

From: Bob Buster <bobbuster@att.net>
Sent: Tuesday, April 22, 2025 10:32 AM
To: CityClerkMbx <City_Clerk@riversideca.gov>
Subject: [EXTERNAL] Brown Act Violation by Council on Agenda Item

City Clerk, Please distribute to City Attorney, Mayor and Council, City Manager and Case Sr Planner Eguez the attached Facebook message we think constitutes a Brown Act violation. Thank you, Bob Buster; <bobbuster@att.net> (951) 314-0201

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Councilmember Sean Mill - Ward 5

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Intro

Page · Government Official

3900 Main St., Riverside, CA, United States, California

(951) 826-5328

Ward5@riversideca.gov


councilmembermill

canva.com/design/DAGjg9RmNlg/MyMCOUeWljN4-_cLCkYw/view?utm_content=DAGjg9RmNlg&utm_campaign=designshare&utm_medium=link2&utm

Councilmember Sean Mill - Ward 5

16h ·

Following my conversation with Warmington Residential regarding the proposed development at La Sierra and Victoria they have decided to pull the item from tomorrow's agenda. There will be no vote on building 49 homes at that site.



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Subject: FW: [EXTERNAL] PR2024-001656

From: Charlie & Julie <cjbow@sbcglobal.net>
Sent: Sunday, April 20, 2025 5:36 PM
To: 2Mayor <2MAYOR@riversideca.gov>
Subject: [EXTERNAL] PR2024-001656

Dear Mayor Lock Dawson,

As a resident of the Greenbelt before it was even designated as such, I am sad to see that the Council is even considering putting 49 homes on a plot under 10 acres. Surely you recognize that this is 25 times the density intended for this beautiful and historic area of our city!

As the mayor, you are familiar with the traffic issues plaguing Riverside streets. Stop signs and signals have multiplied on Victoria Avenue since I moved here in 1976 – a recognition that this divided street is not just a thoroughfare, but a beautiful scenic drive to be enjoyed and savored safely. And yet, the Council is considering putting a minimum of 49 more vehicles (98 + is more likely) onto a road Riverside deemed significant enough to have listed in the National Register of Historic Places?!

Voters approved the Greenbelt in an effort to preserve Riverside's citrus history, recognizing that, if this wasn't put in place, trees would be replaced with buildings. It is ironic that only 3 miles from this corner is the California Citrus Park. Wouldn't it be great if Riverside honored this industry, our history, and the voters' intentions by refusing to allow this project? I understand that the owner of the grove may want to stop farming, but he should be limited to the 2 homes allowed by the Greenbelt rules established for just this situation.

Please encourage our councilmen and councilwoman to vote NO on this project.

Sincerely,
Julie Bow

Subject: FW: [EXTERNAL] Concerned

From: Amy Brambila <brambi@sbcglobal.net>

Sent: Monday, April 21, 2025 6:36 PM

To: Eguez, Judy <JEguez@riversideca.gov>

Subject: [EXTERNAL] Concerned

CAUTION: This email originated from outside the City of Riverside. It was not sent by any City official or staff. Use caution when opening attachments or links.

No, on building the additional 49 homes on Victoria.
Sent from my iPhone

Subject: FW: [EXTERNAL] Project APN 136-220-016 Case # PR-2024-001656

From: Anna Gaissert <gaissertanna@gmail.com>
Sent: Tuesday, April 22, 2025 9:39 AM
To: Eguez, Judy <JEguez@riversideca.gov>
Subject: Re: [EXTERNAL] Project APN 136-220-016 Case # PR-2024-001656

Thank you, Judy! I appreciate the clarification. I had been hearing that the time had shifted to 1pm, so it's good to know that it's actually been tabled.

I'm sharing my public comment I below. It includes several questions I don't have the answers to, but figure you might. If speaking over the phone would be easier, my number is 508-361-7060. I'd be happy to give you a call if you have some time to spare.

Best,
Anna

Good afternoon Mayor Locke Dawson and City Council Members,

My name is Anna Gaissert and I'd like to comment on Item #, the La Sierra/Victoria Development. I live off of Victoria Avenue in Ward 4 with my husband. I support new residential construction that adds to our City's housing stock, but oppose building that does not forward the commitments and objectives of the Housing, Public Safety and Environmental Justice Elements of the City's General Plan.

Riverside's Housing Element promotes housing for all income levels to address the state's housing crisis. Its Public Safety Element seeks to protect residents from and reduce the risk of natural and human-made hazards. Its Environmental Justice Element outlines the necessity of public engagement and providing community members with opportunities to participate in decisions that affect their environment and health.

I'll speak to each Element and will do so quickly because I have a lot to say.

First, the Housing Element:

Affordable housing is urgently needed. To date, construction of new housing inventory in the City has skewed toward moderate and above moderate income levels, leaving our extremely low, very low and low income level populations—including seniors, disabled residents, and low-wage workers—underserved. In addition to being a humanitarian issue, meeting the needs of all income levels is critical to Riverside's social and economic health. I acknowledge and applaud that there will be 3 affordable units in the proposed development, but that is not enough. Furthermore, the HOA fee in a market-rate community of 49 units with only 3 affordable units raises concerns. If the 3 affordable units are burdened with the same ongoing HOA fees as their market-rate counterparts, these so called "affordable" units

would be affordable in name only, paying lip service to our most vulnerable, but not delivering for them. Will the HOA subsidize fees for the homeowners of the 3 affordable units?

Second, the Public Safety Element:

The conditions of approval for the project were issued prior to the devastating fires in LA and bear revisiting knowing what we do today. Before the fires touched LA, many of us in Southern California could not imagine such destruction in an urban area. Now we are under no illusion: urban planning must anticipate and proactively protect against hazards and disaster. Loosening building codes to accelerate new construction, as has been proposed in LA, is not the answer. Instead, we must raise the standard, orienting ourselves toward the future rather than the past. According to CalFire, the development is adjacent to a Very High Fire Hazard Severity Zone. It is worth noting that if these 49 units are not equipped to resist a fire, those paying the price for the resulting toxic pollution will be Riversiders, not the developer. If a fire were to occur in the development, are there enough exit routes for the community to escape or will bottlenecking occur?

Third and last, the Environmental Justice Element:

In the housing shortage, the most affected Riversiders are low income households, many of whom do not have the privilege of being able to attend a 1pm/3pm meeting on a workday. Treating these members of our community as an integral part of the conversation rather an afterthought is essential to delivering on the Environmental Justice Element's promise of protecting vulnerable populations.

Thank you for your time.

Subject:

FW: [EXTERNAL] Victoria ave

From: Eleny Mota <elenymota@icloud.com>
Sent: Saturday, April 19, 2025 6:03 PM
To: CallCenter <CallCenter@riversideca.gov>
Subject: [EXTERNAL] Victoria ave

It isn't right to destroy greenbelt and Victoria avenue for your selfish desires to make more homes.
Save Victoria Ave.

Subject: FW: [EXTERNAL] Oppose violation of Prop R and Measure C - Victoria Ave Development

From: Jose Valdez <jval1349@gmail.com>

Sent: Monday, April 21, 2025 1:31 PM

To: Falcone, Philip <PFalcone@riversideca.gov>; Cervantes, Clarissa <CCervantes@riversideca.gov>; Robillard, Steven <SRobillard@riversideca.gov>; Conder, Chuck <CConder@riversideca.gov>; Mill, Sean <SMill@riversideca.gov>; Perry, Jim <JPerry@riversideca.gov>; Hemenway, Steve <SHemenway@riversideca.gov>; Eguez, Judy <JEguez@riversideca.gov>; inlandeditors@scng.com; kguimarin@scng.com; tharmonson@scng.com; mcannontran@scng.com; mhart@scng.com; jhorseman@scng.com; byarbrough@scng.com; 2Mayor <2MAYOR@riversideca.gov>

Subject: [EXTERNAL] Oppose violation of Prop R and Measure C - Victoria Ave Development

Hello Elected Council,

I respectfully urge you to oppose any actions, including those outlined in Case Number PR2024-001656, that would violate the intent and protections established by Proposition R and Measure C, which have preserved Riverside's greenbelt for over thirty years through voter mandate. Regardless of SB 9 and SB 10, the zoning in question remains protected by local measures enacted by the will of the people. I ask that you act in the best interest of the constituents you serve and reject any proposal that would compromise this longstanding community legacy. Granting exceptions would set a dangerous precedent, threatening to dismantle decades of deliberate and democratically supported preservation efforts. The residents of this city do not support the degradation of this critical and historic green space.

- Proud Resident, Mr. Valdez

Subject:

FW: [EXTERNAL] In support of

From: Lynn Heatley <lynn@thrivingcities.org>

Sent: Thursday, April 17, 2025 2:58 PM

To: Equez, Judy <JEquez@riversideca.gov>

Subject: [EXTERNAL] In support of

Dear Judy

I am in support of the 49 proposed homes to go in at La Sierra and Victoria Avenue. We need housing.

Thank you,

Lynn Heatley

Ward 3 Resident

Lynn Heatley

Love Riverside Director

lynn@thrivingcities.org

Info@loveriverside.org

(951) 374-0807 message line

CC Date: 4-22-25
Item No.: 26

Subject:

[EXTERNAL] Housing projects on La Sierra Ave.

From: Marvin Cox <mcox5476@gmail.com>

Sent: Monday, April 21, 2025 10:48 PM

To: Eguez, Judy <JEguez@riversideca.gov>

Subject: [EXTERNAL] Housing projects on La Sierra Ave.

I am concerned about the additional traffic these projects will bring to the area and maintaining the historic Victoria Ave.

Subject: FW: YIMBY to Victoria Ave. Homes

From: Paul Vo <khoapaulvo@hotmail.com>

Sent: Saturday, April 19, 2025 3:30 PM

To: Falcone, Philip <PFalcone@riversideca.gov>; Cervantes, Clarissa <CCervantes@riversideca.gov>; Robillard, Steven <SRobillard@riversideca.gov>; Conder, Chuck <CConder@riversideca.gov>; Mill, Sean <SMill@riversideca.gov>; Perry, Jim <JPerry@riversideca.gov>; Hemenway, Steve <SHemenway@riversideca.gov>

Cc: Eguez, Judy <JEguez@riversideca.gov>

Subject: [EXTERNAL] YIMBY to Victoria Ave. Homes

Hello,

I was recently informed that Warmington Residential was planning on building new homes on Victoria Ave.

I would hope that each of you votes YES to allow construction of the homes on that lot. This region is in serious need of housing, and there needs to be additional supply to allow housing prices to come down. We cannot continue to be like the rest of California and have unnecessary restrictions that prevent housing from being built.

Thank you.

Paul Vo

khoapaulvo@hotmail.com

Subject:

FW: housing project on vitoria ave

From: jenny scalise.gs <jenny@scalise.gs>**Sent:** Saturday, April 19, 2025 2:32 AM**To:** CityClerkMbx <City_Clerk@riversideca.gov>**Subject:** [EXTERNAL] housing project on vitoria ave

Dear Donesia Gause,

I am very concerned and opposed to the housing track on Victoria Ave and La Sierra. This street has been preserved for the historicalness and beauty of it. Zoning and laws were put in to keep from happening, just what the city council of this era seems to think is ok. You are the reason this was put into effect. Riverside has made a lot of near mistakes in the past, such as the Mission Inn almost being torn down in the 1960s. We all know what is thought of Ben Swig and his mess of it. This would fall into that category of a huge mistake. It would open up the flood gate for other developments to take advantage. It's bad enough the city does not help to save orange groves for their beauty and history (Redlands does). Keep it as it is. Seems former leaders were much more informed and educated about what a historical city needs.

Sincerely,
Jennifer Jarrard

Subject:

FW: Public Comment

From: Young, Kathy <KYoung@riversideca.gov>

Sent: Monday, April 21, 2025 5:12 PM

To: CityClerkMbx <City_Clerk@riversideca.gov>

Subject: Public Comment

Greetings,

Mr. Kenny Tran called our office to state his opposition to the Victoria Ave./La Sierra project.

Thank you,



Kathy Young

Administrative Analyst

City of Riverside | Office of the Mayor

Main: (951) 826-5551

Direct: (951) 826-5686

RiversideCA.gov

*****Please note, the use of Mayor Lock Dawson's name/image, is not permitted on any promotional materials without approval from the Mayor's Office.*****

To: Aguilar-Crunk, Nancy
Subject: FW: Public Comment PR2024--001656
Attachments: 44F48418-9FE8-4D9A-8FCE-7A2974BB7093.WAV

Caller name: Dustin

PH: 9512051945

RE: Will not be able to attend meeting but requests a 'no' vote on Item No. 26 – Planning Case PR-2024-001656

Thank you,

From: CityClerkMbx <City_Clerk@riversideca.gov>
Sent: Monday, April 21, 2025 10:18 AM
To: Aguilar-Crunk, Nancy <NCrunk@riversideca.gov>
Cc: Verduco, Lorena <LVerduco@riversideca.gov>; Arseo, Eva <EArseo@riversideca.gov>
Subject: Fw: Public Comment PR2024--001656

From: Montgomery, Neyamavu <NMontgomery@riversideca.gov>
Sent: Monday, April 21, 2025 4:38 PM
To: CityClerkMbx <City_Clerk@riversideca.gov>
Subject: Public Comment PR2024--001656

Public Comment: PR2024--001656

4-
Neyamavu Montgomery
Administrative Assistant
City of Riverside|Office of the Mayor
Direct: 951.826.5551
Email: nmontgomery@riversideca.gov
RiversideCA.gov

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

From: O365Voicemail <O365Voicemail@riversideca.gov>
Sent: Monday, April 21, 2025 8:55 AM
To: Montgomery, Neyamavu <NMontgomery@riversideca.gov>
Subject: Voice Message from [External] Tel: 9512051945

Sender's comments are located in WAV file at end of message.
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RiversideCA.gov/Connect. <<http://www.riversideca.gov/connect>>

Subject:

FW: Item 26

From: Sater, Irene <ISater@riversideca.gov>

Sent: Monday, April 21, 2025 10:08 AM

To: Aguilar-Crunk, Nancy <NCrunk@riversideca.gov>

Cc: Arseo, Eva <EArseo@riversideca.gov>; Verduco, Lorena <LVerduco@riversideca.gov>

Subject: Item 26

Good morning,

City Clerk's office received a call from constituent Laura Adams (951) 780-3027 ,
Voting no on Item 26 Case PR-2024-001656.

Thank you,

Irene Sater

Office of City Clerk

3900 Main St.

Riverside, CA 92522

(951)826-5557

ISater@riversideca.gov

Subject:

FW: [EXTERNAL] NO VOTE on Case PR2024-001656

From: rrr.lasierra@gmail.com <rrr.lasierra@gmail.com>

Sent: Saturday, April 19, 2025 7:58 PM

To: CityClerkMbx <City_Clerk@riversideca.gov>

Cc: 2Mayor <2MAYOR@riversideca.gov>

Subject: [EXTERNAL] NO VOTE on Case PR2024-001656

Dear Donesia,

Please let all Councilmembers know that RRR is urging a **NO VOTE** on Case **PR 2024-001656**.

We discussed this project at the last two RRR meetings and all members agreed that this is an inappropriate project for our community. Our Planning Commission has rejected this project as INAPPROPRIATE; our Council needs to respect our boards and commissions who do extensive research on items brought before them.

VOTE NO on Case PR 2024-001656

PROTECT Victoria Avenue

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DELANO & DELANO

April 21, 2025

City Council
City of Riverside
c/o City Clerk
3900 Main Street
Riverside, California 92522

Re: April 22, 2025 City Council Meeting, Agenda Item No. 26: Planning Case PR-2024-001656 (TM)

Dear Honorable Members of the City Council:

This letter is submitted on behalf of Friends of Riverside's Hills in connection with a proposed project located at the southeast corner of La Sierra Avenue and Victoria Avenue ("Project").

I. The Project is Not Exempt Because it is Inconsistent with the General Plan

The City staff's claim that the Project qualifies for an exemption under the California Environmental Quality Act ("CEQA") Guidelines Section 15183 violates CEQA requirements. The Staff Report to the City Council claims the Project is exempt from additional environmental review based on consistency with the 2025 General Plan Programmatic Environmental Impact Report ("General Plan EIR"). However, the Project is not "consistent with the development density established by existing ... general plan policies for which an EIR was certified" CEQA Guidelines Section 15183(a); CEQA Section 21083.3.

The Project is in La Sierra South neighborhood, designated as Low Density Residential, and at the border of the Arlington Heights Greenbelt area. The 2025 General Plan explicitly states that "Riverside's heritage is firmly grounded in the citrus industry. Riverside's future also embraces this heritage by preserving the City's greenbelt and perpetuating agricultural uses, especially in the Arlington Heights area." General Plan at LU-22. The Project directly contradicts this vision. The Project is inconsistent with the 2025 General Plan and violates numerous policies, including policies specific to the protection of the Arlington Heights Greenbelt. The General Plan acknowledges that "the

greenbelt area of Arlington Heights is greener than ever through preservation of citrus groves and more sensitive development patterns.” General Plan at LU-3. The Project will lead to the loss of an 8.8-acre orange grove by replacing it with a 49-unit development that doubles the allowed density and requires waivers from the allowed minimum lot area, maximum lot coverage and rear, front and side yard setbacks. As proposed, the Project does not qualify for a CEQA exemption under Section 15183 as it is not “consistent with the development density established by existing zoning” and 2025 General Plan policies.

