

City of Arts & Innovation

PLANNING COMMISSION
DRAFT MINUTES

THURSDAY, SEPTEMBER 17, 2020, 9:00 A.M.
VIRTUAL MEETING
PUBLIC COMMENT VIA TELEPHONE
3900 MAIN STREET

COMMISSIONERS

PRESENT: C. Roberts, , S. Mill, L. Allen, R. Singh, J. Teunissen and A. Villalobos

ABSENT: R. Kirby, R. Rubio, K. Parker

STAFF: M. Kopaskie-Brown, D. Murray, K. Smith, M. Taylor N. Mustafa, C. Scully, F. Andrade

Chair Pro Tem Allen called the meeting to order at 9:00 a.m.

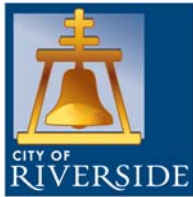
ORAL COMMUNICATIONS FROM THE AUDIENCE

There were no communications from the audience.

PUBLIC HEARINGS

PLANNING CASES P20-0179 (AMD), P20-0190 (SPA) AND P20-0191 (SPA) Proposal by the City of Riverside to amend the following regulations to implement the proposed policies of the revised Good Neighbor Guidelines for Siting New and/or Modified Industrial Facilities (GNG-2020): 1) Title 19 (Zoning) of the Riverside Municipal Code, including, but not limited to, Articles V (Base Zones and Related Use and Development Provisions), VII (Specific Land Use Provisions), VIII (Site Planning and General Development Provisions), and X (Definitions); 2) the Hunter Business Park Specific Plan (HBSP); and 3) the Sycamore Canyon Business Park Specific Plan (SCBPSP). The proposed amendments are intended to implement the proposed policies of the GNG-2020. Proposed amendments include, but are not limited to: 1) revisions to Industrial Zones chapter to modify building setback and height requirements and to establish maximum building size within certain proximities to residential land uses; 2) revisions to the Base Zones Permitted Land Uses Permitted Use Table to modify the required entitlements to establish warehousing and distribution facilities; 3) addition of a new chapter establishing specific use regulations including site location, development and operational standards for warehousing and distribution facilities of varying sizes; 4) modifications to outdoor storage and truck yard screening requirements; 5) addition of a definition for warehousing and distribution facilities; 6) amendments to Chapter 3.0 (Development Standards and Criteria) of the SCBPSP to conform to the proposed Zoning Code Amendments; 7) amendments to Chapter III (Development Standards and Design Guidelines) of the HBSP to conform to the proposed Zoning Code Amendments; and 8) other minor, non-substantive changes and technical corrections required to provide clarity or remove redundancies, as needed.

Matthew Taylor, Senior Planner, presented the staff report.



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Notification was received that the meeting was not streaming live on the City's website. The Commission took a short recess to allow technical staff to correct the issue.

Chair Pro Tem Allen reconvened and Mr. Taylor started the presentation from the beginning.

As part of the presentation on the proposed changes, Mr. Taylor replied to the questions that were brought up at the September 3, 2020 workshop meeting. He stated that after publication of the report, staff received three letters, two letters in opposition, one in support as well as 3 e-comments in support of the proposal. One opposition letter received from the Springbrook Heritage Alliance asserted 1) deficiencies in the project CEQA analysis and 2) offered a number of changes the Planning Commission could consider most of which would be increasingly restrictive on industrial development. In response to the CEQA analysis comments: staff did complete their CEQA analysis to the extent possible, given the information available. Staff found that there is no evidence to support an argument that there is any adverse environmental impact related to the proposed amendments and no further CEQA review is necessary. With respect to the proposed changes identified in the letter, staff is not recommending that any of the changes be included in the Planning Commission recommendation as these additional restrictions do not provide flexibility and would be more burdensome on industrial uses. Gresham Savage Nolan and Tilden also submitted a letter that included 1) resubmitted comments on air quality that were previously provided by NAIOP; 2) comments noting that recent air quality emissions for the region demonstrates that air quality effects have declined over the past two decades and that the proposed amendments are unnecessary and should be relaxed; 3) asserted that the proposed amendments should be subject to further CEQA review; and 4) expressed concern with the impact of the proposed amendments on the current development applications. Staff has evaluated these comments and do not recommend additional changes to the proposed Amendments. Mr. Taylor clarified that the Draft Good Neighbor Guidelines, 2020 policy presented to the Land Use Committee of the City Council will be considered again by the City Council for full adoption. He also clarified that the Background Section only provides a summary of what has been completed to date and is not the basis for the proposed Title 19 amendments related to land use regulations and reiterated that air quality is only one goal. The proposed amendments have been developed to ensure that air quality, noise and neighborhood character are considered when siting new industrial development. For any new application or project proposed in the City, air quality will be assessed as part of the CEQA process. The CEQA analysis will use the most up to date air quality data including the MATES studies that have been referenced. In addition, when a health risk assessment is required, it will take into account any new technologies (diesel or warehouse operations) and new regulations put forth by regulatory agencies which will be factored into the Health Risk Assessments prepared by these projects. If the Health Risk Assessment shows no health risks associated with the proposal, no additional mitigation will be required.



