

# **EXHIBIT “H”**

## **Title 16**

### **Chapter 16.09**

#### **HOUSING CODE**

##### **Sections:**

- 16.09.010 Reference to Housing Code.**
- 16.09.020 Uniform Housing Code adopted--Filed with City Clerk.**
- 16.09.030 Section 203 deleted.**
- 16.09.035 Section 201.4 added-Deputies.**
- 16.09.080 Section 1607 amended-Payment.**
- 16.09.100 Additional requirement-Caretaker-Notice.**
- Section 16.09.110 Enforcement**

##### **Section 16.09.110 Enforcement**

In addition to any enforcement officer authorized to enforce the provisions of the Uniform Housing Code, City code enforcement officers and any health officer are hereby authorized to enforce the provisions of the Uniform Housing Code and specifically enforce for:

- A. Infestation of insects, vermin, or rodents.
- B. Any visible mold growth, excluding the presence of mold that is minor and found on surfaces that can accumulate moisture as part of their property function and intended use.

### **Chapter 16.44**

##### **Section 16.44.020 Definitions.**

As used in this chapter the following terms shall have the following meanings:

Building permit for new development means a building permit issued pursuant to chapter 16.08 of the Riverside Municipal Code for a structure or a portion of a structure which is not a replacement for a structure or a portion of a structure which existed on the same site on January 1, 1990.

Initial mobile home setup permit means the first mobile home setup permit to be issued by the Building Division of the Community & Economic Development Department for a space in a mobile home park. Subsequent mobile home setup permits issued for the same space shall not be subject to the requirements of this chapter.

**Section 16.44.070 Fee credits.**

A developer may apply for a reduction in the amount of the development fees required by this chapter in exchange for a donation of land to the City of Riverside which land is situated in a planned regional park or reserve park as shown in the City of Riverside general plan. The developer's application shall include an appraisal of the value of the land and shall be submitted to the Park, Recreation and Community Services Director. The Park, Recreation and Community Services Director shall confer with the Community & Economic Development Director and shall prepare a report with recommendations for the City Council regarding the proposed credit. The City Council may approve or deny the proposed credit or may approve the credit for a lesser amount than requested. The credit shall not exceed the amount of development fees required to be paid by the applicant. This section is not applicable to land donations made to the City or to commitments made to donate land to the City which donations or commitments were made prior to the effective date of this chapter or prior to City Council approval of a credit pursuant to this section.

**Section 16.44.075 Fee credits for land donated adjoining a regional park.**

Fee credits for the development fees required under this Chapter for a specified residential development area may be approved by the City Council upon its determination, by resolution, that the applicant for the fee credits for such specified residential development area has caused land adjoining an existing regional park to be committed for use as public open park space held by a public entity or has caused land to be donated to the City of Riverside and to be incorporated into the adjoining regional park. Said resolution shall designate the residential development area to which fee credits shall be issued and shall establish the dollar amount of such credits based upon an appraisal of the value of the land and evaluation of the proposed donation and its value by the City's Park, Recreation and Community Services Director and the Real Property Services Manager, who shall prepare a report to the City Council with recommendations regarding the proposed fee credits. The City council may approve or deny the proposed fee credits or may approve the fee credit for a lesser amount than requested. The credit shall not exceed the amount of regional park development fees required to be paid for the designated residential development area. At the time of adoption of the resolution approving the fee credit, the City Council shall initiate any necessary zoning change to place the subject land in the Official "O" Park Zone.

**Section 16.44.090 Annual report.**

Within sixty days of the close of each fiscal year, the Park, Recreation and Community Services Director and the Chief Financial Officer/Treasurer shall make a report to the City Council which shall include the beginning and ending balance for the fiscal year, the fee, interest and other income, the amount of expenditure by facility and the amount of any refunds made during the fiscal year. This report shall be made available to the public and shall be reviewed by the City Council at its next regularly scheduled public meeting not less than fifteen days after the report is released.