The Project is inconsistent with the following General Plan objectives and policies:

- **Land Use Element Objective LU-6:** The Project fails to “[r]etain functional agricultural areas within Riverside, particularly within the greenbelt area, while allowing for sensitive, low-intensity residential uses.” LU-22. The Project proposes a high-density development in a neighborhood consisting of single-family houses designated as low density and agricultural/rural residential areas. The applicable residential development standard is 2.0 dwelling units per acre and the proposed 4.95 du/ac density is not “low-intensity” as envisioned in this objective.
- **Land Use Element Policy LU-6.4:** The project does not “encourage efficient land use and facilitate long-term perpetuation of citrus stock” as it will result in the loss of most of the orange grove on site.
- **Land Use Element Policy LU-8.2:** The project does not “[a]void density increases ... that are incompatible with existing neighborhoods.” General Plan at LU-26. At more than double the permitted density of surrounding areas, the project disrupts the existing development pattern.
- **Open Space and Conservation Element Objective OS-3:** The Project fails to “[p]reserve designated agricultural lands in recognition of their economic, historic and open space benefits and their importance to the character of the City of Riverside.” General Plan at OS-14. The Project will lead to the loss of 8.8 acres of Prime Farmland.
- **Open Space and Conservation Element Policy OS-3.1:** the Project does not “[p]romote and encourage agriculture as an essential industry and a desirable open space use,” and fails to recognize that “the Arlington Heights Greenbelt and La Sierra Lands are important agricultural lands because of their high soil quality, favorable climate and low water costs.” General Plan at OS-14.
- **Open Space and Conservation Element Policy OS-3.2:** The Project is inconsistent with Policy OS-3.2 that requires “encouragement of agricultural use based on consideration of historic use, soil suitability, agricultural significance, prevailing parcel sizes and geographical associations.” General Plan at OS-14. The Project will lead to the loss of the orange grove, designated as a Prime Farmland, which is “land that has the soil quality, growing season, and moisture supply needed to produce sustained high

yields.” FMMP, California Department of Conservation (<https://maps.conservation.ca.gov/DLRP/CIFF/>).

- **Open Space and Conservation Element Policy OS-3.3:** The Project does not “[p]rotect valuable agricultural land from urban development through the use of agricultural zoning districts and other appropriate development regulations...” as it will convert 9.91 acres of Prime Farmland to residential use. General Plan at OS-15.
- **Open Space and Conservation Element Policy OS-3.4:** The Project fails to “[e]ncourage property owners to preserve citrus groves and implement public programs to provide incentives and other assistance to promote and protect citrus farming on prime agricultural lands.” General Plan at OS-15.

The inconsistencies above were also discussed in our November 6, 2024 letter to the Planning Commission, and all other comments in our letter not mentioned here are incorporated by reference.

II. The Project is Not Exempt Because Even If It Were Consistent with the General Plan It Involves Peculiar Impacts and Impacts that Were Not Analyzed Previously

The City’s analysis under CEQA Guidelines Sections 15183 is flawed and violates CEQA for several reasons. Even if the Project were consistent with the General Plan, there are impacts “peculiar to the project” and impacts that “[w]ere not analyzed as significant effects in a prior EIR” CEQA Section 21083.3(a); CEQA Guidelines Sections 15183(b)(1) & (2). “Section 21083.3 also requires that all public agencies with authority to do so must undertake, or require the undertaking of, any feasible mitigation measures specified in the plan EIR that are relevant to a significant environmental effect of the project. If they fail to do so, section 21083.3 does not apply to review of that effect.” *Gentry v. City of Murrieta* (1995) 36 Cal.App.4th 1359, 1405. The City failed to do so.

The Project will lead to significant air quality impacts that are peculiar to the Project that were not analyzed in the General Plan EIR. The General Plan EIR explicitly requires future projects to undergo CEQA review to identify and mitigate impacts, while the City simultaneously claims no such review is necessary. The Consistency Analysis identifies “Applicable General Plan Mitigation Measures” regarding air quality impacts. Consistency Analysis at 61. MM Air-7 specifically anticipates projects to “identify and mitigate” project impacts during the CEQA process. *Id.* Yet, the City completely avoided the CEQA process by claiming an exemption.

The Consistency Analysis acknowledges the General Plan EIR identified significant and unmitigated air quality impacts. Despite recognizing these impacts, the City is not requiring any further analysis to “identify and mitigate” project-specific air quality impacts as explicitly required by the General Plan EIR’s mitigation measures. This circumvents the tiered environmental review process that the General Plan EIR itself established and is inconsistent with CEQA Guidelines Sections 15183 and 15168.

Furthermore, the findings in the Consistency Analysis are not supported. Finding #5 claims the Project “would comply with the mitigation measures contained within the GP PEIR ... to reduce any significant ... impact to less than significant....” Consistency Analysis at 62. This assertion is entirely unsupported. The General Plan EIR did not identify measures to reduce air quality impacts to less than significant levels. Instead, it found significant and unavoidable impacts and required further analysis at project-level to “identify and mitigate” project impacts during the CEQA process. Yet, the City is avoiding implementation of a key mitigation measure (MM Air-7) that was explicitly stated in the General Plan EIR as necessary for future development.

The Project will lead to significant transportation impacts that are peculiar to the Project that were not analyzed in the General Plan EIR. The Consistency Analysis acknowledges that VMT analysis was not within the scope of the General Plan as “the State’s mandate requiring lead agencies to use VMT as a threshold for evaluating traffic impacts was adopted in 2018.” Consistency Analysis at 197. However, it fails to identify that the Project exceeds the VMT threshold and will lead to significant impacts despite the fact that the VMT analysis previously conducted for the Project found that “[t]he project exceeds the threshold by 4.9 VMT per resident (approximately 47% over the City threshold).” MND at 65. The City, therefore, failed to provide an adequate VMT analysis addressing Project-specific impacts not analyzed in the General Plan.

The Consistency Analysis claims that application of General Plan policies, local regulations and “any applicable GP PEIR mitigation measures as identified ... [in Section 5.17.1(b)] and listed in Section 5.17.3 ... ensures that the project would not result in significant impacts.” Consistency Analysis at 198. However, these measures do not address significant impacts peculiar to the Project. Section 5.17.3 states: “There are no mitigation measures applicable to this Proposed Project that were identified in the GP PEIR.” Consistency Analysis at 202. In addition, the reduction measures identified in Section 5.17.1(b) “for informational purposes only” are not appropriate to address the VMT impacts of Project. As discussed in our November 6, 2024 letter, these measures are flawed for the following reasons based on the previous VMT analysis:

- Implementation of Measure T-1 (Increase Residential Density) is inconsistent with the considered standards of the CAPCOA Handbook. Appendix J - VMT Analysis at 3. The applicable section as attached to the VMT Analysis states “[t]his measure is most accurately quantified when applied to larger developments and/or developments where the density is somewhat similar to the surrounding neighborhood.” Appendix J - VMT Analysis at 10. The Project does not fit this description.
- Measure T-3 (Provide Transit-Oriented Development) “accounts for VMT reduction in the study area relative to the same project sited in a nontransit oriented (TOD) development location. To qualify as a TOD, the proposed project must be a residential project near a high frequency transit station.” Appendix J - VMT Analysis at 4. However, there is no evidence that the Project is near high frequency transit. In fact, the Consistency Analysis

acknowledges that “the project is further than a 10-minute walk and 0.5 miles from a high-frequency transit station, SR-91 is highly congested and provides further incentive for users of the Proposed Project to utilize a transit station.” Consistency Analysis at 198. This is not a viable reasoning for reducing VMT and is inconsistent with the intended goal of Measure T-3. *See* relevant section of the CAPCOA Handbook, Appendix J - VMT Analysis at 13.

- Measure T-18 (Pedestrian Network Improvement) is aimed to “encourage people to walk instead of drive.” Appendix J - VMT Analysis at 24. The Project proposes an additional 2,295 linear feet sidewalk within the Project site. Consistency Analysis at 198. Majority of this “sidewalk” is simply the entrances of the 49 residential units proposed by the Project. *See* Exhibit 1 of Appendix J - VMT Analysis at 8.

The Project will lead to significant noise impacts that are peculiar to the Project that were not analyzed in the General Plan EIR. “Applicable General Plan Policies” regarding noise impacts discussed in the under the Consistency Analysis include “Tool N-2” which states: “Implement CEQA during the development review process for new projects.” Consistency Analysis at 174. Yet, the City claims that the Project is exempt from CEQA.

The Project will lead to significant agricultural resources impacts that are peculiar to the Project that were not analyzed in the General Plan EIR. The Consistency Analysis regarding agricultural resources contains serious inconsistencies. It acknowledges that the project will convert Prime Farmland to non-agricultural use, however, it fails to reconcile this with numerous General Plan policies requiring preservation of agricultural lands, particularly those with historical significance such as citrus groves. Consistency Analysis at 41.

The Consistency Analysis relies on the General Plan EIR determination that “because General Plan policies do not require preservation of designated Farmland, it is considered a significant impact related to the conversion of Prime Farmland.” EIR 5.2-20. While the General Plan does not specifically mention “Prime Farmlands,” it includes multiple policies to protect and preserve designated agricultural lands and agricultural resources with historical significance. *See* Section I. The General Plan EIR simultaneously relies on those very policies as mitigation measures, stating: “Adherence to the above General Plan policies and tool, as applicable on a project-by-project basis, will reduce impacts to agricultural resources, to the extent feasible...” EIR 5.2-26. Yet, the City is avoiding project-level environmental analysis and ignores the Project’s “peculiar” impacts.

Moreover, the General Plan EIR references an Appendix I that shows Designated Farmlands proposed to be rezoned for non-agricultural uses, listing specific sites with APN numbers. The Project site is not among these, indicating that conversion of this particular parcel was not contemplated within the scope of the EIR. The Consistency Analysis fails to address whether the Project was among these areas analyzed for

conversion, which undermines the claim that this project's impacts were fully analyzed in the General Plan EIR.

The inconsistencies in the Staff Report also demonstrate the inadequacy of the City's analysis. In response to concerns regarding the loss of Prime Farmland, the Staff Report states: "The tools that have been implemented to preserve agricultural areas include the application of Proposition R and Measure C." Staff Report at 6. At the same time, in the previous response it claims the property is "outside of the boundaries of the Arlington Heights Greenbelt and is not subject to the standards and restrictions of Proposition R/Measure C." *Id.* This is another indication that the City failed to identify and mitigate Project-specific impacts.

III. The City Failed to Make Adequate Findings

"[R]egardless of whether the local ordinance commands that the [] board set forth findings, that body must render findings sufficient both to enable the parties to determine whether and on what basis they should seek review and, in the event of review, to apprise a reviewing court of the basis for the board's action." *Topanga Assn. for a Scenic Community v. County of Los Angeles* (1974) 11 Cal.3d 506, 514. The City staff's findings fail to demonstrate compliance with land use requirements and are insufficient in numerous respects.

Municipal Code Chapter 18 and the State Subdivision Map Act require findings for the approval of a tentative map. The Project does not meet these findings. State law provides that a city must deny a tentative map where the project is inconsistent with the general plan, where the site is not physically suited for the proposed type of development, and/or where the proposed improvements are likely to cause environmental or health impacts. Gov. Code § 66474. In this instance, as these comments explain, all three factors apply. As discussed above, the Project is inconsistent with the General Plan and likely to cause environmental or public health impacts. The site is not suitable for the type of development and the Project requires substantial waivers to develop at greater intensity than currently allowed for the minimum lot area, maximum lot coverage and rear, front and side yard setbacks.

IV. The City Failed to Provide Adequate Notice

The City failed to provide adequate notice of significant changes regarding the Project review, undermining opportunities for meaningful public participation. CEQA is premised in part on "a belief that citizens can make important contributions to environmental protection and ... notions of democratic decision-making ..." *Concerned Citizens of Costa Mesa, Inc. v. 32nd Agricultural Assoc.* (1986) 42 Cal.3d 929, 936. "Environmental review derives its vitality from public participation." *Ocean View Estates Homeowners Assn. v. Montecito Water Dist.* (2004) 116 Cal.App.4th 396, 400.

Prior to the appeal, the Planning Commission has denied the Project and the Mitigated Negative Declaration prepared for the Project. The City staff claimed that the Project is exempt from CEQA only after filing of the appeal. Staff Report at 5. Despite the submittal of our comment letter dated November 6, 2024 to the Planning Commission, our office has not received notice of the appeal, responses to our comments or the City's novel claims of CEQA exemption. The change in the City's assessment about the Project and inclusion of a 232-page analysis with multiple attachments without providing adequate notice stands in the way of public participation.

V. Conclusion

For the foregoing reasons, Friends of Riverside's Hills urges the City Council to reject the Project and the appeal. Thank you for your consideration of these concerns.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ezgi Kuyumcu', with a stylized, flowing script.

Ezgi Kuyumcu

cc: Judy Egüez, Senior Planner

Encl.

- Letter to Planning Commission (11-6-24).



DELANO & DELANO

November 6, 2024

Planning Commission
City of Riverside
c/o City Clerk
3900 Main Street
Riverside, California 92522

Re: November 7, 2024 Planning Commission Meeting, Agenda Item No. 3: Planning Case PR-2024-001656 (TM)

Dear Honorable Members of the Planning Commission:

This letter is submitted on behalf of Friends of Riverside's Hills in connection with a proposed project located at the southeast corner of La Sierra Avenue and Victoria Avenue ("Project"), and the related Mitigated Negative Declaration ("MND").

I. The Project Violates the California Environmental Quality Act

The California Environmental Quality Act ("CEQA") requires the preparation of an Environmental Impact Report ("EIR") whenever substantial evidence in the record supports a "fair argument" that a project may have significant environmental impacts. Pub. Res. Code § 21080(d); *No Oil, Inc. v. City of Los Angeles* (1975) 13 Cal.3d 68, 75. Under CEQA, "substantial evidence includes fact, a reasonable assumption predicated upon fact, or expert opinion supported by fact." Pub. Res. Code § 21080(e)(1). Additionally, substantial evidence "means enough relevant information and reasonable inferences from this information that a fair argument can be made to support a conclusion, even though other conclusions might also be reached." CEQA Guidelines § 15384(a) (emphasis added). If there is "substantial evidence that the project might have [a significant impact on the environment], but the agency failed to secure preparation of the required EIR, the agency's action is to be set aside because the agency abused its discretion by failing to proceed in a 'manner required by law.'" *Friends of "B" Street v. City of Hayward* (1980) 106 Cal.App.3d 988, 1002. Here, the City should prepare an EIR before proceeding; the Project is likely to lead to several significant impacts.

The Project will lead to significant impacts to community character, land use, and aesthetics.

- The MND fails to analyze the Project's substantial inconsistency with the existing neighborhood and community. *See* MND at 18-19, 53-54. The Project is in La Sierra South neighborhood designated as Low-Density Residential area. MND at 1. The surrounding neighborhood consists of single-family houses designated as low density and agricultural/rural residential areas and the applicable residential development standard is 2.0 dwelling units per acre. MND at 3, Staff Report at 4. The Project's 49 residential homes would be one and two stories, on a 9.91-acre lot, with a density of 4.95 dwelling units per acre. *Id.* At this density, the Project will be inconsistent with the surrounding neighborhood. The Project proposes to increase density by more than two-fold and develop at greater intensity than currently allowed for the minimum lot area, maximum lot coverage and rear, front and side yard setbacks. Staff Report at 5. Each of these will create inconsistencies with the existing neighborhood. "[A]esthetic issues 'are properly studied in an EIR to assess the impacts of a project.'" *Pocket Protectors v. City of Sacramento* (2004) 124 Cal.App.4th 903, 937 (quoting *Mira Mar Mobile Community v. City of Oceanside* (2004) 119 Cal.App.4th 477, 492).
- The Project is inconsistent with several aspects of the City's General Plan (*See Section II*). For example, contrary to Land Use Element Policy LU-8.2, it does not "[a]void density increases ... that are incompatible with existing neighborhoods." General Plan at LU-26. At this density, the Project disrupts the existing development pattern within the established neighborhood.
- The MND claims the Project is consistent with the General Plan 2025 policies, however, it fails to consider applicable policies. MND at 18. For example, it refers to LU-54.3, a policy specific to the Hawarden Hills neighborhood. *Id.*
- Municipal Code Chapter 18 and the State Subdivision Map Act require findings for the approval of a tentative map. The Project does not meet these findings. For example, it is inconsistent with the General Plan. The site is not suitable for the type of development. And the Project is likely to cause environmental or public health impacts.

