



*City of Arts & Innovation*

# City Council Memorandum

**TO: HONORABLE MAYOR AND CITY COUNCIL** **DATE: OCTOBER 11, 2022**

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

**SUBJECT: PLANNING CASE PR-2022-001391: ZONING CODE TEXT AMENDMENTS**  
**RELATED TO THE DENSITY BONUS ORDINANCE AND ZONING CLEANUP**  
**ITEMS**

## **ISSUE:**

Planning Case PR-2022-001391 (Zoning Text Amendment) for proposed Zoning Text Amendments to Title 19 (Zoning) of the Riverside Municipal Code related to repealing and replacing Chapter 19.545 (Density Bonus) and Zoning Cleanup Items related to setbacks in the Industrial Zones, site location criteria for on-sale of alcoholic beverages, parking requirements for certain uses, required findings for Fair Housing Requests for Reasonable Accommodation, and modifications to definitions.

## **RECOMMENDATIONS:**

That the City Council:

1. Determine that Planning Case PR-2022-001391 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;
2. Approve Planning Case PR-2022-001391 (Zoning Text Amendment) based on the findings summarized in the Staff Report; and
3. Introduce and subsequently adopt the attached Ordinance amending Title 19 (Zoning) of the Riverside Municipal Code.

## **CITY PLANNING COMMISSION RECOMMENDATION:**

On August 18, 2022, the City Planning Commission public hearing considered: 1) The establishment of Chapter 19.535 to implement an inclusionary housing ordinance policy at the direction of the City Council Housing and Homelessness Committee; 2) Repeal and replacement of the Density Bonus Ordinance; and 3) Zoning Cleanup modifications.

Following the staff presentation and discussion, a motion was made to:

1. Bifurcate Chapter 19.535 from the approval and continue the Inclusionary Housing Ordinance to a future Planning Commission workshop and hearing.
2. Approve the repeal and replacement of the Density Bonus Ordinance and Zoning Cleanup Items.

The Planning Commission voted unanimously on the motion.

The August 18, 2022, Planning Commission Staff Report and Exhibits and the minutes from the meeting are included as an attachment to this Staff Report (Attachments 2 and 3).

## **BACKGROUND:**

### **California Density Bonus Law**

California Government Code §65915-65918, first adopted in 1979 and otherwise known as the Density Bonus Law, requires local jurisdictions to grant a density bonus and relief from selected development standards for residential and mixed-use development projects that include units reserved for moderate- or lower-income households. In recent years, additional legislation has expanded the types of projects that qualify for a Density Bonus and increased the bonus density that eligible projects may receive.

### **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.

## **DISCUSSION:**

The proposed Zoning Text Amendments will bring the Riverside Municipal Code into compliance with applicable state law and improve the consistency, clarity, and usability of the City’s development regulations. The following provides a summary of the proposed Zoning Text Amendment. Additional details can be found in the draft Ordinance (Attachment 1) and the August 18, 2022, Planning Commission Staff Report (Attachment 2).

### **Density Bonus Ordinance**

The proposed Zoning Text Amendments would repeal and replace the existing Chapter 19.545 (Density Bonus), the Density Bonus Ordinance (DBO). The two purposes of this modification include:

1. Bringing the City’s existing DBO into compliance with recently adopted State Law governing density bonuses (Cal. Gov. Code §65915-65918); and
2. Reorganizing and streamlining the DBO to improve readability and ease of use.

To qualify for a density bonus, the development must set aside a minimum proportion of units for lower- or moderate-income households or various special needs populations. The allowable

density bonus is set on a sliding scale that increases with the proportion of units set aside, up to the maximum bonus amount.

Major changes to the State's Density Bonus law enacted with recent legislation increase the maximum amount of bonus density for which a project may qualify from 35% over the allowed base density to 50% over the allowed base density in most cases. Projects that are 100% affordable to lower- and moderate-income households may qualify for a density increase of up to 80%, as well as allowances for additional building height. Projects that are both 100% affordable to lower-income households and located within proximity to public transportation are not subject to any maximum controls on density.

Other changes in State Law reflected in the revised Chapter 19.545 include new types of housing that are eligible for density bonus, changes to the available incentives or concessions are available to density bonus projects, and changes to statutory reductions in parking for eligible affordable projects.

### **Zoning Cleanup**

#### **1. Chapter 19.130 – Industrial Zones**

Table 19.130.030.A (Industrial Zones Development Standards) is amended to eliminate a conflict between the table and table notes related to setback requirements and to clarify the method for measuring minimum distances from residential zones or uses.

#### **2. Chapter 19.450 – Alcohol Sales**

Amendments to this Chapter resolve an ambiguity between general site location, operation, and development standards for the sale of alcoholic beverages for on-site consumption ("on-sale") at bona fide public eating places (i.e., restaurants).

#### **3. Chapter 19.580 – Parking and Loading – Table 19.580.060 – Required Spaces**

- a. Table notes are consolidated to create a single requirement allowing certain uses to meet their required off-street parking with off-street spaces within 300 feet of the site.
- b. A reduction in required parking from 1.1 spaces per bed to 0.5 spaces per bed is proposed for student housing developments within one-quarter mile (1,320 feet) of major transit stop or a college or university campus. This is consistent with reduced parking requirements provided in State density bonus law for this type of development established by Assembly Bill 2345.

#### **4. Chapter 19.850 – Fair Housing and Reasonable Accommodation**

This chapter is amended to align procedures and findings for granting a Request for Reasonable Accommodation with State and Federal Fair Housing Laws, which require that cities accommodate reasonable requests for deviation from zoning rules for special needs persons or households. This change affirmatively furthers fair housing by ensuring that special needs households have an avenue for requesting necessary accommodations for accessibility purposes and is an implementing action of the 2021-2029 6<sup>th</sup> Cycle Housing Element.

#### **5. Chapter 19.910 – Definitions**

This chapter is amended to add definitions for terms used in the revised Chapter 19.545 (Density Bonus).

## **ENVIRONMENTAL REVIEW**

The proposed Zoning Text Amendment 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 Zoning Text Amendment will have no effect on the environment.

## **STRATEGIC PLAN ALIGNMENT**

The proposed Zoning Text Amendment supports **Strategic Priority 2 – Community Well-Being**, and **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 each of the five Cross-Cutting Threads as follows:

1. **Community Trust** – The proposed Zoning Text Amendment improve the usability and accessibility of the City’s development regulations to the benefit of the end user.
2. **Equity** – The proposed Zoning Text Amendment will expand the availability of affordable housing options for all Riversiders.
3. **Fiscal Responsibility** – The proposed Zoning Text Amendment leverage existing resources and dedicated state funding to attain compliance with state law and achieve the City’s housing goals.
4. **Innovation** – The proposed Zoning Text Amendment incorporate latest best practices for streamlining and promoting housing development and promote equitable communities.
5. **Sustainability & Resiliency** – The proposed Zoning Text Amendment 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 action.

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

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

Approved by: Rafael Guzman, Assistant City Manager

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

### **Attachments:**

1. Ordinance – Title 19 Amendments
2. Planning Commission Staff Report and Exhibits – August 18, 2022
3. Draft Minutes – Planning Commission Meeting – August 18, 2022
4. Presentation