



Community & Economic Development Department

3900 Main Street, Riverside, CA 92522 | Phone: (951) 826-5371 |

Planning Division

RiversideCA.gov

**PLANNING COMMISSION HEARING DATE: DECEMBER, 17, 2015**

**AGENDA ITEM NO. 3**

## PROPOSED PROJECT

|                         |  |
|-------------------------|--|
| <i>Case Numbers</i>     | <b>P15-1045</b> (Zoning Code Text Amendment)   |
| <i>Request</i>          | Proposal by the City of Riverside to consider an amendment to Title 19 of the Municipal Code (Zoning Code), Chapter 19.895 – Room Rental Permit, to add an exemption for “single housekeeping units” as defined in Section 19.910.200 and other minor edits for clarity. |
| <i>Applicant</i>        | City of Riverside  |
| <i>Project Location</i> | Citywide   |
| <i>Staff Planner</i>    | Jay Eastman, Principal Planner, 951-826-5264; jeastman@riversideca.gov   |

## RECOMMENDATIONS

Pursuant to Chapters 2.40, Chapter 19.810, and 19.050.030 of the Riverside Municipal Code, the Planning Commission is required to review the proposed Zoning Code Text Amendment and either deny the proposal, or recommend City Council approval of the proposal. Specifically, Staff Recommends that the City Planning Commission:

1. **RECOMMEND that the City Council DETERMINE** that Planning Case P15-1045 (Zoning Code Text Amendment) is exempt from California Environmental Quality Act (CEQA) pursuant CEQA Guidelines Sec. 15061(b)(3), as the proposed changes to the City’s room rental permit requirements do not affect physical development; therefore it can be seen with certainty that there is no possibility that the amendment would have the potential to significantly effect on the environment; and
2. **RECOMMEND APPROVAL** to the City Council of Planning Case P15-1045, to amend Chapter 19.895 of the Zoning Code based on the findings outlined in the staff report

For an amendment to the Zoning Code be approved, Code Section 19.810.030.B requires an affirmative vote of at least 4 Planning Commission members, or a majority of member present, whichever is greater. The proposal will be presented to the City Council for final approval if it receives the minimum affirmative votes by the Planning Commission. If denied by the Planning Commission, however, the denial of the Code amendment is final unless appealed.

## BACKGROUND

The City of Riverside Municipal Code (RMC) allows for the rental of rooms in single-family residential dwellings, provided the number of individual renters per single-family residence is limited to a total of four (4), and that a dwelling with three (3) or four (4) renters obtain a Room Rental Permit (RMC Table 19.150.020(B); RMC Ch. 19.520; and RMC Ch. 19.895).

Municipal Code Chapter 19.895 – *Room Rental Permit*, establishes procedures for owners of single-family residences who rent rooms to three (3) or four (4) persons. This Chapter was added to the Municipal Code in August of 2013 as a result of rental housing problems in the University Neighborhood, and other areas in the vicinity of the University of California, Riverside (UCR) (Ord. 7222). The permit process was intended to better control the rental of rooms and any associated negative impacts on surrounding neighborhoods.

A United States District Court complaint challenging the Room Rental Ordinance was filed on July 9, 2014 by the Fair Housing Council of Riverside County, Inc. (Plaintiff). The Plaintiff contended that the City's adoption and enforcement of the Ordinance had a discriminatory effect and perpetuates segregation in violation of federal and state fair housing laws. The Plaintiff also contended that the City's adoption and enforcement of its Room Rental Ordinance violates the Due Process and Equal Protection Clauses of the Fourteenth Amendment of the US Constitution, privacy rights protected by Article 1 of the California Constitution, and other related statutes.

In September 2015 the City entered mediation with the Fair Housing Council of Riverside County, Inc. One item identified during mediation was related to the language contained within Chapter 19.895 – *Room Rental Permit*. As a result of the mediation process, City staff agreed to present a Zoning Code amendment to the Planning Commission and City Council for their consideration. The amendment currently being presented to the Planning Commission has been prepared to satisfy the terms of the pending mediation.