The Project will lead to significant impacts to agriculture resources.

- The Project site is designated as "Prime Farmland," but the MND fails to address the significant environmental impacts or provide mitigation measures. MND at 20. The MND acknowledges that "the project will result in the conversion of 9.91 acres of designated farmland to non-agricultural uses," however, fails to address the loss of agricultural resources. MND at 22. The MND's reasoning that the surrounding land is classified as "Urban

and Built Up” is not appropriate to ignore significant impacts and the required environmental analysis.

- The Project borders the Arlington Heights Greenbelt area, however, the MND fails to consider potential significant environmental impacts. The MND acknowledges that “[i]mplementation of the Project would result in the expansion of a residential neighborhood adjacent to the defined Greenbelt 2025 area” and loss of an existing farmland but finds “no impact.” MND at 21.
- The Project is also inconsistent with several General Plan policies regarding preservation of agricultural land, including:
 - The Project is inconsistent with the Land Use Element Objective LU-6 to “[r]etain functional agricultural areas within Riverside, particularly within the greenbelt area, while allowing for sensitive, low-intensity residential uses.” General Plan at LU-22.
 - Contrary to the Land Use Element Policy LU-6.4, the Project does not “facilitate long-term perpetuation of citrus stock” as it will result in the loss of most of the orange grove. LU-23.
 - The Project is inconsistent with the Open Space and Conservation Element Objective OS-3 that requires the City to “[p]reserve designated agricultural lands in recognition of their economic, historic and open space benefits and their importance to the character of the City of Riverside.” General Plan at OS-14. The Project does not “[p]romote and encourage agriculture as an essential industry and a desirable open space use” or “[p]rotect valuable agricultural land from urban development.” *Id.* (OS-3.1 & OS-3.3). Contrary to these policies, the Project will lead to conversion of a 8.8-acre Prime Farmland to urban development.
 - The Project is inconsistent with Policy OS-3.4 as it “does not [e]ncourage property owners to preserve citrus groves and implement public programs to provide incentives and other assistance to promote and protect citrus farming on prime agricultural lands. General Plan at OS-15.

The Project will lead to significant impacts to air quality and greenhouse gas emissions.

- The MND averages greenhouse gas emissions from construction over the life of the Project. MND at 34. Such emissions should be calculated as they will actually occur, not averaged over a longer period of time. *See Taxpayers for Accountable School Bond Spending v. San Diego Unified School Dist.* (2013) 215 Cal.App.4th 1013, 1049.
- The MND attempts to separate air emissions into construction and operational phases. MND at 23 – 25. However, it fails to account for the fact that such phases can overlap, thereby increasing the amounts of emissions at any given time. Both the MND and the Air Quality and GHG

Memo for the Project fail to analyze the impacts of both construction and operational emissions simultaneously.

The Project will lead to significant impacts to noise.

- The MND dismisses substantial construction noise impacts because they will be temporary and will occur only during the hours permitted in the Municipal Code. MND at 55. But noise thresholds for land use planning purposes do not necessarily determine significance for CEQA analysis, and the temporary nature of a noise impact does not make it insignificant. *Berkeley Keep Jets Over the Bay Comm. v. Board of Port Commissioners* (2001) 91 Cal.App.4th 1344, 1381.
- The MND acknowledges the noise analysis found existing conditions in excess of applicable limits. MND at 55. Yet the Project will not be providing mitigation to address these impacts. MND at 57. Indeed, where on-the-ground conditions are severe, the “relevant question” is whether the project’s additional impacts will be significant “in light of the serious nature” of the existing problems. *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 718.
- The Project’s noise mitigation is vague and insufficient. *See Citizens for Responsible and Open Government v. City of Grand Terrace* (2008) 160 Cal.App.4th 1323, 1341 (“there is no evidence of any measures to be taken that would ensure that the noise standards would be effectively monitored and vigorously enforced”). The MND only provides general mitigation measures regarding construction limits rather than addressing the specific impacts, and does not provide any mitigation measures for operational impacts. MND at 56.

The Project will lead to significant impacts to transportation.

- The MND provides a faulty VMT analysis and fails to acknowledge the Project’s potentially significant impacts. MND at 65-66. The MND acknowledges that “[t]he project exceeds the threshold by 4.9 VMT per resident (approximately 47% over the City threshold).” MND at 65. It claims that the five VMT reduction measures will “result in a decrease in VMT of 48.29% which places the project under the City threshold by 2.14%.” MND at 66. However, these reduction measures are not appropriate for the Project, and it is uncertain whether the claimed VMT decrease could be achieved. Accordingly, the Project can lead to a VMT increase far above the threshold. For instance;
 - Implementation of Measure T-1 (Increase Residential Density) is inconsistent with the considered standards of the CAPCOA Handbook. MND at 65-66, Appendix J - VMT Analysis at 3. The applicable section as attached to the VMT Analysis states “[t]his measure is most accurately quantified when applied to larger developments and/or

developments where the density is somewhat similar to the surrounding neighborhood.” Appendix J - VMT Analysis at 10. The Project does not fit this description.

- Measure T-3 (Provide Transit-Oriented Development) “accounts for VMT reduction in the study area relative to the same project sited in a nontransit oriented (TOD) development location. To qualify as a TOD, the proposed project must be a residential project near a high frequency transit station.” Appendix J - VMT Analysis at 4. However, there is no evidence that the Project is near high frequency transit. In fact, the MND acknowledges that “the project is further than a 10-minute walk and 0.5 miles from a high-frequency transit station.” MND at 66. It further states “the 91 freeway is highly congested and provides further incentive for users of the project to utilize a transit station.” *Id.* This is not a viable reasoning for reducing VMT and is inconsistent with the intended goal of Measure T-3. *See* relevant section of the CAPCOA Handbook, Appendix J - VMT Analysis at 13.
- Measure T-18 (Pedestrian Network Improvement) is aimed to “encourage people to walk instead of drive.” Appendix J - VMT Analysis at 24. The Project proposes an additional 2,295 linear feet sidewalk within the Project site. MND at 66, Appendix J - VMT Analysis at 5. Majority of this “sidewalk” is simply the entrances of the 49 residential units proposed by the Project. *See* Exhibit 1 of Appendix J - VMT Analysis at 8.

II. The Project Violates the General Plan

“The propriety of virtually any local decision affecting land use and development depends upon consistency with the applicable general plan and its elements.” *Orange Citizens for Parks and Recreation v. Sup. Ct.* (2016) 2 Cal.5th 141, 153 (citation omitted). If a Project “will frustrate the General Plan’s goals and policies, it is inconsistent with the County’s General Plan unless it also includes definite affirmative commitments to mitigate the adverse effect or effects.” *Napa Citizens for Honest Government v. Napa County Board of Supervisors* (2001) 91 Cal.App.4th 342, 379. “[G]eneral consistencies with plan policies cannot overcome ‘specific, mandatory and fundamental inconsistencies’ with plan policies.” *Clover Valley Foundation v. City of Rocklin* (2011) 197 Cal.App.4th 200, 239. As noted above, the Project is inconsistent with numerous General Plan goals and policies.

The Project is in La Sierra South neighborhood, designated as Low Density Residential, and at the border of the Arlington Heights Greenbelt area. The 2025 General Plan asserts that “the greenbelt area of Arlington Heights is greener than ever through preservation of citrus groves and more sensitive development patterns.” General Plan at LU-3. “Riverside’s heritage is firmly grounded in the citrus industry. Riverside’s future also embraces this heritage by preserving the City’s greenbelt and perpetuating

agricultural uses, especially in the Arlington Heights area.” LU-22. The Project is inconsistent with this vision.

The Project violates the General Plan’s overarching policies as well as policies specific to protection of the Arlington Heights Greenbelt, including:

- Contrary to Land Use Element Objective LU-6, the Project does not “[r]etain functional agricultural areas within Riverside, particularly within the greenbelt area, while allowing for sensitive, low-intensity residential uses.” LU-22. The Project proposes a high-density development violating this policy.
- The Project is also inconsistent with Policy LU-6.4 which requires the City to “[r]eview development within agricultural areas to encourage efficient land use and facilitate long-term perpetuation of citrus stock.” General Plan at LU-23.
- Contrary to Policy LU-8.2, the Project does not “[a]void density increases ... that are incompatible with existing neighborhoods.” General Plan at LU-26. At the proposed density, the Project disrupts the existing development pattern within the established neighborhood.
- Contrary to Open Space and Conservation Element Objective OS-3, the Project does not “[p]reserve designated agricultural lands in recognition of their economic, historic and open space benefits and their importance to the character of the City of Riverside.” General Plan at OS-14. The Project will lead to the loss of 8.8 acres of Prime Farmland. MND at 20.
- Contrary to Policy OS-3.1, the Project does not “[p]romote and encourage agriculture as an essential industry and a desirable open space use,” and fails to recognize that “the Arlington Heights Greenbelt and La Sierra Lands are important agricultural lands because of their high soil quality, favorable climate and low water costs.” General Plan at OS-14.
- The Project is inconsistent with Policy OS-3.2 that requires “encouragement of agricultural use based on consideration of historic use, soil suitability, agricultural significance, prevailing parcel sizes and geographical associations.” General Plan at OS-14. The Project will lead to the loss of the orange grove, a Prime Farmland, that “land has the soil quality, growing season, and moisture supply needed to produce sustained high yields” as designated by the State Department of Conservation. FMMP, California Department of Conservation (<https://maps.conservation.ca.gov/DLRP/CIFF/>).
- The Project also does not “[p]rotect valuable agricultural land from urban development through the use of agricultural zoning districts and other appropriate development regulations...” (Policy OS-3.3), General Plan at OS-15.
- The Project is inconsistent with Policy OS-3.4 to “[e]ncourage property owners to preserve citrus groves and implement public programs to provide incentives and other assistance to promote and protect citrus farming on prime agricultural lands.” General Plan at OS-15.

III. Failure to Make Adequate Findings

“[R]egardless of whether the local ordinance commands that the [] board set forth findings, that body must render findings sufficient both to enable the parties to determine whether and on what basis they should seek review and, in the event of review, to apprise a reviewing court of the basis for the board’s action.” *Topanga Assn. for a Scenic Community v. County of Los Angeles* (1974) 11 Cal.3d 506, 514. The proposed findings fail to demonstrate compliance with land use requirements and are insufficient in numerous respects.

State law provides that a city must deny a tentative map where the project is inconsistent with the general plan, where the site is not physically suited for the proposed type of development, and/or where the proposed improvements are likely to cause environmental or health impacts. Gov. Code § 66474. In this instance, as these comments explain, all three factors apply.

IV. Conclusion

For the foregoing reasons, Friends of Riverside’s Hills urges the Planning Commission to reject the Project and the MND and prepare an EIR. Thank you for your consideration of these concerns.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ezgi Kuyumcu', with a stylized flourish at the end.

Ezgi Kuyumcu

cc: Judy Egüez, Senior Planner

Eguez, Judy

From: Anna Gaissert <gaissertanna@gmail.com>
Sent: Sunday, April 20, 2025 8:13 PM
To: Eguez, Judy
Subject: [EXTERNAL] Project APN 136-220-016 Case # PR-2024-001656

CAUTION: This email originated from outside the City of Riverside. It was not sent by any City official or staff. Use caution when opening attachments or links.

Dear Judy,

I am writing to request any publicly available information related to Project APN 136-220-016 Case # PR-2024-001656. I live off Victoria Avenue and stand in opposition to the development. I'd like to review any relevant information prior to the public hearing on Tuesday.

Thank you for your time.

Anna

5958 Edith Avenue

Riverside, CA 92506

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF HOUSING POLICY DEVELOPMENT**

651 Bannan Street Suite 400
Sacramento, CA 95811
(916) 263-2911 / FAX (916) 263-7453
www.hcd.ca.gov



February 27, 2025

Jennifer Lilley, AICP, Community & Economic Development Director
City of Riverside, Planning Division
3900 Main Street, 3rd Floor
Riverside, CA 92522

Dear Jennifer Lilley:

RE: City of Riverside – Warmington Residential – Letter of Support and Technical Assistance

The California Department of Housing and Community Development (HCD) understands that the City of Riverside (City) City Council will soon be hearing an appeal for a project located on the southeast corner of Victoria Avenue and La Sierra Avenue (APN: 136-220-026) (Project). The purpose of this letter is to express HCD's support of the Project and to provide notice to the City that denial of the Project may result in the violation of one or more of the state housing laws described in this letter.

Project Description and Background

HCD understands the Project proposes to subdivide an approximately 9.91-acre parcel to accommodate 49 single-family residential units, comprising of 46 market-rate units and 3 units affordable to very low-income households. The Project includes a request for a density bonus pursuant to State Density Bonus Law (SDBL) to achieve a 20-percent density bonus and includes the request for eight waivers to development standards.¹

The public hearing for the Project was held at the November 7, 2024 Planning Commission meeting. Based on the staff report dated November 7, 2024, City staff made the recommendation to the Planning Commission to approve the project based on findings that the Project complied with the General Plan, the Subdivision Map Act, the California Environmental Quality Act, and applicable development standards except for those lawfully modified by SDBL waivers. HCD understands the Planning Commission made a motion to approve the Project; however, the motion failed, effectively denying the Project. The Project applicant subsequently submitted an appeal which is tentatively scheduled for City Council review in March 2025.

¹ Gov. Code, § 65915.

Housing Accountability Act

The Project meets the definition of a “housing development project” under the Housing Accountability Act (“HAA”).² A housing development project that meets all objective standards, except those lawfully modified by SBDL concession or waivers may only be denied if the City makes written findings, supported by a preponderance of evidence on the record, that (1) a specific, adverse impact upon the public health and safety would result and (2) mitigation of the adverse impact is not possible.³ The HAA also contains language pertaining to legal procedures and penalties.⁴

State Density Bonus Law

A project that meets the eligibility requirements of the SDBL is entitled to a density bonus, concessions, development standard waivers, and reduced parking requirements. The City must grant the specific concessions requested by the applicant unless the City makes written findings, based on substantial evidence, that the concession would (1) not result in a cost reduction, (2) have a specific adverse impact on health or safety, (3) be contrary to state or federal law.⁵ The City bears the burden of proof for the denial of a requested concession. The City is also strictly limited in denying requested development standard waivers; it cannot apply any development standard that would physically preclude the Project as proposed unless granting the waiver would have a specific adverse impact on health or safety which could not be mitigated.⁶

Housing Element Goals and Programs

HCD would also like to remind the City that the City committed to taking actions to implement its adopted and certified 6th Cycle Housing Element, including goals, policies, and programs to help the City reach its housing needs. Specifically, Program HE-5-4 (Density Bonus), is a program in which the City has identified the SDBL as a critical tool in meeting its housing needs and has committed to continuing the implementation of the SDBL through its zoning code. Denial of the Project would be contrary to this housing element program.

² Gov. Code, § 65589.5, subd. (h)(2).

³ Gov. Code, § 65589.5, subd. (d).

⁴ Gov. Code, § 65589.5, subds. (l), (m), (p).

⁵ Gov. Code, § 65915, subd. (d)(1).

⁶ Gov. Code, § 65915, subd. (e)(1).

Conclusion

HCD encourages the City Council to approve the Project by upholding the appeal. The City Council should remain mindful of the City's obligations under the HAA, SDBL, and its adopted and certified 6th Cycle Housing Element. HCD would also like to remind the City that HCD has statutory authority to enforce the HAA, SDBL, and Housing Element Law, among other state housing laws. Accordingly, HCD may review local government actions or inactions to determine consistency with these laws. If HCD finds that a local government's actions do not comply with state law, HCD may notify the California Office of the Attorney General that the local government is in violation of state law.⁷ If you have questions or need additional information, please contact David Ying at David.Ying@hcd.ca.gov.

Sincerely,



Shannan West
Housing Accountability Unit Chief

cc: Mayor Lock Dawson
Councilmember Philip Falcone
Councilmember Clarissa Cervantes
Councilmember Steven Robillard
Councilmember Chuck Conder
Councilmember Sean Mill
Councilmember Jim Perry
Councilmember Steve Hemenway

⁷ Gov. Code, § 65585, subd. (j).

Eguez, Judy

From: Lynn Heatley <lynn@thrivingcities.org>
Sent: Thursday, April 17, 2025 2:58 PM
To: Eguez, Judy
Subject: [EXTERNAL] In support of

CAUTION: This email originated from outside the City of Riverside. It was not sent by any City official or staff. Use caution when opening attachments or links.

Dear Judy

I am in support of the 49 proposed homes to go in at La Sierra and Victoria Avenue. We need housing.

