FINDINGS OF FACT AND
STATEMENT OF OVERRIDING CONSIDERATIONS
FOR THE CITY OF RIVERSIDE GENERAL PLAN, MAGNOLIA AVENUE SPECIFIC PLAN, ZONING CODE, SUBDIVISION CODE, NOISE CODE AND CITYWIDE DESIGN AND SIGN GUIDELINES
FINAL PROGRAM ENVIRONMENTAL IMPACT REPORT

I. INTRODUCTION

The Final Program Environmental Impact Report (Final PEIR) prepared for this project addressed the potential environmental effects associated with the adoption and long-term implementation of the City of Riverside General Plan, Magnolia Avenue Specific Plan (MASP), Zoning Code (Title 19 of the Municipal Code), Subdivision Code (Title 18 of the Municipal Code), Noise Code (Title 7 of the Municipal Code) and Citywide Design and Sign Guidelines. The adoption and implementation of General Plan elements, comprehensive updates of the Zoning, Noise and Subdivision Codes, and creation of the Citywide Design and Sign Guidelines and MASP, individually and cumulatively constitute a project and require analysis of the environmental effects in accordance with the California Environmental Quality Act (CEQA) and the State CEQA Guidelines. The Final PEIR will be used by the City and other responsible and local agencies to provide information necessary for environmental review of discretionary actions related to adoption of the Riverside General Plan, Magnolia Avenue Specific Plan (MASP), Noise Code, Subdivision Code, Zoning Code and Citywide Design and Sign Guidelines.

II. DEFINITIONS

"Applicant" means the City of Riverside.

"Approved Project" or "Project" means either individually or cumulatively, or any combination of the components thereof, the City of Riverside General Plan, Magnolia Avenue Specific Plan (MASP), Zoning Code, Subdivision Code, Noise Code and Citywide Design and Sign Guidelines, as described in the Draft PEIR and the Final PEIR.

"CEQA" means the California Environmental Quality Act, Public Resources Code Sections 21000-21178.1.

"CEQA Guidelines" means the State of California Guidelines for Implementation of the California Environmental Quality Act, California Code Regulations Title 14 Sections 15000 to15387.

"CIP" means Capital Improvement Program.

"City" means the City of Riverside, California.

"City Planning Commission" means the Planning Commission of the City of Riverside.

"CNEL" means the Community Noise Equivalent Level.

"CO" means carbon monoxide.

"CO_2" means carbon dioxide.

"County" means the County of Riverside.

"Council" means the City of Riverside City Council.

"dB(A)" means decibels on the "A"-weighted scale.

"Draft PEIR" means the Draft Program Environmental Impact Report for the City of Riverside General Plan, Magnolia Avenue Specific Plan (MASP), Zoning Code, Subdivision Code, Noise Code and Citywide Design and Sign Guidelines dated November, 2004.

"EIR" means an environmental impact report.

"Final PEIR" means the Program Environmental Impact Report for the City of Riverside General Plan, Magnolia Avenue Specific Plan (MASP), Zoning Code, Subdivision Code, Noise Code and Citywide Design and Sign Guidelines dated June, 2007.

"Local CEQA Guidelines" means the City of Riverside's CEQA Guidelines Resolution 19478, as amended.

"Local Agency" means any public agency other than a state agency, board, or commission. Local agency includes but is not limited to cities, counties, charter cities and counties, districts, school districts, special districts, redevelopment agencies, local agency formation commissions, and any board, commission, or organization subdivision of a local agency when so designated by order or resolution of the governing legislative body of the local agency.

"LOS" means level of service.

"MMRP" means the Mitigation Monitoring and Reporting Program.

"MSHCP" means Western Riverside County Multi-Species Habitat Conservation Plan.

"MWD" means the Metropolitan Water District of Southern California.

"NO_x" means oxides of nitrogen.

"NPDES" means the National Pollutant Discharge Elimination System.

"Planning Area" means the land located within the city limits of Riverside and its Sphere of Influence.

"$PM_{2.5}$" means particulate matter less than 2.5 microns in diameter, or respirable particulate matter.

"PM_{10}" means particulate matter less than 10 microns in diameter, or respirable particulate matter.

"Project" means the General Plan, Magnolia Avenue Specific Plan (MASP), Zoning Code, Subdivision Code, Noise Code and Citywide Design and Sign Guidelines for the City of Riverside, as described in the Draft PEIR and the Final PEIR.

"RCFCWCD" means Riverside County Flood Control and Water Conservation District.

"RHNA" means Regional Housing Needs Assessment.

"ROG" means reactive organic gases.

"SCAG" means the Southern California Association of Governments.

"SCAQMD" means the South Coast Air Quality Management District.

"SEMS means Standardized Emergency Management System. The SEMS creates a system where City, county, and State emergency services work in concert to respond to any disaster in a coordinated approach.

"SKR HCP" means Stephens Kangaroo Rat Habitat Conservation Plan.

"Sphere of Influence" means the lands adjacent to the City which the Riverside Local Agency Formation Commission has identified as areas within which the City could annex properties into the city limits, assuming all procedures and laws are followed.

"SUSMP" means the Standard Urban Stormwater Mitigation Plan.

"State" means the State of California.

"V/C" means volume-to-capacity ratio.

"VOC" means volatile organic compounds.

"WMWD" means Western Municipal Water District.

III.
PROJECT DESCRIPTION

The Project is the adoption and implementation of the following programmatic documents:

1. Comprehensive update of the City of Riverside General Plan
2. Comprehensive update of the City of Riverside Zoning Code (Title 19 of the Municipal Code of the City of Riverside) and the rezoning of properties to reflect new zone names
3. Comprehensive update of the City of Riverside Subdivision Code (Title 18 of the Municipal Code of the City of Riverside)
4. Amendment to the Noise Code (Title 7 of the Municipal Code of the City of Riverside)
5. Adoption of Citywide Design and Sign Guidelines
6. The Magnolia Avenue Specific Plan (MASP)

The City of Riverside is the largest city within Southern California's Inland Empire. Over the next 20 years, both the City and the Inland Empire as a whole are anticipating substantial population growth. The Southern California Association of Governments (SCAG) projects that the population of western Riverside County (stretching from Corona to Banning and including unincorporated areas) will increase from just over 1.4 million in 2005 to 2.2 million in 2025. During the same period, SCAG projects that the City of Riverside's population will increase from about 280,000 to about 353,397.

Faced with these significant growth projections, the City of Riverside began, in 2001, a series of activities to shape a new community vision, in part intended to ensure that future growth could be achieved while maintaining and enhancing the community's major assets and distinctive qualities.

Numerous community involvement activities led to the adoption of a report in 2002 entitled *Visioning Riverside*, which set forth a vision of Riverside to be developed over the next two decades. To implement the many facets of this vision, the City of Riverside initiated a major update of its General Plan and those regulatory and related documents used to implement the General Plan. As described above, this program includes comprehensive updates of the General Plan, comprehensive revisions to the Zoning, Noise and Subdivision Codes, preparation of a Specific Plan for the Magnolia Avenue Corridor, and preparation of new Citywide Design and Sign Guidelines.

A General Plan is a community's planning "constitution" and the primary document for guiding land use and development decisions within the City. California law requires every jurisdiction to adopt a general plan that addresses, at minimum, seven major land use and development issues typically most relevant to all California cities and counties. These seven issues – land use, circulation, housing, conservation, open space, noise and public safety – are addressed in different chapters of the General Plan commonly known as "elements."

Riverside's General Plan distills the City's vision into specific objectives, policies, and implementation actions (tools) that will guide the physical development of the City of Riverside and its sphere of influence – together referred to as the Planning Area – through the year 2025. Section 65303 of the Government Code also allows a jurisdiction to adopt any other elements to the General Plan or address any other subjects that are related to unique characteristics of that jurisdiction. This General Plan includes elements which address air quality, arts and culture, education, historic preservation, and certain aspects of the public facilities and recreation elements, which are in addition to the required elements. The General Plan encompasses all properties within the City of Riverside, as well as lands within the City's sphere of influence.

The Zoning Code is the primary tool for implementing land use plans and policies contained in the General Plan and Magnolia Avenue Specific Plan, as well as for implementing specific plans applicable to other areas of the City. This Project involves a comprehensive revision of the Zoning Code to reflect current City land-use policy, to simplify procedures, and to make the Code easier to use. The Zoning Code divides the City into zones and establishes regulations for each zone with respect to permitted uses, allowable density, building height, development character and other developmental standards. The Zoning Code has been revised to implement the objectives and policies established in the General Plan, particularly with regard to land use categories. Zones have been renamed, combined, and eliminated to achieve a clear correspondence to General Plan land use categories. The provisions of the Zoning Code have been revised to streamline review of development and land use applications, and to clarify review and approval responsibilities.

Similarly, the Subdivision Code has been comprehensively updated to reflect the City's development goals, and to streamline and clarify the review and approval processes for land divisions.

The City of Riverside Noise Code, Title 7 of the Municipal Code of the City of Riverside, is proposed to be amended to better reflect State regulations in regard to exterior noise levels for single family residential uses and to address the increase in ambient noise levels within the City since the Noise Code was originally adopted.

The Citywide Design and Sign Guidelines set forth design parameters for development consistent with provisions of the General Plan and Zoning Code. The Guidelines provide text and pictorial

representations of desirable and allowable design standards for single and multiple family dwellings, and industrial, commercial, office and public facility buildings. Design areas addressed include site planning, building appearance, landscaping, fences and walls, screening, lighting, and open space. The Guidelines also contain a comprehensive chapter on sign guidelines that articulates standards and objectives set forth in the City's Zoning Code.

Specific Plans

As explained in the Project Description, at pages 3-8 to 3-11 of the Draft PEIR, the General Plan makes changes to the Land Use Policy Map and includes new features such as mixed-use land use categories and increased residential densities at key locations in the City. The changes described above will affect the land use designations within several existing specific plans, including the University Avenue Specific Plan, the La Sierra University Specific Plan, and the Market Place Specific Plan. The City proposes to revise those specific plans to be consistent with the proposed General Plan Land Use Policy Map concurrent with adoption of the General Plan. Additionally, as explained in the Land Use and Urban Design Element, the Neighborhood Plans in the proposed General Plan would replace the previously adopted Community Plans from the 1994 General Plan.

Program EIR

Given the scope of the Project, the Draft PEIR is a program EIR from which the environmental analyses for specific future projects will be tiered as specific projects are proposed for development. "[A]n EIR on a project such as the adoption … of a comprehensive zoning ordinance or a local general plan should focus on the secondary effects that can be expected to follow from the adoption …, but the EIR need not be as detailed as an EIR on the specific construction projects that might follow." (State CEQA Guidelines § 15146(b).) Further, State CEQA Guidelines section 15152 provides that:

> (b) … [T]he level of detail contained in a first tier EIR need not be greater than that of the program, plan, policy, or ordinance being analyzed.
>
> (c) Where a lead agency is using the tiering process in connection with an EIR for a large-scale planning approval, such as a general plan or component thereof … the development of detailed, site-specific information may not be feasible but can be deferred, in many instances, until such time as the lead agency prepares a future environmental document in connection with a project of a more limited geographical scale, as long as deferral does not prevent adequate identification of significant effects of the planning approval at hand.

Specifically with regard to the formulation and articulation of mitigation measures in a programmatic EIR, courts apply the following principles as stated in Sacramento Old City Assn. v. City Council, 229 Cal. App. 3d 1011, 1028-1029 (1991):

> As one commentator has opined *Sundstrom* "need not be understood to prevent project approval in situations in which the formulation of precise means of mitigating impacts is truly infeasible or impractical at the time of project approval. In such cases, the approving agency should commit itself to eventually working out such measures as can be feasibly devised, but should treat the impacts in question as being significant at the time of project approval. Alternatively, for kinds of impacts for

> which mitigation is known to be feasible, but where practical considerations prohibit devising such measures early in the planning process (e.g., at the general plan amendment or rezone stage), the agency can commit itself to eventually devising measures that will satisfy specific performance criteria articulated at the time of project approval. Where future action to carry a project forward is contingent on devising means to satisfy such criteria, the agency should be able to rely on its commitment as evidence that significant impacts will in fact be mitigated. (See *Laurel Heights, supra*, 47 Cal.3d at 418 [citation] [upholds mitigation measures by which project noise levels will be kept within performance standards]; *Schaffer Land Trust v. San Jose City Council,* 215 Cal.App.3d 612, 632 (6th Dist. 1989) [citation] [upholds approval of general plan amendment based on a negative declaration because actual physical development will be contingent on devising plan to ensure compliance with city standards for traffic levels of service].)"

See also Rio Vista Farm Bureau v. County of Solano, 5 Cal. App. 4th 351, 376-377 (1992) (mitigation measures were necessarily generic given the "broad, nebulous scope of the project under evaluation").

Thus, given the general nature of the Project, the Draft PEIR necessarily focused on the secondary effects of population growth and the Program as a whole. For example, the Draft PEIR concluded that individual development projects pursuant to the Project were likely to result in significant and unavoidable air quality impacts, and proposed mitigation measures to lessen those impacts to the extent feasible. (Draft PEIR, at pp. 5.3-50 to 5.3-53.) While the General Plan and other Project components were designed to limit environmental impacts of the Program as a whole, and the Draft PEIR examined the potential impacts resulting from the Program as a whole, specific impacts resulting from future specific developments will be analyzed in later tiered environmental review. (State CEQA Guidelines, §§ 15152(b), 15168(c).)

Projected Population

Population projections in a planning-level document will necessarily reflect estimates based on assumptions, including historical growth patterns. (Office of Planning and Research, General Plan Guidelines, at pp. 40-41.) The Draft PEIR analyzed a range of development scenarios including the Typical, Maximum and Maximum with PRD scenarios. (Draft PEIR, at p. 3-10.) The City's Planning Division and its consultants devised the projections in the Typical scenario based on their extensive experience as planning professionals as well as their particularized knowledge of the development patterns and trends in the City. For example, in the Low Density Residential designation, the maximum allowable density with a PRD is 6.0 dwelling units per acre; however, based on historical development patterns in the City, the Typical density in that land use designation has been observed to be 3.0 dwelling units per acre. The Planning Division and its consultants increased the expected densities for the Medium Density Residential category, however, based on the expectation of increased use of PRDs, to reflect a typical density of 5.5 dwelling units per acre. The assumptions underlying the projected Typical population are included in the Land Use Assumption Table in Appendix H of the Draft PEIR. Based on the experience and judgment of the City's planners, the Typical scenario is most likely to occur, and therefore represents the Project. Notably, the City's own projections under the Typical scenario are within 2% of SCAG's projections. (Draft PEIR, at p. 3.12-4.)

Comments submitted on the Draft PEIR suggested that much greater densities could occur as a result of the PRD mechanism in the Zoning Code. Those comments, however, presented no evidence to counter the findings in the Draft PEIR. To the extent the comments could be construed as evidence, the City

expressly finds the opinions in those comments to not be credible because they are unsupported by facts or research, and rejects those comments on that basis. Moreover, regardless of credibility, the City has the discretion to adopt the opinions and methodology of its own experts.

In any event, the EIR did analyze the Maximum and Maximum with PRD scenarios to account for the inherent imprecision in long-range planning. These scenarios, while not reasonably foreseeable, were analyzed to provide a conservative impacts analysis and full disclosure.

Changes in the non-General Plan components of the Project are designed to implement the policies in the General Plan. The changes in the Zoning Code and Subdivision Code, for example, cannot and do not permit population densities greater than allowed by the underlying General Plan land use designation. Thus, the City Council expressly finds that the EIR adequately analyzed densities made possible by the Project.

Proposition R and Measure C

No portion of the Project amends Proposition R or Measure C in any way. Rather, the General Plan expressly calls on the City to "[c]ontinue to implement Proposition R and Measure C." (General Plan, Policy OS-4.1.) To the extent that any portion of the Project is capable of an interpretation that would violate those initiatives, the City Council expressly rejects that interpretation in favor of an interpretation that is consistent with Proposition R and Measure C.

Discretionary Actions

The Final PEIR serves as the basis for environmental review and impact mitigation for the adoption and implementation of the General Plan update and supporting documents. The City will review subsequent projects for consistency with the Final PEIR and prepare appropriate environmental documentation pursuant to CEQA provisions for program EIRs and subsequent projects.

The Final PEIR may be used in connection with incorporates discretionary actions which will, or may in the future, be taken by decision makers in approving this Project. Subsequent projects under the Final PEIR may include, but are not limited to, the following implementation activities:

- Rezoning of properties
- Approval and amendment of Specific Plans
- Approval of development plans, tentative maps, variances, conditional use permits, and other land use permits and discretionary projects
- Approval of development agreements
- Approval of facility and service master plans and financing plans
- Approval and funding of public improvement projects
- Approval of resource management plans
- Approval of public works projects
- Issuance of municipal bonds
- Issuance of permits and other approvals necessary for implementation of the General Plan
- Acquisition of property by purchase or eminent domain

The following lead, responsible, and trustee agencies may use this Final PEIR in the adoption of the General Plan, Magnolia Avenue Specific Plan, Zoning Code, Subdivision Code, Noise Code and Citywide Design and Sign Guidelines, and approval of subsequent implementation activities. These agencies may include, but are not limited to, the following:

- City of Riverside
- U.S. Fish and Wildlife Service
- United States Army Corps of Engineers (ACOE)
- California Department of Fish and Game (DFG)
- California Department of Conservation
- California Department of Housing and Community Development (HCD)
- California Department of Transportation (Caltrans)
- State Lands Commission
- California Water Resources Control Board
- South Coast Air Quality Management District (SQAQMD)
- County of Riverside
- Metropolitan Water District of Southern California (MWD)
- Regional Water Quality Control Board, Santa Ana Region (SARWQCB)
- Riverside Unified School District (RUSD)
- Alvord Unified School District (AUSD)
- Riverside Highland Water Company
- Eastern Municipal Water District (EMWD)
- Western Municipal Water District (WMWD)
- Southern California Association of Governments (SCAG)
- University of California (UCR)
- Western Riverside Council of Governments (WRCOG)

IV.
RECORD OF PROCEEDINGS

For purposes of CEQA and these Findings, the Record of Proceedings for the Project consists of the following documents, at a minimum:

- The Notice of Preparation and all other public notices issued by the City in conjunction with the Project
- The Notice of Availability
- The Draft PEIR
- The Recirculated Draft PEIR
- The Final PEIR
- All comments submitted by agencies or members of the public during the public comment period on the Draft PEIR
- All comments and correspondence submitted to the City with respect to the Project, in addition to timely comments on the Draft PEIR
- The Mitigation Monitoring and Reporting Program
- All findings, resolutions and ordinances adopted by the Council decision makers in connection with the Project, and all documents cited or referred to therein
- All final reports, studies, memoranda, maps, staff reports, or other planning documents relating to the Project prepared by the City, consultants to the City, or responsible or trustee agencies with respect to the City's compliance with the requirements of CEQA and with respect to the City's actions on the Project
- All documents submitted to the City by other public agencies or members of the public in connection with the Project, up through the close of the public hearing
- Minutes and/or verbatim transcripts of all information sessions, public meetings, and public hearings held by the City in connection with the Project

- Any documentary or other evidence submitted to the City at such information sessions, public meetings, and public hearings
- Matters of common knowledge to the City, including, but not limited to federal, state, and local laws and regulations
- The Notice of Determination
- Any documents expressly cited in the Draft or Final PEIR or in these Findings, in addition to those cited above
- Any other materials required to be in the record of proceedings by Section 21167.6(e) of CEQA

The custodians of the documents comprising the record of proceedings are the City Clerk and the Planning Director, whose offices are located at Riverside City Hall, 3900 Main Street, Riverside, California 92522. The documents discussed herein are also available for public inspection at the Planning Division at City Hall. Copies of all these documents, which constitute the record of proceedings upon which the City's decision is based, are and at all relevant times have been available upon request at the offices of the City, the custodian for such documents or other materials.

The City Council has relied upon all of the documents listed above in reaching its decision on the Project, even if not every document was formally presented to the Council or City Staff as part of the City files generated in connection with the Project. Without exception, any documents set forth above not found in the Project files fall into one of two categories. First, many of them reflect prior planning or legislative decisions of which the Council was aware in approving the Project. (See City of Santa Cruz v. Local Agency Formation Commission 76 Cal.App.3d 381, 391-392, 142 Cal.Rptr. 873 [1978]; Dominey v. Department of Personnel Administration, 205 Cal.App.3d 729, 738, n.6, 252 Cal.Rptr. 620 [1988].) Second, other of the documents influenced the expert advice provided to City Staff or consultants, who then provided advice to the City. For that reason, such documents form part of the underlying factual basis for the City's decisions relating to the adoption of the Project. (See Public Resources Code Section 21167.6[e][10]; Browning-Ferris Industries v. City Council of City of San Jose, 181 Cal.App.3d 852, 866, 226 Cal.Rptr. 575 [1986]; Stanislaus Audubon Society, Inc. v. County of Stanislaus, 33 Cal.App.4th 144, 153, 155, 39 Cal.Rptr.2d 54 [1985].)

The Final PEIR was completed in compliance with CEQA and reflects the City Council's independent judgment. The City Council believes that its decision on the Project is one which must be made after a hearing required by the City. As a result, any judicial review of the City's decision will be governed by Section 21168.5 of CEQA and Code of Civil Procedure Section 1085. Regardless of the standard of review which is applicable, the City Council has considered evidence and arguments presented to the City prior to or at the public hearings on this matter. In determining whether the Project has a significant impact on the environment, and in adopting Findings pursuant to Section 21081 of CEQA, the City Council has complied with CEQA Sections 21081.5 and 21082.2.

V.
FINDINGS REQUIRED UNDER CEQA

Section 21002 of CEQA provides that "public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would *substantially lessen* the significant environmental effects of such projects[.]" (Public Resources Code Section 21002 [emphasis added]). The same statute states that the procedures required by CEQA "are intended to assist public agencies in systematically identifying both the significant effects of proposed projects and the feasible alternatives or feasible mitigation measures which will *avoid* or *substantially lessen* such significant effects." Id. (emphasis added). Section 21002 goes on to state that "in the event [that] specific economic, social, or other conditions make infeasible such project alternatives or such mitigation measures, individual projects may be approved in spite of one or more significant effects." Id.

The mandate and principles announced in Public Resources Code Section 21002 are implemented, in part, through the requirement that agencies must adopt findings before approving projects for which EIRs are required. (See Public Resources Code Section 21081[a].) As stated in Public Resources Code Section 21091(a), the public agency must make one or more of the following findings with respect to each identified significant effect: (1) Changes of alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment.; (2) Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can be and should be, adopted by that other agency; and/or (3) Specific economic, legal, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report.

Public Resources Code Section 21061.1 defines “feasible” to mean “capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social and technological factors.” The concept of “feasibility” also encompasses the question of whether a particular alternative or mitigation measure promotes the underlying goals and objectives of a project. (City of Del Mar v. City of San Diego, 133 Cal.App.3d 410, 417, 183 Cal.Rptr. 898 [1982].) “(F)easibility under CEQA encompasses ‘desirability’ to the extent that desirability is based on a reasonable balancing of the relevant economic, social and technological factors.” (Id.; see also Sequoyah Hills Homeowners Ass’n v. City of Oakland, 23 Cal.App.4th 704, 715, 29 Cal.Rptr.2d 182 [1993].)

Environmental impacts that are less than significant do not require the imposition of mitigation measures. (Leonoff v. Monterey County Board of Supervisors (1990) 222 Cal.App.3d 1337, 1347.)

The California Supreme Court has stated, "[t]he wisdom of approving . . . any development project, a delicate task which requires a balancing of interests, is necessarily left to the sound discretion of the local officials and their constituents who are responsible for such decisions. The law as we interpret and apply it simply requires that those decisions be informed, and therefore balanced." (Citizens of Goleta Valley v. Board of Supervisors (1990) 52 Cal.3d 553, 576.) In addition, perfection in a project or a project's environmental alternatives is not required; rather, the requirement is that sufficient information be produced "to permit a reasonable choice of alternatives so far as environmental aspects are concerned." Outside agencies (including courts) are not to "impose unreasonable extremes or to interject [themselves] within the area of discretion as to the choice of the action to be taken." (Residents Ad Hoc Stadium Com. v. Board of Trustees (1979) 89 Cal.App.3d 274, 287.)

During the public review process, some commenters suggested mitigation measures and alternatives in addition to those evaluated in the Draft PEIR. In many cases, the suggested mitigation measures were incorporated in the Project. In other instances, however, the City rejected suggested mitigation measures or alternatives as infeasible based on specific economic, environmental, legal, social and technological factors. The specific bases for rejecting any suggested alternatives or mitigation measures are provided in full in the responses to comments in the Final PEIR as provided in section 15088(c) of the State CEQA Guidelines. The City hereby specifically finds that any suggested mitigation measures or alternatives that were not incorporated into the Project are infeasible for the reasons provided in the responses to comments, which are incorporated into this finding by reference as if fully set forth herein.

VI.
MITIGATION MONITORING AND REPORTING PROGRAM (MMRP)

CEQA requires the lead agency approving a project to adopt a Mitigation Monitoring and Reporting Program (MMRP) for the changes to the project which it has adopted or made a condition of project approval in order to ensure compliance with project implementation. A MMRP has been defined and serves that function for this Final PEIR.

The MMRP designates responsibility and anticipated timing for the implementation of mitigation. The City will serve as the overall MMRP Coordinator.

A MMRP has been prepared for the Project and will be adopted concurrently with these Findings. (See Pub. Res. Code Section 21081.6[a][1].) The City will use the MMRP to track compliance with Project mitigation measures. The MMRP will remain available for public review during the compliance period.

The mitigation measures in the Final PEIR and MMRP provide direction in the implementation of the policies contained in the General Plan, and ensure that those policies are implemented throughout the life of the General Plan. In addition to the MMRP, Appendix A of the General Plan includes the Implementation Plan. The Implementation Plan is the official City policy for implementing the General Plan 2025 Program. The Government Code requires an action program consisting of specific programs (Tools) that the legislative body intends to pursue in implementing the Open Space, Noise and Housing Elements. The Proposed Implementation Plan also includes "Overarching Tools" that include other programs the City plans on pursuing upon adoption of the General Plan 2025 Program relevant to other sections of the General Plan 2025 Program. The Plan includes not only the tools but also, the responsible agencies that will be assigned those tools and a time frame in which to complete the tools. Upon adoption of the General Plan 2025 Program the City will also prepare a periodic report on the status of the Program and the progress made in its implementation, which will also serve the purpose of reporting on implementation of General Plan policies. (State CEQA Guidelines, § 15097(b).)

VII.
IMPACTS DETERMINED TO BE LESS THAN SIGNIFICANT

The following paragraphs describe impacts determined to be less than significant, either directly or cumulatively, in the preparation of the Draft PEIR and the Final PEIR. The City Council hereby makes this same determination based on the conclusions in the Final PEIR.

Aesthetics

- The Project will have a less than significant impact on scenic vistas, scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a scenic highway, and the visual character of the Planning Area. General Plan policies protect scenic vistas by, among other things, limiting development hillside and arroyo areas. (Draft PEIR, at pp. 5.1-8 to 5.1-22.) For example, the General Plan sets forth the Hillside Residential designation to limit development of these ecologically and visually sensitive areas. Article V of the proposed Zoning Code maintains the Residential Conservation Zone (RC) to protect prominent ridges and hillsides, slopes, arroyos, ravines and canyons, and other areas with high visibility or unique topographic conditions from adverse development practices, whether they are within the Hillside Residential General Plan designation or not. The RC Zone protects aesthetic views by, among other things, limiting the intensity of development, by limiting building heights to one story, maximizing retention of aesthetic features, and requiring approval and oversight of the Design Review Staff

according to specific design criteria (Existing Zoning Code, § 19.09 and Proposed Zoning Code, § 19.100). The Zoning Code also regulates set-backs, building heights, etc. The MASP area does not contain any scenic resources, but does include provisions requiring beautification. The MASP area includes Magnolia Avenue which has been considered a scenic drive. Provisions of the MASP requiring beautification will enhance its scenic character. Finally, the Citywide Design and Sign Guidelines limit impacts to aesthetic resources by reducing interruptions of scenic vistas, maintaining and enhancing scenic resources and visual character, and reducing light and glare in the Planning Area. (Draft PEIR, at pp. 5.1-8 to 5.1-22.)

