

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



ITEM: 21.4
(ID # 13284)

MEETING DATE:

Tuesday, August 25, 2020

FROM: TLMA-PLANNING:

SUBJECT: TRANSPORTATION AND LAND MANAGEMENT AGENCY/PLANNING: PUBLIC HEARING ON ORDINANCE NO. 348.4926 – CEQA Exempt, pursuant to State CEQA Guidelines Section 15282(h) (Other Statutory Exemptions, adoption of an ordinance related to second units) and Section 15061 (b)(3) (Common Sense Exemption). – REQUEST: Ordinance No. 348.4926 is an ordinance amendment to Riverside County Ordinance No. 348 (the “Land Use Ordinance”) that establishes requirements and development standards for the development of different dwelling types of living arrangements on a lot in addition to a primary residence. This amendment specifically addresses state-mandated accessory dwelling units (“ADUs”), junior accessory dwelling units (“Junior ADUs”), and ranchets (related to ADUs) and locally-permitted second units and guest quarters; and specifically re-establishes and updates existing regulations for units under the Coachella Valley Multiple Owners Mobilehome Housing Overlay Zone, also known as MOG units. All Districts. [\$55,000 Total Cost – General Fund / NCC 100%] (Continued from June 23, July 7, and August 4, 2020)

RECOMMENDED MOTION: That the Board of Supervisors:

1. **FIND** that the Ordinance No. 348.4926 is **EXEMPT** from the California Environmental Quality Act (CEQA), pursuant to State CEQA Guidelines Section 15282(h) and 15061(b)(3), based on the findings and the conclusion in the staff reports;
2. **ADOPT** Ordinance No. 348.4926, associated with Change of Zone No. 2000002, amending Ordinance No. 348 and establishing regulations for the development of additional residential accommodations within the unincorporated areas of Riverside County, based upon the findings and conclusions in the staff reports; and

ACTION: Policy

Charissa Leach, Assistant TLMA Director 8/19/2020

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Hewitt, seconded by Supervisor Jeffries and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Jeffries, Spiegel, Washington, Perez and Hewitt
Nays: None
Absent: None
Date: August 25, 2020
xc: Planning

Kecia R. Harper
Clerk of the Board

By: Deputy

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STATE OF CALIFORNIA**

3. **Direct** the Assistant TLMA Director or her designee to send the adopted ordinance to the State of California Department of Housing and Community Development (HCD), pursuant to Government Code Section 65852.2.(h).

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost
COST	\$ 15,000	\$ 0	\$ 55,000	\$ 0
NET COUNTY COST	\$ 15,000	\$ 0	\$ 55,000	\$ 0
SOURCE OF FUNDS: NCC / General Fund			Budget Adjustment: No	
			For Fiscal Year: 19/20 – 20/21	

C.E.O. RECOMMENDATION: Approve

BACKGROUND:

Summary

ADU/Junior ADU

Effective January 1, 2020, Government Code sections 65852.2., related to accessory dwelling units (“ADUs”), and 65852.22., related to junior accessory dwelling units (“Junior ADUs”), establish modified regulations for all local jurisdictions, including the County of Riverside. ADU and Junior ADU law provides for the adoption of a state-compliant local ordinance that designates areas where ADUs and Junior ADUs may be permitted, establishes allowances for unit types and quantity, establishes development/occupancy standards and other related requirements for these units, and, establishes that these units are a residential use that does not exceed the allowable density, and is therefore, consistent with the General Plan.

Specifically, the County must allow for the creation of ADUs and Junior ADUs as specified in the aforementioned Government Code sections. In short, state law allows at least one interior ADU or Junior ADU and one detached ADU for any lot with a single-family (or “one-family”) dwelling. Additionally, state law allows interior and detached ADUs on lots with multifamily (or “multiple family”) dwellings. Interior units must be within the established floor area/footprint of a structure and may only include limited expansion for egress/ingress. Standards that may be imposed include a maximum building height of 16 feet, minimum setback no greater than 4 feet, and floor area maximums that do not exceed 1,200 square feet for ADUs and 500 square feet for Junior ADUs.

Existing Ordinance Regulation

The Riverside County Land Use Ordinance currently permits and regulates guest quarters (Section 18.18.D.), second units (Section 18.18.F), and multiple owner mobilehome housing (Article XIXj.), also known as “MOGs.” These units/quarters are permitted by-right either on lots with one-family dwellings (guest quarters/second units) or within the Eastern Coachella Valley (MOGs).

PROPOSED PROJECT:

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

Project Analysis

The main purpose of the proposed Project is to achieve compliance with state law relating to additional living arrangements, such as ADUs and Junior ADUs. If a local ordinance is not adopted, compliance to state ADU law is still required; however, the adoption of a local ordinance allows the County to establish its own state-compliant regulation and policy as it relates to additional living arrangements. A local ordinance will guide and may facilitate the development of additional living arrangements in appropriate areas of the unincorporated County and with appropriate standards.

Specifically, the proposed ordinance amendment completely amends an existing section of the Land Use Ordinance (known as *Article XIXj. – Coachella Valley Multiple Owner Mobilehome Housing Overlay*) in its entirety by replacing it with a new article, named *Additional Residential Accommodations*, which carries over regulation currently found in Article XIXj. The new article groups together new and existing types of additional residential accommodations permitted in unincorporated County, including ADUs, Junior ADUs, ranchets, guest quarters, second units, and MOGs.

Generally, the new article allows both detached and interior additional residential accommodation for lots with either one-family and multiple family buildings or uses. Interior accommodations must be created within another dwelling or an accessory structure with minimal expansion allowed for access only and “interior” does not mean “attached.” In addition to the above, the ordinance amendment also re-establishes existing MOG regulation within the new article and makes global changes and reconfigurations for internal ordinance consistency.

Airport Land Use Commission

On June 11, 2020, the Riverside County Airport Land Use Commission found the Project consistent with the 2004 Riverside County Airport Land Use Compatibility Plan.

CEQA Compliance and Findings

Section 21080.17 of the Public Resource Code (PRC) provides, “This division does not apply to the adoption of an ordinance by a city or county to implement the provisions of Section 65852.1 or Section 65852.2 of the Government Code”, which is implemented by the statutory exemption provided in Section 15282(h) of the State CEQA Guidelines. Based on the project description provided, the substantive changes to the Ordinance No. 348 specifically implement the provisions of Section 65852.2 of the Government Code. Therefore, the project is statutorily exempt from CEQA pursuant to PRC Section 21080.17 and State CEQA Guideline Section 15282(h). Other associated changes to Ordinance No. 348, include re-establishing, relocating and re-defining existing regulation, minor textual updates, and administrative clean ups, which are minor and do not create impact. Therefore, there is no possibility that the project will have a significant effect on the environment and is, therefore, exempt from CEQA pursuant to State CEQA Guideline Section 15061(b)(3).

Planning Commission and Outreach

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

The Riverside County Planning Commission considered Ordinance No. 348.4926, associated to CZ No. 2000002, at a regularly scheduled public hearing held on May 20, 2020 and recommended to the Board of Supervisors approval of the Project by a unanimous vote (5-0).

Planning staff held two (2) Planning Commission workshops relating to ADUs and Junior ADUs and received input from the Planning Commission and the public. The original draft ordinance amendment was posted on the Planning Department's public website (planning.rctlma.org) on Friday, April 24, 2020 for public review and comment and shared through social media. Comments already received and considered by Planning staff identified concerns over proposed location and allowance requirements, entitlement and approval requirements, and development standards (for MOG Units and Ranchets), which resulted in minor changes to the ordinance amendment originally released for review.

Public Hearing Notification and Continuances

The Project was advertised in the Press Enterprise Newspaper and Desert Sun on June 13, 2020, pursuant to Section 1.6, 1.7, 1.8, of Riverside County Ordinance No. 348 for the June 23, 2020 Board of Supervisors public hearing.

At the June 23, 2020 public hearing (Agenda Item No. 21.1 / MT Item No. 12736), the Board of Supervisors continued the Project to July 7, 2020, at the request of staff, to address comments received. At the July 7, 2020 public hearing (Agenda Item No. 21.2 / MT Item No. 13019), the Board of Supervisors further continued the Project to August 4, 2020, at the request of staff. At the August 4, 2020 (Agenda Item No. 21.4 / MT No. 13046), the Board of Supervisors continued the Project to August 25, 2020, at the request of staff, to allow for sufficient time to fully address all comments received, including comments from the State's Department of Housing and Community Development (HCD).

Summary of Comments Received

Written comments expressed concern over compliance with state law as it pertains to proposed requirements on floor area, attached units, owner occupancy, nonconforming conditions, action on an application, percolation test time limits, processing, and other development standards, as shown in Attachment C.

Comments received from HCD reiterated some of the above concerns, particularly those on processing, attached units, and nonconforming conditions.

Clarifying language and minor modifications were made to the ordinance amendment presented to the Board of Supervisors on June 23, 2020 in order to address these concerns and ensure compliance with state law, as shown in Attachment B. Adoption of the proposed ordinance will allow County Staff to officially submit to HCD for formal review of the adopted ordinance, pursuant to Government Code Section 65852.2.(h).

**SUBMITTAL TO THE BOARD OF SUPERVISORS COUNTY OF RIVERSIDE,
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Impact on Residents and Businesses

The proposed ordinance amendment ensures that the County continues to comply with State law. In addition, the proposed regulations will facilitate, enable and expedite the creation of additional residential accommodations, which is intended to provide more housing opportunities for Riverside County residents that will in turn assist with the housing shortage locally and statewide.

Additional Fiscal Information

The total cost to complete this ordinance amendment is approximately \$55,000 – funded through NCC budget allocation. The planning process for this Project commenced and will be completed this fiscal year (20/21). The above costs includes funds spent on public outreach, drafting the ordinance amendment, environmental considerations, and public hearings.

ATTACHMENTS:

- Attachment A: Ordinance No. 348.4926
- Attachment B: Ordinance No. 348.4926 (redlined version)
- Attachment C: Written Comment Letters Received
- Attachment D: PC Minutes and Staff Report/attachments
- Attachment E: Draft Notice of Exemption



Jason Farin, Principal Management Analyst 8/19/2020



Gregory H. Priamos, Director County Counsel 8/19/2020

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STATE OF CALIFORNIA)
) ss
COUNTY OF RIVERSIDE)

I HEREBY CERTIFY that at a regular meeting of the Board of Supervisors of said county held on August 25, 2020, the foregoing ordinance consisting of 15 Sections was adopted by the following vote:

AYES: Jeffries, Spiegel, Washington, Perez and Hewitt
NAYS: None
ABSENT: None

DATE: August 25, 2020



KECIA R. HARPER
Clerk of the Board
BY: *[Handwritten Signature]*
Deputy

1 community, preserve property values and protect the public health, safety and
2 welfare.”

3 Section 5. Subsection D. of Section 18.18 of Ordinance No. 348 is deleted in its entirety.

4 Section 6. Existing subsection E. of Ordinance No. 348 is relettered subsection D.

5 Section 7. Subsection F. of Section 18.18 of Ordinance No. 348 is deleted in its entirety.

6 Section 8. Subsection D. of Section 18.29a. of Ordinance No. 348 is deleted in its
7 entirety.

8 Section 9. Subsections E., F., and G of Section 18.29a. of Ordinance No. 348 are
9 relettered D., E., and F. respectively.

10 Section 10. Subsection D. of Section 18.53 of Ordinance No. 348 is amended to read as
11 follows:

12 “D. EXCEPTIONS. Cottage food operations shall not be permitted in any Second Unit,
13 Guest Quarter, accessory building, ADU or Junior ADU.”

14 Section 11. Subsection E. of Section 19.501 of Ordinance No. 348 is amended to read as
15 follows:

16 “E. All Commercial Cannabis Activities within any dwelling unit, ADU , Junior ADU,
17 Second Unit, Guest Quarter, MOG, Ranchet, or any other residential accessory structure
18 permitted for residential occupancy is prohibited.”

19 Section 12. Article XIXj of Ordinance No. 348 is deleted in its entirety and replaced with
20 the following:

21 “ARTICLE XIXj

22 ADDITIONAL RESIDENTIAL ACCOMMODATIONS

23 SECTION 19.800. PURPOSE AND INTENT.

24 This article establishes requirements and development standards for additional residential
25 accommodations created to augment one-family dwellings or multiple family dwellings.
26 These requirements and development standards are intended to facilitate the proper
27 development of additional residential accommodations to increase supply and diversity of
28 housing types within the unincorporated areas of Riverside County.

1 SECTION 19.801. APPLICABILITY

2 This article shall not apply to accessory dwelling units or junior accessory dwelling units
3 that meet the requirements set forth in Government Code section 65852.2(e)(1).
4 Applications for accessory dwelling units or junior accessory dwelling units meeting the
5 requirements of Government Code section 65852.2(e)(1) shall be approved ministerially,
6 pursuant to the process and requirements set forth in that section. Accessory dwelling units
7 or junior accessory dwelling units that do not meet the requirements set forth in Government
8 Code section 65852.2(e)(1) shall comply with this Article.

9 SECTION 19.802. DEFINITIONS AND CONSTRUCTION.

10 A. Definitions. For purposes of this Article, the following are considered additional
11 residential accommodations and defined as follows:

- 12 1. Accessory Dwelling Unit (ADU): A dwelling that includes exterior access
13 and provides complete independent living facilities, including a kitchen and
14 bathroom, which are allowed in addition to a primary dwelling on lots zoned
15 for one family dwellings or multiple family dwellings. An ADU may be an
16 efficiency unit, as defined in section 17958.1 of the Health and Safety Code.
- 17 2. Junior Accessory Dwelling Unit (Junior ADU): A dwelling within a one
18 family dwelling that includes exterior access and, at a minimum, a cooking
19 area with cooking appliances, food preparation counters, and storage
20 cabinets, all proportional to the size of the dwelling unit. A Junior ADU shall
21 either include a self-contained bathroom or share a bathroom with the
22 primary one family dwelling.
- 23 3. Second Unit: A one family dwelling that includes a kitchen and bathroom
24 that is allowed on lots zoned for one family dwellings and includes an existing
25 primary one family dwelling. A Second Unit is not an ADU as defined in this
26 Article.
- 27 4. Guest Quarter: A living area dependent on some or all of the primary one
28 family dwelling's facilities. A Guest Quarter shall not have a kitchen, but

1 may include a bathroom. A Guest Quarter is not allowed on lots zoned for
2 multiple family dwellings.

3 5. Multiple Owner Group (MOG) Unit: Any type of state-licensed mobilehome
4 or manufactured home installed on or before May 14, 2013 on lots located
5 within the Eastern Coachella Valley, as further defined in this Article.

6 6. Ranchet Unit (Ranchet): Any type of state-licensed mobilehome or
7 manufactured home complying with Health and Safety Code section
8 18214(c), as may be amended, installed on lots larger than or equal to 2 gross
9 acres that includes at least one additional Ranchet, and is located within the
10 Eastern Coachella Valley, as further defined in this Article.

11 B. Construction. The construction of additional residential accommodations shall
12 comply with the following:

13 1. An attached additional residential accommodation involves the expansion of
14 an existing structure for the purposes of creating new habitable floor area.

15 2. A detached additional residential accommodation shall be on the same lot as
16 the primary dwelling but not attached to it or any other structure. Except for
17 Guest Quarters, a detached additional residential accommodation may be a
18 mobilehome or manufactured home.

19 3. An interior additional residential accommodation involves the conversion of
20 or inclusion within the footprint and floor area of an existing or proposed one
21 family dwelling or associated attached structure, such as a garage, storage
22 area, or similar structure. Limited expansion of an established footprint or
23 floor area is only allowed to provide necessary access to the additional
24 residential accommodation.

25 4. An ADU may be an attached, detached or interior additional residential
26 accommodation.

27 5. A Junior ADU shall be an interior additional residential accommodation
28 within a one family dwelling or associated attached structure, such as a

1 garage, storage area, or similar structure, but is not allowed within multiple
2 family dwellings.

- 3 6. A Second Unit, Guest Quarter, MOG Unit or Ranchet shall be a detached
4 additional residential accommodation.

5 SECTION 19.803. LOCATION AND ALLOWANCES.

6 A. Location. Additional residential accommodations are permitted by-right on lots
7 zoned for one family dwellings or multiple family dwellings with the following
8 exceptions:

- 9 1. Additional residential accommodations shall not be permitted on lots with a
10 dwelling(s) that does not have all required building permits.
11 2. Additional residential accommodations shall not be permitted on lots that are
12 constrained by water availability, water quality or sewage disposal or other
13 public health and safety concerns. Prohibited areas shall include those areas
14 where a development moratorium is imposed because of a moratorium for
15 water or sewer, whether imposed by the County or another public agency
16 with the authority to impose such a development moratorium.
17 3. MOG Units and Ranchets are only permitted within the Eastern Coachella
18 Valley, as further defined in this Article.
19 4. MOG Units may be permitted on lots zoned for nonresidential uses if the lot
20 and MOG Units meet the definition of MOG Unit as provided in this Article.

21 B. Allowances. The number of attached, detached or interior additional residential
22 accommodations allowed on lots where there is an existing or proposed one family
23 dwelling or an existing multiple family dwelling shall be in accordance with one of
24 the following, but not a combination thereof:

- 25 1. One Family Dwelling.
26 a. One attached or interior additional residential accommodation shall
27 be permitted per lot.
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1 b. One detached additional residential accommodation shall be
2 permitted per lot.

3 2. Multiple Family Dwelling.

4 a. One interior ADU shall be permitted per lot or a quantity that is less
5 than or equal to twenty-five percent (25%) of the existing units within
6 the multiple family dwelling, whichever is greater.

7 b. Two detached ADU shall be permitted per lot.

8 3. Eastern Coachella Valley.

9 a. The first MOG Unit or Ranchet installed on a lot shall be designated
10 as the primary dwelling for the purposes of this Article.

11 b. A maximum of twelve detached MOG Units shall be permitted per
12 lot; or,

13 c. A maximum of four detached Ranchets shall be permitted per lot in
14 accordance with this Article. The maximum number of four detached
15 Ranchets per lot shall include any existing primary dwelling. In the
16 event an existing primary dwelling is converted to a Ranchet, all
17 additional residential accommodations on the lot shall be considered
18 Ranchets and shall comply with this Article.

19 SECTION 19.804. LAND USE PERMITS AND PROCESSING.

20 A. Land Use Permits. No discretionary land use permit such as, but not limited to, a
21 plot plan or conditional use permit is required for an additional residential
22 accommodation.

23 B. Site Design Plan. Applications for any additional residential accommodation shall
24 include a site design plan demonstrating compliance with the development standards
25 provided in this Article.

26 C. Processing. Applications for any additional residential accommodation shall be
27 processed in accordance with this ordinance, Ordinance No. 671 and Ordinance No.
28 457, as applicable. Applications for an ADU or Junior ADU shall be acted upon

1 within sixty (60) days of the application being submitted to the County. Acting on
2 an application may include approving or denying an application, providing
3 corrections resulting from plan check, or issuing, withdrawing, cancelling or
4 abandoning an application; or any other similar action. The County may delay acting
5 on an application for an ADU or Junior ADU until after acting on an application for
6 a new primary dwelling on the same lot.

7 D. Residential Use. Additional residential accommodations shall be deemed an
8 accessory residential use.

9 SECTION 19.805. APPROVAL REQUIREMENTS.

10 A. An application for an additional residential accommodation shall be accepted and
11 approved if it complies with all of the following:

- 12 1. The requirements and development standards set forth in this Article.
- 13 2. All applicable laws and regulations related to health and safety including, but
14 not limited to, Fire and Building Code regulations.
- 15 3. All required approvals are obtained prior to submittal from the Riverside
16 County Department of Environmental Health, Fire Department, and the
17 Riverside County Airport Land Use Commission.
- 18 4. Written confirmation has been provided from the Department of
19 Environmental Health for the use of an existing or new septic system for any
20 additional residential accommodation.
- 21 5. If applicable, a percolation test is completed and certified within the last five
22 years or recertified within the last ten years, by the Riverside County
23 Department of Environmental Health.
- 24 6. All required approvals are obtained from the applicable water and sewer
25 purveyor(s).
- 26 7. If applicable because of geographic location and constraints, all required
27 approvals from the Fire Department, Riverside County Flood Control and
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1 Water Conservation District, Coachella Valley Water District or the
2 Environmental Programs Division of the Planning Department.

- 3 B. For the purposes of fire or life protection, a Junior ADU shall not be considered a
4 separate or new dwelling unit.
- 5 C. No final inspections shall be performed or certificate of occupancy shall be issued,
6 for an additional residential accommodation prior to the final inspection for the new
7 one family dwelling located on the same lot.
- 8 D. Additional residential accommodations shall not be subject to Section 18.10 and
9 Section 18.11 of this ordinance related to location and size of dwellings.

10 SECTION 19.806. FEES AND UTILITY CONNECTIONS.

- 11 A. Impact and connection fees shall be calculated in accordance with applicable State
12 and local laws and regulations including, but not limited to, Government Code
13 sections 65852.2 and 65852.22, and Riverside County Ordinance No 659.
- 14 B. An attached/interior ADU or Junior ADU shall not be required to install a new or
15 separate utility connection directly between the unit and the utility, but may be
16 required if the unit was created or constructed concurrently with a new one family
17 dwelling, as determined through the permitting processed. Guest Quarters shall not
18 be permitted to install a new or separate utility connection directly between the unit
19 and the utility.
- 20 C. All other additional residential accommodations, including any detached ADU,
21 Second Unit, MOG Unit or Ranchet, may be required to provide a new or separate
22 utility connection directly between the unit and the utility.

23 SECTION 19.807. DEVELOPMENT STANDARDS.

- 24 A. Lot Size. Additional residential accommodations may be located on any lot in
25 accordance with the following:
- 26 1. Lots zoned for One Family Dwellings. Detached Second Units or Guest
27 Quarters shall be located on lots greater than 7,200 square feet in area.
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1 2. Lots zoned for Multiple Family Dwellings. Only ADUs are allowed on lots
2 zoned for Multiple Family Dwellings.

3 3. Lots within the Eastern Coachella Valley. Ranchets shall be located on lots
4 greater than or equal to two (2) gross acres in area.

5 B. Lot Coverage. The floor area of attached or detached ADUs shall not be included in
6 the calculations used to determine compliance with lot coverage requirements in this
7 ordinance. The floor area of interior ADUs and interior Junior ADUs shall be
8 considered part of the floor area of the primary dwelling and included in the
9 calculations used to determine compliance with lot coverage requirements in this
10 ordinance.

11 C. Setbacks. Additional residential accommodations shall comply with the following
12 setbacks:

13 1. Interior ADU, Junior ADU. Front, side and rear setbacks shall be pursuant
14 to the applicable zoning classification for the lot. Additionally, any
15 expansion required for egress or ingress shall maintain a minimum side and
16 rear setback of four (4) feet.

17 2. Attached ADU, Detached ADU. Side and rear setbacks shall be no less than
18 four (4) feet. Front setbacks shall be pursuant to the applicable zoning
19 classification for the lot.

20 3. Second Unit and Guest Quarters. Setbacks shall be pursuant to the applicable
21 zoning classification for the lot.

22 4. MOG Units. Front, rear, and side setbacks shall comply with Title 25 of the
23 California Code of Regulations, as may be amended.

24 5. Ranchets. Setbacks shall be pursuant to the applicable zoning classification
25 for the lot.

26 D. Floor Area. Floor area shall include the interior habitable area of an additional
27 residential accommodation, including finished basements and finished attics but shall
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1 not include an uninhabitable garage or any accessory building or structure. The floor
2 area for additional residential accommodations shall comply with the following:

3 1. Attached ADU, Interior ADU.

4 a. One Family Dwelling: the maximum floor area shall not exceed fifty
5 percent (50%) of the primary dwelling's floor area. If 50% of the
6 primary dwelling's floor area is less than 800 square feet than the
7 maximum floor area shall be 800 square feet. In no event shall the
8 maximum floor area exceed 1,000 square feet.

9 b. Multiple Family Dwelling: the maximum floor area shall not exceed
10 1,000 square feet.

11 c. Except to create exterior access to the Interior ADU, no expansion of
12 the primary dwelling shall be allowed for creation of the Interior
13 ADU. The maximum expansion for egress or ingress shall be less
14 than or equal to 150 square feet.

15 2. Detached ADU. The maximum floor area shall not exceed 1,000 square feet.

16 3. Junior ADU.

17 a. The maximum floor area shall not exceed fifty percent (50%) of the
18 primary dwelling's floor area. In no event shall the maximum floor
19 area exceed 500 square feet.

20 b. Except to create exterior access to the Junior ADU, no expansion of
21 the primary dwelling shall be allowed for creation of the Junior ADU.
22 The maximum expansion for egress or ingress shall be less than or
23 equal to 150 square feet.

