideca.legistar.com/View.ashx?M=F&ID=9770249&GUID=9D9D162D-1622-480D-895A-12F08EBE1566> – Page 15
  - **See page 57 on the document link:** <https://riversideca.legistar.com/View.ashx?M=F&ID=9770231&GUID=674A1FF9-1807-45AB-893C-6C97131642B1> – clip below

**19.770.030 - Applicability and permit requirements.**

The following commercial or mixed-use projects require a site plan review permit:

- A. **Commercial.** In addition to any other permits required by the Zoning Code, no new building, structure, exterior alteration or enlargement of an existing building or structure exceeding 10,000 square feet shall be commenced in the Commercial Regional Center Zone (CRC) (Chapter 19.110) until a Site Plan Review Permit has been granted pursuant to this chapter.
- B. **Mixed-Use.** In addition to any other permits required by the Zoning Code, no new building, structure or exterior alteration or enlargement of an existing building or structure exceeding ~~4050,000~~ 40,500 square feet of nonresidential space or 100 residential units, whichever is greater, shall be commenced in any Mixed-Use Village or Urban Zones (Chapter 19.120) until a site plan review permit has been granted pursuant to this chapter.
- C. **Planning Commission requirement.** The Planning Commission, at its discretion, may require a site plan review permit as a condition for any project.
- D. **Exemption.**
  1. Any site plan review included as part of the review for conditional use permits, minor conditional use permits and planned residential development permits and design review is subject to the requirements of Chapters 19.730 (Minor Conditional Use Permit), 19.760 (Conditional Use Permits) and 19.780 (Planned Residential Development Permit) and is therefore exempt from the requirement of a separate site plan review permit unless such site plan review is deferred at the time of approval of such permits.
  2. ~~Stand-alone multi-family residential uses in any Mixed-Use zone are permitted by right, pursuant to Government Code Section 65583.2. Stand-alone multi-family residential~~



2. Are there going to be two sessions at the PC as you had suggested when we spoke last months - one on the EIR and one of these newly posted zone changes.
  - The presentation will be in 2 parts.

Thank you. If I'm confused, just give me a call if easier at 213-300-3550

On Sep 1, 2021, at 10:46 AM, Malissa Mckeith <[malissacurepres@gmail.com](mailto:malissacurepres@gmail.com)> wrote:

Mary

Thanks for the census response.

I'm curious who approved the 31000 target. Did council or the PC? Or was this a staff driven decision? I can't find it agendized anywhere.

- There is no 31,000 unit target
- See staff report Page 5 – Explanation of RHNA obligation and buffer:

**Table 1 – City of Riverside RHNA**

Income level	Income limit – percent of Riverside County median family income (\$75,300/year) <sup>1</sup>	Total number of units
<b>Very Low Income</b>	Less than 50% (\$37,650/year)	4,861
<b>Low Income</b>	50-80% (\$60,250/year)	3,064
<b>Moderate Income</b>	80-120% (\$90,360/year)	3,139
<b>Above-Moderate Income</b>	More than 120% (over \$90,360/year)	7,394
<b>Subtotal</b>		18,458
<b>No Net Loss buffer (30%)</b>		5,538
<b>Total</b>		23,996

<sup>1</sup>Department of Housing and Urban Development FY 2020 Income Limits Documentation System

- See staff report Page 21 – Explanation of DEIR evaluation (except)
  - To evaluate the potential environmental impacts of the project, the DEIR assumes that all proposed Opportunity Sites to be rezoned would be developed with 100% of the maximum density allowed during the 8-year 6th Cycle. As a result, the DEIR analyzes the potential addition of 31,564 dwelling units to the City. However, it is highly unlikely that this amount of development would occur, as the realistic development capacity of the Opportunity Sites is approximately 24,000 units (based on the development trends analyzed in Appendix B of the draft Housing Element [Exhibit 11]).

As to the ordinance, the link is a dense redlined document. I pulled it up yesterday and cringed. You can't expect the public to absorb it and timely comment when we are struggling with the EIR. Is there a staff report or summary that highlights major changes?

- Planning Commission Staff report - <https://riversideca.legistar.com/View.ashx?M=F&ID=9770249&GUID=9D9D162D-1622-480D-895A-12F08EBE1566> – Page 15

Three questions.

You mentioned the PC would have two sessions — one for the EIR and one for the Zoning Ordinances which are new. Is that still the case?

- The presentation will be in 2 parts.

Second are you changing the requirements for PC review of mixed uses or other projects from 10k sq feet to 50k?

- See page 57 on the document link: <https://riversideca.legistar.com/View.ashx?M=F&ID=9770231&GUID=674A1FF9-1807-45AB-893C-6C97131642B1> – clip below

**19.770.030 - Applicability and permit requirements.**

The following commercial or mixed-use projects require a site plan review permit:

- A. *Commercial.* In addition to any other permits required by the Zoning Code, no new building, structure, exterior alteration or enlargement of an existing building or structure exceeding 10,000 square feet shall be commenced in the Commercial Regional Center Zone (CRC) (Chapter 19.110) until a Site Plan Review Permit has been granted pursuant to this chapter.
- B. *Mixed-Use.* In addition to any other permits required by the Zoning Code, no new building, structure or exterior alteration or enlargement of an existing building or structure exceeding 4050,000 square feet of nonresidential space or 100 residential units, whichever is greater, shall be commenced in any Mixed-Use Village or Urban Zones (Chapter 19.120) until a site plan review permit has been granted pursuant to this chapter.
- C. *Planning Commission requirement.* The Planning Commission, at its discretion, may require a site plan review permit as a condition for any project.
- D. *Exemption.*
  1. Any site plan review included as part of the review for conditional use permits, minor conditional use permits and planned residential development permits and design review is subject to the requirements of Chapters 19.730 (Minor Conditional Use Permit), 19.760 (Conditional Use Permits) and 19.780 (Planned Residential Development Permit) and is therefore exempt from the requirement of a separate site plan review permit unless such site plan review is deferred at the time of approval of such permits.
  2. ~~Stand-alone multi-family residential uses in any Mixed-Use zone are permitted by right, pursuant to Government Code Section 65583.2. Stand-alone multi-family residential~~

Third. The PC asked about what percentage of impact fees pay for development. On the water infrastructure front, the last fee schedule is from the 1990s with no CPI adjustment. Is there any recognition whether in or outside the EIR that the city can't afford the infrastructure needed. Where does this get addressed in the overall process?

- The City will continue to complete long range plans and include upgrade projects as needed in the Capital Improvement Program
- The City will continue to apply for grants for capital improvements
- When a development project is under review, the applicant will be required to make and pay for improvements for extending or increasing service if there are capacity issues – this could be both on-site and off-site
- Additional questions can be addressed at the Planning Commission hearing

Just give me a straight answer. I don't have the capacity to review everything that's being pushed through on such an accelerated basis. Don't forget that you've worked on this for years where the public has only received much of this information in the last 45 days. And as much as you attempted stakeholder outreach, 400 residents out of 330,000 is a very very low percentage.

Thank you.

On Wed, Sep 1, 2021 at 09:38 Kopaskie-Brown, Mary <[MKopaskie-Brown@riversideca.gov](mailto:MKopaskie-Brown@riversideca.gov)> wrote:

Hi Malissa

Further to your queries:

**1. You mentioned that zoning ordinance amendments are being updated that would allow for approvals of mixed use projects up to 50,000 sq feet. Are those pending still? You and Matthew had indicated that these were proposed changes. Please clarify.**

- Please see the attachment from the Planning Commission agenda: <https://riversideca.legistar.com/View.ashx?M=F&ID=9770231&GUID=674A1FF9-1807-45AB-893C-6C97131642B1> Chapter 19.120 Mixed Use Zones and 19.770 – Site Plan Review Permit.

**2. The 2020 census was not evaluated in the current draft EIR because the data was not yet circulated. You indicated on August 13, 2021, that staff was reviewing the new information as it was coming in. Apparently, the 11,000 increase between 2010 and 2020 was substantially less than the**

**30,000 increase estimated. Does this change anything? How do these numbers differ from the assumptions in the existing GP from, I believe, 2006?.**

- The 2020 Census does not change anything in our Phase 1 Update project. The RHNA obligation is 18,458.
- The 2020 Census estimate (334,772) differs by approximately 12,095 from the assumption from Riverside General Plan 2025 (projected 346,867 by the end of the Planning period (2025))

Thanks!

Mary Kopaskie-Brown  
City Planner  
City of Riverside  
[mkopaskie-brown@riversideca.gov](mailto:mkopaskie-brown@riversideca.gov)  
(951) 826-5108

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**From:** Malissa McKeith <[malissacurepres@gmail.com](mailto:malissacurepres@gmail.com)>  
**Sent:** Monday, August 30, 2021 1:59 PM  
**To:** Kopaskie-Brown, Mary <[MKopaskie-Brown@riversideca.gov](mailto:MKopaskie-Brown@riversideca.gov)>  
**Cc:** Murray, David <[DMurray@riversideca.gov](mailto:DMurray@riversideca.gov)>; Taylor, Matthew <[MTaylor@riversideca.gov](mailto:MTaylor@riversideca.gov)>; Beaumon, Anthony <[ABeaumon@riversideca.gov](mailto:ABeaumon@riversideca.gov)>  
**Subject:** Re: FW: [External] Greetings - time to speak?

**Mary:**

**1. You mentioned that zoning ordinance amendments are being updated that would allow for approvals of mixed use projects up to 50,000 sq feet. Are those pending still? You and Matthew had indicated that these were proposed changes. Please clarify.**

**2. The 2020 census was not evaluated in the current draft EIR because the data was not yet circulated. You indicated on August 13, 2021, that staff was reviewing the new information as it was coming in. Apparently, the 11,000 increase between 2010 and 2020 was substantially less than the 30,000 increase estimated. Does this change anything? How do these numbers differ from the assumptions in the existing GP from, I believe, 2006?.**

**Give me a call if you'd like to speak. Thanks.**

Malissa Hathaway McKeith  
Citizens United for Resources and the Environment, Inc. ("CURE")  
[www.curegroup.org](http://www.curegroup.org)  
213-300-3550

On Mon, Aug 30, 2021 at 1:46 PM Kopaskie-Brown, Mary <[MKopaskie-Brown@riversideca.gov](mailto:MKopaskie-Brown@riversideca.gov)> wrote:

Good afternoon Malissa

Matthew is out for a few days, so Dave and I will be able to answer your questions.

- Do we have the draft ordinance concerning administrative review of various sized projects?  
Maybe if I read it I would figure out what's covered and what's not
  - Title 19 identifies the Approving and Appeal Authorities for various project types  
(Chapter 19.650 – Table 19.650.020 -  
[https://library.municode.com/ca/riverside/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_TIT19ZO\\_ARTIXLAUSDEPEREPR\\_CH19.650APAPAU](https://library.municode.com/ca/riverside/codes/code_of_ordinances?nodeId=PTIICOOR_TIT19ZO_ARTIXLAUSDEPEREPR_CH19.650APAPAU)).

The Phase 1 GP update is not proposing any changes to this Chapter so there is no draft ordinance.

- Also has the city done an analysis of the census relative to demographic patterns, segregation, etc. if so can I get a copy.
  - This information is included in the DEIR Chapter 3.9 - [https://riversideca.gov/cedd/sites/riversideca.gov/cedd/files/pdf/planning/2021/Housing\\_Element/Draft\\_EIR\\_Vol1\\_07\\_19\\_21.pdf](https://riversideca.gov/cedd/sites/riversideca.gov/cedd/files/pdf/planning/2021/Housing_Element/Draft_EIR_Vol1_07_19_21.pdf)
  - Additional information can be found in the Housing Element Technical Background Report 1 (Community Profile) and Technical Background Report 6 (Affirmatively Furthering Fair Housing) - [https://riversideca.gov/cedd/sites/riversideca.gov/cedd/files/pdf/planning/2021/Housing\\_Element/2021-08-06%20Revised%20Draft%20HE%20TBR%20-%20Web.pdf](https://riversideca.gov/cedd/sites/riversideca.gov/cedd/files/pdf/planning/2021/Housing_Element/2021-08-06%20Revised%20Draft%20HE%20TBR%20-%20Web.pdf)

Thanks.

