

RESPONSES TO COMMENTS
DRAFT MITIGATED NEGATIVE DECLARATION

Tentative Tract Map No. 38921 - SEC La Sierra and Victoria Avenue
PLANNING CASE PR-2024-001656 (TM)
SCH NO. 2024100611

November 6, 2024

Introduction

This document contains responses to comments received on the Draft Mitigated Negative Declaration (MND) during the public review period, which began on October 11, 2024, and ended on October 30, 2024. The comments are listed below.

- Letter from the California Department of Toxic Substances Control, October 24, 2024.
- Email received from Bob Buster, October 31, 2024.
- Email received from Friends of Riverside's Hills, October 31, 2024.
- Letter from DeLano & Delano, November 6, 2024.

CEQA Requirements Regarding Comments and Responses

15074. CONSIDERATION AND ADOPTION OF A NEGATIVE DECLARATION OR MITIGATED NEGATIVE DECLARATION.

(b) Prior to approving a project, the decision-making body of the lead agency shall consider the proposed negative declaration or mitigated negative declaration together with any comments received during the public review process. The decision-making body shall adopt the proposed negative declaration or mitigated negative declaration only if it finds on the basis of the whole record before it (including the initial study and any comments received), that there is no substantial evidence that the project will have a significant effect on the environment and that the negative declaration or mitigated negative declaration reflects the lead agency's independent judgment and analysis.

Although State CEQA Guidelines Section 15088 does not require a Lead Agency to prepare written responses to comments received, the City of Riverside has elected to prepare the following written responses with the intent of providing a comprehensive and meaningful evaluation of the proposed Project.

Conclusions

None of the comments provide substantial evidence that the Project will have significant environmental effects, which would require the preparation of an Environmental Impact Report. Further, none of the information in the comments constitutes the type of significant new information that requires recirculation of the MND for further public review under State CEQA Guidelines Section 15073.5 *Recirculation of a Negative Declaration Prior to Adoption*. None of this new material indicates that the Project will result in a significant new environmental impact not previously disclosed in the MND. Additionally, none of this information indicates that there would be a substantial increase in the severity of a previously identified environmental impact that will not be mitigated, or that there would be any of the other circumstances requiring recirculation described in State CEQA Guidelines Section 15073.5.

DEPARTMENT OF TOXIC SUBSTANCES CONTROL (DTSC) COMMENT LETTER



Yana Garcia
Secretary for
Environmental Protection



Department of Toxic Substances Control

Katherine M. Butler, MPH, Director
8800 Cal Center Drive
Sacramento, California 95826-3200
<https://dtsc.ca.gov>



Gavin Newsom
Governor

SENT VIA ELECTRONIC MAIL

October 24, 2024

Judy Eguez
Senior Planner
City of Riverside
3900 Main Street
Riverside, CA 92522
jeguez@riversideca.gov

RE: MITIGATED NEGATIVE DECLARATION FOR TENTATIVE TRACT MAP NO.
38921 - SEC LA SIERRA AND VICTORIA AVENUE DATED OCTOBER 15, 2024,
STATE CLEARINGHOUSE NUMBER [2024100611](#)

Dear Judy Eguez,

The Department of Toxic Substances Control (DTSC) received a Mitigated Negative Declaration (MND) for the Tentative Tract Map No. 38921 - Sec La Sierra and Victoria Avenue project (project). The proposed project would subdivide a 9.91-acre project site into 49 lots for the development of single-family residences and eight lettered lots for private streets, alleys, a bioretention basin and open space. The project will provide 46 market-rate units and 3 affordable units for very low-income households. After reviewing the project, DTSC recommends and requests consideration of the following comments:

1. When agricultural crops and/or land uses are proposed or rezoned for residential use, a number of contaminants of concern (COCs) can be present. The Lead Agency shall identify the amounts of Pesticides and Organochlorine Pesticides (OCPs) historically used on the property. If present, OCPs

requiring further analysis are dichloro-diphenyl-trichloroethane, toxaphene, and dieldrin. Additionally, any level of arsenic present would require further analysis and sampling and must meet [HHRA NOTE NUMBER 3, DTSC-SLs](#) approved thresholds. If they are not, remedial action must take place to mitigate them below those thresholds. Additional COCs may be found in mixing/loading/storage areas, drainage ditches, farmhouses, or any other outbuildings and should be sampled and analyzed. If smudge pots had been routinely utilized, additional sampling for Polycyclic Aromatic Hydrocarbons and/or Total Petroleum Hydrocarbons may be required.

2. In the Phase I Environmental Site Assessment De Minimis Conditions Section states: "The low levels of OCPs and arsenic detected in near-surface soils as part of our Limited Soil Investigation are considered to be a de minimis condition for the subject property. However, EFI Global notes that based on the subject property's historical agricultural use, it is possible that buried/concealed/hidden agricultural by-products, both above and below ground may have existed or exists on the subject property. Any buried trash/debris or other waste encountered during future subject property development should be evaluated by an experienced environmental consultant prior to removal. If stained or suspicious soil is encountered during future grading operations, the material should be evaluated and if deemed necessary, characterized for property disposal." DTSC recommends the City of Riverside enter into a voluntary agreement to address contamination at brownfields and other types of properties or receive oversight from a [self-certified local agency](#), DTSC or Regional Water Quality Control Board. If entering into one of DTSC's voluntary agreements, please note that DTSC uses a single standard Request for Lead Agency Oversight Application for all agreement types. Please apply for DTSC oversight using this link: [Request for Agency Oversight Application](#). Submittal of the online application includes an agreement to pay costs incurred during agreement preparation. If you

Judy Eguez
October 24, 2024
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have any questions about the application portal, please contact your [Regional Brownfield Coordinator](#).

3. DTSC recommends that all imported soil and fill material should be tested to assess any contaminants of concern meet screening levels as outlined in [DTSC's Preliminary Endangerment Assessment \(PEA\) Guidance Manual](#). Additionally, DTSC advises referencing the [DTSC Information Advisory Clean Imported Fill Material Fact Sheet](#) if importing fill is necessary. To minimize the possibility of introducing contaminated soil and fill material there should be documentation of the origins of the soil or fill material and, if applicable, sampling be conducted to ensure that the imported soil and fill material are suitable for the intended land use. The soil sampling should include analysis based on the source of the fill and knowledge of prior land use. Additional information can be found by visiting [DTSC's Human and Ecological Risk Office \(HERO\) webpage](#).

DTSC appreciates the opportunity to comment on the MND for the Tentative Tract Map No. 38921 - Sec La Sierra and Victoria Avenue project. Thank you for your assistance in protecting California's people and environment from the harmful effects of toxic substances. If you have any questions or would like clarification on DTSC's comments, please respond to this letter or via [email](#) for additional guidance.

Sincerely,
Tamara Purvis
Associate Environmental Planner
HWMP - Permitting Division – CEQA Unit Department of
Toxic Substances Control
Tamara.Purvis@dtsc.ca.gov

Judy Eguez
October 24, 2024
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cc: (via email)

Governor's Office of Land Use and Climate Innovation
State Clearinghouse State.Clearinghouse@opr.ca.gov

Dave Kereazis
Associate Environmental Planner HWMP-
Permitting Division – CEQA Unit
Department of Toxic Substances Control
Dave.Kereazis@dtsc.ca.gov

Scott Wiley
Associate Governmental Program Analyst
HWMP - Permitting Division – CEQA Unit
Department of Toxic Substances Control
Scott.Wiley@dtsc.ca.gov

RESPONSE TO COMMENT 1

A Phase I Environmental Site Assessment (ESA) and Limited Soil Investigation Study was conducted on the project site in 2019. The ESA indicated citrus production had occurred on the site from at least the mid-1920s to approximately 1990, and the site currently contains hundreds of citrus trees that are no longer in active production. In the past, citrus growing involved the use of arsenic and organochlorine pesticides (OCPs) as herbicides to control a variety of pests during citrus production. To determine if or to what degree the site may be contaminated with these materials, the ESA included a limited soil investigation, including soil sampling and laboratory testing. The ESA concluded that the level of both arsenic and OCPs in the onsite soil was at or below appropriate health standards for these materials and did not recommend additional testing or remediation of these materials during grading. The ESA also determined that the potential for finding other kinds of contaminants on the site, such as asbestos-containing materials (ACMs) or lead-based paint (LBP), was low.

However, based on the subject property's historical agricultural use, it is possible that buried/concealed/hidden agricultural by-products, both above and below ground, may have existed or existed on the property. Any discovery of these types of hazardous materials found during construction is regulated by state and federal laws that the Project is required to adhere to strictly. As a result, the routine transport, use, or disposal of hazardous materials during construction activities of the proposed Project would be less than significant.

Comments

October 31, 2024

by Bob Buster

7407 Dufferin Ave, Riverside CA 92504
bobbuster@att.net (951) 314-0201

on the Mitigated Negative Declaration for Planning Case PR-2024-001656

to Planning Commission, City of Riverside

Attn: Judy Eiguez, Senior Planner

jeguir@riversideca.gov

A-1

This project site and the land around it previously annexed to the City have long been connected and integral to the City's Greenbelt and the rest of the 7-mile Victoria Avenue parkway. I know because I have lived and farmed citrus in the Greenbelt my entire life.