Air Quality

- The Project will not expose substantial numbers of people to objectionable odors. Some objectionable odors may occur during construction of individual projects, however, those odors would be short-term and limited to the immediate vicinity of the construction project. Additionally, future industrial and commercial uses established pursuant to the General Plan that could generate objectionable odors within the Planning Area will be subject to SCAQMD Rule 402 governing odor emissions. Any objectionable odor may be reported to the SCAQMD, which resolves complaints through investigation and a Notice to Comply/Notice of Violation when necessary. (Draft PEIR, at pp. 5.3-49 to 5.3-50.)

Biological Resources

- The Project will not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State habitat conservation plan. Implementation of future development pursuant to the Project within the City and Sphere Area would be subject to the provisions of the Western Riverside County Multiple Species Habitat Conservation Plan and Stephens' Kangaroo Rat Habitat Conservation Plan, including the need for habitat assessments. Further, the General Plan was designed to ensure implementation of those HCPs. (Draft PEIR, at pp. 5.4-36 to 5.4-52; 6-8.) Thus, through implementation of the HCPs and relevant General Plan policies, the Project's impacts related to HCPs, including cumulative impacts, will be less than significant.

- The Project will not have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service, nor will it have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means. Under the MSHCP, any proposed project will require a habitat assessment for riparian habitat, therefore determining the presence/absence, quantity, and quality of such habitat and the measures necessary to mitigate potential direct and indirect impacts of the given proposal. Section 6.1.2 of the MSHCP outlines the requirements and protection of riparian/riverine areas and vernal pools within the plan area. Compliance with the MSHCP Section 6.1.2 and other applicable requirements will decrease impacts to a less than significant level. Similarly, should certain proposed development be located within wetland areas, State and Federal laws and regulations would be implemented to protect resources from development through the ACOE Section 404 permitting process, the California Wetlands Conservation Policy (CWCO), and compliance with applicable MSHCP policies. (Draft PEIR, at pp. 5.4-53 to 5.4-55.) Thus, impacts to wetlands will also be less than significant.

- The Project will not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites, nor will the Project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance. In addition to complying with the MSHCP, the City will also continue working with the Western Riverside County RCA to acquire wildlife corridors. Further, new development must pay applicable MSHCP and SKR HCP mitigation fees. (Draft PEIR, at pp. 5.1-55 to 5.1-57.) Compliance with the HCPs and General Plan policies will ensure that impacts are less than significant.

Geology and Soils

- The Project will not expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: 1) rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist or based on other substantial evidence of a known fault; 2) strong seismic ground shaking; 3) seismic-related ground failure, including liquefaction; or 4) landslides. The General Plan limits impacts related to seismic shaking by directly high density growth away from fault zones. Additionally, new development would be required to comply with the building design standards of the California Building Code Chapter 33 for construction of new buildings and/or structures related to seismicity and specific engineering design and construction measures would be implemented to anticipate and avoid any potential impacts from seismic activity. (Draft PEIR, at pp. 5.6-18 to 5.6-19.) Thus, impacts related to seismicity are less than significant.

- The Project will not result in substantial soil erosion or the loss of topsoil. Future development projects implemented under the General Plan must implement NPDES permits for construction and operation as well as follow provisions of the Subdivision Code and Grading Code that set forth erosion control standards. (Draft PEIR, at p. 5.6-19.) Thus, erosion impacts are less than significant.

- The Project would not permit development on a geologic unit or soil that is unstable, or that would become unstable as a result of the Project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse, nor would the Project allow development located on expansive soil as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property. As part of the construction permitting process and reflected in the Subdivision Code (Section 18.090.050), the City requires completed reports of soil conditions at specific construction sites to identify potentially unsuitable soil conditions including landslides, liquefaction and subsidence. The design foundation support must conform to the analysis and implementation criteria described in CBC Chapter 15. Additionally, if any development is proposed on terrain where slopes are greater than 10%, projects must comply with Title 17, Grading, of the City's Municipal Code. (Draft PEIR, at pp. 5.6-19 to 5.6-20.) Thus, impacts related to unstable soils will be less than significant.

- Geologic hazards are localized by nature, as they are related to the soils and geologic character of a particular site. Cumulative impacts could occur related to an earthquake, if the magnitude of the quake and location of the fault(s) traversed the region. Impacts due to seismic activity would be cumulative if State and local building and development codes and regulations were not being implemented throughout the region. Pursuant to City and State Building Code requirements, all new development will be required to incorporate appropriate design and construction measures to guard against ground-shaking hazards. Further, all projects and structures will be constructed in

compliance with existing seismic safety regulations of the California Uniform Building Code, which requires the use of site-specific engineering and construction standards identified for each class of seismic hazard. In addition, Riverside requires geological and geotechnical investigations in areas of potential seismic or geologic hazards as part of the environmental and development review process. Proposals and projects for development or redevelopment which do not provide for mitigation of seismic or geologic hazards to the satisfaction of responsible agencies will not be approved. Since all local jurisdictions in the region, are subject to local, State and Federal laws, including CEQA, cumulative impacts related to seismic safety are less than significant. (Draft PEIR, at p. 6-9.)

Hazards and Hazardous Materials

- The Project will not create a significant hazard to the public or the environment through the routine use, transport, storage, or disposal of hazardous materials. Although the overall quantity of hazardous materials and waste generated in the City could increase as a result of implementation of the proposed General Plan Program, all new developments that handle or use hazardous materials would be required to comply with the regulations, standards, and guidelines established by the EPA, the State, and the City related to storage, use, and disposal of hazardous materials. Both the Federal and State governments require all businesses that handle more than a specified amount of hazardous materials to submit a business plan to a regulating agency. Further, the City's Fire Department conducts yearly inspections of all these businesses to confirm that their business plan is in order and up to date. In addition, the Public Safety Element of the proposed General Plan identifies a variety of policies to reduce the potential exposure of people and the environment to hazardous materials. Oversight by the appropriate Federal, State, and local agencies, compliance by new development with applicable regulations related to the handling and storage or hazardous materials, and with implementation of the General Plan policies, the risk of the public's potential exposure to hazardous substances is considered less than significant. (Draft PEIR, at pp. 5.7-28 to 5.7-29.)

- The Project will not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment, nor will the Project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school. The transport, use and storage of hazardous materials are strictly regulated by various federal, state and local regulations. Compliance with those regulations ensures that development pursuant to the Project will have less than significant impacts related to hazardous materials. (Draft PEIR, at pp. 5.7-29 to 5.7-30.)

- The Project will not permit development located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would create a significant hazard to the public or the environment. While the City contains sites that have been identified as being contaminated from the release of hazardous substances in the soil, including sites containing leaking underground storage tanks, and large and small-quantity generators of hazardous waste, once discovered, those sites would be required to undergo remediation and cleanup under supervision by the DTSC and the SARWQCB before construction activities could begin. Further, numerous Federal, State and local regulations regulate remediation of contaminated sites. Therefore, given those existing regulations impacts related to contaminated sites are less than significant. (Draft PEIR, at pp. 5.7-30 to 5.7-31.) Comments submitted by the Department of Toxic Substances Control suggested that particular mechanisms be identified by which hazardous materials would be addressed during project development. While not necessary to reduce a potentially significant impact, as explained above, the City will nevertheless add the

following measures to further ensure that impacts related to hazards and hazardous materials will be less than significant:

MM Haz 1: To reduce project-related adverse impacts to sites containing hazardous materials and/or sites where known hazardous materials contamination may have existed that may be inadvertently discovered during construction of projects soils testing shall be conducted by a qualified soils engineer and submitted to the City for the evaluation of hazardous chemical levels in the soil. The report submitted to the City should indicate if remediation of the soils is necessary to achieve less than significant levels of hazardous chemical in the soils. Proper investigation, and remedial actions, if necessary, including a workplan should be conducted under the oversight of and approved by a government agency at the site prior to construction of the project.

MM Haz 2: All sites where the last known use was agriculture or related activities, including where weed abatement occurred, might contain pesticides, herbicides, agricultural chemical, organic waste or other related residue in onsite soil. Soils testing shall be conducted by a qualified soils engineer and submitted to the City for the evaluation of hazardous chemical levels in the soil. The report submitted to the City should indicate if remediation of the soils is necessary to achieve less than significant levels of hazardous chemical in the soils. Proper investigation, and remedial actions, if necessary, should be conducted under the oversight of and approved by a government agency at the site prior to construction of the project.

MM Haz 3: Within six months of adoption of the General Plan 2025 Program, the City shall include a notification on the demolition application form to inform the applicant of the potential applicability of the EPA's Universal Waste Rule and the California Code of Regulations, and that it is the applicant's responsibility to comply with any applicable regulations.

- The Project would not result in a safety hazard for people residing or working in the Project area. Individual development projects within or near the safety and/or compatibility zones will be required to be compatible with the land use standards in the applicable airport compatibility plan. The Land Use and Urban Design Element of the General Plan has been developed to avoid allowing intensive new uses within the airport-influence areas of the three nearby airports. Policies include development controls limiting development within areas subject to height noise levels and limiting the intensity and height of development within aircraft hazard zones. With compliance with General Plan policies, and since individual development project will be required to comply with existing County and City Airport Plans, impacts related to hazards from airports at the General Plan level are less than significant. There are no safety hazards from private airstrips because there are no private airstrips within the Planning Area. (Draft PEIR, at pp. 5.7-31 to 5.7-32.)

- The Project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. The City has developed an extensive Emergency Operations Plan, created by the Emergency Management Office. The City's Fire Department promotes a high level of multi-jurisdictional cooperation and communication for emergency planning and response management through activation of the Standardized Emergency Management System ("SEMS"). The General Plan also provides policies to identify methods of implementing the emergency plan. With continued use of the SEMS and implementation to relevant General Plan policies enforcing compliance with the Emergency Operations Plan, impacts related to emergency response plans will be less than significant. (Draft PEIR, at p. 5.7-32.)

- The Project will not expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands. The only very high fire hazard area is in the Sphere Area, and the land use designations for that area are either Park or low density residential or agricultural designations. (Compare Figure 3-3 (Conceptual Land Use Plan) with Figure 5.7-3 (Fire Hazard Areas).) The medium fire hazard area is in the Southern Sphere area, and is also designated for largely low density residential development, agriculture or Kangaroo Rat Habitat. (Ibid.) Thus, higher density development is directed away from fire hazard areas. Additionally, with regard to new development, Policy PS-6.4 requires the City to "[e]valuate all new development to be located in or adjacent to wildland areas to assess its vulnerability to fire and its potential as a source of fire." Further, in November 2007, the City will begin the process of preparing its Local Hazard Mitigation Plan (LHMP) to better address the hazards in the City. The LHMP will include a detailed assessment of hazards in and around the City that directly impact the City. One of the requirements of the LHMP is that the City not only identify the various natural, man-made, and technological threats and hazards, but also identify potential ways of mitigating those hazards. The LHMP will cover not only the State Responsibility Area (SRA) lands, but also the other Wildland fire threat areas like Mt. Rubidoux, the Santa Ana River, arroyos, etc. for fire threat. Through implementation of the General Plan Policies, the City will continue to reduce the potential for damage by dangerous fires by providing adequate fire fighting services, by protecting hillsides and urban-wildland interface areas, by encouraging residents to plant and maintain drought-resistant, fire-retardant plant species on slopes to reduce the risk of brush fire and soil erosion and by working with the Fire Department to control hazardous vegetation. (Draft PEIR, at pp. 5.7-33 to 5.7-34; Response to Comments from the Board of Forestry and Fire Protection.) Thus, impacts related to fire hazards will be less than significant.

- Implementation of General Plan Public Safety Element objectives and policies regarding hazardous materials, enforcement of existing practices applicable to businesses that use or manufacture hazardous materials and wastes, and compliance with existing Federal, State, and local regulations will provide a level of protection to current safety standards. The City will also continue to reduce the potential for dangerous fires by concentrating development in previously developed areas within the Planning Area where risk of wildland fire is lower than in urban/wildland interface areas on the urban periphery. Additionally, continued implementation of Zoning Code regulations and General Plan policies will reduce impacts relative to airport hazards to a less than significant level. Compliance with existing City, State and Federal regulations will ensure that no significant cumulative impact will result from a hazard or hazardous materials. (Draft PEIR, at pp. 6-9 to 6-10.)

Hydrology/Water Quality

- The Project will not substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level. The primary source of the City's water supply is groundwater from the Bunker Hill, Colton, Riverside North, and Riverside South groundwater basins. The Bunker Hill basin is adjudicated, and its safe-yield and export rights from the basin are well defined. While not adjudicated, the Colton, Riverside North, and Riverside South basins are subject to management under a 1969 judgment. None of these basins are over-drafted, nor are they projected to become so. Recharge areas for the primary groundwater aquifer that RPU uses for its domestic supply are located outside of the Planning Area; therefore, the Project would have no effect on the Bunker Hill basin recharge capabilities. Therefore, impacts, both direct and

cumulative, related to groundwater and groundwater recharge are considered less than significant. (Draft PEIR, at pp. 5.8-18 to 5.8-19; 6-10.)

- The Project will not substantially alter the existing drainage patterns in the City, including through the alteration of the course of a stream or river in a manner which would result in substantial flooding, erosion, or siltation on- or off-site. The General Plan includes numerous policies such as OS-6.3, OS-7.6, LU-5.1-5.6 that protect drainage courses in the City. Those policies further limit development impacts in areas that are either prone to flooding or erosion. Further, all new development will be subject to NPDES requirements at both the construction and operations phases. Erosion, siltation, and other possible pollutants associated with construction and long-term implementation of projects are addressed as part of the Water Quality Management Plan (WQMP), Storm Water Pollution Prevention Plan (SWPPP) and grading permit process. (Draft PEIR, at pp. 5.8-19 to 5.8-20.) Additionally, as noted above, the MSHCP requires any proposed project to perform a habitat assessment for riparian habitat, therefore determining the presence/absence, quantity, and quality of such habitat and the measures necessary to mitigate potential direct and indirect impacts of the given proposal. Similarly, should certain proposed development be located within riverine areas, State and Federal laws and regulations would be implemented to protect resources from development through the Section 404 permitting process, the California Wetlands Conservation Policy (CWCO), the California Department of Fish and Game's Streambed Alteration Agreement program, and compliance with applicable MSHCP policies. (Draft PEIR, at pp. 5.4-53 to 5.4-55.) Thus, impacts related to changes to drainage patterns will be less than significant.

- The Project would not create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems. The City has developed a five year Capital Improvement Program (CIP), which includes a Strom Drain Program. This particular program will include improvement projects that eliminate flooding during major storm events. Construction of these improvements will be coordinated with RCFCWCD projects. General Plan policy PF-4.1 reinforces the City's CIP program. Although this CIP addresses current existing undersized drainage issues, it does not address anticipated increase in runoff due to the General Plan implementation. General Plan Policy PF-4.3 requires the City to routinely monitor and evaluate the effectiveness of the storm drain system and make adjustments as needed. In addition, to avoid flooding and/or placing new development within flood areas, the City requires development pads to be elevated above flood levels. Underground storm drains and streets are designed to accommodate the 10-year storm from curb to curb, while 100-year storms are accommodated within street rights of way. Therefore, even though some older storm drain facilities may be undersized, impacts related to exceeding capacity to storm drains are considered less than significant because flooding of structures will not result. (Draft PEIR, at pp. 5.8-20 to 5.8-22.)

- The Project would not place housing or structures within a 100-year flood hazard area, as mapped on a Federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map which would impede or redirect flood flows. The City will review all development proposals to assess if a proposed project is located in a flood hazard area. The City Municipal Code, Title 16 Buildings & Construction, Chapter 16.18 Flood Hazard Area & Implementation of National Flood Insurance Program, Sec.16.8.050 requires new construction located within a 100-year flood zone to mitigate flood hazards by including onsite drainage, anchoring methods to prevent floating structures, elevating buildings above flood levels, and flood proofing, which requires the building to be inspected and certified by a professional engineer, surveyor or building inspector. The implementation of the General Plan policies and compliance with the Municipal Code will be sufficient in protecting new housing or structures

within a 100-year flood hazard area. Therefore, impacts of flood hazards, both direct and cumulative, to housing or structures under the General Plan will be less than significant. (Draft PEIR, at p. 5.8-22; 6-10.)

- The Project would not permit development in areas subject to inundation of seiche, tsunami, or mudflow. Land uses near Lake Mathews are predominately open space/conservation use, so would not be affected by seiches. The Planning Area is not located near a coast, so would not be subject to tsunami dangers. Finally, while mudflows associated with erosion and fire damage could occur near the Santa Ana River, Lake Hills, Norco Hills, Box Springs Mountain area and the nine arroyos that traverse the Planning Area, the General Plan has largely designated these areas for open space and recreation uses. (Draft PEIR, at pp. 5.8-23 to 5.8-24.) Thus, impacts related to these dangers would be less than significant.

Land Use and Planning

- The Project would not physically divide an established community. The majority of the growth that will occur in the City as a result of the updated General Plan will occur within infill areas in the existing City limits, with additional low intensity development in the Southern Sphere area. Specifically, the General Plan proposes more intense land uses within key areas and along key corridors in the City. Infill development will take three forms: construction on undeveloped land, intensification of current land uses, and through the conversion of economically under performing and obsolete development to more appropriate land uses. Many neighborhoods will experience little change during the planning period, while some are planned to experience change and growth. The neighborhoods with the potential for the most change/improvement include: Arlanza, Arlington, Arlington South, Casa Blanca, Downtown, Eastside, Hawarden Hills, Hunter Industrial Park, La Sierra, La Sierra Acres, La Sierra South, Magnolia Center, Northside, Sycamore Canyon Business Park – Canyon Springs, and University. General Plan policies for these areas aim at strengthening the community within each neighborhood, not dividing it. The General Plan establishes the "L" Corridor which encourages intensification of land uses along Magnolia Avenue/Market Street and University Avenue, both existing major transportation and commercial corridors through the City. As these are the existing major development corridors, no new division of communities will occur through providing advanced public transportation, or more intense development. No substantial demolition of existing residential uses is proposed under the General Plan. There are no new proposed land uses in the General Plan that would physically divide an existing community. Therefore, impacts related to the physical division of an established community are considered less than significant. (Draft PEIR, at pp. 5.9-30 to 5.9-33.)

- The Project would not conflict with any applicable land use plan, policy or regulation of an agency with jurisdiction over the Project adopted for the purpose of avoiding or mitigating an environmental effect. Several regionally and locally adopted land use plans, policies, and regulations would be applicable to development under the proposed General Plan. Applicable plans include Southern California Association of Government's Regional Comprehensive Plan and Guide, the South Coast Air Quality Management Plan; Riverside County Airport Land Use Compatibility Plan, the City of Riverside Zoning Code, the City of Riverside Subdivision Code, and the Riverside Redevelopment Agency's redevelopment plans. The Draft PEIR includes a detailed consistency matrix demonstrating compliance with SCAG's Regional Comprehensive Plan and Guide. Further, the General Plan has been designed to be consistent with applicable airport land use plans. The General Plan land use designations on five parcels have been changed in response to comments from the RCALUC to ensure that areas within the ALUP do not exceed existing densities. (Response to Comments by Riverside County Airport Land Use Commission.) Projects, uses, and activities that are consistent with the applicable assumptions used in the

development of the AQMP would not jeopardize attainment of the air quality levels identified in the AQMP, even if they exceed the SCAQMD's recommended daily emissions thresholds. Projects that are consistent with the projections of employment and population forecasts identified by the SCAG are considered consistent with the AQMP growth projections, since these forecast numbers were used by SCAG's Modeling section to forecast travel demand and air quality for planning activities such as the Regional Transportation Plan (RTP), the SCAQMD's AQMP, Regional Transportation Improvement Program (RTIP), and the Regional Housing Plan. Further, although not required by State law, the City's General Plan includes an Air Quality Element, patterned largely after SCAQMD's Model Air Quality Element. (Draft EIR, at pp. 5.3-30 to 5.3-32.) Finally, the Subdivision and Zoning Codes have been designed to implement the General Plan. Thus, impacts, both direct and cumulative, related to consistency with regional plans are less than significant. (Draft PEIR, at pp. 5.9-33 to 5.9-39; 6-11.)

- Related to the threshold above, the City notes that, as explained in the Project Description, at pages 3-8 to 3-11, the General Plan makes changes to the Land Use Policy Map and includes new features such as mixed-use land use categories and increased residential densities at key locations in the City. The changes described above will affect the land use designations within several existing specific plans, including the University Avenue Specific Plan, the La Sierra University Specific Plan, and the Market Place Specific Plan. Additionally, as explained in the Land Use and Urban Design Element, the Neighborhood Plans in the proposed General Plan would replace the previously adopted Community Plans from the 1994 General Plan. All potential environmental impacts of the proposed General Plan have been addressed throughout this EIR. Further, rescinding the Community Plans and amending the Specific Plans above for consistency with the proposed General Plan will ensure land use consistency throughout the relevant plans and areas. Thus, impacts related to land use planning will be less than significant.

- The Project would not conflict with any applicable habitat conservation plan. Implementation of the proposed General Plan within the City and Sphere Area would be subject to the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP). Further, a portion of the Southern Sphere Area is within the Lake Mathews Multiple Species Habitat Conservation Plan and Natural Community Conservation Plan (Lake Mathews Plan). Portions of the City and sphere area are also subject to the Stephens' Kangaroo Rat (SKR) Habitat Conservation Plan (HCP). The El Sobrante Landfill Habitat Conservation Plan is adjacent to the southern Sphere Area, but it applies only to projects within the landfill area. Since the El Sobrante Landfill Habitat Conservation Plan (ESLHCP) is located outside the Planning Area, it applies to an individual agency, and adjacent land uses within the Planning Area are designated as Kangaroo Rat Habitat, the Project will not impact the ESLHCP. Therefore, impacts related to conflicts with HCPs are less than significant. (Draft PEIR, at pp. 5.9-39 to 5.9-42; 5.4-36 to 5.4-52.)

Mineral Resources

- The Project would not result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the State nor would it result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan. Only one State-classified mineral resource zone (MRZ-2) area exists within the Planning Area. The six General Plan Land Use designations for the MRZ-2 land are Open Space/Natural Resources, Public Parks, Public Facilities/Institutional, Medium Density Residential, Office and Private Recreation. Although the Pubic Facilities/Institutional designation is potentially incompatible with the MRZ-2 area according to the City's Municipal Code, for mining or mineral extraction to occur at this location a General Plan amendment, change of Zone and a conditional use permit would be required. However, the surrounding area has been highly

urbanized for nearly a century; further mining in this area is not considered reasonably foreseeable. As of 2004, no active mining operations exist or are permitted within the City or its sphere of influence. Implementation of the Project will not result in the loss of availability of a locally-important mineral resource recovery sites delineated on a local general plan, specific plan, or other land use plan. Thus, the impact on mineral resources, both direct and cumulative, is less than significant. (Draft PEIR, at pp. 5.10-5 to 5.10-6; 6-11.)

Noise

- Impacts related to exposure to people to excessive noise levels residing or working in the project area within the vicinity of a private airstrip was found to have no impact. There are no private airstrips located within the planning area although Flabob Airport a privately owned airport does create an influence area that includes portions of the City.

- The Project would not expose people residing or working in the Project area to excessive noise levels within an airport land use plan or in the vicinity of a private airstrip. The General Plan is consistent with the Riverside County Airport Land Use Compatibility Plan (RCALUCP), adopted by the Riverside County Airport Land Use Commission. The RCALUCP designates zones of airport-influence areas for most airports in Riverside County and provides a series of policies and compatibility criteria to ensure that both aviation uses and surrounding areas are protected. Additionally, a 1984 Plan exists for the March Air Reserve Base. Compliance with the objectives and policies established by the General Plan, the RCALUCP, the MARB Plan and, in the future, the proposed Airport Protection Overlay (AP) Zone of the Zoning Code, will reduce impacts to less than significant levels. Therefore, impacts related to excessive noise levels from airports were found to be less than significant. Further, there are no private airstrips in the Planning Area, so impacts related to private airstrips are less than significant. (Draft PEIR, at pp. 5.11-38 to 5.11-42; see also Response to Comments by Riverside County Airport Land Use Commission.)

Population and Housing

- The Project will not displace substantial numbers of existing housing or people, necessitating the construction of replacement housing elsewhere. No substantial demolition of existing residential uses is proposed in the General Plan. Infill development on vacant sites would not displace residents and/or businesses. While revitalization of underutilized sites could temporarily displace limited numbers of residents and businesses, the displacement impact would not be significant because it would enable new housing and/or commercial uses. As noted by Policy LU-8.3, the Project encourages a mix of both residential and nonresidential uses as a means of revitalizing many underutilized parcels through the implementation of three new Mixed-Use land use designations to implement this policy. The General Plan also discourages the displacement of residents through policies which maintain and support existing neighborhoods. Additionally, Housing Element Policies 1.1 and 1.2 promote repair, improvement, rehabilitation, and maintenance of both owner-occupied and rental housing. Thus, displacement impacts will be less than significant. (Draft PEIR, at p. 5.12-15.)

- The City's General Plan implements SCAG plans and policies to address cumulative impacts. SCAG's primary plan to address regional growth is the Regional Comprehensive Plan (RCP). The City's General Plan implements the RCP and Compass Blueprint 2% Strategy through the MASP, BRT, and other policies and programs that deal with mobility, livability prosperity, and sustainability. Section 5.9, Land Use and Planning, of the Draft PEIR contains the SCAG Policy Consistency Matrix, which demonstrates the Project's consistency with SCAG policies. The

Project's population and housing capacity is generally consistent with SCAG's long-range forecasts. In addition, the Project aims to better balance jobs and housing by bringing additional employment opportunities to the Planning Area. Over the past two decades, the Planning Area has served as somewhat of a bedroom community for Los Angeles and Orange Counties. The Project also emphasizes smart growth, infill, and revitalization of vacant and under-utilized parcels served by existing infrastructure. Finally, the City's Land Use and Urban Design Element is required to designate adequate sites to accommodate any future "fair share" of regional housing needs (RHNA). In all, the Project's cumulative population and housing impacts will be less than significant due to the Project's consistency with regional plans for growth, transportation options, and mixed land uses. (Draft PEIR, at pp. 6-12 to 6-13.)

Public Services

- The Project would not result in substantial adverse physical impacts associated with the provision of new or physically altered fire facilities, need for new or physically altered fire facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives. General Plan Policies PS-6.1 and PS-6.2 state that there should be sufficient number of fire stations and that the RFD should maintain/meets a 5 minute response time in urbanized areas. Additionally, section 1 of Ordinance 5948, requires new development to pay impact fees to fund the construction of new fire facilities. While the City's growing population will likely require the construction of new fire facilities, no such facilities are proposed at this time. The Draft PEIR, moreover, analyzed the programmatic impacts resulting from development throughout the City, and analyzed and mitigated to the extent feasible such impacts related to all resource categories. The combined effect of the General Plan Policies and the impact fees will reduce impacts on fire protection and emergency services to less than significant levels. (Draft PEIR, at p. 5.13-31.)

- The Project would not result in substantial adverse physical impacts associated with the provision of new or physically altered school facilities, need for new or physically altered school facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives. California Government Code Section 65995 limits the amount of impact fees and site dedication that cities can require of developers to off-set the impact of new development on the school system. It also provides that payment of the set fees constitutes full mitigation of impacts to school facilities. It is infeasible to evaluate project-specific environmental impacts associated with the construction of new school facilities since specific sites and time-frames for development are unknown. Further, school districts are responsible for planning, siting, building and operating schools in their responsible districts within the City and sphere area. The Draft PEIR, moreover, analyzed the programmatic impacts resulting from development throughout the City, and analyzed and mitigated to the extent feasible such impacts related to all resource categories. At such time that specific projects are necessitated and subsequently undertaken, the appropriate level of analysis required by CEQA will be conducted by the respective school district. Adherence to the policies contained in the proposed General Plan update would reduce impacts related to the provision of new educational facilities to less than significant levels. (Draft PEIR, at pp. 5.13-32 to 5.13-34.)

- Future regional growth will result in increased demand for police protection, fire protection and emergency services, schools, libraries and other public facilities. It should be noted that the City has a mutual aid agreement with Riverside County to provide and receive aid whenever asked. Service providers must continue to evaluate the levels of service desired and the funding sources available to meet increases in demand. Although the ability of local service providers to provide specific levels of services varies throughout the region, sound local planning to accommodate

future growth, along with the implementation of policies identified in the Draft PEIR will reduce potential cumulative impacts associated with the provision of police services, fire prevention and firefighting services, emergency services, libraries, and community centers; these impacts are not considered cumulatively significant. (Draft PEIR, at p. 6-13.)

