



City of Arts & Innovation

# City Council Memorandum

**TO: HONORABLE MAYOR AND CITY COUNCIL**                      **DATE: JUNE 21, 2022**

**FROM: COMMUNITY & ECONOMIC DEVELOPMENT**                      **WARDS: ALL**  
**DEPARTMENT**

**SUBJECT: PLANNING CASE PR-2022-001313: RIVERSIDE MUNICIPAL CODE AMENDMENTS RELATED TO: SENATE BILL 9 IMPLEMENTATION; ACCESSORY, JUNIOR ACCESSORY AND MOVABLE ACCESSORY DWELLING UNITS; OBJECTIVE DEVELOPMENT STANDARDS FOR HOUSING ELEMENT IMPLEMENTATION; AND ZONING CLEANUP ITEMS – PARKING REQUIREMENTS, APPEALS, VARIANCE FINDINGS, AND APPLICATION OF RESIDENTIAL LIVESTOCK OVERLAY ZONE TO TRACT NO. 28756**

**ISSUE:**

Planning Case PR-2022-001313 (Riverside Municipal Code Amendments) for proposed amendments to Titles 17 (Grading), 18 (Subdivision) and 19 (Zoning) of the Riverside Municipal Code which includes the following:

1. Implementation of Senate Bill (SB) 9;
2. Updated regulations for Accessory and Junior Accessory Dwelling Units (ADUs and JADUs) and proposed regulations for Movable ADUs (MADUs);
3. Updates to objective design and development standards for mixed-use and multifamily development to implement Action HE-5.2 of the 2021-2029 6<sup>th</sup> Cycle Housing Element;
4. Zoning Cleanup items related to
  - a. Parking requirements;
  - b. Appeal timeframes; and
  - c. Variance findings; and
5. Application of the RL – Residential Livestock Overlay Zone to an existing 10-lot single-family residential subdivision to fulfill Condition of Approval #9 of Tract Map No. 28756.

**RECOMMENDATIONS:**

That the City Council:

1. 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. Approve Planning Case PR-2022-001313 (Zoning Text Amendment and Rezoning) based on the findings summarized in the Staff Report;
3. Introduce and subsequently adopt the attached Ordinance amending Title 17 (Grading) of the Riverside Municipal Code (Attachment 1);
4. Introduce and subsequently adopt the attached Ordinance amending Title 18 (Subdivision) of the Riverside Municipal Code (Attachment 2);
5. Introduce and subsequently adopt the attached Ordinance amending Title 19 (Zoning) of the Riverside Municipal Code, as modified by the Planning Commission (Attachment 3); and
6. Introduce and subsequently adopt the attached Ordinance amending the Zoning Map to apply the RL – Residential Livestock Overlay Zone to lots 1-10 of Tract Map No. 28756 (Attachment 4).

### **CITY PLANNING COMMISSION RECOMMENDATION:**

On May 12, 2022, the City Planning Commission held a public hearing on the matter and deliberated several options for regulating SB 9 development, Accessory and Junior Accessory Dwelling Units (ADUs and JADUs) and Movable ADUs (MADUs). A motion to approve Staff's recommendation was approved unanimously, with the following modifications/changes:

1. Building Height
  - a. Planning Commission recommends limiting all SB 9 and ADU development to a single story. (Commissioner Ridgway objecting in favor of allowing the Zone to determine allowed height).
  - b. Staff recommends that all SB 9 and ADU two-story development taller than 16 feet have the same side and rear yard setbacks applicable to the primary dwelling or, as an alternative, require the building height not to exceed that of an existing primary dwelling, whether one story or two.
2. Parking
  - a. Planning Commission recommends that SB 9 development be required to provide one on-site covered parking space per unit Commissioner Roberts objecting in favor of an enclosed garage).
  - b. Staff agrees with this recommendation.
3. Public Noticing
  - a. The Commission failed to reach a consensus on whether to require a mailed courtesy notice to surrounding property owners for SB 9 development.
  - b. Staff recommends noticing of property owners within 300 feet.
4. MADUs
  - a. Recommends permitting MADUs subject to specified development standards.