24 4. Second Unit. The maximum floor area shall be in accordance with the
25 following:

26 a. 7,201 - 20,000 square-foot lots. The maximum floor area shall not
27 exceed 1,200 square feet.
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- b. 20,001 square-foot – 2 acres lots. The maximum floor area shall not exceed 1,500 square feet.
 - c. 2.01 acres – 4 acre lots. The maximum floor area shall not exceed 2,500 square feet.
 - d. Lots greater than 4 acres. The maximum floor area shall not exceed 200 percent (200%) of the primary one family dwelling’s floor area.
- 5. Guest Quarter. The maximum floor area shall not exceed two percent (2%) of the gross lot size or 600 square feet, whichever is less.
 - 6. MOG Units. Floor area shall comply with Title 25 of the California Code of Regulations, as may be amended.
 - 7. Ranchets. No maximum floor area. The minimum floor area shall be 450 square feet, excluding patios, porches, garages, and similar structures.
- E. Height. Additional residential accommodations shall comply with the following:
- 1. Interior ADU and Junior ADU. An interior ADU and Junior ADU shall be created within one story or floor of the building.
 - 2. Attached ADU and Detached ADU. The maximum height shall be no greater than sixteen (16) feet.
 - 3. Guest Quarters. The maximum height shall be pursuant to the applicable zoning classification for the lot.
 - 4. Second Units. The maximum height shall be no greater than the height of the primary one family dwelling.
- F. Parking. Off-street parking shall comply with section 18.12 of this ordinance and the following:
- 1. Interior ADU within an existing structure, Junior ADU, or Guest Quarter.
 - a. No parking space(s) shall be required.
 - b. No replacement parking spaces shall be required for conversion of any existing parking spaces, including garages, carports or marked spaces into an interior ADU or a Junior ADU. Any conversion of

1 existing parking space(s) into a Guest Quarter shall be replaced at a
2 1:1 ratio.

3 2. Interior ADU within a new structure, Attached ADU, or Detached ADU.

4 a. One (1) regular or tandem parking space per unit shall be required;
5 or,

6 b. Parking may be waived, if any of the following apply to the lot or
7 unit:

8 i. Within a half mile ($\frac{1}{2}$ mile) walking distance from transit,
9 including bus stop or train station locations where the public
10 may access buses, trains or any other forms of transportation
11 that charge set fares, run on fix routes and are available to the
12 public; or,

13 ii. Within an architecturally or a historically significant district;
14 or,

15 iii. Within an area that requires on-street parking permits but are
16 not offered to the new unit; or,

17 iv. Within one (1) mile from a car share area.

18 c. Parking may be located within required setbacks established by this
19 ordinance.

20 d. No replacement parking spaces shall be required for conversion of
21 any existing parking spaces, including garages, carports or marked
22 spaces into an ADU.

23 3. Second Unit.

24 a. One (1) parking space per one-(1) bedroom unit shall be required; or,

25 b. Two (2) parking space for units with two (2) or more bedrooms shall
26 be required.

27 c. Any conversion of existing parking space(s) into a Second Unit shall
28 be replaced at a 1:1 ratio.

- 1 4. MOG Units. Parking spaces shall be provided pursuant to Section 18.12 of
2 this ordinance, with the exception of the following criteria:
 - 3 a. Parking spaces shall be located immediately adjacent to each MOG
4 Unit; and,
 - 5 b. Parking spaces shall be developed using impervious surfaces.
- 6 5. Ranchets. Parking spaces shall be provided pursuant to Section 18.12 of this
7 ordinance.

8 G. Design.

- 9 1. Additional residential accommodations shall be compatible with the
10 architecture of the primary one family dwelling or multiple family dwelling
11 on the same lot and consistent with the surrounding neighborhood.
- 12 2. Attached and Interior additional residential accommodations shall have
13 exterior access to the unit.
- 14 3. In accordance with Title 25 of the California Code of Regulations, as may be
15 amended, MOG Units and Ranchets shall include any required opaque skirt
16 entirely around the unit in order to screen the area between the ground level
17 and the floor of the unit.

18 H. Access.

- 19 1. All weather access for emergency vehicles shall be provided for any
20 additional residential accommodation that is located more than one-hundred
21 and fifty feet (150 ft.) from a public right-of-way.
- 22 2. All access roads for emergency vehicle or driveways that service an
23 additional residential accommodation shall be at least twenty (20) feet in
24 width and shall have a clear and unobstructed access to the public road.

25 I. MOG Unit Specific Development Standards.

- 26 1. MOG Units shall be located within individual and separate spaces, which
27 may also include accessory structures or appurtenances attached thereto or
28 used in conjunction therewith. Spaces shall only include one MOG Unit.

- 1 a. The minimum size of each space within the lot shall be 2,500 square
2 feet.
3 b. The minimum dimension of the space shall be thirty (30) feet in width
4 and eighty (80) feet in depth.
5 c. The minimum coverage of each space shall not exceed seventy-five
6 percent (75%) of the space area with structures, including the
7 manufactured home unit, any attached or detached accessory
8 structures, such as awnings, stairways, and ramps.

9 2. Separation of buildings or structures shall comply with Title 25 of the
10 California Code of Regulations, as may be amended.

11 3. Walls and Fences and Landscaping.

12 a. A chain link fence, or other similar material, shall be erected along
13 the perimeter of the lot, except when prohibited in flood areas or
14 similar situations.

15 i. The fence shall be at least six (6) feet in height.

16 ii. The fence shall be screen by landscaping or other material.

17 b. A chain link fence, or other similar fencing, at least three (3) feet in
18 height shall be erected between spaces on the lot. Landscaping may
19 be used in lieu of required fencing between spaces on the lot.

20 4. Additional Access Requirements.

21 a. MOG Units shall be located no further than 450 feet from a public
22 dedicated and maintained road.

23 b. MOG Units shall be served by an all-weather access road or driveway,
24 such as a Class 2 base or a material capable of supporting emergency
25 vehicles as approved by the Fire Department.

26 c. No additional curb cuts, rear access or any other types of access for
27 the lot shall be allowed, except where authorized by the Riverside
28

1 County Transportation Department through the issuance of an
2 encroachment permit connecting with a public right-of-way.

3 SECTION 19.808. OCCUPANCY AND FIRE PROTECTION.

4 A. Occupancy.

- 5 1. Accessory Dwelling Unit. Property owners shall not be required to occupy,
6 or live within, the primary dwelling or ADU located on the same lot, if the
7 ADU is permitted between January 1, 2020 and June 1, 2025. If an ADU is
8 permitted after June 1, 2025, property owners must occupy, or live within,
9 the primary dwelling or ADU located on the same lot. Appropriate
10 verification to show occupancy, as determined by the County, may include,
11 but not limited to, utility bills or official mail with the property owners name,
12 government issued identification or license with primary address and
13 property owner's name, or documents showing official registration primary
14 address as residence for the property owner.
- 15 2. Second Unit or Guest Quarter. Property owners must occupy, or live within,
16 the primary dwelling existing on the same lot as the Second Unit or Guest
17 Quarter. Appropriate verification to show occupancy, as determined by the
18 County, may include, but not limited to, utility bills or official mail with the
19 property owner's name, government issued identification or license with
20 primary address and property owner's name, or documents showing official
21 registration primary address as residence for property owner.
- 22 3. Junior Accessory Dwelling Unit. Property owners must occupy, or live
23 within, either the primary dwelling or Junior ADU located on the same lot.
24 Appropriate verification showing occupancy, as determined by the County,
25 may include, but not limited to, utility bills or official mail with the property
26 owner's name, government issued identification or license with primary
27 address and property owner's name, or documents showing official
28 registration primary address as residence for property owner.

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4. Owner-occupancy requirements shall not apply if the property owner is another governmental agency, land trust, housing organization or other similar agency or organization.
5. Except for Guest Quarters and MOG Units, additional residential accommodations may be rented to and occupied by any person(s) in accordance with occupancy requirements provided in this Article. The renting of a Ranchet is for the mobilehome or manufactured home only and shall not create a real property interest in the lot the Ranchet is located on.
6. Additional residential accommodations shall not be rented for a period less than or equal to 30 days.
7. Guest Quarters shall be used exclusively by the occupants of the one family dwelling on the same lot or their non-paying guests.
8. MOG Units shall be occupied by at least two (2) separate legal owners, verified with the latest deed, which shall live in separate MOG Units. MOG Units shall not be rented or leased, or held out for rent or lease.
9. Additional residential accommodations shall be used for residential purposes and may include home businesses or occupations as allowed by local or state laws.
10. Additional residential accommodations shall not be sold as a separate unit, except as provided by local or state law and, if required, the lot is subdivided pursuant to local and state subdivision laws.
11. For lots with a proposed Junior ADU, a deed restriction in accordance with Government Code section 65852.22(a)(3), as may be amended, shall be recorded on the property and included in the application for the Junior ADU.

B. Fire Protection.

1. Water supply to the lot shall be capable of providing the required fire flow for fire protection, pursuant to the California Fire Code.

2. ADUs or Junior ADUs shall provide fire sprinklers only if the primary dwelling is required to provide fire sprinklers.

SECTION 19.809. ADDITIONAL MOG UNIT REQUIREMENTS.

A. Ownership.

1. Lots with MOG Units must be jointly owned by multiple owners, and all owners must be listed on the deed.
2. Property owners shall notify the Planning Director, or designee, of any change in ownership within thirty (30) days of the change. Ownership and occupancy shall meet the requirements of this article for the life of the MOG Unit.

B. Subdivision and Installation.

1. The allowance of multiple MOG Units on one lot does not constitute a subdivision of that lot under the Subdivision Map Act or Riverside County Ordinance No. 460.
2. MOG Units shall not be sold separately, unless the underlying lot is subdivided pursuant to all applicable local and state subdivision and land use laws.
3. MOG Units shall be pre-existing and installed prior to May 14, 2013.
4. MOG Units shall be located on a lot with at least one other MOG Unit.
5. MOG Units shall be part of an existing grouping of manufactured homes on one (1) lot, referred to as an existing "MOG manufactured home park." No expansion of the existing MOG manufactured home park shall be permitted.
6. MOG Units shall be installed per manufacturer's specifications on approved piers. No permanent foundation shall be allowed for a MOG Unit, except where required by the applicable flood control district.
7. MOG Units on approved piers shall be screened by an opaque skirt to completely cover the area between the floor and the ground and completely cover the approved piers.

1 8. No outside storage shall be allowed on lots with MOG Units.

2 C. Utilities.

3 1. MOG Units shall have separate utility services and connections, except for
4 MOG Units connected to sub-surface sewage disposal systems.

5 2. Propane tanks shall include appropriate setbacks, pursuant to the California
6 Fire Code.

7 3. The maximum size of a propane tank shall be 250 gallons.

8 4. Electrical meter banks may be permitted, subject to written approval by the
9 local electric provider.

10 5. MOG Units shall have running water.

11 6. MOG Units served by a water well shall meet minimum production
12 requirements set forth in Riverside County Ordinance No. 682.

13 7. MOG Units connected to a septic system or well shall obtain all necessary
14 approvals from the appropriate departments.

15 8. MOG Units utilizing any proposed State Small Water System shall obtain
16 approval from the Riverside County Department of Environmental Health.

17 SECTION 19.810. EASTERN COCHELLA VALLEY BOUNDARY.

18 For the purposes of this article, the Eastern Coachella Valley boundary shall include all that
19 area identified as the "Area Plan Boundary" in Figure 3, or the Land Use Plan, of the Eastern
20 Coachella Valley Area Plan, which is part of the Riverside County General Plan, as
21 amended.

22 SECTION 19.811. DENSITY.

23 A. An additional residential accommodation that conforms to this Article shall not be
24 considered to exceed the allowable density established by the General Plan for the
25 lot upon which the additional residential accommodation is located.

26 B. An additional residential accommodation that conforms to this Article shall be
27 considered consistent with the Riverside County General Plan, including the Land
28

1 Use Element, and the residential uses of the applicable zoning classification for the
2 lot upon which the additional residential accommodation is located.

3 SECTION 19.812. CONFLICTING STANDARDS AND REQUIREMENTS.

4 A. In the event there is a conflict between the requirements and development standards
5 set forth in this Article and a lot's applicable zoning classification or other provision
6 in this ordinance, the provisions of this Article shall prevail.

7 B. If any provision of this Article conflicts with California Government Code Section
8 65852.2 or 65852.22, the provisions of the Government Code sections shall prevail."

9 Section 13. Section 21.35a. of Ordinance No. 348 is amended to read as follows:

10 "SECTION 21.35a. GUEST QUARTER.

11 Guest quarter is defined in Article XIXj of this ordinance."

12 Section 14. Section 21.51a. of Ordinance No. 348 is amended to read as follows:

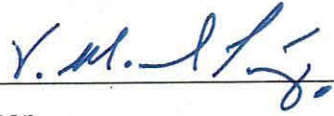
13 "SECTION 21.51a. MOBILEHOME PARK.

14 Mobilehome park is any area of tract of land where one or more mobilehome lots are
15 rented or leased or held out for rent or lease to accommodate mobilehome used for
16 human habitation. The rental paid for any such mobilehome shall be deemed to
17 include rental for the lot it occupies. Mobilehome park does not include lots
18 containing Ranchets pursuant to Article XIXj of this ordinance.


19 Notwithstanding the foregoing definition, any person, not including a mobilehome
20 park operator, who owns a mobilehome and owns, rents or leases the land upon
21 which the mobilehome is located, is permitted to rent, lease, sublease, let our, or hire
22 out for occupancy the mobilehome and the land upon which the mobilehome is
23 located, without obtaining a permit to construct or operate a mobilehome park."

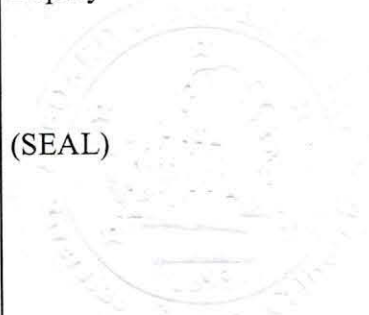
1 Section 15. This ordinance shall take effect thirty (30) days after its adoption.

2
3 BOARD OF SUPERVISORS OF THE COUNTY
4 OF RIVERSIDE, STATE OF CALIFORNIA

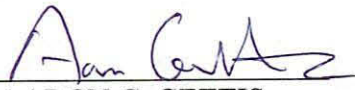
5 By: 
6 Chairman

7
8
9 ATTEST:
10 CLERK OF THE BOARD
11 Kecia Harper

12 By: 
13 Deputy



18 APPROVED AS TO FORM
19 August 17, 2020

20 By: 
21 AARON C. GETTIS
22 Supervising Deputy County Counsel



RIVERSIDE COUNTY PLANNING DEPARTMENT

Charissa Leach, P.E.
Assistant TLMA Director

NOTICE OF EXEMPTION

TO: Office of Planning and Research (OPR)
P.O. Box 3044
Sacramento, CA 95812-3044
 County of Riverside County Clerk

FROM: Riverside County Planning Department
 4080 Lemon Street, 12th Floor
P. O. Box 1409
Riverside, CA 92502-1409

38686 El Cerrito Road
Palm Desert, CA 92201

Project Title/Case No.: Ordinance No. 348.4926, Change of Zone No. 2000002

Project Location: This amendment results in updating the Land Use Ordinance and will apply countywide, except for those regulations applying only to the Eastern Coachella Valley as described in the ordinance.

Project Description: Ordinance No. 348.4926 is an ordinance amendment to Riverside County Ordinance No. 348 (the "Land Use Ordinance") that establishes requirements and development standards for the development of different dwelling types or living arrangements on a lot in addition to a primary residence. This amendment specifically addresses state-mandated accessory dwelling units ("ADUs"), junior accessory dwelling units ("Junior ADUs"), and ranchets (related to ADUs) and locally-permitted second units and guest quarters; and specifically re-establishes and updates existing regulation for units under the Coachella Valley Multiple Owners Mobilehome Housing Overlay Zone, also known as MOG units. Ordinance No. 348.4926 is associated with Change of Zone (CZ) No. 2000002.

Name of Public Agency Approving Project: County of Riverside

Project Applicant & Address: 4080 Lemon St. 12th floor, Riverside CA 92501

Exempt Status: (Check one)

- | | |
|---|--|
| <input type="checkbox"/> Ministerial (Sec. 21080(b)(1); 15268) | <input type="checkbox"/> Categorical Exemption (Sec. 153XX) |
| <input type="checkbox"/> Declared Emergency (Sec. 21080(b)(3); 15269(a)) | <input checked="" type="checkbox"/> Statutory Exemption (15282(h), pursuant to PRC 21080.17) |
| <input type="checkbox"/> Emergency Project (Sec. 21080(b)(4); 15269 (b)(c)) | <input checked="" type="checkbox"/> Other: <u>Section 15061 (b)(3)</u> |

Reasons why project is exempt: Section 21080.17 of the Public Resource Code (PRC) provides, "This division does not apply to the adoption of an ordinance by a city or county to implement the provisions of Section 65852.1 or Section 65852.2 of the Government Code", which is implemented by the statutory exemption provided in Section 15282(h) of the State CEQA Guidelines. Based on the project description provided, the substantive changes to the Ordinance No. 348 specifically implement the provisions of Section 65852.2 of the Government Code. Therefore, the project is statutorily exempt from CEQA pursuant to PRC Section 21080.17 and State CEQA Guideline Section 15282(h). Other associated changes to Ordinance No. 348, include re-establishing, relocating and re-defining existing regulation, minor textual updates, and administrative clean ups, which are minor and non-impactful; therefore, there is no possibility that the project will have a significant effect on the environment and is, therefore, exempt from CEQA pursuant to State CEQA Guideline Section 15061(b)(3).

Robert Flores
County Contact Person

(951) 955-1195
Phone Number

Urban and Regional Planner IV
Title

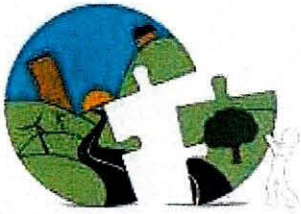
August 25, 2020
Date

Date Received for Filing and Posting at OPR: _____

Please charge deposit fee case#: ZEA No. N/A ZCFG No. N/A- County Clerk Posting Fee

FOR COUNTY CLERK'S USE ONLY

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RIVERSIDE COUNTY PLANNING DEPARTMENT

Charissa Leach, P.E.
Assistant TLMA Director

NOTICE OF EXEMPTION

TO: Office of Planning and Research (OPR)
P.O. Box 3044
Sacramento, CA 95812-3044
 County of Riverside County Clerk

FROM: Riverside County Planning Department
 4080 Lemon Street, 12th Floor
P. O. Box 1409
Riverside, CA 92502-1409

38686 El Cerrito Road
Palm Desert, CA 92201

Project Title/Case No.: Ordinance No. 348.4926, Change of Zone No. 2000002

Project Location: This amendment results in updating the Land Use Ordinance and will apply countywide, except for those regulations applying only to the Eastern Coachella Valley as described in the ordinance.

Project Description: Ordinance No. 348.4926 is an ordinance amendment to Riverside County Ordinance No. 348 (the "Land Use Ordinance") that establishes requirements and development standards for the development of different dwelling types or living arrangements on a lot in addition to a primary residence. This amendment specifically addresses state-mandated accessory dwelling units ("ADUs"), junior accessory dwelling units ("Junior ADUs"), and ranchets (related to ADUs) and locally-permitted second units and guest quarters; and specifically re-establishes and updates existing regulation for units under the Coachella Valley Multiple Owners Mobilehome Housing Overlay Zone, also known as MOG units. Ordinance No. 348.4926 is associated with Change of Zone (CZ) No. 2000002.

Name of Public Agency Approving Project: County of Riverside

Project Applicant & Address: 4080 Lemon St. 12th floor, Riverside CA 92501

Exempt Status: (Check one)

- | | |
|---|--|
| <input type="checkbox"/> Ministerial (Sec. 21080(b)(1); 15268) | <input type="checkbox"/> Categorical Exemption (Sec. 153XX) |
| <input type="checkbox"/> Declared Emergency (Sec. 21080(b)(3); 15269(a)) | <input checked="" type="checkbox"/> Statutory Exemption (15282(h), pursuant to PRC 21080.17) |
| <input type="checkbox"/> Emergency Project (Sec. 21080(b)(4); 15269 (b)(c)) | <input checked="" type="checkbox"/> Other: <u>Section 15061 (b)(3)</u> |

Reasons why project is exempt: Section 21080.17 of the Public Resource Code (PRC) provides, "This division does not apply to the adoption of an ordinance by a city or county to implement the provisions of Section 65852.1 or Section 65852.2 of the Government Code", which is implemented by the statutory exemption provided in Section 15282(h) of the State CEQA Guidelines. Based on the project description provided, the substantive changes to the Ordinance No. 348 specifically implement the provisions of Section 65852.2 of the Government Code. Therefore, the project is statutorily exempt from CEQA pursuant to PRC Section 21080.17 and State CEQA Guideline Section 15282(h). Other associated changes to Ordinance No. 348, include re-establishing, relocating and re-defining existing regulation, minor textual updates, and administrative clean ups, which are minor and non-impactful; therefore, there is no possibility that the project will have a significant effect on the environment and is, therefore, exempt from CEQA pursuant to State CEQA Guideline Section 15061(b)(3).

Robert Flores

(951) 955-1195

County Contact Person

Phone Number

Signature

Urban and Regional Planner IV

Title

August 25, 2020

Date

Date Received for Filing and Posting at OPR: _____

Please charge deposit fee case#: ZEA No. *N/A* ZCFG No. *N/A*- County Clerk Posting Fee
FOR COUNTY CLERK'S USE ONLY

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Please charge deposit fee case#: ZEA No. *N/A* ZCFG No. *N/A*- County Clerk Posting Fee

FOR COUNTY CLERK'S USE ONLY

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**PLANNING COMMISSION
MINUTE ORDER
MAY 20, 2020**

I. AGENDA ITEM 3.1

CONSIDER an **AMENDMENT** to **ORDINANCE NO. 348 ASSOCIATED** with **CHANGE OF ZONE NO. 2000002 – Exempt from the California Environmental Quality Act (CEQA)**, pursuant to State CEQA Guidelines Section 15282(h) (Other Statutory Exemptions, adoption of an ordinance related to second units) and Section 15061(b)(3) (Common Sense Exemption) – Applicant: County of Riverside – Location: Countywide.

II. PROJECT DESCRIPTION:

The amendment to Ordinance No. 348 associated with Change of Zone No. 2000002 is an amendment to the Riverside County Land Use Ordinance proposing the following: updating regulations, development and occupancy standards, among others, related to accessory dwelling units, junior accessory dwelling units, second units, guest quarters and ranchet units; re-establishing regulations for multiple owner group units for the Eastern Coachella Valley area. The purpose of this ordinance amendment is to update the applicable zoning regulations to be consistent with State law and re-establish and update existing regulation relating to the "Coachella Valley Multiple Owners Mobile home Housing Overlay Zone". Continued from May 6, 2020.

III. MEETING SUMMARY:

The following staff presented the subject proposal:

Project Planner: Robert Flores at (951) 955-1195 or email at RFlores@rivco.org.

Spoke in favor:

Judy Hutchinson, Interested Party, Banning Height Mutual Water District

No one spoke in opposition or in a neutral position.

IV. CONTROVERSIAL ISSUES:

None.

V. PLANNING COMMISSION ACTION:

Public Comments: Closed

Motion by Commissioner Leonard, 2nd by Commissioner Sanchez

A vote of 5-0

The Planning Commission Recommend the Following Actions to the Board of Supervisors:

FIND the project exempt from the California Environmental Quality Act (CEQA); and,

ADOPT Ordinance NO. 348.4926, associated with Change of Zone No. 2000002.




**COUNTY OF RIVERSIDE
PLANNING DEPARTMENT
STAFF REPORT**

Agenda Item No.:

3.1

Planning Commission Hearing: May 20, 2020

PROPOSED PROJECT

Case Number(s):	Ordinance No. 348.4926; CZ No. 2000002	Applicant(s): County of Riverside
CEQA Exempt	Section 15282(h) & 15061(b)(3)	
Area Plan:	Countywide	
Zoning Area/District:	Countywide	
Supervisory District:	All	
Project Planner:	Robert Flores Advance Planning	
Project APN(s):	Countywide	Charissa Leach, P.E. Assistant TLMA Director

PROJECT DESCRIPTION AND LOCATION

Ordinance No. 348.4926 is an ordinance amendment to Riverside County Ordinance No. 348 (the "Land Use Ordinance") that establishes requirements and development standards for the development of different dwelling types or living arrangements on a lot in addition to a primary residence. This amendment specifically addresses state-mandated accessory dwelling units ("ADUs"), junior accessory dwelling units ("Junior ADUs"), and ranchets (related to ADUs) and locally-permitted second units and guest quarters; and specifically re-establishes and updates existing regulation for units under the *Coachella Valley Multiple Owners Mobilehome Housing Overlay Zone*, also known as MOG units. (See "Project Analysis" below for more details on the ordinance amendment.)

Ordinance No. 348.4926 is associated with Change of Zone (CZ) No. 2000002 and is hereinafter referred to as the Project.

