

September 10, 2020

Colleen Nicole  
City Clerk  
City of Riverside  
3900 Main Street, 7<sup>th</sup> Floor  
Riverside, CA

Hunter V. Plascencia Response

Background:

After the election I met with the City Manager Al Zelinka to discuss the on boarding process. Like with any new job the first thing you do is order business cards. Al reported that his secretary would be in touch with my assistant to start the process. I explained that I was interested in putting the labor bug on my council card. Al explained that at the end of the December 3, 2019, meeting, I could request to put it on the agenda for the following City Council Meeting. At the December 3, 2019, City Council meeting, I asked that staff put the labor bug on the next council agenda (**Voice Clip Attachment 1**). When the next meeting agenda was posted, I saw that my requested agenda item was not on there. I spoke to Al and asked him why it wasn't on there and, I don't remember what his response was. However, I do remember Al outlining how we could put it on the December 17, 2019, agenda. I expressed to Al that my assistant and I were eager to get out in to the community to introduce ourselves and pass out our business cards so that the residence could get to know us and be able to contact us. I was told that staff would work on the report, and that they would contact me for my signature and that they would need another council member's signature as a part of the Sunshine Ordinance (**Attachment 5. Sunshine Ordinance 459**). We met the requirement for the Sunshine Ordinance by getting two council members signatures. I don't understand how I violated the Sunshine Ordinance as we met the guidelines as outlined by Section D). 2.a, in the Sunshine Ordinance.

I did not prepare the staff report, and I am not sure if it was the city manager's office or the city clerk's office who prepared it. I am not on the agenda setting committee, so I do not know exactly who chose to put it on the calendar during the day. I believe that I followed all rules and regulations outlined by the City Charter. A list of California Cities that allow for union bug insignias/logos in their business cards and stationery, is attached (See attachments).

Specific Prohibited Conduct Section of Code of Ethics and Conduct allegedly violated:

➤ Use of City Resources for Non-City Purposes Prohibited

City Attorney Gary Geuss in the December 17, 2019, City Council meeting, gives his explanation as to why a labor bug is not considered a seal or a logo. Please see attached video clip of Gary Geuss' explanation. (Voice Clip, Attachment 2: [https://riversideca-my.sharepoint.com/:u:/r/personal/arviz\\_riversideca\\_gov/Documents/CC%20Mtg%2012-17-19%20Item%207a%20City%20Attorney%20Clarification.m4a?csf=1&web=1&e=fFg5Q7](https://riversideca-my.sharepoint.com/:u:/r/personal/arviz_riversideca_gov/Documents/CC%20Mtg%2012-17-19%20Item%207a%20City%20Attorney%20Clarification.m4a?csf=1&web=1&e=fFg5Q7))

➤ Advocacy of Private Interests of Third Parties in Certain Circumstances Prohibited

City Attorney Gary Geuss in the December 17, 2019, City Council meeting, gives his explanation as to why a labor bug is not considered a seal or a logo. Please see attached video clip of Gary Geuss' explanation. (Voice Clip, Attachment 2: [https://riversideca-my.sharepoint.com/:u:/r/personal/arui\\_riversideca\\_gov/Documents/CC%20Mtg%2012-17-19%20Item%207a%20City%20Attorney%20Clarification.m4a?csf=1&web=1&e=fFg5Q7](https://riversideca-my.sharepoint.com/:u:/r/personal/arui_riversideca_gov/Documents/CC%20Mtg%2012-17-19%20Item%207a%20City%20Attorney%20Clarification.m4a?csf=1&web=1&e=fFg5Q7))

➤ Endorsements for Compensation Prohibited

City Attorney Gary Geuss in the December 17, 2019, City Council meeting, gives his explanation as to why a labor bug is not considered a seal or a logo. Please see attached video clip of Gary Geuss' explanation. (Video Clip, Attachment 2: [https://riversideca-my.sharepoint.com/:u:/r/personal/arui\\_riversideca\\_gov/Documents/CC%20Mtg%2012-17-19%20Item%207a%20City%20Attorney%20Clarification.m4a?csf=1&web=1&e=fFg5Q7](https://riversideca-my.sharepoint.com/:u:/r/personal/arui_riversideca_gov/Documents/CC%20Mtg%2012-17-19%20Item%207a%20City%20Attorney%20Clarification.m4a?csf=1&web=1&e=fFg5Q7))

➤ Violation of Government Code Sections 87100 et seq., Prohibited (Conflict of Interest)

City Attorney Gary Geuss in the December 17, 2019, City Council meeting gives his explanation as to why a labor bug is not considered a seal or a logo. Please see attached video clip of Gary Geuss' explanation. (Video Clip, Attachment 2: [https://riversideca-my.sharepoint.com/:u:/r/personal/arui\\_riversideca\\_gov/Documents/CC%20Mtg%2012-17-19%20Item%207a%20City%20Attorney%20Clarification.m4a?csf=1&web=1&e=fFg5Q7](https://riversideca-my.sharepoint.com/:u:/r/personal/arui_riversideca_gov/Documents/CC%20Mtg%2012-17-19%20Item%207a%20City%20Attorney%20Clarification.m4a?csf=1&web=1&e=fFg5Q7))

➤ Violations of Federal, State, or Local Law Prohibited

City Attorney Gary Geuss in the December 17, 2019, City Council meeting, gives his explanation as to why a labor bug is not considered a seal or a logo. Please see attached video clip of Gary Geuss' explanation. (Video Clip, Attachment 2: [https://riversideca-my.sharepoint.com/:u:/r/personal/arui\\_riversideca\\_gov/Documents/CC%20Mtg%2012-17-19%20Item%207a%20City%20Attorney%20Clarification.m4a?csf=1&web=1&e=fFg5Q7](https://riversideca-my.sharepoint.com/:u:/r/personal/arui_riversideca_gov/Documents/CC%20Mtg%2012-17-19%20Item%207a%20City%20Attorney%20Clarification.m4a?csf=1&web=1&e=fFg5Q7))

List of witnesses:

Riverside City Manager, Al Zelinka  
3900 Main St. Riverside, CA  
951-826-5771

Attachments:

1. Voice Clip from December 3, 2019, City Council Meeting
2. Voice Clip from December 17, 2019, City Council Meeting
3. Pictures of City Council Business Cards from other cities that have the labor bug
4. List of California Cities that allow union bug insignias in Council business cards
5. Sunshine Ordinance that applied at the time

### **Attachment 1.**

Video Clip from December 3, 2019 Council Meeting, Item 46:

[https://riversideca-my.sharepoint.com/:u:/r/personal/aruiz\\_riversideca\\_gov/Documents/CC%20Mtg%2012-3-19%20Item%2046%20Items%20Items%20for%20Future%20CC%20Mtgs.m4a?csf=1&web=1&e=IGlk86](https://riversideca-my.sharepoint.com/:u:/r/personal/aruiz_riversideca_gov/Documents/CC%20Mtg%2012-3-19%20Item%2046%20Items%20Items%20for%20Future%20CC%20Mtgs.m4a?csf=1&web=1&e=IGlk86)

### **Attachment 2.**

Video Clip from December 17, 2019, Council Meeting, Item 7a:

[https://riversideca-my.sharepoint.com/:u:/r/personal/aruiz\\_riversideca\\_gov/Documents/CC%20Mtg%2012-17-19%20Item%207a%20City%20Attorney%20Clarification.m4a?csf=1&web=1&e=fFg5Q7](https://riversideca-my.sharepoint.com/:u:/r/personal/aruiz_riversideca_gov/Documents/CC%20Mtg%2012-17-19%20Item%207a%20City%20Attorney%20Clarification.m4a?csf=1&web=1&e=fFg5Q7)

Attachment 3

PHIL  
**BACERRA**  
Santa Ana City Council - Ward 4

T: (323) 363-6063  
E: phil@philbacerra.com

facebook.com/PhilBacerraSA  
www.philbacerra.com



LOS ANGELES CITY COUNCIL



**GILBERT A. CEDILLO**  
COUNCILMEMBER OF THE FIRST DISTRICT

CITY HALL  
200 N. SPRING STREET ROOM 460, LOS ANGELES CA 90012  
TEL: (213) 473-7001 • FAX: (213) 473-7462

councilmember.cedillo@lacity.org  
gilcedillo.com



CITY OF OAKLAND



**SHENG THAO**  
COUNCIL MEMBER  
DISTRICT 4  
email: SThao@Oaklandca.gov  
email: District4@Oaklandca.gov

(510) 238-7004  
FAX 238-6129  
TDD RELAY: 711

1 FRANK H. OGAWA PLAZA STE. 226, OAKLAND, CA 94612



**Attachment 4.**

<b>Some Cities that Allow Use of Union Bugs in Business Cards</b>	
Anaheim	
Coachella	
Fresno	
Long Beach	
Los Angeles	
Oakland	
Perris	
Santa Ana	
Sep-20	

ORDINANCE NO. 7459

AN ORDINANCE OF THE CITY OF RIVERSIDE, CALIFORNIA,  
AMENDING TITLES 1, 2, 3, 4, 5, 6, 8, 9, 13, 14, 16, 17 AND 18 OF  
THE RIVERSIDE MUNICIPAL CODE.