Thank you,

Lynn Heatley

Ward 3 Resident

Lynn Heatley

Love Riverside Director

lynn@thrivingcities.org

Info@loveriverside.org

(951) 374-0807 message line

**LAW OFFICE OF ABIGAIL SMITH
A PROFESSIONAL CORPORATION**

2305 Historic Decatur Road, Suite 100, San Diego, CA 92106

Abigail A. Smith, Esq.
Email: abby@socalceqa.com
Telephone: (951) 808-8595

VIA E-MAIL ONLY

April 21, 2025

City of Riverside Planning Division
JEguez@riversideca.gov

City of Riverside City Council
Attn: Donesia Gause
3900 Main Street, 7th Floor
Riverside, CA 92522
city_clerk@riversideca.gov

**Re: City Council Meeting April 22, 2025; Public Hearing Agenda Item 26:
Warmington 49 (Planning Case PR2024-001656; Tract Map No.
38921) including CEQA Statutory Exemption**

Dear Hon. City of Riverside City Council:

Please accept these comments on behalf of the Rural Association of Mead Valley and local Riverside residents regarding Planning Case PR-2024-001656 (TM): an application by Matthew Esquivel of Warmington Residential for Tentative Tract Map to subdivide a 9.91- acre parcel into 49 single family lots to facilitate residential development of 46 market rate dwellings and 3 affordable dwellings located at the southeast corner of Victoria Avenue and La Sierra Avenue (“the Project”). The Project site is in the La Sierra South neighborhood at the border of the Arlington Heights Greenbelt area. The Project will generate 490 average daily vehicle trips. We previously submitted comments on the Project and incorporate those comments herein.

We urge the City Council to follow the recommendation of the Planning Commission to deny the proposed Project. The Project will negatively and irreversibly impact the character of the historic Arlington Heights Greenbelt and the Victoria Avenue Corridor. The Project’s density is not consistent with the existing character of the area, nor with the City’s General Plan goals for future development in and around Arlington Heights and along Victoria Avenue. A Mitigated Negative Declaration was initially prepared for the Project pursuant to the California Environmental Quality Act (“CEQA”). This CEQA determination has been replaced with a

proposed *exemption* from CEQA under State CEQA Guidelines, § 15183 (“Exemption”). We do not believe this exemption is allowable under CEQA, and that full environmental review pursuant to CEQA is warranted for the Project which results in potentially significant environmental impacts and major conflicts with the City’s General Plan. Therefore, at the least, we comment that the City Council should require that the applicant prepare an Environmental Impact Report (“EIR”) before the Project is considered for approval.

I. VICTORIA AVENUE IS A DESIGNATED HISTORICAL RESOURCE

The Project will replace approximately 10 acres of citrus groves with 49 dwelling units on Victoria Avenue at the “gateway” to historic Arlington Heights Greenbelt area of the City. On June 11, 1969, Victoria Avenue was declared Cultural Heritage Landmark #8 by the Riverside Cultural Heritage Board. In October 2000, Victoria Avenue was added to the National Park Service’s National Register of Historic Places. The tree-lined boulevard is an important piece of Riverside’s rich history. The City promotes the civic significance of Victoria Avenue on its website.¹

Victoria Avenue’s history is intertwined with the City’s identity.² The avenue was created in the 1890s by Matthew Gage to connect newly developed farmlands with downtown Riverside. The avenue was named for Britain’s reigning monarch at the time³. In 1903, Theodore Roosevelt visited Victoria Avenue and planted a Mexican fan palm which still exists at the intersection of Victoria Avenue and Myrtle. (*Id.*) Victoria Avenue is believed to be the first street in Southern California to be lined with palms. (*Id.*) Victoria Avenue contributes to Riverside’s recognition as “Tree City, USA.”

The Project site is served by and connected to the historic Gage Canal built by Matthew Gage that enabled the growth of the citrus industry in Riverside. According to the City’s General Plan, “Riverside’s roots extend deep into the citrus industry. The development of the Gage and Riverside Canals, helped the area’s burgeoning citrus industry to truly blossom and also

¹ <https://riversideca.gov/athomeinriverside/neighborhoods-victoria.asp>

This hyperlink and all hyperlinks cited in this letter are fully incorporated herein by reference, and their contents are summarized in the body of the letter.

² As reflected in a 1927 plan (**Exhibit A** hereto), the City's vision for Victoria Avenue 98 years ago was far grander, adding to the argument that the Project site is worthy of commemoration. The plan was recommended by the City’s Planning Commission headed by Henry W. Coil Sr. He and his son, Henry W. Coil Jr., were prominent Riverside citizens. The Riverside Community College (RCC) School of the Arts is named after Henry Sr. Their names and influence for city betterment are present in many notable Riverside institutions (for example, Henry Jr built many schools and did a beautiful adaptive use rehabilitation of former City Hall and the Federal Courthouse). On attached Map 1, the report advocated that Victoria Avenue should nearly ring the entire then city, even looping around the Downtown and present UCR area (where the citrus experiment station was then), but also extending out from the Project site to the base of Arlington Mountain and Home Gardens (Alvord) and turning west to go all the way to the Santa Ana River and across at the base of La Sierra's hills.

³ <https://www.weekendsherpa.com/stories/bicycling-riverside-s-victoria-avenue-bike-path/>

permanently shape Riverside’s urban form.” (City of Riverside, General Plan, LU-14.) Against this backdrop, the Project proposes the development of a 49-unit suburban housing tract. The Project does not conform with the unique and historical character of Victoria Avenue; moreover, as discussed below, it conflicts with adopted land use policies that are intended to preserve the area’s agricultural and historical character.

II. THE PROJECT IS NOT CONSISTENT WITH THE CITY’S GENERAL PLAN

The City’s General Plan designates the Project site as Low Density Residential (LDR) (Figure LU-10)⁴. This designation would allow a maximum of 4.1 du/acre or 12.3 persons/acre. (General Plan LU-134; LU-147.) According to the General Plan’s Table LU-3, the primary “intent” of this land use designation is single-family, large lot residential uses. The Project proposes two-story homes on small lots in a packed subdivision layout. This land use pattern is inconsistent with City land use policies designed to preserve the City’s historic parkways, greenways, and agricultural lands, including the 5,500-acre Arlington Greenbelt and the historic Victoria Avenue.

The General Plan’s Land Use and Urban Design Element (Land Use Element)⁵ describes that in “in the Arlington Heights and La Sierra Acres neighborhoods, Riversiders experience agricultural and semi-rural residential living environments set amidst orange groves and rolling hills.” (LU Element, p. LU-2) The current “greenbelt area of Arlington Heights is **greener than ever** through preservation of citrus groves and more sensitive development patterns.” (p. LU-3, emphasis added) The Project site lies just west of the designated Arlington Heights Greenbelt (“AHG”) (*see* Figure LU-2); it is, in fact, located at the “gateway” to this historic agricultural area. The Victoria Avenue Parkway itself is a “Historic Corridor” as well as an “Open Space Connections” corridor per the General Plan. (*Id.*) The AHG and Victoria Avenue are therefore interrelated resources; and the preservation of these resources is a paramount goal of the City’s General Plan. The General Plan states with respect to these resources (Figure LU-3):

[t]he heart of Riverside’s greenbelt is *in and around* the Arlington Heights neighborhood. Public parts of the greenbelt include the California Citrus State Historic Park and Victoria Avenue, a mile-long scenic drive ... Other portions of the greenbelt consist largely of private lands protected by Proposition R and Measure C, in use as citrus groves, plant nurseries and very-low density residential development. (emphasis added)

4

<https://riversideca.gov/cedd/sites/riversideca.gov.ceedd/files/pdf/planning/2021/Maps/General%20Plan%20Map.pdf>

⁵ https://riversideca.gov/cedd/sites/riversideca.gov.ceedd/files/pdf/planning/general-plan/04_Land_Use_and_Urban_Design_Element_with%20maps%20COMPLETE%20AUGUST%202019.pdf

Victoria Avenue is described in the General Plan as a “historic parkway lined with many species of trees, long recognized as an important local and regional scenic resource and listed in the National Register of Historic Places. The lush landscaping and quiet surroundings make Victoria Avenue feel like a linear park.” As a result of its many amenities, “Victoria Avenue is a showcase street that many consider the pride of the City.” (LU-63) The Project will convert an open space, agricultural parcel to higher density residential uses along this historic parkway. The proposal is not “consistent” with the General Plan in a number of ways.

General Plan Objective LU-6 contains a list of policies designed to ensure the continuation of the “agricultural character” of the Project area through adherence to zoning provisions and policies. Specifically Objective LU-6 states the City shall “**retain functional agricultural areas** within Riverside, particularly within the greenbelt area, while allowing for ... low-intensity residential uses.” The Project, on the other hand, proposes higher density uses that will not “retain” a functional agricultural area. Policy LU 8-2 states that the City shall “**avoid density increases** ... that are incompatible with existing neighborhoods.” (emphasis added) The Project requests a density bonus to increase density which is inconsistent with surrounding single-family residential properties. Policy LU-13.1 states the City shall “provide for **sensitive development** of private properties along Victoria Avenue...” (emphasis added) Except for the trees that will be retained along Victoria Avenue as required by City policy, the Project blankets the site with homes and roadways. This is not a “sensitive” development; rather, the Project maximizes development of the site. Objective LU-30 and Policy LU-30.3 state the City shall “**ensure that the distinct character** of each of Riverside’s neighborhoods is respected and reflected **in all new development, especially infill development.**” (emphasis added) The Project development packs in tight, narrow homes sites with reduced setbacks to ensure more units on a site intended for larger lot homes consistent with surrounding uses and the area’s agricultural character. The Project will develop at densities that exceed current requirements for minimum lot area, maximum lot coverage, and rear, front and side yard setbacks. This type of “infill development” pattern is not consistent with the “distinct character” of Victoria Avenue. In short, the Project conflicts with numerous policies of the General Plan’s Land Use Element, including that it does not preserve and protect existing agricultural lands (Policies LU-6.1, LU-6.2, LU-6.3).

The General Plan’s Historic Preservation Element⁶, Policy HP-5.1, states the City “shall use its design and plot plan review processes to encourage new construction to be compatible in **scale and character** with cultural resources and historic districts.” (p. H-28, emphasis added). However, the “scale” of the Project (two-story homes on tight, narrow lots) will create a new land use pattern on Victoria Avenue, which is not consistent with the area’s existing character. Policy HP-7.1 states the City shall apply “zoning actions ... as tools for helping to **protect cultural resources.**” (HP-28) The Project will permanently degrade—not protect—the Victoria Avenue corridor, a historical and cultural resource.

The General Plan’s Open Space and Conservation Element Objective OS-3 and Objective

⁶ https://riversideca.gov/cedd/sites/riversideca.gov.ceedd/files/pdf/planning/general-plan/16_Historic_Preservation_Element.pdf

OS-4⁷ derive in part from voter-approved Measure C and Proposition R, which preserve rural properties and uses through the application low density residential zoning to certain areas of the city. Policy OS-4.1 states that the City shall “continue to implement Proposition R and Measure C.” The Project site is an active agricultural property (citrus groves) at the main entrance to the AHG, and it located along the historic Victoria Avenue Parkway. (See, General Plan Figure OS-2.) The permanent conversion of the property from active agricultural lands to urban, non-agricultural uses conflicts with a number of policies and objectives of the General Plan’s Open Space and Conservation Element. Importantly, these conflicts result from the particular type of development (higher density housing) at the particular site; the Project site is inherently distinctive and unique being at the gateway to the AHG, among other reasons. Thus besides being in conflict with the General Plan, the Project does not, and cannot, qualify for an “exemption” from CEQA.

III. THE PROJECT CANNOT BE APPROVED BASED ON A CEQA EXEMPTION WHERE THE RECORD INDICATES A NUMBER OF POTENTIALLY SIGNIFICANT ENVIRONMENTAL IMPACTS

The applicant has requested a statutory exemption (“Exemption”) from CEQA for the Project under State CEQA Guidelines, § 15183. This exemption may apply to a proposed project *only when* the project is “consistent with (A) a community plan adopted as part of a general plan, (B) a zoning action which zoned ... the parcel on which the project would be located to accommodate a particular density of development, or (C) a general plan of a local agency, *and when* “an EIR was certified by the lead agency for the zoning action, the community plan, or the general plan.” First, the Project is not consistent with the property’s existing zoning; rather, the Project requests a *zoning amendment* to increase the allowable density. Second, to the extent the Exemption is based on “consistency” with the City of Riverside’s General Plan, the Project cannot meet the requirements for the claimed exemption because there are numerous examples of inconsistency with the General Plan due to the Project’s higher density use at the particular location, as discussed above and throughout this letter. Furthermore, the Project does not qualify for the Exemption and/or further CEQA review is required because there are “project-specific significant effects *which are peculiar to the project or its site.*” (Guidelines, § 15183 (a), (b), emphasis added.)

A. Aesthetic Impacts

The Initial Study/Mitigated Negative Declaration (“MND”) that was originally prepared by the City for the Project acknowledges that the Project site is located on City-designated Scenic Parkways, *i.e.*, Victoria Avenue and La Sierra Avenue. According to the MND, the Project presents no potential for significant aesthetic impacts because it will be “conditioned” to provide “enhanced landscaping” along the Victoria Avenue and La Sierra frontages consistent with the adopted development standards for the Victoria Avenue Policy (“VAP”) area. We submit that the

⁷ https://riversideca.gov/cedd/sites/riversideca.gov.chedd/files/pdf/planning/general-plan/12_Open_Space_and_Conservation_Element.pdf

conversion of an open space, agricultural area along a scenic parkway, thereby permanently altering viewsheds across this site, is a potentially significant CEQA impact.

An EIR is required under CEQA when a proposed project has the potential for significant environmental impacts that are not adequately mitigated. Here, in addition to the conversion of the site, the removal of mature, citrus trees that contribute to Victoria Avenue's historic status should be considered a potentially impact of the Project. The MND references "enhanced landscaping" to replace the existing trees, however, the Landscape Plan in the record appears to be conceptual in nature, and the applicant is not proposing to plant citrus trees to our knowledge. With respect to the preservation of existing trees along the Victoria Avenue frontage specifically, the MND notes that "the Plans call for *as many of the existing citrus trees as possible* to be preserved within [the] setback area." (MND p. 66, emphasis added) The Tentative Tract Map in the record indicates the same in a notation. These potential impacts are "peculiar" in that they pertain to unique resources that exist on the Project site (*e.g.*, the existing citrus trees and viewsheds) as well as the Project's particular location at the gateway to Victoria Avenue and at the crossroads of two Scenic Parkways.

B. Agricultural Impacts

The Project site is currently densely populated with healthy, mature orange groves. Figure 2 of the MND shows that the majority of the site is covered in orange trees. (See also, Google Map image, below).



The Project's conversion of active citrus groves on viable agricultural land must be considered a loss of agricultural resources in conflict with General Plan policies as well as a significant CEQA impact per applicable thresholds of significance.

The MND discloses that the Project site is designated ***Prime Farmland***: "the 8.8-acre site

is part of a 10-acre area designated as Prime Farmland by the State Department of Conservation through their Farmland Mapping and Monitoring Program (FMMP).” (MND p. 20) This finding squarely meets the MND’s adopted threshold of significance for agricultural impacts in that the Project would “convert Prime Farmland ... as shown on the [FMMP], to non-agricultural use.” Not only is this a significant impact under CEQA, but also it is a ‘project specific significant effect which is peculiar to the project or its site’ so that the Exemption cannot be approved. A project with significant impacts cannot be approved under CEQA without mitigation to reduce the impact to less than significant. (Guidelines, § 15092; Public Resources Code, § 21002.1 (b).) (See, *King & Gardiner Farms, LLC v. County of Kern* (2020) 45 Cal.App. 814, 872 [discussing mitigation for agricultural impacts].) There is no adopted mitigation for the loss of agricultural land due to the Project.

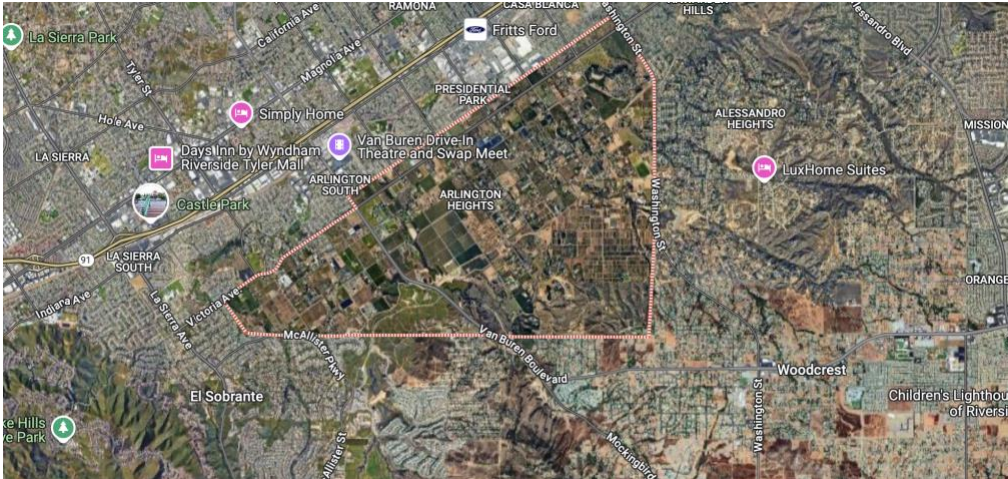
Agricultural lands within the meaning of CEQA encompass Prime Farmland. (Public Resources Code, § 21060.1 (a).) Prime Farmland is defined as lands with the best combination of physical and chemical features and able to sustain long-term production of agricultural crops.⁸ General Plan EIR Figure 5.2-1 shows that the Project site is designated Prime Farmland. (See also, **Exhibit B** hereto [USDA Map]). According to the California Department of Conservation⁹, when a project will potentially impact agricultural resources, it is recommended that lead agencies, among other things, discuss the “incremental impacts leading to cumulative impacts on agricultural land,”; “**propose mitigation measures** for impacted agricultural lands within the proposed project area”; and evaluate “the project’s compatibility with lands within an agricultural preserve.” (emphasis added) The permanent conversion of mapped Prime Farmland to urban uses mandates a finding of significance per CEQA (See, Guidelines, Appendix G).

