



**Accessory Dwelling Units/Junior Accessory Dwelling Units
Family Day Care Homes
Tiny Homes**
P20-0068 – Zoning Code Amendment

Community & Economic Development Department

Planning Commission
Agenda Item: 5
March 5, 2020

RiversideCA.gov

1

OVERVIEW

New legislation related to housing affordability and opportunity affects local residential land use regulation:

- Assembly Bills 68 and 881: Accessory Dwelling Units
- Senate Bill 234: Family Day Care Homes



**Accessory Dwelling Units and
Junior Accessory Dwelling Units**



Family Day Care Homes



**Tiny Homes and Tiny
Home Communities**



2

RiversideCA.gov

2

PART A: Accessory Dwelling Units and Junior Accessory Dwelling Units



3

RiversideCA.gov

3

PART A: BACKGROUND

ADUs and JADUs: Opportunity to create low-impact, low-cost infill housing in established neighborhoods

- **December 2017:** City Council approves Housing Element Implementation Program (compliance with AB 2299 and SB 1069)
- State adopted additional ADU laws (SB 229 and AB 494)
- **February 2019:** City Council approved amendments to the ADU regulations to comply with State law
- **October 2019:** State amended laws to eliminate barriers to constructing ADUs and JADUs



Image Credit: maxable.com



4

RiversideCA.gov

4

PART A: PROPOSED AMENDMENT



Photo Credit: Lina Menard, accessorydwellingunits.org, Evelyn Brom and AARP

Proposed amendments to the Zoning Code:

- **Chapter 19.442** – Accessory Dwelling Units (ADU) and Junior Accessory Dwelling Units (JADU)
- **Table 19.150.020.B** – Incidental Land Uses
- **Chapter 19.080** – Nonconformities
- **Section 19.580.050** – Parking Requirements
- **Chapter 19.910** – Definitions



5

RiversideCA.gov

5

PART A: PROPOSED AMENDMENT

Chapter 19.442 – Accessory Dwelling Units (ADU) and Junior Accessory Dwelling Units (JADU)

- **General Requirements**
 1. Minimum rental term of 30 days
 2. No requirement to correct zoning nonconformity or minimum lot size
 3. May not be sold separately, except by housing non-profits
 4. Exempt from lot coverage calculation and Residential Protection Overlay Zone
- **Location**
 1. ADUs: detached, attached, or contained within a primary dwelling
 2. JADUs contained within the primary dwelling

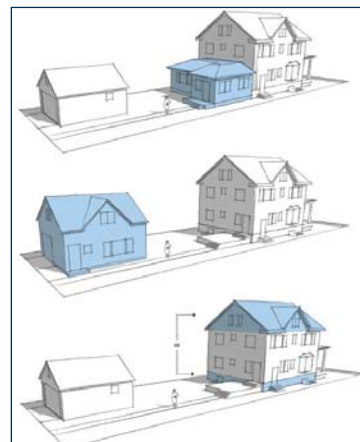


Image Credit: City of St. Paul, Minnesota 6



RiversideCA.gov

6

PART A: PROPOSED AMENDMENT

Chapter 19.442 (continued)



Photo Credit: Lina Menard, accessorydwellings.org



- **Setbacks**

1. No setback requirements for existing structures
2. 4-foot side and rear yard setbacks for new

- **Unit Size**

1. Attached ADU – 50% of the existing primary dwelling up to 1,200 square feet
2. Detached ADU - 1,200 square feet
3. JADUs - 500 square feet

7

RiversideCA.gov

7

PART A: PROPOSED AMENDMENT

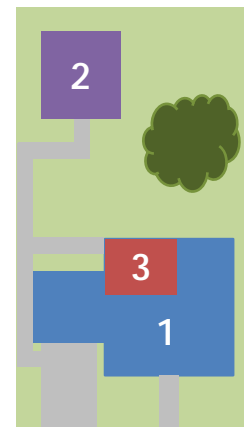
Chapter 19.442 (continued)

- **Number of Units**

1. Single Family – one ADU and one JADU
2. Multi-family, existing structures – At least one (1) ADU, no more than 25% of the existing number
3. Multi-family, new structures – No more than two new detached (2) ADUs

- **Owner Occupancy**

1. No owner occupancy requirement for ADU
2. Owner-occupancy of primary dwelling or JADU



8



RiversideCA.gov

8

PART A: PROPOSED AMENDMENT

Chapter 19.442 (continued)

