



Community & Economic Development Department
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Planning Division
RiversideCA.gov

**PLANNING COMMISSION HEARING DATE: JANUARY 7, 2021
AGENDA ITEM NO.: 3A AND 3B**

PROPOSED PROJECT

<i>Case Numbers</i>	PR-2020-000330 (Zoning Code Text Amendment) DP-2020-000219 (Rezoning)
<i>Request</i>	<p>PR-2020-000330 (Zoning Code Text Amendment) 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 V - Base Zones and Related Use and Development Provisions; 2) Article VI - Overlay Zones; 3) Article VII - Specific Land Use Provisions; 4) Article VIII - Site Planning and General Development Provisions; and 5) Article IX - Land Use Development Permit Requirements/Procedures <p>The proposed text amendments include, but are not limited to, revisions to:</p> <ol style="list-style-type: none"> 1) Chapter 19.100 - Residential Zones; 2) Chapter 19.150 - Base Zones Permitted Land Uses; 3) Chapter 19.205 - Emergency Shelter (ES) Overlay Zone; 4) Chapter 19.272 - Breweries, Microbreweries, Wineries, Brewpubs, Brew-on-Premises and Distilleries; 5) Chapter 19.385 - Recycling Facilities; 6) Chapter 19.400 - Emergency Shelters; 7) Chapter 19.530 - Wireless Telecommunication Facilities; 8) Appeals and referrals of Community & Economic Development Department Director, Development Review Committee and City Planning Commission decisions for Applicant- and City-initiated Planning Cases; 9) Design review requirements for sites and structures subject to Title 20 (Cultural Resources); 10) Final approval authority for City-initiated General Plan, Specific Plan and Zoning Code amendments; and 11) Other minor, non-substantive changes and technical corrections as required to provide clarity, correct errors or remove redundancies. <p>DP-2020-000219 (Rezoning) To remove the Emergency Shelter (ES) Overlay Zone from approximately 1.8 acres located at the Hulen Place Community Shelter campus</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>	PR-2020-000330 (Zoning Code Text Amendment): Citywide DP-2020-00219 (Rezoning): 2800-2881 Hulen Place, north of Massachusetts Avenue

<i>Ward</i>	PR-2020-000330: All Wards DP-2020-00219: Ward 1
<i>Neighborhood</i>	All Neighborhoods
<i>Staff Planner</i>	Matthew Taylor, Senior Planner 951-826-5944, mtaylor@riversideca.gov

RECOMMENDATIONS

Staff recommends that the Planning Commission:

1. **RECOMMEND that the City Council DETERMINE** that Planning Case PR-2020-000330 (Zoning Text Amendment) and Planning Case DP-2020-00219 (Rezoning) are exempt from further California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the CEQA Guidelines as it can be seen with certainty that there is no possibility that this proposal will have a significant effect on the environment; and
2. **RECOMMEND that the City Council APPROVE** Planning Case PR-2020-000330 (Zoning Text Amendment) and Planning Case DP-2020-00219 (Rezoning) based on the findings in the staff report on the proposed changes summarized in Exhibits 1 and 2.

BACKGROUND

Planning Staff continuously track the applicability and accuracy of the Riverside Municipal Code (RMC) Title 19 (Zoning Code) to ensure the regulations are consistent with State Law, provide clear direction, and do not conflict with other sections. Staff identifies inaccuracies, vagueness, or conflicts and tracks this information so that periodic Zoning Text Amendments can be made. Since the last update of the Zoning Code, several 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 Code through minor updates, revisions, and technical corrections to several Chapters and Sections.

On December 10, 2020, the Planning Commission considered the Zoning Text Amendment and Rezoning and, by a vote of six ayes, one no and two absences, continued the item to January 7, 2021. Staff have since prepared responses to questions raised by the Planning Commission, included as Exhibits 4 and 5.

PROJECT ANALYSIS

The technical changes proposed are described in this staff report and attached as Exhibit 1. Other non-substantial clarifying, grammatical and formatting changes have also been made for consistency with other sections of the RMC. These minor changes are included in Exhibit 1, but not specifically listed below.