Recreation

- The Project does not includes recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment. In order to meet the growing parkland needs of Riverside, the General Plan proposes park sites that would attempt to meet these needs. The potential parks are mere recommendations at this time, and the General Plan update does not directly approve their development or include the construction or expansion of recreational facilities, whose construction might have adverse environmental impacts. Specific environmental impacts associated with specific park projects would require site-specific CEQA review. The Draft PEIR, however, analyzed the programmatic impacts resulting from development throughout the City, and analyzed and mitigated to the extent feasible such impacts related to all resource categories. At the program level, implementation of the General Plan policies will reduce impacts related to recreational facilities to a less than significant level. (Draft PEIR, at pp. 5.13-24 to 5.13-25.)

Transportation

- The Project will not result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks. Implementation of the proposed General Plan will not significantly increase the number of individuals using the airport facilities at Riverside Municipal Airport, Flabob Airport or March Air Reserve Base/March Inland Port, which is a joint civilian and military airport. Additionally, the proposed General Plan does not encourage the construction of incompatible development within the airport influence areas. Impacts associated with air traffic patterns are less than significant. (Draft PEIR, at pp. 5.15-35 to 5.15-36.)

- The Project will not substantially increase hazards due to a design feature or incompatible uses. The circulation improvements identified in the General Plan Circulation Element could introduce new safety hazards at intersections or along roadway segments, as most would increase capacity and flow. Policies within the Circulation Elements (CCM – 1.1-1.4, 7.1, 7.2) provide for maintaining and enhancing existing roadways, increasing safety of roadways, and balancing safety, quality of life and efficiency in the design of circulation and access. These General Plan policies will reduce hazards due to design features. Therefore, potential significant adverse impacts related to roadway design and safety would be less than significant. (Draft PEIR, at p. 5.15-36.) While impacts related to traffic hazards are less than significant, the California Public Utilities Commission suggested that pedestrian and bicycle traffic be addressed with regard to railroad hazards. Though not necessary to reduce a significant impact, the City will nevertheless adopt the following mitigation measure to further ensure that impacts remain less than significant:

  MM Trans 2: All trails that may be proposed to cross rail lines or within the railroad right-of-way will be coordinated and approved by the Public Utilities Commission (PUC) as required by law. In addition, any new trails proposed to be built outside of the railroad right-of-way but parallel to the tracks will be designed in such a manner to ensure pedestrian safety through the use of fencing and other materials.

- The Project will not result in inadequate emergency access. The City will continue to implement its adopted road standards, the State of California Department of Transportation Highway Design Manual, Municipal Code, and Fire Code. As a result, new and improved roadways will be designed to avoid unsafe design and to provide adequate emergency access. Additionally, the City has developed an extensive Emergency Operations Plan, created by the Emergency Management Office. The City's Fire Department promotes a high level of multi-jurisdictional cooperation and communication for emergency planning and response management through activation of the Standardized Emergency Management System (SEMS). The General Plan also provides policies to identify methods of implementing the emergency plan. Any potential impacts would be less than significant. (Draft PEIR, at pp. 5.15-36 to 5.15-38.)

Utilities and Service Systems

- The Project will not require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects. New development in the City is subject to a development fee to fund storm water drainage facilities. The City has developed a five year Capital Improvement Program (CIP), which includes a Storm Drain Program. Construction of these improvements will be in coordination with Riverside County Flood Control Water Control District (RCFCWCD) projects, and in support of public and private development projects. The General Plan policies PF 4.1 and PF 4.3 require the City to continue to routinely monitor its stormdrain system and to fund and improve those systems as identified in the City's CIP. Implementation of these policies will ensure that the Planning Area is adequately served by drainage systems. No specific drainage projects are proposed as part of this Project. The Draft PEIR, however, analyzed the programmatic impacts resulting from development throughout the City, and analyzed and mitigated to the extent feasible such impacts related to all resource categories. Thus, adherence to and implementation of the General Plan objectives and policies, along with continued adherence to the City's CIP program, impacts on storm drainage facilities will be less than significant at the programmatic level. (Draft PEIR, at p. 5.16-32.)

- The Project will not exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board. The City of Riverside's Regional Water Quality Control Plant is subject to Waste Discharge Requirements for Order No. R8-2006-0009, NPDES No. CA0105350, and the WRCRWA facility are subject to Order No. R8-2005-0008 NPDES No. CA8000316. NPDES program, as enforced by the RWQCB. Further, specific General Plan policies tie development to the capacity of the wastewater treatment system, and require new development to fund its fair share of system upgrades. (Policies PF 3.1 and 3.2.) Thus, impacts related to treatment requirements will be less than significant. (Draft PEIR, at pp. 5.16-42 to 5.16-43.)

- The Project will not require or result in the construction of new wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects. Portions of the Planning Area are not currently served with adequate infrastructure (trunk sewer lines) to accommodate the growth anticipated in the General Plan. New and/or expanded sewer collection lines may be required to serve proposed land uses. Additionally, the delivery lines, for the resulting recycled water, will also need to be upgraded to accommodate the additional treated wastewater. The environmental impact of installing such infrastructure would occur in conjunction with the development that necessitates it. The Draft PEIR, however, analyzed the programmatic impacts resulting from development throughout the City, and analyzed and mitigated to the extent feasible such impacts related to all resource categories. At

the program level, therefore, impacts related to such infrastructure are less than significant. (Draft PEIR, at p. 5.16-45.)

- The Project will not violate Federal, State, or local statutes and regulations related to solid waste. The California Integrated Waste Management Act under the Public resource Code requires that local jurisdictions divert at least 50% of all solid waste generated by January 1, 2000. The City currently achieves a 60% diversion rate, well above state requirements. Thus, there is no impact related to compliance with applicable solid waste regulations. (Draft PEIR, at p. 5.16-47.)

- The Project will not result in a need for new communications systems or substantial alterations to existing systems. There is a broad range of telecommunication services that allow people and devices to communicate regardless of location. The implementation of the General Plan will result in increased demand on existing telephone, internet, wireless communication, fiber optics, and cable television service providers. Wireless communication facilities are allowed in all zones except for RC and RA-5 zones. Any proposed wireless facilities will be subject to the requirements set forth in the Zoning Code (Article VII). Implementation of the General Plan policies such as PF-7.1 through 7.9 will help ensure that residents, business community, educational institutions have access to internet and telecommunication services. Construction of specific facilities are not part of this Project, so the specific impacts of such facilities cannot be described in this document. The Draft PEIR, however, analyzed the programmatic impacts resulting from development throughout the City, and analyzed and mitigated to the extent feasible such impacts related to all resource categories. Therefore, at the programmatic level, impacts are considered less than significant. (Draft PEIR, at p. 5.16-51.)

- The Project will not result in a need for natural gas systems or supplies, or substantial alterations to existing systems. Southern California Gas Company (SCGC) is considered a "reactive" utility. SCGC continuously expands its network of gas pipelines to meet the needs of new commercial and residential developments in Southern California. The Gas Company has an adequate supply of natural gas available to serve the additional development, and the natural gas level of service provided to the City would not be impaired by build-out under the General Plan. Therefore, impacts related to new infrastructure for natural gas production are considered less than significant. (Draft PEIR, at pp. 5.16-50 to 5.16-51.)

VIII.
SIGNIFICANT EFFECTS THAT CAN BE MITIGATED, MITIGATION MEASURES, AND FINDINGS OF FACT

The following Findings for Project Impacts refer to the significant environmental effects of the Project. Mitigation measures have been identified in the Final PEIR which will avoid or mitigate the significant environmental effects to below a level of significance.

A. AESTHETICS

Significant Project Impact: The Project may create new sources of substantial light or glare which would adversely affect day or nighttime views.

Finding: Changes or alterations have been required of or incorporated into the Project which reduce the significant environmental effects identified in the Final PEIR to a less than significant level.

Facts in Support of Finding: Riverside is largely urbanized and has substantial existing sources of light and glare; however, development within the Planning Area has the potential to create new sources of

light, such as the introduction of headlights from additional traffic and new nighttime lighting of buildings and parking lots. (Draft PEIR, at pp. 5.1-4 to 5.1-5.) Depending upon the location and scope of individual development projects, the impact on surrounding uses could be significant. The General Plan includes numerous policies that address light and glare effects. (Draft PEIR, at p. 5.1-7 to 5.1-5.1-17.) Further, Zoning Code section 19.590.070 Light and Glare, regulates light issues as in maximum heights of light standards, regulating candle-power of lights, and prohibiting the use of flickering and strobe lights, along with requiring all lighting plans for parking lots be submitted and reviewed by City staff. Implementation of these measures will occur through the continued application of City standards and practices, application of standards contained in the Zoning and Subdivision Codes, application of specific design requirements set forth in the Citywide Design and Sign Guidelines, and individual project review for consistency with the General Plan and applicable regulatory requirements. Implementation of these policies and mitigation measures ensures that potential light and glare impacts resulting from the Project are less than significant at the programmatic level.

Development of new sources of light within the Mount Palomar Policy Area could increase nighttime lighting in that area. The following mitigation measure, which requires shielding of new or modified light sources, will be required as a condition of approval on future development projects. Further, in response to comments, the City has also added Implementation Tool OS-45, which states: "Amend Title 19, to add "night-time sky" regulations to address light pollution and lighting restrictions of the Mount Palomar Observatory." Thus, light and glare impacts of the Project, as well as cumulative light and glare impacts, will be less than significant. (Draft PEIR, at p. 5.1-23 to 5.1-25; 6-3 to 6-4.)

Mitigation Measure:

MM Aes 1: To further reduce impacts related to light pollution, the City shall require at the time of issuance of building permits all development which introduces light sources, or modifications to existing light sources, to have shielding devices or other light pollution limiting characteristics such as hoods or lumen restrictions.

B. BIOLOGY

Significant Project Impact: Implementation of the Project could have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service that are not covered under the MSHCP.

Finding: Changes or alterations have been required of, or incorporated into, the Project that substantially lessen the significant environmental effects identified in the Final PEIR to a less than significant level.

Facts in Support of Findings: There are no direct project specific impacts as a result of adoption of the General Plan. Specific developments proposed pursuant to the General Plan would be subject to applicable General Plan policies and provisions of the City's Municipal Code. Specific provisions designed to protect species and habitat are described in the Draft PEIR at pages 5.4-25 to 5.4-36. Additionally, development within the Planning Area would be subject to the requirements of the MSHCP and other applicable HCPs. The MSHCP covers impacts to 146 species and their habitat. For potential impacts that could occur to species that are not covered by the MSHCP or other applicable HCP, the City has adopted mitigation measure MM Bio 1, which requires a habitat assessment, and if necessary, focused surveys and additional mitigation. Implementation of that measure will ensure that impacts to species not covered by the MSHCP or other applicable HCPs are less than significant at the program level.

MM Bio 1: Potential direct and indirect impacts to Federal Species of Concern, California Species of Special Concern, California Species Animals or plants on lists one through four of the California Native Plant Society (CNPS) Inventory and not covered under the MSHCP are considered potentially significant without mitigation. To reduce potential significant impacts to these sensitive species, habitat assessment shall be prepared by a qualified biologist for projects located on undeveloped sites. The report shall be submitted to the City Planning Division prior to issuance of grading permits.

- If the findings of the habitat assessment show no sensitive species or suitable habitat occur on site, then no additional surveys or mitigation measures are required.
- If the potential for sensitive species exist or suitable habitat exists on site, focused surveys or mitigation, if identified in the habitat assessment, shall be completed. Focused surveys conducted in the appropriate season for each species, as identified in the habitat assessment report, shall be conducted to determine presence/absence status.
- If no sensitive species are identified through focused surveys, then no additional surveys or mitigation measures are required.
- If sensitive species are found on site and are not avoided by project design, then additional mitigation measures as recommended by a qualified biologist and approved by the City of Riverside shall be implemented.

C. CULTURAL RESOUCES

Significant Project and Cumulative Impact: The Project may cause a substantial adverse change in the significance of an historic resource, archaeological resource, unique paleontological resource, or disturb human remains, including those interred outside of formal cemeteries.

Finding: Changes or alterations have been required of or incorporated into the Project which substantially lessen the significant environmental effects identified in the Final PEIR to a less than significant level.

Facts in Support of Finding:

The Project will not cause a substantial change in the significance of a historical resource. As part of the goals and policies of the Historic Preservation Element of the General Plan, the City maintains an active and systematic program to survey cultural resources citywide. Surveys reveal what properties are architecturally and historically significant and what properties are eligible for designation. They also facilitate environmental review processes, promote heritage tourism initiatives, and serve as the basis for establishing historic districts and developing design guidelines. With the existing policy framework combined with the existing historic preservation program in the City promoting the Mills Act, historic design review, and surveys of historic resources, the potential impacts to cultural resources would be minimized to a less than significant level. (Draft PEIR, at pp. 5.5-19 to 5.5-21.) During the public comment period, the Old Riverside Foundation suggested mitigation to address potential impacts to historic resources. While the City finds that impacts of the Project at the program level would be less than significant without mitigation, the City nevertheless will also adopt MM Cultural 5 to provide a hierarchy of preservation and mitigation alternatives for project-specific impacts to historic resources.

Based on what is known of the histories of local Native American groups and previously recorded archaeological and paleontological sites, significant archeological and paleontological resources are known to exist within the Planning Area. Construction projects within undeveloped portions of the Planning Area could cause disturbance on vacant lands that may cause the destruction of known or

previously undiscovered significant archaeological and paleontological resources, as defined in the CEQA Guidelines, Section 15064.5.

While the General Plan update does not propose any changes to any identified resources, future City development will occur in areas that may contain significant cultural resources. Also, redevelopment to enable a different or more intensive use of a site could impact cultural resources. Additionally, infrastructure or other public works improvements could result in damage to or demolition of other cultural resources. Although the City has programs and policies to protect and minimize adverse impacts to historical structures and features, the potential remains for significant impacts to these resources to occur as a result of development. With the existing policy framework combined with the existing historic preservation program in the City promoting the Mills Act, historic design review, and surveys of historic resources, the potential impacts to cultural resources would be minimized.

To further ensure that impacts related to archaeological and paleontological resources are less than significant, the Draft PEIR proposed mitigation measures MM Cultural 1 through MM Cultural 4. Those mitigation measures require the City to continue to survey the Planning Area to identify potential cultural resources, to avoid known prehistoric resources and Native American remains where feasible, and if avoidance is not feasible, then prescribes a specific process for treatment of the resources, and prescribes a process for the treatment of inadvertently discovered resources during project construction. Implementation of those mitigation measures would ensure that impacts of the Project at a program level would be less than significant. (Draft PEIR, at pp. 5.5-21 to 5.5-23; 6-9.)

During the consultation process, the Pechanga Tribe suggested additional mitigation measures to address potential concerns to Pechanga Tribal Resources. Though the existing mitigation measures would ensure that all impacts would be less than significant, and no additional mitigation would be required, the City has nevertheless added mitigation measure MM Cultural 6 to address the concerns raised in the Pechanga Tribe's comment letters regarding the MASP. The City has also revised the language in the existing mitigation measures to further address the Pechanga Tribe's comments. The City does not adopt all of the Pechanga Tribe's suggested mitigation measures, however, because the City hereby finds that the existing mitigation measures already adequately address the concerns raised in the comments.

Thus, implementation of the policies in the General Plan as well as the mitigation measures below will reduce the Project's potential impacts to cultural resources to a less than significant level.

Mitigation Measures:

MM Cultural 1: The City shall actively pursue a survey program to identify and document prehistoric and historical archaeological sites and sites containing Native American human remains. Although a comprehensive survey program may not be economically feasible by the City, the City shall require that all areas slated for development or other ground disturbing activities be surveyed for archaeological resources by qualified individuals who meet the Secretary of the Interior's Standards and Guidelines regarding archaeological activities and methods prior to the City's approval of project plans. If potentially significant prehistoric archaeological resources are encountered during the archaeological survey, the City shall require that the project proponent consult with Native American Heritage Commission in Sacramento to acquire a list of the appropriate Native American Tribes that may have an interest in these resources; consultation with these Native Americans Tribes shall also be undertaken.

MM Cultural 2: Avoidance is the preferred treatment for known prehistoric and historical archaeological sites and sites containing Native American human remains. Where feasible, project plans shall be developed to avoid known archaeological resources and sites containing human remains. Where avoidance of construction impacts is possible, the site shall be landscaped in a manner which will ensure

that indirect impacts from increased public availability to these sites are avoided. Where avoidance is selected, archaeological resource sites and sites containing Native American human remains shall be placed within permanent conservation easements or dedicated open space areas.

MM Cultural 3: If, after consultation with the appropriate Tribe, the project archaeologist, and the project engineer/architect, and in accordance with the law, avoidance and/or preservation in place of known prehistoric and historical archaeological resources and sites containing Native American human remains are not feasible management options, the following mitigation measures shall be initiated:

a. Prior to the issuance of a grading permit for a project, the City's consultant shall develop a Phase II (i.e., test-level) Research Design detailing how the archaeological resources investigation will be executed and providing specific research questions that will be addressed through the Phase II Testing Program. In general terms, the Phase II Testing Program should be designed to define site boundaries further and to assess the structure, content, nature, and depth of subsurface cultural deposits and features. Emphasis should also be placed on assessing site integrity, cultural significance and the site's potential to address regional archaeological research questions. These data should be used for two purposes: to discuss culturally sensitive recovery options with the appropriate Tribe(s) if the resource is of Native American origins, and to address the California Register of Historical Resources (CRHR) and National Register of Historic Places (NRHP) eligibility for the cultural resource and make recommendations as to the suitability of the resource for listing on either Register. The Research Design shall be submitted to the City's Cultural Heritage Board and/or Cultural Heritage Board staff and the appropriate Tribe for review and comment. Tribal comments must be received by the City Planning Division within 45 days. The City shall consider all comments, require revisions, if deemed necessary by the report writer and approve a final Research Design which shall be implemented. For sites determined ineligible for listing on either the CRHR or NRHP, execution of the Phase II Testing Program would suffice as the necessary level of data recovery and mitigation of project impacts to this resource.

b. A participant-observer from the appropriate Native American Band or Tribe shall be used during all archaeological excavations involving sites of Native American concern.

c. After approval of the Research Design by Cultural Heritage Board staff and prior to the issuance of a grading permit, the City's consultant shall complete the Phase II Testing Program as specified in the Research Design. The results of this Program shall be presented in a technical report that follows the County of Riverside's Outline for Archaeological Testing. The Phase II Report shall be submitted to the appropriate Tribe and the City's Cultural Heritage Board for review and comment.

d. If the cultural resource is identified as being potentially eligible for either the CRHR or NRHP, a Phase III Data Recovery Program to mitigate project effects should be initiated. The Data Recovery Treatment Plan detailing the objectives of the Phase III Program should be developed, in consultation with the appropriate Tribe, and contain specific testable hypotheses pertinent to the Research Design and relative to the sites under study. The Phase III Data Recovery Treatment Plan should be submitted to the City's Cultural Heritage Board and/or Cultural Heritage Board staff and the appropriate Tribe for review and comment. Tribal comments must be received by the City Planning Division within 45 days. The City shall consider all comments, require revisions if necessary by the report writer and approve a final Treatment Plan which shall be implemented.

e. After approval of the Treatment Plan, the Phase III Data Recovery Program for affected, eligible sites should be completed. Typically, a Phase III Data Recovery Program involves the excavation of a statistically representative sample of the site to preserve those resource

values that qualify the site as being eligible for listing on the CRHR or NRHP. Again, a participant-observer from the appropriate Native American Band or Tribe shall be used during archaeological data-recovery excavations involving sites of Native American concern. At the conclusion of the Phase III Program, a Phase III Data Recovery Report should be prepared, following the County of Riverside's Outline for Archaeological Mitigation or Data Recovery. The Phase III Data Recovery Report should be submitted to the appropriate Tribe and the City's Cultural Heritage Board for review.

f. All archaeological materials recovered during implementation of the Phase II Testing or Phase III Data Recovery programs would be subject to analysis and/or processing as outlined in the Treatment Plan. If materials are of the type which will be transferred to a curation facility, they should be cleaned, described in detail, and analyzed including laboratory and analytical analysis. Materials to be curated may include archaeological specimens and samples, field notes, feature and burial records, maps, plans, profile drawings, photo logs, photographic negatives, consultants' reports of special studies, and copies of the final technical reports. All project related collections subject to curation should be suitably packaged and transferred to facility that meets the standards of 36 CFR 79 for long-term storage. Culturally sensitive treatment of certain artifacts may require treatment other than curation and as specified in the Treatment Plan, but it should be noted that provisions of the Native American Graves Protection Repatriation Act (NAGPRA) pertaining to Native American burials, sacred objects, and objects of cultural patrimony would come into effect when ownership of the collections transfer to a curation repository that receives Federal funding, unless otherwise agreed to with non-curation methods of treatment.

g. The project proponent should bear the expense of identification, evaluation, and treatment of all cultural resources directly or indirectly affected by project-related construction activity. Such expenses may include, archaeological and Native American monitoring, pre-field planning, field work, post-field analysis, research, interim and summary report preparation, and final report production (including draft and final versions), and costs associated with the curation of project documentation and the associated artifact collections. On behalf of the City and the project proponent, the final technical reports detailing the results of the Phase II Testing or Phase III Data Recovery programs should be submitted to the appropriate Native American Tribe and to the Eastern Information Center (EIC) of the California Historical Resources Information System (CHRIS) for their information and where it would be available to other researchers.

MM Cultural 4: The following mitigation measures should be implemented to reduce project-related adverse impacts to archaeological resources and sites containing Native American human remains that may be inadvertently discovered during construction of projects proposed in the City's General Plan Update:

a. In areas of archaeological sensitivity, including those that may contain buried Native American human remains, a registered professional archaeologist and a representative of the culturally affiliated Native American Tribe, with knowledge in cultural resources, should monitor all project-related ground disturbing activities that extend into natural sediments in areas determined to have high archaeological sensitivity.

b. If buried archaeological resources are uncovered during construction, all work must be halted in the vicinity of the discovery until a registered professional archaeologist can visit the site of discovery and assess the significance and origin of the archaeological resource. If the

resource is determined to be of Native American origin, the Tribe shall be consulted. If the archaeological resource is determined to be a potentially significant cultural resource, the City, in consultation with the project archaeologist and the Tribe, shall determine the course of action which may include data recovery, retention in situ, or other appropriate treatment and mitigation depending on the resources discovered.

c. In the event of an accidental discovery of any human remains in a location other than a dedicated cemetery, the steps and procedures specified in Health and Safety Code 7050.5, *State CEQA Guidelines* 15064.5(e), and Public Resources Code 5097.98 must be implemented. Specifically, in accordance with Public Resources Code (PRC) Section 5097.98, the Riverside County Coroner must be notified within 24 hours of the discovery of potentially human remains. The Coroner will then determine within two working days of being notified if the remains are subject to his or her authority. If the Coroner recognizes the remains to be Native American, he or she shall contact the Native American Heritage Commission (NAHC) by phone within 24 hours, in accordance with PRC Section 5097.98. The NAHC will then designate a Most Likely Descendant (MLD) with respect to the human remains within 48 hours of notification. The MLD then has the opportunity to recommend to the property owner or the person responsible for the excavation work means for treating or disposing, with appropriate dignity, the human remains and associated grave goods within 24 hours of notification. Whenever the NAHC is unable to identify a MLD, or the MLD fails to make a recommendation, or the landowner or his or her authorized representative rejects the recommendation of the MLD and the mediation provided for in subdivision (k) of PRC Section 5097.94 fails to provide measures acceptable to the landowner, the landowner or his or her authorized representative shall re-inter the human remains and items associated with Native American burials with appropriate dignity on the property in a location not subject to further subsurface disturbance.

MM Cultural 5: To address potential impacts to historic resources that may be adversely affected by future development allowed by the proposed project, mitigation including, but not limited to, the following shall be considered:

For adverse impacts to individual historic resources, such as: those on the National Register, California Register or City Landmark, Structure of Merit eligible, mitigation considered shall include in the order of preference:

a. Avoidance
b. Changes to the structure provided pursuant to the Secretary of Interior's Standards.
c. Relocation of the Structure
d. Recordation of the structure to HABS/HAER standard if demolition is allowed

For adverse impacts to a City designated Historic District, mitigation considered shall include, but not limited to, in order of preference:

a. Avoidance
b. Recordation of the properties to HABS/HAER standard if demolition is allowed

Demolition is to be considered only if mitigation as described above is not feasible.

MM Cultural 6: Any application for projects within the Magnolia Avenue Specific Plan (MASP) boundaries for all undeveloped properties and for developed properties where the project application

indicates the need for extensive excavation to a depth reaching native (i.e., previously undisturbed) soils, as determined by a geological survey, a requirement of the application will be the following:

a. Evaluation of the site by a qualified archaeologist retained by the Project applicant(s), which would include at a minimum a records search, a Phase I walkover survey, and preparation of an archeological report containing the results of this evaluation. No further action is necessary unless the Phase I survey determines that a Phase II/III survey(s) are necessary. If a Phase II/III are necessary the following conditions of approval shall apply:

   i. Prior to issuance of grading permit(s) for the Project, a Project applicant shall retain an archaeological monitor to monitor all ground-disturbing activities to identify any unknown archaeological resources. Any newly discovered cultural resource deposits shall be subject to a cultural resources evaluation.

b. At least 30 days prior to seeking a grading permit, a Project applicant shall contact the Pechanga Tribe and all other affiliated Native American Tribes to notify the Tribes of grading, excavation and the monitoring program, and to coordinate with the City and the Tribe(s) to develop a Cultural Resources Treatment and Monitoring Agreement. The Agreement shall address the treatment of known cultural resources, the designation, responsibilities and participation of Native American Tribal monitors during grading, excavation and ground disturbing activities: project grading and development scheduling; terms of compensation, and treatment of final disposition of any cultural resources, sacred sites and human remains discovered on the site.

c. Prior to issuance of any grading permit, the project archaeologist shall file a pre-grading report with the City to document the proposed methodology for grading activity observation. Said methodology shall include the requirement for a qualified archaeological monitor to be present and to have the authority to stop and redirect grading activities. In accordance with the agreement required in (c) above, the archaeological monitor's authority to stop and redirect grading will be exercised in consultation with the Tribe(s) in order to evaluate the significance of any archaeological resources discovered on the property. Tribal monitors shall be allowed to monitor all grading, excavation and groundbreaking activities and shall also have the authority to stop and redirect grading activities in consultation with the project archaeologist.

d. If human remains are encountered, California Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the Riverside County Coroner has made the necessary findings as to the origin. Further, pursuant to California Public Resources Code Section 5097.98(b) remains shall be left in place and free from disturbance until a final decision as to the treatment and disposition has been made. If the Riverside County Coroner determines the remains to be Native American, the Native American Heritage Commission shall be contacted within a reasonable timeframe. Subsequently, the Native American Heritage Commission shall identify the "most likely descendant" (MLD). The MLD shall then make recommendations and engage in consultations concerning the treatment of the remains as provided in Public Resources Code 5097.98.

e. The landowner shall relinquish ownership of all cultural resources, including sacred items, burial goods and all archaeological artifacts that are found on the project to the MLD for proper treatment and disposition.

f. All sacred sites shall be avoided and preserved as the preferred mitigation.

G. If inadvertent discoveries of subsurface archaeological/cultural resources are discovered during

grading, the Project applicant(s)/developer, the project archaeologist and the Tribe(s) shall assess the significance of such resources and shall meet and confer regarding the mitigation for such resources. If the project applicant and the Tribe(s) cannot agree on the significance or the mitigation for such resources, these items will be presented to the City for decision. The City shall make the determination based on the provisions of the California Environmental Quality Act (CEQA) with respect to archaeological resources and shall take into account the religious beliefs, customs and practices of the Tribe(s).

D. GEOLOGY/SOILS

Significant Project Impact: Portions of the Planning Area contain soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water.

Finding: Changes or alterations have been required of or incorporated into the Project which substantially lessen the significant environmental effects identified in the Final PEIR to a less than significant level.

Facts in Support of Finding: Generally, septic tanks are to be located in areas where the water table is deep and the soil has moderate permeability. Some of the City and Sphere Areas are on septic systems and have soils capable of sustaining septic tanks. The majority of the City of Riverside is served by developed sewer infrastructure and it is anticipated the majority of the new development in the Planning Area would not require the use of septic tanks. To reduce the potential risk of contamination to groundwater in the North Orange Well Field, areas in North Orange are restricted from having any on-site sewage disposal. New development in the North Orange Area are required by Ordinance No. 6623 to connect to a public sewer unless the location of the development does not pose any potential risk to the drinking water wells in the area. For any development, including the North Orange Well Area, proposing to use septic systems, MM Geo 1 will be implemented in order to reduce project impacts to a less than significant level. (Draft PEIR, at pp 5.6-20 to 5.6-21.)

