

**SUBMITTAL TO THE BOARD OF SUPERVISORS  
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

564A



**FROM:** PLANNING

**SUBMITTAL DATE:**  
October 21, 2010

**SUBJECT:** Ordinance No. 348.4713 amending Ordinance No. 348 to add language allowing proposed uses to be found the same in character and intensity as permitted uses and to revise the definition of educational institutions.

**RECOMMENDED MOTION:** That the Board of Supervisors:

- 1) Introduce and adopt on successive weeks Ordinance No. 348.4713 an amendment to Ordinance No. 348 adding language allowing proposed uses to be found the same in character and intensity as permitted uses and revising the definition of educational institutions; and
- 2) Find that the adoption of Ordinance No. 348.4713 is exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3) as it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment; and
- 3) Direct the Planning Department to file the Notice of Exemption with the County Clerk for filing and posting.

**BACKGROUND:** continued on next page

*Carolyn Syms Luna*

Carolyn Syms Luna  
Planning Director

<b>FINANCIAL DATA</b>	Current F.Y. Total Cost:	\$6000 .00	In Current Year Budget:	Yes
	Current F.Y. Net County Cost:	\$ 6000 .00	Budget Adjustment:	No
	Annual Net County Cost:	\$ .00	For Fiscal Year:	10/11

<b>SOURCE OF FUNDS:</b> General Fund (Current Year Allocation)	Positions To Be Deleted Per A-30	<input type="checkbox"/>
	Requires 4/5 Vote	<input type="checkbox"/>

**C.E.O. RECOMMENDATION:** APPROVE.

*Tina Grande*

County Executive Officer Signature

By Tina Grande

FORM APPROVED COUNTY COUNSEL  
BY: *Michelle Clack*  
MICHELLE CLACK  
DATE: 10/21/10

Departmental Concurrence

Department Recommendation:  Consent  Policy  
Per Executive Office:  Consent  Policy

**BACKGROUND (cont'd from page 1):**

Ordinance No. 348.4713 proposes to amend twenty-four (24) sections of Ordinance No. 348 by adding language that would allow the Planning Director to find that a use not listed is the same in character and intensity as specifically listed uses. During a comprehensive review of Ordinance No. 348, it was discovered that not all zoning classifications included this language. Therefore, adding this language would bring uniformity to the County's zoning classifications.

Additionally, Ordinance No. 348.4713 would amend Section 21.32 of Ordinance No. 348 by revising the definition of educational institutions to include private schools. This revision is necessary to recognize the increase in non-public institutions providing instructions to minors and adults throughout the County. Day care centers and family day care centers would not be included in this definition.

Ordinance No. 348.4713 is exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3) as it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. The proposed amendment merely revises the definition of an educational institution and allows uses not listed to be processed in the same manner as listed uses as long as they are the same in character and intensity as the already permitted or conditionally permitted uses.

The Board of Supervisors approved Item 3.56 on October 19, 2010, which initiated this action. The agenda item included financial data. The financial data in this item clarifies that this is funded through the current year general fund allocation to Planning and will be expended this fiscal year. Most of the funding has already been spent on preparing and processing this amendment. The department did not anticipate this expense, but was able to make adjustments in order to include this project.



1           Section 4.     A new subsection (d) is added to Section 7.1 of Ordinance No. 348 to read as  
2 follows:

3                   “ Any use that is not specifically listed in Subsections b. and c. may be considered a  
4 permitted or conditionally permitted use provided that the Planning Director finds that the  
5 proposed use is substantially the same in character and intensity as those listed in the  
6 designated subsections. Such a use is subject to the permit process which governs the  
7 category in which it falls.”

8           Section 5.     A new subsection (d) is added to Section 7.25 of Ordinance No. 348 to read as  
9 follows:

10                   “ Any use that is not specifically listed in Subsections b. and c. may be considered a  
11 permitted or conditionally permitted use provided that the Planning Director finds that the  
12 proposed use is substantially the same in character and intensity as those listed in the  
13 designated subsections. Such a use is subject to the permit process which governs the  
14 category in which it falls.”

15           Section 6.     A new subsection (d) is added to Section 8.1 of Ordinance No. 348 to read as  
16 follows:

17                   “ Any use that is not specifically listed in Subsections a. and b. may be considered a  
18 permitted or conditionally permitted use provided that the Planning Director finds that the  
19 proposed use is substantially the same in character and intensity as those listed in the  
20 designated subsections. Such a use is subject to the permit process which governs the  
21 category in which it falls.”

