CITY OF RIVERSIDE

Planning Commission Memorandum

Community & Economic Development Department **Planning Division**
3900 Main Street, Riverside, CA 92522 | Phone: (951) 826-5371 | **RiversideCA.gov**

PLANNING COMMISSION HEARING DATE: MAY 12, 2022
AGENDA ITEM NO.: 5

SUMMARY

Case Numbers	PR-2022-001313 (Zoning Text Amendment and Rezoning)
Request	Proposal by the City of Riverside to amend Titles 17 (Grading), 18 (Subdivision), and 19 (Zoning) of the Riverside Municipal Code, including but not limited to Chapter 17.28 (Minimum Grading Standards and General Requirements) of Title 17; Articles III (Maps and Permits), IV (Requirements for Filing and Approval Process), V (Permit Provisions) and VI (Definitions) of Title 18; and Articles III (Nonconforming Provisions), V (Base Zones and Related Use and Development Provisions), VI (Overlay Zones), VII (Specific Land Use Provisions), VIII (Site Planning and General Development Provisions), IX (Land Use Development Permit Requirements and Procedures) and X (Definitions) of Title 19. The proposed amendments are intended to: 1) Align the City's development regulations with recent changes to State law relating to two-unit developments and urban lot splits (also known as Senate Bill 9); 2) Streamline and clarify the City's development regulations related to Accessory and Junior Accessory Dwelling Units to reduce barriers and increase housing production; 3) Clarify and improve existing Objective Design Standards for multi-family and mixed-use development as an implementing action of the recently adopted 6th Cycle Housing Element; 4) Complete Clean-Up items: A. Title 19 text changes: i. Align the Parking Requirements Table with the Base Zones Permitted Land Uses Table for clarity and ease of use; ii. adjust time frames to consider appeals of land use entitlement decisions to better serve applicants, appellants, decisionmakers and the community; and iii. Align required findings of fact for granting a Variance to comply with applicable State standards; and B. Fulfill Condition of Approval #9 of Tract Map No. 28756 for the application of the RL – Residential Livestock Overlay Zone to an existing 10-lot single-family residential subdivision.

Applicant	City of Riverside, Community and Economic Development Department
Project Location	Citywide (Zoning Text Amendment); 11171-11234 Lindy Street, northwest of Alhambra Avenue and west of La Sierra Avenue (Rezoning)
Ward	Citywide (Zoning Text Amendment); Ward 7 (Rezoning)
Staff Planner	Matthew Taylor, Senior Planner 951-826-5944 mtaylor@riversideca.gov

RECOMMENDATIONS

That the Planning Commission:

1. **Recommend** that the City Council determine that Planning Case PR-2022-001313 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 further that the adoption of an ordinance to implement Sections 65852.21 and 64411.7 of the California Government Code (SB 9) is not a Project and therefore not subject to CEQA;
2. **Recommend Approval** of the Planning Case PR-2022-001313 (Zoning Text Amendment and Rezoning) as outlined in the staff report and summarized in the Findings section of this report.

BACKGROUND

In 2017 Governor Brown signed Senate Bill 2 (SB 2), the Building Homes and Jobs Act, which established over-the-counter grant funding for local governments to help streamline housing production including policy streamlining and the introduction of new residential development tools. The City of Riverside was awarded $625,000 to fund various planning activities in late 2019.

Similar to SB 2, in the 2019-2020 Budget Act, Governor Newsom allocated $250 million in grant funding to local jurisdictions for planning activities that accelerate housing production. The State established the Local Early Action Planning Grant Program (LEAP) to provide one-time grant funding to cities and counties to update Plans and improve processes to lead to housing production. The funds are also available to assist jurisdictions in meeting their RHNA obligations. Riverside received a $750,000 LEAP grant allocation in Spring 2020.

Beginning in 2016, the California legislature began to pass a series of bills designed to encourage additional small-scale housing production by unlocking the vast quantities of local zoning throughout the state that restricts residential development to one dwelling per lot. AB 2299 and Senate Bill (SB) 1069 in 2016, SB 229 and AB 494 in 2017, and AB 68 and 881 in 2019 each expanded the ability to construct accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs) on both single-family and multi-family properties. SB 9, signed in September 2021, enables the creation of two dwelling units as well as the subdivision of any parcel into two lots in all single-family zoning districts statewide.

Planning Staff continuously track the applicability and accuracy of the Riverside Municipal Code (RMC) Title 19 (Zoning Code) to ensure the regulations are consistent with State Law, provide clear direction, and do not conflict with other sections. Staff identifies inaccuracies, vagueness, or conflicts and tracks this information so that periodic Zoning Text Amendments can be made. This builds on the "Streamline Riverside" initiative that continually identifies and implements strategic changes to City processes. The changes will provide greater clarity and reduce ambiguity in the Zoning Code through minor updates, revisions, and technical corrections to several Chapters and Sections.

Planning Staff also prepared draft amendments to Title 17 (Grading) and Title 18 (Subdivision) of the RMC and included them as part of this report to provide the full context of all RMC changes necessary to implement SB 9. Amendments to Title 17 and 18 are not the responsibility of the Planning Commission and no recommendation is required. The proposed changes to Titles 17 and 18 will be considered by City Council concurrent with the Planning Commission recommendation on the proposed changes to Title 19.

PROPOSAL

The proposed amendments can be separated into 4 components:

1. Amendments to Titles 17 (Grading), 18 (Subdivision) and 19 (Zoning) of the RMC to implement SB 9, including Riverside-specific regulations;
2. Streamlining provisions for ADUs, JADUs and movable accessory dwelling units (MADUs);
3. Improvement of objective development and design standards for multi-family and mixed-use development; and
4. Zoning Clean-Up items:
    a. Regulations related to parking, appeal time frames and Variances; and
    b. Rezoning of Tract No. 28756 (Lindy Street) to apply the RL – Residential Livestock Overlay Zone.

All proposed amendments are included as Exhibit 1 – Title 17 Amendments (for information only), Exhibit 2 – Title 18 Amendments (for information only), and Exhibit 3 – Title 19 Amendments. Proposed changes are shown in underline/strikethrough text. The proposed amendments are grouped by Municipal Code Title and organized in numerical order by Chapter and Section, with unaffected Chapters, Sections and subsections omitted for length. To assist with identifying which changes are associated with each component of this Amendment, the underline/strikethrough text has been color-coded as follows:

1. SB 9 Implementation – **Red text**
2. ADUs, JADUs and MADUs – **Purple text**
3. Objective Development Standards – **Green text**
4. Zoning Clean-Up – **Orange text**

The following is a summary of each of the five components described above.

1) SB 9 IMPLEMENTATION

SB 9 added provisions to the Planning and Zoning Law (Govt. Code 65000 et seq.) and the Subdivision Map Act (Govt. Code 66410 et seq.) to provide for the ministerial approval of two attached or detached dwelling units (Two-Unit Developments) and for the subdivision of existing parcels into two lots (Urban Lot Splits) in single-family zoning districts throughout the state. Local jurisdictions must approve and may not deny applications for either, or both, types of development in single-family zones if specified criteria and objective development standards are met. The law provides numerous exceptions intended to protect environmental and historic resources, avoid hazards like wildfire, flood risks and contamination, and prevent displacement and reduce real estate speculation. The text of the bill is included as Exhibit 4.

SB 9 became effective January 1, 2022 and is operative regardless of whether a local jurisdiction has adopted an implementing ordinance. In order to comply with the law and begin accepting applications for Two-Unit Developments and Urban Lot Splits, the Planning Division and Public Works Department developed an Application Checklist and Pre-Clearance Form (Exhibit 5) and Frequently Asked Questions (Exhibit 6) in February 2022 and an Affidavit of Owner-Occupancy (Exhibit 7), required for Urban Lot Split applications, in April 2022.

To ensure consistency with the requirements of SB 9, several amendments to Titles 17 (Grading), 18 (Subdivision) and 19 (Zoning) are proposed. In addition, a set of objective design and development regulations applicable to Two-Unit Developments and Urban Lot Splits have been developed to protect neighborhood character and minimize potential impacts of SB 9 projects and are incorporated into the proposed amendments.

TITLE 17 (GRADING)

Note: This is a reference item only and not part of the Planning Commission Recommendation

Chapter 17.28 of the Grading Code (Hillside and Arroyo Grading) contains limitations for grading and land development to protect the City's natural hillsides and arroyos from excessive disturbance from grading activities. This chapter contains language limiting grading in areas having an average natural slope (ANS) in excess of 10% to the minimum amount necessary to accommodate single-family residential development. This language has been updated to achieve consistency with SB 9 developments, which are allowed in these areas. The maximum pad size limits based on ANS have not been changed.

TITLE 18 (SUBDIVISION)

Note: This is a reference item only and not part of the Planning Commission Recommendation

The Subdivision Code sets forth required procedures, approval authority and minimum standards for the division of land in all areas of the City in compliance with the Subdivision Map Act. This includes procedures for processing and approval of tentative and final parcel and tract maps as well as requirements for the design of lots, blocks, tracts, public and private streets and other improvements.

SB 9 allows for the ministerial approval of a subdivision to create two lots from an existing parcel in any single-family residential zone with a minimum lot size of 1,200 square feet or 40% of the parent parcel, whichever is greater, subject to certain eligibility criteria related to environmental and historic resources, hazards, and displacement and speculation

avoidance. To provide for the ministerial approval of Urban Lot Splits in compliance with SB 9, the following amendments are proposed:

A. Chapter 18.050 – Subdivision Code Administration: The City Surveyor is established as the Approving Authority for Urban Lot Splits.

B. Chapter 18.080 – Tentative Maps: Urban Lot Splits are added to the list of subdivisions that do not require the approval of a Tentative Parcel Map prior to the approval of a Final Map to divide the land.

C. Chapter 18.085 – Urban Lot Splits: This is a new Chapter that establishes procedures, eligibility requirements, development standards and additional regulations for Urban Lot Splits. In addition to minimum standards and requirements established by SB 9, additional considerations for discussion include:

   i. Access: The City may choose to require access to a public street and/or a minimum amount of street frontage for lots established through an Urban Lot Split. The proposed amendments include a required access corridor or easement to a public street that is a minimum of 10 feet in width, as this is consistent with the minimum width of a single-family residential driveway.

   ii. Notice: Although not required by SB 9, the proposed amendments include a requirement that applicants for an Urban Lot Split provide written notice via certified U.S. Mail to property owners either adjacent to or within 300 feet of the proposed lot split. This notice would contain a statement that it is provided for informational purposes only and that the City has no discretion to deny an application that meets all requirements.

D. Chapter 18.130 – General Permit Provisions: Ministerial parcel maps for Urban Lot Splits are added to the types of permits covered by the Subdivision Code.

E. Chapter 18.140 – Approving and Appeal Authority: The Approving and Appeal Authority Table is revised to add a separate column for actions approved by the City Surveyor. Urban Lot Splits are established as having final approval authority with the City Surveyor, and a note is added indicating that actions to approve an Urban Lot Split are not appealable.

F. Chapter 18.210 – Development Standards:

   i. 18.210.030 (Streets): Table 3 (Private Driveway Standards) is eliminated and replaced with a reference to the corresponding table in Chapter 19.580 (Parking and Loading) of the Zoning Code.

   ii. 18.210.080 (Lots): The minimum lot dimensions are eliminated from this section and replaced with a reference to the minimum dimensions established in the Zoning Code. The requirement for approval of a Variance to establish a corridor access lot (also known as a flag lot) is removed and replaced with requirement for approval of a Modification pursuant to Chapter 18.230 (Modifications). Corridor access lots for an Urban Lot Split are exempted from this requirement and from the minimum corridor width of 20 feet that exists for all other corridor access lots.

G. Chapter 18.260 – Definitions: A definition is provided for Urban Lot Split.

SB 9 provides for the ministerial approval two attached or detached dwelling units of at least 800 square feet each on any property in a single-family residential zone, provided certain eligibility criteria related to environmental and historic resources, hazards, and displacement avoidance are met. The City may not require more than four-foot interior side and rear yard setbacks or more than one on-site parking space per unit, except when the development is located within one-half mile of transit or car share, in which case no on-site parking can be required. Two-Unit Developments can be combined with Urban Lot Splits as well as ADUs and JADUs, subject to some limitations on the total number of units created and their configuration. In order to accommodate this type of development allowed by SB 9, the following amendments to the Zoning Code are proposed:

A. Chapter 19.080 – Nonconformities: Amendment proposes to incorporate Two-Unit Developments into the types of residential development exempt from the limitations on expansion of nonconforming residential uses.

B. Chapter 19.100 – Residential Zones:

   i. Table 19.100.040.A – Single-Family Residential Development Standards is revised to add a note that standards (such as setbacks, building height, etc.) applicable to Two-Unit Developments are found in the new Chapter 19.443 (Two-Unit Developments).

   ii. 19.100.050 – Additional Regulations for the RC Zone: Provision added to clarify that minimum lot size requirements in the RC – Residential Conservation Zone are not applicable to SB 9 developments.

   iii. 19.100.060 - Additional regulations for the RA-5, RE, RC, RR and R-1 Zones: Language related to non-conforming duplexes in the R-1-7000 zone removed.

C. Chapter 19.150 – Base Zones Permitted Land Uses: The table entry for Single-Family Dwelling is modified to add a note that attached Two-Unit Developments are permitted in the RC Zone pursuant to SB 9. A reference to the new chapter 19.443 (Two-Unit Developments) is added to the table.

D. Chapter 19.219 – Residential Protection (RP) Overlay Zone:

   i. Clarified application of RP Overlay standards to apply to each dwelling unit on a lot independently (e.g., minimum common living-to-bedroom area, etc.), including any SB 9 units or ADUs.

   ii. Exempted Two-Unit Developments from requirement to provide additional on-site parking space for each bedroom in excess of five.

E. Chapter 19.443 – Two-Unit Developments: This is a new Chapter that establishes procedures, eligibility requirements, development standards and additional regulations for Two-Unit Developments. The City may not apply any development standard that would physically prevent the construction of at least two units that are each at least 800 square feet – any standard that would do so must be waived. However, the City does have the ability to apply objective design standards so long as they do not prevent the minimum amount of development permitted by law. Staff have researched and compiled SB 9 implementation

ordinances from 11 jurisdictions from around the state as a survey of options for development regulations that are tailored to local conditions, which are summarized in Exhibit 8.

In addition to minimum standards and requirements established by SB 9, additional considerations for discussion include:

i. Parking: The City may not require more than one on-site parking space per unit for Two-Unit Developments, and when the site is located within one-half mile of transit or a car share vehicle, may not require any on-site parking. However, the City does have the flexibility to require that on-site parking spaces be covered or located in an enclosed garage.

ii. Design: Recommended regulations include requirements that new development match the architectural design of existing development on a site as it relates to exterior finishes, window and door types, roof pitch and material and similar features.

iii. Building Height: Although the City must allow interior side and rear yard setbacks as small as four feet for single-story development, recommended regulations would require that two-story development taller than 16 feet have the same setbacks as the Zone in which the property is located.

iv. Landscaping/Open Space: Proposed regulations would require that required front and street side yards be fully landscaped and would establish a minimum number and size of on-site tree plantings per unit developed.

v. Owner Occupancy: SB 9 does not restrict cities from imposing an owner-occupancy requirements for Two-Unit Developments (by contrast, cities must impose such requirements on Urban Lot Splits, but are limited to an affidavit only). Recommended amendments would apply the same three-year owner occupancy requirement and affidavit for Two-Unit Developments that the state law requires for Urban Lot Splits.

vi. Notice: Similar to Urban Lot Splits, the proposed amendments include a requirement that applicants for a Two-Unit Development provide written notice via certified U.S. Mail to property owners either adjacent to or within 300 feet of the site. This notice would contain a statement that it is provided for informational purposes only and that the City has no discretion to deny an application that meets all requirements.

F. Chapter 19.910 – Definitions: Definitions for Two-Unit Development and Urban Lot Split are added.

2) ADUS, JADUS AND MADUS

In October 2021, the City Council adopted the 6th Cycle Housing Element Update, which included a suite of implementing actions to encourage and facilitate additional housing production at all scales and for households of all income levels. Action HE-5.1 states that the City will "Develop an Accessory Dwelling Unit (ADU) program that includes pre-approved construction plans, streamlined permitting, and educational materials to facilitate ADU development."

The City's SB 2 grant award included funds to streamline and facilitate the production of ADUs and JADUs by updating Zoning regulations, developing standard pre-approved

construction plans, and creating outreach and educational materials consistent with Action HE-5.1. The recommended Zoning updates are presented herewith as part of this Amendment.

In November 2021, the Land Use, Sustainability and Resiliency Committee reviewed the City's existing regulations as they relate to MADUs (previously referred to as "ADUs on chassis") and provided direction to solicit community input and develop options for permitting MADUs, which are currently prohibited. An MADU is a premanufactured independent living facility that is mounted on a chassis, licensed and registered by the California DMV and is legal for movement on public highways, though not under its own power (i.e., a recreational vehicle). They are sometimes referred to popularly as "moveable tiny homes."

Proposed amendments to Title 19 related to ADUs, JADUs and MADUs are as follows:

A. Chapter 19.442 – Accessory Dwelling Units: Proposed amendments to this Chapter can be divided into two parts: Updated regulations for ADUs and JADUs, and new regulations for MADUs.

    i. ADUs and JADUs: Requirements throughout the Chapter are updated to clarify existing regulations, primarily related to building height and setbacks. The proposed regulations specify what setbacks shall be applied to new construction, detached ADUs having two stories or located on the second floor of another detached structure; what setbacks shall apply for ADUs added to the second floor of an existing structure; and provide increased setbacks for ADUs over 16 feet in height to match those of the underlying zone.

    ii. MADUs:

        a. Existing regulations for detached ADUs are modified throughout the chapter to make them applicable to MADUs.

        b. A new subsection is added establishing objective design and development standards for MADUs as it relates to screening of wheels and undercarriage, exterior finish materials, windows, doors, roof pitch and material and other design considerations. Notably, MADUs will be prohibited in any location between a primary dwelling and a public street, which is a requirement that does not apply to site built ADUs. The purpose of these requirements is to reduce potential visual impacts ensure that MADUs maintain compatibility with the residential character of their surroundings.

B. Chapter 19.520 – Rental of Rooms: Amendments to this chapter extend its provisions to apply to all dwellings located on a lot, including primary dwellings, Two-Unit Developments, ADUs and JADUs.

C. Chapter 19.895 – Room Rental Permit: Amendments to this chapter extend its provisions to apply to all dwellings located on a lot, including primary dwellings, Two-Unit Developments, ADUs and JADUs.

D. Chapter 19.910 – Definitions:

i. The definition for ADUs is change a reference to the Health and Safety Code to a reference to the California Building Code as it relates to efficiency units.

ii. A new definition is provided for MADUs.

iii. The definition for JADU is updated for clarity.

iv. The definition for efficiency dwelling units is deleted and a reference is added to the definition for ADU, which includes efficiency units.

v. The definition for granny flat is deleted.

vi. The definition for tiny home (foundation) is updated for clarity.

3) OBJECTIVE DEVELOPMENT STANDARDS

Senate Bill 330 (the Housing Crisis Act, or SB 330) expanded and strengthened the 1982 Housing Accountability Act by curtailing local jurisdictions' ability to deny a housing development project or condition its approval on a reduction of density if the project meets specific criteria. One of those criteria is that the development complies with written, objective standards, which are defined as "those that involve no personal or subjective judgment by a public official" and that are "uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant and the public official." The Department of Housing & Community Development's Technical Assistance Advisory on SB 330 is included as Exhibit 10.

With the adoption of the 6th Cycle Housing Element in October 2021, the City Council adopted amendments to the Zoning Code that included the incorporation of additional objective development standards for mixed-use and multifamily development as required by SB 330. The implementing Action Plan also included Action HE-5.2, which calls for the development of a Zoning Code update to simplify development regulations for new housing development. The following proposed amendments build on the previous efforts to establish objective standards and serve to implement Action HE-5.2:

A. Chapter 19.100 – Residential Zones:

i. Table 19.100.040.B – Residential Development Standards – Multiple-family Residential Zones is updated to clarify building height and stories limits for multifamily residential development.

ii. Section 19.100.070 – Additional regulations for the R-3 and R-4 Zones is updated to improve clarity and objectivity of standards related to:

a. Common open space amenities;

b. Recreational vehicle parking areas;

c. Architectural design for carports, garages and parking structures; and

d. Architectural treatment of windows, façade articulation, fences and walls.

B. Chapter 19.120 – Mixed-Use Zones:

i. Table 19.120.050 – Mixed-Use Zones Development Standards, Note 8 is updated to clarify the amount of leasable commercial space required for

mixed-use developments on arterial streets, and to add an exception to this requirement for developments that have frontage on two or more arterial streets.

ii. Section 19.120.070 – Design Standards is updated to improve clarity and objectivity of standards related to:

a. Pedestrian connectivity to sidewalks and building entries and treatment of ground-floor setback areas along streets;

b. Identification of primary building entrances;

c. Building façade articulation and treatment;

d. Window, patio and balcony placement for privacy protection;

e. Vehicular circulation and configuration of vehicle entrances;

f. Pedestrian circulation location, configuration and treatment;

g. Fence and wall materials; and

h. Trash collection and storage areas.

4) ZONING CLEAN-UP

A. Title 19 Text Changes

i. Parking and Loading

Chapter 19.580 – Parking and Loading: The Parking Requirements table (19.580.060) has been extensively revised to align the uses listed in the table with the uses listed in Table 19.150.020.A – Permitted Uses Table. Where no parking requirement exists for uses listed in the Permitted Uses Table, a reference has been added to the parking requirements applicable to whichever use in the table is most similar. For example, Smog Shops are listed in the Permitted Uses Table, but have no established parking requirement in the Parking Requirements Table; so, a reference has been added to see Vehicle Repair Facilities for required parking for this use.

As part of this alignment, some limited modifications have also been made to the Permitted Uses Table (19.150.020.A), including:

i. "Bakery – Wholesale" is replaced by "Commercial Kitchen (no on-site dining)" and assigned a parking ratio equivalent to that of Manufacturing uses;

ii. "Outdoor Storage Yard – Primary Use" is modified to incorporate Contractor Storage Yards and Truck Terminals as equivalent uses; and

iii. "Truck Terminal" is deleted from the Permitted Uses Table.

As a further clean-up, Section 19.580.070 (Off-street parking location type and requirements) is reorganized to clarify regulations for parking of recreational vehicles less than 10,000 pounds gross vehicular weight in single-family residential zones.

Finally, Section 19.580.080 (Design standards) is updated to add a provision defining the appropriate method for measuring required dimensions of

angled parking spaces, which was inadvertently removed with a previous Zoning Code amendment.

ii. Chapter 19.680 – Appeals is amended to remove a provision requiring that appeal hearings be conducted within 45 days of the date the appeal was filed and replaced with a provision stating that the appeal hearing shall be conducted on a date mutually agreed upon by the appellant, the applicant and the City.

iii. Chapter 19.720 – Variance is amended to revise the required findings of fact for the approval of a Variance request to align with Govt. Code §65906.

B. Rezoning – Tract No. 28756

In September 1998, the City Council approved Tentative Tract Map No. 28759, to subdivide 37 acres of vacant land into 18 single family lots, located northwesterly of Alhambra Avenue, southerly of Catspaw Drive in the former R-1-80 (Single-Family Residential) and RC (Residential Conservation) Zones. Subsequent to this approval and pursuant to the Conditions of Approval applied to the project (Exhibit 11), the map was revised to eliminate 7 lots, including all lots in the RC Zone and one lot in the R-1-80 Zone, for a total of 11 lots. The final map was recorded in April 2004 and the tract was constructed beginning in 2018 (Exhibit 12).

In recommending approval of the tentative tract map, Staff noted that the existing R-1-80 zoning did not permit keeping on nondomestic animals (e.g., horses), despite the semi-rural character of the area. As a remedy to this, Condition of Approval #9 was added, indicating that the City would initiate a Rezoning case to apply the RL – Residential Livestock Overlay Zone to the portion of the site zoned R-1-80. However, this case was never initiated and the overlay zone was never applied.

Application of the proposed RL Overlay Zone would permit the keeping of up to two non-domestic animals on lots of at least 20,000 square feet, plus one additional animal for each additional increment of 10,000 square feet, pursuant to Chapter 19.217 (Residential Livestock Overlay Zone). Staff can support the application of the Overlay Zone as the surrounding area retains the same semi-rural character and surrounding land uses that existed at the time the tentative map was approved. An exhibit depicting the proposed extent of the RL Overlay Zone is included as Exhibit 15.

PUBLIC OUTREACH AND COMMENT

Public Outreach Summary

As part of the SB 2 grant-funded education activities for ADUs, JADUs and MADUs, Staff, in conjunction with the Office of the Mayor and the Office of Ward 1 Councilmember Erin Edwards, held three public workshops on that topic. The workshops were held in person on three dates in three locations:

- Wednesday, March 2, 2022 at the Main Library (Ward 1);
- Wednesday, March 9, 2022 at the Bourns Family Youth Innovation Center (Ward 5); and

- Wednesday, March 16, 2022 at the headquarters of the California Air Resources Board (Ward 2).

At these workshops, Staff presented an overview of the existing State and City regulations for ADUs and JADUs and introduced the concept of MADUs in order to solicit feedback on how the City should or should not regulate them. These workshops were particularly well-attended, with upwards of 50 participants at the first event and approximately 25-30 at the subsequent events. A copy of the presentation given at these workshops is included as 16, and summary of topics discussed and feedback received are included as Exhibit 17.

Similarly, to provide information to the public and to solicit input on proposed regulations related to SB 9, Staff held three public workshops on SB 9 on three dates and in three locations:

- Wednesday, April 20, 2022 at the Main Library (Ward 1);
- Monday, April 25, 2022 at the Bourns Family Youth Innovation Center (Ward 5); and
- Thursday, May 5, 2022 at the Staff Sargent Salvador J. Lara Casa Blanca Library (Ward 4).

As of the writing of this report, the third workshop (May 5, 2022) has not yet taken place. The presentation given at the first two workshops and a summary of the questions and comments received are included as Exhibits 18 and 19.

Comment Letters

For the proposed application of the RL Overlay Zone, notifications were mailed to all owners and occupants of properties within 300 feet of the boundaries of the proposed rezoning. As of the writing of this report, Staff received two responses to the notice, one opposed and one requesting additional information, both of which are included as Exhibit 20.

The response in opposition raised issues of dust, odor, insects and noise related to the keeping of animals. Because the RL Overlay Zone contains provisions restricting the penning or corralling of animals within 60 feet of adjacent residences and limits the number of animals to two per 20,000 square feet of lot area, Staff believe that potential issues related to dust, odor, insects and noise will be sufficiently mitigated.

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 amendments will have no effect on the environment. Further, the adoption of a local ordinance to implement Sections 65852.21 and 66411.7 of the California Government Code (that is, SB 9) is not considered a Project per CEQA and therefore is not subject to CEQA environmental review pursuant to Section 65852.21(j) of the Government Code.

FINDINGS

Zoning Code Amendment Findings pursuant to Chapter 19.810.040:

1) The proposed Zoning Code Amendments and Rezoning are generally consistent with the goals, policies, and objectives of the General Plan;

2) The proposed Zoning Code Text Amendments and Rezoning will not adversely affect surrounding properties; and

3) The proposed Zoning Code Text Amendments and Rezoning will promote public health, safety, and general welfare and serves 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 – Title 17 (Grading) – For Information Only
2. Proposed Amendments – Title 18 (Subdivision) – For Information Only
3. Proposed Amendments – Title 19 (Zoning)
4. Bill Text – Senate Bill 9
5. SB 9 Application Checklist and Pre-Clearance Form
6. SB 9 Frequently Asked Questions
7. SB 9 Owner Occupancy Affidavit
8. SB 9 Local Regulations Comparison Matrix
9. HCD ADU Technical Advisory Document
10. HCD Housing Accountability Act Technical Assistance Advisory
11. Tract No. 28756 - Conditions of Approval
12. Tract No. 28756 - Final Map
13. Tract No. 28756 - General Plan Map
14. Tract No. 28756 – Location Map
15. Tract No. 28756 - Zoning Map
16. ADU Workshop Presentation
17. ADU Workshop Feedback
18. SB 9 Workshop Presentation
19. SB 9 Workshop Feedback
20. Comments Received

Prepared by: Matthew Taylor, Senior Planner
Reviewed by: David Murray, Principal Planner
Approved by: Mary Kopaskie-Brown, City Planner

Chapter 17.28 MINIMUM GRADING STANDARDS AND GENERAL REQUIREMENTS

17.28.020 Hillside/arroyo grading.

The following supplementary regulations shall apply to the grading of hillsides and arroyos.

A. *Grading requirements*. Where grading is proposed on any parcel having an average natural slope of ten percent or greater, or which is zoned Residential Conservation (RC), or which is located within or adjacent to the Mockingbird Canyon, Woodcrest, Prenda, Alessandro, Tequesquite, or Springbrook Arroyos, or a blue line stream identified on USGS Maps, or other significant arroyo, the grading must be confined per this chapter and limited to the minimum grading necessary to provide for ~~a house~~an approved dwelling unit~~(s)~~ or units, driveway, garage and limited level yard. The ungraded terrain must be left in its natural form for the remainder of the site. All hillside/arroyo grading shall conform to the following general requirements:

1. The overall shape, height or grade of any cut or fill slopes shall be developed utilizing contour grading in concert with existing natural contours and the scale of the natural terrain of the site.
2. Where two cut or fill slopes intersect, the intersection shall be horizontally rounded and blended.
3. The tops of cut and fill slopes shall be rounded vertically with a constant tangent (T) of ten feet (See Figure 2).
4. Where any cut or fill slopes intersect the natural grade, the intersection of each slope shall be vertically and/or horizontally rounded and blended with the natural contours so as to present a natural slope appearance.
5. Where any cut or fill slope exceeds 100 feet in horizontal length, the horizontal contours of the slope shall be developed in concert with existing natural contours.
6. The area of a site proposed to be graded shall be that which fits into the natural terrain and which allows for a minimal amount of grading. The ungraded area must be left in its natural form for the remainder of the site. No native vegetation shall be removed and no non-native vegetation shall be introduced or allowed within hillside areas not included as part of the graded pad area. The Community & Economic Development Director shall be responsible to determine the precise boundaries of the non-graded area to be retained as natural open space and an open space easement shall be recorded over this area. Portions of the non-graded area may be excluded from the natural open space easement by the Community & Economic Development Director based on factors specific to each lot, including whether the area is isolated from a meaningful area of contiguous open space and the absence of unique topographical or geological features. The intent of this provision is to create significant areas of contiguous open space and not to create small, isolated areas of open space. No change to the boundaries of the area determined to be placed in natural open space by Community & Economic Development Director shall be made unless the Planning Commission determines that exceptional or special circumstances addressed in Chapter 17.32 Conditional Exceptions apply.
7. Structures shall be designed to fit with the contours of the hillside and relate to the overall form of the terrain. Structures shall be designed to fit into the hillside rather than altering the hillside to fit the structure.

8. Streets shall be designed to generally follow the natural contours and land form in order to minimize cut and fill.

9. Pads ~~sizes~~ for ~~dwelling unit(s) development~~any development in single family residential zones ~~development~~ shall be limited as follows:

    a. Multiple pads may be allowed provided all other standards related to grading, slopes and retaining walls are met and that they do not exceed the maximum pad size limits below.

    b. Pad sizes shall be limited as follows:

        i. Under ten percent average natural slope within the area to be graded - No limit

        ii. Ten percent to 15 percent average natural slope within the area to be graded - 27,000 square feet

        iii. Fifteen percent to 30 percent average natural slope within the area to be graded - 21,000 square feet

        iv. Thirty percent to 40 percent average natural slope within the area to be graded - 18,000 square feet

        v. Over 40 percent average natural slope - no grading per 17.28.020 A. 12.

The Community & Economic Development Director shall have the authority to increase or decrease the pad size category by up to 25 percent without a grading exception depending on the sensitivity of the site. Sensitivity shall be determined by such factors as the pad's visibility from the public right-of-way, its location on a ridgeline, the presence of habitat for sensitive species including rare, threatened, or endangered species, or the presence of unique topographic features such as knolls, valleys, rock outcroppings or other features or viewscapes. (Level padded area defined as area that is at a slope ratio of 5:1 or flatter.)

10. Slopes having a ratio of 3.9:1 or steeper shall not exceed 20 feet in vertical height. Slopes having a 4:1 or flatter ratio may be up to 25 feet in vertical height. The Community & Economic Development Director shall have the authority to increase vertical slope height by up to 25 percent without a grading exception depending on the sensitivity of the site. Sensitivity shall be determined by such factors as the slope's visibility from the public right-of-way, its location on a ridge line, the presence of habitat for sensitive species including rare, threatened, or endangered species, or the presence of unique topographic features such as knolls, valleys, rock outcroppings or other features or viewscapes. (Level padded area defined as area that is at a slope ratio of 5:1 or flatter.)

11. Slopes requiring benches shall not normally be permitted.

12. No grading shall be permitted on slopes exceeding 40 percent unless findings can be made by the Planning Commission that exceptional or special circumstances as set forth in Chapter 17.32 Conditional Exceptions apply.

13. Driveway grading:

    a. Shall not exceed 15 feet in width.

    b. Shall not exceed a 15 percent finished grade unless otherwise approved by the Fire Department and Community & Economic Development Director.

    c. Driveway cut and fill slopes shall be subject to the same restrictions as identified in Chapter 17.28.

d. Driveway grading required to provide access to the level building pad area is not included as part of the total permitted level pad area.

14. Arroyo grading.

a. No development or grading of any kind shall be permitted within 50 feet of the limits of the Mockingbird Canyon, Woodcrest, Prenda, Alessandro, Tequesquite, or Springbrook Arroyos and associated tributaries as shown on Exhibits A-F. The Community & Economic Development Director shall have the authority to administratively allow grading within designated arroyo tributaries depending on the sensitively of the area. Sensitivity shall be determined by such factors as the presence of riparian vegetation, habitat for rare or endangered species, significant rock outcroppings or other unique topographic features on the property proposed to be graded or in nearby segments of the same tributary.

b. The limits of these arroyos shall include all that land within the watercourse area, the adjacent slopes having an average natural slope of 30 percent or greater, and all other areas within the boundaries shown on Exhibits A-F.

c. No grading for private crossings of these arroyos shall be permitted. Grading for public street crossings must be limited to the minimum necessary for access and emergency access.

d. No native vegetation shall be removed and no non-native vegetation shall be introduced within the boundaries of theses arroyos in areas that cannot be graded.

e. All land within the boundaries of these arroyos shall be included as an open space easement on final tract and parcel maps.

f. Where drainage structures enter these arroyos the structure must be blended into the natural terrain, and where necessary, lined with natural or quarried rock or other material as approved by the Community & Economic Development Director and Public Works Director.

g. Where possible, other arroyos, shall be preserved as natural drainage courses. Significant natural features within these arroyos shall be preserved including riparian vegetation, boulders, rock outcroppings, milling features and deeply incised channels. These features shall be shown on the grading plans submitted for review. To insure that these areas are adequately preserved, an appropriate setback for development and grading may be applied.

h. Development or grading within blue line streams shall be limited to the minimum necessary for access or drainage structures. Any disturbance will require permits from the U.S. Corps of Engineers and the State Department of Fish and Wildlife.

(Ord. 7459 § 36, 2019; Ord. 7362 §9, 2017; Ord. 6673 §§ 6, 7, 8, 9, 2003; Ord. 6453 § 1, 1998)

Chapter 18.050 SUBDIVISION CODE ADMINISTRATION

18.050.010 Approving authority.

A. The Planning Commission of the City, as defined in Section 806 of the City's Charter and further defined in Title 2 of this Municipal Code, is designated as the advisory and/or approving agency with respect to subdivisions as set forth in the Subdivision Map Act except as otherwise specifically delegated in this title; and shall have all such powers and duties with respect to subdivision maps and all other related proceedings as are provided by law and this title.

B. The Community & Economic Development Director is hereby designated as the advisory and/or approving agency for those proceedings authorized pursuant to Chapters 18.080.040 Tentative Parcel Maps, of this title.

C. The City Surveyor is hereby designated as the advisory and/or approving agency for those proceeding authorized pursuant to 18.085 Urban Lot Splits, 18.100 Lot Line Adjustments, Consolidations and Mergers, 18.110 Parcel Map Waivers and 18.120 Certificates of Compliance of this title

D. The City Council shall be the approving authority for all maps in the RC Zone.

(Ord. 7459 § 41, 2019; Ord. 7341 §7, 2016; Ord. 6968 §1, 2007)

18.050.020 City Engineer.

The office of City Engineer is hereby established. The Public Works Director or the authorized designee shall be the City Engineer and shall exercise the powers and duties as provided in this Code and any other applicable Codes or ordinances of the City.

(Ord. 6968 §1, 2007)

18.050.030 City Surveyor.

A. The office of City Surveyor is hereby established. The City Surveyor shall be qualified and appointed pursuant to City personnel procedures and ordinance. The City Surveyor or the acting designee shall exercise the powers and duties as provided in this title and any other applicable Codes or ordinances of the City.

B. It shall be the general duty of the City Surveyor or designee to maintain and perpetuate survey monuments within the public rights-of-way of the City, prepare, review and approve property descriptions involving acquisition or disposition of property interests by the City of Riverside, review and approve Subdivision Maps and Records of Surveys, conduct field surveys for the determination of boundaries, the location of improvements and the placement of fixed works, maintain the City land base mapping and to carry out the additional powers and duties imposed by ordinances of the City.

(Ord. 6968 §1, 2007)

18.050.040 City Traffic Engineer.

The office of City Traffic Engineer is established under Section 10.08.030 of this Municipal Code.

(Ord. 6968 §1, 2007)

18.050.050 Building Official.

The office of Building Official is established under Section 16.08.020 of this Municipal Code.
(Ord. 6968 §1, 2007)

18.050.060 Appeal Board.

The City Council of Riverside, hereinafter referred to as the City Council, is designated the appeal board charged with the duty of hearing and making determinations upon appeals with respect to divisions of real property, the imposition of requirements or conditions thereon, or the kinds, nature and extent of the design or improvements, or both, recommended or decided by the Planning Commission to be required. The Planning Commission shall serve as the appeal board for decisions of the Community & Economic Development Director relative to this title.
(Ord. 7459 § 42, 2019; Ord. 6968 §1, 2007)

18.050.070 Subdivision Committee.

A committee consisting of Community & Economic Development Department Director, the Public Works Director, the Public Utilities General Manager, the Park, Recreation and Community Services Director, the Fire Marshal, or designated representatives of each, and which may include one or more representatives of such other City and County departments, special district, State and other public or private agencies as may, in the judgment of the Community & Economic Development Department Director, be affected by a proposed subdivision, is formed for the purpose of reviewing and advising on subdivisions and maps in accordance with the provisions of this title and of the Subdivision Map Act.
(Ord. 7341 §7, 2016; Ord. 6968 §1, 2007)

Chapter 18.080 TENTATIVE MAPS

18.080.040 Tentative parcel maps required.

A. A tentative parcel map, as defined under Article 6 Definitions, shall be required for all subdivisions creating four or fewer parcels or where:

1. The land before division contains less than five acres, each parcel created by the division abuts upon a maintained public street or highway, and no dedications or improvements are required by the approving or appeal authority;

2. Each parcel created by the division has a gross area of 20 acres or more and has an approved access to a maintained public street or highway;

3. The land consists of a parcel or parcels of land having approved access to a public street or highway, which comprises part of a tract of land zoned for industrial or commercial development, and which has the approval of the approving or appeal authority as to street alignments and widths;

4. Each parcel created by the division has a gross area of not less than 40 acres or is not less than a quarter of a quarter section;

5. Or the land being subdivided is solely for the creation of an environmental subdivision pursuant to Section 18.080.080 Environmental Subdivision Maps (California Government Code § 66418.2).

B. A tentative parcel map shall not be required ~~for~~as set forth in 18.080.090~~:~~.

~~1. Subdivisions of a portion of the operating right-of-way of a railroad corporation, as defined by Section 230 of the Public Utilities Code, that are created by short-term leases (terminable by either party on not more than 30 days' notice in writing); or~~

~~2. Land conveyed to or from a governmental agency, public entity, public utility, or for land conveyed to a subsidiary of a public utility for conveyance to that public utility for rights-of-way, unless a showing is made in individual cases, upon substantial evidence, that public policy necessitates a parcel map. For purposes of this subdivision, land conveyed to or from a governmental agency shall include a fee interest, a leasehold interest, an easement or a license. (California Government Code §§ 66428 (a)(2)).~~

(Ord. 7341 §7, 2016; Ord. 6968 §1, 2007)

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18.080.090 Tentative maps not required.

This article shall not be applicable to:

A. The financing or leasing of apartments, offices, stores, or similar space within apartment buildings, industrial buildings, commercial buildings, mobilehome parks or trailer parks.

B. Mineral, oil, or gas leases.

C. Land dedicated for cemetery purposes under the Health and Safety Code.

D. The leasing or licensing of a portion of a parcel, or the granting of an easement, use permit, or similar right on a portion of a parcel, to a telephone corporation as defined in Section 234 of the Public Utilities Code, exclusively for the placement and operation of cellular radio transmission facilities, including, but not limited to, antennae support structures, microwave dishes, structures to house cellular communications transmission equipment, power sources and other equipment incidental to the transmission of cellular communications, if the project is subject to discretionary action by the advisory agency or legislative body.

E. Leases of agricultural land for agricultural purposes. As used in this subdivision, "agricultural purposes" means the cultivation of food or fiber or the grazing or pasturing of livestock.

F. The financing or leasing of any parcel of land, or any portion thereof, in conjunction with the construction of commercial or industrial buildings on a single parcel, unless the project is not subject to review under other local agency ordinances regulating design and improvement.

G. The financing or leasing of existing separate commercial or industrial buildings on a single parcel.

H. The construction, financing or leasing of dwelling units pursuant to Section 65852.1 or second units pursuant to Section 65852.2, but this section shall be applicable to the sale or transfer, but not leasing, of those units.

I. Subdivisions of four parcels or less for construction of removable commercial buildings having a floor area of less than 100 square feet. (California Government Code §§ 66412, 66412.1, 66412.2 and 66412.5.)

K. Subdivisions of a portion of the operating right-of-way of a railroad corporation, as defined by Section 230 of the Public Utilities Code, that are created by short-term leases (terminable by either party on not more than 30 days' notice in writing); or

L. Land conveyed to or from a governmental agency, public entity, public utility, or for land conveyed to a subsidiary of a public utility for conveyance to that public utility for rights-of-way, unless a showing is made in individual cases, upon substantial evidence, that public policy necessitates a parcel map. For purposes of this subdivision, land conveyed to or from a governmental agency shall include a fee interest, a leasehold interest, an easement or a license. (California Government Code §§ 66428 (a)(2)).

~~J~~M. Subdivisions for urban lot splits made pursuant to California Government Code § 66411.7.

(Ord. 6968 §1, 2007)

Chapter 18.085 URBAN LOT SPLITS

18.085.010 Applicability.

The provisions of this chapter are applicable to all parcels created pursuant to California Government Code Section 66411.7, otherwise known as Senate Bill 9.

18.085.020 Approving authority.

The approving and appeal authority for urban lot splits shall be as defined in Section 18.050.010 Approving and Appeal Authority and as further designated in Section 18.140.040 Approving and Appeal Authority Table.

18.085.030 Requirements

A parcel map for an urban lot split made pursuant to California Government Code § 66411.7 shall conform with the following:

A. Location. The parcel being subdivided 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;
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. Prior lot split. The parcel proposed for an urban lot split shall not have been formed through a previous parcel map for an urban lot split.

C. Eligibility. A parcel 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 shall not be eligible for an urban lot split. Further, a parcel is not eligible for an urban lot split if the subdivision would require demolition or alteration of:

1. Housing that is subject to any form of rent or price control;
2. 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; or
3. Housing that has been occupied by a tenant in the last three years.

D. Number of parcels. No more than two parcels may be established through a parcel map for an urban lot split pursuant to this Chapter.

E. Adjacent parcels. Neither the owner of the parcel being subdivided nor any person acting in concert with the owner may have previously subdivided an adjacent parcel through an urban lot split.

18.085.040 Subdivision Standards

A. Lot size. The new parcels shall be of approximately equal parcel area. In no instance shall a parcel be smaller than 40 percent of the lot area of the original parcel proposed for subdivision, or smaller than 1,200 square feet, whichever is greater.

B. Access to streets. Every parcel shall have access to, provide access to, or adjoin the public right-of-way. A minimum 10-foot-wide direct access corridor or easement shall be required when parcels do not adjoin the public right-of-way.

C. Corridor access lots. Corridor access lots may be approved ministerially. The corridor width shall be a minimum of 10 feet.

D. Dedications and Easements. Easements may be required to convey public utilities, access, and other services. Right-of-way dedication and offsite improvements shall not be required, except in connection with a Building Permit.

E. Utilities. Parcels created through an urban lot split shall have separate sewer, water and electrical utility services.

F. The application of any subdivision standard that would physically prevent the development of two units of at least 800 square feet on either of the resulting parcels shall be waived. No Modification or other discretionary action shall be required.

G. All other development standards contained within Titles 17, 18, and 19 shall apply.

18.085.050 Procedure

A. Pre-Clearance. The Applicant for an urban lot split shall first submit for pre-clearance approval from the Planning Division. The Planning Division shall determine whether the request meets the eligibility requirements for an urban lot split.

B. Final Parcel Map. Upon pre-clearance of an urban lot split application, the applicant shall file a final parcel map pursuant to Chapter 18.090.

C. An urban lot split application shall follow the processing procedures for a final parcel map as set forth in Chapter 18.150 (General Application Processing Procedures).

D. Effective Date and Time Limits.

1. *Expiration of pre-clearance.* Pre-clearance approval of an urban lot split for which a final parcel map has not been recorded as a final map shall expire within 36 months of the date of approval.
2. Applicants shall be required to re-submit for pre-clearance approval from the Planning Division if a final map has not been recorded within 36 months of the initial pre-clearance approval.

18.085.060 Noticing

A. The Applicant of a proposed urban lot split shall provide written notice to the record owners of all property adjacent to/within 300 feet of the exterior boundaries of the property on which the subdivision 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:

1. The location of the property;

2. The nature of the proposed subdivision;

3. Contact information for the project manager;

4. Contact information for the Public Works Department; and

5. 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 30 days after pre-clearance approval of the urban lot split. Urban lot split applications that include a two-unit development shall follow the noticing requirements for the two-unit development (19.443.080 Noticing).

E. A final parcel map for an urban lot split shall not be recorded until such time as evidence of the completed certified mailing has been furnished to the Public Works Department.

18.085.070 Additional Requirements

A. Two units. A maximum of two units may be permitted on a parcel created through an urban lot split. "Unit" means any dwelling unit, inclusive of Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs) pursuant to the requirements of Chapter 19.442 and Two-Unit Developments pursuant to the requirements of Chapter 19.443 of the Zoning Code.

B. Further subdivision. Further subdivision of a parcel established through an urban lot split shall be prohibited. A restrictive covenant shall be recorded on each lot created through an urban lot split prohibiting further subdivision in perpetuity.

C. Owner occupancy. The Applicant for an urban lot split shall sign an affidavit stating that they intend to occupy one of the dwelling units as their principal residence for a minimum of three years from the date of the approval of the urban lot split.

1. This requirement shall not apply to an Applicant that is a "community land trust," as defined in clause (ii) of subparagraph (C) of paragraph (11) of subdivision (a) of Section 402.1 of the Revenue and Taxation Code, or is a "qualified nonprofit corporation" as described in Section 214.15 of the Revenue and Taxation Code.

D. Short-term rentals prohibited. Units created pursuant to this Chapter shall be rented or leased for a term longer than 30 days. 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.

E. The correction of nonconforming zoning conditions shall not be required as a condition for ministerial approval of an urban lot split.

F. Setbacks. Setbacks for a unit or units on a parcel created through an urban lot split shall be as set forth in Chapter 19.443 of the Zoning Code.

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18.085.080 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.

ARTICLE IV. REQUIREMENTS FOR FILING AND APPROVAL PROCESS

Chapter 18.130 GENERAL PERMIT PROVISIONS

18.130.010 Purpose and intent.

This article establishes the overall structure for the application, review and action on discretionary permits. Further, it identifies and describes the permits regulated by this title and requires compliance with all applicable laws and regulations.

(Ord. 6968 §1, 2007)

18.130.020 Maps, permits and actions covered by this title.

A. *Definition*. Discretionary permits or actions apply to projects which require the exercise of judgment or deliberation when the approving or appeal authority decides to approve or disapprove a particular map, permit or action, as distinguished from situations where a City Department, Planning Commission or City Council merely has to determine whether there has been conformity with applicable statutes, Codes or regulations.

B. *Ministerial parcel map for urban lot split.* A parcel map for an urban lot split, as defined in Section 18.260.220 of this Title and pursuant to §64411.7 of the California Government Code, shall be reviewed and ministerially approved by the City Surveyor or his or her designee according to the procedures set forth in Chapter 18.150 (General Application Processing Procedures). The approval of a parcel map for an urban lot split shall not be considered a discretionary action and shall not be appealable.

C. *Discretionary administrative maps, permits and actions not requiring a public hearing*. The Community & Economic Development Director, acting as the advisory agency, has primary administrative approving authority over maps, permits and actions which require the determination of compliance with applicable subdivision provisions and the application of judgment to a given set of facts. No public hearing is required for administrative maps, permits and actions unless the decision is appealed in accordance with provisions of Chapter 18.170 Appeals. Table 18.140.040 Approving and Appeal Authority describes the various administrative permits which can be approved by the Community & Economic Development Director.

~~C~~D. *Discretionary maps, permits and actions requiring a public hearing*. Except when combined with legislative actions (see Section 18.140.030 Concurrent Processing of Permits), the Planning Commission is the designated approving authority for discretionary maps, permits and actions. The table in Section 18.140.040 describes the various discretionary maps, permits and actions which can be approved by the Planning Commission.

(Ord. 7459 § 48, 2019; Ord. 6968 §1, 2007)

18.130.030 Burden of proof and precedence.

A. *Burden of proof*. The burden of proof to establish the evidence in support of the required finding(s) for any map, permit or action in accordance with this article is the responsibility of the applicant.

B. *Precedence*. Each map, permit or action shall be evaluated on a case-specific basis. Therefore, granting of a prior map, permit or action does not create a precedent and is not justification for the granting of a new map, permit or action.

(Ord. 6968 §1, 2007)

Chapter 18.140 APPROVING AND APPEAL AUTHORITY

18.140.010 Purpose.

This chapter identifies the designated approving authority for the review of maps, permits and actions required by this title.

(Ord. 6968 §1, 2007)

18.140.020 Designated approving and appeal authority.

A. *General provisions.* The approving and appeal authority, as designated in Table 18.140.040, shall approve (in full or in part), conditionally approve (in full or in part), modify, or deny (in full or in part) applications in accordance with the requirements of this title. Table 18.140.040 identifies both final (F) and appeal (A) authorities for each application. When a proposed project requires more than one permit, the permits shall be processed pursuant to Section 18.140.030 Concurrent Processing of Permits of this title.

B. *Findings required*. In acting on an application, the approving or appeal authority shall make the applicable findings required for a particular map, permit or action and as may be required by other laws and regulations.

C. *Appeals*. An action of the approving authority may be appealed pursuant to procedures set forth in Chapter 18.170 Appeals.

(Ord. 6968 §1, 2007)

18.140.030 Concurrent processing of permits.

When a proposed map, permit or action requires more than one application with more than one approving or appeal authority, all applications shall be processed concurrently as interrelated permits for a project and shall not be bifurcated. The highest designated approving or appeal authority for all such requested applications shall take final action on multiple permits. For example, the Planning Commission takes final action on a tentative tract map. However, when processed in conjunction with a General Plan amendment, for example, the tentative tract map shall be reviewed and acted upon by the City Council in conjunction with the other application request(s). The Planning Commission provides recommendations to the City Council on both entitlement requests.

(Ord. 7341 §7, 2016; Ord. 6968 §1, 2007)

18.140.040 Approving and appeal authority table.

Type of Map, Permit or Action	City Surveyor	Community & Economic Development Director ~~or City Surveyor~~[6]	City Planning Commission (CPC)	City Council (CC)[1, 2]
Administrative				

Certificate of Compliance	F	~~F~~	AR	A/F
Final Condominium Map				F(3)
Final Environmental Subdivision Map				F(3)
Final Parcel Map				F(3)
Final Reversion to Acreage Map				F(3)
Final Tract Map				F(3)
Final Vesting Map				F(3)
Lot Line Adjustments	F	~~F~~	AR	A/F
Lot Consolidations	F	~~F~~	AR	A/F
Lot Mergers/Unmergers	F	~~F~~	AR	A/F
Modifications		F	AR	A/F(4)
Notice of Violation		F	AR	A/F
Parcel Map Waivers		F	AR	A/F
Tentative Parcel Map		F	AR	A/F(5)
Time Extensions		F	AR	A/F
Urban Lot Split	F(7)			
Public Hearing				
Tentative Condominium Map			F	A/F
Tentative Environmental Subdivision			F	A/F
Tentative Reversion to Acreage Map			F	A/F
Tentative Tract Map			F	A/F(5)
Tentative Vesting Map			R	A/F

R = Recommending Authority; F = Final Action Authority (unless appealable or referred); A = Appeal Authority; AR = Approving Authority as Community & Economic Development Director on Referral

(1) Decisions of the City Council are final and cannot be appealed.

(2) An item pulled from the City Council Consent Calendar which was originally heard at a public hearing, will need to be re-advertised for such hearing prior to being heard.

(3) The Public Works Department submits all Tract Maps and those Parcel Maps that require offers of dedications to the City Council for adoption. After adoption they are transmitted to the County Recorder for recordation. Parcel Maps not requiring offers of dedication are approved by the Public Works Department and submitted to the County Recorder for recordation.

(4) See Title 19 (Zoning Code) of the Riverside Municipal Code, Section 19.650.020.C.2 - Designated Approving Authority

(5) Tentative RC Zone Maps require City Council approval on its consent calendar.

(6) As set forth in this title, either the Community & Economic Development Director or the City Surveyor shall be the approving authority for the action listed.

(7) Urban Lot Splits ~~require~~are subject only to ministerial approval and cannot be appealed.

Note: The Community & Economic Development Director or City Surveyor may refer the action to the next higher Approving Authority in the hierarchy of decision-making.

(Ord. 7459 § 49(Exh. A), 2019; Ord. 7341 §7, 2016; Ord. 7091 §4, 2010; Ord. 6968 §1, 2007)

Chapter 18.210 DEVELOPMENT STANDARDS

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18.210.030 Streets.

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3. *Private driveway standards*.

   a. For private driveways, the minimum widths shall be prescribed in ~~Table 3~~Chapter 19.580 of Title 19 (Zoning)~~:~~

~~Less than 150 feet~~	~~12 ft. (No on-drive parking, one or two stories)~~	~~24 ft. (No on-drive parking)~~
	~~16 ft. (No on-drive parking and when adjacent to or within 50 ft. of either end of three or more story structures)~~	~~24 ft. (No on-drive parking)~~
~~150 feet or more~~	~~16 ft. (No on-drive parking)~~	~~24 ft. (No on-drive parking)~~

~~Note: 28 feet in width for any portions of driveways used as maneuvering areas for adjacent parking bays.~~

   b. The connection between the private driveways and any street shall be by an approved connection.

   c. Private driveways shall be provided within 150 feet of any dwelling unit for accessibility of emergency vehicles.

   d. Fences, shrubbery or any other obstruction shall not be permitted in any area that would interfere with accessibility of emergency vehicles, or effective sight distance.

   e. The maximum length of any dead-end private driveway shall not exceed 250 feet in length unless a hammerhead or cul-de-sac turnaround is provided.

   f. Private driveways exceeding 150 feet in length may have traffic bumps installed at appropriate intervals. The bumps shall either be painted white in color with a reflective-type paint or the entrance to the driveway shall be posted with the appropriate caution.

   g. Private driveways shall have no overhead obstruction within 15 feet vertical clearance of the grade of the driveway.

h. Safety lighting may be provided on all private driveways as appropriate.

i. A private driveway permit is required for any work within the public right-of-way.

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18.210.080 Lots.

A. *Suitability for purpose*. The subdivision plan shall result in the creation of lots which can be used or built upon. No subdivision shall create lots for building purposes which are impractical for improvement or use due to steepness of terrain, location of watercourses, size, shape or other physical conditions.

B. *Lot size*. The minimum area and dimensions of all lots shall conform with the requirements of the Zoning Code, Title 19 of the Municipal Code. ~~No lot shall have a depth of less than 100 feet nor a width of less than 60 feet, as defined in Title 19, unless a lesser depth and/or width is approved as part of a planned residential development permit processed pursuant to Chapter 19.780.~~

C. *Lot lines*. Lot lines shall be located so as to facilitate the best utilization of existing and potential building sites. Normally, the side lines of lots shall be straight and approximately at right angles to the street, or approximately radial if the street is curved.

D. *Access to streets*. Every lot for building purposes shall have direct vehicular access to a street meeting the minimum requirements of this title for right-of-way width and improvements. Lots, other than corner lots, normally shall not have access to more than one street. On any lot intended for residential occupancy, it shall be possible to provide safe vehicular access by way of a private driveway with a grade not in excess of 15 percent from the street to a garage, carport or parking site on the lot in a location conforming with the requirements of Titles 17 and 19 of this Code.

E. *Corridor access lots.* Corridor access lots may be approved only where there is no reasonable alternative available to develop the interior portions of excessively deep parcels or where required by unusual physical constraints, subject to the approval of a modification in accordance with Chapter 18.230. ~~variance in accordance with Title 19.~~ For the purposes of this chapter the development standards for corridor access lots shall be as follows:

1. The corridor width ~~should~~ shall be a minimum of 20 feet; except for an urban lot split pursuant to California Government Code § 66411.7 shall ~~provide a minimum corridor a minimumwidth of 10 feet~~be as set forth in Chapter 18.085 of this Title ~~in width~~;

2. The building pad ~~should~~ shall be located behind at least one of the proposed, existing or potential building pads on an adjoining lot to either side;

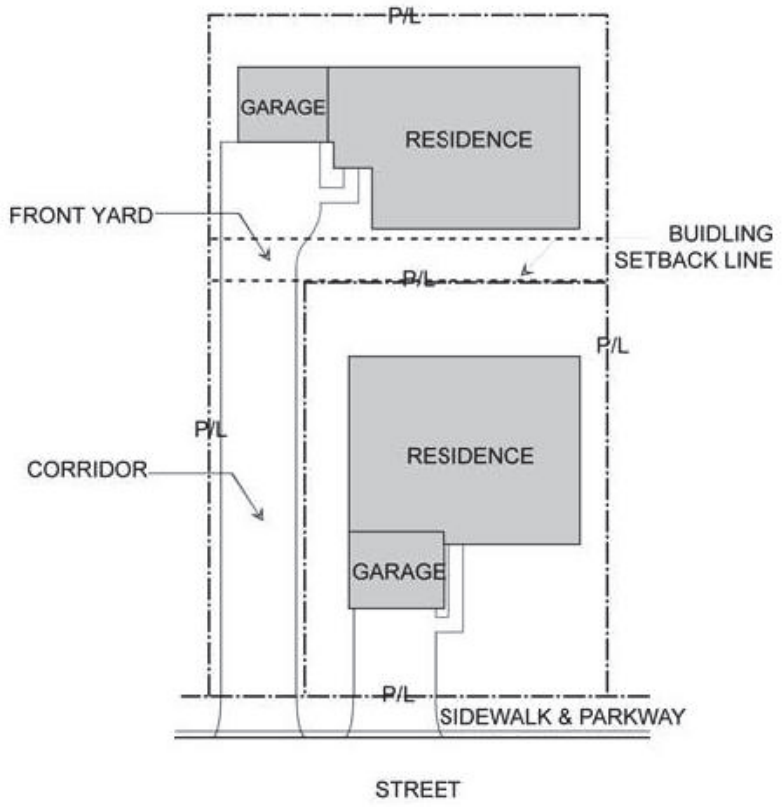
3. The building line means a line parallel with the street, independent of the corridor or panhandle;

4. The front yard means a yard extending across the full width of the lot as measured from the building line; and

5. The area of the corridor shall not count in computing lot area for purposes of ascertaining compliance with the provisions of Title 19 of the Code.

6. No modification shall be required for the approval of a corridor access lot created pursuant to § 66411.7 of the California Government Code.

7. The Approving Authority may interpret the standards of the corridor lot.



Corridor Access Lot

~~The Approving Authority may interpret the standards of the corridor lot.~~

F. *Property remnants*. Remnants of property which do not conform to lot requirements or which are not required for a public or private utility or other public use or approved access purpose should not be created by or included in a subdivision. Remnants may be approved where exceptional circumstances exist.

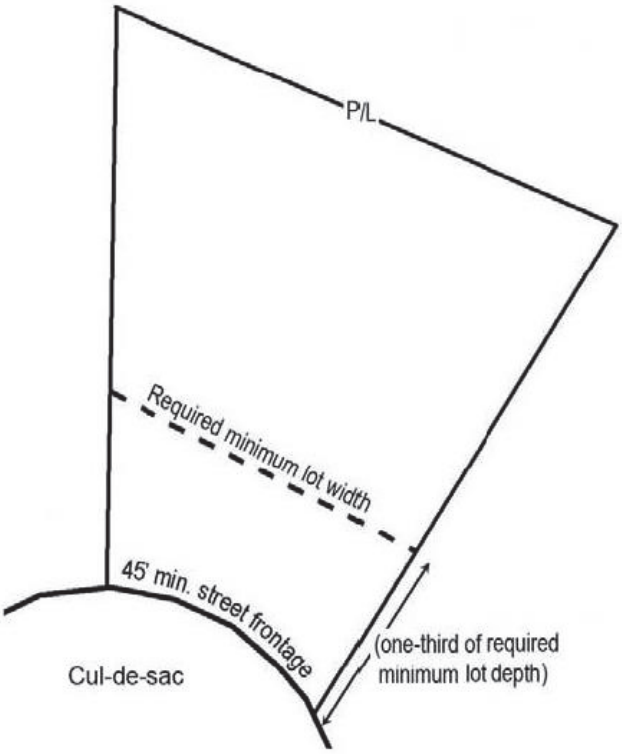
G. *Reverse frontage lots*. Reverse frontage residential lots shall typically be required where those lots are adjacent to arterial street as shown on the Master Plan of Roadways in the General Plan, or to overcome specific disadvantages of topography and orientation. Where reverse frontage lots are approved, the right to vehicular and pedestrian ingress and egress over rear or side lot lines may be required to be relinquished.

H. *Drainage*. All lots shall be adequately drained to the specifications of Title 17 and the City Engineer.

I. *Cluster developments*. Subdivisions may be arranged in a cluster fashion, in compliance with the planned residential development regulations indicated in Title 19, Section 19.780, Riverside Municipal Code.

J. *Cul-de-sac lots, and knuckle lots*. For purposes of this chapter, cul-de-sac lots and street knuckle lots, lot width means the horizontal distance between the side lot lines measured by a straight line drawn at one-third (i.e., 33.3 percent) the minimum required lot depth on each side lot line. At the front property line along a cul-de-sac bulb and street knuckle, there shall be a minimum distance of at least 45 feet. The

Approving Authority may interpret the standards of cul-de-sac lots and street knuckle lots. For more on cul-de-sac streets see Section 18.210.030.



(Ord. 7026 §2 and §3, 2009; Ord. 6968 §1, 2007)

Chapter 18.260 DEFINITIONS

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18.260.220 "U" Definitions.

(Ord. 6968 § 1, 2007)

Urban lot split means a subdivision pursuant to Section 66411.7 of the California Government Code.

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Chapter 19.080 NONCONFORMITIES

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DIVISION III NONCONFORMING STRUCTURES AND USES

19.080.070 Modification or expansion of nonconforming structures.

A nonconforming structure or use shall not be altered or expanded to increase the degree of nonconformity, except as follows:

A. Expansion of a nonconforming structure with respect to development standards, including, but not limited to, setbacks, height, distances between structures and parking facilities shall be subject to the granting of a variance. The granting of a variance for the expansion of the nonconforming structure shall not authorize any expansion of the use. A minor conditional use permit shall also be required for expansions to a nonconforming use according to the applicability of the provisions found in paragraphs B and C.

B. Expansion of a nonconforming nonresidential use is permitted subject to the granting of a minor conditional use permit. To grant a minor conditional use permit, all of the following findings shall be made:

1. The expansion of the use will protect a valuable property investment;
2. The expansion of the use will not adversely affect or be materially detrimental to the surrounding neighborhood;
3. There is a need for modernization in order to properly operate the use and protect valuable property rights;
4. The expansion of the use which included expansion of a structure shall be architecturally compatible with the existing building;
5. The expansion of the use shall be compatible with the character of the surrounding area;
6. The expansion shall not displace on-site parking; and
7. The use has not been discontinued for a period of one year or more, except as provided in Section 19.080.040.

C. Expansion of a nonconforming residential use is subject to the granting of a minor conditional use permit. To grant a minor conditional use permit, all of the following findings shall be made:

1. The expansion shall not increase the number of living units on the property, except as allowed by ~~Chapter 19.442 (Accessory Dwelling Units and Junior Accessory Dwelling Units) or Chapter 19.443 (Two Dwelling Units and Urban Lot Splits)~~California state law;
2. The expansion of the use shall benefit the health, safety, and welfare of the occupants;
3. The expansion of the use which includes expansion of a structure shall be architecturally compatible with the existing building;
4. The expansion of the use shall be compatible with the character of the surrounding area; and
5. The expansion shall not displace required on-site parking.

(Ord. 7528 §1(Exh. A), 2020; Ord. 7520 §1(Exh. A), 2020; Ord. 7408 §1, 2018; Ord. 7331 §3, 2016; Ord. 6966 §1, 2007)

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Chapter 19.100 RESIDENTIAL ZONES (RA-5, RC, RR, RE, R-1-½ ACRE, R-1-13000, R-1-10500, R-1-8500, R-1-7000, R-3-4000, R-3-3000, R-3-2500, R-3-2000, R-3-1500, R-4)

19.100.010 Purpose.

The purpose of this chapter is to define allowable land uses and property development standards, including density of development, for all ~~o~~residential zones in order to produce healthy, safe, livable and attractive neighborhoods within the City of Riverside, consistent with the goals and policies of the City's General Plan. Fourteen residential zones are established to implement the residential land use designations of the General Plan. The purpose of each of the residential zones is as follows:

A. *Residential Agricultural Zone (RA-5).* The Residential Agricultural Zone (RA-5) is established to provide areas where general agricultural uses can occur independently or in conjunction with a single-family residence, that preserves the agricultural character of the area.

B. *Residential Conservation Zone (RC).* The Residential Conservation Zone (RC) is established consistent with General Plan objectives and voter approved initiatives (Proposition R and Measure C) to protect prominent ridges, hilltops and hillsides, slopes, arroyos, ravines and canyons, and other areas with high visibility or topographic conditions that warrant sensitive development from adverse development practices, and specifically, to achieve the following objectives:

1. To preserve and enhance the beauty of the City's landscape;
2. To maximize the retention of the City's natural topographic features, including, but not limited to, skyline profiles, ridgelines, ridge crests, hilltops, hillsides, slopes, arroyos, ravines, canyons, prominent trees and rock outcrops, view corridors, and scenic vistas through the careful selection and construction of building sites and building pads on said topographic features.
3. To assure that residential use of said topographic features will relate to the surrounding topography and will not be conspicuous and obtrusive because of the design and location of said residential use;
4. To reduce the scarring effects of excessive grading for building pads and cut and fill slopes;
5. To prevent the construction of slopes inadequately protected from erosion, deterioration or slippage; and
6. To conserve the City's natural topographic features.

C. *Rural Residential Zone (RR).* The Rural Residential Zone (RR) is established to provide areas for single-family residences on large lots where flexible provisions apply pertaining to the keeping of farm animals such as horses, ponies, mules, cows, goats, sheep, and swine under Future Farmers of America-supervised and 4-H-supervised projects. These zones are established in those areas of the City where the keeping of such animals is already prevalent. It is also the intent of the RR Zone to provide opportunities for persons whose lifestyles include the keeping of such animals in areas where such animal-keeping activities minimize impact to other residential properties.

D. *Residential Estate Zone (RE) and R-1-½ Acre Zone.* The Residential Estate Zone (RE) and R-1-½ Acre Zone are established to provide areas for large lot single-family residences where the keeping of livestock and other farm animals and agricultural uses are not permitted.

E. *Additional Single-family Residential Zones (R-1-13000, R-1-10500, R-1-8500 and R-1-7000).* Additional Single-family Residential Zones (R-1-½ Acre, R-1-13000, R-1-10500, R-1-8500 and R-1-7000) are established to provide areas for single-family residences with a variety of lot sizes and housing choices.

F. *Multiple-Family Residential Zones (R-3-4000, R-3-3000, R-3-2500, R-3-2000 and R-3-1500).* Medium High-Density Residential Zones (R-3-4000 and R-3-3000) and High-Density Residential Zones (R-3-2500, R-3-2000 and R-3-1500) are established to provide areas for multiple family residences, including such residential development types as apartments, town homes, condominiums, and tiny homes (foundation) in tiny home communities.

G. *Multiple-Family Residential Zone (R-4).* The Very High-Density Residential Zone (R-4) is established to provide areas for higher density multiple family residences in areas of the City readily served by public transit and near commercial zones and other nonresidential areas that meet the everyday shopping, educational, health service and similar needs of residents.

(Ord. 7552 §1, 2021; Ord. 7528 §1(Exh. A), 2020; Ord. 7520 §1(Exh. A), 2020; Ord. 7487 §9, 11-5-2019; Ord. 7331 §4, 2016; Ord. 6966 §1, 2007)

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19.100.040 Residential development standards.

Tables 19.100.040.A (Residential Development Standards: Single-Family Residential Zones) and 19.100.040.B (Residential Development Standards: Multiple-Family Residential Zones) establish the development standards applicable to all development within the residential zones.

(Ord. 7552 §§ 2, 3, 2021; Ord. 7408 §1, 2018; Ord. 7331 §4, 2016; Ord. 7109 §2, 2010; Ord. 7027 §1, §2, 2009; Ord. 6966 §1, 2007)

Table 19.100.040.A
Residential Development Standards: Single-family Residential Zones

Development Standards	**Single-family Residential Zones**								
	RA-5	**RC**[12]	**RR**	**RE**	**R-1-1/2 Acre**	**R-1-1300**	**R-1-10500**	**R-1-8500**	**R-1-7000**
Density - Maximum (Dwelling Units per Gross Acre) [1,15, 16]	0.20	0.50[11]	2.1[11]	1.0[11]	2.0[11]	3.4[11]	4.1[11]	5.1[11]	6.2[11]
Lot Area - Minimum (Net)[16]	5 Acres [2,9,14]	Varies [2,14]	20,000 sq. ft.	1 Acre	21,780 sq. ft.	13,000 sq. ft.	10,500 sq. ft.	8,500 sq. ft.	7,000 sq. ft.

Lot Width - Minimum[16]	300 ft.[2]	130 ft.[2]	100 ft. 13,14	130 ft. 13,14	125 ft. 13,14	100 ft. 13,14	90 ft. 13,14	80 ft. 13,14	60 ft. 13,14
Lot Depth - Minimum[16]	500 ft.[2]	100 ft.[2]	150 ft.	150 ft.	150 ft.	110 ft.	110 ft.	100 ft.	100 ft.
Building Height - Maximum[10,15]	35 ft.	20 ft.	35 ft.	35 ft.	35 ft.	35 ft.	35 ft.	35 ft.	35 ft.
Number of Stories - Maximum[15]	2	1	2	2	2	2	2	2	2
Lot Coverage - Maximum	30%	N/A	30%	30%	30%	30%	35%	35%	40%
Setbacks - Minimum[8]									
A. Front[7]	40 ft.[2]	30 ft.[2, 6]	30 ft.	30 ft.	30 ft.[4]	25 ft[4]	25 ft.[4]	25 ft.[4]	20 ft.[4]
B. Side[5, 16]	20 ft.[2]	25 ft.[2]	20 ft.	25. ft.	20 ft.	15 ft.[3]	10/15 ft.[3]	7.5/12.5 ft.[3]	7.5/10 ft.[3]
C. Rear[5, 16]	25 ft.[2]	25 ft.[2]	100 ft.	30 ft.	35 ft.	30 ft.	25 ft.	25 ft.	25 ft.

Notes:

1. See Section 19.100.060 A (Additional Density). Gross acreage means streets are included for density purposes. Notwithstanding allowable density on a gross acreage basis, individual lots must meet the minimum lot size requirements exclusive of streets, except in the RA-5 Zone as described in Note 9.
2. Lot width, depth and area; building area; and setback requirements shall be as required as set forth in the Table. However, the zoning standards and requirements of the RC and RA-5 Zones shall not apply to any buildings existing prior to or under construction on November 13, 1979, or to the restoration or rehabilitation of or to any additions to such buildings, provided that the use, restoration, rehabilitation or addition shall conform to the current standards and requirements of the zoning in existence immediately prior to November 13, 1979. Also see Section 19.100.050 A (Lot Area).
3. Where a lot is less than 65 feet in width and was of record prior to November 23, 1956, or was of record prior to the date on which such lot was annexed to the City, the required side yards adjacent to interior side lot lines shall be reduced to five feet.
4. Front setback exceptions: See Section 19.100.060 C (Exceptions to Setback Requirements).
5. Side and rear setback exceptions: See Sections 19.100.060 C (Exceptions to Setback Requirements). The side setback can be applied to either side except that the larger setback is required when a side yard is adjacent to a street.
6. No lot that fronts onto Hawarden Drive within the Hawarden Drive Special Design Area, generally between Anna Street and the Alessandro Arroyo, shall have a front yard depth of less than 50 feet.
7. Where a lot or parcel of land at the junction of two intersecting streets in any residential zone has frontage on each street over 130 feet in length, front yards of the depth required in the appropriate zone shall be required on both frontages. Also see Chapter 19.630 (Yard Requirements and Exceptions).
8. No dwelling shall be located closer than five feet to any retaining wall exceeding two feet in height, unless such retaining wall is an integral part of an approved dwelling.
9. Lot area in the RA-5 Zone is measured to the centerline of the adjoining street or streets; provided, however, individuals may construct one single-family dwelling on a lot of less than five acres existing as of May 15, 1979 and the residence is owner occupied after construction.
10. Refer to Chapter 19.560 (Building Height Measurement) for height measurement and exceptions to height limits.
11. Project density may be greater in a Planned Residential Development (see Chapter 19.780).
12. See Section 19.100.050 (Additional Regulations for the RC Zone).
13. See Section 18.210.080 (Lots) and Article X (Definitions) for exceptions for cul-de-sac lots, knuckle lots, lots on curves and corridor lots.
14. See Section 18.210.030 N.2.a for exception to lot size on private streets if over 20,000 square feet.

15. See Chapter 19.149 - Airport Land Use Compatibility to determine if a project site is subject to Airport Land Use Compatibility Plan requirements.

16. See Chapter 18.085 (Urban Lot Splits) of the Subdivision Code and Chapter 19.443 ~~–~~ (Two-Unit Developments) ~~Dwelling Units and Urban Lot Splits~~ of this Title for density, lot area, lot width, lot depth, side setback and rear setback requirements for residential developments ~~in accordance with~~ pursuant to California Government Code § 65852.21 and § 66411.7.

Table 19.100.040 B
Residential Development Standards: Multiple-family Residential Zones

Development Standards	**Multiple-Family Residential Zones**					
	R-3-4000	**R-3-3000**	**R-3-2500**	**R-3-2000**	**R-3-1500**	**R-4**
Density - Maximum (Dwelling Units per Gross Acre)[5]	10.9	14.5	17.4	21.8	29	40
Lot Area - Minimum	30,000 sq. ft.	30,000 sq. ft.	30,000 sq. ft.	30,000 sq. ft.	30,000 sq. ft.	30,000 sq. ft.
Lot Width[4] - Minimum	80 ft.	80 ft.	80 ft.	80 ft.	80 ft.	100 ft.
Lot Depth[4] - Minimum	150 ft.	150 ft.	100 ft.	100 ft.	100 ft.	150 ft.
Building Height[3, 5] - Maximum	30 ft.[2]	30 ft.[2]	30 ft.[2]	30 ft.[2]	30 ft.[2]	50 ft.
Number of Stories[5] - Maximum	2[2]	2[2]	2[2]	2[2]	2[2]	4
Setbacks - Minimum						
A. Front[1]	25 ft.	25 ft.	20 ft.	15 ft.	15 ft.	15 ft.
B. Front (Arterial Streets over 110 feet)[1]	25 ft.	25 ft.	25 ft.	25 ft.	25 ft.	15 ft.
C. Interior Side[1]	10 ft.	10 ft.	10 ft.	7.5 ft.	7.5 ft.	7.5 ft.
D. Street Adjoining Side[1]	10 ft.	10 ft.	10 ft.	10 ft.	10 ft.	10 ft.
E. Rear[1]	20 ft.	20 ft.	20 ft.	15 ft.	15 ft.	10 ft.

Notes:
1. Where a property abuts the RA-5, RC, RR, RE or R-1 Zone, for buildings over two stories in height, the required side and rear yards shall be increased by two and one-half feet for each story in excess of two stories, except as otherwise stated in this footnote.
2. Up to 60 percent of the units may be in buildings up to three stories, 40-feet maximum height subject to Community & Economic Development Department Director review and approval.
3. Refer to Chapter 19.560 (Building Height Measurement) for height measurements and exceptions to height limits.
4. See Section 18.210.080 (Lots) and Article X (Definitions) for exemptions for cul-de-sac lots and knuckle lots.
5. See Chapter 19.149 - Airport Land Use Compatibility to determine if a project site is subject to Airport Land Use Compatibility Plan requirements.

