

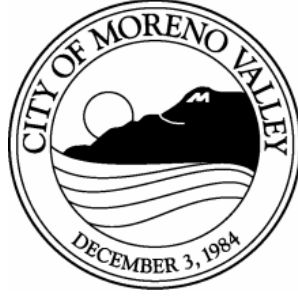
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**PLANNING COMMISSIONERS**

ALVIN DEJOHNETTE  
Chairperson

VACANT  
Vice Chairperson

OMAR COBIAN  
Commissioner



JOANN STEPHAN  
Commissioner

RAY BAKER  
Commissioner

VACANT  
Commissioner

VACANT  
Commissioner

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# PLANNING COMMISSION Regular Meeting

## Agenda

Thursday, May 11, 2023 at 6:00 PM  
City Hall Council Chamber – 14177 Frederick Street

**CALL TO ORDER**

**ROLL CALL**

**PLEDGE OF ALLEGIANCE**

**APPROVAL OF AGENDA**

**SELECTION OF VICE-CHAIRPERSON**

### **PUBLIC COMMENTS PROCEDURE**

*Any person wishing to address the Commission on any matter, either under the Public Comments section of the Agenda or scheduled items or public hearings, must fill out a "Request to Speak" form available at the door. The completed form must be submitted to the Secretary prior to the Agenda item being called by the Chairperson. In speaking to the Commission, members of the public may be limited to three minutes per person, except for the applicant for entitlement. The Commission may establish an overall time limit for comments on a particular Agenda item. Members of the public must direct their questions to the Chairperson of the Commission and not to other members of the Commission, the applicant, the Staff, or the audience.*

### **PUBLIC COMMENTS**

### **CONSENT CALENDAR**

*All matters listed under Consent Calendar are considered to be routine and non-controversial, and may be enacted by one roll call vote. There will be no discussion of these items unless a member of the Planning Commission requests that an item be removed for separate action*

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*Upon request, this agenda will be made available in appropriate alternative formats to persons with disabilities, in compliance with the Americans with Disabilities Act of 1990. Any person with a disability who requires a modification or accommodation in order to participate in a meeting should direct such request to the ADA Coordinator, at 951.413.3350 at least 72 hours before the meeting. The 72 hour notification will enable the City to make reasonable arrangements to ensure accessibility to this meeting.*

1. Planning Commission Minutes – Regular Meeting – April 27, 2023 6:00 PM

**NON-PUBLIC HEARING ITEMS**

No items for discussion.

**PUBLIC HEARING ITEMS**

1. Case: Plot Plan (PEN22-0084)  
 Applicant / Representative: Boa Pham  
 Property Owner: But Nguyen  
 Project Site: East side of Perris Boulevard between Filaree Avenue and Gentian Avenue (APN: 486-091-005)  
 Case Planner: Juan Galvan, Contract Planner  
 Council District: 4  
 Proposed Project: A Plot Plan for a three-unit multi-family residential apartment project.  
 CEQA: Exempt from California Environmental Quality Act (CEQA) under CEQA Guidelines as a Class 32 Exception (Section 15332, Infill Development)

2. Case: Plot Plan (PEN22-0256)  
 Applicant: Sagemont Hotels  
 Property Owner: Moreno Beach Hospitality  
 Representative: Hiral Patel  
 Project Site: North side of Eucalyptus Avenue (APN(s): 488-400-041, -042, & -043)  
 Case Planner: Claudia Manrique, Associate Planner  
 Council District: 3  
 Proposed Project: A Plot Plan for a 75,847 square foot, 4-story hotel within Stoneridge Towne Centre.  
 CEQA: Exempt from California Environmental Quality Act (CEQA) under CEQA Guidelines as a Class 32 Exception (Section 15332, Infill Development)

3. Case: Municipal Code Amendment (PEN23-0047)  
 Applicant: City of Moreno Valley  
 Case Planner: Danielle Harper-Scott, Associate Planner  
 Council District: All Districts  
 Proposed Project: The proposed Omnibus Municipal Code amendment includes various updates and text clean-ups for the purpose of complying with State Law and clarifying and streamlining various development standards within Title 9 (Planning and Zoning), including Chapter 9.02 (Permits and Approvals), Chapter 9.03 (Residential Districts), Chapter 9.04 (Commercial Districts), Chapter 9.09 (Specific Use Development Standards), and Chapter 9.15 (Definitions) of the Moreno Valley Municipal Code
- CEQA: The Proposed amendments are exempt from the California Environmental Quality Act in accordance with Section 15061(b)(3) of the CEQA Guidelines in that the amendments involve general policy and procedure making, and it can be seen with certainty that there is no possibility that the amendments will have a significant effect on the environment.

**OTHER COMMISSION BUSINESS**

No items for discussion.

**STAFF COMMENTS**

**PLANNING COMMISSIONER COMMENTS**

**ADJOURNMENT**

Planning Commission Regular Meeting Thursday, May 25th at 6:00 P.M., City of Moreno Valley, City Hall Council Chamber, 14177 Frederick Street, Moreno Valley, CA 92553.

**OFFICIAL MINUTES OF THE  
PLANNING COMMISSION  
OF THE CITY OF MORENO VALLEY**

**REGULAR MEETING – 6:00 PM  
April 27, 2023**

**CALL TO ORDER**

**ROLL CALL**

This regular meeting of the Planning Commission of the City of Moreno Valley was called to order at 6:00 p.m., by Chairperson DeJohnette in the Council Chambers located at 14177 Frederick Street, Moreno Valley, California.

Planning Commission:	Alvin DeJohnette	Chairperson	Present
	Omar Cobian	Commissioner	Present
	JoAnn Stephan	Commissioner	Present
	Ray L. Baker	Commissioner	Present

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Commissioner Baker.

**APPROVAL OF AGENDA**

**RESULT:** APPROVED [UNANIMOUS]  
**MOVER:** Ray L. Baker, Commissioner  
**SECONDER:** JoAnn Stephan, Commissioner  
**AYES:** Ray L. Baker, JoAnn Stephan, Alvin DeJohnette, Omar Cobian

**PUBLIC COMMENTS PROCEDURE**

**PUBLIC COMMENTS**

No public comments.

**CONSENT CALENDAR**

1. Planning Commission - Regular Meeting - Apr 13, 2023 6:00 PM

**RESULT:** APPROVED [UNANIMOUS]  
**MOVER:** Ray L. Baker, Commissioner  
**SECONDER:** Omar Cobian, Commissioner  
**AYES:** Ray L. Baker, Omar Cobian, Alvin DeJohnette, JoAnn Stephan

**NON-PUBLIC HEARING ITEMS**

No items for discussion.

Minutes Acceptance: Minutes of Apr 27, 2023 6:00 PM (CONSENT CALENDAR)

## PUBLIC HEARING ITEMS

1. Moreno Valley Mall Redevelopment Project
  - A. Staff recommends that the Planning Commission take the following actions:
    1. **ADOPT** Resolution No. 2023-18, attached hereto, **AND**:
      - a) **RECOMMENDING THAT THE CITY COUNCIL CERTIFY** the Final Subsequent Environmental Impact Report (FSEIR) prepared for on file with the Community Development Department, incorporated herein by this reference, which was completed in compliance with CEQA and the CEQA Guidelines, and reflects that the Planning Commission reviewed and considered the information contained in the FSEIR, and exercised its independent judgment and analysis of the Proposed Project's potential environmental impacts; and
      - b) **RECOMMENDING THAT THE CITY COUNCIL ADOPT** the Mitigation Monitoring and Reporting Program prepared for the Proposed Project, which consists of Specific Plan Amendment (PEN21-0168) and Tentative Parcel Map (PEN22-0061), pursuant to CEQA and the CEQA Guidelines.
  2. **ADOPT** Resolution No. 2023-16, attached hereto, **AND**:
    - a. **RECOMMENDING THAT THE CITY COUNCIL APPROVE** Specific Plan Amendment (PEN21-0168) based on the Recital, Evidence contained in the Administrative Records and Findings as set forth in Resolution No. 2023-16.
  3. **ADOPT** Resolution No. 2023-17, attached hereto, **AND**:
    - a) **RECOMMENDING THAT THE CITY COUNCIL APPROVE** Tentative Parcel Map (PEN22-0061) based on the Recital, Evidence contained in the Administrative Records and Findings as set forth in Resolution No. 2023-17.

**Public Testimony Opened:** 6:46pm

### Speakers

Shabbir Ramjan  
Rachel Landry  
Brandon Carn  
Tony Hernandez  
Tahir Chaudhry  
Genevieve Alemon  
Tom Jerele Sr.  
Adam Frankel  
Michael Sotomayor

Minutes Acceptance: Minutes of Apr 27, 2023 6:00 PM (CONSENT CALENDAR)

Sandy Ramirez  
Marcus VanHala  
Nirav Shah

**Public Testimony Closed:** 7:23pm

**RESULT:** APPROVED [UNANIMOUS]  
**MOVER:** Ray L. Baker, Commissioner  
**SECONDER:** JoAnn Stephan, Commissioner  
**AYES:** Ray L. Baker, JoAnn Stephan, Alvin DeJohnette, Omar Cobian

2. PEN22-0029 Flamingo Bay Apartment

A. Staff recommends that the Planning Commission take the following actions:

1. **ADOPT** Resolution No. 2023-13, attached hereto, and thereby:

a) **ADOPTING** the Initial Study/Mitigated Negative Declaration prepared for Plot Plan (PEN22-0029) on file with the Community Development Department, incorporated herein by this reference, which was completed in compliance with CEQA and the CEQA Guidelines, and reflects that the Planning Commission reviewed and considered the information contained in the Initial Study/Mitigated Negative Declaration, and exercised its independent judgment and analysis of the Proposed Project's potential environmental impacts; and

b) **ADOPTING** the Mitigation Monitoring and Reporting Program prepared for the Proposed Project, which consists of Plot Plan (PEN22-0029) pursuant to CEQA and the CEQA Guidelines.

2. **ADOPT** Resolution No. 2023-14, attached hereto, and thereby:

a) **APPROVING** the Plot Plan (PEN22-0029) based on the Recitals, Evidence contained in the Administrative Records and Findings as set forth in Resolution No. 2023-14.

**Public Testimony Opened:** 7:56pm

Speakers  
Seth Cox  
Philip Limon

**Public Testimony Closed:** 8:09pm

Minutes Acceptance: Minutes of Apr 27, 2023 6:00 PM (CONSENT CALENDAR)

**RESULT:** APPROVED [UNANIMOUS]  
**MOVER:** Omar Cobian, Commissioner  
**SECONDER:** Ray L. Baker, Commissioner  
**AYES:** Omar Cobian, Ray L. Baker, Alvin DeJohnette, JoAnn Stephan

**OTHER COMMISSION BUSINESS**

No items for discussion.

**STAFF COMMENTS**

No items for discussion.

**PLANNING COMMISSIONER COMMENTS**

No items for discussion.

**ADJOURNMENT**

There being no further business to come before the Planning Commission, Chairperson adjourned the meeting at 8:19 PM.

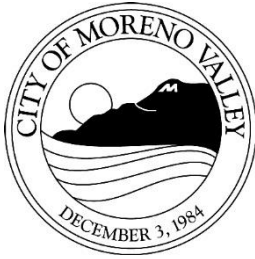
Submitted by:

Approved by:

\_\_\_\_\_  
Rachel Ramirez  
Planning Commission Secretary

\_\_\_\_\_  
Alvin DeJohnette  
Chairperson

Minutes Acceptance: Minutes of Apr 27, 2023 6:00 PM (CONSENT CALENDAR)



## PLANNING COMMISSION

### STAFF REPORT

Meeting Date: May 11, 2023

#### PLOT PLAN FOR A THREE-UNIT MULTI-FAMILY RESIDENTIAL APARTMENT PROJECT

Case: Plot Plan (PEN22-0084)

Applicant / Representative: Boa Pham

Property Owner: But Nguyen

Project Site: East side of Perris Boulevard between Filaree Avenue and Gentian Avenue (APN: 486-091-005)

Case Planner: Juan Galvan, Contract Planner

Council District: 4

Proposed Project: A Plot Plan for a three-unit multi-family residential apartment project.

CEQA: Exempt from California Environmental Quality Act (CEQA) under CEQA Guidelines as a Class 32 Exception (Section 15332, Infill Development)

#### **SUMMARY**

Boa Pham (“Applicant”) is requesting approval of a Plot Plan to allow for the construction of a three-unit multi-family residential apartment project on an approximate 0.18-acres located on the east side of Perris Boulevard between Filaree Avenue and Gentian Avenue. The Proposed Project as designed and conditioned is consistent with the City’s General Plan, Municipal Code, and Corridor Mixed Use (COMU) District requirements.

#### **PROJECT DESCRIPTION**



The Proposed Project consists of a Plot Plan for a two-story multi-family residential apartment building with three units, common open space, and parking. The Proposed Project is a permitted use within the Corridor Mixed Use (COMU) District.

### **Site and Surrounding Area**

The Project Site is approximately 0.18 acres in size and is vacant and unimproved. The Project Site is located in a residential neighborhood consisting of both single-family and multi-family dwellings to the north, south, east, and west. The parcels immediately to the north and south of the Project Site are improved with multi-family developments and zoned Corridor Mixed Use (COMU) District along with the vacant parcels to the east. Existing single-family residential dwellings are located to the west of the Project Site, which is zoned Residential 5 (R5) District.

### **Access/Parking**

The Project Site will have vehicle access from an alley along the eastern property line and pedestrian access from Perris Boulevard. The Proposed Project as designed will provide parking in compliance with the City Municipal Code.

### **Design/Landscaping**

The Proposed Project will develop as a three-unit multi-family residential apartment project. The applicant proposes a two-story multi-family residential apartment building with three units, common open space, and parking.

The Proposed Project has been designed in a contemporary style incorporating concrete roof tiles, stucco finish, tile, and wood balconies. Furthermore, the modulated facade and the variation in wall planes provide additional articulation while creating a sense of dimension.

In addition, approximately 900 square feet of common open space will be located to the west of the apartment building, providing privacy from Perris Boulevard. The common open space will feature three picnic tables and three barbeque grills.

This Proposed Project conforms to all development standards of the COMU zone and the design guidelines for multi-family residential developments prescribed in the City's Municipal Code and City Landscape Standards.

## **REVIEW PROCESS**

All appropriate outside agencies have considered the Proposed Project during part of the standard review process. The Project Review Staff Committee reviewed the Proposed Project as required by the Municipal Code. Following subsequent revisions and reviews by staff, the Proposed Project was determined to be complete.

## **ENVIRONMENTAL**

The Proposed Project has been evaluated in compliance with the criteria set forth in the California Environmental Quality Act (CEQA) and CEQA Guidelines. As designed and conditioned, the Proposed Project is exempt from the provisions of the California Environmental Quality Act (CEQA) under CEQA Guidelines 15332 for In-Fill Development. The in-fill development exemption is applicable to this project as it is: 1) consistent with the applicable General Plan designation and policies and all applicable zoning designation and regulations and applicable policies; 2) occurs on a site that is less than five acres in size substantially surrounded by urban uses; 3) the site has no value, as habitat for rare, threatened or endangered species; 4) the Proposed Project will not result in any significant effects related to traffic, noise, air quality, or water quality; and 5) the site can be adequately served by all required utilities and public services.

### **NOTIFICATION**

Public notice was sent to all property owners of record within 600 feet of the Project Site. The public hearing notice for this Proposed Project was also posted on the Project Site and published in the local Press Enterprise newspaper.

### **REVIEW AGENCY COMMENTS**

Staff has coordinated with outside trustee and responsible agencies where applicable, as is the standard review process with these types of development applications.

### **STAFF RECOMMENDATION**

Staff recommends that the Planning Commission **ADOPT** Resolution No. 2023-19, attached hereto, and thereby:

1. **FINDING** the Proposed Project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA), as a Class 32 Exemption, under CEQA Guidelines Section 15332, In-Fill Development Projects; and
2. **APPROVING** Plot Plan (PEN22-0084) subject to the attached Conditions of Approval as Exhibit A to the Resolution.

Prepared by:  
Juan Galvan  
Planning Consultant - 4Leaf

Approved by:  
Sean P. Kelleher  
Acting Community Development Director

### **ATTACHMENTS**

To view large attachments, please click your “bookmarks”  on the left hand side of this document for the necessary attachment.

1. Resolution No. 2023-19 - Plot Plan
2. Project Plans

3. Zoning Map

## RESOLUTION NUMBER 2023-19

### A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MORENO VALLEY, CALIFORNIA, APPROVING A PLOT PLAN FOR THE PERRIS APARTMENT DEVELOPMENT PLOT PLAN (PEN22-0084) LOCATED AT THE EAST SIDE OF PERRIS BOULEVARD BETWEEN FILAREE AVENUE AND GENTIAN AVENUE (APN: 486-091-005)

**WHEREAS**, the City of Moreno Valley (“City”) is a general law city and a municipal corporation of the State of California, and

**WHEREAS**, Boa Pham (“Applicant”) has submitted an application for a Plot Plan (PEN22-0084) for a three-unit multi-family residential apartment project (“Proposed Project”) located at the east side of Perris Boulevard between Filaree Avenue and Gentian Avenue (APN 486-091-005) (“Project Site”); and

**WHEREAS**, Section 9.02.070 (Plot Plan) of the Moreno Valley Municipal Code acknowledges that the purpose of plot plans is to provide a mechanism by which all new construction of industrial, commercial, or multiple-family residential can be reviewed when not subject to other discretionary review processes which have review authority over the Proposed Project’s design; and

**WHEREAS**, the Proposed Project has been evaluated in accordance with Section 9.02.070 (Plot Plan) of the Municipal Code with consideration given to the City’s General Plan, Zoning Ordinance, and other applicable laws and regulations; and

**WHEREAS**, Section 9.02.070 (Plot Plan) of the Municipal Code imposes conditions of approval upon projects for which a Plot Plan is required, which conditions may be imposed by the Planning Commission to address on-site improvements, off-site improvements, the manner in which the site is used and any other conditions as may be deemed necessary to protect the public health, safety and welfare and ensure that the Proposed Project will be developed in accordance with the purpose and intent of Title 9 (“Planning and Zoning”) of the Municipal Code; and

**WHEREAS**, Staff has presented for the Planning Commission’s consideration Conditions of Approval to be imposed upon the Plot Plan which conditions have been deemed necessary to protect the public health, safety, and welfare and ensure that the Proposed Project will be developed in accordance with the purpose and intent of Title 9 (Planning and Zoning) of the Municipal Code; and

**WHEREAS**, pursuant to the provisions of Section 9.02.200 (Public Hearing and Notification Procedures) of the Municipal Code and Government Code Section 65905, a public hearing was scheduled for May 11, 2023, and notice thereof was duly published, posted, and mailed to all property owners of record within 600 feet of the Project Site; and

**WHEREAS**, on May 11, 2023, the public hearing to consider the Proposed Project was duly conducted by the Planning Commission, at which time all interested persons were provided with an opportunity to testify and present evidence; and

**WHEREAS**, consistent with the requirements of Section 9.02.070 (Plot Plan) of the Municipal Code, at the public hearing the Planning Commission considered Conditions of Approval to be imposed upon Plot Plan (PEN22-0084), which conditions were prepared by Planning Division staff who deemed said conditions to be necessary to protect the public health, safety, and welfare and to ensure the Proposed Project will be developed in accordance with the purpose and intent of Title 9 (“Planning and Zoning”) of the Municipal Code; and

**WHEREAS**, Staff recommends that in accordance with the provisions of the California Environmental Quality Act (CEQA<sup>1</sup>) and CEQA Guidelines<sup>2</sup>, the Planning Commission approve Resolution 2023-19, certifying that the Proposed Project has been evaluated against criteria set forth in the California Environmental Quality Act (CEQA) Guidelines and finding it that the Proposed Project will not have a significant effect on the environment and is exempt from the provisions of CEQA as a Class 32 Categorical Exemption in accordance with CEQA Guidelines Section 15332 for In-fill Development Projects; and

**WHEREAS**, at the public hearing, the Planning Commission considered whether each of the requisite findings specified in Section 9.02.070 of the Municipal Code and set forth herein could be made concerning the Proposed Project as conditioned by Conditions of Approval.

**NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF MORENO VALLEY, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:**

**Section 1.                      Recitals and Exhibits**

That the foregoing Recitals and attached exhibits are true and correct and are hereby incorporated by this reference.

**Section 2.                      Notice**

That pursuant to Government Code Section 66020(d)(1), notice is hereby given that the Proposed Project is subject to certain fees, dedications, reservations, and other exactions as provided herein, in the staff report and conditions of approval (collectively, “Conditions”); and these Conditions constitute written notice of a statement of the amount of such fees, and a description of the dedications, reservations, and other exactions. You are hereby further notified that the ninety-day approval period in which you may protest these fees, dedications, reservations, and other exactions, pursuant to Government Code Section 66020(a), has begun.

**Section 3.                      Evidence**

That the Planning Commission has considered all evidence submitted into the Administrative Record for the Proposed Project, including, but not limited to, the following:

- (a) Moreno Valley General Plan and all other relevant provisions contained

<sup>1</sup> Public Resources Code §§ 21000-21177

<sup>2</sup> 14 California Code of Regulations §§15000-15387

- therein;
- (b) Title 9 (Planning and Zoning) of the Moreno Valley Municipal Code and all other relevant provisions referenced therein;
  - (c) Application for Plot Plan (PEN22-0084) including Resolution No. 2023-19 and all documents, records, and references contained therein;
  - (d) Conditions of Approval for Plot Plan (PEN22-0084), attached hereto as Exhibit A;
  - (e) Staff Report prepared for the Planning Commission's consideration and all documents, records, and references related thereto, and Staff's presentation at the public hearing;
  - (f) Testimony, and/or comments from Applicant and its representatives during the public hearing; and
  - (g) Testimony and/or comments from all persons provided in written format or correspondence, at, or prior to, the public hearing.

#### **Section 4. Environmental Review**

The Planning Commission finds that the Proposed Project is exempt from the California Environmental Quality Act (CEQA) under CEQA Guidelines as a Class 32 Exemption (Section 15332, In-Fill Development Projects) and that the Proposed Project does not fall within one of the exceptions to categorical exemptions, because the Proposed Project is 1) consistent with the applicable General Plan designation and applicable policies; 2) occurs on a site that is less than five acres in size substantially surrounded by urban uses; 3) the site has no valuable habitat for rare, threatened or endangered species; 4) the project will not result in significant effects related to traffic, noise, air quality, or water quality; and 5) the site is adequately served by all required utilities and public services.

#### **Section 5. Findings**

That based on the foregoing Recitals and the Evidence contained in the Administrative Record as set forth above, the Planning Commission makes the following findings in approving the Proposed Project:

- a. The Proposed Project is consistent with the goals, objectives, policies and programs of the General Plan;
- b. The Proposed Project complies with all applicable zoning and other regulations;
- c. The Proposed Project will not be detrimental to the public health, safety or welfare or materially injurious to properties or improvements in the vicinity; and
- d. The location, design and operation of the Proposed Project will be compatible with existing and planned land uses in the vicinity.

#### **Section 6. Approval**

That based on the foregoing Recitals, Evidence contained in the Administrative Record and Findings, as set forth herein, the Planning Commission hereby approves the Proposed Project subject to the Conditions of Approval for Plot Plan (PEN22-0084) attached hereto as Exhibit A.

**Section 7. Repeal of Conflicting Provisions**

That all the provisions as heretofore adopted by the Planning Commission that are in conflict with the provisions of this Resolution are hereby repealed.

**Section 8. Severability**

That the Planning Commission declares that, should any provision, section, paragraph, sentence, or word of this Resolution be rendered or declared invalid by any final court action in a court of competent jurisdiction or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences or words of this Resolution as hereby adopted shall remain in full force and effect.

**Section 9. Effective Date**

That this Resolution shall take effect immediately upon the date of adoption.

**Section 10. Certification**

That the Secretary of the Planning Commission shall certify to the passage of this Resolution.

**PASSED AND ADOPTED THIS 11<sup>th</sup> day of May 2023.**

CITY OF MORENO VALLEY  
PLANNING COMMISSION

\_\_\_\_\_  
Alvin DeJohnette, Chairperson

ATTEST:

\_\_\_\_\_  
Sean P. Kelleher,  
Acting Community Development Director

APPROVED AS TO FORM:

\_\_\_\_\_  
Steven B. Quintanilla,  
Interim City Attorney

Exhibit:  
Exhibit A: Plot Plan (PEN22-0084) Conditions of Approval

Attachment: Resolution No. 2023-19 - Plot Plan [Revision 4] (6244 : Plot Plan (PEN22-0084))

**Exhibit A**

**Plot Plan (PEN22-0084) Conditions of Approval**



**CONDITIONS OF APPROVAL**

Plot Plan (PEN22-0084)

Page 1

CITY OF MORENO VALLEY  
 CONDITIONS OF APPROVAL  
 Plot Plan (PEN22-0084)

EFFECTIVE DATE:

EXPIRATION DATE:

**COMMUNITY DEVELOPMENT DEPARTMENT**Planning Division

1. A change or modification to the land use or the approved site plans may require a separate approval. Prior to any change or modification, the property owner shall contact the City of Moreno Valley Community Development Department to determine if a separate approval is required.
2. The developer, or the developer's successor-in-interest, shall be responsible for maintaining any undeveloped portion of the site in a manner that provides for the control of weeds, erosion and dust. (MC 9.02.030)
3. This approval shall expire three years after the approval date of this project unless used or extended as provided for by the City of Moreno Valley Municipal Code; otherwise it shall become null and void and of no effect whatsoever. Use means the beginning of substantial construction contemplated by this approval within the three-year period, which is thereafter pursued to completion, or the beginning of substantial utilization contemplated by this approval. (MC 9.02.230)
4. The Developer shall defend, indemnify and hold harmless the City, city council, commissions, boards, subcommittees and the City's elected and appointed officials, commissioners, board members, officers, agents, consultants and employees ("City Parties") from and against any and all liabilities, demands, claims, actions or proceedings and costs and expenses incidental thereto (including costs of defense, settlement and reasonable attorneys' fees), which any or all of them may suffer, incur, be responsible for or pay out as a result of or in connection with any challenge to the legality, validity or adequacy of any of the following items: (i) any prior or current agreements by and among the City and the Developer; (ii) the current, concurrent and subsequent permits, licenses and entitlements approved by the City; (iii) any environmental determination made by the City in connection with the Project Site and the Project; and (iv) any proceedings or other actions undertaken by the City in connection with the adoption or approval of any of the above. In the event of any administrative, legal, equitable action or other proceeding instituted by any third party (including without limitation a governmental entity or official) challenging the legality, validity or adequacy of any of the above items or any portion thereof, the Parties shall mutually cooperate with each other in

**CONDITIONS OF APPROVAL**

Plot Plan (PEN22-0084)

Page 2

defense of said action or proceeding. Notwithstanding the above, the City, at its sole option, may tender the complete defense of any third party challenge as described herein. In the event the City elects to contract with special counsel to provide for such a defense, the City shall meet and confer with the Developer regarding the selection of counsel, and the Developer shall pay all costs related to retention of such counsel by the City.

5. All landscaped areas shall be maintained in a healthy and thriving condition, free from weeds, trash and debris. (MC 9.02.030)
6. The site shall be developed in accordance with the approved plans on file in the Community Development Department - Planning Division, the Municipal Code regulations, General Plan, and the conditions contained herein. Prior to any use of the project site or business activity being commenced thereon, all Conditions of Approval shall be completed to the satisfaction of the Planning Official. (MC 9.14.020)
7. Any signs indicated on the submitted plans are not included with this approval. Any signs, whether permanent (e.g. wall, monument) or temporary (e.g. banner, flag), require separate application and approval by the Planning Division. No signs are permitted in the public right of way. (MC 9.12)
8. All site plans, grading plans, landscape and irrigation plans, fence/wall plans, lighting plans and street improvement plans shall be coordinated for consistency with this approval.

Special Conditions

9. In accordance with Developer's obligation to defend, indemnify and hold harmless the City, including but not limited to as set forth in more detail in the Project's Conditions of Approval, Moreno Valley Municipal Code Section 9.02.310 (Indemnification of City for Discretionary Approvals), and the Project application, Developer shall enter into an Advanced Funding Agreement with the City no later than ten (10) calendar days from Planning Commission's approval of the Project. A copy of said Agreement is on file with the Community Development Director.
10. The site has been approved for the construction of a two-story, 3-unit multi-family residential development. A change or modification shall require separate approval.

Prior to Grading Permit

11. Prior to issuance of any grading permit, all Conditions of Approval shall be printed on the grading plans.

**CONDITIONS OF APPROVAL**

Plot Plan (PEN22-0084)

Page 3

12. Prior to issuance of grading permits, the developer shall pay the applicable Stephens' Kangaroo Rat (SKR) Habitat Conservation Plan mitigation fee. (Ord)
13. If potential historic, archaeological, Native American cultural resources or paleontological resources are uncovered during excavation or construction activities at the project site, work in the affected area must cease immediately and a qualified person (meeting the Secretary of the Interior's standards (36CFR61)) shall be consulted by the applicant to evaluate the find, and as appropriate recommend alternative measures to avoid, minimize or mitigate negative effects on the historic, prehistoric, or paleontological resource. Determinations and recommendations by the consultant shall be immediately submitted to the Planning Division for consideration, and implemented as deemed appropriate by the Community Development Director, in consultation with the State Historic Preservation Officer (SHPO) and any and all affected Native American Tribes before any further work commences in the affected area.

If human remains are discovered during grading and other construction excavation, no further disturbance shall occur until the County Coroner has made necessary findings as to origin. If the County Coroner determines that the remains are potentially Native American, the California Native American Heritage Commission shall be notified within 5-days of the published finding to be given a reasonable opportunity to identify the "most likely descendant." The "most likely descendant" shall then make recommendations, and engage in consultations concerning the treatment of the remains (California Public Resources Code 5097.98). (GP Objective 23.3, CEQA).

14. Prior to issuance of grading permits, the developer shall submit wall/fence plans to the Planning Division for review and approval as follows:
  - a. A maximum 6-foot-high solid decorative block perimeter wall with pilasters and a cap shall be required on the north and south property lines.
  - b. A maximum 6-foot-high combination tubular wrought iron and decorative block wall with pilasters and a cap shall be required along Perris Boulevard.
15. Prior to the issuance of grading permits, a temporary project identification sign shall be erected on the site in a secure and visible manner. The sign shall be conspicuously posted at the site and remain in place until occupancy of the project. The sign shall include the following:
  - a. The name (if applicable) and address of the development.
  - b. The developer's name, address, and a 24-hour emergency telephone number.
16. Prior to issuance of grading permits, the location of the trash enclosure shall be included on the plans.

**CONDITIONS OF APPROVAL**

Plot Plan (PEN22-0084)

Page 4

17. Prior to issuance of any building permit all Conditions of Approval shall be printed on the building plans.
18. Prior to the issuance of building permits, the developer shall provide documentation that contact was made to the U.S. Postal Service to determine the appropriate type and location of mailboxes.
19. Prior to issuance of any building permits, final landscaping and irrigation plans shall be submitted for review and approved by the Planning Division per the Landscape Requirements Municipal Code 9.17. After the third plan check review for landscape plans, an additional plan check fee shall apply.
20. Prior to issuance of a building permit, the developer/property owner or developer's successor-in-interest shall pay all applicable impact fees due at permit issuance, including but not limited to Multi-species Habitat Conservation Plan (MSHCP) mitigation fees. (Ord)
21. Prior to building final, the developer/owner or developer's/owner's successor-in-interest shall pay all applicable impact fees, including but not limited to Transportation Uniform Mitigation fees (TUMF), and the City's adopted Development Impact Fees. (Ord)
22. Prior to issuance of building permits, the Planning Division shall review and approve the location and method of enclosure or screening of transformer cabinets, commercial gas meters and back flow preventers as shown on the final working drawings. Location and screening shall comply with the following criteria: transformer cabinets and commercial gas meters shall not be located within required setbacks and shall be screened from public view either by architectural treatment or landscaping; multiple electrical meters shall be fully enclosed and incorporated into the overall architectural design of the building(s); back-flow preventers shall be screened by landscaping. (GP Objective 43.30)

Prior to Building Final or Occupancy

23. Prior to building final, all required landscaping and irrigation shall be installed per plan, certified by the Landscape Architect and inspected by the Planning Division. (MC 9.03.040, MC 9.17).
24. Prior to building final, Planning approved/stamped landscape plans shall be provided to the Community Development Department – Planning Division on a CD disk.
25. Prior to building final, all required and proposed fences and walls shall be

**CONDITIONS OF APPROVAL**

Plot Plan (PEN22-0084)

Page 5

constructed according to the approved plans on file in the Planning Division. (MC 9.080.070).

Building Division

26. The proposed residential project (3 or more dwelling units) shall comply with the latest Federal Law, Americans with Disabilities Act, and State Law, California Code of Regulations, Title 24, Chapter 11A for accessibility standards for the disabled including access to the site, exits, kitchens, bathrooms, common spaces, pools/spas, etc.
27. Prior to submittal, all new development, including residential second units, are required to obtain a valid property address prior to permit application. Addresses can be obtained by contacting the Building Safety Division at 951.413.3350.
28. Contact the Building Safety Division for permit application submittal requirements.
29. Any construction within the city shall only be as follows: Monday through Friday seven a.m. to seven p.m.(except for holidays which occur on weekdays), eight a.m. to four p.m.; weekends and holidays (as observed by the city and described in the Moreno Valley Municipal Code Chapter 2.55), unless written approval is first obtained from the Building Official or City Engineer.
30. Building plans submitted shall be signed and sealed by a California licensed design professional as required by the State Business and Professions Code.
31. The proposed development shall be subject to the payment of required development fees as required by the City's current Fee Ordinance at the time a building application is submitted or prior to the issuance of permits as determined by the City.
32. The proposed project will be subject to approval by the Eastern Municipal Water District and all applicable fees and charges shall be paid prior to permit issuance. Contact the water district at 951.928.3777 for specific details.
33. All new structures shall be designed in conformance to the latest design standards adopted by the State of California in the California Building Code, (CBC) Part 2, Title 24, California Code of Regulations including requirements for allowable area, occupancy separations, fire suppression systems, accessibility, etc.
34. The proposed project's occupancy shall be classified by the Building Official and must comply with exiting, occupancy separation(s) and minimum plumbing fixture requirements. Minimum plumbing fixtures shall be provided per the California Plumbing Code, Table 422.1. The occupant load and occupancy classification shall

**CONDITIONS OF APPROVAL**

Plot Plan (PEN22-0084)

Page 6

be determined in accordance with the California Building Code.

35. The proposed residential project shall comply with the California Green Building Standards Code, Section 4.106.4, mandatory requirements for Electric Vehicle Charging Station (EVCS).
36. Prior to permit issuance, every applicant shall submit a properly completed Waste Management Plan (WMP), as a portion of the building or demolition permit process. (MC 8.80.030)

**FIRE DEPARTMENT****Fire Prevention Bureau**

37. All Fire Department access roads or driveways shall not exceed 12 percent grade. (CFC 503.2.7 and MVMC 8.36.060[G])
38. The Fire Department emergency vehicular access road shall be (all weather surface) capable of sustaining an imposed load of 80,000 lbs. GVW, based on street standards approved by the Public Works Director and the Fire Prevention Bureau. The approved fire access road shall be in place during the time of construction. Temporary fire access roads shall be approved by the Fire Prevention Bureau. (CFC 501.4, and MV City Standard Engineering Plan 108d)
39. The angle of approach and departure for any means of Fire Department access shall not exceed 1 ft drop in 20 ft (0.3 m drop in 6 m), and the design limitations of the fire apparatus of the Fire Department shall be subject to approval by the AHJ. (CFC 503 and MVMC 8.36.060)
40. Prior to construction, all locations where structures are to be built shall have an approved Fire Department access based on street standards approved by the Public Works Director and the Fire Prevention Bureau. (CFC 501.4)
41. Prior to issuance of Building Permits, the applicant/developer shall provide the Fire Prevention Bureau with an approved site plan for Fire Lanes and signage. (CFC 501.3)
42. Prior to issuance of Certificate of Occupancy or Building Final, "Blue Reflective Markers" shall be installed to identify fire hydrant locations in accordance with City specifications. (CFC 509.1 and MVLT 440A-0 through MVLT 440C-0)
43. Existing fire hydrants on public streets are allowed to be considered available. Existing fire hydrants on adjacent properties shall not be considered available unless fire apparatus access roads extend between properties and easements are

**CONDITIONS OF APPROVAL**

Plot Plan (PEN22-0084)

Page 7

- established to prevent obstruction of such roads. (CFC 507, 501.3) a - After the local water company signs the plans, the originals shall be presented to the Fire Prevention Bureau for signatures. The required water system, including fire hydrants, shall be installed, made serviceable, and be accepted by the Moreno Valley Fire Department prior to beginning construction. They shall be maintained accessible.
44. Final fire and life safety conditions will be addressed when the Fire Prevention Bureau reviews building plans. These conditions will be based on occupancy, use, California Building Code (CBC), California Fire Code (CFC), and related codes, which are in effect at the time of building plan submittal.
  45. Prior to issuance of Certificate of Occupancy or Building Final, the applicant/developer shall install a fire alarm system monitored by an approved Underwriters Laboratory listed central station based on a requirement for monitoring the sprinkler system, occupancy or use. Fire alarm panel shall be accessible from exterior of building in an approved location. Plans shall be submitted to the Fire Prevention Bureau for approval prior to installation. (CFC Chapter 9 and MVMC 8.36.100)
  46. The Fire Code Official is authorized to enforce the fire safety during construction requirements of Chapter 33. (CFC Chapter 33 & CBC Chapter 33)
  47. Fire lanes and fire apparatus access roads shall have an unobstructed width of not less than twenty-four (24) feet and an unobstructed vertical clearance of not less than the thirteen (13) feet six (6) inches. (CFC 503.2.1 and MVMC 8.36.060[E])
  48. Prior to issuance of Certificate of Occupancy or Building Final, the applicant/developer shall install a fire sprinkler system based on square footage and type of construction, occupancy or use. Fire sprinkler plans shall be submitted to the Fire Prevention Bureau for approval prior to installation. (CFC Chapter 9, MVMC 8.36.100[D])
  49. Prior to issuance of the building permit for development, independent paved access to the nearest paved road, maintained by the City shall be designed and constructed by the developer within the public right of way in accordance with City Standards. (MVMC 8.36.060, CFC 501.4)
  50. Prior to issuance of a Certificate of Occupancy or Building Final, a “Knox Box Rapid Entry System” shall be provided. The Knox-Box shall be installed in an accessible location approved by the Fire Code Official. All exterior security emergency access gates shall be electronically operated and be provided with Knox key switches for access by emergency personnel. (CFC 506.1)
  51. The minimum number of fire hydrants required, as well as the location and spacing

**CONDITIONS OF APPROVAL**

Plot Plan (PEN22-0084)

Page 8

- of fire hydrants, shall comply with the C.F.C., MVMC, and NFPA 24. Fire hydrants shall be located no closer than 40 feet to a building. A fire hydrant shall be located within 50 feet of the fire department connection for buildings protected with a fire sprinkler system. The size and number of outlets required for the approved fire hydrants are (6" x 4" x 2 ½" x 2 ½") (CFC 507.5.1, 507.5.7, Appendix C, NFPA 24-7.2.3, MVMC 912.2.1)
52. Multi-family residences shall display the address in accordance with the Riverside County Fire Department Premises Identification standard 07-01. (CFC 505.1)
  53. During phased construction, dead end roadways and streets which have not been completed shall have a turn-around capable of accommodating fire apparatus. (CFC 503.1 and 503.2.5)
  54. If construction is phased, each phase shall provide an approved emergency vehicular access way for fire protection prior to any building construction. (CFC 501.4)
  55. Plans for private water mains supplying fire sprinkler systems and/or private fire hydrants shall be submitted to the Fire Prevention Bureau for approval. (CFC 105 and CFC 3312.1)
  56. The Fire Prevention Bureau is required to set a minimum fire flow for the remodel or construction of all commercial buildings per CFC Appendix B and Table B105.1. The applicant/developer shall provide documentation to show there exists a water system capable of delivering said waterflow for 2 hour(s) duration at 20-PSI residual operating pressure. The required fire flow may be adjusted during the approval process to reflect changes in design, construction type, or automatic fire protection measures as approved by the Fire Prevention Bureau. Specific requirements for the project will be determined at time of submittal. (CFC 507.3, Appendix B)
  57. Prior to issuance of Certificate of Occupancy or Building Final, all residential dwellings shall display street numbers in a prominent location on the street side of the residence in such a position that the numbers are easily visible to approaching emergency vehicles. The numbers shall be located consistently on each dwelling throughout the development. The numerals shall be no less than four (4) inches in height and shall be low voltage lighted fixtures. (CFC 505.1, MVMC 8.36.060[II])
  58. Prior to building construction, dead end roadways and streets which have not been completed shall have a turnaround capable of accommodating fire apparatus. (CFC 503.2.5)
  59. Prior to issuance of Building Permits, the applicant/developer shall furnish one copy of the water system plans to the Fire Prevention Bureau for review. Plans shall:
    - a. Be signed by a registered civil engineer or a certified fire protection engineer; b.



**CONDITIONS OF APPROVAL**

Plot Plan (PEN22-0084)

Page 9

Contain a Fire Prevention Bureau approval signature block; and c. Conform to hydrant type, location, spacing of new and existing hydrants and minimum fire flow required as determined by the Fire Prevention Bureau. The required water system, including fire hydrants, shall be installed, made serviceable, and be accepted by the Moreno Valley Fire Department prior to beginning construction. They shall be maintained accessible.

**FINANCIAL & MANAGEMENT SERVICES DEPARTMENT****Moreno Valley Utility**

60. This project shall coordinate and receive approval from the City Engineer to install, construct, improve, and dedicate to the City fiber optic cable improvements consisting of fiber optic cable, splices and termination equipment to serve the identified development and other adjoining, abutting, or benefiting projects as determined by Moreno Valley Utility along with any appurtenant real property easements, as determined by the City Engineer to be necessary for the distribution and/or delivery of any and all "fiber optic services" to and within the project.
61. This project shall coordinate and receive approval from the City Engineer to install, construct, improve, and dedicate to Moreno Valley Utility fiber optic cable improvements consisting of conduit, and pull boxes to serve the identified development and other adjoining, abutting, or benefiting projects as determined by Moreno Valley Utility along with any appurtenant real property easements, as determined by the City Engineer to be necessary for the distribution and/or delivery of any and all "fiber optic services" to and within the project.
62. This project shall coordinate and receive approval from the City Engineer to install, construct, improve, and dedicate to Moreno Valley Utility electric streetlight improvements consisting of streetlight poles, mast-arms, fixtures conduit, wiring, terminations and pull boxes to serve the identified development and other adjoining, abutting, or benefiting projects as determined by the Land Development Department along with any appurtenant real property easements, as determined by the City Engineer to be necessary for the distribution and/or delivery of any and all "street light services" to and within the project.

**PUBLIC WORKS DEPARTMENT****Land Development**

63. Aggregate slurry, as defined in Section 203-5 of Standard Specifications for Public Works Construction, shall be required prior to 90% security reduction or the end of the one-year warranty period of the public streets as approved by the City Engineer.

**CONDITIONS OF APPROVAL**

Plot Plan (PEN22-0084)

Page 10

If slurry is required, a slurry mix design shall be submitted for review and approved by the City Engineer. The latex additive shall be Ultra Pave 70 (for anionic) or Ultra Pave 65 K (for cationic) or an approved equal per the geotechnical report. The latex shall be added at the emulsion plant after weighing the asphalt and before the addition of mixing water. The latex shall be added at a rate of two to two-and-one-half (2 to 2½) parts to one-hundred (100) parts of emulsion by volume. Any existing striping shall be removed prior to slurry application and replaced per City standards.

64. The developer shall comply with all applicable City ordinances and resolutions including the City's Municipal Code (MC) and if subdividing land, the Government Code (GC) of the State of California, specifically Sections 66410 through 66499.58, said sections also referred to as the Subdivision Map Act (SMA). [MC 9.14.010]
65. The final approved conditions of approval (COAs) issued and any applicable Mitigation Measures by the Planning Division shall be photographically or electronically placed on mylar sheets and included in the Grading and Street Improvement plans.
66. The developer shall monitor, supervise and control all construction related activities, so as to prevent these activities from causing a public nuisance, including but not limited to, insuring strict adherence to the following:
- (a) Removal of dirt, debris, or other construction material deposited on any public street no later than the end of each working day.
  - (b) Observance of working hours as stipulated on permits issued by the Land Development Division.
  - (c) The construction site shall accommodate the parking of all motor vehicles used by persons working at or providing deliveries to the site.
  - (d) All dust control measures per South Coast Air Quality Management District (SCAQMD) requirements during the grading operations.
- Violation of any condition, restriction or prohibition set forth in these conditions shall subject the owner, applicant, developer or contractor(s) to remedy as noted in City Municipal Code 8.14.090. In addition, the City Engineer or Building Official may suspend all construction related activities for violation of any condition, restriction or prohibition set forth in these conditions until such time as it has been determined that all operations and activities are in conformance with these conditions.
67. If improvements associated with this project are not initiated within two (2) years of the date of approval of the Public Improvement Agreement (PIA), the City Engineer may require that the engineer's estimate for improvements associated with the project be modified to reflect current City construction costs in effect at the time of request for an extension of time for the PIA or issuance of a permit. [MC 9.14.210(B)(C)]

**CONDITIONS OF APPROVAL**

Plot Plan (PEN22-0084)

Page 11

68. This project shall submit civil engineering design plans, reports and/or documents (prepared by a registered/licensed civil engineer) for review and approval by the City Engineer per the current submittal requirements, prior to the indicated threshold or as required by the City Engineer. The submittal consists of, but is not limited to, the following:
- a. Precise grading w/ erosion control plan (prior to building permit issuance);
  - b. Final drainage study (prior to grading plan approval);
  - c. Final WQMP (prior to grading plan approval);
  - d. As-Built revision for all plans (prior to Occupancy release).
69. Water quality best management practices (BMPs) designed to meet Water Quality Management Plan (WQMP) requirements for development shall not be used as a construction BMP. Water quality BMPs shall be maintained for the entire duration of the project construction and be used to treat runoff from those developed portions of the project. Water quality BMPs shall be protected from upstream construction related runoff by having proper best management practices in place and maintained. Water quality BMPs shall be graded per the approved design plans and once landscaping and irrigation has been installed, it and its maintenance shall be turned over to a Property Owner's Association (POA). The Property Owner's Association shall enter into an agreement with the City for basin maintenance.

Prior to Grading Plan Approval

70. A final detailed drainage study (prepared by a registered/licensed civil engineer) shall be submitted for review and approved by the City Engineer. The study shall include, but not be limited to: existing and proposed hydrologic conditions as well as hydraulic calculations for all drainage control devices and storm drain lines. The study shall analyze 1, 3, 6 and 24-hour duration events for the 2, 5, 10 and 100-year storm events [MC 9.14.110(A.1)]. A digital (pdf) copy of the approved drainage study shall be submitted to the Land Development Division.
71. A final project-specific Water Quality Management Plan (WQMP) shall be submitted for review and approved by the City Engineer, which:
- a. Addresses Site Design Best Management Practices (BMPs) such as minimizing impervious areas, maximizing permeability, minimizes directly connected impervious areas to the City's street and storm drain systems, and conserves natural areas;
  - b. Incorporates Source Control BMPs and provides a detailed description of their implementation;
  - c. Describes the long-term operation and maintenance requirements for BMPs requiring maintenance; and
  - d. Describes the mechanism for funding the long-term operation and maintenance of the BMPs.

**CONDITIONS OF APPROVAL**

Plot Plan (PEN22-0084)

Page 12

A copy of the final WQMP template can be obtained on the City's Website or by contacting the Land Development Division. A digital (pdf) copy of the approved final project-specific Water Quality Management Plan (WQMP) shall be submitted to the Land Development Division.

72. The final project-specific Water Quality Management Plan (WQMP) shall be consistent with the approved P-WQMP, as well as in full conformance with the document: "Water Quality Management Plan - A Guidance Document for the Santa Ana Region of Riverside County" dated October 22, 2012. The F-WQMP shall be submitted and approved prior to application for and issuance of grading permits. At a minimum, the F-WQMP shall include the following: Site Design BMPs; Source Control BMPs, Treatment Control BMPs, Operation and Maintenance requirements for BMPs and sources of funding for BMP implementation.

a. Final design and sizing details of all BMPs must be provided in the first submittal of the F-WQMP. The Applicant acknowledges that more area than currently shown on the plans may be required to treat site runoff as required by the WQMP guidance document.

b. The Applicant shall substantiate the applicable Hydrologic Condition of Concerns (HCOC) in Section F of the F-WQMP.

c. All proposed LID BMP's shall be designed in accordance with the RCFC&WCD's Design Handbook for Low Impact Development Best Management Practices, dated September 2011.

d. The proposed LID BMP's as identified in the project-specific P-WQMP shall be incorporated into the Final WQMP.

e. The NPDES notes per City Standard Drawing No. MVFE-350-0 shall be included in the grading plans.

f. Post-construction treatment control BMPs, once placed into operation for post-construction water quality control, shall not be used to treat runoff from construction sites or unstabilized areas of the site.

g. Prior to precise grading plan approval, the grading plan shall show any proposed trash enclosure to include a cover (roof) and sufficient size for dual bin (1 for trash and 1 for recyclables). The architecture shall be approved by the Planning Division and any required structural analysis shall be approved by the Building and Safety Division.

73. The developer shall ensure compliance with the City Grading ordinance, these Conditions of Approval and the following criteria:

a. The project street and lot grading shall be designed in a manner that perpetuates the existing natural drainage patterns with respect to tributary drainage area and outlet points. Unless otherwise approved by the City Engineer, lot lines shall be located at the top of slopes.

b. Any grading that creates cut or fill slopes adjacent to the street shall provide erosion control, sight distance control, and slope easements as approved by the City Engineer.

**CONDITIONS OF APPROVAL**

Plot Plan (PEN22-0084)

Page 13

c. All improvement plans are substantially complete and appropriate clearance letters are provided to the City.

d. A soils/geotechnical report (addressing the soil's stability and geological conditions of the site) shall be submitted to the Land Development Division for review. A digital (pdf) copy of the soils/geotechnical report shall be submitted to the Land Development Division.

74. Grading plans (prepared by a registered/licensed civil engineer) shall be submitted for review and approved by the City Engineer per the current submittal requirements.
75. The developer shall select Low Impact Development (LID) Best Management Practices (BMPs) designed per the latest version of the Water Quality Management Plan (WQMP) - a guidance document for the Santa Ana region of Riverside County.
76. A Storm Water Pollution Prevention Plan (SWPPP) shall be prepared in conformance with the State's current Construction Activities Storm Water General Permit. A copy of the current SWPPP shall be kept at the project site and be available for review upon request.
77. Any proposed trash enclosure shall include a solid cover (roof) and sufficient size for dual bin (one for trash and one for recyclables). The architecture shall be approved by the Planning Division and any structural approvals shall be made by the Building & Safety Division.
78. For projects that will result in discharges of storm water associated with construction with a soil disturbance of one or more acres of land, the developer shall submit a Notice of Intent (NOI) and obtain a Waste Discharger's Identification number (WDID#) from the State Water Quality Control Board (SWQCB) which shall be noted on the grading plans.

Prior to Grading Permit

79. A receipt showing payment of the Area Drainage Plan (ADP) fee to Riverside County Flood Control and Water Conservation District shall be submitted. [MC 9.14.100(O)]
80. For non-subdivision projects, a copy of the Covenants, Conditions and Restrictions (CC&Rs) shall be submitted for review by the City Engineer. The CC&Rs shall include, but not be limited to, access easements, reciprocal access, private and/or public utility easements as may be relevant to the project.
81. Security, in the form of a cash deposit (preferable), bond or letter of credit shall be submitted as a guarantee of the implementation and maintenance of erosion control

**CONDITIONS OF APPROVAL**

Plot Plan (PEN22-0084)

Page 14

measures. At least twenty-five (25) percent of the required security shall be in the form of a cash deposit with the City. [MC 8.21.160(H)]

82. Security, in the form of a cash deposit (preferable), bond or letter of credit shall be submitted as a guarantee of the completion of the grading operations for the project. [MC 8.21.070]

Prior to Improvement Plan Approval

83. Any missing or deficient existing improvements along the project frontage within Perris Boulevard shall be constructed or secured for construction. The City Engineer may require the ultimate structural section for pavement to half-street width plus 18 feet or provide core test results confirming that existing pavement section is per current City Standards; additional signing & striping to accommodate increased traffic imposed by the development, etc.
84. All dry and wet utilities shall be shown on the plans and any crossings shall be potholed to determine actual location and elevation. Any conflicts shall be identified and addressed on the plans. The pothole survey data shall be submitted to Land Development with the public improvement plans for reference purposes only. The developer is responsible to coordinate with all affected utility companies and bear all costs of any utility relocation.

Prior to Encroachment Permit

85. The plans shall indicate any restrictions on trench repair pavement cuts to reflect the City's moratorium on disturbing newly-constructed pavement less than three (3) years old and recently slurry sealed streets less than one (1) year old. Pavement cuts may be allowed for emergency repairs or as specifically approved in writing by the City Engineer. Special requirements shall be imposed for repaving, limits to be determined by the City Engineer.
86. Any work performed within public right-of-way requires an encroachment permit.

Prior to Building Permit

87. An engineered-fill certification, rough grade certification and compaction report shall be submitted for review and approved by the City Engineer. A digital (pdf) copy of the approved compaction report shall be submitted to the Land Development Division. All pads shall meet pad elevations per approved grading plans as noted by the setting of "blue-top" markers installed by a registered land surveyor or licensed civil engineer.

**CONDITIONS OF APPROVAL**

Plot Plan (PEN22-0084)

Page 15

88. For non-subdivision projects, the developer shall guarantee the completion of all related public improvements required for this project by executing a Public Improvement Agreement (PIA) with the City and posting the required security. [MC 9.14.220]
89. For Commercial/Industrial projects, the owner may have to secure coverage under the State's General Industrial Activities Storm Water Permit as issued by the State Water Resources Control Board.
90. A walk through with a Land Development Inspector shall be scheduled to inspect existing improvements within public right of way along project frontage. Any missing, damaged or substandard improvements including ADA access ramps that do not meet current City standards shall be required to be installed, replaced and/or repaired. The applicant shall post security to cover the cost of the repairs and complete the repairs within the time allowed in the public improvement agreement used to secure the improvements.
91. Certification to the line, grade, flow test and system invert elevations for the water quality control BMPs shall be submitted for review and approved by the City Engineer (excluding models homes).

Prior to Occupancy

92. All required as-built plans (prepared by a registered/licensed civil engineer) shall be submitted for review and approved by the City Engineer per the current submittal requirements.
93. The final/precise grade certification shall be submitted for review and approved by the City Engineer.
94. The developer shall complete all public improvements in conformance with current City standards, except as noted in the Special Conditions, including but not limited to the following:
  - a. Street improvements including, but not limited to: sidewalk, parkway drains, street lights (MVU: SL-2).
  - b. Sewer and water systems including, but not limited to: sanitary sewer, potable water and recycled water laterals.
  - c. Under grounding of all existing and proposed utilities adjacent to and on-site. [MC 9.14.130]
  - d. Undergrounding of overhead electrical utility lines including, but not limited to: electrical, cable and telephone.
95. The developer will be required to grind and overlay the alley to its centerline along project frontage.

**CONDITIONS OF APPROVAL**

Plot Plan (PEN22-0084)

Page 16

96. For commercial, industrial and multi-family projects, a <"Stormwater Treatment Device and Control Measure Access and Maintenance Covenant", "Maintenance Agreement for Water Quality Improvements located in the public right-of-way" and a "Declaration of Restrictive Covenants (encroachment on City easement)"> shall be recorded to provide public notice of the maintenance requirements to be implemented per the approved final project-specific WQMP. A boilerplate copy of the covenants and agreements can be obtained by contacting the Land Development Division.
97. The applicant shall ensure the following, pursuant to Section XII. I. of the 2010 NPDES Permit:
- a. Field verification that structural Site Design, Source Control and Treatment Control BMPs are designed, constructed and functional in accordance with the approved Final Water Quality Management Plan (WQMP).
  - b. Certification of best management practices (BMPs) from a state licensed civil engineer. An original WQMP BMP Certification shall be submitted for review and approved by the City Engineer.
98. The Developer shall comply with the following water quality related items:
- a. Notify the Land Development Division prior to construction and installation of all structural BMPs so that an inspection can be performed.
  - b. Demonstrate that all structural BMPs described in the approved final project-specific WQMP have been constructed and installed in conformance with the approved plans and specifications;
  - c. Demonstrate that Developer is prepared to implement all non-structural BMPs described in the approved final project-specific WQMP; and
  - d. Demonstrate that an adequate number of copies of the approved final project-specific WQMP are available for future owners/occupants.
  - e. Clean and repair the water quality BMP's, including re-grading to approved civil drawing if necessary.
  - f. Obtain approval and complete installation of the irrigation and landscaping.
99. The developer will be required to underground overhead utilities on the east side of Perris Boulevard along project frontage to the nearest pole, including installation of street light poles in place of power poles, in accordance with Municipal Code Section 9.14.130.

Special Districts Division

100. Major Infrastructure SFD Major Infrastructure Financing District. Prior to applying for the 1st Building Permit, the qualified elector (e.g. property owner) must initiate the process (i.e. pay the annexation fee or use the alternative identified at the time of the special financing district formation) to provide an ongoing funding source for



**CONDITIONS OF APPROVAL**

Plot Plan (PEN22-0084)

Page 17

the construction and maintenance of major infrastructure improvements, which may include but is not limited to thoroughfares, bridges, and certain flood control improvements. This condition will be applicable provided said district is under development at the time this project applies for the 1st Building Permit. This condition must be fully satisfied prior to issuance of the 1st Certificate of Occupancy. This condition will be satisfied with the successful annexation/formation (i.e. special election process) into a special financing district and payment of all costs associated with the special election process. Annexation into a special financing district requires an annual payment of the annual special tax, assessment, or fee levied against the property tax bill, or other lawful means, of the parcels of the project for such district. At the time of the public hearing to consider annexation into or formation of the district, the qualified elector(s) will not protest the annexation or formation, but will retain the right to object to any eventual tax/assessment/fee that is not equitable should the financial burden of the tax/assessment/fee not be reasonably proportionate to the benefit the affected property receives from the improvements to be installed and/or maintained or services provided. The special election requires a minimum 90-day process in compliance with the provisions of Article 13C of the California Constitution, Proposition 218, or other applicable legislation, and consistent with the scheduling for City Council meetings. An alternative to satisfying this condition will be identified at such time as a special financing district has been established. At the time of development, the developer must contact Special Districts Administration at 951.413.3470 or at SDAdmin@moval.org to determine if this condition is applicable.

101. Park Maintenance Funding. Prior to applying for the 1st Building Permit, the qualified elector (e.g. property owner) must initiate the process (i.e. pay the annexation fee or fund an endowment) to provide an ongoing funding source for the continued maintenance, enhancement, and/or retrofit of parks, open spaces, linear parks, and/or trails systems.

This condition must be fully satisfied prior to issuance of the 1st Certificate of Occupancy. This condition will be satisfied with the successful annexation/formation (i.e. special election process) into a special financing district and payment of all costs associated with the special election process. Annexation into a special financing district requires an annual payment of the annual special tax, assessment, or fee levied against the property tax bill, or other lawful means, of the parcels of the project for such district. At the time of the public hearing to consider annexation into or formation of the district, the qualified elector(s) will not protest the annexation or formation, but will retain the right to object to any eventual tax/assessment/fee that is not equitable should the financial burden of the tax/assessment/fee not be reasonably proportionate to the benefit the affected property receives from the improvements to be installed and/or maintained or services provided. The special election requires a minimum 90-day process in compliance with the provisions of Article 13C of the California Constitution, Proposition 218, or other applicable

**CONDITIONS OF APPROVAL**

Plot Plan (PEN22-0084)

Page 18

legislation, and consistent with the scheduling for City Council meetings.

Alternatively, the condition can be satisfied by the Developer funding an endowment in an amount sufficient to yield an annual revenue stream that meets the annual obligation, as calculated by Special Districts Admin staff. The Developer must contact Special Districts Administration at 951.413.3470 or at SDAdmin@moval.org to satisfy this condition.

102. Maintenance Services Funding. Prior to applying for the 1st Building Permit, the qualified elector (e.g. property owner) must initiate the process (i.e. pay the annexation fee or use the alternative identified at the time of the special financing district formation) to provide an ongoing funding source for the operation and maintenance of public improvements and/or services associated with impacts of the development. This condition will only be applicable provided said district is under development at the time this project applies for the 1st Building Permit.

This condition must be fully satisfied prior to issuance of the 1st Certificate of Occupancy. This condition will be satisfied with the successful annexation/formation (i.e. special election process) into a special financing district and payment of all costs associated with the special election process. Annexation into a special financing district requires an annual payment of the annual special tax, assessment, or fee levied against the property tax bill, or other lawful means, of the parcels of the project for such district. At the time of the public hearing to consider annexation into or formation of the district, the qualified elector(s) will not protest the annexation or formation, but will retain the right to object to any eventual tax/assessment/fee that is not equitable should the financial burden of the tax/assessment/fee not be reasonably proportionate to the benefit the affected property receives from the improvements to be installed and/or maintained or services provided. The special election requires a minimum 90-day process in compliance with the provisions of Article 13C of the California Constitution, Proposition 218, or other applicable legislation, and consistent with the scheduling for City Council meetings.

An alternative to satisfying this funding source will be identified at such time as a special financing district has been established. At the time of development, the developer must contact Special Districts Administration at 951.413.3470 or at SDAdmin@moval.org to determine if this condition is applicable.

103. Public Safety Funding. Prior to applying for the 1st Building Permit, the qualified elector (e.g. property owner) must initiate the process (i.e. pay the annexation fee or use the alternative identified at the time of the special financing district formation) to provide an ongoing funding source for Public Safety services, which may include but is not limited to Police, Fire Protection, Paramedic Services, Park Rangers, and Animal Control services. This condition will only be applicable provided said district is under development at the time this project applies for the 1st Building Permit.

**CONDITIONS OF APPROVAL**

Plot Plan (PEN22-0084)

Page 19

This condition must be fully satisfied prior to issuance of the 1st Certificate of Occupancy. This condition will be satisfied with the successful annexation/formation (i.e. special election process) into a special financing district and payment of all costs associated with the special election process. Annexation into a special financing district requires an annual payment of the annual special tax, assessment, or fee levied against the property tax bill, or other lawful means, of the parcels of the project for such district. At the time of the public hearing to consider annexation into or formation of the district, the qualified elector(s) will not protest the annexation or formation, but will retain the right to object to any eventual tax/assessment/fee that is not equitable should the financial burden of the tax/assessment/fee not be reasonably proportionate to the benefit the affected property receives from the improvements to be installed and/or maintained or services provided. The special election requires a minimum 90-day process in compliance with the provisions of Article 13C of the California Constitution, Proposition 218, or other applicable legislation, and consistent with the scheduling for City Council meetings.

An alternative to satisfying this condition will be identified at such time as a special financing district has been established. At the time of development, the developer must contact Special Districts Administration at 951.413.3470 or at SDAdmin@moval.org to determine if this condition is applicable.

104. Right of Way Water Quality BMP Maintenance. The ongoing maintenance of any water quality BMP (e.g. Bioswale) constructed in the public right of way shall be the responsibility of a property owner association or the property owner.
105. Current Standards. The existing parkway/median along the frontage of the project shall be brought to current City Standards. Improvements may include but are not limited to: plant material, irrigation, and hardscape.
106. Maintenance Responsibility. The ongoing maintenance of any landscaping required to be installed behind the curb shall be the responsibility of the property owner.
107. Damage. Any damage to existing landscape areas maintained by the City of Moreno Valley due to project construction shall be repaired/replaced by the Developer, or Developer's successors in interest, at no cost to the City of Moreno Valley.
108. Zone A Per Dwelling Unit. The Moreno Valley Community Services District Zone A (Parks & Community Services) tax is levied on the property tax bill on a per parcel or dwelling unit basis. Upon the issuance of building permits, the Zone A tax will be assessed based on 3 dwelling units.
109. CFD 2014-01. Prior to applying for the 1st Building Permit, the qualified elector (e.g. property owner) must initiate the process (i.e. pay the annexation fee, form an

**CONDITIONS OF APPROVAL**

Plot Plan (PEN22-0084)

Page 20

association to fund the services or fund an endowment) to provide an ongoing funding source for Landscape Maintenance Services for public parkway, traffic circle, open space, and/or median landscaping on Perris Blvd.

This condition must be fully satisfied prior to issuance of the 1st Certificate of Occupancy. This condition will be satisfied with the successful annexation/formation (i.e. special election process) into a special financing district and payment of all costs associated with the special election process. Annexation into a special financing district requires an annual payment of the annual special tax, assessment, or fee levied against the property tax bill, or other lawful means, of the parcels of the project for such district. At the time of the public hearing to consider annexation into or formation of the district, the qualified elector(s) will not protest the annexation or formation, but will retain the right to object to any eventual tax/assessment/fee that is not equitable should the financial burden of the tax/assessment/fee not be reasonably proportionate to the benefit the affected property receives from the improvements to be installed and/or maintained or services provided. The special election requires a minimum 90-day process in compliance with the provisions of Article 13C of the California Constitution, Proposition 218, or other applicable legislation, and consistent with the scheduling for City Council meetings.

Alternatively, the condition can be satisfied by the Developer forming a property owner association that will be responsible for the improvements and any and all operation and maintenance costs for the improvements or by funding an endowment in an amount sufficient to yield an annual revenue stream that meets the annual obligation, as calculated by Special Districts Admin staff. The Developer must contact Special Districts Administration at 951.413.3470 or at SDAdmin@moval.org to satisfy this condition.

