



*City of Arts & Innovation*

# City Council Memorandum

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**TO: HONORABLE MAYOR AND CITY COUNCIL** **DATE: AUGUST 20, 2019**

**FROM: COMMUNITY & ECONOMIC DEVELOPMENT** **WARDS: ALL**

**DEPARTMENT**

**SUBJECT: PUBLIC HEARING - PLANNING CASES P19-0054 (GENERAL PLAN AMENDMENT), P19-0057 (ZONING CODE AMENDMENT) – PROPOSAL BY THE CITY OF RIVERSIDE TO COMPLY WITH THE CONSISTENCY REQUIREMENTS APPLICABLE TO CHARTER CITIES PER SENATE BILL 1333**

## **ISSUE:**

Approve a General Plan Amendment to the Land Use and Urban Design Element to (1) amend Table LU-5 Zoning/General Plan Consistency Matrix; 2) add Table LU-6 – Consistency Quick Check; (3) add Table LU7 – Consistency Criteria; and consider a Zoning Code Amendment to amend Chapter 19.090 – Establishment of Zones and Adoption of Maps and Chapter 19.780 – Planned Residential Development Permit of the Zoning Code (Title 19 of the Riverside Municipal Code) to comply with the consistency requirements applicable to Charter cities under Senate Bill 1333.

## **RECOMMENDATIONS:**

That the City Council:

1. Determine that Planning Cases P19-0054 (General Plan Amendment) and P19-0057 (Zoning Code Text Amendment) are exempt from the California Environmental Quality Act subject to Section 15061(b)(3), as it can be seen with certainty that the amendments do not have the potential to cause a significant effect on the environment;
2. Approve Planning Cases P19-0054 (General Plan Amendment) and P19-0057 (Zoning Code Amendment) based on the findings outlined in the Planning Commission staff report (Attachments 1 and 2 );
3. Adopt the attached Resolution amending the Land Use and Urban Design Element of the General Plan 2025 (Attachment 3); and
4. Introduce and subsequently adopt the attached Ordinance amending Chapter 19.090 – Establishment of Zones and Adoption of Maps and Chapter 19.780 – Planned Residential Development Permit of the Riverside Municipal Code Chapter (Attachment 4).

## **PLANNING COMMISSION RECOMMENDATION:**

On June 27, 2019, the City Planning Commission considered a proposal to amend the City of Riverside General Plan 2025 and Zoning Code to comply with State law (SB 1333) requiring cities to have zoning that is consistent with general plan land use. Following discussion, the Planning Commission recommended that the City Council: 1) Determine that Planning Cases P19-0054 (General Plan Amendment) and P19-0057 (Zoning Code Text Amendment) are exempt from the California Environmental Quality Act; and 2) Approve Planning Cases P19-0054 and P19-0057 based on the findings outlined in the staff report by a vote of 9 ayes, 0 noes and 0 abstentions, subject to staff's findings.

## **BACKGROUND:**

Table LU-5 within the Land Use and Urban Design Element of the General Plan 2025 is used to determine consistency between the General Plan Land Use Designations and corresponding Zoning Classification. Although a property's General Plan Land Use Designation and Zoning Classification should be consistent per Table LU-5, there are properties throughout the City that are inconsistent, particularly in areas where change was envisioned per the General Plan update. Prior to the adoption of Senate Bill 1333 (SB 1333), charter cities, including the City of Riverside, were not required to have consistency. However, SB 1333, signed by the Governor on September 27, 2018 and effective January 1, 2019, required, among other things, consistency between the General Plan and Zoning Code for all jurisdictions, including charter cities (Attachment 5).

Prior to SB 1333 passing, if an applicant's project (Project) did not have consistency between the General Plan and Zoning Code, staff encouraged the applicant to achieve consistency, but exceptions were made. The applicant had to ensure that the Project was allowed by the Zoning Code, but many times the General Plan land use designation was inconsistent with the Zoning Code Classification.

Since the adoption of SB 1333, consistency between the General Plan and Zoning Code is required. This may require a General Plan Amendment or Rezoning, which can be costly and take time. A number of vacant or underutilized properties have been brought into consistency, but many properties in the City have inconsistent General Plan designations and Zoning Classifications.

