



City Council Memorandum

City of Arts & Innovation

TO: HONORABLE MAYOR AND CITY COUNCIL **DATE: JANUARY 28, 2025**

FROM: COMMUNITY & ECONOMIC DEVELOPMENT **WARD: ALL**

DEPARTMENT

SUBJECT: PLANNING CASE PR-2024-001746: ZONING CODE TEXT AMENDMENTS AS PART OF A ZONING CODE CLEAN UP

ISSUE:

Consider amendments to Titles 18 (Subdivision) and 19 (Zoning) of the Riverside Municipal Code (RMC), including but not limited to Title 18 Article IV (Requirements for Filing and Approval Process) and Title 19 Articles III (Nonconforming Provisions), V (Base Zones and Related Use and Development Provisions), VI (Overlay Zones), VII (Specific Land Use Provisions), VIII (Site Planning and General Development Provisions), IX (Land Use Development and Permit Requirements/Procedures), and X (Definitions); and other minor, non-substantive changes and technical corrections as required to provide clarity, correct errors, or remove redundancy.

RECOMMENDATIONS:

That the City Council:

1. Determine that Planning Case PR-2024-001746 (Zoning Text Amendment) is exempt from further California Environmental Quality Review pursuant to Section 15061(b)(3) (General Rule), as it can be seen with certainty that approval of the project will not have an effect on the environment;
2. Approve Planning Case PR-2024-001746 (Zoning Text Amendment) based on the findings summarized in the Planning Commission Staff Report; and
3. Introduce and subsequently adopt the attached Ordinance amending Title 18 (Subdivision Code) and Title 19 (Zoning Code) of the Riverside Municipal Code.

BACKGROUND

Zoning Code Clean Up

Planning staff continuously track the applicability and accuracy of the Zoning Code to ensure the regulations are consistent with State Law, provide clear direction, and are not in conflict with other provisions. Staff identify inaccuracies, ambiguities, and/or conflicts and tracks this information so that periodic Zoning Text Amendments can be made. Staff have identified seventeen provisions requiring minor changes or updates to language which will be packaged together and adopted as part of an omnibus ordinance.

Legislative Updates and New State Guidance

During the 2024 California legislative session, Governor Newsom signed numerous bills into law which require that the City update its Zoning Code to be in compliance with changes to Accessory Dwelling Units (ADUs), Density Bonus, and monitored electrified security fences, among others. This Zoning Code update implements the following:

- Senate Bill (SB) 1211 (ADUs);
- Assembly Bill (AB) 3116; (Density Bonus)
- AB 2694 (Density Bonus); and
- AB 2371 (Monitored electrified security fences).

The majority of these bills will become effective on January 1st, 2025 with exception of AB 2371, which took effect in September 2024. More detailed information on the changes required by each bill is provided in the table below.

In addition to these new state laws, over the past year the California Department of Housing and Community Development (HCD) issued new direction to local jurisdictions regarding the number of permitted ADUs for single-family dwellings. In 2024, HCD gained statutory enforcement authority over the portions of the Government Code that constitute California's ADU law. The City's previous interpretation of the Government Code held that single family dwellings are permitted one ADU (attached or detached) one junior ADU (JADU). Per HCD's updated direction, jurisdictions must allow one attached or converted ADU; one detached, new construction ADU; and one junior ADU (JADU) in conjunction such dwellings.

Airport Land Use Commission Review

Legislative actions including Zoning Changes and Text Amendments affecting areas within the jurisdiction of the Riverside County Airport Land Use Commission (ALUC) require ALUC review to determine consistency with the 2014 Riverside County Airport Land Use Compatibility Plan (LUCP). On November 20, 2024, ALUC found the proposed package of Zoning Code amendments consistent with the LUCP. The ALUC Director's Determination Letter is included as Attachment 1.

CITY PLANNING COMMISSION RECOMMENDATION:

On December 5, 2024, staff presented the package of Zoning Code amendments to the Planning Commission where it was unanimously recommended for City Council approval. The proposed amendments to the Zoning Code are included in the Draft Zoning Text Amendment Ordinance (Attachment 2). The following is a summary of each of the proposed changes, including the Zoning Code chapter and proposed amendment. Further detail for each amendment can be found in the December 5th Planning Commission Staff Report (Attachment 3).