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Chair Pro Tem inquired if there were any callers for this item.

Public Comments: Gabriella Mendez; Ivette Torres, UCR Student and Policy Coordinator with Center for Community Action and Environmental Justice (CCA EJ); two speakers (name not provided); Isela Garcia, Center for Community Action and Environmental Justice; Terri Porter; and Esther Portillo, Interim Executive Director for the Center for Community Action and Environmental Justice as well as a resident of Riverside, spoke in support. They commented on the need for a green Riverside, improving unhealthful air quality, the need for enforcement of these guidelines, impacts of low paying jobs created by warehouses, assessing health issues associated with new developments, City consideration for more robust regulations in the future and increasing setbacks. The City of Riverside is in a prime location and the City should leverage what is unique about Riverside to protect the citizens. Ms. Torres, CCA EJ recommended not allowing warehouses, distribution centers and industrial facilities 1,000' within sensitive land uses such as: residences, schools, daycare centers, playgrounds and medical facilities. One of biggest concerns raised is trucks associated with warehouse facilities even if the dock is located at the farthest end of the facility, and if the facility is smaller in size, it still impacts neighborhoods. She also asked the City take into consideration existing distribution centers and avoid locating residences and other new land uses near entries and exits of industrial uses. Lou Yoa (unable to understand name), Vivo en Riverside. Llamo en apoyo de las Guías de Un Buen Vecino. Es fundamental tener esta regla en la Ciudad, ya que sufrimos de la peor calidad del aire de toda la nación. Le pido que hagan lo correcto y aprueben esta regla especialmente por todos los que tememos hijos, familiares ó vecinos con necesidades especiales. (I live in Riverside. I'm calling in support of the Good Neighbor Guidelines. It is fundamental that this rule is approved in the City, since we suffer from the worst air quality in the nation. I ask you to do the correct thing and approve this rule, especially for those of us who have children, family or neighbors with special needs.)

Speakers in opposition: Nick Adcock, Vice-President Greater Riverside Chamber of Commerce, concerns that the Good Neighbor Guidelines are overly restrictive and limited and would create situations and opportunities where business would look at neighboring communities and cities to locate their business and Riverside would miss out on those opportunities. Johnathan Shardlow referenced his letter submitted. He highlighted the need for technical data to support this proposal. Application of this proposal to projects already on file is unfair, and he requested Planning Commission to recommend that the City Council have staff analyze the guidelines under CEQA and support the guidelines with relevant and current data. Bill Blankenship, representing NAIOP, Inland Empire, stated that the Good Neighbor Guidelines are absent any technical data and the reference to 1,000-foot buffer is based on data that is over 15 years old. Some of the policies are infeasible such as requiring the applicant to designate truck routes and requested this requirement be removed. They strongly believe the guidelines are in conflict with CEQA. The Guidelines should be correlated to the number of dock doors not square footage. He



