



PLANNING COMMISSION HEARING DATE: JANUARY 10, 2019  
AGENDA ITEM NO.: 4

## PROPOSED PROJECT

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| <i>Case Numbers</i>     | <b>P18-0865</b> (Zoning Code Amendment)  |
| <i>Request</i>          | To consider an amendment to the Zoning Code (Title 19 of the Riverside Municipal Code), including Chapter 19.442 – Accessory Dwelling Units; Section 19.150.020.B – Incidental Land Uses Table; Section 19.580.050 Parking Requirements; and Chapter 19.910 – Definitions. The proposed amendments are necessary to comply with State law. |
| <i>Applicant</i>        | City of Riverside Community & Economic Development Department<br>3900 Main Street, 6th Floor<br>Riverside, CA 92522<br>(951) 826-2372  |
| <i>Project Location</i> | Citywide   |
| <i>Ward</i>             | All Wards  |
| <i>Neighborhood</i>     | All Neighborhoods  |
| <i>Staff Planner</i>    | Doug Darnell, Senior Planner<br>951-826-5219<br><a href="mailto:ddarnell@riversideca.gov">ddarnell@riversideca.gov</a>   |

## RECOMMENDATIONS

Staff recommends that the Planning Commission:

1. **RECOMMEND that the City Council DETERMINE** that Planning Case P18-0865 (Zoning Code Amendment) is exempt from the provisions of the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15061(b)(3), as it can be seen with certainty that the code amendment does not have the potential to cause a significant effect on the environment (General Rule); and
2. **RECOMMEND APPROVAL** of Planning Case P18-0865 (Zoning Code Amendment) based on the findings attached to this staff report (Exhibit 1).

## BACKGROUND

The State of California has identified an affordable housing shortage as a legislative priority, and identified accessory dwelling units (ADUs) as an opportunity to create low cost housing within existing neighborhoods. ADU's are living quarters that provide independent living units separate

from a primary single-family residence. ADUs typically have a kitchen and may be rented independent of the primary residence.

Recently, the State adopted laws that eliminate barriers to constructing ADUs. These new laws mandate that local jurisdictions streamline ADU approvals, and, in some cases, limit the local jurisdictions' authority to impose regulations and development standards. Riverside currently allows for ADUs in single-family residential zones, if they meet certain standards, but does not allow them in all zones where single-family dwellings are allowed.

### *Housing Element Implementation*

On December 12, 2017, the City Council approved the Housing Element Implementation Program, which amended the ADU provisions of the Zoning Code to comply with laws enacted in 2016 (AB 2299 and SB 1069). The ADU amendments were one component of the necessary Zoning Code amendment to meet State Housing Element requirements.

In late 2017, the State adopted additional ADU laws (SB 229 and AB 494), which became effective on January 1, 2018. Amendments to comply with these laws were not included in the Housing Element Implementation Program. Key elements of the 2017 legislation include:

- Reduced or eliminated parking requirements, including clarification that an ADU can be created through the conversion of a garage, carport, or covered parking structure.
- Reduced or eliminated utility connection fees.
- Required ministerial approval for ADUs within existing single-family units.
- Required ministerial approval for ADUs that comply with specified standards.

In 2018, the California Department of Housing and Community Development (HCD) established additional policies for complying with the State ADU law. As a result, revision to the City's 2017 amendments are required.

## **PROPOSAL**

The proposed amendments to the City's Zoning Code will bring the ADU regulations into compliance with State requirements. The proposed amendments will increase housing opportunities in the City of Riverside, and provide the following additional benefits:

- Relatively inexpensive housing when compared to cost of traditional affordable housing.
- Housing affordable to extended family, students, seniors, in-home health care providers, disabled persons, and others.
- ADUs provide additional income opportunities for homeowners.

The proposed amendments to the Zoning Code (Exhibit 2) include the following Sections and Chapters of the Zoning Code:

- Chapter 19.442 – Accessory Dwelling Units (ADU)
- Section 19.150.020.B – Incidental Land Use Table
- Section 19.580.050 – Parking Requirements
- Chapter 19.910 – Definitions

### ***Chapter 19.442 – Accessory Dwelling Units (ADU)***

Chapter 19.442 includes the specific requirements that regulate ADUs in the City of Riverside. The following provides a summary of the Staff proposed changes to the Zoning Code:

- a. If an ADU is proposed within the space of an existing single-family residence or an existing accessory structure and meets certain criteria, only a building permit would be required.
- b. New ADU structures would be permitted, subject to development standards that generally include:
  - a. ADUs may be detached from a primary single-family residence, attached to a single-family residence, or contained wholly within a single-family residence.
  - b. ADUs would be required to meet the lot coverage, building setbacks and heights of the underlying zone, with minor exceptions.
- c. For all ADUs, both within an existing or new structure:
  - a. ADUs must be located on the same lot as an existing or proposed primary single-family residential dwelling, and the owner must occupy either the primary or accessory dwelling unit.
  - b. Parking would not be required for an ADU, but parking for the primary dwelling must be maintained.
  - c. ADUs must comply with all building codes.
  - d. ADUs would only be permitted on a lot that meets the minimum requirements for a single-family dwelling.

### ***Section 19.150.020.B – Incidental Land Use Table***

In Riverside, ADUs are currently allowed as an incidental use to a single-family dwelling in the Residential Estate (RE) and the Single-Family Residential (R-1) Zones. ADUs are not allowed in any other zone in Riverside. Staff is proposing an amendment to the Zoning Code to meet State law that would streamline permitting if specific criteria are met. These include:

- a. The property is located in a single-family residential zone;
- b. The ADU is contained within the existing space of a single-family dwelling or an existing accessory structure that has not been constructed or altered within the preceding 6 months;
- c. The ADU has independent exterior access separate from the existing residence; and
- d. The side and rear setbacks for the ADU are sufficient for fire safety.