## **Chapter 16.48**

### **Section 16.48.080 Annual report.**

Within sixty days of the close of each fiscal year, the Public Works Director and the Chief Financial Officer/Treasurer shall make a report to the City Council which shall include the beginning and ending balance for the fiscal year, the fee, interest and other income, the amount of expenditure and the amount of any refunds made during the fiscal year. This report shall be made available to the public and shall be reviewed by the City Council at its next regularly scheduled public meeting not less than fifteen days after the report is released.

## **Chapter 16.56**

### **SCHOOL DEVELOPMENT FEE**

#### **Sections:**

- 16.56.010 Purpose.**
- 16.56.020 Definitions.**
- 16.56.030 Determination of overcrowding.**
- 16.56.040 Payment of fees.**
- 16.56.060 Separate fund.**
- 16.56.070 Annual report.**

### **Section 16.56.010 Purpose.**

The City of Riverside's general plan acknowledges the need to work with the local school districts to accommodate growth and reduce overcrowding. Future residential development has the potential to have a significant environmental effect on school services. For the purpose of mitigating the impact of residential development on a school district's ability to provide the normal functioning of educational programs, a school development fee may be required pursuant to the provisions of this Chapter.

### **Section 16.56.020 Definitions.**

For the purpose of this chapter, the following words and phrases shall have the meanings given to them below:

"Dwelling" means a building or portion thereof or a mobile home or manufactured house designed primarily for residential occupancy. The term dwelling does not include hotels or motels.

"Dwelling unit" means two or more rooms in a dwelling as defined above designed for occupancy by one family and having no more than one kitchen.

"Educational level" means elementary school, middle school and high school.

"Impacted area" means one or more attendance areas located within a school district that is found to be overcrowded.

"Residential development" means a project containing residential dwellings, including mobile homes, of one or more units or a subdivision of land for the purpose of constructing one or more residential dwelling units.

"School development fee" means a fee established pursuant to this chapter.

"School district" means any school district any part of which is located within the City.

**Section 16.56.030 Determination of overcrowding.**

A determination that an attendance area located in a school district is overcrowded may be made by the governing board of the school district pursuant to California Government Code section 65971. When the governing board has made the required findings that an attendance area in the school district is overcrowded it shall so notify the City of those findings. Thereafter the City Council shall either concur or not concur with the findings. Should the City Council concur, then no ordinance rezoning property, a discretionary permit for residential use or a tentative residential subdivision map shall be approved until the City Council adopts an ordinance or makes the findings required under section 65972 of the California Government Code.

**Section 16.56.040 Payment of fees.**

When fees are established for an impacted school district, such fees shall be paid prior to the issuance of a building permit or a mobile home set up permit for a proposed residential development. No building permit or mobile home set up permit for residential development shall be issued until such fees are paid. No fee shall be required for residential development which replaces on the same lot previously existing residential development, unit for unit, within one year from the date of destruction or relocation of the previously existing residential development.

**Section 16.56.060 Separate fund.**

All school development fees collected pursuant to this Chapter shall be placed in a separate fund to be established by the school district.

**Section 16.56.070 Annual report.**

Any impacted school district for which a fee has been collected, shall, at the end of the previous fiscal year, make a report to the City Council which shall include a statement of the amount of fees collected and spent in that previous fiscal year and a summary of the facilities acquired, constructed, leased or dedicated. The report shall also specify which attendance areas will continue to be overcrowded and where overcrowding will no longer exist.

**Chapter 16.60****Section 16.60.025 Definitions.**

For the purpose of this Chapter, the following words and phrases shall have the meanings respectively ascribed to them below:

1. "Duplex" means a building under one roof designed for or occupied exclusively for two families, living independently of each other.
2. "Dwelling unit" is as defined in Title 19 of this Code and also includes a manufactured dwelling unit as defined in said Title 19.
3. "Mobile home" is as defined in Title 19 of this Code.
4. "Multiple-family dwelling unit" means any dwelling unit contained in an apartment house designed for or occupied by five or more families, living independently of each other, or any dwelling unit located in a planned residential development having a density exceed six and one-half units per acre.

5. "New dwelling unit" means any increase in the number of dwelling units, as defined above, over the number existing on any lot on September 7, 1976.

