



**PLANNING COMMISSION HEARING DATE: OCTOBER 19, 2017  
AGENDA ITEM NO.: 5**

**SUMMARY**

<i><b>Case Numbers</b></i>	P17-0096 (GPA); P17-0180 (RZ); P17-0182 (AMD); and P17-0521 (SPA)
<i><b>Request</b></i>	Consideration of the 2014-2021 Housing Element Implementation Plan and Rezoning Program. The Implementation Plan includes a General Plan Amendment, Zoning Map Amendment, Zoning Code Text Amendment, and an amendment to the University Avenue Specific Plan. It is intended to bring the City into compliance with State law requiring cities to have a certified Housing Element, provide for multi-family residential and mixed-use development opportunities, and attain compliance with new State laws regarding Accessory Dwelling Units, Single-Room Occupancies, and Emergency Shelters.
<i><b>Applicant</b></i>	City of Riverside, Community & Economic Development Dept.
<i><b>Project Location</b></i>	300 parcels grouped into 67 "sites" throughout the City
<i><b>Ward</b></i>	Citywide
<i><b>Staff Planner</b></i>	Doug Darnell, AICP, Senior Planner; 951-826-5219; <a href="mailto:ddarnell@riversideca.gov">ddarnell@riversideca.gov</a>

**RECOMMENDATIONS**

Staff recommends that the Planning Commission recommend the following to the City Council:

1. Certify the Draft Program Environmental Impact Report (DPEIR) prepared for the project as complying with the California Environmental Quality Act (CEQA);
2. Find that, based on the Draft Program Environmental Impact Report (DPEIR) that has been prepared for the project, the project will have significant and unavoidable environmental impacts related to air quality, cultural resources, greenhouse gas emissions, noise, land use and planning, and transportation/traffic as there are no feasible alternatives to the project or mitigation measures that will avoid or substantially lessen the significant environmental effects; and
3. Approve Planning Cases P17-0096 (General Plan Amendment), P17-0180 (Rezone), P17-0182 (Zoning Code Amendment), and P17-0521 (University Avenue Specific Plan Amendment) with staff's recommendation to rezone all Housing Element Appendix D –

Rezoning Program candidate sites per Exhibit 2b, and excluding those sites identified for removal in Exhibit 2b and Exhibit 6, based on the findings contained with the staff report.

## BACKGROUND

### Overview

California law requires cities to adopt comprehensive, long-term general plans for their physical development, and requires that the general plan consist of development policy statements, including those related to the provision of adequate housing (e.g., the Housing Element). The law also requires that the Housing Element of the General Plan be reviewed and approved by the California Department of Housing and Community Development (HCD) at least every eight years (Gov't Code Sec 65300 & 65302(c)).

California law (Gov't Code Sec 65580-65590) stipulates the information that must be included in a Housing Element. To comply with the law, the City prepared the Draft 2014-2021 Housing Element as an amendment to the City's General Plan 2025. On August 10, 2017 the Planning Commission recommended adoption of the Draft 2014-2021 Housing Element; and the City Council will consider the recommendation at a public hearing on October 10, 2017.

State law also requires the Southern California Association of Governments (SCAG) to prepare a Regional Housing Needs Assessment (RHNA), which specifies the existing and projected housing needs within the Los Angeles region. The RHNA identifies the needs for persons at all income levels, and stipulates the number of housing units each jurisdiction must accommodate in order to carry their "fair share" of regional growth. Cities are required to include the RHNA in their Housing Element analysis and implementation programs.

The 2014-2021 Housing Element analyzed whether the City of Riverside can accommodate its fair share of housing on properties currently zoned for multi-family housing, pursuant to the criteria established by state law. As discussed below, the analysis showed that the City does not have enough zoned property to accommodate its allocation of low and very low-income households; therefore the City is mandated to rezone properties to accommodate the unmet RHNA. The 2014-2021 Housing Element contains an implementation plan, which identifies 300 properties that could be rezoned to accommodate the City's unmet housing needs (i.e., are "candidate sites" for rezoning).

The 2014-2021 Housing Element also evaluates the City's compliance with other parts of California law, such as those related to transitional housing, supportive and emergency shelters, allowing multi-family housing "by right", accessory living units, and single room occupancies (SROs). These particular issues are addressed in the 2014-2021 Housing Element Implementation Program as Tools H-26, H-47 and H-53.

To meet the City's RHNA obligation, as stated above, and to comply with new State laws, the City must revise the Zoning Code text, and rezone underutilized properties to accommodate higher density dwellings. The proposal before the Commission will accomplish these objectives.

As a note, the proposed rezoning effort does not directly address the fifteen (15) new affordable housing bills signed by the Governor in late September, 2017, some of which add additional mandates when they go into effect.

### **Regional Housing Needs Assessment (RHNA)**

As described above, SCAG prepares a Regional Housing Needs Assessment (RHNA) every eight years, and the RHNA stipulates the number of housing units each jurisdiction is expected to accommodate within the eight year period. Additionally, the RHNA is broken down into household affordability, and each jurisdiction is required to have enough land available to accommodate the construction of the lower-income households identified. As shown in Table 1, the 2014-2021 RHNA obligates the City to accommodate the construction of 3,338 new housing units affordable to lower income families.

TABLE 1 – Riverside’s 2014-2021 RHNA Allocation			
Income Level Category	Income as a Percentage of Median Family Income	RHNA Allocation (Units)	Percent of Total
Extremely Low-Income	30% or less		
Very Low-Income	31% to 50%		
Low-Income	51% to 80%		
Moderate-Income	81% to 120%	1,503	18%
Above Moderate	More than 120%	3,442	42%
TOTAL		8,283	100%

The 2014-2021 Housing Element evaluated whether the City was able to accommodate the lower-income housing allocation. This is done by identifying vacant and underutilized properties that are zoned for higher density multi-family residential development, and then calculating the number of units these properties would yield based on the City’s permitted densities. When doing the calculation the City is able to subtract the number of lower-income units currently in production (i.e., under construction, or to be constructed). If the amount of land currently zoned for multi-family is not adequate to cover the RHNA allocation, then the City must rezone properties to make up for the shortfall.

In addition to the 5<sup>th</sup> Cycle (2014-2021) Housing Element RHNA, the City was also allocated a fair share of housing as part of the 4<sup>th</sup> Cycle (2006-2014) Housing Element. The City failed to rezone the properties identified in the 4<sup>th</sup> Cycle Housing Element; therefore, per State law, the unmet 4<sup>th</sup> Cycle allocation has been carried over to the 5<sup>th</sup> Cycle. Table 2 below shows the City’s current rezoning requirement (4,767 dwellings), including both the remaining 4<sup>th</sup> and 5<sup>th</sup> cycle obligations.

Table 2 – Mandated Rezoning for Riverside’s 2014-2021 Housing Element				
	DWELLING UNITS			
	4 <sup>th</sup> Cycle (2006-2014) Carry Over	5 <sup>th</sup> Cycle (2014-2021) RHNA	5 <sup>th</sup> Cycle (2014-2021) Credits	TOTAL
Lower-Income Allocation (Requirement)	2,739	3,338		6,077
Vacant & Under-Utilized Land Zoned for High Density Residential			(999)	(999)
Lower-Income Production			(311)	(311)
<b>5<sup>th</sup> Cycle Housing Element Rezoning Requirement</b>				<b>4,767</b>

## **Housing Element Rezoning Requirements**

To be in compliance with state law, the City must identify vacant and underutilized sites and rezone them to allow multi-family residential development. The amount of land that needs to be rezoned must provide an opportunity to construct a minimum of 4,767 dwelling units. Although the 4,767 units is derived from the fair share of lower-income units in the RHNA, the mandated rezoning does not mean that the properties must be developed with low-income housing. The rezoning merely provides the opportunity for the minimum number of low-income units to be built; what is ultimately constructed is dictated by the free market.