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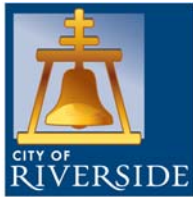
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noted standards were arbitrary with regard to siting buildings next to residential uses and requiring acoustical shielding/screening of parking lots adjacent to residential uses. There will be 15 projects in application process that will be required to redesign their project to comply with the proposed guidelines. He requested that the Planning Commission recommend that these applicants be exempt from the proposed Good Neighbor Guidelines policy. He requested that the Planning Commission direct the City's Planning staff to amend the Good Neighbor Guidelines document. Representative on behalf of the Magnon Companies, stated they were confused why this is being rushed through during the pandemic. The recent workshop and the hearing today make evident faulty nature of on-line hearings. A one-size fits all is not appropriate. Staff has not evaluated the impact to potential sites in the City and the ultimate effect to the development community, owners, investors and the City. He asked this body to commission additional study, discussion and outreach which is not only needed but should be required of those with the charge to ensure the process is strictly adhered to. He requested that stakeholders be consulted and a new land use committee with broad representation be assembled. Through those efforts, staff will be able to take all those issues into consideration and be able to present complete and thorough recommendations that is representative of all interested parties that will be affected by these changes. Should new Good Neighbor Guidelines be considered for approval, that the City engage in broad noticing and outreach similar to that which has been consistently required of developers. A representative on behalf of Bob Ost, long time business and property owner, spoke regarding Mr. Ost's property on Marlborough that will be impacted by the inclusion of PF Zones. If the Commission considers accepting staff's recommendation, at a minimum he asked for certain properties to be exempted due to the infill conditions. This site has been submitted for Conceptual Development Review. They have been advised to incorporate the proposed guidelines pre-emptively, adding design elements into the project that do not formally or legally exist. Expecting developers to design to proposed guidelines is wrong. If the property owner were to design to the proposed guidelines and the inclusion of the PF zones, they simply would not submit a project because it wouldn't be feasible. If and when Code revisions are adopted, he strongly encourages staff and the Commission to introduce and incorporate a realistic and set implementation date. Such a date should provide prospective projects ample time to meet the entitlement process.

There were no further callers waiting to speak. Chair Pro Tem Allen asked if the Commission had any clarifying questions.

Commissioner Mill stated he was disappointed that staff has downplayed the significance of the data used. At the previous workshop he brought up the court case Union v. City of San Diego, with regard to the Good Neighbor Guidelines not triggering CEQA review. He asked the City Attorney for their thoughts. How are we stating that these guidelines do not trigger CEQA?



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Ms. Kopaskie clarified that today's discussion was focusing on the Title 19 changes, not the Good Neighbor Guidelines which are the purview of City Council.

Kristi Smith, Supervising Deputy City Attorney, introduced Anthony Beaumon. Mr. Beaumon has done the research and is prepared to respond to the CEQA questions.

Anthony Beaumon, Deputy City Attorney, explained that the Union of Medical Marijuana Patients v. City of San Diego case focused on how a "project" triggered CEQA review. In the UMMP case, the California supreme court referred to its prior Muzzy Ranch case to discuss exemptions under CEQA. Muzzy Ranch provides the test for exemptions for CEQA review.

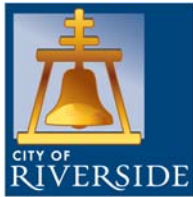
Ms. Smith reiterated that the CEQA review was done in connection the Amendment to Title 19. Staff looked at potential impacts, again, looking specifically at the Amendment, the CEQA review was completed and the determination was made that the Amendment will not have an impact, based on the information available.

Commissioner Mill inquired if there was going to be an exact definition as to what is meant by a public facility/sensitive receptor.

Mr. Taylor explained that the proposal to incorporate the Public Facilities Zone into these zones that would trigger the buffer and setback requirements that is proposed, is not Amendment presented today. It is an option that the Commission can consider if they wish. It does not include a specific list of types of land uses that would be protected, it would be anything that is located in the Public Facilities Zoning District.

Commissioner Mill stated that he would recommend against this but if the Commission did seek to add that additional language, he would ask that definitions be included as to what is meant by public facility and sensitive receptors. With regard to "Under 1,000 sq ft or less" the reference to Title 7 is duplicative. Proposed changes to 10,000 to 100,000 square foot, "sensitive receptors" again, recommend against. Regarding the hours of operation, is staff saying we need to have a noise study, which is duplicative. Isn't a noise study already done whether Good Neighbor Guidelines or not.