Mary Kopaskie-Brown AICP, MCIP, OPPI  
City of Riverside – City Planner  
Community & Economic Development  
[mkopaskie-brown@riversideca.gov](mailto:mkopaskie-brown@riversideca.gov)  
Main: (951) 826-5371  
Direct: (951) 826-5108

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**From:** Malissa Mckeith <[malissacurepres@gmail.com](mailto:malissacurepres@gmail.com)>  
**Sent:** Monday, August 30, 2021 6:16 AM  
**To:** Kopaskie-Brown, Mary <[MKopaskie-Brown@riversideca.gov](mailto:MKopaskie-Brown@riversideca.gov)>; Taylor, Matthew <[MTaylor@riversideca.gov](mailto:MTaylor@riversideca.gov)>  
**Subject:** Re: [External] Greetings - time to speak?

Morning.

Do we have the draft ordinance concerning administrative review of various sized projects? Maybe if I read it I would figure out what's covered and what's not

Also has the city done an analysis of the census relative to demographic patterns, segregation, etc. if so can I get a copy.

Thanks.

On Thu, Aug 12, 2021 at 07:15 Kopaskie-Brown, Mary <[MKopaskie-Brown@riversideca.gov](mailto:MKopaskie-Brown@riversideca.gov)> wrote:

Good morning Malissa

We are happy to set up a time to chat about the Housing Element.

Would Tuesday at 10:00am work?

Let us know!

Mary Kopaskie-Brown AICP, MCIP, OPPI  
City of Riverside – City Planner  
Community & Economic Development  
[mkopaskie-brown@riversideca.gov](mailto:mkopaskie-brown@riversideca.gov)  
Main: (951) 826-5371  
Direct: (951) 826-5108

-----Original Message-----

From: Malissa McKeith <[malissacurepres@gmail.com](mailto:malissacurepres@gmail.com)>  
Sent: Wednesday, August 11, 2021 5:07 PM  
To: Kopaskie-Brown, Mary <[MKopaskie-Brown@riversideca.gov](mailto:MKopaskie-Brown@riversideca.gov)>  
Subject: [External] Greetings - time to speak?

Hi Mary

Hope you are well. It's been a long time. Covid has put everything on hold.

I could use 15 minutes to ask questions about the upcoming housing element hearing at the PC and council. I'm not representing anyone but people ask me questions and I don't want to give out wrong information.

Could we schedule a time to speak.

Thanks

Malissa Hathaway McKeith  
Citizens United for Resources and the Environment, Inc. (CURE) [www.curegroup.org](http://www.curegroup.org)  
213-300-3550

Keep Riverside healthy: Maintain healthy diet and exercise, wash your hands, and get vaccinated. [RiversideCA.gov/COVID-19](http://RiversideCA.gov/COVID-19) <<http://riversideca.gov/COVID-19>>

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Malissa Hathaway McKeith  
Citizens United for Resources and the Environment, Inc. ("CURE")  
[www.curegroup.org](http://www.curegroup.org)  
213-300-3550

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Malissa Hathaway McKeith  
Citizens United for Resources and the Environment, Inc. ("CURE")  
[www.curegroup.org](http://www.curegroup.org)  
213-300-3550

# ATTACHMENT 3



September 2, 2021

Ms. Malissa McKeith, President  
Citizens United for Resources and the Environment, Inc.  
2873 Rumsey Drive  
Riverside, CA 92506  
Sent Via Email to: [malissacurepres@gmail.com](mailto:malissacurepres@gmail.com)

RE: DEIR Comments: City of Riverside RHNA Project

Dear Malissa,

At your request we reviewed the City of Riverside's Draft EIR (DEIR) for alignment with the State of California's 6th Regional Housing Needs Assessment (RHNA) cycle and requirements of SB 166 ([DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE RIVERSIDE HOUSING AND PUBLIC SAFETY ELEMENT UPDATES AND ENVIRONMENTAL JUSTICE POLICIES PROJECT \(ca.gov\)](#)).

Comments:

These comments also reflect on our earlier review of the Draft Riverside Public Utilities (RPU) 2020 Urban Water Management Plan (UWMP) and our discussions with RPU staff related to issues involving the need to develop a baseline to determine how much water is required to adapt to climate through sustaining trees and greenspaces.<sup>1</sup> The Final 2020 UWMP is at [Riverside Public Utilities | Urban Water Management Plan \(riversideca.gov\)](#).

Based upon our recent involvement with the City's climate policies relating to the Draft UWMP and review of this EIR, our comments are shown below.

- 1) The DEIR relies on the City's 2016 UWMP to conclude that the City has water for 31,564 new residential units. There is a Final 2020 update to the City's 2016 UWMP. We recommend that EIR be revised to take into account the projections and conclusions of the City's 2020 Update, and further to acknowledge/reference the 2020 update.
- 2) We note that although the DEIR proposes a total of 31,564 residential units, the City cites the 'goal' for 24,000 new dwelling units total, based on the total of an RHNA obligation of 18,458 dwelling units and 5,500 units to meet SB 166 needs. Since the city infrastructure required to support new housing is significant in resources and costs, it is unclear why

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<sup>1</sup> RPU and the City of Riverside included HDR's recommendations for a baseline study of impacts of tree canopies and green spaces to inform future decision like the item pending here as to the impacts on communities, particularly disadvantaged communities if reductions in trees occurs. The City also agreed to undertake this evaluation and return to council within eight months and prior to adopting conservation measures under the proposed Water Conservation Ordinances.



there is a large disparity of 7,564 extra units, considering the number of units proposed (31,564) versus those needed to meet housing obligations (24,000).

- 3) The DEIR concludes in Section 3.14.5 (p. 3.14-20), that the environmental impact of development of 31,564 new residential units in the City would be less than significant and thus, no mitigation is required (Excerpt below).

**3.14.5 Impacts and Mitigation Measures**

Impact UT-1: The Project would not result in the relocation or construction of new or expanded water, wastewater treatment, stormwater drainage, electrical power, natural gas, or telecommunications facilities. This impact would be less than significant and no mitigation is required.

In our review, we were unable to find data and evidence in the DEIR to support this conclusion in general, and in particular, for water supply.

- 4) We note that the DEIR does not specify the amount of water required to service 31,564 additional new residential units. However, in an email from Matthew Taylor (City of Riverside) to Malissa McKeith dated August 20, 2021 [Att 1], Taylor indicates in Item 5 that this water demand is expected to be 30,848 afy (acre feet per year).

The DEIR does not reference new or expanded water supply or distribution that would be needed for 30,848 afy of new water use. Nor does the DEIR address the wastewater or stormwater facilities that would be required to service the over 30,000 proposed new residential units.

- 5) In both of the 2016 and 2020 UWMPs, the projected water demand was planned for future housing units (both single and multi-family) that are considerably fewer in number, than the total projected housing units proposed in the RHNA DEIR. That is, the total projected future housing shown for 2025 to 2040 (Table 5-3 in the 2016 UWMP Plan [Att 2] is 3,798 and for 2025 to 2045, Table 4-3 in the 2020 UWMP [Att 3]) is 6,383 *versus the* 31,564 proposed new residential units in the RHNA DEIR. Compared to the 2020 UWMP, the proposed new growth in residential housing under the RHNA is almost a 500% increase compared to the plan for the City's future water supply for residential use.

The EIR should reconcile this concerning inconsistency and address this as a significant impact. It should also quantitatively demonstrate how the City's water supply will grow by about 500% and how the water delivery infrastructure will be developed to accommodate this significant increase in new water demand for residential use.

- 6) In the DEIR, the water supply projections for this RHNA project rely upon the 2016 UWMP which do not include consideration of climate change impacts upon local water supply. The water supply projections in the UWMP (whether either from 2016 or 2021 update) are based upon projections that do not include an analysis by RPU of the impacts of climate change on future water supply. Thus, the City did not quantify reductions in water supply due to climate change. This may be because the City receives most of its water from regional groundwater basins, and data are limited on how the impacts of climate change could impact water supply for recharge. However, recharge has been evaluated in the Watershed IRWMP referenced in the Riverside UWMP. Riverside does not have as much short-term sensitivity assuming groundwater levels stay the same over the long term, so a poor State Water Project (SWP) delivery in any given year is not as large of a concern. Still, quantifying long term effects of climate change upon recharge should be of interest for planning for sustainable groundwater management.

We recommend a vulnerability assessment be conducted to understand increases to water demand, such as the RHNA project at full buildout, since increased evapotranspiration and consumption related to increased future temperatures could result in unsustainable groundwater withdrawals.

For this DEIR, we recommend that the impact of the reduced SWP water delivery for 2021 and projections for future years, also be included in considerations for this project.

- 7) This analysis referenced above should also include an estimate of water savings from planned mitigation measures that is based upon the evidence of historical experience with the similar equivalent measures implemented in residential units in the City.
- 8) It does not appear that the assumptions made in the water supply calculations for residential development in the DEIR include the long-term water supply for irrigation of urban green spaces. If they were not, these two water supply commitments could be in conflict. Maintaining irrigation of urban green spaces is important and affords consistency with existing City goals, plans, programs and state programs and policies, all regarding climate-related benefits of maintaining and increasing urban greenspaces. Urban greenspace is threatened through climate change yet provides one of the least expensive adaptation measures. Existing carbon sequestration in urban green spaces (soil and vegetation) is beneficial; also these areas provide shade, reduce local air temperatures and improve air quality by removing pollutants. These benefits are widely acknowledged by the California Air Resources Board and other state agencies. These impacts do not appear to have been addressed in the DEIR.

- 9) The disparity of urban green spaces by residential neighborhood and the increased temperatures where the tree canopy is lacking is well documented for disadvantaged communities and neighborhoods. (See CURE's administrative record supporting the 6/22/2021 City Council Meeting and comments on the 2021 UWMP). The tree canopy or lack thereof and the ambient temperature by neighborhood in the nearby Los Angeles area were recently highlighted, in detail, in the July 2021 issue of National Geographic magazine ('Beating the Heat'). The DEIR should address how the projected housing units under the RHNA will be served equitably by urban green spaces and tree plantings near homes (to reduce cooling needs of buildings and irrigation needs).

For additional information on HDR's technical and engineering expertise, see [Environmental Sciences | HDR \(hdrinc.com\)](#), [Sustainability & Resiliency | HDR \(hdrinc.com\)](#) and [Water | HDR \(hdrinc.com\)](#).

If you have questions or need further information on these comments, please feel free to reach out to me at 925.212.0358 or [victoria.evans@hdrinc.com](mailto:victoria.evans@hdrinc.com).

Sincerely,



Victoria A. Evans, MS, ENV SP

*GHG Management Lead*

**From:** [Malissa McKeith](#)  
**To:** [Amy Minter](#); [Evans, Victoria](#)  
**Subject:** Fw august 20, 2021 Email from Matthew Taylor to Malissa McKeith  
**Date:** Thursday, September 2, 2021 9:50:57 AM

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**CAUTION:** [EXTERNAL] This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

See item 5 confirming 30,009 afy demand.

----- Forwarded message -----

**From:** Taylor, Matthew <[MTaylor@riversideca.gov](mailto:MTaylor@riversideca.gov)>  
**Date:** Fri, Aug 20, 2021 at 11:54  
**Subject:** RE: [External] Re: Greetings - time to speak?  
**To:** Malissa McKeith <[malissacurepres@gmail.com](mailto:malissacurepres@gmail.com)>, Kopaskie-Brown, Mary <[MKopaskie-Brown@riversideca.gov](mailto:MKopaskie-Brown@riversideca.gov)>  
**CC:** Murray, David <[DMurray@riversideca.gov](mailto:DMurray@riversideca.gov)>

Good morning Malissa,

I have some follow-up answers for you. I am combining both of your emails just to manage the number of threads going back and forth.