**PARKS & COMMUNITY SERVICES DEPARTMENT**

110. This project is subject to current Development Impact Fees.

# PROJECT DESCRIPTION

PROJECT CONSISTS OF A NEW MULTI-FAMILY DEVELOPMENT

3 UNITS ( 1000 SF- 3BD/2 BA)

# PROJECT DIRECTORY

JURISDICTION: MORENO VALLEY  
 OWNER: BUT NGUYEN  
 820 N. EUCLID  
 SANTA ANA, CA 92703  
 POINT OF CONTACT: BAO PHAM  
 8671 GARDEN GROVE BLVD.  
 GARDEN GROVE, CA 92844  
 T. 714.457.0436

# PROJECT DATA

APN: 486-091-005  
 ZONE: COMU  
 GENERAL PLAN: RES. MAX. 25 DU/AC  
 TYPE OF CONSTRUCTION: VB  
 OCCUPANCY GROUP: R2 / U  
 SPRINKLER: YES  
 LOT AREA: 8,175 SF  
 NET LOT AREA: 6,110 SF  
 HEIGHT: 2 STORIES  
 NUMBER OF UNITS: 3  
 TOTAL BLDG AREA: 3,000 SF

UNIT A: 3 BEDROOM 2 BATH  
 FIRST FLOOR SF: 356 SF  
 SECOND FLOOR SF: 644 SF  
 BALCONY AREA: 111 SF  
 FRONT PORCH: 40 SF  
 UNIT B: 3 BEDROOM 2 BATH  
 FIRST FLOOR SF: 356 SF  
 SECOND FLOOR SF: 644 SF  
 BALCONY AREA: 111 SF  
 FRONT PORCH: 40 SF  
 UNIT C: 3 BEDROOM 2 BATH  
 FIRST FLOOR SF: 356 SF  
 SECOND FLOOR SF: 644 SF  
 BALCONY AREA: 111 SF  
 FRONT PORCH: 40 SF

INTEGRATED CARPORT: 1,053 SF  
 DETACHED CARPORT: 496 SF  
 TRASH ENCLOSURE: 98 SF

FAR (TOTAL LIVING AREA / LOT AREA):

LIVING AREA: 3,000 SF  
 NET LOT AREA: 8,175 SF  
 37%

LOT COVERAGE (GROUND COVER / LOT AREA):

BUILDING COVERAGE AREA: 1,068 SF  
 COVERED PARKING AREA: 1,549 SF  
 (INTEGRATED CARPORT + DETACHED CARPORT)  
 FRONT PORCH AREA: 120 SF  
 TRASH ENCLOSURE AREA: 98 SF

NET LOT AREA: 2,835 SF + 8,175 SF = 35%  
 35%

LANDSCAPE RATIO:

LANDSCAPE AREA: 2,500 SF + 30%  
 NET LOT AREA: 8,175 SF

PRIVATE OPEN SPACE:

SECOND FLOOR: 333 SF / 300 SF

COMMON OPEN SPACE: 900 SF / 900 SF

PARKING REQ'D 2.5' / UNIT (2 COVERED): 7.5 TOTAL / 6 COVERED

PARKING PROVIDED 2.5' / UNIT (2 COVERED): 8 TOTAL / 8 COVERED

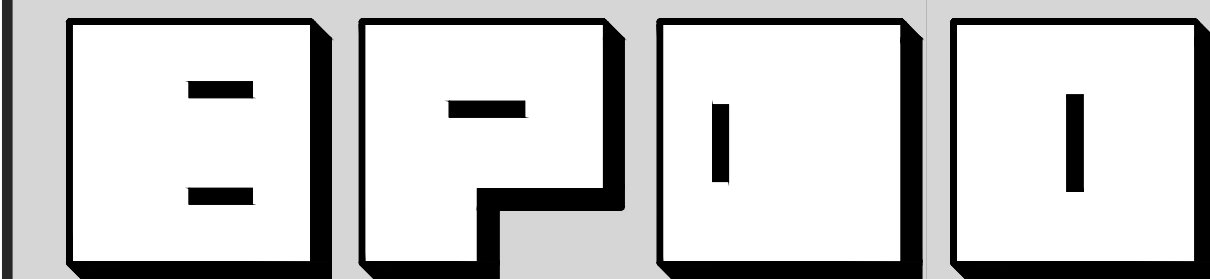
# DEVELOPMENT STANDARDS

Corridor Mixed Use (COMU) - Development Standards

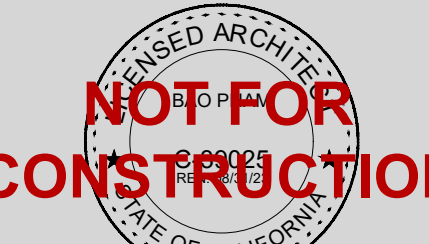
Development Standards	COMU	Special Provisions
Density - Dwelling Units (Du)/Acre	15-25	NA
Minimum site area, square feet	10,000	These requirements apply to parcels created based on a parcel map or tract map, and would not apply to a condominium map
Minimum site width, in feet	100	
Minimum site depth, in feet	100	
Front building setback, in feet (after dedications for right-of-way)	5-10	NA
Side street building setback area, in feet (after dedications for right-of-way)	5	NA
Interior side yard setback in feet	0-10	NA
Rear yard setback in feet	5'	* 15 feet when abutting residential
Building height, in feet, maximum	5 stories/60 ft.	NA
Maximum Floor Area Ratio (FAR)—Commercial and Mixed-Use	1.3	
Minimum Dwelling Size	*See note below	
Minimum distance between buildings in feet	10	
Parking (surface) front street setback, in feet (after dedications for right-of-way)	10	
Parking (surface) side street setback, in feet (after dedications for right-of-way)	5	
Garage/Tuck-Under Parking lines	Prohibited along front lot	
Underground/Podium Parking	Allowed beneath building footprints	
Above Ground Parking Structure	Allowed if screened from views from public right-of-way and adjacent single family residential zones	
Setback Landscaping	All setbacks exclusive of required walkways and driveways will be landscaped planting areas	
Publicly Accessible Open Space (nonresidential)	15% of net lot area	
Private Open Space (multifamily residential)	150 sq ft per unit on 1st floor, and 100 sq ft per unit on upper floors	
Common Open Space (multifamily residential)	300 sq ft per unit	

### UNIT SIZE:

- a. ONE BEDROOM: FOUR HUNDRED FIFTY (450) SQUARE FEET;
  - b. TWO BEDROOM: EIGHT HUNDRED (800) SQUARE FEET;
  - c. THREE BEDROOM: ONE THOUSAND (1,000) SQUARE FEET.
1. MIXED-USE CORRIDOR DEVELOPMENT—SPECIFIC DESIGN REGULATIONS, MIXED-USE THAT IS VERTICALLY INTEGRATED INTO ONE BUILDING OR HORIZONTALLY INTEGRATED ON THE SAME SITE SHALL COMPLY WITH THE DEVELOPMENT STANDARDS LISTED IN THIS SECTION AS THEY PERTAIN TO MIXED-USE, IN ADDITION TO THE STANDARDS BELOW.
  2. ENTRANCES: WHEN NONRESIDENTIAL AND RESIDENTIAL USES ARE IN THE SAME BUILDING, SEPARATE PEDESTRIAN ENTRANCES SHALL BE PROVIDED FOR EACH USE. THE ENTRANCES FOR NONRESIDENTIAL USES SHALL BE DESIGNED TO BE VISUALLY DISTINCT FROM THE ENTRANCES FOR RESIDENTIAL USES.
  3. LIGHTING STANDARDS: LIGHTING FOR NONRESIDENTIAL USES SHALL BE APPROPRIATELY DESIGNED, LOCATED, AND SHIELDED TO ENSURE THAT THEY DO NOT NEGATIVELY IMPACT THE RESIDENTIAL USES IN THE DEVELOPMENT NOR ANY ADJACENT RESIDENTIAL USES AND SHALL BE CONSISTENT WITH ALL PROVISIONS OF SECTION 9.08.100 (LIGHTING).
  4. RECYCLING AND REFUSE STORAGE FACILITIES STANDARDS: RECYCLING AND REFUSE STORAGE FACILITIES FOR NONRESIDENTIAL USES SHALL BE LOCATED AS FAR AS POSSIBLE FROM RESIDENTIAL UNITS AND SHALL BE COMPLETELY SCREENED FROM VIEW FROM THE RESIDENTIAL PORTION OF DEVELOPMENT. RECYCLING AND REFUSE STORAGE FACILITIES FOR NONRESIDENTIAL USES SHALL BE COMPATIBLE IN ARCHITECTURAL DESIGN AND DETAILS WITH THE OVERALL PROJECT.
  5. STREET AND PATHWAY CONNECTIVITY: NEW DEVELOPMENT SHALL MAINTAIN AND ENHANCE PEDESTRIAN, BICYCLE, TRANSIT, AND VEHICLE CONNECTIVITY WITH A HIERARCHY OF STREETS AND PATHWAYS, CONSISTENT WITH THE STREET TYPOLOGY IDENTIFIED IN THE MORENO VALLEY GENERAL PLAN (MAP C-1). PRIMARY PEDESTRIAN ACCESS TO BUILDINGS SHALL BE FROM THE SIDEWALK.
  6. ENHANCED STREETSCAPES: STREETSCAPES SHALL BE ENHANCED WITH ENRICHED STREETSCAPE ELEMENTS, INCLUDING, BUT NOT LIMITED TO, A VARIETY OF LANDSCAPING AND PEDESTRIAN AMENITIES, SUCH AS BENCHES, PEDESTRIAN-SCALED LIGHTING, TRASH ENCLOSURES, AND BICYCLE STORAGE.
  7. PEDESTRIAN-ORIENTED DESIGN/PEDESTRIAN ACCESS: THE DESIGN OF NEW PROJECTS SHALL PROMOTE WALKABILITY AND CONNECTIVITY TO INCLUDE DESIGN AND ORIENTATION STANDARDS SUCH AS:
  8. INTERNAL CONNECTIONS: A SYSTEM OF PEDESTRIAN WALKWAYS SHALL CONNECT ALL BUILDINGS ON A SITE TO EACH OTHER, INCLUDING ON-SITE AUTOMOBILE AND BICYCLE PARKING AREAS, AND ANY ON-SITE OPEN SPACE AREAS AND PEDESTRIAN AMENITIES.



ARCHITECT OF RECORD:



BAO PHAM, RA

BAO PHAM DESIGN OFFICE

8671 Garden Grove Blvd, Garden Grove, CA 92844 | bpdo.connect@gmail.com | 714.457.0436

ISSUANCE

# 0 PERRIS APARTMENTS

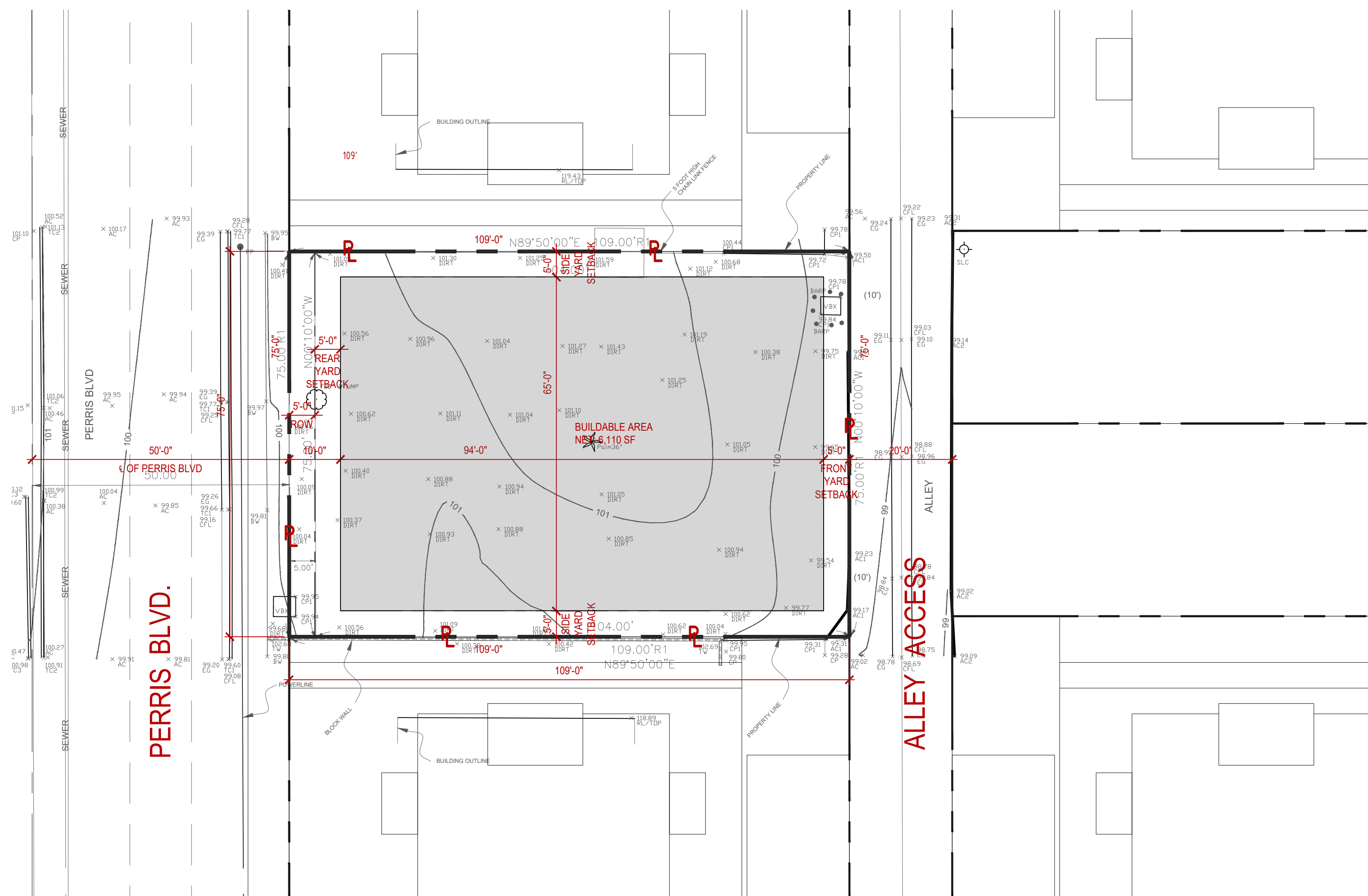
0 PERRIS BLVD  
MORENO VALLEY, CA 92551

- ▲ 04.13.22 PLANNING SUBMITTA
- ▲ 06.30.22 PLANNING SUBMITTA
- ▲ 01.20.23 PLANNING SUBMITTA
- ▲ 02.28.23 PLANNING SUBMITTA
- ▲
- ▲
- ▲

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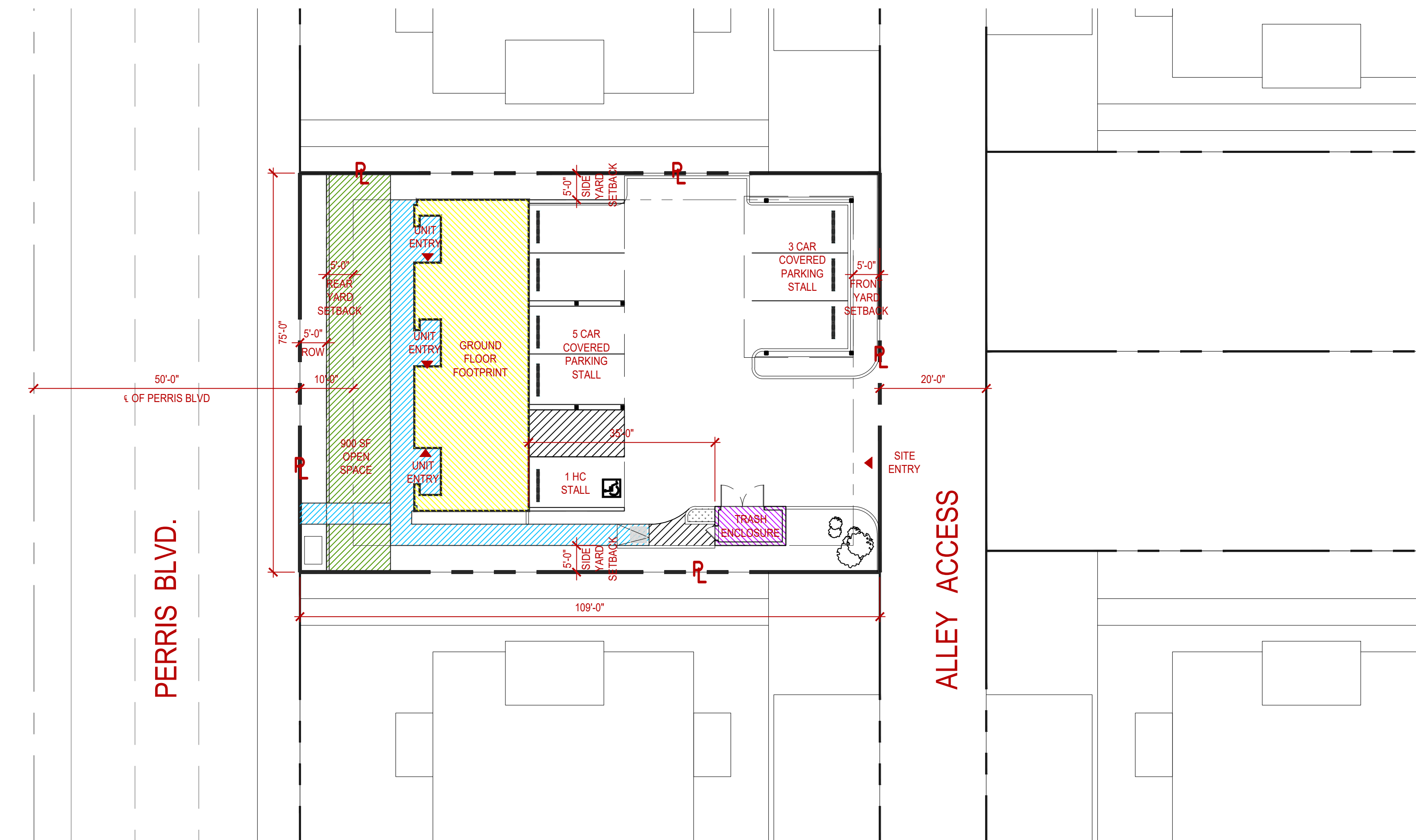
TITLE SHEET & SITE PLAN

# A1.0



## 15 SETBACK ANALYSIS

SCALE: 1/16" = 1'-0"



## 25 SITE ANALYSIS

SCALE: 1/16" = 1'-0"



PERSPECTIVE: A



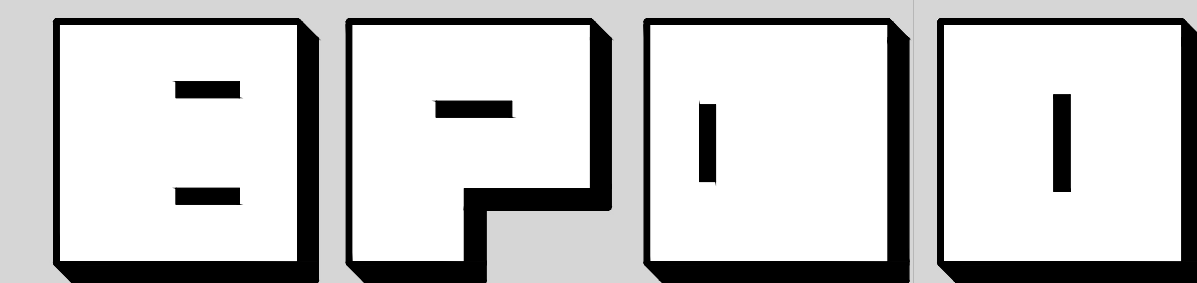
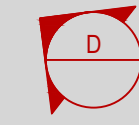
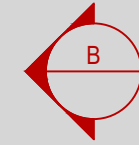
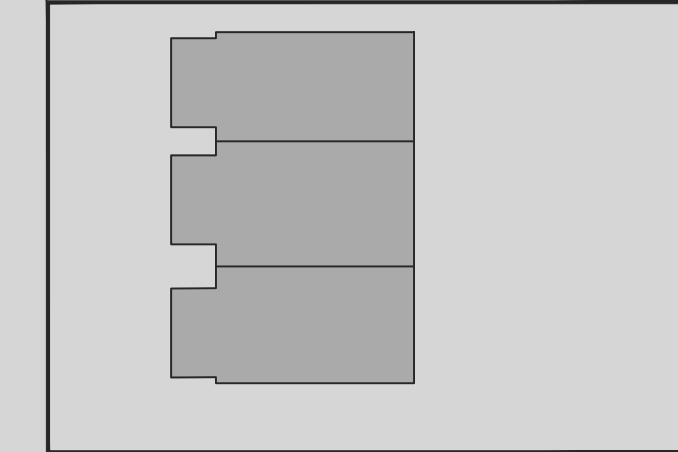
PERSPECTIVE: D



PERSPECTIVE: B



PERSPECTIVE: C



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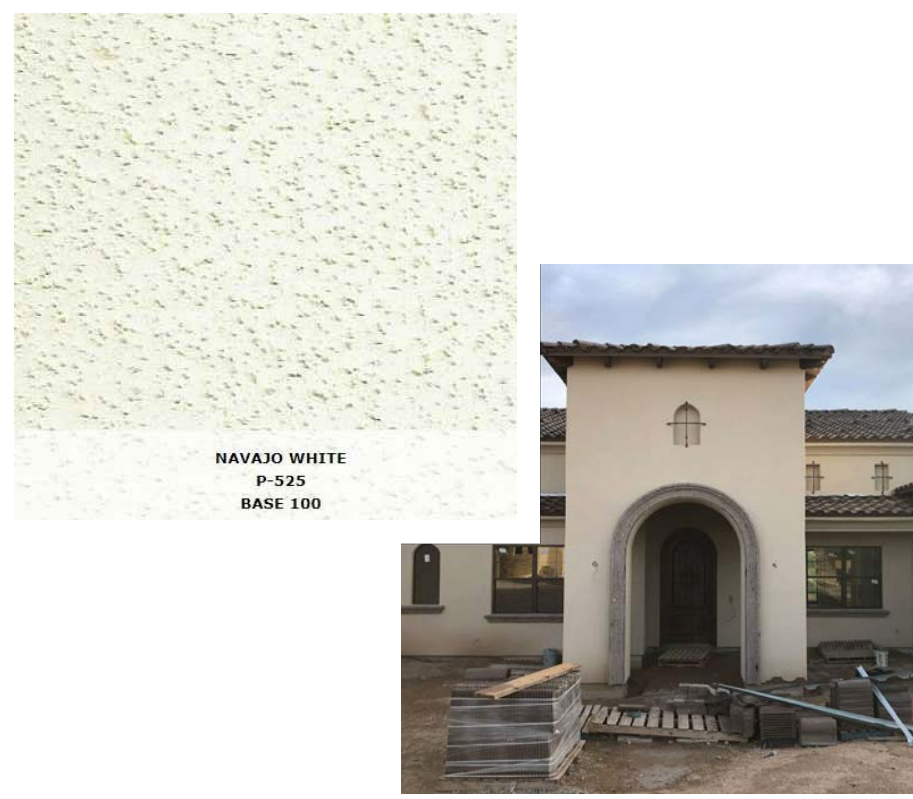
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MORENO VALLEY, CA 92551

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- △ 02.28.23 PLANNING SUBMITTA
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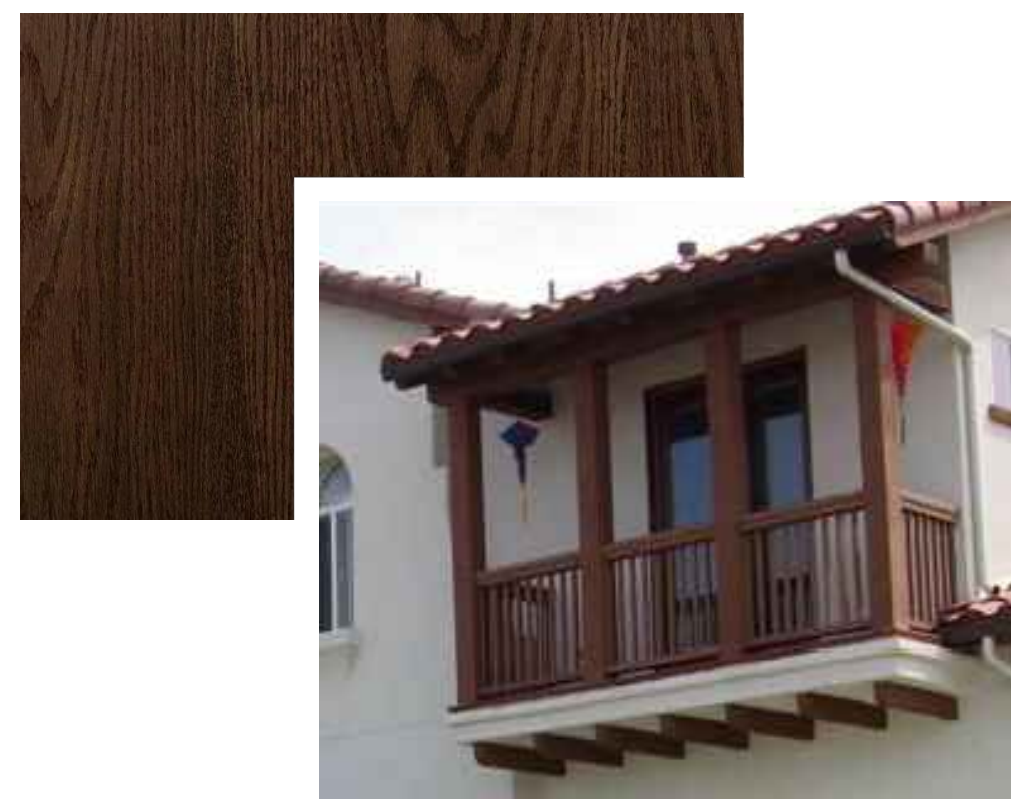
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PROPOSED FLOORPLAN

## A3.0



1 COLOR: LA HABRA STUCCO | NAVAJO WHITE | P-525  
LOCATION: EXTERIOR WALLS



2 COLOR: STAINED WOOD | BROWN |  
LOCATION: EXTERIOR WINDOW TRIM / EAVES / ACCENTS / BALCONY



3 COLOR: MSI | TAMENSA TILE | 8X8  
LOCATION: ARCH ACCENTS



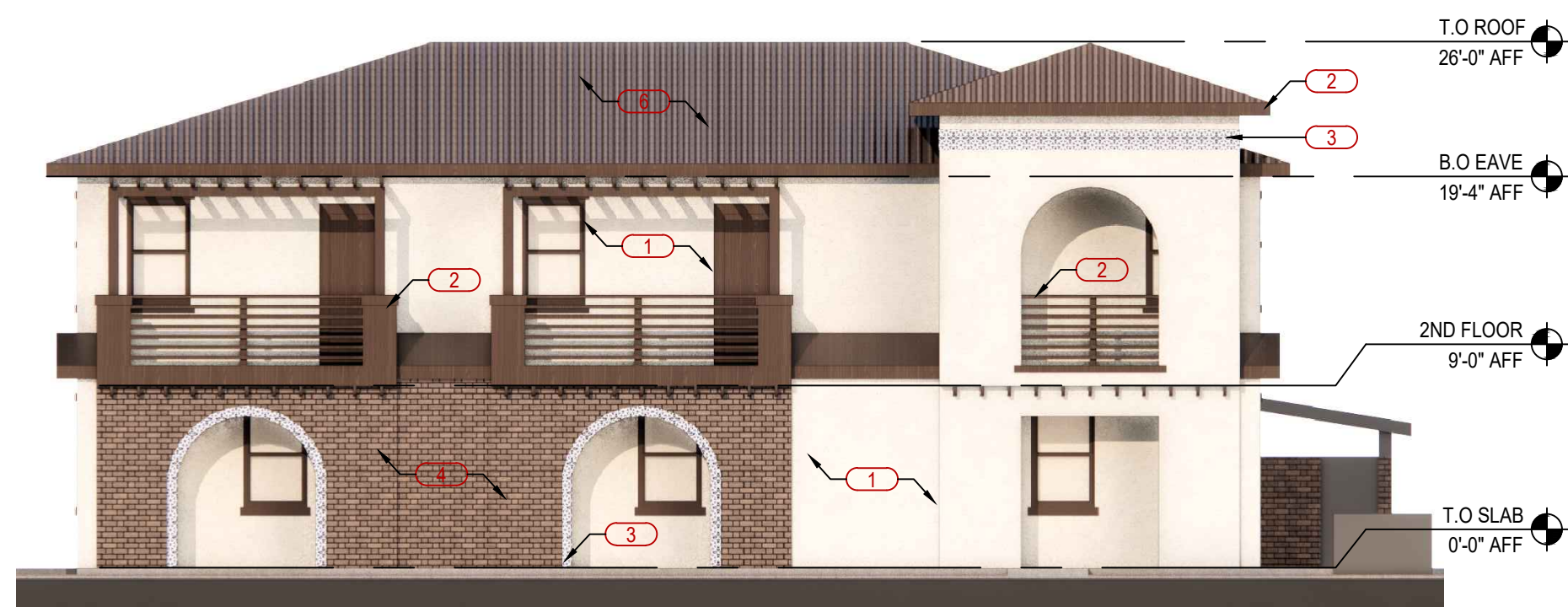
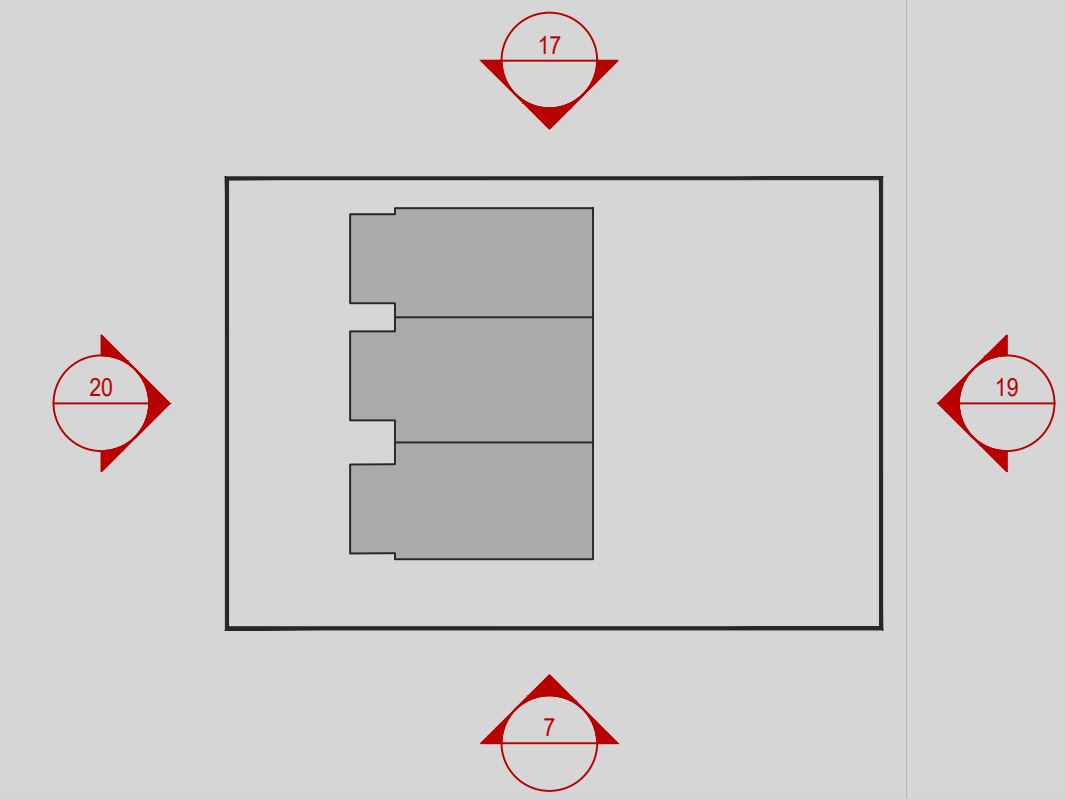
4 COLOR: KONI BRICK | THIN BRICK | CORK BRICK NEW JERSEY  
LOCATION: ACCENTS, WALL COVERING



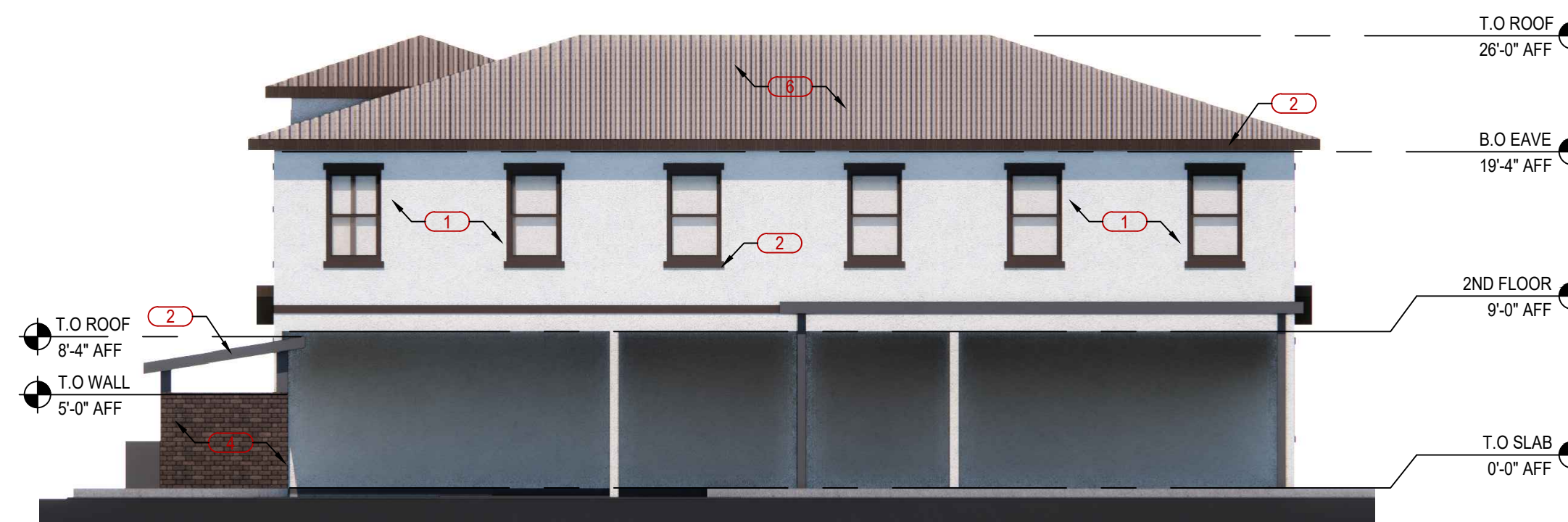
5 FIXTURE: CARRIAGE LIGHT  
LOCATION: ENTRY DOORS



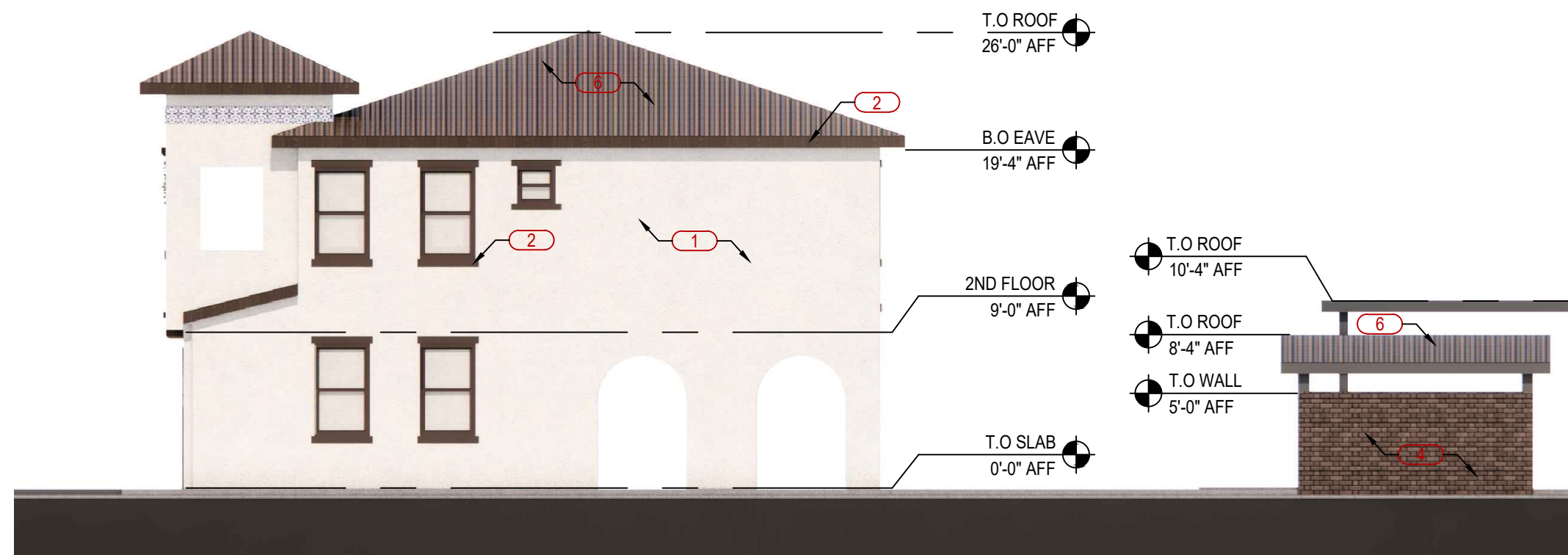
6 ROOFING: BORAL | BARCELONA | CASA GRANDE BLEND  
LOCATION: ROOF



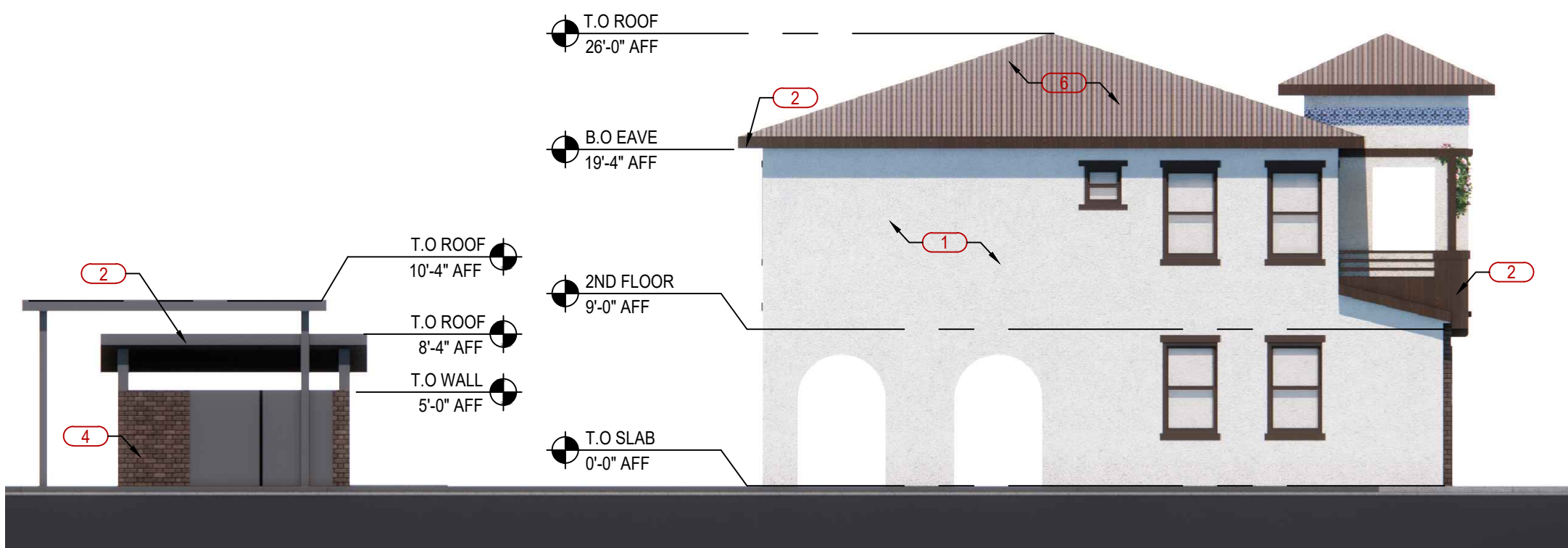
23 WEST ELEVATION  
SCALE: 1/8" = 1'-0"



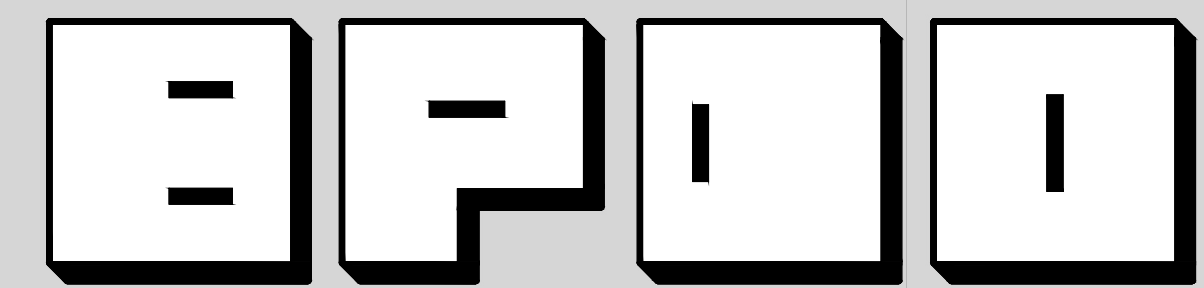
13 EAST ELEVATION  
SCALE: 1/8" = 1'-0"



25 NORTH ELEVATION  
SCALE: 1/8" = 1'-0"



15 SOUTH ELEVATION  
SCALE: 1/8" = 1'-0"



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0 PERRIS BLVD  
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PROPOSED ELEVATIONS

# A4.0

STANDARD GRADING NOTES

- 1. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE GRADING CODE OF THE CITY... 2. NO GRADING SHALL BE STARTED WITHOUT FIRST NOTIFYING THE CITY'S INSPECTOR... 3. THE GRADING CONTRACTOR SHALL NOTIFY THE CITY'S INSPECTOR FOR INSPECTION AND OBTAIN APPROVAL OF THE COMPLETED GRADING...

WATER GENERAL NOTES

- 1. ALL UTILITY INSTALLATIONS SHALL CONFORM TO MOST RECENT EDITION OF THE STANDARD SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION... 2. ALL MATERIALS SHALL CONFORM TO THE LATEST REVISION OF AWWA STANDARDS... 3. ALL WATER CONNECTIONS AND WATER SUPPLIED EQUIPMENT SHALL CONFORM TO THE CALIFORNIA CODE OF REGULATIONS...

REQUIREMENTS.

- 27. ALL FIRE HYDRANTS SHALL BE A MINIMUM OF THREE (3) FEET FROM ANY PERMANENT STRUCTURE... 28. BREAKAWAY BOLTS ARE REQUIRED ON ALL FIRE HYDRANTS... 29. WATER METERS SHALL BE PURCHASED FROM THE CITY...

SEWER GENERAL NOTES

- 1. ALL UTILITY INSTALLATIONS SHALL CONFORM TO MOST RECENT EDITION OF THE STANDARD SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION... 2. THE CONTRACTOR SHALL OBTAIN A CITY PERMIT FOR ALL WORK DONE IN THE PUBLIC RIGHT-OF-WAY... 3. THE CONTRACTOR SHALL EXPOSE ALL JOINT POINTS OF THE EXISTING SEWER SYSTEM FOR VERIFICATION OF LOCATION AND ELEVATION BEFORE CONSTRUCTION...

EROSION CONTROL NOTES

- 1. IN CASE OF EMERGENCY, CALL MR. JOHN NGUYEN, PROPERTY OWNERS AT PHONE NO. (714) 375-4869... 2. DEVICES SHALL NOT BE MOVED OR MODIFIED WITHOUT THE APPROVAL OF THE CITY ENGINEER OR IN AN EMERGENCY, BY THE DESIGN OF THE CIVIL ENGINEER OR DESIGNEE... 3. ALL REMOVABLE PROTECTIVE DEVICES SHOWN SHALL BE IN PLACE AT THE END OF EACH WORKING DAY...

GENERAL NOTES:

- 1. THIS PROJECT SHALL COMPLY WITH THE 2019 CBC, CPC, AND CEC... 2. WORKING HOURS ARE 7 AM-8 PM, M-F; 9 AM-8 PM, SATURDAY, NO SUNDAY OR LEGAL HOLIDAY... 3. A COMPACTION REPORT AND PAD CERTIFICATION IS REQUIRED PRIOR TO ISSUANCE OF A BUILDING PERMIT...

NOTES:

- 1- ALL CONSTRUCTION WORK WITHIN THE PUBLIC RIGHT-OF-WAY SHALL BE UNDER SEPERATE PERMIT... 2- THE CONTRACTOR SHALL BE FAMILIAR WITH THE PROJECT SOIL REPORT AND ANY SUPPLEMENTS... 3- THE CONTRACTOR IS RESPONSIBLE FOR DETERMINING IMPROVEMENTS AND EARTHWORK QUANTITIES...

SEPARATE PERMIT(S) IS/ARE REQUIRED FOR RETAINING WALL, WALLS OVER 3 FEET, LIGHT STANDARDS, DEMOLITION, ETC.

SOILS ENGINEER MUST PROVIDE LETTER CERTIFYING ALL ROUGH GRADING OPERATIONS PERFORMED TO HIS/HER SPECIFICATIONS PRIOR TO ROUGH GRADE FINAL.

LEGEND:

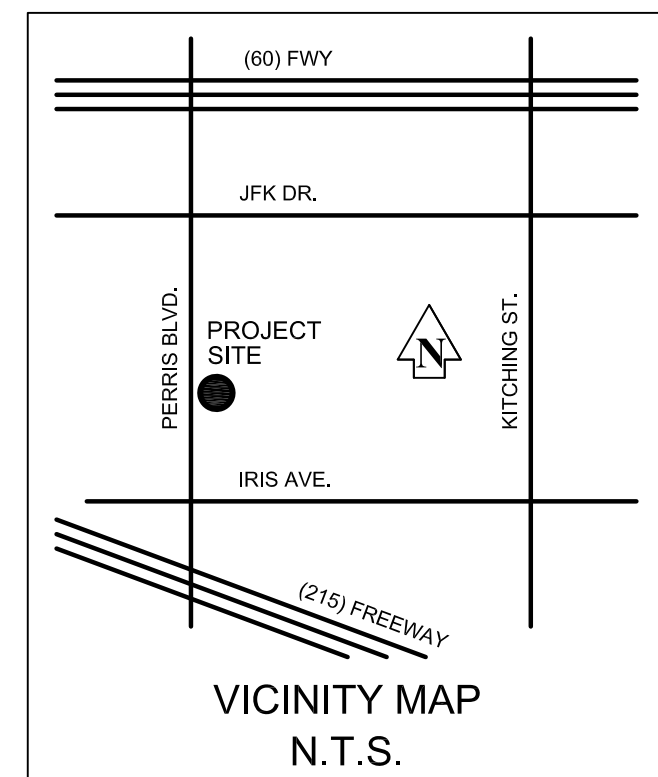
- AC=ASPHALT BB=BREAKER BOX BW=BACK OF WALK CFL=CONCRETE FLOW LINE CP/CONC.=CONCRETE PAVEMENT EG=EDGE OF GUTTER EMH=ELECTRIC MANHOLE FM=FIRE HYDRANT GM=GAS METER GV=GAS VALVE MHD=STORM DRAIN MANHOLE PB=PULL BOX PP=POWER POLE R1=TRACT NO. 2995 R/W=STREET RIGHT OF WAY SLC=STREET LIGHT CONCRETE SMH=SEWER MANHOLE STPC=STEP CONCRETE UMH=UNKOWN MANHOLE UV=UNKOWN VALVE TC=TOP OF CURB TMH=TELEPHONE MANHOLE TW=TOP OF WALL VBX=VOLTAGE BOX WM=WATER METER WV=WATER VALVE

PARCEL INFORMATION:

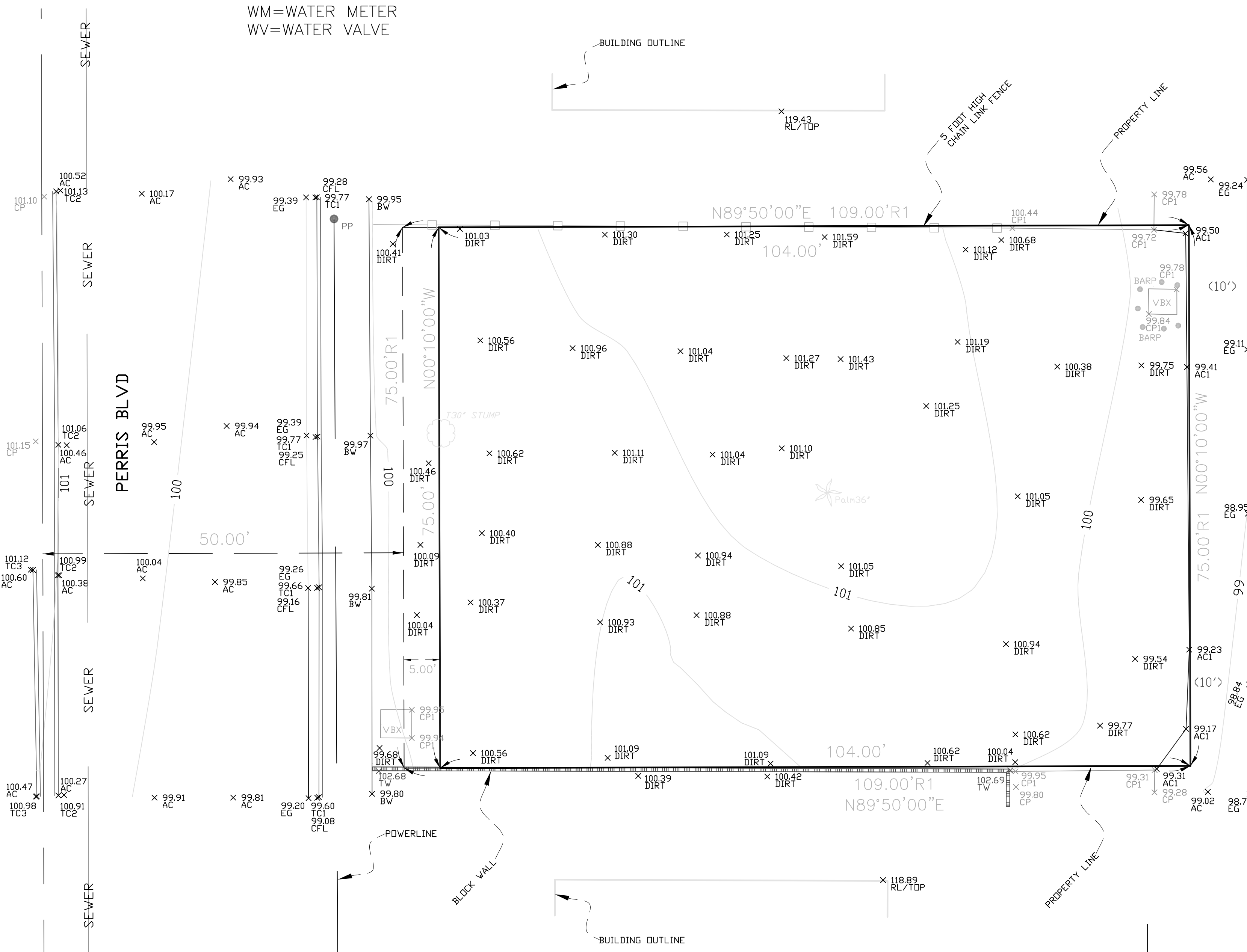
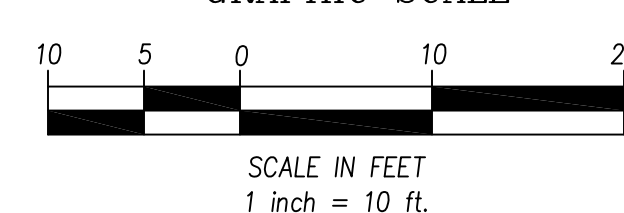
PORTION OF LOT 14 TRACT NO. 2995 M.B. 52/99-100 ASSESSOR'S PARCEL NUMBER: 486-091-05 PARCEL AREA: 7,800 SQUARE FEET

BASIS OF BEARINGS:

THE BEARING OF N0°10'00"W FOR THE CENTERLINE OF PERRIS BLVD. AS SHOWN ON TRACT NO. 2995. WAS USED AS THE BASIS OF BEARINGS FOR THIS MAP.



GRAPHIC SCALE



INDEX table with 3 rows: 1. TITLE SHEET - TOPO PLAN, 2. PRECISE GRADING PLAN, 3. EROSION CONTROL PLAN

Underground Service Alert logo with text: Call: TOLL FREE 1-800-422-4133 TWO WORKING DAYS BEFORE YOU DIG

BENCH MARK section with elevation 100.00' and location: SEWER MANHOLE IN INTERSECTION PERRIS BLVD @ GENTIAN AVE

REVISIONS table with columns: REV, DATE, BY, DESCRIPTION, APP'D

DEVELOPER/OWNER section: BUT NGUYEN, 820 N. EUCLID ST. SANTA ANA, CA 92703 (714) 457-0436

SOILS ENGINEER section: LY PHAN, PE, 10820 KEENAN PL. STANTON, CA 90680 TEL: 714-487-7037

APPROVED BY table with columns: BUILDING DEPT., APPROVED BY, PLANNING DEPT., DATE

Professional Engineer Seal for LY PHAN, PE, No. C63381, State of California

Table with columns: DRAWN BY, DESIGNED BY, CHECKED BY, PREPARED UNDER THE SUPERVISION OF, DATE, R.C.E. NO., EXP. DATE

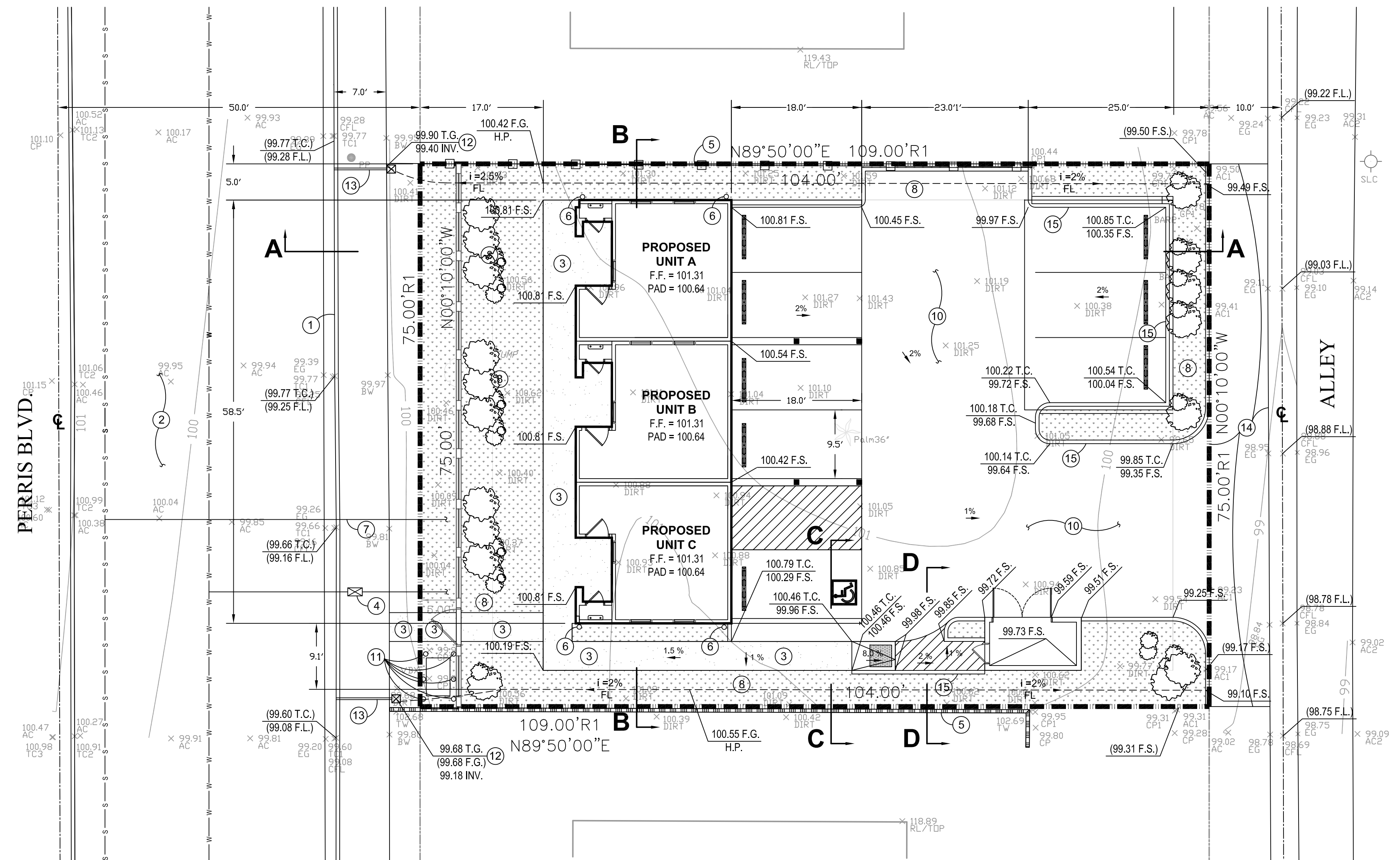
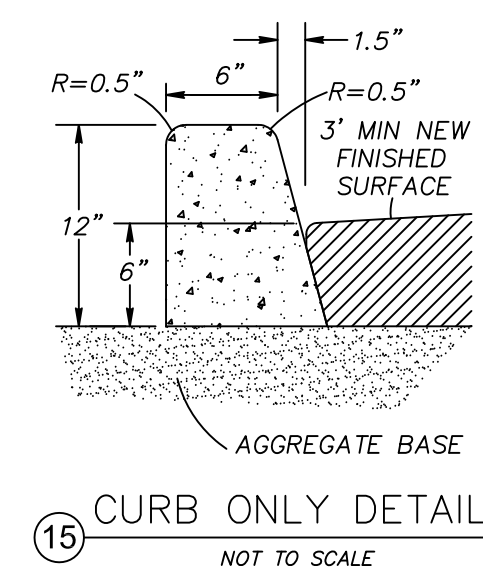
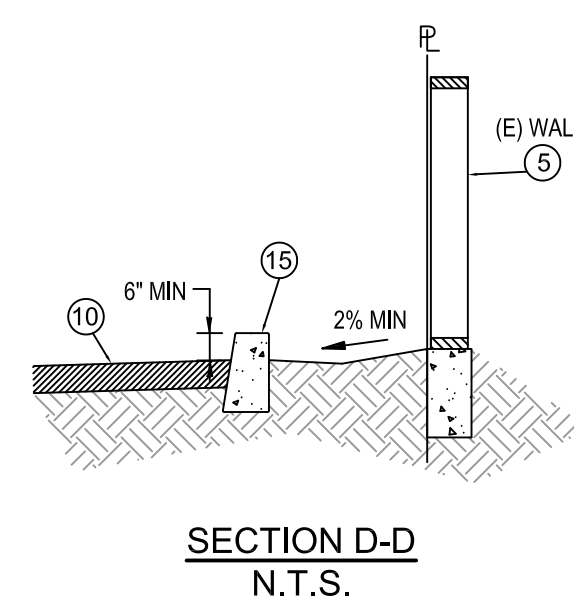
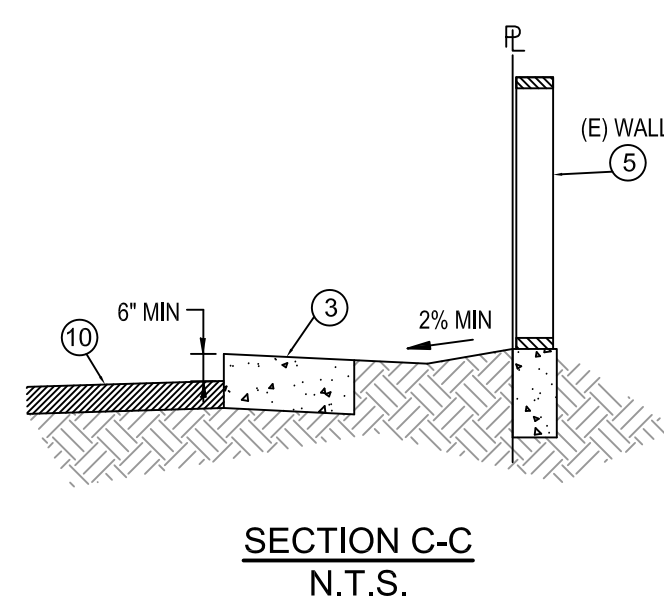
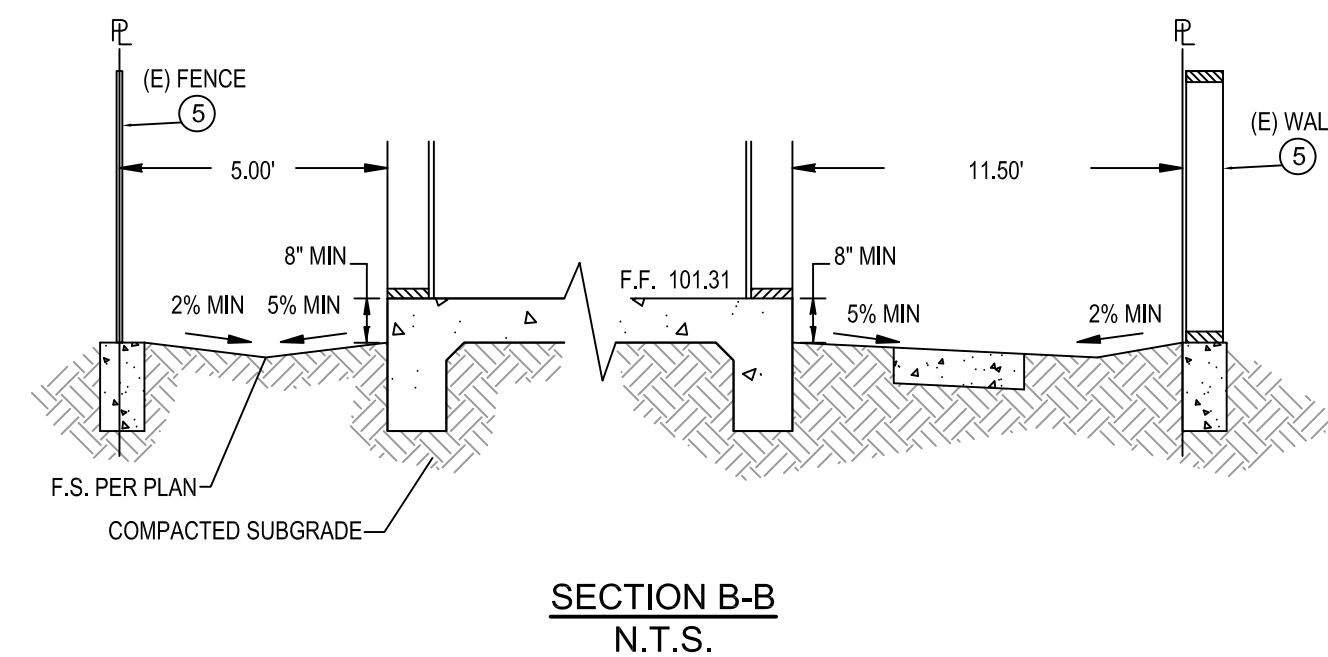
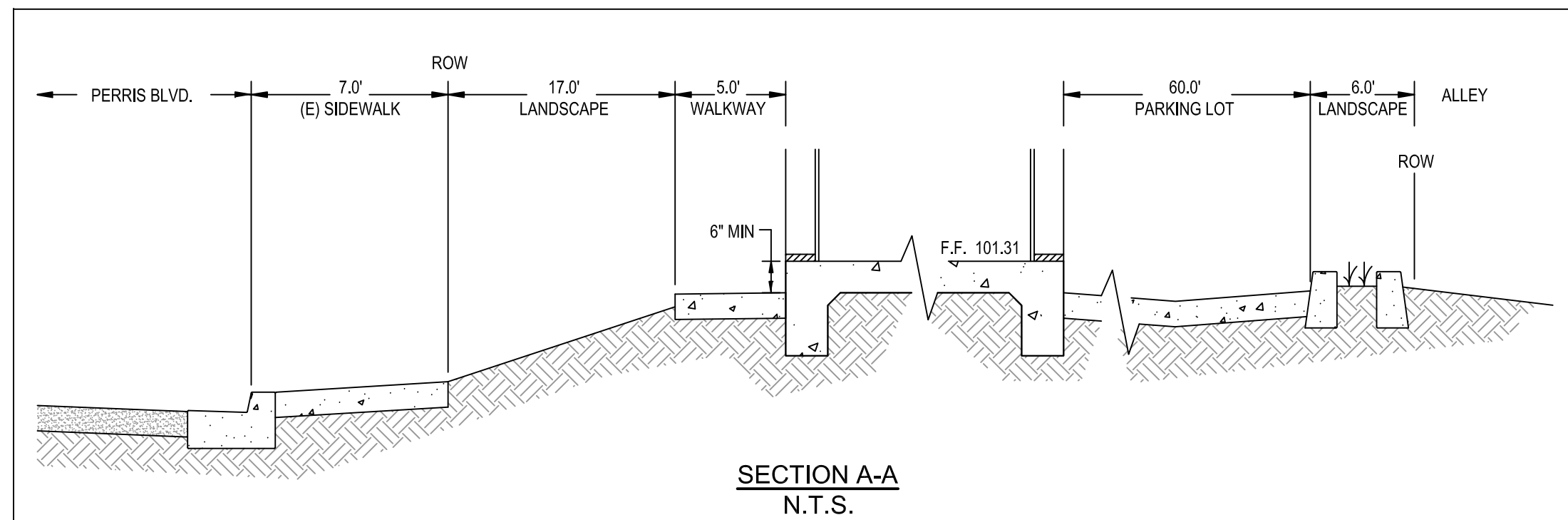
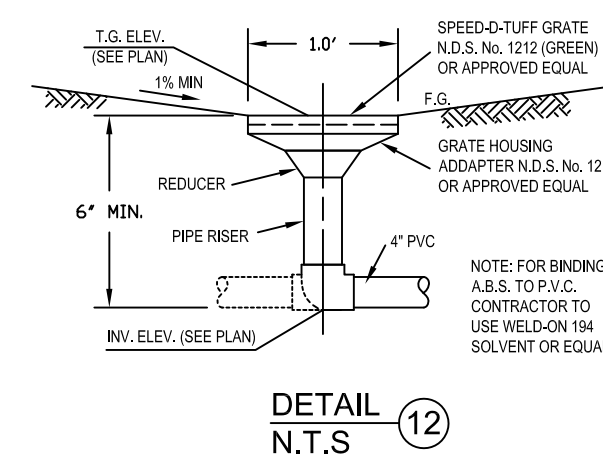
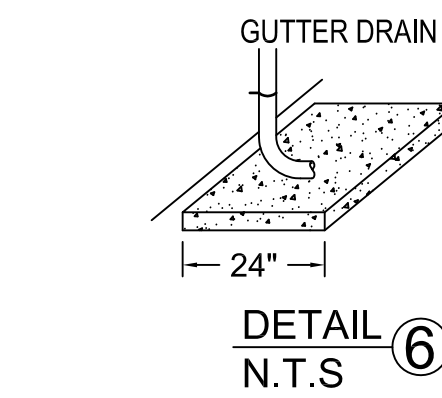
PRELIMINARY GRADING PLAN section with title: BUT NGUYEN 0 PERRIS BLVD. MORENO VALLEY, CA 92551

SHEET 1 OF 3 Packet Pg. 40



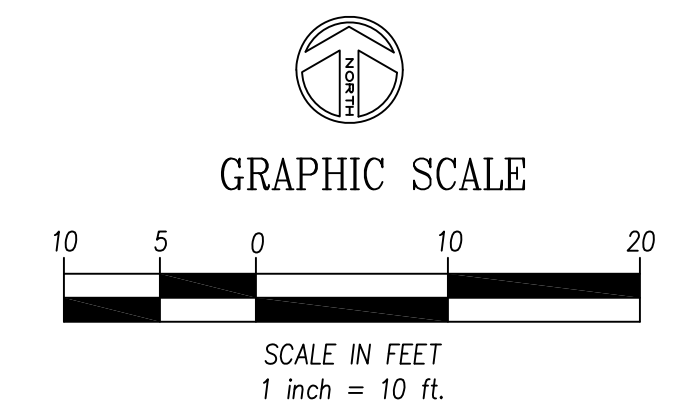
**CONSTRUCTION NOTES - ESTIMATED QUANTITIES**

ITEM	DESCRIPTION	ON-SITE	OFF-SITE
1	PROTECT IN PLACE EXISTING CONCRETE C&G		
2	PROTECT IN PLACE EXISTING ASPHALT/CONCRETE, GRIND & CAP PER PWD'S REQUEST		
3	CONSTRUCT NEW 4" CONCRETE WALKWAY	600 SF	
4	INSTALL NEW 1" WATER METER PER CITY STD.	1 EACH	
5	PROTECT IN PLACE EXISTING BLOCK WALL/FENCE		
6	INSTALL DOWNSPOUT PER CITY STD. MYSI-153C-0	4 EACH	
7	CONSTRUCT 4" PVC SDR 35 SEWER LATERAL PER CALIFORNIA PLUMBING CODE (LATEST VERSION).	1 EACH	
8	INSTALL NEW LANDSCAPE PER SEPARATE PERMIT	2,500 SF	
9	PROTECT IN PLACE EXISTING CONCRETE SIDEWALK		
10	INSTALL NEW 4" ASPHALT OVER 6" AB	2,700 SF	
11	INSTALL NEW BOLLARDS AROUND TRANSFORMER BOX PER SCE'S STD	6 EACH	
12	CONSTRUCT DRAIN BOX INLET PER DETAIL HEREON	2 EACH	
13	INSTALL NEW 3" PVC DRAIN PIPE		2 EACH
14	GRIND 2" AND CAP ALLEY TO THE C/L, PROJECT FRONTAGE		600 SF
15	CONSTRUCT NEW 6" CURB PER DETAIL HEREON		



**LEGEND**

XXX.XX	PROPOSED ELEVATIONS	BSW	BACK OF SIDEWALK	INV	INVERT
(XXX.XX)	EXISTING ELEVATIONS	CL	CENTERLINE	IRRBX	IRRIGATION BOX
---	PROPERTY LINE	CO	CLEANOUT	LF	LINEAR FEET
-E-	ELECTRICAL LINE	CONC	CONCRETE	LS	LUMP SUM
-X-	CHAIN LINK FENCE	CP	SURVEY CONTROL POINT	LT	LIGHT
-RW-	RECLAIMED WATER	DCK	TOP OF DECK	R/W	RIGHT-OF-WAY
-S-	SEWER LINE	DWNST	DOWN SPOUT	S	PIPE SLOPE
-T-	TELEPHONE LINE	EG	EXISTING GRADE	SF	SQUARE FEET
-W-	WATER LINE	EP	EDGE OF PAVEMENT	SGN	SIGN
█	BLOCK WALL	FF	FINISHED FLOOR	TC	TOP OF CURB
▨	EDGE OF PAVEMENT	FG	FINISHED GRADE	TW	TOP CONC. WALL
▩	EXISTING BUILDING	FH	FIRE HYDRANT	TG	TOP GRATE
▧	CONCRETE	FL	FLOW LINE	TP	TOP OF PIPE
AC	ASPHALTIC CONCRETE	FTG	TOP OF FOOTING	TR	TOP OF RAIL
→	DRAINAGE DIRECTION	FS	FINISHED SURFACE	TOR	TOP OF RAMP
		GB	GRADE BREAK	WV	WATER VALVE
		GM	GAS METER		
		HP	HIGH POINT		
		i	OVERFLOW DRAIN DIRECTION		



