

**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**



FROM: Supervisor Kevin Jeffries

SUBMITTAL DATE:
August 28, 2014

SUBJECT: Require Planning Commission hearings for large distribution centers in fast track process

RECOMMENDED MOTION: That the Board of Supervisors:

Change policy A-32 to require that while any warehouse/distribution center of 250,000 square feet or larger would still be eligible for Fast Track Processing and accelerated review times, they would no longer be exempt from appearing before the Planning Commission.

BACKGROUND:

Summary

As the economy continues its recovery in Riverside County, development applications are beginning to increase in number as well. Riverside County suffers from a severe jobs/housing imbalance, and as a result, has established policies to make the County more attractive to job creators, including a process for Fast Track Processing, as specified in Board Policy A-32 (Attached).

Some of these new development applications are based on specific plans and proposals that were first approved over a decade ago, and the logistics landscape has also changed in recent years, into a model that features much larger facilities than had previously been considered standard. While it is important that the County continue to process applications in an expedited manner to encourage job growth, these "super warehouses" that can reach over a million square feet are not only larger in size, but also may have a larger impact on the communities in which they are proposed.

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KEVIN JEFFRIES, First District
Supervisor

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost:	POLICY/CONSENT (per Exec. Office)
COST	\$ n/a	\$ n/a	\$ n/a	\$ n/a	Consent ☐ Policy ☐
NET COUNTY COST	\$ n/a	\$ n/a	\$ n/a	\$ n/a	

SOURCE OF FUNDS: Paid by project applicant

Budget Adjustment:

For Fiscal Year:

C.E.O. RECOMMENDATION:

County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

- ☐ A-30 ☐ Positions Added ☐ Change Order
- ☐ 4/5 Vote

Prev. Agn. Ref.:

District:

Agenda Number:

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Background Summary (continued):

In the current Fast Track Processing policy, any commercial and/or industrial development project that meets one of four criteria (set out in Bullets #2 and #3 under "Eligibility Criteria" in the attached Policy A-32) not only qualifies for expedited review times and additional assistance from the Economic Development Agency, but also is automatically granted the ability to skip the Planning Commission, and have their application heard directly by the Board of Supervisors, as set out in Bullet #9 under Processing Procedure in Policy A-32: "The applications shall be considered by the Land Development Committee (LDC) and then set for hearing before the Board of Supervisors. A hearing before the Planning Director or Planning Commission shall not be required."

Though this can result in a minor shortening of the schedule for approval for such a development, it also means that the first time a community might see the details of this development and have the opportunity to discuss it or make suggestions for improvements or mitigations is at the Board of Supervisors hearing itself, without first being heard at the Planning Commission, where projects of far lesser impact are routinely considered.

This reform would change policy A-32 to require that while any warehouse/distribution center of 250,000 square feet or larger would still be eligible for Fast Track Processing and accelerated review times, they would no longer be exempt from appearing before the Planning Commission. This change will improve transparency and better include the community, allowing concerned residents to see the details of a project and express their opinions and ask questions in an environment more appropriate for detailed planning discussions than a typical Board of Supervisors meeting.

Following the discussion had by the Board at the July 29th, 2014 meeting, this proposal has been modified to allow for such a project to still go directly to the Board of Supervisors if 4/5 of the Board vote to allow it to do so. This would allow the County to compete for specific projects that might have a special benefit to the County, such as in the case of a fulfillment center that might produce significant sales tax revenues.

If approved by the Board, the specific provision in Bullet #9 under Processing Procedure would read:

"The applications shall be considered by the Land Development Committee (LDC) and then set for hearing before the Board of Supervisors. A hearing before the Planning Director or Planning Commission shall not be required unless the application is for an industrial facility to be predominantly used for warehousing and distribution and is 250,000 square feet or larger. These applications will require Planning Commission review prior to consideration by the Board of Supervisors."

The "opt out" provision for the Board would then be included as part of the new sub-head D under bullet 2 in the "Review Timelines" section:

"If the application is for an industrial facility where the predominant use is warehousing or distribution and the facility is 250,000 square feet or larger, the application will require Planning Commission review prior to consideration by the Board of Supervisors. The Board of Supervisors may maintain the exclusive right to hear land use applications for these projects by a supermajority vote of the Board of Supervisors."

Impact on Citizens and Businesses

Citizens would be given an additional opportunity to participate in the planning process for large distribution centers in their communities. Large distribution applicants will be subject to some delays and associated costs with Planning Commission hearing.