First, this wasn't in your email, but you asked how many Opportunity Sites are within 2,500 feet of a freeway or railroad. There are 72 sites comprising 264 individual parcels within 2500 feet of a freeway and 88 sites comprising 254 individual parcels within 2,500 feet of a railroad (a majority of these are in both categories given that railroads roughly parallel both SR-91 and I-215). This analysis does not include sites that are already zoned for housing and are not proposed for rezoning. I should add that these buffers capture virtually every site on the Magnolia/Market/University High Quality Transit Corridor, as well all sites in our Downtown east of Market Street.

Now, to your written questions:

1. Can I also get the government code that spells out what flexibility if any the state has.

We are not aware of any government code that provides flexibility to the deadline. I would refer you to Government Code §65588 for timing provisions.

2. Matthew - you mentioned that the company we use can run 3D models that would show that traffic and air quality might look like. If there's no time to do this for the housing element, what about the general plan update?

During our conversation, I think we may have misunderstood one another about this modeling. I was referring to 3d simulation of what future development on a specific site might look like based on zoning parameters; i.e., modeling buildings using GIS-based software. We can explore the potential for 3D-modeling as part of the Phase 2 GP Update.

3. Also this issue of when staff can administratively change the items that are not approved by the PC is a material change in our code and a policy decision. It's also NOT required by RHNA regardless of what we decide on the number of units. Why is it being rushed. Or am I confused that it is required. This seems to be an internal city issue.

Any proposed Zoning Code amendments, recommended by staff, must be reviewed and recommended by CPC to the City Council. City Council must adopt any zoning changes. You may have been referring to increasing the development size threshold for requiring Site Plan Review approval in the Mixed Use zones, which staff can recommend. While this change is not strictly required by Housing Element law, what is required by HE law is that standalone residential development on any HE site in a Mixed Use Zone be permitted by right. We are proposing this change to help streamline and encourage *mixed-use* developments in the MU zones (as opposed to a preponderance of residential-only by-right projects where mixed uses are more appropriate). CPC and Council may or may not agree with this change.

4. How many jobs were created in the city of Riverside over the past 5 years.

According to California EDD:

Year	Total Nonfarm Employment	Unemployment Rate
2016	140,700	5.5
2017	143,900	4.7
2018	147,000	3.9
2019	148,900	3.7
2020	140,300	9.0
2021 (June Preliminary)	144,300	7.3

5. How many acre feet new water is the eir assuming for 18000, 24000 and 31000 units

I assume you mean new water demand, at maximum buildout. For 31,564 units, that number is assumed to be 30,848afy additional demand. 18,458 and 24,000 units were not analyzed because they are not the maximum buildout of the Project.

6. Doesn't bypassing the PC approving the final EIR run afoul of our own strategic plan and procedures where zone changes are being considered?

City Council is the approving/certifying authority for all EIRs. It is not uncommon to bring projects with an EIR to the Planning Commission for consideration and recommendation in a draft state, and publish the Final EIR for Council consideration. I am not clear what part or parts of the Strategic Plan you are referencing here.

7. No way can residents be expected to consume all this information. It's not as if they have lawyers and consultants on call. When you add the zoning ordinance changes, it's the straw ....

We understand that it is daunting and will continue to make ourselves available to assist anyone.

8. Someone is going to have to choose between appealing the state or simply telling them that our public needs and deserves another 60 days come what may. I just don't see people at the state — once they appreciate the problem — having heart burn even if they won't technically move a legislative deadline. It's a risk I'd take just like you're taking the risk that recirculating the EIR won't be legally required.

This is a decision that Council will make after weighing the risks/benefits. Please note, HCD does not have the authority to move legislative deadlines.

9. The census is new material information in itself if we actually wanted to take the time needed to vet all these consequences. Maybe the reduction in population works to our advantage.

We are assessing the census and this information will be used in the Phase 2 update, including any refreshing needed on the Housing Element or Public Safety Element.

///

Let me know if there's anything else we can do for you. Thanks,

**Matthew Taylor | Senior Planner**

951.826.5944 | [mtaylor@riversideca.gov](mailto:mtaylor@riversideca.gov)

## City of Riverside

Community & Economic Development Department

*Planning Division*

3900 Main Street | 3<sup>rd</sup> Floor | Riverside 92522

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**From:** Malissa Mckeith <[malissacurepres@gmail.com](mailto:malissacurepres@gmail.com)>

**Sent:** Tuesday, August 17, 2021 12:39 PM

**To:** Kopaskie-Brown, Mary <[MKopaskie-Brown@riversideca.gov](mailto:MKopaskie-Brown@riversideca.gov)>

**Cc:** Murray, David <[DMurray@riversideca.gov](mailto:DMurray@riversideca.gov)>; Taylor, Matthew <[MTaylor@riversideca.gov](mailto:MTaylor@riversideca.gov)>

**Subject:** Re: [External] Re: Greetings - time to speak?

Thanks Mary. Very enlightening if not frustrating. I'm sure for you too.

Followup questions.

1. How many jobs were created in the city of Riverside over the past 5 years.



*Table 5-2. DWR Table 4-2R. Demands for Raw and Potable Water - Projected*

Use Type	Level of Treatment	2020	2025	2030	2035	2040
Single Family	Drinking Water	29,931	31,064	32,241	33,462	34,730
Multi-Family	Drinking Water	5,365	5,568	5,779	5,998	6,225
Commercial/Institutional	Drinking Water	9,959	10,337	10,728	11,135	11,556
Industrial	Drinking Water	9,845	10,218	10,605	11,006	11,423
Landscape	Drinking Water	1,050	100	150	200	250
Agricultural irrigation	Drinking Water	1,707	1,772	1,839	1,908	1,981
Other	Drinking Water	371	385	399	414	430
Deliveries to WMWD	Drinking Water	4,300	4,300	4,300	4,300	4,300
Wholesale to HGCWD	Drinking Water	0	0	0	0	0
Additional UCR Demand	Drinking Water	3,300	3,300	3,300	3,300	3,300
California Baptist University Added Demand	Drinking Water	150	150	150	150	150
GCC (Upper)	Drinking Water	6,000	6,000	6,000	6,000	6,000
GCC (Lower)	Raw Water	7,000	7,000	7,000	7,000	7,000
Overlying Uses	Raw Water	1,200	1,200	1,200	1,200	1,200
WMWD	Raw Water	2,500	2,500	2,500	2,500	2,500
Potable Water Loss	Drinking Water	5,278	5,375	5,559	5,750	5,948
Irrigation Water Loss	Raw Water	835	835	835	835	835
<b>Total</b>		<b>88,791</b>	<b>90,104</b>	<b>92,585</b>	<b>95,159</b>	<b>97,827</b>

Table 4-3. DWR 4-2 Projected Demands for Water (All Values in AF)

USE TYPE	ADDITIONAL DESCRIPTION	LEVEL OF TREATMENT WHEN DELIVERED	2025	2030	2035	2040	2045
Single Family		Drinking Water	35,069	36,349	37,677	39,053	40,479
Multi-Family		Drinking Water	6,306	6,537	6,775	7,023	7,279
Commercial / Institutional		Drinking Water	12,355	12,807	13,274	13,759	14,262
Landscape		Drinking Water	4,266	4,421	4,583	4,750	4,924
Agricultural Irrigation		Drinking Water	1,427	1,479	1,533	1,589	1,648
Other	Fire, Temporary, Special Service	Drinking Water	296	307	318	330	342
Wholesale	WMWD	Drinking Water	2,000	2,000	2,000	2,000	2,000
Wholesale	Norco	Drinking Water	1,000	1,000	1,000	1,000	1,000
Potable Losses		Drinking Water	5,193	5,383	5,579	5,783	5,994
Subtotal - Potable			67,912	70,283	72,739	75,287	77,928
GCC (Upper and Lower)		Raw Water	13,500	13,500	13,500	13,500	13,500
Overlying Uses		Raw Water	1,000	1,000	1,000	1,000	1,000
WMWD		Raw Water	2,000	2,000	2,000	2,000	2,000
Irrigation Water Losses		Raw Water	600	600	600	600	600
Subtotal – Non-Potable			17,100	17,100	17,100	17,100	17,100
<b>TOTAL: POTABLE AND NON-POTABLE</b>			<b>85,012</b>	<b>87,383</b>	<b>89,839</b>	<b>92,387</b>	<b>95,028</b>

**From:** Nancy Magi <troutquilt@sbcglobal.net>  
**Sent:** Thursday, September 2, 2021 8:40 AM  
**To:** Andrade, Frances <FANDRADE@riversideca.gov>  
**Subject:** [External] Fwd: N Magi questions & comment on Housing Element

Good morning, Frances- will you please include this email in the Commissioners' packet for the September 9 meeting?  
Thank you.

The Planning Commission agenda states in its conclusion, "All effects of the proposed project have been reduced to less than significant with implementation of mitigation measures,

WITH THE EXCEPTION OF . . .

AIR QUALITY  
GREENHOUSE GAS EMISSIONS  
NOISE  
POLLUTION  
HOUSING  
TRANSPORTATION" (Caps mine)

THAT LIST OF MASSIVE NEGATIVE IMPACTS DESCRIBES A MAJOR ATTACK ON OUR QUALITY OF LIFE IN RIVERSIDE.

HOW CAN WE BUILD DENSE HOUSING AND IGNORE OUR

AIR QUALITY,  
OUR GREEN SPACES,  
OUR IMPACTED TRAFFIC AND  
LACK OF PARKING SPACES . . .

AND STILL MAINTAIN A QUALITY OF LIFE?

THE ANSWER- WE CANNOT.

Nancy Magi

Sent from my iPad

**Subject: N Magi questions & comment on Housing Element**

Good Morning, Mary

Here are my questions and an observation as I meet the deadline for comments on the Housing Element for Riverside:

2). What is the difference between the "Land Use Policy Map" and 5). "Zoning Map"?

3). Where do Central/Alessandro roads fit into the "Specific Map"?

4) A). Please define "streamline" IN DETAIL in the context of the Housing Element.

4). B). Specifically which State legislation will the City's compliance achieve?

The agenda states in its conclusion, "All effects of the proposed project have been reduced to less than significant with implementation of mitigation measures,

WITH THE EXCEPTION OF . . .

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GREENHOUSE GAS EMISSIONS  
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OUR IMPACTED TRAFFIC AND  
LACK OF PARKING SPACES . . .

AND STILL MAINTAIN A QUALITY OF LIFE?

THE ANSWER- WE CANNOT.

Nancy Magi

Sent from my iPad

**OPERATIONS DIVISION**

Planning and Development  
3070 Washington Street, Riverside, CA 92504  
P (951) 788-7496 F (951) 788-5446



9/2/2021

Mr. Taylor, Senior Planner  
Planning Division  
Community & Economic Development Department  
3900 Main Street, 3<sup>rd</sup> Floor  
Riverside, CA 92522

RE: City of Riverside Housing and Public Safety Element Updates and Environmental Justice Policies Draft Environmental Impact Report; State Clearinghouse No. 2021040089

Dear Mr. Taylor:

Riverside Unified School District (RUSD) thanks you and the City of Riverside for giving us the opportunity to review and comment on the *City of Riverside Housing and Public Safety Element Updates and Environmental Justice Policies Draft Environmental Impact Report* dated July 2021.

RUSD understands that the primary purpose of this report is to comply with State law requiring regular updates to the Housing Element and not intended to approve or deny any specific project. As such, RUSD has no issue with the Draft EIR, but requests that the City of Riverside notice and involve RUSD on all projects that can potentially impact RUSD facilities. This includes, but is not limited to: traffic and circulation modifications, utility infrastructure updates, liquor licenses, any/all construction, changes to land use and zoning, impacts to school safe routes, permitting and development of potential commercial/industrial businesses and handling or producing hazardous material or emissions.