**Underground Service Alert**  
Call: TOLL FREE  
1-800-422-4133  
TWO WORKING DAYS BEFORE YOU DIG

**BENCH MARK**  
ELEVATION 100.0'  
SEWER MANHOLE IN INTERSECTION  
PERRIS BLVD @ GENTIAN AVE

**REVISIONS**

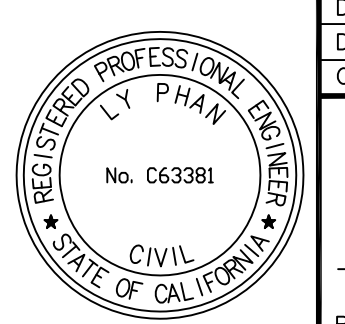
REV.	DATE	BY	DESCRIPTION	APP'D

**DEVELOPER/OWNER**  
BUT NGUYEN  
820 N. EUCLID ST.  
SANTA ANA, CA 92703  
(714) 457-0436

**SOILS ENGINEER**

**APPROVED BY:**  
BUILDING DEPT.  
PLANNING DEPT.

**LY PHAN, PE**  
10820 KEENAN PL.  
STANTON, CA 90680  
TEL: 714-487-7037

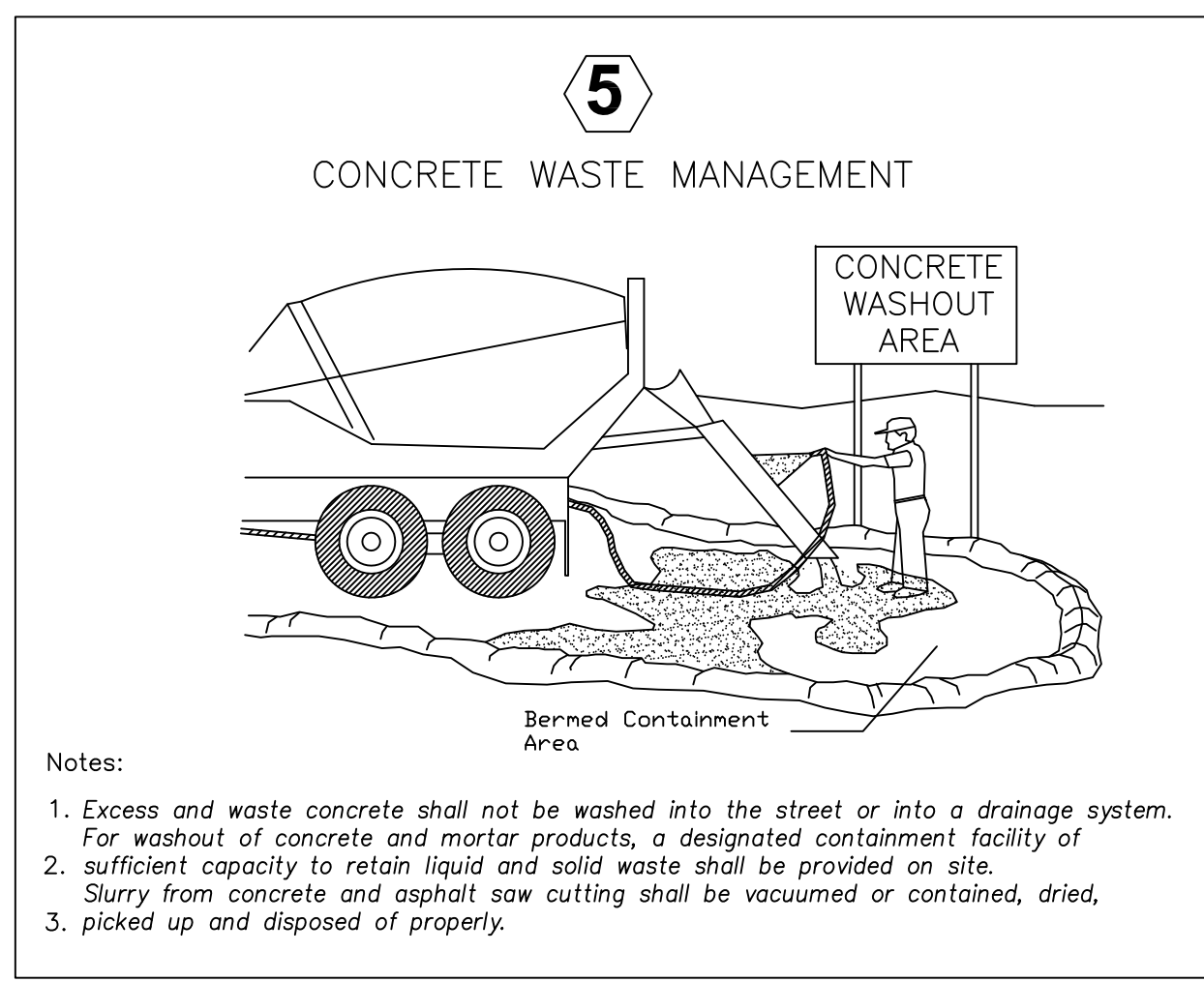
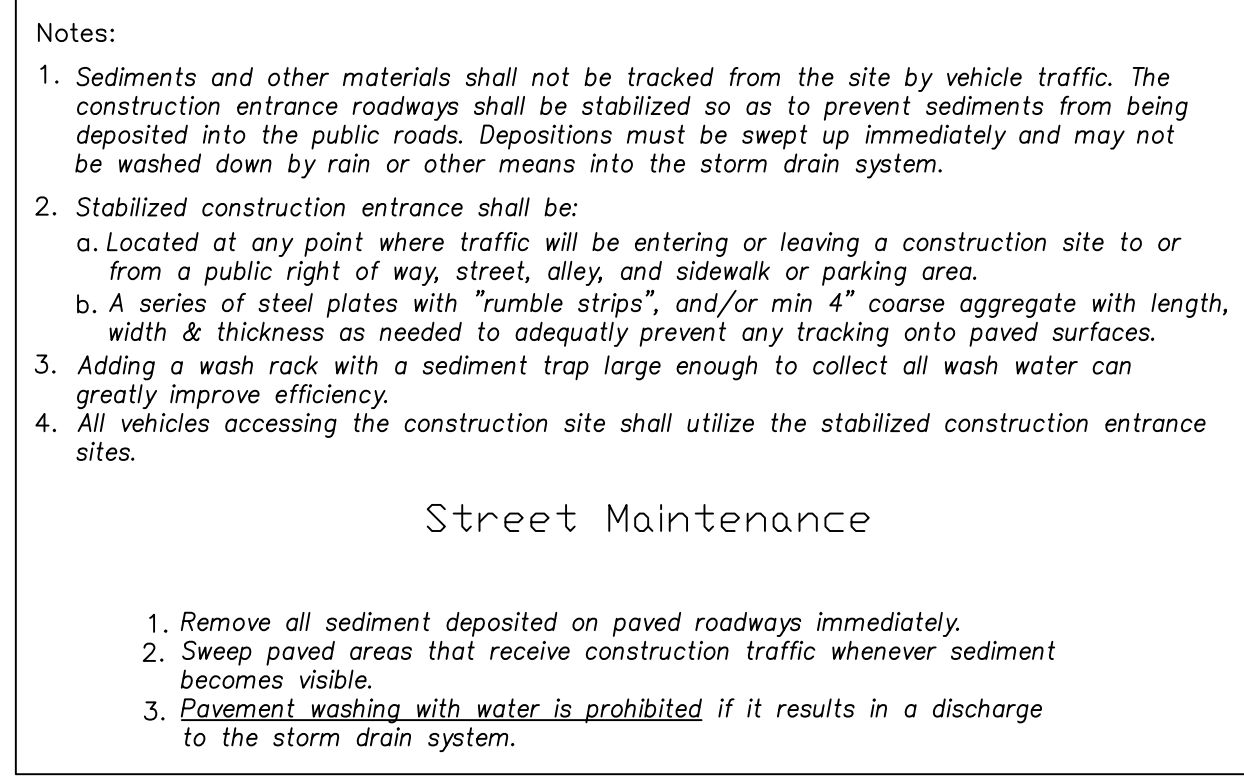
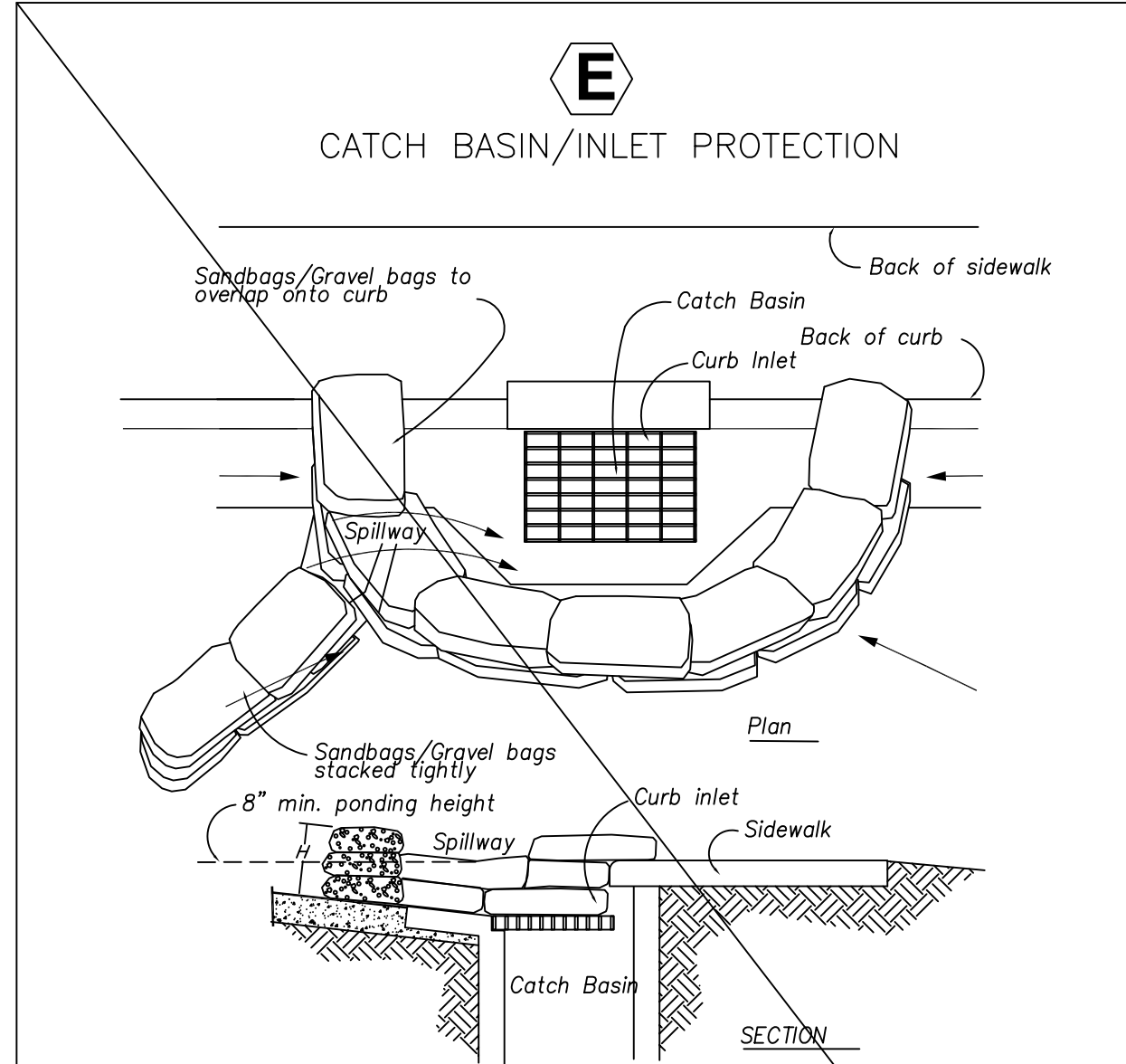
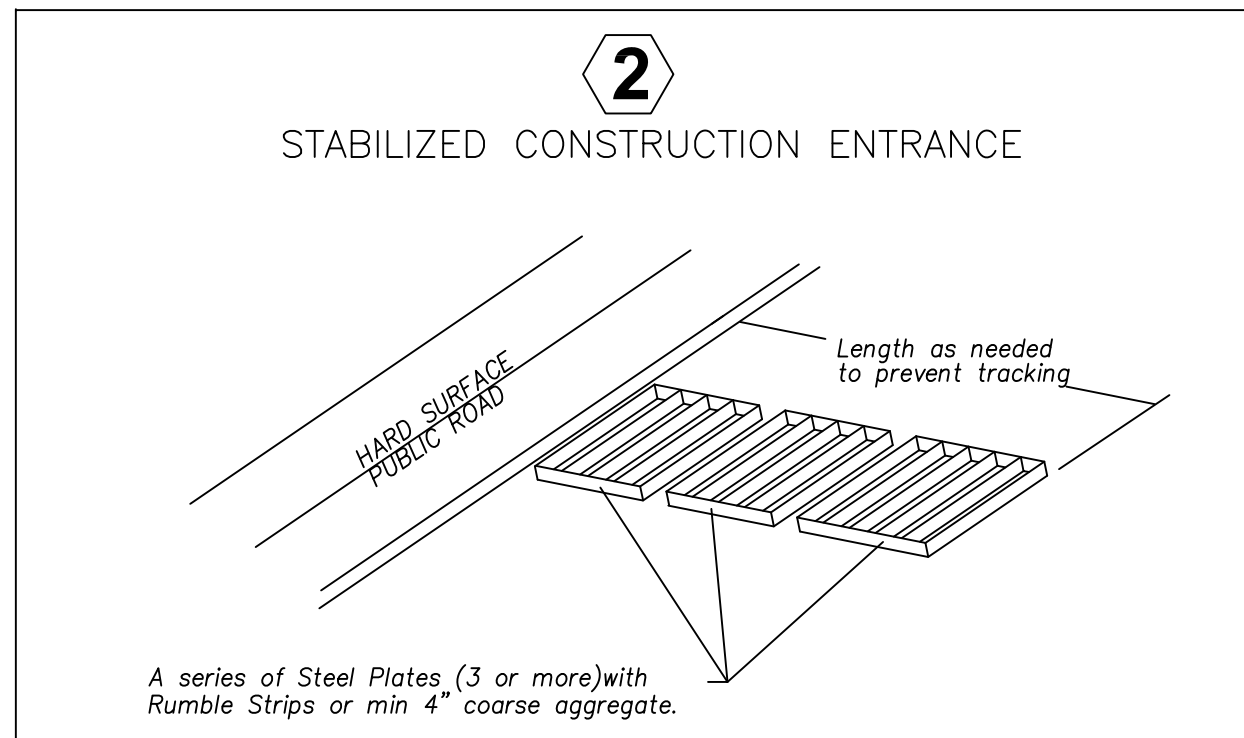
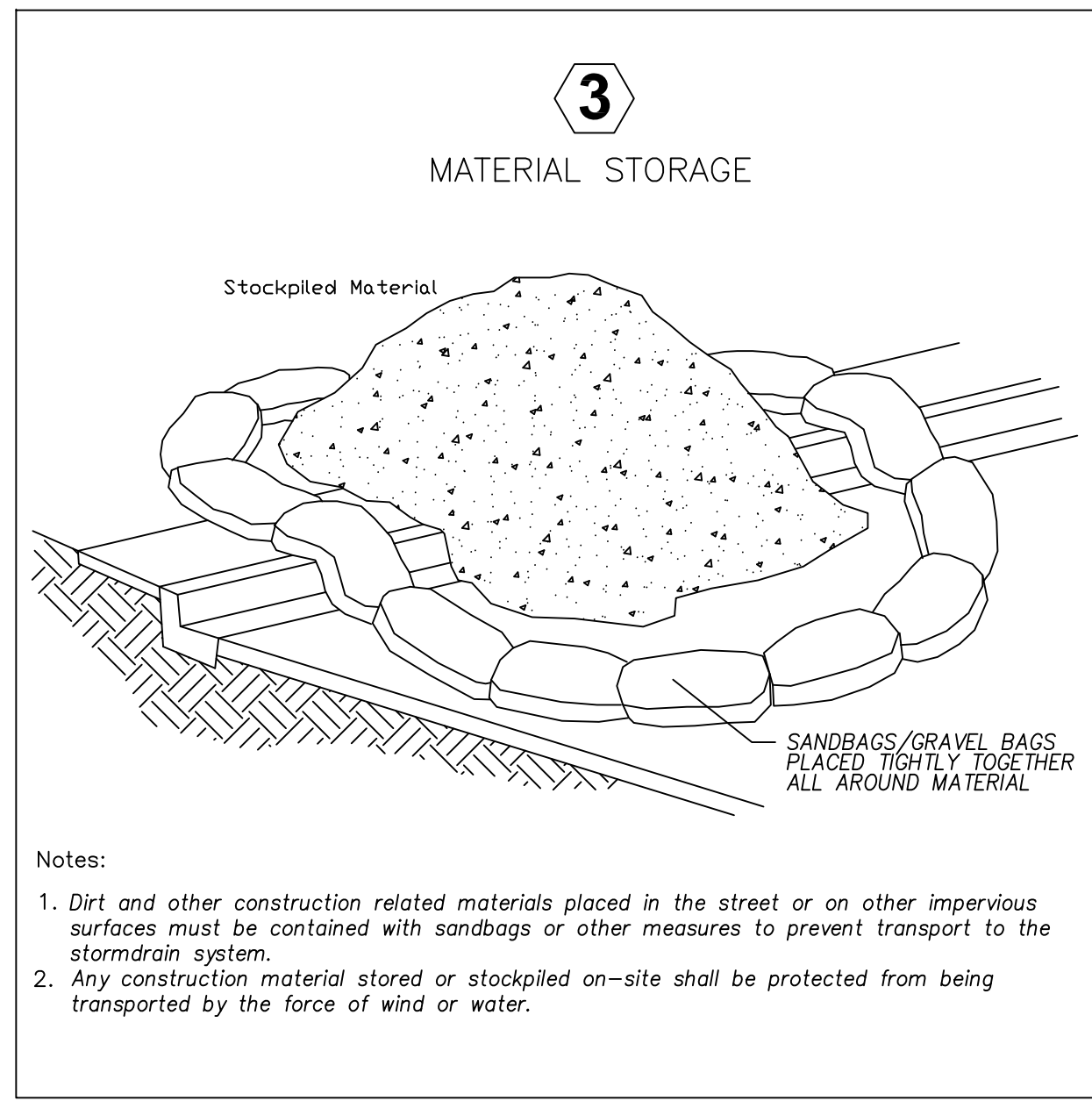
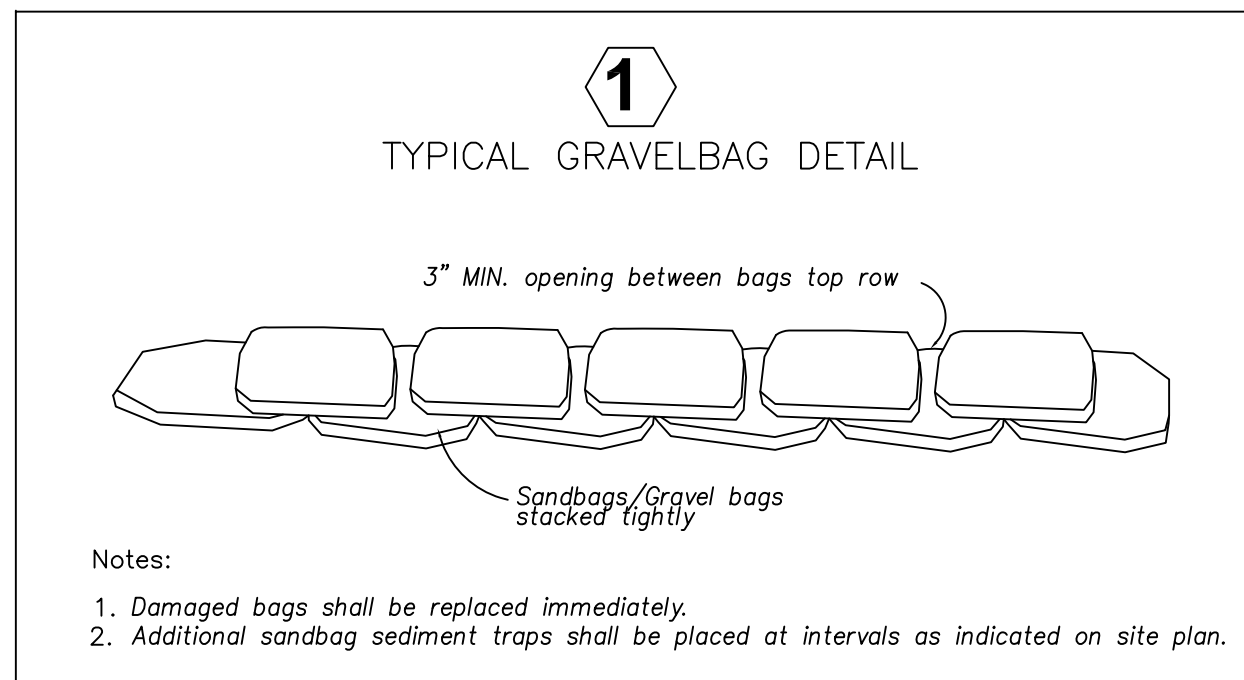


**DRAWN BY:** TT DATE 03/2022  
**DESIGNED BY:** LP DATE 03/2022  
**CHECKED BY:** LP DATE 03/2022  
PREPARED UNDER THE SUPERVISION OF:  
R.C.E. NO.: 63381 EXP. DATE: 9/30/2022

**PRELIMINARY GRADING PLAN**  
BUT NGUYEN  
0 PERRIS BLVD.  
MORENO VALLEY, CA 92551

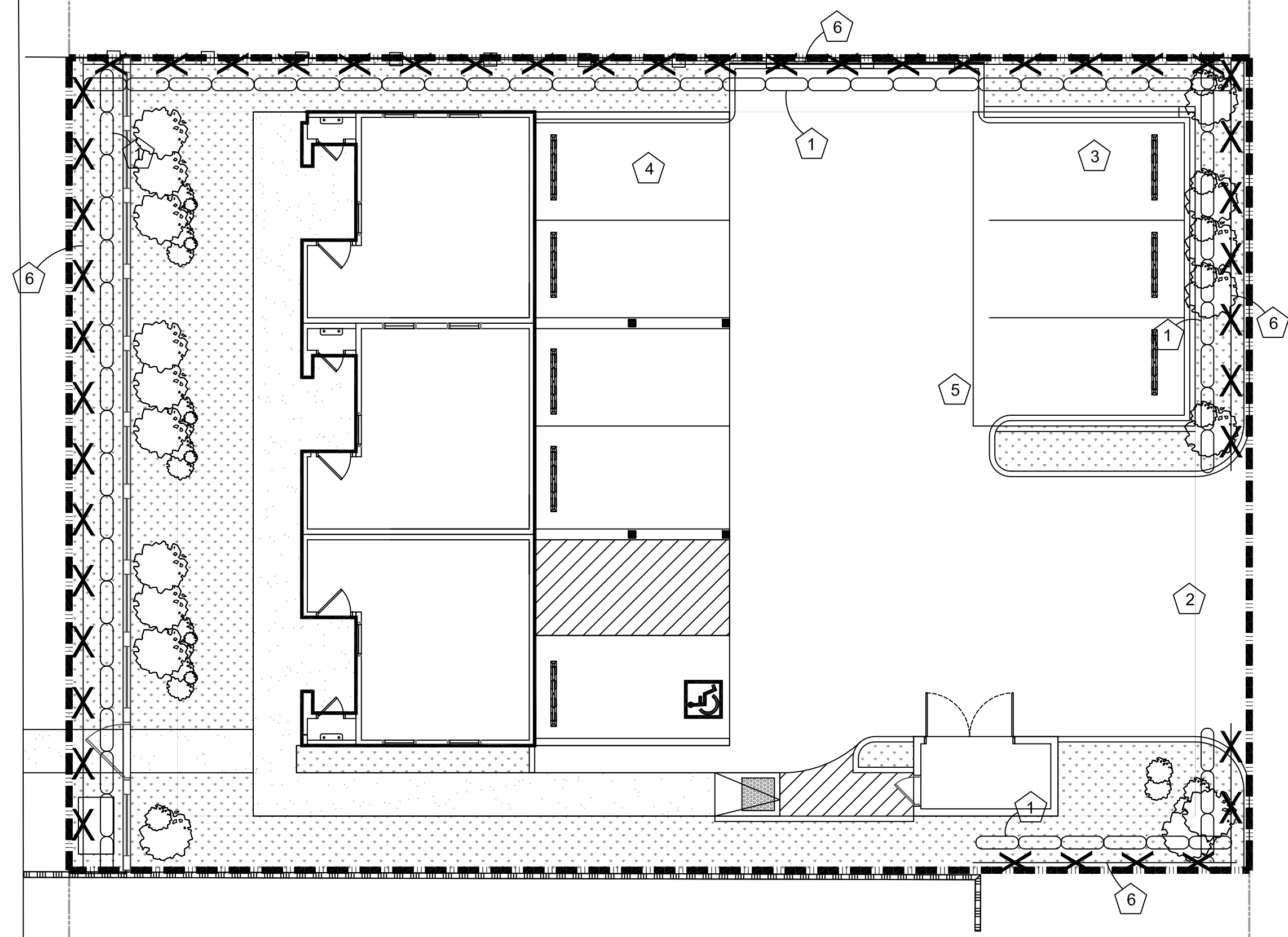
SHEET **2** OF **3**  
Packet Pg. 41

Attachment: Project Plans [Revision 1] (6244 - Plot Plan (PEN22-0064))



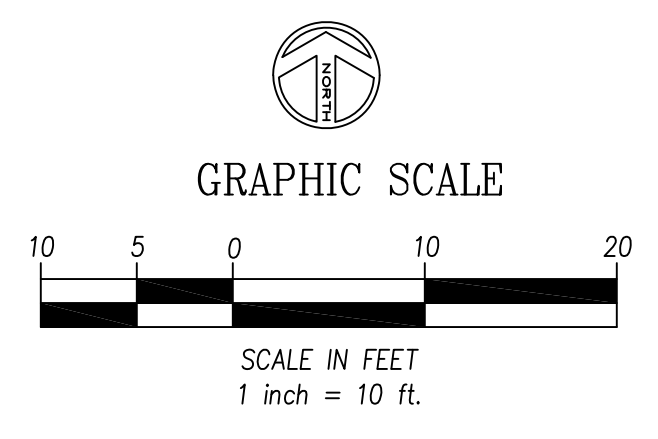
PERRIS BLVD.

ALLEY



#### EROSION CONTROL NOTES

ITEM	DESCRIPTION
1	INSTALL TYPICAL GRAVELBAG PER DETAIL HEREON
2	CONSTRUCT STABILIZED CONSTRUCTION ENTRANCE PER DETAIL HEREON
3	MATERIAL STAGING AREA PER CASQA WM-1 DETAIL
4	PORTABLE TOILET PER CASQA WM-9 DETAIL
5	CONCRETE WASH OUT AREA PER CASQA WM-8 DETAIL
6	INSTALL 6 FEET HEIGHT TEMPORARY FENCE WITH GREEN SCREEN



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TWO WORKING DAYS BEFORE YOU DIG

**BENCH MARK**

ELEVATION 100.00'  
SEWER MANHOLE IN INTERSECTION  
PERRIS BLVD @ GENTIAN AVE

**REVISIONS**

REV.	DATE	BY	DESCRIPTION	APP'VD

**DEVELOPER/OWNER**

BUT NGUYEN  
820 N. EUCLID ST.  
SANTA ANA, CA 92703  
(714) 457-0436

**SOILS ENGINEER**

**APPROVED BY:**

BUILDING DEPT. \_\_\_\_\_  
 APPROVED BY: \_\_\_\_\_  
 PLANNING DEPT. \_\_\_\_\_

**LY PHAN, PE**

10820 KEENAN PL.  
STANTON, CA 90680  
TEL.: 714-487-7037



**DRAWN BY:** TT DATE 03/2022  
**DESIGNED BY:** LP DATE 03/2022  
**CHECKED BY:** LP DATE 03/2022

PREPARED UNDER THE SUPERVISION OF:

R.C.E. NO.: 63381 EXP. DATE: 9/30/2022

**PRELIMINARY GRADING PLAN**

BUT NGUYEN  
0 PERRIS BLVD.  
MORENO VALLEY, CA 92551

SHEET **3** OF **3**

Packet Pg. 42

# PRELIMINARY LANDSCAPE PLAN

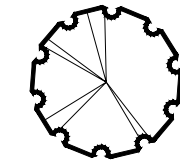
## PLANT LEGEND

SYMBOL BOTANICAL NAME / COMMON NAME / SIZE

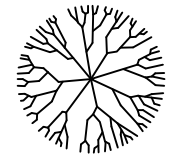
### TREES



TRISTANIA CONFERTA - BRISBANE BOX  
24" BOX



RHUS LANCEA - AFRICAN SUMAC  
24" BOX



PARKINSONIA ACULEATA - MEXICAN PALO VERDE TREE  
24" BOX MULTI TRUNK

### SHRUBS



AGAVE BLUE FLAME - BLUE FLAME AGAVE  
5 GALLON WUCOLS RATING LOW



EUPHORBIA TIRUCALLI - STICKS ON FIRE  
5 GALLON WUCOLS RATING LOW



HEMEROCALLIS SPECIES 'DOUBLE YELLOW' - DAY LILY  
5 GALLON WUCOLS RATING LOW



PHORMIUM TENAX RUBRUM - NEW ZEALAND FLAX  
5 GALLON WUCOLS RATING LOW



XYLOSMA COMPACTA - COMPACT XYLOSMA  
5 GAL. WUCOLS RATING LOW



RAPHIOLEPIS INDICA - CLARA  
5 GALLON WUCOLS RATING LOW



AGAVE BLUE GLOW - BLUE GLOW AGAVE  
5 GALLON WUCOLS RATING LOW

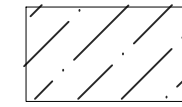


DIANELLA TASMANICA VAREGATA - LILY  
5 GALLON WUCOLS RATING LOW



PARTHENOCESSUS TRICUSIDATA - BOSTON IVY  
5 GALLON WUCOLS RATING LOW

### GROUND COVER



RUSCHIA NANA - DWARF CARPET OF STARS  
PLUGS - TRIANGULAR SPACING 12" O.C.  
WUCOLS RATING LOW

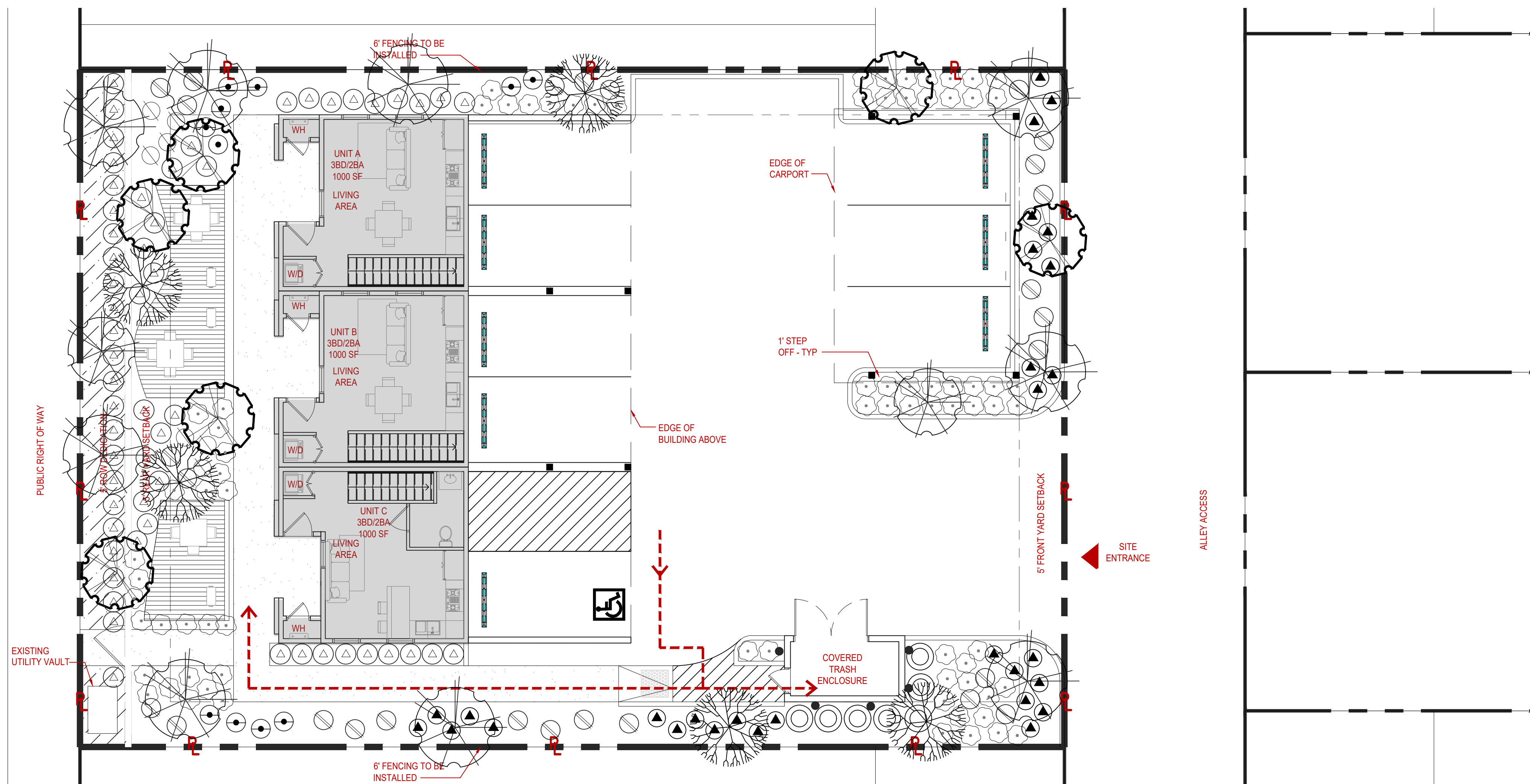
### GENERAL GROUND COVER NOTE:

PROVIDE 3" LAYER OF 1/2" TO 3/4" CALIFORNIA GOLD CRUSHED ROCK, AS TOP DRESSING FOR ALL NEW PLANTER AREA EXCEPT DWARF CARPET OF STARS GROUND COVER AREA.

LANDSCAPE PLAN PREPARED BY:

GENE HIRAO

15 POSADA  
IRVINE, CALIFORNIA 92614  
TEL (714) 296-9811  
GHJH@COX.NET



BAO PHAM DESIGN OFFICE

ARCHITECT OF RECORD:

BAO PHAM, RA

8671 Garden Grove Blvd. Garden Grove, CA 92844 | bpdo.connect@gmail.com | 714.457.0436

ISSUANCE

0 PERRIS  
APARTMENTS

0 PERRIS BLVD  
MORENO VALLEY, CA 92551

▲ 10.12.21 PERMIT SUBMITTAL
▲
▲
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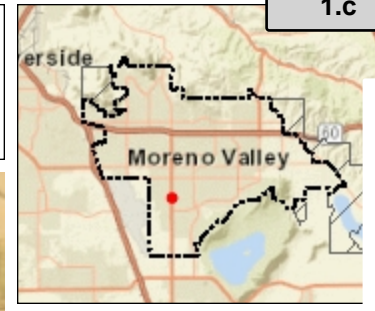
Designed plans and specifications represented by these drawings are properties of BPDO and were developed for use in connection with each particular project. None of the plans and ideas shall be used, duplicated, disclosed, in part or whole, without written permission of BPDO.

PRELIMINARY  
LANDSCAPE PLAN

PL

1 PRELIMINARY LANDSCAPE PLAN  
SCALE: 1/8" = 1'-0"

# Zoning Map



## Legend

### Zoning

- Commercial
- Center Mixed Use
- Downtown Center
- Corridor Mixed Use
- Industrial/Business Park
- Public Facilities
- Highway Office/Commercial
- Office
- Business Flex
- Large Lot Residential
- Residential Agriculture 2 DU/AC
- Residential 2 DU/AC
- Suburban Residential
- Multi-family
- Open Space/Park

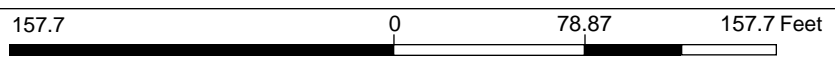
### Master Plan of Trails

- Bridge
- Improved
- Multiuse
- Proposed
- Regional
- State

### Road Labels

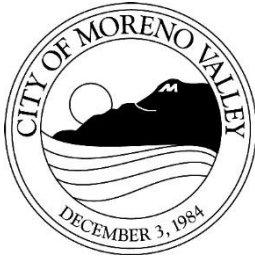
- Parcels
- Image Source: Nearmap

## Notes:



*DISCLAIMER: The information shown on this map was compiled from the City of Moreno Valley GIS and Riverside County GIS. The land base and facility information on this map is for display purposes only and should not be relied upon without independent verification as to its accuracy. Riverside County and City of Moreno Valley will not be held responsible for any claims, losses or damages resulting from the use of this map.*

Attachment: Zoning Map (6244 : Plot Plan (PEN22-0084))



## PLANNING COMMISSION

### STAFF REPORT

Meeting Date: May 11, 2023

PLOT PLAN FOR A 75,847 SQUARE FOOT, 4-STORY HOTEL WITHIN STONERIDGE TOWNE CENTRE.

Case: Plot Plan (PEN22-0256)

Applicant: Sagemont Hotels

Property Owner: Moreno Beach Hospitality

Representative: Hiral Patel

Project Site: North side of Eucalyptus Avenue (APN(s): 488-400-041, -042, & -043)

Case Planner: Claudia Manrique, Associate Planner

Council District: 3

Proposed Project: A Plot Plan for a 75,847 square foot, 4-story hotel within Stoneridge Towne Centre.

CEQA Exempt from California Environmental Quality Act (CEQA) under CEQA Guidelines as a Class 32 Exception (Section 15332, Infill Development)

#### **SUMMARY**

Sagemont Hotels, (“Applicant”) is requesting approval of a Plot Plan to allow for the construction of a new 4-story, 122-guestroom hotel on approximately 2.7 acres located on the north side of Eucalyptus Avenue within the existing Stoneridge Towne Centre. The Proposed Project as designed and conditioned is consistent with the City’s General Plan, Municipal Code, and Community Commercial (CC) District requirements.

#### **PROJECT DESCRIPTION**

The Applicant is proposing a Plot Plan for the development of a 75,847 square foot, 4-story hotel with 122 guestrooms. The list of hotel amenities includes an outdoor pool and patio area complete with BBQs, onsite guest laundry, a fitness center, in-room kitchenettes, a rooftop outdoor deck, a fitness center, a small market, and a dining area in the lobby.

### **Project Site/Surrounding Area**

Surrounding land uses to the north, east, and west of the Proposed Project include existing commercial uses within the shopping center, within the Community Commercial (CC) District. To the south of the Project Site across Eucalyptus Avenue are existing homes within the (R15) District.

The proposed hotel has been found to be consistent with the objectives, goals, and policies outlined in the City's General Plan and compatible with the existing and planned land uses in the project area.

### **Access/Parking**

Access to the Project Site is by an existing driveway directly adjacent to the existing pad off Eucalyptus Avenue. The Proposed Project exceeds the Municipal Code requirements for parking. A total of 122 parking spaces are required. The Proposed Project as designed provides a total of 130 spaces. The Proposed Project as designed satisfies all parking requirements of the City's Municipal Code.

### **Design/Landscaping**

The proposed hotel is a contemporary-style building with exterior stucco and trim in various earth-tone colors, gray, and a pop of color with a complementary mix of materials that includes stone, tile, and glass. The architecture and materials are compatible with the rest of the existing shopping center. Staff worked with the Applicant to ensure that all sides of the building include enhanced architectural treatments consistent with the City's design guidelines.

The Proposed Project has been designed to meet the required landscaped standards and objectives as set forth in the City's Municipal Code. The landscape elements of the Proposed Project include the landscape treatments around the perimeter of the Project Site. All of the existing landscape setback areas along Eucalyptus Avenue will remain.

## **REVIEW PROCESS**

All appropriate outside agencies have considered the Proposed Project during part of the standard review process. The Project Review Staff Committee reviewed the Proposed Project as required by the Municipal Code. Following subsequent revisions and reviews by staff, the Proposed Project was determined to be complete.

## **ENVIRONMENTAL**

The Proposed Project has been evaluated in compliance with the criteria set forth in the California Environmental Quality Act (CEQA) and CEQA Guidelines. As designed and conditioned, the Proposed Project is exempt from the provisions of the California Environmental Quality Act (CEQA) under CEQA Guidelines 15332 for In-Fill Development. The in-fill development exemption is applicable to this project as it is: 1) consistent with the applicable General Plan designation and policies and all applicable zoning designation and regulations and applicable policies; 2) occurs on a site that is less than five acres in size substantially surrounded by urban uses; 3) the site has no value, as habitat for rare, threatened or endangered species; 4) the Proposed Project will not result in any significant effects related to traffic, noise, air quality, or water quality; and 5) the site can be adequately served by all required utilities and public services.

## **NOTIFICATION**

Public notice was sent to all property owners of record within 600 feet of the Project Site. The public hearing notice for this Proposed Project was also posted on the Project Site and published in the local Press Enterprise newspaper.

## **REVIEW AGENCY COMMENTS**

Staff has coordinated with outside trustee and responsible agencies where applicable, as is the standard review process with these types of development applications.

## **STAFF RECOMMENDATION**

Staff recommends that the Planning Commission **ADOPT** Resolution No. 2023-11, and thereby:

1. **FINDING** the Proposed Project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA), as a Class 32 Exemption, under CEQA Guidelines Section 15332, In-Fill Development Projects; and
2. **APPROVING** Plot Plan (PEN22-0256) subject to the attached Conditions of Approval as Exhibit A to the Resolution.

Prepared by:  
Claudia Manrique  
Associate Planner

Approved by:  
Sean P. Kelleher  
Acting Community Development Director

## **ATTACHMENTS**

To view large attachments, please click your “bookmarks”  on the left hand side of this document for the necessary attachment.

1. Resolution No. 2023-11
2. Project Plans
3. Zoning Map



## RESOLUTION NUMBER 2023-11

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MORENO VALLEY, CALIFORNIA, APPROVING PLOT PLAN (PEN22-0256) FOR A HOTEL LOCATED ON THE NORTHSIDE OF EUCALYPTUS AVENUE IN THE EXISTING STONERIDGE TOWNE CENTRE; (APN(S): 488-400-041, -042, & -043).**

**WHEREAS**, the City of Moreno Valley (“City”) is a general law city and municipal corporation of the State of California, and

**WHEREAS**, Sagemont Hotels (“Applicant”) has submitted an application for a Plot Plan (PEN22-0256) for a hotel (“Proposed Project”) located on the north side of Eucalyptus Avenue in the existing Stoneridge Town Center; (APN(s): 488-400-041, -042, & -043) (“Project Site”); and

**WHEREAS**, Section 9.02.070 (Plot Plan) of the Moreno Valley Municipal Code acknowledges that the purpose of plot plans is to provide a mechanism by which all new construction of industrial, commercial, or multiple-family residential can be reviewed when not subject to other discretionary review processes which have review authority over the Proposed Project’s design; and

**WHEREAS**, the Proposed Project has been evaluated in accordance with Section 9.02.070 (Plot Plan) of the Municipal Code with consideration given to the City’s General Plan, Zoning Ordinance, and other applicable laws and regulations; and

**WHEREAS**, Section 9.02.070 of the Municipal Code imposes conditions of approval upon projects for which a Plot Plan is required, which conditions may be imposed by the Planning Commission to address on-site improvements, off-site improvements, the manner in which the site is used and any other conditions as may be deemed necessary to protect the public health, safety and welfare and ensure that the Proposed Project will be developed in accordance with the purpose and intent of Title 9 (“Planning and Zoning”) of the Municipal Code; and

**WHEREAS**, Staff has presented for the Planning Commission’s consideration Conditions of Approval to be imposed upon the Plot Plan, which conditions have been deemed necessary to protect the public health, safety, and welfare and ensure that the Proposed Project will be developed in accordance with the purpose and intent of Title 9 (Planning and Zoning) of the Municipal Code; and

**WHEREAS**, pursuant to the provisions of Section 9.02.200 (Public Hearing and Notification Procedures) of the Municipal Code and Government Code Section 65905, a public hearing was scheduled for May 11, 2023, and notice thereof was duly published, posted, and mailed to all property owners of record within 600 feet of the Project Site; and

**WHEREAS**, on May 11, 2023, the public hearing to consider the Proposed Project was duly conducted by the Planning Commission, at which time all interested persons were provided with an opportunity to testify and present evidence; and

**WHEREAS**, consistent with the requirements of Section 9.02.070 (Plot Plan) of the Municipal Code, at the public hearing the Planning Commission considered Conditions of Approval to be imposed upon Plot Plan (PEN22-0256), which conditions were prepared by Planning Division staff who deemed said conditions to be necessary to protect the public health, safety, and welfare and to ensure the Proposed Project will be developed in accordance with the purpose and intent of Title 9 (“Planning and Zoning”) of the Municipal Code; and

**WHEREAS**, Staff recommends that in accordance with the provisions of the California Environmental Quality Act (CEQA<sup>1</sup>) and CEQA Guidelines<sup>2</sup>, the Planning Commission approve Resolution 2023-11, certifying that the project has been evaluated against criteria set forth in the California Environmental Quality Act (CEQA) Guidelines and finding that the Proposed Project will not have a significant effect on the environment; and

**WHEREAS**, at the public hearing, the Planning Commission considered whether each of the requisite findings specified in Section 9.02.070 of the Municipal Code and set forth herein could be made concerning the Proposed Project as conditioned by Conditions of Approval.

**NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF MORENO VALLEY, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:**

**Section 1. Recitals and Exhibits**

That the foregoing Recitals and attached exhibits are true and correct and are hereby incorporated by this reference.

**Section 2. Notice**

That pursuant to Government Code Section 66020(d)(1), notice is hereby given that the Proposed Project is subject to certain fees, dedications, reservations, and other exactions as provided herein, in the staff report and conditions of approval (collectively, “Conditions”); and these Conditions constitute written notice of a statement of the amount of such fees, and a description of the dedications, reservations, and other exactions. You are hereby further notified that the ninety-day approval period in which you may protest these fees, dedications, reservations, and other exactions, pursuant to Government Code Section 66020(a), has begun.

**Section 3. Evidence**

That the Planning Commission has considered all evidence submitted into the Administrative Record for the Proposed Project, including, but not limited to, the following:

<sup>1</sup> Public Resources Code §§ 21000-21177

<sup>2</sup> 14 California Code of Regulations §§15000-15387

- (a) Moreno Valley General Plan and all other relevant provisions contained therein;
- (b) Title 9 (Planning and Zoning) of the Moreno Valley Municipal Code and all other relevant provisions referenced therein;
- (c) Application for Plot Plan (PEN22-0256) and all documents, records, and references contained therein;
- (d) Conditions of Approval for Plot Plan (PEN22-0256), attached hereto as Exhibit A;
- (e) Staff Report prepared for the Planning Commission's consideration and all documents, records, and references related thereto, and Staff's presentation at the public hearing;
- (f) Testimony, and/or comments from Applicant and its representatives during the public hearing; and
- (g) Testimony and/or comments from all persons provided in written format or correspondence, at, or prior to, the public hearing.

#### **Section 4. ENVIRONMENTAL REVIEW**

The Planning Commission finds that the Proposed Project is exempt from the California Environmental Quality Act (CEQA) under CEQA Guidelines as a Class 32 Exemption (Section 15332, In-Fill Development Projects) and that the Proposed Project does not fall within one of the exceptions to categorical exemptions, because the Proposed Project is 1) consistent with the applicable General Plan designation and applicable policies; 2) occurs on a site that is less than five acres in size substantially surrounded by urban uses; 3) the site has no valuable habitat for rare, threatened or endangered species; 4) the project will not result in significant effects related to traffic, noise, air quality, or water quality; and 5) the site is adequately served by all required utilities and public services.

#### **Section 5. Findings**

That based on the foregoing Recitals and the Evidence contained in the Administrative Record as set forth above, the Planning Commission makes the following findings in approving the Proposed Project (Plot Plan PEN22-0256):

- a. The Proposed Project is consistent with the goals, objectives, policies and programs of the General Plan;
- b. The Proposed Project complies with all applicable zoning and other regulations;
- c. The Proposed Project will not be detrimental to the public health, safety or welfare or materially injurious to properties or improvements in the vicinity; and
- d. The location, design and operation of the Proposed Project will be compatible with existing and planned land uses in the vicinity.

**Section 6. Approval**

That based on the foregoing Recitals, Evidence contained in the Administrative Record and Findings, as set forth herein, the Planning Commission hereby approves the Proposed Project subject to the Conditions of Approval for Plot Plan PEN22-0256 attached hereto as Exhibit A.

**Section 7. Repeal of Conflicting Provisions**

That all the provisions as heretofore adopted by the Planning Commission that are in conflict with the provisions of this Resolution are hereby repealed.

**Section 8. Severability**

That the Planning Commission declares that, should any provision, section, paragraph, sentence, or word of this Resolution be rendered or declared invalid by any final court action in a court of competent jurisdiction or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences or words of this Resolution as hereby adopted shall remain in full force and effect.

**Section 9. Effective Date**

That this Resolution shall take effect immediately upon the date of adoption.

**Section 10. Certification**

That the Secretary of the Planning Commission shall certify to the passage of this Resolution.

**PASSED AND ADOPTED THIS 11<sup>th</sup> day of May 2023.**

CITY OF MORENO VALLEY  
PLANNING COMMISSION

\_\_\_\_\_  
Alvin DeJohnette, Chairperson

ATTEST:

\_\_\_\_\_  
Sean P. Kelleher,  
Acting Community Development Director

APPROVED AS TO FORM:

\_\_\_\_\_  
Steven B. Quintanilla,  
Interim City Attorney

Attachment: Resolution No. 2023-11 [Revision 2] (6236 : PEN22-0256)

Exhibit:

Exhibit A: Plot Plan (PEN22-0256) Conditions of Approval

Attachment: Resolution No. 2023-11 [Revision 2] (6236 : PEN22-0256)

Exhibit A

**Plot Plan (PEN22-0256) Conditions of Approval**

CITY OF MORENO VALLEY  
 CONDITIONS OF APPROVAL  
 Plot Plan (PEN22-0256)

EFFECTIVE DATE:  
 EXPIRATION DATE:

**COMMUNITY DEVELOPMENT DEPARTMENT**

Planning Division

1. This approval shall expire three years after the approval date of this project unless used or extended as provided for by the City of Moreno Valley Municipal Code; otherwise it shall become null and void and of no effect whatsoever. Use means the beginning of substantial construction contemplated by this approval within the three-year period, which is thereafter pursued to completion, or the beginning of substantial utilization contemplated by this approval. (MC 9.02.230)
  
2. The Developer shall defend, indemnify and hold harmless the City, city council, commissions, boards, subcommittees and the City's elected and appointed officials, commissioners, board members, officers, agents, consultants and employees ("City Parties") from and against any and all liabilities, demands, claims, actions or proceedings and costs and expenses incidental thereto (including costs of defense, settlement and reasonable attorneys' fees), which any or all of them may suffer, incur, be responsible for or pay out as a result of or in connection with any challenge to the legality, validity or adequacy of any of the following items: (i) any prior or current agreements by and among the City and the Developer; (ii) the current, concurrent and subsequent permits, licenses and entitlements approved by the City; (iii) any environmental determination made by the City in connection with the Project Site and the Project; and (iv) any proceedings or other actions undertaken by the City in connection with the adoption or approval of any of the above. In the event of any administrative, legal, equitable action or other proceeding instituted by any third party (including without limitation a governmental entity or official) challenging the legality, validity or adequacy of any of the above items or any portion thereof, the Parties shall mutually cooperate with each other in defense of said action or proceeding. Notwithstanding the above, the City, at its sole option, may tender the complete defense of any third party challenge as described herein. In the event the City elects to contract with special counsel to provide for such a defense, the City shall meet and confer with the Developer regarding the selection of counsel, and the Developer shall pay all costs related to retention of such counsel by the City.
  
3. All landscaped areas shall be maintained in a healthy and thriving condition, free

**CONDITIONS OF APPROVAL**

Plot Plan (PEN22-0256)

- from weeds, trash and debris. (MC 9.02.030)
4. The site shall be developed in accordance with the approved plans on file in the Community Development Department - Planning Division, the Municipal Code regulations, General Plan, and the conditions contained herein. Prior to any use of the project site or business activity being commenced thereon, all Conditions of Approval shall be completed to the satisfaction of the Planning Official. (MC 9.14.020)
  5. Any signs indicated on the submitted plans are not included with this approval. Any signs, whether permanent (e.g. wall, monument) or temporary (e.g. banner, flag), require separate application and approval by the Planning Division. No signs are permitted in the public right of way. (MC 9.12)
  6. All site plans, grading plans, landscape and irrigation plans, fence/wall plans, lighting plans and street improvement plans shall be coordinated for consistency with this approval.
  7. Any expansion to this use or exterior alterations will require the submittal of a separate application(s) and shall be reviewed and approved under separate permit(s). (MC 9.02.080)
  8. The developer, or the developer's successor-in-interest, shall be responsible for maintaining any undeveloped portion of the site in a manner that provides for the control of weeds, erosion and dust. (MC 9.02.030)
  9. This approval is for the development of a hotel (PEN22-0256). A change or modification to the land use or the approved site plans may require a separate approval. Prior to any change or modification, the property owner shall contact the City of Moreno Valley Community Development Department to determine if a separate approval is required.

Special Conditions

10. In accordance with Developer's obligation to defend, indemnify and hold harmless the City, including but not limited to as set forth in more detail in the Project's Conditions of Approval, Moreno Valley Municipal Code Section 9.02.310 (Indemnification of City for Discretionary Approvals), and the Project application, Developer shall enter into an Advanced Funding Agreement with the City no later than ten (10) calendar days from Planning Commission's approval of the Project. A copy of said Agreement is on file with the Community Development Director.

Prior to Grading Permit



**CONDITIONS OF APPROVAL**

Plot Plan (PEN22-0256)

11. Prior to issuance of any grading permit, all of the Conditions of Approval shall be printed on the grading plans.
12. Prior to the issuance of grading permits, decorative (e.g. colored/scored concrete or as approve by the Planning Official) pedestrian pathways across circulation aisles/paths shall be provided throughout the development to connect dwellings with open spaces and/or recreational uses or commercial/industrial buildings with open space and/or parking. and/or the public right-of-way. The pathways shall be shown on the precise grading plan. (GP Objective 46.8, DG)
13. Prior to the start of any construction, temporary security fencing shall be erected. The fencing shall be a minimum of six (6) feet high with locking, gated access and shall remain through the duration of construction. Security shall remain in place until the project is completed or the above conditions no longer exist. (Security fencing is required if there is: construction, unsecured structures, unenclosed storage of materials and/or equipment, and/or the condition of the site constitutes a public hazard).
14. Prior to issuance of any building permit, all of the Conditions of Approval shall be printed on the building plans.
15. Prior to the issuance of building permits, the developer shall provide documentation that contact was made to the U.S. Postal Service to determine the appropriate type and location of mailboxes.
16. Prior to the issuance of building permits, proposed covered trash enclosures shall be included in the Planning review of the Fence and Wall in the Building construction plans or separate Planning submittal. The trash enclosure(s), including the roof materials, shall be compatible with the architecture, color and materials of the building(s) design. Trash enclosure areas shall include landscaping on three sides. Approved design plans shall be included in a Building submittal (Fence and Wall or building design plans). (GP Objective 43.6, DG)
17. Prior to issuance of any building permits, final landscaping and irrigation plans shall be submitted for review and approved by the Planning Division. After the third plan check review for landscape plans, an additional plan check fee shall apply. The plans shall be prepared in accordance with the City's Landscape Requirements and shall include:
  - a. Finger and end planters with required step-outs and curbing shall be provided every 12 parking stalls as well as at the terminus of each aisle.
  - b. Drought tolerant landscape shall be used. No sod shall be installed.
  - c. On-site trees shall be planted at an equivalent of one (1) tree per thirty (30) linear feet of the perimeter of a parking lot and per thirty linear feet of a building dimension for the portions of the building visible from a parking lot or right of way. Trees may be massed for pleasing aesthetic effects.

**CONDITIONS OF APPROVAL**

Plot Plan (PEN22-0256)

- d. Enhanced landscaping shall be provided at all driveway entries and street corner locations. The review of all utility boxes, transformers, etc. shall be coordinated to provide adequate screening from public view.
- e. Landscaping on three sides of any trash enclosure.
- f. All site perimeter and parking lot landscape and irrigation shall be installed prior to the release of certificate of any occupancy permits for the site.
18. Prior to issuance of building permits, the Planning Division shall review and approve the location and method of enclosure or screening of transformer cabinets, commercial gas meters and back flow preventers as shown on the final working drawings. Location and screening shall comply with the following criteria: transformer cabinets and commercial gas meters shall not be located within required setbacks and shall be screened from public view either by architectural treatment or landscaping; multiple electrical meters shall be fully enclosed and incorporated into the overall architectural design of the building(s); back-flow preventers shall be screened by landscaping. (GP Objective 43.30)
19. Prior to issuance of a building permit, the developer/property owner or developer's successor-in-interest shall pay all applicable impact fees due at permit issuance, including but not limited to Multi-species Habitat Conservation Plan (MSHCP) mitigation fees. (Ord)
20. Prior to building final, the developer/owner or developer's/owner's successor-in-interest shall pay all applicable impact fees, including but not limited to Transportation Uniform Mitigation fees (TUMF), and the City's adopted Development Impact Fees. (Ord)
21. Prior to or at building plan check submittal, the elevation plans shall include decorative lighting sconces on all sides of the buildings of the complex facing a parking lot, courtyard or plaza, or public right of way or open space to provide up-lighting and shadowing on the structures. Include drawings of the sconce details for each building within the elevation plans, approved by the Planning Division prior to building permit issuance.
22. Detailed, on-site, computer generated, point-by-point comparison lighting plan, including exterior building, parking lot, and landscaping lighting, shall be included in the Building Plans for review by the Planning Division. The lighting plan shall be generated on the plot plan and shall be integrated with the final landscape plan. The plan shall indicate the manufacturer's specifications for light fixtures used, shall include style, illumination, location, height and method of shielding per the City's Municipal Code requirements. After the third plan check review for lighting plans, an additional plan check fee will apply. (MC 9.08.100, 9.16.280)
23. Prior to issuance of building permits, screening details shall be addressed on the building plans for roof top equipment submitted for Planning Division review and

**CONDITIONS OF APPROVAL**

Plot Plan (PEN22-0256)

approval through the building plan check process. All equipment shall be completely screened so as not to be visible from public view, and the screening shall be an integral part of the building.

Building Division

24. The proposed non-residential project shall comply with the latest Federal Law, Americans with Disabilities Act, and State Law, California Code of Regulations, Title 24, Chapter 11B for accessibility standards for the disabled including access to the site, exits, bathrooms, work spaces, etc.
25. Prior to submittal, all new development, including residential second units, are required to obtain a valid property address prior to permit application. Addresses can be obtained by contacting the Building Safety Division at 951.413.3350.
26. Contact the Building Safety Division for permit application submittal requirements.
27. All new buildings 10,000 square feet and over, shall include building commissioning in the design and construction processes of the building project to verify that the building systems and components meet the owner's or owner representative's project requirements (OPR). All requirements in the California Green Building Standards Code, sections 5.410.2 - 5.410.2.6 must be met.
28. Any construction within the city shall only be as follows: Monday through Friday seven a.m. to seven p.m.(except for holidays which occur on weekdays), eight a.m. to four p.m.; weekends and holidays (as observed by the city and described in the Moreno Valley Municipal Code Chapter 2.55), unless written approval is first obtained from the Building Official or City Engineer.
29. Building plans submitted shall be signed and sealed by a California licensed design professional as required by the State Business and Professions Code.
30. The proposed development shall be subject to the payment of required development fees as required by the City's current Fee Ordinance at the time a building application is submitted or prior to the issuance of permits as determined by the City.
31. The proposed project will be subject to approval by the Eastern Municipal Water District and all applicable fees and charges shall be paid prior to permit issuance. Contact the water district at 951.928.3777 for specific details.
32. All new structures shall be designed in conformance to the latest design standards adopted by the State of California in the California Building Code, (CBC) Part 2, Title 24, California Code of Regulations including requirements for allowable area,

**CONDITIONS OF APPROVAL**

Plot Plan (PEN22-0256)

occupancy separations, fire suppression systems, accessibility, etc.

33. The proposed project's occupancy shall be classified by the Building Official and must comply with exiting, occupancy separation(s) and minimum plumbing fixture requirements. Minimum plumbing fixtures shall be provided per the California Plumbing Code, Table 422.1. The occupant load and occupancy classification shall be determined in accordance with the California Building Code.
34. The proposed residential project shall comply with the California Green Building Standards Code, Section 4.106.4, mandatory requirements for Electric Vehicle Charging Station (EVCS).
35. Prior to permit issuance, every applicant shall submit a properly completed Waste Management Plan (WMP), as a portion of the building or demolition permit process. (MC 8.80.030)

**ECONOMIC DEVELOPMENT DEPARTMENT (EDD)**

36. New Moreno Valley businesses may work with the Economic Development Department to coordinate job recruitment fairs.
37. New Moreno Valley businesses may adopt a "First Source" approach to employee recruitment that gives notice of job openings to Moreno Valley residents for one week in advance of public recruitment.
38. New Moreno Valley businesses are encouraged to hire local residents.
39. New Moreno Valley businesses are encouraged to provide a job fair flyer and/or web announcement to the City in advance of job recruitments, so that the City can assist in publicizing these events.
40. New Moreno Valley businesses may utilize the workforce recruitment services provided by the Moreno Valley Business & Employment Resource Center ("BERC").

The BERC offers free assistance to Moreno Valley businesses recruiting and training potential employees. Complimentary services include:

- Job Announcements
- Applicant testing / pre-screening
- Interviewing
- Job Fair support
- Training space

**FIRE DEPARTMENT**

**CONDITIONS OF APPROVAL**

Plot Plan (PEN22-0256)

Fire Prevention Bureau

41. All Fire Department access roads or driveways shall not exceed 12 percent grade. (CFC 503.2.7 and MVMC 8.36.060[G])
42. The Fire Department emergency vehicular access road shall be (all weather surface) capable of sustaining an imposed load of 80,000 lbs. GVW, based on street standards approved by the Public Works Director and the Fire Prevention Bureau. The approved fire access road shall be in place during the time of construction. Temporary fire access roads shall be approved by the Fire Prevention Bureau. (CFC 501.4, and MV City Standard Engineering Plan 108d)
43. The angle of approach and departure for any means of Fire Department access shall not exceed 1 ft drop in 20 ft (0.3 m drop in 6 m), and the design limitations of the fire apparatus of the Fire Department shall be subject to approval by the AHJ. (CFC 503 and MVMC 8.36.060)
44. Prior to construction, all locations where structures are to be built shall have an approved Fire Department access based on street standards approved by the Public Works Director and the Fire Prevention Bureau. (CFC 501.4)
45. Prior to issuance of Building Permits, the applicant/developer shall provide the Fire Prevention Bureau with an approved site plan for Fire Lanes and signage. (CFC 501.3)
46. Prior to issuance of Certificate of Occupancy or Building Final, "Blue Reflective Markers" shall be installed to identify fire hydrant locations in accordance with City specifications. (CFC 509.1 and MVLT 440A-0 through MVLT 440C-0)
47. Prior to issuance of Certificate of Occupancy or Building Final, all commercial buildings shall display street numbers in a prominent location on the street side and rear access locations. The numerals shall be a minimum of twelve inches in height. (CFC 505.1, MVMC 8.36.060[I])
48. Existing fire hydrants on public streets are allowed to be considered available. Existing fire hydrants on adjacent properties shall not be considered available unless fire apparatus access roads extend between properties and easements are established to prevent obstruction of such roads. (CFC 507, 501.3) a - After the local water company signs the plans, the originals shall be presented to the Fire Prevention Bureau for signatures. The required water system, including fire hydrants, shall be installed, made serviceable, and be accepted by the Moreno Valley Fire Department prior to beginning construction. They shall be maintained accessible.

**CONDITIONS OF APPROVAL**

Plot Plan (PEN22-0256)

49. Final fire and life safety conditions will be addressed when the Fire Prevention Bureau reviews building plans. These conditions will be based on occupancy, use, California Building Code (CBC), California Fire Code (CFC), and related codes, which are in effect at the time of building plan submittal.
50. Prior to issuance of Certificate of Occupancy or Building Final, the applicant/developer shall install a fire alarm system monitored by an approved Underwriters Laboratory listed central station based on a requirement for monitoring the sprinkler system, occupancy or use. Fire alarm panel shall be accessible from exterior of building in an approved location. Plans shall be submitted to the Fire Prevention Bureau for approval prior to installation. (CFC Chapter 9 and MVMC 8.36.100)
51. The Fire Code Official is authorized to enforce the fire safety during construction requirements of Chapter 33. (CFC Chapter 33 & CBC Chapter 33)
52. Prior to issuance of Building Permits, the applicant/developer shall participate in the Fire Impact Mitigation Program. (Fee Resolution as adopted by City Council)
53. Fire lanes and fire apparatus access roads shall have an unobstructed width of not less than twenty-four (24) feet and an unobstructed vertical clearance of not less than thirteen (13) feet six (6) inches. (CFC 503.2.1 and MVMC 8.36.060[E])
54. Prior to issuance of Certificate of Occupancy or Building Final, the applicant/developer shall install a fire sprinkler system based on square footage and type of construction, occupancy or use. Fire sprinkler plans shall be submitted to the Fire Prevention Bureau for approval prior to installation. (CFC Chapter 9, MVMC 8.36.100[D])
55. Prior to issuance of the building permit for development, independent paved access to the nearest paved road, maintained by the City shall be designed and constructed by the developer within the public right of way in accordance with City Standards. (MVMC 8.36.060, CFC 501.4)
56. Prior to issuance of a Certificate of Occupancy or Building Final, a “Knox Box Rapid Entry System” shall be provided. The Knox-Box shall be installed in an accessible location approved by the Fire Code Official. All exterior security emergency access gates shall be electronically operated and be provided with Knox key switches for access by emergency personnel. (CFC 506.1)
57. The minimum number of fire hydrants required, as well as the location and spacing of fire hydrants, shall comply with the C.F.C., MVMC, and NFPA 24. Fire hydrants shall be located no closer than 40 feet to a building. A fire hydrant shall be located within 50 feet of the fire department connection for buildings protected with a fire sprinkler system. The size and number of outlets required for the approved fire

**CONDITIONS OF APPROVAL**

Plot Plan (PEN22-0256)

hydrants are (6" x 4" x 2 ½" x 2 ½") (CFC 507.5.1, 507.5.7, Appendix C, NFPA 24-7.2.3, MVMC 912.2.1)

58. Multi-family residences shall display the address in accordance with the Riverside County Fire Department Premises Identification standard 07-01. (CFC 505.1)
59. Fire Department access driveways over 150 feet in length shall have a turn-around as determined by the Fire Prevention Bureau capable of accommodating fire apparatus. (CFC 503 and MVMC 8.36.060, CFC 501.4)
60. During phased construction, dead end roadways and streets which have not been completed shall have a turn-around capable of accommodating fire apparatus. (CFC 503.1 and 503.2.5)
61. If construction is phased, each phase shall provide an approved emergency vehicular access way for fire protection prior to any building construction. (CFC 501.4)
62. Preliminary fuel modification plans shall be reviewed and approved by the fire code official concurrent with the submittal for approval of any tentative map. Final fuel modification plans shall be submitted to and approved by the fire code official prior to the issuance of a grading permit.
63. Prior to issuance of Building Permits, plans for structural protection from vegetation fires shall be submitted to the Fire Prevention Bureau for review and approval. Measures shall include, but are not limited to: noncombustible barriers (cement or block walls), fuel modification zones, etc. (CFC Chapter 49)
64. Plans for private water mains supplying fire sprinkler systems and/or private fire hydrants shall be submitted to the Fire Prevention Bureau for approval. (CFC 105 and CFC 3312.1)
65. The Fire Prevention Bureau is required to set a minimum fire flow for the remodel or construction of all commercial buildings per CFC Appendix B and Table B105.1. The applicant/developer shall provide documentation to show there exists a water system capable of delivering said waterflow for 2 hour(s) duration at 20-PSI residual operating pressure. The required fire flow may be adjusted during the approval process to reflect changes in design, construction type, or automatic fire protection measures as approved by the Fire Prevention Bureau. Specific requirements for the project will be determined at time of submittal. (CFC 507.3, Appendix B)
66. Dead-end streets and/or fire apparatus access roads in excess of 150 feet in length shall be provided with an approved turnaround for fire apparatus.
67. Prior to building construction, dead end roadways and streets which have not been

**CONDITIONS OF APPROVAL**

Plot Plan (PEN22-0256)

completed shall have a turnaround capable of accommodating fire apparatus. (CFC 503.2.5)

68. Prior to issuance of Building Permits, the applicant/developer shall furnish one copy of the water system plans to the Fire Prevention Bureau for review. Plans shall: a. Be signed by a registered civil engineer or a certified fire protection engineer; b. Contain a Fire Prevention Bureau approval signature block; and c. Conform to hydrant type, location, spacing of new and existing hydrants and minimum fire flow required as determined by the Fire Prevention Bureau. The required water system, including fire hydrants, shall be installed, made serviceable, and be accepted by the Moreno Valley Fire Department prior to beginning construction. They shall be maintained accessible.

**FINANCIAL & MANAGEMENT SERVICES DEPARTMENT****Moreno Valley Utility**

69. This project requires the installation of electric distribution facilities. A non-exclusive easement shall be provided to Moreno Valley Utility and shall include the rights of ingress and egress for the purpose of operation, maintenance, facility repair, and meter reading.
70. This project requires the installation of electric distribution facilities. The developer shall submit a detailed engineering plan showing design, location and schematics for the utility system to be approved by the City Engineer. In accordance with Government Code Section 66462, the Developer shall execute an agreement with the City providing for the installation, construction, improvement and dedication of the utility system following recordation of final map and concurrent with trenching operations and other improvements so long as said agreement incorporates the approved engineering plan and provides financial security to guarantee completion and dedication of the utility system.

The Developer shall coordinate and receive approval from the City Engineer to install, construct, improve, and dedicate to the City all utility infrastructure including but not limited to, conduit, equipment, vaults, ducts, wires (including fiber optic cable), switches, conductors, transformers, and “bring-up” facilities including electrical capacity to serve the identified development and other adjoining, abutting, or benefiting projects as determined by Moreno Valley Utility – collectively referred to as “utility system” (to and through the development), along with any appurtenant real property easements, as determined by the City Engineer to be necessary for the distribution and/or delivery of any and all “utility services” to and within the project. For purposes of this condition, “utility services” shall mean electric, cable television, telecommunication (including video, voice, and data) and other similar



**CONDITIONS OF APPROVAL**

Plot Plan (PEN22-0256)

services designated by the City Engineer. "Utility services" shall not include sewer, water, and natural gas services, which are addressed by other conditions of approval.

The City, or the City's designee, shall utilize dedicated utility facilities to ensure safe, reliable, sustainable and cost effective delivery of utility services and maintain the integrity of streets and other public infrastructure. Developer shall, at developer's sole expense, install or cause the installation of such interconnection facilities as may be necessary to connect the electrical distribution infrastructure within the project to the Moreno Valley Utility owned and controlled electric distribution system.

71. Existing Moreno Valley Utility electrical infrastructure shall be preserved in place. The developer will be responsible, at developer's expense, for any and all costs associated with the relocation of any of Moreno Valley Utility's underground electrical distribution facilities, as determined by Moreno Valley Utility, which may be in conflict with any developer planned construction on the project site.
72. This project shall coordinate and receive approval from the City Engineer to install, construct, improve, and dedicate to the City fiber optic cable improvements consisting of fiber optic cable, splices and termination equipment to serve the identified development and other adjoining, abutting, or benefiting projects as determined by Moreno Valley Utility along with any appurtenant real property easements, as determined by the City Engineer to be necessary for the distribution and/or delivery of any and all "fiber optic services" to and within the project.
73. This project shall coordinate and receive approval from the City Engineer to install, construct, improve, and dedicate to Moreno Valley Utility fiber optic cable improvements consisting of conduit, and pull boxes to serve the identified development and other adjoining, abutting, or benefiting projects as determined by Moreno Valley Utility along with any appurtenant real property easements, as determined by the City Engineer to be necessary for the distribution and/or delivery of any and all "fiber optic services" to and within the project.
74. This project shall coordinate and receive approval from the City Engineer to install, construct, improve, and dedicate to Moreno Valley Utility electric streetlight improvements consisting of streetlight poles, mast-arms, fixtures conduit, wiring, terminations and pull boxes to serve the identified development and other adjoining, abutting, or benefiting projects as determined by the Land Development Department along with any appurtenant real property easements, as determined by the City Engineer to be necessary for the distribution and/or delivery of any and all "street light services" to and within the project.