Mr. Taylor explained that a noise study is not always required. Once in receipt of an application, staff determine whether or not a noise study is necessary given the particulars of a proposal. Should a potential use request to exceed the hours of operation, the Amendments would require the preparation of a noise study to study the impacts.



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Commissioner Mill noted #4 requiring facilities to establish specific truck routes indicating that this is a City function and not the applicant's responsibility. If this moves forward, he would recommend removing that for 10,000-100,000 square feet building.

Mr. Taylor agreed and stated that in staff's presentation it was noted that this could be removed from the recommendations. He reiterated staff's support of removing that provision from the proposal.

Nathan Mustafa, City Traffic Engineer, concurred with Mr. Taylor to remove those provisions.

The public hearing was officially closed.

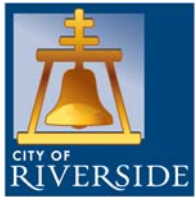
Commissioner Singh stated he is concerned about the type of jobs created in the City. He inquired if any thought was given to the kind of jobs created or what the impacts would be to producing well-paying jobs.

Mr. Taylor replied that the Good Neighbor Guidelines primary focus was on the land use regulations for industrial development as it relates to air quality, noise and neighborhood character. This is not to imply that jobs are not important, they are just not the focus of this effort.

Commissioner Villalobos stated that if the City is trying to attract green industries and they are not going to say they do not want to comply with these ideas. He liked what he has seen and is ready to move forward.

Commissioner Teunissen stated that jobs were highly important, and the City needs to, across the board, not say that our lives are important or jobs are important. There is equity throughout the whole City. The City needs to make sure that those of us that need to work and live in Riverside can work and live in an environment that works for both businesses and residents of our City. She stated she was finding a lot of difficulty with these Good Neighbor Guidelines. She indicated that Commissioner Mill mentioned most of them. She noted that today is not our normal air, across our country, we are in a fire zone. The air quality has improved, and we need to continue the process, but it needs to be looked at on a contingent basis for all businesses coming into the City of Riverside.

Commissioner Roberts noted that this has been a five-year process which included multiple stakeholders in the process. Individuals are objecting, indicating the policies are too rigid. She agreed that there are changes but it is not being retroactively applied to existing buildings. There is flexibility built in as explained by staff. The comment that it is unfair to make changes in the middle of applications being submitted, however, Planning staff have made it clear that they have explained the changing regulations to the applicants, it isn't suddenly being sprung on



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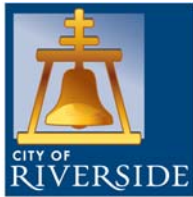
them. She stated that overall, this is very reasonable and does consider the needs of both the residents as well as those who want to further develop in the area. She was supportive of the changes to the Zoning Code.

Commissioner Mill responded to Commissioner Roberts comments about applications already in process. He noted that the process to get through City Hall is a long one and potentially, applicants have spent hundreds or thousands in architectural and development fees putting everything together. A lot of callers mentioned poor air quality, he pointed out that air quality is terrible right now because of the fires, not because we have a lot of warehouses. Logistic centers have provided essential services during the pandemic. Logistic centers provide jobs at all levels of pay and play a huge role to our economy. The City previously established a moratorium on development in the Northside and to investors, it says you are not welcome. What we are telling our neighbors in Moreno Valley, Jurupa, Rancho, take the jobs and development. Is that really what we want, for other cities in the Inland Empire to surpass Riverside? If we continue to pass anti-job and anti-development rules, we will see other cities flourish as Riverside declines. If this passes, there definitely needs to be a period of six or twelve months before it goes into effect. He felt the whole thing is based on outdated and faulty data which is bad for Riverside.