- **Building Height**
Per Underlying Zone
- **Parking**
 1. No parking is required for an ADU or JADU.
 2. No replacement parking if garage, carport or covered parking is converted.
- **Other Changes**
 1. Utilities: Clarifies when new utility connections and associated fees apply to ADUs
 2. Impact Fees: No impact fees assessed for ADUs under 750 square feet



9

RiversideCA.gov

9

PART A: PROPOSED AMENDMENT

Table 19.150.020.B – Incidental Land Uses Table



- Allow ADUs in all residential zones including and mixed-use zones
- ADUs allowed on lots developed with single- or multi-family units
- JADUs allowed within the walls of an existing or proposed primary dwelling



Image Credit: LA-Más

10

RiversideCA.gov

10

PART A: PROPOSED AMENDMENT

Section 19.080.070 – Modification or expansion of nonconforming structures

- Exclude ADUs and JADUs from required finding of no increase in dwelling units

Section 19.580.050 – Parking Requirements

- **Update to reflect:**
 1. No replacement parking be required when a garage, carport or covered parking demolished
 2. No parking would be required for the ADU or JADU



11

RiversideCA.gov

11

PART A: PROPOSED AMENDMENT

Chapter 19.910 - Definitions

- *Dwelling Unit, Accessory* means an attached or a detached residential dwelling unit which 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:
 1. An efficiency unit, as defined in Section 17958.1 of the Health and Safety Code; or
 2. A manufactured home, as defined in Section 18007 of the Health and Safety Code.
- *Dwelling Unit, Junior Accessory* means a unit contained entirely within an existing a single-family structure.



12

RiversideCA.gov

12

PART B: Family Day Care Homes



13

RiversideCA.gov

13

PART B: BACKGROUND

Keeping Kids Close to Home Act

- Family Day Care Homes (up to 14 children) licensed and regulated by California Department of Social Services
- **September 2019:** SB 234 ("Keeping Kids Close to Home Act") signed into law
- **January 2020:** Local jurisdictions must treat family day care homes for up to 14 children as any other residential use. Also:
 1. Prohibits covenants, deed restrictions, CC&Rs from restricting family day care homes
 2. Prohibits local jurisdictions from requiring business license or tax
 3. Instructs State Fire Marshal to issue annual fire safety guidance for family day care operators



14



RiversideCA.gov

14

PART A: PROPOSED AMENDMENT

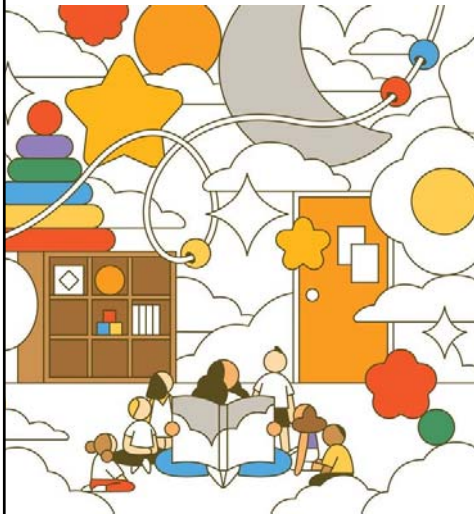


Image Credit: Rose Wong/NYTimes

Proposed amendments to the Zoning Code:

- **Chapter 19.100** – Residential Zones
- **Chapter 19.150** – Base Zones Permitted Land Uses;
- **Chapters 19.240, 19.350 and 19.405;**
- **Chapter 19.470** – Day Care Homes – Family;
- **Chapter 19.580** – Parking and Loading;
- **Chapter 19.640** – General Permit Provisions;
- **Chapter 19.650** – Approving and Appeal Authority;
- **Chapter 19.860** – Day Care Permit – Large Family; and
- **Chapter 19.910** – Definitions.