WHEREAS, the Riverside Municipal Code, as compiled from the ordinances and prior code sections of the City, and edited and published by Book Publishing Company, was adopted as the Code of Riverside by Ordinance No. 3539 in 1968; and

WHEREAS, over the past 50 years, there have been hundreds of amendments to the Riverside Municipal Code and thousands of changes in state law; and

WHEREAS, ordinances adding new chapters or substantively amending existing chapters are brought forward to the City Council on an individualized basis; and

WHEREAS, over time, there are changes within the administrative organizational structure within the City and changes in statutory and decisional law rendering certain provisions of the code obsolete or unnecessarily duplicative of state law; and

WHEREAS, through the implementation of various sections, changes are necessary to clarify language, confirm existing procedures and policies and to correct errors in language; and

WHEREAS, these amendments will ensure that the Code is current and consistent with existing statutory and decisional law, and will clean up existing obsolete, inconsistent, and/or vague language.

THEREFORE, the City Council of the City of Riverside does ordain as follows:

Section 1: Section 1.17.090(C) of the Riverside Municipal Code is hereby amended as follows:

“C. The notice of lien shall be in this form:

NOTICE OF LIEN

Claim of the City of Riverside, California.

Pursuant to the authority vested by Section 1.17.090 of the Riverside Municipal Code, the amount of uncollected fines, penalties, and related costs may be recorded as a lien upon and against the real property where the violation of law occurred and which is the subject of the administrative enforcement action(s) resulting in the award, imposition, or assessment of a fine, penalty and all costs associated therewith.

On \_\_\_\_ (date) \_\_\_\_ an Administrative Hearing Officer conducted (as an evidentiary proceeding) an administrative hearing, pursuant to the applicable provisions of the Riverside Municipal

1 Code. Following the presentation of evidence and the issuance of a ruling in the matter, the  
2 Administrative Hearing Officer upheld a fine or awarded, imposed, or assessed a monetary  
3 penalty in the amount of \_\_\_\_\_ and assessed administrative costs in  
4 the amount of \_\_\_\_\_ as set forth in the \_\_\_\_\_ (type of administrative hearing order)  
5 issued on \_\_\_\_\_ (date) \_\_\_\_\_. Whereby the City of Riverside does hereby claim a lien for these  
6 sums as yet unpaid in the amount of \_\_\_\_\_, [and hereby provides notice that the  
monetary penalty continues to accrue at a daily amount of \_\_\_\_\_], and this sum shall be a  
lien upon the parcel of real property identified herein until that principal sum, and the sum of  
any interest upon that principal as may be allowed by law and calculated at the then existing  
legal rate, has been paid in full and discharged of record.

7 The real property upon which this lien is claimed is that certain parcel of land, the structures  
8 thereon and any appurtenances connected thereto and located within the City of Riverside,  
County of Riverside, State of California, and particularly described as follows:

9 (Legal Description)  
10 (Street address, if any)  
11 (Assessor's Parcel Number)

12 Further, the City of Riverside gives NOTICE that this Notice of Lien shall not be deemed or  
13 construed to prohibit the City of Riverside from making additional claims and giving and  
14 recording one or more Notices of Lien thereon as may be required in those cases where the  
15 principal sum claimed, as a fine or penalty awarded, imposed, or assessed, is subject to a  
cumulative accrual at a fixed daily rate until the date the violations are corrected in full to the  
satisfaction of the City, or the legal maximum limit (cap) of that penalty has been reached, or  
the total amount of the lien has been paid in full.

16 DATED this \_\_\_\_\_ day of \_\_\_\_\_, (year) \_\_\_\_\_.

17 City Clerk of the City of Riverside, California.”

18 Section 2: Section 1.17.090(D) of the Riverside Municipal Code is hereby deleted in its  
19 entirety.

20 Section 3: Intentionally deleted.

21 Section 4: Section 2.68.010 of the Riverside Municipal Code is hereby amended as  
22 follows:  
23

24 “Pursuant to section 8630 of the Government Code of the State of California, and Chapter 9.20  
25 of this Code, the Director of Emergency Services or his/her successor, are designated as the  
26 City officials who may proclaim a local emergency within the City and to act pursuant to the  
provisions of the California Emergency Services Act.”

27 ///

28 ///

1        Section 5:     Section 2.76.050(C) of the Riverside Municipal Code is hereby amended as  
2 follows:

3        “C. To receive, and in its discretion, review and investigate, through the City Manager,  
4 complaints filed within six months of the date of the alleged police employee misconduct, in  
5 writing with the Commission or any other City office, which allege persons employed by the  
6 Riverside Police Department in a sworn capacity with, but not limited to (a) use of excessive  
7 force, (b) discrimination or sexual harassment in respect to members of the public, (c) the  
8 improper discharge of firearms, (d) illegal search or seizure, (e) false arrest, (f) false reporting,  
9 (g) criminal conduct, (h) misconduct. "Misconduct" is defined to mean and include any alleged  
improper or illegal acts, omissions or decisions directly affecting the person or property of a  
specific community member by reason of:

10        ...”

11        Section 6:     Section 3.14.010 of the Riverside Municipal Code is hereby amended as  
12 follows:

13        “Except where the context requires otherwise, the definitions given in this section govern the  
14 construction of this chapter.

15        ...

16        *Consumer Price Index* means the Consumer Price Index for Urban Wage Earners and Clerical  
17 Workers for the Riverside-San Bernardino-Ontario California Standard Metropolitan  
18 Statistical Area published by the Bureau of Labor Statistics of the United States Department  
19 of Labor.”

20        Section 7:     Section 3.18.020 of the Riverside Municipal Code is hereby amended as  
21 follows:

22        “Scope of the risk management function.

23        The Finance Department shall have responsibility and authority over the areas of loss control,  
24 loss prevention and insurance services for all City departments, offices, and agencies.”

25        Section 8:     Section 3.18.030(D), (E), (F) and (G) of the Riverside Municipal Code is hereby  
26 amended as follows:

27        “D. Monitor and report annually to the City Finance Committee and City Council the insurance  
28 administration, and the compliance of City departments, offices, and agencies with the internal  
controls; and

      E. Other such related functions and duties as assigned by the Chief Financial  
Officer/Treasurer.”



1        Section 9:        Section 4.05.050(C), (D), (E), (F) and (G) of the Riverside Municipal Code is  
2 hereby amended as follows:

3        “(C) *Submittal of additional documents.* The Mayor, Council Members, City Manager, City  
4 Attorney, and/or City Clerk, may submit materials that are necessary to the deliberation of  
5 an agenda item that were not available prior to the publishing of the agenda material, to  
6 the City Clerk at any time prior to an agenda item being heard. Copies of such  
7 documents shall be made available to the public at the related meeting. Documents submitted  
8 by outside parties may be distributed to and accepted by the local body at any time prior to  
or during the related meeting. Documents submitted by outside parties prior to the meeting  
shall be made available to the public at the related meeting. Documents submitted by outside  
parties at the meeting shall be made available to the public the following business day.

9        (D) *Excuse of Sunshine Notice Requirements.* If an item appears on an agenda but the local  
10 body fails to meet any of the additional notice requirements under this section, the local body  
11 may take action only if the minimum notice requirements of the Riverside City Charter and  
the Brown Act have been met and one of the following applies:

12        (1) The local body, by a two-thirds vote of those members present, adopts a motion determining  
13 that, upon consideration of the facts and circumstances, it was not reasonably possible to meet  
the additional notice requirements under this section and any one of the following exists:

14                (a) The need to take immediate action on the item is required to avoid a substantial impact  
15 that would occur if the action were deferred to a subsequent special or regular meeting; or,

16                (b) There is a need to take immediate action which relates to federal, state, county or other  
17 governmental agency legislation or action or the local body's eligibility for any grant or  
gift; or,

18                (c) The item relates to a purely ceremonial or commendatory action.