DISCUSSION

The proposed amendments would:

1. Align the RMC with recent changes to California Law related to Accessory Dwelling Units, Density Bonus, and Electrified Security Fences;
2. Align language in the Alcohol Sales and Outdoor Lighting chapters with standard regulatory and industry terms.
3. Streamline minor adjustments to development standards;
4. Clarify pet grooming and personal services as permitted home occupations;
5. Clarify screening options for ground-mounted utility equipment;

6. Adjust the allowed heights of fences and walls in side and rear yards of Single-Family Residential Zones;
7. Adjust the permitted retaining wall heights in Title 19 for consistency with those in Title 17; and
8. Make other minor and/or non-substantive changes and technical corrections as required to provide clarity, correct errors, or remove redundancies.

The text of the proposed amendments are included in Attachment 2 and are summarized in the table below. For additional detail, see also the December 5, 2024 report to the Planning Commission (Attachment 3):

Amendment Topic	Zoning Code Chapter	Summary of Changes
Accessory Dwelling Units	Chapter 19.442 – Accessory Dwelling Units (ADU) Chapter 19.910 – Definitions	<p>Chapter 19.442 is amended to reflect new direction from the California Department of Housing and Community Development and SB 1211 which affects the number of permitted accessory dwelling units (ADUs) for single-family and multi-family properties.</p> <p>Single-family dwellings will be permitted one attached ADU, one detached ADU, and one junior ADU.</p> <p>Existing multi-family development will be permitted up to eight detached, new construction ADUs plus conversion of non-habitable space to up to 25% of existing units. New multi-family development will be permitted two detached ADUs only.</p>
Density Bonus	Chapter 19.545 (Density Bonus)	<p>Chapter 19.545 is amended to implement AB 3116 and AB 2694 related to Density Bonus for low-income student housing and senior housing.</p> <p>For low-income student housing, changes include expanding eligibility, increasing the percentage of density bonus and number of concessions, and in certain cases, eliminating parking minimums.</p> <p>For senior housing, changes include specifying that residential care facilities qualify for a density bonus.</p>
Electrified Security Fences	Chapter 19.150 – Base Zones Permitted Land Uses Chapter 19.550 – Fences, Walls, and Landscape Materials	<p>The permitting requirements for electric fences are amended to implement AB 2371 by requiring all electric fences to be subject to only an alarm user's permit unless adjacent to specified sensitive uses where a building permit and minor conditional use permit are also required.</p>

Amendment Topic	Zoning Code Chapter	Summary of Changes
Alcohol Sales Language	Chapter 19.265 – Bail Bonds Establishments Chapter 19.280 – Check Cashing Establishments Chapter 19.350 – Parolee/Probationer Home Chapter 19.450 – Alcohol Sales Chapter 19.910 – Definitions	This amendment replaces “on- <i>site</i> ” and “off- <i>site</i> ” language with “on- <i>sale</i> ” and “off- <i>sale</i> ” language throughout the Zoning Code, consistent with State regulatory terms.
Outdoor Lighting	Chapter 19.556 – Outdoor Lighting	Chapter 19.556 is amended to replace mentions of “adjacent grade” with “finished grade”, which better describes the height from which a mounted luminaire should be measured and aligns with industry terminology.
Administrative Adjustment	Chapter 19.080 – Nonconformities Chapter 19.130 – Industrial Zones Chapter 19.180 – Building Setback Overlay Zone (X) Chapter 19.200 – Building Stories Overlay Zone (S) Chapter 19.450 – Alcohol Sales Chapter 19.550 – Fences, Walls, and Landscape Materials Chapter 19.580 – Parking and Loading Chapter 19.620 – General Sign Provisions Chapter 19.625 – Private Party Signs on City-Owned Property and the Public Right of Way Chapter 19.660 – General Application Processing Procedures Chapter 19.720 – Variance Chapter 19.780 – Planned Residential Development Permits	Amendments to Chapter 19.660 create a new administrative adjustment procedure to allow minor deviations from certain development standards subject to Community and Economic Development Director approval.
Home Occupations	Chapter 19.150 – Base Zones Permitted Land Uses Chapter 19.485 – Home Occupations Chapter 19.910 – Definitions	Amendments to various chapters within Title 19 clarify that pet grooming is a permitted home occupation per the personal services definition.
Ground-Mounted Utility Equipment	Chapter 19.555 – Outdoor Equipment Screening	Chapter 19.555 is amended to provide flexibility in screening materials and tiering requirements for ground-mounted utility equipment.
Fence and Wall Heights	Chapter 19.550 – Fences, Walls, and Landscape Materials	Chapter 19.550 is amended to raise maximum fence and wall heights in single-family residential side and rear yards from 6 to 7 feet. The fence height is increased to 8 feet when a single-family property is adjacent to a non-residentially zoned property.