6. "New mobile home" means the first placement of a mobile home on a lot or mobile home space on or after September 7, 1976.

7. "Nonresidential unit" means any structure, except an accessory building, which is planned or constructed primarily for a nondwelling use.

8. "Single-family dwelling unit" means a single-family dwelling unit or a manufactured dwelling unit as each are defined in Title 19 of this Code, or any dwelling unit located in a planned residential development having a density of six and one-half units per acre or less.

9. "Quadplex" means a building under one roof designed for or occupied exclusively for four families, living independently of each other.

10. "Triplex" means a building under one roof designed for or occupied exclusively for three families, living independently of each other.

11. "Turn Key Park" means the fully developed and improved land to be conveyed to City by a developer for a neighborhood or community park, improved with both on-site and off-site improvements to the standards of the City for a neighborhood or community park and including all the improvements required by the Park and Recreation Director for acceptance of such improved land into the City's public park system as a fully functioning park without the necessity of further City improvements.

#### **Section 16.60.035 Dedication and/or improvement in lieu of payment of local park development fee.**

In lieu of payment of all or a portion of the Local Park Development Fee, the following may be accepted by the City Council:

A. Dedication. In lieu of payment of all or a portion of the Local Park Development Fee, land may be dedicated to the City of Riverside for park and recreational purposes as hereinafter provided. Whenever a developer determines to dedicate land in lieu of payment of the Local Park Development Fee, a written application shall be made to the Park, Recreation and Community Services Department describing the property to be dedicated and the development to receive credit for the Local Park Development Fee. The Park, Recreation and Community Services Director shall confer with the Community & Economic Development Director and shall prepare a report to the City Council regarding the proposed dedication. The value of the property to be dedicated shall be determined in the same manner as the then current calculation of the average cost of parkland for the Local Park Development Fee unless the Park, Recreation and Community Services Director makes a finding that the property proposed to be dedicated is unique, and in that event, the Park, Recreation and Community Services Director shall cause an appraisal to be prepared for such property.

The report to the City Council from the Park, Recreation and Community Services Director shall indicate whether the following requirements have been met and shall make a recommendation regarding the proposed dedication:

1. The property proposed to be dedicated is shown on the current City of Riverside General Plan as a neighborhood or a community park.

2. The property being dedicated meets the minimum size standard set forth in the current City of Riverside General Plan for the type of park designated and is large enough and topographically suitable to be developed for its proposed park and recreational use without the

acquisition of additional land, except that less land or less than topographically-suitable land may be accepted when the land being dedicated in lieu of the Local Park Development Fee, taken together with land the City already owns or is in the process of acquiring for park and recreational purposes meets the requirements of this paragraph. The requirements of this paragraph may also be met when a dedication taken together with one or more other dedications meets the requirements.

3. The property being dedicated is valued at the same or more than the Local Park Development Fee or portion thereof which would otherwise be imposed on the development.

The City Council may accept or deny the dedication of land in lieu of payment of all or a portion of the Local Park Development Fee. If the property being dedicated is accepted by the City Council in lieu of payment of all or a portion of the Local Park Development Fee, the City Council shall by resolution make the findings and determinations required hereinabove and state the equivalent amount of the fees credited in which the dedication is in lieu. Such amount may be less than the appraised value of the property as determined by the City Council.

The credit for the dedication in lieu of payment of the Local Park Development Fee shall not be given until such time as the property is conveyed to the City of Riverside free and clear of any liens or of any encumbrances which in the reasonable determination of the Park, Recreation and Community Services Director could impede the use of the property for public park purposes.

B. Turn Key Park. In lieu of payment of all or a portion of the Local Park Development Fee, land improved for park purposes may be dedicated to the City of Riverside for park and recreational purposes as hereinafter provided. Whenever a developer determines to dedicate improved land in lieu of payment of the Local Park Development Fee, a written application shall be made to the Park, Recreation and Community Services Director describing the property to be dedicated, the improvements constructed or to be constructed and the development to receive credit for the Local Park Development Fee together with the value of the property and the estimated costs for the construction of the improvements based upon the costs used in the determination of the then current Local Park Development Fee, if applicable, or as otherwise negotiated and agreed upon by the Park, Recreation and Services Department. If the Park, Recreation and Community Services Director makes a finding that the property proposed to be dedicated is unique, the Park, Recreation and Community Services Director shall cause an appraisal to be prepared for such property.