19        (2) If the Mayor or a Council Member, with the concurrence of another Council Member,  
20 believe an item is urgent, and the failure to meet any additional notice requirements was due  
21 to:

22                (a) The need to take immediate action, which came to the attention of the local body after  
the agenda was posted, or;

23                (b) A software or hardware impairment as defined by Section 4.05.010.H and such  
24 additional notice requirements are satisfied no later than 72 hours before the date of the  
meeting; or,

25        (3) The item is a closed session item relating to ongoing, proposed or threatened litigation.

26        (4) The item was continued by City Council at a regularly noticed City Council meeting to a  
27 subsequent City Council meeting.  
28

1 (E) *Action on items not appearing on the agenda.* Notwithstanding subsection D. of this  
2 section, a local body may take action on items not appearing on a posted agenda only if the  
3 matter is determined to be an emergency by a majority vote of the local body. An emergency  
shall be defined as a work stoppage, crippling disaster or other activity exists which severely  
impairs public health, safety or both.

4 (F) *Future meeting.* Nothing in this section shall prohibit a local body from taking action to  
5 schedule items for a future meeting to which regular or special meeting notice requirements  
6 will apply, or to distribute agenda-related materials relating to items added pursuant to  
4.05.050.D before or during a meeting.

7 (G) *Conforming a document.* Nothing in this section shall prohibit the Office of the City  
8 Attorney from conforming a document to comply with technical requirements as to form and  
legality.”

9  
10 Section 10: Section 4.05.060 of the Riverside Municipal Code is hereby amended by adding  
11 Subsection (F) as follows:

12 “(F) Notwithstanding the provisions of subsection (A) through (C) above, a Special Meeting  
13 may occur on less than five (5) days’ notice if the Mayor or a Council Member, with the  
14 concurrence of another Council Member, believe an item is urgent and there is a need to take  
immediate action. Any such Special Meeting must comply with the Special Meeting notice  
requirements of the Brown Act.”

15 Section 11: Section 5.04.300 of the Riverside Municipal Code is hereby amended as  
16 follows:

17 “...

18 The maximum annual tax payable for businesses taxed at the rates established in subdivisions  
19 5.04.300 A.2 and 3 of this section shall be \$4,000.00 as of July 1, 1989, and shall be  
20 automatically adjusted November 1st of each year thereafter, upward or downward, equivalent  
21 to the most recent change in the annual average of the consumer price index as published by  
the Bureau of Labor Statistics of the United States Department of Labor for Riverside-San  
Bernardino-Ontario metropolitan area or five percent, whichever is less.

22 ...”

23  
24 Section 12: Section 5.04.330 of the Riverside Municipal Code is hereby amended as  
25 follows:

26 “Each tax, including each of its components, together with any other charges which are  
27 imposed pursuant to this chapter, shall be automatically adjusted on July 1, 1991, and on  
28 November 1 of each year thereafter, upward or downward, equivalent to the most recent change  
in the annual average of the consumer price index as published by the Bureau of Labor

1 Statistics of the United States Department of Labor for the Riverside-San Bernardino-Ontario  
2 metropolitan area or five percent, whichever is less.

3 ...”

4 Section 13: Section 5.75.020(C) of the Riverside Municipal Code is hereby amended as  
5 follows:

6 “C. Consumer price index or CPI means the consumer price index for all Wage Earners and  
7 Clerical Workers in the Riverside-San Bernardino-Ontario area published by the Bureau of  
8 Labor Statistics of the United States Department of Labor.”

9 Section 14: Section 6.15.020(G) of the Riverside Municipal Code is hereby amended as  
10 follows:

11 “G. The storage or parking of certain vehicles as follows: ~~+~~ The storage or parking of trucks  
12 exceeding the manufacturer's gross vehicle weight rating of 10,000 pounds on all areas of all  
13 residential zones, and the storage or parking of other vehicles on the landscaped front and street  
14 side yard setback area of all residential zones, including but not limited to the front lawn areas,  
15 contrary to the provisions of Title 19 of the Riverside Municipal Code.

16 Section 15: Section 6.26.055 of the Riverside Municipal Code is hereby amended as  
17 follows:

18 “All contracting agencies of the City of Riverside, or any department thereof, acting for or on  
19 behalf of the City, shall include in all contracts, franchises, leases, concessions or other  
20 agreements involving real or personal property or services to be rendered, hereafter negotiated,  
21 let, awarded, granted, renegotiated, extended or renewed, in any manner or as to any portion  
22 thereof, a provision obligating the contractor, franchisee, lessee, concessionaire, or other party  
23 of said agreement not to discriminate on the ground or because of race, color, religious creed,  
24 national origin, ancestry, age, physical disability, mental disability, disability including the  
25 medical condition of Acquired Immune Deficiency Syndrome (AIDS) or any condition related  
26 thereto, marital status, gender, gender identity, genetic information, gender expression, sex,  
27 sexual orientation, or military or veterans status.”

28 Section 16: Section 8.04.070(C) of the Riverside Municipal Code is hereby amended to add  
a new subsection 3. as follows:

“Within thirty (30) days of the determination that a dog is potentially dangerous or vicious, the  
owner of the dog shall pay the license fee set by Council for potentially dangerous or vicious  
dogs, as applicable, or if the owner has a current license, the owner shall pay the difference  
between the license fee previously paid and the then current license fee for potentially  
dangerous or vicious dogs.”

///

///

1        Section 17:    Section 8.21.010(A)(2)(c) of the Riverside Municipal Code is hereby deleted in  
2 its entirety and (d) is hereby amended to becomes (c) as follows:

3        “c. Female dogs over the age of ten years and male dogs over the age of 12 years, however an  
4 unaltered license is still required.”

5        Section 18:    Section 8.21.020(B) of the Riverside Municipal Code is hereby amended as  
6 follows:

7        “B. Should the owner or custodian of an unaltered dog or cat be found in violation of a State  
8 or local law, as stated above, in subsection A, the owner or custodian shall be required to spay  
9 or neuter the unaltered animal in accordance with this section.”

10       Section 19:    Section 8.21.040(D) of the Riverside Municipal Code is hereby amended as  
11 follows:

12       “D. *Exemptions.* The following pit bulls are exempt from the regulations described in this  
13 section:

14       1. A pit bull that has been appropriately trained and is actually being used by a public law  
15 enforcement agency for law enforcement purposes.

16       2. A pit bull which has been certified by a licensed veterinarian as having a health reason for  
17 not being spayed/neutered.

18       3. A pit bull which is in training at a licensed kennel and is currently licensed by the owner in  
19 another jurisdiction. The owner of the pit bull has the burden of showing that said pit bull is  
20 licensed in another jurisdiction.

21       4. A dog that is pending a breed determination when the dog owner or custodian requests such  
22 a determination in accordance with paragraph F below.

23       5. A female pit bull that is over the age of ten years or a male pit bull that is over the age of 12  
24 years.”

25       Section 20:    Section 9.20.030 of the Riverside Municipal Code is hereby amended as  
26 follows:

27       “There is hereby created the position of Director of Emergency Services. The City Manager  
28 shall be the Director of Emergency Services.

      The City Manager shall act as the Director of Emergency Services and shall have full authority  
over a declared emergency. In the absence, or in the inability to act, of the City Manager, he/she  
shall automatically be succeeded as Director of Emergency Services by the following officials  
in the order named:

- 1 (1) Assistant Director of Emergency Services.  
2 (2) Assistant City Manager(s).  
3 (3) Fire Chief.  
4 (4) Police Chief.  
5 (5) Public Utilities General Manager.  
6 (6) Public Works Director.  
7 (7) Finance Director.

8 Section 21: Section 13.08.010 of the Riverside Municipal Code is hereby amended as  
9 follows:

10 "It is the duty of the Public Works Director to receive applications for permits, and to collect  
11 and account for the fees fixed by law for the issuance of permits, and to issue permits for the  
12 work of grading and paving streets, sidewalks and alleys, and of constructing and installing  
13 curbs, gutters, culverts, drains, drainage systems, sanitary sewers, landscapes, irrigation, and  
14 appurtenant work. Permits shall be issued to public agencies and public schools free of charge  
15 by the Director of Public Works upon receipt of a proper application."

16 Section 22: Section 13.080.015 of the Riverside Municipal Code is hereby amended as  
17 follows:

18 "No facilities, ~~or~~ structures, trees, landscaping or irrigation shall be constructed or placed upon  
19 a street right-of-way or upon any City-owned easement except upon issuance of an  
20 encroachment permit by the City, or except for facilities or structures installed or constructed  
21 by public utilities in accordance with any franchise or right previously granted. All work shall  
22 comply with MS4 NPDES Requirements. A processing fee for any permit issued for  
23 encroachments into the street rights-of-way or upon City easements shall be paid to the Public  
24 Works Department at the time of application for such permit, which fee shall be in an amount  
25 as established by resolution of the City Council."