Sincerely,

Ana Gonzalez, Director, Planning and Development  
Riverside Unified School District

Cc: Sergio San Martin, Asst. Superintendent of Operations

**RIVERSIDE UNIFIED SCHOOL DISTRICT**

3380 14th Street  
Riverside, CA 92501  
951-788-7135

**BUSINESS SERVICES**

6050 Industrial Avenue  
Riverside, CA 92504  
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**CENTRAL REGISTRATION CENTER**

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Riverside, CA 92504  
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Comment Submitted After Public Comment Closed

P: (626) 381-9248  
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**Mitchell M. Tsai**  
Attorney At Law

139 South Hudson Avenue  
Suite 200  
Pasadena, California 91101

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**VIA U.S. MAIL & E-MAIL**

September 9, 2021

City of Riverside Planning Commission  
3900 Main St.  
Riverside, CA 92522  
Em: [fandrade@riversideca.gov](mailto:fandrade@riversideca.gov)

RE: 2021-2029 Housing Element Update

Dear Commissioners,

On behalf of the Southwest Regional Council of Carpenters (“**Commenter**” or “**Carpenter**”), my Office is submitting these comments on Agenda Item No 2 regarding the City of Riverside’s (“**City**”) 2021-2029 Housing Element Update (“**Project**”).

The Southwest Carpenters is a labor union representing 50,000 union carpenters in six states and has a strong interest in well ordered land use planning and addressing the environmental impacts of development projects.

Individual members of the Southwest Carpenters live, work and recreate in the City and surrounding communities and would be directly affected by the Project’s environmental impacts.

Commenters expressly reserves the right to supplement these comments at or prior to hearings on the Project, and at any later hearings and proceedings related to this Project. Cal. Gov. Code § 65009(b); Cal. Pub. Res. Code § 21177(a); *Bakersfield Citizens for Local Control v. Bakersfield* (2004) 124 Cal. App. 4th 1184, 1199-1203; see *Galante Vineyards v. Monterey Water Dist.* (1997) 60 Cal. App. 4th 1109, 1121.

Commenters expressly reserves the right to supplement these comments at or prior to hearings on the Project, and at any later hearings and proceedings related to this Project. Cal. Gov. Code § 65009(b); Cal. Pub. Res. Code § 21177(a); *Bakersfield Citizens*



*for Local Control v. Bakersfield* (2004) 124 Cal. App. 4th 1184, 1199-1203; see *Galante Vineyards v. Monterey Water Dist.* (1997) 60 Cal. App. 4th 1109, 1121.

Commenters incorporate by reference all comments raising issues regarding the EIR submitted prior to certification of the EIR for the Project. *Citizens for Clean Energy v City of Woodland* (2014) 225 Cal. App. 4th 173, 191 (finding that any party who has objected to the Project’s environmental documentation may assert any issue timely raised by other parties).

Moreover, Commenter requests that the Lead Agency provide notice for any and all notices referring or related to the Project issued under the California Environmental Quality Act (“**CEQA**”), Cal Public Resources Code (“**PRC**”) § 21000 *et seq*, and the California Planning and Zoning Law (“**Planning and Zoning Law**”), Cal. Gov’t Code §§ 65000–65010. California Public Resources Code Sections 21092.2, and 21167(f) and Government Code Section 65092 require agencies to mail such notices to any person who has filed a written request for them with the clerk of the agency’s governing body.

The City should require the use of a local skilled and trained workforce to benefit the community’s economic development and environment. The City should require the use of workers who have graduated from a Joint Labor Management apprenticeship training program approved by the State of California, or have at least as many hours of on-the-job experience in the applicable craft which would be required to graduate from such a state approved apprenticeship training program or who are registered apprentices in an apprenticeship training program approved by the State of California.

Community benefits such as local hire and skilled and trained workforce requirements can also be helpful to reduce environmental impacts and improve the positive economic impact of the Project. Local hire provisions requiring that a certain percentage of workers reside within 10 miles or less of the Project Site can reduce the length of vendor trips, reduce greenhouse gas emissions and providing localized economic benefits. Local hire provisions requiring that a certain percentage of workers reside within 10 miles or less of the Project Site can reduce the length of vendor trips, reduce greenhouse gas emissions and providing localized economic benefits. As environmental consultants Matt Hagemann and Paul E. Rosenfeld note:

[A]ny local hire requirement that results in a decreased worker trip length from the default value has the potential to result in a reduction of

construction-related GHG emissions, though the significance of the reduction would vary based on the location and urbanization level of the project site.

March 8, 2021 SWAPE Letter to Mitchell M. Tsai re Local Hire Requirements and Considerations for Greenhouse Gas Modeling.

Skilled and trained workforce requirements promote the development of skilled trades that yield sustainable economic development. As the California Workforce Development Board and the UC Berkeley Center for Labor Research and Education concluded:

. . . labor should be considered an investment rather than a cost – and investments in growing, diversifying, and upskilling California’s workforce can positively affect returns on climate mitigation efforts. In other words, well trained workers are key to delivering emissions reductions and moving California closer to its climate targets.<sup>1</sup>

Local skilled and trained workforce requirements and policies have significant environmental benefits since they improve an area’s jobs-housing balance, decreasing the amount of and length of job commutes and their associated greenhouse gas emissions. Recently, on May 7, 2021, the South Coast Air Quality Management District found that that the “[u]se of a local state-certified apprenticeship program or a skilled and trained workforce with a local hire component” can result in air pollutant reductions.<sup>2</sup>

Cities are increasingly adopting local skilled and trained workforce policies and requirements into general plans and municipal codes. For example, the City of Hayward 2040 General Plan requires the City to “promote local hiring . . . to

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<sup>1</sup> California Workforce Development Board (2020) Putting California on the High Road: A Jobs and Climate Action Plan for 2030 at p. ii, *available at* <https://laborcenter.berkeley.edu/wp-content/uploads/2020/09/Putting-California-on-the-High-Road.pdf>

<sup>2</sup> South Coast Air Quality Management District (May 7, 2021) Certify Final Environmental Assessment and Adopt Proposed Rule 2305 – Warehouse Indirect Source Rule – Warehouse Actions and Investments to Reduce Emissions Program, and Proposed Rule 316 – Fees for Rule 2305, Submit Rule 2305 for Inclusion Into the SIP, and Approve Supporting Budget Actions, *available at* <http://www.aqmd.gov/docs/default-source/Agendas/Governing-Board/2021/2021-May7-027.pdf?sfvrsn=10>

help achieve a more positive jobs-housing balance, and reduce regional commuting, gas consumption, and greenhouse gas emissions.”<sup>3</sup>

In fact, the City of Hayward has gone as far as to adopt a Skilled Labor Force policy into its Downtown Specific Plan and municipal code, requiring developments in its Downtown area to requiring that the City “contribute to the stabilization of regional construction markets by spurring applicants of housing and nonresidential developments to require contractors to utilize apprentices from state-approved, joint labor-management training programs, . . .”<sup>4</sup> In addition, the City of Hayward requires all projects 30,000 square feet or larger to “utilize apprentices from state-approved, joint labor-management training programs.”<sup>5</sup>

Locating jobs closer to residential areas can have significant environmental benefits.

As the California Planning Roundtable noted in 2008:

People who live and work in the same jurisdiction would be more likely to take transit, walk, or bicycle to work than residents of less balanced communities and their vehicle trips would be shorter. Benefits would include potential reductions in both vehicle miles traveled and vehicle hours traveled.<sup>6</sup>

In addition, local hire mandates as well as skill training are critical facets of a strategy to reduce vehicle miles traveled. As planning experts Robert Cervero and Michael Duncan noted, simply placing jobs near housing stock is insufficient to achieve VMT reductions since the skill requirements of available local jobs must be matched to those held by local residents.<sup>7</sup> Some municipalities have tied local hire and skilled and

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<sup>3</sup> City of Hayward (2014) Hayward 2040 General Plan Policy Document at p. 3-99, *available at* [https://www.hayward-ca.gov/sites/default/files/documents/General\\_Plan\\_FINAL.pdf](https://www.hayward-ca.gov/sites/default/files/documents/General_Plan_FINAL.pdf).

<sup>4</sup> City of Hayward (2019) Hayward Downtown Specific Plan at p. 5-24, *available at* <https://www.hayward-ca.gov/sites/default/files/Hayward%20Downtown%20Specific%20Plan.pdf>.

<sup>5</sup> City of Hayward Municipal Code, Chapter 10, § 28.5.3.020(C).

<sup>6</sup> California Planning Roundtable (2008) Deconstructing Jobs-Housing Balance at p. 6, *available at* <https://cprroundtable.org/static/media/uploads/publications/cpr-jobs-housing.pdf>

<sup>7</sup> Cervero, Robert and Duncan, Michael (2006) Which Reduces Vehicle Travel More: Jobs-Housing Balance or Retail-Housing Mixing? Journal of the American Planning Association 72 (4), 475-490, 482, *available at* <http://reconnectingamerica.org/assets/Uploads/UTCT-825.pdf>.

trained workforce policies to local development permits to address transportation issues. As Cervero and Duncan note:

In nearly built-out Berkeley, CA, the approach to balancing jobs and housing is to create local jobs rather than to develop new housing.” The city’s First Source program encourages businesses to hire local residents, especially for entry- and intermediate-level jobs, and sponsors vocational training to ensure residents are employment-ready. While the program is voluntary, some 300 businesses have used it to date, placing more than 3,000 city residents in local jobs since it was launched in 1986. When needed, these carrots are matched by sticks, since the city is not shy about negotiating corporate participation in First Source as a condition of approval for development permits.

The City should consider utilizing skilled and trained workforce policies and requirements to benefit the local area economically and mitigate greenhouse gas, air quality and transportation impacts.

Sincerely,



---

Mitchell M. Tsai  
Attorneys for Southwest Regional  
Council of Carpenters

Attached:

March 8, 2021 SWAPE Letter to Mitchell M. Tsai re Local Hire Requirements and Considerations for Greenhouse Gas Modeling (Exhibit A);

Air Quality and GHG Expert Paul Rosenfeld CV (Exhibit B); and

Air Quality and GHG Expert Matt Hagemann CV (Exhibit C).

## **EXHIBIT A**



Technical Consultation, Data Analysis and  
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March 8, 2021

Mitchell M. Tsai  
155 South El Molino, Suite 104  
Pasadena, CA 91101

**Subject: Local Hire Requirements and Considerations for Greenhouse Gas Modeling**

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Dear Mr. Tsai,

Soil Water Air Protection Enterprise ("SWAPE") is pleased to provide the following draft technical report explaining the significance of worker trips required for construction of land use development projects with respect to the estimation of greenhouse gas ("GHG") emissions. The report will also discuss the potential for local hire requirements to reduce the length of worker trips, and consequently, reduced or mitigate the potential GHG impacts.

### Worker Trips and Greenhouse Gas Calculations

The California Emissions Estimator Model ("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 operations from a variety of land use projects."<sup>1</sup> CalEEMod quantifies construction-related emissions associated with land use projects resulting from off-road construction equipment; on-road mobile equipment associated with workers, vendors, and hauling; fugitive dust associated with grading, demolition, truck loading, and on-road vehicles traveling along paved and unpaved roads; and architectural coating activities; and paving.<sup>2</sup>

The number, length, and vehicle class of worker trips are utilized by CalEEMod to calculate emissions associated with the on-road vehicle trips required to transport workers to and from the Project site during construction.<sup>3</sup>

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<sup>1</sup> "California Emissions Estimator Model." CAPCOA, 2017, available at: <http://www.aqmd.gov/caleemod/home>.

<sup>2</sup> "California Emissions Estimator Model." CAPCOA, 2017, available at: <http://www.aqmd.gov/caleemod/home>.

<sup>3</sup> "CalEEMod User's Guide." CAPCOA, November 2017, available at: [http://www.aqmd.gov/docs/default-source/caleemod/01\\_user-39-s-guide2016-3-2\\_15november2017.pdf?sfvrsn=4](http://www.aqmd.gov/docs/default-source/caleemod/01_user-39-s-guide2016-3-2_15november2017.pdf?sfvrsn=4), p. 34.

