



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

**SUMMARY**

<b>Case Numbers</b>	PR-2022-001313 (Zoning Text Amendment and Rezoning)
<b>Request</b>	<p>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:</p> <ol style="list-style-type: none"><li>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);</li><li>2) Streamline and clarify the City's development regulations related to Accessory and Junior Accessory Dwelling Units to reduce barriers and increase housing production;</li><li>3) Clarify and improve existing Objective Design Standards for multi-family and mixed-use development as an implementing action of the recently adopted 6<sup>th</sup> Cycle Housing Element;</li><li>4) Complete Clean-Up items:<ol style="list-style-type: none"><li>A. Title 19 text changes:<ol style="list-style-type: none"><li>i. Align the Parking Requirements Table with the Base Zones Permitted Land Uses Table for clarity and ease of use;</li><li>ii. adjust time frames to consider appeals of land use entitlement decisions to better serve applicants, appellants, decisionmakers and the community; and</li><li>iii. Align required findings of fact for granting a Variance to comply with applicable State standards; and</li></ol></li><li>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.</li></ol></li></ol>

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

## 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.

## **TITLE 19 (ZONING)**

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 6<sup>th</sup> 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 6<sup>th</sup> 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

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