



**PLANNING COMMISSION HEARING DATE: SEPTEMBER 14, 2023**  
**AGENDA ITEM NO.: 4**

**SUMMARY**

<b>Case Numbers</b>	PR-2023-001525 (Zoning Code Text Amendment and Zoning Code Map Amendment)
<b>Request</b>	<p>Proposal by the City of Riverside to consider amendments to Title 19 (Zoning) of the Riverside Municipal Code (RMC), including but not limited to Articles V (Base Zones and Related Use and Development Provisions), VII (Specific Land Use Provisions), VIII (Site Planning and General Development Provisions), and X (Definitions). The proposed amendments are intended to:</p> <ol style="list-style-type: none"> <li>1. Align the RMC with California law, specifically Assembly Bills 2097 and 2244, and The California Employee Housing Act;</li> <li>2. Clarify ambiguous, conflicting, and/or outdated language in the RMC as it pertains to Mixed-Use Zones, tattoo parlors, truck terminals, private fueling stations, projections into required yards, recreational vehicle parking, accessory structures, wall heights, and wall materials;</li> <li>3. Rezone 0.24 acres of City-owned property at the southwest corner of Arlington and Indiana Avenues from R-1-7000 – Single-Family Residential to CR – Commercial Retail to conform with the existing General Plan Land Use Designation of C – Commercial; and</li> <li>4. Other minor, non-substantive changes and technical corrections as required to provide clarity, correct errors or remove redundancies.</li> </ol>
<b>Applicant</b>	City of Riverside, Community and Economic Development Department
<b>Project Location</b>	Citywide
<b>Ward</b>	Citywide
<b>Staff Planner</b>	Paige Montojo, Senior Planner 951-826-5773 pmontojo@riversideca.gov

**RECOMMENDATIONS**

That the Planning Commission:

1. **Recommend** that the City Council determine that Planning Case PR-2023-001525 is exempt from further California Environmental Quality Act (CEQA) 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. **Recommend Approval** of the Planning Case PR-2022-001525 (Zoning Text Amendment and Zoning Map Amendment) as outlined in the staff report and summarized in the Findings section of this report.

## BACKGROUND

Planning staff continuously tracks the applicability and accuracy of the Riverside Municipal Code (RMC) Title 19 (Zoning Code) to ensure the regulations are consistent with State Law, provide clear direction, and are not in conflict with other provisions. Staff identifies inaccuracies, ambiguities, and/or conflicts and tracks this information so that periodic Zoning Text Amendments can be made. This builds on the “Streamline Riverside” initiative that continually identifies and implements strategic changes to City processes. The proposed changes will provide clarity and reduce ambiguity in the Zoning Code including minor updates, revisions, and technical corrections to several Chapters and Sections.

## PROPOSAL

The proposed amendments to the Zoning Code are included as Exhibit 2 and separated by Chapter. The following is a summary of each of the proposed changes including the chapter or section, current language, and proposed changes.

### AMENDMENT 1 – PROJECTIONS INTO REQUIRED YARDS

#### Chapters:

- 19.100.060 Additional Regulations for RA-5, RE, RC, RR, and R-1 Zones
- 19.630.040 Permitted Projections into Required Yards

**Existing Condition:** Provisions for projections in required yards are located in both Chapter 19.100.060 and Chapter 19.630.040 creating ambiguity and redundancy. There is an existing discrepancy between the two chapters related to the permitted projections of single-story porches into the front yard.

**Proposed Changes:** All provisions under Chapter 19.100.060 pertaining to projections into required yards is removed ([Exhibit 1.a](#)) and addressed under Chapter 19.630.040 ([Exhibit 1.b](#)) to eliminate redundancies. Language is consolidated to clarify that single story porches may project into the required front yard up to 20% of the yard length or six feet, whichever is less.

### AMENDMENT 2 – MIXED-USE ZONES PERMITTED USES

**Chapter:** 19.150.020.A Permitted Uses Table

**Existing Condition:** Drive-thru restaurants are permitted with a Conditional Use Permit in the CR (Commercial Retail), CG (Commercial General), CRC (Commercial Regional Center), MU-V (Mixed-Use Village), and MU-U (Mixed-Use Urban) zones. Drive-thru

restaurants are prohibited in all other zones including the MU-N (Mixed-Use Neighborhood) zone. Establishment of automotive-related uses like drive-thru businesses, vehicle repair facilities, fuel stations and car washes conflicts with the stated intent and purpose of the Mixed-Use Zones (found in Paragraph 19.120.010[B]), which are specifically intended to:

- *Strengthen the interaction between residential, commercial and employment uses in order to reduce dependency on automobiles, improve air quality, decrease urban sprawl, facilitate use of transit and encourage conservation of land resources;*
- *Provide opportunities for transit-oriented development; and*
- *Foster pedestrian-oriented activity nodes by providing a mix of uses in compact, walkable areas.*

**Proposed Change:** Table 19.150.020.A is amended, consistent with the intent and purpose of the Mixed-Use Zones, to prohibit drive-thru restaurants in the MU-V (Mixed-Use Village) and MU-U (Mixed-Use Urban) Zones. ([Exhibit 1.c](#)). Drive-thru restaurants remain conditionally permitted in all other Commercial Zones, including the CR (Commercial Retail), CG (Commercial General), and CRC (Commercial Regional Center) Zones.

### AMENDMENT 3 – TATTOO AND BODY PIERCING PARLORS

#### Chapters:

- 19.150.020.A Permitted Uses Table
- 19.405 Tattoo and Body Piercings

**Existing Condition:** Tattoos and body piercing parlors are heavily regulated as a standalone use, permitted with a Conditional Use Permit in the CR (Commercial Retail) and CG (Commercial General) Zones and further subject to restrictive distance requirements set forth in Chapter 19.405 (Tattoo and Body Piercings). Tattoo and body piercing parlors are prohibited in all other zones.

**Proposed Change:** Table 19.150.020A is amended to remove unnecessary barriers to tattoo parlors in neighborhood serving commercial zones ([Exhibit 1.c](#)). Tattoo & body piercing parlors are aligned with and permitted as other similar personal services such as beauty salons, nail salons, barber shops ([Exhibit 1.d](#)) to reflect current day operations.

### AMENDMENT 4 – TRUCK AND TRAILER STORAGE

#### Chapters:

- 19.150.020.A Permitted uses table
- 19.10 Definitions

**Existing Condition:** “Truck and Trailer Storage” is not listed or defined as a primary use. “Truck Terminals” is an undefined use listed twice in Table 19.150.020A, creating ambiguity and discrepancies in the required permitting process.

**Proposed Change:** Table 19.150.020.A Permitted Land Uses Table is amended to clarify that Truck and Trailer Storage – Primary Use is a prohibited use in all zones and remove references to the undefined “Truck Terminals” ([Exhibit 1c](#)). Truck and trailer storage incidental to a permitted industrial use will remain permitted in all industrial zones.

#### **AMENDMENT 5 – AB 2244**

**Chapters:** 19.255 Assemblies of People – Non-Entertainment

**Existing Condition:** Section 65913.6 of the California Government Code establishes provisions specifically for housing development projects associated with places of worship. In 2022, Governor Newsom approved Assembly Bill No. 2244 (*Exhibit 2 – Assembly Bill 2244 Text*), modifying parking requirements for this project type. As a result, places of worship part of a larger housing development may be granted a reduction in required parking (or elimination of existing parking) of up to 50%. Currently, the RMC regulates parking requirements for religious uses separate from housing units in the same project. The Code does not reflect the requirements of new State Law.

**Proposed Change:** Chapter 19.255 Assemblies of People – Non-Entertainment is amended to include a reference to Government Code Section 65913.6 to ensure consistency with State Law ([Exhibit 1.e](#))

#### **AMENDMENT 6 – ABOVE GROUND PRIVATE FUELING STATIONS**

**Chapters:** 19.480.040 - Fueling Systems - Private (Above-Ground Tanks)

**Existing Condition:** Above Ground Private Fueling stations are permitted subject to specific land use provisions in Chapter 19.480. These provisions can be modified; however, there is conflicting language regarding the type of permit required. To modify the specific land use provisions, Table 19.150.020.A requires a Minor Conditional Use permit while Chapter 19.480.040 requires a Conditional Use Permit.

**Proposed Change:** Chapter 19.480 Fueling Systems is amended to resolve the existing discrepancy and require a Minor Conditional Use Permit for modifications to the specific land use provisions ([Exhibit 1.f](#)).

#### **AMENDMENT 8 – ACCESSORY STRUCTURES IN RESIDENTIAL ZONES**

**Chapters:** 19.440.030 Site location, operation and development standards.

**Existing Condition:** Properties within the RC, RA-5, R-3, or R-4 zones do not have any size limitations for accessory structures. Properties in the RR, RE, and R-1 zones are permitted to have accessory structures up to 750 square feet. The current regulations preclude large lots in the RR, RE, and R-1 zones from constructing enclosed spaces for incidental residential uses such as workshops, agricultural uses, recreational vehicle storage, etc.