Specifically, the number and length of vehicle trips is utilized to estimate the vehicle miles travelled (“VMT”) associated with construction. Then, utilizing vehicle-class specific EMFAC 2014 emission factors, CalEEMod calculates the vehicle exhaust, evaporative, and dust emissions resulting from construction-related VMT, including personal vehicles for worker commuting.<sup>4</sup>

Specifically, in order to calculate VMT, CalEEMod multiplies the average daily trip rate by the average overall trip length (see excerpt below):

$$\text{“VMT}_d = \Sigma(\text{Average Daily Trip Rate}_i * \text{Average Overall Trip Length}_i) _n$$

Where:

$n$  = Number of land uses being modeled.”<sup>5</sup>

Furthermore, to calculate the on-road emissions associated with worker trips, CalEEMod utilizes the following equation (see excerpt below):

$$\text{“Emissions}_{\text{pollutant}} = \text{VMT} * \text{EF}_{\text{running,pollutant}}$$

Where:

$\text{Emissions}_{\text{pollutant}}$  = emissions from vehicle running for each pollutant

VMT = vehicle miles traveled

$\text{EF}_{\text{running,pollutant}}$  = emission factor for running emissions.”<sup>6</sup>

Thus, there is a direct relationship between trip length and VMT, as well as a direct relationship between VMT and vehicle running emissions. In other words, when the trip length is increased, the VMT and vehicle running emissions increase as a result. Thus, vehicle running emissions can be reduced by decreasing the average overall trip length, by way of a local hire requirement or otherwise.

## Default Worker Trip Parameters and Potential Local Hire Requirements

As previously discussed, the number, length, and vehicle class of worker trips are utilized by CalEEMod to calculate emissions associated with the on-road vehicle trips required to transport workers to and from the Project site during construction.<sup>7</sup> In order to understand how local hire requirements and associated worker trip length reductions impact GHG emissions calculations, it is important to consider the CalEEMod default worker trip parameters. CalEEMod provides recommended default values based on site-specific information, such as land use type, meteorological data, total lot acreage, project type and typical equipment associated with project type. If more specific project information is known, the user can change the default values and input project-specific values, but the California Environmental Quality Act (“CEQA”) requires that such changes be justified by substantial evidence.<sup>8</sup> The default number of construction-related worker trips is calculated by multiplying the

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<sup>4</sup> “Appendix A Calculation Details for CalEEMod.” CAPCOA, October 2017, available at: [http://www.aqmd.gov/docs/default-source/caleemod/02\\_appendix-a2016-3-2.pdf?sfvrsn=6](http://www.aqmd.gov/docs/default-source/caleemod/02_appendix-a2016-3-2.pdf?sfvrsn=6), p. 14-15.

<sup>5</sup> “Appendix A Calculation Details for CalEEMod.” CAPCOA, October 2017, available at: [http://www.aqmd.gov/docs/default-source/caleemod/02\\_appendix-a2016-3-2.pdf?sfvrsn=6](http://www.aqmd.gov/docs/default-source/caleemod/02_appendix-a2016-3-2.pdf?sfvrsn=6), p. 23.

<sup>6</sup> “Appendix A Calculation Details for CalEEMod.” CAPCOA, October 2017, available at: [http://www.aqmd.gov/docs/default-source/caleemod/02\\_appendix-a2016-3-2.pdf?sfvrsn=6](http://www.aqmd.gov/docs/default-source/caleemod/02_appendix-a2016-3-2.pdf?sfvrsn=6), p. 15.

<sup>7</sup> “CalEEMod User’s Guide.” CAPCOA, November 2017, available at: [http://www.aqmd.gov/docs/default-source/caleemod/01\\_user-39-s-guide2016-3-2\\_15november2017.pdf?sfvrsn=4](http://www.aqmd.gov/docs/default-source/caleemod/01_user-39-s-guide2016-3-2_15november2017.pdf?sfvrsn=4), p. 34.

<sup>8</sup> CalEEMod User Guide, available at: <http://www.caleemod.com/>, p. 1, 9.

number of pieces of equipment for all phases by 1.25, with the exception of worker trips required for the building construction and architectural coating phases.<sup>9</sup> Furthermore, the worker trip vehicle class is a 50/25/25 percent mix of light duty autos, light duty truck class 1 and light duty truck class 2, respectively.”<sup>10</sup> Finally, the default worker trip length is consistent with the length of the operational home-to-work vehicle trips.<sup>11</sup> The operational home-to-work vehicle trip lengths are:

“[B]ased on the location and urbanization selected on the project characteristic screen. These values were supplied by the air districts or use a default average for the state. Each district (or county) also assigns trip lengths for urban and rural settings” (emphasis added).<sup>12</sup>

Thus, the default worker trip length is based on the location and urbanization level selected by the User when modeling emissions. The below table shows the CalEEMod default rural and urban worker trip lengths by air basin (see excerpt below and Attachment A).<sup>13</sup>

Worker Trip Length by Air Basin		
Air Basin	Rural (miles)	Urban (miles)
Great Basin Valleys	16.8	10.8
Lake County	16.8	10.8
Lake Tahoe	16.8	10.8
Mojave Desert	16.8	10.8
Mountain Counties	16.8	10.8
North Central Coast	17.1	12.3
North Coast	16.8	10.8
Northeast Plateau	16.8	10.8
Sacramento Valley	16.8	10.8
Salton Sea	14.6	11
San Diego	16.8	10.8
San Francisco Bay Area	10.8	10.8
San Joaquin Valley	16.8	10.8
South Central Coast	16.8	10.8
South Coast	19.8	14.7
<b>Average</b>	<b>16.47</b>	<b>11.17</b>
<b>Minimum</b>	<b>10.80</b>	<b>10.80</b>
<b>Maximum</b>	<b>19.80</b>	<b>14.70</b>
<b>Range</b>	<b>9.00</b>	<b>3.90</b>

<sup>9</sup> “CalEEMod User’s Guide.” CAPCOA, November 2017, available at: [http://www.aqmd.gov/docs/default-source/caleemod/01\\_user-39-s-guide2016-3-2\\_15november2017.pdf?sfvrsn=4](http://www.aqmd.gov/docs/default-source/caleemod/01_user-39-s-guide2016-3-2_15november2017.pdf?sfvrsn=4), p. 34.

<sup>10</sup> “Appendix A Calculation Details for CalEEMod.” CAPCOA, October 2017, available at: [http://www.aqmd.gov/docs/default-source/caleemod/02\\_appendix-a2016-3-2.pdf?sfvrsn=6](http://www.aqmd.gov/docs/default-source/caleemod/02_appendix-a2016-3-2.pdf?sfvrsn=6), p. 15.

<sup>11</sup> “Appendix A Calculation Details for CalEEMod.” CAPCOA, October 2017, available at: [http://www.aqmd.gov/docs/default-source/caleemod/02\\_appendix-a2016-3-2.pdf?sfvrsn=6](http://www.aqmd.gov/docs/default-source/caleemod/02_appendix-a2016-3-2.pdf?sfvrsn=6), p. 14.

<sup>12</sup> “Appendix A Calculation Details for CalEEMod.” CAPCOA, October 2017, available at: [http://www.aqmd.gov/docs/default-source/caleemod/02\\_appendix-a2016-3-2.pdf?sfvrsn=6](http://www.aqmd.gov/docs/default-source/caleemod/02_appendix-a2016-3-2.pdf?sfvrsn=6), p. 21.

<sup>13</sup> “Appendix D Default Data Tables.” CAPCOA, October 2017, available at: [http://www.aqmd.gov/docs/default-source/caleemod/05\\_appendix-d2016-3-2.pdf?sfvrsn=4](http://www.aqmd.gov/docs/default-source/caleemod/05_appendix-d2016-3-2.pdf?sfvrsn=4), p. D-84 – D-86.



As demonstrated above, default rural worker trip lengths for air basins in California vary from 10.8- to 19.8- miles, with an average of 16.47 miles. Furthermore, default urban worker trip lengths vary from 10.8- to 14.7- miles, with an average of 11.17 miles. Thus, while default worker trip lengths vary by location, default urban worker trip lengths tend to be shorter in length. Based on these trends evident in the CalEEMod default worker trip lengths, we can reasonably assume that the efficacy of a local hire requirement is especially dependent upon the urbanization of the project site, as well as the project location.

### Practical Application of a Local Hire Requirement and Associated Impact

To provide an example of the potential impact of a local hire provision on construction-related GHG emissions, we estimated the significance of a local hire provision for the Village South Specific Plan (“Project”) located in the City of Claremont (“City”). The Project proposed to construct 1,000 residential units, 100,000-SF of retail space, 45,000-SF of office space, as well as a 50-room hotel, on the 24-acre site. The Project location is classified as Urban and lies within the Los Angeles-South Coast County. As a result, the Project has a default worker trip length of 14.7 miles.<sup>14</sup> In an effort to evaluate the potential for a local hire provision to reduce the Project’s construction-related GHG emissions, we prepared an updated model, reducing all worker trip lengths to 10 miles (see Attachment B). Our analysis estimates that if a local hire provision with a 10-mile radius were to be implemented, the GHG emissions associated with Project construction would decrease by approximately 17% (see table below and Attachment C).

Local Hire Provision Net Change	
<b>Without Local Hire Provision</b>	
Total Construction GHG Emissions (MT CO <sub>2</sub> e)	3,623
Amortized Construction GHG Emissions (MT CO <sub>2</sub> e/year)	120.77
<b>With Local Hire Provision</b>	
Total Construction GHG Emissions (MT CO <sub>2</sub> e)	3,024
Amortized Construction GHG Emissions (MT CO <sub>2</sub> e/year)	100.80
<b>% Decrease in Construction-related GHG Emissions</b>	<b>17%</b>

As demonstrated above, by implementing a local hire provision requiring 10 mile worker trip lengths, the Project could reduce potential GHG emissions associated with construction worker trips. More broadly, any local hire requirement that results in a decreased worker trip length from the default value has the potential to result in a reduction of construction-related GHG emissions, though the significance of the reduction would vary based on the location and urbanization level of the project site.

This serves as an example of the potential impacts of local hire requirements on estimated project-level GHG emissions, though it does not indicate that local hire requirements would result in reduced construction-related GHG emission for all projects. As previously described, the significance of a local hire requirement depends on the worker trip length enforced and the default worker trip length for the project’s urbanization level and location.

<sup>14</sup> “Appendix D Default Data Tables.” CAPCOA, October 2017, available at: [http://www.aqmd.gov/docs/default-source/caleemod/05\\_appendix-d2016-3-2.pdf?sfvrsn=4](http://www.aqmd.gov/docs/default-source/caleemod/05_appendix-d2016-3-2.pdf?sfvrsn=4), p. D-85.

## Disclaimer

SWAPE has received limited discovery. Additional information may become available in the future; thus, we retain the right to revise or amend this report when additional information becomes available. Our professional services have been performed using that degree of care and skill ordinarily exercised, under similar circumstances, by reputable environmental consultants practicing in this or similar localities at the time of service. No other warranty, expressed or implied, is made as to the scope of work, work methodologies and protocols, site conditions, analytical testing results, and findings presented. This report reflects efforts which were limited to information that was reasonably accessible at the time of the work, and may contain informational gaps, inconsistencies, or otherwise be incomplete due to the unavailability or uncertainty of information obtained or provided by third parties.

Sincerely,

A handwritten signature in blue ink, appearing to read "M Hagemann".

Matt Hagemann, P.G., C.Hg.

A handwritten signature in blue ink, appearing to read "Paul Rosenfeld".

Paul E. Rosenfeld, Ph.D.

## **EXHIBIT B**



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## ***Paul Rosenfeld, Ph.D.***

*Principal Environmental Chemist*

**Chemical Fate and Transport & Air Dispersion Modeling**

**Risk Assessment & Remediation Specialist**

### **Education**

Ph.D. Soil Chemistry, University of Washington, 1999. Dissertation on volatile organic compound filtration.

M.S. Environmental Science, U.C. Berkeley, 1995. Thesis on organic waste economics.

B.A. Environmental Studies, U.C. Santa Barbara, 1991. Thesis on wastewater treatment.