15

RiversideCA.gov

15

PART B: PROPOSED AMENDMENT

Chapter 19.100 – Residential Zones and Chapter 19.150 – Base Zones Permitted Land Uses

- Remove “small and large day care homes” from permitted uses listed for RA-5 and RC Zones
- Remove “small and large day care homes” from Permitted Uses Table, Incidental Uses Table, Temporary Uses Table and all footnotes
- Family day care homes are permitted anywhere residential dwellings are permitted
- “Day care center” still listed as conditionally permitted use in commercial zones



16

RiversideCA.gov

16

PART B: PROPOSED AMENDMENT

Chapters 19.240, 19.350 and 19.405



- Chapters updated to reference term “family day care home”:
 1. **Chapter 19.240** – Adult-Oriented Businesses
 2. **Chapter 19.350** – Parolee/Probationer Home
 3. **Chapter 19.405** – Tattoo and Body Piercing Parlors
- No change to existing distance separation requirement



17

RiversideCA.gov

17

PART B: PROPOSED AMENDMENT

Chapter 19.470 – Day Care Homes – Family

- Chapter deleted in entirety – day care homes are regulated as residential uses in zones where residential uses are allowed.

Chapter 19.580 – Parking and Loading

- Table 19.580.060 (Required Parking) updated to clarify that Day Care Facilities do not include family day care homes

Chapter 19.640 – General Permit Provisions

- Day Care Permit is deleted from Section 19.640.040 – Discretionary permits and actions



18

RiversideCA.gov

18

PART B: PROPOSED AMENDMENT

Chapter 19.650 – Approving and Appeal Authority

- Large Family Home Day Care removed as a use approved by the Community & Economic Development Director.

Chapter 19.860 – Day Care Permit – Large Family

- Chapter deleted in its entirety as the City can no longer require any type of permit for a family day care home.



Photo Credit: neighborschools.com

19



RiversideCA.gov

19

PART B: PROPOSED AMENDMENT

Chapter 19.910 – Definitions

- **Section 19.910.050 – “D” Definitions:**
“Day Care Home, Family,” “Day Care Home, large family” and “Day Care Home, small family” are deleted
- **Section 19.910.070 – “F” Definitions**
Added a definition for “Family Day Care home” with subsections for “Large family day care home” (7-14 children), “Small family day care home” (8 or fewer children) based on California Health and Safety Code



20

RiversideCA.gov

20

PART C: Tiny Homes and Tiny Home Communities



21

RiversideCA.gov

21

PART C: BACKGROUND

Tiny Homes and Tiny Home Communities

- Tiny Homes narrowly defined and allowed in limited circumstances under current Zoning Code
- **December 2017:** City Council approves Housing Element Implementation, but asks for more information on tiny homes and tiny home communities
- **March 2019:** Council receives update and requests visual examples, pilot/demonstrations and proof-of-concept
- Tiny homes provide an opportunity to increase the City's affordable housing options



Image Credit: Hausable

22

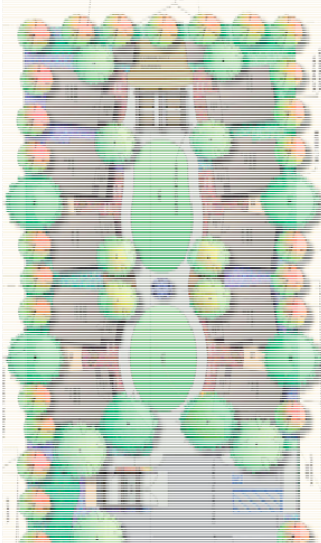


RiversideCA.gov

22

PART C: PROPOSED AMENDMENT

Image Credit: Habitat for Humanity



Proposed amendments to the Zoning Code:

- **Chapter 19.100** - Residential Zones;
- **Chapter 19.150** – Base Zones Permitted Land Uses;
- **Chapter 19.210** – Mobile Home Park Overlay Zone (MH);
- **Chapter 19.340** – Manufactured Dwellings;
- **Chapter 19.580** – Parking and Loading;
- **Chapter 19.710** – Design Review;
- **Chapter 19.780** – Planned Residential Development Permit; and
- **Chapter 19.910** – Definitions.