## **DISCUSSION:**

The proposal includes a General Plan Amendment and Zoning Code Amendment. The General Plan Amendment to the Land Use and Urban Design Element includes new language to expand how consistency between the General Plan Land Use Designations and Zoning Code Classifications is determined. The Zoning Code amendment includes a new consistency determination process. The specific amendments include:

### **General Plan Amendment (Attachment 6):**

1. Amendment to the Land Use Designation descriptions providing clarity and consistency with the proposed amendments to Table LU-5.
2. Amendment to the "Implications of Land Use Policy" describing the new consistency process.

3. Amendment to Table LU-5 – Zoning/General Plan Consistency Matrix including additional Zoning Code Classifications under some of the General Plan Land Use Designations that would be deemed consistent. Language has been added as a footnote to ensure that a determination of consistency between the City's Zoning Code Classification and General Plan Land Use Designation does not preclude compliance with the Airport Land Use Compatibility Plan.
4. Addition of Table LU-6 – Consistency Quick Check (Table LU-6) establishing an additional step in determining consistency including those allowed in any Zoning Code Classifications that are considered consistent in Table LU-5 and also allowed by the Zoning Code.
5. Addition of Table LU-7 – Consistency Criteria (Table LU-7) establishing additional criteria to determine consistency with General Plan Objectives and Policies.

Zoning Code Amendment (Attachment 7):

1. Update to the Title 19.090 – Establishment of Zones and Adoption of Maps explaining the consistency determination process.
2. Footnote change to Chapter 19.780 – Planned Residential Development Permit referencing new Table LU-6 and Table LU-7 in the General Plan.

The proposed amendments provide the City and applicants greater flexibility in determining consistency between the General Plan and Zoning Code, and will likely result in time and cost savings.

Proposed Consistency Determination Process:

The proposed amendments to General Plan 2025 and the Zoning Code provide an expanded process (Attachment 8) for proposed Projects to determine consistency. This provides a path for potential development to move forward while the City embarks on its multi-year General Plan update process.

Step 1: The consistency process would begin by looking at Table LU-5. Staff worked with a consultant to identify additional zones that do not exceed the density thresholds, as it relates to land use and traffic, which were analyzed in the General Plan Environmental Impact Report (EIR) and Traffic Impact Analysis (TIA). Additional zones have been added to Table LU-5 based on this analysis. If a Project's Zoning Classification is found under the Table LU-5 Land Use Designation, it would be deemed consistent.

Step 2: If the Project has a Zoning Classification that is not found under the General Plan designation, the applicant would refer to Table LU-6, which is used to confirm that the use is allowed in the zone and that the use is allowed in other zones under the General Plan Land Use Designation, meaning the use impact has been assessed under the EIR and TIA. If both of these questions can be answered "yes", it would be deemed consistent.

Step 3: The final step, if LU-5 and LU-6 do not show consistency, would be for the Project to be evaluated based on 29 criteria that specifically reflect the objectives and policies of the General Plan Table LU-7 Consistency Criteria (Table LU-7). In this step, all Projects would answer all questions to determine their consistency with the General Plan. All

criteria must be found consistent, or not applicable, for a Project to be deemed consistent.

Inconsistent Finding - If after exhausting the three-step process, a determination of consistency cannot be made, the applicant will be responsible for submitting an application and applicable fees to request an amendment to the General Plan or Zoning Code to bring them into consistency.

**FISCAL IMPACT:**

There is no fiscal impact associated with the adoption of the proposed General Plan and Zoning Code Amendments.

Prepared by: David Welch, Community & Economic Development Director  
Certified as to availability of funds: Edward Enriquez, Chief Financial Officer/City Treasurer  
Approved by: Rafael Guzman, Assistant City Manager  
Approved as to form: Gary G. Geuss, City Attorney

Attachments:

1. City Planning Commission Report – June 27, 2019
2. City Planning Commission Minutes
3. Proposed Resolution
4. Proposed Amendments to General Plan 2025: Land Use and Urban Design Element
5. Proposed Ordinance
6. Senate Bill 1333 – Today's Law as Amended
7. Proposed Amendments to Title: 19 – Zoning 19.090
8. General Plan and Zoning Consistency Steps (Illustration)
9. Presentation