



Community & Economic Development Department  
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Planning Division  
RiversideCA.gov

**PLANNING COMMISSION HEARING DATE: JANUARY 7, 2021  
AGENDA ITEM NO.: 4A AND 4B**

**PROPOSED PROJECT**

<b>Case Numbers</b>	PR-2020-000330 (Zoning Code Text Amendment) DP-2020-00219 (Rezoning)
<b>Request</b>	<p><b>PR-2020-000330 (Zoning Code Text Amendment)</b></p> <p>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"><li>1) Article V - Base Zones and Related Use and Development Provisions;</li><li>2) Article VI - Overlay Zones;</li><li>3) Article VII - Specific Land Use Provisions;</li><li>4) Article VIII - Site Planning and General Development Provisions; and</li><li>5) Article IX - Land Use Development Permit Requirements/Procedures</li></ol> <p>The proposed text amendments include, but are not limited to, revisions to:</p> <ol style="list-style-type: none"><li>1) Chapter 19.100 - Residential Zones;</li><li>2) Chapter 19.150 - Base Zones Permitted Land Uses;</li><li>3) Chapter 19.205 - Emergency Shelter (ES) Overlay Zone;</li><li>4) Chapter 19.272 - Breweries, Microbreweries, Wineries, Brewpubs, Brew-on-Premises and Distilleries;</li><li>5) Chapter 19.385 - Recycling Facilities;</li><li>6) Chapter 19.400 - Emergency Shelters;</li><li>7) Chapter 19.530 - Wireless Telecommunication Facilities;</li><li>8) Appeals and referrals of Community &amp; Economic Development Department Director, Development Review Committee and City Planning Commission decisions for Applicant- and City-initiated Planning Cases;</li><li>9) Design review requirements for sites and structures subject to Title 20 (Cultural Resources);</li><li>10) Final approval authority for City-initiated General Plan, Specific Plan and Zoning Code amendments; and</li><li>11) Other minor, non-substantive changes and technical corrections as required to provide clarity, correct errors or remove redundancies.</li></ol> <p><b>DP-2020-00219 (Rezoning)</b></p> <p>To remove the Emergency Shelter (ES) Overlay Zone from approximately 1.8 acres located at the Hulen Place Community Shelter campus</p>
<b>Applicant</b>	City of Riverside Community & Economic Development Department 3900 Main Street, 3rd Floor Riverside, CA 92522 (951) 826-5371
<b>Project Location</b>	PR-2020-000330 (Zoning Code Text Amendment): Citywide DP-2020-00219 (Rezoning): 2800-2881 Hulen Place, north of Massachusetts Avenue

<b>Ward</b>	PR-2020-000330: All Wards DP-2020-00219: Ward 1
<b>Neighborhood</b>	All Neighborhoods
<b>Staff Planner</b>	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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Prepared by:	Matthew Taylor, Senior Planner
Reviewed by:	David Murray, Principal Planner
Approved by:	Mary Kopaskie-Brown, City Planner

## **ARTICLE V - BASE ZONES AND RELATED USE AND DEVELOPMENT PROVISIONS**

### **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)**

The purpose of this chapter is to define allowable land uses and property development standards, including density of development, for all residential zones in order to produce healthy, safe, livable and attractive neighborhoods within the City of Riverside, consistent with the goals and policies of the City's General Plan. Fourteen residential zones are established to implement the residential land use designations of the General Plan. The purpose of each of the residential zones is as follows:

- A. Residential Agricultural Zone (RA-5). The Residential Agricultural Zone (RA-5) is established to provide areas where general agricultural uses can occur independently or in conjunction with a single-family residence, that preserves the agricultural character of the area.
- B. Residential Conservation Zone (RC). The Residential Conservation Zone (RC) is established consistent with General Plan objectives and voter approved initiatives (Proposition R and Measure C) to protect prominent ridges, hilltops and hillsides, slopes, arroyos, ravines and canyons, and other areas with high visibility or topographic conditions that warrant sensitive development from adverse development practices, and specifically, to achieve the following objectives:
  - 1. To preserve and enhance the beauty of the City's landscape;
  - 2. To maximize the retention of the City's natural topographic features, including, but not limited to, skyline profiles, ridgelines, ridge crests, hilltops, hillsides, slopes, arroyos, ravines, canyons, prominent trees and rock outcrops, view corridors, and scenic vistas through the careful selection and construction of building sites and building pads on said topographic features.
  - 3. To assure that residential use of said topographic features will relate to the surrounding topography and will not be conspicuous and obtrusive because of the design and location of said residential use;
  - 4. To reduce the scarring effects of excessive grading for building pads and cut and fill slopes;
  - 5. To prevent the construction of slopes inadequately protected from erosion, deterioration or slippage; and
  - 6. To conserve the City's natural topographic features.
- C. Rural Residential Zone (RR). The Rural Residential Zone (RR) is established to provide areas for single-family residences on large lots where flexible provisions apply pertaining to the keeping of farm animals such as horses, ponies, mules, cows, goats, sheep, and swine under Future Farmers of America-supervised and 4-H-supervised projects. These zones are established in those areas of the City where the keeping of such animals is already prevalent. It is also the intent of the RR Zone to provide opportunities for persons whose lifestyles include the keeping of such animals in areas where such animal-keeping activities minimize impact to other residential properties.
- D. Residential Estate Zone (RE) and R-1-½ Acre Zone. The Residential Estate Zone (RE) and R-1-½ Acre Zone are established to provide areas for large lot single-family residences where the keeping of livestock and other farm animals and agricultural uses are not permitted.
- E. Additional Single-family Residential Zones (R-1-13000, R-1-10500, R-1-8500 and R-1-7000). Additional Single-family Residential Zones (R-1-½ Acre, R-1-13000, R-1-10500, R-1-8500



and R-1-7000) are established to provide areas for single-family residences with a variety of lot sizes and housing choices.

- F. Multiple-Family Residential Zones (R-3-4000, R-3-3000, R-3-2500, R-3-2000 and R-3-1500). Medium ~~High-Density~~High-Density Residential Zones (R-3-4000 and R-3-3000) and ~~High-Density~~High-Density Residential Zones (R-3-2500, R-3-2000 and R-3-1500) are established to provide areas for multiple family residences, including such residential development types as apartments, town homes, condominiums, and tiny homes (foundation) in tiny home communities.
- G. Multiple-Family Residential Zone (R-4). The Very High-Density Residential Zone (R-4) is established to provide areas for higher density multiple family residences in areas of the City readily served by public transit and near commercial zones and other nonresidential areas that meet the everyday shopping, educational, health service and similar needs of residents.
- ( Ord. 7528 §1(Exh. A), 2020; Ord. 7487 § 9, 11-5-2019; Ord. 7331 §4, 2016; Ord. 6966 §1, 2007)

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#### 19.100.040 - Residential development standards.

Tables 19.100.040.A (Residential Development Standards: Single-Family Residential Zones) and 19.100.040.B (Residential Development Standards: Multiple-Family Residential Zones) establish the development standards applicable to all development within the residential zones.

(Ord. 7408 §1, 2018; Ord. 7331 §4, 2016; Ord. 7109 §2, 2010; Ord. 7027 §1, §2, 2009; Ord. 6966 §1, 2007)

**Table 19.100.040.A**

#### Residential Development Standards: Single-family Residential Zones

Development Standards	Single-family Residential Zones								
	RA-5	RC 12	RR	RE	R-1-1/2 Acre	R-1-1300	R-1-10500	R-1-8500	R-1-7000
Density - Maximum (Dwelling Units per Gross Acre) <sup>1,15</sup>	0.20	0.50 <sup>11</sup>	2.1 <sup>11</sup>	1.0 <sup>11</sup>	2.0 <sup>11</sup>	3.4 <sup>11</sup>	4.1 <sup>11</sup>	5.1 <sup>11</sup>	6.2 <sup>11</sup>
Lot Area - Minimum (Net)	5 Acres <sup>2,9,14</sup>	Varies <sup>2,14</sup>	20,000 sq. ft.	1 Acre	21,780 sq. ft.	13,000 sq. ft.	10,500 sq. ft.	8,500 sq. ft.	7,000 sq. ft.
Lot Width - Minimum	300 ft. <sup>2</sup>	130 ft. <sup>2</sup>	100 ft. <sup>13,14</sup>	130 ft. <sup>13,14</sup>	125 ft. <sup>13,14</sup>	100 ft. <sup>13,14</sup>	90 ft. <sup>13,14</sup>	80 ft. <sup>13,14</sup>	60 ft. <sup>13,14</sup>
Lot Depth - Minimum	500 ft. <sup>2</sup>	100 ft. <sup>2</sup>	150 ft.	150 ft.	150 ft.	110 ft.	110 ft.	100 ft.	100 ft.
Building Height - Maximum <sup>10,15</sup>	35 ft.	20 ft.	35 ft.	35 ft.	35 ft.	35 ft.	35 ft.	35 ft.	35 ft.
Number of Stories - Maximum <sup>15</sup>	2	1	2	2	2	2	2	2	2
Lot Coverage - Maximum	30%	N/A	30%	30%	30%	30%	35%	35%	40%
Setbacks - Minimum <sup>8</sup>									
A. Front <sup>7</sup>	40 ft. <sup>2</sup>	30 ft. <sup>2,6</sup>	30 ft.	30 ft.	30 ft. <sup>4</sup>	25 ft. <sup>4</sup>	25 ft. <sup>4</sup>	25 ft. <sup>4</sup>	20 ft. <sup>4</sup>
B. Side <sup>5</sup>	20 ft. <sup>2</sup>	25 ft. <sup>2</sup>	20 ft.	25 ft.	20 ft.	15 ft. <sup>3</sup>	10/15 ft. <sup>3</sup>	7.5/12.5 ft. <sup>3</sup>	7.5/10 ft. <sup>3</sup>
C. Rear <sup>5</sup>	25 ft. <sup>2</sup>	25 ft. <sup>2</sup>	100 ft.	30 ft.	35 ft.	30 ft.	25 ft.	25 ft.	25 ft.

Notes:

1. See Section 19.100.060 A (Additional Density). Gross acreage means streets are included for density purposes. Notwithstanding allowable density on a gross acreage basis, individual lots must meet the minimum lot size requirements exclusive of streets, except in the RA-5 Zone as described in Note 9.

2. Lot width, depth and area; building area; and setback requirements shall be as required as set forth in the Table. However, the zoning standards and requirements of the RC and RA-5 Zones shall not apply to any buildings existing prior to or under construction on November 13, 1979, or to the restoration or rehabilitation of or to any additions to such buildings, provided that the use, restoration, rehabilitation or addition shall conform to the current standards and requirements of the zoning in existence immediately prior to November 13, 1979. Also see Section 19.100.050.A (Lot Area).

3. Where a lot is less than 65 feet in width and was of record prior to ~~November 23, 1956, or~~ November 23, 1956, or was of record prior to the date on which such lot was annexed to the City, the required side yards adjacent to interior side lot lines shall be reduced to five feet.
4. Front setback exceptions: See Section 19.100.060 C (Exceptions to Setback Requirements).
5. Side and rear setback exceptions: See Sections 19.100.060 C (Exceptions to Setback Requirements). The side setback can be applied to either side except that the larger setback is required when a side yard is adjacent to a street.
6. No lot that fronts onto Hawarden Drive within the Hawarden Drive Special Design Area, generally between Anna Street and the Alessandro Arroyo, shall have a front yard depth of less than 50 feet.
7. Where a lot or parcel of land at the junction of two intersecting streets in any residential zone has frontage on each street over 130 feet in length, front yards of the depth required in the appropriate zone shall be required on both frontages. Also see Chapter 19.630 (Yard Requirements and Exceptions).
8. No dwelling shall be located closer than five feet to any retaining wall exceeding two feet in height, unless such retaining wall is an integral part of an approved dwelling.
9. Lot area in the RA-5 Zone is measured to the centerline of the adjoining street or streets; provided, however, individuals may construct one single-family dwelling on a lot of less than five acres existing as of May 15, 1979 and the residence is owner occupied after construction.
10. Refer to Chapter 19.560 (Building Height Measurement) for height measurement and exceptions to height limits.
11. Project density may be greater in a Planned Residential Development (see Chapter 19.780).
12. See Section 19.100.050 (Additional Regulations for the RC Zone).
13. See Section 18.210.080 (Lots) and Article X (Definitions) for exceptions for cul-de-sac lots, knuckle lots, lots on curves and corridor lots.
14. See Section 18.210.030.N.2.a for exception to lot size on private streets if over 20,000 square feet.
15. See Chapter 19.149 - Airport Land Use Compatibility to determine if a project site is subject to Airport Land Use Compatibility Plan requirements.

**Table 19.100.040.B**

**Residential Development Standards: Multiple-family Residential Zones**

Development Standards	Multiple-Family Residential Zones					
	R-3-4000	R-3-3000	R-3-2500	R-3-2000	R-3-1500	R-4
Density - Maximum (Dwelling Units per Gross Acre) <sup>65</sup>	10.9	14.5	17.4	21.8	29	40
Lot Area per Parent Parcel - Minimum (Net)	30,000 sq. ft.	30,000 sq. ft.	30,000 sq. ft.	30,000 sq. ft.	30,000 sq. ft.	30,000 sq. ft.
Lot Width <sup>64</sup> - Minimum	80 ft.	80 ft.	80 ft.	80 ft.	80 ft.	100 ft.
Lot Depth <sup>64</sup> - Minimum	150 ft.	150 ft.	100 ft.	100 ft.	100 ft.	150 ft.
Building Height <sup>4, 63, 5</sup> - Maximum	30 ft. 2	30 ft. 2	30 ft. 2	30 ft. 2	30 ft. 2	50 ft.
Number of Stories <sup>65</sup> - Maximum	2 <sup>2</sup>	2 <sup>2</sup>	2 <sup>2</sup>	2 <sup>2</sup>	2 <sup>2</sup>	4
Setbacks - Minimum						
A. Front <sup>1-3</sup>	25 ft.	25 ft.	20 ft.	15 ft.	15 ft.	15 ft.
<u>B. Front (Arterial Streets over 110 feet) <sup>1</sup></u>	<u>25 ft.</u>	<u>25 ft.</u>	<u>25 ft.</u>	<u>25 ft.</u>	<u>25 ft.</u>	<u>15 ft.</u>
<u>B.C. Interior Side <sup>1</sup></u>	10 ft.	10 ft.	10 ft.	7.5 ft.	7.5 ft.	7.5 ft.
<u>C.D. Street Adjoining Side <sup>1</sup></u>	10 ft.	10 ft.	10 ft.	10 ft.	10 ft.	10 ft.
<u>D.E. Rear <sup>1</sup></u>	20 ft.	20 ft.	20 ft.	15 ft.	15 ft.	10 ft.

Notes:

1. Whenever a Height Overlay Zone (S) has been applied to allow a structure to exceed two stories in height, the front, side and rear yards shall be increased by two and one-half feet for each story in excess of two stories, except as otherwise stated in this footnote. No building or building portions of two stories or higher may be located within 35 feet of any side or rear property line that abuts property in the RA-5, RC, RR, RE or R-1 Zone, in such instance for each story in excess of two, the setback shall be increased by 15-feet.
2. ~~For a development of three acres or greater, u~~ Up to 60 percent of the units may be in buildings up to three stories, 40-feet maximum height subject to Community & Economic Development ~~Department~~ Director review and approval.
3. ~~Twenty-five-foot fully landscaped front yards for R-3 Zones, and 15-foot fully landscaped front yards for the R-4 Zone are required along all arterial streets, 88-foot wide or greater as shown on the Circulation Map of the City's General Plan.~~
43. Refer to Chapter 19.560 (Building Height Measurement) for height measurements and exceptions to height limits.
54. See Section 18.210.080 (Lots) and Article X (Definitions) for exemptions for cul-de-sac lots and knuckle lots.
65. See Chapter 19.149 - Airport Land Use Compatibility to determine if a project site is subject to Airport Land Use Compatibility Plan requirements.

(Ord. 7487 § 10(Exh. B), 11-5-2019; Ord. 7413 , § 1(Exh. A), 2-20-2018)

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**19.100.060 - Additional regulations for the RA-5, RE, RC, RR and R-1 Zones.**

- A. Additional density. In the RE, RC, RR and R-1 zones and where consistent with the applicable General Plan land use designation the typical project density may be increased according to the regulations set forth in the Planned Residential Development Permit (PRD) process (Chapter 19.780 - Planned Residential Development Permit).
- B. Conversion of existing dwelling unit to an accessory structure. In the RE, RA-5, RR and R-1 zones, one entirely new single-family dwelling may be constructed upon a lot where there already exists not more than one single-family dwelling, provided that:
  - 1. At the time of issuance of a building permit for the new dwelling, the property owner/applicant also obtains a building permit to make alterations to the existing dwelling as are required by the City to reduce the character of use of the existing dwelling to a lawful accessory building, or the owner/applicant obtains a building moving permit to remove the existing dwelling from the lot;
  - 2. The owner of the lot executes and delivers to the City a written agreement in a form approved by the City to make the required alterations or to remove the existing dwelling concurrently with or immediately after the construction and completion of the new dwelling, together with a faithful performance surety bond or other security, in the form approved by the City and in the amount of 100 percent of the amount of the cost of such alterations or removal, as estimated by the City; and
  - 3. The Building Official determines that the requirements of Section 19.100.040 (Residential Development Standards) and Building Code and Fire Prevention Code will be complied with.
- C. Exceptions to setback requirements.
  - 1. Front porches and balconies. In the R-1 Zones, front porches that are open except for an overhead covering and have no habitable space above may encroach into the front setback up to a maximum of six feet.
  - 2. Flexible yard setbacks.
    - a. In the R-1 Zones, on local streets only, where the residential structure has the garage set back ten or more feet from the required front yard setback, the habitable portion of the residential structure may extend into the front setback up to a maximum of five feet.
    - b. In conjunction with the consideration of a tentative tract or parcel map in the R-1-7000 Zone, interior side yard setbacks may be reduced to five feet provided a minimum distance of 15 feet is maintained between adjacent dwellings.
    - c. In the R-1 Zones, portions of the dwelling may encroach up to ten feet into the required rear yard setback provided that the encroachment does not exceed 500 square feet in total area.
  - 3. Accessory structures. Refer to Chapter 19.440 (Accessory Buildings and Structures) for development standards.
  - 4. Stairway projections. Refer to Chapter 19.630 (Yard Requirements and Exceptions) see Section 19.630.040 (Permitted Projections into Required Yards).
  - 5. Fire escape projections. Refer to Chapter 19.630 (Yard Requirements and Exceptions) see Section 19.630.040 (Permitted Projections into Required Yards).
  - 6. Cornice, eave and sill projections. Refer to Chapter 19.630 (Yard Requirements and Exceptions) see Section 19.630.040 (Permitted Projections into Required Yards).