Although the construction of low-income housing is not required, the State does encourage affordable housing by requiring that the rezoning meet the following minimum criteria:

- The zones must provide for a minimum density of at least 24 units per acre;
- The rezoned properties must be able to accommodate at least 16 units; and
- At least 50 percent of the sites must be zoned exclusively for higher density residential (i.e., less than 50 percent can be mixed-use residential zones).

## **Edwards et al v. City of Riverside**

In early 2013, the City began an update of the 5<sup>th</sup> Cycle 2014-2021 Housing Element, as the due date for adoption under housing law was October 15, 2013. Unfortunately the 5<sup>th</sup> Cycle Housing Element was not completed or adopted. As a result, the City does not currently have a compliant housing element, and is not in compliance with California law.

In October 2016, a complaint was filed in the California Supreme Court against the City of Riverside for not complying with state law. In January 2017, the City entered into a settlement agreement that requires the 2014-2021 Housing Element to be adopted by the City Council by October 15, 2017, and the associated RHNA rezoning (Rezoning Program) by December 15, 2017.

## **PROJECT PROPOSAL**

The implementation of the 2014-2021 General Plan Housing Element Implementation Program requires an amendment to the City's Zoning Map, Zoning Code (Title 19), General Plan, and University Avenue Specific Plan (UASP). A Draft Program Environmental Impact Report (DPEIR) has also been prepared for the proposal.

The 2014-2021 Housing Element identifies and analyzes the City's existing and projected housing needs, and articulates the City's official policies for the preservation, conservation, improvement, and production of housing. The following amendments will implement the 2014-2021 General Plan Housing Element, accommodate the City's remaining Regional Housing Needs Assessment (RHNA) allocation, reduces barriers to the construction of housing stock, and provides Zoning Code clarity:

- **Rezoning** – Amendments to accommodate a RHNA of 4,767 DUs for lower-income households. There are 300 individual properties identified for potential rezoning to Multi-Family Residential or Mixed-Use. These properties have been group into 67 "sites".
- **General Plan** – Amendments to ensure consistency between land use designations and the proposed Zoning Map amendments.
- **Zoning Code** – Amendments to promote diversity in housing types, sustainability and affordability, and other land use provisions that support multiple-family residential and

other residential uses, including “second units” (accessory dwelling units). Amendments are also proposed to protect property investments, include but not limited to, changes to Zoning Code sections related to nonconformities, and drive-thru business within mixed-use zones. Proposed amendments to Riverside Municipal Code Title 19 – Zoning include, but are not limited to: Chapter 19.080, Nonconformities; Article V, Base Zones and Related Use and Development Provisions; Chapter 19.100, Residential Zones; Chapter 19.150, Permitted Uses Tables; Chapter 19.150.020(B) – Incidental Uses Table; Chapter 19.150.020(C) – Temporary Uses Table; Chapter 19.205 – Emergency Shelter Overlay; Chapter 19.255 – Assemblies of People – Non-Entertainment; Chapter 19.400 – Shelters – Emergency; a proposed new Chapter 19.401 – Single Room Occupancies; new Chapter 19.442 – Accessory Dwelling Units to replace current Chapter 19.525 (Second Dwelling Units); Chapter 19.475 – Drive-Thrus; Chapter 19.545 – Density Bonus Provisions; Chapter 19.580 – Parking and Loading; Chapter 19.710 – Design Review; Chapter 19.740 – Temporary Use Permit; Chapter 19.770, Site Plan Review Permit; Chapter 19.780 – Planned Residential Development; and Article X – Definitions to amend various definitions and establish definitions for Single-Room Occupancies, Tiny Homes and Tiny Home Communities. The proposed amendments will bring the City into compliance with State law regarding Supportive and Transitional Housing (Senate Bill 2), Single Room Occupancies (Assembly Bill 2634), and Accessory Dwelling Units (Assembly Bill 2299, and Senate Bill 1069).

- **University Avenue Specific Plan (UASP)** – Amendments to Chapter 6, Land Use Regulations (Land Use Table), and other applicable sections of the UASP. These will remove the 15-acre minimum requirement for mixed-use developments, allow stand-alone multiple-family residential by right for properties zoned MU-V and MU-U, and refer to the mixed-use provisions of the Zoning Code for development standards for mixed-use projects.

## DISCUSSION

The following provides a summary of the analysis related to the proposed 2014-2021 Housing Element Implementation Program:

### **Proposed Rezoning**

#### *Housing Element Compatible Zones*

To comply with State law, the City must implement the Rezoning Program contained within the 2014-2021 Housing Element (Appendix D). The program requires the rezoning of property to accommodate a minimum of 4,767 additional dwelling units, and on sites that meet the criteria stipulated by housing element law.

There are four zones in the City’s Zoning Code that allow the minimum density of housing specified by HCD (i.e., 24 dwelling units per acre). These zones are:

*Multiple-Family Residential (R-3-1500) Zone:* Intended for multiple family residences within a single structure, including apartments, town homes, and condominiums.

- *Maximum Residential Density – 29 dwelling units per acre*

*R-4 - Multiple-Family Residential Zone:* Intended to provide areas for higher density multiple family residences in areas readily served by public transit, and near commercial zones and other nonresidential areas that meet the everyday shopping, educational, health service and similar needs of residents.

- *Maximum Residential Density – 40 dwelling units per acre*

MU-V - Mixed Use – Village Zone: Intended for medium to high-density residential development with retail, office and service uses at the street level to facilitate a pedestrian environment. Encourages new housing near commercial services, such as live/work and residential over retail.

- o *Maximum Residential Density – 30 dwelling units per acre*

MU-U - Mixed Use – Urban Zone: Provides opportunities for high-density residential development with commercial, office, institutional, and business uses emphasizing retail, entertainment and student-oriented activities. It is intended to facilitate the grouping of innovative housing options with employment uses, entertainment activities, and public gathering spaces, transit stations and other community amenities.

- o *Maximum Residential Density – 40 dwelling units per acre*

### Rezoning Strategy

After determining which zones comply with the State's density requirements under housing element law, the City developed a strategy to identify and prioritize the selection of sites for potential rezoning. The strategy considered existing City policy (i.e., rezoning that brings properties into compliance with existing General Plan land use designations), infrastructure and transit opportunities, and development constraints. The following summarizes the considerations that influenced the strategy:

- Large vacant sites consisting of vacant land with generally flat topography were identified. These sites are preferred since they have the greatest opportunity and likelihood of being developed with housing within the planning period.
- Given the limited supply of developable vacant land, the city identified non-vacant sites with a higher potential for redevelopment. These sites may have old or underutilized building(s) and improvements, have numerous vacant tenant spaces, or are only partially developed.
- Sites that currently have a General Plan land use designation of Mixed Use, High Density Residential, or Very High Density Residential were prioritized. Because the General Plan land use designations envision higher density residential, a rezoning of these properties to be consistent with the General Plan would be consistent with already established City Council policy.
- Sites located along major corridors (e.g., Magnolia Avenue, University Avenue, and Van Buren Boulevard) were prioritized.
- Sites located near services and amenities were prioritized. Services and amenities include public transit (e.g., Metrolink stations & bus routes/stops), community centers, hospitals, schools, universities and shopping areas.
- Infill sites in urbanized areas of the City with existing infrastructure were prioritized (i.e., where there are fully improved streets, curbs, gutters, sidewalks, storm drains, and sewer).
- Sites that meet the criteria above were eliminated when they were constrained by other regulations, clearly incompatible adjacencies, or environmental issues. These constraints included open space areas, (e.g., arroyos, hills, & flood hazard areas, designated agricultural areas (including Agricultural Greenbelt subject to voter initiatives Proposition R and Measure C), inconsistencies with airport land use compatibility plans, areas that are undergoing planning efforts that could not be completed by December, 2017 (e.g., the Northside Specific Plan), and areas where higher density residential would be in direct

conflict with industrial activities, such as the Hunter Business Park. Exhibit 2b depicts areas of the City where such constraints substantially limit the areas where multiple-family and mixed use zoning can occur.