**Proposed Change:** Chapter 19.440.030 is amended to remove size limits for accessory structures on lots greater than 1 acre in the RE, RR, and R-1 zones ([Exhibit 1.g](#)). Accessory structures on properties less than 1 acre in size remain subject to the 750 square foot size limit.

## AMENDMENT 7 – AB 2097

**Chapters:** 19.580 Parking Requirements

**Existing Condition:** In 2022, Governor Newsom signed Assembly Bill No. 2097, which limits jurisdictions' ability to impose minimum parking requirements for residential, commercial, or other development projects if the project is located within one-half mile from a major transit stop as defined by State law, with exceptions ([Exhibit 3 – AB 2097 Bill Text](#)). The RMC currently does not reflect newly adopted State Law. In Riverside, this primarily affects areas within one-half mile of the Magnolia Avenue, Market Street and University Avenue corridors and from the City's three Metrolink rail stations.

**Proposed Change:** Chapter 19.580 is amended to include a reference to Government Code Section 65863.2 to allow development projects on eligible properties a parking reduction in compliance with State Law ([Exhibit 1.h](#)).

## AMENDMENT 9 – RECREATIONAL VEHICLE (RV) PARKING IN RESIDENTIAL ZONES

**Chapters:** 19.580.070 Off-street parking location and type requirements

**Existing Condition:** The RMC generally requires recreational vehicles to be stored in a garage, carport, or a paved driveway. Recreational vehicles weighing less than 10,000 pounds gross vehicular weight rating (GVWR) may be stored in any Single-Family Residential Zone. Recreational vehicles weighing more than 10,000 GVWR are further restricted to parking only in the Residential Agriculture (RA-5), Residential Estate (RE) and Rural Residential (RR) Zones and are limited to side and rear yard areas only.

In December of 2022, the City Council Land Use, Sustainability and Resilience Committee (Committee) asked Staff to explore other ways to regulate RV parking in single family zones. On August 14, staff presented five options to the Committee for their consideration and direction ([Exhibit 4 – LUSR Staff Report](#)). The Committee directed staff to draft an amendment pursuant to Option 2 – removing weight limits that differentiate the allowable locations on a property for RV parking and including provisions for traffic visibility and safety.

**Proposed Change:** Chapter 19.580.070 is amended to allow RVs greater than 10,000 pounds GVWR to park in the R-C and R-1 zones, provided that the vehicle does not encroach onto the public right of way right of way and does not block the visibility of on-coming vehicular and pedestrian traffic ([Exhibit 1.h](#)).

## AMENDMENT 10 – MAXIMUM WALL HEIGHTS

**Chapters:** 19.550.030 – Height and Location Provisions

**Existing Condition:** The RMC does not specify a maximum height for free-standing walls outside of required yard areas, walls adjacent to utility/mobility infrastructure, or walls needed for sound attenuation.

**Proposed Change:** Chapter 19.550 is amended to eliminate the ambiguity of maximum wall heights. The amendment includes clarification of the existing six-foot maximum height for walls outside of required setbacks; Sound walls permitted at height identified in acoustical analysis; and an eight-foot maximum height for walls adjacent to railroads, freeways, and flood control channels ([Exhibit 1.i](#)).

## AMENDMENT 11 – PERMITTED WALL MATERIALS

**Chapters:** 19.550.020 – Prohibited Materials

**Existing Condition:** In 2022 the City Council adopted Ordinance 7617 which permits electrified security fence systems subject to a Conditional Use Permit. Chapter 19.550.020 includes outdated language that lists electrified fences as a prohibited material.

**Proposed Change:** Chapter 19.550 is amended to eliminate the discrepancy and remove electric wire from the prohibited materials, consistent with Ordinance 7671 ([Exhibit 1.i](#)).

## AMENDMENT 12 – EMPLOYEE AND FARMWORKER HOUSING

**Chapters:** 19.910 Definitions

**Existing Condition:** The Zoning Code currently does not address the requirements of the Employee Housing Act, specifically farmworker housing of up to 36 beds or 12 units should be considered and permitted as an agricultural use ([Exhibit 5 – Health and Safety Code Sections 17020-17024 Text](#)). Amending the RMC to comply with the Employee Housing Act falls under Program HE-5-5 in the City of Riverside's 6<sup>th</sup> Cycle Housing Element.

**Proposed Change:** Chapter 19.910 Definitions is amended to add farmworker housing as defined in State law to the definition of "Agricultural Use" in compliance with the Employee Housing Act ([Exhibit 1.i](#)).