7. Additions to established dwellings. For lawfully established dwellings that do not conform to the side yards required in the RC, RR, RE and R-1 Zones additions may be constructed within such required side yards if such additions are located not closer to the side lot line than the existing dwelling; provided, that in no case shall such additions be located closer than five feet to interior side lot lines or ten feet to street side lot lines.
8. Garage in the R-1-7000 Zone. In the R-1-7000 Zone, a garage that is an integral part of the main dwelling may be located not closer than five feet to any interior side lot line.
9. Setbacks for RR Zoned Properties less than 20,000 square feet in area. For legally created parcels within the RR Zone which are less than 20,000 square feet in area, the following setbacks shall be provided and supersede those listed in Table 19.100.040.A as follows:
  - a. For lots less than 8,500 square feet in area, the R-1-7000 standards apply.
  - b. For lots greater than 8,500 square feet in area, but less than 10,500 square feet in area, the R-1-8500 standards apply.
  - c. For lots greater than 10,500 square feet in area, but less than 13,000 square feet in area, the R-1-10500 standards apply.
  - d. For lots greater than 13,000 square feet in area, but less than 20,000 square feet in area, the R-1-13000 standards apply.

D. Duplexes in the R-1-7000 Zone.

1. Duplexes are permitted in the R-1-7000 zone subject to the following standards:
  - a. The units shall have been legally established in the R-2 Zone as of the effective date, November 3, 2006 ~~(P06-1062)~~.
  - b. Expansion of units is permitted subject to compliance with the development standards of the R-1-7000 Zone.
  - c. If one or both units are destroyed, they may be rebuilt.
  - ~~d. Occupancy is limited to one family per dwelling unit (i.e., two families in one duplex).~~
  - ~~e.d.~~ Construction of new duplexes, where a duplex did not previously legally exist, is not permitted, except as specifically authorized in this Title or California law.
  - ~~f. Accessory dwelling units (19.442) are not permitted on lots with existing duplexes.~~

(Ord. 7331 §4, 2016; Ord. 6966 §1, 2007)

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## Chapter 19.147 - DOWNTOWN SPECIFIC PLAN ZONE (DSP)

### 19.147.010 - Purpose.

- A. The Downtown Specific Plan (DSP) Zone is established to create a diverse, vibrant, 24-hour Downtown area where people can work, live, shop, receive education and enjoy recreational facilities and where arts and culture are an integral component of the urban environment.
- B. The Downtown Specific Plan Zone allows a broad range of residential, office, retail, service commercial, arts and culture, recreational, educational, institutional, and entertainment uses. The Downtown Specific Plan, as adopted by the City Council on December 10, 2002 and as may be amended from time to time, sets forth the land use regulations and development

standards applicable to all properties within the Downtown Specific Plan Zone. Where any conflict exists between the regulations and standards contained in the Downtown Specific Plan and provisions of this Zoning Code, the more restrictive regulations or standards shall apply.

C. As specified in the Downtown Specific Plan, the Zone is divided into nine subdistricts, each with varying uses and development standards. The subdistricts are as follows:

1. Raincross District: Intended to be the hub of the Downtown area, allowing a wide variety of uses, including cultural, arts, entertainment, retail, hospitality and urban residential uses. This area provides many opportunities for growth and development, using the area's historic buildings as a point of reference for scale and design.
2. Justice Center District: Intended to be Downtown's center for courts, governmental, and ~~large scale~~large-scale private office uses. The emphasis is on density, height, and contemporary buildings with historic references in detailing.
3. Almond Street District: Intended to maintain the residential scale and appearance of the existing neighborhood while allowing for a mix of ~~small scales~~small-scale office uses, live/work uses, and single-family residential uses, with an emphasis on adaptive reuse of existing historic residential structures.
4. Prospect Place Office District: Intended to provide for a variety of high-quality office uses and be a transitional area between the open space of the Riverside Community College campus and the urban intensity of the Justice Center and the Core Districts.
5. Health Care District: Intended to encourage the expansion of the existing hospital and medical-related uses and the establishment of new medical and medical support uses, and to create an attractive entry into Downtown from the south.
- ~~6. North Main Street Specialty Services District: Intended to provide for small-scale manufacturing and specialty commercial services, as well as opportunities for live/work units and adaptive reuse of industrial buildings with the goal of maintaining the historic character of the area.~~
- ~~7.6.~~ Market Street Gateway District: Intended to create an attractive entry into the City and the Downtown area by providing a green parkway character and high-quality development adjacent to the SR-60 freeway. This district allows office and residential uses.
- ~~8.7.~~ Residential District: Intended to maintain and protect the existing character of the single-family residential neighborhoods downtown, as well as preserve the historic housing stock. This district includes three residential areas: Heritage Square, Mile Square, and Prospect Place.
- ~~9.8.~~ Neighborhood Commercial District: Intended to provide local shopping needs for all Downtown residents. Permitted uses include grocery store, restaurants, small offices and banks, laundromat and pharmacies.

(Ord. 7331 §10, 2016; Ord. 6966 §1, 2007)

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## **Chapter 19.150 - BASE ZONES PERMITTED LAND USES**

### **19.150.010 - Purpose.**

This section establishes land use regulations for all base zones listed in this article consistent with the stated intent and purpose of each zone.

(Ord. 7331 §12, 2016; Ord. 6966 §1, 2007)

**19.150.020 - Permitted land uses.**

- A. Table 19.150.020.A (Permitted Uses Table), Table 19.150.020.B (Incidental Uses Table) and Table 19.150.020.C (Temporary Uses Table) in Chapter 19.150 (Base Zones Permitted land uses) identify permitted uses, permitted accessory uses, permitted temporary uses, and uses permitted subject to the approval of a minor conditional use permit (Chapter 19.730 - Minor Conditional Use Permit), or conditional use permit (Chapter 19.760 - Conditional Use Permit), or uses requiring some other permit. Table 19.150.020.A also identifies those uses that are specifically prohibited. Uses not listed in tables are prohibited unless the ~~Community & Economic Development Director~~Community & Economic Development Department Director or his/her designee, pursuant to Chapter 19.060 (Interpretation of Code), determines that the use is similar and no more detrimental than a listed permitted or conditional use. Any use which is prohibited by state and/or federal law is also strictly prohibited.
- B. Chapter 19.149 - Airport Land Use Compatibility includes additional Airport Land Use Compatibility Plan requirements for discretionary actions proposed on property located within an Airport Compatibility Zone. When located within an Airport Land Use Compatibility Zone, greater land use, restrictions for airport compatibility may apply per the applicable Airport Land Use Compatibility Plan.

(Ord. 7431 , § 1(Exh. A), 2-20-2018; Ord. 7331 §12, 2016; Ord. 7273 §1, 2015; Ord. 7222 § 3, 2013; Ord. 7110 §§2, 3, 4, 2011; Ord. 7109 §§4, 5, 2010; Ord. 7072 §1, 2010; Ord. 7064 §9, 2010; Ord. 6966 §1, 2007)

19.150.020.A Permitted Uses Table

This table identifies permitted uses and uses requiring approval of other permits by zoning designation. In addition to these uses, other incidental and temporary uses may also be permitted as noted in the Incidental Uses Table and the Temporary Uses Table.

Use	Zones																					Location of Required Standards in the Municipal Code
	Residential Zones (Residential Conservation (RC), Residential Agricultural (RA-5), Rural Residential (RR), Residential Estate (RE), Single-Family Residential (R-1), Multiple Family Residential (R-3 and R-4))							Office & Commercial Zones (Office, Commercial Retail, Commercial General, Commercial Regional Center)				Mixed Use Zones (Neighborhood, Village, Urban)			Industrial Zones (Business Manufacturing Park, General Industrial, Airport Industrial, Airport)				Other Zones (Public Facilities, Railroad, Neighborhood Commercial Overlay)			
	RC**	RA-5**	RR	RE	R-1	R-3	R-4	O	CR	CG	CRC*	MU-N	MU-V*	MU-U*	BMP	I	AI	AIR	PF	RWY	NC Overlay	
. . .																						
Pawn Shop/Gold Buying	X	X	X	X	X	X	X	X	MC	MC	X	X	X	X	X	X	X	X	X	X	X	For parking see Retail Sales - 19.580 19.355 - Pawn ShopP
. . .																						
Senior Housing	X	X	X	X	MC	P/MC	P/MC	X	X	X	X	MC	P/MC	P/MC	X	X	X	X	X	X	X	Age Restricted 55+ In the R3, R4, MU-V and MU-U Zones, Senior Housing developments may exceed the established maximum residential density of the Zone subject to the granting of a Minor Condition Use Permit
Shelters, Emergency:																						19.205 – Emergency Shelter Overlay Zone (permitted by right)
2 to 6 occupants	X	X	MC	MC	MC	X-MC	X-MC	MC	MC	MC	X	X-MC	X-MC	X-MC	X-MC	X-P	X	X	X	X	X	19.400 - Shelters - Emergency
more than 6 occupants	X	X	C	C	C	X-C	X-C	C	C	C	X	X-C	X-C	X-C	X-MC	C-P	X	X	X	X	X	19.740 - Temporary Use Permit (Temporary Emergency Shelter with Assemblies of People - Non - Entertainment)
. . .																						

\* = For CRC, MU-U and MU-V Zones a Site Plan Review Permit (Chapter 19.770) is required for any new or additions/changes to existing buildings or structures.

\*\* = For a more detailed listing of the permitted land uses in the RA-5 and RC Zones, refer to Sections 19.100.030.A (RA-5 Zone Permitted Uses) and 19.100.030.B (RC Zone Permitted Uses). If any conflict between this Table and Sections 19.100.030.A and 19.100.030.B exists, the provisions of Sections 19.100.030.A and 19.100.030.B shall apply.

\*\*\* = Refer to Chapter 19.149 - Airport Land Use Compatibility and applicable Airport Land Use Compatibility Plan for airport land use compatibility zones where use may be strictly prohibited.

C = Subject to the granting of a conditional use permit (CUP), Chapter 19.760

MC = Subject to the granting of Minor Conditional Use Permit (MCUP), Chapter 19.730

P = Permitted

PRD = Planned Residential Development Permit, Chapter 19.780

RCP = Recycling Center Permit, Chapter 19.870

SP = Site Plan Review Permit, Chapter 19.770

sq. ft. = Square Feet

X = Prohibited

1 Commercial Storage Facilities are permitted in all zones with the Commercial Storage Overlay Zone (Chapter 19.190).

2 Legal, existing duplexes built prior to the adoption of this Zoning Code are permitted in the R-1-7000 Zone see 19.100.060 D.

3 Allowed with a Planned Residential Development (PRD) Permit, Chapter 19.780.

4 One single-family detached dwelling allowed on one legal lot 0.25 acres in size or less in existence prior to January 1, 2018 subject to the development standards of the R-1-7000 Zone.

5 Permitted or conditionally permitted on sites that do not include a residential use.

( Ord. 7528 §1(Exh. A), 2020; Ord. 7505 § 1(Exh. A), 2020; Ord. 7487 § 13(Exh. D), 11-5-2019; Ord. 7462 , § 2(Exh. A), 2019; Ord. 7431 § 3(Exh. A), 2018)

19.150.020.C Temporary Uses Table

This table identifies uses that are temporary in nature.

Use	Zones																					Location of Required Standards in the Municipal Code
	Residential Zones (Residential Conservation (RC), Residential Agricultural (RA-5), Rural Residential (RR), Residential Estate (RE), Single-Family Residential (R-1), Multiple Family Residential (R-3 and R-4))							Office & Commercial Zones (Office, Commercial Retail, Commercial General, Commercial Regional Center)				Mixed Use Zones (Neighborhood, Village, Urban)			Industrial Zones (Business Manufacturing Park, General Industrial, Airport Industrial, Airport)				Other Zones (Public Facilities, Railroad, Neighborhood Commercial Overlay)			
	RC**	RA-5**	RR	RE	R-1	R-3	R-4	O	CR	CG	CRC*	MU-N	MU-V*	MU-U*	BMP	I	AI	AIR	PF	RWY	NC Overlay	
. . .																						
Temporary Emergency Shelter with Assemblies of People - Non - Entertainment	X	X	TUP	TUP	TUP	TUP	X-TUP	TUP	TUP	TUP	TUP	TUP	TUP	TUP	TUP	TUP	X	X	X	X	X	19.255 - Assemblies of people—non-entertainment 19.740 - Temporary Use Permit 19.910 - Definitions See 19.149 - Airport Land Use Compatibility*
. . .																						

( Ord. 7528 §1(Exh. A), 2020; Ord. 7505 § 1(Exh. A), 2020; Ord. 7408 §1, 2018; Ord. 7211 §2, 2013; Ord. 7110 §§2, 3, 4, 2011; Ord. 7064 §9, 2010; Ord. 6966 §1, 2007)

\*=Refer to Chapter 19.149 - Airport Land Use Compatibility, and applicable Airport Land Use Compatibility Plan for airport land use compatibility zones where use may be strictly prohibited.

1 All sites having active minor conditional use permits or conditional use permits, private schools, assemblies of people, etc.

2 For Exceptions, see Chapters 19.100.030 (A) - RA-5 Permitted Uses and 19.150.020.B Incidental Uses Table

\*=For CRC, MU-U and MU-V Zones a Site Plan Review (Chapter 19.770) is required for any new or additions/changes to existing buildings or structures.

\*\*=For a more detailed listing of the permitted land uses in the RA-5 and RC Zones, refer to Sections 19.100.030.A (RA-5 Zone Permitted Uses) and 19.100.030.B (RC Zone Permitted Uses). If any conflict between this Table and Sections 19.100.030.A and 19.100.030.B exists, the provisions of Sections 19.100.030.A and 19.100.030.B shall apply .

\*\*\* = Accessory to an Assemblies of People — Non-Entertainment and shall meet all applicable standards identified in Chapter 19.255.

- P = Permitted

RCP = Recycling Center Permit, Chapter 19.870.

PRD = Planned Residential Development Permit, Chapter 19.780
- C = Subject to the granting of a conditional use permit (CUP), Chapter 19.760

TUP = Temporary Use Permit, Chapter 19.740

sq. ft. = Square Feet
- MC = Subject to the granting of Minor Conditional Use Permit (MCUP), Chapter 19.730

X = Prohibited

SP = Site Plan Review Permit, Chapter 19.770



### **19.150.030 - Special or unusual uses.**

At the discretion of the ~~Community & Economic Development Director~~Community & Economic Development Department Director or his/her designee, a conditional use permit may be considered for a unique or unusual combination of uses or special facilities similar to and not more detrimental than other uses in a particular zone.

(Ord. 7331 §12, 2016; Ord. 7235 §6, 2013; Ord. 6966 §1, 2007)

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## **ARTICLE VI – OVERLAY ZONES**

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### **~~Chapter 19.205 - EMERGENCY SHELTER OVERLAY ZONE (ES)~~**

#### **~~19.205.010 - Purpose.~~**

~~The Emergency Shelter Overlay Zone (ES) is established to permit emergency shelter uses in areas that have a realistic potential for development or reuse opportunities for emergency shelters. The ES Zone may be applied to any zone except the RC – Residential Conservation, RA-5 – Residential Agricultural, MU-N – Mixed Use Neighborhood, MU-V – Mixed Use Village, MU-U – Mixed Use Urban, RWY – Railway Zones and in conjunction with other overlay zones except the CS – Commercial Storage, NC – Neighborhood Commercial, RL – Residential Livestock and WC – Water Course Zones.~~

~~(Ord. 7331 §18, 2016; Ord. 7082 §2, 2010)~~

#### **~~19.205.020 - Locational standards.~~**

- ~~A. The site chosen for the application of the ES Zone should account for environmental constraints, such as flooding, seismic hazards, chemical contamination, slope instability or erosion that could make building an emergency shelter infeasible.~~
- ~~B. The site should be located within proximity to transit, job centers and public and community services.~~

~~(Ord. 7331 §18, 2016; Ord. 7082 §2, 2010)~~

#### **~~19.205.030 - Development standards.~~**

~~As part of the evaluation of the ES Overlay Zone the application shall indicate compliance with the following development standards:~~

- ~~A. Maximum number of beds. The maximum number of beds shall be evaluated as part of this application based upon the design and layout of the building and the appropriate building and fire codes.~~
- ~~B. On-site waiting and client intake areas.~~
  - ~~1. An adequate~~adequately~~ sized indoor client intake area shall be provided.~~
  - ~~2. Any queuing areas shall be on-site, in covered areas and away from public sidewalks and avoid spilling into parking and landscape areas.~~
- ~~C. On-site management. A management plan shall be provided, as part of the rezoning application submittal. On-site management/staff supervision shall be required during all hours~~

~~of facility operation. The subject property shall be developed and operated continually as described in the ES Overlay Zone application except for any specific modifications that may have been required as part of the approval.~~

~~D. Length of stay. Individual client stays shall not exceed 180 days. Shorter stays are encouraged to make transition into permanent housing more likely.~~

~~E. Security. A security plan shall be required as part of the rezoning application submittal.~~

~~F. Lighting.~~

~~1. To ensure the safety of all, on-site lighting shall provide a minimum intensity of one foot-candle and a maximum intensity of ten foot-candles at ground level throughout the areas serving the public and used for parking, with a ratio of average light to minimum light of four to one (4:1).~~

~~2. Exterior lighting shall be oriented and shielded to avoid spillage onto any surrounding properties. The provisions of Section 19.590.070 (Light and Glare) and the provisions of Chapter 19.556 (Lighting) relating to lighting shall also apply.~~

~~G. Parking. Sufficient on-site parking shall be provided in accordance with 19.580 (Parking and Loading). The precise number of parking spaces required will be determined based on the operating characteristics of the specific proposal. However, the required parking shall not be more than for other residential or commercial uses within the same underlying zone.~~

~~H. Trash receptacles and enclosures.~~

~~1. All trash storage areas shall be located so as to be convenient to the users and where associated odors and noise will not adversely impact the users.~~

~~2. The provisions of Chapter 19.554 (Trash/Recyclable Materials Collection Area Enclosures) regarding requirements for the screening of trash receptacles shall apply.~~

~~(Ord. 7408 §1, 2018; Ord. 7331 §18, 2016; Ord. 7082 §2, 2010)~~

#### ~~**19.205.040 – Concurrent design review required.**~~

~~No new building, structure or sign or exterior alteration or enlargement of an existing building, structure or sign shall be commenced in the ES Overlay Zone until design review approval have been granted pursuant to Chapter 19.710 (Design Review).~~

~~(Ord. 7331 §18, 2016; Ord. 7082 §2, 2010)~~

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## **ARTICLE VII – SPECIFIC LAND USE PROVISIONS**

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### **Chapter 19.272 - BREWERIES, MICROBREWERIES, WINERIES, BREWPUBS, BREW-ON- PREMISES AND DISTILLERIES**

#### **19.272.010 - Purpose.**

The purpose of regulating breweries, microbreweries, wineries, brewpubs and brew-on-premises establishments is to ensure compatibility of such uses with surrounding uses and properties and to avoid any impacts associated with such uses.

