



Community & Economic Development Department
3900 Main Street, Riverside, CA 92522 | Phone: (951) 826-5371

Planning Division
RiversideCA.gov

**PLANNING COMMISSION HEARING DATE: SEPTEMBER 5, 2019
AGENDA ITEM NO.: 4**

PROPOSED PROJECT

<i>Case Numbers</i>	P19-0565 (Zoning Text Amendment)
<i>Request</i>	<p>To amend the text of Riverside Municipal Code Title 19 (Zoning) for technical and clarifying changes including but not limited to:</p> <ol style="list-style-type: none">1) Article II (Zoning Code Administration, Interpretation and Enforcement);2) Article V (Base Zones and Related Use and Development Provisions);3) Article VII (Specific Land Use Provisions);4) Article VIII (Site Planning and General Development Provisions)5) Article IX (Land Use Development Permit Requirements/Procedures); and6) Article X (Definitions). <p>The proposed text amendments include, but are not limited to, revisions to:</p> <ol style="list-style-type: none">1) The Development Review Committee and Community & Economic Development Director responsibilities;2) Accessory Buildings and Structures;3) Multiple-Family and Mixed-Use developments;4) Recycling Facilities;5) Parking and Loading;6) Permitted Uses and Incidental Uses Tables; and7) Temporary Uses. <p>Other minor changes and technical corrections may be considered as necessary for clarification or to remove redundancies.</p>
<i>Applicant</i>	City of Riverside Community & Economic Development Department 3900 Main Street, 3rd Floor Riverside, CA 92522 (951) 826-5371
<i>Project Location</i>	Citywide
<i>Ward</i>	All Wards
<i>Neighborhood</i>	All Neighborhoods
<i>Staff Planner</i>	Jack Cartledge, Planning Technician 951-826-5592 jcartledge@riversideca.gov

RECOMMENDATIONS

Staff recommends that the Planning Commission:

1. **RECOMMEND that the City Council DETERMINE** that Planning Case P19-0565 (Zoning Text Amendment) is exempt from the California Environmental Quality Act subject to Section 15061(b)(3), as it can be seen with certainty that the amendment will not have the potential to cause a significant effect on the environment; and
2. **RECOMMEND that the City Council APPROVE** Planning Case P19-0565 (Zoning Text Amendment) based on the findings in the staff report on the proposed changes summarized in the attached Exhibits.

BACKGROUND

Planning Staff continuously tracks the applicability and accuracy of the Riverside Municipal Code Title 19 (Zoning) to ensure the requirements are not in conflict and provide clear direction to the public. Staff identifies inaccuracies, vagueness, or conflicts and tracks this information so that Zoning Text Amendments can be made. Since the last update of the Zoning, a number of items have been identified that require correction, clarification and changes.

The Zoning Text Amendment builds on the “Streamline Riverside” initiative that continually identifies and implements strategic changes to City processes. The changes will provide greater clarity and reduce ambiguity in the Zoning through minor updates, revisions, and technical corrections to several Chapters and Sections.

PROJECT ANALYSIS

The technical changes proposed are described in this staff report. The following summarizes the proposed Zoning Text Amendment:

1. **Chapters 19.050, 19.650, 19.720, 19.730, 19.760, 19.910 – Responsibilities and Authority of the Community & Economic Development Director (CEDD Director) and the Development Review Committee (DRC) - (Exhibit 1)**

An amendment to Chapter 19.050 – Approving and Appeal Authority is proposed to further explain the official duties and responsibilities of the Development Review Committee, and clarifies that each Department and Division that participates in the DRC shall retain and exercise its own approving authority for associated projects. An amendment to the definition of Development Review Committee (Chapter 19.910 – Definitions) is also proposed to clarify that any three of the Divisions and Departments listed can formally comprise the Committee, and that the Planning Division is the Committee chair.

An amendment to Table 19.650.020 would shift the Final Approving Authority for standalone Variance requests from the Development Review Committee to the Community & Economic Development Director. This change further streamlines the review and approval process for both the applicant and staff, particularly for cases that primarily concern only the Planning Division, such as setback and height variances. Chapter 19.720 - Variance is also to be amended to reflect this shift in Variance approval.

The City Council is expected to consider a number of revisions to the Riverside Municipal Code relating to entertainment uses as a separate item this fall. In anticipation of these changes, an amendment to Chapters 19.730 – Minor Conditional Use Permits and 19.760 - Conditional Use Permits are proposed to grant the CEDD Director the authority to void Entertainment related conditions only, for both Minor and Major Conditional Use Permits, if an Entertainment Permit is issued.