## AMENDMENT 13 – ZONING MAP AMENDMENT FOR PARCEL NO. 229-082-008

**Existing Condition:** Assessor's Parcel No. 229-082-008 is a 0.24-acre (10,523-square-foot) remnant parcel from the former Riverside Water Company's Upper Canal right-of-way. The City-owned parcel is currently zoned R-1-7000 (Single Family Residential) with a General Plan Land Use Designation of C – Commercial. The parcel is adjoined by CR (Commercial Retail) zoned properties to the north and east; a CG (Commercial General) zoned property to the south; and abuts the 91 Freeway to the east.

**Proposed Change:** The Zoning Map is amended to change the zone of Parcel 229-082-013 from R-1-7000 to CR (Commercial Retail) to be consistent with the General Plan Land Use Designation and the established land use pattern of the surrounding properties ([Exhibit 1.k](#)).

## PUBLIC OUTREACH AND COMMENT

Notice was published in the Press Enterprise on August 18<sup>th</sup>. Additionally, notices were mailed to property owners within a 300-foot radius of Parcel No. 229-082-008. At the time of writing this report, Staff has not received public comments regarding the Zoning Text and Map Amendments.

## ENVIRONMENTAL REVIEW

The proposed amendments are exempt from additional California Environmental Quality Act (CEQA) review pursuant to Section 15061(b)(3) of the CEQA guidelines, as it can be seen with certainty that the proposed text and map amendments will not have an effect on the environment.

## FINDINGS

Zoning Code Amendment Findings pursuant to Chapter 19.810.040:

- 1) The proposed Zoning Code Text Amendments and Rezoning are generally consistent with the goals, policies, and objectives of the General Plan, including the updated Housing Element;
- 2) The proposed Zoning Code Text Amendments and Rezoning will not adversely affect surrounding properties; and
- 3) The proposed Zoning Code Text Amendments and Rezoning will promote public health, safety, and general welfare and serves the goals and purposes of the Zoning Code.

## ENVISION RIVERSIDE 2025 STRATEGIC PLAN ALIGNMENT

The proposed amendments align with Strategic Priority No. 5 – High Performing Government by demonstrating adaptivity as an organization, and more specifically with Goal 5.3 – Enhance communication and collaboration with community members to improve transparency, building public trust, and encourage shared decision making. In addition, the project aligns with the five Cross-Cutting Threads as follows:

1. **Community Trust** – The Zoning Code Amendments are a proactive measure to respond to the changing needs of the community through a transparent public process.
2. **Equity** – The proposed amendments promote reasonable and equitable regulation of land use throughout the City.
3. **Fiscal Responsibility** – The proposed amendments do not incur costs to the City.
4. **Innovation** – The proposed amendments incorporate latest best practices for streamlining and promoting equitable development communities.
5. **Sustainability & Resiliency** – The proposed promote pedestrian and transit-oriented development that will help reduce greenhouse gas emissions by reducing vehicle miles traveled, as well as providing an alternative to greenfield sprawl development.

## APPEAL INFORMATION

Actions by the City Planning Commission, including any environmental finding, may be appealed to the City Council within ten calendar days after the decision. Appeal filing and processing information may be obtained from the Planning Department Public Information Section, 3rd Floor, City Hall.

## EXHIBITS LIST

1. Proposed Amendments
  - a. Chapter 19.100 – Residential Zones (RA-5, RC, RR, RE, R-1,1/2 ACRE, R-1-13000, R-1-10500, R-1-8500, R-1-7000, R-3-4000, R-3-3000, R-3-2500, R-3-2000, R-3-1500, R-4)
  - b. Chapter 19.630 – Yard Requirements and Exceptions
  - c. Chapter 19.150 – Base Zones Permitted Land Uses
  - d. Chapter 19.405 – Tattoo and Body Piercing Parlors
  - e. Chapter 19.255 – Assemblies of People – Non-Entertainment
  - f. Chapter 19.480 – Fueling Systems – Private (Above-Ground Tanks)
  - g. Chapter 19.440 – Accessory Buildings and Structures
  - h. Chapter 19.580 – Parking and Loading
  - i. Chapter 19.550 – Fence, Wall and Landscaping Materials
  - j. Chapter 19.910 – Definitions
  - k. Existing and Proposed Zoning for Parcel No. 229-082-008
2. Assembly Bill 2244 Text
3. Assembly Bill 2097 Text



4. Land Use, Sustainability, Resiliency Committee Staff Report
  5. Health and Safety Code Section 17021.6 Text (Employee Housing Act)
  6. Presentation
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