



City Council Memorandum

City of Arts & Innovation

TO: HONORABLE MAYOR AND CITY COUNCIL DATE: JANUARY 14, 2020

FROM: COMMUNITY & ECONOMIC DEVELOPMENT WARDS: ALL
DEPARTMENT

SUBJECT: PUBLIC HEARING – PLANNING CASE P19-0781– PROPOSAL BY THE CITY
OF RIVERSIDE TO AMEND THE TEXT OF THE RIVERSIDE MUNICIPAL CODE
TITLE 19 (ZONING) RELATED TO ENTERTAINMENT PERMITS

ISSUE:

Approve a Zoning Text Amendment to amend various sections of the Zoning Code (Title 19 of the Riverside Municipal Code) to achieve consistency with recent amendments to the Riverside Municipal Code establishing an Entertainment Permit, and to make other non-substantive, technical and clarifying changes as necessary.

RECOMMENDATIONS:

That the City Council:

1. Determine that Planning Case P19-0781 (Zoning Text Amendment) is exempt from the California Environmental Quality Act subject to Section 15061(b)(3), as it can be seen with certainty that the amendment will not have the potential to cause a significant effect on the environment;
2. Approve Planning Case P19-0781 (Zoning Text Amendment) based on the findings outlined in the Planning Commission staff report; and
3. Introduce and subsequently adopt the Proposed Ordinance to amend the Zoning Code (Title 19 of the Riverside Municipal Code) as proposed under Planning Case P19-0781.

PLANNING COMMISSION RECOMMENDATION:

On December 12, 2019, the City Planning Commission recommended approval of Planning Case P19-0781 by a vote of 9 ayes, 0 noes and 0 abstentions as recommended by Staff.

BACKGROUND:

Title 19 (Zoning) of the Riverside Municipal Code (RMC) currently regulates entertainment activities as a land use. This can include live and pre-recorded musical performances, dancing, karaoke and other similar activities. Staff proposes a Zoning Text Amendment to reflect recent

changes to the RMC that shift the regulatory responsibility for entertainment activities from an entitlement through the Zoning Code to a business operation regulation and licensing program contained in Title 5 (Business Taxes, Licenses and Regulations).

To improve the flexibility and responsiveness of monitoring and enforcement of entertainment in Riverside, the Riverside Police Department, in consultation with the Planning and Building & Safety Divisions, Fire Department and the business community, prepared an ordinance establishing an Entertainment Permit requirement (adopted by the Riverside City Council as Ordinance No. 7488, November 5, 2019). During this process, City and Police Department Staff met with stakeholders including area business councils and current entertainment venues at a series of six meetings taking place from in July through August 2019 to obtain input and feedback. These meetings informed the implementation strategy for Entertainment Permits, including a waiver of application fees for an initial period and biennial instead of annual renewals, among other modifications suggested by stakeholders.

Under this program, all establishments offering entertainment activities throughout the city are required to obtain, and maintain, an Entertainment Permit, administered by the Police Department. Standard operational and security conditions are placed on each permit. The Chief of Police, or his or her designee, is authorized to apply additional restrictions, or suspend or revoke a permit, if a certain number of public safety incidents occur within a specified timeframe. Entertainment permits are renewable biennially and require clearance from the Planning and Building & Safety Divisions and Fire Department, among other submittal requirements.

The proposed Zoning Text Amendment eliminates conflicts between Title 5 and Title 19 related to regulating entertainment activities and streamlines implementation of the new Entertainment Permit ordinance. The Community & Economic Development Department and the Planning Commission will continue to regulate primary and incidental land uses (such as bars, restaurants and banquet facilities), but the entertainment activities associated with those land uses will be regulated through Entertainment Permits.

Other Cleanup Items

In addition, since the adoption of the Zoning Clean-Up amendments to Title 19 on October 22, 2019, two additional priority clean-up items have been identified relating to time limits for project approvals (see no. 8a. below) and a definition for short-term rentals (see no. 8b. below) and are included in this proposed amendment, as summarized below.