Amendment Topic	Zoning Code Chapter	Summary of Changes
Retaining Wall Heights	Chapter 19.550 – Fences, Walls, and Landscape Materials	<p>Chapter 19.550 is amended to align retaining wall heights with those in Chapter 17.28 of the Grading Code.</p>
		<p>Changes also include specifying that the maximum combined height of the freestanding and retaining portion of fences and walls is ten feet.</p>
Prohibited Fence Materials	Chapter 19.550 – Fences, Walls, and Landscape Materials	<p>The section title for “Prohibited Materials” is corrected.</p>
Animal Keeping and Agricultural Field Offices	Chapter 19.445 – Agricultural Field Office Chapter 19.455 – Animal Keeping	<p>Chapter 19.445 and Chapter 19.455 are amended to restore the correct language to their respective chapters which was previously removed in error.</p>
Planned Residential Development Permits	Chapter 19.670 – Public Hearings and Notice Requirements Chapter 19.690 – Effective Dates, Time Limits, and Extensions Chapter 19.780 – Planned Residential Development Permits	<p>Various chapters are amended to clarify noticing, time extension, & superior design standard provisions of planned residential development (PRD) permit processes.</p>
Site Plan Review	Chapter 19.120 – Mixed-Use Zones (MU-N, MU-V, MU-U) Chapter 19.770 – Site Plan Review Permit	<p>This amendment establishes findings for the Site Plan Review Permit where the current Zoning Code currently only provides Site Plan Review findings for projects within Mixed-Use Zones.</p>
Group Housing	Chapter 19.315 – Group Housing - Six or More Occupants	<p>The title of Chapter 19.315 is corrected to “Group Housing – Seven or More Occupants”.</p>
Hotel/Motel Long-Term Stay	Chapter 19.330 – Hotel/Motel, Long-Term Stay	<p>Section titles are renumbered to correct an error with the Section numbering.</p>
Tract Map Preparation	Chapter 18.150 – General Application Processing Procedures	<p>Chapter 18.150 is amended to remove incorrect language regarding qualifications to prepare tentative tract maps.</p>

STRATEGIC PLAN ALIGNMENT:

The actions undertaken for Planning Case PR-2024-001746 contribute to the following Strategic Priority and Goal from the Envision Riverside 2025 Strategic Plan:

Priority 5. High Performing Government – Goal 5.3 – Enhance communication and collaboration with community members to improve transparency, build public trust, and encourage shared decision making.

The actions undertaken for the proposed project aligns with the following Cross-Cutting Threads:

- Community Trust** – The Zoning Code Amendments are a proactive measure to respond to the changing needs of the community through a transparent public process.
- Equity** – The proposed amendments promote reasonable and equitable regulation of land use throughout the City.

3. **Innovation** – The proposed amendments incorporate latest best practices for streamlining and promoting equitable development communities.
4. **Fiscal Responsibility** – The proposed amendments do not incur cost to the City.
5. **Sustainability & Resiliency** – The proposed amendments promote efficient and flexible land use, especially for residential development.

FISCAL IMPACT:

There are no anticipated fiscal impacts with the proposed project.

Prepared by: Clarissa Manges, Assistant Planner
Reviewed by: Matthew Taylor, Principal Planner
Certified as to
availability of funds: Kristie Thomas, Finance Director/Assistant Chief Financial Officer
Approved by: Mike Futrell, City Manager
Approved as to form: Jack Liu, Interim City Attorney

Attachments:

1. ALUC Director's Determination of Consistency
2. Zoning Text Amendment Ordinance
3. December 5, 2024 City Planning Commission Staff Report
4. December 5, 2024 City Planning Commission Minutes
5. Presentation