

# Planning Directors Committee

## Minutes

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### 1. CALL TO ORDER

The meeting of the WRCOG Planning Directors Committee was called to order by Chair Travis Randel at 9:31 a.m. on April 13, 2023,

### 2. PLEDGE OF ALLEGIANCE

Chair Randel led members and guests in the Pledge of Allegiance.

### 3. ROLL CALL

- City of Beaumont - Carole Kendrick
- City of Calimesa - Kelly Lucia
- City of Corona - Jay Eastman
- City of Eastvale - Gustavo Gonzales
- City of Jurupa Valley - Dianne Guevara
- City of Menifee - Cheryl Kitzerow
- City of Moreno Valley- Sean Kelleher
- City of Perris - Kenneth Phung
- City of Riverside - Judy Eguez
- City of San Jacinto - Travis Randel
- City of Temecula - Matt Peters
- March JPA - Jeffrey Smith
- Riverside Transit Agency - Jennifer Nguyen

#### Members absent:

- City of Banning
- City of Canyon Lake
- City of Hemet
- City of Lake Elsinore
- City of Norco
- City of Wildomar
- County of Riverside
- Western Water

### 4. PUBLIC COMMENTS

There were no public comments.

5. **CONSENT CALENDAR** – Item 5.A was moved to the next meeting due to a lack of quorum.

**A. Summary Minutes from the February 9, 2022 Planning Directors Committee Meeting**

**Action:**

1. Moved to the next meeting.

**B. 2022 Fee Comparison Analysis Update - Final Report**

**Action:**

1. Received and filed.

**6. REPORTS / DISCUSSION**

**A. Good Neighbor Guidelines for Siting New and/or Modified Warehouse / Distribution Facilities**

Chris Gray, WRCOG Deputy Executive Director, reported that in 2003, the Regional Air Quality Task Force developed the Good Neighbor Guidelines, which includes recommendations on strategies and guidelines for reducing the negative impacts associated with warehouse and distribution center operations. In 2005, these Guidelines were accepted and endorsed by the WRCOG Executive Committee and then distributed.

Since then, much of the underlying data has changed. The California Attorney General released its own guidelines, the South Coast Air Quality Management District created an Indirect Source Rule, CARB and Environmental Justice Element requirements, and many member agencies have developed localized guidelines related to warehouse siting.

The Committee has two options:

1. Update the Good Neighbor Guidelines or
2. Do not update the Good Neighbor Guidelines and formally rescind the Executive Committee's endorsement.

For any member agency which would like to develop its own guidelines, WRCOG staff can help on a case-by-case basis.

Mr. Gray stated that this is a contentious issue; there is a high level of concern and controversy. There are two very divergent viewpoints: one that does not want to build any warehouses at all, and the other that wants minimal guidelines. It is important to do something because WRCOG's Guidelines are still being referenced. When the Attorney General's guidance was released, jurisdictions were encouraged to use WRCOG's Guidelines as an example create their own regional guidelines. Although the Guidelines are no longer on the WRCOG website, nor referenced in any of its recent studies, the Guidelines are in various places on the internet with no way of fully removing them. Since the underlying data is so old, WRCOG is uncomfortable with having its name on a document that is being widely used, publicly available, and with no control over who uses it.

Committee member Sean Kelleher stated that AB 1000 and AB 1748 are currently being considered, and

asked if the Committee should wait to see what the outcome is before making a decision.

Mr. Gray replied that perhaps one of those bills have traction, but the longer the Committee waits to take action, the more likely people are to use the Guidelines. If it is recommended that WRCOG update the Guidelines, it will take time and there will be a need to budget for the changes. WRCOG can aid agencies in developing its own guidelines. The Committee's input on this item will be presented to the Technical Advisory Committee (TAC) next week to be considered by the City Managers, who will then make a formal recommendation to the Executive Committee.

Committee member Kenneth Phung asked if there is any inherent risk to agencies which have already adopted their own guidelines. If the updated document is more stringent, would the agency have to update its document?

