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September 21, 2021

CC Date: 10-5-21

Via Email (city_clerk@riversideca.gov)

Honorable City Council
City of Riverside
City Hall - Art Pick Council Chamber
3900 Main Street
Riverside, CA 92522

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

Honorable Councilmembers:

On behalf of Citizens United for Resources and the Environment (“CURE”), we provide the following comments regarding the alternatives analysis contained in the draft environmental impact report (“DEIR”) prepared for the City of Riverside’s 2021-2029 Housing Element Update. CURE is a 501(c)(3) 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.¹

The DEIR for the City’s 2021-2029 Housing Element Update includes several alternatives to the proposed Housing Element. Alternative 1 is the “No Project Alternative”, which makes no changes to the 2025 General Plan or 2014-2021 Housing Element. Alternatives 2 and 3 include the same level of growth as the proposed Project,

¹ 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.

an approximately 60 percent increase above what is required by the Regional Housing Needs Assessment (“RHNA”), but with housing dispersed throughout the City in different manners. The final alternative is Alternative 4; this alternative updates the Housing Element to include additional opportunity sites capable of providing the RHNA allocation of 18,458 housing units without the massive exceedance of RHNA included in the other alternatives. Alternative 4 was designed to comply with SCAG’s 2020-2045 Regional Transportation Plan and Sustainable Communities Strategy. (DEIR p. 4-24.)

The DEIR is intended to provide the City with a brief assessment of these alternatives, focusing on whether the alternatives could reduce or eliminate any of the Project’s significant adverse impacts. (CEQA Guidelines § 15126.6, subd. (a).) However, the DEIR does not ultimately determine which alternative should be approved. It is the City Council’s responsibility to make that determination, but the Council must follow the substantive mandate of CEQA that prohibits the approval of a project that would have significant and unavoidable impacts if there is a feasible alternative that would eliminate or substantially lessen any of the project’s significant 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.) Before approving a project with any significant adverse impact, the Council must make written findings that there are no feasible alternatives that would eliminate or substantially lessen any of those impacts. Pub. Resources Code § 21081, subds. (a)(3), (b); CEQA Guidelines §§ 15091, 15093, subd. (c).) If the finding cannot be made, the project cannot be approved as proposed.

Here, the DEIR acknowledges the proposed 2021-2029 Housing Element would have significant and unavoidable air quality, greenhouse gas, noise, population and transportation impacts. (DEIR p. 4-2.) Alternative 4 would eliminate the significant adverse population impacts and would also reduce the Project’s air quality, greenhouse gas, noise and transportation impacts. (Attached DEIR alternatives matrix; DEIR p. 4-28, 4-32.) Alternative 4 also would not result in any additional significant adverse impacts, thus due to its elimination of one significant impact and a reduction in a number of others, it is environmentally superior to the Project and cannot be rejected unless the City Council finds it to be infeasible. (*County of San Diego v. Grossmont-Cuyamaca Community College Dist.* (2006) 141 Cal.App.4th 86, 98-100.)

The DEIR claims the land use impacts of Alternative 4 would be greater than under the Project, although still not significant. (DEIR p. 4-27 to 4-28.) As the impact would remain less than significant, this claim is not a valid basis for rejecting Alternative 4. Moreover, the DEIR contains conflicting information regarding this issue. Alternative 4 was designed to comply with the 2020-2045 RTP/SCS (DEIR p. 4-24), but the DEIR claims, without evidentiary support, that this alternative would have greater land use impacts because it would not meet the goals of this plan as effectively as the Project (DEIR p. 4-27 to 4-28). However, the DEIR also acknowledges that the Project would

“substantially exceed the population and housing projections used in the 2020–2045 RTP/SCS” and that Alternative 4 would be more consistent with the 2020-2045 RTP/SCS projections. (DEIR p. 4-24.) Thus, the DEIR’s claim that Alternative 4 would have greater, but still less than significant, land use impact is not only irrelevant to the determination to be made by the Council, but it is also unsupported.

In determining whether Alternative 4 is feasible, the relevant considerations are whether it is economically feasible and whether it can meet the majority of the project objectives. While there was no economic analysis prepared, the DEIR alternatives matrix found that Alternative 4 would meet the project objectives. (DEIR p. 4-32; see also DEIR p. 4-3.) Under CEQA, it is up to the Council to determine the ultimate feasibility of an alternative, however, that determination must be supported by substantial evidence. The information contained within the DEIR provides substantial evidence that Alternative 4 is a feasible and less impactful alternative to the proposed Project.

For the reasons set forth herein and in previous letters submitted by CURE, we urge the City Council to adopt the less impactful Alternative 4 instead of the proposed Project.

Thank you for your time and consideration in this matter.

