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Technical Area: Land Use
Author: Amanda Stennick

**Riverside Energy Resource Center Units 3&4
06-SPPE-1**

Data Request 39

BACKGROUND

Staff received an email on April 10, 2008 from RERC Project Manager Robert Gill stating the City of Riverside considers the project exempt from certain requirements under section 19.040.110 of its Municipal Code. To determine whether the proposed project conforms to local land use laws, including the zoning ordinances, please provide the following.

DATA REQUEST

39. A letter from the city attorney that explains why the City considers the project exempt; cite all sections of the Municipal Code that the project would be exempted from.

RESPONSE

39. See copy of the letter from the Deputy City Attorney (Land Use Attachment 1).

**Riverside Energy Resource Center Units 3&4
06-SPPE-1**

Data Request 40 & 41

BACKGROUND

Since the Energy Commission's review of the 2004 SPPE application, the City of Riverside has adopted a new zoning code and general plan. The 2004 SPPE application showed the project site zoned Manufacturing Park (MP) and the land use designation as Industrial/Business Park (IB).

Page 6.2-3 of the 2008 SPPE application states the project site is zoned Business and Manufacturing Park (BMP), while page 6.2.17 states the zoning is and B/OP. To clarify the issue of the existing zoning and to more fully assess the project's consistency with the zoning and general plan, please provide the following.

DATA REQUEST

40. Please provide a map that shows the current zoning of the site and all lands within a one-mile radius of the site.
41. Please provide a map that shows the current land use designation of the site and of all lands within a one-mile radius of the site.

RESPONSE

40. Maps depicting city and county zoning attached (Land Use Attachment 2 & Attachment 3, respectively).
41. Maps depicting city and county land use attached (Land Use Attachment 4 & Attachment 5, respectively).

Technical Area: Land Use
Author: Amanda Stennick

**Riverside Energy Resource Center Units 3&4
06-SPPE-1**

Data Request 42

BACKGROUND

Page 6.11-26 of the application states that the proposed project will include two 80-foot-high exhaust stacks. The maximum allowable building height in the Business/Manufacturing Park (BMP) zone is 45 feet.

DATA REQUEST

42. Please cite the chapter of the City of Riverside Municipal Code the City of Riverside would use to allow the project to exceed the 45-foot height limitation and include any findings the City would make to allow the exhaust stacks to exceed the 45-foot height limitation.

RESPONSE

42. Refer to the response for Data Request 39.

**Riverside Energy Resource Center Units 3&4
06-SPPE-1**

Data Request 43

BACKGROUND

Page 6.11-26 of the application states that the proposed project will include a 96-foot-high communications tower. The maximum allowable height for telecommunications facilities in any industrial zone is 75 feet (Chapter 19.530 of the City of Riverside Municipal Code). Also, Chapter 19.530.020 D. states that “all wireless communications facilities ... shall be subject to the granting of a conditional use permit processed pursuant to Chapter 19.760.”

DATA REQUEST

43. Please state, whether in addition to the use permit, a variance is required to allow the 96-foot-high communications tower in the BMP zone. If a variance is required, please cite the code chapter for variances and include any findings the city would make to allow the communications tower to exceed the 75-foot height limitation.

RESPONSE

43. Refer to the response for Data Request 39.