This site with its green 10-acre grove and hidden home is more than a minor amenity at the only western entrance to the entire historic Victoria parkway and Greenbelt. It is a sentinel, a fitting portal warmly welcoming all who enter or pass by. It constantly commemorates the legacy of our remarkable and rich local citrus farming and – as so many hope and have voted for – its continuation in years to come. This grove can be replanted, just as I have done on my groves.

Without this site, there is no way for residents and visitors to know that just ahead is a huge area of tranquil beauty with farms, trees, walkways and riding paths, historic grove homes, a unique State Park and much more. With this farm site properly protected and adapted, all can slow down, savor and value what lies ahead.

We wouldn't have the Citrus State Historic Park without this enduring critical mass of farmland and the sustaining water from the Gage Canal. UC Riverside, world leader in agricultural research and advances, acquired Greenbelt grove land recently to find ways to combat invasive insects and

diseases, producing crops more efficiently and helping us eat healthy fruits and vegetables grown locally.

Riverside's citrus history is a capstone of our nation's proudest manifest destiny – an All American story. Exemplified not just by the Greenbelt and Victoria, but also by the leaders and people who dreamed it and thought it through, overcoming daunting obstacles to achieve its enduring success. It's a living testament to the many peoples who worked on the farms and picked the fruit. From way back volunteers have helped plant memorial trees and ragged robin roses along the Avenue.

John W. North, colony conceiver and promoter; Matthew Gage, engineer of a 20-mile water conduit to rival Rome's; Eliza and Luther Tibbets, finders of the "unsurpassed orange from Bahia", key to unlock millions of new taste buds; Dr. Francis Gunther, Greenbelt resident and premier UCR researcher, gaining worldwide renown by protecting farmworkers from dangerous chemicals – and many others made this wonderful industry work.

Growing citrus here was the masterstroke that made Riverside not just the richest city in the nation, but one of the best to live in. It created more industry with good jobs like Food Machinery, which developed the automatic nailer to make fruit shipping crates. Toro Co, Irrrometer, and many other manufacturers started here because of citrus.

With the City's unique resources, such as its water and electric utility and UCR's research, we can again incentivize high value crops and tree fruits to grow here, making a cooling oasis for residents in the hotter climate ahead.

The grove on the site and the remaining ones are not separate from the Greenbelt and Victoria Ave because they have and benefit from:

- The same **water** for irrigation: "a deal that aided the other major English-owned land development firm—the San Jacinto Land Company. This firm ... owned Rancho El Sobrante de San Jacinto ...The Rancho land below the original Riverside Canal had been made part of the expanded Riverside of 1875, but more of it was irrigable by the Gage Canal. The English principals of the two firms agreed to extend the Gage Canal and to transfer water rights to irrigate the San Jacinto

A-1
Cont.

Company's land. From *A Colony for California*, p 321 by Tom Patterson, a source listed but not quoted in the MND technical study. Like an atom's nucleus, the Greenbelt and annexed area were attracted to the other and locked together long ago. `

- Contrary to the McKenna technical study claims from 2014 and this year that it is "unlikely" that irrigation water comes from the Gage Canal, it most certainly does and has for over 60 years (prior to that the water came from the Canal, but through a now defunct company), according to Gage Canal Managers, who were never contacted in 2014 or this year.
- Rich **soils** for good trees and big crops, just like the Greenbelt's – considered Prime Farmland, which has the highest ranking for preservation by the State. See *Soil Survey of Western Riverside Area, California, USDA 1971*. Current USDA-NRCS soil resource maps also confirm this (to be submitted at Commission hearing).
- High **production** and crop returns – as evidenced by several of the most successful farmers buying and keeping groves such as the subject parcel and those near it and having more groves in the Greenbelt, e.g. A.V. Jester is shown as the owner of the orange grove from 1940-42 (MND Exhibit 8b p 12). Mr. Jester also owned the 5-acre lemon grove I live on now 4.5 miles to the northeast in the Greenbelt; Latimer Lane in this annexed area was named after Wilbur Latimer, who owned orange and lemon groves in both areas and a packing house in Downtown Riverside now converted to an Old Spaghetti Factory.
- **Identical land planning**, division into square or rectangular parcels sized and shaped for optimum citriculture and marketing to attract both investors and small resident farmers.
- The same framework of **backbone roads**. In this area Victoria and Cleveland go straight through; others at right angles from both sides of Victoria.
- **Groveworkers and picking crews** from the same Greenbelt labor camps and local Casa Blanca community
- World-leading **agriculture research** by Citrus Experiment Station at UC Riverside to combat diseases and maintain healthy trees help farmers in both areas. We must not get close to the tipping point, where the entire area is swallowed by urbanization. Keeping a critical mass of citrus and avocado acreage here will help UCR stay. Hundreds of well-paying

A-1
Cont.

positions are at stake. UCR has just acquired 21 acres for avocado research.

- **Business owners and administrators** who want to live in or next to the Greenbelt and Victoria Avenue on small farms.

A-1
Cont.

Riverside voters have repeatedly expressed their will to protect and enhance citrus and agriculture. The 1979 Prop R and 1987 Measure C delivered strong majorities favoring City actions to help farming and to extend zoning protection to agriculture as the City annexed. “The plan shall extend the provisions of Proposition R and of this measure to the Sphere of Influence area.” (Section 7.b.) Yet this property and surrounding agricultural land was annexed without doing this.

Popular support has not wavered. In 2014 a Nevada developer-financed campaign to weaken R & C’s protections and open the entire City to higher density zoning with a hidden “poison pill” clause was soundly defeated by citywide voters.

The MND fails to mention Prop R and Measure C (on the City Clerk’s Elections Archive) even though they are historically significant. These measures and Victoria’s national listing are also recognized and described in more detail on the City’s own neighborhoods web page (www.riversideca.gov/athomeinriverside/neighborhoods-arlingtonheights.asp). The project’s main historic/cultural consultant fails to cite this too.

A-2

So, below are the deficiencies and omissions in the MND’s erroneous conclusions and inadequate mitigations that I find:

Section 1 Aesthetics – X in LTSI box

Wrong, has much greater adverse impact. Having the lovely sight of a green grove at this prominent intersection benefits the thousands who walk or drive by. Jagged, crammed rooftops are not soothing or beautiful.

A-3

Section 2 Agriculture Resources – X in LTSI box

A-4

Absolutely wrong with clearly token, insufficient mitigation. This is irrigated Prime Farmland, just as mine is 4.5 miles away in the Greenbelt. It is ranked highest for protection by State policies. Developing this site sets a precedent for more such proposals ringing the Greenbelt and Victoria Avenue. R & C require protecting it. At minimum, any reduction here of such quality ag land must be mitigated on at least a 1-acre lost to 2-acres saved nearby.	A-4 Cont.
Section 3 Air Quality – X in same box Erroneous, does not measure the net loss of good air filtered and emitted by tree leaves to crowded housing and vehicle exhausts. Fails to consider toxic pollution compounding effect of hotter weather and fire smoke here.	A-5
Section 5 Cultural Resources – X in same box Fails to consider Prop R and Measure C history, two city wide votes affirmed by State Supreme Court. Obviously, after 45 years this history is critical to consideration of this site and area today, meriting recognition of the farm and area under Federal, State and City criteria.	A-6
Section 8 Greenhouse Gas Emissions – X same box Not up to date with hotter weather and scores of gas-powered vehicles starting up and many more delivery trucks coming in.	A-7
Section 10 Hydrology and Water Quality – x same box Potential huge hazard failed to be recognized, i.e., earthquake or other Lake Mathews dam/dike breach causing sudden inundation of project site. State Water Dept web site shows three emergency flood scenarios (screen shots enclosed), one which doesn't affect the site, but <u>two that do</u>. Project MND Sect. 10d, bottom of p 51, claims "...Project site is <u>not</u> located within the dam inundation area of Lake Matthews." If inundation potential confirmed, site should remain	A-8

in agriculture.

Section 11 Land Use and Planning – X same box as to subsection b.

This will cause a significant impact because it directly conflicts with Prop R and Measure C requirements to protect citrus and farmlands in annexed areas, especially projects on sites like this directly bordering Victoria and next to Greenbelt. This too is an adverse precedent in many other areas around the Greenbelt.

A-9

Section 14 Population and Housing – X in same box as to subsection a.

Again, this is glaring precedent, a ‘block buster’, that will obviously induce unplanned (which this project is) spot high density housing incompatible with agriculture at many other sites around the Greenbelt and throughout the City.

A-10 \

Section 17 Transportation – X same box as to subsection a

Such a dense development, without adequate parking and no bus service, forcing many residents to walk long distances, is completely unsuitable – even hazardous – in hot or rainy weather for children, the aged and infirm, and for disabled future residents. This cries out for necessary accommodations and improvements, both on and off site, such as bus, taxi or van service (which project proponents do not control).

A-11

From: [Bob Buster](#)
To: [Eguez, Judy](#)
Subject: [EXTERNAL] Fw: Lake Mathews Dam Inundation Map - CA DWR Webtool
Date: Thursday, October 31, 2024 2:16:01 PM
Attachments: [image004.png](#)
[image005.png](#)
[image007.png](#)
[image008.png](#)
[image001.png](#)

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.