(Ord. 7573 § 1(Exh. A), 2021; Ord. 7552 §§2(Exh. A) and 3(Exh. B), 2021; Ord. 7487 §10(Exh. B), 11-5-2019; Ord. 7413 , §1(Exh. A), 2-20-2018)

19.100.050 Additional regulations for the RC Zone.

A. *Lot area.*

1. The lot area requirements for land Zoned RC varies based on average natural slope and the date the property was zoned RC, as set forth in this section.

2. The lot area requirements for land Zoned RC prior to May 15, 1979, shall be as follows:

   a. Every lot shall have a minimum width at the building line of 130 feet and a minimum area of one-half acre; provided, however, that the average lot size of the lots shown on any subdivision or parcel map shall be not less than two acres.

   b. Notwithstanding the provisions of subdivision 1 of this subsection, every lot or parcel located within the Hawarden Drive Special Design Area, generally between Anna Street and Alessandro Arroyo, shall have a minimum width at the building line of 130 feet and a minimum area of two acres; provided, however, that where a lot or parcel located within said area has less width or less area than herein required and was a legally created lot of record prior to June 16, 1977, such lot may be occupied by a single-family residential use if the lot has a minimum area of one-half acre.

3. The lot area requirements for land zoned RC on or after May 15, 1979, shall be as follows:

   a. Every lot with an average natural slope of less than 15 percent shall have a minimum width at the building line of 130 feet and a minimum area of one-half acre.

   b. Every lot with an average natural slope from 15 percent to 30 percent shall have a minimum width at the building line of 130 feet and a minimum area of two acres.

   c. Every lot with an average natural slope over 30 percent shall have a minimum width at the building line of 200 feet and a minimum area of five acres.

   d. The average lot size of the lots shown on any subdivision or parcel map shall be not less than two acres.

   e. These provisions shall not apply to lots created pursuant to California Government Code § 66411.7.

B. *Nonconforming lot size—dwelling unit permitted.* Notwithstanding the provisions of subdivision 3 of subsection A above, individuals may construct one single-family dwelling on a lot existing as of May 15, 1979, of less than the minimum lot size required by Section A-3 if such individuals occupy the residence after construction.

C. *Average natural slope.* For the purposes of this section, "average natural slope" shall mean the average natural inclination of the ground surface of a lot or parcel expressed as a percent and as measured by the following formula:

$$S = \frac{0.002296 \times I \times L}{A}$$

where:

S = average natural slope in percent

I = natural contour interval in feet

L = length of natural contours in feet

A = acres of property (parcel of record existing on November 13, 1979)

0.002296 = Constant that converts square feet into acres and expresses slope percent.

The average natural slope shall be computed from photogrametric maps, grading permit plans and other data or evidence approved by the Public Works Department.

D. *Grading.*

1. No grading permit shall be issued for any grading in the RC Zone until grading plans and, if required, special drawings showing grading and topography as viewed from critical locations within the neighborhood or community, have been submitted to and approved by the designated Approving or Appeal Authority as set forth in Table 19.650.020 (Approving and Appeal Authority).

2. The Approving and/or Appeal Authority shall consider the following items of particular concern in the review of grading proposals in the RC Zone. Conditions may be applied in the approval of grading plans so as to achieve these objectives pursuant to adopted standards included in the City's Grading Ordinance (Title 17).

    a. The maximum retention of vistas, natural plant communities and natural topographic features including ridgelines, hilltops, slopes, rock outcroppings, arroyos, ravines and canyons;

    b. The avoidance of excessive building padding or terracing and cut and fill slopes to reduce the scarring effects of grading;

    c. The encouragement of sensitive grading to ensure optimum treatment of natural hillside and arroyo features; and

    d. The encouragement of imaginative grading plans to soften the impact of grading on hillsides including rolled, sloping or split pads; rounded cut and fill slopes and post and beam construction techniques.

E. *Design review.*

1. No building permit shall be issued for any building or structure in the RC Zone until slope planting and irrigation plans and the drawings required by Chapter 19.710 (Design Review) have been submitted to and approved in accordance with the provisions of Chapter 19.710 (Design Review).

2. In addition to the standards established in the Zoning Code and in Chapter 19.710 (Design Review), the Design Review Approving or Appeal Authority shall consider the following items of particular concern in the RC Zone and shall approve the plans and drawings if all applicable standards are met:

    a. The encouragement of unique site design to ensure optimum treatment of natural hillside and arroyo features and avoid inharmonious, incongruent, conspicuous and obtrusive development;

    b. The reduction of the scarring effects of grading and the protection of slopes subject to erosion, deterioration or slippage, and fire by the use of appropriate slope planting, irrigation and maintenance; and

    c. The encouragement of structures that will relate spatially and architecturally with the environment and complement the natural land forms.

3. Conditions may be applied when the proposed development does not comply with applicable standards and shall be such as to bring such development into conformity or the plans and drawings may be disapproved and the Design Review Approving or Appeal Authority shall specify the standard or standards that are not met.

4. All cut and fill slopes exceeding five feet in height shall be suitably landscaped with plant materials and adequately irrigated in accordance with approved plans and maintained on completion of the grading operations. The applicant or developer shall be responsible for the maintenance of all slope planting

and irrigation systems until such time as the properties are occupied or until a homeowner's association accepts the responsibility to maintain the landscaping in common areas.

F. *Subdivisions.* To assure compliance with the provisions of this chapter and the Zoning Code where a planned development permit is not required, there shall be submitted along with every tentative subdivision map and parcel map filed for approval in accordance with the provision of Title 18 (Subdivision Code) a preliminary grading plan showing at least one practical usable building site that can be developed in accordance with the provisions of this chapter for each lot or parcel.

(Ord. 7331 §4, 2016; Ord. 6966 §1, 2007)

19.100.060 Additional regulations for the RA-5, RE, RC, RR and R-1 Zones.

A. *Additional density.* In the RE, RC, RR and R-1 zones and where consistent with the applicable General Plan land use designation the typical project density may be increased according to the regulations set forth in the Planned Residential Development Permit (PRD) process (Chapter 19.780 - Planned Residential Development Permit).

B. *Conversion of existing dwelling unit to an accessory structure.* In the RE, RA-5, RR and R-1 zones, one entirely new single-family dwelling may be constructed upon a lot where there already exists not more than one single-family dwelling, provided that:

1. At the time of issuance of a building permit for the new dwelling, the property owner/applicant also obtains a building permit to make alterations to the existing dwelling as are required by the City to reduce the character of use of the existing dwelling to a lawful accessory building, or the owner/applicant obtains a building moving permit to remove the existing dwelling from the lot;

2. The owner of the lot executes and delivers to the City a written agreement in a form approved by the City to make the required alterations or to remove the existing dwelling concurrently with or immediately after the construction and completion of the new dwelling, together with a faithful performance surety bond or other security, in the form approved by the City and in the amount of 100 percent of the amount of the cost of such alterations or removal, as estimated by the City; and

3. The Building Official determines that the requirements of Section 19.100.040 (Residential Development Standards) and Building Code and Fire Prevention Code will be complied with.

C. *Exceptions to setback requirements.*

1. *Front porches and balconies.* In the R-1 Zones, front porches that are open except for an overhead covering and have no habitable space above may encroach into the front setback up to a maximum of six feet.

2. *Flexible yard setbacks.*

a. In the R-1 Zones, on local streets only, where the residential structure has the garage set back ten or more feet from the required front yard setback, the habitable portion of the residential structure may extend into the front setback up to a maximum of five feet.

b. In conjunction with the consideration of a tentative tract or parcel map in the R-1-7000 Zone, interior side yard setbacks may be reduced to five feet provided a minimum distance of 15 feet is maintained between adjacent dwellings.

c. In the R-1 Zones, portions of the dwelling may encroach up to ten feet into the required rear yard setback provided that the encroachment does not exceed 500 square feet in total area.

3. *Accessory structures.* Refer to Chapter 19.440 (Accessory Buildings and Structures) for development standards.

4. *Stairway projections.* Refer to Chapter 19.630 (Yard Requirements and Exceptions) see Section 19.630.040 (Permitted Projections into Required Yards).

5. *Fire escape projections.* Refer to Chapter 19.630 (Yard Requirements and Exceptions) see Section 19.630.040 (Permitted Projections into Required Yards).

6. *Cornice, eave and sill projections.* Refer to Chapter 19.630 (Yard Requirements and Exceptions) see Section 19.630.040 (Permitted Projections into Required Yards).

7. *Additions to established dwellings.* For lawfully established dwellings that do not conform to the side yards required in the RC, RR, RE and R-1 Zones additions may be constructed within such required side yards if such additions are located not closer to the side lot line than the existing dwelling; provided, that in no case shall such additions be located closer than five feet to interior side lot lines or ten feet to street side lot lines.

8. Garage in the R-1-7000 Zone. In the R-1-7000 Zone, a garage that is an integral part of the main dwelling may be located not closer than five feet to any interior side lot line.

9. Setbacks for RR Zoned Properties less than 20,000 square feet in area. For legally created parcels within the RR Zone which are less than 20,000 square feet in area, the following setbacks shall be provided and supersede those listed in Table 19.100.040.A as follows:

    a. For lots less than 8,500 square feet in area, the R-1-7000 standards apply.

    b. For lots greater than 8,500 square feet in area, but less than 10,500 square feet in area, the R-1-8500 standards apply.

    c. For lots greater than 10,500 square feet in area, but less than 13,000 square feet in area, the R-1-10500 standards apply.

    d. For lots greater than 13,000 square feet in area, but less than 20,000 square feet in area, the R-1-13000 standards apply.

~~D. Duplexes in the R-1-7000 Zone.~~

~~1. Duplexes are permitted in the R-1-7000 zone subject to the following standards:~~

~~a. The units shall have been legally established in the R-2 Zone as of the effective date, November 3, 2006.~~

~~b. Expansion of units is permitted subject to compliance with the development standards of the R-1-7000 Zone.~~

~~c. If one or both units are destroyed, they may be rebuilt.~~

~~d. Construction of new duplexes, where a duplex did not previously legally exist, is not permitted, except as specifically authorized in this Title or California law.~~

(Ord. 7552 §4, 2021; Ord. 7331 §4, 2016; Ord. 6966 §1, 2007)

Chapter 19.100 RESIDENTIAL ZONES (RA-5, RC, RR, RE, R-1-½ ACRE, R-1-13000, R-1-10500, R-1-8500, R-1-7000, R-3-4000, R-3-3000, R-3-2500, R-3-2000, R-3-1500, R-4)

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19.100.040 Residential development standards.

Tables 19.100.040.A (Residential Development Standards: Single-Family Residential Zones) and 19.100.040.B (Residential Development Standards: Multiple-Family Residential Zones) establish the development standards applicable to all development within the residential zones.

(Ord. 7552 §§ 2, 3, 2021; Ord. 7408 §1, 2018; Ord. 7331 §4, 2016; Ord. 7109 §2, 2010; Ord. 7027 §1, §2, 2009; Ord. 6966 §1, 2007)

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Table 19.100.040 B
Residential Development Standards: Multiple-family Residential Zones

Development Standards	**Multiple-Family Residential Zones**					
	R-3-4000	**R-3-3000**	**R-3-2500**	**R-3-2000**	**R-3-1500**	**R-4**
Density - Maximum (Dwelling Units per Gross Acre)[5]	10.9	14.5	17.4	21.8	29	40
Lot Area - Minimum	30,000 sq. ft.	30,000 sq. ft.	30,000 sq. ft.	30,000 sq. ft.	30,000 sq. ft.	30,000 sq. ft.
Lot Width[4] - Minimum	80 ft.	80 ft.	80 ft.	80 ft.	80 ft.	100 ft.
Lot Depth[4] - Minimum	150 ft.	150 ft.	100 ft.	100 ft.	100 ft.	150 ft.
Building Height[3, 5] - Maximum	30 ft./ 40 ft.[2]	30 ft./ 40 ft.[2]	30 ft./ 40 ft.[2]	30 ft./ 40 ft.[2]	30 ft./ 40 ft.[2]	50 ft.
Number of Stories[5] - Maximum	2[2]	2[2]	2[2]	2[2]	2[2]	4

Setbacks - Minimum						
A. Front[1]	25 ft.	25 ft.	20 ft.	15 ft.	15 ft.	15 ft.
B. Front (Arterial Streets over 110 feet)[1]	25 ft.	25 ft.	25 ft.	25 ft.	25 ft.	15 ft.
C. Interior Side[1]	10 ft.	10 ft.	10 ft.	7.5 ft.	7.5 ft.	7.5 ft.
D. Street Adjoining Side[1]	10 ft.	10 ft.	10 ft.	10 ft.	10 ft.	10 ft.
E. Rear[1]	20 ft.	20 ft.	20 ft.	15 ft.	15 ft.	10 ft.

Notes:
1. Where a property abuts the RA-5, RC, RR, RE or R-1 Zone, for buildings over two stories in height, the required side and rear yards shall be increased by two and one-half feet for each story in excess of two stories, except as otherwise stated in this footnote.
2. ~~Up~~An increase to ~~overall building height for three-story buildings for up to~~ 60 percent of the ~~total~~ units ~~may be in buildings up to three stories, 40 feet maximum height subject to Community & Economic Development Department Director review and approval~~within a development is allowed~~~~Up to 60% of units may be located in three-story buildings with a maximum height of 40 feet~~.
3. Refer to Chapter 19.560 (Building Height Measurement) for height measurements and exceptions to height limits.
4. See Section 18.210.080 (Lots) and Article X (Definitions) for exemptions for cul-de-sac lots and knuckle lots.
5. See Chapter 19.149 - Airport Land Use Compatibility to determine if a project site is subject to Airport Land Use Compatibility Plan requirements.

(Ord. 7573 § 1(Exh. A), 2021; Ord. 7552 §§2(Exh. A) and 3(Exh. B), 2021; Ord. 7487 §10(Exh. B), 11-5-2019; Ord. 7413 , §1(Exh. A), 2-20-2018)

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19.100.070 Additional regulations for the R-3 and R-4 Zones.

A. *Usable open space.*

1. The minimum usable open space, as defined in Article X (Definitions), required for each dwelling unit shall be as set forth in Table 19.100.070 (Usable Open Space Standards: Multi-Family Residential Zones) below:

Table 19.100.070
Usable Open Space Standards: Multi-Family Residential Zones

Usable Open Space Standards	Multi-Family Residential Zones					
	R-3-4000	R-3-3000	R-3-2500	R-3-2000	R-3-1500	R-4
Common Usable Open Space - Minimum per Unit	400 sq. ft.	400 sq. ft	250 sq. ft.	250 sq. ft.	200 sq. ft	150 sq. ft.

Private Usable Open Space Ground Floor/Upper Story Unit	120 sq. ft./50 sq. ft.	120 sq. ft./50 sq. ft.	120 sq. ft./50 sq. ft.	100 sq. ft. /50 sq. ft.	100 sq. ft./50 sq. ft.	50 sq. ft./50 sq. ft.

2. *Development consisting of 20 units or fewer.* Common open space may be divided into multiple areas; provided, however, that at least one area shall have no dimension smaller than 25 feet.

3. *Development consisting of 21 units to 75 units.*

   a. Common open space may be divided into multiple areas; provided, however, that at least one area shall have no dimension smaller than 50 feet.

   b. Common open space shall include but not be limited to two of the recreational amenities listed below~~, or equivalent~~:

      ~~(1) Tot lot with multiple play equipment.~~

      (1) One child's outdoor play area~~;~~, which shall include a range of age-appropriate equipment including those rated for use by children younger than five.

      (2) Pool and spa.

      ~~(3) Barbeque facility equipped with grill, picnic benches, etc.~~(3) One outdoor cooking facility with sheltered dining area to accommodate seating for a minimum of twelve adults.

      (4) Court facilities (e.g., tennis, volleyball, basketball, etc.).

      (5) Exercise room.

      (6) Clubhouse~~.~~ with wet bar/counter facilities.

      (7) Dog park.

4. *Development consisting of 76 units or more.*

   a. Common open space may be divided into multiple areas; provided, however, that at least one area shall have at least one dimension of 100 feet.

   b. Common open space shall include but not be limited to four of the following recreational amenities~~, or equivalent~~:

      ~~(1) Tot lots with multiple play equipment. The tot lots shall be conveniently located throughout the site. The number of tot lots and their location shall be subject to Community & Economic Development Director review and approval.~~

      (1) ~~Two c~~One child's outdoor play area,~~s; both of~~ which shall include a range of age-appropriate equipment including those rated for use by children younger than five.

      (2) Pool and spa.

      (3) Clubhouse with a central multi-purpose room equipped with full kitchen~~,~~ facilities; and at least two separate and defined areas/rooms for games, exercises, recreation, entertainment, etc.

      ~~(4) Barbeque facilities equipped with multiple grills, picnic benches, etc. The barbecue facilities shall be conveniently located throughout the site. The number of barbeque facilities and their locations shall be subject to Community and Economic Director review and approval.~~

      (4) Two outdoor cooking facilities each with sheltered dining area to accommodate seating for a minimum of twelve adults.

(5) Court facilities (e.g., tennis, volleyball, basketball, etc.).

(6) Jogging/walking trails with exercise stations.

(7) Community garden.

(8) Theater.

(9) Computer room or coworking space.

(10) Exercise room.

(11) Dog park.

5. Other recreational amenities not listed above may be considered in lieu of those listed subject to Community & Economic Development Director review and approval.

6. ~~Related recreational activities~~Recreational amenities may be grouped together and located at any one area of the common space.

7. ~~Dispersal of~~Recreational amenities shall be evenly dispersed throughout ~~developments~~the site with separate recreational ~~facilities throughout~~ amenities; if not centrally located and equidistant to all residential units within the ~~site shall be required for~~ development ~~with multiple recreational facilities~~.

8. All recreation areas or facilities required by this section shall be maintained by private homeowners' associations, property owners, or private assessment districts subject to Community & Economic Development Director review and approval.

9. In the R-4 Zone, the required common usable open space may be located on the roof of a garage or building, provided that minimum dimensional standards and the minimum number of amenities can be met.

10. Onsite common useable open space reduction.

a. Required common usable open space may be reduced by up to 20 percent~~, subject to the approval of the Approving Authority,~~ for multifamily residential development located within:

(1) One-quarter mile (1,320 feet) of a Neighborhood Park or Special Use Park; or

(2) One-half mile (2,640 feet) of a Community Park or Regional Park.

b. Park types shall be those defined and listed in the Comprehensive Park, Recreation & Community Services Master Plan (2020).

c. Distances shall be measured from the outside perimeter the public park to the property line of the development site.

B. *Private usable open space.* Dwelling units shall be provided with private usable open space, as defined in Article X (Definitions), accessible directly from the living area of the unit and as set forth in Table 19.100.070 (Usable Open Space Standards: Multi-Family Residential Zones) and in the following:

1. *Ground floor units.* Private usable open space for ground floor units shall be in the form of a fenced yard or patio~~, a deck or balcony.~~. Such private usable open space shall have no dimension of less than eight feet in R-3 zones and five feet in the R-4 Zone.

2. *Upper story units.* Each dwelling unit shall have ~~a minimum above-ground level~~ private usable open space area of at least 50 square feet. Such private usable open space shall have no dimension of less than five feet. Upper story private usable open space shall have at least one exterior side open above railing height.

3. Each square foot of private usable open space provided beyond the minimum requirement of this section shall be considered equivalent to one and one-half square feet of the required common usable open space provided in the project; provided, however, that in no case shall private usable open space constitute more than 40 percent of the total required common usable open space for the project.

C. *Distance between buildings.* The minimum distance between buildings shall be not less than 15 feet, except within a Tiny Home Community, in which case the minimum distance between buildings shall not be less than five feet.

D. *Trash collection areas.* Common trash collection areas shall be provided and conform to the regulations set forth in Chapter 19.554 (Trash/Recyclable Materials Collection Area Enclosures).

E. *Keeping of animals.* Domestic animals in accordance with Table 19.150.020 B (Incidental Uses Table) pursuant to Chapter 19.455 (Animal Keeping) are permitted. All other animal keeping is prohibited. No poultry, pigeons, rabbits, horses, mules, ponies, goats, swine, cows or similar animals generally considered to be non-household pets shall be kept in any R-3 or R-4 Zone.

F. *Private streets and driveways.* All driveways and streets provided within any multi-family development shall be private and shall be maintained by a private homeowners' association, property owner, or private assessment district. Such private streets and driveways shall be designed, built and maintained as set forth in the permit conditions authorizing such development.

G. *Recreational vehicle parking.* Recreational vehicle parking shall be in accordance with Section 19.580.070 A.4 (Recreational Vehicle Parking in Residential Zones). In addition to providing all required parking spaces, a development may provide a special parking area and spaces for recreational vehicles, provided such area and spaces are screened from view from surrounding properties by a block wall of a minimum height of eight feet~~. Any such parking area and screen wall shall be subject to site plan review and design review as set forth in Section 19.100.080 (Site Plan Review and Design review required—R-3 and R-4 Zones).~~ , with finish surfaces matching the color and materials used on the primary buildings within the development.

H. *Landscaping.* Landscaping shall be provided and continuously maintained as set forth in Chapter 19.570 (Water Efficient Landscaping and Irrigation).

I. *Lighting.*

~~1. All outdoor lighting shall be designated with fixtures and poles that illuminate uses, while minimizing light trespass into neighboring areas.~~

~~2~~1. The provisions of Section 19.590.070 (Light and Glare) shall apply.

~~3~~2. The provisions of Chapter 19.556 (Lighting) shall apply.

J. *Site Planning.*

1. Primary building entrance(s) shall be oriented toward the following (listed in priority order):

   a. Public right-of-way;

   b. Primary internal streets and pedestrian walkways, not including drive aisles;

   c. Common usable open space;

   d. Secondary internal streets or drive aisles.

2. *Pedestrian walkways.*

   a. Pedestrian walkways shall be included and shall be clearly demarcated from vehicular circulation areas through the use of different surfacing materials ~~or~~if at the same finished elevation; or shall be a raised sidewalk separated by a curb with a minimum height of six inches; and shall be ADA compliant.

b. Pedestrian walkways shall connect building entrances with public sidewalks and on-site facilities including, but not limited to, open space, plazas, courtyards, and parking areas.

K. *Parking.* In addition to the standards and requirements of Chapter 19.580 (Parking and Loading) the following standards shall apply:

1. No parking shall be permitted between the primary building or buildings and the public right-of-way.

2. Garages and carports visible from the public right-of-way shall ~~be architecturally consistent with~~match architectural style, finish materials and colors of the primary building~~.~~(s).

3. Parking garages/structures visible to the public shall ~~use consistent~~match exterior building cladding materials ~~and architectural elements as~~ of the primary building~~.~~(s).

L. *Building appearance.*

1. A minimum of two of the following window accent features ~~such as but not limited to sills, shutters, canopies, awnings and multi-paned windows~~ shall be used on all windows visible from the public right-of-way~~.~~: sills, shutters, canopies, awnings and/or multi-paned windows.

2. Building facades shall be designed so as to define and articulate each vertical module of residential units, using ~~techniques including, but not limited to~~at least two of the following:

a. Providing a ~~deep notch~~variation in the wall plane (projection or recess) a minimum of two feet in depth between the modules;

b. Varying a minimum of two of the following architectural elements between modules ~~(e.g.,~~: window ~~color~~recess depth, roof shape, window shape, stoop detail, and/or railing type~~);~~;

c. Providing porches and balconies;

~~d. Other methods subject to the approval of the Approving Authority.~~

3. Windows visible from the public right-of-way shall be recessed a minimum of four inches.

4. A minimum of three exterior cladding or finish materials shall be used per building. Variation in color, texture or application method among the same material shall not be considered a different material.

M. *Fences and walls.* In addition to the standards and requirements of Chapter 19.550 (Fences, Walls, and Landscape Materials) the following standards shall apply.

1. Fences and/or walls located anywhere between the primary building(s) and the public right-of-way shall not exceed the following:

a. Three feet in height for solid fences and walls;

b. Four feet in height for openwork or combination solid and openwork fences and walls provided that the openwork portion of the fence or wall above a height of three feet shall be no more than one part solid to three parts open with no portion of the solid wall, excluding pilasters, extending above three feet.

c. Fences and/or walls that enclose common usable open space amenities such as swimming pools and playgrounds, and excluding passive landscape areas, shall have a maximum height of six feet and, ~~may be completely solid.~~if solid, shall match the exterior finish material(s) and color(s) of the primary building(s).

2. Permitted materials for fences and/or walls shall include decorative masonry split face block, brick, natural stone, precast concrete panels, stucco, wrought iron, aluminum, wood, chemically treated or naturally resistant to decay~~, and other materials as approved by the Community & Economic Development Director or his/her designee~~.

3. As applicable, perimeter fencing ~~on the property~~of residential development shall be located ~~in such a way as~~and contain breaks to ~~provide for trail development, maintenance, and public usage. This requirement shall apply for all~~connect on-site pedestrian pathways within the development to any trails shown in the General Plan ~~and for the connection of private trails for the use of residents~~, when these residential developments are in the vicinity of planned trails outlined in the General Plan.

(Ord. 7573 § 1(Exh. A), 2021; Ord. 7528 §1(Exh. A), 2020; Ord. 7520 §1(Exh. A); Ord. 7505 § 1(Exh. A), 2020; Ord. 7408 §1, 2018; Ord. 7331 §4, 2016; Ord. 6966 §1, 2007)

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Chapter 19.120 MIXED-USE ZONES (MU-N, MU-V, MU-U)

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19.120.050 Development Standards.

A. *General.* Table 19.120.050 (Mixed-Use Zones Development Standards) identifies the development standards applicable to all development in the mixed-use zones. Certain development standards may be subject to special conditions. These standards are provided here or as otherwise referenced. Under Site Plan Review, when required, more restrictive development standards may be applied by the Planning Commission. Development standards established by other provisions of this Zoning Ordinance and not specifically prescribed in Table 19.120.050 shall apply.

Table 19.120.050
Mixed-Use Zones Development Standards

Zones				
Development Standards	**MU-N**	**MU-V**	**MU-U**	**Notes, Exceptions & Special Provisions**
Lot Area - Minimum	7,000 sq. ft.	20,000 sq. ft.	20,000 sq. ft.	See Note 1
Lot Depth - Minimum	100 ft.	100 ft.	100 ft.	See Note 1
Lot Width - Minimum	60 ft.	75 ft.	80 ft.	See Note 1
Front Yard Setback - Minimum	15 ft.	0 ft.	0 ft.	
Side Yard Setback - Minimum	0 ft.	0 ft.	0 ft.	See Note 2
Rear Yard Setback -Minimum	15 ft.	15 ft.	15 ft.	See Note 3
Building Height - Maximum	35 ft.	45 ft.	60 ft.	
FAR - Maximum	1.0	2.5	4.0	See Notes 4 and 7
Residential Density - Maximum (Gross)	10 du/ac	30 du/ac	40 du/ac	See Notes 4 and 7
Open Space Requirements - Stand Alone Residential	See R-3-4000 Standards	See R-3-1500 Standards	See R-4 Standards	See Table 19.100.070 (Additional regulations for the R-3 and R-4 Zones)
Open Space Requirements - Mixed-Use Development[8]				
Minimum Private Open Space	50 sq. ft./du	50 sq. ft./du	50 sq. ft./du for at least 50% of the units	See Note 5 See Section 19.120.070(H) (Residential Useable Open Space)

Minimum Common Open Space	50 sq. ft./du	50 sq. ft./du	50 sq. ft./du	See Note 6 See Section 19.120.070(H) (Residential Useable Open Space)

Notes, Exceptions and Special Provisions.

1. Standard shall apply to newly created lots or parcels only.
2. The minimum side yard setback in the MU-N Zone shall be 10 feet when adjacent to a residential zone. The minimum side yard setback in the MU-V and MU-U Zones shall be 15 feet when adjacent to a residential zone.
3. The minimum rear yard setback for any mixed-use zone shall be 25 feet when adjacent to a residential zone. Where a development abuts an alley to the rear, the rear setback shall be measured from the centerline of the alley.
4. Higher residential densities are permissible for projects in the MU-V and MU-U Zones that have the potential to serve as transit-oriented developments. Proposed projects within one-half of a mile of: (1) a transit stop along Magnolia or University Avenues or (2) any transit station may have a residential density of up to 40 dwelling units per acre in the MU-V Zone with a maximum total permissible FAR of 2.5 and up to 60 dwelling units per acre in the MU-U Zone with a maximum total permissible FAR of 4.0. This provision is permissible, not mandatory, and subject to discretion as part of the Site Plan Review process.
5. Private useable open space shall have a minimum dimension on any side of five feet. Private useable open space can also be met through equivalent design features as approved by the Planning Commission.
6. Common useable open space may be divided into more than one area; however, at least one area shall be a minimum of 625 square feet, with no dimension on any side of less than 25 feet.
7. See Chapter 19.149 - Airport Land Use Compatibility to determine if a project site is subject to Airport Land Use Compatibility Plan requirements.
8. For the purposes of this section, Mixed-Use Development shall incorporate a minimum amount of leasable retail, office or other commercial floor area as follows:

   MU-N Zone 1,000 square feet or 10% of the gross floor area of the project, whichever is greater.
   MU-V Zone 40% of the lineal frontage of the ground floor fronting on any arterial street.
   MU-U Zone 80% of the lineal frontage of the ground floor fronting on any arterial street.
   Where a Mixed-Use Development has frontage on more than one arterial street having different classifications according to the Circulation and Community Mobility Element of the General Plan, this requirement shall apply only to the arterial street with the higher classification.

B. *Parking requirements.*

1. Parking for uses in the mixed-use zones shall be provided as required in Chapter 19.580 (Parking and Loading).
2. Parking structures shall be architecturally integrated with the project design and their visual impact minimized through placement of buildings, use of screening materials, architectural treatment, artwork, landscaping, or other methods subject to the approval of the Approving Authority.
3. Parking between the public right-of-way and buildings shall be prohibited.
4. The perimeter of parking areas and driveways adjacent to streets and sidewalks shall be screened with an attractive low wall, berm, fence, landscaping, or similar methods subject to the approval of the Approving Authority.

C. *Special provisions for live/work units.*

1. *Floor area requirements.* The minimum floor area of a live/work unit shall be 750 square feet.
2. *Internal layout.* The residential component of the live/work unit shall be internally connected to the working space.

3. *Occupancy and employees.* At least one of the full-time employees of the live/work unit shall reside in the unit. The residential area shall not be rented separately from the working space. The business activity occupying the live/work unit may utilize employees in addition to residents as necessary.

4. *Retail sales.* Retail space may be integrated with working space.

5. *Business Tax Certificate.* A business tax certificate shall be obtained in compliance with the Municipal Code, Title 5, for business activities conducted within the live/work unit.

(Ord. 7573 § 1(Exh. A), 2021; Ord. 7487 § 11, 11-5-2019; Ord. 7413 , § 1(Exh. A), 2-20-2018; Ord. 7331 §6, 2016; Ord. 6966 §1, 2007)

19.120.070 Design standards ~~and guidelines~~.

The purpose of this section is to facilitate high quality development within mixed-use zones with an emphasis on innovative project design, infill development, and reuse of existing structures. These standards ~~and guidelines~~ address site planning and building design and are in addition to the development standards in Section 19.120.060 (Development Standards) of this chapter~~, and the Citywide Design Guidelines.~~.

A. *Setbacks.*

1. The front setback area shall include landscaping and/or a hard-surface expansion of the ~~sidewalk. Pedestrian walkway connections to building entrances shall include special paving treatment or materials. The use of awnings, canopies and arcades shall be provided as appropriate to provide visual interest and shade~~public sidewalk.

2. ~~In pedestrian areas a~~Along street frontages in the MU-U Zone, ~~where~~ if any portion of ~~there is no front~~the building is set back~~setback (0-foot setback), a portion~~25 ~~percent of the front building elevation may~~shall ~~be set back a minimum of~~ 15 feet or greater at the ground level, at least one of those setback areas shall include ~~to allow for~~ non-residential outdoor ~~use, such as outdoor~~uses consisting of plazas, patio dining, ~~display~~displays, public art, or entry courts ~~forecourts, or other amenity appropriate to an urban development~~.

B. *Building siting, orientation and entrances.*

1. Buildings shall be sited and oriented ~~so as to define and activate the public realm, onsite circulation and open spaces by situating and orienting the buildings~~ adjacent to the following, in order of priority:

a. Public right-of-way;

b. Primary internal streets and pedestrian walkways, not including drive aisles;

c. Common usable open space;

d. Secondary internal streets or drive aisles.

2. *Building entrances.*

a. Primary building entrance(s) and commercial storefronts shall be oriented toward the following (listed in priority order:

(1) Public right-of-way;

(2) Primary internal streets and pedestrian walkways, not including drive aisles;

(3) Plazas or common usable open space;

(4) Secondary internal streets or drive aisles.

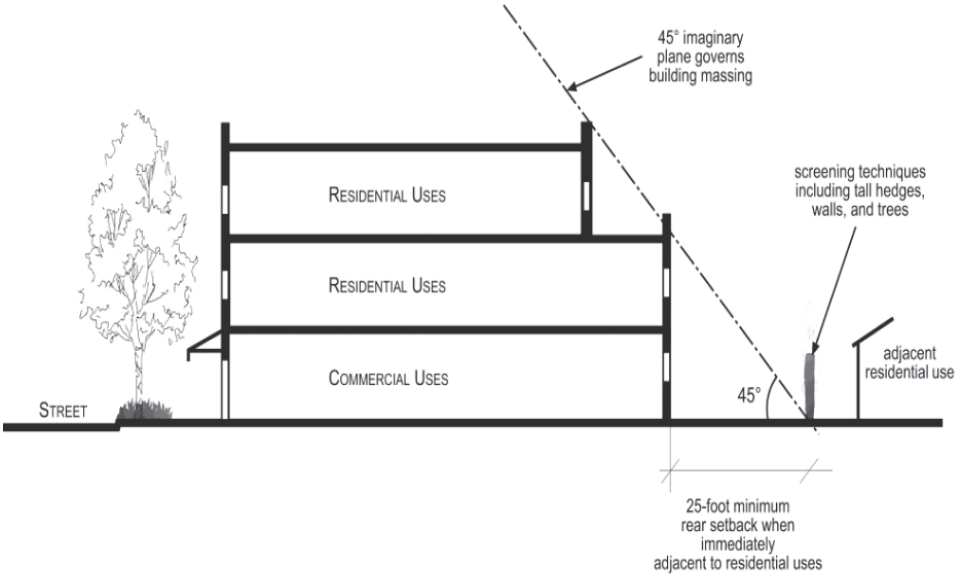
b. Pedestrian walkway connections to building entrances shall include special paving treatment, color or materials.

c. At least one of the following shall be used ~~at~~to demarcate primary building entrances: awnings, canopies, overhangs, recesses, porticos, and/or arcades.

~~C. Primary building entrances shall be clearly demarcated through the use of significant architectural features.~~

~~D~~C. *Building step back.* Buildings shall provide a transition between urban and residential areas (Figure 19.120.070 C. - Building step back). Taller elements of the building shall increasingly step back from adjacent single-family residential zones. No portion of the building, excluding parapets, shall extend above an imaginary plane drawn at the property line that is adjacent to the RA-5, RC, RR, RE, and R-1 Zones, and extended at an angle of 45 degrees toward the center of the property.

Figure 19.120.070 C. Building step back



Setbacks and massing for buildings adjacent to residential uses.

E. *Building appearance.*

1. The ~~intent of this section is to avoid large monotonous facades, long straight-line building fronts, plain box shapes, and barren exterior treatment in the~~ design of mixed-use development ~~through~~shall incorporate the following provisions:

a. All building elevations visible from the public right-of-way shall be modulated at least every 50 feet by changes in building mass, facade treatment, fenestration pattern, roof form or other architectural features.

b. Where residential and nonresidential uses are located within the same building, the nonresidential component shall be differentiated from residential component through changes in exterior finish material, floor height, glazing pattern, building wall plane, and/or horizontal projection ~~or similar method subject to the approval of the Approving Authority~~.

c. A minimum of three exterior cladding or finish materials shall be used per building. Variation in color, texture or application method among the same material shall not be considered a different material.

d. Building facades shall be designed to define and articulate each vertical module of residential units, using ~~techniques including, but not limited to~~at least two of the following:

(1) Providing a ~~deep notch~~variation in the wall plane (projection or recess) a minimum of two feet in depth between the modules;

(2) Varying a minimum of two of the following architectural elements between modules ~~(e.g.,~~: window ~~color~~recess depth, roof shape, window shape, stoop detail, and/or railing type~~);~~;

(3) Providing porches and balconies;

~~(4) Other methods subject to the approval of the Approving Authority.~~

e. Windows visible from the public right-of-way shall be recessed a minimum of four inches.

F. *Privacy for residential units.*

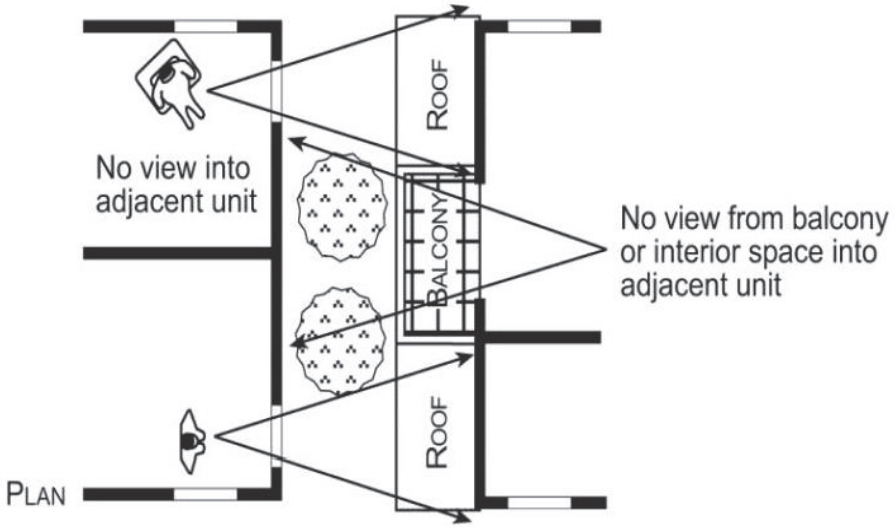
1. ~~Buildings shall be oriented to promote privacy to the greatest extent possible. To the extent~~ The windows of a residential ~~windows face~~unit shall not directly align with the windows of the unit of an adjacent ~~unit, the windows~~building; but shall be offset ~~to maximize privacy.~~by a minimum of ten feet from window edge to opposing window edge (Figure 19.120.070 E. – Privacy for Residential Unit(s).

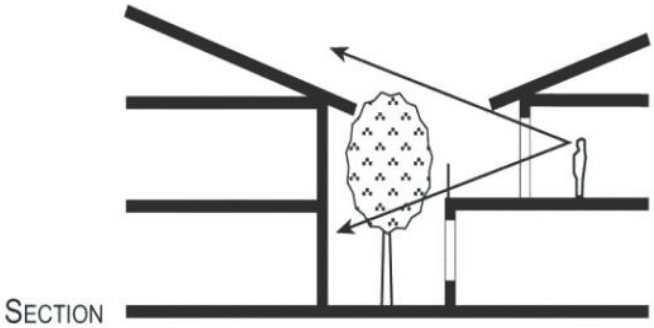
2. ~~Windows~~Patios, balconies or similar openings of a residential unit shall not directly align with that of the unit of an adjacent building; but shall be oriented ~~so as not~~ or offset by a minimum of 15 feet from opening edge to ~~have a direct line-of-sight into adjacent units within the development~~opposing opening edge (Figure 19.120.070 E. - Privacy for Residential Units).

~~3. Units above the first story shall be designed so that they do not provide a direct line of site onto private patios or backyards of adjoining residential property or units.~~

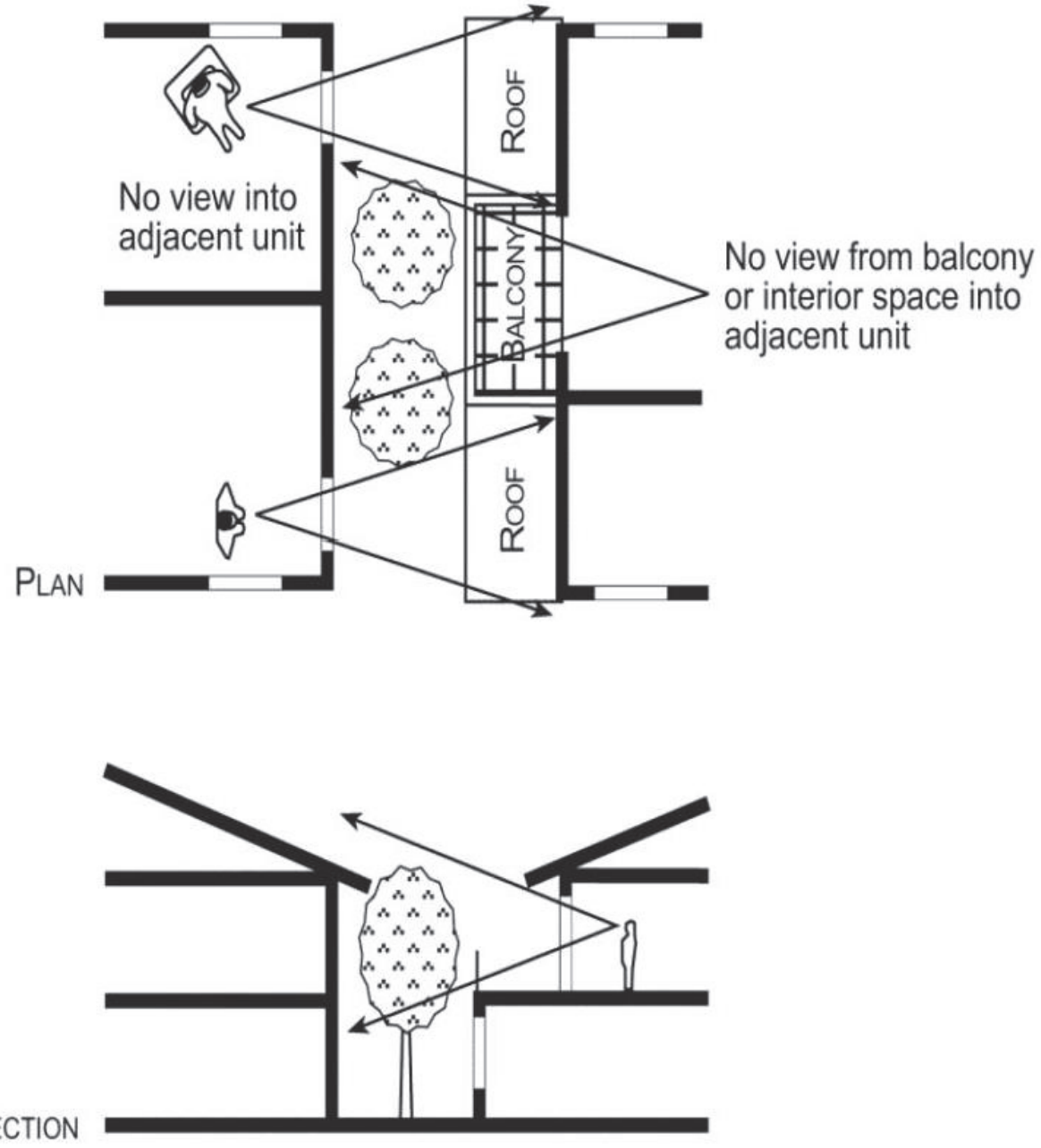
~~4. Landscaping or other screening methods may be used to aid in privacy screening subject to the approval of the Approving Authority.~~

Figure 19.120.070 E. Privacy for Residential Units





Plant appropriate trees and offset windows and balconies (or patios) to maintain privacy between residential units.



Plant appropriate trees and offset windows and balconies (or patios) to maintain privacy between residential units.

G. *Vehicle circulation and access.*

~~1. Shared driveways configured as internal streets that serve as the primary onsite vehicular circulation network are strongly encouragedshall be provided.~~

~~2~~1. On-site vehicular circulation serving non-residential uses shall be open and not obstructed by the use of fences and gates. Private residential parking areas may be secured and gated.

~~3. Vehicular entrances shall be clearly identified and demarcated to minimize pedestrian/vehicle conflict.~~

~~4~~2. Vehicular entrances, including private garages, carports and parking structure entrances, shall be oriented toward the following (listed in priority order):

a. Public alleys;

b. Secondary internal streets or drive aisles;

c. Primary internal streets;

d. Public streets (except private garages and carports shall not take direct access from a public street).

~~5. The number of vehicular access points from the public right-of-way shall be the minimum number necessary for safe vehicular circulation, subject to the approval of the Public Works Director or designee.~~

H. *Pedestrian walkways.*

1. On-site pedestrian walkways shall be provided ~~to enhance pedestrian movement to and~~ between adjacent uses within the project and~~, where feasible, on~~ ~~al~~align with walkways on neighboring properties where pedestrian connections exist.

2. Pedestrian walkways shall ~~link dwelling units with commercial facilities~~connect residential and non-residential uses in the project, common open space, plazas and courtyards, parking areas and public sidewalks.

3. Pedestrian walkways shall be clearly demarcated from vehicular circulation areas through the use of different surfacing materials ~~or~~if at the same finished elevation; or shall be a raised sidewalk separated by a curb with a minimum height of six inches; and shall be ADA compliant.

I. *Fences and walls.* In addition to the standards and requirements of Chapter 19.550 (Fences, Walls, and Landscape Materials) the following standards shall apply:

1. Fences and/or walls located anywhere between the primary building and the public right-of-way shall not exceed the following:

a. Three feet in height for solid fences and walls;

b. Four feet in height for openwork or combination solid and openwork fences and walls provided that the openwork portion of the fence or wall above a height of three feet shall be no more than one part solid to three parts open with no portion of the solid wall, excluding pilasters, extending above three feet;

c. Fences and/or walls that enclose common usable open space amenities such as swimming pools and playgrounds, and excluding passive landscape areas, shall have a maximum height of six feet and, ~~may be completely solid.~~if solid, shall match the exterior finish material and color of the primary building(s).

J. Permitted materials for fences and/or walls shall include decorative masonry split face block, brick, natural stone, precast concrete panels, stucco, wrought iron, aluminum, wood, chemically treated or

naturally resistant to decay~~, and other materials as approved by the Community & Economic Development Director or his/her designee.~~.

K. *Residential usable open space.*

1. Common and private usable open space shall be provided as set forth in Table 19.120.050 - Mixed-Use Development Standards.

2. Common open space areas shall include the minimum number and type of amenities based on the project's size as set forth in 19.100.070 A. (Usable open space).

3. Private useable open space shall be contiguous to the unit served~~ and screened from public view for privacy. All balconies and patios that front a public street shall be substantially enclosed for screening and privacy~~.

4. In the MU-V and MU-U Zones, private and common usable open space may be provided on the roofs of buildings and parking garages.

L. *Outdoor display and storage.* Commercial outdoor display and storage shall not be permitted except as specified in Chapters 19.500 (Outdoor Display of Incidental Plant Materials), 19.505 (Outdoor Display and Sales) and 19.510 (Outdoor Storage).

M. *Trash receptacles and enclosures.*

1. The ~~residential units shall maintain a~~ trash storage container ~~area that is separate from that used by the commercial~~ areas for residential and non-residential uses~~. It~~ shall be ~~clearly marked for residential use only.~~ separate.

~~2. All trash storage areas for commercial uses shall be located so as to be convenient to the commercial users and where associated odors and noise will not adversely impact the residential uses.~~

~~3~~2. The provisions of Chapter 19.554 (Trash/Recyclable Materials Collection Area Enclosures) regarding requirements for the screening of trash receptacles shall apply.

N. *Mechanical equipment screening.* The provisions of Chapter 19.555 (Outdoor Equipment Screening) regarding required screening of mechanical equipment shall apply.

(Ord. 7573 § 1(Exh. A), 2021; Ord. 7331 §6, 2016; Ord. 6966 §1, 2007)

19.120.080 Performance standards.

The purpose of this section is to ensure that residential uses in mixed-use zones are not adversely impacted by adjacent commercial uses, including, but not limited to, traffic, noise, light and safety impacts. In the interests of both the residents and the businesses, no site plan review permit shall be approved for a project unless the project is designed to meet the following performance standards, in addition to performance standards set forth in Chapter 19.590 (Performance Standards).

A. *Noise.* Development in mixed-use zones shall comply with all requirements of Title 7 (Noise) and the California Building Standards Code.

B. *Security.*

1. The residential units shall be designed to ensure the security of residents through the provision of separate and secured entrances and exits. Where residential units are in the same structure as a commercial use, access to residential units shall be from a secured area located on the first floor at the ground level.

2. Nonresidential and residential uses located on the same floor shall not have common entrance hallways or common balconies.

3. Any multi-family residential development or group home shall participate in the City's Crime Free Multi-Housing Program, or successor equivalent program.

C. *Light and glare.*

1. All outdoor lighting associated with commercial uses adjacent to or within the immediate vicinity of residential uses shall be designated with fixtures and poles that illuminate commercial uses, while minimizing light trespass into residential areas.

2. The provisions of Section 19.590.070 (Light and Glare) shall apply.

3. The provisions of Chapter 19.556 (Lighting) shall apply.

D. *Odor.*

1. All trash storage areas for non-residential uses shall be located so as to be convenient and where associated odors and noise will not adversely impact the residential uses.

(Ord. 7573 § 1(Exh. A), 2021; Ord. 7331 §6, 2016; Ord. 6966 §1, 2007)

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Chapter 19.150 BASE ZONES PERMITTED LAND USES

19.150.020 Permitted land uses.

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19.150.020.A Permitted Uses Table

This table identifies permitted uses and uses requiring approval of other permits by zoning designation. In addition to these uses, other incidental and temporary uses may also be permitted as noted in the Incidental Uses Table and the Temporary Uses Table.

Use	Zones																						Location of Required Standards in the Municipal Code
	Residential Zones (Residential Conservation (RC), Residential Agricultural (RA-5), Rural Residential (RR), Residential Estate (RE), Single-Family Residential (R-1), Multiple Family Residential (R-3 and R-4))							Office & Commercial Zones (Office, Commercial Retail, Commercial General, Commercial Regional Center)				Mixed Use Zones (Neighborhood, Village, Urban)			Industrial Zones (Business Manufacturing Park, General Industrial, Airport Industrial, Airport)				Other Zones (Public Facilities, Railroad, Neighborhood Commercial Overlay)			
	RC**	RA-5**	RR	RE	R-1	R-3	R-4	O	CR	CG	CRC*	MU-N	MU-V*	MU-U*	BMP	I	AI	AIR	PF	RWY	NC Overlay	
. . .																							
~~Bakery - Wholesale~~Commercial Kitchen (no on-site dining)	X	X	X	X	X	X	X	X	P	P	P	X	X	X	P	P	P	X	X	X	X	For parking see Manufacturing under 19.580
. . .																							
Outdoor Storage Yard (including Contractor Storage Yards and Truck Terminals) - Primary Use	X	X	X	X	X	X	X	X	X	C	X	X	X	X	MC	P/MC	X	X	X	X	X	19.285 -Outdoor Storage Yard
. . .																							
Single-family Dwelling:																						Chapter 19.850 - Fair Housing and Reasonable Accommodations See 19.149 - Airport Land Use Compatibility*** Chapter 19.443 – Two-Unit Developments
Attached	X[6]	X	P	P	P	P[3]	P[3]	X	X	X	X	P	X	X	X	X	X	X	X	X	X	
Detached	P	P	P	P	P	P[4]	P[4]	X	X	X	X	P	X	X	X	X	X	X	X	X	X	

~~Truck Terminal~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~P~~	~~P~~	~~P~~	~~X~~	~~X~~	~~X~~	

* = For CRC, MU-U and MU-V Zones a Site Plan Review Permit (Chapter 19.770) is required for any new or additions/changes to existing buildings or structures.			
** = For a more detailed listing of the permitted land uses in the RA-5 and RC Zones, refer to Sections 19.100.030.A (RA-5 Zone Permitted Uses) and 19.100.030.B (RC Zone Permitted Uses). If any conflict between this Table and Sections 19.100.030.A and 19.100.030.B exists, the provisions of Sections 19.100.030.A and 19.100.030.B shall apply.			
*** = Refer to Chapter 19.149 - Airport Land Use Compatibility and applicable Airport Land Use Compatibility Plan for airport land use compatibility zones where use may be strictly prohibited.			
X = Prohibited	C = Subject to the granting of a conditional use permit (CUP), Chapter 19.760	MC = Subject to the granting of Minor Conditional Use Permit (MCUP), Chapter 19.730	P = Permitted
PRD = Planned Residential Development Permit, Chapter 19.780	RCP = Recycling Center Permit, Chapter 19.870	SP = Site Plan Review Permit, Chapter 19.770	sq. ft. = Square Feet

[1] Commercial Storage Facilities are permitted in all zones with the Commercial Storage Overlay Zone (Chapter 19.190).
[2] Legal, existing duplexes built prior to the adoption of this Zoning Code are permitted in the R-1-7000 Zone see 19.100.060 D.
[3] Allowed with a Planned Residential Development (PRD) Permit, Chapter 19.780.
[4] One single-family detached dwelling allowed on one legal lot 0.25 acres in size or less in existence prior to January 1, 2018 subject to the development standards of the R-1-7000 Zone.
[5] Permitted or conditionally permitted on sites that do not include a residential use.

[6] Allowed for ~~t~~Two- ~~dwelling u~~Unit ~~d~~Developments ~~in conformance with~~pursuant to Chapter 19.443.

(Ord. 7573 § 1(Exh. A), 2021; Ord. 7552 §7(Exh. C), 2021; Ord. 7541 , § 6(Exh. C), 2020; Ord. 7528 §1(Exh. A), 2020; Ord. 7520 §1(Exh. A); Ord. 7505 § 1(Exh. A), 2020; Ord. 7487 § 13(Exh. D), 11-5-2019; Ord. 7462 , § 2(Exh. A), 2019; Ord. 7431 § 3(Exh. A), 2018)

Chapter 19.219 RESIDENTIAL PROTECTION OVERLAY ZONE (RP)

19.219.010 Purpose.

The Residential Protection Overlay Zone (RP) is established to preserve the character of single-family residential neighborhoods where the physical conversion of single-family dwellings to higher occupancy rental housing units has the potential to increase densities beyond those intended for single-family zoned neighborhoods. Modifications that essentially transform single-family dwellings into multiple-family dwellings or boardinghouses, both of which are prohibited within single-family zones, has a negative cumulative effect on the public's health, safety and welfare. These conversions can lead to overcrowding, excessive on-street parking, neighborhood disturbances, and other undesirable impacts.

The specific purpose of the Residential Protection Overlay Zone is to:

A. Establish development standards for affected properties to ensure the development review process provides for consideration of the impacts of new construction, alterations, and changes in use that have the potential to increase the intensity of single-family properties beyond that anticipated by the established zoning or the City's General Plan.

B. Ensure the design of dwellings and on-site parking is appropriate for the area's character, and is appropriate for the area's capacity to accommodate increases in densities, which may be limited due to infrastructure, such as sewer, traffic control, on- and off-street parking, safety services, parkland, etc.

(Ord. 7331 §22, 2016; Ord. 7302 § 2, 2015)

19.219.020 Application.

A. The Residential Protection Overlay Zone shall require the provisions of this chapter to apply to any construction that results in a new habitable structure, the addition to an existing habitable structure, or modifications to the configuration (i.e., floor plan, layout, etc.) of an existing habitable structure.

B. The provisions of this chapter shall not apply to any new construction, additions or modifications that result in 1,000 square feet or less of total dwelling area on a lot.

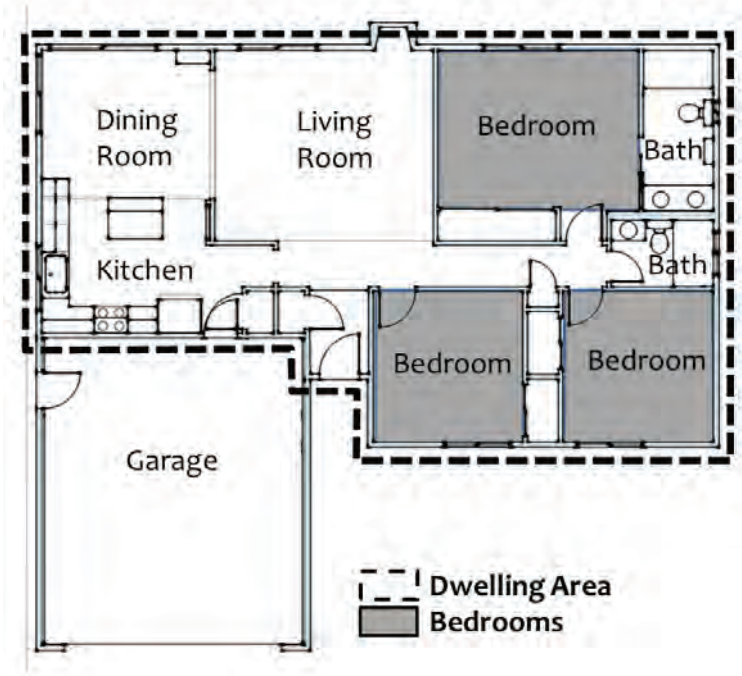
C. ~~The provisions of this chapter shall not apply to any new construction, additions or modifications built pursuant to California Government Code §§ 65852.21 or 66411.7~~For any lot developed with more than one dwelling unit, including Accessory and Junior Accessory Dwelling Units pursuant to Chapter 19.442 and Two-Unit Developments pursuant to 19.443, the provisions of this Chapter shall apply individually to each dwelling unit on the lot.

(Ord. 7331 §22, 2016; Ord. 7302 § 2, 2015)

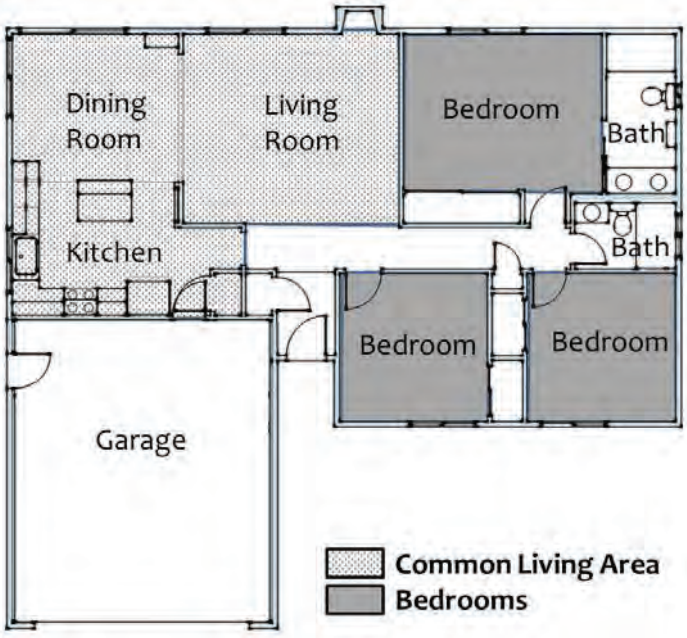
19.219.030 Development standards.

The following development standards shall apply to the dwelling area of single-family residential structures (exclusive of garages, unconditioned patios, porches, and other such accessory structures).

A. *Bedrooms.* The total area of all bedrooms shall not exceed 50 percent of the total dwelling area of the structure, as defined by Article X of the Zoning Code. The calculation of bedroom area shall not include closets or bathrooms, and measurements shall be from the centerline of interior walls, and the exterior of exterior walls.



B. *Common living area.* The total combined common living area as defined by Article X of the Zoning Code shall be equal to or greater than the total combined area of all bedrooms. The calculation of common living area and bedroom area shall not include closets, bathrooms or hallways, and shall be measured from the centerline of interior walls, and the exterior of exterior walls.



C. *Parking.* In addition to the minimum parking requirements of Chapter 19.580 - Parking and Loading, any new construction, or modification to an existing dwelling, which results in a dwelling with five or more bedrooms, shall comply with the following:

1. When the number of bedrooms in a dwelling equals or exceeds five, an additional open parking space shall be provided in a location that does not block access to other required parking spaces. The additional open parking space shall be in a location that complies with 19.580.070.A.2, except an existing driveway in front of a garage converted to a habitable space may remain and be counted toward the additional required open space, provided the driveway space meets the minimum parking space dimensions specified in this chapter.

2. This provision shall not apply to units developed pursuant to Chapter 19.443 (Two-Unit Developments).

(Ord. 7331 §22, 2016; Ord. 7302 § 2, 2015)

19.219.040 Nonconforming structures.

Notwithstanding other provisions of the Zoning Code to the contrary, a nonconforming structure shall not be expanded or modified, unless such modifications bring the structure into compliance with the requirements of the Residential Protection Overlay Zone, or return the structure to the original single-family residential floor plan, subject to granting of the necessary building permits and other applicable permits.

(Ord. 7331 §22, 2016; Ord. 7302 § 2, 2015)

ARTICLE VII. SPECIFIC LAND USE PROVISIONS

Chapter 19.442 ACCESSORY DWELLING UNITS (ADU) ~~AND JUNIOR ACCESSORY DWELLING UNITS (JADU)~~[1]

19.442.010 Purpose.

The State of California has identified accessory dwelling units (ADU) and junior accessory dwelling units (JADU) as valuable forms of housing. Movable accessory dwelling units (MADUs) are also recognized throughout the State as a potential option to provide needed housing. The City recognizes the importance of providing housing and balancing that with an attractive living environment for all residents. The availability of ADUs, MADUs and JADUs contributes to local housing and the community's housing stock while providing residential uses consistent with the General Plan and Zoning Code. The purpose of this Chapter is to ensure compliance with California Government Code Sections 65852.2 65852.22 and minimize impacts to surrounding uses and properties.

(Ord. 7528 §1(Exh. A), 2020; Ord. 7520 §1(Exh. A), 2020; Ord. 7457 § 1(Exh. A), 2019; Ord. 7408 §1, 2018)

19.442.020 Applicability and permit requirements.

ADUs, MADUs and JADUs, as defined in Article X (Definitions), are permitted in all residential zones, including all multi-family and mixed-use zones that include an existing or proposed dwelling.

(Ord. 7528 §1(Exh. A), 2020; Ord. 7520 §1(Exh. A), 2020; Ord. 7457 § 1(Exh. A), 2019; Ord. 7408 §1, 2018)

19.442.030 Requirements.

An application for an ADU, MADU or JADU shall demonstrate compliance with all the standards and limitations set forth in this section, to the satisfaction of the Community & Economic Development Director or his/her designee.

A. *General.*

1. ADUs and JADUs shall comply with State and local building code requirements for dwellings.

2. MADUs shall meet the requirements as defined in Article X (Definitions).

~~2.~~3. ADUs and JADUs in an historic district shall comply with California Government Codes Section 65852.2 and 65852.22, and Title 20 of the Riverside Municipal Code.

4. MADUs are not permitted in any Historic District, Neighborhood Conservation Area or on a lot with a designated Cultural Resources as defined in Title 20.

[1] ~~Editor's note(s)—Ord. 7520 §1(Exh. A), adopted July 21, 2020, amended the title of Ch. 19.442 to read as set out herein. Formerly, Ch. 19.442 had been titled Accessory Dwelling Units (ADU).~~

~~3.~~5. ADUs, MADUs and JADUs, when rented, must be used for rentals of terms longer than 30 days.

~~4.~~6. No actions to correct zoning nonconformities related to physical improvements are required for ADUs.

~~5.~~7. There shall be no minimum lot size requirement to establish an ADU, MADU or JADU.

~~6.~~8. The floor area of an ADU, MADU or JADU shall not be counted when calculating lot coverage.

~~7.~~9. ADUs may not be sold or otherwise conveyed separate from the primary residence with the exception of a primary dwelling and ADU developed by an IRS recognized 501(c)(3) housing-related nonprofit or a faith-based organization, working with the Housing Authority, whose mission is to provide units to low-income households.

~~8.~~10. For JADUs, a deed restriction shall be recorded, to run with the land, to prohibit the sale of the JADU separate from the sale of the primary dwelling and restrict its size as identified in 19.442.030(F).

~~9. ADUs and JADUs are exempt from all provisions of Chapter 19.219 - Residential Protection Overlay Zone including any application to a primary dwelling, the dwelling area, number of bedrooms or other characteristics.~~

B. *Location.*

1. An ADU, MADU or JADU shall be located on the same lot as the proposed or existing primary dwelling.

2. A MADU shall not be located between the primary dwelling and the street within any front or street side yard .

~~2. An ADU or JADU must have independent exterior access separate from the proposed or existing primary dwelling.~~

3. An ADU may be either attached, located within ~~the living area of~~ the proposed or existing primary dwelling, or detached from the proposed or existing primary dwelling.

4. If attached, an ADU or JADU must have independent exterior access separate from the proposed or existing primary dwelling.

~~4.~~5. A JADU shall be constructed and located within the walls of the proposed or existing primary dwelling~~, not including the garage,~~ and include:

a. Cooking facilities with appliances, a food preparation counter, refrigeration facilities and storage cabinets that are of reasonable size in relation to the size of the JADU.

b. Separate sanitation facilities or shared sanitation facilities with the existing structure.

C. *Setbacks.*

~~1. ADU setbacks shall comply with California Government Code Section 65852.2 as amended from time to time.~~

~~2. For any existing structure, attached or detached, converted to an ADU, no setback requirements shall apply.~~

1. Attached or Detached – Existing Structures.

a. Existing structures converted to an ADU or JADU, if applicable, shall require no additional setback.

b. Second story ADUs on Existing Structures

i. No additional setback is required if the second story exists.

~~i.~~ii. For a new second story ADU being added to an existing structure, the setbacks of the ADU shall comply with the setbacks of the underlying zone applicable to the primary dwelling.

~~3.~~2. Attached or Detached – New Structures.

a. Side and Rear Setbacks

i. A minimum side and rear setback of 4 feet shall be provided for new one-story ADUs and MADUs under 16 feet in height.

ii. For ADUs over 16 feet in height, the side and rear setback shall follow the underlying zone applicable to the primary dwelling.

b. Front and street side setbacks shall be in full compliance with the underlying zone for new ADUs or MADUs.

c. For any ADU located on the second floor of any new structure, the setbacks of the ADU shall comply with the setbacks of the underlying zone applicable to the primary dwelling.

3. The side and rear setbacks for an ADU, MADU or JADU must be sufficient for fire and safety.

D. *Unit Size.*

1. Attached ADUs.

a. The total floor space of an attached ADU, including conversion of existing floor area, shall not exceed 50 percent of the existing primary dwelling living area or 1,200 square feet, whichever is less.

b. The total floor space requirements shall not prevent the establishment of an ADU that is at least:

i. 850 square feet for units with one bedroom or less; or

ii. 1,000 square feet for units with more than one bedroom .

2. The total floor space of any detached ADU shall not exceed 1,200 square feet.

3. The total floor space of any MADUs shall be between 150 square feet and 430 square feet as measured within the exterior faces of the exterior walls.

4. JADUs shall be no more than 500 square feet in size.

~~3.~~5. The size of an ADU or JADU shall not be less than that of an efficiency dwelling unit, as set forth in Section 1207.4 of the California Building Code.

E. *Number of Units.*

1. ~~1.~~ Single-family.

a. The number of dwellings permitted on a ~~single~~ lot ~~in any single-family residential zone~~developed with a single-family residence, or proposed to be developed with a single-family residence, shall be limited to the primary dwelling, one ADU or MADU, and one JADU.

~~a.~~b. The number of dwellings permitted on a lot developed pursuant to California Government Code § 65852.21 and 66411.7, including ADUs, JADUs and MADUs, shall be as set forth in Chapter 19.443 (Two-Unit Developments).

2. Multi-family.

a. Existing Structures

i. At least one ADU, but no more than 25 percent of the existing number of multi-family dwellings, shall be permitted within existing structures on lots with multi-family dwelling structures.

ii. ADUs can include conversion of storage rooms, boiler rooms, passageways, attics, basements or garages provided the ADU complies with building standards for dwellings.

b. New Structures. No more than two new detached ADUs shall be permitted on a lot that has an existing multi-family dwelling.

c. MADUS are not permitted.

F. *Owner Occupancy.*

a. On a single lot with a primary dwelling and ADU/MADU, neither is required to be owner-occupied.

b. On a single lot, one JADU is allowed if the primary dwelling or JADU is owner-occupied which shall be recorded with the deed restriction.

G. *Height.* ~~All ADUs shall comply with the height restrictions of the underlying zone.~~

1. Attached ADUs shall comply with the height restrictions of the underlying zone.

2. Single-story detached ADUs and MADUs shall not exceed 20 feet in height.

3. Two-story detached ADUs and ADUs constructed on the second floor of an existing accessory building, shall not exceed 30 feet in height.

~~1.~~4. In the RC zone, the height of any detached ADU shall not exceed 20 feet and one story in height.

~~G.~~H. *Parking.*

1. No parking shall be required for an ADU, MADU or JADU.

2. No replacement parking shall be required for the primary dwelling if a garage, carport or covered parking is converted to an ADU.

I. MADU Additional Requirements

1. MADUs shall not have separate street addresses from the primary dwelling unit.

2. Screening – Wheels and Undercarriage

a. The undercarriage of any MADU (axles, tongue and hitch) shall be fully screened and hidden from view; and

b. The leveling or support jacks must sit on a paved surface.

3. Mechanical equipment shall be incorporated into the structure and not located on the roof.

4. Materials used on the exterior shall exclude single piece composite, laminates, or interlocked metal sheathing.

5. Windows and Doors

a. Windows shall be at least double pane glass and labelled for building use and shall include exterior trim.

b. All windows and doors shall not have radius corners.

6. Roofs

a. Roofs shall be consistent with the architecture of the primary dwelling in term of pitch and roofing materials.; and

b. Roofs shall not be composed of wooden shingles.

7. All exterior walls and roof of a MADU shall be fixed with no slide-outs, tip-outs, or other forms of mechanically articulating room area extensions.

8. Design Elements - A MADU shall be constructed to include the following design elements:

a. Cladding and Trim: Materials used on the exterior shall not be single piece composite, laminates, or interlocked metal sheathing;

b. Windows and Doors: Windows shall be at least double pane glass, labeled for building use, and include exterior trim. Windows and doors shall not have radius comers;

c. All mechanical equipment, including heating, ventilation, and air conditioning, shall be incorporated into the structure and not located on the roof; and

d. Living Area Extensions: The roof and all exterior walls shall not be fixed with slide-outs, tip-outs, or other forms of mechanically articulating room area extensions

~~H.~~J. *Utilities.*

1. MADUs shall be connected to water, sewer and electric utilities.

~~1.~~2. ADUs shall not be considered a new residential use for the purposes of calculating connection fees or capacity charges for utilities, including water and sewer service unless the ADU is constructed with a new single-family dwelling.

~~2.~~3. A new or separate utility connection, connection fee, or capacity charge shall not be required by the utility provider for an ADU located within the existing primary dwelling unit.

~~3.~~4. A new or separate utility connection, connection fee, or capacity charge shall not be required by the utility provider for an ADU or MADU unless the ADU is constructed concurrently with a new ~~single-family~~primary dwelling.

~~4.~~5. For new ADUs or MADUson a lot with an existing primary dwelling unit, the connection may be subject to a connection fee or capacity charge that shall be proportionate to the burden of the proposed ADU, based upon either its size or the number of its plumbing fixtures, upon the water or sewer system.

~~5.~~6. ADUs served by a private sewage system shall comply with County Health Department requirements, as applicable.

~~I.~~K. *Impact Fees.*

1. For ADUs under 750 square feet, no City impact fees shall apply.
2. For ADUs over 750 square feet, impact fees shall be charged proportionately in relation to the square footage of the primary dwelling unit.

L. Fire sprinklers

1. Fire sprinklers shall not be required within an ADU or JADU, unless fire sprinklers are provided in the primary dwelling.
2. MADUs are not required to have sprinklers but shall meet the ANSI A119.5 or NFPA 1192 standards relating to health, fire and life-safety.

(Ord. 7528 §1(Exh. A), 2020; Ord. 7520 §1(Exh. A), 2020; Ord. 7457 § 1(Exh. A), 2019; Ord. 7408 §1, 2018)

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.* A 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;
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:

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 three total dwelling units, inclusive of 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 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.

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

1. 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.

2. 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 four feet.

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 at least two primary dwelling units 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.

C. 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.

D. 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.

c. Complete landscaping and irrigation plans shall be submitted to the Planning Division prior to the issuance of building permits.

d. 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.

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 adjacent to/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.

19.443.090 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.

19.443.100 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.

Chapter 19.520 RENTAL OF ROOMS

19.520.010 Purpose.

The purpose of regulating the rental of a room or rooms is to ensure compatibility of such uses with surrounding neighborhoods and properties and to avoid any impacts associated with such uses (e.g., parking, open space, etc.).

(Ord. 7331 §83, 2016; Ord. 6966 §1, 2007)

19.520.020 Applicability and permit requirements.

The rental of a room or rooms, as defined in Article X (Definitions), is permitted as set forth in Article V, Base Zones and Related Use and Development Provisions subject to the requirements contained in this chapter.

(Ord. 7331 §83, 2016; Ord. 6966 §1, 2007)

19.520.030 Site location, operation and development standards.

Rented rooms are permitted in any single-family residence/dwelling , including the primary dwelling or dwellings, accessory dwelling unit and/or junior accessory dwelling unit, for the occupancy of not more than two individuals per single-family residence/dwelling.

The standards set forth in Article V, Base Zones and Related Use and Development Provisions, shall apply to rental of rooms, unless otherwise specified here.

Notwithstanding the foregoing, a room rental permit agreement may be issued for occupancy by up to four individual renters if all the following conditions are met.

A. *Site location standards.*

1. The use shall be compatible with neighboring uses.
2. The establishment of the rental of rooms shall not result in harm to the health, safety or general welfare of the surrounding neighborhood or create substantial adverse impacts on adjoining properties or land uses.

B. *Operation and development standards.*

1. Noise levels generated at the premises shall conform to Chapter 19.590 of the Zoning Code and Title 7 (Noise Control) of the Riverside Municipal Code.
2. Tenants shall be required to preserve and maintain neighborhood peace and order.
3. Properties covered by a room rental permit agreement shall be maintained in a manner compatible with the adjacent properties and neighborhood and comply with the property maintenance provisions of "Title 6 (Health and Sanitation) of the Riverside Municipal Code." Property maintenance includes, but is not limited to, landscape maintenance, trash and debris, inoperable vehicles, parking on unimproved surfaces, failure to remove trash containers from the curb on trash collection day and improper outdoor storage.

4. Rental of rooms shall be limited to no more than four individual renters per single-family residential property inclusive of the primary dwelling or dwellings, accessory dwelling unit and junior accessory dwelling unit.~~residence/dwelling~~.

5. This section shall be applicable to any room rental or lease agreement signed after the effective date of this chapter.

(Ord. 7331 §83, 2016; Ord. 7222 §4, 2013; Ord. 6966 §1, 2007)

Chapter 19.580 PARKING AND LOADING

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19.580.050 Basic limitations for off-street parking.

A. Except as otherwise permitted herein, all required off-street parking spaces shall be independently accessible from a street at all times.

B. On-street-parking within public streets shall not be used to satisfy the off-street parking requirements.

C. Parking a vehicle on any portion of a lot, other than areas permitted by Section 19.580.070 (Off Street Parking Location and type Requirements), is prohibited.

D. Parking spaces shall not preclude direct and free access to stairways, walkways, elevators, any pedestrian route or fire safety equipment. Such access shall be a clear minimum width required by State law, no part of which shall be within a parking space.

~~E.~~ E. Except as otherwise permitted herein, parking facilities shall be used for vehicle parking only. No sales, storage, repair work, dismantling, or servicing of any kind shall be permitted without necessary permits for such use.

F. Living or sleeping in any vehicle, trailer, or vessel is prohibited when parked or stored on private property.

G. Any vehicle, trailer, or vessel, including a recreational vehicle, that is inoperable and/or without current registration shall be stored entirely within an enclosed structure and shall not be parked or stored in any yard on residential property, except as may be provided by State law. Boats and other non-motorized vehicles, such as trailers, shall be movable by a towing vehicle customarily used for the type of vehicle being towed.

H. Except as may be otherwise provided by this title, landscape front and street side yard setbacks shall not be used for off-street parking spaces, turning or maneuvering aisles. However, entrance and exit drives to access off-street spaces are permitted.

I. Temporary outdoor flex spaces.

1. The number of required parking spaces for all existing uses on the same parcel shall be reduced by the amount necessary to accommodate an outdoor expansion of a business to mitigate COVID-19 pandemic restrictions on indoor dining.

2. The provisions of this subsection shall only apply to approved and permitted temporary outdoor flex spaces pursuant to the City's Temporary Outdoor Flex-Space Permit Program.

3. This subsection implements California Government Code §65907

4. Unless extended by the State legislature, the provisions of this subsection shall remain in effect until January 1, 2024, after which it shall be considered repealed and parking spaces shall be restored for vehicular access and use.

(Ord. 7573 § 1(Exh. A), 2021; Ord. 7331 §94, 2016; Ord. 6966 §1, 2007)

19.580.060 Parking requirements.

A. *Minimum parking requirements.* The number of off-street parking spaces required by Table 19.580.060 (Required Spaces) shall be considered the minimum necessary for each use, unless off-street parking reductions are permitted pursuant to provisions herein. In conjunction with a conditional use, site plan review or planned residential development permit, the designated approving or appeal authority may increase these parking requirements if it is determined that they are inadequate for a specific project.

B. *Uses not listed.* The number of parking spaces required for uses not specifically listed in Table 19.580.060 (Required Spaces) shall be determined by the Community & Economic Development Director or his/her designee based on common functional, product or compatibility characteristics and activities.

C. *Mixed-use development and parking credits.*

1. In the case of shared parking facilities serving a mixed-use development, the development shall provide the sum of parking spaces required for each separate use.