This amendment results in updating the Land Use Ordinance and will apply countywide, except for those regulations applying only to the Eastern Coachella Valley as described in the ordinance.

PROJECT RECOMMENDATION

STAFF RECOMMENDATIONS:

THAT THE PLANNING COMMISSION TAKE THE FOLLOWING ACTIONS:

RECOMMENDS THAT THE BOARD OF SUPERVISORS TAKE THE FOLLOWING ACTIONS:

FIND that the project is **EXEMPT** from the California Environmental Quality Act (CEQA), pursuant to State CEQA Guidelines Section 15282(h) and 15061(b)(3), based on the findings and conclusions in the staff report; and,

ADOPT Ordinance No. 348.4926, associated with Change of Zone No. 2000002, amending Ordinance No. 348 and establishing regulations for the development of additional residential accommodations within the unincorporated area of Riverside County, based upon the findings and conclusions provided in this staff report.

PROJECT BACKGROUND AND ANALYSIS

Background:

ADU/Junior ADU

In recent years, there has been much state legislation passed that has significantly amended state law relating to ADUs and Junior ADUs. In 2019, several new ADU/Junior ADU bills were approved (i.e. SB 13, AB 68, AB 881, etc.), which modified, as of January 1, 2020, Government Code sections 65852.2. relating to ADUs and 65852.22. relating to Junior ADUs and established current state regulation that all local jurisdictions, such as the County, must adhere to. Specifically, ADU and Junior ADU law provides for the adoption of a state-compliant local ordinance that does the following:

- Designate areas where ADUs and Junior ADUs may be permitted; and,
- Establish allowances for unit type and quantity; and,
- Establish development/occupancy standards and other requirements for these units; and,
- Establish that these units are a residential use that do not exceed the allowable density, therefore, are consistent with the General Plan.

The County must provide for the creation of ADUs and Junior ADUs as provided in the aforementioned Government Code sections. In short, state law allows at least one interior ADU or Junior ADU and one detached ADU for any lot with a single-family (or "one-family") dwelling. Additionally, state law allows interior and detached ADUs on lots with multifamily (or "multiple family") dwellings. Interior units must be provided within the established floor area/footprint of a structure and may only include limited expansion for egress/ingress. Standards that may be imposed include a height maximum of 16 feet, setback minimums that shall not be greater than 4 feet, and floor area maximums that does not exceed 1,200 square feet for ADUs and 500 square feet for Junior ADUs.

Existing Land Use Ordinance Regulation

The Riverside County Land Use Ordinance currently permits and regulates guest quarters (Section 18.18.D.), second units (Section 18.18.F), and multiple owner mobilehome housing (Article XIXj.), also known as "MOGs." These units/quarters are permitted by-right either on lots with one-family dwellings (guest quarters/second units) or within the Eastern Coachella Valley (MOGs). Second units, at one point, served as the state-mandated "second units," which have evolved into what is known now as "ADUs." Guest quarters and MOGs are local residential accommodations that, together with second units, provide different unique housing options for the nature of the County's unincorporated communities but are each regulated with unique development standards.

Currently, the Land Use Ordinance regulates these living arrangements differently. For example, the allowable floor area of guest quarters and second units depends on the size of the lot. Whereas, the allowable floor area for MOGs does not fluctuate based on lot size, rather there is a minimum floor area and no maximum. Guest quarters and second units are regulated similarly to one-family dwellings, where regulations address usual development standards, such as setbacks, height, etc., and MOGs are

regulated similarly to mobilehome parks with regulations on space size and location, awnings, screening, installation, etc.

Project Analysis:

The main purpose of proposed Project is to achieve compliance with state law relating to additional living arrangements, such as ADUs and Junior ADUs. If a local ordinance is not adopted, compliance to state ADU law is still required with very little discretion; however, the adoption of a local ordinance allows the County to establish its own state-compliant regulation and policy as it relates to additional living arrangements. A local ordinance will guide and may facilitate the development of additional living arrangements in appropriate areas of the unincorporated County and with appropriate standards.

Specifically, the proposed ordinance amendment deletes an existing article (Article XIXj. – *Coachella Valley Multiple Owner Mobilehome Housing Overlay*) in its entirety from the Land Use Ordinance and replaces it with a new article, named *Additional Residential Accommodations*, which groups together new and existing types of living arrangements, referred to as “additional residential accommodations,” including new types of accommodations to the ordinance, such as ADUs, Junior ADUs, and ranchets, and existing types of accommodations within the Land Use Ordinance, such as guest quarters, second units, and MOG units.

Generally, the new article allows both detached and interior additional residential accommodation for lots with either one-family and multiple family buildings or uses. In addition to a one-family dwelling, the new article provides for the creation of one detached and one interior residential accommodation; and up to four detached residential accommodations (as mobilehomes/manufactured homes only) within the Eastern Coachella Valley (“ECV”). The new article also provides for the creation of ADUs for lots with multiple family dwellings, which may include up to two detached ADUs and at least one interior ADU – but the interior quantity may be equal to or less than 25% of the existing multiple family units. Interior accommodations must be created within another dwelling or an accessory structure with minimal expansion allowed for access only and “interior” does not mean “attached.” Detached or interior residential accommodations may only be provided as follows:

- ❖ Detached may be an ADU, a ranchet (ECV only), a guest quarter, or a second unit (large lots only)
- ❖ Interior may be an ADU or a Junior ADU (within a proposed or existing house only)

In addition to the above, the ordinance amendment also re-establishes existing MOG regulation within the new article and makes global changes and reconfigurations for internal ordinance consistency, as shown in Attachment A (Ordinance No. 348.4926). Existing standards are mostly carried over to the new article for applicable accommodations, and only standards required by state law are added to the Land Use Ordinance, as shown in Attachment B (Additional Residential Accommodations Matrix).

Airport Land Use Commission

Adapting state law on ADUs, as existed prior to 2020, into the Land Use Ordinance was previously one part (of many) of Change of Zone No. 1900012, which was reviewed and found consistent by the Riverside County Airport Land Use Commission (ALUC) on July 11, 2019. However, since CZ No. 1900012 has not been adopted, the adaptation of state ADU law into the Land Use Ordinance was separated from CZ No. 1900012 and made part of the proposed Project, which has been determined by ALUC staff to necessitate additional commission review. Therefore, on April 27, 2020, an application for ALUC review

was submitted for the proposed Project, pursuant to Public Resource Code Section 21676, which requires a review of projects for consistency with the airport land use compatibility plan. The Project is tentatively scheduled for ALUC public hearing on June 11, 2020. The Planning Department does not anticipate any significant changes resulting from ALUC's review and anticipates a positive determination of consistency with the 2004 Riverside County Airport Land Use Compatibility Plan.

CEQA Compliance and Findings

Section 21080.17 of the Public Resource Code (PRC) provides, "This division does not apply to the adoption of an ordinance by a city or county to implement the provisions of Section 65852.1 or Section 65852.2 of the Government Code", which is implemented by the statutory exemption provided in Section 15282(h) of the State CEQA Guidelines. Based on the project description provided, the substantive changes to the Ordinance No. 348 specifically implement the provisions of Section 65852.2 of the Government Code. Therefore, the project is statutorily exempt from CEQA pursuant to PRC Section 21080.17 and State CEQA Guideline Section 15282(h). Other associated changes to Ordinance No. 348, include re-establishing, relocating and re-defining existing regulation, minor textual updates, and administrative clean ups, which are minor and non-impactful; therefore, there is no possibility that the project will have a significant effect on the environment and is, therefore, exempt from CEQA pursuant to State CEQA Guideline Section 15061(b)(3).

FINDINGS AND CONCLUSIONS

1. Government Code sections 65852.2 and 65852.22 allows the County to establish regulations by ordinance for the development of additional residential accommodations within the unincorporated area of Riverside County.
2. The proposed Ordinance No. 348.4926 applies to all unincorporated areas of Riverside County and establishes requirements and development standards for the development of accessory dwelling units, junior accessory dwelling units, second units, guest quarters, MOG units and ranchets, locally known as additional residential accommodations.
3. In accordance with Government Code section 65852.2(a)(3) and section 65852.22(c), the County's consideration and approval of applications for additional residential accommodations shall be ministerial without discretionary review or a hearing.
4. In accordance to state law and the proposed Ordinance No. 348.4926, an additional residential accommodation is considered a residential use that is does not exceed the allowable density established by the General Plan and shall be considered consistent with the residential uses of the applicable zoning classification.
5. The global changes and reconfigurations proposed for the Land Use Ordinance as part of the Project will assure internal consistency within of Ordinance No. 348.the ordinance.

CONCLUSIONS:

Based on the above, the Project is in conformance with the Land Use Designations of the unincorporated

area of Riverside County, and with all other elements of the Riverside County General Plan; is consistent with the zoning classifications of Ordinance No. 348, and with all other applicable provisions of Ordinance No. 348; protects the public's health, safety, and general welfare; and, will not have a significant effect on the environment.

PUBLIC OUTREAC AND HEARING NOTIFICATION

Public Hearing Notification

The Project was advertised in the Press Enterprise Newspaper/Desert Sun on April 26, 2020, pursuant to Section 1.6, 1.7, 1.8 of Riverside County Ordinance No. 348 for the May 6, 2020 Planning Commission. At the request of staff to provide additional time for public review of the draft ordinance and to address comments received (see below), the Planning Commission continued the Project to the May 20, 2020 Planning Commission as a public hearing item on the Agenda. The original draft version of the proposed ordinance amendment was posted on the Planning Department's public website (planning.rctlma.org) on Friday, April 24, 2020 for public review and comment. Any member of the public is welcome to provide comments or concerns during the Planning Commission public hearing.

Comments received prior to the May 6, 2020 Planning Commission included concerns relating location and allowance requirements, entitlement and approval requirements, and development standards for MOG Units and Ranchets. Changes to address these concerns are shown in Attachment A, as tracked changes made to the original draft ordinance released for public review on April 24, 2020 that was previously provided to the Planning Commission.

REPORT:

Prepared by Robert Flores
Reviewed by Shellie Clack
Reviewed by Phayvanh Nanthavongdouangsy
Reviewed by John Hildebrand
Approved by Charissa Leach

ATTACHMENTS:

Attachment A: Ordinance No. 348.4926 (tracked version, released with staff report)
Attachment B: Additional Residential Accommodations Matrix
Attachment C: Notice of Exemption

1 aesthetic appearance of the community, preserve property values and protect
2 the public health, safety and welfare.”

3 Section 5. Subsection D. of Section 18.18 of Ordinance No. 348 is deleted in its entirety.

4 Section 6. Existing subsection E. of Ordinance No. 348 is relettered subsection D.

5 Section 7. Subsection F. of Section 18.18 of Ordinance No. 348 is deleted in its entirety.

6 Section 8. Subsection D of Section 18.29a. of Ordinance No. 348 is deleted in its
7 entirety.

8 Section 9. Subsections E., F., and G of Section 18.29a. of Ordinance No. 348 are
9 relettered D., E., and F. respectively.

10 Section 10. Subsection D. of Section 18.53 of Ordinance No. 348 is amended to read as
11 follows:

12 “D. EXCEPTIONS. Cottage food operations shall not be permitted in any Second Unit,
13 Guest Quarter, accessory building, ADU or Junior ADU.”

14 Section 11. Subsection E. of Section 19.501 of Ordinance No. 348 is amended to read as
15 follows:

16 “E. All Commercial Cannabis Activities within any dwelling unit, ADU , Junior ADU,
17 Second Unit, Guest Quarter, MOG, Ranchet, or any other residential accessory structure
18 permitted for residential occupancy is prohibited.”

19 Section 12. Article XIXj of Ordinance No. 348 is deleted in its entirety and replaced with
20 the following:

21 “ARTICLE XIXj

22 ADDITIONAL RESIDENTIAL ACCOMMODATIONS

23 SECTION 19.800 PURPOSE AND INTENT.

24 This article establishes requirements and development standards for additional residential
25 accommodations created to augment one-family dwellings or multiple family dwellings.
26 These requirements and development standards are intended to facilitate the proper
27 development of additional residential accommodations to increase supply and diversity of
28 housing types within the unincorporated areas of Riverside County.

1 SECTION 19.801 DEFINITIONS AND CONSTRUCTION.

2 A. Definitions. For purposes of this Article, the following are considered additional
3 residential accommodations and defined as follows:

- 4 1. Accessory Dwelling Unit (ADU): A studio or one-bedroom dwelling that
5 includes exterior access and provides complete independent living facilities,
6 including a kitchen and bathroom, which are allowed in addition to a primary
7 dwelling on lots zoned for one family dwellings or multiple family dwellings.
- 8 2. Junior Accessory Dwelling Unit (Junior ADU): A dwelling within a one
9 family dwelling that includes exterior access and, at a minimum, a cooking
10 area with cooking appliances, food preparation counters, and storage
11 cabinets, all proportional to the size of the dwelling unit. A Junior ADU shall
12 either include a self-contained bathroom or share a bathroom with the
13 primary one family dwelling.
- 14 3. Second Unit: A one family dwelling that includes a kitchen and bathroom
15 that is allowed on lots zoned for one family dwellings and includes an existing
16 primary one family dwelling.
- 17 4. Guest Quarter: A living area dependent on some or all of the primary one
18 family dwelling's facilities. A Guest Quarter shall not have a kitchen, but
19 may include a bathroom. A Guest Quarter is not allowed on lots zoned for
20 multiple family dwellings.
- 21 5. Multiple Owner Group (MOG) Unit: Any type of state-licensed mobilehome
22 or manufactured home installed on or before May 14, 2013 on lots located
23 within the Eastern Coachella Valley, as further defined in this Article.
- 24 6. Ranchet Unit (Ranchet): Any type of state-licensed mobilehome or
25 manufactured home complying with Health and Safety Code section
26 18214(c), as may be amended, installed on lots larger than or equal to 2 gross
27 acres that includes at least one additional Ranchet, and is located within the
28 Eastern Coachella Valley, as further defined in this Article.

1 B. Construction. The construction of additional residential accommodations shall
2 comply with the following:

3 1. A detached additional residential accommodation shall be on the same lot as
4 the primary dwelling but not attached to it or any other structure. Except for
5 Guest Quarters, a detached additional residential accommodation may be a
6 manufactured home.

7 2. An interior additional residential accommodation involves the conversion of
8 or inclusion within the footprint and floor area of an existing or proposed one
9 family dwelling. Limited expansion of an established footprint or floor area
10 is only allowed to provide necessary access to the additional residential
11 accommodation.

12 3. An ADU may be a detached or interior additional residential accommodation.

13 4. A Junior ADU shall be an interior additional residential accommodation
14 within a one family dwelling, but is not allowed within multiple family
15 dwellings.

16 5. A Second Unit, Guest Quarter, MOG Unit or Ranchet shall be a detached
17 additional residential accommodation.

18 SECTION 19.802 LOCATION AND ALLOWANCES.

19 A. Location. Additional residential accommodations are permitted by-right on lots
20 zoned for one family dwellings or multiple family dwellings with the following
21 exceptions:

22 1. Additional residential accommodations shall not be permitted on lots with
23 legal non-conforming dwellings or dwellings that do not have all required
24 building permits.

25 2. Additional residential accommodations shall not be permitted on lots that are
26 constrained by water availability, water quality or sewage disposal or other
27 public health and safety concerns. Prohibited areas shall include those areas
28 where a development moratorium is imposed because of a moratorium for

1 water or sewer, whether imposed by the County or another public agency
2 with the authority to impose such a development moratorium.

3 3. MOG Units and Ranchets are only permitted within the Eastern Coachella
4 Valley, as further defined in this Article.

5 4. MOG Units may be permitted on lots zoned for nonresidential uses if the lot
6 and MOG Units meet the definition of MOG Unit as provided in this Article.

7 B. Allowances. The number of detached or interior additional residential
8 accommodations allowed on lots where there is an existing or proposed one family
9 dwelling or an existing multiple family dwelling shall be in accordance with one of
10 the following, but not a combination thereof:

11 1. One Family Dwelling.

12 a. One interior additional residential accommodation shall be permitted
13 per lot.

14 b. One detached additional residential accommodation shall be
15 permitted per lot.

16 2. Multiple Family Dwelling.

17 a. One interior ADU shall be permitted per lot or a quantity that is less
18 than or equal to twenty-five percent (25%) of the existing units within
19 the multiple family dwelling, whichever is greater.

20 b. Two detached ADU shall be permitted per lot.

21 3. Eastern Coachella Valley.

22 a. The first MOG Unit or Ranchet installed on a lot shall be designated
23 as the primary dwelling for the purposes of this Article.

24 b. A maximum of twelve detached MOG Units shall be permitted per
25 lot; or,

26 c. A maximum of four detached Ranchets shall be permitted per lot in
27 accordance with this Article. The maximum number of four detached
28 Ranchets per lot shall include any existing primary dwelling. In the

1 event an existing primary dwelling is converted to a Ranchet, all
2 additional residential accommodations on the lot shall be considered
3 Ranchets and shall comply with this Article.

4 SECTION 19.803 LAND USE PERMITS AND PROCESSING.

5 A. Land Use Permits. ~~Except for Ranchets, n~~No discretionary land use permit such as,
6 but not limited to, a plot plan or conditional use permit is required for an additional
7 residential accommodation. ~~Ranchets are allowed subject to an approved plot plan~~
8 ~~pursuant to Section 18.30 of this ordinance. All procedural provisions of Section~~
9 ~~18.30 shall apply to the application for a Ranchet except those provisions relating to~~
10 ~~approval requirements, appeals and use of the permit after the application is~~
11 ~~approved.~~

12 B. Site Design Plan. Applications for any additional residential accommodation shall
13 include a site design plan demonstrating compliance with the development standards
14 provided in this Article.

15 C. Processing. Applications for any additional residential accommodation shall be
16 processed in accordance with this ordinance, Ordinance No. 671 and Ordinance No.
17 457, as applicable. Applications for an ADU or Junior ADU shall be acted upon
18 within sixty (60) days of the application being submitted to the County. Acting on
19 an application may include deeming the application incomplete, approving or
20 denying an application, approving or providing corrections resulting from plan
21 check, or issuing, withdrawing, cancelling or abandoning an application; or any other
22 similar action.

23 D. Residential Use. Additional residential accommodations shall be deemed an
24 accessory residential use.

25 SECTION 19.804 APPROVAL REQUIREMENTS.

26 A. An application for an additional residential accommodation shall be approved if it
27 complies with all of the following:

28 1. The requirements and development standards set forth in this Article.

- 1 2. All applicable laws and regulations related to health and safety including, but
2 not limited to, Fire and Building Code regulations.
- 3 3. All required approvals are obtained from the Riverside County Department
4 of Environmental Health and Fire Department.
- 5 4. Written confirmation has been provided from the Department of
6 Environmental Health for the use of an existing or new septic system for any
7 additional residential accommodation.
- 8 5. If applicable, a percolation test is completed and certified within the last year
9 or recertified by the Department of Environmental Health.
- 10 6. All required approvals are obtained from the applicable water and sewer
11 purveyor(s).
- 12 7. If applicable because of geographic location and constraints, all required
13 approvals from the Fire Department, Riverside County Flood Control and
14 Water Conservation District, Coachella Valley Water District or the
15 Environmental Programs Division of the Planning Department.
- 16 B. For the purposes of fire or life protection, a Junior ADU shall not be considered a
17 separate or new dwelling unit.
- 18 C. No final inspections shall be performed or certificate of occupancy shall be issued,
19 for an additional residential accommodation prior to the final inspection for the new
20 one family dwelling located on the same lot.
- 21 D. Additional residential accommodations shall not be subject to Section 18.10 and
22 Section 18.11 of this ordinance related to location and size of dwellings.

23 SECTION 19.805 FEES AND UTILITY CONNECTIONS.

- 24 A. Impact and connection fees shall be calculated in accordance with applicable State
25 and local laws and regulations including, but not limited to, Government Code
26 sections 65852.2 and 65852.22, and Riverside County Ordinance No 659.

1 B. An interior ADU or Junior ADU shall not be required to install a new or separate
2 utility connection directly between the unit and the utility, unless the unit was created
3 or constructed concurrently with a new one family dwelling.

4 C. All other additional residential accommodations, including any detached ADU,
5 Second Unit, Guest Quarter, MOG Unit or Ranchet, may be required to provide a
6 new or separate utility connection directly between the unit and the utility.

7 SECTION 19.806 DEVELOPMENT STANDARDS.

8 A. Lot Size. Additional residential accommodations may be located on any lot in
9 accordance with the following:

- 10 1. Lots zoned for One Family Dwellings. Detached Second Units or Guest
11 Quarters shall be on lots greater than 7,200 square feet in area.
- 12 2. Lots zoned for Multiple Family Dwellings. Only ADUs are allowed on lots
13 zoned for Multiple Family Dwellings.
- 14 3. Lots within the Eastern Coachella Valley. Ranchets shall be located on lots
15 greater than or equal to two (2) gross acres in area.

16 B. Lot Coverage. The floor area of detached ADUs shall not be included in the
17 calculations used to determine compliance with lot coverage requirements in this
18 ordinance. The floor area of interior ADUs and interior Junior ADUs shall be
19 considered part of the floor area of the primary dwelling and included in the
20 calculations used to determine compliance with lot coverage requirements in this
21 ordinance.

22 C. Setbacks. Additional residential accommodations shall comply with the following
23 setbacks:

- 24 1. Interior ADU, Junior ADU. Front, side and rear setbacks shall be pursuant
25 to the applicable zoning classification for the lot. Additionally, any
26 expansion required for egress or ingress shall maintain a minimum side and
27 rear setback of four (4) feet.

- 1 a. The maximum floor area shall be less than or equal to fifty percent
2 (50%) of the primary dwelling's floor area or 500 square feet,
3 whichever is less.
- 4 b. Except to create exterior access to the Junior ADU, no expansion of
5 the primary dwelling shall be allowed for creation of the Junior ADU.
6 The maximum expansion for egress or ingress shall be less than or
7 equal to 150 square feet.
- 8 4. Second Unit. The maximum floor area shall be in accordance with the
9 following:
- 10 a. 7,201 - 20,000 square-foot lots. The maximum floor area shall be less
11 than or equal to 1,200 square feet.
- 12 b. 20,001 square-foot – 2 acres lots. The maximum floor area shall be
13 less than or equal to 1,500 square feet.
- 14 c. 2.01 acres – 4 acre lots. The maximum floor area shall be less than
15 or equal to 2,500 square feet.
- 16 d. Lots greater than 4 acres. The maximum floor area shall be less than
17 or equal to 200 percent (200%) of the primary one family dwelling's
18 floor area.
- 19 5. Guest Quarter. The maximum floor area shall be less than or equal to two
20 percent (2%) of the gross lot size or 600 square feet, whichever is less.
- 21 6. MOG Units. ~~No maximum floor area. The minimum floor area shall be 450~~
22 ~~square feet, excluding patios, porches, garages, and similar structures~~Floor
23 area shall comply with Title 25 of the California Code of Regulations, as may
24 be amended.
- 25 7. Ranchets. No maximum floor area. The minimum floor area shall be 450
26 square feet, excluding patios, porches, garages, and similar structures.
- 27 E. Height. Additional residential accommodations shall comply with the following:
28

1 that charge set fares, run on fix routes and are available to the
2 public; or,

3 ii. Within an architecturally or a historically significant district;
4 or,

5 iii. Within an area that requires on-street parking permits but are
6 not offered to the new unit; or,

7 iv. Within one (1) mile from a car share area.

8 c. Parking may be located within required setbacks established by this
9 ordinance.

10 d. No replacement parking spaces shall be required for conversion of
11 any existing parking spaces, including garages, carports or marked
12 spaces into an ADU.

13 3. Second Unit.

14 a. One (1) parking space per one-bedroom unit shall be required; or,

15 b. Two (2) parking space for units with two (2) or more bedrooms shall
16 be required.

17 c. Any conversion of existing parking space(s) into a Second Unit shall
18 be replaced at a 1:1 ratio.

19 4. MOG Units. Parking spaces shall be provided pursuant to Section 18.12 of
20 this ordinance, with the exception of the following criteria:

21 a. Parking spaces shall be located immediately adjacent to each MOG
22 Unit; and,

23 b. Parking spaces shall be developed using impervious surfaces.

24 5. Ranchets. Parking spaces shall be provided pursuant to Section 18.12 of this
25 ordinance.

26 G. Design.

- 1 1. Additional residential accommodations shall be compatible with the
2 architecture of the primary one family dwelling or multiple family dwelling
3 on the same lot and consistent with the surrounding neighborhood.
- 4 2. Interior additional residential accommodations shall have exterior access to
5 the unit.
- 6 3. In accordance with Title 25 of the California Code of Regulations, as may be
7 amended, MOG Units and Ranchets shall include any required opaque skirt
8 entirely around the unit in order to screen the area between the ground level
9 and the floor of the unit.