26 Section 23: Section 13.08.020 of the Riverside Municipal Code is hereby amended as  
27 follows:

28 "It shall be the duty of the Public Works Director to inspect the work of grading and paving  
streets, sidewalks and alleys, and of constructing curbs, gutters, culverts, drains, drainage  
systems, sanitary sewers, utilities, trees, landscaping and irrigation, and appurtenant work,  
which is being done under such permit, either by a contractor pursuant to contract with the  
City, or any board or department thereof, or by any contractor pursuant to contract with any  
person acting in a private capacity, or which is being done by any person acting in a private  
capacity without contract. He/She shall make such inspections from time to time as he/she may  
consider necessary, and shall make and keep a record of the manner in which the work is being  
performed. The inspection of utility construction by the Public Works Director shall be limited  
to location, pavement removal and replacement, backfill and traffic safety. Inspection of the  
utility structure shall be the responsibility of the utility owner."

///  
///

1        Section 24:    Section 13.16.010 of the Riverside Municipal Code is hereby amended as  
2 follows:

3        “No person shall grade, prepare subgrade, pave, lay sewer or drain pipe, construct curbs,  
4 gutters, driveways, sidewalks, manholes, catch basins or similar structures, or install any trees,  
5 landscaping or irrigation in any street, alley, way or easement, which street, alley, way or  
6 easement is dedicated or proposed to be dedicated for public use, within the City, without first  
7 obtaining a written permit from the City so to do.”

8        Section 25:    Section 13.16.060 of the Riverside Municipal Code is hereby amended as  
9 follows:

10        “Any person obtaining a permit to erect, construct, place or replace or relocate a building,  
11 structure or dwelling or, with the exception of single family dwellings, to enlarge or make  
12 additions thereto in excess of 650 square feet shall, at his expense, provide for the plans and  
13 construction of curbs, gutters, sidewalks, trails, street lights, street trees, landscapes, irrigation,  
14 driveway approaches, base, paving, barricades, catch basins and drain pipe along all street and  
15 alley frontages in accordance with the standard drawings and standard specifications of the  
16 Public Works Department, and of the Public Utilities Department in the case of street lights.

17        . . .”

18        Section 26:    Section 13.25.010 of the Riverside Municipal Code is hereby amended as  
19 follows:

20        “No trees or shrubs shall hereafter be planted along the public streets of the City except  
21 pursuant to the policies established by the Park, Recreation and Community Services  
22 Commission and approved by the City Council, or except at such place as shall be specifically  
23 set apart and authorized for such purpose.”

24        Section 27:    Section 13.25.020 of the Riverside Municipal Code is hereby amended as  
25 follows:

26        “No trees or shrubs planted or growing along the public streets of the City shall be removed  
27 except pursuant to the policy established by the Park, Recreation and Community Services  
28 Commission and no trees along the streets shall be cut, pruned or trimmed except pursuant to  
the policy established by the Commission and approved by the City Council; nor shall anyone  
not authorized by said policy trench around or alongside of any tree, plant or shrub with a view  
to cutting the roots of same.”

Section 28:    Section 13.25.030 of the Riverside Municipal Code is hereby amended as  
follows:

      “Subject to approval by the City Council, the Park, Recreation and Community Services  
Commission shall establish policies for the general care and supervision of all trees along the  
streets of the City and shall select the varieties of trees to be planted.”

1        Section 29:    Section 14.08.005 of the Riverside Municipal Code is hereby amended as  
2 follows:

3        “For the purpose of this chapter the following words and phrases shall have the meaning  
4 ascribed to them in this section.

5        A.     Apartment or apartment house means any building or premises containing two or more  
6 dwelling units with separate plumbing facilities, but shall not include any building commonly  
7 known as a hotel, motel, or auto court.

8        B.     Board house shall have the same meaning as set forth in Title 19 of this Code.

9        C.     City sewerage system means those pipe lines, plant facilities and appurtenances  
10 constructed, maintained and operated by the City, typically within the public right of way or  
11 City easement, used primarily for the collection of sewage and the conveyance thereof to the  
12 wastewater treatment plant for the treatment of the sewage.

13       D.     Dwelling unit means a building of one or more rooms which is occupied by one person  
14 or more persons.

15       E.     Nonresidential premises means any industrial, commercial, governmental, or  
16 institutional premises including apartments, condominiums, and boarding houses, which  
17 discharge or cause to be discharged sewage into the City sewerage system.

18       F.     Nonresidential private sewer lateral line means the wastewater collection pipe  
19 extending from the premises, including the sewer lateral clean out, where the wastewater is  
20 generated to the point of connection to the City sewerage system.

21       G.     Premises means a lot or parcel of land, a building or an establishment.

22       H.     Private residential sewer lateral line means the wastewater collection pipe extending  
23 from the premises, including the sewer lateral clean out, where the wastewater is generated to  
24 the premises property line or City easement.

25       I.     Residential premises means any dwelling unit that is primarily used as a person or  
26 persons living quarters, excluding apartments, and which discharges or causes to be discharged  
27 sewage in the City sewerage system.

28       J.     Sewage means a combination of water or waste borne waste generated from a  
premises.”

Section 30:    Section 14.08.020 of the Riverside Municipal Code is hereby amended as  
follows:

      “A.     All residential and nonresidential customers shall maintain their private sewer lateral  
line in good working order and free of defects (which includes the installation of a two-way  
clean out tee at the property line or City easement boundary of at least four (4) inches in

1 diameter for maintenance) at their own expense and shall be liable for damages which may  
2 result from failure to do so. Private sewer lateral lines are required to be free of defects and  
3 any infiltration of tree roots into a private sewer lateral are presumed to be caused by improper  
4 installation and/or maintenance and shall be repaired by the property owner at no cost to the  
5 City, unless determined otherwise by a City inspector and/or City contractor.

6  
7 B. The City shall maintain the sewer lateral of residential premises (excluding  
8 nonresidential premises) beginning at the property line or City easement boundary to the point  
9 of connection to the City sewerage system.

10  
11 C. A City inspector and/or City contractor shall be admitted at all reasonable hours at all  
12 parts of any premises connected with the sewerage system for the purpose of checking, either  
13 visually, by camera, or any other means, any facilities mentioned in this Chapter and  
14 establishing sewer service charges as provided in Chapter 14.04.”

15  
16 Section 31: Section 14.08.030(A) of the Riverside Municipal Code is hereby amended as  
17 follows:

18  
19 “A. No one shall occupy a house or any other structure in the City or camp or live on any  
20 premises within the City, unless such house or other structure or such premises be properly  
21 connected to a public sewer whenever the property on which such house, other structure or  
22 premises is situated abuts upon a public or private street or alley or other right-of-way or City  
23 easement in which there exists a public sewer to which connection may be made; provided,  
24 however, if a house or structure is served by a satisfactorily functioning septic system, such  
25 connection to a public sewer system will not be required until the septic system for such house  
26 or other structure fails.”

27  
28 Section 32: Section 14.12.447 of the Riverside Municipal Code is hereby amended as  
follows:

“Reporting requirements for industrial users upon effective date of categorical pretreatment  
standard baseline report. Within 180 days after the effective date of a categorical Pretreatment  
Standard, or 180 days after the final administrative decision made upon a category  
determination submission under Federal Code 40 CFR 403.6(a)(4), whichever is later, existing  
Industrial Users subject to such categorical Pretreatment Standards and currently discharging  
to or scheduled to discharge to a POTW shall be required to submit to the Control Authority a  
report which contains the information as described below. At least 90 days prior to  
commencement of discharge, New Sources, and sources that become Industrial Users  
subsequent to the promulgation of an applicable categorical Standard, shall be required to  
submit to the City of Riverside a report which contains the information required. New sources  
shall also be required to include in this report information on the method of pretreatment the  
source intends to use to meet applicable pretreatment standards. New Sources shall give  
estimates of the information in paragraphs [D and E] of this section as requested:

...



1 4. *Flow measurement.* The User shall submit information showing the measured average daily  
2 and maximum daily flow, in gallons per day, to the POTW from each of the following:

- 3 (i) Regulated process streams; and  
4 (ii) Other streams as necessary to allow use of the combined wastestream  
5 formula of 40 CFR 403.6(e).

6 The City of Riverside may allow for verifiable estimates of these flows where considerations  
7 justified by cost or feasibility.

8 5. *Measurement of pollutants.*

9 ...

