



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

Planning Division

**PLANNING COMMISSION HEARING DATE: MARCH 5, 2020**

**AGENDA ITEM NO.: 5**

**PROPOSED PROJECT**

Case Numbers	P20-0068 (Zoning Code Amendment)
Request	<p>To consider the following amendments to the Zoning Code (Title 19 of the Riverside Municipal Code):</p> <p><b><u>PART A – ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS</u></b></p> <ol style="list-style-type: none"><li>1. Chapter 19.080 – Nonconformities;</li><li>2. Chapter 19.150 – Base Zones Permitted Land Uses;</li><li>3. Chapter 19.440 – Accessory Buildings and Structures;</li><li>4. Chapter 19.442 – Accessory Dwelling Units and Junior Accessory Dwelling Units;</li><li>5. Chapter 19.580 – Parking and Loading; and</li><li>6. Chapter 19.910 – Definitions.</li></ol> <p>The proposed amendments are necessary to comply with 2019 State law changes.</p> <p><b><u>PART B – FAMILY DAY CARE HOMES</u></b></p> <ol style="list-style-type: none"><li>1. Chapter 19.100 – Residential Zones (RA-5, RC, RR, RE, R-1-½ ACRE, R-1-13000, R-1-10500, R-1-8500, R-1-7000, R-3-4000, R-3-3000, R-3-2500, R-3-2000, R-3-1500, R-4);</li><li>2. Chapter 19.150 – Base Zones Permitted Land Uses;</li><li>3. Chapters 19.240, 19.350 and 19.406;</li><li>4. Chapter 19.470 Day Care Homes – Family;</li><li>5. Chapter 19.580 – Parking and Loading;</li><li>6. Chapter 19.640 - General Permit Provisions;</li><li>7. Chapter 19.650 – Approving and Appeal Authority;</li><li>8. Chapter 19.860 – Day Care Permit – Large Family; and</li><li>9. Chapter 19.910 – Definitions.</li></ol> <p>The proposed amendments are necessary to comply with 2019 State law changes to Section 1596.78 of the State Health and Safety Code.</p> <p><b><u>PART C – TINY HOMES AND TINY HOME COMMUNITIES</u></b></p> <ol style="list-style-type: none"><li>1. Chapter 19.100 - Residential Zones (RA-5, RC, RR, RE, R-1-½ ACRE, R-1-13000, R-1-10500, R-1-8500, R-1-7000, R-3-4000, R-3-3000, R-3-2500, R-3-2000, R-3-1500, R-4);</li><li>2. Chapter 19.150 – Base Zones Permitted Land Uses;</li><li>3. Chapter 19.210 – Mobile Home Park Overlay Zone (MH);</li><li>4. Chapter 19.340 – Manufactured Dwellings;</li><li>5. Chapter 19.580 – Parking and Loading;</li><li>6. Chapter 19.710 – Design Review;</li><li>7. Chapter 19.780 – Planned Residential Development Permit; and</li><li>8. Chapter 19.910 – Definitions.</li></ol>

	The proposed amendments are necessary to clarify regulations for Tiny Homes and Tiny Home Communities in Riverside as part of the Invest Health Grant received by the City.
<b>Applicant</b>	City of Riverside Community & Economic Development Department 3900 Main Street, 6th Floor Riverside, CA 92522 (951) 826-2372
<b>Project Location</b>	Citywide
<b>Ward</b>	All Wards
<b>Neighborhood</b>	All Neighborhoods
<b>Staff Planner</b>	Matthew Taylor, Associate Planner 951-826-5944 <a href="mailto:mtaylor@riversideca.gov">mtaylor@riversideca.gov</a>

## RECOMMENDATIONS

Staff recommends that the Planning Commission:

1. **RECOMMEND that the City Council DETERMINE** that Planning Case P20-0068 (Zoning Code Amendment) is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15282(h) of the CEQA Guidelines as amendments to the Municipal Code to implement Sections 65852.1 and 65852.2 of the California Government Code are statutorily exempt from the CEQA; and further determine that the project is exempt from 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 P20-0068 (Zoning Code Amendment) based on the findings attached to this staff report (Exhibit 1).

## BACKGROUND

### **PART A – ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS**

The State of California has identified an affordable housing shortage as a legislative priority and identified accessory dwelling units (ADUs) and junior ADUs (JADUs) as an opportunity to create low cost housing within existing neighborhoods. Both provide independent living units separate from a primary single-family residence. ADUs and JADUs are typically independent dwelling units that may be rented independent of the primary residence.