Mitigation Measure:

MM Geo 1: To mitigate any potential adverse effects related to use of septic systems in new development, prior to approval of any discretionary action presented to the City of Riverside, an investigation shall be conducted by a registered hydrologist and geotechnical or soils engineer that addresses the site's suitability for septic systems and its impact to groundwater supplies, if such systems are proposed**.** Also**,** lots must be at least one acre in size. Prior to installation of septic systems, approval must come from the County of Riverside Environmental Health Department and the Regional Water Quality Control Board.

D. NOISE

Significant Project Impact: The Project could expose new development to noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies.

Finding: Changes or alterations have been required of or incorporated into the Project which substantially lessen the significant environmental effects identified in the Final PEIR to a less than significant level.

Facts in Support of Finding: Growth in the City will increase levels of noise resulting from transportation sources. Implementation of policies such as avoiding locating noise sensitive land uses in existing and anticipated noise-impacted areas or ensuring new development is compatible with the noise environment (Policies N-1.5 and 2.1), would reduce noise impacts to future land uses. The City's Implementation Plan also provides tools for reducing noise impacts, tools N-1 through N-11, by addressing transportation related sources such as maintaining City vehicles, enforcing vehicle speed, electronic alternatives to train whistles, and proposed grade separations.

Review of the future noise levels and the General Plan land uses proposed indicates that some land uses may fall within the "Normally Unacceptable" or "Conditionally Unacceptable" categories. By requiring new development proposals to adhere to the noise standards and compatibility matrix in the Noise Element, and to provide noise mitigation as necessary, the City will ensure that new development complies with applicable noise standards and that impacts to new development will be less than significant. (Draft PEIR, at p. 5.11-21.) Impacts to existing uses will remain significant and unavoidable, however, as explained in Section IX below.

Mitigation Measures:

MM NOISE 1: To minimize impacts resulting from or to proposed projects such that noise levels exceed General Plan Noise Element standards, projects shall be reviewed against the noise compatibility matrix in the Noise Element of the General Plan (Table 5.11-D, herein) and Figures 5.11-6, 5.11-7, 5.11-8, 5.11-9, and 5.11-10 of this EIR to determine suitability of the use in relation to adjacent land uses and noise sources such as roadways, freeways, and airports. To the extent required by the compatibility matrix or one of the figures, a noise study shall be required to evaluate noise levels against standards and to recommend suitable mitigation consistent with Title 24 regulations and the City's Noise Code. Mitigation may include but not be limited to: walls, berms, interior noise insulation, double paned windows, or other noise mitigation measures as appropriate, in the design of new residential or other noise sensitive land uses.

MM NOISE 2: To reduce impacts from transportation related noise, the City shall identify and enforce routes where vehicles are limited by weight, enforce speed limits, and commit to identifying roads where speed limit reductions can address noise.

Significant Project Impact: Development permitted by the Project may result in substantial temporary or periodic increases in ambient noise levels in the project vicinity above levels existing without the project.

Finding: Changes or alterations have been required of or incorporated into the Project which substantially lessen the significant environmental effects identified in the Final PEIR to a less than significant level.

Facts in Support of Finding: Just as under the existing General Plan, the primary source of temporary or periodic noise within the Planning Area would be construction activity and maintenance work. Construction noise typically involves the loudest common urban noise events associated with building demolition, grading, construction, large diesel engines, truck deliveries and hauling. Construction activity, although temporary at any given location, can be substantially disruptive to adjacent uses during the construction period. Future development projects will result in construction noise. Noise from specific future development projects in the Planning Area will be examined on a project-by-project basis, as provided in Implementation Plan Tool N-1. The policies and tools such as those that enforce and limit noise from construction activities, listed above under General Plan Policies and Implementation Plan Tools, will reduce most project-related impacts below a level of significance. Individual development

projects will continue to comply with existing City standards and practices regarding noise/land use compatibility review and the control of stationary noise sources. When a variance is granted, the City will limit conditions determined appropriate to protect the public health, safety and welfare. Variances that are granted will also follow objectives set in the General Plan (Sec.7.40.010).

To mitigate for temporary noise when a variance is granted, MM Noise 4 should be implemented to help reduce impacts to existing sensitive receptors. Existing and future construction noise levels at individual construction sites may not substantially differ, but unexposed areas could experience new sources of construction noise. Considering the short term nature of construction and the provisions of the City's Noise Ordinance, the temporary and periodic increase in noise levels due construction which may result from General Plan implementation are considered less than significant. (Draft PEIR, at pp. 5.11-36 to 5.11-38.)

Mitigation Measure:

MM NOISE 4: To mitigate for temporary noise from construction activities to existing sensitive receptors when a variance is granted related to construction times, additional measures shall be applied by the City, to the extent feasible, to reduce noise impacts to sensitive receptors. Additional measures could include, but are not limited to: locating work at night away from sensitive receptors, limiting the duration of work needing to be completed under the variance, and ensuring construction equipment is properly fitted and maintained with mufflers.

E. PUBLIC SERVICES

Significant Project Impact (Police Services): The Project may result in substantial adverse physical impacts associated with the provision of new or physically altered police facilities, need for new or physically altered police facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives.

Finding: Changes or alterations have been required of or incorporated into the Project which substantially lessen the significant environmental effects identified in the Final PEIR to a less than significant level.

Facts in Support of Finding: Implementation of the General Plan will increase the population of the City. As a result, with the increase in population and new development, additional police services, and new or expanded facilities will be required to provide acceptable service levels. As portions of Riverside's Sphere of Influence are annexed to the City, demands upon the Riverside Police Department ("RPD") will increase.

Policy PS-7.5 states that the RPD will endeavor to respond to Priority 1 calls within 7 minutes, and to respond to Priority 2 calls within 12 minutes. RPD anticipates that its decentralized policing center plan will allow these response times to be achieved with General Plan implementation. The General Plan discusses, and research supports the conclusion, that opportunities for crime can be reduced through good architectural and environmental design. Developments that promote natural surveillance, reduce "hiding" places, and otherwise promote "defensible space" can minimize criminal activity. By emphasizing implementation of Crime Prevention Through Environmental Design (CPTED) principles, the Project's impact on police services will be lessened. Compliance with the CPTED is included below as a mitigation measure because as long as new development is designed around the principles of CPTED principles, impacts to police services by the growing City will be reduced.

Related to the Sphere Areas, as specific annexations are proposed, RPD will have to analyze its service standards and adjust facilities and personnel as necessary. As explained in Section III, above, because this is a first-tier, program EIR, and the Project itself does not call for the construction of any new facilities, analysis of the construction or expansion of new facilities is appropriate when such facilities are proposed. At the program level, implementation of MM PS 1 below, as well as the General Plan polices related to police services, impacts related to the need for new police facilities is considered less than significant. (Draft PEIR, at pp. 5.13-29 to 5.13-30.)

Mitigation Measure:

MM PS 1: Crime Prevention Through Environmental Design (CPTED) will be applied to development projects requiring a Site Plan Review Permit and any other large development project proposed under the General Plan and MASP that the Zoning Administrator deems would benefit from such a review. The project will be required to be reviewed by RPD and Planning Division against CPTED principles. As long as these new development projects adhere to the needed principles in the CPTED, then impacts related to increased demand for police services will be reduced.

Significant Project Impact: The Project may result in substantial adverse physical impacts associated with the provision of new or physically altered library facilities, need for new or physically altered library facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives.

Finding: Changes or alterations have been required of or incorporated into the Project which substantially lessen the significant environmental effects identified in the Final PEIR to a less than significant level.

Facts in Support of Finding: Implementation of the Project will result in an increase in population within the Planning Area that will place additional demand on existing libraries, potentially requiring new or altered library facilities in the Planning Area.

General Plan policies related to library services will substantially lessen impacts of new development on library services. For example, Policies ED-5.1 and ED-5.2 call for the City to provide ample library facilities, conduct public outreach to the community to assess its library needs, and determine how to address those needs. Finally, Policy LU-26.1 requires the City to enforce community facilities standards, including those for libraries. Thus, through the implementation of these General Plan policies, the City will evaluate new development proposals to determine potential impacts to library facilities and to mitigate those impacts necessary as development occurs.

Riverside Public Library standards for library service identified below are reproduced from the Master Plan Study of Libraries, Revised July 1990, and the Board of Library Trustees adopted Strategic Plan, 2000. The Riverside Public Library has indicated that the adopted standards for library service are not being met under existing conditions. Within the City, however, approximately 50,000 residents are students at University of California Riverside, Riverside Community College, California Baptist University, and La Sierra University. Libraries are provided at these colleges and students primarily use the library facility provided at the campuses. The Riverside Public Library has also established new on-line library services, which allows residents to access library data from home. The City has provided free Wi-Fi to its residents as well as programs that give computers to low-income residents. Given the availability of university libraries and other City programs that reduce dependence on public library space and content, the standards established in the 2000 Strategic Plan may no longer accurately reflect the public's needs for library services, and therefore do not indicate that adequate library services are not

being provided. Therefore, Implementation Tool 41 requires that the Riverside Public Library revisit its standards to evaluate means of providing library services to its residents.

The City currently is collecting a library parcel tax in the amount of $19 per parcel, continuous until 2012; collection of this tax, thus, ensures available funding for libraries until 2012. Once that library tax lapses, however, the City's existing mechanism for collecting funds to enhance library facilities will no longer exist. Implementation Tool 38 requires the City to search for and address funding mechanisms to support library needs. Mitigation Measure MM PS 2 further ensures the City will provide such funding and identify ways which such funding could be provided. Therefore, once library standards are updated to reflect the City's actual resources and library needs, and once those needs are funded as provided in MM PS 2, impacts of new development to library service is less than significant. (Draft PEIR, at p. 5.13-34 to 5.13-37.)

A comment submitted on the Draft PEIR suggested requiring specific development impact fees to fund libraries. Because the City finds that implementation of specific policies, implementation tools and MM PS 2 will reduce impacts to libraries to a less than significant level, no further mitigation is required. Further, proposing funding through development impact fees as opposed to the methods specified in MM PS 2 does not raise any environmental issues. As explained in the Responses to Comments in the Final PEIR, that suggestion is rejected as infeasible. Not only must an appropriate nexus be established to charge such fees, the City has determined that it cannot levy additional development impact fees at this time because to do so would interfere with its growth and policy direction.

Mitigation Measure:

MM PS 2: The parcel tax for libraries, aka "Measure C", was successfully approved by the voters with the commitment that the revenue would expand and support existing library services including extended hours at all locations and the staffing to keep library branches open during those hours, computer and electronic database purchases, programs and services for youth. Prior to expiration of the library parcel tax, Measure C, the City will ensure adequate funding for library services through implementation of at least one of the following options, unless some other equally effective source is identified and implemented:

i. a renewal of Measure C with or without an increase in the parcel tax;
ii. combination of the renewal of Measure C and increased general fund support; and/or
iii. having the Library Department's funding being 100% general fund supported with funding service levels determined by the Council.

F. UTILITIES AND SERVICE SYSTEMS

Significant Project and Cumulative Impact: Implementation of the Project could cause the water supplier to have insufficient water supplies available to serve the Project from existing entitlements and resources, and new or expanded entitlements could be needed.

Finding: Changes or alterations have been required of or incorporated into the Project which substantially lessen the significant environmental effects identified in the Final PEIR to a less than significant level.

Facts in Support of Finding: Domestic water for the Planning Area is mostly supplied from local groundwater. Implementation of the proposed General Plan would increase the population and amount of development within the Planning Area, which in turn would increase the demand for water supplies, both local and imported.

The General Plan has identified the minimization of water consumption through policies and implementation tools. Policies proposed include PF-1.5, which implements water conservation programs for new and existing development. Policies PF-1.6, 2.1 and 2.2 aim to increase the use of recycled water in the City by continuing and expanding the use of recycled water for irrigation. The policy also examines a "gray water" ordinance, which re-circulates water in the home before going into sewage system. Implementation Plan tools include Tool OS-35 through OS-41, which also implement water conservation programs and incentives. Tool OS-39, 40 and 41 concentrate on using recycled or reclaimed water where potable water is being used for irrigation. Implementation of the policies and tools help reduce future demand and ensure sufficient water supplies are available to serve buildout of the General Plan, so the General Plan would not require new or expanded water entitlements.

Although projected to be available for purchase by other agencies from Western Municipal Water District, because Riverside Public Utilities does not presently have contracts to purchase higher levels of water from WMWD should it be necessary in the future under the maximum or maximum with PRD development scenarios, new or expanded entitlements would be needed. Notably, however, water supply planning and land use planning are closely linked, and are continuously updated to address conditions on the ground. Urban Water Management Plans, for example, must be updated every five years to include the most recent population trends. Similarly, the City must consult with RPU or WMWD regarding development projects involving greater than 500 dwelling units worth of demand to ensure that sufficient water supplies are available. Additionally, policies within the General Plan address water supply within the Planning Area. Policies OS-10.1 through 10.5 and OS-10.8, and PF-1.3 through 1.7 require coordination with other entities, both public and private, to consumption, water quality and quantity of groundwater, and coordinated service. Policies PF-1.5, and PF-2.1 and 2.2 address demand reduction strategies. Impacts to inadequate water supply if build-out of the Project exceeds the expected Typical development level are considered significant. With implementation of these General Plan policies and Mitigation Measure MM UTL 1, however, impacts related to water availability are reduced to less than significant. (Draft PEIR, at pp. 5.16-32 to 5.16-40; 6-14 to 6-15.)

Mitigation Measure:

MM UTL 1: To mitigate potential impacts related to the need for expanded entitlements for water supply if population growth exceeds the Typical Project level, the City will review population and development trends with respect to water sources and supply in 2015 and 2020 to assure that growth is occurring as expected under the Typical Project development scenario which can be accommodated with the present and expected water sources. If the review finds that development is outpacing what would be expected under the Typical level, then mitigation and funding mechanisms shall be implemented to address expected deficiencies. Options for mitigation could include, but are not limited to, such approaches as outlined below:

1. acquire additional water from WMWD or other wholesale provider, or
2. implement water conservation regulations to provide incentives and/or penalties to achieve necessary water conservation.

Significant Project and Cumulative Impact: Implementation of the Project could result in a determination by the wastewater treatment provider which serves or may serve the project that it has inadequate capacity to serve the project's projected demand in addition to the provider's existing commitments.

Finding: Changes or alterations have been required of or incorporated into the Project which substantially lessen the significant environmental effects identified in the Final PEIR to a less than significant level.

Facts in Support of Finding: Current population within Riverside is 287,321 as of 2005; expected levels of development pursuant to Project policies and regulatory standards will result in a total Typical population of 346,867. Therefore, the addition of approximately 59,546 new residents is expected over the 20-year horizon of the General Plan within the Planning Area. The Riverside Regional Water Quality Control Plant (RWQCP) currently treats approximately 33 mgd of wastewater for 287,321 residents, commercial, industrial and schools. However, the City's RWQCP does not serve the entire City and it will serve some portion of the City's sphere when these areas are annexed. Western Municipal Water District (WMWD) serves the remaining areas. The Project anticipates a need to treat up to 45.6 mgd/day under the Typical Project development levels which are expected by 2025. This projection is an over-inclusive projection as the City's sewer service area also includes properties served by septic and these properties are considered in the per capita population projections and flow rates. The service area also includes three Community Services Districts (CSDs), Jurupa, Rubidoux and Edgemont. The Public Works Department in preparation of the Wastewater Master Plan has projected the flow rates for the CSDs to the year 2025. The estimated 96.6 gallons of sewage discharge includes non-residential users in the population numbers. While the Draft PEIR originally estimated sewage generation rates based on acreages, a per-capita method to determine flow rates was applied to determine projections for the Final PEIR. A per capita method is appropriate for cities with larger populations, such as Riverside. The 96.6 gpd flow rate is based on historic per-capita flow in the City and this per-capita estimation is suggested by the Public Works Department. Notably, the updated numbers, while more accurate, do not alter the conclusions in the Draft PEIR.

Much of unincorporated areas of the City's SOI falls within the jurisdiction of WMWD, and therefore will be served by WMWD. Currently, sewer capacity at WMWD's WRCRWA plant is designed for 8 MGD, with the capability of expansion to 32 MGD. WMWD has capacity to serve the southern Sphere Area's projected buildout of 3.99 mgd. WMWD and the City have an agreement regarding annexation lands being included in WMWD's wastewater treatment facilities' service area. As a result of that agreement, no new facilities would need to be constructed for the Sphere Area.

The City's RWQCP has a maximum capacity of 40 mgd and the City is currently proposing to upgrade the RWCQP to 52.2 mgd. This upgrade will serve the needs of the areas served within the City of Riverside's sewer area over the 20-year build-out period of the Project as expected to build out under the Typical scenario. Thus, the Project will not result in inadequate treatment capacity to serve the project's projected demand in addition to the provider's existing commitments. Therefore, impacts associated with the Typical level of Project development are considered less than significant. However, the proposed expansion would not meet the estimated wastewater treatment demand of 55.3 mgd for Maximum build-out or 64.0 for Maximum w/PRD. As explained in the Draft PEIR, the Maximum and Maximum with PRD development scenarios are not reasonably foreseeable. Nevertheless, MM UTL 2 requires the City to monitor its population growth, and to respond with increased capacity if population levels exceed the Typical scenario. While the construction of new facilities is included as a mitigation option, no specific facilities are proposed as part of this Project. As explained in Section III above, however, the Draft PEIR examined the potential impacts of overall growth and development within the Planning Area and has identified feasible mitigation where appropriate. Any specific facilities would require site-specific environmental review when proposed, however.

Policies within the General Plan address adequacy on future wastewater system within the Planning Area. Policy PF-3.1 requires the City to coordinate the demands of new development with the capacity of the wastewater system. Policy PF-3.2 requires new development to fund fair share costs associated with

waste water services. With implementation of the General Plan policies and Mitigation Measure MM UTL 2, impacts related to wastewater capacity are considered less than significant. (Draft PEIR, at pp. 5.16-43 to 5.16-44; 6-14 to 6-15; Final PEIR, Section 5.16.)

Mitigation Measure:

MM UTL 2: To mitigate potential impacts to adequate wastewater treatment plant capacity, the City will review population and development trends with respect to capacity of the treatment plant in 2015 and 2020 to assure that growth is occurring as expected under the Typical Project development scenario which can be accommodated with the present plant and planned expansions. If the review finds that development is outpacing what would be expected under the Typical level, then mitigation and funding mechanisms shall be implemented to address expected capacity deficiencies. Options for mitigation could include, but are not limited to, such approaches as outlined below:

1. upgrade the 52.2 mgd wastewater treatment plant to accommodate excess growth , or
2. construct a new 40 mgd wastewater treatment plant. This plant could be funded by new development (General Plan Policy PF-3.2), or
3. develop an agreement with WMWD to take on additional wastewater generated within the City's service area.

Significant Project and Cumulative Impact: The Project could result in a need for new power or supplies, or substantial alterations to existing systems.

Finding: Changes or alterations have been required of or incorporated into the Project which substantially lessen the significant environmental effects identified in the Final PEIR to a less than significant level.

Facts in Support of Finding: Implementation of the proposed General Plan would increase use of electricity in the Planning Area, particularly the demand for electricity to light, heat, and air condition the residential, commercial, and business development. The City has proactively planned for future growth in energy use and demand. Approximately every two years Riverside Public Utilities assesses its current and future electricity demand and capacity. In addition, RPU is in the process of contracting for a 25-year electric system master plan that will be completed in 2008. Independent of this Project, RPU is also in the environmental study and preliminary design stages of a program called the "Riverside Transmission Reliability Project (RTRP)", to increase the inlet capacity to the City and reinforce RPU's transmission system. Additionally, RPU plans to build several new photovoltaic (PV) stations within the City. The new sites, together with three existing PV power stations at the Autumn Ridge Apartments, La Sierra Metrolink Station, and the Public Utilities Operation Center, are anticipated to generate additional renewable energy for the City.

As of the 2004-05 fiscal year, RPU's annual power usage was 1,962,000 megawatt hours (MWh). Demand for the same period was 519 MW. Therefore, current electrical demand within the Planning Area is within the capacity limitations of the electrical facilities serving the area. Projected annual energy usage and demand for the Project are 4,824,478 MWh and 1,032 MW, respectively. Therefore, future demand will exceed current available capacity, however, as discussed above, the RTRP will double inlet capacity and is expected to be operational in 2009. The RTRP and planned generating units will provide additional capacity for projected power demand at the Typical expected buildout of the Project and potential adverse impacts resulting in a need for new power capacity or supplies, or substantial alterations to existing systems will be less than significant.

In the unlikely event that future growth of the City reaches the Maximum or Maximum w/PRD levels, the existing facilities plus RTRP facilities and planned generating units would not accommodate projected needs. The City is proactively upgrading and expanding the current electrical facilities to allow for future power demands and to improve efficiency. By implementing General Plan policies, such as, OS-8.1 to OS-8.11, which encourage renewable energy and energy efficient development and adherence to the Implementation Plan Tools, such as, OS-30 to OS-32 which promote energy efficient programs that conserve energy 15% above Title 24 requirements, demand can be reduced from projected levels. It is speculative to assume when and by how much conservation and energy efficient development alone will reduce demand. Therefore, without mitigation, possible impacts associated with the worst case analysis presented above would be significant. With implementation of the General Plan policies and Mitigation Measure MM UTL 3, however, impacts related to electric energy capacity are less than significant.

Specific development proposals consistent with the Project could require improvements to existing energy facilities and extension of facilities to currently underserved areas within the Planning Area. Because exact locations of facilities are not known, the specific impacts of such facilities could not be addressed in the Draft PEIR. Nevertheless, the Project includes policies and programs that will minimize the environmental effects of the development of such facilities, as described throughout the Draft PEIR. Therefore, at the programmatic level, the Project's impact on new power facilities will be less than significant. (Draft PEIR, at pp. 5.16-47 to 5.16-50; 6-14 to 6-15.)

Mitigation Measure:

MM UTL 3: To mitigate potential impacts to adequate electric service capacity and sources, the City will review population and development trends with respect to electricity consumption approximately every two years to assure that growth and demand are occurring as expected under the Typical Project development scenario which can be accommodated with the present facilities, two new peak generating units, and the RTRP. If the review finds that development and/or consumption is outpacing what would be expected under the Typical level, then mitigation and funding mechanisms shall be implemented to address expected capacity deficiencies. Options for mitigation could include, but are not limited to, such approaches as outlined below:

1. accelerated or mandated conservancy of electricity, or
2. construct new substations and transmission lines, or
3. develop renewable sources of energy generated within the City's service area.

Significant Project Impact: The Project may be served by a landfill with insufficient permitted capacity to accommodate the projects solid waste disposal needs.

Finding: Changes or alterations have been required of or incorporated into the Project which substantially lessen the significant environmental effects identified in the Final PEIR to a less than significant level.

Facts in Support of Finding: Implementation of the General Plan will generate an increased demand for solid waste collection and disposal capacity. The generation of solid waste is anticipated to increase to between 1,452 tons per day and 2,573 tons per day at buildout under the Typical to Max. w/PRD scenarios, respectively. The City currently contributes approximately 292.5 tons per day. With a total maximum daily load of 17,000 tons/day (see Table 5.16-A), this represents approximately 8% of the solid waste the landfills are allowed to accept daily under expected Typical build-out and approximately 15% of the amount of solid waste under Maximum w/PRD. The remaining total landfill capacity of approximately 56.57 million tons over the next 16 years assumes that no expansion of existing landfills

(or development of new landfills) will occur. County Solid Waste Management has indicated that land to expand both the Badlands Landfill and Lamb Canyon Landfill will be used to provide more capacity, however no specific plans or programs exist at this time as to how, when or where expansion will occur. If the lifespan of both these landfills is extended to 2025 (or beyond), then the El Sobrante Landfill would have a lengthened lifespan that extends beyond 2025 and all potential impacts would be less than significant. The increase in solid waste generated by the development under the proposed General Plan is not anticipated to exceed capacity of the landfills as an isolated contributor.

Adherence to and implementation of General Plan Policies PF 5.1 through 5.3, which set a goal of 100% recycling, recycling service provided to all residents, and donation or reuse of some items in lieu of landfill disposal, respectively, will substantially lessen solid waste impacts. To be conservative, this analysis anticipates that at least 50% of the estimated increase in solid waste generation could be diverted. In addition, the continuation of the following City standards and practices will also help reduce the overall amount of waste:

- Continue to implement waste diversion programs as well as public education programs as outlined in the City's Source Reduction and Recycling Element.
- Continue implementing, and participating in programs that increase the City's diversion of solid waste from regional landfills. Existing programs supported by the City include: Green Waste Collection, Curbside Recycling, Newspaper Drop-Off, Car Tire Amnesty, Household Hazardous Waste, Appliances, Backyard Composition Workshops, Refrigerator Recycling Rebate (Cool Returns), C.U.R.E., Electronic waste, Curbside Oil Collection and Recycling Market Development Zone.
- Support expansion of these programs to all City addresses.
- Implement CEQA during the development review process for future projects. Analyze and mitigate potential public facility, service, and utility impacts to the maximum extent practicable. For projects that require construction of new public facilities or extension of utilities, ensure that the environmental documentation considers related off-site physical environmental impacts of these activities.

Therefore, because the Typical Project will contribute only about 8% of projected capacity, because landfill capacity is expected to increase, because of the City's excellent record and current policies and standards related to waste reduction programs and diversion from landfills, and with implementation of MM UTL 4, project specific impacts will be less than significant. Cumulatively, however, if landfill expansion does not keep pace with growth in the region or if growth within the Planning Area exceeds Typical levels, cumulative impacts may be significant and unavoidable as explained in Section IX, below. (Draft PEIR, at pp. 5.16-45 to 5.16-47.)

Mitigation Measure:

MM UTL 4: The City will review the County Waste Management Annual Reports to California Integrated Waste Management Board (CIWMB) every five years to ensure that projections still show adequate capacity to and through the year 2025. If levels show that landfill capacity is becoming limited or exhausted, then the City shall increase efforts to divert waste from landfills such as meeting Policy PF 5.1 which encourages innovative methods and strategies to reduce the amount of waste materials entering landfills, including achieving 100% recycling citywide for both residential and non-residential development.

IX.
SIGNIFICANT UNAVOIDABLE EFFECTS AND MITIGATION MEASURES

A. AGRICULTURE

Significant Project Impact: Implementation of the General Plan, Zoning Code and Subdivision Code will contribute to conversion of land under Williamson Act Contract indirectly; conversion of agricultural uses to non-agricultural uses through land use designation changes which do not allow for agricultural uses; and Prime Farmland, Farmland of Statewide and Local Importance, and Unique Farmland will be designated for other than agricultural uses, and the Project will contribute to the overall decline of agriculture in the region.

Finding: Changes or alterations have been required of or incorporated into the Project which substantially lessen the significant environmental effects identified in the Final PEIR. However, specific economic legal, social, technological, or other considerations make infeasible mitigation measures or project alternatives that would completely reduce this impact to a less than significant impact. The Project's impact on agricultural resources is considered *significant and unavoidable*.

Facts in Supporting Findings: Prime Farmland, Unique Farmland and Farmland of Statewide Importance are primarily within General Plan designations that allow for continued agricultural uses. However, in a few locations General Plan and/or Zoning designations are being changed. The Designated Farmland Table in Appendix I of the Draft PEIR shows that there are five locations where this occurs. Additionally, the zoning will be consistent with the General Plan designations, thus, as described above and in Appendix I some areas will be rezoned to uses which will likely not retain Designated Farmland.

The City has included several policies within its General Plan to discourage the premature conversion of agricultural lands, however, none require the protection of designated Farmland. Because General Plan and Zoning designations are being changed and the new designations do not provide for the preservation of Prime Farmland, Unique Farmland or Farmland of Statewide Importance; and because General Plan policies do not require preservation of designated Farmland, it is considered a significant impact related to the conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland) to non-agricultural use. (Draft PEIR, at pp. 5.2-18 to 5.2-20.)

Regarding Williamson Act Contracts, the Project does not propose to cancel any Williamson Act Contracts. However, the Project proposes to change Zoning designations in some areas from zones which allow agriculture to zones which do not. The Designated Farmland Table in Appendix I shows that there are fourteen locations where this occurs. Therefore, because both Zoning and General Plan designation are changed by the Project from designations that allow agricultural uses to designations that do not, potential impacts to existing zoning for agricultural uses are significant. (Draft PEIR, at pp. 5.2-20 to 5.2-23.)