A total of 300 parcels are identified in Appendix D of the 2014-2021 Housing Element. Many of these properties share common property lines (i.e., they are adjacent to each other). As a result, the City grouped these properties together into 67 distinct "Candidate Sites." For purposes of describing the Rezoning Program, the sites have been organized into four (4) groups, as described below:

- o *Group 1 – Magnolia Avenue Specific Plan:* Within the Magnolia Avenue Specific Plan, approximately 14 sites (locations), totaling approximately 90 acres, are identified as candidates for rezoning to the Mixed Use-Village (MU-V) and Mixed Use-Urban (MU-U) Zones. The proposed zoning for these candidate sites (except for a 3.37-acre parcel) would be consistent with their existing MU-V and MU-U General Plan land use designations (approximately 86 acres of consistency zoning).
- o *Group 2 – University Avenue Specific Plan:* Within the University Avenue Specific Plan, approximately six (6) sites (locations) totaling approximately 13 acres are identified as candidates for rezoning to the MU-V and MU-U Zones. The proposed zoning for these candidate sites would be consistent with their existing MU-U and MU-V General Plan land use designations, therefore no General Plan Amendments are necessary for this group of sites.
- o *Group 3 – Candidate Sites Proposed for Mixed Use and not within a Specific Plan:* For areas not within the two specific plan areas mentioned above, seven (7) sites (locations) totaling approximately 81 acres are identified as candidates for rezoning to the MU-V and MU-U Zones. Five (5) sites within this group would be consistent with their existing MU-U or MU-V General Plan land use designations. Three (3) sites will require an associated General Plan Amendment to the MU-V or MU-U land use designations.
- o *Group 4 – Candidate Sites Proposed for Rezoning to Multi-Family Residential:* There are 40 sites (locations) totaling approximately 171 acres identified as candidates for rezoning to the R-3-1500 Multiple-Family Residential or R-4 Multiple-Family Residential Zones. All but four (4) sites within this group will require a General Plan Amendment to the High Density Residential or Very High Density Residential land use designations.

The rezoning would result in 29 of the 67 sites being consistent with the existing General Plan. Of these, 20 are within the University Avenue and Magnolia Avenue Specific Plans. Exhibit 2a provides maps and tables that reflect the proposed Zoning and General Plan for each of the 67 candidate sites identified in the 2014-2021 Housing Element.

#### Properties Recommended for Rezoning

The City's Housing Element identifies 300 properties (67 sites) that could be rezoned to accommodate the City's housing obligation under State law. If all the parcels were rezoned, the City would achieve a "unit count" that significantly exceeds 4,767 units. However, the Housing Element Candidate Site list only identifies properties that comply with the criteria for rezoning under State housing law; the list does not evaluate all the factors necessary to determine if the sites should be rezoned.

To determine which of the properties should be rezoned, staff considered a number of factors that would disqualify the sites from counting toward the City's RHNA allocation, or substantiate that a

rezoning is not in the City's best interest. Staff's recommendation to "drop" sites from the rezoning program was generally based on following considerations:

***Sites Entitled, Pending Entitlement or Recently Developed.*** The final Housing Element list of candidate sites was initiated in 2016, and ultimately compiled in early 2017. After it was compiled staff started its EIR analysis and revisions to the Draft 2014-2021 Housing Element. While staff was preparing the Draft Housing Element a number of the properties on the candidate site list proceeded with development plans, consistent with their existing zoning. As a result, there are several sites that (1) have applications for development under review and/or pending approval by the City; (2) have received recent development entitlement from the City; or (3) have been developed. Therefore a number of the properties on the candidate site list are no longer opportunities for future multi-family residential or mixed use development, and are not recommended for rezoning. The properties that staff recommends excluding from the Rezoning Program are:

- *W2G2S03* - This 0.82-acre site is located at the northeast corner of University and Ottawa Avenues. It was recently developed with a retail commercial building (Lee's Sandwiches).
- *W3G4S11* - This site is located on the east side of Jefferson Street, south of California Avenue, and is commonly known as the "Harris Farm" property. The approximately 2.9-acre site was recently approved for a 36-unit market rate condominium development. The approved project rezoned the site to the R-3-3000 Multiple-Family Residential Zone, which allows a maximum density of approximately 14 units per acre. Construction drawings for this project are currently being reviewed by the City.
- *W3G4S09* - This 1.6-acre site is also located on the east side of Jefferson Street, south of Magnolia Avenue. It was approved for a 22-unit condominium development in July of 2006. While the site remains undeveloped, the applicant has obtained time extensions to keep the approvals in place.
- *W5G1S02* - This 10.6 acre site is located on the south side of Magnolia Avenue between Muir Avenue and Harrison Street. An application for a planned residential development has been submitted to the City for review, which includes a portion of this candidate site (approximately 5.6 acres). The applicant is working with City staff to meet City requirements, and the project will likely be considered by the Planning Commission in the coming months. Staff recommends removing from consideration the parcels subject to the proposed development; and only consider rezoning the parcels fronting on Magnolia Avenue, and one parcel west of the proposed development, to the Mixed Use-Village Zone (total rezone of approximately 5 acres).
- *W6G4S17* - This 3.56 acre site is located northerly of Hole Avenue, between Hedrick and Jones Avenues. A tentative tract map application for a 7-lot single-family residential subdivision has been submitted to the City for review on the 1.72-acre parcel that comprises the westerly half of this site. The applicant is working with City staff to meet City requirements, and the project will likely be considered by the Planning Commission in the coming months. As such, Staff recommends revising the proposal to remove the westerly parcel (APN 143-040-011), and only consider rezoning the 1.8-acre easterly parcel (APN 143-040-012) to R-3-1500.



