

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

581



FROM: Economic Development Agency and Transportation and Land Management Agency

SUBMITTAL DATE:
April 8, 2010


SUBJECT: Riverside County Jumpstart Our Business Sectors (J.O.B.S.) Program – Revisions to Board Policy A-32 & Streamlining Measures for Commercial/Industrial Projects

RECOMMENDED MOTION: That the Board of Supervisors:

1. Approve revised Board Policy A-32 (Procedures for Fast Track Processing);
2. Introduce and adopt on successive weeks Ordinance No. 348.4680, an Ordinance of the County of Riverside Relating to Zoning and Ordinance No. 460.151, an Ordinance of the County of Riverside Regulating the Division of Land;
3. Find the approval of revised Board Policy A-32, the adoption of Ordinance No. 348.4680 and the adoption of Ordinance No. 460.151 exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3) because it can be seen with certainty that there is no possibility these actions may have a significant effect on the environment;

(Continued)

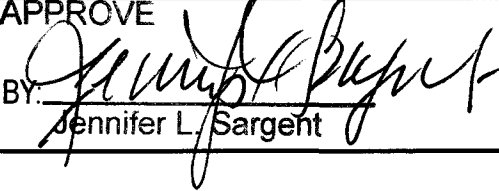

George Johnson, Director
Transportation and Land Management Agency


Robert Field
Assistant County Executive Officer/EDA

FINANCIAL DATA	Current F.Y. Total Cost:	\$ 0	In Current Year Budget:	N/A
	Current F.Y. Net County Cost:	\$ 0	Budget Adjustment:	N/A
	Annual Net County Cost:	\$ 0	For Fiscal Year:	N/A

COMPANION ITEM ON BOARD OF DIRECTORS AGENDA: No

SOURCE OF FUNDS: N/A	Positions To Be Deleted Per A-30	<input type="checkbox"/>
	Requires 4/5 Vote	<input type="checkbox"/>

C.E.O. RECOMMENDATION: APPROVE
BY: 
Jennifer L. Sargent

County Executive Office Signature

FORM APPROVED COUNTY COUNSEL
BY: 
KATHERINE A. LIND
DATE: 04/07/10

Departmental Concurrence

Policy Policy
 Consent Consent
 Dept't Recomm.: Per Exec. Ofc.:

RECOMMENDED MOTION: (Continued)

4. Direct the Assistant County Executive Officer/EDA to submit a Notice of Exemption to the County Clerk for filing and posting; and
5. Direct the Assistant County Executive Officer/EDA and the TLMA Director to convene the Commercial/Industrial Streamlining Task Force described below to identify ways the County can further job creation through expedited processing of commercial and industrial projects.

BACKGROUND: Riverside County is currently in one of the most challenging economic times it has faced in decades. The County's unemployment rate exceeds 15% which clearly illustrates the need for jobs for our residents. One of the ways the County can help effectuate much needed job growth is by ensuring that commercial and industrial applications are reviewed in an efficient and expeditious manner. In order to achieve that goal, EDA and TLMA recommend revision of the County's Procedures for Fast Track Processing (Board Policy A-32). The recommended revisions include the following:

1. A fifty percent reduction in the eligibility criteria for commercial and industrial applicants any time the County's unemployment rate exceeds 7.5%.
2. The ability to fast track eligible projects that require an Environmental Impact Report (EIR).
3. A reservation of authority giving the Board of Supervisors exclusive jurisdiction to hear and decide all fast track projects.
4. The inclusion of an additional eligibility criteria for commercial and industrial buildings that are a minimum of 150,000 square feet and incorporate a design standard of "Silver" or greater from the U.S Green Building Council's Leadership in Energy and Environmental Design program.

In addition, EDA and TLMA recommend amendments to the County's Land Use and Land Division ordinances to fully implement the Fast Track policy revisions.

EDA and TLMA are actively working together to identify procedures that would improve the processing of all commercial and industrial applications. However, there are many other County departments that are critical to the process. The County has in existence the BIA/Streamlining Task Force which has been very successful in developing policies and procedures that have improved the processing of residential applications. It is recommended that the County utilize the Task Force in the same manner for commercial and industrial projects. The Commercial/Industrial Streamlining Task Force would be comprised of the same County staff members; representatives from the commercial and industrial sector, however, would be substituted for representatives from the residential sector. It is recommended that the Commercial/Industrial Streamlining Task Force meet quarterly and provide updates to the Board of Supervisors.

EDA and TLMA have implemented several measures that are already proving to be successful, including new customer service procedures on how to handle commercial and industrial applicants. EDA and TLMA will continue inter-agency training programs to educate staff on the factors affecting business growth and expansion decisions. Future recommendations may be made as a result of the Task Force meetings.

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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 7.5 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 7.5 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

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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.

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 ; 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, all departments within the Transportation Land Management Agency (Planning, Transportation, Survey and Building & Safety), 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.

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2. The project proponent (Developer) shall meet with EDA staff to discuss fast track processing.
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 more 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.

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. The LDC shall have reviewed the applications, all exhibits thereto and all required special studies before its first meeting. If the LDC determines that the applications, exhibits and/or special studies need to be revised, the Developer shall resubmit revised versions

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no more than thirty (30) days after the LDC meeting. A subsequent LDC meeting shall 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; 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.
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 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

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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, fast track authorization shall expire for development projects that become 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 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.