The Park, Recreation and Community Services Director shall confer with the Community & Economic Development Director and shall prepare a report to the City Council regarding the proposed dedication of the improved land. The report shall indicate whether the following requirements have been met and shall make a recommendation regarding the proposed dedication:

1. The property being dedicated is shown on the current City of Riverside General Plan as a neighborhood or community park.

2. The property being dedicated meets the minimum size standard set forth in the current City of Riverside General Plan for the type of park designated and is large enough and topographically suitable to be developed for its proposed park and recreational use without the acquisition of additional land except that less land or less than topographically-suitable land may be accepted when the land being dedicated in lieu of the Local Park Development Fee, taken together with land the City already owns or is in the process of acquiring for park and recreational purposes meets the requirements of this paragraph. The requirements of this paragraph may also be met when a dedication taken together with one or more other dedications meets the requirements.

3. The improvements installed or proposed to be installed are equal to or greater than those required by the Park, Recreation and Community Services Department for a neighborhood or community park, whichever is applicable.

4. The property being dedicated in its improved form is valued at the same or more than the Local Park Development Fee or portion thereof which would otherwise be imposed on the development.

If the developer proposes to delay the conveyance of the Turn Key Park to the City until after the issuance of the building permits for the development to be granted credit, the report to the City Council shall be accompanied by an agreement in recordable form executed by all parties having an interest in the land and improvements proposed to be conveyed to the City and approved as to content by the Park, Recreation and Community Services Director setting forth the percentage or number of residences in such development which may be built and issued certificates of occupancy prior to the conveyance of the Turn Key Park to the City.

The City Council may accept or deny the dedication of the Turn Key Park in lieu of payment of all or a portion of the Local Park Development Fee. If the improved property being dedicated is accepted by the City Council in lieu of payment of all or a portion of the Local Park Development Fee, the City Council shall by resolution make the findings and determinations required hereinabove and state the equivalent amount of the fees to be credited. Such amount may be less than the appraised value of the improved property.

The credit for the dedication shall not be given until such time as one of the following occurs: (i) the improvements have been completed and found acceptable by the Park, Recreation and Community Services Director or the authorized designee of the Director and the property is conveyed to the City of Riverside free and clear of any liens or of encumbrances which in the reasonable determination of the Park, Recreation and Community Services Director could impede the use of the property for public park purposes; or (ii) the recordation in the office of the County Recorder of Riverside County of an agreement signed by all parties having an interest in the property to be conveyed for park purposes agreeing to convey such to the City free and clear of any liens or of encumbrances which in the reasonable determination of the Park, Recreation and Community Services Director could impede the use of the property for public park purposes and to fully improve such land prior to such conveyance with the improvements as required by City as set forth in said agreement and setting forth the percentage or number of residences in such development which may be built and issued certificates of occupancy prior to the conveyance of the Turn Key Park to the City, which agreement shall be subject to the approval of the City Council, and shall be accompanied by a security in a form acceptable to the City Attorney for the performance of such agreement payable to City in case of default in the amount of the credit to be given.

C. Improvement of Existing Park Land. In lieu of payment of all or a portion of the Local Park Development Fee, City land may be improved for park and recreational purposes as hereinafter provided. Whenever a developer determines to improve park land in lieu of payment of the Local Park Development Fee, a written application shall be made to the Park, Recreation and Community Services Director indicating the property to be improved, describing the improvements to be constructed and the development to receive credit for the Local Park Development Fee together with an estimate of the costs for the construction of the improvements based upon the costs as utilized in the calculations for the then current Local Park Development Fee. The Park, Recreation and Community Services Director shall prepare a report to the City Council regarding the proposed improvements. The report shall indicate whether the following requirements have been met and shall make a recommendation regarding the proposed dedication:

1. The property proposed to be improved is shown on the current City of Riverside General Plan as a neighborhood or community park.

