



City of Arts & Innovation

City Council Memorandum

TO: HONORABLE MAYOR AND CITY COUNCIL DATE: OCTOBER 9, 2018

FROM: COMMUNITY & ECONOMIC DEVELOPMENT WARD: 1
DEPARTMENT

**SUBJECT: P14-1033 DESIGN REVIEW AND P14-1034 LOT LINE ADJUSTMENT – AN
APPEAL, ON BEHALF OF THE SPRINGBROOK HERITAGE ALLIANCE, OF AN
APPROVAL BY THE CITY PLANNING COMMISSION FOR THE
CONSTRUCTION OF A 308,000 SQUARE FOOT WAREHOUSE BUILDING -
LOCATED AT 3705-3667 PLACENTIA LANE**

ISSUE:

Appeal, on behalf of the Springbrook Heritage Alliance, of City Planning Commission approval of a proposal by Art Day of Transition Properties, L.P. for a Design Review to construct a 308,000 square foot warehouse building and a Lot Line Adjustment to consolidate four contiguous parcels into a single 15.9 acre parcel, located at 3705-3667 Placentia Lane.

RECOMMENDATIONS:

That the City Council:

1. Uphold the decision of the City Planning Commission and determine that the proposed project will not have a significant effect on the environment based on the findings set forth in the case record, adopt the Mitigated Negative Declaration and adopt the Mitigation Monitoring and Reporting Program (MMRP) pursuant to CEQA Sections 15097 and 21081.6; and
2. Deny the appeal and uphold the City Planning Commission approval of Planning Cases P14-1033 (Design Review) and P14-1034 (Lot Line Adjustment), based on the findings outlined in the staff report and subject to the conditions of approval.

DEVELOPMENT REVIEW COMMITTEE DETERMINATION:

On February 21, 2018, the Development Review Committee (DRC) approved the project and adopted the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program. DRC's approval was appealed to the City Planning Commission on March 1, 2018.

PLANNING COMMISSION DETERMINATION:

On April 5, 2018, the City Planning Commission (CPC) upheld the approval of the Development Review Committee, adopted the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program, and denied the appeal by a vote of 4 ayes, 3 noes, and 0 abstentions. CPC's approval was appealed to the Utility Services/Land Use/Energy Development (Land Use) Committee/City Council on April 12, 2018.

LAND USE COMMITTEE RECOMMENDATION:

On July 9, 2018, the Land Use Committee made a recommendation to the City Council to uphold the appeal by the Springbrook Heritage Alliance of the Planning Commission decision and deny Planning Cases P14-1033 and P14-1034 by a vote of 2 ayes, 1 noes and 0 abstentions.

BACKGROUND:

The 15.9 acre site consists of four contiguous parcels. The site is largely undeveloped with the exception of vacant structures, located at 3667 Placentia Lane. The structures were constructed during the mid-1920's and include a single family residence, garage, metal barn, animal hutch and wooden shed. The site is generally bounded by Center Street, a partially improved arterial street to the north and Placentia Lane, a partially improved local street to the south. Surrounding land uses, include industrial uses to the north, west and east, and a sports complex to the south across Placentia Lane. The Trujillo Adobe is located approximately 940 feet east of the site.

DISCUSSION:

Project Description:

The proposed project involves a Lot Line Adjustment for the consolidation of four parcels into one parcel and Design Review for the construction of a 308,000 square foot industrial warehouse building. The warehouse building will consist of 20,000 square feet of office area and 288,000 square feet of warehouse area. A total of 62 dock doors are proposed along the south and west sides of the building. Eight-foot high tilt-up concrete walls are proposed along the south side of the site and portions of the east and west property lines to screen the truck loading dock areas. No tenant has been identified at this time. A total of 404 parking spaces are provided to serve this site. Vehicular access is provided from Center Street via two 40-foot wide, two-way driveways. No access from Placentia Lane is proposed.