**PUBLIC WORKS DEPARTMENT**

**CONDITIONS OF APPROVAL**

Plot Plan (PEN22-0256)

Land Development

75. Aggregate slurry, as defined in Section 203-5 of Standard Specifications for Public Works Construction, shall be required prior to 90% security reduction or the end of the one-year warranty period of the public streets as approved by the City Engineer. If slurry is required, a slurry mix design shall be submitted for review and approved by the City Engineer. The latex additive shall be Ultra Pave 70 (for anionic) or Ultra Pave 65 K (for cationic) or an approved equal per the geotechnical report. The latex shall be added at the emulsion plant after weighing the asphalt and before the addition of mixing water. The latex shall be added at a rate of two to two-and-one-half (2 to 2½) parts to one-hundred (100) parts of emulsion by volume. Any existing striping shall be removed prior to slurry application and replaced per City standards.
76. The developer shall comply with all applicable City ordinances and resolutions including the City's Municipal Code (MC) and if subdividing land, the Government Code (GC) of the State of California, specifically Sections 66410 through 66499.58, said sections also referred to as the Subdivision Map Act (SMA). [MC 9.14.010]
77. The final approved conditions of approval (COAs) issued and any applicable Mitigation Measures by the Planning Division shall be photographically or electronically placed on mylar sheets and included in the Grading and Street Improvement plans.
78. The developer shall monitor, supervise and control all construction related activities, so as to prevent these activities from causing a public nuisance, including but not limited to, insuring strict adherence to the following:
- (a) Removal of dirt, debris, or other construction material deposited on any public street no later than the end of each working day.
  - (b) Observance of working hours as stipulated on permits issued by the Land Development Division.
  - (c) The construction site shall accommodate the parking of all motor vehicles used by persons working at or providing deliveries to the site.
  - (d) All dust control measures per South Coast Air Quality Management District (SCAQMD) requirements during the grading operations.
- Violation of any condition, restriction or prohibition set forth in these conditions shall subject the owner, applicant, developer or contractor(s) to remedy as noted in City Municipal Code 8.14.090. In addition, the City Engineer or Building Official may suspend all construction related activities for violation of any condition, restriction or prohibition set forth in these conditions until such time as it has been determined that all operations and activities are in conformance with these conditions.
79. If improvements associated with this project are not initiated within two (2) years of the date of approval of the Public Improvement Agreement (PIA), the City Engineer

**CONDITIONS OF APPROVAL**

Plot Plan (PEN22-0256)

may require that the engineer's estimate for improvements associated with the project be modified to reflect current City construction costs in effect at the time of request for an extension of time for the PIA or issuance of a permit. [MC 9.14.210(B)(C)]

80. This project shall submit civil engineering design plans, reports and/or documents (prepared by a registered/licensed civil engineer) for review and approval by the City Engineer per the current submittal requirements, prior to the indicated threshold or as required by the City Engineer. The submittal consists of, but is not limited to, the following:
- a. Precise grading w/ erosion control plan (prior to building permit issuance);
  - b. Final drainage study (prior to grading plan approval);
  - c. Final WQMP (prior to grading plan approval);
  - d. Lot Line Adjustment (prior to building permit issuance);
  - e. As-Built revision for all plans (prior to Occupancy release).
81. Water quality best management practices (BMPs) designed to meet Water Quality Management Plan (WQMP) requirements for single-family residential development shall not be used as a construction BMP. Water quality BMPs shall be maintained for the entire duration of the project construction and be used to treat runoff from those developed portions of the project. Water quality BMPs shall be protected from upstream construction related runoff by having proper best management practices in place and maintained. Water quality BMPs shall be graded per the approved design plans and once landscaping and irrigation has been installed, it and its maintenance shall be turned over to an established Homeowner's Association (HOA). The Homeowner's Association shall enter into an agreement with the City for basin maintenance.

Prior to Grading Plan Approval

82. A final detailed drainage study (prepared by a registered/licensed civil engineer) shall be submitted for review and approved by the City Engineer. The study shall include, but not be limited to: existing and proposed hydrologic conditions as well as hydraulic calculations for all drainage control devices and storm drain lines. The study shall analyze 1, 3, 6 and 24-hour duration events for the 2, 5, 10 and 100-year storm events [MC 9.14.110(A.1)]. A digital (pdf) copy of the approved drainage study shall be submitted to the Land Development Division.
83. Emergency overflow areas shall be shown at all applicable drainage improvement locations in the event that the drainage improvement fails or exceeds full capacity. This may include, but not be limited to, <DESCRIBE>.
84. A final project-specific Water Quality Management Plan (WQMP) shall be submitted for review and approved by the City Engineer, which:

**CONDITIONS OF APPROVAL**

Plot Plan (PEN22-0256)

a. Addresses Site Design Best Management Practices (BMPs) such as minimizing impervious areas, maximizing permeability, minimizes directly connected impervious areas to the City's street and storm drain systems, and conserves natural areas;

b. Incorporates Source Control BMPs and provides a detailed description of their implementation;

c. Describes the long-term operation and maintenance requirements for BMPs requiring maintenance; and

d. Describes the mechanism for funding the long-term operation and maintenance of the BMPs.

A copy of the final WQMP template can be obtained on the City's Website or by contacting the Land Development Division. A digital (pdf) copy of the approved final project-specific Water Quality Management Plan (WQMP) shall be submitted to the Land Development Division.

85. The final project-specific Water Quality Management Plan (WQMP) shall be consistent with the approved P-WQMP, as well as in full conformance with the document: "Water Quality Management Plan - A Guidance Document for the Santa Ana Region of Riverside County" dated October 22, 2012. The F-WQMP shall be submitted and approved prior to application for and issuance of grading permits. At a minimum, the F-WQMP shall include the following: Site Design BMPs; Source Control BMPs, Treatment Control BMPs, Operation and Maintenance requirements for BMPs and sources of funding for BMP implementation.

a. The Applicant has proposed to incorporate the use of a modular wetland system, underground detention basin and catch basin filter. Final design and sizing details of all BMPs must be provided in the first submittal of the F-WQMP. The Applicant acknowledges that more area than currently shown on the plans may be required to treat site runoff as required by the WQMP guidance document.

b. The Applicant shall substantiate the applicable Hydrologic Condition of Concerns (HCOC) in Section F of the F-WQMP. The HCOC designates that the project will be exempt from mitigation requirements based on Exemption 3.

c. All proposed LID BMP's shall be designed in accordance with the RCFC&WCD's Design Handbook for Low Impact Development Best Management Practices, dated September 2011.

d. The proposed LID BMP's as identified in the project-specific P-WQMP shall be incorporated into the Final WQMP.

e. The NPDES notes per City Standard Drawing No. MVFE-350-0 shall be included in the grading plans.

f. Post-construction treatment control BMPs, once placed into operation for post-construction water quality control, shall not be used to treat runoff from construction sites or unstabilized areas of the site.

g. Prior to precise grading plan approval, the grading plan shall show any proposed trash enclosure to include a cover (roof) and sufficient size for dual bin (1 for trash and 1 for recyclables). The architecture shall be approved by the Planning

**CONDITIONS OF APPROVAL**

Plot Plan (PEN22-0256)

Division and any structural shall be approved by the Building and Safety Division.

86. The developer shall ensure compliance with the City Grading ordinance, these Conditions of Approval and the following criteria:
- a. The project street and lot grading shall be designed in a manner that perpetuates the existing natural drainage patterns with respect to tributary drainage area and outlet points. Unless otherwise approved by the City Engineer, lot lines shall be located at the top of slopes.
  - b. Any grading that creates cut or fill slopes adjacent to the street shall provide erosion control, sight distance control, and slope easements as approved by the City Engineer.
  - c. All improvement plans are substantially complete and appropriate clearance letters are provided to the City.
  - d. A soils/geotechnical report (addressing the soil's stability and geological conditions of the site) shall be submitted to the Land Development Division for review. A digital (pdf) copy of the soils/geotechnical report shall be submitted to the Land Development Division.
87. Grading plans (prepared by a registered/licensed civil engineer) shall be submitted for review and approved by the City Engineer per the current submittal requirements.
88. The developer shall select Low Impact Development (LID) Best Management Practices (BMPs) designed per the latest version of the Water Quality Management Plan (WQMP) - a guidance document for the Santa Ana region of Riverside County.
89. A Storm Water Pollution Prevention Plan (SWPPP) shall be prepared in conformance with the State's current Construction Activities Storm Water General Permit. A copy of the current SWPPP shall be kept at the project site and be available for review upon request.
90. Any proposed trash enclosure shall include a solid cover (roof) and sufficient size for dual bin (one for trash and one for recyclables). The architecture shall be approved by the Planning Division and any structural approvals shall be made by the Building & Safety Division.
91. For projects that will result in discharges of storm water associated with construction with a soil disturbance of one or more acres of land, the developer shall submit a Notice of Intent (NOI) and obtain a Waste Discharger's Identification number (WDID#) from the State Water Quality Control Board (SWQCB) which shall be noted on the grading plans.

Prior to Grading Permit

**CONDITIONS OF APPROVAL**

Plot Plan (PEN22-0256)

92. A receipt showing payment of the Area Drainage Plan (ADP) fee to Riverside County Flood Control and Water Conservation District shall be submitted. [MC 9.14.100(O)]
93. For non-subdivision projects, a copy of the Covenants, Conditions and Restrictions (CC&Rs) shall be submitted for review by the City Engineer. The CC&Rs shall include, but not be limited to, access easements, reciprocal access, private and/or public utility easements as may be relevant to the project.
94. Security, in the form of a cash deposit (preferable), bond or letter of credit shall be submitted as a guarantee of the implementation and maintenance of erosion control measures. At least twenty-five (25) percent of the required security shall be in the form of a cash deposit with the City. [MC 8.21.160(H)]
95. Security, in the form of a cash deposit (preferable), bond or letter of credit shall be submitted as a guarantee of the completion of the grading operations for the project. [MC 8.21.070]

Prior to Improvement Plan Approval

96. Any missing or deficient existing improvements along the project frontage within Eucalyptus Ave shall be constructed or secured for construction. The City Engineer may require the ultimate structural section for pavement to half-street width plus 18 feet or provide core test results confirming that existing pavement section is per current City Standards; additional signing & striping to accommodate increased traffic imposed by the development, etc.
97. The plans shall indicate any restrictions on trench repair pavement cuts to reflect the City's moratorium on disturbing newly-constructed pavement less than three (3) years old and recently slurry sealed streets less than one (1) year old. Pavement cuts may be allowed for emergency repairs or as specifically approved in writing by the City Engineer. Special requirements shall be imposed for repaving, limits to be determined by the City Engineer.
98. All dry and wet utilities shall be shown on the plans and any crossings shall be potholed to determine actual location and elevation. Any conflicts shall be identified and addressed on the plans. The pothole survey data shall be submitted to Land Development with the public improvement plans for reference purposes only. The developer is responsible to coordinate with all affected utility companies and bear all costs of any utility relocation.

Prior to Encroachment Permit

**CONDITIONS OF APPROVAL**

Plot Plan (PEN22-0256)

99. For non-subdivision projects, execution of a Public Improvement Agreement (PIA) and/or security (in the form of a cash deposit or other approved means) may be required as determined by the City Engineer. [MC 9.14.220]
100. The plans shall indicate any restrictions on trench repair pavement cuts to reflect the City's moratorium on disturbing newly-constructed pavement less than three (3) years old and recently slurry sealed streets less than one (1) year old. Pavement cuts may be allowed for emergency repairs or as specifically approved in writing by the City Engineer. Special requirements shall be imposed for repaving, limits to be determined by the City Engineer.
101. Any work performed within public right-of-way requires an encroachment permit.

Prior to Building Permit

102. An engineered-fill certification, rough grade certification and compaction report shall be submitted for review and approved by the City Engineer. A digital (pdf) copy of the approved compaction report shall be submitted to the Land Development Division. All pads shall meet pad elevations per approved grading plans as noted by the setting of "blue-top" markers installed by a registered land surveyor or licensed civil engineer.
103. For non-subdivision projects, the developer shall guarantee the completion of all related public improvements required for this project by executing a Public Improvement Agreement (PIA) with the City and posting the required security. [MC 9.14.220]
104. A lot line adjustment shall be recorded.
105. For Commercial/Industrial projects, the owner may have to secure coverage under the State's General Industrial Activities Storm Water Permit as issued by the State Water Resources Control Board.
106. A walk through with a Land Development Inspector shall be scheduled to inspect existing improvements within public right of way along project frontage. Any missing, damaged or substandard improvements including ADA access ramps that do not meet current City standards shall be required to be installed, replaced and/or repaired. The applicant shall post security to cover the cost of the repairs and complete the repairs within the time allowed in the public improvement agreement used to secure the improvements.
107. Certification to the line, grade, flow test and system invert elevations for the water quality control BMPs shall be submitted for review and approved by the City Engineer (excluding models homes).

**CONDITIONS OF APPROVAL**

Plot Plan (PEN22-0256)

Prior to Occupancy

108. All required as-built plans (prepared by a registered/licensed civil engineer) shall be submitted for review and approved by the City Engineer per the current submittal requirements.
109. The final/precise grade certification shall be submitted for review and approved by the City Engineer.
110. The developer shall complete all public improvements in conformance with current City standards, except as noted in the Special Conditions, including but not limited to the following:
- a. Street improvements including, but not limited to: pavement, base, curb and/or gutter, cross gutters, spandrel, sidewalks, drive approaches, pedestrian ramps, street lights (<MVU: SL-2 / SCE: LS-2>), signing, striping, under sidewalk drains, landscaping and irrigation, medians, pavement tapers/transitions and traffic control devices as appropriate.
  - b. Storm drain facilities including, but not limited to: storm drain pipe, storm drain laterals, open channels, catch basins and local depressions.
  - c. City-owned utilities.
  - d. Sewer and water systems including, but not limited to: sanitary sewer, potable water and recycled water.
111. For commercial, industrial and multi-family projects, a <"Stormwater Treatment Device and Control Measure Access and Maintenance Covenant", "Maintenance Agreement for Water Quality Improvements located in the public right-of-way" and a "Declaration of Restrictive Covenants (encroachment on City easement)"> shall be recorded to provide public notice of the maintenance requirements to be implemented per the approved final project-specific WQMP. A boilerplate copy of the covenants and agreements can be obtained by contacting the Land Development Division.
112. The applicant shall ensure the following, pursuant to Section XII. I. of the 2010 NPDES Permit:
- a. Field verification that structural Site Design, Source Control and Treatment Control BMPs are designed, constructed and functional in accordance with the approved Final Water Quality Management Plan (WQMP).
  - b. Certification of best management practices (BMPs) from a state licensed civil engineer. An original WQMP BMP Certification shall be submitted for review and approved by the City Engineer.
113. The Developer shall comply with the following water quality related items:
- a. Notify the Land Development Division prior to construction and installation of



**CONDITIONS OF APPROVAL**

Plot Plan (PEN22-0256)

all structural BMPs so that an inspection can be performed.

b. Demonstrate that all structural BMPs described in the approved final project-specific WQMP have been constructed and installed in conformance with the approved plans and specifications;

c. Demonstrate that Developer is prepared to implement all non-structural BMPs described in the approved final project-specific WQMP; and

d. Demonstrate that an adequate number of copies of the approved final project-specific WQMP are available for future owners/occupants.

e. Clean and repair the water quality BMP's, including re-grading to approved civil drawing if necessary.

f. Obtain approval and complete installation of the irrigation and landscaping.

Special Districts Division

114. Major Infrastructure SFD Major Infrastructure Financing District. Prior to applying for the 1st Building Permit, the qualified elector (e.g. property owner) must initiate the process (i.e. pay the annexation fee or use the alternative identified at the time of the special financing district formation) to provide an ongoing funding source for the construction and maintenance of major infrastructure improvements, which may include but is not limited to thoroughfares, bridges, and certain flood control improvements. This condition will be applicable provided said district is under development at the time this project applies for the 1st Building Permit. This condition must be fully satisfied prior to issuance of the 1st Certificate of Occupancy. This condition will be satisfied with the successful annexation/formation (i.e. special election process) into a special financing district and payment of all costs associated with the special election process. Annexation into a special financing district requires an annual payment of the annual special tax, assessment, or fee levied against the property tax bill, or other lawful means, of the parcels of the project for such district. At the time of the public hearing to consider annexation into or formation of the district, the qualified elector(s) will not protest the annexation or formation, but will retain the right to object to any eventual tax/assessment/fee that is not equitable should the financial burden of the tax/assessment/fee not be reasonably proportionate to the benefit the affected property receives from the improvements to be installed and/or maintained or services provided. The special election requires a minimum 90-day process in compliance with the provisions of Article 13C of the California Constitution, Proposition 218, or other applicable legislation, and consistent with the scheduling for City Council meetings. An alternative to satisfying this condition will be identified at such time as a special financing district has been established. At the time of development, the developer must contact Special Districts Administration at 951.413.3470 or at SDAdmin@moval.org to determine if this condition is applicable.

115. Park Maintenance Funding. Prior to applying for the 1st Building Permit, the

**CONDITIONS OF APPROVAL**

Plot Plan (PEN22-0256)

qualified elector (e.g. property owner) must initiate the process (i.e. pay the annexation fee or fund an endowment) to provide an ongoing funding source for the continued maintenance, enhancement, and/or retrofit of parks, open spaces, linear parks, and/or trails systems.

This condition must be fully satisfied prior to issuance of the 1st Certificate of Occupancy. This condition will be satisfied with the successful annexation/formation (i.e. special election process) into a special financing district and payment of all costs associated with the special election process. Annexation into a special financing district requires an annual payment of the annual special tax, assessment, or fee levied against the property tax bill, or other lawful means, of the parcels of the project for such district. At the time of the public hearing to consider annexation into or formation of the district, the qualified elector(s) will not protest the annexation or formation, but will retain the right to object to any eventual tax/assessment/fee that is not equitable should the financial burden of the tax/assessment/fee not be reasonably proportionate to the benefit the affected property receives from the improvements to be installed and/or maintained or services provided. The special election requires a minimum 90-day process in compliance with the provisions of Article 13C of the California Constitution, Proposition 218, or other applicable legislation, and consistent with the scheduling for City Council meetings.

Alternatively, the condition can be satisfied by the Developer funding an endowment in an amount sufficient to yield an annual revenue stream that meets the annual obligation, as calculated by Special Districts Admin staff. The Developer must contact Special Districts Administration at 951.413.3470 or at [SDAdmin@moval.org](mailto:SDAdmin@moval.org) to satisfy this condition.

116. Maintenance Services Funding. Prior to applying for the 1st Building Permit, the qualified elector (e.g. property owner) must initiate the process (i.e. pay the annexation fee or use the alternative identified at the time of the special financing district formation) to provide an ongoing funding source for the operation and maintenance of public improvements and/or services associated with impacts of the development. This condition will only be applicable provided said district is under development at the time this project applies for the 1st Building Permit.

This condition must be fully satisfied prior to issuance of the 1st Certificate of Occupancy. This condition will be satisfied with the successful annexation/formation (i.e. special election process) into a special financing district and payment of all costs associated with the special election process. Annexation into a special financing district requires an annual payment of the annual special tax, assessment, or fee levied against the property tax bill, or other lawful means, of the parcels of the project for such district. At the time of the public hearing to consider annexation into or formation of the district, the qualified elector(s) will not protest the annexation or formation, but will retain the right to object to any eventual tax/assessment/fee that is

**CONDITIONS OF APPROVAL**

Plot Plan (PEN22-0256)

not equitable should the financial burden of the tax/assessment/fee not be reasonably proportionate to the benefit the affected property receives from the improvements to be installed and/or maintained or services provided. The special election requires a minimum 90-day process in compliance with the provisions of Article 13C of the California Constitution, Proposition 218, or other applicable legislation, and consistent with the scheduling for City Council meetings.

An alternative to satisfying this funding source will be identified at such time as a special financing district has been established. At the time of development, the developer must contact Special Districts Administration at 951.413.3470 or at SDAdmin@moval.org to determine if this condition is applicable.

117. **Public Safety Funding.** Prior to applying for the 1st Building Permit, the qualified elector (e.g. property owner) must initiate the process (i.e. pay the annexation fee or use the alternative identified at the time of the special financing district formation) to provide an ongoing funding source for Public Safety services, which may include but is not limited to Police, Fire Protection, Paramedic Services, Park Rangers, and Animal Control services. This condition will only be applicable provided said district is under development at the time this project applies for the 1st Building Permit.

This condition must be fully satisfied prior to issuance of the 1st Certificate of Occupancy. This condition will be satisfied with the successful annexation/formation (i.e. special election process) into a special financing district and payment of all costs associated with the special election process. Annexation into a special financing district requires an annual payment of the annual special tax, assessment, or fee levied against the property tax bill, or other lawful means, of the parcels of the project for such district. At the time of the public hearing to consider annexation into or formation of the district, the qualified elector(s) will not protest the annexation or formation, but will retain the right to object to any eventual tax/assessment/fee that is not equitable should the financial burden of the tax/assessment/fee not be reasonably proportionate to the benefit the affected property receives from the improvements to be installed and/or maintained or services provided. The special election requires a minimum 90-day process in compliance with the provisions of Article 13C of the California Constitution, Proposition 218, or other applicable legislation, and consistent with the scheduling for City Council meetings.

An alternative to satisfying this condition will be identified at such time as a special financing district has been established. At the time of development, the developer must contact Special Districts Administration at 951.413.3470 or at SDAdmin@moval.org to determine if this condition is applicable.

118. **Maintenance Responsibility.** The ongoing maintenance of any landscaping required to be installed behind the curb shall be the responsibility of the property owner.

**CONDITIONS OF APPROVAL**

Plot Plan (PEN22-0256)

119. Damage. Any damage to existing landscape areas maintained by the City of Moreno Valley due to project construction shall be repaired/replaced by the Developer, or Developer's successors in interest, at no cost to the City of Moreno Valley.

Transportation Engineering Division

120. Access at existing driveway along Eucalyptus Avenue shall remain right-in and right-out only.

**PARKS & COMMUNITY SERVICES DEPARTMENT**

121. This project is subject to current Development Impact Fees.



Attachment: Project Plans [Revision 1] (0236 : FEN22-0256)

**landscape architect**

Richard Pope & Associates  
 1585 S. D Street, #202  
 San Bernardino, CA 92408  
 Richard Pope  
 909 888-5568  
 richardpopeassociates.la@gmail.com

**civil engineer:**

ASAP Consulting  
  
 Prasad Kasturi  
 602 446-6479  
 asapconsulting2017@gmail.com

**architect:**

Robert F. Tuttle Architect, Inc.  
 33533 Pebble Brook Circle  
 Temecula, CA 92592  
 Bob Tuttle  
 951 302-5444  
 robert.tuttle@rftarch.com

**owner:**

Sagemont Hotels  
 1030 S Summer Breeze Ln  
 Anaheim CA  
 Hiral Patel  
 949 545-4888  
 hpatel@sagemonthotels.com



Existing Hyundai Dealership

**PROJECT ADDRESS:**  
Eucalyptus Avenue  
Moreno Valley, CA

**ASSESSOR'S PARCEL NUMBER:**  
488-400-041,042,043

**LEGAL DESCRIPTION:**

**GOVERNING CODE:**  
This project shall comply with the 2019 edition of the California building code (title 24)

**ZONE:**  
Community commercial

**USE:**  
Existing: Vacant  
Proposed: 4-story, 121 guestroom hotel with pool, outdoor amenity area and surface parking

**CONSTRUCTION TYPE:**  
TYPE V-A sprinklered

**OCCUPANCY:**  
R-1, A-2

**LOT SIZE:**  
total 118,930 sf (2.73 acres)  
hotel site 83,186.28 sf  
future pad 35,743.72 sf

**BLDG. FOOTPRINT:**  
19,127.25 sf

**F.A.R.:**  
allowed:  
Proposed:  $75,846.92 / 118,930 = .64$

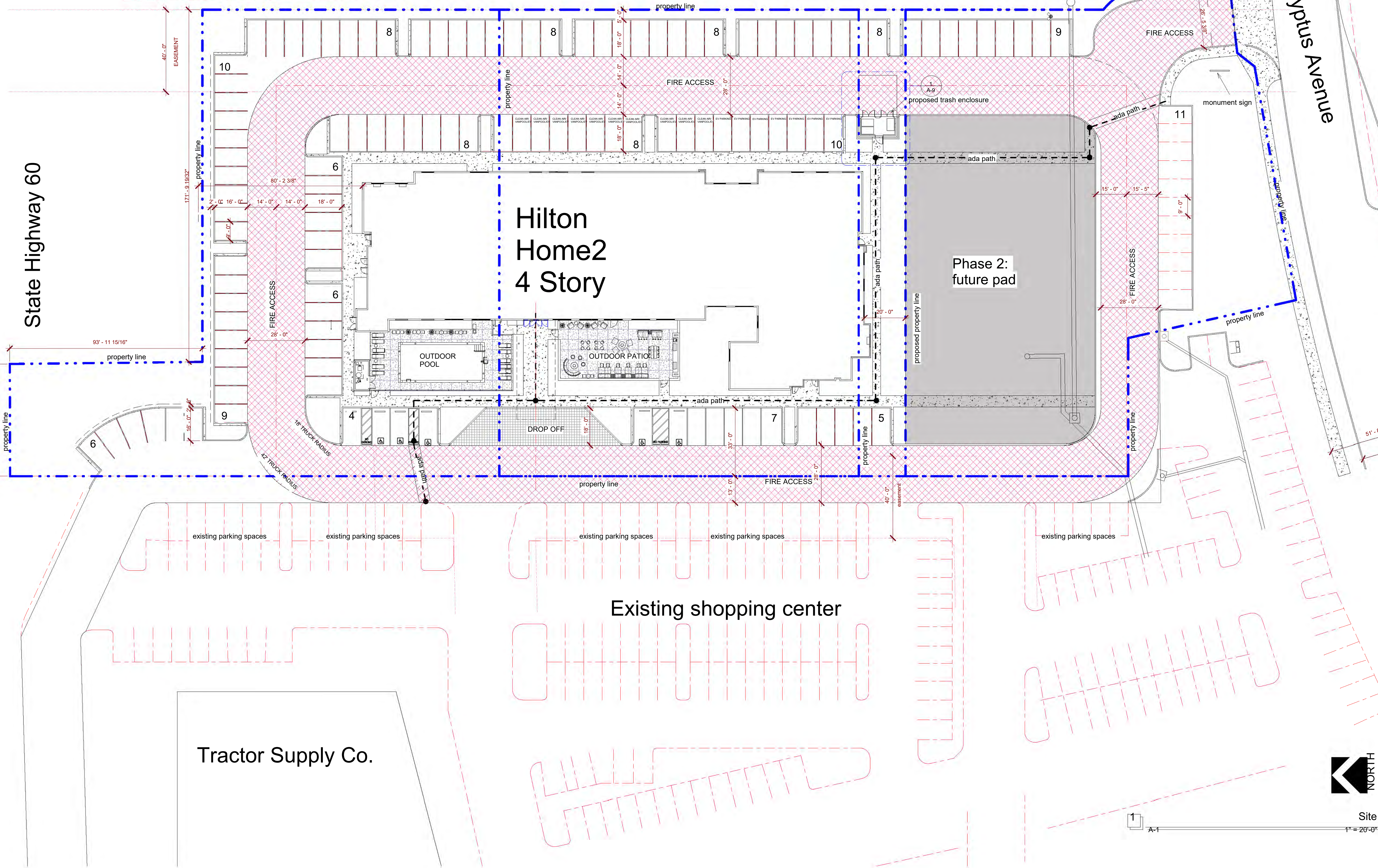
**UNIT COUNT:**  
FIRST FLOOR 17 room  
SECOND FLOOR 35 room  
THIRD FLOOR 35 room  
FOURTH FLOOR 34 room

**TOTAL ROOMS** 121 rooms

**REQUIRED PARKING:**  
1:1/room 121 stalls

**PARKING PROVIDED:**  
Regular- Hotel 130 stalls  
(6 ADA)  
EV Charging 7 space  
Clean Air Vanpool 10 space  
Bicycle (short term) 6 space  
(0.1 per 1,000 s.f. = 60 X 0.1 = 6)  
Bicycle (long term) NA

**STRUCTURAL HEIGHT:**  
Maximum structural height allowed:  
Proposed structural height (tallest parapet) 44'9"



State Highway 60

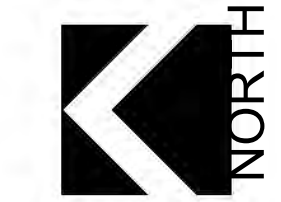
Eucalyptus Avenue

Hilton Home2 4 Story

Phase 2: future pad

Existing shopping center

Tractor Supply Co.



Site  
1" = 20'-0"

1" = 20'-0"

Sagemont Hotels

Moreno Valley Home2

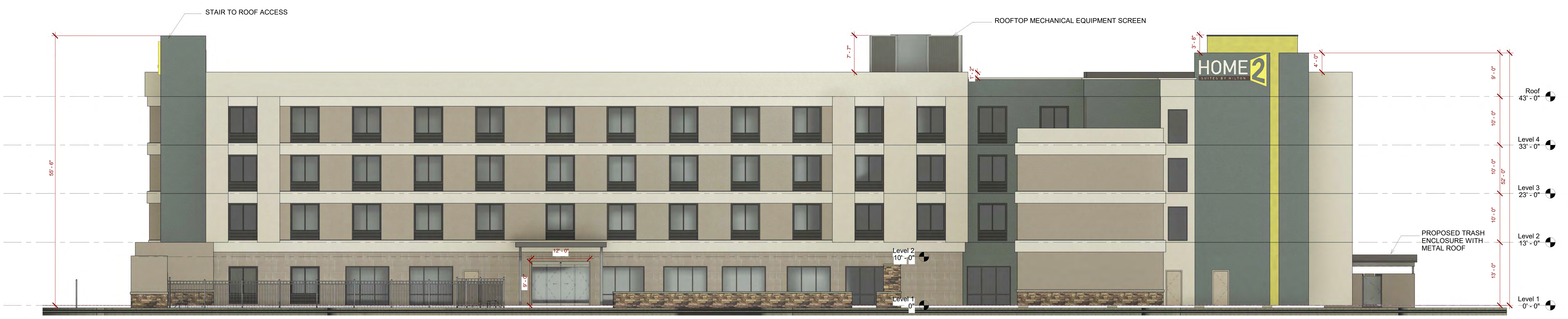
March 20, 2023

Robert F. Tuttle Architects, Inc.

<b>A Tile</b> MSI Concrete Porcelain Tile "Dimensions - Gris"	<b>B Stucco Field</b> Match Dunn-Edwards DE6370 "Charcoal Smudge"	<b>C Stucco Field</b> Match Dunn-Edwards DET020 "Barnwood Gray"	<b>D Stucco Field</b> Match Dunn-Edwards DET647 "Trade Winds"	<b>E Stucco Tower</b> Match Dunn-Edwards DET593 "Made of Steel"	<b>F Painted Steel</b> Match Dunn Edwards DE6225 "Fossil"	<b>G Reveal + Band</b> stucco Benjamin Moore 398 "Flower Power"	<b>J Window frames</b> Brushed Aluminum factory finish	<b>L + M Steel</b> painted doors + flashing Dunn Edwards DET 620 "Barnwood Gray"



1 South Elevation  
A-7 1/8" = 1'-0"



2 West Elevation  
A-7 1/8" = 1'-0"

								
<b>A Tile</b> MSI Concrete Porcelain Tile "Dimensions - Gris"	<b>B Stucco Field</b> Match Dunn-Edwards DE6370 "Charcoal Smudge"	<b>C Stucco Field</b> Match Dunn-Edwards DET020 "Barnwood Gray"	<b>D Stucco Field</b> Match Dunn-Edwards DET647 "Trade Winds"	<b>E Stucco Tower</b> Match Dunn-Edwards DET593 "Made of Steel"	<b>F Painted Steel</b> Match Dunn Edwards DE6225 "Fossil"	<b>G Reveal + Band</b> stucco Benjamin Moore 398 "Flower Power"	<b>J Window frames</b> Brushed Aluminum factory finish	<b>L + M Steel</b> painted doors + flashing Dunn Edwards DET 620 "Barnwood Gray"

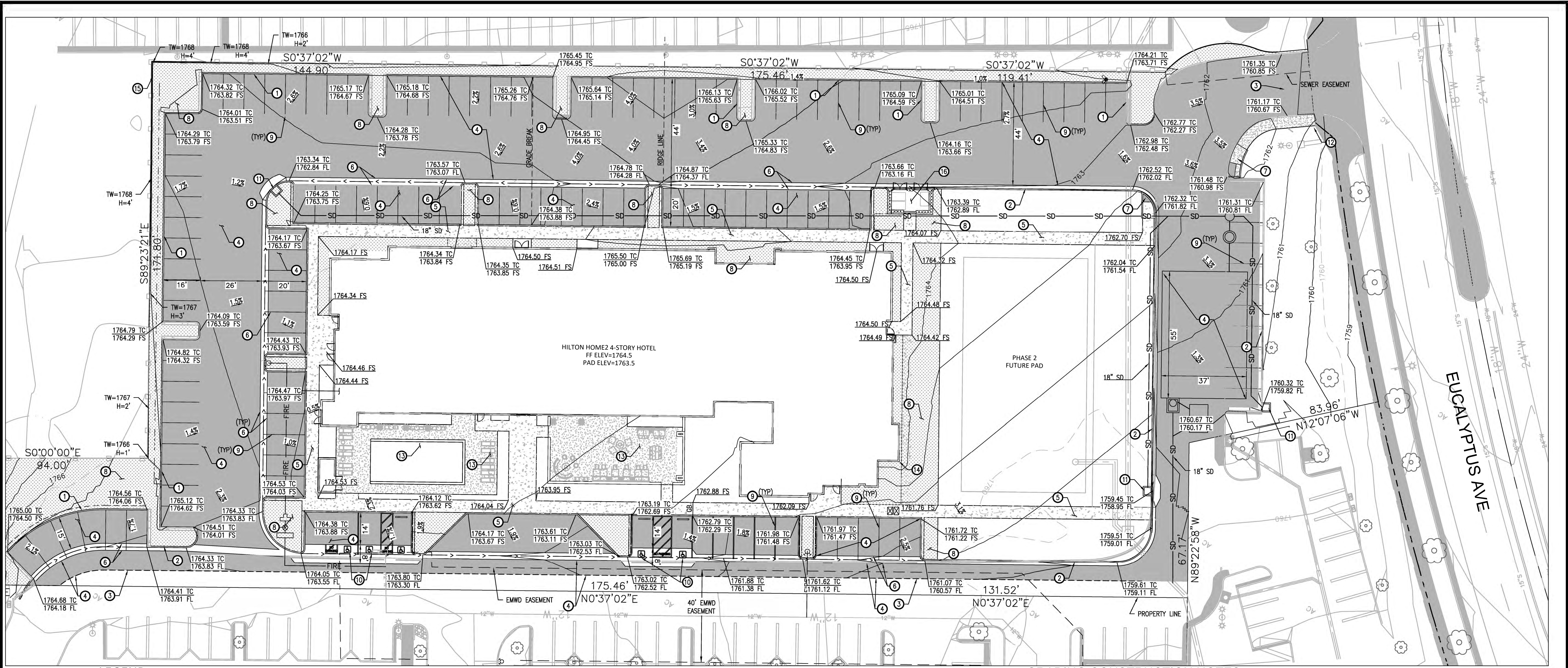


1 East Elevation  
A-8 1/8" = 1'-0"



2 North Elevation  
A-8 1/8" = 1'-0"



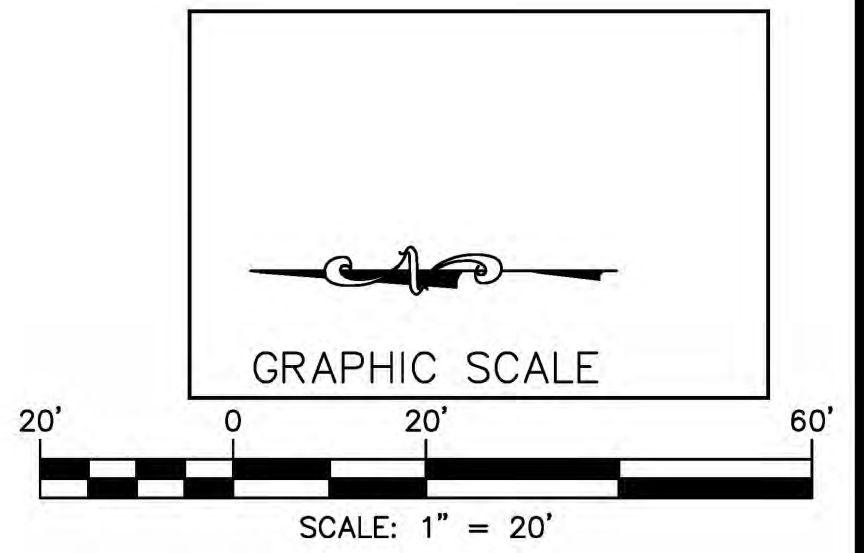


LEGEND

- RIGHT OF WAY
- PROPERTY LINE
- CENTER LINE
- FLOW LINE
- RIDGE LINE
- GRADE BREAK LINE
- CONCRETE SIDEWALK
- ASPHALT PAVEMENT
- LANDSCAPE
- STEM WALL
- RETAINING WALL
- DAYLIGHT LINE

GRADING CONSTRUCTION NOTES

- 1 CONSTRUCT 6" CURB PER CITY PF MORENO VALLEY STD. PLAN MVS1-121A-0
- 2 CONSTRUCT 6" CURB AND GUTTER PER CITY PER MORENO VALLEY STD. PLAN MVS1-120A-0
- 3 JOIN EXISTING PARKING LOT PAVEMENT DETAIL PER CITY OF MORENO VALLEY STD. PLAN MVGF-623B-0
- 4 INSTALL PARKING LOT PAVEMENT PER CITY OF MORENO VALLEY STD. PLAN MVGF-623A-1
- 5 CONSTRUCT SIDEWALK PER CITY OF MORENO VALLEY STD. PLAN MVS1-115A-0
- 6 CONSTRUCT 3' MODIFIED LONGITUDINAL GUTTER PER SPPWC STD. PLAN 122-2
- 7 CONSTRUCT CURB RAMP
- 8 INSTALL LANDSCAPE PER LANDSCAPING PLANS
- 9 STRIPE STANDARD PARKING STALL PER SPPWC STD. 180-0
- 10 STRIPE ADA PARKING STALL PER SPPWC STD. 180-0
- 11 CONSTRUCT CATCH BASIN (W=3.5') AND LOCAL DEPRESSION PER CITY OF MORENO VALLEY MVFE-300A-0
- 12 INSTALL POLE AND SIGNAGE PER ARCHITECTURAL PLANS
- 13 INSTALL SITE FEATURE ITEMS PER ARCHITECTURAL PLANS
- 14 CONSTRUCT 0.5' TO 2.5' HEIGHT STEM WALL PER ARCHITECTURAL PLAN
- 15 CONSTRUCT MASONRY RETAINING WALL PER SPPWC STD. PLAN 618-3 AND HEIGHT SHOWN ON PLAN
- 16 CONSTRUCT TRASH ENCLOSURE PER ARCHITECTURAL PLAN



NO WORK SHALL BE DONE ON THIS SITE UNTIL BEING ORDERED BY THE CITY OF MORENO VALLEY TO GRADE OR EXCAVATE.

**DIGALERT**

CALL 811 or 1-800-422-4133 2 Working Days Before You Dig www.call811.com

REVIEW BY CITY STAFF	BENCHMARK	BASIS OF BEARING
	METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA BENCH MARK "VF 55"	THE BASIS OF BEARINGS FOR THIS PROJECT IS THE CENTERLINE OF EUCALYPTUS AVENUE PER PARCEL MAP 34411, MAP BOOK 217, PAGES 67 THRU 72, RECORDS OF SAN BERNARDINO COUNTY, STATE OF CALIFORNIA, SAID BEARING BEING N89°24'54"W.

MARK	DATE	INITIAL	DESCRIPTION	REC	APPR / DATE
			REVISION		

CITY OF MORENO VALLEY

ACCEPTED BY:

ENGINEER OF RECORD'S SEAL

REGISTERED PROFESSIONAL ENGINEER  
PRASAD V. KASTURI  
No. 84306  
Exp. 09/30/23  
CIVIL  
STATE OF CALIFORNIA

**ASAP CONSULTING**

6533 CATTLEMAN DR  
EASTVALE, CA 92880  
714.923.6000

UNDER THE SUPERVISION OF:

*Prasad V. Kasturi*

(NAME: PRASAD V. KASTURI) 03-29-2023  
RCE: #64306

CITY OF MORENO VALLEY

HILTON HOME2 AND RETAIL DEVELOPMENT

PRECISE GRADING AND DRAINAGE PLAN

PROJECT NO: FP-11977-22

SHEET 2 OF 4

CITY ID: XX

# Moreno Valley Home 2

## CONCEPTUAL LANDSCAPE PLAN

Eucalyptus Avenue  
 Moreno Valley, CA 92335  
 APN: 488-400-041,042,043

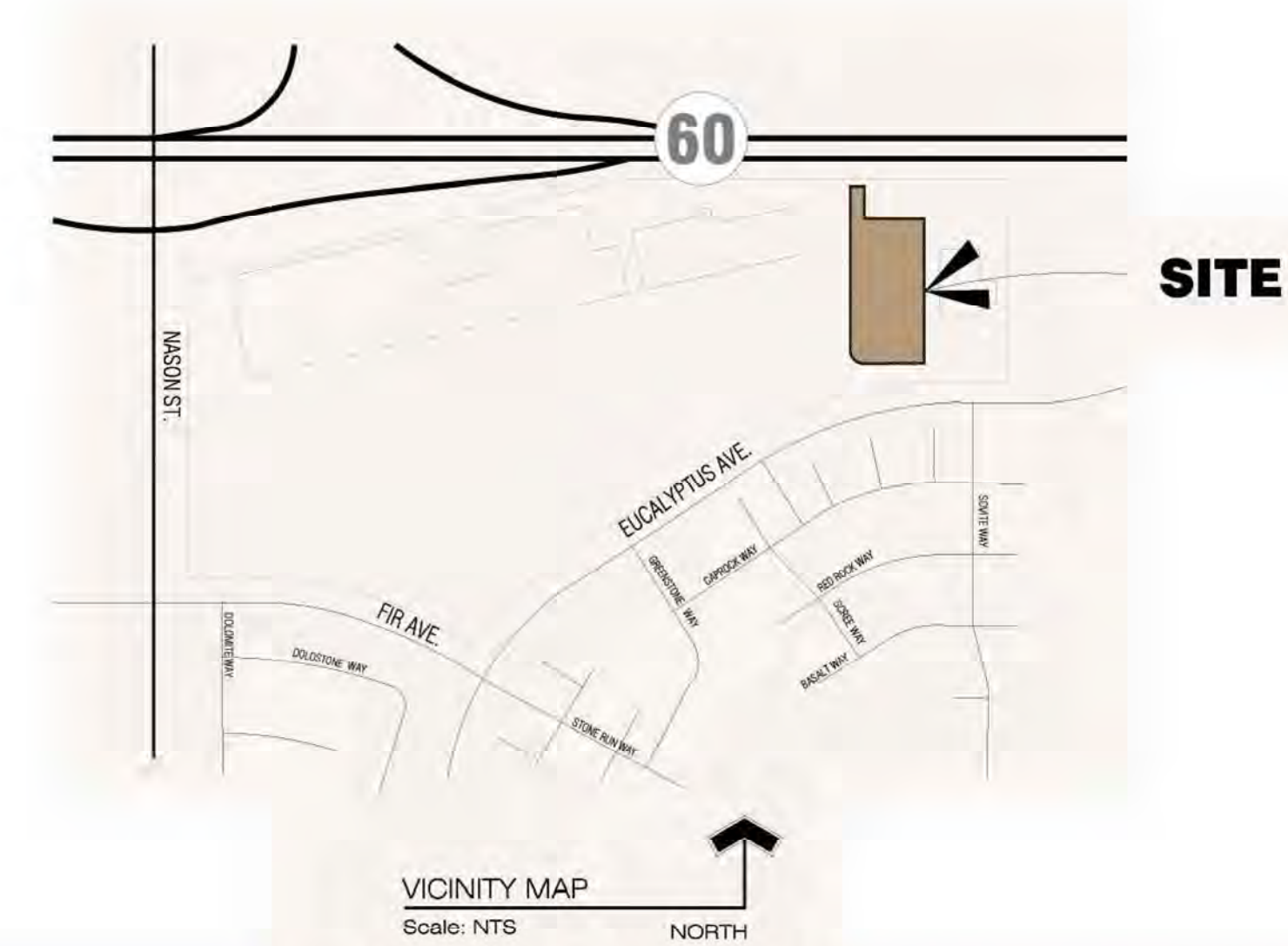
Total Landscape Area: 15,253 Sq. Ft.

**Applicant:**  
 Sagemont Hotels  
 4 Executive Cir STE 250  
 Irvine CA 92614  
 Contact: Hiral Patel  
 Phone: (951) 545-4888  
 Email: hpatel@sagemonthotels.com

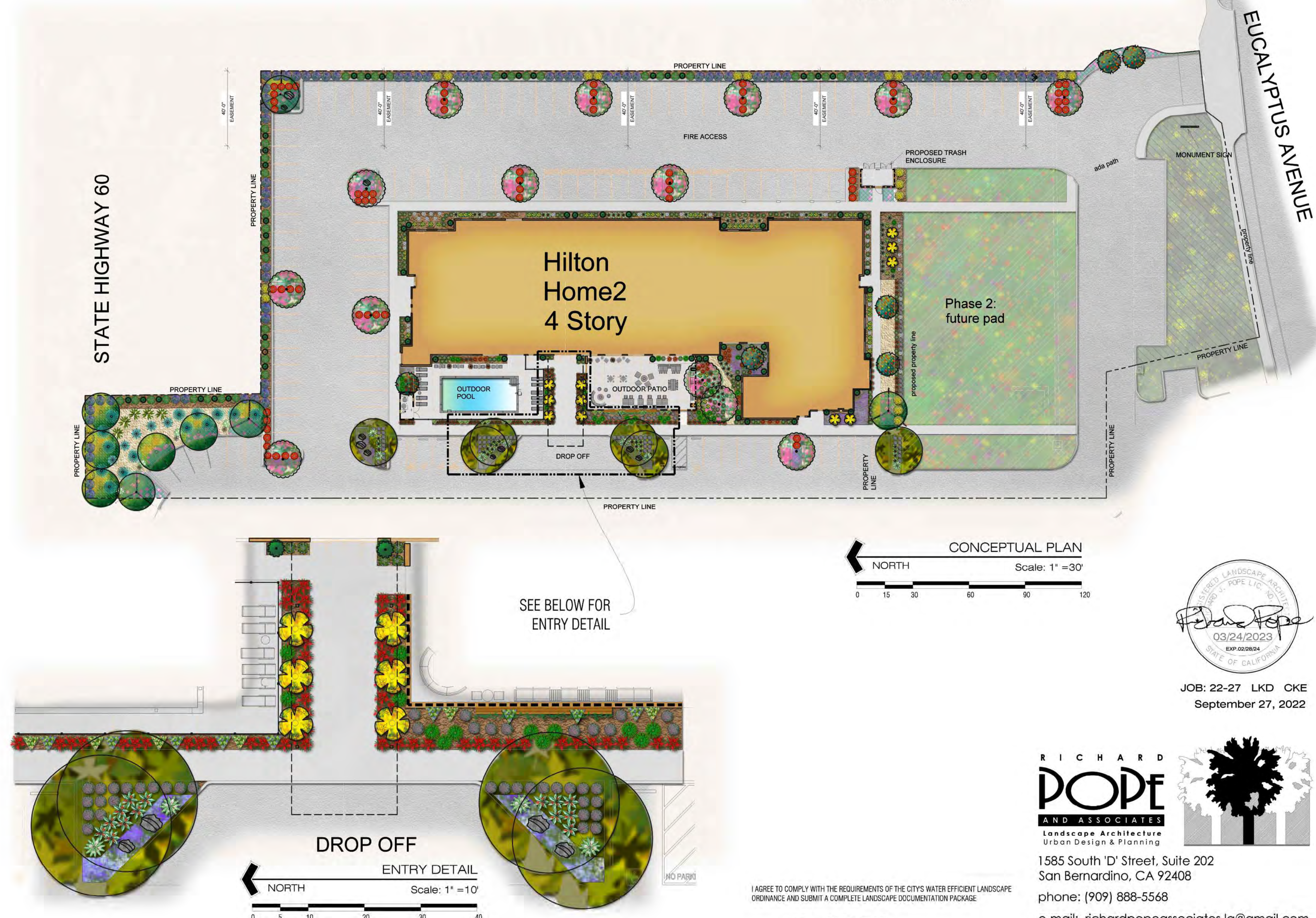
Eucalyptus Avenue  
 Moreno Valley, CA 92335  
 Reference Eto: 55.1 Total Irrigated Landscape Area: 15,253 SQ. FT.  
 Allowance is 45% of ETo

**MAWA: Maximum Applied Water Allowance**  
 Eto Reference ET (inches per year) 0.45 ET Adjustment Factor  
 0.62 Conversion Factor (gal. per sq.ft.) LA Total Landscape Area

(MAWA) Total Landscape Area  
 (Eto) (0.45) (LA) (0.62) = Gallons Per Year  
 (55.10) (0.45) (15,253) (0.62) = **234,482.84** Gallons Per Year



SYMBOL	QTY.	SIZE	BOTANICAL NAME	COMMON NAME	WUCOLS IV WATER USAGE	INTENDED MATURE SIZE (H x W)
	6	30" Box	Arbutus unedo 'Marina'	Marina Strawberry Tree	Low	25' H, Ø 12"
	14	15 Gal.	Chitalpa tashkentensis	Chitalpa Tree	Low	25' H, Ø 20"
	6	36" Box	Platanus acerfolia 'Bloodgood'	London Plane Tree	Mod	30' H, Ø 25"
	4	24" Box	Rhus lancea - Multi-Trunk	African Sumac	Low	25' H, Ø 25"
	5	15 Gal.	Rhus lancea - Standard	African Sumac	Low	25' H, Ø 25"
	11	15 Gal.	Tecoma stans - Tree Form	Yellow Trumpet Flower	Low	5' H, Ø 5"
	68	5 Gal.	Cupressus sempervirens 'Tiny Tower'	Dwarf Italian Cypress	Low	10' H, Ø 3"
	5	5 Gal.	Agave americana	Century Plant	V. LOW	5' H, Ø 5-7"
	54	5 Gal.	Aloe vera 'Barbadoes'	Barbados Aloe	Low	2' H, Ø 2"
	26	5 Gal.	Aloe cameroni	Red Aloe	Low	2' H, Ø 3"
	68	5 Gal.	Aloe striata	Coral Aloe	Low	2' H, Ø 2"
	121	5 Gal.	Anigozanthos flavidus 'Bustranger'	Dwarf Red Kangaroo Paw	Low	4' H, Ø 2"
	68	5 Gal.	Callistemon viminalis 'Little John'	Dwarf Bottlebrush	Low	3' H, Ø 4"
	36	5 Gal.	Chondropetalum tectorum	Small Cape Rush	Mod	3' H, Ø 3"
	38	5 Gal.	Crassula arborescens	Silver Dollar Plant	Low	2' H, Ø 2"
	14	5 Gal.	Dasyliroton wheeleri	Desert Spoon	Low	5' H, Ø 5"
	113	5 Gal.	Dianella revoluta	Flax Lily	Low	3' H, Ø 3"
	40	5 Gal.	Russelia equisetiformis	Firecracker Plant	Mod	4' H, Ø 4" (5)
	22	5 Gal.	Senna artesmisioides	Feathery Cassia	Low	5' H, Ø 5"
	89	1 Gal.	Teucrium lucidrys	Low Germander	Mod	18" H, Ø 2"
	73	5 Gal.	Westringia fruticosa	Coast Rosemary	Low	5' H, Ø 6"
	11	15 Gal.	Yucca baccata	Banana Yucca	V. Low	3' H, Ø 3"
	5	5 Gal.	Yucca gloriosa	Spanish Dagger	Low	4' H, Ø 3"
	14	1 Gal.	Clytostoma callistegiodes - Mixed w/ Gelsemium sempervirens Every 3rd plant.	Violet Trumpet Vine Carolina Jessamine	Mod	Climbing
	2	5 Gal.	Clytostoma callistegiodes - Espalier	Violet Trumpet Vine Carolina Jessamine	Mod	Climbing
	1,319	1 Gal. XX" o.c.	Cistus salvifolius 'Prostratus'	Prostrate Sage-leafed Rock Rose	Low	18" H, Ø 5"
	1,096	1 Gal. 12" o.c.	Lavandula angustifolia 'Thumbelina Leigh'	Dwarf English Lavender	Low	1' H, Ø 1"
	2,806	Sq. Ft.	3" Thick Layer of Decomposed Granite	Color:		
	10		Boulders, Granite 3'-5' Ø			
	4,758	Sq. Ft.	Existing	Existing Landscape		
				Phase 2 - Not A Part Hydroseeded with Non-Irrigated Wildflower Bio-swale Mix		



**ALL UTILITY BOXES SHALL BE SCREENED FROM PUBLIC VIEW. SHRUBS SHALL BE PLACED AROUND ALL ABOVE GROUND UTILITIES IN A MANNER TO SCREEN FROM PUBLIC VIEW BUT TO ALLOW ACCESS FOR MAINTENANCE.**

I AGREE TO COMPLY WITH THE REQUIREMENTS OF THE CITY'S WATER EFFICIENT LANDSCAPE ORDINANCE AND SUBMIT A COMPLETE LANDSCAPE DOCUMENTATION PACKAGE

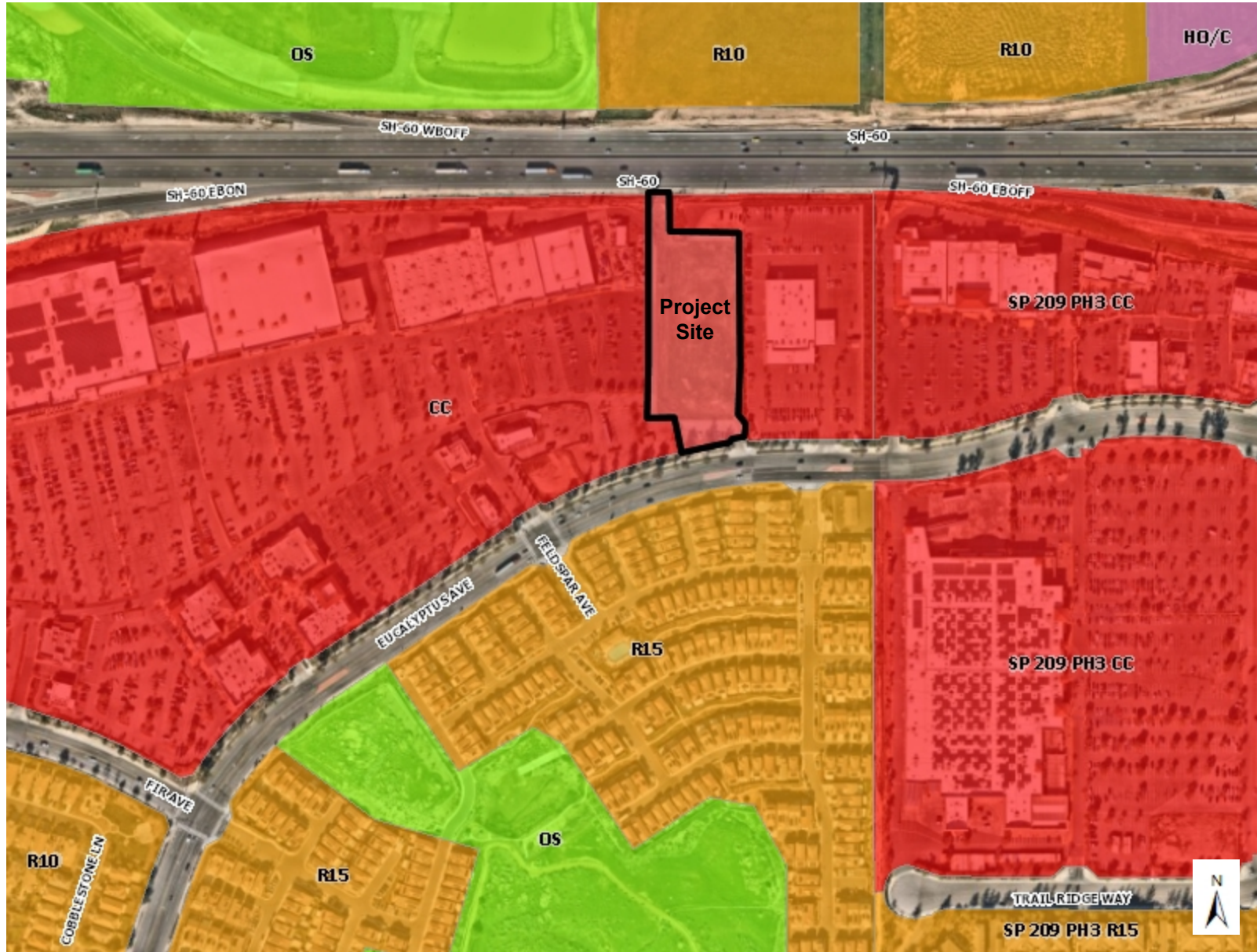
SIGN *Richard Pope* DATE 03/24/2023



JOB: 22-27 LKD OKE  
 September 27, 2022

**RICHARD POPE AND ASSOCIATES**  
 Landscape Architecture  
 Urban Design & Planning  
 1585 South 'D' Street, Suite 202  
 San Bernardino, CA 92408  
 phone: (909) 888-5568  
 e-mail: richardpopeassociates.la@gmail.com  
 Richard Pope, Landscape Architect CA# 2664

# Zoning Map PEN22-0256



### Legend

#### Zoning

- Commercial
- Center Mixed Use
- Downtown Center
- Corridor Mixed Use
- Industrial/Business Park
- Public Facilities
- Highway Office/Commercial
- Office
- Business Flex
- Large Lot Residential
- Residential Agriculture 2 DU/AC
- Residential 2 DU/AC
- Suburban Residential
- Multi-family
- Open Space/Park

Attachment: Zoning Map (6236 : PEN22-0256)

Image Source: Nearmap

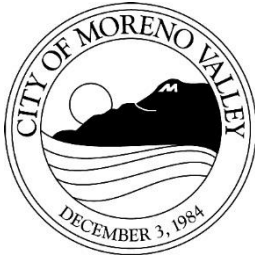
Notes:

745.5 0 372.77 745.5 Feet

WGS\_1984\_Web\_Mercator\_Auxiliary\_Sphere

Print Date: 4/11/2023

*DISCLAIMER: The information shown on this map was compiled from the City of Moreno Valley GIS and Riverside County GIS. The land base and facility information on this map is for display purposes only and should not be relied upon without independent verification as to its accuracy. Riverside County and City of Moreno Valley will not be held responsible for any claims, losses or damages resulting from the use of this map.*



## PLANNING COMMISSION

### STAFF REPORT

Meeting Date: May 11, 2023

MUNICIPAL CODE AMENDMENT TO AMEND VARIOUS SECTIONS WITHIN TITLE 9 PLANNING AND ZONING INCLUDING CHAPTERS 9.02 PERMITS AND APPROVALS, 9.03 RESIDENTIAL DISTRICTS, 9.09 SPECIFIC USE DEVELOPMENT STANDARDS, AND 9.15 DEFINITIONS

Case: Municipal Code Amendment (PEN23-0047)

Applicant: City of Moreno Valley

Case Planner: Danielle Harper-Scott, Associate Planner

Council District: All Districts

Proposed Project: The proposed Omnibus Municipal Code amendment includes various updates and text clean-ups for the purpose of complying with State Law and clarifying and streamlining various development standards within Title 9 (Planning and Zoning), including Chapter 9.02 (Permits and Approvals), Chapter 9.03 (Residential Districts), Chapter 9.04 (Commercial Districts), Chapter 9.09 (Specific Use Development Standards), and Chapter 9.15 (Definitions) of the Moreno Valley Municipal Code

CEQA: The Proposed amendments are exempt from the California Environmental Quality Act in accordance with Section 15061(b)(3) of the CEQA Guidelines in that the amendments involve general policy and procedure making, and it can be seen with certainty that there is no possibility that the amendments will have a significant effect on the environment.

### **SUMMARY**

This Municipal Code Amendment revises various sections of Title 9 Planning and Zoning, related to the following areas:

- A. Updates to comply with State requirements related to housing, as well as assisting the City in complying with its housing element.
- B. Other minor clarifications and clean-up items.

## **PROJECT DESCRIPTION**

The discussion of the sections below corresponds to the order of the text amendments set forth in the attached Planning Commission resolution.

### **Section 9.02.020 (Permitted Uses)**

Tables 9.02.020-1 and 9.02.020-2 are being modified within the Permitted Uses Section as follows:

- Allow ministerial approval for affordable housing on commercially zoned lands in compliance with Assembly Bill 2011.
- Add Low Barrier Navigation Centers in compliance with State Law.
- Rename “Farm Worker Employee Housing” to “Employee Housing” in compliance with State Law
- Allow ministerial approval for Residential Care Facilities with six (6) or fewer persons in residential zones in compliance with State law.
- Clarify that Aircraft Landing Facilities include helipads and facilities for quadcopters as well as allow their use in certain industrial districts.
- Allow ministerial approval for Emergency Shelters in certain Mixed-Use Districts and Mixed-Use Overlays in compliance with State law.

### **Section 9.02.320 (Reasonable Accommodation Procedures)**

This proposed amendment will add language to Section 9.02.320 to define “Special Needs Populations” as requested by the U.S. Department of Housing and Urban Development (HUD).

### **Section 9.03.050 (Density Bonus Program for Affordable Housing)**

This proposed amendment will add language defining shared housing as a residential or mixed-use structure with five or more housing units and one or more common kitchens and dining areas designed for permanent residence.

### **Section 9.04.050 (Affordable Housing in Commercial Zones)**

This new section will allow affordable multi-family residential development in commercial zones in compliance with AB 2011.

Section 9.09.130 (Accessory Dwelling Units)

This proposed amendment revises language in Section 9.09.130 to address several State legislative bills (AB 2221, SB 897, and AB 916) that became effective on January 1, 2023.

Section 9.09.150 (Senior Citizen Housing)

This proposed amendment will revise language to Section 9.09.150, to remove the term "handicapped" and replace the term with "Person with a disability" and provide additional amendments to clarify development requirements in compliance with State law.

Section 9.09.160 (Residential Care Facilities)

This proposed amendment clarifies standards for the development of residential care facilities consistent with State law.

Section 9.09.170 (Emergency Shelters)

The proposed amendment modifies parking requirements for Emergency shelters to be consistent with the provisions of State law.

Section 9.09.180 (Employee Housing)

This proposed amendment modifies the language to comply with State law regarding Employee Housing and renames the section accordingly.

Section 9.09.320 (Low Barrier Navigation Centers)

This new section will allow for the development of Low Barrier Navigation Centers by-right in all mixed-use and nonresidential zones where multifamily is permitted consistent with State law.

Section 9.09.330 (Group Homes)

This new section establishes development standards that permit group homes for 6 or fewer and 7 or more persons in all residential zones consistent with State law.

Section 9.15.030 (Definitions)

This proposed amendment removes the "Farmworker Housing" definitions from Section 9.15.030.

**ENVIRONMENTAL**

The proposed Municipal Code Amendments are exempt from the California Environmental Quality Act. The proposed amendments are exempt from the California Environmental Quality Act in accordance with Section 15061(b)(3) of the CEQA

Guidelines in that the amendments involve general policy and procedure making, and it can be seen with certainty that there is no possibility that the amendments will have a significant effect on the environment, and the provisions implementing Assembly Bill 2011 and Senate Bill 6 are expressly exempt from CEQA pursuant to the express terms of said bills.

### **NOTIFICATION**

The amendment to the Municipal Code is City-wide. As such, the public hearing notice for the proposed Municipal Code Amendments was published in the Press-Enterprise newspaper on April 28, 2023.

### **STAFF RECOMMENDATION**

Staff recommends that the Planning Commission **APPROVE** Resolution No. 2023-20, and thereby **RECOMMEND** that the City Council:

1. **FIND** the amendments exempt from the California Environmental Quality Act; and
2. **APPROVE** the Municipal Code Title 9 Amendments (PEN23-0047), based on the findings contained set forth and/or referenced in this Resolution and **INTRODUCE** and **ADOPT** an ordinance to effectuate the amendments included in this Resolution.

Prepared by:  
Danielle Harper-Scott

Approved by:  
Sean P. Kelleher  
Acting Community Development Director

### **ATTACHMENTS**

To view large attachments, please click your “bookmarks”  on the left hand side of this document for the necessary attachment.

1. Resolution 2023-20 Spring Omnibus
2. Strikeout/Underline Draft Amendments

## RESOLUTION NUMBER 2023-20

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MORENO VALLEY, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL AMEND VARIOUS SECTIONS WITHIN TITLE 9 (PLANNING AND ZONING), INCLUDING CHAPTER 9.02 (PERMITS AND APPROVALS), CHAPTER 9.03 (RESIDENTIAL DISTRICTS), CHAPTER 9.04 (COMMERCIAL DISTRICTS), CHAPTER 9.09 (SPECIFIC USE DEVELOPMENT STANDARDS), AND CHAPTER 9.15 (DEFINITIONS) OF THE MORENO VALLEY MUNICIPAL CODE**

**WHEREAS**, the City of Moreno Valley (“City”) is a general law city and a municipal corporation of the State of California; and

**WHEREAS**, pursuant to the authority granted the City by Article XI, Section 7 of the California Constitution, the City has the police power to adopt regulations designed to promote the public convenience or the general prosperity, as well as regulations designed to promote the public health, morals and/or safety; and

**WHEREAS**, Section 9.02.050 (Amendments to zoning districts or other provisions of Title 9) of Chapter 9.02 (Permits and Approvals) of Title 9 (Planning and Zoning) of the Municipal Code provides that either the staff or the Planning Commission may initiate amendments to the provisions of Title 9; and

**WHEREAS**, staff has recommended to the Planning Commission that it recommend that the City Council adopt several amendments to Title 9, which include revising certain provisions of Chapter 9.02 (Permits and Approvals), Chapter 9.03 (Residential Districts), Chapter 9.04 (Commercial Districts), Chapter 9.09 (Specific Use Development Standards), and Chapter 9.15 (Definitions) (collectively referred to herein as “PEN23-0047”); and

**WHEREAS**, PEN23-0047 will clarify various development standards to provide some flexibility regarding existing requirements, make it less costly for the public with respect to processing certain entitlements and streamline certain entitlement procedures for efficiency purposes, all of which will promote economic development within the City; and

**WHEREAS**, staff has determined that PEN22-0047 is consistent with the MOVAL 2040 General Plan and its goals, objectives, policies, and programs, and with any applicable specific plan; and

**WHEREAS**, staff has further determined that PEN23-0047 will not adversely affect the public health, safety or general welfare; and

**WHEREAS**, staff has also determined that PEN23-0047 is consistent with the purposes and intent of Title 9; and

**WHEREAS**, staff has determined that PEN23-0047 amendments are exempt from



the California Environmental Quality Act in accordance with Section 15061(b)(3) of the CEQA Guidelines in that the amendments involve general policy and procedure making, and it can be seen with certainty that there is no possibility that the amendments will have a significant effect on the environment; and

**WHEREAS**, on May 11, 2023, a duly noticed public hearing was conducted by the Planning Commission at which time all interested persons were provided an opportunity to testify and to present evidence; and

**WHEREAS**, on May 11, 2023, in accordance with the provisions of the California Environmental Quality Act (CEQA<sup>1</sup>) and CEQA Guidelines,<sup>2</sup> the Planning Commission considered and recommended that the City Council approve PEN23-0047.

**NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF MORENO VALLEY, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:**

**Section 1. Recitals and Exhibits**

That the foregoing Recitals and attached exhibits are true and correct and are hereby incorporated by this reference.

**Section 3. Evidence**

That the Planning Commission has considered all of the evidence submitted into the administrative record for the Municipal Code update, including, but not limited to, the following:

- (a) MOVAL 2040 General Plan
- (b) Text Amendments to Title 9 as proposed herein, and Title 9 (Planning and Zoning) of the Moreno Valley Municipal Code and all relevant provisions referenced therein;
- (c) Staff Report prepared for the Planning Commission’s consideration and all documents, records, and references related thereto, and Staff’s presentation at the public hearing; and
- (d) Testimony comments and/or correspondence from all persons that were provided in written format or correspondence, at, or prior to, the public hearing.

**Section 4. Findings**

That based on the foregoing Recitals and the Evidence contained in the Administrative Record as set forth above, the Planning Commission hereby finds as follows:

<sup>1</sup> Public Resources Code §§ 21000-21177

<sup>2</sup> 14 California Code of Regulations §§15000-15387

- (a) That the proposed Municipal Code amendments are consistent with the existing goals, objectives, policies, and programs of the General Plan;
- (b) The proposed Municipal Code amendments are exempt from the California Environmental Quality Act. The proposed amendments are exempt from the California Environmental Quality Act in accordance with Section 15061(b)(3) of the CEQA Guidelines in that the amendments involve general policy and procedure making, and it can be seen with certainty that there is no possibility that the amendments will have a significant effect on the environment, and the provisions implementing Assembly Bill 2011 and Senate Bill 6 are expressly exempt from CEQA pursuant to the express terms of said bills;
- (c) The proposed Municipal Code amendments will not adversely affect the public health, safety, or general welfare; and
- (d) The proposed Municipal Code amendments are consistent with the purposes and intent of Title 9.

**Section 5.            Approval**

That based on the foregoing Recitals, Evidence in the Administrative Record and Findings, as set forth herein, the Planning Commission hereby recommends that the City Council approve the draft ordinance including all Municipal Code Amendments attached hereto as Exhibit A, which are on file with the Community Development Department.

**Section 6.            Repeal of Conflicting Provisions**

That all the provisions as heretofore adopted by the Planning Commission that are in conflict with the provisions of this Resolution are hereby repealed.