A-12

Ms Eguez, I'm submitting the following email with three screenshots of the Lake Mathew's dam inundation areas as part of my comments at page 5 on Section 10 of the MND of my 6-page comment letter (sending next to you) Planning Case PR-2024-001656. Can you include this email and Flood District Engineer Quinonez's with my letter so it is clear what these 3 shots are referring to? Advise me (951) 314-0201 if any problem. Thx much -- Bob Buster

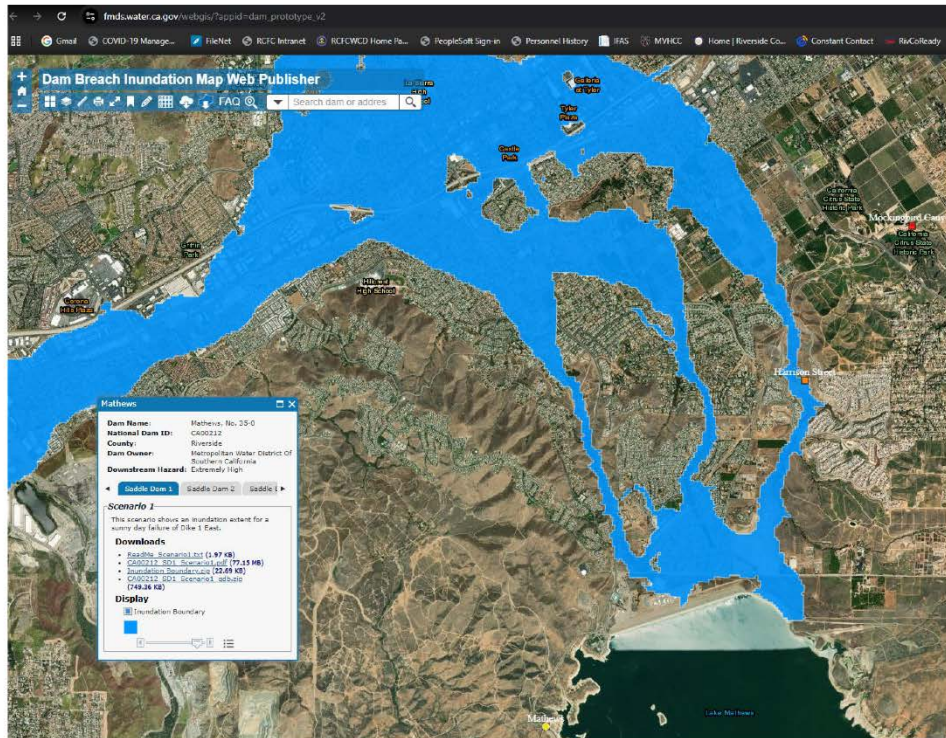
----- Forwarded Message -----

From: Quinonez, Edwin <eequinon@rivco.org>
To: Bob Buster <bobbuster@att.net>
Sent: Thursday, October 31, 2024 at 10:39:48 AM PDT
Subject: RE: Lake Mathews Dam Inundation Map - CA DWR Webtool

Mr. Buster,

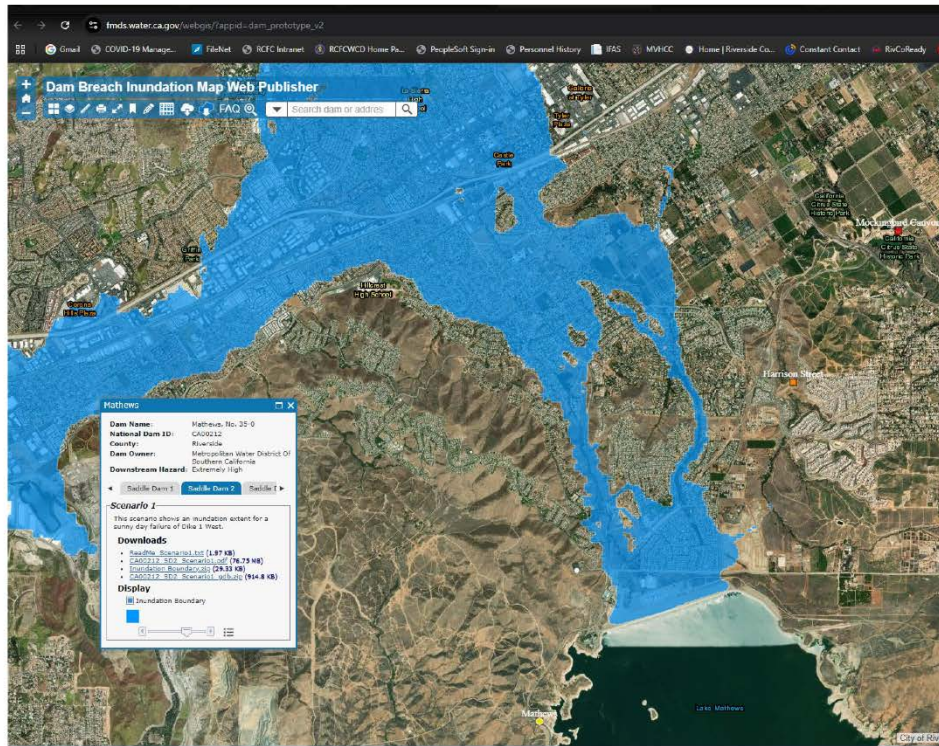
Just a brief follow-up to our conversation. The following is a screenshot for each of the Lake Mathews Dam inundation scenario per CA DWR website:

Scenario 1



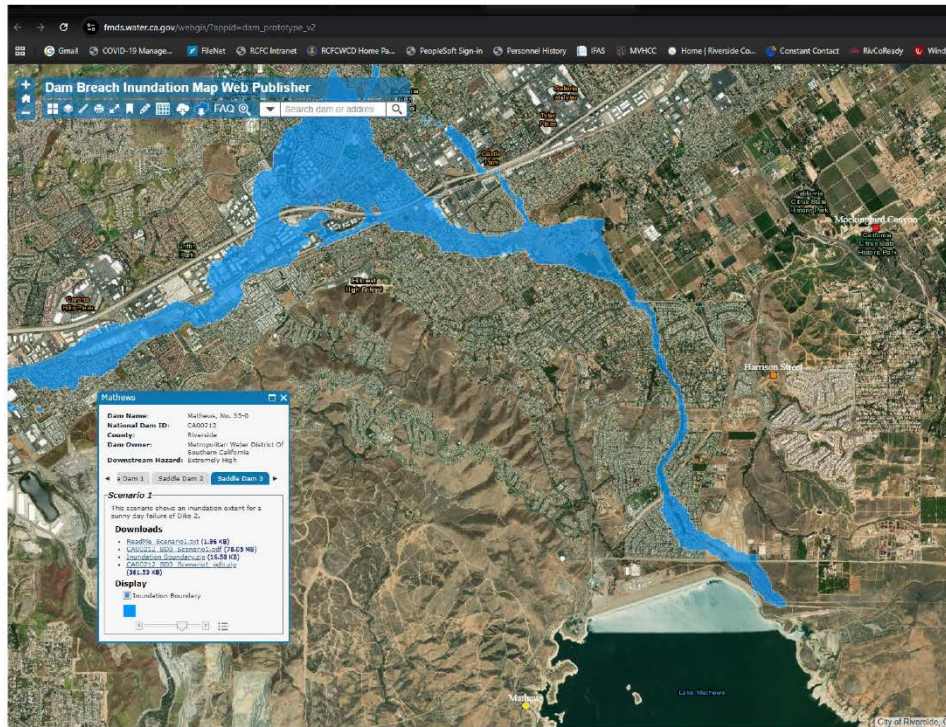
A-12
Cont.

Scenario 2



A-12
Cont.

Scenario 3



A-12
Cont.

If you have any other questions just let me know.

-Edwin

From: Quinonez, Edwin
Sent: Wednesday, October 30, 2024 11:26 AM
To: Bob Buster <bobbuster@att.net>
Subject: Lake Mathews Dam Inundation Map - CA DWR Webtool

Good morning Mr. Buster,

Just following up on our recent conversation. The following is the link to the CA Department of Water Resources tool showing inundation limits/maps for the various dams across the state:

https://fmds.water.ca.gov/webgis/?appid=dam_prototype_v2

In the tool you will need to zoom in to Lake Mathews and click on the small square to display inundation limits. I've included a couple screenshots for your reference but feel free to give me a call if you have any questions. I also included a PDF of the inundation map (relevant sheets) that you are able to download from website.

A-12
Cont.

