2.3 Regulatory Framework

The proposed project and all subsequent development plans and/or projects would be subject to compliance with all applicable federal, state, and local laws, regulations, ordinances, etc. The following discussion highlights the regulatory framework that may apply to the subsequent projects for each issue area, as well as how specifically the policy provisions of the County General Plan coupled with the County development review process work to lessen environmental effects of development. Applicable regulations are organized along the individual environmental topics under State CEQA Guidelines Appendix G, though it should be noted that this section is not intended to be an all-inclusive list of regulatory agencies with jurisdiction over the project, nor does it constitute a comprehensive list of all regulations with which future development projects must comply. Further, because of the statutory exemption provided for projects allowed by right in the MUA and R-7 zone classifications, the County may be limited on the extent of future environmental analysis. Depending on the timing of future development in the County, new regulations or agencies could be in place or those listed here could be outdated or replaced. The discussion contained herein is intended to supplement the impact analysis discussions contained in Sections 3.0 and 4.0 of this Draft EIR, and is referenced for its regulatory content throughout the other section of this EIR.

2.3.1 COUNTY OF RIVERSIDE DEVELOPMENT REVIEW PROCESS

The County Planning Department reviews all development applications for conformance with County plans, ordinances, and polices related to zoning, urban design, subdivision and CEQA. The County development review process includes review of preliminary development plans, the consideration of agency input (i.e., law enforcement, public works, park districts, fire department, and environmental health department), and input from the public and elected officials.

Riverside County must determine when or how the specific regulation applies to a given project. Generally, the regulations cited indicate the regulatory or programmatic directives under which the County of Riverside operates. In most cases, the regulations are implemented on a case-by-case basis as appropriate for the given project proposal before the County of Riverside. An example of this process is as follows:

- Upon receiving a development application, a County staff planner reviews the material to ensure that all required information has been submitted. If not all required information is present the planner quickly contacts the applicant for the additional information.
- The staff planner then reviews the application to ascertain whether any additional special studies are required. Usually, the planner then meets with the applicant to discuss the project in general and to explain the need for the required special studies and/or site plan revisions. Special studies include but are not limited to:
    - Traffic Study
    - Biological Study
    - Paleontological Study
    - Acoustical Study
    - Slope Stability Study
    - Air Quality analysis
    - Geological Study
    - Fiscal Impact Study

    Not all Special Studies are required for every project.

- Once all necessary special studies are submitted, they are electronically submitted to various public agencies for their review and comment. Special studies are also forwarded to the appropriate reviewing County agency (Traffic Study to the Transportation Department or Geological Study to the County Geologist etc.)

- When the planner has received comments back from the responding agencies, and the special studies have been reviewed and deemed to be complete and adequate, the project may be deemed to be satisfactory and the final environmental review may be completed. Or in the instance of the MUA or R-7 Zone District, whether the information is sufficient to support the site plan review process. Regardless of process, further redesign may be required. The planner may schedule a meeting with the applicant at this point in the process to explain any problems at hand. If revisions are required, the changes will need to be retransmitted for comments depending on the scope and nature of the revision.

- The project is now ready to schedule for public hearing (Director's Hearing/Planning Commission). It is the project planner's responsibility to prepare the staff report and ensure that all Conditions of Approval (described below), by all departments, are included for consideration at the public hearing.

- The planner will also begin the required initial study for the environmental assessment in the case of a project requiring discretionary approval, or internal review of all substantial evidence demonstrating compliance with County, state and federal regulations. Generally this step in the process will take about 30 days to complete. However, if the project is located in a Multi-Species Habitat Conservation Plan (MSHCP) Criteria Cell, it may require 120 days or more to complete.

As part of the project approval process, contractual Conditions of Approval are developed by the County of Riverside that establishes explicit requirements that must be satisfied. Various Riverside County Departments, including Planning, Transportation, Fire, Building and Safety, Environmental Health, Waste Resources, and the Flood Control and Water Conservation District, are responsible for monitoring implementation and verifying completion of the Conditions of Approval related to their areas of governance. Specifically, a project is not allowed to go forward with its next stage of development if specific conditions are not met. These conditions can include a variety of environmental requirements designed to ensure compliance with both CEQA and the various County, state and federal environmental protection laws. In this way, a set of standard Conditions of Approval are developed and approved for each project approved by the County of Riverside as a means for monitoring and ensuring compliance with applicable laws, regulations and policies. As an example of how this system works, the Conditions of Approval for a four-lot residential subdivision might specify that "Prior to grading the proposed site must be subject to a biological assessment to verify that no sensitive species occur on the site". Thus, an applicant would not be able to obtain a grading permit for the project site until the Riverside County Planning Department reviews a biological study for the site and signs off on it, and such additional studies may be in addition to site-specific studies that have already been completed potentially as part of a CEQA evaluation or in compliance with the provisions of the zoning classification(s). A variety of other development milestones, such as tract map recordation, building permit issuance, occupancy permit issuance and others, can thus serve as compliance points monitored and enforced by the County of Riverside.

2.3.2 COUNTY OF RIVERSIDE GENERAL PLAN

The following Riverside County General Plan policies and actions would be applicable to the proposed project. All residential development in the unincorporated County, including the project, is required to adhere to all County-adopted policy provisions, including those contained in the adopted General Plan Amendment No. 960. The County ensures all applicable provisions of the General Plan are incorporated into projects and their permits through development review and applications of Conditions of Approval as applicable.

The proposed project does not include any components that conflict with any General Plan policies; however, final authority for interpretation of a policy statement and determination of the project's consistency with the General Plan ultimately rests with the Riverside County Board of Supervisors.

TABLE 2.3-1
GENERAL PLAN POLICIES

GP Policy Number	GP Policy Text	Impact
Land Use Policies – Future development projects under the proposed project would be required to comply with all applicable policies in the Land Use element of the Riverside County General Plan. The below list constitutes a summary of the policies discussed in this EIR; however, the below list is not intended to be all-inclusive and the full text of any policy not listed below can be found in the Land Use Element of GPA 960.		
Policy LU 1.8	As required by the Airport Land Use Law, submit certain proposed actions to the Riverside County Airport Land Use Commission for review. Such actions include proposed amendments to the general plan, area plans, or specific plans, as well as proposed revisions to the zoning ordinance and building codes.	Airport-Related Safety
Policy LU 2.1	Accommodate land use development in accordance with the patterns and distribution of use and density depicted on the General Plan Land Use Map (Figure LU-1) and the Area Plan Land Use Maps, in accordance with the following: a. Provide a land use mix at the countywide and area plan levels based on projected need and supported by evaluation of impacts to the environment, economy, infrastructure, and services. b. Accommodate a range of community types and character, from agricultural and rural enclaves to urban and suburban communities. c. Provide for a broad range of land uses, intensities, and densities, including a range of residential, commercial, business, industry, open space, recreation, and public facilities uses. d. Concentrate growth near community centers that provide a mixture of commercial, employment, entertainment, recreation, civic, and cultural uses to the greatest extent possible. e. Concentrate growth near or within existing urban and suburban areas to maintain the rural and open space character of Riverside County to the greatest extent possible. f. Site development to capitalize upon multi-modal transportation opportunities and promote compatible land use arrangements that reduce reliance on the automobile. g. Prevent inappropriate development in areas that are environmentally sensitive or subject to severe natural hazards.	Land Use Compatibility
Policy LU 3.1	Accommodate land use development in accordance with the patterns and distribution of use and density depicted on the General Plan Land Use Maps (Figure LU-1) and the Area Plan Land Use Maps in accordance with the following concepts:	Visual Resources, Land Use Compatibility,

GP Policy Number	GP Policy Text	Impact
	a. Accommodate communities that provide a balanced mix of land uses, including employment, recreation, shopping, public facilities and housing. b. Assist in and promote the development of infill and underutilized parcels which are located in Community Development areas, as identified on the General Plan Land Use Map. c. Promote parcel consolidation or coordinated planning of adjacent parcels through incentive programs and planning assistance. d. Create street and trail networks that directly connect local destinations, and that are friendly to pedestrians, equestrians, bicyclists, and others using non-motorized forms of transportation. e. Re-plan existing urban cores and specific plans for higher density, compact development as appropriate to achieve the RCIP Vision. f. In new towns, accommodate compact, transit-adaptive infrastructure (based on modified standards that take into account transit system facilities or street network). g. Provide the opportunity to link communities through access to multi-modal transportation systems.	Transportation, and Air Quality
Policy LU 4.1	Require that new developments be located and designed to visually enhance, not degrade the character of the surrounding area through consideration of the following concepts: Compliance with the design standards of the appropriate area plan land use category. a. Require that structures be constructed in accordance with the requirements of Riverside County's zoning, building, and other pertinent codes and regulations. b. Require that an appropriate landscape plan be submitted and implemented for development projects subject to discretionary review. c. Require that new development utilize drought tolerant landscaping and incorporate adequate drought-conscious irrigation systems. d. Pursue energy efficiency through street configuration, building orientation, and landscaping to capitalize on shading and facilitate solar energy, as provided for in Title 24 Part 6 and/or Part 11, or the California Code of Regulations (CCR). e. Incorporate water conservation techniques, such as groundwater recharge basins, use of pavement, drought tolerant landscaping, and water recycling, as appropriate. f. Encourage innovative and creative design g. Encourage the provision of public art that enhances the community's identity, which may include elements of historical significance and creative use of children's art. h. Include consistent and well-designed signage that is integrated with the building's architectural character. i. Provide safe and convenient vehicular access and reciprocal access between adjacent commercial uses. j. Located site entries and storage bays to minimize conflicts with adjacent residential neighborhoods. k. Mitigate noise, odor, lighting, and other impacts on surrounding properties. l. Provide and maintain landscaping in open spaced and parking lots. m. Include extensive landscaping. n. Preserve natural features, such as unique natural terrain, arroyos, canyons, and other drainage ways, and native vegetation, wherever possible, particularly where they provide continuity with more extensive regional systems.	Visual Resources

GP Policy Number	GP Policy Text	Impact
	o. Require that new development be designed to provide adequate space for pedestrian connectivity and access, recreational trails, vehicular access and parking, supporting functions, open space, and other pertinent elements. p. Design parking lots and structures to be functionally and visually integrated and connected. q. Site buildings access points along sidewalks, pedestrian areas, and bicycle routes, and include amenities that encourage pedestrian activity. r. Establish safe and frequent pedestrian crossings. s. Create a human-scale ground flood environment that includes public open areas that separate pedestrian space from auto traffic or where mixed, it does do with special regard to pedestrian safety. t. Recognizing open space, including hillsides, arroyos, riparian areas, and other natural features as amenities that add community identity, beauty, recreational opportunities, and monetary value to adjacent developed areas. u. Manage wild land fire in the design of development proposals located adjacent to natural open space.	
Policy LU 5.1	Ensure that development does not exceed the ability to adequately provide supporting infrastructure and services, such as libraries, recreational facilities, educational and day care centers, transportation systems, and fire/police/medical services.	Fire Protection Services
Policy LU 14.3 (Previously LU 13.3)	Ensure that the design and appearance of new landscaping, structures, equipment, signs, or grading within Designated and Eligible State and County scenic highway corridors are compatible with the surrounding scenic setting or environment.	Visual Resources
Policy LU 14.4 (Previously LU 13.4)	Maintain at least a 50-foot setback from the edge of the right-of-way for new development adjacent to Designated and Eligible State and County Scenic Highways.	Scenic Highways
Policy LU 14.5 (Previously LU 13.5)	Require new or relocated electric or communication distribution lines, which would be visible from Designated and Eligible State and County Scenic Highways, to be placed underground.	Visual Resources
Policy LU 14.6 (Previously LU 13.6)	Prohibit offsite outdoor advertising displays that are visible from Designated and Eligible State and County Scenic Highways.	Scenic Highways
Policy LU 14.7 (Previously LU 13.7)	Require that the size, height and type of on-premise signs visible from Designated and Eligible State and County Scenic Highways be the minimum necessary for identification. The design, materials, color, and location of the signs shall blend with the environment, utilizing natural materials where possible.	Scenic Highways
General Plan Policy LU 14.8	Avoid the blocking of public views by solid walls.	Visual Resources
Policy LU 15.1	Allow airport facilities to continue operating in order to meet existing and future needs respecting potential noise and safety impacts.	Airport-Related Safety
Policy LU 15.2	Review all proposed projects and require consistency with any applicable airport land use compatibility plan as set forth in Appendix 1 and as summarized in the Area Plan's Airport Influence Area section for the airport in question.	Airport-Related Safety
Policy LU 15.7	Allow the use of development clustering and/or density transfers to meet airport compatibility requirements as set forth in the applicable airport land use compatibility plan.	Airport-Related Safety

GP Policy Number	GP Policy Text	Impact
Policy LU 15.8	In accordance with FAA criteria, avoid locating sanitary landfills and other land uses that are artificial attractors of birds within 10,000 feet of any runway used by turbine-powered aircraft and within 5,000 feet of other runways. Also avoid locating attractors of other wildlife that can be hazardous to aircraft operations in locations adjacent to airports.	Airport-Related Safety
Policy LU 15.9	Ensure that no structures or activities encroach upon or adversely affect the use of navigable airspace.	Airport-Related Safety
Policy LU 22.2	Require that adequate and available circulation facilities, water resources, sewer facilities and/or septic capacity exist to meet the demands of the proposed land use.	Water Conservation
Policy LU 31.2	Protect major public facilities, such as landfill and solid waste processing sites and airports, from the encroachment of incompatible uses.	Public Facilities
Circulation Policies – Future development projects under the proposed project would be required to comply with all applicable policies in the Circulation and Infrastructure section of the Riverside County General Plan. The below list constitutes a summary of the policies discussed in this EIR; however, the below list is not intended to be all-inclusive and the full text of any policy not listed below can be found in the Land Use Element of GPA 960.		
Policy C.2.1	Maintain the following countywide target Levels of Service: LOS along all roads designated in the Circulation Element and along state highways at intersections along all Riverside County-maintained roads and conventional state highways, and at freeway ramp intersections. LOS E may be allowed by the Board of Supervisors within designated areas where transit-oriented development and walkable communities are proposed and on roadways where the addition of travel lanes would have a significant adverse impact on environmental and cultural resources, such as habitat, wetlands, MSHCP preserves, wildlife movement corridors, stands of mature trees, historic landmarks, or archaeological sites. Other levels of service may be allowed by the Board of Supervisors for a plan, program or project for which an Environmental Impact Report, or equivalent has been completed, based on the Board's policy decision about the balancing of congestion management consideration in relation to the benefits, impacts and costs of future plans, programs and projects.	Traffic
Policy C.2.4	The direct project related traffic impacts of new development proposals shall be mitigated via conditions of approval requiring the construction of any improvements identified as necessary to meet level of service targets.	Traffic
Policy C.2.5	The cumulative and indirect traffic impacts of development may be mitigated through the payment of various impact mitigation fees such as County of Riverside Development Impact Fees, Road and Bridge Benefit District Fees, and Transportation Uniform Mitigation Fees to the extent that these programs provide fundings for the improvements of facilities impacted by development.	Traffic
Policy C 2.7	Maintain a program to reduce overall trip generation in the Highway 79 Policy Area by creating a trip cap on residential development within this policy area which would result in a net reduction in overall trip generation of 70,000 vehicle trip per day from that which would be anticipated from the General Plan Land Use designations as currently recommended. The policy would generally require all new residential developments proposals within the Highway 79 Policy Area to reduce trip generation proportionally, and require that residential projects demonstrate adequate transportation infrastructure capacity to accommodate the added growth.	Traffic