Mr. Gray explained that it is not mandatory for the agency to update its document, but inconsistencies between the regional guidelines and the city's guidelines may pose problems when obtaining project approvals. Because the Guidelines are so old, WRCOG would be basically starting from scratch should staff be directed to update the Guidelines.

Committee member Kelly Lucia asked for a summary of the types of guidelines built in the old standards.

Suzanne Peterson, WRCOG Analyst III, said that the old standards primarily address air quality, and not so much design.

Mr. Gray added that the main issue with guidelines is distance from residential areas, based on data from air quality and exposure studies.

Committee member Cheryl Kitzerow is concerned with the inconsistencies that may come about with regional guidelines, as there are many provisions that are locally-based. Regional standards may not be as helpful as expected.

Committee member Jay Eastman said that there is a very important distinction that the WRCOG Guidelines are for planning when rezoning, and using office or commercial facilities as a buffer between industrial facilities from residential areas. The Committee should consider whether the Guidelines apply to currently zoned industrial, or if they apply when rezoning property and placing industrial in a city.

Mr. Gray stated that the Guidelines were interpreted by the public in a different way than was intended.

Committee member Eastman agreed, and added that the Guidelines were used to challenge industrial projects, citing it to try to have buildings built further away from houses. The cities would counter, stating that it is not actually a code requirement. Committee member Eastman does not see a need for regional guidelines for well-established cities, as it would likely contradict city guidelines.

Committee member Judy Eguez stated that the City of Riverside is focusing on the air quality and sensitive receptors side of the development standards. It also looks at the Guidelines as a Best Practices manual which cities should take into consideration, and would support updating the document.

Chair Randel agreed that there is a benefit to having guidelines at the local level, and would be

interested in partnering with WRCOG to develop them.

Mr. Gray will provide the Committee's input to the TAC next week.

**Action:**

1. Received and filed.

**B. Presentation on Fire Hazard Maps**

Aaron Pfannenstiel from Atlas Planning Solutions reported that CALFIRE is essentially the state's fire department in charge of wildfire protection for 31M acres of land, providing emergency response, and protecting California's natural resources. It answers to the California Board of Forestry and Fire Protection, who protects all wildland forest in California that are not under federal jurisdiction. It reviews and approves safety elements throughout the state and adopts updated policies, rules, and regulations.

Through CALFIRE and the Board of Forestry, regions are categorized as either a State Responsibility Area (SRA), or a Local Responsibility Area (LRA). If agencies are updating their Housing Element and have to comply with SB 1241, they must also do a Safety Element update and must coordinate with CALFIRE to ensure they are in compliance. Agencies must have updated responsibility maps, and must know the fire history of the region. CALFIRE will look at the agency's goals, policies, and actions to understand the community's capabilities in the case of a wildfire.

When assessing the fire severity zones, an SRA map appears to show that a good portion of the County is covered, but when looking at an LRA map, the risk is a lot larger. It is important to show the federal lands with high fire risk, as opposed to just the LRA that may not show the full picture. These maps will be updated every five years.

There are many fire safety regulations in place that set minimum requirements, mapping, and building codes that agencies are expected to meet. These are currently being updated to address emergency access roads as ingress and egress, with a maximum length of half a mile. Instead of focusing on emergency water standards, the focus will be on the water supply in general, the source of the water, and its reliability and sustainability. Fuel modification standards will now also include building sitings and setbacks.

The State Fire Marshall will publish updated SRA and LRA maps in summer or fall of 2023, which rely on the modeling and different factors used to determine wildfire risk. Local agencies will then adopt the maps through an official ordinance and apply the Safety Elements.

Committee member Judy Eguez asked about the possible conflicts with the fire code regulations in the environmentally sensitive areas. Environmental regulations ask to keep everything in a natural state, but fire regulations want to remove or maintain potential risks in open space / hillside areas.

Mr. Pfannenstiel stated that under PRC 4290 / 4291, property owners are allowed to do fuels management modifications to protect their property, as this protects the public from by reducing wildfire risk. This can create tension between CALFIRE and environmental protections, such as with the Coastal Commission. In this case, property owners would partner with the fire department to identify procedures to do the required fuels management without destroying the habitat. When making any type of modification to a property, home, or landscape, Mr. Pfannenstiel suggests involving the fire department

early on in the planning process to make sure the plans meet fire regulations, which may differ from city regulations.

