



City of Arts & Innovation

Land Use, Sustainability, and Resilience Committee

TO: LAND USE, SUSTAINABILITY, AND RESILIENCE COMMITTEE **DATE: NOVEMBER 8, 2021**

FROM: COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT **WARDS: ALL**

SUBJECT: WORKSHOP TO DISCUSS ACCESSORY DWELLING UNIT AND JUNIOR ACCESSORY DWELLING UNIT REGULATIONS

ISSUE:

Discuss the City's existing accessory dwelling unit (ADU) regulations and provide feedback and direction to staff on additional alternative housing opportunities for accessory dwelling units in Riverside.

RECOMMENDATIONS:

That the Land Use, Sustainability, and Resilience Committee:

1. Receive a report on the City's current Accessory Dwelling Unit and Junior Accessory Dwelling Unit regulations; and
2. Provide feedback and direction to staff on next steps.

BACKGROUND:

Beginning in 2017, in compliance with State law, the City Council has adopted several ordinances to amend the Zoning Code to facilitate and regulate Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs). These ordinances included the following:

- On December 12, 2017, the City Council approved the Housing Element Implementation Program, including ADU provisions to streamline their development consistent with AB 2299 and SB 1069.
- In late 2017, the State adopted new ADU laws (SB 229 and AB 494), effective on January 1, 2018, to streamline their development.
- On February 19, 2019, City Council approved amendments to the ADU regulations to comply with State law.
- In October 2019, the State amended laws to further eliminate barriers to constructing ADUs and JADUs.
- In July 2020, City Council approved additional amendments to the ADU regulations to comply with State law.

DISCUSSION:

Housing Element

On October 5, 2021, the City Council adopted the Sixth Cycle Housing Element of the General Plan, which included a number of Policies and Action Items focused on facilitating and promoting lower-cost alternatives to traditional housing such as ADUs and JADUs. Specifically, the following four policies have been included in the Housing Element:

- **Policy HE-1 – Affordable Housing** - Preserve and increase affordable housing options, including subsidized and non-subsidized affordable units for lower-income and environmental justice communities, special needs, and under-served populations, with a particular emphasis on building community wealth.
- **Policy HE-4 – Thriving Neighborhoods** - Facilitate and encourage a variety of new housing types, including both single- and multi-family and missing middle housing, and the necessary public amenities to support a sense of community that results in equitable and sustainable neighborhoods.
- **Policy HE-5 – Regulations** - Reduce and remove government barriers, where feasible and legally permissible, to reduce costs of housing production and facilitate both ownership and rental opportunities for all residents.
- **Policy HE-EJ-7 – Development Process** - Facilitate a development process that promotes design and rehabilitation of housing that is responsive to the needs and desires of the residents of environmental justice communities.

Current ADU and JADU Regulations

Title 19 - Zoning of the Riverside Municipal Code (RMC) regulates ADUs and Junior ADUs (Chapter 19.442). Staff regularly monitors changes in state law related to ADUs and JADUs and amends this chapter as needed to remain consistent.

ADUs and JADUs are permitted on any property where residential is permitted. ADUs can be up to 1,200 square feet in area and JADUs can be up to 500 square feet. There is no minimum lot size requirement, and the units may be located 4 feet from the side or rear property line (or less if located within an existing structure). For ADUs or JADUs located within an existing garage, there is no requirement to replace the existing parking space on the property.

Properties developed with a single-family residence may have one ADU and/or one JADU. Both units may be rented out, however, a JADU requires a covenant restriction requiring the property owner to live in one of the units on the property. Properties developed with multiple family residential are limited to ADUs within an existing structure, including storage areas, utility rooms, or parking space. No more than 25 percent of the existing number of multi-family dwelling units, shall be permitted within existing structures on lots with multi-family dwelling structures.

New ADUs and JADUs are reviewed through an administrative process and do not require environmental review. ADUs and JADUs within historic districts must obtain a Certificate of Appropriateness pursuant to Title 20 (Cultural Resources) of the RMC. ADUs and JADUs are subject to standard development review fees associated with building permits; however, impact fees are limited to structures greater than 750 square feet. The City cannot require separate utility connections for ADUs and JADUs, but may charge connection fees if the property owner wishes to meter the units separately from the primary residence.

Article X of the Zoning Code defines ADUs and JADUs as follows:

Dwelling unit, accessory means an attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family or multi-family dwelling is or will be situated. An accessory dwelling unit also includes the following:

- A. An efficiency unit, as defined in Section 17958.1 of the Health and Safety Code; or
- B. A manufactured home, as defined in Section 18007 of the Health and Safety Code.

Dwelling unit, junior accessory means a unit contained entirely within an existing single-family structure.

Tiny Homes

There has been a growing interest in the use of “tiny homes” to provide low-cost housing options and also provide property owners an opportunity for supplemental rental income with a low barrier to entry. Tiny homes have been popularized by social media, books, magazines, and television and may be frame built on a foundation, prefabricated, and placed on a foundation, or prefabricated on a trailer chassis, similar to a mobile home.