### **Professional Experience**

Dr. Rosenfeld has over 25 years' experience conducting environmental investigations and risk assessments for evaluating impacts to human health, property, and ecological receptors. His expertise focuses on the fate and transport of environmental contaminants, human health risk, exposure assessment, and ecological restoration. Dr. Rosenfeld has evaluated and modeled emissions from unconventional oil drilling operations, oil spills, landfills, boilers and incinerators, process stacks, storage tanks, confined animal feeding operations, and many other industrial and agricultural sources. His project experience ranges from monitoring and modeling of pollution sources to evaluating impacts of pollution on workers at industrial facilities and residents in surrounding communities.

Dr. Rosenfeld has investigated and designed remediation programs and risk assessments for contaminated sites containing lead, heavy metals, mold, bacteria, particulate matter, petroleum hydrocarbons, chlorinated solvents, pesticides, radioactive waste, dioxins and furans, semi- and volatile organic compounds, PCBs, PAHs, perchlorate, asbestos, per- and poly-fluoroalkyl substances (PFOA/PFOS), unusual polymers, fuel oxygenates (MTBE), among other pollutants. Dr. Rosenfeld also has experience evaluating greenhouse gas emissions from various projects and is an expert on the assessment of odors from industrial and agricultural sites, as well as the evaluation of odor nuisance impacts and technologies for abatement of odorous emissions. As a principal scientist at SWAPE, Dr. Rosenfeld directs air dispersion modeling and exposure assessments. He has served as an expert witness and testified about pollution sources causing nuisance and/or personal injury at dozens of sites and has testified as an expert witness on more than ten cases involving exposure to air contaminants from industrial sources.

## **Professional History:**

Soil Water Air Protection Enterprise (SWAPE); 2003 to present; Principal and Founding Partner  
UCLA School of Public Health; 2007 to 2011; Lecturer (Assistant Researcher)  
UCLA School of Public Health; 2003 to 2006; Adjunct Professor  
UCLA Environmental Science and Engineering Program; 2002-2004; Doctoral Intern Coordinator  
UCLA Institute of the Environment, 2001-2002; Research Associate  
Komex H<sub>2</sub>O Science, 2001 to 2003; Senior Remediation Scientist  
National Groundwater Association, 2002-2004; Lecturer  
San Diego State University, 1999-2001; Adjunct Professor  
Anteon Corp., San Diego, 2000-2001; Remediation Project Manager  
Ogden (now Amec), San Diego, 2000-2000; Remediation Project Manager  
Bechtel, San Diego, California, 1999 – 2000; Risk Assessor  
King County, Seattle, 1996 – 1999; Scientist  
James River Corp., Washington, 1995-96; Scientist  
Big Creek Lumber, Davenport, California, 1995; Scientist  
Plumas Corp., California and USFS, Tahoe 1993-1995; Scientist  
Peace Corps and World Wildlife Fund, St. Kitts, West Indies, 1991-1993; Scientist

## **Publications:**

Remy, L.L., Clay T., Byers, V., **Rosenfeld P. E.** (2019) Hospital, Health, and Community Burden After Oil Refinery Fires, Richmond, California 2007 and 2012. *Environmental Health*. 18:48

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## **Presentations:**

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**Rosenfeld P. E.** (March 2007). Production, Chemical Properties, Toxicology, & Treatment Case Studies of 1,2,3-Trichloropropane (TCP). *The Association for Environmental Health and Sciences (AEHS) Annual Meeting*. Lecture conducted from San Diego, CA.

**Rosenfeld P. E.** (March 2007). Blood and Attic Sampling for Dioxin/Furan, PAH, and Metal Exposure in Florala, Alabama. *The AEHS Annual Meeting*. Lecture conducted from San Diego, CA.

Hensley A.R., Scott, A., **Rosenfeld P.E.**, Clark, J.J.J. (August 21 – 25, 2006). Dioxin Containing Attic Dust And Human Blood Samples Collected Near A Former Wood Treatment Facility. *The 26th International Symposium on Halogenated Persistent Organic Pollutants – DIOXIN2006*. Lecture conducted from Radisson SAS Scandinavia Hotel in Oslo Norway.

Hensley A.R., Scott, A., **Rosenfeld P.E.**, Clark, J.J.J. (November 4-8, 2006). Dioxin Containing Attic Dust And Human Blood Samples Collected Near A Former Wood Treatment Facility. *APHA 134 Annual Meeting & Exposition*. Lecture conducted from Boston Massachusetts.

**Paul Rosenfeld Ph.D.** (October 24-25, 2005). Fate, Transport and Persistence of PFOA and Related Chemicals. Mealey's C8/PFOA. *Science, Risk & Litigation Conference*. Lecture conducted from The Rittenhouse Hotel, Philadelphia, PA.

**Paul Rosenfeld Ph.D.** (September 19, 2005). Brominated Flame Retardants in Groundwater: Pathways to Human Ingestion, *Toxicology and Remediation PEMA Emerging Contaminant Conference*. Lecture conducted from Hilton Hotel, Irvine California.

**Paul Rosenfeld Ph.D.** (September 19, 2005). Fate, Transport, Toxicity, And Persistence of 1,2,3-TCP. *PEMA Emerging Contaminant Conference*. Lecture conducted from Hilton Hotel in Irvine, California.

**Paul Rosenfeld Ph.D.** (September 26-27, 2005). Fate, Transport and Persistence of PDBEs. *Mealey's Groundwater Conference*. Lecture conducted from Ritz Carlton Hotel, Marina Del Ray, California.

**Paul Rosenfeld Ph.D.** (June 7-8, 2005). Fate, Transport and Persistence of PFOA and Related Chemicals. *International Society of Environmental Forensics: Focus On Emerging Contaminants*. Lecture conducted from Sheraton Oceanfront Hotel, Virginia Beach, Virginia.

**Paul Rosenfeld Ph.D.** (July 21-22, 2005). Fate Transport, Persistence and Toxicology of PFOA and Related Perfluorochemicals. *2005 National Groundwater Association Ground Water And Environmental Law Conference*. Lecture conducted from Wyndham Baltimore Inner Harbor, Baltimore Maryland.

**Paul Rosenfeld Ph.D.** (July 21-22, 2005). Brominated Flame Retardants in Groundwater: Pathways to Human Ingestion, Toxicology and Remediation. *2005 National Groundwater Association Ground Water and Environmental Law Conference*. Lecture conducted from Wyndham Baltimore Inner Harbor, Baltimore Maryland.

**Paul Rosenfeld, Ph.D.** and James Clark Ph.D. and Rob Hesse R.G. (May 5-6, 2004). Tert-butyl Alcohol Liability and Toxicology, A National Problem and Unquantified Liability. *National Groundwater Association. Environmental Law Conference*. Lecture conducted from Congress Plaza Hotel, Chicago Illinois.

**Paul Rosenfeld, Ph.D.** (March 2004). Perchlorate Toxicology. *Meeting of the American Groundwater Trust*. Lecture conducted from Phoenix Arizona.

Hagemann, M.F., **Paul Rosenfeld, Ph.D.** and Rob Hesse (2004). Perchlorate Contamination of the Colorado River. *Meeting of tribal representatives*. Lecture conducted from Parker, AZ.



**Paul Rosenfeld, Ph.D.** (April 7, 2004). A National Damage Assessment Model For PCE and Dry Cleaners. *Drycleaner Symposium. California Ground Water Association*. Lecture conducted from Radison Hotel, Sacramento, California.

**Rosenfeld, P. E.,** Grey, M., (June 2003) Two stage biofilter for biosolids composting odor control. *Seventh International In Situ And On Site Bioremediation Symposium Battelle Conference* Orlando, FL.

**Paul Rosenfeld, Ph.D.** and James Clark Ph.D. (February 20-21, 2003) Understanding Historical Use, Chemical Properties, Toxicity and Regulatory Guidance of 1,4 Dioxane. *National Groundwater Association. Southwest Focus Conference. Water Supply and Emerging Contaminants..* Lecture conducted from Hyatt Regency Phoenix Arizona.

**Paul Rosenfeld, Ph.D.** (February 6-7, 2003). Underground Storage Tank Litigation and Remediation. *California CUPA Forum*. Lecture conducted from Marriott Hotel, Anaheim California.

**Paul Rosenfeld, Ph.D.** (October 23, 2002) Underground Storage Tank Litigation and Remediation. *EPA Underground Storage Tank Roundtable*. Lecture conducted from Sacramento California.

**Rosenfeld, P.E.** and Suffet, M. (October 7- 10, 2002). Understanding Odor from Compost, *Wastewater and Industrial Processes. Sixth Annual Symposium On Off Flavors in the Aquatic Environment. International Water Association*. Lecture conducted from Barcelona Spain.

**Rosenfeld, P.E.** and Suffet, M. (October 7- 10, 2002). Using High Carbon Wood Ash to Control Compost Odor. *Sixth Annual Symposium On Off Flavors in the Aquatic Environment. International Water Association*. Lecture conducted from Barcelona Spain.

**Rosenfeld, P.E.** and Grey, M. A. (September 22-24, 2002). Biocycle Composting For Coastal Sage Restoration. *Northwest Biosolids Management Association*. Lecture conducted from Vancouver Washington..

**Rosenfeld, P.E.** and Grey, M. A. (November 11-14, 2002). Using High-Carbon Wood Ash to Control Odor at a Green Materials Composting Facility. *Soil Science Society Annual Conference*. Lecture conducted from Indianapolis, Maryland.

**Rosenfeld. P.E.** (September 16, 2000). Two stage biofilter for biosolids composting odor control. *Water Environment Federation*. Lecture conducted from Anaheim California.

**Rosenfeld. P.E.** (October 16, 2000). Wood ash and biofilter control of compost odor. *Biofest*. Lecture conducted from Ocean Shores, California.

**Rosenfeld, P.E.** (2000). Bioremediation Using Organic Soil Amendments. *California Resource Recovery Association*. Lecture conducted from Sacramento California.

**Rosenfeld, P.E.,** C.L. Henry, R. Harrison. (1998). Oat and Grass Seed Germination and Nitrogen and Sulfur Emissions Following Biosolids Incorporation With High-Carbon Wood-Ash. *Water Environment Federation 12th Annual Residuals and Biosolids Management Conference Proceedings*. Lecture conducted from Bellevue Washington.

**Rosenfeld, P.E.,** and C.L. Henry. (1999). An evaluation of ash incorporation with biosolids for odor reduction. *Soil Science Society of America*. Lecture conducted from Salt Lake City Utah.

**Rosenfeld, P.E.,** C.L. Henry, R. Harrison. (1998). Comparison of Microbial Activity and Odor Emissions from Three Different Biosolids Applied to Forest Soil. *Brown and Caldwell*. Lecture conducted from Seattle Washington.

**Rosenfeld, P.E.,** C.L. Henry. (1998). Characterization, Quantification, and Control of Odor Emissions from Biosolids Application To Forest Soil. *Biofest*. Lecture conducted from Lake Chelan, Washington.

**Rosenfeld, P.E.,** C.L. Henry, R. Harrison. (1998). Oat and Grass Seed Germination and Nitrogen and Sulfur Emissions Following Biosolids Incorporation With High-Carbon Wood-Ash. Water Environment Federation 12th Annual Residuals and Biosolids Management Conference Proceedings. Lecture conducted from Bellevue Washington.

**Rosenfeld, P.E.,** C.L. Henry, R. B. Harrison, and R. Dills. (1997). Comparison of Odor Emissions From Three Different Biosolids Applied to Forest Soil. *Soil Science Society of America*. Lecture conducted from Anaheim California.

## **Teaching Experience:**

UCLA Department of Environmental Health (Summer 2003 through 20010) Taught Environmental Health Science 100 to students, including undergrad, medical doctors, public health professionals and nurses. Course focused on the health effects of environmental contaminants.

National Ground Water Association, Successful Remediation Technologies. Custom Course in Sante Fe, New Mexico. May 21, 2002. Focused on fate and transport of fuel contaminants associated with underground storage tanks.

National Ground Water Association; Successful Remediation Technologies Course in Chicago Illinois. April 1, 2002. Focused on fate and transport of contaminants associated with Superfund and RCRA sites.