10 H. Access.

- 11 1. All weather access for emergency vehicles shall be provided for any
12 additional residential accommodation that is located more than one-hundred
13 and fifty feet (150 ft.) from a public right-of-way.
- 14 2. All access roads for emergency vehicle or driveways that service an
15 additional residential accommodation shall be at least twenty (20) feet in
16 width and shall have a clear and unobstructed access to the public road.

17 I. MOG Unit Specific Development Standards.

- 18 1. MOG Units shall be located within individual and separate spaces, which
19 may also include accessory structures or appurtenances attached thereto or
20 used in conjunction therewith. Spaces shall only include one MOG Unit.
 - 21 a. The minimum size of each space within the lot shall be 2,500 square
22 feet.
 - 23 b. The minimum dimension of the space shall be thirty (30) feet in width
24 and eighty (80) feet in depth.
 - 25 c. The minimum coverage of each space shall not exceed seventy-five
26 percent (75%) of the space area with structures, including the
27 manufactured home unit, any attached or detached accessory
28 structures, such as awnings, stairways, and ramps.

1 accordance with occupancy requirements provided in this Article. The
2 renting of a Ranchet is for the mobilehome or manufactured home only and
3 shall not create a real property interest in the lot the Ranchet is located on.

4 6. Additional residential accommodations shall not be rented for a period less
5 than or equal to 30 days.

6 7. Guest Quarters shall be used exclusively by the occupants of the one family
7 dwelling on the same lot or their non-paying guests.

8 8. MOG Units shall be occupied by at least two (2) separate legal owners,
9 verified with the latest deed, which shall live in separate MOG Units. MOG
10 Units shall not be rented or leased, or held out for rent or lease.

11 9. Additional residential accommodations shall be used for residential purposes
12 and may include home businesses or occupations as allowed by local or state
13 laws.

14 10. Additional residential accommodations shall not be sold as a separate unit,
15 except as provided by local or state law and, if required, the lot is subdivided
16 pursuant to local and state subdivision laws.

17 11. For lots with a proposed Junior ADU, a deed restriction in accordance with
18 Government Code section 65852(a)(3), as may be amended, shall be recorded
19 on the property and included in the application for the Junior ADU.

20 B. Fire Protection.

21 1. Water supply to the lot shall be capable of providing the required fire flow
22 for fire protection, pursuant to the California Fire Code.

23 2. ADUs or Junior ADUs shall provide fire sprinklers only if the primary
24 dwelling is required to provide fire sprinklers.

25 SECTION 19.808 ADDITIONAL MOG UNIT REQUIREMENTS.

26 A. Ownership.

27 1. Lots with MOG Units must be jointly owned by multiple owners, and all
28 owners must be listed on the deed.

1 2. Property owners shall notify the Planning Director, or designee, of any
2 change in ownership within thirty (30) days of the change. Ownership and
3 occupancy shall meet the requirements of this article for the life of the MOG
4 Unit.

5 B. Subdivision and Installation.

6 1. The allowance of multiple MOG Units on one lot does not constitute a
7 subdivision of that lot under the Subdivision Map Act or Riverside County
8 Ordinance No. 460.

9 2. MOG Units shall not be sold separately, unless the underlying lot is
10 subdivided pursuant to all applicable local and state subdivision and land use
11 laws.

12 3. MOG Units shall be pre-existing and installed prior to May 14, 2013.

13 4. MOG Units shall be located on a lot with at least one other MOG Unit.

14 5. MOG Units shall be part of an existing grouping of manufactured homes on
15 one (1) lot, referred to as an existing "MOG manufactured home park." No
16 expansion of the existing MOG manufactured home park shall be permitted.

17 6. MOG Units shall be installed per manufacturer's specifications on approved
18 piers. No permanent foundation shall be allowed for a MOG Unit, except
19 where required by the applicable flood control district.

20 7. MOG Units on approved piers shall be screened by an opaque skirt to
21 completely cover the area between the floor and the ground and completely
22 cover the approved piers.

23 8. No outside storage shall be allowed on lots with MOG Units.

24 C. Utilities.

25 1. MOG Units shall have separate utility services and connections, except for
26 MOG Units connected to sub-surface sewage disposal systems.

27 2. Propane tanks shall include appropriate setbacks, pursuant to the California
28 Fire Code.

- 1 3. The maximum size of a propane tank shall be 250 gallons.
- 2 4. Electrical meter banks may be permitted, subject to written approval by the
- 3 local electric provider.
- 4 5. MOG Units shall have running water.
- 5 6. MOG Units served by a water well shall meet minimum production
- 6 requirements set forth in Riverside County Ordinance No. 682.
- 7 7. MOG Units connected to a septic system or well shall obtain all necessary
- 8 approvals from the appropriate departments.
- 9 8. MOG Units utilizing any proposed State Small Water System shall obtain
- 10 approval from the Riverside County Department of Environmental Health.

11 SECTION 19.809 EASTERN COCHELLA VALLEY BOUNDARY.

12 For the purposes of this article, the Eastern Coachella Valley boundary shall include all that

13 area identified as the “Area Plan Boundary” in Figure 3, or the Land Use Plan, of the Eastern

14 Coachella Valley Area Plan, which is part of the Riverside County General Plan, as

15 amended.

16 SECTION 19.810 DENSITY.

- 17 A. An additional residential accommodation that conforms to this Article shall
- 18 not be considered to exceed the allowable density established by the General
- 19 Plan for the lot upon which the additional residential accommodation is
- 20 located.
- 21 B. An additional residential accommodation that conforms to this Article shall
- 22 be considered consistent with the Riverside County General Plan, including
- 23 the Land Use Element, and the residential uses of the applicable zoning
- 24 classification for the lot upon which the additional residential
- 25 accommodation is located.

26 SECTION 19.811 CONFLICTING STANDARDS AND REQUIREMENTS.

- 27 A. In the event there is a conflict between the requirements and development
- 28 standards set forth in this Article and a lot’s applicable zoning classification

1 or other provision in this ordinance, the provisions of this Article shall
2 prevail.

3 B. If any provision of this Article conflicts with California Government Code
4 Section 65852.2 or 65852.22, the provisions of the Government Code
5 sections shall prevail.”

6 Section 13. Section 21.35a. of Ordinance No. 348 is amended to read as follows:

7 “SECTION 21.35a. GUEST QUARTER.

8 Guest quarter is defined in Article XIXj of this ordinance.”

9 Section 14. Section 21.51a. of Ordinance No. 348 is amended to read as follows:

10 “SECTION 21.51a. MOBILEHOME PARK.

11 Mobilehome park is any area of tract of land where one or more mobilehome lots are
12 rented or leased or held out for rent or lease to accommodate mobilehome used for
13 human habitation. The rental paid for any such mobilehome shall be deemed to
14 include rental for the lot it occupies. Mobilehome park does not include lots
15 containing Ranchets pursuant to Article XIXj of this ordinance.

16 Notwithstanding the foregoing definition, any person, not including a mobilehome
17 park operator, who owns a mobilehome and owns, rents or leases the land upon
18 which the mobilehome is located, is permitted to rent, lease, sublease, let our, or hire
19 out for occupancy the mobilehome and the land upon which the mobilehome is
20 located, without obtaining a permit to construct or operate a mobilehome park.”

21 Section 15. This ordinance shall take effect thirty (30) days after its adoption.

22
23 BOARD OF SUPERVISORS OF THE COUNTY
24 OF RIVERSIDE, STATE OF CALIFORNIA

25 By: _____
26 Chairman

27
28 ATTEST:

1 CLERK OF THE BOARD
2 Kecia Harper

3 By: _____
4 Deputy

5
6 (SEAL)

7 APPROVED AS TO FORM
8 April __, 2020

9 By: _____
10 MICHELLE CLACK
11 Chief Deputy County Counsel

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Attachment B
Additional Residential Accommodations Matrix

STANDARD	Accessory Dwelling Unit (ADU) (existing or new structure) Up to one-bedroom units		Junior ADU (Interior conversion of existing or new house only)	Ranchet	MOG	Second Unit (SU)	Guest Quarter (GQ)
	Interior (conversion of structure)	Detached					
One Family Dwelling Lots*	1 unit/lot (not allowed if a JADU exists)	1 unit/lot (not allowed if a detached SU or GQ exists)	1 unit/lot (not allowed if Interior ADU exists)	See below, if lot w/in ECV		1 detached unit/lot (not allowed if a detached ADU or GQ exists)	1 detached GQ/lot (not allowed if detached ADU or SU exists)
Multiple Family Dwelling Lots*	1 unit/lot (or up to a quantity ≤ 25% of existing MF units)	2 units/lot	N/A			N/A	
Eastern Coachella Valley (ECV) Lots*	See above (not allowed if Ranchets or MOGs exists)			Up to 4 units/lot	Up to 12 units/lot (existing units only)	See above (not allowed if Ranchets or MOGs exists)	
Kitchen	Full		Minimum: cooking appliance, preparation counters, storage cabinets	Full		None allowed	
Bathroom	Minimum: toilet, shower, sink		Minimum: toilet, shower, sink (shared facilities with house permitted)	Minimum: toilet, shower, sink		Optional	
Lot Size	Permitted on any lot size			Permitted on any lots in the ECV ≥ 2 acres	Permitted on any lot size in the ECV	Greater than 7,200 square feet	Permitted on any lot size
Lot Coverage	Set by Zoning Classification (Detached ADU floor area is not considered for lot coverage)						
Setbacks (side/rear)	Per zoning designation	Four(4) ft	Per zoning designation	Per Title 25		Per zoning designation	
Floor Area (Max.)	Less than or equal to 50% of house floor area (or 850 s.f., whichever is less) & up to one-bedroom per unit	Maximum: 850 s.f. & up to one-bedroom per unit	Less than or equal to 50% of house floor area (or 500 s.f., whichever is less)	N/A (Per Title 25)		Max. floor area depends on lot size: -up to 1,200 s.f. (7,201 to 20,000 s.f. lots) -up to 1,500 s.f. unit (20,000 s.f. to 1.99 ac. lots) -up to 2,500 s.f. unit (2 ac. to 3.99 ac. lots) -up to 200% of primary unit floor area (4+ ac. lots)	2% of lot size (or 600 s.f., whichever is less)
Height	Per zoning designation	Maximum: 16'	Per zoning designation	N/A		No taller than primary unit	Per zoning designation
Parking (Replacement parking if existing space(s) are converted?)	1 space/unit – regular or tandem spaces (no replacement parking is required) NO parking required if unit is: 1. Within a ½ mile walking distance from transit; or 2. Within a architectually/historically significant district; or 3. Part of an existing structure; or 4. Within an area that requires on- street parking permits but none is offered to unit; or 5. Within 1 mile from a car share area		None required (no replacement parking required)	Per Section 18.12, as a One Family		1 space for one-bedroom units; or 2 spaces for units with two or more bedrooms -regular or tandem spaces	No requirement
Review	60 days from complete application, if primary unit exists (Per Building Code, if primary unit is new)			Per building code			
Occupancy	Owner does not need to live onsite		Owner must reside in either primary or JADU	Owner does not need to live onsite	Owners must reside in separate units	Owner must reside in primary residence	



RIVERSIDE COUNTY PLANNING DEPARTMENT

Charissa Leach, P.E.
Assistant TLMA Director

NOTICE OF EXEMPTION

TO: Office of Planning and Research (OPR)
P.O. Box 3044
Sacramento, CA 95812-3044
 County of Riverside County Clerk

FROM: Riverside County Planning Department
 4080 Lemon Street, 12th Floor
P. O. Box 1409
Riverside, CA 92502-1409

38686 El Cerrito Road
Palm Desert, CA 92201

Project Title/Case No.: Ordinance No. 348.4926, Change of Zone No. 2000002

Project Location: This amendment results in updating the Land Use Ordinance and will apply countywide, except for those regulations applying only to the Eastern Coachella Valley as described in the ordinance.

Project Description: Ordinance No. 348.4926 is an ordinance amendment to Riverside County Ordinance No. 348 (the "Land Use Ordinance") that establishes requirements and development standards for the development of different dwelling types or living arrangements on a lot in addition to a primary residence. This amendment specifically addresses state-mandated accessory dwelling units ("ADUs"), junior accessory dwelling units ("Junior ADUs"), and ranchets (related to ADUs) and locally-permitted second units and guest quarters; and specifically re-establishes and updates existing regulation for units under the Coachella Valley Multiple Owners Mobilehome Housing Overlay Zone, also known as MOG units. Ordinance No. 348.4926 is associated with Change of Zone (CZ) No. 2000002.

Name of Public Agency Approving Project: County of Riverside

Project Applicant & Address: 4080 Lemon St. 12th floor, Riverside CA 92501

Exempt Status: (Check one)

- | | |
|---|--|
| <input type="checkbox"/> Ministerial (Sec. 21080(b)(1); 15268) | <input type="checkbox"/> Categorical Exemption (Sec. 153XX) |
| <input type="checkbox"/> Declared Emergency (Sec. 21080(b)(3); 15269(a)) | <input checked="" type="checkbox"/> Statutory Exemption (15282(h), pursuant to PRC 21080.17) |
| <input type="checkbox"/> Emergency Project (Sec. 21080(b)(4); 15269 (b)(c)) | <input checked="" type="checkbox"/> Other: <u>Section 15061 (b)(3)</u> |

Reasons why project is exempt: Section 21080.17 of the Public Resource Code (PRC) provides, "This division does not apply to the adoption of an ordinance by a city or county to implement the provisions of Section 65852.1 or Section 65852.2 of the Government Code", which is implemented by the statutory exemption provided in Section 15282(h) of the State CEQA Guidelines. Based on the project description provided, the substantive changes to the Ordinance No. 348 specifically implement the provisions of Section 65852.2 of the Government Code. Therefore, the project is statutorily exempt from CEQA pursuant to PRC Section 21080.17 and State CEQA Guideline Section 15282(h). Other associated changes to Ordinance No. 348, include re-establishing, relocating and re-defining existing regulation, minor textual updates, and administrative clean ups, which are minor and non-impactful; therefore, there is no possibility that the project will have a significant effect on the environment and is, therefore, exempt from CEQA pursuant to State CEQA Guideline Section 15061(b)(3).

Robert Flores

County Contact Person

(951) 955-1195

Phone Number

Signature

Urban and Regional Planner IV

Title

May 20, 2020

Date

Date Received for Filing and Posting at OPR: _____

Please charge deposit fee case#: ZEA No. N/A ZCFG No. N/A- County Clerk Posting Fee
FOR COUNTY CLERK'S USE ONLY

NOTICE OF PUBLIC HEARING

A **PUBLIC HEARING** has been scheduled, pursuant to Riverside County Land Use Ordinance No. 348, before the **RIVERSIDE COUNTY PLANNING COMMISSION** to consider a proposed project in the vicinity of your property, as described below:

CONSIDER an AMENDMENT to ORDINANCE NO. 348 ASSOCIATED with CHANGE OF ZONE NO. 2000002 – Exempt from the California Environmental Quality Act (CEQA), pursuant to State CEQA Guidelines Section 15282(h) (Other Statutory Exemptions, adoption of an ordinance related to second units) and Section 15061(b)(3) (Common Sense Exemption) – Applicant: County of Riverside – Location: Countywide – **REQUEST:** The amendment to Ordinance No. 348 associated with Change of Zone No. 2000002 is an amendment to the Riverside County Land Use Ordinance proposing the following: updating regulations, development and occupancy standards, among others, related to accessory dwelling units, junior accessory dwelling units, second units, guest quarters and ranchet units; re-establishing regulations for multiple owner group units for the Eastern Coachella Valley area. The purpose of this ordinance amendment is to update the applicable zoning regulations to be consistent with State law and re-establish and update existing regulation relating to the "Coachella Valley Multiple Owners Mobile home Housing Overlay Zone."

TIME OF HEARING: 9:00 a.m. or as soon as possible thereafter.
DATE OF HEARING: **MAY 6, 2020**
PLACE OF HEARING: RIVERSIDE COUNTY ADMINISTRATIVE CENTER
BOARD CHAMBERS, 1ST FLOOR
4080 LEMON STREET, RIVERSIDE, CA 92501

Pursuant to Executive Order N-29-20, this meeting will be conducted by teleconference and at the Place of Hearing, shown above. Public access to the meeting location will be allowed, but limited to comply with the Executive Order. Information on how to participate in the hearing will be available on the Planning Department website at: <https://planning.rctlma.org/>.

For further information regarding this project please contact the Project Planner Robert Flores at (951) 955-1195 or email at RFlores@rivco.org, or go to the County Planning Department's Planning Commission agenda web page at <http://planning.rctlma.org/PublicHearings.aspx>.

The Riverside County Planning Department has determined that the above-described application is exempt from the provisions of the California Environmental Quality Act (CEQA). The Planning Commission will consider the proposed application at the public hearing.

The case file for the proposed project is available for review via email by contacting the project planner. Please contact the project planner regarding additional viewing methods.

Any person wishing to comment on the proposed project may submit their comments in writing by mail or email, or by phone between the date of this notice and the public hearing; or, may appear and be heard at the time and place noted above. Please note that access to the meeting is limited. All comments received prior to the public hearing will be submitted to the Planning Commission for consideration, in addition to any oral testimony, before making a decision on the proposed project. All correspondence received before and during the meeting will be distributed to the Planning Commission, and all correspondence received will be retained for the official record.

If this project is challenged in court, the issues may be limited to those raised at the public hearing, described in this notice, or in written correspondence delivered to the Planning Commission at, or prior to, the public hearing. Be advised that as a result of public hearings and comment, the Planning Commission may amend, in whole or in part, the proposed project. Accordingly, the designations, development standards, design or improvements, or any properties or lands within the boundaries of the proposed project, may be changed in a way other than specifically proposed.

Please send all written correspondence to:
RIVERSIDE COUNTY PLANNING DEPARTMENT
Attn: Robert Flores
P.O. Box 1409, Riverside, CA 92502-1409



June 22, 2020

VIA EMAIL

Board of Supervisors

Riverside County

4080 Lemon Street

Riverside, California 92501

Email: district1@rivco.org; district2@rivco.org; d3email@rivco.org; district4@rivco.org;
district5@rivco.org

RE: June 23, 2020 Meeting of the Board of Supervisors, File No. 12736

To the Board of Supervisors:

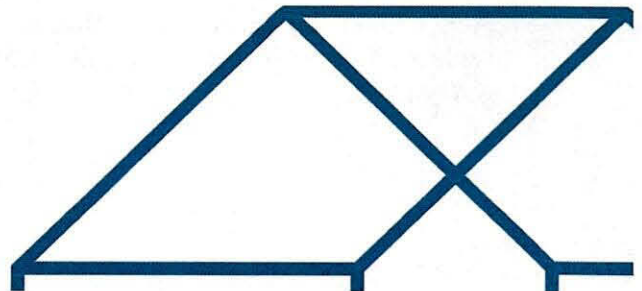
Californians for Homeownership is a 501(c)(3) non-profit organization devoted to using legal tools to address California's housing crisis. I am writing as part of our work monitoring local compliance with California's laws regarding accessory dwelling units (ADUs).

At your June 23 meeting, you will discuss an ordinance intended to address recent changes to state ADU law. If the County adopts a compliant ADU ordinance, it will be able to maintain certain local controls on ADU development.

Unfortunately, the draft ordinance requires extensive changes to be compliant with state law. As drafted, in certain respects, the ordinance undermines the important housing production goals of the state ADU laws. If the County adopts this ordinance as drafted, the County's ADU regulations will be null and void, in their entirety, and the County will be required to approve ADUs under permissive state law standards only. We urge you to continue this item so that staff can address our concerns.

There are three major areas where the draft ordinance deviates from state law:

- **Floor Area Limits.** The ordinance limits ADUs to one bedroom and 850 square feet. State law requires the County to permit ADUs containing more than one bedroom and up to 1,000 square feet. Gov. Code Section 65852.2(c)(2)(B) (locality may not adopt a "maximum square footage requirement for either an attached or detached accessory dwelling unit that is less



than either of the following: (i) 850 square feet[; or] (ii) 1,000 square feet for an accessory dwelling unit that provides more than one bedroom”) (emphasis added). It is inconceivable that the Legislature intended to allow localities to exempt themselves from this requirement to allow 1,000 square foot ADUs by banning two-bedroom ADUs.

- **Prohibition on Attached ADUs.** The ordinance prohibits attached ADUs, one of the three basic ADU types every locality must allow under state law. *See* Gov. Code § 65852.2(a)(1)(D)(iii) (every local ADU ordinance must require that “the accessory dwelling unit is either attached to, or located within, the proposed or existing primary dwelling, including attached garages, storage areas or similar uses, or an accessory structure or detached from the proposed or existing primary dwelling and located on the same lot as the proposed or existing primary dwelling.”). The County’s proposal to prohibit attached ADUs may result from confusion over Government Code Section 65852.2(e)(1). As we explain in more detail below, Section 65852.2(e)(1) identifies certain categories of ADUs—including interior ADUs and small detached ADUs—that are subject to a special streamlined approval process regardless of the provisions in a locality’s ADU ordinance. A much broader range of ADUs are permitted under Government Code Section 65852.2(a), and it is these ADUs that are governed by the development standards in the County’s ordinance.

- **Application of Owner Occupancy to Units Permitted in 2020-2024.** The ordinance appears to impose an owner occupancy requirement on ADUs starting in 2025, even if those ADUs are permitted before 2025. This is prohibited. *See* AB 881 (Bloom) § 2.5 (language effective January 1, 2025, mandating that going forward “a local agency shall not impose an owner-occupant requirement on an accessory dwelling unit permitted between January 1, 2020, to January 1, 2025, during which time the local agency was prohibited from imposing an owner-occupant requirement.”). The County must provide a permanent exemption from its owner occupancy requirement for ADUs permitted between January 1, 2020 and January 1, 2025.

In addition to these major concerns, there are a number of other aspects of the draft ordinance that need to be adjusted to comply with state ADU law, including:

- The draft ordinance prohibits ADUs on lots with nonconforming zoning conditions. This is unlawful. Gov. Code § 65852.2(a)(5) (“No other local ordinance, policy, or regulation shall be the basis for the delay or denial of a building permit or a use permit under this subdivision.”); Gov. Code § 65852.2(e)(2) (“A local agency shall not require, as a condition for ministerial approval of a permit application for the creation of an accessory dwelling unit or a junior accessory dwelling unit, the correction of nonconforming zoning conditions.”).

- The draft ordinance correctly provides that the County must respond to an application to develop an ADU application within 60 days. But it improperly includes “deeming the application incomplete” on the list of actions it may take within that timeframe. The determination whether an application is “complete” is governed by a separate state law, the Permit Streamlining Act. Under the Permit Streamlining Act, a locality must make the completeness determination within 30 days; if it does not, the project is deemed complete by operation of law. Gov. Code § 65943(a).

- The draft ordinance contains requirements for a septic percolation test that are more stringent than those permitted under state ADU law. Gov. Code § 65852.2(e)(5) (“A local agency may require, as part of the application for a permit to create an accessory dwelling unit connected to an onsite water treatment system, a percolation test completed within the last five years, or, if the percolation test has been recertified, within the last 10 years.”) (emphasis added).

- The draft ordinance applies various setback, height, and other development standards to interior ADUs and JADUs. This makes no sense. These ADUs are created through the conversion of space in a permitted structure. The County cannot prohibit the conversion of space into an ADU based on the nonconformity of the structure being converted, nor may it limit the portions of a structure that may be converted. Gov. Code § 65852.2(a)(5) (“No other local ordinance, policy, or regulation shall be the basis for the delay or denial of a building permit or a use permit under this subdivision.”); Gov. Code § 65852.2(e)(2) (“A local agency shall not require, as a condition for ministerial approval of a permit application for the creation of an accessory dwelling unit or a junior accessory dwelling unit, the correction of nonconforming zoning conditions.”).

- The draft ordinance does not provide the required special treatment for the categories of ADUs listed in Government Code Section 65852.2(e)(1). These ADUs must be ministerially permitted “notwithstanding” the provisions allowing localities to pass local ADU ordinances, meaning that these ADUs must be approved without applying any local development standards, such as front-yard setbacks. According to guidance from the Department of Housing and Community Development, these ADUs “do[] not necessitate a zoning clearance and must not be limited to certain zones or areas or subject to height, lot size, lot coverage, unit size, architectural review, landscape or parking requirements,” and the Department has issued non-compliance letters to localities that have improperly applied local development standards to these ADUs. To assist the County in crafting appropriate language, we are providing (below) example language based on language adopted by other jurisdictions.

- The draft ordinance purports to apply a maximum unit size to interior ADUs. Because an interior ADU on a single-family lot will always qualify for mandatory approval under Government Code Section 65852.2(e)(1)(A) regardless of local standards, from a practical perspective, the County will never be allowed to apply its maximum unit size to such an ADU. Nor will the County be able to apply a maximum size to ADUs developed in non-livable spaces in multifamily buildings, which qualify for approval under Section 65852.2(e)(1)(C).

* * *

The best course of action is to continue this matter to allow County staff the time necessary to develop a compliant ordinance. As part of that process, staff should work with the state Department of Housing and Community Development to ensure that all of the concerns above are addressed before bringing a revised draft ordinance to you for adoption.