- o *W6G4S20* – This 11.5-acre site includes multiple parcels at the intersection of Hole and California Avenues. The City is currently reviewing a Conditional Use Permit for a car wash on a portion of the site bounded by California, Mobley and Hole Avenues. Staff recommends removing the two parcels (APN's 143-080-032 and 143-080-026) on which the car wash is proposed, and rezoning the remaining parcels to R-3-1500.
- o *W6G4S26* – This 6.5-acre site consisting of two parcels on west side of La Sierra Avenue, southerly of Collett Avenue. The northerly parcel is occupied by the Good News Church. Church representatives have objected to the proposed rezoning, and have expressed a desire to continue their use as a church for the foreseeable future. The southerly parcel is owned by the City's Housing Authority. In August, 2017 the Housing Authority released a Request for Proposal (RFP) to solicit qualified developers for a vocational and affordable housing project. However, the RFP is not connected to or depend on the City's Housing Element rezoning effort. Although rezoning to a higher density residential zone may be required for the concept stated in the RFP, the proposed R-3-1500 Zone is not necessarily required to accommodate the project described in the RFP. Staff recommends that this site not be rezoned as part of this Housing Element Rezoning Program.
- o *W6G4S41* – This approximate 6.6-acre non-vacant site is located on the west side of Van Buren Boulevard, and the north side of Challen Avenue. The northerly three parcels have an existing *High Density Residential* General Plan designation, and the remaining four parcels have a *Mixed Use-Village* General Plan designation. The initial proposal involved rezoning the entire site as R-3-1500 (Multiple-Family Residential Zone), which would necessitate a General Plan Amendment for the southerly parcels. The property owner will soon be submitting an application for a commercial development on the southerly parcels. As such, it is recommended that the southerly parcels not be rezoned, and that the northerly three parcels (APN's 145-082-037, 145-082-038, and 145-082-035) be rezoned to R-3-1500, which is consistent with the current High Density Residential General Plan designation.

***Airport land use compatibility.*** There are several sites that are located within airport influence areas of the Riverside Municipal Airport, March Air Reserve Base/Inland Port Airport, and Flabob Airport. These sites are generally within Airport Land Use Compatibility Plan Zones that are compatible with the proposed rezoning. However, two Candidate Sites were originally considered when the draft 2014-2021 Housing Element was initiated, but subsequently removed. These two sites (*W4G3S13 and W4G4S36*) total almost 40 acres, and are commonly known as "Gless Ranch". These sites needed to be eliminated from Housing Element Rezoning Program to obtain a consistency determination by the Airport Land Use Commission (ALUC). Because these sites were eliminated prior to the Planning Commission's August 10, 2017 meeting, they were not included in the final 2014-2021 Housing Element presented to City Council, and are not included in the 300 properties identified as candidate sites for rezoning. They are mentioned in this report only because they were originally considered for rezoning when this project was initiated, and therefore included in the Draft Program Environmental Impact Report (DPEIR) prepared for the project.

***Sites within Single-Family Residential Neighborhoods.*** A few candidate rezone sites are located entirely within single-family neighborhoods, and are completely surrounded by single-family homes. These sites are accessed by residential streets, and do not meet most other criteria for candidate site selection, such as location along arterial roadways, near transit, or other amenities and services. The sites in this category that are not recommended for rezoning include:

- o *W6G4S34* – This 5.98-acre site is located on Crest Avenue southeast of the intersection of Crest and Wells Avenues. The majority of the site currently has a General Plan land use

designation of Low Density Residential. This site has steep topography with an average natural slope of 15 percent, which is more characteristic of lower density residential areas.

- o *W6G4S32* – This 3.48-acre site is accessed by Janet Avenue between Picker Street and Challen Avenue. It is currently surrounded by single-family residences and is more appropriate as single-family residential. The current zoning for a majority of the site is Business Manufacturing Park (BMP), which is also inappropriate and incompatible zone within the surrounding single-family neighborhood. As such, it is recommended that in lieu of rezoning to the R-3-1500, Multiple-Family Residential Zone, this site should be rezoned to the R-1-7000, Single-Family Residential Zone. This rezoning would make the site consistent with the current Medium Density Residential General Plan land use designation, and would ensure future site development is compatible with the surrounding neighborhood.
- o *W6G4S33* – This 5.22-acre site is located on the east side of Buchanan Avenue north of Indiana Street is completely surrounded by single-family residential zoning, existing mobile home parks, and is located far from the nearest services and amenities along Magnolia Avenue.

***California Department of Housing & Community Development (HCD).*** HCD is required by law to review the Housing Element Rezoning Program and determine if it meets the State's rezoning criteria. On September 14, 2017 HCD completed its review of the City's Draft 2014-2021 Housing Element and provided a compliance determination letter (Exhibit 7). HCD stated that the City will be in full compliance once the Housing Element is adopted and the City completes Housing Element Implementation Program H-21, which is the rezoning of a minimum of 191 acres to multi-family residential development, with a density of at least 24 units per acre, and with at least 50 percent of the unit count requirement coming from property zoned exclusively for residential use (i.e., the R-3-1500 or R-4 Zones).

In their review, HCD considered the Rezoning Program as a whole, in that they did not identify individual site that should be removed or disqualified from the program. Rather, HCD identified that there were enough sites meeting the State's minimum qualifications to accommodate the City's RHNA obligation. HCD's input on the rezoning program expressed a preference for rezoning the large vacant properties. Furthermore, where the rezoning involves non-vacant sites, HCD encouraged the City to prioritize sites with the greatest likelihood to be developed with housing by 2021.

Several of the sites identified in the rezoning effort are comprised of multiple small parcels; parcels that individually are not large enough to meet HCD's criteria of yielding at least 16 units under the proposed zoning. Some of these are contiguous undeveloped lots that could be consolidated into a larger parcel and developed. The likelihood for consolidation and development with more than 16 units is highest where there is contiguous ownership. As a result, HCD agreed to allow for small contiguous ownership parcels to be counted, provided the consolidated lots would accommodate the 16 units minimum, and that the City adopted lot consolidation incentives (e.g., referring to Housing Element Implementation Tool No. H-52 – ministerial lot consolidations and fee waivers). As a result of HCD's guidance, a number of sites recommended for rezoning will not count toward the City's RHNA obligation, since they are too small and don't have contiguous ownership; therefore they cannot not be counted toward the RHNA's required yield of 4,767 units. While these small lots do not count toward the RHNA, staff is recommending that many of them be rezoned because they provide General Plan/Zoning consistency, and provide land use consistency within the proposed sites. However, one site is recommended for removal as follows:

- o *W5G1S19* – This 5.86-acre site consists of 32 small parcels located on the north and south side of Magnolia Avenue at the intersection of Magnolia Avenue and Van Buren Boulevard. All 32 parcels comprising this site are too small to accommodate the State's

minimum yield of 16 dwelling units, and none of the properties in the Site have contiguous ownership that could render 16 or more units with a lot consolidation. Additionally, the DPEIR determined that the site contains 13 district contributors to the Arlington Village Commercial Neighborhood Conservation Area. To lessen significant and unavoidable impacts to historic resources, the DPEIR includes Mitigation Measure (CUL-2) to eliminate the site from the rezoning effort.

**Recommended Change to Staff's Original Proposed Zoning:** During the review of proposed sites for rezoning, the City received community feedback on Site W1G4S44, which staff was proposing to rezone from Commercial Retail (CR) to Multiple Family Residential (R-4). W1G4S44 is a 4.21-acre commercial shopping center site located on the north side of Blaine Street, immediately north the University of California Riverside campus. In addition to the rezoning, staff's initial proposal would have required the General Plan land use designation to be changed from Mixed Use-Urban (MU-U) to Very High Density Residential (VHDR). The proposed Zoning and General Plan would have limited future development to residential uses. Staff has since revised its recommendation to maintain the current General Plan MU-U designation, and rezone the property to Mixed Use – Urban (MU-U). Staff's revised recommendation is consistent with the existing General Plan, and provides the flexibility to accommodate the various needs of the area, including a demand for student housing near the UCR campus and/or convenient commercial near the student housing.