Appeal:

Subsequent to the approval of the project by the Development Review Committee (DRC), Staff received a letter of appeal from the Springbrook Heritage Alliance regarding the determination made by the DRC. An appeal of the DRC determination requires a public hearing by the City Planning Commission (CPC). The CPC heard the appeal on April 5, 2018 and upheld the DRC action to approve the project. Following approval by the CPC, a second appeal was received by Staff from the Springbrook Heritage Alliance appealing the determination made by the CPC. An Appeal of the CPC determination on Design Review requires consideration first by the Land Use Committee (LUC) with final action by the City Council. LUC heard the appeal on July 9, 2018 and made a recommendation to the City Council to uphold the appeal.

Community Concerns:

The following is an overview of concerns about the Project provided on the appeal letter and expressed by the community and interested parties during the Land Use Committee meeting. A response by Staff is provided for each concern. Additionally, responses to the comment letters received after the publication of the staff report for Land Use Committee are included for consideration (Attachment 5).

Appeal Letter:

- a. **Concern:** The project conflicts with the pending \$2.5 million Northside Specific Plan.

Response: Although the preparation of the Northside Specific Plan is in process, it has yet to be adopted. It should be noted that the Project was submitted in 2014, prior to the start of the Specific Plan process. Therefore, the project is required to be assessed under the existing development standards of the BMP Zone in effect at the time of submittal. The project, as proposed complies with the development standards of the Zoning Code, the regulating document that is currently in effect for the site.

- b. **Concern:** The project conflicts with long-held goals of property owners and residents of the surrounding community which have been City policy since 1991.

Response: This project complies with all applicable objectives and policies of the Northside Neighborhood provided in the City's General Plan 2025.

- c. **Concern:** The project violates current Riverside General Plan 2025 Northside Land Use Policy and Design Guidelines.

Response: The subject site has a General Plan Land Use designation of B/OP - Business/Office Park, which provides for industrial uses that do not create nuisances. The General Plan provides a broad statement regarding goals and policies for future development. Those policies and goals are implemented by the Zoning Code, which provides specific regulations, such as: permitted uses, and site development standards.

The development is consistent with General Plan preservation of industrial land and the redevelopment of older, underutilized properties. In addition, the project is consistent with the following objectives and policies of the Northside Neighborhood:

- a. Objective LU-70: Provide a balanced community with sufficient office, commercial and industrial uses while preserving the single family residential preeminence of the community.
- b. Policy LU-72.8: Encourage appropriate industrial development opportunities.
- c. Policy LU-74.5: Land use interfaces between residential and commercial or industrial properties should receive special design consideration to protect the scenic integrity of the residential neighborhood.

It should be noted the Northside Neighborhood is comprised of 1,422 acres and contains: a mixture of single family residential, primarily located along the southern and eastern portion of the neighborhood; industrial uses located along the northern and western portion

of the neighborhood; commercial uses along Main Street; and open space/park land centrally located within the neighborhood. The proposed 15.9 acre subject site is located in the northern portion of the neighborhood, approximately 642 feet from the closest residence to the southeast. With the exception of the Ab Brown Soccer Complex to the south, the site is surrounded by industrial uses. Additionally, the proposed subject site represents 0.01 percent of the overall acreage of the Northside Neighborhood.

Furthermore, the proposed project was analyzed for compliance with the Citywide Design Guidelines and it complies. Specifically, the site was designed to the standards of Chapter V - Industrial Design Guidelines, which include provisions for controlled site access, locating service areas away from the front of the building, convenient visitor parking, screening of outdoor storage/docks and landscaped setbacks. Building elevations reflect a modern concrete tilt-up industrial architectural design, which includes; a varied roof line, articulated walls, spandrel glass, score lines and reveal lines. Office segments located on the west and east ends of the building fronting Center Street include additional architectural enhancements such as large storefront glazing systems. Elevations reflect a neutral color palette comprised of various colors of gray, white and blue. All roof mounted equipment will be screened from the public right-of-way with the use of parapets.

- d. **Concern:** The project violates the Riverside Municipal Code, among other issues it is not a “small-scale” warehouse.