The Project will also result in indirect impacts to agricultural resources. The implementation of the General Plan will indirectly influence the conversion of farmland by facilitating development, increasing densities as well as the construction of roads and infrastructure in proximity to operating agricultural areas. Although the proposed General Plan and Zoning Code Revision still allows for agricultural uses in the majority of its Planning Area, the indirect influence of existing and proposed development in the City and its Sphere is expected to contribute to direct and indirect conversion of agricultural resources. In addition, some areas designated as Farmland of Local Importance have land use and zoning designation changes which preclude agriculture as a future use. Therefore, impacts related to the conversion of Farmland of Local Importance, indirect impacts to land subject to Proposition R and Measure C, as well

as any other land being used for agricultural uses as non-conforming uses are considered significant. (Draft PEIR, at pp. 5.2-23 to 5.2-25.)

No feasible mitigation measures exist to reduce the Project's impacts to agricultural resources to a less than significant level. However, the Project includes various components designed to address the impacts of the Project on a programmatic level. Objective OS-3 of the Open Space and Conservation Element of the General Plan is 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." The General Plan also includes specific policies to further that objective. For example, Policy OS-3.7 commits the City to "[e]valuate various proactive programs for agricultural preservation such as transfer of development rights, purchase lease back, University purchase for research and purchase of development rights." Further, the General Plan's Implementation Program includes specific tools to be implemented as development occurs within the General Plan area. Tool OS-9, for example, directs the Planning Division to preserve agricultural areas using such methods as negotiations with property owners during the development process, transfer of development rights, and application of Measure C and Proposition R. These measures are incorporated directly into the General Plan, as provided in
State CEQA Guidelines Section 15126.4(a)(2).

Adherence to the above General Plan policies and tool, as applicable on a project-by-project basis, will reduce impacts to agricultural resources, to the extent feasible; however, even with implementation of the above policies, direct impacts caused by redesignation and rezoning and indirect impacts associated with increased development pressures, remain significant and unavoidable. No feasible mitigation exists that will reduce impacts to below a level of significance at the programmatic level for the reasons provided below.

The economic viability of agricultural operations in the Riverside Sphere of Influence and southern California have declined in recent years. Increasing prices of land, higher water and labor costs, increased environmental regulations, higher property taxes, competition from other parts of the state, and growing urbanization have all worked together to put considerable pressure on farming as an economically viable use. The City recognizes Farmland as a finite and unique resource. Once the Farmland within the Project is converted to other uses, that farmland is effectively eliminated.

The City has considered both on-site and off-site mitigation, such as easements and conservation zones, for the loss of agricultural land and uses but has found such mitigation to be infeasible. Maintaining agricultural uses outside of the RC and RA-5 Zones is not economically viable. Agriculture needs specialized support services such as feed stores, equipment sales and maintenance, and manure removal services. Without a critical mass of customers, such agricultural support services may relocate further away, thereby increasing the costs of such services and decreasing the profitability of agricultural operations. According to the United States Department of Agriculture, National Agriculture Statistics Service, Census of Agriculture, farm production expenses in Riverside County increased from an average of $204,052 per farm in 1997 to $253,339 per farm in 2002. Total sales of agricultural goods decreased from $1,057,307 in 1997 to $1,008,273 in 2002. Over the same time period, the number of farms in Riverside County decreased from 3,864 in 1997 to 3,186 in 2002. These trends will continue as the cost of land, supplies, and services increase. Environmental factors and regulations are also causing the decline in the viability of agriculture. Stricter air quality and water quality regulations are making farming more difficult and are creating an environmental burden on urbanized areas. Declining water supply is another factor contributing to the overall decline of agricultural activity in the State. Studies suggest that such environmental and economic factors contribute more to the conversion of agriculture than urban development.

To mitigate for loss of farmland on a Citywide and cumulative basis, the City considered whether a program that would establish a fee for the purchase of agricultural replacement land or a program that would establish agricultural easements could mitigate significant impacts. Purchasing property with a deed restriction will not ensure that the property is actually employed for agricultural uses, however, nor would the purchase of such lands or the establishment of easements reduce any of the financial pressures associated with farming. As discussed above, economic and environmental factors will preclude the long-term viability of agriculture in Riverside County and the Inland Empire. Agricultural easements on different agricultural land 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, such a program would not be legally feasible. Likewise, mitigation measures involving conservation easements and other methods of agricultural preservation have been considered but rejected as infeasible for this Project.

In addition, while the No Project Alternative would reduce direct impacts to agriculture, reducing the Planning Area's ability to develop would impede the City from achieving its General Plan goals and objectives for housing and creation of jobs. Mitigation located outside the Planning Area is infeasible because there is no other comparable land planned for new agriculture in the General Plan and would conflict with General Plan goals for housing, biological habitat/open space, and fiscal balance. Although, City-wide farmland preservation is considered infeasible, it should be noted, that the City's General Plan policies protects agricultural land in the City's RA-5 and RC Zones and encourages the conservation of additional agricultural land while allowing agricultural uses to continue during the transition to urban uses.

Thus, for the reasons explained above, the Project will result in significant impacts to agricultural resources for which there is no feasible mitigation available to reduce the impact to a less than significant level. The Project includes policies and an Implementation Tool that will substantially lessen impacts to the extent feasible. (Draft PEIR, at pp. 5.2-25 to 5.2-28.)

Mitigation Measures:

No feasible mitigation exists to reduce the significant impacts to a less than significant level.

Significant Cumulative Impact: The Project will contribute cumulatively to the loss of agricultural land along with other jurisdictions in the region, impacts to agricultural resources are significant.

Finding: Changes or alterations have been required of or incorporated into the Project which substantially lessen the significant environmental effects identified in the Final PEIR. However, specific economic legal, social, technological, or other considerations make infeasible mitigation measures or project alternatives that would completely reduce this impact to a less than significant impact. The Project's cumulative impact on agricultural resources is considered *significant and unavoidable*.

Facts in Support of Finding: The Southern California region is experiencing rapid loss of farmland, reduction in land under Williamson Act Contracts, and agriculture in general, an impact to which the Project will contribute. Currently, agriculture faces continuing pressure from urbanization, foreign competition, and rising production costs. In 1990, Riverside County had a total of 343,072 acres of harvested crops. In 2002, the total acres had dropped to 241,294 and by 2005 to 223,848 harvested acres. This represents a loss of 119,224 acres in 15 years (35 percent) with 14 percent of that loss (17,446 acres)

occurring within the last four years (2002 through 2005). Further, the evidence shows that development pressure faced in the western end of the county, where City is located, is more rapid than in the county as a whole.

Locally, UCR's Long-Range Development Plan calls for approximately 125 acres of Prime Farmland to be converted to non-agricultural uses to serve significant anticipated growth of the University enrollment. An Environmental Impact Report (EIR) has been prepared by the University for UCR's Long Range Development Plan and this impact was found to be significant and unavoidable.

The economic viability of agricultural operations in the Riverside Sphere of Influence and southern California has declined in recent years. Increasing prices of land, higher water and labor costs, increased environmental regulations, higher property taxes, competition from other parts of the state, and growing urbanization have all worked together to put considerable pressure on farming as an economically viable use. The City recognizes Farmland as a finite and unique resource. Once the Farmland within the Project is converted to other uses, that farmland is effectively eliminated. Further, due to the declining economic viability of agriculture, preservation of agriculture in isolated preserves will not mitigate that impact.

To prevent indirect impacts to agricultural areas, the Project includes policies that will retain, protect, and encourage agricultural use. General Plan policies listed in Section 5.2, Agricultural Resources, of the Draft PEIR require the City to evaluate the preservation and protection of agricultural land through assistance programs, development of agricultural zones, transfer of development rights and leases to UCR, development of suitable buffers around agricultural uses to prevent incompatible land uses adjacent to agricultural uses, and water subsidies. Even if all such actions and programs were in place today, development pressure in western Riverside County is causing agricultural land to be used for providing homes and businesses at a rate of 8.5 percent annually. No feasible mitigation measures are available to further lessen direct or indirect adverse impacts beyond the policies described above. Therefore, because the Project will contribute cumulatively to the loss of agricultural land through conversion to non-agricultural uses with other jurisdictions in the region, the Project's cumulative environmental impacts to agricultural resources are significant.

Mitigation Measures:

No feasible mitigation exists to reduce the significant impacts to a less than significant level.

B. AIR QUALITY

Significant Project Impact: The Project could conflict with or obstruct implementation of the applicable air quality plan.

Findings: Specific economic legal, social, technological, or other considerations make infeasible mitigation measures or project alternatives that would completely reduce this impact to a less than significant impact. The Project's impact on air quality is considered *significant and unavoidable*.

Facts in Support of Finding: As explained above, projects that are consistent with the projections of employment and population forecasts identified by the SCAG are considered consistent with the AQMP growth projections, since these forecast numbers were used by SCAG's Modeling section to forecast travel demand and air quality for planning activities such as the Regional Transportation Plan (RTP), the SCAQMD's AQMP, Regional Transportation Improvement Program (RTIP), and the Regional Housing Plan. Under the Typical development scenario, the Project would be consistent with SCAG's population projections. Under the Maximum or Maximum with PRD scenarios, however, population growth would far outpace SCAG's projections, and in that event, there could be a conflict with the AQMP.

Development at the levels projected in the Maximum or Maximum with PRD scenarios is not reasonably foreseeable; rather, the Draft PEIR included such projections to fully account for the inherent uncertainty in long range planning. Further, SCAG regularly updates its population projections and the AQMP is updated regularly with those projections. Thus, even if greater than Typical levels of development did occur, the AQMP would be updated to reflect such levels of development. Nevertheless, the Draft PEIR conservatively acknowledged the possibility that growth could exceed SCAG growth projections and therefore conflict with the AQMP. No feasible mitigation exists to reduce this impact to a less than significant level. (Draft EIR, at pp. 5.3-30 to 5.3-33.)

Mitigation Measures:

No feasible mitigation exists to reduce the significant impacts to a less than significant level.

Significant Project and Cumulative Impact: The Project could violate short-term ambient air quality standards, and contribute substantially to an existing or projected air quality violation.

Finding: Changes or alterations have been required of or incorporated into the Project which substantially lessen the significant environmental effects identified in the Final PEIR. However, specific economic legal, social, technological, or other considerations make infeasible mitigation measures or project alternatives that would completely reduce this impact to a less than significant impact. The Project's impact on air quality is considered *significant and unavoidable*.

Facts in Support of Finding: Short term impacts associated with construction from General Plan build-out will result in increased air emissions from grading, earthmoving, and construction activities. The common air emission sources from construction that can be mitigated effectively are mostly PM-10 (air borne dust). Mitigation measures MM Air- 1 and 2 address ways future sources of PM-10 can be lessened. Construction-related air quality impacts are presumed to occur continuously through 2025 as individual development projects located within the Planning Area are constructed. Construction activity will also generate CO and NOX. Architectural coatings, exterior paints, and asphalt may release reactive organic gases (ROG). Because the General Plan only sets forth broad parameters for new development and does not identify specific development projects, construction-related emissions of individual future developments cannot be quantified at this time.

While individual development projects will be required to employ construction approaches that minimize pollutant emissions (MM Air 1- MM Air 5, e.g., watering for dust control, tuning of equipment, limiting truck idling times), over the next 20 years substantial pollutant emissions associated with construction activity are expected to occur. Although, MM Air 1 requires that future development projects be analyzed for their short-term impacts, it is likely that some will not meet SCAQMD standards, therefore even at the General Plan level, impacts related to short-term (construction) air emissions are considered significant under all development scenarios. While the mitigation measures below will substantially lessen potential air quality impacts, such impacts will nevertheless remain significant. (Draft PEIR, at pp. 5.3-33 to 5.3-34; 6-6 to 6-8.)

Mitigation Measures:

MM Air 1: To mitigate for potential adverse impacts resulting from construction activities, proposed development projects that are subject to CEQA shall have construction-related air quality impacts analyzed using the latest available URBEMIS model, or other methods sanctioned by the SCAQMD. The analysis of construction-related air quality impacts shall be included in the development project's CEQA analysis, including recommended mitigation measures. Proposed mitigation measures may include extending the construction period as feasible in order to ensure air quality thresholds are not exceeded.

The analysis shall address pollution levels near sensitive receptors and require mitigation to reduce emissions.

MM Air 2: To mitigate for potential adverse impacts resulting from construction activities, development projects must abide by the SCAQMD's Rule 403 concerning Best Management Practices for construction sites in order to reduce emissions during the construction phase. Measures may include:

- Development of a construction traffic management program that includes, but is not limited to, rerouting construction related traffic off congested streets, consolidating truck deliveries, and providing temporary dedicated turn lanes for movement of construction traffic to and from site;
- Sweep streets at the end of the day if visible soil material is carried onto adjacent paved public roads;
- Wash off trucks and other equipment leaving the site;
- Replace ground cover in disturbed areas immediately after construction;
- Keep disturbed/loose soil moist at all times;
- Suspend all grading activities when wind speeds exceed 25 miles per hour;
- Enforce a 15 mile per hour speed limit on unpaved portions of the construction site.

MM Air 3: To reduce both mobile and stationary source emissions, to the extent feasible, the City will continue to use when practical Best Available Control Technologies and Best Available Retrofit Control Technology, as defined by SCAQMD, in the City's practices, including but not limited to advanced diesel particulate traps on City vehicles and purchase and use of aqueous diesel fuel vehicles.

MM Air 4: 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.

MM Air 5: To reduce construction related particulate matter air quality impacts of City projects the following measures shall be required:

1. the generation of dust shall be controlled as required by the AQMD;
2. grading activities shall cease during periods of high winds (greater than 25 mph);
3. 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; and
4. the contractor shall prepare and maintain a traffic control plan, prepared, stamped and signed by either a licensed Traffic Engineer or a Civil Engineer. The preparation of the plan shall be in accordance with Chapter 5 of the latest edition of the Caltrans Traffic Manual and the State Standard Specifications. The plan shall be submitted for approval, by the engineer, at the preconstruction meeting. Work shall not commence without an approved traffic control plan.

Significant Project and Cumulative Impact: The Project could violate long-term ambient air quality standards, contribute substantially to an existing or projected air quality violation, and expose sensitive receptors to substantial pollutant concentrations.

Finding: Changes or alterations have been required of or incorporated into the Project which substantially lessen the significant environmental effects identified in the Final PEIR. However, specific economic legal, social, technological, or other considerations make infeasible mitigation measures or

project alternatives that would completely reduce this impact to a less than significant impact. The Project's impact on air quality is considered *significant and unavoidable*.

Facts in Support of Finding: Long-term emissions for the General Plan in year 2025 are generally related to the operational emissions resulting from on-road motor vehicle emissions. As the City continues to develop pursuant to the land uses proposed in the General Plan, vehicle trips are expected to increase, thereby increasing mobile air pollution sources. Future summer emissions of ROG, NOX, and CO, are projected to decrease (or improve) relative to existing conditions in all three modeled scenarios. Summer emissions of SO2 in the Max. w/PRD scenario and emissions of PM-10 and PM-2.5 in all three scenarios are projected to increase (or worsen) relative to existing conditions. Future winter emissions are also projected to decrease (or improve) under all three scenarios for both NOX and CO. Future winter emissions of PM-10 and PM-2.5 are projected to increase (worsen) in all three scenarios relative to existing conditions. Additionally, winter emissions of ROG and SO2 in Max. w/PRD only are projected to increase (or worsen) relative to existing conditions. This can be explained by several factors and most specifically, the anticipated effective efforts of the SCAQMD to control and to reduce pollutant emissions through regulations and policies such as the phasing-out of older vehicles, improvement of vehicle emission-control technologies (particularly that of diesel vehicles), and better emissions-control technologies for commercial and industrial operations. SCAQMD's expectations regarding future decreases are reflected in its air quality models, which are the recommended methodology for analyzing air quality impacts. Although air quality emissions may improve over time compared to existing conditions, all three density scenarios are projected to exceed SCAQMD standards, and, therefore, impacts are considered significant.

The operational (long-term) emissions at build-out of the City of Riverside's General Plan are above the SCAQMD thresholds and will have a significant impact on air quality in the Planning Area. Additionally, the City of Riverside is in non-attainment for ozone, carbon monoxide, PM-10, and PM-2.5. Thus, the valuation of build-out generated emissions in relation to the thresholds of significance demonstrates that impacts to air quality from General Plan implementation are considered significant, even with mitigation incorporated.

High concentrations of various constituents may result in impacts to human health. The following health risks are associated with high concentrations of all the criteria pollutants: restricted oxygen absorption in the blood stream; coughing, altered respiratory responsiveness and pulmonary functions, and increased respiratory illness in children; reduced lung function in healthy people as well as increased sensitivity in people with preexisting respiratory illness; lung damage and interference with the body's ability to clear its respiratory tract; shortness of breath and wheezing and, with long-term exposure, exacerbate existing cardiovascular disease and respiratory illnesses. Impacts from ozone and atmospheric PM would largely result from regional air quality issues, and not just from the City's Project alone. However, at the programmatic level of analysis, it is too speculative to determine what other health impacts could result from the implementation of the City's General Plan. The reasons for this include unknown location, frequency, and quantities of the remaining pollutants to be emitted, the nearest sensitive receptor distances, etc. By implementing the mitigation measures identified herein, the City will reduce the health impacts related to air quality to the extent feasible. For example, MM Air 7 requires the City to analyze the air quality impacts of most development projects and to reduce potential impacts to the extent feasible using methods identified in the General Plan's Air Quality Element Policies, the most recent Air Quality Management Plan, and the most recent CEQA Air Quality Handbook. Further, mitigation measure MM Air -2 addresses ways future sources of PM-10 can be lessened. Construction activity will also generate CO, NOX, and PM-10 and PM-2.5 (primarily from diesel engines). Mitigation measures MM Air -3 and MM Air -4 address reducing diesel emissions from construction. Architectural coatings, exterior paints, and asphalt may release reactive organic gases (ROG). MM Air 11 and MM Air 12 have been added in response to public comments and will further protect public health by notifying residents near freeways of

potential health hazards and by requiring electric hook-ups for certain warehouse projects. Despite the implementation of all feasible mitigation measures, however, the health impacts associated with background levels of ozone and atmospheric PM (PM-10 and PM-2.5) are currently considered significant. (Draft PEIR, at pp. 5.3-34 to 5.3-42; 6-6 to 6-8.)

Mitigation Measures:

See MM Air 1 to MM Air 5, above.

MM Air 6: Within a year of adoption of the General Plan 2025 Program the City will implement the Good Neighbor Guidelines prepared by Western Riverside Council of Governments in coordination with the South Coast Air Quality Management District. Implementation of these Guidelines will include, but are not limited to, measures to:

- minimize exposure to diesel emissions to neighbors in close proximity to a warehouse/distribution center;
- substantially eliminate diesel trucks from unnecessarily traversing through residential neighborhoods; and
- reduce diesel idling within the warehouse/distribution center.

MM Air 7: As part of the CEQA process, the City shall require proposed development projects with potential operational air quality impacts to identify and mitigate those impacts. To ensure proper characterization and mitigation of those impacts, regional impacts shall be analyzed using the latest available URBEMIS model, or other analytical method determined in conjunction with the SCAQMD. To address potential localized impacts, the air quality analysis may incorporate SCAQMD's Localized Significance Threshold analysis, CO Hot Spot analysis or other appropriate analyses as determined in conjunction with SCAQMD. If such analyses identify potentially significant regional or local air quality impacts, the City shall require the incorporation of appropriate mitigation. Mitigation should reduce identified impacts to the maximum extent feasible using, among others, measures identified in the Air Quality Element Policies of the General Plan and the most recent Air Quality Management Plan as well as mitigation from the most recent CEQA Air Quality Handbook available at the SCAQMD. Example topics include, but are not limited to, energy conservation, reduction of vehicle miles traveled, overall trip reduction, and reduction of particulate matter.

MM Air 11: For all new residential projects located within 1,000-feet of any freeway full disclosure shall be provided on all rental, lease and sale documents to future tenants and/or buyers of a potential increased cancer risk due to the proximity of the freeway.

MM Air 12: All new truck terminals, warehouses and other shipping facilities requiring the use of refrigerated trucks and with more than 50 truck trips per day shall provide electrical hookups for the refrigerated units to reduce idling and its associated air quality pollutants. Additionally, future tenant improvements involving conversion of a warehouse for refrigeration storage shall include electrical hookups for refrigerated units.

Significant Cumulative Impact: The Project will result in a cumulatively considerable net increase of criteria pollutants for which the Project region is in non-attainment under an applicable federal or state ambient air quality standard, and result in a cumulatively considerable increase in greenhouse gas emissions.

Finding: Changes or alterations have been required of or incorporated into the Project which substantially lessen the significant environmental effects identified in the Final PEIR. However, specific economic legal, social, technological, or other considerations make infeasible mitigation measures or project alternatives that would completely reduce this impact to a less than significant impact. The Project's impact on air quality is considered *significant and unavoidable.*

Facts in Support of Finding: As noted above, the Project is expected to exceed both short-term and long-term air quality standards. In addition, vehicle miles traveled in connection with the Project and other sources of greenhouse gas emissions are expected to increase. The Draft PEIR included an analysis that attempted to quantify the expected greenhouse gas emissions of the Project. The analysis concluded that emissions from the City could not be reduced to 1990 levels with implementation of the Project, and that greenhouse gas emissions would be cumulatively considerable.

The programs listed in the Local Programs section under Related Regulations and policies located in the Related General Plan Policies section will help reduce vehicle trips and increase energy efficiency throughout the Planning Area. Examples include the Residential Shade Tree Program and the Community Energy Efficient Program which help increase energy efficiency and reduce fossil fuel consumption. In addition, General Plan policies, such as, OS-8.1 to OS-8.11, encourage renewable energy and energy efficient development. Further, Implementation Plan Tools, such as, OS-30 to OS-32 which promote energy efficient programs that conserve energy 15% above Title 24 requirements. These and other policies in the General Plan will reduce energy demand. Policies like AQ-1.7 continue to promote planned residential development and infill housing, which reduces vehicle trips.

At its February 6, 2007 meeting, the Riverside City Council "1) approved the Sustainable Riverside Policy Statement as framed by the Clean and Green Task Force; 2) directed the City's new Environmental Relations Manager to review the Clean and Green Task Force report and report back to the Council with recommendations for implementation; 3) directed the City Manager to prepare a report on solar steps to become the model solar city in Southern California; 4) supported the Mayor's endorsement of the U.S. Mayors Climate Protection Agreement of 2005, as outlined in the written staff report; 5) incorporated Operation Free Flow regarding truck traffic; and 6) requested the Environment Relations Manager to present a status report to the Clean and Green Task Force in February 2008." The U.S. Mayors Climate Protection Agreement of 2005 resolved that the U.S. Conference of Mayors will establish a formal relationship with International Council for Local Environmental Initiatives (ICLEI) Cities for Climate Protection Program to track progress and implementation of the agreement. Member cities, like Riverside, will be able to use the services of CLEI to inventory and monitor GHG emissions. In addition, the Draft PEIR includes mitigation measures, below, to reduce emissions of greenhouse gases associated with the project. Programs and policies like those outlined above will substantially lessen the Project's contribution to GHG emissions; however, it is not anticipated that emission levels can be reduced to levels that are not cumulatively considerable. (Draft PEIR, at pp. 5.3-42 to 5.3-47; 6-6 to 6-8.)

Mitigation Measures:

MM Air 8: To reduce GHG emissions through reduced energy consumption and the procurement of lower-emission resources, Riverside Public Utilities (RPU) shall join the California Climate Action Registry (www.climateregistry.org) and comply with GHG regulations developed by the California Air Resources Board (CARB) and the California Energy Commission (CEC) pursuant to AB 32. RPU shall perform yearly GHG inventories according to the Power/Utility Protocol to identify and implement conservation measures and resource procurement practices that will reduce its GHG emissions.

MM Air 9: To reduce GHG emissions, the City's Environmental Relations Manager, working in conjunction with RPU shall develop, enhance, and/or implement programs to reduce energy consumption. Some examples of programs may be, but are not limited to:

- Replacing incandescent light bulbs with compact fluorescent lamps;
- Participating in the Energy Star Programs;
- Promotion of the use of energy efficient equipment and vehicles;
- Promotion of commercial and residential solar energy rebate programs; and
- Performance based, commercial/industrial energy efficiency rebate program.

MM Air 10: The City will implement an incentive based program, Green Builder Program, by the end of 2008 to reduce GHG emissions through the energy consumption of proposed new development. A Riverside Green Builder home must meet five criteria:

- Energy Efficiency – built to exceed California Title 24 energy efficiency standards by 15%;
- Water Conservation – conserving 20,000 gallons of water per home per year;
- Waste Reduction – at least 50% of construction waste diverted from landfills;
- Wood Conservation – wood must be from a certified sustainable source and engineered wood products must be used; and
- Indoor Air Quality – Heating, Ventilating and Air Conditioning (HVAC) designed by a licensed engineer to Air Conditioning Contractors of America (ACCA) manual J, S and D or equivalent Sheet Metal and Air Conditioning Contractor's National Association (SMACNA) or American Society of Heating, Refrigerating and Air Conditioning Engineers (ASHRAE) standards.

C. HYDROLOGY & WATER QUALITY

Significant Project and Cumulative Impact: The Project may violate any water quality standards or waste discharge requirements or otherwise substantially degrade water quality.

Finding: Changes or alterations have been required of or incorporated into the Project which substantially lessen the significant environmental effects identified in the Final PEIR. However, specific economic legal, social, technological, or other considerations make infeasible mitigation measures or project alternatives that would completely reduce this impact to a less than significant impact. The Project's impact on water quality is considered *significant and unavoidable*.

Facts in Supporting Finding: All projects implemented under the General Plan will be required to comply with applicable Federal, State, and local water quality regulations. The City, and surrounding jurisdictions, address storm water runoff as co-permittees to the Riverside County MS4 storm water permit. Addressing storm water runoff through the MS4 permit allows the City to participate in a regional and watershed level solutions, rather than on a piecemeal, project-by project basis. The MS4 permit and the Drainage Area Management Plan ("DAMP") address storm water runoff through the implementation of various Best Management Practices ("BMP") which are identified in the permittees Water Quality Management Plan ("WQMP"). The RWQCB has determined that implementation of the DAMP and MS4 permit will protect the beneficial uses of all receiving waters. Although, storm water management measures and BMPs are designed to reduce impacts of storm water pollutants and discharges, the NPDES permit and WQMP do not prevent all discharges of storm and non-storm waters. Further, the precise level of pollutant reduction made possible through implementation of those measures is infeasible to quantify. Implementation of the MS4 permit, DAMP and WQMP provide the most comprehensive and effective approach to reducing the water quality impacts of urbanization, and the City finds that no additional feasible mitigation exists. Because new and existing developments may add small amounts of pollutants to runoff into the Santa Ana River and San Jacinto River (Canyon Lake and Lake Elsinore), which are

impaired receiving waters the City has conservatively concluded that the Project's runoff associated with runoff from other jurisdictions within these watersheds in the region may be cumulatively considerable despite implementation of all feasible BMPs identified in the WQMP. Therefore, impacts related to exceeding water quality standards or waste discharge requirements cannot be mitigated to a less than significant level. (Draft PEIR, at pp. 5.8-16 to 5.8-18, 5.8-20 to 5.8-21; 6-10.)

Mitigation Measures:

No additional feasible mitigation exists to reduce the significant impacts to a less than significant level.

Significant Project and Cumulative Impact: The Project may expose people or structures to a significant risk of loss, injury, or death involving flooding, including flooding as a result of the failure of a levee or dam.

Finding: Changes or alterations have been required of or incorporated into the Project which substantially lessen the significant environmental effects identified in the Final PEIR. However, specific economic legal, social, technological, or other considerations make infeasible mitigation measures or project alternatives that would completely reduce this impact to a less than significant impact. The Project's impact on hydrology, related to dam failure, is considered *significant and unavoidable*.

Facts in Supporting Findings: Residents of the City who currently live within a dam inundation area could be exposed to a significant risk involving flooding if a dam failed. Even though new development is required to be designed to avoid standard 100-year flood areas, new development within a dam inundation area could not be built to avoid flooding that would result from dam failure. The State Division of Safety of Dams (DSOD) routinely inspects operating dams to ensure that they are adequately maintained, and to direct the dam owner to correct any deficiencies. Implementation of DSOD recommendations, will mitigate this impact to the degree feasible, but will not completely eliminate the risk of dam failure. Compliance with State Civil Code Section 1103 through 1103.4 is required, but simply serves to notify those potentially affected of the risk involved in locating within a flood hazard or dam inundation area. It does not reduce or eliminate the potential impact. No other feasible mitigation measures have been identified to reduce this impact to a less than significant degree. Thus, the potential to expose people or structures to a significant risk of loss, injury, or death involving flooding as a result of dam failure remains significant and unavoidable. (Draft PEIR, at p. 5.8-23; 6-11.)