FORM APPROVED COUNTY COUNSEL
BY: Tiffany N. North 4/21/10
DATE

- 1 c. INITIATION OF GENERAL PLAN AMENDMENT PROCEEDINGS.
2 Whenever a fast track project includes an application for a General Plan
3 amendment, the Planning Director shall process the General Plan
4 amendment application in accordance with all of the applicable procedures
5 for the initiation of General Plan amendment proceedings set forth in
6 Article 2 of this ordinance.
- 7 d. SETTING FOR HEARING. Unless otherwise ordered by the Board of
8 Supervisors, the applications for all permits and approvals included in a fast
9 track project shall be heard concurrently in a single consolidated hearing
10 before the Board of Supervisors. The Planning Director shall set for hearing
11 the applications for all permits and approvals included in a fast track project
12 when he has determined that all such applications comply with all ordinance
13 requirements.
- 14 e. NOTICE OF HEARING. The Board of Supervisors shall hold a public
15 hearing on all applications for permits and approvals included in the fast
16 track project. Notice of the hearing shall be given as provided in Section
17 1.6 and Section 1.7 of this ordinance.
- 18 f. ADMINISTRATION OF OATHS. The Chairman of the Board of
19 Supervisors may require that witnesses at the public hearing be sworn.
- 20 g. HEARING AND DECISION. The Board of Supervisors shall hear
21 relevant testimony from all interested persons and make its decision within
22 a reasonable time after the close of the public hearing. The Board of
23 Supervisors may approve, conditionally approve or disapprove each
24 application for a permit or approval included in the fast track project. The
25 decision with respect to each application for a permit or approval included
26 in the fast track project shall be in the form required by ordinance for that
27 type of permit or approval. Within ten business days of the decision, the
28 Clerk of the Board of Supervisors shall prepare and transmit notice of the

1 decision to the Planning Director, the Assistant County Executive
2 Officer/Economic Development Agency (the EDA Director), the applicant,
3 and any person who has submitted a written request for notice of the
4 decision.

5 h. TRANSCRIPTS. (1) Whenever any person desires to obtain a transcript of
6 the oral proceedings of a public hearing before the Board of Supervisors or
7 desires to have a record made of such proceedings, he shall, not less than
8 seven days before the hearing, notify in writing the Clerk of the Board. The
9 written request shall be accompanied by a deposit of a sum equal to one
10 day's fee for a court reporter. The Clerk shall thereupon arrange to have a
11 court reporter present at the hearing. If the hearing is thereafter continued to
12 another day, a like request, deposit and arrangement for a court reporter
13 shall be made, if the record is desired. Alternatively, any person may
14 directly arrange for attendance and payment of a court reporter instead of
15 making such arrangements through the Clerk.

16 (2) Whenever any person desires to obtain a transcript of the documents
17 involved in a proceeding before the Board of Supervisors, he shall make a
18 written request to the Clerk of the Board. The Clerk shall determine the
19 number of pages involved and require payment in advance for the transcript
20 at the current rate.”

21 Section 2. Section 21.34d of Ordinance No. 348 is amended to read as follows:

22 “SECTION 21.34d. FAST TRACK PROJECT. A development project designated
23 as a fast track project by majority vote of the Board of Supervisors or by the Assistant County
24 Executive Officer/Economic Development Agency (the EDA Director) in accordance with the
25 provisions of Board of Supervisors Policy A-32, as now adopted or hereafter amended. A fast
26 track project may consist of one or more permits or approvals pursuant to this ordinance and
27 County Ordinance No. 460 which are necessary or convenient to facilitate development of the
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1 project. The permits or approvals which comprise the fast track project may include one or more
2 of each of the following:

- 3 a. General plan amendment pursuant to Article 2 of this ordinance.
- 4 b. Specific plan or specific plan amendment pursuant to Article 2 of this
5 ordinance.
- 6 c. Determination of project conformance with an adopted specific plan
7 pursuant to Section 2.11 of this ordinance.
- 8 d. Zone change or other zoning ordinance amendment pursuant to Article 20
9 of this ordinance.
- 10 e. Conditional use permit pursuant to Section 18.28 of this ordinance.
- 11 f. Public use permit pursuant to Section 18.29 of this ordinance.
- 12 g. Variance pursuant to Section 18.27 of this ordinance.
- 13 h. Plot plan pursuant to Section 18.30 of this ordinance.
- 14 i. Modification to an approved permit, including a substantial conformance
15 modification or a revised permit, pursuant to Section 18.43 of this
16 ordinance.
- 17 j. Tentative land division, including a vesting tentative map, pursuant to
18 County Ordinance No. 460.”

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1 Section 3. This ordinance shall take effect thirty (30) days after its adoption.

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4 BOARD OF SUPERVISORS OF THE COUNTY
 OF RIVERSIDE, STATE OF CALIFORNIA

5
6 By: _____
7 Chairman, Board of Supervisors

8 ATTEST:

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10 CLERK OF THE BOARD

11
12 By: _____

13 Deputy

14
15 (SEAL)

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18 APPROVED AS TO FORM

19 February 25, 2010

20
21 By: Katherine A. Lind
22 KATHERINE A. LIND
23 Principal Deputy County Counsel

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26 KAL:mdk
 12/10/09
27 G:\PROPERTY\KLIND\FAST TRACK 348 AMEND..DOC

1 any tentative map that requires the approval of a general plan amendment, a
2 specific plan amendment or a change of zone, except a map that is included
3 as part of a fast track project, shall be heard in accordance with the
4 provisions of Article 2 or Article 20 of County Ordinance No. 348,
5 whichever is applicable, and all of the procedural requirements and rights of
6 appeal as set forth therein shall govern the hearing.”

7 Section 4.

A new subsection F. is added to Section 6.5 of Ordinance No. 460 to read as

8 follows:

9 “F. Notwithstanding the above, or any other provision herein to the contrary,
10 any tentative map that is included as part of a fast track project shall be
11 heard in accordance with the provisions of Section 18.26a of County
12 Ordinance No. 348 and all the procedural requirements as set forth therein
13 shall govern the hearing.”

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