Furthermore, the Project meets another adopted CEQA threshold of significance for agricultural impacts in that it results in “other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use.” The MND falsely asserts that there are no “agricultural operations or farmlands currently within proximity of the subject site.” (MND pp. 21-22.) The AHG is located within approximately 0.5 miles of the Project site, and the California Citrus State Historic Park¹⁰ is located within 1-2 miles. (See, Google map, below.)

⁸ https://www.conservation.ca.gov/dlrp/fmmp/Pages/prime_farmland_fmmp.aspx

⁹ [https://www.conservation.ca.gov/dlrp/Pages/CA-Environmental-Quality-Act-\(CEQA\)-.aspx](https://www.conservation.ca.gov/dlrp/Pages/CA-Environmental-Quality-Act-(CEQA)-.aspx)

¹⁰ https://www.parks.ca.gov/?page_id=649



The City's General Plan contains a myriad of policies precisely aimed at protecting the active agricultural resources of the AHG. The assertion that the Project lacks even *the potential* to threaten these assets is unsupported and contradicted by the record. The MND asserts that the Project is located in an "urbanized area," when, in reality, the site is at the gateway to the 5,500-acre AHG which is protected by planning laws and long-standing, voter-approved initiatives.

The Project site is the last 10-acre lot in active orange production at the western edge of the once 20-mile long citrus belt. It was planted in 1902 and still is irrigated by the Gage Canal. This farm is a prominent example of the unique pattern and type of agricultural planning initiated by Riverside's Founder John North in 1870. His vision of forming optimally efficient groves by dividing the land into 40-acre blocks with four, 10-acre lots and adjacent streets irrigated by gravity flow canals was carried out here. The Project site and other nearby parcels are Prime Farmland and other valuable soil types served by with irrigation water. (See, Exhibit B [USDA map].) The Project site is located in an area long-integrated into the Victoria Avenue Greenbelt, but just outside the City Limits when Proposition R passed in 1979. It was annexed into the City in 1985, two years before Measure C passed, which specifically called for extending Prop RA 5-acre Zoning to annexed areas. The City did not apply this zoning retroactively to this property, even though the combined intent of the initiatives is to protect agriculture throughout the City. The USDA's farmland categories map (Exhibit B) shows the Project site's grove as Prime Farmland and others in the immediate area. Presumably these other parcels receive Gage Canal irrigation water as well.

Importantly, mitigation for the loss of agricultural lands is available. According to the State of California¹¹ the conversion of agricultural land represents a permanent reduction in the State's agricultural land resources. *Conservation easements are an available mitigation tool.*" (emphasis added) *As discussed in King, supra*, mitigation can include conservation easements

¹¹ [https://www.conservation.ca.gov/dlrp/Pages/CA-Environmental-Quality-Act-\(CEQA\)-.aspx](https://www.conservation.ca.gov/dlrp/Pages/CA-Environmental-Quality-Act-(CEQA)-.aspx)

(“ACE”), purchase of conservation credits, and restoration of agricultural lands. (See also,¹²) Conservation easements¹³ are contemplated by CEQA as appropriate mitigation for the loss of agricultural resources. (State CEQA Guidelines, § 15370 (e); see, *V Lions Farming, LLC v. County of Kern* (2024) 100 Cal.App.5th 412). Guidelines, § 15370 (e) was amended in 2018¹⁴ following the City’s adoption of the General Plan and certification of the General Plan Program EIR. “The requirement for a description of the mitigation is based on the general rule that ‘an EIR is required to provide the information needed to alert the public and the decision makers of the significant problems a project would create and to discuss **currently feasible mitigation measures.**’ [] The discussion provided must contain facts and analysis, rather than the agency’s bare conclusions or opinions.” (*King, supra*, at 866, emphasis added.) For instance, since the adoption of the City’s General Plan and certification of PEIR, the County of San Diego has developed an agricultural conservation program to promote the long-term preservation of agriculture^{15 16}. These measures are considered “currently feasible” in other jurisdictions. Mitigation banks must also be considered feasible mitigation.¹⁷ “Mitigation banking” is one mitigation method that jurisdictions are also evaluating.^{18 19} (*See also*,²⁰ California Council of Land Trusts “Conserving California’s Harvest: A Model Mitigation Program and Ordinance For Local Governments”.) According to the California Department of Conservation,

Requirements to partially mitigate for the loss of farmland via in lieu fees or direct purchases of conservation easements on similar land have become policy in a number of cities and counties **in recent years**. Local mitigation fees have frequently been used as a match for CFCP funds toward the purchase of agricultural conservation easements. (emphasis added)

In short, there are feasible mitigation programs and measures available that were not considered in the General Plan PEIR; the Project should not be permitted to avoid CEQA’s mitigation requirements through the adoption of an “exemption” from the statute.

C. Biological Resources

The MND states that there are “several large mature trees such as citrus, avocado, sycamore, jacaranda, and pine that could support nesting birds within the Project site.” (MND p. 29) Thus the MND recommends a “Standard Condition of Approval” regarding avoidance of

¹² <https://calandtrusts.org/wp-content/uploads/2014/03/conserving-californias-harvest-web-version-6.26.14.pdf>

¹³ <https://www.nrcs.usda.gov/programs-initiatives/ale-agricultural-land-easements>

¹⁴ [https://www.law.cornell.edu/regulations/california/14-CCR-15370#:~:text=4th%20230.-,1.,52\).](https://www.law.cornell.edu/regulations/california/14-CCR-15370#:~:text=4th%20230.-,1.,52).)

¹⁵ <https://www.sandiegocounty.gov/content/sdc/pds/advance/PACE.html>

¹⁶ <https://www.iercd.org/>

¹⁷ <https://calandtrusts.org/conservation-basics/conservation-tools/mitigationbanks/>

¹⁸ <https://www.law.berkeley.edu/research/clee/research/land-use/vehicle-miles-traveled/>

¹⁹ <https://dot.ca.gov/programs/esta/sb-743/resources>

²⁰ <https://calandtrusts.org/wp-content/uploads/2014/03/conserving-californias-harvest-web-version-6.26.14.pdf>

construction during nesting season as feasible. This “standard condition of approval” is in practice a mitigation measure for potentially significant biological impacts to protected species. The MND therefore indicates a significant CEQA impact, requiring mitigation. Also, given that the Project will remove most of the trees, it is not clear that the “standard condition” will adequately mitigate the Project-specific impacts. As such an “exemption” is not appropriate.

Additionally, the MND’s biological section does not discuss the City’s Urban Forest Tree Policy Manual²¹ (Urban Forest Manual) in terms of the loss of existing, mature trees due to the Project. The MND does not disclose how many trees will be removed through Project development; there is only the “proposal” to retain some number of trees “if possible” given construction activities and other factors. According to the Urban Forest Manual, the City has been recognized as “Tree City, USA” since 1987 “in honor of the care we provide for our trees.” (Urban Forest Manual p. 7.) The City has a goal of fostering and expanding the City’s “urban forest” by planting approximately 3,000 new trees per year because trees “support local wildlife by providing food, nectar, shelter, and nesting areas.” (p. 8). The Project removes a significant number of “urban forest” trees without corresponding mitigation. There is no discussion of this issue that is particular to the Project site. The Project cannot be “exempted” from CEQA under these circumstances.

D. Cultural/Historical Resources

The MND improperly ignores the historical and cultural significance of the last remaining productive 10-acre grove at the southern edge of the 20-mile long historic citrus belt and at the remaining entrance to the Victoria Avenue Parkway that is still irrigated by the 135-year-old Gage Canal. The Project site will convert this resource to a suburban development. The MND notes that the site consists of an orange grove that has been cultivated since 1902 along with “associated irrigation features” but it does not find that the loss of this resource is potentially significant. Nor does the MND discuss the potential cumulative effects of development of the Project site on the Victoria Avenue Corridor and AHG area. The MND discloses that there are 24 recorded cultural resources in a one-mile radius of the Project site, but the MND summarily dismisses the potential for cumulative or indirect impacts without analysis or support. The City of Riverside recognizes Victoria Avenue itself as a “Landmark of Riverside.”^{22 23} The record fails to disclose and evaluate the Project’s direct and cumulatively significant cultural impacts.

Furthermore, the proposed Tentative Tract Map states (in a notation) that the existing rows of “mature” trees along the Victoria Avenue frontage will be preserved “if possible.” The City must ensure that mandatory conditions of approval are imposed on the Project that ensure that the trees indicated on the Landscape Plan will survive and thrive into the future. Otherwise, impacts due to site development are uncertain.

²¹<https://www.riversideca.gov/publicworks/sites/riversideca.gov/publicworks/files/pdf/Urban%20Forestry%20Policy%20Manual.pdf>

²² <https://www.riversideca.gov/todo-landmarks.asp>

²³ <https://www.hmdb.org/m.asp?m=258208>

E. Hazards/Safety

By design, the Project will build two-story housing units on narrow streets and private alleys, only four feet apart with six-foot high vinyl fences with locked gates. House fronts will run down the middle from backyard fences leaving less than 18-inch-wide passageways between houses for evacuation/rescue of anyone who cannot exit through the home's front door. This presents a clear scenario of likely breakdowns (*e.g.*, rescuers missing stranded elderly or disabled on top floors or in backyards as happened in Altadena) and entrapments in emergencies. The Project is a densely packed housing development with almost all areas devoted to housing and roadways. Apart from the rows of trees along Victoria Avenue, there are no public or open spaces internal to the site, such as a playground, a greenspace area, or pathways. By eliminating some units, the Project could reduce the potential for safety risk due to the Project's current design.

F. Land Use Impacts

The MND's Land Use section glosses over the host of City-adopted land use policies that are aimed at preservation of the historical, cultural and agricultural resources of the AHG and Victoria Avenue Parkway. The MND's Land Use section discusses *the population* that will be added by the Project and concludes that this population increase does not create a significant CEQA impact. This conclusion does not address the salient CEQA issue – that is, whether the Project conflicts with land use plans that were adopted for environmental purposes. (See, Guidelines, Appendix G.)

As discussed above, the City's General Plan contains land use policies to preserve the City's historic parkways, greenways and agricultural lands, including the 5,500-acre AHG and the historic Victoria Avenue Parkway. The General Plan's Open Space and Conservation Element Objective OS-3 and Objective OS-4²⁴ derive in part from voter-approved Measure C and Proposition R, which seek to preserve rural properties and uses through the application low density residential zoning to certain areas of the City. Policy OS-4.1 states that the City shall "continue to implement Proposition R and Measure C." The Project site is an active agricultural property (citrus groves) at the main entrance to the AHG area. It is also located along the historic Victoria Avenue Parkway. (See, General Plan Figure OS-2.) The Project's proposed zoning changes will increase the density of the site resulting in impacts that are directly contrary to the policies of the General Plan with respect to the historic greenbelt. The General Plan states, "[b]ecause of the importance of citriculture as a visual amenity, open space resource and important source of civic pride as part of the City's heritage, preservation of agriculture in the Arlington Heights Greenbelt will be of utmost importance as a City goal." According to the General Plan's Land Use Element, Victoria Avenue is a "historic parkway ... long recognized as an important local and scenic resource." (LU- 10). The Project will have an ongoing impact degrading the historic avenue from agricultural lands to urban uses, thus significantly altering the

²⁴ https://riversideca.gov/cedd/sites/riversideca.gov.ceedd/files/pdf/planning/general-plan/12_Open_Space_and_Conservation_Element.pdf

visual landscape and historic character of the historic parkway.

The proposed Project also conflicts with Proposition R and Measure C’s intent to protect and enhance agriculture along Victoria Avenue in and next to AHG areas, especially as expressed in Measures C’s policy to extend RA-5 Zoning to annexed areas. The City failed to apply Proposition R and Measure C to the Project’s “pocket area” after Measure C passed in 1987; however, this does excuse analysis and mitigation of issues pertaining the loss of agricultural resources that will impact the AHG and other agricultural properties in the area. The amount of population added by the Project is, again, irrelevant; it is *the location* that is relevant, especially when sensitive parkways, open space areas, and irrigated Prime Farmlands are adversely impacted by the Project.

By removing mature trees, the Project potentially conflicts with Riverside’s Climate Action Plan, Measure E-2 “Shade Trees”²⁵ which aims to reduce GHG emissions by “strategically plant[ing] trees at new residential developments to reduce the urban heat island effect.” The goal of this measure is to have 18,000 new shade trees planted representing one tree for every new residential unit built. The Project does not demonstrate consistency with this measure.

It is not clear that the Project conforms with the City’s Victoria Avenue Policy (“VAP”) (adopted November 2019).²⁶ The VAP notes that Victoria Avenue is recognized as a National Historic Place and a Cultural Heritage Landmark. It is also designated as a Scenic Parkway and it is a component of Riverside’s park systems within the General Plan. The MND’s Land Use section does not discuss the Project’s consistency with VAP. The VAP contains a list of development regulations applicable to development of projects along Victoria Avenue, including that for homes along Victoria Avenue:

- Single story structures are encouraged over two-story structures;
- Single story structures shall meet the setback requirements of Zoning Code, Title 19
- Two-story structures shall meet the setback requirements of Title 19;
- Two-story structures shall be set back a minimum of 50 feet from the ultimate right of way along Victoria Avenue;
- Any structure constructed within 200 feet of Victoria Avenue shall be required to obtain a Certificate of Appropriateness from the Historic Preservation Officer or Qualified Designee;

²⁵ <https://riversideca.gov/cedd/sites/riversideca.gov.ceedd/files/pdf/planning/other-plans/2016%20Riverside%20Restorative%20Growthprint%20Economic%20Proposerity%20Action%20Plan%20and%20Climate%20Action%20Plan.pdf>

²⁶

<https://riversideca.gov/cedd/sites/riversideca.gov.ceedd/files/pdf/planning/2021/Victoria%20Avenue%20Policy.pdf>

- For developments at a corner property, landscaping shall be required at the corner, *and along the side street* consistent with the landscaping along Victoria Avenue (emphasis added).

As to “specific sections” of Victoria Avenue, the VAP states that for new subdivisions southwest of Washington Street to La Sierra Avenue:

- All new subdivisions shall be designed to have *front-on treatment* to Victoria Avenue where possible (emphasis added);
- Side-on treatment is permitted *where front-on is not possible* or practical (; and
- No new reverse frontage is permitted

The Project does not appear to conform to a number of these policies, including that the Project will remove the existing citrus trees along La Sierra Avenue and apparently will not replace them with citrus trees; and the Project is designed with “side on” treatment as to the homes located on the Victoria Avenue frontage when “front on treatment” is preferred. It is presumably “possible” to provide landscaping along La Sierra Avenue as well as “front on treatment” along Victoria Avenue, but deliberate design choices have been made to have a certain number of homes within a constrained parcel. In other words, it is the choice to *maximize* site development that is causing the need for deviations from the Zoning Code and VAP.

Finally, there is conflicting information in the record regarding the portion of the Project site along Victoria Avenue allotted to the “historic landscaped Victoria Avenue parkway.” The MND contains references to varying numbers in terms of the size of the area that will not be developed: 1.24 acres (section 15 d), 1.4 acres (16 a) and .67 acres (16 b). The amount of land that will be set aside for purposes of conformance with the VAP should be clarified.

G. Noise Impacts

City General Plan Policy N-2.1 states that the City shall ensure that new development can be made compatible with the noise environment by using the noise/land use compatibility standards as guides to future planning and development decisions. The record does not demonstrate that Project-related traffic noise will be less than significant per CEQA thresholds or consistent with General Plan compatibility standards. The MND concludes that traffic volumes due to the Project (495 average daily trips during weekdays) will not cause sound levels to increase on Victoria Avenue on a significant basis. However, neither the MND nor the Exemption support this conclusion with evidence. In fact, the MND references traffic noise relative to “Garreston Avenue,” but this street appears to be irrelevant to the analysis as it is not near the Project site. The existing roadway noise along a relevant segment of Victoria Avenue is not disclosed, nor is the amount of traffic noise that can be expected to be generated by the Project so that the increase in noise level *due to the Project* cannot be assessed. This roadway noise information is needed before an “exemption” from CEQA is approved.

