



**PLANNING COMMISSION HEARING DATE: AUGUST 14, 2025**  
**AGENDA ITEM NO.: 6**

## SUMMARY

<b>Case Number</b>	PR-2025-001800 (Zoning Text Amendment)
<b>Request</b>	Proposal by the City of Riverside to consider amendments to Titles 18 (Subdivision), 19 (Zoning), and 20 (Cultural Resources) of the Riverside Municipal Code (RMC), including, but not limited to, Title 18 Article III (Maps and Permits), Title 19 Article VII (Specific Land Use Provisions), and Title 20. The proposed amendments are intended to bring the RMC into compliance with recent guidance from the California Department of Housing and Community Development (HCD) pertaining to the implementation of Senate Bill (SB) 9 and subsequent updates in Senate Bill (SB) 450.
<b>Applicant</b>	City of Riverside, Community and Economic Development Department
<b>Project Location</b>	Citywide
<b>Ward</b>	Citywide
<b>Staff Planner</b>	Clarissa Manges, Assistant Planner 951-826-5264 <a href="mailto:cmanges@riversideca.gov">cmanges@riversideca.gov</a>

## RECOMMENDATIONS

That the Planning Commission:

1. **Recommend** that the City Council determine that Planning Case PR-2025-001800 is exempt from further California Environmental Quality Act (CEQA) review pursuant to Section 15061(b)(3) (General Rule), as it can be seen with certainty that approval of the project will not have an effect on the environment, and are further exempt from CEQA pursuant to Government Code Section 65852.21(k); and
2. **Recommend Approval** of Planning Case PR-2025-001800 (Zoning Text Amendment) as outlined in the staff report and summarized in the Findings section of this report.

## BACKGROUND

Senate Bill (SB) 9 (Atkins) (Exhibit 2) took effect January 1, 2022, enabling most single-family zoned lots in California to construct up to two primary dwelling units and/or

subdivide into two lots through the creation of California Government Code Sections 65852.21 (which regulates two-unit developments) and 66411.7 (which regulates two-lot subdivisions, otherwise known as urban lot splits). On July 5, 2022, the City Council adopted ordinances implementing SB 9 in the Riverside Municipal Code (RMC) through the creation of a new chapter in Title 18 - Subdivision (Chapter 18.085 - Urban Lot Splits) and Title 19 - Zoning (Chapter 19.443 - Two Unit Developments) (Exhibit 3). Statutory enforcement authority over SB 9 was granted to the California Department of Housing and Community Development (HCD) in 2024 with the enactment of Assembly Bill (AB) 434 (Grayson) (Exhibit 4). On January 1, 2025, SB 450 (Atkins) (Exhibit 5) took effect, revising standards that can be imposed under SB 9. On March 21, 2025, HCD presented the City with a letter outlining changes needed to bring the RMC into compliance with SB 9 and SB 450 (Exhibit 6).

These changes generally fall into two categories. The first category includes changes to align inconsistent standards of the RMC with those in the Government Code to ensure that all legally eligible parcels can be developed with an SB 9 two-unit and/or urban lot split.

The second category includes additional changes to modify or remove differential and subjective standards that are no longer enforceable with the passage of SB 450. The original text of SB 9 was ambiguous as to whether local jurisdictions could impose special requirements on two-unit developments and urban lot splits; however, SB 450 amended Government Code Section 65852.21 (b)(3) to indicate that "a local agency shall not impose ... standards that do not apply uniformly to development within the underlying zone." SB 450 also amended Government Code Section 66411.7(c)(1) to clarify that any standards imposed on an urban lot split project be related to the design or improvements of the parcel and upheld existing Government Code Sections 65852.21 (j)(2) and 66411.7(m)(1) which call for standards "that involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion" - in other words, objective development standards.

## PROPOSAL

The proposed amendments to the Zoning Code are included as Exhibit 1. The following is a summary of each of the amendments split into the two categories and broken down by topic. These summaries discuss the existing conditions and proposed changes.

### [CATEGORY 1: Alignment of RMC Standards with the Government Code](#)

#### AMENDMENT 1 – ELIGIBILITY REQUIREMENTS

##### Chapters:

- Chapter 18.085 – Urban Lot Splits
  - Section 18.085.030 (A) (*Location*)
- Chapter 19.443 – Two-Unit Developments
  - Section 19.443.040(A) (*Location*)
- Chapter 20.50 – Definitions
  - Section 20.50.010 (*Definitions*)

##### Existing Condition:

Sections 18.085.030 (A) and 19.443.040(A) identify eligibility requirements for urban lot splits and two-unit developments. Such projects must be located in single-family residential zones (R-1, RE, RR, RC, DSP-RES, or NSP-MDR) but may not involve sensitive sites (i.e., agricultural, historic, high fire risk, high flood risk, etc.). HCD has advised that some eligibility requirements identified in the RMC may not align with those identified in Government Code Section 65913.4(a)(6)(B-K).