22           Section 7.     A new subsection (d) is added to Section 8.50 of Ordinance No. 348 to read as  
23 follows:

24                   “ Any use that is not specifically listed in Subsections b. and c. may be considered a  
25 permitted or conditionally permitted use provided that the Planning Director finds that the  
26 proposed use is substantially the same in character and intensity as those listed in the  
27 designated subsections. Such a use is subject to the permit process which governs the  
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1 category in which it falls.”

2 Section 8. A new subsection (f) is added to Section 8.60 of Ordinance No. 348 to read as  
3 follows:

4 “ Any use that is not specifically listed in Subsection b. may be considered a permitted or  
5 conditionally permitted use provided that the Planning Director finds that the proposed  
6 use is substantially the same in character and intensity as those listed in the designated  
7 subsection. Such a use is subject to the permit process which governs the category in  
8 which it falls.”

9 Section 9. A new subsection (i) is added to Section 8.91 of Ordinance No. 348 to read as  
10 follows:

11 “ Any use that is not specifically listed in Subsections f., g. and h. may be considered a  
12 permitted or conditionally permitted use provided that the Planning Director finds that the  
13 proposed use is substantially the same in character and intensity as those listed in the  
14 designated subsections. Such a use is subject to the permit process which governs the  
15 category in which it falls.”

16 Section 10. A new subsection (d) is added to Section 8.100 of Ordinance No. 348 to read as  
17 follows:

18 “ Any use that is not specifically listed in Subsections a., b. and c. may be considered a  
19 permitted or conditionally permitted use provided that the Planning Director finds that the  
20 proposed use is substantially the same in character and intensity as those listed in the  
21 designated subsections. Such a use is subject to the permit process which governs the  
22 category in which it falls.”

23 Section 11. A new subsection (k) is added to Section 8.202 of Ordinance No. 348 to read as  
24 follows:

25 “Any use that is not specifically listed in Section 8.202 may be considered a permitted or  
26 conditionally permitted use provided that the Planning Director finds that the proposed  
27 use is substantially the same in character and intensity as those listed in the designated  
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1 subsections. Such a use is subject to the permit process which governs the category in  
2 which it falls.”

3 Section 12. A new subsection (d) is added to Section 9.25 of Ordinance No. 348 to read as  
4 follows:

5 “ Any use that is not specifically listed in Subsection a. may be considered a permitted or  
6 conditionally permitted use provided that the Planning Director finds that the proposed  
7 use is substantially the same in character and intensity as those listed in the designated  
8 subsection. Such a use is subject to the permit process which governs the category in  
9 which it falls.”

10 Section 13. A new subsection (f) is added to Section 12.50 of Ordinance No. 348 to read as  
11 follows:

12 “Any use that is not specifically listed in Subsection e. may be considered a permitted or  
13 conditionally permitted use provided that the Planning Director finds that the proposed  
14 use is substantially the same in character and intensity as those listed in the designated  
15 subsection. Such a use is subject to the permit process which governs the category in  
16 which it falls.”

17 Section 14. A new subsection (f) is added to Section 12.60 of Ordinance No. 348 to read as  
18 follows:

19 “ Any use that is not specifically listed in Subsection e. may be considered a permitted or  
20 conditionally permitted use provided that the Planning Director finds that the proposed  
21 use is substantially the same in character and intensity as those listed in the designated  
22 subsection. Such a use is subject to the permit process which governs the category in  
23 which it falls.”

24 Section 15. A new subsection (k) is added to Section 13.51 of Ordinance No. 348 to read as  
25 follows:

26 “ Any use that is not specifically listed in Subsections g. and h. may be considered a  
27 permitted or conditionally permitted use provided that the Planning Director finds that the  
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1 proposed use is substantially the same in character and intensity as those listed in the  
2 designated subsections. Such a use is subject to the permit process which governs the  
3 category in which it falls.”

4 Section 16. A new subsection (f) is added to Section 14.52 of Ordinance No. 348 to read as  
5 follows:

6 “ Any use that is not specifically listed in Subsections b. and c. may be considered a  
7 permitted or conditionally permitted use provided that the Planning Director finds that the  
8 proposed use is substantially the same in character and intensity as those listed in the  
9 designated subsections. Such a use is subject to the permit process which governs the  
10 category in which it falls.”