2. The Community & Economic Development Director or his/her designee may grant a mixed-use parking credit to reduce the total number of required spaces by up to 15 percent, provided the following:

a. The development is located within a Transit Priority Area as defined by Senate Bill 743 (Public Resources Code §21099); or

b. A shared parking analysis specifying the proposed mix of uses and the operating characteristics of each use type, including hours of operation, typical capacity and parking demand generation rates, is provided demonstrating adequate justification for granting the credit.

D. *Incentives for additional measures to reduce Vehicle Miles Traveled (VMT).*

1. Developments that satisfy the project-level VMT assessment requirements established by the Public Works Department are encouraged to implement additional VMT reduction measures including, but not limited to:

a. Permanent on-site private or public shared mobility facilities;

b. Unbundled residential parking (on-site parking spaces are leased or sold separately from dwelling units);

c. Bicycle parking facilities and amenities (lockers, showers, repair facilities or similar) in excess of the minimum requirements of the California Building Standards Code;

d. Off-site pedestrian, bicycle or transit improvements; or

e. Alternative VMT reduction measures, subject to the approval of the Public Works Director or his/her designee.

2. Developments that voluntarily provide one or more of the VMT reduction measures listed above shall be eligible for a reduction in the total number of required on-site parking spaces of up to ten percent.

3. For mixed-use development receiving a mixed-use parking credit pursuant to 19.580.060 C. above, the VMT reduction measure incentive and mixed-use parking credit may be combined for a maximum reduction of required on-site parking spaces not to exceed 20 percent.

E. *Required spaces.* Table 19.580.060 (Required Spaces) below sets forth minimum off-street parking requirements for number of spaces. Except as otherwise specifically stated, the following rules apply to this table.

1. "Square feet" (sq. ft.) means "gross square feet" and refers to total building gross floor area unless otherwise specified, not including areas used for off-street parking or loading spaces.

2. Where parking spaces are required based on a per-employee ratio, this shall mean the total number of employees on the largest working shift.

3. Where the number of seats is listed to determine required parking, seats shall be construed to be fixed seats. Where fixed seats provided are either benches or bleachers, each 24 linear inches of the bench or bleacher shall be considered a seat.

4. When the calculation of the required number of off-street parking spaces results in a fraction of a space, the total number of spaces shall be rounded to the nearest whole number.

5. In addition to the requirements in Table 19.580.060 (Required Spaces), spaces shall be provided for trucks and other vehicles used in the business, of a number and size adequate to accommodate the maximum number of types of trucks and/or vehicles to be parked on the site at any one time.

6. Where maximum distance is specified from the lot, the distance shall be the walking distance measured from the nearest point of the parking facility to the nearest point of the building or area that such facility is required to serve.

7. Unless otherwise stated, the required parking shall be located on the same lot or within the same complex as the use.

8. Unless specifically listed in Table 19.580.060 (Required Spaces) below or required by other provisions of this Title, no additional parking spaces shall be required for a use listed as an incidental type of use in Table 19.150.020 A. (Permitted Uses Table) or in Table 19.150.020 B. (Incidental Uses Table).

F. *Cultural resources parking exemption.* Any new uses within the confines of an existing structure in a nonresidential zone, designated as a historic resource or a contributor to a historic district, as defined in Title 20 of the Riverside Municipal Code, are exempt from providing any additional parking. If an existing structure is expanded, additional parking will be required to accommodate the expansion, as set forth in Table 19.580.060.

Table 19.580.060
Required Spaces

Use	Number of Spaces Required
A	
Adult-Oriented Businesses	(5)
Agriculture, Horticulture and Growing of Nursery Plants	1 space/two employees
Aircraft Charter Services	See "Offices – Business & Professional"
Aircraft Parts, Supplies, Merchandise and Equipment Shops	See "Vehicle Sales, Rental & Leasing"
Aircraft Sales, Rental, Service, Repair and Storage	See "Vehicle Sales, Rental & Leasing"
Airports (Public or Private)	(5)
Ambulance ~~Service~~Company	1 space/ambulance plus 1 space/250 square feet of office area

Animal Keeping: a. Kennel (Dogs and Cats) b. Horse Stable - Commercial	 a. 1 space/250 square feet of floor area b. 1 space/employee plus 1 space/5 stalls
~~***Appliance sales or repair (household)***~~***Arcades and Internet Cyber Cafes***	1 space/~~500~~250 square feet of floor area [13]
Artist Studio	See "Offices – Business & Professional"
Assemblies of People - Entertainment and Non-Entertainment [15] (Includes places of worship, fraternal service organizations, indoor theater, stadiums, auditoriums, auction houses, community centers, clubs or meeting halls)	1 space/4 fixed seats or 1 space/30 square feet of floor area in the main assembly area for non-fixed seats~~.~~. [13] Additional requirements applicable to incidental Dwelling Unit(s)[17]
~~***Arcades and Internet Cyber Cafes***~~	~~1 space/250 square feet of floor area[13]~~
Assisted Living ***(Residential Care Facilities)***	0.5 spaces/bed
Astrology and Fortune-telling (Occultist)	See "Offices – Business & Professional"
Auction House (Indoor)	See "Assemblies of People"
B	
Bail Bonds Office	See "Offices – Business & Professional"
Bakery - Retail	See "Retail Sales"
~~***Bakery - Wholesale***~~	~~See "Manufacturing"~~
Banks ~~***and***~~***&*** ***Financial*** ~~***Service***~~***Institutions/Services, including Brokerages*** a. Automated teller situated as part of a bank or financial institution, located indoor or outdoor b. Automated teller separate from a bank or financial institution, located outdoor c. Drive through automated teller or indoor automated teller associated with a retail use.	1 space/180 square feet [13] a. No spaces required. b. 2 spaces for the first teller station and 1 space per each additional teller station, all located on the same lot or within 100 feet of the teller station~~.~~. [11] c. No spaces required.
Bars, Saloons, Cocktail, Lounges and Taverns	1 space/100 square feet of floor area [12]
Bed and Breakfast Inn	1 space/guest room [16]
Boardinghouse	1 space/guest room [12]
Boarding of Cats and Dogs/Kennels	See "Animal Keeping"
Brewery/Winery/Distillery a. Manufacturing/Wholesale only b. Off-sale Retail & On-Site Tasting c. Brewpub	 a. See "Manufacturing" b. See "Retail Sales" c. See "Restaurant"
Building Materials Supply - Wholesale	See "Warehousing & Wholesale"
Bus Terminal	[5]
Business Support Services (Including graphic reproduction, computer services, etc.)	1 space/250 square feet of floor area [13]
C	

Caretaker Living Quarters	1 space/dwelling unit
Catering Establishment	1 space/employee plus 1 space/500 square feet of floor area (13)
Cemeteries, Mortuaries, Funeral Chapels and ancillary uses a. With indoor facilities b. Outdoor only	 a. See "Assemblies of People" ~~for parking requirements~~ b. (5)
~~***Commercial Storage*** (mini-warehouse, self-storage facilities)~~ ***Check Cashing***	~~1 space/250 square feet of office area plus 1 space for a resident manager or caretaker (10)~~ See "Banks & Financial Institutions/Services"
Commercial Kitchen (no on-site dining)	See "Manufacturing"
~~***Cultural Resources***~~***Commercial Storage Facilities*** (mini-warehouse, self-storage facilities)	~~18~~ 1 space/250 square feet of office area plus 1 space for a resident manager or caretaker (10)
D	
Day Care ~~***Facilities***~~***Centers*** ~~(more than six people)~~ not including family day care homes~~:~~ ~~a. Children (day care centers, preschools, infant centers)~~ ~~b. Adult (not in a group home)~~	 1 space/employee plus 1 space/facility vehicle plus 1 space/10 persons at facility capacity~~.~~ ~~f~~. (10)
Drug Store/Pharmacy	1 space/250 square feet of floor area (13)
Dwelling: a. Single-family dwelling b. Multiple-family dwelling c. Live/Work, Studio Unit/Tiny Home (Foundation) d. Accessory Dwelling Unit and Junior Accessory Dwelling Unit	 a. 2 spaces within a private garage/dwelling unit b. 1.5 spaces/dwelling unit with 1 bedroom plus 2 spaces/dwelling unit with 2 or more bedrooms (1) c. 1 space/dwelling unit d. No replacement parking is required when a garage, carport or covered parking is demolished. No parking is required for the ADU or JADU.
E	
Equipment Sales ~~***/Construction***~~ ***and Rental:*** a. Small ~~–~~ Sales, Rental and Repair b. Large ~~–~~ Sales, Rental and Repair	 a. 1 space/500 square feet of office or retail area b. 1 space/500 square feet of office area and 2 spaces/repair bay, in addition to the service bays
F	
Farmers Market - Certified	(5)
~~***Food and Beverage Sales***~~***Florist Shops***	See "Retail Sales" ~~for parking requirements~~
Flying Schools	See "Schools – Vocational & Technical"
Furniture ~~***Stores***~~***Upholstery***	1 space/500 square feet of floor area (13)
G	
Group Housing: a. 6 or fewer residents b. more than 6 residents	 a. ~~1 enclosed space/dwelling unit~~See "Dwelling" b. (5)
H	

Hangars	1 space/1,000 square feet of floor area
Heliport or Helistop	(5)
Home Improvement Sales and Service a. With outdoor storage/display area b. ~~Boutique/Showroom >~~Under 20,000 square feet c. Over 20,000 square feet	~~1 space/250 square feet~~ a. 1 space/1000 square feet storage/outdoor display area b. 1 space/500 square feet of floor area~~1 space/500 square feet of floor area~~ c. 1 space/500 square feet of floor area
Hotel or Motel	1 space/guest room (10)
L	
~~***Home Improvement Boutique/Showroom and Related Installation Facilities***~~***Laboratories – Research***	1 space/~~500~~250 square feet of floor area
~~***Hotel***~~	~~1 space/guest room~~(10)
~~**L**~~	
Laundry, Commercial	1 space/350 square feet of floor area
Live/Work Unit	See "Dwelling"
Low Barrier Navigation Center	See "Shelter, Emergency"
Lumber Yard and Building Materials ***(Wholesale)*** - With or Without Outdoor Storage	1 space/350 square feet of office area plus 1 space/1000 square feet storage/outdoor display area
M	
Manufactured Dwellings a. Single-family dwelling b. Sales	 a. See "Dwelling" b. See "Vehicle Sales, Rental & Leasing"
Manufacturing ~~(industrial zones)~~(4)~~)~~ (3)	1 space/~~350~~ 500 square feet of floor area (13)
Medical Services: a. Hospital b. Medical/Dental Office c. Laboratory, Research/Development d. Emergency Medical Service - urgent care e. Optometrist office	 a. 1 space/bed (12) b. 1 space/180 square feet of floor area (13) c. 1 space/250 square feet of floor area d. 1 space/180 square feet of floor area e. 1 space/250 sq. ft. of floor area (minimum of 5 spaces~~)~~(4)~~)~~ (13)
Mobile Home Park	1 space/mobile home site plus 1 off-street guest space/5 mobile home sites
Model Homes	2 spaces/model home
~~***Motel***~~***Multiple-family Dwelling***	~~1 space/sleeping or living unit~~(10) See "Dwelling"
O	
Offices - Business and Professional	1 space/250 square feet of gross floor area (13)
~~***Offices*** - Public or Private Utility Office with Payment Center~~	~~1 space/180 square feet of gross floor area~~(13)
Outdoor sales, display or storage	5 spaces plus 1 space/250 square feet of office area
Outdoor Storage Yard	The greater of: 1 space/4,000 square feet net lot area or

	1 space/250 square feet of office space or 1 space/500 square feet of enclosed storage
P	
~~***Plant Nursery***~~[6] ***Parking Lot or Parking Structure***	~~5 spaces plus~~ 1 space/~~250 square feet of building area~~ employee if manned ingress/egress
Parolee/Probationer Home: a. 6 or fewer residents b. more than 6 residents	~~Based upon demonstrated need, provided that the standards do not require more parking than that for other residential uses within same zone.~~ a. See "Dwelling" b. [5]
Pawn Shop/Gold Buying	See "Retail Sales"
Personal Service [7]	1 space/250 square feet of floor area [13]
~~***Public Uses*** (Public utility and services facilities)~~ ***Planned Residential Development***	[5]
Plant Nurseries [6]	5 spaces plus 1 space/250 square feet of building area
Publishing & Printing	See "Manufacturing"
R	
Rail Transit Station	[5]
Recreational Facilities - Commercial: a. Billiard Parlor and Pool Halls b. Bowling Alleys c. Skate Facility (indoor/outdoor) d. Amusement Parks e. Golf Courses and Driving Ranges f. Health/Fitness Club [15] g. Swimming Pool h. Specialty Non-Degree (Dance, Music, Martial Arts or similar) i. Other indoor and outdoor facilities	 a. 1 space/250 square feet b. 5 spaces/bowling lane [12] c. 1 space/100 square feet of floor area d. [5] e. 5 spaces/hole, 1.5 spaces/tee on the driving range plus additional spaces required for ancillary uses per the provisions of the Zoning Code. f. 1 space/150 square feet of floor area g. [5] h. 1 space/250 square feet, or [5] i. [5]
Recycling Centers: a. Paper, glass plastic, aluminum and nonferrous metals b. Solid Waste Transfer Stations and Material Recovery Facilities	 a. 1 space/employee plus 1 space/1,000 square feet of floor area b. 1 space/employee
Recycling Facilities: a. Indoor Collection Center b. Reverse Vending Machine c. Bulk Reverse Vending Machine ~~– Bulk Type d.~~ d. Mobile Recycling Unit	 a. ~~(5)~~5 spaces, plus 1 space per employee b. No additional parking is required c. [5] d. 1 space/attendant (if applicable)
Repair Shop – Small Items	See "Retail Sales"
Restaurant (sit-down, drive-through, fast food, take-out, café, cafeteria, excluding any outdoor dining area)	1 space/100 square feet of floor area [12]

Retail Sales (uses not located in a regional shopping center - i.e., In the CRC Zone~~)~~ [(8)]	1 space/250 square feet of floor area [(13)]
S	
Schools: a. College, Community College, University, and Professional b. Elementary or Secondary (Junior High) c. High School d. Vocational and Technical	 a. [(5)] b. 2 space/classroom plus 2 bus loading spaces c. 7 spaces/classroom plus 3 bus loading spaces d. 0.75 spaces/employee plus 0.75 spaces/student at maximum enrollment [(9)] [(13)]
Senior Housing	1 space/unit [(2)]
Shelters, Emergency	Sufficient parking to accommodate all staff working in the emergency shelter, provided that the standards do not require more parking than that for other residential or commercial uses within same zone.
Shopping Center - Regional (i.e., in the CRC Zone)	1 space/200 square feet of gross leasable floor area
Showroom	1 space/500 square feet of floor area
Single-family Dwelling	See "Dwelling"
Single Room ~~Occupancies~~Occupancy (SRO)	1 space/dwelling unit
Smog Shop	See "Vehicle Repair Facilities"
Sober Living Homes	~~Based upon demonstrated need, provided that the standards do not require more parking than that for other residential uses within same zone.~~See "Dwelling"
Student Housing (including dormitories, fraternities, sororities, etc.)	1.1 spaces/bed [(10)]
Supportive Housing	~~Based upon demonstrated need, provided that the standards do not require more parking than that for other residential uses within same zone.~~ See "Dwelling"
T	
Tattoo & Body Piercing Parlors	~~1 space/250 sq. ft. of floor area (minimum of 5 spaces)~~See "Personal Service"
Taxi Company with Vehicle Storage	1 space/taxi plus 1 space/250 square feet of office area
Tiny Home Community ***a.*** Foundation ***b.*** Chassis	 a. See "Dwelling" b. See "Mobile Home Park"
Transitional Housing	~~Based upon demonstrated need, provided that the standards do not require more parking than that for other residential uses within same zone.~~ See "Dwelling"
~~***Truck Terminal***~~	~~(5)~~
Tutoring Center	1 space per each faculty/staff; 1 space/2 students, for students 16 years old or older;

	and, 1 space/10 students, for students under 16 years old
V	
Vehicle Fuel Station: a. With Accessory Retail/Convenience Market b. With Vehicle Maintenance/Repair c. With Indoor Storage Area d. With Restaurants (including all cooking, serving and seating areas) e. With Car Wash	 a. 1 space/250 square feet of retail area including cooler areas (14) b. 2 spaces/service bay (14) c. 1 space/1,000 square feet of storage area (14) d. 1 space/100 square feet of floor area (14) e. 1 space/washing bay, not including vacuum stalls (14)
Vehicle Impound & Tow	(5)
Vehicle Parts and Accessories a. Sales Only b. Sales and Installation (Indoor Only)	 a. See "Retail Sales" b. See "Vehicle Repair Facilities" ~~for parking requirements~~
Vehicle Repair Facilities - Major or Minor	6 spaces on same lot plus 2 additional spaces/service bay, in addition to the service bays (11)
Vehicle Sales, Rental, Leasing - New or Used a. Without Outdoor Display b. With Outdoor Display	 a. See "Retail Sales" ~~for parking requirements~~ b. 5 spaces plus 1 space/250 square feet of office area
Vehicle Wash Facilities: a. Full Service and Express b. Self Service - (No separate office or retail use)	 a. 1 space/2 employees of largest shift, not including vacuum stalls (~~Adequate~~ adequate stacking and drying areas as determined by Conditional Use Permit) b. 1 space/2 washing bays or stalls in addition to the bays, not including vacuum stalls
Vehicle Wholesale Business a. Indoor (less than 5,000 sq. ft.) b. Outdoor & Indoor (over 5,000 sq. ft.)	 a. See "Offices" ~~(5)~~ b. (5)
Veterinary Services (clinic and hospital, may include accessory grooming and boarding)	1 space/180 square feet of floor area
W	
Warehousing and ~~Wholesale Distribution Centers~~Distribution Facilities a. 10,000 sq. ft. or less b. Greater than 10,000 sq. ft. and less than 100,000 sq. ft. c. 100,000 sq. ft. or more	 1 space/1,000 square feet of floor area plus 1 space/250 square feet of office area (13)
Wireless Telecommunication Facilities	(5)

Table 19.580.060
Notes:
1. See Section 19.580.070 B (Multiple Family Dwellings) for additional requirements. For the purpose of calculating parking requirements for multiple family dwellings, dens, studies, or other similar rooms that may be used as bedrooms shall be considered bedrooms.
2. For senior housing projects, 50 percent of the required spaces shall be covered either in a garage or carport.
3. For the purposes of parking requirements, this category includes corporation yards, machine shops, tin shops, welding shops, manufacturing, processing, packaging, treatment, fabrication, woodworking shops, cabinet shops, and carpenter shops and uses with similar circulation and parking characteristics.
4. Required parking spaces may be in tandem, and the driveway may be used for the required drop-off and pick-up space.
5. Parking ratio to be determined by the designated Approving or Appeal Authority in conjunction with required land use or development permits, based on the impacts of the particular proposal and similar uses in this table.
6. Excluding lath and green houses.
7. Includes barber shops, beauty salons/spas, massage, tanning, tailors, dry cleaning, self-service laundry, travel agencies, electrolysis, acupuncture/acupressure, and tattoo parlors.
8. For the purposes of parking requirements, this category includes antique shops, gun shops, pawn shops, pet stores, and second-hand stores.
9. Additional parking for assembly rooms or stadiums is not required.
10. Parking may be provided on the same or adjoining lot.
11. Parking may be provided on the same lot or within 100 feet of the subject site.
12. Parking may be provided on the same lot or within 150 feet of the subject site.
13. Parking may be provided on the same lot or within 300 feet of the subject site.
14. The pump islands are not counted as parking stalls.
15. A reduction in the number of required parking spaces may be permitted subject to a parking study and a shared parking arrangement.
16. Where strict adherence to any parking standards would significantly compromise the historic integrity of a property, the Community & Economic Development Director, or his/her designee, may consider variances that would help mitigate such negative impacts, including consideration of tandem parking, allowances for on-street parking, alternatives to planter curbing, wheel stops, painted striping, and asphalt or concrete surfacing materials.
17. Parking shall be provided in accordance with Chapter 19.545.060 (Parking Standards Incentive). A parking analysis may be provided to justify modifications from those standards. The parking analysis shall identify the parking needs to address the operating hours and characteristics of the operations to provide for adequate parking at all times.
18. Refer to Section 19.580.060 E for new uses within a designated cultural resource as defined in Chapter 20 of the Riverside Municipal Code.

(Ord. 7573 § 1(Exh. A), 2021; Ord. 7528 §1(Exh. A), 2020; Ord. 7520 §1(Exh. A), 2020; Ord. 7519 §§ 1, 2(Exh. A), 2020; Ord. 7505 § 1(Exh. A), 2020; Ord. 7487 § 15(Exh. E), 11-5-2019; Ord. 7457 § 1(Exh. A), 2019; Ord. 7408 §1, 2018; Ord. 7331 §94, 2016; Ord. 7235 §11, 2013; Ord. 7109 §11, 2010; Ord. 6966 §1, 2007)

19.580.070 Off-street parking location and type requirements.

A. Single family dwellings.

1. *Required number and type of spaces.* See Table 19.580.060 (Required Spaces) Dwelling-Single Family.

2. *Parking location in the front and side yard areas.*

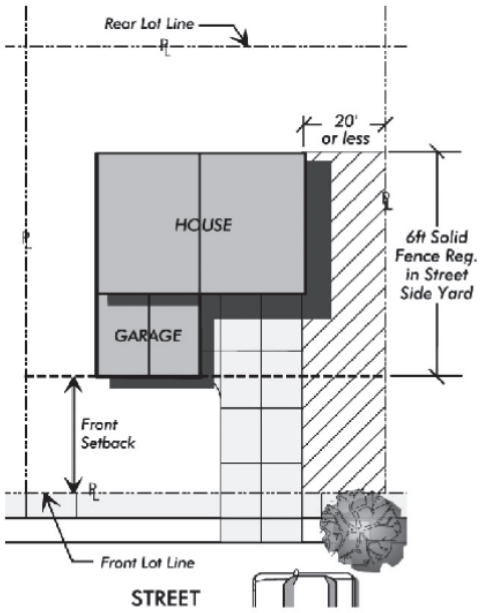
a. Parking and maneuvering in front yard areas of single-family residential zones for all vehicles, except recreational vehicles~~, that are regulated by Section 19.580.070 A.4 (Recreational Vehicle Parking in Residential Zones)~~ exceeding 10,000 pounds gross vehicular weight, shall be limited to the space within a carport or garage plus a paved driveway between such garage or carport and the street from which it is served, not exceeding the width of the garage.

b. In addition, ~~the following~~ front and side yard areas may also be paved for the parking and maneuvering of vehicles~~, subject to the development standards contained~~ as set forth in Section 19.580.070~~.~~A.3 below.

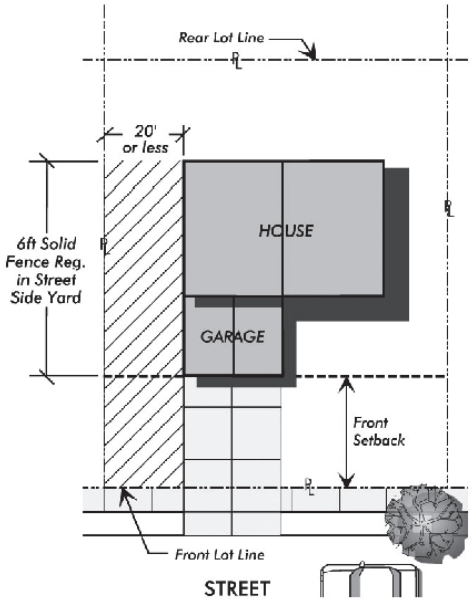
3. *Permitted driveway locations.*

   a. House with attached or detached garage: The space between the driveway serving the garage and the nearest side property line, with such paving permitted to extend as far as the rear of the residential structure, such space not to exceed 20 feet in width beyond the driveway serving the garage. (See Figure 19.580.070 A.3.a - House with Attached Garage)

19.580.070 A.3.a.
House with Attached Garage

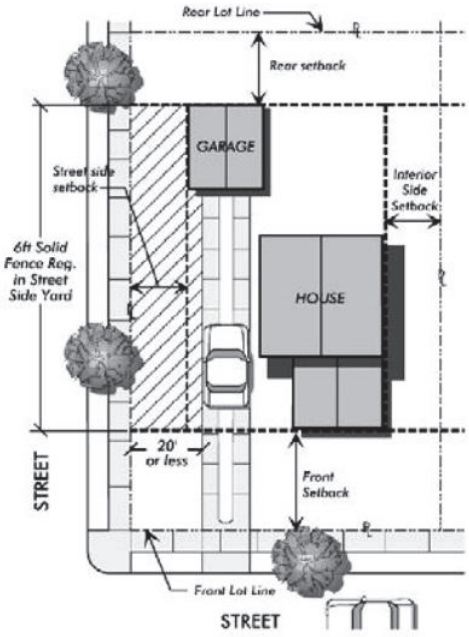


19.580.070 A.3.a.
House with Attached Garage



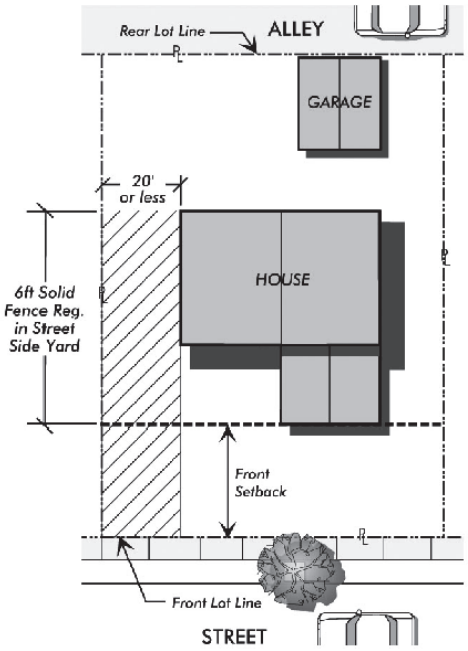
b. House with detached garage, served by adjacent street: The space between the driveway and the nearest side property line, extending as far as the rear of the garage, such space not to exceed 20 feet in width beyond the driveway serving the garage. (See Figure 19.580.070 A.3.b - House with Detached Garage)

19.580.070 A.3.b.
House with Detached Garage



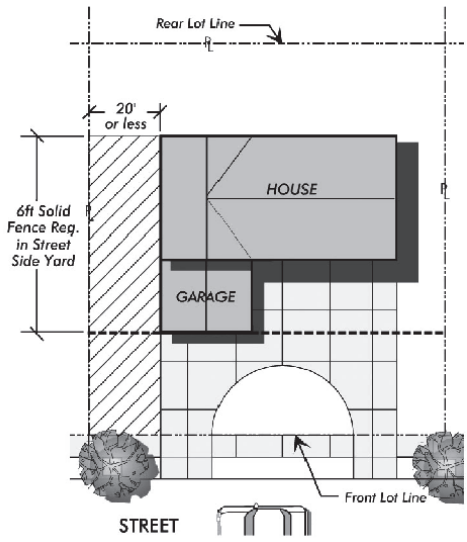
c. House with detached garage served from an alley: A space, not exceeding 20 feet in width, adjacent to a side property line. Such paved space may extend no further than the space between the street and the rear of the house. Installation of such a driveway is subject to approval of a driveway curb cut by the Public Works Department. (See Figure 19.580.070 A.3.c - House with Detached Garage Served by Alley)

19.580.070 A.3.c.
House with Detached Garage Served by Alley



d. Circular drives: A house with one street frontage and at least 80 feet of width, or any house with two street frontages may be served by a circular drive. In addition, the space between the circular drive and the nearest interior side property line may be paved, provided this additional paving does not exceed 20 feet in width beyond the point from the nearest point of the circular driveway and the interior side property line, nor extend further than the distance between the street and the rear of the residence. No circular drive will be approved without the approval of the Public Works Director for two driveway openings. (See Figure 19.580.070 A.3.d - House with Circular Drive)

19.580.070 A.3.d.
House with Circular Drive



e. Special requirements for driveway extensions in street side yard areas: Where the area proposed for driveway expansion is a street side yard, the portion of the driveway behind the front setback must be screened from the adjoining street by a six-foot-high solid fence or wall.

f. Arterial streets: No residential drives shall be permitted on arterial streets as shown on the General Plan Circulation and Transportation Element except where no other access to the property exists.

g. Second driveways:

(1) Are allowed in the RA-5 and RC Zones.

(2) In other Single-Family Residential Zones, ~~A~~a second driveway may be added if the property has 80 feet or more of street frontage or has frontage on two streets, subject to approval by the Planning Division and Public Works Department.

(3) A circular driveway is not considered a second driveway.

4. *Recreational vehicle parking in residential zones.*

a. ~~*Permitted locations of parking and maneuvering areas.* Parking and maneuvering areas in front yard areas of single-family residential zones for all recreational vehicles, with a gross vehicle weight rating of 10,000 pounds or less~~*Recreational vehicles 10,000 pounds gross vehicular weight or less.*~~,~~ ~~shall be limited to the space within a carport or garage plus a paved driveway between such garage or carport and the street from which it is served, not exceeding the width of the garage. In addition, the following front and side yard areas may also be paved for the parking and maneuvering of vehicles~~Permitted parking and maneuvering areas shall be the same as those specified in 19.580.070.A.3.

~~(1) House with attached garage: The space between the driveway serving the garage and the nearest side property line, with such paving permitted to extend as far as the rear of the residential structure, such space not to exceed 20 feet in width beyond the driveway serving the garage. (See Figure 19.580.070 A.3.a - House with Attached Garage)~~

~~(2) House with detached garage, served by adjacent street: The space between the driveway and the nearest side property line, extending as far as the rear of the garage, such space not to exceed 20 feet in width beyond the driveway serving the garage. (See Figure 19.580.070 A.3.b - House with Detached Garage)~~

~~(3) House with detached garage served from an alley: A space, not exceeding 20 feet in width, adjacent to a side property line. Such paved space may extend no further than the space between the street and the rear of the house. Installation of such a driveway is subject to approval of a driveway curb cut by the Public Works Department. (See Figure 19.580.070 A.3.c - House with Detached Garage Served by Alley)~~

~~(4) Circular drives: A house with one street frontage and at least 100 feet of width, or any house with two street frontages may be served by a circular drive. In addition, the space between the circular drive and the nearest interior side property line may be paved, provided this additional paving does not exceed 20 feet in width beyond the point from the nearest point of the circular driveway and the interior side property line, nor extend further than the distance between the street and the rear of the residence. No circular drive will be approved without the approval of the Public Works Director for two driveway openings. (See Figure 19.580.070 A.3.d - House with Circular Drive)~~

~~(5) Special requirements for driveway extensions in street side yard areas: Where the area proposed for driveway expansion is a street side yard, the portion of the driveway behind the front setback must be screened from the adjoining street by a six-foot-high solid fence or wall.~~

~~b. *Nonconforming rights.* A non-paved driveway legally established prior to the adoption of this Code section, including any expansion of the driveway to provide additional off-street parking subsequent to the adoption of this Code section, is not subject to the paving requirements of this section unless the use and maintenance of such driveway and parking area lapses for a period of one year or more or unless the use served by the driveway is expanded. However, both the existing driveway and the additional parking area shall be surfaced with a weed- and dust-resistant material to the specifications of the Fire and Planning and Building Departments.~~

~~c. *Registration and vehicle condition.* All recreational vehicles parked outside of a completely enclosed garage shall be currently and legally registered except as provided for by State law and shall be in an operable and movable condition within one hour. Motorized recreational vehicles, shall be movable under their own power. Boats and other nonmotorized vehicles, such as trailers, shall be movable by a towing vehicle customarily used for the type of vehicle being towed.~~

~~d~~b. ~~*Parking for r*~~*Recreational vehicles* ~~*with a gross vehicle weight rating of 10,000 pounds or more*~~*over 10,000 pounds gross vehicular weight*.

(1) ~~In residential zones, t~~The parking of recreational vehicles with a gross vehicle weight rating of 10,000 pounds or more shall only be allowed in the RR-Rural Residential, RE-Residential Estate, and RA-5 Residential Agricultural zones. Parking and maneuvering areas for such vehicles shall be limited to:

(a) A garage or carport.

(b) A paved surface in the rear yard, outside of required setbacks, or an interior side yard area adjacent to the property's existing garage or carport, provided that:

i. A side yard area adjacent to a street shall not be used for recreational vehicle parking.

ii. There shall be a minimum of 15 feet between the side property line and the nearest eave overhang.

iii. The side yard area shall be accessible from the property's existing driveway. Only one driveway opening is permitted, except in the case of an existing circular driveway. However, a second driveway may be added if the property has 100 feet or more of street frontage or has frontage on two streets, subject to approval by the Planning and Public Works Departments.

iv. A recreational vehicle parked in a side yard shall not extend forward of the front wall of the residence.

(c) A recreational vehicle may not have any utility hookups or be used as living quarters except as permitted by 19.465 (Caretaker Living Quarters - Temporary).

(d) The property may be fenced subject to current Zoning Code standards.

~~B.~~ c. *Registration and vehicle condition.* All recreational vehicles parked outside of a completely enclosed garage shall be currently and legally registered except as provided for by State law and shall be in an operable and movable condition within one hour. Motorized recreational vehicles, shall be movable under their own power. Boats and other nonmotorized vehicles, such as trailers, shall be movable by a towing vehicle customarily used for the type of vehicle being towed.

5. *Nonconforming rights.* A non-paved driveway legally established prior to the adoption of this Code section, including any expansion of the driveway to provide additional off-street parking subsequent to the adoption of this Code section, is not subject to the paving requirements of this section unless the use and maintenance of such driveway and parking area lapses for a period of one year or more or unless the use served by the driveway is expanded. However, both the existing driveway and the additional parking area shall be surfaced with a weed- and dust-resistant material to the specifications of the Fire and Planning and Building Departments.

B. *Multiple family dwellings.*

1. Required number and type of spaces.

a. Number of spaces: See Table 19.580.060 (Required Spaces) - Dwelling-Multiple Family.

b. Covered parking required: At least 75 percent of the total required spaces shall be in a carport or fully enclosed.

c. Distribution of covered parking: Garages and carports shall be distributed evenly throughout the project. Landscaped planters shall be required between garage structures as determined by the Development Review Committee. Required covered parking (garages and/or carports) shall not be used for household storage.

d. Tandem parking: May be provided to satisfy the minimum parking requirement, when assigned to residential dwelling units with two or more bedrooms.

C. *Nonresidential uses.*

1. Except as provided in this section, landscaped front and street side yard setbacks shall not be used for the off-street parking of vehicles or for off-street parking spaces, turning or maneuvering aisles. However, entrance and exit drives, as a means of ingress and egress to off-street parking spaces, shall be permitted to cross landscaped front and street side yard setbacks.

(Ord. 7573 § 1(Exh. A), 2021; Ord. 7408 §1, 2018; Ord. 7331 §94, 2016; Ord. 7109 §§ 12, 13, 2010; Ord. 6966 §1, 2007)

19.580.080 Design standards.

A. *Parking space dimensions.*

1. Table 19.580.080 A. (Off Street Vehicle Parking Space Dimensions) sets forth minimum size requirements for individual parking spaces. Design standards for handicapped parking stalls shall be provided in compliance with current requirements of the Uniform Building Code.
2. Up to 15 percent of the required onsite parking spaces may have compact dimensions as set forth in Table 19.580.080 A. Calculations that result in fraction of a space shall be rounded to the nearest whole number.
3. Parking spaces that are parallel and adjacent to a building, fence/wall, or other door swing or pedestrian access obstruction shall be nine and one-half feet wide.
4. All off-street parking spaces shall be indicted by white or yellow painted stripes not less than four inches wide or by other means acceptable to the Planning Division. Handicapped accessible spaces shall be indicated by blue painted stripes, signs and markings, in accordance with State of California requirements.
5. Except in the case of individual tree well planters, the minimum paved depth of a parking space shall not be reduced by an overhang into a planter.
6. Tandem parking shall not be permitted to satisfy the minimum parking requirement, except as provided in Section 19.580.070 B.1.e –(Multiple Family Dwellings).
7. Angled Parking Spaces. -Any parking layout incorporating angled parking spaces shall illustrate that minimum space dimensions are met by overlaying a rectangle (having the minimum required dimensions - Standard or Compact) onto each angled space so that no overhang occurs on the adjoining spaces, planters or drive aisles.

Table 19.580.080 A. Off-Street Vehicle Parking Space Dimensions		
Type of Parking Space	Size of Parking Space (minimum)	
	Width	**Length**
Standard	9 ft.	18 ft.
Compact (where permitted)	8 ft.	16 ft.

B. Drive aisle and driveway width dimensions.

1. Each parking space shall have adequate drives, aisles and turning and maneuvering areas for access in accordance with Table 19.580.080 B. (Overall Parking Aisle Width).

Table 19.580.080 B. Overall Parking Aisle Width				
	Parking Angle in Degrees			
	45	**60**	**75**	**90**
Aisle Width				
a. One-Way Traffic	12 ft.	16 ft.	18 ft.	24 ft.
b. Two-Way Traffic				24 ft.

2. The minimum driveway widths for different use categories are established in Table 19.580.080 C (Minimum Driveway Widths). On-drive parking is prohibited at the minimum widths, except for single-family residential uses.

Table 19.580.080 C. Minimum Driveway Widths		
Use	**Driveway minimum width**	**Notes, Exceptions and Special Provisions**
Single-Family Residential	10 ft.	
Multi-Family Residential (one-way)	12 ft.	Driveways shall be 150 ft. or less in length with no on-drive parking and located adjacent to one- or two-story buildings
Multi-Family Residential (two-way)	20 ft.	The portion of the driveway used as maneuvering area for adjacent parking bays shall be a minimum of 24 ft.
Nonresidential (one-way)	12 ft.	A driveway providing access to ten or fewer parking spaces may be reduced to ten ft. The total length of the ten-foot-wide driveway shall not exceed 75 feet.
Nonresidential (two-way)	20 ft.	The portion of the driveway used as maneuvering area for adjacent parking bays shall be 24 ft.

C. *Vehicular access and circulation.*

1. Accessibility and usability: Driveways shall not be used for any purpose that would prevent vehicle access to parking spaces, or inhibit circulation or emergency service response.

2. Access to adjacent roadways: Parking spaces within a designated parking lot shall be designed to provide the minimum required turning and maneuvering areas, so vehicles can enter an abutting street in a forward direction (alleys may be used for maneuvering space).

3. Circulation: Within a parking lot, circulation shall be such that a vehicle entering the parking lot need not enter the street to reach another aisle and that a vehicle shall not enter a public street backwards. Internal circulation, including safe entrances and exits shall be provided meeting the established standards and specifications of the Planning Division and Public Works Department.

4. Visibility at driveways: Driveways shall be designed and located in such a manner so as to ensure proper visibility to on-street traffic. Driveway design shall take into consideration slopes, curvature, speed, and conflicting turning movements in the area. Clear visibility shall be maintained from the driveway by keeping the designated clear vision triangle free of obstacles such as signs, landscaping, and structures. See Article X (Definitions) for a description of the clear vision triangle.

D. *Parking structures.*

1. Parking spaces located within a parking structure shall be provided with safe entrances and exits, turning and maneuvering areas and driveways meeting the established standards and specifications of the Planning Division and Public Works Department.

2. Driveways and turning and maneuvering areas in parking structure shall be paved with not less than two and one-half inches of asphaltic concrete or an equivalent surfacing meeting the specifications of the Public Works Department and shall be maintained in good repair.

3. Parking structures shall have a minimum landscaped setback of 15 feet along all street frontages, except in the area bounded by First Street, Fourteenth Street, State Route 91, and Locust Street, where a ten-foot landscaped setback shall be provided along all street frontages. When a greater setback is required by the zone in which the parking structure is located, such greater setback shall prevail.

4. Parking structures shall have, along all street frontages, a three-foot high buffer to such parking structure consisting of a decorative masonry wall, solid hedge or landscaped mound or any combination thereof. Masonry walls and hedges shall be situated at the rear of the landscaped setback required by subsection 3 of this section.

5. Piers and pillars shall not encroach into parking stalls.

E. *Garage/carport-architectural design.* Garages and carports required for residential development shall be consistent with the architectural design of the primary buildings by using similar materials and roof pitches.

F. *Paving.*

1. Required parking, loading areas and circulation areas shall be paved with not less than three inches of asphalt concrete or an equivalent impervious surface meeting the established standards and specifications of the Public Works Department. They shall be graded and drained so as to dispose of all surface water, and shall be maintained in good repair; provided that those portions of single-family residential driveways extending beyond a point 100 feet back from the street property line in the RE, RA and R-1 Zones may be surfaced with an alternate material as determined by the Public Works Department; and further provided that in the RE Zone, the driveways within the bridle paths of equestrian trails shall not be paved.

2. A non-paved driveway legally established prior to the adoption of this Code Section, including any expansion of the driveway to provide additional off-street parking subsequent to the adoption of this Code Section, is not subject to the paving requirements of this section unless the use and maintenance of such driveway and parking area lapses for a period of one year or more or unless the use served by the driveway is expanded. However, both the existing driveway and the additional parking area shall be surfaced with a weed- and dust-resistant material to the specifications of the Fire and Planning Division.

3. The Community & Economic Development Director or his/her designee shall have the authority to administratively grant exceptions to the paving material and location restrictions, consistent with the purposes of this section, where special circumstances relating to property context, configuration, terrain, landscaping or structure locations make adherence to the paving location restrictions of this section impractical. Any such decision by the Community & Economic Development Director or his/her designee may be appealed to the City Council.

G. *Pedestrian access and circulation.* All multi-family and nonresidential developments shall be designed with a minimum of one designated pedestrian path from each abutting street to the primary entrance(s) to such use. Access shall be distinct from the vehicle access, visibly delineated, and designed to be safe and convenient. Specifically, internal pedestrian walkways shall be distinguished from driving surfaces through the use of raised sidewalks, special pavers, bricks, or scored/stamped concrete.

H. *Drainage.* Drainage facilities shall be provided in all public parking areas capable of handling and maintaining the drainage requirements of the subject property and surrounding properties. Drainage facilities shall be designed to dispose of all surface water consistent with Regional Water Quality Control Board standards, and to alleviate the creation of flooding and drainage problems.

I. *Curbing and bumper or wheel stops.* Bumper stops not less than two feet in height or wheel stops not less than six inches in height shall be erected adjacent to any building or structure, wall, fence, property line, or walkway to protect other property. Areas containing plant materials shall be bordered by a concrete curb at least six inches high and six inches wide. Alternative barrier design to protect landscaped areas from damage by vehicles may be approved by the Development Review Committee.

J. *Lighting.* Parking areas shall have lighting capable of providing adequate illumination for security and safety. Also see Section 19.590.070 (Light and Glare) and Chapter 19.556 (Outdoor Lighting).

K. *Walls.* When adjoining or across an alley from any residentially zoned or residentially used lot, a masonry wall six feet in height shall be erected and maintained so as to physically separate the parking, loading or sales area from the residential property; provided that such wall shall be three feet high within the required front or street side yard area, or, where no front or street side yard area is required, such wall shall be three feet high within ten feet of the street line. Also, see Chapter 19.550 (Fences, Walls and Landscape Materials).

(Ord. 7573 § 1(Exh. A), 2021; Ord. 7487 § 16, 11-5-2019; Ord. 7331 §94, 2016; Ord. 7109 §§14, 15, 2010; Ord. 6966 §1, 2007)

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Chapter 19.680 APPEALS

19.680.010 Purpose.

This chapter identifies the procedures for filing and processing an appeal of actions of Approving Authorities, consistent with California Government Code Section 65904. Where the appeal provisions of this section conflict with other provisions of the Riverside Municipal Code, the appeal provisions of this chapter shall apply with regard to planning and zoning matters.

(Ord. 7331 §104, 2016; Ord. 6966 §1, 2007)

19.680.020 Appeal authority.

A. Any person dissatisfied with an interpretation or action an Approving Authority made pursuant to this article may appeal such action to the designated Appeal Authority and ultimately to the City Council. Appeals must be filed in accordance with the procedures in Section 19.680.030 (Filing an Appeal). Table 19.650.020 (Approving and Appeal Authority) identifies the Appeal Authority for each of the City's land use and development permits and actions. Actions by the City Council are not subject to appeal.

B. Legislative matters require the Planning Commission to hold a noticed public hearing and make a recommendation on the matter to the City Council. Where the Planning Commission denies legislative cases initiated by an applicant, the action is final unless appealed to the City Council. For City-initiated legislative cases, the Planning Commission is a recommending body and the City Council's action is final. (See Table 19.650.020 - Approving and Appeal Authority).

(Ord. 7552 §40, 2021; Ord. 7331 §104, 2016; Ord. 6966 §1, 2007)

19.680.030 Filing an appeal.

A. Any person aggrieved or affected by a decision of an Approving Authority may appeal that decision to the designated Appeal Authority. All appeals shall be submitted in writing to the Planning Division, in duplicate, identifying the action being appealed and specifically stating the basis or grounds of the appeal. For appeals of the decision of the Airport Land Use Commission (ALUC) see E below.

B. Appeals shall be filed within ten calendar days following the date the Approving Authority announces its determination on the matter for which an appeal is made and shall be accompanied by a filing fee as established by City Council resolution. If the tenth day is on a weekend or holiday the appeal is extended to the end of the next regular business day (Note: one exception to the ten-day appeal period is for temporary use permits where the appeal period is two business days).

C. The filing of an appeal shall stay the action being appealed and the issuance of subsequent permit(s), such as grading or building permits.

D. An appeal must be filed to exhaust all available administrative remedies.

E. When filing an appeal of the decision of the Airport Land Use Commission (ALUC) the applicant shall provide the City with a copy of the ALUC staff report, notice of action and findings to support the override for the

ALUC determination. In order to overrule the ALUC finding of inconsistency, the City Council must make specific findings that the proposal is consistent with the purposes of ALUC law "to protect public health, safety and welfare by ensuring (1) the orderly expansion of airports and (2) the adoption of land use measures that minimize the public's exposure to excessive noise and safety hazards within areas around public airports to the extent that these areas are not already devoted to incompatible uses."

(Ord. 7552 §41, 2021; Ord. 7331 §104, 2016; Ord. 6966 §1, 2007)

19.680.040 Notice and schedule of appeal hearings.

~~Unless otherwise stated herein or mutually agreed upon by the~~An appeal hearing shall be conducted at a public meeting on a date mutually agreed upon by the person filing the appeal, the applicant and the City~~, appeal hearings should~~ shall ~~be conducted within 45 days from the date of appeal submittal~~as ~~expediently as is reasonably possible.~~ . Notice of hearing for the appeal shall be provided pursuant to noticing requirements of Chapter 19.670 (Public Hearings and Notice Requirements).

(Ord. 7331 §104, 2016; Ord. 6966 §1, 2007)

19.680.050 Appeal hearing and action.

Each appeal shall be considered de novo (new), even if the appeal is withdrawn, and the Appeal Authority may reverse, modify or affirm the decision in regard to the entire project in whole or in part. In taking its action on an appeal, the Appeal Authority shall state the basis for its action. The Appeal Authority may approve (in full or in part), conditionally approve (in full or in part), modify or deny (in full or in part) and may modify, delete or add such conditions as it deems necessary. The Appeal Authority may also refer the matter back to the original Approving Authority for further action.

(Ord. 7331 §104, 2016; Ord. 6966 §1, 2007)

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Article IX - LAND USE DEVELOPMENT PERMIT REQUIREMENTS/PROCEDURES

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Chapter 19.720 - VARIANCE

19.720.010 - Purpose.

California Government Code Section 65906 establishes the authority of the City to grant variances to the development standards and provisions of the Zoning Code in cases where, because of special circumstances applicable to the property, the strict application of the Zoning Code deprives such property of privileges enjoyed by other property in the vicinity and under identical land use zones.

(Ord. 7331 §108, 2016; Ord. 6966 §1, 2007)

19.720.020 - Applicability.

A. A variance application shall be filed whenever any deviation from the development standard provisions of the Zoning Code is proposed, including, but not limited to, those standards related to height, lot area, yards, open spaces, setbacks, lot dimensions, signs and parking, unless otherwise specified.

B. Variances may not be approved for uses or activities not otherwise expressly authorized by the Zoning Code. A variance is not a substitute for a zone change, zone text amendment, or conditional use permit.

C. Financial hardship does not represent grounds on which to file a variance application.

D. Variances to use provisions of the Zoning Code are prohibited.

(Ord. 7331 §108, 2016; Ord. 6966 §1, 2007)

19.720.030 - Procedures.

A. *General process*. Variance applications shall be processed in accordance with the discretionary processing provisions as set forth in Chapters 19.650 (Approving Authority), 19.660 (General Application Processing Procedures), 19.670 (Notices and Hearings), 19.680 (Appeals), 19.690 (Effective Dates) and other applicable Chapters of the Zoning Code.

(Ord. 7331 §108, 2016; Ord. 6966 §1, 2007)

19.720.40 - Required findings.

A. The Director of Community & Economic Development Department, Planning Commission or the City Council may approve ~~a variance if it makes all of the following findings that:~~a variance when special circumstances applicable to the property, including size, shape, topography, location or surroundings, deprive the property of privileges enjoyed by other property in the vicinity and under identical zoning classification.

B. The following findings are required:

1. The variance does not grant or authorize a use or activity that is not otherwise allowed in the zone.

2. There are practical difficulties or unnecessary hardships created with the strict application of the code because of the physical circumstances and characteristics of the property that are not shared by other properties in the zone.

3. The variance does not grant special privileges which are not otherwise available to surrounding properties and will not be detrimental to the public welfare or to the property of other persons located adjacent to the subject property and in the vicinity-.

~~1. The strict application of the provisions of the Zoning Code would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the Zoning Code;~~

~~2. There are special circumstances or conditions applicable to the property involved or to the intended use or development of the property that do not apply generally to other property in the vicinity and under the identical zoning classification;~~

~~3. The granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the zone or neighborhood in which the property is located; and~~

~~4. The granting of the variance will not be contrary to the objectives of any part of the General Plan.~~

~~B.~~C. Failure to make all of the required findings shall require denial of the variance.

(Ord. 7487 § 4, 11-5-2019; Ord. 7331 §108, 2016; Ord. 6966 §1, 2007)

19.720.050 - Conditions of approval/guarantees.

A. In granting a variance, certain safeguards may be required and certain conditions established to protect the public health, safety, convenience and general welfare and to assure that the purposes of the Zoning Code shall be maintained with respect to the particular use on the particular site and in consideration of the location, use, building and characteristics and environmental impact of the proposed use and of existing and potential uses within the general area in which such use is proposed to be located.

B. The conditions attached to variance may include such provisions concerning height, area, yards, open spaces, setbacks, parking, loading, signs, improvements, site design, operation characteristic, land use compatibility, general character, appearance, environmental impact, time limits for commencing the construction authorized, revocation dates, and other conditions the Director of Community & Economic Development Department or Planning Commission may deem appropriate and necessary to carry out the purposes of the Zoning Code and Chapter.

(Ord. 7487 § 5, 11-5-2019; Ord. 7331 §108, 2016; Ord. 6966 §1, 2007)

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Chapter 19.895 ROOM RENTAL PERMIT

19.895.010 Purpose.

The purpose of this chapter is to provide a procedure to permit owners of single-family residential properties ~~residences/dwellings~~ to rent a room or rooms in the primary dwelling or dwellings, accessory dwelling unit and/or junior accessory dwelling unit, to more than two but not to exceed four individuals through a room rental permit process. The Room Rental Permit is only applicable to the RR, RE and R1 Zones.

(Ord. 7331 §126, 2016; Ord. 7325 §1, 2016; Ord. 7222 §6, 2013)

19.895.020 Procedures.

The following procedures apply to applications for a Room Rental Permit:

A. *Application.* Owners of a single-family residential property that includes a primary dwelling or dwellings, accessory dwelling unit and/or junior accessory dwelling unit ~~residence/dwelling~~ wishing to rent a room or rooms to more than two, but not more than four individuals shall make written application to the Zoning Administrator, including all the material deemed necessary to demonstrate compliance with the provisions for this use in Chapter 19.520 (Rental of Rooms), including, a signed copy of the Room Rental Permit Agreement to meet the requirements for additional rentals.

B. *Approval.* Upon receipt of a complete application, the Community & Economic Development Director or their designee shall grant the permit if all requirements of Chapter 19.520 (Rental of Rooms) are met. The Community & Economic Development Director or their designee shall approve the application unless findings are made that the approval would otherwise adversely affect the residential character of the neighborhood.

C. *Renewal*. A Room Rental Permit Agreement is effective for a period of one year from the date of issuance and is required to be renewed on an annual basis thereafter. Renewal of a Room Rental Permit Agreement is subject to the Room Rental Permit Requirements of this chapter.

D. *Appeal*. Any person may appeal the decision of the Community & Economic Development Director to the Planning Commission. A notice of public hearing for the appeal shall be provided pursuant to Section 19.670.030.

The decision of the Planning Commission may be appealed to the City Council. In the event of an appeal to the Planning Commission or City Council notice shall be given in the same manner as the Planning Commission appeal. The decision of the City Council shall be final.

E. *Revocation*. Three or more violations of any of the operational requirements of Section 19.520.030.B (Operation and Development Standards) including extraordinary police service or response complaints as defined by Chapter 9.60 of the Riverside Municipal Code or citations for violations related to noise or property use or maintenance within any running 12-month period, shall be grounds for revocation of the Room Rental Permit Agreement. Refer to Section 19.700.020 for revocation procedures.

A revoked Room Rental Permit *Agreement* may not be reissued for a minimum of one year from the revocation date. If a Room Rental Permit Agreement issued to the same owner for the same property is

revoked a second time a Room Rental Permit Agreement may not be reissued for the subject property as long as it belongs to the same owner.

(Ord. 7331 §126, 2016; Ord. 7325 §1, 2016; Ord. 7222 §6, 2013)

ARTICLE X: DEFINITIONS

Chapter 19.910 DEFINITIONS

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19.910.050 "D" Definitions

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Dwelling unit, accessory (ADU) means an attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence that~~. It~~ shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family or multifamily dwelling is or will be situated. An accessory dwelling unit also includes the following:

A. An efficiency dwelling unit, as defined in Section 1207.4 of the California Building Code~~as defined in Section 17958.1 of the Health and Safety Code~~; or

B. A manufactured home, as defined in Section 18007 of the Health and Safety Code.

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Dwelling unit, junior accessory (JADU) means a unit contained entirely within an existing a single-family structure that may include separate or shared sanitation facilities.

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Dwelling unit, movable accessory (MADU) means a complete independent living facility that provides for one or more persons and is located on a lot with a proposed or existing primary residence that shall include provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family or multifamily dwelling is or will be situated and meets the following requirements:

A. Meets the American National Standards Institute (ANSI) 119.5 requirements or the National Fire Protection Association (NFPA) 1192 standards, is certified for ANSI or NFPA compliance; and is certified by a 3rd party inspection agency (Design Approval Agency/Quality Assurance Agency) that the MADU meets this requirement;

B. Is licensed and registered with the California Department of Motor Vehicles;

C. Cannot move under its own power;

D. Is no larger than allowed by California State Law for movement on public highways; and

~~A.~~E. Is no smaller than 150 and no larger than 430 square feet as measured within the exterior faces of the exterior walls.

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19.910.060 "E" Definitions.

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Efficiency dwelling unit. See "dwelling unit, accessory."

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19.910.080 "G" Definitions.

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~~*Granny Flat.* See "accessory living quarters."~~

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19.910.210 "T" Definitions.

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Tiny home (chassis). See mobile home.

Tiny home community means a group of tiny homes, constructed either on a chassis or on a foundation, that are arranged in common relationship to one another, usually surrounding a shared common open space area.

Tiny home (foundation) means a dwelling unit that is factory or site-built on a permanent foundation in accordance with applicable building codes, laws and standards.

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Chapter 19.910 DEFINITIONS

19.910.210 "T" Definitions.

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Two ~~dwelling~~ unit development means a residential development pursuant to Section 65852.21 of the California Government Code.

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19.910.220 "U" Definitions.

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Urban lot split means a subdivision as defined by Chapter 18.260 (Definitions) of the Subdivision Code,~~,~~ pursuant to Section 66411.7 of the California Government Code.

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SB-9 Housing development: approvals. (2021-2022)

Date Published: 09/17/2021 09:00 PM

Senate Bill No. 9

CHAPTER 162

An act to amend Section 66452.6 of, and to add Sections 65852.21 and 66411.7 to, the Government Code, relating to land use.

[Approved by Governor September 16, 2021. Filed with Secretary of State September 16, 2021.]

LEGISLATIVE COUNSEL'S DIGEST

SB 9, Atkins. Housing development: approvals.

The Planning and Zoning Law provides for the creation of accessory dwelling units by local ordinance, or, if a local agency has not adopted an ordinance, by ministerial approval, in accordance with specified standards and conditions.

This bill, among other things, would require a proposed housing development containing no more than 2 residential units within a single-family residential zone to be considered ministerially, without discretionary review or hearing, if the proposed housing development meets certain requirements, including, but not limited to, that the proposed housing development would not require demolition or alteration of 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, that the proposed housing development does not allow for the demolition of more than 25% of the existing exterior structural walls, except as provided, and that the development is not located within a historic district, is not included on the State Historic Resources Inventory, or is not within a site that is legally designated or listed as a city or county landmark or historic property or district.

The bill would set forth what a local agency can and cannot require in approving the construction of 2 residential units, including, but not limited to, authorizing a local agency to impose objective zoning standards, objective subdivision standards, and objective design standards, as defined, unless those standards would have the effect of physically precluding the construction of up to 2 units or physically precluding either of the 2 units from being at least 800 square feet in floor area, prohibiting the imposition of setback requirements under certain circumstances, and setting maximum setback requirements under all other circumstances.

The Subdivision Map Act vests the authority to regulate and control the design and improvement of subdivisions in the legislative body of a local agency and sets forth procedures governing the local agency's processing, approval, conditional approval or disapproval, and filing of tentative, final, and parcel maps, and the modification of those maps. Under the Subdivision Map Act, an approved or conditionally approved tentative map expires 24 months after its approval or conditional approval or after any additional period of time as prescribed by local ordinance, not to exceed an additional 12 months, except as provided.

This bill, among other things, would require a local agency to ministerially approve a parcel map for an urban lot split that meets certain requirements, including, but not limited to, that the urban lot split would not require the demolition or alteration of 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, that the parcel is located within a single-family residential zone, and that the parcel is not located within a historic district, is not included on the State Historic Resources Inventory, or is not within a site that is legally designated or listed as a city or county landmark or historic property or district.

The bill would set forth what a local agency can and cannot require in approving an urban lot split, including, but not limited to, authorizing a local agency to impose objective zoning standards, objective subdivision standards, and objective design standards, as defined, unless those standards would have the effect of physically precluding the construction of 2 units, as defined, on either of the resulting parcels or physically precluding either of the 2 units from being at least 800 square feet in floor area, prohibiting the imposition of setback requirements under certain circumstances, and setting maximum setback requirements under all other circumstances. The bill would require an applicant to sign an affidavit stating that they intend to occupy one of the housing units as their principal residence for a minimum of 3 years from the date of the approval of the urban lot split, unless the applicant is a community land trust or a qualified nonprofit corporation, as specified. The bill would prohibit a local agency from imposing any additional owner occupancy standards on applicants. By requiring applicants to sign affidavits, thereby expanding the crime of perjury, the bill would impose a state-mandated local program.

The bill would also extend the limit on the additional period that may be provided by ordinance, as described above, from 12 months to 24 months and would make other conforming or nonsubstantive changes.

The California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of, an environmental impact report on a project that it proposes to carry out or approve that may have a significant effect on the environment. CEQA does not apply to the approval of ministerial projects.

This bill, by establishing the ministerial review processes described above, would thereby exempt the approval of projects subject to those processes from CEQA.

The California Coastal Act of 1976 provides for the planning and regulation of development, under a coastal development permit process, within the coastal zone, as defined, that shall be based on various coastal resources planning and management policies set forth in the act.

This bill would exempt a local agency from being required to hold public hearings for coastal development permit applications for housing developments and urban lot splits pursuant to the above provisions.

By increasing the duties of local agencies with respect to land use regulations, the bill would impose a state-mandated local program.

The bill would include findings that changes proposed by this bill address a matter of statewide concern rather than a municipal affair and, therefore, apply to all cities, including charter cities.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for specified reasons.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 65852.21 is added to the Government Code, to read:

65852.21. (a) A proposed housing development containing no more than two residential units within a single-family residential zone shall be considered ministerially, without discretionary review or a hearing, if the proposed housing development meets all of the following requirements:

(1) The parcel subject to the proposed housing development is located within a city, the boundaries of which include some portion of either an urbanized area or urban cluster, as designated by the United States Census Bureau, or, for unincorporated areas, a legal parcel wholly within the boundaries of an urbanized area or urban cluster, as designated by the United States Census Bureau.

(2) The parcel satisfies the requirements specified in subparagraphs (B) to (K), inclusive, of paragraph (6) of subdivision (a) of Section 65913.4.

(3) Notwithstanding any provision of this section or any local law, the proposed housing development would not require demolition or alteration of any of the following types of housing:

(A) 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.

(B) Housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power.

(C) Housing that has been occupied by a tenant in the last three years.

(4) The parcel subject to the proposed housing development is not a parcel on which an owner of residential real property has exercised the owner's rights under Chapter 12.75 (commencing with Section 7060) of Division 7 of Title 1 to withdraw accommodations from rent or lease within 15 years before the date that the development proponent submits an application.

(5) The proposed housing development does not allow the demolition of more than 25 percent of the existing exterior structural walls, unless the housing development meets at least one of the following conditions:

(A) If a local ordinance so allows.

(B) The site has not been occupied by a tenant in the last three years.

(6) The development is not located within a historic district or property included on the State Historic Resources Inventory, as defined in Section 5020.1 of the Public Resources Code, or within a site that is designated or listed as a city or county landmark or historic property or district pursuant to a city or county ordinance.

(b) (1) Notwithstanding any local law and except as provided in paragraph (2), a local agency may impose objective zoning standards, objective subdivision standards, and objective design review standards that do not conflict with this section.

(2) (A) The local agency shall not impose objective zoning standards, objective subdivision standards, and objective design standards that would have the effect of physically precluding the construction of up to two units or that would physically preclude either of the two units from being at least 800 square feet in floor area.

(B) (i) Notwithstanding subparagraph (A), no setback shall be required for an existing structure or a structure constructed in the same location and to the same dimensions as an existing structure.

(ii) Notwithstanding subparagraph (A), in all other circumstances not described in clause (i), a local agency may require a setback of up to four feet from the side and rear lot lines.

(c) In addition to any conditions established in accordance with subdivision (b), a local agency may require any of the following conditions when considering an application for two residential units as provided for in this section:

(1) Off-street parking of up to one space per unit, except that a local agency shall not impose parking requirements in either of the following instances:

(A) The parcel is located within one-half mile walking distance of either a high-quality transit corridor, as defined in subdivision (b) of Section 21155 of the Public Resources Code, or a major transit stop, as defined in Section 21064.3 of the Public Resources Code.

(B) There is a car share vehicle located within one block of the parcel.

(2) For residential units connected to an onsite wastewater treatment system, a percolation test completed within the last 5 years, or, if the percolation test has been recertified, within the last 10 years.

(d) Notwithstanding subdivision (a), a local agency may deny a proposed housing development project if the building official makes a written finding, based upon a preponderance of the evidence, that the proposed housing development project would have a specific, adverse impact, as defined and determined in paragraph (2) of subdivision (d) of Section 65589.5, upon public health and safety or the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.

(e) A local agency shall require that a rental of any unit created pursuant to this section be for a term longer than 30 days.

(f) Notwithstanding Section 65852.2 or 65852.22, a local agency shall not be required to permit an accessory dwelling unit or a junior accessory dwelling unit on parcels that use both the authority contained within this section and the authority contained in Section 66411.7.

(g) Notwithstanding subparagraph (B) of paragraph (2) of subdivision (b), 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.

(h) Local agencies shall include units constructed pursuant to this section in the annual housing element report as required by subparagraph (I) of paragraph (2) of subdivision (a) of Section 65400.

(i) For purposes of this section, all of the following apply:

(1) A housing development contains two residential units if the development proposes no more than two new units or if it proposes to add one new unit to one existing unit.

(2) The terms “objective zoning standards,” “objective subdivision standards,” and “objective design review standards” mean 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 available and knowable by both the development applicant or proponent and the public official prior to submittal. These standards may be embodied in alternative objective land use specifications adopted by a local agency, and may include, but are not limited to, housing overlay zones, specific plans, inclusionary zoning ordinances, and density bonus ordinances.

(3) “Local agency” means a city, county, or city and county, whether general law or chartered.

(j) A local agency may adopt an ordinance to implement the provisions of this section. An ordinance adopted to implement this section shall not be considered a project under Division 13 (commencing with Section 21000) of the Public Resources Code.

(k) Nothing in this section shall be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act of 1976 (Division 20 (commencing with Section 30000) of the Public Resources Code), except that the local agency shall not be required to hold public hearings for coastal development permit applications for a housing development pursuant to this section.

SEC. 2. Section 66411.7 is added to the Government Code, to read:

66411.7. (a) Notwithstanding any other provision of this division and any local law, a local agency shall ministerially approve, as set forth in this section, a parcel map for an urban lot split only if the local agency determines that the parcel map for the urban lot split meets all the following requirements:

(1) The parcel map subdivides an existing parcel to create no more than two new parcels of approximately equal lot area provided that one parcel shall not be smaller than 40 percent of the lot area of the original parcel proposed for subdivision.

(2) (A) Except as provided in subparagraph (B), both newly created parcels are no smaller than 1,200 square feet.

(B) A local agency may by ordinance adopt a smaller minimum lot size subject to ministerial approval under this subdivision.

(3) The parcel being subdivided meets all the following requirements:

(A) The parcel is located within a single-family residential zone.

(B) The parcel subject to the proposed urban lot split is located within a city, the boundaries of which include some portion of either an urbanized area or urban cluster, as designated by the United States Census Bureau, or, for unincorporated areas, a legal parcel wholly within the boundaries of an urbanized area or urban cluster, as designated by the United States Census Bureau.

(C) The parcel satisfies the requirements specified in subparagraphs (B) to (K), inclusive, of paragraph (6) of subdivision (a) of Section 65913.4.

(D) The proposed urban lot split would not require demolition or alteration of any of the following types of housing:

(i) 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.

(ii) Housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power.

(iii) A parcel or parcels on which an owner of residential real property has exercised the owner's rights under Chapter 12.75 (commencing with Section 7060) of Division 7 of Title 1 to withdraw accommodations from rent or lease within 15 years before the date that the development proponent submits an application.

(iv) Housing that has been occupied by a tenant in the last three years.

(E) The parcel is not located within a historic district or property included on the State Historic Resources Inventory, as defined in Section 5020.1 of the Public Resources Code, or within a site that is designated or listed as a city or county landmark or historic property or district pursuant to a city or county ordinance.

(F) The parcel has not been established through prior exercise of an urban lot split as provided for in this section.

(G) Neither the owner of the parcel being subdivided nor any person acting in concert with the owner has previously subdivided an adjacent parcel using an urban lot split as provided for in this section.

(b) An application for a parcel map for an urban lot split shall be approved in accordance with the following requirements:

(1) A local agency shall approve or deny an application for a parcel map for an urban lot split ministerially without discretionary review.

(2) A local agency shall approve an urban lot split only if it conforms to all applicable objective requirements of the Subdivision Map Act (Division 2 (commencing with Section 66410)), except as otherwise expressly provided in this section.

(3) Notwithstanding Section 66411.1, a local agency shall not impose regulations that require dedications of rights-of-way or the construction of offsite improvements for the parcels being created as a condition of issuing a parcel map for an urban lot split pursuant to this section.

(c) (1) Except as provided in paragraph (2), notwithstanding any local law, a local agency may impose objective zoning standards, objective subdivision standards, and objective design review standards applicable to a parcel created by an urban lot split that do not conflict with this section.

(2) A local agency shall not impose objective zoning standards, objective subdivision standards, and objective design review standards that would have the effect of physically precluding the construction of two units on either of the resulting parcels or that would result in a unit size of less than 800 square feet.

(3) (A) Notwithstanding paragraph (2), no setback shall be required for an existing structure or a structure constructed in the same location and to the same dimensions as an existing structure.

(B) Notwithstanding paragraph (2), in all other circumstances not described in subparagraph (A), a local agency may require a setback of up to four feet from the side and rear lot lines.

(d) Notwithstanding subdivision (a), a local agency may deny an urban lot split if the building official makes a written finding, based upon a preponderance of the evidence, that the proposed housing development project would have a specific, adverse impact, as defined and determined in paragraph (2) of subdivision (d) of Section 65589.5, upon public health and safety or the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.

(e) In addition to any conditions established in accordance with this section, a local agency may require any of the following conditions when considering an application for a parcel map for an urban lot split:

(1) Easements required for the provision of public services and facilities.

(2) A requirement that the parcels have access to, provide access to, or adjoin the public right-of-way.

(3) Off-street parking of up to one space per unit, except that a local agency shall not impose parking requirements in either of the following instances:

(A) The parcel is located within one-half mile walking distance of either a high-quality transit corridor as defined in subdivision (b) of Section 21155 of the Public Resources Code, or a major transit stop as defined in Section 21064.3 of the Public Resources Code.

(B) There is a car share vehicle located within one block of the parcel.

(f) A local agency shall require that the uses allowed on a lot created by this section be limited to residential uses.

(g) (1) A local agency shall require an applicant for an urban lot split to sign an affidavit stating that the applicant intends to occupy one of the housing units as their principal residence for a minimum of three years from the date of the approval of the urban lot split.

(2) This subdivision shall not apply to an applicant that is a "community land trust," as defined in clause (ii) of subparagraph (C) of paragraph (11) of subdivision (a) of Section 402.1 of the Revenue and Taxation Code, or is a "qualified nonprofit corporation" as described in Section 214.15 of the Revenue and Taxation Code.

(3) A local agency shall not impose additional owner occupancy standards, other than provided for in this subdivision, on an urban lot split pursuant to this section.

(h) A local agency shall require that a rental of any unit created pursuant to this section be for a term longer than 30 days.

(i) A local agency shall not require, as a condition for ministerial approval of a parcel map application for the creation of an urban lot split, the correction of nonconforming zoning conditions.

(j) (1) Notwithstanding any provision of Section 65852.2, 65852.21, 65852.22, 65915, or this section, a local agency shall not be required to permit more than two units on a parcel created through the exercise of the authority contained within this section.

(2) For the purposes of this section, "unit" means any dwelling unit, including, but not limited to, a unit or units created pursuant to Section 65852.21, a primary dwelling, an accessory dwelling unit as defined in Section 65852.2, or a junior accessory dwelling unit as defined in Section 65852.22.

(k) Notwithstanding paragraph (3) of subdivision (c), 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.

(l) Local agencies shall include the number of applications for parcel maps for urban lot splits pursuant to this section in the annual housing element report as required by subparagraph (I) of paragraph (2) of subdivision (a) of Section 65400.

(m) For purposes of this section, both of the following shall apply:

(1) "Objective zoning standards," "objective subdivision standards," and "objective design review standards" mean 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 available and knowable by both the development applicant or proponent and the public official prior to submittal. These standards may be embodied in alternative objective land use specifications adopted by a local agency, and may include, but are not limited to, housing overlay zones, specific plans, inclusionary zoning ordinances, and density bonus ordinances.

(2) "Local agency" means a city, county, or city and county, whether general law or chartered.

(n) A local agency may adopt an ordinance to implement the provisions of this section. An ordinance adopted to implement this section shall not be considered a project under Division 13 (commencing with Section 21000) of the Public Resources Code.

(o) Nothing in this section shall be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act of 1976 (Division 20 (commencing with Section 30000) of the Public Resources Code), except that the local agency shall not be required to hold public hearings for coastal development permit applications for urban lot splits pursuant to this section.

SEC. 3. Section 66452.6 of the Government Code is amended to read:

66452.6. (a) (1) An approved or conditionally approved tentative map shall expire 24 months after its approval or conditional approval, or after any additional period of time as may be prescribed by local ordinance, not to exceed an additional 24 months. However, if the subdivider is required to expend two hundred thirty-six thousand seven hundred ninety dollars ($236,790) or more to construct, improve, or finance the construction or improvement of public improvements outside the property boundaries of the tentative map, excluding improvements of public rights-of-way that abut the boundary of the property to be subdivided and that are reasonably related to the development of that property, each filing of a final map authorized by Section 66456.1 shall extend the expiration of the approved or conditionally approved tentative map by 48 months from the date of its expiration, as provided in this section, or the date of the previously filed final map, whichever is later. The extensions shall not extend the tentative map more than 10 years from its approval or conditional approval. However, a tentative map on property subject to a development agreement authorized by Article 2.5 (commencing with Section 65864) of Chapter 4 of Division 1 may be extended for the period of time provided for in the agreement, but not beyond the duration of the agreement. The number of phased final maps that may be filed shall be determined by the advisory agency at the time of the approval or conditional approval of the tentative map.

(2) Commencing January 1, 2012, and each calendar year thereafter, the amount of two hundred thirty-six thousand seven hundred ninety dollars ($236,790) shall be annually increased by operation of law according to the adjustment for inflation set forth in the statewide cost index for class B construction, as determined by the State Allocation Board at its January meeting. The effective date of each annual adjustment shall be March 1. The adjusted amount shall apply to tentative and vesting tentative maps whose applications were received after the effective date of the adjustment.

(3) “Public improvements,” as used in this subdivision, include traffic controls, streets, roads, highways, freeways, bridges, overcrossings, street interchanges, flood control or storm drain facilities, sewer facilities, water facilities, and lighting facilities.

(b) (1) The period of time specified in subdivision (a), including any extension thereof granted pursuant to subdivision (e), shall not include any period of time during which a development moratorium, imposed after approval of the tentative map, is in existence. However, the length of the moratorium shall not exceed five years.

(2) The length of time specified in paragraph (1) shall be extended for up to three years, but in no event beyond January 1, 1992, during the pendency of any lawsuit in which the subdivider asserts, and the local agency that approved or conditionally approved the tentative map denies, the existence or application of a development moratorium to the tentative map.

(3) Once a development moratorium is terminated, the map shall be valid for the same period of time as was left to run on the map at the time that the moratorium was imposed. However, if the remaining time is less than 120 days, the map shall be valid for 120 days following the termination of the moratorium.

(c) The period of time specified in subdivision (a), including any extension thereof granted pursuant to subdivision (e), shall not include the period of time during which a lawsuit involving the approval or conditional approval of the tentative map is or was pending in a court of competent jurisdiction, if the stay of the time period is approved by the local agency pursuant to this section. After service of the initial petition or complaint in the lawsuit upon the local agency, the subdivider may apply to the local agency for a stay pursuant to the local agency’s adopted procedures. Within 40 days after receiving the application, the local agency shall either stay the time period for up to five years or deny the requested stay. The local agency may, by ordinance, establish procedures for reviewing the requests, including, but not limited to, notice and hearing requirements, appeal procedures, and other administrative requirements.

(d) The expiration of the approved or conditionally approved tentative map shall terminate all proceedings and no final map or parcel map of all or any portion of the real property included within the tentative map shall be filed with the legislative body without first processing a new tentative map. Once a timely filing is made, subsequent actions of the local agency, including, but not limited to, processing, approving, and recording, may lawfully occur after the date of expiration of the tentative map. Delivery to the county surveyor or city engineer shall be deemed a timely filing for purposes of this section.

(e) Upon application of the subdivider filed before the expiration of the approved or conditionally approved tentative map, the time at which the map expires pursuant to subdivision (a) may be extended by the legislative body or by an advisory agency authorized to approve or conditionally approve tentative maps for a period or

periods not exceeding a total of six years. The period of extension specified in this subdivision shall be in addition to the period of time provided by subdivision (a). Before the expiration of an approved or conditionally approved tentative map, upon an application by the subdivider to extend that map, the map shall automatically be extended for 60 days or until the application for the extension is approved, conditionally approved, or denied, whichever occurs first. If the advisory agency denies a subdivider's application for an extension, the subdivider may appeal to the legislative body within 15 days after the advisory agency has denied the extension.

(f) For purposes of this section, a development moratorium includes a water or sewer moratorium, or a water and sewer moratorium, as well as other actions of public agencies that regulate land use, development, or the provision of services to the land, including the public agency with the authority to approve or conditionally approve the tentative map, which thereafter prevents, prohibits, or delays the approval of a final or parcel map. A development moratorium shall also be deemed to exist for purposes of this section for any period of time during which a condition imposed by the city or county could not be satisfied because of either of the following:

(1) The condition was one that, by its nature, necessitated action by the city or county, and the city or county either did not take the necessary action or by its own action or inaction was prevented or delayed in taking the necessary action before expiration of the tentative map.

(2) The condition necessitates acquisition of real property or any interest in real property from a public agency, other than the city or county that approved or conditionally approved the tentative map, and that other public agency fails or refuses to convey the property interest necessary to satisfy the condition. However, nothing in this subdivision shall be construed to require any public agency to convey any interest in real property owned by it. A development moratorium specified in this paragraph shall be deemed to have been imposed either on the date of approval or conditional approval of the tentative map, if evidence was included in the public record that the public agency that owns or controls the real property or any interest therein may refuse to convey that property or interest, or on the date that the public agency that owns or controls the real property or any interest therein receives an offer by the subdivider to purchase that property or interest for fair market value, whichever is later. A development moratorium specified in this paragraph shall extend the tentative map up to the maximum period as set forth in subdivision (b), but not later than January 1, 1992, so long as the public agency that owns or controls the real property or any interest therein fails or refuses to convey the necessary property interest, regardless of the reason for the failure or refusal, except that the development moratorium shall be deemed to terminate 60 days after the public agency has officially made, and communicated to the subdivider, a written offer or commitment binding on the agency to convey the necessary property interest for a fair market value, paid in a reasonable time and manner.

SEC. 4. The Legislature finds and declares that ensuring access to affordable housing is a matter of statewide concern and not a municipal affair as that term is used in Section 5 of Article XI of the California Constitution. Therefore, Sections 1 and 2 of this act adding Sections 65852.21 and 66411.7 to the Government Code and Section 3 of this act amending Section 66452.6 of the Government Code apply to all cities, including charter cities.