- b. Staff agrees with this recommendation. (Commissioner Mooney objecting in favor of continuing to disallow them).

The May 12, 2022, Planning Commission Staff Report and Exhibits and the minutes from the meeting are included as an attachment to this Staff Report (Attachments 5 and 6).

## **LEGISLATIVE HISTORY:**

### **Legislation to Expand Housing Production**

Beginning in 2016, the California legislature began to pass a series of bills designed to encourage additional small-scale housing production by requiring jurisdictions throughout the State to meet requirements that would alleviate restrictions on residential development. AB 2299 and Senate Bill (SB) 1069 in 2016, SB 229 and AB 494 in 2017, and AB 68 and 881 in 2019 expanded the ability to construct Accessory and Junior Accessory Dwelling Units (ADUs and JADUs) on both single-family and multi-family properties.

Senate Bill 330 (the Housing Crisis Act of 2019, or SB 330) limits a local jurisdiction’s ability to deny a housing development or condition its approval on a reduction of density if the project meets specific criteria, including that the development complies with written, objective standards, which are defined as “those that involve no personal or subjective judgment by a public official.”

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, provided certain eligibility criteria related to environmental and historic resources, hazards, and displacement avoidance are met.

### **Grant Funding for Planning Efforts**

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. 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 for the Local Early Action Planning (LEAP) Grant Program to local jurisdictions for planning activities that accelerate housing production and assist jurisdictions in meeting their RHNA obligations. Riverside received a \$750,000 LEAP grant allocation in Spring 2020.

## **BACKGROUND:**

The following summarizes previous City actions and initiatives related to the RMC amendments summarized in this Staff Report.

### **Housing Element Update and Implementation**

In October 2021, the City Council adopted the 6th Cycle Housing Element Update (HE 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. The HE Update was accompanied by an Action Plan containing actions to implement its policies. These include Actions HE-5.1 and HE-5.2 to streamline ADU development and create objective development standards for Housing Element sites.

### **Movable Accessory Dwelling Units (MADUs)**

In November 2021, the Land Use, Sustainability and Resiliency Committee reviewed the City’s existing Accessory Dwelling Unit (ADU) regulations as they relate to MADUs (previously referred to as “ADUs on chassis”) and provided direction to solicit community input. An MADU is a premanufactured independent living facility 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 as “moveable tiny homes.”

### **Zoning Cleanup**

Planning Staff continuously track the applicability and accuracy of the Zoning Code to ensure the regulations are consistent with State Law, provide clear direction, and do not conflict with other sections, building on the “Streamline Riverside” initiative that continually identifies and implements strategic changes to City processes. Zoning Cleanups are periodically brought forward to make these improvements.

### **Tract No. 28759 - Rezoning**

In September 1998, the Planning Commission approved Tentative Tract Map No. 28759, to subdivide a vacant site into 11 single-family lots, which was recorded in April 2004 and constructed beginning in 2018. In approving the tentative tract map the Commission imposed Condition of Approval #9, which committed the City to initiate a Rezoning case to apply the RL – Residential Livestock Overlay Zone to the site. However, this case was never initiated, and the overlay zone was never applied.

### **DISCUSSION:**

The proposed amendments are intended to bring the Riverside Municipal Code into compliance with applicable state law; implement the Policies and Actions of the HE Update; encourage new and innovative approaches to providing additional housing options for all residents; and improving the consistency, clarity, and usability of the City’s development regulations.

The following provides a summary of the proposed Code amendments. Additional details can be found in the May 12 Planning Commission Staff Report (Attachment 5) and the draft Ordinances (Attachments 1-3).

