



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

Planning Division
RiversideCA.gov

**PLANNING COMMISSION HEARING DATE: DECEMBER 12, 2019
AGENDA ITEM NO.: 5**

PROPOSED PROJECT

<i>Case Numbers</i>	P19-0781 (Zoning Text Amendment)
<i>Request</i>	<p>To consider an amendment to Title 19 (Zoning) of the Riverside Municipal Code for consistency with recently adopted amendments to Title 5 (Business Taxes, Licenses and Regulations) related to entertainment activities, including, but not limited to:</p> <ol style="list-style-type: none">1. Article V (Base Zones and Related Use and Development Provisions);2. Article VII (Specific Land Use Provisions);3. Article VIII (Site Planning and General Development Provisions);4. Article IX (Land Use Development Permit Requirements/Procedures); and5. Article X (Definitions). <p>The proposed amendments include, but are not limited to:</p> <ol style="list-style-type: none">1. References to the new Title 5 changes relating to Entertainment in the City of Riverside;2. Revisions to the Base Zones Permitted Land Uses Tables relating to Assemblies of People—Entertainment, Incidental Entertainment and Entertainment (Trial Basis Only) uses;3. Revisions to the permit exemption criteria for the on-sale of alcohol at a bona fide eating place;4. Revisions to the standards for Changeable Copy and Electronic Message Center Signs related to entertainment activities;5. The addition and clarification of definitions related to entertainment activities and uses; and6. Other minor, non-substantive changes and technical corrections required to provide clarity or remove redundancies, as needed. <p>Since the Zoning Clean completed in October 2019, two additional priority clean-up items have been identified and are included in the Zoning Code Amendment:</p> <ol style="list-style-type: none">1. Article IX - Effective Dates for approvals that are undergoing litigation; and2. Article X - Definition for Short-Term Rentals.

<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>	Matthew Taylor, Associate Planner 951-826-5944 mtaylor@riversideca.gov

RECOMMENDATIONS

Staff recommends that the Planning Commission:

1. **RECOMMEND that the City Council DETERMINE** that Planning Case P19-0781 (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 P19-0781 (Zoning Text Amendment) based on the findings in the staff report on the proposed changes summarized in the attached Exhibits.

BACKGROUND

Title 19 (Zoning) of the Riverside Municipal Code (RMC) currently regulates entertainment activities as a land use. This can include live and pre-recorded musical performances, dancing, karaoke and other similar activities. Staff proposes a Zoning Text Amendment to reflect recent changes to the RMC that shift the regulatory responsibility for entertainment activities from an entitlement through the Zoning Code to a business operation regulation and licensing program.

Within Title 19, establishments offering entertainment activities are considered Assemblies of People—Entertainment uses and are conditionally permitted in the commercial and mixed-use zoning districts (Chapter 19.150 - Base Zones and Permitted Land Uses). Existing permitted land uses, such as bars, restaurants, banquet facilities, etc., must obtain a Conditional Use Permit and comply with site location, operation and development standards in order to offer entertainment activities in conjunction with that use.

Conditional Use Permits for entertainment may be modified or revoked if the approving authority determines that the operator has violated their Conditions of Approval or has substantially changed the nature of the use without authorization. The revocation process requires a public hearing process which can be time-intensive and requires extensive staff resources from multiple City departments.

To improve the flexibility and responsiveness of monitoring and enforcement of entertainment in Riverside, the Riverside Police Department, in consultation with the Planning and Building & Safety Divisions and Fire Department, prepared an ordinance establishing an Entertainment Permit requirement (adopted by the Riverside City Council as Ordinance No. 7488, November 5, 2019 [Exhibit 1]). Under this program, every establishment offering entertainment activities is required to obtain, and maintain, an Entertainment Permit, administered by the Police Department. Standard

operational and security conditions are placed on each permit. The Chief of Police, or his or her designee, is authorized to apply additional restrictions, or suspend or revoke a permit, if a certain number of public safety incidents occur within a specified timeframe. Entertainment permits are renewable biennially and require clearance from the Planning and Building & Safety Divisions and Fire Department, among other submittal requirements.

The proposed Zoning Text Amendment eliminates conflicts between Title 5 (Business Taxes, Licenses and Regulations) and Title 19 (Zoning) related to regulating entertainment activities and streamlines implementation of the new Entertainment Permit ordinance. The Community & Economic Development Department and the Planning Commission will continue to regulate primary and incidental land uses, but the entertainment activities associated with those uses will be regulated through Entertainment Permits.

PROJECT ANALYSIS

The proposed Code amendments are included as Exhibit 2 and summarized as follows:

1. Chapter 19.150 – Base Zones Permitted Land Uses – Permitted, Incidental and Temporary Use Tables

An amendment to Table 19.150.020.A – Permitted Uses Table clarifies that Assemblies of People—Entertainment is conditionally permitted as a primary land use in certain zones when not subject to the Entertainment Permit provisions of Chapter 5.80 (Entertainment Permit). References to Chapter 5.80 are added to the Table.

An amendment to Table 19.150.020.B – Incidental Uses Table directs the user to Chapter 5.80 (Entertainment Permit) for regulations, exceptions and exemptions for Incidental Entertainment (such as a jukebox in a bar or a pianist in a restaurant) as the activity will no longer be regulated through Title 19 (Zoning).