2. Chapter 19.100 – Residential Zones - (Exhibit 2)

Section 19.100.010.D is being amended to remove language that incorrectly states that agricultural uses are not allowed within the Residential Estate (RE) and R-1-1/2 Acre zones. This change cleans up a conflict with Table 19.150.020.A - Permitted Uses Table which allows for agriculture and the growing of farm/tree crops by right within all single-family residential zones.

Table 19.100.040.B - Residential Development Standards – Multiple-family Residential zones is being amended to remove the “Lot Area per Dwelling Unit - Minimum” development standard from the table. This standard is duplicative of the “Density – Maximum (Dwelling Units per Gross Acre)” standard in the table. “Density – Maximum (Dwelling Units per Gross Acre)” better regulates the density of projects. Additionally, the labelling of the “Adjoining Side” setback standard has been modified to “Street Adjoining Side” setback to better explain and reduce ambiguity in the Table.

3. Chapter 19.120 – Mixed-Use Zones - (Exhibit 3)

Table 19.120.050 - Mixed-Use Development Standards is being amended by clarifying the “Front Building Façade Length” with a note directing readers to Section 19.120.070.D related to building modulation and articulation.

Table 19.120.050 is further amended to link minimum open space requirements for each Mixed-Use zone to corresponding R-3 zones based on density. While the current table refers readers to the open space standards of the Multiple-Family Zones, it is unclear to what zone the R-3 zone corresponds. The proposed revision links clarifies the applicable standard.

4. Chapter 19.150 – Base Zones Permitted Land Uses - (Exhibit 4)

Currently, per the Permitted Uses Table, age-restricted Senior Housing requires a Conditional Use Permit in the R-1, R-3, R-4, MU-N, MU-V and MU-U zones. Multiple-family Dwellings are permitted by right in these zones. Because age-restricted Senior Housing is similar to Multiple-family Dwellings, in terms of potential impacts, an interpretation was recently made by the Planning Division that both should be regulated the same in the R-3, R-4, MU-V and MU-U zones. A Minor Conditional Use Permit would still be required in the R-1 and MU-N zones to ensure any potential impacts are addressed. To reflect this interpretation, an amendment to Table 19.150.020.A - Permitted Uses Table is proposed.

5. Chapter 19.385 – Recycling Facilities; Chapter 19.870 – Recycling Center Permit - (Exhibit 5)

Based on direction provided by the Public Safety Committee on June 19, 2019, Chapter 19.385.030 includes amendments to clarify that mobile recycling facilities shall be architecturally compatible with the primary buildings and include an increased setback between mobile recycling facilities and residentially zoned or occupied properties from 50 feet to 100 feet. These changes ensure compatibility with adjacent uses and reduce potential impacts commonly associated with mobile recycling units, including noise, smells, and lighting. Furthermore, Section 19.385.030.A.10 has been added to hold operators responsible for continuous upkeep and maintenance of mobile recycling units.

Along with revisions to operational and development standards, the permitting process for recycling centers is also being amended to require biennial (every two years) renewal of both new and existing Recycling Center Permits (RCPs). Currently, the City enforces standards on existing centers through Code Enforcement citations after violations have already occurred. Requiring biennial renewal of permits for all operators allows the City to take a proactive enforcement approach and ensure ongoing reviews of recycling centers to ensure a high standard of operations within City limits.

6. Chapter 19.440 – Accessory Buildings and Structures - (Exhibit 6)

An amendment is proposed to Section 19.440.030.E.1 to correct a provision that inadvertently allows accessory structures to be placed in front of a single family dwelling within R-1 zones. The proposed amendment would require accessory structures be placed no closer to the front property line than the front-most wall of the dwelling, or 50 feet, whichever is greater. This change will prevent and discourage accessory structures from being placed within the front yard of single-family lots, preserving the aesthetic character of these neighborhoods.

7. Chapter 19.580 – Parking and Loading - (Exhibit 7)

A number of clarifying changes and corrections have been made to Table 19.580.060 – Required Spaces to remove unnecessary parking requirements, revise and clarify use-related requirements, and reduce parking requirements for age-restricted senior housing from 1.1 spaces per unit to 1 space per unit. In addition, the parking requirement for vehicle wash facilities has been amended to clarify that vacuum stalls do not satisfy the required employee parking. For parking variances requests, if the Development Review Committee is the approval authority, this would be shifted to the Community & Economic Development Director.

8. Chapter 19.710 – Design Review - (Exhibit 8)

Chapter 19.710 – Design Review has been amended to exempt any structure or site subject to Title 20 (Cultural Resources) from the Design Review requirement. Any project subject to Title 20 must go through a similar design review process and obtain a Certificate of Appropriateness from the Cultural Heritage Board or Historic Preservation Officer.