## PROPOSAL AND ANALYSIS

Exhibit 1 attached to this report reflects the proposed amendments to the existing Riverside Municipal Code Chapter 19.895 – *Room Rental Permit*. Most of the changes are grammatical in nature, and are intended to provide clarity regarding authority and process. The one change to the Code that is of more than grammatical is the addition of an exemption for "*single housekeeping units*". This exemption reads as follows:

### B. Exemption

The Room Rental Permit Requirements of this Chapter do not apply to the rental of a single family residence in any RR, RE, and R1 Zones to a "single housekeeping unit" as defined in Section 19.910.200.

The City's adopted definition of "single housekeeping unit", as referenced above, is as follows:

**"Single housekeeping unit** – One household where all the members have common access to and common use of all living, kitchen, and eating areas within the dwelling unit, and household activities and responsibilities such as meals, chores, expenses, and maintenance of the premises are shared or carried out according to a household plan or

other customary method. If all or part of the dwelling unit is rented, the lessees must jointly occupy the unit under a single rental agreement or lease, either written or oral, or implied with an owner; an owner's agent, representative or manager or family thereof is in residence."

Generally speaking this exemption is consistent with opinions presented to Staff by the public, during staff's analysis of problems/impacts within neighborhoods surrounding UCR. Many residents have expressed a desire for the City to establish requirements for homes occupied by families that are different from those occupied by (transient) renters. Unfortunately California law limits the ability of local jurisdictions to define what or who constitutes a "family". As such, the City's definition of "*family*", which is listed below, is essentially that of a *single housekeeping unit*; therefore, to exempt *single family housekeeping units* is to exempt homes occupied by "*families*".

**"Family** – Any individual or group of individuals living together, in a dwelling unit as a single housekeeping unit. Family does not include larger institutional group living situations, such as in a boarding house or hotel/motel/long-term stay."

Planning staff believes the proposed amendments to the Code's Room Rental Ordinance are appropriate given community concerns and the parameters defined by California law.

## ENVIRONMENTAL REVIEW

This proposed Zoning Code Text Amendment is exempt from California Environmental Quality Act (CEQA) review pursuant to CEQA Guidelines Sec. 15061(b)(3), as the proposed changes to the City's room rental permit requirements are procedural in nature. The changes to the Code that are proposed do not affect development standards, and have no effect on the physical environment. Therefore CEQA does not apply to this project because it can be seen with certainty that there is no possibility that the amendment would have the potential to significantly effect on the environment.

## PUBLIC NOTICE AND COMMENTS

Pursuant to Government Code Sec. 65090 and 65091, the proposed amendment to the Zoning Code was published in the Press Enterprise on December 5, 2015, more than 10 days prior to the public hearing. Additionally, because the code amendment affects all RR, RE and R1 zones, the number of property owners included in the amendment is greater than 1,000; therefore, per Government Code Sec. 65091(a)(4), the public notice in the Press Enterprise was a one-eight page display advertisement.

## 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. Draft Amendments to *Chapter 19.895, Room Rental Permit*

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Report and Recommendations Prepared by:  
Report and Recommendations Reviewed by:  
Report and Recommendations Approved by:  
Development Director

Jay Eastman, Principal Planner  
Ted White, City Planner  
Rafael Guzman, Community & Economic

## Chapter 19.895

## ROOM RENTAL PERMIT

**19.895.010 Purpose.****19.895.020 Procedures.****19.895.030 Room Rental Permit in Flow Chart Form.****19.895.010 Purpose.**

The purpose of this Chapter is to provide a procedure to permit owners of single-family residences/dwellings to rent a room or rooms 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. 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 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. Exemption**

The Room Rental Permit Requirements of this Chapter do not apply to the rental of a single family residence in any RR, RE, and R1 Zones to a "single housekeeping unit" as defined in Section 19.910.200.

**B.C. Approval**

Upon receipt of a complete application, the Zoning Administrator shall grant the permit if all requirements of Chapter 19.520 (Rental of Rooms) are met. The Zoning Administrator shall approve the application unless ~~findings are made~~ the Zoning Administrator finds that the approval would otherwise adversely affect the residential character of the neighborhood.

**C.D. 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.E. Appeal**

Any person may appeal the decision of the Zoning Administrator to the Planning Commission. A notice of public hearing for the appeal shall be provided pursuant to Section 19.670.030.