**Section 7.            Severability**

That the Planning Commission declares that, should any provision, section, paragraph, sentence or word of this Resolution be rendered or declared invalid by any final court action in a court of competent jurisdiction or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences or words of this Resolution as hereby adopted shall remain in full force and effect.

**Section 8.            Effective Date**

That this Resolution shall take effect immediately upon the date of adoption.

**Section 9.            Certification**

That the Secretary of the Planning Commission shall certify to the passage of this Resolution.

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**PASSED AND ADOPTED THIS 11TH DAY OF MAY, 2023.**

CITY OF MORENO VALLEY  
PLANNING COMMISSION

\_\_\_\_\_  
Alvin DeJohnette, Chairperson

ATTEST:

\_\_\_\_\_  
Sean P. Kelleher,

Acting Community Development Director

APPROVED AS TO FORM:

\_\_\_\_\_  
Steven B. Quintanilla,  
Interim City Attorney

Exhibits:  
Exhibit A: Draft Ordinance

Attachment: Resolution 2023-20 Spring Omnibus [Revision 8] (6253 : Spring 2023 Omnibus)

## ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, AMENDING VARIOUS SECTIONS WITHIN TITLE 9 (PLANNING AND ZONING), INCLUDING CHAPTER 9.02 (PERMITS AND APPROVALS), CHAPTER 9.03 (RESIDENTIAL DISTRICTS), CHAPTER 9.04 (COMMERCIAL DISTRICTS), CHAPTER 9.09 (SPECIFIC USE DEVELOPMENT STANDARDS), AND CHAPTER 9.15 (DEFINITIONS) OF THE MORENO VALLEY MUNICIPAL CODE**

**WHEREAS**, the City of Moreno Valley (“City”) is a general law city and a municipal corporation of the State of California; and

**WHEREAS**, pursuant to the authority granted the City by Article XI, Section 7 of the California Constitution, the City has the police power to adopt regulations designed to promote the public convenience or the general prosperity, as well as regulations designed to promote the public health, morals and/or safety; and

**WHEREAS**, Section 9.02.050 (Amendments to zoning districts or other provisions of Title 9) of Chapter 9.02 (Permits and Approvals) of Title 9 (Planning and Zoning) of the Municipal Code provides that either the staff or the Planning Commission may initiate amendments to the provisions of Title 9; and

**WHEREAS**, staff has recommended to the Planning Commission that it recommend that the City Council adopt several amendments to Title 9, which include revising certain provisions of Chapter 9.02 (Permits and Approvals), Chapter 9.03 (Residential Districts), Chapter 9.04 (Commercial Districts), Chapter 9.09 (Specific Use Development Standards), and Chapter 9.15 (Definitions) (collectively referred to herein as “PEN23-0047”); and

**WHEREAS**, PEN23-0047 will clarify various development standards to provide some flexibility regarding existing requirements, make it less costly for the public with respect to processing certain entitlements and streamline certain entitlement procedures for efficiency purposes, all of which will promote economic development within the City; and

**WHEREAS**, staff has determined that PEN22-0047 is consistent with the MOVAL 2040 General Plan and its goals, objectives, policies, and programs, and with any applicable specific plan; and

**WHEREAS**, staff has further determined that PEN23-0047 will not adversely affect the public health, safety or general welfare; and

**WHEREAS**, staff has also determined that PEN23-0047 is consistent with the purposes and intent of Title 9; and

**WHEREAS**, staff has determined that PEN23-0047 amendments are exempt from the California Environmental Quality Act in accordance with Section 15061(b)(3) of the

CEQA Guidelines in that the amendments involve general policy and procedure making, and it can be seen with certainty that there is no possibility that the amendments will have a significant effect on the environment.

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF MORENO VALLEY DOES ORDAIN AS FOLLOWS:**

**Section 1. RECITALS**

That the above recitals are true and correct and are incorporated herein as though set forth at length herein.

**Section 2. AUTHORITY**

That this Ordinance is adopted pursuant to the authority granted by Article XI, Section 7 of the Constitution of the State of California and California Government Code Section 37100, and it is not intended to be duplicative of state law, or be preempted by state legislation.

**Section 3. AMENDMENT TO SECTION 9.02.020 (PERMITTED USES)**

Section 9.02.020 (Permitted Uses) of Chapter 9.02 (Permits and Approvals) of Title 9 (Planning and Zoning) is hereby amended as set forth in Exhibit A.

**Section 4. AMENDMENT TO SECTION 9.02.320 (REASONABLE ACCOMMODATION PROCEDURES)**

Section 9.02.030 (Reasonable Accommodation Procedures) of Chapter 9.02 (Permits and Approvals) of Title 9 (Planning and Zoning) is hereby amended as set forth in Exhibit B.

**Section 5. AMENDMENT TO SECTION 9.03.050 (DENSITY BONUS PROGRAM FOR AFFORDABLE HOUSING)**

Section 9.03.050 (Density Bonus Program for Affordable Housing) of Chapter 9.03 (Residential Districts) of Title 9 (Planning and Zoning) is hereby amended as set forth in Exhibit C.

**Section 6. ADDING SECTION 9.04.050 (AFFORDABLE HOUSING IN COMMERCIAL ZONES) TO CHAPTER 9.04 (COMMERCIAL DISTRICTS)**

Section 9.04.050 (Affordable Housing In Commercial Zones) of Chapter 9.04 (Commercial Districts) of Title 9 (Planning and Zoning) is hereby amended as set forth in Exhibit D.

**Section 7. AMENDMENT TO SECTION 9.09.130 (ACCESSORY DWELLING UNITS)**

Section 9.09.130 (Accessory Dwelling Units) of Chapter 9.09 (Specific Use Development Standards) of Title 9 (Planning and Zoning) is hereby amended as set forth in Exhibit E.

**Section 8. AMENDMENT TO SECTION 9.09.150 (SENIOR CITIZEN HOUSING)**

Section 9.09.150 (Senior Citizen Housing) of Chapter 9.09 (Specific Use Development Standards) of Title 9 (Planning and Zoning) is hereby amended as set forth in Exhibit F.

**Section 9. AMENDMENT TO SECTION 9.09.160 (RESIDENTIAL CARE FACILITIES)**

Section 9.09.160 (Residential Care Facilities) of Chapter 9.09 (Specific Use Development Standards) of Title 9 (Planning and Zoning) is hereby amended as set forth in Exhibit G.

**Section 10. AMENDMENT TO SECTION 9.09.170 (EMERGENCY HOMELESS SHELTERS)**

Section 9.09.170 (Emergency Homeless Shelters) of Chapter 9.09 (Specific Use Development Standards) of Title 9 (Planning and Zoning) is hereby amended as set forth in Exhibit H.

**Section 11. AMENDMENT TO SECTION 9.09.170 (EMPLOYEE HOUSING)**

Section 9.09.170 (Employee Housing) of Chapter 9.09 (Specific Use Development Standards) of Title 9 (Planning and Zoning) is hereby amended as set forth in Exhibit I.

**Section 12. ADDING SECTION 9.09.320 (LOW BARRIER NAVIGATION CENTERS) TO CHAPTER 9.09 (SPECIFIC USE DEVELOPMENT STANDARDS)**

Section 9.09.320 (Low Barrier Navigation Center) of Chapter 9.09 (Specific Use Development Standards) of Title 9 (Planning and Zoning) is hereby amended as set forth in Exhibit J.

**Section 13. ADDING SECTION 9.09.330 (GROUP HOMES) TO CHAPTER 9.09 (SPECIFIC USE DEVELOPMENT STANDARDS)**

Section 9.09.330 (Group Homes) of Chapter 9.09 (Specific Use Development Standards) of Title 9 (Planning and Zoning) is hereby amended as set forth in Exhibit K.

**Section 14. AMENDMENT TO SECTION 9.15.030 (DEFINITIONS)**

Section 9.15.030 (Definitions) of Chapter 9.15 (Definitions) of Title 9 (Planning and Zoning) is hereby amended to remove the definition for "Farmworker housing."

### **Section 15. CEQA COMPLIANCE**

That PEN23-0047 Amendments are exempt from the California Environmental Quality Act in accordance with Section 15061(b)(3) of the CEQA Guidelines in that the amendments involve general policy and procedure making, and it can be seen with certainty that there is no possibility that the amendments will have a significant effect on the environment, and with respect to implementation of Assembly Bill 2011 and Senate Bill 6 (collectively, "Bills"), is exempt from CEQA pursuant to the express provisions of said Bills.

### **Section 16. FINDINGS**

The ordinance is consistent with the City's 2040 General Plan.

### **Section 17. SEVERABILITY**

That the City Council declares that, should any provision, section, paragraph, sentence or word of this Ordinance be rendered or declared invalid by any final court action in a court of competent jurisdiction or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences or words of this ordinance as hereby adopted shall remain in full force and effect.

### **Section 18. REPEAL OF CONFLICTING PROVISIONS**

That all the provisions of the Municipal Code as heretofore adopted by the City of Moreno Valley that are in conflict with the provisions of this Ordinance are hereby repealed.

### **Section 19. EFFECTIVE DATE**

That this Ordinance shall take effect thirty (30) days after its second reading.

### **Section 20. CERTIFICATION**

That the City Clerk shall certify to the passage and adoption of this Ordinance, enter the same in the book for original ordinances of the City, and make a minute of passage and adoption thereof in the records of the proceedings of the City Council, in the minutes of the meeting at which this Ordinance is passed and adopted.

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INTRODUCED at a regular meeting of the City Council on \_\_ \_\_, \_\_\_\_, and PASSED, APPROVED, and ADOPTED by the City Council on \_\_\_\_\_ \_\_, \_\_\_\_, by the following vote:

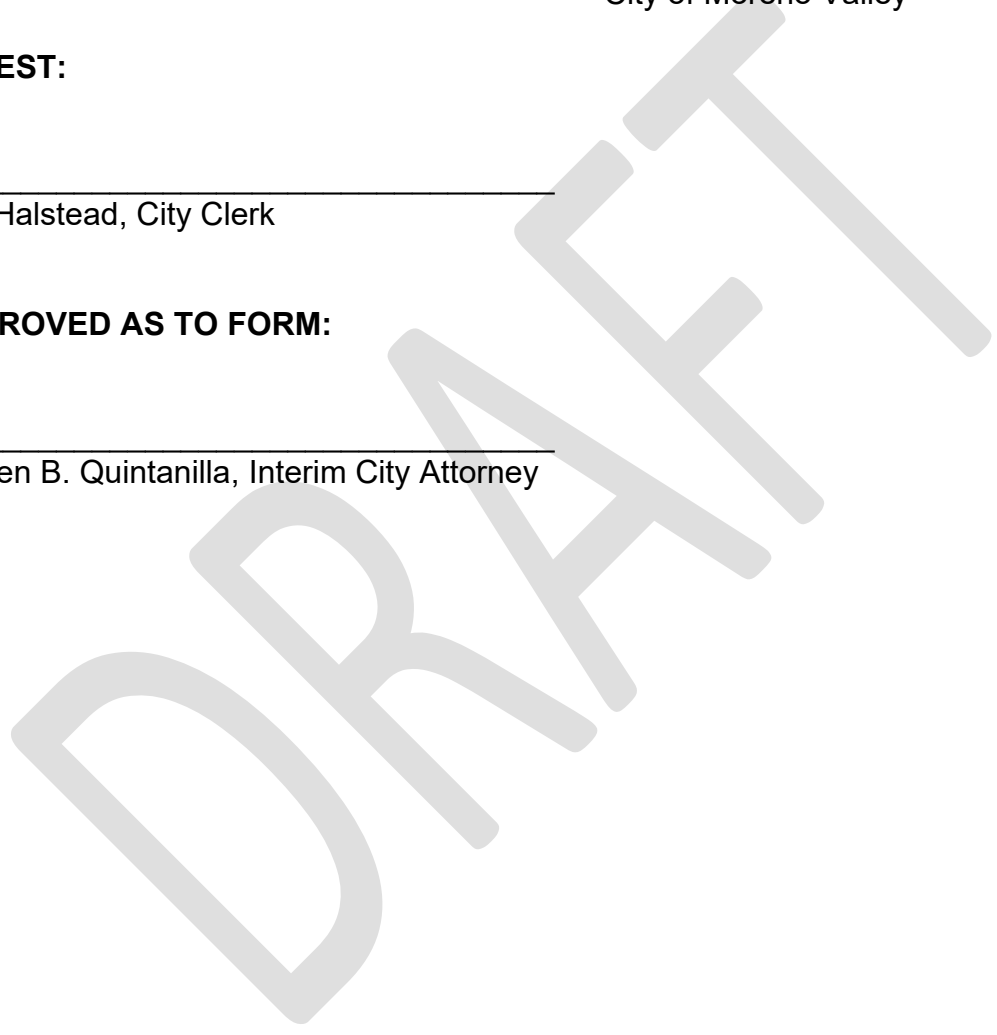
\_\_\_\_\_  
Ulises Cabrera, Mayor  
City of Moreno Valley

**ATTEST:**

\_\_\_\_\_  
Jan Halstead, City Clerk

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Steven B. Quintanilla, Interim City Attorney





ORDINANCE JURAT

STATE OF CALIFORNIA )

COUNTY OF RIVERSIDE )

ss. CITY OF MORENO VALLEY

)

I, \_\_\_\_\_, City Clerk of the City of Moreno Valley, California, do hereby certify that Ordinance No. 2023 - XX was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the \_\_\_\_\_ day of \_\_\_\_\_, 2023, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Council Members, Mayor Pro Tem and

Mayor)

CITY CLERK

(SEAL)

Attachment: Resolution 2023-20 Spring Omnibus [Revision 8] (6253 : Spring 2023 Omnibus)

**Exhibit A**

**9.02.020 Permitted uses.**

The following tables contain columns with headings identifying zoning districts, and list uses by indicating the zoning district or districts in which each use is permitted or allowed and whether the stated use is permitted subject to district requirements, or whether the stated use is allowed only after obtaining a conditional use permit. Where the table indicates, a use is allowed with conditional use permit, unless otherwise expressly provided, all district uses and other standards and requirements shall apply. Permitted Uses Table 9.02.020-1 identifies all zoning districts within the city except for the mixed-use zones/corridors and mixed-use overlay districts, which are in Permitted Uses Table 9.02.020-2.

<b>Permitted Uses Table 9.02.020-1</b>																										
X - Indicates stated use is permitted subject to district requirements. C - Indicates stated use is allowed with a conditional use permit. ◆ - Indicates a use is permitted unless the use is located three hundred (300) feet or less from a residential zone or use, in which case the use is allowed with a conditional use permit. However, the expansion of an existing general manufacturing use is allowed without a conditional use permit regardless of its distance from residential zones or residential uses. A - Indicates a use is permitted with an adult business use permit, providing the requirements of Section 9.09.030 of this title are met. S - Indicates a use is permitted, providing the requirements of 9.09.280 (Smoke Shops) of this title are met. A conditional use permit is required if dictated by the distance criteria. M - Indicates a use is allowed with a conditional use permit, providing the requirements of 9.09.290 (Commercial Cannabis Activities) of this title are met.																										
	Residential Zones												Mixed Use Overlay			Commercial & Office Zones					Industrial Zones					
	HR	RR	R1	RA2	R2	R3	R5	RS10	R10	R15	R20	R30	MUN (9,11)	MUC (9,11)	MUJ (9,10,11)	NC	CC	VC	OC	O	P	I	LI	BP	BPX	OS
Adult Businesses																	A									
Agricultural Uses—Crops Only <sup>18</sup>	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Agricultural (involving structures)																						X				
Aircraft Landing Facilities (including helipads and facilities for quadcopters) <sup>18</sup>																	C		C	C	C	C	C	C	C	
Ambulance Service																	◆				◆	X	X	X	X	
Amusement Parks, Fairgrounds <sup>18</sup>																	◆					X				
Animal Raising (see Section 9.09.090 of this title) <sup>18</sup>	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Appliance and Electronic Repair Shops													X	X	X	X	X					X	X		X	
Arcades, Video Machines																◆	X	◆								
Athletic Clubs, Gymnasiums and Spas <sup>18</sup>													X	X	X	X	X		X			X	X	X	X	
Auction Houses <sup>18</sup>																	X								X	
Auditoriums <sup>18</sup>													◆	◆	◆		◆	◆	◆	◆	◆	◆	◆	◆	◆	◆
Auto Electronic Accessories and Installation																	X					X	X		X	
Automobile Fleet Storage																						X	X			
Automobile, Motorcycle, Truck, Golf Cart, Recreational Vehicle and Boat Sales and Incidental Minor Repairs and Accessory Installations																	◆					X	X			
Auto Service Stations																◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆
Accessory uses include convenience store and car wash																										

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**Permitted Uses Table 9.02.020-1**

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- M - Indicates a use is allowed with a conditional use permit, providing the requirements of 9.09.290 (Commercial Cannabis Activities) of this title are met.

	Residential Zones													Mixed Use Overlay			Commercial & Office Zones						Industrial Zones				
	HR	RR	R1	RA2	R2	R3	R5	RS10	R10	R15	R20	R30	MUN (9.11)	MUC (9.11)	MUJ (8,10,11)	NC	CC	VC	OC	O	P	I	LI	BP	BPX	OS	
Minor repairs to include auto/boat/motorcycle/RV (excludes major repair, paint, body work)																											
Automotive, Boat, Motorcycle and RV Repair—Minor (includes brake, muffler and tire installation and repair)																◆	X						X	X		X	
Automotive Paint and Body Repair—Major Engine Overhaul																◆							X				
Auto Rentals																X								X	X	X	
Auto Supply Stores													X	X	X	X	X						X	X		X	
Bakery Shops													X	X	X	X	X	X								X	
Bakery—Commercial <sup>18</sup>																							X				
Banks—Financial Institutions <sup>18</sup>													X	X	X	X	X	X	X	X					X	X	
Barber and Beauty Colleges <sup>18</sup>													X	X	X	X	X		X	X				X	X		
Bars (Drinking Establishments) <sup>18</sup>																											
Bars													C	C	C	C	C	C									
Bars, with Limited Live Entertainment													C	C	C	C	C	C									
Boat Sales New and Used Including Repairs and Accessory Installation																	◆						X				
Boarding and Rooming Houses <sup>18</sup>										X	X	X	X	X													
Bowling Alley													◆	◆	◆	X	X										
Building Material Sales <sup>18</sup>																	◆										
With outdoor storage <sup>18</sup>																	◆						X	X			
Building Material Storage Yards <sup>18</sup>																							X				
Bus, Rail and Taxi Stations <sup>18</sup>															◆	◆											
Business Equipment Sales (includes repairs)													X	X	X	X	X	X	X							X	
Business Schools <sup>18</sup>													X	X	X	X	X	X	X	X				X	X	X	
Business Supply Stores													X	X	X	X	X		X				X	X		X	
Cabinet Shop																							X	X	X	X	
Caretakers Residence <sup>1</sup>																◆	◆	C	◆	◆	◆		◆	◆	◆	◆	
Car Wash																X	X						X				
Accessory to auto related use																◆	◆						X				
Catering Service													X	X	X	X	X	X							X	X	

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	Residential Zones												Mixed Use Overlay			Commercial & Office Zones						Industrial Zones						
	HR	RR	R1	RA2	R2	R3	R5	RS10	R10	R15	R20	R30	MUN <sup>(9,11)</sup>	MUC <sup>(9,11)</sup>	MUJ <sup>(8,10,11)</sup>	NC	CC	VC	OC	O	P	I	LI	BP	BPX	OS		
Cemetery (Human or Pet) With or Without Accessory Mortuary and Cremation Services (Minimum 10-acre site required)	C	C	C	C	C	C	C	C	C	C	C	C																
Churches <sup>2, 18</sup>	C	C	C	C	C	C	C	C	C	C	C	C	♦	♦	♦	♦	♦	C	♦	♦	♦	♦	♦	♦	♦			
Clubs <sup>18</sup>								♦	♦	♦	♦	♦	♦	♦	♦	♦	♦	♦	♦	♦							C	
Commercial Cannabis Activities <sup>17, 18</sup>																												
Cultivation																							M	M	M			
Dispensary																M	M									M	M	
Manufacturing																							M	M	M			
Testing																							M	M	M			
Microbusiness																	M								M			
Distribution Center																M	M						M	M	M			
Commercial Radio or Television Stations																												
With on-site antenna																	♦					♦	♦	♦	♦			
Without on-site antenna																X						X	X	X	X			
Communications Facilities (See Section 9.09.040 of this title)																												
Computer Sales and Repairs													X	X	X	X	X		X			X	X	X	X			
Contractors Storage Yard																						X						
Convalescent Homes/Assisted Living <sup>18</sup>							C	C	C	C	C	C	♦	♦	♦	♦	♦	♦	♦	♦	♦							
Convenience Stores																												
With drive-through																X	X											
Without drive-through													X	X	X	X	X											
With alcohol sales													♦	♦	♦	♦	♦											
Convention Hall, Trade Show, Exhibit Building with Incidental Food Services <sup>18</sup>															C		♦		♦		♦				♦	♦		
Copy Shops													X	X	X	X	X	X	X	X		X	X	X	X			
Country Club <sup>18</sup>	C	C	C	C	C	C	C	C	C	C	C	C																
Dancing, Art, Music and Similar Schools <sup>18</sup>													X	X	X	X	X	X	X	X			X	X	X			
Day Care Centers <sup>18, 19</sup>	X	X	X	X	X	X	X	X	X	X	X	X	♦	♦	♦	♦	♦	♦	♦	♦	♦	♦	♦	♦	♦	♦	C	
Delicatessens <sup>18</sup>													X	X	X	X	X	X	X				X	X	X			

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	Residential Zones													Mixed Use Overlay			Commercial & Office Zones						Industrial Zones				
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Diaper Supply Service																							X				
Laundry with fleet storage <sup>18</sup>																							X				
Disposal company																							X				
Drapery Shops													X	X	X	X	X	X									
Dressmaking Shops												X	X	X	X	X	X										
Driving School <sup>18</sup>												X	X	X	X	X			X	X				X	X	X	
Drug Stores												X	X	X	X	X	X	X									
Dry Cleaning or Laundry <sup>18</sup>																											
a. Dry Cleaning												X	X	X	X	X	X	X								X	
b. Laundromat												X	X	X	X	X	X	X									
c. Laundry Commercial																						X	X				
Emergency Shelters <sup>14</sup>												X	X	X		C			C	C	X	C				C	
Employee Housing <sup>18</sup>									X	X	X	X															
Equestrian Centers, Riding Academies, Commercial Stables (including incidental sales of feed and tack) <sup>18</sup>	C	C	C	C												◆											C
Exterminators																	C						X	X	X	X	
Feed and Grain Stores																X	X	X									
Fire and Police Stations	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Floor Covering Stores (may include incidental repairs with installation service)												X	X	X	X	X							X				
Fraternity/Sorority <sup>18</sup>								C	C	C	C	C															
Frozen Food Locker																							X	X			
Gasoline Dispensing - Non-retail accessory to an auto-related use <sup>18</sup>																	X						X	X	X	X	
Glass Shops and Glass Studios—Stained, etc.																X	X						X	X		X	
Golf Courses or Golf Driving Ranges with Incidental Commercial Uses <sup>18</sup>	C	C	C	C	C	C	C	C	C	C	C																◆
Handicapped Housing <sup>18</sup>								X	X	X	X	X	X	X	X												
Heavy Equipment Sales and Rentals																	X							X	X		
Hospitals <sup>18</sup>															◆	◆		◆	◆						C	C	C

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	Residential Zones													Mixed Use Overlay			Commercial & Office Zones						Industrial Zones				
	HR	RR	R1	RA2	R2	R3	R5	RS10	R10	R15	R20	R30	MUN <sup>(9,11)</sup>	MUC <sup>(9,11)</sup>	MUJ <sup>(8,10,11)</sup>	NC	CC	VC	OC	O	P	I	LI	BP	BPX	OS	
Hotels <sup>18</sup>																											
a. With 20% or less of the units containing kitchens													X	X	X		X		C					X	X	X	
b. With over 20% of the units containing kitchens													C	C	C		C		C					C	C	C	
Ice Cream Stores—Including Yogurt Sales													X	X	X	X	X	X	X							X	
Impound Yards																							X				
Jewelry Stores													X	X	X	X	X	X									
Kennel and Catteries	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C					◆	◆	◆	◆	C	
Laboratories (medical and dental) <sup>18</sup>													X	X	X	X	X		X	X			X	X	X	X	
Libraries <sup>18</sup>	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X		X	X	X	
Liquor Stores													◆	◆		◆	◆										
Live/Work Unit <sup>12, 18</sup>													X	X	X												
Locksmith Shops													X	X	X	X	X	X					X	X	X	X	
Lodge Halls and Similar Facilities <sup>18</sup>													◆	◆	◆	◆	◆		◆						◆	◆	
Low Barrier Navigation Centers <sup>18</sup>													X	X	X		X		X	X	X					X	
Lumberyards																	X						X				
Mail Order House																	X						X	X	X	X	
Manufacturing and Assembly <sup>18</sup>																											
a. Custom and light manufacturing indoor uses only (50,000 square feet or less), with light truck traffic, on-site and wholesaling of goods produced																							X	X	X	X	
b. Custom and light manufacturing indoor uses only (more than 50,000 square feet), with light truck traffic, on-site and wholesaling of goods produced																							X	X			
c. General manufacturing with frequent truck traffic and/or outdoor equipment or storage																							X	X			
d. Retail sales of goods produced or warehoused on-site <sup>3</sup>																							X	X	X	X	
Medical Clinics/Medical Care <sup>18</sup>																											
Inpatient care													X	X	X	X	X		X	X			X	X	X	X	
Urgent care													X	X	X	X	X		X	X			X	X	X	X	

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Medical device services and sales (retail), including, but not limited to, fittings for and sale of prosthetic and orthotic devices															X	X	X		X								
Medical equipment supply, including retail sales for in-home medical care, such as wheelchairs, walkers, and respiratory equipment															X	X	X		X								
Mobile Home Parks <sup>18</sup>	C	C	C	C	C	C	C	C	C	C	C	C															
Mobile Home Sales or Rentals (outdoor display)																	C										
Mortuaries																											
With cremation services																								X	X		
No cremation services			C	C	C	C	C	C	C	C	C	C			◆	◆	◆							X	X		
Museums <sup>18</sup>	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Newspaper and Printing Shops													X	X	X	X	X						X	X	X	X	
Nightclubs <sup>18</sup>														C	C		C										
Nursery, (Plant), Wholesale and Distribution	X	X	X	X																			X	X			X
Offices (administrative and professional) <sup>18</sup>													X	X	X	X	X	X	X	X				X	X	X	
Open Air Theaters <sup>18</sup>															C						C						C
Orphanages <sup>18</sup>	C	C	C	C	C	C	C	C	C	C	C	C															
Painting Contractor																							X	X			
Parcel Delivery Terminals <sup>18</sup>																							X	X	X	X	
Parking Lot															C	C	X	X	C						X		
Parks and Recreation Facilities (public) <sup>18</sup>	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Personal Services (e.g., nail salons, spa facilities <sup>15</sup> , barber and beauty shops, and tattoo parlors) <sup>18</sup>													X	X	X	X	X	X	X							X	
Pharmacy <sup>4</sup>													X	X	X	X	X	X	X							X	
Photo Studios													X	X	X	X	X	X	X							X	
Plumbing Shops																	X									X	
Plumbing Supply Stores for Contractors																								X	X	X	
Pool Hall <sup>18</sup>																◆	◆										
Postal Services													X	X	X	X	X	X	X					X	X	X	

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Pottery Sales with Outdoor Sales													X	X	X	X	X	X	X	X	X	X	X	X	X				
Public Administration, Buildings and Civic Centers <sup>18</sup>													X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
Public Utility Stations, Yards, Wells and Similar Facilities, Excluding Offices <sup>18</sup>	C	C	C	C	C	C	C	C	C	C	C	C	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	X	X	◆	◆	C
Racetracks <sup>18</sup>																		C				C							
Record Store													X	X	X	X	X	X											
Recording Studio													X	X	X	X	X	X	X	X					X	X	X	X	
Recreational Facilities (Private) such as Tennis Club, Polo Club, with Limited Associated Incidental Uses <sup>18</sup>	C	C	C	C	C	C	C	C	C	C	C	C	◆	◆	◆	◆	◆	◆											
Recycling, Large Collection Facility <sup>5</sup>																	◆								X	X			
Recycling, Small Collection Facility													X	X	X	X	X	X											
Recycling Processing Centers																									X	X	X	X	
Refreshment Stands													X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
Rental Service																													
Within an enclosed structure (furniture, office, party supplies)													X	X	X	X	X	X							X	X	X	X	
With outdoor storage and display (vehicles, equipment, etc.)																◆	◆								X	X			
Research and Development <sup>18</sup>													X	X	X						X	X			X	X	X	X	
Residential <sup>18</sup>																													
Single-Family	X	X	X	X	X	X	X	X	X	X	X	X																	
Multiple-Family									X	X	X	X	X	X	X														
Affordable Housing in Commercial Zones <sup>20</sup>													X	X	X	X	X	X	X	X									
Manufactured home park (see mobile home parks)																													
Residential Care Facility																													
for six (6) or less persons <sup>18</sup>	X	X	X	X	X	X	X	X	X	X	X	X																	
for seven or more persons <sup>18</sup>	C	C	C	C	C	C	C	C	C	C	C	C	C	C	X														
Restaurants (Eating and Drinking Establishments) <sup>18</sup>																													
Without entertainment													X	X	X	X	X	X	X	X								X	
With Limited Live entertainment													X	X	X	X	X	X	X	X								X	
With alcoholic beverage sales													X	X	X	X	X	X	X	X								X	
With outdoor seating <sup>13</sup>													X	X	X	X	X	X	X	X								X	

Attachment: Resolution 2023-20 Spring Omnibus [Revision 8] (6253 : Spring 2023 Omnibus)



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**Permitted Uses Table 9.02.020-1**

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- M - Indicates a use is allowed with a conditional use permit, providing the requirements of 9.09.290 (Commercial Cannabis Activities) of this title are met.

	Residential Zones												Mixed Use Overlay			Commercial & Office Zones					Industrial Zones						
	HR	RR	R1	RA2	R2	R3	R5	RS10	R10	R15	R20	R30	MUN (9,11)	MUC (9,11)	MUJ (8,10,11)	NC	CC	VC	OC	O	P	I	LI	BP	BPX	OS	
Restaurants (fast-food) <sup>18</sup>																											
With drive-through																◆	◆										◆
Without drive-through													X	X	X	X	X									X	
Retails Sales													X	X	X	X	X	X									
Support Retail Sales													X	X	X				X							X	
Sandwich Shops <sup>6</sup>													X	X	X	X	X	X	X	X <sup>6</sup>							
Schools, Private	C	C	C	C	C	C	C	C	C	C	C	C	◆	◆	◆	◆	◆							◆	◆		
Senior Housing	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X				X	X							
Shoe Shine Stands													X	X	X	X	X		X	X				X	X		
Shoe Repair Shop													X	X	X	X	X	X									
Sign Shop													X	X	X	X	X	X				X	X	X	X		
Single room occupancy (SRO) facility <sup>18</sup>											C	C	C	C		X											
Skating Rinks <sup>18</sup>														X		X											
Smoke Shops <sup>16</sup>																S	S	S	S								
Stationery Stores													X	X	X	X	X	X	X					X	X		
Statue Shop -Outdoor display																	◆					X	X				
Storage Lots and Mini-Warehouses																											
Indoor																							X				
Outdoor																	C						X				
Supportive and Transitional Housing	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X				X	X							
Swim Schools/Center with Incidental Commercial Uses <sup>18</sup>	C	C	C	C	C	C	C	C	C	C	C	C				X											
Taxidermist																X						X	X				
Theaters (excludes open air) <sup>18</sup>													X	X	X	X	X	X									
Tire Recapping																						X					
Trade and Vocational Schools <sup>18</sup>													X	X	X		X		X	X			X	X	X		
Transfer, Moving and Storage Facilities																						X	X				
Truck Wash																						X	X				
Upholstery Shops																	X					X	X		X		
Vehicle Storage Yards																											
Indoor																X						X	X				

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**Permitted Uses Table 9.02.020-1**

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	Residential Zones											Mixed Use Overlay			Commercial & Office Zones						Industrial Zones					
	HR	RR	R1	RA2	R2	R3	R5	RS10	R10	R15	R20	R30	MUN <sup>(9,11)</sup>	MUC <sup>(9,11)</sup>	MUI <sup>(8,10,11)</sup>	NC	CC	VC	OC	O	P	I	LI	BP	BPX	OS
Outdoor																						X	X			
Vending Machine Service and Repair																						X	X	X	X	
Veterinarian (including animal hospital) <sup>18</sup>																										
All activities within an enclosed structure													X	X	X	X	X							X	X	
With outdoor activities																	♦							♦	♦	
Weight Reduction Center													X	X	X	X	X	X	X							
Wholesale, Storage, and Distribution <sup>18</sup>																										
All activities indoors (50,000 square feet or less)																						X	X	X	X	
All activities indoors (more than 50,000 square feet)																						X	X			
All activities outdoors																						X				
Retail sale of goods warehoused on-site <sup>7</sup>																						X	X	X		
Wrecking Yard																						♦				

- Notes:
- (1) Do not consider residential use per distance requirement.
  - (2) The administrative plot plan process may be used to establish these uses in an existing building within any commercial or industrial zone, even if the project is located adjacent to residential uses or zones.
  - (3) Retail is limited to fifteen (15) percent of gross floor area (see Section 9.05.040 of this title).
  - (4) Permitted in the OC and VOR districts only as a support medical office facility.
  - (5) Large collection facilities may be established within an existing building through the “tenant improvement” process if such building or tenant space occupied by the use is not located adjacent to a residential use or zone.
  - (6) Sandwich shops shall not have cooking hoods, nor shall they exceed five percent of the gross floor area of the complex where they are located.
  - (7) Retail is limited to fifteen (15) percent of gross floor area (see Section 9.05.040 of this title).
  - (8) In the MUI district, mixed use (commercial uses on first floor with office uses or residential uses on upper floors) are (a) required to on lots at street intersections and within 300 feet in any direction from a street intersection, as measured from the corner formed by the lot’s property lines, and (b) are allowed, but not required on the other lots.
  - (9) In the MUC and MUN districts, mixed use (commercial uses on first floor with office uses or residential uses on upper floors) are (a) required to on lots at street intersections and within 150 feet in any direction from a street intersection, as measured from the corner formed by the lot’s property lines, and (b) are allowed, but not required on the other lots.
  - (10) See Section 9.07.40 (Medical Use Overlay District)
  - (11) See Section 9.09.260 (Mixed Use Development)
  - (12) See Section 9.09.250 (Live-Work Development)

Attachment: Resolution 2023-20 Spring Omnibus [Revision 8] (6253 : Spring 2023 Omnibus)

**Exhibit A**

- (13) See Section 9.09.270 (Outdoor Dining)
- (14) Use is also permitted in the Moreno Valley Industrial Area Plan (SP 208)
- (15) For Spa Facilities refer to Title 11, Chapter 11.96 of the Municipal Code.
- (16) See Section 9.09.280.C (Smoke Shops) for distance requirements that require a Conditional Use Permit.
- (17) See Section 9.09.290 (Commercial Cannabis Activities) for all Commercial Cannabis Activities regulations.
- (18) See Section 9.07.060 Airport Land Use Compatibility Plan for Airport Land Use Compatibility Plan (ALUCP) requirements for actions proposed on property located within an Airport Compatibility Zone. When located within an Airport Land Use Compatibility Zone, greater land use, restrictions for airport compatibility may apply per the applicable ALUCP.
- (19) For Day Care uses in the Moreno Valley Industrial Area Plan (SP 208), See Section 9.07.060 Airport Land Use Compatibility Plan for Airport Land Use Compatibility Plan (ALUCP) requirements for actions proposed on property located within an Airport Compatibility Zone. When located within an Airport Land Use Compatibility Zone, greater land use, restrictions for airport compatibility may apply per the applicable ALUCP.
- (20) See Section 9.04.050 (Affordable Housing in Commercial Zones)
- (21) See Section 9.09.320. 9.09.320 Low barrier navigation centers.

Zoning District Key			
HR	Hillside Residential District	MU	Mixed Use Overlay District
RR	Rural Residential District	MUN	Mixed-Use Neighborhood Overlay District
R1	Residential 1 District (40,000 square feet minimum lot size)	MUC	Mixed-Use Community Overlay District
RA2	Residential Agriculture 2 (20,000 square feet minimum lot size)	MUI	Mixed-Use Institutional Anchor Overlay District
R2	Residential 2 District (20,000 square feet minimum lot size)	NC	Neighborhood Commercial District
R3	Residential 3 District (10,000 square feet minimum lot size)	CC	Community Commercial District
R5	Residential 5 District (7,200 square feet minimum lot size)	VC	Village Commercial District
RS10	Residential Single-Family 10 District (4,500 square feet minimum lot size)	OC	Office Commercial District
R10	Residential 10 District (Up to 10 Dwelling Units per net acre)	O	Office District
R15	Residential 15 District (Up to 15 Dwelling Units per net acre)	P	Public District
R20	Residential 20 District (Up to 20 Dwelling Units per net acre)	I	Industrial District
R30	Residential 30 District (Up to 30 Dwelling Units per net acre)	LI	Light Industrial
		BP	Business Park District
		BPX	Business Park-Mixed Use District
		OS	Open Space District

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	Mixed Use Districts				Mixed Use Overlay		
	BF District	H-OC District	COMU District	DC District	MUN <sup>(9,11)</sup>	MUC <sup>(9,11)</sup>	MUI <sup>(8,10,11)</sup>
Adult Businesses							
Agricultural Uses—Crops Only <sup>18</sup>		X	X	X	X	X	X
Agricultural (involving structures)							
Aircraft Landing Facilities(including helipads and facilities for quadcopters) <sup>18</sup>	C						
Ambulance Service	◆		◆	◆			
Amusement Parks, Fairgrounds <sup>18</sup>							
Animal Raising (see Section 9.09.090 of this title) <sup>18</sup>					X	X	X
Appliance and Electronic Repair Shops			X		X	X	X
Arcades, Video Machines			X				
Athletic Clubs, Gymnasiums and Spas <sup>18</sup>		X	X	X	X	X	X
Auction Houses <sup>18</sup>			X				
Auditoriums <sup>18</sup>		X	◆	X	◆	◆	◆
Auto Electronic Accessories and Installation	X		X				
Automobile Fleet Storage	X						
Automobile, Motorcycle, Truck, Golf Cart, Recreational Vehicle and Boat Sales and Incidental Minor Repairs and Accessory Installations	◆	X	◆				
Auto Service Stations							
◆ Accessory uses include convenience store and car wash	X	◆	◆	◆			
◆ Minor repairs to include auto/boat/motorcycle/RV (excludes major repair, paint, body work)							
Automotive, Boat, Motorcycle and RV Repair—Minor (includes brake, muffler and tire installation and repair)	◆		◆				
Automotive Paint and Body Repair—Major Engine Overhaul	◆		◆				
Auto Rentals	X		X				
Auto Supply Stores			X	X	X	X	X
Bakery Shops		X	X	X	X	X	X
Bakery—Commercial <sup>18</sup>							
Banks—Financial Institutions <sup>18</sup>		X	X	X	X	X	X
Barber and Beauty Colleges <sup>18</sup>		X	X	X	X	X	X
Bars (Drinking Establishments) <sup>18</sup>							
Bars			C	C	C	C	C
Bars, with Limited Live Entertainment			C	C	C	C	C
Boarding and Rooming Houses <sup>18</sup>					X	X	
Bowling Alley <sup>18</sup>			X	X	◆	◆	◆
Building Material Sales (with or without outdoor sales) <sup>18</sup>	◆		◆				

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	Mixed Use Districts				Mixed Use Overlay		
	BF District	H-OC District	COMU District	DC District	MUN <sup>(9,11)</sup>	MUC <sup>(9,11)</sup>	MUI <sup>(8,10,11)</sup>
Building Material Storage Yards <sup>18</sup>	X						
Bus, Rail and Taxi Stations <sup>18</sup>			◆	◆			◆
Business Equipment Sales (includes repairs)	X	X	X	X	X	X	X
Business Schools <sup>18</sup>		X	X	X	X	X	X
Business Supply Stores	X	X	X	X	X	X	X
Cabinet Shop	X		X				
Caretakers Residence <sup>1</sup>	C		X				
Car Wash	X		X				
Accessory to auto related use							
Catering Service			X	X	X	X	X
Cemetery (Human or Pet) With or Without Accessory Mortuary and Cremation Services (Minimum 10-acre site required)							
Churches <sup>2, 18</sup>		◆	◆	◆	◆	◆	◆
Clubs <sup>18</sup>		◆	◆	◆	◆	◆	◆
Commercial Cannabis Activities <sup>17, 18</sup>							
Cultivation							
Dispensary	M		M				
Manufacturing							
Testing							
Microbusiness			M				
Distribution Center							
Commercial Radio or Television Stations							
With on-site antenna			◆	C			
Without on-site antenna	X		X	X			
Communications Facilities (See Section 9.09.040 of this title)							
Computer Sales and Repairs	X	X	X	X	X	X	X
Contractors Storage Yard							
Convalescent Homes/Assisted Living <sup>18</sup>			◆	◆	◆	◆	◆
Convenience Stores							
With drive-through	X		X				
Without drive-through	X	X	X	X	X	X	X
With alcohol sales	◆	◆	◆	◆	◆	◆	◆
Convention Hall, Trade Show, Exhibit Building with Incidental Food Services <sup>18</sup>				C			C
Copy Shops	X	X	X	X	X	X	X

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	Mixed Use Districts				Mixed Use Overlay		
	BF District	H-OC District	COMU District	DC District	MUN <sup>(9,11)</sup>	MUC <sup>(9,11)</sup>	MUI <sup>(8,10,11)</sup>
Country Club <sup>18</sup>				C			
Dancing, Art, Music and Similar Schools <sup>18</sup>		X	X	X	X	X	X
Day Care Centers <sup>18, 19</sup>		◆	◆	◆	◆	◆	◆
Delicatessens <sup>18</sup>		X	X	X	X	X	X
Diaper Supply Service	X						
Laundry with fleet storage <sup>18</sup>							
Disposal Company							
Drapery Shops	X	X	X	X	X	X	X
Dressmaking Shops	X	X	X	X	X	X	X
Driving School <sup>18</sup>	X	X	X	X	X	X	X
Drug Stores	X	X	X	X	X	X	X
Dry Cleaning or Laundry <sup>18</sup>							
a. Dry Cleaning	X		X	X	X	X	X
b. Laundromat	X		X	X	X	X	X
c. Laundry Commercial	X						
Emergency Shelters <sup>14</sup>		X	X	X	X	X	X
Employee Housing <sup>18</sup>							
Equestrian Centers, Riding Academies, Commercial Stables (including incidental sales of feed and tack) <sup>18</sup>		X					
Exterminators	X		C				
Feed and Grain Stores	X		X				
Fire and Police Stations	X	X	X	X	X	X	X
Floor Covering Stores (may include incidental repairs with installation service)	X	X	X	X	X	X	X
Fraternity/Sorority <sup>18</sup>							
Frozen Food Locker							
Gasoline Dispensing - Non-retail accessory to an auto-related use <sup>18</sup>	X		X	X			
Glass Shops and Glass Studios—Stained, etc.	X		X	X			
Golf Courses or Golf Driving Ranges with Incidental Commercial Uses <sup>18</sup>				C			
Handicapped Housing <sup>18</sup>			X	X	X	X	X
Heavy Equipment Sales and Rentals	X						
Hospitals <sup>18</sup>			◆	◆			◆
Hotels <sup>18</sup>							
a. With 20% or less of the units containing kitchens			X	X	X	X	X
b. With over 20% of the units containing kitchens			C	C	C	C	C

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	Mixed Use Districts				Mixed Use Overlay		
	BF District	H-OC District	COMU District	DC District	MUN <sup>(9,11)</sup>	MUC <sup>(9,11)</sup>	MUI <sup>(8,10,11)</sup>
Ice Cream Stores— Including Yogurt Sales	X	X	X	X	X	X	X
Impound Yards	C						
Jewelry Stores	X	X	X	X	X	X	X
Kennel and Catteries	C		C		C	C	C
Laboratories (medical and dental) <sup>18</sup>	X		X	X	X	X	X
Libraries <sup>18</sup>	X	X	X	X	X	X	X
Liquor Stores			◆	◆	◆	◆	
Live/Work Unit <sup>12, 18</sup>			X	X	X	X	X
Locksmith Shops	X		X	X	X	X	X
Lodge Halls and Similar Facilities <sup>18</sup>			◆	◆	◆	◆	◆
Low Barrier Navigation Centers <sup>18</sup>			X	X	X	X	X
Lumberyards							
Mail Order House							
Manufacturing and Assembly <sup>18</sup>							
a. Custom and light manufacturing indoor uses only (50,000 square feet or less), with light truck traffic, on-site and wholesaling of goods produced	X						
b. Custom and light manufacturing indoor uses only (more than 50,000 square feet), with light truck traffic, on-site and wholesaling of goods produced	X						
c. General manufacturing with frequent truck traffic and/or outdoor equipment or storage							
d. Retail sales of goods produced or warehoused on-site <sup>3</sup>	X						
Medical Clinics/Medical Care <sup>18</sup>							
Inpatient care		X	X	X	X	X	X
Urgent care		X	X	X	X	X	X
Medical device services and sales (retail), including, but not limited to, fittings for and sale of prosthetic and orthotic devices	X	X	X	X			X
Medical equipment supply, including retail sales for in-home medical care, such as wheelchairs, walkers, and respiratory equipment	X	X	X	X			X
Mobile Home Parks <sup>18</sup>							
Mobile Home Sales or Rentals (outdoor display)							
Mortuaries <sup>18</sup>							
With cremation services							
No cremation services			◆				◆
Museums <sup>18</sup>		X	X	X	X	X	X
Newspaper and Printing Shops	X	X	X	X	X	X	X

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	Mixed Use Districts				Mixed Use Overlay		
	BF District	H-OC District	COMU District	DC District	MUN <sup>(9,11)</sup>	MUC <sup>(9,11)</sup>	MUI <sup>(8,10,11)</sup>
Nightclubs <sup>18</sup>			C	C		C	C
Nursery, (Plant), Wholesale and Distribution		X	X				
Offices (administrative and professional) <sup>18</sup>	X	X	X	X	X	X	X
Open Air Theaters <sup>18</sup>				X			C
Orphanages <sup>18</sup>							
Painting Contractor	X						
Parcel Delivery Terminals <sup>18</sup>							
Parking Lot	X		X	X			C
Parks and Recreation Facilities (public) <sup>18</sup>		X	X	X	X	X	X
Personal Services (e.g., nail salons, spa facilities <sup>15</sup> , barber and beauty shops, and tattoo parlors) <sup>18</sup>	X	X	X	X	X	X	X
Pharmacy <sup>4</sup>	X	X	X	X	X	X	X
Photo Studios	X	X	X	X	X	X	X
Plumbing Shops	X		X				
Plumbing Supply Stores for Contractors	X						
Pool Hall <sup>18</sup>				◆		◆	
Postal Services	X		X	X	X	X	X
Pottery Sales with Outdoor Sales	X	X	X	X	X	X	X
Public Administration, Buildings and Civic Centers <sup>18</sup>			X	X	X	X	X
Public Utility Stations, Yards, Wells and Similar Facilities, Excluding Offices <sup>18</sup>					◆	◆	◆
Racetracks <sup>18</sup>							
Record Store			X	X	X	X	X
Recording Studio	X	X	X	X	X	X	X
Recreational Facilities (Private) such as Tennis Club, Polo Club, with Limited Associated Incidental Uses <sup>18</sup>	◆	◆	◆	◆	◆	◆	◆
Recycling, Large Collection Facility <sup>5</sup>							
Recycling, Small Collection Facility	X		X	X	X	X	X
Recycling Processing Centers							
Refreshment Stands					X	X	X
Rental Service							
Within an enclosed structure (furniture, office, party supplies)	X		X		X	X	X
With outdoor storage and display (vehicles, equipment, etc.)	◆						
Research and Development <sup>18</sup>	X	X	X	X	X	X	X
Residential <sup>18</sup>							
Single-Family				X			

Attachment: Resolution 2023-20 Spring Omnibus [Revision 8] (6253 : Spring 2023 Omnibus)



**Exhibit A**

**Permitted Uses Table 9.02.020-2 MIXED USE ZONES**

- X - Indicates stated use is permitted subject to district requirements.
- C - Indicates stated use is allowed with a conditional use permit.
- ◆ - Indicates a use is permitted unless the use is located three hundred (300) feet or less from a residential zone or use, in which case the use is allowed with a conditional use permit. However, the expansion of an existing general manufacturing use is allowed without a conditional use permit regardless of its distance from residential zones or residential uses.
- A - Indicates a use is permitted with an adult business use permit, providing the requirements of Section 9.09.030 of this title are met.
- S - Indicates a use is permitted, providing the requirements of 9.09.280 (Smoke Shops) of this title are met. A conditional use permit is required if dictated by the distance criteria.
- M - Indicates a use is allowed with a conditional use permit, providing the requirements of 9.09.290 (Commercial Cannabis Activities) of this title are met.

	Mixed Use Districts				Mixed Use Overlay		
	BF District	H-OC District	COMU District	DC District	MUN <sup>(9,11)</sup>	MUC <sup>(9,11)</sup>	MUI <sup>(8,10,11)</sup>
Multiple-Family			X	X	X	X	X
Affordable Housing in Commercial Zones <sup>20</sup>		X	X	X	X	X	X
Manufactured home park (see mobile home parks)							
Residential Care Facility							
			X	X	X	X	X
			C	C	C	C	X
Restaurants (Eating and Drinking Establishments) <sup>18</sup>							
			X	X	X	X	X
			X	X	X	X	X
			X	X	X	X	X
		X	X	X	X	X	X
Restaurants (fast-food) <sup>18</sup>							
With drive-through	X	◆	◆	◆			
Without drive-through	X	X	X	X	X	X	X
Retail Sales	X	X	X	X	X	X	X
Support Retail Sales			X	X	X	X	X
Sandwich Shops <sup>6</sup>	X	X	X	X	X	X	X
Schools, Private			◆	C	◆	◆	◆
Senior Housing			X	X	X	X	X
Shoe Shine Stands	X	X	X	X	X	X	X
Shoe Repair Shop	X		X	X	X	X	X
Sign Shop	X		X	X	X	X	X
Single room occupancy (SRO) facility <sup>18</sup>					C	C	C
Skating Rinks <sup>18</sup>			X	X		X	
Smoke Shops <sup>16</sup>			S	S			
Stationery Stores	X		X	X	X	X	X
Statue Shop -Outdoor display	X						
Storage Lots and Mini- Warehouses							
	Indoor		C				
	Outdoor						
Swim Schools/Center with Incidental Commercial Uses <sup>18</sup>			X	C			
Taxidermist	X						
Theaters (excludes open air) <sup>18</sup>			X	X	X	X	X
Tire Recapping							

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- A - Indicates a use is permitted with an adult business use permit, providing the requirements of Section 9.09.030 of this title are met.
- S - Indicates a use is permitted, providing the requirements of 9.09.280 (Smoke Shops) of this title are met. A conditional use permit is required if dictated by the distance criteria.
- M - Indicates a use is allowed with a conditional use permit, providing the requirements of 9.09.290 (Commercial Cannabis Activities) of this title are met.

	Mixed Use Districts				Mixed Use Overlay		
	BF District	H-OC District	COMU District	DC District	MUN <sup>(9,11)</sup>	MUC <sup>(9,11)</sup>	MUI <sup>(8,10,11)</sup>
Trade and Vocational Schools <sup>18</sup>		X	X	X	X	X	X
Transfer, Moving and Storage Facilities	X						
Transit Center				X			
Truck Wash							
Upholstery Shops	X		X				
Vehicle Storage Yards							
	Indoor	X					
	Outdoor						
Vending Machine Service and Repair							
Veterinarian (including animal hospital) <sup>18</sup>	X						
All activities within an enclosed structure	X	X	X	X	X	X	X
	With outdoor activities		◆				
Weight Reduction Center	X	X	X	X	X	X	X
Wholesale, Storage, and Distribution <sup>18</sup>							
	All activities indoors (50,000 square feet or less)	X					
	All activities indoors (more than 50,000 square feet)	X					
	All activities outdoors						
Retail sale of goods warehoused on-site <sup>7</sup>	X						
Wrecking Yard	X						

- Notes:
- (1) Do not consider residential use per distance requirement.
  - (2) The administrative plot plan process may be used to establish these uses in an existing building within any commercial or industrial zone, even if the project is located adjacent to residential uses or zones.
  - (3) Retail is limited to fifteen (15) percent of gross floor area (see Section 9.05.040 of this title).
  - (4) Permitted in the OC and VOR districts only as a support medical office facility.
  - (5) Large collection facilities may be established within an existing building through the “tenant improvement” process if such building or tenant space occupied by the use is not located adjacent to a residential use or zone.
  - (6) Sandwich shops shall not have cooking hoods, nor shall they exceed five percent of the gross floor area of the complex where they are located.
  - (7) Retail is limited to fifteen (15) percent of gross floor area (see Section 9.05.040 of this title).
  - (8) In the MUI district, mixed use (commercial uses on first floor with office uses or residential uses on upper floors) are (a) required to on lots at street intersections and within 300 feet in any direction from a street intersection, as measured from the corner formed by the lot’s property lines, and (b) are allowed, but not required on the other lots.
  - (9) In the MUC and MUN districts, mixed use (commercial uses on first floor with office uses or residential uses on upper floors) are (a) required to on lots at street intersections and within 150 feet in any direction from a street intersection, as measured from the corner formed by the lot’s property lines, and

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**Exhibit A**

**Permitted Uses Table 9.02.020-2 MIXED USE ZONES**

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- A - Indicates a use is permitted with an adult business use permit, providing the requirements of Section 9.09.030 of this title are met.
- S - Indicates a use is permitted, providing the requirements of 9.09.280 (Smoke Shops) of this title are met. A conditional use permit is required if dictated by the distance criteria.
- M - Indicates a use is allowed with a conditional use permit, providing the requirements of 9.09.290 (Commercial Cannabis Activities) of this title are met.

	Mixed Use Districts				Mixed Use Overlay		
	BF District	H-OC District	COMU District	DC District	MUN <sup>(9,11)</sup>	MUC <sup>(9,11)</sup>	MUI <sup>(8,10,11)</sup>
(b) are allowed, but not required on the other lots.							
(10) See Section 9.07.40 (Medical Use Overlay District)							
(11) See Section 9.09.260 (Mixed Use Development)							
(12) See Section 9.09.250 (Live-Work Development)							
(13) See Section 9.09.270 (Outdoor Dining)							
(14) Use is also permitted in the Moreno Valley Industrial Area Plan (SP 208)							
(15) For Spa Facilities refer to Title 11, Chapter 11.96 of the Municipal Code.							
(16) See Section 9.09.280.C (Smoke Shops) for distance requirements that require a Conditional Use Permit.							
(17) See Section 9.09.290 (Commercial Cannabis Activities) for all Commercial Cannabis Activities regulations.							
(18) See Section 9.07.060 Airport Land Use Compatibility Plan for Airport Land Use Compatibility Plan (ALUCP) requirements for actions proposed on property located within an Airport Compatibility Zone. When located within an Airport Land Use Compatibility Zone, greater land use, restrictions for airport compatibility may apply per the applicable ALUCP.							
(19) For Day Care uses in the Moreno Valley Industrial Area Plan (SP 208), See Section 9.07.060 Airport Land Use Compatibility Plan for Airport Land Use Compatibility Plan (ALUCP) requirements for actions proposed on property located within an Airport Compatibility Zone. When located within an Airport Land Use Compatibility Zone, greater land use, restrictions for airport compatibility may apply per the applicable ALUCP.							
(20) See Section 9.04.050 (Affordable Housing in Commercial Zones)							

BF	Business Flex	MU	Mixed Use Overlay
DC	Downtown Center	MUN	Mixed-Use Neighborhood Overlay
COMU	Corridor Mixed Use	MUC	Mixed-Use Community Overlay
H-OC	Highway – Office/Commercial	MUI	Mixed-Use Institutional Anchor Overlay

Attachment: Resolution 2023-20 Spring Omnibus [Revision 8] (6253 : Spring Omnibus 2023 Omnibus)

## Exhibit B

### 9.02.320 Reasonable accommodation procedures.

- A. Purpose and Intent. It is the purpose of this section to provide reasonable accommodations in the city's zoning and land use regulations, policies, and practices when needed to provide an individual with a disability an equal opportunity to use and enjoy a dwelling.
- B. Definitions. The following terms as used in this section shall, unless the context clearly indicates otherwise, have the following meanings:
- “Applicant” means a person, business, or organization making a written request to the city for reasonable accommodation in the strict application of the city's zoning and land use laws, rules, policies, practices and/or procedures.
- “Fair Housing Laws” means the Federal Fair Housing Act (42 U.S.C. Section 3601, et seq.), the Americans with Disabilities Act, and the California Fair Employment and Housing Act (California [Government Code](#) Section 12900, et seq.), as these statutes now exist or may be amended from time to time, and each Act's implementing regulations.
- “Person with a disability” means an individual who has a physical or mental impairment that limits one or more of that person's major life activities; anyone who is regarded as having such impairment; or anyone who has a record of having such an impairment. Such an impairment shall not include an individual's current, illegal use of a controlled substance.
- “Reasonable accommodation” in the land use and zoning context, reasonable accommodation means providing individuals with disabilities or developers of housing for people with disabilities with flexibility in the application of land use and zoning and building regulations, policies, practices and procedures, or even waiving certain requirements, when it is necessary to eliminate barriers to provision of housing or service opportunities.
- “Special Needs Populations” means disabled households, agricultural workers, single- parent households, survivors of physical abuse, homeless persons or persons at risk of becoming homeless, chronically ill persons including those with HIV and mental illness, displaced teenage parents (or expectant teenage parents), homeless youth as defined in Government Code section 11139.5, individuals exiting from institutional settings, chronic substance abusers, or other specific groups with unique housing needs as determined by the State. “Special Needs Populations” do not include seniors or the frail elderly unless they otherwise qualify as a Special Needs Population.”)
- C. Authority of the Planning Official. The planning official is hereby designated to approve, conditionally approve, or deny, without public hearing, all applications for a reasonable accommodation.
- D. Procedure for Application Review.
1. Applicant. A request for a reasonable accommodation may be made by any person with a disability, his or her representative, or a developer or provider of housing for individuals with a disability.
  2. Application. An application for a reasonable accommodation shall be made on a form provided by the planning department. No fee shall be required for a request for reasonable accommodation, but if the project requires another discretionary permit, then the prescribed fee shall be paid for all other

## Exhibit B

discretionary permits. If an individual needs assistance in making the request for reasonable accommodation, the city will provide assistance to ensure that the process is accessible.

3. Other Discretionary Permits. If the project for which the request for reasonable accommodation is made requires another discretionary permit or approval, the applicant may file the request for reasonable accommodation together with the application for the other discretionary permit or approval. The processing procedures of the discretionary permit shall govern the joint processing of both the reasonable accommodation and the discretionary permit.
  4. Required Submittals. An application for a reasonable accommodation shall include the following:
    - a. Documentation that the applicant is: (i) a person with a disability, (ii) applying on behalf of one or more persons with a disability, or (iii) a developer or provider of housing for one or more persons with a disability;
    - b. The name and address of the individual(s) requesting the reasonable accommodation;
    - c. The name and address of the property owner(s);
    - d. The address of the property for which accommodation is requested;
    - e. A description of the reasonable accommodation requested by the applicant;
    - f. An explanation of how the specific reasonable accommodation requested by the applicant is necessary to provide one or more persons with a disability an equal opportunity to use and enjoy the residence;
    - g. Where applicable, documentation that the requested accommodation is designed and constructed pursuant to Title 24 of the [California Code of Regulations](#) to allow access, circulation and full use of the building and facilities by persons with disabilities.
  5. The planning director may request additional information from the applicant if the application does not provide sufficient information for the city to make the findings required in subsection E of this section.
- E. Basis for Approval or Denial of a Reasonable Accommodation.
1. Findings. The written decision shall be based on the following findings, all of which are required for approval:
    - a. The requested accommodation is requested by or on behalf of one or more persons with a disability protected under the Fair Housing Laws.
    - b. The requested accommodation is necessary to provide one or more individuals with a disability an equal opportunity to use and enjoy a dwelling.
    - c. The requested accommodation will not impose an undue financial or administrative burden on the city.
    - d. The requested accommodation will not result in a fundamental alteration in the nature of the city's zoning program.

**Exhibit B**

- e. The requested accommodation will not, under the specific facts of the case, result in a direct threat to the health or safety of other individuals or substantial physical damage to the property of others.
  2. In determining whether the requested reasonable accommodation is necessary to provide one or more persons with a disability an equal opportunity to use and enjoy a dwelling, the city may consider, but is not limited to, the following factors:
    - a. Whether the requested accommodation will affirmatively enhance the quality of life of one or more individuals with a disability;
    - b. Whether the individual or individuals with a disability will be denied an equal opportunity to enjoy the housing type of their choice absent the accommodation;
    - c. In the case of a residential care facility, whether the requested accommodation is necessary to make facilities of a similar nature or operation economically viable in light of the particularities of the relevant market and market participants;
    - d. In the case of a residential care facility, whether the existing supply of facilities of a similar nature and operation in the community is sufficient to provide individuals with a disability an equal opportunity to live in a residential setting.
  3. Rules While Decision Is Pending. While a request for reasonable accommodation is pending, all laws and regulations otherwise applicable to the property that is the subject of the request shall remain in full force and effect.
- F. Notice of Decision.
1. The planning director shall issue a written determination to approve, conditionally approve, or deny a request for a reasonable accommodation. The planning director may elect to forward the matter to the planning commission for consideration of the application.
  2. Appeals of the director's action shall be made in accordance with Section [9.02.240](#).
- G. Expiration, Time Extension, Violation, Discontinuance, and Revocation.
1. Expiration. Any reasonable accommodation approved in accordance with the terms of this section shall expire within twenty-four (24) months from the effective date of the approval, or at an alternative time specified as a condition of the approval, unless:
    - a. A building permit has been issued and construction has commenced;
    - b. A certificate of occupancy has been issued;
    - c. The use is established; or
    - d. A time extension has been granted.
  2. Time Extension.
    - a. The planning director may, upon an application being filed prior to expiration and for good cause, grant a time extension of up to three one-year extensions of time. Each extension of time shall be granted in one-year increments only. Upon granting of an extension, the planning director shall ensure that conditions of the administrative

**Exhibit B**

- approval comply with all current development code provisions.
- b. Notice. Notice of the planning director's decision on a time extension shall be provided in writing. All written decisions shall give notice of the right to appeal and to request reasonable accommodation in the appeals process.
  - c. Appeal of Determination. A time extension for a reasonable accommodation shall be final unless appealed to the city council within fourteen (14) calendar days of the date of mailing of the determination. An appeal shall be made in writing and shall be noticed and heard pursuant to the procedures established in Section [9.02.240](#) of this code.
3. Discontinuance. If the person(s) with a disability for whom the reasonable accommodation was originally granted vacate the residence to which the reasonable accommodation applies the reasonable accommodation shall remain in effect only if the planning director determines that: (a) the modification is physically integrated into the residential structure and cannot easily be removed or altered to comply with the municipal code; or (b) the accommodation is necessary to give another person with a disability an equal opportunity to enjoy the dwelling. The planning director may request that the applicant, or his/her successor-in-interest, provide documentation that subsequent occupants are persons with disabilities. Failure to provide such documentation within thirty (30) days of the date of a request by the city shall constitute grounds for discontinuance by the city of a previously approved reasonable accommodation.
  4. Revocation. Procedures for revocation shall be as prescribed by Section [9.02.260](#). Any reasonable accommodation approved in accordance with the terms of this code may be revoked if any of the conditions or terms of such reasonable accommodation are violated, or if any law or ordinance is violated in connection therewith.
- H. Amendments. A request for changes in conditions of approval of a reasonable accommodation, or a change to plans that would affect a condition of approval shall be treated as a new application. The planning director may waive the requirement for a new application if the changes are minor, do not involve substantial alterations or addition to the plan or the conditions of approval, and are consistent with the intent of the original approval.

## Exhibit C

### **9.03.050 Density bonus program for affordable housing.**

- A. Purpose and Intent. This section is adopted pursuant to the provisions of California Government Code Sections 65915 through 65918, as they now exist or may hereafter be amended. The purpose of adopting this section is to encourage affordable housing by providing the incentive of increased density and such other incentives provided by this section. The provisions of this section are intended to comply with California Government Code Sections 65915 through 65918. In the event that any provision of this section conflicts with California Government Code Sections 65915 through 65918, state law shall control over the conflicting provision.
- B. Applicability. A housing development as defined in this section and Government Code Section 65915 shall be eligible for a density bonus and other incentives that are provided by State Density Bonus Law when the applicant agrees to construct low, very-low, senior or moderate income housing units or units intended to serve transitional foster youth, disabled veterans, and lower income students as specified in this section, and State Density Bonus Law.
- C. Application Requirements. A density bonus may be approved pursuant to an application for approval of a density bonus, provided the request complies with the provisions of this section. An application for a density bonus incentive, concession, waiver, or modifications of development standards pursuant to this section, shall be submitted with the first application for approval of a housing development and processed concurrently with all other applications required for the housing development. The application shall be submitted on a form prescribed by the city and shall include at least the following information:
1. A site plan that identifies all units in the project, including the location of the affordable units and the bonus units.
  2. A narrative briefly describing the housing development and shall include information on:
    - a. The number of units permitted under the general plan;
    - b. The total number of units proposed in the project, including the floor area, and the number of bedrooms and bathrooms associated with each dwelling unit. Density bonus units shall have at least the same distribution of bedrooms as the market rate units in the development. Density bonus units shall be constructed concurrently with the construction of market rate units;
    - c. Target income of affordable housing units and proposals for ensuring affordability;
    - d. The number of bonus units requested based on subsection (E)(3) of this section.
  3. Description of any requested incentives, concessions, waivers, or modifications of development standards. For all incentives and concessions that are not included within the menu of incentives/concessions set forth in subsections G and H of this section, the application shall include a pro forma providing evidence that the requested incentives and concessions result in identifiable, financially sufficient, and actual cost reductions. The cost of reviewing any required pro forma or other financial data submitted as part



**Exhibit C**

of the application in support of a request for an incentive/concession or waiver/modification of developments standard, including, but not limited to, the cost to the city of hiring a consultant to review said financial data, shall be borne by the developer. The pro forma shall include all of the following items:

- a. The actual cost reduction achieved through the incentive;
  - b. Evidence that the cost reduction allows the applicant to provide affordable units or affordable sales prices; and
  - c. Other information requested by the community development director. The community development director may require any pro forma include information regarding capital costs, equity investment, debt service, projected revenues, operating expenses, and such other information as is required to evaluate the pro forma.
4. Any such additional information in support of a request for a density bonus as may be requested by the community development director.
- D. Eligibility for Bonus. A developer of a housing development containing five or more units may qualify for a density bonus and at least one other incentive as provided by this section if the developer does one of the following:
1. Agrees to construct and maintain at least five (5) percent of the units dedicated to very low income households;
  2. Agrees to construct and maintain at least ten (10) percent of the units dedicated to lower income households;
  3. Agrees to construct and maintain at least ten (10) percent of the units in a common interest development (as defined in Section 4100 of the California Civil Code) dedicated to moderate income households, provided that all units in the development are offered to the public for purchase;
  4. Agrees to construct and maintain a senior citizen housing development, as defined in Section 9.09.150 of this title, or a mobile home park that limits residency based on age requirements for housing for older persons pursuant to Section 798.76 or 799.5 of the California Civil Code;
  5. Land Donations. An applicant for a tentative subdivision map, parcel map, or other residential development approval that donates land to the city in accordance with Government Code Section 65915(g) shall be eligible for a density bonus in accordance with the terms and conditions of Government Code Section 65915(g);
  6. Includes a qualifying child care facility as described in the "Child Care Facility Requirements" subsection (J)(2) of this section in addition to providing housing as described in subsections (D)(1) through (3) of this section;
  7. Agrees to construct and maintain at least ten (10) percent of the units of a housing development for transitional foster youth, as defined in Section 66025.9 of the California Education Code; disabled veterans, as defined in Section 18541 of the California Government Code; or homeless persons, as defined in the federal McKinney-Vento Homeless Assistance Act (42 U.S.C. Sec. 11301 et seq.), dedicated to very low income households;

**Exhibit C**

8. Agrees to construct and maintain at least twenty (20) percent of the units for lower income students in a student housing development dedicated for full-time students at accredited colleges pursuant to the "Student Housing" subsection K of this section; or
  9. Agrees to construct and maintain one hundred (100) percent of the units, including total units and density bonus units, but exclusive of a manager's unit or units, dedicated to lower income households, except that no more than twenty (20) percent of the units, including total units and density bonus units, may be dedicated to moderate income households.
  10. Religious institution affiliated housing development projects (RIAHD) may qualify for a density bonus under California Government Code Section 65915. For RIAHD parking requirements, see Section 9.11.040(D).
- E. Density Bonus Calculation and Allowance.
1. State Law Preemption. Pursuant to state law, the granting of a density bonus or the granting of a density bonus together with an incentive(s) shall not be interpreted, in and of itself, to require a general plan amendment, specific plan amendment, rezone, or other discretionary approvals.
  2. Density Bonus Calculation. An applicant must choose a density bonus from only one applicable affordability category and may not combine categories with the exception of child care facilities or land donation, which may be combined with an affordable housing development. All density calculations resulting in fractional units will be rounded up to the next whole number.
  3. Density Bonus Allowance. In calculating the number of units required for very low, lower and moderate income households, the density bonus units shall not be included. The maximum bonus allowed for a one hundred (100) percent affordable project is eighty (80) percent unless it is located within a half-mile of a major transit stop, and then there is no limit to density. A housing development that satisfies all applicable provisions of this section shall be allowed the following applicable density bonuses:
    - a. Very low income per California Government Code Section 65915(f)(2).
    - b. Lower income per California Government Code Section 65915(f)(1).
    - c. Moderate income per California Government Code Section 65915(f)(4).

