

Chapter 19.443 TWO-UNIT DEVELOPMENTS

19.443.010 Purpose.

The purpose of this Chapter is to establish standards for Two-Unit Developments to ensure compliance with California Government Code Sections 65852.21 and 66411.7, otherwise known as Senate Bill 9, while minimizing impacts to surrounding uses and properties.

19.443.020 Applicability.

Two-unit developments, as defined in Chapter 19.910 (Definitions), are permitted in the R-1, RE, RR, RC, DSP-RES, and NSP-MDR single-family residential zones.

19.443.030 Review authority.

Applications for two-unit developments shall be considered ministerially, without discretionary review or a hearing, subject only to permit requirements applicable to the new construction or alteration of residential dwellings, including but not limited to building permits.

19.443.040 Requirements.

- A. *Location.* Pursuant to Government Code Section 65913.4(a)(B-K), aA parcel for a two-unit development or urban lot split shall:
1. Be located within a Single-Family Zone (R-1, RE, RR, RC, DSP-RES, or NSP-MDR);
 2. Not be located within a Very High Fire Hazard Severity Zone, with the exception of sites that have adopted fire hazard mitigation measures pursuant to existing building standards or state fire mitigation measures applicable to the development;
 3. Not be located within a mapped 100-year floodplain, wetland, recorded Open Space Easement, mapped Arroyo, or identified for habitat conservation as defined in the Western Riverside Multiple Species Habitat Conservation Plan;
 4. Not be located within a designated hazardous waste site;
 5. Not be located within a Historic District or Neighborhood Conservation Area designated pursuant to Title 20;
 6. Not be located on property included on the State Historic Resources Inventory, as defined in Section 5020.1 of the Public Resources Code; and
 7. Not be located on a site that is designated or listed as a City or County Landmark or Structure of Merit, or other historic property designated pursuant to Title 20 or another City or County ordinance.
- B. *Eligibility.* A parcel is not eligible for a two-unit development if the project would require demolition or alteration of:

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1. More than 25% of the exterior walls of a unit that is occupied by a tenant or has been occupied by a tenant at any time in the previous three years;
 2. Housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income;
 3. Housing that is subject to any form of rent or price control; and
 4. A parcel containing a unit that was withdrawn from the rental market through an Ellis Act eviction at any time in the last 15 years.

19.443.050 Development standards.

Development pursuant to this Chapter shall comply with the following:

A. *Number of units.*

1. Two-unit developments.
 - a. The maximum number of attached or detached primary dwelling units permitted on any lot in a single-family zone is two.
 - b. No more than ~~four~~three total dwelling units, inclusive of ~~up to two detached, attached, and junior ADUs~~ Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs) pursuant to the requirements of Chapter 19.442, may be constructed on any undivided lot in a single-family zone.
2. Urban lot splits.
 - a. A maximum of two dwelling units of any kind may be constructed on any single-family lot established through an urban lot split pursuant to Chapter 18.085 (Urban Lot Splits) of the Subdivision Code, inclusive of ~~detached, attached, and junior ADUs~~ ADUs and JADUs, for a maximum of four units total on both lots.
 - b. The maximum number of units that result from any urban lot split may include primary dwellings, ~~ADUs and JADUs~~ detached, attached, and junior ADUs.

B. *Parking.* One on-site covered parking space shall be required per unit.

1. This requirement may be satisfied by an attached or detached carport or enclosed garage.
2. Exceptions. No on-site parking shall be required when:
 - a. The site is located within one-half mile walking distance of a high-quality transit corridor, as defined in subdivision (b) of Section 21155 of the Public Resources Code;
 - b. The site is located within one-half mile of a major transit stop, as defined in Section 21064.3 of the Public Resources Code; or
 - c. The site is located within one block of a permanently established car-share vehicle pick-up/drop-off location.
3. Required parking spaces shall comply with the applicable standards of Chapter 19.580 (Parking and Loading).

C. *Setbacks.*

1. The ~~interior-side yard~~ and rear yard setbacks for two-unit developments shall be at least four feet.

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2. The front yard ~~and street-side yard~~ setbacks for two-unit developments shall be as required by the Zone.
 3. Additional setbacks shall not be required for an existing structure or for a structure constructed in the same location and to the same dimensions as an existing structure (i.e., a building reconstructed on the same footprint).
 4. Notwithstanding the above, an application shall not be rejected solely because it proposes adjacent or connected structures provided that the structures meet Building Code safety standards and are sufficient to allow separate conveyance.
- D. *Additional requirements for two-unit developments.*
1. Unless otherwise specified in this Chapter, all development standards applicable to the construction of a single-family dwelling shall apply to two-unit developments, including but not limited to:
 - a. Building height;
 - b. Number of stories; and
 - c. Lot coverage.
 2. Applicable Chapters. The requirements of the following Chapters of this Title shall apply to two-unit developments:
 - a. Chapter 19.440 - Accessory buildings and structures;
 - b. Chapter 19.550 - Fences, walls and landscape materials;
 - c. Chapter 19.554 - Trash/recyclable materials collection area enclosures;
 - d. Chapter 19.555 - Outdoor equipment screening;
 - e. Chapter 19.556 - Outdoor lighting; and
 - f. Chapter 19.580 - Parking and loading.
 3. All other development standards contained within Titles 17, 18, and 19 shall apply.
- E. The application of any development standard that would physically prevent the development of ~~up to at least~~ two primary dwelling units ~~or that would physically preclude either of the two units from being at least 800 square feet in floor area of at least 800 square feet~~ shall be waived. No Variance or other discretionary action shall be required.
- F. Additional requirements for urban lot splits shall be as set forth in Chapter 18.085 (Urban Lot Splits) of the Subdivision Code.