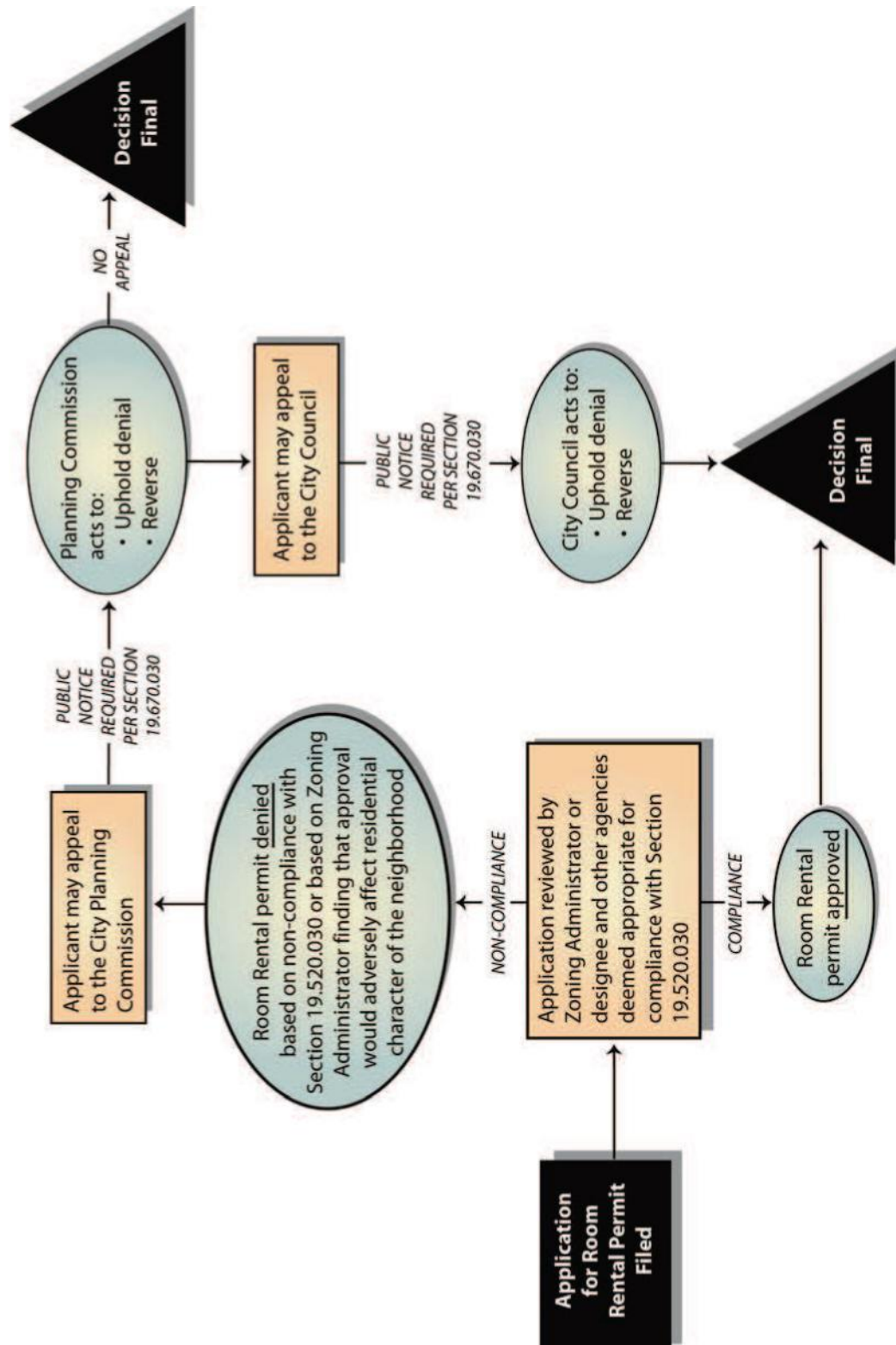
The decision of the Planning Commission may be appealed to the City Council. In the event of an appeal to the ~~Planning Commission or~~ City Council, notice shall be given in the same manner as the Planning Commission appeal pursuant to Section 19.670.030. The decision of the City Council shall be final.

~~E.F.~~ 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~~ (Liability for Extraordinary Police Services or Responses) or citations for violations related to noise or property use or maintenance within any ~~running~~ twelve-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. 7222 §6, 2013)~~

## 19.895.030 Room Rental Permit in Flow Chart Form.



(Ord. 7222 §6, 2013)