The following summarizes the proposed Zoning Text Amendments:

1. Chapter 19.100 – Residential Zones

An amendment to Table 19.100.040.B – Residential Development Standards: Multiple-family Residential Zones includes the clarification and relocation of front building setback requirements for multiple-family residential dwellings that front on arterial streets over 110 feet in width. This change replaces a footnote requirement currently listed below the table. Additionally, footnote

2 has been modified to remove the minimum lot area requirement for three-story buildings in the R-3 Multiple Family Residential Zones.

Standards for duplexes in Section 19.100.060.D have been made consistent with other sections of the RMC and State Law. These changes include removing occupancy limitations and removing the prohibition of Accessory Dwelling Units (ADUs) on lots with duplexes.

2. Chapter 19.147 - Downtown Specific Plan Zone (DSP)

The North Main Street Specialty Services District (NMSSD) has been removed from this Chapter to reflect the recent adoption of the Northside Specific Plan which removed the NMSSD from the Downtown Specific Plan and incorporated it into the Northside Specific Plan.

3. Chapter 19.150 - Base Zones Permitted Land Uses

Table 19.150.020.A – Permitted Uses Table has been amended to modify permit requirements and applicable zones for Senior Housing and Emergency Shelters. Specifically, a Minor Conditional Use Permit process has been added for senior housing projects in the R-3 and R-4 Multiple Family Residential Zones and the MU-V – Mixed-Use Village and MU-U – Mixed Use Urban Zones for Senior Housing developments that exceed the established maximum residential density of the Zone. This change is consistent with the existing process for Senior Housing developments in the Single-Family Zones.

Currently, Emergency Shelters are only permitted in certain zones when the Emergency Shelter (ES) Overlay Zone has been applied, or with the granting of either a Conditional Use Permit or a Minor Conditional Use Permit. State Law requires that emergency shelters be permitted by right in at least one zone; currently, the ES Overlay Zone serves this purpose. The ES Overlay Zone can be applied, with a rezoning, to most Zoning Districts in the City with approval by the Planning Commission and City Council. However, as further described below, this amendment includes the elimination of the ES Overlay Zone Chapter and the corresponding Overlay Zone.

To satisfy State Law (specifically, California Government Code §65583[a][4][A]), the Permitted Uses Table has been updated to allow Emergency Shelters by right in the Industrial Zone (Exhibit 3). In addition, the table has been updated to allow Emergency Shelters in the R-3 and R-4 Multiple Family Residential Zones, the Mixed Use Zones, and the BMP – Business Manufacturing Park Zone with the granting of either a Conditional Use Permit or a Minor Conditional Use Permit, depending on the number of occupants.

4. Chapter 19.205 – Emergency Shelter Overlay Zone (ES)

Currently, to establish an emergency shelter in most zones, a Rezoning application must be approved by the Planning Commission and City Council to apply the ES Overlay Zone to the site. This is often a burdensome process inconsistent with the intent of State Law requiring that Emergency Shelters be allowed by right in at least one zone. To date, only the Hulen Place campus has the ES Overlay Zone applied. To bring the Code into compliance with established State Law and to improve the City's response to the homelessness crisis, the ES Overlay Zone is eliminated. As described above, the Permitted Uses Table has been modified to permit Emergency Shelters by right in the Industrial (I) Zone and conditionally permitted in other zones.

To maintain additional regulatory oversight of emergency shelters, development and operational standards from Chapter 19.205 have been relocated to Chapter 19.400 – Shelters-Emergency as described below.

In conjunction with elimination of the ES Overlay Zone, staff proposes to remove the ES Overlay zoning designation from the 1.8-acre Hulen Place campus (Planning Case DP-2020-00219). Should staff's recommendation be adopted by the City Council, the existing emergency shelter, Access Center and related operations conducted at the Hulen Place campus would be permitted by right in the I – Industrial base zoning designation of the site (Exhibit 2).

5. Chapter 19.272 - Breweries, Microbreweries, Wineries, Brewpubs, Brew-On-Premises and Distilleries

Section 19.272.030.B.11 has been modified for consistency with the Entertainment Permit regulations and procedures approved by City Council on October 22, 2019. Additional clarifying changes have been made for consistency with other sections of the RMC.