(Ord. 7331 §32, 2016; Ord. 7185 §3, 2007)

#### **19.272.020 - Applicability and permit requirements.**

Breweries, microbreweries, wineries, brewpubs, brew-on-premises and distilleries establishments, as defined in Article X (Definitions), are permitted as set forth in Article V, Base Zones and Related Use and Development Provisions subject to the requirements contained in this chapter.

Brewpubs shall ~~obtain a minor conditional use permit to comply with the permit requirements established in Table 19.150.020(A) (Permitted Uses Table) in~~ all zones where permitted; However, a brewpub that complies with all development standards established by Section 19.450.020.B.1 a—d and f—h (Alcohol Sales - Exemption from Minor Conditional Use Permit) shall be exempt from the Minor Conditional Use Permit requirement in the CR, CG, CRC, and Mixed-Use Zones.

(Ord. 7331 §32, 2016; Ord. 7185 §3, 2007)

#### **19.272.030 - Site location, operation and development standards.**

The standards set forth in Article V, Base Zones and Related Use and Development Provisions, shall apply to all establishments selling alcohol, unless otherwise specified here.

- A. Breweries, microbreweries, wineries, and distilleries manufacturing and wholesale only (no on-site retail sales or on-site tasting).
  1. All setback, landscaping, and other development standards of the underlying zone shall be met.
  2. The establishment shall comply with all applicable provisions of Chapter 19.510 (Outdoor Storage) where permitted by the underlying zone.
  3. The establishment shall comply with all applicable provisions of Chapter 19.580 (Parking and Loading). For the purposes of calculating required on-site parking, the brewing areas shall be considered manufacturing, the tasting rooms shall be considered restaurant, and the cold and warm storage shall be considered warehousing.
- B. Breweries, microbreweries, wineries, and distilleries with off-sale retail and/or on-site tasting.
  1. All standards listed under 19.272.030.A shall apply.
  2. The establishments shall comply with all location, operation and development standards established by Section-Chapter 19.450 (Alcohol Sales).
  3. In any Industrial Zone, Retail sales ~~within any of the Industrial Zones areas~~ shall not exceed 15% of the gross floor area of the lease space.
  4. A maximum ~~total~~ of one pint (16 oz.) of beer, six ounces of wine, and one ounce of distilled spirits may be sold or dispensed, for a fee or no fee, to each customer for on-site tasting per day. This may be divided into a single serving or small tastings.
  5. Retail sales of alcoholic beverages shall be limited to alcoholic beverages manufactured on-site.
  6. The business shall have lighting in accordance with Chapter 19.556 (Outdoor Lighting)-of the Zoning Code. On-site lighting plans shall be submitted for review and approval.

7. The retail and tasting hours of operation shall be evaluated on a case-by-case basis.
8. No person under 21 shall be permitted within the tasting area(s).
9. The premises on which the business is located shall be posted to indicate that it is unlawful for any person to drink or consume any alcoholic beverage in any public place or posted premises in accordance with Section 9.05.020 of the Municipal Code.
10. The management at each location of off-sale of alcoholic beverages pursuant to this section shall be responsible for educating the public regarding drunk driving laws and the related penalties for breaking those laws. (This includes minimum age law, open container law and driving while intoxicated law.) This can be accomplished by posting prominent signs, decals or brochures at the point of purchase and providing adequate training for employees.
11. ~~No entertainment shall be permitted without first obtaining a conditional use permit in zones that permit or conditionally permit assemblies of people - entertainment establishments subject to the development standards established in Chapter 19.250~~ Entertainment activities shall be subject to the requirements of Chapter 5.80 (Entertainment Permit).
12. Additional conditions may be applied based on feedback from the Riverside Police Department during the entitlement process.

C. Additional standards for brew-on-premises.

1. All standards listed under section 19.272.030.A and B shall apply.
2. Minors shall be permitted provided that there is not tasting/sampling of alcoholic beverages.

(Ord. 7331 §32, 2016; Ord. 7185 §3, 2007)

**19.272.040 - Other applicable regulations.**

Where the Department of Alcoholic Beverage Control (ABC) determines that an area has an over concentration of alcoholic beverage licenses and/or a higher than average crime rate, ABC may deny an application for alcohol sales unless the Community & Economic Development Department Director, ~~or~~ his/her designee or City Planning Commission makes a determination that public convenience or necessity will be served by the proposed project.

(Ord. 7331 §32, 2016; Ord. 7185 §3, 2007)

**19.272.050 - Modifications.**

Modifications to the above Site location, operation and development standards 19.272.030 A (1 and 3) and B (2, 3, 4, and 5) may be considered in conjunction with the required Minor Conditional Use Permit or Conditional Use Permit, as applicable. Modifications to all other site location, operation and development standards will are not ~~be~~ permitted.

(Ord. 7331 §32, 2016; Ord. 7185 §3, 2007)

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## Chapter 19.385 - RECYCLING FACILITIES

### 19.385.010 - Purpose.

The purpose of regulating recycling facilities is to ensure compatibility of such uses with surrounding uses and properties and to avoid any impacts associated with such uses.

(Ord. 7331 §56, 2016; Ord. 6966 §1, 2007)

#### **19.385.020 - Applicability and permit requirements.**

Beverage container recycling facilities, mobile recycling units, indoor collection centers, reverse vending machines, bulk reverse vending machines and donation collection bins, as defined in Article X (Definitions), are permitted as set forth in Article V, Base Zones and Related Use and Development Provisions subject to the requirements contained in this chapter.

(Ord. 7331 §56, 2016; Ord. 6966 §1, 2007)

#### **19.385.030 - Site location, operation and development standards.**

A. Mobile recycling units. Mobile recycling units shall comply with the following regulations.

1. The unit shall be staffed at all times during operating hours.
2. The unit shall operate a minimum of 30 hours per week but shall be limited to the hours between 9:00 a.m. to 7:00 p.m.
3. The unit shall be located on a site occupied by commercial or industrial businesses.
- ~~4.~~ All beverage containers shall be stored in opaque enclosures so as not to be readily visible.
- ~~4.5.~~ The unit shall be compatible with the building architecture of the site.
- ~~5.6.~~ The unit shall be located at least 150 feet from any street or residentially zoned or occupied property. An additional setback may be required to ~~mitigate-reduce~~ exposure of the unit to the street or adjacent property.
- ~~6.7.~~ The total area occupied by the unit shall not exceed 500 square feet.
- ~~7.8.~~ Exterior signage shall be limited to one unlighted identification sign and one hours-of-operation sign, each not to exceed 16 square feet per mobile recycling unit.
- ~~8.9.~~ The unit shall not interfere with pedestrian or vehicular circulation and shall not ~~consume-displace~~ any required parking spaces.
- ~~9.10.~~ The unit shall be screened from adjacent properties and streets by landscaping or other screening.
- ~~10.11.~~ The unit and surrounding area shall be maintained in a clean, litter-free condition and shall be swept or pressure washed daily. Shopping carts and trash left within 100 feet of the recycling unit shall be removed at the end of the daily operating hours.
- ~~11. No more than three colors shall be used on the unit(s).~~

B. Reverse vending machines. Reverse vending machines shall comply with the following regulations.

1. Signage shall be limited to the surface area of the machines.
2. The machines shall be located within 30 feet of a building entry and shall abut such building.
3. The machines shall be situated at least 100 feet from any residentially zoned or occupied property.
4. The machines shall not interfere with pedestrian or vehicular circulation or parking.

5. Only one machine or group of machines shall be allowed per commercial or industrial property or complex.
  6. Such machine(s) shall not meet the definition of ~~reverse~~ Reverse vending ~~machine~~ Machine, - bulk ~~Bulk type~~ Type as defined in Article X (Definitions).
  - ~~7. No more than three colors shall be used on each machine or group of machines.~~
  - ~~8.7.~~        The machines shall not exceed reasonable noise limits pursuant to Title 7.
- C. Indoor collection centers. Indoor collection centers shall comply with the following site location and operational regulations.
1. Exterior signage shall be limited to one unlighted identification sign and one hours-of-operation sign, each not-to-exceed six square feet.
  - ~~4.2.~~        Indoor collection centers shall not be located within 100 feet of a residential zone or use, as measured from property line to property line.
- D. ~~Bulk reverse vending machines~~ Reverse vending machine, bulk type. Bulk reverse vending machines shall comply with the following standards.
- ~~1. No more than three colors shall be used on each machine or group of machines.~~
  - ~~2.1.~~        The machines shall be situated at least 100 feet from any residentially zoned or occupied property.
  - ~~3.2.~~        The machine(s) shall not interfere with pedestrian or vehicular circulation or parking.
  - ~~4.3.~~        The machines shall not exceed reasonable noise limits pursuant to Title 7.
  - ~~5.4.~~        Only one machine or group of machines shall be allowed per commercial or industrial property or complex.
- E. Donation collection bins. Donation collection bins shall comply with the following standards:
1. Only one unattended donation collection bin shall be allowed on each parcel or real property ~~;~~.
  2. Any unattended donation collection bin shall not be any closer than 2,000 feet from any other unattended donation collection bin, as measured from the subject unattended donation collection bin to the nearest property line containing another unattended donation collection bin ~~;~~.
  3. ~~Any u~~ Unattended donation collection bins shall be located on a parcel of two and one-half acres in area or larger ~~;~~.
  4. No unattended donation collection bin shall be allowed in an area required for vehicle parking, circulation, pedestrian path of travel or required landscaped area ~~;~~.
  5. The unattended donation collection bin shall be located at least 50 feet from any street or residentially zoned or occupied property. An additional setback may be required to ~~mitigate-reduce~~ exposure of the unit to the street or adjacent property ~~;~~ and
  6. The unattended donation collection bin shall be no more than 84 inches high, 72 inches wide and 60 inches deep.

(Ord. 7487 § 28, 11-5-2019; Ord. 7331 §56, 2016; Ord. 6966 §1, 2007)

#### **19.385.040 - Modifications.**

No modifications to the above site location, operations and development standards are permitted.  
(Ord. 7331 §56, 2016)

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## **Chapter 19.400 - SHELTERS—EMERGENCY**

### **19.400.010 - Purpose.**

The purpose of regulating emergency shelters is to ensure compatibility of such uses with surrounding uses and properties and to avoid any impacts associated with such uses.

(Ord. 7408 §1, 2018; Ord. 7331 §60, 2016; Ord. 7158 §10, 2012; Ord. 6966 §1, 2007)

### **19.400.020 - Applicability and permit requirements.**

~~A.~~ Except as provided in paragraph B, emergency shelters, as defined in Article X (Definitions), are permitted as set forth in Article V, Base Zones and Related Use and Development Provisions subject to the requirements contained in this chapter.

~~B. The provisions of this chapter shall not apply to properties in the Emergency Shelter Overlay Zone, where emergency shelters are a permitted use.~~

(Ord. 7408 §1, 2018; Ord. 7331 §60, 2016; Ord. 7158 §10, 2012; Ord. 6966 §1, 2007)

### **19.400.030 - Additional application requirements.**

The application for a discretionary permit for emergency shelters shall include the following additional information:

A. Client profile (the subgroup of the population of the facility is intended to serve such as single men, families, elderly, minor children, developmentally disabled, etc.);

B. Maximum number of occupants and hours of facility operation;

C. Term of client stay;

D. Support services to be provided on-site and projected staffing levels; ~~and~~

E. Rules of conduct and/or management plan; and

~~E.F. Security plan.~~

(Ord. 7408 §1, 2018; Ord. 7331 §60, 2016; Ord. 7158 §10, 2012; Ord. 6966 §1, 2007)

### **19.400.040 - Site location, operation and development standards.**

In addition to the standards for emergency shelters set forth in Article V, Base Zones and Related Use and Development Provisions, the following findings shall be made:

~~A. The use shall be compatible with neighboring uses.~~

~~B. Establishment of the facility shall not result in harm to the health, safety or general welfare of the surrounding neighborhood and substantial adverse impacts on adjoining properties or land uses will not result.~~

~~C.A.~~ The facility shall be located along or near an arterial with ready access to public transportation, job centers and public and community services.

~~D. The facility shall be accessible to necessary support services.~~



~~E.B.~~ To avoid over-concentration of emergency shelters, there shall be a ~~5,000-foot~~one half-mile separation requirement as measured from the nearest outside building walls between the subject use and the nearest property line of any other shelter facility.

~~F.C.~~ Emergency shelters shall not be located within 1,000 feet of a public or private school (kindergarten through twelfth grade), ~~universities, colleges, student housing,~~ senior housing, child care facilities, public parks, businesses licensed for ~~on-or~~ off-site sales of alcoholic beverages or parolee/probationer homes as defined in Article X (Definitions) and as measured from any point on the outside walls of the facility to the nearest property line of the noted use.

~~G.D.~~ To avoid over-concentration of ~~homeless housing facilities~~emergency shelters and assisted living and/or group housing facilities, there shall be a 300-foot separation requirement as measured from the nearest outside building walls between the subject use and the nearest property line of ~~another-any~~ assisted living or group housing facility as defined in Article X (Definitions).

~~H. The facility should be compatible with the character of the surrounding neighborhood.~~

E. On-site waiting and client intake areas.

1. An adequately sized indoor client intake area shall be provided.

2. Any queuing areas shall be on-site, in covered areas and away from public sidewalks and avoid spilling into parking and landscape areas.

~~I.F.~~ Both indoor and outdoor open areas ~~should~~shall be provided on site.

~~J.G.~~ All setback standards of the underlying zone shall be met.

H. On-site parking shall be provided in accordance with 19.580 (Parking and Loading). The precise number of parking spaces required will be determined based on the operating characteristics of the specific proposal; however, the required parking shall not be more than for other residential or commercial uses within the same zone.

~~K.I.~~ On-site staff supervision shall be required during all hours of facility operation.

~~L.J.~~ Individual client stays shall not exceed 180 consecutive days.

~~M.K.~~ The facility's management shall participate in any formal residential crime prevention program (e.g., Crime Free Multi-Housing Program or its successor).

~~N. Establishment of the facility shall conform to the adopted Countywide Comprehensive Homeless Plan and the City Comprehensive Homeless Assistance Plan.~~

(Ord. 7408 §1, 2018; Ord. 7331 §60, 2016; Ord. 7158 §10, 2012; Ord. 6966 §1, 2007)

#### **19.400.050 - Special noticing requirements.**

All property owners within 1,000 feet of the proposed facility, as measured from the subject property lines, shall be notified of the proposed discretionary permit.

(Ord. 7331 §60, 2016; Ord. 7158 §10, 2012; Ord. 6966 §1, 2007)

#### **19.400.060 - Existing facilities require a permit.**

~~An existing facility in good standing may file a written request for an extension of time of up to one year in which to file for the required discretionary permit. The written request shall include the reason for the request, including budgeting and/or securing filing fees, subject to confirmation and approval by the Planning Division. A filing extension may be granted by the Planning Division when it is verified that good faith efforts to budget and/or secure funds are made, financial hardship exists, and a favorable recommendation is obtained from the Police Department. The~~



~~Police Department recommendation is based upon a review of calls for service and criminal history at the shelter facility for the previous 12 months. This subsection shall sunset and no longer be effective on the date as of June 8, 2006.~~

~~(Ord. 7331 §60, 2016; Ord. 7158 §10, 2012; Ord. 6966 §1, 2007)~~

#### **19.400.070 - Change in operating conditions.**

Any change in operating conditions from what was originally approved and imposed by the City, including, but not limited to, number of occupants or clients or any modifications to the conditions of approval pursuant to the required discretionary permit shall require the immediate submittal of a request for revision of the required discretionary permit.

(Ord. 7331 §60, 2016; Ord. 7158 §10, 2012; Ord. 6966 §1, 2007)

#### **19.400.080 - Abandonment of use.**

An existing facility, established pursuant to any discretionary permit discontinued for any period of time, excluding a maximum ~~30-day~~30-day closure required to perform necessary repairs or restoration that does not increase the square footage of the residence, is deemed abandoned and any subsequent establishment of a facility shall be required to first obtain a new discretionary permit, as appropriate.

(Ord. 7331 §60, 2016; Ord. 7158 §10, 2012; Ord. 6966 §1, 2007)

#### **19.400.081 - Modifications.**

Modifications to the above site location, operation and development standards may be considered under the required Minor Conditional Use Permit or Conditional Use Permit.

(Ord. 7331 §60, 2016)

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### **Chapter 19.530 - WIRELESS TELECOMMUNICATION FACILITIES**

#### **19.530.010 - Purpose.**

The purpose of this section is to ensure compatibility between wireless telecommunication facilities and adjacent land uses and properties and to avoid any impacts associated with such uses, while encouraging the orderly development of wireless communication infrastructure within the City of Riverside to serve its residents and businesses.