- 10 (iii) For sampling required in support of baseline monitoring and 90-day compliance  
11 reports required, a minimum of four (4) grab samples must be used for pH, cyanide,  
12 total phenols, oil and grease, sulfide and volatile organic compounds for facilities for  
13 which historical sampling data do not exist; for facilities for which historical sampling  
14 data are available, the Director may authorize a lower minimum. For the reports  
15 required under (40 CFR 403.12(e) and 403.12(h)), the industrial user is required to  
16 collect the number of grab samples necessary to assess and assure compliance with  
17 applicable pretreatment standards and requirements.

18 ...

19 7. *Compliance schedule.* If additional pretreatment and/or O and M will be required to meet  
20 the pretreatment standards; the shortest schedule by which the industrial user will provide such  
21 additional pretreatment and/or O and M. The completion date in this schedule shall not be later  
22 than the compliance date established for the applicable pretreatment standard.

- 23 (i) Where the industrial user's categorical pretreatment standard has been modified by  
24 a removal allowance, the combined wastestream formula, and/or a fundamentally  
25 different factors variance at the time the user submits the report required, the  
26 information required shall pertain to the modified limits.

- 27 (ii) If the categorical pretreatment standard is modified by a removal allowance the  
28 combined wastestream formula, and/or a fundamentally different factors variance after  
the user submits the report required, any necessary amendments to the information  
requested shall be submitted by the user to the Control Authority within 60 days after  
the modified limit is approved."

29 Section 33: Section 14.12.535(B) and (D) of the Riverside Municipal Code is hereby  
30 amended as follows:

31 "B. Technical Review Criteria (TRC) violations, defined here as those in which 33 percent  
32 or more of all of the measurements for each pollutant parameter taken during a six-month  
33 period equal or exceed the product of the daily maximum limit or the average limit multiplied  
34 by the applicable TRC (TRC=1.4 for COD, BOD, TSS, fats, oil, and grease, and 1.2 for all  
35 other pollutants except pH);

1           ...

2           D. Any discharge of a pollutant that has caused imminent endangerment to human health,  
3           welfare or to the environment or has resulted in the POTW's exercise of its emergency authority  
4           under 40 CFR 403.8(f)(1)(vi)(B) to halt or prevent such a discharge;

5           ..."

6           Section 34:   Section 16.72.050 of the Riverside Municipal Code is hereby amended as  
7           follows:

8           "The fee established by this ordinance shall be revised annually by means of an automatic  
9           adjustment at the beginning of each fiscal year based on the average percentage change over  
10          the previous calendar year set forth in the Consumer Price Index as published by the Bureau  
11          of Labor Statistics for the United States Department of Labor for the Riverside-San  
12          Bernardino-Ontario area, measured as of the month of December in the calendar year which  
13          ends in the previous fiscal year. The first fee adjustment shall not be made prior to a minimum  
14          of ten months subsequent to the effective date of the ordinance codified in this ordinance."

15          Section 35:   Section 17.08.150 of the Riverside Municipal Code is hereby amended as  
16          follows:

17          "'Average natural slope" is the slope determined pursuant to the City of Riverside's adopted  
18          Average Natural Slope Formula specified in Section 19.100.050 of this Code, as follows:  
19          'Average Natural Slope' means the average natural inclination of the ground surface of a lot or  
20          parcel expressed as a percent and as measured by the following formula:

21                               
$$S = \frac{0.002296 \times I \times L}{A}$$

22                               A  
23          Where:       S=average natural slope in percent  
24                       I=natural contour interval in feet  
25                       L=length of natural contours in feet  
26                       A=acres of property (parcel of record existing on November 13, 1979)  
27                       0.002296=constant which converts square feet into acres and expresses slope  
28                       in percent.

          The average natural slope shall be computed from photogrammetric maps, grading permit  
          plans and other data or evidence approved by the Public Works Department."

Section 36:   Section 17.28.020(A)(6), (9), (10) and (14a.) of the Riverside Municipal Code  
is hereby amended as follows:

          "The following supplementary regulations shall apply to the grading of hillsides and arroyos.

          ///

1 A. . . .

2 6. The area of a site proposed to be graded shall be that which fits into the natural terrain and  
3 which allows for a minimal amount of grading. The ungraded area must be left in its natural  
4 form for the remainder of the site. No native vegetation shall be removed and no non-native  
5 vegetation shall be introduced or allowed within hillside areas not included as part of the  
6 graded pad area. The Community & Economic Development Director shall be responsible to  
7 determine the precise boundaries of the non-graded area to be retained as natural open space  
8 and an open space easement shall be recorded over this area. Portions of the non-graded area  
9 may be excluded from the natural open space easement by the Community & Economic  
10 Development Director based on factors specific to each lot, including whether the area is  
11 isolated from a meaningful area of contiguous open space and the absence of unique  
12 topographical or geological features. The intent of this provision is to create significant areas  
13 of contiguous open space and not to create small, isolated areas of open space. No change to  
14 the boundaries of the area determined to be placed in natural open space by Community &  
15 Economic Development Director shall be made unless the Planning Commission determines  
16 that exceptional or special circumstances addressed in Chapter 17.32 Conditional Exceptions  
17 apply.

18 . . .

19 9. Pad sizes for single family residential development shall be limited as follows:

20 Under ten percent average natural slope within the area to be graded - No limit

21 Ten percent to 15 percent average natural slope within the area to be graded - 27,000 square  
22 feet

23 Fifteen percent to 30 percent average natural slope within the area to be graded - 21,000  
24 square feet

25 Thirty percent to 40 percent average natural slope within the area to be graded - 18,000  
26 square feet

27 Over 40 percent average natural slope - no grading per 17.28.020 A. 12.

28 The Community & Economic Development Director shall have the authority to increase or  
decrease the pad size category by up to 25 percent without a grading exception depending on  
the sensitivity of the site. Sensitivity shall be determined by such factors as the pad's visibility  
from the public right-of-way, its location on a ridgeline, the presence of habitat for sensitive  
species including rare, threatened, or endangered species, or the presence of unique  
topographic features such as knolls, valleys, rock outcroppings or other features or viewsapes.  
(Level padded area defined as area that is at a slope ratio of 5:1 or flatter).

10 Slopes having a ratio of 3.9:1 or steeper shall not exceed 20 feet in vertical height. Slopes  
having a 4:1 or flatter ratio may be up to 25 feet in vertical height. The Community &  
Economic Development Director shall have the authority to increase vertical slope height by  
up to 25 percent without a grading exception depending on the sensitivity of the site. Sensitivity  
shall be determined by such factors as the slope's visibility from the public right-of-way, its

1 location on a ridge line, the presence of habitat for sensitive species including rare, threatened,  
2 or endangered species, or the presence of unique topographic features such as knolls, valleys,  
3 rock outcroppings or other features or views. (Level padded area defined as area that is  
4 at a slope ratio of 5:1 or flatter).

5 ...

6 14. Arroyo grading.

7 a. No development or grading of any kind shall be permitted within 50 feet of the limits of the  
8 Mockingbird Canyon, Woodcrest, Prenda, Alessandro, Tequesquite, or Springbrook Arroyos  
9 and associated tributaries as shown on Exhibits A-F. The Community & Economic  
10 Development Director shall have the authority to administratively allow grading within  
11 designated arroyo tributaries depending on the sensitivity of the area. Sensitivity shall be  
12 determined by such factors as the presence of riparian vegetation, habitat for rare or endangered  
13 species, significant rock outcroppings or other unique topographic features on the property  
14 proposed to be graded or in nearby segments of the same tributary.

15 ...”

16 Section 37: Section 17.32.010 of the Riverside Municipal Code is hereby amended as  
17 follows:

18 “*Generally.* Conditional exceptions to the regulations contained in this chapter shall be  
19 permitted upon a finding by the Community & Economic Development Director that  
20 exceptional or special circumstances apply to the property. Such exceptional or special  
21 circumstances shall include such characteristics as unusual lot size, shape, or topography,  
22 drainage problems, or the impracticability of employing a conforming grading plan, by reason of  
23 prior existing recorded subdivisions or other characteristics of contiguous properties.”

24 Section 38: Section 17.32.030 of the Riverside Municipal Code is hereby amended as  
25 follows:

26 “If at any time the Community & Economic Development Director believes that sufficient  
27 controversy or public interest may exist regarding a waiver application the waiver may be  
28 referred to Planning Commission for disposition. The Planning Commission may set the action  
for review at a public hearing if they so determine that it would be appropriate.”

29 Section 39: Section 17.32.050 of the Riverside Municipal Code is hereby amended as  
30 follows:

31 “In determining whether to grant or deny the application for exception to the requirements of  
32 this title, the Community & Economic Development Director or Planning Commission shall  
33 consider the property characteristics, comments received from surrounding property owners,  
34 the community, or other persons, hardships on the applicant, and any other adverse impacts  
35 imposed by the regulations contained in this title in its determination of findings of fact to  
36 support its decision concerning the request for exception.”