### **SB 9 Implementation**

1. **TITLE 17:** Chapter 17.28 of the Grading Code (Hillside and Arroyo Grading) is amended to update language that currently limits grading in areas having an average natural slope (ANS) in excess of 10% to the minimum amount necessary to accommodate one single-family residential development. This language has been updated to achieve consistency with SB 9 two-unit developments, which are allowed in these areas. The maximum pad size limits based on ANS have not been changed.
2. **TITLE 18:** SB 9 allows for the ministerial approval of an Urban Lot Split to create two lots from an existing parcel in any single-family residential zone subject to certain minimum standards and eligibility criteria. To provide for ministerial approval of Urban Lot Splits complying with both SB 9 and the California Subdivision Map Act, 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, or the minimum width required to provide adequate access for firefighting apparatus, where required.
    - ii. Noticing: 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. It should be noted that the Planning Commission did not reach consensus on whether to add this requirement.
  - 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)
      1. The minimum lot dimensions are eliminated from this section and replaced with a reference to the minimum dimensions established in the Zoning Code.
      2. 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).
      3. 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.
3. **TITLE 19:** 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, subject to minimum development standards and eligibility criteria. Two-Unit Developments can be

combined with Urban Lot Splits as well as ADUs and JADUs, subject to limits on the total number of units. In order to accommodate Two-Unit Developments consistent with 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 Urban Lot Splits.
  - iii. 19.100.060 - Additional regulations for the RA-5, RE, RC, RR and R-1 Zones: Language related to nonconforming 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 that RP Overlay standards to apply independently to each dwelling unit on a lot (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 has some ability to apply objective design standards so long as they do not prevent the minimum amount of development permitted by law. This new Chapter includes development regulations and design standards intended to implement SB 9 while retaining a reasonable degree of local control in addition to promoting infill housing development. In addition to minimum standards and requirements established by law, additional considerations 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.
  - ii. Design: Proposed 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: Proposed regulations would require that two-story development taller than 16 feet have the same side and rear yard setbacks applicable to the primary dwelling.
  - 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). Proposed regulation would require the same three-year owner occupancy requirement and affidavit for Two-Unit Developments that the state law requires for Urban Lot Splits.
  - vi. Noticing: Proposed amendments include a requirement that applicants for a Two-Unit Development provide written notice via certified U.S. Mail to property owners 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 Splits are added.

### **ADUs, JADUs and MADUs**

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

#### **1. Chapter 19.442 – Accessory Dwelling Units:**

- a. ADUs and JADUs: Requirements throughout the Chapter are updated to clarify existing regulations, primarily related to building height and setbacks and provide increased setbacks for ADUs over 16 feet in height to match those of the underlying zone.
- b. MADUs:
  - i. Existing regulations for detached ADUs are modified, as applicable, to make them applicable to MADUs.
  - ii. Objective design and development standards are established for MADUs to ensure they maintain compatibility with their surroundings including 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.

2. **Chapter 19.520 – Rental of Rooms:** Amendments to this Chapter extend its provisions, including the existing limitation to four individual leases for any single-family property, to apply to all dwellings located on a lot including primary dwellings, Two-Unit Developments, ADUs and JADUs.

3. **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.

#### **4. Chapter 19.910 – Definitions:**

- a. The definition for ADUs is changed to add reference to the California Building Code as it relates to efficiency units.
- b. A new definition is provided for MADUs.
- c. The definition for JADU is updated for clarity.
- d. The definition for efficiency dwelling units is deleted and a reference is added to the definition for ADU, which includes efficiency units.
- e. The definition for granny flat is deleted.
- f. The definition for tiny home (foundation) is updated for clarity.

## **Objective Development Standards**

The proposed amendments build on the previous efforts to establish objective standards for mixed-use and multifamily development and serve to implement Housing Element Action HE-5.2:

### **1. Chapter 19.100 – Residential Zones:**

- a. 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.
- b. Section 19.100.070 – Additional regulations for the R-3 and R-4 Zones is updated to improve clarity and objectivity of standards including but not limited to:
  - i. Common open space amenities;
  - ii. Recreational vehicle parking areas;
  - iii. Architectural design for carports, garages and parking structures; and
  - iv. Architectural treatment of windows, façade articulation, fences and walls.