19.443.060 Design standards.

~~A. Privacy.~~

- ~~a. A minimum separation of 10 feet shall be provided between any detached dwellings on the site.~~
- ~~b. Windows within 30 feet of a neighboring structure on another parcel shall not directly align with the windows of the neighboring structure.~~
- ~~c. Upper story unenclosed landings, decks, and balconies that face or overlook an adjoining property shall be located a minimum of 15 feet from the interior lot lines.~~

~~B. *Building height.* Where any portion of the proposed construction consists of two stories or exceeds 16 feet in overall height, upper floors and the portions of the structure exceeding 16 feet in height shall comply with the minimum required setbacks of the underlying zone.~~

AC. *Materials.*

- a. On sites already developed with an existing residential unit, the new construction shall be designed and constructed to match the existing dominant roof pitch, paint color and exterior finish materials, including but not limited to siding, windows, doors, roofing, light fixtures, hardware, and railings.
- b. Where no development currently exists or where existing development is to be removed, two-unit developments shall be designed so that the units match one another in dominant roof pitch, paint color and exterior building finishes, including but not limited to siding, windows, doors, roofing, light fixtures, hardware, and railings.
- c. Design elements and detailing shall be continued completely around the structure. Such elements shall include but not be limited to window types and treatments, trim detailing, and exterior wall materials.
- d. Window and door types and styles shall be consistent on all elevations.
- e. All vents, downspouts, flashings, electrical conduit, etc., shall be painted to match the color of the adjacent surface unless specifically designed as an accent material.
- f. Exterior building lighting shall be directed downward, have a shielded light source, and be designed so that the light is not directed off site.

BD. *Landscaping.*

- a. Front and street side yard areas shall be fully landscaped pursuant to the requirements of Chapter 19.570 (Water Efficient Landscaping and Irrigation) and the Citywide Design Guidelines.
- ~~b. A minimum of one 24-inch box tree of a broadleaf or evergreen species shall be provided on-site per unit constructed. Palms shall not be considered to satisfy this requirement.~~
- be. Complete landscaping and irrigation plans shall be submitted to the Planning Division prior to the issuance of building permits.
- cd. Installation of approved landscaping shall be completed prior to release of final occupancy.

19.443.070 Additional requirements.

A. *Short-term rentals.*

- a. Units created pursuant to this Chapter shall be rented or leased for a term longer than 30 days.
- b. A Covenant shall be recorded against title to any property developed pursuant to this Chapter restricting rental or lease of any unit on the property for a term longer than 30 days.

B. *Owner occupancy.*

- a. Unless the lot on which a two-unit development is constructed was established through an Urban Lot Split pursuant to Chapter 18.085 (Urban Lot Splits) of the Subdivision Code, the owner of the property shall reside in one of the units as their principal residence.
- b. A deed restriction shall be recorded on title to the subject property binding current and future owners to this requirement.
- c. Owner occupancy requirements for two-unit developments constructed on lots established through an Urban Lot Split shall be as set forth in Chapter 18.085 of the Subdivision Code.

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- C. *Nonresidential uses.* Except for permitted home occupations pursuant to Chapter 19.485, non-residential uses shall be prohibited.

~~19.443.080~~ Noticing.

- A. ~~The Applicant of a proposed two-unit development shall provide written notice to the record owners of all properties within 300 feet of the exterior boundaries of the property on which the development is proposed.~~
- B. ~~The notice shall be mailed via Certified United States Mail to the last known name and address of such owners as shown on the latest available equalized assessment roll of the County Assessor.~~
- C. ~~The notice shall identify:~~
- a. ~~The location of the property;~~
 - b. ~~The nature of the proposed construction;~~
 - c. ~~The anticipated start and end dates of construction;~~
 - d. ~~Contact information for the project manager;~~
 - e. ~~Contact information for the Community & Economic Development Department; and~~
 - f. ~~The following statement: "This Notice is sent for informational purposes only and does not confer a right on the noticed party or any other person to comment on the proposed project. Approval of this project is ministerial, meaning the City of Riverside has no discretion in approving or denying the project if it complies with all legal requirements. Approval of this project is final and not subject to appeal."~~
- D. ~~The notice shall be sent no fewer than 14 days prior to the issuance of a permit for the proposed two-unit development.~~
- E. ~~No permit shall be issued until such time as evidence of the completed certified mailing has been furnished to the Planning Division and it has been verified that the minimum notice period has elapsed.~~

~~(Ord. 7592 § 6(Exh. G), 2022)~~

19.443.0890 Variances.

- A. No variances from the provisions of this Chapter shall be permitted.
- B. Waiver of any development standard necessary to permit the minimum amount of development authorized by California Government Code § 65852.21 shall not require the granting of a Variance or any other discretionary approval.

19.443.90100 Severability.

If any provision of this ordinance or chapter or the application thereof to any person or circumstance is held to be unconstitutional or otherwise invalid by a court of competent jurisdiction, such invalidity shall not affect other provisions or applications of this ordinance or chapter which can be implemented without the invalid provision or application and to this end the provisions of this ordinance and chapter are declared to be severable.