



MEMO

Community & Economic Development Department

DATE: 09/11/2020

TO: PLANNING COMMISSION

FROM: COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT – PLANNING
DIVISION

RE: PUBLIC HEARING ITEM NO. 2 – PLANNING CASES P20-0179 (AMD), P20-0190
(SPA) AND P20-0191 (SPA) – ADDITIONAL INFORMATION NOT AVAILABLE AT TIME OF
PUBLICATION

The attached responses were prepared to address additional questions and concerns raised by the public and the Planning Commission at the Planning Commission Workshop held September 3, 2020, regarding the above-reference public hearing item on the agenda of the September 17, 2020 Planning Commission Meeting.

Staff has supplemented the posted agenda for the September 17, 2020 Planning Commission meeting with a Supplemental Agenda and attached revised Exhibit 13. The information, which was not available at the time of posting, is made available pursuant to Section 4.05.050.B.3 of the Riverside Municipal Code.

Exhibits

1. Exhibit 13 (Revised) – Workshop Questions with Staff Responses

Good Neighbor Guidelines Update – Summary of Comments and Responses

Planning Commission Workshop - September 3, 2020 Additional Questions/Concerns				
No.	Topic	Source	Question	Response
1.	Air Quality	Public Commission	Why are the proposed GNG-2020 and Zoning and Specific Plan Updates based on ARB and WRCOG guidance that references the Multiple Air Toxics Exposure Survey (MATES)-II study?	<p>Both the existing and proposed Good Neighbor Guidelines are based on WRCOG’s existing Guidelines on the same topic. WRCOG’s Guidelines make reference to the MATES-II study in the background section but are based substantially on guidance provided in the California ARB’s 2005 “Air Quality and Land Use Handbook: A Community Health Perspective” guidance document (Handbook).</p> <p>The ARB Handbook does not directly reference MATES-II or any subsequent study; instead, the Handbook draws on a number of research efforts by the ARB and other agencies (see Appendix C of the Handbook). While staff recognize that more recent air quality and emissions data are available, the most recently available guidance that is specific to the relationship between industrial land use, sensitive receptors, and air quality remains the ARB Handbook.</p> <p>Additionally, public comments received by staff, and given at the Planning Commission Workshop held September 3, 2020, reference recent air quality and emissions research that demonstrate that air quality in the South Coast Air Basin and the Inland Region has improved over the past two decades. Improved technology and enhanced regulatory requirements have also reduced impacts associated with diesel truck traffic and the goods movement industry. Staff recognizes these improvements in technology and local air quality. Required Health Risk Assessments will reflect these changes in technology and improvements in air quality and how that may lower impacts on sensitive receptors.</p> <p>The proposed Good Neighbor Guidelines 2020 (GNG-2020) and proposed Title 19 and Specific Plan Amendments (Amendments) address air quality as one way to balance the needs of industry with the needs of sensitive receptors. The Amendments will serve to further improve site design that results in improved public health and quality of life.</p>

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Planning Commission Workshop - September 3, 2020					
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2.	Air Quality	Public Commission	Can the guidelines be updated to incorporate data and findings from the MATES III, IV and V studies?	<p>The GNG-2020 could be updated to include references to later MATES studies to provide additional background information and context at the direction of the City Council.</p> <p>However, none of the updated MATES studies contain specific recommendations related to siting of emissions-generating industrial uses relative to sensitive land uses. No more recent land use planning recommendations from the subsequent studies would be incorporated into the GNG-2020 based on the updated MATES studies.</p>	
3.	Economy	Commission	Will the proposed regulations and updated guidelines attract businesses/employment to Riverside?	<p>It is possible that the greater variety in the sizes and types of industrial development created by the Amendments, if adopted, may attract more diverse kinds of industrial uses to the City.</p> <p>Staff has not quantified these effects as part of Amendments.</p>	
4.	Land Use	Public	Why are logistics and the goods movement industries the only focus of the GNG Updates? Why are other land uses not considered?	<p>Title 19 contains standards, regulations and requirements for a wide variety of specific uses, from automotive repair to places of assembly to outdoor storage to schools and more. These regulations help to ensure that specific types of uses are accommodated across the City in various zones. They ensure that potentially harmful or undesirable visual, environmental and noise-related impacts on their surroundings are considered through the entitlement process.</p> <p>Title 19 does not currently have use-specific regulations for warehousing & distribution facilities. The 2008 Good Neighbor Guidelines (GNG-2008) were adopted, in part, to address these impacts. However, as guidelines, there is currently no regulatory mechanism in place for ensuring they are met in a consistent manner.</p> <p>The proposed GNG-2020, and the Amendments that will implement them, close this gap to ensure the unique impacts of warehousing & distribution facilities are considered in the entitlement process.</p>	