### **Proposed Changes:**

Proposed changes would modify the eligibility requirements for urban lot splits and two-unit developments to better align with the California Government Code. Key amendments include:

- Adding references to California Government Code Section 65913.4(a)(6)(B-K);
- Clarifying that high fire-risk areas can be eligible for urban lot split and two-unit developments with adopted fire mitigation measures; and
- Clarifying in Chapter 20.50 – Definitions that all cultural resources, including neighborhood conservation areas and structures of merit, are historic resources which makes them ineligible for SB 9 urban lot splits and two-unit developments under the Government Code.

## **AMENDMENT 2 – NUMBER OF UNITS**

### **Chapter and Section:**

- Chapter 19.443 – Two-Unit Developments
  - Section 19.443.050(A)(1)(b) (*Number of Units*)

### **Existing Condition:**

SB 9 allows for the creation of up to four residential units – inclusive of ADUs or JADUs – on an existing single-family property. This can be accomplished in a variety of configurations, including with an urban lot split, with two-unit developments, or a combination of both.

RMC Section 19.443.050(A)(1)(b) places a limit of three total units, including two primary units and an ADU, for SB 9 two-unit developments that do not involve an urban lot split. HCD, through their statutory authority over SB 9 enforcement, has determined that this is an incorrect interpretation of the Government Code, and that local ordinance must not limit the number of units that SB 9 can facilitate to fewer than the law requires. Chapter 19.443 – Two-Unit Developments is therefore inconsistent with the intent of SB 9 law per HCD interpretation.

### **Proposed Change:**

Proposed changes would specify that a two-unit project on an unsplit single-family lot can have up to four units rather than three, inclusive of up to two primary units and up to two accessory dwelling units (ADUs).

## **AMENDMENT 3 – WAIVERS**

### **Chapter:**

- Chapter 19.443 – Two-Unit Developments
  - Section 19.443.050(E) (*Development Standards*)

**Existing Condition:**

Section 19.443.050(E) allows any development standard that would preclude the construction of at least two primary dwelling units of at least 800 square feet each to be waived; however, HCD has noted that the phrase "at least two primary dwelling units" is incorrect and should be corrected to "up to two primary dwelling units" for consistency with the intent of a two primary unit maximum per Government Code Section 65852.21 (b)(2)(A).

**Proposed Changes:**

Proposed changes would correct the phrase "at least two primary dwelling units" to "up to two primary dwelling units" and make other minor adjustments to align with the Government Code.

**AMENDMENT 4 – SIDE YARD SETBACKS****Chapter:**

- Chapter 19.443 – Two-Unit Developments
  - Section 19.443.050(C) (*Setbacks*)

**Existing Condition:**

For two-unit developments, Section 19.443.050(C) requires that setbacks for interior side yards (side yards adjacent to another parcel) be a minimum of four feet, while setbacks for street side yards (side yards adjacent to a street) be the minimum required in the underlying zone. Per HCD, this provision conflicts with Government Code Section 65852(b)(2)(B)(ii), which provides that any side yard setback for a two-unit development, both interior and street side, be a minimum of four feet.

**Proposed Changes:**

Proposed changes would clarify that all side yard setbacks for two-unit developments are four feet.

**AMENDMENT 5 – HEIGHT-BASED SETBACKS****Chapter:**

- Chapter 19.443 – Two-Unit Developments
  - Section 19.443.060(B) (*Building Height*)

**Existing Condition:**

Section 19.443.060(B) states that for any new construction in a two-unit development that exceeds one story or 16 feet in height, the minimum setbacks are those of the underlying zone. Per HCD, this provision conflicts with Government Code Section 65852 (b)(2)(B)(ii) which provides that the largest side and rear yard setback that can be required, regardless of height, is four feet. Furthermore, these setbacks are not imposed on other single-family zoned properties.

**Proposed Change:**

Proposed changes would remove this provision and require setbacks of four feet for any two-unit development regardless of height.

## CATEGORY 2: Removal of Differential and Subjective Standards

### AMENDMENT 6 – NOTICING REQUIREMENTS

#### Chapters:

- Chapter 18.085 – Urban Lot Splits
  - Section 18.085.060 (*Noticing*)
- Chapter 19.443 – Two-Unit Developments
  - Section 19.443.080 (*Noticing*)

#### Existing Condition:

Sections 18.085.060 and 19.443.080 prescribe noticing requirements for urban lot split and two-unit developments pursuant to Chapter 19.670 – Public Hearings and Notice Requirements, which, as HCD has advised, now conflict with the Government Code following the passage of SB 450. Per HCD, noticing requirements for urban lot splits violate Government Code Section 66411.7 since they are not related to the design or improvement of the parcels. For two-unit developments, noticing requirements violate Government Code Section 65852.21(b)(3) since they are not imposed on other types of single-family development.