D. NOISE

Significant Project Impact: The Project will expose people to noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies.

Finding: Changes or alterations have been required of or incorporated into the Project which substantially lessen the significant environmental effects identified in the Final PEIR. However, specific economic legal, social, technological, or other considerations make infeasible mitigation measures or project alternatives that would completely reduce this impact to a less than significant impact. The Project's noise impact is considered *significant and unavoidable*.

Facts in Support of Finding: Transportation related noise is expected to increase throughout the City. The City's Implementation Plan provides tools for reducing noise impacts, tools N-1 through N-11, by addressing transportation related sources such as maintaining City vehicles, enforcing vehicle speed, electronic alternatives to train whistles, and proposed grade separations.

Existing sensitive land uses will continue to be exposed to noise levels in excess of established standards set forth in the General Plan Noise Element. Additionally, MM Noise 2 requires the City to reduce transportation noise by identifying appropriate truck routes and roads where speed limits can reduce noise. Even with implementation of the above-mentioned General Plan policies, implementation tools and MM Noise 2, however, existing land uses will be exposed to noise levels in excess of the General Plan Noise Element standards which will result in a significant impact. (Draft PEIR, at pp. 5.11-21 to 5.11-22.) Additionally, the Noise Code amendment will bring the Noise Code into consistency with the proposed Noise Element of the General Plan and State regulations, and to facilitate development of mixed-use and in-fill uses. By increasing the noise levels which are allowed, both interior at night and exterior, these existing receptors will have less protection from nuisance noise. Impacts are considered to be significant to existing receptors. (Draft PEIR, at p. 5.11-22.)

Mitigation Measure:

MM NOISE 2: To reduce impacts from transportation related noise, the City shall identify and enforce routes where vehicles are limited by weight, enforce speed limits, and commit to identifying roads where speed limit reductions can address noise.

Significant Project Impact: The Project will expose people to excessive ground-borne vibration levels which will result in a significant impact.

Finding: Changes or alterations have been required of or incorporated into the Project which substantially lessen the significant environmental effects identified in the Final PEIR. However, specific economic legal, social, technological, or other considerations make infeasible mitigation measures or project alternatives that would completely reduce this impact to a less than significant impact. The Project's noise impact is considered *significant and unavoidable*.

Facts in Support of Finding: Impacts related to excessive vibration to existing land uses currently do occur, proposed mitigation can reduce vibration impacts for some proposed development, however, it is not feasible to relocate existing sensitive receptors located within the 65 VdB contour with respect to train routes. Future infill projects along train routes may also be affected by vibration, therefore, there is no feasible mitigation available to reduce this impact to a less than significant level. Implementation of MM Noise 3, will reduce, but not eliminate impacts by requiring noise attenuation in new development. Additionally, at its October 2, 2007, meeting, the City Council approved a proposal to begin the process of establishing a quiet zone corridor along seven miles of the BNSF rail line from the Magnolia Avenue crossing in the County of Riverside to Arlington Avenue. Under the proposal, supplemental safety measures such as gate and pedestrian treatments, would be installed at the thirteen at-grade crossings along the quiet zone. Another potential quiet zone, along the UP line between Streeter and Panorama, was considered but not proposed, because that corridor already includes wayside horns and three grade-separation projects. Despite the above, however, impacts will remain significant. (Draft PEIR, at p. 5.11-23 to 5.11-25.)

Mitigation Measure:

MM NOISE 3: To minimize impacts to proposed projects located next to the railroad tracks where noise and vibration impacts may be significant, a noise and vibration study shall be required to evaluate possible impacts and to recommend suitable mitigation consistent with Title 24 regulations and the City's Noise Code. Mitigation may include but not be limited to: walls, berms, interior noise insulation, double paned windows, or other noise and vibration mitigation measures as appropriate, in the design of new land uses.

Significant Project and Cumulative Impact: The Project may result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project.

Finding: Changes or alterations have been required of or incorporated into the Project which substantially lessen the significant environmental effects identified in the Final PEIR. However, specific economic legal, social, technological, or other considerations make infeasible mitigation measures or project alternatives that would completely reduce this impact to a less than significant impact. The Project's noise impact is considered *significant and unavoidable*.

Facts in Support of Finding: The General Plan will add people, automobiles and businesses to the community, and the ambient noise level will increase up to 8 dBA in some areas. Thus, the General Plan will result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project. The increase in noise levels cannot be mitigated to a less than significant level. General Plan policies, implementation tools and the mitigation measures identified above will reduce ambient noise to the extent feasible, however, impacts to ambient noise levels are considered significant and unavoidable. (Draft PEIR, at pp. 5.11-24 to 5.11-36; 6-12.)

Mitigation Measures:

See MM Noise 1 through MM Noise 4, above.

E. POPULATION & HOUSING

Significant Project Impact: The Project will induces substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure).

Finding: Changes or alterations have been required of or incorporated into the Project which substantially lessen the significant environmental effects identified in the Final PEIR. However, specific economic legal, social, technological, or other considerations make infeasible mitigation measures or project alternatives that would completely reduce this impact to a less than significant impact. The Project's population and housing impact is considered *significant and unavoidable*.

Facts in Supporting Finding: The population projections for the City compared to SCAG's projections were slightly lower when analyzing the City Typical population projections, but the City had a 33 percent higher population than SCAG's projections when analyzing the worst-case scenario. The worst-case scenario was provided for comparison and analysis, but is not reasonably foreseeable. The General Plan facilitates this growth under the Typical scenario through objectives, policies, and implementation tools to address the environmental impacts of expected growth. Although anticipated by SCAG in its population projections and regional planning efforts, impacts are considered significant and unavoidable at the programmatic level. The Project includes policies and implementation tools that are designed to accommodate that growth, and therefore substantially lessen its impacts. Nevertheless, the population and housing impact will remain significant. (Draft PEIR, at pp. 5.12-14 to 5.12-15.)

Mitigation Measures:

No additional feasible mitigation exists to reduce the significant impacts to a less than significant level.

F. RECREATION

Significant Project and Cumulative Impact: The Project may increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facilities would occur or be accelerated.

Finding: Changes or alterations have been required of or incorporated into the Project which substantially lessen the significant environmental effects identified in the Final PEIR. However, specific economic legal, social, technological, or other considerations make infeasible mitigation measures or project alternatives that would completely reduce this impact to a less than significant impact. The Project's recreation impact is considered *significant and unavoidable*.

Facts in Supporting Finding: Growth associated with the Project could result in the increase use of the park and recreational facilities. A deficiency in neighborhood and community parks currently exists, and there is a need for additional recreational facilities according to a needs assessment that was done for the Park and Recreation Master Plan. However, strict adherence to the standards established in the 2003 Parks Master Plan may no longer be relevant taking into account the university recreational facilities that reduce dependence on current public recreational facilities. Implementation Tool 42 requires that the Parks, Recreation and Community Services Department revisit its threshold to adequately address current means of providing recreational facilities to its residents. Without the provision of new park and recreational facilities to serve projected new residents, the population increase anticipated over time has the potential to cause increased demand for existing park and recreation facilities, such that substantial physical deterioration of existing facilities may occur or be accelerated. Implementation of MM Rec 1 and 2 below will reduce impacts from new development, but does not correct the existing shortage. Compliance with the City Park Development Impact Fees, as adopted January 2007, the Riverside Renaissance SIP, General Plan policies and implementation of the Park and Recreation Master Plan will decrease impacts to existing parks, as well as require that in the future, adequate parks are provided. However, it is possible that the required improvements will not be constructed in time to mitigate the project's impacts to below the level of significance. The City will continue to have a parkland deficit in the future; this impact, both direct and cumulative, will be significant and unavoidable. (Draft PEIR, at pp. 5.14-22 to 5.14-24; 6-13 to 6-14.)

Mitigation Measures:

MM Rec 1: All future development shall provide developed parks as part of their project approvals at the discretion of the City Parks, Recreation and Community Services Department, or pay applicable Park Development Impact Fees to the City of Riverside Parks, Recreation and Community Services Department prior to issuance of building permits.

MM Rec 2: Park Development Impact Fees shall be re-evaluated on an annual basis to insure that the fees collected from new development appropriately pay for the development of the required park acreage.

G. TRANSPORTATION/TRAFFIC

Significant Project Impact: The Project would cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system.

Finding: Changes or alterations have been required of or incorporated into the Project which substantially lessen the significant environmental effects identified in the Final PEIR. However, specific economic legal, social, technological, or other considerations make infeasible mitigation measures or

project alternatives that would completely reduce this impact to a less than significant impact. The Project's traffic impact is considered *significant and unavoidable*.

Facts in Support of Finding: Trip-making within the City is projected to increase by approximately 50 percent between now and the build-out under the Typical density scenario, and over 400% under the Maximum w/PRD density scenario. Increases in Average Daily Trips at key locations are projected to be substantial and therefore potentially significant without mitigation. Not all roadway segments will operate at acceptable levels in the future. None of the segments that currently experience high traffic volumes will operate at LOS D or better at Typical build-out of the Project, and ADT would be even higher under the Maximum w/PRD scenario. (Draft PEIR, at pp. 5.15-24 to 5.15-25.)

Mitigation measures that would involve expanding roadways and intersections, beyond those identified in the CETAP and existing CIP, were considered and rejected during the public process for development of the proposed General Plan and its policies. As detailed in the history of the Circulation Element Update Process (contained in the Transportation Study Appendix), the Project reflects policy recommendations made by the Citizens Advisory Committee, Planning Commission and City Council. During that process, a conscious decision was made to avoid alterations to the circulation system that would attract or facilitate regional cut-through traffic. In particular, if key roadways in the City were improved to allow greater capacity, traffic impeded on the SR-91, SR-60, and I-215 freeways and other regional routes could seek relief on City streets, and interfere with local neighborhood function. This cut-through effect is reflected in the models used by the City's traffic consultants. Further, as explained in the Circulation Element of the General Plan, "Riverside has reached a point where few or no feasible opportunities exist to add or expand roadways due to fiscal, political, environmental and other constraints" (Circulation and Community Mobility Element, at p. CCM-2).

Thus, instead of widening roads and expanding intersections, the Project incorporates "Smart Growth Principles" to use the City's existing circulation system more efficiently. Specifically, the Project directs growth to infill sites along established transportation corridors, such as Magnolia and University Avenue. Further, new growth is focused on mixed-use development that will include residential and commercial functions that will reduce reliance on vehicular traffic (Circulation and Community Mobility Element, at pp. CCM-3 to CCM-4). Mixed-use development allows for reductions in overall vehicular trips due to "internal trip capture." For example, patrons of a restaurant may also visit an adjacent commercial use thereby resulting in one vehicular trip instead of two. Similarly, residents in a mixed-use development would not require vehicular transport to access other amenities in the development. Additionally, development of restaurants and retail along established transportation corridors also reduces overall trips by encouraging "pass-through" trips. In other words, patrons may stop at such establishments while passing from one destination to another, which reduces trips on the surrounding circulation system. (*Trip Generation Handbook* (*Institute of Transportation Engineers, 2nd Edition*, 2004).) Another feature of the Project that reduces reliance on single-occupancy vehicles is an expanded network of bicycle and pedestrian trails that connect schools, parks, activity centers and residential areas. Similarly, because new growth will be focused along the City's major corridors, bus rapid transit service can connect mixed-use and high-density residential uses with major employment and educational centers (Circulation and Community Mobility Element, at p. CCM-4). While these Project features will reduce traffic impacts to the extent feasible, impacts related to increased traffic will nevertheless remain significant and unavoidable. (Draft PEIR, at pp. 5.15-39 to 5.15-40.)

Mitigation Measures:

No additional feasible mitigation exists to reduce the significant impacts to a less than significant level.

Significant Project and Cumulative Impact: The Project would exceed, individually and cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways.

Finding: Changes or alterations have been required of or incorporated into the Project which substantially lessen the significant environmental effects identified in the Final PEIR. However, specific economic legal, social, technological, or other considerations make infeasible mitigation measures or project alternatives that would completely reduce this impact to a less than significant impact. The Project's traffic impact is considered *significant and unavoidable*.

Facts Supporting the Finding: The traffic study examined level of service impacts on both intersections, roadway links, freeways and regional traffic.

Intersections were examined solely to demonstrate the impact of cut-through traffic on City intersections, and therefore was limited to fifteen specific intersections in the City. While the City has not adopted specific intersection thresholds, the City has generally used LOS "D" as the minimum threshold goal for a system-wide level of service on arterials and collectors. The Project at Typical build-out levels would result in deficiencies (LOS E or F) at three intersections during the a.m. peak hour, and five at the p.m. peak hour. Due to the amount of traffic generated under the Maximum w/PRD density assumptions, all analyzed intersections would exceed the LOS standard. Potential improvements have been identified that could reduce potentially significant impacts to less than significant levels at the specified intersections. The General Plan is by nature very conceptual and programmatic, however. There are no site specific project plans proposed in the vicinity of those intersections at this time, so project layout, driveway locations, land use types, intensities and other variables affecting intersection performance are unknown. Without such detail, it is speculative to accurately estimate future intersection-specific performance or mitigation requirements. Therefore, on-going development activity and development proposals must be reviewed on a case-by-case basis as they arise, and as such details become available. The identified conceptual improvements may be considered once specific development projects are proposed. However, for the reasons mentioned above, it is not feasible to require these improvements at this time. Consideration of these intersections could occur pursuant to MM Trans 1, which requires site specific study of projects meeting certain screening criteria. MM Trans 1 will provide mitigation to the extent possible, but does not prohibit the City from approving a project which causes significant impacts to intersections. Therefore, this impact is considered significant and unavoidable. (Draft PEIR, at pp. 5.15-26 to 5.15-28; 6-14.)

Regarding roadway links, the traffic study revealed that various roadway links in the City's transportation network would operate at LOS E or F. Some roadway segments which are identified in the General Plan Transportation Study as operating at LOS E or F at build-out may be improved under other projects, such as CETAP. Others are currently being evaluated through studies funded in the CIP or otherwise. In some cases, it appears that the General Plan traffic analysis, which is done at a programmatic regional scale, cannot evaluate some localized details which will likely cause impacts to be found to be less than significant when MM Trans 1 is implemented. Finally, in certain cases, the City has made a determination that potential impacts caused by widening a roadway segment to accommodate regional cut-through traffic, or to accommodate local traffic in key areas, would cause greater adverse environmental impacts to the neighborhoods and businesses than the traffic congestion, and is therefore infeasible as mitigation. Thus, the impact to roadway links is significant and unavoidable. (Draft PEIR, at pp. 5.15-28 to 5.15-32; 6-14.)

Finally, although not usually analyzed at the programmatic General Plan level, freeway analysis for level of service was also evaluated. Nearly all segments of freeways within the Planning Area are currently operating at LOS F, with only some portions of the I-215 operating at or better than LOS D. All freeway

segments are projected to operate at LOS F in the future under all development scenarios. The City has no authority to control or limit usage of these regional freeways. However, the City does participate in funding for the freeways through Measure A. All other funding comes from State and Federal funds. As well, the City will build interchange improvements using Measure A, TUMF, State and Federal funds. The City will continue to support capacity improvements for the freeways through consultation with Caltrans on proposed projects and coordination of improvements. (Draft PEIR, at pp. 5.15-33 to 5.15-35; 6-14.)

Cumulatively, several regional mechanisms exist to address regional traffic issues. For example, the TUMF provides funding for capacity improvements on a defined system of arterial highways as needed to mitigate cumulative impacts associated with new growth. Additionally, the Riverside County Transportation Commission, the Board of which includes a representative from the City, oversees planning and funding of transportation improvements within the County. Finally, the SCAG performs transportation planning on a larger scale, specifically with the Regional Transportation Plan and Guide. These mechanisms are all designed to address the impacts of cumulative growth throughout the region. The City actively supports the operation of these regional mechanisms. For example, Policies CCM-1.1 through CCM-1.3 call on the City to support the CETAP and improvements to regional serving freeways. (Draft PEIR, at p. 5.15-29; 6-14.)

Thus, levels of service are expected to be exceeded as a result of the Project. As noted above, the City has identified some conceptual improvements that may improve conditions somewhat if implemented as a result of specific project development. MM Trans 1 provides that the City will examine projects on a project-specific level to determine whether those improvements, or others, are feasible. Other roadway improvements are currently being funded or studied. In large part, however, the City has made a policy choice that it will not improve its roadways to serve regional cut-through traffic. Any such improvements are, for the reasons set out above, infeasible. Thus, level of service impacts of the Project will remain significant and unavoidable. (Draft PEIR, at p. 5.15-35; 6-14.)

Mitigation Measure:

MM Trans 1: To reduce potential significant impacts to intersection LOS, a project-specific traffic study shall be required for projects that generate 50 or more trips at an intersection at the PM peak hour, and for projects that affect intersections which currently, or as a result of a proposed development project, will operate at LOS E or F, to determine appropriate and feasible mitigation that shall be required by the City to reach LOS D, if possible consider existing conditions, site characteristics, economic feasibility, and other related factors.

H. UTILITIES

Significant Cumulative Impact: The Project may be served by a landfill with insufficient permitted capacity to accommodate the projects solid waste disposal needs.

Finding: Changes or alterations have been required of or incorporated into the Project which substantially lessen the significant environmental effects identified in the Final PEIR. However, specific economic legal, social, technological, or other considerations make infeasible mitigation measures or project alternatives that would completely reduce this impact to a less than significant impact. The Project's cumulative impact to landfill capacity is considered *significant and unavoidable*.

Facts in Support of Finding: The landfills currently used by the City are projected to reach capacity before the 20 year planning horizon of the Project. Monitoring of landfill capacity and aggressive recycling measures can keep the City from creating a significant individual impact. Cumulatively,

however, if landfill expansion does not keep pace with growth in the region or if growth within the Planning Area exceeds Typical levels, cumulative impacts may be significant and unavoidable.

Adherence to and implementation of General Plan Policies PF 5.1 through 5.3, which set a goal of 100% recycling, recycling service provided to all residents, and donation or reuse
of some items in lieu of landfill disposal, respectively, will substantially lessen solid waste impacts. To be conservative, the Draft PEIR anticipates that at least 50% of the estimated increase in solid waste generation could be diverted. In addition, the continuation of the following City standards and practices will also help reduce the overall amount of waste:

- Continue to implement waste diversion programs as well as public education programs as outlined in the City's Source Reduction and Recycling Element.
- Continue implementing, and participating in programs that increase the City's diversion of solid waste from regional landfills. Existing programs supported by the City include: Green Waste Collection, Curbside Recycling, Newspaper Drop-Off, Car Tire Amnesty, Household Hazardous Waste, Appliances, Backyard Composition Workshops, Refrigerator Recycling Rebate (Cool Returns), C.U.R.E., Electronic waste, Curbside Oil Collection and Recycling Market Development Zone.
- Support expansion of these programs to all City addresses.
- Implement CEQA during the development review process for future projects. Analyze and mitigate potential public facility, service, and utility impacts to the maximum extent practicable. For projects that require construction of new public facilities or extension of utilities, ensure that the environmental documentation considers related off-site physical environmental impacts of these activities.

Implementation of MM UTL 4 will assist the City in monitoring available landfill capacity, but will not reduce the potential cumulative impact to a less than significant level. Therefore, if landfill expansion does not keep pace with growth in the region or if growth within the Planning Area exceeds Typical levels, cumulative impacts may be significant and unavoidable. (Draft PEIR, at pp. 5.16-45 to 5.16-47.)

Notably, Section 6 – Analysis of Long-Term Effects, has been updated in the Final PEIR to reflect this potential cumulative solid waste impact. This potential impact was correctly noted in the Executive Summary and explained further in Section 5.16. Section 6 of the Draft PEIR, however, inadvertently stated that this impact was less than significant. Because Section 2 – Executive Summary and Section 5.16 – Utilities correctly described this impact as significant and unavoidable, this correction does not deprive the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project. Rather, this correction merely clarifies information that was already presented for public review. Therefore, this correction is not "significant new information" as that term is defined in State CEQA Guidelines section 15088.5.

Mitigation Measure:

MM UTL 4: The City will review the County Waste Management Annual Reports to California Integrated Waste Management Board (CIWMB) every five years to ensure that projections still show adequate capacity to and through the year 2025. If levels show that landfill capacity is becoming limited or exhausted, then the City shall increase efforts to divert waste from landfills such as meeting Policy PF 5.1 which encourages innovative methods and strategies to reduce the amount of waste materials entering landfills, including achieving 100% recycling citywide for both residential and non-residential development.

X.
GROWTH-INDUCING IMPACTS

Section 15126.2(d) of the State CEQA Guidelines requires the EIR to address the growth-inducing impact of the Project. Growth-inducing impact as defined by the State CEQA Guidelines include the ways in which the proposed project could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment (including projects that remove obstacles to population growth). A project can either directly or indirectly induce growth. Direct growth results if a Project resulted in establishing a new demand for public services, facilities, or infrastructure. Indirect or secondary growth-inducement occurs if it establishes substantial new permanent employment opportunities or if it involves a construction effort with substantial short-term employment opportunities and indirectly stimulates a need for additional housing and services to support the new employment demand. Similarly, a project would indirectly induce growth if it removes an obstacle to additional growth and development, such as removing a constraint or increasing the capacity of a required public service.

The Project is specifically intended to provide for the orderly development and redevelopment of Riverside, define the limits of such development, and act as a mechanism to accommodate and control future development. Projects permitted pursuant to the Project will accommodate additional housing for all income levels, create a better balance of residential and non-residential uses in the community, promote a more pedestrian-friendly environment, and protect natural resources. A major feature of the Project is the introduction of higher-density residential and mixed use designations along major transportation corridors, which will be implemented through three new mixed-use zones and a new "R-4" zone. These areas are intended to focus population growth in already urbanized areas, reducing development pressure of the urban edge. Implementation of the Project will result in a more inclusive community, bring new employment opportunities to Riverside, and foster a stable economic base.

The increased population and employment associated with proposed General Plan land use policies has the potential to induce growth in areas outside of the City. However, this potential growth inducement is not significant because: 1) the Project is generally consistent with SCAG population and housing forecasts (Section 5.12 - Population and Housing); 2) within the last 20 years, Riverside has been, in many respects, a bedroom community of Los Angeles and Orange counties, and the Project aims to better balance jobs and housing by bringing additional employment opportunities to the Planning Area; and 3) the Project emphasizes smart-growth, infill, and revitalization of vacant and under-utilized parcels served by existing infrastructure.

Given that a project's level of impact in such areas as traffic, air quality, and community services is related to the density of development permitted, the goal of a balanced General Plan should be to accommodate the amount and kind of growth projected for the area as necessary to achieve a city's social and fiscal goals without promoting excessive growth which will be costly to the city in terms of environmental impacts and services provided. Thus, to the extent the Project is growth inducing, the impact is not significant. (Draft PEIR, at p. 6-16.)

XI.
SIGNIFICANT IRREVERSIBLE ENVIRONMENTAL CHANGES

Irreversible commitments of limited resources resulting from implementation of the Project include the use of lumber and other related forest products, sand, gravel, and concrete; asphalt; petrochemical construction materials; steel, copper, lead, and other materials; and water consumption. Development of properties pursuant to General Plan policies will involve a long-term commitment to the consumption of fossil fuel oil and natural gas. Increased energy demands will result from construction, lighting, heating,

and cooling of residences and commercial facilities, and transportation of people within, to, and from the City, and the region. Development consistent with the Project will result in the consumption of non-renewable energy resources which will have an irreversible effect on such resources. In addition, the development consistent with the Project will result in development of urban uses in areas that are currently vacant, although a key focus of the Project is to direct most development to already urbanized areas. Once developed, reverting to a less urban use or open space is highly unlikely. Development in the City according to the Project will also constrain future land use options. (Draft PEIR, at p.)

XII.
FEASIBILITY OF POTENTIAL PROJECT ALTERNATIVES

Because the Project will result in unavoidable significant environmental effects, as outlined in Section IX of these Findings, the City must consider the feasibility of any environmentally superior alternative to the Project, as finally approved. The City must evaluate whether one or more of these alternatives could avoid or substantially lessen the unavoidable significant environmental effect(s). (Citizens for Quality Growth v. City of Mount Shasta, 198 Cal. App. 3d 433 (1988); see also Pub. Res. Code Section 21002.) Because an alternative or alternatives may result in reduced impacts in some areas but not others, resulting in a need to balance impacts against City policies and objectives, these Findings contrast and compare the alternatives analyzed in the Final Program EIR with the Project.

Where the significant impacts can be mitigated to an acceptable (less than significant) level solely by the adoption of mitigation measures, the agency, in drafting its findings, has no obligation to consider the feasibility of environmentally superior alternatives, even if their impacts would be less severe than those of the Project as mitigated. (Laurel Heights Improvement Ass'n v. Regents of the University of California, 47 Cal. 3d 376, 253 Cal. Rptr. 426 [1988]; Laurel Hills Homeowners Ass'n v. City Council, 83 Cal. App. 3d 515, 147 Cal. Rptr. 842 [1978]; see also Kings County Farm Bureau v. City of Hanford, 221 Cal. App. 3d 692, 270 Cal. Rptr. 650 [1990]). Accordingly, for this Project, in adopting the findings concerning Project alternatives, the City Council considers only those environmental impacts that for the finally Approved Project are significant and cannot be avoided or substantially lessened through mitigation.

The Project is the adoption and implementation of the following documents. Each is discussed in greater detail within Section 3.0, Project Description of the Final Program EIR.

1. Comprehensive update of the City of Riverside General Plan
2. Comprehensive update of the City of Riverside Zoning Code (Title 19 of the Municipal Code of the City of Riverside) and the rezoning of properties to reflect new zone names
3. Comprehensive update of the City of Riverside Subdivision Code (Title 18 of the Municipal Code of the City of Riverside)
4. Amendment to the City of Riverside Noise Code (Title 7 of the Municipal Code of the City of Riverside)
5. Adoption of Citywide Design and Sign Guidelines
6. The Magnolia Avenue Specific Plan

According to the analysis presented in the prior sections, adoption of the Project will result in unavoidable significant impacts with regard to the following issue areas:

Agricultural Resources
Air Quality
Hydrology & Water Resources
Noise

Population & Housing
Recreation
Transportation/Traffic
Utilities

Where significant environmental effects remain even after application of all feasible mitigation measures identified in the Final PEIR, decision makers must evaluate the Project alternatives identified in the Final PEIR. Under these circumstances, CEQA requires findings on the feasibility of Project alternatives. If no Project alternatives are feasible, decision makers must adopt a Statement of Overriding Considerations with regard to the Project. If there is a feasible alternative to the Project, decision makers must decide whether it is environmentally superior to the Project. Proposed Project alternatives considered must be ones which "could feasibly attain the basic objectives of the Project." However, the Guidelines also require an EIR to examine alternatives "capable of eliminating" environmental effects even if these alternatives "would impede to some degree the attainment of the project objectives" (CEQA Guidelines Section 15126[d]).)

"`Feasible' means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social and technological factors" (Public Resources Code Section 21061.1). The State CEQA Guidelines provide a broader definition of "feasibility" that also encompasses "legal" factors. The concept of "feasibility," therefore, involves a balancing of various economic, environmental, social, legal and technological factors. (See Pub. Res. Code § 21061.1; CEQA Guidelines Section 15364; Public Resources Code Section 21081.) Additionally, "'feasibility' under CEQA encompasses 'desirability' to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, and technological factors." (City of Del Mar v. City of San Diego, 133 Cal. App. 3d 401, 414-417 (1992).)

These Findings contrast and compare the alternatives where appropriate to demonstrate that the selection of the finally approved Project, while still resulting in significant environmental impacts, has substantial environmental, planning, fiscal, and other benefits. These benefits are discussed in detail in Section XIV. In rejecting all of the alternatives, the City Council has examined the approved Project objectives and weighed the ability of the various alternatives to meet the objectives, as well as the ability of the Project alternatives to substantially lessen any of the identified significant impacts.

The Project objectives identified by the City in the Final PEIR include:

General Plan Update

- Encourage the revitalization of underutilized commercial properties through redesignation of lands for mixed use development.
- Enact "smart growth principles" to improve quality of life for City residents and reduce urban sprawl.
- Allow for higher density residential uses at underutilized in-town locations where residents will have access to transit and supportive commercial services.
- Establish neighborhoods as the fundamental planning units of the City.
- Preserve and enhance the City's natural and cultural assets.
- Provide circulation facilities adequate to serve proposed land uses and meet community needs.