A wireless telecommunications facility is permitted to be sited in the City of Riverside subject to applicable requirements imposed by this chapter, which may include a design review process, a conditional use permit application process, or both. These processes are intended to permit wireless telecommunications facilities that blend with their existing surroundings and do not negatively impact the environment, historic properties, or public safety.

(Ord. 7331 §86, 2016; Ord. 7105 §2, 2010; Ord. 6966 §1, 2007)

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#### **19.530.030 - Applicability and permit requirements.**

Wireless telecommunication facilities and related support structures, as defined herein, are permitted as set forth in Article V, Base Zones and Related Use and Development Provisions, subject to the requirements contained in this chapter.

A. Following are the use and permit requirements for wireless telecommunication facilities on private properties.

1. Prohibited facilities.

- a. All wireless telecommunication facilities in the RA-5—Residential Agricultural and RC—Residential Conservation Zones and any other property in the City developed with a residential use.

2. Conditional Use Permit (CUP).

- a. New wireless telecommunication facilities which do not comply with the applicable site location, operation and development standards contained in this chapter.
- b. Modifications to an existing eligible wireless telecommunication facility support structure that involve a substantial change (as defined herein) to the existing facility and do not comply with the applicable site location, operation and development standards contained in this chapter.

3. Administrative Design Review (DR).

- a. New stealth wireless telecommunications facilities that comply with the applicable site location, operation and development standards contained in this chapter.
- b. Modifications to an existing eligible wireless telecommunications facility ("Eligible Facilities Request" as defined herein) that do not involve a substantial change to the existing facility.
- c. Carrier on wheels or cell on wheels (COWs) as defined herein in zones where wireless telecommunications facilities are normally permitted, for a period in excess of those time frames for exempt facilities as stipulated in Section 19.530.030.A.4 (d—f) below.
- d. Small cell networks (SASs) and Distributed antenna systems (DASs) as defined herein and other similar networks in zones where wireless telecommunications facilities are normally permitted.

4. Exempt facilities.

- a. Wireless telecommunications facilities on public properties, as well as within the public right-of-way or within easements.

b. Modifications to an existing eligible wireless telecommunications facility that involve only a like-for-like exchange of existing equipment or appurtenances or which involve only the addition of equipment within an existing, completely enclosed or fully screened base station.

~~b-c.~~ Antennas used by residential households solely for broadcast radio and television reception.

~~e-d.~~ Antennas and satellites used solely for non-commercial purposes.

~~d-e.~~ COWs placed for a period of not more than 21 days for temporary uses related to special events.

~~e-f.~~ COWs placed for a period of not more than 120 days for temporary use when associated with the replacement of permanent facilities.

~~f.g.~~ COWs placed for a period of not more than 120 days for temporary use after a declaration of an emergency or a disaster by the governor.

- B. At the time of submittal for a conditional use permit or administrative design review, the application shall include all of the information related to the proposed wireless telecommunications facility, including, but not limited to, site plans detailing proposed improvements pursuant to the requirements contained in Chapter 19.710 (Design Review).
- C. For an eligible facilities request, the applicant must specify in writing whether the applicant believes the application is for an ~~eligible facilities~~eligible facility request subject to the Spectrum Act, and if so, provide a detailed written explanation as to why the applicant believes that the application qualifies as an eligible facilities request.
- D. Any other information to satisfy other requirements, which may be amended from time to time, as required by the ~~Community & Economic Development Director~~Community & Economic Development Department Director or his/her designee, as ~~publically~~publicly stated in the application checklist.

(Ord. 7331 §86, 2016; Ord. 7158 §14, 2012; Ord. 7105 §4, 2010; Ord. 6966 §1, 2007)

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## ARTICLE VIII – SITE PLANNING AND GENERAL DEVELOPMENT PROVISIONS

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### Chapter 19.620 – GENERAL SIGN PROVISIONS

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#### 19.620.110 - Sign programs.

- D. *Purpose.* The purpose of a sign program is to provide a unified record of signs and to promote coordinated signage for all development subject to discretionary review. The sign program shall demonstrate how it:
  - 1. Improves the safety and welfare of the general public by minimizing distractions, hazards, and obstructions from sign design or placement;
  - 2. Provides for sign design or placement appropriate for the area;
  - 3. Incorporates sign design and placement related to architectural and landscape features on site;
  - 4. Incorporates sign design, scale, and placement oriented to pedestrian traffic; and,
  - 5. Incorporates sign design, scale, and placement oriented to vehicular traffic.
  - 6. Contributes to and maintains a consistent visual theme for the development.
- E. *Applicability.*

~~4.~~ *Sign program required.* A sign program is required for multi-occupancy nonresidential or mixed-use developments with three or more separate lease spaces or establishments for which an application for a sign program was not deemed complete on the effective date of the adoption of

this section. A sign program may be required for any existing nonresidential or mixed-use development with three or more separate lease spaces or establishments for which an application for renovation has been submitted after the effective date of this chapter. The Community & Economic Development Director or his/her designee may require that a renovation project be subject to sign program to ensure that signage is designed to maintain a consistent visual theme coordinated with the design of the development.

F. *General requirements.*

1. The lot or lots involved must be contiguous and constitute a single cohesive development, and all signs to which the program applies shall be contained within the development.
2. All signs must be designed to conform to the Design Principles in Section 19.620.060 of this chapter and the Citywide Design Guidelines for Signs.
3. All signs shall comply with the requirements of this chapter regarding the maximum number of signs based on road frontage, maximum sign area, illumination, and materials. Deviations from sign design standards shall only be permitted pursuant to Section 19.620.100.B.3 of this chapter.

G. *Required submittals.* Applications for a sign program shall include all plans, drawings and other documentation specified in requirements issued by the Director of Community & Economic Development or his/her designee. Sign programs shall be processed pursuant to Section 19.620.100.

H. *Findings.* The Community & Economic Development Director or his/her designee or the Planning Commission as required by this chapter will only approve a sign program if the following findings are made:

1. That the proposed signs are in harmony and visually related to:
  - a. *Other signs included in the sign program.* This shall be accomplished by incorporating several common design elements such as materials, letter style, colors, illumination, sign type or sign shape.
  - b. *The buildings they identify.* This may be accomplished by utilizing materials, colors or design motifs included in the building being identified.
  - c. *The surrounding development.* Approval of a planned sign program shall not adversely affect surrounding land uses or obscure adjacent conforming signs.
2. That the sign program provides adequate guidance to business owners and sign contractors to ensure conformance with the Design Principles in Section 19.620.060 of this chapter and the Citywide Design Guidelines for Signs
3. That the sign program ensures that future signs will comply with all provision of this chapter, including development standards, such as but not limited to, number of signs, location of signs and sign size, as well as any approvals granting deviating from the sign standards.

I. ~~4.~~ *Phased developments.* Application for a sign program for a phased development must be submitted prior to issuance of any building permits for a first phase of development and approved prior to building occupancy for the first phase of development. Where the initial sign program for a first phase of development does not address future phases of development, an application for amendments to the initial sign program must be submitted prior to issuance of any building permits for subsequent phases and approved prior to building occupancy of each phase for which the sign program is amended.

J. ~~F.~~—*Addition, removal, replacement or modification of signs within a previously approved sign program.* On a development site subject to Section 19.620.100.B, the following shall apply:

1. Whenever the total number of signs to be added, removed, modified or replaced totals less than 25 percent of the number of permitted signs presently on the site, the signs shall be reviewed pursuant to the existing sign program. If the site does not have an approved sign program, then each individual sign shall be reviewed pursuant to the standards of this chapter.
2. When the total number of signs to be added, removed, modified or replaced totals 25 percent or more of the number of permitted signs presently on the site, a standard sign program application shall be required and all signs shall comply with the development standards of this chapter.
3. Sign designs may be approved without a Planning Division sign application or further Planning Division design review if the Community & Economic Development Director or his/her designee determines that the design complies in all respects with an approved sign program. This authorization shall not relieve applicants from obtaining other necessary permits or approvals, including but not limited to temporary sign permits, building permits and encroachment permits.

K. ~~G.~~—*Sign program standards.* Sign programs provide a comprehensive approach to design that considers a site's unique shape, topography, surrounding conditions and building architecture. As a comprehensive document, adjustments in sign standards may be appropriate to facilitate coherent messaging while not impacting the community. In recognition of the benefits of a cohesive, well thought out sign program, the following modifications of this chapter's development standards may be granted as part of a new sign program:

1. Signage on building facades by establishments that do not have frontage on that building façade.
2. Increase in allowable sign area for an individual sign(s) by up to 15 percent. Where there are circumstances for a sign modification, and where findings to support a sign modification can be made pursuant to the Section 19.620.100. Procedures for sign review and approval an additional ten percent increase (25 percent total) may be granted by the Community & Economic Development Director or his/her designee.
3. Allows the transfer of sign area limits from underutilized sign areas to areas that are more practical, through the use of a "sign budget". The sign budget would equal the total allowable sign area of all signs in the development that are of a similar type (building, monument, pilaster, directional, freeway, etc.), as defined by Chapter 19.910.

(Ord. 7331 §96, 2016; Ord. 7300 §2, 2015; Ord. 7184 §3, 2012; Ord. 6966 §1, 2007)

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## **ARTICLE IX– LAND USE DEVELOPMENT PERMIT REQUIREMENTS/PROCEDURES**

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### **Chapter 19.650 - APPROVING AND APPEAL AUTHORITY**

#### **19.650.010 - Purpose.**

This chapter identifies the designated Planning Agency, as identified in Chapter 19.050 (Administrative Responsibility), for the review of the land use development permits and actions required by the Zoning Code.

(Ord. 7331 §101, 2016; Ord. 6966 §1, 2007)

#### **19.650.020 - Designated approving authority.**

##### **A. General provisions.**

- 1.** The Approving and Appeal Authority, as designated in Table 19.650.020 (Approving and Appeal Authority), shall approve (in full or in part), conditionally approve (in full or in part), modify or deny (in full or in part) applications in accordance with the requirements of the Zoning Code.
- 2.** Table 19.650.020 (Approving and Appeal Authority) identifies both recommending (R) and final (F) authorities for each application.
- 1-3.** When a proposed project requires more than one permit, the permits shall be processed pursuant to Section 19.650.030 (Concurrent Processing of Land Use Development Permits).

##### **B. Appeals.**

An action of the Approving or Appeal Authority may be appealed pursuant to procedures set forth in Chapter 19.680 (Appeals).

##### **B-C. Approval authority on referral.**

- 1.** Referral by the ~~Community & Economic Development Director~~Community & Economic Development Department Director, or his/her designee, or the Development Review Committee.
  - a.** The ~~Community & Economic Development Director~~Community & Economic Development Department Director, or his/her designee, or the Development Review Committee, instead of taking any action, may refer the matter to the Planning Commission.
  - b.** The action of the ~~Approving Authority~~Planning Commission, following referral, may be appealed to the City Council.
  - a-c.** Action taken by the City Council is not subject to an appeal.
- 2.** Community & Economic Development Department Director, or his/her designee, decisions.
  - a.** All administrative and discretionary decisions of the Community & Economic Development Department Director, or his/her designee, shall be transmitted to the City Council.
  - b.** The Mayor or any member of the City Council, may refer the decision for consideration by the City Council at a public hearing by notifying the Community & Economic Development Department Director, or his/her designee,
  - c.** If not referred by the Mayor or any member of the City Council, or otherwise appealed, within ten days of transmittal, the action of the Community & Economic Development Department Director, or his/her designee, is final.
- 3.** ~~Referral of~~ Development Review Committee ~~actions~~decisions.

a. —All decisions of the Development Review Committee shall be transmitted to the City Council.

b. The Mayor or Aany member of the City Council<sub>i</sub> may refer the matter for consideration by the City Council at a public hearing on the City Council's discussion calendar agenda ~~by notifying the Community & Economic Development Department Director or his/her designee.~~

~~b.c.~~ If not referred by the Mayor or any member of the City Council, or otherwise appealed, within ten days of transmittal, the action of the Development Review Committee is final.

4. ~~Referral of~~ Planning Commission ~~Non-Legislative actions~~ Administrative and Discretionary Items.

a. All decisions of the Planning Commission on administrative and discretionary items shall be transmitted to the City Council the next business day following Planning Commission action.

b. The Mayor or Aany member of the City Council<sub>i</sub> may refer the matter for consideration by the City Council at a public hearing on the City Council's discussion calendar agenda ~~by notifying the Community & Economic Development Director~~ Community & Economic Development Department Director, or his/her designee.

c. If not referred by the Mayor or any member of the City Council, or otherwise appealed, within ten days of Planning Commission action, the action of the City Planning Commission is final. (See Section 19.690.020 A - Effective Date of Permits and Actions).

(Ord. 7331 §101, 2016; Ord. 7091 §5, 2010; Ord. 6997 §7, 2008; Ord. 6966 §1, 2007)

**Table 19.650.020 Approving and Appeal Authority**

R = Recommending Authority; F = Final Approving Authority (unless appealable); A = Appeal Authority;  
AR = Approving Authority as ~~Community & Economic Development Director~~ Community & Economic Development Department Director or Development Review Committee on Referral

Type of Permit or Action	Approving and Appeal Authority			
	<del>Community &amp; Economic Development Director</del> <u>Community &amp; Economic Development Department Director</u>	Development Review Committee (DRC)	City Planning Commission <sup>(9,11)</sup>	City Council <sup>(1,11)</sup>
Administrative				
Design Review		F <sup>(3)</sup>	A/AR <sup>(3)</sup>	A <sup>(3)</sup> /F
Fair Housing and Reasonable Accommodation		F	AR	A <sup>(4)</sup> /F
Minor Conditional Use Permit		F	<u>A</u> <sup>(4)</sup> /AR	A <sup>(4)</sup> /F
Nonconforming Determination	F		<u>A</u> <sup>(4)</sup> /AR	A <sup>(4)</sup> /F
Recycling Center Permit	F			AR/A/F
Room Rental Permit	F		AR	A/F
Street, Alley, & Walkway Vacations (Summary)				F
Temporary Use Permit	F <sup>(5)</sup>			
Time Extensions	F		<u>A</u> /AR	A/F



Type of Permit or Action	Approving and Appeal Authority			
	<del>Community &amp; Economic Development Director</del> <u>Community &amp; Economic Development Department Director</u>	Development Review Committee (DRC)	City Planning Commission <sup>(9,11)</sup>	City Council <sup>(1,11)</sup>
Transportation Demand Management Regulations	F			A/F
Variance	F		<u>A</u> <sup>(4)</sup> /AR	A <sup>(4)</sup> /F
Zoning Code Interpretation	F		A/AR	A/F
Public Hearing				
Accessibility Appeals (Building Official decisions relating to access)			F	A/F
Airport Land Use Commission Appeals				A <sup>(10, 12)</sup> /F
Annexation or Detachment			R <sup>(6)</sup>	A/F
Conditional Use Permit			F <sup>(6, 9)</sup>	A/F
Condominium Conversion Permit			R <sup>(6)</sup>	A/F
Development Agreement and Amendment <sup>(8)</sup>			R <sup>(6)</sup>	A/F
Design Review			F <sup>(3)</sup>	A/F <sup>(3)</sup>
Floodplain Approval; Floodplain Variance			F	A/F
General Plan Text/Map Amendment			R <sup>(6, 9)</sup>	A/F
Planned Residential Development Permit			F <sup>(6, 9, 13)</sup>	A/F
Site Plan Review Permit			F <sup>(6)</sup>	A/F
Specific Plan and Amendments			R <sup>(6, 9)</sup>	A/F
Street, Alley, & Walkway Vacations			R <sup>(6)</sup>	A/F <sup>(7)</sup>
Street Name Change			R <sup>(6)</sup>	A/F
Traffic Pattern Modification Measures			R <sup>(6)</sup>	A/F <sup>(7)</sup>
Zoning Code Text/Map Amendment			R <sup>(6, 9)</sup>	A/F

Notes:

- Decisions of the City Council are final and cannot be appealed.
- Reserved.
- Planning Commission primary design review responsibility is limited to concurrent review with another case for which the Planning Commission has approval authority (Refer to Section 19.710.035 - Review Responsibilities of Planning Commission or ~~Community & Economic Development Director~~Community & Economic Development Department Director). Appeal of Planning Commission action on design review is first to the City Council Land Use Committee with final action by the full City Council.
- See Section 19.650.020.C.2 - Designated Approving Authority.
- Appeal of an action on a Temporary Use Permit shall be to the City Manager. The City Manager's decision is final.
- If denied by the Planning Commission, the action is final unless appealed to the City Council (See Section 19.680.020.B - Appeal Authority) with the exception of City-initiated General Plan Text/Map Amendments, Zoning Code Text/Map Amendments and Specific Plan Amendments where the Planning Commission is a Recommending Authority Only.
- Street vacations and traffic pattern modification measures require two actions at the City Council: adoption of a resolution of intent to hold a public hearing and a public hearing.
- See Government Code Section 65864 for more information on Development Agreements.
- All decisions by the Planning Commission to approve or deny a permit or action are by simple majority of the members present and voting, with the following exceptions:
  - Conditional Use Permits, including revocations, and Planned Residential Development Permits require approval by a 2/3 majority of the Planning Commissioners present and voting; and
  - Zoning Code Text/Map Amendments, General Plan Text/Map Amendments, and Specific Plan Amendments require a majority vote of not less than four Planning Commissioners present and voting.
- All decisions of the City Council to approve or deny a permit or action are by a majority vote of those present and voting except that a 2/3 vote of the total membership (five votes minimum) is required to approve an appeal of a decision of the Airport Land Use Commission (ALUC).
- All tie votes of the Planning Commission mean that an application failed to be approved and will be treated as a denial. When a tie vote exists before the City Council, the Mayor shall have the voting right as any member of the City ~~Council, and~~Council and may cast a vote for or against an item to break a tie. In the Mayor's absence, in the event of a tie vote, the Mayor Pro Tempore shall not have the right to cast a tie-breaking vote; in this instance the City Council vote shall be treated as a denial (Riverside City Charter - Article IV, Section 405).