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5.	Land Use	Public	Does the application of the regulations consider the occupancy/vacancy of adjacent sensitive receptors/land uses?	<p>The Amendments do not differentiate between developed and undeveloped parcels to address compatibility concerns with industrial-residential interfaces.</p> <p>However, through the Conditional or Minor Conditional Use Permit process, in conjunction with CEQA, there is the ability to modify standards based on the specific conditions of each project. Staff's recommended Amendments provide opportunities for greater flexibility based on the unique circumstances of a site or a project in their application.</p>
6.	Noise	Commission	Do the hours of operation limitations factor in the varying cost of energy throughout the day?	<p>Time of energy use was not a factor in the Amendments.</p> <p>The proposed limitations on hours of operation are based on concerns related primarily to noise and the impact on sensitive receptors. However, the Amendments provide for the opportunity to expand hours of operation beyond the proposed limits provided the applicant demonstrates that extended hours will not create additional noise impacts to sensitive uses or that impacts can be mitigated.</p>
7.	Noise	Commission	Why are the hours of operation limitations proposed if they are already limited by Title 7 – Noise?	<p>Hours of operation limitations were included in the Amendments to reinforce the expectation that nighttime noise impacts on sensitive land uses be avoided.</p> <p>The Amendments ensure consistency between the GNG-2020, Title 19 and the existing requirements of Title 7 – Noise.</p>
8.	Process	Public Commission	Why is staff proposing that the amendments are exempt from CEQA Review?	<p>The Amendments build on existing development standards and do not modify allowed or prohibited uses as defined in Title 19.</p> <p>Individual development projects will continue to be subject to CEQA environmental review as required. The Amendments are generic in nature and do not have the potential to create specific or analyzable effects on the physical environment.</p>

Good Neighbor Guidelines Update – Summary of Comments and Responses

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9.	Process	Public	How do the proposed regulations affect industry as it relates to the recently adopted Vehicle Miles Traveled (VMT) analysis requirements?	VMT analysis requirements, guidelines and screening thresholds will not be changed by the Amendments. Proposed building size limits may result in more projects screening out of the VMT analysis requirement, but the number of potential future projects that would screen out is not possible to quantify.
10.	Process	Commission	What protections can be provided to projects that are in the design or development process (pipeline), but that are not yet approved, that would be affected by the proposed amendments?	Any project that has not been entitled is subject to the regulations and standards in place at the time that the project application is deemed complete. Projects that are approved will continue to be subject to the regulations in place at the time they are approved. City Council has discretion to consider a delay or grace period to allow proposed projects to complete the approval process within a certain timeframe before the regulations take effect.
11.	SS	Public Commission	Why do we need the changes to Title 19 when CEQA addresses issues through technical studies (traffic, noise, air quality, HRA)?	To ensure consistency and predictability for future industrial development, the Amendments would implement the GNG-2020 in a consistent manner across all projects. The CEQA process evaluates the potential environmental impacts of a specific project in its particular context. This could include identification of additional potential impacts (or lack thereof) based on the unique circumstances. The Amendments and CEQA review will work in concert to ensure that a balance for both sensitive receptors and industrial uses are considered for all new projects.
12.	Process	Commission	How many industrial development projects are currently in the process?	As of September 11, 2020, there are eight pending applications for new industrial development projects and seven pre-application Conceptual Development Review applications for industrial development.