On December 12, 2017, the City Council approved the Housing Element Implementation Program, which amended the accessory dwelling units (ADUs) 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. Key elements of the 2017 legislation included:

- Reducing or eliminating parking requirements.
- Clarifying that ADU can be created through the conversion of a garage, carport, or covered parking structure.
- Reducing or eliminating utility connection fees.
- Requiring ministerial approval for ADUs within existing single-family units.

- Requiring ministerial approval for ADUs that comply with specified standards.

On February 19, 2019, City Council approved amendments to the ADU regulations to comply with State law. At that time, the City did not include junior accessory dwelling unit (JADU) regulations and followed State law related to them.

In October 2019, the State amended laws to further eliminate barriers to constructing ADUs and JADUs (Exhibit 2). In addition to the changes adopted in 2017, some additional key elements of the 2019 legislation include:

- Eliminating requirement to bring physical zoning non-conformities into compliance.
- Eliminating owner occupancy requirements for ADUs.
- Requiring owner occupancy for a JADU.
- Allowing both an ADU and JADU on a lot with a primary dwelling.
- Allowing ADUs on lots with multi-family homes (up to 25% in existing structures or 2 detached).
- Eliminating replacement parking requirement if a garage, carport or covered parking is converted to an ADU.
- Eliminating impact fees for ADUs under 750 square feet.

An update to the City's Accessory Dwelling Unit regulations in Title 19 (Zoning) are needed to comply with the State laws.

#### **PART B – FAMILY DAY CARE HOMES**

The State Department of Social Services licenses and regulates family daycare homes. Under existing law, a small family daycare home, which provide care for up to 8 children, is considered a residential use for purposes of all local ordinances. Large family daycare homes, which provide care for up to 14 children, could be regulated under local ordinances as a use other than residential.

SB 234 (Exhibit 3), signed by the Governor in September 2019, updates the Health and Safety Code requiring a large family daycare home to be treated as a residential use for purposes of all local ordinances. A small or large family daycare home is considered a residential use by right for the purposes of all local ordinances, including, but not limited to, zoning ordinances. Any regulations on heights, setback, or lot dimensions for small or large family daycare home must mirror those of residential uses in the same zoning designation.

#### **PART C – TINY HOMES AND TINY HOME COMMUNITIES**

Tiny homes in the City of Riverside are narrowly defined as smaller homes constructed on a chassis. They are allowed in Tiny Home Communities as accessory uses to an Assemblies of People—Non-Entertainment Use, such as a place of worship or fraternal organization.

With the increasing focus from the State on developing affordable housing, tiny homes provide an opportunity to increase the City's housing options. By distinguishing tiny homes on foundations from those on chassis, the City has an opportunity to increase this type of housing. Tiny homes on foundations would be regulated as any other single family dwelling and tiny homes on a chassis would be regulated as any other mobile home in the City allowing more opportunities for smaller homes in the City.

### **PROPOSAL**

#### **PART A – ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS**

The proposed amendments to the City's Zoning Code will bring the accessory dwelling unit (ADU) and junior ADU (JADU) regulations into compliance with State requirements and increase housing opportunities.

The proposed amendments to Title 19- Zoning Code (Exhibit 4) related to ADUs and JADUs include the following Chapters:

1. Chapter 19.080 – Nonconformities;
2. Chapter 19.150 – Base Zones Permitted Land Uses;
3. Chapter 19.440 – Accessory Buildings and Structures;
4. Chapter 19.442 – Accessory Dwelling Units and Junior Accessory Dwelling Units;
5. Chapter 19.580 – Parking and Loading; and
6. Chapter 19.910 – Definitions.

## **PART B – FAMILY DAY CARE HOMES**

The proposed amendments to the City's Zoning Code will bring the family daycare home regulations into compliance with State requirements. The amendments to Title 19 – Zoning will remove any regulations related to both small and large family day care homes and clean up language for consistency.

The proposed amendments to Title 19 - Zoning Code (Exhibit 4) related to Family Day Care Homes include the following Chapters:

1. Chapter 19.100 – Residential Zones (RA-5, RC, RR, RE, R-1-½ ACRE, R-1-13000, R-1-10500, R-1-8500, R-1-7000, R-3-4000, R-3-3000, R-3-2500, R-3-2000, R-3-1500, R-4);
2. Chapter 19.150 – Base Zones Permitted Land Uses;
3. Chapters 19.240, 19.350 and 19.405;
4. Chapter 19.470 Day Care Homes – Family;
5. Chapter 19.580 – Parking and Loading;
6. Chapter 19.640 - General Permit Provisions;
7. Chapter 19.650 – Approving and Appeal Authority;
8. Chapter 19.860 – Day Care Permit – Large Family; and
9. Chapter 19.910 – Definitions.