GP Policy Number	GP Policy Text	Impact
Noise Policies– Future development projects under the proposed project would be required to comply with all applicable policies in the Noise section of the Riverside County General Plan. The below list constitutes a summary of the policies discussed in this EIR; however, the below list is not intended to be all-inclusive and the full text of any policy not listed below can be found in the Land Use Element of GPA 960.		
Policy N 1.3	Consider the following uses noise sensitive and discourage these uses in areas in excess of 65 CNEL; • Schools; • Hospitals; • Rest Homes; • Long Term Care Facilities; • Mental Care Facilities; • Residential Uses; • Libraries; • Passive recreation Uses; and • Places of worship According to the State of California Office of Planning and Research General Plan Guidelines, an acoustical study may be required in cases where these noise-sensitive land uses are located in an area of 60 CNEL or greater. Any land use that is exposed to levels higher than 65 CNEL will require noise attenuation measures. Areas around airports may have different noise standards than those cited above. Each Area Plan affected by a public-use airport includes one or more Airport Influence Areas, one for each airport. the applicable noise compatibility criteria are fully set forth in Appendix L-1 and summarized in the Policy Area section of the affected Area Plan.	Noise
Policy N 1.7	Require proposed land uses, affected by unacceptably high noise levels, to have an acoustical specialist prepare a study of the noise problems and recommend structural and site design features that will adequately mitigate the noise problem.	Noise
Policy N 2.3	Require a qualified acoustical specialist to prepare acoustical studies for proposed noise-sensitive projects within noise impacted areas to mitigate existing noise.	Noise
Policy N 7.1	New land use development within Airport Influence Areas shall comply with airport land use noise compatibility criteria contained in the corresponding airport land use compatibility plan for the area. Each Area Plan affected by a public-use airport includes one or more Airport Influence Areas, one for each airport. The applicable noise compatibility criteria are fully set forth in Appendix I-1 and summarized in the Policy Area section of the affected Area Plan.	Airport Noise
Policy N 7.4	Check each development proposal to determine if it is located within an airport noise impact area as depicted in the applicable Area Plan=s Policy Area section regarding Airport Influence Areas. Development proposals within a noise impact area shall comply with applicable airport land use noise compatibility criteria.	Airport Noise
Policy N 15.1	Minimize the potential adverse noise impacts associated with the development of mixed-use structures where residential units are located above or adjacent to commercial uses.	Vibration
Policy N 19.3	Condition that prospective purchasers or end users of property be notified of overflight, sight, and sound of routine aircraft operations by all effective means, including:	Aircraft Noise

GP Policy Number	GP Policy Text	Impact
	requiring new residential subdivisions that are located within the 60 CNEL contour or are subject to overflight, sight, and sound of aircraft from any airport, to have such information included in the State of California Final Subdivision Public Report. requiring that Declaration and Notification of Aircraft Noise and Environmental Impacts be recorded and made available to prospective purchasers or end users of property located within the 60 CNEL noise contour for any airport or air station or is subject to routine aircraft overflight.	
Multipurpose Open Space Policies– Future development projects under the proposed project would be required to comply with all applicable policies in the Multipurpose Open Space element of the Riverside County General Plan. The below list constitutes a summary of the policies discussed in this EIR; however, the below list is not intended to be all-inclusive and the full text of any policy not listed below can be found in the Land Use Element of GPA 960.		
Policy OS 2.2	Encourage the installation of water conserving systems, such as dry wells and graywater systems, where feasible, especially in new developments. The installation of cisterns or infiltrators shall also be encouraged to capture rainwater from roofs for irrigation in the dry season and flood control during heavy storms.	Water Conservation
Policy OS 20.5	Require that development of recreation facilities occurs concurrent with other development in an area.	Recreational Facilities
Policy OS 20.6	Require new development to provide implementation strategies for the funding of both active and passive parks and recreational sites.	Parks and Recreation
Safety Policies– Future development projects under the proposed project would be required to comply with all applicable policies in the Safety element of the Riverside County General Plan. The below list constitutes a summary of the policies discussed in this EIR; however, the below list is not intended to be all-inclusive and the full text of any policy not listed below can be found in the Land Use Element of GPA 960.		
Policy S 4.1	For new construction and proposals for substantial improvements to residential and nonresidential development within 100-year floodplains as mapped by FEMA or as determined by site specific hydrologic studies for areas not mapped by FEMA, the County of Riverside shall apply a minimum level of acceptable risk; and disapprove projects that cannot mitigate the hazard to the satisfaction of the Building Official or other responsible agency.	100-Year Flood
Policy S 4.2	The County of Riverside shall Enforce provisions of the Building Code in conjunction with the following guidelines: (AI 25) a. All residential, commercial and industrial structures shall be flood-proofed from the mapped 100-year storm flow. b. This may require that the finished floor elevation be constructed at such a height as to meet this requirement. Non-residential (commercial or industrial) structures may be allowed with a "flood-proofed" finished floor below the Base Flood Elevation (i.e., 100-year flood surface) to the extent permitted by state, federal and local regulations. New critical facilities shall be constructed above grade to the satisfaction of the Building Official, based on federal, state, or other reliable hydrologic studies. To the extent that residential, commercial, or industrial structures cannot meet these standards, they shall not be approved. c. Critical facilities shall not be permitted in floodplains unless the project design ensures that there are two routes for emergency egress and regress, and minimizes the potential for debris or flooding to block emergency routes, either through the construction of dikes, bridges, or large-diameter storm drains under roads used for primary access.	100-Year Stormflow

GP Policy Number	GP Policy Text	Impact
	d. Development using, storing, or otherwise involved with substantial quantities of onsite hazardous materials shall not be permitted within a 100-year floodplain or dam inundation zone, unless all standards for evaluation, anchoring, and flood-proofing have been satisfied; and hazardous materials are stored in watertight containers, not capable of floating, to the extent required by state and federal laws and regulations. e. Specific flood-proofing measures may require: use of paints, membranes, or mortar to reduce water seepage through walls; installation of water tight doors, bulkheads, and shutters; installation of flood water pumps in structures; and proper modification and protection of all electrical equipment, circuits, and appliances so that the risk of electrocution or fire is eliminated. However, fully enclosed areas that are below finished floors shall require openings to equalize the forces on both sides of the walls.	
Policy S 4.4	Prohibit alteration of floodways and channelization unless alternative methods of flood control are not technically feasible or unless alternative methods are utilized to the maximum extent practicable. The intent is to balance the need for protection with prudent land use solutions, recreation needs, and habitat requirements, and as applicable to provide incentives for natural watercourse preservation, including density transfer programs as may be adopted. (AI 25, 60) a. Prohibit the construction, location, or substantial improvement of structures in areas designated as floodways, except upon approval of a plan which provides that the proposed development will not result in any significant increase in flood levels during the occurrence of a 100-year flood discharge. b. Prohibit the filling or grading of land for nonagricultural purposes and for non-authorized flood control purposes in areas designated as floodways, except upon approval of a plan which provides that the proposed development will not result in any significant increase in flood levels during the occurrence of a 100-year flood discharge.	100-Year Flood
Policy S 5.1	Develop and enforce construction and design standards that ensure that proposed development incorporates fire prevention features through the following: a. All proposed development and construction within Fire Hazard Severity Zones shall be reviewed by the Riverside County Fire and Building and Safety departments. b. All proposed development and construction shall meet minimum standards for fire safety as defined in the Riverside County Building or County Fire Codes, or by County zoning, or as dictated by the Building Official or the Transportation Land Management Agency based on building type, design, occupancy, and use. c. In addition to the standards and guidelines of the California Building Code and California Fire Code fire safety provisions, continue to implement additional standards for high-risk, high occupancy, dependent, and essential facilities where appropriate under the Riverside County Fire Code (Ordinance No. 787). These shall include assurance that structural and nonstructural architectural elements of the building will not: • impede emergency egress for fire safety staffing/personnel, equipment, and apparatus; nor • hinder evacuation from fire, including potential blockage of stairways or fire doors.	Fire Prevention

GP Policy Number	GP Policy Text	Impact
	d. Proposed development and construction in Fire Hazard Severity Zones shall use single loaded roads to enhance fuel modification areas, unless otherwise determined by the Riverside County Fire Chief.	

2.3.3 MMRP - COUNTY OF RIVERSIDE GENERAL PLAN ENVIRONMENT IMPACT REPORT NO. 521

CEQA requires that when a public agency completes an environmental document, which includes measures to mitigate or avoid significant environmental effects, the public agency must adopt a reporting or monitoring program. This requirement ensures that environmental impacts found to be significant will be mitigated. The reporting or monitoring program must be designed to ensure compliance during project implementation (Public Resources Code Section 21081.6). In order to comply with CEQA, a Mitigation Monitoring and Reporting Program (MMRP) was prepared and certified with EIR 521 (State Clearinghouse No. 2009041065). The MMRP is a binding document and is applicable to all subsequent development allowed under General Plan 960. The mitigation measures contained in the MMRP, which all future development under the Housing Element would be required to implement, include measures that reduce environmental impacts associated with residential development. Specifically, the MMRP consists of a checklist that identifies the mitigation measures by resource. The table identifies the mitigation monitoring and reporting requirements, including the person(s) responsible for verifying implementation of the mitigation measure, timing of verification (prior to, during or after construction) and responsible party.

The MMRP delineates responsibilities for monitoring a project, but also allows the County flexibility and discretion in determining how best to monitor implementation. Monitoring procedures will vary according to the type of mitigation measure. Adequate monitoring consists of demonstrating that monitoring procedures took place and that mitigation measures were implemented. Mitigation monitoring and reporting generally involves the following steps:

- The County distributes reporting forms to the appropriate entities for verification of compliance.
- Department/agencies with reporting responsibilities reviews the environmental document, which provides general background information on the reasons for including specified mitigation measures.
- Problems or exceptions to compliance are addressed to the County as appropriate.
- Periodic meetings may be held during the project implementation to report on compliance of mitigation measures.
- Responsible parties provide the County with verification that monitoring has been conducted and ensure, as applicable, that mitigation measures have been implemented. Monitoring compliance may be documented through an existing review and approval program such as field inspection reports and plan review.
- The County prepares a reporting form periodically during the construction phase and an annual report summarizing the status of all project mitigation monitoring efforts.
- Appropriate mitigation measures are included in construction documents and/or conditions of permits/approvals.

2.3.4 OTHER REGULATIONS

AESTHETICS, LIGHT, AND GLARE

Local

Riverside County Ordinance 348, Section 18.2.B

All future development plans instigated by the proposed project would go through the County's pre-application review procedure (required per Section 18.2.B, Pre-Application Review, of Ordinance 348), and development review process, described above, which ensures consistency with all County General Plan policies and regulations intended to protect visual character and scenic resources.

Riverside County Ordinance No. 655 (Observatory Restriction Zone B standards)

The intent of this ordinance is to restrict certain light fixtures into the night sky undesirable light rays which have a detrimental effect on astronomical observation and research. Ordinance No. 655 restricts nighttime lighting for areas within a 15-mile radius (Zone A) and a 45-mile radius (Zone B) of the Palomar Observatory. Zone A refers to the circular area 15 miles in radius centered on the observatory; Zone B refers to the circular area defined by two circles, one 45 miles in radius centered on Palomar Observatory and the other the perimeter of Zone A. This ordinance is not intended to restrict the use of low pressure sodium lighting of single family dwellings for security purposed. This ordinance does not require any replacement of light fixtures already installed and operating. All future residential development under the proposed project within a 45-mile radius of the Palomar Observatory would be required to adhere to Ordinance No. 655.

The requirements for lamp source and shielding of light emissions for outdoor light fixtures are less stringent in Zone B than in Zone A. For instance, parking lot, walkway, and security lamps above 4,050 lumens are allowed in Zone B if they are fully shielded, whereas they are prohibited in Zone A. Furthermore, low pressure sodium decorative lamps and other lamps that are 4,050 lumens and below are allowed in Zone B, whereas they are prohibited in Zone A. It should be noted that when lighting is "allowed" by this ordinance, it must be fully shielded, if feasible, and partially shielded in all other cases. Lighting for on-premises advertising displays must be shielded and focused to minimize spill of light into the night sky or onto adjacent properties.

AIR QUALITY

Ambient Air Quality Standards

Future development resulting from the proposed project has the ability to release gaseous emissions of criteria pollutants and dust into the ambient air; therefore, development activities under the proposed project entitlements fall under the ambient air quality standards promulgated at the local, state, and federal levels. The federal Clean Air Act of 1971 and the Clean Air Act Amendments (1977) established the national ambient air quality standards (NAAQS), which are promulgated by the US Environmental Protection Agency (EPA). The State of California has also adopted its own California ambient air quality standards (CAAQS), which are promulgated by the California Air Resources Board (CARB). Under the Clean Air Act, states retain the option to adopt more stringent standards than the NAAQS or to include other pollution species. These standards are the levels of air quality considered to provide a margin of safety in the protection of the public health and welfare. They are designed to protect those sensitive receptors most susceptible to further respiratory distress such as asthmatics, the elderly, very young children, people already

weakened by other disease or illness, and persons engaged in strenuous work or exercise. Healthy adults can tolerate occasional exposure to air pollutant concentrations considerably above these minimum standards before adverse effects are observed. Both the State of California and the federal government have established health-based ambient air quality standards for six air pollutants. These pollutants include ozone (O_3), carbon monoxide (CO), nitrogen dioxide (NO_2), sulfur dioxide (SO_2), particulate matter (PM_{10} and $PM_{2.5}$), and lead. In addition, the State has set standards for sulfates, hydrogen sulfide, vinyl chloride, and visibility-reducing particles. These standards are designed to protect the health and welfare of the populace with a reasonable margin of safety.