Regards,

Edwin Quiñonez

Assistant Chief Engineer

Business Services

Riverside County Flood Control
and Water Conservation District
1995 Market Street, Riverside, CA 92501

Office: (951) 955-1452

Cell: (951) 236-3835

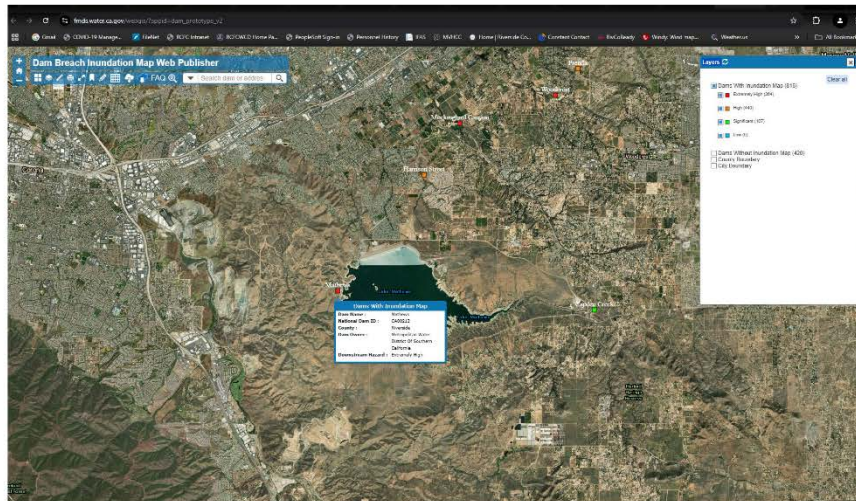
eequinon@rivco.org

www.rcflood.org

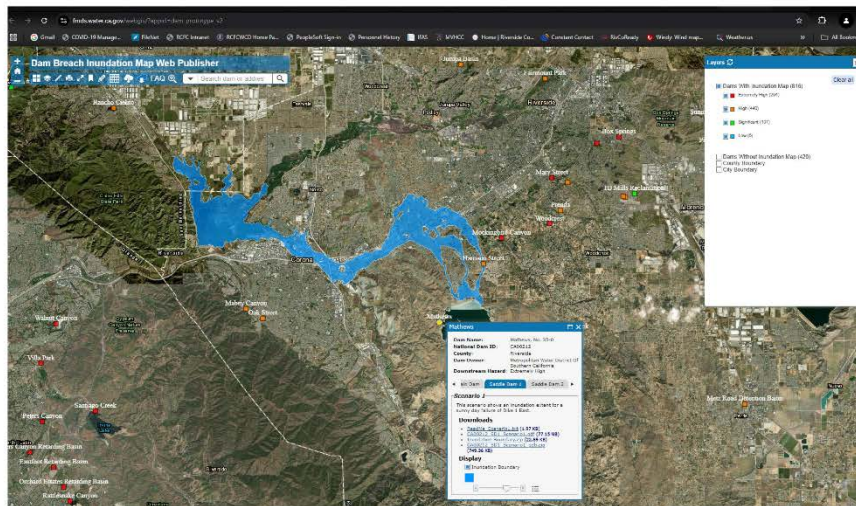


We are hiring! Please visit:

<https://rcflood.org/jobs>



A-12
Cont.



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[County of Riverside California](#)

COMMENT A-1

The comment describes background information on the history of the citrus industry in the area and on the history of the approval of Proposition R and Measure C and how they serve to protect the citrus industry in the City of Riverside.

Response to Comment A-1

The comment does not express any specific concern or question regarding the adequacy of the MND. The McKenna study 2014 is a cultural resources assessment and discussed water supply from the Gage Canal in the context of evaluating if the Project met the criteria of a historic resource under CEQA. The water supply, as it applies to the viability of the land to be used for citrus, was not used in the MND analysis. Additionally, the City concurs that the Project Site contains “rich soils” that contribute to its classification as Prime Farmland. Here again, the type of soil was not used in the MND analysis,

MND is adequate as provided and no further response is required or provided.

COMMENT A-2

The MND fails to mention Prop R and Measure C, even though they are historically significant. These measures and Victoria’s national listing are also recognized and described in more detail on the City’s own neighborhoods web page [web link omitted]. The project’s main historic/cultural consultant fails to cite this too.

Response to Comment A-2.

The Project site is not located in the area regulated by Proposition R and Measure C. Additionally, based on the Phase I Cultural Resources Assessment prepared for the Project, it does not meet any of the established significance criteria and thus did not qualify as a “historical resource” under CEQA. For these reasons, the MND did not need to discuss Proposition R and Measure C as a historic resource under CEQA. Victoria Avenue between Arlington Avenue and Boundary Lane is listed on the National Register of Historic Places (Property ID: 00001267).¹ However, the Project site is located approximately one-half mile away from the historic segment of Victoria Avenue and, therefore, has no impact on this resource.

The comment does not express any specific concern or question regarding the adequacy of the MND. MND is adequate as provided, and no further response is required or provided.

COMMENT A-3

Aesthetics – X in LTSI box Wrong, has much greater adverse impact. Having the lovely sight of a green grove at this prominent intersection benefits the thousands who walk or drive by. Jagged, crammed rooftops are not soothing or beautiful.

¹ <https://www.nps.gov/maps/full.html?mapId=7ad17cc9-b808-4ff8-a2f9-a99909164466>

Response to Comment A-3

The City appreciates that aesthetic determinations may seem subjective. To avoid subjectivity in a CEQA document, CEQA focuses the analysis on certain issues, such as whether the project would have an adverse impact on an identified scenic vista or conflict with regulations adopted to govern scenic quality.

The project would not adversely impact an identified scenic vista. As detailed in Section 1b of the MND, *Figure CCM-4, Master Plan of Roadways*, in the City General Plan, designates La Sierra Avenue and Victoria Avenue as a Scenic Parkway. The *Victoria Avenue Policy for Preservation, Design, and Development*, November 2019², requires that any existing, healthy trees and their roots, trunks, and canopies located along Victoria Avenue or within 100 feet of Victoria Avenue's edge of roadway shall be protected from any construction activity. In fulfillment of this policy, the project proposes to preserve 1.24 acres (54,110 square feet) of the northern portion of the site to become part of the Victoria Avenue historic landscaped parkway consistent with the Victoria Avenue Policy. This treatment along Victoria Avenue will have a 10-foot-wide decomposed granite (DG) multi-use trail through a grove of citrus trees that will remain from the existing onsite orchard, although it is no longer commercially harvested. The site will have extensive new landscaping consistent with the Victoria Avenue Policy.

The MND is adequate as provided, and no further response is required or provided.

COMMENT A-4

Agriculture Resources – X in LTSL box. Absolutely wrong with clearly token, insufficient mitigation. This is irrigated Prime Farmland, just as mine is 4.5 miles away in the Greenbelt. It is ranked highest for protection by State policies. Developing this site sets a precedent for more such proposals ringing the Greenbelt and Victoria Avenue. R & C requires protecting it. At minimum, any reduction here of such quality ag land must be mitigated on at least a 1-acre lost to 2-acres saved nearby.

Response to Comment A-4

The commenter is correct that the property is classified as "Prime Farmland" by the Department of Conservation, Farmland Mapping and Monitoring Program. However, the commenter incorrectly states that the property is subject to Proposition R and Measure C and requires mitigation. The Project site has a General Plan Land Use Designation of Low-Density Residential (LDR, 4.1 du/ac) La Sierra South Neighborhood and a Zoning classification of R-1-1/2 – Single Family Residential Zone. Both the General Plan and zoning code identified the Project site as providing areas for single-family residences with a variety of lot sizes and housing choices, and not the RA-5 zone, which is intended to preserve agricultural areas regulated by Proposition R and Measure C.

Regarding the loss of Prime Farmland, the 2007 General Plan EIR stated that "...Particularly within the City limits, it should be noted that those areas identified as important farmland are in fact largely developed or planned for other uses. Riverside is becoming an increasingly

² <https://riversideca.gov/cedd/sites/riversideca.gov.chedd/files/pdf/planning/2021/Victoria%20Avenue%20Policy.pdf>

urban city, and the pressures of this transition have made farmland impractical to perpetuate. Farming practices are often in conflict with urban development, and it would not be desirable in most cases to reintroduce agriculture into these areas. The exception is the Arlington Heights Greenbelt where it is the City's policy to promote continued agricultural uses. "

The General Plan EIR considered mitigation measures to compensate for the loss of farmland on a Citywide and cumulative basis; These measures consisted of implementing a program that would establish a fee for the purchase of agricultural replacement land or a program that would establish agricultural easements. The EIR found that this measure would not (1) avoid the loss of farmland, (2) minimize the scope of the project, (3) repair, rehabilitate, or restore the affected farmland, (4) or replace the affected farmland with substitute farmland. Thus, such a program would not actually mitigate the significant impact caused by the Project. (State CEQA Guidelines, § 15370.) Further, funding off-site agricultural preservation outside of the City lacks the essential nexus to the effects of the Project. While preserving agricultural land in other parts of the state may bestow a benefit on other regions, no such benefit is possible for the area affected by the Project. The Project's impacts with regarding the loss of Prime Farmland are within the scope of the General Plan EIR per State CEQA Guidelines §15168.

The Project is consistent with the General Plan. In addition, since the 2007 General Plan EIR, the area has become more developed. As noted in the MND, the project site does not currently support agricultural resources or operations. There are no agricultural operations or farmlands within proximity of the site although there is a commercial nursery northeast of the site. The site is surrounded by "Urban and Built Up" land. Based on these conditions, the Project will have a less than significant impact on Prime Farmland.

The MND is adequate as provided, and no further response is required or provided.

COMMENT A-5

Air Quality – X in same box Erroneous, does not measure the net loss of good air filtered and emitted by tree leafs to crowded housing and here. vehicle exhausts. Fails to consider toxic pollution compounding effect of hotter weather and fire smoke.