Response: The project was reviewed for consistency with development standards of Title 19 of the Riverside Municipal Code. The project site is zoned BMP – Business and Manufacturing Park Zone where warehouses up to 400,000 square feet in size are permitted as a matter of right. Additionally, the project, as proposed, meets all the development standards of the BMP Zone.

- e. **Concern:** The project violates Federal, State and Local laws governing historical and archeological sites, including the Public Resources Code 21084.1 requirement for a full EIR if actual or potential sites may be harmed.

Response: Pursuant to CEQA standards a Historical/Archeological Resources Report was prepared for the subject site. The Resources report conducted: a records search through the Eastern Information Center (EIC) of the site; a historical search utilizing U.S. General Land Office’s (GLO) land survey plat maps and U.S. Geological Survey’s (USGS) topographical maps; as well as a field survey of the project area for identification of all existing buildings and to identify any potential surface archaeological features or artifacts that may be present.

While the Cultural Resources report does not identify any adobe structures on the site, it does discuss existing on-site structures, which were constructed during the 1920s or later. It should be noted that the Trujillo Adobe, a City Landmark, was constructed in 1862 and is located approximately 940 feet to the east of the proposed subject site, at the intersection of Orange Street and Center Street. The Adobe is located outside the project boundaries and will not be modified or otherwise disturbed by construction or operation of the proposed building. As part of the environmental assessment under CEQA, a vibration analysis for off-site truck traffic travelling within proximity of the Trujillo Adobe structure was conducted as part of the Noise Study. It concluded that vibrations associated with truck traffic on the adobe were below thresholds and complied with the Caltrans Transportation and Construction Vibration Guidance Manual.

- f. **Concern:** The Initial Study is incomplete and the MND violates CEQA, a full EIR is required to correct these flaws.

Response: The MND and technical studies were prepared in compliance with all applicable local and State regulations, including the CEQA Guidelines.

- g. **Concern:** The CEQA-required assessment of Cumulative Effects of pending development in the area of the project—including the NSP, Roquet Ranch and others—is missing.

Response: Cumulative effects were analyzed under the Air Quality and Climate Change Assessment. The proposed project is consistent with the Air Quality Management Plan (AQMP) and with growth assumptions and would not exceed applicable thresholds for short- and long-term emissions.

- h. **Concern:** The NSP is required by CEQA to prepare an EIR, but it will serve no purpose if the Project is not also required to prepare a full EIR so the two documents can be evaluated together.

Response: Based on the prepared MND and technical studies, impacts related to the development can be mitigated to less than significant levels. The MND did not identify significant impacts, therefore, the preparation of an EIR is not warranted.

- i. **Concern:** The property owners have no entitlement to a lot merger to facilitate a single large-scale warehouse; and as current zoning allows them to build separate small-scale BMP projects on the separate smaller-sized parcels.

Response: The proposed Lot Consolidation was reviewed for consistency with Title 18 (Subdivision Code) and Title 19 (Zoning Code) of the Municipal Code. The Subdivision Code allows for any number of existing contiguous parcels to be consolidated into one parcel provided that no new streets are created and no existing street or public service easement is extinguished. Additionally, the proposal to consolidate parcels complies with the minimum lot standards of the Business and Manufacturing Park (BMP) Zone of the Zoning Code. As previously indicated, the current zone allows warehouse uses up to 400,000 square feet as a matter of right.

- j. **Concern:** The Planning Commission decision upheld a decision of the City's Zoning Administrator who is not independent but on the city's payroll and that decision was made in a regularly-scheduled, noticed meeting of the Development Review Committee, a permanent staff committee created by an ordinance of the Riverside City Council and therefore governed by the Ralph M. Brown Act, but was closed to the public in violation of Sections 54952 to 54953.

Response: The Development Review Committee (DRC) is not a legislative body subject to the Brown Act as it is neither a legislative body nor a governing body. DRC was created in connection with Streamline Riverside and is composed solely of staff from various City departments. The Riverside Municipal Code explicitly gives DRC the authority over activities that require determination of compliance with applicable zoning provisions, such as design review and variance applications. Prior to DRC, projects such as this one were handled administratively by the Zoning Administrator. The various departments were routed plans for the project and would send in their individual conditions and changes. With

the creation of DRC, these comments are now handled at the same time so as to streamline and make for a more efficient process.