Implementation of the project would occur in the South Coast Air Basin (SoCAB), which is under the air quality regulatory jurisdiction of the Southern California Air Quality Management District (SCAQMD) and is subject to the rules and regulations adopted by the air district to achieve the national and state ambient air quality standards. The SCAQMD is the air pollution control agency for Orange County and the urban portions of Los Angeles, Riverside, and San Bernardino counties. The agency's primary responsibility is ensuring that the federal and state ambient air quality standards are attained and maintained in the SoCAB. The SCAQMD is also responsible for adopting and enforcing rules and regulations concerning air pollutant sources, issuing permits for stationary sources of air pollutants, inspecting stationary sources of air pollutants, responding to citizen complaints, monitoring ambient air quality and meteorological conditions, awarding grants to reduce motor vehicle emissions, and conducting public education campaigns, as well as many other activities. All projects are subject to SCAQMD rules and regulations in effect at the time of construction.

The following is a list of noteworthy SCAQMD rules that are required of future residential development during construction activities:

- **Rule 402 (Nuisance)** – This rule prohibits the discharge from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public, or which endanger the comfort, repose, health, or safety of any such persons or the public, or which cause, or have a natural tendency to cause, injury or damage to business or property. This rule does not apply to odors emanating from agricultural operations necessary for the growing of crops or the raising of fowl or animals.

- **Rule 403 (Fugitive Dust)** – This rule requires fugitive dust sources to implement Best Available Control Measures for all sources and all forms of visible particulate matter are prohibited from crossing any property line. SCAQMD Rule 403 is intended to reduce PM_{10} emissions from any transportation, handling, construction, or storage activity that has the potential to generate fugitive dust. Examples of some PM_{10} suppression techniques are summarized below.

    a. Portions of the construction site to remain inactive longer than a period of three months will be seeded and watered until grass cover is grown or otherwise stabilized in a manner acceptable to the City.
    b. All on-site roads will be paved as soon as feasible or watered periodically or chemically stabilized.
    c. All material transported off-site will be either sufficiently watered or securely covered to prevent excessive amounts of dust.
    d. The area disturbed by clearing, grading, earth moving, or excavation operations will be minimized at all times.

e. Where vehicles leave the construction site and enter adjacent public streets, the streets will be swept daily or washed down at the end of the work day to remove soil tracked onto the paved surface.
f. Installation and utilization of a wheel washing system to remove bulk material from tires and vehicle undercarriages before vehicles exit the site.
g. Apply water to active portions of the site, including unpaved roads, in sufficient quantity.

- **Rule 1113 (Architectural Coatings)** – This rule requires manufacturers, distributors, and end-users of architectural and industrial maintenance coatings to reduce ROG emissions from the use of these coatings, primarily by placing limits on the ROG content of various coating categories.

BIOLOGICAL RESOURCES

Federal

Endangered Species Act

The Endangered Species Act of 1973 (ESA), as amended, provides protective measures for federally listed threatened and endangered species, including their habitats, from unlawful take (16 United States Code (USC) Sections 1531–1544). The ESA defines "take" to mean "harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct." Title 50, Part 222, of the Code of Federal Regulations (50 CFR Section 222) further defines "harm" to include "an act which actually kills or injures fish or wildlife. Such an act may include significant habitat modification or degradation where it actually kills or injures fish or wildlife by significantly impairing essential behavioral patterns including feeding, spawning, rearing, migrating, feeding, or sheltering."

ESA Section 7(a)(2) requires consultation with the US Fish and Wildlife Service (USFWS) or the National Marine Fisheries Service (NMFS) if a federal agency undertakes, funds, permits, or authorizes (termed the federal nexus) any action, including residential development, that may affect endangered or threatened species, or designated critical habitat. For projects that may result in the incidental "take" of threatened or endangered species, or critical habitat, and that lack a federal nexus, a Section 10(a)(1)(b) incidental take permit can be obtained from the USFWS and/or the NMFS.

Migratory Bird Treaty Act

Migratory birds are protected under the Migratory Bird Treaty Act (MBTA) of 1918 (16 USC Sections 703–711). The MBTA makes it unlawful to take, possess, buy, sell, purchase, or barter any migratory bird listed in 50 CFR Section 10, including feathers or other parts, nests, eggs, or products, except as allowed by implementing regulations (50 CFR Section 21). The majority of birds found in the project vicinities would be protected under the MBTA. Protected birds under the MBTA can affect the timing of future construction instigated by the proposed project, as construction activities can be limited or prohibited during the times protected migratory birds are present.

Bald and Golden Eagle Protection Act

The bald eagle and golden eagle are federally protected under the Bald and Golden Eagle Protection Act (16 USC Sections 668–668c). Active nest sites are also protected from disturbance during the breeding season, potentially affecting the timing of future construction instigated by the proposed project.

State

California Endangered Species Act

Under the California Endangered Species Act (CESA), the California Department of Fish and Wildlife (CDFW) has the responsibility for maintaining a list of endangered and threatened species (Fish and Game Code [FGC] Section 2070). The CDFW also maintains a list of "candidate species," which are species formally noticed as being under review for potential addition to the list of endangered or threatened species, and a list of "species of special concern," which serve as a species "watch lists."

Pursuant to the requirements of the CESA, an agency reviewing a proposed project within its jurisdiction must determine whether any state-listed endangered or threatened species may be present and determine whether the proposed project will have a potentially significant impact on such species. In addition, the CDFW encourages informal consultation on any proposed project that may impact a candidate species.

Residential development project-related impacts to species on the CESA endangered or threatened list would be considered significant. State-listed species are fully protected under the mandates of the CESA. "Take" of protected species incidental to otherwise lawful management activities may be authorized under FGC Section 206.591. Authorization from the CDFW would be in the form of an incidental take permit.

California Fish and Game Code

Native Plant Protection Act

The Native Plant Protection Act (FGC Sections 1900–1913) prohibits the taking, possessing, or sale within the state of any plants with a state designation of rare, threatened, or endangered (as defined by the CDFW). An exception in the act allows landowners, under specified circumstances, to take listed plant species, provided that the owners first notify the CDFW and give that state agency at least 10 days to retrieve the plants before they are plowed under or otherwise destroyed (FGC Section 1913).

Birds of Prey

Under FGC Section 3503.5, it is unlawful to take, possess, or destroy any birds in the orders Falconiformes or Strigiformes (birds of prey) or to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by this code or any regulation adopted pursuant thereto.

"Fully Protected" Species

California statutes also afford "fully protected" status to a number of specifically identified birds, mammals, reptiles, and amphibians. These species cannot be "taken," even with an incidental take permit. FGC Section 3505 makes it unlawful to take "any aigrette or egret, osprey, bird of paradise, goura, numidi, or any part of such a bird. FGC Section 3511 protects from take the

following fully protected birds: (a) American peregrine falcon (*Falco peregrinus anatum*); (b) brown pelican (*Pelecanus occidentalis*); (c) California black rail (*Laterallus jamaicensis coturniculus*); (d) California clapper rail (*Rallus longirostris obsoletus*); (e) California condor (*Gymnogyps californianus*); (f) California least tern (*Sterna albifrons browni*); (g) golden eagle; (h) greater sandhill crane (*Grus canadensis tabida*); (i) light-footed clapper rail (*Rallus longirostris levipes*); (j) southern bald eagle (*Haliaeetus leucocephalus leucocephalus*); (k) trumpeter swan (*Cygnus buccinator*); (l) white-tailed kite (*Elanus leucurus*); and (m) Yuma clapper rail (*Rallus longirostris yumanensis*).

FGC Section 4700 identifies the following fully protected mammals that cannot be taken: (a) Morro Bay kangaroo rat (*Dipodomys heermanni morroensis*); (b) bighorn sheep (*Ovis canadensis*), except Nelson bighorn sheep (subspecies *Ovis canadensis nelsoni*); (c) northern elephant seal (*Mirounga angustirostris*); (d) Guadalupe fur seal (*Arctocephalus townsendi*); (e) ring-tailed cat (genus *Bassariscus*); (f) Pacific right whale (*Eubalaena sieboldi*); (g) salt-marsh harvest mouse (*Reithrodontomys raviventris*); (h) southern sea otter (*Enhydra lutris nereis*); and (i) wolverine (*Gulo gulo*).

FGC Section 5050 protects from take the following fully protected reptiles and amphibians: (a) blunt-nosed leopard lizard (*Crotaphytus wislizenii silus*); (b) San Francisco garter snake (*Thamnophis sirtalis tetrataenia*); (c) Santa Cruz long-toed salamander (*Ambystoma macrodactylum croceum*); (d) limestone salamander (*Hydromantes brunus*); and (e) black toad (*Bufo boreas exsul*).

FGC Section 5515 identifies certain fully protected fish that cannot lawfully be taken, even with an incidental take permit. The following species are protected in this fashion: (a) Colorado River squawfish (*Ptychocheilus lucius*); (b) thicktail chub (*Gila crassicauda*); (c) Mohave chub (*Gila mohavensis*); (d) Lost River sucker (*Catostomus luxatus*); (e) Modoc sucker (*Catostomus microps*); (f) shortnose sucker (*Chasmistes brevirostris*); (g) humpback sucker (*Xyrauchen texanus*); (h) Owens River pupfish (*Cyprinoden radiosus*); (i) unarmored threespine stickleback (*Gasterosteus aculeatus williamsoni*); and (j) rough sculpin (*Cottus asperrimus*).

Local

Multiple Species Habitat Conservation Plans

A Multiple Species Habitat Conservation Plan (MSHCP) is a comprehensive, multi-jurisdictional Habitat Conservation Plan (HCP) focusing on conservation of species and their associated habitats in Riverside County. Several such plans affect lands within Riverside County. The two preeminent plans affecting the largest portions of the County are the Western Riverside County MSHCP and the Coachella Valley MSHCP. Each of these plans coordinates multi-jurisdictional habitat-planning and conservation efforts in Southern California with the overall goal of maintaining biological and ecological diversity while accommodating appropriate development and infrastructure needs. The MSHCPs allow Riverside County and participating cities to maintain a strong economic climate in the region while addressing the requirements of the state and federal Endangered Species Acts. Towards these ends, Riverside County maintains and tracks all of the acquisitions and conservation of lands and periodically updates the General Plan Land Use maps accordingly.

Riverside County Ordinance No. 875, *Establishing a Local Development Mitigation Fee for Funding the Preservation of Natural Ecosystem Accordance with the Coachella Valley Multiple Species Habitat Conservation Plan*, establishes a Local Development Mitigation Fee to aid in maintaining biological diversity and their supporting natural ecosystem processes; the protection of vegetation communities and natural areas within the County, Coachella Valley and surrounding mountains

located in central Riverside County which are known to support threatened, endangered or key sensitive populations of plant and wildlife species; the maintenance of economic development within the unincorporated area of Riverside County by providing a streamlined regulatory process from which development can proceed in an orderly process; and the protection of the existing character of Riverside County and the region through the implementation of a system of reserves to provide permanent open space, community edges and habitat conservation for species covered by the Multi-Species Habitat Conservation Plan (MSHCP). All future development instigated under the proposed project would be required to pay the appropriate Local Development Mitigation Fee.

Western Riverside County Multiple Species Habitat Conservation Plan

The Western Riverside County Multi-Species Habitat Conservation Plan (WRC-MSHCP) serves as a comprehensive, multi-jurisdictional habitat conservation plan, pursuant to Section (a)(1)(B) of the federal Endangered Species Act, as well as a natural communities conservation plan under the California Natural Community Conservation Planning Act of 2001. The plan encompasses all of Riverside County west of the crest of the San Jacinto Mountains to the Orange County line. The overall biological goal of the WRC-MSHCP is to conserve covered species and their habitats, as well as to maintain biological diversity and ecological processes while allowing for future economic growth in a rapidly urbanizing region. Federal and state wildlife agencies approved permits required to implement the WRC-MSHCP on June 22, 2004. Implementation of the plan will conserve approximately 500,000 acres of habitat, including 347,000 acres of land already in public or quasi-public ownership and about 153,000 acres of land that will be purchased or conserved through other means, such as land acquisition, conservation easements, or designated open space.

The money for purchasing private land comes from numerous sources such as development mitigation fees, which would be required of future development under the proposed project, as well as from state and federal funds. The WRC-MSHCP includes a program for the collection of development mitigation fees, policies for the review of projects in areas where habitat must be conserved, and policies for the protection of riparian areas, vernal pools, and narrow endemic plants. It also includes requirements to perform plant, bird, reptile, and mammal surveys in certain areas.

The primary intent of the WRC-MSHCP is to provide for the conservation of a range of plants and animals and in return, provide take coverage and mitigation for projects throughout western Riverside County to avoid the cost and delays of mitigating biological impacts on a project-by-project basis. It would allow the incidental take (for development purposes) of species and their habitat from development. The WRC-MSHCP is a criteria-based plan and does not rely on a hard-line preserve map. Instead, within the WRC-MSHCP Plan Area, the WRC-MSHCP reserve will be assembled over time from a smaller subset of the Plan Area referred to as the Criteria Area. The Criteria Area consists of Criteria Cells (Cells) or Cell Groupings, and flexible guidelines (criteria) for the assembly of conservation within the Cells or Cell Groupings. Cells and Cell Groupings also may be included within larger units known as Cores, Linkages, or Non-Contiguous Habitat Blocks.

County Ordinance No. 810, *Establishing an Interim Open Space Mitigation Fee,* implements the WRC-MSHCP and mitigates impacts of new development in western Riverside County. It establishes a development mitigation fee in order to help finance the acquisition of lands containing species protected by the WRC-MSHCP. By preserving these habitats and assessing a fee to develop in these open space areas, the ordinance helps to limit sprawl and encourage concentrated development, thereby reducing GHG emissions that would arise from trips between wider-flung land uses.