23



RiversideCA.gov

23

PART C: PROPOSED AMENDMENT

Chapter 19.100 – Residential Zones

- **Section 19.100.010** – Purpose:
 1. Clarified that multi-family dwellings may be in attached or detached buildings on the same lot
 2. Tiny home communities (foundation) allowed in multi-family zones
- **Section 19.100.070** – Additional regulations for the R-3 and R-4 Zones
 1. Minimum distance between buildings 5 feet – tiny home communities only
 2. Minimum unit size per California Residential Building Code

24



RiversideCA.gov

24

PART C: PROPOSED AMENDMENT

Chapter 19.150 – Base Zones and Permitted Land Uses

- **Table 19.150.020.A – Permitted Uses**
 1. Allow manufactured dwellings in R-3 and R-4 Zones
 2. Add “Tiny home community (foundation)” as permitted use in R-3 and R-4 Zones
- **Table 19.150.020.B – Incidental Uses**
Reference to additional standards for tiny home communities added



Image Credit: The Daily Californian/University of San Francisco



25

RiversideCA.gov

25

PART C: PROPOSED AMENDMENT

Chapter 19.210 – Mobile Home Park Overlay Zone (MH)



Image Credit: Edmonton Journal/Homes for Heroes Foundation

- **Section 19.210.020 – Applicability**
MH Overlay allowed in any single-family zone (RR, RE, R1)
- **Section 19.210.040 – Development Standards**
Add Tiny Home Communities (chassis)
 - A. Establish maximum density of 20 units/acre
 - B. Set minimum site area to match underlying zone
 - C. Set maximum tiny home size of 400 square feet

26



RiversideCA.gov

26

PART C: PROPOSED AMENDMENT

Chapter 19.340 – Manufactured Dwellings

- **Section 19.340.020** – Applicability and Permit Requirements:
Clarify that manufactured dwellings and tiny homes on chassis permitted in multi-family zones
- **Section 19.340.030** – Development Standards
CEDD Director approval for manufactured dwelling design in lieu of formal Design Review

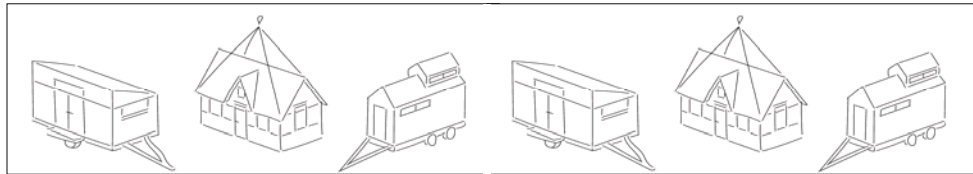


Image Credit: Hausable

27



RiversideCA.gov

27

PART C: PROPOSED AMENDMENT

Chapter 19.580 – Parking and Loading

- **Table 19.580.060** – Required Parking
One space required per unit for tiny homes

Chapter 19.710 – Design Review

- **Section 19.710.020** – Applicability
Remove Design Review requirement for manufactured dwellings

Chapter 19.780 – Planned Residential Development Permit (PRD)

- **Section 19.780.040** – Permitted Uses
Allow Tiny Home Communities (foundation) with PRD permit, except in RC Zone

28



RiversideCA.gov

28

PART C: PROPOSED AMENDMENT

Chapter 19.910 – Definitions

- **Section 19.910.050 – “D” Definitions:**
 “Dwelling unit, manufactured” updated to clarify definition does not include mobile homes (defined separately)
- **Section 19.910. 210 – “T” Definitions**
 1. “Tiny home community” amended to include tiny homes on chassis and foundations
 2. “Tiny home” definition bifurcated:
 - A. “Tiny home (foundation)” – a site-built or factory-built dwelling unit on permanent foundation, per Building Code standards
 - B. “Tiny home (chassis)” – refers to “Mobile home” definition



29

RiversideCA.gov

29

RECOMMENDATIONS

That the Planning Commission recommend the City Council:

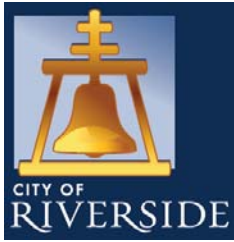
1. Determine that Planning Case P20-0068 (Zoning Code Amendment) is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15282(h) of the CEQA Guidelines as amendments to the Municipal Code to implement Sections 65852.1 and 65852.2 of the California Government 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. Approve Planning Case P20-0068 (Zoning Code Amendment) based on the findings attached to this staff report.



30

RiversideCA.gov

30



**Accessory Dwelling Units/Junior Accessory Dwelling Units
Family Day Care Homes
Tiny Homes
P20-0068 – Zoning Code Amendment**

Community & Economic Development Department

Planning Commission
Agenda Item: 5
March 5, 2020

RiversideCA.gov