#### Proposed Changes:

Proposed changes would remove noticing requirements for urban lot split and two-unit developments.

### AMENDMENT 7 – ADDITIONAL FIRE ACCESS

#### Chapter:

- Chapter 18.085 – Urban Lot Splits
  - Section 18.085.040 (B) (*Access to Streets*)

#### Existing Condition:

Section 18.085.040 (B) provides fire access standards for urban lot split projects. Standards prescribed include a minimum ten-foot-wide access corridor for lots that are not adjacent to the public right-of-way, as well as additional access requirements subject to the determination of the Fire Marshal. HCD has advised that the additional access requirements at the discretion of the Fire Marshal are subjective and must be modified or removed.

#### Proposed Changes:

Proposed changes would revise the additional, unspecified access requirements to be objective by clarifying that the requirements are subject to Chapter 16.32 – Fire Prevention rather than the Fire Marshal's discretion.

### AMENDMENT 8 – PRIVACY DESIGN STANDARDS

#### Chapter:

- Chapter 19.443 – Two-Unit Developments
  - Section 19.443.060(A) (*Privacy*)

**Existing Condition:**

Section 19.443.060(A) prescribes several design standards intended to address privacy concerns for two-unit developments, including the following:

- All detached dwellings on site must maintain a minimum 10-foot separation;
- Windows must not align to those on a neighboring parcel if within 30 feet; and
- Upper-story balconies/decks/landings must be at least 15 feet from the interior lot lines if they face or overlook an adjoining property.

These requirements are not imposed on other types of single-family development.

**Proposed Changes:**

Proposed changes would remove these design standards in compliance with SB 450.

**AMENDMENT 9 – LANDSCAPE DESIGN STANDARDS****Chapter:**

- Chapter 19.443 – Two-Unit Developments
  - Section 19.443.060(D)(b) (*Landscaping*)

**Existing Condition:**

Section 19.443.040(D) prescribes several landscape design standards for two-unit developments, including the following:

- Front and street side yard areas must be fully landscaped pursuant to the requirements of Chapter 19.570 (Water Efficient Landscaping and Irrigation) and the Citywide Design Guidelines;
- At least one 24-inch broadleaf or evergreen tree must be planted per unit;
- Landscape and irrigation plans must be submitted to the Planning Division prior to issuance of a building permit; and
- Landscaping must be completed prior to occupancy.

The standard to plant one 24-inch broadleaf or evergreen species per unit constructed is not imposed on other types of single-family development. All other standards would remain consistent with other single-family requirements.

**Proposed Changes:**

Proposed changes would remove the tree requirement design standard in compliance with SB 450.

**ENVIRONMENTAL REVIEW**

The proposed amendments are exempt from additional California Environmental Quality Act (CEQA) review pursuant to Section 15061(b)(3) of the CEQA guidelines, as it can be seen with certainty that the proposed text amendments will not have an effect on the environment, and are further exempt from CEQA pursuant to Government Code Section 65852.21(k).

**FINDINGS**

Zoning Code Amendment Findings pursuant to Chapter 19.810.040:

- 1) The proposed Zoning Code Text Amendments are generally consistent with the goals, policies, and objectives of the General Plan;
- 2) The proposed Zoning Code Text Amendments will not adversely affect surrounding properties; and
- 3) The proposed Zoning Code Text Amendments will promote public health, safety, and general welfare and serve the goals and purposes of the Zoning Code.

## APPEAL INFORMATION

Actions by the City Planning Commission, including any environmental finding, may be appealed to the City Council within ten calendar days after the decision. Appeal filing and processing information may be obtained from the Planning Department Public Information Section, 3rd Floor, City Hall.

## EXHIBITS LIST

1. Proposed Amendments
  - a. Chapter 18.085 – Urban Lot Splits
  - b. Chapter 19.443 – Two Unit Developments
  - c. Chapter 20.50 – Definitions
2. SB 9 Bill Text
3. Ordinances 7591 and 7592
4. AB 434 Bill Text
5. SB 450 Bill Text
6. HCD Letter to the City of Riverside-March 21, 2025
7. Presentation

---

Prepared by: Clarissa Manges, Assistant Planner

Reviewed by: Matthew Taylor, Principal Planner

Approved by: Maribeth Tinio, City Planner