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BOARD OF SUPERVISORS POLICY**

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POLICY:

The Board of Supervisors recognizes that certain development projects make a special contribution to the general welfare by providing employment opportunities, supporting government services or enhancing the general economic well-being of the County. The Board of Supervisors further recognizes the need to encourage such development projects by expediting the entitlement process and hereby establishes the following procedures:

PROCEDURES FOR FAST TRACK PROCESSING

Eligibility Criteria

The following development projects shall be eligible for fast track processing:

1. All child care development projects, including, but not limited to: child day care centers, Head Start centers and child development centers.
2. A commercial and/or industrial development project that meets at least one of the following criteria if, on the date a determination of fast track eligibility is requested as provided herein, the unemployment rate for Riverside County is greater than 6.0 percent as determined by the Employment Development Department of the State of California: 1) the project will create 40 new, permanent, full-time jobs; or 2) the project will result in a capital investment of at least \$5 million, including land, buildings, infrastructure (on-site and off-site) and equipment; or 3) the project will generate at least \$12.5 million in annual taxable sales; or 4) the project proposes at least 150,000 square feet of building space and will incorporate any of the following standards - the "Silver" Level Certification standards established for new construction by the U.S. Green Building Council in its Leadership in Energy and Environmental Design (LEED) program, any higher LEED standards or any other nationally recognized equivalent green building standards.
3. A commercial and/or industrial development project that meets at least one of the following criteria if, on the date a determination of fast track eligibility is requested as provide herein, the unemployment rate for Riverside County is 6.0 percent or less as determined by the Employment Development Department of the State of California: 1) the project will create 75 new, permanent, full-time jobs; or 2) the project will result in a capital investment of at least \$10 million, including land, buildings, infrastructure (on-site and off-site) and equipment; or 3) the project will generate at least \$25 million in annual taxable sales; or 4) the project proposes at least 150,000 square feet of building space and will incorporate any of the following standards - the "Silver" Level Certification standards established for new construction by the U.S. Green Building Council in its Leadership in Energy and Environmental Design (LEED) program, any higher LEED standards or any other nationally recognized equivalent green building standards.

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4. A residential development project that meets at least one of the following criteria: 1) the project has received a form of public assistance from the County of Riverside and at least 15% of all project residential units that are either owner occupied or tenant occupied have been enforceably restricted to be affordable to low-income households for a minimum period of thirty (30) years; or 2) the project has received a form of public assistance from the County of Riverside and at least 15% of all project residential units that constitute mutual self-help housing units have been enforceably restricted to be affordable to very low-income and low-income households for a minimum period of fifteen (15) years ; or 3) the project is funded by Multifamily Housing Revenue Bonds authorized by the California Debt Limit Allocation Committee and at least 20% of all project residential units have been enforceably restricted to be affordable to low-income households for a minimum period of thirty (30) years.
5. Any other development project that is awarded fast track processing by a majority vote of the Board of Supervisors.

Authorization

Except as provided in paragraph 5. above, the Assistant County Executive Officer/Economic Development Agency (the EDA Director) shall determine whether a development project meets the eligibility criteria for fast track processing. The proponent of any development project may submit a written request for a determination of fast track eligibility to the EDA Director, and the EDA Director shall make the eligibility determination within thirty (30) days of the date of submittal.

Processing Team

The heads of the following entities, or their designees, shall serve as the Fast Track Processing Team (Team): EDA, the Planning Department (including the Environmental Programs Division), the Transportation Department (including the Survey Division), the Building & Safety Department, the Fire Department, the Environmental Health Department, the Flood Control & Water Conservation District and the Regional Parks & Open Space District.

Processing Procedure

Once the EDA Director determines that a development project meets the eligibility criteria for fast track processing or a development project is awarded fast track processing by a majority vote of the Board of Supervisors, the development project shall be processed as follows:

1. EDA shall complete an authorization form and shall assign the project a fast track number.
2. The project proponent (Developer) shall meet with EDA staff to discuss fast track processing.

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3. The Developer shall provide EDA staff at least fifteen (15) folded site plans (floor plans, elevations, grading plans, and landscaping plans).
4. EDA shall send Team members a memorandum attached to a site plan describing the project no less than five (5) working days before the predevelopment meeting described below.
5. If the Developer requests consultation with any Team member(s) before the predevelopment meeting, a preliminary meeting shall be held at one of the reserved predevelopment meeting times described below. EDA shall give two (2) working days notice to the affected Team member(s).
6. Fast track predevelopment meetings shall be held every Monday, excluding holidays, at 9:00 a.m., 10:00 a.m. and 11:00 a.m., as necessary, at the offices of EDA or at any other location designated by EDA. All Team members shall reserve these times for fast track predevelopment meetings or other fast track related meetings.
7. At the fast track predevelopment meeting, Team members shall identify all required revisions to the site plan and all required special studies, including, but not limited to, studies relating to traffic, geology, biology or cultural resources.
8. After the Developer has made all the required revisions to the site plan and has prepared all the required special studies, the Developer shall submit the appropriate land use applications, including the required special studies and any applicable fees, to the Planning Department. The Developer shall attach the fast track authorization form to the applications.
9. The applications shall be considered by the Land Development Committee (LDC) and then set for hearing before the Board of Supervisors. A hearing before the Planning Director or Planning Commission shall not be required unless the application is for an industrial facility to be predominantly used for warehousing and distribution and is 250,000 square feet or larger. These applications will require Planning Commission review prior to consideration by the Board of Supervisors.