June 22, 2020

Page 4

We request that the County include us on the notice list for all future public meetings regarding the County's ADU policies, and we request that this letter be included in the correspondence file for those meetings.

Sincerely,



Matthew Gelfand

cc: Riverside County
Office of the Clerk of the Board (by email to cob@rivco.org)
Robert Flores, Project Planner (by email to rflores@rivco.org)
Jason Farin, Principal Management Analyst (by email to jfarin@rivco.org)
Charissa Leach, Assistant Director, TLMA (by email to cleach@rivco.org)
Phayvanh Nanthavongdouangsy, Principal Planner (by email to pnanthav@rivco.org)
Gregory P. Priamos, Esq., County Counsel (by email to gpriamos@rivco.org)
Shellie Clack, Esq., Deputy County Counsel (by email to mclack@rivco.org)

California Department of Housing and Community Development

Greg Nickless, Housing Policy Analyst (by email to greg.nickless@hcd.ca.gov)

Example Language For Government Code Section 65852.2(e)(1) ADUs

Units Subject to Limited Standards.

Notwithstanding [the other sections of the local ADU ordinance], accessory dwelling unit and junior accessory dwelling unit permits shall be issued based solely on the standards set forth in this section and all applicable Building Code standards, as follows:

- (a) Internal ADUs. One accessory dwelling unit or junior accessory dwelling unit per lot with a proposed or existing single-family dwelling if all of the following apply:
 - (1) The ADU or JADU unit is within the proposed space of a single-family dwelling or existing space of a single-family dwelling or accessory structure and may include an expansion of not more than 150 square feet beyond the same physical dimensions as the existing accessory structure. An expansion beyond the physical dimensions of the existing accessory structure shall be limited to accommodating ingress and egress.
 - (2) The space has exterior access from the proposed or existing single-family dwelling.
 - (3) The side and rear setbacks are sufficient for fire and safety.
 - (4) The JADU complies with the requirements of Section 65852.22.
- (b) Detached ADUs. One detached, new construction, ADU that does not exceed four-foot side and rear yard setbacks for a lot with a proposed or existing single-family dwelling. The ADU may be combined with a JADU described in subsection (a)(1) of this section. A local agency may impose the following conditions on the accessory dwelling unit:
 - (1) A total floor area limitation of not more than 800 square feet.
 - (2) A height limitation of 16 feet.
- (c) Multifamily Dwelling ADUs
 - (1) Multiple ADUs within the portions of existing multifamily dwelling structures that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages, if each unit complies with state building standards for dwellings.
 - (2) A local agency shall allow at least one ADU within an existing multifamily dwelling and shall allow up to 25 percent of the existing multifamily dwelling units.
- (d) Not more than two ADUs that are located on a lot that has an existing multifamily dwelling but are detached from that multifamily dwelling and are subject to a height limit of 16 feet and four-foot rear yard and side setbacks.
- (e) Rentals of ADU and JADU permitted pursuant to this section shall be for a term longer than 30 days.
- (f) Installation of fire sprinklers are not required in an ADU or JADU if sprinklers are not required for the primary residence.
- (g) ADUs and JADUs permitted under this section shall not be required to install a new or separate utility connection directly between the ADU and the utility nor shall a related connection fee or capacity be charged unless the ADU or JADU is proposed to be constructed with a new single-family home.

Flores, Robert

From: Frederick Bartz <fjbartz@verizon.net>
Sent: Monday, July 27, 2020 1:28 PM
To: Flores, Robert
Subject: draft ARA ordinance
Attachments: Accy Dwelling Units.doc

Hello Robert,

Thanks you for taking the time to speak with me today. Attached are my comments submitted in this past January. While I have not reviewed the entire twenty pages of the DRAFT, I do see some of the points I have listed are included in the County's DRAFT. What may or may not be included in the County's DRAFT is what kind of materials can a free standing ADU be built from. For example, could someone buy what is called a Tuff (Tough) Shed and add a sink and kitchen.

While we did not specifically discuss it, I assume that the County did consider the requirements of Government Code 65852.2 and 62852.22.

Please add my email address to and further DRAFTs which will be going before the Board of Supervisors.

Regards,

Fred Bartz
H: 951-302-3401
C: 951-294-0057

PROPOSED SUGGESTIONS FOR CONSIDERATION FOR ACCESSORY DWELLING UNITS (ADUs & JADUs)

ACCESSORY DWELLING UNITS:

- Comply with all the requirements of Government Code 65852.2
- Any owner who has an ADU must occupy the primary residence, meaning that there cannot be tenants in both the primary residence and ADU.
- Only one ADU may be built per property lot.
- The ADU cannot be larger than fifty (50) percent of the primary residence and in any case not larger than 1,200 square feet in size.
- Exterior finishes of the ADU must be compatible with the primary residents
- The ADU must residential type building materials and cannot be made of materials such as: plastic and aluminum.
- The ADU is limited to a single story
- Must have a functioning kitchen and a bathroom.
- Must have functioning electricity.
- The ADU cannot be sold separately from the primary residence.
- Must include a minimum of one window, which if needed can be opened as means of escape.

JUNIOR ACCESSORY DWELLING UNITS:

Junior Accessory Dwelling Units (JDUs) are defined as by converting existing space, JADUs must meet all of the following:

- Comply with all the requirements of Government Code 65852.22
- Any owner who has a Junior ADU must occupy the primary residence, meaning that there cannot be tenants in both the primary residence and JADU.
- Include at least one bedroom.
- Cannot exceed 500 square feet in size.
- Must have its own separate entrance.

NOTE: Parking is also a significant consideration, especially if the residential home garage is converted to a JADU, however, we are not sure what can be done based on how the state law was drafted.

#####

Fred Bartz
Morgan Hill HOA Board President
H: 951-302-3401
C: 951-294-0057

aesthetic appearance of the community, preserve property values and protect the public health, safety and welfare.”

Section 5. Subsection D. of Section 18.18 of Ordinance No. 348 is deleted in its entirety.

Section 6. Existing subsection E. of Ordinance No. 348 is relettered subsection D.

Section 7. Subsection F. of Section 18.18 of Ordinance No. 348 is deleted in its entirety.

Section 8. Subsection D. of Section 18.29a. of Ordinance No. 348 is deleted in its entirety.

Section 9. Subsections E., F., and G of Section 18.29a. of Ordinance No. 348 are relettered D., E., and F. respectively.

Section 10. Subsection D. of Section 18.53 of Ordinance No. 348 is amended to read as follows:

“D. EXCEPTIONS. Cottage food operations shall not be permitted in any Second Unit, Guest Quarter, accessory building, ADU or Junior ADU.”

Section 11. Subsection E. of Section 19.501 of Ordinance No. 348 is amended to read as follows:

“E. All Commercial Cannabis Activities within any dwelling unit, ADU , Junior ADU, Second Unit, Guest Quarter, MOG, Ranchet, or any other residential accessory structure permitted for residential occupancy is prohibited.”

Section 12. Article XIXj of Ordinance No. 348 is deleted in its entirety and replaced with the following:

“ARTICLE XIXj

ADDITIONAL RESIDENTIAL ACCOMMODATIONS

SECTION 19.800 PURPOSE AND INTENT.

This article establishes requirements and development standards for additional residential accommodations created to augment one-family dwellings or multiple family dwellings. These requirements and development standards are intended to facilitate the proper development of additional residential accommodations to increase supply and diversity of housing types within the unincorporated areas of Riverside County.

1 SECTION 19.801 APPLICABILITY

2 This article shall not apply to accessory dwelling units or junior accessory dwelling units
3 that meet the requirements set forth in Government Code section 65852.2(e)(1).
4 Applications for accessory dwelling units or junior accessory dwelling units meeting the
5 requirements of Government Code section 65852.2(e)(1) shall be approved ministerially,
6 pursuant to the process and requirements set forth in that section. Accessory dwelling units
7 or junior accessory dwelling units that do not meet the requirements set forth in Government
8 Code section 65852.2(e)(1) shall comply with this Article.

9 SECTION 19.802 DEFINITIONS AND CONSTRUCTION.

10 A. Definitions. For purposes of this Article, the following are considered additional
11 residential accommodations and defined as follows:

- 12 1. Accessory Dwelling Unit (ADU): A ~~studio or one-bedroom~~ dwelling that
13 includes exterior access and provides complete independent living facilities,
14 including a kitchen and bathroom, which are allowed in addition to a primary
15 dwelling on lots zoned for one family dwellings or multiple family dwellings.
16 An ADU may be an efficiency unit, as defined in section 17958.1 of the
17 Health and Safety Code.
- 18 2. Junior Accessory Dwelling Unit (Junior ADU): A dwelling within a one
19 family dwelling that includes exterior access and, at a minimum, a cooking
20 area with cooking appliances, food preparation counters, and storage
21 cabinets, all proportional to the size of the dwelling unit. A Junior ADU shall
22 either include a self-contained bathroom or share a bathroom with the
23 primary one family dwelling.
- 24 3. Second Unit: A one family dwelling that includes a kitchen and bathroom
25 that is allowed on lots zoned for one family dwellings and includes an existing
26 primary one family dwelling. A Second Unit is not an ADU as defined in this
27 Article.

- 1 4. Guest Quarter: A living area dependent on some or all of the primary one
- 2 family dwelling’s facilities. A Guest Quarter shall not have a kitchen, but
- 3 may include a bathroom. A Guest Quarter is not allowed on lots zoned for
- 4 multiple family dwellings.
- 5 5. Multiple Owner Group (MOG) Unit: Any type of state-licensed mobilehome
- 6 or manufactured home installed on or before May 14, 2013 on lots located
- 7 within the Eastern Coachella Valley, as further defined in this Article.
- 8 6. Ranchet Unit (Ranchet): Any type of state-licensed mobilehome or
- 9 manufactured home complying with Health and Safety Code section
- 10 18214(c), as may be amended, installed on lots larger than or equal to 2 gross
- 11 acres that includes at least one additional Ranchet, and is located within the
- 12 Eastern Coachella Valley, as further defined in this Article.

13 B. Construction. The construction of additional residential accommodations shall
14 comply with the following:

- 15 1. An attached additional residential accommodation involves the expansion of
- 16 an existing structure for the purposes of creating new habitable floor area.
- 17 ~~1.2.~~ A detached additional residential accommodation shall be on the same lot as
- 18 the primary dwelling but not attached to it or any other structure. Except for
- 19 Guest Quarters, a detached additional residential accommodation may be a
- 20 mobilehome or manufactured home.
- 21 ~~2.3.~~ An interior additional residential accommodation involves the conversion of
- 22 or inclusion within the footprint and floor area of an existing or proposed one
- 23 family dwelling or associated attached structure, such as a garage, storage
- 24 area, or similar structure. Limited expansion of an established footprint or
- 25 floor area is only allowed to provide necessary access to the additional
- 26 residential accommodation.
- 27 ~~3.4.~~ An ADU may be an attached, detached or interior additional residential
- 28 accommodation.

1 4.5. A Junior ADU shall be an interior additional residential accommodation
2 within a one family dwelling or associated attached structure, such as a
3 garage, storage area, or similar structure, but is not allowed within multiple
4 family dwellings.

5 5.6. A Second Unit, Guest Quarter, MOG Unit or Ranchet shall be a detached
6 additional residential accommodation.

7 SECTION 19.80~~32~~ LOCATION AND ALLOWANCES.

8 A. Location. Additional residential accommodations are permitted by-right on lots
9 zoned for one family dwellings or multiple family dwellings with the following
10 exceptions:

11 1. Additional residential accommodations shall not be permitted on lots with
12 ~~legal non conforming dwellings or a~~ dwelling(s) that does not have all
13 required building permits.

14 2. Additional residential accommodations shall not be permitted on lots that are
15 constrained by water availability, water quality or sewage disposal or other
16 public health and safety concerns. Prohibited areas shall include those areas
17 where a development moratorium is imposed because of a moratorium for
18 water or sewer, whether imposed by the County or another public agency
19 with the authority to impose such a development moratorium.

20 3. MOG Units and Ranchets are only permitted within the Eastern Coachella
21 Valley, as further defined in this Article.

22 4. MOG Units may be permitted on lots zoned for nonresidential uses if the lot
23 and MOG Units meet the definition of MOG Unit as provided in this Article.

24 B. Allowances. The number of attached, detached or interior additional residential
25 accommodations allowed on lots where there is an existing or proposed one family
26 dwelling or an existing multiple family dwelling shall be in accordance with one of
27 the following, but not a combination thereof:

28 1. One Family Dwelling.

1 a. One attached or interior additional residential accommodation shall
2 be permitted per lot.

3 b. One detached additional residential accommodation shall be
4 permitted per lot.

5 2. Multiple Family Dwelling.

6 a. One interior ADU shall be permitted per lot or a quantity that is less
7 than or equal to twenty-five percent (25%) of the existing units within
8 the multiple family dwelling, whichever is greater.

9 b. Two detached ADU shall be permitted per lot.

10 3. Eastern Coachella Valley.

11 a. The first MOG Unit or Ranchet installed on a lot shall be designated
12 as the primary dwelling for the purposes of this Article.

13 b. A maximum of twelve detached MOG Units shall be permitted per
14 lot; or,

15 c. A maximum of four detached Ranchets shall be permitted per lot in
16 accordance with this Article. The maximum number of four detached
17 Ranchets per lot shall include any existing primary dwelling. In the
18 event an existing primary dwelling is converted to a Ranchet, all
19 additional residential accommodations on the lot shall be considered
20 Ranchets and shall comply with this Article.

21 SECTION 19.80~~43~~ LAND USE PERMITS AND PROCESSING.

22 A. Land Use Permits. No discretionary land use permit such as, but not limited to, a
23 plot plan or conditional use permit is required for an additional residential
24 accommodation.

25 B. Site Design Plan. Applications for any additional residential accommodation shall
26 include a site design plan demonstrating compliance with the development standards
27 provided in this Article.

- 1 C. Processing. Applications for any additional residential accommodation shall be
2 processed in accordance with this ordinance, Ordinance No. 671 and Ordinance No.
3 457, as applicable. Applications for an ADU or Junior ADU shall be acted upon
4 within sixty (60) days of the application being submitted to the County. Acting on
5 an application may include ~~deeming the application incomplete~~, approving or
6 denying an application, ~~approving or~~ providing corrections resulting from plan
7 check, or issuing, withdrawing, cancelling or abandoning an application; or any other
8 similar action. The County may delay acting on an application for an ADU or Junior
9 ADU until after acting on an application for a new primary dwelling on the same lot.
- 10 D. Residential Use. Additional residential accommodations shall be deemed an
11 accessory residential use.

12 SECTION 19.80~~5~~4 APPROVAL REQUIREMENTS.

- 13 A. An application for an additional residential accommodation shall be accepted and
14 approved if it complies with all of the following:
- 15 1. The requirements and development standards set forth in this Article.
 - 16 2. All applicable laws and regulations related to health and safety including, but
17 not limited to, Fire and Building Code regulations.
 - 18 3. All required approvals are obtained prior to submittal from the Riverside
19 County Department of Environmental Health, Fire Department, and the
20 Riverside County Airport Land Use Commission.
 - 21 4. Written confirmation has been provided from the Department of
22 Environmental Health for the use of an existing or new septic system for any
23 additional residential accommodation.
 - 24 5. If applicable, a percolation test is completed and certified within the last five
25 years or recertified within the last ten years, by the Riverside County
26 Department of Environmental Health.
 - 27 6. All required approvals are obtained from the applicable water and sewer
28 purveyor(s).

1 7. If applicable because of geographic location and constraints, all required
2 approvals from the Fire Department, Riverside County Flood Control and
3 Water Conservation District, Coachella Valley Water District or the
4 Environmental Programs Division of the Planning Department.

5 B. For the purposes of fire or life protection, a Junior ADU shall not be considered a
6 separate or new dwelling unit.

7 C. No final inspections shall be performed or certificate of occupancy shall be issued,
8 for an additional residential accommodation prior to the final inspection for the new
9 one family dwelling located on the same lot.

10 D. Additional residential accommodations shall not be subject to Section 18.10 and
11 Section 18.11 of this ordinance related to location and size of dwellings.

12 SECTION 19.80~~65~~ FEES AND UTILITY CONNECTIONS.

13 A. Impact and connection fees shall be calculated in accordance with applicable State
14 and local laws and regulations including, but not limited to, Government Code
15 sections 65852.2 and 65852.22, and Riverside County Ordinance No 659.

16 B. An attached/interior ADU or Junior ADU shall not be required to install a new or
17 separate utility connection directly between the unit and the utility, but may be
18 required if the unit was created or constructed concurrently with a new one family
19 dwelling, as determined through the permitting process. Guest Quarters shall not
20 be permitted to install a new or separate utility connection directly between the unit
21 and the utility.

22 C. All other additional residential accommodations, including any detached ADU,
23 Second Unit, MOG Unit or Ranchet, may be required to provide a new or separate
24 utility connection directly between the unit and the utility.

25 SECTION 19.80~~76~~ DEVELOPMENT STANDARDS.

26 A. Lot Size. Additional residential accommodations may be located on any lot in
27 accordance with the following:

- 1 1. Lots zoned for One Family Dwellings. Detached Second Units or Guest
2 Quarters shall be located on lots greater than 7,200 square feet in area.
- 3 2. Lots zoned for Multiple Family Dwellings. Only ADUs are allowed on lots
4 zoned for Multiple Family Dwellings.
- 5 3. Lots within the Eastern Coachella Valley. Ranchets shall be located on lots
6 greater than or equal to two (2) gross acres in area.

7 B. Lot Coverage. The floor area of attached or detached ADUs shall not be included in
8 the calculations used to determine compliance with lot coverage requirements in this
9 ordinance. The floor area of interior ADUs and interior Junior ADUs shall be
10 considered part of the floor area of the primary dwelling and included in the
11 calculations used to determine compliance with lot coverage requirements in this
12 ordinance.

13 C. Setbacks. Additional residential accommodations shall comply with the following
14 setbacks:

- 15 1. Interior ADU, Junior ADU. Front, side and rear setbacks shall be pursuant
16 to the applicable zoning classification for the lot. Additionally, any
17 expansion required for egress or ingress shall maintain a minimum side and
18 rear setback of four (4) feet.
- 19 2. Attached ADU, Detached ADU. Side and rear setbacks shall be no less than
20 four (4) feet. Front setbacks shall be pursuant to the applicable zoning
21 classification for the lot.
- 22 3. Second Unit and Guest Quarters. Setbacks shall be pursuant to the applicable
23 zoning classification for the lot.
- 24 4. MOG Units. Front, rear, and side setbacks shall comply with Title 25 of the
25 California Code of Regulations, as may be amended.
- 26 5. Ranchets. Setbacks shall be pursuant to the applicable zoning classification
27 for the lot.

1 D. Floor Area. Floor area shall include the interior habitable area of an additional
2 residential accommodation, including finished basements and finished attics but shall
3 not include an uninhabitable garage or any accessory building or structure. The floor
4 area for additional residential accommodations shall comply with the following:

5 1. Attached ADU. Interior ADU.

6 a. One Family Dwelling: the maximum floor area shall not
7 ~~exceed~~~~be less than or equal to~~ fifty percent (50%) of the primary
8 dwelling's floor area ~~or 850 square feet, whichever is less.~~ If 50% of
9 the primary dwelling's floor area is less than 800 square feet then the
10 maximum floor area shall be 800 square feet. In no event shall the
11 maximum floor area exceed 1,000 square feet.

12 b. Multiple Family Dwelling: the maximum floor area shall not exceed
13 ~~be less than or equal to 850~~1,000 square feet.

14 c. Except to create exterior access to the Interior ADU, no expansion of
15 the primary dwelling shall be allowed for creation of the Interior
16 ADU. The maximum expansion for egress or ingress shall be less
17 than or equal to 150 square feet.

18 2. Detached ADU. The maximum floor area shall not exceed ~~be less than or~~
19 ~~equal to 850~~1,000 square feet.

20 3. Junior ADU.

21 a. The maximum floor area shall not exceed ~~be less than or equal to~~ fifty
22 percent (50%) of the primary dwelling's floor area ~~or~~. In no event
23 shall the maximum floor area exceed 500 square feet, whichever is
24 less.

25 b. Except to create exterior access to the Junior ADU, no expansion of
26 the primary dwelling shall be allowed for creation of the Junior ADU.
27 The maximum expansion for egress or ingress shall be less than or
28 equal to 150 square feet.

- 1 4. Second Unit. The maximum floor area shall be in accordance with the
2 following:
- 3 a. 7,201 - 20,000 square-foot lots. The maximum floor area shall not
4 ~~exceedbe less than or equal to~~ 1,200 square feet.
- 5 b. 20,001 square-foot – 2 acres lots. The maximum floor area shall not
6 ~~exceedbe less than or equal to~~ 1,500 square feet.
- 7 c. 2.01 acres – 4 acre lots. The maximum floor area shall not exceedbe
8 ~~less than or equal to~~ 2,500 square feet.
- 9 d. Lots greater than 4 acres. The maximum floor area shall not exceedbe
10 ~~less than or equal to~~ 200 percent (200%) of the primary one family
11 dwelling’s floor area.
- 12 5. Guest Quarter. The maximum floor area shall not exceedbe less than or equal
13 ~~to~~ two percent (2%) of the gross lot size or 600 square feet, whichever is less.
- 14 6. MOG Units. Floor area shall comply with Title 25 of the California Code of
15 Regulations, as may be amended.
- 16 7. Ranchets. No maximum floor area. The minimum floor area shall be 450
17 square feet, excluding patios, porches, garages, and similar structures.
- 18 E. Height. Additional residential accommodations shall comply with the following:
- 19 1. Interior ADU and Junior ADU. ~~The maximum height for a~~An interior ADU
20 and Junior ADU shall be ~~createdno greater than sixteen (16) feet, measured~~
21 ~~from the finished floor to the highest point of the finished ceiling,~~ within
22 ~~anyone~~ story or floor of the primary dwellingbuilding.
- 23 2. Attached ADU and Detached ADU. The maximum height shall be no greater
24 than sixteen (16) feet.
- 25 3. Guest Quarters. The maximum height shall be pursuant to the applicable
26 zoning classification for the lot.
- 27 4. Second Units. The maximum height shall be no greater than the height of the
28 primary one family dwelling.

1 F. Parking. Off-street parking shall comply with section 18.12 of this ordinance and
2 the following:

3 1. Interior ADU within an existing structure, Junior ADU, or Guest Quarter.

4 a. No parking space(s) shall be required.

5 b. No replacement parking spaces shall be required for conversion of
6 any existing parking spaces, including garages, carports or marked
7 spaces into an interior ADU or a Junior ADU. Any conversion of
8 existing parking space(s) into a Guest Quarter shall be replaced at a
9 1:1 ratio.

10 2. Interior ADU within a new structure, Attached ADU, ~~and/or~~ Detached ADU.

11 a. One (1) regular or tandem parking space per unit shall be required;
12 or,

13 b. Parking may be waived, if any of the following apply to the lot or
14 unit:

15 i. Within a half mile ($\frac{1}{2}$ mile) walking distance from transit,
16 including bus stop or train station locations where the public
17 may access buses, trains or any other forms of transportation
18 that charge set fares, run on fix routes and are available to the
19 public; or,

20 ii. Within an architecturally or a historically significant district;
21 or,

22 iii. Within an area that requires on-street parking permits but are
23 not offered to the new unit; or,

24 iv. Within one (1) mile from a car share area.

25 c. Parking may be located within required setbacks established by this
26 ordinance.

1 d. No replacement parking spaces shall be required for conversion of
2 any existing parking spaces, including garages, carports or marked
3 spaces into an ADU.

4 3. Second Unit.

5 a. One (1) parking space per one-(1) bedroom unit shall be required; or,

6 b. Two (2) parking space for units with two (2) or more bedrooms shall
7 be required.

8 c. Any conversion of existing parking space(s) into a Second Unit shall
9 be replaced at a 1:1 ratio.

10 4. MOG Units. Parking spaces shall be provided pursuant to Section 18.12 of
11 this ordinance, with the exception of the following criteria:

12 a. Parking spaces shall be located immediately adjacent to each MOG
13 Unit; and,

14 b. Parking spaces shall be developed using impervious surfaces.

15 5. Ranchets. Parking spaces shall be provided pursuant to Section 18.12 of this
16 ordinance.

17 G. Design.

18 1. Additional residential accommodations shall be compatible with the
19 architecture of the primary one family dwelling or multiple family dwelling
20 on the same lot and consistent with the surrounding neighborhood.

21 2. Attached and Interior additional residential accommodations shall have
22 exterior access to the unit.

23 3. In accordance with Title 25 of the California Code of Regulations, as may be
24 amended, MOG Units and Ranchets shall include any required opaque skirt
25 entirely around the unit in order to screen the area between the ground level
26 and the floor of the unit.

27 H. Access.

28 1. All weather access for emergency vehicles shall be provided for any

1 additional residential accommodation that is located more than one-hundred
2 and fifty feet (150 ft.) from a public right-of-way.