SEC. 5. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act or because costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

Community & Economic
Development Department
Planning Division

3900 Main Street, 3rd Floor • Riverside, CA 92522
(951) 826-5800
RiversideCA.gov/Planning

SENATE BILL 9 – APPLICATION CHECKLIST AND PRE-CLEARANCE FORM

Application Requirements

SB 9 Two Dwelling Units and Urban Lot Splits

This form is intended for use with the State of California's Senate Bill 9 (SB 9) ministerial permitting procedures, which the City of Riverside is required to implement (California Government Code 65852.21 and 66411.7). This form is for approval of a Two-Unit Development and/or a Parcel Map for an Urban Lot Split as allowed by State law. Before an application for a Two-Unit Development and/or a Parcel Map for an Urban Lot Split may be submitted for processing, the proposal must be consistent with the criteria identified in this form.

- **TWO DWELLING UNITS - Planning Clearance** is required prior to submittal of a building permit application for any two dwelling units pursuant to SB 9. Planning clearance does not constitute issuance of a building permit.
- **URBAN LOT SPLIT – Planning Clearance** is required before submitting a parcel map application to Public Works for any lot split. The project must meet all applicable requirements of the Subdivision Map Act (California Government Code §66410 et seq.).

If the **Planning Clearance** is denied for failure to meet any of the criteria identified in this application, a revised application may be submitted at any time.

All questions can be directed to the City Hall (3rd Floor) **One Stop Shop at (951) 826-5800 or email CDDINFO@riversideca.gov.**

For assistance with answering any of the questions on the Planning Clearance Form, please see Planning Division Staff for assistance.

1. APPLICANT INFORMATION (PRIMARY CONTACT)

Firm/Company Name: _____

Contact Name: _____

Address: _____ City: _____ State: _____ Zip: _____

Daytime Phone: _____ Mobile: _____

Email: _____

2. SITE INFORMATION

Site Address of Location of Property: _____

Assessor's Parcel Number(s): _____ Zone: _____

Total Property Size in Acres (Gross/Net): _____ Square Feet if Less Than One (1) Acre: _____

Scope of Work: _____

_____

Urban Lot Split Parcel Size — Parcel 1: _____ SF — Parcel 2: _____ SF *(if applicable)*

How Many Units are Proposed? — Parcel 1: _____ — Parcel 2: _____

3. SINGLE-FAMILY ZONE REQUIREMENT

If you answer "No" to the following, your property is NOT eligible for a Two Dwelling Units or Urban Lot Split per SB 9.

YES ☐ NO ☐ Is your property located in a Single-Family Zone (R-1, RE, RR, DSP-RES, NSP-MDR, RC*)?

**Not all properties in this Zone will qualify. See Planning Division staff for more information.*

4. GENERAL LIMITATIONS

If you answer "Yes" to any of the following, your property is NOT eligible for an SB 9 Two Dwelling Units or Urban Lot Split per SB 9.

Is your property:

YES ☐ NO ☐ Located within a Historic District?

YES ☐ NO ☐ Designated as a City Landmark, Structure of Merit, or Contributor to a Historic District or Neighborhood Conservation Area?

YES ☐ NO ☐ Located within the RA-5 – Residential Agriculture Zone?

YES ☐ NO ☐ Located within a Very High Fire Hazard Severity Zone?

YES ☐ NO ☐ Located within a Designated Hazardous Waste Site?

YES ☐ NO ☐ Located within a mapped 100-year floodplain, wetland or identified as a conservation area (as defined in the Western Riverside Multiple Species Habitat Conservation Plan)?

YES ☐ NO ☐ Subject to a Deed Restriction or other recorded instrument that limits the sale or rental of the property to income-qualified households (i.e., affordable housing)?

5. ADDITIONAL LIMITATIONS FOR TWO-UNIT DEVELOPMENTS

If you answer "Yes" to any of the following, your property is NOT eligible for an SB 9 Two-unit Development.

Does the proposed project:

YES ☐ NO ☐ Involve demolition or alteration of a unit that is subject to rent control?

YES ☐ NO ☐ Involve demolition or alteration of a unit that is subject to a Deed Restriction or other recorded instrument that limits the sale or rental of the property to income-qualified households (i.e., affordable housing)?

YES ☐ NO ☐ Involve demolition of a unit occupied by a tenant, or has been occupied by a tenant any time in the last three years?

YES ☐ NO ☐ Involve alteration of more than 25% of the exterior walls of a building that is occupied by a tenant, or has been occupied by a tenant any time in the last three years?

YES ☐ NO ☐ Involve a parcel with a unit that was withdrawn from the rental market through an Ellis Act eviction at any time in the last 15 years?

6. MINIMUM STANDARDS FOR TWO-UNIT DEVELOPMENTS

You must answer "Yes" to the following:

YES ☐ NO ☐ Maximum Dwelling Units: A maximum of three (3) dwellings or units are allowed on a lot that is not proposed for an Urban Lot Split, inclusive of detached or attached dwelling units, ADUs and JADUs.

Number of Units: _____ Number of Proposed Units: _____

All applicable Zoning standards are met*, except for:

YES ☐ NO ☐ Minimum 4-foot interior side- and rear-yard setbacks; front and street side yard setbacks per requirements of the Zone

YES ☐ NO ☐ Minimum 1 parking space per unit (except within one-half mile of Magnolia/Market/University Corridor or within one block of a car share vehicle)

YES ☐ NO ☐ Applicant agrees that rental of any units created under this application shall be for a term longer than 30 days. A deed restriction will be required prior to final occupancy

**Zoning standards cannot preclude units at least 800 square feet.*

7. ADDITIONAL LIMITATIONS FOR URBAN LOT SPLIT

If you answer "Yes" to any of the following, your property is NOT eligible for an Urban Lot Split

YES ☐ NO ☐ Is the property formed through a previous SB 9 Urban Lot Split?

YES ☐ NO ☐ Is the property adjacent to a property that was subdivided through an SB 9 Urban Lot Split by yourself or another person or entity with which you are affiliated (such as an LLC)?

YES ☐ NO ☐ Does the lot split require demolition or alteration of a unit that is subject to a Deed Restriction or other recorded instrument that limits the sale or rental of the property to income-qualified households (i.e., affordable housing)?

YES ☐ NO ☐ Does the lot split require demolition or alteration of a unit that is subject to rent control?

YES ☐ NO ☐ Does the lot split require demolition or alteration of a unit occupied by a tenant, or has been occupied by a tenant any time in the last three years?

YES ☐ NO ☐ Does the lot split require demolition or alteration of a unit that was withdrawn from the rental market through an Ellis Act eviction at any time in the last 15 years?

8. MINIMUM STANDARDS FOR URBAN LOT SPLIT

General

- Maximum Dwelling Units: A maximum of two (2) dwellings or units are allowed on each lot resulting from an Urban Lot Split, for a total of four (4) dwellings.
- Standards: Minimum standards (e.g., setbacks, floor area, parking, design, etc.) for two-unit developments apply; see Section 6 above.
- Dedications and Easements: Easements may be required to convey public utilities, access, and other services. Right-of-way dedication and offsite improvements will not be required, except in connection with a Building Permit.

You must answer "Yes" to the following:

YES ☐ NO ☐ New Lot Sizes: Minimum 1,200sf

YES ☐ NO ☐ Proportion: Not less than 40% of parent parcel

YES ☐ NO ☐ Access: Minimum 10-foot-wide direct access easement or corridor to public right-of-way

YES ☐ NO ☐ Utilities: Separate Water and Sewer Services provided to each lot (contact the appropriate purveyor for details)

9. SUBMITTAL REQUIREMENTS

All Projects:

- ☐ Completed and signed Planning Clearance checklist (this form)
- ☐ Most recent Grant Deed showing current property ownership
- ☐ Evidence of vacancy or owner occupancy such as: property tax records, income tax records, utility bills, vehicle registration, or similar documentation.
- ☐ Signed and notarized Affidavit guaranteeing that the property has not been used as a rental for at least three years and has not been the site of an Ellis Act eviction for at least 15 years
- ☐ Homeowner's Association Approval Letter (if applicable – Owner/applicant to confirm if the parcel(s) have any recorded Codes, Covenants, & Restrictions (CC&Rs) or Homeowner Association (HOA) rules that violate any proposed development under SB9)

In addition, the following items are required for TWO-UNIT DEVELOPMENT applications:

- ☐ Fully dimensioned Site Plan, drawn to scale and containing all information required for site plans as described in the **Drawing & Plan Requirements Handout**
- ☐ For properties with on-site septic systems: A Percolation Test conducted within the last 5 years; OR a recertification obtained within the last 10 years

In addition, the following are items required for URBAN LOT SPLITS

- ☐ Chain of title for the last 3 years, including the latest vesting deed or title report
- ☐ Numbered Parcel Map, prepared to the specifications of the Subdivision Code (Title 18) and the California Subdivision Map Act
- ☐ Signed and notarized Affidavit guaranteeing Owner Occupancy for a minimum of three years from time of map recordation
- ☐ Filing fee ($4,760.64 + $61.56 per parcel)

10. INDEMNIFICATION AGREEMENT (PROPERTY OWNER & APPLICANT)

Applicant and legal owner of the property, hereby agree to defend, indemnify and hold harmless the City and its agents, officers, attorneys and employees from any claim, action, or proceeding (collectively referred to as "proceeding") brought against the City or its agents, officers, attorneys or employees to attack, set aside, void, or annul the City's decision to approve any tentative map (tract or parcel) development, land use permit, license, master plans, precise plans, preliminary plans, design review, variances, use permits, general and specific plan amendments, zoning amendments, and approvals and certifications under CEQA. This indemnification shall include, but not limited to, damages, fees and/or costs awarded against the City, if any, and cost of suit, attorney's fees and other costs, liabilities and expenses incurred in connection with such proceeding whether incurred by applicant, the City, and/or the parties initiating or bringing such proceeding.

Property Owner Signature	Date
Applicant Signature	Date

11. PROPERTY OWNER CERTIFICATION

I hereby certify that I am (we are) the record owner(s) [for property tax assessment purposes] of the property encompassed by this application. I further acknowledge and understand on behalf of myself and my representatives and agents that if the project is subject to an Environmental Impact Report, ALUC Review and approval, Military Consultation or Tribal Consultation, the timelines prescribed in the Riverside Municipal Code are stayed until such time as said review and/or consultation is complete. I also understand and agree that the submittal date of my application will be the filing deadline following receipt of my request.

Property Owner Signature _____ Date _____

Property Owner of Record (PRINT NAME): _____

Mailing Address: _____ City: _____ State: _____ Zip: _____

Daytime Phone: _____ Mobile: _____

Email: _____

I have provided **one** of the following items*:

☐ Grant Deed indicating that I am the property owner.
** Please note: for certain projects, a Preliminary Title Report may be required in lieu of a Grant Deed.*

☐ Title Report indicating that I am the property owner. (**REQUIRED** for Urban Lot Split applications).

STAFF USE ONLY

Site Address: _____ APN: _____ Zoning: _____

Type of Proposal: ☐ TWO DWELLING UNITS ☐ URBAN LOT SPLIT ☐ BOTH

Planning Clearance: ☐ APPROVED ☐ DENIED

NOTES: _____

Planner Signature: _____ Date: _____

Senate Bill (SB) 9 FAQs

What is Senate Bill 9?

Senate Bill (SB) 9 provides new opportunities to create lots and add homes within existing neighborhoods. Cities must allow up to two lots (and up to four homes total) within single-family residential zones without any discretionary review (such as a Conditional Use Permit) or public hearing.

This means that if the development meets specific, defined criteria, the City of Riverside must approve through a *ministerial review process*:

- Two attached or detached homes on a parcel within a single-family residential zone; and/or
- Subdividing one lot into two lots within a single-family residential zone and permitting up to two homes on each of these two lots (four total homes on what was a lot with only one home).

The ministerial review process does not require a public hearing and only involves the application of objective standards on a "pass/fail" basis. There is no discretion allowed in the review of these projects, meaning that if the project "passes" the City may not deny it, except in very limited circumstances where there is a direct and provable threat to public health and safety.

When did the Law go into effect?

This law is effective as of January 1, 2022. The City is required to follow the requirements of the State law, regardless of what local rules state.

What is the purpose of SB 9?

The State passed this law to address our housing and homelessness crisis, provide more housing opportunities and increase housing supply by requiring jurisdictions to ministerially approve additional homes on lots within lower-density residential areas.

Does the State Law Require the City to Comply with SB 9?

The law is state-mandated and applies to all jurisdictions in California, including the City of Riverside. It overrides local regulations related to land use and density in the Riverside Municipal Code in certain residential zones.

With this law, the City can no longer prohibit the construction of two homes of at least 800 square feet on any lot zoned for single-family homes, provided the proposal meets other limited location criteria, as described further below.

What was previously allowed in my single-family residential neighborhood?

Prior to the effective date of SB 9, the single-family residential zones allowed a maximum of three homes on any one lot: one primary residence; a second residence, called an accessory dwelling unit (ADU); and a third residence, called a junior accessory dwelling unit (JADU), provided that one of the three residences was owner occupied.

Where will SB 9 apply in the City of Riverside?

SB 9 only applies to zones that were previously limited to single-family residences only. In the City of Riverside, the types of residential zones that are affected include: the Rural Residential Zone (RR); Residential Estate Zone (RE); and all Single-Family Zones (R-1-½ Acre, R-1-13000, R-1-10500, R-1-8500 and R-1-7000). In certain circumstances, the law also applies to the Residential Conservation Zone (RC). The Residential Agricultural Zone (RA-5) is exempt.

How many homes are permitted on a lot now that the law has taken effect?

Under SB 9, all lots in the single-family residential zones may be developed with two homes if there is no requested lot split.

If a lot split is also approved, the maximum number of homes is four (no more than two per each new lot) resulting from the original parcel.

Per the City's existing ADU Ordinance, ADUs and JADUs will continueto be allowed in connection with an SB 9 request, provided that the number of homes created on any existing (if not split) does not exceed three or previous lot (if split) does not exceed four.

What location criteria must be met?

In addition to only being applicable in the single-family residential zones, the location criteria that must be met to be eligible for an SB 9 development includes:

- The site cannot be located on farmland, wetlands, high fire zones, hazardous waste sites, earthquake faults, flood areas, or conservation land and sensitive species habitat.

Senate Bill (SB) 9 FAQs

- The site cannot be located in a historic district, neighborhood conservation area or on a property designated as an historic resource.

What site standards must be met?

The site standards that must be met to be eligible for an SB 9 development include:

- The project cannot include demolition or alteration of existing housing (an affidavit will be required by the owner) that:
  - Is rent-restricted for moderate-, low-, or very low-income households, or are subject to rent control.
  - Includes demolition of existing housing that has been occupied by a tenant in the last three years.
- The site cannot include existing housing where any Ellis Act eviction(s) occurred in the fifteen years prior to application submittal.
- For lot splits:
  - Each new lot must be at least 1,200 square feet.
  - The split results in new lots of approximately equal size (60/40 minimum proportionality).
  - The original lot was not established with a prior SB 9 lot split.
  - The applicant must sign an affidavit stating they intend to occupy one of the homes as their primary residence for a minimum of three years.
  - The City may require easements for public services and utilities and a requirement for access to the public right-of-way, but not right-of-way dedication or offsite improvements.
- For two-home developments:
  - A maximum of four feet is required for setbacks of new structures from the interior side or rear property lines.
  - No setbacks are required for existing structures or structures rebuilt in the same location and to the same dimensions as a previously existing structure.
  - Other Zoning standards such as height limits and lot coverage requirements will apply as long as they do not prevent the development of two homes of at least 800 square feet each.

Are there other restrictions that apply?

- Short Term Rentals - Any rental created under SB 9 cannot be used as a short-term rental, or any use other than residential, and must be rented for a term longer than 30 days.
- Parking - One on-site parking space is required per home, unless the parcel is located within ½-mile walking distance of high quality transit or located within one block of a car share vehicle.

How do I get more information on SB 9 Implementation in Riverside?

You can contact our One Stop Shop at (951) 826-5371 or email us at CDDINFO@riversideca.gov.

How do I apply?

Two-home developments require a Building Permit issued by the Building & Safety Division. Applications for lot splits are processed by the Public Works Department Land Development Division. For information on required materials and applicable fees for Plan Check submission, contact the One Stop Shop. All SB 9 applications require a pre-clearance form from the Planning Division. The pre-clearance form must be reviewed and signed by the Planner on Duty at the Planning Division counter in the One Stop Shop prior to submitting to Building & Safety and/or Public Works. This form is available at the Planning Division Counter or by visiting www.riversideca.gov/cedd/planning/forms.

Community & Economic
Development Department
Planning Division

3900 Main Street, 3rd Floor • Riverside, CA 92522
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RiversideCA.gov/Planning

2-LOT PARCEL MAP FOR URBAN LOT SPLIT PURSUANT TO SENATE BILL 9
(GOV. CODE §66411.7)
AFFIDAVIT OF OWNER OCCUPANCY

This Affidavit is required to be signed by the Applicant for a Parcel Map for an Urban Lot Split to subdivide an established a single-family parcel into two lots pursuant to California Government Code §66411.7 (also known as Senate Bill 9). The signed and notarized Affidavit shall be submitted to the Public Works Department concurrently with the submission of an application for Final Map Check for an Urban Lot Split.

I, the undersigned, hereby declare under penalty of perjury the following (initial each statement):

_____ 1. I am the record legal owner of the property known as:

Assessor's Parcel No. _____

Street Address _____

_____

_____

(ATTACH A CURRENT GRANT DEED INDICATING OWNERSHIP)

_____ 2. I have submitted, or have consented to the submittal on my behalf, to the City of Riverside an application for a Parcel Map for an Urban Lot Split pursuant to the provisions of §66411.7 of the California Government Code (otherwise known as Senate Bill [S.B.] 9) for the property described above.

_____ 3. I will occupy, as my primary residence, one of the dwelling units located on, or to be constructed upon, the property described above for a minimum of three (3) years following the date of recordation of the final Parcel Map for an Urban Lot Split.

_____ 4. I certify that, as of the date of execution of this Affidavit, the Urban Lot Split will not require the demolition or alteration of any of the following types of housing:

a. Housing that has been occupied by a tenant other than the record owner at any time in the previous three (3) years.
b. Housing that has been withdrawn from the rental market pursuant to Chapter 12.75 (commencing with Section 7060) of Division 7 of Title 1 (otherwise known as an Ellis Act eviction) at any time in the previous 15 years.
c. Housing that is subject to rent control or to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income.

_____ 5. I understand and agree that the City of Riverside may take such action as it deems necessary to verify both the accuracy and veracity of this declaration.

_____ 6. I understand and agree that this Urban Lot Split will become invalid, and be subject to enforcement by the City of Riverside, up to and including revoking all approvals including the Certificate(s) of occupancy, if the terms of this Affidavit are found to be false, or if any terms of the Urban Lot Split are violated.

_____ 7. I authorize any person or entity contacted by the City of Riverside in the course of such verification to release such pertinent information as the City seeks.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Property Owner Signature	Property Owner Printed Name	Date

ACKNOWLEDGEMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of _____)

On _____ before me, _____

(insert name and title of the officer)

personally appeared _____

who proved to me on the basis of satisfactory evidence to that person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is truce and correct.

WITNESS my hand and official seal.

Signature_____ **(Seal)**

SB 9 Design Standards

	ONTARIO	GARDEN GROVE	ARCADIA	ROSEMEAD	WOODSIDE	LOS ALTOS	SAN CARLOS	SEASIDE	BURLINGAME	GILROY	LOS GATOS
Building Separation	-	Min. 6ft	Min. 6ft	Min. 20ft	-	-	-	-	-	-	Min. 5ft
Architecture	Match existing	Match existing	Match existing Material reqs.	Match existing	Match existing Material reqs.	Match existing Material reqs.	Match existing Material reqs.	Match existing	-	Match existing Material reqs.	-
Parking	1 garage/unit	1 space/unit	1 covered space/unit	1 space/unit	-	1 covered space/unit or uncovered space/ 2 unit	1 uncovered space/unit	1 uncovered space/unit	1 space/unit	-	1 space/unit
Unit Size	Min. 500sf Max. 800sf	Min. 500sf Max. 800sf	Min. 500sf Max. 800sf	Min. 500sf	Max. 800sf	-	Max. 800 sq. ft.	Max. 800 sq. ft.	-	-	Max. 1,200sf
Building Height	Max. 16ft/22ft, per lot size	One story Max. 17ft	-	Two story Max. 30ft.	Max. 17ft	Two story max. 27 ft	Max. 16 ft	Max. 24 ft	Max. 30 ft	Two story max. 35 ft	Max. 16ft
Landscaping/ Open Space	Required	Required, min. 225sf/unit	Required, min. tree #/size	-	Required, min. tree size	Required, min. tree #/size	Required, 1 tree/1000 sq. ft.	-	-	Paving max 50% / front	-
Lot Standards	-	-	-	Min. 50ft width Min. 15ft frontage	-	-	Perpendicular parcel/ longest property line Right angle lot lines Frontage required	Perpendicular parcel/ longest property line Min. parcel width matches orignal	-	-	Right angles Min. 20ft access
Noticing	Adjacent owners	-	-	-	Adjacent owners	-	-	-	-	-	-
ADU	-	-	-	Allowed.	New units not allowed.	-	New units not allowed on lot split.	-	New units not allowed on lot split.	-	New units not allowed.
Driveways	-	-	-	-	One driveway allowed	One driveway allowed Max 22 ft. width Min. 30 ft. width corner lot	One driveway allowed	Shared driveway unless 100 ft. apart	-	-	Match existing
Lighting	Down lights only /exterior	Down lights only/ exterior	Down lights / exterior	-	Down lights only & shielded/ exterior	Down lights only & shielded/ exterior	Down lights only & shielded / exterior	Down lights only & shielded/ exterior	-	-	Down lights / away from adjacent properites
Building Separation	-	6 ft	6 ft	20 ft	-	-	-	-	-	-	5 ft

SB 9 Design Standards

	ONTARIO	GARDEN GROVE	ARCADIA	ROSEMEAD	WOODSIDE	LOS ALTOS	SAN CARLOS	SEASIDE	BURLINGAME	GILROY	LOS GATOS
Dwelling Type	-	-	-	-	-	-	-	-	-	-	single family attached twoplex
Entryway	-	Covered entry required.	Covered porch optional.	-	Covered entry required.	Roofed projection required.	Covered entry required. / Front elevation entry match single family appearance	-	-	Patio/porch required / Min. 48 sq ft area. Front facing entry required.	Front entry eave matches adjacent
		Min. depth 3 ft	Max. 12 ft depth		Max. height 10 ft	Min. depth 5 ft/ width 30 sq ft	Max. height 10 ft / Min. depth 5 ft			Material reqs.	Min. depth 6 ft/ width 25% from front elevation
Balcony	No rooftop deck permitted on lot split.	-	No rooftop deck permitted.	-	-	No balcony/rooftop deck permitted facing interior/rear yard	-	Rooftop decks permitted.	-	-	No rooftop deck/second floor terrace permitted.
						Balcony permitted front elevation / Max. depth 4 ft & 25 sq ft					Balcony permitted only primary dwelling.
FAR	-	-	-	-	-	Net site area (NSA) < 11,000 sq ft; Max. 35%	-	-	-	-	-
						> 11,000; Max. 3,850 sq ft + 10% x (NSA - 11,000 sq ft)					
Finished Floor	-	-	-	-	-	First story max. 22 in.	-	-	-	-	First story max. height 18 in.
Fire Mitigation	-	-	-	-	-	-	-	Fire sprinklers required.	-	-	-
					Varies by zone	Max. coverage for buildings > 6 ft. = 35% of single story area ~ 20 ft max.					

SB 9 Design Standards

	ONTARIO	GARDEN GROVE	ARCADIA	ROSEMEAD	WOODSIDE	LOS ALTOS	SAN CARLOS	SEASIDE	BURLINGAME	GILROY	LOS GATOS
Lot Coverage	-	Max. 50%	-	-	10% (R1) or 50% (SR,RR, SCP)	50% front yard matching existing landscaping > 30% two story prohibited	-	-	-	-	-
Plate Height	-	-	-	-	Max. 11 ft	First story: Max. 9' 3"; entry porch max. 12'; garage 10' Second story: Max. 8' 3"	-	-	-	-	Max. 10 ft
Roof	-	-	-	-	Min. 30 year composition Material reqs.	Material reqs.	-	-	-	-	-
Setbacks	Match existing requirements	Match exsiting requirements	Match existing requirements Side and Rear: Min. 4 ft	Match exsiting requirements	Front: 30' (R-1), 50' (SF, RR, SCP) Side & Rear: 4'	Front: 25' single story, 30' second story Second front: 10' single, 13' second Side & Rear: Min. 4 ft Second stort: Min. 11.5 ft	Match exsiting requirements	Front: Min. 15 ft. Side & Rear: Min. 4 ft	-	Match exsiting requirements	Front: Match underlying zone Interior: 4' Rear: 4' Garage entry: 18'
Street Access	Access to public street required / min. 20 ft. frontage	Access to public street required / min. 25 ft frontage	Existing driveway required	-	-	Access to public street required / min. width 20 ft	Lots without street frontage not permitted.	25 ft wide panhandle or easement required.	-	-	Access to public street required / min. frontage 20 ft Access corrdidor min. 20 ft width
Trash	-	Match existing requirements	-	-	Screened trash enclosure required. Max. 6 ft height	-	Match existing requirements	-	-	-	-

SB 9 Design Standards

	ONTARIO	GARDEN GROVE	ARCADIA	ROSEMEAD	WOODSIDE	LOS ALTOS	SAN CARLOS	SEASIDE	BURLINGAME	GILROY	LOS GATOS
Utilties	Seperate utility connections required.	Seperate utility connections required.	Seperate utility connections required.	-	Material reqs.	Utility services must be placed underground	Seperate utility connections required.	Separate utility measures required and must be placed undeground.	-	-	-
Walls & Fences	6 ft masonry wall required	6 ft masonry wall required	Wall or fence required.	-	Walls max. 6 ft	Screening vegetation required within sight of windows less than 4'6" on second floor; balcony adjoining property	-	-	-	-	-
	3 ft within front, side and rear setback		Material reqs.		Material reqs.	24 in. evergreen species					
Windows	No direct line of sight to adjoining property	-	Windows must be recessed.	-	No direct line of sight to adjoining structure within 30 ft. or adjacent unit	Windows must be trimmed or recessed.	Windows must be trimmed or recessed.	-	-	Windows must be trimmed or recessed.	Material reqs.
	Material reqs.		Material reqs.		Material reqs.	Material reqs.	Material reqs.				
Other	-	Private secure storage required. Min. 144 cubic ft	-	-	Structural offsets prohibitted on street facing elevation	Units may not extend the daylight plane.	Deed restriction applied to newly created parcels	Deed restriction applied to newly created parcels	-	-	-
		Laundry space required within unit or garage						Fire wall required between units			
		Proritizes development standards									

Images courtesy of PrefabADU and HCD

California Department of Housing and Community Development

Accessory Dwelling Unit Handbook

September 2020

Where foundations begin

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Understanding Accessory Dwelling Units (ADUs) and Their Importance

California's housing production is not keeping pace with demand. In the last decade, less than half of the homes needed to keep up with the population growth were built. Additionally, new homes are often constructed away from job-rich areas. This lack of housing that meets people's needs is impacting affordability and causing average housing costs, particularly for renters in California, to rise significantly. As affordable housing becomes less accessible, people drive longer distances between housing they can afford and their workplace or pack themselves into smaller shared spaces, both of which reduce the quality of life and produce negative environmental impacts.

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Beyond traditional construction, widening the range of housing types can increase the housing supply and help more low-income Californians thrive. Examples of some of these housing types are Accessory Dwelling Units (ADUs - also referred to as second units, in-law units, casitas, or granny flats) and Junior Accessory Dwelling Units (JADUs).

What is an ADU?

An ADU is an accessory dwelling unit with complete independent living facilities for one or more persons and has a few variations:

- Detached: The unit is separated from the primary structure.
- Attached: The unit is attached to the primary structure.
- Converted Existing Space: Space (e.g., master bedroom, attached garage, storage area, or similar use, or an accessory structure) on the lot of the primary residence that is converted into an independent living unit.
- Junior Accessory Dwelling Unit (JADU): A specific type of conversion of existing space that is contained entirely within an existing or proposed single-family residence.

ADUs tend to be significantly less expensive to build and offer benefits that address common development barriers such as affordability and environmental quality. Because ADUs must be built on lots with existing or proposed housing, they do not require paying for new land, dedicated parking or other costly infrastructure required to build a new single-family home. Because they are contained inside existing single-family homes, JADUs require relatively

modest renovations and are much more affordable to complete. ADUs are often built with cost-effective one or two-story wood frames, which are also cheaper than other new homes. Additionally, prefabricated ADUs can be directly purchased and save much of the time and money that comes with new construction. ADUs can provide as much living space as apartments and condominiums and work well for couples, small families, friends, young people, and seniors.

Much of California's housing crisis comes from job-rich, high-opportunity areas where the total housing stock is insufficient to meet demand and exclusionary practices have limited housing choice and inclusion. Professionals and students often prefer living closer to jobs and amenities rather than spending hours commuting. Parents often want better access to schools and do not necessarily require single-family homes to meet their needs. There is a shortage of affordable units, and the units that are available can be out of reach for many people. To address our state's needs, homeowners can construct an ADU on their lot or convert an underutilized part of their home into a JADU. This flexibility benefits both renters and homeowners who can receive extra monthly rent income.

ADUs also give homeowners the flexibility to share independent living areas with family members and others, allowing seniors to age in place as they require more care, thus helping extended families stay together while maintaining privacy. The space can be used for a variety of reasons, including adult children who can pay off debt and save up for living on their own.

New policies are making ADUs even more affordable to build, in part by limiting the development impact fees and relaxing zoning requirements. A 2019 study from the Terner Center on Housing Innovation noted that one unit of affordable housing in the Bay Area costs about $450,000. ADUs and JADUs can often be built at a fraction of that price and homeowners may use their existing lot to create additional housing, without being required to provide additional infrastructure. Often the rent generated from the ADU can pay for the entire project in a matter of years.

ADUs and JADUs are a flexible form of housing that can help Californians more easily access job-rich, high-opportunity areas. By design, ADUs are more affordable and can provide additional income to homeowners. Local governments can encourage the development of ADUs and improve access to jobs, education, and services for many Californians.

Summary of Recent Changes to Accessory Dwelling Unit Laws

In Government Code Section 65852.150, the California Legislature found and declared that, among other things, allowing accessory dwelling units (ADUs) in zones that allow single-family and multifamily uses provides additional rental housing, and is an essential component in addressing California's housing needs. Over the years, ADU law has been revised to improve its effectiveness at creating more housing units. Changes to ADU laws effective January 1, 2020, further reduce barriers, better streamline approval processes, and expand capacity to accommodate the development of ADUs and junior accessory dwelling units (JADUs).

ADUs are a unique opportunity to address a variety of housing needs and provide affordable housing options for family members, friends, students, the elderly, in-home health care providers, people with disabilities, and others. Further, ADUs offer an opportunity to maximize and integrate housing choices within existing neighborhoods.

Within this context, the California Department of Housing and Community Development (HCD) has prepared this guidance to assist local governments, homeowners, architects, and the general public in encouraging the development of ADUs. Please see Attachment 1 for the complete statutory changes. The following is a summary of legislation since 2019 that amended ADU law and became effective as of January 1, 2020.

AB 68 (Ting), AB 881 (Bloom), and SB 13 (Wieckowski)

Chapter 653, Statutes of 2019 (Senate Bill 13, Section 3), Chapter 655, Statutes of 2019 (Assembly Bill 68, Section 2) and Chapter 659 (Assembly Bill 881, Section 1.5 and 2.5) build upon recent changes to ADU and JADU law (Government Code Sections 65852.2, 65852.22 and further address barriers to the development of ADUs and JADUs) (Attachment A includes the combined ADU statute updates from SB 13, AB 68 and AB 881.)

This recent legislation, among other changes, addresses the following:

- Prohibits local agencies from including in development standards for ADUs requirements on minimum lot size (Gov. Code, § 65852.2, subd. (a)(1)(B)(i)).
- Clarifies areas designated by local agencies for ADUs may be based on the adequacy of water and sewer services as well as impacts on traffic flow and public safety (Gov. Code, § 65852.2, subd. (a)(1)(A)).
- Eliminates all owner-occupancy requirements by local agencies for ADUs approved between January 1, 2020 and January 1, 2025 ((Gov. Code, § 65852.2, subd. (a)(6)).
- Prohibits a local agency from establishing a maximum size of an ADU of less than 850 square feet, or 1,000 square feet if the ADU contains more than one bedroom and requires approval of a permit to build an ADU of up to 800 square feet ((Gov. Code, § 65852.2, subd. (c)(2)(B) & (C)).

- Clarifies that when ADUs are created through the conversion of a garage, carport or covered parking structure, replacement off-street parking spaces cannot be required by the local agency (Gov. Code, § 65852.2, subd. (a)(1)(D)(xi)).
- Reduces the maximum ADU and JADU application review time from 120 days to 60 days (Gov. Code, § 65852.2, subd. (a)(3) and (b)).
- Clarifies that "public transit" includes various means of transportation that charge set fees, run on fixed routes and are available to the public (Gov. Code, § 65852.2, subd. (j)(10)).
- Establishes impact fee exemptions and limitations based on the size of the ADU. ADUs up to 750 square feet are exempt from impact fees (Government Code Section 65852.2, Subdivision (f)(3)); ADUs that are 750 square feet or larger may be charged impact fees but only such fees that are proportional in size (by square foot) to those for the primary dwelling unit (Gov. Code, § 65852.2, subd. (f)(3)).
- Defines an "accessory structure" to mean a structure that is accessory or incidental to a dwelling on the same lot as the ADU (Gov. Code, § 65852.2, subd. (j)(2)).
- Authorizes HCD to notify the local agency if HCD finds that their ADU ordinance is not in compliance with state law (Gov. Code, § 65852.2, subd. (h)(2)).
- Clarifies that a local agency may identify an ADU or JADU as an adequate site to satisfy RHNA housing needs (Gov. Code § 65583.1, subd. (a), and § 65852.2, subd. (m)).
- Permits JADUs even where a local agency has not adopted an ordinance expressly authorizing them (Gov. Code, § 65852.2, subd. (a)(3), (b), and (e)).
- Allows a permitted JADU to be constructed within the walls of the proposed or existing single-family residence and eliminates the required inclusion of an existing bedroom or an interior entry into the single-family residence (Gov. Code § 65852.22, subd. (a)(4); Former Gov. Code § 65852.22, subd. (a)(5)).
- Requires, upon application and approval, a local agency to delay enforcement against a qualifying substandard ADU for five (5) years to allow the owner to correct the violation, so long as the violation is not a health and safety issue, as determined by the enforcement agency (Gov. Code, § 65852.2, subd. (n); Health and Safety Code § 17980.12).

AB 587 (Friedman), AB 670 (Friedman), and AB 671 (Friedman)

In addition to the legislation listed above, AB 587 (Chapter 657, Statutes of 2019), AB 670 (Chapter 178, Statutes of 2019), and AB 671 (Chapter 658, Statutes of 2019) also have an impact on state ADU law, particularly through Health and Safety Code Section 17980.12. These recent pieces of legislation, among other changes, address the following:

- AB 587 creates a narrow exemption to the prohibition for ADUs to be sold or otherwise conveyed separately from the primary dwelling by allowing deed-restricted sales to occur if the local agency adopts an ordinance. To qualify, the primary dwelling and the ADU are to be built by a qualified nonprofit corporation whose mission is to provide units to low-income households (Gov. Code § 65852.26).
- AB 670 provides that covenants, conditions and restrictions (CC&Rs) that either effectively prohibit or unreasonably restrict the construction or use of an ADU or JADU on a lot zoned for single-family residential use are void and unenforceable (Civil Code Section 4751).

- AB 671 requires local agencies' housing elements to include a plan that incentivizes and promotes the creation of ADUs that can offer affordable rents for very low, low-, or moderate-income households and requires HCD to develop a list of state grants and financial incentives in connection with the planning, construction and operation of affordable ADUs. (Gov. Code § 65583; Health and Safety Code § 50504.5)

Frequently Asked Questions: Accessory Dwelling Units[1]

1. Legislative Intent

- **Should a local ordinance encourage the development of accessory dwelling units?**

  Yes. Pursuant to Government Code Section 65852.150, the California Legislature found and declared that, among other things, California is facing a severe housing crisis and ADUs are a valuable form of housing that meets the needs of family members, students, the elderly, in-home health care providers, people with disabilities and others. Therefore, ADUs are an essential component of California's housing supply.

  ADU law and recent changes intend to address barriers, streamline approval, and expand potential capacity for ADUs, recognizing their unique importance in addressing California's housing needs. The preparation, adoption, amendment, and implementation of local ADU

Government Code 65852.150:

(a) The Legislature finds and declares all of the following:

(1) Accessory dwelling units are a valuable form of housing in California.

(2) Accessory dwelling units provide housing for family members, students, the elderly, in-home health care providers, the disabled, and others, at below market prices within existing neighborhoods.

(3) Homeowners who create accessory dwelling units benefit from added income, and an increased sense of security.

(4) Allowing accessory dwelling units in single-family or multifamily residential zones provides additional rental housing stock in California.

(5) California faces a severe housing crisis.

(6) The state is falling far short of meeting current and future housing demand with serious consequences for the state's economy, our ability to build green infill consistent with state greenhouse gas reduction goals, and the well-being of our citizens, particularly lower and middle-income earners.

(7) Accessory dwelling units offer lower cost housing to meet the needs of existing and future residents within existing neighborhoods, while respecting architectural character.

(8) Accessory dwelling units are, therefore, an essential component of California's housing supply.

(b) It is the intent of the Legislature that an accessory dwelling unit ordinance adopted by a local agency has the effect of providing for the creation of accessory dwelling units and that provisions in this ordinance relating to matters including unit size, parking, fees, and other requirements, are not so arbitrary, excessive, or burdensome so as to unreasonably restrict the ability of homeowners to create accessory dwelling units in zones in which they are authorized by local ordinance.

[1] Note: Unless otherwise noted, the Government Code section referenced is 65852.2.

ordinances must be carried out consistent with Government Code, Section 65852.150 and must not unduly constrain the creation of ADUs. Local governments adopting ADU ordinances should carefully weigh the adoption of zoning, development standards, and other provisions for impacts on the development of ADUs.

In addition, ADU law is the statutory minimum requirement. Local governments may elect to go beyond this statutory minimum and further the creation of ADUs. Many local governments have embraced the importance of ADUs as an important part of their overall housing policies and have pursued innovative strategies. (Gov. Code, § 65852.2, subd. (g)).

2. Zoning, Development and Other Standards

A) Zoning and Development Standards

- **Are ADUs allowed jurisdiction wide?**

No. ADUs proposed pursuant to subdivision (e) must be considered in any residential or mixed-use zone. For other ADUs, local governments may, by ordinance, designate areas in zones where residential uses are permitted that will also permit ADUs. However, any limits on where ADUs are permitted may only be based on the adequacy of water and sewer service, and the impacts on traffic flow and public safety. Further, local governments may not preclude the creation of ADUs altogether, and any limitation should be accompanied by detailed findings of fact explaining why ADU limitations are required and consistent with these factors.

Examples of public safety include severe fire hazard areas and inadequate water and sewer service and includes cease and desist orders. Impacts on traffic flow should consider factors like lesser car ownership rates for ADUs and the potential for ADUs to be proposed pursuant to Government Code section 65852.2, subdivision (e). Finally, local governments may develop alternative procedures, standards, or special conditions with mitigations for allowing ADUs in areas with potential health and safety concerns. (Gov. Code, § 65852.2, subd. (e))

Residential or mixed-use zone should be construed broadly to mean any zone where residential uses are permitted by-right or by conditional use.

- **Can a local government apply design and development standards?**

Yes. A local government may apply development and design standards that include, but are not limited to, parking, height, setback, landscape, architectural review, maximum size of a unit, and standards that prevent adverse impacts on any real property that is listed in the California Register of Historic Resources. However, these standards shall be sufficiently objective to allow ministerial review of an ADU. (Gov. Code, § 65852.2, subd. (a)(1)(B)(i))

ADUs created under subdivision (e) of Government Code 65852.2 shall not be subject to design and development standards except for those that are noted in the subdivision.

What does objective mean?

"objective zoning standards" and "objective design review standards" mean 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 available and knowable by both the development applicant or proponent and the public official prior to submittal. Gov Code § 65913.4, subd. (a)(5)

ADUs that do not meet objective and ministerial development and design standards may still be permitted through an ancillary discretionary process if the applicant chooses to do so. Some jurisdictions with compliant ADU ordinances apply additional processes to further the creation of ADUs that do not otherwise comply with the minimum standards necessary for ministerial review. Importantly, these processes are intended to provide additional opportunities to create ADUs that would not otherwise be permitted, and a discretionary process may not be used to review ADUs that are fully compliant with ADU law. Examples of these processes include areas where additional health and safety concerns must be considered, such as fire risk.

- **Can ADUs exceed general plan and zoning densities?**

  Yes. An ADU is an accessory use for the purposes of calculating allowable density under the general plan and zoning that does not count toward the allowable density. For example, if a zoning district allows one unit per 7,500 square feet, then an ADU would not be counted as an additional unit. Further, local governments could elect to allow more than one ADU on a lot, and ADUs are automatically a residential use deemed consistent with the general plan and zoning. (Gov. Code, § 65852.2, subd. (a)(1)(C))

- **Are ADUs permitted ministerially?**

  Yes. ADUs must be considered, approved, and permitted ministerially, without discretionary action. Development and other decision-making standards must be sufficiently objective to allow for ministerial review. Examples include numeric and fixed standards such as heights or setbacks or design standards such as colors or materials. Subjective standards require judgement and can be interpreted in multiple ways such as privacy, compatibility with neighboring properties or promoting harmony and balance in the community; subjective standards shall not be imposed for ADU development. Further, ADUs must not be subject to a hearing or any ordinance regulating the issuance of variances or special use permits and must be considered ministerially. (Gov. Code, § 65852.2, subd. (a)(3))

- **Can I create an ADU if I have multiple detached dwellings on a lot?**

  Yes. A lot where there are currently multiple detached single-family dwellings is eligible for creation of one ADU per lot by converting space within the proposed or existing space of a single-family dwelling or existing structure and a new construction detached ADU subject to certain development standards.

- **Can I build an ADU in a historic district, or if the primary residence is subject to historic preservation?**

  Yes. ADUs are allowed within a historic district, and on lots where the primary residence is subject to historic preservation. State ADU law allows for a local agency to impose standards that prevent adverse impacts on any real property that is listed in the California Register of Historic Resources. However, these standards do not apply to ADUs proposed pursuant to Gov. Code § 65852.2, subd. (e).

As with non-historic resources, a jurisdiction may impose objective and ministerial standards that are sufficiently objective to be reviewed ministerially and do not unduly burden the creation of ADUs. Jurisdictions are encouraged to incorporate these standards into their ordinance and submit these standards along with their ordinance to HCD. (Gov. Code, § 65852.2, subd. (a)(1)(B)(i) & (a)(5))

B) Size Requirements

- **Is there a minimum lot size requirement?**

No. While local governments may impose standards on ADUs, these standards shall not include minimum lot size requirements. Further, lot coverage requirements cannot preclude the creation of a statewide exemption ADU (800 square feet ADU with a height limitation of 16 feet and 4 feet side and rear yard setbacks). If lot coverage requirements do not allow such an ADU, an automatic exception or waiver should be given to appropriate development standards such as lot coverage, floor area or open space requirements. Local governments may continue to enforce building and health and safety standards and may consider design, landscape, and other standards to facilitate compatibility.

What is a Statewide Exemption ADU?

A statewide exemption ADU is an ADU of up to 800 square feet, 16 foot in height and with 4-foot side and rear yard setbacks. ADU law requires that no lot coverage, floor area ratio, open space, or minimum lot size will preclude the construction of a statewide exemption ADU. Further, ADU law allows the construction of a detached new construction statewide exemption ADU to be combined with a JADU within any zone allowing residential or mixed uses regardless of zoning and development standards imposed in an ordinance. See more discussion below.

- **Can minimum and maximum unit sizes be established for ADUs?**

Yes. A local government may, by ordinance, establish minimum and maximum unit size requirements for both attached and detached ADUs. However, maximum unit size requirements must be at least 850 square feet and 1,000 square feet for ADUs with more than one bedroom. For local agencies without an ordinance, maximum unit sizes are 1,200 square feet for a new detached ADU and up to 50 percent of the floor area of the existing primary dwelling for an attached ADU (at least 800 square feet). Finally, the local agency must not establish by ordinance a minimum square footage requirement that prohibits an efficiency unit, as defined in Health and Safety Code § 17958.1.

The conversion of an existing accessory structure or a portion of the existing primary residence to an ADU is not subject to size requirements. For example, an existing 3,000 square foot barn converted to an ADU would not be subject to the size requirements, regardless if a local government has an adopted ordinance. Should an applicant want to expand an accessory structure to create an ADU beyond 150 square feet, this ADU would be subject to the size maximums outlined in state ADU law, or the local agency's adopted ordinance.

- **Can a percentage of the primary dwelling be used for a maximum unit size?**

Yes. Local agencies may utilize a percentage (e.g., 50 percent) of the primary dwelling as a maximum unit size for attached or detached ADUs but only if it does not restrict an ADU's size to less than the standard of at least 850 sq. ft (or at least 1000 square feet. for ADUs with more than one bedroom). Local agencies must not, by ordinance, establish any other minimum or maximum unit sizes, including based on a percentage of the primary dwelling, that precludes a statewide exemption ADU. Local agencies utilizing

percentages of primary dwelling as maximum unit sizes could consider multi-pronged standards to help navigate these requirements (e.g., shall not exceed 50 percent of the dwelling or 1,000 square feet, whichever is greater).

- **Can maximum unit sizes exceed 1,200 square feet for ADUs?**

  Yes. Maximum unit sizes, by ordinance, can exceed 1,200 square feet for ADUs. ADU law does not limit the authority of local agencies to adopt less restrictive requirements for the creation of ADUs (Gov. Code, § 65852.2, subd. (g)).

  Larger unit sizes can be appropriate in a rural context or jurisdictions with larger lot sizes and is an important approach to creating a full spectrum of ADU housing choices.

C) Parking Requirements

- **Can parking requirements exceed one space per unit or bedroom?**

  No. Parking requirements for ADUs shall not exceed one parking space per unit or bedroom, whichever is less. These spaces may be provided as tandem parking on a driveway. Guest parking spaces shall not be required for ADUs under any circumstances.

What is Tandem Parking? Tandem parking means two or more automobiles that are parked on a driveway or in any other location on a lot, lined up behind one another. (Gov. Code, § 65852.2, subd. (a)(1)(D)(x)(I) and (j)(11))

  Local agencies may choose to eliminate or reduce parking requirements for ADUs such as requiring zero or half a parking space per each ADU.

- **Is flexibility for siting parking required?**

  Yes. Local agencies should consider flexibility when siting parking for ADUs. Offstreet parking spaces for the ADU shall be permitted in setback areas in locations determined by the local agency or through tandem parking, unless specific findings are made. Specific findings must be based on specific site or regional topographical or fire and life safety conditions.

  When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an ADU, or converted to an ADU, the local agency shall not require that those offstreet parking spaces for the primary unit be replaced. (Gov. Code, § 65852.2, subd. (a)(D)(xi))

- **Can ADUs be exempt from parking?**

  Yes. A local agency shall not impose ADU parking standards for any of the following, pursuant to Gov. Code § 65852.2, subd. (d)(1-5) and (j)(10))

  (1) Accessory dwelling unit is located within one-half mile walking distance of public transit.
  (2) Accessory dwelling unit is located within an architecturally and historically significant historic district.

(3) Accessory dwelling unit is part of the proposed or existing primary residence or an accessory structure.
(4) When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.
(5) When there is a car share vehicle located within one block of the accessory dwelling unit.

Note: For the purposes of state ADU law, a jurisdiction may use the designated areas where a car share vehicle may be accessed. Public transit is any location where an individual may access buses, trains, subways and other forms of transportation that charge set fares, run on fixed routes and are available to the general public. Walking distance is defined as the pedestrian shed to reach public transit. Additional parking requirements to avoid impacts to public access may be required in the coastal zone.

D) Setbacks

- **Can setbacks be required for ADUs?**

Yes. A local agency may impose development standards, such as setbacks, for the creation of ADUs. Setbacks may include front, corner, street, and alley setbacks. Additional setback requirements may be required in the coastal zone if required by a local coastal program. Setbacks may also account for utility easements or recorded setbacks. However, setbacks must not unduly constrain the creation of ADUs and cannot be required for ADUs proposed pursuant to subdivision (e). Further, a setback of no more than four feet from the side and rear lot lines shall be required for an attached or detached ADU. (Gov. Code, § 65852.2, subd. (a)(1)(D)(vii))

A local agency may also allow the expansion of a detached structure being converted into an ADU when the existing structure does not have four-foot rear and side setbacks. A local agency may also allow the expansion area of a detached structure being converted into an ADU to have no setbacks, or setbacks of less than four feet, if the existing structure has no setbacks, or has setbacks of less than four feet. A local agency shall not require setbacks of more than four feet for the expanded area of a detached structure being converted into an ADU.

A local agency may still apply front yard setbacks for ADUs, but front yard setbacks cannot preclude a statewide exemption ADU and must not unduly constrain the creation of all types of ADUs. (Gov. Code, § 65852.2, subd. (c))

E) Height Requirements

- **Is there a limit on the height of an ADU or number of stories?**

Not in state ADU law, but local agencies may impose height limits provided that the limit is no less than 16 feet. (Gov. Code, § 65852.2, subd. (a)(1)(B)(i))

F) Bedrooms

- **Is there a limit on the number of bedrooms?**

State ADU law does not allow for the limitation on the number of bedrooms of an ADU. A limit on the number of bedrooms could be construed as a discriminatory practice towards protected classes, such as familial status, and would be considered a constraint on the development of ADUs.

G) Impact Fees

- **Can impact fees be charged for an ADU less than 750 square feet?**

  No. An ADU is exempt from incurring impact fees from local agencies, special districts, and water corporations if less than 750 square feet. Should an ADU be 750 square feet or larger, impact fees shall be charged proportionately in relation to the square footage of the ADU to the square footage of the primary dwelling unit.

  What is "Proportionately"?

  "Proportionately" is some amount that corresponds to a total amount, in this case, an impact fee for a single-family dwelling. For example, a 2,000 square foot primary dwelling with a proposed 1,000 square foot ADU could result in 50 percent of the impact fee that would be charged for a new primary dwelling on the same site. In all cases, the impact fee for the ADU must be less than the primary dwelling. Otherwise, the fee is not calculated proportionately. When utilizing proportions, careful consideration should be given to the impacts on costs, feasibility, and ultimately, the creation of ADUs. In the case of the example above, anything greater than 50 percent of the primary dwelling could be considered a constraint on the development of ADUs.

  For purposes of calculating the fees for an ADU on a lot with a multifamily dwelling, the proportionality shall be based on the average square footage of the units within that multifamily dwelling structure. For ADUs converting existing space with a 150 square foot expansion, a total ADU square footage over 750 square feet could trigger the proportionate fee requirement. (Gov. Code, § 65852.2, subd. (f)(3)(A))

- **Can local agencies, special districts or water corporations waive impact fees?**

  Yes. Agencies can waive impact and any other fees for ADUs. Also, local agencies may also use fee deferrals for applicants.

- **Can school districts charge impact fees?**

  Yes. School districts are authorized but do not have to levy impact fees for ADUs greater than 500 square feet pursuant to Section 17620 of the Education Code. ADUs less than 500 square feet are not subject to school impact fees. Local agencies are encouraged to coordinate with school districts to carefully weigh the importance of promoting ADUs, ensuring appropriate nexus studies and appropriate fees to facilitate construction or reconstruction of adequate school facilities.

- **What types of fees are considered impact fees?**

  Impact fees charged for the construction of ADUs must be determined in accordance with the Mitigation Fee Act and generally include any monetary exaction that is charged by a local agency in connection with the approval of an ADU, including impact fees, for the purpose of defraying all or a portion of the cost of public facilities relating to the ADU. A local agency, special district or water corporation shall not consider ADUs as a new residential use for the purposes of calculating connection fees or capacity charges for utilities, including water and sewer services. However, these provisions do not apply to ADUs that are constructed concurrently with a new single-family home (Gov. Code, § 65852.2, subd. (f) and Government Code § 66000)

- **Can I still be charged water and sewer connection fees?**

ADUs converted from existing space and JADUs shall not be considered by a local agency, special district or water corporation to be a new residential use for purposes of calculating connection fees or capacity charges for utilities, unless constructed with a new single-family dwelling. The connection fee or capacity charge shall be proportionate to the burden of the proposed ADU, based on its square footage or plumbing fixtures as compared to the primary dwelling. State ADU law does not cover monthly charge fees. (Gov. Code, § 65852.2, subd. (f)(2)(A))

H) Conversion of Existing Space in Single Family, Accessory and Multifamily Structures and Other Statewide Permissible ADUs (Subdivision (e))

- **Are local agencies required to comply with subdivision (e)?**

Yes. All local agencies must comply with subdivision (e). This subdivision requires the ministerial approval of ADUs within a residential or mixed-use zone. The subdivision creates four categories of ADUs that should not be subject to other specified areas of ADU law, most notably zoning and development standards. For example, ADUs under this subdivision should not have to comply with lot coverage, setbacks, heights, and unit sizes. However, ADUs under this subdivision must meet the building code and health and safety requirements. The four categories of ADUs under subdivision (e) are:

a. One ADU or JADU per lot within the existing space of a single-family dwelling, or an ADU within an accessory structure that meets specified requirements such as exterior access and setbacks for fire and safety.
b. One detached new construction ADU that does not exceed four-foot side and rear yard setbacks. This ADU may be combined on the same lot with a JADU and may be required to meet a maximum unit size requirement of 800 square feet and a height limitation of 16 feet.
c. Multiple ADUs within the portions of multifamily structures that are not used as livable space. Local agencies must allow at least one of these types of ADUs and up to 25 percent of the existing multifamily structures.
d. Up to two detached ADUs on a lot that has existing multifamily dwellings that are subject to height limits of 16 feet and 4-foot rear and side yard setbacks.

The above four categories are not required to be combined. For example, local governments are not required to allow (a) and (b) together or (c) and (d) together. However, local agencies may elect to allow these ADU types together.

Local agencies shall allow at least one ADU to be created within the non-livable space within multifamily dwelling structures, or up to 25 percent of the existing multifamily dwelling units within a structure and may also allow not more than two ADUs on the lot detached from the multifamily dwelling structure. New detached units are subject to height limits of 16 feet and shall not be required to have side and rear setbacks of more than four feet.

The most common ADU that can be created under subdivision (e) is a conversion of proposed or existing space of a single-family dwelling or accessory structure into an ADU, without any prescribed size limitations, height, setback, lot coverage, architectural review, landscape, or other development standards. This would enable the conversion of an accessory structure, such as a 2,000 square foot garage, to an ADU without any additional requirements other than compliance with building standards for dwellings. These types of ADUs are also eligible for a 150 square foot expansion (see discussion below).

ADUs created under subdivision (e) shall not be required to provide replacement or additional parking. Moreover, these units shall not, as a condition for ministerial approval, be required to correct any existing or created nonconformity. Subdivision (e) ADUs shall be required to be rented for terms longer than 30 days, and only require fire sprinklers if fire sprinklers are required for the primary residence. These ADUs

shall not be counted as units when calculating density for the general plan and are not subject to owner-occupancy.

- **Can I convert my accessory structure into an ADU?**

  Yes. The conversion of garages, sheds, barns, and other existing accessory structures, either attached or detached from the primary dwelling, into ADUs is permitted and promoted through the state ADU law. These conversions of accessory structures are not subject to any additional development standard, such as unit size, height, and lot coverage requirements, and shall be from existing space that can be made safe under Building and Safety Codes. A local agency should not set limits on when the structure was created, and the structure must meet standards for Health & Safety. Finally, local governments may also consider the conversion of illegal existing space and could consider alternative building standards to facilitate the conversion of existing illegal space to minimum life and safety standards.

- **Can an ADU converting existing space be expanded?**

  Yes. An ADU within the existing or proposed space of a single-family dwelling can be expanded 150 square feet beyond the physical dimensions of the structure but shall be limited to accommodating ingress and egress. An example of where this expansion could be applicable is for the creation of a staircase to reach a second story ADU. These types of ADUs shall conform to setbacks sufficient for fire and safety.

  A local agency may allow for an expansion beyond 150 square feet, though the ADU would have to comply with the size maximums as per state ADU law, or a local agency's adopted ordinance.

  As a JADU is limited to being created within the walls of a primary residence, this expansion of up to 150 square feet does not pertain to JADUs.

I) Nonconforming Zoning Standards

- **Does the creation of an ADU require the applicant to carry out public improvements?**

  No physical improvements shall be required for the creation or conversion of an ADU. Any requirement to carry out public improvements is beyond what is required for the creation of an ADU, as per state law. For example, an applicant shall not be required to improve sidewalks, carry out street improvements, or access improvements to create an ADU. Additionally, as a condition for ministerial approval of an ADU, an applicant shall not be required to correct nonconforming zoning conditions. (Gov. Code, § 65852.2, subd. (e)(2))

J) Renter and Owner-occupancy

- **Are rental terms required?**

  Yes. Local agencies may require that the property be used for rentals of terms longer than 30 days. ADUs permitted ministerially, under subdivision (e), shall be rented for terms longer than 30 days. (Gov. Code, § 65852.2, subd. (a)(6) & (e)(4))

- **Are there any owner-occupancy requirements for ADUs?**

No. Prior to recent legislation, ADU laws allowed local agencies to elect whether the primary dwelling or ADU was required to be occupied by an owner. The updates to state ADU law removed the owner-occupancy allowance for newly created ADUs effective January 1, 2020. The new owner-occupancy exclusion is set to expire on December 31, 2024. Local agencies may not retroactively require owner occupancy for ADUs permitted between January 1, 2020 and December 31, 2024.

However, should a property have both an ADU and JADU, JADU law requires owner-occupancy of either the newly created JADU, or the single-family residence. Under this specific circumstance, a lot with an ADU would be subject to owner-occupancy requirements. – (Gov. Code, § 65852.2, subd. (a)(2))

K) Fire Sprinkler Requirements

- **Are fire sprinklers required for ADUs?**

No. Installation of fire sprinklers may not be required in an ADU if sprinklers are not required for the primary residence. For example, a residence built decades ago would not have been required to have fire sprinklers installed under the applicable building code at the time. Therefore, an ADU created on this lot cannot be required to install fire sprinklers. However, if the same primary dwelling recently undergoes significant remodeling and is now required to have fire sprinklers, any ADU created after that remodel must likewise install fire sprinklers. (Gov. Code, § 65852.2, subd. (a)(1)(D)(xii) and (e)(3))

Please note, for ADUs created on lots with multifamily residential structures, the entire residential structure shall serve as the “primary residence”. Therefore, if the multifamily structure is served by fire sprinklers, the ADU can be required to install fire sprinklers.

L) Solar Panel Requirements

- **Are solar panels required for new construction ADUs?**

Yes, newly constructed ADUs are subject to the Energy Code requirement to provide solar panels if the unit(s) is a newly constructed, non-manufactured, detached ADU. Per the California Energy Commission (CEC), the panels can be installed on the ADU or on the primary dwelling unit. ADUs that are constructed within existing space, or as an addition to existing homes, including detached additions where an existing detached building is converted from non-residential to residential space, are not subject to the Energy Code requirement to provide solar panels.

Please refer to the CEC on this matter. For more information, see the CEC’s website www.energy.ca.gov. You may email your questions to: title24@energy.ca.gov, or contact the Energy Standards Hotline at 800-772-3300. CEC memos can also be found on HCD’s website at https://www.hcd.ca.gov/policy-research/AccessoryDwellingUnits.shtml.

3. Junior Accessory Dwelling Units (JADUs) – Government Code Section 65852.22

- **Are two JADUs allowed on a lot?**

No. A JADU may be created on a lot zoned for single-family residences with one primary dwelling. The JADU may be created within the walls of the proposed or existing single-family residence, including attached garages, as attached garages are considered within the walls of the existing single-family

residence. Please note that JADUs created in the attached garage are not subject to the same parking protections as ADUs and could be required by the local agency to provide replacement parking.

JADUs are limited to one per residential lot with a single-family residence. Lots with multiple detached single-family dwellings are not eligible to have JADUs. (Gov. Code, § 65852.22, subd. (a)(1))

- **Are JADUs allowed in detached accessory structures?**

No, JADUs are not allowed in accessory structures. The creation of a JADU must be within the single-family residence. As noted above, attached garages are eligible for JADU creation. The maximum size for a JADU is 500 square feet. (Gov. Code, § 65852.22, subd. (a)(1), (a)(4), and (h)(1))

- **Are JADUs allowed to be increased up to 150 square feet when created within an existing structure?**

No. Only ADUs are allowed to add up to 150 square feet "beyond the physical dimensions of the existing accessory structure" to provide for ingress. (Gov. Code, § 65852.2, subd. (e)(1)(A)(i).)

This provision extends only to ADUs and excludes JADUs. A JADU is required to be created within the single-family residence.

- **Are there any owner-occupancy requirements for JADUs?**

Yes. There are owner-occupancy requirements for JADUs. The owner must reside in either the remaining portion of the primary residence, or in the newly created JADU. (Gov. Code, § 65852.22, subd. (a)(2))

4. Manufactured Homes and ADUs

- **Are manufactured homes considered to be an ADU?**

Yes. An ADU is any residential dwelling unit with independent facilities and permanent provisions for living, sleeping, eating, cooking and sanitation. An ADU includes a manufactured home (Health and Safety Code §18007).

> Health and Safety Code section 18007, subdivision (a) **"Manufactured home,"** for the purposes of this part, means a structure that was constructed on or after June 15, 1976, is transportable in one or more sections, is eight body feet or more in width, or 40 body feet or more in length, in the traveling mode, or, when erected on site, is 320 or more square feet, is built on a permanent chassis and designed to be used as a single-family dwelling with or without a foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein. "Manufactured home" includes any structure that meets all the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification and complies with the standards established under the National Manufactured Housing Construction and Safety Act of 1974 (42 U.S.C., Sec. 5401, and following).

5. ADUs and the Housing Element

- **Do ADUs and JADUs count toward a local agency's Regional Housing Needs Allocation?**

  Yes. Pursuant to Gov. Code § 65852.2 subd. (m) and Government Code section 65583.1, ADUs and JADUs may be utilized towards the Regional Housing Need Allocation (RHNA) and Annual Progress Report (APR) pursuant to Government Code Section 65400. To credit a unit toward the RHNA, HCD and the Department of Finance (DOF) utilize the census definition of a housing unit. Generally an ADU, and a JADU with shared sanitation facilities, and any other unit that meets the census definition and is reported to DOF as part of the DOF annual City and County Housing Unit Change Survey can be credited toward the RHNA based on the appropriate income level. The housing element or APR must include a reasonable methodology to demonstrate the level of affordability. Local governments can track actual or anticipated affordability to assure ADUs and JADUs are counted towards the appropriate income category. For example, some local governments request and track information such as anticipated affordability as part of the building permit or other applications.

- **Is analysis required to count ADUs toward the RHNA in the housing element?**

  Yes. To calculate ADUs in the housing element, local agencies must generally use a three-part approach: (1) development trends, (2) anticipated affordability and (3) resources and incentives. Development trends must consider ADUs permitted in the prior planning period and may also consider more recent trends. Anticipated affordability can use a variety of methods to estimate the affordability by income group. Common approaches include rent surveys of ADUs, using rent surveys and square footage assumptions and data available through the APR pursuant to Government Code section 65400. Resources and incentives include policies and programs to encourage ADUs, such as prototype plans, fee waivers, expedited procedures and affordability monitoring programs.

- **Are ADUs required to be addressed in the housing element?**

  Yes. The housing element must include a description of zoning available to permit ADUs, including development standards and analysis of potential constraints on the development of ADUs. The element must include programs as appropriate to address identified constraints. In addition, housing elements must include a plan that incentivizes and promotes the creation of ADUs that can offer affordable rents for very low, low-, or moderate-income households and requires the California Department of Housing and Community Development to develop a list of state grants and financial incentives in connection with the planning, construction and operation of affordable ADUs. (Gov. Code § 65583 and Health and Safety Code § 50504.5.)

6. Homeowners Association

- **Can my local Homeowners Association (HOA) prohibit the construction of an ADU?**

  No. Assembly Bill 670 (2019) amended Section 4751 of the Civil Code to preclude planned developments from prohibiting or unreasonably restricting the construction or use of an ADU on a lot zoned for single-family residential use. Covenants, conditions and restrictions (CC&Rs) that either effectively prohibit or reasonably restrict the construction or use of an ADU or JADU on such lots are void and unenforceable. Applicants who encounter issues with creating ADUs within CC&Rs are encouraged to reach out to HCD for additional guidance.

7. Enforcement

- **Does HCD have enforcement authority over ADU ordinances?**

  Yes. After adoption of the ordinance, HCD may review and submit written findings to the local agency as to whether the ordinance complies with state ADU law. If the local agency's ordinance does not comply, HCD must provide a reasonable time, no longer than 30 days, for the local agency to respond, and the local agency shall consider HCD's findings to amend the ordinance to become compliant. If a local agency does not make changes and implements an ordinance that is not compliant with state law, HCD may refer the matter to the Attorney General.

  In addition, HCD may review, adopt, amend, or repeal guidelines to implement uniform standards or criteria that supplement or clarify ADU law.

8. Other

- **Are ADU ordinances existing prior to new 2020 laws null and void?**

  No. Ordinances existing prior to the new 2020 laws are only null and void to the extent that existing ADU ordinances conflict with state law. Subdivision (a)(4) of Government Code Section 65852.2 states an ordinance that fails to meet the requirements of subdivision (a) shall be null and void and shall apply the state standards (see attachment 3) until a compliant ordinance is adopted. However, ordinances that substantially comply with ADU law may continue to enforce the existing ordinance to the extent it complies with state law. For example, local governments may continue the compliant provisions of an ordinance and apply the state standards where pertinent until the ordinance is amended or replaced to fully comply with ADU law. At the same time, ordinances that are fundamentally incapable of being enforced because key provisions are invalid -- meaning there is not a reasonable way to sever conflicting provisions and apply the remainder of an ordinance in a way that is consistent with state law -- would be fully null and void and must follow all state standards until a compliant ordinance is adopted.

- **Do local agencies have to adopt an ADU Ordinance?**

  No. Local governments may choose not to adopt an ADU ordinance. Should a local government choose to not adopt an ADU ordinance, any proposed ADU development would be only subject to standards set in state ADU law. If a local agency adopts an ADU ordinance, it may impose zoning, development, design, and other standards in compliance with state ADU law. (See Attachment 4 for a state standards checklist.)

- **Is a local government required to send an ADU Ordinance to the California Department of Housing and Community Development (HCD)?**

  Yes. A local government, upon adoption of an ADU ordinance, must submit a copy of the adopted ordinance to the California Department of Housing and Community Development (HCD) within 60 days after adoption. After the adoption of an ordinance, the Department may review and submit written findings to the local agency as to whether the ordinance complies with this section. (Gov. Code, § 65852.2, subd. (h)(1))

Local governments may also submit a draft ADU ordinance for preliminary review by the HCD. This provides local agencies the opportunity to receive feedback on their ordinance and helps to ensure compliance with the new state ADU law.

- **Are charter cities and counties subject to the new ADU laws?**

  Yes. ADU law applies to a local agency which is defined as a city, county, or city and county, whether general law or chartered (Gov. Code, § 65852.2, subd. (j)(5)).

  Further, pursuant to Chapter 659, Statutes of 2019 (AB 881), the Legislature found and declared ADU law as "*…a matter of statewide concern rather than a municipal affair, as that term is used in Section 5 of Article XI of the California Constitution*" and concluded that ADU law applies to all cities, including charter cities.

- **Do the new ADU laws apply to jurisdictions located in the Coastal Zone?**

  Yes. ADU laws apply to jurisdictions in the Coastal Zone, but do not necessarily alter or lessen the effect or application of Coastal Act resource protection policies. - (Gov. Code, § 65852.22, subd. (l)).

  Coastal localities should seek to harmonize the goals of protecting coastal resources and addressing housing needs of Californians. For example, where appropriate, localities should amend Local Coastal Programs for California Coastal Commission review to comply with the California Coastal Act and new ADU laws. For more information, see the California Coastal Commission 2020 Memo and reach out to the locality's local Coastal Commission district office.

- **What is considered a multifamily dwelling?**

  For the purposes of state ADU law, a structure with two or more attached dwellings on a single lot is considered a multifamily dwelling structure. Multiple detached single-unit dwellings on the same lot are not considered multifamily dwellings for the purposes of state ADU law.

Resources

Attachment 1: Statutory Changes (Strikeout/Italics and Underline)

GOV. CODE: TITLE 7, DIVISION 1, CHAPTER 4, ARTICLE 2
(AB 881, AB 68 and SB 13 Accessory Dwelling Units)
(Changes noted in strikeout, underline/italics)

Effective January 1, 2020, Section 65852.2 of the Government Code is amended to read:

65852.2.

(a) (1) A local agency may, by ordinance, provide for the creation of accessory dwelling units in areas zoned to allow single-family or multifamily *dwelling residential* use. The ordinance shall do all of the following:
(A) Designate areas within the jurisdiction of the local agency where accessory dwelling units may be permitted. The designation of areas may be based on ~~criteria that may include, but are not limited to,~~ the adequacy of water and sewer services and the impact of accessory dwelling units on traffic flow and public safety. *A local agency that does not provide water or sewer services shall consult with the local water or sewer service provider regarding the adequacy of water and sewer services before designating an area where accessory dwelling units may be permitted*.
(B) (i) Impose standards on accessory dwelling units that include, but are not limited to, parking, height, setback, ~~lot coverage,~~ landscape, architectural review, maximum size of a unit, and standards that prevent adverse impacts on any real property that is listed in the California Register of Historic ~~Places.~~ *Resources. These standards shall not include requirements on minimum lot size.*
(ii) Notwithstanding clause (i), a local agency may reduce or eliminate parking requirements for any accessory dwelling unit located within its jurisdiction.
(C) Provide that accessory dwelling units do not exceed the allowable density for the lot upon which the accessory dwelling unit is located, and that accessory dwelling units are a residential use that is consistent with the existing general plan and zoning designation for the lot.
(D) Require the accessory dwelling units to comply with all of the following:
(i) The *accessory dwelling* unit may be rented separate from the primary residence, ~~buy~~ *but* may not be sold or otherwise conveyed separate from the primary residence.
(ii) The lot is zoned to allow single-family or multifamily *dwelling residential* use and includes a proposed or existing ~~single-family~~ dwelling.
(iii) The accessory dwelling unit is either attached *to,* or located ~~within the living area of the~~ *within, the* proposed or existing primary ~~dwelling or~~ *dwelling, including attached garages, storage areas or similar uses, or an accessory structure or* detached from the proposed or existing primary dwelling and located on the same lot as the proposed or existing primary dwelling.
(iv) ~~The total area of floorspace of~~ *If there is an existing primary dwelling, the total floor area of* an attached accessory dwelling unit shall not exceed 50 percent of the ~~proposed or existing primary dwelling living area or 1,200 square feet.~~ *existing primary dwelling*.
(v) The total *floor* area ~~of floorspace~~ for a detached accessory dwelling unit shall not exceed 1,200 square feet.
(vi) No passageway shall be required in conjunction with the construction of an accessory dwelling unit.
(vii) No setback shall be required for an existing ~~garage~~ *living area or accessory structure or a structure constructed in the same location and to the same dimensions as an existing structure* that is converted to an accessory dwelling unit or to a portion of an accessory dwelling unit, and a setback of no more than ~~five~~ *four* feet from the side and rear lot lines shall be required for an accessory dwelling unit that is ~~constructed above a garage.~~ *not converted from an existing structure or a new structure constructed in the same location and to the same dimensions as an existing structure.*
(viii) Local building code requirements that apply to detached dwellings, as appropriate.
(ix) Approval by the local health officer where a private sewage disposal system is being used, if required.
(x) (I) Parking requirements for accessory dwelling units shall not exceed one parking space per *accessory dwelling* unit or per bedroom, whichever is less. These spaces may be provided as tandem parking on a driveway.
(II) Offstreet parking shall be permitted in setback areas in locations determined by the local agency or through tandem parking, unless specific findings are made that parking in setback areas or tandem parking is not feasible based upon specific site or regional topographical or fire and life safety conditions.
(III) This clause shall not apply to ~~a~~ an accessory dwelling unit that is described in subdivision (d).
(xi) When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an

accessory dwelling unit or converted to an accessory dwelling unit, ~~and~~ the local agency ~~requires~~ *shall not require* that those ~~offstreet~~ *offstreet* parking spaces be ~~replaced, the replacement spaces may be located in any configuration on the same lot as the accessory dwelling unit, including, but not limited to, as covered spaces, uncovered spaces, or tandem spaces, or by the use of mechanical automobile parking lifts. This clause shall not apply to a unit that is described in subdivision (d).~~ *replaced.*

(xii) Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence.

(2) The ordinance shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

(3) ~~When a local agency receives its first application on or after July 1, 2003, for a permit pursuant to this subdivision, the application~~ *A permit application for an accessory dwelling unit or a junior accessory dwelling unit* shall be considered *and approved* ministerially without discretionary review or a hearing, notwithstanding Section 65901 or 65906 or any local ordinance regulating the issuance of variances or special use ~~permits, within 120 days after receiving the application~~. *permits. The permitting agency shall act on the application to create an accessory dwelling unit or a junior accessory dwelling unit within 60 days from the date the local agency receives a completed application if there is an existing single-family or multifamily dwelling on the lot. If the permit application to create an accessory dwelling unit or a junior accessory dwelling unit is submitted with a permit application to create a new single-family dwelling on the lot, the permitting agency may delay acting on the permit application for the accessory dwelling unit or the junior accessory dwelling unit until the permitting agency acts on the permit application to create the new single-family dwelling, but the application to create the accessory dwelling unit or junior accessory dwelling unit shall be considered without discretionary review or hearing. If the applicant requests a delay, the 60-day time period shall be tolled for the period of the delay.* A local agency may charge a fee to reimburse it for costs ~~that it incurs as a result of amendments to this paragraph enacted during the 2001–02 Regular Session of the Legislature,~~ *incurred to implement this paragraph,* including the costs of adopting or amending any ordinance that provides for the creation of an accessory dwelling unit.

(4) An existing ordinance governing the creation of an accessory dwelling unit by a local agency or an accessory dwelling ordinance adopted by a local agency ~~subsequent to the effective date of the act adding this paragraph~~ shall provide an approval process that includes only ministerial provisions for the approval of accessory dwelling units and shall not include any discretionary processes, provisions, or requirements for those units, except as otherwise provided in this subdivision. ~~In the event that~~ *If* a local agency has an existing accessory dwelling unit ordinance that fails to meet the requirements of this subdivision, that ordinance shall be null and void ~~upon the effective date of the act adding this paragraph~~ and that agency shall thereafter apply the standards established in this subdivision for the approval of accessory dwelling units, unless and until the agency adopts an ordinance that complies with this section.

(5) No other local ordinance, policy, or regulation shall be the basis for the *delay or* denial of a building permit or a use permit under this subdivision.

(6) This subdivision establishes the maximum standards that local agencies shall use to evaluate a proposed accessory dwelling unit on a lot ~~zoned for residential use~~ that includes a proposed or existing single-family dwelling. No additional standards, other than those provided in this subdivision, shall be ~~utilized~~ *used* or imposed, *including any owner-occupant requirement,* except that a local agency may require ~~an applicant for a permit issued pursuant to this subdivision to be an owner-occupant or~~ that the property be used for rentals of terms longer than 30 days.

(7) A local agency may amend its zoning ordinance or general plan to incorporate the policies, procedures, or other provisions applicable to the creation of an accessory dwelling unit if these provisions are consistent with the limitations of this subdivision.

(8) An accessory dwelling unit that conforms to this subdivision shall be deemed to be an accessory use or an accessory building and shall not be considered to exceed the allowable density for the lot upon which it is located, and shall be deemed to be a residential use that is consistent with the existing general plan and zoning designations for the lot. The accessory dwelling unit shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

(b) When a local agency that has not adopted an ordinance governing accessory dwelling units in accordance with subdivision (a) receives an application for a permit to create an accessory dwelling unit pursuant to this subdivision, the local agency shall approve or disapprove the application ministerially without discretionary review pursuant to subdivision ~~(a) within 120 days after receiving the application.~~ *(a). The permitting agency shall act on the application to create an accessory dwelling unit or a junior accessory dwelling unit within 60 days from the date the local agency receives a completed application if there is an existing single-family or multifamily dwelling on the lot. If the permit application to create an accessory dwelling unit or a junior accessory dwelling unit is submitted*

with a permit application to create a new single-family dwelling on the lot, the permitting agency may delay acting on the permit application for the accessory dwelling unit or the junior accessory dwelling unit until the permitting agency acts on the permit application to create the new single-family dwelling, but the application to create the accessory dwelling unit or junior accessory dwelling unit shall still be considered ministerially without discretionary review or a hearing. If the applicant requests a delay, the 60-day time period shall be tolled for the period of the delay. If the local agency has not acted upon the completed application within 60 days, the application shall be deemed approved.

(c) (1) Subject to paragraph (2), a local agency may establish minimum and maximum unit size requirements for both attached and detached accessory dwelling units.

(2) Notwithstanding paragraph (1), a local agency shall not establish by ordinance any of the following:

(A) A minimum square footage requirement for either an attached or detached accessory dwelling unit that prohibits an efficiency unit.