Coachella Valley Multi-Species Habitat Conservation Plan

The Coachella Valley MSHCP (CV-MSHCP) is a comprehensive, multi-jurisdictional habitat conservation plan focusing on conservation of species and their associated habitats in the Coachella Valley region of Riverside County. The overall goal of the CV-MSHCP is to maintain and enhance biological diversity and ecosystem processes within the region while allowing for future economic growth. The CV-MSHCP covers 27 sensitive plant and wildlife species, as well as 27 natural communities. The overall provisions for the Plan are subdivided according to specific resource conservation goals and organized according to geographic areas, i.e., Conservation Areas. These areas are identified as 'Core,' 'Essential' or 'Other Conserved Habitat' for sensitive plant, invertebrate, amphibian, reptile, bird and mammal species plus 'Essential Ecological Process Areas' and 'Biological Corridors and Linkages.' Each Conservation Area has specific Conservation Objectives that must be satisfied.

The CV-MSHCP received final approval on October 1, 2008. This, plus an Implementing Agreement (IA), allows signatories of the IA to issue take authorizations for all species covered by the CV-MSHCP, including state and federally-listed species, as well as other identified covered species and their habitats. Each city or local jurisdiction participating in the IA imposes a "development mitigation fee" for projects within its jurisdiction. With payment of the mitigation fee and compliance with the requirements of the CV-MSHCP, a project may be deemed compliant with CEQA, the National Environmental Policy Act (NEPA), and impacts to covered species and their habitat would be deemed less than significant.

Similar to the WRC-MSHCP, the CV-MSHCP provides for the long-term survival of protected and sensitive species by designating a contiguous system of habitat to be added to existing public/quasi-public lands. As noted above, the CV-MSHCP also includes an impact fee for the purpose of acquiring the requisite conservation lands.

Stephens' Kangaroo Rat Habitat Conservation Plan

The Stephens' kangaroo rat habitat conservation plan (HCP) for the endangered Stephens' kangaroo rat (SKR) is implemented by the Riverside County Habitat Conservation Agency (RCHCA) and mitigates impacts from development on the Stephens' kangaroo rat by establishing a network of preserves and a system for managing and monitoring them. The 30-year SKR HCP was designed to acquire and permanently conserve, maintain and fund the conservation, preservation, restoration and enhancement of Stephens' kangaroo rat-occupied habitat. The SKR HCP covers approximately 534,000 acres within the member jurisdictions and includes an estimated 30,000 acres of occupied Stephens' kangaroo rat habitat. The SKR HCP requires members to preserve and manage 15,000 acres of occupied habitat in seven Core Reserves encompassing over 41,000 acres.

On May 3, 1996, the USFWS issued a permit to the Riverside County Habitat Conservation Agency to incidentally take the federally endangered Stephens' kangaroo rat (*Dipodomys stephensi*). Similarly, the CDFW issued a California Endangered Species Act Management Authorization for Implementation of the Stephens' kangaroo rat on May 6, 1996. To date, more than $50 million has been dedicated to the establishment and management of a system of regional preserves designed to ensure the survival of SKR in the plan area. This effort resulted in the permanent conservation of approximately 50 percent of the SKR-occupied habitat remaining in the HCP area. Through direct funding and in-kind contributions, SKR habitat in the regional reserve system is managed to ensure its continuing ability to support the species. Core reserves were deemed complete in December of 2003.

Future residential development under the proposed project located within the SKR HCP area would be required to comply with applicable provisions of the HCP.

Lower Colorado River Multi-Species Conservation Program

The Lower Colorado River Multi-Species Conservation Program (LCR-MSCP) was created to balance the use of the Colorado River water resources with the conservation of native species and their habitats. The program works toward the recovery of species currently listed under the Federal Endangered Species Act (FESA). It also reduces the likelihood of additional species listings. With a 50-year implementation period, the program accommodates current water diversions and power production, and optimizes opportunities for future water and power development by providing FESA compliance through its implementation. The LCR-MSCP covers over 400 miles of the lower Colorado River from Lake Mead to the U.S. border with Mexico and includes Lakes Mead, Mohave and Havasu, as well as the historic 100-year floodplain along the main stem of the river. The MSCP calls for establishment of over 8,100 acres of habitat for fish and wildlife species and the production of over 1.2 million native fish to augment existing populations. The plan benefits at least 26 species, most of which are state or federally listed. The federal Bureau of Reclamation, which manages the Colorado River, is the implementing agency for the LCR-MSCP. Partnership involvement occurs primarily through the LCR-MSCP Steering Committee, currently representing 57 entities, including state and federal agencies, water and power users, municipalities, Native American tribes, conservation organizations and other interested parties, which provide input and oversight functions.

NOISE

State

California Building Standards Code

The State of California has adopted noise standards in areas of regulation not preempted by the federal government. State standards regulate noise levels of motor vehicles, sound transmission through buildings, occupational noise control and noise insulation. Title 24 of the California Code of Regulations (CCR), also known as the California Building Standards Code, establishes building standards applicable to all occupancies throughout the state. The code includes acoustical regulations for exterior-to-interior sound insulation, as well as for sound isolation between adjacent spaces of various occupied units. Specifically, Title 24 regulations state that interior noise levels generated by exterior noise sources shall not exceed 45 decibels over the day-night average, with windows closed, in any habitable room for general residential uses. This requirement would apply to all future residential development allowed under the proposed project.

California Noise Insulation Standards

The California Noise Insulation Standards (CCR Title 25 Section 1092) establish uniform minimum noise insulation performance standards for new hotels, motels, dormitories, apartment houses and dwellings other than detached single-family dwellings. Specifically, Title 25 specifies that interior noise levels attributable to exterior sources shall not exceed 45 decibels over the day-night average (i.e., the same levels that the EPA recommends for residential interiors) in any habitable room of a new dwelling. An acoustical study must be prepared for proposed multiple unit residential and hotel/motel structures where outdoor day-night average is 60 dBA or greater. The study must demonstrate that the design of the building would reduce interior noise to 45 decibels over the day-night average or lower. Because noise levels can increase over time in developing areas, Title 25 also specifies that dwellings are to be designed so that interior noise levels will meet

this standard for at least ten years from the time of building permit application. These standards apply to all future residential development allowed under the proposed project.

Local

Riverside County Ordinance No. 847

The intent of this ordinance is to regulate noise on any property that causes the exterior sound level on any other occupied property to exceed the sound level standards based on General Plan land use designation (Ordinance No. 847 Table 1).

CLIMATE CHANGE

State

California has adopted various administrative initiatives and also enacted a variety of legislation relating to climate change, much of which sets aggressive goals for greenhouse gas (GHG) emissions reductions in the state. However, none of this legislation provides definitive direction regarding the treatment of climate change in environmental review documents prepared under the California Environmental Quality Act (CEQA). In particular, the CEQA Guidelines do not require or suggest specific methodologies for performing an assessment or specific thresholds of significance and do not specify GHG reduction mitigation measures. Instead, the guidelines allow lead agencies to choose methodologies and make significance determinations based on substantial evidence, as discussed in further detail below. In addition, no state agency has promulgated binding regulations for analyzing GHG emissions, determining their significance, or mitigating significant effects in CEQA documents. Thus, lead agencies exercise their discretion in determining how to analyze GHGs. The primary acts that have driven GHG regulation and analysis in California include California Executive Order S-03-05 (2005) and the California Global Warming Solutions Act of 2006 (AB 32) (Health and Safety Code Sections 38500, 38501, 28510, 38530, 38550, 38560, 38561–38565, 38570, 38571, 38574, 38580, 38590, 38592–38599). California Executive Order S-03-05 (2005) mandates a reduction of GHG emissions to 2000 levels by 2010, to 1990 levels by 2020, and to 80 percent below 1990 levels by 2050. Although the 2020 target has been incorporated into legislation (AB 32), the 2050 target remains only a goal of the Executive Order. The California Global Warming Solutions Act of 2006 (AB 32) instructs CARB to develop and enforce regulations for the reporting and verifying of statewide GHG emissions. The act directed CARB to set a greenhouse gas emissions limit based on 1990 levels, to be achieved by 2020. The bill set a timeline for adopting a scoping plan for achieving GHG reductions in a technologically and economically feasible manner. The heart of the bill is the requirement that statewide GHG emissions be reduced to 1990 levels by 2020 (1990 levels have been estimated to equate to 15 percent below 2005 emission levels). Based on CARB's calculations of emissions levels, California must reduce GHG emissions by approximately 15 percent below 2005 levels to achieve this goal.

Scoping Plan

- CARB adopted the Scoping Plan to achieve the goals of Assembly Bill (AB) 32. The Scoping Plan establishes an overall framework for the measures that will be adopted to reduce California's GHG emissions. CARB determined that achieving the 1990 emissions level would require a reduction of GHG emissions of approximately 29 percent below what would otherwise occur in 2020 in the absence of new laws and regulations (referred to as "business as usual"). The Scoping Plan evaluates opportunities for sector-specific reductions, integrates all CARB and Climate Action Team early actions and additional GHG reduction measures by both entities, identifies additional measures to be pursued as

regulations, and outlines the role of a cap-and-trade program. Additional development of these measures and adoption of the appropriate regulations occurred through the end of year 2013.

In 2012, CARB released revised estimates of the expected 2020 emissions reductions. The revised analysis relies on emissions projections updated in light of current economic forecasts that account for the economic downturn since 2008, reduction measures already approved and put in place relating to future fuel and energy demand, and other factors. This reduced the projected 2020 emissions from 596 million metric tons (MMT) carbon dioxide equivalent (CO_2e) to 545 MMTCO2e. The reduction in projected 2020 emissions means that the revised business-as-usual (BAU) reduction necessary to achieve AB 32's goal of reaching 1990 levels by 2020 is now 21.7 percent. CARB also provided a lower 2020 inventory forecast that took credit for certain State-led GHG emissions reduction measures already in place. When this lower forecast is considered, the necessary reduction from BAU needed to achieve the goals of AB 32 is approximately 16 percent.

AB 32 requires CARB to update the Scoping Plan at least once every five years. CARB adopted the first major update to the Scoping Plan on May 22, 2014. The updated Scoping Plan summarizes the most recent science related to climate change, including anticipated impacts to California and the levels of GHG reduction necessary to likely avoid risking irreparable damage. It identifies the actions California has already taken to reduce GHG emissions and focuses on areas where further reductions could be achieved to help meet the 2020 target established by AB 32. The Scoping Plan update also looks beyond 2020 toward the 2050 goal established in Executive Order S-3-05, though not yet adopted as state law, and observes that "a mid-term statewide emission limit will ensure that the State stays on course to meet our long-term goal." The Scoping Plan update does not establish or propose any specific post-2020 goals, but identifies such goals adopted by other governments or recommended by various scientific and policy organizations. **Table 2.3-2** provides a brief overview of the other California legislation relating to climate change that may affect the emissions associated with the proposed project.

TABLE 2.3-2
CALIFORNIA STATE CLIMATE CHANGE LEGISLATION

Legislation	Description
Assembly Bill 1493 and Advanced Clean Cars Program	Assembly Bill 1493 ("the Pavley Standard," or AB 1493, 2005) (Health and Safety Code Sections 42823 and 43018.5) aimed to reduce GHG emissions from noncommercial passenger vehicles and light-duty trucks of model years 2009–2016. By 2025, when all rules will be fully implemented, new automobiles will emit 34 percent fewer CO_2e emissions and 75 percent fewer smog-forming emissions.
Low Carbon Fuel Standard (LCFS)	Executive Order S-01-07 (2007) requires a 10 percent or greater reduction in the average fuel carbon intensity for transportation fuels in California. The regulation took effect in 2010 and is codified at Title 17, California Code of Regulations, Sections 95480–95490. The LCFS will reduce GHG emissions by reducing the carbon intensity of transportation fuels used in California by at least 10 percent by 2020.
Renewables Portfolio Standard (RPS) (Senate Bill X1-2)	California's RPS requires retail sellers of electric services to increase procurement from eligible renewable energy resources to 33 percent of total retail sales by 2020. The 33 percent standard is consistent with the RPS goal established in the Scoping Plan. As an interim measure, the RPS requires 25 percent of retail sales to be sourced from renewable energy by 2016.
Senate Bill (SB) 375	SB 375 (codified in the Government Code and Public Resources Code), took effect in 2008 and provides a new planning process to coordinate land use planning, regional transportation plans, and funding priorities in order to help California meet the GHG reduction goals established in AB 32. SB 375 requires metropolitan planning organizations (MPOs) to incorporate a Sustainable Communities Strategy (SCS) in their Regional Transportation Plans that will achieve GHG emissions reduction targets by reducing vehicle miles traveled from light-duty vehicles through the development of more compact, complete, and efficient communities.
California Building Energy Efficiency Standards	In general, the California Building Energy Efficiency Standards require the design of building shells and building components to conserve energy. The standards are updated periodically to allow consideration and possible incorporation of new energy efficiency technologies and methods. The California Energy Commission recently adopted changes to the 2013 Building Energy Efficiency Standards contained in the California Code of Regulations, Title 24, Part 6 (also known as the California Energy Code) and associated administrative regulations in Part 1 (collectively referred to here as the standards). The amended standards took effect in the summer of 2014. The 2013 Building Energy Efficiency Standards are 25 percent more efficient than previous standards for residential construction and 30 percent better for nonresidential construction. The standards offer builders better windows, insulation, lighting, ventilation systems, and other features that reduce energy consumption in homes and businesses. Energy-efficient buildings require less electricity; therefore, increased energy efficiency reduces fossil fuel consumption and decreases GHG emissions.
California Green Building Standards	In January 2010, the California Building Standards Commission adopted the statewide mandatory Green Building Standards Code (CALGreen [California Code of Regulations, Title 24, Part 11]). CALGreen applies to the planning, design, operation, construction, use, and occupancy of every newly constructed building or structure. CALGreen requires energy conservation measures for new buildings and structures.

[1] *Senate Bill 375 is codified at Government Code Sections 65080, 65400, 65583, 65584.01, 65584.02, 65584.04, 65587, 65588, 14522.1, 14522.3, and 65080.01 as well as Public Resources Code Sections 21061.3 and 21159.28 and Chapter 4.2.*

Riverside County Climate Action Plan

The Riverside County Climate Action Plan (CAP) is a strategic planning document that identifies sources of GHG emissions within the County's boundaries, presents current and future emissions estimates, identifies a GHG reduction target for future years, and presents strategic programs, policies, and projects to reduce emissions. The emissions reduction program contained in the CAP were developed to comply with the requirements of AB 32 and achieve the goals of the AB 32 Scoping Plan.