The community development department has on file a density bonus chart consistent with the Government Code sections above.
  4. Senior Citizen Housing Development. The density bonus for a senior citizen housing development is addressed in Section 9.09.150 (Senior and handicapped housing) of Chapter 9.09 (Specific Use Development Standards).
  5. Child Care Facility. A project (whether a housing, commercial, or industrial project) is eligible for a density bonus for a child care facility when in compliance with this section and California Government Code Section 65917.5.
  6. Conversion of Apartments to Condominiums. A project is eligible for a twenty-five (25) percent density bonus for the conversion of apartments to

### Exhibit C

condominiums when in compliance with California Government Code Section 65915.5.

7. Foster Youth, Disabled Veterans, and Homeless Persons. The density bonus for a housing development for transitional foster youth, disabled veterans, or homeless persons shall be twenty (20) percent.
  8. Students. The density bonus for a student housing development that provides housing for students consistent with subsection K of this section shall be thirty-five (35) percent. Twenty (20) percent of the units granted by the density bonus shall be used for lower income students.
  9. One Hundred (100) Percent Affordable. The density bonus for a one hundred (100) percent affordable housing development consistent with subsection (D)(9) (Eligible for Bonus) of this section shall be eighty (80) percent of the number of units for lower income households. Except that, if the affordable housing development is located within one-half mile of a major transit stop, maximum density requirements shall not apply.
- F. Continued Affordability. Prior to issuance of a building permit, the developer/property owner must enter into a density bonus housing agreement with the city for at least fifty-five (55) years by recorded document (Government Code Section 65915(c)). Such agreement shall be recorded and shall be binding on the property owner and any successors-in-interest. In addition, a density bonus project must comply with specific requirements for any existing units that are to be demolished as outlined in subsection P of this section. Additional details regarding requirements for continued affordability and the density bonus housing agreement are included in subsection O.
- G. Incentives Available to Housing Projects.  
Incentives are available to a housing developer as follows:

Number of Incentives/Concessions	Very Low Income Percentage	Lower Income Percentage	Moderate Income Percentage
1	5%	10%	10%
2	10%	17%	20%
3	15%	24%	30%
4	100% Low/Very Low/Mod (20% Moderate allowed)	100% Low/Very Low/Mod (20% Moderate allowed)	100% Low/Very Low/Mod (20% Moderate allowed)

If the project is located within one-half mile of a major transit stop, the applicant shall also receive a height increase of up to three additional stories, or thirty-three (33) feet.

- H. Available Incentives/Concessions. A qualifying project may be entitled to up to four incentives, depending on the percentage of affordable housing that will be included within the development.
1. A concession falls within three categories (California Government Code Section 65915(k)(1, 2 & 3)):
    - a. Reduction in the site development standards of this development code (e.g., site coverage, off-street parking requirements, reduced lot dimensions, and/or setback requirements);

**Exhibit C**

- b. Approval of mixed use zoning in conjunction with the housing project if commercial, office, industrial, or other land uses will reduce the cost of the housing development and if such uses are compatible with the housing project and the existing or planned development in the area; and/or
    - c. Other regulatory incentives or concessions proposed by the developer or the city that will result in identifiable and actual cost reductions.
  - 2. Additional Incentive/Concession. The developer may receive a fifty (50) percent reduction of the development impact fee and the park land impact mitigation fee for the units affordable to very low income households and a twenty-five (25) percent reduction for those units affordable to lower income households.
- I. Parking Requirements. If an applicant qualifies for a density bonus pursuant to this section, reduced parking requirements are available for projects qualifying for a density bonus pursuant to this section. The parking requirement is inclusive of accessible and guest parking for the entire housing development, but shall not include on-street parking spaces in the count towards the parking requirement. In calculating the number of parking spaces required for a development, if the total number of parking spaces is other than a whole number, the number shall be rounded up to the next whole number.
  - 1. Except as otherwise provided in this subsection, the following parking requirements shall apply:
    - a. Zero to one bedroom: one on-site parking space.
    - b. Two to three bedrooms: one and one-half on-site parking spaces.
    - c. Four or more bedrooms: two and one-half on-site parking spaces.
  - 2. If the housing development includes at least twenty (20) percent lower income units or at least eleven (11) percent very low income units, is located within one-half mile of a major transit stop, and there is unobstructed access to the major transit stop from the development, then the parking requirement shall be reduced from one-half on-site parking space per bedroom to one-half on-site parking space per unit.
  - 3. If a housing development consists solely of rental units, exclusive of a manager's unit or units, with an affordable housing cost to lower income families, as provided in Section 50052.5 of the California Health and Safety Code, then no parking spaces shall be required as long as the development meets either of the following criteria:
    - a. The development is located within one-half mile of a major transit stop and there is unobstructed access to the major transit stop from the development; or
    - b. The development is a for-rent housing development for individuals who are sixty-two (62) years of age or older that complies with Sections 51.2 and 51.3 of the California Civil Code and the development has either paratransit service or unobstructed access, within one-half mile, to fixed bus route service that operates at least eight times per day.

**Exhibit C**

4. If a housing development consists solely of rental units, exclusive of a manager's unit or units, with an affordable housing cost to lower income families, as provided in Section 50052.5 of the California Health and Safety Code, and the development is either a special needs housing development, as defined in Section 51312 of the California Health and Safety Code, or a supportive housing development, as defined in Section 50675.14 of the California Health and Safety Code, then no parking spaces shall be required. A development that is a special needs housing development shall have either paratransit service or unobstructed access, within one-half mile, to fixed bus route service that operates at least eight times per day.

<b>Number of Bedrooms</b>	<b>Required Parking Spaces per Unit*, **</b>
0 to 1 bedroom	1
2 to 3 bedrooms	1.5
4 or more bedrooms	2.5
Projects with at least 20% low-income units, or at least 11% very low-income units***	0.5
100% affordable housing projects ****	No requirement
<p>* If the total number of spaces required results in a fractional number, it shall be rounded up to the next whole number.</p> <p>** If a residential or mixed residential/commercial development project includes the required percentage of low, very low-income, or includes a minimum 10 percent transitional foster youth, veteran, or homeless persons units, or provides for-rent housing for individuals who are 62 years of age or older, or is a special needs housing development and is located within one-half mile of a major transit stop where there is unobstructed access to a major transit stop from the development, then, upon the request of the developer, a parking ratio not to exceed 0.5 spaces per bedroom shall apply to the residential portion of the development.</p> <p>*** Must be located within one-half mile of a major transit stop, with unobstructed access to the major transit stop from the development.</p> <p>**** Must be located within one-half mile of a major transit stop, with unobstructed access to the major transit spot from the development OR for individuals 62 years of age or older and has either paratransit service or unobstructed access within one-half mile, to fixed bus route service that operates at least eight times per day.</p>	

J. **Child Care Facilities.**

1. **Child Care Facility Density Bonus.** When an applicant proposes to construct a housing development that is eligible for a density bonus under subsection D (Eligibility for Bonus) of this section and California Government Code Section 65917.5, and includes a child care facility that will be located on the premises or adjacent to the housing development, the city shall grant either:
  - a. An additional density bonus that is an amount of square feet of residential space that is equal to or greater than the square footage of the child care facility or
  - b. An additional incentive that contributes significantly to the economic feasibility of the construction of the child care facility.
2. **Child Care Facility Requirements.** The city shall require, as a condition of approving the housing development, that the following occur:
  - a. The child care facility shall remain in operation for a period of time that is as long as or longer than the period of time during which the

**Exhibit C**

- affordable units are required to remain affordable per this section; and
- b. Of the children who attend the child care facility, the children of very low income households, lower income households or families of moderate income households shall equal a percentage that is equal to or greater than the percentage of affordable units in the housing development that are required for very low, lower or families of moderate income households.
3. Child Care Facility Criteria. The city shall not be required to provide a density bonus or incentive for a child care facility if it finds, based upon substantial evidence, that the community has adequate child care facilities.
- K. Student Housing.
1. Student Housing Density Bonus Requirements. In order for a student housing development to be eligible for a density bonus under subsection (D)(8) of this section, the student housing development must meet the following requirements:
    - a. All units in the student housing development shall be used exclusively for undergraduate, graduate, or professional students enrolled full time at an institution of higher education accredited by the Western Association of Schools and Colleges or the Accrediting Commission for Community and Junior Colleges. The developer shall, as a condition of receiving a certificate of occupancy, provide evidence to the city that the developer has entered into an operating agreement or master lease with one or more institutions of higher education for the institution or institutions to occupy all units of the student housing development with students from that institution or institutions.
    - b. Twenty (20) percent of the density bonus units will be used for lower income students. For purposes of this clause, “lower income students” means students who have a household income and asset level that does not exceed the level for Cal Grant A or Cal Grant B award recipients as set forth in paragraph (1) of subdivision (k) of Section 69432.7 of the California Education Code.
    - c. The rent provided in the applicable units of the development for lower income students shall be calculated at thirty (30) percent of sixty-five (65) percent of the area median income for a single-room occupancy unit type.
    - d. The development will provide priority for the applicable affordable units for lower income students experiencing homelessness.
  2. Definition of Units. For purposes of calculating a density bonus granted for a student housing development, the term “unit” means one rental bed and its pro rata share of associated common area facilities.
- L. Shared Housing.
1. Shared Housing Density Bonus Requirements. In order for a shared housing development to be eligible for a density bonus under subsection

**Exhibit C**

(D)(1), (D)(2), (D)(4) or D(9) of this section, the shared housing development must meet the following requirements:

- a. Shared-housing building is defined as a residential or mixed-use structure with five or more housing units and one or more common kitchens and dining areas designed for permanent residence of more than 30 days by its tenants. The kitchens and dining areas within the shared housing building shall be able to adequately accommodate all residents.
  - b. A shared housing building may include other dwelling units that are not shared housing units, provided that those dwelling units do not occupy more than 25 percent of the floor area of the shared housing building.
  - c. A shared housing building may include incidental commercial uses, provided that those commercial uses are otherwise allowable and are located only on the ground floor or the level of the shared housing building closest to the street or sidewalk of the shared housing building.
  - d. A shared housing unit means one or more habitable rooms, not within another dwelling unit, that includes a bathroom, sink, refrigerator, and microwave, is used for permanent residence, that meets the “minimum room area” specified in Section R304 of the California Residential Code (Part 2.5 of Title 24 of the California Code of Regulations), and complies with the definition of “guestroom” in Section R202 of the California Residential Code.
  - e. Shared housing shall permit the same number of families at the same density as allowed in the zoning district where the property is located subject to all applicable codes relating to building, housing, life safety, health and zoning as would be applied to independent living units located in the same structure.
2. Definition of Units. For purposes of calculating a density bonus granted for a shared housing development, the term “unit” means one shared housing unit and its pro rata share of associated common area facilities.
- M. General Guidelines.
1. Location of Bonus Units. As required by California Government Code Section 65915(i), the location of density bonus units within the qualifying housing development may be at the discretion of the developer, and need not be in the same area of the project where the units for the lower income households are located as long as the density bonus units are located within the same housing development.
  2. Preliminary Review. A developer may submit to the community development director a preliminary proposal for the development of housing pursuant to this section prior to the submittal of any formal application for a density bonus. Within ninety (90) days of receipt of a written proposal, the city will notify the housing developer in writing of either: (a) any specific requirements or procedures under this section, which the proposal has not

**Exhibit C**

- met; or (b) the proposal is sufficient for preparation of an application for density bonus.
3. Infrastructure and Supply Capacity. Criteria to be considered in analyzing the requested bonus will include the availability and capacity of infrastructure (water, sewer, road capacity, etc.) and water supply to accommodate the additional density.
- N. Findings for Approval for Density Bonus and/or Incentive(s).
1. Density Bonus Approval. The following finding shall be made by the approving authority in order to approve a density bonus request:
    - a. The density bonus request meets the requirements of this section.
  2. Density Bonus Approval with Incentive(s). The following findings shall be made by the approving authority in order to approve a density bonus and incentive(s) request:
    - a. The density bonus request meets the requirements of this section;
    - b. The incentive is required in order to provide affordable housing; and
    - c. Approval of the incentive(s) will have no specific adverse impacts upon health, safety, or the physical environment or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to very low, low, and moderate income households.
  3. Denial of a Request for an Incentive(s). The approving authority shall make at least one of the following findings prior to disallowing an incentive (in the case where an accompanying density bonus may be approved, or in the case of where an incentive(s) is requested for senior housing or child care facility):
    - a. That the incentive is not necessary in order to provide for affordable housing costs as defined in subsection Q (Definitions) of this section, or for rents for the targeted units to be set as specified in subsection Q (Definitions) of this section.
    - b. That the incentive would result in specific adverse impacts upon health, safety, or the physical environment or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to very low, low, and moderate income households.
    - c. That the incentive would be contrary to state or federal law.
- O. Affordability Requirements.
1. The maximum monthly housing cost for density bonus units, including a monthly allowance for utilities plus rent for rental units or house payments for for-sale units, shall be set at or below the rates described below:
    - a. Density bonus units affordable to very low income households: thirty (30) percent of fifty (50) percent of the area monthly median income for Riverside/San Bernardino Counties adjusted by the number of



**Exhibit C**

- bedrooms according to regulations of the California Department of Housing and Community Development.
- b. Density bonus units affordable to lower income households: thirty (30) percent of sixty (60) percent of the area monthly median income for Riverside/San Bernardino Counties adjusted by the number of bedrooms according to regulations of the California Department of Housing and Community Development.
2. The monthly allowance for utilities shall be the utility allowance calculated by the Department of Housing and Urban Development (HUD) for County Housing Authorities.
  3. The monthly house payments for for-sale units described in subsection (N)(1) of this section includes the sum of principal and interest on a thirty (30) year fixed rate mortgage for ninety (90) percent of the sales price, loan insurance, property taxes and assessments, fire and casualty insurance, property maintenance and repairs, and the fair share cost for maintenance of amenities owned in common such as landscaping and swimming pools.
  4. Housing costs, affordable sales prices, and occupancy requirements, will be governed by a deed restriction which shall take precedence over all other covenants, liens and encumbrances of the property on which the units are constructed.
- P. Affordable Housing Agreement Required.
1. General Requirements. No density bonus pursuant to this section shall be granted unless and until the affordable housing developer, or designee enters into an affordable housing agreement and, if applicable, an equity sharing agreement, with the city or its designee pursuant to and in compliance with this section (Government Code Section 65915(c)). The agreements shall be in the form provided by the city, which shall contain terms and conditions mandated by, or necessary to implement, state law and this section. The affordable housing agreement shall be recorded prior to issuance of a building permit for a rental project or prior to final map recordation for an ownership project which includes a map. The community development director is hereby authorized to enter into the agreements authorized by this section on behalf of the city upon approval of the agreements by the city attorney for legal form and sufficiency.
  2. Low- or Very Low-Income Affordable Housing Component.
    - a. The affordable housing developer of a qualified housing development based upon the inclusion of low-income and/or very low-income affordable units shall enter into an agreement with the city to maintain the continued affordability of the affordable units for fifty-five (55) years (for rental units) or 30 years (for for-sale units), or a longer period if required by the construction or mortgage financing assistance program, mortgage insurance program or rental subsidy program (Government Code Section 65915(c)(1)). The agreement shall establish specific compliance standards and specific remedies available to the city if such compliance standards are not met. The agreement shall specify the number of lower-income affordable units

**Exhibit C**

- by number of bedrooms; standards for qualifying household incomes or other qualifying criteria, such as age; standards for maximum rents or sales prices; the person responsible for certifying tenant or owner incomes; procedures by which vacancies will be filled and units sold; required annual report and monitoring fees; restrictions imposed on lower-income affordable units on sale or transfer; and methods of enforcing such restrictions, and any other information that may be required based on the city's review.
- b. Rental Units. Rents for the low-income and very low-income affordable units that qualified the housing development for the density bonus pursuant to this section shall be set and maintained at an affordable rent (Government Code Section 65915(c)(1)). The agreement shall set rents for the lower-income density bonus units at an affordable rent as defined in California Health and Safety Code Section 50053, except for developments meeting the criteria of Government Code Section 65915(b)(1)(G), for which rents for all units in the development, including both base density and density bonus units, shall be as follows:
- i. The rent for at least twenty (20) percent of the units in the development shall be set at an affordable rent, as defined in Section 50053 of the Health and Safety Code.
  - ii. The rent for the remaining units in the development shall be set at an amount consistent with the maximum rent levels for a housing development that receives an allocation of state or federal low-income housing tax credits from the California Tax Credit Allocation Committee.
- c. The agreement shall require that owner-occupied units be made available at an affordable housing cost as defined in Health and Safety Code Section 50052.5.
- d. For-Sale Units. Owner-occupied low-income and very low-income affordable units that qualified the housing development for the density bonus pursuant to this section shall be available at an affordable housing cost (Government Code Section 65915(c)(2)). The affordable housing developer of a qualified housing development based upon a very low- or low-income minimum affordable component shall enter into an equity sharing agreement with the city or the master or non-affordable housing developer. The agreement shall be between the city and the buyer, or between developer and the buyer if the developer is the seller of the unit. The city shall enforce the equity sharing agreement unless it is in conflict with the requirements of another public funding source or law (Government Code Section 65915(c)(2)). The equity sharing agreement shall include at a minimum the following provisions:
- i. Upon resale, the seller of the unit shall retain the value of any improvements, the down payment and the seller's proportionate share of appreciation. The city shall recapture

**Exhibit C**

- any initial subsidy, as defined in subsection (O)(2)(d)(ii), and its proportionate share of appreciation, as defined in subsection (O)(2)(d)(iii), which amount shall be used within five years for any of the purposes described in subdivision (e) of Section 33334.2 of the Health and Safety Code that promote homeownership.
- ii. For purposes of this section, the city's initial subsidy shall be equal to the fair market value of the home at the time of initial sale minus the initial sale price to the very low-income household, plus the amount of any down payment assistance or mortgage assistance. If upon resale the market value is lower than the initial market value, the value at the time of the resale shall be used as the initial market value.
  - iii. For purposes of this subdivision, the city's proportionate share of appreciation shall be equal to the ratio of the city's initial subsidy to the fair market value of the home at the time of initial sale.
3. Moderate Income Affordable Housing Component.
- a. The affordable housing developer of a qualified housing development based upon the inclusion of moderate-income affordable units in a common interest development shall enter into an agreement with the city ensuring that:
    - i. The initial occupants of the moderate-income affordable units that are directly related to the receipt of the density bonus are persons and families of a moderate-income household.
    - ii. The units are offered at an affordable housing cost (Government Code Section 65915(c)(2)).
    - iii. The affordable housing developer of a qualified housing development based upon a moderate-income minimum affordable component shall enter into an equity sharing agreement with the city or the master or non-affordable housing developer (Government Code Section 65915(c)(2)). The agreement shall be between the city and the buyer or between the developer and the buyer if the developer is the seller of the unit. The city shall enforce the equity sharing agreement unless it is in conflict with the requirements of another public funding source or law (Government Code Section 65915(c)(2)). The equity sharing agreement shall include at a minimum the following provisions:
      - iv. Upon resale, the seller of the unit shall retain the value of improvements, the down payment and the seller's proportionate share of appreciation. The city shall recapture any initial subsidy, as defined in subsection (O)(3)(a)(v), and its proportionate share of appreciation, as defined in (O)(3)(a)(vi), which amount shall be used within five years for any of the purposes described in Health and Safety Code

**Exhibit C**

Section 33334.2(e) that promote homeownership (Government Code Section 65915(c)(2)(A)).

- v. The city's initial subsidy shall be equal to the fair market value of the unit at the time of initial sale minus the initial sale price to the moderate-income household, plus the amount of any down payment assistance or mortgage assistance. If upon resale the market value is lower than the initial market value, the value at the time of the resale shall be used as the initial market value (Government Code Section 65915(c)(2)(B)).
- vi. The city's proportionate share of appreciation shall be equal to the ratio of the city's initial subsidy to the fair market value of the unit at the time of initial sale (Government Code Section 65915(c)(2)(C)).

Q. Ineligible Projects—Required Replacement of Affordable Units.

1. An applicant shall be ineligible for a density bonus or any other incentives or concessions under this section if:
  - a. The development is proposed on any property that includes any existing affordable rental dwelling units occupied by lower or very low income households; or
  - b. If such affordable dwelling units have been vacated or demolished in the five-year period preceding the application, and
  - c. Such affordable dwelling units have been subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of lower or very low income. However, an applicant may establish eligibility if the proposed housing development replaces those units, and either of the following applies:
    - i. The proposed housing development, in addition to the units replaced pursuant to this paragraph, contains affordable units at the percentages set forth in subsection E of this section.
    - ii. Each unit in the development, exclusive of a manager's unit or units, is affordable to, and occupied by, either a lower or very low income household.
2. The number and type of required replacement units shall be determined as follows:
  - a. For a development containing any occupied dwelling units, the development must contain at least the same number of replacement dwelling units, of equivalent size and bedrooms, and must be made affordable to and occupied by persons and families in the same or a lower income category as the occupied dwelling units. For unoccupied dwelling units in the development, the replacement dwelling units shall be made affordable to and occupied by persons and families in the same or lower income category as the last household in occupancy. If the income category of the last household is unknown, it is presumed, unless proven otherwise, that the dwelling units were occupied by lower income renter households in the same proportion of lower income renter households to all renter

**Exhibit C**

households within Riverside/San Bernardino Counties as determined by the California Department of Housing and Community Development, and replacement dwelling units shall be provided in that same percentage.

- b. If all of the dwelling units are vacant or have been demolished within the five years preceding the application, the development must contain at least the same number of replacement dwelling units, of equivalent size and bedrooms, as existed at the highpoint of those units in the five year period preceding the application, and must be made affordable to and occupied by persons and families in the same or a lower income category as those in occupancy at that same time. If the income categories are unknown for the highpoint, it is presumed, unless proven otherwise, that the dwelling units were occupied by very low income and low income renter households in the same proportion of very low income and low income renter households to all renter households within Riverside/San Bernardino Counties as determined by the California Department of Housing and Community Development, and replacement dwelling units shall be provided in that same percentage.

R. Definitions. For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

1. "Approving authority" is as defined in the Moreno Valley Municipal Code Title 9, Zoning Section 9.02.030.
2. "Child care facility" is defined as a child day care facility other than a family day care home, including, but not limited to, infant centers, preschools, extended day care facilities, and school-age child care centers.
3. "Density bonus" is defined as an increase in density over the otherwise maximum allowable residential density under the applicable general plan designation as of the date of filing of an application for density bonus with the city or, if elected by the applicant, a lesser percentage of density increase. A density bonus request shall be considered as a component of a qualified housing development.
4. "Housing development" is defined as a development project for five or more residential units, including mixed-use developments, constructed within a parcel. For the purposes of this section, "housing development" also includes a subdivision or common interest development as defined in Section 4100 of the Civil Code and consists of residential units or unimproved residential lots. A density bonus shall be permitted in geographic areas of the housing development other than the areas where the affordable units are located, so long as the density bonus units are located on the same parcel.
5. "Incentive" is defined as a reduction in site development standards or a modification of zoning code requirements or architectural design requirements that exceed the minimum building standards approved by the California Building Standards Commission. An incentive can be requested by the applicant for purposes of reducing the cost of development to make

**Exhibit C**

the project financially feasible. The term “incentive” includes the term “concession” as that term is used in California Government Code Sections 65915 through 65918.

6. “Located within one-half mile of a major transit stop” means that any point on a proposed development, for which an applicant seeks a density bonus, other incentives or concessions, waivers or reductions of development standards, or a vehicular parking ratio pursuant to this section, is within one-half mile of any point on the property on which a major transit stop is located, including any parking lot owned by the transit authority or other local agency operating the major transit stop.
  7. “Lower income” is defined as less than eighty (80) percent of the area median income, as defined by Section 50079.5 of the California Health and Safety Code.
  8. “Lower income unit” is defined as a unit with an affordable rent or payment that does not exceed thirty (30) percent of sixty (60) percent of area median income adjusted for family size appropriate for the unit.
  9. “Major transit stop” is defined as a site containing any of the following: (a) an existing rail or bus rapid transit station; (b) a ferry terminal served by either a bus or rail transit service; or (c) the intersection of two or more major bus routes with a frequency of service interval of fifteen (15) minutes or less during the morning and afternoon peak commute periods.
  10. “Moderate income” is defined as less than one hundred twenty (120) percent of the area median income, as defined in Section 50093 of the California Health and Safety Code.
  11. “Moderate income unit” is defined as a unit with an affordable rent or payment that does not exceed thirty-five (35) percent of one hundred twenty (120) percent of area median income adjusted for family size appropriate for the unit.
  12. “Unobstructed access to a major transit stop” means a resident is able to access the major transit stop without encountering natural or constructed impediments. “Natural or constructed impediments” includes, but is not limited to, freeways, rivers, mountains, and bodies of water, but does not include, residential structures, shopping centers, parking lots, or rails used for transit.
  13. “Very low income” is defined as less than fifty (50) percent of the area median income, as defined in Section 50105 of the California Health and Safety Code.
  14. “Very low income unit” is defined as a unit with an affordable rent or payment that does not exceed thirty (30) percent of fifty (50) percent of the area median income, adjusted for family size appropriate for the unit.
- S. Interpretation. If any portion of this section conflicts with State Density Bonus Law or other applicable state law, state law shall supersede this section. Any ambiguities in this section shall be interpreted to be consistent with State Density Bonus Law.

## Exhibit D

### **9.04.050 Affordable Housing in Commercial Zones**

- A. Purpose and Intent. This section is adopted pursuant to the provisions of Assembly Bill 2011, known as the “Affordable Housing and High Road Jobs Act of 2022,” and Senate Bill 6, known as the “Middle Class Housing Act of 2022”. The bills have been designed to help address the state’s continuing housing crisis.
- B. Applicability. This section establishes clear eligibility criteria for the use of commercial- zoned properties for multiple-family developments.
1. AB 2011 Mixed-Income Housing Projects are permitted in:
    - a. Zoning districts where office, retail, or parking are a principally permitted use; and
  2. AB 2011 100% Affordable Housing Projects are permitted in:
    - a. Zoning districts where office, retail, or parking are a principally permitted use.
  3. SB 6 Projects are permitted in:
    - a. Zoning districts where office, retail, or parking are a principally permitted use.
- C. Application and Processing.
1. AB 2011 Mixed-Income Housing Projects and AB 2011 100% Affordable Housing Projects that meet all the requirements of this section shall be ministerial and reviewed and processed with a plot plan application subject to conditions of approval.
  2. SB 6 projects are processed as plot plan applications. Authority for approval of plot plans shall be vested with the planning commission. Plot plan applications shall be subject to major development review procedures pursuant to Section 9.02.030 of Chapter 9.02 (Permits and Approvals).
  3. If the proposed project meets all SB 6 requirements (except non-compliance with zoning prohibiting residential use), then it may invoke SB 35 and the Housing Accountability Act. Government Code Section 65913.4 outlines the approval process for SB 35 projects.
  4. Certain projects processed under AB 2011 are exempt from California Environmental Quality Act (CEQA), as set forth in AB 2011.
- D. Site and Project Criteria for AB 2011. All projects must be multiple-family housing developments located within an urbanized area or urban cluster (designated by US Census Bureau) and in zoning districts where office, retail, or parking are principally permitted uses. Additional criteria required as follows:
1. 100% affordable housing projects must:
    - a. Be on a parcel in an urban area, surrounded by urban uses, and not on a site or adjoined to any site where more than 1/3 of the square footage is dedicated to an industrial use (§ 65912.111(b)-(d).). Under AB 2011, parcels separated only by a street or highway are considered adjoined.
    - b. The site satisfies the requirements of Section 65913.4(a)(6)(B)-(K). (§ 65912.111(e).)
    - c. The units are subject to a recorded deed restriction of 55 years for rental units and 45 years for owner-occupied units.
    - d. Meet hazardous condition criteria as determined in a Phase I ESA.

**Exhibit D**

- (§ 65912.111(c).)
- e. Located more than 500 feet from a freeway and more than 3,200 feet from a facility that extracts or refines oil or natural gas. (§ 65912.111(d)-(e).)
  - f. Meets objective zoning standards based on enumerated criteria for determining development standards to apply. (§ 65912.111(f).)
2. Mixed-income eligible projects must:
- a. Be on a parcel in an urban area, surrounded by urban uses, abuts a commercial corridor with a frontage along the corridor of at least 50 feet, is on a site of 20 acres or less, and is not on a site or adjoined to a site where more than 1/3 of the square footage is dedicated to industrial uses. (§ 65912.121(b)-(f).). Under AB 2011, parcels separated only by a street or highway are considered adjoined.
  - b. Be on a site that satisfies the requirements of Section 65913.4(a)(6)(B)-(K). (§ 65912.121(g).)
  - c. The development would not require the demolition of:
    - i. Housing subject to recorded covenant, ordinance or law that restricts rents to levels affordable to moderate, low or very low income households.
    - ii. Housing subject to rent price control.
    - iii. Housing occupied by tenants in the last 10 years, excluding manager's units.
    - iv. Any historic structure on a national, state or local historic register.
  - d. Not be on a site that was previously used for permanent housing that was occupied by tenants, excluding any manager's unit, that was demolished within 10 years before development proponents submits an application.
  - e. Vacant sites cannot contain tribal cultural resources or be located in a very high fire hazard severity zone. (§ 65912.121(j).)
  - f. Meet the following affordability criteria by providing:
    - i. For rental projects, 8% very low income and 5% extremely low income affordable units; or
    - ii. 15% affordable for lower income households. (§ 65912.122(a).)
    - iii. All affordable units must have a recorded deed restriction for 55 years.
  - g. For owner-occupied housing:
    - i. 30% of units offered as affordable to moderate income households; or
    - ii. 15% units offered as affordable to lower income households. (§ 65912.122(b).)
    - iii. All affordable units must have a recorded deed restriction for 45 years.
  - h. Meet objective development standards. (§ 65912.123.)
  - i. For sites more than one acre in size and with more than 100 feet in



**Exhibit D**

- width, provide a density of at least 60 units/acre. (§ 65912.123.)
- j. Located more than 500 feet from a freeway and more than 3,200 feet from a facility that extracts or refines oil or natural gas. (§ 65912.123(g)-(h).)
  - k. Provide notice and specified protections to existing commercial tenants located on the site. (§ 65912.123(i).)
3. Affordable units in the project must have the same bedroom and bathroom count ratio as the market rate units, be equitably distributed within the project, and have the same type or quality of appliances, fixtures, and finishes.
  4. Eligible projects must meet specified labor standard criteria, including payment of a prevailing wage, and, for larger projects (over fifty (50) units), hire contractors that participate in apprenticeship programs. (§ 65912.130, -.131.)
  5. Projects may be eligible for a density bonus, incentives or concessions, waivers, or parking ratios pursuant to Section 9.03.050 of Chapter 9.03 (Residential Districts).
- E. Site and Project Criteria for SB 6 Projects. All projects must be multiple-family housing developments or mixed-use with at least 50 percent of the square footage dedicated to residential use located within an urbanized area or urban cluster (designated by US Census Bureau) and in zoning districts where office, retail, or parking are principally permitted uses. Additional criteria required as follows:
1. The project must meet specified density requirements—at least 30 units/acre for this parcel (§ 65852.24(b)(1), § 65583.2(c)(3)(B).)
  2. Project site is 20 acres in size or less (§ 65852.24(b)(4).)
  3. Meets specified objective local requirements (§ 65852.24(b)(5).)
  4. The project is not on a site or adjoined to any site where more than 1/3 of the square footage is dedicated to an industrial use. (§ 65852.24(b)(6)(B)(i).)
  5. The project is consistent with any applicable and approved sustainable community strategy or alternative plan (§ 65852.24(b)(7).)
  6. The project is either: (i) a public work (as defined in (8)(A)(i) for prevailing wage purposes, or (ii) all construction labor will be paid a prevailing wage (along with other labor requirements) (§ 65852.24(b)(8)(A).)
  7. The developer must provide written notice to any exiting commercial tenants (§ 65852.24(c)(1).)
  8. Mixed-use developments consisting of residential and nonresidential retail commercial or office uses are required to have at least 50 percent of the square footage of the new construction associated with the project designated for residential use. None of the square footage of any such development shall be designated for a hotel, motel, bed, and breakfast inn, or other transient lodging use, except for a residential hotel.
  9. The housing development shall comply with any public notice, comment, hearing, or other procedures imposed by the local agency on a housing development in the applicable zoning designation.
- F. Development standards for AB 2011 projects.

**Exhibit D**

1. 100% affordable housing projects must meet the following standards:
  - a. Project density meets or exceeds applicable density deemed appropriate to accommodate lower-income households pursuant to housing element law.
  - b. Development must meet objective zoning, subdivision, and design review standards for the zone that allows greater residential density between the following:
    - i. Existing zoning designation for the parcel if it allows multifamily residential use; or
    - ii. Zoning designation for the closest parcel that allows residential use at a density that is appropriate to accommodate lower income households pursuant to housing element law
  - c. Development shall be deemed consistent with objective zoning standards related to housing density if compliant with maximum density allowed within the land use designation and regardless of any specified maximum unit allocation that may result in fewer units of housing being permitted.
2. Mixed-income housing projects must meet the following standards:
  - a. In metropolitan jurisdictions, the residential density shall meet or exceed the greater of the following:
    - i. The existing residential density permitted;
    - ii. For sites of less than one acre, 30 units/acre;
    - iii. For sites of one acre or greater located on a commercial corridor of less than 100 ft in width, 40 units/acre;
    - iv. For sites of one acre or greater located on a commercial corridor of 100 ft or greater width, 60 units/acre;
    - v. For sites within one-half mile of a major transit stop, 80 units/acre
  - b. Height limit applicable shall be the greater of the following: Height currently permitted on the parcel;
    - i. For sites on a commercial corridor of less than 100 feet in width, 35 feet;
    - ii. For sites on a commercial corridor of 100 feet or more, 45 feet;
    - iii. For sites within one-half mile of a major transit stop in a city with a population of greater than 100,000, 65 feet.
  - c. No parking is required except for requirements related to bicycle parking, electric vehicle parking spaces or parking spaces accessible to persons with disabilities.
  - d. Projects are required to meet the following setback standards:
    - i. For the portion of a property that fronts a commercial corridor, no setbacks may be required except that all parking must be set back at least 25 feet and the ground floor of a building must abut within 10 feet of the property line for at least 80% of the frontage.
    - ii. For portions of the property that front a side street, the building

**Exhibit D**

- must abut within 10 feet of the property line for at least 60% of the frontage.
- iii. For portions of the property that abuts an adjoining property that also abuts the same commercial corridor, no setbacks may be required unless the adjoining property contains any residential use that was constructed prior to the enactment of AB 2011.
  - iv. Along property lines that abut a residential use, the ground floor shall be set back 10 feet. Starting with the second floor, each floor shall be stepped back in an amount equal to 7 feet multiplied by the floor number.
  - v. Along property lines that abut non-residential use, the development shall be set back 15 feet.
- G. Development standards for SB 6 projects.
1. Must comply with local zoning, parking, design, and other ordinances, local code requirements, and procedures applicable to the processing and permitting of a housing development in the zone that allows for housing with the requested density.
    - a. If more than one zoning designation allows for requested density, the applicable zoning standards shall be those for the zoning designation for the closest parcel that allows residential use at a density that is appropriate to accommodate lower-income households pursuant to housing element law.
    - b. If the existing zoning designation for the parcel allows residential density that exceeds housing element law density, the existing zoning designation applies.
  2. The project must comply with all other objective local requirements for a parcel (except those that prohibit residential use or allow residential use only at a lower density), including impact fee requirements.
- H. Definitions. For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.
- “AB 2011 Mixed-Income Housing Projects” shall refer to housing development project as set forth in AB 2011, Article 2 (Affordable Housing Developments in Commercial Zones), and is intended to refer to such projects which are subject to a streamlined, ministerial review, pursuant to Section 65912.114, subject to satisfying all requisite requirements, as set forth therein.
- “AB 2011 100% Affordable Housing Project” shall refer to housing development project(s) as set forth in AB 2011, Article 3 (Mixed-Income Housing Developments Along Commercial Corridors), and is intended to refer to such projects which are subject to a streamlined, ministerial review pursuant to Section 65912.124, subject to satisfying all requisite requirements, as set forth therein.
- “SB 6 Projects” shall refer to housing development project as set forth in SB 6, as codified in Section 65852.24, subject to the streamlined, ministerial approval process, satisfying all requisite requirements therein.
- “Commercial corridor” means a highway, as defined in Vehicle Code Section 360, that is not a freeway, as defined in Vehicle Code Section 332, and that has a right-

**Exhibit D**

of-way, as defined in Vehicle Code Section 525, of at least 70 feet but not greater than 150 feet.

"Dedicated to industrial use" means any of the following: (1) square footage is currently being used as industrial use; (2) more recently permitted use of the square footage is an industrial use; or (3) site was designated for industrial use in local government's latest general plan adopted before January 1, 2022.

"Multiple-family" in Section 9.04.050 means a property with five or more housing units for sale or for rent. There is no requirement that the housing units be attached.

"Prevailing wage" means at least the general prevailing rate or per diem wages for the type of work and the geographic area as determined by the Director of Industrial Relations pursuant to Labor Code Sections 1773 and 1773.9, except apprentices registered in programs approved by the Chief of the Division of Apprenticeship Standards may be paid at least the applicable apprentice prevailing rate. The same definition is used in both AB 2011 and SB 6.

"Principally permitted use" means a use that may occupy more than one-third of the square footage of designated use on the site and does not require a conditional use permit.

"Residential hotel" has the same meaning as defined in Section 50519 of the Health and Safety Code.

- I. Interpretation. If any portion of this section conflicts with AB 2011, SB 6, or other applicable state law, state law shall supersede this section. Any ambiguities in this section shall be interpreted to be consistent with AB 2011 and SB 6.

**Exhibit E****9.09.130 Accessory dwelling units (ADUs).**

- A. Purpose and Intent. The purpose of these standards is to ensure:
1. Accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs) as defined herein are a permitted accessory use. This section establishes standards for the construction and occupancy of ADUs and JADUs. The standards herein serve to ensure ADUs and JADUs are constructed in a manner that is consistent with the requirements and allowances of state law, and contribute to a suitable living environment for all.
  2. General Plan Consistency. ADUs and JADUs are a residential use consistent with the existing general plan and zoning designation. This section furthers the goals, objectives, and policies of the General Plan Housing Element.
  3. Applicability. Under state law, the city must allow for ADUs and JADUs. However, the approval of ADUs may be based on the adequacy of water and sewer services as well as impacts on traffic flow and public safety. A local homeowner's association cannot prohibit the construction of an ADU or a JADU. This section addresses all requirements of state law regarding ADUs.
- B. Approval Authority. Approval of an ADU or JADU within a residential, mixed-use zone, or specific plan zone allowing residential or mixed use is considered a ministerial action and the approval authority is the community development director. Approval of an accessory dwelling unit is subject to all applicable requirements established within this section as well as all building, fire, engineering, flood, water quality, environmental codes, standards, and permitting fees established by the city. Any limits on where ADUs are permitted may only be based on the adequacy of water and sewer service, and the impacts on traffic flow and public safety. If the proposal is not consistent with the requirements of state law and this section then the application does not qualify as an ADU and will be processed as a second unit either under an administrative plot plan for a single-family dwelling unit, or through an amended plot plan for additional multiple-family dwelling units. If a JADU has already been constructed within the primary dwelling, this will not preclude submittal of an application for an accessory dwelling unit that is consistent with all the standards of this section and state law. An application for a JADU may be submitted that meets all the requirement of this section even if an ADU already has been constructed.
- C. Application and Processing.
1. Applications for the following types of ADUs that meet all the requirements of this section shall be ministerial and reviewed and processed with a building permit subject to conditions of approval.
    - a. Single-family internal ADU within previously permitted existing space or within a new single-family residence; or
    - b. Single-family attached or detached ADU; or
    - c. Junior ADU. The building plan check application will include all of the items in subsection (C)(3) below.
  2. Applications for multiple family ADUs consistent with this section:

**Exhibit E**

Applications for multiple family ADUs either detached or within an existing permitted structure or dwelling, shall be made to the community development department and shall be permitted ministerially with approval of both an administrative plot plan and building permit. The administrative plot plan will include all of the items in subsection (C)(3) below.

3. With regard to evaluating whether the ADU meets the standards of this section, the building permit application or administrative plot plan application, as applicable, shall include the following:
    - a. A detailed description and scaled, dimensioned floor plan of the proposed ADU, clearly illustrating the bedroom(s), bathroom(s), kitchen and other features or other proposed habitable areas;
    - b. A detailed description and scaled, dimensioned elevation of the proposed ADU, clearly illustrating the exterior entrance of the ADU;
    - c. A scaled, dimensioned site plan of the property clearly illustrating the location of all improvements on site (existing primary residence, garage, driveway(s), fences/walls, accessory structures, public right-of-way improvements, etc.) and where the ADU shall be located;
    - d. The scaled, dimensioned site plan of the property shall note the use(s) of all buildings existing on site.
  4. Applications shall be permitted ministerially if there is an existing single-family or multifamily dwelling on the lot and all applicable requirements and development standards of this section are met and no variances are required. If the permit application to create an ADU or JADU is submitted with a permit application to create a new single-family dwelling on the lot, the city will not act on the permit application for the ADU or JADU until the city acts on the permit application to create the new single-family dwelling. If the application has been deemed complete, the ADU or JADU shall be deemed approved if the city has not acted on the completed application within sixty (60) days. If the applicant requests a delay, the sixty (60) day time period shall be tolled for the period of the delay.
  5. If any ADU application is denied, the applicant will receive with a full set of comments listing the specific items that are defective or deficient along with a description on how the application can be remedied by the applicant pursuant to California Government Code 65852.2.
- D. Development Standards and Requirements. Accessory dwelling units shall comply with the following development standards as described below and as shown in Tables 1 and 2:
1. Permitted ADUs. An ADU is permitted if the lot is zoned for single-family, multifamily use, or mixed use allowing for residential use, and contains an existing, single-family structure or multifamily structure.
    - a. Existing Single-Family Structure/Primary Dwelling Unit. For an existing single-family structure, one ADU and one JADU is permitted. An ADU may be detached or attached. A JADU must be contained within the space of an existing single-family structure.
    - b. Existing Multifamily Structure. Within an existing multifamily structure, up to twenty-five (25) percent of the existing multifamily

## Exhibit E

- units may be ADUs, or one unit, whichever is greater; two accessory dwelling units detached from the multifamily dwelling are permitted subject to a height limit of sixteen (16) feet and four foot rear and side setbacks. If a detached ADU is on a lot with an existing or proposed multi-story multifamily dwelling, the ADU may be up to 18 feet in height.
2. Lot Size. There is no minimum lot size required if the ADU meets the setbacks described in this section.
  3. ADU Size.
    - a. Minimum. The minimum unit size for a JADU per state law is one hundred fifty (150) square feet. There is no minimum unit size for other ADU structures provided that the ADU is in compliance with state laws including building and health and safety codes.
    - b. Maximum. For the conversion of an accessory building per state law, there is no maximum square footage provided the ADU is within the walls of the existing accessory building. For these uses, up to one hundred fifty (150) square feet can be added for ingress/egress subject to state law.
    - c. Detached ADUs for single-family or multifamily. The maximum unit size shall be eight hundred fifty (850) square feet for an efficiency or one bedroom, and one thousand (1,000) square feet for two bedrooms.
    - d. Attached ADUs. If there is an existing single-family dwelling on the site, the attached ADU shall be no larger in size than eight hundred fifty (850) square feet for an efficiency or one bedroom, and no larger than one thousand (1,000) square feet for a two bedroom. For multifamily, the ADU shall be no more than eight hundred (800) square feet.
    - e. Lot Coverage/Floor Area Ratio/Open Space. If all of the following standards are satisfied for an attached ADU or detached ADU, lot coverage, floor area ratio, and open space requirements would not apply. All other development standards as described in this section would apply. (See Tables 1 and 2)
    - f. Up to eight hundred (800) square foot accessory unit; and
    - g. No more than sixteen (16) feet in height; and
    - h. Four foot side, corner, and rear yard setbacks.
    - i. For all other ADUs allowed by this section, lot coverage, floor area ratio, and open space requirements of the underlying zone would apply.
  4. ADU/JADU Height.
    - a. Detached ADUs. For a detached primary dwelling unit on a site, the ADU is permitted to be at least sixteen (16) feet in height, not to exceed the height described in Table 1.
    - b. Attached ADUs. For JADUs and internal ADUs, the height limits are not applicable, except the height limit of residential zone would apply if constructed in conjunction with a new single-family residence. An

## Exhibit E

attached multifamily unit would only be permitted within the walls of the existing structure; therefore, a height limit would not apply.

5. Setbacks.
    - a. Front Setbacks. ADUs shall comply with the front setback requirement of the underlying zone; the front setback does not apply to an internal ADU or JADU.
    - b. Side and Rear Yard Setbacks. Setbacks for ADUs are summarized in Tables 1 and 2. Setbacks would generally not apply to JADUs or internal ADUs entirely contained within an existing dwelling unit; however, if constructed in conjunction with a new single-family residence then the setbacks for the underlying zone would apply. Setbacks would not apply to an existing accessory building converted into an ADU.
    - c. Corner (Street Side) Setbacks. The corner setback for a new detached ADU is ten (10) feet except that the corner setback may be as little as four feet if satisfying a ten (10) foot setback would not allow for construction of an ADU on the site. If the required setback is less than ten (10) feet, then the height of the detached ADU may not exceed sixteen (16) feet.
    - d. If constructed in conjunction with a single-family residence, the street side setbacks for the underlying zone would apply. The street side setback requirement is not applicable to a JADU, an attached ADU entirely contained within an existing dwelling unit, or an attached ADU which may be constructed at a setback equal to that of the primary dwelling, but no less than four feet.
  6. Distance Between Structures. The standard for distance between structures of the underlying residential zone will apply where feasible, but if necessary will be adjusted to accommodate an ADU that is eight hundred (800) square feet or less, sixteen (16) feet in height, and with rear and side setbacks of no less than four feet. Any accommodation for the distance between structures will need to be evaluated for consistency with building codes for protection of public safety and approved by the community development director or designee.
  7. The ADU shall include permanent provisions for living, sleeping, eating, cooking, and sanitation, and shall include a kitchen and bathroom.
- E. Design Requirements.
1. ADUs shall be located at the rear or the side of the existing single-family dwelling unless it is demonstrated that the only feasible location is to place the ADU in front of the single-family dwelling due to extraordinary or physical constraints of the lot.
  2. The entrance to an attached ADU shall be separate from the entrance to the primary dwelling unit and shall be located and designed in a manner as to eliminate an obvious indication of two or three units in the same structure.
  3. All exterior changes shall be architecturally compatible with existing structures with regard to wall covering material, wall texture, and colors. When a garage is converted, the garage door shall be removed, and



**Exhibit E**

- framed-in wall shall include architectural details and finishes compatible with the residence(s) on the site.
4. When a garage is converted into an ADU, a landscaped area with a depth of at least two feet shall be provided for the area adjacent to the garage door with some exceptions. If the application can demonstrate that this is infeasible, the requirement can be waived by the community development director.
  5. Plans that demonstrate an unobstructed pathway extending from a street to one entrance of the ADU are desirable prior to approval of an ADU application; however, this is not a mandatory requirement for an ADU.
  6. If a manufactured home is the proposed structure for the ADU, at a minimum, it should still be compatible with the primary dwelling unit on the site with regard to wall covering material, wall texture, and colors.
  7. ADUs, when converted from existing accessory buildings, are permitted without additional restrictions provided the structure has independent exterior access and side and rear setbacks sufficient for fire safety, provided that no more than one hundred fifty (150) square feet is added for ingress/egress subject to the requirements of state law.
  8. Outside stairways serving ADUs should not be located on any building elevation facing a public street; and when unavoidable, the design of the stairway shall mute/mitigate any potential negative aesthetic impact and maintain the character of the existing single-family residence.

**Table 1: Accessory Dwelling Units—New Construction and Conversion of Accessory Buildings**

	Conversion (Accessory Building per State Law)	New Construction	
		Detached ADU (single-family)	Detached ADU (multifamily)
<b>Required Main Use on the Lot</b>	Existing single-family dwelling	Existing or proposed single-family dwelling	Existing multifamily dwelling
<b>Minimum Dwelling Size</b>	None	Determined based on compliance with building and health and safety codes	Determined based on compliance with building and health and safety codes
<b>Unit Size Maximum</b>	None, plus 150 square feet maximum addition for ingress/egress subject to all this section	No greater than 850 square feet for an efficiency or one bedroom; For two or more bedrooms: No greater than 1,000 square feet.	For multifamily, no greater than 850 square feet for an efficiency or one bedroom; For two or more bedrooms: No greater than 1,000 square feet.
<b>ADU Height/Story Limit</b>	None	At least 16 feet is permitted, but above 16 feet the ADU may not exceed the height of the existing primary dwelling on the site. <sup>1,2</sup>	
<b>ADU Front Setback</b>	Not applicable	Front setback standard of the underlying zone applies. <sup>3</sup>	Front setback standard of the underlying zone applies.
<b>ADU Minimum Side and Rear Yard Setbacks</b>	Not applicable	If ADU is 16 feet or less in height: 4 feet for interior side yard and rear. If ADU is more than 16 feet in height: Interior side and rear yard setbacks of the underlying zone would apply.	4 feet for interior side yard and rear
<b>Corner Setback</b>	Not applicable	10 feet <sup>4</sup>	10 feet*

## Exhibit E

<b>(Street Side)</b>			
<b>Minimum Distance Between Structures (Primary Dwelling and ADU)</b>	Not applicable	The standard of the underlying zone will apply where feasible, however, the city must still accommodate an ADU of up to at least 800 square feet or less, 16 feet in height, and with four-foot rear and/or side yard setbacks	
<b>Parking</b>	None	See parking requirements under subsection F of this section.	
<b>Notes:</b>			
<ol style="list-style-type: none"> <li>1. A detached ADU may be up to 18 feet in height if it is created on a lot with an existing or proposed single-family or multifamily dwelling unit that is located within one-half mile walking distance of a major transit stop or a high-quality transit corridor, as those terms are defined in Section 21155 of the Public Resources Code, and the ADU may be up to two additional feet in height (for a maximum of 20 feet) if necessary to accommodate a roof pitch on the ADU that is aligned with the roof pitch of the primary dwelling unit.</li> <li>2. A detached ADU created on a lot with an existing or proposed multifamily dwelling that has more than one story above grade may not exceed 18 feet in height.</li> <li>3. Front setback requirements cannot be used to prohibit the construction of an ADU, where there is no other alternative to allow for the construction of an 800-square-foot ADU that meets height limits and complies with four-foot side and rear setbacks.</li> <li>4. The setback may be as little as four feet if necessary to accommodate an ADU that satisfies the state's requirements. If the required setback is less than ten (10) feet, then the height of the ADU may not be more than sixteen (16) feet.</li> </ol>			

**Table 2: Junior and Attached Accessory Dwelling Units**

	<b>Junior ADU per State Law</b>	<b>Internal ADU (Proposed ADU contained within existing SFD)</b>	<b>Attached ADU (addition to residence)</b>	<b>Attached Multiple Family ADUs per State Law</b>
<b>Minimum Unit Size</b>	150 square feet	Determined based on compliance with building and health and safety codes		
<b>Unit Size Maximum</b>	500 square feet	No greater than 850 square feet for an efficiency or one bedroom; For two or more bedrooms: No greater than 1,000 square feet.		No more than 800 square feet.
<b>ADU/JADU Height Limit</b>	Not applicable, except height limit of the underlying zone would apply if Constructed in Conjunction with New single-family residence	Not applicable, Except height limit of residential zone would apply if constructed in conjunction with new single-family residence	An ADU that is Attached to the primary dwelling may not exceed 25 feet in height or the height limitation imposed by the underlying zone that applies to the primary dwelling, whichever is lower, and may not exceed two stories.	An ADU that is attached to the primary dwelling may not exceed 25 feet in height or the height limitation imposed by the underlying zone that applies to the primary dwelling, whichever is lower, and may not exceed two stories.
<b>Front Setback</b>	Not applicable; JADU must be within walls of primary dwelling unit	Front setback standard of the underlying zone applies. <sup>5</sup>		
<b>ADU/JADU Min. Side and Rear Yard Setbacks</b>	Not applicable, Setbacks of the underlying zone would apply if constructed in conjunction with new single-family residence	Not applicable, setbacks of the underlying zone would apply if constructed in conjunction with new single-family residence	An attached ADU shall meet the requirements of the underlying zone, except that if the attached ADU is 800 square feet or less and no taller than 16 feet, the side setbacks may be 4 feet.	4 feet for ADU portion if new building or addition

**Exhibit E**

<b>Corner (Street side setback)</b>	Not applicable, except setbacks of the underlying zone would apply if constructed in conjunction with a new single-family residence	Not applicable, except setbacks would apply if constructed in conjunction with new single-family residence	10 feet <sup>2</sup>	10 feet <sup>2</sup>
<b>Parking</b>	Parking is not required for a JADU constructed within the existing area of the primary dwelling, but may be required if the garage is converted to a JADU subject to the requirements in subsection F of this section.	See parking requirements under subsection F of this section.		
<b>Notes:</b>				
1. Front setback requirements cannot be used to prohibit the construction of an ADU, where there is no other alternative to allow for the construction of an 800-square-foot ADU that meets height limits and complies with four-foot side and rear setbacks.				
2. The setback may be as little as four feet if necessary to accommodate an ADU that satisfies the state's requirements. If the required setback is less than ten (10) feet, then the height of the ADU may not be more than sixteen (16) feet.				

**F. Parking Requirements.**

1. Parking requirements, consistent with Chapter [9.11](#) of this title:
  - a. Unless the JADU or ADU is exempt from parking requirements as described in subsection (F)(2), one parking space is required per accessory dwelling unit or per bedroom of an accessory dwelling unit, whichever is less, and may be provided through tandem parking on a driveway unless specific findings are made that parking in setback areas or tandem parking is not feasible based upon specific site or regional topographical or fire and life safety conditions.
  - b. Parking is allowed in rear and side setback areas, and in a paved driveway in the front setback area if parking in the rear and side setback areas is not possible, provided that all other development standards are satisfied including minimum front yard landscaping standards.
  - c. When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit, the off-street parking spaces will not be required to be replaced.
2. Parking Exemptions. Additional parking spaces are not required for ADUs, nor for JADUs in any of the instances listed in subsections (F)(2)(a) through (e) below. Further, JADUs within the living area of the primary dwelling unit are exempt from all parking requirements, but the standards in subsection (F)(1) would apply if a garage is converted to a JADU.
  - a. The ADU is located within one-half mile of a public transportation stop along a prescribed route according to a fixed schedule; or
  - b. The ADU is located within one block of a car share parking spot; or
  - c. The ADU is located in a historic district listed in or formally determined eligible for listing in the National Register of Historic

## Exhibit E

- Places and the California Register of Historical Resources or as a city historic preservation overlay zone; or
- d. When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit; or
  - e. The accessory dwelling unit is part of the existing dwelling unit or an existing accessory structure.
- G. JADU Requirements. As specified in state law, there are specific requirements that apply only to junior accessory dwelling units. The development standards for JADUs are summarized in Table 2. The standards and requirements for JADUs are as follows.
1. JADUs must be constructed entirely within the walls of the primary structure and have their own entrance.
  2. The JADU cannot exceed five hundred (500) square feet.
  3. JADUs are limited to one per residential lot if a single-family residence is already constructed on a lot.
  4. The owner must record a deed restriction stating that the JADU cannot be sold separately from the single-family residence.
  5. The owner shall execute a covenant and agreement in a form acceptable to the city to document that either the primary dwelling unit or accessory dwelling unit will be owner occupied.
  6. The JADU must include an efficiency kitchen which includes a sink, cooking appliance, counter surface, and storage cabinets that meet minimum building code standards; no gas or 220V circuits are allowed.
  7. The JADU may share a bath with the primary residence or may have its own bath.
  8. An interior entry into the single-family residence is not required, unless JADU shares a bathroom with the primary dwelling. In this instance, the JADU is required to have an interior entry to the primary dwelling's "main living area," independent of the exterior entrances of the JADU and primary dwelling.
  9. The JADU is to be considered part of the single-family residence for purposes of fire and life protection ordinances and regulations, such as sprinklers and smoke alarms.
  10. Additional parking may only be required if a garage is converted into a JADU as described in subsection F above.
  11. Water, sewer and power connection fees may not be required.
- H. Fees. ADUs shall be subject to all development fees specified by city ordinances or resolutions for ADUs. Impact fees may not be imposed on JADUs and ADUs smaller than seven hundred fifty (750) square feet. For ADUs greater than seven hundred fifty (750) square feet, local agencies must assess an impact fee that correlates to square footage of primary residence. ADUs shall not be considered new residential uses for purpose of calculating utility connection fees or capacity charges, including water or sewer service.
- I. Enforcement. Upon application and approval, the city must delay enforcement against a qualifying substandard ADU for five years to allow the owner to address the violation, so long as the violation is not a health and safety issue, as determined

**Exhibit E**

- by the community development department.
- J. ADUs cannot be sold or otherwise conveyed separately from the primary dwelling, except if a qualified nonprofit corporation whose mission is to provide units to low-income households completes a deed restricted sale consistent with state law.
- K. An accessory dwelling unit created pursuant to this municipal code section shall only be rented for a period of longer than thirty (30) days as specified in state law.

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## Exhibit F

### 9.09.150 Senior Citizen housing.

- A. Purpose and Intent. The purpose and intent of this chapter is to provide for development of senior citizen housing pursuant to standards which reflect the unique character of senior citizen residential occupancy.
- B. Applicability. Senior housing shall be subject to the property development requirements of the underlying district and subject to all applicable local, state and federal laws, including the requirements of this section.
- C. Property Development Standards. Development standards shall be flexible to ensure efficient site planning and neighborhood compatibility and to reflect the unique requirements of persons over the age of 55.
1. A Senior citizen housing development must have a minimum of twenty (20) dwelling units.
  2. The number of dwelling units may exceed that which is permitted in the underlying district by up to one hundred (100) percent, or as otherwise approved by the planning commission, provided the conditions of approval include the following requirements:
    - a. Commitment to the ongoing use of the facility as senior citizen housing;
    - b. Identification of amenities and assurances of their ongoing availability;
    - c. Identification of facility operator; and
    - d. Other requirements as deemed necessary to protect and preserve the health, safety and welfare of the occupants and the community;
  3. There is no requirement for the affordability of the units for very low, low or moderate income households for a senior citizen housing development to qualify for the above density bonus.
  4. Each dwelling unit shall consist of individual rooms that contain a full bathroom and may contain small, efficiency kitchens. Any common kitchen, dining, and living space, and recreational facilities must be adequate to serve all residents;
  5. The units provided shall not be less than four hundred fifteen (415) square feet in floor area for efficiency units, and five hundred forty (540) square feet for one-bedroom units, or as otherwise approved by the planning commission;

#### Minimum Unit Size for Senior Citizen Housing Developments

Unit Size	Common Dining	
	With	Without
Studio	360 sf	450 sf
One bedroom	500 sf	600 sf
Two bedroom	700 sf	800 sf

6. Adequate external lighting shall be provided for security purposes. The lighting shall be stationary, directed away from adjacent properties and public right-of-way, and compatible with the residential neighborhood;
7. The development shall provide laundry facilities adequate for the number of residents;

**Exhibit F**

8. A senior housing development is required to have one or more of the following specific common facilities for the exclusive use of the resident senior citizens:
    - a. Beauty salon and barber shop,
    - b. Coffee shop
    - c. Small scale pharmacy or store selling daily needs such as groceries, gifts, and clothing,
    - d. Transportation, maintained and operated by the facility,
    - e. Recreational center, and
    - f. Other facilities for the sole enjoyment of residents;
  9. The use will be so located as to provide residents easy access to community services such as transportation, shopping, and other daily services. Where appropriate, there should also be provided a generous amount of activity facilities (both indoors and outdoors) for residents.
  10. On-site landscaping shall be installed and maintained consistent with the underlying district;
  11. Senior housing projects in the Office (O) and Office Commercial (CO) districts shall be subject to the Residential 15 (R15) development standards.
  12. Parking garages, surface parking, and private and common areas located outside the building shall be designed to protect the security of residents, guests and employees by controlling access to the facilities by other persons.
  13. Outdoor Living Area. Any project containing 4 or more private living quarters shall provide the following minimum open space: 100 square feet per living quarter for projects with 4 or 5 private living quarters, and 50 square feet per living quarter for projects of 6 private living quarters or more. Affordable housing projects may substitute one square foot of common open space for each square foot of required private open space.
  14. Congregate care senior citizen housing projects, which by their design appeal to age categories significantly older than age 55, may request reduced parking requirements if it can be demonstrated that less demand will be generated with approval of a parking study pursuant to Section 9.11.070(A).
- D. Accessibility.
1. All second-story units shall be serviced by elevators.
  2. All common areas shall be wheelchair accessible.
  3. Units designed for persons with a disability shall meet requirements for state Title 24 regulations.
- E. Definitions. For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.
1. "Congregate care senior citizen housing" means senior citizen housing which provides meal service at a central dining facility but does not provide twenty-four (24) hour services or supervision.
  2. "Senior citizen housing" is defined as attached residential development designed for, and restricted to, persons or couples of which one member is age 55 or older, as specified in California Civil Code Sections 51.11 and

**Exhibit F**

51.12. These residences are intended entirely for independent living, and do not require support services such as common dining facilities or medical care.

3. “Senior citizen housing development” means a residential development developed with more than 20 units as a senior community by its developer and zoned as a senior community by a local governmental entity, or characterized as a senior community in its governing documents, as these are defined in Section 4150, or qualified as a senior community under the federal Fair Housing Amendments Act of 1988, as amended.

Draft



**Exhibit G****9.09.160 Residential care facilities.**

- A. Purpose and Intent. Residential care homes and facilities provide a cost-effective, supportive, and non-institutional environment for state-licensed operations. In order to protect the public health, safety, and welfare, to preserve and protect the integrity of residential neighborhoods, and to ensure this code does not act as a disincentive to or unreasonably restrict the development of residential care homes, including, but not limited to, group homes, elderly care facilities, adult residential facilities, disabled care facilities, foster homes, juvenile court residential facilities for abused or neglected children, and other facilities licensed by the state, residential care facilities shall be allowed and developed in accordance with the standards set forth in this section.
- B. Applicability. The purpose of this section is to establish standards for review of residential care homes and facilities, including those providing housing and supportive services for disabled individuals and households, in compliance with state law. This section shall be interpreted and applied consistent with the policies and guidelines of the general plan housing element, the requirements of the California Government Code, including but not limited to Section 65580 et seq., and the requirements of the California Health and Safety Code Section 1500 et seq.
1. As used in this section, "juvenile court residential facilities" do not include any juvenile placement facility approved by the Department of Corrections and Rehabilitation, Division of Juvenile Justice, any juvenile hall operated by a county, or any place in which a juvenile is judicially placed pursuant to California Welfare and Institutions Code Section 727(a).
  2. As used in this section, "residential care facilities" do not include and this section does not apply to any independent living arrangement, transitional housing, or supportive housing. For transitional housing or supportive housing, the requirements of Section 9.09.310 (Supportive and transitional housing) shall apply.
- C. Property Development Standards. The following standards shall apply to residential care facilities:
1. Residential care facilities shall be considered a residential use of property, and, except as otherwise set forth in this section, shall be subject only to those restrictions and standards that apply to other residential dwellings of the same type in the same zoning district.
  2. A residential care facility that serves six (6) or fewer persons shall not be included within the definition of a boarding house, rooming house, institution, or home for the care of minors, the aged, or persons with mental health disorders, foster care home, guest home, rest home, community residence, or other similar terms that imply that the residential facility is a business run for profit or differs in any other way from a family dwelling.
  3. Residential care facilities that serve six (6) or fewer persons are allowed in all residential zoning districts a permitted use without a conditional use or other discretionary permit.

**Exhibit G**

4. Any sized residential care facility shall not be located in an accessory dwelling unit (ADU), unless the primary dwelling unit is used for the same purpose.
  5. The group home has six or fewer occupants, not counting a house manager, but in no event shall it have more than seven occupants. If the dwelling unit has an accessory dwelling unit (ADU), occupants of both units will be combined to determine whether or not the limit of six occupants has been exceeded.
  6. Residential care facilities for more than six residents shall be permitted in any residential district subject to a conditional use permit, the property development standards of the underlying district, and all applicable local, state, and federal laws, including the standards in subsection D of this section.
  7. Residential care facilities for more than six residents has a minimum distance requirement of 300 feet from any other Residential care facility as specified by State Health and Safety Code Section 1267.9 (b).
  8. Density shall be in accordance with the requirements of the district within which the facility is located;
  9. Parking shall be provided based upon demonstrated need but shall not require more parking than required for other residential uses within the same zoning district. Except as otherwise required or allowed by this subsection, the parking requirements of Chapter 9.11 shall also apply.
  10. Fences or walls may be required to ensure privacy and neighborhood compatibility.
  11. Such other conditions and standards necessary to preserve and safeguard the public health, safety or welfare of the occupants and the community may be imposed.
- D. Definitions. For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.
- "Residential facility" means any family home, group care facility, or similar facility that is maintained and operated to provide twenty-four (24) hour nonmedical care of persons in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual.

## Exhibit H

### 9.09.170 Emergency shelters.

- A. Purpose and Intent. The purpose of this section is to permit emergency shelters and to ensure that they do not adversely impact adjacent properties and surrounding neighborhoods consistent with the goals, objectives and policies of the general plan.
- B. Applicability. Emergency shelters shall be permitted in the Mixed Use Zones/Corridors: Downtown Center (DC), Corridor Mixed-Use (COMU), and Center Mixed Use (CEMU) without a conditional use permit or other discretionary action.
- Emergency shelters in the Community Commercial (CC), Office Commercial (OC), Office (O), Public (P), and Business Park-Mixed Use (BPX) zoning districts as well as the following Mixed-Use Zones/Corridors: Highway/Office Commercial (H/OC) are subject to a conditional use permit, the property development standards of the underlying district, and all applicable local, state and federal laws, including the standards in subsection D of this section.
- C. Any additional requirements imposed by the State Department of Housing and Community Development through its oversight; and
- D. Additional development standards, which shall take precedence should they be in conflict with those found in Sections [9.04.040](#) and [9.05.040](#):
1. The maximum number of clients permitted to be served (eating, showering, and/or sleeping) nightly shall not exceed one per one hundred twenty-five (125) square feet of floor area;
  2. Sufficient parking to accommodate all staff working in the emergency shelter, provided that the standards do not require more parking for emergency shelters than other residential or commercial uses within the same zone.
  3. The interior intake waiting area for a facility shall include a minimum of ten (10) square feet per bed;
  4. The exterior intake waiting area shall be screened from public and/or private view by a six-foot block wall and landscaping;
  5. A storage area shall be provided at a rate of five square feet for each bed. Such storage area need not be provided adjacent to client sleeping area;
  6. At least one toilet and one shower shall be provided for each fifteen (15) beds;
  7. No portion of any emergency homeless shelter shall be located within three hundred (300) feet of another emergency homeless shelter that is currently built, or that is approved to be built;
  8. No portion of an emergency homeless shelter shall be located within five hundred (500) feet of property zoned for residential use;
  9. No portion of an emergency homeless shelter shall be located within one-quarter mile of a “soup kitchen” or other similar congregate meal facility, measured property line-to-property line; and
  10. Lighting shall be provided in all parking, exterior (outside) intake and/or waiting areas, outside common areas and along the periphery of the building and facility. Such lighting shall be in conformance with Section [9.08.100](#) of the Moreno Valley Municipal Code.

## Exhibit I

### **9.09.180 Employee Housing**

- A. Purpose and Intent. The purpose of this section is to permit employee housing and to ensure that it does not adversely impact adjacent properties and surrounding neighborhoods consistent with the goals, objectives and policies of the general plan.
- B. Applicability. Every person, or agent or officer thereof, constructing, operating, or maintaining employee housing shall comply with the requirements of this section and all applicable health, safety and building codes and standards.
1. Employee housing provided by the employer and maintained in connection with the work or place where work is being performed must comply with all provisions of Section 17008(a) of the California Health and Safety Code.
  2. Employee housing not maintained in connection with any workplace and provided by someone other than an agricultural employer must comply with all provisions of Section 17008(b) of the California Health and Safety Code.
  3. Employee housing for six or fewer employees shall be treated as a single-family structure and permitted in the same manner as other dwellings of the same type in the same zone (California Health and Safety Code Section 17021.5).
  4. Employee housing consisting of no more than 12 units or 36 beds is permitted in the same manner as other agricultural uses in the Residential 1 (R1) and Residential Agriculture 2 (RA2) zoning districts (California Health and Safety Code Section 17021.6).
  5. Nothing in this code shall prohibit the use of a multiple-family unit from housing agricultural employees in the same manner as a family defined within Section [9.15.030](#) of this code.
- C. Definitions. For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.
- “Employee housing” shall have the same meaning ascribed in Health and Safety Code Section 17008.
- “Farmworker Housing” has the same meaning as “employee housing” as set forth in California Health and Safety Code Section 17008(a) for agricultural employees.

## Exhibit J

### **9.09.320 Low barrier navigation centers.**

- A. Purpose and Intent. The purpose of this chapter is to implement the provisions of Government Code Section 65660 et seq. relating to low barrier navigation centers.
- B. General Standards. A low barrier navigation center development is a use by right in areas zoned for mixed use and nonresidential zones permitting multifamily uses, if it meets the following requirements:
1. It offers services to connect people to permanent housing through a services plan that identifies services staffing.
  2. It is linked to a coordinated entry system, so that staff in the interim facility or staff who co-locate in the facility may conduct assessments and provide services to connect people to permanent housing.
  3. It complies with Chapter 6.5 of Housing First and Coordinating Council (commencing with Section 8255) of Division 8 of the Welfare and Institutions Code.
  4. It has a system for entering information regarding client stays, client demographics, client income, and exit destination through the local Homeless Management Information System as defined by Section 578.3 of Title 24 of the Code of Federal Regulations.
  5. Low barrier navigation centers shall also comply with the standards established for emergency shelters in Section 9.09.170 of the Moreno Valley Municipal Code.
- C. Review Process. Low barrier navigation centers may be established and operated subject to nondiscretionary approval of a site plan review in compliance with Section 9.02.030 of the Moreno Valley Municipal Code.
- D. Definitions. For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning, or otherwise defined in Government Code Sections 65660 et seq.
- “Coordinated entry system” means a centralized or coordinated assessment system developed pursuant to the applicable provisions of the Code of Federal Regulations as specified in Government Code Section 65662, and any related requirements, designed to coordinate program participant intake, assessment, and referrals.
- “Low barrier” means best practices to reduce barriers to entry, and may include, but is not limited to, the following:
1. The presence of partners if it is not a population-specific site, such as for survivors of domestic violence or sexual assault, women, or youth;
  2. Pets;
  3. The storage of possessions; or
  4. Privacy, such as partitions around beds in a dormitory setting or in larger rooms containing more than two beds, or private rooms.
- “Low barrier navigation center” means a Housing First, low barrier, service-enriched shelter focused on moving people into permanent housing that provides temporary living facilities while case managers connect individuals experiencing homelessness to income, public benefits, health services, shelter, and housing.
- E. Repeal. This section shall remain in effect only until January 1, 2027, and as of that date is repealed.