12. Refer to Section 19.680.030 (E) for details regarding the ALUC appeal process

13. The final ~~decision-making~~decision-making authority for PRD's in the RC Zone shall be the City Council.

( Ord. 7528 §1(Exh. A), 2020; Ord. 7487 § 2(Exh. A), 11-5-2019; Ord. 7331 §101, 2016; Ord. 7222 §5, 2013; Ord. 7163 §2, 2012; Ord. 7091 §6, 2010; Ord. 6966 §1, 2007)

#### **19.650.030 - Concurrent processing of land use development permits.**

- A. When a proposed project requires more than one permit application with more than one Approving or Appeal Authority, all project permits shall be processed concurrently as interrelated permits for a single project.
- B. The highest designated Approving or Appeal Authority for all such requested permits shall take final action on ~~multiple-applicant-initiated permit applications~~projects with multiple permits. ~~For example, the Planning Commission takes final action on a tentative tract map. However, when processed in conjunction with a Development Agreement, the tentative tract map shall be reviewed and acted upon by the City Council in conjunction with the other application request(s). The Planning Commission provides recommendations to the City Council on both entitlement requests.~~

(Ord. 7331 §101, 2016; Ord. 6966 §1, 2007)

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### **Chapter 19.660 - GENERAL APPLICATION PROCESSING PROCEDURES**

#### **19.660.010 - Purpose.**

This chapter provides for standard procedures for administrative actions/permits, discretionary actions/permits and legislative actions. Unique processing procedures are listed in the individual permit chapters.

(Ord. 7331 §102, 2016; Ord. 6966 §1, 2007)

#### **19.660.015 - Initiation of applications.**

- A. For all case types, the Community & Economic Development Department Director, or his/her designee, is authorized to initiate planning applications, notwithstanding any other section of this title, for any project authorized under this title.
- B. For General Plan Text/Map Amendment see Section 19.800.020 (Initiation of Amendment).
- C. For Zoning Code Text/Map Amendment see Section 19.810.020 (Initiation of Map/Text Amendment).
- D. For Specific Plan/Specific Plan Amendments see Section 19.820.030 (Specific Plan Initiation).

(Ord. 7331 §102, 2016; Ord. 6966 §1, 2007)

#### **19.660.020 - Application submittal.**

All applications for land use and development permits and actions pertaining to the Zoning Code shall be submitted to the Planning Division on a City application form, together with all fees, plans, maps, and any other information required by the Planning Division.

(Ord. 7331 §102, 2016; Ord. 6966 §1, 2007)

#### **19.660.030 - Eligible applicants.**

A. Administrative and discretionary.

1. The owner(s) of the property, or the owner's authorized agent(s), or a plaintiff in an action of eminent domain with an order of possession shall make the application.

~~1.2. \_\_\_\_\_, or the City Manager or his/her designee shall make the application.~~ Any authorized agent shall be formally delegated as such in writing by the property owner.

3. The City Manager, or his/her designee, shall make the application for any City-initiated project.

**B. Legislative.**

1. The owner(s) or lessee(s) of the property, or the owner's authorized agent(s), or a plaintiff in an action of eminent domain with an order of possession, ~~or the City Manager or his/her designee~~ shall make the application.

2. Any authorized agent shall be formally delegated as such in writing by the property owner.

~~2.3. \_\_\_\_\_ The Community & Economic Development Department Director, or his/her designee, the Planning~~ The Planning Commission or City Council may also initiate an application for a legislative action.

(Ord. 7331 §102, 2016; Ord. 6966 §1, 2007)

**19.660.040 - Submittal requirements.**

**A. Application for a Land Use or Development Permit.**

1. Every application for a land use or development permit shall include a completed application form designated for the particular request.

~~1.2. \_\_\_\_\_ Additionally, each~~ Each application shall include particular maps, plans, and other data about the project development, project site and vicinity deemed necessary by the ~~Community & Economic Development Director~~ Community & Economic Development Department Director, or his/her designee, to provide the recommending and final Approving and Appeal Authorities with adequate information on which to base decisions.

**B. Signature and fees required.**

1. Applications will not be accepted by the Planning Division without required signed application forms ~~and permit.~~

2. Any owner, ~~or the~~ owner's authorized representative, ~~or may sign an application.~~

3. The City Manager or his/her designee may sign an application for City-initiated projects.

~~2.4. \_\_\_\_\_~~ Fees shall be those established by City Council Resolution and published in the Schedule of Fees available from the Planning Division.

**B.C. All applications requiring discretionary approval may be required to include a project-specific Water Quality Management Plan (WQMP) pursuant to the requirements of the Municipal Separate Storm Sewer System (MS4) Permit.**

**G.D. Indemnification.**

1. With the submittal of any application, the owner and/or applicant agrees that upon approval of its application the owner and/or applicant shall defend, indemnify, including reimbursement, and hold harmless the City of Riverside, its agents, officers and employees from any claim, action or proceeding against the City of Riverside, its agents, officers or employees, that attacks, set asides, voids, or annuls, any approval by the City concerning:

- a. Any such approval of the City: and/or
  - b. An action taken to provide environmental clearance under the California Environmental Quality Act (CEQA) by its advisory agencies, appeal boards or City Council.
2. The owner and/or applicant shall execute an indemnification agreement in a form acceptable to the City Attorney.
  3. In the event any claim, action or proceeding is brought, the City shall promptly notify the owner and/or applicant of the existence of the proceeding and the City will cooperate fully in the defense of the proceeding. Nothing in this section shall prohibit the City from participating in the defense of any proceeding.
  4. In the event that the applicant is required to defend the City in connection with any proceeding described in this section, the City shall retain the right to approve:
    - a. The counsel to so defend the City;
    - b. All significant decisions concerning the manner in which defense is conducted; and
    - c. Any and all settlements, which approval shall not be unreasonably withheld.
  5. The City shall also have the right not to participate in the defense, except that the City agrees to cooperate with the applicant in the defense of the proceeding. If the City chooses to have counsel of its own defend any proceeding where the applicant has already retained counsel to defend the City in such matters, the fees and expenses of the counsel selected by the City shall be paid by the City.

(Ord. 7331 §102, 2016; Ord. 7235 §13, 2013; Ord. 6966 §1, 2007)

#### **19.660.050 - Initial application completeness review.**

All applications filed with the Planning Division in compliance with the Zoning Code shall be initially reviewed for application completeness as follows:

##### **A. Complete applications.**

1. Within 30 calendar days of application submittal, the ~~Community & Economic Development Director~~Community & Economic Development Department Director, or his/her designee, or Development Review Committee, as applicable, shall determine whether or not the application is complete.
- 1.2. The applicant shall be notified in writing of the determination either that all the submittal requirements have been satisfied and that the application has been accepted as complete or that the submittal requirements have not been satisfied and the application has been determined to be incomplete (see 19.660.050.B - Incomplete Applications).

##### **B. Incomplete applications.**

1. Within 30 calendar days of application re-submittal, the ~~Community & Economic Development Director~~Community & Economic Development Department Director, or his/her designee, or the Development Review Committee, as applicable, shall determine whether or not the application is complete.
2. The applicant shall be notified in writing of the determination either that:
  - a. ~~a)~~a All the submittal requirements have been satisfied and that the application has been accepted as complete; or

~~b. b)~~ ~~s~~ Specific information and or materials are still necessary to complete the application.

The letter may also identify preliminary information regarding the areas in which the submitted plans are not in compliance with City standards and requirements.

~~1.3.~~ The applicant may appeal the determination in accordance with Chapter 19.680 (Appeals) and the Permit Streamlining Act (California Government Code Section 65943).

~~2.4.~~ The City, at its discretion, may withdraw any application that remains incomplete 180 calendar days from the date of the original submittal. The City shall notify the applicant of its intention to withdraw the stagnant application at least 30 calendar days prior to withdrawal.

C. Withdrawals.

1. Submittal of withdrawals. All withdrawal requests shall be submitted in writing to the Planning Division, identifying the application being withdrawn.
2. Resubmittal of withdrawn applications. Any resubmittal of a withdrawn application shall require submittal of a new application along with the appropriate fees and a new case number will be assigned.

D. Mutual agreement to extension of time. Nothing in this section precludes the applicant and the City from mutually agreeing to an extension of any time limit provided by this section (California Government Code Section 65943).

(Ord. 7331 §102, 2016; Ord. 7235 § 14, 2013; Ord. 7091 §7, 2010; Ord. 6966 §1, 2007)

**19.660.060 - Environmental review.**

After acceptance of a complete application, the project shall be reviewed in accordance with the environmental review procedures of the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) and the City's environmental guidelines (City Council Resolution No. 21106 as amended or most recent CEQA Resolution adopted by the City Council).

(Ord. 7331 §102, 2016; Ord. 6966 §1, 2007)

**19.660.070 - Notice of decision.**

- A. A notice of decision shall be required for all discretionary and legislative permits/actions in accordance with the provisions of this section.
- B. Within seven days from the final action on an application, the ~~Community & Economic Development Director~~Community & Economic Development Department Director, or his/her designee, or the Development Review Committee, as applicable, shall send written notice of decision to the project applicant, other affected parties and anyone who has requested to be notified. The notice of decision shall identify the specific action of the Approving or Appeal Authority, including the date of action, applicable conditions and appeal period.

(Ord. 7331 §102, 2016; Ord. 7235 §15, 2013; Ord. 6966 §1, 2007)

**19.660.080 - Time limitation on reapplication after denial.**

- A. Time limitation. Whenever an application or portion of an application has been denied or revoked and the denial or revocation becomes final, no new application for the same or similar request may be accepted within one year of the date of the action to deny or revoke, unless the ~~Community & Economic Development Director~~Community & Economic Development Department Director, or his/her designee, determines that a new application is warranted due to a substantial change in land use on properties in the vicinity, improved infrastructure in the

vicinity, altered traffic patterns, or any such similar change resulting in a changed physical environment.

- B. Exemption for earlier reapplication. Applications that have been denied without prejudice and applications where the denying resolution stipulates a reapplication time are exempt from Section 19.660.080.A.

(Ord. 7331 §102, 2016; Ord. Ord. 7235 §16, 2013; 6966 §1, 2007)

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## **Chapter 19.670 - PUBLIC HEARINGS AND NOTICE REQUIREMENTS**

### **19.670.010 - Generally.**

The following procedures implement State Planning and Zoning Law under Government Code Sections 65090 through 65096 and govern the public hearing and notice requirements for consideration of a land use or development permit or action. Section 19.640.040.B—D (Discretionary Permits and Actions) and Table 19.650.020 (Approving and Appeal Authority), identify where public hearing and notice is required for all types of action authorized by the Zoning Code.

In general, public hearings and public notice shall be required for certain discretionary and all legislative actions. Public hearings are not required for administrative discretionary actions, although public notice may be required. Where required, the hearing(s) shall be held before the designated Approving or Appeal Authority pursuant to Table 19.650.020 (Approving and Appeal Authority).

(Ord. 7331 §103, 2016; Ord. 6966 §1, 2007)

### **19.670.020 - Notice requirements for administrative discretionary permits with no public hearing.**

#### **A. Minor Conditional Use Permit and Variance.**

1. Public notice of the consideration of a proposed minor conditional use permit in all zones shall be provided by the ~~Community & Economic Development Director~~Community & Economic Development Department Director, or his/her designee, by mailing such notice to the property owners within 300 feet of the exterior boundaries of the property under consideration;
2. Public notice of the consideration of a proposed variance in any zone shall be provided by the ~~Community & Economic Development Director~~Community & Economic Development Department Director, or his/her designee, by mailing such notice to the property owners adjacent to the boundaries of the property under consideration. When the variance request is regarding a corner lot and will pertain to a rear or side yard setback, such notice shall be given to the owners of property directly across each street from the proposed side or rear yard encroachment as well as to the owners of abutting property.
3. For mailing purposes, the last known name and address of such owners as are shown on the latest available equalized assessment roll of the County Assessor shall be used. Such notices shall identify the property under consideration and indicate the nature of the proposed permit.
4. The public notice shall:
  - a. Be sent no later than 14 days after acceptance of a complete and accurate application;

- b. Invite interested persons to notify, in writing, the Planning Division of any concerns, comments or to make a request to be further notified of actions relating to the proposed variance or minor conditional use permit during a 15-day comment and review period commencing with the date of the notice;
- c. Specify that only those specifically requesting to be further notified of actions relating to the application will be so notified of decisions, appeals or requests for City Council review; and
- d. Specify that, at the end of the ~~15-day~~15-day comment and review period, the Community & Economic Development ~~Department~~ Director's or Development Review Committee's final report and recommendations will be issued, initiating a ten-day appeal period during which time any interested person may appeal to the decision to the appropriate Appeal Authority. ~~request that the Community & Economic Development Director or Development Review Committee decision (as applicable) be reviewed by the City Council.~~

5. For variances in any residential zone where the applicant has obtained the written approval of the adjacent property owners, no public notices, comment period or appeal period is required.

~~5-6.~~ The Community & Economic Development Department Director's decision is final, except that the applicant may appeal the decision within ten days of the mailing of written notice of decision.

~~6-7.~~ Noticing distance requirements for individual uses may vary. Refer to Article VII, Specific Land Use Provisions.

B. All other administrative, discretionary permits.

No notice is required for other administrative, discretionary actions without a public hearing, unless specified.

(Ord. 7487 § 3, 11-5-2019; Ord. 7331 §103, 2016; Ord. 6966 §1, 2007)

### **19.670.030 - Notice of hearing for discretionary actions requiring a public hearing.**

Notice of the hearing shall be given in all of the following ways:

- A. Notice of the hearing shall be mailed or delivered, at least ten days prior to the hearing, to:
  - 1. The owner of the subject real property or the owner's duly authorized agent, and the project applicant.
  - 2. Each local agency expected to provide water, sewage, streets, roads, schools or other essential facilities or services to the project.
  - 3. All owners of real property on the latest records of the County Assessor within 300 feet of the real property.
  - ~~3-4.~~ If the number of owners to whom notice would be mailed or delivered is greater than 1,000, the City may, in lieu of mailing or delivering the notice, provide notice by placing an advertisement of at least one-eighth page in at least one newspaper of general circulation within the City at least ten days prior to the hearing.
- B. The notice shall be published in at least one newspaper of general circulation within the City at least ten days prior to the hearing.
- C. Noticing distance requirements for individual uses may vary. Refer to Article VII, Specific Land Use Provisions.



(Ord. 7331 §103, 2016; Ord. 6966 §1, 2007)

**19.670.040 - Notice of hearing for legislative actions.**

- A. General Plan amendments, Specific Plan amendments, Zoning Code Text/Map amendments and Zone changes not affecting the permitted uses or intensity of uses of real property.
  - 1. The notice shall be published in at least one newspaper of general circulation within the City at least ten days prior to the hearing.
- B. General Plan amendments, Specific Plans and Specific Plan amendments, Zoning Code amendments and Zone changes affecting the permitted uses or intensity of uses of real property and all development agreements.
  - 1. Notice of the hearing shall be given in all of the following ways:
    - a. Notice of the hearing shall be mailed or delivered at least ten days prior to the hearing, to:
      - (1) The owner of the subject real property or the owner's duly authorized agent, and the project applicant.
      - (2) Each local agency expected to provide water, sewage, streets, roads, schools or other essential facilities or services to the project.
      - (3) All owners of real property on the latest records of the County Assessor within 300 feet of the real property.
      - (3)(4) If the number of owners to whom notice would be mailed or delivered is greater than 1,000, the City may, in lieu of mailing or delivering the notice, provide notice by placing an advertisement of a least one-eighth page in at least one newspaper of general circulation within the City at least ten days prior to the hearing.
  - 2. The notice shall be published in at least one newspaper of general circulation within the City at least ten days prior to the hearing.
- C. Annexations. Notice of the hearing to adopt a resolution of application to annex shall be published in all of the following ways:
  - 1. The notice shall be published in at least one newspaper of general circulation with the City at least 20 days prior to the hearing.
  - 2. Notice of the hearing shall be mailed or delivered at least 20 days prior to the hearing, to:
    - a. The owner of the subject real property(ies) and the project applicant, if other than the City.
    - b. Each local agency expected to provide water, sewage, streets, roads, schools or other essential facilities or services to the project.
    - c. All owners of real property on the latest records of the County Assessor within 300 feet of the real property(ies).
  - 3. The notice shall be posted at the site where the public hearing will occur at least 20 days prior to the hearing and continue to the time of the hearing.

(Ord. 7331 §103, 2016; Ord. 6966 §1, 2007)

**19.670.050 - Traffic pattern modification measures and street, alley, and walkway vacations.**



A. Traffic pattern modification measures and street, alley, and walkway vacations require two actions at the City Council:

1. ~~1.~~ a Adoption of a resolution of intent to hold a public hearing; and

2. a public hearing.

B. Pursuant to the California Streets and Highways Code (Section 8310 et seq.), the public hearing ~~will~~ shall not be held less than 15 days after the adoption of the resolution of intent to hold a public hearing.

A.C. Notice of the public hearing shall be published for at least two successive weeks prior to the public hearing.

(Ord. 7331 §103, 2016; Ord. 7118 §2, 2011)

#### **19.670.060 - Content of notice.**

Notices given pursuant to Section 19.670.020 (Notice Requirements for Administrative Discretionary Permits with No Public Hearing), 19.670.030 (Notice of Hearing for Discretionary actions Requiring a Public Hearing) and 19.670.040 (Notice of Hearing for Legislative Actions) shall at a minimum include the date, time and place of the public hearing, the identity of the hearing body, a general explanation of the matter to be considered and a general description, in text or by diagram, of the location of the real property, if any, that is the subject of the hearing.

(Ord. 7331 §103, 2016; Ord. 6966 §1, 2007)

#### **19.670.070 - Requests for notification.**

A. Any person who requests inclusion on a mailing list for notice of hearing for a development project or projects shall submit such request in writing to the Planning Division where the request is for notice of hearing before the Planning Commission and to the City Clerk where the request is for notice of hearing before the City Council.

A.B. The City may impose a reasonable fee for the purpose of recovering the cost of such notification.