6. Chapter 19.385 - Recycling Facilities

The Recycling Facilities Chapter has been amended to eliminate the maximum number of colors for mobile recycling units and reverse vending machines and language has been added to prohibit indoor collection centers within 100 feet of residential zones or uses, as measured from property line to property line.

7. Chapter 19.400 - Shelters—Emergency

Consistent with the amendments to Chapters 19.150 and 19.205 described above, Chapter 19.530 is being amended to remove references to the Emergency Shelter Overlay Zone. Vague and contradictory site location, operation and development standards are also removed, while still-relevant development and operational standards currently located in Chapter 19.205 are included as part of this Chapter. These relocated standards include a requirement for a security plan, on-site waiting and client intake areas and on-site parking requirements. Additionally, the separation requirement between emergency shelters has been modified from 5,000 feet to one-half-mile (2,640 feet). The requirement for conformance with the Countywide Comprehensive Homeless Plan and the City Comprehensive Assistance Plan has been removed. Interim requirements for facilities existing at the time this code section was originally adopted and that have since sunset have been deleted.

8. Chapter 19.530 - Wireless Telecommunication Facilities

Language has been added to clarify that like-for-like equipment changes and modifications inside equipment enclosures are exempt from the requirements of a Conditional Use Permit or Design Review.

9. Chapter 19.650 – Approving and Appeal Authority

Currently, any member of the City Council may refer items reviewed by the Community & Economic Development Department (CEDD) Director or his/her designee, the Development Review Committee (DRC), or the Planning Commission to the City Council for consideration. This procedure is outlined in Section 19.650.020.C. This can occur in cases where an issue warrants additional public deliberation or is of particular interest to a Ward or the City as a whole. This section has been modified to include the term Mayor. While the ability of the Mayor to refer projects is implied, this change explicitly adds the term Mayor.

Referral procedures that allow the CEDD Director to refer projects to the Planning Commission have also been added. These referrals would take place when the CEDD Director determines that additional input from both the Planning Commission and public would further benefit the project's review.

Table 19.650.020 outlines the Approving and Appeal Authority for the various types of permits and actions. This table has been amended to establish the Planning Commission as the appeal authority for Minor Conditional Use Permits, Nonconforming Determinations, Time Extensions, and Variances. Planning Commission decisions on appeal of these items may be further appealed to the City Council.

Additionally, Footnote 6 under Table 19.650.020 has been amended consistent with proposed procedural changes to Chapters 19.680 – Appeals, 19.800 – General Plan Text/Map Amendment, Chapter 19.810 – Zoning Code Text/Map Amendment, and 19.820 – Specific Plan/Specific Plan

Text/Map Amendments described below. Currently, if the Planning Commission denies any of these application types, the decision is final unless appealed or referred to the City Council. The proposed changes clarify that the Planning Commission is a recommending authority for City-initiated General Plan Text/Map Amendments, Zoning Code Text/Map Amendments, and Specific Plan Amendments to conform with State Law. The Planning Commission's decision of denial for any of these application types that are initiated by an applicant will continue to be final unless appealed or referred.

10. Chapter 19.670 - Public Hearings and Notice Requirements

Section 19.670.020.A.4.d has been updated to clarify the Appeal process and authority following the issuance of a CEDD Director or DRC final report following a 15-day comment and review period for Minor Conditional Use Permits and Variances. Other non-substantive clarifying changes have also been made.

11. Chapter 19.680 – Appeals

Language has been added to Section 19.680.020.B to clarify that the Planning Commission is a recommending body for City-initiated legislative cases with the City Council reserving final action authority. This change is consistent with the changes proposed in Chapters 19.650, 19.800, 19.810, and 19.820 described in this report.

12. Chapter 19.710 – Design Review

Currently, any structure or site subject to Title 20 – Cultural Resources is exempt from the requirement for Design Review. However, because Title 20 does not govern land use and zoning matters, there is currently no mechanism by which to take action on land use and zoning items in these cases. To correct this issue, Section 19.710.020 has been updated to require an Administrative Design Review in addition to Title 20 requirements (such as a Certificate of Appropriateness). This change ensure compliance with both Title 19 and 20 for applicable projects.