**Exhibit K****9.09.330 Group homes.**

- A. Purpose and Intent. The purpose of this section is to ensure that group homes do not result in an adverse impact on adjacent residential uses or the surrounding neighborhood.
- B. Applicability. Group homes shall be permitted in any residential district subject to a conditional use permit, the property development standards of the underlying district, and all applicable local, state and federal laws, including the standards in subsection C of this section.
- C. Property Development Standards. The following standards shall apply to group homes:
1. Group homes shall be considered a residential use of property, and, except as otherwise set forth in this section, shall be subject only to those restrictions and standards that apply to other residential dwellings of the same type in the same zoning district.
  2. A group home, limited that serves six (6) or fewer persons shall not be included within the definition of a boarding house, rooming house, institution, or home for the care of minors, the aged, or persons with mental health disorders, foster care home, guest home, rest home, community residence, or other similar terms that imply that the residential facility is a business run for profit or differs in any other way from a family dwelling.
  3. A group home, limited that serve six (6) or fewer persons are allowed in all residential zoning districts a permitted use without a conditional use or other discretionary permit.
  4. Any sized group home shall not be located in an accessory dwelling unit (ADU), unless the primary dwelling unit is used for the same purpose.
  5. A group home, limited, not counting a house manager, but in no event shall have more than seven occupants. If the dwelling unit has an accessory dwelling unit (ADU), occupants of both units will be combined to determine whether or not the limit of six occupants has been exceeded.
  6. A group home, general for more than six residents, shall be permitted in any residential district subject to a conditional use permit, the property development standards of the underlying district, and all applicable local, state, and federal laws.
  7. A group home, general for more than six residents, is required to have a minimum distance from any other group home, general of 300 feet, as specified by State Health and Safety Code Section 1267.9 (b).
  8. Density shall be in accordance with the requirements of the district within which the facility is located;
  9. Parking shall be provided based upon demonstrated need but shall not require more parking than required for other residential uses within the same zoning district. Except as otherwise required or allowed by this subsection, the parking requirements of Chapter 9.11 shall also apply.
  10. Fences or walls may be required to ensure privacy and neighborhood compatibility.

**Exhibit K**

11. Such other conditions and standards necessary to preserve and safeguard the public health, safety or welfare of the occupants and the community may be imposed.
- D. Definitions. For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.
- “Group home” means a residential unit utilized as a supportive living environment for people meeting the legal definition of disabled. A Group Home operated by a single Operator or service provider constitutes a single facility, whether the facility occupies one or more dwelling units. A Group home provides housing only for a classified group of people. No medical care, services, or treatment can take place in a Group home. Only State licensed facilities can provide care, services, or treatment under State law (see 9.09.160 (Residential care facilities)).
- “Group home, General” serves seven (7) or more persons.
- “Group home, Limited” serves six (6) or fewer persons.
- “Sober Living Home” means a group home for people recovering from a chemical addiction that meets the legal definition of disabled. A Sober Living Home provides only housing for people who have just come out of rehab and need a place to live that is structured and supportive for those in recovery. No medical care, services, or treatment can occur in a Sober Living Home. Only State licensed facilities can provide care, services, or treatment under State law (see 9.09.160 (Residential care facilities)).

**Strikeout/Underline Code Amendments**

**9.02.020 Permitted uses.**

The following tables contain columns with headings identifying zoning districts, and list uses by indicating the zoning district or districts in which each use is permitted or allowed and whether the stated use is permitted subject to district requirements, or whether the stated use is allowed only after obtaining a conditional use permit. Where the table indicates, a use is allowed with conditional use permit, unless otherwise expressly provided, all district uses and other standards and requirements shall apply. Permitted Uses Table 9.02.020-1 identifies all zoning districts within the city except for the mixed-use zones/corridors and mixed-use overlay districts, which are in Permitted Uses Table 9.02.020-2.

<b>Permitted Uses Table 9.02.020-1</b>																											
X - Indicates stated use is permitted subject to district requirements. C - Indicates stated use is allowed with a conditional use permit. ♦ - Indicates a use is permitted unless the use is located three hundred (300) feet or less from a residential zone or use, in which case the use is allowed with a conditional use permit. However, the expansion of an existing general manufacturing use is allowed without a conditional use permit regardless of its distance from residential zones or residential uses. A - Indicates a use is permitted with an adult business use permit, providing the requirements of Section 9.09.030 of this title are met. S - Indicates a use is permitted, providing the requirements of 9.09.280 (Smoke Shops) of this title are met. A conditional use permit is required if dictated by the distance criteria. M - Indicates a use is allowed with a conditional use permit, providing the requirements of 9.09.290 (Commercial Cannabis Activities) of this title are met.																											
	Residential Zones												Mixed Use Overlay			Commercial & Office Zones					Industrial Zones						
	HR	RR	R1	RA2	R2	R3	R5	RS10	R10	R15	R20	R30	MUN <sup>(9,11)</sup>	MUC <sup>(9,11)</sup>	MUJ <sup>(8,10,11)</sup>	NC	CC	VC	OC	O	P	I	LI	BP	BPX	OS	
Adult Businesses																	A						A				
Agricultural Uses—Crops Only <sup>18</sup>	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Agricultural (involving structures)																						X					
Aircraft Landing Facilities <b>(including helipads and facilities for quadcopters)<sup>18</sup></b>																	C		C	C	C	C	C	C	C		
Ambulance Service																	♦					♦	X	X	X	X	
Amusement Parks, Fairgrounds <sup>18</sup>																	♦					X					
Animal Raising (see Section 9.09.090 of this title) <sup>18</sup>	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Appliance and Electronic Repair Shops													X	X	X	X	X					X	X			X	
Arcades, Video Machines																♦	X	♦									
Athletic Clubs, Gymnasiums and Spas <sup>18</sup>													X	X	X	X	X		X			X	X	X	X		
Auction Houses <sup>18</sup>																	X									X	
Auditoriums <sup>18</sup>													♦	♦	♦		♦	♦	♦	♦	♦	♦	♦	♦	♦		
Auto Electronic Accessories and Installation																	X					X	X			X	
Automobile Fleet Storage																						X	X				
Automobile, Motorcycle, Truck, Golf Cart, Recreational Vehicle and Boat Sales and Incidental Minor Repairs and Accessory Installations																	♦					X	X				
Auto Service Stations																♦	♦	♦	♦	♦	♦	♦	♦	♦	♦		
Accessory uses include convenience store and car wash																											

Attachment: Strikeout/Underline Draft Amendments [Revision 1] (6253 : Spring 2023 Omnibus)



**Permitted Uses Table 9.02.020-1**

- X - Indicates stated use is permitted subject to district requirements.
- C - Indicates stated use is allowed with a conditional use permit.
- ◆ - Indicates a use is permitted unless the use is located three hundred (300) feet or less from a residential zone or use, in which case the use is allowed with a conditional use permit. However, the expansion of an existing general manufacturing use is allowed without a conditional use permit regardless of its distance from residential zones or residential uses.
- A - Indicates a use is permitted with an adult business use permit, providing the requirements of Section 9.09.030 of this title are met.
- S - Indicates a use is permitted, providing the requirements of 9.09.280 (Smoke Shops) of this title are met. A conditional use permit is required if dictated by the distance criteria.
- M - Indicates a use is allowed with a conditional use permit, providing the requirements of 9.09.290 (Commercial Cannabis Activities) of this title are met.

	Residential Zones													Mixed Use Overlay			Commercial & Office Zones						Industrial Zones				
	HR	RR	R1	RA2	R2	R3	R5	RS10	R10	R15	R20	R30	MUN <sup>(9,11)</sup>	MUC <sup>(9,11)</sup>	MUJ <sup>(8,10,11)</sup>	NC	CC	VC	OC	O	P	I	LI	BP	BPX	OS	
Minor repairs to include auto/boat/motorcycle/RV (excludes major repair, paint, body work)																											
Automotive, Boat, Motorcycle and RV Repair—Minor (includes brake, muffler and tire installation and repair)																◆	X						X	X		X	
Automotive Paint and Body Repair—Major Engine Overhaul																	◆						X				
Auto Rentals																	X							X	X	X	
Auto Supply Stores													X	X	X	X	X						X	X		X	
Bakery Shops												X	X	X	X	X	X	X								X	
Bakery—Commercial <sup>18</sup>																						X					
Banks—Financial Institutions <sup>18</sup>												X	X	X	X	X	X	X	X	X				X	X		
Barber and Beauty Colleges <sup>18</sup>												X	X	X	X	X		X	X					X	X		
Bars (Drinking Establishments) <sup>18</sup>																											
Bars												C	C	C	C	C	C	C									
Bars, with Limited Live Entertainment												C	C	C	C	C	C										
Boat Sales New and Used Including Repairs and Accessory Installation																	◆						X				
Boarding and Rooming Houses <sup>18</sup>									X	X	X	X	X	X													
Bowling Alley												◆	◆	◆	X	X											
Building Material Sales <sup>18</sup>																	◆										
With outdoor storage <sup>18</sup>																	◆						X	X			
Building Material Storage Yards <sup>18</sup>																						X					
Bus, Rail and Taxi Stations <sup>18</sup>															◆		◆										
Business Equipment Sales (includes repairs)												X	X	X	X	X	X	X	X							X	
Business Schools <sup>18</sup>												X	X	X	X	X	X	X	X	X				X	X	X	
Business Supply Stores												X	X	X	X	X		X					X	X		X	
Cabinet Shop																							X	X	X	X	
Caretakers Residence <sup>1</sup>																◆	◆	C	◆	◆	◆		◆	◆	◆	◆	
Car Wash																X	X						X				
Accessory to auto related use																◆	◆						X				
Catering Service												X	X	X	X	X	X	X						X	X		

Attachment: Strikeout/Underline Draft Amendments [Revision 1] (6253 : Spring 2023 Omnibus)

**Permitted Uses Table 9.02.020-1**

- X - Indicates stated use is permitted subject to district requirements.
- C - Indicates stated use is allowed with a conditional use permit.
- ◆ - Indicates a use is permitted unless the use is located three hundred (300) feet or less from a residential zone or use, in which case the use is allowed with a conditional use permit. However, the expansion of an existing general manufacturing use is allowed without a conditional use permit regardless of its distance from residential zones or residential uses.
- A - Indicates a use is permitted with an adult business use permit, providing the requirements of Section 9.09.030 of this title are met.
- S - Indicates a use is permitted, providing the requirements of 9.09.280 (Smoke Shops) of this title are met. A conditional use permit is required if dictated by the distance criteria.
- M - Indicates a use is allowed with a conditional use permit, providing the requirements of 9.09.290 (Commercial Cannabis Activities) of this title are met.

	Residential Zones												Mixed Use Overlay			Commercial & Office Zones						Industrial Zones						
	HR	RR	R1	RA2	R2	R3	R5	RS10	R10	R15	R20	R30	MUN <sup>(9,11)</sup>	MUC <sup>(9,11)</sup>	MUJ <sup>(8,10,11)</sup>	NC	CC	VC	OC	O	P	I	LI	BP	BPX	OS		
Cemetery (Human or Pet) With or Without Accessory Mortuary and Cremation Services (Minimum 10-acre site required)	C	C	C	C	C	C	C	C	C	C	C	C																
Churches <sup>2, 18</sup>	C	C	C	C	C	C	C	C	C	C	C	C	◆	◆	◆	◆	◆	C	◆	◆	◆	◆	◆	◆	◆			
Clubs <sup>18</sup>								◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆						C	
Commercial Cannabis Activities <sup>17, 18</sup>																												
Cultivation																							M	M	M			
Dispensary																M	M									M	M	
Manufacturing																							M	M	M			
Testing																							M	M	M			
Microbusiness																	M								M			
Distribution Center																M	M						M	M	M			
Commercial Radio or Television Stations																												
With on-site antenna																	◆					◆	◆	◆	◆			
Without on-site antenna																X						X	X	X	X			
Communications Facilities (See Section 9.09.040 of this title)													X	X	X	X	X		X			X	X	X	X			
Computer Sales and Repairs																			X									
Contractors Storage Yard																						X						
Convalescent Homes/Assisted Living <sup>18</sup>							C	C	C	C	C	C	◆	◆	◆	◆	◆	◆	◆	◆	◆							
Convenience Stores																												
With drive-through																X	X											
Without drive-through													X	X	X	X	X											
With alcohol sales													◆	◆	◆	◆	◆											
Convention Hall, Trade Show, Exhibit Building with Incidental Food Services <sup>18</sup>															C		◆		◆		◆				◆	◆		
Copy Shops													X	X	X	X	X	X	X	X		X	X	X	X			
Country Club <sup>18</sup>	C	C	C	C	C	C	C	C	C	C	C	C																
Dancing, Art, Music and Similar Schools <sup>18</sup>													X	X	X	X	X	X	X	X			X	X	X			
Day Care Centers <sup>18, 19</sup>	X	X	X	X	X	X	X	X	X	X	X	X	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	C	
Delicatessens <sup>18</sup>													X	X	X	X	X	X	X				X	X	X			

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- S - Indicates a use is permitted, providing the requirements of 9.09.280 (Smoke Shops) of this title are met. A conditional use permit is required if dictated by the distance criteria.
- M - Indicates a use is allowed with a conditional use permit, providing the requirements of 9.09.290 (Commercial Cannabis Activities) of this title are met.

	Residential Zones													Mixed Use Overlay			Commercial & Office Zones						Industrial Zones				
	HR	RR	R1	RA2	R2	R3	R5	RS10	R10	R15	R20	R30	MUN <sup>(9,11)</sup>	MUC <sup>(9,11)</sup>	MUJ <sup>(8,10,11)</sup>	NC	CC	VC	OC	O	P	I	LI	BP	BPX	OS	
Diaper Supply Service																						X					
Laundry with fleet storage <sup>18</sup>																						X					
Disposal company																						X					
Drapery Shops													X	X	X	X	X	X									
Dressmaking Shops												X	X	X	X	X	X										
Driving School <sup>18</sup>													X	X	X	X	X		X	X			X	X	X		
Drug Stores												X	X	X	X	X	X										
Dry Cleaning or Laundry <sup>18</sup>																											
a. Dry Cleaning												X	X	X	X	X	X	X							X		
b. Laundromat												X	X	X	X	X	X	X									
c. Laundry Commercial																						X	X				
Emergency Shelters <sup>14</sup>												X	X	X		C		C	C	X		C			C		
<b>Employee Housing<sup>18</sup></b>									X	X	X	X															
Equestrian Centers, Riding Academies, Commercial Stables (including incidental sales of feed and tack) <sup>18</sup>	C	C	C	C												◆										C	
Exterminators																	C					X	X	X	X		
Feed and Grain Stores																X	X	X									
Fire and Police Stations	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
Floor Covering Stores (may include incidental repairs with installation service)												X	X	X	X	X						X					
Fraternity/Sorority <sup>18</sup>								C	C	C	C	C															
Frozen Food Locker																						X	X				
Gasoline Dispensing - Non-retail accessory to an auto-related use <sup>18</sup>																	X					X	X	X	X		
Glass Shops and Glass Studios—Stained, etc.																X	X					X	X		X		
Golf Courses or Golf Driving Ranges with Incidental Commercial Uses <sup>18</sup>	C	C	C	C	C	C	C	C	C	C	C															◆	
Handicapped Housing <sup>18</sup>								X	X	X	X	X	X	X	X												
Heavy Equipment Sales and Rentals																	X						X	X			
Hospitals <sup>18</sup>															◆	◆		◆	◆					C	C	C	

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	Residential Zones												Mixed Use Overlay			Commercial & Office Zones					Industrial Zones				OS		
	HR	RR	R1	RA2	R2	R3	R5	RS10	R10	R15	R20	R30	MUN <sup>(9,11)</sup>	MUC <sup>(9,11)</sup>	MUJ <sup>(8,10,11)</sup>	NC	CC	VC	OC	O	P	I	LI	BP		BPX	
Hotels <sup>18</sup>																											
a. With 20% or less of the units containing kitchens													X	X	X		X		C					X	X	X	
b. With over 20% of the units containing kitchens													C	C	C		C		C					C	C	C	
Ice Cream Stores—Including Yogurt Sales													X	X	X	X	X	X	X							X	
Impound Yards																							X				
Jewelry Stores													X	X	X	X	X	X									
Kennel and Catteries	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C					◆	◆	◆	◆	C	
Laboratories (medical and dental) <sup>18</sup>													X	X	X	X	X		X	X			X	X	X	X	
Libraries <sup>18</sup>	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X		X	X	X	
Liquor Stores													◆	◆		◆	◆										
Live/Work Unit <sup>12, 18</sup>													X	X	X												
Locksmith Shops													X	X	X	X	X	X					X	X	X	X	
Lodge Halls and Similar Facilities <sup>18</sup>													◆	◆	◆	◆	◆		◆						◆	◆	
<b>Low Barrier Navigation Centers<sup>18</sup></b>													X	X	X		X		X	X	X					X	
Lumberyards																	X						X				
Mail Order House																	X						X	X	X	X	
Manufacturing and Assembly <sup>18</sup>																											
a. Custom and light manufacturing indoor uses only (50,000 square feet or less), with light truck traffic, on-site and wholesaling of goods produced																							X	X	X	X	
b. Custom and light manufacturing indoor uses only (more than 50,000 square feet), with light truck traffic, on-site and wholesaling of goods produced																							X	X			
c. General manufacturing with frequent truck traffic and/or outdoor equipment or storage																							X	X			
d. Retail sales of goods produced or warehoused on-site <sup>3</sup>																							X	X	X	X	
Medical Clinics/Medical Care <sup>18</sup>																											
Inpatient care													X	X	X	X	X		X	X			X	X	X	X	
Urgent care													X	X	X	X	X		X	X			X	X	X	X	

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	Residential Zones												Mixed Use Overlay			Commercial & Office Zones						Industrial Zones					
	HR	RR	R1	RA2	R2	R3	R5	RS10	R10	R15	R20	R30	MUN <sup>(9,11)</sup>	MUC <sup>(9,11)</sup>	MUJ <sup>(8,10,11)</sup>	NC	CC	VC	OC	O	P	I	LI	BP	BPX	OS	
Medical device services and sales (retail), including, but not limited to, fittings for and sale of prosthetic and orthotic devices															X	X	X		X								
Medical equipment supply, including retail sales for in-home medical care, such as wheelchairs, walkers, and respiratory equipment															X	X	X		X								
Mobile Home Parks <sup>18</sup>	C	C	C	C	C	C	C	C	C	C	C	C															
Mobile Home Sales or Rentals (outdoor display)																	C										
Mortuaries																											
With cremation services																								X	X		
No cremation services			C	C	C	C	C	C	C	C	C	C			◆	◆	◆							X	X		
Museums <sup>18</sup>	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Newspaper and Printing Shops													X	X	X	X	X						X	X	X	X	
Nightclubs <sup>18</sup>														C	C		C										
Nursery, (Plant), Wholesale and Distribution	X	X	X	X																			X	X		X	
Offices (administrative and professional) <sup>18</sup>													X	X	X	X	X	X	X	X		C		X	X	X	
Open Air Theaters <sup>18</sup>															C											C	
Orphanages <sup>18</sup>	C	C	C	C	C	C	C	C	C	C	C	C															
Painting Contractor																							X	X			
Parcel Delivery Terminals <sup>18</sup>																							X	X	X	X	
Parking Lot															C	C	X	X	C						X		
Parks and Recreation Facilities (public) <sup>18</sup>	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
Personal Services (e.g., nail salons, spa facilities <sup>15</sup> , barber and beauty shops, and tattoo parlors) <sup>18</sup>													X	X	X	X	X	X	X							X	
Pharmacy <sup>4</sup>													X	X	X	X	X	X	X							X	
Photo Studios													X	X	X	X	X	X	X							X	
Plumbing Shops																	X									X	
Plumbing Supply Stores for Contractors																								X	X	X	
Pool Hall <sup>18</sup>														◆		◆	◆										
Postal Services													X	X	X	X	X	X	X					X	X	X	

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	Residential Zones												Mixed Use Overlay			Commercial & Office Zones						Industrial Zones							
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Pottery Sales with Outdoor Sales													X	X	X	X	X	X	X	X	X	X	X	X	X				
Public Administration, Buildings and Civic Centers <sup>18</sup>													X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
Public Utility Stations, Yards, Wells and Similar Facilities, Excluding Offices <sup>18</sup>	C	C	C	C	C	C	C	C	C	C	C	C	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	X	X	◆	◆	C
Racetracks <sup>18</sup>																			C			C							
Record Store													X	X	X	X	X	X											
Recording Studio													X	X	X	X	X	X	X	X					X	X	X	X	
Recreational Facilities (Private) such as Tennis Club, Polo Club, with Limited Associated Incidental Uses <sup>18</sup>	C	C	C	C	C	C	C	C	C	C	C	C	◆	◆	◆	◆	◆	◆											
Recycling, Large Collection Facility <sup>5</sup>																	◆								X	X			
Recycling, Small Collection Facility													X	X	X	X	X	X											
Recycling Processing Centers																									X	X	X	X	
Refreshment Stands													X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
Rental Service																													
Within an enclosed structure (furniture, office, party supplies)													X	X	X	X	X	X							X	X	X	X	
With outdoor storage and display (vehicles, equipment, etc.)																◆	◆								X	X			
Research and Development <sup>18</sup>													X	X	X						X	X			X	X	X	X	
Residential <sup>18</sup>																													
Single-Family	X	X	X	X	X	X	X	X	X	X	X	X																	
Multiple-Family									X	X	X	X	X	X	X														
<b>Affordable Housing in Commercial Zone</b>													<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>			
Manufactured home park (see mobile home parks)																													
<b>Residential Care Facility</b>																													
<b>for six (6) or less persons</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>																	
for seven or more persons <sup>18</sup>	C	C	C	C	C	C	C	C	C	C	C	C	C	C	X														
Restaurants (Eating and Drinking Establishments) <sup>18</sup>																													
Without entertainment													X	X	X	X	X	X	X	X	X							X	
With Limited Live entertainment													X	X	X	X	X	X	X	X	X								
With alcoholic beverage sales													X	X	X	X	X	X	X	X	X							X	
With outdoor seating <sup>13</sup>													X	X	X	X	X	X	X	X	X							X	

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	Residential Zones													Mixed Use Overlay			Commercial & Office Zones					Industrial Zones					
	HR	RR	R1	RA2	R2	R3	R5	RS10	R10	R15	R20	R30	MUN (9,11)	MUC (9,11)	MUJ (8,10,11)	NC	CC	VC	OC	O	P	I	LI	BP	BPX	OS	
Restaurants (fast-food) <sup>18</sup>																											
With drive-through																◆	◆										◆
Without drive-through													X	X	X	X	X									X	
Retails Sales													X	X	X	X	X	X									
Support Retail Sales													X	X	X				X							X	
Sandwich Shops <sup>6</sup>													X	X	X	X	X	X	X	X <sup>6</sup>							
Schools, Private	C	C	C	C	C	C	C	C	C	C	C	C	◆	◆	◆	◆	◆							◆	◆		
Senior Housing	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X				X	X							
Shoe Shine Stands													X	X	X	X	X		X	X				X	X		
Shoe Repair Shop													X	X	X	X	X	X									
Sign Shop													X	X	X	X	X	X				X	X	X	X		
Single room occupancy (SRO) facility <sup>18</sup>												C	C	C	C		X										
Skating Rinks <sup>18</sup>														X			X										
Smoke Shops <sup>16</sup>																S	S	S	S								
Stationery Stores													X	X	X	X	X	X	X					X	X		
Statue Shop -Outdoor display																	◆					X	X				
Storage Lots and Mini-Warehouses																											
Indoor																		C					X				
Outdoor																		C					X				
Supportive and Transitional Housing	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X				X	X							
Swim Schools/Center with Incidental Commercial Uses <sup>18</sup>	C	C	C	C	C	C	C	C	C	C	C	C					X										
Taxidermist																	X					X	X				
Theaters (excludes open air) <sup>18</sup>													X	X	X	X	X	X									
Tire Recapping																						X					
Trade and Vocational Schools <sup>18</sup>													X	X	X		X		X	X			X	X	X		
Transfer, Moving and Storage Facilities																						X	X				
Truck Wash																						X	X				
Upholstery Shops																	X					X	X		X		
Vehicle Storage Yards																											
Indoor																	X					X	X				

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	Residential Zones												Mixed Use Overlay			Commercial & Office Zones						Industrial Zones				
	HR	RR	R1	RA2	R2	R3	R5	RS10	R10	R15	R20	R30	MUN <sup>(9,11)</sup>	MUC <sup>(9,11)</sup>	MUI <sup>(8,10,11)</sup>	NC	CC	VC	OC	O	P	I	LI	BP	BPX	OS
Outdoor																						X	X			
Vending Machine Service and Repair																						X	X	X	X	
Veterinarian (including animal hospital) <sup>18</sup>																										
All activities within an enclosed structure													X	X	X	X	X							X	X	
With outdoor activities																	♦							♦	♦	
Weight Reduction Center													X	X	X	X	X	X	X							
Wholesale, Storage, and Distribution <sup>18</sup>																										
All activities indoors (50,000 square feet or less)																						X	X	X	X	
All activities indoors (more than 50,000 square feet)																						X	X			
All activities outdoors																						X				
Retail sale of goods warehoused on-site <sup>7</sup>																						X	X	X		
Wrecking Yard																						♦				

- Notes:
- (1) Do not consider residential use per distance requirement.
  - (2) The administrative plot plan process may be used to establish these uses in an existing building within any commercial or industrial zone, even if the project is located adjacent to residential uses or zones.
  - (3) Retail is limited to fifteen (15) percent of gross floor area (see Section 9.05.040 of this title).
  - (4) Permitted in the OC and VOR districts only as a support medical office facility.
  - (5) Large collection facilities may be established within an existing building through the “tenant improvement” process if such building or tenant space occupied by the use is not located adjacent to a residential use or zone.
  - (6) Sandwich shops shall not have cooking hoods, nor shall they exceed five percent of the gross floor area of the complex where they are located.
  - (7) Retail is limited to fifteen (15) percent of gross floor area (see Section 9.05.040 of this title).
  - (8) In the MUI district, mixed use (commercial uses on first floor with office uses or residential uses on upper floors) are (a) required to on lots at street intersections and within 300 feet in any direction from a street intersection, as measured from the corner formed by the lot’s property lines, and (b) are allowed, but not required on the other lots.
  - (9) In the MUC and MUN districts, mixed use (commercial uses on first floor with office uses or residential uses on upper floors) are (a) required to on lots at street intersections and within 150 feet in any direction from a street intersection, as measured from the corner formed by the lot’s property lines, and (b) are allowed, but not required on the other lots.
  - (10) See Section 9.07.40 (Medical Use Overlay District)
  - (11) See Section 9.09.260 (Mixed Use Development)
  - (12) See Section 9.09.250 (Live-Work Development)

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- (13) See Section 9.09.270 (Outdoor Dining)
- (14) Use is also permitted in the Moreno Valley Industrial Area Plan (SP 208)
- (15) For Spa Facilities refer to Title 11, Chapter 11.96 of the Municipal Code.
- (16) See Section 9.09.280.C (Smoke Shops) for distance requirements that require a Conditional Use Permit.
- (17) See Section 9.09.290 (Commercial Cannabis Activities) for all Commercial Cannabis Activities regulations.
- (18) See Section 9.07.060 Airport Land Use Compatibility Plan for Airport Land Use Compatibility Plan (ALUCP) requirements for actions proposed on property located within an Airport Compatibility Zone. When located within an Airport Land Use Compatibility Zone, greater land use, restrictions for airport compatibility may apply per the applicable ALUCP.
- (19) For Day Care uses in the Moreno Valley Industrial Area Plan (SP 208), See Section 9.07.060 Airport Land Use Compatibility Plan for Airport Land Use Compatibility Plan (ALUCP) requirements for actions proposed on property located within an Airport Compatibility Zone. When located within an Airport Land Use Compatibility Zone, greater land use, restrictions for airport compatibility may apply per the applicable ALUCP.
- (20) **See Section 9.04.050 (Affordable Housing in Commercial Zones)**
- (21) **See Section 9.09.320. 9.09.320 Low barrier navigation centers.**

Zoning District Key			
HR	Hillside Residential District	MU	Mixed Use Overlay District
RR	Rural Residential District	MUN	Mixed-Use Neighborhood Overlay District
R1	Residential 1 District (40,000 square feet minimum lot size)	MUC	Mixed-Use Community Overlay District
RA2	Residential Agriculture 2 (20,000 square feet minimum lot size)	MUI	Mixed-Use Institutional Anchor Overlay District
R2	Residential 2 District (20,000 square feet minimum lot size)	NC	Neighborhood Commercial District
R3	Residential 3 District (10,000 square feet minimum lot size)	CC	Community Commercial District
R5	Residential 5 District (7,200 square feet minimum lot size)	VC	Village Commercial District
RS10	Residential Single-Family 10 District (4,500 square feet minimum lot size)	OC	Office Commercial District
R10	Residential 10 District (Up to 10 Dwelling Units per net acre)	O	Office District
R15	Residential 15 District (Up to 15 Dwelling Units per net acre)	P	Public District
R20	Residential 20 District (Up to 20 Dwelling Units per net acre)	I	Industrial District
R30	Residential 30 District (Up to 30 Dwelling Units per net acre)	LI	Light Industrial
		BP	Business Park District
		BPX	Business Park-Mixed Use District
		OS	Open Space District

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- S - Indicates a use is permitted, providing the requirements of 9.09.280 (Smoke Shops) of this title are met. A conditional use permit is required if dictated by the distance criteria.
- M - Indicates a use is allowed with a conditional use permit, providing the requirements of 9.09.290 (Commercial Cannabis Activities) of this title are met.

	Mixed Use Districts				Mixed Use Overlay		
	BF District	H-OC District	COMU District	DC District	MUN <sup>(9,11)</sup>	MUC <sup>(9,11)</sup>	MUI <sup>(8,10,11)</sup>
Adult Businesses							
Agricultural Uses—Crops Only <sup>18</sup>		X	X	X	X	X	X
Agricultural (involving structures)							
Aircraft Landing Facilities <b>(including helipads and facilities for quadcopters)<sup>18</sup></b>	<b>C</b>						
Ambulance Service	◆		◆	◆			
Amusement Parks, Fairgrounds <sup>18</sup>							
Animal Raising (see Section 9.09.090 of this title) <sup>18</sup>					X	X	X
Appliance and Electronic Repair Shops			X		X	X	X
Arcades, Video Machines			X				
Athletic Clubs, Gymnasiums and Spas <sup>18</sup>		X	X	X	X	X	X
Auction Houses <sup>18</sup>			X				
Auditoriums <sup>18</sup>		X	◆	X	◆	◆	◆
Auto Electronic Accessories and Installation	X		X				
Automobile Fleet Storage	X						
Automobile, Motorcycle, Truck, Golf Cart, Recreational Vehicle and Boat Sales and Incidental Minor Repairs and Accessory Installations	◆	X	◆				
Auto Service Stations							
◆ Accessory uses include convenience store and car wash	X	◆	◆	◆			
◆ Minor repairs to include auto/boat/motorcycle/RV (excludes major repair, paint, body work)							
Automotive, Boat, Motorcycle and RV Repair—Minor (includes brake, muffler and tire installation and repair)	◆		◆				
Automotive Paint and Body Repair—Major Engine Overhaul	◆		◆				
Auto Rentals	X		X				
Auto Supply Stores			X	X	X	X	X
Bakery Shops		X	X	X	X	X	X
Bakery—Commercial <sup>18</sup>							
Banks—Financial Institutions <sup>18</sup>		X	X	X	X	X	X
Barber and Beauty Colleges <sup>18</sup>		X	X	X	X	X	X
Bars (Drinking Establishments) <sup>18</sup>							
Bars			C	C	C	C	C
Bars, with Limited Live Entertainment			C	C	C	C	C
Boarding and Rooming Houses <sup>18</sup>					X	X	
Bowling Alley <sup>18</sup>			X	X	◆	◆	◆
Building Material Sales (with or without outdoor sales) <sup>18</sup>	◆		◆				

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	Mixed Use Districts				Mixed Use Overlay		
	BF District	H-OC District	COMU District	DC District	MUN <sup>(9,11)</sup>	MUC <sup>(9,11)</sup>	MUI <sup>(8,10,11)</sup>
Building Material Storage Yards <sup>18</sup>	X						
Bus, Rail and Taxi Stations <sup>18</sup>			◆	◆			◆
Business Equipment Sales (includes repairs)	X	X	X	X	X	X	X
Business Schools <sup>18</sup>		X	X	X	X	X	X
Business Supply Stores	X	X	X	X	X	X	X
Cabinet Shop	X		X				
Caretakers Residence <sup>1</sup>	C		X				
Car Wash	X		X				
Accessory to auto related use							
Catering Service			X	X	X	X	X
Cemetery (Human or Pet) With or Without Accessory Mortuary and Cremation Services (Minimum 10-acre site required)							
Churches <sup>2, 18</sup>		◆	◆	◆	◆	◆	◆
Clubs <sup>18</sup>		◆	◆	◆	◆	◆	◆
Commercial Cannabis Activities <sup>17, 18</sup>							
Cultivation							
Dispensary	M		M				
Manufacturing							
Testing							
Microbusiness			M				
Distribution Center							
Commercial Radio or Television Stations							
With on-site antenna			◆	C			
Without on-site antenna	X		X	X			
Communications Facilities (See Section 9.09.040 of this title)							
Computer Sales and Repairs	X	X	X	X	X	X	X
Contractors Storage Yard							
Convalescent Homes/Assisted Living <sup>18</sup>			◆	◆	◆	◆	◆
Convenience Stores							
With drive-through	X		X				
Without drive-through	X	X	X	X	X	X	X
With alcohol sales	◆	◆	◆	◆	◆	◆	◆
Convention Hall, Trade Show, Exhibit Building with Incidental Food Services <sup>18</sup>				C			C
Copy Shops	X	X	X	X	X	X	X

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	Mixed Use Districts				Mixed Use Overlay		
	BF District	H-OC District	COMU District	DC District	MUN <sup>(9,11)</sup>	MUC <sup>(9,11)</sup>	MUI <sup>(8,10,11)</sup>
Country Club <sup>18</sup>				C			
Dancing, Art, Music and Similar Schools <sup>18</sup>		X	X	X	X	X	X
Day Care Centers <sup>18, 19</sup>		◆	◆	◆	◆	◆	◆
Delicatessens <sup>18</sup>		X	X	X	X	X	X
Diaper Supply Service	X						
Laundry with fleet storage <sup>18</sup>							
Disposal Company							
Drapery Shops	X	X	X	X	X	X	X
Dressmaking Shops	X	X	X	X	X	X	X
Driving School <sup>18</sup>	X	X	X	X	X	X	X
Drug Stores	X	X	X	X	X	X	X
Dry Cleaning or Laundry <sup>18</sup>							
a. Dry Cleaning	X		X	X	X	X	X
b. Laundromat	X		X	X	X	X	X
c. Laundry Commercial	X						
Emergency Shelters <sup>14</sup>		X	X	X	X	X	X
<b>Employee Housing<sup>18</sup></b>							
Equestrian Centers, Riding Academies, Commercial Stables (including incidental sales of feed and tack) <sup>18</sup>		X					
Exterminators	X		C				
Feed and Grain Stores	X		X				
Fire and Police Stations	X	X	X	X	X	X	X
Floor Covering Stores (may include incidental repairs with installation service)	X	X	X	X	X	X	X
Fraternity/Sorority <sup>18</sup>							
Frozen Food Locker							
Gasoline Dispensing - Non-retail accessory to an auto-related use <sup>18</sup>	X		X	X			
Glass Shops and Glass Studios—Stained, etc.	X		X	X			
Golf Courses or Golf Driving Ranges with Incidental Commercial Uses <sup>18</sup>				C			
Handicapped Housing <sup>18</sup>			X	X	X	X	X
Heavy Equipment Sales and Rentals	X						
Hospitals <sup>18</sup>			◆	◆			◆
Hotels <sup>18</sup>							
a. With 20% or less of the units containing kitchens			X	X	X	X	X
b. With over 20% of the units containing kitchens			C	C	C	C	C

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	Mixed Use Districts				Mixed Use Overlay		
	BF District	H-OC District	COMU District	DC District	MUN <sup>(9,11)</sup>	MUC <sup>(9,11)</sup>	MUI <sup>(8,10,11)</sup>
Ice Cream Stores— Including Yogurt Sales	X	X	X	X	X	X	X
Impound Yards	C						
Jewelry Stores	X	X	X	X	X	X	X
Kennel and Catteries	C		C		C	C	C
Laboratories (medical and dental) <sup>18</sup>	X		X	X	X	X	X
Libraries <sup>18</sup>	X	X	X	X	X	X	X
Liquor Stores			◆	◆	◆	◆	
Live/Work Unit <sup>12, 18</sup>			X	X	X	X	X
Locksmith Shops	X		X	X	X	X	X
Lodge Halls and Similar Facilities <sup>18</sup>			◆	◆	◆	◆	◆
<b>Low Barrier Navigation Centers<sup>18</sup></b>			X	X	X	X	X
Lumberyards							
Mail Order House							
Manufacturing and Assembly <sup>18</sup>							
a. Custom and light manufacturing indoor uses only (50,000 square feet or less), with light truck traffic, on-site and wholesaling of goods produced	X						
b. Custom and light manufacturing indoor uses only (more than 50,000 square feet), with light truck traffic, on-site and wholesaling of goods produced	X						
c. General manufacturing with frequent truck traffic and/or outdoor equipment or storage							
d. Retail sales of goods produced or warehoused on-site <sup>3</sup>	X						
Medical Clinics/Medical Care <sup>18</sup>							
Inpatient care		X	X	X	X	X	X
Urgent care		X	X	X	X	X	X
Medical device services and sales (retail), including, but not limited to, fittings for and sale of prosthetic and orthotic devices	X	X	X	X			X
Medical equipment supply, including retail sales for in-home medical care, such as wheelchairs, walkers, and respiratory equipment	X	X	X	X			X
Mobile Home Parks <sup>18</sup>							
Mobile Home Sales or Rentals (outdoor display)							
Mortuaries <sup>18</sup>							
With cremation services							
No cremation services			◆				◆
Museums <sup>18</sup>		X	X	X	X	X	X
Newspaper and Printing Shops	X	X	X	X	X	X	X

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	Mixed Use Districts				Mixed Use Overlay		
	BF District	H-OC District	COMU District	DC District	MUN <sup>(9,11)</sup>	MUC <sup>(9,11)</sup>	MUI <sup>(8,10,11)</sup>
Nightclubs <sup>18</sup>			C	C		C	C
Nursery, (Plant), Wholesale and Distribution		X	X				
Offices (administrative and professional) <sup>18</sup>	X	X	X	X	X	X	X
Open Air Theaters <sup>18</sup>				X			C
Orphanages <sup>18</sup>							
Painting Contractor	X						
Parcel Delivery Terminals <sup>18</sup>							
Parking Lot	X		X	X			C
Parks and Recreation Facilities (public) <sup>18</sup>		X	X	X	X	X	X
Personal Services (e.g., nail salons, spa facilities <sup>15</sup> , barber and beauty shops, and tattoo parlors) <sup>18</sup>	X	X	X	X	X	X	X
Pharmacy <sup>4</sup>	X	X	X	X	X	X	X
Photo Studios	X	X	X	X	X	X	X
Plumbing Shops	X		X				
Plumbing Supply Stores for Contractors	X						
Pool Hall <sup>18</sup>				◆		◆	
Postal Services	X		X	X	X	X	X
Pottery Sales with Outdoor Sales	X	X	X	X	X	X	X
Public Administration, Buildings and Civic Centers <sup>18</sup>			X	X	X	X	X
Public Utility Stations, Yards, Wells and Similar Facilities, Excluding Offices <sup>18</sup>					◆	◆	◆
Racetracks <sup>18</sup>							
Record Store			X	X	X	X	X
Recording Studio	X	X	X	X	X	X	X
Recreational Facilities (Private) such as Tennis Club, Polo Club, with Limited Associated Incidental Uses <sup>18</sup>	◆	◆	◆	◆	◆	◆	◆
Recycling, Large Collection Facility <sup>5</sup>							
Recycling, Small Collection Facility	X		X	X	X	X	X
Recycling Processing Centers							
Refreshment Stands					X	X	X
Rental Service							
Within an enclosed structure (furniture, office, party supplies)	X		X		X	X	X
With outdoor storage and display (vehicles, equipment, etc.)	◆						
Research and Development <sup>18</sup>	X	X	X	X	X	X	X
Residential <sup>18</sup>							
Single-Family				X			

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	BF District	H-OC District	COMU District	DC District	MUN <sup>(9,11)</sup>	MUC <sup>(9,11)</sup>	MUI <sup>(8,10,11)</sup>
Multiple-Family			X	X	X	X	X
<b>Affordable Housing in Commercial Zones<sup>20</sup></b>		X	X	X	X	X	X
Manufactured home park (see mobile home parks)							
<b>Residential Care Facility</b>							
			X	X	X	X	X
			C	C	C	C	X
Restaurants (Eating and Drinking Establishments) <sup>18</sup>							
Without entertainment		X	X	X	X	X	X
With Limited Live entertainment			X	X	X	X	X
With alcoholic beverage sales			X	X	X	X	X
With outdoor seating <sup>13</sup>		X	X	X	X	X	X
Restaurants (fast-food) <sup>18</sup>							
With drive-through	X	◆	◆	◆			
Without drive-through	X	X	X	X	X	X	X
Retail Sales	X	X	X	X	X	X	X
Support Retail Sales			X	X	X	X	X
Sandwich Shops <sup>6</sup>	X	X	X	X	X	X	X
Schools, Private			◆	C	◆	◆	◆
Senior Housing			X	X	X	X	X
Shoe Shine Stands	X	X	X	X	X	X	X
Shoe Repair Shop	X		X	X	X	X	X
Sign Shop	X		X	X	X	X	X
Single room occupancy (SRO) facility <sup>18</sup>					C	C	C
Skating Rinks <sup>18</sup>			X	X		X	
Smoke Shops <sup>16</sup>			S	S			
Stationery Stores	X		X	X	X	X	X
Statue Shop -Outdoor display	X						
Storage Lots and Mini- Warehouses							
Indoor	C		C				
Outdoor	C						
Swim Schools/Center with Incidental Commercial Uses <sup>18</sup>			X	C			
Taxidermist	X						
Theaters (excludes open air) <sup>18</sup>			X	X	X	X	X
Tire Recapping							

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	BF District	H-OC District	COMU District	DC District	MUN <sup>(9,11)</sup>	MUC <sup>(9,11)</sup>	MUI <sup>(8,10,11)</sup>
Trade and Vocational Schools <sup>18</sup>		X	X	X	X	X	X
Transfer, Moving and Storage Facilities	X						
Transit Center				X			
Truck Wash							
Upholstery Shops	X		X				
Vehicle Storage Yards							
Indoor	X						
Outdoor							
Vending Machine Service and Repair							
Veterinarian (including animal hospital) <sup>18</sup>	X						
All activities within an enclosed structure	X	X	X	X	X	X	X
With outdoor activities			◆				
Weight Reduction Center	X	X	X	X	X	X	X
Wholesale, Storage, and Distribution <sup>18</sup>							
All activities indoors (50,000 square feet or less)	X						
All activities indoors (more than 50,000 square feet)	X						
All activities outdoors							
Retail sale of goods warehoused on-site <sup>7</sup>	X						
Wrecking Yard	X						

- Notes:
- (1) Do not consider residential use per distance requirement.
  - (2) The administrative plot plan process may be used to establish these uses in an existing building within any commercial or industrial zone, even if the project is located adjacent to residential uses or zones.
  - (3) Retail is limited to fifteen (15) percent of gross floor area (see Section 9.05.040 of this title).
  - (4) Permitted in the OC and VOR districts only as a support medical office facility.
  - (5) Large collection facilities may be established within an existing building through the “tenant improvement” process if such building or tenant space occupied by the use is not located adjacent to a residential use or zone.
  - (6) Sandwich shops shall not have cooking hoods, nor shall they exceed five percent of the gross floor area of the complex where they are located.
  - (7) Retail is limited to fifteen (15) percent of gross floor area (see Section 9.05.040 of this title).
  - (8) In the MUI district, mixed use (commercial uses on first floor with office uses or residential uses on upper floors) are (a) required to on lots at street intersections and within 300 feet in any direction from a street intersection, as measured from the corner formed by the lot’s property lines, and (b) are allowed, but not required on the other lots.
  - (9) In the MUC and MUN districts, mixed use (commercial uses on first floor with office uses or residential uses on upper floors) are (a) required to on lots at street intersections and within 150 feet in any direction from a street intersection, as measured from the corner formed by the lot’s property lines, and

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(b) are allowed, but not required on the other lots.							
(10) See Section 9.07.40 (Medical Use Overlay District)							
(11) See Section 9.09.260 (Mixed Use Development)							
(12) See Section 9.09.250 (Live-Work Development)							
(13) See Section 9.09.270 (Outdoor Dining)							
(14) Use is also permitted in the Moreno Valley Industrial Area Plan (SP 208)							
(15) For Spa Facilities refer to Title 11, Chapter 11.96 of the Municipal Code.							
(16) See Section 9.09.280.C (Smoke Shops) for distance requirements that require a Conditional Use Permit.							
(17) See Section 9.09.290 (Commercial Cannabis Activities) for all Commercial Cannabis Activities regulations.							
(18) See Section 9.07.060 Airport Land Use Compatibility Plan for Airport Land Use Compatibility Plan (ALUCP) requirements for actions proposed on property located within an Airport Compatibility Zone. When located within an Airport Land Use Compatibility Zone, greater land use, restrictions for airport compatibility may apply per the applicable ALUCP.							
(19) For Day Care uses in the Moreno Valley Industrial Area Plan (SP 208), See Section 9.07.060 Airport Land Use Compatibility Plan for Airport Land Use Compatibility Plan (ALUCP) requirements for actions proposed on property located within an Airport Compatibility Zone. When located within an Airport Land Use Compatibility Zone, greater land use, restrictions for airport compatibility may apply per the applicable ALUCP.							
(20) <b>See Section 9.04.050 (Affordable Housing in Commercial Zones)</b>							

Zoning District Key			
BF	Business Flex	MU	Mixed Use Overlay
DC	Downtown Center	MUN	Mixed-Use Neighborhood Overlay
COMU	Corridor Mixed Use	MUC	Mixed-Use Community Overlay
H-OC	Highway – Office/Commercial	MUI	Mixed-Use Institutional Anchor Overlay

## Strikeout/Underline Code Amendments

### 9.02.320 Reasonable accommodation procedures.

- A. Purpose and Intent. It is the purpose of this section to provide reasonable accommodations in the city's zoning and land use regulations, policies, and practices when needed to provide an individual with a disability an equal opportunity to use and enjoy a dwelling.
- B. Definitions. The following terms as used in this section shall, unless the context clearly indicates otherwise, have the following meanings:
- “Applicant” means a person, business, or organization making a written request to the city for reasonable accommodation in the strict application of the city's zoning and land use laws, rules, policies, practices and/or procedures.
- “Fair Housing Laws” means the Federal Fair Housing Act (42 U.S.C. Section 3601, et seq.), the Americans with Disabilities Act, and the California Fair Employment and Housing Act (California [Government Code](#) Section 12900, et seq.), as these statutes now exist or may be amended from time to time, and each Act's implementing regulations.
- “Person with a disability” means an individual who has a physical or mental impairment that limits one or more of that person's major life activities; anyone who is regarded as having such impairment; or anyone who has a record of having such an impairment. Such an impairment shall not include an individual's current, illegal use of a controlled substance.
- “Reasonable accommodation” in the land use and zoning context, reasonable accommodation means providing individuals with disabilities or developers of housing for people with disabilities with flexibility in the application of land use and zoning and building regulations, policies, practices and procedures, or even waiving certain requirements, when it is necessary to eliminate barriers to provision of housing or service opportunities.
- "Special Needs Populations" means disabled households, agricultural workers, single- parent households, survivors of physical abuse, homeless persons or persons at risk of becoming homeless, chronically ill persons including those with HIV and mental illness, displaced teenage parents (or expectant teenage parents), homeless youth as defined in Government Code section 11139.5, individuals exiting from institutional settings, chronic substance abusers, or other specific groups with unique housing needs as determined by the State. "Special Needs Populations" do not include seniors or the frail elderly unless they otherwise qualify as a Special Needs Population."
- C. Authority of the Planning Official. The planning official is hereby designated to approve, conditionally approve, or deny, without public hearing, all applications for a reasonable accommodation.
- D. Procedure for Application Review.
1. Applicant. A request for a reasonable accommodation may be made by any person with a disability, his or her representative, or a developer or provider of housing for individuals with a disability.
  2. Application. An application for a reasonable accommodation shall be made on a form provided by the planning department. No fee shall be required for a request for reasonable accommodation, but if the project requires another discretionary permit, then the prescribed fee shall be paid for all other

## Strikeout/Underline Code Amendments

- discretionary permits. If an individual needs assistance in making the request for reasonable accommodation, the city will provide assistance to ensure that the process is accessible.
3. Other Discretionary Permits. If the project for which the request for reasonable accommodation is made requires another discretionary permit or approval, the applicant may file the request for reasonable accommodation together with the application for the other discretionary permit or approval. The processing procedures of the discretionary permit shall govern the joint processing of both the reasonable accommodation and the discretionary permit.
  4. Required Submittals. An application for a reasonable accommodation shall include the following:
    - a. Documentation that the applicant is: (i) a person with a disability, (ii) applying on behalf of one or more persons with a disability, or (iii) a developer or provider of housing for one or more persons with a disability;
    - b. The name and address of the individual(s) requesting the reasonable accommodation;
    - c. The name and address of the property owner(s);
    - d. The address of the property for which accommodation is requested;
    - e. A description of the reasonable accommodation requested by the applicant;
    - f. An explanation of how the specific reasonable accommodation requested by the applicant is necessary to provide one or more persons with a disability an equal opportunity to use and enjoy the residence;
    - g. Where applicable, documentation that the requested accommodation is designed and constructed pursuant to Title 24 of the [California Code of Regulations](#) to allow access, circulation and full use of the building and facilities by persons with disabilities.
  5. The planning director may request additional information from the applicant if the application does not provide sufficient information for the city to make the findings required in subsection E of this section.
- E. Basis for Approval or Denial of a Reasonable Accommodation.
1. Findings. The written decision shall be based on the following findings, all of which are required for approval:
    - a. The requested accommodation is requested by or on behalf of one or more persons with a disability protected under the Fair Housing Laws.
    - b. The requested accommodation is necessary to provide one or more individuals with a disability an equal opportunity to use and enjoy a dwelling.
    - c. The requested accommodation will not impose an undue financial or administrative burden on the city.
    - d. The requested accommodation will not result in a fundamental alteration in the nature of the city's zoning program.

## Strikeout/Underline Code Amendments

- e. The requested accommodation will not, under the specific facts of the case, result in a direct threat to the health or safety of other individuals or substantial physical damage to the property of others.
  2. In determining whether the requested reasonable accommodation is necessary to provide one or more persons with a disability an equal opportunity to use and enjoy a dwelling, the city may consider, but is not limited to, the following factors:
    - a. Whether the requested accommodation will affirmatively enhance the quality of life of one or more individuals with a disability;
    - b. Whether the individual or individuals with a disability will be denied an equal opportunity to enjoy the housing type of their choice absent the accommodation;
    - c. In the case of a residential care facility, whether the requested accommodation is necessary to make facilities of a similar nature or operation economically viable in light of the particularities of the relevant market and market participants;
    - d. In the case of a residential care facility, whether the existing supply of facilities of a similar nature and operation in the community is sufficient to provide individuals with a disability an equal opportunity to live in a residential setting.
  3. Rules While Decision Is Pending. While a request for reasonable accommodation is pending, all laws and regulations otherwise applicable to the property that is the subject of the request shall remain in full force and effect.
- F. Notice of Decision.
1. The planning director shall issue a written determination to approve, conditionally approve, or deny a request for a reasonable accommodation. The planning director may elect to forward the matter to the planning commission for consideration of the application.
  2. Appeals of the director's action shall be made in accordance with Section [9.02.240](#).
- G. Expiration, Time Extension, Violation, Discontinuance, and Revocation.
1. Expiration. Any reasonable accommodation approved in accordance with the terms of this section shall expire within twenty-four (24) months from the effective date of the approval, or at an alternative time specified as a condition of the approval, unless:
    - a. A building permit has been issued and construction has commenced;
    - b. A certificate of occupancy has been issued;
    - c. The use is established; or
    - d. A time extension has been granted.
  2. Time Extension.
    - a. The planning director may, upon an application being filed prior to expiration and for good cause, grant a time extension of up to three one-year extensions of time. Each extension of time shall be granted in one-year increments only. Upon granting of an extension, the planning director shall ensure that conditions of the administrative

## Strikeout/Underline Code Amendments

- approval comply with all current development code provisions.
- b. Notice. Notice of the planning director's decision on a time extension shall be provided in writing. All written decisions shall give notice of the right to appeal and to request reasonable accommodation in the appeals process.
  - c. Appeal of Determination. A time extension for a reasonable accommodation shall be final unless appealed to the city council within fourteen (14) calendar days of the date of mailing of the determination. An appeal shall be made in writing and shall be noticed and heard pursuant to the procedures established in Section [9.02.240](#) of this code.
3. Discontinuance. If the person(s) with a disability for whom the reasonable accommodation was originally granted vacate the residence to which the reasonable accommodation applies the reasonable accommodation shall remain in effect only if the planning director determines that: (a) the modification is physically integrated into the residential structure and cannot easily be removed or altered to comply with the municipal code; or (b) the accommodation is necessary to give another person with a disability an equal opportunity to enjoy the dwelling. The planning director may request that the applicant, or his/her successor-in-interest, provide documentation that subsequent occupants are persons with disabilities. Failure to provide such documentation within thirty (30) days of the date of a request by the city shall constitute grounds for discontinuance by the city of a previously approved reasonable accommodation.
  4. Revocation. Procedures for revocation shall be as prescribed by Section [9.02.260](#). Any reasonable accommodation approved in accordance with the terms of this code may be revoked if any of the conditions or terms of such reasonable accommodation are violated, or if any law or ordinance is violated in connection therewith.
- H. Amendments. A request for changes in conditions of approval of a reasonable accommodation, or a change to plans that would affect a condition of approval shall be treated as a new application. The planning director may waive the requirement for a new application if the changes are minor, do not involve substantial alterations or addition to the plan or the conditions of approval, and are consistent with the intent of the original approval. (Ord. 990 § 6, 2022; Ord. 869 § 3.11, 2013)

## Strikeout/Underline Code Amendments

### **9.03.050 Density bonus program for affordable housing.**

- A. Purpose and Intent. This section is adopted pursuant to the provisions of California Government Code Sections 65915 through 65918, as they now exist or may hereafter be amended. The purpose of adopting this section is to encourage affordable housing by providing the incentive of increased density and such other incentives provided by this section. The provisions of this section are intended to comply with California Government Code Sections 65915 through 65918. In the event that any provision of this section conflicts with California Government Code Sections 65915 through 65918, state law shall control over the conflicting provision.
- B. Applicability. A housing development as defined in this section and Government Code Section 65915 shall be eligible for a density bonus and other incentives that are provided by State Density Bonus Law when the applicant agrees to construct low, very-low, senior or moderate income housing units or units intended to serve transitional foster youth, disabled veterans, and lower income students as specified in this section, and State Density Bonus Law.
- C. Application Requirements. A density bonus may be approved pursuant to an application for approval of a density bonus, provided the request complies with the provisions of this section. An application for a density bonus incentive, concession, waiver, or modifications of development standards pursuant to this section, shall be submitted with the first application for approval of a housing development and processed concurrently with all other applications required for the housing development. The application shall be submitted on a form prescribed by the city and shall include at least the following information:
1. A site plan that identifies all units in the project, including the location of the affordable units and the bonus units.
  2. A narrative briefly describing the housing development and shall include information on:
    - a. The number of units permitted under the general plan;
    - b. The total number of units proposed in the project, including the floor area, and the number of bedrooms and bathrooms associated with each dwelling unit. Density bonus units shall have at least the same distribution of bedrooms as the market rate units in the development. Density bonus units shall be constructed concurrently with the construction of market rate units;
    - c. Target income of affordable housing units and proposals for ensuring affordability;
    - d. The number of bonus units requested based on subsection (E)(3) of this section.
  3. Description of any requested incentives, concessions, waivers, or modifications of development standards. For all incentives and concessions that are not included within the menu of incentives/concessions set forth in subsections G and H of this section, the application shall include a pro forma providing evidence that the requested incentives and concessions result in identifiable, financially sufficient, and actual cost reductions. The cost of reviewing any required pro forma or other financial data submitted as part

## Strikeout/Underline Code Amendments

of the application in support of a request for an incentive/concession or waiver/modification of developments standard, including, but not limited to, the cost to the city of hiring a consultant to review said financial data, shall be borne by the developer. The pro forma shall include all of the following items:

- a. The actual cost reduction achieved through the incentive;
  - b. Evidence that the cost reduction allows the applicant to provide affordable units or affordable sales prices; and
  - c. Other information requested by the community development director. The community development director may require any pro forma include information regarding capital costs, equity investment, debt service, projected revenues, operating expenses, and such other information as is required to evaluate the pro forma.
4. Any such additional information in support of a request for a density bonus as may be requested by the community development director.
- D. Eligibility for Bonus. A developer of a housing development containing five or more units may qualify for a density bonus and at least one other incentive as provided by this section if the developer does one of the following:
1. Agrees to construct and maintain at least five (5) percent of the units dedicated to very low income households;
  2. Agrees to construct and maintain at least ten (10) percent of the units dedicated to lower income households;
  3. Agrees to construct and maintain at least ten (10) percent of the units in a common interest development (as defined in Section 4100 of the California Civil Code) dedicated to moderate income households, provided that all units in the development are offered to the public for purchase;
  4. Agrees to construct and maintain a senior citizen housing development, as defined in Section 9.09.150 of this title, or a mobile home park that limits residency based on age requirements for housing for older persons pursuant to Section 798.76 or 799.5 of the California Civil Code;
  5. Land Donations. An applicant for a tentative subdivision map, parcel map, or other residential development approval that donates land to the city in accordance with Government Code Section 65915(g) shall be eligible for a density bonus in accordance with the terms and conditions of Government Code Section 65915(g);
  6. Includes a qualifying child care facility as described in the "Child Care Facility Requirements" subsection (J)(2) of this section in addition to providing housing as described in subsections (D)(1) through (3) of this section;
  7. Agrees to construct and maintain at least ten (10) percent of the units of a housing development for transitional foster youth, as defined in Section 66025.9 of the California Education Code; disabled veterans, as defined in Section 18541 of the California Government Code; or homeless persons, as defined in the federal McKinney-Vento Homeless Assistance Act (42 U.S.C. Sec. 11301 et seq.), dedicated to very low income households;

## Strikeout/Underline Code Amendments

8. Agrees to construct and maintain at least twenty (20) percent of the units for lower income students in a student housing development dedicated for full-time students at accredited colleges pursuant to the "Student Housing" subsection K of this section; or
  9. Agrees to construct and maintain one hundred (100) percent of the units, including total units and density bonus units, but exclusive of a manager's unit or units, dedicated to lower income households, except that no more than twenty (20) percent of the units, including total units and density bonus units, may be dedicated to moderate income households.
  10. Religious institution affiliated housing development projects (RIAHD) may qualify for a density bonus under California Government Code Section 65915. For RIAHD parking requirements, see Section 9.11.040(D).
- E. Density Bonus Calculation and Allowance.
1. State Law Preemption. Pursuant to state law, the granting of a density bonus or the granting of a density bonus together with an incentive(s) shall not be interpreted, in and of itself, to require a general plan amendment, specific plan amendment, rezone, or other discretionary approvals.
  2. Density Bonus Calculation. An applicant must choose a density bonus from only one applicable affordability category and may not combine categories with the exception of child care facilities or land donation, which may be combined with an affordable housing development. All density calculations resulting in fractional units will be rounded up to the next whole number.
  3. Density Bonus Allowance. In calculating the number of units required for very low, lower and moderate income households, the density bonus units shall not be included. The maximum bonus allowed for a one hundred (100) percent affordable project is eighty (80) percent unless it is located within a half-mile of a major transit stop, and then there is no limit to density. A housing development that satisfies all applicable provisions of this section shall be allowed the following applicable density bonuses:
    - a. Very low income per California Government Code Section 65915(f)(2).
    - b. Lower income per California Government Code Section 65915(f)(1).
    - c. Moderate income per California Government Code Section 65915(f)(4).

The community development department has on file a density bonus chart consistent with the Government Code sections above.
  4. Senior Citizen Housing Development. The density bonus for a senior citizen housing development is addressed in Section 9.09.150 (Senior and handicapped housing) of Chapter 9.09 (Specific Use Development Standards).
  5. Child Care Facility. A project (whether a housing, commercial, or industrial project) is eligible for a density bonus for a child care facility when in compliance with this section and California Government Code Section 65917.5.
  6. Conversion of Apartments to Condominiums. A project is eligible for a twenty-five (25) percent density bonus for the conversion of apartments to



## Strikeout/Underline Code Amendments

- condominiums when in compliance with California Government Code Section 65915.5.
7. Foster Youth, Disabled Veterans, and Homeless Persons. The density bonus for a housing development for transitional foster youth, disabled veterans, or homeless persons shall be twenty (20) percent.
  8. Students. The density bonus for a student housing development that provides housing for students consistent with subsection K of this section shall be thirty-five (35) percent. Twenty (20) percent of the units granted by the density bonus shall be used for lower income students.
  9. One Hundred (100) Percent Affordable. The density bonus for a one hundred (100) percent affordable housing development consistent with subsection (D)(9) (Eligible for Bonus) of this section shall be eighty (80) percent of the number of units for lower income households. Except that, if the affordable housing development is located within one-half mile of a major transit stop, maximum density requirements shall not apply.
- F. Continued Affordability. Prior to issuance of a building permit, the developer/property owner must enter into a density bonus housing agreement with the city for at least fifty-five (55) years by recorded document (Government Code Section 65915(c)). Such agreement shall be recorded and shall be binding on the property owner and any successors-in-interest. In addition, a density bonus project must comply with specific requirements for any existing units that are to be demolished as outlined in subsection P of this section. Additional details regarding requirements for continued affordability and the density bonus housing agreement are included in subsection O.
- G. Incentives Available to Housing Projects.  
Incentives are available to a housing developer as follows:

Number of Incentives/Concessions	Very Low Income Percentage	Lower Income Percentage	Moderate Income Percentage
1	5%	10%	10%
2	10%	17%	20%
3	15%	24%	30%
4	100% Low/Very Low/Mod (20% Moderate allowed)	100% Low/Very Low/Mod (20% Moderate allowed)	100% Low/Very Low/Mod (20% Moderate allowed)

If the project is located within one-half mile of a major transit stop, the applicant shall also receive a height increase of up to three additional stories, or thirty-three (33) feet.

- H. Available Incentives/Concessions. A qualifying project may be entitled to up to four incentives, depending on the percentage of affordable housing that will be included within the development.
1. A concession falls within three categories (California Government Code Section 65915(k)(1, 2 & 3)):
    - a. Reduction in the site development standards of this development code (e.g., site coverage, off-street parking requirements, reduced lot dimensions, and/or setback requirements);

## Strikeout/Underline Code Amendments

- b. Approval of mixed use zoning in conjunction with the housing project if commercial, office, industrial, or other land uses will reduce the cost of the housing development and if such uses are compatible with the housing project and the existing or planned development in the area; and/or
    - c. Other regulatory incentives or concessions proposed by the developer or the city that will result in identifiable and actual cost reductions.
  - 2. Additional Incentive/Concession. The developer may receive a fifty (50) percent reduction of the development impact fee and the park land impact mitigation fee for the units affordable to very low income households and a twenty-five (25) percent reduction for those units affordable to lower income households.
- I. Parking Requirements. If an applicant qualifies for a density bonus pursuant to this section, reduced parking requirements are available for projects qualifying for a density bonus pursuant to this section. The parking requirement is inclusive of accessible and guest parking for the entire housing development, but shall not include on-street parking spaces in the count towards the parking requirement. In calculating the number of parking spaces required for a development, if the total number of parking spaces is other than a whole number, the number shall be rounded up to the next whole number.
  - 1. Except as otherwise provided in this subsection, the following parking requirements shall apply:
    - a. Zero to one bedroom: one on-site parking space.
    - b. Two to three bedrooms: one and one-half on-site parking spaces.
    - c. Four or more bedrooms: two and one-half on-site parking spaces.
  - 2. If the housing development includes at least twenty (20) percent lower income units or at least eleven (11) percent very low income units, is located within one-half mile of a major transit stop, and there is unobstructed access to the major transit stop from the development, then the parking requirement shall be reduced from one-half on-site parking space per bedroom to one-half on-site parking space per unit.
  - 3. If a housing development consists solely of rental units, exclusive of a manager's unit or units, with an affordable housing cost to lower income families, as provided in Section 50052.5 of the California Health and Safety Code, then no parking spaces shall be required as long as the development meets either of the following criteria:
    - a. The development is located within one-half mile of a major transit stop and there is unobstructed access to the major transit stop from the development; or
    - b. The development is a for-rent housing development for individuals who are sixty-two (62) years of age or older that complies with Sections 51.2 and 51.3 of the California Civil Code and the development has either paratransit service or unobstructed access, within one-half mile, to fixed bus route service that operates at least eight times per day.

## Strikeout/Underline Code Amendments

4. If a housing development consists solely of rental units, exclusive of a manager's unit or units, with an affordable housing cost to lower income families, as provided in Section 50052.5 of the California Health and Safety Code, and the development is either a special needs housing development, as defined in Section 51312 of the California Health and Safety Code, or a supportive housing development, as defined in Section 50675.14 of the California Health and Safety Code, then no parking spaces shall be required. A development that is a special needs housing development shall have either paratransit service or unobstructed access, within one-half mile, to fixed bus route service that operates at least eight times per day.

Number of Bedrooms	Required Parking Spaces per Unit*, **
0 to 1 bedroom	1
2 to 3 bedrooms	1.5
4 or more bedrooms	2.5
Projects with at least 20% low-income units, or at least 11% very low-income units***	0.5
100% affordable housing projects ****	No requirement
<p>* If the total number of spaces required results in a fractional number, it shall be rounded up to the next whole number.</p> <p>** If a residential or mixed residential/commercial development project includes the required percentage of low, very low-income, or includes a minimum 10 percent transitional foster youth, veteran, or homeless persons units, or provides for-rent housing for individuals who are 62 years of age or older, or is a special needs housing development and is located within one-half mile of a major transit stop where there is unobstructed access to a major transit stop from the development, then, upon the request of the developer, a parking ratio not to exceed 0.5 spaces per bedroom shall apply to the residential portion of the development.</p> <p>*** Must be located within one-half mile of a major transit stop, with unobstructed access to the major transit stop from the development.</p> <p>**** Must be located within one-half mile of a major transit stop, with unobstructed access to the major transit spot from the development OR for individuals 62 years of age or older and has either paratransit service or unobstructed access within one-half mile, to fixed bus route service that operates at least eight times per day.</p>	

### J. Child Care Facilities.

1. Child Care Facility Density Bonus. When an applicant proposes to construct a housing development that is eligible for a density bonus under subsection D (Eligibility for Bonus) of this section and California Government Code Section 65917.5, and includes a child care facility that will be located on the premises or adjacent to the housing development, the city shall grant either:
  - a. An additional density bonus that is an amount of square feet of residential space that is equal to or greater than the square footage of the child care facility or
  - b. An additional incentive that contributes significantly to the economic feasibility of the construction of the child care facility.
2. Child Care Facility Requirements. The city shall require, as a condition of approving the housing development, that the following occur:
  - a. The child care facility shall remain in operation for a period of time that is as long as or longer than the period of time during which the

## Strikeout/Underline Code Amendments

- affordable units are required to remain affordable per this section; and
- b. Of the children who attend the child care facility, the children of very low income households, lower income households or families of moderate income households shall equal a percentage that is equal to or greater than the percentage of affordable units in the housing development that are required for very low, lower or families of moderate income households.
3. Child Care Facility Criteria. The city shall not be required to provide a density bonus or incentive for a child care facility if it finds, based upon substantial evidence, that the community has adequate child care facilities.
- K. Student Housing.
1. Student Housing Density Bonus Requirements. In order for a student housing development to be eligible for a density bonus under subsection (D)(8) of this section, the student housing development must meet the following requirements:
    - a. All units in the student housing development shall be used exclusively for undergraduate, graduate, or professional students enrolled full time at an institution of higher education accredited by the Western Association of Schools and Colleges or the Accrediting Commission for Community and Junior Colleges. The developer shall, as a condition of receiving a certificate of occupancy, provide evidence to the city that the developer has entered into an operating agreement or master lease with one or more institutions of higher education for the institution or institutions to occupy all units of the student housing development with students from that institution or institutions.
    - b. Twenty (20) percent of the density bonus units will be used for lower income students. For purposes of this clause, “lower income students” means students who have a household income and asset level that does not exceed the level for Cal Grant A or Cal Grant B award recipients as set forth in paragraph (1) of subdivision (k) of Section 69432.7 of the California Education Code.
    - c. The rent provided in the applicable units of the development for lower income students shall be calculated at thirty (30) percent of sixty-five (65) percent of the area median income for a single-room occupancy unit type.
    - d. The development will provide priority for the applicable affordable units for lower income students experiencing homelessness.
  2. Definition of Units. For purposes of calculating a density bonus granted for a student housing development, the term “unit” means one rental bed and its pro rata share of associated common area facilities.
- L. Shared Housing.
1. Shared Housing Density Bonus Requirements. In order for a shared housing development to be eligible for a density bonus under subsection

## Strikeout/Underline Code Amendments

(D)(1), (D)(2), (D)(4) or D(9) of this section, the shared housing development must meet the following requirements:

- a. Shared-housing building is defined as a residential or mixed-use structure with five or more housing units and one or more common kitchens and dining areas designed for permanent residence of more than 30 days by its tenants. The kitchens and dining areas within the shared housing building shall be able to adequately accommodate all residents.
- b. A shared housing building may include other dwelling units that are not shared housing units, provided that those dwelling units do not occupy more than 25 percent of the floor area of the shared housing building.
- c. A shared housing building may include incidental commercial uses, provided that those commercial uses are otherwise allowable and are located only on the ground floor or the level of the shared housing building closest to the street or sidewalk of the shared housing building.
- d. A shared housing unit means one or more habitable rooms, not within another dwelling unit, that includes a bathroom, sink, refrigerator, and microwave, is used for permanent residence, that meets the “minimum room area” specified in Section R304 of the California Residential Code (Part 2.5 of Title 24 of the California Code of Regulations), and complies with the definition of “guestroom” in Section R202 of the California Residential Code.
- e. Shared housing shall permit the same number of families at the same density as allowed in the zoning district where the property is located subject to all applicable codes relating to building, housing, life safety, health and zoning as would be applied to independent living units located in the same structure.