- 3 2. All access roads for emergency vehicle or driveways that service an
4 additional residential accommodation shall be at least twenty (20) feet in
5 width and shall have a clear and unobstructed access to the public road.

6 I. MOG Unit Specific Development Standards.

- 7 1. MOG Units shall be located within individual and separate spaces, which
8 may also include accessory structures or appurtenances attached thereto or
9 used in conjunction therewith. Spaces shall only include one MOG Unit.

10 a. The minimum size of each space within the lot shall be 2,500 square
11 feet.

12 b. The minimum dimension of the space shall be thirty (30) feet in width
13 and eighty (80) feet in depth.

14 c. The minimum coverage of each space shall not exceed seventy-five
15 percent (75%) of the space area with structures, including the
16 manufactured home unit, any attached or detached accessory
17 structures, such as awnings, stairways, and ramps.

- 18 2. Separation of buildings or structures shall comply with Title 25 of the
19 California Code of Regulations, as may be amended.

- 20 3. Walls and Fences and Landscaping.

21 a. A chain link fence, or other similar material, shall be erected along
22
23 the perimeter of the lot, except when prohibited in flood areas or
24 similar situations.

25 i. The fence shall be at least six (6) feet in height.

26 ii. The fence shall be screen by landscaping or other material.
27
28

1 b. A chain link fence, or other similar fencing, at least three (3) feet in
2 height shall be erected between spaces on the lot. Landscaping may
3 be used in lieu of required fencing between spaces on the lot.

4 4. Additional Access Requirements.

5 a. MOG Units shall be located no further than 450 feet from a public
6 dedicated and maintained road.

7 b. MOG Units shall be served by an all-weather access road or driveway,
8 such as a Class 2 base or a material capable of supporting emergency
9 vehicles as approved by the Fire Department.

10 c. No additional curb cuts, rear access or any other types of access for
11 the lot shall be allowed, except where authorized by the Riverside
12 County Transportation Department through the issuance of an
13 encroachment permit connecting with a public right-of-way.

14 SECTION 19.80~~87~~ OCCUPANCY AND FIRE PROTECTION.

15 A. Occupancy.

16 1. Accessory Dwelling Unit. ~~Prior to June 1, 2025, p~~Property owners shall not
17 be required to occupy, or live within, the primary dwelling or ADU located
18 on the same lot, if the ADU is permitted between January 1, 2020 and June
19 1, 2025. ~~On or~~ If an ADU is permitted after June 1, 2025, property owners
20 must occupy, or live within, the primary dwelling or ADU located on the
21 same lot. Appropriate verification to show occupancy, as determined by the
22 County, may include, but not limited to, utility bills or official mail with the
23 property owners name, government issued identification or license with
24 primary address and property owner's name, or documents showing official
25 registration primary address as residence for the property owner.

26 2. Second Unit or Guest Quarter. Property owners must occupy, or live within,
27 the primary dwelling existing on the same lot as the Second Unit or Guest
28 Quarter. Appropriate verification to show occupancy, as determined by the

1 County, may include, but not limited to, utility bills or official mail with the
2 property owner's name, government issued identification or license with
3 primary address and property owner's name, or documents showing official
4 registration primary address as residence for property owner.

5 3. Junior Accessory Dwelling Unit. Property owners must occupy, or live
6 within, either the primary dwelling or Junior ADU located on the same lot.
7 Appropriate verification showing occupancy, as determined by the County,
8 may include, but not limited to, utility bills or official mail with the property
9 owner's name, government issued identification or license with primary
10 address and property owner's name, or documents showing official
11 registration primary address as residence for property owner.

12 4. Owner-occupancy requirements shall not apply if the property owner is
13 another governmental agency, land trust, housing organization or other
14 similar agency or organization.

15 5. Except for Guest Quarters and MOG Units, additional residential
16 accommodations may be rented to and occupied by any person(s) in
17 accordance with occupancy requirements provided in this Article. The
18 renting of a Ranchet is for the mobilehome or manufactured home only and
19 shall not create a real property interest in the lot the Ranchet is located on.

20 6. Additional residential accommodations shall not be rented for a period less
21 than or equal to 30 days.

22 7. Guest Quarters shall be used exclusively by the occupants of the one family
23 dwelling on the same lot or their non-paying guests.

24 8. MOG Units shall be occupied by at least two (2) separate legal owners,
25 verified with the latest deed, which shall live in separate MOG Units. MOG
26 Units shall not be rented or leased, or held out for rent or lease.

1 9. Additional residential accommodations shall be used for residential purposes
2 and may include home businesses or occupations as allowed by local or state
3 laws.

4 10. Additional residential accommodations shall not be sold as a separate unit,
5 except as provided by local or state law and, if required, the lot is subdivided
6 pursuant to local and state subdivision laws.

7 11. For lots with a proposed Junior ADU, a deed restriction in accordance with
8 Government Code section 65852.22(a)(3), as may be amended, shall be
9 recorded on the property and included in the application for the Junior ADU.

10 B. Fire Protection.

11 1. Water supply to the lot shall be capable of providing the required fire flow
12 for fire protection, pursuant to the California Fire Code.

13 2. ADUs or Junior ADUs shall provide fire sprinklers only if the primary
14 dwelling is required to provide fire sprinklers.

15 SECTION 19.80~~98~~ ADDITIONAL MOG UNIT REQUIREMENTS.

16 A. Ownership.

17 1. Lots with MOG Units must be jointly owned by multiple owners, and all
18 owners must be listed on the deed.

19 2. Property owners shall notify the Planning Director, or designee, of any
20 change in ownership within thirty (30) days of the change. Ownership and
21 occupancy shall meet the requirements of this article for the life of the MOG
22 Unit.

23 B. Subdivision and Installation.

24 1. The allowance of multiple MOG Units on one lot does not constitute a
25
26 subdivision of that lot under the Subdivision Map Act or Riverside County
27 Ordinance No. 460.
28

2. MOG Units shall not be sold separately, unless the underlying lot is subdivided pursuant to all applicable local and state subdivision and land use laws.
3. MOG Units shall be pre-existing and installed prior to May 14, 2013.
4. MOG Units shall be located on a lot with at least one other MOG Unit.
5. MOG Units shall be part of an existing grouping of manufactured homes on one (1) lot, referred to as an existing “MOG manufactured home park.” No expansion of the existing MOG manufactured home park shall be permitted.
6. MOG Units shall be installed per manufacturer’s specifications on approved piers. No permanent foundation shall be allowed for a MOG Unit, except where required by the applicable flood control district.
7. MOG Units on approved piers shall be screened by an opaque skirt to completely cover the area between the floor and the ground and completely cover the approved piers.
8. No outside storage shall be allowed on lots with MOG Units.

C. Utilities.

1. MOG Units shall have separate utility services and connections, except for MOG Units connected to sub-surface sewage disposal systems.
2. Propane tanks shall include appropriate setbacks, pursuant to the California Fire Code.
3. The maximum size of a propane tank shall be 250 gallons.
4. Electrical meter banks may be permitted, subject to written approval by the local electric provider.
5. MOG Units shall have running water.
6. MOG Units served by a water well shall meet minimum production requirements set forth in Riverside County Ordinance No. 682.
7. MOG Units connected to a septic system or well shall obtain all necessary approvals from the appropriate departments.

- 1 8. MOG Units utilizing any proposed State Small Water System shall obtain
2 approval from the Riverside County Department of Environmental Health.

3 SECTION 19.81~~09~~ EASTERN COCHELLA VALLEY BOUNDARY.

4 For the purposes of this article, the Eastern Coachella Valley boundary shall include all that
5 area identified as the “Area Plan Boundary” in Figure 3, or the Land Use Plan, of the Eastern
6 Coachella Valley Area Plan, which is part of the Riverside County General Plan, as
7 amended.

8 SECTION 19.81~~10~~ DENSITY.

- 9 A. An additional residential accommodation that conforms to this Article shall
10 not be considered to exceed the allowable density established by the General
11 Plan for the lot upon which the additional residential accommodation is
12 located.
- 13 B. An additional residential accommodation that conforms to this Article shall
14 be considered consistent with the Riverside County General Plan, including
15 the Land Use Element, and the residential uses of the applicable zoning
16 classification for the lot upon which the additional residential
17 accommodation is located.

18 SECTION 19.81~~24~~ CONFLICTING STANDARDS AND REQUIREMENTS.

- 19 A. In the event there is a conflict between the requirements and development
20 standards set forth in this Article and a lot’s applicable zoning classification
21 or other provision in this ordinance, the provisions of this Article shall
22 prevail.
- 23 B. If any provision of this Article conflicts with California Government Code
24 Section 65852.2 or 65852.22, the provisions of the Government Code
25 sections shall prevail.”

26
27 Section 13. Section 21.35a. of Ordinance No. 348 is amended to read as follows:

28 “SECTION 21.35a. GUEST QUARTER.

1 Guest quarter is defined in Article XIXj of this ordinance.”

2 Section 14. Section 21.51a. of Ordinance No. 348 is amended to read as follows:

3 “SECTION 21.51a. MOBILEHOME PARK.

4 Mobilehome park is any area of tract of land where one or more mobilehome lots are
5 rented or leased or held out for rent or lease to accommodate mobilehome used for
6 human habitation. The rental paid for any such mobilehome shall be deemed to
7 include rental for the lot it occupies. Mobilehome park does not include lots
8 containing Ranchets pursuant to Article XIXj of this ordinance.

9 Notwithstanding the foregoing definition, any person, not including a mobilehome
10 park operator, who owns a mobilehome and owns, rents or leases the land upon
11 which the mobilehome is located, is permitted to rent, lease, sublease, let our, or hire
12 out for occupancy the mobilehome and the land upon which the mobilehome is
13 located, without obtaining a permit to construct or operate a mobilehome park.”

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27 Section 15. This ordinance shall take effect thirty (30) days after its adoption.

28 BOARD OF SUPERVISORS OF THE COUNTY

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OF RIVERSIDE, STATE OF CALIFORNIA

By: _____
Chairman

ATTEST:
CLERK OF THE BOARD
Kecia Harper

By: _____
Deputy

(SEAL)

APPROVED AS TO FORM
June ____, 2020

By: _____
AARON C. GETTIS
Supervising Deputy County Counsel

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*TCMA / Planning
Item 21.4 of
08/24/20*

**ORDINANCE NO. 348.4926
AN ORDINANCE OF THE COUNTY OF RIVERSIDE
AMENDING ORDINANCE NO. 348
RELATING TO ZONING**

The Board of Supervisors of the County of Riverside ordains as follows:

Section 1. Subsection A.1. of Section 18.12. of Ordinance No. 348 is amended to read as follows:

"A.1. APPROVAL OF OFF-STREET PARKING PLAN. A plot plan, pursuant to the provisions of Section 18.30 of this ordinance, shall be filed for approval of all off-street parking facilities, except for one and two-family residences and additional residential accommodations, unless the off-street parking facilities are approved as a part of a design review, plot plan, conditional use permit or public use permit approval."

Section 2. A new subsection F. is added to Section 18.12 of Ordinance No. 348 to read as follows:

"F. ADDITIONAL RESIDENTIAL ACCOMMODATIONS. Additional requirements for off-street parking associated with additional residential accommodations are provided in Article XIXi of this ordinance."

Section 3. The title of Section 18.18 of Ordinance No. 348 is amended to read as follows:

"SECTION 18.18. DETACHED ACCESSORY BUILDINGS AND STRUCTURES."

Section 4. Subsection A. of Section 18.18 of Ordinance No. 348 is amended to read as follows:

"A. INTENT. The Board of Supervisors has adopted the following provisions to establish minimum development requirements for the erection of detached accessory buildings and structures in the unincorporated areas of Riverside County. These requirements are intended to provide for the appropriate construction of detached accessory buildings and structures, enhance the aesthetic appearance of the community, preserve property values and protect the public health, safety and welfare."

Section 5. Subsection D. of Section 18.18 of Ordinance No. 348 is deleted in its entirety.

Section 6. Existing subsection E. of Ordinance No. 348 is relettered subsection D.

Section 7. Subsection F. of Section 18.18 of Ordinance No. 348 is deleted in its entirety.

Section 8. Subsection D. of Section 18.29a. of Ordinance No. 348 is deleted in its entirety.

Section 9. Subsections E., F., and G of Section 18.29a. of Ordinance No. 348 are relettered D., E., and F. respectively.

Section 10. Subsection D. of Section 18.53 of Ordinance No. 348 is amended to read as follows:

"D. EXCEPTIONS. Cottage food operations shall not be permitted in any Second Unit, Guest Quarter, accessory building, ADU or Junior ADU."

Section 11. Subsection E. of Section 19.501 of Ordinance No. 348 is amended to read as follows:

"E. All Commercial Cannabis Activities within any dwelling unit, ADU, Junior ADU, Second Unit, Guest Quarter, MOG, Ranchet, or any other residential accessory structure permitted for residential occupancy is prohibited."

Section 12. Article XIXj of Ordinance No. 348 is deleted in its entirety and replaced with the following:

"ARTICLE XIXi

ADDITIONAL RESIDENTIAL ACCOMMODATIONS

SECTION 19.800. PURPOSE AND INTENT.

This article establishes requirements and development standards for additional residential accommodations created to augment one-family dwellings or multiple family dwellings. These requirements and development standards are intended to facilitate the proper development of additional residential accommodations to increase supply and diversity of housing types within the unincorporated areas of Riverside County.

SECTION 19.801. APPLICABILITY

This article shall not apply to accessory dwelling units or junior accessory dwelling units that meet the requirements set forth in Government Code section 65852.2(e)(1). Applications for accessory dwelling units or junior accessory dwelling units meeting the requirements of Government Code section 65852.2(e)(1) shall be approved ministerially, pursuant to the process and requirements set forth in that section. Accessory dwelling units or junior accessory dwelling units that do not meet the requirements set forth in Government Code section 65852.2(e)(1) shall comply with this Article.

SECTION 19.802. DEFINITIONS AND CONSTRUCTION.

A. Definitions. For purposes of this Article, the following are considered additional residential accommodations and defined as follows:

1. Accessory Dwelling Unit (ADU): A dwelling that includes exterior access and provides complete independent living facilities, including a kitchen and bathroom, which are allowed in addition to a primary dwelling on lots zoned for one family dwellings or multiple family dwellings. An ADU may be an efficiency unit, as defined in section 17958.1 of the Health and Safety Code.
2. Junior Accessory Dwelling Unit (Junior ADU): A dwelling within a one family dwelling that includes exterior access and, at a minimum, a cooking area with cooking appliances, food preparation counters, and storage cabinets, all proportional to the size of the dwelling unit. A Junior ADU shall either include a self-contained bathroom or share a bathroom with the primary one family dwelling.
3. Second Unit: A one family dwelling that includes a kitchen and bathroom that is allowed on lots zoned for one family dwellings and includes an existing primary one family dwelling. A Second Unit is not an ADU as defined in this Article.
4. Guest Quarter: A living area dependent on some or all of the primary one family dwelling's facilities. A Guest Quarter shall not have a kitchen, but may include a bathroom. A Guest Quarter is not allowed on lots zoned for multiple family dwellings.
5. Multiple Owner Group (MOG) Unit: Any type of state-licensed mobilehome or manufactured home installed on or before May 14, 2013 on lots located within the Eastern Coachella Valley, as further defined in this Article.
6. Ranchet Unit (Ranchet): Any type of state-licensed mobilehome or manufactured home complying with Health and Safety Code section 18214(c), as may be amended, installed on lots larger than or equal to 2 gross acres that includes at least one additional Ranchet, and is located within the Eastern Coachella Valley, as further defined in this Article.

B. Construction. The construction of additional residential accommodations shall comply with the following:

1. An attached additional residential accommodation involves the expansion of an existing structure for the purposes of creating new habitable floor area.
2. A detached additional residential accommodation shall be on the same lot as the primary dwelling but not attached to it or any other structure. Except for Guest Quarters, a detached additional residential accommodation may be a mobilehome or manufactured home.
3. An interior additional residential accommodation involves the conversion of or inclusion within the footprint and floor area of an existing or proposed one family dwelling or associated attached structure, such as a garage, storage area, or similar structure. Limited expansion of an established footprint or floor

area is only allowed to provide necessary access to the additional residential accommodation.

4. An ADU may be an attached, detached or interior additional residential accommodation.
5. A Junior ADU shall be an interior additional residential accommodation within a one family dwelling or associated attached structure, such as a garage, storage area, or similar structure, but is not allowed within multiple family dwellings.
6. A Second Unit, Guest Quarter, MOG Unit or Ranchet shall be a detached additional residential accommodation.

SECTION 19.803. LOCATION AND ALLOWANCES.

A. Location. Additional residential accommodations are permitted by-right on lots zoned for one family dwellings or multiple family dwellings with the following exceptions:

1. Additional residential accommodations shall not be permitted on lots with a dwelling(s) that does not have all required building permits.
2. Additional residential accommodations shall not be permitted on lots that are constrained by water availability, water quality or sewage disposal or other public health and safety concerns. Prohibited areas shall include those areas where a development moratorium is imposed because of a moratorium for water or sewer, whether imposed by the County or another public agency with the authority to impose such a development moratorium.
3. MOG Units and Ranchets are only permitted within the Eastern Coachella Valley, as further defined in this Article.
4. MOG Units may be permitted on lots zoned for nonresidential uses if the lot and MOG Units meet the definition of MOG Unit as provided in this Article.

B. Allowances. The number of attached, detached or interior additional residential accommodations allowed on lots where there is an existing or proposed one family dwelling or an existing multiple family dwelling shall be in accordance with one of the following, but not a combination thereof:

1. One Family Dwelling.
 - a. One attached or interior additional residential accommodation shall be permitted per lot.
 - b. One detached additional residential accommodation shall be permitted per lot.
2. Multiple Family Dwelling.
 - a. One interior ADU shall be permitted per lot or a quantity that is less than or equal to twenty-five percent (25%) of the existing units within the multiple family dwelling, whichever is greater.
 - b. Two detached ADU shall be permitted per lot.
3. Eastern Coachella Valley.
 - a. The first MOG Unit or Ranchet installed on a lot shall be designated as the primary dwelling for the purposes of this Article.
 - b. A maximum of twelve detached MOG Units shall be permitted per lot; or,
 - c. A maximum of four detached Ranchets shall be permitted per lot in accordance with this Article. The maximum number of four detached Ranchets per lot shall include any existing primary dwelling. In the event an existing primary dwelling is converted to a Ranchet, all additional residential accommodations on the lot shall be considered Ranchets and shall comply with this Article.

SECTION 19.804. LAND USE PERMITS AND PROCESSING.

A. Land Use Permits. No discretionary land use permit such as, but not limited to, a plot plan or conditional use permit is required for an additional residential accommodation.

B. Site Design Plan. Applications for any additional residential accommodation shall include a site design plan demonstrating compliance with the development standards provided in this Article.

C. Processing. Applications for any additional residential accommodation shall be processed in accordance with this ordinance, Ordinance No. 671 and Ordinance No. 457, as applicable. Applications for an ADU or Junior ADU shall be acted upon within sixty (60) days of the application being submitted to the County. Acting on an application may include approving or denying an application, providing corrections resulting from plan check, or issuing, withdrawing, cancelling or abandoning an application; or any other similar action. The County may delay acting on an application for an ADU or Junior ADU until after acting on an application for a new primary dwelling on the same lot.

D. Residential Use. Additional residential accommodations shall be deemed an accessory residential use.

SECTION 19.805. APPROVAL REQUIREMENTS.

A. An application for an additional residential accommodation shall be accepted and approved if it complies with all of the following:

1. The requirements and development standards set forth in this Article.
2. All applicable laws and regulations related to health and safety including, but not limited to, Fire and Building Code regulations.
3. All required approvals are obtained prior to submittal from the Riverside County Department of Environmental Health, Fire Department, and the Riverside County Airport Land Use Commission.
4. Written confirmation has been provided from the Department of Environmental Health for the use of an existing or new septic system for any additional residential accommodation.
5. If applicable, a percolation test is completed and certified within the last five years or recertified within the last ten years, by the Riverside County Department of Environmental Health.
6. All required approvals are obtained from the applicable water and sewer purveyor(s).
7. If applicable because of geographic location and constraints, all required approvals from the Fire Department, Riverside County Flood Control and Water Conservation District, Coachella Valley Water District or the Environmental Programs Division of the Planning Department.

B. For the purposes of fire or life protection, a Junior ADU shall not be considered a separate or new dwelling unit.

C. No final inspections shall be performed or certificate of occupancy shall be issued, for an additional residential accommodation prior to the final inspection for the new one family dwelling located on the same lot.

D. Additional residential accommodations shall not be subject to Section 18.10 and Section 18.11 of this ordinance related to location and size of dwellings.

SECTION 19.806. FEES AND UTILITY CONNECTIONS.

A. Impact and connection fees shall be calculated in accordance with applicable State and local laws and regulations including, but not limited to, Government Code sections 65852.2 and 65852.22, and Riverside County Ordinance No 659.

B. An attached/interior ADU or Junior ADU shall not be required to install a new or separate utility connection directly between the unit and the utility, but may be required if the unit was created or constructed concurrently with a new one family dwelling, as determined through the permitting process. Guest Quarters shall not be permitted to install a new or separate utility connection directly between the

- d. No replacement parking spaces shall be required for conversion of any existing parking spaces, including garages, carports or marked spaces into an ADU.
- 3. Second Unit.
 - a. One (1) parking space per one-(1) bedroom unit shall be required; or,
 - b. Two (2) parking space for units with two (2) or more bedrooms shall be required.
 - c. Any conversion of existing parking space(s) into a Second Unit shall be replaced at a 1:1 ratio.
- 4. MOG Units. Parking spaces shall be provided pursuant to Section 18.12 of this ordinance, with the exception of the following criteria:
 - a. Parking spaces shall be located immediately adjacent to each MOG Unit; and,
 - b. Parking spaces shall be developed using impervious surfaces.
- 5. Ranchets. Parking spaces shall be provided pursuant to Section 18.12 of this ordinance.
- G. Design.
 - 1. Additional residential accommodations shall be compatible with the architecture of the primary one family dwelling or multiple family dwelling on the same lot and consistent with the surrounding neighborhood.
 - 2. Attached and Interior additional residential accommodations shall have exterior access to the unit.
 - 3. In accordance with Title 25 of the California Code of Regulations, as may be amended, MOG Units and Ranchets shall include any required opaque skirt entirely around the unit in order to screen the area between the ground level and the floor of the unit.
- H. Access.
 - 1. All weather access for emergency vehicles shall be provided for any additional residential accommodation that is located more than one-hundred and fifty feet (150 ft.) from a public right-of-way.
 - 2. All access roads for emergency vehicle or driveways that service an additional residential accommodation shall be at least twenty (20) feet in width and shall have a clear and unobstructed access to the public road.
- I. MOG Unit Specific Development Standards.
 - 1. MOG Units shall be located within individual and separate spaces, which may also include accessory structures or appurtenances attached thereto or used in conjunction therewith. Spaces shall only include one MOG Unit.
 - a. The minimum size of each space within the lot shall be 2,500 square feet.
 - b. The minimum dimension of the space shall be thirty (30) feet in width and eighty (80) feet in depth.
 - c. The minimum coverage of each space shall not exceed seventy-five percent (75%) of the space area with structures, including the manufactured home unit, any attached or detached accessory structures, such as awnings, stairways, and ramps.
 - 2. Separation of buildings or structures shall comply with Title 25 of the California Code of Regulations, as may be amended.
 - 3. Walls and Fences and Landscaping.
 - a. A chain link fence, or other similar material, shall be erected along the perimeter of the lot, except when prohibited in flood areas or similar situations.
 - i. The fence shall be at least six (6) feet in height.
 - ii. The fence shall be screen by landscaping or other material.
 - b. A chain link fence, or other similar fencing, at least three (3) feet in height shall be erected between spaces on the lot. Landscaping may be used in lieu of required fencing between spaces on the lot.
 - 4. Additional Access Requirements.
 - a. MOG Units shall be located no further than 450 feet from a public dedicated and maintained road.
 - b. MOG Units shall be served by an all-weather access road or driveway, such as a Class 2 base or a material capable of supporting emergency vehicles as approved by the Fire Department.
 - c. No additional curb cuts, rear access or any other types of access for the lot shall be allowed, except where authorized by the Riverside County Transportation Department through the issuance of an encroachment permit connecting with a public right-of-way.

SECTION 19.808. OCCUPANCY AND FIRE PROTECTION.