Response to Comment A-5

The commenter asserts that the loss of the citrus trees on the project site will increase the impact of air quality on the area due to the loss of the trees and reductions in photosynthesis and sequestration. Photosynthesis is a biological process where plants, through their leaves, use sunlight to convert carbon dioxide and water into glucose and oxygen. The process whereby the trees store carbon in the woody portions (trunk and stems) as well as the roots and ground is called sequestration.

The effectiveness of agricultural use in reducing carbon emissions is dependent on many factors not mentioned by the commenter, such as the use of chemical fertilizers, the health

of the existing trees, the age of the trees, tilling and/or aeration of soils around the trees, and the use of tree residues.

Chemical fertilizers release chemicals such as nitrogen. The health and age of existing trees impact their ability to conduct photosynthesis and sequestration. Tilling and/or aeration processes release carbon that has been sequestered in the ground. Pruning or removing trees also releases the sequestered carbon.

The commentator fails to state that the Project is proposing to maintain over 130 of the existing citrus trees and plant an additional 129 trees, including 10 Coastal live oak, 41 crape myrtle, 19 golden rain trees, 34 fern pines, 7 California sycamore, and 18 “Wurtz” avocado trees. In addition, various accent shrubs, screening shrubs, groundcovers, and vines will be planted to offset the loss of the remaining trees currently on the site.

No evidence has been presented that substantiates that the Project’s removal of existing trees would have a potentially significant impact or require mitigation.

The Project utilized the California Emissions Estimator Model (CalEEMod) version 2022.1.1.22, which is a statewide land use emissions computer model designed to provide a uniform platform for government agencies to quantify potential criteria pollutant emissions associated with both construction and operations emissions. CalEEMod is authorized by the SCAQMD to assess project emissions. As addressed in the MND, the results of the Air Quality and Greenhouse Gas emissions modeling indicate that the Project would not have impacts that exceed the SCAQMD’s thresholds of significance. Therefore, the Project’s emissions would not be cumulatively considerable, and impacts would be less than significant.

No substantial evidence has been presented that the Projects would create a cumulative impact on climate change or increase fire hazards. The MND is adequate as provided, and no further response is required or provided.

COMMENT A-6

Cultural Resources. Fails to consider Prop R and Measure C history, two city wide votes affirmed by State Supreme Court. Obviously, after 45 years this history is critical to consideration of this site and area today, meriting recognition of the farm and area under Federal, State and City criteria.

Response to Comment A-6

See **Response A-2** above. The MND is adequate as provided, and no further response is required or provided.

COMMENT A-7

Greenhouse Gas Emissions – X same box. Not up to date with hotter weather and scores of gas-powered vehicles starting up and many more delivery trucks coming in.

Response to Comment A-7

The commenter uses ambiguous terms such as “not up to date”, “scores”, and “many more” which cannot be qualified or quantified. The Project Air Quality and Greenhouse Gas Impact analysis used the most up-to-date version of CalEEMod that was available at the time of modeling. The Project utilized the California Emissions Estimator Model (CalEEMod) version 2022.1.1.22, which is a statewide land use emissions computer model designed to provide a uniform platform for government agencies to quantify potential criteria pollutant emissions associated with both construction and operations emissions. CalEEMod is authorized for use to assess project emissions by the SCAQMD. As addressed in the MND the results of the Air Quality and Greenhouse Gas emissions modeling indicate that the Project would not result in impacts that exceed the SCAQMD’s thresholds of significance. Therefore, the Project’s emissions would not be cumulatively considerable, and impacts would be less than significant.

The CalEEMod analysis utilizes the Institute of Traffic Engineers (ITE) trip generation codes and data for the project’s land use to estimate vehicle emissions and vehicle miles traveled (VMT) that are associated with the Project. The modeling takes into account a vehicle mix that would include cars, light trucks, medium trucks, heavy trucks, motorcycles, buses, and motorhomes, thus accounting for delivery trucks. The Project being a residential land use would not have significant numbers of medium and/or heavy duty-trucks (delivery trucks) and as such the estimates for vehicle emissions generated by CalEEMod and used to analyze the Project’s impacts are valid.

No evidence has been presented that substantiates that the Project used out of date data and would create a significant or cumulative impact associated with traffic emissions. No substantial evidence has been presented that the Project would create a cumulative impact on climate change or increase fire hazards. The MND is adequate as provided, and no further response is required or provided.

COMMENT A-8

“Hydrology and Water Quality- Potential huge hazard failed to be recognized, i.e., earthquake or other Lake Mathews dam/dike breach causing sudden inundation of project site. State Water Dept web site shows three emergency flood scenarios (screen shots enclosed), one which doesn’t affect the site, but two that do. Project MND Sect. 10d, bottom of p 51, claims “...Project site is not located within the dam inundation area of Lake Matthews.” If inundation potential confirmed, site should remain in agriculture.”

Response to Comment A-8.

The commenter is correct that the Project site is within the dam inundation area of Lake Matthews. Notwithstanding, the 2007 General Plan EIR identified that the State Division of Safety of Dams (DSOD) routinely inspects the dam to ensure that it is adequately maintained and to direct the dam owner to correct any deficiencies—implementation of DSOD recommendations. The EIR indicated that this would mitigate potential impact from dam inundation to the degree feasible but will not completely eliminate the risk of dam failure.

According to the General Plan EIR, no other feasible mitigation measures have been identified to reduce this impact to a less than significant degree. Thus, the City chose to override the significant and unavoidable impact related to the potential to expose people or structures to a significant risk of loss, injury, or death involving flooding as a result of dam failure when adopting the 2007 General Plan EIR, including the residential land use designation on the Project site. Compliance with State Civil Code Section 1103 through 1103.4 simply serves to notify those potentially affected of the risk involved in locating within a flood hazard or dam inundation area.

The most recent inspection of the Lake Matthews Dam found sound to be “Satisfactory,” meaning that “No existing or potential dam safety deficiencies are recognized. Acceptable performance is expected under all loading conditions (static, hydrologic, seismic) in accordance with the minimum applicable state or federal regulatory criteria or tolerable risk guidelines. Typical Circumstances: No existing deficiencies or potentially unsafe conditions are recognized, with the exception of minor operational and maintenance items that require attention; Safe performance is expected under all loading conditions, including the design earthquake and design flood; Permanent risk reduction measures (reservoir restrictions, spillway modifications, operating procedures, etc) have been implemented to eliminate identified deficiencies.”³

The Project would not alter or exacerbate the existing risk of inundation from dam failure. The project is designed to meet all City safety codes to allow buildings to be more resilient during atypical events. Further, as a residential project, inundation would not result in the release of hazardous materials that could damage the environment.

The fact that the project is in a dam inundation area does not result in a new, significant impact and no new mitigation is required.

COMMENT A-9

“Land Use and Planning – X same box as to subsection b. This will cause a significant impact because it directly conflicts with Prop R and Measure C requirements to protect citrus and farmlands in annexed areas, especially projects on sites like this directly bordering Victoria and next to Greenbelt. This too is an adverse precedent in many other areas around the Greenbelt”.

Response to Comment A-9

The Project site is not subject to Proposition R and Measure C. See the Response to Comment A-1. The MND is adequate as provided, and no further response is required or provided.

³ <https://water.ca.gov/-/media/DWR-Website/Web-Pages/Programs/All-Programs/Division-of-Safety-of-Dams/Files/Publications/Annual-Data-Release/DAMS-WITHIN-JURISDICTION-OF-THE-STATE-OF-CALIFORNIA-LISTED-ALPHABETICALLY-BY-COUNTY-SEPTEMBER-2024.pdf>

COMMENT A-10

“Population and Housing – X in same box as to subsection a. Again, this is glaring precedent, a ‘block buster’, that will obviously induce unplanned (which this project is) spot high density housing incompatible with agriculture at many other sites around the Greenbelt and throughout the City.”

Response to Comment A-10

The Project site has a General Plan Land Use Designation of Low-Density Residential (LDR, 4.1 du/ac) La Sierra South Neighborhood and a Zoning classification of R-1-1/2—Single-Family Residential Zone. Both the General Plan and zoning code identify the Project site as providing areas for single-family residences with a variety of lot sizes and housing choices. The project is consistent with the growth planned by the General Plan and will not result in unplanned growth. The MND is adequate as provided, and no further response is required or provided.

COMMENT A-11

Transportation – X same box as to subsection a

“Such a dense development, without adequate parking and no bus service, forcing many residents to walk long distances, is completely unsuitable – even hazardous – in hot or rainy weather for children, the aged and infirm, and for disabled future residents. This cries out for necessary accommodations and improvements, both on and off site, such as bus, taxi or van service (which project proponents do not control).”

Response to Comment A-11.

Under CEQA, Transportation impacts are evaluated in terms of Vehicle Miles Traveled (VMT). The Project site has a General Plan Land Use Designation of Low-Density Residential (LDR, 4.1 du/ac) La Sierra South Neighborhood and a Zoning classification of R-1-1/2 – Single Family Residential Zone. Both identify the Project site to provide areas for single-family residences with a variety of lot sizes and housing choices. There are approximately 1,288 linear feet of existing sidewalk along La Sierra Avenue between Cleveland Avenue and Victoria Avenue. The Project would construct 2,295 linear feet within the Project site. In addition, the Project must implement measures designed to reduce vehicular travel (transportation demand management (TDM) measures), which are listed on page 66 of the MND. The project also provides adequate parking, consisting of 2 garage spaces per unit, plus 12 spaces along the Project’s private streets for guests). The MND is adequate as provided, and no further response is required or provided.