2. Definition of Units. For purposes of calculating a density bonus granted for a shared housing development, the term “unit” means one shared housing unit and its pro rata share of associated common area facilities.

### L.M. General Guidelines.

1. Location of Bonus Units. As required by California Government Code Section 65915(i), the location of density bonus units within the qualifying housing development may be at the discretion of the developer, and need not be in the same area of the project where the units for the lower income households are located as long as the density bonus units are located within the same housing development.
2. Preliminary Review. A developer may submit to the community development director a preliminary proposal for the development of housing pursuant to this section prior to the submittal of any formal application for a density bonus. Within ninety (90) days of receipt of a written proposal, the city will notify the housing developer in writing of either: (a) any specific requirements or procedures under this section, which the proposal has not

## Strikeout/Underline Code Amendments

met; or (b) the proposal is sufficient for preparation of an application for density bonus.

3. Infrastructure and Supply Capacity. Criteria to be considered in analyzing the requested bonus will include the availability and capacity of infrastructure (water, sewer, road capacity, etc.) and water supply to accommodate the additional density.

### M.N. Findings for Approval for Density Bonus and/or Incentive(s).

1. Density Bonus Approval. The following finding shall be made by the approving authority in order to approve a density bonus request:
  - a. The density bonus request meets the requirements of this section.
2. Density Bonus Approval with Incentive(s). The following findings shall be made by the approving authority in order to approve a density bonus and incentive(s) request:
  - a. The density bonus request meets the requirements of this section;
  - b. The incentive is required in order to provide affordable housing; and
  - c. Approval of the incentive(s) will have no specific adverse impacts upon health, safety, or the physical environment or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to very low, low, and moderate income households.
3. Denial of a Request for an Incentive(s). The approving authority shall make at least one of the following findings prior to disallowing an incentive (in the case where an accompanying density bonus may be approved, or in the case of where an incentive(s) is requested for senior housing or child care facility):
  - a. That the incentive is not necessary in order to provide for affordable housing costs as defined in subsection Q (Definitions) of this section, or for rents for the targeted units to be set as specified in subsection Q (Definitions) of this section.
  - b. That the incentive would result in specific adverse impacts upon health, safety, or the physical environment or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to very low, low, and moderate income households.
  - c. That the incentive would be contrary to state or federal law.

### N.O. Affordability Requirements.

1. The maximum monthly housing cost for density bonus units, including a monthly allowance for utilities plus rent for rental units or house payments for for-sale units, shall be set at or below the rates described below:
  - a. Density bonus units affordable to very low income households: thirty (30) percent of fifty (50) percent of the area monthly median income for Riverside/San Bernardino Counties adjusted by the number of

## Strikeout/Underline Code Amendments

- bedrooms according to regulations of the California Department of Housing and Community Development.
- b. Density bonus units affordable to lower income households: thirty (30) percent of sixty (60) percent of the area monthly median income for Riverside/San Bernardino Counties adjusted by the number of bedrooms according to regulations of the California Department of Housing and Community Development.
  2. The monthly allowance for utilities shall be the utility allowance calculated by the Department of Housing and Urban Development (HUD) for County Housing Authorities.
  3. The monthly house payments for for-sale units described in subsection (N)(1) of this section includes the sum of principal and interest on a thirty (30) year fixed rate mortgage for ninety (90) percent of the sales price, loan insurance, property taxes and assessments, fire and casualty insurance, property maintenance and repairs, and the fair share cost for maintenance of amenities owned in common such as landscaping and swimming pools.
  4. Housing costs, affordable sales prices, and occupancy requirements, will be governed by a deed restriction which shall take precedence over all other covenants, liens and encumbrances of the property on which the units are constructed.

### O.P. Affordable Housing Agreement Required.

1. General Requirements. No density bonus pursuant to this section shall be granted unless and until the affordable housing developer, or designee enters into an affordable housing agreement and, if applicable, an equity sharing agreement, with the city or its designee pursuant to and in compliance with this section (Government Code Section 65915(c)). The agreements shall be in the form provided by the city, which shall contain terms and conditions mandated by, or necessary to implement, state law and this section. The affordable housing agreement shall be recorded prior to issuance of a building permit for a rental project or prior to final map recordation for an ownership project which includes a map. The community development director is hereby authorized to enter into the agreements authorized by this section on behalf of the city upon approval of the agreements by the city attorney for legal form and sufficiency.
2. Low- or Very Low-Income Affordable Housing Component.
  - a. The affordable housing developer of a qualified housing development based upon the inclusion of low-income and/or very low-income affordable units shall enter into an agreement with the city to maintain the continued affordability of the affordable units for fifty-five (55) years (for rental units) or 30 years (for for-sale units), or a longer period if required by the construction or mortgage financing assistance program, mortgage insurance program or rental subsidy program (Government Code Section 65915(c)(1)). The agreement shall establish specific compliance standards and specific remedies available to the city if such compliance standards are not met. The agreement shall specify the number of lower-income affordable units

## Strikeout/Underline Code Amendments

- by number of bedrooms; standards for qualifying household incomes or other qualifying criteria, such as age; standards for maximum rents or sales prices; the person responsible for certifying tenant or owner incomes; procedures by which vacancies will be filled and units sold; required annual report and monitoring fees; restrictions imposed on lower-income affordable units on sale or transfer; and methods of enforcing such restrictions, and any other information that may be required based on the city's review.
- b. Rental Units. Rents for the low-income and very low-income affordable units that qualified the housing development for the density bonus pursuant to this section shall be set and maintained at an affordable rent (Government Code Section 65915(c)(1)). The agreement shall set rents for the lower-income density bonus units at an affordable rent as defined in California Health and Safety Code Section 50053, except for developments meeting the criteria of Government Code Section 65915(b)(1)(G), for which rents for all units in the development, including both base density and density bonus units, shall be as follows:
    - i. The rent for at least twenty (20) percent of the units in the development shall be set at an affordable rent, as defined in Section 50053 of the Health and Safety Code.
    - ii. The rent for the remaining units in the development shall be set at an amount consistent with the maximum rent levels for a housing development that receives an allocation of state or federal low-income housing tax credits from the California Tax Credit Allocation Committee.
  - c. The agreement shall require that owner-occupied units be made available at an affordable housing cost as defined in Health and Safety Code Section 50052.5.
  - d. For-Sale Units. Owner-occupied low-income and very low-income affordable units that qualified the housing development for the density bonus pursuant to this section shall be available at an affordable housing cost (Government Code Section 65915(c)(2)). The affordable housing developer of a qualified housing development based upon a very low- or low-income minimum affordable component shall enter into an equity sharing agreement with the city or the master or non-affordable housing developer. The agreement shall be between the city and the buyer, or between developer and the buyer if the developer is the seller of the unit. The city shall enforce the equity sharing agreement unless it is in conflict with the requirements of another public funding source or law (Government Code Section 65915(c)(2)). The equity sharing agreement shall include at a minimum the following provisions:
    - i. Upon resale, the seller of the unit shall retain the value of any improvements, the down payment and the seller's proportionate share of appreciation. The city shall recapture



## Strikeout/Underline Code Amendments

- any initial subsidy, as defined in subsection (O)(2)(d)(ii), and its proportionate share of appreciation, as defined in subsection (O)(2)(d)(iii), which amount shall be used within five years for any of the purposes described in subdivision (e) of Section 33334.2 of the Health and Safety Code that promote homeownership.
- ii. For purposes of this section, the city's initial subsidy shall be equal to the fair market value of the home at the time of initial sale minus the initial sale price to the very low-income household, plus the amount of any down payment assistance or mortgage assistance. If upon resale the market value is lower than the initial market value, the value at the time of the resale shall be used as the initial market value.
  - iii. For purposes of this subdivision, the city's proportionate share of appreciation shall be equal to the ratio of the city's initial subsidy to the fair market value of the home at the time of initial sale.
3. Moderate Income Affordable Housing Component.
- a. The affordable housing developer of a qualified housing development based upon the inclusion of moderate-income affordable units in a common interest development shall enter into an agreement with the city ensuring that:
    - i. The initial occupants of the moderate-income affordable units that are directly related to the receipt of the density bonus are persons and families of a moderate-income household.
    - ii. The units are offered at an affordable housing cost (Government Code Section 65915(c)(2)).
    - iii. The affordable housing developer of a qualified housing development based upon a moderate-income minimum affordable component shall enter into an equity sharing agreement with the city or the master or non-affordable housing developer (Government Code Section 65915(c)(2)). The agreement shall be between the city and the buyer or between the developer and the buyer if the developer is the seller of the unit. The city shall enforce the equity sharing agreement unless it is in conflict with the requirements of another public funding source or law (Government Code Section 65915(c)(2)). The equity sharing agreement shall include at a minimum the following provisions:
      - iv. Upon resale, the seller of the unit shall retain the value of improvements, the down payment and the seller's proportionate share of appreciation. The city shall recapture any initial subsidy, as defined in subsection (O)(3)(a)(v), and its proportionate share of appreciation, as defined in (O)(3)(a)(vi), which amount shall be used within five years for any of the purposes described in Health and Safety Code

## Strikeout/Underline Code Amendments

Section 33334.2(e) that promote homeownership (Government Code Section 65915(c)(2)(A)).

- v. The city's initial subsidy shall be equal to the fair market value of the unit at the time of initial sale minus the initial sale price to the moderate-income household, plus the amount of any down payment assistance or mortgage assistance. If upon resale the market value is lower than the initial market value, the value at the time of the resale shall be used as the initial market value (Government Code Section 65915(c)(2)(B)).
- vi. The city's proportionate share of appreciation shall be equal to the ratio of the city's initial subsidy to the fair market value of the unit at the time of initial sale (Government Code Section 65915(c)(2)(C)).

### P.Q. Ineligible Projects—Required Replacement of Affordable Units.

1. An applicant shall be ineligible for a density bonus or any other incentives or concessions under this section if:
  - a. The development is proposed on any property that includes any existing affordable rental dwelling units occupied by lower or very low income households; or
  - b. If such affordable dwelling units have been vacated or demolished in the five-year period preceding the application, and
  - c. Such affordable dwelling units have been subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of lower or very low income. However, an applicant may establish eligibility if the proposed housing development replaces those units, and either of the following applies:
    - i. The proposed housing development, in addition to the units replaced pursuant to this paragraph, contains affordable units at the percentages set forth in subsection E of this section.
    - ii. Each unit in the development, exclusive of a manager's unit or units, is affordable to, and occupied by, either a lower or very low income household.
2. The number and type of required replacement units shall be determined as follows:
  - a. For a development containing any occupied dwelling units, the development must contain at least the same number of replacement dwelling units, of equivalent size and bedrooms, and must be made affordable to and occupied by persons and families in the same or a lower income category as the occupied dwelling units. For unoccupied dwelling units in the development, the replacement dwelling units shall be made affordable to and occupied by persons and families in the same or lower income category as the last household in occupancy. If the income category of the last household is unknown, it is presumed, unless proven otherwise, that the dwelling units were occupied by lower income renter households in the same proportion of lower income renter households to all renter

## Strikeout/Underline Code Amendments

households within Riverside/San Bernardino Counties as determined by the California Department of Housing and Community Development, and replacement dwelling units shall be provided in that same percentage.

- b. If all of the dwelling units are vacant or have been demolished within the five years preceding the application, the development must contain at least the same number of replacement dwelling units, of equivalent size and bedrooms, as existed at the highpoint of those units in the five year period preceding the application, and must be made affordable to and occupied by persons and families in the same or a lower income category as those in occupancy at that same time. If the income categories are unknown for the highpoint, it is presumed, unless proven otherwise, that the dwelling units were occupied by very low income and low income renter households in the same proportion of very low income and low income renter households to all renter households within Riverside/San Bernardino Counties as determined by the California Department of Housing and Community Development, and replacement dwelling units shall be provided in that same percentage.

Q.R. Definitions. For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

1. “Approving authority” is as defined in the Moreno Valley Municipal Code Title 9, Zoning Section 9.02.030.
2. “Child care facility” is defined as a child day care facility other than a family day care home, including, but not limited to, infant centers, preschools, extended day care facilities, and school-age child care centers.
3. “Density bonus” is defined as an increase in density over the otherwise maximum allowable residential density under the applicable general plan designation as of the date of filing of an application for density bonus with the city or, if elected by the applicant, a lesser percentage of density increase. A density bonus request shall be considered as a component of a qualified housing development.
4. “Housing development” is defined as a development project for five or more residential units, including mixed-use developments, constructed within a parcel. For the purposes of this section, “housing development” also includes a subdivision or common interest development as defined in Section 4100 of the Civil Code and consists of residential units or unimproved residential lots. A density bonus shall be permitted in geographic areas of the housing development other than the areas where the affordable units are located, so long as the density bonus units are located on the same parcel.
5. “Incentive” is defined as a reduction in site development standards or a modification of zoning code requirements or architectural design requirements that exceed the minimum building standards approved by the California Building Standards Commission. An incentive can be requested by the applicant for purposes of reducing the cost of development to make

## Strikeout/Underline Code Amendments

- the project financially feasible. The term “incentive” includes the term “concession” as that term is used in California Government Code Sections 65915 through 65918.
6. “Located within one-half mile of a major transit stop” means that any point on a proposed development, for which an applicant seeks a density bonus, other incentives or concessions, waivers or reductions of development standards, or a vehicular parking ratio pursuant to this section, is within one-half mile of any point on the property on which a major transit stop is located, including any parking lot owned by the transit authority or other local agency operating the major transit stop.
  7. “Lower income” is defined as less than eighty (80) percent of the area median income, as defined by Section 50079.5 of the California Health and Safety Code.
  8. “Lower income unit” is defined as a unit with an affordable rent or payment that does not exceed thirty (30) percent of sixty (60) percent of area median income adjusted for family size appropriate for the unit.
  9. “Major transit stop” is defined as a site containing any of the following: (a) an existing rail or bus rapid transit station; (b) a ferry terminal served by either a bus or rail transit service; or (c) the intersection of two or more major bus routes with a frequency of service interval of fifteen (15) minutes or less during the morning and afternoon peak commute periods.
  10. “Moderate income” is defined as less than one hundred twenty (120) percent of the area median income, as defined in Section 50093 of the California Health and Safety Code.
  11. “Moderate income unit” is defined as a unit with an affordable rent or payment that does not exceed thirty-five (35) percent of one hundred twenty (120) percent of area median income adjusted for family size appropriate for the unit.
  12. “Unobstructed access to a major transit stop” means a resident is able to access the major transit stop without encountering natural or constructed impediments. “Natural or constructed impediments” includes, but is not limited to, freeways, rivers, mountains, and bodies of water, but does not include, residential structures, shopping centers, parking lots, or rails used for transit.
  13. “Very low income” is defined as less than fifty (50) percent of the area median income, as defined in Section 50105 of the California Health and Safety Code.
  14. “Very low income unit” is defined as a unit with an affordable rent or payment that does not exceed thirty (30) percent of fifty (50) percent of the area median income, adjusted for family size appropriate for the unit.
- R.S.** Interpretation. If any portion of this section conflicts with State Density Bonus Law or other applicable state law, state law shall supersede this section. Any ambiguities in this section shall be interpreted to be consistent with State Density Bonus Law.

## Strikeout/Underline Code Amendments

### 9.04.050 Affordable Housing in Commercial Zones

- A. Purpose and Intent. This section is adopted pursuant to the provisions of Assembly Bill 2011, known as the “Affordable Housing and High Road Jobs Act of 2022,” and Senate Bill 6, known as the “Middle Class Housing Act of 2022”. The bills have been designed to help address the state’s continuing housing crisis.
- B. Applicability. This section establishes clear eligibility criteria for the use of commercial- zoned properties for multiple-family developments.
1. AB 2011 Mixed-Income Housing Projects are permitted in:
    - a. Zoning districts where office, retail, or parking are a principally permitted use; and
  2. AB 2011 100% Affordable Housing Projects are permitted in:
    - a. Zoning districts where office, retail, or parking are a principally permitted use.
  3. SB 6 Projects are permitted in:
    - a. Zoning districts where office, retail, or parking are a principally permitted use.
- C. Application and Processing.
1. AB 2011 Mixed-Income Housing Projects and AB 2011 100% Affordable Housing Projects that meet all the requirements of this section shall be ministerial and reviewed and processed with a plot plan application subject to conditions of approval.
  2. SB 6 projects are processed as plot plan applications. Authority for approval of plot plans shall be vested with the planning commission. Plot plan applications shall be subject to major development review procedures pursuant to Section 9.02.030 of Chapter 9.02 (Permits and Approvals).
  3. If the proposed project meets all SB 6 requirements (except non-compliance with zoning prohibiting residential use), then it may invoke SB 35 and the Housing Accountability Act. Government Code Section 65913.4 outlines the approval process for SB 35 projects.
  4. Certain projects processed under AB 2011 are exempt from California Environmental Quality Act (CEQA), as set forth in AB 2011.
- D. Site and Project Criteria for AB 2011. All projects must be multiple-family housing developments located within an urbanized area or urban cluster (designated by US Census Bureau) and in zoning districts where office, retail, or parking are principally permitted uses. Additional criteria required as follows:
1. 100% affordable housing projects must:
    - a. Be on a parcel in an urban area, surrounded by urban uses, and not on a site or adjoined to any site where more than 1/3 of the square footage is dedicated to an industrial use (§ 65912.111(b)-(d).). Under AB 2011, parcels separated only by a street or highway are considered adjoined.
    - b. The site satisfies the requirements of Section 65913.4(a)(6)(B)-(K). (§ 65912.111(e).)
    - c. The units are subject to a recorded deed restriction of 55 years for rental units and 45 years for owner-occupied units.
    - d. Meet hazardous condition criteria as determined in a Phase I ESA.

## Strikeout/Underline Code Amendments

- (§ 65912.111(c).)
- e. Located more than 500 feet from a freeway and more than 3,200 feet from a facility that extracts or refines oil or natural gas. (§ 65912.111(d)-(e).)
- f. Meets objective zoning standards based on enumerated criteria for determining development standards to apply. (§ 65912.111(f).)
2. Mixed-income eligible projects must:
- a. Be on a parcel in an urban area, surrounded by urban uses, abuts a commercial corridor with a frontage along the corridor of at least 50 feet, is on a site of 20 acres or less, and is not on a site or adjoined to a site where more than 1/3 of the square footage is dedicated to industrial uses. (§ 65912.121(b)-(f).). Under AB 2011, parcels separated only by a street or highway are considered adjoined.
- b. Be on a site that satisfies the requirements of Section 65913.4(a)(6)(B)-(K). (§ 65912.121(g).)
- c. The development would not require the demolition of:
- i. Housing subject to recorded covenant, ordinance or law that restricts rents to levels affordable to moderate, low or very low income households.
- ii. Housing subject to rent price control.
- iii. Housing occupied by tenants in the last 10 years, excluding manager's units.
- iv. Any historic structure on a national, state or local historic register.
- d. Not be on a site that was previously used for permanent housing that was occupied by tenants, excluding any manager's unit, that was demolished within 10 years before development proponents submits an application.
- e. Vacant sites cannot contain tribal cultural resources or be located in a very high fire hazard severity zone. (§ 65912.121(j).)
- f. Meet the following affordability criteria by providing:
- i. For rental projects, 8% very low income and 5% extremely low income affordable units; or
- ii. 15% affordable for lower income households. (§ 65912.122(a).)
- iii. All affordable units must have a recorded deed restriction for 55 years.
- g. For owner-occupied housing:
- i. 30% of units offered as affordable to moderate income households; or
- ii. 15% units offered as affordable to lower income households. (§ 65912.122(b).)
- iii. All affordable units must have a recorded deed restriction for 45 years.
- h. Meet objective development standards. (§ 65912.123.)
- i. For sites more than one acre in size and with more than 100 feet in

**Strikeout/Underline Code Amendments**

- width, provide a density of at least 60 units/acre. (§ 65912.123.)
- j. Located more than 500 feet from a freeway and more than 3,200 feet from a facility that extracts or refines oil or natural gas. (§ 65912.123(g)-(h).)
  - k. Provide notice and specified protections to existing commercial tenants located on the site. (§ 65912.123(i).)
3. Affordable units in the project must have the same bedroom and bathroom count ratio as the market rate units, be equitably distributed within the project, and have the same type or quality of appliances, fixtures, and finishes.
  4. Eligible projects must meet specified labor standard criteria, including payment of a prevailing wage, and, for larger projects (over fifty (50) units), hire contractors that participate in apprenticeship programs. (§ 65912.130, -.131.)
  5. Projects may be eligible for a density bonus, incentives or concessions, waivers, or parking ratios pursuant to Section 9.03.050 of Chapter 9.03 (Residential Districts).
- E. Site and Project Criteria for SB 6 Projects. All projects must be multiple-family housing developments or mixed-use with at least 50 percent of the square footage dedicated to residential use located within an urbanized area or urban cluster (designated by US Census Bureau) and in zoning districts where office, retail, or parking are principally permitted uses. Additional criteria required as follows:
1. The project must meet specified density requirements—at least 30 units/acre for this parcel (§ 65852.24(b)(1), § 65583.2(c)(3)(B).)
  2. Project site is 20 acres in size or less (§ 65852.24(b)(4).)
  3. Meets specified objective local requirements (§ 65852.24(b)(5).)
  4. The project is not on a site or adjoined to any site where more than 1/3 of the square footage is dedicated to an industrial use. (§ 65852.24(b)(6)(B)(i).)
  5. The project is consistent with any applicable and approved sustainable community strategy or alternative plan (§ 65852.24(b)(7).)
  6. The project is either: (i) a public work (as defined in (8)(A)(i) for prevailing wage purposes, or (ii) all construction labor will be paid a prevailing wage (along with other labor requirements) (§ 65852.24(b)(8)(A).)
  7. The developer must provide written notice to any exiting commercial tenants (§ 65852.24(c)(1).)
  8. Mixed-use developments consisting of residential and nonresidential retail commercial or office uses are required to have at least 50 percent of the square footage of the new construction associated with the project designated for residential use. None of the square footage of any such development shall be designated for a hotel, motel, bed, and breakfast inn, or other transient lodging use, except for a residential hotel.
  9. The housing development shall comply with any public notice, comment, hearing, or other procedures imposed by the local agency on a housing development in the applicable zoning designation.
- F. Development standards for AB 2011 projects.

## Strikeout/Underline Code Amendments

1. 100% affordable housing projects must meet the following standards:
  - a. Project density meets or exceeds applicable density deemed appropriate to accommodate lower-income households pursuant to housing element law.
  - b. Development must meet objective zoning, subdivision, and design review standards for the zone that allows greater residential density between the following:
    - i. Existing zoning designation for the parcel if it allows multifamily residential use; or
    - ii. Zoning designation for the closest parcel that allows residential use at a density that is appropriate to accommodate lower income households pursuant to housing element law
  - c. Development shall be deemed consistent with objective zoning standards related to housing density if compliant with maximum density allowed within the land use designation and regardless of any specified maximum unit allocation that may result in fewer units of housing being permitted.
2. Mixed-income housing projects must meet the following standards:
  - a. In metropolitan jurisdictions, the residential density shall meet or exceed the greater of the following:
    - i. The existing residential density permitted;
    - ii. For sites of less than one acre, 30 units/acre;
    - iii. For sites of one acre or greater located on a commercial corridor of less than 100 ft in width, 40 units/acre;
    - iv. For sites of one acre or greater located on a commercial corridor of 100 ft or greater width, 60 units/acre;
    - v. For sites within one-half mile of a major transit stop, 80 units/acre
  - b. Height limit applicable shall be the greater of the following: Height currently permitted on the parcel;
    - i. For sites on a commercial corridor of less than 100 feet in width, 35 feet;
    - ii. For sites on a commercial corridor of 100 feet or more, 45 feet;
    - iii. For sites within one-half mile of a major transit stop in a city with a population of greater than 100,000, 65 feet.
  - c. No parking is required except for requirements related to bicycle parking, electric vehicle parking spaces or parking spaces accessible to persons with disabilities.
  - d. Projects are required to meet the following setback standards:
    - i. For the portion of a property that fronts a commercial corridor, no setbacks may be required except that all parking must be set back at least 25 feet and the ground floor of a building must abut within 10 feet of the property line for at least 80% of the frontage.
    - ii. For portions of the property that front a side street, the building



## Strikeout/Underline Code Amendments

- must abut within 10 feet of the property line for at least 60% of the frontage.
- iii. For portions of the property that abuts an adjoining property that also abuts the same commercial corridor, no setbacks may be required unless the adjoining property contains any residential use that was constructed prior to the enactment of AB 2011.
  - iv. Along property lines that abut a residential use, the ground floor shall be set back 10 feet. Starting with the second floor, each floor shall be stepped back in an amount equal to 7 feet multiplied by the floor number.
  - v. Along property lines that abut non-residential use, the development shall be set back 15 feet.
- G. Development standards for SB 6 projects.
- 1. Must comply with local zoning, parking, design, and other ordinances, local code requirements, and procedures applicable to the processing and permitting of a housing development in the zone that allows for housing with the requested density.
    - a. If more than one zoning designation allows for requested density, the applicable zoning standards shall be those for the zoning designation for the closest parcel that allows residential use at a density that is appropriate to accommodate lower-income households pursuant to housing element law.
    - b. If the existing zoning designation for the parcel allows residential density that exceeds housing element law density, the existing zoning designation applies.
  - 2. The project must comply with all other objective local requirements for a parcel (except those that prohibit residential use or allow residential use only at a lower density), including impact fee requirements.
- H. Definitions. For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.
- “AB 2011 Mixed-Income Housing Projects” shall refer to housing development project as set forth in AB 2011, Article 2 (Affordable Housing Developments in Commercial Zones), and is intended to refer to such projects which are subject to a streamlined, ministerial review, pursuant to Section 65912.114, subject to satisfying all requisite requirements, as set forth therein.
- “AB 2011 100% Affordable Housing Project” shall refer to housing development project(s) as set forth in AB 2011, Article 3 (Mixed-Income Housing Developments Along Commercial Corridors), and is intended to refer to such projects which are subject to a streamlined, ministerial review pursuant to Section 65912.124, subject to satisfying all requisite requirements, as set forth therein.
- “SB 6 Projects” shall refer to housing development project as set forth in SB 6, as codified in Section 65852.24, subject to the streamlined, ministerial approval process, satisfying all requisite requirements therein.
- “Commercial corridor” means a highway, as defined in Vehicle Code Section 360, that is not a freeway, as defined in Vehicle Code Section 332, and that has a right-

## Strikeout/Underline Code Amendments

of-way, as defined in Vehicle Code Section 525, of at least 70 feet but not greater than 150 feet.

"Dedicated to industrial use" means any of the following: (1) square footage is currently being used as industrial use; (2) more recently permitted use of the square footage is an industrial use; or (3) site was designated for industrial use in local government's latest general plan adopted before January 1, 2022.

"Multiple-family" in Section 9.04.050 means a property with five or more housing units for sale or for rent. There is no requirement that the housing units be attached.

"Prevailing wage" means at least the general prevailing rate or per diem wages for the type of work and the geographic area as determined by the Director of Industrial Relations pursuant to Labor Code Sections 1773 and 1773.9, except apprentices registered in programs approved by the Chief of the Division of Apprenticeship Standards may be paid at least the applicable apprentice prevailing rate. The same definition is used in both AB 2011 and SB 6.

"Principally permitted use" means a use that may occupy more than one-third of the square footage of designated use on the site and does not require a conditional use permit.

"Residential hotel" has the same meaning as defined in Section 50519 of the Health and Safety Code.

- I. Interpretation. If any portion of this section conflicts with AB 2011, SB 6, or other applicable state law, state law shall supersede this section. Any ambiguities in this section shall be interpreted to be consistent with AB 2011 and SB 6.

## Strikeout/Underline Code Amendments

### **9.09.130 Accessory dwelling units (ADUs).**

- A. Purpose and Intent. The purpose of these standards is to ensure:
1. Accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs) as defined herein are a permitted accessory use. This section establishes standards for the construction and occupancy of ADUs and JADUs. The standards herein serve to ensure ADUs and JADUs are constructed in a manner that is consistent with the requirements and allowances of state law, and contribute to a suitable living environment for all.
  2. General Plan Consistency. ADUs and JADUs are a residential use consistent with the existing general plan and zoning designation. This section furthers the goals, objectives, and policies of the General Plan Housing Element.
  3. Applicability. Under state law, the city must allow for ADUs and JADUs. However, the approval of ADUs may be based on the adequacy of water and sewer services as well as impacts on traffic flow and public safety. A local homeowner's association cannot prohibit the construction of an ADU or a JADU. This section addresses all requirements of state law regarding ADUs.
- B. Approval Authority. Approval of an ADU or JADU within a residential, mixed-use zone, or specific plan zone allowing residential or mixed use is considered a ministerial action and the approval authority is the community development director. Approval of an accessory dwelling unit is subject to all applicable requirements established within this section as well as all building, fire, engineering, flood, water quality, environmental codes, standards, and permitting fees established by the city. Any limits on where ADUs are permitted may only be based on the adequacy of water and sewer service, and the impacts on traffic flow and public safety. If the proposal is not consistent with the requirements of state law and this section then the application does not qualify as an ADU and will be processed as a second unit either under an administrative plot plan for a single-family dwelling unit, or through an amended plot plan for additional multiple-family dwelling units. If a JADU has already been constructed within the primary dwelling, this will not preclude submittal of an application for an accessory dwelling unit that is consistent with all the standards of this section and state law. An application for a JADU may be submitted that meets all the requirement of this section even if an ADU already has been constructed.
- C. Application and Processing.
1. Applications for the following types of ADUs that meet all the requirements of this section shall be ministerial and reviewed and processed with a building permit subject to conditions of approval.
    - a. Single-family internal ADU within previously permitted existing space or within a new single-family residence; or
    - b. Single-family attached or detached ADU; or
    - c. Junior ADU. The building plan check application will include all of the items in subsection (C)(3) below.
  2. Applications for multiple family ADUs consistent with this section:

## Strikeout/Underline Code Amendments

Applications for multiple family ADUs either detached or within an existing permitted structure or dwelling, shall be made to the community development department and shall be permitted ministerially with approval of both an administrative plot plan and building permit. The administrative plot plan will include all of the items in subsection (C)(3) below.

3. With regard to evaluating whether the ADU meets the standards of this section, the building permit application or administrative plot plan application, as applicable, shall include the following:
    - a. A detailed description and scaled, dimensioned floor plan of the proposed ADU, clearly illustrating the bedroom(s), bathroom(s), kitchen and other features or other proposed habitable areas;
    - b. A detailed description and scaled, dimensioned elevation of the proposed ADU, clearly illustrating the exterior entrance of the ADU;
    - c. A scaled, dimensioned site plan of the property clearly illustrating the location of all improvements on site (existing primary residence, garage, driveway(s), fences/walls, accessory structures, public right-of-way improvements, etc.) and where the ADU shall be located;
    - d. The scaled, dimensioned site plan of the property shall note the use(s) of all buildings existing on site.
  4. Applications shall be permitted ministerially if there is an existing single-family or multifamily dwelling on the lot and all applicable requirements and development standards of this section are met and no variances are required. If the permit application to create an ADU or JADU is submitted with a permit application to create a new single-family dwelling on the lot, the city will not act on the permit application for the ADU or JADU until the city acts on the permit application to create the new single-family dwelling. If the application has been deemed complete, the ADU or JADU shall be deemed approved if the city has not acted on the completed application within sixty (60) days. If the applicant requests a delay, the sixty (60) day time period shall be tolled for the period of the delay.
  5. If any ADU application is denied, the applicant will receive with a full set of comments listing the specific items that are defective or deficient along with a description on how the application can be remedied by the applicant pursuant to California Government Code 65852.2.
- D. Development Standards and Requirements. Accessory dwelling units shall comply with the following development standards as described below and as shown in Tables 1 and 2:
1. Permitted ADUs. An ADU is permitted if the lot is zoned for single-family, multifamily use, or mixed use allowing for residential use, and contains an existing, single-family structure or multifamily structure.
    - a. Existing Single-Family Structure/Primary Dwelling Unit. For an existing single-family structure, one ADU and one JADU is permitted. An ADU may be detached or attached. A JADU must be contained within the space of an existing single-family structure.
    - b. Existing Multifamily Structure. Within an existing multifamily structure, up to twenty-five (25) percent of the existing multifamily

## Strikeout/Underline Code Amendments

- units may be ADUs, or one unit, whichever is greater; two accessory dwelling units detached from the multifamily dwelling are permitted subject to a height limit of sixteen (16) feet and four foot rear and side setbacks. If a detached ADU is on a lot with an existing or proposed multi-story multifamily dwelling, the ADU may be up to 18 feet in height.
2. Lot Size. There is no minimum lot size required if the ADU meets the setbacks described in this section.
  3. ADU Size.
    - a. Minimum. The minimum unit size for a JADU per state law is one hundred fifty (150) square feet. There is no minimum unit size for other ADU structures provided that the ADU is in compliance with state laws including building and health and safety codes.
    - b. Maximum. For the conversion of an accessory building per state law, there is no maximum square footage provided the ADU is within the walls of the existing accessory building. For these uses, up to one hundred fifty (150) square feet can be added for ingress/egress subject to state law.
    - c. Detached ADUs for single-family or multifamily. The maximum unit size shall be eight hundred fifty (850) square feet for an efficiency or one bedroom, and one thousand (1,000) square feet for two bedrooms.
    - d. Attached ADUs. If there is an existing single-family dwelling on the site, the attached ADU shall be no larger in size than eight hundred fifty (850) square feet for an efficiency or one bedroom, and no larger than one thousand (1,000) square feet for a two bedroom. For multifamily, the ADU shall be no more than eight hundred (800) square feet.
    - e. Lot Coverage/Floor Area Ratio/Open Space. If all of the following standards are satisfied for an attached ADU or detached ADU, lot coverage, floor area ratio, and open space requirements would not apply. All other development standards as described in this section would apply. (See Tables 1 and 2)
    - f. Up to eight hundred (800) square foot accessory unit; and
    - g. No more than sixteen (16) feet in height; and
    - h. Four foot side, corner, and rear yard setbacks.
    - i. For all other ADUs allowed by this section, lot coverage, floor area ratio, and open space requirements of the underlying zone would apply.
  4. ADU/JADU Height.
    - a. Detached ADUs. For a detached primary dwelling unit on a site, the ADU is permitted to be at least sixteen (16) feet in height, ~~not to exceed the height described in Table 1. Above sixteen (16) feet, the ADU may not exceed the height of the existing primary dwelling unit on the site. A detached multifamily ADU may not exceed sixteen (16) feet in height.~~

## Strikeout/Underline Code Amendments

- b. Attached ADUs. For JADUs and internal ADUs, the height limits are not applicable, except the height limit of residential zone would apply if constructed in conjunction with a new single-family residence. An attached multifamily unit would only be permitted within the walls of the existing structure; therefore, a height limit would not apply.
  - 5. Setbacks.
    - a. Front Setbacks. ADUs shall comply with the front setback requirement of the underlying zone; the front setback does not apply to an internal ADU or JADU.
    - b. Side and Rear Yard Setbacks. Setbacks for ADUs are summarized in Tables 1 and 2. Setbacks would generally not apply to JADUs or internal ADUs entirely contained within an existing dwelling unit; however, if constructed in conjunction with a new single-family residence then the setbacks for the underlying zone would apply. Setbacks would not apply to an existing accessory building converted into an ADU.
    - c. Corner (Street Side) Setbacks. The corner setback for a new detached ADU is ten (10) feet except that the corner setback may be as little as four feet if satisfying a ten (10) foot setback would not allow for construction of an ADU on the site. If the required setback is less than ten (10) feet, then the height of the detached ADU may not exceed sixteen (16) feet.
    - d. If constructed in conjunction with a single-family residence, the street side setbacks for the underlying zone would apply. The street side setback requirement is not applicable to a JADU, an attached ADU entirely contained within an existing dwelling unit, or an attached ADU which may be constructed at a setback equal to that of the primary dwelling, but no less than four feet.
  - 6. Distance Between Structures. The standard for distance between structures of the underlying residential zone will apply where feasible, but if necessary will be adjusted to accommodate an ADU that is eight hundred (800) square feet or less, sixteen (16) feet in height, and with rear and side setbacks of no less than four feet. Any accommodation for the distance between structures will need to be evaluated for consistency with building codes for protection of public safety and approved by the community development director or designee.
  - 7. The ADU shall include permanent provisions for living, sleeping, eating, cooking, and sanitation, and shall include a kitchen and bathroom.
- E. Design Requirements.
  - 1. ADUs shall be located at the rear or the side of the existing single-family dwelling unless it is demonstrated that the only feasible location is to place the ADU in front of the single-family dwelling due to extraordinary or physical constraints of the lot.
  - 2. The entrance to an attached ADU shall be separate from the entrance to the primary dwelling unit and shall be located and designed in a manner as to eliminate an obvious indication of two or three units in the same structure.

## Strikeout/Underline Code Amendments

3. All exterior changes shall be architecturally compatible with existing structures with regard to wall covering material, wall texture, and colors. When a garage is converted, the garage door shall be removed, and framed-in wall shall include architectural details and finishes compatible with the residence(s) on the site.
4. When a garage is converted into an ADU, a landscaped area with a depth of at least two feet shall be provided for the area adjacent to the garage door with some exceptions. If the application can demonstrate that this is infeasible, the requirement can be waived by the community development director.
5. Plans that demonstrate an unobstructed pathway extending from a street to one entrance of the ADU are desirable prior to approval of an ADU application; however, this is not a mandatory requirement for an ADU.
6. If a manufactured home is the proposed structure for the ADU, at a minimum, it should still be compatible with the primary dwelling unit on the site with regard to wall covering material, wall texture, and colors.
7. ADUs, when converted from existing accessory buildings, are permitted without additional restrictions provided the structure has independent exterior access and side and rear setbacks sufficient for fire safety, provided that no more than one hundred fifty (150) square feet is added for ingress/egress subject to the requirements of state law.
8. Outside stairways serving ADUs should not be located on any building elevation facing a public street; and when unavoidable, the design of the stairway shall mute/mitigate any potential negative aesthetic impact and maintain the character of the existing single-family residence.

**Table 1: Accessory Dwelling Units—New Construction and Conversion of Accessory Buildings**

	Conversion (Accessory Building per State Law)	New Construction	
		Detached ADU (single-family)	Detached ADU (multifamily)
<b>Required Main Use on the Lot</b>	Existing single-family dwelling	Existing or proposed single-family dwelling	Existing multifamily dwelling
<b>Minimum Dwelling Size</b>	None	Determined based on compliance with building and health and safety codes	Determined based on compliance with building and health and safety codes
<b>Unit Size Maximum</b>	None, plus 150 square feet maximum addition for ingress/egress subject to all this section	No greater than 850 square feet for an efficiency or one bedroom; For two or more bedrooms: No greater than 1,000 square feet.	For multifamily, no greater than 850 square feet for an efficiency or one bedroom; For two or more bedrooms: No greater than 1,000 square feet.
<b>ADU Height/Story Limit</b>	None	At least 16 feet is permitted, but above 16 feet the ADU may not exceed the height of the existing primary dwelling on the site. <sup>1,2</sup>	<del>16 feet</del>
<b>ADU Front Setback</b>	Not applicable	Front setback standard of the underlying zone applies. <sup>3</sup>	Front setback standard of the underlying zone applies.
<b>ADU Minimum Side and Rear Yard Setbacks</b>	Not applicable	If ADU is 16 feet or less in height: 4 feet for interior side yard and rear. If ADU is more than 16 feet in	4 feet for interior side yard and rear

**Strikeout/Underline Code Amendments**

		height: Interior side and rear yard setbacks of the underlying zone would apply.	
<b>Corner Setback (Street Side)</b>	Not applicable	10 feet <del>*</del> <sup>4</sup>	10 feet*
<b>Minimum Distance Between Structures (Primary Dwelling and ADU)</b>	Not applicable	The standard of the underlying zone will apply where feasible, however, the city must still accommodate an ADU of up to at least 800 square feet or less, 16 feet in height, and with four-foot rear and/or side yard setbacks	
<b>Parking</b>	None	See parking requirements under subsection F of this section.	
<b>Notes:</b>			
<p>1. <u>A detached ADU may be up to 18 feet in height if it is created on a lot with an existing or proposed single-family or multifamily dwelling unit that is located within one-half mile walking distance of a major transit stop or a high-quality transit corridor, as those terms are defined in Section 21155 of the Public Resources Code, and the ADU may be up to two additional feet in height (for a maximum of 20 feet) if necessary to accommodate a roof pitch on the ADU that is aligned with the roof pitch of the primary dwelling unit.</u></p> <p>2. <u>A detached ADU created on a lot with an existing or proposed multifamily dwelling that has more than one story above grade may not exceed 18 feet in height.</u></p> <p>3. <u>Front setback requirements cannot be used to prohibit the construction of an ADU, where there is no other alternative to allow for the construction of an 800-square-foot ADU that meets height limits and complies with four-foot side and rear setbacks.</u></p> <p>4. <u>The setback may be as little as four feet if necessary to accommodate an ADU that satisfies the state's requirements. If the required setback is less than ten (10) feet, then the height of the ADU may not be more than sixteen (16) feet.</u></p>			

~~\* The setback may be as little as four feet if necessary to accommodate an ADU that satisfies the state's requirements. If the required setback is less than ten (10) feet, then the height of the ADU may not be more than sixteen (16) feet.~~

**Table 2: Junior and Attached Accessory Dwelling Units**

	<b>Junior ADU per State Law</b>	<b>Internal ADU (Proposed ADU contained within existing SFD)</b>	<b>Attached ADU (addition to residence)</b>	<b>Attached Multiple Family ADUs per State Law</b>
<b>Minimum Unit Size</b>	150 square feet	Determined based on compliance with building and health and safety codes		
<b>Unit Size Maximum</b>	500 square feet	No greater than 850 square feet for an efficiency or one bedroom; For two or more bedrooms: No greater than 1,000 square feet.		No more than 800 square feet.
<b>ADU/JADU Height Limit</b>	Not applicable, except height limit of the underlying zone would apply if Constructed in Conjunction with New single-family residence	Not applicable, Except height limit of residential zone would apply if constructed in conjunction with new single-family residence	<u>An ADU that is Attached to the primary dwelling may not exceed 25 feet in height or the height limitation imposed by the underlying zone that applies to the primary dwelling, whichever is lower, and may not exceed two stories. For an addition, height can be equal to the existing height of the single-family residence, or 16 feet whichever is greater; building height</u>	<u>An ADU that is attached to the primary dwelling may not exceed 25 feet in height or the height limitation imposed by the underlying zone that applies to the primary dwelling, whichever is lower, and may not exceed two stories. 16 feet</u>

Attachment: Strikeout/Underline Draft Amendments [Revision 1] (6253 : Spring 2023 Omnibus)



## Strikeout/Underline Code Amendments

			<del>of the underlying zone would apply if constructed in conjunction with a new single-family residence</del>	
<b>Front Setback</b>	Not applicable; JADU must be within walls of primary dwelling unit	Front setback standard of the underlying zone applies. <sup>5</sup>		
<b>ADU/JADU Min. Side and Rear Yard Setbacks</b>	Not applicable, Setbacks of the underlying zone would apply if constructed in conjunction with new single-family residence	Not applicable, setbacks of the underlying zone would apply if constructed in conjunction with new single-family residence	An attached ADU shall meet the requirements of the underlying zone, except that if the attached ADU is 800 square feet or less and no taller than 16 feet, the side setbacks may be 4 feet.	4 feet for ADU portion if new building or addition
<b>Corner (Street side setback)</b>	Not applicable, except setbacks of the underlying zone would apply if constructed in conjunction with a new single-family residence	Not applicable, except setbacks would apply if constructed in conjunction with new single-family residence	10 feet <sup>2</sup>	10 feet <sup>2</sup>
<b>Parking</b>	Parking is not required for a JADU constructed within the existing area of the primary dwelling, but may be required if the garage is converted to a JADU subject to the requirements in subsection F of this section.	See parking requirements under subsection F of this section.		
<b>Notes:</b>				
1. <del>Front setback requirements cannot be used to prohibit the construction of an ADU, where there is no other alternative to allow for the construction of an 800-square-foot ADU that meets height limits and complies with four-foot side and rear setbacks.</del>				
2. <del>The setback may be as little as four feet if necessary to accommodate an ADU that satisfies the state's requirements. If the required setback is less than ten (10) feet, then the height of the ADU may not be more than sixteen (16) feet.</del>				

~~\* The setback may be as little as four feet if necessary to accommodate an ADU that satisfies the state's requirements. If the required setback is less than ten (10) feet, then the height of the ADU may not be more than sixteen (16) feet.~~

### F. Parking Requirements.

1. Parking requirements, consistent with Chapter [9.11](#) of this title:
  - a. Unless the JADU or ADU is exempt from parking requirements as described in subsection (F)(2), one parking space is required per accessory dwelling unit or per bedroom of an accessory dwelling unit, whichever is less, and may be provided through tandem parking on a driveway unless specific findings are made that parking in setback areas or tandem parking is not feasible based upon specific site or regional topographical or fire and life safety conditions.
  - b. Parking is allowed in rear and side setback areas, and in a paved driveway in the front setback area if parking in the rear and side setback areas is not possible, provided that all other development

## Strikeout/Underline Code Amendments

- standards are satisfied including minimum front yard landscaping standards.
- c. When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit, the off-street parking spaces will not be required to be replaced.
2. Parking Exemptions. Additional parking spaces are not required for ADUs, nor for JADUs in any of the instances listed in subsections (F)(2)(a) through (e) below. Further, JADUs within the living area of the primary dwelling unit are exempt from all parking requirements, but the standards in subsection (F)(1) would apply if a garage is converted to a JADU.
    - a. The ADU is located within one-half mile of a public transportation stop along a prescribed route according to a fixed schedule; or
    - b. The ADU is located within one block of a car share parking spot; or
    - c. The ADU is located in a historic district listed in or formally determined eligible for listing in the National Register of Historic Places and the California Register of Historical Resources or as a city historic preservation overlay zone; or
    - d. When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit; or
    - e. The accessory dwelling unit is part of the existing dwelling unit or an existing accessory structure.
- G. JADU Requirements. As specified in state law, there are specific requirements that apply only to junior accessory dwelling units. The development standards for JADUs are summarized in Table 2. The standards and requirements for JADUs are as follows.
1. JADUs must be constructed entirely within the walls of the primary structure and have their own entrance.
  2. The JADU cannot exceed five hundred (500) square feet.
  3. JADUs are limited to one per residential lot if a single-family residence is already constructed on a lot.
  4. The owner must record a deed restriction stating that the JADU cannot be sold separately from the single-family residence.
  5. The owner shall execute a covenant and agreement in a form acceptable to the city to document that either the primary dwelling unit or accessory dwelling unit will be owner occupied.
  6. The JADU must include an efficiency kitchen which includes a sink, cooking appliance, counter surface, and storage cabinets that meet minimum building code standards; no gas or 220V circuits are allowed.
  7. The JADU may share a bath with the primary residence or may have its own bath.
  8. An interior entry into the single-family residence is not required, unless JADU shares a bathroom with the primary dwelling. In this instance, the JADU is required to have an interior entry to the primary dwelling's "main living area," independent of the exterior entrances of the JADU and primary dwelling.
  9. The JADU is to be considered part of the single-family residence for

## Strikeout/Underline Code Amendments

- purposes of fire and life protection ordinances and regulations, such as sprinklers and smoke alarms.
10. Additional parking may only be required if a garage is converted into a JADU as described in subsection F above.
  11. Water, sewer and power connection fees may not be required.
- H. Fees. ADUs shall be subject to all development fees specified by city ordinances or resolutions for ADUs. Impact fees may not be imposed on JADUs and ADUs smaller than seven hundred fifty (750) square feet. For ADUs greater than seven hundred fifty (750) square feet, local agencies must assess an impact fee that correlates to square footage of primary residence. ADUs shall not be considered new residential uses for purpose of calculating utility connection fees or capacity charges, including water or sewer service.
- I. Enforcement. Upon application and approval, the city must delay enforcement against a qualifying substandard ADU for five years to allow the owner to address the violation, so long as the violation is not a health and safety issue, as determined by the community development department.
- J. ADUs cannot be sold or otherwise conveyed separately from the primary dwelling, except if a qualified nonprofit corporation whose mission is to provide units to low-income households completes a deed restricted sale consistent with state law.
- K. An accessory dwelling unit created pursuant to this municipal code section shall only be rented for a period of longer than thirty (30) days as specified in state law.

## Strikeout/Underline Code Amendments

### 9.09.150 Senior Citizen and handicapped housing.

- A. Purpose and Intent. The purpose and intent of this chapter is to provide for development of senior citizen housing pursuant to standards which reflect the unique character of senior citizen residential occupancy. The purpose of these standards are to ensure that senior and handicapped housing developments do not adversely impact either the adjacent residential parcels or the surrounding neighborhood, and shall be developed in a manner which protects the health, safety and general welfare of the nearby residents, while providing for the housing needs of an important segment of the community.
- B. Applicability. Senior ~~and handicapped~~ housing shall be subject to the property development requirements of the underlying district and subject to all applicable local, state and federal laws, including the requirements of this section.
- C. Property Development Standards. Development standards shall be flexible to ensure efficient site planning and neighborhood compatibility and to reflect the unique requirements of persons over the age of 55. Senior housing and handicapped housing shall be subject to the following standards:
1. A Senior citizen housing development must have a minimum of twenty (20) dwelling units.
  2. The number of dwelling units may exceed that which is permitted in the underlying district by up to one hundred (100) percent, or as otherwise approved by the planning commission, provided the conditions of approval include the following requirements:
    - a. Commitment to the ongoing use of the facility as senior citizen housing;
    - b. Identification of amenities and assurances of their ongoing availability;
    - c. Identification of facility operator; and
    - d. Other requirements as deemed necessary to protect and preserve the health, safety and welfare of the occupants and the community;
  3. There is no requirement for the affordability of the units for very low, low or moderate income households for a senior citizen housing development to qualify for the above density bonus.
  - 4.4. Each dwelling unit shall consist of individual rooms that contain a full bathroom and may contain small, efficiency kitchens. Any common kitchen, dining, and living space, and recreational facilities must be adequate to serve all residents;
  5. The units provided shall not be less than four hundred fifteen (415) square feet in floor area for efficiency units, and five hundred forty (540) square feet for one-bedroom units, or as otherwise approved by the planning commission;

#### Minimum Unit Size for Senior Citizen Housing Developments

<u>Unit Size</u>	<u>Common Dining</u>	
	<u>With</u>	<u>Without</u>
<u>Studio</u>	<u>360 sf</u>	<u>450 sf</u>
<u>One bedroom</u>	<u>500 sf</u>	<u>600 sf</u>
<u>Two bedroom</u>	<u>700 sf</u>	<u>800 sf</u>

## Strikeout/Underline Code Amendments

- ~~2.6.~~ Adequate external lighting shall be provided for security purposes. The lighting shall be stationary, directed away from adjacent properties and public right-of-way, and compatible with the residential neighborhood;
- ~~3.7.~~ The development shall provide laundry facilities adequate for the number of residents;
- ~~4.8.~~ A senior housing development is required to have one or more of the following specific common facilities for the exclusive use of the resident senior citizens:
- a. Beauty salon and barber shop,
  - b. Coffee shop
  - ~~b.c.~~ Small scale pharmacy or store selling daily needs such as groceries, gifts, and clothing,
  - ~~c.d.~~ Transportation, maintained and operated by the facility,
  - ~~d.e.~~ Recreational center, and
  - ~~e.f.~~ Other facilities for the sole enjoyment of residents;
- ~~5.9.~~ The use will be so located as to provide residents easy access to community services such as transportation, shopping, and other daily services. Where appropriate, there should also be provided a generous amount of activity facilities (both indoors and outdoors) for residents.
- ~~6.10.~~ On-site landscaping shall be installed and maintained consistent with the underlying district;
- ~~7.~~ Residential occupancy for senior housing shall be limited to single persons at least sixty two (62) years old, or to cohabiting couples of which one is at least sixty two (62) years old for projects of less than one hundred fifty (150) units. For projects of one hundred fifty (150) or more units, such minimum occupant age shall be fifty five (55) years. Any differing age criteria set by state or federal law shall prevail over any inconsistencies within this section;
- ~~8.~~ The units provided shall not be less than four hundred fifteen (415) square feet in floor area for efficiency units, and five hundred forty (540) square feet for one bedroom units, or as otherwise approved by the planning commission;
- ~~9.~~ The number of dwelling units may exceed that which is permitted in the underlying district by up to one hundred (100) percent, or as otherwise approved by the city council, provided the conditions of approval include the following requirements:
- ~~a.~~ Commitment to the ongoing use of the facility as senior or handicapped housing;
  - ~~b.~~ Identification of amenities and assurances of their ongoing availability;
  - ~~c.~~ Identification of facility operator; and
  - ~~d.~~ Other requirements as deemed necessary to protect and preserve the health, safety and welfare of the occupants and the community;
- ~~10.11.~~ Senior housing and handicapped housing projects in the ~~o~~Office (O) and ~~o~~Office eCommercial (CO) districts shall be subject to the ~~R-15~~Residential 15 (R15) development standards.
- ~~12.~~ Parking garages, surface parking, and private and common areas located outside the building shall be designed to protect the security of residents,

## Strikeout/Underline Code Amendments

quests and employees by controlling access to the facilities by other persons.

13. Outdoor Living Area. Any project containing 4 or more private living quarters shall provide the following minimum open space: 100 square feet per living quarter for projects with 4 or 5 private living quarters, and 50 square feet per living quarter for projects of 6 private living quarters or more. Affordable housing projects may substitute one square foot of common open space for each square foot of required private open space.
14. Congregate care senior citizen housing projects, which by their design appeal to age categories significantly older than age 55, may request reduced parking requirements if it can be demonstrated that less demand will be generated with approval of a parking study pursuant to Section 9.11.070(A).

### D. Accessibility.

1. All second-story units shall be serviced by elevators.
2. All common areas shall be wheelchair accessible.
3. Units designed for persons with a disability shall meet requirements for state Title 24 regulations.

### E. Definitions. For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

1. "Congregate care senior citizen housing" means senior citizen housing which provides meal service at a central dining facility but does not provide twenty-four (24) hour services or supervision.
2. "Senior citizen housing" is defined as attached residential development designed for, and restricted to, persons or couples of which one member is age 55 or older, as specified in California Civil Code Sections 51.11 and 51.12. These residences are intended entirely for independent living, and do not require support services such as common dining facilities or medical care.
3. "Senior citizen housing development" means a residential development developed with more than 20 units as a senior community by its developer and zoned as a senior community by a local governmental entity, or characterized as a senior community in its governing documents, as these are defined in Section 4150, or qualified as a senior community under the federal Fair Housing Amendments Act of 1988, as amended.

## Strikeout/Underline Code Amendments

### **9.09.160 Residential care facilities.**

- A. Purpose and Intent. ~~The purpose of this section is to ensure that residential care facilities caring for more than six residents, do not result in an adverse impact on adjacent residential uses or the surrounding neighborhood. Residential care homes and facilities provide a cost-effective, supportive, and non-institutional environment for state-licensed operations. In order to protect the public health, safety, and welfare, to preserve and protect the integrity of residential neighborhoods, and to ensure this code does not act as a disincentive to or unreasonably restrict the development of residential care homes, including, but not limited to, group homes, elderly care facilities, adult residential facilities, disabled care facilities, foster homes, juvenile court residential facilities for abused or neglected children, and other facilities licensed by the state, residential care facilities shall be allowed and developed in accordance with the standards set forth in this section.~~
- B. Applicability. ~~Residential care facilities for more than six residents shall be permitted in any residential district subject to a conditional use permit, the property development standards of the underlying district, and all applicable local, state and federal laws, including the standards in subsection C of this section. The purpose of this section is to establish standards for review of residential care homes and facilities, including those providing housing and supportive services for disabled individuals and households, in compliance with state law. This section shall be interpreted and applied consistent with the policies and guidelines of the general plan housing element, the requirements of the California Government Code, including but not limited to Section 65580 et seq., and the requirements of the California Health and Safety Code Section 1500 et seq.~~
1. ~~As used in this section, "juvenile court residential facilities" do not include any juvenile placement facility approved by the Department of Corrections and Rehabilitation, Division of Juvenile Justice, any juvenile hall operated by a county, or any place in which a juvenile is judicially placed pursuant to California Welfare and Institutions Code Section 727(a).~~
  2. ~~As used in this section, "residential care facilities" do not include and this section does not apply to any independent living arrangement, transitional housing, or supportive housing. For transitional housing or supportive housing, the requirements of Section 9.09.310 (Supportive and transitional housing) shall apply.~~
- C. ~~Property Development Standards. The following standards shall apply to residential care facilities for more than six residents:~~
1. ~~Residential care facilities shall be considered a residential use of property, and, except as otherwise set forth in this section, shall be subject only to those restrictions and standards that apply to other residential dwellings of the same type in the same zoning district.~~
  2. ~~A residential care facility that serves six (6) or fewer persons shall not be included within the definition of a boarding house, rooming house, institution, or home for the care of minors, the aged, or persons with mental health disorders, foster care home, guest home, rest home, community~~

## Strikeout/Underline Code Amendments

- residence, or other similar terms that imply that the residential facility is a business run for profit or differs in any other way from a family dwelling.
3. Residential care facilities that serve six (6) or fewer persons are allowed in all residential zoning districts a permitted use without a conditional use or other discretionary permit.
  4. Any sized residential care facility shall not be located in an accessory dwelling unit (ADU), unless the primary dwelling unit is used for the same purpose.
  5. The group home has six or fewer occupants, not counting a house manager, but in no event shall it have more than seven occupants. If the dwelling unit has an accessory dwelling unit (ADU), occupants of both units will be combined to determine whether or not the limit of six occupants has been exceeded.
  6. Residential care facilities for more than six residents shall be permitted in any residential district subject to a conditional use permit, the property development standards of the underlying district, and all applicable local, state, and federal laws, including the standards in subsection D of this section.
  7. Residential care facilities for more than six residents has a minimum distance requirement of 300 feet from any other Residential care facility as specified by State Health and Safety Code Section 1267.9 (b).
  - 4-8. Density shall be in accordance with the requirements of the district within which the facility is located;2. —Where justified by the nature and use of the facility, additional parking or parking requirements may be imposed, in excess of those required by Chapter 9.11 of this title;
  9. Parking shall be provided based upon demonstrated need but shall not require more parking than required for other residential uses within the same zoning district. Except as otherwise required or allowed by this subsection, the parking requirements of Chapter 9.11 shall also apply.
  - ~~3-10.~~ Fences or walls may be required to ensure privacy and neighborhood compatibility.
  - 4-11. Such other conditions and standards necessary to preserve and safeguard the public health, safety or welfare of the occupants and the community may be imposed.

D. Definitions. For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

"Residential facility" means any family home, group care facility, or similar facility that is maintained and operated to provide twenty-four (24) hour nonmedical care of persons in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual.



## Strikeout/Underline Code Amendments

### 9.09.170 Emergency ~~homeless~~ shelters.

- A. Purpose and Intent. The purpose of this section is to permit emergency shelters and to ensure that they do not adversely impact adjacent properties and surrounding neighborhoods consistent with the goals, objectives and policies of the general plan.
- B. Applicability. Emergency shelters shall be permitted in the Mixed Use Zones/Corridors: Downtown Center (DC), Corridor Mixed-Use (COMU), and Center Mixed Use (CEMU) without a conditional use permit or other discretionary action.  
Emergency shelters in the Community Commercial (CC), Office Commercial (OC), Office (O), Public (P), and Business Park-Mixed Use (BPX) zoning districts as well as the following Mixed-Use Zones/Corridors: Highway/Office Commercial (H/OC) are subject to a conditional use permit, the property development standards of the underlying district, and all applicable local, state and federal laws, including the standards in subsection D of this section.  
~~Emergency shelters shall be permitted without a conditional use permit or other discretionary action within the Moreno Valley Industrial Area Specific Plan (SP 208).~~
- C. Any additional requirements imposed by the State Department of Housing and Community Development through its oversight; and
- D. Additional development standards, which shall take precedence should they be in conflict with those found in Sections [9.04.040](#) and [9.05.040](#):
1. The maximum number of clients permitted to be served (eating, showering, and/or sleeping) nightly shall not exceed one per one hundred twenty-five (125) square feet of floor area;
  2. ~~Off-street parking shall be provided based on one space for every six clients and one space for every employee, manager, and/or supporting staff member on site at the same time. Off-street parking shall be developed per Section 9.11.040 of the Moreno Valley Municipal Code~~ Sufficient parking to accommodate all staff working in the emergency shelter, provided that the standards do not require more parking for emergency shelters than other residential or commercial uses within the same zone.
  3. The interior intake waiting area for a facility shall include a minimum of ten (10) square feet per bed;
  4. The exterior intake waiting area shall be screened from public and/or private view by a six-foot block wall and landscaping;
  5. A storage area shall be provided at a rate of five square feet for each bed. Such storage area need not be provided adjacent to client sleeping area;
  6. At least one toilet and one shower shall be provided for each fifteen (15) beds;
  7. No portion of any emergency homeless shelter shall be located within three hundred (300) feet of another emergency homeless shelter that is currently built, or that is approved to be built;
  8. No portion of an emergency homeless shelter shall be located within five hundred (500) feet of property zoned for residential use;
  9. No portion of an emergency homeless shelter shall be located within one-

**Strikeout/Underline Code Amendments**

- quarter mile of a “soup kitchen” or other similar congregate meal facility, measured property line-to-property line; and
10. Lighting shall be provided in all parking, exterior (outside) intake and/or waiting areas, outside common areas and along the periphery of the building and facility. Such lighting shall be in conformance with Section [9.08.100](#) of the Moreno Valley Municipal Code.

## Strikeout/Underline Code Amendments

### 9.09.180 ~~Farmworker housing.~~Employee Housing

- A. Purpose and Intent. The purpose of this section is to permit ~~farmworker~~employee housing and to ensure that it does not adversely impact adjacent properties and surrounding neighborhoods consistent with the goals, objectives and policies of the general plan.
- B. Applicability. Every person, or agent or officer thereof, constructing, operating, or maintaining employee housing shall comply with the requirements of this section and all applicable health, safety and building codes and standards.
1. Employee housing provided by the employer and maintained in connection with the work or place where work is being performed must comply with all provisions of Section 17008(a) of the California Health and Safety Code.
  2. Employee housing not maintained in connection with any workplace and provided by someone other than an agricultural employer must comply with all provisions of Section 17008(b) of the California Health and Safety Code.
  3. Employee housing for six or fewer employees shall be treated as a single-family structure and permitted in the same manner as other dwellings of the same type in the same zone (California Health and Safety Code Section 17021.5).
  4. Employee housing consisting of no more than 12 units or 36 beds is permitted in the same manner as other agricultural uses in the Residential 1 (R1) and Residential Agriculture 2 (RA2) zoning districts (California Health and Safety Code Section 17021.6).
  5. Nothing in this code shall prohibit the use of a multiple-family unit from housing ~~farmworkers~~agricultural employees in the same manner as a family defined within Section 9.15.030 of this code.
- C. Definitions. For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.  
“Employee housing” shall have the same meaning ascribed in Health and Safety Code Section 17008.  
“Farmworker Housing” has the same meaning as “employee housing” as set forth in California Health and Safety Code Section 17008(a) for agricultural employees.

## Strikeout/Underline Code Amendments

### 9.09.320 Low barrier navigation centers.

- A. Purpose and Intent. The purpose of this chapter is to implement the provisions of Government Code Section 65660 et seq. relating to low barrier navigation centers.
- B. General Standards. A low barrier navigation center development is a use by right in areas zoned for mixed use and nonresidential zones permitting multifamily uses, if it meets the following requirements:
1. It offers services to connect people to permanent housing through a services plan that identifies services staffing.
  2. It is linked to a coordinated entry system, so that staff in the interim facility or staff who co-locate in the facility may conduct assessments and provide services to connect people to permanent housing.
  3. It complies with Chapter 6.5 of Housing First and Coordinating Council (commencing with Section 8255) of Division 8 of the Welfare and Institutions Code.
  4. It has a system for entering information regarding client stays, client demographics, client income, and exit destination through the local Homeless Management Information System as defined by Section 578.3 of Title 24 of the Code of Federal Regulations.
  5. Low barrier navigation centers shall also comply with the standards established for emergency shelters in Section 9.09.170 of the Moreno Valley Municipal Code.
- C. Review Process. Low barrier navigation centers may be established and operated subject to nondiscretionary approval of a site plan review in compliance with Section 9.02.030 of the Moreno Valley Municipal Code.
- D. Definitions. For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning, or otherwise defined in Government Code Sections 65660 et seq.  
“Coordinated entry system” means a centralized or coordinated assessment system developed pursuant to the applicable provisions of the Code of Federal Regulations as specified in Government Code Section 65662, and any related requirements, designed to coordinate program participant intake, assessment, and referrals.  
“Low barrier” means best practices to reduce barriers to entry, and may include, but is not limited to, the following:
1. The presence of partners if it is not a population-specific site, such as for survivors of domestic violence or sexual assault, women, or youth;
  2. Pets;
  3. The storage of possessions; or
  4. Privacy, such as partitions around beds in a dormitory setting or in larger rooms containing more than two beds, or private rooms.
- “Low barrier navigation center” means a Housing First, low barrier, service-enriched shelter focused on moving people into permanent housing that provides temporary living facilities while case managers connect individuals experiencing homelessness to income, public benefits, health services, shelter, and housing.
- E. Repeal. This section shall remain in effect only until January 1, 2027, and as of that date is repealed.

## Strikeout/Underline Code Amendments

### 9.09.330 Group homes.

- A. Purpose and Intent. The purpose of this section is to ensure that group homes do not result in an adverse impact on adjacent residential uses or the surrounding neighborhood.
- B. Applicability. Group homes shall be permitted in any residential district subject to a conditional use permit, the property development standards of the underlying district, and all applicable local, state and federal laws, including the standards in subsection C of this section.
- C. Property Development Standards. The following standards shall apply to group homes:
1. Group homes shall be considered a residential use of property, and, except as otherwise set forth in this section, shall be subject only to those restrictions and standards that apply to other residential dwellings of the same type in the same zoning district.
  2. A group home, limited that serves six (6) or fewer persons shall not be included within the definition of a boarding house, rooming house, institution, or home for the care of minors, the aged, or persons with mental health disorders, foster care home, guest home, rest home, community residence, or other similar terms that imply that the residential facility is a business run for profit or differs in any other way from a family dwelling.
  3. A group home, limited that serve six (6) or fewer persons are allowed in all residential zoning districts a permitted use without a conditional use or other discretionary permit.
  4. Any sized group home shall not be located in an accessory dwelling unit (ADU), unless the primary dwelling unit is used for the same purpose.
  5. A group home, limited, not counting a house manager, but in no event shall have more than seven occupants. If the dwelling unit has an accessory dwelling unit (ADU), occupants of both units will be combined to determine whether or not the limit of six occupants has been exceeded.
  6. A group home, general for more than six residents, shall be permitted in any residential district subject to a conditional use permit, the property development standards of the underlying district, and all applicable local, state, and federal laws.
  7. A group home, general for more than six residents, is required to have a minimum distance from any other group home, general of 300 feet, as specified by State Health and Safety Code Section 1267.9 (b).
  8. Density shall be in accordance with the requirements of the district within which the facility is located;
  9. Parking shall be provided based upon demonstrated need but shall not require more parking than required for other residential uses within the same zoning district. Except as otherwise required or allowed by this subsection, the parking requirements of Chapter 9.11 shall also apply.
  10. Fences or walls may be required to ensure privacy and neighborhood compatibility.

**Strikeout/Underline Code Amendments**

11. Such other conditions and standards necessary to preserve and safeguard the public health, safety or welfare of the occupants and the community may be imposed.
- D. Definitions. For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.
- “Group home” means a residential unit utilized as a supportive living environment for people meeting the legal definition of disabled. A Group Home operated by a single Operator or service provider constitutes a single facility, whether the facility occupies one or more dwelling units. A Group home provides housing only for a classified group of people. No medical care, services, or treatment can take place in a Group home. Only State licensed facilities can provide care, services, or treatment under State law (see 9.09.160 (Residential care facilities).
- “Group home, General” serves seven (7) or more persons.
- “Group home, Limited” serves six (6) or fewer persons.
- “Sober Living Home” means a group home for people recovering from a chemical addiction that meets the legal definition of disabled. A Sober Living Home provides only housing for people who have just come out of rehab and need a place to live that is structured and supportive for those in recovery. No medical care, services, or treatment can occur in a Sober Living Home. Only State licensed facilities can provide care, services, or treatment under State law (see 9.09.160 (Residential care facilities).

## Strikeout/Underline Code Amendments

### Chapter 9.15

~~“Farmworker housing” means housing that is occupied by farmworkers or farmworkers and their households. Farmworker housing is allowed in all multiple family zones (R-10, R-15, R-20, and R-30).~~