- A. Occupancy.
 - 1. Accessory Dwelling Unit. Property owners shall not be required to occupy, or live within, the primary dwelling or ADU located on the same lot, if the ADU is permitted between January 1, 2020 and June 1, 2025. If an ADU is permitted after June 1, 2025, property owners must occupy, or live within, the primary dwelling or ADU located on the same lot. Appropriate verification to show occupancy, as determined by the County, may include, but not limited to, utility bills or official mail with the property owners name, government issued identification or license with primary address and property owner's name, or documents showing official registration primary address as residence for the property owner.
 - 2. Second Unit or Guest Quarter. Property owners must occupy, or live within, the primary dwelling existing on the same lot as the Second Unit or Guest Quarter. Appropriate verification to show occupancy, as determined by the County, may include, but not limited to, utility bills or official mail with the property owner's name, government issued identification or license with primary address and property owner's name, or documents showing official registration primary address as residence for property owner.
 - 3. Junior Accessory Dwelling Unit. Property owners must occupy, or live within, either the primary dwelling or Junior ADU located on the same lot. Appropriate verification showing occupancy, as determined by the County, may include, but not limited to, utility bills or official mail with the property owner's name, government issued identification or license with primary address and property owner's name, or documents showing official registration primary address as residence for property owner.
 - 4. Owner-occupancy requirements shall not apply if the property owner is another governmental agency, land trust, housing organization or other similar agency or organization.
 - 5. Except for Guest Quarters and MOG Units, additional residential accommodations may be rented to and occupied by any person(s) in accordance with occupancy requirements provided in this Article. The renting of a Ranchet is for the mobilehome or manufactured home only and shall not create a real property interest in the lot the Ranchet is located on.
 - 6. Additional residential accommodations shall not be rented for a period less than or equal to 30 days.
 - 7. Guest Quarters shall be used exclusively by the occupants of the one family dwelling on the same lot or their non-paying guests.
 - 8. MOG Units shall be occupied by at least two (2) separate legal owners, verified with the latest deed, which shall live in separate MOG Units. MOG Units shall not be rented or leased, or held out for rent or lease.

9. Additional residential accommodations shall be used for residential purposes and may include home businesses or occupations as allowed by local or state laws.
 10. Additional residential accommodations shall not be sold as a separate unit, except as provided by local or state law and, if required, the lot is subdivided pursuant to local and state subdivision laws.
 11. For lots with a proposed Junior ADU, a deed restriction in accordance with Government Code section 65852.22(a)(3), as may be amended, shall be recorded on the property and included in the application for the Junior ADU.
- B. Fire Protection.
1. Water supply to the lot shall be capable of providing the required fire flow for fire protection, pursuant to the California Fire Code.
 2. ADUs or Junior ADUs shall provide fire sprinklers only if the primary dwelling is required to provide fire sprinklers.
- SECTION 19.809. ADDITIONAL MOG UNIT REQUIREMENTS.
- A. Ownership.
1. Lots with MOG Units must be jointly owned by multiple owners, and all owners must be listed on the deed.
 2. Property owners shall notify the Planning Director, or designee, of any change in ownership within thirty (30) days of the change. Ownership and occupancy shall meet the requirements of this article for the life of the MOG Unit.
- B. Subdivision and Installation.
1. The allowance of multiple MOG Units on one lot does not constitute a subdivision of that lot under the Subdivision Map Act or Riverside County Ordinance No. 460.
 2. MOG Units shall not be sold separately, unless the underlying lot is subdivided pursuant to all applicable local and state subdivision and land use laws.
 3. MOG Units shall be pre-existing and installed prior to May 14, 2013.
 4. MOG Units shall be located on a lot with at least one other MOG Unit.
 5. MOG Units shall be part of an existing grouping of manufactured homes on one (1) lot, referred to as an existing "MOG manufactured home park." No expansion of the existing MOG manufactured home park shall be permitted.
 6. MOG Units shall be installed per manufacturer's specifications on approved piers. No permanent foundation shall be allowed for a MOG Unit, except where required by the applicable flood control district.
 7. MOG Units on approved piers shall be screened by an opaque skirt to completely cover the area between the floor and the ground and completely cover the approved piers.
 8. No outside storage shall be allowed on lots with MOG Units.
- C. Utilities.
1. MOG Units shall have separate utility services and connections, except for MOG Units connected to sub-surface sewage disposal systems.
 2. Propane tanks shall include appropriate setbacks, pursuant to the California Fire Code.
 3. The maximum size of a propane tank shall be 250 gallons.
 4. Electrical meter banks may be permitted, subject to written approval by the local electric provider.
 5. MOG Units shall have running water.
 6. MOG Units served by a water well shall meet minimum production requirements set forth in Riverside County Ordinance No. 682.
 7. MOG Units connected to a septic system or well shall obtain all necessary approvals from the appropriate departments.
 8. MOG Units utilizing any proposed State Small Water System shall obtain approval from the Riverside County Department of Environmental Health.

SECTION 19.810. EASTERN COACHELLA VALLEY BOUNDARY.
 For the purposes of this article, the Eastern Coachella Valley boundary shall include all that area identified as the "Area Plan Boundary" in Figure 3, or the Land Use Plan, of the Eastern Coachella Valley Area Plan, which is part of the Riverside County General Plan, as amended.

SECTION 19.811. DENSITY.

- A. An additional residential accommodation that conforms to this Article shall not be considered to exceed the allowable density established by the General Plan for the lot upon which the additional residential accommodation is located.
- B. An additional residential accommodation that conforms to this Article shall be considered consistent with the Riverside County General Plan, including the Land Use Element, and the residential uses of the applicable zoning classification for the lot upon which the additional residential accommodation is located.

SECTION 19.812. CONFLICTING STANDARDS AND REQUIREMENTS.

- A. In the event there is a conflict between the requirements and development standards set forth in this Article and a lot's applicable zoning classification or other provision in this ordinance, the provisions of this Article shall prevail.
- B. If any provision of this Article conflicts with California Government Code Section 65852.2 or 65852.22, the provisions of the Government Code sections shall prevail."

Section 13. Section 21.35a. of Ordinance No. 348 is amended to read as follows:

"SECTION 21.35a. GUEST QUARTER.

Guest quarter is defined in Article XIXj of this ordinance."

Section 14. Section 21.51a. of Ordinance No. 348 is amended to read as follows:

"SECTION 21.51a. MOBILEHOME PARK.

Mobilehome park is any area of tract of land where one or more mobilehome lots are rented or leased out for rent or lease to accommodate mobilehome used for human habitation. The rental paid for any such mobilehome shall be deemed to include rental for the lot it occupies. Mobilehome park does not include lots containing Ranchets pursuant to Article XIXj of this ordinance.

Notwithstanding the foregoing definition, any person, not including a mobilehome park operator, who owns a mobilehome and owns, rents or leases the land upon which the mobilehome is located, is permitted to rent, lease, sublease, let our, or hire out for occupancy the mobilehome and the land upon which the mobilehome is located, without obtaining a permit to construct or operate a mobilehome park."

Section 15. This ordinance shall take effect thirty (30) days after its adoption.

V. Manuel Perez, Chairman of the Board

I HEREBY CERTIFY that at a regular meeting of the Board of Supervisors of said County, held on **August 25, 2020**, the foregoing Ordinance consisting of fifteen (15) sections was adopted by said Board by the following vote:

AYES: Jeffries, Spiegel, Washington, Perez and Hewitt
 NAYS: None
 RECUSE: None

Kecia R. Harper, Clerk of the Board
 By: Hannah Lumanauw, Board Assistant



OFFICE OF THE
CLERK OF THE BOARD OF SUPERVISORS
1st FLOOR, COUNTY ADMINISTRATIVE CENTER
P.O. BOX 1147, 4080 LEMON STREET
RIVERSIDE, CA 92502-1147
PHONE: (951) 955-1060 FAX: (951) 955-1071

KECIA R. HARPER
Clerk of the Board of Supervisors

KIMBERLY A. RECTOR
Assistant Clerk of the Board

September 08, 2020

PRESS ENTERPRISE
ATTN: LEGALS
P.O. BOX 792
RIVERSIDE, CA 92501

E-MAIL: legals@pe.com
FAX: 951-368-9018

RE: ADOPTION OF ORDINANCE NO. 348.4926

To Whom It May Concern:

Attached is a copy for publication in your newspaper for **ONE (1) TIME** on **Friday, September 11, 2020**.

We require your affidavit of publication immediately upon completion of the last publication.

Your invoice must be submitted to this office, **WITH TWO CLIPPINGS OF THE PUBLICATION**.

NOTE: PLEASE COMPOSE THIS PUBLICATION INTO A SINGLE COLUMN FORMAT.

Thank you in advance for your assistance and expertise.

Sincerely,

Hannah Lumanauw

Board Assistant to
KECIA R. HARPER, CLERK OF THE BOARD



OFFICE OF THE
CLERK OF THE BOARD OF SUPERVISORS
1st FLOOR, COUNTY ADMINISTRATIVE CENTER
P.O. BOX 1147, 4080 LEMON STREET
RIVERSIDE, CA 92502-1147
PHONE: (951) 955-1060 FAX: (951) 955-1071

KECIA R. HARPER
Clerk of the Board of Supervisors

KIMBERLY A. RECTOR
Assistant Clerk of the Board

September 08, 2020

THE DESERT SUN
ATTN: LEGALS
P.O. BOX 2734
PALM SPRINGS, CA 92263

E-MAIL: legals@thedesertsun.com
TEL: (760)778-4578

RE: ADOPTION OF ORDINANCE NO. 348.4926

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Thank you in advance for your assistance and expertise.

Sincerely,

Hannah Lumanauw

Board Assistant to
KECIA R. HARPER, CLERK OF THE BOARD

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

ORDINANCE NO. 348.4926

AN ORDINANCE OF THE COUNTY OF RIVERSIDE

AMENDING ORDINANCE NO. 348

RELATING TO ZONING

The Board of Supervisors of the County of Riverside ordains as follows:

Section 1. Subsection A.1. of Section 18.12. of Ordinance No. 348 is amended to read as follows:

“A.1. APPROVAL OF OFF-STREET PARKING PLAN. A plot plan, pursuant to the provisions of Section 18.30 of this ordinance, shall be filed for approval of all off-street parking facilities, except for one and two-family residences and additional residential accommodations, unless the off-street parking facilities are approved as a part of a design review, plot plan, conditional use permit or public use permit approval.”

Section 2. A new subsection F. is added to Section 18.12 of Ordinance No. 348 to read as follows:

“F. ADDITIONAL RESIDENTIAL ACCOMMODATIONS. Additional requirements for off-street parking associated with additional residential accommodations are provided in Article XIXj of this ordinance.”

Section 3. The title of Section 18.18 of Ordinance No. 348 is amended to read as follows: “SECTION 18.18. DETACHED ACCESSORY BUILDINGS AND STRUCTURES.”

Section 4. Subsection A. of Section 18.18 of Ordinance No. 348 is amended to read as follow:

“A. INTENT. The Board of Supervisors has adopted the following provisions to establish minimum development requirements for the erection of detached accessory buildings and structures in the unincorporated areas of Riverside County. These requirements are intended to provide for the appropriate construction of detached accessory buildings and structures, enhance the aesthetic appearance of the community, preserve property values and protect the public health, safety and welfare.”

Section 5. Subsection D. of Section 18.18 of Ordinance No. 348 is deleted in its entirety.

Section 6. Existing subsection E. of Ordinance No. 348 is relettered subsection D.

Section 7. Subsection F. of Section 18.18 of Ordinance No. 348 is deleted in its entirety.

Section 8. Subsection D. of Section 18.29a. of Ordinance No. 348 is deleted in its entirety.

Section 9. Subsections E., F., and G of Section 18.29a. of Ordinance No. 348 are relettered D., E., and F. respectively.

Section 10. Subsection D. of Section 18.53 of Ordinance No. 348 is amended to read as follows:

“D. EXCEPTIONS. Cottage food operations shall not be permitted in any Second Unit, Guest Quarter, accessory building, ADU or Junior ADU.”

Section 11. Subsection E. of Section 19.501 of Ordinance No. 348 is amended to read as follows:

“E. All Commercial Cannabis Activities within any dwelling unit, ADU , Junior ADU, Second Unit, Guest Quarter, MOG, Ranchet, or any other residential accessory structure permitted for residential occupancy is prohibited.”

Section 12. Article XIXj of Ordinance No. 348 is deleted in its entirety and replaced with the following:

“ARTICLE XIXj

ADDITIONAL RESIDENTIAL ACCOMMODATIONS

SECTION 19.800. PURPOSE AND INTENT.

This article establishes requirements and development standards for additional residential accommodations created to augment one-family dwellings or multiple family dwellings. These requirements and development standards are intended to facilitate the proper development of additional residential accommodations to increase supply and diversity of housing types within the unincorporated areas of Riverside County.

SECTION 19.801. APPLICABILITY

This article shall not apply to accessory dwelling units or junior accessory dwelling units that meet the requirements set forth in Government Code section 65852.2(e)(1). Applications for accessory dwelling units or junior accessory dwelling units meeting the requirements of Government Code section 65852.2(e)(1) shall be approved ministerially, pursuant to the process and requirements set forth in that section. Accessory dwelling units or junior accessory dwelling units that do not meet the requirements set forth in Government Code section 65852.2(e)(1) shall comply with this Article.

SECTION 19.802. DEFINITIONS AND CONSTRUCTION.

A. Definitions. For purposes of this Article, the following are considered additional residential accommodations and defined as follows:

1. Accessory Dwelling Unit (ADU): A dwelling that includes exterior access and provides complete independent living facilities, including a kitchen and bathroom, which are allowed in addition to a primary dwelling on lots zoned for one family dwellings or multiple family dwellings. An ADU may be an efficiency unit, as defined in section 17958.1 of the Health and Safety Code.
 2. Junior Accessory Dwelling Unit (Junior ADU): A dwelling within a one family dwelling that includes exterior access and, at a minimum, a cooking area with cooking appliances, food preparation counters, and storage cabinets, all proportional to the size of the dwelling unit. A Junior ADU shall either include a self-contained bathroom or share a bathroom with the primary one family dwelling.
 3. Second Unit: A one family dwelling that includes a kitchen and bathroom that is allowed on lots zoned for one family dwellings and includes an existing primary one family dwelling. A Second Unit is not an ADU as defined in this Article.
 4. Guest Quarter: A living area dependent on some or all of the primary one family dwelling's facilities. A Guest Quarter shall not have a kitchen, but may include a bathroom. A Guest Quarter is not allowed on lots zoned for multiple family dwellings.
 5. Multiple Owner Group (MOG) Unit: Any type of state-licensed mobilehome or manufactured home installed on or before May 14, 2013 on lots located within the Eastern Coachella Valley, as further defined in this Article.
 6. Ranchet Unit (Ranchet): Any type of state-licensed mobilehome or manufactured home complying with Health and Safety Code section 18214(c), as may be amended, installed on lots larger than or equal to 2 gross acres that includes at least one additional Ranchet, and is located within the Eastern Coachella Valley, as further defined in this Article.
- B. Construction. The construction of additional residential accommodations shall comply with the following:
1. An attached additional residential accommodation involves the expansion of an existing structure for the purposes of creating new habitable floor area.
 2. A detached additional residential accommodation shall be on the same lot as the primary dwelling but not attached to it or any other structure. Except for

Guest Quarters, a detached additional residential accommodation may be a mobilehome or manufactured home.

3. An interior additional residential accommodation involves the conversion of or inclusion within the footprint and floor area of an existing or proposed one family dwelling or associated attached structure, such as a garage, storage area, or similar structure. Limited expansion of an established footprint or floor area is only allowed to provide necessary access to the additional residential accommodation.
4. An ADU may be an attached, detached or interior additional residential accommodation.
5. A Junior ADU shall be an interior additional residential accommodation within a one family dwelling or associated attached structure, such as a garage, storage area, or similar structure, but is not allowed within multiple family dwellings.
6. A Second Unit, Guest Quarter, MOG Unit or Ranchet shall be a detached additional residential accommodation.

SECTION 19.803. LOCATION AND ALLOWANCES.

- A. Location. Additional residential accommodations are permitted by-right on lots zoned for one family dwellings or multiple family dwellings with the following exceptions:
 1. Additional residential accommodations shall not be permitted on lots with a dwelling(s) that does not have all required building permits.
 2. Additional residential accommodations shall not be permitted on lots that are constrained by water availability, water quality or sewage disposal or other public health and safety concerns. Prohibited areas shall include those areas where a development moratorium is imposed because of a moratorium for water or sewer, whether imposed by the County or another public agency with the authority to impose such a development moratorium.
 3. MOG Units and Ranchets are only permitted within the Eastern Coachella Valley, as further defined in this Article.
 4. MOG Units may be permitted on lots zoned for nonresidential uses if the lot and MOG Units meet the definition of MOG Unit as provided in this Article.
- B. Allowances. The number of attached, detached or interior additional residential accommodations allowed on lots where there is an existing or proposed one family

dwelling or an existing multiple family dwelling shall be in accordance with one of the following, but not a combination thereof:

1. One Family Dwelling.
 - a. One attached or interior additional residential accommodation shall be permitted per lot.
 - b. One detached additional residential accommodation shall be permitted per lot.
2. Multiple Family Dwelling.
 - a. One interior ADU shall be permitted per lot or a quantity that is less than or equal to twenty-five percent (25%) of the existing units within the multiple family dwelling, whichever is greater.
 - b. Two detached ADU shall be permitted per lot.
3. Eastern Coachella Valley.
 - a. The first MOG Unit or Ranchet installed on a lot shall be designated as the primary dwelling for the purposes of this Article.
 - b. A maximum of twelve detached MOG Units shall be permitted per lot; or,
 - c. A maximum of four detached Ranchets shall be permitted per lot in accordance with this Article. The maximum number of four detached Ranchets per lot shall include any existing primary dwelling. In the event an existing primary dwelling is converted to a Ranchet, all additional residential accommodations on the lot shall be considered Ranchets and shall comply with this Article.

SECTION 19.804. LAND USE PERMITS AND PROCESSING.

- A. Land Use Permits. No discretionary land use permit such as, but not limited to, a plot plan or conditional use permit is required for an additional residential accommodation.
- B. Site Design Plan. Applications for any additional residential accommodation shall include a site design plan demonstrating compliance with the development standards provided in this Article.
- C. Processing. Applications for any additional residential accommodation shall be processed in accordance with this ordinance, Ordinance No. 671 and Ordinance No. 457, as applicable. Applications for an ADU or Junior ADU shall be acted upon within sixty (60) days of the application being submitted to the County. Acting on an

application may include approving or denying an application, providing corrections resulting from plan check, or issuing, withdrawing, cancelling or abandoning an application; or any other similar action. The County may delay acting on an application for an ADU or Junior ADU until after acting on an application for a new primary dwelling on the same lot.

- D. Residential Use. Additional residential accommodations shall be deemed an accessory residential use.

SECTION 19.805. APPROVAL REQUIREMENTS.

- A. An application for an additional residential accommodation shall be accepted and approved if it complies with all of the following:
1. The requirements and development standards set forth in this Article.
 2. All applicable laws and regulations related to health and safety including, but not limited to, Fire and Building Code regulations.
 3. All required approvals are obtained prior to submittal from the Riverside County Department of Environmental Health, Fire Department, and the Riverside County Airport Land Use Commission.
 4. Written confirmation has been provided from the Department of Environmental Health for the use of an existing or new septic system for any additional residential accommodation.
 5. If applicable, a percolation test is completed and certified within the last five years or recertified within the last ten years, by the Riverside County Department of Environmental Health.
 6. All required approvals are obtained from the applicable water and sewer purveyor(s).
 7. If applicable because of geographic location and constraints, all required approvals from the Fire Department, Riverside County Flood Control and Water Conservation District, Coachella Valley Water District or the Environmental Programs Division of the Planning Department.
- B. For the purposes of fire or life protection, a Junior ADU shall not be considered a separate or new dwelling unit.
- C. No final inspections shall be performed or certificate of occupancy shall be issued, for an additional residential accommodation prior to the final inspection for the new one family dwelling located on the same lot.

- D. Additional residential accommodations shall not be subject to Section 18.10 and Section 18.11 of this ordinance related to location and size of dwellings.

SECTION 19.806. FEES AND UTILITY CONNECTIONS.

- A. Impact and connection fees shall be calculated in accordance with applicable State and local laws and regulations including, but not limited to, Government Code sections 65852.2 and 65852.22, and Riverside County Ordinance No 659.
- B. An attached/interior ADU or Junior ADU shall not be required to install a new or separate utility connection directly between the unit and the utility, but may be required if the unit was created or constructed concurrently with a new one family dwelling, as determined through the permitting process. Guest Quarters shall not be permitted to install a new or separate utility connection directly between the unit and the utility.
- C. All other additional residential accommodations, including any detached ADU, Second Unit, MOG Unit or Ranchet, may be required to provide a new or separate utility connection directly between the unit and the utility.

SECTION 19.807. DEVELOPMENT STANDARDS.

- A. Lot Size. Additional residential accommodations may be located on any lot in accordance with the following:
1. Lots zoned for One Family Dwellings. Detached Second Units or Guest Quarters shall be located on lots greater than 7,200 square feet in area.
 2. Lots zoned for Multiple Family Dwellings. Only ADUs are allowed on lots zoned for Multiple Family Dwellings.
 3. Lots within the Eastern Coachella Valley. Ranchets shall be located on lots greater than or equal to two (2) gross acres in area.
- B. Lot Coverage. The floor area of attached or detached ADUs shall not be included in the calculations used to determine compliance with lot coverage requirements in this ordinance. The floor area of interior ADUs and interior Junior ADUs shall be considered part of the floor area of the primary dwelling and included in the calculations used to determine compliance with lot coverage requirements in this ordinance.
- C. Setbacks. Additional residential accommodations shall comply with the following setbacks:
1. Interior ADU, Junior ADU. Front, side and rear setbacks shall be pursuant to the applicable zoning classification for the lot. Additionally, any

expansion required for egress or ingress shall maintain a minimum side and rear setback of four (4) feet.

2. Attached ADU, Detached ADU. Side and rear setbacks shall be no less than four (4) feet. Front setbacks shall be pursuant to the applicable zoning classification for the lot.
 3. Second Unit and Guest Quarters. Setbacks shall be pursuant to the applicable zoning classification for the lot.
 4. MOG Units. Front, rear, and side setbacks shall comply with Title 25 of the California Code of Regulations, as may be amended.
 5. Ranchets. Setbacks shall be pursuant to the applicable zoning classification for the lot.
- D. Floor Area. Floor area shall include the interior habitable area of an additional residential accommodation, including finished basements and finished attics but shall not include an uninhabitable garage or any accessory building or structure. The floor area for additional residential accommodations shall comply with the following:
1. Attached ADU, Interior ADU.
 - a. One Family Dwelling: the maximum floor area shall not exceed fifty percent (50%) of the primary dwelling's floor area. If 50% of the primary dwelling's floor area is less than 800 square feet then the maximum floor area shall be 800 square feet. In no event shall the maximum floor area exceed 1,000 square feet.
 - b. Multiple Family Dwelling: the maximum floor area shall not exceed 1,000 square feet.
 - c. Except to create exterior access to the Interior ADU, no expansion of the primary dwelling shall be allowed for creation of the Interior ADU. The maximum expansion for egress or ingress shall be less than or equal to 150 square feet.
 2. Detached ADU. The maximum floor area shall not exceed 1,000 square feet.
 3. Junior ADU.
 - a. The maximum floor area shall not exceed fifty percent (50%) of the primary dwelling's floor area. In no event shall the maximum floor area exceed 500 square feet.
 - b. Except to create exterior access to the Junior ADU, no expansion of the primary dwelling shall be allowed for creation of the Junior ADU.

The maximum expansion for egress or ingress shall be less than or equal to 150 square feet.

4. Second Unit. The maximum floor area shall be in accordance with the following:
 - a. 7,201 - 20,000 square-foot lots. The maximum floor area shall not exceed 1,200 square feet.
 - b. 20,001 square-foot – 2 acres lots. The maximum floor area shall not exceed 1,500 square feet.
 - c. 2.01 acres – 4 acre lots. The maximum floor area shall not exceed 2,500 square feet.
 - d. Lots greater than 4 acres. The maximum floor area shall not exceed 200 percent (200%) of the primary one family dwelling's floor area.
 5. Guest Quarter. The maximum floor area shall not exceed two percent (2%) of the gross lot size or 600 square feet, whichever is less.
 6. MOG Units. Floor area shall comply with Title 25 of the California Code of Regulations, as may be amended.
 7. Ranchets. No maximum floor area. The minimum floor area shall be 450 square feet, excluding patios, porches, garages, and similar structures.
- E. Height. Additional residential accommodations shall comply with the following:
1. Interior ADU and Junior ADU. An interior ADU and Junior ADU shall be created within one story or floor of the building.
 2. Attached ADU and Detached ADU. The maximum height shall be no greater than sixteen (16) feet.
 3. Guest Quarters. The maximum height shall be pursuant to the applicable zoning classification for the lot.
 4. Second Units. The maximum height shall be no greater than the height of the primary one family dwelling.
- F. Parking. Off-street parking shall comply with section 18.12 of this ordinance and the following:
1. Interior ADU within an existing structure, Junior ADU, or Guest Quarter.
 - a. No parking space(s) shall be required.
 - b. No replacement parking spaces shall be required for conversion of any existing parking spaces, including garages, carports or marked spaces

into an interior ADU or a Junior ADU. Any conversion of existing parking space(s) into a Guest Quarter shall be replaced at a 1:1 ratio.