**Summary of Total Unit Count:** The City's rezoning effort needs to yield a minimum of 4,767 dwelling units to comply with the City's RHNA allocation, and at least half of the units must be zoned exclusively for residential uses. After eliminating the sites listed above, there remains a surplus of 657 units with sites zoned exclusively for residential (R-3-1500 and R-4), and a surplus of 1,191 units with sites zoned for mixed use (MU-V & MU-U). Table 3 below shows the unit count based on staff's recommendation.

Table 3 – Unit Count Summary Table for Removal of Sites				
Total Number of Units (Initial Count):				9,169
Units deducted for Non-HCD credit parcels:				717
Revised Total:				8,452
	Required Units for RHNA	Credit for 69 Candidate Sites (303 parcels)	Units Lost w/ Elimination of Sites	Remaining Credit/ Surplus
Sites proposed for Multiple-Family Residential (R-3-1500 & R-4 Zones)	2,384	4,591	1,538	3,053/ 669
Sites proposed for Mixed Use (MU-V & MU-U Zones)	2,383	3,861	287	3,574/ 1,191
<b>Total</b>	<b>4,767</b>	<b>8,440</b>	<b>1,825</b>	<b>6,627/ 1,860</b>

\*Refer to Exhibit 6 for a detailed breakdown of units for each site to be removed.

It is important to note that the unit count used to comply with the City's RHNA obligation must reflect realistic development scenarios. The scenario that has been approved by HCD takes into consideration that not all of the properties will be developed with the maximum number of units allowed by the Zoning Code. The average development density that was identified and used for determining the RHNA units is as follows:

- R-3-1500 Zone: Average of 25 dwellings per acre (Code max. is 29 du/ac)
- R-4 Zone: Average of 35 dwellings per acre (Code max. is 40 du/ac)
- MU-V Zone: Average of 21 dwellings per acre (70% of Code max. of 30 du/ac)
- MU-U Zone: Average of 28 dwellings per acre (70% of Code max. of 40 du/ac)

Because unit potential for the RHNA is based on average densities of the proposed zones, there is a discrepancy between numbers reflected here, and the unit development potential analyzed in the DPEIR. This is because the DPEIR utilizes a worst case scenario for impacts that assumes every site will be developed to its maximum density, including potential density bonuses that may be allowed by the Zoning Code. Therefore, for the purposes of the environmental analysis of sites to be rezoned, the DPEIR reflects a unit potential that is substantially higher. Please refer to the Environmental Review section below for a discussion on potential impacts.

## **Proposed Zoning Code Text Amendment**

The Housing Element Implementation Plan also includes Zoning Code text amendments necessary to achieve compliance with state law. Below is a summary of the proposed Zoning Code text amendments. The actual “red line strike out” edits to the Code are provided as an exhibit to this report. In general the text amendments are grouped into five (5) categories.

### **1. Compliance with New State Laws:**

#### o Senate Bill (SB) 2:

This law requires the City to allow for and treat supportive and transitional housing the same as any other residential use in zones where residential uses are permitted. To accomplish this, the following Zoning Code Chapters will be changed:

- Chapter 19.150 - *Permitted Use Table*. Supportive and transitional housing will be permitted by right in residential zones. This is necessary to comply with State Senate Bill 2 (SB2).
- Article X – *Definitions*. Definition titles are proposed to be changed to separate “Supportive and Transitional Housing from Emergency Shelter’s so that Emergency Shelters can be regulated separately, and continue to require a conditional use permit. These titles are also amended where they occur in the following Chapters:
- Chapter 19.205 – Emergency Shelter Overlay.
- Chapter 19.400 – Shelters – Drop-In, Permanent Emergency, Homeless or Transitional and other Chapters in Article VII where applicable.
- Chapter 19.580 – Parking and Loading.

#### o Assembly Bill (AB) 2634 - Single Room Occupancies

The City must allow for Single Room Occupancies (SRO’s) in compliance with Assembly Bill (AB 2634). The Zoning Code currently does not have a definition SROs, therefore *Article X - Definitions* will be amended to add a definition of an SRO. Staff recommendation is consistent with the following Department of Housing and Community Development (HCD) approved definition:

*Single Room Occupancy (SRO) Unit* – A multi-unit housing development for very low income persons that typically consists of a single room and shared bath and also may include a shared common kitchen and common activity area.

Chapter 19.150, *Permitted Uses Table* is proposed to be amended to allow SRO’s subject to approval of a conditional use permit within the Mixed-Use Urban (MU-U) Zone only. Chapter 19.401, *Single Room Occupancies (SRO’s)* is proposed to establish the following development standards for SRO’s:

- Locational standard establishing a 300-foot separation between SRO’s to minimize overconcentration.
- Operation and development standards, including minimum and maximum unit size, parking, kitchen and restroom facilities, common space requirements, a requirement for a management plan, and participation in the City’s Crime Free Multi-Housing Program.

Chapter 19.580 – Parking and Loading is amended to add a parking requirement of 1 stall per unit for SRO's (studio units).

- o Assembly Bill (AB) 2299 & Senate Bill (SB) 1069 - Accessory Dwelling Units  
Chapter 19.525 – *Second Dwelling Units* will be amended to comply with AB 2299 and SB 1069, which went into effect January 1, 2017. The new laws limit how local jurisdictions can regulate Accessory Dwelling Units (formerly called Second Dwelling Units). Specific Amendments include:
  - Modifying standards related to lot size, unit size and parking.
  - Allowing ADU's by right in Single-Family Residential Zones.

2. **Design Review:** This amendment establishes an administrative design review procedure to allow stand-alone multiple-family residential development "by right" in Multiple-Family Residential and Mixed Use Zones. "By right" multiple family is mandated by Government Code Section 65880 for sites rezoned to comply with the City's RHNA obligation. The amendment proposed by staff includes:

- o The current Site Plan Review permit requirement is eliminated, and will be replaced with an administrative design review process.
- o Criteria for "by right" approval is established, including compliance with City Codes, Water Quality law, and the mitigation measures of the 2014-2021 Housing Element's Final PEIR.

3. **Protecting Property Investment:** The Rezoning Program is proposed to conform with State mandates. The City understands the statewide need for housing, and recognizes the City's fair share obligation to provide housing development that addresses the housing crisis. However, Staff also recognizes that the candidate sites represent investments by their property owners, therefore there is a need to provide assurance that existing uses will not be unreasonably burdened by the rezone. In this spirit the City staff took a closer look at the City's current rules for non-conforming properties, and is recommending the following changes:

- o Chapter 19.080, *Nonconformities*. The proposed amendments related to nonconformities will provide greater flexibility in allowing for expansions, re-establishment and restoration of non-conforming uses, parcels, and structures including:
  - Eliminate the Code's prohibition on developing multi-family residential units on parcels in multiple-family residential zones that are non-conforming to lot size (e.g., less than 1-acre in size);
  - Increase the allowed time frame for re-establishing a non-conforming use if discontinued, from 180 days to one (1) year. This amendment would also allow uses discontinued longer than one (1) year to request re-establishment by conditional use permit;
  - Extend the period of time for restoration of destroyed non-conforming structures from 180 days to one (1) year, when the loss is 50% or less of fair market value.
  - Permit the reconstruction of destroyed non-conforming non-residential structures with the approval of a conditional use permit, when the destruction exceeding 50% of the fair market value.
- o Article V: *Base Zones and the related Use and Development Provisions* Chapter 19.100 – *Residential Zones*. The City proposes to reduce the minimum lot size for