Wildland-urban interface (WUI) areas are based on the fire hazard severity zones. The WUI area typically encompasses the moderate and high zones, but the term "WUI" can be defined and used in various ways. This is why CALFIRE applies regulations based on the zone, not necessarily on the areas that are considered WUI.

**Action:**

1. Received and filed.

**C. REAP SRP 2.0 Local Housing Assistance Requests**

Suzanne Peterson, WRCOG Analyst III, reported that REAP 1.0 has provided various kinds of assistance through the Subregional Partnership Program (SRP), and would like to continue that with REAP 2.0. If agencies would like to do something outside of what is listed in its Housing Element, it would have to be cleared through SCAG first. Staff will reach out to coordinate agencies' priorities and needs.

**Action:**

1. Received and filed.

**D. Housing Element Compliance**

Colin Drukker from PlaceWorks reported that any jurisdiction with an uncertified Housing Element or has not completed necessary rezoning is considered out of compliance with state housing law. For those that are in compliance, the Housing & Community Development (HCD) can rescind certification if rezonings are not completed on time. Jurisdictions may count projects that were certified starting June 30, 2021, as a part of its Regional Housing Needs Assessment. The deadline for rezoning is February 15, 2025.

Some of the funding programs available to jurisdictions with compliant Housing Elements include the Permanent Local Housing Allocation, Affordable Housing & Sustainable Communities, SB 1 Planning Grants, CalHOME Program, Infill Infrastructure Grants, Prohousing Designation / Incentive Pilot Program, and other regional and state funding programs.

Potential consequences of not being in compliance include loss of local land use control and permitting authority, court receivership to bring a jurisdiction into compliance, legal suits, and financial penalties. The Builder's Remedy is available for those projects which take a number of years to get approved due to public opposition. These special projects are pre-approved if they meet certain requirements, but does not exempt it from meeting the California Environmental Quality Act. The financial penalties can range from \$10k to \$100k per month, with increasing penalties of up to six times that amount if a jurisdiction fails to comply after 18 months, and a potential garnishing of funds if those penalties are not paid.

Mr. Drukker is available for one-on-one meetings towards research and strategy development related to Housing Element compliance. Interested members agencies should contact WRCOG's Suzanne Peterson at [speterson@wrcog.us](mailto:speterson@wrcog.us) to coordinate assistance.

**Action:**

1. Received and filed.

**7. REPORT FROM THE DEPUTY EXECUTIVE DIRECTOR**

Chris Gray, WRCOG Deputy Executive Director, reported that the Census Bureau has updated the delineation of Census Urban Areas. A summary of the census will be emailed to Committee members. Mr. Gray congratulated the City of Riverside for being the first member agency to obtain Prohousing Designation.

**8. ITEMS FOR FUTURE AGENDAS**

Topics for future agendas include:

- Prohousing Designation Update
- Western Riverside Affordable Housing Pipeline
- AB 602 Updates
- Overview of SB 6 and AB 2011 implementation
- SCAG SED next steps
- Update on RTA's Sustainable Service Plan
- ADU Roundtable

**9. GENERAL ANNOUNCEMENTS**

Chris Gray, WRCOG Deputy Executive Director, thanked the Committee members for attending in person, and asked Committee members to let WRCOG staff know in advance if attending a meeting remotely. The remote location must be added to the agenda, and other requirements must be met in order to participate.

Chair Travis Randel reminded the Committee about the upcoming General Assembly which will take place at Pechanga Resort Casino on June 29, 2023.

**10. NEXT MEETING**

The next Planning Directors Committee meeting is scheduled for Thursday, June 8, 2023, at 9:30 a.m., in WRCOG's office at 3390 University Avenue, Suite 200, Riverside.

**11. ADJOURNMENT**

The meeting of the Planning Directors Committee adjourned at 11:00 a.m.