(B) A maximum square footage requirement for either an attached or detached accessory dwelling unit that is less than either of the following:

(i) 850 square feet.

(ii) 1,000 square feet for an accessory dwelling unit that provides more than one bedroom.

~~(c)~~ *(C)* ~~A local agency may establish minimum and maximum unit size requirements for both attached and detached accessory dwelling units. No minimum~~ *Any other minimum* or maximum size for an accessory dwelling unit, ~~or~~ size based upon a percentage of the proposed or existing primary dwelling, ~~shall be established by ordinance~~ *or limits on lot coverage, floor area ratio, open space, and minimum lot size,* for either attached or detached dwellings that does not permit at least an ~~efficiency unit to be constructed in compliance with local development standards. Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence.~~ *800 square foot accessory dwelling unit that is at least 16 feet in height with four-foot side and rear yard setbacks to be constructed in compliance with all other local development standards.*

(d) Notwithstanding any other law, a local agency, whether or not it has adopted an ordinance governing accessory dwelling units in accordance with subdivision (a), shall not impose parking standards for an accessory dwelling unit in any of the following instances:

(1) The accessory dwelling unit is located within one-half mile *walking distance* of public transit.

(2) The accessory dwelling unit is located within an architecturally and historically significant historic district.

(3) The accessory dwelling unit is part of the proposed or existing primary residence or an accessory structure.

(4) When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.

(5) When there is a car share vehicle located within one block of the accessory dwelling unit.

(e) *(1)* Notwithstanding subdivisions (a) to (d), inclusive, a local agency shall ministerially approve an application for a building permit ~~to create within a zone for single-family use one accessory dwelling unit per single-family lot if the unit is contained within the existing space of a single-family residence or accessory structure, including, but not limited to, a studio, pool house, or other similar structure, has independent exterior access from the existing residence, and the side and rear setbacks are sufficient for fire safety. Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence. A city may require owner occupancy for either the primary or the accessory dwelling unit created through this process.~~ *within a residential or mixed-use zone to create any of the following:*

(A) One accessory dwelling unit or junior accessory dwelling unit per lot with a proposed or existing single-family dwelling if all of the following apply:

(i) The accessory dwelling unit or junior accessory dwelling unit is within the proposed space of a single-family dwelling or existing space of a single-family dwelling or accessory structure and may include an expansion of not more than 150 square feet beyond the same physical dimensions as the existing accessory structure. An expansion beyond the physical dimensions of the existing accessory structure shall be limited to accommodating ingress and egress.

(ii) The space has exterior access from the proposed or existing single-family dwelling.

(iii) The side and rear setbacks are sufficient for fire and safety.

(iv) The junior accessory dwelling unit complies with the requirements of Section 65852.22.

(B) One detached, new construction, accessory dwelling unit that does not exceed four-foot side and rear yard setbacks for a lot with a proposed or existing single-family dwelling. The accessory dwelling unit may be combined with a junior accessory dwelling unit described in subparagraph (A). A local agency may impose the following conditions on the accessory dwelling unit:

(i) A total floor area limitation of not more than 800 square feet.

(ii) A height limitation of 16 feet.

(C) (i) Multiple accessory dwelling units within the portions of existing multifamily dwelling structures that are not

used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages, if each unit complies with state building standards for dwellings.
(ii) A local agency shall allow at least one accessory dwelling unit within an existing multifamily dwelling and shall allow up to 25 percent of the existing multifamily dwelling units.
(D) Not more than two accessory dwelling units that are located on a lot that has an existing multifamily dwelling, but are detached from that multifamily dwelling and are subject to a height limit of 16 feet and four-foot rear yard and side setbacks.
(2) A local agency shall not require, as a condition for ministerial approval of a permit application for the creation of an accessory dwelling unit or a junior accessory dwelling unit, the correction of nonconforming zoning conditions.
(3) The installation of fire sprinklers shall not be required in an accessory dwelling unit if sprinklers are not required for the primary residence.
(4) A local agency shall require that a rental of the accessory dwelling unit created pursuant to this subdivision be for a term longer than 30 days.
(5) A local agency may require, as part of the application for a permit to create an accessory dwelling unit connected to an onsite water treatment system, a percolation test completed within the last five years, or, if the percolation test has been recertified, within the last 10 years.
(6) Notwithstanding subdivision (c) and paragraph (1) a local agency that has adopted an ordinance by July 1, 2018, providing for the approval of accessory dwelling units in multifamily dwelling structures shall ministerially consider a permit application to construct an accessory dwelling unit that is described in paragraph (1), and may impose standards including, but not limited to, design, development, and historic standards on said accessory dwelling units. These standards shall not include requirements on minimum lot size.
(f) (1) Fees charged for the construction of accessory dwelling units shall be determined in accordance with Chapter 5 (commencing with Section 66000) and Chapter 7 (commencing with Section 66012).
(2) ~~Accessory~~ *An accessory* dwelling ~~units~~ *unit* shall not be considered by a local agency, special district, or water corporation to be a new residential use for ~~the~~ purposes of calculating connection fees or capacity charges for utilities, including water and sewer ~~service.~~ *service, unless the accessory dwelling unit was constructed with a new single-family dwelling.*
(3) (A) A local agency, special district, or water corporation shall not impose any impact fee upon the development of an accessory dwelling unit less than 750 square feet. Any impact fees charged for an accessory dwelling unit of 750 square feet or more shall be charged proportionately in relation to the square footage of the primary dwelling unit.
(B) For purposes of this paragraph, "impact fee" has the same meaning as the term "fee" is defined in subdivision (b) of Section 66000, except that it also includes fees specified in Section 66477. "Impact fee" does not include any connection fee or capacity charge charged by a local agency, special district, or water corporation.
~~(A)~~ *(4)* For an accessory dwelling unit described in *subparagraph (A) of paragraph (1) of* subdivision (e), a local agency, special district, or water corporation shall not require the applicant to install a new or separate utility connection directly between the accessory dwelling unit and the utility or impose a related connection fee or capacity ~~charge.~~ *charge, unless the accessory dwelling unit was constructed with a new single-family home.*
~~(B)~~ *(5)* For an accessory dwelling unit that is not described in *subparagraph (A) of paragraph (1) of* subdivision (e), a local agency, special district, or water corporation may require a new or separate utility connection directly between the accessory dwelling unit and the utility. Consistent with Section 66013, the connection may be subject to a connection fee or capacity charge that shall be proportionate to the burden of the proposed accessory dwelling unit, based upon either its ~~size~~ *square feet* or the number of its ~~plumbing fixtures,~~ *drainage fixture unit (DFU) values, as defined in the Uniform Plumbing Code adopted and published by the International Association of Plumbing and Mechanical Officials,* upon the water or sewer system. This fee or charge shall not exceed the reasonable cost of providing this service.
(g) This section does not limit the authority of local agencies to adopt less restrictive requirements for the creation of an accessory dwelling unit.
(h) ~~Local~~ *(1)* ~~agencies~~ *A local agency* shall submit a copy of the ordinance adopted pursuant to subdivision (a) to the Department of Housing and Community Development within 60 days after adoption. ~~The department may review and comment on this submitted ordinance.~~ *After adoption of an ordinance, the department may submit written findings to the local agency as to whether the ordinance complies with this section.*
(2) (A) If the department finds that the local agency's ordinance does not comply with this section, the department shall notify the local agency and shall provide the local agency with a reasonable time, no longer than 30 days, to respond to the findings before taking any other action authorized by this section.
(B) The local agency shall consider the findings made by the department pursuant to subparagraph (A) and shall do one of the following:

(i) Amend the ordinance to comply with this section.
(ii) Adopt the ordinance without changes. The local agency shall include findings in its resolution adopting the ordinance that explain the reasons the local agency believes that the ordinance complies with this section despite the findings of the department.
(3) (A) If the local agency does not amend its ordinance in response to the department's findings or does not adopt a resolution with findings explaining the reason the ordinance complies with this section and addressing the department's findings, the department shall notify the local agency and may notify the Attorney General that the local agency is in violation of state law.
(B) Before notifying the Attorney General that the local agency is in violation of state law, the department may consider whether a local agency adopted an ordinance in compliance with this section between January 1, 2017, and January 1, 2020.
(i) The department may review, adopt, amend, or repeal guidelines to implement uniform standards or criteria that supplement or clarify the terms, references, and standards set forth in this section. The guidelines adopted pursuant to this subdivision are not subject to Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2.
~~(i)~~ *(j)* As used in this section, the following terms mean:
~~(1) "Living area" means the interior habitable area of a dwelling unit including basements and attics but does not include a garage or any accessory structure.~~
~~(2) "Local agency" means a city, county, or city and county, whether general law or chartered.~~
~~(3) For purposes of this section, "neighborhood" has the same meaning as set forth in Section 65589.5.~~
~~(4)~~ *(1)* "Accessory dwelling unit" means an attached or a detached residential dwelling unit ~~which~~ *that* provides complete independent living facilities for one or more ~~persons.~~ *persons and is located on a lot with a proposed or existing primary residence.* It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family *or multifamily* dwelling is *or will be* situated. An accessory dwelling unit also includes the following:
(A) An efficiency unit.
(B) A manufactured home, as defined in Section 18007 of the Health and Safety Code.
(2) "Accessory structure" means a structure that is accessory and incidental to a dwelling located on the same lot.
~~(A)~~ *(3)* ~~An efficiency unit,~~ *"Efficiency unit" has the same meaning* as defined in Section 17958.1 of the Health and Safety Code.
~~(B)~~ *(4)* ~~A manufactured home, as defined in Section 18007 of the Health and Safety Code.~~ *"Living area" means the interior habitable area of a dwelling unit, including basements and attics, but does not include a garage or any accessory structure.*
(5) "Local agency" means a city, county, or city and county, whether general law or chartered.
(6) "Neighborhood" has the same meaning as set forth in Section 65589.5.
(7) "Nonconforming zoning condition" means a physical improvement on a property that does not conform with current zoning standards.
~~(5)~~ *(8)* "Passageway" means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit.
(9) "Proposed dwelling" means a dwelling that is the subject of a permit application and that meets the requirements for permitting.
(10) "Public transit" means a location, including, but not limited to, a bus stop or train station, where the public may access buses, trains, subways, and other forms of transportation that charge set fares, run on fixed routes, and are available to the public.
~~(6)~~ *(11)* "Tandem parking" means that two or more automobiles are parked on a driveway or in any other location on a lot, lined up behind one another.
(k) A local agency shall not issue a certificate of occupancy for an accessory dwelling unit before the local agency issues a certificate of occupancy for the primary dwelling.
~~(j)~~ *(l)* Nothing in this section shall be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act of 1976 (Division 20 (commencing with Section 30000) of the Public Resources Code), except that the local government shall not be required to hold public hearings for coastal development permit applications for accessory dwelling units.
(m) A local agency may count an accessory dwelling unit for purposes of identifying adequate sites for housing, as specified in subdivision (a) of Section 65583.1, subject to authorization by the department and compliance with this division.
(n) In enforcing building standards pursuant to Article 1 (commencing with Section 17960) of Chapter 5 of Part 1.5 of Division 13 of the Health and Safety Code for an accessory dwelling unit described in paragraph (1) or (2)

below, a local agency, upon request of an owner of an accessory dwelling unit for a delay in enforcement, shall delay enforcement of a building standard, subject to compliance with Section 17980.12 of the Health and Safety Code:
(1) The accessory dwelling unit was built before January 1, 2020.
(2) The accessory dwelling unit was built on or after January 1, 2020, in a local jurisdiction that, at the time the accessory dwelling unit was built, had a noncompliant accessory dwelling unit ordinance, but the ordinance is compliant at the time the request is made.
(o) This section shall remain in effect only until January 1, 2025, and as of that date is repealed.

(Becomes operative on January 1, 2025)
Section 65852.2 of the Government Code is amended to read (changes from January 1, 2020 statute noted in underline/italic):

65852.2.
(a) (1) A local agency may, by ordinance, provide for the creation of accessory dwelling units in areas zoned to allow single-family or multifamily dwelling residential use. The ordinance shall do all of the following:

(A) Designate areas within the jurisdiction of the local agency where accessory dwelling units may be permitted. The designation of areas may be based on the adequacy of water and sewer services and the impact of accessory dwelling units on traffic flow and public safety. A local agency that does not provide water or sewer services shall consult with the local water or sewer service provider regarding the adequacy of water and sewer services before designating an area where accessory dwelling units may be permitted.

(B) (i) Impose standards on accessory dwelling units that include, but are not limited to, parking, height, setback, landscape, architectural review, maximum size of a unit, and standards that prevent adverse impacts on any real property that is listed in the California Register of Historic Resources. These standards shall not include requirements on minimum lot size.

(ii) Notwithstanding clause (i), a local agency may reduce or eliminate parking requirements for any accessory dwelling unit located within its jurisdiction.

(C) Provide that accessory dwelling units do not exceed the allowable density for the lot upon which the accessory dwelling unit is located, and that accessory dwelling units are a residential use that is consistent with the existing general plan and zoning designation for the lot.

(D) Require the accessory dwelling units to comply with all of the following:

(i) The accessory dwelling unit may be rented separate from the primary residence, but may not be sold or otherwise conveyed separate from the primary residence.

(ii) The lot is zoned to allow single-family or multifamily dwelling residential use and includes a proposed or existing dwelling.

(iii) The accessory dwelling unit is either attached to, or located within, the proposed or existing primary dwelling, including attached garages, storage areas or similar uses, or an accessory structure or detached from the proposed or existing primary dwelling and located on the same lot as the proposed or existing primary dwelling.

(iv) If there is an existing primary dwelling, the total floor area of an attached accessory dwelling unit shall not exceed 50 percent of the existing primary dwelling.

(v) The total floor area for a detached accessory dwelling unit shall not exceed 1,200 square feet.

(vi) No passageway shall be required in conjunction with the construction of an accessory dwelling unit.

(vii) No setback shall be required for an existing living area or accessory structure or a structure constructed in the same location and to the same dimensions as an existing structure that is converted to an accessory dwelling unit or to a portion of an accessory dwelling unit, and a setback of no more than four feet from the side and rear lot lines

shall be required for an accessory dwelling unit that is not converted from an existing structure or a new structure constructed in the same location and to the same dimensions as an existing structure.

(viii) Local building code requirements that apply to detached dwellings, as appropriate.

(ix) Approval by the local health officer where a private sewage disposal system is being used, if required.

(x) (I) Parking requirements for accessory dwelling units shall not exceed one parking space per accessory dwelling unit or per bedroom, whichever is less. These spaces may be provided as tandem parking on a driveway.

(II) Offstreet parking shall be permitted in setback areas in locations determined by the local agency or through tandem parking, unless specific findings are made that parking in setback areas or tandem parking is not feasible based upon specific site or regional topographical or fire and life safety conditions.

(III) This clause shall not apply to an accessory dwelling unit that is described in subdivision (d).

(xi) When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit or converted to an accessory dwelling unit, the local agency shall not require that those offstreet parking spaces be replaced.

(xii) Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence.

(2) The ordinance shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

(3) A permit application for an accessory dwelling unit or a junior accessory dwelling unit shall be considered and approved ministerially without discretionary review or a hearing, notwithstanding Section 65901 or 65906 or any local ordinance regulating the issuance of variances or special use permits. The permitting agency shall act on the application to create an accessory dwelling unit or a junior accessory dwelling unit within 60 days from the date the local agency receives a completed application if there is an existing single-family or multifamily dwelling on the lot. If the permit application to create an accessory dwelling unit or a junior accessory dwelling unit is submitted with a permit application to create a new single-family dwelling on the lot, the permitting agency may delay acting on the permit application for the accessory dwelling unit or the junior accessory dwelling unit until the permitting agency acts on the permit application to create the new single-family dwelling, but the application to create the accessory dwelling unit or junior accessory dwelling unit shall be considered without discretionary review or hearing. If the applicant requests a delay, the 60-day time period shall be tolled for the period of the delay. A local agency may charge a fee to reimburse it for costs incurred to implement this paragraph, including the costs of adopting or amending any ordinance that provides for the creation of an accessory dwelling unit.

(4) An existing ordinance governing the creation of an accessory dwelling unit by a local agency or an accessory dwelling ordinance adopted by a local agency shall provide an approval process that includes only ministerial provisions for the approval of accessory dwelling units and shall not include any discretionary processes, provisions, or requirements for those units, except as otherwise provided in this subdivision. If a local agency has an existing accessory dwelling unit ordinance that fails to meet the requirements of this subdivision, that ordinance shall be null and void and that agency shall thereafter apply the standards established in this subdivision for the approval of accessory dwelling units, unless and until the agency adopts ~~an~~ on ordinance that complies with this section.

(5) No other local ordinance, policy, or regulation shall be the basis for the delay or denial of a building permit or a use permit under this subdivision.

(6) (A) This subdivision establishes the maximum standards that local agencies shall use to evaluate a proposed accessory dwelling unit on a lot that includes a proposed or existing single-family dwelling. No additional standards, other than those provided in this subdivision, shall be used or ~~imposed, including any owner-occupant requirement, except that a local agency may require that the property be used for rentals of terms longer than 30 days.~~ imposed except that, *subject to subparagraph (B)*, a local agency may require *an applicant for a permit issued pursuant to this subdivision to be an owner-occupant or* that the property be used for rentals of terms longer than 30 days.

(B) Notwithstanding subparagraph (A), a local agency shall not impose an owner-occupant requirement on an accessory dwelling unit permitted between January 1, 2020, to January 1, 2025, during which time the local agency was prohibited from imposing an owner-occupant requirement.

(7) A local agency may amend its zoning ordinance or general plan to incorporate the policies, procedures, or other provisions applicable to the creation of an accessory dwelling unit if these provisions are consistent with the limitations of this subdivision.

(8) An accessory dwelling unit that conforms to this subdivision shall be deemed to be an accessory use or an accessory building and shall not be considered to exceed the allowable density for the lot upon which it is located, and shall be deemed to be a residential use that is consistent with the existing general plan and zoning designations for the lot. The accessory dwelling unit shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

(b) When a local agency that has not adopted an ordinance governing accessory dwelling units in accordance with subdivision (a) receives an application for a permit to create an accessory dwelling unit pursuant to this subdivision, the local agency shall approve or disapprove the application ministerially without discretionary review pursuant to subdivision (a). The permitting agency shall act on the application to create an accessory dwelling unit or a junior accessory dwelling unit within 60 days from the date the local agency receives a completed application if there is an existing single-family or multifamily dwelling on the lot. If the permit application to create an accessory dwelling unit or a junior accessory dwelling unit is submitted with a permit application to create a new single-family dwelling on the lot, the permitting agency may delay acting on the permit application for the accessory dwelling unit or the junior accessory dwelling unit until the permitting agency acts on the permit application to create the new single-family dwelling, but the application to create the accessory dwelling unit or junior accessory dwelling unit shall still be considered ministerially without discretionary review or a hearing. If the applicant requests a delay, the 60-day time period shall be tolled for the period of the delay. If the local agency has not acted upon the completed application within 60 days, the application shall be deemed approved.

(c) (1) Subject to paragraph (2), a local agency may establish minimum and maximum unit size requirements for both attached and detached accessory dwelling units.

(2) Notwithstanding paragraph (1), a local agency shall not establish by ordinance any of the following:

(A) A minimum square footage requirement for either an attached or detached accessory dwelling unit that prohibits an efficiency unit.

(B) A maximum square footage requirement for either an attached or detached accessory dwelling unit that is less than either of the following:

(i) 850 square feet.

(ii) 1,000 square feet for an accessory dwelling unit that provides more than one bedroom.

(C) Any other minimum or maximum size for an accessory dwelling unit, size based upon a percentage of the proposed or existing primary dwelling, or limits on lot coverage, floor area ratio, open space, and minimum lot size, for either attached or detached dwellings that does not permit at least an 800 square foot accessory dwelling unit that is at least 16 feet in height with four-foot side and rear yard setbacks to be constructed in compliance with all other local development standards.

(d) Notwithstanding any other law, a local agency, whether or not it has adopted an ordinance governing accessory dwelling units in accordance with subdivision (a), shall not impose parking standards for an accessory dwelling unit in any of the following instances:

(1) The accessory dwelling unit is located within one-half mile walking distance of public transit.

(2) The accessory dwelling unit is located within an architecturally and historically significant historic district.

(3) The accessory dwelling unit is part of the proposed or existing primary residence or an accessory structure.

(4) When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.

(5) When there is a car share vehicle located within one block of the accessory dwelling unit.

(e) (1) Notwithstanding subdivisions (a) to (d), inclusive, a local agency shall ministerially approve an application for a building permit within a residential or mixed-use zone to create any of the following:

(A) One accessory dwelling unit or junior accessory dwelling unit per lot with a proposed or existing single-family dwelling if all of the following apply:

(i) The accessory dwelling unit or junior accessory dwelling unit is within the proposed space of a single-family dwelling or existing space of a single-family dwelling or accessory structure and may include an expansion of not more than 150 square feet beyond the same physical dimensions as the existing accessory structure. An expansion beyond the physical dimensions of the existing accessory structure shall be limited to accommodating ingress and egress.

(ii) The space has exterior access from the proposed or existing single-family dwelling.

(iii) The side and rear setbacks are sufficient for fire and safety.

(iv) The junior accessory dwelling unit complies with the requirements of Section 65852.22.

(B) One detached, new construction, accessory dwelling unit that does not exceed four-foot side and rear yard setbacks for a lot with a proposed or existing single-family dwelling. The accessory dwelling unit may be combined with a junior accessory dwelling unit described in subparagraph (A). A local agency may impose the following conditions on the accessory dwelling unit:

(i) A total floor area limitation of not more than 800 square feet.

(ii) A height limitation of 16 feet.

(C) (i) Multiple accessory dwelling units within the portions of existing multifamily dwelling structures that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages, if each unit complies with state building standards for dwellings.

(ii) A local agency shall allow at least one accessory dwelling unit within an existing multifamily dwelling and may shall allow up to 25 percent of the existing multifamily dwelling units.

(D) Not more than two accessory dwelling units that are located on a lot that has an existing multifamily dwelling, but are detached from that multifamily dwelling and are subject to a height limit of 16 feet and four-foot rear yard and side setbacks.

(2) A local agency shall not require, as a condition for ministerial approval of a permit application for the creation of an accessory dwelling unit or a junior accessory dwelling unit, the correction of nonconforming zoning conditions.

(3) The installation of fire sprinklers shall not be required in an accessory dwelling unit if sprinklers are not required for the primary residence.

(4) A local agency may require owner occupancy for either the primary dwelling or the accessory dwelling unit on a single-family lot, subject to the requirements of paragraph (6) of subdivision (a).

(5) A local agency shall require that a rental of the accessory dwelling unit created pursuant to this subdivision be for a term longer than 30 days.

~~(5)~~ (6) A local agency may require, as part of the application for a permit to create an accessory dwelling unit connected to an onsite water treatment system, a percolation test completed within the last five years, or, if the percolation test has been recertified, within the last 10 years.

~~(6)~~ (7) Notwithstanding subdivision (c) and paragraph (1) a local agency that has adopted an ordinance by July 1,

2018, providing for the approval of accessory dwelling units in multifamily dwelling structures shall ministerially consider a permit application to construct an accessory dwelling unit that is described in paragraph (1), and may impose standards including, but not limited to, design, development, and historic standards on said accessory dwelling units. These standards shall not include requirements on minimum lot size.

(f) (1) Fees charged for the construction of accessory dwelling units shall be determined in accordance with Chapter 5 (commencing with Section 66000) and Chapter 7 (commencing with Section 66012).

(2) An accessory dwelling unit shall not be considered by a local agency, special district, or water corporation to be a new residential use for purposes of calculating connection fees or capacity charges for utilities, including water and sewer service, unless the accessory dwelling unit was constructed with a new single-family dwelling.

(3) (A) A local agency, special district, or water corporation shall not impose any impact fee upon the development of an accessory dwelling unit less than 750 square feet. Any impact fees charged for an accessory dwelling unit of 750 square feet or more shall be charged proportionately in relation to the square footage of the primary dwelling unit.

(B) For purposes of this paragraph, "impact fee" has the same meaning as the term "fee" is defined in subdivision (b) of Section 66000, except that it also includes fees specified in Section 66477. "Impact fee" does not include any connection fee or capacity charge charged by a local agency, special district, or water corporation.

(4) For an accessory dwelling unit described in subparagraph (A) of paragraph (1) of subdivision (e), a local agency, special district, or water corporation shall not require the applicant to install a new or separate utility connection directly between the accessory dwelling unit and the utility or impose a related connection fee or capacity charge, unless the accessory dwelling unit was constructed with a new single-family ~~home~~ dwelling.

(5) For an accessory dwelling unit that is not described in subparagraph (A) of paragraph (1) of subdivision (e), a local agency, special district, or water corporation may require a new or separate utility connection directly between the accessory dwelling unit and the utility. Consistent with Section 66013, the connection may be subject to a connection fee or capacity charge that shall be proportionate to the burden of the proposed accessory dwelling unit, based upon either its square feet or the number of its drainage fixture unit (DFU) values, as defined in the Uniform Plumbing Code adopted and published by the International Association of Plumbing and Mechanical Officials, upon the water or sewer system. This fee or charge shall not exceed the reasonable cost of providing this service.

(g) This section does not limit the authority of local agencies to adopt less restrictive requirements for the creation of an accessory dwelling unit.

(h) (1) A local agency shall submit a copy of the ordinance adopted pursuant to subdivision (a) to the Department of Housing and Community Development within 60 days after adoption. After adoption of an ordinance, the department may submit written findings to the local agency as to whether the ordinance complies with this section.

(2) (A) If the department finds that the local agency's ordinance does not comply with this section, the department shall notify the local agency and shall provide the local agency with a reasonable time, no longer than 30 days, to respond to the findings before taking any other action authorized by this section.

(B) The local agency shall consider the findings made by the department pursuant to subparagraph (A) and shall do one of the following:

(i) Amend the ordinance to comply with this section.

(ii) Adopt the ordinance without changes. The local agency shall include findings in its resolution adopting the ordinance that explain the reasons the local agency believes that the ordinance complies with this section despite the findings of the department.

(3) (A) If the local agency does not amend its ordinance in response to the department's findings or does not adopt a resolution with findings explaining the reason the ordinance complies with this section and addressing the department's findings, the department shall notify the local agency and may notify the Attorney General that the local agency is in violation of state law.

(B) Before notifying the Attorney General that the local agency is in violation of state law, the department may consider whether a local agency adopted an ordinance in compliance with this section between January 1, 2017, and January 1, 2020.

(i) The department may review, adopt, amend, or repeal guidelines to implement uniform standards or criteria that supplement or clarify the terms, references, and standards set forth in this section. The guidelines adopted pursuant to this subdivision are not subject to Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2.

(j) As used in this section, the following terms mean:

(1) “Accessory dwelling unit” means an attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family or multifamily dwelling is or will be situated. An accessory dwelling unit also includes the following:

(A) An efficiency unit.

(B) A manufactured home, as defined in Section 18007 of the Health and Safety Code.

(2) “Accessory structure” means a structure that is accessory and incidental to a dwelling located on the same lot.

(3) “Efficiency unit” has the same meaning as defined in Section 17958.1 of the Health and Safety Code.

(4) “Living area” means the interior habitable area of a dwelling unit, including basements and attics, but does not include a garage or any accessory structure.

(5) “Local agency” means a city, county, or city and county, whether general law or chartered.

(6) “Neighborhood” has the same meaning as set forth in Section 65589.5.

(A) An efficiency unit, as defined in Section 17958.1 of the Health and Safety Code.

(B) A manufactured home, as defined in Section 18007 of the Health and Safety Code.

(7) “Nonconforming zoning condition” means a physical improvement on a property that does not conform with current zoning standards.

(8) “Passageway” means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit.

(9) “Proposed dwelling” means a dwelling that is the subject of a permit application and that meets the requirements for permitting.

(10) “Public transit” means a location, including, but not limited to, a bus stop or train station, where the public may access buses, trains, subways, and other forms of transportation that charge set fares, run on fixed routes, and are available to the public.

(11) “Tandem parking” means that two or more automobiles are parked on a driveway or in any other location on a lot, lined up behind one another.

(k) A local agency shall not issue a certificate of occupancy for an accessory dwelling unit before the local agency issues a certificate of occupancy for the primary dwelling.

(l) Nothing in this section shall be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act of 1976 (Division 20 (commencing with Section 30000) of the Public Resources Code), except that the local government shall not be required to hold public hearings for coastal development permit applications for accessory dwelling units.

(m) A local agency may count an accessory dwelling unit for purposes of identifying adequate sites for housing, as specified in subdivision (a) of Section 65583.1, subject to authorization by the department and compliance with this division.

(n) In enforcing building standards pursuant to Article 1 (commencing with Section 17960) of Chapter 5 of Part 1.5 of Division 13 of the Health and Safety Code for an accessory dwelling unit described in paragraph (1) or (2) below, a local agency, upon request of an owner of an accessory dwelling unit for a delay in enforcement, shall delay enforcement of a building standard, subject to compliance with Section 17980.12 of the Health and Safety Code:

(1) The accessory dwelling unit was built before January 1, 2020.

(2) The accessory dwelling unit was built on or after January 1, 2020, in a local jurisdiction that, at the time the accessory dwelling unit was built, had a noncompliant accessory dwelling unit ordinance, but the ordinance is compliant at the time the request is made.

(o) This section shall ~~remain in effect only until January 1, 2025, and as of that date is repealed~~ *become operative on January 1, 2025*.

Effective January 1, 2020, Section 65852.22 of the Government Code is amended to read (changes noted in strikeout, underline/italics) (AB 68 (Ting)):

65852.22.

(a) Notwithstanding Section 65852.2, a local agency may, by ordinance, provide for the creation of junior accessory dwelling units in single-family residential zones. The ordinance may require a permit to be obtained for the creation of a junior accessory dwelling unit, and shall do all of the following:
(1) Limit the number of junior accessory dwelling units to one per residential lot zoned for single-family residences with a single-family residence ~~already built~~ *built, or proposed to be built,* on the lot.
(2) Require owner-occupancy in the single-family residence in which the junior accessory dwelling unit will be permitted. The owner may reside in either the remaining portion of the structure or the newly created junior accessory dwelling unit. Owner-occupancy shall not be required if the owner is another governmental agency, land trust, or housing organization.
(3) Require the recordation of a deed restriction, which shall run with the land, shall be filed with the permitting agency, and shall include both of the following:
(A) A prohibition on the sale of the junior accessory dwelling unit separate from the sale of the single-family residence, including a statement that the deed restriction may be enforced against future purchasers.
(B) A restriction on the size and attributes of the junior accessory dwelling unit that conforms with this section.
(4) Require a permitted junior accessory dwelling unit to be constructed within the ~~existing~~ walls of the ~~structure, and require the inclusion of an existing bedroom.~~ *proposed or existing single-family residence.*
(5) Require a permitted junior accessory dwelling to include a separate entrance from the main entrance to the ~~structure, with an interior entry to the main living area. A permitted junior accessory dwelling may include a second interior doorway for sound attenuation.~~ *proposed or existing single-family residence.*
(6) Require the permitted junior accessory dwelling unit to include an efficiency kitchen, which shall include all of the following:
~~(A) A sink with a maximum waste line diameter of 1.5 inches.~~
~~(B)~~ *(A)* A cooking facility with ~~appliances that do not require electrical service greater than 120 volts, or natural or propane gas.~~ *appliances*.
~~(C)~~ *(B)* A food preparation counter and storage cabinets that are of reasonable size in relation to the size of the junior accessory dwelling unit.
(b) (1) An ordinance shall not require additional parking as a condition to grant a permit.
(2) This subdivision shall not be interpreted to prohibit the requirement of an inspection, including the imposition of a fee for that inspection, to determine ~~whether~~ *if* the junior accessory dwelling unit ~~is in compliance~~ *complies* with applicable building standards.
(c) An application for a permit pursuant to this section shall, notwithstanding Section 65901 or 65906 or any local ordinance regulating the issuance of variances or special use permits, be considered ministerially, without discretionary review or a hearing. ~~A permit shall be issued within 120 days of submission of an application for a permit pursuant to this section.~~ *The permitting agency shall act on the application to create a junior accessory dwelling unit within 60 days from the date the local agency receives a completed application if there is an existing*

single-family dwelling on the lot. If the permit application to create a junior accessory dwelling unit is submitted with a permit application to create a new single-family dwelling on the lot, the permitting agency may delay acting on the permit application for the junior accessory dwelling unit until the permitting agency acts on the permit application to create the new single-family dwelling, but the application to create the junior accessory dwelling unit shall still be considered ministerially without discretionary review or a hearing. If the applicant requests a delay, the 60-day time period shall be tolled for the period of the delay. A local agency may charge a fee to reimburse the local agency for costs incurred in connection with the issuance of a permit pursuant to this section.
(d) For ~~the~~ purposes of any fire or life protection ordinance or regulation, a junior accessory dwelling unit shall not be considered a separate or new dwelling unit. This section shall not be construed to prohibit a city, county, city and county, or other local public entity from adopting an ordinance or regulation relating to fire and life protection requirements within a single-family residence that contains a junior accessory dwelling unit so long as the ordinance or regulation applies uniformly to all single-family residences within the zone regardless of whether the single-family residence includes a junior accessory dwelling unit or not.
(e) For ~~the~~ purposes of providing service for water, sewer, or power, including a connection fee, a junior accessory dwelling unit shall not be considered a separate or new dwelling unit.
(f) This section shall not be construed to prohibit a local agency from adopting an ordinance or regulation, related to parking or a service or a connection fee for water, sewer, or power, that applies to a single-family residence that contains a junior accessory dwelling unit, so long as that ordinance or regulation applies uniformly to all single-family residences regardless of whether the single-family residence includes a junior accessory dwelling unit.
(g) If a local agency has not adopted a local ordinance pursuant to this section, the local agency shall ministerially approve a permit to construct a junior accessory dwelling unit that satisfies the requirements set forth in subparagraph (A) of paragraph (1) of subdivision (e) of Section 65852.2 and the requirements of this section.
~~(g)~~ *(h)* For purposes of this section, the following terms have the following meanings:
(1) "Junior accessory dwelling unit" means a unit that is no more than 500 square feet in size and contained entirely within ~~an existing~~ *a* single-family ~~structure.~~ *residence.* A junior accessory dwelling unit may include separate sanitation facilities, or may share sanitation facilities with the existing structure.
(2) "Local agency" means a city, county, or city and county, whether general law or chartered.

Effective January 1, 2020 Section 17980.12 is added to the Health and Safety Code, immediately following Section 17980.11, to read (changes noted in underline/italics) (SB 13 (Wieckowski)):

17980.12.

(a) (1) An enforcement agency, until January 1, 2030, that issues to an owner of an accessory dwelling unit described in subparagraph (A) or (B) below, a notice to correct a violation of any provision of any building standard pursuant to this part shall include in that notice a statement that the owner of the unit has a right to request a delay in enforcement pursuant to this subdivision:
(A) The accessory dwelling unit was built before January 1, 2020.
(B) The accessory dwelling unit was built on or after January 1, 2020, in a local jurisdiction that, at the time the accessory dwelling unit was built, had a noncompliant accessory dwelling unit ordinance, but the ordinance is compliant at the time the request is made.
(2) The owner of an accessory dwelling unit that receives a notice to correct violations or abate nuisances as described in paragraph (1) may, in the form and manner prescribed by the enforcement agency, submit an application to the enforcement agency requesting that enforcement of the violation be delayed for five years on the basis that correcting the violation is not necessary to protect health and safety.
(3) The enforcement agency shall grant an application described in paragraph (2) if the enforcement determines that correcting the violation is not necessary to protect health and safety. In making this determination, the enforcement agency shall consult with the entity responsible for enforcement of building standards and other regulations of the State Fire Marshal pursuant to Section 13146.
(4) The enforcement agency shall not approve any applications pursuant to this section on or after January 1, 2030. However, any delay that was approved by the enforcement agency before January 1, 2030, shall be valid for the full term of the delay that was approved at the time of the initial approval of the application pursuant to paragraph (3).
(b) For purposes of this section, "accessory dwelling unit" has the same meaning as defined in Section 65852.2.
(c) This section shall remain in effect only until January 1, 2035, and as of that date is repealed.

GOV. CODE: TITLE 7, DIVISION 1, CHAPTER 4, ARTICLE 2
AB 587 Accessory Dwelling Units
(Changes noted in underline/italics)

Effective January 1, 2020, Section 65852.26 is added to the Government Code, immediately following Section 65852.25, to read (AB 587 (Friedman)):

65852.26.

(a) Notwithstanding clause (i) of subparagraph (D) of paragraph (1) of subdivision (a) of Section 65852.2, a local agency may, by ordinance, allow an accessory dwelling unit to be sold or conveyed separately from the primary residence to a qualified buyer if all of the following apply:

(1) The property was built or developed by a qualified nonprofit corporation.

(2) There is an enforceable restriction on the use of the land pursuant to a recorded contract between the qualified buyer and the qualified nonprofit corporation that satisfies all of the requirements specified in paragraph (10) of subdivision (a) of Section 402.1 of the Revenue and Taxation Code.

(3) The property is held pursuant to a recorded tenancy in common agreement that includes all of the following:

(A) The agreement allocates to each qualified buyer an undivided, unequal interest in the property based on the size of the dwelling each qualified buyer occupies.

(B) A repurchase option that requires the qualified buyer to first offer the qualified nonprofit corporation to buy the property if the buyer desires to sell or convey the property.

(C) A requirement that the qualified buyer occupy the property as the buyer's principal residence.

(D) Affordability restrictions on the sale and conveyance of the property that ensure the property will be preserved for low-income housing for 45 years for owner-occupied housing units and will be sold or resold to a qualified buyer.

(4) A grant deed naming the grantor, grantee, and describing the property interests being transferred shall be recorded in the county in which the property is located. A Preliminary Change of Ownership Report shall be filed concurrently with this grant deed pursuant to Section 480.3 of the Revenue and Taxation Code.

(5) Notwithstanding subparagraph (A) of paragraph (2) of subdivision (f) of Section 65852.2, if requested by a utility providing service to the primary residence, the accessory dwelling unit has a separate water, sewer, or electrical connection to that utility.

(b) For purposes of this section, the following definitions apply:

(1) "Qualified buyer" means persons and families of low or moderate income, as that term is defined in Section 50093 of the Health and Safety Code.

(2) "Qualified nonprofit corporation" means a nonprofit corporation organized pursuant to Section 501(c)(3) of the Internal Revenue Code that has received a welfare exemption under Section 214.15 of the Revenue and Taxation Code for properties intended to be sold to low-income families who participate in a special no-interest loan program.

CIVIL CODE: DIVISION 4, PART 5, CHAPTER 5, ARTICLE 1
AB 670 Accessory Dwelling Units
(Changes noted in underline/italics)

Effective January 1, 2020, Section 4751 is added to the Civil Code, to read (AB 670 (Friedman)):

4751.

(a) Any covenant, restriction, or condition contained in any deed, contract, security instrument, or other instrument affecting the transfer or sale of any interest in a planned development, and any provision of a governing document, that either effectively prohibits or unreasonably restricts the construction or use of an accessory dwelling unit or junior accessory dwelling unit on a lot zoned for single-family residential use that meets the requirements of Section 65852.2 or 65852.22 of the Government Code, is void and unenforceable.

(b) This section does not apply to provisions that impose reasonable restrictions on accessory dwelling units or junior accessory dwelling units. For purposes of this subdivision, "reasonable restrictions" means restrictions that do not unreasonably increase the cost to construct, effectively prohibit the construction of, or extinguish the ability to otherwise construct, an accessory dwelling unit or junior accessory dwelling unit consistent with the provisions of Section 65852.2 or 65852.22 of the Government Code.

GOV. CODE: TITLE 7, DIVISION 1, CHAPTER 3, ARTICLE 10.6
AB 671 Accessory Dwelling Units
(Changes noted in underline/italics)

Effective January 1, 2020, Section 65583(c)(7) of the Government Code is added to read (sections of housing element law omitted for conciseness) (AB 671 (Friedman)):

65583(c)(7).

Develop a plan that incentivizes and promotes the creation of accessory dwelling units that can be offered at affordable rent, as defined in Section 50053 of the Health and Safety Code, for very low, low-, or moderate-income households. For purposes of this paragraph, "accessory dwelling units" has the same meaning as "accessory dwelling unit" as defined in paragraph (4) of subdivision (i) of Section 65852.2.

Effective January 1, 2020, Section 50504.5 is added to the Health and Safety Code, to read (AB 671 (Friedman)):

50504.5.

(a) The department shall develop by December 31, 2020, a list of existing state grants and financial incentives for operating, administrative, and other expenses in connection with the planning, construction, and operation of an accessory dwelling unit with affordable rent, as defined in Section 50053, for very low, low-, and moderate-income households.

(b) The list shall be posted on the department's internet website by December 31, 2020.

(c) For purposes of this section, "accessory dwelling unit" has the same meaning as defined in paragraph (4) of subdivision (i) of Section 65852.2 of the Government Code.

Attachment 2: State Standards Checklist

YES/NO	STATE STANDARD*	GOVERNMENT CODE SECTION
	Unit is not intended for sale separate from the primary residence and may be rented.	65852.2(a)(1)(D)(i)
	Lot is zoned for single-family or multifamily use and contains a proposed or existing, dwelling.	65852.2(a)(1)(D)(ii)
	The accessory dwelling unit is either attached to, or located within, the proposed or existing primary dwelling, including attached garages, storage areas or similar uses, or an accessory structure or detached from the proposed or existing dwelling and located on the same lot as the proposed or existing primary dwelling.	65852.2(a)(1)(D)(iii)
	Increased floor area of an attached accessory dwelling unit does not exceed 50 percent of the existing primary dwelling but shall be allowed to be at least 800/850/1000 square feet.	65852.2(a)(1)(D)(iv), (c)(2)(B) & C)
	Total area of floor area for a detached accessory dwelling unit does not exceed 1,200 square feet.	65852.2(a)(1)(D)(v)
	Passageways are not required in conjunction with the construction of an accessory dwelling unit.	65852.2(a)(1)(D)(vi)
	Setbacks are not required for an existing living area or accessory structure or a structure constructed in the same location and to the same dimensions as an existing structure that is converted to an accessory dwelling unit or to a portion of an accessory dwelling unit, and a setback of no more than four feet from the side and rear lot lines shall be required for an accessory dwelling unit that is not converted from an existing structure or a new structure constructed in the same location and to the same dimensions as an existing structure.	65852.2(a)(1)(D)(vii)
	Local building code requirements that apply to detached dwellings are met, as appropriate.	65852.2(a)(1)(D)(viii)
	Local health officer approval where a private sewage disposal system is being used, if required.	65852.2(a)(1)(D)(ix)
	Parking requirements do not exceed one parking space per accessory dwelling unit or per bedroom, whichever is less. These spaces may be provided as tandem parking on an existing driveway.	65852.2(a)(1)(D)(x)(I

Attachment 3: Bibliography

ACCESSORY DWELLING UNITS: CASE STUDY (26 pp.)

By the United States Department of Housing and Urban Development, Office of Policy Development and Research. (2008)

Introduction: Accessory dwelling units (ADUs) — also referred to as accessory apartments, ADUs, or granny flats — are additional living quarters on single-family lots that are independent of the primary dwelling unit. The separate living spaces are equipped with kitchen and bathroom facilities and can be either attached or detached from the main residence. This case study explores how the adoption of ordinances, with reduced regulatory restrictions to encourage ADUs, can be advantageous for communities. Following an explanation of the various types of ADUs and their benefits, this case study provides examples of municipalities with successful ADU legislation and programs. Section titles include: History of ADUs; Types of Accessory Dwelling Units; Benefits of Accessory Dwelling Units; and Examples of ADU Ordinances and Programs.

THE MACRO VIEW ON MICRO UNITS (46 pp.)

By Bill Whitlow, et al. – Urban Land Institute (2014)
Library Call #: H43 4.21 M33 2014

The Urban Land Institute Multifamily Housing Councils were awarded a ULI Foundation research grant in fall 2013 to evaluate from multiple perspectives the market performance and market acceptance of micro and small units.

SECONDARY UNITS AND URBAN INFILL: A Literature Review (12 pp.)

By Jake Wegmann and Alison Nemirow (2011)
UC Berkeley: IURD
Library Call # D44 4.21 S43 2011

This literature review examines the research on both infill development in general, and secondary units in particular, with an eye towards understanding the similarities and differences between infill as it is more traditionally understood – i.e., the development or redevelopment of entire parcels of land in an already urbanized area – and the incremental type of infill that secondary unit development constitutes.

RETHINKING PRIVATE ACCESSORY DWELLINGS (5 pp.)

By William P. Macht. Urbanland online. (March 6, 2015)
Library Location: Urbanland 74 (1/2) January/February 2015, pp. 87-91.

One of the large impacts of single-use, single-family detached zoning has been to severely shrink the supply of accessory dwellings, which often were created in or near primary houses. Detached single-family dwelling zones—the largest housing zoning category—typically preclude more than one dwelling per lot except under stringent regulation, and then only in some jurisdictions. Bureaucratically termed “accessory dwelling units” that are allowed by some jurisdictions may encompass market-derived names such as granny flats, granny cottages, mother-in-law suites, secondary suites, backyard cottages, casitas, carriage flats, sidekick houses, basement apartments, attic apartments, laneway houses, multigenerational homes, or home-within-a-home.

Regulating ADUs in California: Local Approaches & Outcomes (44 pp.)

By Deidra Pfeiffer
Terner Center for Housing and Innovation, UC Berkeley

Accessory dwelling units (ADU) are often mentioned as a key strategy in solving the nation's housing problems, including housing affordability and challenges associated with aging in place. However, we know little about whether formal ADU practices—such as adopting an ordinance, establishing regulations, and permitting—contribute to these goals. This research helps to fill this gap by using data from the Terner California Residential Land Use Survey and the U.S. Census Bureau to understand the types of communities engaging in different kinds of formal ADU practices in California, and whether localities with adopted ordinances and less restrictive regulations have more frequent applications to build ADUs and increasing housing affordability and aging in place. Findings suggest that three distinct approaches to ADUs are occurring in California: 1) a more restrictive approach in disadvantaged communities of color, 2) a moderately restrictive approach in highly advantaged, predominately White and Asian communities, and 3) a less restrictive approach in diverse and moderately advantaged communities. Communities with adopted ordinances and less restrictive regulations receive more frequent applications to build ADUs but have not yet experienced greater improvements in housing affordability and aging in place. Overall, these findings imply that 1) context-specific technical support and advocacy may be needed to help align formal ADU practices with statewide goals, and 2) ADUs should be treated as one tool among many to manage local housing problems.

ADU Update: Early Lessons and Impacts of California's State and Local Policy Changes (8 p.)

By David Garcia (2017)
Terner Center for Housing and Innovation, UC Berkeley

As California's housing crisis deepens, innovative strategies for creating new housing units for all income levels are needed. One such strategy is building Accessory Dwelling Units (ADUs) by private homeowners. While large scale construction of new market rate and affordable homes is needed to alleviate demand-driven rent increases and displacement pressures, ADUs present a unique opportunity for individual homeowners to create more housing as well. In particular, ADUs can increase the supply of housing in areas where there are fewer opportunities for larger-scale developments, such as neighborhoods that are predominantly zoned for and occupied by single-family homes.
In two of California's major metropolitan areas -- Los Angeles and San Francisco -- well over three quarters of the total land area is comprised of neighborhoods where single-family homes make up at least 60 percent of the community's housing stock. Across the state, single-family detached units make up 56.4 percent of the overall housing stock. Given their prevalence in the state's residential land use patterns, increasing the number of single-family homes that have an ADU could contribute meaningfully to California's housing shortage.

Jumpstarting the Market for Accessory Dwelling Units: Lessons Learned from Portland, Seattle and Vancouver (29pp.)

By Karen Chapple et al (2017)
Terner Center for Housing and Innovation, UC Berkeley

Despite government attempts to reduce barriers, a widespread surge of ADU construction has not materialized. The ADU market remains stalled. To find out why, this study looks at three cities in the Pacific Northwest of the United States and Canada that have seen a spike in construction in recent years: Portland, Seattle, and Vancouver. Each city has adopted a set of zoning reforms, sometimes in combination with financial incentives and outreach programs, to spur ADU construction. Due to these changes, as well as the acceleration of the housing crisis in each city, ADUs have begun blossoming.

Accessory Dwelling Units as Low-Income Housing: California's Faustian Bargain (37 pp.)

By Darrel Ramsey-Musolf (2018)
University of Massachusetts Amherst, ScholarWorks@UMass Amherst

In 2003, California allowed cities to count accessory dwelling units (ADU) towards low-income housing needs. Unless a city's zoning code regulates the ADU's maximum rent, occupancy income, and/or effective period, then the city may be unable to enforce low-income occupancy. After examining a stratified random sample of 57 low-, moderate-, and high-income cities, the high-income cities must proportionately accommodate more low-income needs than low-income cities. By contrast, low-income cities must quantitatively accommodate three times the low-income needs of high-income cities. The sample counted 750 potential ADUs as low-income housing. Even though 759 were constructed, no units were identified as available low-income housing. In addition, none of the cities' zoning codes enforced low-income occupancy. Inferential tests determined that cities with colleges and high incomes were more probable to count ADUs towards overall and low-income housing needs. Furthermore, a city's count of potential ADUs and cities with high proportions of renters maintained positive associations with ADU production, whereas a city's density and prior compliance with state housing laws maintained negative associations. In summary, ADUs did increase local housing inventory and potential ADUs were positively associated with ADU production, but ADUs as low-income housing remained a paper calculation.

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September 15, 2020

MEMORANDUM FOR: Planning Directors and Interested Parties

FROM: Megan Kirkeby, Deputy Director
Division of Housing Policy Development

SUBJECT: **Housing Accountability Act Technical Assistance Advisory (Government Code Section 65589.5)**

The Housing Accountability Act (HAA), Government Code section 65589.5, establishes limitations to a local government's ability to deny, reduce the density of, or make infeasible housing development projects, emergency shelters, or farmworker housing that are consistent with objective local development standards and contribute to meeting housing need. The Legislature first enacted the HAA in 1982 and recently amended the HAA to expand and strengthen its provisions as part of the overall recognition of the critically low volumes of housing stock in California. In amending the HAA, the Legislature made repeated findings that the lack of housing and the lack of affordable housing, is a critical problem that threatens the economic, environmental, and social quality of life in California. This Technical Assistance Advisory provides guidance on implementation of the HAA, including the following amendments.

Chapter 368, Statutes of 2017 (Senate Bill 167), Chapter 373, Statutes of 2017 (Assembly Bill 678) - Strengthens the HAA by increasing the documentation necessary and the standard of proof required for a local agency to legally defend its denial of low-to-moderate-income housing development projects, and requiring courts to impose a fine of $10,000 or more per unit on local agencies that fail to legally defend their rejection of an affordable housing development project.

Chapter 378, Statutes of 2017 (Assembly Bill 1515) – Establishes a reasonable person standard for determining conformance with local land use requirements.

Chapter 243, Statutes of 2018 (Assembly Bill 3194) -Expands the meaning of zoning consistency to include projects that are consistent with general plan designations but not zoning designation on a site if that zone is inconsistent with the general plan.

Chapter 654, Statutes of 2019 (Senate Bill 330) - Defined previously undefined terms such as objective standards and complete application and set forth vesting rights for projects that use a new pre-application process. Most of these provisions sunset on January 1, 2025, unless extended by the Legislature and Governor.

If you have any questions, or would like additional information or technical assistance, please contact the Division of Housing Policy Development at (916) 263-2911.

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What is the Housing Accountability Act?

The Housing Accountability Act (HAA) (Government Code Section 65589.5), establishes the state's overarching policy that a local government may not deny, reduce the density of, or make infeasible housing development projects, emergency shelters, or farmworker housing that are consistent with objective local development standards. Before doing any of those things, local governments must make specified written findings based upon a preponderance of the evidence that a specific, adverse health or safety impact exists. Legislative intent language indicates that the conditions that would give rise to such a specific, adverse impact upon the public health and safety would occur infrequently.

Subdivision (d) of the HAA describes requirements applicable to housing development projects that include units affordable to very- low, low- and moderate-income households (including transitional and supportive housing) as well as emergency shelters and farmworker housing. Subdivision (j) describes requirements applicable to all housing development projects, including both market-rate and affordable housing developments. Subdivisions (k), (l), and (m) expand the potential consequences for violations of the HAA. In 2017, the Legislature also granted the California Department of Housing and Community Development (HCD) authority to refer HAA violations to the Office of the Attorney General in Government Code section 65585.

The HAA was originally enacted in 1982 to address local opposition to growth and change. Communities resisted new housing, especially affordable housing, and, consequently, multiple levels of discretionary review often prevented or delayed development. As a result, developers had difficulty ascertaining the type, quantity, and location where development would be approved. The HAA was intended to overcome the lack of certainty developers experienced by limiting local governments' ability to deny, make infeasible, or reduce the density of housing development projects.

Recognizing that the HAA was falling short of its intended goal, in 2017, 2018, and again in 2019, the Legislature amended the HAA no less than seven times to expand and strengthen its provisions. Key restrictions on local governments' ability to take action against housing development projects are set out in Government Code section 65589.5, subdivisions (d) and (j). The law was amended by Chapter 368 Statutes of 2017 (Senate Bill 167), Chapter 373 Statutes of 2017 (Assembly Bill 678) and Chapter 378 Statutes of 2017 (Assembly Bill 1515), as part of the California 2017 Housing Package. The law was further amended by Chapter 243, Statutes of 2018 (Assembly Bill 3194) and Chapter 654, Statutes of 2019 (Senate Bill 330).

Why Do We Need the Housing Accountability Act?

The Housing Accountability Act has been in effect since 1982. Since that time, California's housing supply has not kept up with population and job growth, and the affordability crisis has grown significantly due to an undersupply of housing, which compounds inequality and limits economic and social mobility. Housing is a fundamental component of a healthy, equitable community. Lack of adequate housing hurts millions of Californians, stifles economic opportunities for workers and businesses, worsens poverty and homelessness, and undermines the state's environmental and climate goals and compounds the racial equity gaps faced by many communities across the state.

The legislative intent of the HAA was to limit local governments' ability to deny, make infeasible, or reduce the density of housing development projects. After determining that implementation of the HAA was not meeting the intent of the statute, the Legislature has amended the HAA to expand its provisions, strengthening the law to meaningfully and effectively curb the capacity of local governments to deny, reduce the density or render housing development projects infeasible.

Legislative Housing Accountability Act Interpretation Guidance

"It is the policy of the state that this section (HAA) should be interpreted and implemented in a manner to afford the fullest possible weight to the interest of, and the approval and provision of, housing." Government Code Section 65589.5 (a)(2)(L)

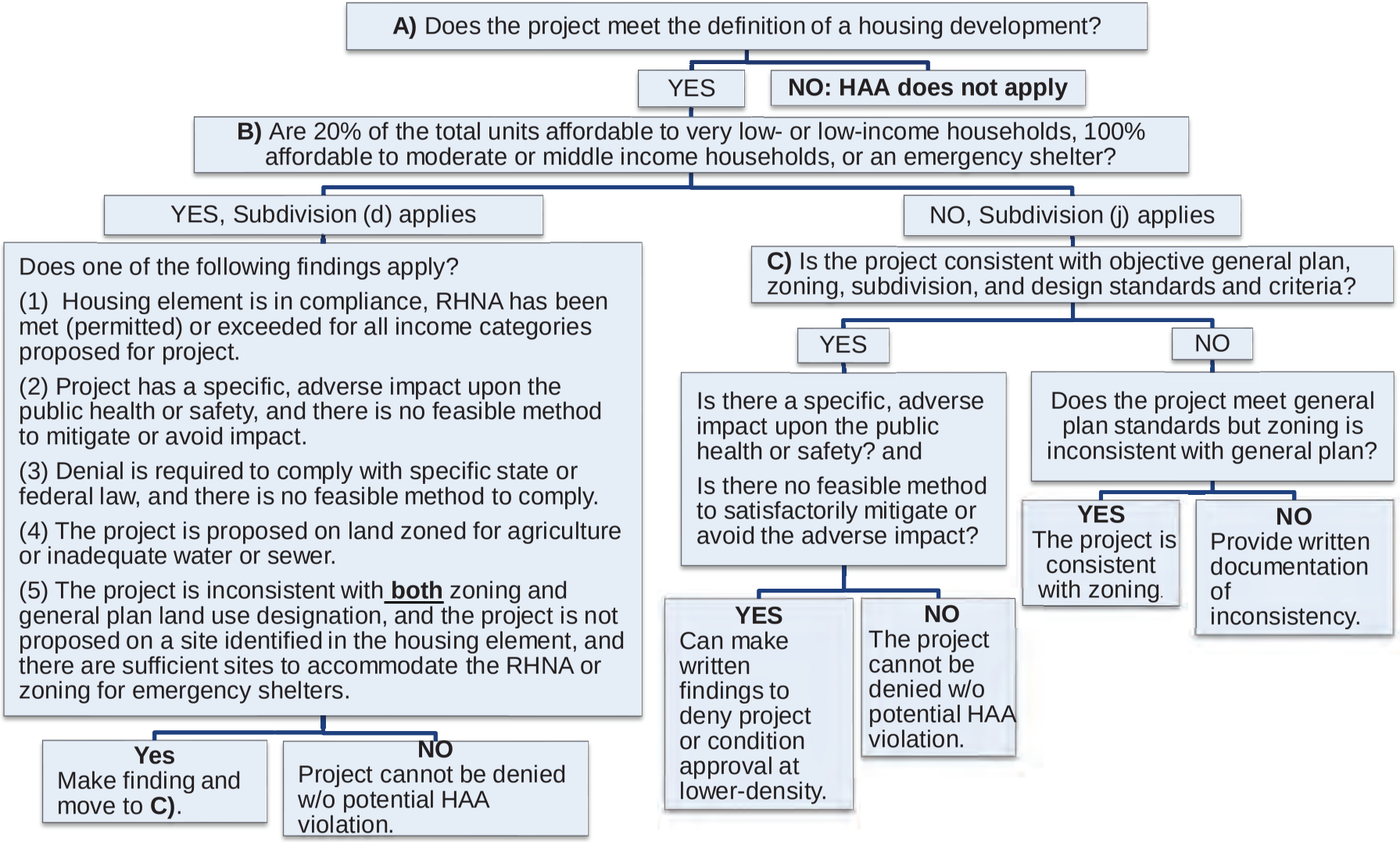
The following are findings and declarations found in the HAA pursuant to Government Code sections 65589.5(a):

- The lack of housing, including emergency shelters, is a critical problem that threatens the economic, environmental, and social quality of life in California.
- California housing has become the most expensive in the nation. The excessive cost of the state's housing supply is partially caused by activities and policies of many local governments that limit the approval of housing, increase the cost of land for housing, and require that high fees and exactions be paid by producers of housing.
- Among the consequences of those actions are discrimination against low-income and minority households, lack of housing to support employment growth, imbalance in jobs and housing, reduced mobility, urban sprawl, excessive commuting, and air quality deterioration.
- Many local governments do not give adequate attention to the economic, environmental, and social costs of decisions that result in disapproval of housing development projects, reduction in density of housing projects, and excessive standards for housing development projects.
- California has a housing supply and affordability crisis of historic proportions. The consequences of failing to effectively and aggressively confront this crisis are hurting millions of Californians, robbing future generations of the chance to call California home, stifling economic opportunities for workers and businesses, worsening poverty and homelessness, and undermining the state's environmental and climate objectives.

- While the causes of this crisis are multiple and complex, the absence of meaningful and effective policy reforms to significantly enhance the approval and supply of housing affordable to Californians of all income levels is a key factor.
- The crisis has grown so acute in California that supply, demand, and affordability fundamentals are characterized in the negative: underserved demands, constrained supply, and protracted unaffordability.
- According to reports and data, California has accumulated an unmet housing backlog of nearly 2,000,000 units and must provide for at least 180,000 new units annually to keep pace with growth through 2025.
- California's overall homeownership rate is at its lowest level since the 1940s. The state ranks 49th out of the 50 states in homeownership rates as well as in the supply of housing per capita. Only one-half of California's households are able to afford the cost of housing in their local regions.
- Lack of supply and rising costs are compounding inequality and limiting advancement opportunities for many Californians.
- The majority of California renters, more than 3,000,000 households, pay more than 30 percent of their income toward rent and nearly one-third, more than 1,500,000 households, pay more than 50 percent of their income toward rent.
- When Californians have access to safe and affordable housing, they have more money for food and health care; they are less likely to become homeless and in need of government-subsidized services; their children do better in school; and businesses have an easier time recruiting and retaining employees.
- An additional consequence of the state's cumulative housing shortage is a significant increase in greenhouse gas emissions caused by the displacement and redirection of populations to states with greater housing opportunities, particularly working- and middle-class households. California's cumulative housing shortfall therefore has not only national but international environmental consequences.
- California's housing picture has reached a crisis of historic proportions despite the fact that, for decades, the Legislature has enacted numerous statutes intended to significantly increase the approval, development, and affordability of housing for all income levels, including this section.

Housing Accountability Act Decision Matrix

This decision tree generally describes the components of the HAA. Both affordable and market-rate developments are protected by components of the HAA. The statute contains detailed requirements that affect the applicability of the HAA to a specific housing project based on its characteristics.



Key Provisions of the Housing Accountability Act

The HAA sets out restrictions on local governments' ability to take action against housing development projects in Government Code section 65589.5, subdivisions (d) and (j). Subdivision (d) describes requirements applicable to housing development projects that include units affordable to very-low, low-, and moderate-income households (including transitional and supportive housing) as well as emergency shelters and farmworker housing. Subdivision (j) describes requirements applicable to all housing development projects, including both market-rate and affordable housing developments[1]. In sum, the HAA significantly limits the ability of a local government to deny an affordable or market-rate housing project that is consistent with planning and zoning requirements. This table describes the various component parts of the HAA for ease of reference.

Topic	Subdivisions of Government Code Section 65589.5
Declarations and legislative intent	(a), (b), (c)
Provisions for housing affordable to very low, low-, or moderate-income households, or an emergency shelter	(d), (i)
Applicability of the statute to coastal zones, local laws, and charter cities	(e), (f), (g)
Definitions	(h)
Provisions relating to all housing developments	(j)
Consequences for violation	(k), (l), (m), (n)
Vesting rights for pre-applications (SB 330)	(o)

The following is an overview of key provisions of the HAA focusing on project qualifications, applicability of local standards, provisions that relate to all housing projects, provisions that relate just to housing affordable to lower- and moderate-income households and emergency shelters, and consequences for violation of the HAA. Appendix A includes a list of definitions of terms referenced throughout the HAA and Appendix B includes information related to the Preliminary Application Process pursuant to Senate Bill 330.

Housing Development Project Qualifications

In order for a development to qualify for the protections under the HAA it must meet the definition of a "housing development project". Furthermore, for a project to qualify for the affordable housing protections, it must also meet the definition of "Housing for very low-, low-, or moderate-income households".

[1] *Honchariw v. County of Stanislaus* (2011) 200 Cal.App.4th 1066, 1072-1073

Housing Development Project Definition

Government Code, § 65589.5, subdivision (h)(2).

A “housing development project” means a use consisting of residential units only, mixed use developments consisting of residential and non-residential uses with at least two-thirds of the square footage designated for residential use, or transitional or supportive housing. Because the term “units” is plural, a development must consist of more than one unit to qualify under the HAA. The development can consist of attached or detached units and may occupy more than one parcel, so long as the development is included in the same development application.

Housing for Very Low, Low-, or Moderate-Income Households

Government Code, § 65589.5, subdivision (h)(3).

In order to qualify as a housing development affordable to lower- or moderate- income households, the project must meet one of the following two criteria:

- At least 20 percent of the total units shall be sold or rented to lower income households. Lower-income households are those persons and families whose income does not exceed that specified by Health and Safety Code, § 50079.5, 80 percent of area median income.
- 100 percent of the units shall be sold or rented to persons and families of moderate income, or persons and families of middle income. Moderate-income households are those persons and families whose incomes are 80 percent to 120 percent of area median income (Health and Safety Code, § 50093.) Middle-income households are those persons and families whose income does not exceed 150 percent of area median income (Gov. Code, § 65008 subd. (c).)

In addition, the rental or sales prices of that housing cannot exceed the following standards:

- Housing units targeted for lower income households shall be made available at a monthly housing cost that does not exceed 30 percent of 60 percent of area median income with adjustments for household size made in accordance with the adjustment factors on which the lower income eligibility limits are based.
- Housing units targeted for persons and families of moderate income shall be made available at a monthly housing cost that does not exceed 30 percent of 100 percent of area median income with adjustments for household size made in accordance with the adjustment factors on which the moderate-income eligibility limits are based.

Housing Developments Applying for the Streamlined Ministerial Approval Process Pursuant to Government Code Section 65913.4.

To facilitate and expedite the construction of housing, Chapter 366, Statutes of 2017 (SB 35, Wiener) established the availability of a Streamlined Ministerial Approval Process for developments in localities that have not yet made sufficient progress towards their allocation of the regional housing need (RHNA). Recent amendments to the law clarified that projects utilizing the Streamlined Ministerial Approval Process qualify for the protections under the HAA (Gov. Code, § 65913.4, subd. (g)(2).)

Applicability of Local Standards

In addition to limiting the conditions for which a housing development project can be denied, the HAA also sets parameters around aspects of the approval process. Specifically, it defines:

- The type of development standards, conditions, and policies with which a housing development or emergency shelter can be required to comply
- Parameters for fees and exactions that can be imposed
- Standards that can be applied once an application is deemed complete
- Actions by a local government that would constitute a denial of a project or impose development conditions

These requirements are intended to provide developers with greater transparency and clarity in the entitlement process.

Objective Development Standards, Conditions, Policies, Fees, and Exactions
Government Code, § 65589.5, subdivision (f)

Local governments are not prohibited from requiring a housing development project or emergency shelter to comply with objective, quantifiable, written development standards, conditions, and policies (subject to the vesting provisions of the HAA and other applicable laws). However, those standards, conditions, and policies must meet the following criteria:

- Be appropriate to, and consistent with, meeting the local government's share of the RHNA or meeting the local government's need for emergency shelters as identified in the housing element of the general plan.
- Be applied to facilitate and accommodate development at the density permitted on the site and proposed by the development or to facilitate and accommodate the development of the emergency shelter project.
- Meet the definition of "objective". Objective standards are those that involve no personal or subjective judgment by a public official and being uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official.

The intent of these provisions of the HAA is that developers are given certainty in what standards, conditions, and policies apply to their project and how those standards can be met. Local governments that deny a project due to a failure to meet subjective standards (those standards that are not objective as defined) could be in violation of the HAA. In addition, objective standards that do apply should make it feasible for a developer to build to the density allowed by the zoning and not constrain a local government's ability to achieve its RHNA housing targets.

Nothing in the statute generally prohibits a local government from imposing fees and other exactions otherwise authorized by law that are essential to provide necessary public services and facilities to the housing development project or emergency shelter. However, the HAA does impose limitations on the fees and exactions that can be imposed on a specific housing development project once a preliminary application is submitted (see Appendix C).

Determination of Application Completeness

Government Code, § 65589.5, subdivisions (d)(5), (h)(5) and (9), and (j)(1).

The process of submitting an application for a housing development project can be iterative. For example, applications that are missing information cannot be fully evaluated by a local government for compliance with local objective standards. Therefore, an application is not typically processed until it is “determined to be complete”. The HAA currently uses two terms related to completeness, “deemed complete” and “determined to be complete.”

Deemed Complete: For the purposes of the HAA, until January 1, 2025, “deemed complete” means the date on which a preliminary application was submitted under the provisions of Government Code section 65941.1. Submittal of a preliminary application allows a developer to provide a specific subset of information on the proposed housing development before providing the full information required by the local government for a housing development application. Submittal of this information allows a housing developer to “freeze” the applicable standards for their project while they assemble the rest of the material necessary for a full application submittal. This ensures development requirements do not change during this time, potentially adding costs to a project. No affirmative determination by a local government regarding the completeness of a preliminary application is required. (See Appendix C).

The term “deemed complete” triggers the “freeze date” for applicable development standards, criteria, or condition that can be applied to a project. Changes to the zoning ordinance, general plan land use designation, standards, and criteria, subdivision ordinance, and design review standards, made subsequent to the date the housing development project preliminary application was "deemed complete", cannot be applied to a housing development project or used to disapprove or condition approval of the project.

However, if the developer does not submit a preliminary application, the standards that must be applied are those that are in effect when the project is determined to be complete under the Permit Streamlining Act (Gov. Code § 65943).

Determined to be complete: Until January 1, 2025, the full application is "determined to be complete" when it is found to be complete under the Permit Streamlining Act (Gov. Code § 65943). This phrase triggers the timing provisions for the local government to provide written documentation of inconsistency with any applicable plan, program, policy, ordinance, standard, requirement, or other similar provision (see page 10 below for inconsistency determinations).

Completeness Determination of Development Application

Government Code section 65943 states that local governments have 30 days after an application for a housing development project is submitted to inform the applicant whether or not the application is complete. If the local government does not inform the applicant of any deficiencies within that 30-day period, the application will be "deemed complete", even if it is deficient.

If the application is determined to be incomplete, the local government shall provide the applicant with an exhaustive list of items that were not complete pursuant to the local government’s submittal requirement checklist. Information not included in the initial list of deficiencies in the application cannot be requested in subsequent reviews of the application.

A development applicant who submitted a preliminary application has 90 days to complete the application after receiving notice that the application is incomplete, or the preliminary application will expire. Each time an applicant resubmits new information, a local government has 30 calendar days to review the submittal materials and to identify deficiencies in the application.

Please note, Government Code section 65943 is triggered by an application submitted with all of the requirements on lists compiled by the local government and available when the application was submitted that specifies in detail the information that will be required from any applicant for a development project pursuant to Government Code section 65940. This is not the "preliminary application" referenced in Government Code section 65941.1.

Triggers for a Disapproval of a Housing Development Project
Government Code, § 65589.5, subdivisions (h)(6)

The HAA does not prohibit a local government from exercising its authority to disapprove a housing development project, but rather provides limitations and conditions for exercising that authority. The HAA defines disapproval as when the local government takes one of the following actions:

- Votes on a proposed housing development project application and the application is disapproved. This includes denial of other required land use approvals or entitlements necessary for the issuance of a building permit. Examples include, but are not limited to, denial of the development application, tentative or final maps, use permits, or design review. If the project is using the Streamlined Ministerial Approval Process, disapproval of the application would trigger the provisions of the HAA.
- Fails to comply with decision time periods for approval or disapproval of a development application[2]. Until 2025, the following timeframes apply:
    - 90 days after certification of an environmental impact report (prepared pursuant to the California Environmental Quality Act) by the lead agency for a housing development project.
    - 60 days after certification of an environmental impact report (prepared pursuant to the California Environmental Quality Act) by the lead agency for a housing development project where at least 49 percent of the units in the development project are affordable to very low or low-income households[3], and where rents for the lower income units are set at an affordable rent[4] for at least 30 years and owner-occupied units are available at an affordable housing cost[5], among other conditions (see Gov Code § 65950).
    - 60 days from the date of adoption by the lead agency of a negative declaration.
    - 60 days from the determination by the lead agency that the project is exempt from the California Environmental Quality Act.

[2] Timeframes are pursuant to Government Code section 65950
[3] As defined by Health and Safety Code sections 50105 and 50079.5
[4] Pursuant to Section 50053 of the Health and Safety Code
[5] Pursuant to Section 50052.5 of the Health and Safety Code

Imposition of Development Conditions

Government Code, § 65589.5, subdivisions. (d), (h)(7), and (i)

Like the ability to deny a project, the HAA does not prohibit a local government from exercising its authority to condition the approval of a project, but rather provides limitations and conditions for the application of certain conditions. Specifically, the HAA limits the application of conditions that lower the residential density of the project, and, for housing affordable to lower- and moderate-income households and emergency shelters, conditions that would have a substantial adverse impact on the viability or affordability of providing those units unless specific findings are made and supported by a preponderance of the evidence in the record[6].

For purposes of the HAA, "lower density" includes any conditions that have the same effect or impact on the ability of the project to provide housing. This could include a condition that directly lowers the overall number of units proposed (e.g., the development proposes 50 units, but the local government approves only 45 units). It could also include indirect conditions that result in a lower density (e.g., a development proposes 50 units at 800 square feet per unit but the local government conditions the approval on the provision of 850 square feet per unit, resulting in the project having to provide fewer units to accommodate the increase in square footage). Another example would be a reduction in building height that would result in the project being able to provide fewer units than originally proposed.

Local governments must also consider if imposed conditions of approval would have an adverse effect on a project's ability to provide housing for very low-, low-, or moderate-Income households at the affordability levels proposed in the housing development project. This includes provisions that would render the project for very low-, low-, or moderate-income households infeasible or would have a substantial adverse effect on the viability or affordability of the proposed housing. For example, project approval for an affordable housing development might be conditioned on the need to use specific materials that significantly increase the cost of the project. This additional cost could either render the project financially infeasible altogether or require substantial changes to the affordability mix of the units where fewer very low-income units could be provided. In these cases, it is possible that the conditions would violate the HAA.

Conditions that should be analyzed for their effect on density and project feasibility (for affordable projects) include, but are not limited to, the following:

- Design changes
- Conditions that directly or indirectly lower density
- Reduction of the percentage of a lot that may be occupied by a building or structure under the applicable planning and zoning.

[6] See Page13 for more information on the preponderance of the evidence standard.

Housing Accountability Act Provisions That Apply to All Housing Projects

The following provisions apply to all housing development projects regardless of affordability.

Determination of Consistency with Applicable Plans, Standards, or Other Similar Provision Based on the Reasonable Person Standard

Government Code, § 65589.5, subdivision (f)(4)

A key component of the HAA is the determination as to whether or not the proposed housing development project is consistent, compliant and in conformity with all applicable plans, programs, policies, ordinances, standards, requirements, and other similar provisions.

Traditionally, this determination is made by local government, which is given significant deference to interpret its own plans, programs, policies, ordinances, standards, requirements, and other similar provisions. In most planning and zoning matters, courts traditionally uphold an agency's determination if there is "substantial evidence" to support that determination. If substantial evidence supports the agency's decision, an agency can reach a conclusion that a development project is inconsistent with applicable provisions, even if there is evidence to the contrary.

Departing from these traditional rules, the HAA sets forth its own standard for determining consistency with local government rules for housing development projects and emergency shelters. A housing development project or emergency shelter is deemed consistent, compliant, and in conformity with an applicable plan, program, policy, ordinance, standard, requirement, or other similar provision if there is substantial evidence that could allow *a reasonable person* to conclude that the housing development project or emergency shelter is consistent, compliant, or in conformity with applicable standards and requirements. The intent of this provision is to provide an objective standard and increase the likelihood of housing development projects being found consistent, compliant and in conformity.

Applicability of Density Bonus Law

Government Code, § 65589.5, subdivision (j)(3)

The receipt of a density bonus pursuant to Density Bonus Law (Government Code § 65915) does not constitute a valid basis on which to find a proposed housing development project is inconsistent, not in compliance, or not in conformity, with an applicable plan, program, policy, ordinance, standard, requirement, or other similar provision. Receipt of a density bonus can include a bonus in number of units, incentives, concessions, or waivers to development standards allowed under Density Bonus Law.[7]

General Plan and Zoning Consistency Standard

Government Code, § 65589.5, subdivision (j)(4)

For various reasons, there is at times inconsistency between standards in a general plan and zoning standards. For example, a local government may have amended the general plan, but

[7] Please note pursuant to Government Code § 65915, subd. (f) a receipt of a density bonus does not require an increase in density. An applicant can elect to ask for just the concessions, incentives, and waivers that the project qualifies for under State Density Bonus Law.

has not yet amended all of its municipal ordinances to assure vertical consistency[8]. Recognizing this, the HAA clarifies that if the zoning standards and criteria are inconsistent with applicable, objective general plan standards, but the development project is consistent with the applicable objective general plan standards for the site, then the housing development project cannot be found inconsistent with the standards and criteria of the zoning. Further, if such an inconsistency exists, the local agency may not require rezoning prior to housing development project approval.

However, the local agency may require the proposed housing development project to comply with the objective standards and criteria contained elsewhere in the zoning code that are consistent with the general plan designation. For example, if a site has a general plan land use designation of high density residential, but the site is zoned industrial, then a local government can require the project to comply with objective development standards in zoning districts that are consistent with the high density residential designation, such as a multifamily high density residential zone.

However, under the HAA, the standards and criteria determined to apply to the project must facilitate and accommodate development at the density allowed the general plan on the project site and as proposed by the housing development project.

Written Notification of Inconsistency
Government Code, § 65589.5, subdivision (j)(2)

If a local government considers a proposed housing development project to be inconsistent, non-compliant, or not in conformity with any applicable plan, program, policy, ordinance, standard, requirement, or other similar provision, the local government must provide written notification and documentation of the inconsistency, noncompliance, or inconformity. This requirement applies to all housing development projects, regardless of affordability level. The documentation must:

- Identify the specific provision or provisions and provide an explanation of the reason or reasons why the local agency considers the housing development to be inconsistent, non-compliant, or non-conformant with identified provisions.
- Be provided to the applicant within 30 days of a project application being deemed complete for projects containing 150 or fewer housing units.
- Be provided to the applicant within 60 days of a project application being deemed complete for projects containing over 150 units.

Consequence for Failure to Provide Written Documentation

If the local government fails to provide the written documentation within the required timeframe, the housing development project is deemed consistent, compliant and in conformity with applicable plans, programs, policies, ordinances, standards, requirements, or other similar provisions.

[8] Pursuant to Government Code § 65860, city and county, including a charter city, zoning ordinances must be consistent with the adopted general plan. This is known as vertical consistency.