In preparation of the CAP, Riverside County has promulgated methodology protocols for addressing and reducing GHG emissions associated with land use development projects. For instance, County General Plan Policies AQ 18.2, AQ 19.3, AQ 19.4, and AQ 21.1 require that future development proposed as a discretionary project achieve a GHG emissions reduction of 25 percent compared to the Business As Usual (BAU) scenario; or, employ the CAP *Screening Tables for New Development*, which is a process to incorporate ranked GHG-reducing Implementation Measures (IMs) contained in the County CAP into a proposed project. The identified IMs are ranked by their effectiveness and it is incumbent on proposed projects to demonstrate the incorporation of 100 points worth of IMs. According to General Plan Policy AQ 21.1, 100 points of CAP IMs represent a project's fair-share of reduction in operational emissions associated with the developed use needed to reduce emissions down to the CAP Reduction Target.

CULTURAL RESOURCES

State

Traditional Tribal Cultural Places Act (Senate Bill 18)

Senate Bill (SB) 18, enacted in 2004, requires cities and counties to contact, and consult with California Native American tribes prior to amending or adopting any general plan or specific plan, or designating land as open space. The intent of SB 18 is to provide California Native American tribes an opportunity to participate in local land use decisions at an early planning stage, for the purpose of protecting, or mitigating impacts to, cultural places. The purpose of involving tribes at these early planning stages is to allow consideration of cultural places in the context of broad local land use policy, before individual site-specific, project-level land use decisions are made by a local government. SB 18 requires local governments to consult with tribes prior to making the planning decisions described above and to provide notice to tribes at certain key points in the planning process. For purposes of consultation with tribes, as required by Government Code Sections 65352.3 and 65562.5, the Native American Heritage Commission (NAHC) maintains a list of California Native American Tribes with whom local governments must consult. Prior to the adoption or any amendment of a general plan or specific plan, a local government must notify the appropriate tribes (on the contact list maintained by the NAHC) of the opportunity to conduct consultations for the purpose of preserving, or mitigating impacts to, cultural places located on land within the local government's jurisdiction that is affected by the proposed plan adoption or amendment. Tribes have 90 days from the date on which they receive notification to request consultation, unless a shorter timeframe has been agreed to by the tribe (Government Code §65352.3). Prior to the adoption or substantial amendment of a general plan or specific plan, a local government must refer the proposed action to those tribes that are on the NAHC contact list and have traditional lands located within the city or County's jurisdiction. The referral must allow a 45 day comment period (Government Code §65352)(OPR 2005). At the time of future project-level development proposals the SB 18 process would be initiated for each individual project.

California Environmental Quality Act

In regards to historical and archaeological resources, CEQA includes explicit standards for determining when a resource is "historically significant" or "unique," as well as when an impact to such resource is significant. As of July 1, 2015, CEQA also includes requirements for Tribal cultural resources via Assembly Bill (AB) 52, which is discussed separately below.

State CEQA Guidelines Section 15064.5, Determining the Significance of Impacts to Archaeological and Historical Resources, describes the steps public agencies must take in order to consider the effects of their actions on both "historical resources" and "unique archaeological

resources." First, it must be determined whether such resources are present. Secondly, it must be determined if the project would cause a "substantial adverse change" in the significance of these resources. Finally, the Guidelines include requirements for how to treat identified resources. The County Planning Department reviews all development applications for conformance with CEQA.

Defining a Historical Resource

The terms "historical resources" and "unique archaeological resources" are terms with defined statutory meanings. The term historical resource as defined by PRC Section 21084.1 and State CEQA Guidelines Section 15064.5(a)(b) includes any resource listed in, or determined to be eligible for listing in, the California Register of Historical Resources (CRHR). The CRHR includes resources listed in or formally determined eligible for listing in the National Register of Historic Places, as well as some California State Landmarks and Points of Historical Interest. Properties of local significance that have been designated under a local preservation ordinance (local landmarks or landmark districts) or that have been identified in a local historical resources inventory may be eligible for listing in the CRHR and are presumed to be "historical resources" for purposes of CEQA unless a preponderance of evidence indicates otherwise (PRC Section 5024.1 and California Code of Regulations, Title 14, Section 4850). Unless a resource listed in a survey has been demolished, lost substantial integrity, or there is a preponderance of evidence indicating that it is otherwise not eligible for listing, a lead agency should consider the resource to be potentially eligible for the CRHR.

Defining a Unique Archaeological Resource

According to State CEQA Guidelines Section 15064.5(c), if an archaeological site does not meet the criteria for a historical resource, but does meet the definition of a unique archeological resource in Section 21083.2 of the Public Resources Code (PRC), the site shall be treated in accordance with the provisions of PRC Section 21083.2.A. PRC Section 21083.2(g) defines a unique archaeological resources as an archeological artifact, object or site about which it can be clearly demonstrated that, without merely adding to the current body of knowledge, there is a high probability that it meets any of the following criteria:

1) Contains information needed to answer important scientific research questions and that there is a demonstrable public interest in that information.

2) Has a special and particular quality such as being the oldest of its type or the best available example of its type.

3) Is directly associated with a scientifically recognized important prehistoric or historic event or person.

Defining a Substantial Adverse Change

State CEQA Guidelines Section 15064.5(b) defines substantial adverse change in the significance of an historical resource as the physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of an historical resource would be materially impaired. This term materially impaired is further defines as when a project:

1) Conveys its historical significance and justify its inclusion in, or eligibility for, inclusion in the California Register of Historical Resources.

2) Demolishes or materially alters in an adverse manner those physical characteristics that account for its inclusion in a local register of historical resources pursuant to section 5020.1(k) of the Public Resources Code or its identification in an historical resources survey meeting the requirements of section 5024.1(g) of the Public Resources Code, unless the public agency reviewing the effects of the project establishes by a preponderance of evidence that the resource is not historically or culturally significant; or

3) Demolishes or materially alters in an adverse manner those physical characteristics of a historical resource that convey its historical significance and that justify its eligibility for inclusion in the California Register of Historical Resources as determined by a lead agency for purposes of CEQA.

Provisions for Mitigation

State CEQA Guidelines require a lead agency to identify potentially feasible measures to mitigate significant adverse changes in the significance of an historical resource. Section 15064.5(c) of the State CEQA Guidelines also establishes that if "maintenance, repair, stabilization, rehabilitation, restoration, preservation, conservation or reconstruction" of the historical resource is conducted "in a manner consistent with" the U.S. Secretary of the Interior's *Standards for the Treatment of Historic Properties* (Weeks and Grimmer 1995), then the project's impact on the historical resource "shall generally be considered mitigated to below a level of significance."

Treatment options for unique archaeological resources under Section 21083.2 include "reasonable efforts to be made to permit any or all of these resources to be preserved in place or left in an undisturbed state." "Preservation in place" is when the relationship between artifacts and the archeological context of the site is kept intact. This can be accomplished by avoiding construction on the archeological site; incorporating a park, greenspace or other open space around or over the site; and deeding the resource site into a permanent conservation easement. Other forms of conservation are to be considered as well. Other acceptable methods of mitigation under Section 21083.2 include excavation and curation or study in place without excavation and curation (if the study finds that the artifacts would not meet one or more of the criteria for defining a unique archaeological resource).

Lastly, CCR Section 15126.4(b) specifies that when "data recovery through excavation is the only feasible mitigation," a data recovery plan shall be prepared and adopted prior to any excavation being undertaken. The data recovery plan is designed to provide for adequately recovering the scientifically consequential information from and about the historical resource using current industry standards in archeological methods. In Riverside County, the resultant study is deposited with the Eastern Information Center at UCR. In terms of specific mitigation for archeological resources, PRC Section 21083.2 also specifies a variety of financial standards for funding such measures and limits the amount that can be required to be spent. In some cases, such as for significant historic resources, these limits do not apply.

In addition, the State CEQA Guidelines also require that a lead agency make provisions for the accidental discovery of historical or archaeological resources, generally. Pursuant to Section 15064.5(f), these provisions should include "an immediate evaluation of the find by a qualified archaeologist. If the find is determined to be an historical or unique archaeological resource, contingency funding and a time allotment sufficient to allow for implementation of avoidance measures or appropriate mitigation should be available. Work could continue on other parts of the building site while historical or unique archaeological resource mitigation takes place."

Human Remains

State CEQA Guidelines Section 15064.5(e) requires that excavation activities be stopped whenever human remains are uncovered and that the County coroner be called in to assess the remains. If the County coroner determines that the remains are those of Native American, the Native American Heritage Commission (NAHC) must be contacted within 24 hours. At that time, the lead agency must consult, in a timely manner, with the appropriate Native Americans, if any, as identified by the NAHC. Section 15064.5 directs the lead agency (or applicant), under certain circumstances, to develop an agreement with the Native Americans for the treatment and disposition of the remains.

AB 52 - Requirements for Consultation and Tribal Cultural Resources

On September 25, 2014, the California legislature approved AB 52, which added new requirements to the Public Resources Code (PRC) and CEQA regarding tribal cultural resources. The PRC now establishes that "[a] project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment" (PRC § 21084.2.). To help determine whether a project may have such an effect, the PRC, as amended by AB 52, requires a lead agency to consult with any California Native American tribe that requests consultation and is traditionally and culturally affiliated with the geographic area of a proposed project. Consultation must take place prior to the determination of whether a negative declaration, mitigated negative declaration, or EIR is required for a project (PRC § 21080.3.1.) If a lead agency determines that a project may cause a substantial adverse change to tribal cultural resources, the lead agency must consider measures to mitigate that impact. PRC §20184.3 (b)(2) provides examples of mitigation measures that lead agencies may consider to avoid or minimize impacts to tribal cultural resources. These new rules apply to projects that have an NOP for an EIR or negative declaration or mitigated negative declaration filed on or after July 1, 2015 (OPR 2015).

California Health and Safety Code

Section 7050.5(b) of the California Health and Safety code specifies protocol when human remains are discovered during construction and/or development activities. The code states:

> *In the event of discovery or recognition of any human remains in any location other than a dedicated cemetery, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains until the coroner of the County in which the human remains are discovered has determined, in accordance with Chapter 10 (commencing with Section 27460) of Part 3 of Division 2 of Title 3 of the Government Code, that the remains are not subject to the provisions of Section 27492 of the Government Code or any other related provisions of law concerning investigation of the circumstances, manner and cause of death, and the recommendations concerning treatment and disposition of the human remains have been made to the person responsible for the excavation, or to his or her authorized representative, in the manner provided in Section 5097.98 of the Public Resources Code.*

Riverside County Planning Department Procedures

Historical and Archeological Resources

Riverside County Planning Department procedures for all proposed land use projects subject to CEQA include review by a Riverside County Archeologist for prospective cultural impacts (including historical and archeological impacts). The Riverside County Archeologist reviews various internal databases for information that might pertain to the age of any buildings found on site, grading permits, ground disturbance activities and building permits. Where buildings are 45 years or older, the project applicant is required to perform an architectural history evaluation to assess potential historic value as part of a Phase I Cultural Resources study. Additionally, vacant parcels within areas known to have prehistoric or historic resources and any parcels with environmental, geomorphological or vegetative features known to increase the likelihood of cultural resources being present trigger a Phase I Cultural Resources study. When the study is completed, and if historic-period resources were identified during a survey, a copy of the report is transmitted to the Riverside County Historic Preservation Officer (CHPO) for review and comment. The CHPO sends relevant comments back to the Riverside County Archeologist. The Riverside County Archeologist reviews all Phase I Cultural Resources studies for completeness and reasonable conclusions based on current industry standards in archeology. The Phase I study serves to advise the Riverside County Archeologist on matters relating to any identified prehistoric or historic resources, provide the requisite information to complete the project-related CEQA analysis and guide the Riverside County Archeologist in determining which land use conditions of approval and/or mitigation measures apply to the proposed project (County of Riverside 2015, p. 4.9-26).

General Conditions of Approval

In addition to the conditions required by the Riverside County Planning Department procedures as described above, the County applies standard Conditions of Approval to proposed development projects, including future project instigated by the proposed project, for cultural and paleontological resources. These are summarized below.

- **General Condition – If Human Remains Found**. This condition requires site disturbance to halt if human remains are encountered and with no further disturbance occurring until the Riverside County Coroner has made the necessary findings as to origin consistent with the requirements of California Health and Safety Code Section 7050.5.

- **General Condition – Inadvertent Archeological Find.** This condition requires all ground disturbance activities within 100 feet any discovered cultural resources to be halted until a the developer, the project archeologist, the Native American tribal representative and the Planning Director to discuss the significance of the find and reach an agreement as to the to the appropriate mitigation (documentation, recovery, avoidance, etc) for the cultural resource.

- **Prior to Grading Permit – Cultural Resources Professional.** This condition requires the project developer/permit holder to retain a Project Archeologist responsible for implementing mitigation and monitoring using standard professional practices for cultural resources. The Project Archeologist is required to consult with the County of Riverside, developer/ permit holder and any tribal or required special interest group monitor throughout the process.

- **Prior to Grading Permit – Special Interest Monitor.** This condition requires the project developer/permit holder to retain a special interest monitor to address the treatment and

ultimate disposition of cultural resources which may include repatriation and/or curation in Riverside County-approved curation facility.

- **Prior to Grading Permit – Tribal Monitoring.** This condition requires the project developer/permit holder to retain a tribal monitor to address the treatment and ultimate disposition of cultural resources which may include repatriation and/or curation in Riverside County-approved curation facility.

- **Prior to Building Final Inspection – Cultural Resources Report.** This condition requires the development/permit holder to submit a "Phase IV" cultural resource monitoring report prepared by a Riverside County-certified professional archeologist.

- **Prior to Grading Permit Issuance – Paleontological PRIMP and Monitor**. This condition requires the development/permit holder to submit a PRIMP to the Riverside County Geologist for review and approval prior to issuance of a grading permit. This condition also describes the required contents of the PRIMP as listed under Palentological Resources above.

- **Prior to Grading Final – Paleontological Monitoring Report Requirement.** This condition requires the development/permit holder to submit a copy of the Paleontological Monitoring Report prepared for site grading operations at the site, along with a report of findings made during all site grading activities and an appended itemized list of fossil specimens recovered during grading (if any) and proof of accession of fossil materials into the pre-approved museum or other repository.

- **General Condition - Projects Located Completely within the Low Potential Zone.** This condition applies to development sites with low potential for containing significant paleontological resources and requires earthmoving activities to halt in the event of an inadvertent find. The condition requires that a qualified paleontologist determine the significance of the encountered fossil remains and that the remains then will be curated as appropriate.