2. The property proposed to be improved meets the minimum size standard set forth in the current City of Riverside General Plan for the type of park designated and is large enough and topographically suitable to be developed for its proposed park and recreational use without the acquisition of additional land.

3. The improvements proposed to be installed are equal to or greater than those required by the Park and Recreation Department for a neighborhood or community park, whichever is applicable.

4. The estimated cost of the improvements is valued at the same or more than all or a portion of the Local Park Development Fee which would otherwise be imposed on the development.

The City Council may accept or deny the application for improving park land in lieu of payment of all or a portion of the Local Park Development Fee. If the proposal is accepted by the City Council in lieu of payment of all or a portion of the Local Park Development Fee, the City Council shall by resolution make the findings and determinations required hereinabove and state the estimated equivalent amount of the fees to be credited.

The credit for the improvements towards the Local Park Development Fee shall not be given until such time as the improvements have been completed and found acceptable by the Park, Recreation and Community Services Director or the authorized designee of the Director.

D. Specific Plan Methods. In lieu of payment of all or a portion of the Local Park Development fees in connection with development in an area of the City within a Specific Plan combining zone and subject to a Specific Plan duly adopted by the City Council, a developer may request approval to use the methods for consideration of local park fee credits stated in the approved Specific Plan by filing a written application with the Park, Recreation and Community Services Director. The Park, Recreation and Community Services Director shall confer with the Community & Economic Development Director and shall prepare a report to City Council regarding the proposed credit methods to be used. The report shall indicate the value of the proposed credit methods and shall contain a recommendation regarding the proposed use of such methods, as well as, if applicable, a statement of whether the requirements set forth in Section 16.60.035(A)(1)-(3) have been met.

The City Council may approve or deny the application to use the proposed methods for consideration of local park fee credits. If the City Council approves use of the proposed credit methods in lieu of payment of all or a portion of the Local Park Development fees, the City Council shall by resolution make the findings and determinations required hereinabove and state the equivalent amount of fees credited for each approved method. Some amounts may be less than the appraised values as determined by the City Council.

The credits in lieu of payment of all or a portion of the Local Park Development fees shall not be given until such time as one of the following occurs: (1) the Park, Recreation and Community Services Director reasonably determines that any and all improvements, dedications and/or open space considered for local park fee credits are readily available for park uses and there is no impediment to fulfilling the City's intent in allowing use of the approved credit methods in lieu of payment of all or a portion of the Local Park Development Fees; or (2) an agreement approved by the City Council and signed by all parties having an interest in the subject property is recorded in the office of the County Recorder of Riverside County ensuring that the park for which the credits were approved will be implemented.



## **Chapter 16.68**

### **Section 16.68.040 Establishment of the Transportation Uniform Mitigation Fee.**

A. **Adoption of TUMF Schedule.** The City Council shall adopt an applicable TUMF schedule through a separate resolution ("Resolution"), which may be amended from time to time.

B. **Fee Calculation.** The fees shall be calculated according to the calculation methodology fee set forth in the Fee Calculation Handbook adopted July 14, 2003, as amended from time to time. The following shall be observed for purposes of calculating the fee:

i. For non-residential projects, the fee rate utilized shall be based upon the predominant use of the building or structure identified in the building permit and as further specified in the TUMF Administrative Plan.

ii. For non residential projects, the fee shall be calculated on the total square footage of the building or structure identified in the building permit and as further specified in the TUMF Administrative Plan.

C. **Fee Adjustment.** The fee schedule may be periodically reviewed and the amounts adjusted by the WRCOG Executive Committee. By Resolution of the City Council, the fees may be increased or decreased to reflect the changes in actual and estimated costs of the Regional System including, but not limited to, debt service, lease payments and construction costs. The adjustment of the fees may also reflect changes in the facilities required to be constructed, in estimated revenues received pursuant to this Chapter, as well as the availability or lack thereof of other funds with which to construct the Regional System. WRCOG shall review the TUMF Program no less than every four (4) years after the effective date of this Ordinance.