Denial of a Housing Project that is Consistent with Applicable Plans, Standards, or Other Similar Provisions Based on the Preponderance of the Evidence Standard
Government Code, § 65589.5, subdivision (j)(1)

When a proposed housing development project complies with applicable, objective general plan, zoning, and subdivision standards and criteria, including design review standards, in effect at the time that the application was deemed complete, but the local agency proposes to disapprove the project or to impose a condition that the project be developed at a lower density, the local agency shall base its decision regarding the proposed housing development project upon written findings supported by a preponderance of the evidence on the record that both of the following conditions exist:

- The housing development project would have a specific, adverse impact upon the public health or safety unless the project is disapproved or approved upon the condition that the project be developed at a lower density.

A **"specific, adverse impact"** means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete. Pursuant to Government Code section 65589.5 (a)(3) it is the intent of the Legislature that the conditions that would have a specific, adverse impact upon the public health and safety arise infrequently.

An example of a condition that does not constitute a specific, adverse impact would be criteria that requires a project to conform with "neighborhood character". Such a standard is not quantifiable and therefore would not meet the conditions set forth under the HAA.

- There is no feasible method to satisfactorily mitigate or avoid the adverse impact, other than the disapproval of the housing development project or the approval of the project upon the condition that it be developed at a lower density. Feasible means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors.

Preponderance of the Evidence Standard

In most actions, a local government is tasked with making findings or determinations based on "substantial evidence." Under the substantial evidence standard, local government is merely required to find reasonable, adequate evidence in support of their findings, even if the same or *even more* evidence supports a finding to the contrary.

Findings or determinations based on a "preponderance of the evidence" standard require that local governments weigh the evidence and conclude that the evidence on one side outweighs, preponderates over, is more than the evidence on the other side, not necessarily in the number or quantity, but in its convincing force upon those to whom it is addressed[9]. Evidence that is substantial, but not a preponderance of the evidence, does not meet this standard.

[9] People v. Miller (1916) 171 Cal. 649, 652. Harris v. Oaks Shopping Center (1999) 70 Cal.App.4th 206, 209 ("'Preponderance of the evidence' means evidence that has more convincing force than that opposed to it.").

Provisions Related to Housing Affordable to Very Low-, Low-, or Moderate-Income Household, Emergency Shelters, and Farmworker Housing

State Policy on Housing Project Approval

"It is the policy of the state that a local government not reject or make infeasible housing development projects, including emergency shelters, that contribute to meeting the need determined pursuant to this article (RHNA) without a thorough analysis of the economic, social, and environmental effects of the action and without complying with subdivision (d)" Government Code, § 65589.5, subdivision (b).

The HAA provides additional protections for projects that contain housing affordable to very low-, low- or moderate-income households, including farmworker housing, or emergency shelters. State policy prohibits local governments from rejecting or otherwise making infeasible these types of housing development projects, including emergency shelters, without making specific findings.

Denial or Conditioning of Housing Affordable to Very Low-, Low- or Moderate-Income Households, Including Farmworker Housing, or Emergency Shelters
Government Code, § 65589.5, subdivision (d) and (i)

The HAA specifies findings that local governments must make, in addition to those in the previous section, if they wish to deny a housing development affordable to very low-, low-, or moderate-income housing (including farmworker housing) or emergency shelters. These requirements also apply when a local government wishes to condition such a project in a way that it would that render it infeasible or would have a substantial adverse effect on the viability or affordability of a housing development project for very low-, low-, or moderate-income households. In addition to the findings, described above, that apply to all housing development projects, a local government must also make specific findings based upon the preponderance of the evidence of one of the following:

(1) The local government has an adopted housing element in substantial compliance with California's Housing Element Law, contained in Article 10.6 of Government Code, *and* has met or exceeded development of its share of the RHNA in all income categories proposed in the housing development project. In the case of an emergency shelter, the local government shall have met or exceeded the need for emergency shelters as identified in the housing element. This requirement to meet or exceed its RHNA is in relationship to units built in the local government, not zoning. A local government's housing element Annual Progress Report pursuant to Government Code section 65400 can be used to demonstrate progress towards RHNA goals.

(2) The housing development project would have a specific, adverse impact upon public health or safety and there is no feasible method to mitigate or avoid the impact without rendering the housing development project unaffordable or financially infeasible. Specific to housing development projects affordable to very low-, low-, or moderate-income housing (including farmworker housing) or emergency shelters, specific, adverse impacts do not include inconsistency with the zoning ordinance or general plan land use designation or eligibility to claim a welfare exemption under subdivision (g) of Section 214 of the Revenue and Taxation Code.

(3) Denial of the housing development project or the imposition of conditions is required to comply with specific state or federal law, *and* there is no feasible method to comply without

rendering the development unaffordable to low- and moderate-income households or rendering the development of the emergency shelter financially infeasible.

(4) The housing development project is proposed on land zoned for agriculture or resource preservation that is either: (a) surrounded on two sides by land being used for agriculture or resource preservation; or (b) does not have adequate water or wastewater facilities to serve the housing development project.

(5) The housing development project meets both the following conditions:

- Is inconsistent with both the local government's zoning ordinance and the general plan land use designation as specified in any element of the general plan as it existed on the date the application was deemed complete. This means this finding cannot be used in situations where the project is inconsistent with one (e.g., the general plan designation), but is consistent with the other (e.g., zoning ordinance).
- The local government has an adopted housing element in substantial compliance with housing element Law.

  Finding (5) *cannot* be used when any of the following occur:

  - The housing development project is proposed for a site identified as suitable or available for very low-, low-, or moderate-income households within a housing element and the project is consistent with the specified density identified in the housing element.
  - The local government has failed to identify sufficient adequate sites in its inventory of available sites to accommodate its RNHA, and the housing development project is proposed on a site identified in any element of its general plan for residential use or in a commercial zone where residential uses are permitted or conditionally permitted.
  - The local government has failed to identify a zone(s) where emergency shelters are allowed without a conditional use or other discretionary permit, or has identified such zone(s) but has failed to demonstrate that they have sufficient capacity to accommodate the need for emergency shelter(s), and the proposed emergency shelter is for a site designated in any element of the general plan for industrial, commercial, or multifamily residential uses.

Any of these findings must be based on a preponderance of the evidence. For details, see "Preponderance of the evidence standard" on page 12 for further information.

Violations of Housing Accountability Act

The courts are the primary authority that enforces the HAA. Actions can be brought by eligible plaintiffs and petitioners to the court for potential violations of the law. Similarly, HCD under Government Code section 65585 (j), can find that a local government has taken an action in violation of the HAA. In that case, after notifying a local government of the violation, HCD would refer the violation to the Office of the Attorney General who could file a petition against a local government in the Superior Court.

Eligible Plaintiffs and Petitioners

Government Code, § 65589.5, subdivision (k)(1)(A) and (k)(2)

The applicant, a person eligible to apply for residency in the housing development project or emergency shelter, or a housing organization may bring action to enforce the HAA. A housing organization, however, may only file an action to challenge the disapproval of the housing development project and must have filed written or oral comments with the local government prior to its action on the housing development project.

"Housing organizations" means a trade or industry group engaged in the construction or management of housing units or a nonprofit organization whose mission includes providing or advocating for increased access to housing for low-income households. A housing organization is entitled to reasonable attorney fees and costs when prevailing in an action. Labor unions, building associations, multifamily apartment management companies, and legal aid societies are examples of housing organizations.

Remedies

Government Code, § 65589.5, subdivision (k)(1)(A)

If the plaintiff or petitioner prevails, the court must issue an order compelling compliance with the HAA within 60 days. The court's order would at a minimum require the local agency to take action on the housing development project or emergency shelter during that time period. The court is further empowered to issue an order or judgment that actually directs the local government to approve the housing development project or emergency shelter if the court finds that the local agency acted in bad faith when it disapproved or conditionally approved the housing development or emergency shelter in violation of the HAA. "Bad faith" includes, but is not limited to, an action that is frivolous or otherwise entirely without merit.

If the plaintiff or petitioner prevails, the court shall award reasonable attorney fees and costs of the suit to the plaintiff or petitioner for both affordable and market-rate housing development projects,[10] except in the "extraordinary circumstances" in which the court finds that awarding fees would not further the purposes of the HAA.

Local Agency Appeal Bond

Government Code, § 65589.5, subdivision (m)

If the local agency appeals the judgment of the trial court, the local agency shall post a bond, in an amount to be determined by the court, to the benefit of the plaintiff if the plaintiff is the project applicant. In this provision, the Legislature has waived, to some degree, the immunity from damages that normally extends to local agencies, recognizing that the project applicant incurs costs due to the delay of its project when a local agency appeals. (Contrast Gov. Code, § 65589.5, subd. (m), with Code Civ. Proc., § 995.220, subd. (b) [local public entities do not have to post bonds].)

[10] / *Honchariw v. County of Stanislaus* (2013) 218 Cal.App.4th 1019, 1023–1024, which ruled to the contrary, was superseded by statutory changes in Senate Bill 167 (Stats. 2017, ch. 368, § 1), Assembly Bill 678 (Stats. 2017, ch. 373, § 1), and Senate Bill 330 (Stats. 2019, ch. 654, § 3).

Failure to Comply with Court Order

Government Code, § 65589.5, subdivision (k)(1)(B)(i), (k)(1)(C), and (l)

If the local government fails to comply with the order or judgment within 60 days of issuance, the court must impose a fine on the local government. The *minimum* fine that may be imposed is $10,000 per housing unit in the housing development project as proposed on the date the application was deemed complete. Please note, the use of the term "deemed complete" in this instance has the same meaning as "determined to be complete" as referenced on page 7. The monies are to be deposited into the State's Building Homes and Jobs fund or the Housing Rehabilitation Loan fund. In calculating the amount of the fine in excess of the minimum, the court is directed to consider the following factors:

- The local government's progress in meeting its RHNA and any previous violations of the HAA.
- Whether the local government acted in bad faith when it disapproved or conditionally approved the housing development or emergency shelter in violation of the HAA. If the court finds that the local government acted in bad faith, the total amount of the fine must be multiplied by five.

The court may issue further orders as provided by law to ensure that the purposes and policies of this section are fulfilled, including, but not limited to, an order to vacate the decision of the local agency and an order to approve the housing development project.

Court-Imposed Fines

Court-imposed fines begin at $10,000 per housing unit and could be much higher. If the court determines the local government acted in bad faith, the fine is multiplied by five. This equates to a minimum fine of $50,000 per unit.

Bad faith includes, but is not limited to, an action that is frivolous or otherwise entirely without merit. For example, in a recent Los Altos Superior Court order, the court issued an order directing the local agency to approve the housing development project and found that the local agency acted in bad faith when it disapproved the housing development because its denial was entirely without merit. The city's denial letter did not reflect that the city made a benign error in the course of attempting, in good faith, to follow the law by explaining to the developer how the project conflicted with objective standards that existed at the time of application; instead, the city denied the application with a facially deficient letter, employed strained interpretations of statute and local standards, and adopted a resolution enumerating insufficient reasons for its denial[11]. Bad faith can be demonstrated through both substantive decisions and procedural actions. In the Los Altos case, the court found that demanding an administrative appeal with less than a days' notice revealed bad faith. Repeated, undue delay may likewise reveal bad faith.

[11] Order Granting Consolidated Petitions for Writ of Mandate, 40 Main Street Offices, LLC v. City of Los Altos et al. (Santa Clara Superior Court Case No. 19CV349845, April 27, 2020), p. 38

APPENDIX A: Frequently Asked Questions

What types of housing development project applications are subject to the Housing Accountability Act (HAA)?

The HAA applies to both market rate and affordable housing development projects. (*Honchariw v. County of Stanislaus* (2011) 200 Cal.App.4th 1066, 1073.) It applies to housing development projects that consist of residential units and mixed-use developments when two-thirds or more of the square footage is designated for residential use. It also applies to transitional housing, supportive housing, farmworker housing, and emergency shelters. (Gov. Code, § 65589.5, subds. (d) and (h)(2).)

Does the Housing Accountability Act apply to charter cities?

Yes, the HAA applies to charter cities (Gov. Code, § 65589.5, subd. (g).)

Does the Housing Accountability Act apply to housing development projects in coastal zones?

Yes. However, local governments must still comply with the California Coastal Act of 1976 (Division 20 (commencing with Section 30000) of the Public Resources Code) (Gov. Code, § 65589.5, subd. (e).)

Are housing developments still subject to the California Environmental Quality Act (CEQA) if they qualify for the protections under the Housing Accountability Act?

Yes. Jurisdictions are still required to comply with CEQA (Division 13 (commencing with Section 21000) of the Public Resources Code) as applicable to the project. (Gov. Code, § 65589.5, subd. (e).)

Does the California Department of Housing and Community Development have enforcement authority for the Housing Accountability Act?

Yes. HCD has authority to find that a local government's actions do not substantially comply with the HAA (Gov. Code, § 65585, subd. (j)(1).) In such a case, HCD may notify the California State Attorney General's Office that a local government has taken action in violation of the HAA.

If approval of a housing development project triggers the No-Net Loss Law, may a local government disapprove the project?

No. Triggering a required action under the No-Net Loss Law is not a valid basis to disapprove a housing development project. (Gov. Code, § 65863, subd. (c)(2).) The only valid reasons for disapproving a housing development project are defined in the HAA under subdivisions (d) and (j). Subdivision (j) contains requirements that apply to all housing development projects; subdivision (d) contains additional requirements for housing development projects for very low-, low- or moderate-income households or emergency shelters.

Does the Housing Accountability Act apply to a residential development project on an historic property?

Yes. The HAA does not limit the applicability of its provisions based on individual site characteristics or criteria. The local government may apply objective, quantifiable, written development standards, conditions, and policies related to historic preservation to the housing development project, so long as they were in effect when the application was deemed

complete[12]. The standards should be appropriate to, and consistent with, meeting the local government's regional housing need and facilitate development at the permitted density. (Gov. Code, § 65589.5, subd. (f)(1).) However, it should be noted that compliance with historic preservation laws may otherwise constrain the approval of a housing development.

Under the Housing Accountability Act, is the retail/commercial component of a mixed-use project subject to review when the housing component must be approved?

Yes. The local government may apply objective, quantifiable, written development standards, conditions and policies to the entirety of the mixed-use project, so long as they were in effect when the application was deemed complete. (Gov. Code, § 65589.5, subd. (f)(1).)

Does the Housing Accountability Act apply to subdivision maps and other discretionary land use applications?

Yes. The HAA applies to denials of subdivision maps and other discretionary land use approvals or entitlements necessary for the issuance of a building permit (Gov. Code, § 65589.5, subd (h)(6).)

Does the Housing Accountability Act apply to applications for individual single-family residences or individual Accessory Dwelling Units (ADUs)?

No. A "housing development project" means a use consisting of residential units only, mixed use developments consisting of residential and non-residential uses with at least two-thirds of the square footage designated for residential use, or transitional or supportive housing. Because the term "units" is plural, a development has to consist of more than one unit to qualify under the HAA (Gov. Code, § 65589.5, subd. (h)(2).).

Does the Housing Accountability Act apply to an application that includes both a single-family residence and an Accessory Dwelling Unit?

Yes. Since an application for both a single-family residence and an ADU includes more than one residential unit, the HAA applies (Gov. Code, § 65589.5, subd. (h)(2).)

Does the Housing Accountability Act apply to an application for a duplex?

Yes. Since an application for a duplex includes more than one residential unit, the HAA applies. (Gov. Code, § 65589.5, subd. (h)(2).)

Does the Housing Accountability Act apply to market-rate housing developments?

Yes. Market-rate housing developments are subject to the HAA (Gov. Code, § 65589.5, subd. (h)(2).) In *Honchariw v. County of Stanislaus* (2011) 200 Cal.App.4th 1066, the court found the definition of "housing development project" was not limited to projects involving affordable housing and extended to market-rate projects. Market-rate housing development projects are subject to the requirements of paragraph (j) (Gov. Code, § 65589.5, subd. (j).)

[12] For purposes of determination of whether a site is historic, "deemed complete" is used with reference to Government Code §65940. See Government Code § 65913.10.

Under the Housing Accountability Act, if a housing development project is consistent with local planning rules, can it be denied or conditioned on a density reduction?

Yes. However, a local government may deny a housing development that is consistent with local planning rules, or condition it on reduction in density, only under very specific circumstances. (Gov. Code, § 65589.5, subds. (j)(1)(A), (B).) The local government must make written findings based on a preponderance of the evidence that both:

(1) The housing development project would have a specific, adverse impact upon public health or safety unless disapproved or approved at a lower density; and

(2) There is no feasible method to satisfactorily mitigate or avoid the impact.

(See definition of and specific requirements for finding of "specific, adverse impact" discussed below.)

Under the Housing Accountability Act, can a housing development project affordable to very low-, low-, or moderate-income households (including farmworker housing) or emergency shelter that is inconsistent with local planning requirements be denied or conditioned in a manner that renders it infeasible for the use proposed?

Yes, but only under specific circumstances. The local government must make written findings based on a preponderance of the evidence as to specific criteria. However, inconsistency with zoning does not justify denial or conditioning if the project is consistent with the general plan. (See Page 11 for more details). See also Gov. Code, § 65589.5, subds. (d)(1)-(5).)

Is there a definition for "specific, adverse impact" upon public health and safety?

Yes. The HAA provides that a "specific, adverse impact" means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete. Inconsistency with the zoning ordinance or general plan land use designation is not such a specific, adverse impact upon the public health or safety. (Gov. Code, § 65589.5, subds. (d)(2) and (j)(1)(A).)

The HAA considers that such impacts would be rare: "It is the intent of the Legislature that the conditions that would have a specific, adverse impact upon the public health and safety, as described in paragraph (2) of subdivision (d) and paragraph (1) of subdivision (j), arise infrequently." (Gov. Code, § 65589.5, subd. (a)(3).)

Appendix B: Definitions

Area median income means area median income as periodically established by the HCD pursuant to Section 50093 of the Health and Safety Code. The developer shall provide sufficient legal commitments to ensure continued availability of units for very low or low-income households in accordance with the provisions of this subdivision for 30 years. (Gov. Code, § 65589.5, subd. (h)(4).)

Bad faith includes, but is not limited to, an action that is frivolous or otherwise entirely without merit. (Gov. Code, § 65589.5, subd. (l).) This definition arises in the context of the action a local government takes when it disapproved or conditionally approved the housing development or emergency shelter in violation of the HAA.

Deemed complete means that the applicant has submitted a preliminary application pursuant to Government Code section 65941.1 (Gov. Code, § 65589.5, subd. (h)(5).) However, in Government Code section 65589.5(k)(1)(B)(i) deemed complete has the same meaning as "Determined to be Complete".

Determined to be complete means that the applicant has submitted a complete application pursuant to Government Code section 65943 (Gov. Code, § 65589.5, subd. (h)(9).)

Disapprove the housing development project means a local government either votes on a proposed housing development project application and the application is disapproved, including any required land use approvals or entitlements necessary for the issuance of a building permit, or fails to comply with specified timeframes in the Permit Streamlining Act. (Gov. Code, § 65589.5, subd. (h)(5).)

Farmworker housing means housing in which at least 50 percent of the units are available to, and occupied by, farmworkers and their households.

Feasible means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors. (Gov. Code, § 65589.5, subd. (h)(1).)

Housing development project means a use consisting of any of the following: (1) development projects with only residential units, (2) mixed-use developments consisting of residential and non-residential uses with at least two-thirds of the square footage designated for residential use, (3) transitional or supportive housing.

Housing organization means a trade or industry group whose local members are primarily engaged in the construction or management of housing units or a nonprofit organization whose mission includes providing or advocating for increased access to housing for low-income households and have filed written or oral comments with the local agency prior to action on the housing development project. (Gov. Code, § 65589.5, subd. (k)(2).) This definition is relevant to the individuals or entities that have standing to bring an HAA enforcement action against a local agency.

Housing for very low-, low-, or moderate-income households means that either:

- At least 20 percent of the total units shall be sold or rented to lower income households, as defined in Section 50079.5 of the Health and Safety Code, or

- One hundred (100) percent of the units shall be sold or rented to persons and families of moderate income as defined in Section 50093 of the Health and Safety Code, or persons and families of middle income, as defined in Section 65008 of this code.

Housing units targeted for lower income households shall be made available at a monthly housing cost that does not exceed 30 percent of 60 percent of area median income with adjustments for household size made in accordance with the adjustment factors on which the lower income eligibility limits are based. Housing units targeted for persons and families of moderate income shall be made available at a monthly housing cost that does not exceed 30 percent of 100 percent of area median income with adjustments for household size made in accordance with the adjustment factors on which the moderate-income eligibility limits are based. (Gov. Code, § 65589.5, subd. (h)(3).)

Lower density (as used in the sense of "to lower density") means a reduction in the units built per acre. It includes conditions that directly lower density and conditions that effectively do so via indirect means. (Gov. Code, § 65589.5, subd. (h)(7).)

Mixed use means a development consisting of residential and non-residential uses with at least two-thirds of the square footage designated for residential use. (Gov. Code, § 65589.5, subd. (h)(2)(B).)

Objective means involving no personal or subjective judgment by a public official and being uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official. (Gov. Code, § 65589.5, subd. (h)(2)(B).)

Regional housing needs allocation (RHNA) means the share of the regional housing needs assigned to each jurisdiction by income category pursuant to Government Code section 65584 though 65584.6.

Specific adverse impact means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete. Inconsistency with the zoning ordinance or general plan land use designation shall not constitute a specific, adverse impact upon the public health or safety. (Gov. Code, § 65589.5, subds. (d)(2), (j)(1)(A).) This definition is relevant to the written findings that a local agency must make when it disapproves or imposes conditions on a housing development project or an emergency shelter that conforms with all objective standards. It is the express intent of the Legislature that the conditions that would give rise to a specific, adverse impact upon the public health and safety occur infrequently. (Gov. Code, § 65589.5, subd. (a)(3).)

Appendix C: Preliminary Application (Senate Bill 330, Statutes of 2019)

The Housing Crisis Act of 2019 (Chapter 654, Statutes of 2019 (SB 330)) strengthens protections for housing development projects under the Housing Accountability Act (HAA), Planning and Zoning Law, and the Permit Streamlining Act. The provisions set forth under SB 330 sunset in 2025.

Among other provisions, to increase transparency and certainty early in the development application process, SB 330 allows a housing developer the option of submitting a "preliminary application" for any housing development project. Submittal of a preliminary application allows a developer to provide a specific subset of information on the proposed housing development before providing the complete information required by the local government. Upon submittal of an application and a payment of the permit processing fee, a housing developer is allowed to "freeze" the applicable standards to their project early while they assemble the rest of the material necessary for a full application submittal. This ensures development requirements do not change during this time, adding costs to a project due to potential redesigns due to changing local standards.

Benefits of a Preliminary Application

Government Code, § 65589.5, subdivision (o)

The primary benefit of a preliminary application is that a housing development project is subject only to the ordinances, policies, standard, or any other measure (standards) adopted and in effect when a preliminary application was submitted. "Ordinances, policies, and standards" includes general plan, community plan, specific plan, zoning, design review standards and criteria, subdivision standards and criteria, and any other rules, regulations, requirements, and policies of a local agency, as defined in Section 66000, including those relating to development impact fees, capacity or connection fees or charges, permit or processing fees, and other exactions.

However, there are some circumstances where the housing development project can be subjected to a standard beyond those in effect when a preliminary application is filed:

- In the case of a fee, charge, or other monetary exaction, an increase resulting from an automatic annual adjustment based on an independently published cost index that is referenced in the ordinance or resolution establishing the fee or other monetary exaction.
- A preponderance of the evidence in the record establishes that the standard is necessary to mitigate or avoid a specific, adverse impact upon the public health or safety, and there is no feasible alternative method to satisfactorily mitigate or avoid the adverse impact.
- The standard is necessary to avoid or substantially lessen an impact of the project under the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code).
- The housing development project has not commenced construction within two and a-half years following the date that the project received final approval. "Final approval" means that the housing development project has received all necessary approvals to be eligible to apply for, and obtain, a building permit or permits and either of the following is met:
    - The expiration of all applicable appeal periods, petition periods, reconsideration periods, or statute of limitations for challenging that final approval without an appeal, petition,

request for reconsideration, or legal challenge have been filed. If a challenge is filed, that challenge is fully resolved or settled in favor of the housing development project.

- The housing development project is revised following submittal of a preliminary application pursuant to Section 65941.1 such that the number of residential units or square footage of construction changes by 20 percent or more, exclusive of any increase resulting from the receipt of a density bonus, incentive, concession, waiver, or similar provision. "Square footage of construction" means the building area, as defined by the California Building Standards Code (Title 24 of the California Code of Regulations). However, a local government is not prevented from applying the standards in effect at the time of the preliminary application submittal.
- Once a residential project is complete and a certificate of occupancy has been issued, local governments are not limited in the application of later enacted ordinances, policies, and standards that regulate the use and occupancy of those residential units, such as ordinances relating to rental housing inspection, rent stabilization, restrictions on short-term renting, and business licensing requirements for owners of rental housing.

Contents of a Preliminary Application

Government Code, § 65941.1

Each local government shall compile a checklist and application form that applicants for housing development projects may use for submittal of a preliminary application. However, HCD has adopted a standardized form that may be used to submit a preliminary application if a local agency has not developed its own application form. The preliminary application form can be found on HCD's website.

The following are the items that are contained in the application form. Local government checklists or forms cannot require or request any information beyond these 17 items.

1. The specific location, including parcel numbers, a legal description, and site address, if applicable.
2. The existing uses on the project site and identification of major physical alterations to the property on which the project is to be located.
3. A site plan showing the location on the property, elevations showing design, color, and material, and the massing, height, and approximate square footage, of each building that is to be occupied.
4. The proposed land uses by number of units and square feet of residential and nonresidential development using the categories in the applicable zoning ordinance.
5. The proposed number of parking spaces.
6. Any proposed point sources of air or water pollutants.
7. Any species of special concern known to occur on the property.
8. Whether a portion of the property is located within any of the following:
    - A very high fire hazard severity zone, as determined by the Department of Forestry and Fire Protection pursuant to Section 51178.
    - Wetlands, as defined in the United States Fish and Wildlife Service Manual, Part 660 FW 2 (June 21, 1993).

- A hazardous waste site that is listed pursuant to Section 65962.5 or a hazardous waste site designated by the Department of Toxic Substances Control pursuant to Section 25356 of the Health and Safety Code.
- A special flood hazard area subject to inundation by the 1 percent annual chance flood (100-year flood) as determined by the Federal Emergency Management Agency in any official maps published by the Federal Emergency Management Agency.
- A delineated earthquake fault zone as determined by the State Geologist in any official maps published by the State Geologist, unless the development complies with applicable seismic protection building code standards adopted by the California Building Standards Commission under the California Building Standards Law (Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code), and by any local building department under Chapter 12.2 (commencing with Section 8875) of Division 1 of Title 2.
- A stream or other resource that may be subject to a streambed alteration agreement pursuant to Chapter 6 (commencing with Section 1600) of Division 2 of the Fish and Game Code.

9. Any historic or cultural resources known to exist on the property.
10. The number of proposed below market rate units and their affordability levels.
11. The number of bonus units and any incentives, concessions, waivers, or parking reductions requested pursuant to Section 65915.
12. Whether any approvals under the Subdivision Map Act, including, but not limited to, a parcel map, a tentative map, or a condominium map, are being requested.
13. The applicant's contact information and, if the applicant does not own the property, consent from the property owner to submit the application.
14. For a housing development project proposed to be located within the coastal zone, whether any portion of the property contains any of the following:
    - Wetlands, as defined in subdivision (b) of Section 13577 of Title 14 of the California Code of Regulations.
    - Environmentally sensitive habitat areas, as defined in Section 30240 of the Public Resources Code.
    - A tsunami run-up zone.
    - Use of the site for public access to or along the coast.
15. The number of existing residential units on the project site that will be demolished and whether each existing unit is occupied or unoccupied.
16. A site map showing a stream or other resource that may be subject to a streambed alteration agreement pursuant to Chapter 6 (commencing with Section 1600) of Division 2 of the Fish and Game Code and an aerial site photograph showing existing site conditions of environmental site features that would be subject to regulations by a public agency, including creeks and wetlands.
17. The location of any recorded public easement, such as easements for storm drains, water lines, and other public rights of way.

Timing Provisions from Filing of a Preliminary Application to Determination of Consistency with Applicable Standards under the Housing Accountability Act

Step 1: Preliminary Application Submittal GC 65941.1

- Applicant submits preliminary application form.
- Applicant pays permit processing fees.
- No affirmative determination by local government regarding the completeness of a preliminary application is required.

Step 2: Full Application Submittal

- Applicant submits full application within 180 days of preliminary application submittal.
- Application contains all information required by the local government application checklist pursuant to Government Code Sections 65940, 65941, and 65941.5[13].

Step 3: Determination of Application Completeness GC 65943

- Local government has 30 days to determine application completeness and provide in writing both the determination of whether the application is complete and, when applicable, a list of items that were not complete. This list is based on the agency's submittal requirement checklist. If written notice is not provided within 30 days, the application is deemed complete.
- An applicant that has submitted a preliminary application has 90 days to correct deficiencies and submit the material needed to complete the application[14].
- Upon resubmittal, local government has 30 days to evaluate. Evaluation is based on previous stated items and the supplemented or amended materials. If still not correct, the local agency must specify those parts of the application that were incomplete and indicate the specific information needed to complete the application.
- Upon a third determination of an incomplete application, an appeals process must be provided.

Step 4: Application Consistency with Standards (HAA) GC 65589.5

- Identify the specific provision or provisions and provide an explanation of the reason or reasons why the local agency considers the housing development to be inconsistent, non-compliant, or non-conformant with identified provisions.

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[13] Government Codes § 65940, 65941, and 65941.5 require, among other things, a local government to compile one or more lists that shall specify in detail the information that will be required from any applicant for a development project. Copies of the information shall be made available to all applicants for development projects and to any person who requests the information.

[14] The statute is silent on applications that did not use the preliminary application process. There is no statutory timeline for resubmittal in those instances.

- 30 days of a project application being deemed complete for projects containing 150 or fewer housing units.
- 60 days of a project application being deemed complete for projects containing over 150 units.

Step 5: Other Entitlement Process Requirements Pursuant to SB 330

- Pursuant to Government Code section 65905.5, if a proposed housing development project complies with the applicable, objective general plan and zoning standards, the local government can conduct a maximum of five hearings, including hearing continuances, in connection with the approval of the project. Compliance with applicable, objective general plan and zoning standards has the same meaning and provisions as in the HAA, including circumstances when there is inconsistency between the general plan and zoning.

  A "hearing" includes any public hearing, workshop, or similar meeting conducted by the local government with respect to the housing development project, whether by the legislative body of the city or county, the planning agency, or any other agency, department, board, commission, or any other designated hearing officer or body of the city or county, or any committee or subcommittee thereof. A "hearing" does not include a hearing to review a legislative approval required for a proposed housing development project, including, but not limited to, a general plan amendment, a specific plan adoption or amendment, or a zoning amendment, or any hearing arising from a timely appeal of the approval or disapproval of a legislative approval.

  However, it should be noted nothing in this requirement supersedes, limits, or otherwise modifies the requirements of, or the standards of review pursuant to CEQA.

- Pursuant to Government Code section 65950, a local government must make a final decision on a residential project within 90 days after certification of an environmental impact report (or 60 days after adoption of a mitigated negative declaration or an environment report for an affordable housing project).

Appendix D: Housing Accountability Act Statute (2020)

GOVERNMENT CODE - GOV
TITLE 7. PLANNING AND LAND USE [65000 - 66499.58]
DIVISION 1. PLANNING AND ZONING [65000 - 66301]

CHAPTER 3. Local Planning [65100 - 65763]
ARTICLE 10.6. Housing Elements [65580 - 65589.11]

65589.5.
(a) (1) The Legislature finds and declares all of the following:

(A) The lack of housing, including emergency shelters, is a critical problem that threatens the economic, environmental, and social quality of life in California.

(B) California housing has become the most expensive in the nation. The excessive cost of the state's housing supply is partially caused by activities and policies of many local governments that limit the approval of housing, increase the cost of land for housing, and require that high fees and exactions be paid by producers of housing.

(C) Among the consequences of those actions are discrimination against low-income and minority households, lack of housing to support employment growth, imbalance in jobs and housing, reduced mobility, urban sprawl, excessive commuting, and air quality deterioration.

(D) Many local governments do not give adequate attention to the economic, environmental, and social costs of decisions that result in disapproval of housing development projects, reduction in density of housing projects, and excessive standards for housing development projects.

(2) In enacting the amendments made to this section by the act adding this paragraph, the Legislature further finds and declares the following:

(A) California has a housing supply and affordability crisis of historic proportions. The consequences of failing to effectively and aggressively confront this crisis are hurting millions of Californians, robbing future generations of the chance to call California home, stifling economic opportunities for workers and businesses, worsening poverty and homelessness, and undermining the state's environmental and climate objectives.

(B) While the causes of this crisis are multiple and complex, the absence of meaningful and effective policy reforms to significantly enhance the approval and supply of housing affordable to Californians of all income levels is a key factor.

(C) The crisis has grown so acute in California that supply, demand, and affordability fundamentals are characterized in the negative: underserved demands, constrained supply, and protracted unaffordability.

(D) According to reports and data, California has accumulated an unmet housing backlog of nearly 2,000,000 units and must provide for at least 180,000 new units annually to keep pace with growth through 2025.

(E) California's overall homeownership rate is at its lowest level since the 1940s. The state ranks 49th out of the 50 states in homeownership rates as well as in the supply of housing per

capita. Only one-half of California's households are able to afford the cost of housing in their local regions.

(F) Lack of supply and rising costs are compounding inequality and limiting advancement opportunities for many Californians.

(G) The majority of California renters, more than 3,000,000 households, pay more than 30 percent of their income toward rent and nearly one-third, more than 1,500,000 households, pay more than 50 percent of their income toward rent.

(H) When Californians have access to safe and affordable housing, they have more money for food and health care; they are less likely to become homeless and in need of government-subsidized services; their children do better in school; and businesses have an easier time recruiting and retaining employees.

(I) An additional consequence of the state's cumulative housing shortage is a significant increase in greenhouse gas emissions caused by the displacement and redirection of populations to states with greater housing opportunities, particularly working- and middle-class households. California's cumulative housing shortfall therefore has not only national but international environmental consequences.

(J) California's housing picture has reached a crisis of historic proportions despite the fact that, for decades, the Legislature has enacted numerous statutes intended to significantly increase the approval, development, and affordability of housing for all income levels, including this section.

(K) The Legislature's intent in enacting this section in 1982 and in expanding its provisions since then was to significantly increase the approval and construction of new housing for all economic segments of California's communities by meaningfully and effectively curbing the capability of local governments to deny, reduce the density for, or render infeasible housing development projects and emergency shelters. That intent has not been fulfilled.

(L) It is the policy of the state that this section be interpreted and implemented in a manner to afford the fullest possible weight to the interest of, and the approval and provision of, housing.

(3) It is the intent of the Legislature that the conditions that would have a specific, adverse impact upon the public health and safety, as described in paragraph (2) of subdivision (d) and paragraph (1) of subdivision (j), arise infrequently.

(b) It is the policy of the state that a local government not reject or make infeasible housing development projects, including emergency shelters, that contribute to meeting the need determined pursuant to this article without a thorough analysis of the economic, social, and environmental effects of the action and without complying with subdivision (d).

(c) The Legislature also recognizes that premature and unnecessary development of agricultural lands for urban uses continues to have adverse effects on the availability of those lands for food and fiber production and on the economy of the state. Furthermore, it is the policy of the state that development should be guided away from prime agricultural lands; therefore, in implementing this section, local governments should encourage, to the maximum extent practicable, in filling existing urban areas.

(d) A local agency shall not disapprove a housing development project, including farmworker housing as defined in subdivision (h) of Section 50199.7 of the Health and Safety Code, for very low, low-, or moderate-income households, or an emergency shelter, or condition approval in a manner that renders the housing development project infeasible for development for the use of very low, low-, or moderate-income households, or an emergency shelter, including through the use of design review standards, unless it makes written findings, based upon a preponderance of the evidence in the record, as to one of the following:

(1) The local government has adopted a housing element pursuant to this article that has been revised in accordance with Section 65588, is in substantial compliance with this article, and the local government has met or exceeded its share of the regional housing need allocation pursuant to Section 65584 for the planning period for the income category proposed for the housing development project, provided that any disapproval or conditional approval shall not be based on any of the reasons prohibited by Section 65008. If the housing development project includes a mix of income categories, and the local government has not met or exceeded its share of the regional housing need for one or more of those categories, then this paragraph shall not be used to disapprove or conditionally approve the housing development project. The share of the regional housing need met by the local government shall be calculated consistently with the forms and definitions that may be adopted by HCD pursuant to Section 65400. In the case of an emergency shelter, the local government shall have met or exceeded the need for emergency shelter, as identified pursuant to paragraph (7) of subdivision (a) of Section 65583. Any disapproval or conditional approval pursuant to this paragraph shall be in accordance with applicable law, rule, or standards.

(2) The housing development project or emergency shelter as proposed would have a specific, adverse impact upon the public health or safety, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low- and moderate-income households or rendering the development of the emergency shelter financially infeasible. As used in this paragraph, a “specific, adverse impact” means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete. The following shall not constitute a specific, adverse impact upon the public health or safety:

(A) Inconsistency with the zoning ordinance or general plan land use designation.

(B) The eligibility to claim a welfare exemption under subdivision (g) of Section 214 of the Revenue and Taxation Code.

(3) The denial of the housing development project or imposition of conditions is required in order to comply with specific state or federal law, and there is no feasible method to comply without rendering the development unaffordable to low- and moderate-income households or rendering the development of the emergency shelter financially infeasible.

(4) The housing development project or emergency shelter is proposed on land zoned for agriculture or resource preservation that is surrounded on at least two sides by land being used for agricultural or resource preservation purposes, or which does not have adequate water or wastewater facilities to serve the project.

(5) The housing development project or emergency shelter is inconsistent with both the local government's zoning ordinance and general plan land use designation as specified in any element of the general plan as it existed on the date the application was deemed complete, and the local government has adopted a revised housing element in accordance with Section 65588 that is in substantial compliance with this article. For purposes of this section, a change to the zoning ordinance or general plan land use designation subsequent to the date the application was deemed complete shall not constitute a valid basis to disapprove or condition approval of the housing development project or emergency shelter.

(A) This paragraph cannot be utilized to disapprove or conditionally approve a housing development project if the housing development project is proposed on a site that is identified as suitable or available for very low, low-, or moderate-income households in the local government's housing element, and consistent with the density specified in the housing element, even though it is inconsistent with both the local government's zoning ordinance and general plan land use designation.

(B) If the local agency has failed to identify in the inventory of land in its housing element sites that can be developed for housing within the planning period and are sufficient to provide for the local government's share of the regional housing need for all income levels pursuant to Section 65584, then this paragraph shall not be utilized to disapprove or conditionally approve a housing development project proposed for a site designated in any element of the general plan for residential uses or designated in any element of the general plan for commercial uses if residential uses are permitted or conditionally permitted within commercial designations. In any action in court, the burden of proof shall be on the local agency to show that its housing element does identify adequate sites with appropriate zoning and development standards and with services and facilities to accommodate the local agency's share of the regional housing need for the very low, low-, and moderate-income categories.

(C) If the local agency has failed to identify a zone or zones where emergency shelters are allowed as a permitted use without a conditional use or other discretionary permit, has failed to demonstrate that the identified zone or zones include sufficient capacity to accommodate the need for emergency shelter identified in paragraph (7) of subdivision (a) of Section 65583, or has failed to demonstrate that the identified zone or zones can accommodate at least one emergency shelter, as required by paragraph (4) of subdivision (a) of Section 65583, then this paragraph shall not be utilized to disapprove or conditionally approve an emergency shelter proposed for a site designated in any element of the general plan for industrial, commercial, or multifamily residential uses. In any action in court, the burden of proof shall be on the local agency to show that its housing element does satisfy the requirements of paragraph (4) of subdivision (a) of Section 65583.

(e) Nothing in this section shall be construed to relieve the local agency from complying with the congestion management program required by Chapter 2.6 (commencing with Section 65088) of Division 1 of Title 7 or the California Coastal Act of 1976 (Division 20 (commencing with Section 30000) of the Public Resources Code). Neither shall anything in this section be construed to relieve the local agency from making one or more of the findings required pursuant to Section 21081 of the Public Resources Code or otherwise complying with the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code).

(f) (1) Except as provided in subdivision (o), nothing in shall be construed to prohibit a local agency from requiring the housing development project to comply with objective, quantifiable, written development standards, conditions, and policies appropriate to, and consistent with, meeting the local government's share of the regional housing need pursuant to Section 65584. However, the development standards, conditions, and policies shall be applied to facilitate and accommodate development at the density permitted on the site and proposed by the development.

(2) Except as provided in subdivision (o), nothing in shall be construed to prohibit a local agency from requiring an emergency shelter project to comply with objective, quantifiable, written development standards, conditions, and policies that are consistent with paragraph (4) of subdivision (a) of Section 65583 and appropriate to, and consistent with, meeting the local government's need for emergency shelter, as identified pursuant to paragraph (7) of subdivision (a) of Section 65583. However, the development standards, conditions, and policies shall be applied by the local agency to facilitate and accommodate the development of the emergency shelter project.

(3) Except as provided in subdivision (o), nothing in this section shall be construed to prohibit a local agency from imposing fees and other exactions otherwise authorized by law that are essential to provide necessary public services and facilities to the housing development project or emergency shelter.

(4) For purposes of this section, a housing development project or emergency shelter shall be deemed consistent, compliant, and in conformity with an applicable plan, program, policy, ordinance, standard, requirement, or other similar provision if there is substantial evidence that would allow a reasonable person to conclude that the housing development project or emergency shelter is consistent, compliant, or in conformity.

(g) This section shall be applicable to charter cities because the Legislature finds that the lack of housing, including emergency shelter, is a critical statewide problem.

(h) The following definitions apply for the purposes of this section:

(1) "Feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors.

(2) "Housing development project" means a use consisting of any of the following:

(A) Residential units only.

(B) Mixed-use developments consisting of residential and nonresidential uses with at least two-thirds of the square footage designated for residential use.

(C) Transitional housing or supportive housing.

(3) "Housing for very low, low-, or moderate-income households" means that either (A) at least 20 percent of the total units shall be sold or rented to lower income households, as defined in Section 50079.5 of the Health and Safety Code, or (B) 100 percent of the units shall be sold or rented to persons and families of moderate income as defined in Section 50093 of the Health and Safety Code, or persons and families of middle income, as defined in Section 65008 of this

code. Housing units targeted for lower income households shall be made available at a monthly housing cost that does not exceed 30 percent of 60 percent of area median income with adjustments for household size made in accordance with the adjustment factors on which the lower income eligibility limits are based. Housing units targeted for persons and families of moderate income shall be made available at a monthly housing cost that does not exceed 30 percent of 100 percent of area median income with adjustments for household size made in accordance with the adjustment factors on which the moderate-income eligibility limits are based.

(4) “Area median income” means area median income as periodically established by the HCD pursuant to Section 50093 of the Health and Safety Code. The developer shall provide sufficient legal commitments to ensure continued availability of units for very low or low-income households in accordance with the provisions of this subdivision for 30 years.

(5) Notwithstanding any other law, until January 1, 2025, “deemed complete” means that the applicant has submitted a preliminary application pursuant to Section 65941.1.

(6) “Disapprove the housing development project” includes any instance in which a local agency does either of the following:

(A) Votes on a proposed housing development project application and the application is disapproved, including any required land use approvals or entitlements necessary for the issuance of a building permit.

(B) Fails to comply with the time periods specified in subdivision (a) of Section 65950. An extension of time pursuant to Article 5 (commencing with Section 65950) shall be deemed to be an extension of time pursuant to this paragraph.

(7) “Lower density” includes any conditions that have the same effect or impact on the ability of the project to provide housing.

(8) Until January 1, 2025, “objective” means involving no personal or subjective judgment by a public official and being uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official.

(9) Notwithstanding any other law, until January 1, 2025, “determined to be complete” means that the applicant has submitted a complete application pursuant to Section 65943.

(i) If any city, county, or city and county denies approval or imposes conditions, including design changes, lower density, or a reduction of the percentage of a lot that may be occupied by a building or structure under the applicable planning and zoning in force at the time housing development project’s the application is complete, that have a substantial adverse effect on the viability or affordability of a housing development for very low, low-, or moderate-income households, and the denial of the development or the imposition of conditions on the development is the subject of a court action which challenges the denial or the imposition of conditions, then the burden of proof shall be on the local legislative body to show that its decision is consistent with the findings as described in subdivision (d), and that the findings are supported by a preponderance of the evidence in the record, and with the requirements of subdivision (o).

(j) (1) When a proposed housing development project complies with applicable, objective general plan, zoning, and subdivision standards and criteria, including design review standards, in effect at the time that the application was deemed complete, but the local agency proposes to disapprove the project or to impose a condition that the project be developed at a lower density, the local agency shall base its decision regarding the proposed housing development project upon written findings supported by a preponderance of the evidence on the record that both of the following conditions exist:

(A) The housing development project would have a specific, adverse impact upon the public health or safety unless the project is disapproved or approved upon the condition that the project be developed at a lower density. As used in this paragraph, a “specific, adverse impact” means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.

(B) There is no feasible method to satisfactorily mitigate or avoid the adverse impact identified pursuant to paragraph (1), other than the disapproval of the housing development project or the approval of the project upon the condition that it be developed at a lower density.

(2) (A) If the local agency considers a proposed housing development project to be inconsistent, not in compliance, or not in conformity with an applicable plan, program, policy, ordinance, standard, requirement, or other similar provision as specified in this subdivision, it shall provide the applicant with written documentation identifying the provision or provisions, and an explanation of the reason or reasons it considers the housing development to be inconsistent, not in compliance, or not in conformity as follows:

(i) Within 30 days of the date that the application for the housing development project is determined to be complete, if the housing development project contains 150 or fewer housing units.

(ii) Within 60 days of the date that the application for the housing development project is determined to be complete, if the housing development project contains more than 150 units.

(B) If the local agency fails to provide the required documentation pursuant to subparagraph (A), the housing development project shall be deemed consistent, compliant, and in conformity with the applicable plan, program, policy, ordinance, standard, requirement, or other similar provision.

(3) For purposes of this section, the receipt of a density bonus pursuant to Section 65915 shall not constitute a valid basis on which to find a proposed housing development project is inconsistent, not in compliance, or not in conformity, with an applicable plan, program, policy, ordinance, standard, requirement, or other similar provision specified in this subdivision.

(4) For purposes of this section, a proposed housing development project is not inconsistent with the applicable zoning standards and criteria, and shall not require a rezoning, if the housing development project is consistent with the objective general plan standards and criteria but the zoning for the project site is inconsistent with the general plan. If the local agency has complied with paragraph (2), the local agency may require the proposed housing development project to comply with the objective standards and criteria of the zoning which is consistent with the general plan, however, the standards and criteria shall be applied to facilitate and

accommodate development at the density allowed on the site by the general plan and proposed by the proposed housing development project.

(k) (1) (A) (i) The applicant, a person who would be eligible to apply for residency in the housing development project or emergency shelter, or a housing organization may bring an action to enforce this section. If, in any action brought to enforce this section, a court finds that any of the following are met, the court shall issue an order pursuant to clause (ii):

(I) The local agency, in violation of subdivision (d), disapproved a housing development project or conditioned its approval in a manner rendering it infeasible for the development of an emergency shelter, or housing for very low, low-, or moderate-income households, including farmworker housing, without making the findings required by this section or without making findings supported by a preponderance of the evidence.

(II) The local agency, in violation of subdivision (j), disapproved a housing development project complying with applicable, objective general plan and zoning standards and criteria, or imposed a condition that the project be developed at a lower density, without making the findings required by this section or without making findings supported by a preponderance of the evidence.

(III) (ia) Subject to sub-subclause (ib), the local agency, in violation of subdivision (o), required or attempted to require a housing development project to comply with an ordinance, policy, or standard not adopted and in effect when a preliminary application was submitted.

(ib) This subclause shall become inoperative on January 1, 2025.

(ii) If the court finds that one of the conditions in clause(i) is met, the court shall issue an order or judgment compelling compliance with this section within 60 days, including, but not limited to, an order that the local agency take action on the housing development project or emergency shelter. The court may issue an order or judgment directing the local agency to approve the housing development project or emergency shelter if the court finds that the local agency acted in bad faith when it disapproved or conditionally approved the housing development or emergency shelter in violation of this section. The court shall retain jurisdiction to ensure that its order or judgment is carried out and shall award reasonable attorney’s fees and costs of suit to the plaintiff or petitioner, except under extraordinary circumstances in which the court finds that awarding fees would not further the purposes of this section.

(B) (i) Upon a determination that the local agency has failed to comply with the order or judgment compelling compliance with this section within 60 days issued pursuant to subparagraph (A), the court shall impose fines on a local agency that has violated this section and require the local agency to deposit any fine levied pursuant to this subdivision into a local housing trust fund. The local agency may elect to instead deposit the fine into the Building Homes and Jobs Fund, if Senate Bill 2 of the 2017–18 Regular Session is enacted, or otherwise in the Housing Rehabilitation Loan Fund. The fine shall be in a minimum amount of ten thousand dollars ($10,000) per housing unit in the housing development project on the date the application was deemed complete pursuant to Section 65943. In determining the amount of fine to impose, the court shall consider the local agency’s progress in attaining its target allocation of the regional housing need pursuant to Section 65584 and any prior violations of this section. Fines shall not be paid out of funds already dedicated to affordable housing, including, but not limited to, Low and Moderate Income Housing Asset Funds, funds dedicated

to housing for very low, low-, and moderate-income households, and federal HOME Investment Partnerships Program and Community Development Block Grant Program funds. The local agency shall commit and expend the money in the local housing trust fund within five years for the sole purpose of financing newly constructed housing units affordable to extremely low, very low, or low-income households. After five years, if the funds have not been expended, the money shall revert to the state and be deposited in the Building Homes and Jobs Fund, if Senate Bill 2 of the 2017–18 Regular Session is enacted, or otherwise in the Housing Rehabilitation Loan Fund, for the sole purpose of financing newly constructed housing units affordable to extremely low, very low, or low-income households.

(ii) If any money derived from a fine imposed pursuant to this subparagraph is deposited in the Housing Rehabilitation Loan Fund, then, notwithstanding Section 50661 of the Health and Safety Code, that money shall be available only upon appropriation by the Legislature.

(C) If the court determines that its order or judgment has not been carried out within 60 days, the court may issue further orders as provided by law to ensure that the purposes and policies of this section are fulfilled, including, but not limited to, an order to vacate the decision of the local agency and to approve the housing development project, in which case the application for the housing development project, as proposed by the applicant at the time the local agency took the initial action determined to be in violation of this section, along with any standard conditions determined by the court to be generally imposed by the local agency on similar projects, shall be deemed to be approved unless the applicant consents to a different decision or action by the local agency.

(2) For purposes of this subdivision, “housing organization” means a trade or industry group whose local members are primarily engaged in the construction or management of housing units or a nonprofit organization whose mission includes providing or advocating for increased access to housing for low-income households and have filed written or oral comments with the local agency prior to action on the housing development project. A housing organization may only file an action pursuant to this section to challenge the disapproval of a housing development by a local agency. A housing organization shall be entitled to reasonable attorney’s fees and costs if it is the prevailing party in an action to enforce this section.

(l) If the court finds that the local agency (1) acted in bad faith when it disapproved or conditionally approved the housing development or emergency shelter in violation of this section and (2) failed to carry out the court’s order or judgment within 60 days as described in subdivision (k), the court, in addition to any other remedies provided by this section, shall multiply the fine determined pursuant to subparagraph (B) of paragraph (1) of subdivision (k) by a factor of five. For purposes of this section, “bad faith” includes, but is not limited to, an action that is frivolous or otherwise entirely without merit.

(m) Any action brought to enforce the provisions of this section shall be brought pursuant to Section 1094.5 of the Code of Civil Procedure, and the local agency shall prepare and certify the record of proceedings in accordance with subdivision (c) of Section 1094.6 of the Code of Civil Procedure no later than 30 days after the petition is served, provided that the cost of preparation of the record shall be borne by the local agency, unless the petitioner elects to prepare the record as provided in subdivision (n) of this section. A petition to enforce the provisions of this section shall be filed and served no later than 90 days from the later of (1) the effective date of a decision of the local agency imposing conditions on, disapproving, or any

other final action on a housing development project or (2) the expiration of the time periods specified in subparagraph (B) of paragraph (5) of subdivision (h). Upon entry of the trial court's order, a party may, in order to obtain appellate review of the order, file a petition within 20 days after service upon it of a written notice of the entry of the order, or within such further time not exceeding an additional 20 days as the trial court may for good cause allow, or may appeal the judgment or order of the trial court under Section 904.1 of the Code of Civil Procedure. If the local agency appeals the judgment of the trial court, the local agency shall post a bond, in an amount to be determined by the court, to the benefit of the plaintiff if the plaintiff is the project applicant.

(n) In any action, the record of the proceedings before the local agency shall be filed as expeditiously as possible and, notwithstanding Section 1094.6 of the Code of Civil Procedure or subdivision (m) of this section, all or part of the record may be prepared (1) by the petitioner with the petition or petitioner's points and authorities, (2) by the respondent with respondent's points and authorities, (3) after payment of costs by the petitioner, or (4) as otherwise directed by the court. If the expense of preparing the record has been borne by the petitioner and the petitioner is the prevailing party, the expense shall be taxable as costs.

(o) (1) Subject to paragraphs (2), (6), and (7), and subdivision (d) of Section 65941.1, a housing development project shall be subject only to the ordinances, policies, and standards adopted and in effect when a preliminary application including all of the information required by subdivision (a) of Section 65941.1 was submitted.

(2) Paragraph (1) shall not prohibit a housing development project from being subject to ordinances, policies, and standards adopted after the preliminary application was submitted pursuant to Section 65941.1 in the following circumstances:

(A) In the case of a fee, charge, or other monetary exaction, to an increase resulting from an automatic annual adjustment based on an independently published cost index that is referenced in the ordinance or resolution establishing the fee or other monetary exaction.

(B) A preponderance of the evidence in the record establishes that subjecting the housing development project to an ordinance, policy, or standard beyond those in effect when a preliminary application was submitted is necessary to mitigate or avoid a specific, adverse impact upon the public health or safety, as defined in subparagraph (A) of paragraph (1) of subdivision (j), and there is no feasible alternative method to satisfactorily mitigate or avoid the adverse impact.

(C) Subjecting the housing development project to an ordinance, policy, standard, or any other measure, beyond those in effect when a preliminary application was submitted is necessary to avoid or substantially lessen an impact of the project under the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code).

(D) The housing development project has not commenced construction within two and one-half years following the date that the project received final approval. For purposes of this subparagraph, "final approval" means that the housing development project has received all necessary approvals to be eligible to apply for, and obtain, a building permit or permits and either of the following is met:

(i) The expiration of all applicable appeal periods, petition periods, reconsideration periods, or statute of limitations for challenging that final approval without an appeal, petition, request for reconsideration, or legal challenge having been filed.

(ii) If a challenge is filed, that challenge is fully resolved or settled in favor of the housing development project.

(E) The housing development project is revised following submittal of a preliminary application pursuant to Section 65941.1 such that the number of residential units or square footage of construction changes by 20 percent or more, exclusive of any increase resulting from the receipt of a density bonus, incentive, concession, waiver, or similar provision. For purposes of this subdivision, "square footage of construction" means the building area, as defined by the California Building Standards Code (Title 24 of the California Code of Regulations).

(3) This subdivision does not prevent a local agency from subjecting the additional units or square footage of construction that result from project revisions occurring after a preliminary application is submitted pursuant to Section 65941.1 to the ordinances, policies, and standards adopted and in effect when the preliminary application was submitted.

(4) For purposes of this subdivision, "ordinances, policies, and standards" includes general plan, community plan, specific plan, zoning, design review standards and criteria, subdivision standards and criteria, and any other rules, regulations, requirements, and policies of a local agency, as defined in Section 66000, including those relating to development impact fees, capacity or connection fees or charges, permit or processing fees, and other exactions.

(5) This subdivision shall not be construed in a manner that would lessen the restrictions imposed on a local agency, or lessen the protections afforded to a housing development project, that are established by any other law, including any other part of this section.

(6) This subdivision shall not restrict the authority of a public agency or local agency to require mitigation measures to lessen the impacts of a housing development project under the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code).

(7) With respect to completed residential units for which the project approval process is complete and a certificate of occupancy has been issued, nothing in this subdivision shall limit the application of later enacted ordinances, policies, and standards that regulate the use and occupancy of those residential units, such as ordinances relating to rental housing inspection, rent stabilization, restrictions on short-term renting, and business licensing requirements for owners of rental housing.

(8) This subdivision shall become inoperative on January 1, 2025.

(p) This section shall be known, and may be cited, as the Housing Accountability Act.

8b

CPC TRANSMITTAL & SUMMARY SHEET
CITY OF RIVERSIDE PLANNING DEPARTMENT

DATE: 10-27-98

ITEM NO.: 2

TO CITY COUNCIL

Date: September 3, 1998

Applicant & Legal Owner

REDEVCO LLC
2047 Orange Tree Lane #200
Redlands CA 92374

Project Description: **TRACT MAP 28756(continued from August 20, 1998)**: Proposal of Adkan Engineers to divide approximately 37 vacant acres into 18 lots for residential purposes, situated on the northwesterly side of Alhambra Avenue and southerly of Catspaw Drive in the R-1-80 - Single Family Residential and RC - Residential Conservation Zones.

Applicant's Representative

Ed Adkison
ADKAN Engineers
6820 Airport Drive
Riverside CA 92504

Note: Applicable information is given and/or checked below

Action:

X Approved

_ Denied

_ Continued to:

X Conditions Attached

Action Date: September 3, 1998

Appeal Date: September 18, 1998

Appeal Fee: $825

Expiration Date: March 3, 2001

Transmittal Date: September 3, 1998

To: City Council

_ Appeal (written appeal attached) _ Planning Commission approved rezoning to:

_ Mandatory City Council Hearing

_ For City Council Consent Calendar X Planning Staff recommended: Approval

_ For City Council Discussion Calendar

Planning Commission Vote

Ayes: 8 Noes: 0 Abstentions: 0

Environmental Finding

_ None Required _ No determination made

X Determination made by City Planning Commission

_ Environmental Impact Report Required

X Negative Declaration has been prepared; City Council may take action after: September 18, 1998

(additional information on next page)

X The environmental finding is subject to a 10-day appeal period. Land divisions are subject to a 15-day appeal period from the date of Planning Commission action. If any appeal is filed, the City Council will hear the map and if it is approved, the expiration date will be adjusted accordingly.

— Unless appealed or reviewed by City Council, this action is final. If appealed, the original plus a copy of the appeal request, addressed to the City Council, must be received by the Planning Department by 5:00 p.m. on or before the "Appeal Date" and include the "Appeal Fee", both indicated above.

— Pursuant to the Subdivision Ordinance (Chapter 18 of the Riverside Municipal Code), this map must be submitted to the City Public Works Department and filed and recorded with the Riverside County Recorder on or before the date noted above.

— Substantial changes and revisions of the tentative map must be approved by the Planning Commission. Prior to the expiration of the initial 30 months allowed for recordation, a written request may be submitted to the Planning Commission for a one year time extension. Second and third year time extensions may be permitted subject to Planning Commission approval.

— Any request for a time extension must be submitted in writing, include the fee, and received by the Planning Department prior to the expiration date or the map will be void. It is the responsibility of the applicant to confirm that the Planning Department has received the extension request prior to the expiration of the map.

— Your request has been approved unconditionally.

— Instructions for completion of the Parcel Map Waiver/Certificate of Compliance may be obtained from the City Surveyor, Public Works Department, who may be reached by phone at 782-5341.

X This matter will now be forwarded to the City Council for public hearing. You will be notified by the City Clerk of the date and time of the hearing.

— In accordance with established procedure, this matter will now be forwarded to City Council and placed on the City Council Consent Calendar. Should the City Council set it for hearing, you will be notified by the City Clerk of the date and time of hearing. Approval of this action shall not be final until City Council has reviewed and approved it or determined not to review it.

— The effective date of the Planning Commission action is 30 days after the date of the hearing unless the case is appealed or otherwise set for public hearing by the City Council. The expiration date is calculated from the date of affirmative Planning Commission action.

NOTE: Any inquiries concerning this transmittal should be directed to the
Riverside City Planning Department.
Telephone: (909) 782-5371
Address: Third Floor, City Hall, 3900 Main Street
Riverside, CA 92522

cc: Public Works Department - Fred Proctor

CONDITIONS ***All mitigation measures are noted by an asterisk (*).***

Case Specific

- **Planning**

*1. Prior to adoption of the final map, detailed plans for the grading and configurations of all RC zoned lots and related private access drives shall be submitted for City Planning Commission approval. Separate environmental review shall be required for the grading plans. All pads should ~~shall~~ be a minimum of 10,000 square feet and all grading shall comply with established City standards in effect at the time of submission. The developer shall provide an open-space easement restricting the development of RC zoned lots to the building pads and roadways as depicted on the tentative map to the approval of the Legal and Planning Departments. Adjustment to the lot configurations can be considered at that time.

2. A covenant to the approval of the Planning and Legal Departments shall be recorded advising property owners that the RC Zone as it applies to the subject property limits dwellings to one story, maximum of 20 feet high and that no further division of five-acre parcels on 30% or greater slopes is permitted. In addition, any future dwellings will require Design Review approval, and should be of a sensitive, low profile design.

3. Subject to staff approval, lots in the R-1-80 portion of the tract (Phase 1) shall be revised to: realign "A" Court as described in the body of this report to the approval of the Planning Department and Traffic Engineer; eliminate the panhandle lot (tentative Lot 1); and to create minimum half-acre lots (21,780 square feet) in the portion designated RHS - Hillside Residential on the General Plan (tentative Lots 7-12). The revision of the tract map may entail changes in the adjacent lots and will probably result in the elimination of one lot.

4. Adequate stacking distance shall be provided at the opening of the private street at the cul de sac, to the specifications of the Planning and Public Works Departments.

5. The City Planning Commission makes the necessary findings in the applicant's favor to grant the following variances. As justifications, the applicant and staff's written justifications are referenced:

   Variance A: To allow a substandard width for lots on knuckles and/or cul-de-sac bulbs as necessary to make revisions required in Condition 3 above.

   Variance B: To allow Lots 13 through 18 to have no street frontage. (Note: For setback purposes, the private street shall be considered as if a public street.)

*6. The following certificate shall appear on the final map as required by Ordinance 4930 of the Municipal Code:

"POTENTIAL LIQUEFACTION

All or a portion of the property included within this map has been identified by the City of Riverside Seismic Safety Element of the General Plan as being potentially subject to

liquefaction should ground shaking occur. To limit the possibility of structural damage or failure in such an event a geologic investigation acceptable to the City Building Official may be required as a prerequisite to issuance of building permit."

*7. All building pads in the RC Zone area of the map and the private street shall be placed so as to minimize negative impacts to the coastal sage scrub and native wildlife in the Norco Hills.

*8. Any buried cultural materials unearthed during future development are to be examined and evaluated by a qualified archeologist prior to further disturbance.

9. In approving this map the Planning Commission initiates a zoning case on the R-1-80 zoned portion of the map to add the RL - Residential Livestock Combining Zone.

10. Affirmative action by the Planning Commission shall be reviewed by the City Council at an advertised public hearing.

11. Documentation shall be submitted prior to map recordation for Planning and Legal Department approval to ensure mutual access for ingress, egress and utilities for all lots served by the private street.

12. Unless determined to not be necessary, an easement, or public road dedication, shall be required to provide access to the rear of the property at 6303 Catspaw Drive prior to map adoption to allow for weed control.

Standard Conditions

- **Planning**

13. In approving this case, it has been determined that the proposed project could have the potential for adverse effects on wildlife resources and the applicant is responsible for the payment of Fish and Game fees at the time the Notice of Determination is filed with the County.

14. There is a thirty month time limit in which to satisfy the conditions and record this map. Three subsequent one-year time extensions may be granted by the City Planning Commission upon request by the applicant. Application for a one-year time extension must be made prior to the expiration date of the map. No time extension may be granted for applications received after the expiration date of the map.

- **Public Works**

15. A "FINAL MAP" shall be processed with the Public Works Department and recorded with the County Recorder. The "FINAL MAP" shall be prepared by a Land Surveyor or Civil Engineer authorized to practice Land Surveying in the State of California and shall comply with the State Subdivision Map Act and Title 18 of the City of Riverside Municipal Code. All responsibility of the applicant.

16. Dedication of right-of-way for widening Alhambra Avenue to 33 feet from monument centerline to Public Works specifications.

17. Installation of curb and gutter at 18 feet from monument centerline, sidewalk, or equestrian trail, and a minimum 28 feet of paving on Alhambra Avenue to Public Works specifications.

18. Minimum 24 foot wide paving required on Alhambra Avenue to provide access to this project from La Sierra Avenue, to Public Works specifications.

19. Off-site improvement plans to be approved by Public Works and a surety posted to guarantee the required off-site improvements prior to recordation of this map.

20. Full improvement of the interior street based on 60 foot residential street standards. Sidewalk to be constructed on the southerly side of the street and an equestrian trail to be constructed on the northerly side as a continuation of the trail shown along the private access drive. The equestrian trail is to be designed and constructed to the approval of the Parks and Recreation, Planning and Public Works Departments.

21. Storm Drain construction will be contingent on engineer's drainage study.

22. Removal and/or relocation of irrigation facilities, as required.

23. Removal and/or relocation of trees, as required.

24. Installation of sewers and sewer laterals to serve this project to Public Works specifications.

25. A sewer extension, approximately 1350 feet long will be required to serve this project.

26. Size, number and location of driveways to Public Works specifications.

27. All security gates or facilities proposed now or in the future will be located on-site and adequate stacking space and vehicle turn-around area will have to be provided to Public Works specifications.

28. The private access drive shall be designed in accordance with resolutions 12006 and 15531 except that curb and gutter will not be required.

- **Fire Department**

29. Requirements for construction shall follow the Uniform Building Code with the State of California Amendments as adopted by the City of Riverside.

30. Construction plans shall be submitted and permitted prior to construction.

31. Any required fire hydrants shall be installed and operational prior to Fire Department release of permit.

32. Fire Department access is required to be maintained during all phases of construction.

33. No parking signs shall be posted along the entire length of the roadway on the 28-foot private street.

34. The width of the proposed 15-foot access driveway serving lot 13, 15 and 16 shall be increased to minimum 20 feet with no parking allowed on either side of the street. Alternatively the width may be increased to 28 feet with no parking signs posted on one side of the street.

- **Public Utilities**

35. All utilities shall be satisfactorily relocated, protected and/or replaced to the specifications of the affected departments and agencies, and easements for such facilities retained as necessary.

36. The provision of utility easements, water, street lights and electrical underground and/or overhead facilities and fees in accordance with the rules and regulations of the appropriate purveyor.

- **Park and Recreation**

37. The removal, relocation, replacement or protection of any existing street trees along Alhambra Avenue to the specifications of the Park and Recreation, Public Works and Planning Departments.

38. The installation of new street trees along Alhambra and new "A" Court in accordance with the specifications of the Park and Recreation Department. Street tree installation work to be completed prior to release of occupancy for building permit on each individual parcel. No Street Trees are required for private streets.

39. Payment of all applicable park development fees (local and regional/reserve) as mitigation for impact to park development and open space needs as generated by the project. Park Fees are payable at time of issuance of the building permit for each lot.

40. Irrevocable offer of dedication of an easement for multi-purpose recreational trails shall be granted to the City prior to recordation of the map. Alignment of the easement shall be as approved by the Planning, Park and Recreation and Public Works Departments, and the Recreational Trails Steering Committee. Note: alignment presently shown on tentative map does not appear to be workable as two connection points are not adequately accommodated.

41. ~~Prior to map recordation, a~~ A multi-purpose recreational trail designated for non-motorized use shall be constructed by the developer to the specifications of the Public Works, Planning and Park and Recreation Departments. Trail development shall include trail fencing, trail step-overs, and placement of trail signage along the trail alignment as designated by the Park and Recreation Department in conjunction with the road system.

TRACT MAP 28756(continued from August 20, 1998): Proposal of Adkan Engineers to divide approximately 37 vacant acres into 18 lots for residential purposes, situated on the northwesterly side of Alhambra Avenue and southerly of Catspaw Drive in the R-1-80 - Single Family Residential and RC - Residential Conservation Zones.

Dirk Jenkins, Senior Planner, presented the staff report.

Commissioner Safford asked what was the classification of Alhambra Avenue, a residential street. He noted many subdivisions that have a short street in and a "T" intersection which may or may not go to a cul de sac. He asked what is the problem with taking the subject intersection and making a "T" intersection as proposed by the applicant.

Mr. Jenkins replied it is a local, 66 foot street. He explained that the"T" intersection proposed by the applicant is at a curve on Alhambra Avenue and sight distance is rather limited. In moving the intersection back towards La Sierra Avenue, between Lots 1 and 2, would provide better sight distance for drivers coming out of the cul de sac onto Alhambra Avenue.

Commissioner Safford asked if that would result in having a street entering Alhambra Avenue right after the curve. He asked for clarification under the first point of the analysis where it indicates all lots meet or exceed the area requirements of the underlying zones, and why staff seems to imply the lots should be larger. The lots immediately to the north of the proposed development are smaller than what is being proposed.

Mr. Jenkins summarized the issue here is the underlying General Plan. The lots (1 through 12) are R-1-80 Zoned lots, or a minimum lot size of 8000 square feet. The underlying General Plan in the area, however, is split between semi rural life style (minimum ½ acre or 20,000 square foot lots) and Lots 7 through 12 are actually in a Hillside Residential General Plan Designation, which is basically the RC Zone, and calls for larger lots based on slope. In order for this map to be consistent with the underlying General Plan (the R-1-80 Zone is not consistent with the General Plan) the map would need to be modified as to lot sizes as recommended by staff. The lots on Catspaw Drive have a General Plan Designation of Medium Density Residential which is consistent with the R-1-80 zoning in that area.

Commissioner Ernsberger asked if the flag lot (Lot 1) would be removed if the street was moved down. He felt the lot appeared to be basically unusable.

Mr. Jenkins responded the lot would be removed.

Ed Adkison, ADKAN Engineers, 6820 Airport Drive, Riverside, representing REDEVCO, explained the history of the project and his involvement over the last 10 years. He noted many meetings were held with staff, as well as a community meeting at Councilwoman Pearson's home. Mixed feelings have surfaced regarding this area, because there are non-animal keeping smaller lots to the north, a more rural atmosphere to the south, and he noted the property has been narrowed down with 3 different General Plan Designations where previously there were 5 designations. He concurred with the staff recommendations for approval, although he requested modification to Condition 1: add "after all pads" the words "within the semi rural residential plan designation be a minimum of 10,000 square feet". He explained that was basically all the pads that aren't on 5 acre lots. The reason he requested that was because a precise grading plan has not been prepared for the 5-acre lots and that will require a separate environmental approval. He clarified the request encompasses Lots 14-18; he requested deletion of Condition 2; Condition 12, add the words "or public road dedication" after the words "an easement"; and Condition 17, add the words "or equestrian trail" after the word "sidewalk ."

Mr. Jenkins noted Condition 41 states a multi-purpose recreation trail designated for non-motorized use shall be construction. He asked that the words "Prior to map recordation" be stricken and the words "in conjunction with the road system" be added to the end of the paragraph.

The public hearing was officially closed.

Commissioner Blackman stated her desire that the RC Zone, single story requirement, and all other Code requirements of Condition 2 be upheld.

Mr. Jenkins noted Condition 2 is a Code requirement and cannot be deleted or modified.

MOTION MADE by Commissioner Comer, SECONDED by Commissioner Safford, **TO DETERMINE** that the proposed project would not have a significant adverse impact on the environment, and TO APPROVE case CU-022-701(Revised) with all staff recommendations and conditions, MODIFYING, Condition 1, (All pads should ~~shall~~ be a minimum of 10,000 square feet...), Condition 12, (an easement, or public road dedication, shall be required ...), Condition 17 (sidewalk, or equestrian trail,...), and Condition 41, (~~Prior to map recordation, a~~ A multi-purpose...as designated by the Park and Recreation Department in conjunction with the road system.), AND recommending adoption of a Negative Declaration. Prior to adoption of the final map, detailed plans for the grading and configurations of all RC zoned lots and related private access drives shall be submitted for City Planning Commission approval. Separate environmental review shall be required for the grading plans.

MOTION CARRIED unanimously.

AYES:	Blackman, Comer, Ernsberger, Morales, Rush, Safford, Schiller, Shafai
NOES:	None
DISQUALIFIED:	None
ABSTAINED:	None
ABSENT:	Agnew

Chair Schiller advised of the appeal procedure.

PLANNING COMMISSION HEARING DATE: September 3, 1998

TRACT MAP 28756: Proposal of Adkan Engineers to divide approximately 37 vacant acres into 18 lots for residential purposes, situated on the northwesterly side of Alhambra Avenue and southerly of Catspaw Drive in the R-1-80 - Single Family Residential and RC - Residential Conservation Zones.

BACKGROUND/PROJECT DESCRIPTION

The applicant is proposing to divide approximately 37 acres of vacant land into 18 single family residential lots. The project will be completed in two phases with the first phase consisting of 12 lots and the second phase having 6 lots. The 12 lots under Phase 1 are on moderately sloping land which increases in steepness as it approaches the Phase 2 area. Phase 2 is located in the steep Norco Hills and will be a private gated community with a horse trail.

In 1988 the City Planning Commission and City Council approved Tract Map 19889 (revised) which proposed to subdivide the subject 37 acres of land into 13 lots for residential purposes. A gated private street bisecting several lots was also proposed at that time. That previous map was never recorded; the current proposal has a modified design from what was approved in the past.

ANALYSIS

In reviewing this project, staff has the following comments:

- **General Plan/Zoning Considerations**

  All of Phase 1 is zoned R-1-80 - Single Family Residential Zone, while Phase 2 is in the RC - Residential Conservation Zone (see Exhibit 1). All lots meet or exceed the area requirements of the underlying zones. Several lots do not have the required public street frontage which is discussed later in this report.

  The entire RC zoned portion of the map corresponding to Phase 2 is shown on the General Plan for RHS - Hillside Residential. The slopes on Phase 2 portion of the site are 30% and over. The Phase 2 portion of the map is consistent with that land use designation in that all proposed lots are 5 acres or larger.

  Phase 1, zoned R-1-80, is divided about equally between the designations of RHS- Hillside Residential and RSR - Semi Rural Residential (Exhibit 2); however, the R-1-80 zone allows lots as small as 8500 square feet and does not typically implement these General Plan land use designations. This phase of the map has been designed with minimum 20,000-square-foot lots which is intended to reflect the typical lot sizes found in RHS and RSR areas. That

lot size is reflective of the RSR designation but a lot size of at least one-half acre (21,780 square feet) would be appropriate for the RHS portion of Phase I where slopes approach 15% in steepness. The one-half acre lot size is consistent with the minimum lot size that would be required if the property were zoned RC, the zoning that is consistent with the RHS General Plan land use designation. Staff concludes that the overall density of the project falls with the acceptable ranges designated by the General Plan, provided that lots in the RHS portion of Phase 1 are increased to minimum size of one-half acre.

- **Location and Access**

The site is located on the northwesterly side of Alhambra Avenue, southerly of Catspaw Drive and generally southwesterly of La Sierra Avenue (Exhibit 1). Lots 3 through 11 will take access directly off "A" Court, a 60-foot-wide public cul-de-sac street. As proposed, the location of "A" Court at its intersection with Alhambra Street will change the existing 90 degree turn on Alhambra Street to a "T" intersection. Since Alhambra Street is a winding road with vertical grade differences which result in limited sight distance, staff is concerned with the proposed alignment. As such, the Traffic Engineer recommends that "A" Court be shifted to the east, essentially between proposed Lots 2 and 3, for better sight visibility.

Lots 1 and 2 are shown to take direct access off Alhambra Avenue. Lot 1 is proposed to have a 20-foot-wide, panhandle driveway off Alhambra Avenue. Staff finds the panhandle lot undesirable since it buries a potential dwelling with possible animal-keeping behind a number of existing and proposed residences. Suggested adjustments to the tract design are discussed later in this report.

A 28-foot-wide private access road with a 10-foot equestrian trail running alongside, originates from the terminus of cul-de-sac street ("A" Court), and will provide access to the 6 lots in the RC Zone. The equestrian trail will continue into the Norco Hills and an access easement will be needed to allow the trail to continue on to the adjoining parcels. The Parks Department has indicated that the trail will have to be constructed by the developer and meet trail standards established by City. This trail should be extended out to Alhambra Avenue along one side of the public cul-de-sac. The design of the street and trail shall be to City specifications.

A long, winding 15 foot driveway originating off the private road, will serve lots 13, 15 and 16. The driveway also bisects those lots. According to comments received from the Fire Department, the driveway width will have to be increased to at least 20 feet with no parking allowed on either side of the driveway to meet Fire Department standards. The proposed private drive system in Phase 2 has been designed to minimize grading and provide ample access to the few lots which it serves. These drives will be little traveled and will help maintain natural open space in the area.

- **Map Design**

The overall design of the map intends to provide a logical transition between the semi-rural lifestyle along Alhambra Avenue and the steep hillside area of the Norco Hills. In the RC zoned area (Phase 2) the map creates 5-acre-plus lots in areas where the average natural slope is 30% or more. These lots are irregular in shape and most do not have frontage on a public street. Variances are needed for such lots. Building pads are indicated at locations where homes can be sited with limited grading. The building areas for Lots 14, 17 and 18 will not be along ridge lines; however, the pads for Lots 13, 15, and 16 are atop a knoll. When viewed from the north in particular there could be some perception of "skylining." This impact will be limited because much higher sloped rise above the subject property. In this area staff is concerned about the irregular shapes of the lots where there is potential for aesthetically undesirable fencing patterns when development occurs. Staff in also concerned about the relatively small sizes of the proposed building pads ranging from 7200 to 15,500 square feet. This pads appear unrealistic in such estate lot environments where very large homes and appurtenances such as tennis courts and swimming pools are common. Insufficient grading details have been provided with the tentative map to judge the acceptability of the grading plans. It appears there may need to be substantially adjustments in terms of lot configurations, pad sizes and pad locations. The recommended conditions of approval address these issues. (As an alternative, the applicant may wish to consider a Planned Residential Development for the RC zoned portion of the site. This concept would allow preservation of the steep knoll and the possible clustering of lots on less steep portions of the site. Under the provisions of the Zoning Code, a density bonus of up to 25% is possible.)