Section 19.710.020.D is also proposed to be amended to clarify that age-restricted senior housing is subject to the requirements for Design Review as they would be permitted per the recommended changes in the Base Zones Permitted Land Uses.

9. Chapter 19.740 – Temporary Use Permit - (Exhibit 9)

Table 19.740.020 – Temporary Use Permit currently specifies whether each temporary use is a Major or Minor Temporary Use and subject to the corresponding fees (currently \$1,025 and \$200, respectively). The Table is being amended to redefine several temporary uses from Major TUPs to Minor TUPs to better align with the actual staff time used to review and process these applications. In practice, the listed uses of “Fair, Concert, Exhibit, or Similar Uses,” “Non-Commercial Tent Meetings,” and “Outdoor Preparation of Food (Temporary)” are being processed as Minor Temporary Use Permits due to their similarity with other “Minor” uses.

For non-profit 501(c)(3) applicants, a proposal to amend Section 19.740.020 specifically to exempt them from fees for Temporary Use Permits is proposed to reduce the cost and save staff time. “Vapor Recovery Operations” have also been added as a Major Temporary Use within Table 19.740.020, as it was erroneously deleted as part of a previous amendment.

Other minor reorganization and clarifying changes have been made to clean up the Chapter consistent with current permitting processes for Temporary Use Permits.

10. Chapter 19.770 – Site Plan Review Permit - (Exhibit 10)

Chapter 19.770 – Site Plan Review Permit has been amended to clarify that standalone multi-family and age-restricted senior housing developments within Mixed-Use zones are exempt from a site plan review permit, and are instead subject to Design Review. This will save time and costs for applicants for the projects that are allowed in the Mixed-Use zones.

11. Chapter 19.910 – Definitions - (Exhibit 11)

A new definition for Riding Stable and Academy has been added to Chapter 19.910 - Definitions. While listed as a permitted use in the RA-5 – Residential Agricultural zone, riding stables and academies are not defined within the Zoning Code.

FINDINGS SUMMARY

Pursuant to Chapter 19.810.040 of the Zoning Code, the following required findings can be made by staff:

1. The proposed Zoning Text Amendment is consistent with the goals, policies, and objectives of the General Plan.

The Zoning Text Amendment is consistent with this finding. The proposed Zoning Text Amendment will provide clarity and eliminate conflicts. Minor language additions, deletions and changes are proposed to eliminate ambiguity and further streamline the development process in the City. Substantive changes that would be inconsistent with the goals, policies and objectives of the General Plan (e.g. zoning district changes, changes to uses allowed in zone, etc.) are not proposed at this time.

2. The proposed Zoning Text Amendment will not adversely affect surrounding properties.

The Zoning Text Amendment is consistent with this finding. There are no changes proposed to the Zoning Map, zoning districts, allowed uses or other development standards that would adversely affect surrounding properties. The proposed Zoning Code changes are limited to minor language additions, deletions and text changes to eliminate ambiguity and further streamline the development process in the City.

3. The proposed Zoning Text Amendment promotes public health, safety, and general welfare and serves the goals and purposes of the Zoning Code.

The Zoning Text Amendment is consistent with this finding. The proposed Zoning Text Amendment will provide better clarity and streamlining to the development process. This will serve and promote the public health, safety and general welfare of residents.

ENVIRONMENTAL REVIEW

This proposed Zoning Text Amendment is exempt from the California Environmental Quality Act (CEQA) review pursuant to Section 15061(b)(3), as it can be seen with certainty that the amendment does not have the potential to cause a significant effect on the environment.

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) at least 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. Amendments to Chapters 19.050, 19.650, 19.720, 19.730, 19.760, 1.910 – Responsibilities and Authority of the Community & Economic Development Director (CEDD Director) and the Development Review Committee (DRC)
2. Amendments to Chapter 19.100 – Residential Zones
3. Amendments to Chapter 19.120 – Mixed-Use Zones
4. Amendments to Chapter 19.150 – Base Zones Permitted Land Uses
5. Amendments to Chapter 19.385 – Recycling Facilities; Chapter 19.870 – Recycling Center Permit
6. Amendments to Chapter 19.440 – Accessory Buildings and Structures
7. Amendments to Chapter 19.580 – Parking and Loading
8. Amendments to Chapter 19.710 – Design Review
9. Amendments to Chapter 19.740 – Temporary Use Permit
10. Amendments to Chapter 19.770 – Site Plan Review Permit
11. Amendments to Chapter 19.910 – Definitions

Prepared by:	Jack Cartledge, Planning Technician
Reviewed by:	David Murray, Principal Planner
Approved by:	Mary Kopaskie-Brown, City Planner