- Minimize the negative impacts of regional traffic upon the City's local roadways.

- Establish policies to facilitate partnerships among Riverside's cultural and educational institutions to achieve community goals.

- Establish policies and programs to enhance the City's standing as the arts and culture center of the Inland Empire.

- Establish policies and programs that will contribute to the improvement of local and regional air quality.

- Establish policies to ensure that people are protected from health and safety hazards and unwanted noise intrusion.

- Ensure the provision of adequate public facilities and public services to existing and to-be-developed portions of the Planning Area.

- Accommodate the growth projected by the Southern California Association of Governments (SCAG) in an environmentally sensitive manner, while promoting the Smart growth principles.

- Support the adopted Sustainable Riverside Policy statement as framed by the Clean and Green Task Force.

- Support the Mayor's endorsement of the U.S. Mayors' Climate Protection Agreement of 2005.

Zoning Code Update

- Update Zoning Code text and map to reflect new land use policies contained in the updated General Plan.

- Reorganize to create a logical and intuitive format to facilitate use by citizens, interested parties and City staff responsible for zoning administration.

- Make consistent with the most recent changes in State and federal laws and regulations.

- Reduce and reorganize residential, commercial and industrial zones to simplify the land use classification system.

- Simplify and streamline procedures and processes.

Subdivision Code Revision

- Reorganize to create a logical and intuitive format to facilitate use by citizens, land developers and City staff responsible for subdivision administration.

- Make consistent with the most recent changes in state and federal laws and regulations.

- Update to reflect new land use and circulation policies contained in the updated General Plan.

- Simplify and streamline procedures and processes.

Noise Code Amendment

- Make consistent with State regulations concerning exterior noise levels for single family residential uses.

- Update to reflect new Zone designations.

Citywide Design and Sign Guidelines

- Provide visual examples of desirable and allowable design features applicable to all new future development.

- Reduce uncertainty in the discretionary review of new developments.

- Provide for quality building design.

- Provide for signage that complements developments and achieves the City's overall design objectives.

- Improve the visual character of the City's built environment.

Magnolia Avenue Specific Plan

- Provide a detailed framework of growth and change for the City's transportation backbone consistent with land use, urban design and circulation objectives and policies within the General Plan update.

- Enhance the public streetscape of Magnolia Avenue.

- Facilitate transit usage along Riverside's principal arterial roadway.

- Encourage quality design that enhances the overall appearance of Magnolia Avenue.

The Final Program EIR for the Project examined a broad range of reasonable alternatives to the Project to determine whether Project objectives could be met while avoiding or substantially lessening one or more of the Project's significant, unavoidable impacts. Adoption of the Project will result in unavoidable significant impacts with regard to agricultural resources, air quality, hydrology and water quality, noise, population and housing, recreation, transportation, and utilities. Because the Project has identified significant and unavoidable impacts and none of the examined alternatives would avoid these impacts, the City has properly considered and reasonably rejected Project alternatives as infeasible pursuant to CEQA.

Alternatives Rejected from Consideration

The City considered, but rejected from full analysis, several alternatives described below.

Alternative Location

The CEQA Guidelines recommend considering an alternative location to reduce potential impacts of a proposed project. The project, which is a General Plan for the City of Riverside, is a comprehensive, long

range policy document that guides the physical development of Riverside until the year 2025. All components comprising the proposed Project are specific to the Planning Area's geographic and jurisdictional context, and therefore, adoption of any of the Project components at an alternative location is not feasible and could not achieve the Project's Objectives. No alternative location can thus be considered.

Balance Increased Densities in Along "L" Corridor with Decreased Densities Elsewhere

During public review of the prior draft of the Program EIR, one commenter suggested analysis of an alternative that would balance increased densities along the "L" Corridor with decreased densities elsewhere in the City, coupled with public acquisition of certain open-space areas. Adoption of a General Plan that compensated for increased densities in some parts of the City with decreases elsewhere would essentially be a No Growth Alternative. Such an alternative would not allow the City to accommodate the growth projected by SCAG and WRCOG, however, nor would a no-growth alternative be legally feasible. Moreover, as explained below, pushing growth into other jurisdictions would not reduce foreseeable traffic, noise, agricultural, or other impacts resulting from continued growth and development. Further, the proposed Project includes several policies directed at protecting open space within the City. Therefore, because this proposed alternative would not provide a more meaningful analysis of alternatives, it has not been analyzed in detail.

Increased Development within Arlington Heights Greenbelt

The Arlington Heights Greenbelt is home to Victoria Avenue, a mile-long scenic drive, historic resource, and proposed linear park, as well as home to the California Citrus State Historic Park. A key General Plan Objective is to preserve and enhance the character of areas designated as Agricultural/Rural Residential. This designation permits residential development at one dwelling unit per five acres. Currently, the Arlington Heights Greenbelt is designated as Agricultural / Rural Residential, but because the greenbelt area is in relatively close proximity to higher intensity urban uses and infrastructure, a land use alternative permitting higher density residential development of portions of the Arlington Heights Greenbelt was initially considered. Higher density development within the several thousand acres of the Arlington Heights Greenbelt would potentially provide housing opportunities equal to or greater than those called for elsewhere in the General Plan. However, such an alternative would introduce additional new significant and adverse impacts, including but not limited to the loss of agricultural land, loss of cultural and historic resources, increased stormwater runoff and conflicts with voter-approved land use measures (Proposition R and Measure C). Additionally, this alternative would likely create air quality and traffic impacts comparable to or in excess of those of the Project. Therefore, because of the negative potential impacts from this alternative, it was rejected from further consideration.

Major Surface Transportation Improvements

The transportation analysis in the Draft PEIR indicated significant and unavoidable impacts to roadway linkages, as well as to all of the freeway segments traversing the Planning Area. The Project, through the proposed Master Plan of Roadways within the Circulation and Community Mobility Element, includes a number of intersection and roadway improvements to City streets. As intersection improvements are not usually considered in a General Plan, the intersections and possible improvements identified are noted for information only. Further analysis and consideration will be made related to these intersections as the Circulation and Community Mobility Element is implemented.

For the most part, the proposed Circulation and Community Mobility Element is identical to the existing 1994 Circulation and Community Mobility Element with the addition of a few key improvements. As detailed in the history of the Circulation Element Update Process (contained in the Traffic Study

Appendix), the Project reflects policy recommendations made by the Citizens Advisory Committee, Planning Commission and City Council. During that process, a conscious decision was made to avoid alterations to the circulation system that would attract or facilitate regional cut-through traffic. In particular, traffic impeded on the SR-91, SR-60, and I-215 freeways and other regional routes could seek relief on City streets, and interfere with local neighborhood function. Further, as explained in the Circulation Element of the General Plan, "Riverside has reached a point where few or no feasible opportunities exist to add or expand roadways due to fiscal, political, environmental and other constraints." (Circulation and Community Mobility Element, at page CCM-2.) Thus, additional roadway widenings and intersection improvements were not considered due to concerns about cost, localized environmental issues (for example, river and arroyo crossings), and concerns about inducing regional cut-through trips by widening the roadways, ultimately worsening traffic at additional locations. As such, alternatives examining surface transportation improvements beyond those included in the Circulation and Community Mobility Element were not considered.

No Extension of Overlook Parkway

The Project includes connecting the two ends of Overlook Parkway after evaluation and construction of improvements between Washington Street/Overlook Parkway, and the 91 Freeway. The route between Washington Street and the 91 Freeway design of the arroyo crossing will be determined following a specific plan. No matter the final configuration, the extension will require a crossing over an existing arroyo east of Washington. Although the Project incorporates this extension in concept, no detailed crossing is currently proposed. At the time actual crossing plans are prepared and specific details regarding the crossing are available, a CEQA review will be conducted to assess the crossing's potential environmental impacts. The Overlook Parkway connection was included on the Circulation Element of the 1994 General Plan but was never constructed.

Overlook Parkway was modeled in the final model run of the Transportation Study for the proposed General Plan as a two-lane roadway between Washington Street and Alessandro Boulevard. The levels of service shown on the Transportation Study plots, and the listing of roadways which are projected to operate at LOS E or F in the Transportation/Traffic Section, are based on a two-lane configuration. However Overlook Parkway already exists as a four-lane roadway from Washington to Bodewin Court, and from Sandtrack Road to Alessandro Boulevard. Since the City does not plan to reduce the number of lanes on the existing four-lane sections, the v/c ratio and corresponding level of service could be revised to reflect the existing four-lane portions of the roadway. The levels of service would then be better than LOS D on the four-lane portions (rather than E or F as shown above), and could be removed from the list in the Transportation/Traffic Section; however, the Transportation Study presents a conservative analysis of impacts based on a two-lane configuration. Since further study of this roadway connection will be conducted through the specific plan process, which will include appropriate site-specific traffic studies and environmental review, this alternative was removed from further consideration at this time.

Completion of Central Avenue

Completing Central Avenue (between its end points at Alessandro and Chicago Avenues) was initially considered as a General Plan circulation alternative to relieve conditions at the Arlington/Alessandro/Chicago intersection. However, the analysis found that roadway and intersection improvements could improve future level of service at this intersection to acceptable levels without the Central Avenue connection. The completion of Central Avenue is thus not needed to reduce impacts at this intersection. Moreover, traffic modeling indicated that the completion of Central Avenue would increase Central Avenue volumes to a degree that would create new unacceptable intersections and

roadway linkages in the vicinity. For these reasons, the completion of Central Avenue was excluded from further consideration.

A. EVALUATION OF THE NO PROJECT ALTERNATIVE

The No Project Alternative assumes that all components of the Project – the updates to the General Plan, Zoning Code, Noise Code and Subdivision Code, the new Citywide Design and Sign Guidelines and Magnolia Avenue Specific Plan – would not be adopted. Instead, the No Project Alternative compares environmental impacts associated with development of the Planning Area per the existing General Plan, Zoning, Noise and Subdivision Codes. Further, neither the proposed Design and Sign Guidelines nor the Magnolia Avenue Specific Plan would be adopted.

A key innovation of the proposed Project involves land use changes in about two dozen focus areas. Many of these focus areas are located along Magnolia and University Avenues and are planned for mixed-use development. Although the existing General Plan included mixed-use land use designations, the application of these designations was quite limited. In addition, the existing Zoning Code does not include corresponding mixed-use zoning classifications. As such, the likelihood of new mixed-use development is much lower under the existing General Plan than under the proposed Project. As a result, new development pursuant to the existing General Plan would be somewhat more broadly diffused throughout the Planning Area, whereas the Project seeks some concentration of new development along already urbanized major travel corridors.

1. Significant and/or Unavoidable Impacts

Traffic: Continued implementation of the existing General Plan, Noise Code, Zoning Code and Subdivision Code would result in a similar level of development and population growth as the proposed Project, although under the No Project Alternative such new development would occur on the periphery of the planning area. Existing City policies do not facilitate mixed-use development as effectively as the proposed Project would. Therefore, development under the existing General Plan would result in greater VMT and ADT. In addition, the No Project Alternative would not include policies designed to minimize cut-through traffic intrusion into residential neighborhoods. In all, the No Project Alternative has similar or greater traffic impacts relative to the proposed Project. (Draft PEIR, pp. 7-7 to 7-9.)

Agriculture Resources: The proposed Project includes policies and programs associated with protection of agricultural resources that were not included in the 1994 General Plan. The General Plan also incorporates smart growth principals, as discussed above, in an effort to concentrate growth in more urban areas where infrastructure already exists; thereby preserving agriculture, Proposition R and Measure C lands, and other open space areas. Therefore, the No Project alternative would result in greater potential significant impacts to agricultural resources than would result from development under the proposed Project. (Draft PEIR, p. 7-10.)

Air Quality: Air pollutant emissions are most closely tied to traffic volumes, but are also related to construction activity. Under the No Project alternative, development would continue in existing patterns, with higher-intensity urban development more broadly diffused throughout the Planning Area than with the Project. Thus, an increase in the number and length of vehicle trips would occur under the No Project Alternative to a greater degree than under the proposed Project. Increased vehicle miles traveled also translates into increased production of greenhouse gases (GHG) such as CO_2. Additionally, the proposed Project's "smart growth" elements, discussed above, result in fewer VMT because more residential units are built at higher densities which produce shorter trips and thus can contribute to reduce air pollutants and GHG emissions. The No Project Alternative would thus be expected to have similar or greater air quality and GHG impacts to the proposed Project. Also, under the No Project Alternative, the Air Quality

Element would not be adopted, and its policies and objectives would not be implemented. (Draft PEIR, pp. 7-9 to 7-10.)

Hydrology/Water Quality: Potential impacts resulting from dam failure would be similar within both the No Project Alternative or the Project because significant unavoidable impacts result primarily in areas of the City which are already developed. The City would be subject to meeting water quality standards stipulated by the State and pursuant to their MS-4 permit under both the No Project Alternative and the proposed Project. Cumulatively, because the No Project alternative would not focus growth in already developed areas, more land could be impacted causing greater cumulative water quality impacts than the proposed Project. Therefore, the No Project alternative would result in worse cumulative impacts to downstream waters than the proposed Project due to sprawl and the development of potentially more land area. (Draft PEIR, p. 7-11.)

Noise: As with air quality, noise impacts are closely tied to surface traffic volumes, but are also dependent upon air traffic patterns and proposed land uses. Noise forecasts for roadways, freeways, railways and air traffic indicate that larger portions of the Planning Area will in the future be subject to noise levels that may not be acceptable for certain types of development. However, roughly the same increases in freeway, railway and air traffic – and associated noise – will occur without the proposed Project, as these are only tangentially connected to increases in Planning Area population growth. The No Project alternative does not take these noise increases into account and as such, could result in the development of land uses incompatible with localized ambient noise levels. Under the No Project Alternative, the Noise Code would not be revised, and would retain a higher standard for interior noise than existing state standards. However, the existing exterior noise limitation sets a standard that is below most ambient noise levels. Thus, future projects may continue to be inconsistent with the existing Noise Code. (Draft PEIR, pp. 7-10 to 7-11.)

Population & Housing: Under the No Project alternative, development would continue at its present pace, which is faster than the 1994 General Plan predicted. The existing 1994 General Plan anticipated a population of 285,000 people within the City's then-limits by 2010. In 2004, SCAG projected that the City's population (excluding any sphere areas) would be 286,935 and would rise to 307,847 by 2010. Therefore, the 1994 General Plan underestimated the rate of population growth. Because the No Project Alternative provides less guidance for how to effectively deal with increased population growth than the proposed Project, it is considered to have worse potential impacts. (Draft PEIR, p. 7-11.)

Recreation: Existing recreational facilities do not meet the needs of the community based on City standards. In 2003, the City adopted a Park and Recreation Master Plan. It is assumed that the goals and policies of the Master Plan will be implemented with or without adoption of the proposed Project. As such, impacts to recreational resources will be generally the same for the No Project alternative as those under the proposed Project. (Draft PEIR, pp. 7-10 to 7-11.)

2. Other Environmental Effects

Aesthetics: The No Project Alternative (1994 General Plan) assumes similar land use designations and would be subject to existing City standards related to street lights, but MM Aes 1 would not apply to the No Project alternative so potential impacts of additional light and glare would be less controlled and would have greater potential impacts resulting from the Project. Further, the proposed Project includes Citywide Design and Sign Guidelines that are intended to improve the visual quality of all new development. Similarly, the Magnolia Avenue Specific Plan will provide detailed site planning guidance for development along the Magnolia Avenue corridor; such guidance is intended in part to improve the visual quality of the corridor. Under the No Project Alternative, neither the Design and Sign Guidelines nor the Magnolia Avenue Specific Plan would be in effect. As such, the No Project alternative would not

achieve the aesthetic improvements to the degree associated with the proposed Project. (Draft PEIR, p. 7-12.)

Biological Resources: Under the No Project Alternative, habitat-protective General Plan designations would not be implemented, potentially causing conflict with the Western Riverside County Multi-Species Habitat Conservation Program (MSHCP) and limiting the ability of the City to work with the County to ensure protection of dedicated wildlife corridors. The proposed Project, however, has been designed to complement and implement the MSHCP. Therefore, the No Project Alternative would potentially introduce new impacts to biological resources. Potential impacts to sensitive species would be similar under both the No Project Alternative and the Project except MM Bio 1 would not be implemented. (Draft PEIR, p. 7-13.)

Cultural Resources: In 2002, the City adopted a Historic Preservation Element separate from the Project. The Project incorporates but does not significantly change the Historic Preservation Element. Therefore, impacts under the No Project Alternative would be similar to those of the Project. (Draft PEIR, p. 7-13.)

Geology/Soils: Impacts would be similar to the proposed Project. In addition, potential impacts associated with new development that proposes the use of septic tanks would be reduced to less than significant levels with MM Geo 1 implemented. MM Geo 1 requires an investigation be conducted by a registered hydrologist and geotechnical or soils engineer that addresses the site's suitability for septic systems and its impact to groundwater supplies, if such systems are proposed**.** Also**,** lots must be at least one acre in size. Prior to installation of septic systems, approval must come from the County of Riverside Environmental Health Department and the Water Quality Control Board. Since the No Project Alternative would not be subject to this mitigation measure, potential impacts resulting from the installation of septic systems could be worse than the proposed Project. (Draft PEIR, p. 7-13.)

Hazards and Hazardous Materials: The No Project Alternative does not include the same careful land use planning within the impact zones of Riverside Municipal Airport and March Air Reserve Base/Inland Cargo Port. As such, the No Project Alternative would have potentially greater impacts relative to hazards (Draft PEIR, pp. 7-14 to 7-15.)

Noise: Noise impacts for the No Project Alternative from all sources would be similar to the proposed Project since population is considered the same, traffic will be at similar levels, and construction and rail noise would be the same. Under the No Project Alternative, however, MM Noise 1, 2, and 4 will not be implemented therefore potential impacts would remain significant. (Draft PEIR, p. 7-13.)

Land Use and Planning: The No Project Alternative would not implement the proposed General Plan nor the updated Zoning and Subdivision Codes. Notably, the No Project Alternative would not result in any conflicts with redevelopment plans, whereas under the proposed General Plan, several redevelopment plans will need to be amended for consistency purposes. However, this is considered a relatively minor advantage, in that State law (Health and Safety Code Section 33331) requires that redevelopment plans be consistent with a community's adopted General Plan. The existing General Plan includes two mixed-use designations (residential and office), but the Zoning Code does not have corresponding zones. The proposed Project provides a higher degree of coordination between the General Plan and the Zoning Code.

Notably, the No Project Alternative would lead to greater conflicts with such regional plans as the Riverside County General Plan (RCIP) and the Western Riverside County Multi-Species Habitat Conservation Plan. The proposed Project includes measures to ensure greater consistency with these

plans; the No Project alternative would result in land use planning conflicts. (Draft PEIR, p. 7-15 to 7-16.)

Public Facilities/Services:
(Libraries) Section 5.13 of the EIR indicates that existing library facilities and services do not meet City standards and that the addition of planned library facilities will not achieve City-established library standards. As such, because population will be similar under both the Project and the No Project alternative, the No Project alternative would have similar library service impacts relative as the proposed Project, but would not be required to meet the mitigation measure, MM PS 2. Therefore, the No Project alternative would result in more significant impacts to libraries than the proposed Project. (Draft PEIR, p. 7-13 to 7-14.)

(Police Services) Development consistent with the No Project alternative would lead to similar population increases as the proposed Project, and thus similar Public Service impacts, relative to the proposed Typical Project population projections. Without guidance and objectives provided in the proposed General Plan and MM PS 1 which requires that Crime Prevention Through Environmental Design (CPTED) principles be applied to development projects, the No Project Alternative would result in more significant impacts to polices services than the proposed Project. (Draft PEIR, p. 7-14.)

Utilities: Similar potential significant cumulative impacts to landfills, water supplies, power supplies, and wastewater treatment would result from the proposed Project or the No Project alternative if population projections exceeded the Typical level. The proposed Project includes mitigation measures (MM UTL 1, 2 and 3) which cause ongoing review of service needs with respect to capacity. Such reviews can cause significant impacts to be avoided by planning and implementing facilities ahead of identified need. The Wastewater Master Plan is currently being reviewed and adopted. This plan identifies the infrastructure necessary to accommodate the anticipated population growth with or without the Project. MM UTL 2 requires the projected facilities to be reviewed against actual population growth and use at key 5- and 10-year intervals throughout the life of the Project. Electricity is being used at a faster rate per household than in the past, according to Riverside Public Utilities. If, in addition to population growth, electrical use outpaces anticipated supply or transmission facilities, MM UTL 3 requires review every two years to keep pace with demand. Water supply is projected to be adequate for future demand, however if actual demand outpaces supplies anticipated to meet the Project Typical demand, then MM UTL 1 will require the City to address the issue before problems arise. If, as with the 1994 General Plan, growth has been underestimated, the proposed Project has these safeguards to assure that utilities will be provided and deficiencies identified and addressed. The No Project alternative would not have mandatory review of these important plans. Without such measures built into the 1994 General Plan, the No Project alternative could result in significant impacts to one or more utilities before projected deficiencies were identified if population growth or service demand outpaces projections. Therefore, the No Project has the potential to result in significant impacts to utilities that will be avoided under the Project. (Draft PEIR, at p. 7-14.)

3. Relationship to Project Objectives and Feasibility

The No Project Alternative would fail to meet most of the most critical Project Objectives, including implementation of smart growth principles, increased infill and mixed-use development, and reduced cut-through traffic in residential neighborhoods. The No Project Alternative would not achieve the goal of greater development on underutilized parcels along travel corridors but would instead foster perpetuation of existing growth patterns, including increased growth along the urban periphery.

Development pursuant to the No Project Alternative would not avoid the significant unavoidable impacts of the proposed Project and would not achieve most of the Project Objectives. Moreover, the No Project

Alternative would have greater potentially significant impacts in the areas of noise, aesthetics, biological resources, geology/soils and land use planning.

The City, therefore, rejects the No Project Alternative as infeasible because it does not meet most of the basic project objectives and may result in greater environmental impacts. (City of Del Mar, supra, 133 Cal. App. 3d at 417; Sequoyah Hills, supra, 23 Cal. App. 4th at 715.)

B. EVALUATION OF THE 40 PERCENT REDUCTION ALTERNATIVE

The 40 Percent Reduction Alternative is analyzed in the Final EIR as a means of reducing environmental impacts of the proposed Project by reducing development capacity within the Planning Area. Relative to the Project, this alternative would apply a 40 percent reduction to the maximum allowable densities of all residential land uses and the maximum intensities of all commercial, industrial, office and public facilities land uses within the Planning Area. The development yield for all new uses within the Downtown Specific Plan area would also be reduced by 40 percent. The Magnolia Avenue Specific Plan would be consistent with the proposed reductions. Zoning designations in the updated Zoning Code would be altered so that the maximum intensities/densities of the zones would correspond to the General Plan land use designations. The Subdivision Code and Design and Sign Guidelines would be updated as currently proposed.

1. Significant and/or Unavoidable Impacts

Traffic, Air Quality and Noise: The 40 Percent Reduction Alternative includes approximately 15,556 dwelling units less than the proposed Project and approximately 90,092,997 square feet more of non-residential square footage. In some cases, a reduction by 40 percent from the Maximum projections is still larger than the Project Typical projections. With respect to residential development, this should result in reduced trips which would result in less noise and air pollution. Reduced maximum allowable densities and intensities could generate higher vehicle trips compared to the proposed Project, however, depending on how the alternative builds out. The Institute of Transportation Engineers (ITE) Trip Generation Manual, 7th Edition, 2003, uses trip generation rates that are higher for single family residences versus multi-family attached uses. For example, single family detached units have a generation rate of 9.57 daily trips, whereas apartments have a rate of 6.72 daily trips, and condominium/town-homes have a rate of 5.86 daily trips. It is likely that in some land use categories, the product types for residential would more likely be single family instead of multi-family under the 40 Percent Reduction Alternative which might result in similar or greater traffic, since more trips would come from fewer units. The 40 Percent Reduction Alternative along transportation corridors would counter-act the benefits of smart growth in reducing traffic, air, and noise impacts. Although this alternative would not result in a direct 40 percent reduction in trips, some level of trip reduction would likely occur. This reduction could reduce identified traffic impacts on internal roadways and intersections; and lead to commensurately lower air quality and noise impacts. However, given strong regional growth forecasts for Western Riverside County, the imposition by the City of such strict growth limitations would most likely lead to increased development pressure in surrounding and nearby communities, including areas currently controlled by Riverside County outside the Project Sphere areas. With most regional freeways passing through or near the City, increased growth east and south of the City will still yield traffic, air quality and noise impacts within the Planning Area due to freeway and "cut-through" trips. The increased length of trips that would be required for people forced to live outside the Planning Area to get to jobs within or through Riverside would increase vehicle miles traveled and therefore GHG emissions.

With respect to non-residential traffic for this alternative, the increase in square footage results because the maximum square footages are enough larger than the Typical for some land uses that a 40 percent reduction still results in square footages larger than the Project.

Thus, traffic impacts associated with the 40% Percent Reduction Alternative would be in different locations than the proposed Project; however due to the longer trips for lower density residential and the increase in non-residential square footage, it is likely that traffic impacts would be worse than those of the proposed project. With the forced accommodation of future regional growth outside of the Planning Area, it is likely that all trips will end up in the air basin which would not represent a reduction in air quality impacts. Noise would be reduced in areas where localized trips are reduced, but could increase adjacent to freeways and cut-through routes where traffic would likely increase. Overall, air quality and noise impacts would be similar to the proposed Project. (Draft PEIR, at pp. 7-20 to 7-21.)

Agriculture: With as much as 1,414 acres of new residential development needed to accommodate growth that would no longer be allowed within the Planning Area under this Alternative, and additional land needed for non-residential development, more "green field" development will result in other communities. It is not possible to predict exactly where such growth would go, but according to the State Department of Conservation mapping, most undeveloped land left in Riverside County is designated Farmland. Even though the proposed Project designates some sites from designations which allow agriculture to designations which do not, the 40% Reduction Alternative would cause greater impacts to agriculture and designated farmland than the proposed Project. (Draft PEIR, at p. 7-21.)

Hydrology/Water Quality: Potential impacts resulting from dam failure would be similar for both the 40% Reduction Alternative and the Project because significant unavoidable impacts result primarily in areas of the City which are already developed. Theoretically, however, less dense land uses would be allowed for new or redevelopment projects under this alternative some impacts would be lessened, but would still remain significant and unavoidable.

The 40% Reduction Alternative would institute the Project policies related to the elimination of pollutants and reduction of storm water runoff, improvements to the Santa Ana River watershed, and protection of groundwater supplies. Although the density of development would be less under this alternative, developed land would be similar to the Project. With as much as 1,414 acres of new residential development needed to accommodate growth that will no longer be allowed within the Planning Area, and additional land needed for non-residential development, more "green field" development will result in other communities. This "sprawl" effect will cause more water quality impacts than intensifying development within the project area under the proposed Project. Therefore, more runoff could potentially result cumulatively, however, with the policies implemented to address these issues, potential impacts would be similar to the proposed Project. (Draft PEIR, at p. 7-21.)

Population and Housing: Under the 40% Reduction Alternative, population growth within the Planning Area would continue at a slower pace than the proposed Project. Although it cannot be predicted at exactly what rate, population will increase to lower levels than for the proposed Project within the Planning Area, but would not reduce demand for housing and services in this rapidly growing region. This alternative would reduce the amount of housing provided which could cause the City not to achieve its Regional Housing Needs Assessment (RHNA) requirements, and also be inconsistent with SCAG's regional planning. Therefore, impacts could be greater under this alternative than under the proposed Project. (Draft PEIR, at p. 7-22.)

Recreation: Existing recreational facilities do not meet the needs of the community based on City standards. In 2003, the City adopted a Park and Recreation Master Plan. It is assumed that the goals and policies of the Master Plan will be implemented with or without adoption of the proposed Project. As such, a decrease in population of approximately 56,354 in the Planning Area as a result of this alternative would mean a decrease in demand for recreation facilities and programs. At the City's desired rate of 3 developed park acres per 1,000 residents, this represents a reduction in needed parks of 169 acres. With a

projected deficit in park acres of over 500 under the Typical Project, this alternative will reduce the deficit, but not to less than significant levels. (Draft PEIR, at p. 7-22.)