COMMENT A-12

This comment is a copy of an email to the County of Riverside Flood Control and Water Conservation District requesting information on Lake Matthews's dam inundation area. The District provided the requested information, which the commenter attached to the email sent to the City of Riverside.

Response to Comment A-12

The comment does not express any specific concern or question regarding the adequacy of the MND. See response to comment A-8 addressing the fact that the project is in a dam inundation area.

EMAIL B
FRIENDS OF RIVERSIDE'S HILL

October 31, 2024 By email

To: City of Riverside Planning Commission and Planning Staff via contact planner
Judy Eguez

B-1

From: Friends of Riverside's Hills ("FRH")

Re: Opposition to Planning Case PR-2024-001656 (the "Project") and its Draft
Mitigated Negative Declaration ("MND") (comment deadline on MND Oct. 31,
2024, CPC Public Hearing Nov. 7, 2024, Item 3)

This letter expresses FRH's strong opposition to this project, which would replace
a nearly 10 acre orange grove at the corner of La Sierra Ave and Victoria Ave with
a 49-unit housing project, and points out some serious faults in the project's
MND.

As the City's voter-passed Prop R states,

"These [i.e., the City's then] plans and policies also destroy the City's
remaining citrus groves, agricultural land, natural resources, and historic
Victoria Avenue. ... All these are priceless and irreplaceable civic amenities
which enhance the quality of life and which we wish to preserve for
ourselves and future generations."

Prop R then goes on to mandate protections for the City's Greenbelt, an area of
mainly citrus orchards extending southwest to the then City boundaries. The area
of the present project, with its existing orchard, was subsequently annexed to the
City but the annexation failed to include it in the area specifically protected by
Prop R and its subsequent strengthening in voter-passed Measure C. However,
the project site is close to and in a natural extension of the protected Greenbelt
area, and the Project's orchard, like the greenbelt and Victoria Ave, is also a
"priceless and irreplaceable civic amenity" deserving of preservation.

Regarding the present project and its Initial Study/MND, on p. 20-21 (page
numbers given here are those of the MND), the answer to question 2a states

B-2

"... the 8,8-acre (sic) 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). ... The project site used to
support a citrus orchard but is no longer being actively harvested. ... The

project site does have a state Farmland designation but does not currently support agricultural resources or operations. ... Based on these conditions, the project will have a less than significant impact on a direct, indirect, or cumulative basis on Prime Farmland, Unique Farmland, and Farmland of Statewide Importance (Farmland), and no mitigation is required.”

However, per the State of California, the category of Prime Farmland, which includes the project site, is the **highest** category of agricultural land, **even higher than the category of Farmland of Statewide Importance**

<https://www.conservation.ca.gov/dlrp/fmmp/Pages/Important-Farmland-Categories.aspx>

(copy attached) and **the category of Prime Farmland does not require current agricultural use of the site.**

The MND’s p.2 states

“The Victoria Avenue Policy for Preservation, Design and Development, November 2019, requires that any existing, healthy trees and their roots, trunks and canopies, located along Victoria Avenue, or within 100 feet of Victoria Avenue’s edge of roadway, shall be protected from any construction activity. In fulfillment of this policy, the project proposes to preserve 1.24 acres (54,110 square feet) of the northern portion of the site to become part of the Victoria Avenue historic landscaped parkway consistent with the Victoria Avenue Policy. This treatment along Victoria Avenue will have a 10-foot-wide decomposed granite (DG) multi-use trail through a grove of citrus trees that will remain from the existing onsite orchard that is no longer commercially harvested. This citrus grove represents 16% of the site area so the project does not propose any other onsite park or open space improvements The site will have extensive new landscaping to complement the planned Victoria Avenue “grove”. (see Figure 6, Landscaping Plan).”

That shows that the existing onsite orchard consists of healthy trees which could thus be restored to production or be replanted with new young citrus trees, and thus its loss would be a loss to state agriculture as specified by the State Department of Conservation.

B-2
Cont.

B-3

On the MND's p.53, Land Use and Planning Question 11b asks

"Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted to avoid or mitigate an environmental effect?"

B-4

The answer states

"Based on this analysis [mainly about population], the proposed Project will not conflict with any **local or regional** land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect."

However that ignores conflict with **state** policy, as stated in

[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)

(copy attached) which concludes

"The conversion of agricultural land represents a permanent reduction in the State's agricultural land resources. Conservation easements are an available mitigation tool and considered a standard practice in many areas of the State. As such, the Department advises the use of permanent agricultural conservation easements on land of at least equal quality and size as partial compensation for the direct loss of agricultural land. Conservation easements will protect a portion of those remaining land resources and lessen project impacts in accordance with CEQA Guidelines § 15370. The Department highlights this measure because of its acceptance and use by lead agencies."

The City needs to get in conformity with this and either scrap the project or provide such mitigation. Further, the conflict with the state's recommendation is substantial evidence of a potentially significant impact which thus, per CEQA, disallows the use of an MND instead of an EIR.

On the MND's p. 20, part of answer to question 2a states

"In addition, there are properties supporting citrus orchards 0.4-mile northeast of the site south of Victoria Avenue but the extent to which they are actively producing citrus is not currently known."

B-5

However, as the promulgators of the MND could and should have easily determined and as seen on Google maps, there is a very large area there (many times the area of the subject site) of healthy looking citrus orchards. That area is part of the City's designated Greenbelt controlled by voter-passed Prop R and Measure C and zoned RA-5 (minimum 5 acre lots) and is clearly actively producing citrus (personal observation and information from local Greenbelt citrus growers). That nearby area is also connected to the project site by the Victoria Ave parkway citrus trees.

B-5
Cont.

Regarding impacts other than to agriculture, the MND's p.2 states:

"The project will be built in one phase and grading will require 6,252 cubic yards (CY) of cut and 29,04 [sic] CY of fill so overall earthwork will require the import of 22,788 CY of fill (Figure 7, Grading Plan)."

B-6

At an average of 11 CY of fill per 15 CY dump truck, that is over 2,000 such dump trucks going in and out from the site (even with an overly optimistic amount per dump truck load of 15 CY, that would be nearly 1,500 loads). The MND fails to provide needed information as to the time period for such grading, and the traffic/noise/dust impacts of such grading.

As noted on MND p. 7:

"All answers must take account of the whole action involved, **including off-site as well as on-site**, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts)."

B-7

However, the MND fails in particular to provide any information as to where the large amount, 22,788 CY, of imported fill will come from, and the impacts there, and the impacts of its transport to the site.

How much of that dump truck traffic will go via Millsweet Place on the project's northeast edge (see Exhibit 4, p. 9), and thus via Victoria Ave, where trucks over 5 tons are prohibited by City Code?

The estimated total construction time is stated in the MND as 300 days, but the writer could find no breakdown as to how much of that was for grading. If 20 days of that is for grading, that is an average of over 100 dump trucks in and 100 out, per day, so in an 8-hour = 480 minute workday, a dump truck in or a dump truck

out on average every less than 2 ½ minutes. That will cause a substantial impact on the neighborhood, especially on adjacent and across the street neighboring residents (and on the Hello Baby Child Care Agency a couple of hundred feet southeast and the Arizona Middle School a couple of blocks northwest), as well as impacts on local traffic, all of which the MND fails to consider.

B-7
Cont.

Another issue: Per the project plans, the sole vehicle ingress/egress (Exhibit 4, p. 9) to/from the project's 49 homes will be by a single outlet to heavily trafficked La Sierra Ave, creating emergency (especially fire) access problems, as well as a problem for any vehicle seeking a left turn to or from La Sierra Ave, which would be prevented by the landscaped median on that street. So, per the MND, an estimated 490 trips a day to or from the 49 homes, with about half having to start out or end up going the opposite direction from that intended.

B-8

For all of the above reasons, the MND is inadequate and an EIR is needed for this project if it proceeds, or better, it should be scrapped entirely.

B-9

Others will also present FRH discussion of other problems with the project and its MND.

Friends of Riverside's Hills is a public benefit non-profit corporation based in and with members resident in the City of Riverside, staffed entirely by unpaid volunteers, with aims including preservation of lands protected by the City's voter-passed Prop R and Measure C and similar lands, like that of the present project, subsequently annexed to the City.

Thank you for your consideration of opposition to the project.

FRH, by Richard Block, Vice President and Legal Liaison Officer of FRH

COMMENT B-1

This comment states that although the Project site is not located in the area regulated by Proposition R and Measure M, it should be preserved because it is close and a natural extension of the protected area.

Response to Comment B-1

The commenter is expressing their opinion that the Project site should be subject to Proposition R and Measure M, even though the Project site is not within the area regulated by them. This is a land use policy decision that is not within the scope of the MND.

The comment does not express any specific concern or question regarding the adequacy of the MND. The MND is adequate as provided, and no further response is required or provided.