## **PART C – TINY HOMES AND TINY HOME COMMUNITIES**

The proposed amendments to the City's Zoning Code for tiny homes and tiny home communities will distinguish between those on a foundation and those on a chassis. The amendments to Title 19- Zoning would distinguish the regulations for each and clean up the language for consistency.

The proposed amendments to Title 19 - Zoning Code (Exhibit 4) related to Tiny Homes and Tiny Home Communities include the following Chapters:

1. Chapter 19.100 - Residential Zones (RA-5, RC, RR, RE, R-1-½ ACRE, R-1-13000, R-1-10500, R-1-8500, R-1-7000, R-3-4000, R-3-3000, R-3-2500, R-3-2000, R-3-1500, R-4);
2. Chapter 19.150 – Base Zones Permitted Land Uses;
3. Chapter 19.210 – Mobile Home Park Overlay Zone (MH);
4. Chapter 19.340 – Manufactured Dwellings;
5. Chapter 19.580 – Parking and Loading;
6. Chapter 19.710 – Design Review;
7. Chapter 19.780 – Planned Residential Development Permit; and
8. Chapter 19.910 – Definitions.

The following summarizes the changes proposed for each Chapter, summarized for each Part, described above:

## **CHAPTER 19.080 – NONCONFORMITIES**

### **PART A – ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS**

Section 19.080.070 provides regulations for the expansion, modification or discontinuance structures and land uses that do not conform with current Zoning Standards. Specific findings must

be made to permit the expansion or modification of a nonconforming residential use, including a finding that the expansion or modification will not increase the number of dwelling units on the lot.

In order to achieve consistency with new State law, an amendment to this Section modifies the required findings to clarify that the number of dwelling units shall not be increased except as allowed by Chapter 19.442 (Accessory Dwelling Units and Junior Accessory Dwelling Units).

## **CHAPTER 19.100 – RESIDENTIAL ZONES (RA-5, RC, RR, RE, R-1-½ ACRE, R-1-13000, R-1-10500, R-1-8500, R-1-7000, R-3-4000, R-3-3000, R-3-2500, R-3-2000, R-3-1500, R-4)**

### **PART B – FAMILY DAY CARE HOMES**

In Section 19.100.030, small and large day care homes are removed as permitted uses in the RA-5 and RC Zones as they are permitted by right under the new State law.

### **PART C – TINY HOMES AND TINY HOME COMMUNITIES**

In Section 19.100.010, in Multiple-Family Residential zones, multiple family residences will be allowed in individual detached buildings, and tiny homes on foundations will be allowed in tiny home communities. The distance between building in a tiny home community, for tiny homes on a foundation, is set at 5 feet. Additionally, typographical errors are cleaned up as part of the amendment.

In Section 19.100.070, the minimum unit size for multiple family residences is eliminated and unit size references the standards of the California Building Code.

## **CHAPTER 19.150 – BASE ZONES PERMITTED LAND USES**

### **PART A – ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS**

In the City of Riverside, ADUs are currently allowed as an incidental use to a single-family dwelling in an existing or new primary or accessory structure in the R-E, R-1, R-3, R-4, MU-N, MU-V, and MU-U zones. In the RR, RA-5 and RC districts, ADUs are allowed in an existing single-family residence or existing accessory structure.

Based on the new State law, Staff is proposing an amendment to Title 19 (Zoning) that includes allowing ADUs in all residential zones and mixed-use zones, whether in an existing or proposed structure, for lots with single- or multi-family units. JADUs would also be allowed within the walls of an existing or proposed primary dwelling. The Incidental Use Table (19.150.020B) is updated to reflect this change.

### **PART B – FAMILY DAY CARE HOMES**

The Permitted Use Table (19.150.020A), Incidental Use Table (19.150.020B) and Temporary Uses Table (19.150.020C), and all associated footnotes, are updated to remove small and large day care homes. Family day care homes are permitted by right in all zones that allow residential uses.