Multiple-Family Residential Zones from one (1) acre to 30,000 square feet. The Chapter would also be amended to eliminate the Site Plan Review requirement for multiple-family residential uses, as State law requires “by right” approval of multi-family developments on sites rezoned to meet the City’s RHNA allocation. Additional amendments include:

- Reduction in height Overlay Zone setback requirements for multi-family residential structures over two stories. For a third story, the minimum rear and side setbacks are reduced from a minimum of 50 feet to a minimum of 35 feet. For each story in excess of two stories the setback would be required to be increased by 15 feet instead of the current requirement of 10 feet.
  - Reduction in the minimum front yard landscape setback area from 35 feet to 25 feet for multiple-family residential along arterial roadways 88-feet or wider.
  - Reduction in minimum required useable open space (common and private open space) for the R-3-2500, R-3-1500 and R-4 Multiple-Family Residential Zones. The higher the density of the zone the lower the requirement.
  - Reduction in the minimum required number of open space recreational amenities.
  - All references to Planning Commission approval required for buildings up to 3 stories and for open space recreational amenities have been changed to Community Development Director.
- Chapter 19.150, *Permitted Uses Tables*. Change the table to indicate that multiple-family residential uses are permitted “by right”, pursuant to State law. A change is also proposed to allow for construction of a single-family dwelling on a legal lot zoned for multiple-family residential uses in existence prior to January 1, 2018 (adoption of this Ordinance).
  - Chapter 19.710, *Design Review* and Chapter 19.770, *Site Plan Review Permit*. Amendments are necessary to be consistent with the changes to Chapter 19.150 and 19.100, which would permit multi-family residential uses in multi-family residential zones by right.
  - Chapter 19.475, *Drive-Thrus* and Chapter 19.150.020(B), *Incidental Uses Table*. Drive Thru windows are currently prohibited in mixed use zones. The proposal includes amending the Code to allow drive-thrus subject to requirements that promote the pedestrian oriented character of the areas zoned for mixed-use. The proposed requirements prohibit drive-thru pick-up windows on building elevations facing a street, and require drive-thru lanes to be screened from view from adjacent streets.
  - Chapter 19.580 – *Parking and Loading*. Establish a Studio Unit parking standard of one space per unit and provisions to allow for tandem parking for multi-family residential.
  - Chapter 19.545 – *Density Bonus*. This Chapter is proposed to be amended to remove provisions that reference discretionary “Site Plan Review Permit” and “Planned Residential Permit” requirements for density bonus incentives or concessions.

4. **Assemblies of People Non - Entertainment:** This amendment would allow dwelling units as an incidental use to Assemblies of People Non – Entertainment use, subject to approval of a Conditional Use Permit. Sections of the Code are proposed to be amended as follows:

- Article X – Definitions. The definition of *Assemblies of People – Non-Entertainment* is expanded to include schools, day care centers, dwelling units, and temporary emergency shelters as incidental uses.
  - Amendments to Chapter 19.255 – *Assemblies of People – Non-Entertainment* would establish that dwelling units are allowed as an incidental use to Assemblies of People - Non-Entertainment, except in industrial areas or in “storefront” assemblies.
  - Amend Chapter 19.740 to allow Temporary Emergency Shelter with a major temporary use permit (TUP), and limit them to 180 days per calendar year.
- 5. Tiny Homes:** This amendment is intended to establish provisions for Tiny Homes. This accommodates an alternative and affordable type of housing, and serves to increase the diversity of housing opportunities in the City. The proposed amendment would allow for Tiny Homes as follows:
- Allow Tiny Homes by right as an accessory dwelling unit to a primary residence in the Residential Estate (RE) and Single-Family Residential (R1) Zones (The proposed definition of Accessory Dwelling Unit in *Article X – Definitions* now includes Tiny Homes as a type of accessory dwelling).
  - Allow Tiny Home Communities (e.g., developments of multiple tiny homes) in the RR, RE, and R-1 Zones, subject to approval of a Planned Residential Development (PRD) permit.
  - Allow Tiny Homes as a type of dwelling unit permitted as an incidental use to *Assemblies of People, Non-Entertainment* (dwelling units that are incidental to *Assemblies of People, Non-Entertainment* would be subject to a Conditional Use Permit).
  - *Article X – Definitions* will be amended to include a definition of *Tiny Homes* and *Tiny Home Communities*.

### **University Avenue Specific Plan (UASP) Amendment**

The Housing Element candidate site list identifies properties that are within the University Avenue Specific Plan (UASP). Because the UASP adds an additional layer of regulation, the rezoning of the properties to multiple-family residential and mixed use zones also requires correlated edits to the specific plan. As proposed, the edits will change UASP’s Chapter 6 - Land Use Regulations and Land Use Table (see Exhibit 5), including the addition of the following two new land use categories:

- *Mixed Use (5<sup>th</sup> Cycle Housing Element Rezoning Program Sites with Mixed Use Zoning)*. This land use would be allowed with a Site Plan permit in all of the Specific Plan Sub-districts.
- *Multiple-Family Residential (5<sup>th</sup> Cycle Housing Element Rezoning Program Sites with Mixed Use Zoning)*. This land use would be permitted by right in all of the Specific Plan Sub-districts.

In support of the “Protecting Property Investment” Zoning Code Amendments described above, the additional UASP amendments are proposed as follows:

- Eliminate the 15-acre site requirement for Planned Mixed-Use Commercial/Residential Development.
- Update outdated Zone references to reflect the current Zones of the Zoning Code

- Replace outdated and overly restrictive mixed use project development standards of the Specific Plan with language that refers to the Mixed Use Development of the Zoning Code, including allowing restaurant drive-thru lanes subject to a Conditional Use Permit.

### **Proposed General Plan Amendment**

A General Plan Amendment is proposed in conjunction with the rezonings described above. The General Plan Amendment will reclassify some of the candidate sites to High Density Residential (HDR), Very High Density Residential (VHDR), Mixed Use – Urban (MU-U) or Mixed Use – Village (MU-V). The specific designation that a property will be changed to is contingent on the zone that is proposed. The purpose of the General Plan Amendment is to ensure that the General Plan and Zoning designations are consistent, and that they have been adequately considered in the Program Environmental Impact Report (PEIR) prepared for the Rezoning Program. Please reference Exhibit 2a for maps and text depicting the various amendments proposed for each of the Candidate Sites.

## **FINDINGS**

The approval of a General Plan Amendment does not require the City Council to make any specific findings, as the General Plan is a vision document that reflects the independent judgement of the City.

However, pursuant to Riverside Municipal Code Section 19.810.040, the approval of a Zoning Code text or map amendment requires the City Council to make the following three findings:

- A. That the proposed Zoning Code Text or Map Amendment is generally consistent with the goals, policies, and objectives of the General Plan;
- B. That the proposed Zoning Code Text or Map Amendment will not adversely affect surrounding properties; and
- C. That the proposed Zoning Code Text or Map Amendment promotes public health, safety, and general welfare and serves the goals and purposes of the Zoning Code.

Every site that will be rezoned under this proposal will be consistent with the General Plan land use designation, and establish greater consistency between the General Plan, and Zoning Code. As a result of the proposed rezoning effort, a large number of sites that are currently not consistent will become consistent. Additionally, the proposed Zoning Code text amendments serve to remove barriers to constructing housing, furthering Goals and Policies of the Housing Element of the General Plan and providing for the public health and welfare. Exhibit 1 outlines specific findings for the Commission's consideration.