(Ord. 7331 §103, 2016; Ord. 6966 §1, 2007)

#### **19.670.080 - Failure to receive notice.**

Pursuant to California Government Code Section 65093, failure of any person or entity to receive notice required by law of any hearing as required by the Zoning Code shall not constitute grounds for any court to invalidate the actions of a designated Approving or Appeal Authority for which the notice was given.

(Ord. 7331 §103, 2016; Ord. 6966 §1, 2007)

#### **19.670.090 - Hearing procedure.**

A. Hearings as provided for in this chapter shall be held at the date, time, and place for that notice has been given as required in this chapter.

A.B. The designated Approving or Appeal Authority shall conduct the public hearing and hear testimony.

B.C. The summary minutes shall be prepared and made part of the permanent file of the case.

C.D. Any hearing may be continued, and no further public notice shall be required unless the hearing is not continued to a specific date/time, in which instance the hearing shall be re-noticed.

(Ord. 7331 §103, 2016; Ord. 6966 §1, 2007)

**19.670.100 - Notice and hearings for appeals and referrals.**

- A. Upon appeal or referral of a discretionary action with a public hearing or a legislative action, notice of a public hearing before the appeal authority (See Table 19.650.020 – Approving and Appeal Authority) shall be given in the same manner as for the original public hearing, except that in all cases the period of time for publishing or mailing the notice prior to the appeal hearing is not more than ten days. Proposed adoption of a negative declaration by the appeal authority does not extend the time beyond ten (10) days.
- B. Upon appeal or referral of an administrative discretionary action, notice of the appeal or referral shall be mailed to the applicant and all interested persons requesting such notice at least ten days in advance of consideration of the referral or appeal on the appeal or referral authority's discussion calendar agenda.

(Ord. 7331 §103, 2016; Ord. 6966 §1, 2007)

**19.670.110 - Drive-thru facilities.**

Whenever a hearing is held regarding a discretionary permit or a legislative action for a drive-thru facility, notice shall also be provided to representatives on a list maintained by the Planning Division of the blind, aged and disabled communities.

(Ord. 7331 §103, 2016; Ord. 6966 §1, 2007)

**19.670.120 - Cemeteries.**

Notice for any action that would permit all or any part of a cemetery, as defined by Section 8100 of the State Health and Safety Code, to be used for other than cemetery purposes, shall be provided pursuant Section 19.670.030 (Notice of Hearing for Discretionary Actions Requiring a Public Hearing).

(Ord. 7331 §103, 2016; Ord. 6966 §1, 2007)

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**Chapter 19.680 - APPEALS**

**19.680.010 - Purpose.**

This chapter identifies the procedures for filing and processing an appeal of actions of Approving Authorities, consistent with California Government Code Section 65904. Where the appeal provisions of this section conflict with other provisions of the Riverside Municipal Code, the appeal provisions of this chapter shall apply with regard to planning and zoning matters.

(Ord. 7331 §104, 2016; Ord. 6966 §1, 2007)

**19.680.020 - Appeal authority.**

- A. Any person dissatisfied with an interpretation or action an Approving Authority made pursuant to this article may appeal such action to the designated Appeal Authority and ultimately to the City Council. Appeals must be filed in accordance with the procedures in Section 19.680.030 (Filing an Appeal). Table 19.650.020 (Approving and Appeal Authority) identifies the Appeal Authority for each of the City's land use and development permits and actions. Actions by the City Council are not subject to appeal.

- B. Legislative matters require the Planning Commission to hold a noticed public hearing and make a recommendation on the matter to the City Council. Where the Planning Commission denies ~~certain~~ legislative cases initiated by an applicant, the action is final unless appealed to the City Council. For City-initiated legislative cases, the Planning Commission is a recommending body and the City Council's action is final. (See Table 19.650.020 - Approving and Appeal Authority)

(Ord. 7331 §104, 2016; Ord. 6966 §1, 2007)

#### **19.680.030 - Filing an appeal.**

- A. Any person aggrieved or affected by a decision of an Approving Authority may appeal that decision to the designated Appeal Authority. All appeals shall be submitted in writing to the Planning Division, in duplicate, identifying the action being appealed and specifically stating the basis or grounds of the appeal. For appeals of the decision of the Airport Land Use Commission (ALUC) see E below.
- B. Appeals shall be filed within ten calendar days following the date the Approving Authority announces its determination on the matter for which an appeal is made and shall be accompanied by a filing fee as established by City Council resolution. If the tenth day is on a weekend or holiday the appeal is extended to the end of the next regular business day (Note: one exception to the ~~ten-day~~ten-day appeal period is for temporary use permits where the appeal period is two business days).
- C. The filing of an appeal shall stay the action being appealed and the issuance of subsequent permit(s), such as grading or building permits.
- D. An appeal must be filed to exhaust all available administrative remedies.
- E. When filing an appeal of the decision of the Airport Land Use Commission (ALUC) the applicant shall provide the City with a copy of the ALUC staff report, notice of action and findings to support the override for the ALUC determination. In order to overrule the ALUC finding of inconsistency, the City Council must make specific findings that the proposal is consistent with the purposes of ALUC law "to protect public health, safety and welfare by ensuring (1) the orderly expansion of airports and (2) the adoption of land use measures that minimize the public's exposure to excessive noise and safety hazards within areas around public airports to the extent that these areas are not already devoted to incompatible uses."

(Ord. 7331 §104, 2016; Ord. 6966 §1, 2007)

#### **19.680.040 - Notice and schedule of appeal hearings.**

Unless otherwise stated herein or mutually agreed upon by the person filing the appeal, the applicant and the City, appeal hearings should be conducted within 45 days from the date of appeal submittal. Notice of hearing for the appeal shall be provided pursuant to noticing requirements of Chapter 19.670 (Public Hearings and Notice Requirements).

(Ord. 7331 §104, 2016; Ord. 6966 §1, 2007)

#### **19.680.050 - Appeal hearing and action.**

Each appeal shall be considered de novo (new), even if the appeal is withdrawn, and the Appeal Authority may reverse, modify or affirm the decision in regard to the entire project in whole or in part. In taking its action on an appeal, the Appeal Authority shall state the basis for its action. The Appeal Authority may approve (in full or in part), conditionally approve (in full or in part), modify or deny (in full or in part) and may modify, delete or add such conditions as it deems necessary. The Appeal Authority may also refer the matter back to the original Approving Authority for further action.

(Ord. 7331 §104, 2016; Ord. 6966 §1, 2007)

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## **Chapter 19.690 - EFFECTIVE DATES, TIME LIMITS, AND EXTENSIONS**

### **19.690.010 - Purpose.**

This chapter identifies the effective date of permit and other approvals and provides requirements (including time limits) for implementation and extension of approval time limits. Unique processing procedures are listed in the individual permit chapters.

(Ord. 7331 §105, 2016; Ord. 6966 §1, 2007)

### **19.690.020 - Effective date of permits and actions.**

- A. ~~Community & Economic Development Director~~Community & Economic Development Department Director, or his/her designee, Development Review Committee or Planning Commission Decisions on Discretionary Permits and Actions. All decisions of the ~~Community & Economic Development Director~~Community & Economic Development Department Director, or his/her designee, Development Review Committee or Planning Commission acting as a final Approving Authority under Table 19.650.020 (Approving and Appeal Authority), shall be effective the first regular business day after the end of the ten day appeal period. Filing of an appeal stays the effective date pending action on the appeal.
- B. City Council decisions on discretionary permits and actions. All decisions of the City Council in granting or denying a discretionary permit shall become effective on the next City business day following City Council Action, unless the discretionary permit is being processed concurrently with and dependent upon any legislative action, in that case the effective date of the discretionary permit will be governed by Section 19.690.020(C).
- C. Legislative actions. A legislative approval granted by resolutions, such as a Specific Plan or General Plan amendment, is effective immediately upon adoption of the numbered resolution by the City Council. A legislative approval granted by ordinance, such as a zoning map amendment, is effective 30 days following the date of adoption of the ordinance by the City Council.
- D. Temporary use permits. Following a decision to approve, conditionally approve or deny a temporary use permit by the ~~Community & Economic Development Director~~Community & Economic Development Department Director, or ~~their~~his/her designee, the applicant or any interested party shall have two business days to file an appeal with the City Manager or authorized designee. If not appealed, the permit is in effect the day following the end of the appeal period. If appealed, the City Manager or authorized designee shall make a decision on the appeal within five working days of its receipt and such action shall be final and the permit, if approved, shall be in effect immediately.

(Ord. 7331 §105, 2016; Ord. 6966 §1, 2007)

### **19.690.030 - Time limits.**

- A. Any discretionary permit granted pursuant to the Zoning Code shall become null and void if not exercised within the time limit specified in the approving document or within one year if no time has been specified.

- B. Unless an earlier expiration date appears on the face of the permit, any development permit which is issued in conjunction with a tentative subdivision map shall expire no sooner than the approved tentative map or any extension thereof whichever occurs later.
- C. Any legislative approval shall become null and void if not finalized within two years, unless otherwise specified in the conditions of approval.

(Ord. 7331 §105, 2016; Ord. 6966 §1, 2007)

#### **19.690.40 - Voiding.**

Any variance or permit granted pursuant to the Zoning Code shall become null and void if:

The owner or owner's authorized representative of the property for which the variance or permit was granted requests, in writing, that the variance or permit be voided and the Approving or Appeal Authority having jurisdiction approves the request.

(Ord. 7331 §105, 2016; Ord. 6966 §1, 2007)

#### **19.690.050 - Time extension.**

- A. The period within which the exercise of a discretionary permit or other approval must occur may be extended by the ~~Community & Economic Development Director~~Community & Economic Development Department Director, or his/her designee, or their designee as described in B—K below. A Temporary Use Permit may not be extended. An application for extension shall be filed, along with appropriate fees and necessary submittal materials pursuant to Chapter 19.660 (General Application Processing Procedures).
- B. Variances, administrative design review actions and Minor Conditional Use Permits may receive a maximum of two, ~~one year~~one-year time extensions.
- C. Conditional use permits and Site Plan Review permits, not related to an implementing subdivision and/or legislative action, may be granted time extensions by the ~~Community & Economic Development Director~~Community & Economic Development Department Director, or his/her designee, or their designee up to a total of five years beyond the original approval expiration date. At the exhaustion of ~~Community & Economic Development Director~~Community & Economic Development Department Director approved extensions, the original Approving or Appeal Authority following a public hearing noticed pursuant to Section 19.670.030 (Notice of Hearing for Discretionary Actions Requiring a Public Hearing), may grant one final permit extension of up to two years. A public hearing notification fee is required of the applicant in such case, in addition to a time extension fee.
- D. Planned residential development permits, related to an implementing subdivision and/or legislative action, may be granted time extensions by the ~~Community & Economic Development Director~~Community & Economic Development Department Director, or his/her designee, or their designee up to a total of five years beyond the original approval expiration date prior to issuance of any building permits. Once a building permit has been issued the planned residential development will be considered vested and time extensions are no longer needed. At the exhaustion of ~~Community & Economic Development Director~~Community & Economic Development Department Director approved extensions, the original Approving or Appeal Authority following a public hearing noticed pursuant to Section 19.670.030 (Notice of Hearing for Discretionary Actions Requiring a Public Hearing), may grant one final permit extension of up to two years. A public hearing notification fee is required of the applicant in such case, in addition to a time extension fee.
- E. Zoning Text/Map, General Plan and Specific Plan amendments may be granted time extensions by the ~~Community & Economic Development Director~~Community & Economic

Development Department Director, or ~~their~~ his/her designee, up to a total of five years beyond the original approval expiration date. At the exhaustion of ~~Community & Economic Development Director~~Community & Economic Development Department Director approved extensions, the original Approving or Appeal Authority following a public hearing noticed pursuant to Section 19.670.040 (Notice of Hearing for Legislative Actions), may grant one final permit extension of up to two years. A public hearing notification fee is required of the applicant in such case, in addition to a time extension fee.

- F. Any permit extension may be conditioned to comply with any development standards that may have been enacted since the permit was initially approved.
- G. The extension may be granted only when the ~~Community & Economic Development Director~~Community & Economic Development Department Director or designated Approving or Appeal Authority finds that the original permit findings can be made and that there are no changed circumstances or that there has been diligent pursuit to exercise the permit that warrants such extension.
- H. Retroactive time extensions may be granted for a period not greater than specified in Sections 19.690.050.B, C, D and E F.
- I. A separate fee shall be required for each year of permit extension.
- J. Extensions related to the terms of nonconforming uses and structures are governed by Article III, Chapter 19.080 (Nonconformities).
- K. Time extensions for tentative maps are governed by Chapter 18.180 and State Law as it relates to automatic time extensions.
- L. The period of time specified in Chapter 19.690, including any extension granted by the ~~Community & Economic Development Director~~Community & Economic Development Department Director, or his/her designee, shall not include the period of time during which a lawsuit involving the approval or conditional approval of the entitlement(s) is or was pending in a court of competent jurisdiction, if the stay of the time period is approved by the ~~Community & Economic Development Director~~Community & Economic Development Department Director. After service of the initial petition or complaint in the lawsuit upon the ~~Community & Economic Development Director~~Community & Economic Development Department Director, the applicant may apply for a stay following the same procedures in Chapter 19.690. Within ~~40~~ days after receiving the application, the ~~Community & Economic Development Director~~Community & Economic Development Department Director shall either stay the time period for up to five years or deny the requested stay.

(Ord. 7505 § 2(Exh. B), 2020; Ord. 7331 §105, 2016; Ord. 6966 §1, 2007)

#### **19.690.060 - Exercising permits or approvals.**

- A. The exercise of a permit occurs when the property owner has completed all conditions of the permit approval and incurred substantial liabilities.
- B. Unless otherwise provided, approvals that have not been exercised prior to a Zoning Code amendment that makes the approved use or structure of the approval nonconforming shall automatically be deemed invalid on the effective date of the Zoning Code amendment. A new application is then required.

(Ord. 7331 §105, 2016; Ord. 6966 §1, 2007)

#### **19.690.070 - Approvals to run with land.**



Land use and development permits and approvals granted pursuant to the provisions of this title shall be transferable upon a change of ownership of the site, business, service, use or structures, provided that the use is in substantial conformance with the previously approved use and conditions of the original permit or approval are fully complied with, and the project is not modified or enlarged/expanded.

(Ord. 7331 §105, 2016; Ord. 6966 §1, 2007)

**19.690.080 - Permit(s) on the site during construction.**

A copy of all land use and development permits (including all corresponding stamped-approved plans) authorizing construction shall be kept on site at all times during construction and made available upon request by an official of the City.

(Ord. 7331 §105, 2016; Ord. 6966 §1, 2007)

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**Chapter 19.710 - DESIGN REVIEW**

**19.710.010 - Purpose.**

The City Council finds, determines and declares that the application of the design review procedures are necessary to preserve and promote the health, safety and general welfare of the community by achieving the following purposes:

- A. To protect and preserve the value of properties and to encourage high quality development thereof in areas where adverse effects will result from excessive uniformity, dissimilarity, poor exterior quality and appearance of buildings and structures, and from inadequate and poorly planned landscaping, and from failure to preserve where feasible natural landscape features, open spaces and the like, and will result in the impairment of the benefits of occupancy and use of existing properties in such areas;
- B. To recognize the interdependence of land values and aesthetics and to provide a method to implement this interdependence in order to maintain the values of surrounding properties and improvements, and to encourage excellence of development of property, compatible with the general plan for, and character of, the City, with due regard to the public and private interests involved;
- C. To ensure that the public benefits derived from expenditures of public funds for improvement and beautification of streets and public facilities shall be protected by the exercise of reasonable controls over the character and design of private buildings, structures and open spaces;
- D. To ensure the maintenance of high design standards in the vicinity of public buildings and grounds for the preservation of the architecture and general appearance in the areas of the City containing the buildings and grounds and to preserve the property values in the areas;
- E. To promote the maintenance of high design standards adjoining thoroughfares of Citywide importance to ensure that the community benefits from the natural growth and vegetation as much as possible, and from the natural terrain, and to preserve and stabilize the architecture and general appearance of buildings and grounds adjoining the thoroughfares; and to preserve and protect the property values in the areas; and



- F. To ensure the design of landscaping and irrigation that shades paved areas, buffers or screens undesirable views, compliments building architecture and that implements the purposes of Chapter 19.570 (Water Efficient Landscaping and Irrigation).

(Ord. 7331 §107, 2016; Ord. 6966 §1, 2007)

#### **19.710.020 - Applicability.**

A. The design review procedures set forth in this chapter shall apply to the following:

1. All new buildings, structures and signs, and enlargements of existing buildings, structures and signs in the RC - Residential Conservation, Commercial and Office, Mixed-Use, Industrial and Downtown Specific Plan Zones, except as exempted in B and C below.
2. Any project reviewed and approved via the conditional use, planned residential development permit or site plan review permit processes.

B. Any structure ~~or site requiring a design review that is also or site~~ subject to Title 20 – Cultural Resources shall require an Administrative Design Review, approved by the Community & Economic Development Department Director, in addition to the requirements of Title 20.

~~3. shall be exempt from a Design Review.~~

B.C. The following types of projects are exempt from design ~~review~~; review; however, the Planning Division will review them for compliance with the Zoning Code and consistency with the Citywide Design Guidelines during the building permit plan check process:

1. Infill development consisting of a single-family residence or new residences and structures within an approved conventional residential subdivision (unless otherwise specified in the project specific conditions of approval).
2. Minor exterior modifications or renovations that do not expand the size of the building.
3. Accessory buildings and structures.
4. Outdoor dining areas (not including outdoor food preparation).
5. Minor site improvements or landscape modifications or renovations that are not subject to the Water Efficient Landscape Ordinance and/or do not require a Water Quality Management Plan (WQMP).