In Phase 1 of the map (zoned R-1-80), the lot sizes are a uniform 20,000 square feet which is somewhat smaller than the expected minimum in westerly half of this phase. Some adjustment to the design is needed to create minimum half-acre lots in this area. Staff also recommends that "A" Court be shifted as described earlier in this report and that the panhandle-shape Lot 1 be reconfigured. This will probably result in the elimination of one lot. The panhandle lot and knuckle Lots 4 and 5 are substandard in width. The recommended conditions of approval address these issues.

- **Environmental, Cultural and Historical Considerations**

A Biological survey of the site was conducted by Tierra Madre Consultants and a Cultural Resources report was prepared by CRM Tech. No historical resources were found on the site. The Biological survey concluded that Phase I of the project will not have impacts on the biological resources. Phase 2 will includes areas of untouched and disturbed coastal sage vegetation (Exhibit 5). The report concludes, however, that the impacts will not be significant. The proposed driveway systems and building pads appear to be located to avoid these sensitive vegetation areas.

- **Neighborhood Compatibility Considerations**

The site is located in the Arlanza/La Sierra Community Plan area. The area is characterized by a mix of residential densities from rural to semi-rural to urban. The map generally creates an adequate transition between the undeveloped Norco Hills, the semi-rural neighborhood to the southeast and the conventional subdivision to the north. However, with the exception of the subject site, all of the properties along Alhambra Avenue are zoned to accommodate large animal keeping. Furthermore a riding trail will be provided through the entire length of the subject property. The existing R-1-80 Zone does not permit livestock on lots of less than one acres but the RL - Residential Livestock Combining Zone could be applied to permit animal keeping on lots of 20,000 square feet or more. Staff recommends initiation of RL Zoning on all of the R-1-80 Zone area.

One other compatibility issue is the aesthetics of development of steep hillside areas within the Norco Hills. Extreme sensitively is needed to provide ample building sites and adequate access yet preserve the natural character of the hills. Staff believes that areas not slated for building pads or access drives should be retained as natural open space. Furthermore reasonable but not excessive graded pad areas should be provided for each lot; building profiles kept low as envisioned by the RC Zone. Recommended conditions of approval address these issues.

RECOMMENDATION

Contingent upon the strict limitation of building pad sizes and locations as depicted on the tentative map, staff recommends that the City Planning Commission:

1. **APPROVE** Subdivision Case TRACT MAP 28756 subject to the recommended conditions of approval based on the following findings:

   a. The proposed Tract Map is consistent with the General Plan and generally complies with the Zoning Code and the Subdivision Ordinance.

   b. With the staff recommended conditions, the proposed subdivision is consistent with the development pattern in the area and compatible with the surrounding neighborhoods and lifestyles.

2. Determine that:

   a. this proposed case will not have a significant effect on the environment and recommend that the City Council adopt a Negative Declaration;

   b. since the property is basically in an undisturbed natural state, it has been determined that the proposed project could have the potential for adverse effects on wildlife resources and the applicant is responsible for the payment

of Fish and Game fees at the time the Notice of Determination is filed with the County.

EXHIBITS

1. Location/Zoning Map
2. General Plan Map
3. Aerial Photo
4. Proposed Subdivision Map
5. Vegetation Map
6. Applicant's Variance Justifications

RECOMMENDED CONDITIONS & GENERAL INFORMATION NOTES

Case Number: TRACT MAP 28756 Meeting Date: September 3, 1998

CONDITIONS ***All mitigation measures are noted by an asterisk (*).***

Case Specific

- **Planning**

*1. Prior to adoption of the final map, detailed plans for the grading and configurations of all RC zoned lots and related private access drives shall be submitted for City Planning Commission approval. Separate environmental review shall be required for the grading plans. All pads shall be a minimum of 10,000 square feet and all grading shall comply with established City standards in effect at the time of submission. The developer shall provide an open-space easement restricting the development of RC zoned lots to the building pads and roadways as depicted on the tentative map to the approval of the Legal and Planning Departments. Adjustment to the lot configurations can be considered at that time.

2. A covenant to the approval of the Planning and Legal Departments shall be recorded advising property owners that the RC Zone as it applies to the subject property limits dwellings to one story, maximum of 20 feet high and that no further division of five-acre parcels on 30% or greater slopes is permitted. In addition, any future dwellings will require Design Review approval, and should be of a sensitive, low profile design.

3. Subject to staff approval, lots in the R-1-80 portion of the tract (Phase 1) shall be revised to: realign "A" Court as described in the body of this report to the approval of the Planning Department and Traffic Engineer; eliminate the panhandle lot (tentative Lot 1); and to create minimum half-acre lots (21,780 square feet) in the portion designated RHS - Hillside Residential on the General Plan (tentative Lots 7-12). The revision of the tract map may entail changes in the adjacent lots and will probably result in the elimination of one lot.

4. Adequate stacking distance shall be provided at the opening of the private street at the cul de sac, to the specifications of the Planning and Public Works Departments.

5. The City Planning Commission makes the necessary findings in the applicant's favor to grant the following variances. As justifications, the applicant and staff's written justifications are referenced:

Variance A: To allow a substandard width for lots on knuckles and/or cul-de-sac bulbs as necessary to make revisions required in Condition 3 above.

Variance B: To allow Lots 13 through 18 to have no street frontage. (Note: For setback purposes, the private street shall be considered as if a public street.)

*6. The following certificate shall appear on the final map as required by Ordinance 4930 of the Municipal Code:

"POTENTIAL LIQUEFACTION

All or a portion of the property included within this map has been identified by the City of Riverside Seismic Safety Element of the General Plan as being potentially subject to liquefaction should ground shaking occur. To limit the possibility of structural damage or failure in such an event a geologic investigation acceptable to the City Building Official may be required as a prerequisite to issuance of building permit."

*7. All building pads in the RC Zone area of the map and the private street shall be placed so as to minimize negative impacts to the coastal sage scrub and native wildlife in the Norco Hills.

*8. Any buried cultural materials unearthed during future development are to be examined and evaluated by a qualified archeologist prior to further disturbance.

9. In approving this map the Planning Commission initiates a zoning case on the R-1-80 zoned portion of the map to add the RL - Residential Livestock Combining Zone.

10. Affirmative action by the Planning Commission shall be reviewed by the City Council at an advertised public hearing.

11. Documentation shall be submitted prior to map recordation for Planning and Legal Department approval to ensure mutual access for ingress, egress and utilities for all lots served by the private street.

12. Unless determined to not be necessary, an easement shall be required to provide access to the rear of the property at 6303 Catspaw Drive prior to map adoption to allow for weed control.

Standard Conditions

- **Planning**

13. In approving this case, it has been determined that the proposed project could have the potential for adverse effects on wildlife resources and the applicant is responsible for the payment of Fish and Game fees at the time the Notice of Determination is filed with the County.

14. There is a thirty month time limit in which to satisfy the conditions and record this map. Three subsequent one-year time extensions may be granted by the City Planning Commission upon request by the applicant. Application for a one-year time extension must be made prior to the expiration date of the map. No time extension may be granted for applications received after the expiration date of the map.

- **Public Works**

15. A "FINAL MAP" shall be processed with the Public Works Department and recorded with the County Recorder. The "FINAL MAP" shall be prepared by a Land Surveyor or Civil Engineer authorized to practice Land Surveying in the State of California and shall comply with the State Subdivision Map Act and Title 18 of the City of Riverside Municipal Code. All responsibility of the applicant.

16. Dedication of right-of-way for widening Alhambra Avenue to 33 feet from monument centerline to Public Works specifications.

17. Installation of curb and gutter at 18 feet from monument centerline, sidewalk and a minimum 28 feet of paving on Alhambra Avenue to Public Works specifications.

18. Minimum 24 foot wide paving required on Alhambra Avenue to provide access to this project from La Sierra Avenue, to Public Works specifications.

19. Off-site improvement plans to be approved by Public Works and a surety posted to guarantee the required off-site improvements prior to recordation of this map.

20. Full improvement of the interior street based on 60 foot residential street standards. Sidewalk to be constructed on the southerly side of the street and an equestrian trail to be constructed on the northerly side as a continuation of the trail shown along the private access drive. The equestrian trail is to be designed and constructed to the approval of the Parks and Recreation, Planning and Public Works Departments.

21. Storm Drain construction will be contingent on engineer's drainage study.

22. Removal and/or relocation of irrigation facilities, as required.

23. Removal and/or relocation of trees, as required.

24. Installation of sewers and sewer laterals to serve this project to Public Works specifications.

25. A sewer extension, approximately 1350 feet long will be required to serve this project.

26. Size, number and location of driveways to Public Works specifications.

27. All security gates or facilities proposed now or in the future will be located on-site and adequate stacking space and vehicle turn-around area will have to be provided to Public Works specifications.

28. The private access drive shall be designed in accordance with resolutions 12006 and 15531 except that curb and gutter will not be required.

- **Fire Department**

29. Requirements for construction shall follow the Uniform Building Code with the State of California Amendments as adopted by the City of Riverside.

30. Construction plans shall be submitted and permitted prior to construction.

31. Any required fire hydrants shall be installed and operational prior to Fire Department release of permit.

32. Fire Department access is required to be maintained during all phases of construction.

33. No parking signs shall be posted along the entire length of the roadway on the 28-foot private street.

34. The width of the proposed 15-foot access driveway serving lot 13, 15 and 16 shall be increased to minimum 20 feet with no parking allowed on either side of the street. Alternatively the width may be increased to 28 feet with no parking signs posted on one side of the street.

- **Public Utilities**

35. All utilities shall be satisfactorily relocated, protected and/or replaced to the specifications of the affected departments and agencies, and easements for such facilities retained as necessary.

36. The provision of utility easements, water, street lights and electrical underground and/or overhead facilities and fees in accordance with the rules and regulations of the appropriate purveyor.

- **Park and Recreation**

37. The removal, relocation, replacement or protection of any existing street trees along Alhambra Avenue to the specifications of the Park and Recreation, Public Works and Planning Departments.

38. The installation of new street trees along Alhambra and new "A" Court in accordance with the specifications of the Park and Recreation Department. Street tree installation work to be completed prior to release of occupancy for building permit on each individual parcel. No Street Trees are required for private streets.

39. Payment of all applicable park development fees (local and regional/reserve) as mitigation for impact to park development and open space needs as generated by the project. Park Fees are payable at time of issuance of the building permit for each lot.

40. Irrevocable offer of dedication of an easement for multi-purpose recreational trails shall be granted to the City prior to recordation of the map. Alignment of the easement shall be as approved by the Planning, Park and Recreation and Public Works Departments, and the Recreational Trails Steering Committee. Note: alignment presently shown on tentative map does not appear to be workable as two connection points are not adequately accommodated.

41. Prior to map recordation, a multi-purpose recreational trail designated for non-motorized use shall be constructed by the developer to the specifications of the Public Works, Planning and Park and Recreation Departments. Trail development shall include trail fencing, trail step-overs, and placement of trail signage along the trail alignment as designated by the Park and Recreation Department.

GENERAL INFORMATION NOTES

1. Appeal Information

   a. Actions by the City Planning Commission, including any finding that a negative declaration be adopted, may be appealed to the City Council within fifteen calendar days after the decision.

   b. Appeal filing and processing information may be obtained from the Planning Department Public Information Section, 3rd Floor, City Hall.

cw:fm

CITY OF RIVERSIDE PL. .NING DEPARTMENT

Variance Justifications

CASE NUMBER: TRACT MAP 28756 HEARING DATE: September 3, 1998

STAFF SUPPLEMENTED VARIANCE JUSTIFICATION FINDINGS:

FINDINGS:

1. The strict application of the provisions of the Zoning Regulations would result in practical difficulties or unnecessary hardships in the development of this property.

   VARIANCE A: Strict application of the Zoning Regulations would require these lots to have a minimum width of 80' along Alhambra Avenue. This would create an unnecessary hardship especially since the size of the lots meets or exceeds the minimum requirements of the underlying zone and land use designation. Furthermore, variances for street knuckle lots are routinely approved.

   VARIANCE B: In addition to the applicant's justifications, the private street will be serving lots 13 through 18 with a gate provided at cul-de-sac of the proposed public street. The small private community can be sufficiently served by the street.

2. There are exceptional circumstances or conditions applicable to this property or to the intended use or development of this property which do not apply generally to other property in the same zone or neighborhood.

   VARIANCE A: The shape of the parent parcels necessitates a design that produces lots with a substandard width in order to yield lots of appropriate size.

   VARIANCE B: See applicant's justifications.

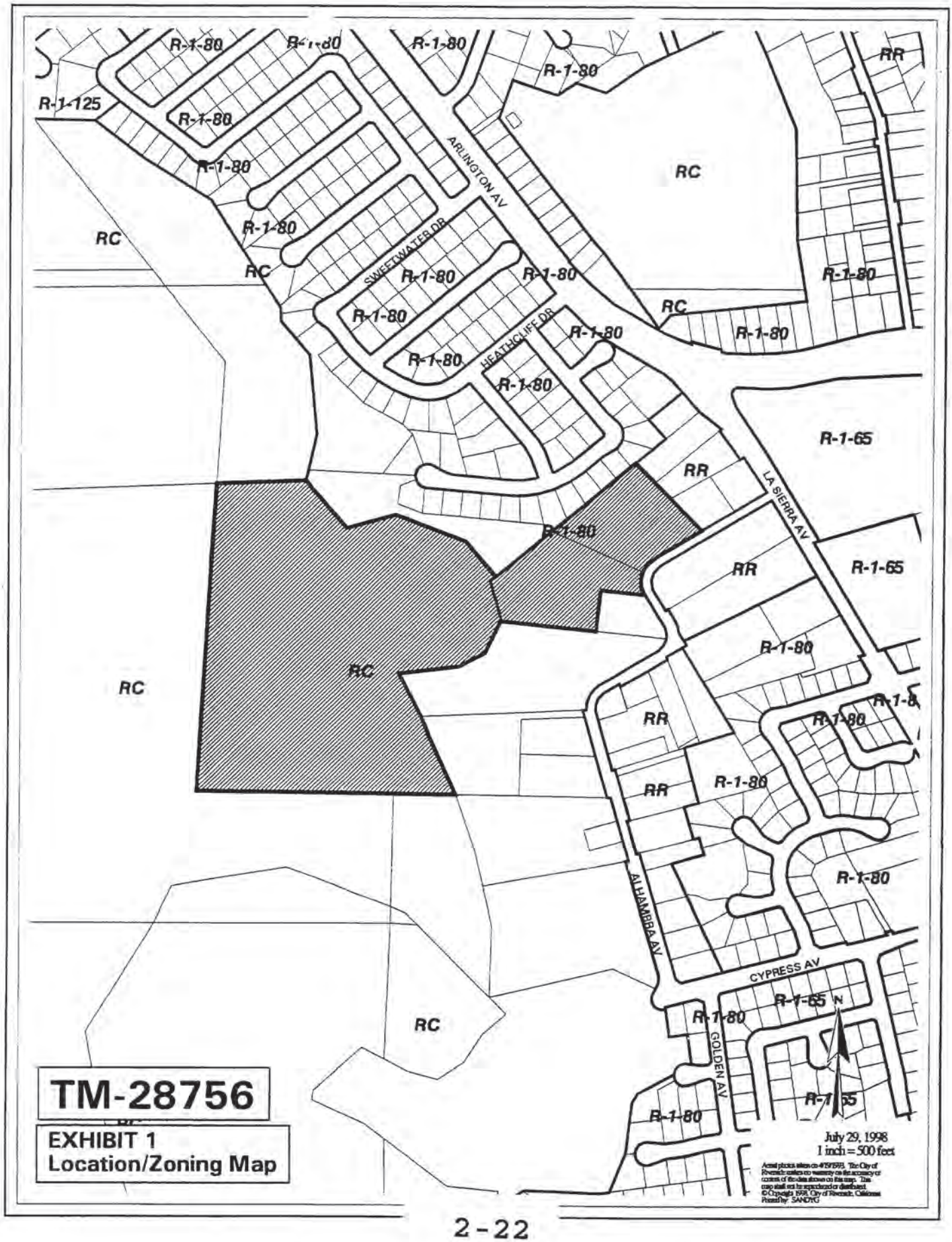
3. The granting of this request will not prove materially detrimental to the public welfare or injurious to the property or improvements in the neighborhood in which the property is located.

   VARIANCE A: Lots with a substandard lot width are not likely to be detrimental to the public welfare or injurious to the properties or improvements in the neighborhood. Such lots are a routinely approved for maps with a similar design and some of the lots in a development to the north of the subject tract are of a similar design.

   VARIANCE B: See applicant's justifications.

4. The granting of this request will not be contrary to the objectives of the General Plan.

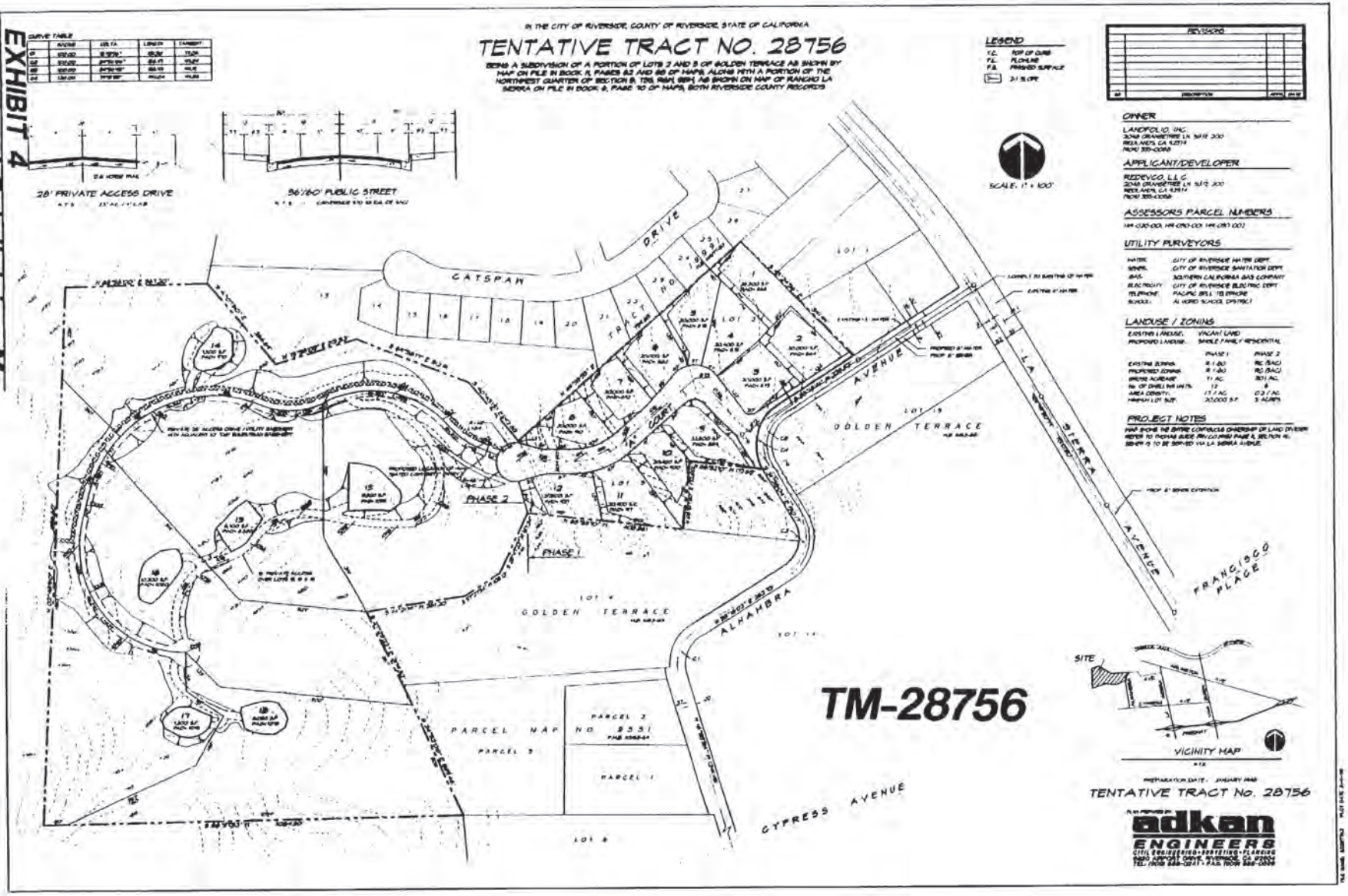
   The General Plan does not pertain in this instance.


R-1-80
R-1-125
RR
RC
R-1-65
ARLINGTON AV
SWEETWATER DR
HEATHCLIFF DR
LA SIERRA AV
ALHAMBRA AV
CYPRESS AV
GOLDEN AV
N
TM-28756
EXHIBIT 1
Location/Zoning Map
July 29, 1998
1 inch = 500 feet

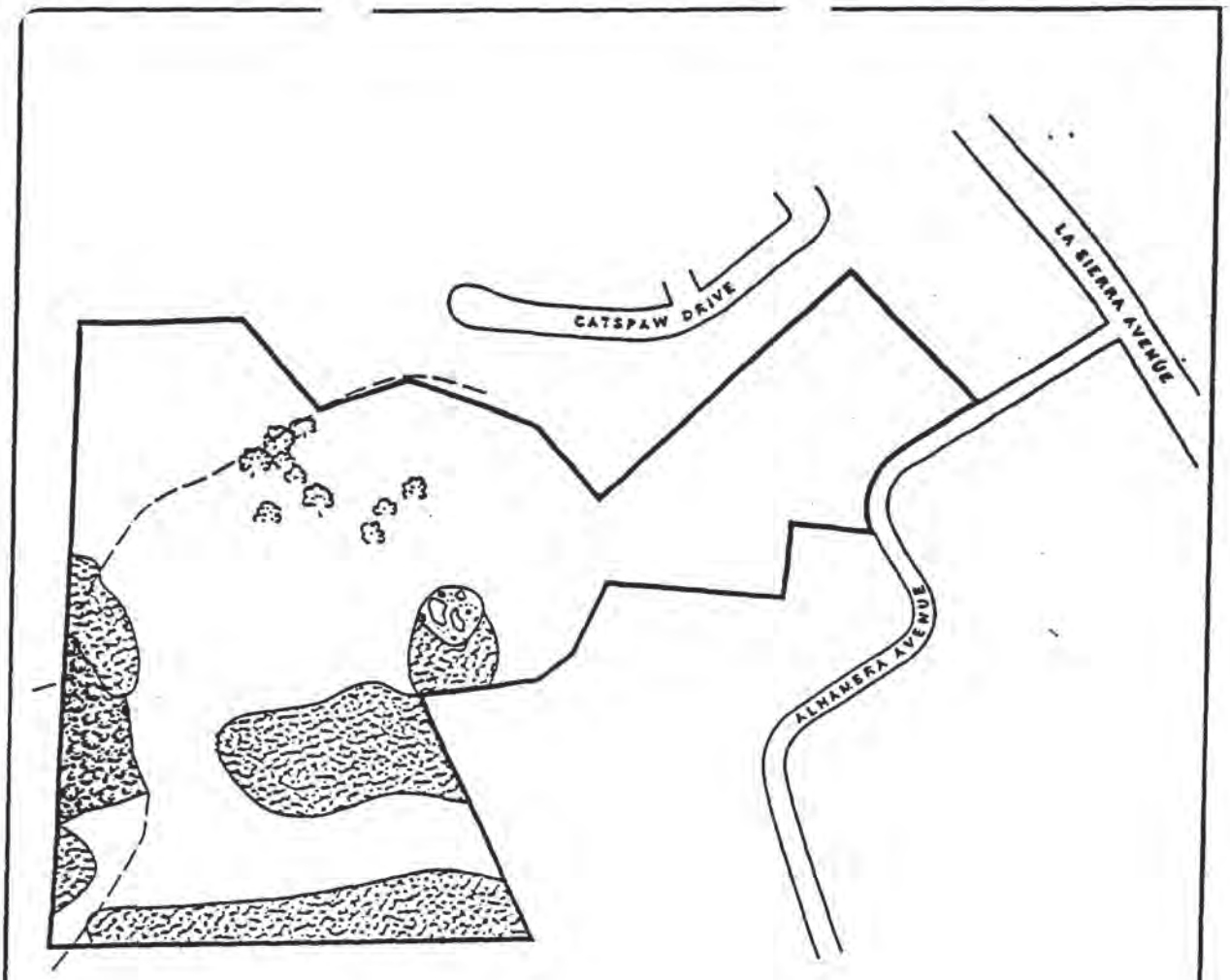

RMD
RES
RSR
RHS
PFI
ARLINGTON AV
SWEETWATER DR
HEATHCLIFFE DR
LA SIERRA AV
ALHAMBRA AV
CYPRESS AV
GOLDEN AV
N
TM-28756
EXHIBIT 2
General Plan Map
July 29, 1998
1 inch = 500 feet

1 inch = 300 feet
July 29, 1998
TM-28756
EXHIBIT 3
Aerial Photo

EXHIBIT 4
Proposed Subdivision Ma,



Proposed Subdivision Ma, 2 - 25



TM-28756

MAP 3. La Sierra Heights: Plant Communities.

- Drainage
- Disturbed Coastal Sage Scrub
- Coastal Sage Scrub
- Ruderal / Annual Grassland
- Rocks
- Elderberry

MAP SOURCE: Adkan Engineering.	*TMC Job # 98-058*	*0 385*	Tierra Madre Consultants
EXHIBIT 5	*Drafted 6/4/98:mw/m*	*FEET*	

Vegetation Map

CITY OF RIVERSIDE PLANNING DEPARTMENT

Variance Justification Form

PLEASE TYPE OR PRINT CLEARLY

Name: ADKAN ENGINEERS / ROBERT BERNDT (Person preparing application)

Name of Project: TENTATIVE TRACT 28756

Address: 6820 AIRPORT DRIVE

Address: Alhambra Ave. S/W of LaSierra Ave

City/State/Zip: RIVERSIDE, CA 92504

Riverside, CA Zip: Riverside, CA 92505

Daytime Telephone: (909) 688-0241

VARIANCES REQUESTED (State variance(s) requested specifically and in detail):
Please attach separate sheet(s) as necessary.

To allow land locked parcels (no public street frontage)

INSTRUCTIONS: Answer each of the following questions yes or no and then explain your answer in detail. Questions 1 and 2 must be answered "yes" and 3 and 4 "no" to justify granting of a variance. Attach written details if insufficient space is provided on this form. Economic hardship is not allowable justification for a variance.

1. Will the strict application of the provisions of the Zoning Regulations result in practical difficulties or unnecessary hardships for you in the development of your property. Explain in detail.

   The variance is requested in order to utilize a private street system to create a small equestrian-oriented neighborhood. Additionally, the smaller private street will minimize the grading in the area.

2. Are there exceptional circumstances or conditions applicable to your property or to the intended use or development of your property which do not apply generally to other property in the same zone or neighborhood. Explain in detail.

   The property is steep, over 30% slope and there is limited public street frontage through Tract 28756. The proposed private street will allow the most efficient use of the property.

3. Will the granting of your request prove materially detrimental to the public welfare or injurious to the property or improvements in the neighborhood in which your property is located. Explain in detail.

   The private street will be developed in accordance with all city standards. The project when developed will be an asset to the community.

4. Will the granting of this request be contrary to the objectives of the General Plan. Explain if the General Plan appears to affect the project or property in any way.

   N/A - This type of request is not governed by the city's general plan.

[illegible]
[illegible] 1995
161-177

EXHIBIT 6

CITY OF RIVERSIDE PLANNING DEPARTMENT

Draft Negative Declaration

1. **Case Number:** T-28756

2. **Project Title:** Tract Map

3. **Hearing Date:** September 3, 1998

4. **Lead Agency:** City of Riverside, Planning Department
   3900 Main Street, 3rd Floor
   Riverside, CA 92522

5. **Contact Person:** Herman Mukasa, AICP
   Phone Number: (909) 782-5628

6. **Project Location:** Northwesterly side of Alhambra Avenue, southwesterly of La Sierra Avenue

7. **Project Applicant:** Adkan Engineers 909-688-0241
   6820 Airport Drive
   Riverside, CA 92504

8. **General Plan Designation:** RHS - Hillside Residential and RSR - Semi-Rural Residential

9. **Zoning:** RC - Residential Conservation and R-1-80 - Single Family Residential zone

10. **Description of Project:** (Describe the whole action involved, including but not limited to later phases of the project, and any secondary, support, or off-site features necessary for its implementation.)

    The applicant is proposing to subdivide approximately 37 acres of vacant land into 18 parcels to be developed with single family residences. The project will be completed in two phases. The first phase will be comprised of 12 parcels located in the R-1-80 - Single Family Zone and the second phase will have 6 parcels in the RC - Residential Conservation Zone. Phase two is located on steep hillsides and will be developed as a private gated community with a horse trail.

11. **Existing Land Uses and Setting:**

    Vacant land

DETERMINATION:

On the basis of this initial evaluation which reflects the independent judgement of the Planning Department, it is recommended that:

The City Planning Commission find that the proposed project COULD NOT have a significant effect on the environment, and that a NEGATIVE DECLARATION be prepared. ☐

The City Planning Commission find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the recommended mitigation measures have been added to the project (see attached recommended mitigation measures). A mitigated NEGATIVE DECLARATION will be prepared. ☒

The City Planning Commission find that the proposed project could have the potential for adverse effects on wildlife resources and the applicant is responsible for the payment of Fish and Game fees at the time the Notice of Determination is filed with the County. ☒

6) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. When an earlier analysis is used, the initial study shall:

a. **Reference earlier analyses used.** Identify earlier analyses. Unless noted otherwise, all previous environmental documents are available at the City of Riverside Planning Department.

b. **Note impacts adequately addressed.** Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.

c. **Identify mitigation measures.** For effects that are "Less than Significant with Mitigation Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

ISSUES (AND SUPPORTING INFORMATION SOURCES):	**Potentially Significant Impact**	**Potentially Significant Unless Mitigation Incorporated**	**Less Than Significant Impact**	**No Impact**
1. LAND USE AND PLANNING. Would the proposal:				
a. Conflict with general plan designation or zoning? (Source: General Plan Land use Diagram, Title 19 of the Riverside Municipal Code)	☐	☐	☐	☒
b. Conflict with applicable environmental plans or policies adopted by agencies with jurisdiction over the project? (Source:) **There are no other agencies with environmental jurisdiction over the project.**	☐	☐	☐	☒
c. Be incompatible with existing land use in the vicinity? (Source:) **The proposal is compatible with the surrounding residential uses.**	☐	☐	☐	☒
d. Affect agricultural resources or operations (e.g., impacts to soils or farmlands, or impacts from incompatible land uses)? (Source: General Plan Exhibit 10 - Agricultural Resources)	☐	☐	☐	☒

ISSUES (AND SUPPORTING INFORMATION SOURCES):	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
c. Seismic ground failure, including liquefaction? (Source:) **A portion of the site is located in a potential liquefaction zone with alluvium of thin to intermediate thickness. At the time of development, all applicable Building Code requirements will have to be met including a geologic analysis and mitigating building techniques as determined by the Building Official.**	☐	☒	☐	☐
d. Seiche hazard? (Source: General Plan Exhibit 7 - Hydrology)	☐	☐	☐	☒
e. Grading on natural slopes over 10 percent? (Source:) **The site is located on slopes 10% or higher and will require grading. Through the City's established permitting process, the applicant will submit grading plans to the Planning Department for approval.**	☐	☐	☒	☐
f. Erosion, changes in topography or unstable soil conditions from excavation, grading, or fill? (Source:) **Future improvements on the site will require grading of the site. When a grading plan is submitted to the City for approval, necessary erosion control measures will be established.**	☐	☐	☒	☐
g. Subsidence of the land? (Source: General Plan Exhibit 5 - Unstable Soil Conditions)	☐	☐	☐	☒
h. Expansive soils? (Source: General Plan Exhibit 5 - Unstable Soil Conditions)	☐	☐	☐	☒
i. Unique geologic or physical features? (Source:) **There are steep hillsides on the site but these are not unique geologic or physical features. These are sensitively handled under the grading permit process.**	☐	☐	☐	☒

ISSUES (AND SUPPORTING INFORMATION SOURCES):	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
g. Altered direction or rate of flow of groundwater? (Source: General Plan Exhibit 7 - Hydrology)	☐	☐	☐	☒
h. Impacts to groundwater quality? (Source:) **The project will not result in the discharge of possible ground water contaminants.**	☐	☐	☐	☒
i. Substantial reduction in the amount of local groundwater otherwise available for public water supplies? (Source:) **The project will not utilize local ground water. Local ground water is not utilized for domestic consumption.**	☐	☐	☐	☒
5. AIR QUALITY. Would the proposal:				
a. Violate any air quality standard or contribute to an existing or projected air quality violation? (Source:) **The project is below the threshold levels listed in the AQMD CEQA Handbook.**	☐	☐	☐	☒
b. Create a CO hotspot, or expose individuals to CO concentrations above established standards? (Source:) **CO Concentrations in the project vicinity do not exceed adopted air quality standards and the project will not result in the exceedance of adopted CO standards.**	☐	☐	☐	☒
c. Expose sensitive receptors to pollutants? (Source: AQMD CEQA Handbook)	☐	☐	☐	☒
d. Create objectionable odors? (Source:) **The residences to be constructed on the subject site are not likely to create objectionable odors.**	☐	☐	☐	☒
e. Be subject to Transportation Demand Measures? (Source:) **The project will not generate employees. TDM measures apply to projects with over 250 employees on a site.**	☐	☐	☐	☒

ISSUES (AND SUPPORTING INFORMATION SOURCES):	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
7. BIOLOGICAL RESOURCES. Would the proposal result in impacts to:				
a. Federally endangered, threatened, or rare species or their habitats (including but not limited to plants, fish, insects, animals, and birds)? (Source:) **A survey was conducted by Tierra Madre Consultants in June of 1998 and found that the site lies within range of the threatened California Gnatcatcher and the endangered Quino Checkerspot Butterfly. The study however concluded that the California Gnatcatcher is not present on the site since it was not observed, its habitat is too degraded and disturbance by dogs prevents nesting by the species. In addition, after six weeks of survey, the Quino Checkerspot was not observed on the site and after subsequent mapping by the U.S. Fish and Wildlife Service the Riverside and Norco areas have been excluded from its range.**	☐	☐	☒	☐
b. Species identified as a sensitive or special status species in local or regional plans or listings maintained by the California department of Fish and Game? (Source:) **There were no sightings of the sensitive or sensitive status species.**	☐	☐	☐	☒

ISSUES (AND SUPPORTING INFORMATION SOURCES):	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
8. ENERGY AND MINERAL RESOURCES. Would the proposal:				
a. Conflict with the General Plan Energy Element? (Source: General Plan Energy Element)	☐	☐	☐	☒
b. Use non-renewable resources in a wasteful and inefficient manner? (Source:) **The project will entail the consumption of non-renewable resources in accordance with typical consumption practices. No unusual or wasteful consumption will occur.**	☐	☐	☐	☒
c. Result in the loss of availability of a known mineral resource that would be of future value to the region and the residents of the State? (Source: General Plan Exhibit 40 - Mineral Resources)	☐	☐	☐	☒
9. HAZARDS. Would the proposal involve:				
a. A risk of accidental explosion or release of hazardous substances (including, but not limited to: oil, pesticides, chemicals, or radiation)? (Source:) **The project will not involve the use of hazardous materials.**	☐	☐	☐	☒
b. Possible interference with an emergency response plan or emergency evacuation plan? (Source:) **The project will not impact emergency response or evacuation.**	☐	☐	☐	☒
c. The creation of any health hazard or potential health hazard? (Source:) **No health hazards will be created by the project.**	☐	☐	☐	☒
d. Exposure of people to existing sources of potential health hazards? (Source:) **No hazardous sites are identified in the vicinity of the project.**	☐	☐	☐	☒

ISSUES (AND SUPPORTING INFORMATION SOURCES):	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
c. Schools? (Source:) **See response 11.a. above.**	☐	☐	☐	☒
d. Maintenance of public facilities, including roads? (Source:) **See response 11.a. above.**	☐	☐	☐	☒
e. Other governmental services? (Source:) **See response 11.a. above.**	☐	☐	☐	☒
12. UTILITIES AND SERVICE SYSTEMS. Would the proposal result in a need for new systems or supplies, or substantial alterations to the following utilities:				
a. Power or natural gas? (Source:) **Ultimate development of the site will result in increased demand for public utilities, however the project is consistent with General Plan which provides for adequate public utilities.**	☐	☐	☐	☒
b. Communications systems? (Source:) **See response 12.a. above.**	☐	☐	☐	☒
c. Local or regional water treatment or distribution facilities? (Source:) **See response 12.a. above.**	☐	☐	☐	☒
d. Sewer or septic tanks? (Source:) **See response 12.a. above.**	☐	☐	☐	☒
e. Storm water drainage? (Source:) **See response 12.a. above.**	☐	☐	☐	☒
f. Solid waste disposal? (Source:) **See response 12.a. above.**	☐	☐	☐	☒
g. Local or regional water supplies? (Source:) **See response 12.a. above.**	☐	☐	☐	☒

ISSUES (AND SUPPORTING INFORMATION SOURCES):	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
d. Have the potential to cause a physical change which would affect unique ethnic cultural values, including those associated with religious or sacred uses? (Source:) **There are no known unique ethnic cultural values or sites existing on the project site. Also see 14.b. above.**	☐	☐	☐	☒
15. RECREATION. Would the proposal:				
a. Increase the demand for neighborhood or regional parks or other recreational facilities? (Source:) **The project may create an incremental demand for recreation services, however it is consistent with the General Plan which provides for adequate recreation services.**	☐	☐	☐	☒
b. Affect existing recreational opportunities, including trails? (Source:) **See response 15.a. above.**	☐	☐	☐	☒
16. MANDATORY FINDINGS OF SIGNIFICANCE.				
a. Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of an endangered, rare or threatened species, or eliminate important examples of the major periods of California history or prehistory? (Source:) **Refer to responses in Section 7 and 14.**	☐	☐	☒	☐

FINDING (To be completed by the City Planning Commission)

☒ It has been found that the project will not have a significant effect on the environment and a Negative Declaration should be adopted by the City Council. As part of this determination, the approved mitigation measures shall be required for the project. The proposed Negative Declaration reflects the independent judgement of the City of Riverside.

1. **LIST ALL CONDITIONS OF APPROVAL WHICH SERVE AS MITIGATION MEASURES**

☒ Limited to Case T-28756

☐ It has been found that the project may have a significant effect on the environment and an Environmental Impact Report should be required by the City Council.

☒ Since the property is basically in an undisturbed natrual state, it has been determined that the proposed project could have the potential for adverse effects on wildlife resources and the applicant is responsible for the payment of Fish and Game fees at the time the Notice of Determination is filed with the County.

Signature Murray Schiller Date 9/17/98

City Planning Commission

Case Number: T-28756

AFFIDAVIT OF MAILING
NOTICE OF HEARING

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) ss
CITY OF RIVERSIDE)

I, the undersigned, say that I am a citizen of the United States and a resident or employee of the City of Riverside, in the County of Riverside, State of California, over the age of 18 years; that my business address is City Hall, 3900 Main Street, City of Riverside, CA 92522; that on the 16TH day of OCTOBER, 1998, I deposited a copy of the attached notice to each of the persons as shown on the list attached regarding TRACT MAP 28756; that said notice was served by depositing same enclosed in a sealed envelope, with the postage thereon fully prepaid, in the United States Post Office mail box at Riverside, California; that there is either delivery service by United States Mail at the place so addressed, or regular communication by mail between the place of mailing and the place so addressed; that said notice was mailed pursuant to Title 19 of the Municipal Code of the City of Riverside.

I certify or declare under penalty of perjury that the foregoing is true and correct.

Dated this 16TH day of OCTOBER, 1998.

Signature

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"People Serving People"

CITY OF RIVERSIDE
NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that a public hearing will be held before the City Council of the City of Riverside in the Council Chamber, City Hall, 3900 Main Street, Riverside, California, at 3 p.m. on Tuesday, October 27, 1998, relative to the following standards of Title 19 (Zoning Regulations) of the Code of the City of Riverside, and/or determinations on a subdivision map, as follows, to wit:

TRACT MAP 28756: Proposal of Adkan Engineers to divide approximately 37 vacant acres into 18 lots for residential purposes, situated on the northwesterly side of Alhambra Avenue and southerly of Catspaw Drive in Zones R-1-80 and RC (Single-Family Residential and Residential Conservation Zones).

In conjunction with the above case, consideration will also be given the determination by the Planning Commission that the proposed project will not have a significant effect on the environment; and that a Negative Declaration be adopted.

All persons interested in the above matter are invited to appear at the time and place herein specified, either in support or opposition thereto. Persons unable to attend said hearing may forward a written statement of their grounds of opposition to, or support of, the matter to the City Clerk, City Hall, 3900 Main Street, Riverside, CA 92522.

If you challenge the above proposed action in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City Clerk of the City of Riverside at, or prior to, the public hearing.

Please note that letters in support or opposition filed with the board or commission previously hearing this matter will not be forwarded to the City Council.

Dated: October 16, 1998

Colleen J. Nicol, City Clerk of the City of Riverside

Publish: October 16, 1998

F:\HEARINGS\TM28756.O27

APN#:149-384-010
Arthur A & Kathleen Smith
6443 Blackberry Pl
Riverside CA 92505-2205

APN#:149-385-001
Craig & Melanie Bassham
6363 Catspaw Dr
Riverside CA 92505-2234

APN#:149-385-002
Nestor R & Ruth Ramos
6369 Catspaw Dr
Riverside CA 92505-2234

APN#:149-385-003
Bruce A & Laurie Sibley
6375 Catspaw Dr
Riverside CA 92505-2234

APN#:149-385-004
Richard D Whitley
6381 Catspaw Dr
Riverside CA 92505-2234

APN#:149-385-005
Ronnie G & Caroline Epperson
6401 Siamese Pl
Riverside CA 92505-2215

APN#:149-385-006
Glenn O Thomas
6411 Siamese Pl
Riverside CA 92505-2215

APN#:149-385-007
Raymond & Elizabeth Zamora
6421 Siamese Pl
Riverside CA 92505-2215

APN#:149-385-008
Edilson E & Damaris Elsen
604 Lilac Ln
Imperial CA 92251-8938

APN#:149-385-009
George & Mary Collazo
11210 Tabby Ct
Riverside CA 92505-2218

APN#:149-385-010
Harold W & Hortensia Phillips
11200 Tabby Ct
Riverside CA 92505-2218

APN#:149-385-011
Mahir H Barkho
1009 Secretariat Cir
Costa Mesa CA 92626-1620

APN#:149-385-012
Robert S Wormuth
6382 La Sierra Ave
Riverside CA 92505-2242

APN#:149-390-005
Don M & Mary Archuleta
11286 Heathcliff Dr
Riverside CA 92505-2258

APN#:149-390-006
David & Barbara Engen
11282 Heathcliff Dr
Riverside CA 92505-2258

APN#:149-390-007
Primitiva P Nazareno
11282 Swenson St
Riverside CA 92505-2277

APN#:149-390-009
David E Brownell
6320 Catspaw Dr
Riverside CA 92505-2226

APN#:149-390-010
David & Dolores Marquecho
6312 Catspaw Dr
Riverside CA 92505-2226

APN#:149-390-011
Jenifer A Hedgpeth
6304 Catspaw Dr
Riverside CA 92505-2226

APN#:149-390-012
Dean T & Sandra Takeuchi
11298 Heathcliff Dr
Riverside CA 92505-2258

APN#:149-390-013
Federal Home Loan Mtg Corp
4242 N Harlem Ave
Chicago IL 60634-2234

APN#:149-390-014
Richard C & Helen Reynolds
6309 Catspaw Dr
Riverside CA 92505-2234

APN#:149-390-015
Brett L & Monique Anderson
6315 Catspaw Dr
Riverside CA 92505-2234

APN#:149-390-016
Ina K Smith
6321 Catspaw Dr
Riverside CA 92505-2234

APN#:149-390-017
Robert & Rita Goulette
6327 Catspaw Dr
Riverside CA 92505-2234

APN#:149-390-018
Phil R Cowan
2841 Copa De Oro Dr
Rossmoor CA 90720-4913

APN#:149-390-019
Tommy G & Gerri Thurman
6339 Catspaw Dr
Riverside CA 92505-2234

APN#:149-390-020
James A & Betty Andrews
6345 Catspaw Dr
Riverside CA 92505-2234

APN#:149-390-021
Robert M & Sherri Beers
6351 Catspaw Dr
Riverside CA 92505-2234

APN#:149-390-022
Felipe & Leticia Olvera
6357 Catspaw Dr
Riverside CA 92505-2234

3PM
Oct 27th

TM 28756

APN#:139-020-007
Arlington Cemetery Assn Inc
PO Box 3977
North Hollywood CA 91609-0977

APN#:139-020-008
Hoa N Lam
12141 Santa Rosalia St
Garden Grove CA 92841-3005

APN#:139-020-009
Rancho La Sierra West
4924 Balboa Blvd 489
Encino CA 91316-3402

APN#:139-090-001 Duplicate
Rancho La Sierra West
4924 Balboa Blvd 489
Encino CA 91316-3402

APN#:139-090-005 Duplicate
Rancho La Sierra West
4924 Balboa Blvd 489
Encino CA 91316-3402

APN#:149-030-003
Paul B & Mary Grothem
6276 Alhambra Ave
Riverside CA 92505-2264

APN#:149-030-004
Brandi Drendel
6298 Alhambra Ave
Riverside CA 92505-2264

APN#:149-030-007
Win & Anh Nguyen
5490 Camino Vista
Yorba Linda CA 92887-4943

APN#:149-030-008 Duplicate
Rancho La Sierra West
4924 Balboa Blvd 489
Encino CA 91316-3402

APN#:149-030-012
Klaus H & Marlene Rombach
6160 Alhambra Ave
Riverside CA 92505-2295

APN#:149-030-013
Edward R & April Glatzel
6168 Alhambra Ave
Riverside CA 92505-2261

APN#:149-030-014
Robert H & Lois Baier
114 S Normandy Ct
Anaheim CA 92806-3625

APN#:149-040-001
Herschel G & Ruth Bennett
6179 Alhambra Ave
Riverside CA 92505-2297

APN#:149-040-002
Harvey G Leyde
6311 Rutland Ave
Riverside CA 92503-1729

APN#:149-040-006
Harvey G Leyde
PO Box 4024
Riverside CA 92514-4024

APN#:149-040-011
Frank J Musulin
6167 Alhambra Ave
Riverside CA 92505-2297

APN#:149-040-013
Harvey G Leyde Duplicate
PO Box 4024
Riverside CA 92514-4024

APN#:149-051-001
John J Pratt
PO Box 70122
Riverside CA 92513-0122

APN#:149-051-003
Laura J Pearson
6322 La Sierra Ave
Riverside CA 92505-2242

APN#:149-051-004
Louise M Kesterson
11141 Alhambra Ave
Riverside CA 92505-2265

APN#:149-051-005
Hilda H Chuning
30890 Jedediah Smith Rd
Temecula CA 92592-2618

APN#:149-052-001
Kersey W Thans
6251 Alhambra Ave
Riverside CA 92505-2293

APN#:149-052-004
John A & Claudette Tapocik
2941 Mcallister St
Riverside CA 92503-6111

APN#:149-052-007 Duplicate
Kersey W Thans
6251 Alhambra Ave
Riverside CA 92505-2293

APN#:149-384-004
Brian D & Pamela Mulari
6442 Siamese Pl
Riverside CA 92505-2216

APN#:149-384-005
Russell L & Kathleen Tegeler
6432 Siamese Pl
Riverside CA 92505-2216

APN#:149-384-006
Mark B & Dorothy Durocher
16970 Hidden Valley Rd
Perris CA 92570-8581

APN#:149-384-007
Jeffrey C & Ronda Treat
6368 Catspaw Dr
Riverside CA 92505-2248

APN#:149-384-008
Vernon B & Sherry Price
6362 Catspaw Dr
Riverside CA 92505-2248

APN#:149-384-009
Clemente & Carolyn Nunez
6433 Blackberry Pl
Riverside CA 92505-2205

APN#:149-390-023
Marianne Kremser
6452 Siamese Pl
Riverside CA 92505-2216

APN#:149-390-024
James & Darlene Taylka
9295 SW 151st Ave
Beaverton OR 97007-2263

APN#:149-390-026
Ricky F & Anne Zobel
6448 Blackberry Pl
Riverside CA 92505-2263

APN#:149-390-029
Ken E Renfro
6344 Catspaw Dr
Riverside CA 92505-2226

APN#:149-390-030
Matthew R Senter
6328 Catspaw Dr
Riverside CA 92505-2226

APN#:
* Ed Adkison
Adkan Engineers
6820 Airport Drive
Riverside, CA 92504
Applicant's Representative

APN#:

APN#:
* REDEVCO LLC
2047 Orange Tree Lane #200
Redlands, CA 92374
Applicant & Legal Owner

APN#:

APN#:

APN#:

APN#:

APN#:

APN#:

APN#:

APN#:

APN#:

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5334: 500 sheets/box

127-5351

AFFIDAVIT OF MAILING
NOTICE OF HEARING

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) ss
CITY OF RIVERSIDE)

I, the undersigned, say that I am a citizen of the United States and a resident or employee of the City of Riverside, in the County of Riverside, State of California, over the age of 18 years; that my business address is City Hall, 3900 Main Street, City of Riverside, CA 92522; that on the 25TH day of SEPTEMBER, 1998, I deposited a copy of the attached notice to each of the persons as shown on the list attached regarding TRACT MAP 28756; that said notice was served by depositing same enclosed in a sealed envelope, with the postage thereon fully prepaid, in the United States Post Office mail box at Riverside, California; that there is either delivery service by United States Mail at the place so addressed, or regular communication by mail between the place of mailing and the place so addressed; that said notice was mailed pursuant to Title 19 of the Municipal Code of the City of Riverside.

I certify or declare under penalty of perjury that the foregoing is true and correct.

Dated this 25TH day of SEPTEMBER, 1998.

Signature

form 111-15/rev.12-23-94
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"People Serving People"

CITY OF RIVERSIDE
NOTICE OF PUBLIC HEARINGS

NOTICE OF PROPOSED ADDITION OF TITLE 17 TO CITY CODE (GRADING)

NOTICE IS HEREBY GIVEN that public hearings will be held before the City Council of the City of Riverside in the Council Chamber, City Hall, 3900 Main Street, Riverside, California, at 2 p.m. on Tuesday, October 6, 1998, relative to adding a new Title 17 (Grading) to the Code of the City of Riverside, the standards of Title 19 (Zoning Regulations), the Sycamore Highlands Specific Plan and/or determinations on subdivision maps as follows, to wit:

ZONING CODE AMENDMENT CASE AM-002-989: Proposal of the City of Riverside to add a new Title 17 entitled "Grading" to the Riverside Municipal Code and to provide for enforcement of that new title.

PROPOSED AMENDMENT TO THE CITY OF RIVERSIDE GENERAL PLAN AND THE SYCAMORE HIGHLANDS SPECIFIC PLAN SP-002-989 AND ZONING CASE RZ-003-989: Proposal of Fairfield Development, LP, to amend the Sycamore Highlands Specific Plan and the General Plan as they pertain to approximately 38.54 vacant acres situated on the southwesterly corner of Fair Isle Drive and Sycamore Canyon Boulevard by:

1. Amending the Sycamore Highlands Specific Plan by redesignating the property from the RHD-High Density Residential and CBO-Retail Business and Office land use designations to the RHD-High Density Residential and CBO-Retail Business and Office land use designations (adjusting the designation boundary line) or other designation(s) deemed more appropriate by the City Council; and
2. Placing the subject property in Zones R-3, C-1-A and SP (Multiple-Family Residential, Community Shopping Center and Specific Plan Combining Zones) or other zone(s) deemed more appropriate by the City Council, and removing same from Zones R-3, RO, C-1-A and SP (Multiple-Family Residential, Restricted Office, Community Shopping Center and Specific Plan Combining Zones), with the City Council to also consider supplementing the requested zoning with Zones S and X (Stories - Height of Buildings and Building Setback Combining Zones).

(These cases to be heard in conjunction with Zoning Case PD-001-989 and Parcel Map 28919.)

ZONING CASE PD-001-989: Proposal of Fairfield Development, LP, to establish a 528-unit planned residential development (approximately 256 one-bedroom and 272 two-bedroom units) together with parking, private and common open space on approximately 29.87 vacant acres situated on the southwesterly corner of Fair Isle Drive and Sycamore Canyon Boulevard, in Zones R-3, RO, C-1-A and SP (Multiple-Family Residential, Restricted Office, Community Shopping Center and Specific Plan Combining Zones). (This case to be heard in conjunction with Zoning Cases SP-002-989, RZ-003-989 and Parcel Map 28919.)

PARCEL MAP 28919: Proposal of Fairfield Development, LP, to divide approximately 38.54 vacant acres into three parcels for residential and commercial purposes, situated on the southwesterly corner of Fair Isle Drive and Sycamore Canyon Boulevard, in Zones R-3, RO, C-1-A and SP (Residential, Restricted Office, Community Shopping Center and Specific Plan Combining Zones). (This case to be heard in conjunction with Zoning Cases SP-002-989, RZ-003-989 and PD-001-989.)

TRACT MAP 28864: Appeal of David T. Jeffers, filed on behalf of Rick Engineering Company, from the decision of the Planning Commission in approving, except as modified by conditions of approval, the proposal of Bastan Partners to divide approximately 5.2 vacant acres into approximately 19 lots for residential purposes, situated on the southeasterly corner of Wood Road and Van Buren Boulevard in Zone C-2 (Restricted Commercial Zone). (The Planning Commission tentatively approved Zone R-1-65 [Single-Family Residential Zone] under Zoning Case RZ-001-989.)

TRACT MAP 28756: Proposal of Adkan Engineers to divide approximately 37 vacant acres into 18 lots for residential purposes, situated on the northwesterly side of Alhambra Avenue and southerly of Catspaw Drive in Zones R-1-80 and RC (Single-Family Residential and Residential Conservation Zones).

ZONING CASE MP-003-623 (REVISED): Appeal of William R. Johnson, Jr., President, Johnson Tractor Company, from the decision of the Planning Commission in approving, except as modified by conditions of approval, the proposal of Richard Anderson for review of a revised industrial plot plan consisting of previously established industrial buildings and ancillary uses and proposing the construction of a new 29,029-square-foot building with a 3,900-square-foot canopy building addition on an approximately 24-acre site developed with the Johnson Tractor facility at 800 East La Cadena Drive, situated easterly of La Cadena Drive between Palmyrita Avenue and Citrus Street in Zones MP, M-1, M-2 and SP (Manufacturing Park, Light Manufacturing, General Manufacturing and Specific Plan Combining Zones).

ZONING CASE RZ-006-978: Request of the City of Riverside Redevelopment Agency to place approximately .38 acre developed with a single-family residence at 3871 and 3881 Eucalyptus Avenue and 2315-2325 Ninth Street situated at the northwesterly corner of Eucalyptus Avenue and Ninth Street in Zone R-1-65 (Single-Family Residential-1 Zone) and remove same from Zones R-2 and P (Two-Family Residential and Parking Zones), with the City Council to also consider supplementing the requested zoning with Zones S and X (Stories - Height of Buildings and Building Setback Combining Zones).

In conjunction with the above cases, consideration will also be given the determination by the Planning Commission that the proposed projects will not have a significant effect on the environment, and that Negative Declarations be adopted.

ZONING CASE CU-038-834 (REVISED): Appeal of Nancy Burke, Land Use Manager, Kaiser Permanente, from the decision of the Planning Commission in approving, except as modified by conditions of approval, their proposal to allow continued use of temporary office and medical structures by Kaiser Hospital, situated at 10800 Magnolia Avenue, on the southerly side of Magnolia Avenue, between Park Sierra Drive and Polk Street in Zone C-2 (Restricted Commercial Zone). The Planning Commission approved use of the medical diagnostic building and trailer for three years, and the modular office and administrative buildings for one year. In conjunction with conditional use permits, the City Council is authorized to grant variances to the Zoning Ordinance as deemed appropriate.

ZONING CASES CU-009-978 & CU-012-978 (REVISED): Appeal of Craig Burns of Southland Venture LLC, from the decision of the Planning Commission in approving, in part, their proposal for sign variances for properties situated on the southeast corner of Fair Isle Drive and Sycamore Canyon Boulevard in Zone C-2-SP (Restricted Commercial and Specific Plan Combining Zone). Variances requested: A) to allow a pole sign identifying two uses where only the gasoline service station identification would be allowed; and B) to allow four

building signs totaling 54 square feet for the service station/quick serve restaurant/food mart where only two building signs totaling 36 square feet would be allowed. The Planning Commission denied Variance A and approved Variance B in part. In conjunction with conditional use permits, the City Council is authorized to grant variances to the Zoning Ordinance as deemed appropriate.

All persons interested in the above matters are invited to appear at the time and place herein specified, either in support or opposition thereto. Persons unable to attend said hearings may forward a written statement of their grounds of opposition to, or support of, the matters to the City Clerk, City Hall, 3900 Main Street, Riverside, CA 92522.

If you challenge the above proposed actions in court, you may be limited to raising only those issues you or someone else raised at the public hearings described in this notice, or in written correspondence delivered to the City Clerk of the City of Riverside at, or prior to, the public hearings.

Please note that letters in support or opposition filed with the board or commission previously hearing these matters will not be forwarded to the City Council.

Dated: September 25, 1998

City Clerk of the City of Riverside

Publish: September 25, 1998

G:\HEARINGS\AM-002989.106

2 P.M. 10-6-98 BAR 9 1998

TM. 28756

63

APN#:139-020-007
Arlington Cemetery Assn Inc
PO Box 3977
North Hollywood CA 91609-0977

APN#:139-020-008
Hoa N Lam
12141 Santa Rosalia St
Garden Grove CA 92841-3005

APN#:139-020-009
Rancho La Sierra West
4924 Balboa Blvd 489
Encino CA 91316-3402

APN#:139-090-001 Duplicate
Rancho La Sierra West
4924 Balboa Blvd 489
Encino CA 91316-3402

APN#:139-090-005 Duplicate
Rancho La Sierra West
4924 Balboa Blvd 489
Encino CA 91316-3402

APN#:149-030-003
Paul B & Mary Grothem
6276 Alhambra Ave
Riverside CA 92505-2264

APN#:149-030-004
Brandi Drendel
6298 Alhambra Ave
Riverside CA 92505-2264

APN#:149-030-007
Win & Anh Nguyen
5490 Camino Vista
Yorba Linda CA 92887-4943

APN#:149-030-008 Duplicate
Rancho La Sierra West
4924 Balboa Blvd 489
Encino CA 91316-3402

APN#:149-030-012
Klaus H & Marlene Rombach
6160 Alhambra Ave
Riverside CA 92505-2295

APN#:149-030-013
Edward R & April Glatzel
6168 Alhambra Ave
Riverside CA 92505-2261

APN#:149-030-014
Robert H & Lois Baier
114 S Normandy Ct
Anaheim CA 92806-3625

APN#:149-040-001
Herschel G & Ruth Bennett
6179 Alhambra Ave
Riverside CA 92505-2297

APN#:149-040-002
Harvey G Leyde
6311 Rutland Ave
Riverside CA 92503-1729

APN#:149-040-006
Harvey G Leyde
PO Box 4024
Riverside CA 92514-4024

APN#:149-040-011
Frank J Musulin
6167 Alhambra Ave
Riverside CA 92505-2297

APN#:149-040-013 Duplicate
Harvey G Leyde
PO Box 4024
Riverside CA 92514-4024

APN#:149-051-001
John J Pratt
PO Box 70122
Riverside CA 92513-0122

APN#:149-051-003
Laura J Pearson
6322 La Sierra Ave
Riverside CA 92505-2242

APN#:149-051-004
Louise M Kesterson
11141 Alhambra Ave
Riverside CA 92505-2265

APN#:149-051-005
Hilda H Chuning
30890 Jedediah Smith Rd
Temecula CA 92592-2618

APN#:149-052-001
Kersey W Thans
6251 Alhambra Ave
Riverside CA 92505-2293

APN#:149-052-004
John A & Claudette Tapocik
2941 Mcallister St
Riverside CA 92503-6111

APN#:149-052-007 Duplicate
Kersey W Thans
6251 Alhambra Ave
Riverside CA 92505-2293

APN#:149-384-004
Brian D & Pamela Mulari
6442 Siamese Pl
Riverside CA 92505-2216

APN#:149-384-005
Russell L & Kathleen Tegeler
6432 Siamese Pl
Riverside CA 92505-2216

APN#:149-384-006
Mark B & Dorothy Durocher
16970 Hidden Valley Rd
Perris CA 92570-8581

APN#:149-384-007
Jeffrey C & Ronda Treat
6368 Catspaw Dr
Riverside CA 92505-2248

APN#:149-384-008
Vernon B & Sherry Price
6362 Catspaw Dr
Riverside CA 92505-2248

APN#:149-384-009
Clemente & Carolyn Nunez
6433 Blackberry Pl
Riverside CA 92505-2205

APN#:149-384-010
Arthur A & Kathleen Smith
6443 Blackberry Pl
Riverside CA 92505-2205

APN#:149-385-001
Craig & Melanie Bassham
6363 Catspaw Dr
Riverside CA 92505-2234

APN#:149-385-002
Nestor R & Ruth Ramos
6369 Catspaw Dr
Riverside CA 92505-2234

APN#:149-385-003
Bruce A & Laurie Sibley
6375 Catspaw Dr
Riverside CA 92505-2234

APN#:149-385-004
Richard D Whitley
6381 Catspaw Dr
Riverside CA 92505-2234

APN#:149-385-005
Ronnie G & Caroline Epperson
6401 Siamese Pl
Riverside CA 92505-2215

APN#:149-385-006
Glenn O Thomas
6411 Siamese Pl
Riverside CA 92505-2215

APN#:149-385-007
Raymond & Elizabeth Zamora
6421 Siamese Pl
Riverside CA 92505-2215

APN#:149-385-008
Edilson E & Damaris Elsen
604 Lilac Ln
Imperial CA 92251-8938

APN#:149-385-009
George & Mary Collazo
11210 Tabby Ct
Riverside CA 92505-2218

APN#:149-385-010
Harold W & Hortensia Phillips
11200 Tabby Ct
Riverside CA 92505-2218

APN#:149-385-011
Mahir H Barkho
1009 Secretariat Cir
Costa Mesa CA 92626-1620

APN#:149-385-012
Robert S Wormuth
6382 La Sierra Ave
Riverside CA 92505-2242

APN#:149-390-005
Don M & Mary Archuleta
11286 Heathcliff Dr
Riverside CA 92505-2258

APN#:149-390-006
David & Barbara Engen
11282 Heathcliff Dr
Riverside CA 92505-2258

APN#:149-390-007
Primitiva P Nazareno
11282 Swenson St
Riverside CA 92505-2277

APN#:149-390-009
David E Brownell
6320 Catspaw Dr
Riverside CA 92505-2226

APN#:149-390-010
David & Dolores Marquecho
6312 Catspaw Dr
Riverside CA 92505-2226

APN#:149-390-011
Jenifer A Hedgpeth
6304 Catspaw Dr
Riverside CA 92505-2226

APN#:149-390-012
Dean T & Sandra Takeuchi
11298 Heathcliff Dr
Riverside CA 92505-2258

APN#:149-390-013
Federal Home Loan Mtg Corp
4242 N Harlem Ave
Chicago IL 60634-2234

APN#:149-390-014
Richard C & Helen Reynolds
6309 Catspaw Dr
Riverside CA 92505-2234

APN#:149-390-015
Brett L & Monique Anderson
6315 Catspaw Dr
Riverside CA 92505-2234

APN#:149-390-016
Ina K Smith
6321 Catspaw Dr
Riverside CA 92505-2234

APN#:149-390-017
Robert & Rita Goulette
6327 Catspaw Dr
Riverside CA 92505-2234

APN#:149-390-018
Phil R Cowan
2841 Copa De Oro Dr
Rossmoor CA 90720-4913

APN#:149-390-019
Tommy G & Gerri Thurman
6339 Catspaw Dr
Riverside CA 92505-2234

APN#:149-390-020
James A & Betty Andrews
6345 Catspaw Dr
Riverside CA 92505-2234

APN#:149-390-021
Robert M & Sherri Beers
6351 Catspaw Dr
Riverside CA 92505-2234

APN#:149-390-022
Felipe & Leticia Olvera
6357 Catspaw Dr
Riverside CA 92505-2234

APN#:149-390-023
Marianne Kremser
6452 Siamese Pl
Riverside CA 92505-2216

APN#:149-390-024
James & Darlene Taylka
9295 SW 151st Ave
Beaverton OR 97007-2263

APN#:149-390-028
Ricky F & Anne Zobel
6448 Blackberry Pl
Riverside CA 92505-2263

APN#:149-390-029
Ken E Renfro
6344 Catspaw Dr
Riverside CA 92505-2226

APN#:149-390-030
Matthew R Senter
6328 Catspaw Dr
Riverside CA 92505-2226

APN#:

APN#:

APN#:

APN#:

APN#:

APN#:

APN#:

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APN#:

APN#:

APN#:

APN#:

APN#:

APN#:

LANDFOLIO & OSWALD YAP
RETIREMENT TRUST
2048 ORANGE TREE LN., #200
REDLANDS, CA 92374

Duplicate
LANDFOLIO & OSWALD YAP
RETIREMENT TRUST
2048 ORANGE TREE LN., #200
REDLANDS, CA 92374

TM 28756
LANDFOLIO & OSWALD YAP
RETIREMENT TRUST Duplicate
2048 ORANGE TREE LN., #200
REDLANDS, CA 92374

*Applicant's Representative
ADKAN ENGINEERS
6820 AIRPORT DRIVE
RIVERSIDE, CA 92504

Duplicate
ADKAN ENGINEERS
6820 AIRPORT DRIVE
RIVERSIDE, CA 92504

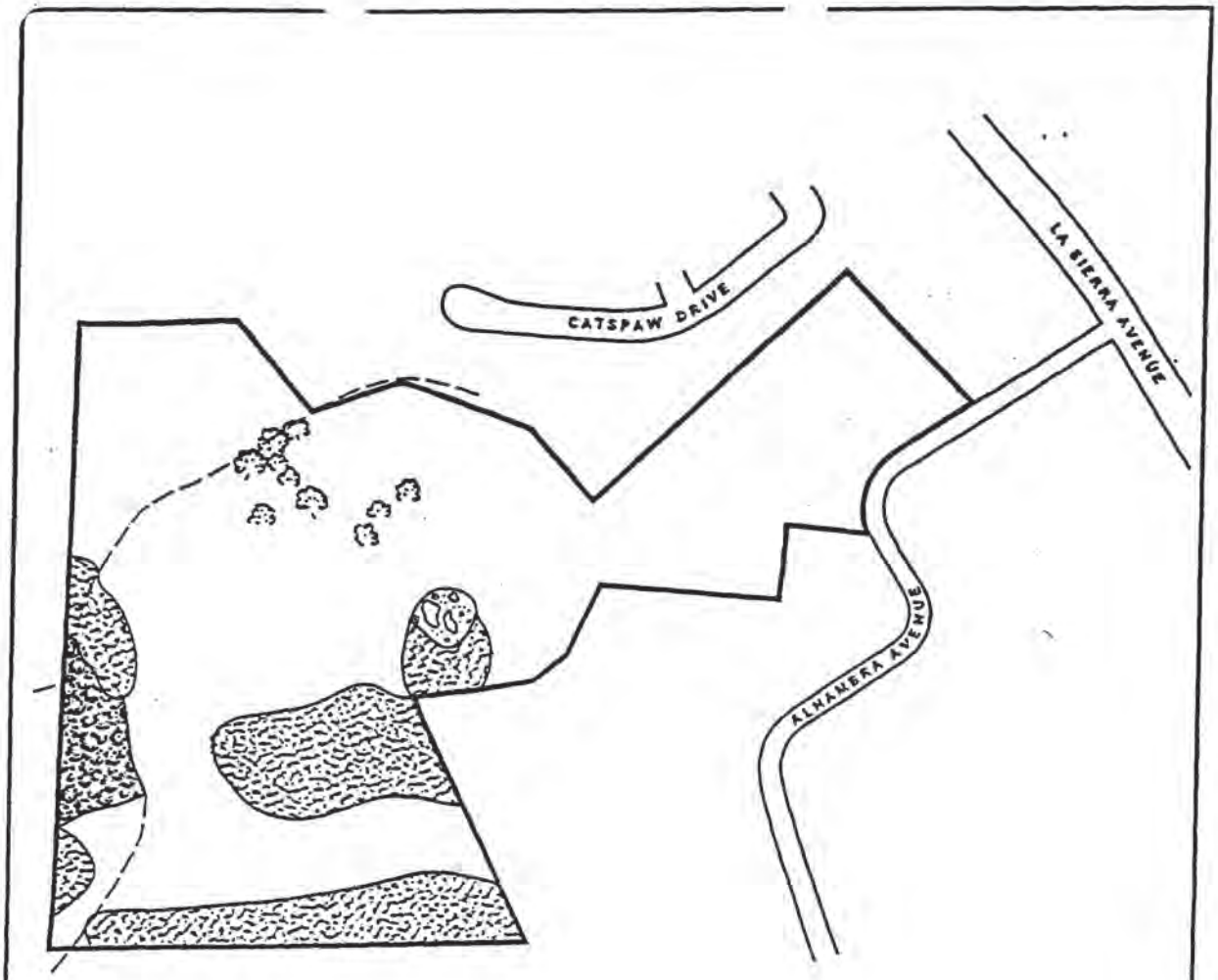
Duplicate
ADKAN ENGINEERS
6820 AIRPORT DRIVE
RIVERSIDE, CA 92504

*Applicant's Legal Owner
REDEVCO, LLC
2047 ORANGE TREE LN. #200
REDLANDS, CA 92374

REDEVCO, LLC Duplicate
2047 ORANGE TREE LN. #200
REDLANDS, CA 92374

REDEVCO, LLC Duplicate
2047 ORANGE TREE LN. #200
REDLANDS, CA 92374


R-1-80
R-1-125
RC
RR
R-1-65
ARLINGTON AV
SWEETWATER DR
HEATHCLIFF DR
LA SIERRA AV
ALHAMBRA AV
CYPRESS AV
GOLDEN AV
N
TM-28756
EXHIBIT 1
Location/Zoning Map
July 29, 1998
1 inch = 500 feet



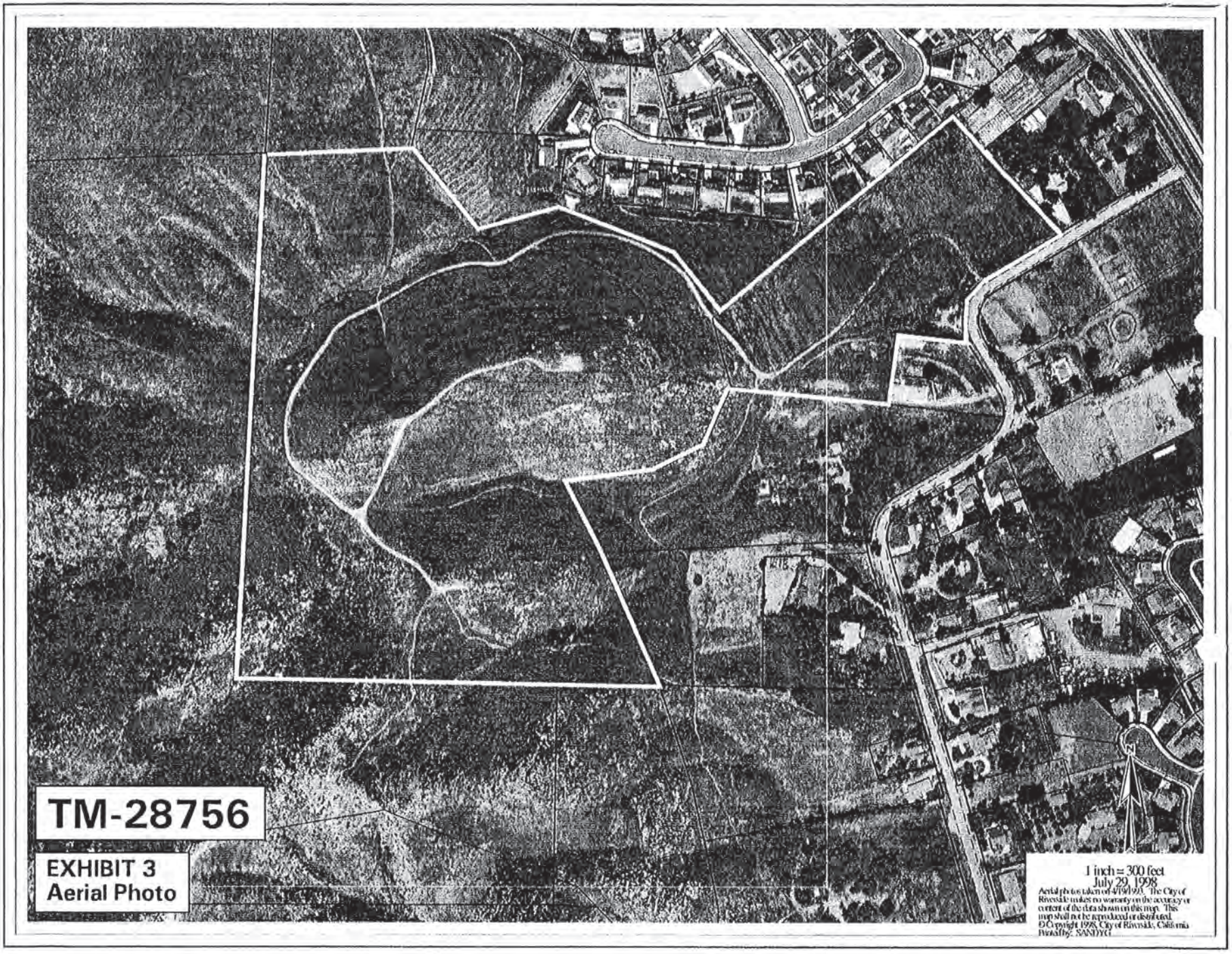
TM-28756

MAP 3. La Sierra Heights: Plant Communities.

- Drainage
- Disturbed Coastal Sage Scrub
- Coastal Sage Scrub
- Ruderal / Annual Grassland
- Rocks
- Elderberry

MAP SOURCE: Adkan Engineering.	*TMC Job # 98-058*	*0 385 FEET*	Tierra Madre Consultants
EXHIBIT 5	*Drafted 6/4/98:mw/rn*		

Vegetation Map


TM-28756
EXHIBIT 3
Aerial Photo
1 inch = 300 feet
July 29, 1998
Aerial photos taken on 4/19/1995. The City of Riverside makes no warranty on the accuracy or content of the data shown on this map. This map shall not be reproduced or distributed.
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Produced by: SANDYC!

CITY OF RIVERSIDE PLANNING DEPARTMENT

Variance Justification Form

PLEASE TYPE OR PRINT CLEARLY

Name: ADKAN ENGINEERS / ROBERT BERNDT (Person preparing application)

Name of Project: TENTATIVE TRACT 28756

Address: 6820 AIRPORT DRIVE

Address: Alhambra Ave. S/W of LaSierra Ave

City/State/Zip: RIVERSIDE, CA 92504

Riverside, CA Zip: Riverside, CA 92505

Daytime Telephone: (909) 688-0241

VARIANCES REQUESTED (State variance(s) requested specifically and in detail):
Please attach separate sheet(s) as necessary.

To allow land locked parcels (no public street frontage)

INSTRUCTIONS: Answer each of the following questions yes or no and then explain your answer in detail. Questions 1 and 2 must be answered "yes" and 3 and 4 "no" to justify granting of a variance. Attach written details if insufficient space is provided on this form. Economic hardship is not allowable justification for a variance.

1. Will the strict application of the provisions of the Zoning Regulations result in practical difficulties or unnecessary hardships for you in the development of your property. Explain in detail.

   The variance is requested in order to utilize a private street system to create a small equestrian-oriented neighborhood. Additionally, the smaller private street will minimize the grading in the area.

2. Are there exceptional circumstances or conditions applicable to your property or to the intended use or development of your property which do not apply generally to other property in the same zone or neighborhood. Explain in detail.

   The property is steep, over 30% slope and there is limited public street frontage through Tract 28756. The proposed private street will allow the most efficient use of the property.

3. Will the granting of your request prove materially detrimental to the public welfare or injurious to the property or improvements in the neighborhood in which your property is located. Explain in detail.