### **2. Chapter 19.120 – Mixed-Use Zones:**

- a. 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.
- b. Section 19.120.070 – Design Standards are updated to improve clarity and objectivity of standards including but not limited to:
  - i. Pedestrian connectivity and building along streets;
  - ii. Building façade articulation and treatment;
  - iii. Window, patio and balcony placement for privacy protection;
  - iv. Pedestrian and vehicular circulation;
  - v. Fence and wall materials; and
  - vi. Trash collection and storage areas.

## **Zoning Cleanup**

### **1. Chapter 19.580 – Parking and Loading:**

- a. The Parking Requirements table (19.580.060) has been revised to align the uses listed in the table with the uses listed in Table 19.150.020.A – Permitted Uses Table. 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.
- b. Additional amendments clarify regulations for parking of recreational vehicles under 10,000 pounds gross vehicular weight in single-family residential zones and the required method for measuring the dimensions of angled parking spaces.



2. **Chapter 19.680 – Appeals** is amended to remove the existing 45-day time limit for hearing appeals, replacing it 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.
3. **Chapter 19.720 – Variance** is amended to revise the required findings of fact for the approval of a Variance to align with Govt. Code §65906.

### **Rezoning – Tract 28756**

In approving this Tentative Tract Map, the Planning Commission imposed Condition of Approval #9 indicating that the City would initiate a Rezoning case to apply the RL – Residential Livestock Overlay Zone to this tract. 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.

### **PUBLIC OUTREACH AND COMMENT**

Staff conducted a series of three public workshops each for the ADU, JADU and MADU amendments (March 2022) and the SB 9 implementation (April-May 2022). Each workshop provided an overview of the topic, background and legislative history, process requirements, and a facilitated discussion and interactive Q&A with City Staff from multiple departments present. Input on proposed Municipal Code Amendments was solicited at each workshop. Additional details can be found in Attachment 5.

For the proposed application of the RL Overlay Zone to Tract No. 28756, 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, no responses have been received. Comments received in response to the same notice provided prior to the May 12 Planning Commission hearing can be found in Attachment 5.

### **ENVIRONMENTAL REVIEW**

The proposed amendments are exempt from further 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.

### **STRATEGIC PLAN ALIGNMENT**

The Zoning Streamline Phase 1 aligns with **Strategic Priority No. 2 – Community Well-Being**, and more specifically with **Goal 2.1 – Facilitate the development of a quality and diverse housing supply that is available and affordable to a wide range of income levels.**

In addition, the project aligns with the five Cross-Cutting Threads as follows:

1. **Community Trust** – The Riverside Municipal Code Amendments included an extensive community engagement process.
2. **Equity** – The Riverside Municipal Code Amendments implement State legislation designed with the intent to minimize real estate speculation and reduce risk of displacement in vulnerable communities.
3. **Fiscal Responsibility** – The Riverside Municipal Code Amendments leverage existing resources and dedicated state funding to attain compliance with state law and achieve the City’s housing goals.
4. **Innovation** – The Riverside Municipal Code Amendments incorporate latest best practices for streamlining and promoting housing development, including new technologies related to Movable ADUs.
5. **Sustainability & Resiliency** – The Riverside Municipal Code Amendments promote infill development that will help reduce greenhouse gas emissions by reducing vehicle miles traveled, as well as providing an alternative to greenfield sprawl development.

**FISCAL IMPACT:**

There is no fiscal impact associated with this report. Portions of the Riverside Municipal Code Amendments, including amendments related to ADUs, JADUs, MADUs, and Objective Development Standards, were funded by the City’s SB 2 and LEAP Grant awards.

Prepared by: Chris Christopoulos, Acting Director, Community & Economic Development Director

Certified as to availability of funds: Edward Enriquez, Interim Assistant City Manager/Chief Financial Officer/Treasurer

Approved by: Rafael Guzman, Assistant City Manager

Approved as to form: Phaedra A. Norton, City Attorney

**Attachments:**

1. Ordinance – Title 17 Amendments
2. Ordinance – Title 18 Amendments
3. Ordinance – Title 19 Amendments
4. Ordinance – Rezoning of Tract No. 28756
5. Planning Commission Staff Report and Exhibits – May 12, 2022
6. Draft Minutes – Planning Commission Meeting – May 12, 2022
7. Presentation