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13.	Process	Commission	With air quality the most important aspect of the Title 19 changes, explain the need for the neighborhood character and noise considerations.	<p>Air quality impacts are just one impact of industrial development on sensitive receptors. Noise and visual impacts on sensitive receptors are two other considerations that are often a concern in neighborhoods.</p> <p>Zero-emissions facilities, which do not create the same level of air quality concerns, still have the potential to create noise that disturbs sensitive receptors.</p> <p>Similarly, highly efficient buildings can have a visual impact on neighborhood character and aesthetics if inappropriately sited or the massing of the structure is not considered.</p> <p>The proposed and Amendments employ a holistic approach to minimize these impacts, while still allowing for the development of industrial uses.</p>
14.	Regulations	Commission	Explain why this is not a “one size fits all” approach?	<p>Currently, any deviation from the industrial development regulations in Title 19 requires the approval of a Variance, putting the burden of proof and findings of fact as required under State law on the applicant.</p> <p>The Amendments include modifications to the development standards, and the requirement of a Conditional or Minor Conditional Use Permit, to allow for modifications based on site specific conditions of the site and project.</p> <p>This creates flexibility for new industrial development that is not currently provided in Title 19.</p>

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15.	Regulations	Commission	How do the Title 19 changes define “public facilities”?	<p>The Amendments do not define “public facility” land uses and do not affect public facilities directly, with the exception of those that happen to be located in a residential zone.</p> <p>In response to comments received from the Public, staff recommended that the Commission may consider expanding the Amendment to include the Public Facilities Zone, in addition to residential zones and uses.</p> <p>The Public Facilities Zone is “established to create and preserve areas for official and public uses of property and related activities, including civic center, public schools, public buildings, parks and recreation facilities, waterworks and drainage facilities, and similar areas” (RMC 19.140.010). Uses permitted in the Public Facilities Zone are as set forth in Table 19.150.020(A) (Permitted Land Uses Table).</p>
16.	Regulations	Public	How/why are industrial developments expected to fully screen any parking on their sites?	<p>In Title 19, on-site parking must be screened by a minimum six-foot-high solid masonry wall when adjacent to a residential use. The Amendments increase the required wall height to a minimum of eight feet for warehousing & distribution facilities.</p> <p>This change is recommended to enhance the visual and auditory buffer between warehousing & distribution facilities and residential uses. Because warehouses & distribution uses generally have large commercial vehicles associated with their operations, the potential for noise and visual impacts is greater.</p> <p>Please note that recent amendments to Title 19 allow greater flexibility for parking lot screening methods when not adjacent to residential uses, such as the use of a combination of fencing and landscaping in lieu of a solid wall.</p>

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17.	Regulations	Public	Why is industrial development responsible for identifying truck routes when only the City can designate them?	The Planning Commission can recommend to City Council that this requirement be removed from the proposed Amendment. Staff would concur.
18.	Regulations	Public	Why are building size thresholds based on square footage and not number of dock doors?	There is a relationship between the size of a building and the number of dock doors that building is able to accommodate. Smaller industrial buildings will typically have fewer dock doors. Because of this, potential impacts associated with commercial vehicles on smaller industrial buildings are proportionally lower.
19.	Regulations	Commission	Are the proposed hours of operation limitations too restrictive?	<p>The Amendments generally reflect the nighttime noise level limits in Title 7 – Noise. The proposed hours of operation limitations are slightly more restrictive than Title 7 , in which nighttime noise limits begin at 10:00pm on weekday evenings. The Amendments include restrictions in early evening hours when residents are generally at home and outdoors.</p> <p>Based on the unique circumstances of a project, there is an opportunity to modify the proposed hours of operation limitations with a Noise Study that demonstrates that operations can be mitigated and do not impact sensitive receptors.</p>