COMMENT B-2

Citing the MND, on p. 20-21, the commenter asserts that because the Project site is classified as Prime Farmland by the California Department of Conservation, Farmland Mapping, and Monitoring Program, it should be restricted for agricultural use.

Response to Comment B-2

Refer to Response A-4 in Email A-Bob Buster.

COMMENT B-3

Citing MND p.2, the commenter asserts that because the Project is required to comply with the Victoria Avenue Policy for Preservation, Design, and Development, this “shows that the existing onsite orchard consists of healthy trees which could thus be restored to production or be replanted with new young citrus trees, and thus its loss would be a loss to state agriculture as specified by the State Department of Conservation.”

Response to Comment B-3

The Victoria Avenue Policy states that “Any existing, healthy trees and their roots, trunks, and canopies, located along Victoria Avenue, or within 100 feet of Victoria Avenue’s edge of the roadway, shall be protected from any construction activity.” This policy does not require trees beyond 100 feet from the edge of Victoria Avenue’s roadway to be preserved.

The comment does not express any specific concern or question regarding the adequacy of the MND. The MND is adequate as provided, and no further response is required or provided.

COMMENT B-4

Citing MND p.53, the commenter asserts that by not preserving the Project site for agricultural use, the Project will conflict with any local or regional land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. The commenter provides a link to the Department of Conservation webpage that recommends lead

agencies (i.e., the City) use the California LESA Model, which is a tool used to give lead agencies an optional methodology to analyze the impact of the environmental impacts of agricultural land conversions to non-agricultural use.

Response to Comment B-4

The LESA Model is an optional methodology to analyze impacts; it does not mandate that Prime Farmland be preserved or mitigated. The City chose to examine the environmental effects by tiering from the analysis in the 2007 General Plan EIR. Please refer to Response A-4, Email-Bob Buster, or the analysis and conclusion regarding the loss of Prime Farmland.

COMMENT B-5

On the MPD's p. 20, part of the answer to question 2a states, "In addition, there are properties supporting citrus orchards 0.4-mile northeast of the site south of Victoria Avenue, but the extent to which they are actively producing citrus is not currently known." The commenter further states that: "However, as the promulgators of the MND could and should have easily determined and, as seen on Google Maps, there is a very large area there (many times the area of the subject site) of healthy-looking citrus orchards. That area is part of the City's designated Greenbelt controlled by voter-passed Prop R and Measure C and zoned RA-5 (minimum 5 acre lots) and is clearly actively producing citrus (personal observation and information from local Greenbelt citrus growers). That nearby area is also connected to the project site by the Victoria Ave parkway citrus trees.

Response to Comment B-5

The MND's reference to whether or not the area to the northeast is actively producing citrus fruit was intended to provide context on the current and future agricultural operations in the vicinity. As noted in the MND, the Project site is adjacent to larger citrus groves that provide support infrastructure such as processing facilities, etc. Additionally, the Project site is part of a single-family area and is located in a zone that does not allow larger-scale citrus production.

The MND is adequate as provided, and no further response is required or provided.

COMMENT B-6

The commenter states that "Regarding impacts other than to agriculture, the MND's p.2 states: "The project will be built in one phase and grading will require 6,252 cubic yards (CY) of cut and 29,04 [sic] CY of fill so overall earthwork will require the import of 22,788 CY of fill (Figure 7, Grading Plan)." At an average of 11 CY of fill per 15 CY dump truck, that is over 2,000 such dump trucks going in and out from the site (even with an overly optimistic amount per dump truck load of 15 CY, that would be nearly 1,500 loads). The MND fails to provide needed information as to the time period for such grading, and the traffic/noise/dust impacts of such grading."

Response to Comment B-6

The grading phase of the Project was estimated to occur over 20 days. As shown in Table 3.1, *Short-Term (Construction) Air Quality Impacts*, of the MND, using the CalEEMod Mitigated Construction Emissions, which incorporates Rule 403 dust control measures, the localized construction emissions would not exceed the applicable SCAQMD LSTs for emissions for construction activities with Rule 403 measures applied to the Project, including watering site 2 times per day, reducing speed on-site, and street sweeping.

Additionally, the Project is subject to standard Conditions of Approval #10 and #11 required by the City as part of PLANNING CASE PR-2024-001656 (TM) described below.

10. To reduce diesel emissions associated with construction, construction contractors shall provide temporary electricity to the site to eliminate the need for diesel-powered electric generators, or provide evidence that electrical hook ups at construction sites are not cost effective or feasible.

11. To reduce construction-related particulate matter air quality impacts of projects, the following measures shall be required: a. The generation of dust shall be controlled as required by the AQMD; b. Trucks hauling soil, dirt or other emissive materials shall have their loads covered with a tarp or other protective cover as determined by the City Engineer c. The project contractors shall equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers consistent with manufacturers' standards; d. Sweep streets at the end of the day if visible soil material is carried onto adjacent paved public roads; e. Trucks and other equipment leaving the site shall be washed off; f. Disturbed/loose soil shall be kept moist at all times; g. All grading activities shall be suspended when wind speeds exceed 25 miles per hour; and h. A 15 mile per hour speed limit shall be enforced on unpaved portions of the construction site.

The MND is adequate as provided, and no further response is required or provided.

COMMENT B-7

As cited from MND p. 7: "...the MND fails in particular to provide any information as to where the large amount, 22,788 CY, of imported fill will come from, and the impacts there, and the impacts of its transport to the site. How much of that dump truck traffic will go via Millsweet Place on the project's northeast edge (see Exhibit 4, p. 9), and thus via Victoria Ave, where trucks over 5 tons are prohibited by City Code? The estimated total construction time is stated in the MND as 300 days, but the writer could find no breakdown as to how much of that was for grading. If 20 days of that is for grading, that is an average of over 100 dump trucks in and 100 out, per day, so in an 8-hour = 480 minute workday, a dump truck in or a dump truck out on average every less than 2 ½ minutes. That will cause a substantial impact on the neighborhood, especially on adjacent and across the street neighboring residents (and on the Hello Baby Child Care Agency a couple of hundred feet southeast and the Arizona Middle School a couple of blocks northwest), as well as impacts on local traffic, all of which the MND fails to consider."

Response to Comment B-7

As described in Section 3b of the MND and Appendix A, construction emissions for the Project were estimated by using the California Emissions Estimator Model (CalEEMod) version 2022.1.1.22, which is a statewide land use emissions computer model designed to provide a uniform platform for government agencies to quantify potential criteria pollutant emissions associated with both construction and operations emissions. The construction emissions were based on a 20-day grading period using default settings for haul trucks. The peak emissions for grading activities, including haul trucks, were found to be below the emission thresholds established by the SCSAQMD.

Additionally, as required by the City, any person proposing to disturb more than 50 cubic yards of soil is subject to obtaining a grading permit from the Public Works Department. As a part of the grading permit review process, the estimated volumes, in cubic yards, of cut and fill and the area of the site are to be shown on the plan. The ultimate disposition of any excess dirt is to be stated in the plan. Excess dirt moved outside the city limits shall comply with the applicable standards of the area it is moved to. Any location within the city limits used for the disposal of excess dirt will require a separate Grading Plan Review and issuance of a separate grading permit for that site.⁴

The MND is adequate as provided, and no further response is required or provided.

COMMENT B-8

“Another issue: Per the project plans, the sole vehicle ingress/egress (Exhibit 4, p. 9) to/from the project’s 49 homes will be by a single outlet to heavily trafficked La Sierra Ave, creating emergency (especially fire) access problems, as well as a problem for any vehicle seeking a left turn to or from La Sierra Ave, which would be prevented by the landscaped median on that street. So, per the MND, an estimated 490 trips a day to or from the 49 homes, with about half having to start out or end up going the opposite direction from that intended.”

Response to Comment B-8

Section 3c of the MND discussed the construction impacts on the nearby sensitive receptors. The South Coast Air Quality Management District has established Localized Significance Thresholds (LST), which are used to determine whether a project may generate significant adverse localized air quality impacts for both construction and on-site operations. For a CEQA analysis, the SCAQMD considers a sensitive receptor to be a receptor such as a residential, hospital, or convalescent facility where it is possible that an individual could remain for 24 hours. If the calculated emissions for the proposed construction or operational activities are below the LST emission thresholds then the proposed construction or operation activity is not significant for air quality. (SCAQMD) The nearest sensitive receptors are residential homes located approximately 60 feet from the Project site boundary and 370 feet from the center of the site to the north of the project site. The Project site is located in Source Receptor Area (SRA) #23 – Metropolitan Riverside County. The total daily

⁴ <https://riversideca.gov/publicworks/engineering/land-development/grading>

disturbed acreage used for the Project is approximately 5 acres (this is the maximum acreage to be graded/disturbed per day), with the closest receptor at 25 meters (82 feet).

The MND is adequate as provided, and no further response is required or provided.

COMMENT B-9

The commenter states “For all of the above reasons, the MND is inadequate and an EIR is needed for this project if it proceeds, or better, it should be scrapped entirely. Others will also present FRH discussion of other problems with the project and its MND.”

Response to Comment B-9

As noted in the responses to the comments above, the MND is adequate as provided, and no further response is required or provided.