DISCUSSION:

A detailed discussion of the proposed amendments can be found within the Planning Commission Staff Report (Attachment 1). The following summarizes the proposed Zoning Code Text Amendments as presented in the attached Proposed Ordinance (Attachment 3):

1. Chapter 19.150 – Base Zones Permitted Land Uses – Permitted, Incidental and Temporary Use Tables

Tables 19.150.020.A (Permitted Uses Table), 19.150.020.B (Incidental Uses Table) and 19.150.020.C (Temporary Uses Table) are amended to reflect the transfer of regulatory responsibility for entertainment activities from the Zoning Code to Title 5 (Business Taxes, Licenses and Regulations). References to the Entertainment Permit provisions of Chapter 5.80 are added, and “Entertainment (Trial Basis Only)” is eliminated as a permitted Temporary Use.

2. Chapter 19.250 – Assemblies of People—Entertainment

Section 19.250.020 (Applicability and permit requirements) is amended to establish that entertainment activities associated with a primary permitted land use are subject to the provisions of Chapter 5.80 (Entertainment Permit), and to update chapter references.

3. Chapter 19.450 – Alcohol Sales

Section 19.450.020(B) updates the Minor Conditional Use Permit exemption criteria for bona fide public eating places (e.g., restaurants and cafés) for the sale of alcohol for on-site consumption to be consistent with the Entertainment Permit ordinance.

4. Chapter 19.620 – General Sign Provisions

Section 19.620.080 (Standards for specific sign types by district and use type) is amended to clarify when and what kind of entertainment-related land uses are eligible for changeable copy signs.

5. Chapter 19.740 – Temporary Use Permit

Chapter 19.740 is amended to delete Entertainment (Trial Basis Only) in its entirety. This type of Temporary Use Permit (TUP), which applies exclusively to restaurants, was made obsolete with the adoption of the Entertainment Permit ordinance.

6. Chapter 19.910 – Definitions

The following changes are made to definitions:

- a. The existing definition for “Assemblies of People—Entertainment” is amended to clarify that the defined land use does not include entertainment activities subject to Chapter 5.80 (Entertainment Permit).
- b. To eliminate redundancy and reduce the potential for conflicting provisions, the definitions for “Entertainment” and “Entertainment, incidental” are amended to refer to the definition of those terms provided in Chapter 5.80.
- c. The definition for “Nightclub” is modified to clarify that the definition does not apply to entertainment activities associated with another permitted land use and that are subject to Chapter 5.80.
- d. The definition for “Entertainment venue, public” is deleted as it is not used elsewhere in the Code.

7. Other technical and non-substantive changes related to Entertainment Permits

Amendments to other Chapters are proposed to provide clarity and reduce ambiguity with respect to the new Entertainment Permit regulations, while not affecting the substance of the Zoning regulations, as described in detail in the Planning Commission Staff Report (Attachment 1).

8. Clean Up Items – Not related to Entertainment Permits

a. Chapter 19.690 – Effective Dates, Time Limits and Extensions

Section 19.690.050 (Time Extension) is amended to add a new provision (19.690.050[K]) establishing that time limits applied to entitlement approvals do not include the period during which a lawsuit involving the approvals is pending in court. This amendment corrects a longstanding ambiguity in the Zoning Code and will ensure that project approvals will not expire while litigation is ongoing.

b. Chapter 19.910 – Definitions

A definition is added for “Short-term rentals” to address an important emerging trend and direct the reader to short-term rental regulations in Title 5 of the RMC.

FISCAL IMPACT:

Deletion of Entertainment (Trial Basis Only) Temporary Use Permits (TUP) will result in the elimination of one type of Major Temporary Use Permit, the application fee for which is \$1,000 per TUP. However, since this type of TUP was adopted in 2013, none have been issued. The proposed amendment is therefore not anticipated to impact the General Fund budget.

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Approved by: Rafael Guzman, Assistant City Manager
Approved as to form: Gary G. Geuss, City Attorney

Attachments:

1. City Planning Commission Report and Attachments – December 12, 2019
2. City Planning Commission Minutes – December 12, 2019
3. Zoning Code Amendment Ordinance
4. Presentation