Sincerely,



Amy Minter

cc Mayor
City Council
City Manager
City Attorney
ACMs
C&ED Director

Enclosure

cc: Phaedra Norton, Riverside City Attorney (pnorton@riversideca.gov)

Table 4-1. Summary of Comparison of Impacts for the Project and Its Alternatives

Environmental Issue Area	Project	Alternative 1 No Project	Alternative 2 Dispersed Growth Alternative	Alternative 3 Focused Growth Alternative	Alternative 4 Limited Opportunity Sites Alternative
Air Quality	Significant	Significant, Reduced Impact Compared to Project	Significant, Similar Impact Compared to Project	Significant, Reduced Impact Compared to Project	Significant, Reduced Impact Compared to Project
Biological Resources	Less than Significant with Mitigation	Less than Significant, Reduced Impact Compared to Project	Less than Significant, Greater Impact Compared to Project	Less than Significant, Reduced Impact Compared to Project	Less than Significant, Reduced Impact Compared to Project
Cultural and Tribal Cultural Resources	Less than Significant with Mitigation	Less than Significant, Reduced Impact Compared to Project	Less than Significant, Greater Impact Compared to Project	Less than Significant, Reduced Impact Compared to Project	Less than Significant, Reduced Impact Compared to Project
Paleontological Resources	Less than Significant with Mitigation	Less than Significant with Mitigation, Reduced Impact Compared to Project	Less than Significant with Mitigation, Greater Impact Compared to Project	Less than Significant with Mitigation, Reduced Impact Compared to Project	Less than Significant with Mitigation, Reduced Impact Compared to Project
Greenhouse Gas Emissions	Significant	Significant, Reduced Impact Compared to Project	Significant, Greater Impact Compared to Project	Significant, Reduced Impact Compared to Project	Significant, Reduced Impact Compared to Project
Hazards and Hazardous Materials	Less than Significant with Mitigation	Less than Significant with Mitigation, Reduced Impact Compared to Project	Less than Significant with Mitigation, Similar Impact Compared to Project	Less than Significant with Mitigation, Similar Impact Compared to Project	Less than Significant with Mitigation, Similar Impact Compared to Project
Land Use and Planning	Less than Significant	Less than Significant, Greater Impact Compared to Project with No Beneficial Effects	Less than Significant, Similar Impact Compared to Project	Less than Significant, Similar Impact Compared to Project	Less than Significant, Greater Impact Compared to Project
Noise	Significant	Significant, Reduced Impact Compared to Project	Significant, Similar Impact Compared to Project	Significant, Similar Impact Compared to Project	Significant, Reduced Impact Compared to Project

Environmental Issue Area	Project	Alternative 1 No Project	Alternative 2 Dispersed Growth Alternative	Alternative 3 Focused Growth Alternative	Alternative 4 Limited Opportunity Sites Alternative
Population and Housing	Significant	Less than Significant, Reduced Impact Compared to Project with No Beneficial Effects	Significant, Similar Impact Compared to Project	Significant, Similar Impact Compared to Project	Less than Significant, Reduced Compared to Project
Public Services	Less than Significant	Less than Significant, Reduced Impact Compared to Project with No Beneficial Effects	Less than Significant, Similar Impact Compared to Project	Less than Significant, Similar Impact Compared to Project	Less than Significant, Reduced Impact Compared to Project
Parks and Recreation	Less than Significant	Reduced Impacts Compared to Project but No Beneficial Effects	Less than Significant, Similar Impact Compared to Project	Less than Significant, Greater Impact Compared to Project	Less than Significant, Similar Impact Compared to Project
Transportation	Significant	Significant, Greater Impact Compared to Project	Significant, Greater Impact Compared to Project	Significant, Reduced Impact Compared to Project	Significant, Similar Impact Compared to Project
Utilities and Service Systems	Less than Significant	Less than Significant, Reduced Impact Compared to Project	Less than Significant, Similar Impact Compared to Project	Less than Significant, Similar Impact Compared to Project	Less than Significant, Reduced Impact Compared to Project
Meets Project Objectives?	Yes	No	Yes	Yes	Yes

From: doug shumway <boatroper@sbcglobal.net>
Sent: Wednesday, August 11, 2021 1:05 PM
To: Edwards, Erin <EEwards@riversideca.gov>
Subject: Re: [External] Rezoning

Not one of them sounds good for the city I grew up in. You were not raised here and are not from here (Chicago correct?) It sounds like making a bigger mess than what our city is in currently. We are not a big city and don't want to compress more people into it creating more problems. Since you are not from here let me explain...OUR CITY LOOKS REALLY BAD!. Don't vote on making it worse.

Thank you

The Shumway Family

Sent from my iPhone

> On Aug 11, 2021, at 9:56 AM, Edwards, Erin <EEwards@riversideca.gov> wrote:

>

> Dear Doug,

> Thank you for your comment:

>

> The opportunity sites are listed on page 29 (figure ES2) in the linked document below.

>

https://riversideca.gov/cedd/sites/riversideca.gov/cedd/files/pdf/planning/2021/Housing_Element/Draft_EIR_Vol1_07_19_21.pdf

>

> There are many sites being proposed. Are there any specific sites to which you object?

> I hope you are well,

> -Erin

>

>

> -----Original Message-----

> From: doug shumway <boatroper@sbcglobal.net>

> Sent: Wednesday, August 11, 2021 7:29 AM

> To: Edwards, Erin <EEwards@riversideca.gov>

> Subject: [External] Rezoning

>

> Erin, this family is against the rezoning opportunity areas that is being proposed. I know you didn't grow up in Riverside but we did! Getting a little tired of this council trying to change our city for the worse.

> Sincerely

> The Shumway household

>

> Sent from my iPhone

cc Mayor
City Council
City Manager
City Attorney
ACMs
C&ED Director