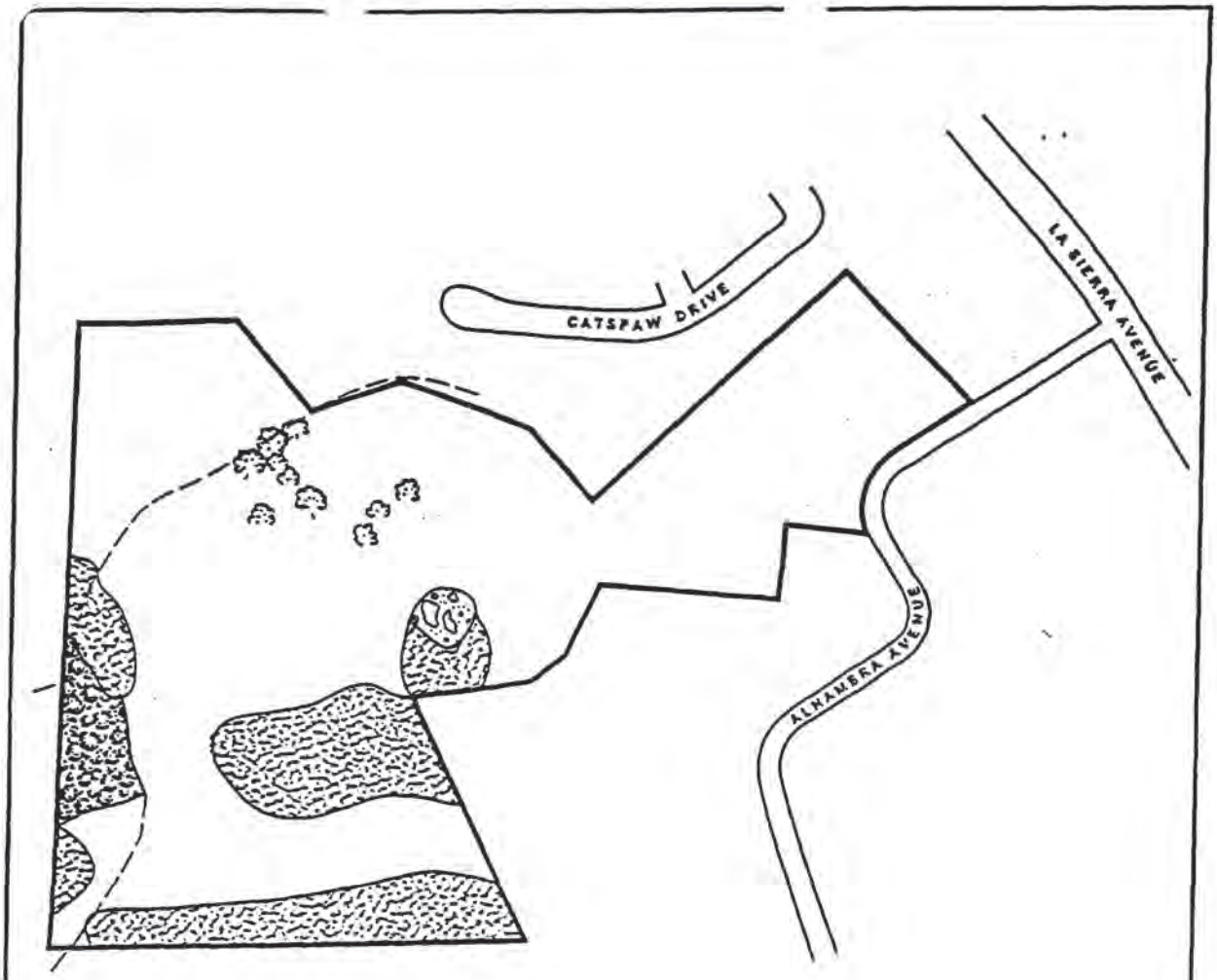
   The private street will be developed in accordance with all city standards. The project when developed will be an asset to the community.

4. Will the granting of this request be contrary to the objectives of the General Plan. Explain if the General Plan appears to affect the project or property in any way.

   N/A - This type of request is not governed by the city's general plan.

rev June 20, 1995
161-177

EXHIBIT 6



TM-28756

MAP 3. La Sierra Heights: Plant Communities.

- Drainage
- Disturbed Coastal Sage Scrub
- Coastal Sage Scrub
- Ruderal / Annual Grassland
- Rocks
- Elderberry

MAP SOURCE: Adkan Engineering.	*TMC Job # 98-058*	*0 385*	Tierra Madre
EXHIBIT 5	*Drafted 6/4/98:mw/rn*	*FEET*	Consultants

Vegetation Map

CITY OF RIVERSIDE PLANNING DEPARTMENT

Variance Justification Form

PLEASE TYPE OR PRINT CLEARLY

Name: ADKAN ENGINEERS / ROBERT BERNDT (Person preparing application)

Name of Project: TENTATIVE TRACT 28756

Address: 6820 AIRPORT DRIVE

Address: Alhambra Ave. S/W of LaSierra Ave

City/State/Zip: RIVERSIDE, CA 92504

Riverside, CA Zip: Riverside, CA 92505

Daytime Telephone: (909) 688-0241

VARIANCES REQUESTED (State variance(s) requested specifically and in detail):
Please attach separate sheet(s) as necessary.

To allow land locked parcels (no public street frontage)

INSTRUCTIONS: Answer each of the following questions yes or no and then explain your answer in detail. Questions 1 and 2 must be answered "yes" and 3 and 4 "no" to justify granting of a variance. Attach written details if insufficient space is provided on this form. *Economic hardship is not allowable justification for a variance.*

1. Will the strict application of the provisions of the Zoning Regulations result in practical difficulties or unnecessary hardships for you in the development of your property. Explain in detail.

   The variance is requested in order to utilize a private street system to create a small equestrian-oriented neighborhood. Additionally, the smaller private street will minimize the grading in the area.

2. Are there exceptional circumstances or conditions applicable to your property or to the intended use or development of your property which do not apply generally to other property in the same zone or neighborhood. Explain in detail.

   The property is steep, over 30% slope and there is limited public street frontage through Tract 28756. The proposed private street will allow the most efficient use of the property.

3. Will the granting of your request prove materially detrimental to the public welfare or injurious to the property or improvements in the neighborhood in which your property is located. Explain in detail.

   The private street will be developed in accordance with all city standards. The project when developed will be an asset to the community.

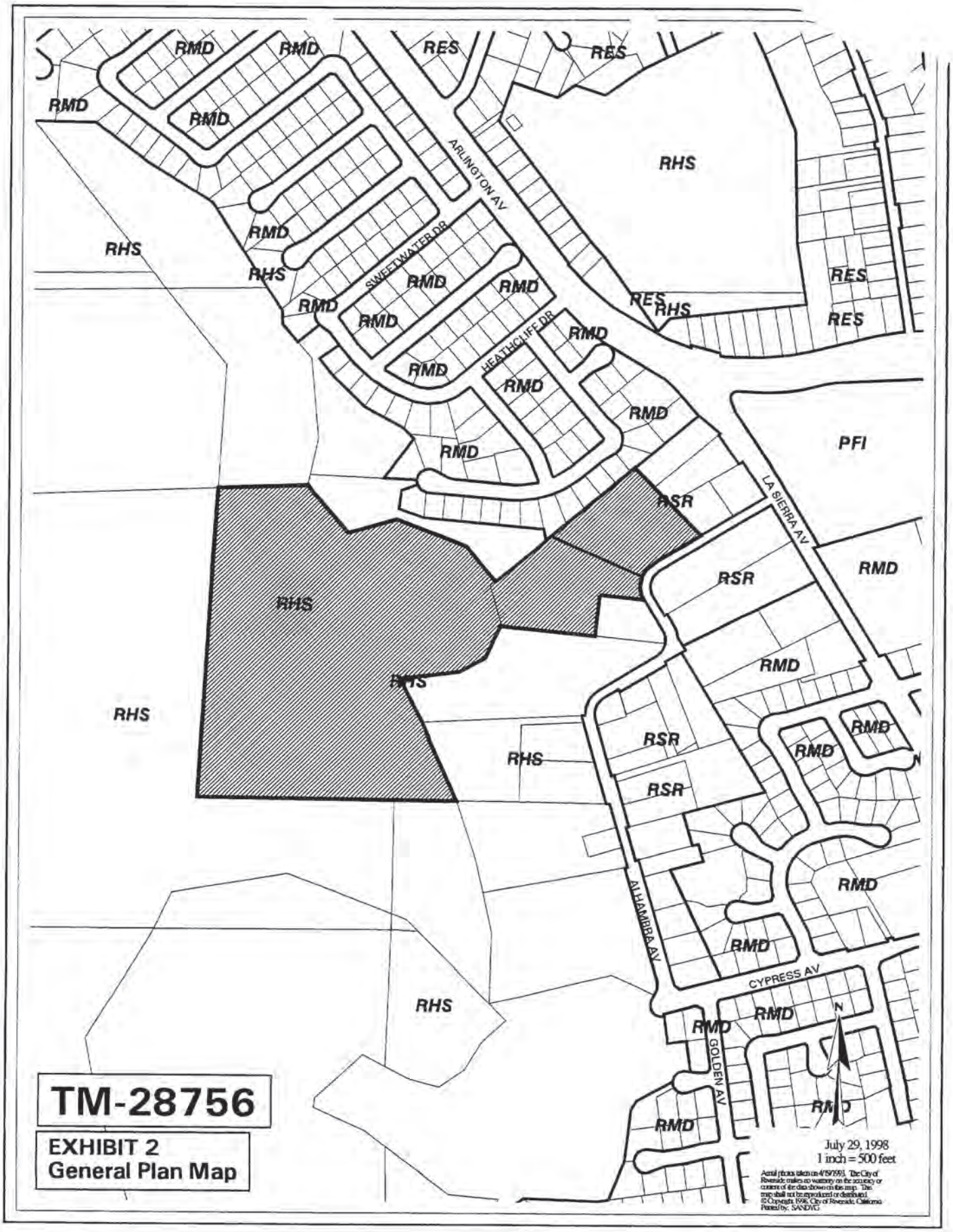
4. Will the granting of this request be contrary to the objectives of the General Plan. Explain if the General Plan appears to affect the project or property in any way.

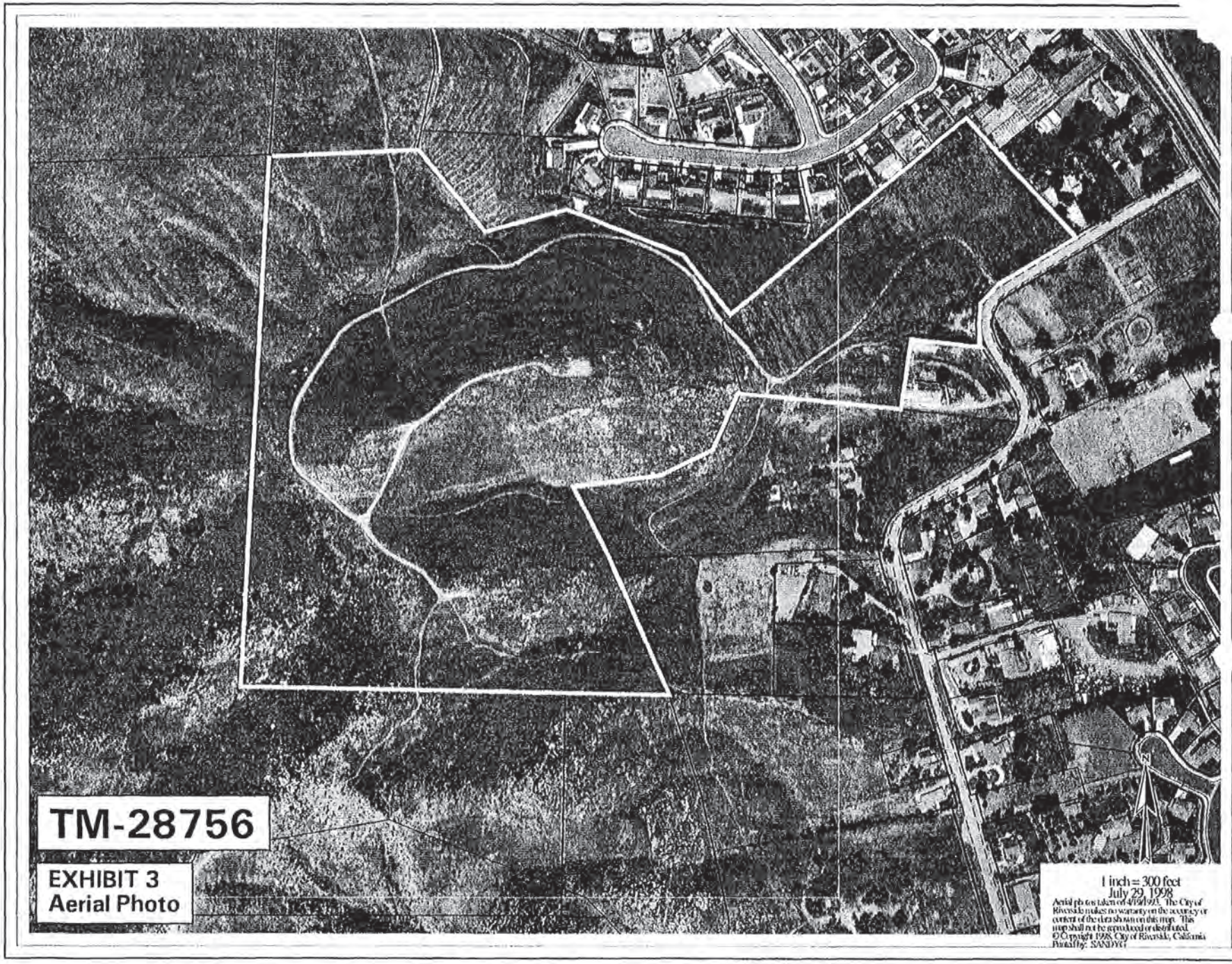
   N/A - This type of request is not governed by the city's general plan.

[illegible]
revised [illegible], 1995 11:[illegible]am
161-17

EXHIBIT 6


R-1-80
R-1-125
RC
RR
R-1-65
ARLINGTON AV
SWEETWATER DR
HEATHCLIFF DR
LA SIERRA AV
ALHAMBRA AV
CYPRESS AV
GOLDEN AV
TM-28756
EXHIBIT 1
Location/Zoning Map
July 29, 1998
1 inch = 500 feet


RMD
RES
RHS
RSR
PFI
ARLINGTON AV
SWEETWATER DR
HEATHCLIFF DR
LA SIERRA AV
ALHAMBRA AV
CYPRESS AV
GOLDEN AV
N
TM-28756
EXHIBIT 2
General Plan Map
July 29, 1998
1 inch = 500 feet


TM-28756
EXHIBIT 3
Aerial Photo
1 inch = 300 feet
July 29, 1998
Aerial photo taken on 4/19/1995. The City of Riverside makes no warranty on the accuracy or content of the data shown on this map. This map shall not be reproduced or distributed.
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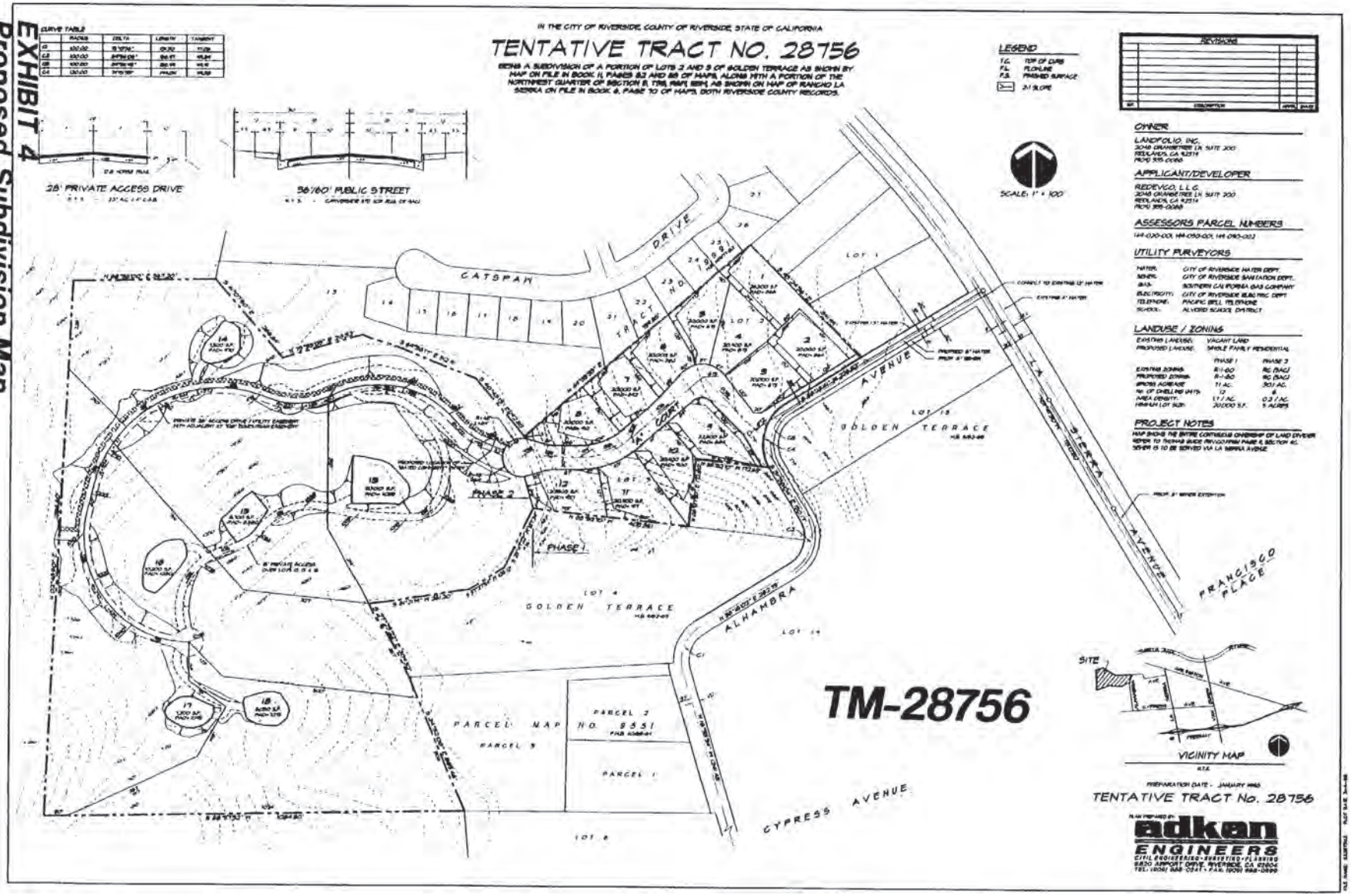
Printed by: SANDY

EXHIBIT 4

Proposed Subdivision Map



Proposed Subdivision Map

CITY OF RIVERSIDE PL. .NNING DEPARTMENT

Property Owner Notification

What is it and Why is it Required?

The City of Riverside requires that public notification be given to adjacent property owners for certain land use decisi which may have an effect on their property. The notice includes the date, time of review, place and purpose of revi which board or commission will be reviewing the proposal and how the property owner or occupant may provide writ or spoken comments.

What types are there?

There are two types of notification, with different distance requirements. Applicants are required to provide a 300 f public notification mailing list (property owner and occupant) and gummed labels for most cases requiring pul notification (the Planning Department will continue to provide this service for Minor Variances and for most Mi Conditional Use Permits.) The second, less common type, is for the following cases which require 1000 foot pul notification if a variance from the site location criteria and operation and development standards is required.

Minor C.U.P.'s with variances:

- On-site sale of all alcoholic beverages
- Arcades
- Entertainment establishments
- Billiard parlors/pool halls containing three or more tables

C.U.P.'s with variances:

- Off-site sale of all alcoholic beverages including concurrent sale of motor vehicle fuel

For these cases, the applicant will be required to provide a 1000 foot public notification mailing list and gummed labe A planner can help you determine if public notification or a variance is required for your submittal.

What do I submit?

At the time of filing an application for any case requiring public notification, the following items will be required:

I. **TWO (2) identical packages, each inserted in a separate 9½" x 12½" manila envelope marked "Labels", and e containing the following sets of information:**

A. A typed set of gummed labels indicating the names and mailing addresses of all property owners and occupants different than the property owners, within a 300/1000 foot radius of the perimeter boundary of the parent parce of the proposed project. This list shall be from the most recently available assessment rolls and include the Assess Parcel Number on each label. A minimum of 20 parcels shall be notified (this may require notification beyon 300/1000-foot radius).

B. A dated list or photocopy of the aforementioned labels.

C. A copy of each General Application Form and a complete legal description of the subject property as required.

II. **Six (6) typed sets of gummed labels** of the owner, applicant, engineer and/or representative with their mailing addres inserted in a separate letter sized envelope and attached to one of the aforementioned manila envelopes.

III. **A single complete exhibit map**, drawn to a common scale, showing all parcels within 300/1000 feet of the project si Complete Assessor's Parcel Numbers need to be clearly printed on each parcel within the 300/1000-foot ring.

IV. **Certification** by the title company, engineer, surveyor or other qualified firm that the mailing list is complete and accurate (s certification form below). NOTE: The County Assessor will not prepare or certify the property owner list. This informati can be obtained by contacting a title insurance company.

PUBLIC NOTIFICATION MAILING LIST CERTIFICATION

I, ROBERT A. BERNDT, certify that on 3/6/98 (Date), the attached public notification list was prepared by INVESTORS TITLE COMPANY (Print Company or Individual's Name) pursuant to the requirements of the City of Riverside Planning Department. This list is a complete and accurate compilation of a property owners and occupants, including the property in question, within a 300/1000 foot radius of the perimeter boundary of th parent parcel of the proposed project and is based on the most recently available assessment rolls. I further understand that incomplet incorrect or erroneous information may be grounds for rejection or denial of the application.

Signature: _____ Printed Name: ROBERT A. BERNDT

Title/Registration: PROJECT MANAGER Date: 3/9/98

Address: 6820 AIRPORT DRIVE, RIVERSIDE, CA 92504

Daytime Telephone: (909) 688-0241

TM. 28756

handouts/current/pownwp6.bo
rev. July 11, 1996

TM. 28756

CITY OF RIVERSIDE PLANNING DEPARTMENT

General Application Form

PLEASE TYPE OR PRINT CLEARLY.

FAILURE TO FULLY COMPLETE THIS APPLICATION WILL CAUSE A PROCESSING DELAY OR ITS REJECTION

REQUEST: 1)Subdivide 3 existing parcels (37.2acres) into 18 lots (minimum 20,000 s.f.)

2) Variance toallow landlocked parcels for lots 13-18 (private drive access)

You **must** state in detail what you want to do and attach separate sheets as necessary.

LEGAL OWNER INFORMATION:

I hereby certify that I am (we are) the record owner(s) [for tax assessment purposes] of the property assed by this application. I further waive the right of a de e project by the City within the prescri mits as set forth in the Municipal Code in the event an En l Impact Report is required to be prep e project. I also understand and agree that the submittal da pplication will be the filing deadline fo ceipt of my request.

Signature: _____

Printed Name: LANDFOLIO AND OSWALD & YAP RETIREMENT TRUST

Address: 2048 Orange Tree Ln., Suite 200 City: Redlands

State: CA Zip: 92374 Daytime Telephone:(909) 335-0088

Fax Number:( )

APPLICANT: (if other than Legal Owner)

Printed Name: REDEVCO, LLC

Address: 2048 Orange Tree Ln., Ste. 200

City: Redlands State: CA Zip: 92374

Daytime Telephone:(909) 335-0088

Fax Number:( )

REPRESENTATIVE: (if other than Applicant)

Printed Name: Adkan Engineers - Robert Berndt

Address: 6820 Airport Drive

City: Riverside State: CA Zip: 92504

Daytime Telephone:(909) 688-0241

Fax Number:(909) 688-0599

On a separate sheet, please add the name, address and telephone of any other person(s) that should also be notified with regard to this case.

ADDRESS OF SUBJECT PROPERTY: Vacant

ASSESSOR'S PARCEL NUMBER(S): 149-020-001, 149-030-001, 149-030-002

(APPLICATIONS WILL NOT BE ACCEPTED WITHOUT VALID TAX ASSESSOR'S PARCEL NUMBER(S).)

SIZE OF SUBJECT PROPERTY: 37.2 Acres

COMPLETE LEGAL DESCRIPTION OF SUBJECT PROPERTY: Attach on separate sheet(s) a copy of the most recent **Grant Deed**. If your request is not for the entire property described on the most recent Grant Deed, provide a **metes and bounds description**. Also attach a **plat map** of the property.

THIS SECTION TO BE COMPLETED BY STAFF

TYPE OF CASE _____ REC'D BY _____ HEARING DATE _____ CEQA/NON-CEQA_____

FILING FEE ____ DATE REC'D _____ FOR FILING DEADLINE _____ TEAM (North/South/City-Wide)

(Circle One)

G:\HANDOUTS\GENAPP.HO
REV. 09/04/97

PROOF OF PUBLICATION

(2015.5 CCP)

PROOF OF PUBLICATION OF

PUBLIC HRG

AM-002-989

I am a citizen of the United States. I am over the age of eighteen years and not a party to or interested in the above entitled matter. I am an authorized representative of THE PRESS-ENTERPRISE, a newspaper of general circulation, printed and published daily in the city of Riverside, County of Riverside, and which newspaper has been adjudicated a newspaper of general circulation by the Superior Court of the County of Riverside, State of California, under date of April 25, 1952, Case Number 54446, under date of March 29, 1957, Case Number 65673 and under date of August 25, 1995, Case Number 267864; that the notice, of which the annexed is a printed copy, has been published in said newspaper in accordance with the instructions of the person(s) requesting publication, and not in any supplement thereof or the following dates, to wit:

09/25/1998

I Certify (or declare) under penalty of perjury that the foregoing is true and correct.

Dated: September 29, 1998
at Riverside, California

CITY CLERK

CITY OF RIVERSIDE
NOTICE OF PUBLIC HEARINGS
NOTICE OF PROPOSED ADDITION OF TITLE 17
TO CITY CODE (GRADING)

NOTICE IS HEREBY GIVEN that public hearings will be held before the City Council of the City of Riverside in the Council Chamber, City Hall, 3900 Main Street, Riverside, California, at 2 p.m. on Tuesday, October 6, 1998, relative to adding a new Title 17 (Grading) to the Code of the City of Riverside, the standards of Title 19 (Zoning Regulations), the Sycamore Highlands Specific Plan and/or determinations on subdivision maps as follows, to wit:

ZONING CODE AMENDMENT CASE AM-002-989: Proposal of the City of Riverside to add a new Title 17 entitled "Grading" to the Riverside Municipal Code and to provide for enforcement of that new title.

PLAN SP-002-989 AND ZONING CASE RZ-003-989: Proposal of Fairfield Development, LP, to amend the Sycamore Highlands Specific Plan and the General Plan as they pertain to approximately 38.54 vacant acres situated on the southwesterly corner of Fair Isle Drive and Sycamore Canyon Boulevard by:

1. Amending the Sycamore Highlands Specific Plan by redesignating the property from the RHD-High Density Residential and CBD-Retail Business and Office land use designations to the RHD-High Density Residential and CBD-Retail Business and Office land use designations (adjusting the designation boundary line) or other designation(s) deemed more appropriate by the City Council; and

2. Placing the subject property in Zones R-3, C-1-A and SP (Multiple-Family Residential, Community Shopping Center and Specific Plan Combining Zones) or other zone(s) deemed more appropriate by the City Council, and removing same from Zones R-3, RO, C-1-A and SP (Multiple-Family Residential, Restricted Office, Community Shopping Center and Specific Plan Combining Zones), with the City Council to also consider supplementing the requested zoning with Zones S and X (Stories - Height of Buildings and Building Setback Combining Zones).

(These cases to be heard in conjunction with Zoning Case PD-001-989 and Parcel Map 28919.)

ZONING CASE PD-001-989: Proposal of Fairfield Development, LP, to establish a 528-unit planned residential development (approximately 256 one-bedroom and 272 two-bedroom units) together with parking, private and common open space on approximately 29.87 vacant acres situated on the southwesterly corner of Fair Isle Drive and Sycamore Canyon Boulevard, in Zones R-3, RO, C-1-A and SP (Multiple-Family Residential, Restricted Office, Community Shopping Center and Specific Plan Combining Zones). (This case to be heard in conjunction with Zoning Cases SP-002-989, RZ-003-989 and Parcel Map 28919.)

PARCEL MAP 28919: Proposal of Fairfield Development, LP, to divide approximately 38.54 vacant acres into three parcels for residential and commercial purposes, situated on the southwesterly corner of Fair Isle Drive and Sycamore Canyon Boulevard, in Zones R-3, RO, C-1-A and SP (Residential, Restricted Office, Community Shopping Center and Specific Plan Combining Zones). (This case to be heard in conjunction with Zoning Cases SP-002-989, RZ-003-989 and PD-001-989.)

TRACT MAP 28864: Appeal of David T. Jeffers, filed on behalf of RCS Engineering Company, from the decision of the Planning Commission in approving, except as modified by conditions of approval, the proposal of Bastan Partners to divide approximately 5.2 vacant acres into approximately 19 lots for residential purposes, situated on the southeasterly corner of Wood Road and Van Buren Boulevard in Zone C-2 (Restricted Commercial Zone). (The Planning Commission tentatively approved Zone R-1-65 (Single-Family Residential Zone) under Zoning Case RZ-001-989.)

TRACT MAP 28756: Proposal of Adkan Engineers to divide approximately 37 vacant acres into 38 lots for residential purposes, situated on the northwesterly side of Alhambra Avenue and southerly of Catalpaw Drive in Zones R-1-80 and RC (Single-Family Residential and Residential Conservation Zones).

ZONING CASE MP-003-623 (REVISED): Appeal of William R. Johnson, Jr., President, Johnson Tractor Company, from the decision of the Planning Commission in approving, except as modified by conditions of approval, the proposal of Richard Anderson for review of a revised industrial plot plan consisting of previously established industrial buildings and ancillary uses and proposing the construction of a new 29,029-square-foot building with a 3,500-square-foot canopy building addition on an approximately 24-acre site developed with the Johnson Tractor facility at 800 East La Cadena Drive, situated easterly of La Cadena Drive between Palmyrita Avenue and Citrus Street in Zones MP, M-1, M-2 and SP (Manufacturing Park, Light Manufacturing, General Manufacturing and Specific Plan Combining Zones).

ZONING CASE RZ-006-978: Request of the City of Riverside Redevelopment Agency to place approximately .38 acre developed with a single-family residence at 3871 and 3881 Eucalyptus Avenue and 2315-2325 Ninth Street situated at the northwesterly corner of Eucalyptus Avenue and Ninth Street in Zone R-1-65 (Single-Family Residential-1 Zone) and remove same from Zones R-2 and P (Two-Family Residential and Parking Zones), with the City Council to also consider supplementing the requested zoning with Zones S and X (Stories - Height of Buildings and Building Setback Combining Zones).

In conjunction with the above cases, consideration will also be given the determination by the Planning Commission that the proposed projects will not have a significant effect on the environment, and that Negative Declarations be adopted.

ZONING CASE CU-038-834 (REVISED): Appeal of Nancy Burke, Land Use Manager, Kaiser Permanente, from the decision of the Planning Commission in approving, except as modified by conditions of approval, their proposal to allow continued use of temporary office and medical structures by Kaiser Hospital, situated at 10800 Magnolia Avenue, on the southerly side of Magnolia Avenue, between Park Sierra Drive and Polk Street in Zone C-2 (Restricted Commercial Zone). The Planning Commission approved use of the medical diagnostic building and trailer for three years, and the modular office and administrative buildings for one year. In conjunction with conditional use permits, the City Council is authorized to grant variances to the Zoning Ordinance as deemed appropriate.

ZONING CASES CU-009-978 & CU-012-978 (REVISED): Appeal of Craig Burns of Southland Ventura LLC, from the decision of the Planning Commission in approving, in part, their proposal for sign variances for properties situated on the southwest corner of Fair Isle Drive and Sycamore Canyon Boulevard in Zone C-2-SP (Restricted Commercial and Specific Plan Combining Zone). Variances requested: A) to allow a pole sign identifying two uses where only the gasoline service station identification would be allowed; and B) to allow four building signs totalling 54 square feet for the service station/quick serve restaurant/food mart where only two building signs totaling 36 square feet would be allowed. The Planning Commission denied Variance A and approved Variance B in part, in conjunction with conditional use Permits, the City Council is authorized to grant variances to the Zoning Ordinance as deemed appropriate.

All persons interested, in the above matters are invited to appear at the time and place herein specified, either in support or opposition thereto. Persons unable to attend said hearings may forward a written statement of their grounds of opposition to, or support of, the matters to the City Clerk, City Hall, 3900 Main Street, Riverside, CA 92522.

If you challenge the above proposed actions in court, you may be limited to raising only those issues you or someone else raised at or prior to, the public hearings.

Please note that letters in support or opposition filed with the board or commission previously hearing these matters will not be forwarded to the City Council.

Dated: September 25, 1998
Colleen J. Nicol, City Clerk of the City of Riverside 9/25

PROOF OF PUBLICATION

(2010, 2015.5 CCP)

PROOF OF PUBLICATION OF

PUBLIC HRG

26756

I am a citizen of the United States. I am over the age of eighteen years and not a party to or interested in the above entitled matter. I am an authorized representative of THE PRESS-ENTERPRISE, a newspaper of general circulation, printed and published daily in the city of Riverside, County of Riverside, and which newspaper has been adjudicated a newspaper of general circulation by the Superior Court of the County of Riverside, State of California, under date of April 25, 1952, Case Number 54446, under date of March 29, 1957, Case Number 65673 and under date of August 25, 1995, Case Number 267864; that the notice, of which the annexed is a printed copy, has been published in said newspaper in accordance with the instructions of the person(s) requesting publication, and not in any supplement thereof on the following dates, to wit:

10/16/1998

I Certify (or declare) under penalty of perjury that the foregoing is true and correct.

Dated October 16, 1998
at Riverside, California

CITY CLERK CITY OF RSDE

CITY OF RIVERSIDE
NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that a public hearing will be held before the City Council of the City of Riverside in the Council Chamber, City Hall, 3900 Main Street, Riverside, on Tuesday, October 27, 1998, relative to the following standards of Title 19 (Zoning Regulations) of the Code of the City of Riverside, and/or determinations on a subdivision map, as follows, to wit:

TRACT MAP 28756: Proposal of Adkan Engineers to divide approximately 37 vacant acres into 18 lots for residential purposes, situated on the northwesterly side of Alhambra Avenue and southerly of Catspaw Drive in Zones R-1-80 and RC (Single-Family Residential and Residential Conservation Zones).

In conjunction with the above case, consideration will also be given the determination by the Planning Commission that the proposed project will not have a significant effect on the environment; and that a Negative Declaration be adopted.

All persons interested in the above matter are invited to appear at the time and place herein specified, either in support or opposition thereto. Persons unable to attend said hearing may forward a written statement of their grounds of opposition to, or support of, the matter to the City Clerk, City Hall, 3900 Main Street, Riverside, CA 92522.

If you challenge the above proposed action in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City Clerk of the City of Riverside at, or prior to, the public hearing.

Please note that letters in support or opposition filed with the board or commission previously hearing this matter will not be forwarded to the City Council.

Dated: October 16, 1998
Colleen J. Nicol, City Clerk of the City of Riverside 10/16

Office of the City Clerk
City Hall
3900 Main Street
Riverside, CA 92522-0111

cc 10-6-98
Tract Map
28756

RETURNED TO SENDER
UNDELIVERABLE AS ADDRESSED
UNABLE TO FORWARD

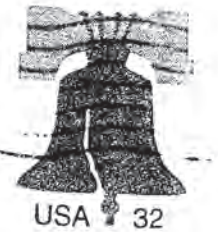
USA 32

APN#:139-020-007
Arlington Cemetery Assn Inc
PO Box 3977
North Hollywood CA 91609-0977

[redacted]

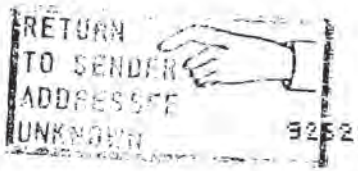
Office of the City Clerk
City Hall
3900 Main Street
Riverside, CA 92522-0111

CC 10-6-98
Tract Map 28756 #38



247-183-024
Olivia T Garcia
1653 Palmyrita Ave
Riverside CA 92507

RECEIVED
OCT 08 1998
CITY CLERK



92522-0112507+162

COLLEEN J. NICOL, CITY CLERK
CITY HALL, 3900 MAIN STREET
RIVERSIDE, CA 92522-0111

CC: 10-27-98
Tract Map
28756

#2

APN#:139-020-007
Arlington Cemetery Assn Inc
PO Box 3977
North Hollywood CA 91609-0977

[redacted]

COLLEEN J. NICOL, CITY CLERK
CITY HALL, 3900 MAIN STREET
RIVERSIDE, CA 92522-0111

cc 10-27-98
Tract Map
28756 #2

APN#:149-385-009
George & Mary Collazo
11210 Tabby Ct
Riverside CA 92505-2218

RETURN TO SENDER
ADDRESSEE
UNKNOWN

92522-0111
92505-

COLLEEN J. NICOL, CITY CLERK
CITY HALL, 3900 MAIN STREET
RIVERSIDE, CA 92522-0111

CC: 10-27-98
Tract Map 28756
#2

APN#:149-390-015
Brett L & Monique Anderson
6315 Catspaw Dr
Riverside CA 92505-2234

1998

RETURN TO SENDER
ADDRESSEE

92522-0111

MB 366 / 79

366/79

City

IN THE CITY OF RIVERSIDE, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA

TRACT NO. 28756

BEING A SUBDIVISION OF LOT 2 AND A PORTION OF LOT 3 OF GOLDEN TERRACE AS PER MAP RECORDED IN BOOK 11, PAGES 82 AND 83 OF MAPS AND A PORTION OF THE NW 1/4 OF SEC4, T3S, R6W, S.B.M. AS SHOWN BY THE MAP OF RANCHO LA SIERRA ON FILE IN MAP BOOK 6 PAGE 70 THEREOF ALL IN THE CITY OF RIVERSIDE, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA

DAVID EVANS AND ASSOCIATES, INC. ONTARIO, CA.
DECEMBER 2003

RECORDER'S STATEMENT

FILED THIS 2nd DAY OF November
20 04 AT 8 a.m. IN BOOK 366 OF
MAPS AT PAGES 79-82 AT THE REQUEST OF
THE CITY CLERK.
FEE: $13.-
NO. 2004-0870095
GARY L. ORSO,
COUNTY ASSESSOR - CLERK-RECORDER
BY: M Garcia
DEPUTY

SUBDIVISION GUARANTEE:
STEWART TITLE COMPANY

OWNER'S STATEMENT

WE HEREBY STATE THAT WE ARE THE OWNERS OF, OR HAVE SOME RIGHT, TITLE, OR, INTEREST IN THE LAND INCLUDED WITHIN THE LAND SUBDIVISION AS SHOWN ON THE ANNEXED MAP; THAT WE ARE THE ONLY PERSONS WHOSE CONSENT IS NECESSARY TO PASS CLEAR TITLE TO SAID LAND, AND WE CONSENT TO THE PREPARATION AND RECORDATION OF THIS SUBDIVISION MAP AS SHOWN WITHIN THE DISTINCTIVE BORDER LINE.

WE HEREBY DEDICATE TO PUBLIC USE FOR PUBLIC STREET AND PUBLIC UTILITY PURPOSES, LOTS "A" AND "B".

WE HEREBY DEDICATE TO PUBLIC USE THE EASEMENT DESIGNATED AS 3.5' WIDE EASEMENT FOR MULTI-PURPOSE RECREATIONAL TRAIL (NON-MOTORIZED) PURPOSES AS AN EASEMENT FOR THE CONSTRUCTION AND MAINTENANCE OF A MULTI-PURPOSE RECREATIONAL TRAIL (NON-MOTORIZED)

BY: Barbara Meo
FHC/LA SIERRA, LLC
MANAGING DIRECTOR

Jeffrey D. Carroll
MANAGING DIRECTOR

TAX BOND STATEMENT

~~I HEREBY STATE THAT A BOND IN THE SUM OF $ _____ HAS BEEN EXECUTED AND FILED WITH THE BOARD OF SUPERVISORS OF THE COUNTY RIVERSIDE, CALIFORNIA, CONDITIONED UPON THE PAYMENT OF ALL TAXES, STATE, COUNTY, MUNICIPAL, OR LOCAL, AND ALL SPECIAL ASSESSMENTS COLLECTED AS TAXES WHICH AT THE TIME OF FILING OF THIS MAP WITH COUNTY RECORDER ARE A LIEN AGAINST SAID PROPERTY, BUT NOT YET PAYABLE, AND SAID BOND HAS BEEN DULY APPROVED BY SAID BOARD OF SUPERVISORS.~~

~~DATED _____ CASH TAX BOND~~

~~NANCY ROMERO
CLERK OF THE BOARD OF SUPERVISORS~~

~~BY _____ DEPUTY~~

~~PAUL McDONNELL
COUNTY TAX COLLECTOR~~

~~BY _____ DEPUTY~~

UTILITIES CERTIFICATE

I HEREBY CERTIFY THAT THE SUBDIVIDER NAMED ON THIS MAP HAS DEPOSITED WITH THE CITY OF RIVERSIDE PUBLIC UTILITIES DEPARTMENT SUFFICIENT FUNDS OR MADE THE REQUIRED ARRANGEMENTS AND PROVISIONS FOR THE INSTALLATION OF WATER AND ELECTRIC FACILITIES NECESSARY TO PROVIDE SERVICE TO ALL PARCELS AS SHOWN ON THIS MAP; AND THAT ALL PUBLIC UTILITY EASEMENTS SHOWN ARE SUFFICIENT FOR ALL REQUIREMENTS OF THE ELECTRIC AND WATER DIVISIONS OF THE DEPARTMENT OF PUBLIC UTILITIES OF THE CITY OF RIVERSIDE.

THOMAS P. EVANS
PUBLIC UTILITIES DIRECTOR

DATE April 12, 2004 BY [signature]

UTILITIES EASEMENTS

THE CITY OF RIVERSIDE BEING THE OWNER OF THE FOLLOWING DESCRIBED EASEMENTS, HEREBY CONSENTS TO THE PREPARATION AND RECORDATION OF THE ANNEXED MAP.

1. AN EASEMENT FOR WATER FACILITIES IN FAVOR OF LA SIERRA HEIGHTS WATER COMPANY, RECORDED MAY 17, 1911 IN BOOK 327, PAGE 227 OF DEEDS, RECORDS OF RIVERSIDE COUNTY, CALIFORNIA. (SAID EASEMENT IS BLANKET IN NATURE).

DATE April 12, 2004 BY THOMAS P. EVANS [signature]

NOTARY ACKNOWLEDGMENT:

STATE OF CALIFORNIA)
COUNTY OF San Bernardino) SS:

ON April 8, 2004, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID STATE PERSONALLY APPEARED Barbara Meo AND _____, PERSONALLY KNOWN TO ME (OR PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE) TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE/THEY EXECUTED THE SAME IN HIS/HER/THEIR AUTHORIZED CAPACITY(IES), AND THAT BY HIS/HER/THEIR SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S), OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

WITNESS MY HAND

SIGNATURE Maria Marzoki NAME (PRINTED) MARIA MARZOKI

MY COMMISSION EXPIRES: 1-13-08 MY COMMISSION NO. 1458087

MY PRINCIPAL PLACE OF BUSINESS IS IN San Bernardino COUNTY.

TAX COLLECTOR'S STATEMENT

I HEREBY STATE THAT ACCORDING TO THE RECORDS OF THIS OFFICE, AS OF THIS DATE, THERE ARE NO LIENS AGAINST THE PROPERTY SHOWN ON THE WITHIN MAP FOR UNPAID STATE, COUNTY, MUNICIPAL, OR LOCAL TAXES OR SPECIAL ASSESSMENTS COLLECTED AS TAXES, ~~EXCEPT TAXES OR SPECIAL ASSESSMENTS COLLECTED AS TAXES NOW A LIEN BUT NOT YET PAYABLE, WHICH ARE ESTIMATED TO BE $ _____~~ THIS CERTIFICATE EXCLUDES ANY SUPPLEMENTAL TAX ASSESSMENT NOT YET EXTENDED.

PAUL McDONNELL
COUNTY TAX COLLECTOR

DATE Nov. 1, 2004 BY Matthew Jennings DEPUTY

SURVEYOR'S STATEMENT

THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION AND IS BASED UPON A FIELD SURVEY IN CONFORMANCE WITH THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCE AT THE REQUEST OF FHC LA SIERRA, LLC, ON OCTOBER 24, 2003. I HEREBY STATE THAT THIS FINAL MAP SUBSTANTIALLY CONFORMS TO THE CONDITIONALLY APPROVED TENTATIVE MAP. THAT ALL MONUMENTS ARE OF THE CHARACTER AND OCCUPY THE POSITIONS INDICATED, OR THAT THEY WILL BE SET IN THOSE POSITIONS WITHIN ONE YEAR FROM THE RECORDATION DATE OF THE MAP, THE MONUMENTS WILL BE SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED. THE SURVEY IS TRUE AND COMPLETE AS SHOWN.

PROFESSIONAL LAND SURVEYOR BERNARD J. MCINALLY Exp. 12/31/04 No. 7629 STATE OF CALIFORNIA

[signature] 4/8/04
BERNARD J. MCINALLY DATE
L.S. NO. 7629
LICENSE EXPIRATION DATE: 12/31/04

CITY ENGINEER'S CERTIFICATE

I HEREBY CERTIFY THAT I HAVE EXAMINED THIS MAP, THAT THE SUBDIVISION AS SHOWN HEREON IS SUBSTANTIALLY THE SAME AS IT APPEARS ON THE TENTATIVE MAP OF TRACT 28756 WHICH WAS APPROVED BY THE CITY OF RIVERSIDE PLANNING COMMISSION ON SEPTEMBER 3, 1998 AND ANY APPROVED ALTERATIONS THEREOF; THAT ALL PROVISIONS OF THE SUBDIVISION MAP ACT (DIVISION 2 OF TITLE 7 OF THE CALIFORNIA GOVERNMENT CODE) AND TITLE 18 OF THE RIVERSIDE MUNICIPAL CODE APPLICABLE AT THE TIME OF THE APPROVAL OF THE TENTATIVE MAP HAVE BEEN COMPLIED WITH; THAT THE EASEMENTS FOR SEWERS AND DRAINAGE FACILITIES AS SHOWN ON THE MAP HAVE BEEN APPROVED; THAT PLANS FOR DRAINS, DRAINAGE WORKS, AND SEWERS SUFFICIENT MITIGATE FLOOD DAMAGE TO ALL LOTS IN THE SUBDIVISION HAVE BEEN APPROVED; THAT A COMPLETE SET OF THE PLANS COVERING ALL IMPROVEMENTS HAVE BEEN FILED WITH THE PUBLIC WORKS DEPARTMENT AND THAT THE SAME HAVE BEEN CHECKED AND APPROVED; AND THAT ALL IMPROVEMENTS HAVE BEEN COMPLETED IN ACCORDANCE WITH THE APPROVED PLANS OR THAT THE SUBDIVIDER HAS ENTERED INTO AN AGREEMENT WITH THE CITY OF RIVERSIDE COVERING COMPLETION OF ALL IMPROVEMENTS AND SPECIFYING THE TIME FOR COMPLETING THE SAME.

DATE: April 14TH 2004

THOMAS J. BOYD
R.C.E. 36170 LIC. EXP. 6/30/04
CITY ENGINEER

BY: [signature]

CITY SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT I HAVE EXAMINED THIS MAP, AND THAT I AM SATISFIED THAT THE MAP IS TECHNICALLY CORRECT, AND THAT ALL MONUMENTS HAVE BEEN SET OR A CASH DEPOSIT SUFFICIENT TO COVER THEIR PLACEMENT HAS BEEN DEPOSITED WITH THE CITY OF RIVERSIDE.

DATE: 4/14/04

MARK S. BROWN
L.S. 5655 LIC. EXP. 9/30/05
CITY SURVEYOR

BY: [signature]

CITY TREASURER'S CERTIFICATE

I HEREBY CERTIFY THAT ACCORDING TO THE RECORDS OF THIS OFFICE AS OF THIS DATE, THE REAL PROPERTY SHOWN ON THIS MAP IS NOT SUBJECT TO ANY SPECIAL ASSESSMENTS, BONDS, AND/OR LIENS WHICH HAVE NOT BEEN PAID IN FULL. THIS CERTIFICATE DOES NOT INCLUDE ANY SPECIAL ASSESSMENTS, THE BONDS OF WHICH HAVE NOT BECOME A LIEN UPON SAID PROPERTY.

PAUL C. SUNDEEN
CITY TREASURER

DATE 4/12/04

BY: Brent A Mason DEPUTY

CITY CLERK'S CERTIFICATE

RESOLVED: THAT THIS MAP, CONSISTING OF FOUR (4) SHEETS BE, AND THE SAME IS HEREBY ACCEPTED AS THE FINAL MAP OF TRACT 28756.

THAT LOTS "A" AND "B" ARE HEREBY ACCEPTED FOR PUBLIC STREET AND PUBLIC UTILITY PURPOSES.

THAT EASEMENT DESIGNATED AS 3.5' WIDE EASEMENT FOR MULTI-PURPOSE RECREATIONAL TRAIL (NON-MOTORIZED) PURPOSES IS HEREBY ACCEPTED AS AN EASEMENT FOR THE CONSTRUCTION AND MAINTENANCE OF MULTI-PURPOSE RECREATIONAL TRAIL (NON-MOTORIZED)

THE CITY CLERK IS HEREBY AUTHORIZED AND DIRECTED TO ATTEST SAID MAP BY SIGNING HER NAME THERETO AS CITY CLERK OF THE CITY OF RIVERSIDE, STATE OF CALIFORNIA.

I HEREBY CERTIFY THAT THE FOREGOING RESOLUTION WAS ACCEPTED BY THE MAYOR AND COUNCIL OF THE CITY OF RIVERSIDE THIS 27TH DAY April, 2004.

COLLEEN J. NICOL
CITY CLERK OF THE CITY OF RIVERSIDE, CALIFORNIA

BY: [signature]

MB. 366 / 79

IN THE CITY OF RIVERSIDE, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA

TRACT NO. 28756

BEING A SUBDIVISION OF LOT 2 AND A PORTION OF LOT 3 OF GOLDEN TERRACE AS PER MAP RECORDED IN BOOK 11, PAGES 82 AND 83 OF MAPS AND A PORTION OF THE NW 1/4 OF SEC4, T3S, R6W, S.B.M. AS SHOWN BY THE MAP OF RANCHO LA SIERRA ON FILE IN MAP BOOK 6 PAGE 70 THEREOF ALL IN THE CITY OF RIVERSIDE, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA

DAVID EVANS AND ASSOCIATES, INC. ONTARIO, CA.
DECEMBER 2003

BENEFICIARY STATEMENT:

AMERICAN CONTRACTORS INDEMNITY COMPANY, BENEFICIARY, UNDER A DEED OF TRUST RECORDED APRIL 13, 2004 AS INSTRUMENT NO. 2004-0267132

BY Robin James V.P. SR. V.P.

NOTARY ACKNOWLEDGMENT:

STATE OF CALIFORNIA }
COUNTY OF LOS ANGELES } SS:

ON 9-30-2004, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID STATE PERSONALLY APPEARED JEFFREY D. GABRIEL AND _____, PERSONALLY KNOWN TO ME ~~(OR PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE)~~ TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE/THEY EXECUTED THE SAME IN HIS/HER/THEIR AUTHORIZED CAPACITY(IES), AND THAT BY HIS/HER/THEIR SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S), OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

WITNESS MY HAND

SIGNATURE Thea A. Johns NAME (PRINTED) THEA A. JOHNS

MY COMMISSION EXPIRES: 5-18-2008 MY COMMISSION NO. 1490424

MY PRINCIPAL PLACE OF BUSINESS IS IN LOS ANGELES COUNTY.

NOTARY ACKNOWLEDGMENT:

STATE OF CALIFORNIA }
COUNTY OF Los Angeles } SS:

ON 10-04-04, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID STATE PERSONALLY APPEARED REGAN JAMES AND LEE BACK, PERSONALLY KNOWN TO ME ~~(OR PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE)~~ TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT [redacted]/SHE/THEY EXECUTED THE SAME IN [redacted]/HER/THEIR AUTHORIZED CAPACITY(IES), AND THAT BY [redacted]/HER/THEIR SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S), OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

WITNESS MY HAND

SIGNATURE Deborah Reese NAME (PRINTED) DEBORAH REESE

MY COMMISSION EXPIRES: 3-18-07 MY COMMISSION NO. 1406149

MY PRINCIPAL PLACE OF BUSINESS IS IN Los Angeles COUNTY.

SIGNATURE OMISSIONS:

PURSUANT TO SECTION 66436 (c) (1) OF THE SUBDIVISION MAP ACT, THE FOLLOWING SIGNATURES HAVE BEEN OMITTED:

THE ARLINGTON MUTUAL WATER COMPANY, ITS SUCCESSORS OR ASSIGNS; THE SECURITY TRUST AND SAVINGS BANK, A CORPORATION, HOLDER OF AN EASEMENT, FOR PUBLIC UTILITIES BY INSTRUMENT RECORDED FEBRUARY 13, 1925, IN BOOK 629, PAGE 218, OF DEEDS.

TWIN BUTTES WATER COMPANY, A CORPORATION, HOLDER OF AN EASEMENT FOR WATER DITCHES, CANALS, PIPELINES, FLUMES AND CONDUITS BY INSTRUMENT RECORDED AUGUST 11, 1919, IN BOOK 508, PAGE 101, OF DEEDS.

CITIZENS DOMESTIC WATER COMPANY HOLDER OF AN EASEMENT, FOR PIPE OR LINES OF PIPES, DITCHES OR FLUMES BY INSTRUMENT RECORDED MARCH 18, 1926, IN BOOK 663, PAGE 591, OF DEEDS.

SECURITY FIRST NATIONAL BANK OF LOS ANGELES HOLDER OF AN EASEMENT FOR UTILITIES BY INSTRUMENT RECORDED DECEMBER 10, 1931, IN BOOK 60, PAGE 165, OF OFFICIAL RECORDS.

GEOTECHNICAL ENGINEERING REPORT

A GEOTECHNICAL ENGINEERING REPORT WAS PREPARED FOR THIS SUBDIVISION BY KHATAN INTERNATIONAL, INC. ON MAY 23, 2003, AS REQUIRED BY THE HEALTH AND SAFETY CODE OF CALIFORNIA, SECTION 17943

SURVEYOR'S NOTES

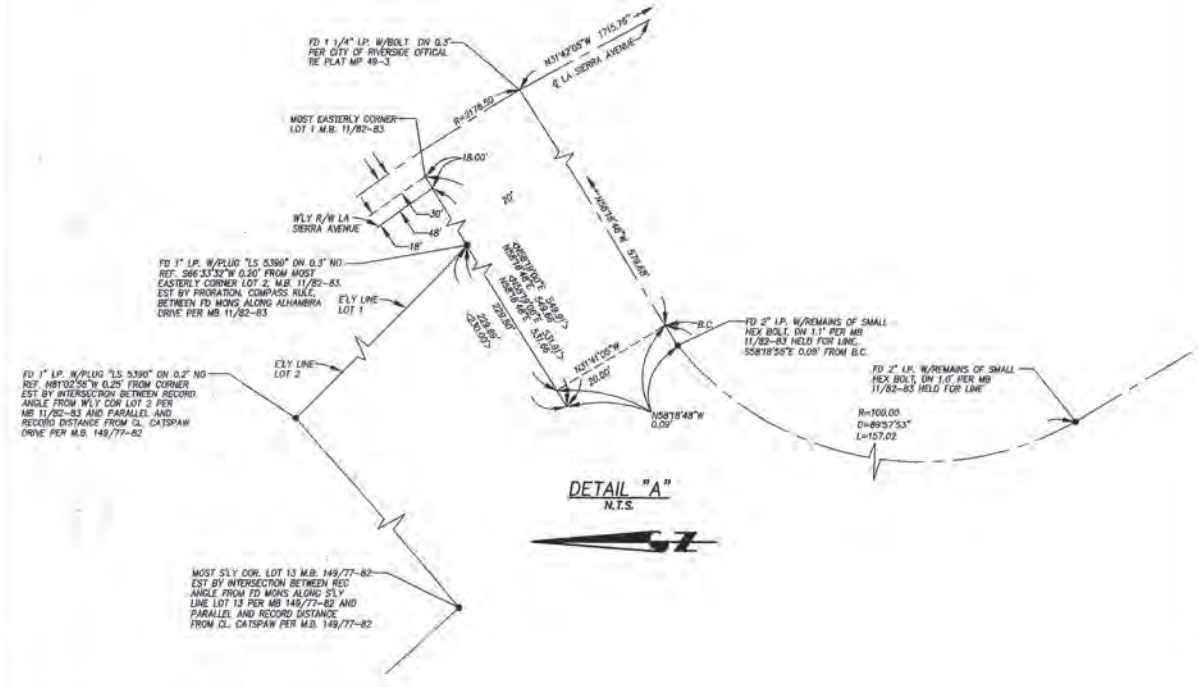
THE BASIS OF BEARINGS FOR THIS MAP IS THE CENTERLINE OF LA SIERRA AVENUE TAKEN AS N31°42'05"W PER TRACT NO. 22108-1, M.B. 195/90-95

- O INDICATES SET SPIKE AND TAG FLUSH ON STREET CENTERLINES STAMPED L.S. 5022, UNLESS OTHERWISE NOTED.
  SET 1" I.P. WITH PLASTIC PLUG STAMPED L.S. 7629 FLUSH, AT ALL LOT CORNERS, EXCEPT SET NAIL AND TAG IN CONCRETE CURB ON PROLONGATION OF SIDE LOT LINES IN LIEU OF FRONT LOT CORNERS UNLESS OTHERWISE NOTED.
- □ INDICATES SET 1" I.P. WITH PLASTIC PLUG STAMPED L.S. 7629, FLUSH
- ● INDICATES FOUND MONUMENT AS SHOWN
- < > INDICATES RECORD AND MEASURED BEARINGS AND DISTANCES PER GOLDEN TERRACE, M.B. 11/82-83
- [ ] INDICATES RECORD BEARINGS AND DISTANCES PER PARCEL MAP NO. 9511 P.M.B. 40/63-64
- ( ) INDICATES RECORD BEARINGS AND DISTANCES PER TRACT 19991, M.B. 149/77-82

THIS TRACT CONTAINS 37.23 ACRES.

(R) = INDICATES RADIAL BEARINGS.

Ⓐ EST BY PRORATION BETWEEN SWLY CORNER PMB 40/63-64 (FORMERLY LOT 5, M.B. 11/82-83) AND MOST WLY COR LOT 3, M.B. 11/82-83



DETAIL "A"
N.T.S.

IN THE CITY OF RIVERSIDE, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA

TRACT NO. 28756

BEING A SUBDIVISION OF LOT 2 AND A PORTION OF LOT 3 OF GOLDEN TERRACE AS PER MAP RECORDED IN BOOK 11, PAGES 82 AND 83 OF MAPS AND A PORTION OF THE NW 1/4 OF SEC4, T3S, R6W, S.B.M, AS SHOWN BY THE MAP OF RANCHO LA SIERRA ON FILE IN MAP BOOK 6 PAGE 70 THEREOF ALL IN THE CITY OF RIVERSIDE, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA

DAVID EVANS AND ASSOCIATES, INC. ONTARIO, CA.
DECEMBER 2003

SCALE: 1"= 60'

SURVEYOR'S NOTES

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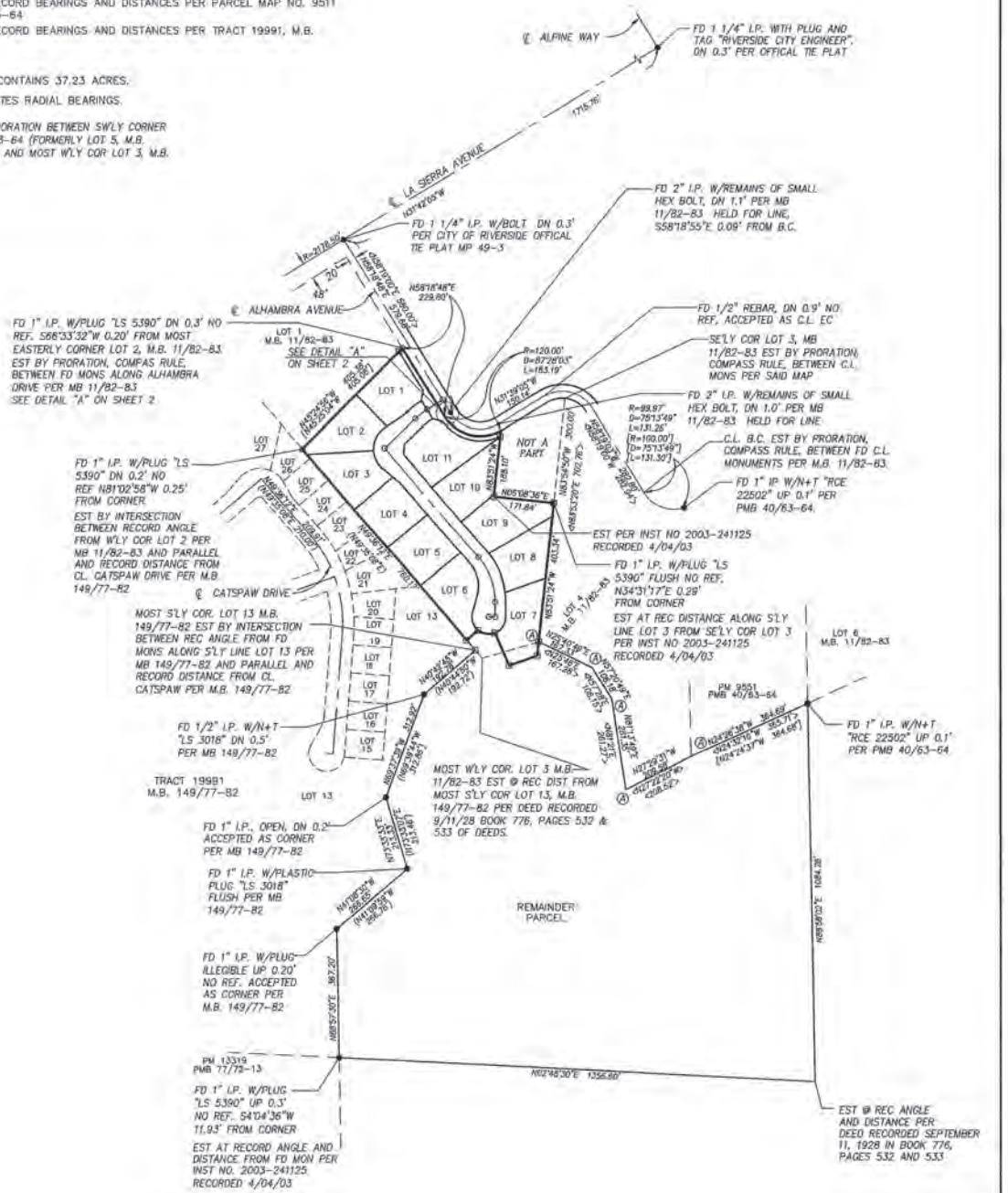
POTENTIAL LIQUEFACTION

ALL OR A PORTION OF THE PROPERTY INCLUDED WITHIN THIS MAP HAS BEEN IDENTIFIED BY THE CITY OF RIVERSIDE SEISMIC SAFETY ELEMENT OF THE GENERAL PLAN AS BEING POTENTIALLY SUBJECT TO LIQUEFACTION SHOULD GROUND SHAKING OCCUR. TO LIMIT THE POSSIBILITY OF STRUCTURAL DAMAGE OR FAILURE IN SUCH AN EVENT, A GEOLOGICAL INVESTIGATION ACCEPTABLE TO THE CITY BUILDING OFFICIAL MAY BE REQUIRED AS A PREREQUISITE TO ISSUANCE OF BUILDING PERMITS.



IN THE CITY OF RIVERSIDE, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA

SHEET 4 OF 4 SHEETS

TRACT NO. 28756

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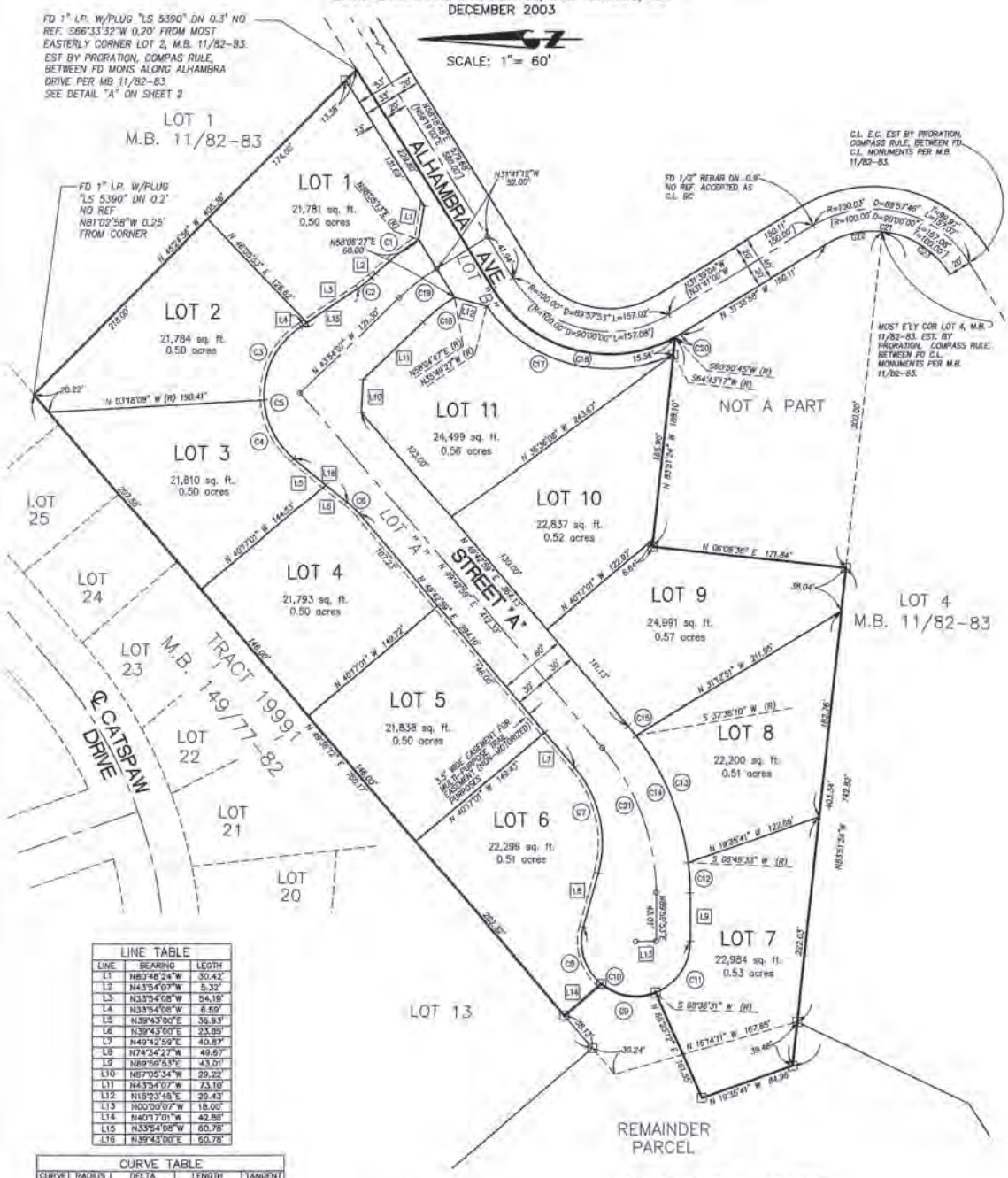

LINE TABLE		
LINE	BEARING	LEGTH
L1	N80°48'24"W	30.42'
L2	N43°54'07"W	5.32'
L3	N33°54'08"W	54.19'
L4	N33°54'08"W	6.59'
L5	N39°43'00"E	36.93'
L6	N39°43'00"E	23.85'
L7	N49°42'59"E	40.82'
L8	N74°34'27"W	49.67'
L9	N89°59'53"E	43.01'
L10	N67°05'34"W	39.22'
L11	N43°54'07"W	73.10'
L12	N15°23'45"E	29.43'
L13	N00°00'07"W	18.00'
L14	N40°17'01"W	42.86'
L15	N33°54'08"W	60.78'
L16	N39°43'00"E	60.78'

CURVE TABLE				
CURVE	RADIUS	DELTA	LENGTH	TANGENT
C1	230.00	11°59'20"	48.13	24.15
C2	88.00	5°00'00"	15.36	7.70
C3	73.00	59°24'00"	75.68	41.64
C4	73.00	46°58'52"	59.86	31.73
C5	73.00	106°22'52"	135.54	97.55
C6	88.00	5°00'00"	15.36	7.70
C7	103.00	55°42'34"	100.15	54.43
C8	48.00	66°09'56"	55.43	31.27
C9	48.00	60°39'08"	50.81	28.08
C10	48.00	195°25'40"	163.72	354.37
C11	48.00	68°36'28"	57.48	32.75
C12	230.00	6°49'28"	27.39	13.71
C13	230.00	30°46'37"	123.55	63.30
C14	230.00	40°16'54"	161.70	84.36
C15	230.00	2°40'51"	10.76	5.38
C16	170.00	11°58'54"	35.55	17.84
C17	133.00	79°26'47"	184.42	110.51
C18	170.00	87°28'03"	183.19	114.81
C19	200.00	12°12'55"	42.64	21.40
C20	120.00	2°29'50"	5.23	2.62
C21	200.00	40°16'54"	140.61	73.38
C22	80.03	37°46'29"	82.77 <52.77>	27.36
C23	80.03	52°11'17"	72.90 <72.89>	39.20

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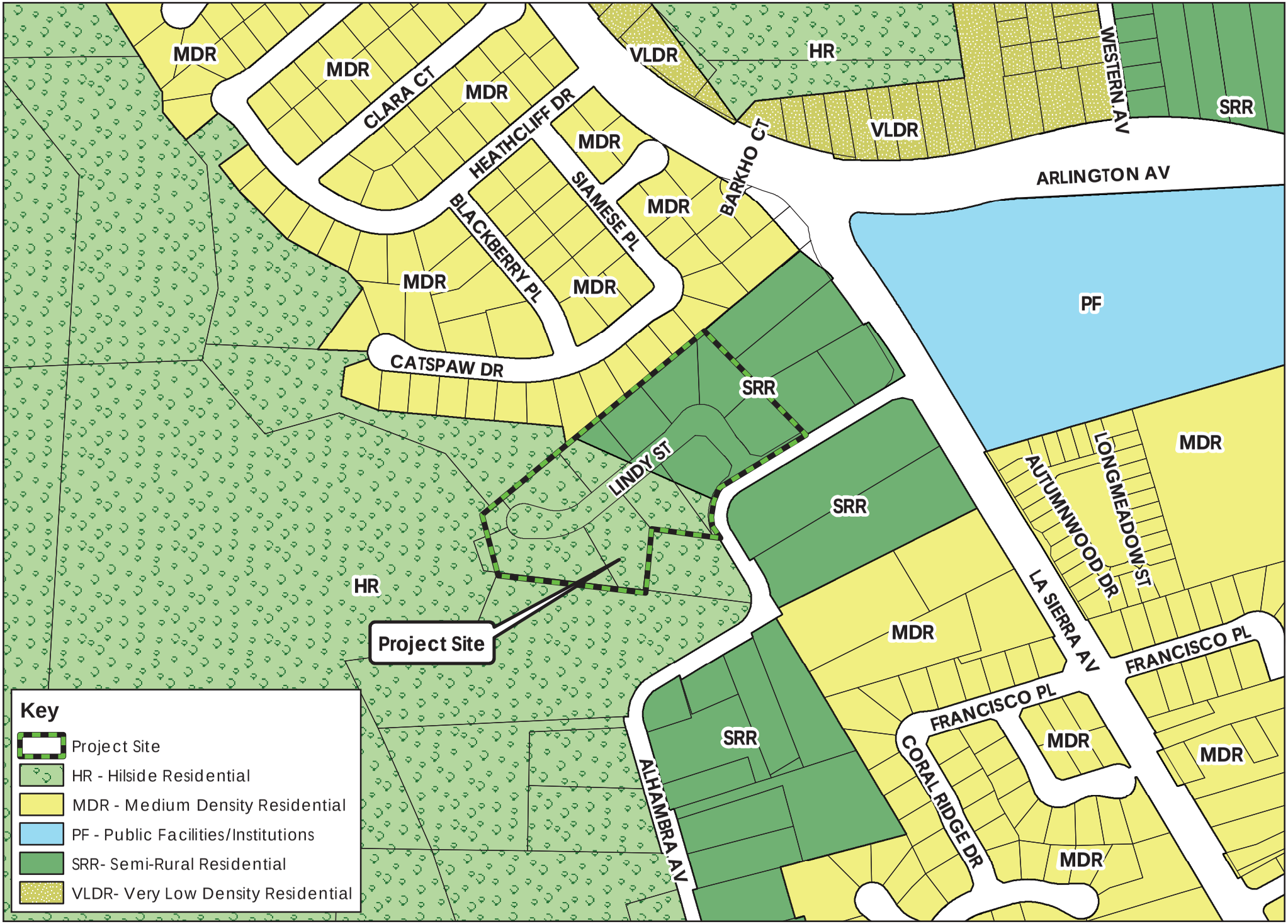


PR-2022-001313 (ZC, RZ), Exhibit 13 - General Plan Map

0 75 150 300 Feet

NORTH

PR-2022-001313 (ZC, RZ), Exhibit 14 - Location Map

0 75 150 300 Feet

NORTH

Existing **Proposed**

PR-2022-001313 (ZC, RZ), Exhibit 15 - Existing and Proposed Zoning Map

ADUs AND YOU: Accessory Dwelling Units in Riverside

A workshop for the public
Main Library
5:30 p.m. – 7:00 p.m.

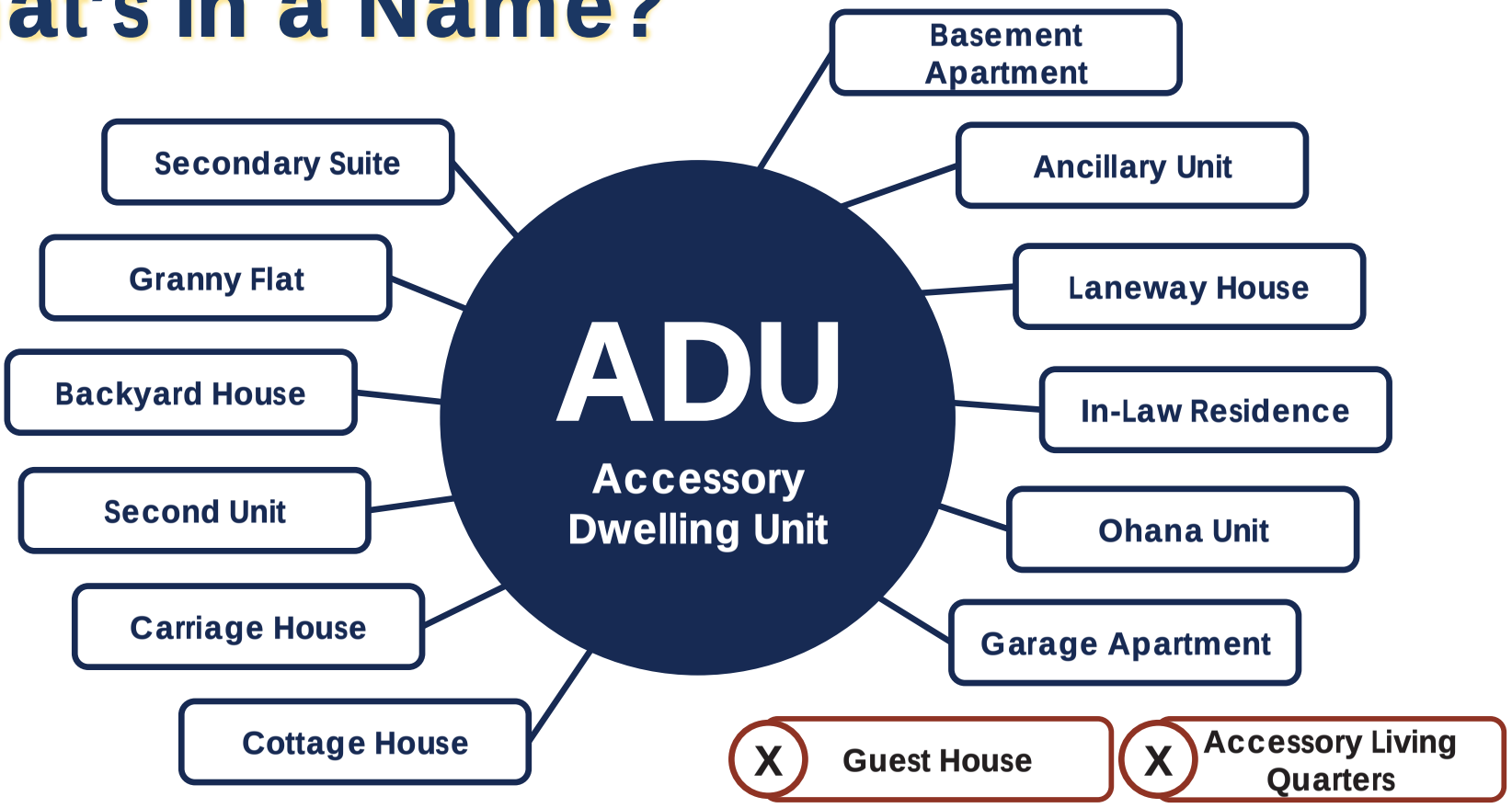
OFFICE OF MAYOR PATRICIA LOCK-DAWSON
and
COUNCILMEMBER ERIN EDWARDS
with
Community & Economic Development Department
and
Sagecrest Planning & Environmental

CITY OF RIVERSIDE

Tonight's Agenda

- Welcome/Opening Remarks
- What is an ADU?
- How did we get here?
- What are the State requirements?
- What is allowed?
- How are ADUs regulated in Riverside?
- Listening and Discussion

What's in a Name?



What is an ADU?

- Independent housing unit

  ✓Living ✓Cooking

  ✓Sleeping ✓Bathroom

- Can rent separately
- Are *accessory* to and are typically smaller than the primary house

Source: accessorydwelling.org

- Maximum size of 1,200 square feet (unless converted from existing structure)
- Attached (with independent access) or detached from main house