### **PART C – TINY HOMES AND TINY HOME COMMUNITIES**

The Permitted Use Table (19.150.020A) is updated to permit manufactured dwellings in the R-3 and R-4 zones. A new use, Tiny Home Community (Foundation), is added as a permitted use in the R-3 and R-4 zones. The Incidental Use Table (19.150.020B) additional standards for tiny home communities references the additional regulations for R-3 and R-4 zones which are also subject to the applicable standards, if developed as an accessory use to Assemblies of People—Non-Entertainment uses.

## **CHAPTER 19.210 – MOBILE HOME PARK OVERLAY ZONE (MH)**

### **PART C – TINY HOMES AND TINY HOME COMMUNITIES**

Section 19.210.020 is amended to allow the Mobile Home Park Overlay Zone as permitted in the Permitted Use Table (19.150.020A) to eliminate potential conflicts. In Table 19.210.040, the density for tiny home communities (chassis), now regulated as a mobile home park, is set at 20 units/acre with the minimum required site area determined by the underlying zone. A maximum size of 400 square feet per unit is established for Tiny Home (chassis) Communities. In Section 19.210.050, fencing and wall requirements for tiny home communities (chassis) are modified.

## **CHAPTERS 19.240, 19.350 AND 19.405**

### **PART B – FAMILY DAY CARE HOMES**

Several Chapters in Article VII are updated to clarify that day care homes are now referred to as family day care home. This includes Chapter 19.240 – Adult-Oriented Businesses, Chapter 19.350 – Parole/Probationer Home and Chapter 19.405 – Tattoo and Body Piercing Parlors. The distance requirements have not been modified when new uses regulated under this Article are proposed.

## **CHAPTER 19.340 – MANUFACTURED DWELLINGS**

### **PART C – TINY HOMES AND TINY HOME COMMUNITIES**

Chapter 19.340 is amended to clarify that manufactured dwellings are allowed in the R-3 and R-4 Zones in addition to single-family zones as currently permitted, as well as within tiny home communities on a foundation.

Section 19.340.040, Development Standards, previously provided that manufactured dwellings in any zone require Design Review approval for architectural elevations and materials. This section is amended to enable the Community & Economic Development Director or his or her designee to administratively approve manufactured dwelling designs.

## **CHAPTER 19.440 – ACCESSORY BUILDINGS AND STRUCTURES**

### **PART A – ACCESSORY BUILDINGS AND STRUCTURES**

Section 19.440.030, Site location, operation and development standards, is amended to clarify that ADUs and JADUs are not subject to the five-foot minimum side and rear yard setback requirement for accessory structures over five feet in height, as ADU and JADU setbacks are regulated by Chapter 19.442 (Accessory Dwelling Units and Junior Accessory Dwelling Units) .

## **CHAPTER 19.442 – ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS**

### **PART A – ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS**

Chapter 19.442 includes the specific requirements that regulate ADUs in the City of Riverside. The Chapter has been reorganized to include the following sections: General, Location, Setbacks, Unit Size, Number of Units, Owner Occupancy, Height, Parking, Utilities and Impact Fees.

The following provides a summary of the Staff proposed changes to the Zoning Code:

- a. General
  - a. Requiring rental terms of ADUs or JADUs for over 30 days.
  - b. Eliminating any requirements to correct zoning non-conformities related to physical characteristics of the existing or proposed structure.
  - c. Restricting sales of ADUs, with the exception of those developed by a qualified

- non-profit organization.
  - d. Excluding ADUs and JADUs from the calculation of total lot coverage.
  - e. Eliminating minimum lot size requirements.
  - f. Exempting ADUs and JADUs from the requirements of the RP – Residential Protection Overlay Zone.
- b. Location
  - 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. JADUs must be contained within the walls of the proposed or existing primary dwelling.
- c. Setbacks
  - a. No setback requirements for existing structures.
  - b. 4-foot side and rear yard setbacks for new ADU construction.
- d. Unit Size
  - a. If there is an existing primary dwelling on the lot, the total floor space of an attached ADU shall not exceed 50 percent of the existing primary dwelling living area.
  - b. The total floor space of any detached ADU shall not exceed 1,200 square feet.
  - c. JADUs shall not exceed 500 square feet.
- e. Number of Units
  - a. The number of dwellings permitted on a single lot in any single-family residential zone shall be limited to the primary dwelling, one ADU and one JADU.
  - b. For existing Multi-family structures:
    - i. ADUs can include conversion of storage rooms, boiler rooms, passageways, attics, basements or garages provided the ADU complies with building standards for dwellings.
    - ii. At least one (1) ADU, but no more than 25% of the existing number of multi-family dwellings on the same lot.
  - c. For new Multi-family structures, no more than two new detached (2) ADUs on the same lot.
- f. Owner Occupancy
  - a. A primary dwelling and ADU are allowed on a single lot – neither of which has to be owner occupied.
  - b. On a single lot, one JADU is allowed if the primary dwelling or JADU is owner-occupied.
- g. Height
  - a. No changes proposed.
  - b. Must comply with the underlying zone.
- h. Parking
  - a. No parking is required for an ADU or JADU.
  - b. No replacement parking is required if a garage, carport or covered parking is converted to an ADU.
- i. Utilities – Clean up changes clarify the location of ADUs and compliance with County Health if private sewage system is used.
- j. Impact Fees - No impact fees shall be applied to ADUs under 750 square feet.