1        Section 40:    Section 18.030.020 of the Riverside Municipal Code is hereby amended as  
2 follows:

3        “All maps approved pursuant to the provisions of this title shall conform with the City's Zoning  
4 Code (Title 19 of this Code) with respect to the uses of land, lot sizes and dimensions, and  
5 other applicable regulations.

6        Pursuant to the Land Use Element of the General Plan and Title 19 (19.780.050) the Planning  
7 Commission shall determine the base number of dwelling units allowable in a Planned  
8 Residential Development (PRD) based on benchmark densities for the underlying zone in  
9 which the project is located. Benchmark densities for a PRD by zone are shown in Table  
10 19.780.050.B. The minimum standards for a project to qualify for a PRD with the benchmark  
11 density are that it be adequately served by public infrastructure, including good access to public  
12 and private services, and that the site is well designed with desirable amenities in accordance  
13 with adopted Citywide Design Guidelines and in accordance with City Codes (Note:  
14 Compliance with City Codes allows for granting of variances in certain instances.) In order for  
15 a project to qualify as a PRD it must meet these minimum benchmark density requirements. In  
16 the case of PRD's in the RC Zone, the following additional criteria apply to qualifying for the  
17 benchmark density:

18        A. Retention of unique natural features, including arroyos, hillsides and rock outcroppings, in  
19 natural open space areas or otherwise as part of the project. B. Placement of buildings  
20 demonstrating sensitivity to the natural topographic and habitat features of the site, including  
21 clustering of homes in order to preserve such natural features and valuable natural open space,  
22 both for wildlife habitat and visual aesthetic purposes.”

23        Section 41:    Section 18.050.010(B) of the Riverside Municipal Code is hereby amended as  
24 follows:

25        “B. The Community & Economic Development Director is hereby designated as the advisory  
26 and/or approving agency for those proceedings authorized pursuant to Chapters 18.080.040  
27 Tentative Parcel Maps, of this title.”

28        Section 42:    Section 18.060.060 of the Riverside Municipal Code is hereby amended as  
follows:

      “The City Council of Riverside, hereinafter referred to as the City Council, is designated the  
appeal board charged with the duty of hearing and making determinations upon appeals with  
respect to divisions of real property, the imposition of requirements or conditions thereon, or  
the kinds, nature and extent of the design or improvements, or both, recommended or decided  
by the Planning Commission to be required. The Planning Commission shall serve as the  
appeal board for decisions of the Community & Economic Development Director relative to  
this title.”

Section 43:    Section 18.060.020 of the Riverside Municipal Code is hereby amended as  
follows:

1 "If ambiguity arises concerning the meaning or applicability of any provision of this  
2 Subdivision Code, the Community & Economic Development Director shall have the  
3 responsibility to review pertinent facts, determine the intent of the provision and to issue an  
4 administrative interpretation."

5 Section 44: Section 18.060.030(D) of the Riverside Municipal Code is hereby amended as  
6 follows:

7 "D. *Intent.* Whenever there is any question regarding the interpretation of the provisions of  
8 this title or their application to any specific case or situation, the Community & Economic  
9 Development Director shall interpret the intent of this title. The Community & Economic  
10 Development Director shall have the authority to forward to the Planning Commission any  
11 question regarding interpretation."

12 Section 45: Section 18.060.040 of the Riverside Municipal Code is hereby amended as  
13 follows:

14 "A. Once the Community & Economic Development Director has identified the ambiguity and  
15 considered relevant information, an official interpretation of this title shall be established in  
16 writing and shall cite the provisions being interpreted, together with an explanation of the  
17 meaning or applicability of the provision(s) in the particular or general circumstances that  
18 caused the need for interpretation.

19 B. Any provision determined by the Community & Economic Development Director to be  
20 ambiguous pursuant to this chapter shall be clarified by amendment as soon as is practical."

21 Section 46: Section 18.070.050 of the Riverside Municipal Code is hereby amended as  
22 follows:

23 " A. *Notice of intention.* Upon determination that real property has been divided in violation  
24 of the provisions of the Subdivision Map Act or this title and an application is not pending for  
25 a Certificate of Compliance pursuant to Chapter 18.120 Certificates of Compliance, the  
26 Community & Economic Development Director shall cause to be mailed by certified mail to  
27 the then current owner of record of the property a notice of intention to record a notice of  
28 violation, describing the real property in detail, naming the owners, and stating that an  
opportunity will be given to the owner to present evidence. The notice shall specify a time,  
date and place for a meeting of the Planning Commission at which the owner may present  
evidence to the Planning Commission why the notice should not be recorded. The notice shall  
also contain a description of the violations and the explanation as to why the subject parcel is  
not lawful. The date set for the meeting before the Planning Commission shall be no sooner  
than 30 days and no later than 60 days from the date of mailing of the notice of intention.

B. *Planning commission meeting; notice of violation.* If at the scheduled hearing, the owner of  
the real property fails to object to recording the notice of violation, the Planning Commission  
shall direct the recording of the notice of violation with the County Recorder. If, after the owner  
has presented evidence, it is determined that there has been no violation, the Community &  
Economic Development Director shall mail a clearance letter to the then current owner of  
record. If, however, after the owner has presented evidence, the Planning Commission

1 determines that the property has in fact been illegally divided, the Planning Commission shall  
2 direct the recording of the notice of violation with the Riverside County Recorder. The notice  
3 of violation, when recorded, shall be deemed to be constructive notice of the violation to all  
4 successors in interest in such property.”

5 Section 47: Section 18.080.95 of the Riverside Municipal Code is hereby amended as  
6 follows:

7 “If a map is proposed to be constructed in phases, the proposed phasing schedule is subject to  
8 approval by the Community & Economic Development Director. Upon approval, the phasing  
9 map shall be distributed to the Public Works and Public Utilities departments.”

10 Section 48: Section 18130.020(B) of the Riverside Municipal Code is hereby amended as  
11 follows:

12 “B. *Discretionary administrative maps, permits and actions not requiring a public hearing.*  
13 The Zoning Administrator, acting as the advisory agency, has primary administrative  
14 approving authority over maps, permits and actions which require the determination of  
15 compliance with applicable subdivision provisions and the application of judgment to a given  
16 set of facts. No public hearing is required for administrative maps, permits and actions unless  
17 the decision is appealed in accordance with provisions of Chapter 18.170 Appeals. Table  
18 18.140.040 Approving and Appeal Authority describes the various administrative permits  
19 which can be approved by the Community & Economic Development Director.”

20 Section 49: Section 18.140.040 of the Riverside Municipal Code is hereby amended as set  
21 forth in Exhibit “A” attached hereto and incorporated herein by reference.

22 Section 50: Section 18.15.040(A) and (B) of the Riverside Municipal Code is hereby  
23 amended as follows:

24 “A. Within 30 days of application submittal, the Community & Economic Development  
25 Director or the designee shall determine whether or not the application is complete. The  
26 applicant shall be notified in writing if specific information and/or materials are still necessary  
27 to complete the application.

28 The applicant may appeal the determination in accordance with Chapter 18.170 Appeals and  
the Permit Streamlining Act (California Government Code Section 65943).

B. In the event an application is deemed incomplete and the applicant resubmits the  
application, within 30 days of application resubmittal the Community & Economic  
Development Director shall determine whether or not the resubmitted application is complete.  
The applicant shall be notified in writing of the determination if specific information and or  
materials are still necessary to complete the application.”

Section 51: Section 18.150.050(B)(2)(b) and (B)(3) of the Riverside Municipal Code is  
hereby amended as follows:

1 “B. *Additional requirements for tentative tract, parcel, vesting, reversion to acreage,*  
2 *condominium and environmental subdivision maps.*

3 ...

4  
5 2. *Tentative vesting map.*

6 ...

7 b. At the time a tentative vesting map is filed, a subdivider shall also supply the following  
8 information unless an item(s) is determined by the Community & Economic Development  
9 Director not to be necessary:

10 ...

11 3. *Lot line adjustments, lot consolidation and lot merger/unmergers.* The application shall be  
12 accompanied by a site plan indicating the current ownership, property lines, existing structures,  
13 any encumbrances and such other data and information as may be prescribed by the Planning  
14 Division. Any application for property in the Residential Conservation (RC) Zone shall be  
15 accompanied by a topographical map, a proposed grading plan and a proposed development  
16 plan unless waived by the Community & Economic Development Director.”