Commissioner Villalobos said he took photos and forwarded those to staff. Staff shared those in the meeting. The fact remains when these fires pass, we still have many issues to deal with. We are heavily impacted by the basin and prevailing winds; we must continue to improve, and these are some of the ways we do that. A picture of housing on Albacross was shared which depicts the warehouse dominating the skyline. It is not fair to certain developers who have projects going, it is not fair to people who lived in these houses that now have to deal with that every day. We have to come up with the most reasonable way to move forward and either way there will be unfairness for someone. The guidelines could be more restrictive, and staff has taken that into account and is allowing for growth in our economy while still ensuring this does not continue to happen. Riverside is an amazing city and has more to offer than simply our industrial space. Companies will come here for a whole host of reasons. We will not lose out on significant opportunities by restricting warehouses to be more environmentally friendly to the neighbors.

Commissioner Roberts responded to Commissioner Mills comments and noted she is not dismissing the expense that having to change plans cost. She is very cognizant it is extremely expensive, and business is something we need in the community. If it is a concern for businessmen who will be affected by the changes that take place while their project is moved through to completion. If the Commission thinks it is unfair, we should change it now and apply it to everyone, not just people trying to build a business. We need to have consistency.

Commissioner Mill stated he kept getting disconnected from the virtual meeting. He asked what was there first, the plan to develop the warehouse or housing? He referred to the example



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Commissioner Villalobos brought up. He said it wasn't about him wanting to get into the weeds but because the picture was brought into evidence.

Chair Pro Tem Allen stated this was an important question because it would fall on previous Planning Commissions when the development was done. In that particular picture what you will notice, an 8' wall wouldn't have done anything for it. It is an appropriate question.

Mr. Taylor replied the neighborhood was developed 2003-2005. The warehouse buildings were developed in 2014. The land use designations were in place since the '80s. He added that what was pictured is a development that has a 50' setback from a residential property line and 41-42' tall building. He noted that under the proposed regulations that development today would be set back an additional 10' and would be 7-8' shorter.

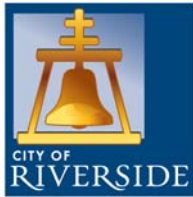
Ms. Smith noted that entering the evidence would be brought up at a later date with training on the Sunshine Ordinance.

Commissioner Villalobos indicated that what came first does not matter. What we are being presented is unique to our time, our Commission and our concerns. This Riverside is significantly different than the Riverside that adopted the policies in the '80s. The fact of the matter we are presented new challenges that are specific to us for now and the future.

Chair Pro Tem Allen stated that what was done in 1980 was valuable. He would not cast disparaging remarks on things that those before us have done. Because it is older doesn't make it bad.

Commissioners Villalobos agreed. We don't always know what the best thing is until 20-30 years down the road. All we have right now is data from the last 30 years. This is still new information for which we are making decisions, as we receive it. That is all we can do is the best we can do.

A motion was made by Commissioner Villalobos that the Planning Commission recommend the City Council - 1. Determine that Planning Cases P20-0179 (Zoning Code Amendment), P20-0190 (Specific Plan Amendment) and P20-0191 (Specific Plan Amendment) are exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3), as it can be seen with certainty that the code amendment does not have the potential to cause a significant effect on the environment (General Rule); and 2. Approve Planning Cases P20-0179 (Zoning Code Amendment), P20-0190 (Specific Plan Amendment) and P20-0191 (Specific Plan Amendment) based on City Council direction and subject to the findings in the to this staff report as recommended by staff. The motion was seconded by Commissioner Singh.



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Motion Failed: 3 Ayes, 3 Noes, 3 Absent, 0 Abstention
AYES: Roberts, Singh, Villalobos
NOES: Allen, Mill, Teunissen
ABSENT: Kirby, Parker, Rubio
ABSTENTION: None

COMMUNICATIONS

ITEMS FOR FUTURE AGENDAS AND UPDATE FROM CITY PLANNER

Mary updated no meeting

ADJOURNMENT

The meeting was adjourned at 11:41 a.m. to the meeting of October 15, 2020 at 9:00 a.m.

The above actions were taken by the City Planning Commission on September 17, 2020. There is now a 10-day appeal period that ends on September 28th. During this time, any interested person may appeal this action to the City Council by submitting a letter of appeal and paying the appeal fee. In the absence of an appeal or referral, the Commission's decisions and conditions become final after 5:00 p.m. on September 28, 2020.