C.D. To facilitate the development of stand-alone multi-family or age-restricted senior residential housing throughout the City, consistent with California Government Code Section 65580, an administrative design review application shall be reviewed by the ~~Community & Economic Development Director~~ Community & Economic Development Department Director or his/her designee when the proposed development complies with all of the following criteria:

1. Development standards and regulations of the Riverside Municipal Code, including but not limited to, Title 7 (Noise), 16 (Building and Construction), 17 (Grading), 18 (Subdivision), 19 (Zoning) and 20 (Cultural Resources);
2. Water Quality Management Plan (WQMP) requirements;
3. No other discretionary review is required to approve the development proposal, ~~such as, but not limited to with the exception of Variances, a variance, rezoning, specific plan amendment or general plan amendment;~~
4. County's Airport Land Use Compatibility Plan (ALUCP), when applicable;
5. Mitigation measures of the Final Program Environmental Impact Report (FPEIR) certified for the City's 2014-2021 5th Cycle Housing Element (SCH # 2017041039); and

6. Completion of an operational Traffic Impact Analysis subject to City of Riverside Guidelines.
- ~~7. Requirements of a Traffic Operations Assessment (TOA) prepared for and reviewed by the City of Riverside Public Works Department. A TOA is required when a development results in any of the following:~~
  - ~~a. Generates 100 or more new peak-hour vehicle trips;~~
  - ~~b. Does not conform with the City of Riverside's Access Management Guidelines;~~
  - ~~c. The project site is located within 1,000 feet of a roadway or intersection where three or more reported vehicular accidents have occurred in a 12-month period, or five or more reported vehicular accidents in a 24-month period, and where the installation of traffic controls or improvements could reduce vehicular accidents; or~~
  - ~~d. The closest intersection, if greater than 1,000 feet from the project site, or segment of roadway between the project and the closest intersection, have had three or more reported vehicular accidents in a 12-month period, or five or more reported vehicular accidents in a 24-month period, and where the installation of traffic controls or improvements could reduce vehicular accidents.~~

This administrative design review process ensures compliance with California Housing Element law. The multi-family housing permitted pursuant to RMC Article V - Permitted Use Table - 19.150.020(A) shall be a "permitted use by right", as defined by Government Code Section 65583.

( Ord. 7528 §1(Exh. A), 2020; Ord. 7487 § 18, 11-5-2019; Ord. 7408 §1, 2018; Ord. 7331 §107, 2016; Ord. 6966 §1, 2007)

#### **19.710.030 - Approval required.**

- A. Where applicable, no new building, structure or sign or exterior alteration or enlargement of an existing building, structure, sign or new landscaping and irrigation shall be commenced or installed until design review approval has been granted pursuant to this chapter.
- B. The restoration, rehabilitation, alteration, development, construction, demolition, removal or appearance change of any landmark, landmark structure, landmark site or any structure or site within a preservation district requires the granting of a permit by the Cultural Heritage Board or the City Council on appeal (see Title 20).

(Ord. 7331 §107, 2016; Ord. 6966 §1, 2007)

#### **19.710.035 - Review responsibilities of Planning Commission or Development Review Committee and ~~Community & Economic Development Director~~Community & Economic Development Department Director.**

- A. The Development Review Committee or Community and Economic Department Director or his/her designee, as applicable, may approve in full or in part, conditionally approve in full or in part, modify or deny:
  1. The plot plan and building elevations for all projects in zones requiring design review approval, that are not subject to separate approval by the Planning Commission.
  2. Sign plans in accordance with Citywide Design and Sign Guidelines.
  3. The landscape and irrigation plans for all projects that are subject to design review approval. An application will not be considered complete unless required Park and Recreation Department fees are included with the submittal.

4. The plot plan, building elevations, landscape plans and irrigation plans for accessory buildings in zones requiring design review and for cargo container accessory buildings in any zone where they are permitted.
- B. The Planning Commission shall approve in full or in part, conditionally approve in full or in part, modify or deny:
1. Plot plan and building elevations for projects related to a planning case subject to their separate approval including conditional use permits, planned residential development permits, and site plan review permits. This does not apply to cases involving only a legislative action, including rezoning or General Plan amendment.
- C. The ~~Community & Economic Development Director~~Community & Economic Development Department Director or Development Review Committee, as applicable, may refer any Design Review application to the Planning Commission.

(Ord. 7331 §107, 2016; Ord. 6966 §1, 2007)

#### **19.710.040 - Design review standards.**

- A. In addition to the general purposes set forth in Section 19.710.010 (Purpose), the design review procedures established by this chapter shall be applied according to and in compliance with the following standards, when applicable:
1. Sites shall be graded and developed with due regard for the aesthetic qualities of the natural terrain and landscape, and trees and shrubs shall not be indiscriminately destroyed.
  2. Buildings, structures and signs shall be properly related to their sites and consistent with the character of the neighborhood and surrounding ~~sites, and~~sites and shall not be detrimental to the orderly and harmonious development of their surroundings and of the City.
  3. Open spaces, parking areas, pedestrian walks, signs, illumination and landscaping (including water efficient irrigation facilities) shall be adequately related to the site and arranged to achieve a safe, efficient and harmonious development.
  4. Sites shall be developed to achieve a harmonious relationship with existing and proposed adjoining developments, avoiding both excessive variety and monotonous repetition, but allowing, when feasible, similarity of style or originality of design.
  5. When feasible, electrical and similar mechanical equipment, and trash and storage areas shall be effectively screened from public view. The use of harmonious or related colors and materials shall be encouraged.
  6. The design review process shall endeavor to eliminate the ugly, the garish, the inharmonious, the monotonous, and the hazardous, and shall endeavor to ensure that proposed improvements will not impair the desirability of investment or occupancy nearby; but originality in site planning, architecture, landscaping and graphic design shall not be suppressed.
  7. Review shall include exterior design, materials, textures, colors, means of illumination, signing, landscaping and irrigation.

(Ord. 7331 §107, 2016; Ord. 6966 §1, 2007)

#### **19.710.050 - Citywide ~~design review~~Design Guidelines and Sign Guidelines.**

All applicable development shall comply with the City ~~Council-Council~~-adopted ~~citywide-Citywide design-Design guidelines~~Guidelines and Sign Guidelines or successive document.

(Ord. 7331 §107, 2016; Ord. 6966 §1, 2007)

#### **19.710.060 - Drawings to be approved—Alterations to be approved.**

- A. No building permit for a new building, structure, or sign, and no building permit for an exterior alteration or enlargement of an existing building, structure, or sign, that is subject to design review as provided in this chapter shall be issued until the drawings required by Section 19.710.065 (Drawings to Be Submitted) have been approved pursuant to this chapter, and no certificate of occupancy shall be issued unless the construction and property comply with said approved drawings. Said buildings, structures, or signs shall be maintained thereafter in substantial conformance with said approved drawings.
- B. If alterations to approved drawings are desired by the applicant, said drawings shall be resubmitted and processed according to the procedures established in this chapter for approval of the original drawings.

(Ord. 7331 §107, 2016; Ord. 6966 §1, 2007)

#### **19.710.065 - Drawings to Be Submitted.**

The drawings submitted as part of the design review application shall be provided in accordance with the latest design review submission checklist available at the Planning Division, which is updated from time to time.

Any other drawings or additional information necessary, as determined by the ~~Community & Economic Development Director~~Community & Economic Development Department Director or their designee, to adequately consider the drawings set forth herein above and to determine compliance with the purposes of this chapter shall be provided.

(Ord. 7331 §107, 2016; Ord. 6966 §1, 2007)

#### **19.710.070 - Appeals.**

##### **A. Appeals.**

1. Appeal of the ~~Community & Economic Development Director~~Community & Economic Development Department Director or Development Review Committee Decision: Any person aggrieved or affected by a decision of the ~~Community & Economic Development Director~~Community & Economic Development Department Director or their designee or the Development Review Committee, as applicable, in granting or denying a design review application may appeal to the Planning Commission at any time within ten calendar days after the date upon which the ~~Community & Economic Development Director~~Community & Economic Development Department Director or their designee or the Development Review Committee, as applicable, makes a decision. An appeal to the Planning Commission shall be taken by filing a letter of appeal, ~~in duplicate~~, and the appropriate fee with the Planning Division. Such letter shall set forth the grounds upon which the appeal is based. Upon such appeal the matter shall be placed on the next available agenda meeting of the Planning Commission. The Planning Commission decision is final unless appealed to the City Council.
2. Appeal of the Planning Commission Decision: - Any person aggrieved or affected by a decision of the Planning Commission in granting or denying a design review application may appeal to the City Council at any time within ten calendar days after the date upon which the Planning Commission makes a decision. An appeal to the Planning Commission shall be taken by filing a letter of appeal, ~~in duplicate~~, and the appropriate fee with the

Planning Division. Such letter shall set forth the grounds upon which the appeal is based. Upon such appeal the matter shall be placed on the next available agenda meeting of the Land Use Committee of the City Council. The Land Use Committee may continue the matter for more information and upon review of that information shall consider the appeal and make a recommendation to the City Council for consideration at the next regularly scheduled City Council meeting. Any items that, because of scheduling irregularities of the Land Use Committee, cannot be heard by the Land Use Committee within 20 business days of the appeal deadline, shall be referred directly to the City Council unless the applicant requests or consents to a continuance to allow Land Use Committee review. The City Council may affirm, reverse or modify the decision of the Land Use Committee or Planning Commission.

(Ord. 7331 §107, 2016; Ord. 6966 §1, 2007)

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## **Chapter 19.800 - GENERAL PLAN TEXT/MAP AMENDMENT**

### **19.800.010 - Purpose.**

Government Code Section 65358 authorizes and specifies procedures for amendments and modifications to a City's General Plan. City resolution No. 20561 sets forth procedures for the adoption of policies and procedures for amending the General Plan. Amendments are considered appropriate in response to changing in conditions.

(Ord. 7331 §117, 2016; Ord. 6966 §1, 2007)

### **19.800.020 - Initiation of amendment.**

~~A-~~ General Plan amendments, pursuant to Section 19.660.015 A (Initiation of Applications), may be initiated in any one of the following manners:

A. Upon minute action of the City Council.

B. Upon minute action of the Planning Commission.

C. By Community & Economic Development Department Director, or his/her designee; or

~~C-D.~~ Upon application by a property owner or owners of any parcel subject to the General Plan.

~~D-A. Pursuant to Section 19.660.015 A (Initiation of Applications).~~

(Ord. 7331 §117, 2016; Ord. 6966 §1, 2007)

### **~~19.800.030 - Frequency of General Plan amendment.~~**

~~General Plan amendments, with certain exceptions, are processed quarterly subject to the provisions of Resolution 20561.~~

~~(Ord. 7331 §117, 2016; Ord. 6966 §1, 2007)~~

### **19.800.040 - Procedures.**

A. General process.

#### 1. City-initiated General Plan Text/Map amendments

a. City-initiated General Plan Text/Map amendments shall be processed in accordance with the provisions as set forth in Chapters 19.650 (Approving Authority), 19.660

(General Application Processing Procedures), 19.670 (Notices and Hearings), 19.680 (Appeals), 19.690 (Effective Dates) and other applicable Chapters of the Zoning Code.

- b. The Planning Commission shall make a recommendation to the City Council to approve, deny or modify staff's recommendation.
- c. If General Plan Text/Map Amendments are referred to the Planning Commission by the City Council, failure of the Planning Commission to report to the City Council within ninety (90) days, or within the time specified by the City Council, shall be deemed to be approval of staff's recommendation.
- d. The City Council is the final Approving Authority with a simple majority vote required for approval.

## 2. Applicant-initiated General Plan Text/Map amendments

- a. Applicant initiated General Plan ~~Text/Map~~ amendments ~~s, -applications~~ shall be processed in accordance with the discretionary permit processing provisions as set forth in Chapters 19.650 (Approving Authority), 19.660 (General Application Processing Procedures), 19.670 (Notices and Hearings), 19.680 (Appeals), 19.690 (Effective Dates) and other applicable Chapters of the Zoning Code.
- b. Voting/approval requirement.
  - (1) Approval of a General Plan Text/Map amendment requires the affirmative vote of at least four Planning Commission members, or a majority, whichever is greater.
  - (2) The Planning Commission's denial of a General Plan amendment is final unless appealed to the City Council.
  - (4)(3) If approved by the Planning Commission or appealed to the City Council, the City Council is the final approving authority with a simple majority vote of the City Council is required for approval.

(Ord. 7331 §117, 2016; Ord. 6966 §1, 2007)

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## **Chapter 19.810 - ZONING CODE TEXT/MAP AMENDMENT**

### **19.810.010 - Purpose.**

Government Code Section 65853 allows amendments to any provisions of the Zoning Code. Whenever the public necessity, convenience, general welfare or good zoning practice requires, the City Council may, amend, supplement or change the regulations, zone boundaries or zoning classifications of property established by the Zoning Code.

(Ord. 7331 §118, 2016; Ord. 6966 §1, 2007)

### **19.810.020 - Initiation of ~~Map/Text~~Text/Map amendment.**

Amendments to the provisions of the Zoning Code, Pursuant to Section 19.660.015.A (Initiation of Applications), -may be initiated in any one of the following manners:

- A. Upon minute action of the City Council:-
- B. Upon minute action of the Planning Commission:-
- C. By the Community & Economic Development Department Director, or his/her designee; or



~~C.D.~~ Upon application by a property owner or owners of any parcel subject to requirements of the Zoning Code.

~~D. The Community & Economic Development Director~~Community & Economic Development Department Director or his/her designee may initiate an amendment to the text of the Zoning Code.

~~E.A. Pursuant to Section 19.660.015.A (Initiation of Applications).~~

(Ord. 7331 §118, 2016; Ord. 7235 §21, 2013; Ord. 7091 §15, 2010; Ord. 6966 §1, 2007)

### **19.810.030 - Procedures.**

#### A. General process.

##### 1. City-initiated Zoning Code Text/Map amendments

- a. City-initiated Zoning Code Text/Map amendments shall be processed in accordance with the provisions as set forth in Chapters 19.650 (Approving Authority), 19.660 (General Application Processing Procedures), 19.670 (Notices and Hearings), 19.690 (Effective Dates) and other applicable Chapters of the Zoning Code.
- b. The Planning Commission shall make a recommendation to the City Council that they approve, deny or modify staff's recommendation.
- c. If Zoning Code Text/Map Amendments are referred to the Planning Commission by the City Council, failure of the Planning Commission to report to the City Council within ninety (90) days, or within the time specified by the City Council, shall be deemed to be approval of the proposed modification.
- d. The City Council is the final approving authority with a simple majority vote required for approval.

##### 2. Applicant-initiated Zoning Code Text/Map amendments

- a. Applicant-initiated Zoning Code text/map amendments applications shall be processed in accordance with the discretionary permit processing provisions as set forth in Chapters 19.650 (Approving Authority), 19.660 (General Application Processing Procedures), 19.670 (Notices and Hearings), 19.680 (Appeals), 19.690 (Effective Dates) and other applicable Chapters of the Zoning Code.

##### b. Voting/approval requirement.

- (1) Approval of a Zoning Code amendment requires the affirmative vote of at least four Planning Commission members, or a majority, whichever is greater.
- (2) The Planning Commission's denial of a Zoning Code amendment is final unless appealed to the City Council.
- (4)(3) If approved by the Planning Commission, or appealed to the City Council, the City Council is the final approving authority with a simple majority vote ~~of the City Council is~~ required for approval.

~~2-3.~~ Notwithstanding the above, application and removal of the CR (Cultural Resources) Overlay Zone shall be approved directly by the City Council.

- B. Notice. The Planning Commission shall hold a public hearing on any proposed rezone or amendment to the Zoning Code. Notice of the hearing shall be given pursuant to Section 19.670.040 A (Notice of Hearing for Legislative Actions) and if the proposed rezone or



amendment to the Zoning Code affects the permitted uses of real property, notice shall also be given pursuant to Section 19.670.040 B (Notice of Hearing for Legislative Actions).

**C. Adoption.**

**1.** Zoning Code ~~text~~Text/~~map~~Map amendments shall be adopted by ordinance of the City Council that constitutes final action.

**4-2.** Ordinances to amend the Zoning Code ~~text~~Text/~~map~~Map are subject to referendum and, therefore, become effective 30 days after their adoption.

(Ord. 7331 §118, 2016; Ord. 7091 §§16, 17, 2010; Ord. 6966 §1, 2007)

**19.810.040 - Required findings for Zoning Code amendment.**

In acting to approve any amendment to the Zoning Code text or map, the City Council shall be required to make the following findings:

- A. That the proposed Zoning Code text or map amendment is generally consistent with the goals, policies, and objectives of the General Plan;
- B. That the proposed Zoning Code text or map amendment will not adversely affect surrounding properties; and
- C. 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.

(Ord. 7331 §118, 2016; Ord. 7091 §18, 2010; Ord. 6966 §1, 2007)

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**Chapter 19.820 - SPECIFIC PLAN/SPECIFIC PLAN TEXT/MAP AMENDMENTS**

**19.820.010 - Purpose.**

As set forth in Government Code Sections 65450 through 65457, the Specific Plan provides a means to establish more specific land use regulations and design standards for properties requiring special attention and treatment. A Specific Plan serves as a policy and regulatory document, with policy direction and project development concepts consistent with the General Plan. The Specific Plan (SP) Overlay Zone (see Chapter 19.220) allows provisions of a Specific Plan to be applied as Zoning regulations.

(Ord. 7331 §119, 2016; Ord. 6966 §1, 2007)

~~**19.820.020 - Procedures.**~~

~~A. General process. Specific Plan and Specific Plan amendment applications shall be processed in accordance with the discretionary permit processing provisions as set forth in Chapters 19.650 (Approving Authority), 19.660 (General Application Processing Procedures), 19.670 (Notices and Hearings), 19.680 (Appeals), 19.690 (Effective Dates) and other applicable Chapters of the Zoning Code.~~

~~(Ord. 7331 §119, 2016; Ord. 6966 §1, 2007)~~

**19.820.030 - Specific Plan initiation.**

A Specific Plan and/or Text/Map amendment, pursuant to Section 19.660.015.A (Initiation of Applications), ~~may~~, may be initiated in any one of the following manners:

- A. Upon minute motion of the City Council;

B. Upon minute motion of the Planning Commission;

C. By the Community & Economic Development Department Director, or his/her designee; or

~~C.D.~~ Upon application by a property owner or owners of any parcel subject to requirements of the Zoning Code.