2. Other Environmental Effects

Aesthetics: Under the 40% Reduction Alternative, it is assumed that both the Citywide Design and Sign Guidelines, and the Magnolia Avenue Specific Plan would be in effect. As such, the 40% Reduction Alternative would achieve similar aesthetic improvements as those associated with the proposed Project. It is also assumed that at least some of the expected regional growth would be pushed toward the south and east. It is assumed that MM Aes 1 which requires all new or modified sources of light to have shielding devices or other light pollution limiting characteristics such as hoods or lumen restrictions would apply to this alternative so potential impacts of additional light and glare would be controlled and would have similar potential impacts as those resulting from the Project. Likewise, General Plan policies which require implementation of Proposition R and Measure C to protect hillsides would apply to this alternative and therefore potential impacts would be the same as the proposed Project. (Draft PEIR, at pp. 7-22 to 7-23.)

Biological Resources: The proposed Project has been designed to complement and implement the MSHCP. Under the 40% Reduction Alternative, it is assumed that all habitat-protective General Plan policies would be implemented to be consistent with the Western Riverside County Multi-Species Habitat Conservation Program (MSHCP). MM Bio 1 would also be implemented with respect to special species not covered under the MSHCP. The potential sprawl created cumulatively with this alternative could affect more previously undisturbed lands and therefore more habitat and/or species. Therefore, the 40% Reduction Alternative would have similar or worse impacts to biological resources as the proposed Project. (Draft PEIR, at p. 7-23.)

Cultural Resources: In 2002, the City adopted a Historic Preservation Element separate from the Project. The Project incorporates but does not significantly change the Historic Preservation Element. It is assumed that the 40% Reduction Alternative will be subject to the same policies with respect to historic preservation as the proposed Project. Therefore, impacts under the 40% Reduction Alternative would be similar to those of the Project. (Draft PEIR, at p. 7-23.)

Geology/Soils: The Project includes an updated City-wide geotechnical study and identifies places within the Planning Area susceptible to seismic and geologic hazards. The 40% Reduction Alternative would be afforded this same updated information and would place fewer people and structures within the Planning Area; subjecting fewer people to seismic and geologic hazards than the Project. Therefore, impacts related to seismic hazards would be reduced. In addition, potential impacts associated with new development that proposes the use of septic tanks would be reduced to less than significant levels with MM Geo 1 implemented. Since the 40% Reduction Alternative would be subject to this mitigation measure, potential impacts resulting from the installation of septic systems would be similar to the proposed Project. (Draft PEIR, at p. 7-23.)

Noise: Construction noise and vibration will be the same as the proposed project. All of these impacts will be mitigated with the implementation of MM Noise 1, 2 and 4. Therefore, the 40 % Reduction Alternative has similar noise impacts after mitigation as the proposed project. (Draft PEIR, at p. 7-24.)

Public Services: Public Service impacts related to police, fire, schools, libraries and community centers, would be reduced under this alternative because demand would be less. However, it is not possible to estimate precisely how much demand would be reduced. Cumulatively, potential significant impacts might result to fire, police, libraries, and schools, as development pressure is forced on other communities

or to the fringes of the Planning Area, where response times would be lengthened. (Draft PEIR, at p. 7-24.)

Utilities: Population growth within the Planning Area would be less under the 40% Reduction Alternative than the Project while non-residential square footage would increase. The proposed Project Typical development levels can be accommodated by planned facilities, therefore, the 40% Reduced Density Alternative can likely be accommodated. MM UTL 1, 2 and 3, which cause ongoing review of service needs with respect to capacity would still be in place. Such reviews can cause significant impacts to be avoided by planning and implementing facilities ahead of identified need. Therefore, the impacts to Utilities would be similar to the proposed Project. (Draft PEIR, at p. 7-24.)

Hazards and Hazardous Materials: The 40% Reduction Alternative would include the same careful land use planning within the impact zones of Riverside Municipal Airport and March Air Reserve Base/March Inland Port as are proposed within the Project. However, because potentially fewer people would work and/or live in the Planning area, potential impacts relative to airport hazards would be less than those of the Project. (Draft PEIR, at p. 7-24.)

Land Use and Planning: A major objective of proposed Project is to institute smart growth principles in which increased in-town densities and intensities will decrease demand for growth on the urban periphery. The proposed Project seeks to aggressively improve the City's jobs-housing balance so that residents will have greater options to work within the City of Riverside rather than endure long commutes west to Los Angeles and Orange counties. Proposed infill development will make more efficient use of land and infrastructure and will require comparatively fewer vehicle trips and vehicle miles than comparably sized development located on "greenfields" on the urban edge. These "smart growth" elements all require a certain level of density to be effective. There is, for example, a direct relationship between density and the viability of public transit. Similarly, there is an inverse relationship between density and the cost of infrastructure (i.e., higher density reduces infrastructure costs, and vice versa). The 40% Reduced Density Alternative, therefore, inhibits the realization of the City's "smart growth" efforts. Moreover, this alternative would lead to potentially complex land use and planning conflicts. Many parcels in the City are currently developed at the maximum allowable density/intensity. An across-the-board 40 percent reduction in maximum allowable density would create parcels with non-conforming uses on any lot developed at or within 40 percent of the maximum allowable level. The 40% Reduced Density Alternative would also lead to greater conflicts with such regional plans as the Riverside County General Plan (RCIP), the County's Community and Environmental Transportation Acceptability Process (CETAP) plan which assumes Transportation Uniform Mitigation Fees (TUMF) associated with projected growth, South Coast Air Quality Management Plan (AQMP), SCAG's Regional Comprehensive Plan, and SCAG's Compass Growth Vision – 2% Strategy. The proposed Project includes measures to ensure greater consistency with these plans; reducing densities and not achieving projected levels of growth would limit funding for some programs/plans, dilute the ability of the City to concentrate density to reduce trips and take advantage of public transportation, the 40% Reduction Alternative would result in land use planning conflicts regionally between the City and other agencies. (Draft PEIR, at pp. 7-24 to 7-25.)

3. Relationship to Project Objectives and Feasibility

The 40 Percent Reduction alternative would achieve several of the Project Objectives, including all of those associated with the Subdivision Code update and the Citywide Design and Sign Guidelines. However, this alternative would be unlikely to achieve some of the most critical objectives of the entire Project. Specifically, this alternative would make it more difficult to achieve the infill/smart growth objectives of the Project. The lowering of allowable intensities could slacken development interest in the community. Allowing for higher-density development is understood to be a key factor associated with

successfully achieving infill development. If allowable development capacity is reduced to a point where it is comparable with levels allowable on the urban fringe, development is more likely to occur on the urban fringe. As such, the alternative would likely lead to greater urban sprawl in western Riverside County.

Development consistent with the 40 Percent Reduction Alternative would be unlikely to lessen the significant unavoidable impacts relative to traffic, air quality, and GHG emissions that are associated with the proposed Project. This alternative would reduce identified significant impacts on library services , utilities, recreation, geologic issues, and water quality. This alternative would also lead to reduced demands for other public services and recreational facilities. However, this alternative would fail to meet the most critical Project Objectives related to infill development, reduction of urban sprawl, and other related smart growth principles.

The City, therefore, rejects the 40 Percent Reduction Alternative as infeasible because it does not meet most of the basic project objectives and may result in greater environmental impacts resulting from sprawl. (City of Del Mar, supra, 133 Cal. App. 3d at 417; Sequoyah Hills, supra, 23 Cal. App. 4th at 715.)

C. EVALUATION OF INCREASED MIXED USE ALONG "L" CORRIDOR

This alternative is analyzed within the Draft EIR as a means of reducing environmental impacts of the proposed Project by seeking to increase allowable levels of mixed-use development along the so-called "L" corridor of Magnolia Avenue and University Avenue. While the proposed Project itself seeks to place a significant amount of new development along this corridor by introducing enabling land use and zoning tools to do so, this Alternative would increase the allowable density/intensity of mixed-use development along the corridor by a factor of 25 percent over the levels permitted by the proposed Project. The alternative would permit comparable proportions of non-residential and residential development relative to the proposed Project. This alternative involves changes primarily to the General Plan, Zoning Code, Noise Code and Magnolia Avenue Specific Plan; the Subdivision Code and Citywide Design and Sign Guidelines be revised as currently proposed.

1. Significant and/or Unavoidable Impacts

Traffic, Air and Noise: Development consistent with the alternative would, at buildout, result in increased development along the "L" corridor relative to the proposed Project. In the short term, the significant environmental impacts of this alternative could be equal to or greater than those of the proposed Project. The alternative could result in greater residential and commercial development of the corridor, which could increase traffic levels relative to the proposed Project, as well as create additional air quality impacts and generate noise levels comparable to or greater than the proposed Project. This alternative would increase the total population of the Project by 12,066. This represents an approximate increase of 3.15 percent compared to the Project (12,066/382,077=0.0315). However, when compared to SCAG's population projections for 2025, utilized in the AQMP, provided in Section 5.12 this alternative results in a 3.41 percent increase (12,066/353,397=0.0341). Although relative air emissions will likely increase with the population, the overall population projection is still relatively consistent with the regional projections used to develop the AQMP. Under this alternative additional roadway links and intersections could fail within the vicinity of the "L" Corridor due to the increase in both residential and non-residential trips.

In the longer term, however, the higher levels of allowable development could have the seemingly counterintuitive result of decreased levels of impact in several of those categories. More dense/intense mixed use developments would put more people closer to opportunities to shop and work, potentially decreasing traffic volumes as more people walk or use readily available transit service such as BRT. More

intensive development of the corridor would also strengthen the viability of transit along the corridor, as more users would live or work in close proximity to a bus line. Over time, increased demand and use of transit would lead to additional transit service, which could draw new users. Further, greater mixed use development would have stronger potential to increase bike and pedestrian usage as an alternative to vehicular trips.

The potential for higher density mixed use development cannot be modeled or predicted precisely. Traffic modeling techniques tend to assume traffic projections based on land use without great sensitivity to surrounding areas. Most modeling techniques assume that a project will consist of auto-oriented development, basing trip generation rates on averages of rates observed elsewhere. Adjustments can be made to a model to factor in greater usage of transit, walking, biking and other alternative transportation; such adjustments cannot be realistically effectuated, however, until development reaches a critical mass. Similarly, the characteristics of a particular project may result in reduced traffic impacts if, for example, it locates high turn-over restaurants along busy arterials or combines certain residential and commercial uses at one site. Such reductions could not be estimated until a specific project is actually proposed. For these reasons, increased levels of mixed use development along the "L" corridor would lead to increased population, traffic, air quality and noise impacts relative to the proposed Project, at least in the short term. (Draft PEIR, at pp. 7-27 to 7-28.)

Agriculture: Agricultural resources would be affected in the same way as the proposed project, in that the land area impacted by development would remain the same as the proposed Project. (Draft PEIR, at p. 7-28.)

Hydrology/Water Quality: Potential impacts resulting from dam failure would be similar within both the Increased Mixed Use Alternative or the Project because significant unavoidable impacts result primarily in areas of the City which are already developed. However, the MASP is impacted by the inundation area and the Increased Mixed Use Alternative would place more people within the inundation area, therefore this alternative has greater potential adverse environmental impacts than the proposed Project. (Draft PEIR, at pp. 7-27 to 7-28.)

Population and Housing: Population would increase by approximately 12,066 above levels anticipated in the General Plan for the Project at Typical development intensity, thus exceeding SCAG's projections. However, this alternative proposes to locate the increases in density, and therefore population, within the core of the City which could result in reduced vehicular trips and meet other smart growth objectives of the Project. These objectives are key to SCAG's 2% Strategy and Regional Comprehensive Plan. This project will result in similar impacts as the proposed Project. (Draft PEIR, at p. 7-28.)

Recreation: Existing recreational facilities do not meet the needs of the community based on City standards. In 2003, the City adopted a Park and Recreation Master Plan based on population projections that will be exceeded by this alternative. Since meeting recreation needs is based on per capita use, an increase in population of approximately 12,066 people would represent a worse impact to parks and recreation that the proposed Project. (Draft PEIR, at pp. 7-28 to 7-29.)

2. Other Environmental Effects

Aesthetics: The proposed Project includes Citywide Design and Sign Guidelines that are intended to improve the visual quality of all new development. Further, the Magnolia Avenue Specific Plan will provide detailed site planning guidance for development along the Magnolia Avenue corridor; such guidance is intended in part to improve the visual quality of the corridor. Under the Increased Mixed Use Alternative, the Citywide Design and Sign Guidelines, and the Magnolia Avenue Specific Plan would be in effect. As such, this alternative would achieve the same aesthetic improvements as the proposed

Project. Development under the Increased Mixed Use Alternative would be subject to existing City standards related to street lights, and MM Aes 1 would apply so potential impacts of additional light and glare would be controlled and would have similar potential impacts as those resulting from the Project. (Draft PEIR, at p. 7-28.)

Biological Resources: The proposed Project has been designed to complement and implement the MSHCP. Under the Increased Mixed Use Alternative, it is assumed that all habitat-protective General Plan policies would be implemented to be consistent with the Western Riverside County Multi-Species Habitat Conservation Program (MSHCP). MM Bio 1 which addresses direct and indirect impacts to Federal Species of Concern, California Species of Special Concern, California Species Animals, or plants on lists one through four of the California Native Plant Society (CNPS) Inventory and not covered under the MSHCP would also be implemented under this alternative. Therefore, the Increased Mixed Use Alternative would have similar impacts to biological resources as the proposed Project. (Draft PEIR, at pp. 7-29 to 7-30.)

Cultural Resources: In 2002, the City adopted a Historic Preservation Element separate from the Project. The Project incorporates but does not significantly change the Historic Preservation Element. Therefore, impacts under the Increased Mixed Use Alternative would be similar to those of the Project. (Draft PEIR, at p. 7-30.)

Geology/Soils: The Project includes an updated City-wide geotechnical study and identifies places within the Planning Area susceptible to seismic and geologic hazards. The Increased Mixed Use Alternative will utilize this updated information, but would place more people in the Planning Area. As updated information is available, and building codes and City standards will be followed under this alternative potential impacts would be similar to the proposed Project. In addition, potential impacts associated with new development that proposes the use of septic tanks would be reduced to less than significant levels with MM Geo 1 implemented. Since the Increased Mixed Use Alternative would be subject to this mitigation measure, potential impacts resulting from the installation of septic systems would be similar to the proposed Project. (Draft PEIR, at p. 7-30.)

Noise: Existing noise conditions exceed standards in some locations throughout the Planning Area. The Increased Mixed Use Alternative will increase noise levels which will result in noise standards being exceeded. Transportation generated noise may increase more than the proposed Project due to more local trips in the short-term, resulting in greater traffic noise impacts than those associated with the Project. Construction noise and vibration will be the same as the proposed project. All of these impacts will be mitigated with the implementation of MM Noise 1, 2 and 4. Therefore, the Increased Mixed Use Alternative has similar noise impacts after mitigation as the proposed Project. (Draft PEIR, at p. 7-30.)

Library Services: Section 5.13 of the EIR indicates that existing library facilities and services do not meet City standards and that the addition of planned library facilities will not achieve City-established library standards. As such the Increased Mixed Use Alternative will be worse than the proposed Project at impacting the already limited library service system. Facilities funded through the parcel tax will be needed more rapidly, and lack of adequate funding may continue to be a problem. Therefore, because the deficits in library services would be felt faster under this alternative, it is considered worse than the proposed Project. MM PS 2 regarding funding for libraries will address this issue, but it will be needed sooner than 2012 under this alternative. (Draft PEIR, at p. 7-30.)

Public Services: Public Service impacts related to police, fire, schools and community centers, generally would be increased under this alternative because demand would be greater. The exact impacts are difficult to predict, however. Fire and police services may be easier to provide in compact areas if designed properly. At the moment, payment of fees has been identified as mitigating for increased school

demand, however, concentrating development in the core of the City would impact older schools which may be less able to accommodate the additional students than newer schools in outlying areas. (Draft PEIR, at pp. 7-30 to 7-31.)

Utilities: Population growth would outpace the rate assumed under the Project Typical development scenario, resulting in greater impacts to utilities. The proposed Project includes mitigation measures (MM UTL 1, 2 and 3) which cause ongoing review of service needs with respect to capacity. Such reviews can cause significant impacts to be avoided by planning and implementing facilities ahead of identified need. Without such measures built into the updated General Plan, the Increased Mixed Use Alternative would result in significant impacts to one or more utilities before projected deficiencies were identified. Sewer plant capacity, in particular, will meet demand of the proposed Project, but is not projected to have excess capacity to support the Increased Mixed Use Alternative. At 65 gallons per day (gpd) per resident the additional 12,066 residents associated with this alternative would create a demand of 0.78 million gpd (65gpd/res x 12,066res=784,290gpd). The demand for sewerage treatment capacity of the proposed Project is 51.6 million gpd with an expected capacity of the expanded treatment plant of 52.2 million gpd. The 0.78 added to the 51.6 would total approximately 52.4 million gpd, which would exceed planned capacity of the treatment plant without any of the additional non-residential uses included. Therefore, with the mitigation measures in place, the Increased Mixed Use Alternative impacts to utilities could be reduced to less than significant levels, but are more likely than the proposed Project to require additional utilities services which could result in a significant impact to utilities. (Draft PEIR, at p. 7-31.)

Hazards and Hazardous Materials: The Increased Mixed Use Alternative results in the same careful land use planning within the impact zones of Riverside Municipal Airport and March Air Reserve Base/March Inland Port as are proposed within the Project. However, because the University Avenue/Magnolia Avenue Corridor traverses these airport safety zones and more people would live and work there under this alternative, the Increased Mixed Use Alternative have the potential to place more people within the airport hazard zones. As such, this alternative would have potentially greater impacts relative to airport hazards. (Draft PEIR, at p. 7-31.)

Land Use and Planning: The Increased Mixed Use Alternative would lead to some conflicts with such regional plans as the Riverside County General Plan (RCIP), The County's CETAP which assumes TUMF associated with projected growth, SCAG's Regional Comprehensive Plan, and SCAG's Compass Growth Vision – 2% Strategy. The increase of approximately 12,066 in population and the related increase in square footage are not reflected/assumed in these regional plans, even though this alternative generally meets the smart growth and infill intensification aspects of all these plans. For example, traffic assumed for the Planning Area in the RCIP is less than would be generated by this alternative, therefore this would result in worse impacts to air quality and traffic than the proposed project. (Draft PEIR, at pp. 7-31 to 7-32.)

3. Relationship to Project Objectives and Feasibility

While this alternative would achieve many of the Project Objectives similarly to the proposed Project, the City Council disagrees with the finding in the Draft PEIR that this alternative would meet all of the Project objectives. Specifically, the City Council finds that the Increased Density Alternative would not meet the following objectives:

- **Establish policies and programs that will contribute to the improvement of local and regional air quality.** As explained above, by attracting greater population to the City, beyond SCAG's projected growth, this alternative would likely result in an increase in vehicular traffic,

and thereby would counteract the City's policies and programs designed to improve local air quality.

- **Establish policies to ensure that people are protected from health and safety hazards and unwanted noise intrusion.** As explained above, by increasing population in a dam inundation area, this alternative would increase the number of people subject to hazards from dam failure as compared to the proposed Project. Additionally, increased traffic would also lead to greater increases in ambient noise.

- **Accommodate the growth projected by the Southern California Association of Governments (SCAG) in an environmentally sensitive manner, while promoting the Smart growth principles.** Land Use Objective 9 calls for the City to balance the need to accommodate regional growth against community objectives. (Objective LU-9: "Provide for continuing growth within the General Plan Area, with land uses and intensities appropriately designated to meet the needs of anticipated growth and to achieve the community's objectives.") By increasing the City's population by over 12,000, this alternative would go beyond merely accommodating the growth projected by SCAG, it would in fact invite additional growth to the City. Thus, the City would be absorbing more than its fair share of regional growth, while at the same time shouldering the environmental burdens (including reduced air quality, increased traffic and noise, and demands on public services) of that regional growth within the City's borders. Inviting additional growth is inconsistent with the City residents' desire to maintain a balance in the City. (See, e.g., Visioning Riverside, at p. 37.)

Not only would the Increased Density Alternative fail to meet the Project Objectives discussed above, it would also result in greater traffic, air quality, and noise impacts than those of the proposed Project. Impacts to public services and recreational resources would also be equal to or greater than those related to the proposed Project. Sewer plant capacity would be inadequate to serve the level of development proposed under this alternative. The City, therefore, rejects the Increased Mixed Use Alternative as infeasible because it may result in greater environmental impacts than the Proposed Project and would not allow the City to implement the carefully crafted balance between increased density and maintenance of existing neighborhoods as articulated in Visioning Riverside and as provided by the proposed Project. (City of Del Mar, supra, 133 Cal. App. 3d at 417; Sequoyah Hills, supra, 23 Cal. App. 4th at 715.)

XIII.
STATEMENT OF OVERRIDING CONSIDERATIONS

As set forth in the preceding sections, the City Council's approval of the General Plan 2025 Program Project will result in significant adverse environmental effects that cannot be avoided even with the adoption of all feasible mitigation measures. Despite the occurrence of these effects, however, the City Council chooses to approve the Project because, in its view, the economic, social, and other benefits that the Project will produce will render the significant effects acceptable.

The following statement identifies the reasons why, in the City Council's judgment, the benefits of the Project as approved outweigh its unavoidable significant effects. Any one of these reasons is sufficient to justify approval of the Project. Thus, even if a Court were to conclude that not every reason is supported by substantial evidence, the City Council would stand by its determination that each individual reason is sufficient. The substantial evidence supporting the various benefits can be found in the preceding findings, which are incorporated by reference into this section (XIII), and in the documents found in the Record of Proceedings, as defined in section IV.

A. SIGNIFICANT, UNAVOIDABLE IMPACTS

The City Council hereby finds that the Project would or could have significant, unavoidable impacts on the following areas, as described in Sections VIII and IX of these Findings:

- Agricultural Resources- Loss of agricultural land (Direct and Cumulative)
- Air Quality - Short-term and long-term emissions (Direct and Cumulative)
- Air Quality – GHG emissions (Cumulative)
- Hydrology and Water Quality- Water Quality and Risk of dam failure (Direct and Cumulative)
- Noise - Exceed noise standards and ground-borne noise levels (Direct and Cumulative)
- Population and Housing- Population growth (Direct)
- Recreation – adequate recreational facilities (Direct and Cumulative)
- Transportation/Traffic - increase in traffic volumes (Direct and Cumulative)
- Utilities and Service Systems- Landfill capacity (Cumulative)

The City has adopted all feasible mitigation measures with respect to these impacts. Although in some instances mitigation measures may substantially lessen these significant impacts, adoption of such measures will not fully avoid the impacts or mitigate them to below a level of significance.

The City has examined a reasonable range of alternatives to the Project, including the No Project Alternative described in the Final PEIR. All of the alternatives examined would have significant and unavoidable environmental impacts, and none would meet the objectives of the Project to the extent that the proposed Project would, and on those bases, those alternatives are rejected as infeasible.

As a result, to approve the Project, the City Council must adopt a "statement of overriding considerations" pursuant to CEQA Guidelines Sections 15043 and 15093. The statement explains why, in the agency's judgment, the project's benefits outweigh the unavoidable significant effects.

B. PROJECT BENEFITS

The City finds that the Project would have the following substantial economic, legal, social, technological, or other benefits that outweigh the unavoidable adverse environmental effects of the Project, and the adverse environmental effects are considered acceptable when any one of the following project benefits are considered.

1. **Growth will be targeted to serve community need and enhance the quality of life**. The pattern of development established by the Land Use and Urban Design Element - and implemented largely through Zoning Code regulations - focuses on "smart growth principles" to improve the quality of life for City residents and to reduce urban sprawl by providing well-planned infill development Citywide, allowing for increased density in selected areas along established transportation corridors. Growth will be targeted to areas of Riverside that are well served by public transit and that provide opportunities for residences, retail businesses, and employment centers to be located close to one another. This approach to development encourages street-level economic development by putting pedestrians in close proximity to retail, restaurant, and commercial/office uses. Residents could work, live, shop, and play in transit-oriented areas, thereby encouraging economic growth and reducing automobile dependence. In this way, the Project promotes smart growth principles that call for compact, pedestrian-friendly neighborhoods that minimize the amount of open space lands that would be converted to urban uses. This approach to development reduces new vehicle trips resulting from new development and correspondingly, reduces traffic and associated criteria air pollutant

emissions and GHG emissions. In this respect, this pattern of development benefits Riverside and the region. (General Plan, Land Use and Urban Design Element.)

2. **Land use and transportation policy will help grow the local economy and create opportunities for new businesses.** The Project allows for up to 335 million square feet of net new nonresidential development in the form of commercial, office, and industrial space. This additional space will add opportunities to create new jobs, building improvements, retention of the existing companies, a diverse economy, and infrastructure. Riverside's growth has resulted in many beneficial effects, principally the development of industries and businesses that provide jobs and economic stability, creation of housing units affordable to a broad range of household incomes, the growth of educational institutions, and the vibrancy that results from a diverse, multi-ethnic and cultural community. (General Plan, Land Use and Urban Design Element, Circulation and Community Mobility Element.)

   Diverse Economy: Riverside has been fortunate to maintain a diverse set of business sectors. Finance, engineering, retail, education, research, governmental, and healthcare contribute significantly to the collective community income. This diverse economy helps with a wide variety issues such as preventing severe fluctuations in the local job market, helps stabilize revenues for municipal services, and strengthens the City's bond rating.

   Infrastructure: A common generalization directed to new construction projects is that they put added strain of services and infrastructure. Although there are specific areas in the city that require street, sewer, or some other upgrades, it is often the case that new construction supports (through fees and off site requirements) infrastructure upgrades to nearby streets, storm drains, street lights, sidewalks, street trees, and street signals. The General Plan update specifically directs growth to areas where it is best supported by existing infrastructure and services. These same areas where infill is encouraged will also benefit from upgrades in infrastructure which new development can provide. (General Plan, Public Facilities and Infrastructure Element.)

3. **Land use and transportation policies and programs will help reduce long commutes outside Riverside and reduce local trips, thereby reducing attendant local and regional traffic and air quality impacts.** The Project seeks to create opportunities for more Riversiders to work in Riverside and avoid long commutes to employment in Los Angeles and Orange counties. Also, through implementation of the Riverside Park trails concept, Bus Rapid Transit, and mixed-use development approach, residents will have increased ability to walk, bike, and use transit for local trips. With the increased ability of the City to focus new development at locations served by transit, the City can better manage its own bus system and encourage use of buses and the Metrolink light rail. The major principles underlying the Project are focusing future development near existing transportation corridors, ensuring land uses are supported by an efficient local roadway network, embracing innovative solutions to congestion on freeways and regional arterials, supporting alternative modes of transportation such as walking, biking and transit, and ensuring that transportation options are maximized for all community members as necessary components of an effective and safe circulation system for Riverside. Land use policy will facilitate managed growth that can create the critical user mass needed to support expanded alternative transportation systems. (General Plan, Land Use and Urban Design Element; Stuart Meck, FAICP, Gen. Editor, G*rowing Smart Legislative Guidebook: Model Statutes for Planning and the Management of Change*, 2002 Edition.)

4. **Riverside will be promoted as a healthy family community.** Opportunities for the provision of affordable housing will be expanded. The updated Housing Element establishes varied housing opportunities while preserving and enhancing established neighborhoods. New houses, well-designed apartments, mixed use in Downtown areas, and landscape amenities will complement

established neighborhoods. City programs and policies will enhance housing opportunities, protect the character of single-family neighborhoods, and improve the quality of life.

Residential neighborhoods will be protected from adverse traffic conditions. Circulation and Community Mobility Element policies call for through traffic to be directed to travel corridors that avoid residential neighborhoods and specifically along Van Buren Boulevard and Alessandro Boulevard. This approach to traffic management will result in higher traffic volumes along key street segments and at intersections that directly serve freeways. In this manner, cut-through traffic on residential streets will be avoided, thereby slowing traffic speeds in residential neighborhoods, enhancing traffic safety, and protecting the character of neighborhoods. (General Plan, Circulation and Community Mobility Element, Housing Element.)

5. **Riverside will be promoted as an arts, cultural, entertainment, and educational center for the Inland Empire.** The Arts and Culture Element and Education Element set forth definitive policies and approaches to enhance Riverside's status as the arts, culture, entertainment, and education center of the Inland Empire. By pursuing and implementing partnerships with the cultural and educational institutions within Riverside, the City and its partners will be able to combine physical and fiscal resources in a manner that can enhance the schools, institutions of higher learning, and arts facilities and programs. These approaches will work to improve education, heighten public support of arts and culture, create a more vibrant community, and attract visitors to Riverside to spend dollars that support the local economy. (General Plan, Arts and Culture Element.)

For the reasons cited above, the City finds that the Project's adverse, unavoidable environmental impacts are outweighed by these considerable benefits.