California Integrated Waste Management Board, April and May, 2001. Alternative Landfill Caps Seminar in San Diego, Ventura, and San Francisco. Focused on both prescriptive and innovative landfill cover design.

UCLA Department of Environmental Engineering, February 5, 2002. Seminar on Successful Remediation Technologies focusing on Groundwater Remediation.

University Of Washington, Soil Science Program, Teaching Assistant for several courses including: Soil Chemistry, Organic Soil Amendments, and Soil Stability.

U.C. Berkeley, Environmental Science Program Teaching Assistant for Environmental Science 10.

## **Academic Grants Awarded:**

California Integrated Waste Management Board. \$41,000 grant awarded to UCLA Institute of the Environment. Goal: To investigate effect of high carbon wood ash on volatile organic emissions from compost. 2001.

Synagro Technologies, Corona California: \$10,000 grant awarded to San Diego State University. Goal: investigate effect of biosolids for restoration and remediation of degraded coastal sage soils. 2000.

King County, Department of Research and Technology, Washington State. \$100,000 grant awarded to University of Washington: Goal: To investigate odor emissions from biosolids application and the effect of polymers and ash on VOC emissions. 1998.

Northwest Biosolids Management Association, Washington State. \$20,000 grant awarded to investigate effect of polymers and ash on VOC emissions from biosolids. 1997.

James River Corporation, Oregon: \$10,000 grant was awarded to investigate the success of genetically engineered Poplar trees with resistance to round-up. 1996.

United State Forest Service, Tahoe National Forest: \$15,000 grant was awarded to investigating fire ecology of the Tahoe National Forest. 1995.

Kellogg Foundation, Washington D.C. \$500 grant was awarded to construct a large anaerobic digester on St. Kitts in West Indies. 1993

## **Deposition and/or Trial Testimony:**

In the United States District Court For The District of New Jersey

Duarte et al, *Plaintiffs*, vs. United States Metals Refining Company et. al. *Defendant*.

Case No.: 2:17-cv-01624-ES-SCM

Rosenfeld Deposition. 6-7-2019

In the United States District Court of Southern District of Texas Galveston Division

M/T Carla Maersk, *Plaintiffs*, vs. Conti 168., Schiffahrts-GMBH & Co. Bulker KG MS “Conti Perdido”  
*Defendant*.

Case No.: 3:15-CV-00106 consolidated with 3:15-CV-00237

Rosenfeld Deposition. 5-9-2019

In The Superior Court of the State of California In And For The County Of Los Angeles – Santa Monica

Carole-Taddeo-Bates et al., vs. Ifran Khan et al., Defendants

Case No.: No. BC615636

Rosenfeld Deposition, 1-26-2019

In The Superior Court of the State of California In And For The County Of Los Angeles – Santa Monica

The San Gabriel Valley Council of Governments et al. vs El Adobe Apts. Inc. et al., Defendants

Case No.: No. BC646857

Rosenfeld Deposition, 10-6-2018; Trial 3-7-19

In United States District Court For The District of Colorado

Bells et al. Plaintiff vs. The 3M Company et al., Defendants

Case: No 1:16-cv-02531-RBJ

Rosenfeld Deposition, 3-15-2018 and 4-3-2018

In The District Court Of Regan County, Texas, 112<sup>th</sup> Judicial District

Phillip Bales et al., Plaintiff vs. Dow Agrosiences, LLC, et al., Defendants

Cause No 1923

Rosenfeld Deposition, 11-17-2017

In The Superior Court of the State of California In And For The County Of Contra Costa

Simons et al., Plaintiffs vs. Chevron Corporation, et al., Defendants

Cause No C12-01481

Rosenfeld Deposition, 11-20-2017

In The Circuit Court Of The Twentieth Judicial Circuit, St Clair County, Illinois

Martha Custer et al., Plaintiff vs. Cerro Flow Products, Inc., Defendants

Case No.: No. 0i9-L-2295

Rosenfeld Deposition, 8-23-2017

In The Superior Court of the State of California, For The County of Los Angeles

Warrn Gilbert and Penny Gilber, Plaintiff vs. BMW of North America LLC

Case No.: LC102019 (c/w BC582154)

Rosenfeld Deposition, 8-16-2017, Trail 8-28-2018

In the Northern District Court of Mississippi, Greenville Division

Brenda J. Cooper, et al., *Plaintiffs*, vs. Meritor Inc., et al., *Defendants*

Case Number: 4:16-cv-52-DMB-JVM

Rosenfeld Deposition: July 2017

In The Superior Court of the State of Washington, County of Snohomish  
Michael Davis and Julie Davis et al., Plaintiff vs. Cedar Grove Composting Inc., Defendants  
Case No.: No. 13-2-03987-5  
Rosenfeld Deposition, February 2017  
Trial, March 2017

In The Superior Court of the State of California, County of Alameda  
Charles Spain., Plaintiff vs. Thermo Fisher Scientific, et al., Defendants  
Case No.: RG14711115  
Rosenfeld Deposition, September 2015

In The Iowa District Court In And For Poweshiek County  
Russell D. Winburn, et al., Plaintiffs vs. Doug Hoksbergen, et al., Defendants  
Case No.: LALA002187  
Rosenfeld Deposition, August 2015

In The Iowa District Court For Wapello County  
Jerry Dovico, et al., Plaintiffs vs. Valley View Sine LLC, et al., Defendants  
Law No.: LALA105144 - Division A  
Rosenfeld Deposition, August 2015

In The Iowa District Court For Wapello County  
Doug Pauls, et al., et al., Plaintiffs vs. Richard Warren, et al., Defendants  
Law No.: LALA105144 - Division A  
Rosenfeld Deposition, August 2015

In The Circuit Court of Ohio County, West Virginia  
Robert Andrews, et al. v. Antero, et al.  
Civil Action NO. 14-C-30000  
Rosenfeld Deposition, June 2015

In The Third Judicial District County of Dona Ana, New Mexico  
Betty Gonzalez, et al. Plaintiffs vs. Del Oro Dairy, Del Oro Real Estate LLC, Jerry Settles and Deward  
DeRuyter, Defendants  
Rosenfeld Deposition: July 2015

In The Iowa District Court For Muscatine County  
Laurie Freeman et. al. Plaintiffs vs. Grain Processing Corporation, Defendant  
Case No 4980  
Rosenfeld Deposition: May 2015

In the Circuit Court of the 17<sup>th</sup> Judicial Circuit, in and For Broward County, Florida  
Walter Hinton, et. al. Plaintiff, vs. City of Fort Lauderdale, Florida, a Municipality, Defendant.  
Case Number CACE07030358 (26)  
Rosenfeld Deposition: December 2014

In the United States District Court Western District of Oklahoma  
Tommy McCarty, et al., Plaintiffs, v. Oklahoma City Landfill, LLC d/b/a Southeast Oklahoma City  
Landfill, et al. Defendants.  
Case No. 5:12-cv-01152-C  
Rosenfeld Deposition: July 2014

In the County Court of Dallas County Texas

Lisa Parr et al, *Plaintiff*, vs. Aruba et al, *Defendant*.

Case Number cc-11-01650-E

Rosenfeld Deposition: March and September 2013

Rosenfeld Trial: April 2014

In the Court of Common Pleas of Tuscarawas County Ohio

John Michael Abicht, et al., *Plaintiffs*, vs. Republic Services, Inc., et al., *Defendants*

Case Number: 2008 CT 10 0741 (Cons. w/ 2009 CV 10 0987)

Rosenfeld Deposition: October 2012

In the United States District Court of Southern District of Texas Galveston Division

Kyle Cannon, Eugene Donovan, Genaro Ramirez, Carol Sassler, and Harvey Walton, each Individually and on behalf of those similarly situated, *Plaintiffs*, vs. BP Products North America, Inc., *Defendant*.

Case 3:10-cv-00622

Rosenfeld Deposition: February 2012

Rosenfeld Trial: April 2013

In the Circuit Court of Baltimore County Maryland

Philip E. Cvach, II et al., *Plaintiffs* vs. Two Farms, Inc. d/b/a Royal Farms, Defendants

Case Number: 03-C-12-012487 OT

Rosenfeld Deposition: September 2013

## **EXHIBIT C**



Technical Consultation, Data Analysis and  
Litigation Support for the Environment

1640 5<sup>th</sup> St., Suite 204 Santa  
Santa Monica, California 90401  
Tel: (949) 887-9013  
Email: [mhagemann@swape.com](mailto:mhagemann@swape.com)

**Matthew F. Hagemann, P.G., C.Hg., QSD, QSP**

**Geologic and Hydrogeologic Characterization  
Industrial Stormwater Compliance  
Investigation and Remediation Strategies  
Litigation Support and Testifying Expert  
CEQA Review**

**Education:**

M.S. Degree, Geology, California State University Los Angeles, Los Angeles, CA, 1984.

B.A. Degree, Geology, Humboldt State University, Arcata, CA, 1982.

**Professional Certifications:**

California Professional Geologist

California Certified Hydrogeologist

Qualified SWPPP Developer and Practitioner

**Professional Experience:**

Matt has 25 years of experience in environmental policy, assessment and remediation. He spent nine years with the U.S. EPA in the RCRA and Superfund programs and served as EPA's Senior Science Policy Advisor in the Western Regional Office where he identified emerging threats to groundwater from perchlorate and MTBE. While with EPA, Matt also served as a Senior Hydrogeologist in the oversight of the assessment of seven major military facilities undergoing base closure. He led numerous enforcement actions under provisions of the Resource Conservation and Recovery Act (RCRA) while also working with permit holders to improve hydrogeologic characterization and water quality monitoring.

Matt has worked closely with U.S. EPA legal counsel and the technical staff of several states in the application and enforcement of RCRA, Safe Drinking Water Act and Clean Water Act regulations. Matt has trained the technical staff in the States of California, Hawaii, Nevada, Arizona and the Territory of Guam in the conduct of investigations, groundwater fundamentals, and sampling techniques.

Positions Matt has held include:

- Founding Partner, Soil/Water/Air Protection Enterprise (SWAPE) (2003 – present);
- Geology Instructor, Golden West College, 2010 – 2014;
- Senior Environmental Analyst, Komex H2O Science, Inc. (2000 -- 2003);

- Executive Director, Orange Coast Watch (2001 – 2004);
- Senior Science Policy Advisor and Hydrogeologist, U.S. Environmental Protection Agency (1989–1998);
- Hydrogeologist, National Park Service, Water Resources Division (1998 – 2000);
- Adjunct Faculty Member, San Francisco State University, Department of Geosciences (1993 – 1998);
- Instructor, College of Marin, Department of Science (1990 – 1995);
- Geologist, U.S. Forest Service (1986 – 1998); and
- Geologist, Dames & Moore (1984 – 1986).

**Senior Regulatory and Litigation Support Analyst:**

With SWAPE, Matt’s responsibilities have included:

- Lead analyst and testifying expert in the review of over 100 environmental impact reports since 2003 under CEQA that identify significant issues with regard to hazardous waste, water resources, water quality, air quality, Valley Fever, greenhouse gas emissions, and geologic hazards. Make recommendations for additional mitigation measures to lead agencies at the local and county level to include additional characterization of health risks and implementation of protective measures to reduce worker exposure to hazards from toxins and Valley Fever.
- Stormwater analysis, sampling and best management practice evaluation at industrial facilities.
- Manager of a project to provide technical assistance to a community adjacent to a former Naval shipyard under a grant from the U.S. EPA.
- Technical assistance and litigation support for vapor intrusion concerns.
- Lead analyst and testifying expert in the review of environmental issues in license applications for large solar power plants before the California Energy Commission.
- Manager of a project to evaluate numerous formerly used military sites in the western U.S.
- Manager of a comprehensive evaluation of potential sources of perchlorate contamination in Southern California drinking water wells.
- Manager and designated expert for litigation support under provisions of Proposition 65 in the review of releases of gasoline to sources drinking water at major refineries and hundreds of gas stations throughout California.
- Expert witness on two cases involving MTBE litigation.
- Expert witness and litigation support on the impact of air toxins and hazards at a school.
- Expert witness in litigation at a former plywood plant.