~~D. The Community & Economic Development Director~~Community & Economic Development Department Director ~~or his/her designee may initiate an amendment to the Specific Plan.~~

~~E.A. Pursuant to Section 19.660.015.A (Initiation of Applications).~~

(Ord. 7331 §119, 2016; Ord. 7235 §22, 2013; Ord. 6966 §1, 2007)

### **19.820.020 - Procedures.**

#### **A. General process.**

##### **1. City Initiated Specific Plan/Specific Plan Text/Map Amendments**

- a. City Initiated Specific Plan/Specific Plan Text/Map amendments shall be processed in accordance with the provisions as set forth in Chapters 19.650 (Approving Authority), 19.660 (General Application Processing Procedures), 19.670 (Notices and Hearings), 19.690 (Effective Dates) and other applicable Chapters of the Zoning Code.
- b. The Planning Commission shall make a recommendation to the City Council that they approve, deny or modify staff's recommendation.
- c. If a Specific Plan/Specific Plan Text/Map Amendment is referred to the Planning Commission by the City Council, failure of the Planning Commission to report to the City Council within ninety (90) days, or within the time specified by the City Council, shall be deemed to be approval of the proposed modification.
- d. The City Council is the final approving authority with a simple majority vote required for approval.

##### **2. Applicant initiated Specific Plan/Specific Plan Text/Map Amendments**

- a. Applicant initiated Specific Plan/Specific Plan Text/Map amendments shall be processed in accordance with the discretionary permit processing provisions as set forth in Chapters 19.650 (Approving Authority), 19.660 (General Application Processing Procedures), 19.670 (Notices and Hearings), 19.680 (Appeals), 19.690 (Effective Dates) and other applicable Chapters of the Zoning Code.
- b. Voting/approval requirement.
  - (1) Approval of a Specific Plan/Specific Plan Text/Map amendment requires the affirmative vote of at least four Planning Commission members, or a majority, whichever is greater.
  - (2) The Planning Commission's denial of a Specific Plan/Specific Plan Text/Map amendment is final unless appealed to the City Council.
  - (3) If approved by the Planning Commission, or appealed to the City Council, the City Council is the final approving authority with a simple majority vote required for approval.

(Ord. 7331 §119, 2016; Ord. 6966 §1, 2007)

### **19.820.040 - Specific Plan requirements.**

#### **A. Relationship to other adopted regulations.**

1. Specific Plans may either supplement or supersede all land use regulations applicable to the subject property, including all previously adopted ordinances, standards, and guidelines.

4.2. In the event an inconsistency or conflict exists between standards adopted within a Specific Plan and comparable provisions of this ~~title~~ Title, the Specific Plan shall prevail through application of the Specific Plan (SP) Overlay Zone.

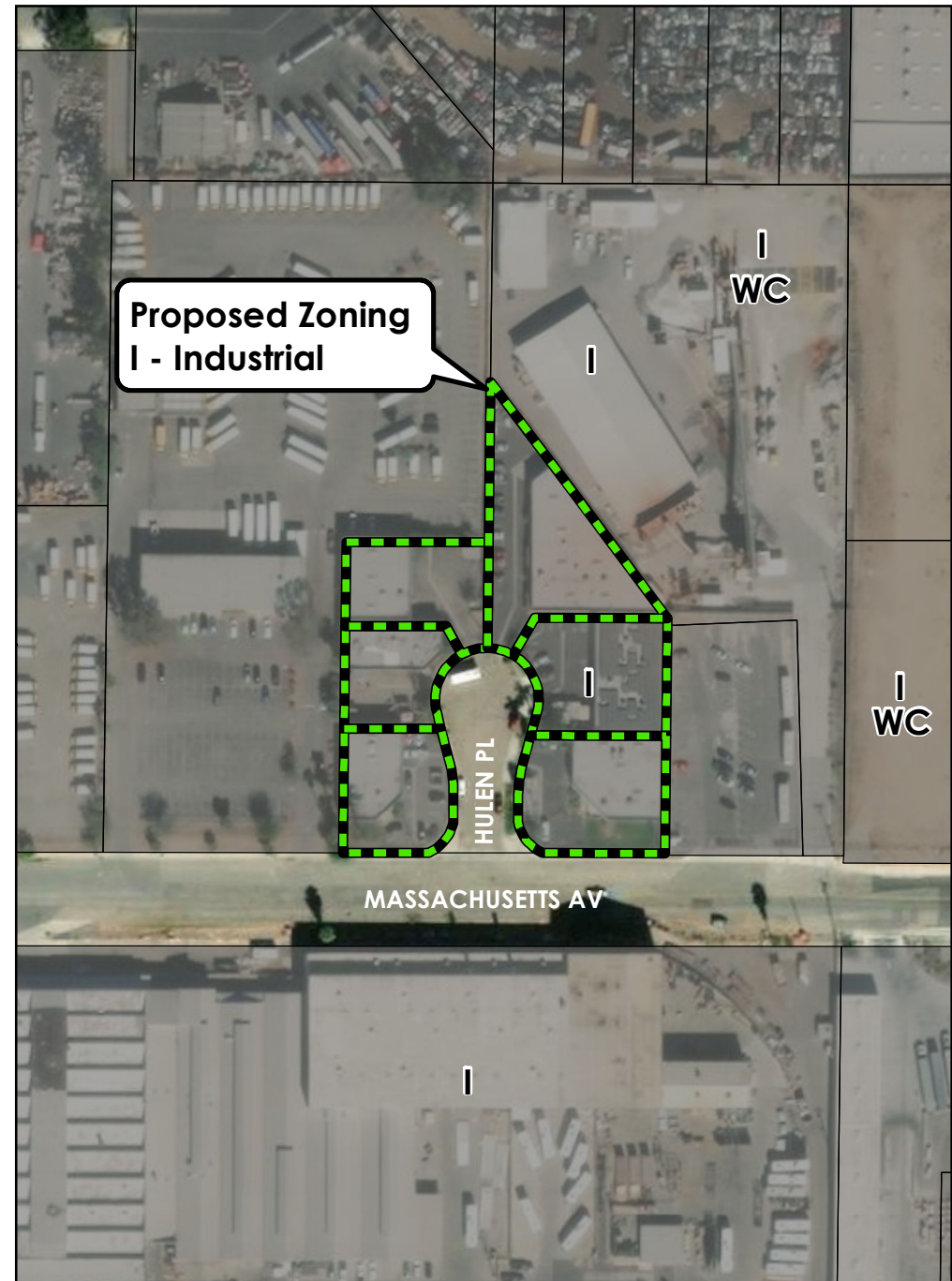
- a. The distribution, location and extent of the uses of land, including open space, within the area covered by the plan.
- b. The proposed distribution, location, extent, and intensity of major components of public and private transportation, sewage, water, drainage, solid waste, disposal, energy, and other essential facilities proposed to be located within the area covered by the plan and needed to support the land uses described in the plan.
- c. Standards and criteria by which development will proceed and standards for the conservation, development, and utilization of natural resources, where applicable.
- d. A program of implementation measures, including regulations, programs, public works projects, and financing measures necessary to carry out the provisions of the preceding three paragraphs ~~(§ 65451(a))~~.
- e. Any other subjects that, in the judgment of the planning agency, are necessary or desirable for the general plan implementation ~~(§65452)~~.

(Ord. 7331 §119, 2016; Ord. 6966 §1, 2007)

## EXISTING GENERAL PLAN



## PROPOSED GENERAL PLAN

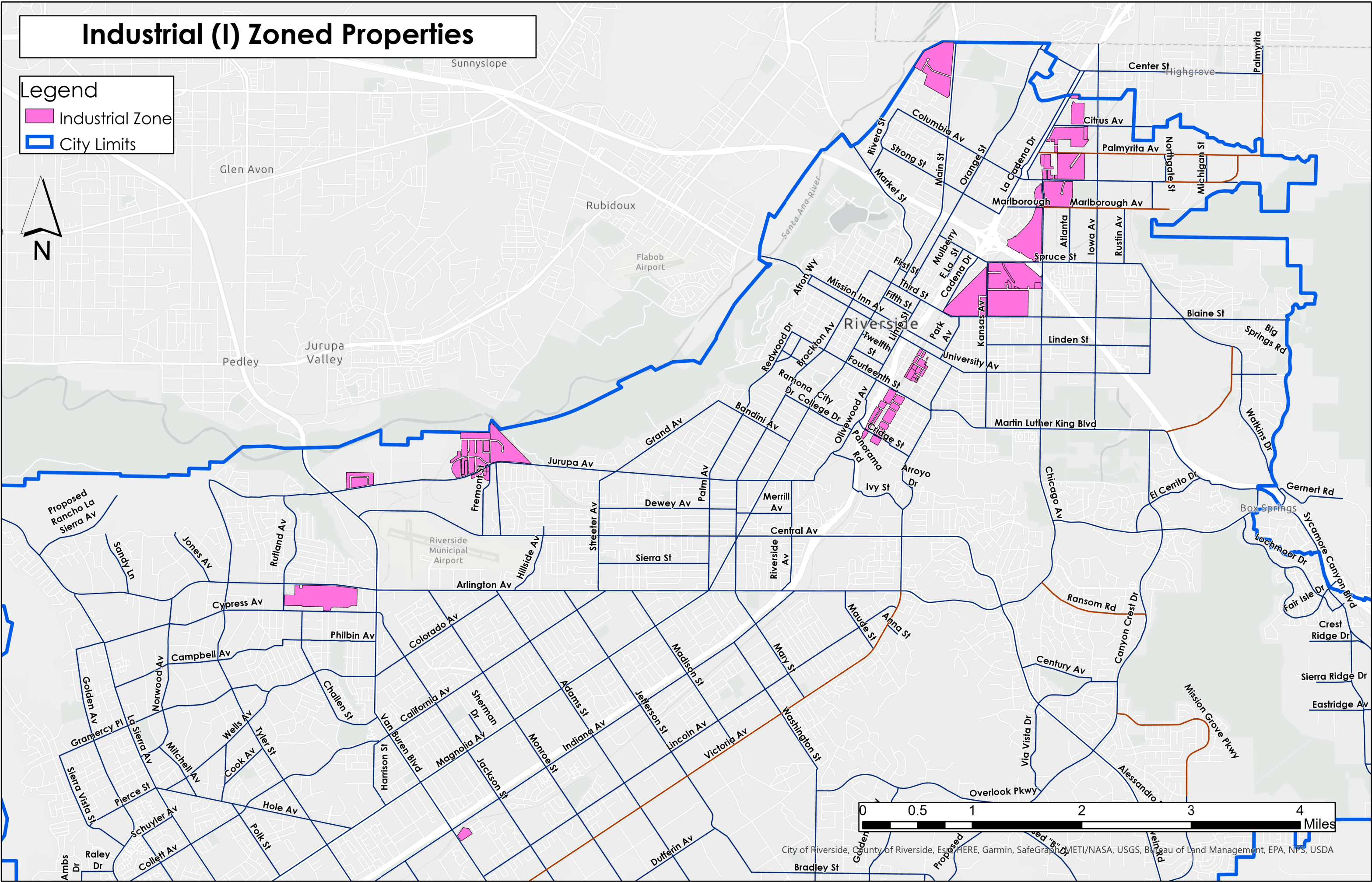




# Industrial (I) Zoned Properties

## Legend

- Industrial Zone
- City Limits



## **2020 Zoning Cleanup – January 7, 2021**

### **Exhibit 4**

Frequently Asked Questions – Appeals, Referrals and Approving/Appeal Authority  
(Chapters 19.650, 19.680, 19.800, 19.810 and 19.820)

#### **1. Why are these changes proposed?**

Each year, the Planning Division completes a “clean-up” of Title 19 based on modifications identified as staff implements the Code. For this particular amendment, the language in the Zoning Code was unclear as it related to the Mayor’s ability to refer a project. While it was implied that the Mayor could refer an item, this change was made to make it clear as part of the Division’s yearly clean-up.

#### **2. What is the difference between a referral and an appeal?**

Any person aggrieved by an action by the CEDD Director, DRC, or Planning Commission has a due process right to appeal that decision to a higher authority, up to and including the City Council. This requires that the person pay a fee (to cover Staff time and resources involved in preparing materials and processing the appeal) and state the basis for the appeal, which is then evaluated by the appropriate appeal authority to determine whether the appealed action was made properly.

By contrast, the elected policymakers of the City may believe that a particular outcome warrants additional public discussion or is of particular significance to a Ward or the City as a whole. In these situations, a Council member or the Mayor may refer the item for consideration before the full City Council, which may then ratify, modify, return or overrule the action of the lower body.

#### **3. When was the referral process for City Council members introduced into the Code?**

Prior to 2016, the Code established a referral process for a limited number of actions by the Zoning Administrator. As part of the 2016 Streamline Riverside initiative, changes to permitting procedures were made to improve the development process and support economic development. At this time, the Zoning Administrator approvals were replaced by the CEDD Director approvals.

While the process changes streamlined certain cases, the referral process was also modified to reflect these changes. Specifically, the referral process was modified so that decisions of the CEDD Director, DRC or Planning Commission could be referred. The Streamline Riverside initiative and related Code amendments were approved by the Planning Commission in March 2016 and by City Council in December 2016.

#### **4. What changes are proposed to the referral procedures?**

For the referral procedure, the term Mayor is added, for clarification, as it relates to referring actions of the CEDD Director, DRC or Planning Commission. Currently, the language states “City Council” which implies the Mayor but is not explicit. Other proposed changes simply clarify the process by which this occurs.

#### **5. What changes are proposed to the appeal procedures?**



The proposed changes to the appeal procedures clarify the differences between a City-initiated and Applicant-initiated proposals for legislative actions, such as General Plan amendments, specific plan amendments and rezoning.

Currently, the Planning Commission's action is final for Applicant-initiated proposals, which can be appealed to the City Council. City-initiated proposals require a recommendation of the Planning Commission with City Council's action being final. The new language clarifies this process.

All other amendments to the appeal procedures are intended to clarify the established process.

**6. What new or modified Approving/Appeal Authorities in Table 19.650.020 are proposed?**

Proposed changes to this table establish the Planning Commission as the appeal authority on certain items approved by the CEDD Director or DRC. Currently, these appeals (minor conditional use permits, variances, and nonconforming status determinations), when appealed, bypass Planning Commission and go directly to City Council. This is the result of an oversight dating to the original Streamline Riverside initiative, when processes were modified, but the table changes were not modified to match the new process. The proposed changes will correct this.

**7. How frequently are items referred by the City Council or Mayor?**

Referrals initiated by the Mayor and City Council since 2018 include: one DRC action and two Planning Commission actions.



## **2020 Zoning Cleanup – January 7, 2021**

### **Exhibit 5**

Frequently Asked Questions – Emergency Shelters (Chapters 19.150, 19.205 and 19.400)

#### **1. Why are changes proposed to the way emergency shelters are regulated?**

In Riverside, the only zoning district in which emergency shelters are permitted by right (meaning without the requirement for special permits or approvals such as a CUP) is the Emergency Shelter (ES) Overlay Zone. Every other zoning district, including all of the Base Zones (such as R-1, R-3, Commercial, etc.), either prohibits emergency shelters altogether or requires the granting of a discretionary use permit to establish one.

Before an emergency shelter can be permitted by right, a rezoning process, including a recommendation from Planning Commission and approval by City Council, has to apply the ES Overlay Zone to a property. This rezoning is a discretionary action that can be denied.

The current process conflicts with State Housing Element law, which requires that the City identify at least one zoning district where no such discretionary approval is required to establish an emergency shelter. The City could potentially be exposed to litigation as a result. Additionally, the current process hampers the City's ability to quickly and effectively respond to the ongoing crisis of homelessness.

#### **2. How will this affect existing and future emergency shelter operations?**

Existing emergency shelters operating in compliance with the applicable rules and regulations will not be affected by the proposed changes. For future emergency shelters, the permitting process may change, depending on where they are located.

In the Industrial (I) Zone, no special Planning approval (such as a Conditional Use Permit) would be required to establish an emergency shelter—although all other regulations related to safety and security must still be met. In other zones, either a CUP or MCUP will be required, depending on the size of the facility and the particular zone. Certain zones will continue to prohibit emergency shelters.

#### **3. Why is the Industrial (I) Zone recommended for by-right emergency shelter uses?**

The Industrial (I) Zone presents the most suitable balance between the need to locate emergency shelters within reasonable proximity to needed services and resources – such as healthcare and transit – and the need to ensure that shelters in closer proximity to commercial areas and residential neighborhoods do not create compatibility issues. In many locations, the Industrial zone is already buffered from the most sensitive land uses by more intense commercial or transportation corridors. Finally, the type of development found in the Industrial (I) Zone tends to lend itself well to conversion to this type of use, often with minimal need for major alteration to structures and sites.

#### **4. What zoning districts were considered?**

Other industrial zones, such as the Business & Manufacturing Park (BMP) or Airport Industrial (AI) were considered, but ultimately dismissed due to the large-scale nature of established

development patterns, relative remoteness from needed services, and land use compatibility and safety concerns primarily related to airport operations.

Commercial, mixed-use and residential zones were not considered because of potential compatibility issues. However, an emergency shelter may be established in many of these zones, provided that the required CUP or MCUP is granted.

**5. What safeguards are in place for surrounding properties and businesses?**

Emergency shelters in the Industrial (I) Zone must still comply with site location, operational and development standards that are included in the Code. This includes minimum separation requirements between shelter facilities to avoid overconcentration, approval of security and management plans to verify adequate measures are in place, and the requirement for on-site, indoor waiting and intake areas to minimize disruption to surroundings. Compliance with these requirements would be verified prior to issuance of any building permit and could be grounds for Code Enforcement action if noncompliance occurs.

**6. How many Emergency Shelters are in the City that would be affected (public/private)? What are they zoned?**

There are three existing emergency shelters in the City. One is located on City-owned land zoned Industrial (I) (Path of Life Ministries, Hulen Place campus). Another is located on County-owned land zoned Public Facilities (PF) (Operation SafeHouse, Hayes and Myers Streets) . The third is located on privately owned land zoned Single Family Residential (R-1-7000) (ICare Shelter, Van Buren Boulevard between Garfield Street and California Avenue).

**7. How many parcels in the Industrial (I) zoning district are potentially affected?**

There are approximately 696 parcels in the Industrial (I) zoning district, totaling approximately 778 acres of land.