11 Section 17. A new subsection (d) is added to Section 14.73 of Ordinance No. 348 to read as  
12 follows:

13 “ Any use that is not specifically listed in Subsections b. and c. may be considered a  
14 permitted or conditionally permitted use provided that the Planning Director finds that the  
15 proposed use is substantially the same in character and intensity as those listed in the  
16 designated subsections. Such a use is subject to the permit process which governs the  
17 category in which it falls.”

18 Section 18. A new subsection (b) is added to Section 14.82 of Ordinance No. 348 to read as  
19 follows:

20 “ Any use that is not specifically listed in Subsection a. may be considered a permitted or  
21 conditionally permitted use provided that the Planning Director finds that the proposed  
22 use is substantially the same in character and intensity as those listed in the designated  
23 subsection. Such a use is subject to the permit process which governs the category in  
24 which it falls.”

25 Section 19. A new subsection (i) is added to Section 15.1 of Ordinance No. 348 to read as  
26 follows:

27 “ Any use that is not specifically listed in Subsections c. and d. may be considered a  
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1 permitted or conditionally permitted use provided that the Planning Director finds that the  
2 proposed use is substantially the same in character and intensity as those listed in the  
3 designated subsections. Such a use is subject to the permit process which governs the  
4 category in which it falls.”

5 Section 20. A new subsection (f) is added to Section 15.101 of Ordinance No. 348 to read as

6 follows:

7 “ Any use that is not specifically listed in Subsections b., c. and d. may be considered a  
8 permitted or conditionally permitted use provided that the Planning Director finds that the  
9 proposed use is substantially the same in character and intensity as those listed in the  
10 designated subsections. Such a use is subject to the permit process which governs the  
11 category in which it falls.”

12 Section 21. A new subsection (f) is added to Section 15.200 of Ordinance No. 348 to read as

13 follows:

14 “ Any use that is not specifically listed in Subsections b. and c. may be considered a  
15 permitted or conditionally permitted use provided that the Planning Director finds that the  
16 proposed use is substantially the same in character and intensity as those listed in the  
17 designated subsections. Such a use is subject to the permit process which governs the  
18 category in which it falls.”

19 Section 22. A new subsection (f) is added to Section 16.2 of Ordinance No. 348 to read as

20 follows:

21 “Any use that is not specifically listed in Subsections b. and c. may be considered a  
22 permitted or conditionally permitted use provided that the Planning Director finds that the  
23 proposed use is substantially the same in character and intensity as those listed in the  
24 designated subsections. Such a use is subject to the permit process which governs the  
25 category in which it falls.”

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1            Section 23.    A new subsection (i) is added to Section 17.1 of Ordinance No. 348 to read as  
2 follows:

3                            “Any use that is not specifically listed in Subsections f. and g. may be considered a  
4 permitted or conditionally permitted use provided that the Planning Director finds that the  
5 proposed use is substantially the same in character and intensity as those listed in the  
6 designated subsections. Such a use is subject to the permit process which governs the  
7 category in which it falls.”

8            Section 24.    A new subsection (i) is added to Section 17.2 of Ordinance No. 348 to read as  
9 follows:

10                           “ Any use that is not specifically listed in Subsections f. and g. may be considered a  
11 permitted or conditionally permitted use provided that the Planning Director finds that the  
12 proposed use is substantially the same in character and intensity as those listed in the  
13 designated subsections. Such a use is subject to the permit process which governs the  
14 category in which it falls.”

15            Section 25.    Section 21.32 is amended to read as follows:

16                           “EDUCATIONAL INSTITUTIONS. Public and private schools, whether nonprofit or  
17 operated for profit, providing instruction to either minors or adults including  
18 kindergartens, elementary schools, junior high schools, senior high schools, junior  
19 colleges, colleges, universities, professional schools and vocational schools. Day care  
20 centers and family day care homes shall not constitute educational institutions.”

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Section 26. This ordinance shall take effect thirty (30) days after its adoption.

BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA

By: \_\_\_\_\_  
Chairman, Board of Supervisors


ATTEST:

CLERK OF THE BOARD

By: \_\_\_\_\_  
Deputy

APPROVED AS TO FORM

October 21, 2010

  
MICHELLE CLACK  
Deputy County Counsel