With Komex H2O Science Inc., Matt’s duties included the following:

- Senior author of a report on the extent of perchlorate contamination that was used in testimony by the former U.S. EPA Administrator and General Counsel.
- Senior researcher in the development of a comprehensive, electronically interactive chronology of MTBE use, research, and regulation.
- Senior researcher in the development of a comprehensive, electronically interactive chronology of perchlorate use, research, and regulation.
- Senior researcher in a study that estimates nationwide costs for MTBE remediation and drinking water treatment, results of which were published in newspapers nationwide and in testimony against provisions of an energy bill that would limit liability for oil companies.
- Research to support litigation to restore drinking water supplies that have been contaminated by MTBE in California and New York.



- Expert witness testimony in a case of oil production-related contamination in Mississippi.
- Lead author for a multi-volume remedial investigation report for an operating school in Los Angeles that met strict regulatory requirements and rigorous deadlines.

- Development of strategic approaches for cleanup of contaminated sites in consultation with clients and regulators.

### **Executive Director:**

As Executive Director with Orange Coast Watch, Matt led efforts to restore water quality at Orange County beaches from multiple sources of contamination including urban runoff and the discharge of wastewater. In reporting to a Board of Directors that included representatives from leading Orange County universities and businesses, Matt prepared issue papers in the areas of treatment and disinfection of wastewater and control of the discharge of grease to sewer systems. Matt actively participated in the development of countywide water quality permits for the control of urban runoff and permits for the discharge of wastewater. Matt worked with other nonprofits to protect and restore water quality, including Surfrider, Natural Resources Defense Council and Orange County CoastKeeper as well as with business institutions including the Orange County Business Council.

### **Hydrogeology:**

As a Senior Hydrogeologist with the U.S. Environmental Protection Agency, Matt led investigations to characterize and cleanup closing military bases, including Mare Island Naval Shipyard, Hunters Point Naval Shipyard, Treasure Island Naval Station, Alameda Naval Station, Moffett Field, Mather Army Airfield, and Sacramento Army Depot. Specific activities were as follows:

- Led efforts to model groundwater flow and contaminant transport, ensured adequacy of monitoring networks, and assessed cleanup alternatives for contaminated sediment, soil, and groundwater.
- Initiated a regional program for evaluation of groundwater sampling practices and laboratory analysis at military bases.
- Identified emerging issues, wrote technical guidance, and assisted in policy and regulation development through work on four national U.S. EPA workgroups, including the Superfund Groundwater Technical Forum and the Federal Facilities Forum.

At the request of the State of Hawaii, Matt developed a methodology to determine the vulnerability of groundwater to contamination on the islands of Maui and Oahu. He used analytical models and a GIS to show zones of vulnerability, and the results were adopted and published by the State of Hawaii and County of Maui.

As a hydrogeologist with the EPA Groundwater Protection Section, Matt worked with provisions of the Safe Drinking Water Act and NEPA to prevent drinking water contamination. Specific activities included the following:

- Received an EPA Bronze Medal for his contribution to the development of national guidance for the protection of drinking water.
- Managed the Sole Source Aquifer Program and protected the drinking water of two communities through designation under the Safe Drinking Water Act. He prepared geologic reports, conducted public hearings, and responded to public comments from residents who were very concerned about the impact of designation.

- Reviewed a number of Environmental Impact Statements for planned major developments, including large hazardous and solid waste disposal facilities, mine reclamation, and water transfer.

Matt served as a hydrogeologist with the RCRA Hazardous Waste program. Duties were as follows:

- Supervised the hydrogeologic investigation of hazardous waste sites to determine compliance with Subtitle C requirements.
- Reviewed and wrote "part B" permits for the disposal of hazardous waste.
- Conducted RCRA Corrective Action investigations of waste sites and led inspections that formed the basis for significant enforcement actions that were developed in close coordination with U.S. EPA legal counsel.
- Wrote contract specifications and supervised contractor's investigations of waste sites.

With the National Park Service, Matt directed service-wide investigations of contaminant sources to prevent degradation of water quality, including the following tasks:

- Applied pertinent laws and regulations including CERCLA, RCRA, NEPA, NRDA, and the Clean Water Act to control military, mining, and landfill contaminants.
- Conducted watershed-scale investigations of contaminants at parks, including Yellowstone and Olympic National Park.
- Identified high-levels of perchlorate in soil adjacent to a national park in New Mexico and advised park superintendent on appropriate response actions under CERCLA.
- Served as a Park Service representative on the Interagency Perchlorate Steering Committee, a national workgroup.
- Developed a program to conduct environmental compliance audits of all National Parks while serving on a national workgroup.
- Co-authored two papers on the potential for water contamination from the operation of personal watercraft and snowmobiles, these papers serving as the basis for the development of nation-wide policy on the use of these vehicles in National Parks.
- Contributed to the Federal Multi-Agency Source Water Agreement under the Clean Water Action Plan.

### **Policy:**

Served senior management as the Senior Science Policy Advisor with the U.S. Environmental Protection Agency, Region 9. Activities included the following:

- Advised the Regional Administrator and senior management on emerging issues such as the potential for the gasoline additive MTBE and ammonium perchlorate to contaminate drinking water supplies.
- Shaped EPA's national response to these threats by serving on workgroups and by contributing to guidance, including the Office of Research and Development publication, *Oxygenates in Water: Critical Information and Research Needs*.
- Improved the technical training of EPA's scientific and engineering staff.
- Earned an EPA Bronze Medal for representing the region's 300 scientists and engineers in negotiations with the Administrator and senior management to better integrate scientific principles into the policy-making process.
- Established national protocol for the peer review of scientific documents.

### **Geology:**

With the U.S. Forest Service, Matt led investigations to determine hillslope stability of areas proposed for timber harvest in the central Oregon Coast Range. Specific activities were as follows:

- Mapped geology in the field, and used aerial photographic interpretation and mathematical models to determine slope stability.
- Coordinated his research with community members who were concerned with natural resource protection.
- Characterized the geology of an aquifer that serves as the sole source of drinking water for the city of Medford, Oregon.

As a consultant with Dames and Moore, Matt led geologic investigations of two contaminated sites (later listed on the Superfund NPL) in the Portland, Oregon, area and a large hazardous waste site in eastern Oregon. Duties included the following:

- Supervised year-long effort for soil and groundwater sampling.
- Conducted aquifer tests.
- Investigated active faults beneath sites proposed for hazardous waste disposal.

### **Teaching:**

From 1990 to 1998, Matt taught at least one course per semester at the community college and university levels:

- At San Francisco State University, held an adjunct faculty position and taught courses in environmental geology, oceanography (lab and lecture), hydrogeology, and groundwater contamination.
- Served as a committee member for graduate and undergraduate students.
- Taught courses in environmental geology and oceanography at the College of Marin.

Matt taught physical geology (lecture and lab and introductory geology at Golden West College in Huntington Beach, California from 2010 to 2014.

### **Invited Testimony, Reports, Papers and Presentations:**

**Hagemann, M.F.**, 2008. Disclosure of Hazardous Waste Issues under CEQA. Presentation to the Public Environmental Law Conference, Eugene, Oregon.

**Hagemann, M.F.**, 2008. Disclosure of Hazardous Waste Issues under CEQA. Invited presentation to U.S. EPA Region 9, San Francisco, California.

**Hagemann, M.F.**, 2005. Use of Electronic Databases in Environmental Regulation, Policy Making and Public Participation. Brownfields 2005, Denver, Colorado.

**Hagemann, M.F.**, 2004. Perchlorate Contamination of the Colorado River and Impacts to Drinking Water in Nevada and the Southwestern U.S. Presentation to a meeting of the American Groundwater Trust, Las Vegas, NV (served on conference organizing committee).

**Hagemann, M.F.**, 2004. Invited testimony to a California Senate committee hearing on air toxins at schools in Southern California, Los Angeles.

Brown, A., Farrow, J., Gray, A. and **Hagemann, M.**, 2004. An Estimate of Costs to Address MTBE Releases from Underground Storage Tanks and the Resulting Impact to Drinking Water Wells. Presentation to the Ground Water and Environmental Law Conference, National Groundwater Association.

**Hagemann, M.F.**, 2004. Perchlorate Contamination of the Colorado River and Impacts to Drinking Water in Arizona and the Southwestern U.S. Presentation to a meeting of the American Groundwater Trust, Phoenix, AZ (served on conference organizing committee).

**Hagemann, M.F.**, 2003. Perchlorate Contamination of the Colorado River and Impacts to Drinking Water in the Southwestern U.S. Invited presentation to a special committee meeting of the National Academy of Sciences, Irvine, CA.

**Hagemann, M.F.**, 2003. Perchlorate Contamination of the Colorado River. Invited presentation to a tribal EPA meeting, Pechanga, CA.

**Hagemann, M.F.**, 2003. Perchlorate Contamination of the Colorado River. Invited presentation to a meeting of tribal representatives, Parker, AZ.

**Hagemann, M.F.**, 2003. Impact of Perchlorate on the Colorado River and Associated Drinking Water Supplies. Invited presentation to the Inter-Tribal Meeting, Torres Martinez Tribe.

**Hagemann, M.F.**, 2003. The Emergence of Perchlorate as a Widespread Drinking Water Contaminant. Invited presentation to the U.S. EPA Region 9.

**Hagemann, M.F.**, 2003. A Deductive Approach to the Assessment of Perchlorate Contamination. Invited presentation to the California Assembly Natural Resources Committee.

**Hagemann, M.F.**, 2003. Perchlorate: A Cold War Legacy in Drinking Water. Presentation to a meeting of the National Groundwater Association.

**Hagemann, M.F.**, 2002. From Tank to Tap: A Chronology of MTBE in Groundwater. Presentation to a meeting of the National Groundwater Association.

**Hagemann, M.F.**, 2002. A Chronology of MTBE in Groundwater and an Estimate of Costs to Address Impacts to Groundwater. Presentation to the annual meeting of the Society of Environmental Journalists.

**Hagemann, M.F.**, 2002. An Estimate of the Cost to Address MTBE Contamination in Groundwater (and Who Will Pay). Presentation to a meeting of the National Groundwater Association.

**Hagemann, M.F.**, 2002. An Estimate of Costs to Address MTBE Releases from Underground Storage Tanks and the Resulting Impact to Drinking Water Wells. Presentation to a meeting of the U.S. EPA and State Underground Storage Tank Program managers.

**Hagemann, M.F.**, 2001. From Tank to Tap: A Chronology of MTBE in Groundwater. Unpublished report.

**Hagemann, M.F.**, 2001. Estimated Cleanup Cost for MTBE in Groundwater Used as Drinking Water. Unpublished report.

**Hagemann, M.F.**, 2001. Estimated Costs to Address MTBE Releases from Leaking Underground Storage Tanks. Unpublished report.

**Hagemann, M.F.**, and VanMouwerik, M., 1999. Potential Water Quality Concerns Related to Snowmobile Usage. Water Resources Division, National Park Service, Technical Report.

VanMouwerik, M. and **Hagemann, M.F.** 1999, Water Quality Concerns Related to Personal Watercraft Usage. Water Resources Division, National Park Service, Technical Report.

**Hagemann, M.F.**, 1999, Is Dilution the Solution to Pollution in National Parks? The George Wright Society Biannual Meeting, Asheville, North Carolina.

**Hagemann, M.F.**, 1997, The Potential for MTBE to Contaminate Groundwater. U.S. EPA Superfund Groundwater Technical Forum Annual Meeting, Las Vegas, Nevada.

**Hagemann, M.F.**, and Gill, M., 1996, Impediments to Intrinsic Remediation, Moffett Field Naval Air Station, Conference on Intrinsic Remediation of Chlorinated Hydrocarbons, Salt Lake City.

**Hagemann, M.F.**, Fukunaga, G.L., 1996, The Vulnerability of Groundwater to Anthropogenic Contaminants on the Island of Maui, Hawaii. Hawaii Water Works Association Annual Meeting, Maui, October 1996.

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**Other Experience:**

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