## **ENVIRONMENTAL REVIEW**

A Draft Program Environmental Impact Report (DPEIR) has been prepared for the proposed project pursuant to Sections 15161 and 15126.6 of the California Environmental Quality Act (CEQA), and City of Riverside CEQA Resolution No. 21106. The DPEIR focuses on the changes in the environment that would result from the project.

It is important to note that the DPEIR is a conservative evaluation of impacts that may be created by the proposed Housing Element Rezoning Program, in that it evaluated a "worst case" scenario



of project development. For example, the Housing Element evaluated the impacts that would be created should all the properties in the rezoning program be developed to the maximum extent possible under the Zoning Code, including density bonuses. In reality most of the properties will not be developed to the maximum densities allowed by their proposed Zoning Code, and very few will receive density bonuses. However, this conservative approach is necessary to ensure that the evaluation does not underestimate potential environmental impacts.

The DPEIR analyzed the potential effects of the project associated with air quality, biological resources, cultural and tribal cultural resources, greenhouse gas emissions, hazards and hazardous materials, land use and planning, noise, public services and recreation, transportation/traffic, and utilities & service systems. Potential effects of the project that were initially considered but not analyzed in detail include aesthetics, agriculture and forestry resources, geology and soils, hydrology and water quality, and population and housing. These effects were not analyzed in detail because the proposal does not include architectural/site development details, is in an urban area already developed with urban uses, or achieves the objectives of accommodating population growth and housing needs.

The DPEIR concludes that impacts related to biological resources, hazards and hazardous materials, public services and recreation, and utilities and service systems are less than significant, or have been reduced to a less than significant level with mitigation.

The DPEIR concluded that the following impacts would remain significant and unavoidable, which requires the City Council to adopt a Statement of Overriding Considerations should the City Council approve the proposed Housing Element Rezoning Program:

Air Quality – The proposed Project could result in significant short-term construction, long term operational, localized pollutant concentrations, and cumulative air quality impacts as described below:

- *Short-term Construction Impacts:* Construction-related air quality impacts associated with the future development would be significant and unavoidable despite implementation of proposed Mitigation Measures AQ-1, AQ-2, and AQ-3.
- *Long-term Operational Impacts:* Operational air quality impacts associated with the future development would be significant and unavoidable despite implementation of proposed Mitigation Measure AQ-4.
- *Localized Pollutant Concentrations:* Although future development would be required to comply with the *City of Riverside General Plan 2025* (GP 2025) Air Quality Element's objectives and policies, as well as all South Coast Air Quality Management District (SCAQMD) rules and regulations, operational on-site area emissions would exceed the LSTs for PM10 at a distance of 25 to 200 meters, and at all distances (i.e., 25 to 500 meters to the nearest receptor) for PM2.5.
- *Cumulative Air Quality Impacts:* The Project would result in significant and unavoidable impacts for air quality plan consistency, long-term air emissions, and pollutant concentrations, and thus would involve cumulatively considerable air quality impacts despite compliance with proposed Mitigation Measures AQ-1 through AQ-6, GP 2025 Air Quality Element policies, and applicable SCAQMD rules and regulations. Because the timing, exact location and level of activity of future development is unknown, cumulatively considerable increases to criteria level pollutants cannot be quantified. Despite compliance with existing regulations, and policies and implementation of proposed mitigation measures, the project would result in significant and unavoidable cumulative impacts.

Cultural and Tribal Cultural Resources – The DPEIR analyzed impacts to Cultural and Tribal Cultural Resources and determined that in regards to Project impacts to historical resources, future development could cause a substantial adverse change in the significance of one (1) City of Riverside-designated Structure/Resource of Merit located at 3035 Van Buren Boulevard (Candidate Site W5G3S12) and three (3) City of Riverside-designated Historic Landmarks located at 9262 Magnolia Avenue, 9204 Magnolia Avenue, and 9216-9258 Magnolia Avenue (Candidate Site W5G1S16) despite compliance with proposed Mitigation Measures CUL-1 through CUL-4, as well as Riverside Municipal Code Title 20, *Historical Resources* (RMC Title 20) and applicable GP 2025 policies.

Greenhouse Gas Emissions – The proposed Project would result in significant and unavoidable impacts concerning Greenhouse Gas (GHG) emissions, compliance with the City’s Climate Action Plan (CAP), and cumulative GHG emissions, despite implementation of proposed Mitigation Measure GHG-1 and compliance with applicable GP 2025 and Riverside Restorative Growthprint CAP policies.

Land Use and Planning – The DPEIR analysis of Future development would result in significant and unavoidable impacts related to land use and planning, as it would cause the Southern California Association of Government’s (SCAG) adopted growth forecasts to be exceeded. Based on current General Plan 2025 growth forecasts, the existing development potential for the candidate sites is approximately 3,472 dwelling units and approximately 5.9 million square feet of non-residential land use. The DEIR analyzed a total of 69 sites comprised of 303 parcels, totaling 395 acres. Net increase in future development as a result of the project is as many as 8,243 dwelling units and as much as 1.3 million square feet of non-residential use over current General Plan 2025 development potential. Therefore, project implementation would result in a significant and unavoidable impact to land use planning.

Noise – The DPEIR analysis of project noise impacts determined that, while project mitigation measures have been identified that would reduce noise impacts to a less than significant level, the “Existing Plus Project Conditions” and “Future Plus Project Conditions” for long-term traffic noise impacts would remain significant and unavoidable after implementation of mitigation, due to the following:

- *Long-Term Noise Impacts* - For “Long-Term Noise Impacts” there are project-level variabilities and uncertainties concerning locations, detailed site plans, and other future development specifics that are presently unknown. Since these factors can vary so widely (and project development would occur over time dependent upon market demand, economic and planning considerations, among other factors), traffic noise impacts under Existing Plus Project Conditions and Future Plus Project Conditions would remain significant and unavoidable after implementation of mitigation.

#### Transportation/Traffic –

The DPEIR analysis of transportation and traffic impacts citywide, and found that Project traffic will exceed thresholds of roadway segment Level of Service (LOS) as described below:

Under “Existing (2017) Plus Project Conditions” the significance thresholds would be exceeded given there would be no feasible mitigation for the following roadway segments:

- Roadway Segment No. 2 - Alessandro Boulevard (North of Via Vista Drive);
- Roadway Segment No. 8 - Indiana Avenue (East of Harrison Street);
- Roadway Segment No. 9 - Jackson Street (North of Indiana Avenue); and
- Roadway Segment No. 31 - Van Buren Boulevard (North of Arlington Avenue).

Because there is no feasible mitigation, the impacts to these roadway segments under the “Existing Plus Project Conditions” are considered significant and unavoidable.

Under “Cumulative/Future (2040) Plus Project Conditions” the significance thresholds would be exceeded given there would be no feasible mitigation for the following roadway segments:

- Roadway segment 1: Alessandro Boulevard (East of Mission Grover Parkway)
- Roadway segment 2: Alessandro Boulevard (North of Via Vista Drive)
- Roadway segment 3: Alessandro Boulevard (West of Sycamore Canyon Blvd.)
- Roadway segment 8: Indiana Avenue (East of Harrison Street)
- Roadway segment 9: Jackson Street (North of Indiana Avenue)
- Roadway segment 31: Van Buren Boulevard (North of Arlington Avenue)
- Roadway segment 33: Van Buren Boulevard (North of Jurupa Avenue)

Because there is no feasible mitigation, the impacts to these roadway segments under the “Cumulative/Future Plus Project Conditions” are considered significant and unavoidable.