The City does not specifically regulate the construction of tiny homes separate from other dwelling units on a foundation. Generally speaking, tiny homes (foundation), whether site-built or prefabricated, are treated as small dwelling units that must meet the same Building Code Requirements. Tiny homes (foundation) may also be considered and built as ADUs. Tiny homes (chassis) are defined in Article X of the Zoning Code as mobile homes:

Mobile home means a State licensed or registered moveable or transportable vehicle, other than a motor vehicle, designed as a permanent structure intended for occupancy by one family and having no foundation other than jacks, piers, wheels, or skirtings in accordance with applicable standards and meeting the requirements of the California Department of Housing and Community Development.

As stated in the definition, mobile homes, including tiny homes (chassis), must be licensed by the California Department of Housing and Community Development (HCD). The City does not regulate the construction of mobile homes, including tiny homes (chassis).

The City does not currently allow for units on a chassis to be used as ADUs. If the City were to consider this change, tiny home (chassis) would be required to meet the American National Standards Institute (ANSI) 119.5 requirements or the National Fire Protection Association (NFPA 1192 standards) and must be certified. They would also be required to be hooked up to water, electric and sewer services to be used as an ADU.

As a matter of information, recreational vehicles and motorhomes are not considered tiny home (chassis) as they would not meet the certification requirements as an ADU that is used as a living quarter. Caretaker living quarters for agricultural uses are not regulated the same way as ADUs and are regulated separately as incidental uses to agricultural uses.

Tiny Home Communities

The Zoning Code provides the following definition of tiny home communities:

Tiny home community means a group of tiny homes, constructed either on a chassis or on a foundation, that are arranged in common relationship to one another, usually surrounding a shared common open space area.

Currently, the Zoning Code allows for tiny home communities (foundation) as a by-right use in the R-3 and R-4 multiple family zones and as an incidental use to Assemblies of People – Entertainment (churches, fraternal organizations, etc.) with a Conditional Use Permit.

Tiny home communities (chassis) are regulated as mobile home parks within the Zoning Code and are permitted in the RR – Rural Residential, RE – Residential Estate, and R-1 – Single Family Residential Zones with the approval and application of the Mobile Home Park Overlay Zone.

City Efforts to Promote ADUs

To facilitate ADUs in Riverside to help meet housing needs, the City initiated a program to promote their development and streamline the permitting process to meet State regulations. These efforts include a series of workshops and training about ADUs, updating the regulations and developing a dedicated web presence to provide guidance to those seeking to develop ADUs.

Staff is also initiating the process to develop a number of permit ready standard ADU plans that homeowners and contractors may use for building permit plan check submittal. These plans will include pre-approved architectural and engineering drawings which will save significant time and money for the applicant and streamline the plan check process.

To further promote ADUs, additional amendments to the Zoning Code may be considered to provide more flexibility in allowing tiny homes on a chassis or alternative/innovative structures that may currently be prohibited or otherwise not addressed in the Code. Direction from the Land Use, Sustainability, and Resiliency Committee on future ADU considerations will allow staff to identify potential regulations and requirements. Some questions to consider include:

- **Location Requirements**
 - Where on a property the tiny home on a chassis may be placed or oriented.
 - Would they be limited to rear yards or would they be appropriate in the side yard, on driveways, or within the front yard setback area?
- **Design Criteria/Standards**
 - What design considerations should be implemented to ensure compatibility with the design of the existing home?
 - Should the Code dictate design or finish materials? Are there size or height restrictions that differ from foundation-built units?
- **Review Process**
 - Because a building permit is not required for tiny homes on a chassis, what is the appropriate review process?
- **Utility Connection Requirements**
 - Requirements for permanent utility connections?
 - Because tiny homes on a chassis are moveable, consideration must be made on how to connect these units to the on-site utilities and the permits necessary.
- **Applicable Fees**
 - Because no building permits are required for tiny homes on a chassis, are there any other fees that may be applicable?
 - Are utility/hookup fees necessary?

STRATEGIC PLAN ALIGNMENT

The discussion on ADUs supports **Strategic Priority 2 – Community Well-being** and specifically, **Goal 2.1** – Facilitate the development of a quality and diverse housing supply that is available and affordable to a wide range of income levels.

It also aligns with EACH of the Cross-Cutting Threads as follows:

1. **Community Trust** – This item aligns with the Community Trust Cross-Cutting Thread as the discussion on ADUs will be in a public forum so that community members may weigh in on the current and future opportunities.
2. **Equity** – This item aligns with Equity in that the results will be applied throughout the City.
3. **Fiscal Responsibility** – This item aligns with the Fiscal Responsibility Cross-Cutting Thread as all costs would be the responsibilities of the property owner that builds an ADU on their lot.
4. **Innovation** – This item aligns with the Innovation Cross-Cutting Thread as it utilizes new technology to maximize opportunities for ADUs in the City.
5. **Sustainability & Resiliency** – The item aligns with the Sustainability & Resiliency Cross-Cutting Thread as it will support efforts to introduce ADUs in the City.

The Director of Public Works, Fire Department Chief and General Manager of Riverside Public Utilities concur with this staff report.

FISCAL IMPACT:

There is no fiscal impact associated with this report.

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

Attachment: Presentation