



**PLANNING COMMISSION HEARING DATE: JUNE 27, 2019
AGENDA ITEM NO.: 4**

PROPOSED PROJECT

Case Numbers	P19-0054 (General Plan Amendment); P19-0057 (Zoning Code Amendment)
Request	To consider a General Plan Amendment to the General Plan 2025 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 to 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 (SB 1333).
Applicant	City of Riverside Community & Economic Development Department 3900 Main Street, 3rd Floor Riverside, CA 92522 (951) 826-5617
Project Location	Citywide
Ward	All Wards
Neighborhood	All Neighborhoods
Staff Planner	David Murray, Principal Planner 951-826-5773 dmurray@riversideca.gov

RECOMMENDATIONS

Staff recommends that the Planning Commission:

1. **RECOMMEND that the City Council 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; and
2. **RECOMMEND that the City Council APPROVE** Planning Cases P19-0054 (General Plan Amendment) and P19-0057 (Zoning Code Amendment) based on the findings outlined in the staff report and summarized in the attached findings.

BACKGROUND

When the comprehensive General Plan and Zoning Code update was adopted in 2007, the City of Riverside applied a General Plan land use designation to all properties to achieve the citywide land use vision. Not all Zoning Code classifications were updated as part of the process. The new General Plan land use designations, when applied, were often inconsistent with the Zoning Code classifications, particularly in areas where changes were envisioned in the City.

SB 1333 was signed by the Governor on September 27, 2018 and required, among other things, consistency between the General Plan and Zoning Code for all jurisdictions including charter cities. The new law became effective January 1, 2019 and all charter cities, including the City of Riverside, were required to show this consistency (Exhibit 1).

To determine consistency in the City of Riverside, the Zoning Code (Title 19 of the Municipal Code) references General Plan 2025 Table LU-5 – Zoning/General Plan Consistency Matrix (Table LU-5) to determine if a zone classification is consistent with a General Plan land use designations. For example, in Table LU-5, the R-4 – Multi-family Zone is consistent with the VHDR – Very High Density Residential General Plan Land Use Designation. Another example includes the CR – Commercial Retail and CG – Commercial General Zones are consistent with the C – Commercial General Plan Land Use Designation.

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. Since the implementation of this process, a number of vacant or underutilized properties have been brought into consistency, but many properties in the City remain where the General Plan designations and Zoning Code classifications are inconsistent.

PROPOSAL

PROPOSED GENERAL PLAN 2025 AND ZONING CODE AMENDMENTS

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 (Exhibit 2):

1. Amendment to the Land Use Designation descriptions to provide clarity and consistency with the proposed amendments to Table LU-5.
2. Amendment to the “Implications of Land Use Policy” to describe the new consistency process.

3. Amendment to Table LU-5 – Zoning/General Plan Consistency Matrix includes 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 (Exhibit 3):

1. Update to the Title 19.090 – Establishment of Zones and Adoption of Maps to explain consistency determination process.
2. Footnote change to Chapter 19.780 – Planned Residential Development Permit to reference 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 (Exhibit 4) for Projects being proposed to determine consistency. This provides a path for potential development to move forward while the City embarks on its multi-year GP 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 GP 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 GP 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 GP 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.

COMPLIANCE WITH RIVERSIDE COUNTY AIRPORT LAND USE COMPATIBILITY PLAN

State law requires that General Plan Amendments and Specific Plan Amendments be reviewed for consistency with the adopted Riverside County Airport Land Use Compatibility Plan (RCALUCP). This is reflected in the City of Riverside's Zoning Code. Staff coordinated with Riverside County Airport Land Use Commission (ALUC) Staff to ensure that the proposed amendments are consistent with the RCALUCP. As part of this coordination, ALUC Staff requested that the following language be added to Table LU-5, Table LU-6 and Table LU-7 to ensure that a determination of consistency between the City's zoning and general plan designation does not preclude compliance with the Airport Land Use Compatibility Plan:

****Airport Land Use Compatibility Plan (ALUCP) – If proposed development is within an ALUCP Compatibility zone, additional analysis is required to determine whether the proposal complies with ALUCP criteria. If the site is within an Airport Influence Area, some of the uses permitted or conditionally permitted in the City Zone(s) listed here may not be permissible or maybe subject to additional restrictions on density or intensity. See Chapter 19.149 of the Riverside Municipal Code and the applicable ALUCP for additional information.**

The proposal was considered by the Airport Land Use Commission on June 13, 2019. Based on ALUC Staff's recommendation (Exhibit 5), the Commission made a finding of consistency with the RCALUCP.

FINDINGS SUMMARY

Pursuant to Chapter 19.810.040 of the Zoning Code, the following required findings can be made by staff:

- 1) The proposed Zoning Code Amendment - Rezoning is consistent with the goals, policies, and objectives of the General Plan;
- 2) The proposed Zoning Code Amendment - Rezoning will not adversely affect surrounding properties; and
- 3) The proposed Zoning Code Amendment - Rezoning promotes public health, safety, and general welfare and serves the goals and purposes of the Zoning Code.

The General Plan and Zoning Code Amendments will allow for greater flexibility when determining consistency between the two documents per SB 1333.

ENVIRONMENTAL REVIEW

This proposed General Plan Amendment and Zoning Code Amendment are exempt from California Environmental Quality Act (CEQA) review pursuant 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.

PUBLIC NOTICE AND COMMENTS

Pursuant to Section 19.670.040 (Notice of Hearing for Legislative Actions) of the Zoning Code, and California Government Code Section 65090 and 65091, a one-eighth page public notice advertisement was placed in the local newspaper of general circulation within the City (The Press

Enterprise) at least twelve (12) days prior to this hearing. As of the writing of this report, staff has received no responses regarding this proposal.

APPEAL INFORMATION

Actions by the City Planning Commission, including any environmental finding, may be appealed to the City Council within ten calendar days after the decision. Appeal filing and processing information may be obtained from the Planning Department Public Information Section, 3rd Floor, City Hall.

EXHIBITS LIST

1. Senate Bill 1333 – Today’s Law as Amended
2. Proposed Amendments to General Plan 2025: Land use and Urban Design Element
3. Proposed Amendments to Title: 19 – Zoning 19.090
4. General Plan and Zoning Consistency Steps (Illustration)
5. ALUC Staff Report – June 13. 2019

Prepared by: David Murray, Principal Planner

Reviewed and Approved by: Mary Kopaskie-Brown, City Planner