### **Reasonable Alternatives**

The DPEIR describes a range of reasonable alternatives to the project that would feasibly attain the project objectives while avoiding or substantially lessening any significant effects of the project. The DPEIR evaluates the comparative merits of the alternatives. The five alternatives to the project that were considered include:

1. “No Project”;
2. “Vacant Sites Only”;
3. “Impacted Sites Excluded”;
4. “Alternative Sites”; and
5. “Only 4,767 Remaining RHNA”.

Of the five alternatives, the “Alternative Sites” and “Only 4,767 Remaining RHNA” were alternatives considered but rejected as infeasible. As a result, the “No Project”, “Vacant Sites Only” and “Impacted Sites Excluded” were considered in the DPEIR. The following briefly summarizes the evaluation of the three alternatives to the proposed Project:

- The “No Project” alternative resulted in less impacts than the proposed Project, proportionate to the reduced development capacity. However, the “No Project” Alternative does not achieve the project objective, and directly conflicts with the California Government Code that mandates the City to rezone properties to achieve its RHNA obligation.
- The “Vacant Sites Only” alternative assumes that the Rezoning Program would only include the development of vacant sites within the City. This alternative resulted in approximately 3,739 dwelling units and approximately 1.4 million square feet of non-residential land uses, which is approximately 68% less housing and 80% less non-residential floor area than the project. This alternative would reduce and/or avoid the majority of the proposed Project’s significant and unavoidable impacts; but would not achieve most of the Project objectives, and would not achieve the required number of units allocated by the RHNA.
- The “Impacted Sites Excluded” alternative considered the proposed Project minus the properties/candidate sites that involved significant and unavoidable impacts. The

impacts identified relate to Cultural Resources, and compliance with the March Airport Land Use Compatibility Plan. This alternative resulted in 1,733 fewer dwelling units and approximately 200,000 square feet less non-residential development. In comparison to the proposed Project, the alternative resulted in 15% less housing and approximately 3% less non-residential square footage. The "Impacted Sites Excluded" alternative would satisfy the Project Objectives assuming none of the remaining sites of the 69 sites analyzed in the DPEIR were eliminated from the proposal. However, if all "Impacted Sites" were excluded, in addition to the sites recommended for removal with this proposal, the project would likely not meet the Project Objectives. Five sites were identified in the "Impacted Sites Excluded" alternative. Of these, three are eliminated from this proposal including:

- o *W4G3S13 and W4G4S36* – Gless Ranch (Previously removed)
- o *W5G1S19* – Arlington Village Site (32 small parcels)

## PUBLIC NOTICE AND COMMENTS

Pursuant to CEQA, a 45-day minimum review and comment period was provided for the Draft Environmental Impact Report (DEIR). The DEIR comment period began on September 1, 2017, and will end at 5:00 PM on October 23, 2017. A Notice of Availability of a DEIR was mailed to various Federal, State, regional, and local government agencies and other interested parties, including the agencies/interest groups that commented on the Notice of Preparation. The Notice of Availability was also published as a 1/8<sup>th</sup> page ad in the Press Enterprise. All comments received on the DPEIR prior to October 19, 2017 Planning Commission meeting will be provided to the Commission for consideration.

Additionally, on September 21, 2017, public hearing notices were mailed to all candidate site property owners, and property owners within 300 feet of each candidate site. The written comments received as of the date of this report are provided as Exhibit No. 8 to this report. One comment on the DPEIR was received from the Native American Heritage Commission on October 2, 2017.

## EXHIBITS LIST

1. Staff Findings
2. Maps
  - a. 2014-2021 Housing Element Rezoning Program Candidate Rezone Sites
  - b. Rezoning Constraints Map
3. Zoning Code Text Amendment Summary Table
4. Zoning Code Text Amendment Exhibits
  - a. Chapter 19.080 - Nonconformities
  - b. Chapter 19.100 – Base Zones
  - c. Chapter 19.150.020(A) – Permitted Uses Table
  - d. Chapter 19.150.020(B) – Incidental Uses Table
  - e. Chapter 19.150.020(C) – Temporary Uses Table
  - f. Chapter 19.205 – Emergency Shelter Overlay
  - g. Chapter 19.255 – Assemblies of People – Non-Entertainment
  - h. Chapter 19.400 – Shelters - Emergency
  - i. Chapter 19.401 – Single Room Occupancies
  - j. Chapter 19.442 – Accessory Dwelling Units
  - k. Chapter 19.475 – Drive-Thrus
  - l. Chapter 19.580 – Parking and Loading
  - m. Chapter 19.710 – Design Review

- n. Chapter 19.740 – Temporary Use Permit
  - o. Chapter 19.780 – Planned Residential Development
  - p. Article X – Definitions
  - q. Chapter 19.770 – Site Plan Review
  - r. Chapter 19.545 – Density Bonus Provisions
- 5. University Avenue Specific Plan Amendment
  - 6. Sites Recommended for Removal Table
  - 7. September 14, 2017 HCD Comment Letter
  - 8. Public Comments
  - 9. Draft Program Environmental Impact Report and DPEIR Appendices – City’s website at:

<http://www.riversideca.gov/planning/housing-element.asp>

Draft PEIR – Also on file with the City’s Community & Economic Development Department, 3900 Main Street, Riverside, CA 92522, and Riverside Main Public Library, 3581 Mission Inn Avenue, Riverside, CA 92501.

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Prepared by: Doug Darnell, Senior Planner  
Reviewed by: Ted White, Deputy Director  
Approved by: Rafael Guzman, Community & Economic Development Director



*EXHIBIT 1 – STAFF FINDINGS*

**Case Numbers:**      **P17-0096** (General Plan Amendment)  
                              **P17-0180** (Rezone)  
                              **P17-0182** (Zoning Code Text Amendments)  
                              **P17-0521** (University Avenue Specific Plan Amendment)

***Zoning Code Amendment Findings Pursuant to Section 19.810.040***

- a. The proposed Zoning Code Text and Map Amendments are generally consistent with the goals, policies, and objectives of the General Plan because every site that will be rezoned under this proposal will be consistent with the General Plan land use designation, and establish greater consistency between the General Plan, and Zoning Code. As a result of the proposed rezoning effort, a large number of sites will become consistent with the existing General Plan land use designations, where they currently are not consistent. Additionally, the proposed Zoning Code text amendments serve to remove barriers to housing furthering Goals and Policies of the Housing Element of the General Plan.
- b. The proposal Zoning Code Text and Map Amendments will not directly adversely affect surrounding properties because the proposed rezoning and amendments do not involve actual development. However, the proposed multiple-family residential and mixed use zoning will allow for future development of multiple-family residential by right. For many sites, this will increase the density and intensity of use that could be allowed with the proposed zoning, which could result in impacts to surrounding properties. In compliance with the California Environmental Quality Act (CEQA), a Draft Program Environmental Impact Report has been prepared to analyze potential environmental impacts of future development that could occur as a result of the project. Where feasible, mitigation measures have been identified to reduce potentially significant impacts to a less than significant level. The DPEIR has found some impacts to be Significant and Unavoidable and for such impacts, the Final DPEIR will include a Statement of Overriding Considerations in compliance with CEQA.
- c. The proposal promotes public health, safety, and general welfare and serves the goals and purposes of the Zoning Code, in that the proposed Zoning Code Text and Map Amendments will promote greater opportunity for safe and affordable housing to meet the needs of all segments of the population.