2. Interior ADU within a new structure, Attached ADU, or Detached ADU.
 - a. One (1) regular or tandem parking space per unit shall be required; or,
 - b. Parking may be waived, if any of the following apply to the lot or unit:
 - i. Within a half mile ($\frac{1}{2}$ mile) walking distance from transit, including bus stop or train station locations where the public may access buses, trains or any other forms of transportation that charge set fares, run on fix routes and are available to the public; or,
 - ii. Within an architecturally or a historically significant district; or,
 - iii. Within an area that requires on-street parking permits but are not offered to the new unit; or,
 - iv. Within one (1) mile from a car share area.
 - c. Parking may be located within required setbacks established by this ordinance.
 - d. No replacement parking spaces shall be required for conversion of any existing parking spaces, including garages, carports or marked spaces into an ADU.
3. Second Unit.
 - a. One (1) parking space per one-(1) bedroom unit shall be required; or,
 - b. Two (2) parking space for units with two (2) or more bedrooms shall be required.
 - c. Any conversion of existing parking space(s) into a Second Unit shall be replaced at a 1:1 ratio.
4. MOG Units. Parking spaces shall be provided pursuant to Section 18.12 of this ordinance, with the exception of the following criteria:
 - a. Parking spaces shall be located immediately adjacent to each MOG Unit; and,
 - b. Parking spaces shall be developed using impervious surfaces.
5. Ranchets. Parking spaces shall be provided pursuant to Section 18.12 of this ordinance.

G. Design.

1. Additional residential accommodations shall be compatible with the architecture of the primary one family dwelling or multiple family dwelling on the same lot and consistent with the surrounding neighborhood.
2. Attached and Interior additional residential accommodations shall have exterior access to the unit.
3. In accordance with Title 25 of the California Code of Regulations, as may be amended, MOG Units and Ranchets shall include any required opaque skirt entirely around the unit in order to screen the area between the ground level and the floor of the unit.

H. Access.

1. All weather access for emergency vehicles shall be provided for any additional residential accommodation that is located more than one-hundred and fifty feet (150 ft.) from a public right-of-way.
2. All access roads for emergency vehicle or driveways that service an additional residential accommodation shall be at least twenty (20) feet in width and shall have a clear and unobstructed access to the public road.

I. MOG Unit Specific Development Standards.

1. MOG Units shall be located within individual and separate spaces, which may also include accessory structures or appurtenances attached thereto or used in conjunction therewith. Spaces shall only include one MOG Unit.
 - a. The minimum size of each space within the lot shall be 2,500 square feet.
 - b. The minimum dimension of the space shall be thirty (30) feet in width and eighty (80) feet in depth.
 - c. The minimum coverage of each space shall not exceed seventy-five percent (75%) of the space area with structures, including the manufactured home unit, any attached or detached accessory structures, such as awnings, stairways, and ramps.
2. Separation of buildings or structures shall comply with Title 25 of the California Code of Regulations, as may be amended.
3. Walls and Fences and Landscaping.
 - a. A chain link fence, or other similar material, shall be erected along the perimeter of the lot, except when prohibited in flood areas or similar situations.

- i. The fence shall be at least six (6) feet in height.
 - ii. The fence shall be screen by landscaping or other material.
 - b. A chain link fence, or other similar fencing, at least three (3) feet in height shall be erected between spaces on the lot. Landscaping may be used in lieu of required fencing between spaces on the lot.
- 4. Additional Access Requirements.
 - a. MOG Units shall be located no further than 450 feet from a public dedicated and maintained road.
 - b. MOG Units shall be served by an all-weather access road or driveway, such as a Class 2 base or a material capable of supporting emergency vehicles as approved by the Fire Department.
 - c. No additional curb cuts, rear access or any other types of access for the lot shall be allowed, except where authorized by the Riverside County Transportation Department through the issuance of an encroachment permit connecting with a public right-of-way.

SECTION 19.808. OCCUPANCY AND FIRE PROTECTION.

A. Occupancy.

- 1. Accessory Dwelling Unit. Property owners shall not be required to occupy, or live within, the primary dwelling or ADU located on the same lot, if the ADU is permitted between January 1, 2020 and June 1, 2025. If an ADU is permitted after June 1, 2025, property owners must occupy, or live within, the primary dwelling or ADU located on the same lot. Appropriate verification to show occupancy, as determined by the County, may include, but not limited to, utility bills or official mail with the property owners name, government issued identification or license with primary address and property owner's name, or documents showing official registration primary address as residence for the property owner.
- 2. Second Unit or Guest Quarter. Property owners must occupy, or live within, the primary dwelling existing on the same lot as the Second Unit or Guest Quarter. Appropriate verification to show occupancy, as determined by the County, may include, but not limited to, utility bills or official mail with the property owner's name, government issued identification or license with primary address and property owner's name, or documents showing official registration primary address as residence for property owner.

3. Junior Accessory Dwelling Unit. Property owners must occupy, or live within, either the primary dwelling or Junior ADU located on the same lot. Appropriate verification showing occupancy, as determined by the County, may include, but not limited to, utility bills or official mail with the property owner's name, government issued identification or license with primary address and property owner's name, or documents showing official registration primary address as residence for property owner.
4. Owner-occupancy requirements shall not apply if the property owner is another governmental agency, land trust, housing organization or other similar agency or organization.
5. Except for Guest Quarters and MOG Units, additional residential accommodations may be rented to and occupied by any person(s) in accordance with occupancy requirements provided in this Article. The renting of a Ranchet is for the mobilehome or manufactured home only and shall not create a real property interest in the lot the Ranchet is located on.
6. Additional residential accommodations shall not be rented for a period less than or equal to 30 days.
7. Guest Quarters shall be used exclusively by the occupants of the one family dwelling on the same lot or their non-paying guests.
8. MOG Units shall be occupied by at least two (2) separate legal owners, verified with the latest deed, which shall live in separate MOG Units. MOG Units shall not be rented or leased, or held out for rent or lease.
9. Additional residential accommodations shall be used for residential purposes and may include home businesses or occupations as allowed by local or state laws.
10. Additional residential accommodations shall not be sold as a separate unit, except as provided by local or state law and, if required, the lot is subdivided pursuant to local and state subdivision laws.
11. For lots with a proposed Junior ADU, a deed restriction in accordance with Government Code section 65852.22(a)(3), as may be amended, shall be recorded on the property and included in the application for the Junior ADU.

B. Fire Protection.

1. Water supply to the lot shall be capable of providing the required fire flow for fire protection, pursuant to the California Fire Code.

2. ADUs or Junior ADUs shall provide fire sprinklers only if the primary dwelling is required to provide fire sprinklers.

SECTION 19.809. ADDITIONAL MOG UNIT REQUIREMENTS.

A. Ownership.

1. Lots with MOG Units must be jointly owned by multiple owners, and all owners must be listed on the deed.
2. Property owners shall notify the Planning Director, or designee, of any change in ownership within thirty (30) days of the change. Ownership and occupancy shall meet the requirements of this article for the life of the MOG Unit.

B. Subdivision and Installation.

1. The allowance of multiple MOG Units on one lot does not constitute a subdivision of that lot under the Subdivision Map Act or Riverside County Ordinance No. 460.
2. MOG Units shall not be sold separately, unless the underlying lot is subdivided pursuant to all applicable local and state subdivision and land use laws.
3. MOG Units shall be pre-existing and installed prior to May 14, 2013.
4. MOG Units shall be located on a lot with at least one other MOG Unit.
5. MOG Units shall be part of an existing grouping of manufactured homes on one (1) lot, referred to as an existing "MOG manufactured home park." No expansion of the existing MOG manufactured home park shall be permitted.
6. MOG Units shall be installed per manufacturer's specifications on approved piers. No permanent foundation shall be allowed for a MOG Unit, except where required by the applicable flood control district.
7. MOG Units on approved piers shall be screened by an opaque skirt to completely cover the area between the floor and the ground and completely cover the approved piers.
8. No outside storage shall be allowed on lots with MOG Units.

C. Utilities.

1. MOG Units shall have separate utility services and connections, except for MOG Units connected to sub-surface sewage disposal systems.
2. Propane tanks shall include appropriate setbacks, pursuant to the California Fire Code.
3. The maximum size of a propane tank shall be 250 gallons.

4. Electrical meter banks may be permitted, subject to written approval by the local electric provider.
5. MOG Units shall have running water.
6. MOG Units served by a water well shall meet minimum production requirements set forth in Riverside County Ordinance No. 682.
7. MOG Units connected to a septic system or well shall obtain all necessary approvals from the appropriate departments.
8. MOG Units utilizing any proposed State Small Water System shall obtain approval from the Riverside County Department of Environmental Health.

SECTION 19.810. EASTERN COCHELLA VALLEY BOUNDARY.

For the purposes of this article, the Eastern Coachella Valley boundary shall include all that area identified as the "Area Plan Boundary" in Figure 3, or the Land Use Plan, of the Eastern Coachella Valley Area Plan, which is part of the Riverside County General Plan, as amended.

SECTION 19.811. DENSITY.

- A. An additional residential accommodation that conforms to this Article shall not be considered to exceed the allowable density established by the General Plan for the lot upon which the additional residential accommodation is located.
- B. An additional residential accommodation that conforms to this Article shall be considered consistent with the Riverside County General Plan, including the Land Use Element, and the residential uses of the applicable zoning classification for the lot upon which the additional residential accommodation is located.

SECTION 19.812. CONFLICTING STANDARDS AND REQUIREMENTS.

- A. In the event there is a conflict between the requirements and development standards set forth in this Article and a lot's applicable zoning classification or other provision in this ordinance, the provisions of this Article shall prevail.
- B. If any provision of this Article conflicts with California Government Code Section 65852.2 or 65852.22, the provisions of the Government Code sections shall prevail."

Section 13. Section 21.35a. of Ordinance No. 348 is amended to read as follows:

"SECTION 21.35a. GUEST QUARTER.

Guest quarter is defined in Article XIXj of this ordinance."

Section 14. Section 21.51a. of Ordinance No. 348 is amended to read as follows:

"SECTION 21.51a. MOBILEHOME PARK.

Mobilehome park is any area of tract of land where one or more mobilehome lots are rented or leased or held out for rent or lease to accommodate mobilehome used for human habitation. The rental paid for any such mobilehome shall be deemed to include rental for the lot it occupies. Mobilehome park does not include lots containing Ranchets pursuant to Article XIXj of this ordinance.

Notwithstanding the foregoing definition, any person, not including a mobilehome park operator, who owns a mobilehome and owns, rents or leases the land upon which the mobilehome is located, is permitted to rent, lease, sublease, let our, or hire out for occupancy the mobilehome and the land upon which the mobilehome is located, without obtaining a permit to construct or operate a mobilehome park.”

Section 15. This ordinance shall take effect thirty (30) days after its adoption.

V. Manuel Perez, Chairman of the Board

I HEREBY CERTIFY that at a regular meeting of the Board of Supervisors of said County, held on **August 25, 2020**, the foregoing Ordinance consisting of fifteen (15) sections was adopted by said Board by the following vote:

AYES: Jeffries, Spiegel, Washington, Perez and Hewitt
NAYS: None
RECUSE: None

Kecia R. Harper, Clerk of the Board
By: Hannah Lumanauw, Board Assistant

From: COB

Sent: Tuesday, June 23, 2020 8:42 AM

To: matt@caforhomes.org; Supervisor Jeffries - 1st District <district1@RIVCO.ORG>; District2 <District2@Rivco.org>; District3 Information <D3Email@RIVCO.ORG>; District 4 Supervisor V. Manuel Perez <District4@RIVCO.ORG>; District5 <District5@Rivco.org>

Cc: George Johnson (GAJohnson@RIVCO.ORG) <GAJohnson@RIVCO.ORG>; Flores, Robert <rflores@RIVCO.ORG>; Farin, Jason <JFarin@RIVCO.ORG>; Leach, Charissa <cleach@rivco.org>; Nanthavongdouangsy, Phayvanh <PNANTHAV@RIVCO.ORG>; Priamos, Greg <GPriamos@RIVCO.ORG>; Clack, Shellie <MClack@RIVCO.ORG>; Greg.Nickless@hcd.ca.gov

Subject: June 23, 2020 Item No 21.1 (12736) Public Comment on Ordinance 348.4926 (Californians for Homeownership)

Greetings,

The Clerk of the Board of Supervisors is in receipt of your email and attached correspondence, and included in the record for June 23, 2020.

Sincerely,

Board Assistant
Clerk of the Board of Supervisors
4080 Lemon Street, 1st Floor, Room 127
Riverside, CA 92501
(951) 955-1060 Fax (951) 955-1071
Mail Stop #1010
cob@rivco.org
website: <http://rivcocob.org/>
<https://www.facebook.com/RivCoCOB/>



NOTICE: This communication is intended for the use of the individual or entity to which it is addressed and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If the reader of this communication is not the intended recipient or the employee or agent responsible for delivering this communication to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by reply email or by telephone and immediately delete this communication and all its attachments.

From: Matthew Gelfand <admin@caforhomes.org> **On Behalf Of** matt@caforhomes.org

Sent: Monday, June 22, 2020 8:51 PM

To: Supervisor Jeffries - 1st District <district1@RIVCO.ORG>; District2 <District2@Rivco.org>; District3 Information <D3Email@RIVCO.ORG>; District 4 Supervisor V. Manuel Perez <District4@RIVCO.ORG>; District5 <District5@Rivco.org>

Cc: COB <COB@RIVCO.ORG>; Flores, Robert <rflores@RIVCO.ORG>; Farin, Jason <JFarin@RIVCO.ORG>; Leach, Charissa <cleach@rivco.org>; Nanthavongdouangsy, Phayvanh <PNANTHAV@RIVCO.ORG>; Priamos, Greg <GPriamos@RIVCO.ORG>; Clack, Shellie <MClack@RIVCO.ORG>; Greg.Nickless@hcd.ca.gov

Subject: Correspondence from Californians for Homeownership

To the Board of Supervisors:

Please see the attached correspondence regarding File Number 12736 being considered at your upcoming meeting.

Sincerely,

Matthew Gelfand
Counsel, Californians for Homeownership
525 S. Virgil Avenue
Los Angeles, CA 90020
matt@caforhomes.org
Tel: (213) 739-8206

Californians for Homeownership is a 501(c)(3) non-profit organization that works to address California's housing crisis through impact litigation and other legal tools.



June 22, 2020

VIA EMAIL

Board of Supervisors
Riverside County
4080 Lemon Street
Riverside, California 92501
Email: district1@rivco.org; district2@rivco.org; d3email@rivco.org; district4@rivco.org;
district5@rivco.org

RE: June 23, 2020 Meeting of the Board of Supervisors, File No. 12736

To the Board of Supervisors:

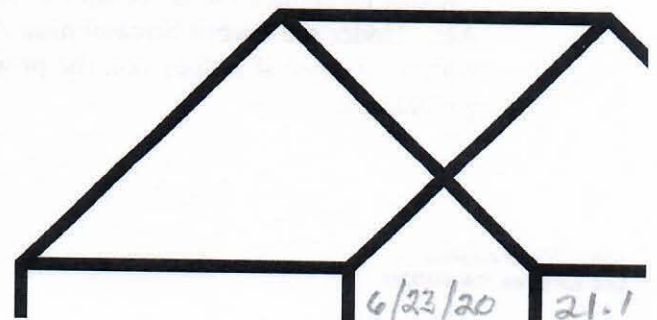
Californians for Homeownership is a 501(c)(3) non-profit organization devoted to using legal tools to address California's housing crisis. I am writing as part of our work monitoring local compliance with California's laws regarding accessory dwelling units (ADUs).

At your June 23 meeting, you will discuss an ordinance intended to address recent changes to state ADU law. If the County adopts a compliant ADU ordinance, it will be able to maintain certain local controls on ADU development.

Unfortunately, the draft ordinance requires extensive changes to be compliant with state law. As drafted, in certain respects, the ordinance undermines the important housing production goals of the state ADU laws. If the County adopts this ordinance as drafted, the County's ADU regulations will be null and void, in their entirety, and the County will be required to approve ADUs under permissive state law standards only. We urge you to continue this item so that staff can address our concerns.

There are three major areas where the draft ordinance deviates from state law:

- **Floor Area Limits.** The ordinance limits ADUs to one bedroom and 850 square feet. State law requires the County to permit ADUs containing more than one bedroom and up to 1,000 square feet. Gov. Code Section 65852.2(c)(2)(B) (locality may not adopt a "maximum square footage requirement for either an attached or detached accessory dwelling unit that is less



than either of the following: (i) 850 square feet[; or] (ii) 1,000 square feet for an accessory dwelling unit that provides more than one bedroom”) (emphasis added). It is inconceivable that the Legislature intended to allow localities to exempt themselves from this requirement to allow 1,000 square foot ADUs by banning two-bedroom ADUs.

- **Prohibition on Attached ADUs.** The ordinance prohibits attached ADUs, one of the three basic ADU types every locality must allow under state law. *See* Gov. Code § 65852.2(a)(1)(D)(iii) (every local ADU ordinance must require that “the accessory dwelling unit is either attached to, or located within, the proposed or existing primary dwelling, including attached garages, storage areas or similar uses, or an accessory structure or detached from the proposed or existing primary dwelling and located on the same lot as the proposed or existing primary dwelling.”). The County’s proposal to prohibit attached ADUs may result from confusion over Government Code Section 65852.2(e)(1). As we explain in more detail below, Section 65852.2(e)(1) identifies certain categories of ADUs—including interior ADUs and small detached ADUs—that are subject to a special streamlined approval process regardless of the provisions in a locality’s ADU ordinance. A much broader range of ADUs are permitted under Government Code Section 65852.2(a), and it is these ADUs that are governed by the development standards in the County’s ordinance.

- **Application of Owner Occupancy to Units Permitted in 2020-2024.** The ordinance appears to impose an owner occupancy requirement on ADUs starting in 2025, even if those ADUs are permitted before 2025. This is prohibited. *See* AB 881 (Bloom) § 2.5 (language effective January 1, 2025, mandating that going forward “a local agency shall not impose an owner-occupant requirement on an accessory dwelling unit permitted between January 1, 2020, to January 1, 2025, during which time the local agency was prohibited from imposing an owner-occupant requirement.”). The County must provide a permanent exemption from its owner occupancy requirement for ADUs permitted between January 1, 2020 and January 1, 2025.

In addition to these major concerns, there are a number of other aspects of the draft ordinance that need to be adjusted to comply with state ADU law, including:

- The draft ordinance prohibits ADUs on lots with nonconforming zoning conditions. This is unlawful. Gov. Code § 65852.2(a)(5) (“No other local ordinance, policy, or regulation shall be the basis for the delay or denial of a building permit or a use permit under this subdivision.”); Gov. Code § 65852.2(e)(2) (“A local agency shall not require, as a condition for ministerial approval of a permit application for the creation of an accessory dwelling unit or a junior accessory dwelling unit, the correction of nonconforming zoning conditions.”).

- The draft ordinance correctly provides that the County must respond to an application to develop an ADU application within 60 days. But it improperly includes “deeming the application incomplete” on the list of actions it may take within that timeframe. The determination whether an application is “complete” is governed by a separate state law, the Permit Streamlining Act. Under the Permit Streamlining Act, a locality must make the completeness determination within 30 days; if it does not, the project is deemed complete by operation of law. Gov. Code § 65943(a).

June 22, 2020

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- The draft ordinance contains requirements for a septic percolation test that are more stringent than those permitted under state ADU law. Gov. Code § 65852.2(e)(5) (“A local agency may require, as part of the application for a permit to create an accessory dwelling unit connected to an onsite water treatment system, a percolation test completed within the last five years, or, if the percolation test has been recertified, within the last 10 years.”) (emphasis added).

- The draft ordinance applies various setback, height, and other development standards to interior ADUs and JADUs. This makes no sense. These ADUs are created through the conversion of space in a permitted structure. The County cannot prohibit the conversion of space into an ADU based on the nonconformity of the structure being converted, nor may it limit the portions of a structure that may be converted. Gov. Code § 65852.2(a)(5) (“No other local ordinance, policy, or regulation shall be the basis for the delay or denial of a building permit or a use permit under this subdivision.”); Gov. Code § 65852.2(e)(2) (“A local agency shall not require, as a condition for ministerial approval of a permit application for the creation of an accessory dwelling unit or a junior accessory dwelling unit, the correction of nonconforming zoning conditions.”).

- The draft ordinance does not provide the required special treatment for the categories of ADUs listed in Government Code Section 65852.2(e)(1). These ADUs must be ministerially permitted “notwithstanding” the provisions allowing localities to pass local ADU ordinances, meaning that these ADUs must be approved without applying any local development standards, such as front-yard setbacks. According to guidance from the Department of Housing and Community Development, these ADUs “do[] not necessitate a zoning clearance and must not be limited to certain zones or areas or subject to height, lot size, lot coverage, unit size, architectural review, landscape or parking requirements,” and the Department has issued non-compliance letters to localities that have improperly applied local development standards to these ADUs. To assist the County in crafting appropriate language, we are providing (below) example language based on language adopted by other jurisdictions.

- The draft ordinance purports to apply a maximum unit size to interior ADUs. Because an interior ADU on a single-family lot will always qualify for mandatory approval under Government Code Section 65852.2(e)(1)(A) regardless of local standards, from a practical perspective, the County will never be allowed to apply its maximum unit size to such an ADU. Nor will the County be able to apply a maximum size to ADUs developed in non-livable spaces in multifamily buildings, which qualify for approval under Section 65852.2(e)(1)(C).

* * *

The best course of action is to continue this matter to allow County staff the time necessary to develop a compliant ordinance. As part of that process, staff should work with the state Department of Housing and Community Development to ensure that all of the concerns above are addressed before bringing a revised draft ordinance to you for adoption.

June 22, 2020

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We request that the County include us on the notice list for all future public meetings regarding the County's ADU policies, and we request that this letter be included in the correspondence file for those meetings.

Sincerely,



Matthew Gelfand

cc: Riverside County

Office of the Clerk of the Board (by email to cob@rivco.org)

Robert Flores, Project Planner (by email to rflores@rivco.org)

Jason Farin, Principal Management Analyst (by email to jfarin@rivco.org)

Charissa Leach, Assistant Director, TLMA (by email to cleach@rivco.org)

Phayvanh Nanthavongdouangsy, Principal Planner (by email to pnanthav@rivco.org)

Gregory P. Priamos, Esq., County Counsel (by email to gpriamos@rivco.org)

Shellie Clack, Esq., Deputy County Counsel (by email to mclack@rivco.org)

California Department of Housing and Community Development

Greg Nickless, Housing Policy Analyst (by email to greg.nickless@hcd.ca.gov)

Example Language For Government Code Section 65852.2(e)(1) ADUs

Units Subject to Limited Standards.

Notwithstanding [the other sections of the local ADU ordinance], accessory dwelling unit and junior accessory dwelling unit permits shall be issued based solely on the standards set forth in this section and all applicable Building Code standards, as follows:

- (a) Internal ADUs. One accessory dwelling unit or junior accessory dwelling unit per lot with a proposed or existing single-family dwelling if all of the following apply:
 - (1) The ADU or JADU unit is within the proposed space of a single-family dwelling or existing space of a single-family dwelling or accessory structure and may include an expansion of not more than 150 square feet beyond the same physical dimensions as the existing accessory structure. An expansion beyond the physical dimensions of the existing accessory structure shall be limited to accommodating ingress and egress.
 - (2) The space has exterior access from the proposed or existing single-family dwelling.
 - (3) The side and rear setbacks are sufficient for fire and safety.
 - (4) The JADU complies with the requirements of Section 65852.22.
- (b) Detached ADUs. One detached, new construction, ADU that does not exceed four-foot side and rear yard setbacks for a lot with a proposed or existing single-family dwelling. The ADU may be combined with a JADU described in subsection (a)(1) of this section. A local agency may impose the following conditions on the accessory dwelling unit:
 - (1) A total floor area limitation of not more than 800 square feet.
 - (2) A height limitation of 16 feet.
- (c) Multifamily Dwelling ADUs
 - (1) Multiple ADUs within the portions of existing multifamily dwelling structures that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages, if each unit complies with state building standards for dwellings.
 - (2) A local agency shall allow at least one ADU within an existing multifamily dwelling and shall allow up to 25 percent of the existing multifamily dwelling units.
- (d) Not more than two ADUs that are located on a lot that has an existing multifamily dwelling but are detached from that multifamily dwelling and are subject to a height limit of 16 feet and four-foot rear yard and side setbacks.
- (e) Rentals of ADU and JADU permitted pursuant to this section shall be for a term longer than 30 days.
- (f) Installation of fire sprinklers are not required in an ADU or JADU if sprinklers are not required for the primary residence.
- (g) ADUs and JADUs permitted under this section shall not be required to install a new or separate utility connection directly between the ADU and the utility nor shall a related connection fee or capacity be charged unless the ADU or JADU is proposed to be constructed with a new single-family home.