17 Section 52: Section 18.150.060(A) of the Riverside Municipal Code is hereby amended as  
18 follows:

19 “A. *Waste discharge.* The Planning Commission or Community & Economic Development  
20 Director shall also determine whether the discharge of waste from the proposed subdivision or  
21 permit into the existing community sewer system would result in violation of existing  
22 requirements prescribed by the California Regional Water Quality Control Board Santa Ana  
23 Region pursuant to Division 7 (commencing with Section 13000) of the Water Code. In the  
24 event the Planning Commission finds that the proposed waste discharge would result in or add  
25 to violation of requirements of such board, it may disapprove the tentative maps of the  
26 subdivision.”

27 Section 53: Section 18.150.100 – Heading, (A)(1), (B)(1)(c), and (D)(1) of the Riverside  
28 Municipal Code is hereby amended as follows:

“18.150.100 - Community & Economic Development Director  
review.

A. *Tentative parcel map.*

1. Tentative parcel maps that meet all of the criteria listed below can be approved by  
Community & Economic Development Director in accordance with the Subdivision Map Act.  
The City Manager shall have the authority to enter into all agreements related to the approval  
of the parcel map.

...



1           B. *Lot line adjustments, lot consolidations and lot merger/unmergers.*

2           1. . . .

3           c. The resulting parcels comply with all applicable requirements of Title 19 of this Code, unless  
4           in conjunction therewith a variance is granted by the Zoning Administrator pursuant to the  
5           provisions of Title 19.720 of this Code.

6           . . .

7           D. *Certificate of Compliance.*

8           1. *Review by Planning Commission.* If the matter of the issuance of a Conditional Certificate  
9           of Compliance is referred to the Planning Commission, the Community & Economic  
10          Development Director shall cause the matter to be placed on the next available agenda of said  
11          Commission. At the time set for discussion, the Planning Commission shall receive a written  
12          report from the City Surveyor setting forth the actions taken on the matter and the facts and  
13          circumstances relied upon in arriving at such decision together with any recommended  
14          conditions. The applicant or other interested party shall have an opportunity to present  
15          testimony orally and/or in writing. The Planning Commission, acting in the capacity of the  
16          City Surveyor, may direct the issuance of a Conditional Certificate of Compliance, or a  
17          Certificate of Compliance if no conditions are imposed, in accordance with the provisions of  
18          this chapter, if it finds that the property was divided in violation of the Subdivision Map Act  
19          or this title and that the proposed real property may be approved as not being contrary to the  
20          public health or the public safety. The Planning Commission may impose such conditions as  
21          may be authorized in accordance with subsection C above. The Planning Commission shall  
22          have the right to continue the matter from time to time as is reasonable in order to obtain  
23          additional information as said Commission determines necessary.”

24          Section 54:   Section 18.150.110(A) of the Riverside Municipal Code is hereby amended as  
25          follows:

26          “A. *Referrals to the Planning Commission from the Community & Economic Development*  
27          *Director or City Surveyor.*

28          1. An application for a parcel map, lot line adjustment, lot consolidation, lot merger/unmerger,  
29          parcel map waiver, certificate of compliance or time extension referred to the Planning  
30          Commission by the Community & Economic Development Director or City Surveyor shall be  
31          reviewed and acted upon by the Planning Commission acting in the capacity of Community &  
32          Economic Development Director or City Surveyor within 60 days following the filing of the  
33          completed application with the Planning Division or Public Works Department in accordance  
34          with the following procedure:

35          . . .

1 b. Review. At the time set for hearing, the Planning Commission shall receive a written report  
2 from the Community & Economic Development Director and/or City Surveyor setting forth  
3 the facts and circumstances of the case. The applicant and any other interested party shall have  
4 an opportunity to present testimony orally and/or in writing. The Planning Commission may  
5 conditionally approve or deny the application. For lot line adjustments or lot consolidations  
6 the Planning Commission may conditionally approve the application provided it finds that the  
7 parcels are contiguous, no additional parcels will be created, the resulting parcels comply with  
8 all applicable requirements of Title 19 of this Code unless in conjunction therewith  
9 modifications are approved pursuant to Chapter 18.230 Modifications, and the proposed  
10 adjustment or consolidation and the resulting parcels comply with applicable requirements as  
11 to area, improvement and design, floodwater drainage control, appropriate improved public  
12 roads, sanitary disposal facilities, water supply availability, environmental protection, and  
13 other requirements of this title unless in conjunction therewith modifications are approved  
14 pursuant to Chapter 18.230 Modifications.

15 ...”

16 Section 55: Section 18.150.130(B) and (C) of the Riverside Municipal Code is hereby  
17 amended as follows:

18 “B. Within ten days from the final action on an application, the Community & Economic  
19 Development Director or City Surveyor as appropriate shall send written notice of decision to  
20 the project applicant, other affected parties, and anyone who has requested to be notified. The  
21 notice of decision shall identify the specific action of the approving and appeal authority,  
22 including the date of action, applicable conditions, basis for determination, and appeal period.

23 C. The written decision of the City Surveyor to conditionally approve or deny the lot line  
24 adjustment, lot consolidation or lot merger/unmerger or to refer the application to the Planning  
25 Commission shall be issued within 30 days after the filing of a complete application with the  
26 Planning Division. If the lot line adjustment, lot consolidation or lot merger/unmerger is to be  
27 referred to the Planning Commission, the Community & Economic Development Director  
28 shall cause the application to be placed on the next available agenda of said Commission and  
notice of the hearing before the Planning Commission to be given. The Planning Commission  
shall act in the capacity of the City Surveyor if the matter is referred to it by the City Surveyor.”

29 Section 56: Section 18.150.140 of the Riverside Municipal Code is hereby amended as  
30 follows:

31 “Whenever an application or portion of an application has been denied or revoked and the  
32 denial or revocation becomes final, no new application for the same or similar request may be  
33 accepted within one year of the date of the action to deny or revoke, unless the Community &  
34 Economic Development Director determines that a new application is warranted due to a  
35 substantial change in land use on properties in the vicinity, improved infrastructure in the  
36 vicinity, altered traffic patterns, or any such similar change resulting in a changed physical  
37 environment.”

1        Section 57:    Section 18.160.040 of the Riverside Municipal Code is hereby amended as  
2 follows:

3        “A. Public notice of the consideration of a proposed lot line adjustment, lot consolidation, lot  
4 merger/unmerger, parcel map waiver, and certificate of compliance is not required, except  
5 when the property under consideration is in the RC Zone, or has an Average Natural Slope of  
6 20 percent or greater, or a modification, as described in Chapter 18.230, is requested. When  
7 required, public notice shall be provided by the Community & Economic Development  
8 Director by mailing such notice to the owners of property adjacent to the boundaries of the  
9 property under consideration, using for this purpose the last known name and address of such  
10 owners as are shown on the latest available equalized assessment roll of the County Assessor.  
11 Such notices shall identify the property under consideration and indicate the nature of the  
12 proposed application.”

13        B. Public notice of the consideration of a proposed tentative parcel map shall be provided by  
14 the Community & Economic Development Director by mailing such notice to the owners of  
15 property within 300 feet of the boundaries of the property under consideration, using for this  
16 purpose the last known name and address of such owners as are shown on the latest available  
17 equalized assessment roll of the County Assessor. Such notices shall identify the property  
18 under consideration and indicate the nature of the proposed application.

19        C. The public notice shall:

- 20        1. Be sent no later than 14 days after City acceptance of a complete and accurate application.  
21        2. Invite interested persons to notify the Planning Division in writing of any concerns or  
22 comments and/or to request further notification of actions relating to the proposed application  
23 during a 15 day comment and review period commencing with the date of the notice.  
24        3. Specify that only those specifically requesting to be further notified of actions relating to the  
25 application will be so notified of decisions, appeals, or requests for City Council review.  
26        4. Specify that at the end of a 15 day comment and review period, the Community & Economic  
27 Development Director’s final report and recommendations will be issued, initiating a ten day  
28 appeal period.”

1        Section 58:    Section 18.170.020(B) of the Riverside Municipal Code is hereby amended as  
2 follows:

3        “ B. The approving authority, instead of taking any action, may refer the matter to the appeal  
4 authority. For example, the Community & Economic Development Director may refer action  
5 on a tentative parcel map to the Planning Commission for action.”

6        Section 59:    Section 18.180.020(B) and (C) of the Riverside Municipal Code is hereby  
7 amended as follows:  
8

1 “B. *Tentative parcel map*. All decisions of the Community & Economic Development Director  
2 or the Planning Commission acting as the Community & Economic Development Director  
3 shall be transmitted by written notice of decision to the City Clerk for transmittal to the City  
4 Council. All decisions of the Community & Economic Development Director shall be final  
5 and effective ten days following transmittal of the written notice of decision to the City Clerk,  
6 unless a member of the City Council has requested the item be reviewed or a written appeal  
7 has been filed by the applicant or an interested person within this time. An appeal or request  
8 for review of a Community & Economic Development Director decision shall stay the effective  
9 date of permit or approval until final action by the City Council.