## **CHAPTER 19.470 DAY CARE HOMES – FAMILY**

### **PART B – FAMILY DAY CARE HOMES**

Chapter 19.470 has been removed in its entirety. Title 19 refers to the State Law, in the definition for “Family Day Care Homes”, for applicable regulations. Family day care homes are regulated as residential uses in zones where residential uses are allowed.



## **CHAPTER 19.580 – PARKING AND LOADING**

### **PART A – ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS**

The Zoning Code currently requires replacement parking for the primary dwelling if a garage, carport or covered parking is demolished or converted to an ADU. No parking is required for the ADU.

Based on the new State law, staff proposed no replacement parking be required when a garage, carport or covered parking is demolished. No parking would be required for the ADU or JADU. Chapter 19.580, Table 19.580.060 is updated to reflect these changes.

### **PART B – FAMILY DAY CARE HOMES**

Chapter 19.580, Table 19.580.060 is updated to clarify that Day Care Facilities do not include family day care homes when determining parking requirements. Family Day Care Homes are removed from the Table and are regulated as residential uses.

### **PART C – TINY HOMES AND TINY HOME COMMUNITIES**

Table 19.580.060, Required Spaces, is amended to assign a minimum parking requirement of one space per unit for tiny home communities on a foundation.

## **CHAPTER 19.640 - GENERAL PERMIT PROVISIONS**

### **PART B – FAMILY DAY CARE HOMES**

Under Section 19.640.040 – Discretionary permits and actions, Day Care Permit – Large Family is removed as permits are not required.

## **CHAPTER 19.650 – APPROVING AND APPEAL AUTHORITY**

### **PART B – FAMILY DAY CARE HOMES**

In Table 19.650.020, Day Care Large Family Home – Permit is removed as a use approved by the Community & Economic Development Director. The use is allowed by right in zones where residential uses are allowed.

## **CHAPTER 19.710 – DESIGN REVIEW**

### **PART C – TINY HOMES AND TINY HOME COMMUNITIES**

Section 19.710.020, Applicability, is amended to remove construction or placement of a manufactured dwelling from the activities requiring Design Review approval.

## **CHAPTER 19.780 – PLANNED RESIDENTIAL DEVELOPMENT PERMIT**

### **PART C – TINY HOMES AND TINY HOME COMMUNITIES**

Section 19.780.040, Permitted Uses, is amended to allow tiny homes on foundations within a tiny home community in Planned Residential Developments, except in the RC – Residential Conservation Zone.

## **CHAPTER 19.860 – DAY CARE PERMIT – LARGE FAMILY**

### **PART B – FAMILY DAY CARE HOMES**

Chapter 19.860 is removed in its entirety. No application is required for the use which is allowed by right.



## CHAPTER 19.910 – DEFINITIONS

### **PART A – ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS**

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

Dwelling Unit, Accessory means an attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family or multifamily dwelling is or will be 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; or
- (B) A manufactured home, as defined in Section 18007 of the Health and Safety Code.

A definition for “Dwelling Unit, Junior Accessory” is also added:

Dwelling Unit, Junior Accessory means a unit contained entirely within an existing a single-family structure.

### **PART B – FAMILY DAY CARE HOMES**

In Chapter 19.910.050, “D” definitions, “Day care home, family;” “Day care home, large family;” and “Day care home, small family” are removed in their entirety. In “F” Definitions, a new definition for Family Day Care home is added to reflect the State regulation and includes:

*Family Day Care home* means a facility that regularly provides care, protection, and supervision for 14 or fewer children, in the provider’s own home, for periods of less than 24 hours per day, while the parents or guardians are away, and is either a large family daycare home or a small family daycare home as defined in Section 1596.78 of the Health and Safety Code as may be amended from time to time.