The MND identified the need to adopt mitigation for construction noise impacts (MM NOI-1). This precludes the CEQA exemption. Due to close proximity of existing sensitive noise receptors (homes) in the vicinity of the particular Project site, the MND concludes that

construction activities will cause potentially significant noise impacts and that mitigation is necessary.

H. Transportation Impacts

The MND's conclusions with respect to the Project's transportation impacts prohibits the Project from proceeding based on an MND or a CEQA exemption. CEQA review in the form of an EIR is required. The MND states that the Project will have a significant impact in terms of Vehicle Miles Traveled (contrary to the MND's CEQA checklist which indicates "less than significant impact"). MND, Table 17-1 "VMT Analysis of Project Impact" concludes with respect to the adopted threshold of significance for VMT impacts that the Project "exceeds the threshold by 4.9 VMT per resident (approximately 47% over the City threshold)". ***This is a finding of significance. The City cannot approve the Project based on a CEQA exemption where the record indicates a significant, direct traffic impact due to the specific Project.*** (Guidelines, § 15070 (b)(2).) The "VMT Reduction Measures" of MND, Table 17-2 are illusory at best in that they are features or components of the Project, meaning they cannot reasonably be credited towards VMT "reduction." Also, it is not clear how the "% Reductions" were derived. For instance, the MND credits the Project with a "30% reduction" in VMT for increasing density which is not explained, particularly when the site is not served by public transit, thus Project residents must still rely on their vehicles.

Importantly, ***the Project's VMT Impacts were not evaluated or mitigated through the General Plan Program EIR***, specifically the Project's significant VMT impacts "were not analyzed as significant effects in a prior EIR on the zoning action, general plan or community plan with which the project is [purportedly] consistent." (Guidelines, § 15183 (b).) The City cannot proceed with a statutory exemption from CEQA when there has been a major change to the CEQA statute since the certification of the General Plan EIR in terms of the need to evaluate VMT impacts (*see, e.g., City of Riverside Traffic Impact Analysis Guidelines For Vehicle Miles Traveled and Level of Service Assessment*²⁷ adopted July 2020 in compliance with Senate Bill 743 [codified 2013]). The MND considered this new impact area and found it to be potentially significant ***at the Project-level***. Therefore, the Project's VMT impact constitutes a ***new*** impact that is ***"peculiar"*** to the Project that has not been previously evaluated or mitigated by the previous EIR. The Project cannot proceed under the claimed CEQA exemption.

Finally, the City should exercise its discretion to require a Traffic Impact Analysis (TIA) with respect to Level of Service (LOS) because of the Project's location "in an environmentally or otherwise sensitive area, or in an area that is likely to generate public controversy." See, ²⁸

²⁷

<https://riversideca.gov/publicworks/sites/riversideca.gov.publicworks/files/docs/Traffic/TIA%20Guidelines%20-%20July%202020-Final.pdf>

²⁸

<https://riversideca.gov/publicworks/sites/riversideca.gov.publicworks/files/docs/Traffic/TIA%20Guidelines%20-%20July%202020-Final.pdf>

Among other things, the Project is located on the Victoria Avenue Parkway at the gateway to the AHG. A traffic study is also warranted because the Project has *one* point of vehicle ingress/egress, which may limit access for emergency services vehicles as well as create the potential for evacuation issues in the event of a wildland fire or other emergency.

I. Cumulative Impacts

The Project has the potential to contribute to the cumulative loss of agricultural and historic resources. As the General Plan states, “Riverside’s heritage is firmly grounded in the citrus industry. But Riverside’s future also embraces this heritage by preserving the City’s greenbelt and perpetuating agricultural uses, especially in the Arlington Heights area.” (LU- 22). General Plan Objective LU-6 contains a list of policies designed to ensure the continuation of the “agricultural character” through adherence to zoning provisions and policies. The Project’s contribution to the cumulative loss of agricultural and historical resources has not been considered. This omission renders the analysis inadequate under CEQA.

J. The Record Shows that CEQA Review is Required

The Staff Report contains an extensive General Plan “consistency” analysis whereby the Project is evaluated in terms of its purported consistency with the General Plan; this “consistency” analysis was made available through the Staff Report and was not circulated for public review. This new analysis asserts that the Project – a specific development proposal that exceeds allowable density at the site –is fully consistent with the City’s 2007 General Plan Program EIR so that no new environmental review is necessary. First, the 2007 General Plan did not evaluate the subject Project or any proposed use of the Project site. Second, the 2007 General Plan designated the property LDR; the Project is inconsistent with this zoning designation as it seeks an allowable density higher than what is permitted in the LDR. Third, the General Plan PEIR did not evaluate the Project’s “peculiar” impacts (*e.g.*, VMT impacts). As to VMT specifically, the “consistency analysis” at pg. 197 acknowledges that the VMT threshold under Guidelines, § 15064.3 (b) was not in effect when the General Plan PEIR was certified in 2007. This new provision of the CEQA statute constitutes “new information” which was not available at the time of the original EIR on which the Project’s exemption is purportedly based. The “consistency analysis” attempts to reason away this new information by speciously claiming that, because the General Plan PEIR was not required to evaluate VMT (as the VMT threshold did not exist in 2007), that the Project is likewise excused from analysis of VMT. The claimed exemption is valid to the extent there is no new information or change in circumstances since the previous EIR. If there is new information or changes in circumstances, as here, the previous analysis cannot apply because it did not include or consider this relevant new information or circumstances.

The record shows that the Project will cause significant levels of VMT. That is, the MND reaches a conclusion of significance relying on a new statutory CEQA threshold since the General Plan EIR. Project-specific analysis and mitigation is required. This is a changed conclusion from the conclusions of the General Plan PEIR with respect to transportation impacts (*i.e.*, the PEIR found less-than-significant transportation impacts due to implementation of the General Plan). It is also new information that results in a new significant impact. Altogether, the record supports

the preparation of an EIR to evaluate the Project-specific transportation impacts.

In addition, the VMT “mitigation measures” referenced in the MND are not “standard conditions,” even if they were adopted in this case. Rather, they are non-mandatory strategies recommended by an organization (CAPCOA) not affiliated with the City or having any jurisdiction over the Project. They are also ineffective and illusory in this case. For instance, the MND credits the Project with a VMT reduction due to the alleged fact that traffic congestion on the 91 freeway will “incentivize users” to utilize the nearest Metrolink station. There is no evidence from this statement. The Project, moreover, does not provide new transit access to reduce vehicle dependency. Also for instance, the Project will sell only 3 of the 49 units as “affordable and below market rates.” This limited supply of “affordable” housing does not reduce vehicle dependency by providing a concentration of affordable housing near employment centers, as implied. According to Caltrans²⁹, affordable housing produces less VMT *compared to market-rate housing*. Here the *46 of the 49 units are “market rate”*. This is not a reasonable basis to conclude that vehicle dependency will be reduced by the Project.

Since VMT was not evaluated in connection with the 2007 General Plan Program PEIR, the City did not evaluate any VMT mitigation at that time. The City, as the lead agency for the Project, must require CEQA review for the Project in light of this information, and the City should explore *programmatic VMT mitigation options* that were not relevant at the time of the General Plan PEIR. Other jurisdictions like the City of Escondido are evaluating “VMT Exchange Programs” for instance.³⁰ (See also, ^{31 32 33}.)

Finally, the Project does not, but it should, adopt mitigation measure MM Trans 1 from the General Plan PEIR.

IV. THE RECORD IS INTERNALLY INCONSISTENT

The MND states at p. 75 that “Mitigation Measures are required to reduce impacts to less than significant levels” in the areas of “Biological Resources, Cultural Resources, Geology and Soils, Noise (construction), Trial Cultural Resources, and Utilities and Services Systems.” This statement directly contradicts the analyses sections of the MND which conclude, on the checklists and in the supporting discussions, that the Project presents “less than significant” impacts and *no mitigation is required*. The document is therefore internally inconsistent.

Especially problematic is the MND’s statement at p. 76 that the “recent discovery of the isolate metate³⁴ in the Project area from “uncertain provenience and the presence of previously

²⁹ <https://dot.ca.gov/programs/esta/sb-743/resources/housing#:~:text=Compact%20housing%20can%20reduce%20VMT,compared%20to%20market%20rate%20housing>.

³⁰ <https://www.escondido.gov/DocumentCenter/View/2117/VMT-Exchange-Program-PDF>

³¹ <https://www.law.berkeley.edu/wp-content/uploads/2018/09/Implementing-SB-743.pdf>

³² <https://scag.ca.gov/connect-socal>

³³ <https://www.smwlaw.com/2024/01/17/mitigating-vehicle-miles-traveled/>

³⁴ <https://en.wikipedia.org/wiki/Metate>

recorded prehistoric sites” warrants Mitigation Measures MM CUL-1 through MM CUL-5. This statement amounts to “peculiar” impacts that are unique to the Project site. These site-specific impacts were not evaluated in the General Plan PEIR. And, the City cannot make the finding that so-called “standard conditions” will sufficiently mitigate the impacts when a full analysis of the site’s cultural resources has not been undertaken. The failure to require CEQA review in light of these so-called “recent discoveries” is a failure to comply with CEQA’s information disclosure provisions.

V. THE COUNCIL SHOULD REQUIRE FULL CEQA REVIEW FOR THE PROJECT IN THE FORM AN ENVIRONMENTAL IMPACT REPORT

As shown, the Project site is a unique resource located at an environmentally sensitive and historically significant location within one of Riverside’s oldest neighborhoods. The City initially determined that a mitigated negative declaration (MND) was required for the Project. Now the Council is asked to make the formal finding that *no CEQA review* is required. This sequence and timing calls into question whether an exemption is the appropriate level of CEQA review for the proposed activity. We submit that it is not, for the reasons outlined in this letter.

There is extensive Staff discussion in the record about conformance with State Housing Law, with Staff apparently reaching the conclusion that the Project *must* be approved *in its current form*. The Council may act, consistent with CEQA, to require an EIR for the Project; the Project is not required to be approved based on the claimed statutory exemption, as, among other things, this exemption is based on conformity with existing zoning designations and/or conformity with the General Plan. CEQA Guidelines § 15183 (a) provides that, “CEQA mandates that projects **which are consistent with the development density** established by existing zone, community plan, **or general plan policies** for which an EIR was certified shall not require additional environmental review, **except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site.**” As we have commented, the Project is not consistent with the allowable development density of the site, nor is it consistent with the 2007 General Plan. In addition, there are “peculiar” impacts to the Project and to the site that preclude the claimed statutory exemption.

CEQA review in this case should not be considered a barrier to the development of affordable housing, nor should these comments be construed as opposing affordable housing. According to a 2019 legislative report, in 2016, California’s affordable housing production ranked ninth among the 50 states, and “the CEQA process [] helped ensure that affordable housing is developed in a way that does not compromise the health and safety of an already vulnerable population.”³⁵ ³⁶ We submit that preparation of an EIR is critical to ensure that the sensitive site is developed in a responsible manner. In terms of affordable housing, the Project

³⁵ https://senv.senate.ca.gov/sites/senv.senate.ca.gov/files/ceqa_background.pdf

³⁶ <https://rosefoundation.wpenginepowered.com/wp-content/uploads/CEQA-in-the-21st-Century.pdf>

site is not listed in the City’s exhaustive inventory of “Opportunity Sites”³⁷ to meet State Housing quotas and there is no other such site shown along Victoria Avenue or in the AHG area, because these sites are not served by transit. The closest bus transit to the Project site appears to be 1.2 miles (walking distance) from the Project site. The closest Metrolink station is located 1.1 miles away (calculated by Google maps as a 25-minute walk). Still, housing units, including affordable housing units, *can* be provided at the Project site *at a density consistent with the LDR designation* of the General Plan.

VI. CONCLUSION

We respectfully urge the City Council to uphold the Planning Commission’s denial of the Project at its proposed density, or at minimum, require an Environmental Impact Report to ensure that the Project’s impacts are sufficiently evaluated and mitigated. The Project will irreversibly change the character of the historic greenbelt area as well as eliminate an agricultural property that is integral to Riverside’s heritage.

Thank you for considering these comments.

Sincerely,



Abigail Smith

³⁷ https://riversideca.gov/cedd/sites/riversideca.gov/cedd/files/pdf/planning/2021/Housing_Element/2021-09%20HE%20Appendix%20A%20-%20Opportunity%20Sites%20-%20City%20Council%20Draft.pdf

EXHIBIT A

MAJOR TRAFFIC STREET PLAN AND REPORT

RIVERSIDE
CALIFORNIA

(As Adopted by the
CITY PLANNING COMMISSION
December 2, 1927, and amended
May 31 and June 11, 1928)

RIVERSIDE CITY PLANNING COMMISSION
CHAS. H. CHENEY, *Consultant*
JUNE, 1928

MEMBERS OF THE COMMON COUNCIL

CLARENCE F. BACKSTRAND

C. A. OHLHAUSEN

A. J. PEARSE

JOHN T. REDMAN

JOHN A. TAYLOR

JESSE W. WELLS

EDWARD M. DIGHTON, *Mayor*

MEMBERS OF CITY PLANNING COMMISSION

HENRY W. COIL, *President*

JUSTIN B. COOK

S. LEONARD HERRICK

EDWARD W. HORNE

JOHN A. TAYLOR

EDWARD M. DIGHTON, *Mayor*

RALPH E. BROWN, *City Engineer*

WALTER C. DAVISON, *City Attorney*

WALTER K. LEWIS, *Secretary*

CHARLES HENRY CHENEY, *Consultant*

INTRODUCTION

Riverside has taken her place with the more progressive and forward looking cities of this country in having prepared and adopted by the Planning Commission a Major Traffic Street Plan, to establish the opening, widening and dedication of streets that will be needed in the next two or more decades by our ever increasing traffic.

The necessity for widening streets does not result from the plan—the plan results from the necessity of widening, which is forced upon us by conditions over which we have no control. Failure to provide for traffic will not prevent its coming. The advent of the automobile has presented problems entirely new in city building and has brought about conditions which must be dealt with in order to provide for the most ordinary convenience of the public. If we can look forward as well as backward, we can clearly see that we are in only the first stage of the traffic problem.

City planning is essentially an efficiency and economy measure. We are today forced to make expenditures which would not have been necessary if adequate planning had been used in former years. A major traffic plan is an indispensable guide to the proper control of subdivisions, dedications and city growth in every way. Notwithstanding objections which have arisen in certain local neighborhoods, which have had their basis in viewing the problem from the individual's standpoint, city planning has a composing and stabilizing effect. With the selection of defined arteries the question of alterations in other streets is at once placed at rest. The streets thus relieved greatly exceed those which must necessarily be affected by the needs of traffic.

Failure to plan does not avoid expenditures, it only increases the amount when they become necessary.

From the esthetic standpoint, city planning is of peculiar value to Riverside, whose chief assets are beauty and individuality. The time has long since passed when people were content to live by bread alone; they demand better houses, better schools, better churches and public buildings, better transportation and other service. It is not perceived why better and more beautiful streets, playgrounds and parks and a more artistic and attractive general civic aspect should lag far behind. Indeed from the standpoint of the mere dollar, Riverside cannot afford to be otherwise than beautiful. Its setting was planned by the Master Hand—let us make the most of it.

HENRY W. COIL, *President*
City Planning Commission

Monroe Street.

Forming another properly placed crosstown traffic street Monroe Street should be widened and extended from the Canal eastward through Mocking Bird Canyon Road to the top of the hill.

Van Buren Street—See Pedley Road.

Tyler Street.

Tyler Street is the most northerly traffic street of La Sierra Heights and should be opened on the west end to connect with Jurupa Avenue Extension, and widened and extended easterly into Stewart Street, and thence by a curving line following the easterly side of the canal into Hermosa Drive, widened, to a connection with Washington Street widened and extended.

Holden Avenue.

The principal street of La Sierra Heights is Holden Avenue, which is already 120-feet wide between Norwood Avenue and Cypress Avenue, a very good width for a business street. It should be extended 110-feet wide eastward to Magnolia Avenue, and thence 84-feet wide through Taylor Avenue to connect with the end of Dufferin Avenue. On its northwest end it should be widened to 110-feet and extended that width to a connection with Arlington Avenue, as shown on the accompanying Map 1.

NORTH AND SOUTH STREETS

Iowa Avenue.

This important eastside thoroughfare should be widened to 84-feet from Citrus Street northward to La Cadena Drive.

Kansas Avenue.

