

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



ITEM
3.10
(ID # 2969)

MEETING DATE:

Tuesday, November 15, 2016

FROM : TLMA - Planning Department and ECONOMIC DEVELOPMENT AGENCY (EDA):

SUBJECT: ECONOMIC DEVELOPMENT AGENCY (EDA): Clarification to Board Policy A-32 – Procedures for Fast Tracking Processing, All Districts, [\$0]

RECOMMENDED MOTION: That the Board of Supervisors:

Adopt the attached revised Board Policy A-32 that includes language clarifying the application of Board Policy A-32 to land use projects and the Planning Commission's procedures consistent with the action taken by the Board of Supervisors on September 9, 2014.

ACTION: Policy

Juan C. Perez
Juan C. Perez, Director of Transportation & Land Management

11/9/2016

Robert Field
Robert Field, Assistant County Director of Economic Development

11/9/2016

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost
COST	\$ 0	\$ 0	\$ 0	\$ 0
NET COUNTY COST	\$ 0	\$ 0	\$ 0	\$ 0
SOURCE OF FUNDS: N/A			Budget Adjustment:	No
			For Fiscal Year:	16/17

C.E.O. RECOMMENDATION: [CEO use]

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Ashley, seconded by Supervisor Jeffries and duly carried, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Jeffries, Benoit and Ashley
Nays: None
Absent: Tavaglione and Washington
Date: November 15, 2016
xc: EDA, Planning

Kecia Harper-Ihem
Clerk of the Board
By: *[Signature]*
Deputy

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BACKGROUND

Summary:

On September 9, 2014, the Board of Supervisors adopted an updated Board Policy A-32 related to the procedures for fast track processing. The update was important to not only address new development applications related to industrial facilities used for warehousing and distribution and Specific Plans approved over a decade ago, but also to balance proposed new development with the County's desire to encourage job growth within the region.

In an effort to achieve this balance, on September 9, 2014 the Board of Supervisors adopted an updated Board Policy A-32 requiring applications for industrial facilities to be predominantly used for warehousing and distribution and 250,000 square feet or larger to be reviewed by the Planning Commission before consideration by the Board of Supervisors. The Board of Supervisors, however, by a supermajority vote may maintain the exclusive right to hear these types of proposed projects.

The September 2014 revisions to Board Policy A-32 were initially discussed at the July 29, 2014 meeting under Agenda Item 3-64. During the July 29th meeting, the Board discussed several options on the application of the updated Board Policy A-32 to development projects already in the land use review process. Staff's interpretation of the Board's final action on September 9th has been to apply the September 2014 revisions to development applications submitted on or after September 9, 2014. Staff is seeking clarification from the Board of Supervisors on the application of the September 2014 revisions to ensure staff is implementing the Board's intent when the Board updated Board Policy A-32.

In order to provide clarity, staff is proposing these additional revisions to Board Policy A-32 to reflect the intent of the Board of Supervisors' action on September 9, 2014. The attached revisions clarify that the updates made to Board Policy A-32 in September 2014 apply to all of the following:

1. Development applications submitted on or after September 9, 2014.
2. Development applications submitted before, on, or after September 9, 2014 that were granted Fast Track status solely by the Economic Development Agency and not by Board of Supervisors action.
3. Development applications for implementing projects within previously approved Specific Plans. Such implementing projects need to independently apply for Fast Track status.

The updates to Board Policy A-32 in September 2014 requiring Planning Commission review do not apply to development applications granted Fast Track status by the Board of Supervisors prior to September 9, 2014.

Additionally, it is necessary to clarify that a public hearing will take place before the Planning Commission and that the Planning Commission will provide recommendations on the proposed project to the Board of Supervisors. The attached Board Policy A-32 includes these revisions.

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Impact on Citizens and Businesses

Clarifying the application of Board Policy A-32 will ensure the implementation of the policy is consistent with the Board of Supervisors' discussion on July 29, 2014 and action on September 9, 2014.

ATTACHMENTS:

- A. Updated Board Policy A-32

JCP:RF
Minute Traq ID 2969

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POLICY:

The Board of Supervisors recognizes that certain development projects make a special contribution to the general welfare by providing *significant* 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 Permit 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.

In addition to meeting one of the above criteria, the developer must also commit to the following: 1) the developer will hire construction contractors and other development-related consultants that are based in Riverside County whenever possible, and; 2) the developer will give hiring preference to individuals who have served in the United States armed forces or who have been unemployed for 6 or more months due to economic conditions.

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

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provided 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.

In addition to meeting one of the above criteria, the developer must also commit to the following: 1) the developer will hire construction contractors and other development-related consultants that are based in Riverside County whenever possible, and; 2) the developer will give hiring preference to individuals who have served in the United States armed forces or who have been unemployed for 6 or more months due to economic conditions.

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. Renewable Energy Projects.
6. Manufacturing facilities that develop new clean/green products.
7. Any other development project that is awarded fast track processing by a majority vote of the Board of Supervisors.

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Fast Track 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.
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).

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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 and recommendation at a public hearing held in accordance with Section 18.26 of Ordinance No. 348 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 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.

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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.
 - 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 and recommendation at a public hearing held in accordance with Section 18.26 of Ordinance No. 348 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. This section shall apply to development applications submitted on or after September 9, 2014, development applications submitted before, on, or after September 9, 2014 that were granted Fast Track status solely by the Economic Development Agency, and development applications for subdivision maps and land use permits within previously approved Specific Plans. This section shall not apply to development applications granted Fast Track status by the Board of Supervisors prior to September 9, 2014.
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.

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- 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 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.

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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.

Reference:

- Minute Order 6.12 of 10/16/79
- Minute Order 3.17 of 05/30/95
- Minute Order 3.25 of 04/09/02
- Minute Order 3.12 of 04/01/03
- Minute Order 3.2 of 12/20/05
- Minute Order 3.7 of 11/07/06
- Minute Order 3.47 of 04/20/10
- Minute Order 3.64 of 09/11/12
- Minute Order 3-3 of 09/09/14