(1) “Large family daycare home” means a facility that provides care, protection, and supervision for 7 to 14 children, inclusive, including children under 10 years of age who reside at the home.

(2) “Small family daycare home” means a facility that provides care, protection, and supervision for eight or fewer children, including children under 10 years of age who reside at the home.

(3) Family day care homes include detached single-family dwellings, a townhouse, a dwelling unit within a dwelling, or a dwelling unit within a covered multifamily dwelling in which the underlying zoning allows for residential uses where the daycare provider resides and includes a dwelling or a dwelling unit that is rented, leased, or owned.

### **PART C – TINY HOMES AND TINY HOME COMMUNITIES**

In 19.910.010, “D” definitions, “Dwelling unit, manufactured” is amended to limit the term to apply only to manufactured or prefabricated living structures, not including mobile homes, which are defined separately in 19.910.140, “M” definitions.

In 19.910.210, “T” definitions, the definition of “Tiny Home Community” is amended to clarify that Tiny Home Communities may be comprised of tiny homes on chassis or tiny homes constructed on foundations. Definitions for Tiny Homes are separated into “Tiny Home (Chassis)” and “Tiny Home (Foundation).” For the definition for “Tiny Home (Chassis),” a reference to the definition for “Mobile Home” is added. The definition for “Tiny Home (Foundation)” is as follows:

*Tiny Home (Foundation)* means a home that is either manufactured or site-built construction on a foundation in accordance with the adopted California Building Standards Code.

## ENVIRONMENTAL DETERMINATION

Amendments to the Municipal Code to implement Sections 65852.1 and 65852.2 of the California Government Code, related to ADUs and JADUs, are statutorily exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15282(h) of the CEQA Guidelines. This proposal is further exempt from CEQA per Section 15061(b)(3) of the CEQA Guidelines, as it can be seen with certainty there is no possibility the proposed amendment will have a significant effect on the environment (Common Sense Exemption).

## PUBLIC NOTICE AND COMMENTS

Amendments to the Zoning Code affecting airport influence areas are subject to the review of the Riverside County Airport Land Use Commission (ALUC). An application for a Consistency Determination has been filed and ALUC review is anticipated prior to City Council consideration of this proposed amendments.

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. State Changes – AB 881 and AB 68 (Accessory Dwelling Units and Junior Accessory Dwelling Units)
3. State Changes – SB 234 (Family Day Care Homes)
4. Proposed Zoning Code Amendments

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Prepared by: Dave Murray, Principal Planner

Reviewed by: Mary Kopaskie-Brown, City Planner

Approved by: Mary Kopaskie-Brown, City Planner



# CITY OF RIVERSIDE

COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT

PLANNING DIVISION

## EXHIBIT 1 – STAFF RECOMMENDED FINDINGS

### PART A – ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS

#### **PLANNING CASES:**     **P20-0068** (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.

That the proposed Zoning Code Amendment is consistent with 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;

2. 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; and
3. 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.



# CITY OF RIVERSIDE

COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT

PLANNING DIVISION

## EXHIBIT 1 – STAFF RECOMMENDED FINDINGS PART B – FAMILY DAY CARE HOMES

### **PLANNING CASES:**     P20-0068 (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 in that the amendments to the Zoning Code will facilitate new family day care homes in Riverside to meet the day care needs of residents and provide a needed service;
2. That the proposed Zoning Code text or map amendment will not adversely affect surrounding properties in that:
  - a. Title 7 – Noise will be used to ensure any impacts on surrounding properties are addressed; and
  - b. The number of children will be limited by the State at 14 ensuring traffic impacts will not be an issue for new family day care homes; and
3. 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 in that family day care homes will meet the day care needs of residents to promote the general welfare of the City.



# CITY OF RIVERSIDE

COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT

PLANNING DIVISION

## EXHIBIT 1 – STAFF RECOMMENDED FINDINGS

### PART C – TINY HOMES AND TINY HOME COMMUNITIES

**PLANNING CASES:**     **P20-0068** (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.
2. That the proposed Zoning Code text or map amendment will not adversely affect surrounding properties in that tiny homes and tiny home communities represent an innovative avenue for residential property reinvestment that is compatible with existing neighborhood character with respect to form, mass and scale; and
3. 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 in that the proposed amendment responds to an urgent housing crisis and facilitates partnerships with non-profit entities and the State to improve the health safety and welfare of residents.