



City of Arts & Innovation

City Council Memorandum

TO: HONORABLE MAYOR AND CITY COUNCIL DATE: FEBRUARY 19, 2019

FROM: COMMUNITY & ECONOMIC DEVELOPMENT WARDS: ALL
DEPARTMENT

SUBJECT: PLANNING CASE P18-0865 – ZONING CODE AMENDMENT TO UPDATE THE
ACCESSORY DWELLING UNIT PROVISIONS OF THE ZONING CODE TO
COMPLY WITH STATE LEGISLATION

ISSUE:

Approve a Zoning Code Amendment to update the Accessory Dwelling Unit provisions of Title 19 – Zoning Code of the Riverside Municipal Code, including amendments to 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 to comply with State legislation.

RECOMMENDATIONS:

That the City Council:

1. Determine that Planning Case P18-0865 (Zoning Code Amendment) is exempt from the provisions of the California Environmental Quality Act per 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);
2. Approve Planning Case P18-0865 (Zoning Code Amendment) based on the findings of the Planning Commission staff report; and
3. Introduce and subsequently adopt the attached Ordinance amending the Accessory Dwelling Unit provisions of Title 19 - Zoning Code of the Riverside Municipal Code.

PLANNING COMMISSION RECOMMENDATION:

On January 10, 2019, the City Planning Commission recommended approval of Planning Case P18-0865, by a vote of 8 ayes and 0 noes, subject to staff's findings (Attachment 2 and Attachment 3).

BACKGROUND:

State Legislation

The State of California has identified the existing housing shortage as a legislative priority. The State has identified accessory dwelling units (ADU) as an opportunity to create low cost housing within existing neighborhoods. ADUs include independent living quarters that are only allowed on a lot with a single-family home meeting certain standards, and ADUs may be rented. The State legislation eliminates barriers to developing ADUs and mandates streamlining for approval. In some cases, the legislation limits the local jurisdictions' authority to impose regulations.

Housing Element Implementation

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

In late 2017, the State adopted additional ADU legislation (SB 229 and AB 494), that became effective on January 1, 2018. Amendments to comply with the new legislation were not included in the Housing Element Implementation Program as it was initiated prior to their adoption. Key elements of the new legislation includes provisions for:

1. Reduced or eliminated parking requirements;
2. Clarification that an ADU can be created through the conversion of a garage, carport, or covered parking structure;
3. Reduced or eliminated utility connection fees;
4. Required ministerial approval for ADUs in existing single-family units or accessory structures; and
5. Required ministerial approval for ADUs that comply with specified standards.

DISCUSSION:

The proposed amendments to the City's Zoning Code will bring the ADU regulations into compliance with State requirements. The following summarizes the amendments to Title 19 - Zoning Code (Chapter 19.442, Section 19.150.020.B, Section 19.580.050 and Chapter 19.910).

Chapter 19.442 – Accessory Dwelling Units (ADU)

Chapter 19.442 includes the specific requirements that regulate ADUs in Riverside. The following summarizes the proposed amendments to this Chapter:

1. Only a building permit is required if the ADU is within an existing single-family residence or accessory structure, and meets certain criteria.

2. For new ADU structures:

- a. ADUs would be required to meet the lot coverage, building setbacks and heights of the underlying zone, with minor exceptions.
- b. ADUs may be detached from or attached to a primary single-family residence, or contained wholly within the primary single-family residence.

3. For all ADUs:

- a. The owner must occupy either the primary single-family residence or ADU.
- b. ADUs must be located on the same lot as the existing or proposed primary single-family residence.
- c. Parking would not be required for an ADU.
- d. Parking for the primary single-family residence must be maintained on site.
- e. ADUs must comply with all building codes.
- f. ADUs are only permitted on a lot that meets the minimum requirements for a single-family residence.

Section 19.150.020.B – Incidental Uses Table:

The City of Riverside currently allows ADUs in single-family residential zones if they meet certain standards. ADUs are not currently allowed in all zones where single-family residences are allowed. State legislation allows ADUs in single-family or multi-family residential zones. To meet the State legislation, the Incidental Uses Table in Title 19 - Zoning Code is amended to include:

1. In existing primary single-family residences or existing accessory structures, ADUs would be allowed in the RR, RA-5 and RC Zones.
2. In new structures, additions to existing structures, or within existing structures, including the primary single-family residence or an accessory structure, ADUs would be allowed in:
 - a. RE and R-1 single-family residential zones;
 - b. R-3 and R-4 multi-family residential zones; and
 - c. MU-N, MU-V, and MU-U mixed-use zones.

Section 19.580.050 – Parking Requirements:

Title 19 - Zoning Code currently requires one parking stall per ADU. State legislation prohibits jurisdictions from requiring parking for ADU's under specific circumstances including:

- The ADU is located within one-half mile of a public transit;
- The ADU is located within an architecturally and historically significant historic district;
- The ADU is part of a proposed or existing primary residence or an accessory structure;
- When on-street parking permits are required but not offered to the occupants of the ADU; and
- A car sharing vehicle is located within one block.

A majority of the City of Riverside is within one-half mile of public transit (Attachment 4). The proposed parking changes include:

1. Parking spaces required for the primary single-family residence shall be maintained or replaced on-site; and
2. No additional parking is required for an ADU.

Chapter 19.910 – Definitions

Changes to the definitions in Title 19 - Zoning Code for “*Dwelling Unit - Accessory*” ensure consistency with State legislation. The proposed 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:

1. An efficiency unit as defined in Section 17958.1 of the Health and Safety Code.
2. A manufactured home, as defined in Section 18007 of the Health and Safety Code.”

Conclusion

The proposed amendments to Title 19 – Zoning Code will bring the City’s Code in line with State law and increase housing opportunities in the City of Riverside. Additionally, the following benefits are likely:

- Relatively inexpensive housing options, when compared to cost of traditional affordable housing;
- Affordable housing for extended family, students, seniors, in-home health care providers, disabled persons, and others; and
- Additional income opportunities for homeowners.

FISCAL IMPACT:

There is no fiscal impact associated with the adoption of the new ADU amendments as all costs for development will be the responsibility of the applicant.

ADUs will create some additional demand on water and sewer infrastructure in Riverside. Both the Public Works Department and Riverside Public Utilities have confirmed that the existing sewer and water infrastructure in existing single-family neighborhoods is adequate to support the addition of ADUs. Under California Government Code Section 65852.2(D)(xi)(f)(2), ADUs shall not be considered to be a new residential use for the purposes of calculating connection fees or capacity charges for utilities, including water and sewer service. Consistent with State law, the City’s Public Utility does not require new utility connections for new ADUs.

Prepared by: David Welch, Community & Economic Development Director
Certified as to
availability of funds: Edward Enriquez, Chief Financial Officer/City Treasurer
Approved by: Rafael Guzman, Assistant City Manager
Approved as to form: Gary G. Geuss, City Attorney

Attachments:

1. Proposed Ordinance
2. City Planning Commission Report – January 10, 2019
3. Planning Commission Minutes
4. ADU Parking Requirement Constraints Map
5. Presentation