An amendment to Table 19.150.020.C – Temporary Uses Table eliminates Entertainment (Trial Basis Only) as a permitted Major Temporary Use. An Entertainment Permit is instead now required for any entertainment in the City. Chapter 19.740 (Temporary Use Permit) is also amended to reflect the deletion of this use (see below).

2. Chapter 19.250 – Assemblies of People—Entertainment

Section 19.250.020 (Applicability and permit requirements) is amended to clarify that Assemblies of People—Entertainment uses are permitted as listed in the Permitted Uses Table (Table 19.150.020.A). References to incidental entertainment are removed. A new section, 19.250.025, establishes that entertainment activities associated with a primary permitted land use are subject to the provisions of Chapter 5.80 (Entertainment Permit).

3. Chapter 19.450 – Alcohol Sales

Section 19.450.020(B) exempts bona fide public eating places (i.e., restaurants and cafes) from the requirement to obtain a Minor Conditional Use Permit to sell alcohol for on-site consumption, provided certain criteria are met. An exception to this exemption makes bona-fide public eating places ineligible if they are also considered entertainment uses subject to a discretionary permit (such as a Conditional Use Permit). The Chapter is amended to eliminate this exception, as entertainment activities are now subject to the Entertainment Permit requirement instead of a discretionary Planning approval.

4. Chapter 19.620 – General Sign Provisions

Section 19.620.080 (Standards for specific sign types by district and use type) is amended to clarify that changeable copy signs are permitted in conjunction with Assemblies of People—Entertainment uses meeting certain criteria (e.g., lot area) only when those Assemblies of

People—Entertainment uses are a primary, permitted land use. A new subparagraph, 19.620.080(D)(3)(h)(iv), is added to clarify that entertainment activities subject to Chapter 5.80 are not eligible for signage independently of the associated primary, permitted land use with which they are associated (such as a bar or restaurant).

5. Chapter 19.740 – Temporary Use Permit

Table 19.740.020 (Temporary Use Permit) is amended to delete Entertainment (Trial Basis Only) from the table. Section 19.740.050(F)(6), which provides site location and operational standards for Entertainment (Trial Basis Only) temporary uses, is deleted in its entirety. This type of Temporary Use Permit (TUP), which applies exclusively to restaurants, was made obsolete with the adoption of the Entertainment Permit ordinance. A restaurant use wishing to offer entertainment activities (such as live music or dancing) is now able to apply for an Entertainment Permit through the Riverside Police Department.

6. Chapter 19.910 – Definitions

The following changes are made to definitions:

- a. The existing definition for “Assemblies of People—Entertainment” is amended to clarify that the defined land use does not include entertainment activities subject to Chapter 5.80 (Entertainment Permit).
- b. To eliminate redundancy and reduce the potential for conflicting provisions, the definitions for “Entertainment” and “Entertainment, incidental” are amended to refer to the definition of those terms provided in Chapter 5.80.
- c. The definition for “Nightclub” is modified to clarify that the definition does not apply to entertainment activities associated with another permitted land use and that are subject to Chapter 5.80.
- d. The definition for “Entertainment venue, public” is deleted as it is not used elsewhere in the Code.

7. Other technical and non-substantive changes related to Entertainment Permits

Amendments to other Chapters are proposed to provide clarity and reduce ambiguity with respect to the new Entertainment Permit regulations, while not affecting the substance of the Zoning regulations. These are as follows:

- a. Chapter 19.100 – Residential Zones: References to “entertainment” are removed from the description of multi-purpose rooms in multi-family development.
- b. Chapter 19.410 – Vehicle Fuel Stations: A typographical error is corrected.
- c. Chapter 19.580 – Parking and Loading: A reference to “commercial entertainment” is removed from the described examples of typical mixed-use development.
- d. Chapter 19.780 – Planned Residential Development Permit: References to “entertainment” are removed from the description of typical amenities found in planned residential developments.

8. Clean Up Items – Not related to Entertainment Permits

a. Chapter 19.690 – Effective Dates, Time Limits and Extensions

Section 19.690.050 (Time Extension) is amended to add a new provision (19.690.050[K]) establishing that time limits applied to entitlement approvals do not include the period during which a lawsuit involving the approvals is pending in court. This amendment corrects a longstanding ambiguity in the Zoning Code and will ensure that project approvals will not expire while litigation is ongoing.

b. **Chapter 19.910 – Definitions**

A definition is added for “Short-term rentals” to address an important emerging trend and direct the reader to short-term rental regulations in Title 5 of the RMC.

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 and enable implementation of the Entertainment Permit ordinance. Implementation of Entertainment Permits in the City of Riverside is consistent with Public Safety Element Policy PS-7.6, which seeks to empower police, public safety personnel and residents to develop innovative methods to reduce or prevent crime.

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

The Zoning Text Amendment is consistent with this finding. The Community & Economic Development Department and Planning Commission will continue to regulate Assemblies of People—Entertainment land uses through the Zoning Code to ensure compatibility with adjacent properties and sensitive receptors. Other regulations including those established for the sale of alcohol, noise, lighting impacts and crowds will continue to apply Citywide.

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 amendment is an implementing step for the new Entertainment Permit ordinance and enhances public safety and wellbeing by enabling the Police Department to more proactively monitor and regulate entertainment activities.

ENVIRONMENTAL REVIEW

The 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. Ordinance No. 7488
 2. Proposed Title 19 Amendments
 3. Presentation
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Prepared by: Matthew Taylor, Associate Planner

Reviewed by: David Murray, Principal Planner

Approved by: Mary Kopaskie-Brown, City Planner