Consistent with the Housing Element Implementation Program, Section 19.710.020 only requires administrative CEDD Director approval for stand-alone multi-family and age-restricted residential projects, provided that no other discretionary review is required. To provide greater flexibility for residential projects, the language has been updated to exclude variances from the list of discretionary reviews that would limit a project's eligibility for administrative approval. The language has also been simplified in several areas for clarity.

13. Chapter 19.800 - General Plan Text/Map Amendment

Chapter 19.810 - Zoning Code Text/Map Amendment

Chapter 19.820 - Specific Plan/Specific Plan Amendments

As part of the City's efforts to stay up to date with changing State Laws, changes in land use trends, and direction from the City Council, staff frequently initiates General Plan, Zoning Code, and Specific Plan text and map amendments for Planning Commission and City Council consideration. These actions are frequently initiated in response to or in order to implement specific policies or priorities set by the City Council. The City Council, as the legislative body, has final approval of any adoption or change to the General Plan, Zoning Code and Specific Plans. Currently, the Zoning Code is not clear on the difference between City-initiated changes and applicant-driven changes.

The Zoning Code provides that the Planning Commission's denial of applicant-initiated General Plan, Zoning Code or Specific Plan changes is final, but is silent on City initiated projects. The proposed amendment would clarify that, for applicant-initiated projects involving a change to the General Plan, Zoning Code or a Specific Plan, the Planning Commission is the final approval authority, unless appealed or referred to the City Council. For City-initiated projects, the Planning

Commission is a recommending body, with the City Council the final approval authority. Language has been added that establishes a 90-day period for Planning Commission recommendations on City-initiated General Plan, Zoning Code, and Specific Plan text and map amendments when referred by the City Council.

Finally, the Zoning Code only allows General Plan Text/Map Amendments to be initiated upon application by a property owner or by minute action of the City Council or Planning Commission. Proposed changes to Chapter 19.800 authorize the CEDD Director, or his/her designee, to initiate such amendments. This change allows staff to be more responsive when expedited changes are required.

FINDINGS

Pursuant to Section 19.810.040 of the Zoning Code, staff are able to make the following required findings related to Planning Case PR-2020-000330 (Zoning Code Text Amendment):

- 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 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. Where changes to allowed uses are proposed, these are paired with enhanced development standards, operational regulations and permit requirements to protect surrounding properties from adverse effects. 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 and improve consistency with the City's vision, goals and policies. This will serve and promote the public health, safety and general welfare of residents.

In addition, staff are able to make the following findings related to the Planning Case DP-2020-000219 (Rezoning) the proposed Zoning Text Amendment:

- 1. The proposed rezoning is consistent with the goals, policies, and objectives of the General Plan.*

The rezoning is **consistent** with this finding. Specifically, the rezoning will support Housing Element Objective H-4, to provide adequate housing and supportive services for Riverside residents with special needs, and Policy H-4.4, to support adequate opportunities for emergency, transitional, and permanent supportive services through the implementation of land use and zoning practices. The ES Overlay Zone is no longer required to facilitate the operation of the Hulen Place campus and therefore is consistent with these goals and policies.

2. *The proposed rezoning will not adversely affect surrounding properties.*

The rezoning is **consistent** with this finding. The removal of the ES Overlay Zone from the properties that comprise the Hulen Place campus will not result in a change in operations or management of the facility that would have the potential to affect surrounding properties.

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

The rezoning is **consistent** with this finding. The removal of the ES Overlay Zone will not result in changes to operations at the Hulen Place campus and will enable the City and its partners to continue to improve the provision and management of services and clientele to protect the public health, safety and general welfare both for clients as well as the neighborhood and the City.

ENVIRONMENTAL REVIEW

This proposed Zoning Text Amendment and Rezoning are exempt from the California Environmental Quality Act (CEQA) review pursuant to Section 15061(b)(3), as it can be seen with certainty that the project 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.

Additionally, notices regarding the proposed rezoning were mailed directly to owners and occupants of properties within 300 feet of the Hulen Place campus.

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. Proposed Changes to Title 19
2. Existing and Proposed Zoning Maps – 2800-2881 Hulen Place
3. Industrial Zones Map
4. FAQ – Approving and Appeal Authority
5. FAQ – Emergency Shelters

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Reviewed by: David Murray, Principal Planner
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