GEOLOGY, SOILS, AND AGRICULTURAL RESOURCES

State

Alquist-Priolo Earthquake Fault Zoning Act

The Alquist-Priolo Earthquake Fault Zoning Act is intended to reduce the risk to life and property from surface fault rupture during earthquakes by preventing the construction of buildings used for human occupancy on the surface trace of active faults. The law only addresses the hazard of surface fault rupture and is not directed toward other earthquake hazards. The Alquist-Priolo Act requires the State Geologist to establish regulatory zones known as earthquake fault zones around the surface traces of active faults and to issue appropriate maps. The maps are distributed to all affected cities, counties, and state agencies for their use in planning efforts. Local agencies must regulate most development projects within the zones. At the time of a future project-level development proposal, the proposed project site would be evaluated in terms of its proximity to a earthquake fault zone.

Seismic Hazards Mapping Act

The Seismic Hazards Mapping Act addresses nonsurface fault rupture earthquake hazards, including liquefaction and seismically induced landslides. The Seismic Hazards Mapping Act

resulted in a mapping program that is intended to reflect areas that have the potential for liquefaction, landslide, strong earth ground shaking, or other earthquake and geologic hazards (CGS 2015).

California Building Standards Code

The State of California provides minimum standards for building design through the California Building Standards Code (CBSC) (California Code of Regulations, Title 24). The CBSC is based on the Uniform Building Code (UBC), which is used widely throughout the United States (generally adopted on a state-by-state or district-by-district basis) and has been modified for conditions in California. State regulations and engineering standards related to geology, soils, and seismic activity in the UBC are reflected in the CBSC requirements. Through the CBSC, the State of California provides a minimum standard for building design and construction. The CBSC contains specific requirements for seismic safety, excavation, foundations, retaining walls, and site demolition. It also regulates grading activities, including drainage and erosion control. Future development allowed under the proposed project would be subject to the requirements of the CBSC.

Williamson Act

The Williamson Act enables local governments to enter into contracts with private landowners for the purpose of restricting specific parcels of land to agricultural or related open space use. In return, landowners receive property tax assessments which are much lower than normal because they are based upon family and open space uses as opposed to full market value.

Farmland Mapping and Monitoring Program

Under CEQA, the lead agency is required to evaluate agricultural resources in environmental assessments at least in part based on the FMMP. The state's system was designed to document how much agricultural land in California was being converted to nonagricultural land or transferred into Williamson Act contracts.

California Land Evaluation and Site Assessment Model

The California Land Evaluation and Site Assessment (LESA) model was developed in 1997 based on the federal LESA system. It can be used to rank the relative importance of farmland and the potential significance of its conversion on a site-by-site basis. The California LESA model considers the following factors: land capability, Storie Index, water availability (drought and non-drought conditions), land uses within one-quarter mile, and "protected resource lands" (e.g., Williamson Act lands) surrounding the property. A score can be derived and used to determine if the conversion of a property would be significant under CEQA.

Paleontological Resources

In order to ensure the review and protection of paleontological resources for projects subject to CEQA and not otherwise categorically exempt, including future residential projects under the proposed project, the Riverside County Geologist performs an initial review of the County of Riverside's database and mapped information for project sites. When existing information indicates that a site proposed for development has high paleontological sensitivity, a paleontological resource impact mitigation program (PRIMP) is required for the project that specifies steps to be taken to mitigate impacts to paleontological resources. The PRIMP is required to include: a description of the level of monitoring required for all earthmoving activities in the project area; identification (name) and qualifications of the qualified paleontological monitor to

be employed for grading operations monitoring; identification of personnel with authority and responsibility to temporarily halt or divert grading equipment to allow for recovery of large specimens; direction for any fossil discoveries to be immediately reported to the property owner who in turn will immediately notify the Riverside County Geologist of the discovery; means and methods to be employed by the paleontological monitor to quickly salvage fossils as they are unearthed to avoid construction delays; sampling of sediments that are likely to contain the remains of small fossil invertebrates and vertebrates; procedures and protocol for collecting and processing of samples and specimens; fossil identification and curation procedures to be employed; identification of the permanent repository to receive any recovered fossil material; all pertinent exhibits, maps and references; procedures for reporting of findings; and identification and acknowledgement of the developer for the content of the PRIMP as well as acceptance of financial responsibility for monitoring, reporting and curation fees.

When existing information indicates that a site proposed for development has low paleontological sensitivity, no direct mitigation is required unless a fossil is encountered during site development. Should a fossil be encountered, the Riverside County Geologist must be notified and a paleontologist must be retained by the project proponent. The paleontologist documents the extent and potential significance of the paleontological resources on the site and establishes appropriate mitigation measures for further site development. When existing information indicates that a site proposed for development has undetermined paleontological sensitivity, a report is filed with the Riverside County Geologist documenting the extent and potential significance of the paleontological resources on site and identifying mitigation measures for the fossil and for impacts to significant paleontological resources (County of Riverside 2015, p. 4.9-27).

HAZARDS AND HAZARDOUS MATERIALS

Federal

Environmental Protection Agency

The US Environmental Protection Agency provides leadership in the nation's environmental science, research, education, and assessment efforts with the mission of protecting human health and the environment. The EPA works to develop and enforce regulations that implement environmental laws enacted by Congress. The EPA is responsible for researching and setting national standards for a variety of environmental programs and delegates to states and tribes the responsibility for issuing permits and for monitoring and enforcing compliance. The agency also performs environmental research, sponsors voluntary partnerships and programs, provides direct support through grants to state environmental programs, and advances educational efforts regarding environmental issues. The EPA develops and enforces regulations that span many environmental categories, including hazardous materials. Specific regulations include those regarding asbestos, brownfields, toxic substances, underground storage tanks, and Superfund sites. For example, the Resource Conservation and Recovery Act (RCRA) gives the EPA the authority to control hazardous waste from "cradle to grave," including the generation, transportation, treatment, storage, and disposal of hazardous waste. The RCRA also sets forth a framework for the management of nonhazardous solid wastes. The 1986 amendments to the act enabled the EPA to address environmental problems that could result from underground tanks storing petroleum and other hazardous substances. In addition, the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) provides a federal "Superfund" to clean up uncontrolled or abandoned hazardous waste sites as well as accidents, spills, and other emergency releases of pollutants and contaminants into the environment. Through this act, the EPA was given power to seek out those parties responsible for any release and ensure their participation in the cleanup. Superfund site identification, monitoring, and

response activities in states are coordinated through the state environmental protection or waste management agencies. The Superfund Amendments and Reauthorization Act of 1986 reauthorized CERCLA to continue cleanup activities around the country (EPA 2015). Such regulations work to protect residential land uses from exposure to hazardous materials.

State

California Environmental Protection Agency

The California Environmental Protection Agency (CalEPA) was created in 1991 by Governor's Executive Order. The mission of CalEPA is to restore, protect, and enhance the environment to ensure public health, environmental quality, and economic vitality (CalEPA 2012). CalEPA and the State Water Resources Control Board establish rules governing the use of hazardous materials and the management of hazardous waste. Applicable state and local laws include the following:

- Public Safety/Fire Regulations/Building Codes
- Hazardous Waste Control Law
- Hazardous Substances Information and Training Act
- Air Toxics Hot Spots and Emissions Inventory Law
- Underground Storage of Hazardous Substances Act
- Porter-Cologne Water Quality Control Act

Also, as required by Government Code Section 65962.5, CalEPA develops an annual update to the Hazardous Waste and Substances Sites (Cortese) List, which is a planning document used by the state, local agencies, and developers to comply with CEQA requirements in providing information about the location of hazardous materials release sites. The California Department of Toxic Substances Control (DTSC) is responsible for a portion of the information contained in the Cortese List. Other state and local government agencies are required to provide additional hazardous material release information for the Cortese List.

Unified Program

The Unified Program consolidates, coordinates, and makes consistent the administrative requirements, permits, inspections, and enforcement activities of the following six environmental and emergency response programs (CalEPA 2012):

- Hazardous Waste Generator program and Hazardous Waste Onsite Treatment activities
- Aboveground Storage Tank program and Spill Prevention Control and Countermeasure Plan requirements
- Underground Storage Tank program
- Hazardous Materials Release Response Plans and Inventory program
- California Accidental Release Prevention program
- Hazardous Materials Management Plans and Hazardous Materials Inventory Statement requirements

The Secretary of CalEPA is directly responsible for coordinating the administration of the Unified Program, which requires all counties to apply to the CalEPA Secretary for the certification of a local unified program agency. Qualified cities are also permitted to apply for certification. The local Certified Unified Program Agency (CUPA) is required to consolidate, coordinate, and make consistent the administrative requirements, permits, fee structures, and inspection and enforcement activities for these six program elements in the County. Most CUPAs have been established as a function of a local environmental health or fire department.

The Riverside County Department of Environmental Health is the CUPA for the County. CalEPA periodically evaluates the ability of each CUPA to carry out the requirements of the Unified Program. A program evaluation of the Riverside County Department of Environmental Health CUPA was conducted on October 18 and 19, 2011. The evaluation found that the Riverside County Department of Environmental Health CUPA's program performance is satisfactory with some improvement needed (CalEPA 2011).

California Department of Toxic Substances Control

The California Department of Toxic Substances Control regulates hazardous waste, cleans up existing contamination, and looks for ways to reduce the hazardous waste produced in California. The DTSC regulates hazardous waste in California, primarily under the authority of the federal Resource Conservation and Recovery Act of 1976 and the California Health and Safety Code. Permitting, inspection, compliance, and corrective action programs ensure that people who manage hazardous waste follow state and federal requirements. Other laws that affect hazardous waste are specific to handling, storage, transportation, disposal, treatment, reduction, cleanup, and emergency planning.

California Department of Forestry and Fire Protection

The Department of Forestry and Fire Protection (Cal Fire) protects the people of California from fires, responds to emergencies, and protects and enhances forest, range, and watershed values providing social, economic, and environmental benefits to rural and urban citizens. Cal Fire's firefighters, fire engines, and aircraft respond to an average of more than 5,600 wildland fires each year. Those fires burn more than 172,000 acres annually (Cal Fire 2015).

The Office of the State Fire Marshal supports Cal Fire's mission by focusing on fire prevention. It provides support through a wide variety of fire safety responsibilities including by regulating buildings in which people live, congregate, or are confined; by controlling substances and products which may, in and of themselves, or by their misuse, cause injuries, death, and destruction by fire; by providing statewide direction for fire prevention in wildland areas; by regulating hazardous liquid pipelines; by reviewing regulations and building standards; and by providing training and education in fire protection methods and responsibilities.

California Public Resources Code

Fire Hazard Severity Zones – Public Resources Code Sections 4201-4204

PRC Sections 4201–4204 and Government Code Sections 51175–89 direct Cal Fire to map areas of significant fire hazards based on fuels, terrain, weather, and other relevant factors. These zones, referred to as fire hazard severity zones (FHSZ), define the application of various mitigation strategies to reduce risk associated with wildland fires (Cal Fire 2015).

California Public Resources Code Sections 4290-4299 & General Code Section 51178

A variety of state codes, particularly Public Resources Code (PRC) Sections 4290-4299 and General Code (GC) Section 51178, require minimum statewide fire safety standards pertaining to: roads for fire equipment access; signage identifying streets, roads and buildings; minimum private water supply reserves for emergency fire use; and, fire fuel breaks and greenbelts. They also identify primary fire suppression responsibilities among the federal, state and local governments. In addition, any person who owns, leases, controls, operates or maintains a building or structure in or adjoining a mountainous area or forest-covered, brush-covered or grass-covered land, or any land covered with flammable material, must follow procedures to protect the property from wildland fires. This regulation also helps ensure fire safety and provide adequate access to outlying properties for emergency responders and safe evacuation routes for residents.

California Code of Regulations Title 24, Parts 2 and 9 – Fire Codes

Part 2 of Title 24 of the California Code of Regulations (CCR) refers to the California Building Code which contains complete regulations and general construction building standards of state adopting agencies, including administrative, fire and life safety and field inspection provisions. Part 2 was updated in 2008 to reflect changes in the base document from the Uniform Building Code to the International Building Code. Part 9 refers to the California Fire Code, which contains other fire safety-related building standards. In particular, Chapter 7A, "Materials and Construction Methods for Exterior Wildfire Exposure," in the 2010 California Building Code addresses fire safety standards for new construction. In addition, Section 701A.3.2, "New Buildings Located in Any Fire Hazard Severity Zone," states:

> *"New buildings located in any Fire Hazard Severity Zone within State Responsibility Areas, any Local Agency Very-High Fire Hazard Severity Zone, or any Wildland-Urban Interface Fire Area designated by the enforcing agency for which an application for a building permit is submitted on or after January 1, 2008, shall comply with all sections of this chapter."*

Local

Riverside County Fire Department Strategic Plan

The Riverside County Fire Department's (2009) Strategic Plan 2009–2029 covers fiscal years 2009–10 through 2029–30. The plan describes the array of fire and rescue services provided to citizens, and it provides an evaluation of the current status of various commonly used service performance measures. The plan also makes recommendations for staffing, facilities, and station sites and remodels.

Riverside County Multi-Jurisdictional Hazard Mitigation Plan

The purpose of the Riverside County Operational Area Multi-Jurisdictional Local Hazard Mitigation Plan is to identify the County's hazards, review and assess past disaster occurrences, estimate the probability of future occurrences, and set goals to mitigate potential risks to reduce or eliminate long-term risk to people and property from natural and man-made hazards.

Riverside County Ordinance No. 787 - Fire Code Standards

This ordinance addresses implementation of the California Building Code, based on the International Conference of Building Officials. The codes prescribe performance characteristics and materials to be used to achieve acceptable levels of fire protection and include the WUI fire area building standards mentioned above. Collectively, the ordinance establishes the requirements and standards for fire hazard reduction regulations within Riverside County (including additions and deletions to the California Fire Code) to fully protect the health, safety and welfare of existing and future residents and workers of Riverside County.

Among other things, this ordinance assures that structural and nonstructural architectural elements of the building do not: a) impede emergency egress for fire safety staffing/ personnel, equipment, and apparatus; nor b) hinder evacuation from fire, including potential blockage of stairways or fire doors. In addition, for the purposes of CFC implementation, the ordinance also adds a statement noting: "In accordance with Government Code sections 51175 through 51189, Very High Fire Hazard Severity Zones are designated as shown on a map titled Very High Fire Hazard Severity Zones, dated April 8, 2010, and retained on file at the office of the Fire Chief and supersedes other maps previously adopted by Riverside County designating high fire hazard areas." It also defines a "hazardous fire area" as: "Private or public land not designated as state or local fire hazard severity zone (FHSZ) which is covered with grass, grain, brush or forest and situated in a location that makes suppression difficult resulting in great damage. Such areas are designated on Hazardous Fire Area maps filed with the office of the Fire Chief."