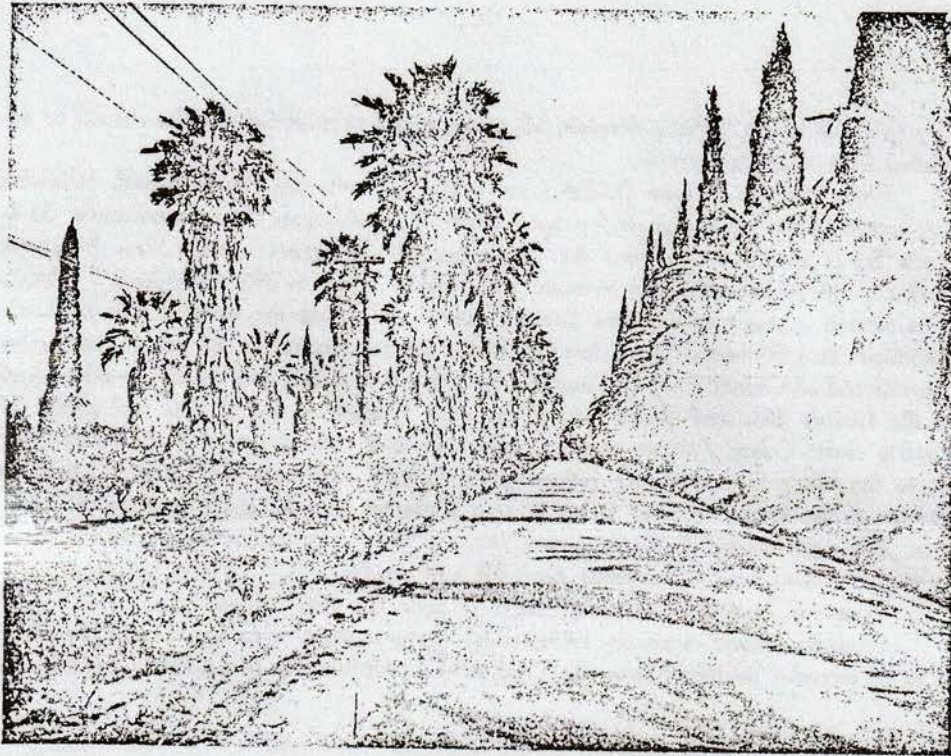
Kansas Avenue bears an important relation to the development of the east side, and is to be widened to 84-feet and extended through Russell Street widened into Crestmore Avenue, to connect with the proposed new bridge alongside the present Pacific Electric bridge and thence diagonally into the County road at Crestmore, as shown on Map 1. At its south end at the edge of the arroyo, Kansas Avenue should be carried by not more than a five (5%) per cent grade around the bottom of the arroyo and up the south side to connect with Elsinore Road widened, and continued this width to Perris Valley. It will thus form a very important through bypass street when connected up and improved.

Mitchell Avenue and Merrick Avenue.

Mitchell Avenue is a necessary traffic artery in La Sierra Heights. It is to be extended northeasterly to a connection with Jurupa Avenue and Rutland Avenue, as shown on Map 1. To the southeast it is to be connected with Merrick Avenue, widened.

Victoria Avenue Parkway

The greatest show street of Riverside today is Victoria Avenue, with its fine trees and planting, running southward from Victoria Hill for about five miles. But at



VICTORIA AVENUE IS ONE OF THE GLORIOUS PARKWAYS OF AMERICA

but because it now begins and ends nowhere, it is planned to extend it from the splendid new Victoria Avenue Bridge through High Street widened to a connection into East 7th Street. The utility wires now desecrating it should be removed to the next parallel street or placed under ground.

present it begins nowhere and ends nowhere. A route has therefore been adopted for bringing Victoria Avenue to the center of town and looping it around to the north and east to pass the principal attractions of the city, as shown on Map 1.

The present width of 120-feet is attractive now because of the almost uniform flanking of rich green orange groves. But should these orange trees be removed the present Victoria Avenue would appear meager and thin as a show drive.

A new revised planting plan for Victoria Avenue should shortly be prepared, to supplement and enhance the growth that is there now and to develop the best possible landscape features.

From Victoria Hill and Elsinore Road, Victoria Avenue should be widened and extended to the bridge. Thence to the northward the present Victoria Avenue should be widened to 130-feet and planted, and extended diagonally into Seventh Street, as shown on Map 1.

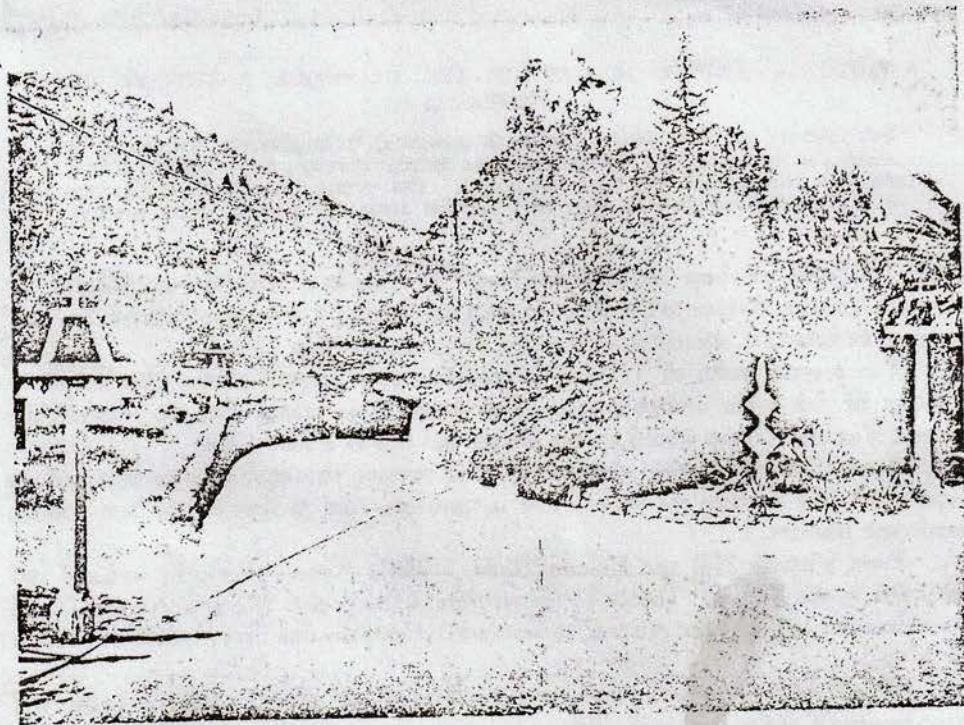
The Victoria Avenue bridge across the Arroyo is a general public necessity, and must be rebuilt at the high level, both to bring people properly into town from across the arroyo and also for a number of years, to make possible easy delivery of oranges to the Packing Houses. Eventually, when Park Avenue is extended as a hauling street south-

erly to connect with Indiana Avenue, all trucking and commercial vehicles should be excluded from Victoria Avenue.

From Victoria Avenue Bridge a new parkway route has been adopted, following the arroyo under the bridge and passing under Park Avenue, the two railroads, Mulberry Street extended, and past the Polytechnic High School; under New Magnolia Avenue, and across Brockton Avenue and Pepper Street to Mt. Rubidoux. Thence it is carried at high level across Seventh Street and along the easterly side of Little Rubidoux thru Redwood Drive down to Evans Lake. Encircling the lake it runs across the east end of County Park and northward 220-feet in width, through the meadow land to the County line, and thence turning eastward follows an arroyo that will permit of passing under Colton Avenue and the Railroads on a curving route, as shown on Map 1, to the Gage Canal; thence following the Gage Canal past the Citrus Experiment Station to the arroyo, around which it is to circle on an easy grade and up the south side, then again along the Gage Canal, thru Arroyo Drive extended, to connect again with the present Victoria Avenue near the new bridge.

Thus will be provided a magnificent "Round the City" drive.

From its present southerly terminus at Stewart Street Victoria Avenue Parkway is to be extended southerly along the Gage Canal and westerly to La Sierra Heights, as



MEMORIAL ARCH BRIDGE AT THE WEST ENTRANCE TO TOWN.

Few cities in this country have as attractive or beautiful a gateway as has been formed by this bridge and the gracefully winding Buena Vista Way leading up to it. Now traffic has outgrown the roadway and it is recommended that another stone arch be added to the north of the present one and that a wide triangular plaza be opened to the east of it as shown on page 23.

shown on Map 1, 220-feet wide, to a connection with the River Parkway, across a future bridge, two miles west of Pedley Road Bridge.

Park Avenue—Lincoln Avenue.

Park Avenue is the most suitable hauling street paralleling the railroads on the east side. Here a wide through trucking street is much needed to serve the packing houses, warehouses and industrial zones, and to act as a sort of distributor street for these important business groups. Park Avenue should be widened to 84-feet and extended in a straight line northerly to First Street, extended, thence diagonally to Kansas Avenue (allowing for a future separation of grade under the Southern Pacific line) and thence parallel with the Santa Fe to the intersection of Columbia and Iowa Avenues, as shown on Map 1.

To the southward Park Avenue is to be extended on a high level fill or bridge across the arroyo, and over Victoria Avenue extension, staying on the east side of the Santa Fe and following the edge of the Cemetery to Arlington Avenue; thence diagonally to the intersection of Mary Street and Lincoln Avenue. This will provide a permanent future outlet, with more direct access for the fruit hauling, from the Arlington Heights District to the packing houses.

Colton Avenue—La Cadena Drive—Mulberry Street—Indiana Avenue.

On the west side of the Railroads the most important hauling street and through artery is formed by Colton Avenue, widened and continuing through La Cadena Drive (widened to 110-feet from Colton Avenue to First Street) and thence cut through diagonally into Mulberry Street at Third Street. Mulberry Street is to be widened to 110-feet to Fourteenth Street for a bypass distributor and hauling street for the packing houses and industries, and continued 84 feet wide in a straight line to North Street; thence diagonally, on a high fill or a viaduct to Ramona Avenue, across the arroyo and over Victoria Avenue Parkway Extension; thence southerly to Jurupa Avenue and by an overpass over the Union Pacific to a connection with Riverside Avenue and Indiana Avenue, as shown on Map 1. This will provide a much needed hauling and through traffic street, paralleling the Railroads on the west. The extra width north of Fourteenth Street is essential to carry the heavy through traffic to Colton and San Bernardino. At its south end Indiana Avenue is to be extended 84-feet wide to Buchanan Avenue.

Orange Street.

Paralleling as it does the main business street of Riverside, Orange Street is necessary for the growth of business between Seventh and Fourteenth Streets and should be widened by pushing the sidewalks under the buildings and arcading. This will make a picturesque and attractive street. A 50-foot minimum roadway should be established for this distance.

Main Street.

With 99-feet of width through the center of the city Main Street is a good business and traffic street, but at present much diminished in traffic capacity by the street car line, which should be removed and the cars operated on Market Street.

MAP 1.
PART I OF MASTER PLAN
MAJOR TRAFFIC STREET PLAN

RIVERSIDE CALIFORNIA
CITY PLANNING COMMISSION
ORAS H. SHERK CONSULTANT
PALMS VERDES ESTATES CAL.

SHEET 1.

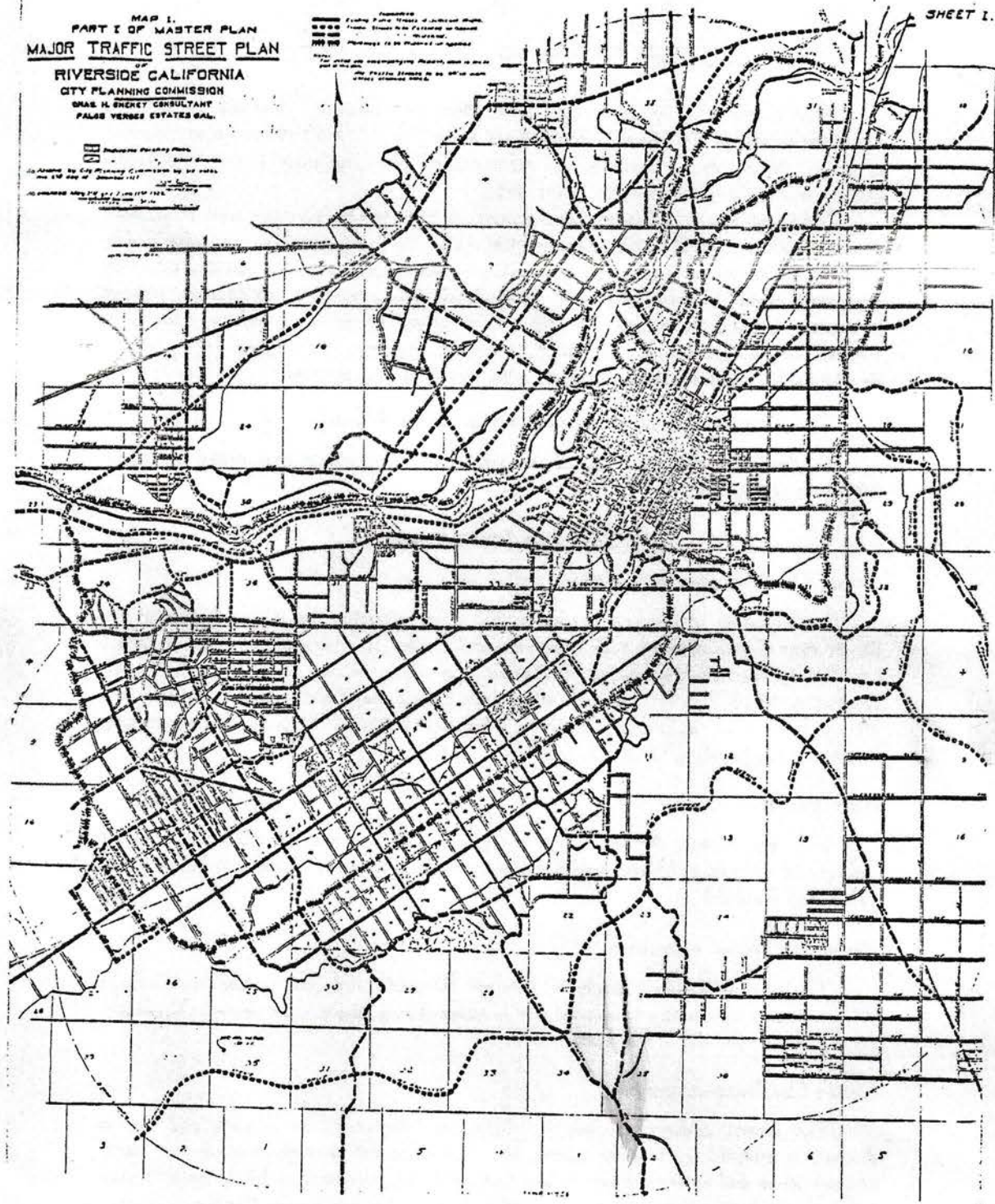


EXHIBIT B


Farmland Designations Map

Requesting Customer: Robert Buster
Approximate Acres: 10
Land Use: Cropland
Address: Millsweet Lane, Riverside CA 92503


















Date: 11/4/2024
Office: Redlands
Agency: USDA-NRCS
Map Author: Katy Lam
County, State: Riverside, CA

