



City of Arts & Innovation

City Council Memorandum

TO: HONORABLE MAYOR AND CITY COUNCIL DATE: APRIL 6, 2021

FROM: COMMUNITY & ECONOMIC DEVELOPMENT WARDS: ALL
DEPARTMENT

SUBJECT: PUBLIC HEARING – PLANNING CASES PR-2020-000330 (ZONING CODE TEXT AMENDMENT) AND DP-2020-00219 (REZONING) – PROPOSAL BY THE CITY OF RIVERSIDE TO AMEND THE TEXT OF THE RIVERSIDE MUNICIPAL CODE TITLE 19 (ZONING) FOR TECHNICAL AND CLARIFYING CHANGES

ISSUE:

Approve a Zoning Code Text Amendment and Map Amendment to amend various sections of Riverside Municipal Code Title 19 (Zoning) for technical and clarifying changes including minor changes and corrections necessary to remove inaccuracies, vagueness, conflicts, and redundancies.

RECOMMENDATIONS:

That the City Council:

1. Determine that Planning Cases 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;
2. Approve Planning Case PR-2020-000330 (Zoning Text Amendment) and Planning Case DP-2020-00219 (Rezoning) based on the findings outlined in the Planning Commission Staff Report; and
3. Introduce and subsequently adopt an Ordinance to amend various sections in Title 19 of the Riverside Municipal Code, including selection of the Option regarding the referral process as identified in Chapter 19.650 – Approving and Appeal Authority, for technical and clarifying changes including minor changes and corrections necessary to remove inaccuracies, vagueness, conflicts, and redundancies; and
4. Introduce and subsequently adopt a second Ordinance amending the Zoning Map to remove the Emergency Shelter (ES) Overlay Zone designation from the Hulen Place Community Shelter Campus.

PLANNING COMMISSION RECOMMENDATION:

On December 10, 2020, the Planning Commission considered the Zoning Text Amendment and Rezoning and, by a vote of 6 Ayes, 1 No and 2 Absences, continued the item to January 7, 2021.

On January 7, 2021, the City Planning Commission recommended approval of Planning Cases PR-2020-000330 (Zoning Text Amendment) and Planning Case DP-2020-00219 (Rezoning), by a vote of 6 Ayes, 2 Noes and 1 Absent, with modifications to the referral process to require a referral request be agreed upon by a majority of City Council before consideration.

BACKGROUND:

The proposed Zoning Code Amendment builds upon the “Streamline Riverside” initiative by identifying and implementing incremental, strategic changes to City processes. Staff has identified several items within the Riverside Municipal Code Title 19 (Zoning) that require correction, clarification, or modification to provide greater clarity, reduce ambiguity and streamline processes.

DISCUSSION:

A detailed discussion of the proposed amendments can be found within the Planning Commission Staff Report (Attachment 3). Other non-substantial clarifying, grammatical and formatting changes have also been made for consistency with other sections of the RMC but are not specifically listed below (Attachment 6). The following summarizes the proposed Zoning Code Text Amendments as presented in the attached Proposed Ordinance (Attachment 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. Footnotes have also been updated.

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.

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.

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. This amendment includes the elimination of the ES Overlay Zone Chapter and the corresponding Overlay Zone. To satisfy State Law (California Government Code §65583[a][4][A]), the Permitted Uses Table has been updated to allow Emergency Shelters by right in the Industrial Zone. 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. This change modifies the existing process, by which Emergency Shelters would be permitted in any of these Zones with the application of the ES Overlay Zone.

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

In conjunction with elimination of the ES Overlay Zone, staff proposes removal of the ES Overlay zoning designation from the 1.8-acre Hulen Place campus (Planning Case DP-2020-00219) allowing the existing emergency shelter, Access Center and related operations conducted at the Hulen Place campus to be permitted by right.

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.

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.

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. Still-relevant development and operational standards currently located in Chapter 19.205 are included as part of this Chapter, such as a requirement for a security plan, on-site waiting and client intake areas and on-site parking requirements. At the request of the Riverside County Airport Land Use Commission, additional language has been added stating that Emergency Shelters, in any zone, would have to be consistent with any applicable Riverside County Airport Land Use Compatibility Plan compatibility criteria. Finally, the separation requirement between emergency shelters has been modified from 5,000 feet to one-half-mile (2,640 feet).

Chapter 19.530 - Wireless Telecommunication Facilities

Language is added clarifying that like-for-like equipment changes and modifications inside equipment enclosures are exempt from Conditional Use Permit or Design Review requirements.

Chapter 19.650 – Approving and Appeal Authority

Currently, any member of the City Council, which by inference includes the Mayor, may refer decisions made by the Community & Economic Development Department (CEDD) Director or his/her designee, Development Review Committee (DRC) staff, 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 for clarity. While the ability of the Mayor to refer projects is implied, this change explicitly adds the term Mayor.

The Planning Commission is recommending that the existing referral process be modified to include a two-step process (Attachment 5). This recommendation would require that a request to refer an item from the Mayor or a Councilmember would need to be considered by the full City Council. If a majority of the City Council agrees to the referral, the item would be placed on a future City Council agenda. If a majority does not agree, the decision of approval authority would be final unless the item is appealed. The Planning Commission indicated this could reduce the risk of potential abuse of the referral process while ensuring that applicants are treated equitably.

Referral procedures that allow the CEDD Director to refer projects to the Planning Commission have also been added. These referrals could take place when the CEDD Director determines that additional input from both the Planning Commission and the 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 by the CEDD Director or DRC staff. For consistency, this table has been amended to establish the Planning Commission as the appeal authority for Minor Conditional Use Permits, Nonconforming Status Determinations, Time Extensions, and Variances. Planning Commission decisions on appeal of these items may be further appealed to the City Council. Footnote changes have also been made for consistency.

The proposed changes also 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 similar applicant-initiated projects are final unless appealed or referred.

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 staff 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.

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.

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 act 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 ensures compliance with both Title 19 and 20 for applicable projects.

Consistent with the 2013-2021 Housing Element Implementation Program, Section 19.710.020 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.

Chapter 19.800 - General Plan Text/Map Amendment, Chapter 19.810 - Zoning Code Text/Map Amendment and Chapter 19.820 - Specific Plan/Specific Plan Amendments

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 being the final approval authority.

Language has also 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 directed 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.

FISCAL IMPACT:

There is no fiscal impact associated with this report.

Prepared by: David Welch, Community & Economic Development Director
Certified as to
availability of funds: Edward Enriquez, Chief Financial Officer/City Treasurer
Approved by: Rafael Guzman, Assistant City Manager
Approved as to form: Kristi J. Smith, Interim City Attorney

Attachments:

1. Ordinance – Title 19 Amendments
2. Ordinance – Zoning Map Amendment

3. City Planning Commission Report and Attachments – January 7, 2021
4. City Planning Commission Minutes – January 7, 2021
5. City Planning Commission Recommended Referral Process
6. Proposed Title 19 Changes
7. Presentation