HYDROLOGY AND WATER QUALITY

Federal

Clean Water Act

The federal Clean Water Act gives states the primary responsibility for protecting and restoring water quality. In California, the State Water Resources Control Board and the nine Regional Water Quality Control Boards (RWQCBs) are the agencies with primary responsibility for implementing federal CWA requirements, including developing and implementing programs to achieve water quality standards. Water quality standards include designated beneficial uses of water bodies, criteria or objectives (numeric or narrative) which are protective of those beneficial uses, and policies to limit the degradation of water bodies.

Sections 401 and 404 of the Clean Water Act

Sections 401 and 404 of the federal Clean Water Act are administered through the Regulatory Program of the US Army Corps of Engineers (USACE) and regulate the water quality of all discharges of fill or dredged material into waters of the United States, including wetlands and intermittent stream channels. Section 401, Title 33, Section 1341 of the Clean Water Act sets forth water quality certification requirements for any applicant applying for a federal license or permit to conduct any activity including, but not limited to, the construction or operation of facilities that may result in any discharge into the navigable waters.

Section 404, Title 33, Section 1344 of the CWA in part authorizes the USACE to:

- Set requirements and standards pertaining to such discharges: subparagraph (e);
- Issue permits "for the discharge of dredged or fill material into the navigable waters at specified disposal sites:" subparagraph (a);

- Specify the disposal sites for such permits: subparagraph (b);
- Deny or restrict the use of specified disposal sites if "the discharge of such materials into such area would have an unacceptable, adverse effect on municipal water supplies and fishery areas:" subparagraph (c);
- Specify type of and conditions for non-prohibited discharges: subparagraph (f);
- Provide for individual state or interstate compact administration of general permit programs: subparagraphs (g), (h), and (j);
- Withdraw approval of such state or interstate permit programs: subparagraph (i);
- Ensure public availability of permits and permit applications: subparagraph (o);
- Exempt certain federal or state projects from regulation under this section: subparagraph (r); and
- Determine conditions and penalties for violation of permit conditions or limitations: subparagraph (s).

National Pollutant Discharge Elimination System

As authorized by Section 402(p) of the CWA, the National Pollutant Discharge Elimination System (NPDES) Permit Program controls water pollution by regulating point sources that discharge pollutants into waters of the United States. The State Water Resources Control Board issues NPDES permits to cities and counties through the Regional Water Quality Control Boards. It is the responsibility of the RWQCBs to preserve and enhance the quality of the state's waters through the development of water quality control plans and the issuance of waste discharge requirements. Waste discharge requirements for discharges to surface waters also serve as NPDES permits.

General Construction Activity Storm Water Permits and Stormwater Pollution Prevention Plans

In accordance with NPDES regulations, the SWRCB has issued a Statewide General Permit (Water Quality No. 2009-0009-DWQ, as amended by Order No. 2010-0014-DWQ) for construction activities in the state. The Construction General Permit (General Permit) is implemented and enforced by the RWQCBs. The General Permit applies to any construction activity affecting 1 acre or more and requires those activities to minimize the potential effects of construction runoff on receiving water quality. Performance standards for obtaining and complying with the General Permit are described in NPDES General Permit No. CAS000002, Waste Discharge Requirements, Order No. 2009-0009-DWQ, as amended by Order No. 2010-0014-DWQ.

General Permit applicants are required to submit to the appropriate regional board Permit Registration Documents for the project, which include a Notice of Intent, a risk assessment, a site map, a signed certification statement, an annual fee, and a stormwater pollution prevention plan (SWPPP). The permit program is risk based, wherein a project's risk is based on the project's potential to cause sedimentation and the risk of such sedimentation on the receiving waters. A project's risk determines its water quality control requirements, ranging from Risk Level 1, which consists of only narrative effluent standards, implementation of best management practices (BMPs), and visual monitoring, to Risk Level 3, which consists of numeric effluent limitations, additional sediment control measures, and receiving water monitoring. Additional requirements include compliance with post-construction standards focusing on low impact development (LID), preparation of rain event action plans, increased reporting requirements, and specific certification requirements for certain project personnel.

The SWPPP must include implementing best management practices to reduce construction effects on receiving water quality by implementing erosion control measures and reducing or eliminating non-stormwater discharges. Examples of typical construction best management practices included in SWPPPs include, but are not limited to:

- Using temporary mulching, seeding, or other suitable stabilization measures to protect uncovered soils.
- Storing materials and equipment to ensure that spills or leaks cannot enter the storm drain system or surface water.
- Developing and implementing a spill prevention and cleanup plan.
- Installing sediment control devices such as gravel bags, inlet filters, fiber rolls, or silt fences to reduce or eliminate sediment and other pollutants from discharging to the drainage system or receiving waters.

Total Maximum Daily Loads

Under CWA Section 303(d) and California's Porter-Cologne Water Quality Control Act of 1969, the State of California is required to establish beneficial uses of state waters and to adopt water quality standards to protect those beneficial uses. Section 303(d) establishes the total maximum daily load (TMDL) process to assist in guiding the application of state water quality standards, requiring the states to identify waters whose water quality is "impaired" (affected by the presence of pollutants or contaminants) and to establish a TMDL, or the maximum quantity of a particular contaminant that a water body can assimilate without experiencing adverse effects on the beneficial use identified. The establishment of TMDLs is generally a stakeholder-driven process that involves investigation of sources and their loading (pollution input), estimation of load allocations, and identification of an implementation plan and schedule.

In its 2005 manual, "California Impaired Waters Guidance," CalWater notes that the State Board's TMDL program was created to implement the CWA and State of California's minimum water quality standards to achieve clean water "where traditional controls...have proven inadequate." Accordingly, each RQWCB routinely monitors and assesses the quality of the waters under their jurisdiction per CWA Section 303(b). If this assessment indicates that beneficial uses are not met, then the waterbody must be listed under Section 303(d) of the CWA as an impaired waterbody. In preparing its impaired waterbodies list, the State Board and Regional Water Quality Control Boards assess water quality data for California's waters every two years to determine if they contain pollutants at levels that exceed protective water quality criteria and standards. In October 2011, the USEPA issued its final decision regarding the water bodies and pollutants identified in California's 2010 303(d) list.

Impaired waterbodies that occur in Riverside County are indicated in Table 4.19-C of the County General Plan Update Project, EIR No. 521, along with information on the applicable pollutants and TMDLs, as applicable. The beneficial uses of waterbodies, including impaired ones, addressed under Riverside County's three MS4 permits are addressed in Table 4.19-D of the EIR.

State

Porter-Cologne Water Quality Control Act

In 1969, the California Legislature enacted the Porter-Cologne Water Quality Control Act to preserve, enhance, and restore the quality of the state's water resources. The Porter-Cologne Water Quality Control Act established the SWRCB and the nine RWQCBs as the principal state agencies with the responsibility for controlling water quality in California. Under the act, water quality policy is established, water quality standards are enforced for both surface water and groundwater, and the discharges of pollutants from point and nonpoint sources are regulated. The act authorizes the SWRCB to establish water quality principles and guidelines for long-range resource planning, including groundwater and surface water management programs and control and use of recycled water.

State Water Resources Control Board

The five-member SWRCB allocates water rights, adjudicates water right disputes, develops statewide water protection plans, establishes water quality standards, and guides the nine Regional Water Quality Control Boards located in the major watersheds of the state. The joint authority of water allocation and water quality protection enables the SWRCB to provide comprehensive protection for California's waters (SWRCB 2015). The SWRCB is responsible for implementing the Clean Water Act and issues NPDES permits to cities and counties through Regional Water Quality Control Boards.

Riverside County contains several major watersheds, which in turn, depending on geographic location, are within the jurisdictional boundaries of either the San Diego RWQCB, Santa Ana River RWQCB, or Colorado River RWQCB. The San Diego RWQCB oversees the Upper Santa Margarita region (Region 9), MS4 Permit No. R9-2010-0016, NPDES Permit No. CAS0108766. The Santa Ana River RWQCB oversees the Santa Ana River region (Region 8), MS4 Permit No. R8-2010-0033, NPDES Permit No. CAS601833. The Colorado River RWQCB oversees the Whitewater River region (Region 7); MS4 Permit No. R7-2008-001, NPDES Permit No. CAS617702.

POPULATION AND HOUSING

State

California Housing Element Law and HCD

California law recognizes the role local governments play in the supply and affordability of housing and each governing body of a local government in California (in this case the Riverside County Board of Supervisors) is required to adopt a comprehensive, long-term general plan for the physical development of the city, city and county, or county. The Housing Element is one of the seven mandated elements of the general plan. Unlike the other general plan elements, the housing element, required to be updated every five to six years, is subject to detailed statutory requirements and mandatory review by a State agency, the California Department of Housing and Community Development (HCD). Housing element law (Government Code Section 65580-65589.8) requires local governments to adequately plan to meet the existing and projected housing needs of all economic segments of the community, and acknowledges that, in order for the private market to adequately address housing needs and demand, local governments must adopt land use plans and regulatory systems which provide opportunities for, and do not unduly constrain, housing development. As a result, housing policy in California rests largely upon the effective implementation of local general plans and, in particular, local housing elements (HCD 2015).

The housing element process begins with the HCD allocating a region's share of the statewide housing need to the appropriate Councils of Governments (COG) based on California Department of Finance population projections and regional population forecasts used in preparing regional transportation plans. The COG than develops a Regional Housing Need Plan (RHNP) allocating the region's share of the statewide need to the cities and counties within the region. Pursuant to Government Code 65583, localities are required to update their housing element to plan to accommodate its entire housing need share by income category (HCD 2015).

Regional

SCAG and the Regional Housing Needs Assessment

The Southern California Association of Governments (SCAG) is the regional COG for Southern California, with a region that encompasses Riverside, Imperial, Los Angeles, Orange, San Bernardino and Ventura Counties. As the regional COG, SCAG is required by State law as discussed above to develop a RHNP allocating the region's share of the statewide housing need to the jurisdictions within its region. The Regional Housing Needs Assessment (RHNA) quantifies the need for housing within each jurisdiction in the SCAG region during specified planning periods and is mandated by state housing element law as part of the periodic process of updating local housing elements of the General Plan. The *5th cycle RHNA Allocation Plan*, which covers the planning period from October 2013 to October 2021, was adopted by SCAG on October 4, 2012 (SCAG 2015).

As stated above, localities are required to update their housing element to accommodate its RHNA share by income category. As described in Section 2.0, the proposed project consists of adoption of a comprehensive update of the County's Housing Element for the 2013–2021 planning period and one objective of the proposed project is to demonstrate that the County has sufficient land with the appropriate land use designation and zoning to demonstrate housing resources necessary to meet its RHNA for the extremely low-income, very low-income, and low-income housing categories.

TRANSPORTATION AND TRAFFIC

Regional

Riverside County Congestion Management Program

The Riverside County Congestion Management Program (CMP) was prepared by the Riverside County Transportation Commission (RCTC) in consultation with the County of Riverside and its cities, is an effort to align land use, transportation and air quality management efforts, to promote reasonable growth management programs that effectively use statewide transportation funds, while ensuring that new development pays its fair share of needed transportation improvements.

The CMP has established a minimum threshold of LOS E for CMP streets and highways. When the level of service on a segment or at an intersection fails to attain this established level of service standard, a deficiency plan must be prepared by the local jurisdiction where the deficiency is identified. However, deficient segments are identified through a biennial traffic monitoring process; neither the CMP nor RCTC requires traffic impact assessments for individual development proposals. To ensure that the CMP is appropriately monitored to reduce the occurrence of level of service deficiencies, it is the responsibility of local agencies, when reviewing and approving development proposals, to consider the traffic impacts on the CMP System. According to the RCTC, local agencies are required to maintain minimum level of service thresholds included in

their respective general plans and require traffic impact assessments on development proposals when necessary (County of Riverside 2015, p. 4.18-27).

Airport Land Use Compatibility Plan

The Riverside County Airport Land Use Commission (RCALUC) adopts and implements Airport Land Use Compatibility Plans (ALUCPs) establishing criteria for acceptable land uses in the vicinity of airports (known as Airport Influence Areas) that are intended to protect and promote the safety and welfare of the residents of the airport vicinity and users of the airports while ensuring the continued operation of the airports. The RCALUC is composed of appointees that represent the Riverside County Board of Supervisors; cities in the County of Riverside, as elected by a City Selection Committee; airport managers, and the public within the vicinity of the airports. State law (Public Utilities Code) provides that local agencies such as cities and counties with land within Airport Influence Areas must submit their General Plans to ALUCs for a determination as to whether the General Plan is consistent with applicable adopted ALUCPs. If the General Plan is determined to be consistent, only certain types of projects or cases (general plan amendments, ordinance amendments, specific plans and specific plan amendments) are required to subsequently be submitted to the ALUC for consistency determinations. However, if the General Plan has not been determined to be consistent with the applicable ALUCP, all proposed land uses within that Airport Influence Area must be submitted to the RCALUC for review and a determination of consistency or inconsistency with the applicable ALUCP. A determination of consistency may be subject to conditions of approval recommended by RCALUC for application to the project by the local agency.

The March Joint Powers Authority (March JPA) is the federally-designated reuse authority for the March Joint Air Reserve Base/Inland Port Airport. Within its boundaries, land use authority has been transferred from the County of Riverside to the March JPA.

All airports operating within Riverside County are subject to oversight by the Federal Aviation Administration (FAA) and the Division of Aeronautics of the California Department of Transportation. The five Riverside County-owned public airports are operated by the Riverside County Economic Development Agency. The four city-owned airports are operated by departments of the respective cities in which they are located. The three privately-owned public use airports are operated by private commercial owners. The March Inland Port Airport Authority is responsible for development and operation of the March Inland Port Airport as a governing body under the governing umbrella of the March Joint Powers Authority.