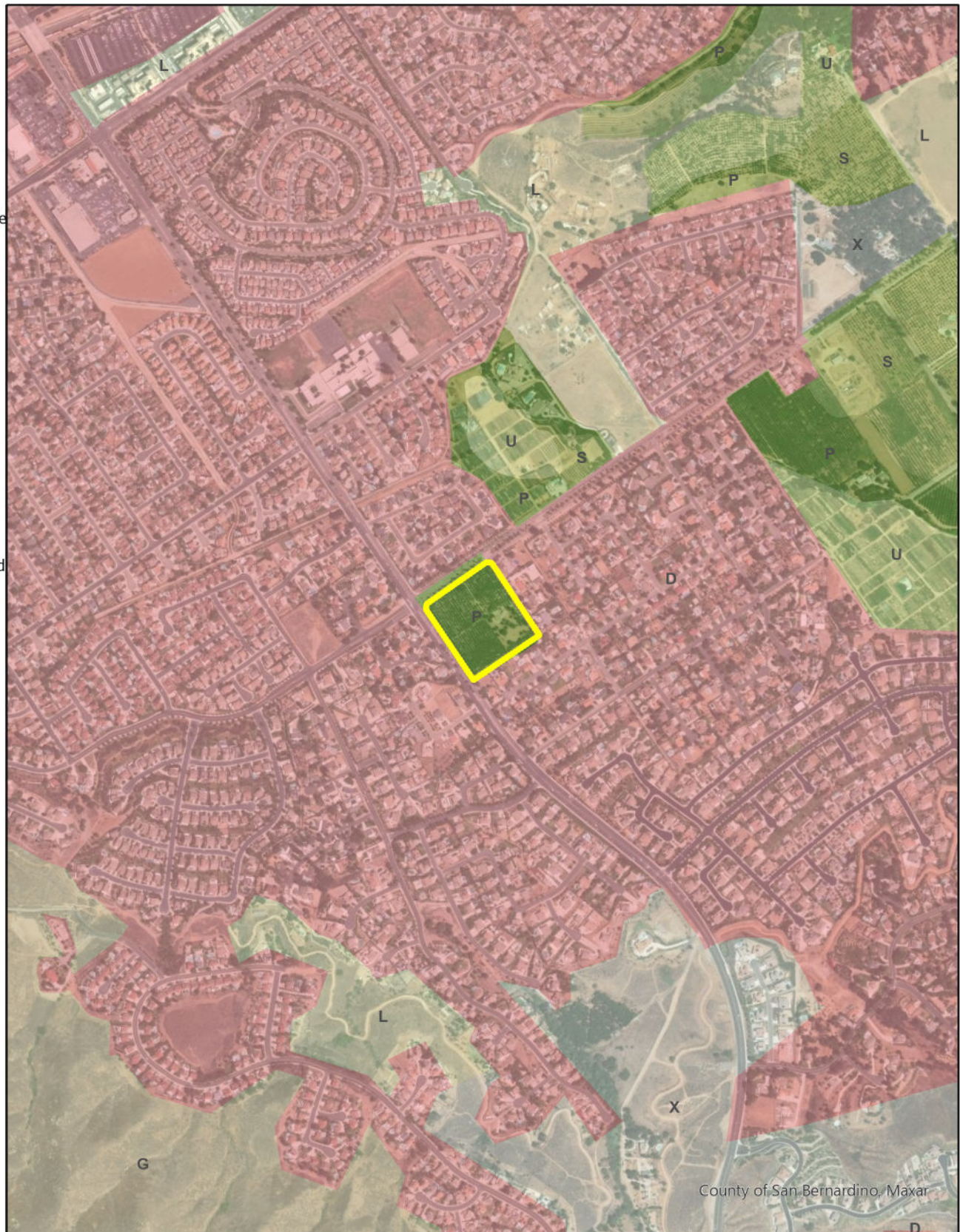


Legend

 MillsweetProperty

Prime and Unique Farmlands, FMMP

-  P-Prime Farmland
-  S-Farmland of Statewide Importance
-  U-Unique Farmland
-  G-Grazing Land
-  L-Farmland of Local Importance
-  LP-Farmland of Local Potential
-  X-Other Land
-  CI-Confined Animal Agriculture
-  nv-Nonagricultural or Natural Vegetation
-  V-Vacant or Disturbed Land
-  R-Rural Residential Land
-  sAC-Semi-agricultural and Rural Commercial Land
-  D-Urban and Built-Up Land
-  W-Water Area
-  I-Irrigated Farmland
-  N-Nonirrigated Farmland
-  Z-Out of Survey Area



Scale: 1:12,500

0 0.1 0.2 0.4
Miles



Cox, Castle & Nicholson LLP

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Christopher Burt
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April 21, 2025

HAND DELIVERY

Judy Eguez
Senior Planner
City of Riverside Planning Division
3900 Main Street, 3rd Floor
Riverside, CA 92522

Re: Warmington Residential - SEC La Sierra and Victoria Avenue (PR-2024-001656)

Dear Ms. Eguez:

This firm represents Warmington Residential, the applicant for the SEC La Sierra and Victoria Avenue project (the "Project"). The Project requests a Tentative Tract Map to subdivide a 9.91-acre parcel into 49 single family lots to facilitate residential development of 46 market rate units and three (3) deed-restricted, affordable units. This letter specifically responds to the February 25, 2025, letter from Rural Association of Mead Valley ("RAMV") and local residents regarding the California Environmental Quality Act ("CEQA") Guidelines Sections 15183 and Section 15168 checklist analysis ("Project CEQA Checklist") prepared for the Project. RAMV's letter makes multiple misstatements and incorrectly characterizes the analysis. This letter corrects those errors.

I. CEQA Guidelines Sections 15183 and 15168

First, RAMV's letter confusingly acknowledges that the City of Riverside ("City") prepared a CEQA checklist analysis for the Project, but then asserts that the applicant requests a finding that no CEQA review is required. Those concepts are mutually inconsistent. The CEQA checklist analysis prepared for the Project is a well-accepted, statutory form of CEQA compliance/review (of which there are many). CEQA Guidelines Section 15183 (and Public Resources Code section 21083.3) provides that projects that are consistent with the development density established by existing zoning, community plan, or general plan policies for which an environmental impact report ("EIR") was certified, shall not be subject to additional environmental review except as might be necessary to examine whether there are project-specific significant effects that are peculiar to the project or its site. (*Hilltop Group, Inc. v. County of San Diego* (2024) 99 Cal.App.5th 890, 897.) For such projects, if an impact is not peculiar to the parcel or to the proposed project, has been addressed as a significant effect in the prior EIR, or can be substantially mitigated by the imposition of uniformly applied development policies or

standards, as contemplated by Section 15183, subdivision (e), then an additional EIR need not be prepared for the project solely because of that impact.

CEQA Guidelines section 15168 provides a separate (but similar) opportunity for CEQA streamlining. Section 15168 also encourages lead agencies to tier from certified program EIRs when carrying out individual activities within the program. A lead agency must examine later activities in the program in the light of the program EIR to determine whether an additional environmental document must be prepared, which typically is done using a modified initial study checklist. (14 Cal. Code Regs., § 15168, subd. (c)(4).) If the lead agency finds that no subsequent EIR would be required for the later activity, the agency can approve the activity as being within the scope of the project covered by the program EIR, and no new environmental document is required.

RAMV's assertion that the Project's CEQA Checklist is tantamount to "no CEQA review" is incorrect. Moreover, the fact that a Mitigated Negative Declaration was previously prepared does not undermine or call into question the validity of the Project's CEQA Checklist, which is supported by substantial record evidence. (E.g., *Del Cerro Mobile Estates v. City of Placentia* (2011) 197 Cal.App.4th 173, 179 ["City's change in position did not preclude it from invoking the exemption," where City had initially prepared an EIR]; see also *Hilltop Group, supra*, 99 Cal.App.5th at p. 915 ["To unequivocally require the preparation of an EIR based on the initial study, even in the face of County staff's later findings that the project qualified for an exemption, would elevate form over substance. We decline to do so"].)

II. RAMV's Specific Allegations Are Meritless

a. The Project's Does Not Require a Zoning Amendment

RAMV asserts that the Project does not qualify for streamlined review under Section 15183 because it "requests a zoning amendment to increase the density of the site." That is incorrect. The Project does not request a zoning amendment (or any legislative approvals). It seeks approval of a tentative tract map to subdivide the property into 49 single family lots. The Project uses the State Density Bonus Law ("DBL"), which permits an additional 20 percent density bonus beyond the maximum base density (from 4.1 units/acre to 4.95 units/acre). The minor and state-authorized increase in density does not disqualify the Project from streamlined review under either Sections 15183 or 15168.

First, state law recognizes that projects using the DBL are considered consistent and compliant with applicable local density standards. (*Bankers Hill 150 v. City of San Diego* (2022) 74 Cal.App.5th 755, 774; *Wollmer v. City of Berkeley* (2011) 193 Cal.App.4th 1329, 1348.) Second, the Project's density is consistent with the total buildout assumptions of the General Plan as analyzed in the City's General Plan PEIR, which the Project CEQA Checklist is using for purposes of determining whether the Project's potential impacts were analyzed. "A program EIR may serve as the EIR for a subsequently proposed project to the extent it contemplates and adequately analyzes the potential environmental impacts of the project." (*Citizens for*

Responsible Equitable Environmental Development v. City of San Diego Redevelopment Agency (2005) 134 Cal.App.4th 598, 615.) In fact, regarding projects that are consistent with a general plan or zoning, Section 15183 states that additional CEQA review “shall not” be required except as may be necessary to examine whether there are impacts which are peculiar to the project or site. Here, no unanalyzed peculiar impacts would result. Third, Section 15168 has no similar density limitation as Section 15183. Under Section 15168, as long as the project is “within the scope of the project covered by the program EIR . . . no new environmental document would be required.” (14 Cal. Code Regs., § 15168, subd. (c)(2).) As noted above, the Project site has a General Plan land use designation that permits residences and the impacts of the residences added by the Project are within the impacts studied in the General Plan PEIR.

b. RAMV Does Not Present Any Evidence of Project Specific Effects That are Peculiar to the Project or Site

RAMV asserts without evidence that the Project will have project-specific effects that are peculiar to the project or site. First, RAMV misrepresents what is a “peculiar effect” that triggers additional review. An effect that was previously analyzed in a prior EIR is not peculiar to the project or the site. (Pub. Res. Code § 21083.3(a); *Hilltop Group, supra*, 99 Cal.App.5th at 912 [Section 15183 only requires additional analysis when substantial evidence shows that a project would have “peculiar effects which were not addressed in the prior EIR”].) Also, an impact is not peculiar even if not previously analyzed if “uniformly applied development policies or standards” will substantially mitigate the potential impact. (14 Cal. Code Regs., § 15183, subd. (f).)

The commenter’s vague assertions about alleged “land use impacts” that are peculiar to the project are not substantial evidence. The comments also completely ignore the Project CEQA Checklist analysis. It contends, for instance, that General Plan policies seeks to preserve historic greenways, and that the Project is inconsistent with such policies and would result in peculiar impacts. That contention disregards the analysis of the Project CEQA Checklist, which specifically notes that the Project would conserve approximately 1.4 acres along Victoria Avenue as part of its historic landscape parkway and is consistent with *Victoria Avenue Policy for Preservation, Design and Development* requirements. Thus, uniformly applied development policies and standards serve to limit any impact. Also, the Project CEQA Checklist explained that the General Plan PEIR identified Victoria Avenue as a scenic parkway and concluded that future development consistent with the General Plan would not result in significant impacts to Victoria Avenue and other parkways. The commenter chooses to ignore that analysis.

RAMV also asserts that conversion of the project site from agricultural uses to urban uses is a peculiar impact. Like the parkway allegation above, the commenter ignores the fact that, as discussed in the Project CEQA Checklist, (a) the General Plan specifically contemplates conversion of the site to residential uses (as reflected by the designation and zoning) and (b) the General Plan PEIR concluded that conversion of agricultural uses citywide would be a significant and unavoidable impact. Thus, the General Plan PEIR specifically analyzed potential

impacts associated with the conversion of agricultural lands under the General Plan. The Project is consistent with and implements the General Plan, and would not result in peculiar impacts.

The commenter's assertions about inconsistencies with the Arlington Heights Greenbelt policies are also unavailing. The project site is not within the Arlington Heights Greenbelt. (General Plan Figure LU-3; General Plan PEIR Figure 5.2-1.) Moreover, the Project's adjacency to the Arlington Heights Greenbelt does not result in an impact, and certainly not a peculiar impact, because the Project is consistent with the General Plan's planned development and the General Plan PEIR, and within the scope of the impacts identified in the General Plan PEIR. (General Plan PEIR at p. 5.2-20.) Also, it should be noted that the site is not zoned RA-5, which is intended to preserve agricultural areas regulated by Proposition R and Measure C (which also only apply to limited areas of the City). The site is not governed by Proposition R or Measure C.

III. Conclusion

After the Planning Commission denied the Project, City staff considered whether a mitigated negative declaration was the appropriate CEQA document and decided to prepare the Project CEQA Checklist. That Checklist confirmed that the Project has no peculiar impacts and is within the scope of the General Plan PEIR. Accordingly, the mitigated negative declaration is not legally required.

Sincerely,

Cox, Castle & Nicholson LLP

A handwritten signature in black ink, appearing to read 'C. Burt', with a long horizontal flourish extending to the right.

Christopher Burt

Eguez, Judy

From: Jose Valdez <jval1349@gmail.com>
Sent: Monday, April 21, 2025 1:31 PM
To: Falcone, Philip; Cervantes, Clarissa; Robillard, Steven; Conder, Chuck; Mill, Sean; Perry, Jim; Hemenway, Steve; Eguez, Judy; inlandeditors@scng.com; kguimarin@scng.com; tharmonson@scng.com; mcannontran@scng.com; mhart@scng.com; jhorseman@scng.com; byarbrough@scng.com; 2Mayor
Subject: [EXTERNAL] Oppose violation of Prop R and Measure C - Victoria Ave Development

CAUTION: This email originated from outside the City of Riverside. It was not sent by any City official or staff. Use caution when opening attachments or links.

Hello Elected Council,

I respectfully urge you to oppose any actions, including those outlined in Case Number PR2024-001656, that would violate the intent and protections established by Proposition R and Measure C, which have preserved Riverside's greenbelt for over thirty years through voter mandate. Regardless of SB 9 and SB 10, the zoning in question remains protected by local measures enacted by the will of the people. I ask that you act in the best interest of the constituents you serve and reject any proposal that would compromise this longstanding community legacy. Granting exceptions would set a dangerous precedent, threatening to dismantle decades of deliberate and democratically supported preservation efforts. The residents of this city do not support the degradation of this critical and historic green space.

- Proud Resident, Mr. Valdez

Eguez, Judy

From: Paul Vo <khoapaulvo@hotmail.com>
Sent: Saturday, April 19, 2025 3:30 PM
To: Falcone, Philip; Cervantes, Clarissa; Robillard, Steven; Conder, Chuck; Mill, Sean; Perry, Jim; Hemenway, Steve
Cc: Eguez, Judy
Subject: [EXTERNAL] YIMBY to Victoria Ave. Homes

CAUTION: This email originated from outside the City of Riverside. It was not sent by any City official or staff. Use caution when opening attachments or links.

Hello,

I was recently informed that Warmington Residential was planning on building new homes on Victoria Ave.

I would hope that each of you votes YES to allow construction of the homes on that lot. This region is in serious need of housing, and there needs to be additional supply to allow housing prices to come down. We cannot continue to be like the rest of California and have unnecessary restrictions that prevent housing from being built.

Thank you.

Paul Vo
khoapaulvo@hotmail.com



4/16/2025

CC Date: 4-22-25

Item No.: 26

City of Riverside City Council
3900 Main Street
City of Riverside, CA 92522

City_Clerk@riversideca.gov
Via Email

Re: Item #26 – Southeast corner of Victoria Avenue and La Sierra Avenue
APN 136-220-016

Dear City of Riverside City Council,

YIMBY Law is a 501(c)3 non-profit corporation, whose mission is to increase the accessibility and affordability of housing in California. YIMBY Law sues municipalities when they fail to comply with state housing laws, including the Housing Accountability Act (HAA). As you know, the City Council has an obligation to abide by all relevant state housing laws when evaluating the above captioned proposal, including the HAA. Should the City fail to follow the law, YIMBY Law will not hesitate to file suit to ensure that the law is enforced.

On November 7, 2024, the City of Riverside's Planning Commission improperly denied the proposed project despite the City Staff determination that the project will not have a significant effect on the environment and recommendation that the Planning Commission approve the project based on the findings. In response, the applicant appealed the decision to City Council.

As previously discussed, the project consists of a 9.91-acre site to be subdivided into 49 lots for development of single-family residences and eight lettered lots for private streets, alleys, a bioretention basin and open space to facilitate construction of 46 market-rate residences and 3 affordable residences (5% of the project units) for very low-income households. The residential lots will range in size from 3,690 sq ft to 7,437 sq feet, and a lot located along Victoria Avenue will include a 0.67-acre open space that will preserve existing orange groves in perpetuity.

The proposed project will bring several benefits to the community and will enhance the currently vacant 9.91-acre site, tying into existing utilities and infrastructure while preserving portions of the historic orange groves along Victoria Avenue. Further, contrary to project opposition, the Phase I Cultural Resources Assessment confirms the site is not a "historical resource," and the site currently has an approved tentative tract map (TTM), showing it is neither a historical site nor protected land. Regardless, as noted in the staff report, the proposed project complies with Victoria Avenue policy by "implementing the preservation of existing orange trees within 100-feet of Victoria Avenue's edge, the construction of a multipurpose trail, and elimination of any streets or driveways along the Victoria Avenue frontage." The Planning Commission erred in

denying the project, and we urge City Council to follow the relevant state housing laws that support the approval of this project.

California Government Code § 65589.5, the Housing Accountability Act, prohibits localities from denying housing development projects that are compliant with the locality's zoning ordinance or general plan at the time the application was deemed complete, unless the locality can make findings that the proposed housing development would be a threat to public health and safety.

With the requested concessions and/or waivers available under State Density Bonus Law, the above captioned proposal is zoning compliant and general plan compliant; therefore, your local agency must approve the application, or else make findings to the effect that the proposed project would have an adverse impact on public health and safety, as described above. Should the City fail to comply with the law, YIMBY Law will not hesitate to take legal action to ensure that the law is enforced.

I am signing this letter both in my capacity as the Executive Director of YIMBY Law, and as a resident of California who is affected by the shortage of housing in our state and would be eligible to apply for residency in the proposed housing development project.

Sincerely,

A handwritten signature in black ink that reads "Sonja Trauss". The signature is written in a cursive, flowing style.

Sonja Trauss
Executive Director
YIMBY Law