Public Comments at Land Use Committee:

- a. **Concern:** Potential Damage to the City/County Landmark Trujillo Adobe, including truck traffic vibration.

Response: The MND assessed ground borne vibrations from passing trucks along Center Street on the Trujillo Adobe. Based on the Caltrans thresholds for historic structures, truck traffic on Center Street will not result in structural damage due to operational-related ground borne vibration.

- b. **Concern:** Health risks for those using the Ab Brown Soccer Field and the cross country runners using the golf course.

Response: A Health Risk Assessment was completed for this project to estimate health risks from project-generated diesel particulate matter (DPM). The results of the HRA indicate the maximum exposed individual resident cancer risk (MEIR) is 2.87 in one million and the maximum exposed individual worker (MEIW) is 1.09 in one million, both below the threshold set by SCAQMD of 10 in one million. For non-cancer risks, the SCAQMD threshold of significance is a non-cancer index of 1.0. The results of the HRA indicate the hazard index of 0.0071. As indicated above, none of the cancer or non-cancer thresholds are exceeded as a result of the Project for those within the proposed Project vicinity.

- c. **Concern:** The sites General Plan Land Use Designation and Zoning are inconsistent with one another.

Response: Per Table LU-5 Zoning/General Consistency Matrix in the Land Use and Urban Design Element of the General Plan 2025, the BMP - Business and Manufacturing Zone is consistent with the B/OP – Business/Office Park Land Use Designation. While the General Plan includes small warehouses up to 10,000 square feet as one of the suitable uses in the B/OP land use designation, the Zoning Code is the regulatory implementing document of the General Plan that regulates land uses and prescribes site development standards and processes. In this case, warehouses up to 400,000 square feet are permitted as a matter of right in the BMP Zone, pursuant to Chapter 19.150 – Base Zones Permitted Land Uses of the Zoning Code.

- d. **Concern:** Hydrology and water run-off.

Response: Consistent with the Santa Ana Regional Water Quality Boards MS4 Permit, a preliminary Water Quality Management Plan was prepared for the project to assess the treatment of on-site run-off in a proposed infiltration trench on the southeast portion of the project site. The WQMP has been preliminary approved by the City's Public Works Department. As conditioned and consistent with the MS-4 permit, a Final Water Quality Management Plan and a Storm Water Pollution Prevention Plan (SWPP) will be required to be submitted and approved prior to issuance of grading permits.

- e. **Concern:** Geotechnical Report findings.

Response: A Geotechnical Engineering Investigation was prepared for the project by NorCal Engineering. The report concluded that the project, as proposed, is acceptable for

the subject site and is safe from excessive settlements under anticipated design loading and conditions.

- f. Concern:** The City of Colton has not formally approved the 236,512 square foot warehouse on the north side of Center Street.

Response: The City of Colton has indicated that the warehouse on the north side of Center Street was approved by the City of Colton Planning Commission on January 9, 2018 and that City Council approval is not required for the project.

- g. Concern:** Once on-site, trucks will continue to idle.

Response: Consistent with the Good Neighbor Guidelines, operational conditions have been added, requiring trucks to turn-off engines when not in use and to restrict idling within facilities to 5 minutes.

For additional background, please refer to the February 21, 2018 Development Review Committee, April 5, 2018 City Planning Commission and July 9, 2018 Land Use Committee staff reports, recommended conditions of approval and minutes.

FISCAL IMPACT:

There is no impact to the General Fund, since all project costs are borne by the applicant.

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

Concurs with:



Chris MacArthur, Chair
Utility Services/Land Use/Energy Development Committee

Attachments:

1. City Planning Commission Conditions – April 5, 2018
2. Land Use Committee Minutes – July 9, 2018
3. Land Use Committee Report and Attachments– July 9, 2018
4. Appeal Letter – April 12, 2018
5. Comment Letters and Response to Comments
6. Presentation