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.

Office: (760) 741-1200
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104 W. Grand Avenue, Suite A • Escondido, CA 92025

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,



Ezgi Kuyumcu

cc: Judy Egüez, Senior Planner

Page 1. The Project Violates the California Environmental Quality Act

Response

The commenter states that an Environmental Impact Report (EIR) is required because the Project “is likely to lead to several significant impacts.” Following this statement, the commenter describes their reasons for this position.

Page 2. The Project will lead to significant impacts to community character

The commenter states that developing single-family residential homes at a density of 4.95 dwellings per acre is “inconsistent with the surrounding neighborhood” and that allowing development “at greater intensity than currently allowed or the minimum lot area, maximum lot coverage and rear, front, and side yard setbacks.”

The City of Riverside Planning Department reviewed the Project for consistency with the General Plan and zoning regulations as described in the Staff Report for the Project. Based on this review, the Planning Department made the following conclusions:

- The Project is consistent with the General Plan Land Use Designation of LDR – Low-Density Residential, which provides for the development of single-family homes up to a density of 4.1 dwelling units per acre. Additionally, the project is utilizing the State Density Bonus Law, which permits an additional 20 percent density bonus with the inclusion of 5 percent of affordable residences. With the affordable residences the project is permitted to have a density of 4.95 dwelling units per acre, consistent with State Density Bonus Law [Government Code § 65915].
- The Project site is zoned R-1-1/2 Acre, which is consistent with the General Plan Land Use designation.
- The Project complies with the policy guidelines for preservation, design and development including a proposed 10-foot-wide trail along Victoria Avenue and protection of the existing orange groves to a depth of 100-feet from the edge of Victoria Avenue.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the MND, or that impacts would be substantially more severe than those identified in the MND.

Page 2. The Project will lead to significant impacts to agricultural resources

Response

Although the Project site is classified as “Prime Farmland” by the Department of Conservation, Farmland Mapping, and Monitoring Program (FMMP), the MND’s discussion of the adjacent land’s classification as “Urban and Built Up Land” by the FMMP as being a contributing factor to the land not being actively in citrus production and no longer viable as Prime Farmland.

This is consistent with the 2007 General Plan EIR which states: “...*Particularly within the City limits, it should be noted that those areas identified as important farmland are in fact largely developed or planned for other uses. Riverside is becomingly an increasingly urban city and the pressures of this transition have made farmland impractical to perpetuate. Farming practices are often in conflict with urban development, and it would not be desirable in most cases to reintroduce agriculture into these areas. The exception is the Arlington Heights Greenbelt where it is the City’s policy to promote continued agricultural uses.*”

The EIR considered mitigation measures to compensate for the loss of farmland on a Citywide and cumulative basis; These measures consisted of implementing a program that would establish a fee for the purchase of agricultural replacement land or a program that would establish agricultural easements. The EIR found that this measure would not (1) avoid the loss of farmland, (2) minimize the scope of the project, (3) repair, rehabilitate, or restore the affected farmland, (4) or replace the affected farmland with substitute farmland. Thus, such a program would not actually mitigate the significant impact caused by the Project. (State CEQA Guidelines, § 15370.) Further, funding off-site agricultural preservation outside of the Planning Area lacks the essential nexus to the effects of the Project. While preserving agricultural land in other parts of the state may bestow a benefit on other regions, no such benefit is possible for the area affected by the Project. Therefore, the MND does not require mitigation for the loss of Prime Farmland.

(Also refer to Response to Comment A-5.)

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the MND, or that impacts would be substantially more severe than those identified in the MND.

Page 3-4. The Project will lead to significant impacts to air quality and greenhouse gas emissions.

Response

The MMD utilized the California Emissions Estimator Model (CalEEMod) version 2022.1.1.22, which is a statewide land use emissions computer model designed to provide a uniform platform for government agencies to quantify potential criteria pollutant emissions associated with both construction and operations emissions. CalEEMod is authorized by the SCAQMD to assess project emissions. The results of the CalEEMod indicate the following:

- All construction emissions are below the SCAQMD thresholds.
- All operations emissions are below the SCAQMD thresholds.
- The GHG emissions for both construction and operations (792.79 Metric Tons/year of the Project) are estimated to be below the 3,000M TCO₂e/Year threshold.
- Localized Significance Thresholds are not exceeded for the surrounding land uses and would not adversely impact sensitive receptors during construction or operations.

- Due to the Project's small size, there will be no overlap between grading operations (which generate the highest number of emissions) and home occupancy.
- GHG emissions are required to be modeled annually because the GHG significance threshold is based on metric tons per year. Construction emissions are amortized over 30 years as required by CalEEMod.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the MND, or that impacts would be substantially more severe than those identified in the MND.

Page 4-5 The Project will lead to significant impacts to noise.

The analysis in the MND is based on technical reports, noise monitoring, and noise prediction modeling.⁵ The analysis found that:

- The MND relied upon the Health (NIOSH) standard of 80 dBA for construction activities. Table 13-1 of the MND indicates the construction noise level will range between 69 to 83 dBA at the nearest receptors. Although a 3 dBA increase is barely perceptible to the human ear, to ensure construction noise impacts remain at less than significant levels for all sensitive receptors, especially those along the east side of the site, the Project will implement Mitigation Measure NOI-1 containing measures to reduce noise during the operation of construction equipment.
- The assertion that the existing ambient noise level exceeds applicable levels is incorrect. Section 7.25.010 (B) the Riverside Municipal Code indicates that if the existing ambient noise level already exceeds any of the exterior noise level limit categories, then the standard shall be increased in five decibel increments in each category as appropriate to encompass the ambient noise level. Based on the results of the noise study, Project construction or operation will not expose persons to or generate noise levels above standards established in the local general plan or noise ordinance, or applicable agency standards with the implementation of Mitigation Measure NOI-1. With mitigation, impacts are considered to be less than significant on a direct, indirect, or cumulative basis.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the MND, or that impacts would be substantially more severe than those identified in the MND.

⁵ Appendix H –Noise Assessment – Veneklasen Associates – May 3, 2024.

Page 4-5 The Project will lead to significant impacts to transportation.

The comment states that the MND “provides a faulty VMT analysis” and that “the VMT reduction measures are not appropriate “... “and it is uncertain whether the claimed reductions could be achieved.”

To mitigate the Project’s VMT impacts and per the City guidelines, *the California Air Pollution Control Officers Association (CAPCOA) Handbook for Analyzing Greenhouse Gas Emission Reductions, Assessing Climate Vulnerabilities, and Advancing Health and Equality* (December 2021) was considered. The CAPCOA manual includes various measures to reduce VMT. The calculations used to quantify the VMT reduction measures are described in detail in Appendix J- Vehicle Miles Traveled (VMT) Analysis, TJW Engineering, July 16, 2024, included in the MND. The City of Riverside Public Works Department verified the results.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the MND, or that impacts would be substantially more severe than those identified in the MND.

Page 5-7 The Project Violates the General Plan

For purposes of CEQA, the analysis in the MND focuses on the following threshold:

Would the project cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted to avoid or mitigate an environmental effect?

The analysis in this MND, included, but was not limited to, the following:

- City of Riverside General Plan 2025City of Riverside General Plan 2025 Final Program Environmental Impact Report (FPEIR)
- City of Riverside Municipal Code, Title 19, Zoning Code
- City of Riverside Municipal Code, Title 20, Cultural Resources
- City of Riverside 2020 2020 Urban Water Management Plan (UWMP)
- City of Riverside Local Hazard Mitigation Plan
- City of Riverside Economic Prosperity Action Plan and Climate Action Plan (CAP)
- County of Riverside General Plan 2015, various elements
- County of Riverside, Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP)
- Santa Ana Regional Water Quality Control Board, Water Quality Control Plan for the Santa Ana River Basin
- Southern California Association of Governments, Connect SoCal (RTP/SCS)

Based on this analysis, the proposed Project will not conflict with any local or regional land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. Therefore, Project impacts will be less than significant on a direct, indirect, or cumulative basis. No mitigation is required.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the MND, or that impacts would be substantially more severe than those identified in the MND.

Page 7 Failure to make Adequate Findings

The comment states that: “ 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.”

Response

Staff recommends that the Planning Commission:

1. DETERMINE that the proposed project will not have a significant effect on the environment based on the findings set forth in the case record and adopt a Mitigated Negative Declaration (MND) and Mitigation Monitoring and Reporting Program (MMRP), pursuant to Sections 15074 and 21081.6 of the California Environmental Quality Act (CEQA) Guidelines; and

2. APPROVE Planning Cases PR-2024-001656 (Tentative Tract Map), based on the findings outlined in the staff report and summarized in the attached findings and subject to the recommended conditions.

PLANNING CASE: PR-2024-001656 (Tentative Tract Map) Waiver or reduction to development standards Pursuant to Chapter 19.545.070.A, as outlined in the Staff Report

1. The waivers or reduction of development standards would not have a specific adverse impact upon public health or safety for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact.

2. The waivers or reduction of development standards would not have an adverse impact on any real property listed in the California Register of Historical Resources.

3. The waivers or reduction of development standards would not be contrary to State or Federal law.

This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the MND, or that impacts would be substantially more severe than those identified in the MND.