D. **Temporary Fee Reduction Period.**

i. Notwithstanding sub-section A, and the adopted TUMF schedule, the City Council may, by separate resolution, adopt a reduced TUMF schedule applicable only through December 31, 2010. The TUMF may be so reduced by up to fifty percent (50%) of fees established in the schedule adopted pursuant to sub-section A. If fees are reduced, all other sections of this Chapter shall still be effective during the temporary fee reduction period. After December 31, 2010, the regular TUMF schedule, as adopted by the City Council and revised from time to time pursuant to sub-section A, shall automatically apply.

ii. If reduced fees are paid pursuant to this sub-section D at issuance of a building permit and either the application or the building permit expires, subsequent building permit application on the same parcel shall be subject to the full TUMF amount, unless the temporary fee reduction period is still in effect at the time the subsequent application is made.

E. **Purpose.** The purpose of the TUMF is to fund those certain improvements to the Regional System as depicted and identified in the 2009 Nexus Study.

F. **Applicability.** The TUMF shall apply to all new development within the City, unless otherwise exempt hereunder.

G. **Exemptions.** The following new development shall be exempt from the TUMF:

i. Low income residential housing.

ii. Government/public buildings, public schools and public facilities.

iii. The rehabilitation and/or reconstruction of any habitable structure in use on or after January 1, 2000, provided that the same or fewer traffic trips are generated as a result thereof.

iv. Development Projects which are the subject of a Public Facilities Development Agreement entered into pursuant to Government Code Section 65864 *et seq*, prior to the effective date of this Ordinance, wherein the imposition of new fees are expressly prohibited provided that if the term of such a Development Agreement is extended by amendment or by any other manner after the effective date of this Ordinance, the TUMF shall be imposed.

v. Guest houses, as defined in Title 19, Zoning, of the Riverside Municipal Code, as amended.

vi. Additional single family residential units located on the same parcel pursuant to the provisions of any residential agricultural zoning classification, as permitted by Title 19, Zoning, of the Riverside Municipal Code, as amended.

vii. Kennels and catteries established in connection with an existing single family residential unit, as permitted by Title 19, Zoning, of the Riverside Municipal Code, as amended.

viii. The sanctuary building of a church or other house of worship, eligible for a property tax exemption.

ix. Any nonprofit corporation or nonprofit organization offering and conducting full-time day school at the elementary, middle school or high school level for students between the ages of five and eighteen years.

x. Any Private University Project, with a covenant and agreement to be recorded upon the property on which the development is occurring that identifies the TUMF applicable to the project, and providing that should the development or facility being constructed be converted to a non-university use, the TUMF that would have been assessed on the project at the time of development, shall be paid to the City upon the conversion or change of use of the facility, unless the TUMF program is no longer in effect as determined by WRCOG.

xi. New homes, constructed by Non-Profit Organizations, specially adapted and designed for maximum freedom of movement and independent living for qualified Disabled Veterans.

H. **Credit.** Regional System improvements may be credited toward the TUMF in accordance with the TUMF Administrative Plan and the following:

**1. Regional Tier**

i. **Arterial Credits:** If a developer constructs arterial improvements identified on the Regional System, the developer shall receive credit for all costs associated with the arterial component based on approved Nexus Study, including Addendum 1, for the Regional System effective at the time the credit agreement is entered into. WRCOG staff must pre-approve any credit agreements that deviate from the standard WRCOG approved format.

ii. **Other Credits:** In special circumstances, when a developer constructs off-site improvements such as an interchange, bridge, or railroad grade separation, credits shall be determined by WRCOG and the City in consultation with the developer. All such credits must have prior written approval from WRCOG.

iii. The amount of the development fee credit shall not exceed the maximum amount determined by the Nexus Study, including Addendum 1, for the Regional System at the time the credit agreement is entered into or actual costs, whichever is less.

**2. Local Tier**

i. The local jurisdictions shall compare facilities in local fee programs against the Regional System and eliminate any overlap in its local fee program except where there is a Recognized Financing District has been established.

ii. If there is a Recognized Financing District established, the local agency may

credit that portion of the facility identified in both programs against the TUMF in accordance with the TUMF Administrative Plan.