Review Timelines

The following timelines shall be observed for development projects that have been fast tracked:

1. The LDC shall meet and consider land use applications submitted to the Planning Department no more than twenty-one (21) days after the date of their submittal. LDC representatives shall review the applications, all exhibits thereto and all required special studies before the first meeting. If the LDC determines that the applications, exhibits and/or special studies need to be revised, the Developer shall resubmit revised versions no more than thirty (30) days after the LDC meeting. A subsequent LDC meeting shall

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be held no more than fifteen (15) days after the Developer has resubmitted the revised applications, exhibits and/or special studies to the Planning Department. A subsequent LDC meeting is not required if the revisions are minor. In no event, shall more than two (2) LDC meetings be held.

2. The Board of Supervisors shall hear land use applications submitted to the Planning Department no more than ninety (90) days after the date of their submittal. The Board of Supervisors shall concurrently hear all land use applications related to a single project within the ninety (90)-day time period. Notwithstanding the above -
 - a) If the Developer fails to resubmit revised versions of the application, exhibits and/or special studies within the thirty (30)-day period referenced in paragraph 1. above, the Board of Supervisors shall hear the application as soon as feasible;
 - b) If a land use application requires the preparation of an Environmental Impact Report (EIR), the Planning Department shall expedite the EIR preparation process and the Board of Supervisors shall hear the application as soon as feasible; and/or
 - c) If a land use application concerns property within the boundaries of a Multi-Species Habitat Conservation Plan (MSHCP), the Planning Department shall comply with the review timelines established by the MSHCP or, if there are no established timelines, shall give the application priority processing and the Board of Supervisors shall hear the application as soon as feasible.
 - e)d) If the application is for an industrial facility where the predominant use is warehousing or distribution and the facility is 250,000 square feet or larger, the application will require Planning Commission review prior to consideration by the Board of Supervisors. The Board of Supervisors may maintain the exclusive right to hear land use applications for these projects by a supermajority vote of the Board of Supervisors.
3. Concurrent grading and building plan checks shall be performed at the request of either EDA or the Developer.
4. Grading Plan Check Reviews:
 - a) The following entities shall complete an initial review of grading plans no more than ten (10) working days after receiving those plans: the Transportation Department, the Building & Safety Department, the Environmental Health Department, the Fire Department and the Flood Control & Water Conservation District.
 - b) Any additional Grading Plan Check reviews shall be completed by the

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appropriate entity no more than five (5) working days after the Developer has resubmitted documentation to that entity.

5. Building Plan Check Reviews:

- a) The following entities shall complete an initial review of building plans no more than ten (10) working days after receiving those plans: the Transportation Department, the Building & Safety Department, the Environmental Health Department, the Fire Department and the Flood Control & Water Conservation District.
- b) Any additional Building Plan Check reviews shall be completed by the appropriate entity no more than five (5) working days after the Developer has resubmitted documentation to that entity.

- 6. The Fire Department shall complete an initial review of fire plans no more than ten (10) working days after receiving those plans. Any additional fire plan reviews shall be completed no more than five (5) working days after the Developer has resubmitted documentation to that department.
- 7. The review of all other development submittals, such as geo-technical reports and performance securities for grading and landscaping, shall be completed by the appropriate entity no more than ten (10) working days after receiving the submittal.
- 8. Unless otherwise requested by EDA or the Developer, all plan checks shall be conducted by county staff and shall not be referred to outside consultants.

Expiration

Unless otherwise determined by the EDA Director, a fast track authorization shall expire if a development project becomes inactive. Inactive means the Developer has not filed the appropriate applications within twelve (12) months of the date of fast track authorization, or the Developer has not submitted any grading or building plans within twelve (12) months of the date of project approval.

Ordinance Amendment Authorization

The Board of Supervisors hereby authorizes and directs the Planning Director to process all ordinance amendments required to implement the terms of this policy.