10 No building permit or authority to proceed shall be granted until the decision is final and all  
11 appeal periods have expired.

12 C. *Lot line adjustments, lot consolidations, lot merger/unmergers, parcel map waivers and*  
13 *Certificates of Compliance*. All decisions of the Community & Economic Development  
14 Director shall be final and effective ten days following the notice of decision unless the  
15 applicant or any other interested person files a notice of appeal to the City Council within this  
16 time. An appeal shall stay the decision of the Zoning Administrator until final action by the  
17 City Council. Notwithstanding anything to the contrary herein, there shall be no right to appeal  
18 the decision of the Community & Economic Development Director to refer the matter to the  
19 Planning Commission.”

20 Section 60: Section 18.180.050(A), (B)(1) and (C) of the Riverside Municipal Code is  
21 hereby amended as follows:

22 “A. The period within which the exercise of a map or permit must occur may be extended by  
23 the Community & Economic Development Director. An application for extension shall be filed  
24 prior to expiration of the permit along with appropriate fees and necessary submittal materials  
25 pursuant to Chapter 18.150 General Application Processing Procedures.

26 B. *Tentative maps*.

27 1. Tentative tract, parcel, vesting, and reversion acreage, condominium, and environmental  
28 subdivision maps. The Community & Economic Development Director may extend the life of  
a tentative map beyond the initial 36 month approval by up to six additional years, or as may  
be further specified in Section 66452.6 (e) of the Government Code of the State of California.

...

C. *Granting of stay*. The period of time specified in subdivision B, including any extension  
granted by the Community & Economic Development Director, shall not include the period of  
time during which a lawsuit involving the approval or conditional approval of the tentative  
map 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. After service of the initial  
petition or complaint in the lawsuit upon the Community & Economic Development Director,  
the subdivider may apply for a stay following the same procedures in subdivision A. Within  
40 days after receiving the application, the Community & Economic Development Director  
shall either stay the time period for up to five years or deny the requested stay.

1 ...”

2 Section 61: The City Council has reviewed the matter and, based upon the facts and  
3 information contained in the staff reports, administrative record, and written and oral testimony,  
4 hereby finds that this ordinance is not subject to CEQA pursuant to Sections 15060(c)(2), 15060(c)(3)  
5 and/or 15061(b)(3) of the State CEQA Guidelines, California Code of Regulations, Title 14, Chapter  
6 3, in that it will not result in a direct or reasonably foreseeable indirect physical change in the  
7 environment nor have a significant impact on the environment.

8 Section 62: The City Clerk shall certify to the adoption of this ordinance and cause publication  
9 once in a newspaper of general circulation in accordance with Section 414 of the Charter of the City  
10 of Riverside. This ordinance shall become effective on the 30th day after the date of its adoption.

11 ADOPTED by the City Council this 12th day of March, 2019.

12  
13   
14 WILLIAM R. BAILEY, III  
Mayor of the City of Riverside

15 Attest:

16   
17 COLLEEN J. NICOL  
18 City Clerk of the City of Riverside

19 I, Colleen J. Nicol, City Clerk of the City of Riverside, California, hereby certify that the  
20 foregoing ordinance was duly and regularly introduced at a meeting of the City Council on the 26th  
21 day of February, 2019, and that thereafter the said ordinance was duly and regularly adopted at a  
22 meeting of the City Council on the 12th day of March, 2019, by the following vote, to wit:

23 Ayes: Councilmembers Gardner, Melendrez, Soubirous, Conder, Mac Arthur, Perry,  
24 and Adams


25 Noes: None

26 Absent: None

27 Disqualified: None  
28

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the  
City of Riverside, California, this 14th day of March, 2019.

  
COLLEEN J. NICOL  
City Clerk of the City of Riverside

CA 18-0825

**18.140.040 - Approving and appeal authority table.**

Type of Map, Permit or Action	Community & Economic Development Director or City Surveyor(6)	City Planning Commission (CPC)	City Council (CC) <sup>1, 2</sup>
<b>Administrative</b>			
Certificate of Compliance	F	AR	A/F
Final Condominium Map			F(3)
Final Environmental Subdivision Map			F(3)
Final Parcel Map			F(3)
Final Reversion to Acreage Map			F(3)
Final Tract Map			F(3)
Final Vesting Map			F(3)
Lot Line Adjustments	F	AR	A/F
Lot Consolidations	F	AR	A/F

Lot Mergers/Unmergers	F	AR	A/F
Modifications	F	AR	A/F(4)
Notice of Violation	F	AR	A/F
Parcel Map Waivers	F	AR	A/F
Tentative Parcel Map	F	AR	A/F(5)
Time Extensions	F	AR	A/F
<b>Public Hearing</b>			
Tentative Condominium Map		F	A/F
Tentative Environmental Subdivision		F	A/F
Tentative Reversion to Acreage Map		F	A/F
Tentative Tract Map		F	A/F(5)
Tentative Vesting Map		R	A/F



R = Recommending Authority; F = Final Action Authority (unless appealable or referred); A = Appeal Authority; AR = Approving Authority as **Community & Economic Development Director** on Referral

- (1) Decisions of the City Council are final and cannot be appealed.
- (2) An item pulled from the City Council Consent Calendar which was originally heard at a public hearing, will need to be re-advertised for such hearing prior to being heard.
- (3) The Public Works Department submits all Tract Maps and those Parcel Maps that require offers of dedications to the City Council for adoption. After adoption they are transmitted to the County Recorder for recordation. Parcel Maps not requiring offers of dedication are approved by the Public Works Department and submitted to the County Recorder for recordation.
- (4) See Title 19 (Zoning Code) of the Riverside Municipal Code, Section 19.650.020.C.2 - Designated Approving Authority
- (5) Tentative RC Zone Maps require City Council approval on its consent calendar.
- (6) As set forth in this title, either the **Community & Economic Development Director** or the City Surveyor shall be the approving authority for the action listed.

Note: The **Community & Economic Development Director** or City Surveyor may refer the action to the next higher Approving Authority in the hierarchy of decision-making

# THE PRESS-ENTERPRISE

1825 Chicago Ave, Suite 100  
Riverside, CA 92507  
951-684-1200  
951-368-9018 FAX

## PROOF OF PUBLICATION (2010, 2015.5 C.C.P)

Publication(s): The Press-Enterprise

### PROOF OF PUBLICATION OF

Ad Desc.: ORDINANCE NO. 7459 /

I am a citizen of the United States. I am over the age of eighteen years and not a party to or interested in the above entitled matter. I am an authorized representative of THE PRESS-ENTERPRISE, a newspaper in general circulation, printed and published daily in the County of Riverside, and which newspaper has been adjudicated a newspaper of general circulation by the Superior Court of the County of Riverside, State of California, under date of April 25, 1952, Case Number 54446, under date of March 29, 1957, Case Number 65673, under date of August 25, 1995, Case Number 267864, and under date of September 16, 2013, Case Number RIC 1309013; that the notice, of which the annexed is a printed copy, has been published in said newspaper in accordance with the instructions of the person(s) requesting publication, and not in any supplement thereof on the following dates, to wit:

03/21/2019

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Date: March 21, 2019  
At: Riverside, California

  
\_\_\_\_\_  
Legal Advertising Representative, The Press-Enterprise

RIVERSIDE CITY CLERK  
3900 MAIN ST, 7TH FL  
RIVERSIDE, CA 92522

Ad Number: 0011248651-01

P.O. Number:

### Ad Copy:

ORDINANCE NO. 7459

AN ORDINANCE OF THE CITY OF RIVERSIDE, CALIFORNIA, AMENDING TITLES 1, 2, 3, 4, 5, 6, 8, 9, 13, 14, 16, 17, AND 18 OF THE RIVERSIDE MUNICIPAL CODE FOR CLARIFYING, CONFORMING, TECHNICAL, AND OTHER AMENDMENTS  
Ayes: Councilmembers Gardner, Melendrez, Soubirous, Conder, Mac Arthur, Perry, and Adams

A full copy of this ordinance, adopted by the City Council on March 12, 2019, is available at [www.riversideca.gov](http://www.riversideca.gov) and in the Office of the City Clerk, City Hall, 3900 Main Street, Riverside, California.

COLLEEN J. NICOL, MMC  
City Clerk

3/21

RECEIVED

MAR 29 2019

City of Riverside  
City Clerk's Office