PUBLIC SERVICES AND UTILITIES

Fire Protection

State

California Code of Regulations Title 24, Parts 2 and 9 – Fire Codes

Part 2 of Title 24 of the California Code of Regulations (CCR) refers to the California Building Code which contains complete regulations and general construction building standards of state adopting agencies, including administrative, fire and life safety and field inspection provisions. Part 2 was updated in 2008 to reflect changes in the base document from the Uniform Building Code to the International Building Code. Part 9 refers to the California Fire Code, which contains other fire safety-related building standards. In particular, Chapter 7A, "Materials and Construction Methods for Exterior Wildfire Exposure," in the 2010 California Building Code addresses fire safety

standards for new construction. In addition, Section 701A.3.2, "New Buildings Located in Any Fire Hazard Severity Zone," states:

> *"New buildings located in any Fire Hazard Severity Zone within State Responsibility Areas, any Local Agency Very-High Fire Hazard Severity Zone, or any Wildland-Urban Interface Fire Area designated by the enforcing agency for which an application for a building permit is submitted on or after January 1, 2008, shall comply with all sections of this chapter."*

California Public Resources Code Sections 4290-4299 & General Code Section 51178

A variety of state codes, particularly Public Resources Code (PRC) Sections 4290-4299 and General Code (GC) Section 51178, require minimum statewide fire safety standards pertaining to: roads for fire equipment access; signage identifying streets, roads and buildings; minimum private water supply reserves for emergency fire use; and, fire fuel breaks and greenbelts. They also identify primary fire suppression responsibilities among the federal, state and local governments. In addition, any person who owns, leases, controls, operates or maintains a building or structure in or adjoining a mountainous area or forest-covered, brush-covered or grass-covered land, or any land covered with flammable material, must follow procedures to protect the property from wildland fires. This regulation also helps ensure fire safety and provide adequate access to outlying properties for emergency responders and safe evacuation routes for residents.

Local

Riverside County Ordinance No. 787 - Fire Code Standards

This ordinance addresses implementation of the California Building Code, based on the International Conference of Building Officials. The codes prescribe performance characteristics and materials to be used to achieve acceptable levels of fire protection and include the WUI fire area building standards mentioned above. Collectively, the ordinance establishes the requirements and standards for fire hazard reduction regulations within Riverside County (including additions and deletions to the California Fire Code) to fully protect the health, safety and welfare of existing and future residents and workers of Riverside County.

Among other things, this ordinance assures that structural and nonstructural architectural elements of the building do not: a) impede emergency egress for fire safety staffing/ personnel, equipment, and apparatus; nor b) hinder evacuation from fire, including potential blockage of stairways or fire doors. In addition, for the purposes of CFC implementation, the ordinance also adds a statement noting: "In accordance with Government Code sections 51175 through 51189, Very High Fire Hazard Severity Zones are designated as shown on a map titled Very High Fire Hazard Severity Zones, dated April 8, 2010, and retained on file at the office of the Fire Chief and supersedes other maps previously adopted by Riverside County designating high fire hazard areas." It also defines a "hazardous fire area" as: "Private or public land not designated as state or local fire hazard severity zone (FHSZ) which is covered with grass, grain, brush or forest and situated in a location that makes suppression difficult resulting in great damage. Such areas are designated on Hazardous Fire Area maps filed with the office of the Fire Chief."

PUBLIC SCHOOLS

State

Leroy F. Greene School Facilities Act of 1998 (SB 50)

Senate Bill 50 (SB 50) was enacted by the State Legislature in 1998 and made significant amendments to existing state law governing school fees. In particular, SB 50 amended prior California Government Code (CGC) Section 65995(a) to *prohibit* state or local agencies from imposing school impact mitigation fees, dedications or other requirements in excess of those provided in the statute in connection with "any legislative or adjudicative act...by any state or local agency involving...the planning, use, or development of real property...." The legislation also amended CGC Section 65996(b) to prohibit local agencies from using the inadequacy of school facilities as a basis for denying or conditioning approvals of any "legislative or adjudicative act [involving] the planning, use or development of real property." Further, SB 50 established the base amount of allowable developer fees: $1.93 per square foot for residential construction and $0.31 per square foot for commercial. These base amounts are commonly called "Level 1 fees" and are the same caps that were in place at the time SB 50 was enacted. Level 1 fees are subject to inflation adjustment every two years.

In certain circumstances, for residential construction, school districts can impose fees that are higher than Level 1 fees. School districts can impose Level 2 fees, which are equal to 50 percent of land and construction costs if they: (1) prepare and adopt a school needs analysis for facilities; (2) are determined by the State Allocation Board to be eligible to impose these fees; and (3) meet at least two of the following four conditions:

- At least 30 percent of the district's students are on a multi-track year-round schedule.
- The district has placed on the ballot within the previous four years a local school bond that received at least 50 percent of the votes cast.
- The district has passed bonds equal to 30 percent of its bonding capacity.
- Or, at least 20 percent of the district's teaching stations are relocatable classrooms.

Additionally, if the State of California's bond funds are exhausted, a school district that is eligible to impose Level 2 fees is authorized to impose even higher fees. Commonly referred to as "Level 3 fees," these fees are equal to 100 percent of land and construction costs of new schools required as a result of new developments.

Future residential development allowed under the proposed project would be subject to these development fees. There are a total of 23 school districts that serve Riverside County. Most of these are "Unified School Districts" providing schooling for grades K (kindergarten) through 12. Occasionally, differing grades are provided by separate districts. According to County General Plan Update Project, EIR No. 521, there are a total of 467 K-12 school sites, including 17 charter schools, 273 elementary sites, 75 middle/junior high sites, 69 high school sites and 33 continuation/ adult education sites. The County also offers 16 Head Start/preschool program sites. The average State funding per pupil is $5,011 for elementary districts, $6,022 for high school districts and $5,239 for unified districts. There are more than 18,742 teachers and 17,476 non-teaching school employees serving Riverside County. Table 4.17-Q of Environmental Impact Report No. 521 provides a list of all 23 school districts serving the County, all of which would collect development fees from development within their jurisdiction.

PARKS AND RECREATION

Local

Quimby Act

Passed in 1975, this State of California law (CGC, Section 66477) enables the County of Riverside to require that developers set aside land, donate conservation easements or pay fees for park improvements as condition of approval for a tract or parcel map. The goal of the Quimby Act is to require developers to help mitigate the impacts of development that introduces new users for park and recreational facilities. The revenues generated through the Quimby Act, however, cannot be used for the operation or maintenance of park facilities. The Quimby fees must be paid and/or land directly conveyed to the local public agency that will provide the community's park and recreation services. For Riverside County, Ordinance No. 460 (Regulating the Division of Land) includes Section 10.35 addressing park and recreation fees and dedications related to Quimby Act and other issues.

Ordinance No. 460 establishes the key provisions addressing the division of land in Riverside County. Among other things, in Section 10.35, it specifies that: "Whenever land that is proposed to be divided for residential use lies within the boundaries of a public agency designated to receive dedications and fees pursuant to this section, a fee and/or the dedication of land shall be required as a condition of approval of the division of land." It further specifies that dedication of 3 acres of parkland per 1,000 population, or payment of a fee in-lieu of such dedication, is necessary for the "public interest, convenience, health, welfare and safety." The fee and/or land dedications or improvements can only be used to provide neighborhood and community parks that would serve the proposed development.

POTABLE WATER SERVICE AND INFRASTRUCTURE

State

Urban Water Management Planning Act and the JCSD 2010 UWMP

The California Urban Water Management Planning Act requires preparation of an Urban Water Management Plan (UWMP) that accomplishes water supply planning over a 20-year period in 5-year increments; identifies and quantifies adequate water supplies, including recycled water, for existing and future demands in normal, single dry, and multiple dry years; and implements conservation and efficient use of urban water supplies. The most recent UWMP for the Jurupa Community Services District is the 2010 Urban Water Management Plan (JCSD 2011). The 2010 UWMP identifies how the JCSD plans to deliver a reliable and high quality water supply for its customers, even during dry periods, over a 25-year period via continued groundwater extraction, water exchanges, recycling, desalination, and water banking/conjunctive use. Specific planning efforts are discussed in regard to each option, involving detailed evaluations of how each option would fit into the overall supply/demand framework, how each option would impact the environment, and how each option would affect customers.

Executive Order B-29-15

California is currently (2015) experiencing severe drought conditions. As a result, Governor Brown directed the State Water Board to implement mandatory water reductions in urban areas to reduce potable urban water usage by 25 percent statewide. On April 1, 2015, the Governor issued the fourth in a series of Executive Orders on actions necessary to address California's severe

drought conditions. Executive Order B-29-15 directed the State Water Board to implement mandatory water reductions in urban areas to reduce potable urban water usage by 25 percent statewide. Under Executive Order B-29-15, new construction is prohibited from installing irrigation with potable water that is not delivered by drip or microspray systems.

On May 5, 2015, the State Water Resources Control Board adopted an emergency conservation regulation in accordance with the Governor's directive. The provisions of the emergency regulation went into effect on May 15, 2015 (SWRCB 2015). In addition, each water supplier, including the Jurupa Community Services District, was mandated to meet a specific water conservation standard based on residential gallons per capita per day.

Regional

Water Districts

Sections 4.1 through 4.10 of the DEIR define the Water Districts which the neighborhood sites are within. The following Water Districts would be affected by the project:

TABLE 2.3-3
WATER DISTRICTS AFFECTED BY THE PROJECT

Water District	DEIR Section
Temescal Valley Water District (TVWD)	(See Section 4.1)
Elsinore Valley Municipal Water District (EVMWD)	(See Section 4.1; 4.2)
Western Municipal Water District (WMWD)	(See Section 4.3)
Riverside Public Utilities (RPU)	(See Section 4.4)
Eastern Municipal Water District (EMWD)	(See Section 4.5; 4.6; 4.9)
Coachella Valley Water District (CVWD)	(See Section 4.7; 4.8)
Cabazon Water District (CWD)	(See Section 4.10)

Water Efficient Landscape Requirements (Ordinance No. 859)

Adopted in 2006, this ordinance outlines water-efficient landscape standards for development within Riverside County in order to implement requirements of the California Water Conservation in Landscaping Act of 2006 and the California Code of Regulations Title 23, Division 2, Chapter 2.7. It includes a number of measures designed to conserve water, including: provisions for water management practices and water waste prevention; establishment of a structure for planning, designing, installing, maintaining and managing water-efficient landscapes in new and rehabilitated projects; reducing water demands from landscapes without adversely affecting landscape quality or quantity; requirements for landscapes not exceeding a maximum water demand of 70 perecnt of its reference evapotranspiration (ETo) or any lower percentage required by state legislation; elimination of water waste from overspray and/or runoff; and, education of the public regarding the benefits of landscape water conservation. It includes a number of standards, including planting plan requirements, irrigation design plan requirements, soil management plan requirements, grading design plan requirements and landscape irrigation and maintenance measures. By conserving water, this ordinance protects existing water supplies (surface and groundwater). And by limiting water applications, it also helps minimize water runoff and water erosion in landscaped areas.

SOLID WASTE

State

California Integrated Waste Management Act/AB 939

Solid waste regulation in California is governed by the California Integrated Waste Management Act of 1989, which is commonly known as AB 939. The act, codified into the California Public Resources Code, emphasizes a reduction of waste disposed in California landfills. To achieve a reduction of waste in landfills in the state, AB 939 requires all city and county plans to include a waste diversion schedule with the goals to divert 25 percent of solid waste from landfills by 1995 and divert 50 percent of solid waste from landfills by the year 2000. To achieve these goals, AB 939 emphasizes that cities and counties reduce the production of, recycle, and reuse solid waste.

Regional

Countywide Integrated Waste Management Plan

The Countywide Integrated Waste Management Plan (CIWMP) was prepared in accordance with the California Integrated Waste Management Act of 1989, Chapter 1095 (AB 939). AB 939 redefined solid waste management in terms of both objectives and planning responsibilities for local jurisdictions and the state. AB 939 required each of the cities and unincorporated portions of counties throughout the state to divert a minimum of 25% by 1995 and 50% of the solid waste landfilled by the year 2000. To attain these goals for reductions in disposal, AB 939 established a planning hierarchy utilizing new integrated solid waste management practices, including requiring local governments to prepare and implement plans to improve the management of waste resources (RCDWR 2015).

The CIWMP's components include the Countywide Summary Plan, the Countywide Siting Element, the Source Reduction and Recycling Element (SRRE), the Household Hazardous Waste Element, and the Non-Disposal Facility Element. The Summary Plan summarizes the steps needed to cooperatively implement programs among the County's jurisdictions to meet and maintain the 50 percent diversion mandates. The Siting Element demonstrates that there are at least 15 years of remaining disposal capacity to serve all the jurisdictions in the County. If there is not adequate capacity, a discussion of alternative disposal sites and additional diversion programs must be included in the Siting Element. The Source Reduction and Recycling Element was developed separately by each Riverside County jurisdiction, including the Unincorporated County, and their purpose was to analyze the local waste stream to determine where to focus diversion efforts, including programs and funding. The Household Hazardous Waste Element was developed by jurisdictions and provides a framework for recycling, treatment and disposal practices for Household Hazardous Waste programs. The Non-Disposal Facility Element identifies and describes existing and proposed facilities, other than landfills and transformation facilities, requiring a solid waste permit to operate. Non-disposal facilities are also those facilities that will be used by a jurisdiction to meet its diversion goals. The Riverside County Non-Disposal Facility Element identifies and describes those non-disposal facilities that will be needed to implement the Riverside County SRRE.

ELECTRICITY AND NATURAL GAS

State

California Energy Commission, Title 24

The California Energy Commission has adopted and periodically updates standards (codified in Title 24, Part 6 of the California Code of Regulations) to ensure that building construction, system design, and installation achieve energy efficiency and preserve outdoor and indoor environmental quality. Effective July 1, 2014, the 2013 Building Energy Efficiency Standards for Residential and Nonresidential Buildings establish a minimum level of building energy efficiency. The standards are updated roughly every three years, with the next cycle anticipated in 2016.

The standards focus on several key areas to improve the energy efficiency of newly constructed buildings and additions and alterations to existing buildings, and include requirements that will enable both demand reductions during critical peak periods and future solar electric and thermal system installations. Each update of the standards reflects advances in technology for building materials, windows, envelope insulation, and HVAC systems. The 2013 standards also included updates to the energy efficiency divisions of the California Green Building Code Standards (Title 24, Part 11). A set of prerequisites was established for both the residential and nonresidential Reach Standards, which include efficiency measures that should be installed in any building project striving to meet advanced levels of energy efficiency. The residential Reach Standards have also been updated to require additional energy efficiency or on-site renewable electricity generation to meet a specific threshold of expected electricity use. Both the residential and nonresidential Reach Standards include requirements for additions and alterations to existing buildings. The standards are applied as part of the building permit review process.

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