In the RR, RA-5 and RC zones, ADUs would only be allowed in an existing single-family residence or existing accessory structure, as required by State law. The RR, RA-5, and RC zones do not allow new accessory dwelling unit structures because these rural areas have limited public transit, are restricted by voter initiative, may have limited utility capacity, and are generally served by rural roadways.

State law provides that ADUs may be allowed in single-family or multi-family residential zones. Staff is proposing that ADUs be allowed in an existing single-family residence, in an existing accessory structure or in a new accessory structure in the R-E, R-1, R-3, R-4, MU-N, MU-V, and MU-U zones.

### ***Section 19.580.050 – Parking Requirements***

The Zoning Code currently requires that, in addition to the parking required for the primary dwelling, an ADU provide one parking space. The State has identified five criteria when parking cannot be required for an ADU, including proximity to public transit; location in an historic district; the availability of on-street parking permits; the availability of car-sharing; and when the accessory dwelling unit is part of the primary residence or an accessory structure.

The majority of the City falls within one-half mile of public transit which is one of the State's criteria (Exhibit 3). Lots that are not within the one-half mile are generally larger and on-site parking can be provided. Staff is recommending the following parking provisions for ADUs:

- a. When a garage, carport or covered parking is demolished or converted to an ADU, replacement parking for the primary dwelling is required; and
- b. No parking required for the ADU.

Additionally, for those areas that are beyond a one-half mile distance from public transit, the ADU would likely be part of a primary residence or an accessory structure; which is one of the criteria that prohibits the City from requiring parking.

### **Chapter 19.910 – Definitions**

Staff is proposing to amend the "Dwelling Unit - Accessory" definition in the Zoning Code to ensure consistency with State Law. The new definition is:

"An attached or detached residential dwelling unit which provides complete independent living facilities for one or more persons. An accessory dwelling unit may be located wholly within a primary single-family residential dwelling. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel where a permitted primary single-family dwelling is situated. An accessory dwelling unit also includes the following:

- a. An efficiency unit as defined in Section 17958.1 of the Health and Safety Code.
- b. A manufactured home, as defined in Section 18007 of the Health and Safety Code."

## **ENVIRONMENTAL DETERMINATION**

This proposal is exempt from the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15061(b)(3), as it can be seen with certainty there is no possibility the proposed amendment will have a significant effect on the environment (General Rule).

## **PUBLIC NOTICE AND COMMENTS**

Pursuant to Section 19.670.040 (Notice of Hearing for Legislative Actions) of the Zoning Code, and California Government Code Section 65090 and 65091, a one-eighth page public notice advertisement was placed in the local newspaper of general circulation within the City (The Press Enterprise) twelve (12) days prior to this hearing. As of the writing of this report, staff has received no responses regarding this proposal.

## APPEAL INFORMATION

Actions by the City Planning Commission, including any environmental finding, may be appealed to the City Council within ten calendar days after the decision. Appeal filing and processing information may be obtained from the Planning Department Public Information Section, 3rd Floor, City Hall.

## EXHIBITS LIST

1. Staff Recommended Findings
2. Proposed Zoning Code Amendments
  - a. Section 19.150.020.B – Incidental Land Uses Table
  - b. Chapter 19.442 – Accessory Dwelling Units
  - c. Section 19.580.050 – Parking Requirements
  - d. Chapter 19.910 – Definitions
3. ADU Parking Requirement Constraints Map

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Prepared by: Doug Darnell, Senior Planner  
Reviewed by: Jay Eastman, Principal Planner  
Approved by: Mary Kopaskie-Brown, City Planner



*EXHIBIT 1 – STAFF RECOMMENDED FINDINGS*

**PLANNING CASES:**     **P18-0865** (Zoning Code Amendment)

Zoning Code Amendment Findings pursuant to Chapter 19.810.040

1. That the proposed Zoning Code Text or Map Amendment is generally consistent with the goals, policies, and objectives of the General Plan. Specifically, the Housing Element of the General Plan 2025 includes objectives and policies that:
  - a. Objective H-2: To provide adequate diversity in housing types and affordability levels to accommodate housing needs of Riverside residents, encourage economic development and sustainability, and promote an inclusive community.
  - b. Policy H-2.4: Housing Diversity. Provide development standards and incentives to facilitate live-work housing, mixed-use projects, accessory dwellings, student housing, and other housing types.
  - c. Policy H-2.5: Entitlement Process. Provide flexible entitlement processes that facilitate innovative and imaginative housing solutions, yet balance the need for developer certainty in the approval process, governmental regulation, and oversight.
2. The proposed Zoning Code Amendment is consistent with the above General Plan 2025 Objectives and Policies in that it establishes standards that encourage and facilitates ADU's, which are an affordable housing option to accommodate the housing needs of the community;
3. That the proposed Zoning Code Amendment will not adversely affect surrounding properties in that the proposed amendment includes development standards to minimize impacts to surrounding properties to the extent that is allowed by State law while complying with State mandates and requirements for ADU's furthering address a severe Statewide housing crisis;
4. That the proposed Zoning Code Amendment promotes public health, safety and general welfare and serves the goals and purposes of the Zoning Code in that the proposed amendment aligns with State mandates and requirements to address severe a severe Statewide housing crisis.